

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 27 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-7856

1. Owner: JAMES E. WHITE Phone No. _____

Current Address: POB 158 CLARK Fork ID. 83811

2. Accompanied by: _____ EXAM. DATE: 3/20/92

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: DEER CR tributary to JOHNSON CR.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

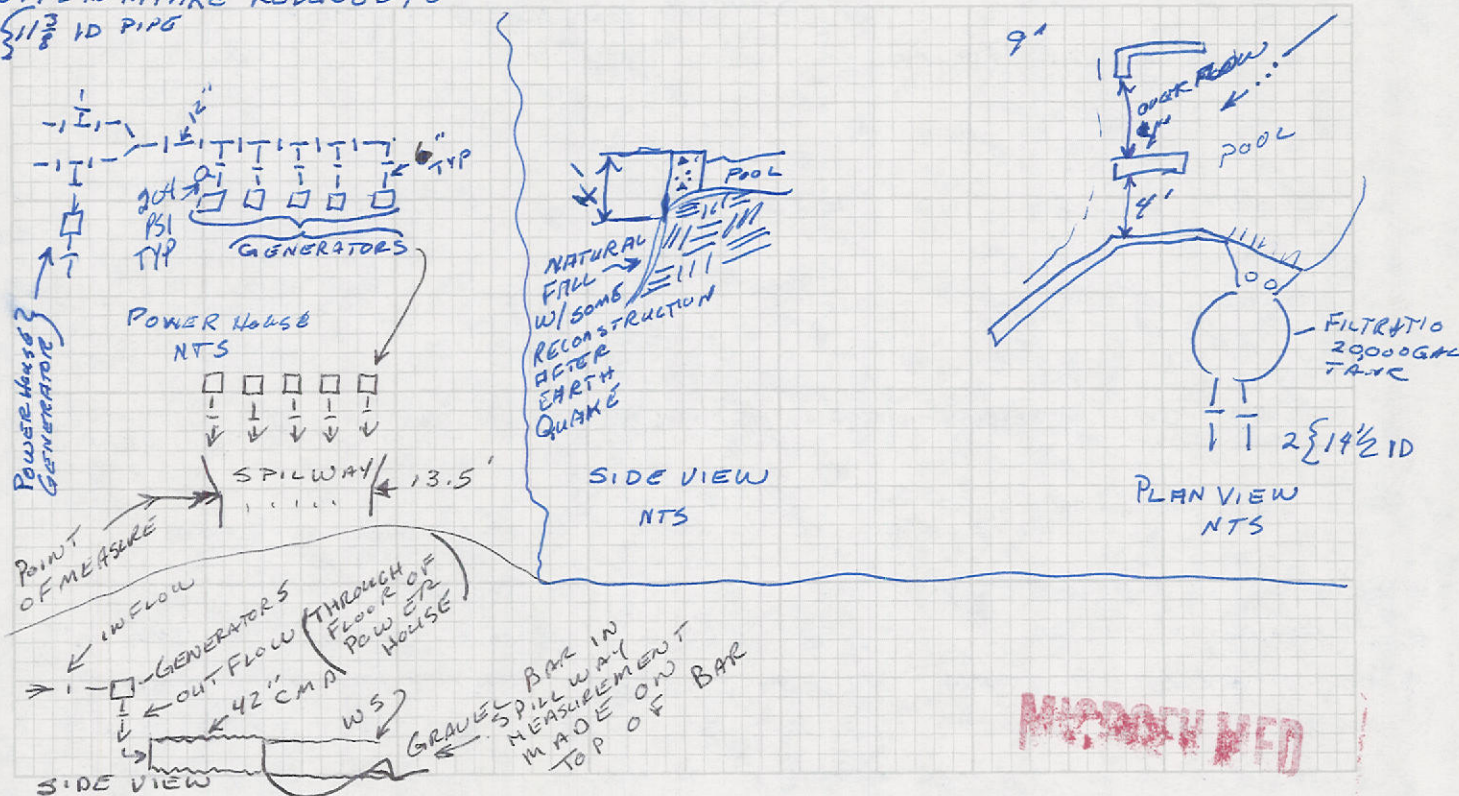
☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

2 { 14 1/2" ID INTAKE REDUCED TO
2 { 11 3/8" ID PIPE



Scale: 1" = NTS

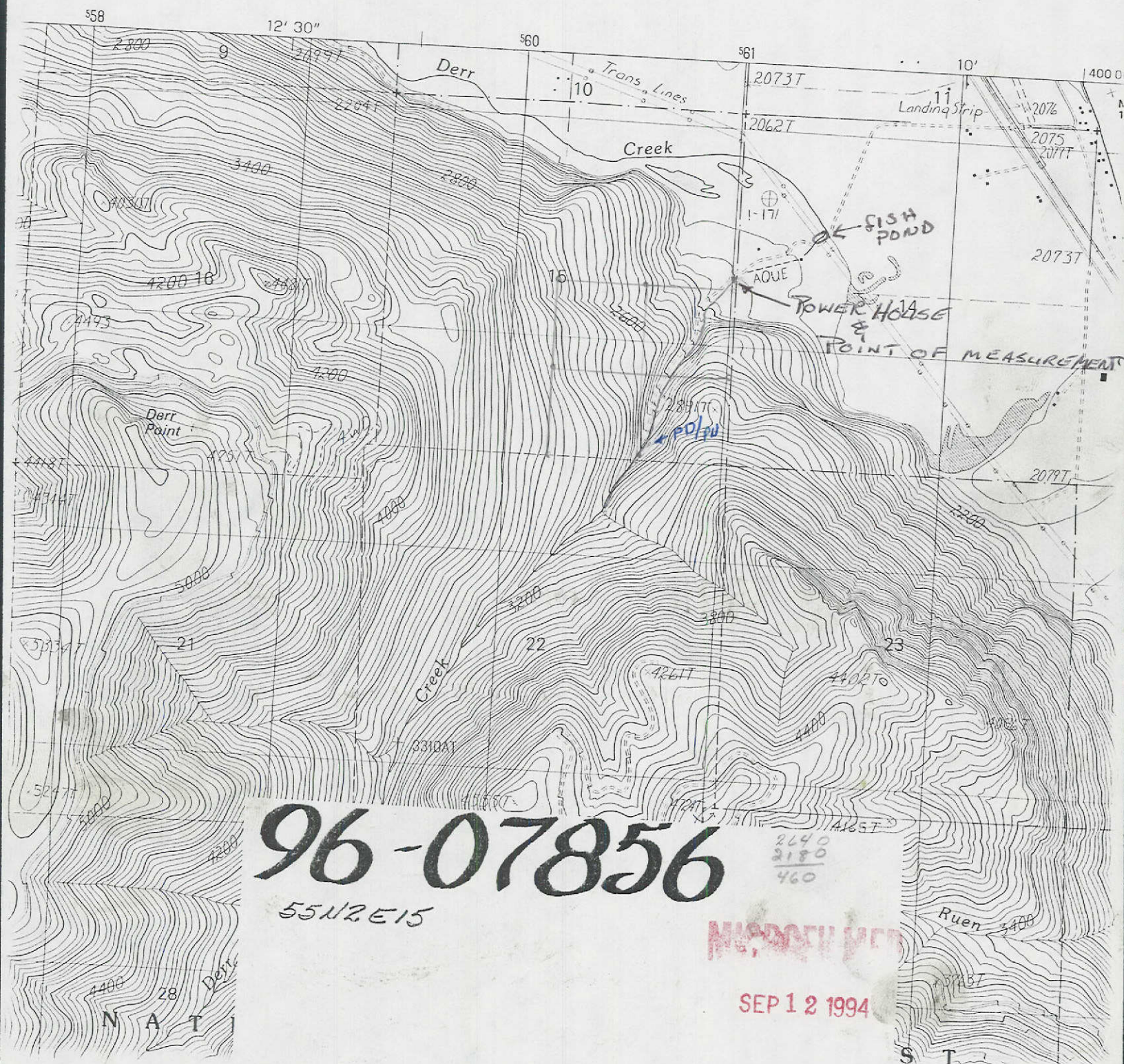
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

