

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-11978

Priority: May 8, 2007

Maximum Diversion Rate: 0.30 CFS

This is to certify, that PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
INDUSTRIAL	03/15 to 11/15	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

CLEARWATER RIVER L4 (SW¼SE¼) Sec. 25, Twp 36N, Rge 06W, B.M. NEZ PERCE County
CLEARWATER RIVER L5 (SE¼SE¼) Sec. 25, Twp 36N, Rge 06W, B.M. NEZ PERCE County

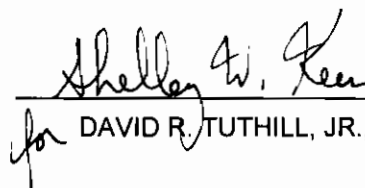
PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
36N 06W 25									X							X	X	
									L 3							L 4	L 5	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2008**.
2. Subject to all prior water rights.
3. Industrial use is to sprinkle logs.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of September, 2007.


for DAVID R. TUTHILL, JR., Director

73851

Ident. No. 86-11978 12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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MAY 08 2007

To appropriate the public waters of the State of Idaho

DEPARTMENT OF
WATER RESOURCES

1. Name of Applicant PORT OF LEWISTON Phone 208-743-5531
Mailing address 1626 6th Ave North, Lewiston, ID 83501
2. Source of water supply Clearwater River which is a tributary of _____
3. Location of point of diversion is Township 36N Range 6W Sec. 25 in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot 4, B.M., Nez Perce County;
additional points of diversion if any: SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, Township 36N, Range 6W, B.M., County of
Lot 5 Nez Perce
4. Water will be used for the following purposes:
- Amount .30 cfs for Industrial purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .30 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 10 HP @ 135 gallons/minute
will be @ each diversion site _____
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. Industrial -- Sprinkle logs

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9. 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	
36N	6W	25									I		XX	XX			I	I	

Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above.

Permit #86-11945 = .30 cfs

11. a. Who owns the property at the point of diversion? Port of Lewiston

b. Who owns the land to be irrigated or place of use? Port of Lewiston

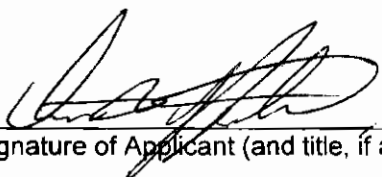
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks:

This application is to increase volume allowed by an existing permit #86-11945 to accommodate tenant's requirements

