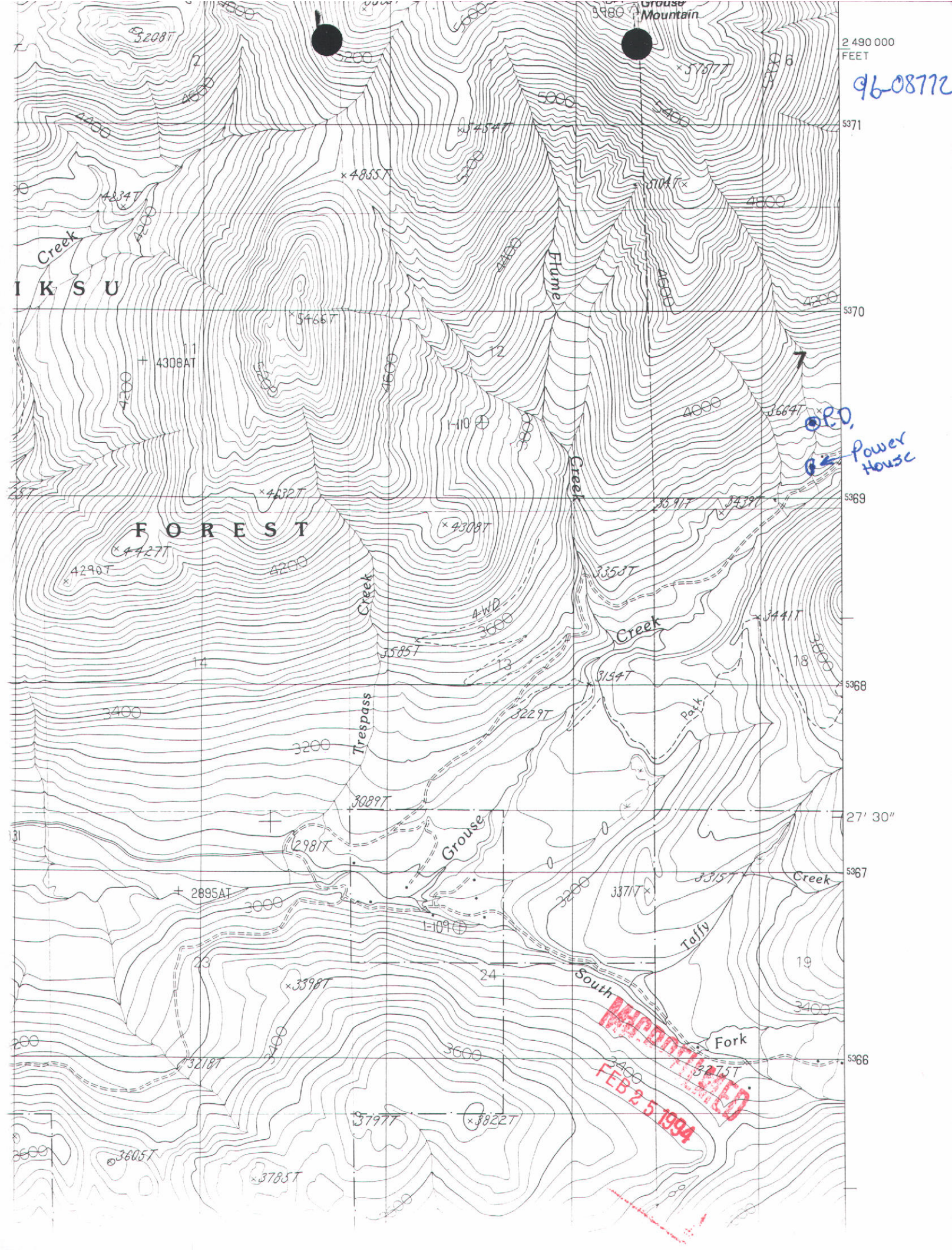
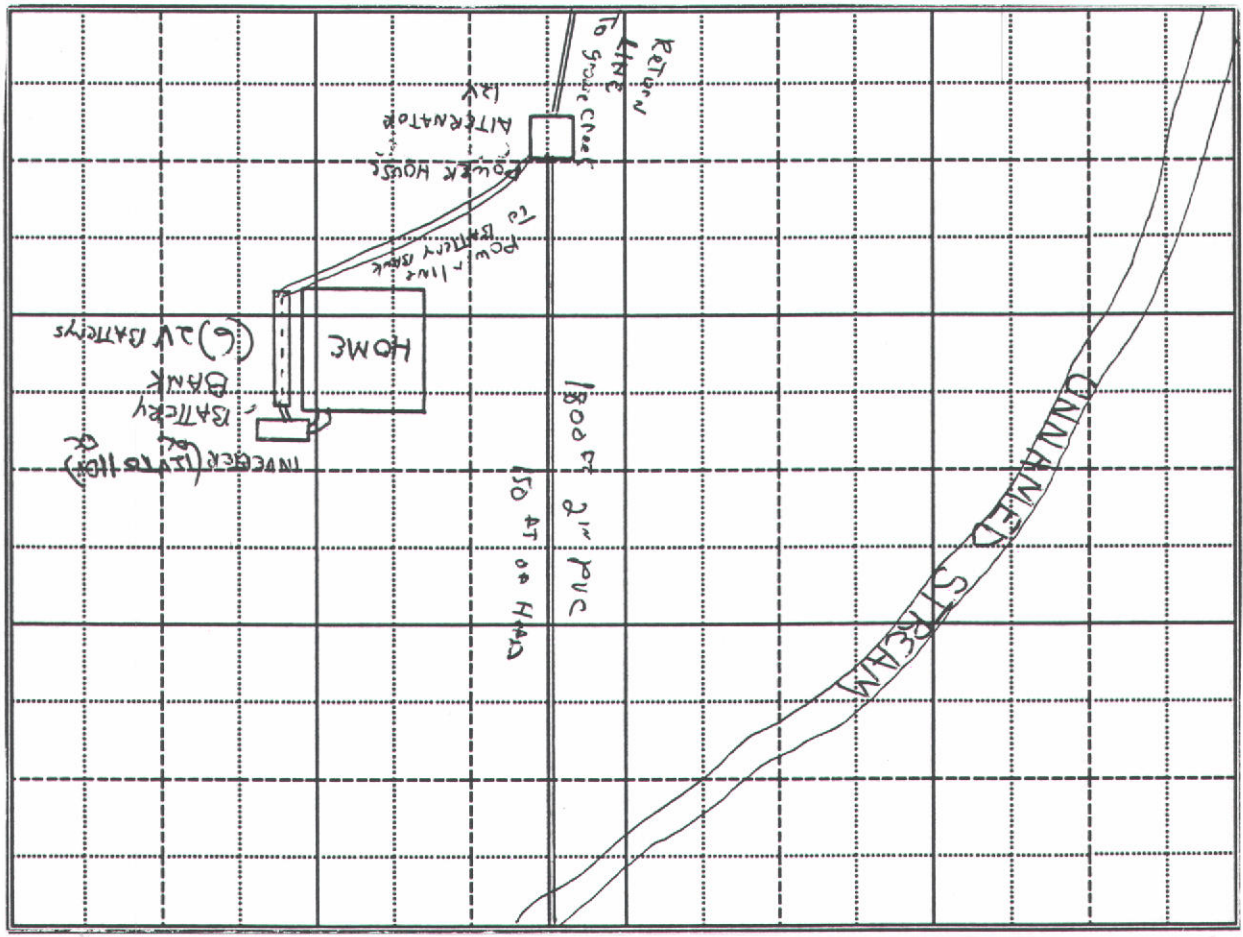




