

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31981

Priority: February 09, 2004

Maximum Diversion Rate: 1.00 CFS

This is to certify, that GERALD A WHITE
15 STRONGHOLD
BOISE ID 83716

has applied for a permit to appropriate water from:

Source: ROBIE CREEK

Tributary: MORES 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	1.00 CFS
FIRE PROTECTION	01/01 to 12/31	0.50 CFS

LOCATION OF POINT OF DIVERSION:

ROBIE CREEK L4 (SW¼SW¼) Sec. 19, Twp 04N, Rge 04E, B.M., BOISE County

PLACE OF USE: POWER & FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 04E 30						X											
						L1											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2006**.
2. Subject to all prior water rights.
3. The diversion and use of water described in this right may be affected by an agreement between the protestant of lapsed right 63-11952 and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. 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.
7. 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.

State of Idaho
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8. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
9. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Use of water under this right shall be non-consumptive.
12. 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.
13. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
14. Prior to any construction below the ordinary high water mark, the right holder shall submit plans of the diversion and associated works to the Department for review and approval by the Director.
15. Prior to the diversion of water, the right holder shall install measuring devices and controlling works necessary to determine the flow in Robie Creek directly upstream and downstream of the point of diversion.
16. Diversion of water under this right shall not diminish flows in Robie Creek to less than 1.0 cfs. Diversion of water under this right shall cease when flows of Robie Creek directly above the point of diversion are less than 1.0 cfs.
17. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
18. After specific notification by the Department, the right holder shall annually report the amount of water diverted to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of October, 2004.


KARL J DREHER, Director

RECEIVED

SEP 30 2004

Ident. No. 603-31981

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

RECEIVED

FEB 09 2004

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of Applicant GERALD A. WHITE Phone 343-1845
Mailing address 15 STRONGHOLD BOISE ID 83716
2. Source of water supply ROBIE CREEK which is a tributary of MOREX CREEK
3. Location of point of diversion is Township 04N Range 04E Sec. 19, in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 4, B.M., BOISE County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 1.0 CFS for HYDRO POWER purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.50 CFS for FIRE PROTECTION purposes from 01/01 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source CONCRETE DAM (8' LONG, 3' HIGH)
WITH FISH PASSAGE AROUND END
- b. Height of storage dam 3' feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

- a. Hydropower; show total feet of head and proposed capacity in kW. 60', 10 KW TURBINE
- b. Stockwatering; list number and kind of livestock. 2400
- 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.

P - POWER

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04E	30						P											1 CFS

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? GERALD A. WHITE

b. Who owns the land to be irrigated or place of use? GERALD A. WHITE

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: THIS APPLICATION IS TO REPLACE PERMIT # 63-11952. DEPT. HAS ALL DRAWINGS AND AGREEMENTS ON FILE.

DEPT. OF THE ARMY PERMIT # NWJ NO. 032100520 COPY ATTACHED

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

MAP IS ON FILE SEE PERMIT # 63-11952

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


Signature of Applicant (and title, if applicable)

Received by AK Date 2/9/04 Time 12:19 Preliminary check by OAN
 Fee \$ 25000 Receipted by AK # W031288 Date 2/9/04
 Publication prepared by sk Date 9-7-04 Published in IDAHO WORLD
 Publication approved sk Date 9-20-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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, GERALD A. WHITE of RODIE CREEK / BOISE,
(name) (city)

County of BOISE, 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 of the said
(name of corporation)

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 _____

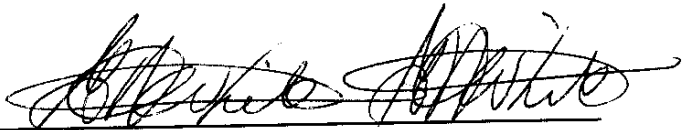
_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

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

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

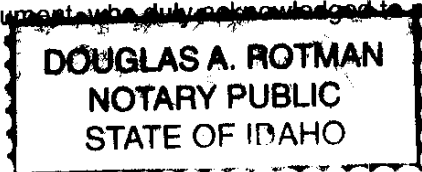
(check one)

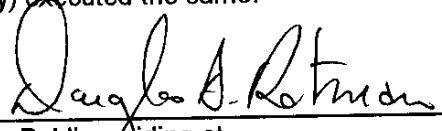
- ☐ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities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


Applicant

STATE OF IDAHO)
County of Ada)ss

On this 05th day of February, 2004, personally appeared before me the signer(s) of
the above instrument who duly acknowledged to me that he (she) (they) executed the same.




Notary Public residing at
Boise, ID

SEAL

My commission expires: 03-Aug-07



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

March 11, 2003

Operations Division

SUBJECT: NWW No. 032100520

GERALD

Mr. George A. White
15 Stronghold
Boise, ID 83716

Dear Mr. White:

Your proposed installation of 1000 linear feet of 6-inch PVC pipe from an existing in-channel diversion structure in Robie Creek downstream to a small hydro-plant located in uplands adjacent the stream is authorized under the terms and conditions of Department of the Army Nationwide Permit (NWP) Number 12 (33 CFR 330, Appendix A). This authorization requires that your project is constructed as shown on the enclosed drawings and complies with the enclosed nationwide permit and the special conditions listed below. Your project is located in Sec. 19, T.4N., R.4E., B.M., Boise County, ID.

Please carefully review these conditions, including the Water Quality Certification conditions. If you cannot meet these conditions, this NWP verification is not valid. Your project must comply with the Idaho Water Quality Standards as stated in IDAPA 58.01.02. If you have any questions about the Water Quality Certification conditions, please contact Jack Gantz, at 208-373-0599. If you change the project description in your permit application, this NWP may not be valid and you should contact us before starting work. We have enclosed a Compliance Certification for you to sign and return when you have completed your project.

This verification is valid for 2 years from the date of this letter. If you start or are under contract to start this activity before this date, you will have an additional 12 months to complete the activity under the present terms and conditions of this NWP.

This authorization applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Water Resources, you will need to obtain their

approval before starting work. You should also contact your local city or county zoning office for any permits they may require for your project.

If you have any questions concerning this authorization or Corps jurisdiction, please feel free to contact me at 208-345-2154. A copy of this letter is being sent to Erv Ballou, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098; Katherine B. Kelly, Regional Administrator, Idaho Department of Environmental Quality, 1445 North Orchard, Boise, Idaho 83706.

Sincerely,


Gregory J. Martinez
Regulatory Project Manager

Enclosures

JC APPLICATION FOR PERMITS
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE.**

application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent lands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act (Title 42, Chapter 39, Idaho Code). **Routine Uses:** Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to the Corps of Engineers and the State of Idaho. **NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE.** The Applicant Information sheet provides instructions and a checklist for completing the drawings.

