

STARTING

LEFT

SIDE OF

FILE

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 86-07372

Priority: December 17, 1999

Maximum Diversion Rate:

7.00 CFS

This is to certify, that US DEPT OF ENERGY

BONNEVILLE POWER ADMIN EWN 4

PO BOX 3621

PORTLAND OR 97208

has applied for a permit to appropriate water from: GROUNDWATER

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>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	7.00 CFS	
FISH PROP. STORAGE	01/01 to 12/31		2.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	7.00 CFS	
	Totals	7.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 25, Township 37N, Range 03W

SESW , Sec. 25, Township 37N, Range 03W

NEZ PERCE County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

37N 03W 25

NWSW

SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2005.
2. Subject to all prior water rights.
3. 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 permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

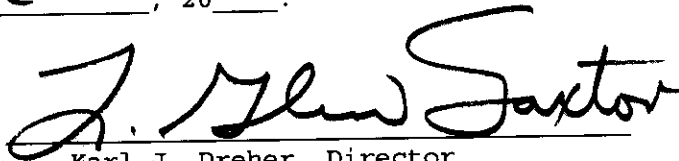
NO. 86-07372

CONDITIONS OF APPROVAL AND REMARKS

7. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
8. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
9. Fish propagation is for Clearwater River sub-basin chinook salmon restoration.
10. Three points of diversion are located within the SWSW, S25, T37N, R3W.

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

27 day of March, 2000.

for 
Karl J. Dreher, Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

BPA Tract:

NPTH-FF-2WW

RECEIVED

FEB 16 2000

To appropriate the public waters of the State of Idaho

1. Name of Applicant Bonneville Power Administration Phone (503) 230-5557
 Department of Water Resources

Mailing address P.O. Box 3621, EWN-4 Portland, OR 97208

2. Source of water supply Wells - 5 GROUNDWATER which is a tributary of _____

3. Location of point of diversion is Township 37N Range 3W Sec. 25 in the SE & SW 1/4,
SW 1/4, _____ 1/4, Govt. Lot _____ B.M. Nez Perce County

additional points of diversion if any: 3 PTS. OF DIV IN SW 1/4 SW 1/4, SEC. 25, 1 PT. OF DIV IN SW 1/4 SW 1/4
T. 37N., R. 3W.

4. Water will be used for the following purposes:

Amount 7.0 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 2.93 for Storage for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 7.0 for Diversion to Storage for Fish Prop. purposes from Jan. 1 to Dec. 31 (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) 7.0 and/or (b) 2.93 2.90
 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 SWELLS, PUMPS & PIPES

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet

c. Proposed well diameter is 16 inches; proposed depth of well is 350 feet

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

e. If well is already drilled, when? PW1 & PW2, July 1999*; Drilling firm Layne Christensen Company

Well was drilled for (well owner) BPA; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 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. Fish propagation for Clearwater River Subbasin chinook salmon restoration.

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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	
37N	3W	25										H	H						NA
												DIV. TO STOR.	DIV. TO STOR.						
												H	H						
												STOR.	STOR.						

Total number of acres to be irrigated NA

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

11. a. Who owns the property at the point of diversion? Nez Perce Tribe

b. Who owns the land to be irrigated or place of use? Nez Perce Tribe

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Cooperative project between Bonneville Power Administration and Nez Perce Tribe.
BPA is the funding agency for the project.

12. Remarks:

The United States submits this permit application as a matter of comity and, in doing so, does not waive any rights it may have under Federal law for the same purpose or use.

*Two well drilled to date, three more to be drilled in future.

13. **MAP OF PROPOSED PROJECT REQUIRED** -Attach an 8 1/2"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.)

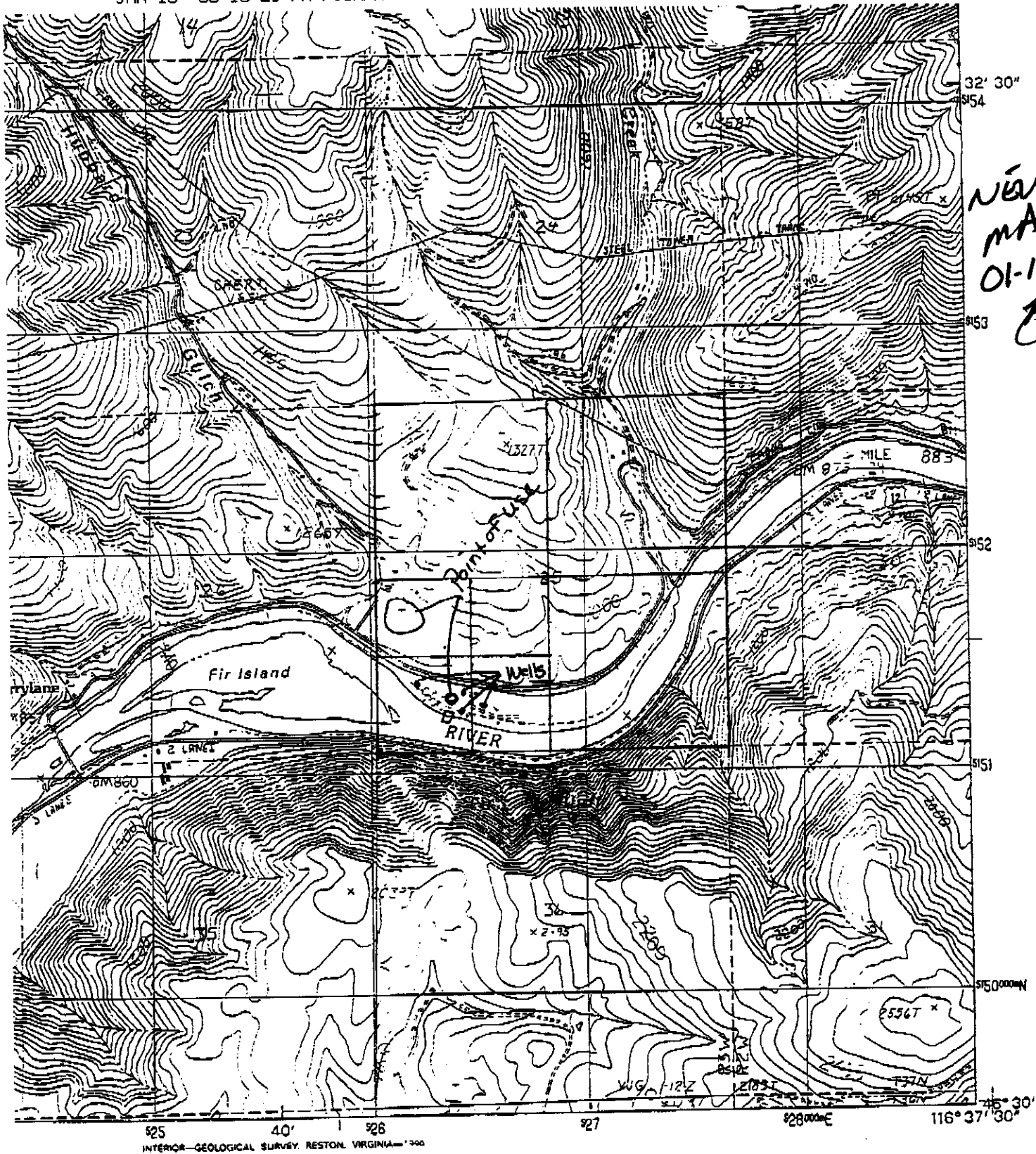
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

