

Clark Canyon Dam Hydroelectric Project FERC No. 12429

Draft License Application Stage 2 Consultation Document

Artist Rendition of Completed Project



March 2006

**Clark Canyon Dam
Hydroelectric Project
FERC No. 12429**

**Draft License Application
Stage 2 Consultation Document**

Prepared by:

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GENERAL INFORMATION

**CLARK CANYON DAM HYDROELECTRIC PROJECT
FERC PROJECT #12429**

- (1) The following is every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project:

The official name, address and phone number of the applicant is:

Clark Canyon Hydro, LLC
PO Box 535
Rigby, ID 83442
Phone: (208) 745-0834
Fax: (208) 745-0835

The project liaison for all correspondence is:

Mr. Brent L. Smith, President
Northwest Power Services, Inc.
P.O. Box 535
Rigby, ID 83442
Phone: (208) 745-0834
Fax: (208) 745-0835
E-mail: npsi@nwpwrservices.com

Secondary contact:

Dr. Vincent Lamarra, Director
Ecosystems Research Institute, Inc.
975 South State Highway
Logan, UT 84321
Phone: (435) 752-2580
Fax: (435) 752-2581
E-mail: val@ecosysres.com

- (2) The following are the names and mailing addresses for:
- (i) Every county in which any part of the project, and any Federal facilities that would be used by the project, would be located in:

Beaverhead County
Rosalee Richardson, County Clerk
2 South Pacific Street
Dillon, MT 59725-2799

General Information

- (ii) Every city, town, or similar local political subdivision that has a population of 5,000 or more people and is located within 15 miles of the project dam:

City: Dillon
Distance to Project: 18 miles
Population (2000): 3,752
Mailing Address: 125 North Idaho Street, Dillon, MT 59725
Phone: (406) 683-4245

- (iii) Every irrigation district, drainage district, or similar special purpose political subdivision that owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project:

Bureau of Reclamation, Dam & Land Owner
Montana Area Office
PO Box 30137
Billings, MT 59107-0137
(406) 247-7298

East Bench Irrigation District, Dam Operator
1100 Highway 41
Dillon, MT 59725
(406) 683-2307

- (iv) Every other political subdivision in the general area of the project that there is reason to believe would likely be interested in, or affected by, the application:

Beaverhead County, Chamber of Commerce
10 W. Reeder
P.O. Box 425
Dillon, MT 59725

- (v) All Indian tribes that may be affected by the project:

No Indian tribes are believed to be effected by this project.

- (3) The applicant has made a good faith effort to provide notification to the above organizations by means of the Draft License Application and the Final License Application.

- (4) Verification
- State of Idaho)
- County of Jefferson)

Mr. Brent L. Smith Clark Canyon Hydro, LLC, Symbiotics, LLC, PO Box 535, Rigby, Idaho, being duly sworn, deposes and says that the contents of this application are true to the best of his knowledge or belief. The undersigned applicant has signed this application this _____ day of February, 2006.

Brent L. Smith
Clark Canyon Hydro, LLC

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for the state of Idaho this _____ day of February 2006.

Notary Public, residing at

My commission expires:

General Information

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INITIAL STATEMENT

**Before the Federal Energy Regulatory Commission
Application for License for a Major Water Power Project
Existing Dam 5 Megawatts or Less**

**CLARK CANYON DAM HYDROELECTRIC PROJECT
FERC PROJECT #12429**

(1) Clark Canyon Hydro, LLC applies to the Federal Energy Regulatory Commission for License for the Clark Canyon Dam hydroelectric water power project as described hereinafter and is presently licensed as FERC Project # 12429.

(2) The location of the project is:

State: Montana
County: Beaverhead
Nearby Town: Dillon, MT
Stream: Beaverhead River

(3) The exact name, address, and telephone number of the applicant is:

Clark Canyon Hydro, LLC
PO Box 535
Rigby, ID 83442
Phone: (208) 745-0834
Fax: (208) 745-0835

(4) The exact name, address, and telephone number of each person authorized to act as agent for the applicant in this application is:

Mr. Brent L. Smith, President
Northwest Power Services, Inc.
PO Box 535
Rigby, ID 83442
Phone: (208) 745-0834
Fax: (208) 745-0835

Dr. Vincent A. Lamarra, Director
Ecosystems Research Institute
975 South State Highway
Logan, UT 84321
Phone: (435) 752-2580
Fax: (435) 752-2581

Initial Statement

- (5) The Applicant, Clark Canyon Hydro, LLC, is a domestic corporation incorporated under the laws of the state of Idaho and is not claiming preference under section 7(a) of the Federal Power Act.
- (6) (i) The statutory or regulatory requirements of the state of Montana that affect the project with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes; and with respect to Clark Canyon Hydro, LLC's right to engage in the business of developing, transmitting, and distributing power; and in any other business necessary to accomplish the purpose of the license under the Federal Power Act are:

Bed and Banks

The Montana Natural Streambed and Land Preservation Act requires a 310 permit for any activity that physically alters or modifies the bed or banks of a perennially flowing stream within the state. Any private, non-governmental individual or entity that is planning a project must obtain a 310 permit prior to activity in or near a perennially flowing stream. Permits for the Clark Canyon Dam Project are administered by the Board of Supervisors of the Gallatin Conservation District, Bozeman, Montana.

Appropriation, Diversion, and Use of Water for Power Purposes

Montana State Code, Title 85, Part 2, Sections 300-316 sets forth a comprehensive statutory regime governing the appropriation, diversion, use, exchange and sales of water for power purposes and other beneficial uses. Any person, agency or government agency intending to acquire water rights for power projects must submit application for same to the Water Rights Bureau, Montana Department of Natural Resources and Conservation.

Applicant's Right to Engage in the Project

Clark Canyon Hydro, LLC's right to engage in the project is confirmed by the certification of the Secretary of State for the state of Montana, copy attached.

- (ii) The applicant has taken or plans to take the following steps to comply with each of the laws cited above:

Bed and Banks

The Applicant will file a 310 permit application with the Board of Supervisors, Gallatin Conservation District, Montana Department of Natural Resources and Conservation for the Clark Canyon Dam Project. A copy of the FERC licence application will be submitted with the 310 permit application to provide a description of the project.

Appropriation, Diversion and Use of Water for Power Purposes

The applicant will submit to the Water Right Bureau, Montana Department of Natural Resources and Conservation, an application for non-consumptive water rights for the purpose of power generation.

- (7) Brief project description:
 - (i) Proposed installed generating capacity: 4.75 MW.
 - (ii) Existing Dam
- (8) Lands of the United States effected (shown in Exhibit G):
 - (i) National Forest: 0.0 acres
 - (ii) Indian Reservation: 0.0 acres
 - (iii) Public Lands Under Jurisdiction of Bureau of Reclamation: Pick-Sloan Missouri Basin Program, East Bench Unit: 3.5 acres
 - (iv) Other: 0.0 acres
 - (v) Total U.S. Lands: 3.5 acres
- (9) Construction of the project is planned to start within 24 months and is planned to be completed within 36 months from the date of issuance of license.

Initial Statement

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