Corps of Engineers # _____	2a. Department of Water Resources # _____	2b. Department of Lands # _____
Date Received _____	Date Received _____	Date Received _____
Fee Rec'd By: _____ Receipt # _____	Fee Rec'd By: _____ Receipt # _____	Fee Rec'd By: _____ Receipt # _____

PLEASE TYPE OR PRINT

Applicant <u>GERALD A. WHITE</u>	4. Authorized Agent _____
Mailing Address <u>15 STRONGHOLD</u> <u>BOISE ID 83716-3057</u>	Mailing Address _____
Area _____ Area _____ Work Phone () _____ Home (208) <u>343-1845</u>	Area _____ Area _____ Work Phone () _____ Home () _____
Fax Number _____	Fax Number _____
Email Address <u>GWHITE7000@AOL.COM</u>	Email Address _____
Location where proposed activity exists or will occur. _____	Tax Assessor's Description _____
Waterway <u>ROBIE CREEK</u>	
<u>APPROX 8 mi NE OF BOISE ID</u>	<u>SW SW 19 4N 4E</u>
Distance/Direction from nearest city or town _____ County/State _____	<u>1/4 1/4</u> Section _____ Township _____ Range _____
<u>83716</u> <u>BOISE COUNTY</u>	UTM Coordinate Grid <u>11</u> <u>4834040</u> <u>578180</u>
Zip Code _____ Local jurisdiction (city or county) _____	Zone _____ Northing _____ Easting _____

Directions to the site 5.8 miles up Robie Creek Rd, Left @ Stronghold

Describe Project (Work below the ordinary high water mark or in wetlands).

WORK COMPLETED ON DIVERSION INITIAL PENSTOCK UNDER PERMIT # 972101630
WE WANT TO ELIMINATE PROPOSED OFFSET IN PENSTOCK AND PROCEED WITH INSTALLATION
OF 6" PENSTOCK, APPROXIMATELY 1000 FT, TO HYDRO POWER GENERATING
PLANT WITH IMMEDIATE RETURN OF WATER TO ROBIE CREEK

Construction methods and equipment: MINOR EXCAVATION OUTSIDE OF CREEK BED
WITH BACKHOE

Length of project along the stream or extension into lake or reservoir: 1000' OF SIX INCH PIPE

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

Volume dredged or fill material to be placed waterward of ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? _____ (cubic yards)

Will fill be placed in wetlands? _____ If yes, area: _____ (acres) Type of fill material: _____ (i.e. sand, rock, clay, concrete, etc.)

Will dredging be required waterward of the ordinary high water mark or in wetlands? _____ If yes, volume _____ (cubic yards)

Type of dredged material _____

Disposal site for dredged material: _____ Method of dredging: _____

Method to control turbidity and sedimentation: _____

Is project located in a mapped floodway? _____ If yes, complete the Engineering "No-Rise" certification form.

Use and include use: HYDROPOWER
 on for project: HYDROPOWER
 used Starting Date: JUNE 2003 Estimated Duration: ONE YEAR
 portions of the project that are complete with month and year of completion: DAM (9/99) 40 PENSTOCK (9/02)
 this work on your drawings.
 es, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.
 MESS STEPHENS 20 SUNDANCE LANE BOISE 83716 345-7154
 EN WHEELER 3424 PORTLAND AVE NAMPA 83686 967-1287

Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands
 AL OWNER IF OTHER THAN APPLICANT

Phone Work () _____
 Home () _____
 ng Address _____
 State, Zip Code _____

applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
DEPT. WATER RESOURCES	STREAM CHANNEL	63-S-1317	10/6/1992	5/26/1999
	ALTERATION PERMIT			

any agency denied approval for the proposed activity? Yes _____ No X (If "Yes" explain)

Comments/information: PERMIT # 972101630 HAS EXPIRED. REQUEST
FOR PERMIT TO CONTINUE CONSTRUCTION WITH SOME
MODIFICATION TO PEN STOCK (SMALLER DIAMETER, ELIMINATE
OFFSET)

ation is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in
 application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the
 ability to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described
 property to inspect the proposed or completed work.

[Signature] GERALD A. WHITE 2/26/2003
 Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Printed Name Date

I wish to designate an authorized agent, complete item 4 and the following information.
 I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a
 final permit is issued, I must sign the permit.

Signature of Authorized Agent	Date	Original Signature of Applicant	Date
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I.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies,
 swears, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes
 any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000
 or imprisoned not more than 5 years or both.

