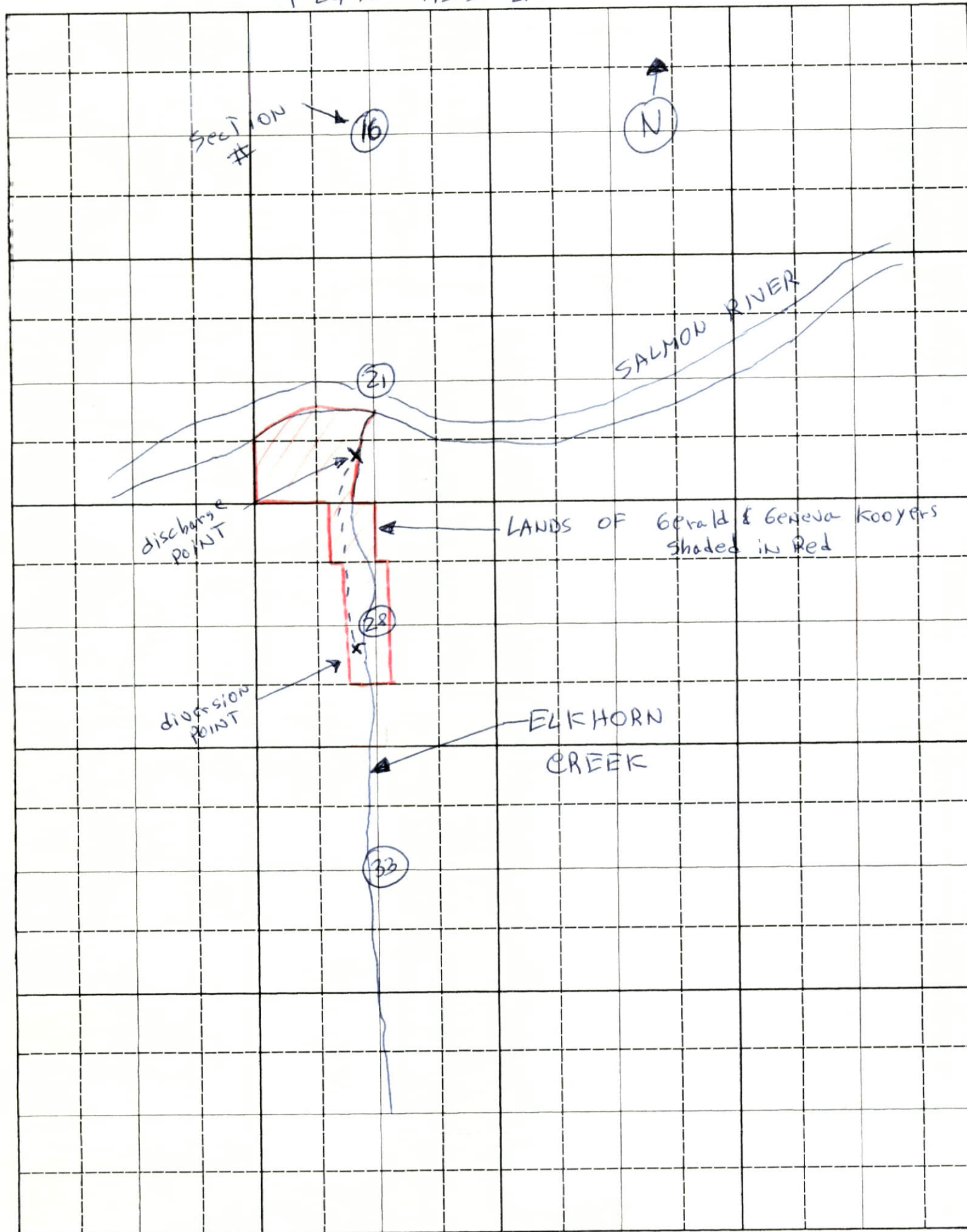


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 24 N R 3 E BM



Scale: 2 inches equal 1 mile.

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.

Gerald P. Kooyers
Geneva Kooyers
(Applicant)

**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:

77-7181
KOOYERS, GERALD P.
&/or GENEVA
SALMON RIVER RT.,
RIGGINS, ID 83549
Source: ELKHORN CREEK
tributary to SALMON
RIVER
Date Filed: 06/28/1982
Amount: 3.00 CFS
Diversion Point: NESW Sec
28 T24N R 03E, IDAHO Co.
Use: POWER (3.00 CFS)
from 01/01 to 12/31
Place of Use: SESW Sec 21 T
24N R 03E
Diversion Means:
DIVERSION STRUCTURE
& PIPE.

77-7182
WORKMAN, CHARLES R.
1103 11TH AVE.,
LEWISTON, ID 83501
Source: SPRING tributary
to CROOKED CREEK
Date Filed: 07/12/1982
Amount: 0.04 CFS
Diversion Point: SWSW Sec
34 T 26N R 08E, Idaho Co.
Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31
Place of Use: SWSW Sec 34 T
26N R 08E
Diversion Means: DITCH,
PIPE & HOLDING TANK.

78-7222
WICKS, DELBERT
P.O. BOX 288, RIGGINS, ID
83549
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SWNE Sec 28 T
24N R 01E
Diversion Means: DITCH &
PIPELINE.

78-7223
HUBBARD, JACK
YATES, RALPH
POLLOCK, ID 83547
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SWSW Sec 09 T
23N R 01E
Diversion Means: DITCH &
PIPELINE.

78-7225
CROSS O RANCH
POLLOCK, ID 83547
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SESE Sec 29 T

AFFIDAVIT OF PUBLICATION

Nona Donaldson being first duly
office manager
sworn, says he is the
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
on the 11 day of August, 1932,
and the last publication on the 13 day of
August, 1932; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Subscribed and sworn to before me this 13 day
of August 32, 1932

Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

AUG 26 1932

Department of Water Resources
Western Regional Office

RECORDED

Place of Use: SESW Sec 21 T
24N R 03E
Diversion Means:
DIVERSION STRUCTURE
& PIPE.

77-7182

WORKMAN, CHARLES R.
1103 11TH AVE.,
LEWISTON, ID 83501
Source: SPRING tributary
to CROOKED CREEK
Date Filed: 07/12/1982
Amount: 0.04 CFS
Diversion Point: SWSW Sec
34 T 26N R 08E, Idaho Co.
Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31
Place of Use: SWSW Sec 34 T
26N R 08E
Diversion Means: DITCH,
PIPE & HOLDING TANK.

78-7222

WICKS, DELBERT
P.O. BOX 288, RIGGINS, ID
83549
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SWNE Sec 28 T
24N R 01E
Diversion Means: DITCH &
PIPELINE.

78-7223

HUBBARD, JACK
YATES, RALPH
POLLOCK, ID 83547
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SWSW Sec 09 T
23N R 01E
Diversion Means: DITCH &
PIPELINE.

78-7225

CROSS O RANCH
POLLOCK, ID 83547
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SESE Sec 29 T
23N R 01E NENE Sec 05 T
23N R 01E
Diversion Means: DITCH &
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, Western Region,
Statehouse, Boise, Idaho
83720 on or before AUGUST
30, 1982.

A. KENNETH DUNN
Director

Published 8/11/ & 8/18/82.

A 11-18

and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
on the 11 day of August, 1982,
and the last publication on the 13 day of
August, 1982; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 19 day
of August, 1982

[Signature]

Notary Public

for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

AUG 26 1982

Department of Water Resources
Western Regional Office

RECEIVED

Should questions arise during the processing of this application please contact:

SHERRILL L. CHAPMAN
6486
410 S. Orchard, Suite 144
Boise, ID 83705
344-6590

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 27 1987

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 77-7181

1. Owner: Gerald P. and/or Geneva Kooyers

Phone No. 628-3012

Current Address: Salmon River Route, Riggins, Idaho 83549

2. Accompanied by: Gerald Kooyers

EXAM. DATE: 2/4/85

Address: same as above

Phone No. 628-3012

Relationship to Permit Holder: Owner

3. Source: Elkhorn Creek tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 77-4035

☐ Copies Attached

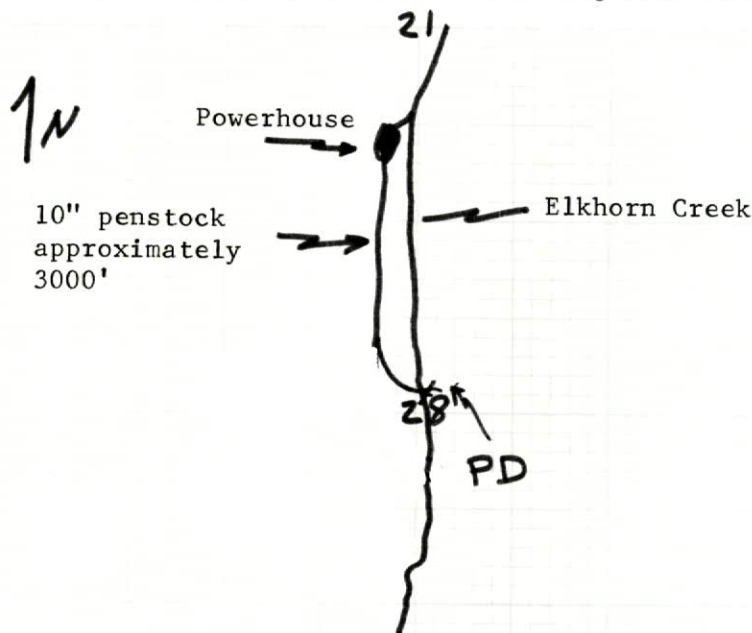
2. Other water rights with same point of diversion: 77-4035