SEP 12 1994



2640
2180
460

MISSOURI

SEP 12 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-7856

DATE

INITIALS

3-1-88 266-1123 NOT RUNNING PEAK~CALL IN MAY

5-88 CALL 4-1-89

4-3-89 LEFT MSG FOR MR. WHITE TO CALL ME

3-19-92 266-1123



INTAKE →

PERMIT HOLDER WILL ALLOW NO PICTURES
IN POWER HOUSE

MAILED
SEP 12 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-7856

DATE

INITIALS

4/20/87 226-1123 TO CALL ME FOR HPPT.

k



DAM →

↑ INTAKE



DAM →

← INTAKE

SEP 12 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07856

Priority: March 5, 1980

Maximum Diversion Rate: 11.60 CFS

Maximum Diversion Volume: 6847.5 AF

This is to certify, that JAMES E WHITE
PO BOX 158

CLARK FORK ID 83811 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 5, 1980; and
has submitted Proof of Beneficial Use on February 18, 1985. An examination indicates
that the works have a diversion capacity of 11.600 cfs of water from:

DERR CREEK tributary to JOHNSON 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>
STOCKWATER	01/01 to 12/31	0.02 CFS	1.3 AF
POWER	01/01 to 12/31	11.60 CFS	6845.1 AF
RECREATION STORAGE	01/01 to 12/31		1.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	11.60 CFS	
	Totals	11.60 CFS	6847.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 15, Township 55N, Range 02E
BONNER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

55N 02E 15 SENE

PLACE OF USE:

POWER, same as STOCKWATER use

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.

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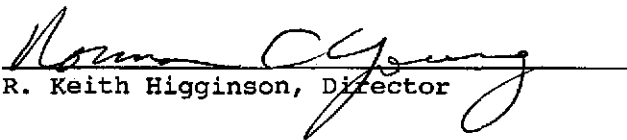
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 96-07856

CONDITIONS/REMARKS:

5. The water right confirmed in this license 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 license 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 license.
6. The diversion and use of water under this right is subject to review by the Director 30 years from the date of issuance or upon the expiration of any power purchase agreement. 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.
7. Stockwater use is for 100 range cattle.

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 30TH day of APRIL, 1994.

Acting for  R. Keith Higginson, Director

SEP 12 1994

4/86

RECEIVED

JUN 13 1986

Department of Water Resources
Northern District Office
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 400.00
Date 6/13/86
Receipt # 32174
Receipt by [Signature]
Sent to S.O. 6/19/86

RECEIVED

JUN 23 1986

1. Permit No. 96-7856

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: JAMES E. WHITE

3. Post Office Address: POBox 158

CLARK FORK, IDA. 83811 Telephone No. (208) 266 1123

4. Source of Water: DERR CREEK

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark POWER GENERATION

6. Total rate &/or volume for which proof is submitted 12 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

SYSTEM COMPLETED SEPTEMBER 1981

8. Person to contact to accompany the department representative during the field examination:

JAMES E WHITE
(Name)

POBox 158 CLARK FORK, IDA. (208) 266-1123
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

JUNE 10 1986
Date

James E White owner
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant James E. White Phone 266-1123
Post office address P.O. Box 158, Clark Fork Id.
2. Source of water supply Deer Creek which is a tributary of Sinks
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15 Township 55N
Range 2E B.M. Bonner County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 12.0 cfs for Power purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) to storage for
Amount 12.0 cfs for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 cfs for Stock purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) storage for
Amount 6 AF for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12.0 cfs cubic feet per second and/or b. 6 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Gravity flow pipeline
to pool, then by syphon to turbines, then to recreational
fish pond and back into stream
b. Height of storage dam _____ feet, active reservoir capacity 6 acre-feet; total reservoir
capacity 6 acre-feet, materials used in storage dam: Excavated Pit (9' x 9' Ac)
With over flow to Stream
Period of year when water will be diverted to storage 1-1 to 12-31 inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 Township 55N
Range 2E B.M.
(2) Amount of power to be generated: 300 horsepower under 300-400 feet of head.
(3) List number of each kind of livestock to be watered 5/100 Range
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: Recreation is for pond
for fish, swimming wading etc.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James E White
(Applicant)

Proposed Priority 3/5/80

Received by J King Date 3-5-80 Time 11100 AM
Preliminary check by [Signature] Fee \$ 145.00
Receipted by [Signature] Date 3/5/80 (16851)
Publication prepared by [Signature] Date 3/13/80
Published in Sandpoint Daily See
Publication dates 3/19 + 26/80
Publication approved [Signature] Date 4/14/80
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by [Signature]

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. 96-7856, and said application is hereby approved.

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 April 1, 19 85.
- 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. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
(2) This permit is subject to the provisions of Sections 42-205 through 42-210 Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

Witness my hand this 22nd day of April, 1980.

J. Glen Saxton
Chief, Operations Bureau

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, James E. White of Clark Fork County of Booner
State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident
of the State of Idaho.

Subscribed and sworn to before me this 12th day of March, 19 80

/s/ James E. White
Notary Public
Residence Clark Fork
My Commission expires July

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1957, Ch. 66. (Idaho Code, Sections 42-205 to 42-210).

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATION TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____ County of _____
State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,
that as such I am in charge of the registered office of the said _____,
as provided by Section 30-143, Idaho Code, at _____,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and
that _____ is a legal _____ qualified to do business
in the State of Idaho under the laws of the State of Idaho.

/s/ _____
Subscribed and sworn to before me this _____ day of _____, 19 _____

/s/ _____
Notary Public
Residence _____
My commission expires _____

MICROFILMED

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1947, Ch. 66, (Idaho Code, Sections 42-205 to 42-210).



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

May 2, 1994

JAMES E. WHITE
P.O. BOX 158
CLARK FORK ID 83811

RE: WATER RIGHT NO. 96-07856

Dear Water Right Holder(s):

Enclosed herewith 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,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

SEP 12 1994

MEMORANDUM

TO: File 96-07856

FROM: Sharla *ok*

DATE: April 4, 1994

RE: License Issuance

This license was originally prepared for signature with an annual volume for power use based on the maximum rate of diversion **year-round**. In correspondence dated 1/9/93, the permit holder stated that maximum flow for normal years occurs for about 140 days. The power produced the rest of the year is about 70% of the maximum.

These figures were used to re-calculate the volume as follows:

11.6 cfs X 140 days X 1.9835 =	3221.2 AF
8.12 cfs (70% of maximum) X 225 days X 1.9835 =	<u>3623.9 AF</u>
Total volume for power purpose	6845.1 AF

Because of the "size" of this facility, it has been exempted from FERC licensing requirements. Therefore, the standard condition regarding review by the Director upon the expiration of a FERC license does not apply. However, a similar condition has been added to allow for subsequent review upon the expiration of any power purchase agreement.