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION

LIMIT MAP

HYDRO POWER/DIVERSION
DAM PROJECT

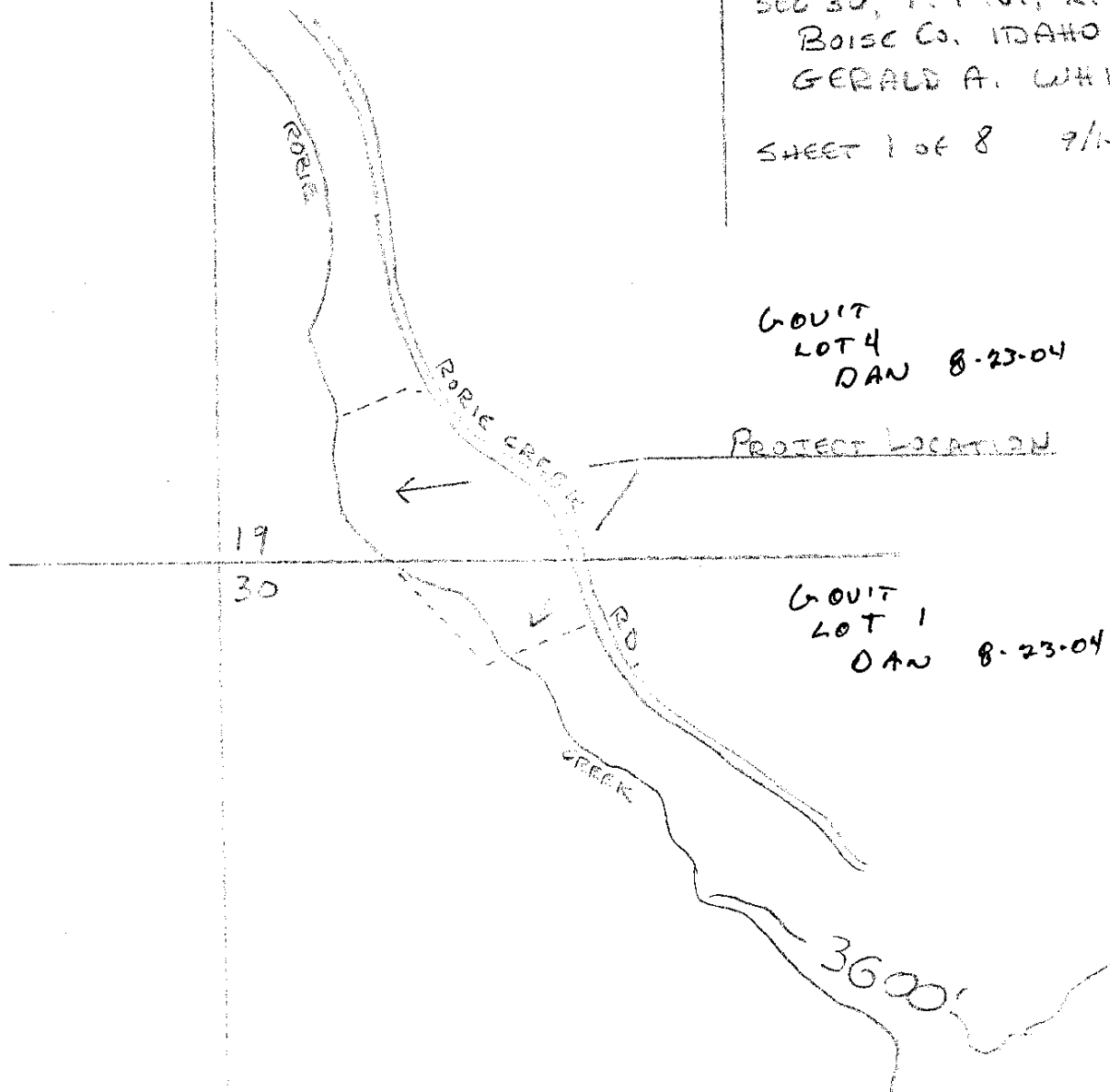
ROBIE CREEK

LOTS 2 & 3 HENRICKSON SUB.
S. HALF 6-0. LOT 4, SEC 19 & 30
AND N.W. 1/4 OF THE N.W. 1/4,
SEC 30, T. 4 N., R. 4 E.,

BOISE CO. IDAHO

GERALD A. WHITE

SHEET 1 of 8 9/15/78



G.O.V.T.
LOT 4
DAN 8-23-04

PROJECT LOCATION

G.O.V.T.
LOT 1
DAN 8-23-04

63-31981

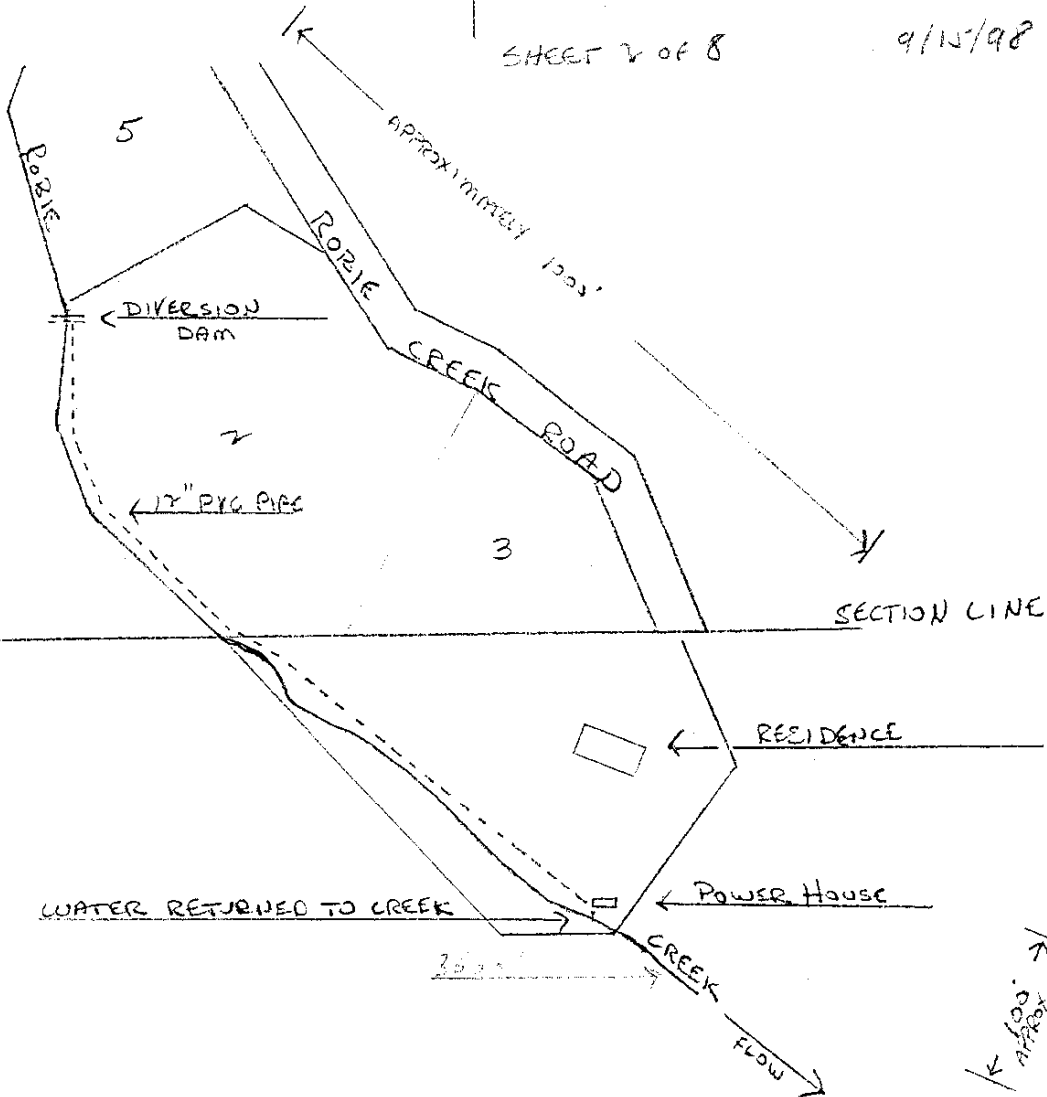
PLAN VIEW



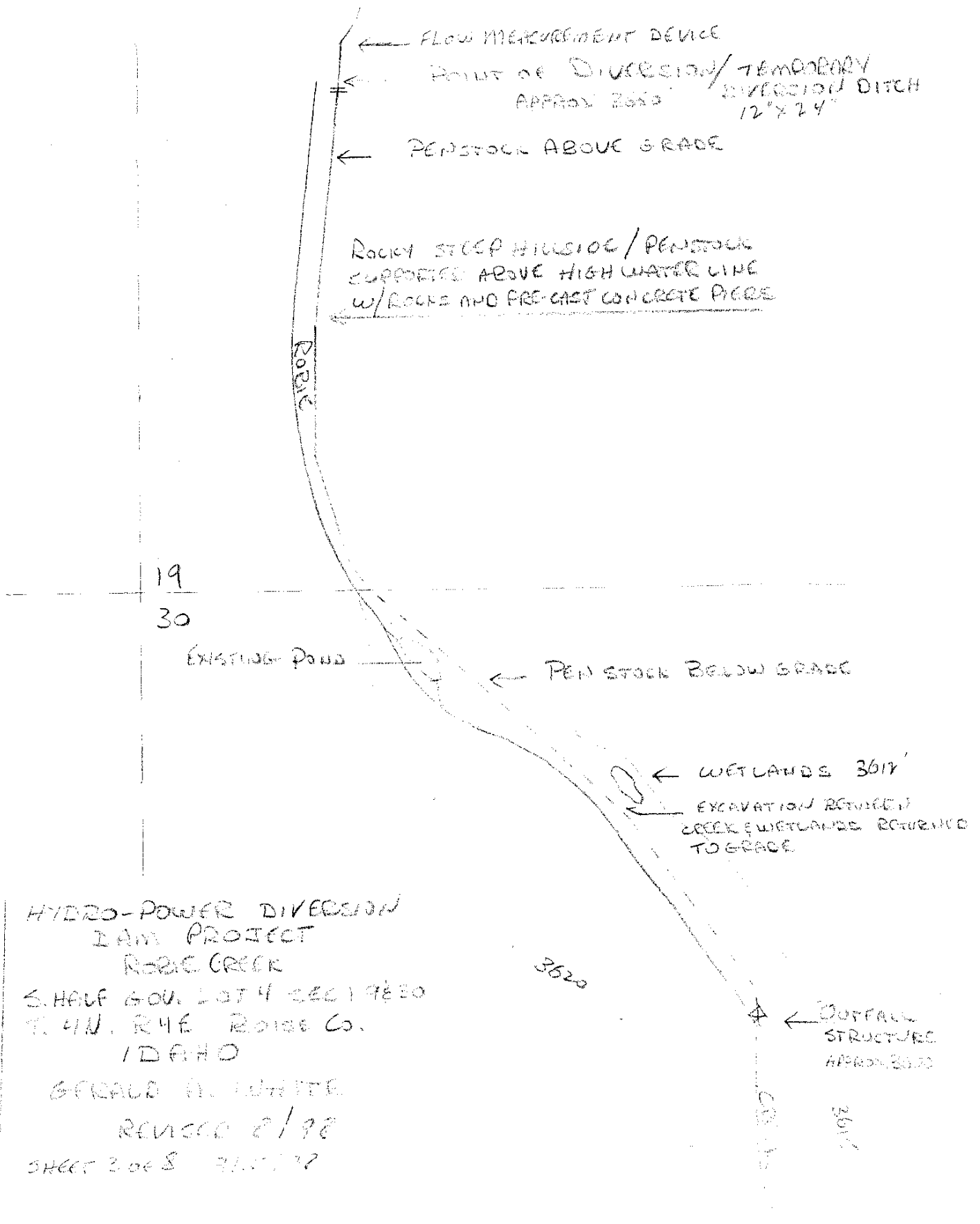
HYDRO-POWER / DIVERSION DAM PROJECT
ROBIE CREEK
LOTS 2 & 3 HEINRICKSON SUB-DIVISION
S. HALF OF GOV. LOT 4, SEC. 19, AND
N.W. 1/4 OF THE N.W. 1/4, SEC. 30, T. 4N.,
R. 4E., BOISE CO. IDAHO.
GERALD A. WHITE,

SHEET 2 OF 8

9/15/98



REVERSE PLAN VIEW



HYDRO-POWER DIVERSION
I AM PROJECT
ROBE CREEK
S. HALF GOV. LOT 4 SEC 19 & 30
T. 4 N. R. 4 E. BOISE CO.