3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = 100'

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A	N/A		Gravity	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

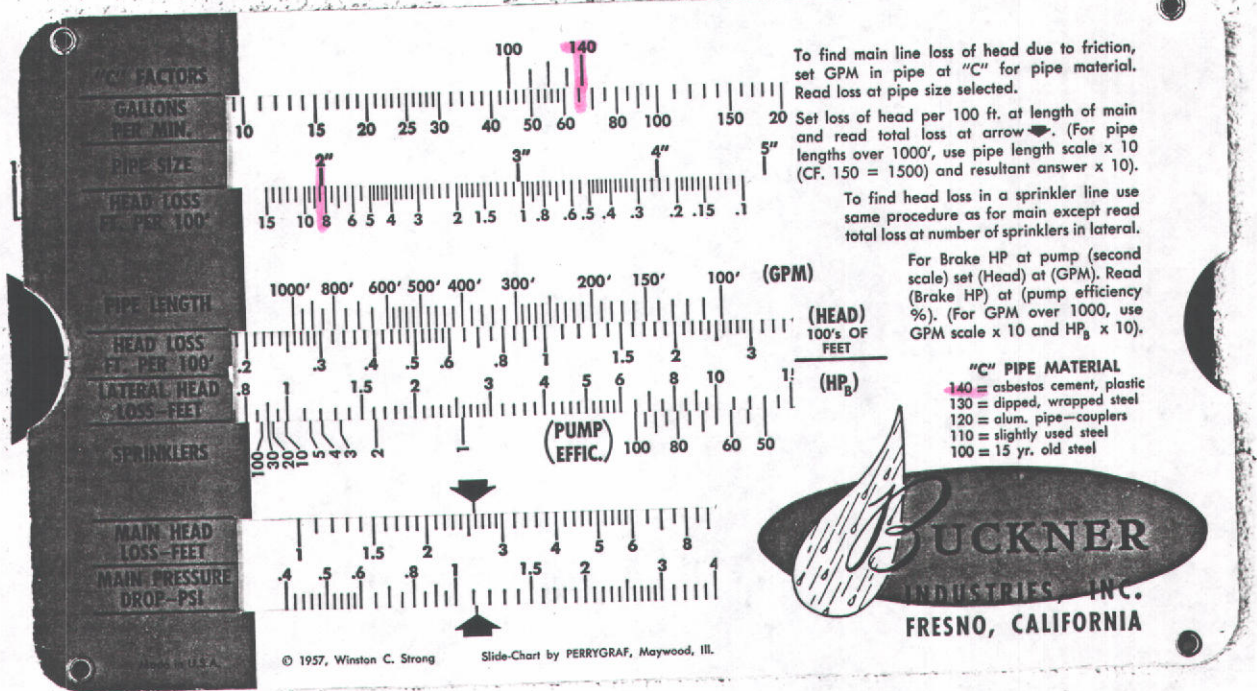
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