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Janis W. W. W.
Signature of Applicant (and title, if applicable)

Received by do Date 12/17/99 Time 10:00 Preliminary check by AB
Fee \$ 240- Received by do # 10013388 Date 12/17/99
Publication prepared by do Date 11/12/00 Published in Summit Pub 1/20+27/00
Publication approved do Date 11/31/00



Vicinity Map

Taken From USGS
Juliaetta, Idaho

Township: 37N
Range: 3W
Section: 25

IN/NEAR: Agatha, Id.
Nez Perce County, Idaho

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Map #2 - Fish Propagation Use

Additional information needed for fish propagation application for permit:

Site: Allotment 1705

1) Construction plan to include sizes and number of ponds, total proposed facility volume: Attached Drawings: Phase I and II Site Plan.

2) Proof of "possessory interest" of land at place of use: Cooperative project between BPA and Nez Perce Tribe. BPA is the funding Agency for the project.

3) No assignment and/or diminished quality of water quality: FishPro, Inc. in contact with DEQ, Lewiston to address this requirement.

4) A statement of financial resources of the corporation, association, firm or person making the application and the means by which the funds necessary to construct the proposed works are to be provided.

The Bonneville Power Administration (BPA) is a power marketing agency within the United States Department of Energy. The Pacific Northwest Power Planning and Conservation Act, P.L. 96-501 ("Act") directs BPA to protect, mitigate, and enhance fish and wildlife affected by the development and operation of federal hydroelectric projects of the Columbia River and its tributaries, in a manner consistent with the purposes of the Act, the program adopted by the Pacific Northwest Electric Power and Conservation Planning Council ("Council") under subsection 4(h) of the Act, and other environmental laws. BPA has the authority pursuant to the Northwest Power Act, 16 U.S.C., 838i(b), or the Bonneville Project Act, 16 U.S.C., 839b(h), 839f(a), the Federal Columbia River Transmission System Act, 16 U.S.C. 838i(b), or the Bonneville Project Act, 16 U.S.C. 832a(c)-(f), to assist in the acquisition and transfer of real property interests. BPA as a federal agency is self-insured.

5) A detailed estimate of construction costs, to include estimated costs of each major component of the construction plan: Attached Opinion of Probable Construction Costs – Summary.

6) Approval or design agreement of the facility by Idaho Dept. of Environmental Quality showing all state and federal water quality standards have been properly addressed.

BPA and the Nez Perce Tribe will apply for coverage under the Idaho General NPDES permit for Aquaculture and Fish Production Facilities in Idaho. FishPro, Inc. in contact with EPA and IDEQ, Lewiston to address this requirement.

7) Are there any existing facilities upstream of diversion point or downstream of discharge point? No.

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A) Type of water used by existing facility.

- a) Surface with fish cultured upstream.
- b) Surface with no fish cultures upstream.
- c) Spring with fish cultures upstream.
- d) Spring with no fish cultured upstream.

No existing facility.

B) Average percent of existing facility's water to be used by the proposed facility.

- a) Less than 10%
- b) 10% to less than 25%
- c) 25% to less than 50%
- d) 50% to less than 75%
- e) 75% or more

No existing facility.

C) Distance between existing facility intake and proposed facility discharge.

- a) 1.0 mile or more
- b) 0.50 mile to less than 1.0 mile
- c) 0.25 mile to less than 0.5 mile
- d) 0.10 mile to less than 0.25 mile
- e) less than 0.10 mile

No existing facility

D) Change in elevation between discharge of new facility and the intake of the existing facility.

- a) 50 feet or more
- b) More than 20 feet but less than 50 feet
- c) More than 10 feet but less than 20 feet
- d) More than 5 feet but less than 10 feet
- e) Less than 5 feet

No existing facility

E) Anticipated temperature change in new facility.

- ☒ a) less than 1 degree F.
- b) 2 degrees F.
- c) 3 degrees F.
- d) 4 degrees F.
- e) 5 degrees F.

F) Existing facility consideration

- a) Raises fish seasonally and proposed facility is a year around facility.
- b) Hatches eggs.
- c) Is a certified disease free facility

No existing facility

G) Proposed new facility

- ☒ a) Spring or well source with no fish facility above.

Well and surface water, no facility immediately upstream.

SEP 22 2013

Allotment 1705 - Phase I
Opinion of Probable Construction Costs - Summary

Item No.	Item	Total
1.0	Site Work	\$450,000
2.0	Utilities	\$300,000
3.0	Residence 1	\$150,000
4.0	Residence 2	\$150,000
5.0	Garage/Shop Building	\$150,000
6.0	Visitors Kiosk with Water Course and Landscaping	\$30,000
7.0	Hatchery Building	\$5,000,000
8.0	Headtank	\$500,000
9.0	Disinfection Station	\$22,000
10.0	Emergency Power Generator	\$250,000
11.0	Process Water Supply	\$150,000
12.0	Cooling Equipment Building	\$300,000
13.0	Process Water Chiller	\$100,000
14.0	Process Water Drain System	\$200,000
15.0	Clarifier	\$150,000
16.0	Outdoor Circular Tanks (16' Dia.)	\$0
17.0	Natural Rearing Channels (2) no covers	\$300,000
18.0	Adult Holding Complex	\$600,000
19.0	Adult Return Fishway	\$300,000
20.0	Acclimation Ponds w/Bird Predation	\$360,000
21.0	Surface Water Intake / Filter House	\$400,000
22.0	Instrumentation, Alarm and Control	\$200,000