IDAHO
GERALD A. WHITE
REVISIO 2/98
SHEET 3 OF 8 2/15/98

OUTFLOW | STRUCTURE

ROCK

WETLANDS

EXISTING POND

SECTION 19/30 SECTION LINE

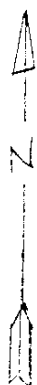
HYDRO-POWER DIVERSION
DAM PROJECT
ROCK CREEK
S. HALF GOV. LOT 4 SEC 19 & 30
T. 4N. R. 4E BOISE CO.
IDAHO
GERALD A. WHITE
REVISED 8/98
SHEET 4 OF 8 9/15/98

CROSS SECTION
VIEW

20-40 FEET

10 20 30 40 50

FOOT



REVISED
DIVERSION

DAM & PENSTOCK

PLAN VIEW

PROPERTY LINE
N 59° 40' E

APPROX 60'

TEMPORARY DIVERSION
DITCH 12' X 24" X 25'

EXISTING POOL & BACKWATER

10" CONCRETE FOOTING EXTENDING
2' UPSTREAM W/ REMOVABLE
BOARDS & STEEL CHANNEL

EXISTING { 4" CONCRETE WALL
W/ 10" FOOTING EXTENDING
2' FROM ROCK INTO CHANNEL

EXISTING 2' DEEP POOL

EXISTING CHANNEL

6" PVC PIPE INSTALLED AT
TOP OF LOW WATER MARK
(EXISTING)

1/4" MESH
INLET

EXISTING
ROCK

FLOW

40'

6'

20'