MICROFILMED

JUN 12 1998



THEORETICAL MEASUREMENT

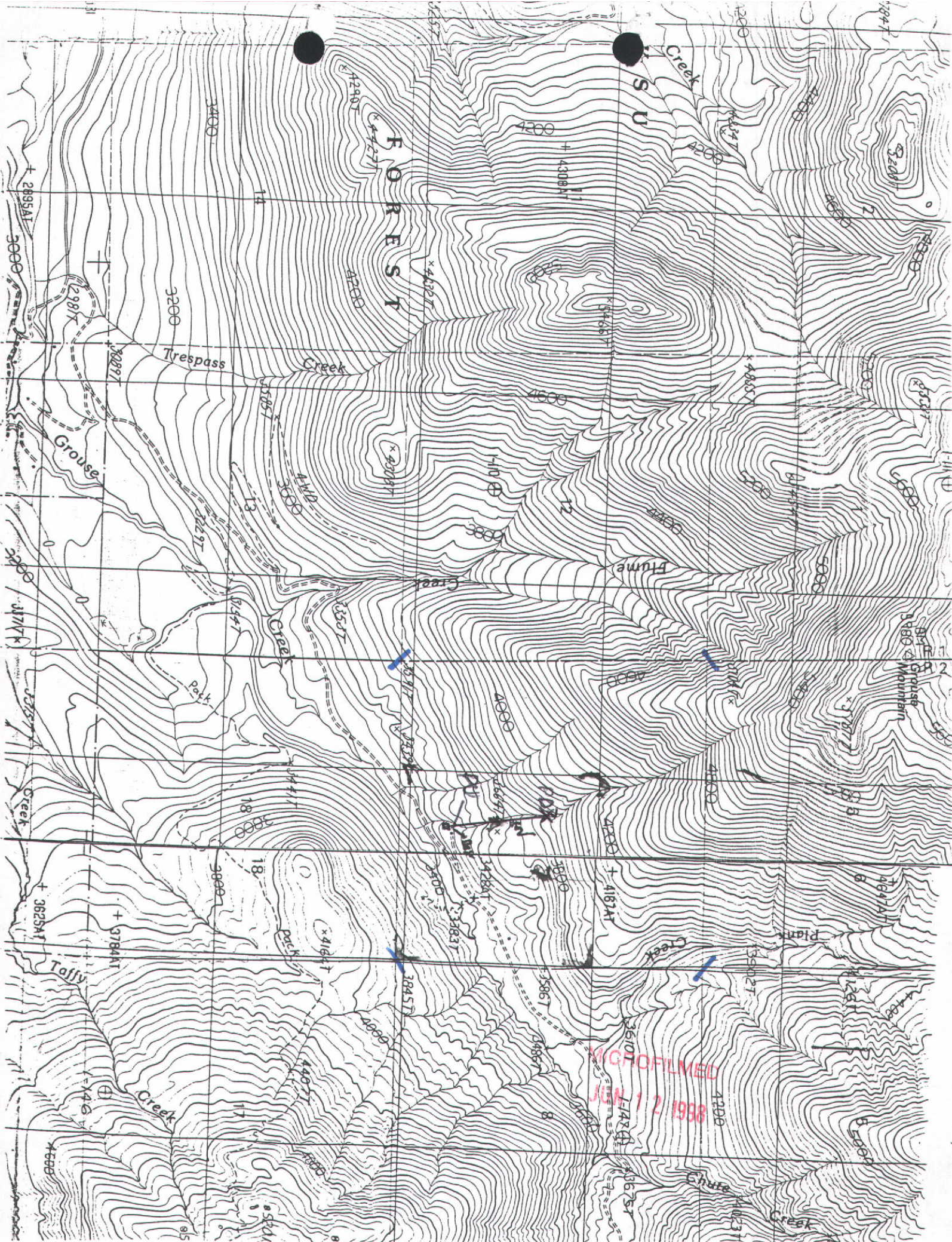
1800' PIPE

150' HEAD

$$\frac{150}{180} = 8.3 \text{ HEAD LOSS / 100' PIPE}$$

$$\frac{68 \text{ GPM}}{448.8} = 0.15 \text{ FS}$$

MICROFILMED
 JUN 12 1998



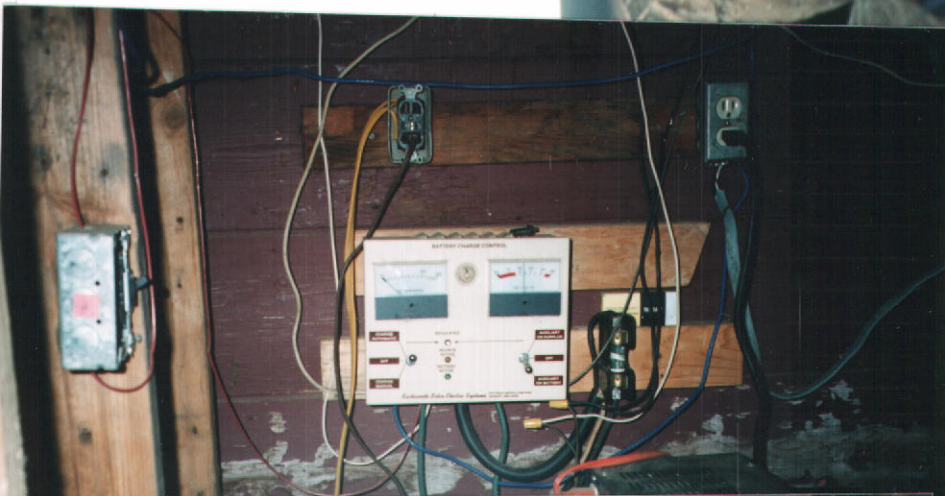
PERMIT # 96-08772

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



P.D.



INVERTER
(12V DC To 110 AC)



BATTERY BANK

MICROFILMED
JUN 12 1998

6 20 '95

PERMIT # 96-08772

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



TURBINE



P.D. DAM.

MICROFILMED
JUN 12 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08772

Priority: September 14, 1993

Maximum Diversion Rate:

0.15 CFS

Maximum Diversion Volume:

108.4 AF

This is to certify, that WILLIAM FINDLEY
RUTH FINDLEY

PO BOX 51

PONDERAY ID 83852-051

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 14, 1993; and has submitted Proof of Beneficial Use on October 21, 1994. An examination indicates that the works have a diversion capacity of 0.150 cfs of water from:

UNNAMED STREAM

tributary to GROUSE CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	0.15 CFS	108.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 7, Township 59N, Range 02E
BONNER County

PLACE OF USE: POWER

TWN RGE SEC

59N 02E 7

SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive.
7. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

MICROFILMED
JUN 12 1998

State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 96-08772

CONDITIONS OF APPROVAL AND REMARKS

8. The rights for the use of water confirmed in this license shall be junior and subordinate to all 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 right or 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 right.
9. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after October 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 4th
day of MAY, 1996.

Acting for

KARL J. DREHER, Director

MICROFILMED
JUN 12 1998

STATE OF IDAHO

RECEIVED

OCT 21 1994

NORTHWEST REGION
IDWR

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 24 1994

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 96-8772 Telephone No. None

2. Name(s) of Permit Holder(s): Ruth or William Findley

3. Post Office Address: PO Box 51 Ponderay, Id. 83852

4. Source of Water: Unnamed stream tributary of Grouse Creek

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other Power

6. Total rate and/or volume for which proof is submitted 0.20 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

OR
Flow Measurement Port: Required? Yes No Installed? Yes No WILL BE INSTALLED

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Same as above.

Name

Telephone No.

Please contact Permit holder prior to exam

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

Signature (and title if on behalf of a company or organization)

DEC 22 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08772

Proposed Priority: September 14, 1993 Maximum Diversion Rate: 0.20 CFS

This is to certify, that WILLIAM FINDLEY
RUTH FINDLEY
PO BOX 51
PONDERAY ID 83852-051
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of GROUSE CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 7, Township 59N, Range 02E
BONNER County

PLACE OF USE: POWER
TWN RGE SEC
59N 02E 7 SWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1994.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive.
7. The right holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
8. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

RECORDED
FEB 25 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

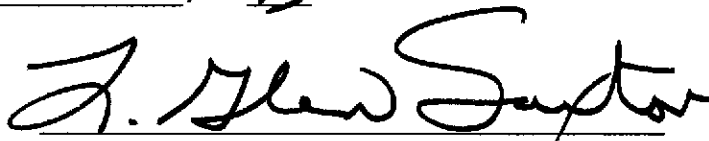
NO. 96-08772

CONDITIONS/REMARKS:

9. 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.
10. The issuance of this right in no way grants any right-of-way or easement across the land of another.

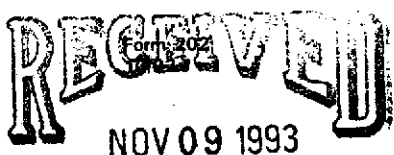
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

17th day of November, 1993.



for
R. Keith Higginson, Director

RECEIVED
FEB 25 1994



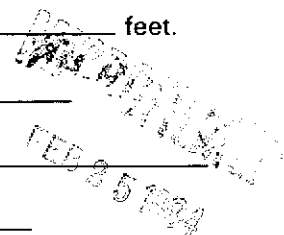
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 96-08772

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant William & Ruth Findley Phone Work 263-8336
Post office address Box 51 Pendo Reile ID 83852
2. Source of water supply Grouse Creek which is a tributary of Unnamed stream trib Grouse Cr.
3. Location of point of diversion is 1/4 of NW 1/4 of SE Govt. Lot _____
Sec. 7 Township 59N Range 2E B.M. Bonner County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .2 cfs for Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.2 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pipe and generator

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).



