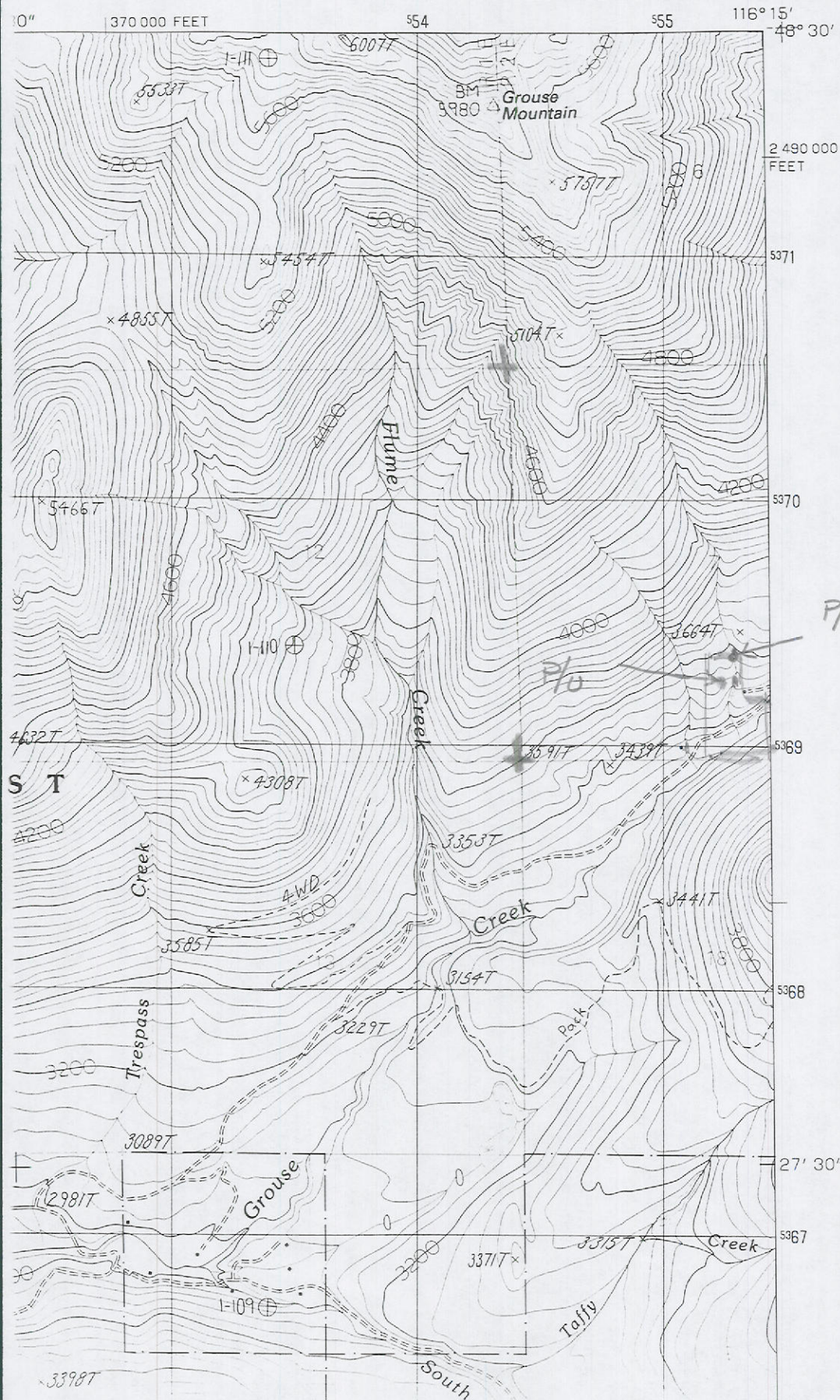


96-8714

WYLIE KNOB QUADRANGLE
IDAHO-BONNER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



MICROFILMED
JUL 07 1993

PORTION OF TITLE 42, IDAHO CODE

42-203B. Authority to subordinate rights -- Nature of subordinated water right and authority to establish a subordination condition -- Authority to limit term of permit or license. (1) The legislature finds and declares that it is in the public interest to specifically implement the state's power to regulate and limit the use of water for power purposes and to define the relationship between the state and the holder of a water right for power purposes to the extent such right exceeds an established minimum flow. The purposes of the trust established by subsections (2) and (3) of this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes subordinated by a permit issued after July 1, 1985, or by an agreement, to continue using the water pending approval of depletionary future beneficial uses.

(2) A water right for power purposes which is defined by agreement with the state as unsubordinated to the extent of a minimum flow established by state action shall remain unsubordinated as defined by the agreement. Any portion of the water rights for power purposes in excess of the level so established shall be held in trust by the state of Idaho, by and through the governor, for the use and benefit of the user of the water for power purposes, and of the people of the state of Idaho; provided, however, that application of the provisions of this section to water rights for hydropower purposes on the Snake river or its tributaries downstream from Milner dam shall not place in trust any water from the Snake river or surface or ground water tributary to the Snake river upstream from Milner dam. For the purposes of the determination and administration of rights to the use of the waters of the Snake river or its tributaries downstream from Milner dam, no portion of the waters of the Snake river or surface or ground water tributary to the Snake river upstream from Milner dam shall be considered. The rights held in trust shall be subject to subordination to and depletion by future upstream beneficial users whose rights are acquired pursuant to state law, including compliance with the requirements of section 42-203C, Idaho Code.

(3) Water rights for power purposes not defined by agreement with the state shall not be subject to depletion below any applicable minimum stream flow established by state action. Water rights for power purposes in excess of such minimum stream flow shall be held in trust by the state of Idaho, by and through the governor, for the use and benefit of the users of water for power purposes and of the people of the state of Idaho. The rights held in trust shall be subject to subordination to and depletion by future consumptive upstream beneficial users whose rights are acquired pursuant to state law, excluding compliance with the requirements of section 42-203C, Idaho Code.

MINNESOTA
JUN 14 1985

(4) The user of water for power purposes as beneficiary of the trust established in subsections (2) and (3) of this section shall be entitled to use water available at its facilities to the extent of the water right, and to protect its rights to the use of the water as provided by state law against depletions or claims not in accordance with state law.

(5) The governor or his designee is hereby authorized and empowered to enter into agreements with holders of water rights for power purposes to define that portion of their water rights at or below the level of the applicable minimum stream flow as being unsubordinated to upstream beneficial uses and depletions, and to define such rights in excess thereof as being held in trust by the state under subsection (2) of this section. Such agreements shall be subject to ratification by law. The contract entered into by the governor and the Idaho Power Company on October 25, 1984, is hereby found and declared to be such an agreement, and the legislature hereby ratifies the governor's authority and power to enter into this agreement.

(6) The director shall have the authority to subordinate the rights granted in a permit or license for power purposes to subsequent upstream beneficial depletionary uses. A subordinated water right for power use does not give rise to any claim against, or right to interfere with, the holder of subsequent upstream rights established pursuant to state law. The director shall also have the authority to limit a permit or license for power purposes to a specific term.

Subsection (6) of this section shall not apply to licenses which have already been issued as of the effective date of this act.