HYDRO-POWER/DIVERSION
DAM PROJECT
BORIE CREEK

D. HALF GOV LOT 4, SEC 19, E 30
T. 4N., R. 4E., 20126 G.
IDAHO

GERALD A. WHITE

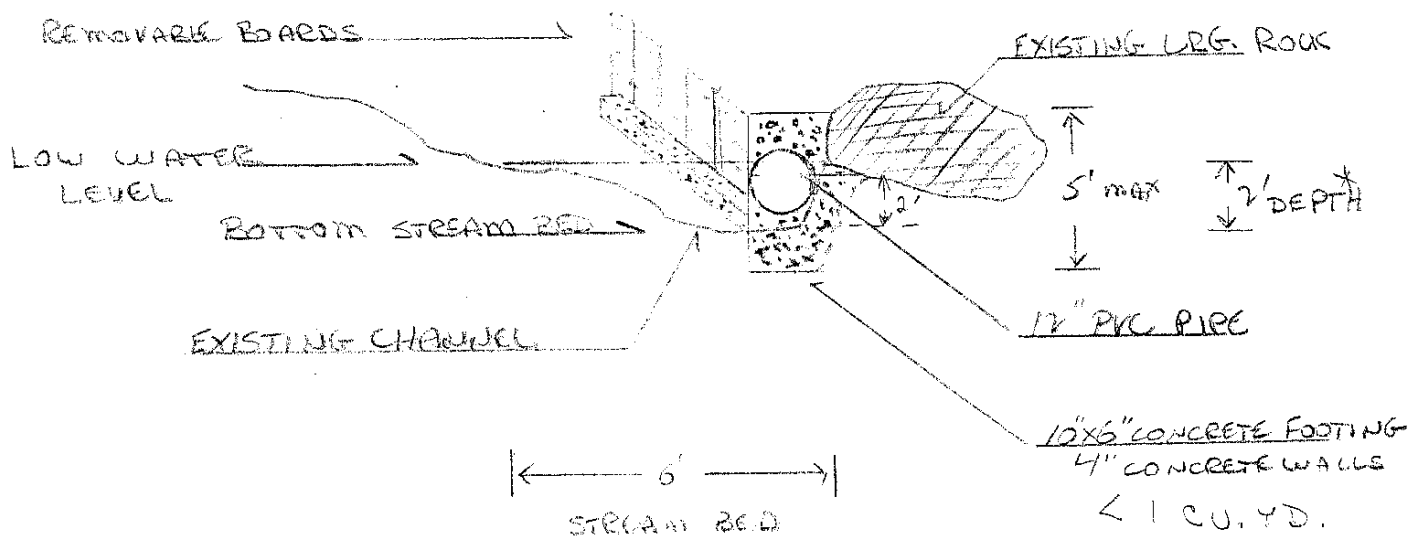
REVISED 2/26/03

SHEET 5 OF 8 9/15/08

REVISED

DIVERSION DAM

CROSS-SECTION VIEW



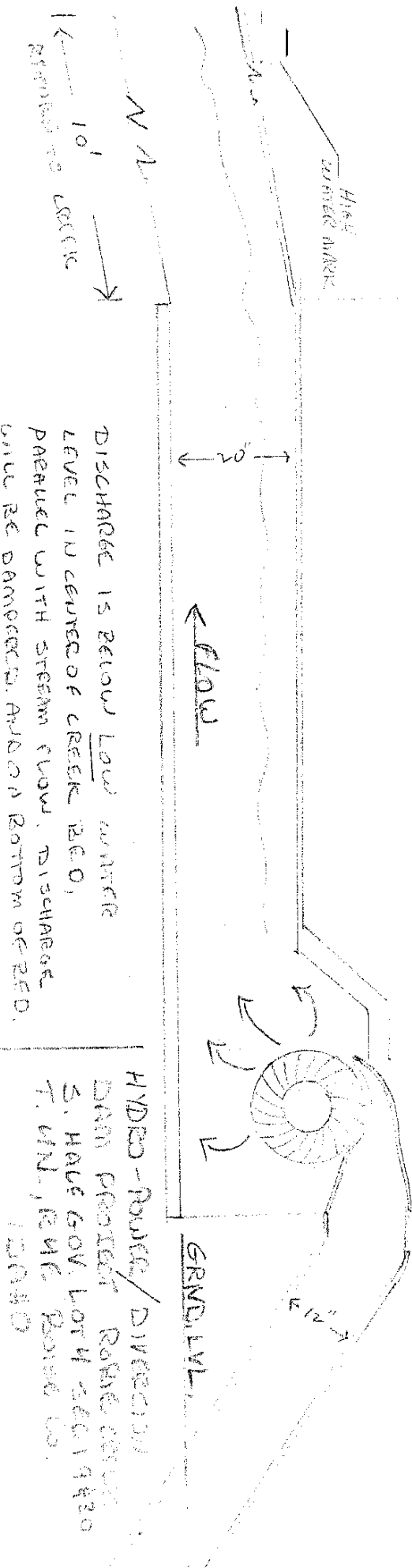
HYDRO-POWER/DIVERSION
DAM PROJECT
ROBIE CREEK
S. HALF GOV. LOT 1 SEC 19 & 20
T. 4 N., R. 4 E., Boise Co.
IDAHO
GERALD A. WHITE
REVISED 6/20/98

* AS OF REVISION DATE

SHEET 6 OF 8 9/15/98

DUTYALL STRUCTURE BELOW DEGRADATION

12'x8'x8'



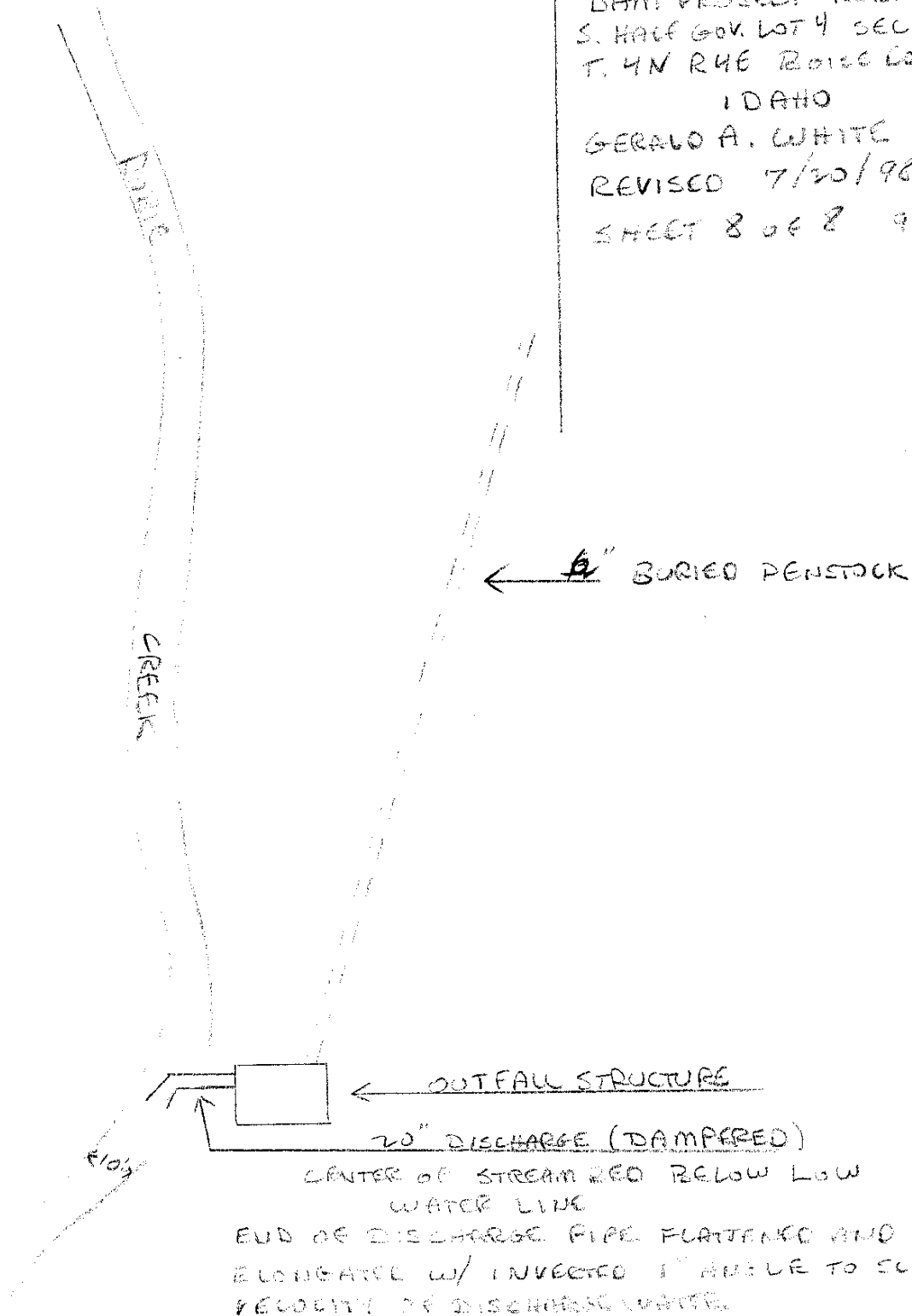
DISCHARGE IS BELOW LOW WATER LEVEL IN CURVED OF CREEK BED, PARALLEL WITH STREAM FLOW. DISCHARGE WILL BE DAMAGED. AND ON BOTTOM OF BED.

