



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 19, 2014

In reply refer to: D-B1

Amanda Halter
Pillsbury Winthrop Shaw Pittman, LLP
909 Fannin, Suite 2000
Houston, TX 77010

FOIA #BPA-2014-00609-F

Dear Ms. Halter:

This is a final response to your request for Bonneville Power Administration (BPA) records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your original request was received in our office on Monday, February 10, 2014.

You requested:

1. All settlement agreements, or other compensation agreements, between the Confederated Tribes of the Colville Reservation, including constituent Tribes and individual members thereof ("CCT"), and the Bonneville Power Administration concerning CCT's claims arising out of the construction, existence and operation of the Grand Coulee Dam and/or Lake Roosevelt, trespass on Indian lands in the Upper Columbia River region, and/or harm to Indian natural resources or cultural uses thereof in the Upper Columbia River region. This request specifically includes, but is not limited to, both the 1978 and 1994 Settlement Agreements, and any other agreements with CCT related to CCT's claims with the Indian Claims Commission filed July 31, August 1, and August 8, 1951, including specifically Docket Nos. 181, 181-A, 181-B, 181-C, and 181-D ("Settlement Agreements").
2. The Original Petitions filed by the CCT with the Indian Claims Commission on July 31, August 1, and August 8, 1951, and any related Amended Petitions.
3. Receipts reflecting payments made to CCT under the terms of the Settlement Agreements.
4. All communications concerning the receipt, disbursement and allocation of payments made to CCT under the terms of the Settlement Agreements.

Response:

In response to item #1 BPA is releasing the enclosed documents in their entirety. On the enclosed CD you will find a file, DE-MS79-94BP94503_CT_X_RO_Image.pdf, the Settlement Agreement between BPA and the Confederated Tribes of the Colvilles dated April 1994. Also, a Memorandum of Agreement dated March 2011 and its exhibits (file "DE-MS79-94BP94503_AG_X_R_Word.pdf"), to resolve all past and outstanding issues regarding the annual payments made by BPA to the Tribes under the settlement agreement signed by the Tribes on April 16, 1994, and by the United States on April 21, 1994, which settled the claims of the Tribes

in Docket 181-D of the Indian Claims Commission, as transferred to the United States Court of Federal Claims (Settlement Agreement).

In response to item #2 BPA is releasing a copy of the original petition (Docket No. 181-D) filed by the CCT with the Indian Claims Commission on July 31, August 1, and August 8, 1951 in its entirety (file 20140224_105009.pdf).

BPA pulled data for payments made under the agreement to respond to item #3; see file, Colville 94503.pdf. It is being released in its entirety.

For item #4, BPA found letters dated 2008-2013 regarding the disbursement of payments made to CCT under the terms of the Settlement Agreement. See files: Colville 2008.pdf, Colville 2009.pdf, Colville 2010.pdf, Colville 2011.pdf, Colville 2012.pdf, and Colville 2013.pdf. They are being released in their entirety.

Pursuant to Department of Energy FOIA regulations at 10 C.F.R. § 1004.8, you may administratively appeal this response in writing within 30 calendar days. If you choose to appeal, please include the following:

- (1) The nature of your appeal: denial of records, partial denial of records, adequacy of search, or denial of fee waiver;
- (2) Any legal authorities relied upon to support the appeal; and
- (3) A copy of the determination letter.

Clearly mark both your letter and envelope with the words "FOIA Appeal," and direct it to the following address:

Director, Office of Hearings and Appeals:
Department of Energy
1000 Independence Avenue SW
Washington DC 20585-1615

I appreciate the opportunity to assist you. If you have any questions, please contact Kim Winn, FOIA Public Liaison, at (503) 230-5273.

Sincerely,

/s/Christina J. Munro
Christina J. Munro
Freedom of Information/Privacy Act Officer

Enclosure: CD

5. By the Act of June 29, 1940 (54 Stat. 703), Congress directed the Secretary of the Interior to designate the Indian lands within the Colville and Spokane Reservations to be taken in aid of the construction of Grand Coulee Dam and granted to the United States all the right title and interest of the Indians in such designated lands, subject to the provisions of the Act.

6. Certain tribal lands belonging to the plaintiff within the Colville Indian Reservation were thereafter designated by the Secretary of the Interior and thus taken by the defendant.

7. The Act of June 29, 1940 also directed the Secretary of the Interior to set aside approximately one-fourth of the Grand Coulee reservoir area for the paramount use of the Colville and Spokane Tribes for hunting, fishing and boating purposes.

8. The defendant injured plaintiff as follows:

(a) it failed to pay to plaintiff adequate compensation for the lands, including resources thereof and appurtenances thereto, which it took from plaintiff in aid of the construction of Grand Coulee Dam;

(b) it failed to pay any compensation to the plaintiff for the uses it made of plaintiff's lands, including the resources thereof and appurtenances thereto, for the production of hydro-electric power and for reclamation purposes in connection with operation of Grand Coulee Dam; and

(c) it converted to its own use and failed to afford to plaintiff its rights in the reservoir area created by the Grand Coulee Dam, as provided by the Act of June 29, 1940, and to

afford to plaintiff any compensation for the uses made by defendant of said reservoir area.

9. Wherefore, with respect to each of the above claims, plaintiff separately and alternatively prays:

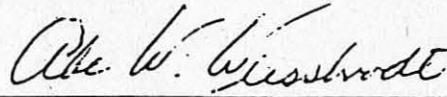
(a) for a determination that defendant is obligated to make payment by way of compensation or damages, as the case may be, together with interest;

(b) for a determination of the appropriate amount of such compensation or damages, together with interest; and

(c) that judgment be entered in favor of plaintiff.

WEISSBRODT & WEISSBRODT
1614 Twentieth Street, N.W.
Washington, D.C. 20009

By



Abe W. Weissbrodt

Attorney of Record for Plaintiff



2

Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

TRK

2/29

POWER BUSINESS LINE

P-000 57198

February 6, 2008

02

In reply refer to: PGF-6

Mr. Michael E. Marchand
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150

94503 2007

Dear Chairman Marchand:

This letter is in regard to the annual payment from the Bonneville Power Administration (BPA) to the Confederated Tribes of the Colville Reservation (Tribe) under the terms of the settlement agreement for Docket 181-D. This payment is for Tribe reservation lands used to produce power at Grand Coulee Dam. I respectfully would like to inform you of the payment for Fiscal Year (FY) 2007, due to you March 1, 2008.

Based on the payment formula in the settlement agreement, the payment for FY 2007 is \$20,499,486. The enclosed table details that calculation. Please review this calculation and contact me at (503) 230-3470 if you have any questions.

Sincerely,

Mark A. Jones

Mark A. Jones
Manager, Federal Hydro Projects

Enclosure

cc:

Martin Bohl, Executive Director, Confederated Tribes of the Colville Reservation
Reginald Atkins, Acting Superintendent, Colville Agency, Bureau of Indian Affairs
John Duncan, Comptroller, Confederated Tribes of the Colville Reservation

P
242009



4

2-27

Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

P-00661327

POWER SERVICES

February 6, 2009

02

In reply refer to: PGF-6

PRK

Ms. Jeanne Jerred
Chairperson, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150

Dear Chairperson Jerred:

94503 2008

This letter is in regard to the annual payment from the Bonneville Power Administration (BPA) to the Confederated Tribes of the Colville Reservation (Tribe) under the terms of the settlement agreement for Docket 181-D. This payment is for Tribe reservation lands used to produce power at Grand Coulee Dam. I respectfully would like to inform you of the payment for Fiscal Year (FY) 2008, due to you March 1, 2009.

Based on the payment formula in the settlement agreement, the payment for FY 2008 is \$18,169,699. The enclosed table details that calculation, along with some explanatory information. Please review this calculation and contact me at (503) 230-3470 if you have any questions.

Sincerely,

Mark A. Jones
Manager, Federal Hydro Projects

- 3 Enclosures:
- Final Calculation
- Crosswalk of Data Services
- Wheeling Calculation

cc:

John St. Pierre, Superintendent, Colville Agency, Bureau of Indian Affairs
Jolene Francis, Comptroller, Confederated Tribes of the Colville Reservation



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

POWER SERVICES

February 24, 2010

In reply refer to: PGF-6

Mr. Michael O. Finley
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150

Dear Chairman Finley:

This letter is in regard to the annual payment from the Bonneville Power Administration (BPA) to the Confederated Tribes of the Colville Reservation (Tribe) under the terms of the settlement agreement for Docket 181-D. This payment is for Tribe reservation lands used to produce power at Grand Coulee Dam. I respectfully would like to inform you of the payment for Fiscal Year (FY) 2009, due to you March 1, 2010.

Based on the payment formula in the settlement agreement, the payment for FY 2009 is in the amount of \$16,711,733. The enclosed table provides the details of that calculation, along with some explanatory information. Please review this calculation and contact me at (503) 230-3470 if you have any questions.

Also, please note that per your instructions conveyed in the letter dated February 16, 2010, this payment and all future payments on this settlement agreement will be initiated on Standard Form SF-1081 from BPA's account. The transfer of funds will be through the Bureau of Indian Affairs trust account to the Office of Special Trustees account and then to the Tribes PL7219709 account.

Sincerely,

A handwritten signature in cursive script that reads "Mark A. Jones".