☐ 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



Scale: 1" = _____

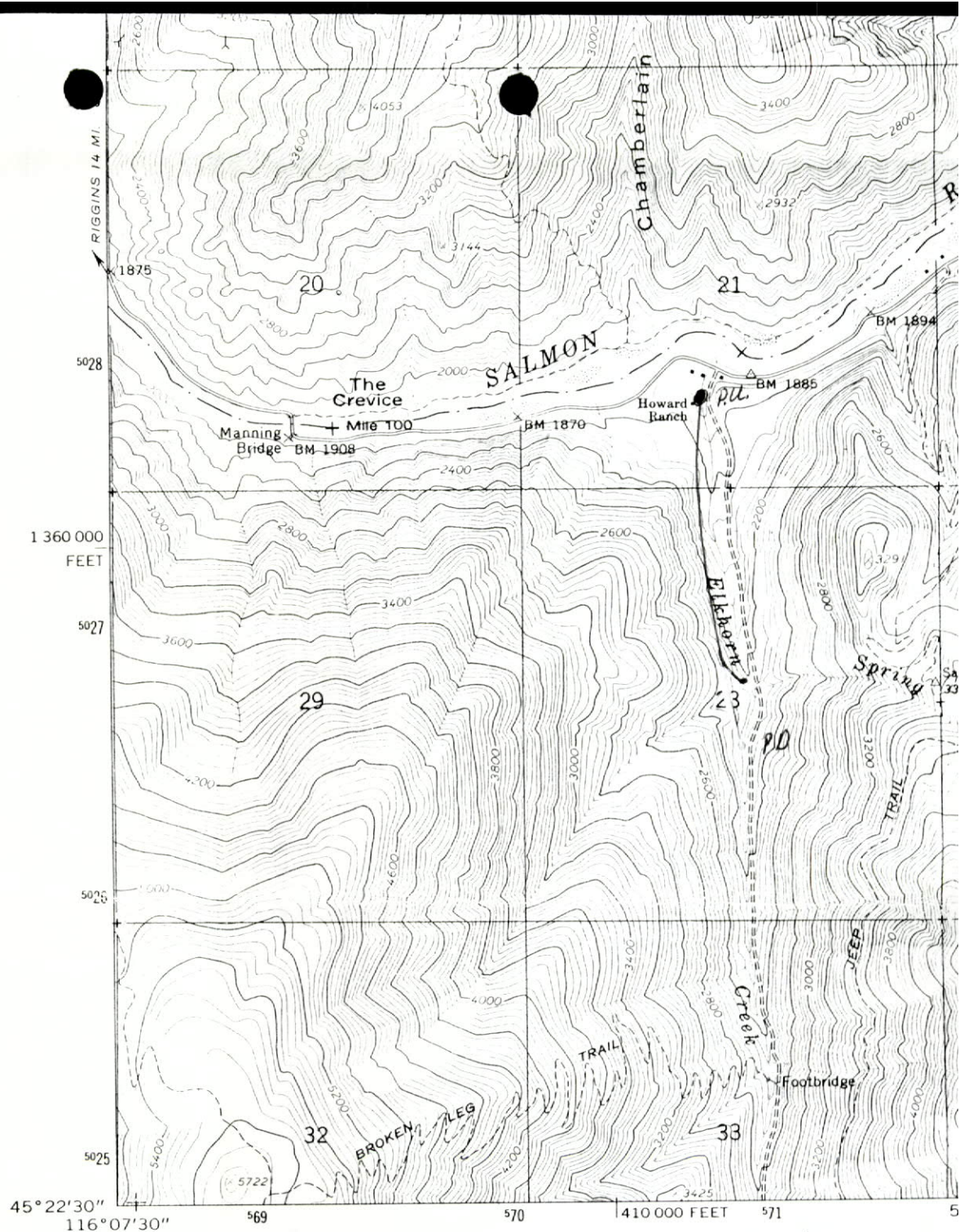
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

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

- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

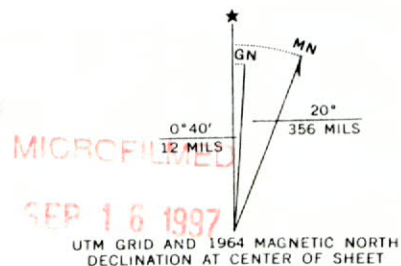
RECORDED

SEP 16 1987



(PATRICK BUTTE)
2774 1 SW

Mapped by the U. S. Forest Service
 Edited and published by the Geological Survey
 Control by USGS, USC&GS, and U. S. Forest Service
 Topography by photogrammetric methods from aerial
 photographs taken 1958 Field checked by USGS 1964
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Idaho coordinate system,
 west zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 11, shown in blue
 To place on the predicted North American Datum 1983,
 move the projection lines 15 meters north and
 76 meters east as shown by dashed corner ticks

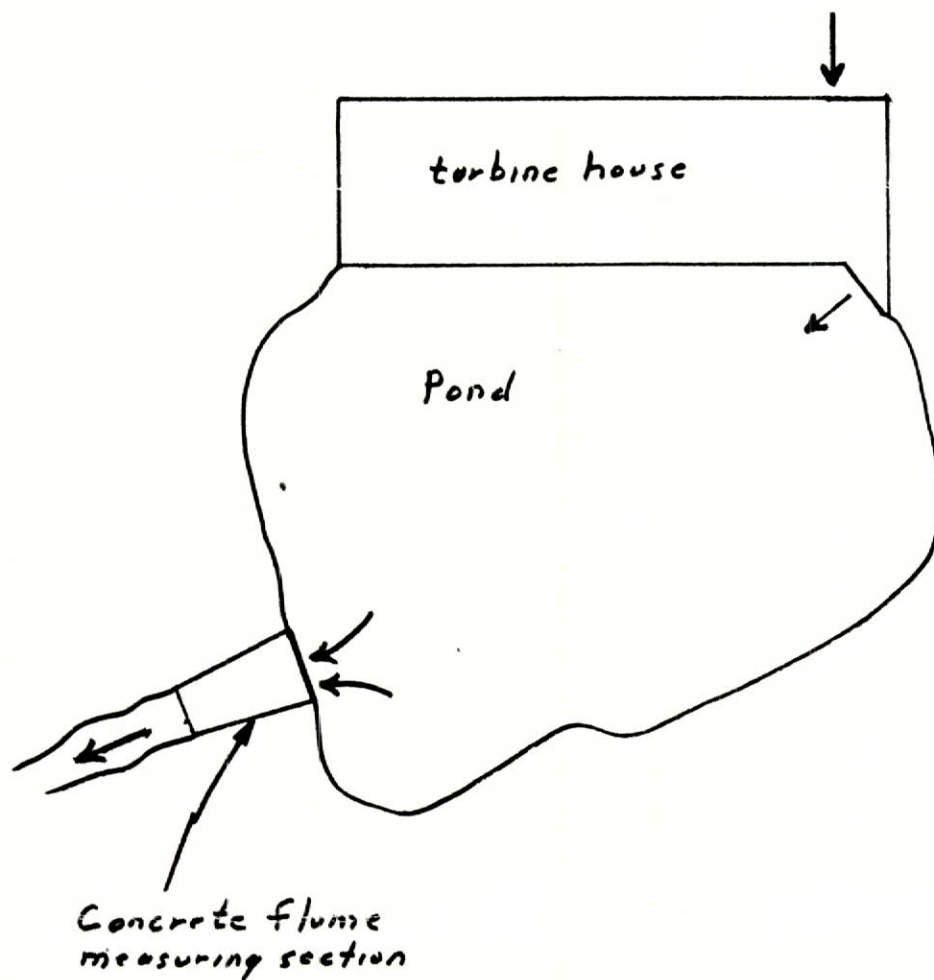


UTM GRID AND 1964 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET



GERALD KOOYERS
SALMON RIVER ROUTE
SALMON, IDAHO

77-7181



RECEIVED
MAR 6 1985

Department of Water Resources
Western Regional Office

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07131

Priority: June 28, 1982

Maximum Diversion Rate: 3.00 CFS
Maximum Diversion Volume: 2172.0 AF

This is to certify, that GERALD P KOYERS
GENEVA KOYERS

BOX 131

RIGGINS ID 83549

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1982; and has submitted Proof of Beneficial Use on March 6, 1985. An examination indicates that the works have a diversion capacity of 3.250 cfs of water from:

ELKHORN CREEK

tributary to SALMON RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	3.00 CFS	2172.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 28, Township 24N, Range 03E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

24N 03E 21

SESW

CONDITIONS OF APPROVAL AND REMARKS

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

MICROFILMED

SEP 16 1997

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

WATER RIGHT NO. 77-07181

CONDITIONS OF APPROVAL AND REMARKS

7. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
8. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2005. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6TH day of MAY, 1997.

Acting for

KARL J. DREHER, Director

MICROFILMED

10 1997

RECEIVED

APR 24 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 77-07181

Date of Priority: June 28, 1982

Maximum Diversion Rate: 3.00 CFS

Maximum Diversion Volume: 2172.0 AF

Comes now

GERALD P KOOYERS

GENEVA KOOYERS

~~SALMON RIVER RT~~

RIGGINS ID 83549

Box 131

244L

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 77-07181, and requests that the permit be changed as follows:

Source: ELKHORN CREEK

tributary to SALMON RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

POWER

01/01 to 12/31

3.00 CFS

2172.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 28, Township 24N, Range 03E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

24N 03E 21

SESW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Riggins, Idaho, this 21st day of April, 19 97.

Gerald P. Kooyers
(Signature)

NOT FILMED

SEP 16 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-07181

FOR DEPARTMENT USE ONLY

Preliminary check by Ket Fee = \$50.00 Received by Ket # 6038716 Date 4.24.97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 77-07181 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive.
7. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
8. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2005. 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.