SEP 12 1994

Jim
This is a "one time
fill" situation &
doesn't need to be
listed (rec storage)
but permit holder
wanted it included.
(as in original permit)
Brenda

LICENSE REVIEW CHECKLIST

Permit # 46-07856 Date 12-27-93 Brenda Chapman

	Yes	No	
NAME	☒	☐	Or Address Change?
PRIORITY DATE	☒	☐	Advance? <u> </u> Advanced to: <u> </u>
	☒	☐	Order to Reinstate Needed?
	☒	☐	Incorrect Fee for rate recommended?
SOURCE	☒	☐	Changes? Clarification of Originally Intended source <u> </u>
	☒	☐	Notice of Intent to Void - Source change.
P/D	☒	☐	Amendment Needed? <u> </u>
	☒	☐	Overlap(s) <u> </u>
P/U	☒	☐	Amendment Needed? <u>DROP NESE</u>
	☒	☐	Overlap(s) <u> </u>
TOTAL CFS	☒	☐	Measurement Done? <u>Change to new rate of flow recommendation of 11.6 cfs.</u>
	☒	☐	<u>100 stock = .02 (reduce)</u>
	☒	☐	System Capacity <u>11.6</u>
	☒	☐	Allowable Amount: <u>11.6 CFS</u>
TOTAL VOLUME	☒	☐	Season of Use: <u>1-1 to 12-31</u>
	☒	☐	Calculations:
	☒	☐	<u>100 stock = 1.3 REC STORAGE = 1.1 AF</u>
	☒	☐	<u>Power = 11.6</u>
	☒	☐	Flow limit: <u>11.6 x 365 x 1.9835 = 8398</u>
USES	☒	☐	Change(s) in Nature of Use? <u> </u>
	☒	☐	Amendment Needed? <u> </u>
REMARKS	☒	☐	Multiple P/Ds in 1/4 1/4? <u> </u>
	☒	☐	Special Overlap <u> </u>
	☒	☐	Other <u>DELETE ASSIGNMENT CONDITION</u>
CONDITIONS	☒	☐	Measuring/Locking Devices <u> </u>
	☒	☐	W/Master Control <u> </u> ☒ Water Dist
	☒	☐	Irrigation Overlap <u> </u> App Rec'd
	☒	☐	Water Quality <u> </u> Exam Made
COMMENTS:	<u>Reduce rate to capacity ; 100 stock</u>		

RECOMMENDED	CFS	DIV VOL
<u>Power</u>	<u>11.6</u>	<u>8398</u>
<u>Stock</u>	<u>.02</u>	<u>1.3</u>
<u>DIV TO STOR</u>	<u>11.6</u>	<u> </u>
<u>REC STOR</u>	<u> </u>	<u>1.1</u>

LICENSE ☒

1ST AMEND LETTER
2ND AMEND LETTER

NOT 80!
→

R23 is now automatic

RECEIVED

DEC 02 1993

Department of Water Resources

MEMORANDUM TO FILE

B DATE: 11/29/93

TO: ALLOCATION S.O.

FROM: BEARDSLEE

RE: 96-07856 FIELD EXAM

As per re-calculation of the stream flow measurement with this field examination, it would appear that there is enough water to recommend a higher diversion rate.

Using a theoretical power calculation, a diversion rate of 11.6 cfs appears to represent a more accurate system diversion rate capacity.

During a phone conversation with Mr. White, 11/29/93, he stated that his stock pond was also developed. See recommended uses on Exam.

*Recreation ↑
Pond - not
stock?*

SEP 12 1994

THEORETICAL DISCHARGE CALCULATION

FILE: 96-07856

DATE: NOVEMBER 29, 1993

11/29/93

FORMULA

COMPUTATION

$$\frac{(KW) (11.8)}{(PRESSURE) (2.31) (0.6)} = \frac{(275) (11.8)}{(202) (2.31) (0.6)} = 11.59 \text{ CFS}$$

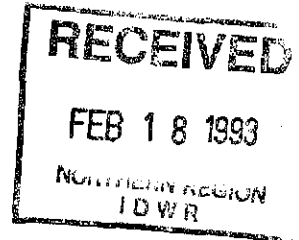
RECOMMENDED DIVERSION RATE = 11.6 CFS

RECEIVED

SEP 12 1994

MEMORANDUM

TO: BOB HAYNES/NORTHERN REGION
FROM: PAM SKAGGS *CS*
RE: RETURNED FIELD EXAM 96-07856
DATE: 16-FEB-1993



I reviewed and prepared a license according to the above referenced exam. A rough draft was sent to the right holder and he responded with a letter disagreeing with the license recommendations. I am returning the exam to you, per Jim Johnson, to resolve the discrepancies with Mr. White. I have attached copies of the correspondence for your review.

11/23/93

Tom:

DID YOU MEASURE THE TOTAL FLOW OF DERR CREEK,
OR THE ACTUAL AMOUNT OF WATER DIVERTED AT THE
INTAKE?

B

11/29/93

AS PER TOM KING, THE MEASUREMENT WAS TAKEN
AT THE OUTFLOW OF SPILLWAY.

RECEIVED

SEP 12 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

96-07856

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: DERR CREEK .92
2. Location: T55N, R2E, S.13, SESENE
3. Person conducting measurement: TOM D. KING .94
4. Date and time of measurement: 3/20/92 11:30 AM
5. Accompanied by: JAMES WHITE .96
6. Measuring device size and ID no.: PRICE AA - 090143 .97
7. Spin test before measurement OK? ✓ after measurement OK? ✓ .98
8. Purpose of measurement: LIC.

B. MEASUREMENT DATA

RE-CALCULATED USING CORRECT METHOD 11/22/93

DIST. FROM INITIAL POINT	WIDTH	DEPTH	INSTRU. DEPTH	REVS.	TIME SEC.	VELOCITY		AREA	DISCHARGE
						AT POINT	MEAN IN VERT.		
0	0.25	E.W.							
0.5	0.75	0.50		18	72	0.57		0.38	0.22
1.5	1.00	0.40		21	60	0.78		0.40	0.31
2.5	1.00	0.45		36	60	1.33		0.45	0.60
3.5	1.00	0.45		39	66	1.33		0.45	0.60
4.5	1.00	0.50		42	66	1.41		0.50	0.71
5.5	1.00	0.80		48	64	1.66		0.80	1.33
6.5	1.00	0.90		57	64	1.96		0.90	1.76
7.5	1.00	0.85		66	64	2.27		0.85	1.93
8.5	1.00	0.90		63	66	2.10		0.90	1.89

RE CALCULATED USING CORRECT METHOD

1.2875

DIST. FROM INITIAL POINT	WIDTH	DEPTH	OBSERV. DEPTH	REVS.	TIME SEC.	VELOCITY		AREA	DISCHARGE
						AT POINT	MEAN IN VERT.		
9.5	1.00	0.90		66	62	2.34		0.90	2.11
10.5	1.00	0.90		69	62	2.45		0.90	2.20
11.5	1.00	0.30		78	62	2.76		0.30	2.48
12.5	1.00	0.30		63	64	2.17		0.30	0.65
13.5	0.50	E.W.							
13.5	B.50							8.03	16.7
$V_d = \frac{Q}{A}$ $= 2.09 \text{ FPS}$									