(7) The director in the exercise of the authority to limit a permit or license for power purposes to a specific term of years shall designate the number of years through which the term of the license shall extend and for purposes of determining such date shall consider among other factors:

(a) The term of any power purchase contract which is, or reasonably may become, applicable to, such permit or license;

(b) The policy of the Idaho public utilities commission (IPUC) regarding the term of power purchase contracts as administered by the IPUC under and pursuant to the authority of the public utility regulatory policy act of 1978 (PURPA);

(c) The term of any federal energy regulatory commission (FERC) license granted, or which reasonably may be granted, with respect to any particular permit or license for power purpose;

(d) Existing downstream water uses established pursuant to state law.

The term of years shall be determined at the time of issuance of the permit, or as soon thereafter as practicable if adequate information is not then available. The term of years shall commence upon application of water to beneficial use. The term of years, once established, shall not thereafter be modified except in accordance with due process of law.

JUN 14 1995

- 5,1,7. If the water is used for irrigation, the boundaries of the various irrigated areas and the location of the project works providing water to each shall be platted on the proof maps and the full or partial acreage in each legal subdivision of 40 acres or government lot shall be shown.
- 5,1,8. Irrigated acreage shall be shown on the field report to the nearest whole acre in a legal subdivision except the acreage shall be shown to the nearest one-tenth acre for permits covering land of five acres or less.
- 5,1,9. Where a permit has been developed as separate distribution systems from more than one point of diversion, the separate areas irrigated from each point of diversion shall be shown on the proof maps as described hereinbefore and the legal subdivisions embracing the irrigated areas for each such respective point of diversion together with the total irrigated area shall be described.
- 5,1,10. The field examiner does not need to show total volume of water for municipal and fire protection uses on the field report unless the project works provide for storage of water.
- 5,1,11. The total number of holding/rearing ponds and the dimensions and volume of the ponds shall be shown on the field report for fish rearing or fish propagation use. The annual volume shall be calculated based on the changes of water per hour.
- 5,1,12. Information shall be submitted concerning the beneficial use that has been made of the water unless the purpose of use is for irrigation. For example, for stockwater use, the number and type of stock watered shall be provided. Similar indications of the extent of beneficial use shall be provided for all other non-irrigation uses.
- 5,1,13. Information on the period during each year that the water is used shall be described for each use.
- 5,1,14. For permits having more than one use, the diversion rate measured for each use shall be described.
- 5,1,15. The amount (rate and/or volume) of water shall be limited by the smaller of the permitted amount, the amount upon which the license examination fee is paid, the capacity of the diversion works or the amount beneficially used, including any statutory limitation of the duty of water.

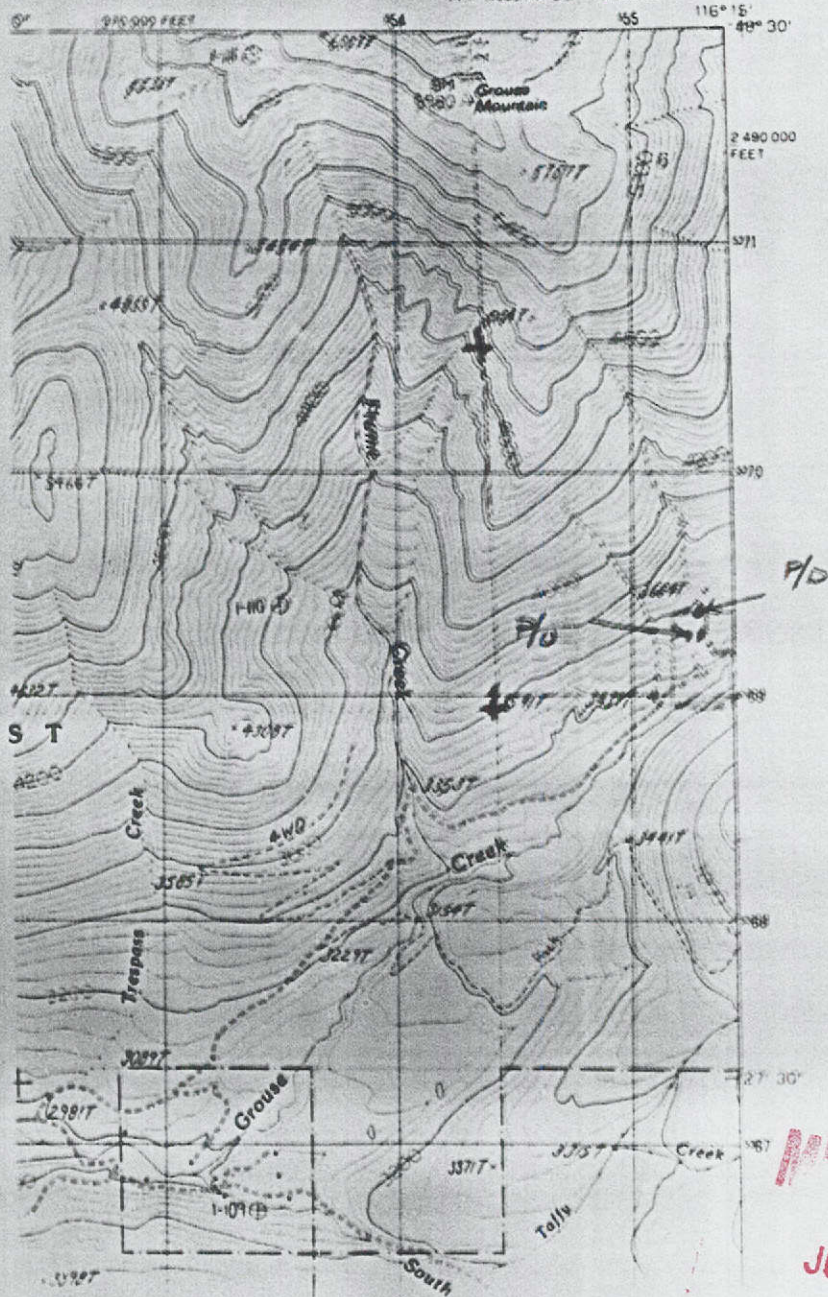
MISSOURI
JUN 14 1995



$$G \qquad f \qquad F \qquad e \qquad E \qquad d$$


96-8714

WYLLIE KNOB QUADRANGLE
IDAHO-BONNER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)





← generator



← generator
HOUSE



← POWER STORAGE



← Point OF Diversion

RECORDED

JUN 14 1995

← generator



← generator
HOUSE

← POWER STORAGE



← POINT OF DIVERSION



RECORDED

JUN 14 1995

← GENERATOR

← GENERATOR
HOUSE

← POWER STORAGE

← POINT OF DIVERSION

RECORDED

JUN 14 1995

← GENERATOR

← GENERATOR
HOUSE

← POWER STORAGE



← POINT OF DIVERSION

RECORDED

JUN 14 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08714

Priority: September 17, 1992

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

144.8 AF

This is to certify, that MICHAEL RYAN
PO BOX 17

PONDERAY ID 83852 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 17, 1992; and
has submitted Proof of Beneficial Use on November 29, 1993. An examination indicates
that the works have a diversion capacity of 0.200 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	0.20 CFS	144.8 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: POWER

TWN RGE SEC

59N 02E 7

SWSE

CONDITIONS/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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

RECORDED
JUN 14 1995

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

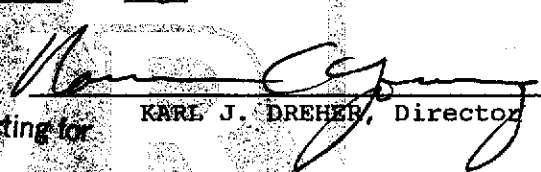
WATER RIGHT NO. 96-08714

CONDITIONS/REMARKS:

6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
8. The Director of the Department retains jurisdiction to require a bypass flow for the maintenance of fish, wildlife, riparian and aquatic habitat.
9. The diversion and use of water under this license is subject to review by the Director on December 18, 2002. 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.
10. Use of water under this right shall be non-consumptive.

