

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 86-07324

Priority: April 28, 1993

Maximum Diversion Rate: 18.60 CFS

It is hereby certified that CITY OF LEWISTON
PO BOX 617
LEWISTON ID 83501 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 28, 1993; and has
submitted Proof of Beneficial Use on May 29, 1998 An examination confirms water is diverted from:

SOURCE

CLEARWATER RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USEMUNICIPAL
MUNICIPAL**PERIOD OF USE**12/01 to 02/01
03/01 to 11/30**DIVERSION RATE**6.20 CFS
18.60 CFS**LOCATION OF POINT(S) OF DIVERSION:**

CLEARWATER RIVER L4 (SW1/4NW1/4) Sec. 27, Twp 36N, Rge 05W, B.M. NEZ PERCE County
CLEARWATER RIVER L4 (SW1/4NW1/4) Sec. 27, Twp 36N, Rge 05W, B.M. NEZ PERCE County
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CLEARWATER RIVER SW1/4SE1/4 Sec. 27, Twp 36N, Rge 05W, B.M. NEZ PERCE County
CLEARWATER RIVER SW1/4SE1/4 Sec. 27, Twp 36N, Rge 05W, B.M. NEZ PERCE County

CONDITIONS OF APPROVAL

1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
2. Place of use is within the service area of the City of Lewiston municipal water supply system as provided for under Idaho Law.
3. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

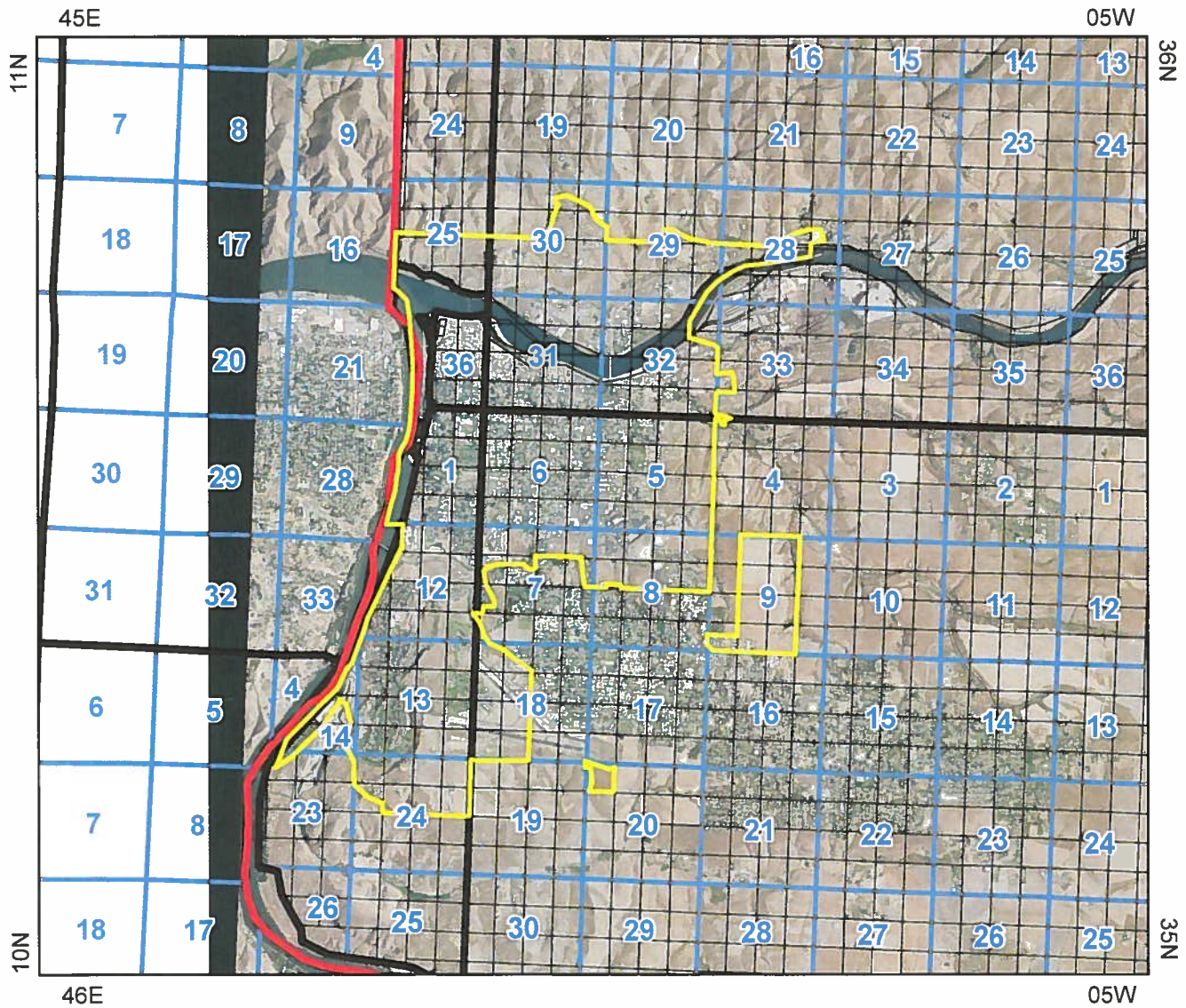
Signed on this 10 day of May, 2013.