MICROFILMED

SEP 16 1997

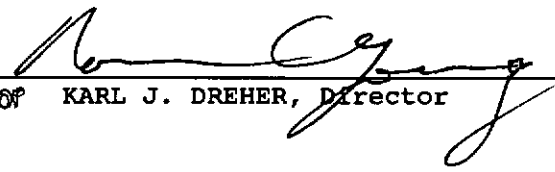
State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 77-07181

Witness my hand this 6TH day of MAY, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED
SEP 16 1997

WR0749NP
No. L77-07181

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/02/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD P KOOYERS	06/28/1982	POWER	01/01 12/31	3.000 CFS	2172.00 AFA
C	GENEVA KOOYERS					
	BOX 131					
	RIGGINS ID 83549					
TOTAL DIVERSION:					3.000 CFS	2172.00 AFA

Water Source: ELKHORN CREEK

Tributary to: SALMON RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 3.250 CFS

Point(s) of Diversion: T24N R03E S28 SWNE

IDAHO County

Place of use Legal Description for: POWER

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
24N 03E 21	:		:		:		:		:		:		:		:	
	:		:		:		:		:		:		:		:	

Pou County: IDAHO

Conditions of Approval:

- 025 - This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- 027 - Use of water under this right shall be non-consumptive.
- R22 - The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

Remarks: The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2005. 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.

Dates: App. Received: 06/28/1982 Priority Date: 06/28/1982
Proof Due Date: 06/01/1985 Proof Made Date: 03/06/1985
Exam Made Date: 02/04/1985 Exam Sent to S.O.: 02/09/1988
Licensed Date:

Misc: Water District Number: Field Exam Fee:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Gerald P. and Geneva Kooyers Phone (208) 628-3976
Post office address Salmon River Route, Riggins, IDAHO 83549
2. Source of water supply ELKHORN CREEK which is a tributary of Salmon River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 24N
Range 3E B.M. IDAHO County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.0 CFS for Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 3.0 CFS cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. EXISTING 6 FOOT high
CONCRETE diversion structure, 3300 ft of 10" PVC Pipe, presently
used for irrigation purposes.
- b. Height of storage dam 6' feet, active reservoir capacity _____ acre-feet; total reservoir
capacity 0.01 acre-feet, materials used in storage dam: Concrete
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 1 year (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: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21 Township 24N
Range 3E B.M. _____
- (2) Amount of power to be generated: 100 horsepower under 302 feet of head.
- (3) List number of each kind of livestock to be watered _____
- (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: _____

DEW
TW
DUM

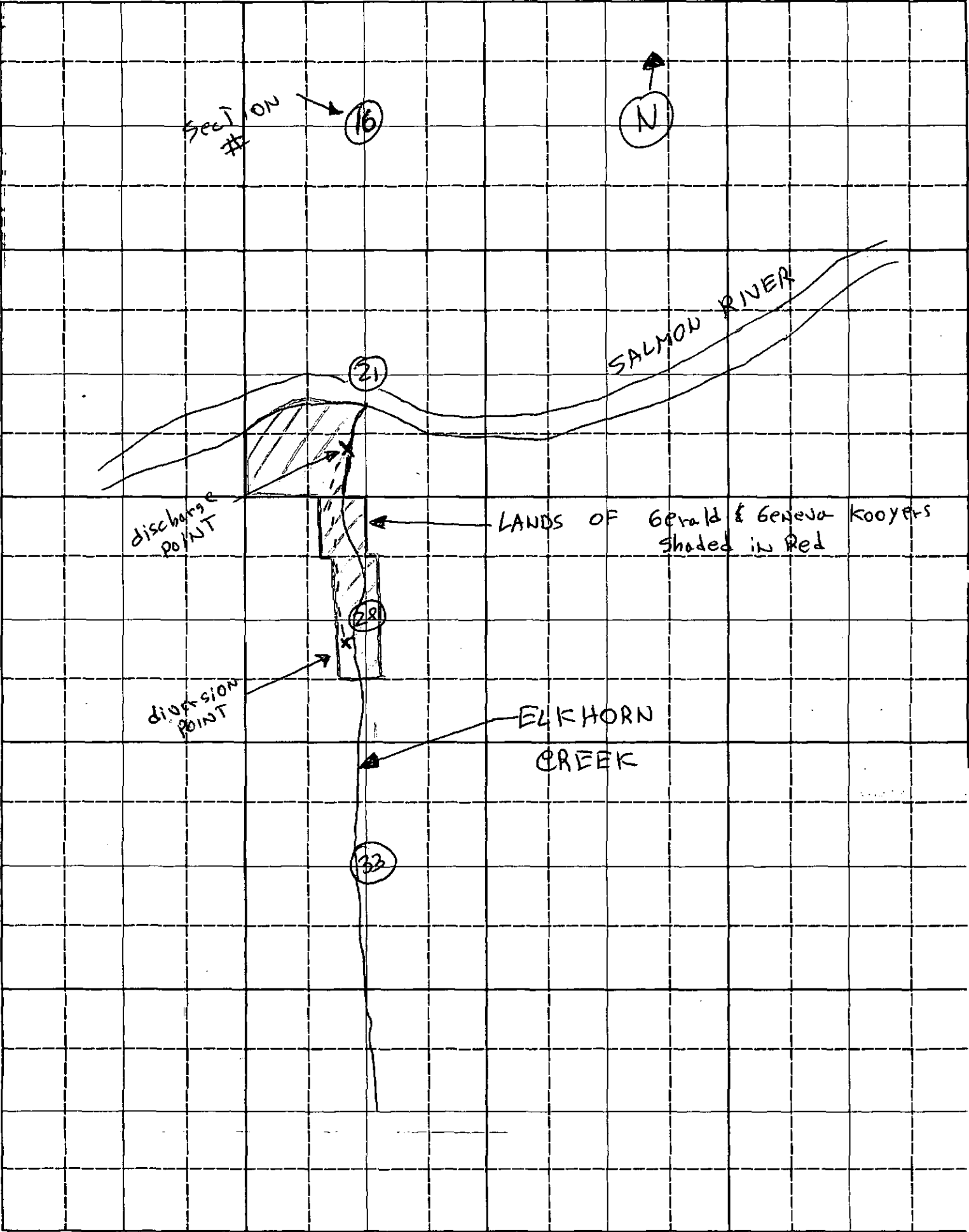
Total number of acres to be irrigated _____

-

44

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 24 N R 3 E BM



Scale: 2 inches equal 1 mile.

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.

Gerald P. Kooyers
Geneva Kooyers
(Applicant)

WATER DIVISION

Proposed Priority 6/28/82

7-7-82

10:00 am

Received by RJA

Date

6-28-82

Time

1:00 PM

Preliminary check by REYAKS

Fee \$

8500

Receipted by RJA

Date

6/28/82 #21394

Publication prepared by SR

Date

8/5/82

Published in Idaho County Free Press

Publication dates 8/11 & 8/18/82

Publication approved SR

Date

8/26/82

Protests filed by: Guy M. Carlson

WID 5/7/84

Protest withdrawn 5/7/84

Copies of protests forwarded by SR

Hearing held by

Date

Recommended for approval

denial

by DBS

kw

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. 77-7181, 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 June 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:

The permit holder shall either install a measuring device or an access port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

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

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 permit holder had no control.

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.

Use of water under this permit is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Witness my hand this 10 day of May, 1984.

L. Glen Saylor
Chief, Operations Bureau

DBS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

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

1. Individual Applicant or Individual Members of a Partnership:

I, Gerald P. & Geneva Kooyers of Riggins, ID 83549,
(name) (city)

county of Idaho, 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
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

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

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

☒ Will not utilize existing man-made irrigation facilities such as a dam or a
canal.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal,
and permission of the owner is documented in an affidavit attached hereto.

☒ Will utilize existing man-made irrigation facilities such as a dam or a canal
and the owner of the facilities is the signee of this affidavit.

Gerald P. Kooyers
Geneva Kooyers
Applicant

State of Idaho)
County of Idaho) ss.

On this 5th day of August, 1982, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~he~~ (she) (they) executed the same.

Louetta K. Buchanan
Notary Public residing at

Riggins, Idaho 83549

RECEIVED
10 1982

My commission expires:

10-20-85

MICROFILMED

CARLSON LIVESTOCK

Box 319

RIGGINS, IDAHO 83549

August 16, 1982

A. Kenneth Dunn, Director
Idaho Department of Water Resources
Western Region
Statehouse
Boise, Idaho 83720

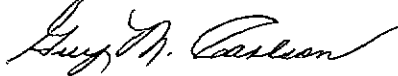
Dear Mr. Dunn:

I protest Water Right Application # 77-7181 submitted for permit by Gerold P. Kooyers &/or Geneva Kooyers for hydroelectric power purposes.

If granted, this would make it impossible to develop the hydroelectric power project represented by my previous filing on January 22, 1982 and amended June 1, 1982. Under FERC rules my hydroelectric power project may not be partially developed. My filing is for maximum feasible development; Kooyers is not.

My original application # 77-7155 is dated January 22, 1982 and amended June 1, 1982. Both dates are prior to the Kooyers application.

Yours truly,



Guy M. Carlson

RECEIVED
AUG 20 1982

Department of Water Resources
Western Regional Office

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**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:

77-7181 ✓

KOORYERS, GERALD P.
&/or GENEVA

SALMON RIVER RT.,
RIGGINS, ID 83549

Source: ELKHORN CREEK
tributary to SALMON
RIVER

Date Filed: 06/28/1982

Amount: 3.00 CFS

Diversion Point: NESW Sec
28 T24N R 03E, IDAHO Co.

Use: POWER (3.00 CFS)
from 01/01 to 12/31

Place of Use: SESW Sec 21 T
24N R 03E

Diversion Means:
DIVERSION STRUCTURE
& PIPE.