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 25th day of MAY, 1975.

Acting for


KARL J. DREHER, Director

JUN 14 1975

RECEIVED

NOV 29 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 11-30-93

Receipt No. CG 29095

Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 96-08714 Telephone No. 208-661-3802
2. Name(s) of Permit Holder(s): MICHAEL RYAN
3. Mailing Address: POB 17 PONDERAY IDAHO 83852
4. Source of Water: TRIBUTARY OF GROUSE CREEK UNAMED STREAM

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

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

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other power production

6. Total rate and/or volume for which proof is submitted .20 cfs OR _____ 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 _____

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

MICHAEL RYAN

208 661 3802

Name

Telephone No.

POB 17 PONDERAY IDAHO 83852

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.

11-15-93

Date

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

[Signature] [Signature] JAN 21 1994
P.S. OLD Address WAS POB 45 COLBURN
ID. 83865

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08714

Proposed Priority: September 17, 1992 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **MICHAEL RYAN**
PO BOX 45
COLBURN ID 83865

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

PLACE OF USE: POWER
TWN RGE SEC

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 3, 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. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
5. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
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. 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.

MAILED
JUL 07 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08714

CONDITIONS/REMARKS:

8. The Director of the Department retains jurisdiction to require a bypass flow for the maintenance of fish, wildlife, riparian and aquatic habitat.

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

18th day of December, 1992.

R. Keith Higginson
for R. Keith Higginson, Director

NOT FILMED
JUL 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Michael RYAN Phone NONE
Post office address P.O.B. 45 COLBURN ID. 83865
2. Source of water supply UNAME DETREAM which is a tributary of BROUSE CREEK
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 59 N Range 2E B.M. BANNER County; additional
points of diversion if any: ~~XXXXX~~
4. Water will be used for the following purposes:
Amount 2 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) 2 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 2"-6" PIPE
700'-1320' DOWN INTO STREAM OR CREEK
HARRIS ELEC. PELTON WHEEL
 - 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 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

JUL 07 1993

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. 100' 10 KW
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
59N	2E	7																D	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or place of use? APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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JUL 07 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:

I, Michael M RYAN of COLBURN,
(name) (city),

County of BONNER, State of Idaho, being duly sworn, do hereby
certify that I am a 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.

Michael M Ryan
Applicant

State of Idaho KOOTENAI
County of BONNER) ss.

On this 17 day of SEPT., 1992, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ch. A
Notary Public residing at
Allen Beardsley

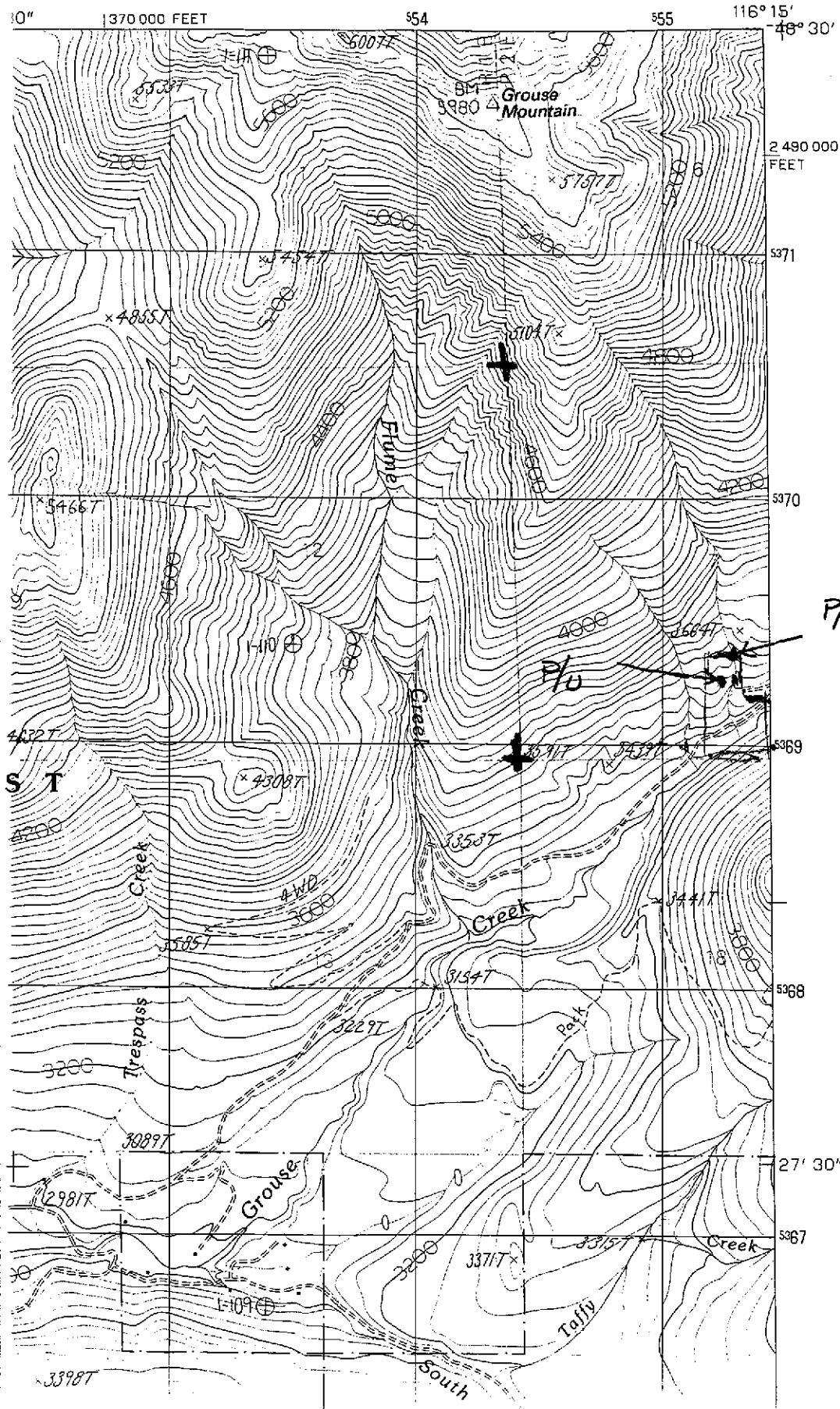
My commission expires:

7/20/94

MICROFILMED
JUL 07 1993

96-8714

WYLIE KNOB QUADRANGLE
IDAHO-BONNER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



P/O

P/O

REPRODUCED

JUL 07 1993

[illegible]

x *Amber Rose*
(Applicant)

Received by RB Date 9/12/92 Time 3:30 Preliminary check by RB
Fee \$ 30⁰⁰/₁₀₀ Received by RB # N-5973 Date 9/12/92
Publication prepared by pm Date 9/23/92 Published in Bonneville City Bee
Publication approved pm Date 11/6/92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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.