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
											1.00
	0 - EW										
	.5		.5	.25	18	72	.25				.125
	1.5		.4	.2	21	60	.35				.14
	2.5		.45	.2	36	60	.6				.27
	3.5		.45	.2	39	66	.59				.27
	4.5		.5	.25	42	66	.63				.32
	5.5		.8	.4	48	64	.75				.6
	6.5		.8	.45	57	64	.89				.8
	7.5		.8	.4	63	64	.93				.88
	8.5		.9	.45	63	66	.95				.86
	9.5		.9	.45	66	62	1.0				.96
	10.5		.9	.45	69	62	1.0				1.0
	11.5		.3	.15	78	62	1.2				.38
	12.5		.3	.15	63	64	.98				.29
	13.5 EW										
											6.895
											6.9
											.85

.0

.10

.20

.30

.40

.50

.60

.70

.75

.80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 27 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-7856
1. Owner: JAMES E. WHITE Phone No. _____
Current Address: POB 158 CLARK Fork ID. 83211
2. Accompanied by: _____ EXAM. DATE: 3/20/92
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: DEER CR tributary to JOHNSON CR.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

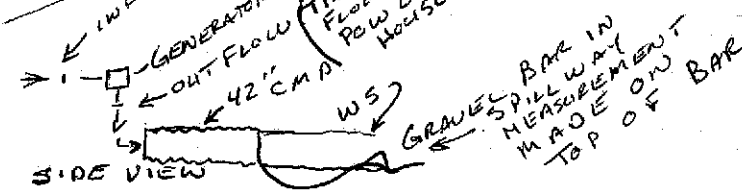
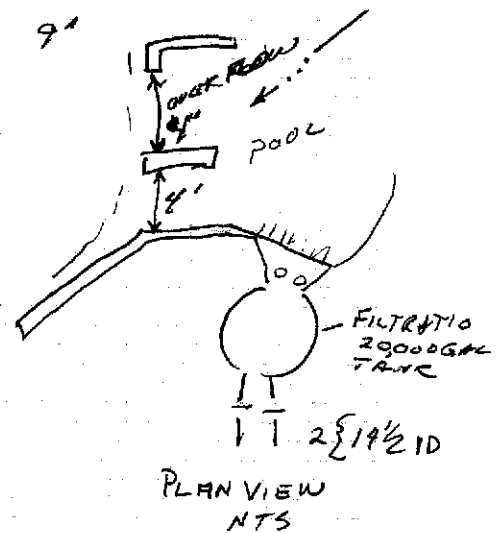
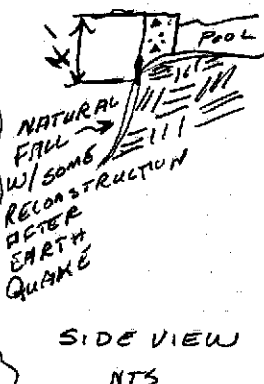
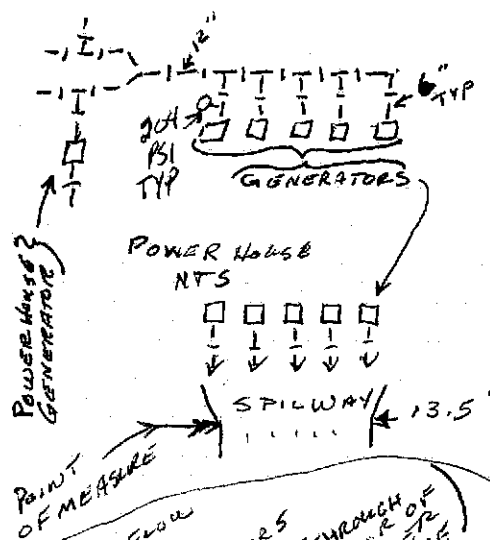
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1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

2 $\frac{1}{2}$ 14" ID INTAKE REDUCED TO
2 $\frac{1}{2}$ 11" ID PIPE



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

SEP 12 1994

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

4' DAM BUILT ON NATURAL FALLS DIVERTS WATER INTO 20,000 GAL
TANK. WATER IS THEN CONVEYED VIA 2 - 14 1/2" PIPES TO REDUCED
TO TWO 11 3/4" ID PIPES TO POWER HOUSE. ONE 6" LINE DIVERTS
WATER FROM ONE 11 3/4" ID PIPE FOR GENERATOR WHICH SUPPLYS POWER
TO POWER HOUSE. THE TWO 11 3/4" ID PIPES ARE THEN REDUCED
TO ONE 12" LINE WHICH FEEDS FIVE LINES & GENERATORS.
200' X 50' X 5' DEEP POND FILLED WITH WATER AFTER IT GOES THROUGH
HYDRO SYSTEM.

☐ See Remarks on page 4 for continuation

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	15	55N	2E	BONNER	MAP

6. **Place(s) of Use:**

Indicate Method of Determination MAP

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55N	2E	15																P	

Do not use this space

SEP 12 1994

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

STOCK DRINK FROM
STREAM

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

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:

100 RANGE = 1.4 AF

SEP 12 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

A-15 KW GEN 85439-1 w/ PELTON WHEEL

488 V 54 AMPS

SYSTEM DESIGNED TO BLOW FUSE AT 290 KW / 960 AMPS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
POWER	1-1	12-31	7.25 11.6	5050
STOCKWATER	1-1	12-31	0.03	1.4 AF
RECREATION STORAGE	1-1	12-31		1.1
DIVERSION TO STORAGE			11.6	
Totals:			7.28 10.6	5050

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

☒ None

☐ Other

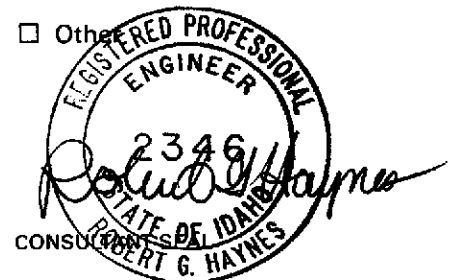
J. AUTHENTICATION

Field Examiner's Name TOM D. KING

Signature Tom D. King

Certification Date 4/10/91

Field Report Preparation Date 3/23/92



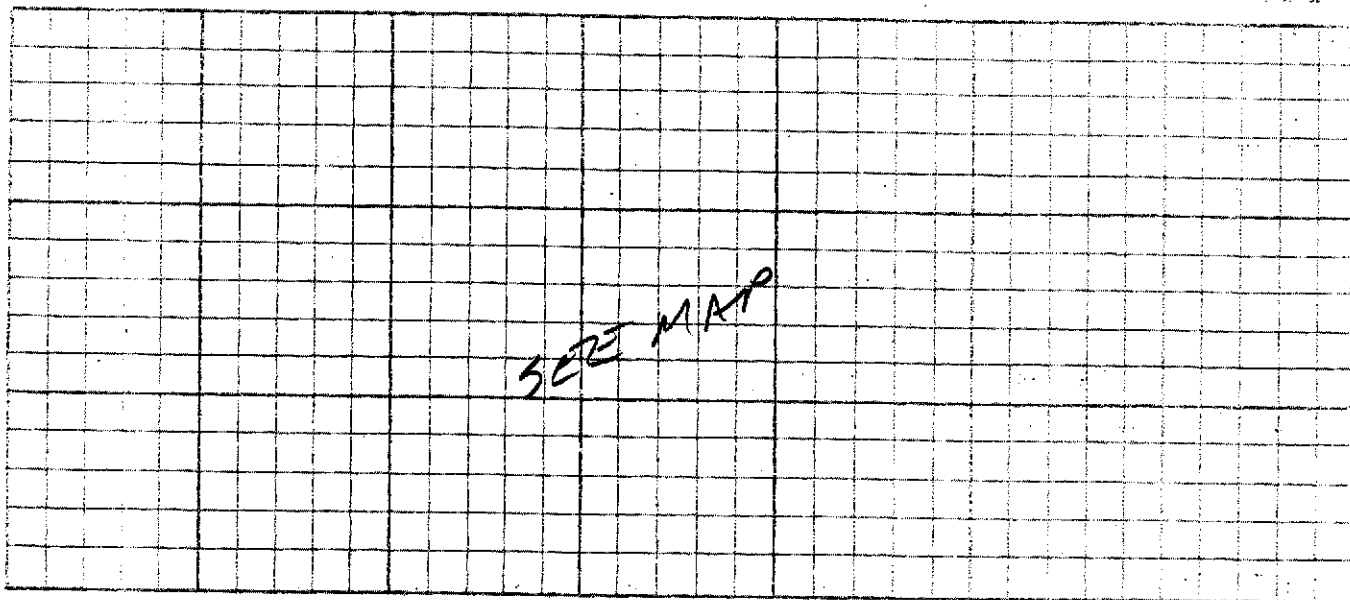
- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