77-7182 ✓

WORKMAN, CHARLES R.
1103 11TH AVE.,

LEWISTON, ID 83501

Source: SPRING tributary
to CROOKED CREEK

Date Filed: 07/12/1982

Amount: 0.04 CFS

Diversion Point: SWSW Sec
34 T 26N R 08E, Idaho Co.

Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31

Place of Use: SWSW Sec 34 T
26N R 08E

Diversion Means: DITCH,
PIPE & HOLDING TANK.

78-7222 ✓

WICKS, DELBERT

P.O. BOX 288, RIGGINS, ID
83549

Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER

Date Filed: 07/28/1982

Amount: 300.00 CFS

Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.

Use: POWER (300.00 CFS)
from 01/01 to 12/31

Place of Use: SWNE Sec 28 T
24N R 01E

Diversion Means: DITCH &
PIPELINE.

78-7223 ✓

HUBBARD, JACK

YATES, RALPH
POLLOCK, ID 83547

Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER

Date Filed: 07/28/1982

Amount: 300.00 CFS

Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.

Use: POWER (300.00 CFS)
from 01/01 to 12/31

Place of Use: SWSW Sec 09 T
23N R 01E

Diversion Means: DITCH &
PIPELINE.

78-7225 /

CROSS O RANCH

POLLOCK, ID 83547

Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER

Date Filed: 07/28/1982

Amount: 300.00 CFS

Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.

Use: POWER (300.00 CFS)
from 01/01 to 12/31

Place of Use: SWSW Sec 09 T
23N R 01E

AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly
office manager
sworn, says he is the
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2..... weeks,
being published 2..... times, the first publication being
on the 11 day of August, 1982,
and the last publication on the 18 day of
August, 1982; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 19 day
August 82
of 19

[Signature]

Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

AUG 26 1982

Department of Water Resources
Western Regional Office

MICROFILMED

from 01/01 to 12/31
Place of Use: SESW Sec 21 T
24N R 03E
Diversion Means:
DIVERSION STRUCTURE
& PIPE.

77-7182 ✓

WORKMAN, CHARLES R.
1103 11TH AVE.,
LEWISTON, ID 83501
Source: SPRING tributary
to CROOKED CREEK
Date Filed: 07/12/1982
Amount: 0.04 CFS
Diversion Point: SWSW Sec
34 T 26N R 08E, Idaho Co.
Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31
Place of Use: SWSW Sec 34 T
26N R 08E
Diversion Means: DITCH,
PIPE & HOLDING TANK.

78-7222

WICKS, DELBERT
P.O. BOX 288, RIGGINS, ID
83549
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SWNE Sec 28 T
24N R 01E
Diversion Means: DITCH &
PIPELINE.

78-7223 ✓

HUBBARD, JACK
YATES, RALPH
POLLOCK, ID 83547
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SWSW Sec 09 T
23N R 01E
Diversion Means: DITCH &
PIPELINE.

78-7225 /

CROSS O RANCH
POLLOCK, ID 83547
Source: LITTLE SALMON
RIVER tributary to
SALMON RIVER
Date Filed: 07/28/1982
Amount: 300.00 CFS
Diversion Point: NESW Sec
22 T 22N R 01E, IDAHO Co.
Use: POWER (300.00 CFS)
from 01/01 to 12/31
Place of Use: SESE Sec 29 T
23N R 01E NENE Sec 05 T
23N R 01E
Diversion Means: DITCH &
PIPELINE.

If issued, the permits,
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, Western Region,
Statehouse, Boise, Idaho
83720 on or before AUGUST
30, 1982.

A. KENNETH DUNN
Director

Published 8/11/ & 8/18/82.

A 11-18

and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2..... weeks,
being published 2..... times, the first publication being
on the 11 day of August, 1982,
and the last publication on the 18 day of
August, 1982; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nora Donaldson

Subscribed and sworn to before me this 19 day
of August 82, 19

[Signature]

Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

AUG 26 1982

Department of Water Resources
Western Regional Office

RECEIVED



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

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD P KOOYERS
GENEVA KOOYERS
BOX 131
RIGGINS ID 83549

RE: WATER RIGHT NO. 77-07181

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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SEP 16 1997

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

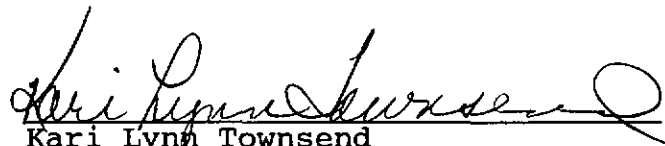
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SEP 16 1987

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 77-07181

GERALD P KOOYERS
GENEVA KOOYERS
BOX 131
RIGGINS ID 83549


Kari Lynn Townsend
Secretary

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SEP 16 1997



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

April 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD P KOOYERS
GENEVA KOOYERS
SALMON RIVER RT
RIGGINS ID 83549

RE: WATER RIGHT NO. 77-07181

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED

SEP 16 1997

MEMORANDUM

TO: File 77-07181

FROM: Sharla

DATE: March 26, 1997

RE: Term of Years

Power use is for an individual power facility which does not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. In this case, proof was filed more than ten years ago. The term will be given an additional ten years, thus expiring March 1, 2005.

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SEP 16 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 77-07181

DATE 3/21/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>✓</u>	<u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>YES</u>
			Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>3.0</u> cfs
Fee limit	<u>N/A</u> cfs \$ NO FEE PD - CERTIFIED EXAMINER
Measured	<u>3.25</u> cfs
Theoretical	<u>—</u> cfs

Recommended Total Div Rate 3.0 cfs

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u> Use	<u>Power</u>	Volume Calculation
		<u>2172.0</u> af
		<u>—</u> af
		<u>—</u> af
		<u>—</u> af
	SUBTOTAL <u>✓</u>	<u>2172.0</u> af

Flow rate 3.0 cfs X 365 days X 1.9835 = 2172.0 af
 Total volume recommended — af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W42 (3/1/2005)

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

R22, 025, 027

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed ✓

Adjustment Memo term

1st Amend Letter P39 P38

2nd Amend Letter P47



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

77-7181
KOOYERS, GERALD P.
KOOYERS, GENEVA
SALMON RIVER RT.
RIGGINS, ID 83549

May 5, 1988

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 9, 1988, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 10, 1987.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 8, 1988, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

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*Sent in
error -
see exam
rec'd 11/27/87 -
kw
2/12/90*

Field exam
made date
is in computer.
~~It~~ is on ERFR
listing. pw
2/14/90

[Faint, illegible markings]

Should questions arise during the processing of this application please contact:

SHERI L. CHAPMAN
6486
410 S. Orchard, Suite 144
Boise, ID 83705
344-6590

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 27 1987

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 77-7181

1. Owner: Gerald P. and/or Geneva Kooyers

Phone No. 628-3012

Current Address: Salmon River Route, Riggins, Idaho 83549

2. Accompanied by: Gerald Kooyers

EXAM. DATE: 2/4/85

Address: same as above

Phone No. 628-3012

Relationship to Permit Holder: Owner

3. Source: Elkhorn Creek tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 77-4035

☐ Copies Attached

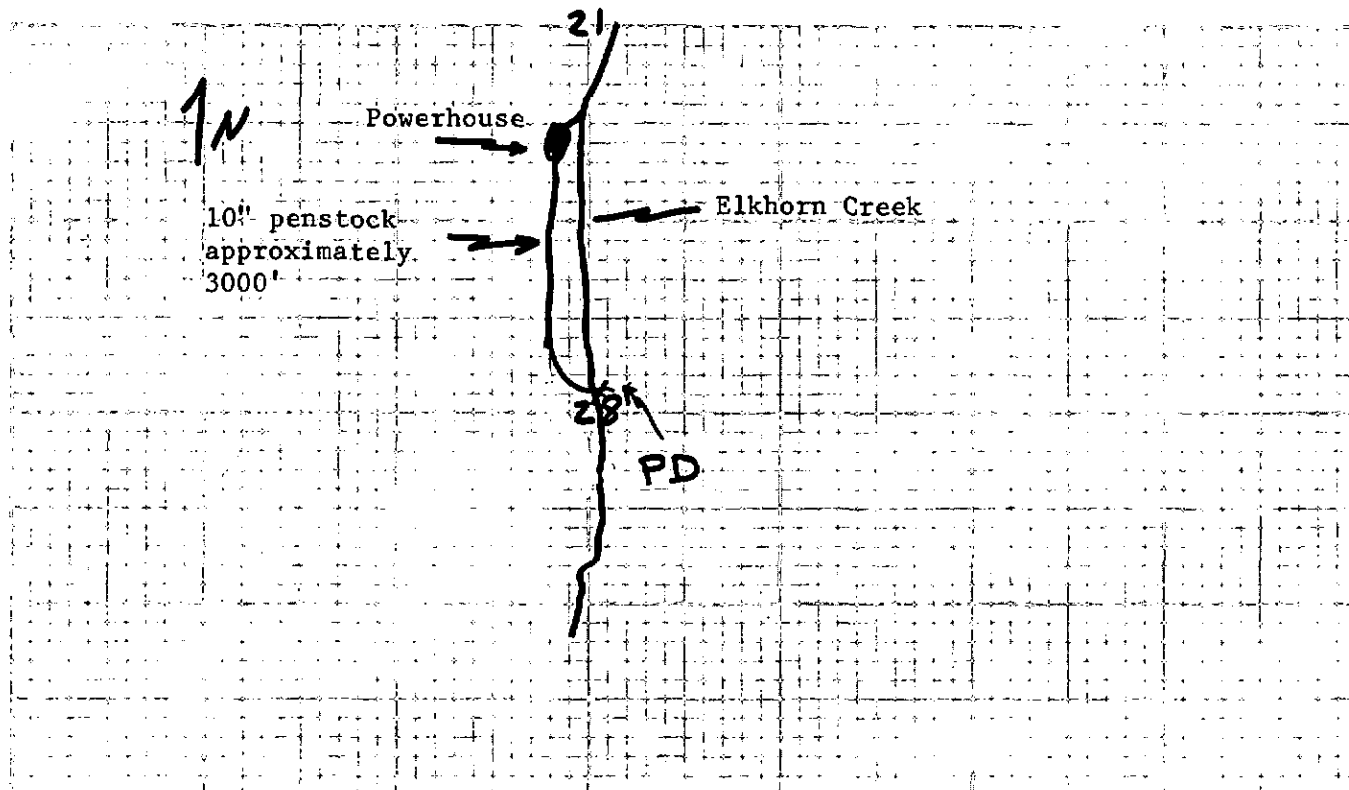
2. Other water rights with same point of diversion: 77-4035

☐ 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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
 Water is diverted from Elkhorn Creek through a 10" PVC penstock to the
 powerhouse which encompasses the turbine and generator. The turbine is rated
 at 26KW. Water discharges from powerhouse into a pond and then through a
 concrete flume back to Elkhorn Creek.

