

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 77-14283

Priority: May 30, 2006

Maximum Diversion Rate: 2.00 CFS

This is to certify, that CARL SMID
HC 69 BOX 950
RIGGINS ID 83549

has applied for a permit to appropriate water from:

Source: FRENCH CREEK

Tributary: SALMON RIVER

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

BENEFICIAL USE

POWER

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

FRENCH CREEK

SW1/4SW1/4NE1/4

Sec. 24, Twp 24N, Rge 03E, B.M., IDAHO County

PLACE 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	
24N	03E	24		X	X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2012**.
2. Subject to all prior water rights.
3. The amount of water diverted under this water right may not exceed 25% of the stream flow of French Creek at the point of diversion described below at any given time. Right holder shall keep records based on visual estimates at least once per month of the percentage of total creek flow being diverted under this right. Right holder shall provide the records to the Director when notified.
4. Failure of the right holder to comply with the conditions of this approval is cause for the Director to cancel the permit.
5. 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.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.

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8. The rights for the use of water 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.
9. Use of water under this right shall be non-consumptive.
10. Best management practices must be used to minimize the disturbance of the streambed and to avoid stream bank erosion.
11. Prior to construction of the outflow structure, an approved stream channel alteration must be attained from the Idaho Department of Water Resources and the US Army Corp of Engineers.
12. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the power system.
13. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
14. 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.
15. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of February, 2009.


JOHN WESTRA, Western Regional Manager