

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 86-12076

Priority: February 03, 2020

Maximum Diversion Rate: 0.76 CFS

This is to certify that

ALTA FOREST PRODUCTS LLC 810 NW ALTA WAY CHEHALIS WA 98532-7648

has applied for a permit to appropriate water from:

Source : CLEARWATER RIVER

Tributary: SNAKE RIVER

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

Beneficial Use

INDUSTRIAL

Period of Use

05/01 to 10/30

Rate of Diversion

0.76 CFS

Location of Point(s) of Diversion

CLEARWATER RIVER L4 (NW¼ NW¼), Sec. 31, Twp 36N, Rge 05W, B.M. NEZ PERCE County

Place of Use: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
36N	05W	31					X L3	X L4												

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2025**.
2. Subject to all prior water rights.
3. 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.
4. A fish screen of 3/32 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Industrial use is for log watering.
8. When submitting a proof of beneficial use statement for this permit, the permit holder shall also submit a report showing total monthly diversion volumes or a pump curve with total pumping hours. Proof of beneficial use shall be deemed incomplete and returned to the permit holder if the proof of beneficial use statement is not accompanied by this report. The right holder shall provide the Department supporting records used to compile the report upon request.
9. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
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No. 86-12076

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 18th day of March, 2020.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

86-12076

This map depicts the INDUSTRIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

05W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles





Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Gary Spackman
Director

March 18, 2020

ALTA FOREST PRODUCTS LLC
810 NW ALTA WAY
CHEHALIS WA 98532-7648

RE: Permit No. 86-12076

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2020, I served a true and correct copy of Permit to Appropriate Water No. 86-12076 by U.S. Mail, postage prepaid, to the following:

ALTA FOREST PRODUCTS LLC (Current Owner)
810 NW ALTA WAY
CHEHALIS WA 98532-7648

LUKE MACHTOLF (Representative)
2811 W LYONS AVE
SPOKANE WA 99208-4554



Tammy Alleman
Administrative Assistant 1

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 service date 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.

**MAGGIE CREEK
SUPERVISORY AREA**
913 3rd Street
Kamiah, ID 83536
Phone (208) 935-2141
Fax (208) 935-0905



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

March 9, 2020

Tammy Alleman
7600 N Mineral Drive
Coeur d'Alene

Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>

Re: Comments WR# 86-12076

Dear Idaho Department of Water Resources :

In accordance with the Idaho Lake Protections Act, the Idaho Department of Lands will require the applicant to acquire an Encroachment Permit as well as an easement for the pipeline required by this project. Attached to this letter are both applications.

If IDWR or the applicant have any questions, feel free to contact me.

Respectfully,

Ian Bridges
Lands and Waterways Resource Specialist

Enc.\2 Encroachment Permit Application
Easement Application

cc: Chris Tretter- Ponderosa Area Manager

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date:	<u>02/27/2020</u>	INVOICE NO.	<u>156838</u>
Account No.	<u>964750</u>		
Description	<u>156838 The foll</u>		
Times	<u>2</u>	Lines	<u>49</u>
		Tab. lines	
		\$	<u>69.82</u>

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO# Alleman, Tammy

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

156838
The following application(s)
have been filed to appropriate
the public waters of the
State of Idaho:
86-12076
ALTA FOREST PRODUCTS
LLC
810 NW ALTA WAY
CHEHALIS, WA 98532-7648
Point of Diversion
L4(NWNW)
S31 T36N R05W
NEZ PERCE County
Source CLEARWATER RIV-
ER
Tributary SNAKE RIVER
Use: INDUSTRIAL
05/01 to 10/30 0.76 CFS
Total Diversion: 0.76 CFS
Date Filed: 2/3/2020
Place Of Use: INDUSTRIAL
T36N R05W S31
L3(NENW) L4(NWNW)
Permits will be subject to all
prior water rights. For addi-
tional information concern-
ing the property location,
contact Northern Region of-
fice at (208) 762-2800. Pro-
tests may be submitted based
on the criteria of Idaho Code
42-203A. Any protest against
the approval of this applica-
tion must be filed with the
Director, Dept. of Water Re-
sources, Northern Region,
7600 N MINERAL DR STE
100, COEUR D ALENE ID
83815-7763 together with
a protest fee of \$25.00 for
each application on or be-
fore 3/9/2020. The protestant
must also send a copy of the
protest to the applicant.
GARY SPACKMAN,
Director
Published on
2/20/2020 and 2/27/2020

AFFIDAVIT OF PUBLICATION

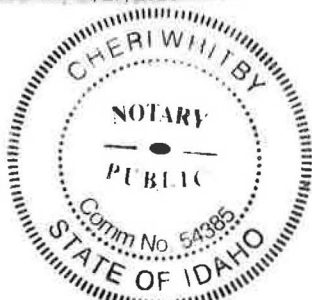
Hollie K Posey, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years; next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 156838 The foll
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,
2 time(s). Publication being on
02/20, or once a Week
for 2 consecutive Week,
the first publication thereof being on the 02/20/2020,
and the last publication thereof being on the 02/27/2020,
and said 156838 The foll was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

Hollie K Posey

State of Idaho
S.S.
County of Nez Perce

On this 27th day of Feb in the year
of 2020, before me, a Notary Public, personally
appeared Hollie K Posey, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.

Cheri Whitby
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 4/12/24



RECEIVED

MAR 02 2020

IDWR / NORTH

Alleman, Tammy

From: Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Sent: Wednesday, February 26, 2020 6:15 PM
To: Alleman, Tammy
Subject: RE: Request for Comments on WR# 86-12076

Hi Tammy,

For this application I recommend the intake have a maximum screen mesh size of 3/32- inches. I also recommend that approach velocities at the intake should not exceed 0.5 feet per second.

Thank you,

Zach Swearingen
Environmental Staff Biologist
Idaho Department of Fish and Game - Clearwater Region
3316 16th St
Lewiston, ID 83501
208-799-5010



From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Monday, February 10, 2020 2:21 PM
To: Sujata.Connell@deq.idaho.gov; Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>; Ian Bridges <ibridges@idl.idaho.gov>; Golden, Kala <Kala.Golden@idwr.idaho.gov>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: Request for Comments on WR# 86-12076

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the application is March 9, 2020.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

Governor Brad Little
Director John H. Tippetts

February 19, 2020

Adam Frederick
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Water Right Application, Alta Forest Products, LLC, #86-12076

Dear Mr. Frederick:

DEQ has received a request for comment on the approval of a water right application to draw 0.76 cubic feet per second from the lower Clearwater River at the Port of Lewiston. The water will be utilized for watering logs and will occur from May 1 to October 30.

The withdrawal location is in assessment unit ID17060306CL001_07, the main Clearwater River at Lewiston, Idaho. This assessment unit is listed in Category 2 of Idaho's 2016 Integrated Report as fully supporting the designated beneficial uses of cold water aquatic life and primary contact recreation. Provided all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

At no time should the proposed action be allowed to impair the designated beneficial uses of cold water aquatic life, primary contact recreation, and domestic water supply (IDAPA 58.01.02.120.08).

At no time should wastewater from this activity be discharged to waters of the state without an applicable permit or water quality exemption.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please contact me at (208) 983-0808, or by email at daniel.stewart@deq.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Stewart".

Daniel D. Stewart
Water Quality Analyst

c: Alta Forest Products, Chehalis, WA
Sujata Connell, DEQ
EDMS