☐ 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
1	N/A	N/A	N/A	N/A	N/A

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

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

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1		SW	SW	NE	28	24N	3E	Idaho	Field and quadrangle map

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

Indicate Method of Determination map

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
24N	3E	21												X					

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Do not use this space

SEP 16 1987

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
AA Current Meter	Paddle	Sc Inst	AA	M11 WW1	1	1985

2. Measurements:

Flow measured at 3.254 on 2/4/85

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

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 Amps x .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\text{N/A}}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

No water rights overlap these at this PD or PU. Head on the system is 299.7 feet with the generation system rated at 100HP or 26KW

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Hydropower	Jan 1	Dec 31	3.0	2172
Totals:			3.0	2172

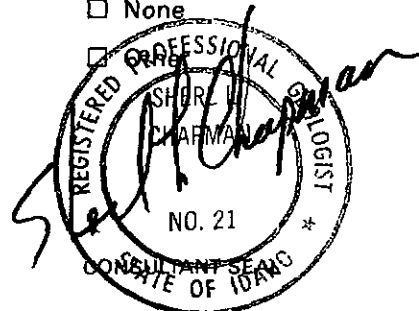
2. Recommended Amendments

- ☒ 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

J. AUTHENTICATION

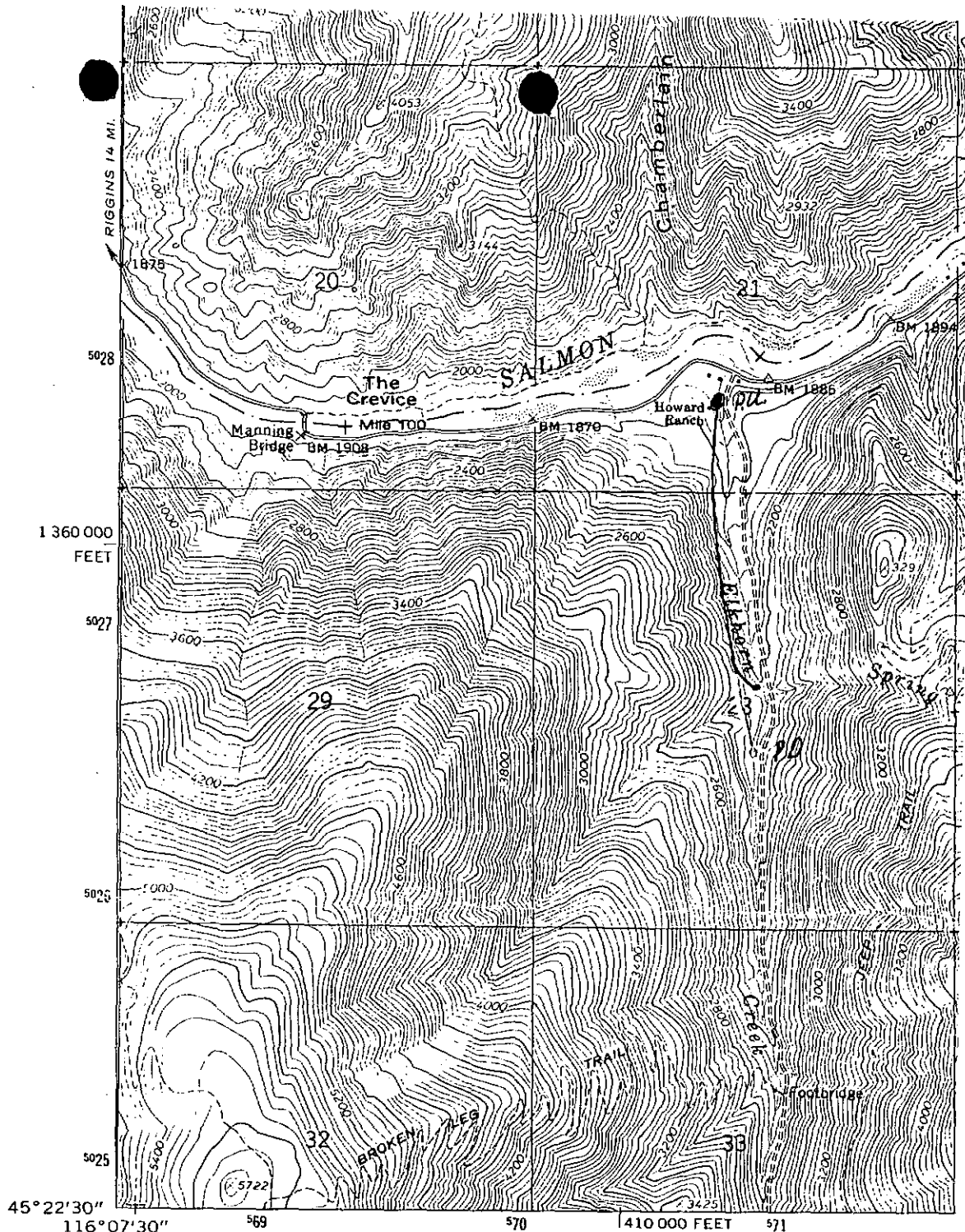
Field Examiner's Name Sheri L. Chapman
Signature *Sheri L. Chapman*
Certification Date 5/5/87
Field Report Preparation Date 10/27/87



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

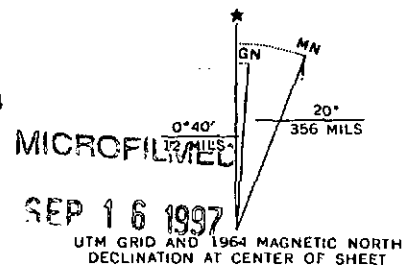
MICROFILMED

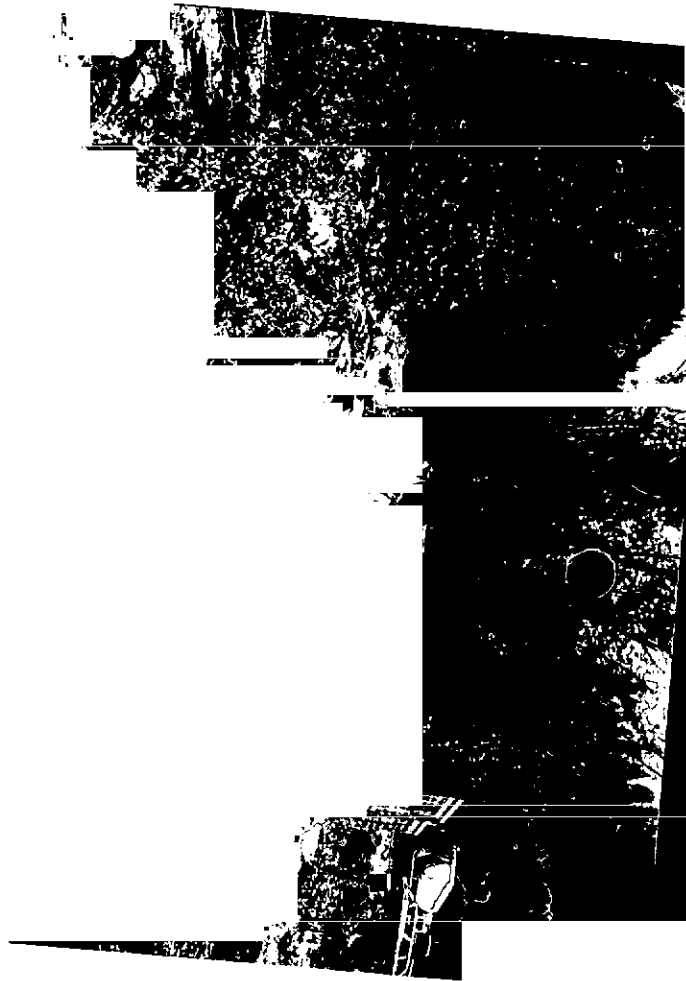
SEP 16 1997



(PATRICK BUTTE)
2774, SW

Mapped by the U. S. Forest Service
 Edited and published by the Geological Survey
 Control by USGS, USC&GS, and U. S. Forest Service
 Topography by photogrammetric methods from aerial
 photographs taken 1958 Field checked by USGS 1964
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Idaho coordinate system,
 west zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 11, shown in blue
 To place on the predicted North American Datum 1983,
 move the projection lines 15 meters north and
 76 meters east as shown by dashed corner ticks





CONSULTING

OWNER Gerald Koopers - Salmon

TIME 1430

DATE 2-4-85

PARTY SLC / INT C

GAGE Permit 77-718/

MICROFILMED
 SEP 16 1997

head	299.7'
Rated	100 HP
	26 kW

Form 217

03/86

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

RECEIVED

NOV 24 1987

Department of Water Resources
Western Regional Office
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by _____

Sent to region _____

PROOF OF BENEFICIAL USE

NOV 27 1987

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

Permit No. 77-7181Name(s) of Permit Holder: Gerald P. and/or Geneva KooyersPost Office Address: Salmon River Route, Riggins, Idaho 83549Telephone No. 628-3012Source of Water: Elkhorn Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark HydropowerTotal rate and/or volume for which proof is submitted 3.0 cfs 2172 acre-feetShow the date water was first diverted and beneficially used under this permit: 1984

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

Fee enclosed \$ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

N/A

(Name)

(Telephone Number)

(Address)

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

SEP 16 1987

11/2/87

Date

x Gerald P. Kooyers
Signature of Permit Holder (and title, if appropriate)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 1, 1987

77-7181
Gerald P. Kooyers
Geneva Kooyers
Salmon River Rt.
Riadins. ID 83549

RE: Permit to Appropriate Water No. 77-7181

The Department mailed the original of the enclosed letter in an attempt to inform him that he was required to pay an examination fee on the above referenced permit. The letter was returned to the Department as undeliverable mail. Research of the records of the County Assessor reveals that you own property which may have been listed as the place of use in the permit.