96-08772

5370

5369

536B

27' 30"

5367

5366

Power
House

2400
FEB 25 1994

RECEIVED
FEB 25 1968

William P. Smith
(Applicant)

FEB 25 1994

11

e. Other:

d. The water right acquired under this permit if 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 any 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.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by	Date	Time	Preliminary check by
<i>DMH</i>	9/14/93	9:50am	
Fee \$	80.00	Received by	#
			N6 971
Publication prepared by	Date	Published in	Date
<i>DMH</i>	9/29/93	10/14/93	9/14/93
Publication approved	Date		
<i>DMH</i>	10/5/93		



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM FINDLEY
RUTH FINDLEY
PO BOX 51
PONDERAY ID 83852-051

RE: WATER RIGHT NO. 96-08772

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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JUN 12 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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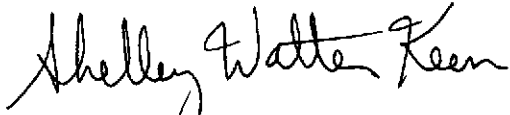
JUN 12 1998

MICROFILMED

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

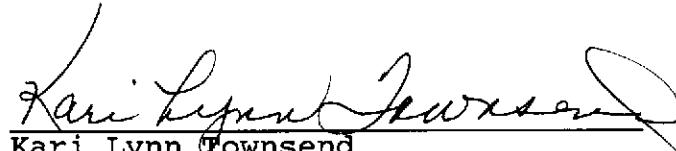
JUN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-08772

WILLIAM FINDLEY
RUTH FINDLEY
PO BOX 51
PONDERAY ID 83852-051


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 12 1998

MEMORANDUM

TO: File 96-08772

FROM: Sharla

DATE: April 30, 1998

E: Power Use/Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 96-08772 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:
T59N, R2E, S7 - NWSE
2. Place(s) of Use:
T59N, R2E, S7 - SWSE

H. RECOMMENDATIONS

Power	1/1 - 12/31	0.15 cfs	108.4 afa
-------	-------------	----------	-----------

The original field report was returned to the region for clarification of several items. Changes were made in point(s) of diversion and place(s) of use on the map attached to the report, but weren't updated on the written portion of the report. A theoretical calculation sheet was attached but not updated to the back page of the report.

Power use is for an individual power facility to run the pivot wheels in an irrigation system. Individual power facilities do not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. Term expiration will be listed as October 1, 2004.

The volume has been calculated based on continuous diversion.

Examiner: Ted McCracken
Exam Date: June 20, 1995

MICROFILMED

JUN 12 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08772 DATE 4/30/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (Para P39 - gov P40/P47) Add (P45/P42)

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

NWSE as in map

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41 - gov P43/P47) Add (P41/P42)

W60 (subd. desc)
 W27 (ppu acre limit)

SWSE as in map

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

exam returned to S.O. w/ corrected map but not changed on front of field report*

RATE OF DIV
 Permitted Rate .20 cfs
 Fee limit .20 cfs \$50.00
 Measured _____ cfs
 Theoretical .15 cfs
 Recommended Total Div Rate .15 cfs

theo. calc returned to S.O. but "Recommendations" not changed

WATER USES	<u>OK</u>	<u>108.4</u> cont. use	
<u>Power</u>	<u>.15</u> cfs	<u>54.2</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af	supp. gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec. combined rts (W35)
_____	_____ cfs	_____ af	<1 acre (W31)
_____	_____ cfs	_____ af	Domestic (W04/WB5/070/071/075)
TOTALS	<u>.15</u> cfs	<u>54.2</u> af	Power (W42 or W43/025/027/R22 or R23)
		<u>108.4</u>	Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .15 cfs X 365 days X 1.98 = 54.2 af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ☒ no SRBA Claim NA Adjust Memo *add & plu, vol.
 Amend letters _____

JUN 12 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 03 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08772

1. Owner: William Findley Phone No. _____

Current Address: P.O. Box 51 Ponderay Id 838

2. Accompanied by: Mike Ryan EXAM DATE: 6-20-95

Address: _____ Phone No. _____

Relationship to Permit Holder: New Owner

3. Source: Unnamed stream tributary to Grouse Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination USP 7.5 method

[illegible]

* See adjustment memo, B

JUN 12 1998

JUN 12 1988

MICROFILMED

2. Measurements:

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

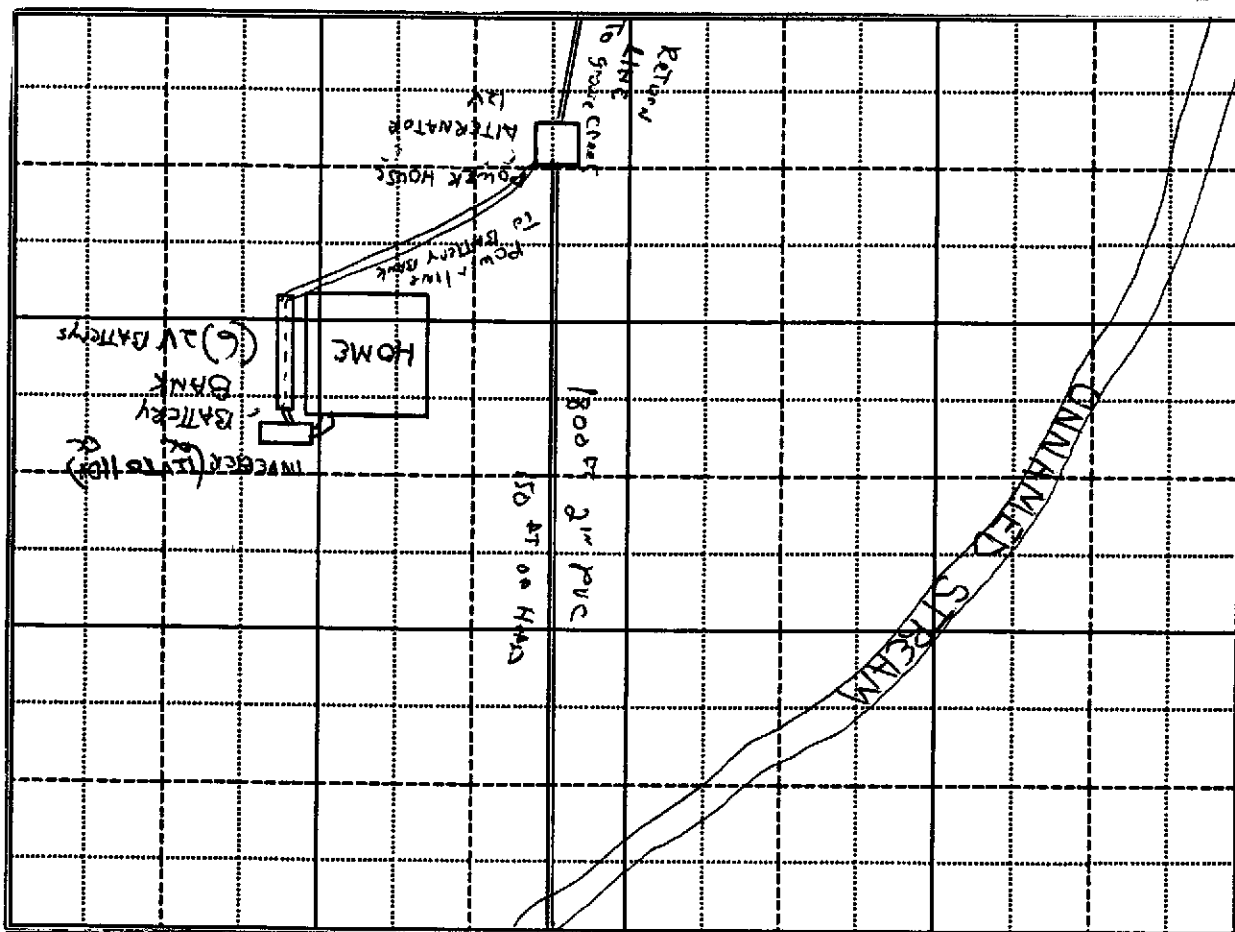
D. FLOW MEASUREMENTS

*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A	N/A		Gravity	

4.