Mark A. Jones
Manager, Federal Hydro Projects

Enclosures

cc:

Rheta Harjo, Superintendent, Colville Agency, Bureau of Indian Affairs (acting)
Jolene Francis, Comptroller, Confederated Tribes of the Colville Reservation

bcc:

S. Wright – A-7
L. Baker – DKP-7
N. Dexter – DKT -7
K. Suckow - FBBS-6
N. Hagen – FR-2
H. Shih – FRG-2
J. Johnson – FRG-2
S. Cramer – FRG-2
V. Wittig – FRG-2
F. Ellenwood – FTD-2
J. Kintz – FRP-2
P. Rowe – FTD-2
S. Smith – FTD-2
J. Hyde - PFB-6
B. Kluegel – PFB-6
S. Oliver – PG-5
A. Allison – PGF-6
L. Tauber – PGF-6
K.G. Pynch – KSC-4
B. Bennett – LC-7
Official File – PGF-6

MJones:vls:4261:2/24/2010 (Q:\Old_W_Drive (Existing_hq5f01 m_wg pgf)\PGF\EQ27-11



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

PRR 2/28/11

POWER BUSINESS LINE

February 28, 2011

In reply refer to: PGF-6

Mr. Michael O. Finley
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150

Dear Chairman Finley:

This letter is in regard to the annual payment from the Bonneville Power Administration (BPA) to the Confederated Tribes of the Colville Reservation (Tribes) under the settlement agreement in Docket 181-D. I respectfully would like to inform you of the payment for Fiscal Year (FY) 2010, due on March 1, 2011.

Based on the payment formula in the settlement agreement, the payment for FY 2010 is \$14,501,397. It is my expectation that if BPA and the Tribes execute the MOA that resolves past and outstanding issues regarding the annual payment, BPA will make an additional payment of \$3,068,189 representing full payment for the pumping loads for fiscal years 2008-2010. The enclosed tables detail the calculations for both the March 1st payment and potential MOA payment along with some explanatory information.

Lastly, please note that per your instructions conveyed by letter dated February 16, 2010 the payment for this and all future years for this settlement agreement will be initiated on Standard Form SF-1081 from BPA's account, transferring the funds through the Bureau of Indian Affairs trust account to the Office of Special Trustees account and then to the Tribes PL7219709 account. Please contact me at (503) 230-3470 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mark A. Jones".

Mark A. Jones
Manager, Federal Hydro Projects
Bonneville Power Administration

2 Enclosures

Colville Payment Calculations for FY2010

Colville Payment Calculations for FY2010, 2009 and 2008 with and without pump loads

cc:

Rheta Harjo, Superintendent, Colville Agency, Bureau of Indian Affairs (acting)

Jolene Francis, Comptroller, Confederated Tribes of the Colville Reservation

bcc:

S. Wright – A-7

L. Baker – DKP-7

N. Dexter – DKT -7

K. Suckow - FBBS-6

N. Hagen – FR-2

H. Shih – FRG-2

J. Johnson – FRG-2

S. Cramer – FRG-2

V. Wittig – FRG-2

F. Ellenwood – FTD-2

J. Kintz – FRP-2

P. Rowe – FTD-2

S. Smith – FTD-2

J. Hyde - PFB-6

B. Kluegel – PFB-6

S. Oliver – PG-5

L. Tauber – PGF-6

K.G. Pynch – KSC-4

B. Bennett – LC-7

Official File – PGF-6

MJones:vl:4261:2/25/2011 (Q:\Old_W_Drive (Existing_hq5f01 m_wg pgf)\PGF\EQ27-11 Colville FY10)



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

POWER BUSINESS LINE

February 27, 2012

In reply refer to: PGF-6

Mr. Michael O. Finley
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150

Dear Chairman Finley:

This letter is in regard to the annual payment from the Bonneville Power Administration (BPA) to the Confederated Tribes of the Colville Reservation (Tribe) under the terms of the settlement agreement for Docket 181-D. This payment is for Tribe reservation lands used to produce power at Grand Coulee Dam. I respectfully would like to inform you of the payment for Fiscal Year (FY) 2011, due to you on March 1, 2012.

Based on the payment formula in the settlement agreement and subsequent Memorandum of Agreement dated March 2011, the payment for FY 2011 is \$20,437,249. The enclosed material details that calculation, along with some explanatory information. If you have any questions, please contact me at (503) 230-3470.

Lastly, please note that per your instructions conveyed in the letter dated February 16, 2010, the payment for this and all future years for this settlement agreement will be initiated on a Standard Form SF-1081 from BPA's account, transferring the funds through the Bureau of Indian Affairs trust account to the Office of Special Trustees account and then to the Tribes PL7219709 account.

Sincerely,

A handwritten signature in cursive script that reads "Mark A. Jones".

Mark A. Jones
Manager, Federal Hydro Projects

Enclosures

cc:

Debra Wulff, Superintendent, Colville Agency, Bureau of Indian Affairs
David Osenga, Comptroller, Confederated Tribes of the Colville Reservation



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

POWER BUSINESS LINE

February 20, 2013

In reply refer to: PGF-6

Mr. John Sirois
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150

Dear Chairman Sirois:

This letter is in regard to the annual payment from the Bonneville Power Administration (BPA) to the Confederated Tribes of the Colville Reservation (Tribe) under the terms of the settlement agreement for Docket 181-D. This payment is for Tribe reservation lands used to produce power at Grand Coulee Dam. I respectfully would like to inform you of the payment for Fiscal Year (FY) 2012, due to you on March 1, 2013.

Based on the payment formula in the settlement agreement and subsequent Memorandum of Agreement dated March 2011, the payment for FY 2012 is \$22,121,418. The enclosed material details that calculation, along with some explanatory information. If you have any questions, please contact me at (503) 230-3470.

Lastly, please note that per instructions conveyed in the Tribe letter dated February 16, 2010, the payment for this and all future years for this settlement agreement will be initiated on a Standard Form SF-1081 from BPA's account, transferring the funds through the Bureau of Indian Affairs trust account to the Office of Special Trustees account and then to the Tribes PL7219709 account.

Sincerely,

A handwritten signature in cursive script that reads "Mark A. Jones".

Mark A. Jones
Manager, Federal Hydro Projects

Enclosures

cc:

Debra Wulff, Superintendent, Colville Agency, Bureau of Indian Affairs
David Osenga, Comptroller, Confederated Tribes of the Colville Reservation

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1														
2	Year	Unit	Voucher	Invoice	Amount	Inv Date	Vendor	GL Unit	Dept	Project	Activity	Source Ty	Category	Subcategory
3	2009	Power	00061327	94503 2008	\$18,169,699.00	2/7/2009	COLVILLE	242009						
4	2008	Power	00057198	94503 2007	\$20,499,486.00	2/9/2008	COLVILLE	242009						
5	2007	Power	00053716	94503 2006*	\$19,870,897.00	1/30/2007	COLVILLE	242009						
6	2006	Power	00050399	94503 2006	\$17,219,520.00	1/30/2006	COLVILLE	242009						
7	2005	Power	00047361	94503 2004	\$16,018,252.20	1/30/2005	COLVILLE00	242009						
8	2004	Power	00038526	94503 2003	\$15,154,128.00	1/16/2004	COLVILLE00	242009						
9	2003	Power	00028668	94503 0203	\$15,037,848.00	2/13/2003	COLVILLE00	242009						

Memorandum of Agreement

Between the Confederated Tribes of the Colville Reservation and The United States of America

AUTHENTICATED

This memorandum of agreement (MOA) is executed between the United States of America, Department of Energy, acting through the Bonneville Power Administration (BPA), and the Confederated Tribes of the Colville Reservation (Tribes), to resolve all past and outstanding issues regarding the annual payments made by BPA to the Tribes under the settlement agreement signed by the Tribes on April 16, 1994, and by the United States on April 21, 1994, which settled the claims of the Tribes in Docket 181-D of the Indian Claims Commission, as transferred to the United States Court of Federal Claims (Settlement Agreement).

1. Additional Payment for Fiscal Years 2008-2010

Within 10 days of the execution of this MOA by both parties, BPA will pay the Tribes \$3,068,189, representing the amount by which the total of the annual payments for fiscal years 2008, 2009, and 2010 would have been increased had BPA included 100 percent of the Primary Pumping Loads and Secondary Pumping Loads in the figure for “Grand Coulee generation” when BPA calculated the annual payments for those years.

2. Resolution of All Outstanding Claims

The payment in paragraph 1 resolves all past and outstanding issues and claims regarding the calculation and amount of annual payments made by BPA under the Settlement Agreement, and neither party shall make any claim regarding any past payment or seek to revisit the calculation or amount of any such payment or make a claim regarding any other issue concerning any past payment.

3. Future Annual Payments

In computing annual payments for fiscal year 2011 and thereafter, BPA shall calculate Grand Coulee generation and the revenue from the transmission of federal power as follows:

a. Calculation of “Grand Coulee generation”

- i. Grand Coulee generation shall equal generation from the left and right and third power plants, plus generation from the pump generating units, plus generation from any new power plants and pump generating units constructed by the United States after execution of this MOA, minus plant auxiliary use, 25 percent of the Primary Pumping Loads, and 25 percent of the Secondary Pumping Loads, where

Generation from the left and right and third power plants = the sum of the 12 monthly figures for “Gross Generation” on form PO&M 59 issued by the Bureau of Reclamation.