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.

e. Other:

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JUL 07 1993



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 25, 1995

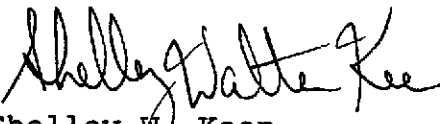
MICHAEL RYAN
PO BOX 17
PONDERAY ID 83852

RE: WATER RIGHT NO. 96-08714

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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JUN 1 4 1995

LICENSE REVIEW CHECKLIST



PERMIT NO. 96-08714 DATE 5/11/95 and 5-17-95

NAME Change OK ☒ Or Address Change? ☐
 PRIORITY DATE ☐ ☒ Advance? ☐ Advanced to: ☐
 Order to reinstate needed? ☐
 Incorrect fee for rate recommended? ☐
 SOURCE ☐ ☒ Changes or just clarification of originally intended source? ☐
 Notice of Intent to Void necessary? ☐
 POINT OF DIV ☐ ☒ Amendment needed? ☐
☒ Overlaps? ☐
 PLACE OF USE ☐ ☒ Amendment needed? ☐
☒ Overlaps? ☐
 DIV RATE ☐ ☒ Permit/fee limits: .20 CFS
 Meas Q = Theo Q = Recommend: .20

Combined rates exceed capacity ☐
 ANNUAL VOLUME NA Volume Limit: ☐ Season: 1-1 to 12-31
 Calculations: FLOW THROUGH - non consumptive USE
 Flow limit: 20 cfs x 365 x 1.9835 = 144.8 g
 Combined volumes exceed capacity/allowable ☐

USES ☐ ☒ Change in Nature of Use or additional uses? ☐
 Amendment necessary? ☐

ADDITIONAL INFO Supplemental Groundwater ☐ PPU Scenario ☐
 Irr/Dom Combination ☐ Shared G/W System ☐

NEW REMARKS ☐ Multiple p/d(s) in 1/4 1/4? ☐
YES Other SMALL POWER - W42 10 YRS
 (NO FERC APPROVAL REQUIRED)

NEW CONDITIONS ☐ Watermaster control - District ☐
☒ Measuring/Locking Devices ☐
☒ Irrigation Overlap ☐
YES Other R22 (SUBORDINATION) / 027
KEEP Water Quality 09E Heat/Cool/Fish verified ☐

COMMENTS: IDaho POWER - NO - TOO FAR NORTH Can't reach by phone
IPUC - N/A
WASHINGTON WATER POWER Map & exam don't match Contact owner.

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	Adjustment Memo Needed
<u>Power</u>	<u>.20</u>	<u>144.8</u>	<u>NA</u>	<u>YES</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

LICENSE ☒
 1ST AMEND LETTER ☐
 2ND AMEND LETTER ☐



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 1995

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MAY 17 1995

Department of Water Resources

MICHAEL RYAN
PO BOX 17
PONDERAY ID 83852

RE: PERMIT NO. 96-08714

Dear Mr Ryan:

We are in the process of reviewing the above referenced permit for licensing. The Beneficial Use Field Exam that was conducted on the property in July of 1994 provided information that requires some additional clarification.

It would assist our review in locating your point of diversion and place of use locations if you would send us a copy of your Warranty Deed and a map, blueprint, or drawing (if any) you may have of your home in relation to the diversion system.

Thank you for your assistance and if you have any questions, do not hesitate to call me at (208) 327-5452.

Sincerely,

Brenda L. Chapman

Brenda L. Chapman
Water Resource Agent

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JUN 14 1995

WARRANTY DEED

For Value Received

MARTIN L. LEVINE, As Custodian and on Behalf of CYRUS D. LEVINE, Pursuant to the 1967 Washington State Gifts of Realty to Minors Act

The grantor, do es hereby grant, bargain, sell and convey unto

MICHAEL MILES RYAN, a single man

the grantee, whose current address is *General Delivery Colburn, Id*

the following described premises, in BONNER

County Idaho, to-wit:

PARCEL I:

The West Half of the West Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 59 North, Range 2 East Boise Meridian, Bonner County, Idaho.

PARCEL II:

The East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 7, Township 59 North, Range 2 West, Boise Meridian, Bonner County, Idaho.

- - - -

FILED BY *Security Title Co.*
 '92 JUN 11 AM 11 30
 300
 MARIE SCOTT
 RECORDER OF BONNER
 COUNTY BY *SS* DEP.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee His heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises; that they are free from all incumbrances; Except taxes for the year 1992, which are a lien, not yet due or payable, Easements, Restrictions or Reservations of Record.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 10, 1992

Martin L. Levine
Wynne Hines

MARTIN L. LEVINE, Custodian and on behalf of Cyrus D. Levine, Minor

By: *Wynne Hines*

STATE OF IDAHO }
 COUNTY OF *Bonner* } ss.
 On this *10th* day of *June* in the year 19 *92*, before me, a Notary Public, personally appeared

Wynne Hines

known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of *Cyrus D. Levine* and acknowledged to me that she subscribed the name of *Martin L. Levine* thereto as principal, and his (her) own name as attorney in fact.

Notary Public

Residing at *Sanford, Idaho*

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at *9* minutes past *9* o'clock M., his *day* of *June*, in my office, and duly recorded in Book of Deeds at Page

Ex-Officio Recorder

by

Fees \$

Mail to:

Deputy.

JUN 14 1995

INSTRUMENT NO.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 1995

MICHAEL RYAN
PO BOX 17
PONDERAY ID 83852

RE: PERMIT NO. 96-08714

Dear Mr Ryan:

We are in the process of reviewing the above referenced permit for licensing. The Beneficial Use Field Exam that was conducted on the property in July of 1994 provided information that requires some additional clarification.

It would assist our review in locating your point of diversion and place of use locations if you would send us a copy of your Warranty Deed and a map, blueprint, or drawing (if any) you may have of your home in relation to the diversion system.

Thank you for your assistance and if you have any questions, do not hesitate to call me at (208) 327-5452.

Sincerely,

Brenda L. Chapman

Brenda L. Chapman
Water Resource Agent

RECEIVED
JUN 14 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 29 1994

96-08714

Permit No. 96-08714 Department of Water Resources

A. GENERAL INFORMATION

1. Owner: MICHAEL RYAN Phone No. _____

Current Address: P.O. BOX 17 PONDERAY ID 83852

2. Accompanied by: OWNER EXAM DATE: 7-11-94

Address: SAME AS ABOVE Phone No. (208) 661-3802

Relationship to Permit Holder: _____

3. Source: UNNAMED STREAM tributary to GOOSE CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SW	SE	07	S9N	02E	BONNER	USGS 7.5 MIN QUAD