Scale: 1" = 1/4 MI.
Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached (required for irrigation of 10+ acres)
Photo of Diversion and System Attached



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

Water from stream is used to turn
alternator to charge battery bank for
home power usage.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 12 1998

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ =

2. Volume Calculations for Other Uses:
 $20 \times 181 \times 1.9835 = 72.2$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Power

From

10-10

Period of Use
To

15-25

Rate of Diversion

(c) ②

०५.

Annual Volume

(b)(7) A

727

2. Recommended Amendments

Change P.D. as reflected above

Change P.U. as reflected above

Add P.D. as reflected above

Add P.U. as reflected above

None

Other

Totals:

07.

777

I. AUTHENTICATION

Reviewer

Date _____

Field Examiner's Name

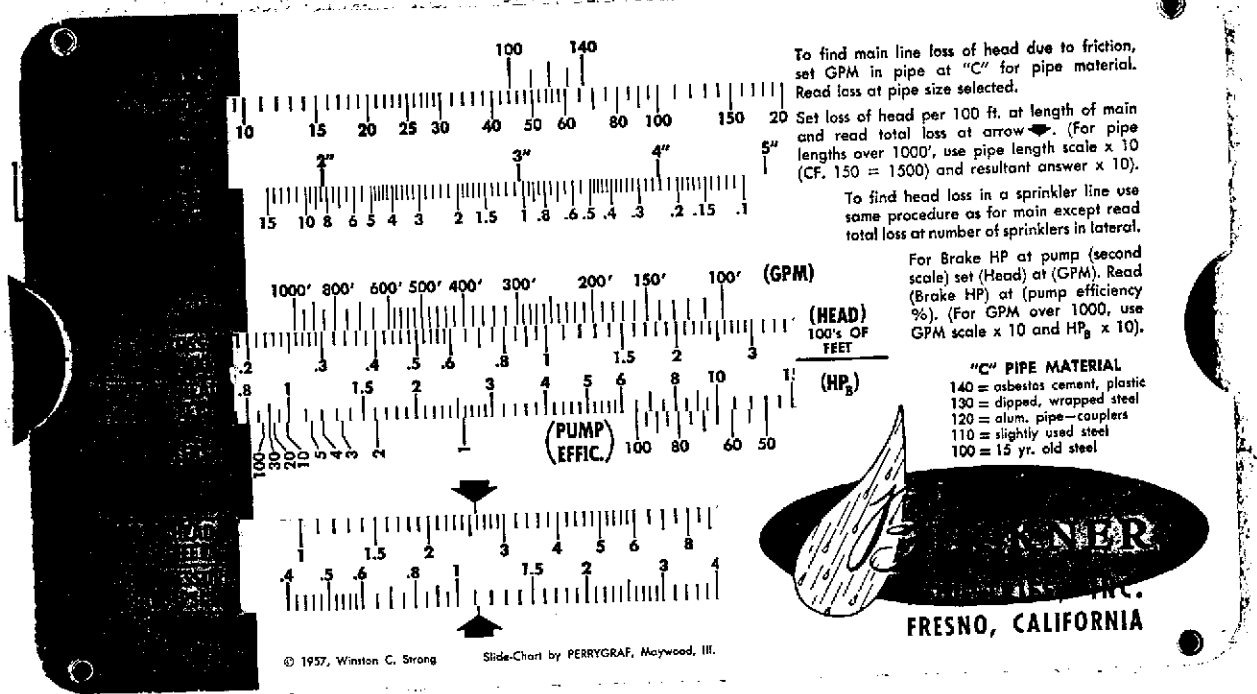
Date _____

Date 9/25/95 Wendy McEl

03/11/2005

[illegible]