Please read the enclosed letter. It may be necessary that you file an examination fee with the Department to prevent loss of a developed water right. Should we not hear from an interested party within sixty (60) days of the date of this letter, action will be initiated to remove the permit from the Department files.

Respectfully,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC:

MICROFILMED
SEP 16 1987



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

77-7181
KOOYERS, GERALD P.
KOOYERS, GENEVA
SALMON RIVER RD.
RIGGINS, ID 83549

138346

April 10, 1987

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.

page 2
Examination Fee Notice

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 available from the department upon request. A listing of certified water right examiners is also available.

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 license examination fee schedule, on the back of the enclosed information sheet, 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 returned to this office. If you have questions or concerns please feel free to call at (208) 334-2190, or to visit the office at our new location near the airport, at 2735 Airport Way.

Sincerely,



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure

Idaho Department of Water Resources
Western Region

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED

MAY 16 1987

Department of Water Resources

Idaho
RECEIVED

MAY 4 1987

Department of Water Resources
Western Regional Office

CERTIFIED
138346

49

BOISE
APR 10 '87

U.S. POSTAGE
0.97

CLAIM CHECK
NO.
214846

☐ HOLD

DATE

1ST NOTICE

2ND NOTICE

RETURN

Detached from
PS Form 3849-A
Oct. 1980

MICROFILMED
SEP 16 1997

Same



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

77-7181
KOOYERS, GERALD P.
KOOYERS, GENEVA
SALMON RIVER RT.
RIGGINS, ID 83549

138346

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

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MICROFILMED

SEP 16 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MAY 10, 1985

GERALD P. KOOYER
SALMON RIVER RT.
RIGGINS ID 83467

RE: Permit No. 77-7181

Dear Permit Holder:

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

Before a 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 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILM

16 1177

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. 77-7181.

Name(s) of Permit Holder: Gerald P. Kooyer

Post Office Address: Salmon River Route Biggins
Idaho
83467

Source of Water: Elkhorn Creek

Extent of Use:

☐ Domestic

☐ Stockwater

☐ Irrigation

☒ Other hydropower

(number of households)

(number and type of stock)

(acres)

Department of Water Resources

Measuring Device: Required? ☐ Yes ☒ No

Western Regional Office

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.

2/4/85
Date

MICROFILMED

Gerald P. Kooyer
Signature of Permit Holder

RECEIVED
MAR 6 1955
Department of Water Resources
Western Regional Office



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

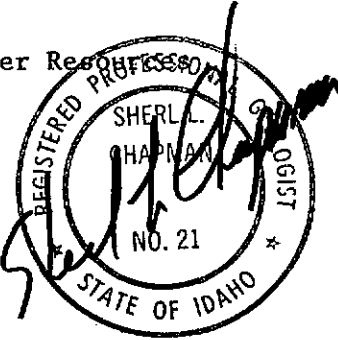
MICROFILMED

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

TO: Western Division, Department of Water Resources
FROM: Sherl L. Chapman, Consultant
DATE: February 13, 1985
SUBJECT: Proof of Beneficial Use Measurement
Permit #77-7181



This firm was retained by Mr. Gerald Kooyers of Salmon, Idaho, to measure the flow of water passing through his hydropower project which presently is covered under permit #77-7181. The measurement was made February 4, 1985 using a AA Current Meter with the water being measured in a concrete flume at the lower end of the discharge pond. No water escaped or entered the pond between the outlet from the turbine and the flume measured. Flow in the flume was laminar in nature and measurement accuracy is considered excellent. A check measurement was made which was within 5% of the original flow calculations. The flow measured on this date was 3.41 cubic feet per second or 1,534 gallons per minute. Available head on the turbine is 299.7 feet and the turbine is rated for 100 horsepower production. A sketch is provided showing the turbine house, the general configuration of the pond and the location of the outlet flume.

If any questions arise regarding this measurement, please contact Sherl L. Chapman, 410 S. Orchard, Suite 144, Boise, Idaho 83705.

cc:Mr. Gerald Kooyers

RECEIVED
MAR 6 1985

Department of Water Resources
Western Regional Office

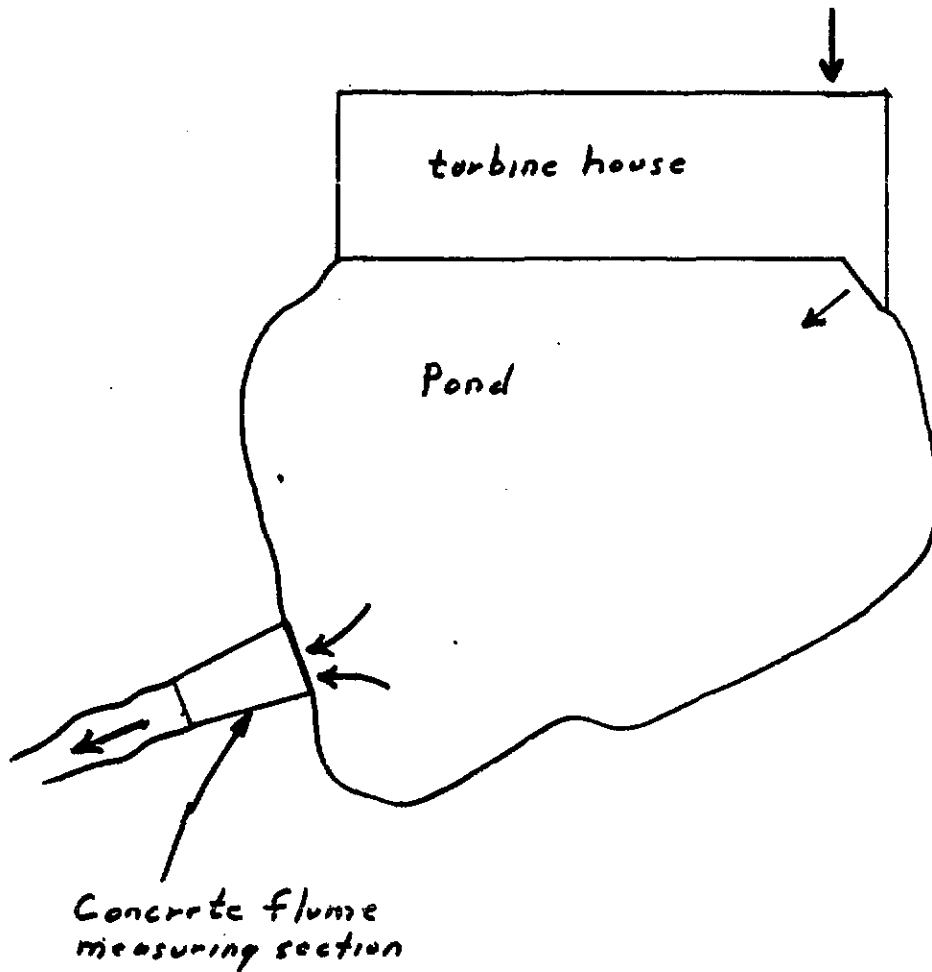
MICROFILMED

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

GERALD KOOYERS
SALMON RIVER ROUTE
SALMON, IDAHO

77-7181



RECEIVED
MAR 6 1985

Department of Water Resources
Western Regional Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 23, 1984

Mr. Gerald P. Kooyers
Salmon River Route
Riggins, ID 83549

Re: Permit No. 77-7181

Dear Mr. Kooyers:

We are in receipt of your letter dated November 15, 1984, in which you indicated that you had requested Mr. Carl Myers to make a measurement but that this measurement had not been completed.

It appears from the language in your letter that you may be requesting a measurement of the flow as it exists now rather than the flow through the actual power turbine system. Please be advised that the flow measurement requirement on page 4 of your approved permit refers to a measurement of the rate of flow as utilized in your constructed power generation system. I note from your application that a portion of the system was existing at the time of the application; however, the flows as measured in the system prior to the addition of the power turbine may or may not be the flows found in the system after the addition of the turbine.

The purpose of this letter is merely to insure that you are aware of our intent in including the measurement requirement as a condition of approval of the permit. If you wish to discuss the requirement further, please feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT/lrs

MICROFILMED

RECEIVED

NOV 15 1984

November 15, 1984

Department of Water Resources

David R. Tuthill, Jr., P. E.
Supervisor, Water Allocation Section
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit No. 77-7181

Dear Mr. Tuthill:

In the letter from you in which you enclosed our approved Application for Permit, you indicated that we needed to install a measuring device or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

We asked Mr. Carl Myers of Star, Idaho, to measure this for us two months ago but he has not yet done it. We will be in touch with you when this has been done.