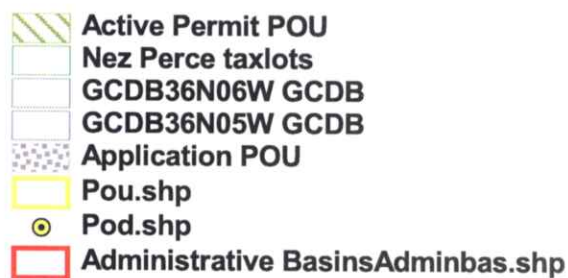
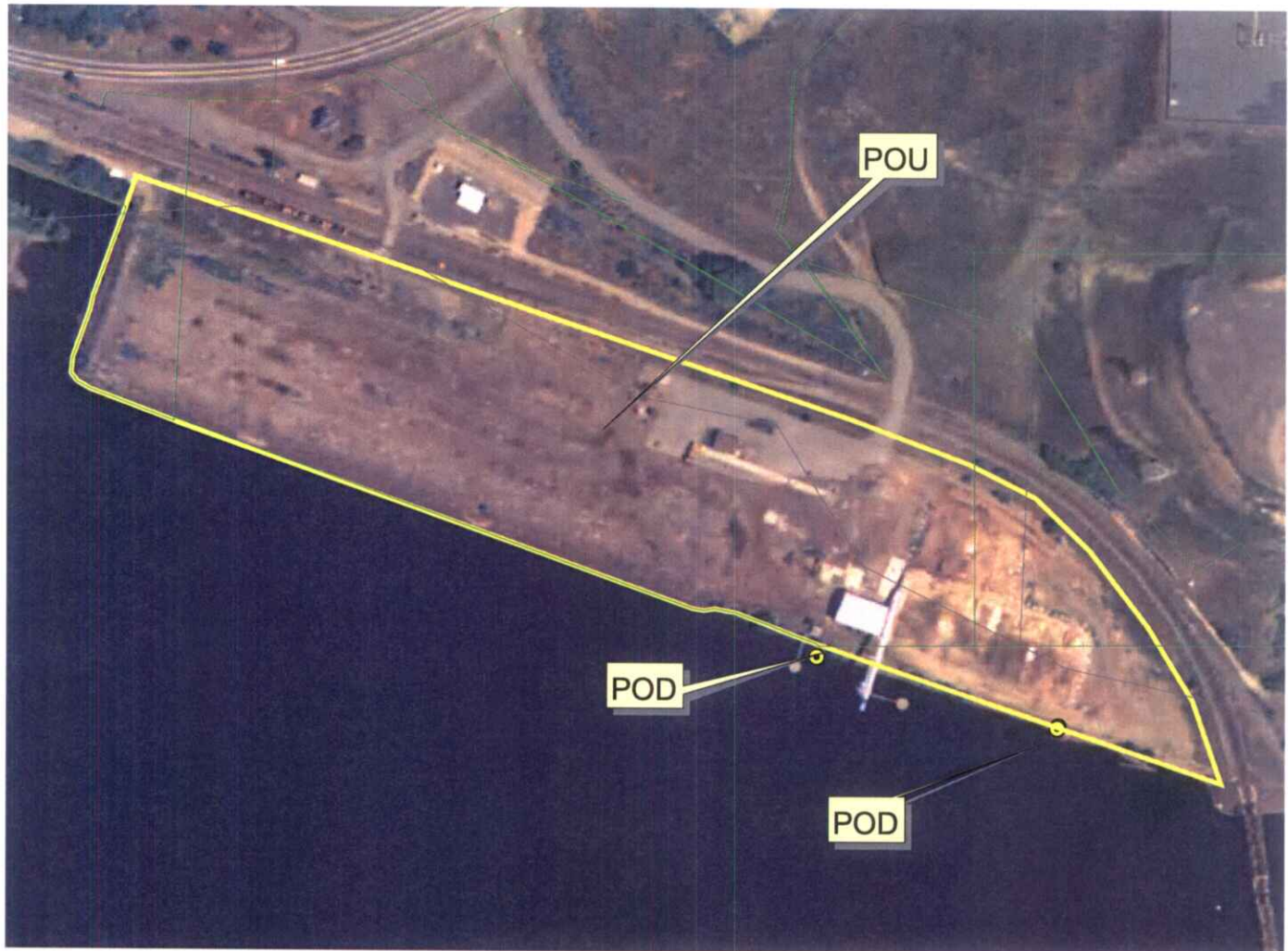
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

Received by AMB Date 5-8-07 Time 2:22 PM Preliminary check by
 Fee \$ 250.00 Received by AMB # 0084029 Date
 Publication prepared by AMB Date 7/26/07 Published in Lewiston Trib 8/24/07
 Publication approved AMB Date 8/10/07

86-11978





1626 6th Avenue N. • Lewiston, ID 83501
(208) 743-5531 • Fax (208) 743-4243
E-mail: portinfo@lewiston.com
Container Yard
(208) 743-3209 • 1-877-777-8099

PORT COMMISSIONERS:
President
Terry B. Kolb
Vice President
Todd L. Maddock
Secretary-Treasurer
Peter K. Wilson

ADMINISTRATIVE:
General Manager
David R. Doeringsfeld
Assistant Manager
Jaynie K. Bentz
Container Yard Manager
Carrie Kelly