SEP 12 1994

C. DIAGRAMS

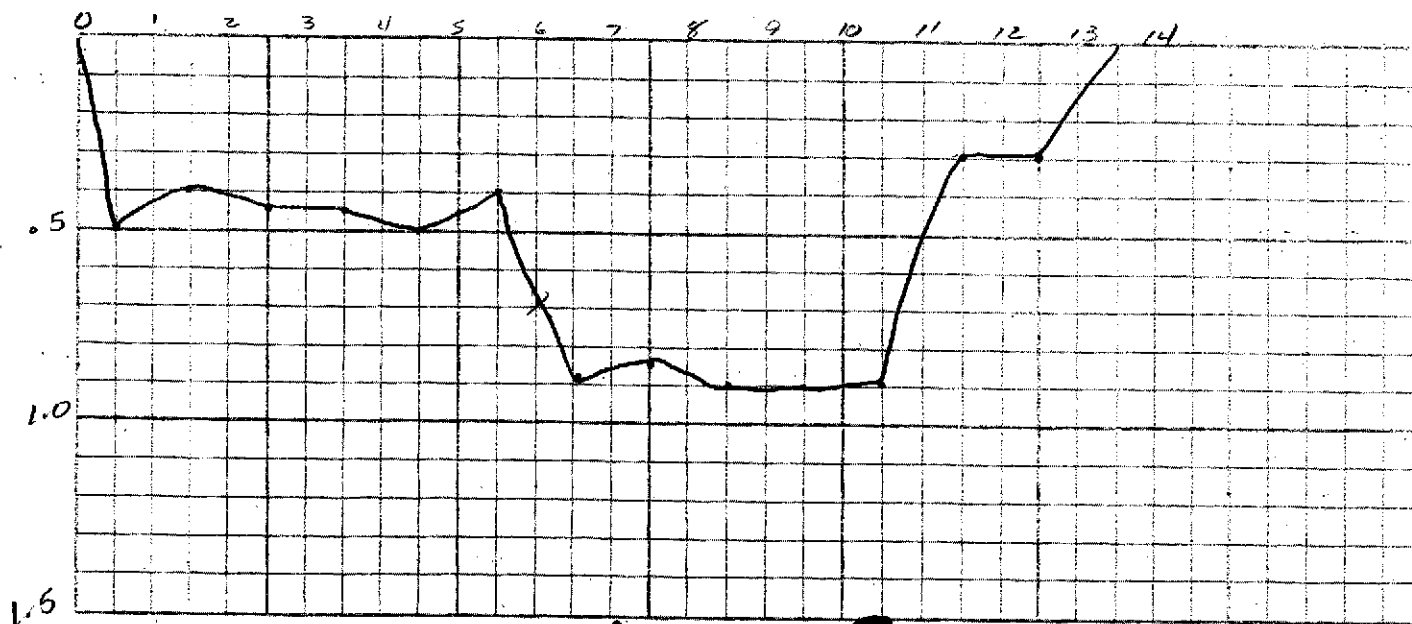
1. Measurement Location

Scale: _____ = _____



2. Cross-Section of Measurement

Scale _____ = _____



D. SUMMARY INFORMATION

1. Measurement rated _____ excellent _____ good ☒ fair _____ poor

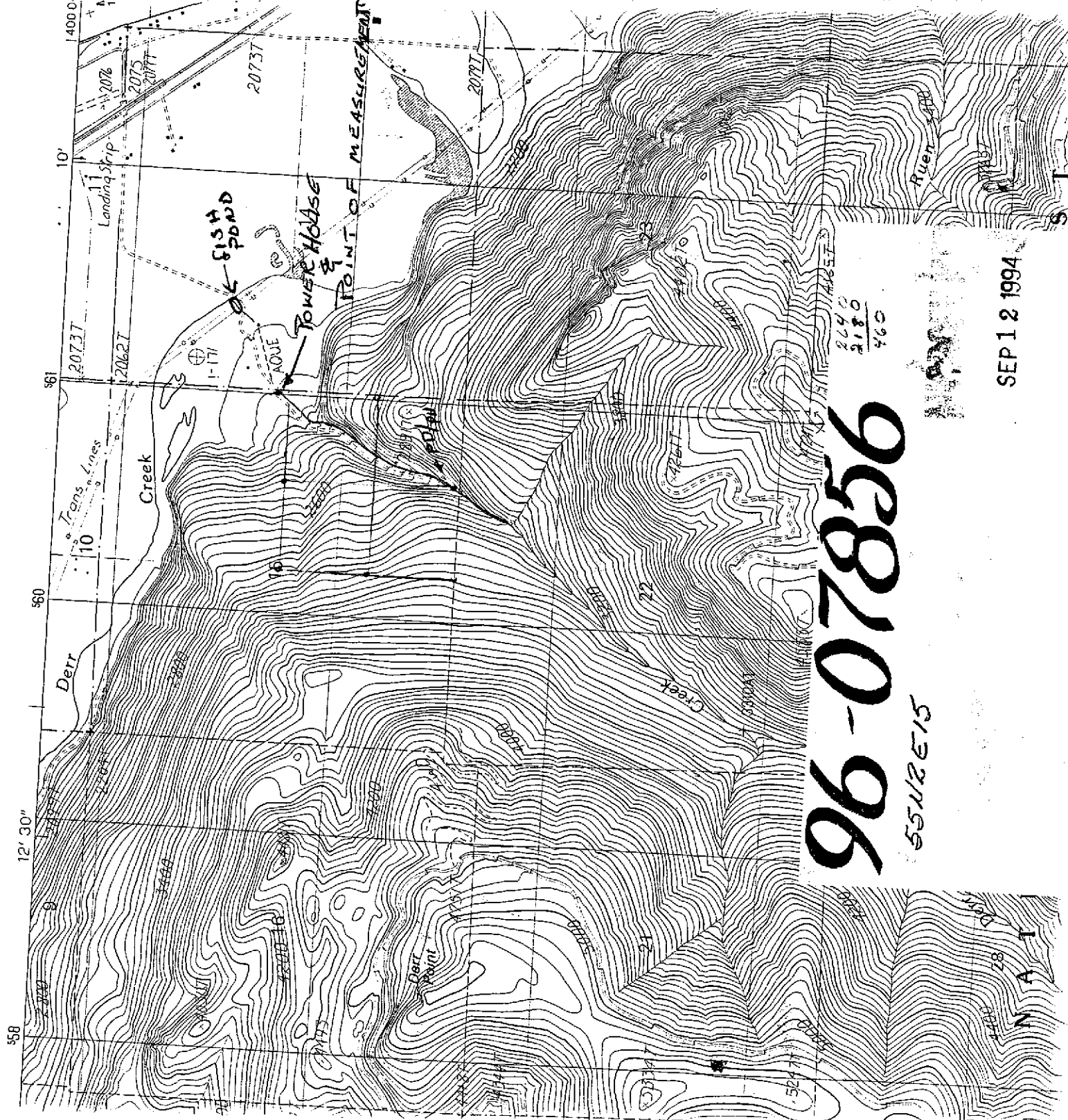
2. Remarks: _____

3. Width: 13.5' Area: _____ Discharge in cubic feet per second: 6.9

DATE 3/20/92

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

SEP 12 1994



96-07856

5542E15

2640
2180
460

SEP 12 1994



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-7856

DATE

INITIALS

3-1-88 266-1123 NOT RUNNING PEAK~CALL IN MAY

4-88 CALL 4-1-89

1-3-89 LEFT MSG FOR MR. WHITE TO CALL ME

3-19-92 266-1123



PERMIT HOLDER WILL ALLOW NO PICTURES
IN POWER HOUSE

SEP 12 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

REMARKS / PHOTOS

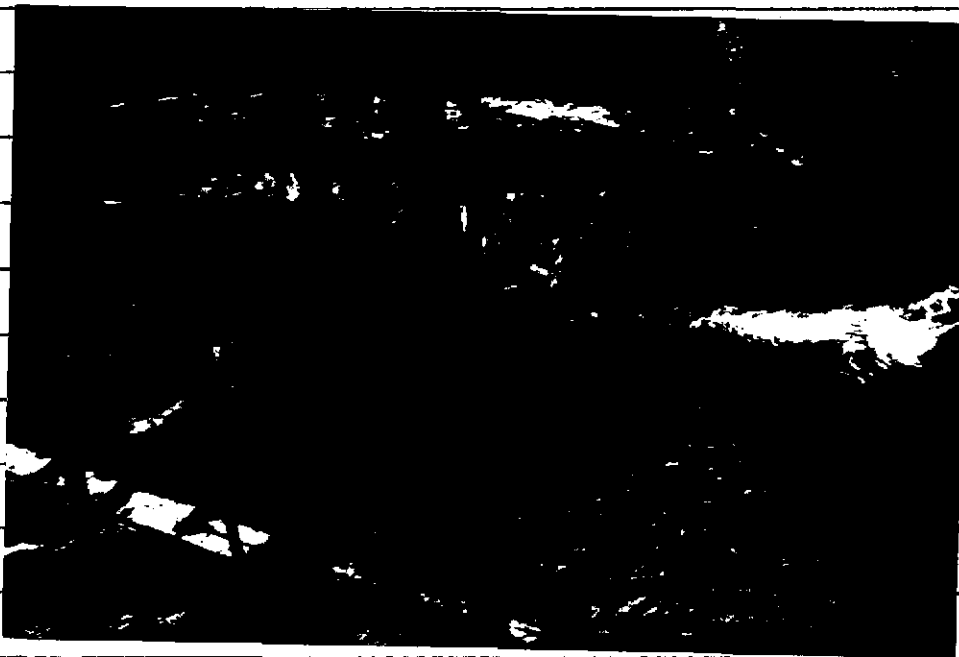
PERMIT # 96-7856

DATE

INITIALS

4/20/87 226-1123 TO CALL ME FOR APPT.

k



DAM →

↑ INTAKE



DAM →

SEP 12 1994

MEMORANDUM

TO: BOB HAYNES/NORTHERN REGION

FROM: PAM SKAGGS *PS*

RE: RETURNED FIELD EXAM 96-07856

DATE: 16-FEB-1993

I reviewed and prepared a license according to the above referenced exam. A rough draft was sent to the right holder and he responded with a letter disagreeing with the license recommendations. I am returning the exam to you, per Jim Johnson, to resolve the discrepancies with Mr. White. I have attached copies of the correspondence for your review.

RECEIVED

SEP 12 1994

RECEIVED

JAN 13 1993

Department of Water Resources

JAMES E. WHITE
P.O. BOX 158
CLARK FORK, IDAHO 83811

(208) 266-1123

JANUARY 9, 1993

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD ST.
BOISE, IDAHO 83706-2237

ATTN: PAMELA SKAGGS

SUBJECT: WATER RIGHT NO. 96-07856

GENTLEMEN:

YOUR COMMUNICATION RECEIVED HERE DATED JANUARY 5, 1993 OF DRAFT COPY OF LICENSE PROPOSED TO BE ISSUED ON WATER RIGHT NO 96-07856 I FEEL TO BE IN ERROR.

