

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09438

Priority: June 05, 2009

Maximum Diversion Volume: 8.6 AF

This is to certify, that JAMES W AKERS
5046 EUREKA RD
SAGLE ID 83860-8839
(208) 304-1087

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** LAKE PEND OREILLE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
POWER STORAGE	01/01 to 12/31	8.6 AF
POWER FROM STORAGE	01/01 to 12/31	5.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, NE1/4NE1/4, Sec. 34, Twp 57N, Rge 01W, B.M., BONNER County

PLACE OF USE: POWER STORAGE

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 01W 34	X																

PLACE OF USE: POWER FROM STORAGE

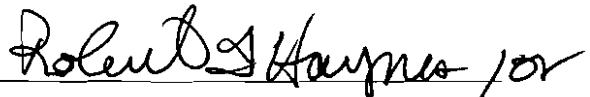
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 01W 34	X																

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2010**.
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. Use of water under this right shall be non-consumptive.
5. 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.
6. 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.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. The pond or reservoir established by the storage of water under this right shall not exceed a total capacity of 1 acre-foot.
9. 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.

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 23rd day of November, 2009.


GARY SPACKMAN, Interim Director