HYDRO-POWER/DIRECTION
 DAM PROJECT ROBERTSON
 S. HAVE GOV. LOT 4 36019430
 T. WILSON, ROBERTSON
 12040
 GERALD A. WILSON
 REVISED 7/20/92
 SHEET 2x8 0/1/12

OUTFALL STRUCTURE

PLAN VIEW

HYDRO-POWER/DIVERSION
DAM PROJECT ROBEY CREEK
S. HALF GOV. LOT 4 SEC 19 & 30
T. 4N R. 4E BOISE CO.
IDAHO
GERALD A. WHITE
REVISED 7/20/98
SHEET 8 OF 8 9/15/98



[illegible]

Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 28, 2004

GERALD A WHITE
15 STRONGHOLD
BOISE ID 83716

RE: Permit No. 63-31981

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

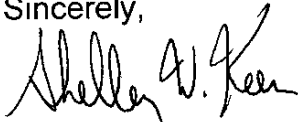
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

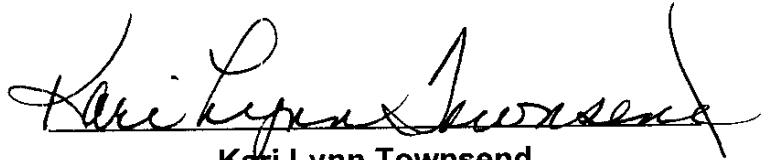
CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31981

**GERALD A WHITE
15 STRONGHOLD
BOISE ID 83716**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

63-31981

1. dnelson 8/23/2004 Comment/Analysis

Comment: This application was filed to replace lapsed permit 63-11952. This permit requested an additional 0.50 cfs above the original permit. All agencies and protestants involved in the original permit were contacted the additional amount of flow was approved by each agency. Using the calculations supplied in Administrative Memo 24, the flow rate and fall cannot supply the 10 Kilowatts of power requested in the application. The flow rate and fall should supply approximately 25 percent of the actual power needed. However, it was determined in the first permit, that this electrical use will supplement the current electrical system. The only significant overlapping water right is 63-10706, but this right should not be connected to this proposed system. The original permit for this project underwent extensive protests. I suggest that the conditions associated with 63-11952 be included in any possible approval of this application.

2. scurtis 8/23/2004 Legal Notice Remarks

Comment: Hydropower and fire protection uses proposed are assumed to be non-consumptive.

3. kwalker 10/21/2004 Permit Review

Comment: In review of this application I found the region recommended we condition exactly as done on lapsed permit 63-11952. I have prepared the permit with conditions as close to those used on lapsed permit as possible with addition of fish screen requirements requested by IDF&G. Some of the conditions have been updated to those that we use on current permits rather than as done in 1999 when permit 63-11952 was issued. Recommend approval.

State of Idaho
Department of Water Resources

RECEIVED

SEP 28 2004

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application Number: 63-31981Applicant's Name: Gerald White

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

Standard Watermaster Conditions

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comments:

Dated this 28 day of Sept. 04Water District Number: 63 Watermaster's Signature: Lee Lico

Use back side of this page if you need more space

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

RECEIVED

SEP 13 2004

WATER RESOURCES
WESTERN REGION

State of Idaho)
)
County of Boise)

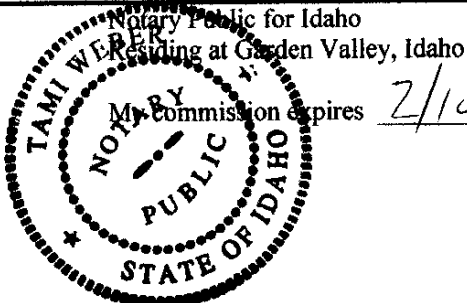
Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Sept 1, 2004 and ending with the issue of Sept 8, 2004.

Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 9 day of Sept in the year 2004, before me, a notary public, personally appeared Deanna Stevenson 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 she executed the same.

Tami Weller



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

63-31981

GERALD A WHITE
15 STRONGHOLD
BOISE ID 83716

Point(s) of Diversion L4 (SWSW) S19 T04N R04E
BOISE County Source ROBIE CREEK
Tributary To MORES CREEK

Use: POWER 01/01 To 12/31 1 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.5 CFS

Total Diversion: 1 CFS

Date Filed: 02/09/2004

Place Of Use: POWER

T04N R04E S30 NWNW Lot 1

Place Of Use: FIRE PROTECTION

T04N R04E S30 NWNW Lot 1

Remark: Hydropower and fire protection uses proposed are assumed to be non-consumptive.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on September 1 and 9, 2004.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5020

RECEIVED

SEP 07 2004

WATER RESOURCES
WESTERN REGION

September 3, 2004

Regulatory Division

SUBJECT: NWW No. 032100520

Post-It™ brand fax transmittal memo 7671		# of pages > 2
To	DAN NELSON	
From	JERRY WHITE	
Co.	WATER RESOURCES	
Co.	NWW #032100520	
Dept.	SR WATER RIGHT AGENT	
Phone #	3431845	
Fax #	334 2348	

Mr. Gerald A. White
15 Stronghold
Boise, Idaho 83716

Dear Mr. White:

This concerns your request that we modify your permit as follows, change the penstock pipe size from 6-inches to 8-inches in diameter, change the outfall discharge pipe from 20-inches to 12 -inches in diameter and modify the diversion structure to include the addition of a water monitoring weir as shown on submitted drawing sheets 3 of 8 and 6 of 8. This request was the subject of your July 6, 2004 letter. This project was originally approved on September 22, 1997 (File No. 972101630) and then reauthorized on March 11, 2003 (File No. 032100520). In our March 11, 2004 letter, we verified that your project was authorized under the terms and conditions of Department of the Army Nationwide Permit (NWP) Number 12.

Based on the information provided in your July 6, 2004 letter and the August 15, 2004 revised drawings, your modified project complies with the terms and conditions of Department of the Army Nationwide Permits 12 and 5 (33 CFR 330, Appendix A) provided the project is constructed as shown on the enclosed drawings and complies with the terms and conditions of the enclosed nationwide permit and the special condition listed below. Your project is located in Sec. 19, T.4N., R.4E., B.M., Boise County, Idaho.

* Installation of the monitoring weir shall be conducted in the dry. Stream flows shall be routed around or pumped around the construction area, so that uncured concrete does not come into contact with live water.

Please carefully review these conditions, including the Water Quality Certification conditions. If you cannot meet these conditions, this NWP verification is not valid. Your project must comply with the Idaho Water Quality Standards as stated in IDAPA 58.01.02. If you have any questions about the Water Quality Certification conditions, please contact Jack Gantz, at 208-373-0599. If you change the project description in your permit application, this NWP may not be valid and you should contact us before starting work. We have enclosed a Compliance Certification for you to sign and return when you have completed your project.

-2-

This verification is valid for 2 years from the date of this letter. If you start or are under contract to start this activity before this date, you will have an additional 12 months to complete the activity under the present terms and conditions of this NWP.

This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Water Resources, you will need to obtain their approval before starting work. You should also contact your local city or county zoning office for any permits they may require for your project.

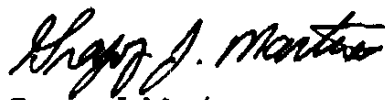
We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at:

<http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us.

Alternatively, you may call and request a paper copy of the survey that you may complete and return to us by mail or fax.