Generation from the pump generating units = the sum of the 12 monthly figures for “Gross Generation” on form PO&M 59B issued by the Bureau of Reclamation.

Plant auxiliary use = the sum of the 12 monthly figures for “Plant Auxiliary Use” on form PO&M 59 plus the 12 monthly figures for “Plant Auxiliary Use” on form PO&M 59B.

Primary Pumping Loads = the sum of the 12 monthly figures for “Pumping Energy Used” on form PO&M 59A issued by the Bureau of Reclamation plus the 12 monthly figures for “Pumping Energy Used” on form PO&M 59B.

Secondary Pumping Loads = the sum of the 12 monthly figures from the bills issued by BPA for reserved power and energy for the U.S. Bureau of Reclamation Columbia Basin Project.

- ii. If the Bureau of Reclamation issues any form 59, 59A, or 59B, and then issues a corrected form, BPA will use the corrected form in the calculation of the payment.

b. Calculation of Revenue From the Transmission of Federal Power

BPA revenue from the transmission of Federal power shall be the following:

Revenue for 2011 fiscal year = \$274,000,000 X (2011 BPA power sales/2010 BPA power sales) X (2011 Transmission Rate/2010 Transmission Rate)

Revenue for each subsequent fiscal year = Revenue for prior year X (payment year BPA power sales/prior year BPA power sales) X (payment year Transmission Rate/prior year Transmission Rate)

Transmission Rate = (.5 X (PTP rate for payment year/PTP rate for prior year)) + (.5 X (NT rate for payment year/NT rate for prior year))

PTP (Point-to-Point) rate = Long-Term Firm PTP Transmission Rate

NT (Network Integration) rate = NT Base Charge + NT Load Shaping Charge

4. Source of Figures for Power Sales and Power Sales Revenue

a. Power Sales

BPA power sales for a fiscal year shall be the figure for power gross sales in megawatt hours as reported in BPA’s annual report.

b. Power Sales Revenue

BPA power sales revenue for the fiscal year shall be the sum of the figure for power as reported in BPA's annual report under "gross sales" and the figure for transmission calculated under section 3.b of this memorandum of agreement.

5. Support For Figures and Estimated Payment

a. Payment Estimate and Support

No later than February 1 each year, BPA shall provide to the Tribes an estimate of the payment for the prior fiscal year, along with the following documents:

- i. As support for the power gross sales figure, a spreadsheet substantially in the form of Exhibit A that includes RIS codes, product descriptions, and energy sale amounts; accruals; and Slice energy sales for the prior fiscal year, which together shall equal the power gross sales figure;
- ii. As support for the power sales revenue figure, a spreadsheet substantially in the form of Exhibit B that includes, for sales of power, the general ledger account numbers and names and the amount of revenue in each;
- iii. As support for the figure for secondary pumping loads, copies of the 12 monthly bills for secondary pumping loads issued for the prior fiscal year, which will be substantially in the form of Exhibit C; and
- iv. As support for the figure for Grand Coulee generation, the 12 final PO&M 59, 59A, and 59B forms issued by the Bureau of Reclamation for the prior fiscal year. One example of each form is attached as Exhibit D.

b. Changes in Data

It is understood that the RIS codes and products and general ledger accounts and products used for the calculation are subject to change as BPA adds, deletes, and changes its product offerings, and therefore that the codes and accounts on Exhibits A and B are subject to change each year. In addition to the spreadsheets that BPA provides each year, BPA will provide the Tribes a brief explanation of any changes in codes and accounts from the previous fiscal year.

6. Changes in Annual Report

If BPA adopts different accounting standards or new accounting pronouncements under which power sales or power sales revenues are no longer included in the annual report, the parties will negotiate an amendment to this memorandum of agreement to provide for an alternative source for such figure or figures.

7. Changes in BPA's Internal Control Process

Exhibit E sets forth BPA's process for ensuring accurate calculation of annual payments under the Settlement Agreement. BPA will provide the Tribes proposed changes to this process at least 60 days before a change is scheduled to take effect. BPA will consider comments submitted by the Tribes concerning the proposed change before deciding whether to adopt the change.

8. Settlement Agreement Unchanged

This MOA defines terms and establishes methods for implementing the Settlement Agreement but does not otherwise modify the Settlement Agreement, which remains in full force.

CONFEDERATED TRIBES OF THE
COLVILLE RESERVATION

[/S/ MICHAEL O. FINLEY](#) _____
Michael O. Finley, Chairman
Colville Business Council

Date: [March 15, 2011](#) _____

BONNEVILLE POWER
ADMINISTRATION

[/S/ STEPHEN J. WRIGHT](#) _____
Stephen J. Wright
Administrator and CEO
Bonneville Power Administration

Date: [March 18, 2011](#) _____

Exhibit A

Fiscal Year XXXX - Total of Kilowatt hours from codes, accruals, and Slice		
Total sum of Kilowatt hours from codes	XX,XXX,XXX,XXX	1
Adjusting for Accruals in Kilowatt hours		
Beginning of year accrual reversal(s) and end of year accrual(s)	XX,XXX,XXX,XXX	2
Adding Slice Energy in Kilowatt hours		
Slice Energy	XX,XXX,XXX,XXX	3
Total Accounting Period Power Sales (KWH)	XX,XXX,XXX,XXX	1+2+3

Conversion from KWH to MWH	
Total Accounting Period Power Sales (MWH)	(1+2+3)/1000

Kilowatt hours by code and description		
code	Description	XX,XXX,XXX,XXX
Grand Total		XX,XXX,XXX,XXX

Exhibit B

FY XXXX Colville \$\$ - Power Revenue

General Ledger Account	GL Account Description	\$ Amount	Adjustments	Note	Adjusted Total \$	Note
400001	Sales Power	\$ X,XXX,XXX,XXX	\$ XXX,XXX,XXX	1	\$ X,XXX,XXX,XXX	
449101	Provision for Rate Refun	(\$ XXX,XXX,XXX)			(\$X XX,XXX,XXX)	
	Sum of above				Sum of above	2

Notes:

- 1 Bookouts
- 2 Power Revenue on Page XX of Annual Report

Note 1: Bookouts

Query Description: Query for Colville Tribe

Query Name: BOOKOUTS

Unit	Invoice	Customer	Customer Name	Acctg Date	Account	Line Amount	Code
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
POWER	xxxxx	xxxxx	BOOKOUT	xx/xx/xxxx	xxxxxx	\$ x,xxx,xxx	XXXXXX
Grand Total of Bookouts						sum of above	

Exhibit B

Source Document from General Ledger - Example

Report ID: GLG7033
 Ledger: ACTUALS--ACTUALS
 Ledger Code:
 Bal Sheet Tot:
 As of Year 1999 Period 1 through 999
 Account 400001 through 400001
 Base Currency: USD

PeopleSoft GL
 GENERAL LEDGER BALANCE

Page No. 3
 Run Date 01/19/2000
 Run Time 09:59:21

Acct	Description	BU	Beginning Balance	Debit	Credit	Ending Balance
400001	SALES	POWER	0.00	9,485,287.23	2,146,391,976.01	-2,116,356,287.83
400001	SALES	TRANS	0.00	0.00	619,156,567.61	-619,156,567.61
Total for ACCOUNT 400001			0.00	9,485,287.23	2,811,578,922.79	-2,826,093,645.47
Total for Ledger ACTUALS			0.00	9,485,287.23	2,811,578,922.79	-2,826,093,645.47

*** End of Report ***

Exhibit B

Source Document from General Ledger - Example

Report ID: 2167013
Ledger: ACTUALS--ACTUALS
Ledger Code:
Bal Sheet Ind:
As of Year 2009 Period 1 through 999
Accounts 449101 through 449101
Base Currency: USD

PeopleSoft GL
GENERAL LEDGER BALANCE

Page No. 1
Run Date 06/16/2010
Run Time 08:52:28

<u>Acct</u>	<u>Description</u>	<u>BU</u>	<u>Beginning Balance</u>	<u>Debit</u>	<u>Credit</u>	<u>Ending Balance</u>
449101	PROVISION FOR RATE RESPOND POWER		0.00	93,323,637.33	0.00	93,323,637.33
Total for Ledger ACTUALS			0.00	93,323,637.33	0.00	93,323,637.33

*** End of Report ***

Exhibit C

DEPARTMENT OF ENERGY
 Bonneville Power Administration
 PO Box 6040
 Portland OR 97228-6040

RESERVED POWER AND ENERGY

January 12, 2010

BILL NO: 1468912X
 PS NO: 10415
 U.S. Bureau of Reclamation
 Columbia Basin Project

Contract No. 14-03-99106
 14-03-001-12160

BILLING PERIOD: December 2009

<u>POINT OF DELIVERY</u>		<u>K</u>	<u>LOSS</u>	<u>FACTOR</u>	<u>ADJUSTED KWH</u>
Burbank	Mp 131	kWh	10	1.0000	2,840
		kW	10	1.0000	10
Burbank 2	Mp 1344	kWh	0.3000	1.0000	0
		kW	0.3000	1.0000	0
Burbank 3	Mp 1345	kWh	0.1000	1.0000	0
		kW	0.1000	1.0000	0
Eagle Lake	Mp 216	kWh	1	1.0000	997
		kW	1	1.0000	2
NET SCOOTENAY		kWh			(22,980)
		kVh	Refer to Attachment I		490
		kW			(35)
NET RINGOLD		kWh			29,400
		kVh	Refer to Attachment I		25,705
		kW			60
NET GLADE		kWh			92,790
		kVh	Refer to Attachment I		20,280
		kW			160
SMALL LOADS USBR Grant		kWh	Refer to Attachment II		398,587
		kW			580