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SEP 22 2003
Page 1

Allotment 1705 - Phase I
Opinion of Probable Construction Costs - Summary

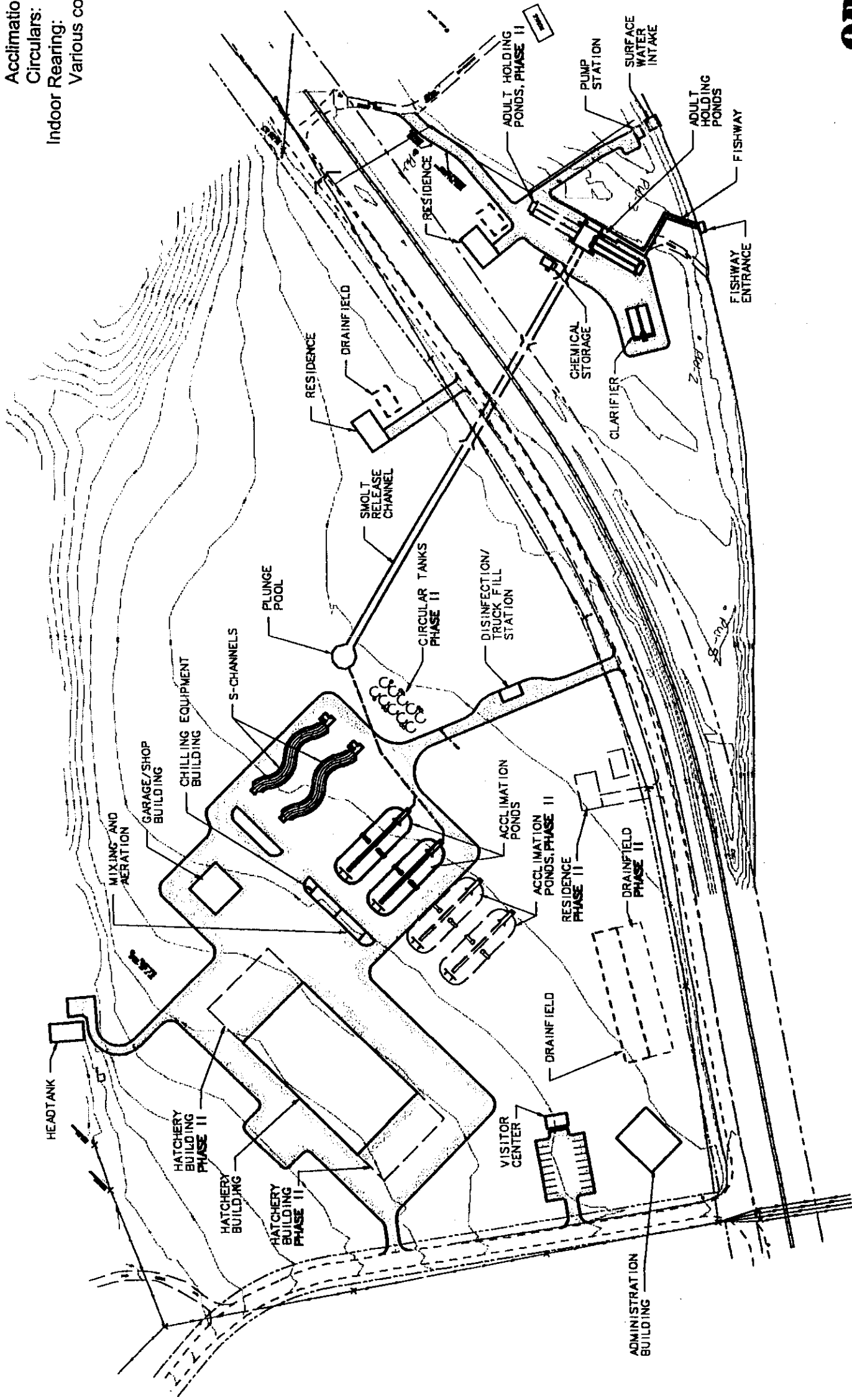
Item No.	Item	Total
23.0	Well Development (8 wells and piping)	\$300,000
24.0	Expansion to Accomodate Luke's Gulch	<u>included in building above</u>
25.0	Smolt Return Channel	\$100,000
26.0	Mixing and Aeration Headbox	\$100,000
Total		\$10,562,000
Contingency (20%)		<u>\$2,112,400</u>
Total with Contingency		\$12,674,400
Sales Tax (Exempt)		\$0
Tribal Employment Rights Office (TERO) (1.5%)		<u>\$190,116</u>
Total with TERO		\$12,864,516

Allotment 1705 - Phase II
Opinion of Probable Construction Costs - Summary

Item No.	Item	Total
1.0	Site Work	\$50,000
2.0	Utilities	\$40,000
3.0	Residence 3	\$150,000
4.0	Hatchery Building	\$2,600,000
5.0	Process Water Supply	\$30,000
6.0	Process Water Drain System	\$60,000
7.0	Outdoor Circular Tanks (16' Dia.)	\$350,000
8.0	Adult Holding Complex	\$400,000
9.0	Acclimation Ponds w/Bird Predation	\$360,000
10.0	Instrumentation, Alarm and Control	\$100,000
11.0	Expansion to Accomodate Luke's Gulch	<u>included in building above</u>
Total		\$4,140,000
Contingency (20%)		<u>\$828,000</u>
Total with Contingency		\$4,968,000
Sales Tax (Exempt)		\$0
Tribal Employment Rights Office (TERO) (1.5%)		<u>\$74,520</u>
Total with TERO		\$5,042,520

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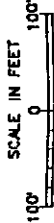
	Number	Cubic Feet
Adult Holding Ponds:	4	22184
Juvenile Rearing Outdoors:		
S-Channels:	2	14038
Acclimation Ponds:	4	76630
Circulars:	10	2000
Indoor Rearing:		
Various containers		13081
Total		127,933 cF



ORIGINAL

FOR REVIEW ONLY

NO.	1	COMPUTER REVISION ONLY	BY	DATE	APPROVED
C - CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD					
DCSN	RC	UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON			
DRWN	ACB	NEZ PERCE TRIBAL HATCHERY PROGRAM			
CHNG	EED	ALLOTMENT 1705			
REVW	KPF	PHASE I AND II SITE PLAN			
CHKD					
APPD					
DATE	10/07/99	Page	Size	Sheet	Revision
			A1	C2	



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 2000

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN EWN 4
PO BOX 3621
PORTLAND OR 97208

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 86-07372

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest

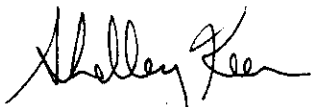
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you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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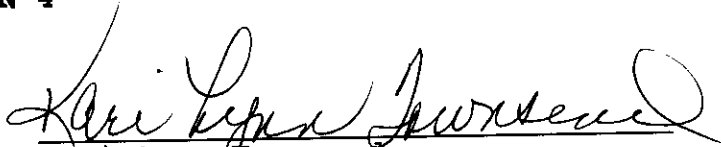
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CERTIFICATE OF MAILING

I hereby certify that on the 27th day of March, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 86-07372

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN EWN 4
PO BOX 3621
PORTLAND OR 97208


Kari Lynn Townsend
Secretary

MICHAEL L. LAMAR

SEP 22 2003

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

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March 21, 2000

Mr. Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
MAR 21 2000
DEPARTMENT OF WATER RESOURCES

Re: Application for Permit to appropriate the public waters of the State of Idaho:
Response to Idaho Department of Water Resources February 17, 2000 letter
requesting additional information for the following Applications; 85-07659, 86-07371,
86-07372 and 85-07660.