SEAL



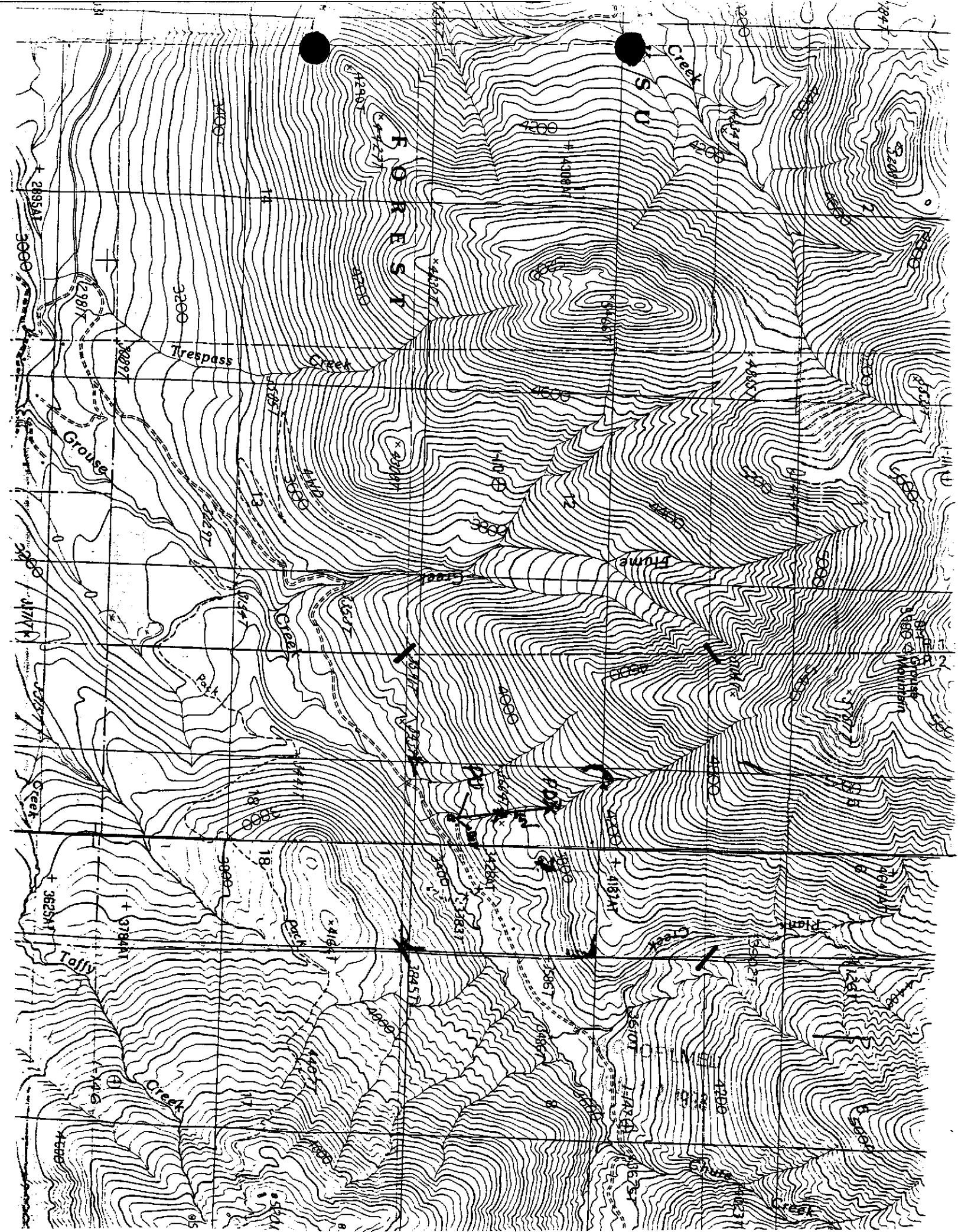
THEORETICAL MEASUREMENT

1800' PIPE

150' HEAD

$$\frac{150}{180} = 8.3 \text{ HEAD LOSS / 100' PIPE}$$

$$\frac{68 \text{ GPM}}{448.8} = 0.15 \text{ FS}$$



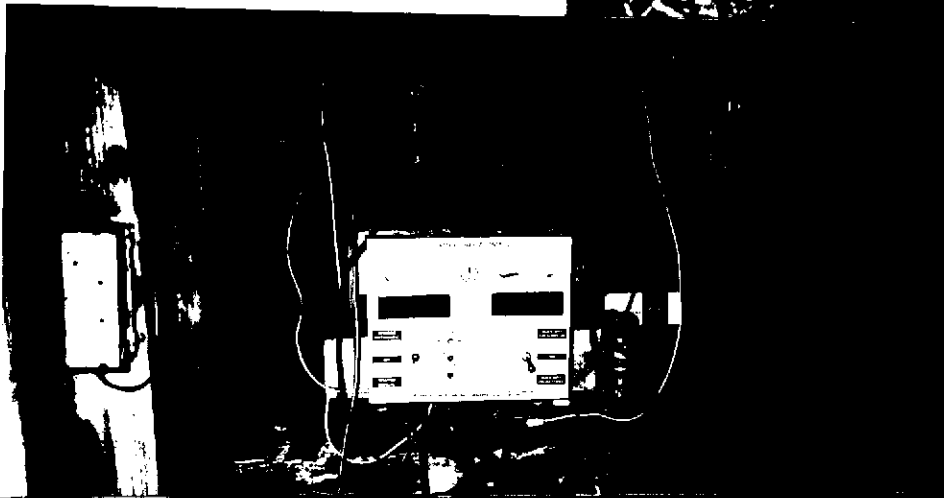
PERMIT # 96-08772

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R A P H S



P.D.



INVERTER
(12V DC To 110 AC)

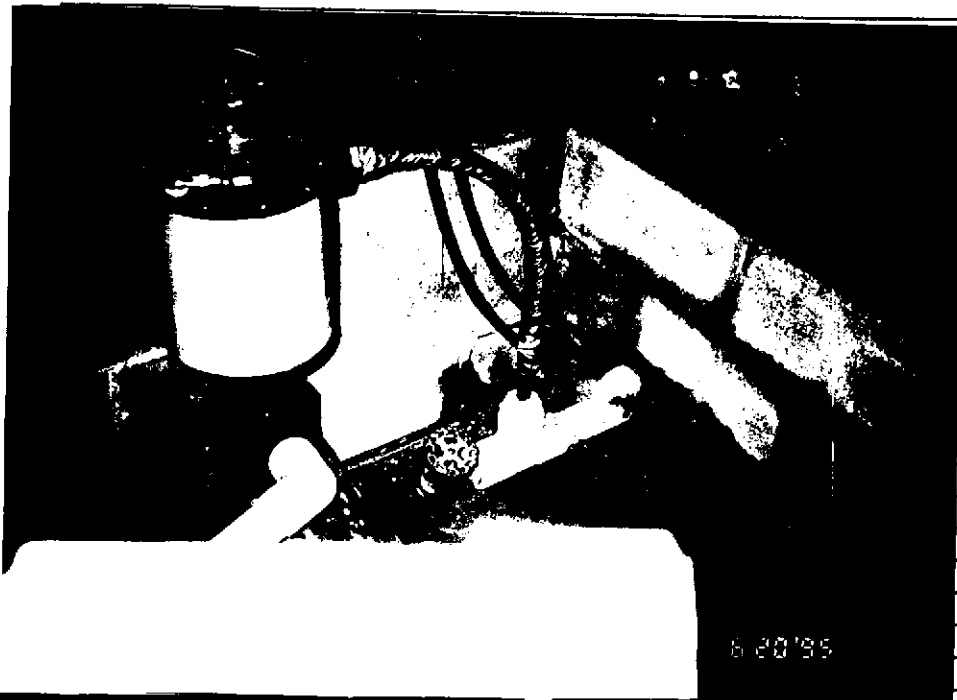


BATTERY BANK

PERMIT # 96-08772

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R A P H S



TURBINE



P.D. DAM.

MEMORANDUM

DATE: October 30, 1995

TO: Al Beardslee in Northern Region

FROM: Shelley W. Keen *swk*

RE: File 96-08772

=====

As we discussed on Friday, I am returning the field report for 96-08772 to you because it contains no record of an attempt to measure or estimate the actual rate of diversion from the unnamed stream tributary to Grouse Creek.

MICROFILMED

JUN 12 1998

MEMORANDUM

TO: File 96-08772 / William Findley
[New owner is Mike Ryan - but not assigned to him]

FROM: Brenda Chapman

DATE: October 27, 1995

RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for Right 96-08772 are based on the information below:

FY1: Regarding the power term limit determined by the Director:

According to 42-203B (7,b), Idaho Code, the Director is authorized to determine a specific term of years to once again review the water right to make any changes he deems necessary.

The number of years chosen are based upon:

- a) the term limit of a power purchase contract;
- b) IPUC power contract end date;
- c) the term limit of a FERC license;
- d) affects upon existing downstream water uses

When option (d) is chosen an arbitrary number of years can be chosen and the generally accepted amount is 10 years.