Exhibit C

RESERVED POWER AND ENERGY REPORT

December 2009

BILL NO: 1468912X

<u>POINT OF DELIVERY</u>			<u>K LOSS</u>	<u>FACTOR</u>	<u>ADJUSTED KWH</u>
Evergreen QCBID Pump Out	Mp 147	kWh	2.0000	1.011	15,940
		kW	2.0000	1.011	24
Frenchman QCBID Springs Pump	Mp 176	kWh	1.0000	1.009	11,000
		kW	1.0000	1.010	19
Frenchman QCBID Hills Pump	Mp 1343	kWh	2.0004	1.007	12,878
		kW	2.0004	1.006	30
Winchester QCBID Pump Plant	Mp 154	kWh	2.0000	1.007	31,978
		kW	2.0000	1.010	48
Hope Valley GRANT CO	Mp 8	kWh	1.0000	1.011	771
		kW	1.0000	1.011	2
Jericho QCBID	Mp 62	kWh	1.0000	1.000	3,751
		kW	1.0000	1.000	6
Quincy Sub. QCBID	Mp 245	kWh	2.0000	1.000	31,798
		kW	2.0000	1.000	46
Warden Sub. GRANT CO	Mp 1	kWh	1.0000	1.008	8,515
		kW	1.0000	1.010	20
Warden Sub. 2 GRANT CO	Mp 2680	kWh	1.0000	1.008	2,828
		kW	1.0000	1.010	6
Lake Lenore GRANT CO Pump #1	Mp 1339	kWh	1.0000	1.076	0
		kW	1.0000	1.100	0

Exhibit C

RESERVED POWER AND ENERGY REPORT

December 2009

BILL NO: 1468912X

<u>POINT OF DELIVERY</u>			<u>K</u>	<u>LOSS</u>	<u>FACTOR</u>	<u>ADJUSTED KWH</u>
GRANT CO	Lake Lenore	Mp 1340	kWh	1.00	1.076	19,589
	Pump #2		kW	1.00	1.100	29
GRANT CO	FXM Wells	Mp 1337	kWh	1.00	1.033	284,453
	Soap Lake Sub.		kW	1.00	1.034	398
GRANT CO	IY&N Pumps	Mp 1338	kWh	1.00	1.040	62,294
	Soap Lake Sub.		kW	1.00	1.041	126
GRANT CO	Ephrata	Mp 1502	kWh	1.00	1.035	84,149
			kW	1.00	1.065	194
GRANT CO	Low Gap Pump	Mp 1341	kWh	1.00	1.048	9,776
	Royal Sub.		kW	1.00	1.065	16
GRANT CO	Radar Pump	Mp 258	kWh	4	1.000	24
	Plant		kW	4	1.000	8

Total for all point of delivery kWh + losses	1,081,378
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Questions concerning this bill may be directed to Jason M. Boen, (503) 230-4957, Public Utility Specialist. Mail inquiries may be directed to Bonneville Power Administration, Customer Billing, KSB-6, PO Box 2784, Portland, OR 97228-2784.

Exhibit C

RESERVED ENERGY ATTACHMENT I

December 2009

BILL NO: 1468912X

Russell D. Smith/Scootney		Reading Date	kWh	kVh	kW
Russell D. Smith Plant	(325)		0	0	0
Adj Scootney (IN) -	(1161)		22,980	1,430	35
Net Difference			(22,980)	(1,430)	(35)
Scootney (OUT) +	(1160)		0	1,920	0
Total Net Scootney			(22,980)	490	(35)

East Branch Canal/Ringold		Reading Date	kWh	kVh	kW
East Branch Canal Plant	(621)		0	0	0
Adj Ringold (IN) -	(1168)		0	0	0
Net Difference			0	0	0
Temp Ringold (OUT) +	(286)		29,400	25,705	60
Total Net Ringold			29,400	25,705	60

Potholes East Canal/Glade		Reading Date	kWh	kVh	kW
Potholes East Canal Plant	(23)		0	0	0
Adj Glade (IN) -	(1167)		0	0	0
Net Difference			0	0	0
Glade (OUT) +	(1166)		92,790	20,280	160
Total Net Glade			92,790	20,280	160

Exhibit C

RESERVED ENERGY ATTACHMENT II

December 2009

BILL NO:

1468912X

USBR-MSR	kWh	kW
Coulee City	0	0
Ephrata S. Pt.	68,551	190
Grand Coulee N. Pt.	0	0
Wahluke	0	0
Soap Lake	833	2
McDonald	3,378	0
Pelican Horn	30	0
Royal	1,671	0
Irrigation 0		0
Total	74,463	192

ECBID-MSR	kWh	kW
Larson	775	0
Pelican Horn	27,022	0
Stratford	681	0
Warden	6,462	0
Irrigation	0	0
Total	34,940	0

QCBID-MSR	kWh	kW
Burke	34,952	70
Ephrata S. Pt.	29,055	29
Jericho	31,649	9
Soap Lake	22,792	2
Quincy	64,457	135
Royal	73,263	75
Stratford	0	0
Irrigation	0	0
	0	
Total	256,168	319

SCBID-MSR	kWh	kW
Coulee City	0	0
Wahluke	33,016	68
Soap Lake	0	0
McDonald	0	0
Total	33,016	68

GRAND TOTAL	398,587	580
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Questions concerning this bill may be directed to Jason M. Boen, (503) 230-4957, Public Utility Specialist. Mail inquiries may be directed to Bonneville Power Administration, Customer Billing, KSB-6, PO Box 3621, Portland, OR 97232-3621.

MONTHLY REPORT OF POWER OPERATIONS - POWERPLANTS

POM-59
Bureau of Reclamation

Form for G-1 thru G-24 and U.S. Units ONLY

POWERPLANT GRAND COULEE		INSTALLED CAPACITY (kw) 6,495,000 KW		PROJECT GRAND COULEE	
CARD NO. 12	GROSS GENERATION (kwh) 14,220	PLANT AUXILIARY USE (kwh) 24,311	NET GENERATION (kwh) 32,411	MAXIMUM HOURLY GENERATION (kwh) 14,220	CONDENSER OPERATION (kwh) 37,904,000
1,925,320,000	5,926,037	1,919,391,963	4,480,000	ELEVATIONS AND FLOW AT MONTH END	
WATER FOR GENERATION (A.F.)		DOWNSTREAM (A.F.)		FOREBAY (ft)	
6,019,556		0.00		TALUSAGE (ft)	
		319.84		TOTAL FLOW (cfs)	
				961.11	
				TOTAL FLOW (cfs)	
				115,000	
				Factor %	
				100.00%	
UNIT SERVICE RECORD					

REG.	FAOI LITY	TYPE	DATE YR MO
1	2-4	5	6-9
1	GHU	P	MAY-10

UNIT NO.	GROSS GENERATION (kwh)	TIME OPERATED (hrs.)	AVAILABLE (HRS:MIN)	AVAILABILITY FACTOR %	UNIT STARTS	OUTAGES FOR MAINTENANCE			ACTUAL MAINTENANCE TIME			REASON	DESCRIPTION OF MAINTENANCE OR FORCED OUTAGE	
						TYPE	DATE	TIME	DURATION	NO. OUTAGE	TOT. FORCED			MAINTENANCE FACTOR (%)
G-1	60,060,000	705:58:00	706:32:00	94.96%	1	S	17	05:00	37:28:00	20:00:00	20:00:00	2.69%	XXX Double Transformer Bushing (RTS 5/18 1828)	On standby
G-2	62,909,000	743:32:00	744:00:00	100.00%	0							0.00%	STB On Standby	On Standby
G-3	62,498,000	743:33:00	744:00:00	100.00%	0							0.00%	STB On Standby	On Standby
G-4	63,036,000	736:00:00	737:17:00	99.10%	0	F	30	02:10	6:43:00	2:29:00	2:23:00	0.32%	XXX Won't Build Voltage (RTS 5/30 0853)	On Standby
G-5	62,554,000	734:17:00	741:32:00	99.67%	4	F	21	15:00	2:28:00	2:00:00	2:00:00	0.27%	XXX Inability to Restore Coaster Gates (RTS 5/21 1728)	On Standby
G-6	46,176,000	541:53:00	657:12:00	88.33%	5	S	17	5:00	84:21:00	40:00:00	42:00:00	5.66%	EXR Exciter Maintenance (RTS 5/20/1721)	On Standby
G-7	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	744:00:00	160:00:00	160:00:00	21.51%	STB Stator Core/Winding Inspection	On Standby
G-8	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	744:00:00	160:00:00	160:00:00	21.51%	XXX GDACS Install	On Standby
G-9	33,320,000	398:09:00	744:00:00	100.00%	0							0.00%	STB On Standby	On Standby
G-10	62,183,000	708:41:00	744:00:00	100.00%	8							0.00%	STB On Standby	On Standby
G-11	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	744:00:00	160:00:00	160:00:00	21.51%	MAN Quin Maintenance	On Standby
G-12	66,165,000	736:12:00	744:00:00	100.00%	3							0.00%	STB On Standby	On Standby