Dear Mr. Keen,

Bonneville Power Administration (BPA) is providing the attached information as per your requested. It is BPA's understanding that Mr. Greg Servheen of Idaho Fish and Game (IDFG) has reviewed this information and has contacted you to verify that IDFG has approved the processing of the water right applications you are currently holding for the Nez Perce Tribal Hatchery Project.

The water right application for Lapwai Creek, Application #85-07659, will need to be modified to reflect the change to the amount requested to be diverted for fish propagation uses. Due to the flow pattern of Lapwai Creek the diversion amount should be changed to the following:

<u>Period</u>	<u>Amount (cfs)</u>
Jan 1 – July 14	5.1
July 15 – Sept 30	2.6*
<u>Oct 1 – Dec 31</u>	<u>5.1</u>

* Not to exceed 50% of the flow of Lapwai Creek

The remaining water right applications: 86-07371, 86-07372, 85-07664, 84-07303, 84-07302, 82-07205, 82-07204 and 85-07660 will not require modification.

Thank you for your efforts in processing these applications.

Sincerely,

Marian Wolcott
Realty Specialist

Attachments

Cc: Ken Kirkman, KEWN-4
Ken Ferjancic, FPI

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Additional Information for the Bonneville Power Administration Water Right
Applications for the Nez Perce Tribal Hatchery Program

It has been requested by IDWR to provide additional information concerning the following water right applications: 85-07659 (Location: North Lapwai Valley, Water Source: Lapwai Creek), 86-07371 (Location: Allotment 1705, Water Source: Clearwater River), 86-07372 (Location: Allotment 1705, Water Source: wells) and 85-07660 (Location: Luke's Gulch, Water Source: South Fork Clearwater River). Mr. Shelley Walter Keen has requested information for justification of the water volumes requested for these hatchery sites. To assist Mr. Keen the following description of the proposed facilities operational and rearing techniques are provided.

The Project will use innovative rearing techniques that have not been used as standard methods by other hatchery programs in the Columbia River Basin. Fish rearing containers, rearing densities and broodstock management will be different from those conventionally used in most facilities. The incorporation of Natural Rearing Enhancement System developed by National Marine Fisheries Service (NATURES) will direct designs and provide an environment that simulates natural conditions. The NATURES concept includes holding and rearing fish at low densities thereby requiring more pond volume and increased water flow. Required flow for all life stages will be calculated to maintain a dissolved oxygen level of 7ppm exiting the holding and rearing units. Conventional hatcheries typically target an exit dissolved oxygen level of 5ppm. This higher dissolved oxygen level will require more water flow through the facilities, but will benefit the fish and meet the beneficial use for cold water biota (exceeding 6ppm at all times) in the receiving waters.

The incorporation of these unique rearing methods require more water to produce a pound of fish than a conventional conservation hatchery and considerable more than a commercial hatchery. The rearing densities for fingerlings to smolts are approximately one-third that of a conventional conservation hatchery. The benefit from the use of these techniques will be the production of juvenile salmonids that are better suited to survive and reestablish themselves in the natural environment.

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Supplemental Information for Bonneville Power Administration Water Right Applications

for the Nez Perce Tribal Hatchery Program

Application No.	Location	Water Source	Peak period	Low flow period	Diversion Rate Peak Use Period (cfs)	Diversion Rate Average Use Period (cfs)	Diversion Rate Low Flow Period (cfs)	Volume Diverted per year (acft)	Period of year water required	Volume of water consumptively used
85-07659	North Lapwai Valley	Lapwai Creek	May		5.1	4.6		3276	Jan 1 - Dec 31*	none
85-07659		Lapwai Creek		Jul 15 to Sept. 30			2.6		Jul 15 - Sept. 30**	none
86-07371	Allotment 1705	Clearwater River	June		35.0	35.0		24992	Jan 1 - Dec 31	none
86-07372	Allotment 1705	wells	Dec.		7.0	7.0		4998	Jan 1 - Dec 31	none
85-07660	Luke's Gulch	SF Clearwater River	June		10.2	10.2		7283	Jan 1 - Dec 31	none

NOTES:

* North Lapwai valley revise requested volume in water right application to reflect period of low flow in Aug and Sept.

** Not to exceed 50% of stream flow from July 15 to September 30

Discharge information for Lapwai Creek near Lapwai, ID

From USGS Water Discharge Records - Statistics of monthly mean data for water years 1975 - 1998.

Source	Peak demand period	Source flow rate during peak demand (cfs)	Average demand period	Source flow rate during average demand (cfs)	Low Flow Period	Source flow rate during Low Flow demand (cfs)	Other sources of supply
Lapwai Creek	May	142	Feb	138	July	18.7	well
Lapwai Creek			March	189	Aug	7.9	well
Lapwai Creek			April	222	Sept	10	well
Lapwai Creek			May	142	Oct	15.2	well
Lapwai Creek			June	52.2			well

SEP 22 2003

WICR-01-001

Curtis, Sharla

From: Wolcott, Marian - TR-3 [mhwolcott@bpa.gov]
Sent: Monday, March 20, 2000 9:24 AM
To: 'skeen@idwr.state.id.us'
Cc: Presley, Madonna - TR-3
Subject: FW: NPTH: Response to IDWR for water right applicatons



IDWR Add info
response.doc



Water right info.doc



Water right Lapwai.xls



Water right table.xls

Shelly, the attached information is in

response to your letter of February 17, 2000. I've included Patty Michak-Fishpro, who has prepared the applications for us in case you have any questions that you would like to email to her directly. Please include all of the above cc's in any email correspondence. Thank you. Marian Wolcott, BPA
(503) 230-3273,
fax (503) 230-7615

-----Original Message-----

From: Patty Michak [mailto:pmichak@fishpro.com]
Sent: Wednesday, March 15, 2000 11:45 AM
To: Ken Kirkman; Marian Wolcott
Cc: grantw@timpt.nezperce.org
Subject: NPTH: Response to IDWR for water right applicatons

Marian,
I have attached 4 items for the response to IDWR as per the Feb. 17, 2000 letter.

- 1) draft letter for your use
- Attachments to letter:
- 2) narrative attachment describing unique facility operations to NPTH project, as requested from discussions with Mr. Keen, IDWR
- 3) table on water use/diversion info as requested in the IDWR letter
- 4) table on flow info for Lapwai Creek as requested in the IDWR letter

The last 3 items have been provided to IDFG for review.

If you have any questions please give me a call.

Thanks,
Patty Michak
Senior Fisheries Biologist
FishPro, Inc.
360-871-2727

We have recently added a new email system at FishPro and would like to inform you of the new email addresses of our personnel. Use the first initial and last name @fishpro.com. Fishprowa@aol.com and other FishPro AOL addresses will remain active until March 31.

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RECEIVED

MAR 17 2000

Department of Water Resources

IDAHO FISH & GAME

CLEARWATER REGION
1540 Warner Avenue
Lewiston, Idaho 83501-5699

Dirk Kempthorne / Governor
Stephen P. Mealey / Director

March 13, 2000

Shelley Keen
Idaho Dept. of Water Resources
1301 North Orchard
Boise, ID 83706

Re: water rights 85-07664, 86-07371, 86-07372, 86-07373, 85-07656, 81-07181, 85-07660, 84-07303, 84-07302, 81-07180, 82-07205, 82-07204, and 85-07659

Dear Shelley,

We have reviewed the proposals for water rights being applied for by the Bonneville Power Administration for Nez Perce Tribe hatchery operations. Upon review, we also conferred with the Nez Perce Tribe hatcheries program on some of the requests. The Tribe and our Department agree that some of the following adjustments are appropriate for instream flow protection.

The request for 10.2 cfs from Lapwai Creek (85-07659) will be modified to show 2 seasons of withdrawal and corresponding withdrawal rates. This includes a reduction of the diversion request during low flows from July 15 to September 30 of 2.6 cfs. No more than 5.1 cfs will be withdrawn during any other portion of the year and no more than 50% of the stream flow may be diverted at any time.

It is our understanding that each of the above water rights will also specify that no more than 50% of the streams filed on will be diverted during anytime of the year. While we recognize that flows will likely be measured at all their facilities, we also suggest including a stream flow monitoring requirement as part of the water right permit.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,


Cal Groen
Regional Supervisor

CG/GS

Cc: NRPB
BOF
NPT, Lapwai
NMFS, Moscow
USFWS, Boise

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MEMORANDUM

DATE: February 28, 2000

TO: Water Right Applications 85-07659, 86-07371, 86-07372, 85-07664, 84-07303, 84-07302, 82-07205, 82-07204 and 85-07660

FROM: Shelley W. Keen ^(SWK)

RE: Response from Nez Perce Fisheries

On February 25, 2000, I spoke on the phone with Grant Walker of Nez Perce Tribal Fisheries (208-843-7320, ext. 2439) about my letter to BPA regarding the water right applications listed above. Mr. Walker told me that BPA or their consultant, Fish Pro, will respond with a letter proposing lower flow rates for some of the projects. I told Mr. Walker that I will give the Idaho Dept. of Fish and Game a few days to comment on the letter once I receive it. Also, Mr. Walker was not aware of a meeting between the tribe and IDF&G, so he could not comment on that part of my letter.

3/13 I spoke with Gregg Lewchen of IDF + G [(208) 799-5010] about these applications. He said he's received some alterations to the applications suggested by Grant Walker. He was surprised I've not received anything yet. ~~He~~ I told Gregg that I am expecting some information from Patty Michalek of Fish Pro also. I asked Gregg to comment in writing, and he said he would. He'd like IDWR to condition the permits so that diversions do not exceed 50% of streamflow. ~~He~~ I told Gregg I'd make sure he gets a copy of whatever Patty Michalek ^{submit to me.} ~~submit to me.~~

S. W. Keen

3/16 Patty Michalek of Fish Pro called today to tell me she has sent additional information to BPA to be sent to IDWR concerning these applications.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

February 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

U S DEPT OF ENERGY
BONNEVILLE POWER ADMINISTRATION
PO BOX 3621
PORTLAND OR 97208

RE: Water Right Applications 85-07659, 86-07371, 86-07372, 85-07664, 84-07303, 84-07302, 82-07205, 82-07204 and 85-07660

Sent by fax with original to follow by mail

Dear Applicant:

I have been reviewing nine water right applications you submitted for fish propagation on various streams within the Clearwater River basin. None of the applications I am reviewing includes any information about the sufficiency of the water supply or any information justifying the diversion rate being requested. For most of your applications, I do not think it is necessary for you to submit additional information, but more information is required to support a few of your applications.

On Application 85-07659 you have asked to appropriate 10.2 cfs from Lapwai Creek. According to U. S. Geological Survey data dating from 1975 to 1998, the flow in Lapwai Creek about two miles above your proposed diversion averaged only 7.57 cfs in August and only 10.0 cfs in September. There are no significant tributaries to Lapwai Creek between the USGS measuring station in T36N, R4W, S35, and your proposed point of diversion. Further review of the data indicates that in August there is only a 25% chance that flows of 10.0 cfs will be met or exceeded, and in September Lapwai Creek will flow 10.0 cfs less than 50% of the time. The Department of Water Resources is concerned that the flow in Lapwai Creek may not be sufficient to meet your requirements if 10.2 cfs is necessary during August and September. In addition, I have learned that the Idaho Dept. of Fish and Game is concerned that diverting virtually the entire flow of Lapwai Creek in August and September could have detrimental affects on other fish species, including the remaining steelhead population.

Idaho's Water Appropriation Rules (IDAPA 37.03.08) authorize IDWR to request additional information when necessary to support an application for a new water right. To address the concerns stated above, within 30 days please submit information pursuant to Water Appropriation Rules 40.05.d.i. and 40.05.d.ii. for Application 85-07659. In addition, within 30 days please submit information pursuant to Water Appropriation Rule 40.05.d.i. for Applications 86-07371,

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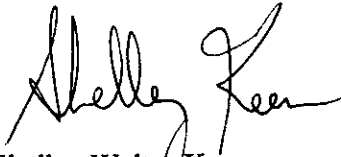
Bonneville Power Administration
February 17, 2000
Page 2

86-07372, and 85-07660, each of which requests a diversion rate in excess of 5.0 cfs. I have enclosed a copy of the rules for you.

Also, I understand that Idaho Dept. of Fish and Game representatives have arranged to meet next week with representatives of the Nez Perce Tribe to discuss these and other concerns related to the projects proposed in your water right applications. In case you wish to change your applications after the meeting, I will hold all of your applications until I hear from you about the outcome of the discussion.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and the last name "Keen" clearly distinguishable.

Shelley Walter Keen
Water Rights Supervisor

Cc: Cindy Robertson at IDF&G

Enclosure

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(7-1-93)

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. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows: (7-1-93)

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. (7-1-93)

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. (7-1-93)

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: (7-1-93)

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. (7-1-93)

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. (7-1-93)

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

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. (7-1-93)

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. (7-1-93)

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 Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

CLEARWATER RIVER BASIN

13342450 LAPWAI CREEK NEAR LAPWAI, ID

LOCATION.--Lat 46°25'36", long 116°48'15", in NW¼NE¼NW¼ sec.35, T.36 N., R.4 W., Nez Perce County, Hydrologic Unit 17050306, on right bank, 30 ft upstream from county bridge, 0.7 mi downstream from Tom Beall Creek, 1.6 mi north of Lapwai, 1.6 mi south of Spalding, and at mile 1.9.

DRAINAGE AREA.--235 mi², approximately.

WATER-DISCHARGE RECORDS

PERIOD OF RECORD.--October 1974 to current year.

GAGE.--Water-stage recorder. Datum of gage is 864.64 ft above sea level.

REMARKS.--No estimated daily discharges. Records good. Station equipment includes satellite telemetry. Diversions above station for irrigation of about 1,500 acres.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 5,010 ft³/s Feb. 9, 1996, gage height, 9.70 ft, from rating curve extended above 1,500 ft³/s; maximum gage height, 10.22 ft, Feb. 23, 1986; minimum, 0.71 ft³/s Dec. 21, 1990, gage height, 2.39 ft, result of freezeup.

EXTREMES OUTSIDE PERIOD OF RECORD.--Maximum discharge, 4,380 ft³/s January 1965, on basis of slope-area measurement.

EXTREMES FOR CURRENT YEAR.--Peak discharges greater than base discharge of 700 ft³/s and maximum (*):

Date	Time	Discharge (ft ³ /s)	Gage height (ft)	Date	Time	Discharge (ft ³ /s)	Gage height (ft)
May 26	2230	*700	*4.72	No other peak greater than base discharge.			
Minimum daily, 5.5 ft ³ /s Sept. 4, 5.							

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1997 TO SEPTEMBER 1998
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	23	37	33	34	96	34	63	54	181	19	11	5.9
2	23	33	32	40	88	36	59	40	142	18	11	6.1
3	24	31	30	41	86	32	54	36	119	21	9.4	5.9
4	25	29	29	42	95	32	60	33	100	22	8.7	5.5
5	26	28	29	40	100	33	82	31	89	19	7.8	5.5
6	26	28	28	39	94	49	166	29	94	18	7.2	5.6
7	25	30	29	38	85	46	147	27	85	16	7.2	5.7
8	24	37	32	38	91	45	145	26	69	15	7.2	6.9
9	26	36	29	36	91	45	128	25	45	19	6.7	9.6
10	26	33	28	35	80	49	126	25	42	38	6.9	12
11	25	32	29	34	74	59	137	24	37	78	6.8	11
12	25	31	27	30	69	66	152	25	34	55	6.5	11
13	24	30	26	34	66	70	132	26	32	43	6.2	10
14	24	29	29	36	61	73	124	25	29	32	5.8	9.6
15	24	29	30	36	59	77	149	24	28	25	5.8	9.2
16	24	28	57	35	56	76	220	23	31	22	5.9	12
17	24	28	60	39	54	68	195	25	29	20	6.5	13
18	24	28	54	42	50	59	169	25	26	18	6.8	14
19	24	29	47	62	48	55	152	24	27	17	7.0	15
20	24	30	44	78	42	53	139	23	32	16	6.3	18
21	24	30	40	70	44	56	125	24	26	15	6.1	17
22	24	30	37	65	46	65	115	105	24	14	6.0	17
23	24	31	35	65	44	94	122	164	23	13	6.9	16
24	24	31	34	65	42	190	123	311	22	13	8.1	16
25	24	32	32	65	39	182	104	276	24	12	7.8	16
26	24	33	31	65	39	156	92	496	41	11	7.5	18
27	24	33	31	99	36	128	83	572	42	10	7.3	18
28	24	33	31	137	34	110	75	426	36	9.6	6.8	17
29	27	32	32	132	---	95	69	324	30	8.7	6.3	17
30	34	33	33	114	---	81	62	267	20	9.0	6.1	17
31	45	---	34	106	---	72	---	219	---	10	6.0	---
TOTAL	788	934	1072	1792	1809	2346	3569	3954	1559	656.3	221.6	360.5
MEAN	25.4	31.1	34.6	57.8	64.6	75.7	119	128	52.0	21.2	7.15	12.0
MAX	45	37	60	137	100	190	220	572	181	78	11	18
MIN	23	28	26	30	34	34	54	23	20	8.7	5.8	5.5
AC-FT	1560	1850	2130	3550	3590	4650	7080	7840	3090	1300	440	715
CFSM	.11	.13	.15	.25	.27	.32	.51	.54	.22	.09	.03	.05
IN.	.12	.15	.17	.28	.29	.37	.56	.63	.25	.10	.04	.06

STATISTICS OF MONTHLY MEAN DATA FOR WATER YEARS 1975 - 1998, BY WATER YEAR (WY)

	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
MEAN	15.2	24.6	55.4	79.9	138	189	222	143	52.2	15.7	7.57	10.0												
MAX	34.5	62.6	357	333	675	487	546	368	140	42.7	16.3	18.2												
(WY)	1976	1996	1976	1997	1996	1997	1976	1979	1984	1982	1976	1984												
MIN	4.14	8.68	12.6	14.9	15.0	18.9	26.7	8.98	1.00	2.96	1.68	3.05												
(WY)	1995	1994	1993	1993	1977	1977	1992	1992	1992	1994	1994	1994												

SUMMARY STATISTICS

FOR 1997 CALENDAR YEAR

FOR 1998 WATER YEAR

WATER YEARS 1975 - 1998

ANNUAL TOTAL	62234	19061.4	79.0
ANNUAL MEAN	171	52.2	193
HIGHEST ANNUAL MEAN			15.7
LOWEST ANNUAL MEAN			1992
HIGHEST DAILY MEAN	1920	572	3600
LOWEST DAILY MEAN	11	5.5	1.93
ANNUAL SEVEN-DAY MINIMUM	12	5.7	1.1
ANNUAL RUNOFF (AC-FT)	123400	37810	57210
ANNUAL RUNOFF (CFSM)	.73	.22	.34
ANNUAL RUNOFF (INCHES)	9.85	3.02	4.57
10 PERCENT EXCEEDS	482	117	213
50 PERCENT EXCEEDS	37	32	25
90 PERCENT EXCEEDS	16	8.7	2.5