THE ORIGINAL WATER RIGHT APPLICATION I BELEIVE WAS FOR USE OF 12 CFS FOR POWER GENERATION. THE PRODUCTION OF THE PLANT INSTALLED AND CAPACITIES GENERATED INDICATE A USE OF WATER APPROACHING THE 12 C.F.S QUANTITY DURING HIGH FLOW OF THE STREAM.

THE ENGINEERING DATA SUPPLIED BY THE MANUFACTURER OF THE INSTALLED EQUIPMENT INDICATED A FLOW USAGE OF 2 C.F.S. PER UNIT AT THE TURBINE GENFRATOR RATED CAPACITY OF 50 KW. HISTORICALLY OPERATION HAS EXCEEDED NAMEPLATE CAPACITY BY UP TO 10% DURING PERIODS OF HIGH FLOW. FIVE 50 KW TURBINE GENERATOR SETS ARE IN PLACE IN THE PLANT.

NAME PLATE CAPACITY IS USUALLY MAINTAINED FOR A PERIOD OF ABOUT 140 DAYS OF EXPECTED STREAM FLOW FOR WHAT MIGHT BE CONSIDERED TO BE NORMAL YEARS. GENERATION THEN DECREASES FROM ABOUT JULY 10TH TO A NORMAL LOW OF ABOUT 35 KW PRODUCTION THRU THE WINTER PERIOD.

THIS PROJECT WAS LICENSED AS A RUN OF THE STREAM FACILITY AND HAS BEEN OPERATED IN THAT MANNER CONTINUOUSLY SINCE NOVEMBER 1981.

SIZING OF THE SYSTEM WAS BASED ON THE 12 C.F.S. FLOW PREDICTION. ENGINEERING WAS DONE BY INDEPENDENT POWER DEVELOPERS OF NOXON. MONT. THE COMPANY AND PERSONNEL ARE NO LONGER IN BUSINESS.

SINCERELY


JAMES E. WHITE

SEP 12 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

January 5, 1993

JAMES E WHITE
PO BOX 158
CLARK FORK ID 83811

RE: WATER RIGHT NO. 96-07856

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Skaggs".

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

SEP 12 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor
JUNE 1, 1989

R. Keith Higginson
Director

James White
Box 158
Clark Fork, Id. 83811

Re: 96-07856

Dear Mr. White:

Since our meeting in 1987, I have consulted with the Water Rights Supervisor on several occasions, regarding the requirement of your permit that you install an access port on your Hydro-power main lines.

I am happy to report that I can get the requirement waived, if you will furnish this office with the turbine efficiency curves and a copy of your measured electrical output. Your maximum electrical output is preferred, since that output would require the maximum usage of the water.