2. Place(s) of Use:

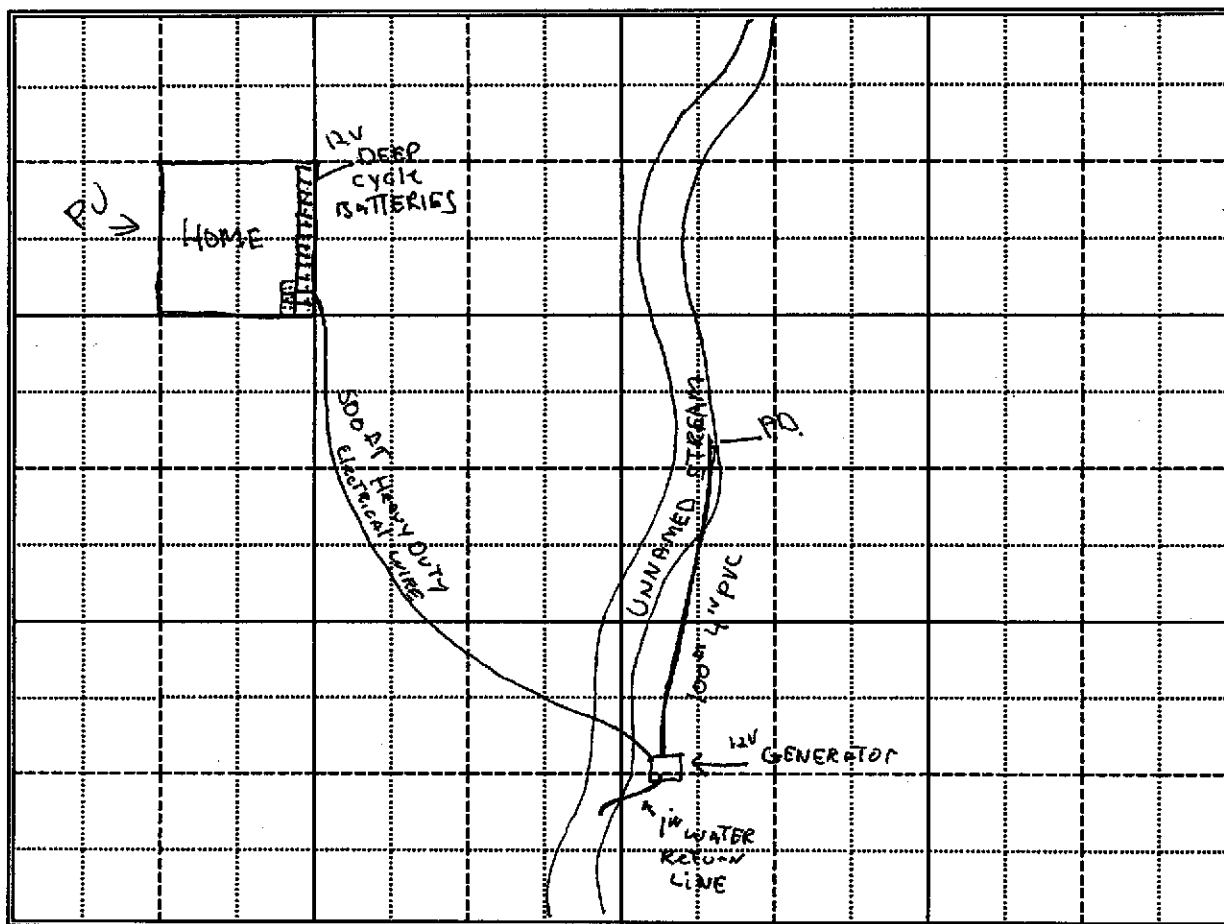
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S9N	02E	07															P		

APPROVED

JUN 14 1995

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



Scale: 1" = NTS

____ Copy of USGS Quadrange 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

*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: _____

RECEIVED

JUN 14 1995

E. NARRATIVE/REMARKS/COMMENTS

Water from stream spins 12V Heavy Duty Alternator
To charge a bank of 12V Deep cycle batteries.
This is a NON-CONSUMPTIVE SYSTEM all water
used is returned back to stream.

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

JUN 14 1995

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* POWER	01-01	12-31	0.20	0.40
Totals:			0.20	0.40

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

I. AUTHENTICATIONField Examiner's Name TEQ Date _____

Reviewer _____ Date _____

SEAL

MICROFILMED

JUN 14 1995

* See attached adjustment explanation. BC

MEMORANDUM

TO: File 96-08714 / Michael Ryan
FROM: Brenda Chapman
DATE: May 17, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

FY1: Regarding the 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. (see attached)

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.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Power	1-01 to 12-31	.20	144.8

According to Rule 5,1,10. of the Beneficial Use Rules and Regulations, the only uses exempt from listing the volume are municipal and fire protection. (see attachment)

Based on that information, a volume has been assigned to the power use.

MINOR CHANGES
JUN 4 1995

PORTION OF TITLE 42, IDAHO CODE

42-203B. Authority to subordinate rights -- Nature of subordinated water right and authority to establish a subordination condition -- Authority to limit term of permit or license. (1) The legislature finds and declares that it is in the public interest to specifically implement the state's power to regulate and limit the use of water for power purposes and to define the relationship between the state and the holder of a water right for power purposes to the extent such right exceeds an established minimum flow. The purposes of the trust established by subsections (2) and (3) of this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes subordinated by a permit issued after July 1, 1985, or by an agreement, to continue using the water pending approval of depletionary future beneficial uses.

(2) A water right for power purposes which is defined by agreement with the state as unsubordinated to the extent of a minimum flow established by state action shall remain unsubordinated as defined by the agreement. Any portion of the water rights for power purposes in excess of the level so established shall be held in trust by the state of Idaho, by and through the governor, for the use and benefit of the user of the water for power purposes, and of the people of the state of Idaho; provided, however, that application of the provisions of this section to water rights for hydropower purposes on the Snake river or its tributaries downstream from Milner dam shall not place in trust any water from the Snake river or surface or ground water tributary to the Snake river upstream from Milner dam. For the purposes of the determination and administration of rights to the use of the waters of the Snake river or its tributaries downstream from Milner dam, no portion of the waters of the Snake river or surface or ground water tributary to the Snake river upstream from Milner dam shall be considered. The rights held in trust shall be subject to subordination to and depletion by future upstream beneficial users whose rights are acquired pursuant to state law, including compliance with the requirements of section 42-203C, Idaho Code.

(3) Water rights for power purposes not defined by agreement with the state shall not be subject to depletion below any applicable minimum stream flow established by state action. Water rights for power purposes in excess of such minimum stream flow shall be held in trust by the state of Idaho, by and through the governor, for the use and benefit of the users of water for power purposes and of the people of the state of Idaho. The rights held in trust shall be subject to subordination to and depletion by future consumptive upstream beneficial users whose rights are acquired pursuant to state law, excluding compliance with the requirements of section 42-203C, Idaho Code.

MINNESOTA
JUN 14 1995

(4) The user of water for power purposes as beneficiary of the trust established in subsections (2) and (3) of this section shall be entitled to use water available at its facilities to the extent of the water right, and to protect its rights to the use of the water as provided by state law against depletions or claims not in accordance with state law.

(5) The governor or his designee is hereby authorized and empowered to enter into agreements with holders of water rights for power purposes to define that portion of their water rights at or below the level of the applicable minimum stream flow as being unsubordinated to upstream beneficial uses and depletions, and to define such rights in excess thereof as being held in trust by the state under subsection (2) of this section. Such agreements shall be subject to ratification by law. The contract entered into by the governor and the Idaho Power Company on October 25, 1984, is hereby found and declared to be such an agreement, and the legislature hereby ratifies the governor's authority and power to enter into this agreement.