C/S or C/F is a Continued Scheduled or Forced outage from previous month(s)

FOR OFFICIAL USE ONLY

EXHIBIT D PAGE 1 OF 5

MONTHLY REPORT OF POWER OPERATIONS - POWERPLANTS
(CONTINUATION SHEET)

EXHIBIT D PAGE 2 OF 5

FOR OFFICIAL USE ONLY

POWERPLANT
GRAND COULEE

REG.	FACTOR	TYPE	DATE
1	LTY	5	6-9
1	GRC	P	May-10

UNIT SERVICE RECORD

UNIT NO. (14-19)	GROSS GENERATION (MWH) (18-41)	TIME OPERATED (hrs) (21-23)	TIME AVAILABLE (hrs:MM) (18-20)	AVAILABILITY FACTOR %	UNIT STARTS	MAINTENANCE INFORMATION										DESCRIPTION OF MAINTENANCE OR FORCED OUTAGE
						OUTAGES FOR MAINTENANCE (hrs) (29)	DATE (00-31)	TIME (23-59)	DURATION (hrs:MM) (38-40)	NO. OUTAGE (hrs:MM) (41-45)	TOT. FOR MO. MAINTENANCE (hrs:MM) (46-50)	PERCENTAGE OF UNIT LOSS (51-55)	REASON (62-64)			
G-13	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	7:44:00:00	1:00:00:00	1:00:00:00	1:00:00:00	21.51%	TBR STB	Turbine Upgrade On Standby	
G-14	65,759,000	7:44:00:00	7:44:00:00	100.00%	0								0.00%	STB	On Standby	
G-15	64,498,000	7:38:47:00	7:44:00:00	100.00%	3								0.00%	STB	On Standby	
G-16	58,378,000	6:77:24:00	7:00:03:00	94.09%	9	S	17	00:00	38:47:00	17:47:00	17:47:00	21:45:00	2.92%	TES STB	WECC Testing (RTS 5/18 1447) WECC Testing (RTS 5/27 1912) On Standby	
G-17	62,356,000	7:24:14:00	7:42:30:00	99.80%	6	S	25	6:30	1:30:00	1:30:00	1:30:00	1:30:00	0.20%	TES STB	WECC Testin g(RTS 5/25 0800) On Standby	
G-18	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	7:44:00:00	1:00:00:00	1:00:00:00	1:00:00:00	21.51%	TBR STB	Turbine Repealcement On Standby	
G-19	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	7:44:00:00	1:00:00:00	1:00:00:00	1:00:00:00	21.51%	MAN STB	Sexennial Maintenance On Standby	
G-20	385,851,000	7:44:00:00	7:44:00:00	100.00%	0								0.00%	STB	On Standby	
G-21	317,458,000	7:33:50:00	7:41:50:00	99.71%	0	S	3	08:00	2:10:00	2:10:00	2:10:00	2:10:00	0.29%	TES STB	Relay Testing WECC (RTS 5/3 1010) On Standby	
G-22	159,999,000	7:43:51:00	7:43:51:00	99.98%	0	F	11	13:50	0:09:00	0:09:00	0:09:00	0:09:00	0.02%	WAH STB	Turbine Pit High Water (RTS 5/11 1359) On Standby	
G-23	183,620,000	7:31:32:00	7:31:32:00	99.32%	0	S	12	00:14	12:28:00	6:12:00	6:12:00	6:12:00	0.83%	PKR STB	Packing Inspection (RTS 5/12 1242) On Standby	
G-24	102,469,000	7:32:10:00	7:40:20:00	99.51%	2	S	4	08:00	1:38:00	1:38:00	1:38:00	4:06:00	0.55%	TES COP STB	Relay Testing WECC (RTS 5/4 0938) Repair Cooling Water Leak (RTS 5/13 1302) On Standby	

C/S or C/F is a Continued Scheduled or Forced outage from previous month(s)

MONTHLY REPORT OF POWER OPERATIONS - POWERPLANTS
(CONTINUATION SHEET)

EXHIBIT D PAGE 3 OF 3

FOR OFFICIAL USE ONLY

POWERPLANT
GRAND COULEE

REG.	FACILITY	TYPE	DATE YR MO
1	2-4	5	6-9
1	GRC	P	May-10

UNIT SERVICE RECORD

UNIT NO. (14-16)	GROSS GENERATION (MWH) (53-61)	TIME OPERATED (hrs) (23-28)	TIME AVAILABLE (HRS:MIN) (24-25)	AVAILABILITY FACTOR %	UNIT STARTS	MAINTENANCE INFORMATION						DESCRIPTION OF MAINTENANCE OR FORCED OUTAGE
						OUTAGES FOR MAINTENANCE			ACTUAL MAINTENANCE TIME			
						LINES UNIT (29)	TIME (32-33)	DURATION (HRS:MIN) (35-40)	IND. OUTAGE (HRS:MIN) (41-45)	TOT. FOR MO (HRS:MIN) (46-50)	MAINTENANCE PER UNIT (%) (51-55)	
LS-1	2,565,000	741:00:00	741:00:00	99.60%	1	S	13	13:30	3:00:00	3:00:00	0.40%	EXR STB Replace Exciter Brushes (RTS 5/13 1630) On Standby
LS-2	2,773,000	740:11:00	740:11:00	99.49%	1	S	13	8:17	3:49:00	3:49:00	0.51%	EXR STB Replace Exciter Brushes (RTS 5/13 1206) On Standby
LS-3	0	0:00:00	0:00:00	0.00%	0	S	1	0:00	7:44:00:00	1:60:00:00	21.51%	MAN STB Emods On Standby

O/S or C/F is a Continued Scheduled or Forced outage from previous month(s)

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MONTHLY REPORT OF POWER OPERATIONS - PUMPING PLANTS

REG.	FACILITY	TYPE	DATE
1	GRD	U	May-10

PO&M-59A
Bureau of Reclamation
POWERPLANT GRAND COULEE
PROJECT GRAND COULEE
INSTALLED CAPACITY (hp) 390,000 hp
WATER PUMPED (A, F) 277,944
kwh PUMPING/A.F. (kwh) 318,25
AVERAGE PUMPING ELEVATIONS AT MONTH END
HEAD (F.T.) 303.91
INTAKE (F.T.) 1,268.70
DISCHARGE (F.T.) 1,568.20

UNIT SERVICE RECORD

UNIT NO.	PUMPING ENERGY USED (kwh) (32-21)	TIME OPERATED (hrs.) (20-23)	TIME AVAILABLE (hrs:min.) (22-25)	AVAILABILITY FACTOR %	UNIT STARTS	OUTAGES FOR MAINTENANCE				ACTUAL MAINTENANCE TIME			REASON (32-43)	DESCRIPTION OF MAINTENANCE OR FORCED OUTAGE
						TYPE (23)	DATE (30-31)	TIME (32-35)	DURATION (hrs:min.) (32-40)	IND. OUTAGE (hrs:min.) (41-45)	TOT. FOR MO. (hrs:min.) (46-50)	MAINTENANCE FACTOR (%)		
P-1	15,685,000	518:14:00	706:24:00	94.95%	12	S	1	05:00	37:36:00	0:00:00	0:00:00	0.00%	XXX STB	G-1 Transformer Maintenance (RTS 5/18 1836) On Standby
P-2	23,041,000	503:27:00	629:22:00	84.59%	10	S	1	05:00	37:36:00	0:00:00	24:30:00	3.29%	XXX XXX STB	G-1 Transformer Maintenance (RTS 5/18 1836) Re-state Linkage (RTS 5/27 1647) On Standby
P-3	0	0:00:00	0:00:00	0.00%	0	S	1	00:00	744:00:00	160:00:00	160:00:00	21.51%	MAN STB	Quin Maintenance Stator Rewind On Standby
P-4	25,841,000	556:10:00	744:00:00	100.00%	10							0.00%	STB	On Standby
P-5	0	0:00:00	0:00:00	0.00%	0	F	1	00:00	744:00:00	160:00:00	160:00:00	21.51%	TRB STB	Turbine Bearing On Standby
P-6	23,889,000	556:50:00	744:00:00	100.00%	10							0.00%	STB	On Standby

EXHIBIT 1 2 1 PAGE 4 OF 7

MONTHLY REPORT OF POWER OPERATIONS - PUMP-GENERATING PLANTS

REG.	FAC-LITY	TYPE	DATE
1	2-4	5	6-9
1	GRD	U	May-10

POWERPLANT	INSTALLED CAPACITY (hp/kwh)	PROJECT	WATER FOR GENERATION (A.F.)	kwh GENERATION/A.F.
GRAND COULLEE	415,000 hp 314,000 kw	GRAND COULLEE	15,876	255.5
CARD 10-11	GROSS GENERATION (kwh) 4,056,000 NET GENERATION (kwh) 3,708,000	MAXIMUM HOURLY GENERATION (kwh) 231,000		
CARD 10-11	PUMPING ENERGY USED (kwh) 14,23	WATER PUMPED (A.F.)		
CARD 10-11	PLANT AUXILIARY USE (kwh) 24,51	MAXIMUM PUMPING DEMAND (kw) 42.49		
CARD 10-11	PLANT PUMPING ENERGY USED (kwh) 14,23	WATER PUMPING/A.F.		
CARD 10-11	68,127,000	254,000	340.63	1,568.20