For, GARY SPACKMAN
Director

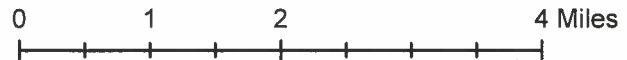
City Of Lewiston

Water Right License

86-7324



- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 86-07324

Date of Priority: April 28, 1993

Maximum Diversion Rate: 18.60 CFS

Maximum Diversion Volume:

Comes now CITY OF LEWISTON
PO BOX 617
LEWISTON ID 83501

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. 86-07324, and requests that the permit be changed as follows:

Source: CLEARWATER RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MUNICIPAL

12/01 to 02/01

6.20 CFS

MUNICIPAL

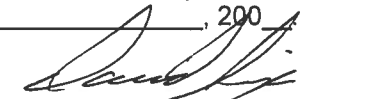
03/01 to 11/30

18.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

CLEARWATER RIVER L4 (SW1/4NW1/4) Sec. 27, Twp 36N, Rge 05W, B.M. NEZ PERCE County
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CLEARWATER RIVER SW1/4SE1/4 Sec. 27, Twp 36N, Rge 05W, B.M. NEZ PERCE County

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 this _____ day of _____, 200



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 86-07324

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100⁰⁰ Received by db # N029797 Date 4/24/13

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 86-07324 with the following:

CONDITIONS OF APPROVAL

1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
2. Place of use is within the service area of the City of Lewiston municipal water supply system as provided for under Idaho Law.
3. This right does not grant any right-of-way or easement across the land of another.

Witness my hand this 10 day of May, 2013.

Keith L. Spackman
For, GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 13, 2013

CITY OF LEWISTON
PO BOX 617
LEWISTON ID 83501

RE: License No. 86-7324
Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

If you have any questions, please contact me at 208-762-2800.

Sincerely,

Eric Davis
Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

86-7324

**CITY OF LEWISTON
PO BOX 617
LEWISTON ID 83501**



**Carolyn S. Monitz
Technical Records Specialist**

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.