(6) The director shall have the authority to subordinate the rights granted in a permit or license for power purposes to subsequent upstream beneficial depletionary uses. A subordinated water right for power use does not give rise to any claim against, or right to interfere with, the holder of subsequent upstream rights established pursuant to state law. The director shall also have the authority to limit a permit or license for power purposes to a specific term.

Subsection (6) of this section shall not apply to licenses which have already been issued as of the effective date of this act.

(7) The director in the exercise of the authority to limit a permit or license for power purposes to a specific term of years shall designate the number of years through which the term of the license shall extend and for purposes of determining such date shall consider among other factors:

(a) The term of any power purchase contract which is, or reasonably may become, applicable to, such permit or license;

(b) The policy of the Idaho public utilities commission (IPUC) regarding the term of power purchase contracts as administered by the IPUC under and pursuant to the authority of the public utility regulatory policy act of 1978 (PURPA);

(c) The term of any federal energy regulatory commission (FERC) license granted, or which reasonably may be granted, with respect to any particular permit or license for power purpose;

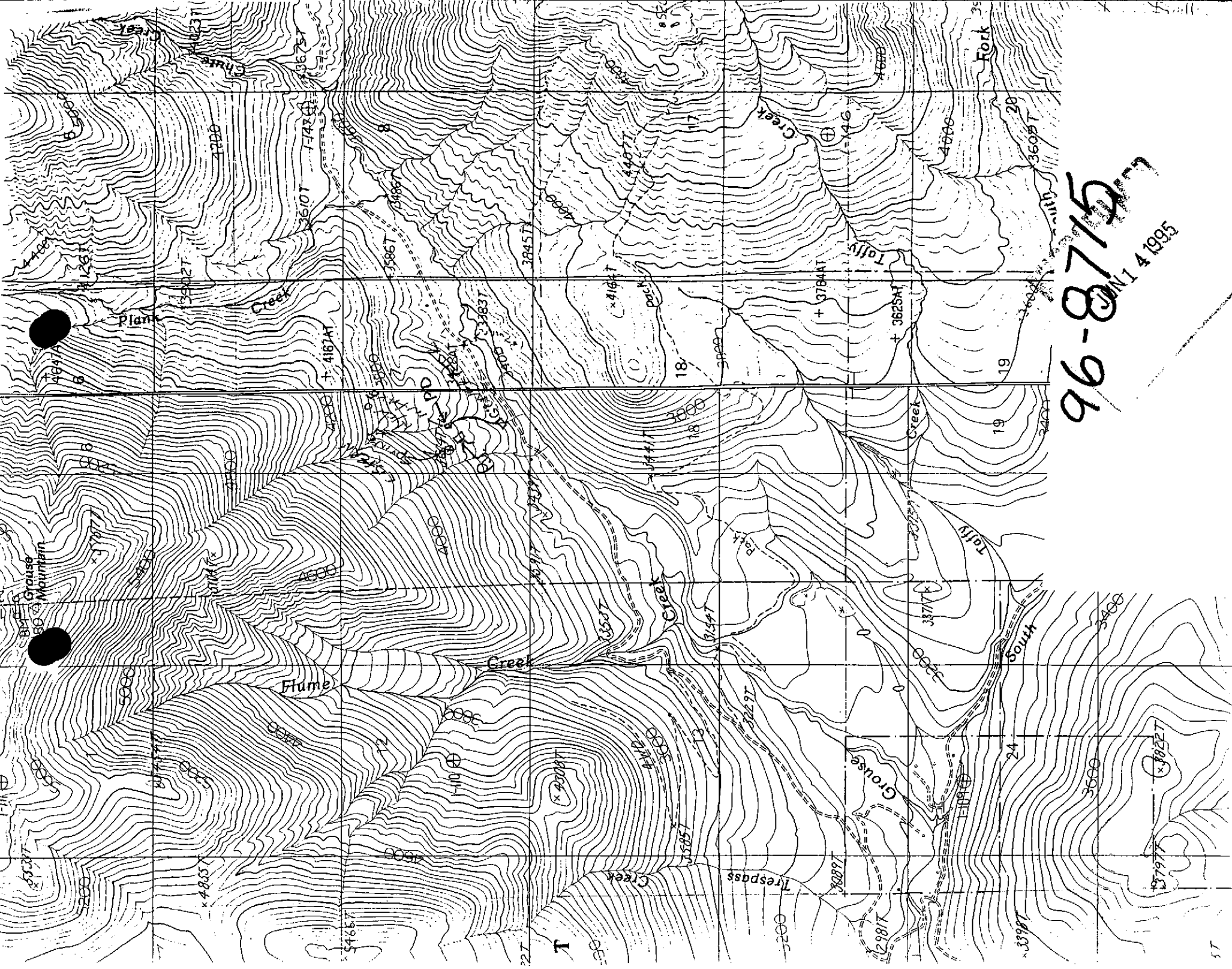
(d) Existing downstream water uses established pursuant to state law.

The term of years shall be determined at the time of issuance of the permit, or as soon thereafter as practicable if adequate information is not then available. The term of years shall commence upon application of water to beneficial use. The term of years, once established, shall not thereafter be modified except in accordance with due process of law.