UNIT SERVICE RECORD

UNIT NO. or (1-4-10)	GROSS GENERATION OR PUMPING ENERGY USED (kwh) (2-2-1)	TIME OPERATED (hrs.) (2-2-3)	TIME AVAILABLE (HRS:MIN) (hrs:min) (2-2-2)	AVAILABILITY FACTOR %	UNIT STARTS	OUTAGES FOR MAINTENANCE			ACTUAL MAINTENANCE TIME			MAINTENANCE FACTOR (%) (2-2-4)	GADS CAUSE CODE (2-2-4)	DESCRIPTION OF MAINTENANCE OR FORCED OUTAGE
						TYPE (2-2-1)	DATE (2-2-1)	TIME (2-2-3)	DURATION (hrs:min) (2-2-3)	IND. OUTAGE (hrs:min) (2-2-3)	TOT. FOR MO. (hrs:min) (2-2-3)			
P/G-7	0	0	0:00:00	0.00%	0	S	1	0:00:00	744:00:00	160:00:00	160:00:00	22.22%	INS	Thrust Inspection
P/G-8	7,512,000	188:19	168:32:00	22.79%	12	F	7	20:30:00	93:25:00	20:00:00	20:00:00	2.78%	XXX	NO ACBA Air - All Compressor's Out of Service (RTS 5/11 1755)
P/G-9	13,945,000	322:11	279:07:00	37.52%	13	F	7	20:30:00	96:15:00	20:00:00	480:00:00	66.67%	XXX	NO ACBA Air - All Compressor's Out of Service (RTS 5/11 2045)
P/G-10	16,929,000	357:03	336:54:00	45.28%	20	F	7	20:30:00	97:16:00	20:00:00	20:00:00	2.78%	XXX	NO ACBA Air - All Compressor's Out of Service (RTS 5/11 2146)
P/G-11	17,108,000	357:14	338:01:00	45.43%	20	F	7	20:30:00	97:39:00	20:00:00	20:00:00	2.78%	XXX	NO ACBA Air - All Compressor's Out of Service (RTS 5/11 2209)
P/G-12	12,693,000	268:21:00	251:23:00	33.79%	21	F	7	20:30:00	94:07:00	20:00:00	27:26:00	3.81%	XXX	NO ACBA Air - All Compressor's Out of Service (RTS 5/11 1887)
	755,000		17:22:00		5	F	12	16:36:00	7:24:00	0:24:00			XXX	A.C Field Breaker Won't Close (RTS 5/13 0943)
						F	13	21:54:00	85:04:00	4:28:00			XXX	A.C Field Breaker Won't Close (RTS 5/17 1058)
						F	24	8:26:00	2:34:00	2:34:00			XXX	Phase Current Unbalance, Gen Mode (RTS 5/24 1100)
						F							STB	On Standby

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EXHIBIT D PAGE 5 OF 5

Evaluating Controls at the Process Level -- FY2010 Narrative Documentation			
Business Process Process Phases	2.D Procure to Pay - Settlements 2.D.1.a – Agreement Development – Colville Settlement 2.D.5.a – Calculate Payment – Colville Settlement	Flowchart	[Link]
Responsible Organization(s) & Managers (s) [titles (org.), links to organization chart]			
PGF – Federal Hydro Projects (Mark Jones, Manager)			
Overview of Activities & Transaction Streams [sequence no. from flowchart; reference Phase/Fin. Action no.]			
Background:			
<p>In 1994 the US government signed a Settlement Agreement with the Confederated Tribes of the Colville Reservation (“the Tribe”) for a lawsuit filed by the Tribe to receive compensation for the reservation lands used to build Grand Coulee Dam and reservoir. The terms of the Settlement Agreement were enacted into law.</p> <ul style="list-style-type: none"> • \$ 53 million was paid to the Tribe from the Justice Department settlement fund. • Annual payments by BPA are required, following a formula, to be made by 1 March for the preceding FY. The first payment set at \$15.25 million for FY 95 to be paid by 1 March 1996. • ‘BPA shall ... at the Tribes request will make available to the Tribe such other information as may be reasonably requested by the Tribe to verify the computation.’ 			
Payment Formula (from the Settlement Agreement):			
<p>The Settlement Agreement stipulates that BPA pay the Tribe an amount annually based upon the preceding FY’s generation at the Grand Coulee Dam. The calculation uses a base price that is multiplied by a BPA price escalator for inflation and then multiplied by the Grand Coulee Dam (“GCD”) generation in megawatthours (MWh).</p>			
$\text{Base Annual Payment} = \text{Base Price} \times \text{BPA Price Escalator} \times \text{GCD generation (MWh)}$			
<p>The Agreement defines the base price as follows: 0.747153 mills/kWh which was calculated by dividing the initial payment of \$15.25 million by Grand Coulee Dam’s 50 water-year computer simulated annual generation of 20,410,800 MWh. The BPA Price Escalator and Grand Coulee generation are inputs that will be discussed below.</p>			
<p>The Agreement also stipulates that the Base Annual Payment fall between defined floor and ceiling amounts; otherwise the annual payment will be equal to either the floor or ceiling:</p>			
<p>Annual Payment = Base unless:</p>			
$\text{Base} < \text{Floor}; \text{ then payment} = \text{Floor} \text{ /or/ } \text{Base} > \text{Ceiling}; \text{ then payment} = \text{Ceiling}$			
<p>The Agreement defines the Floor and Ceiling formulae as follows:</p>			
$\text{Floor} = \text{Floor Price (0.661414)} \times \text{Combined Escalator} \times \text{GCD generation (MWh)}$			
$\text{Ceiling} = \text{Ceiling Price (0.832892)} \times \text{Combined Escalator} \times \text{GCD generation (MWh)}$			
<p>The Combined Escalator is an input that will be discussed below.</p>			
Calculation of the BPA Price Escalator:			
<p>The Settlement Agreement defines the BPA Price Escalator as “the ratio of the BPA power sales price for a fiscal year divided by the BPA sales price for FY95, taken to six decimal places.” The BPA sales price for FY95 is a constant (27.136693) based upon initial calculations.</p>			
$\text{BPA Price Escalator} = \text{Current FY BPA power sales price} / \text{FY95 BPA power sales price}$			
<p>The Agreement defines BPA power sales price as “the ratio of BPA power sales revenue for a fiscal year divided by BPA power sales for such fiscal year measured in megawatt-hours.” Consequently, the two inputs to calculate the current year’s power sales price are (1) revenue dollars and (2) MWh.</p>			
Calculation of BPA Power Sales Revenue Dollars – FRG Processes:			
<p>The Agreement defines BPA power sales revenue as “all BPA revenue for the fiscal year from the sale of electric power and transmission of such power. BPA Power Sales Revenue does not include revenue from wheeling (i.e. the transmission of electric power not marketed by BPA) or from miscellaneous services not associated with the sale or delivery of power.”</p>			
<p>General Accounting (FRG) pulls the current year’s sales revenue dollars from G/L Account 400001 (Power Sales) and 449101</p>			

(Rate Refund). FRG then runs a query to pull the Bookout number – this number is added back to Revenue (thus grossing up the revenue and ignoring EITF 03-11 – which was not in effect at the signing of the Settlement Agreement).

Calculation of Revenues from the Transmission of BPA Power – FRG & TSPQ Processes:

The Agreement defines BPA power sales revenue as “all BPA revenue for the fiscal year from the sale of electric power and transmission of such power. BPA Transmission Power Revenue includes Wheeling (non-federal) and Federal revenue. Transmission provides FRG the Wheeling amount in dollars. FRG takes this number and subtracts it from the current year’s sales revenue dollars from G/L Account 400001 (Transmission Sales).

Calculation of BPA Power Sales in MWh – FRG & PFB Processes:

FRG assists PFB in calculating the MWh related to BPA power sales for a given fiscal year.(in accounting basis versus performance basis). The steps to accumulate, analyze and calculate the MWh for a fiscal year are as follows:

FRG runs a query on the fiscal year pulling billing information that includes the RIS code and a filter for KH (KWh). Some KH amounts are used as billing determinants, but should not be counted as energy. FS queries the RFA RIS code tables and filters on the unit description field for “energy” to retrieve the final RIS code list to be used. PFB reviews the list of RIS code list to confirm its completeness. FRG relies on the financial analyst in FS and the power policy analyst in PFB to confirm the list of correct RIS codes.

Slice is excluded, as these bills do not contain the energy amounts. PTKT pulls a report of Slice energy delivered in MWh; this report is confirmed by a public utility specialist on the Slice team (PGL).

PFB provides the MWh for the accrual reversal entered by FRG in the first period of the fiscal year and for the accrual entered by FRG in the last period of the fiscal year. Revenue accruals do not capture the MWh as there is no field in PeopleSoft for the information. FRG pulls the MWh from the Endur position summary reports for the trading floor accrual reversal entered by FRG in the first period of the fiscal year and for the accrual entered by FRG in the last period of the fiscal year.

The energy from the accrual reversals, the accruals, Slice, and the billing information is added together to calculate the BPA Power Sales in MWh. Any necessary conversions from KWh to MWh are made.

