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DEPT. OF WATER RESOURCES



9/26/2026

Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Idaho Department of Water Resources  
Water Master – Basin 65  
Neil Shippy  
PO Box 565  
Emmett, ID 83617

RE: Notice of Exempt Hydropower Use

IDWR & Watermaster,

Emrgy, Inc. is developing a small hydropower project in the irrigation canal of Emmett Irrigation District, and is providing notice of this project under the Notice of Exempt Hydropower Use and checklist.

1. Emmett Irrigation District  
222 E Park St  
Emmett, ID 83617  
Phone: 208.365.4582  
[Office@emmettid.com](mailto:Office@emmettid.com)
2. Water rights listed below authorizing the diversion of water from the Payette River into the canal:  
Emmett Irrigation District Certificates:
  - 65-07832
  - 65-00023
  - 65-10491
  - 65-02004
  - 65-12194
  - 65-02080
3. Describe the exempt hydropower use
  - a. Map and legal description of the exempt hydropower use and the point of water diversion
    - i. Property legal description – QQ SENW S22 T07N R01W
    - ii. Map enclosed
  - b. The maximum rate of flow 450 CFS
  - c. The maximum power output produced by the power plant is 75 kW
  - d. The power plant will be in operation during the legal period of the Emmett ID irrigation season
4. Authorization of hydropower project - FERC NOI [enclosed]

Sincerely,



STEVE JOHNSON

Senior Director of Business Development

Enclosures:

1. IDWR – Checklist For Notice Of Exempt Hydropower Use
2. Map of exempt hydropower use location and point of canal water diversion
3. FERC NOI – Docket

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**CHECKLIST FOR NOTICE OF EXEMPT HYDROPOWER USE**

This checklist may be used to ensure the information required by Idaho Code § 42-201(9) is provided to the Idaho Department of Water Resources. Please check each item to ensure all necessary information is included in the notice. Notices that do not meet the requirements of Idaho Code § 42-201(9) may be returned.

- ☒ 1. List the name, address, telephone number, and email of the person or entity operating the canal or conduit.
  - ☒ 2. List the water right(s) authorizing the diversion of water from a natural watercourse into the canal or conduit.
  3. Describe the exempt hydropower use by providing the following items:
    - ☒ a. A map and legal description of the location of the exempt hydropower use and the point where water is diverted from the natural water source.
    - ☒ b. The maximum rate of flow in cubic feet per second that will be used in the power plant.
    - ☒ c. The maximum power output in kilowatts that will be produced by the power plant.
    - ☒ d. The days and months the power plant will be in operation.
  - ☒ 4. Attach a copy of the government order or document authorizing the hydropower project.
  - ☒ 5. The notice must be signed and dated by an authorized agent for the person or entity operating the canal or conduit.
  6. Certify that the incidental use of water for hydropower generation meets all the requirements of Idaho Code § 42-201(9).
    - ☐ a. Attach a signed certification statement.
    - OR
    - ☒ b. I hereby certify that the incidental use of water for hydropower generation meets all the requirements of Idaho Code § 42-201(9).
- Printed Name Carl Hayes Title Manager
- Signature Carl Hayes Date 9/28/26
- ☒ 7. Send a copy of the notice to the Watermaster for the Water District where the water is diverted. This item applies if the point of diversion is located within a Water District.

Send the notice enclosing all the above items to:

Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY PROJECTS

Docket No. CD25-1-000 – Idaho  
Emmett Main Canal Hydro Project  
Black Canyon Hydrokinetic 1, LLC

VIA FERC Service

December 31, 2024

Ryan Cook  
C T Corporation System  
1555 W Shoreline Dr., Suite 100  
Boise, ID 83702

Subject: Notification the Emmett Main Canal Hydro Project Meets the Qualifying  
Conduit Hydropower Facility Criteria

Dear Ryan Cook:

On November 21, 2024, as supplemented on November 22, 2024, Black Canyon Hydrokinetic 1, LLC, filed a notice of intent pursuant to section 30(a) of the Federal Power Act (FPA), 16 U.S.C. § 823a(a), to construct a qualifying conduit hydropower facility, the Emmett Main Canal Hydro Project. The proposed project would be located on the Emmett Irrigation District North Side Main Canal near the City of Emmett in Gem County, Idaho.

On November 25, 2024, Commission staff issued a public notice that preliminarily determined the project met the statutory criteria for a qualifying conduit hydropower facility, and thus was not required to be licensed under Part I of the FPA. The notice established a 30-day period for entities to contest whether the project met the criteria. No interventions or comments were filed. Accordingly, by operation of FPA section 30(a), the Emmett Main Canal Hydro Project, as described in the November 21, 2024, as supplemented on November 22, 2024, notice of intent, is deemed to meet the qualifying conduit hydropower facility criteria, and is not required to be licensed under Part I of the FPA. Qualifying conduit hydropower facilities remain subject to other applicable federal, state, and local laws and regulations.

If you have any questions, please contact Christopher Chaney at (202) 502-6778 or [Christopher.Chaney@ferc.gov](mailto:Christopher.Chaney@ferc.gov).

Sincerely,

**KELLY  
HOUFF**

Digitally signed by  
KELLY HOUFF  
Date: 2024.12.31  
10:52:40 -05'00'

Kelly Houff  
Chief, Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance