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STATION LAPWAI CREEK NR LAPWAI (1974-99)
FLOW DURATION TABLE

13342450

MON	DAY	MINIMUM	YEAR	MAXIMUM	YEAR	***** DAILY FLOW DATA *****		EXCEEDANCE FREQUENCY				
						AVERAGE	COUNT	0.90	0.75	0.50	0.25	0.10
AUG	1	2.	1977	17.	1997	8.		4.	5.	7.	11.	13.
AUG	2	2.	1977	17.	1997	8.		4.	5.	7.	11.	14.
AUG	3	2.	1977	16.	1997	7.		4.	5.	7.	10.	15.
AUG	4	2.	1977	16.	1982	7.		4.	5.	6.	9.	15.
AUG	5	2.	1994	15.	1982	7.		3.	5.	6.	10.	15.
AUG	6	2.	1992	15.	1976	7.		3.	4.	6.	10.	15.
AUG	7	2.	1977	24.	1976	7.		2.	5.	6.	10.	14.
AUG	8	2.	1977	21.	1976	7.		2.	4.	7.	10.	13.
AUG	9	2.	1992	20.	1976	7.		2.	4.	6.	9.	13.
AUG	10	2.	1992	15.	1976	6.		2.	4.	6.	9.	13.
AUG	11	1.	1992	36.	1983	8.		2.	4.	7.	9.	19.
AUG	12	1.	1992	23.	1983	7.		3.	4.	7.	10.	21.
AUG	13	1.	1992	19.	1982	7.		3.	4.	7.	10.	16.
AUG	14	1.	1992	18.	1982	7.		3.	5.	7.	11.	17.
AUG	15	1.	1992	20.	1976	7.		3.	4.	7.	11.	19.
AUG	16	1.	1992	29.	1976	8.		3.	4.	7.	10.	19.
AUG	17	1.	1992	27.	1976	8.		2.	5.	7.	10.	17.
AUG	18	1.	1992	24.	1976	8.		2.	6.	7.	10.	16.
AUG	19	1.	1992	20.	1976	7.		2.	6.	7.	11.	15.
AUG	20	1.	1994	17.	1976	7.		2.	5.	7.	10.	14.
AUG	21	1.	1992	17.	1976	7.		2.	5.	7.	10.	14.
AUG	22	2.	1977	22.	1978	7.		3.	6.	7.	10.	16.
AUG	23	2.	1977	30.	1978	8.		2.	6.	7.	11.	17.
AUG	24	2.	1992	23.	1989	9.		2.	5.	8.	13.	21.
AUG	25	2.	1992	19.	1997	8.		2.	5.	7.	11.	18.
AUG	26	2.	1994	21.	1997	8.		2.	5.	7.	12.	15.
AUG	27	2.	1994	21.	1997	8.		2.	5.	7.	11.	15.
AUG	28	1.	1994	20.	1997	8.		3.	5.	7.	12.	15.
AUG	29	1.	1994	18.	1975	8.		3.	5.	7.	12.	17.
AUG	30	1.	1994	23.	1975	8.		3.	6.	7.	11.	15.
AUG	31	2.	1994	42.	1984	10.		3.	6.	9.	12.	31.

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REF 2 2 1993

STATION LAPWAI CREEK NR LAPWAI (1974-99)
FLOW DURATION TABLE

13342450

MON	DAY	MINIMUM YEAR		MAXIMUM YEAR		***** DAILY FLOW DATA *****		EXCEEDANCE FREQUENCY				
						AVERAGE	COUNT	0.90	0.75	0.50	0.25	0.10
SEP	1	2.	1994	34.	1984	10.		3.	6.	9.	11.	32.
SEP	2	2.	1994	27.	1975	9.		3.	6.	9.	12.	22.
SEP	3	2.	1994	25.	1975	9.		3.	6.	9.	11.	18.
SEP	4	2.	1988	22.	1975	9.		3.	6.	9.	11.	18.
SEP	5	2.	1988	21.	1975	9.		3.	6.	9.	11.	16.
SEP	6	2.	1992	20.	1975	8.		3.	6.	8.	12.	15.
SEP	7	2.	1988	20.	1978	8.		3.	5.	9.	12.	18.
SEP	8	3.	1988	30.	1978	9.		3.	5.	8.	12.	18.
SEP	9	3.	1994	21.	1978	9.		4.	5.	10.	13.	17.
SEP	10	3.	1994	18.	1978	9.		4.	5.	10.	12.	16.
SEP	11	3.	1992	23.	1983	9.		4.	5.	9.	13.	17.
SEP	12	3.	1992	22.	1983	9.		4.	5.	9.	15.	16.
SEP	13	3.	1992	21.	1983	9.		4.	5.	9.	15.	16.
SEP	14	4.	1992	20.	1983	9.		4.	5.	9.	13.	16.
SEP	15	4.	1990	19.	1984	9.		4.	5.	8.	14.	19.
SEP	16	4.	1995	21.	1997	10.		4.	5.	8.	15.	18.
SEP	17	4.	1994	21.	1978	10.		4.	5.	8.	15.	21.
SEP	18	3.	1994	22.	1978	11.		4.	5.	9.	18.	22.
SEP	19	3.	1991	24.	1983	11.		4.	5.	11.	16.	19.
SEP	20	3.	1991	25.	1983	11.		4.	6.	12.	17.	20.
SEP	21	3.	1991	23.	1983	11.		4.	6.	12.	17.	22.
SEP	22	3.	1994	22.	1983	11.		4.	6.	12.	17.	19.
SEP	23	3.	1994	22.	1983	11.		4.	6.	12.	17.	22.
SEP	24	3.	1994	30.	1984	11.		4.	6.	11.	17.	21.
SEP	25	3.	1994	26.	1984	11.		4.	6.	10.	16.	20.
SEP	26	3.	1994	24.	1984	11.		4.	6.	7.	10.	18.
SEP	27	3.	1994	23.	1984	11.		5.	7.	10.	18.	23.
SEP	28	3.	1994	23.	1997	11.		5.	8.	10.	17.	22.
SEP	29	3.	1994	29.	1977	12.		5.	7.	10.	17.	23.
SEP	30	3.	1994	35.	1977	12.		5.	7.	11.	17.	23.

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1995 9 2 2000

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE ID 83814

Date 01/27/2000INVOICE NO. 219825Account No. 964750Description 219825NOTICE OF APPLICTimes 2Lines 55**RECEIVED****JAN 31 2000**

IDWR/North

Tab. Lines _____

\$ 178.75

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

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF APPLICATION FOR WATER RIGHT

219825

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

86-07371

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN
PO BOX 3621 EWN-4
PORTLAND, OR 97208

Source: CLEARWATER RIVER Tributary: SNAKE RIVER
Diversion Pt: SWSW Sec 25 T 37N R 03W in NEZ PERCE County.
Use: FISH PROPAGATION (35.000 CFS) (2.90 AF)

FISH PROP. STORAGE (35.000 CFS)
DIVERSION TO STORAGE (35.000 CFS)
Total Diversion: (35.000 CFS)

Date Filed: 12/17/1999

In: NEZ PERCE County

T37N R03W S25 NWSW SWSW
86-07372

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN
PO BOX 3621 EWN-4
PORTLAND, OR 97208

Source: GROUNDWATER
Diversion Pt: SWSW Sec 25 T 37N R 03W in NEZ PERCE County.
SESW Sec 25 T 37N R 03W in NEZ PERCE County.