Once the above steps are complete, FRG gives the Power and Transmission Revenue amounts and the MWh to Lou Tauber (PGF) for preparation of the final calculation.

Calculation of the [REDACTED] – PGF Processes:

- The calculation is the same yearly calculation and is captured in a spreadsheet, which is shown below. FY 2005 is used as an example:

Sec	Term	FY95	FY2005	
1a	Power Sales Revenue (\$)	2,181,536,000	3,194,250,265	Source: Corporate Accounting Operations
1b	BPA Power Sales (MWh)	80,390,635	94,223,523	Source: Corporate Accounting Operations & Power Policy Analysis
	BPA Power Sales Price (m/k)	27.136693	33.900773	
1c	BPA Price Escalator		1.249260	

- **1a. Power Sales Revenue (\$):** This data is obtained from BPA’s General Accounting Office (FRG) – see the *Calculation of BPA Power Sales Revenue Dollars – FRG Processes* section above.
- **1b. BPA Power Sales (MWh):** This data is obtained from BPA’s General Accounting Office and the Power Policy Analysis Section – see the *Calculation of BPA Power Sales in MWh – PFB Processes* above. The BPA Power Sales Price (m/k) is then calculated by taking the above two values and dividing them (1a/1b).
- **1c. BPA Price Escalator:** This is derived by taking the BPA Power Sales Price value calculated in 1b and dividing it by the original value calculated in 1995, which is the first year that the payment was calculated.

Calculation of the [REDACTED]:

The Combined Price Escalator is used in the calculation of the Floor and Ceiling amounts. The Settlement Agreement defines the Combined Price Escalator as follows: “the average of the BPA price escalator for the fiscal year and the CPI escalator for the fiscal year.

Calculation of the CPI Escalator – PGF Processes:

The Settlement Agreement defines the CPI Escalator as follows: the ratio of the Consumer Price Index (for all urban consumers as published by the Bureau of Labor Statistics) for the September ending the fiscal year to the Consumer Price Index for September 1995, taken to six decimal places.”

- PGF performs this calculation as follows:

Colville Payment Calculation for FY2005				
Sec	Term	FY95	FY2005	
1d	Consumer Price Index (CPIU)	152.966667	202.900000	Source: Bureau of Labor Statistics web site
	CPI Escalator	1.000000	1.326433	

- **1d. Consumer Price Index (CPIU):** PGF obtains this value from the US Department of Labor, Bureau of Labor Statistics web site (www.bls.gov). The index is the Consumer Price Index – All Urban Consumers; Series Id: CUUROOOSAO; Not Seasonably Adjusted; Area: US City Average; Item: All Items; Base Period: 1982-84 = 100.
- The particular CPI taken is for the subject year, for the month of September. The spreadsheet then calculates the CPI Escalator by dividing the CPI for the year by the CPI index when the payment was first calculated in 1995.

Calculation of the [redacted] – PGF Processes:

Colville Payment Calculation for FY2005				
Sec	Term	FY95	FY2005	
1c	BPA Price Escalator		1.249260	
1d	Consumer Price Index (CPIU)	152.966667	202.900000	Source: Bureau of Labor Statistics web site
	CPI Escalator	1.000000	1.326433	
1e	Combined Escalator		1.287846	

- **1e. Combined Escalator:** The spreadsheet calculates the Combined Escalator by taking the average of the BPA Price Escalator and the CPI Escalator [1e = (1c + 1d)/ 2].

Calculation of GCD (Grand Coulee Dam) Net Generation (MWh):

The Settlement Agreement defines Grand Coulee generation as follows: “Grand Coulee total generation less generation reserved for use at Grand Coulee Dam.”

Calculation of GCD Generation – PGF Processes:

- PGF obtains the Grand Coulee Net Generation Number from the Grand Coulee Project via an Excel Spreadsheet emailed from the Bureau of Reclamation (BOR), along with the supporting data obtained from Reclamation Forms PO&M 59, PO&M 59A and PO&M 59B. The spreadsheet contains the following data:
 1. Grand Coulee Gross Generation. This is the amount of gross generation from generators 1-24 and pump generators PG7-12.
 2. Grand Coulee Station Service Loads for the Left, Right and Third Powerplant and John Keys Pumping Plant. This is the load from each of the individual four separate plants, in order for them to operate.
 3. The load required for pumps 1-6 and PG7-12 to pump water from Lake Roosevelt to Banks Lake, This is known as the “Primary Pump Load”.
 4. The load required to run individual Columbia Basin Project irrigation pumps. This is known as the “Secondary Pump Load”. Note that this data is obtained from BPA’s Customer Billing and Metering Group – KSB and not Reclamation’s PO&M59 forms.

- 1f. **Grand Coulee Generation (MWh):** The Grand Coulee Generation Number (1f) is therefore calculated as follows:
 Grand Coulee Gross Generation (1 above), MINUS
 Grand Coulee Station Service Loads (2 above), MINUS
 Primary Pump Load, (3 above) MINUS
 Secondary Pump Load (4 above).

Colville Payment Calculation for FY2005				
Sec	Term	FY95	FY2005	
1f	Grand Coulee Generation (MWh)		21,288,999	Source: Grand Coulee Project Office

- The Secondary Pumping Load numbers that KSB sends to the PGF staff for the Colville calculations are gathered from Single Meter Demand Reports. These reports are produced by the Metering Services staff (KSM). These reports contain hourly meter data that is polled directly from the individual meters associated with irrigation pump loads located in the Columbia Basin Project area. This data is scanned by Metering Services for reasonable hourly reads and then reviewed again by a Revenue Analyst in KSB. This data is then transferred to an Excel workbook, totaled and sent to USBR offices and the PGF staff.

Calculation of the Computed Annual Payment:

Colville Payment Calculation for FY2005				
Sec	Term	FY95	FY2005	
1a	Power Sales Revenue (\$)	2,181,536,000	3,194,250,265	Source: Corporate Accounting Operations
1b	BPA Power Sales (MWh)	80,390,635	94,223,513	Source: Corporate Accounting Operations & Power Policy Analysis
	BPA Power Sales Price (m/k)	27.136693	33.900773	
1c	BPA Price Escalator		1.249260	
1d	Consumer Price Index (CPIU)	152.966667	202.900000	Source: Bureau of Labor Statistics web site
	CPI Escalator	1.000000	1.326433	
1e	Combined Escalator		1.287846	
1f	Grand Coulee Generation (MWh)		21,288,999	Source: Grand Coulee Project Office
2b(1)	Base Annual Charge (\$)		19,870,896	
2b(2)	Floor Annual Charge (\$)		18,133,958	
	Ceiling Annual Charge (\$)		22,835,362	
2b(3)	Computed Annual Payment (\$)	15,250,000	19,870,896	
2b(1)	Base Annual Charge = 0.747153 x 1c x 1f.		Base Annual Charge = 0.747153 x BPA Price Escalator x Grand Coulee Generation	
2b(2)	Floor Annual Charge = 0.661414 x 1e x 1f.		Floor Annual Charge = 0.661414 x Combined Escalator x Grand Coulee Generation.	
	Ceiling Annual Charge = 0.832892 x 1e x 1f.		Ceiling Annual Charge = 0.832892 x Combined Escalator x Grand Coulee Generation.	

- The spreadsheet calculates the Annual Payment as follows:
 - 2b(1), and 2b(2). Base Annual Charge, Floor Annual Charge, and Ceiling Annual Charge: Reference the last

lines of the spreadsheet which shows how the spreadsheet calculates these amounts.

- **2b(3). Computed Annual Payment:** The computed annual payment is the computed Median of the Base Annual Charge (2b(1)), Floor Annual Charge (2b(2)), and the Ceiling Annual Charge.
- Another person within Federal Hydro Projects checks these numbers for accuracy of the calculation and the data. The reviewer signs and dates the calculation signifying approval.
- PGF produces official correspondence with the Tribe and processes for payment:
 - Once the data and calculation are found to be accurate, a letter is written for signature by the Manager of the Federal Hydro Projects, with a copy of the spreadsheet, sent to the following:

Chairperson, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155-0150
 - Copies of the letter and calculation spreadsheet are also distributed throughout BPA, in order for the payment to be processed. The payment is due March 1.

Controls over the Calculation of the Colville Payment:

1. In order to mitigate the inherent risk that revenue numbers are not accurate, the following manual control is in place: General Accounting (FRG) pulls the current year’s sales revenue dollars from G/L Account 400001 (Power Sales) and 449101 (Rate Refund). FRG then runs a query to pull the Bookout number – this number is added back to Revenue (thus grossing up the revenue and ignoring EITF 03-11 – which was not in effect at the signing of the Settlement Agreement).
2. In order to mitigate the inherent risk that revenue numbers are not accurate, the following manual control is in place: Transmission provides FRG the Wheeling amount in dollars. FRG takes this number and subtracts it from the current year’s sales revenue dollars from G/L Account 400001 (Transmission Sales).
3. In order to mitigate the inherent risk that the Colville Payment calculation is inaccurate, the following manual control is in place: the calculation elements are defined in the Settlement Agreement.
4. **(Key)** In order to mitigate the inherent risk that the Colville Payment calculation is not accurate or approved, the following manual control is in place: Another person within Federal Hydro Projects checks these numbers for accuracy of the calculation and the data. The reviewer signs and dates the calculation signifying approval.

