

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07913

Priority: August 31, 2011

Maximum Diversion Rate: 4.00 CFS

This is to certify, that KOOTENAI TRIBE OF IDAHO
PO BOX 1269
BONNERS FERRY ID 83805-1269

has applied for a permit to appropriate water from:

Source: MOYIE RIVER	Tributary: KOOTENAI RIVER
KOOTENAI RIVER	COLUMBIA RIVER
GROUND WATER	

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.09 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
FISH PROPAGATION	01/01 to 12/31	3.85 CFS

LOCATION OF POINT(S) OF DIVERSION:

KOOTENAI RIVER L2 (NW¼NE¼) Sec. 22, Twp 62N, Rge 02E, B.M. BOUNDARY County
MOYIE RIVER NW¼SE¼ Sec. 15, Twp 62N, Rge 02E, B.M. BOUNDARY County
GROUND WATER SW¼SE¼ Sec. 15, Twp 62N, Rge 02E, B.M. BOUNDARY County
GROUND WATER SW¼SE¼ Sec. 15, Twp 62N, Rge 02E, B.M. BOUNDARY County
GROUND WATER SW¼SE¼ Sec. 15, Twp 62N, Rge 02E, B.M. BOUNDARY County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
62N	02E	15															3.0		3.0

Total Acres: 3

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07913

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	02E	15														X	X		

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	02E	15														X	X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2017**.
2. Subject to all prior water rights.
3. 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.
4. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the points of diversion from the Kootenai and Moyle Rivers.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Water shall not be diverted under this right when flows in the Kootenai River are below minimum flow amounts as described in Right 98-7706.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 7 day of February, 2012.


GARY SPACKMAN, Interim 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
Interim Director

February 8, 2012

KOOTENAI TRIBE OF IDAHO
PO BOX 1269
BONNERS FERRY ID 83805-1269

RE: Permit No.98-7913

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, 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,

A handwritten signature in black ink, appearing to read "Eric Davis", written in a cursive style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

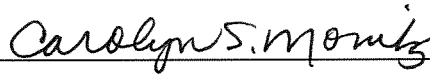
RE: WATER RIGHT NO.

98-7913

KOOTENAI TRIBE OF IDAHO

PO BOX 1269

BONNERS FERRY ID 83805-1269

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

Carolyn S. Monitz
Technical Records Specialist

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 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.

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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET

P 12/29/11

W.R. # 98 - 7913

APPLICATION ID # 77678

ENT. B.F. BCA 12/28/11 OK to Publish 12/28/11

INITIAL REVIEW

APPLICANT: KOOTENAI TRIBE OF IDAHO BY: ST DATE: 12/19/11

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☐ Source
3. ☐ Point of Diversion & County
4. ☐ Quantity
5. ☐ Nature of Proposed Use
6. ☐ Period of Use
7. ☐ Total Quantity
8. ☐ Description of diverting works
9. ☐ Time required for b/u
10. ☐ Proposed use
11. ☐ Place of use or acres irrigated
12. ☐ Other water Rights
13. ☐ Ownership
14. ☐ Map
15. ☐ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

- (Yes)(No)
- ☒ **Shape File Created** Date 12/19 By: ST
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) **PRIORITY DATE:** 8/31/2011

☐ ☒ (Include Moratorium Remark)
Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BOUNDARY County

Newspaper: B.F.H.

Dates scheduled for publication 1/5 & 12/11/12

Affidavit of Publication received: 2/2/12

Dates actually published: 1/5 & 12/12

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 1/23/12

Protests Received: Yes _____ No ☒

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information N/A
() Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information N/A
() Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>862027</u>	<u>D0058062</u>	Dom. Non-Dom. ☒	Paid \$ <u>200.00</u>	<u>N024052</u>	Y () N (☒)
<u>862028</u>	<u>D0058065</u>	Dom. Non-Dom. ☒	Paid \$ <u>200.00</u>	<u>" "</u>	Y () N (☒)
<u>860559</u>	<u>D024447</u> <u>58099</u>	Dom. Non-Dom. ☒	Paid \$ <u>200.00</u>	<u>N024457</u>	Y () N (☒)