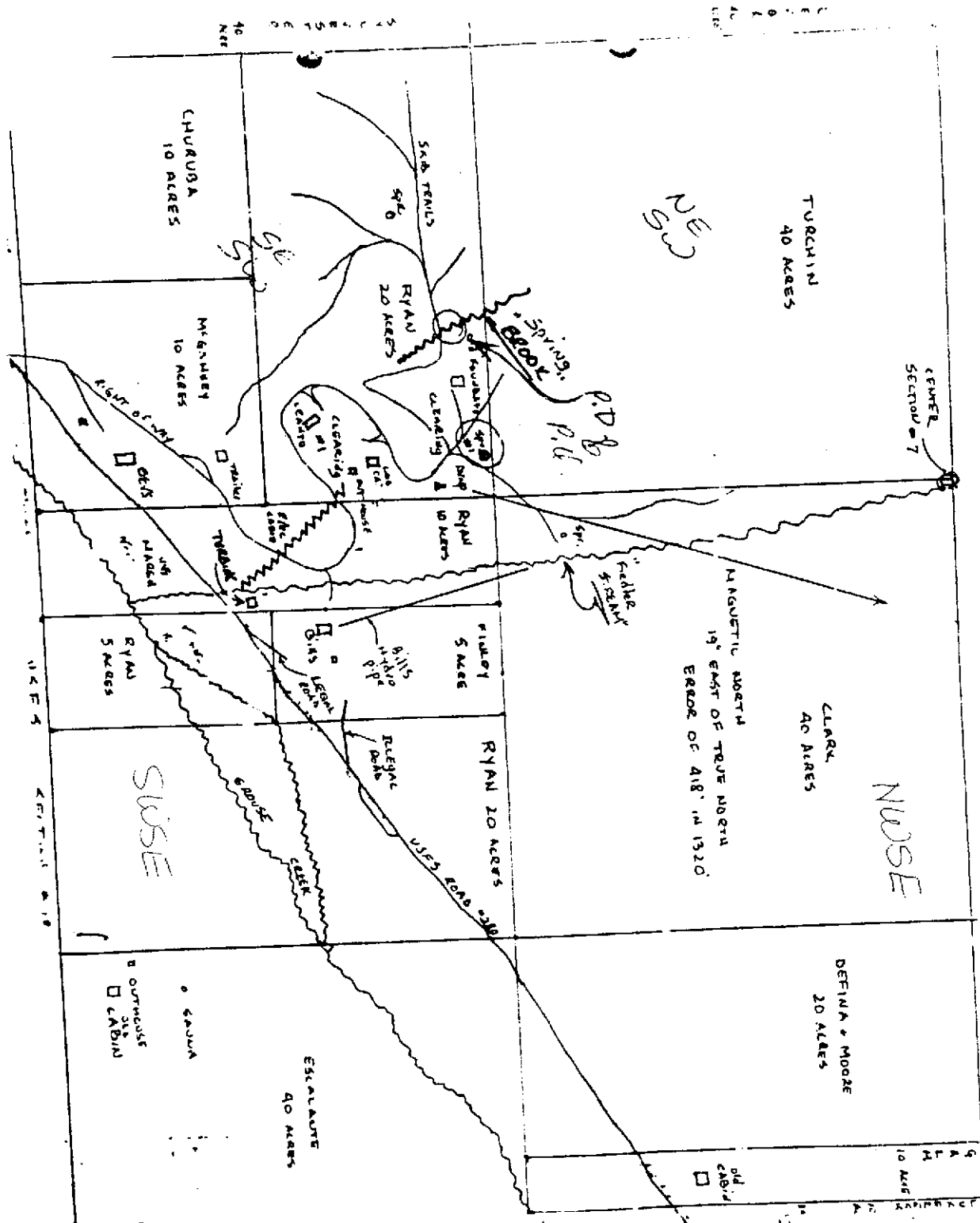
C. DIVERSION AND DELIVERY SYSTEM

The point of diversion and place of use locations marked on the front of the exam do not coincide with the other 2 maps enclosed with the exam or the permit. I verified the location of the place of use with the Bonner County Assessor's Office to be in the SWSE $\frac{1}{4}$ as permitted. She also stated that the property has been sold to Mike Ryan.

According to both maps, the point of diversion could not be in the NWSW $\frac{1}{4}$. The USGS map does not show a stream in that $\frac{1}{4}$ from which to divert water from.

MICROFILMED

JUN 12 1998



Matches Permits - but not front of exam.
(and USGS map)
in exam

MICROFILMED
JUN 12 1998

id 2745 Verified correct with Bonna County
ASSESSOR'S OFFICE.

96-08772

November 4, 1994

WILLIAM FINDLEY
RUTH FINDLEY
PO BOX 51
PONDERAY ID 83852051

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08772

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

DEC 22 1994

September 30, 1994

WILLIAM FINDLEY
RUTH FINDLEY
PO BOX 51
PONDERAY ID 83852051

PROOF DUE NOTICE

RE: PERMIT NO. 96-08772

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1994.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

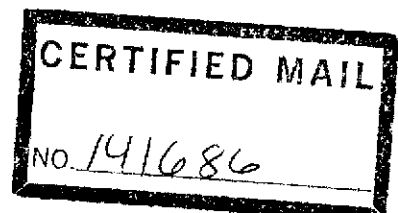
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 17, 1993

WILLIAM FINDLEY
RUTH FINDLEY
PO BOX 51
PONDERAY ID 83852051

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08772

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson'.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

FEB 25 1994

SPECIAL NOTE: _____
_____**PROTEST INFORMATION SHEET****Protestant(s)**

	NAME	ADDRESS	PROTEST DATE
1	Dept. of Fish & Game	2320 Government Way, CDA, Id. 83814	10/15/93
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 10/15/93PROTEST DUE DATE: 10/25/93ISSUES: Protestant is concerned that the water right would have a negative
on fish & wildlife.**Applicant**

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer

10/28/93

Acknowledgment Letters Sent

10/29/93

Hearing Date

(Other Dates)

Other Information: _____

_____Protest information submitted to computer (following hearing): _____
RECEIVED

FEB 25 1994

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

NOV 1993

County of Bonner,

B. Jean Conacher being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Legal Notice: App for Water
Right

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 7 day of Oct., 1993
and ending on the 14 day of Oct., 1993
and that said notice was published in said newspaper.

On this 14 day of Oct. in the year
of 1993, before me, a Notary Public, personally
appeared B. Jean Conacher,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Karel Meeler
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 5399

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

96-08772
FINDLEY, WILLIAM
FINDLEY, RUTH
PO BOX 51
PONDERAY, ID 83852
Source: UNNAMED STREAM
Tributary: GROUSE CREEK
Diversion Pt: NWSE Sec 7 T 59N
R 02E in BONNER County.
Use: POWER (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 9/14/1993
In: BONNER County
T59N R02E S07 SWSE
96-08774
PEND OREILLE SHORES
RESORT
PO BOX 44
HOPE, ID 83836
Source: GROUNDWATER
Diversion Pt: LOT 6 (NWSE) Sec
1 T 56N R 01E in BONNER County.
Use: IRRIGATION (.090 CFS)
COMMERCIAL (.250 CFS)
DOMESTIC (.250 CFS)
Total Diversion: (.250 CFS)
Date Filed: 9/2/1993
In: BONNER County
T56N R01E S01 NWSE
3.0 ACRES TOTAL

For additional information con-
cerning the property location, call
the Northern Regional Office at
(208) 769-1450.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd., Suite 210, Coeur d'Alene, Ida-
ho 83814 on or before OCTOBER
25, 1993.