Policies, Procedures, Work Instructions [links (incl. to PeopleSoft Tools)]

Significant Applications & Interfaces [system/applic. name; key files/tables w/ function and who maintains]

General Ledger Accounts Affected [no. and description]

Procedures for Updating/Uploading Financial Reporting Information

Described in narrative above.

Planned Future Changes [to organization, applications, processes]

Transmission proposal to simplify the calculation of Wheeling Revenues.

Soft Control Components – GAO Evaluation Tool Topics [check if in place or explain gap]

X	<u>Intervention/overriding of internal control is addressed. (A.5)</u>
X	<u>Tasks required to accomplish jobs are identified and used in filling positions. (B.1)</u>
X	<u>Necessary KSA's are identified. (B.2)</u>
X	<u>Training needs are identified and training is provided. (B.3)</u>
X	<u>Appropriate staffing levels are maintained.(C.5)</u> Succession planning is underway in both PFB and TSPQ
X	<u>Appropriate authority/responsibility is assigned. (D.1-3)</u>

X	<u>Appropriate segregation of duties is established. (E.7)</u>
X	<u>Employee duties and control issue reporting responsibilities are communicated. (F.1)</u>

SETTLEMENT AGREEMENT

**Between the Confederated Tribes of the Colville Reservation
and
The United States of America**

The Confederated Tribes of the Colville Reservation, consisting of the Tribes of the Colville, Lake, Sanpoil, Nespelem, Okanogan, Methow, Columbia, Wenatchee, Chelan, Entiat, Palus, and Joseph's Band of the Nez Perce Indians, are the plaintiffs in Docket 181-D of the Indian Claims Commission, which has been transferred by various acts of Congress to the United States Court of Federal Claims. The United States has recognized the Confederated Tribes of the Colville Reservation as the governing body of the plaintiff tribes. The Confederated Tribes of the Colville Reservation are hereafter referred to as the Tribe.

The Defendant in this action is the United States.

The claim asserts the entitlement of the Tribe under the "Fair and Honorable Dealings" clause and other clauses of the Indian Claims Commission Act to payment for use of reservation lands for the production of power by the Grand Coulee Dam.

1. It is hereby agreed between the Tribe and the United States through the Department of Justice and the Bonneville Power Administration (BPA) and with the support of the Department of the Interior, to settle Docket 181-D upon the terms stated herein, contingent upon enactment of enabling legislation (The Settlement Act) approving and ratifying this Settlement Agreement. The parties agree to work together and to use their best efforts to see that each step is accomplished as quickly as possible so as to meet the time schedule set forth in this agreement.

-DEFINITIONS-

- a. The term "BPA power sales revenue" means all BPA revenue for the fiscal year from the sale of electric power and transmission of such power. BPA Power Sales Revenue does not include revenue from wheeling (i.e., the transmission of electric power not marketed by BPA) or from miscellaneous services not associated with the sale or delivery of power.

- b. The term "BPA power sales price" means the ratio of BPA power sales revenue for a fiscal year divided by BPA power sales for such fiscal year measured in megawatt-hours.
- c. The term "BPA price escalator" means the ratio of the BPA power sales price for a fiscal year divided by the BPA power sales price for FY95, taken to six decimal places.
- d. The term "CPI escalator" means the ratio of the Consumer Price Index (for all urban consumers as published by the Bureau of Labor Statistics) for the September ending the fiscal year to the Consumer Price Index for September 1995, taken to six decimal places.
- e. The term "combined escalator" means the average of the BPA price escalator for the fiscal year and CPI escalator for the fiscal year.
- f. The term "Grand Coulee generation" means Grand Coulee total generation less generation reserved for use at Grand Coulee Dam.

-PROSPECTIVE PAYMENTS-

2. The Bonneville Power Administration, or any successor thereto that markets Grand Coulee generation, shall be authorized and required by the Act of Congress (Settlement Act) to make annual payments to the Tribe as set forth below.

- a. The first annual payment, covering BPA fiscal year 1995, shall be in the amount of \$15.25 million paid by BPA to the Tribe no later than March 1, 1996.
- b. Not later than March 1 of each succeeding year, BPA shall pay to the Tribe for the preceding BPA fiscal year a sum computed as follows:

- (1) The FY95 annual payment of \$15.25 million and Grand Coulee Dam's 50 water-year computer simulated average annual generation of 20,410,800 MWh establishes a "base price" of 0.747153 mills/kWh calculated as \$15.25 million divided by 20,410,800. For each fiscal year subsequent to FY95, a "base annual charge" shall be calculated equal to the base price multiplied by the BPA price escalator for the fiscal year multiplied by Grand Coulee generation for the fiscal year.
 - (2) There are hereby established a "floor price" of 0.661414 mills/kWh and a "ceiling price" of 0.832892 mills/kWh. For each fiscal year subsequent to FY95, a "floor annual charge" shall be calculated as the floor price multiplied by the combined escalator for the fiscal year multiplied by Grand Coulee generation for the fiscal year. Also for each fiscal year subsequent to FY95, a "ceiling annual charge" shall be calculated as the ceiling price multiplied by the combined escalator for the fiscal year multiplied by Grand Coulee generation for the fiscal year.
 - (3) The annual payment for a fiscal year shall be the base annual charge, except that if the base annual charge is less than the floor annual charge then the annual payment will be the floor annual charge, and if the base annual charge is greater than the ceiling annual charge then the annual payment will be the ceiling annual charge.
- c. BPA shall make available to the Tribe at the time of payment its computation of the amount paid, and at the Tribe's request will make available to the Tribe such other information as may reasonably be requested by the Tribe to verify the computation.
 - d. In the event that the computed annual payment for any fiscal year is less than \$15.25 million, the Tribe shall have the option to take a payment of \$15.25 million in lieu of the computed amount. Should the Tribe exercise this option, the difference between \$15.25 million and the computed amount shall constitute a loan from BPA to the Tribe. The amount of the loan shall be debited to an account held by BPA and, for the time period during which the loan is outstanding, shall accrue interest at a rate equal to the average of each month's weighted average cost of debt for all of BPA's borrowing with a term of more than one

year or, if there are no such borrowings, then at the rate paid by the United States on 1-year notes for the period in question. Repayment of the loan with accrued interest may be made at any time at the Tribe's option. However, if in any subsequent fiscal year the computed annual payment exceeds \$15.25 million, the loan balance, including accrued interest, shall be deducted from the annual payment and credited against the account established herein. If, after this deduction, the recomputed annual payment is less than \$15.25 million, the Tribe shall have the option to take a payment of \$15.25 million. Should the Tribe exercise this option, the difference between the recomputed annual payment and \$15.25 million shall remain as a debit to the account established herein and shall continue to accrue interest at the rate stated herein. The Tribe shall have no obligation to repay any loan allowed under this section except from the proceeds of future annual payments that in any year exceed \$15.25 million.

-PAST PAYMENT-

3. Within 15 days after (and contingent upon) enactment of the Settlement Act, the Tribe and the United States will file with the United States Court of Federal Claims a copy of this Agreement, the Settlement Act, and such papers as are necessary for entry of a compromise judgment in the amount of \$53 million to settle the past payment element of this claim. Enactment of the Settlement Act and payment of that judgment will be a full and final resolution of all claims that were or could have been brought in Docket No. 181-D, excluding post judgment interest. The referenced judgment shall be paid from the funds appropriated pursuant to 31 U.S.C. 1304 and shall not be reimbursable by BPA.

4. The Tribe shall pay out of the funds described in paragraphs three and four above such attorneys fees and expenses as it has agreed to pay under contracts approved by the Secretary of the Interior or his duly authorized agent.

-AGREEMENT EFFECTIVE-

5. This Settlement Agreement shall become effective upon signature by the United States and Tribes as follows:

a. For the United States by a duly authorized representative of the

Department of Justice of the United States, by the Administrator of the Bonneville Power Administration, and with the concurrence of a duly authorized representative of the Department of the Interior.

- b. For the Tribe by the Chairman of the Confederated Tribes of the Colville Reservation, authorized by a resolution of the Colville Business Council and a majority vote of a General Meeting of the membership of the Confederated Tribes of the Colville Reservation held for that purpose or by referendum, as determined by the Tribes. The general meeting of the membership, or referendum, shall be held after receipt of a letter of commitment to the proposed terms of this agreement from the Department of Justice on behalf of the federal signatories shown below.

IN WITNESS WHEREOF, the undersigned have executed this Proposed Settlement Agreement on the dates and at the places shown below.

UNITED STATES BY:

April 21, 1994
Place

Washington, D.C.
Date

Wash., D.C.
Place

4/21/94
Date

DEPARTMENT OF JUSTICE

Lois J. Schiffer
Lois J. Schiffer
Acting Assistant Attorney General
Environment & Natural Resources Div.

BONNEVILLE POWER ADMINISTRATION

Randall W. Hardy
Randall W. Hardy
Administrator

Washington DC

Place

April 21, 1994

Date

DEPARTMENT OF THE INTERIOR

John D. Leshy

John D. Leshy
Solicitor

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION BY:

Naselle, Wn.

Place

4/16/94

Date

E. Palmanteer, Jr.

Eddie Palmanteer, Jr.
Chairman
Colville Business Council