

## Case, Morgan

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**From:** Siitari,Kiira <kiira.sitari@idfg.idaho.gov>  
**Sent:** Thursday, October 27, 2016 4:28 PM  
**To:** Case, Morgan; 'Michael Branstetter'  
**Cc:** 'Vonde, Ann'  
**Subject:** 94-7389 Gold Creek Mines  
**Attachments:** 94-7389 Gold Creek Proposed Conditions.doc

Dear Mike and Morgan,

Attached you will find IDFG's proposed conditions for water right application 94-7389. Our protest dated February 26, 2002 requested that any water right permit include conditions to ensure that an adequate amount of bypass flow is maintained in Gold Creek to support fish and other aquatic and riparian resources.

In July 2016, contracted biologists for Gold Creek Mines conducted a fish presence survey of Gold Creek. The crew found a total of eight brook trout in the lower 260 ft of the stream. No other fish were detected upstream and multiple natural and man-made barriers were encountered along the channel. Given this information, we calculated a minimum bypass flow aimed at supporting current biological functions based on the Tennant method (1975) for setting instream flow regimes and flow estimates provided in the 2001 Feasibility Study by Hydro Technology Systems (IDWR Document "Exhibit 1 for Applicant"). The objective was to retain good habitat for amphibians, aquatic invertebrates, and riparian vegetation during hydropower operations.

Please feel free to contact me to discuss. Ann Vonde (cc'd) is our new representative from the Idaho Attorney General's office, she has taken over for Mark Cecchini-Beaver.

Thank you,  
Kiira Siitari

**References:**

Tennant, D.L. 1975. Instream flow regimens for fish, wildlife, recreation, and related environmental resources. Completion Report. Billings, MT: U.S. Fish and Wildlife Service.

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OCT 26 2016

ATTACHMENT

IDWR/NORTHERN

Proposed Conditions Water Right Application 94-7389

1. Proof of application of water to beneficial use shall be submitted on or before [DATE].
2. Subject to all prior water rights
3. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
4. When diverting and using water in connection with this right, the right holder will allow at least 2 cfs to bypass the point of diversion and continue to flow down Gold Creek.
5. As a means of monitoring the 2 cfs bypass flow described in this right, a measuring device approved by the Department shall be installed by the right holder and maintained at T47N, R5E, S4.
6. Prior to diversion and use of water under this permit, the right holder shall install a functioning fish screen approved by the Idaho Department of Fish and Game on the point of diversion.
7. The use of water under this right shall be non-consumptive.
8. The term of this permit shall extend to [DATE]. Prior to expiration of the term, the Director may issue and order cancelling
9. If it has not been previously provided, the permit holder shall submit a copy of the FERC exemption order and a copy of the effective energy sales/purchase agreement for this project in conjunction with the Proof of Beneficial Use statement.
10. 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.
11. The rights for the use of water for power purposes acquired under this right shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
12. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.