R. KEITH HIGGINSON, Director
SNP#5692 Oct 7, 14, 1993

FEB 20

5692

96-08772

FINDLEY, WILLIAM
FINDLEY, RUTH
PO BOX 51
PONDERAY, ID 83852

Source: UNNAMED STREAM

Tributary: GROUSE CREEK

Diversion Pt: NWSE Sec 7 T 59N R 02E in BONNER County.

Use: POWER (.200 CFS)
Total Diversion: (.200 CFS)

Date Filed: 9/14/1993

In: BONNER County
T59N R02E S07 SWSE

RECORDED

FEB 25 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~208-769-1450~~ ~~208-769-1450~~ Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 3, 1993

Idaho Dept. of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 96-8772 - Findley/Grouse Creek Tributary

Gentlemen:

We wish to acknowledge receipt of your withdrawal of protest to the above-referenced water right application filed by Ruth and/or William Findley.

The Department will now resume the processing this application for approval. The applicants are being so informed by copy of this letter.

If you have any questions, please feel free to contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

c Mr. and Mrs. William Findley - w/enc.

RECEIVED
FEB 25 1994



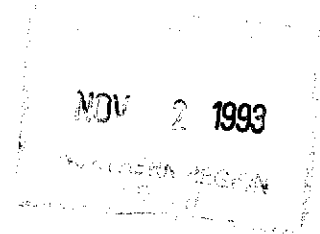
IDAHO FISH & GAME

REGION 1

2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111

October 28, 1993

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



Dear Bob:

REFERENCE: 96-08772 FINDLEY/GROUSE CREEK TRIBUTARY

On October 26 the Findley's visited with Chip Corsi of my staff about their water right application.

Based on the Findley's description of the project, we do not anticipate any significant impacts to fish or wildlife. Therefore, we are withdrawing our protest of this application.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Natural Resource Policy Bureau

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife · since 1938

RECEIVED

FEB 25 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

(208) 769-1450

~~(208) 769-1450 • Fax (208) 769-1454~~

Fax (208) 769-1454

CECIL D. ANDRUS

Governor
October 28, 1993

R. KEITH HIGGINSON
Director

Dept. of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 96-8772

Gentlemen:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, 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 speculation?
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. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

RECEIVED
OCT 28 1993



State Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~(208) 769-1450~~ Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 28, 1993

Mr. and Mrs. William Findley
P.O. Box 51
Ponderay, Id. 83852

Re: 96-8772

Dear Mr. and Mrs. Findley:

Enclosed is a copy of a protest filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, 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 speculation?
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. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms
Enclosure

FEB 8 1994

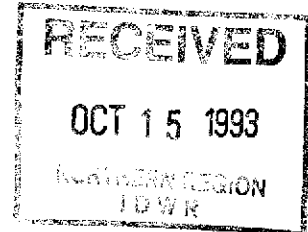


IDAHO FISH & GAME

REGION 1

2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111

October 14, 1993



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

Dear Bob:

REFERENCE: 96-08772 FINDLEY/GROUSE CREEK TRIBUTARY

We have reviewed Mr. and Ms. Findley's notice of a water right filing to divert 0.2 cfs from a tributary of Grouse Creek for power production.

It is not clear whether the proposal would have a negative impact on fish and wildlife in the area. Particular concerns are fish migration and sustaining adequate flows to maintain spawning and rearing habitat. Because of the potential impact to the Grouse Creek fishery, we are protesting this application at this time.

If the applicants can demonstrate their proposal would not have a negative impact on fish and wildlife, we will be happy to withdraw this protest. Given the small amount of water proposed for diversion and the location, we believe there is a good probability of a workable solution. Chip Corsi of my staff will be the contact person.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Natural Resource Policy Bureau

Cecil D. Andrus / Governor
Jerry M. Conley / Director
Equal Opportunity Employer



Working for wildlife - since 1938

OCT 15 1993

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

WE ☒ William Findley and Ruth Findley of Ponderay,
(name) (city).

County of Bonner, State of Idaho, being duly sworn, do hereby
we are
certify that ~~xxxx~~ we are bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city).

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, **Idaho Code**, at _____
(city)

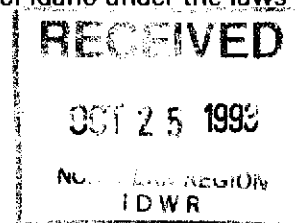
Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**; and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☐ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.



Ruth Findley
Applicant

State of Idaho)
County of Kootenai) ss.

On this 26th day of October, 19 93, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that ~~he/she~~ (they) executed the same.

[Signature]
Notary Public residing at _____

Rathdrum, Idaho

seal

My commission expires:

12/10/93

5 1994

Establish

A.

Individ

AL BEARDSLEE
WATER RIGHTS/ADJUDICATION
NORTHERN REGION
(208) 769-1411
FAX (208) 769-1411

WILLIAM FINDLEY
Box 51
PEND O'REILLE, ID
83852

I, _____
(name)
County of _____
hereby certify that I am a bona fide resident

n, do

2. Corporation:

I, _____
(name)
County of _____, State _____

nd say: The

That as suc

by Section

the corporat

tion)
laws of the

I am the designated registered agent of

I am in charge of the registered office

30-1-12, Idaho Code, at _____
(city)

records required by Section 30-1-52, Id

is a corporation qualified to do business
State of Idaho.

Ownership of Facilities:

I have a hydropower facility to be developed pursuant to

n Application:
canal, and

Will utilize existing man-made irrigation facilities with
permission of the owner is documented in an affidavit attached

Will utilize existing man-made irrigation facilities with
the owner of the facilities is the same

a canal, and

Will not utilize existing

n or a canal.

Purpose:

The power to
personal use

The power to
offered for s

BILL,
AS PER PHONE MESSAGE OF 10/4/93,
PLEASE CALL THIS OUT AND RETURN
A.S.A.P.

ion is for my ow

on is to be

le of Idaho

nty of _____

this _____ day
the above instrum

THANK YOU,
Al Beardslee

the signer(s)
and the same.

seal

Notary Public residing at _____

commission expires: _____

FEB 25 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~208-769-1450~~ ~~208-769-1450~~ ~~208-769-1450~~ Fax (208) 769-1454

CECIL D. ANDRUS

R. KEITH HIGGINSON

September 29, 1993

Director

Mr. and Mrs. William Findley
P.O. Box 51
Ponderay, Id. 83852

Dear Mr. and Mrs. Findley:

Re: Water Appropriation Application No. 96-8772.

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB/pms

RECEIVED

FEB 25 1994