Use: FISH PROPAGATION (7.000 CFS) (2.90 AF)
FISH PROP. STORAGE (7.000 CFS)
DIVERSION TO STORAGE (7.000 CFS)
Total Diversion: (7.000 CFS)

Date Filed: 12/17/1999

In: NEZ PERCE County

T37N R03W S25 NWSW SWSW
86-07373

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN
PO BOX 3621 EWN-4
PORTLAND, OR 97208

Source: GROUNDWATER
Diversion Pt: SWSW Sec 25 T 37N R 03W in NEZ PERCE County.

Use: IRRIGATION (0.150 CFS)
DOMESTIC (0.100 CFS)
Total Diversion: (0.250 CFS)

Date Filed: 12/17/1999

In: NEZ PERCE County

T37N R03W S25 NWSW SWSW
4.5 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before FEBRUARY 7, 2000.

KARL J. DREHER, Director

Published: 1/20/2000 & 1/27/2000

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, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 219825NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/20, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/20/2000, and the last publication thereof being on the 01/27/2000 and said 219825NOTICE OF 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

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27day of January 2000

Sheryl M. Lentz

MICROFILM

Notary Public in and for the State of Idaho
residing at Lewiston, therein
Commission Expires 6-04-03

SEP 22 2003

To: Greg Servheen

Re: US DEPT OF ENERGY, Bonneville Power Administration
Water Right Applications Nos. 85-07664, 86-07371, 86-07372 and 86-087383

Date: January 14, 2000

Enclosed you will find copies of the above referenced water right applications. They have been mailed for advertising. The advertising for 85-07664 will be in the Idaho County Free Press, scheduled to run 1/19 and 26. The advertising for 86-07371 will run state-wide because it is over 10 CFS, and will be in the Lewiston Tribune, Times News, Post Register and Idaho Statesman, scheduled to run 1/20 and 27. The advertising for 86-07372 and 86-07373 will be in the Lewiston tribune, schedule to run 1/20 and 27.

The final date for protest, provided they all run correctly, i.e. without any publishing errors, will be February 7, 2000

Thank you.

Al Beardslee

From the desk of...

Allen Beardslee
Senior Water Resource Agent
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814
(208)769-1450
Fax: (208)769-1454
abeardsl@idwr.state.id.us

MICROFILMED

SEP 22 2003

□



3780 SE Mile Hill Drive
Port Orchard, WA 98366
(360) 871-2727 Fax (360) 871-4460

January 12, 2000

Page 1 of 5 total pages
Original will x will not follow

To: Al Beardslee
IDWR

From: Patty Michak

Fax: 208 769 1454

Re: Modifications to Water Right Applications for Bonneville Power Administration

Al,

Please amend the following Applications to include the changes as detailed below:

Application #1 Source: ground water Location: T37N R3W Section 25 for Domestic use:

The domestic well will be located in the SW 1/4 of the SW 1/4 of Section 25 instead of the NW 1/4 as previously indicated. Place of use will be in the NWSW and SWSW of Section 25. The place of use will include the hatchery building, administrative offices and the residences. Please refer to attached Map #1 and Attachment #1 - page 2 of the application for these modifications.

Application #2 Source: ground water Location: T37N R3W Section 25 for Fish Propagation use:

There will be 4 wells utilized for fish propagation are located in the SESW and SWSE 1/4 of Section 25. There will be 3 points of diversion in the SWSW of Section 25, and 1 point of diversion in the SESW of Section 25. The place of use will be in the NWSW and SWSW of Section 25. Please refer to attached Map #2 and Attachment #2 - page 2 of the application for these modifications.

If you have any questions concerning these modifications please give me a call.

Thanks - Patty.

Cc: Marian Wolcott, Bonneville Power Administration
Ken Kirkman, Bonneville Power Administration

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SEP 22 2003

86-07372

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN
PO BOX 3621 EWN-4
PORTLAND, OR 97208

Source: GROUNDWATER

Diversion Pt: SWSW Sec 25 T 37N R 03W in NEZ PERCE County.
 SESW Sec 25 T 37N R 03W in NEZ PERCE County.

Use: FISH PROPAGATION	(	7.000 CFS)	
FISH PROP. STORAGE			(2.90 AF)
DIVERSION TO STORAGE	(	7.000 CFS)	
Total Diversion:	(	7.000 CFS)	

Date Filed: 12/17/1999

In: NEZ PERCE County
T37N R03W S25 NWSW SWSW

MICROFILMED

SEP 22 2003

January 12, 2000

Marian Wolcott, Realty Specialist
US Dept of Energy Bonneville Power Administration
PO Box 3621
Portland OR 97208-3621

Re: Water Appropriation Applications Nos. 85-07664, 86-07371, 86-07372, 86-07373
TR-3: JHNCK-FF-1GW; NPTH-FF-3SW; NPTH-FF-3WW; and NPTH-FF-3WW respectively

Dear Ms. Wolcott:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013388.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

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SEP 22 2003



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

December 16, 1999

In reply refer to: TR-3
JHNCK-FF-1GW
NPTH-FF-3SW
NPTH-FF-2WW
NPTH-FF-3WW

Mr. Al Beardslee
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83706

Dear Mr. Beardslee:

Enclosed are four completed Applications for Permits to Appropriate the Public Water of the State of Idaho.

Also enclosed is U.S. Government, Bonneville Power Administration (BPA), check No. 184, Drawn to the order of State of Idaho, Dept. of Water Resources in the amount of \$1,070 to cover the application payment for the enclosed permit applications as follows.

BPA Tract No.	Source of Water Supply	cfs	Permit Fee
JHNCK-FF-1GW	Wells #1 and #2, Test Wells	1.7	\$ 120.00
NPTH-FF-3SW	Clearwater River	35.0	\$ 630.00
NPTH-FF-2WW	Wells - 5	7.0	\$ 220.00
NPTH-FF-3WW	Well	0.25	\$ 100.00
TOTAL			\$ 1070.00

Please take the necessary steps to process these applications and include BPA's Tract No.'s on any future correspondence. Any questions regarding these applications should be directed to BPA, Madonna Presley, at (503) 230-5680. Thank you for your attention to this matter.

Sincerely,

Marian Wolcott

Marian Wolcott
Realty Specialist

MICRO

SEP 22 2001