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

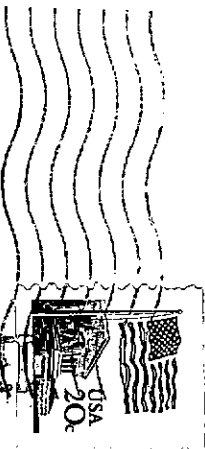
Yours truly,

Gerald P. Kooyers

Gerald P. Kooyers
Salmon River Route
Riggins, ID 83549

MICROFILMED

Mr. & Mrs. Gerald D. Hooyers
Salmon River Rd.
Riggins, Idaho 83449



MICROFILM

David R. Tuthill, Jr., P.E.
Supervisor, Water Allocation Section
Department of Water Resources
Statehouse
Boise, ID 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 5, 1984

John P. Wolflin, Field Supervisor
Ecological Services
Fish and Wildlife Service
4620 Overland Road, Room 209
Boise, ID 83705

Dear Mr. Wolflin:

This office has reviewed your letter of August 23, 1984 relative to a hydro project on Elkhorn Creek, Idaho County, Idaho.

A review of Department water right files shows that Application No. 77-7155 in the name of Guy M. Carlson was submitted to the Department on January 22, 1982. The application proposes the following:

Source: Elkhorn Creek
Point of diversion: SWSE, Sec. 33, T24N, R3E
Rate of diversion: 40 cfs
Use: power from January 1 to December 31
Place of use: SWSE, Sec. 21, T24N, R3E

The application has not been approved by the Department since the application has been protested by Gerald P. Kooyers of Riggins, Idaho. A hearing will be scheduled and conducted by the Department relative to the matter.

Water right Permit No. 77-7065 has been issued to John B. and June Cook. The permit shows the following:

Date of filing: August 15, 1977
Source: Elkhorn Creek
Point of diversion: NENW, Sec. 28, T24N, R3E
Rate of diversion: 1.67 cfs - power
0.08 cfs - domestic
Place of use: Lot 6, Sec. 21, T24N, R3E
Status: Permit proof of beneficial use has been submitted.
Department needs to conduct a field examination before a license of water right will be issued.

MICROFILMED

Water right Permit No. 77-7181 has been issued to Gerald P. and Geneva Kooyers. The permit shows the following:

Date of filing: June 28, 1982

Source: Elkhorn Creek

Point of diversion: NESW, Sec. 28, T24N, R3E

Rate of diversion: 3.0 cfs January 1 to December 31

Place of use: SESW, Sec. 21, T24N, R3E

Status: Permit - Proof of beneficial use due June 1, 1985.

Department records also show several water rights for irrigation and domestic use with a point of diversion in Sec. 28, T28N, R3E.

From the information presently available, it appears the diversion structure in Sec. 33 must be in connection with protested Application 77-7155. The water right hearing to be held by the Department hopefully will clarify additional information about the diversion structure. The hearing will be scheduled by the Department's Western Regional office in Boise.

We appreciate your calling this matter to our attention.

If this office can be of assistance to you, please feel free to contact Dave Shaw at 334-2190.

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

MICROFILMED



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
4620 Overland Road, Room 209
Boise, Idaho 83705

RECEIVED

AUG 27 1984

Department of Water Resources

August 23, 1984

Idaho Department of Water Resources
450 West State Street
Boise, Idaho 83720

Re: Suspected Illegally Operating
Hydro Project
Elkhorn Creek, Idaho County, Idaho

Gentlemen:

While conducting a site visit for a proposed hydroelectric project (FERC 7378) on Elkhorn Creek, tributary to the Salmon River, the Fish and Wildlife Service (Service) discovered an operating hydroelectric facility for which to our knowledge the Service has not conducted any environmental review. We suspect the project may have been planned and constructed without appropriate consultation with Federal and state regulatory authorities and fish and wildlife agencies. The Service has not been consulted by the developer; nor has it reviewed public notices of the Federal Energy Regulatory Commission, the Army Corps of Engineers, or the Idaho Department of Water Resources.

The flow-affected stream reach includes portions of Sections 21, 28, and 33 in T24N; R3E, Boise Meridian (map enclosed). The diversion structure, located at the footbridge near the middle of Section 33, is unscreened and has not been evaluated for fish passage. Any resident and anadromous fish using the system now or in the future will be adversely impacted by this project. Photographs of the diversion structure have been enclosed for your review.

The Service did not investigate the return flows below the powerhouse located on the private property labeled on the map as the Howard Ranch. Please note the labels on the map for diversion and powerplant are for the planned project, not the existing project.

MICROFILMED

We recommend that you investigate the legality of the project. The Service would appreciate coordination of your investigation and subsequent actions with its office in Boise. Thank you for your attention to this serious matter.

Sincerely yours,



John P. Wolflin
Field Supervisor

Enclosure

cc: IDFG, Hdqtrs., Boise (Richards and Hansen)
IDFG, McCall (Anderson)
NMFS, Portland (Bennett)
CE, Boise (Olsen)
BLM, Boise (Minckler)
BLM, Cottonwood (Wilson)
FWS, RO, ES (AHR), Portland (Sundeen)

July 2, 1984

RE: Permit No. 77-7181

Gerald P. and Geneva Kooyers
Salmon River Route
Riggins, ID 83549

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.

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

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

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under this permit. Therefore, you should be sure to analyze the impact of these rights before making a major investment into your water use project.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use postcard that must be submitted when your project is completed.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

MICROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 77-7181

74
P = Kilowatts .74 X ¹⁰⁰ hp

Q = cfs 3.0

H = feet 302'

e = efficiency

proposed

- ☒ 1.) Affidavit of Residency
- ☒ 2.) Ownership of Facilities
- N/A 3.) *Financial Ability
- NONE → ☐ 4.) Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
- N/A 5.) *Compliance w/FERC
 - *only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{74 \times 11.8}{3.0 \times 302} = \frac{873.2}{906} = 0.96 \checkmark$$

Based on the above calculations the proposed project must have an 96 % efficiency.

OVERLAP REVIEW

per terminal 5/9/84:

P/D/sec - 77-4035

- 4031

- 4036

Elkhorn Ck. 77-7065 permit - dom, power - pld = NEW, 2
p/u = SWSE, 21, 24N, 3E

P/U 77-4031 irr

- 7065 dom

- 4036 dom

- 4035, irr, dom

- 4106 - stock

BYPASSED AREA

214

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Reya G.S.

APPLICATION NUMBER: 77-7181

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ 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: _____

Affidavit of residency

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. None for Power
☒ Yes ☐ No* In form for advertising.
Final date for protests: 8/30/82
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8-26-82
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 85/21394
☒ Publication dates and paper, recorded on application. 8/11 & 8/18/82
☒ Protests, dates, withdrawal, etc., recorded on application. Idaho County Free Press
☒ 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? _____

6/28/82 Date of priority recommended.

Special conditions of approval or cover letter. _____

Subordinate

file copy destroyed

By: DBS

Date: 5/8/84

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: KW

Date: 5/9/84

RECEIVED
MAY 09 1984

MICROFILMED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

SPECIAL NOTE:

Application No. 77-7181

PROTEST INFORMATION SHEET

Protestant - Name(s)

Guy M. Carlson

Address Box 319, Riggins, ID. 83549

Attorney - Name & Address

Date Filed 8/20/82

Protest Date 8/30/82

Issues

*Protest
withdrawn
5/8/84*

Applicant - Attorney - Name & Address

Dates:

Acknowledgement letters:

Hearing Notice:

Hearing Date:

Other: Notify FDG, Lewiston

Protest Information submitted in Computer (following hearing):

Carl called on 1/17/84
and said he thought an
agreement had been reached
between Kooyers & Carlson.
Carl said he should have
the papers by next week
to allow a withdrawal
of protest by Carlson &
an amendment to allow
both projects to be
developed.

OBS

MICROFILMED

MICROFILMED

CARL MYERS
750 WARM SPRINGS
BOISE, ID 83702

WOULD LIKE TO BE
NOTIFIED WHEN THIS
HEARING IS SET. HE
SUGGESTED SETTING THIS
APP'S HEARING & GUY
CARLSON'S HEARING AT
THE SAME TIME. THEY
PROTESTED EACH OTHERS
APPS. J6 2/15/83

035

RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS & COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. EIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

May 2, 1984

David Shaw
Western Regional Supervisor
Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

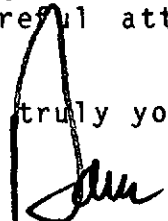
Re: Withdrawal of Guy Carlson's Protest on the Water
Right Application of Gerald Kooyers No. 77-7181

Dear Dave:

I am in receipt of your letter of April 24, 1984, requesting additional clarification so far as the mutual protests of water rights applications between my client, Guy M. Carlson, and Gary Montgomery's client, Gerald Kooyers. You advised me by telephone yesterday that because of the significant record which has been produced between these two parties demonstrating before the Federal Energy Regulatory Commission that the disagreements and cross protests have been resolved, that a mere letter from myself and from Mr. Montgomery confirming our clients' mutual wish to withdraw the water right protests would be a proper device in clearing your records. Please be advised that on behalf of my client, Guy Carlson, I am authorized to inform the Department that we withdraw that protest which we lodged against water right 77-7181 by Gerald Kooyers.

I would expect that you will shortly be receiving the same type of letter from Mr. Montgomery so far as our application 77-7155. Thank you for your careful attention to these additional details.

Very truly yours,


DAVID H. LEROY

DHL:aa

cc: M. Carlson
G. Montgomery, Esq.

RECEIVED
MAY 7 1984

Department of Water Resources
Western Regional Office

RECORDED

May 8, 1984

David H. Leroy
Runft, Leroy, Stecher, Coffin,
& O'Riordan, Chartered
Attorneys at Law
Suite 200, 205 North 10th Street
P. O. Box 1960
Boise, ID 83701

Dear Mr. Leroy:

This office acknowledges receipt of the withdrawal of protest against Application No. 77-7181 in the name of Gerald P. and Geneva Kooyers.

