

RECEIVED

MAY 15 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 125.00
Receipt No. C105135
Received By _____
Date Received 5-21-2018

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 96-09430 Telephone No. R. Lloyd Wallace 208-263-0895
2. Name of Permit Holder(s) R. Lloyd Wallace, & Alice M. Wallace 208-290-2716
3. Mailing Address 299 Delta View Road City Hope
State Id Zip 83836 Email wallace83836@gmail.com
4. Source of Water Kirby Creek If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
Well Driller _____ Drilling Permit Number _____

5. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other Power production & pressurized water hydrant for fire fighting.

6. Total rate of diversion or storage volume for which proof is submitted
- 1.8
- cfs OR _____ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
-
- Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☒	No ☐
	If yes, has the measuring device been installed?	Yes ☒	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☒
	If yes, has the lockable device been installed?	Yes ☐	No ☒
Fish Screen	Is a fish screen required?	Yes ☒	No ☐
	If yes, has the fish screen been installed?	Yes ☒	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Conditions of approval sheet & right holder answers in blue ink are attached. Completed? Yes ☒ No ☐

8. Fee Enclosed \$
- \$125.00
- or not applicable
- ☐
- . See fee schedule on page 2 of the instructions.
-
- Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name R. Lloyd Wallace Telephone Number 208-263-0895
Mailing Address 299 Delta View Road City Hope
State Id Zip 83836 Email wallace83836@gmail.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder _____ Date May 10, 2018
(Include your title, if on behalf of company or organization)

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 30, 2018

R LLOYD WALLACE
ALICE WALLACE
299 DELTA VIEW RD
HOPE ID 83836

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-9430

Dear Permit Holder(s):

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

R. Lloyd Wallace
Alice M. Wallace
299 Delta View Rd.
Hope Id 83836

Re: Permit No. 96-09430

May 10, 2018

RECEIVED

MAY 15 2018

DEPARTMENT OF
WATER RESOURCES

To: Idaho Department of Water Resources,

This communication is the required STATEMENT OF COMPLETION response to maintain the active status of the referenced water right permit.

Top page is this cover letter.

Pg. 2 is the IDWR Statement of Completion (form 217) filled out.

Pg. 3, is IDWR's permit (Pg.2), list of the 13 required "Conditions of Approval".

Pages 4, 5, & 6 are the permit holder's proof of meeting required conditions.

Pg. 7 is Permit pg. 1, (copy) dated 5-7-2009 to July 1, 2013 showing water quant.

Pg. 8 is copy of the REQUEST FOR EXTENSION OF TIME, date received by IDWR 6-4-2013, receipt No. CO97268 granted, and signed by Jeff Peppersack, Chief Water Allocation Bureau.

Sirs,

This system has been in testing operation and put to partial beneficial use since Nov. 15, 2017. It is ready to be inspected and Water Right amount finalized.

It is hoped that this inspection can be done while the creek is still up enough to support the permitted amount of 1.8 Cubic Feet per Second. See pg. 7.

This system has turned out very successful, it has heated our home this winter on only partial production level of 6 Kw. At .7 CFS water use.

Thank you,
R. Lloyd & Alice M. Wallace

R Lloyd Wallace
Alice M Wallace

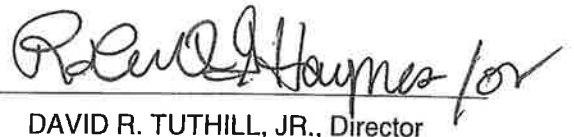
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09430

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2013**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. The right holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
6. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
7. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
8. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
10. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
11. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
12. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 19th day of June, 2009.


DAVID R. TUTHILL, JR., Director

State of Idaho

Department of Water Resources

Permit to Appropriate Water

No. 96-09430

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before July 01, 2013.

Original permit #96-09430, by David R. Tuthill Jr. – 19 June, 2009, copy attached. Applicant applied for time extension on 4 June 2013, Receipt C097268. Extension approval was signed by Jeff Peppersack, Chief Water Allocation Bureau, dated August 20, 2013, lasting to July 01, 2018. Copy attached.

2. Subject to all prior water rights.

Right holders accept that all prior water rights have priority.

3. This right does not grant any right-of-way or easement across the land of another.

Right holders performed all installation operations on own property.

4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

Right holders will use fire hydrant for fighting fire & offering Idaho State & local fire fighting vehicles water to fill their fire truck tanks, UNLESS otherwise required.

5. The right holder shall either install a measuring device of a flow measurement port or provide certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

Right holders have installed the requested 1½" pipe fitting port on 4" pipe, one port on each of 2 nozzles. This was the same measurement port requirement as before.

6. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

After specific notification by the department, the right holders will report the amount of water diverted annually, as requested, by the department.

7. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

All penstock pipe is NSF stamped, valves are NSF rated. Head-works, tail-works, turbine runner, & turbine box are all steel, turbine runner shaft is stainless steel.

8. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

Right holders request a copy of this set of laws, so that they can stay in compliance.

9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

Project did commence within one year from the original date of permit issuance and well within one year of the approved extension listed in condition 1 above.

10. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

During the Small Energy Grants Demonstration Program of 1980, Applicant was declared "FERC exempt", as long as no dam used is higher than 10 ft. on the "toe" side. There was & is no dam or dammed water storage. Copy of Grant available.

11. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to use of water, other than hydropower, within the state of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

Right holders understand that this water use right is junior to all rights to use of water, other than hydropower, within the state of Idaho that are initiated later in time.

12. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B (7), Idaho Code. Right holders understand this water right must be renewed periodically. Right holders would appreciate a copy of this law as well.

13. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish & Game.

Right holders originally obtained the determination of Idaho Department of Fish and Game that this was a fishless stream but IDFG requested a ¼" mesh fish screen to prevent stream life entry. This IDFG fishless determination was verified in 2017 when Chris Remsen of Idaho Department of Lands & his fish shocker shocked this stream and found no fish. Applicant was doing some timber management logging and worked with Chris Remsen of IDL (Sandpoint) in that stream protection process.

Right holders installed 2 ft. high by 10 ft. long by ¼" mesh screen to limit any sizable stream life from entering the system. Full set of pictures of all parts of system were submitted with original application in 2009. I still have my picture book copy of all required documents for permit application.

RIGHT HOLDER APPLICANTS CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE, ALL INFORMATION IS TRUTHFUL & COMPLETE.

Date 5-10-2018

RIGHT HOLDER 1 SIGNATURE: Print Ralph Lloyd Wallace
Husband

RIGHT HOLDER 1 SIGNATURE: Written R. Lloyd Wallace
Husband

Date 5/10/18

RIGHT HOLDER 2 SIGNATURE: Print Alice M Wallace
Spouse

RIGHT HOLDER 2 SIGNATURE: Written Alice M. Wallace
Spouse

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09430

Priority: May 07, 2009

Maximum Diversion Rate: 1.80 CFS

This is to certify, that R LLOYD WALLACE And/Or
ALICE WALLACE
299 DELTA VIEW RD
HOPE ID 83836
(208)263-0895

has applied for a permit to appropriate water from:

Source: KIRBY CREEK

Tributary: PACK RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	11/01 to 06/30	1.50 CFS
POWER	07/01 to 10/31	0.75 CFS
FIRE PROTECTION	01/01 to 12/31	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:KIRBY CREEK, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, Twp 57N, Rge 01E, B.M., BONNER CountyPLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 01E 8					X												

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 01E 8					X												

RECEIVED

Form No. 204 Rev. 12/12

JUN 04 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by JPRecpt No. 1097268Date 6-4-13

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 96-9430 Date proof is due July 01, 2013Name(s) of permit holder(s) R. Lloyd Wallace and/or Alice M. WallaceMailing address 299 Delta View RD City Hope State Id Zip 83836Telephone no. Lloyd 208-263-0895 Alice 208-290-2716 Email wallace@sandpoint.net

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

Tail Works are finished. Power house is finished, including concrete, insulation, sheet rock, & wiring, turbine is built, set, sealed, & plumbed, new generator is set & wired to panel. Penstock road is built, "french" drained 3 springs, culverted 2 creeks, built coffer dam, head works are built & installed, buried 200' pipe & gravel. Built garage for monitoring, governor, distribution panels, & grid tie equip., now wiring at garage & house. Project in final stages. Giving tours, IASCD & others.

Costing \$ 10,400

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

- 1.MONEY- original permit was given while I was in business, w/ little free time, I had hoped to hire it done. Health & plans changed, sold business, retired, developed home site, w/ manuf. house, & moved to site. Then had time but not \$\$ 4 help.
- 2.EROSION limited work to DRY summers for penstock road, 3 french drains, 2 culverts, coffer dam, head-works, & pipe.
- 3.HEALTH, have had 4 years increasing heart valve leakage, = low energy. May need oper., 1 yr. in request for this poss.

Permit holder(s) request an extension for 5 year(s).Signature R. Lloyd Wallace
(If other than permit holder, Power of Attorney must be supplied)Date 8-13-2013

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to JULY 01, 2018.

Signed this 20th day of August, 2013

Jeff Peppersack, Chief
Water Allocation Bureau