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

Sincerely

Tom D. King
Sr. Water Resource Agent

1989 JUN 12 1007

June 19, 1986

Mr. James E. White
P.O. Box 158
Clark Fork, Id. 83811

Re: 96-7856

Dear Mr. White:

Enclosed is your Receipt No. 32174 in the amount of \$400.00 for the examination of your above-referenced permit.

If you have any questions, please contact this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

IDK/pms

Enc. - Receipt

SEP 12 1986

Jensen & Mills

ATTORNEYS AT LAW

CHARLTON MILLS
Attorney at Law
Tax Attorney



TERRY L. JENSEN
Attorney at Law

517 NORTH 4TH AVE. SANDPOINT, ID. 83864
(208) 263-8538

RECEIVED

JUN 13 1986

Department of Water Resources
Northern District Office

June 12, 1986

Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

Re: James E. White, P.O. Box 158, Clark Fork, ID 83811

96-7856
Examination Fee Notice 138512

Dear Sir:

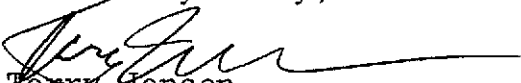
Enclosed please find the Examination Fee Information form which has been filled out and signed by water right holder, James White. Also enclosed please find Mr. White's check in the amount of \$400.00, delivered under protest, for the examination fee.

Mr. White completed this system prior to September, 1981. At that time he submitted his request that the system be examined and the water right be perfected. Now, after the Department of Water Resources has waited for years to get its examination done, the law is passed levying an excessive fee against Mr. White and similar parties in his situation, even though they had done everything required of them long ago. I feel that Mr. White, and others similarly situated, have been deprived of a valuable property right without due process of law. The retrospective nature of the law offends any sense of justice.

Additionally, I feel that the examination fee requirement is nothing more than a poorly disguised revenue-producing measure. The fees assessed really bear no relationship whatsoever to any cost or expense to the Department to actually make the examinations.

You'll be hearing more from Mr. White.

Yours very truly,


Terry Jensen
TJ/jr

encls.
cc: Jim White

SEP 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

Mailing address:

Statehouse

Boise, Idaho 83720

A. KENNETH DUNN

Director

96-7856

WHITE, JAMES E.

P.O. BOX 158

CLARK FORK, ID 83811

138512

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

SEP 12 1994

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECEIVED
SEP 12 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

JUNE 21, 1985

JAMES WHITE
P.O. BOX 158
CLARK FORK ID 83811

RE: Permit No. 96-7856

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

RECEIVED

SEP 12 1984

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 96-7856.

Name(s) of Permit Holder: JAMES E. WHITE

Post Office Address: PO BOX 158

CLARK FORK, IDAHO Tel. No. (208) 266-1123

Source of Water: DERR CREEK

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☒ Other MICRO HYDRO TURBINE GENERATING PLANT. (NON CONSUMPTIVE)

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

FEB 4 1988

Date

MICROFILMED

James E. White
 Signature of Permit Holder

JAMES E. ELITE

PO BOX 158

CLARK FORK, IDAHO

PLACE
13 CENT
STAMP
HERE

RECEIVED

FEB 13 1985



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED

CONVERSATION MEMORANDUM

DATE 2-5-85FILE 96-7856

NAME OF PARTY

James E White

EMPLOYEE

Rita Slick

RE:

Mr. White called to advise that the project proposed by the permit had been completed and that he was sending in the proof of beneficial use postcard.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138696

WHITE, JAMES E.
P.O. BOX 158
CLARK FORK, ID 83811

PROOF DUE NOTICE

JANUARY 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7856 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 96-7856
Name(s) of Permit Holder(s): JAMES E. WHITE
Post Office Address: Box 158
CLARK FORK, ID. 83811 Tel. No. (208) 266 1123

☒ I hereby certify that construction of diversion works for the above referenced permit began on MAY - OCTOBER 1980 and understand that I must
(date)
continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:
SEP 12 1994

*Note: A financing difficulty is
not an acceptable reason.

7-2-82
Date

James E. White
Signature of Permit Holder

JAMES F. WHITE

Box 158

CLARK FORK IDAHO 83811

PLACE
STAMP
HERE

RECEIVED

JUL 8 1982

Department of Water Resources



~~MAILED~~

SEP 12 1994

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

CX RANCH

James E. White, Jr.

POST OFFICE BOX 158

CLARK FORK, IDAHO 83811

JUL 8 1982

Department of Water Resources
PH. (208) 266-1123

DELTA SHORE ESTATES

July 2, 1982.

*Idaho Department of Water Resources.
Statehouse
Boise, Idaho 83720*

Gentlemen,

*Development of the water resource on
my property under permit number 96-7856
is nearly completed with only the development
of a fish pond to be done during low
flow of the stream this fall.*

sincerely,

James E. White.

RECEIVED

SEP 12 1994



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351

Dept of Water Resources
State House
Bozeman, Idaho 83720
1-3922

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

RECEIVED

JUN 3 1981

Department of Water Resources

15 FERC 162,210

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

James E. White) Project No. 3922-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS
(Issued May 20, 1981)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption. Standard Article 2 included in this exemption, requires compliance with any conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources.

It is ordered that:

(A) James E. White Project No. 3922 as described and designated in Mr. James E. White's application filed on January 15, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in Section 4.106 of the Commission's regulations, 18 C.F.R. 4.106, 45 Fed. Reg. 76115 (1980), as corrected in 45 Fed. Reg. 77420 (1980).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

(S E A L)

William W. Lindsay
William W. Lindsay
Director, Office of Electric
Power Regulation

DC-A-12

- 1/ Mr. James E. White, Project No. 3922, filed on January 5, 1981.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation under 18 C.F.R. §375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).

MICROFILMED

Route To		Date	Initial
3	Director		
	Deputy Dir.		
2	Reso. Adm.		
	Reso. Analysis	/	
1	Oper. Bureau		
	Proj. Stud. Bu.		
	Reg. Off. Bu.	/	
	Tech. Serv. Bu.		
0, 4	Water Alloc		
	File:		

MICROFILMED

-2-

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

James E. White) Project No. 3922

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY
(March 16, 1981)

Take notice that on January 5, 1981, James E. White (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. §§2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part 1 of the Federal Power Act. The proposed James E. White small hydroelectric project (FERC No. 3922) would be located on Derr Creek in Bonner County, Idaho. Correspondence with the Applicant should be directed to: James E. White, P.O. Box 158, Clark Fork, Idaho 83811.

Project Description - The proposed project would consist of: (1) an intake structure; (2) two parallel penstocks, each 3050 feet in length; (3) a powerhouse, containing five generating units with a total installed capacity of 250 kW; and (4) two 24-inch diameter discharge culverts. The power plant would be operated in a run-of-the-river mode, without capacity for storage or ponding.

Purpose of the Project - The energy generated by the proposed project would be marketed to a local utility.

Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments - Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

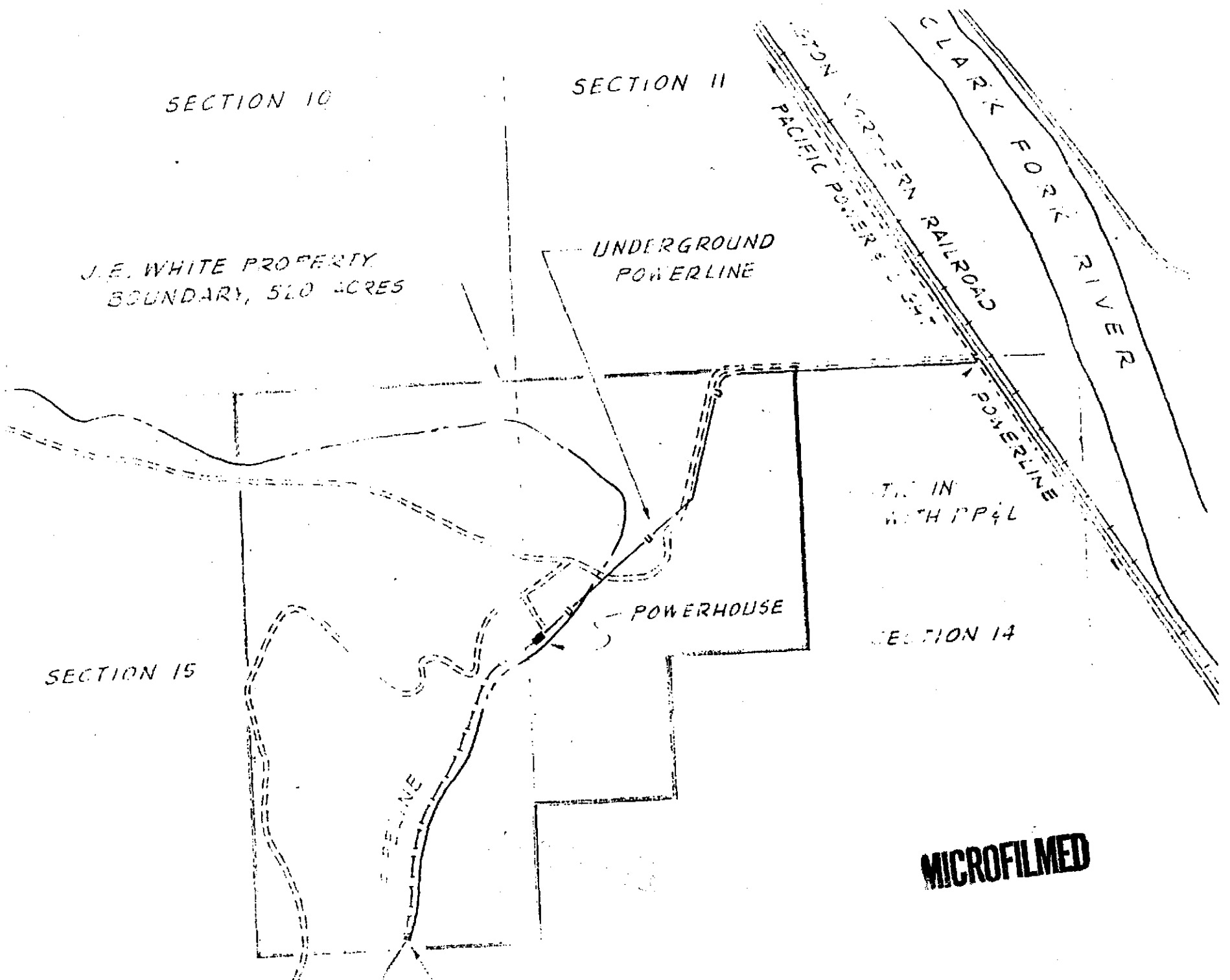
Competing Applications - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than August 25, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents - Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3922. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N. W., Washington, D. C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary

DC-A-15



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S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

WHITE, JAMES E.
P.O. BOX 158
CLARK FORK, ID 83811

APRIL 29, 1980

RE: PERMIT NO. 96-7856

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TOTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

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INTER-DEPARTMENT MEMO — 1

DATE 4-21-80

FROM Jim Johnson

TO File

SUBJECT Power Subordination Condition

Per Administrative memo of 3-30-80 the location of this application for power generation is in a remote location that does not have conflicting uses, therefore it does not need a Power Subordination Condition. In a telecon with the applicant he indicated that the power generated would be sold to Pacific Power & Light Co.'

NOT RECORDED

SIGNATURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RyH

APPLICATION NUMBER: 96-7856

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☐ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4/14/80
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
3/5/80 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: RyH Date: 4/14/80

STATE OFFICE REVIEW:

OIC OBA

type memo S.L. w/oic cond.

- ☐ See attached sheet for more information.

By: Juni Date: 4/18/80

April 8, 1980

To Whom It May Concern:

This is to advise that the enclosed copy of Application for Permit No. 96-7856 in the name of James E. White was advertised in the Sandpoint Daily Bee Newspaper, Sandpoint, Idaho, on March 19 and 26, 1980, and held for ten days pending any protest fofsaidd appropriation.

The statutory time for filing protests expired yesterday with no protest being filed. Therefore the above-referenced application for permit has been recommended for approval and is being sent to our State Office in Boise for further processing.

A permit will be issued to the applicant directly from our State Office in approximately 45 days.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Application for Permit

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AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have 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 *Application*

for Water Right 96-7856
as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 19 day of 3, 1980 and ending on the 26 day of 3, 1980 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 11 day of April, 1980.

Edell M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application (s) have been submitted for permit to appropriate the public waters of the State of Idaho:

96-7

96-7856

WHITE, JAMES E.
P.O. BOX 158, CLARK FORK,
ID 83811

Source: DEER CREEK
tributary to SINKS

Date Filed: 03-05-1980

Amount: 12.00 CFS AND 6

ACRE-FEET PER ANNUM

Diversion Point: SESE Sec 15 T
55N R 02E, BONNER Co.

Use: STOCKWATER (0.03
CFS) from 01-01 to 12-31

RECREATION STORAGE (6.0
AC-FT) from 01-01 to 12-31

POWER (12.00 CFS) from 01-01
to 12-31

DIVERSION TO STORAGE
(12.00 CFS) from 01-01 to 12-31

Place of Use: NESE SENE Sec
15 T 55N R 02E

Diversion Means: SYPHON,
TURBINES, GRAVITY-FLOW
PIPELINE.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Id. 83814 on or before APRIL 7, 1980.

C. STEPHEN ALLRED

Director

Published 3-19 & 3-26-80

RECEIVED

APR 24 1980

Department of Water Resources
Northern District Office

OK
APR 24 1980

96-2856

WHITE, JAMES E.

P.O. BOX 158, CLARK FORK, ID 83811

Source: DEER CREEK tributary to SINKS

Date Filed: 03/05/1980

Amount: 12.00 CFS AND 6 ACRE/FEET PER ANNUM

Diversion Point. SESE Sec 15 T 55N R 02E, BONNER Co.

Use: STOCKWATER	(0.03 CFS)	from 01/01 to 12/31
RECREATION STORAGE	(6.0 AC-FT)	from 01/01 to 12/31
POWER	(12.00 CFS)	from 01/01 to 12/31
DIVERSION TO STORAGE	(12.00 CFS)	from 01/01 to 12/31

Place of Use: NESE SENE Sec 15 T 55N R 02E

Diversion Means: SYPHON, TURBINES, GRAVITY-FLOW PIPELINE.

MICROFILMED

March 10, 1980

Mr. James E. White
P. O. Box 158
Clark Fork, Idaho 83811

Dear Mr. White:

I forgot to have you sign this Affidavit when you were in the office.

Please sign the "Individual Owner" portion, have it notarized and return it to this office.

I apologize for this inconvenience.

Sincerely,

WILLIAM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Affidavit

RECEIVED
MARCH 11 1980