

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 86-07373

Priority: December 17, 1999

Maximum Diversion Rate:

0.24 CFS

This is to certify, that **US DEPT OF ENERGY**
BONNEVILLE POWER ADMIN
PO BOX 3621 EWN 4
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>
IRRIGATION	03/15 to 11/15	0.14 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS
	Totals	0.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 25, Township 37N, Range 03W
NEZ PERCE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
37N 03W 25	NWSW 2.0	SWSW 2.5		4.5

Total number of acres irrigated:

4.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **March 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. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. 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.

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SEP 22 2003

State of Idaho
Department of Water Resources

Permit To Appropriate Water

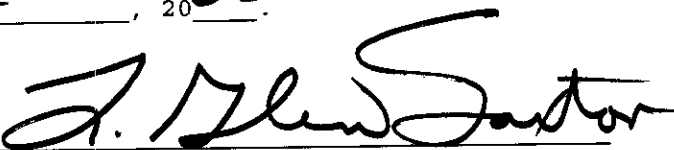
NO. 86-07373

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Domestic use is for a hatchery, an administration building, and 3 homes. The domestic use does not include lawn, garden, landscape, or other types of irrigation.

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

1st day of March, 2000


Karl J. Dreher, Director
for

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STATE OF IDAHO

BPA Tract:

DEPARTMENT OF WATER RESOURCES

NPTH-FF-3WW

RECEIVED

APPLICATION FOR PERMIT

FEB 16 2000

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Bonneville Power Administration Phone (503) 230-5557Mailing address P.O. Box 3621, EWN-4 Portland, OR 972082. Source of water supply well ~~GLANDWATER~~ which is a tributary of SW 1/43. Location of point of diversion is Township 37N Range 3W Sec. 25, in the SW 1/4, 1/4, Govt. Lot B.M. Nez Perce County

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.15 for IRRIGATION purposes from 3/15 to 11/15 (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)5. Total quantity to be appropriated is (a) 0.25 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 WELL, PUMP + PIPELINEb. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is 8 inches; proposed depth of well is 200 feetd. Is ground water with a temperature of greater than 85° F being sought? Noe. If well is already drilled, when? No; 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 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. 3e. Other; describe fully. DOMESTIC USE AT HATCHERY + 1 ADMINISTRATION BUILDING & RESIDENCES

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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										D	D						NA
												2	2.5						4.5

Total number of acres to be irrigated NA 4.5

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:

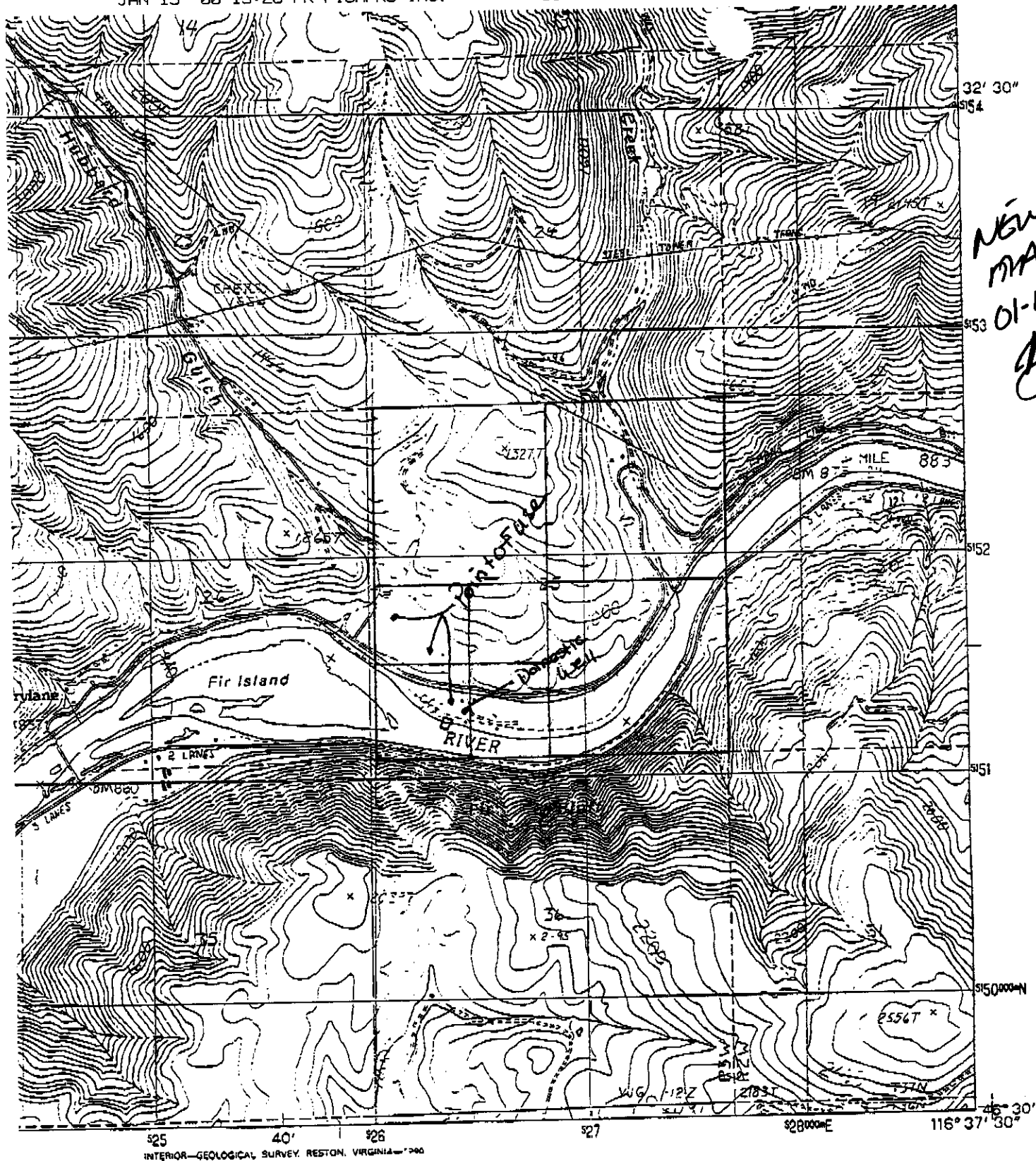
The United States submits this permit application as a matter of comity and, in doing so, does not waive any rights it may have under Federal law for the same purpose or use.

