

## Owsley, Dennis

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**From:** Owsley, Dennis  
**Sent:** Friday, December 14, 2012 9:04 AM  
**To:** 'steve@nezperce.org'  
**Cc:** Keen, Shelley  
**Subject:** Information regarding the water right license for the Nez Perce Tribal Fish Hatchery  
**Attachments:** APPLICATION FOR PERMIT TO APPROPRIATE WATER.pdf.pdf; Inst Application for Permit.pdf.pdf

Steve

As you are aware, IDWR is currently drafting the water right license for the NPTFH. As we have discussed, there are a few items that need to be brought to your attention regarding the license.

First, the Proof of Beneficial Use paperwork for the hatchery was filed with the Department in June of 2005. IDWR is required to determine the amount of water beneficially used prior to the date the proof paperwork was filed. In this case, we are using your production records from 2005. To determine the amount of water beneficially used for fish propagation, the volume of water put to beneficial use is directly related to the pounds of fish the facility produced. In 2005, 27,174 pounds of fish were produced. Even though you provided me adequate records of more recent production (2011 produced 52,867 pounds of fish), we are still required to limit your license to the 2005 production level. This amount of water is significantly less than what your facility is currently using and needs for current production.

Second, the storage component of the water right is going to be dropped. Each permit allows for 2.9 acre-feet of water to be stored at the facility. Following the field examination and discussion with you, we cannot justify the storage component as water is technically not being stored at your facility. The removal of this component does not influence the overall flow rate and volume limits. (Note: We aren't removing storage from the water right because it was never established as part of the water right.)

Finally, as I mentioned, the licensed flow rates and volumes will be lower than the permitted values due to the fact that we are using production records from the hatchery prior to full production and the permit was issued to cover both Phase I and Phase II of the hatchery. For the flow rates, the four surface water intakes from the river are designed at 1,500 gpm (times four equals 6,000 gpm or 13.4 cfs) which will be the licensed flow rate. For the ground water wells, the rates that were measured during the field examination (100% pumping rates) equated to 3.9 cfs. I understand the flow rates from the wells have been historically dropping, but without additional documentation to show what the higher rates were, the measured rates are our best estimate. The volume for the facility was determined based on the 27,174 pounds of fish produced in 2005 which results in 12,452 acre-feet.

My recommendation to you is that you file an additional application for permit with the Department to cover the difference between the amount of water licensed and the amount of water needed for full production (include Phase II of the facility if you envision it be completed in the next decade). Once the additional permit is approved, you will have five years to establish the permitted use. If you have not met full production capacity within the five year proof period, you are allowed to request an extension with the Department. An application and instruction form are attached to this email.

Please feel free to contact me with any questions or concerns you may have associated to the hatchery's water right.

Thanks  
Dennis

Dennis Owsley, P.G.  
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