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PORT OF LEWISTON COMMISSIONERS

DISTRICT 1 ----

Todd L. Maddock, Vice President

tlmaddock@cableone.net

601 22nd Avenue
Lewiston, ID 83501
(208) 743-4493 (h)
(208) 798-8956 (cell)

DISTRICT 2 ----

Peter K. Wilson, Secretary/Treasurer

26858 S. Tom Beall Road
Lapwai, ID 83540
(208) 843-2405 (h)
(208) 843-2405 (fax)
(208) 791-7527 (cell)

DISTRICT 3 ---

Terry Kolb, President

3962 B Lakeview Drive
Lewiston, ID 83501
(208) 746-5507 (h)

Avista Corp
803 Main Street
Lewiston, ID 83501
(208) 798-1425 (w)
(208) 798-1439 (fax)
tkolb@avistacorp.com

GENERAL MANAGER THE PORT OF LEWISTON

David Doeringsfeld
1626 6th Ave North
Lewiston, ID 83501
(208) 743-5531 (w)
(208) 743-4243 (fax)
(208) 791-6222 (cell)

portdave@lewiston.com

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Water Appropriation Rules 40.05.c through 40.05.g

c. The following information shall be submitted for applications to appropriate unappropriated water. . . .

Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted. *N/A*

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well. *N/A*

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. *N/A*

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. *Two diversions of 135 gpm at each site from March 15 to Nov 15. Usage will be approx 8 hrs/day - 8 days/wk @ an avg. diversion rate of 170 gpm. Peak diversion of 270 gpm. Est. annual usage of 196,000 cu ft.*

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. *At confluence of Snake and Clearwater Rivers*

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. *Part of Lewiston owns property*

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. *N/A*

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. *No New Construction*

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. *No New Construction*

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

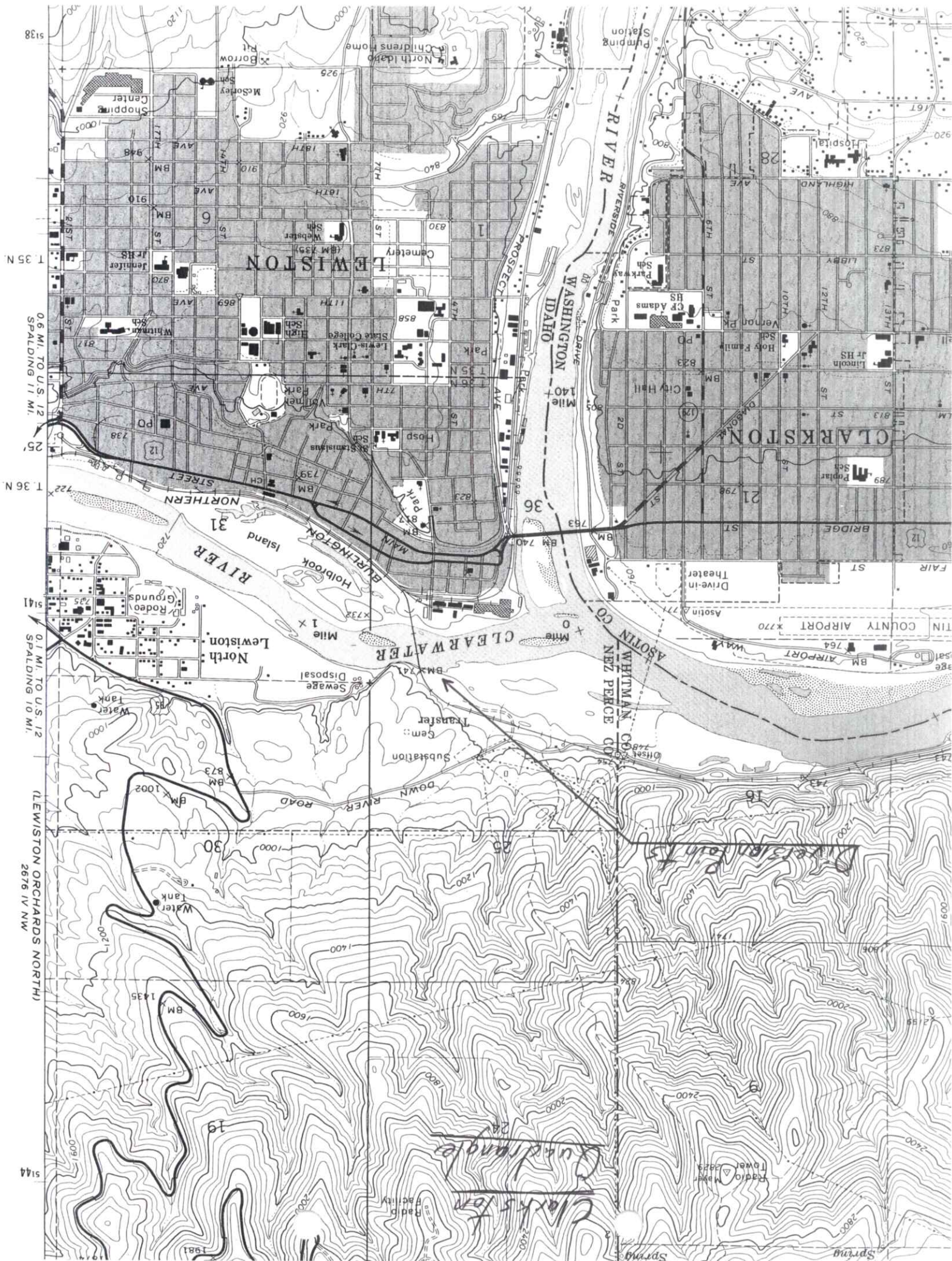
The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

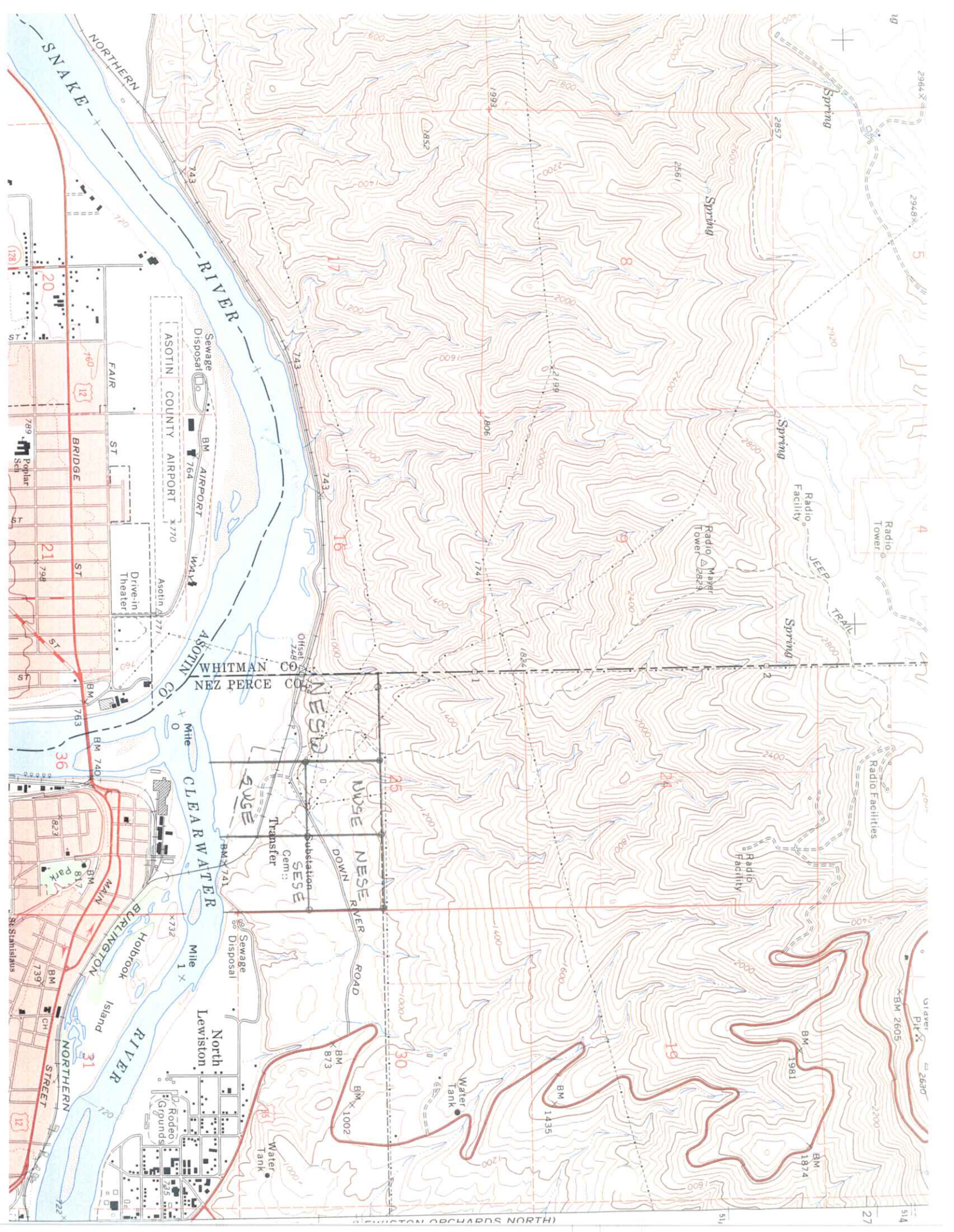
Letters from IDFG and IDEQ



EXISTING
DIVERSION
POINT

ADDITIONAL
DIVERSION
POINT







Place of Use

SESE
Lot 5

SWSE
Lot 4

NESE
Lot 3

NESE
Lot 3

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

September 24, 2007

PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501

RE: Permit No. 86-11978

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.

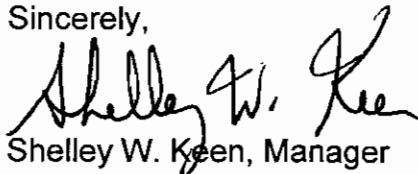
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

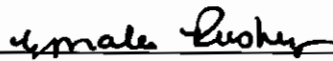
CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO.

86-11978

**PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501**

A handwritten signature in cursive script, reading "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Office Services Supervisor**

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.

MEMORANDUM

Date: September 11, 2007
To: Water Right File 86-11978
From: cpadilla
Re: Permit Review

WD-none

Overlaps-86-11945 has same use, additional use is to accommodate tenant requirements. Shared PODS
No protests

Port of Lewiston is not in ISOS registry. Spoke w/ Janie at their office and she informed me they are governmental entity so would not be listed. Verified this by looking at their website which indicates they are a port district authorized under Idaho Code 70-1101.

Recommend for approval as suggested by the region.

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

LEGAL ADVERTISING INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D'ALENE ID 83814

Date 08/09/2007 INVOICE NO. 466977

Account No. 964750

Description 466977The following ap

Times 2 Lines 23

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AUG 10 2007

IDWR/North

Tab. Lines

\$ 68.77

PO#

NOTICE: This is an 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.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ⁴⁶⁶⁹⁷⁷

86-11978

PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501
Point(s) of Diversion L4 (SWSE) and L5 (SESE) S25 T36N R06W
NEZ PERCE County
Source CLEARWATER RIVER - Tributary To SNAKE RIVER
Use: INDUSTRIAL 03/15 To 11/15 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 05/08/2007
Place Of Use: INDUSTRIAL T36N R06W S25 NESW Lot 3 SWSE
Lot 4 SESE Lot 5

Remark: Industrial use is to sprinkle logs.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 08/20/2007
The protestant must also send a copy of the protest to the applicant
DAVID R. TUTHILL, JR., Director Published August 2 & 9, 2007

Karen Lewis, 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, 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 466977The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 08/02, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 08/02/2007, and the last publication thereof being on the 08/09/2007, and said 466977The follo 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.

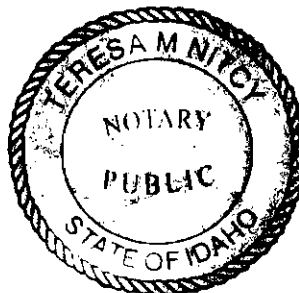
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 9 day of Aug in the year of 2007 before me, a Notary Public, personally appeared Karen J Lewis, 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.



Theresa M Nix
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/2010

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

86-11978

PORT OF LEWISTON

1626 6TH AVE NORTH

LEWISTON ID 83501

Point(s) of Diversion L4 (SWSE) and L5 (SESE)

S25 T36N R06W NEZ PERCE County

Source CLEARWATER RIVER - Tributary To SNAKE RIVER

Use: INDUSTRIAL 03/15 To 11/15 0.3 CFS

Total Diversion: 0.3 CFS

Date Filed: 05/08/2007

Place Of Use: INDUSTRIAL

T36N R06W S25 NESW Lot 3 SWSE Lot 4 SESE Lot 5

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DAVID R. TUTHILL, JR., Director

Published August 2 & 9, 2007



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

DAVID R. TUTHILL, JR
Director

*Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne*

July 26, 2007

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 86-11978

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 2 & 9, 2007, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 08/20/2007. Your cooperation is very greatly appreciated.

Thank you for all your super help.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

86-11978

PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501

Point(s) of Diversion L4 (SWSE) and L5 (SESE)
S25 T36N R06W NEZ PERCE County
Source CLEARWATER RIVER - Tributary To SNAKE RIVER
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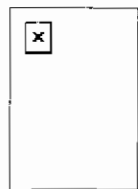
The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published August 2 & 9, 2007

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, July 26, 2007 10:36 AM
To: Legal Notices-Lewiston Morning Tribune (E-mail)
Subject: CoverLetter 07-26-07 MP e-mail with text 86-11978.doc



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

DAVID R. TUTHILL, JR
Director

*Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne*

July 26, 2007

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 86-11978

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 2 & 9, 2007, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 08/20/2007. Your cooperation is very greatly appreciated.

Thank you for all your super help.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

86-11978

PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501

Point(s) of Diversion L4 (SWSE) and L5 (SESE)

7/26/2007

S25 T36N R06W NEZ PERCE County
Source CLEARWATER RIVER - Tributary To SNAKE RIVER
Use: INDUSTRIAL 03/15 To 11/15 0.3 CFS
Total Diversion: 0.3 CFS

Date Filed: 05/08/2007

Place Of Use: INDUSTRIAL

T36N R06W S25 NESW Lot 3 SWSE Lot 4 SESE Lot 5

Remark: Industrial use is to sprinkle logs.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 08/20/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published August 2 & 9, 2007



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

DAVID R. TUTHILL, JR.
Director

July 26, 2007

PORT OF LEWISTON
1626 6TH AVE NORTH
LEWISTON ID 83501

RE: Application for Permit No 86-11978

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Lewiston Morning Tribune on August 2 & 9, 2007. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent

Enclosure(s) – Receipt No. C084029

M E M O R A N D U M

To: Water Right Application # 86-11978

From: Keith E. Franklin

Date: July 16, 2007

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality have no objection to the applicant withdrawing 0.3 cfs from the Clearwater River, for industrial purposes to sprinkle logs.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for their use on property they own and there are no known issues with any other party.

Financial Resources Information.

For this project, the applicant intends to utilize existing diversion locations and infrastructure, so no new costs of development will be incurred.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. Written comments received from these agencies, indicate they are not apposed to the applicant's proposal and see no adverse impact to fish, wildlife or habitat.

Injury to Other Water Rights.

Since the location of this application is near the intersection of the Clearwater River with the Snake, there does not appear to be any conflict with existing water right holders.

Recommendation.

Northern Region recommends proceeding with the processing of this water right application.



RECEIVED
JUN 15 2007
IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor
Cal Groen / Director

June 12, 2007

Mr. David, Manager
Port of Lewiston
1626 6th Avenue N.
Lewiston, ID 83501

Dear Mr. Doeringsfeld:

REFERENCE: WATER RIGHT APPLICATION

Idaho Fish and Game has reviewed the Port of Lewiston's draft application for a water right to withdraw 0.3 cfs from the Clearwater River near the confluence with Snake River to sprinkle logs. Based on the application and cover letter, water would be withdrawn using two 10 hp pumps at 135 gallons per minute/pump. This appropriation would be in addition to an existing permit, #86-11945, at the same location.

IDFG believes that flows in the Clearwater River at the proposed point of withdrawal are sufficient enough that the requested withdrawal will not have a significant impact on fish, wildlife or habitat. We have no objection to the proposed withdrawal.

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office if you have any further questions.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

CG/rh/ss

c: Tracey Trent
Kerby Cole, DEQ Lewiston
Keith Franklin, IDWR CdA



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
JUN 15 2007
IDWR/North

1118 F STREET • LEWISTON, IDAHO 83501 • (208) 799-4370

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

June 4, 2007

David Doeringsfeld
Port of Lewiston
1626 6th Avenue North
Lewiston, ID 83501

Dear Mr. Doeringsfeld:

We received your letter requesting our comments and concurrence on the approval of your application to draw an additional .30 cfs from the Clearwater River at the Port of Lewiston to provide Port tenants including Riley Creek Lumber and WW Cedar Company irrigation water to sprinkle logs. Assuming all federal, state and local permits have been obtained, stormwater regulations met, and reviews completed, we offer the following comments.

This section of the Clearwater River is included in water body ID 17060306CL002 and is currently listed in Section 5 of the Idaho 2002 Integrated Report for total dissolved gas. 17060306CL002 is protected for cold water and salmonid spawning aquatic life, primary contact recreation, drinking water supply, and as a special resource water.

We agree that the Clearwater River flow in this section is significant enough that the removal of the additional 0.30 cfs from March 15 to November 15 should not impact the water quality of the river.

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 call us at (208) 799-4370.

Sincerely,

Kerby M. Cole, P.E.
Regional Administrator

CC: Keith Franklin, IDWR
Ray Hennekey, IF&G
Marti Bridges, IDEQ



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 24, 2007

Port of Lewiston
1626 6th Ave. North
Lewiston, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho.

Gentlemen:

The Idaho Department of Water Resources (IDWR) is in receipt of your application to withdraw water from the Clearwater River for industrial purposes within Water Basin 86.

Your project happens to be in the Salmon-Clearwater River drainage, which is now considered a sensitive basin. Idaho Code 42-203A(5) requires IDWR to evaluate the attached criteria for applications to appropriate water. Please review the attachment, seek comments from the Department of Fish & Game and the Department of Environmental Quality, and respond to Rules 40.05 c. through 40.05 g. on page two and submit the information to IDWR within the next 30 days. In addition, please supply a current listing of the Port's officers, including manager, secretary, treasurer, and directors along with their telephone numbers.

Once the department receives this additional information, processing of the application can continue. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure/kf

Cc: Marti Bridges at IDEQ in Boise
Cindy Robertson at IDFG in Boise
Cal Goen at IDFG in Lewiston
Kerby Cole at IDEQ in Lewiston