13. **MAP OF PROPOSED PROJECT REQUIRED** -Attach an 81/2"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.

Marianne N. N. N.
Signature of Applicant (and title, if applicable)

Received by do Date 12/12/99 Time 10:00 Preliminary check by RB
Fee \$ 100- Received by RB # 12013388 Date 12/12/99
Publication prepared by do Date 11/12/99 Published in Lumston Trib 1/20+27/00
Publication approved do Date 1/31/00



NEW
MAP
01-13-00
JB

Vicinity Map

Taken From USGS
Juliaetta, Idaho

Township: 37N
Range: 3W
Section: 25

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

MICH

SEP 27 2000

Map #1 - Domestic 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), 839 f(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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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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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

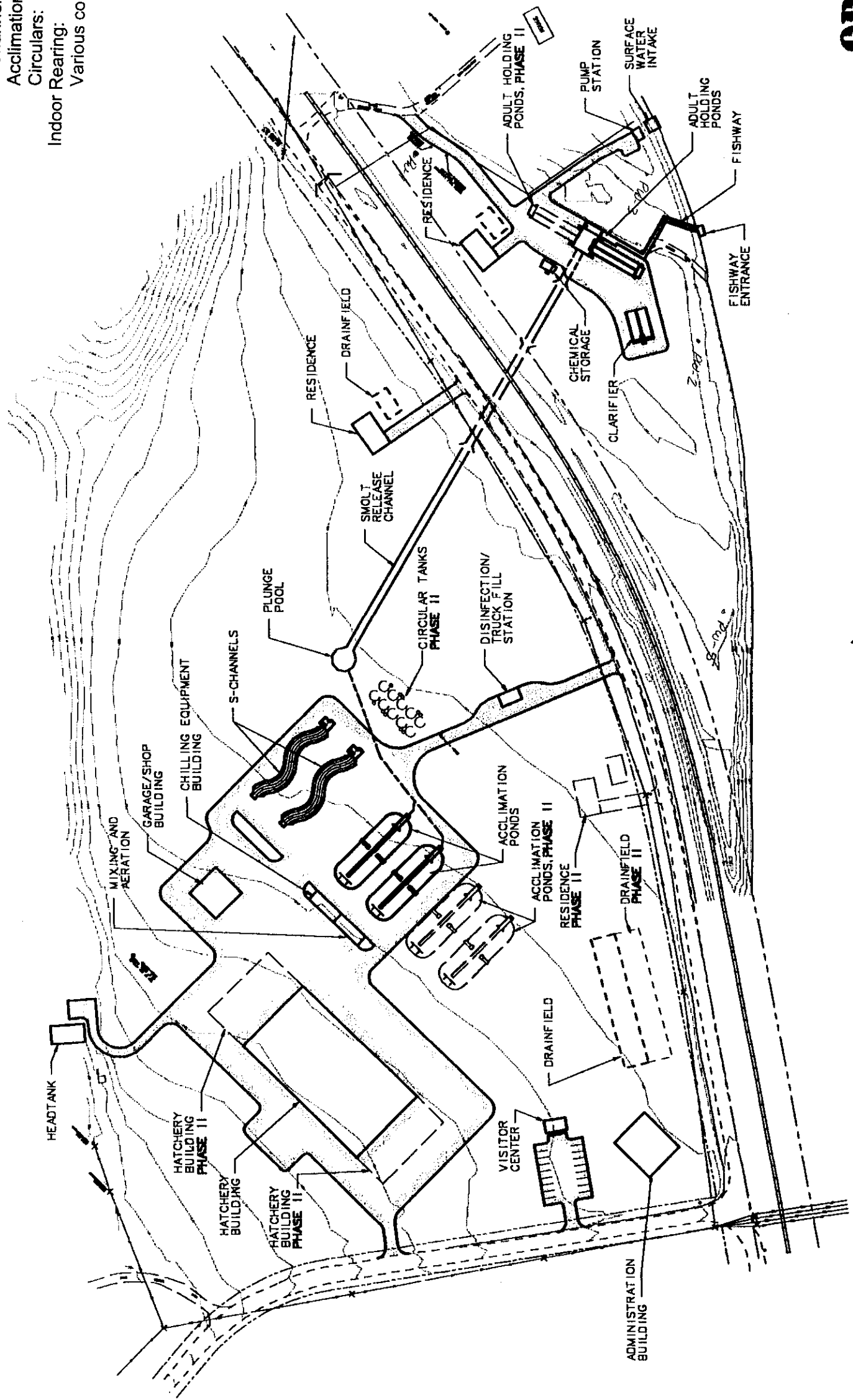
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SEP 22 2003