- ☒ Groundwater management area
- ☒ Critical ground water area
- ☒ Well Drilling Permit required
- ☒ Well Drilling Application and Fees received
- ☒ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

☐ Notice of pending void order issued. Final order response date: ____/____/____

☐ Further information required from applicant _____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: ST Date: 12/19/11 Sr. Agent initial ST

RECEIVED
FEB 02 2012
IDWR / NORTH

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

98-7913

KOOTENAI TRIBE OF IDAHO

PO BOX 1269

BONNERS FERRY, ID 83805-1269

Point of Diversion L2(NWNE) S22 T62N R02E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Point of Diversion NWSE S15 T62N R02E BOUNDARY CO

Source MOYIE RIVER tributary KOOTENAI RIVER

Points of Diversion(3) SWSE S15 T62N R02E BOUNDARY CO

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.06 CFS

Use: FISH PROPAGATION

01/01 to 12/31 3.85 CFS

Use: IRRIGATION

04/01 to 10/31 0.09 CFS

Total Diversion: 4.00 CFS

Date Filed: 8/31/2011

Place of Use: IRRIGATION T62N R02E S15 SWSE

Place of Use: DOMESTIC & FISH PROPAGATION

T62N R02E S15 NWSE SWSE

Total Acres: 3

Domestic use is for 2 houses and hatchery restrooms, kitchen and laboratory.

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 1/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

BFH Legal 8425

January 5, 12, 2012

AFFIDAVIT OF PUBLICATION

State of Idaho

RECEIVED

FEB 02 2012

IDWR / NORTH

SS

County of Boundary, Gilda Johnson
being first duly sworn on oath deposes and says that
he/she is book keeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Appropriate Public Waters

_____ as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 5th day of Jan, 2012 and
ending on the 12th day of Jan, 2012 and
that said notice was published in said newspaper.

Gilda Johnson

SUBSCRIBED AND SWORN TO before me, this

12th day of January, 2012.

Sherilyn Jones

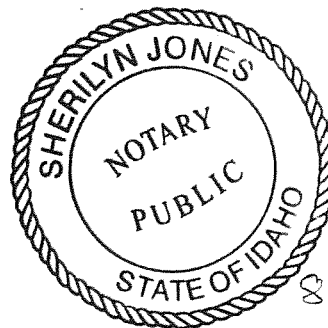
Notary Public-State of Idaho

Residing at:

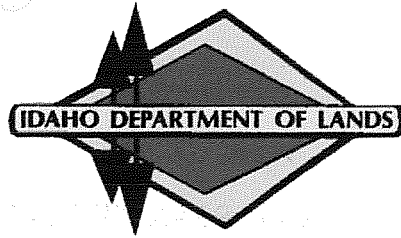
Sandpoint

My Commission Expires:

2/24/17



8425



KOOTENAI VALLEY
SUPERVISORY AREA
6327 Main Street
Bonners Ferry ID 83805
Phone (208) 267-5577
Fax (208) 267-8301

Tom SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

RECEIVED
JAN 12 2012
IDWR / NORTH
STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

January 3, 2012

Dianne Ball, AA
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815

Subject: Application for Permit No.98-7913

Dear Ms. Ball:

Thank you for the opportunity to review and comment on the Kootenai Tribe's Application for Permit.

I have reviewed the permit and the Idaho Department of Lands has no comment at this time.