If you have any questions concerning this determination or Corps jurisdiction, please feel free to contact me at 208-345-2154. A copy of this letter is being sent to; Mr. Erv Ballou, Idaho Department of Water Resources, Western Region, 1301 North Orchard, Boise, Idaho 83706; Mr. Michael McGown, Regional Administrator, Idaho Department of Environmental Quality, 1445 North Orchard, Boise, Idaho 83706

Sincerely,



Gregory J. Martinez
Regulatory Project Manager

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2004

US BUREAU OF RECLAMATION
RUTH PAGE
1150 N CURTIS STE 100
BOISE ID 83706

Dear Ms. Page:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by September 20, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written above the printed name.

Sue Kreger
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2004

BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705-3176

Dear Sir:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by September 20, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
ID Dept Water Resources
Western Region
334-2190

Kreger (Taylor), Sue

To: Wd63@iglide.net
Subject: comment letter

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

August 26, 2004

LEE SISCO
WATERMASTER DIST. NO. 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application(s) for Water Right(s)

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



63-31981.pdf



Copy of
commendation of Wa

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

August 26, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

There are copies of two applications this time. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by September 20, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



63-31981.pdf



77-7382.pdf

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

August 25, 2004

Legal Notice Department

IDAHO WORLD

PO BOX 99

GARDEN VALLEY ID 83622

RE: Application for Permit Nos. 65-22905 and 63-31981

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/20/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-31981

GERALD A WHITE
15 STRONGHOLD
BOISE ID 83716

Point(s) of Diversion L4 (SWSW) S19 T04N R04E BOISE County Source ROBIE CREEK
Tributary To MORES CREEK

Use: POWER 01/01 To 12/31 1 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.5 CFS
Total Diversion: 1 CFS

Date Filed: 02/09/2004

Place Of Use: POWER

T04N R04E S30 NWNW Lot 1

Place Of Use: FIRE PROTECTION

T04N R04E S30 NWNW Lot 1

Remark: Hydropower and fire protection uses proposed are assumed to be non-consumptive.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on September 1 and 9, 2004.



IDAHO FISH & GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

June 28, 2004

Gerald White
15 Stronghold
Boise, ID 83716

Subject: Application for Water Right No. 63-11952

Dear Mr. White:

Idaho Department of Fish and Game (Department) staff have reviewed your letter regarding your intent to apply for a water right to operate a small hydroelectric project on Robie Creek.

This project was begun in the late 1990's but was not completed. The Department understands that you are now proceeding to complete the project.

The Department also understands that the above water right for this project has lapsed and you will be applying for a new water right. The original project called for a maximum diversion rate of 0.5 cfs. The new water right application will seek a maximum diversion rate of 1.0 cfs.

There was an agreement reached between yourself and the Department regarding this project in October 1998. There were several stipulations that you agreed to including a minimum bypass flow of 1.0 cfs in Robie Creek at all times. No water will be diverted when flows in the creek reach 1.0 cfs or less at the point of diversion.

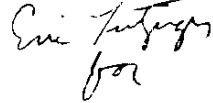
The Department will not protest this water right application provided that:

- 1) At least 1 cfs bypass flow is maintained at all times,
- 2) You continuously monitor flows in the bypass channel to insure that the diversion does not violate the terms and conditions of the 1998 agreement,
- 3) You provide the Department with periodic (e.g. monthly for the first year, quarterly thereafter) summaries of the monitoring to insure compliance,
- 4) The intake pipe is screened with ¼ inch wire mesh to prevent fish entrainment into the project,

- |
- 5) The project allows year-round uninterrupted upstream and downstream fish passage.
 - 6) All other stipulations in the 1998 agreement apply as well.

If you have any questions, please contact Eric Leitzinger in the Southwest Regional Office at 465-8465. Thank you.

Sincerely,



Al Van Vooren
Southwest Regional Supervisor

Cc: NRPB
Southwest Region (Dillon)
COE (Martinez)
IDEQ (West)
USFWS (Foss)

AV/el

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, ID 83705-5082
TELEPHONE NUMBER – (208) 334-2190
FAX NUMBER – (208) 334-2348

**IDAHO DEPT OF
WATER RESOURCES**

Fax

To: GERALD A. WHITE

From: DANIEL A. NELSON

Fax: (208) 343-1845

Pages: COVER PAGE

Phone:

Date: 5/10/2004

Re: FERC ADMINISTRATION
ADDRESS

CC:

● **Comments:**

Dear Mr. White,

I went to the Federal Energy Regulatory Commission (FERC) home page at www.ferc.gov and found the following address for Harry T. Hall the Regional Engineer:

Federal Energy Regulatory Commission
Portland Regional Office
Regional Engineer – Harry T. Hall
101 S. W. Main St, Suite 905
Portland OR 97204

Mr. Hall's email address is harry.hall@ferc.gov if you would like to email him on this issue. If you have any further questions please contact me and I will do what I can do to help you.

Thank you

Daniel A. Nelson
Senior Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 10, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD A WHITE
15 STRONGHOLD
BOISE ID 83716

RE: APPLICATION FOR PERMIT TO

Dear Mr. White,

I went to the Federal Energy Regulatory Commission (FERC) home page at www.ferc.gov and found the following address for Harry T. Hall the Regional Engineer:

Federal Energy Regulatory Commission

Portland Regional Office

Regional Engineer – Harry T. Hall

101 S. W. Main St, Suite 905

Portland OR 97204

Mr. Hall's email address is harry.hall@ferc.gov if you would like to email him on this issue. If you have any further questions please contact me and I will do what I can do to help you. I tried to fax this message to you, but the fax number you gave me did not work correctly.

Respectfully,

A handwritten signature in cursive script that reads 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent

Monday, May 10, 2004

Gerald A. White
15 Stronghold
Boise ID 83716
343 1845

Dan Nelson
Sr. Water Right Agent

Dear Dan

It appears that the address you supplied me for the Federal Energy Regulatory Commission is not longer valid. Would you please check your records and provide me with the correct address so that I may continue with the required inquires.

Thank you.

Sincerely

Jerry White

Post-It™ brand fax transmittal memo 7671 # of pages > 1	
To DAN NELSON	From JERRY WHITE
Co. IDWR	Co.
Dept.	Phone # 343 1845
Fax # 334 2348	Fax #

1015. W. MAIN. STREET

Suite 905

Portland, OR 97204.

Regional Engineer HARRY T. Hall

http://
www.ferc.gov

Email - harry.hall@ferc.gov

Gerald A. White
Gerald J. White
Stronghold
Boise, Idaho 83716

Not City of Portland

RECEIVED
NOV 11 2003
FEDERAL ENERGY REGULATORY COMMISSION
PORTLAND REGIONAL OFFICE
11200 SW FIELD AVE SUITE 1340
PORTLAND, OR 97204

REGIONAL ENGINEER

PORTLAND REGIONAL OFFICE

FEDERAL ENERGY REGULATORY COMMISSION

11200 SW FIELD AVE SUITE 1340

PORTLAND, OR 97204

Not City of Portland



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 6, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD A. WHITE
15 STRONGHOLD
BOISE ID 82716

RE: APPLICATION FOR PERMIT FOR POWER GENERATION

Dear Mr. White:

I received your fax requesting an additional 6 months to provide the needed information described in my 4/5/2004 letter. Your request has been granted. Please supply the needed information by 10/5/2004. If we receive the information prior to that date we will proceed with processing at the time the information is received.