This office now will continue to process the application, since the protest has been withdrawn.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

May 8, 1984

Gerald P. & Geneva Kooyers
Salmon River Route
Riggins, ID 83549

Re: No. 77-7181

Dear Mr. & Mrs. Kooyers:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

This office can now take further action on the application.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jpb

Enclosure

RECEIVED
MAY 10 1984
FBI - RIGGINS



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

April 24, 1984

David H. Leroy
Runft, Leroy, Stecher, Coffin,
& O'Riordan, Chartered
Attorneys at Law
Suite 200, 205 North 10th Street
P. O. Box 1960
Boise, ID 83701

Re: Application for Permit No. 77-7155 in the name of Guy Carlson
and 77-7181 in the name of Gerald Kooyers

Dear Mr. Leroy:

The Department has just completed preliminary processing of an amended application for permit for Mr. Carlson and no additional protests against the approval of that application have been received. There is, however, still a protest against the original application by Mr. Kooyers and likewise Mr. Carlson still has a protest against Mr. Kooyers' filing.

I have received several documents in which both parties have apparently come to an agreement so far as FERC is concerned but none of the documents mention the protested water right filings.

If it is the intention of the parties to withdraw their protests against each other's water right filing, the Department will need a written withdrawal specifically referencing the water right in question. If the protests were to be withdrawn, Mr. Kooyers application could be approved, however, Mr. Carlson's application would be held for action by FERC.

If you have any questions regarding the status of these filings, please feel free to contact me.

Yours truly,

A handwritten signature in dark ink, appearing to read "David B. Shaw", is written over the typed name.

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

cc: Gary L. Montgomery

RECEIVED
MAY 1 1984

DBS

RECEIVED
NOV 2 1982

Department of Water Resources
Western Regional Office

October 26, 1982

Walter R. Browne
Regional Supervisor
Idaho Department of Fish and Game
1540 Warner Avenue
Lewiston, Idaho 83501

Dear Mr. Browne:

I have received a copy of your letter to the Idaho Department of Water Resources protesting my application for a water power permit of 3.0 cfs on Elkhorn Creek (77-7181-Gerald P. and Geneva Koopers).

I submit the following information to you anticipating the withdrawal of your protest.

My ranch on Elkhorn Creek has very old established water rights on Elkhorn Creek first used by Maj. General George M. Shearer in 1863. The ranch has been continuously inhabited since then and was the production center for meat and vegetables for area miners in early days. A water powered sawmill was constructed and used on the property in the 1920s.

Presently the property has water rights for irrigation and domestic use. These rights were recorded by the Department of Water Resources on December 30, 1977.

The proposed water power facilities related to the proposed water power permit will use the existing irrigation diversion and pipeline structures so in actuality no additional water will be diverted from Elkhorn Creek than what is being already diverted now. Note that for irrigation only the water is diverted from approximately June 1 to October 1, whereas for power and irrigation, the water will be diverted year around.

In the really dry year of 1979, the lowest flow rate of Elkhorn Creek in September was estimated to be in excess of 12 cfs and this was below our diversion point. In June of 1982, after the spring flood stage, people from Boise working for other potential water users of Elkhorn Creek, measured the flow rate of Elkhorn Creek at 80 cfs.

Others from the Federal Fish and Wildlife Service estimated steelhead spawning area of approximately 180 square feet. I have never observed steelhead or "Reds" in Elkhorn Creek potential spawning areas.

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I think you can understand from the data presented here the really low impact our 3.0 cfs power permit would have on the Fish and Wildlife on Elkhorn Creek.

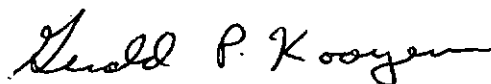
All the power generated by our proposed permit will be consumed on the ranch and none will be sold or exported off the property. The nearest public power lines are still more than 10 miles away and the cost of bringing Idaho Power to the ranch is prohibitive. If we are unable to use Elkhorn Creek for power generation, this will work a hardship on us as at present we use a very expensive diesel power plant.

On the other hand, I am very much opposed to outside commercial power developers moving in on Elkhorn Creek for commercial power purposes. Commercial interests have a need to maximize power production to recover their investment costs, consequently, they will attempt to divert all the water they can all the time and maximize water diversion and ignore the impact on fish and wildlife. I am vitally concerned about any negative impact on fish and wildlife. You can count on my support in opposing any commercial power development on Elkhorn Creek.

Our water needs from Elkhorn Creek are low and will have a small impact on the stream flow. I request that the Idaho Department of Fish and Game withdraw its protest of my 3.0 cfs power permit.

Thank you.

Sincerely,



Gerald P. Kooyers
Salmon River Route
Riggins, Idaho 83549

cc: Department of Water Resources

RECEIVED
MAY 14 1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 5, 1982

Mr. Walter R. Browne
Regional Supervisor
IDAHO DEPARTMENT OF FISH AND GAME
Region 2
1540 Walnut Avenue
Lewiston, ID 83501

Re: Application for Permit Numbers 77-7181, 78-7222, 78-7223, 78-7224
& 78-7225

Dear Mr. Browne:

The Department has received your letters dated September 15, 1982 concerning the above numbered applications for permit. The final date for protesting all of these applications was August 30, 1982 and since your letters were not received until September 23, 1982, they cannot be considered as protests against the above numbered applications.

Your letters will be forwarded to the individual applicants so that they can be informed of your concerns about their applications.

Two of the applications, numbers 77-7181, in the name of Gerald P. and Geneva Kooyers and 78-7224 in the name of Joseph L. Yates, did have timely protests filed against them. If you wish you may petition to intervene under Rule 6 of the Department's Rules and Regulations for Practice and Procedure, as a full protestant against these two applications. The remaining three applications did not have timely protests filed against them.

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

cc: Individual Applicants
& copy/Browne's letter

MICROFILMED

CONVERSATION MEMORANDUM

DATE 30 Sept 82

FILE 77-7181

NAME OF PARTY Craig Johnson BLM cottonwood

EMPLOYEE Erin Ballan

RE: Mr. Johnson called to see if Mr. Gerald
Kooyers had rec. a SCA permit for
a diversion structure and pipeline
he has placed in Elk Horn Cr.

I couldn't find a SCA permit but
found the referenced water application
According to Mr. Johnson the
work is all fairly new, the cement
and pipeline, and that the dam
is a total block to fish ^{into the main stream} but
that about 25% of the water was
going down the spillway and it
forms or goes into another channel
which would allow partial fish passage

Mr. John said he would send us
pictures he has taken and a written
report of his findings

RECEIVED
SEP 30 1982
BUREAU OF LAND MANAGEMENT
DENVER, COLORADO

IDAHO DEPARTMENT OF FISH AND GAME
REGION 2
1540 Warner Avenue
Lewiston • Idaho • 83501

September 15, 1982

Mr. David B. Shaw
Western Region Supervisor
Department of Water Resources
92 South Cole Road
Boise, ID 83709

Dear Mr. Shaw:

Re: 77-7181 - Gerald P. & Geneva Kooyers
Elkhorn Creek

We protest the application for a water right of 3.0 cfs on Elkhorn Creek, a tributary to the Salmon River, for hydropower development. There is not sufficient data to assess the maintenance flow requirements for fish and wildlife.

It is the responsibility of the applicant to coordinate with the Department of Fish and Game, U.S. Fish and Wildlife Service and the National Marine Fisheries Service on a maintenance flow assessment.

Sincerely,



Walter R. Browne
Regional Supervisor

cc: Bureau of Program Coord.
File

RECEIVED
SEP 23 1982

Department of Water Resources
Western Regional Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

August 20, 1977

Mr. J. W. Carlson
1001
Boise, ID 83702

Box 77-1171

Mr. J. W. Carlson:

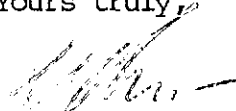
This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,


DAVID B. SHAW
Western Regional Supervisor

ENCLOSURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

STATEHOUSE

83720

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

August 23, 1982

Gerald P. &/or Geneva Kooyers
Salmon River Route
Riggins, ID 83549

Dear Mr. & Mrs Kooyers:

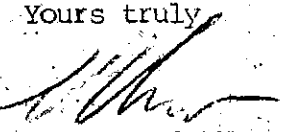
Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 77-2181. The Department suggests you contact the protestants(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly


DAVID B. SHAW
Western Regional Supervisor

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State St., Boise, Idaho 83720

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNEDY

(208) 334-2190

August 6, 1982

Idaho Dept. of Fish & Game
Attn: Stacy Gebhards
109 N. 44th St.
Garden City, ID 83704

RE: 77-7181, 78-7222, 78-7223, 78-7224 & 78-7225

Dear Stacy:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application 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.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:jp

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

August 2, 1982

Gerald P. &/or Geneva Kooyers
Salmon River Rt.
Riggins, ID 83549

Dear Mr. Kooyers:

Enclosed is an affidavit for Water Rights to be used for Power Purposes. This form must accompany all filings for power purposes.

I have taken the liberty of typing the form, all that is needed is to sign, and have notarized and return to this office.

We are sorry for any inconvenience that we have caused.

Sincerely,

Lee Sisco

Senior Water Resource Agent

LS:jp

Enc:

MICROFILMED

ZZ-2181-

KOOYERS, GERALD P. &/or GENEVA

SALMON RIVER RT., RIGGINS, ID 83549

Source: ELKHORN CREEK tributary to SALMON RIVER

Date Filed: 06/28/1982

Amount: 3.00 CFS

Diversion Point: NESW Sec 28 T 24N R 03E, IDAHO Co.

Use: POWER (3.00 CFS) from 01/01 to 12/31

Place of Use: SESW Sec 21 T 24N R 03E

Diversion Means: DIVERSION STRUCTURE & PIPE

RECORDED
INDEXED

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]