Sincerely,

Eric Besaw
Kootenai Valley Area Manager

lh

MEMORANDUM

DATE: January 6, 2012

TO: Dianne Ball

FROM: Sandy Thiel

RE: 98-7913

The IDWR Planning Section does not wish to raise any public interest concerns over Application No. 98-7913 which proposes the diversion of a total of 4 cfs, from the Kootenai and Moyie rivers and from groundwater. The water will be diverted for fish propagation, domestic use and for irrigation

However, the Planning Section would like the Department's northern regional office to be aware that the Idaho Water Resource Board has applied for a minimum stream flow water right 98-7705, priority date June 15, 1992, on the Kootenai River downstream of the applicant's point of diversion. As of the date of this memo the Board has requested a delay in processing the application. The purpose for this delay is to provide time to gather information regarding the necessity and technical merits of the application.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 98-7705

WATER RIGHT NUMBER: 98-7705

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO WATER RESOURCE BOARD PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 06/15/1992

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
KOOTENAI RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM STREAM FLOW	1/01	to 12/31	5,340.000 CFS	

Total Diversion: 5,340.000 CFSLocation of Point(s) of Diversion

KOOTENAI RIVER	L5 (NE1/4SE1/4)	Sec. 22, Twp 61N, Rge 03E, B.M.
BOUNDARY County	(Beginning of Reach)	
KOOTENAI RIVER	NE1/4NE1/4	Sec. 27, Twp 62N, Rge 01E, B.M.
BOUNDARY County	(Ending of Reach)	
KOOTENAI RIVER	L8 (SE1/4SE1/4)	Sec. 22, Twp 61N, Rge 03E, B.M.
BOUNDARY County	(Beginning of Reach)	

Place of UseConditions of Approval:

1. The affected reach is approximately 18.5 miles long.
Minimum instream flow use is for the protection of fish and wildlife habitat, aquatic life, and recreational values.
Instream flow from state line to highway bridge at Bonners Ferry.

Remarks:Comments:Dates and Other Information:

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

98-7913

KOOTENAI TRIBE OF IDAHO

PO BOX 1269

BONNERS FERRY, ID 83805-1269

Point of Diversion L2(NWNE) S22 T62N R02E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Point of Diversion NWSE S15 T62N R02E BOUNDARY CO

Source MOYIE RIVER tributary KOOTENAI RIVER

Points of Diversion(3) SWSE S15 T62N R02E BOUNDARY CO

Source GROUND WATER

Use: DOMESTIC	01/01 to 12/31	0.06 CFS
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Use: FISH PROPAGATION	01/01 to 12/31	3.85 CFS
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Use: IRRIGATION	04/01 to 10/31	0.09 CFS
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Total Diversion:	4.00 CFS
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Date Filed: 8/31/2011

Place of Use: IRRIGATION T62N R02E S15 SWSE

Place of Use: DOMESTIC & FISH PROPAGATION

T62N R02E S15 NWSE SWSE

Total Acres: 3

Domestic use is for 2 houses and hatchery restrooms, kitchen and laboratory.

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 1/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 1/5/2012 and 1/12/2012

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 28, 2011 11:59 AM
To: Legal Notices BFHerald-Amber Bangeman
Subject: Application for Permit No. 98-7913
Attachments: LegalNotice 12-28-11 BFH e-mail 98-7913.doc

Good afternoon, Amber,

Please publish the enclosed legal notice in the Bonners Ferry Herald, on the dates indicated, January 5 and 12, 2012, (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.

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 1/23/2012. Your cooperation is always appreciated.

Thanks for all your great help.

Wishing for you a blessed and prosperous New Year!

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



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
Interim Director

December 28, 2011

KOOTENAI TRIBE OF IDAHO
PO BOX 1269
BONNERS FERRY, ID 83805-1269

Application For Permit No. 98-7913

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 BONNERS FERRY HERALD on 1/5/2012 and 1/12/2012. 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,

Greg Taylor
Sr. Water Resource Agent

Enc. Receipt No. N028006

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 28, 2011 11:05 AM
To: LHunsaker@idl.idaho.gov; eric.besaw@idl.idaho.gov; mary.terra-berns@idfg.idaho.gov
Cc: Taylor, Greg
Subject: RE: Application for Permit No. 98-7913
Attachments: 98-7913_Kootenai_Tribe_of_Idaho.pdf

Dear Mary, Loretta and Eric:

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.

This is being prepared for publication in the Bonners Ferry Herald on January 5 and 12, 2012 with final date for protests to be received in our office – January 23, 2012.