Your fax stated that processing and advertising would proceed once you received approval from the Idaho Fish and Game and the Boise Board of Control. The application can be processed and advertised with the approvals from these two agencies. However, there may be other issues that will arise requiring additional information or clarification. Although I don't anticipate any further information being needed, I haven't reviewed the information you have already supplied, so I cannot guarantee immediate advertisement once the letters from these two agencies are received.

Even if the application is advertised, we will not be able to send the application to our State Office staff for approve/denial without the information/approvals from the Federal Regulatory Commission, Idaho Public Utilities Commission, Army Corp of Engineers, and Erv Ballou at our State Office.

I will make every effort to assist you in any way that I can to get this application through the process as quickly as possible, but I cannot say at this point when the application will be advertised or if additional information or clarification will be required. If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

Thursday, May 06, 2004

Gerald A. White
15 Stronghold
Boise, ID 83716

Mr. Daniel Nelson
Sr. Water Right Agent

Dear Dan

Per our communications yesterday I am requesting a six month extension to gather the requested letters from the various agencies you listed in your letter of April 3, 2004. The Boise Board of Control is on board. Scott Grunder, the agent with whom I first worked, is no longer in the regional office of Fish and Game. I spoke with him again about the project. He said that as long as the diversion dam is designed to allow fish passage, he saw no problem with the increased diversion rate. I am however, awaiting response from Eric Litsinger, the agent Grunder referred the matter to.

You verbally indicated that when I had letters of support from the Boise Board of Control and Fish and Game that you would then be able to proceed with advertising. I hope to we can accomplish this step very soon.

Thanks for your cooperation in this matter. I remain,

Very Truly Yours

Jerry White

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To DAN NELSON	From JERRY WHITE	
Co. IDWR	Co.	
Dept.	Phone # 343 1845	
Fax # 334 2348	Fax #	

DOUGLAS NORRIS
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ELVA FISCHER
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

April 26, 2004

Gerald A. White
15 Stronghold
Boise, Idaho 83716

Re: Application for Water Right No. 63-11952
Sec. 19, T4N, R4E, B.M.

Dear Mr. White:

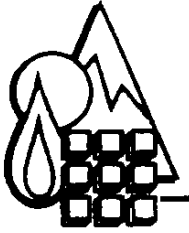
The Boise Project sees no reason to protest your claim for an additional .50 CFS from Robie Creek for a small hydro-plant as long as it is a non-consumptive use as stated in your letter.

If I can be of further help, please call me at 344-1141.

Sincerely,



Ken Henley
Manager BPBC



**IDAHO
PUBLIC UTILITIES
Commission**

Dirk Kempthorne, Governor

P.O. Box 83720, Boise, Idaho 83720-0074

Paul Kjellander, President
Marsha H. Smith, Commissioner
Dennis S. Hansen, Commissioner

April 21, 2004

Gerald A. White
15 Stronghold
Boise, ID 83716

Dear Mr. White:

In response to your letter of April 14, 2004, the Idaho Public Utilities Commission (IPUC) has no direct regulatory authority with regard to your proposed small hydropower project on Robie Creek. The only possible involvement of the IPUC would be to approve any power sales agreement you may choose to enter into with Idaho Power. If you choose to sell to Idaho Power under Schedule 84 (net metering) or Schedule 86 (non-firm energy), or if you choose not to sell power to the utility, no approval from the IPUC is required.

On April 15, 2004, I communicated the IPUC's authority with regard to your project to Jeff Peppersack, Water Rights Supervisor at the state office of the Department of Water Resources. He, in turn, relayed this information to Steve Lester, Water Rights Supervisor at the Western Region Office of the Department of Water Resources.

If you have any further questions, please let me know.

Sincerely,

Rick Sterling, P.E.
Utilities Engineer

RPS/whiteletter



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 5, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD A. WHITE
15 STRONGHOLD
BOISE ID 83716

RE: APPLICATION FOR PERMIT FOR HYDROPOWER

Dear Mr. White:

Our office received your application for permit for hydropower on 2/9/2004. This permit was filed to replace your lapsed permit 63-11952. You have asked that we use the maps and information supplied in 63-11952 for this application.

Unfortunately, we cannot use the information from 63-11952 for two reasons. First permit 63-11952 lapsed, and all the documentation associated with that permit was microfilmed and destroyed. Our office cannot use the microfilmed copies for a new application. We will need original maps for this application. Second, your new proposal is for 1.00 cfs and the lapsed permit 63-11952 was for 0.50 cfs. We cannot assume that all the information from the first filing would meet the standards of the second. We also cannot assume the people that protested the first application would agree to an increased diversion rate or allowing you to continue to pursue this proposal. Processing requirements have also changed since your first application. Therefore, the application for permit is considered incomplete and I am returning it to you to compile the following information:

- 4-13-04
- 1.) You must supply maps and a diagram of the propose system, for review. As I explained above, we cannot accept the microfilmed copies. *Done*
 - 2.) You neglected to complete section 11b. Our office needs to know who owns the property where the water will be diverted and were it will be used. If your system crosses the property of another individual or entity, then you will need to show that you have taken the necessary steps to secure the proper easements or rights of way. You will need to discuss any easements in section 11c. *Done*
 - 3.) We will need information defining the method of power generation (water wheel, Turbine, etc.), gross head from point of diversion to power generator, and the proposed generation capacity in kilowatts (KW). *Done*

- Don't
- 4.) Your new and increased proposal for Hydropower generation may now be regulated by Idaho Public Utilities commission (IPUC) and/or Federal Energy Regulatory Commission (FERC). See the attached pages that discuss the possible IPUC and/or FERC roles in power generation. Please use the following contacts for applicability information regarding your specific project, and provide written notification that shows whether or not the project will be regulated:

Regional Engineer
Portland Regional office
Federal Energy Regulatory Commission
1120 SW Fifth Ave Suite 1340
Portland OR 97204
(503) 326-5840

Idaho Public Utilities Commission
472 W Washington
Boise ID 83702
(208) 334-0300

- Don't
- 5.) Please supply a letter from the Army Corp of Engineers that the approval letter supplied with your application will apply to your new proposal and is not limited to the lapsed permit.
- Don't
- 6.) Please supply a letter from the Boise Board of Control, stating that they will agree to this new proposal.
- Don't
- 7.) Please supply a letter from the Idaho Fish and Game, stating that they will agree to this new proposal and that the settlement agreement signed between you and their organization will apply to this application, and is not limited to the lapsed permit.
- Don't
- 8.) You may also want to contact Erv Ballou at the State Office of the Idaho Department of Water Resources, to ensure that our stream channel bureau is aware of the new proposal and is willing to approve the new application for permit.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application. If you have any questions or concerns please contact me at the above address.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent