

78479

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No. 94-9512

\* 3/14/13 Revised

1. Name of applicant(s) Avista Corporation (Cabinet Gorge Dam - Fish Handling Facility) Phone (509) 495-2571  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address: ATTN: Linda Kiefer, EA Dept., MSC-1, PO Box 3727 City Spokane  
 State WA Zip 99220-3727 Email: linda.kiefer@avistacorp.com

2. Source of water supply Clark Fork River (in Basin 96) which is a tributary of Pend Oreille Lake / Pend Oreille R.

3. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | ¼ | ¼  | ¼  | County | Source           | Local name or tag # |
|-----|-----|-----|----------|---|----|----|--------|------------------|---------------------|
| 55N | 3E  | 28  | 7        |   | SW | NE | Bonner | Clark Fork River |                     |
| 55N | 3E  | 28  | 7        |   | NW | SE | Bonner | Clark Fork River |                     |
|     |     |     |          |   |    |    |        |                  |                     |
|     |     |     |          |   |    |    |        |                  |                     |

4. Water will be used for the following purposes:

Amount 3.35 cfs for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
 (cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) \_\_\_\_\_ cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. 8" intake pipe extends approx. 120' into Clark Fork R. below ordinary high water mark; 20 HP submersible pumping water to fish tanks; tank volume 7,400 gal/985 cu.ft.

b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? n/a; drilling firm n/a;  
 Well was drilled for (well owner) n/a; Drilling Permit No. n/a

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

a. Hydropower; show total feet of head and proposed capacity in kW. n/a

b. Stockwatering; list number and kind of livestock. n/a

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. n/a

d. Domestic; show number of households \_\_\_\_\_

e. Other; describe fully. Non-consumptive Fish Propagation: 3.35 cfs

96-9512

## 8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS   |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |          |
| 55N | 3E  | 28  |    |    | H  |    |    |    |    |    |    |    |    |    | H  | H  |    |    | 3.35 cfs |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |

Total number of acres to be irrigated: n/a

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

10. a. Who owns the property at the point of diversion? Avista Corporation
- b. Who owns the land to be irrigated or place of use? Avista Corporation
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. As part of the Cabinet Gorge Dam Fish Passage Project, Avista needs to develop a fish handling facility adjacent to the existing Cabinet Gorge Fish Hatchery, located approx. 1 mile downstream from the dam. The Idaho Department of Fish and Game operate the fish hatchery and have a ground water right (Lic. # 96-08408), which provides water supply to the hatchery. Avista is requesting this new water right to provide non-consumptive surface water from the Clark Fork River to the new fish handling facility to be built approximately 500' west of the hatchery. The water will be returned to the river in a 16" outflow pipe approx. 150' northwest (downstream) of the intake pipe.
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Linda Kiefer, Environmental Affairs - Avista Corp.

Print Name (and title, if applicable)

Signature of Applicant

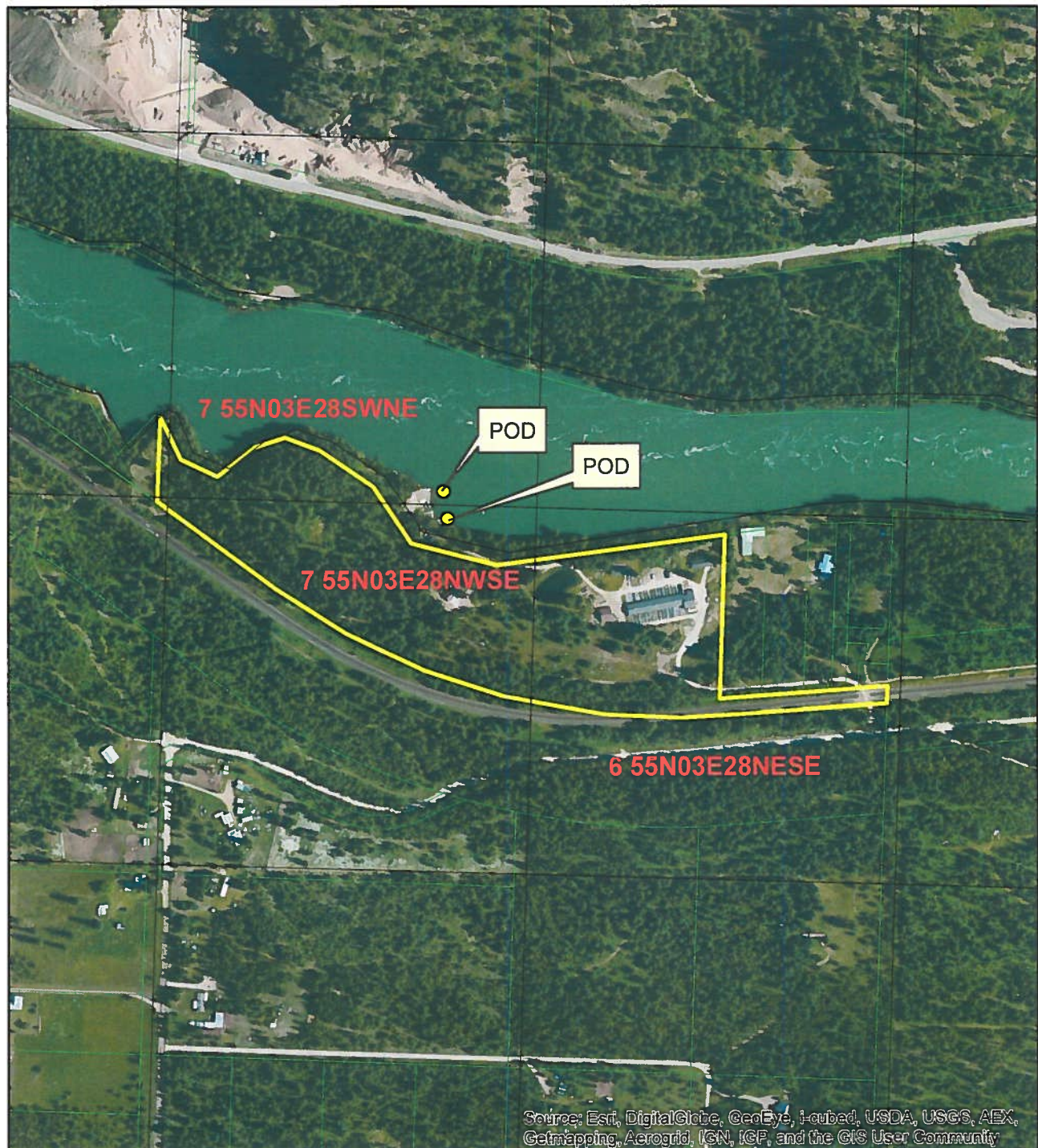
Print Name (and title, if applicable)

## For Department Use:

Received by db Date 3/13/13 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 370.00 Received by db Receipt No. N029679 Date 3/13/13

96-9512



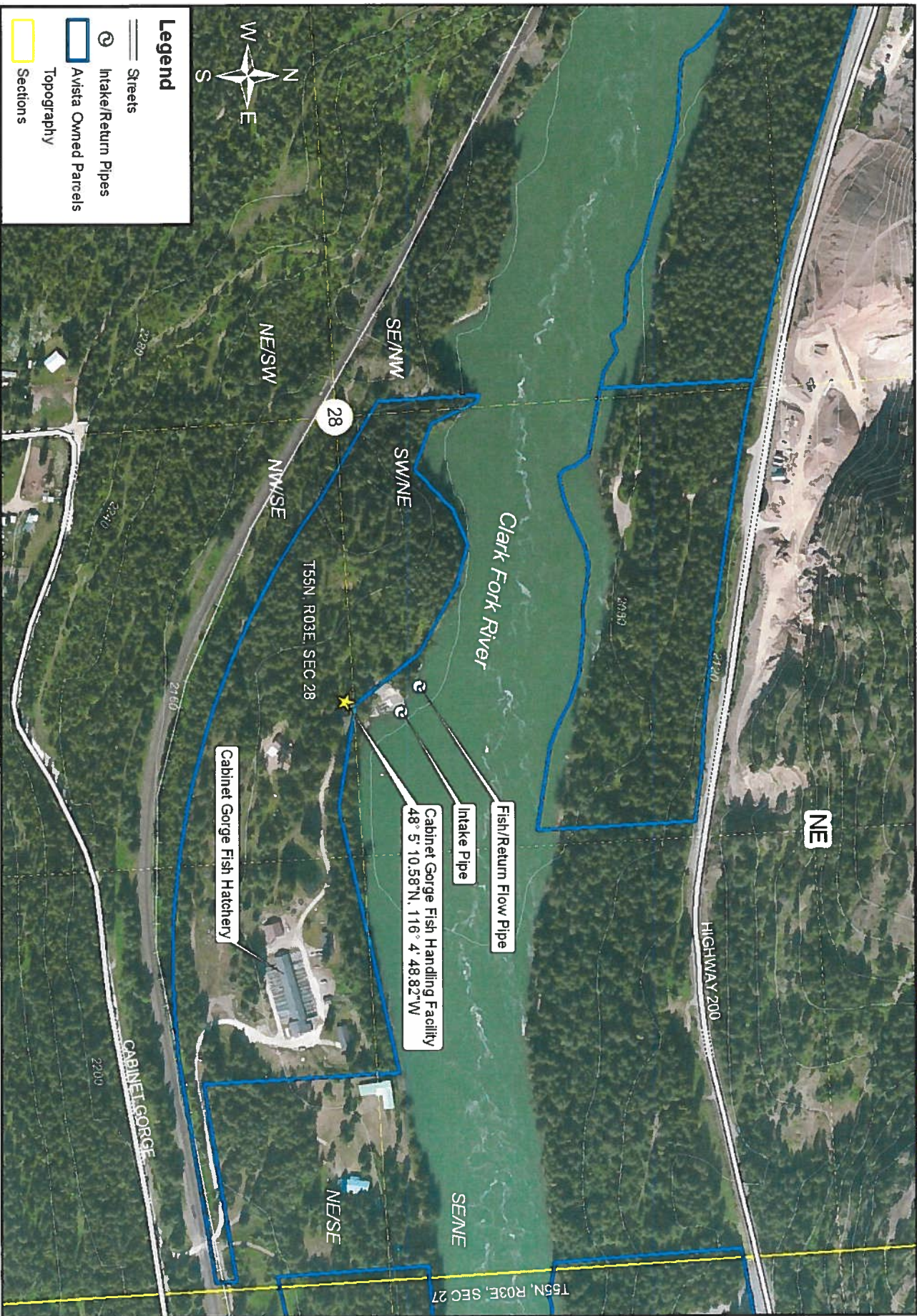
## Legend

- Working\_POD
- Working\_POU
- QQ
- Taxlots

0 0.0475 0.095 0.19 Miles



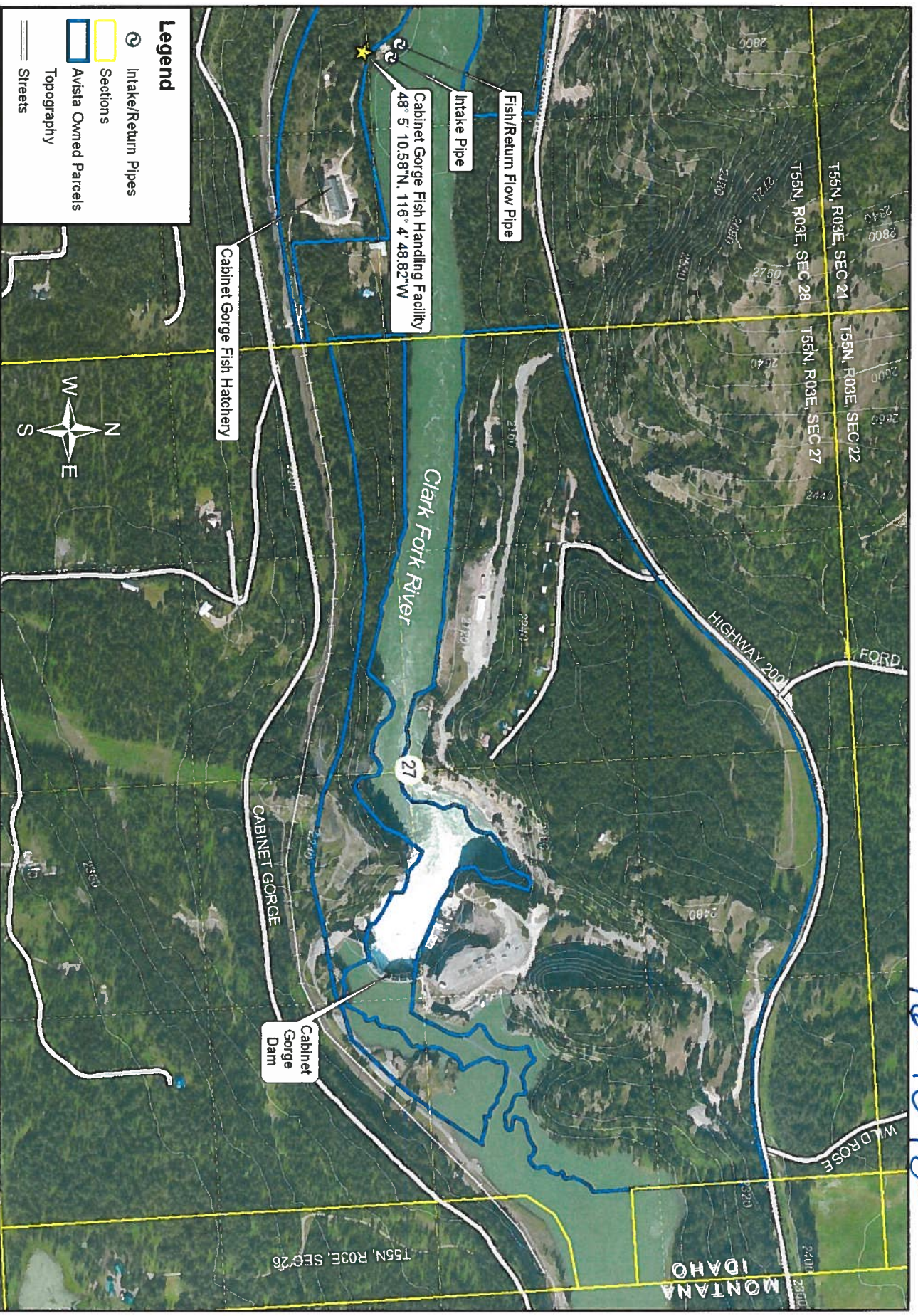
96-9517



0 300 600 1,200 Feet

Cabinet Gorge Fish Hatchery

96-9518



Cabinet Gorge Fish Hatchery

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Tuesday, April 23, 2013 4:07 PM  
**To:** Legal Notices - Bonner Co Daily Bee-Amber Bangeman; Legal Notices-Bonner Co Daily Bee-Melanie Till  
**Subject:** Application for Permit No.95-16566, 96-9512, 96-9513, 97-7514,  
**Attachments:** LegalNotice 04-23-13 BCDB e-mail 95-16566,96-9512, 9513, 97-7514.doc

Dear Amber and Melanie,

Please publish the enclosed legal notice on the dates indicated, May 2 and 9, 2013, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press. I think this is close to press-ready – in our 2-column preference, etc.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/20/2013. Your assistance is greatly appreciated.

If you have any questions, please call me or reply to this e-mail.

Have a super rest of the day,

*Dianne Ball*

Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819

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

95-16566

TIM RACICOT

VICKY RACICOT

PO BOX 242

BAYVIEW, ID 83803

Point of Diversion NESW S27 T54N R02W BONNER CO

Source OLD MAID CREEK tributary BAYVIEW CREEK

Use: FIRE PROTECTION 01/01 to 12/31 0.15 CFS

Use: IRRIGATION 04/01 to 10/31 0.15 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.17 CFS

Date Filed: 3/29/2013

Place of Use: IRRIGATION, STOCKWATER

T54N R02W S27 NESW NWSW

Place Of Use: FIRE PROTECTION

T54N R02W S27 NESW NWSW

Total Acres: 5

Stockwater use is for 11 sheep.

96-9512

AVISTA CORPORATION

PO BOX 3727

SPOKANE, WA 99220-3727

Point of Diversion L7(SWNE) S28 T55N R03E BONNER Co

Source CLARK FORK RIVER tributary PEND OREILLE LAKE

Point of Diversion L7(NWSE) S28 T55N R03E BONNER CO

Source CLARK FORK RIVER tributary PEND OREILLE LAKE

Use: FISH PROPAGATION 01/01 to 12/31 3.35 CFS

Total Diversion: 3.35 CFS

Date Filed: 3/13/2013

Place of Use: FISH PROPAGATION T55N R03E S28

L7(SWNE) L6(NESE) L7(NWSE)

96-9513

P.M. HERNDON CORP

222 OTTS BASIN RD

SAGLE, ID 83860

Point of Diversion NENE S27 T56N R03W BONNER CO

Source GROUND WATER

Point of Diversion NENE S27 T56N R03W BONNER CO

Source MOORE CREEK tributary COCOLALLA CREEK

Use: IRRIGATION 04/01 to 10/31 0.36 CFS

Total Diversion: 0.36 CFS

Date Filed: 3/26/2013

Place of Use: IRRIGATION T56N R03W S22 SESE

Total Acres: 18

97-7514

WEST BONNER WATER AND SEWER DISTRICT

215 N WASHINGTON AVE.

OLDTOWN, ID 83822

Points of Diversion (2) SESE S24 T56N R06W BONNER CO

Source GROUND WATER

Point of Diversion SESW S24 T56N R06W BONNER CO

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 3 CFS

Total Diversion: 3 CFS

Date Filed: 2/20/2013

Place of Use: MUNICIPAL

Municipal use is within service area of applicant.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 5/20/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/2/2013 and 5/9/2013



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 23, 2013

AVISTA CORPORATION  
PO BOX 3727  
SPOKANE, WA 99220-3727

Application For Permit No. 96-9512

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the BONNER COUNTY DAILY BEE on 5/2/2013 and 5/9/2013. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin  
Program Manager

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Tuesday, April 23, 2013 4:56 PM  
**To:** mary.terra-berns@idfg.idaho.gov; mhicks@idl.idaho.gov; jbrady@idl.idaho.gov  
**Subject:** RE: Application for Permit No. 96-9512 Avista Corporation,  
**Attachments:** 96-9512\_Avista.pdf

Dear Mary, Matthew and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this 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.

This is being prepared for publication in the Bonner County Daily Bee on May 2 and 9, 2013 with May 20, 2013 as final date for protests to be received in our office.

Please contact this office if you have any questions regarding the application.

Sincerely,

*Dianne Ball*

Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819