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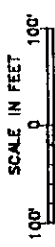
	Number	Cubic Feet
Adult Holding Ponds:	4	22184
Juvenile Rearing Outdoors:		
S-Channels:	2	14038
Acclimation Ponds:	4	76630
Circulars:	10	2000
Indoor Rearing:		
Various containers		13081
Total		127,933 cf



ORIGINAL

FOR REVIEW ONLY

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



**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 2, 2000

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 86-07373

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.

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 you.

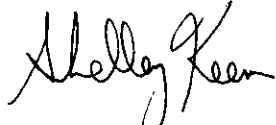
MICRON LIME

SEP 22 2003

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,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

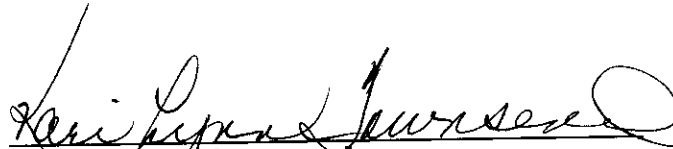
SEP 22 2001

CERTIFICATE OF MAILING

I hereby certify that on the 2nd 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. 86-07373

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


Kari Lynn Townsend
Secretary

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SEP 22 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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

To: File 86-07373

FROM: Sharla

DATE: February 29, 2000

RE: Irrigation Rate

The rate of diversion allowed for 5 acres or less is 0.03 cfs/acre. This filing is for 4.5 acres, thus the rate for irrigation is $4.5 \times 0.03 = 0.14$ cfs.

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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 01/27/2000 INVOICE NO. 219825
Account No. 964750
Description 219825NOTICE OF APPLIC
Times 2 Lines 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

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
Diversions Pt: SWSW Sec 25 T 37N R 03W in NEZ PERCE County.
Use: FISH PROPAGATION (35.000 CFS) (2.90 AF)
FISH PROP. STORAGE
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
Diversions 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
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
Diversions 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.

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

KARL J. DREHER, Director

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 27

day of January 2000

Sheryl M. Lantz

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

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

MICHOY, JENNIFER

JAN 22 2000

□

Attn: Hon Karen

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

Karen
Per our
conversation
11/13/00
Shouk
Dianne
(208) 769-1450

RECORDED

SEP 22 2000

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

MICHAEL

SEP 22 2000

WR0749NP
No. 86-07373

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/13/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF ENERGY BONNEVILLE POWER ADMIN PO BOX 3621 EWN-4 PORTLAND OR 97208 (503) 230-5557	12/17/1999	IRRIGATION DOMESTIC	03/15 11/15 01/01 12/31	0.150 CFS 0.100 CFS	
TOTAL DIVERSION:					0.250 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T37N R03W S25 SWSW

NEZ PERCE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
---	---	---	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---
37N	03W	25	:					:					:		02	02		:					:	4.5
TOTAL ACRES																							4.5	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: NEZ PERCE

Remarks: GEN Domestic use is for use at hatchery & 1 administration building,
and 3 homes.