JUN 14 1995

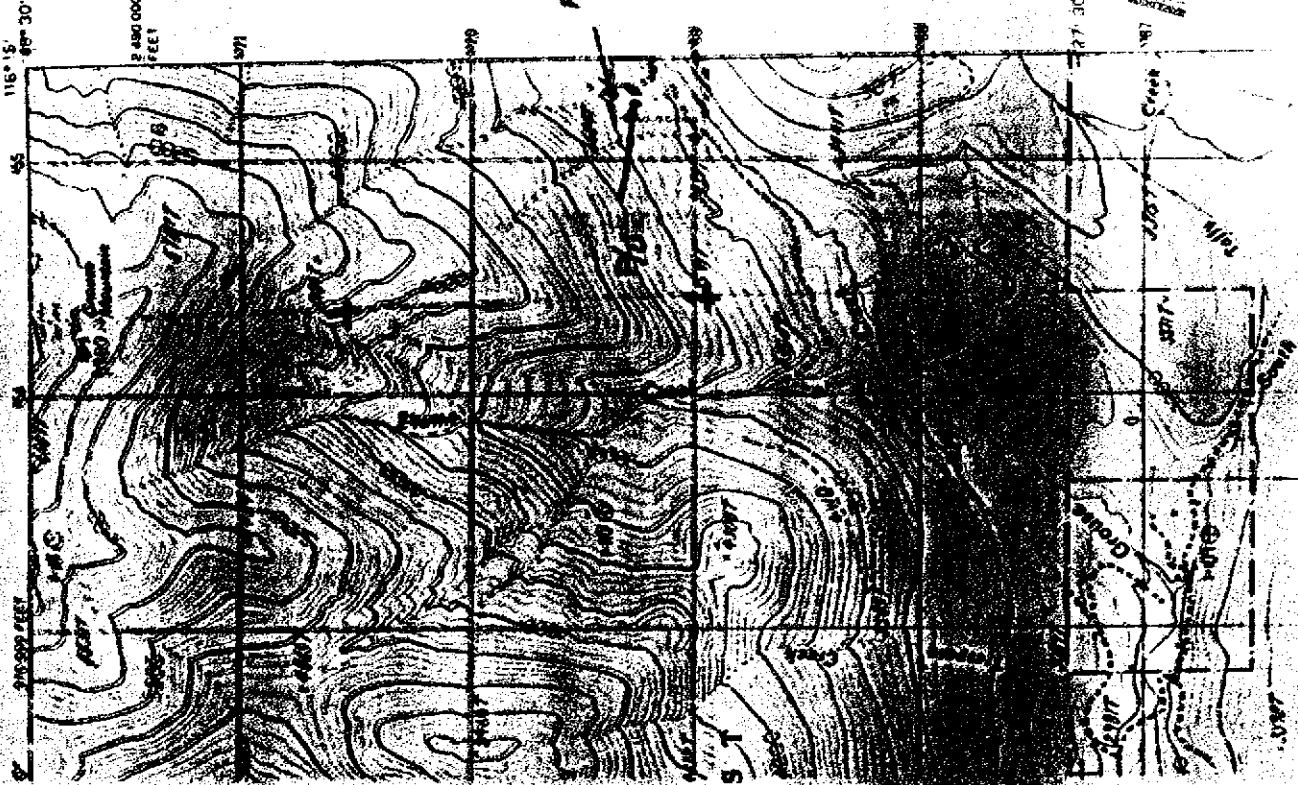
- 5,1,7. If the water is used for irrigation, the boundaries of the various irrigated areas and the location of the project works providing water to each shall be platted on the proof maps and the full or partial acreage in each legal subdivision of 40 acres or government lot shall be shown.
- 5,1,8. Irrigated acreage shall be shown on the field report to the nearest whole acre in a legal subdivision except the acreage shall be shown to the nearest one-tenth acre for permits covering land of five acres or less.
- 5,1,9. Where a permit has been developed as separate distribution systems from more than one point of diversion, the separate areas irrigated from each point of diversion shall be shown on the proof maps as described hereinbefore and the legal subdivisions embracing the irrigated areas for each such respective point of diversion together with the total irrigated area shall be described.
- ~~5,1,10.~~ 10. The field examiner does not need to show total volume of water for municipal and fire protection uses on the field report unless the project works provide for storage of water.
- 5,1,11. The total number of holding/rearing ponds and the dimensions and volume of the ponds shall be shown on the field report for fish rearing or fish propagation use. The annual volume shall be calculated based on the changes of water per hour.
- 5,1,12. Information shall be submitted concerning the beneficial use that has been made of the water unless the purpose of use is for irrigation. For example, for stockwater use, the number and type of stock watered shall be provided. Similar indications of the extent of beneficial use shall be provided for all other non-irrigation uses.
- 5,1,13. Information on the period during each year that the water is used shall be described for each use.
- 5,1,14. For permits having more than one use, the diversion rate measured for each use shall be described.
- 5,1,15. The amount (rate and/or volume) of water shall be limited by the smaller of the permitted amount, the amount upon which the license examination fee is paid, the capacity of the diversion works or the amount beneficially used, including any statutory limitation of the duty of water.

MISSOURI
JUN 14 1995

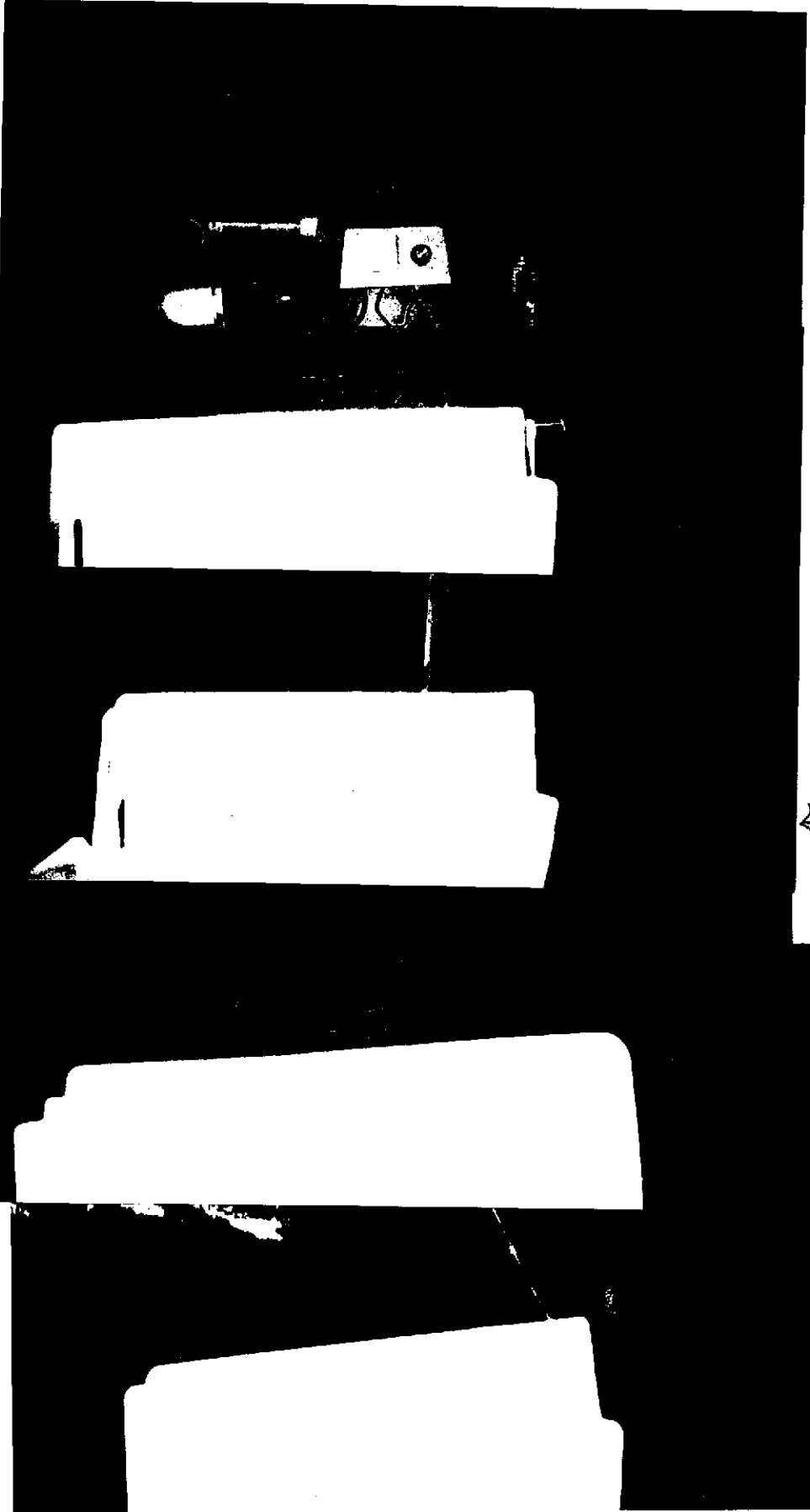


96-8714

WYIE KNAB QUADRANGLE
IDAHO-BONNER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



JUN 14 1995



← generator

← generator
HOUSE

← POWER STORAGE

← POINT OF DIVERSION

RECORDED

JUN 14 1995

January 11, 1994

MICHAEL RYAN
P O BOX 17
PONDERAY ID 83852

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 96-08714

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 Couer d'Alene, at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

JAN 21 1994

Michael M Ryan
48 E 3rd St
New York, NY 10003

October 31, 1993

PROOF DUE NOTICE

RE: PERMIT NO. 96-08714

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 January 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.

