



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

February 28, 2002

GOLD CREEK MINES INC  
C/O PO BOX 709  
WALLACE ID 83873

Application to Permit No. 94-7389

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.  
Regional Manager

CC: Fish and Game



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DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

IDAHO DEPT OF FISH & GAME  
2750 KATHLEEN AVE  
COEUR D ALENE, ID 83815

Application to Permit No. 94-7389 - Gold Creek Mines, Inc

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "Robert G. Haynes".

Robert G. Haynes, P.E.  
Regional Manager

CC: Gold Creek Mines, Inc.

Enc Rec # N014872



**IDAHO FISH & GAME**

PANHANDLE REGION  
2750 Kathleen Avenue  
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor  
Steven Huffaker/Director

r  
r

February 26, 2002

Mr. Robert Haynes  
Idaho Department of Water Resources  
Northern Region  
1910 Northwest Blvd, S 210  
Coeur d'Alene, ID 83814

**RECEIVED**  
**FEB 28 2002**  
**IDWR/North**

Dear Mr. Haynes:

REFERENCE: #94-7389 – GOLD CREEK MINES, INC.

IDFG protests the above-named application by Gold Creek Mines to withdraw 15 cfs from Gold Creek (Shoshone County) for power generation.

Our protest is based on the potential, but unknown, impacts of the proposed hydropower project on fish and wildlife resources. The application is insufficient to for us to adequately evaluate the environmental impacts of the proposed project.

IDFG has does not currently have information regarding fisheries in the proposed bypass reach. However, because of the size, elevation and location of the creek, we believe that Gold Creek may support westslope cutthroat trout or other native fish. IDFG would like any water right permit to include conditions to ensure an adequate amount of bypass flow is maintained in Gold Creek to support fish and other aquatic and riparian resources.

In addition to our desire to ensure that adequate flows are maintained to support fish and other environmental values, we do not know, but suspect that the amount of water requested is not available in Gold Creek year round.

The applicant should be required to provide sufficient hydrologic and aquatic resource data to demonstrate that sufficient flows are available to satisfy both the requested appropriation and to maintain bypass flows needed to support and protect existing fisheries and other environmental functions before a permit is issued.

Sincerely

Greg Tourtlotte  
Regional Supervisor

GIT:RH:kh

C: NRPB Boise; Greg Tourtlotte, IDFG Cd'A  
Mr. Mike Branstetter, Gold Creek Mines  
Mr. David Barber, Office of the Attorney General, State of Idaho

File: IDWR # 94-7389 gold creek mines hydro

**Keeping Idaho's Wildlife Heritage**