Dates: App. Received: 12/17/1999 Priority Date: 12/17/1999
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/11/2000 User-ID: DBALL Subject: Examiner's notes.
POD & POU owned by Nez Perce Tribe. Cooperative project between
BPA and Nez Perce Tribe. BPA is funding agency for project.
Well, pump and pipeline.
BPA Tract No. NPTH-FF-3WW.
Time required 5 years.

Audit: 01/11/00 DBALL 01/13/00 DBALL

MICHAEL

SEP 2 2 2000

*Change made
1/13/00
B*



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:

old
1/13/00

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:

old
1/13/00

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.

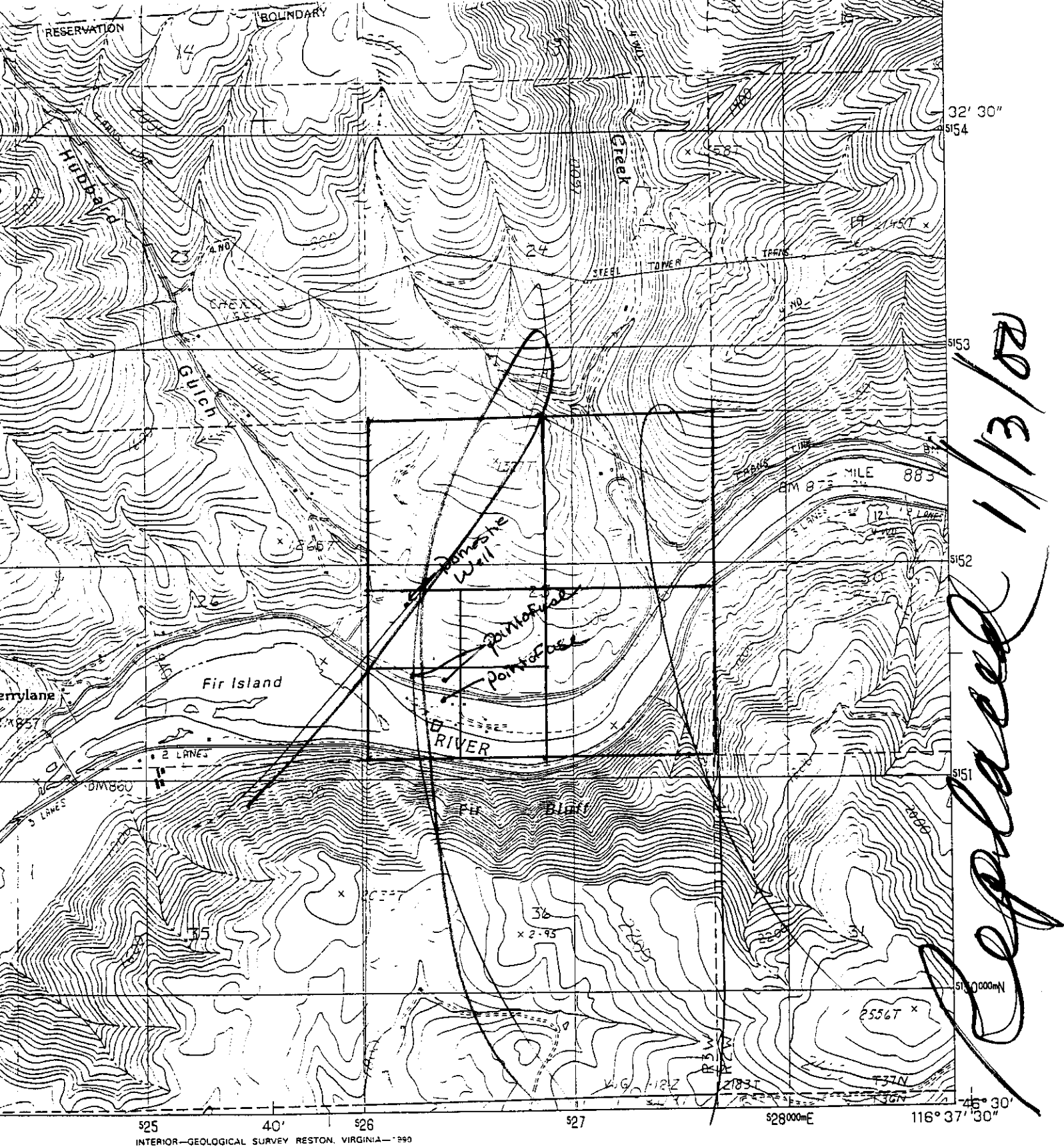
If you have any questions concerning these modifications please give me a call.

Thanks - Patty.

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

MICHAEL

SEP 22 2000



Vicinity Map

Taken From USGS
Juliaetta, Idaho

Township: 37N
Range: 3W
Section: 25

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

MICHAEL

SEP 22 2001

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-~~2~~WW; 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

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

MIC

SEP 22 1999