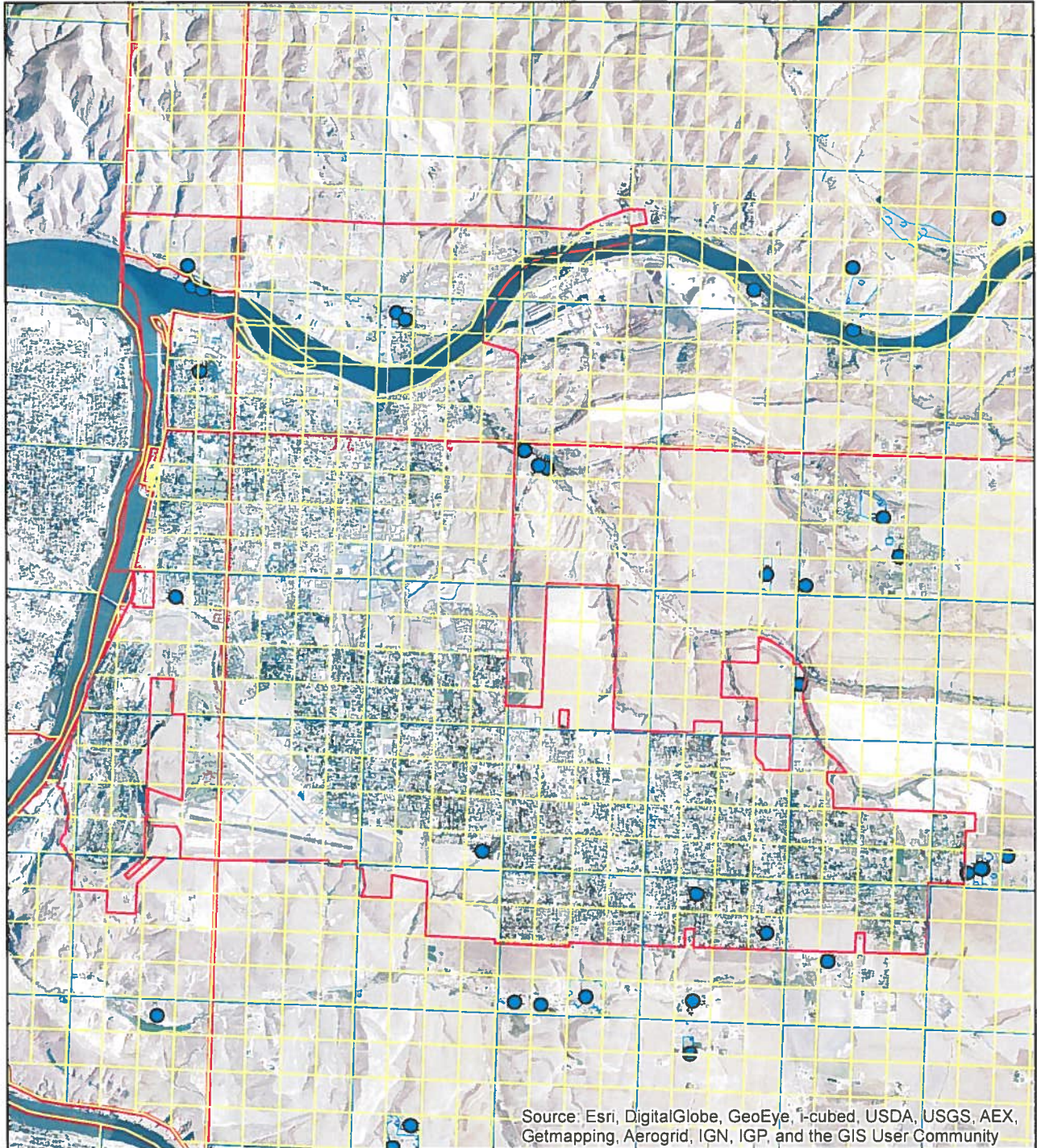
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: May 10, 2013
To: Water Right File 86-7324
From: kfranklin
Re: Licensing

At the time of licensing, the department understood the City of Lewiston's distribution system is connected to the Lewiston Orchards Irrigation District storage facilities, but not used. The connection is for cases of water shortage or for emergency purposes. This license currently serves the service area for the City of Lewiston. By map furnished by the City of Lewiston the city limits boundary also encompasses the Lewiston Orchards Irrigation District. Therefore, if water is served to the Lewiston Orchards Irrigation District, this license would be in compliance with Idaho Code 42-202B(9) that states: "For a municipality, the service area shall correspond to its corporate limits, or other recognized boundaries, including changes therein after the permit or license is issued. The service area for a municipality may also include areas outside its corporate limits, or other recognized boundaries that are within the municipality's established planning area if the constructed delivery system for the area shares a common water distribution system with lands located within the corporate limits."

CITY OF LEWISTON 86-7324



Legend

 CITY_LIMITS_OF_LEWISTON

1 inch = 5,745 feet

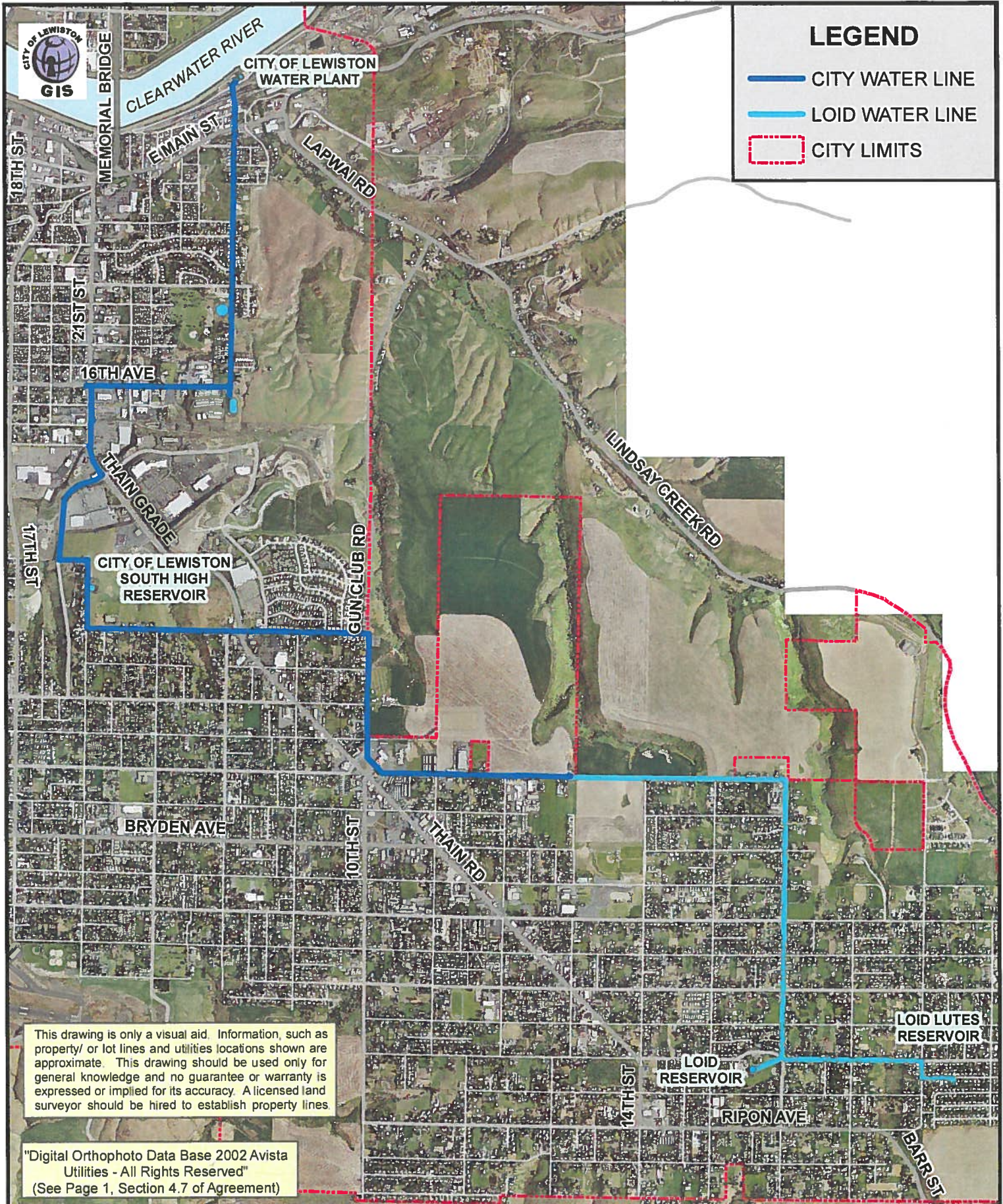


1 inch = 2,400 feet



CITY OF LEWISTON

PUBLIC WORKS DEPARTMENT





State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 24, 2013

CITY OF LEWISTON
PO BOX 617
LEWISTON ID 83501

Re: Water Rights 85-7601 and 86-7324

Dear Permit Holder

Encloses is receipt No. N029797, for fees for Applications for Amendment of the above referenced Water Right Permits.

Sincerely,

Dianne Ball
Administrative Assistant

Enc. Receipt No. N029797



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive. Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

04/17/2013

CITY OF LEWISTON
PO BOX 617
LEWISTON ID 83501

RE: Water Right Permit No. 86-07324

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X **Point(s) of Diversion**

 Place(s) of Use

 Other

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-762-2800.

Sincerely,
Eric Davis
Senior Water Resource Agent
Northern Regional Office