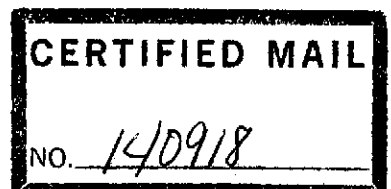
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

JAN 21 1994





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

December 21, 1992

MICHAEL RYAN
PO BOX 45
COLBURN ID 83865

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08714

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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.

Please be advised that your application for permit has been approved because we no longer wait for approval from the Federal Energy Regulatory Commission (FERC) or the Idaho Public Utilities Commission (PUC) when the flow is less than 25 cfs and the power to be generated is less than 500 HP. However, you may still need to obtain approval from FERC and/or PUC.

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,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

RECEIVED

JUL 07 1993

MEMORANDUM

TO: File No. 96-08714
FROM: Gary Spackman *Gary*
DATE: December 14, 1992

RE: Conditions of Approval

I have reviewed application for permit no. 96-08714. Conditions regarding sale, transfer of the permit, disclaimer of FERC approval, water quality, and term of years have all been suggested by the reviewer. In addition, condition number 17K, the subordination condition, should be printed on the permit form. Finally, the following condition should be printed:

The Director of the Department retains jurisdiction to require a bypass flow for the maintenance of fish, wildlife, riparian and aquatic habitat.

RECEIVED

JUL 07 1993

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, ..

Karel Miller 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

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 1 day of Oct, 1992
and ending on the 8 day of Oct, 1992

and that said notice was published in said newspaper.

On this 19th day of October in the year
of 92 before me, a Notary Public, personally
appeared Karel Miller

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.

Terri Johnson
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 10/22/93

NOTICE OF APPLICATION
FOR WATER RIGHT

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

96-08714

RYAN, MICHAEL

PO BOX 45

COLBURN, ID 83865

Source: UNNAMED STREAM

Tributary: GROUSE CREEK

Diversion Pt: NWSWSE Sec 7 T

59N R 02E in BONNER County.

Use: POWER (.200 CFS)

Total Diversion: (.200 CFS)

Date Filed: 9/17/1992

In: BONNER County

T59N R02E S07 SWSE

96-08715

RYAN, MICHAEL M

PO BOX 45

COLBURN, ID 83865

Source: SPRING Tributary:

SINKS

Diversion Pt: NWSWSE Sec 7 T

59N R 02E in BONNER County.

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 9/17/1992

In: BONNER County

T59N R02E S07 SWSE

96-08716

WOODS, GERALD

WOODS, ELAINE

5920 HUMBIRD DR

SAGLE, ID 83860

Source: GROUNDWATER

Diversion Pt: SWNENW Sec 4 T

55N R 02W in BONNER County.

Use: DOMESTIC (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 9/9/1992

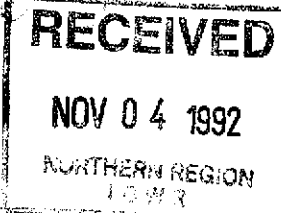
In: BONNER County

T55N R02W S04 NENW

For additional information con-
cerning the property location, call
the Northern Regional Office at 765-
4639.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Idaho 83814 on or
before OCTOBER 19, 1992.

R. KEITH HIGGINSON, Director
SNP#4980 Oct 1, 8, 1992



96-08714

RYAN, MICHAEL
PO BOX 45
COLBURN, ID 83865

Source: UNNAMED STREAM

Tributary: GROUSE CREEK

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

Use: POWER (.200 CFS)

Total Diversion: (.200 CFS)

Date Filed: 9/17/1992

In: BONNER County
T59N R02E S07

SWSE

UNRECORDED

JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 13, 1992

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

Re: 96-8714 - Michael Ryan Water Right Application

Dear Mr. Ortmann:

We hereby acknowledge receipt of your withdrawal of protest to the above-referenced water right application.

Mr. Ryan's application will now be sent to our State Office in Boise for further processing.

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

c Mr. Michael Ryan

RECEIVED

JUL 07 1993



IDAHO FISH & GAME

REGION 1

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

RECEIVED

NOV 12 1992

**NORTHERN REGION
IDWR**

November 9, 1992

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

Dear Bob:

REFERENCE: 96-8714 RYAN/GROUSE CREEK TRIBUTARY

We have discussed this proposed water right with the applicant and reviewed the site.

It is our opinion this diversion would not have a significant negative impact on wildlife or fishery habitat. Therefore, we are withdrawing our protest of this application.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Legal
Natural Resource Policy Bureau

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



Working for wildlife - since 1938

MICROFILMED

JUL 07 1993

Application No. 96-8714

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Id. Dept. of Fish & Game	2320 Gov't. Way, CDA, Id. 83814	10/7/92
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 10/7/92 PROTEST DUE DATE: 10/19/92

ISSUES: Proposed use may negatively impact spawning and rearing habitat
and reduce recruitment of fish to the lake.

Applicant

ATTORNEY

ADDRESS

	DATE
Protest Date Entered on Computer	<u>10/22/92</u>
Acknowledgment Letters Sent	<u>10/22/92</u>
Hearing Date	_____
_____	_____
_____	_____
_____	_____

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing):

JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 22, 1992

Mr. Michael Ryan
PO Box 45
Colburn, Id. 83865

Re: 96-8714

Dear Mr. Ryan:

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

RECEIVED

JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 22, 1992

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

Re: 96-8714 - Michael Ryan

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

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JUL 07 1993



IDAHO FISH & GAME

REGION 1

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

October 2, 1992

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

Dear Bob:

REFERENCE: 96-08714 RYAN/GROUSE CREEK TRIBUTARY

We are concerned about the potential impact to fishery habitat from the proposed diversion of water from a Grouse Creek tributary for power generation.

Grouse Creek is an important spawning tributary for migratory fish from Lake Pend Oreille, and contributes significantly to the area's sport fishing opportunities. Diversions on side tributaries may negatively impact spawning and rearing habitat and reduce recruitment of fish to the lake. For this reason we are protesting this application.

If the applicant can demonstrate no significant impacts to fishery resources from his proposed project, we will withdraw our application. We will be happy to meet with the applicant to discern his proposal. Chip Corsi of my staff will be the contact person.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Legal
Bureau of Program Coordination

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

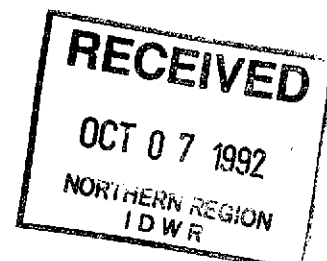
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State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 24, 1992

Mr. Michael Ryan
P.O. Box 45
Colburn, Id. 83865

Re: Water Right Application Nos. 96-8714 and 96-8715

Dear Mr. Ryan:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Applications 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 numbers in all future matters concerning these water right applications.

Your appropriation applications 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.

If the applications are not protested they will be forwarded to Boise to be considered for approval by the Director. However, if the applications are 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 applications 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 applications are 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 applications. 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 Resource Agent

AB/pms

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SEP 24 1992

JUL 07 1992