



State of Idaho

DEPARTMENT OF WATER RESOURCES

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WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 2, 2007

GREGG N TEASDALE
PO BOX 446
GENESEE ID 83832

***RE: HYDROPOWER APPLICATION FOR PERMIT FROM FRENCH
CREEK FOR CARL SMID***

Dear Mr. Teasdale:

Our office received an application for permit from Carl Smid for hydropower use from French Creek on 5/30/2006. I have reviewed this application and need some clarification of a couple of issues and some additional information.

I have returned the original application for permit with two aerial photos. From the maps you supplied it is difficult to determine the actual point of diversion and place of use for this application. The point of diversion on your maps is very close to the borderline between the SWNE and NWSE of S24. You only listed the SWNE on the application. The aerial photo with the yellow circle shows the general area of the point of diversion. Judging from the bend in the creek, I would think it was actually in the NWSE. If you aren't sure of the actual point of diversion, I would suggest that you include both legal descriptions in Part 3 of the application, with a note that "there is only one point of diversion, very close to the division line of the two quarters.

The second aerial photo I included shows the approximate place of use. It appears as though the location of the power generation station and the ranch house facilities described in your maps are clearly in the NWNE. Please double check these locations and make any changes to the application necessary.

Please make sure that all changes or corrections are initialed and dated by the applicant. I would also appreciate it if you could clearly mark the locations of the point of diversion and place of use on the aerial photos I sent, and return them with the original application. This application is the original application, so please make sure it is returned. I won't be able to accept a copy of this application without an original signature.

Page 2
3/2/2007

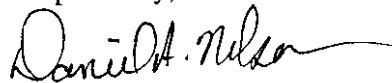
I have also sent a standard letter that is required for all non-domestic water rights in the Salmon River and Little Salmon River watershed. This letter requests comments from other agencies and a requirement that your client has the means to successfully complete the project in the allotted time. You have already contacted the Idaho Fish and Game concerning this project. This contact fulfills the requirements of the letter, but in speaking with you the other day, I am not sure all the issues have been finalized. You may want to re-contact them to get written confirmation that the proposed project is acceptable.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. **Your written response including the requested information, or a request for more time to seek the information must be received by May 2, 2007.** The application will be voided without a timely reply.

You will also find in this packet a joint stream channel alteration permit form in case the outflow from the power generation plant goes back into the creek. We will be able to process and approve this application for permit without the stream channel alteration permit being completed, but the water right permit does not cover the outflow back into the creek. Both the Army Corp of Engineers and the State of Idaho Stream Channel section will regulate the construction of that outflow. You will need to work with them and complete this form before you could divert the water back into the stream. Please contact Erv Ballou at 287-4800 if you have any questions about this issue.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long, sweeping horizontal line extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

Enclosures