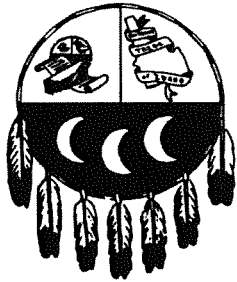
Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

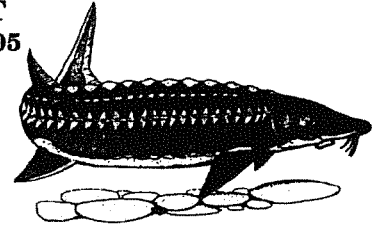
Dianne Ball

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



KOOTENAI TRIBE OF IDAHO

FISH AND WILDLIFE DEPARTMENT
P.O. Box 1269 Bonners Ferry, Idaho 83805
(208) 267-3620 Fax No. (208) 267-1131



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

December 1, 2011

RECEIVED

DEC - 6 2011

IDWR/NORTHERN

Subject: Re-submittal of Application for Water Right

Dear Mr. Franklin:

Thank you so much for the time that you and Greg Taylor spent with me to discuss the application for a surface and groundwater permit for the proposed Twin Rivers Hatchery being developed by the Kootenai Tribe of Idaho. Based on our discussion, I am providing a revised permit application.

We have already provided the check in the amount of \$370.00 to cover the application fee for permits using between 3.01 and 4.00 cfs.

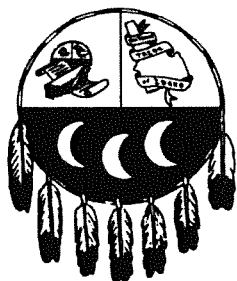
The Tribe understands that water rights in the Kootenai and Moyie rivers have not yet been adjudicated. In order to preserve rights during the future adjudication, nothing in this application shall be construed as admitting, denying, defining or limiting any federally or other reserved water right or rights to certain quantities or uses of water.

Please don't hesitate to contact me if you have any questions concerning this application (phone 208 267-3620 or email ireland@kootenai.org). Thank you very much for your expeditious processing of this application.

Very truly yours,

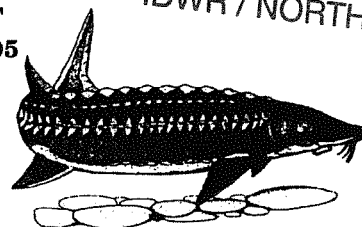
Susan Ireland, Fish and Wildlife Department Director

Kootenai Tribe of Idaho



KOOTENAI TRIBE OF IDAHO

FISH AND WILDLIFE DEPARTMENT
P.O. Box 1269 Bonners Ferry, Idaho 83805
(208) 267-3620 Fax No. (208) 267-1131



RECEIVED
AUG 31 2011
IDWR / NORTH

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

August 26, 2011

Subject: Application for Water Right

Dear Sir or Madam:

Enclosed for processing is an application for a surface and groundwater permit for the proposed Twin Rivers Hatchery being developed by the Kootenai Tribe of Idaho. This new hatchery will be a key component of the Tribe's ongoing Kootenai River Native Fish Conservation Aquaculture program to restore native Kootenai River white sturgeon and burbot. The new hatchery is proposed at the confluence of the Kootenai and Moyie rivers on property purchased by the Tribe. It will occupy a portion of the area where the Twin Rivers Resort currently operates. Recreational uses associated with the Resort, also owned by the Tribe, will continue to be available to the public.

Also enclosed is a check in the amount of \$370.00 to cover the application fee for permits using between 3.01 and 4.00 cfs.

The Tribe understands that water rights in the Kootenai and Moyie rivers have not yet been adjudicated. In order to preserve rights during the future adjudication, nothing in this application shall be construed as admitting, denying, defining or limiting any federally or other reserved water right or rights to certain quantities or uses of water.

Please don't hesitate to contact me if you have any questions concerning this application (phone 208 267-3620 or email ireland@kootenai.org). Thank you very much for your expeditious processing of this application.

Very truly yours,

Susan Ireland, Fish and Wildlife Department Director

Kootenai Tribe of Idaho