

Government Lot Check for
Application for Permit 84-07302
by RGH 8/2/2090

T35N R6E

4 3 2 1
SWNW SENW SWNE SENE

NWSW NESW NWSE NESE

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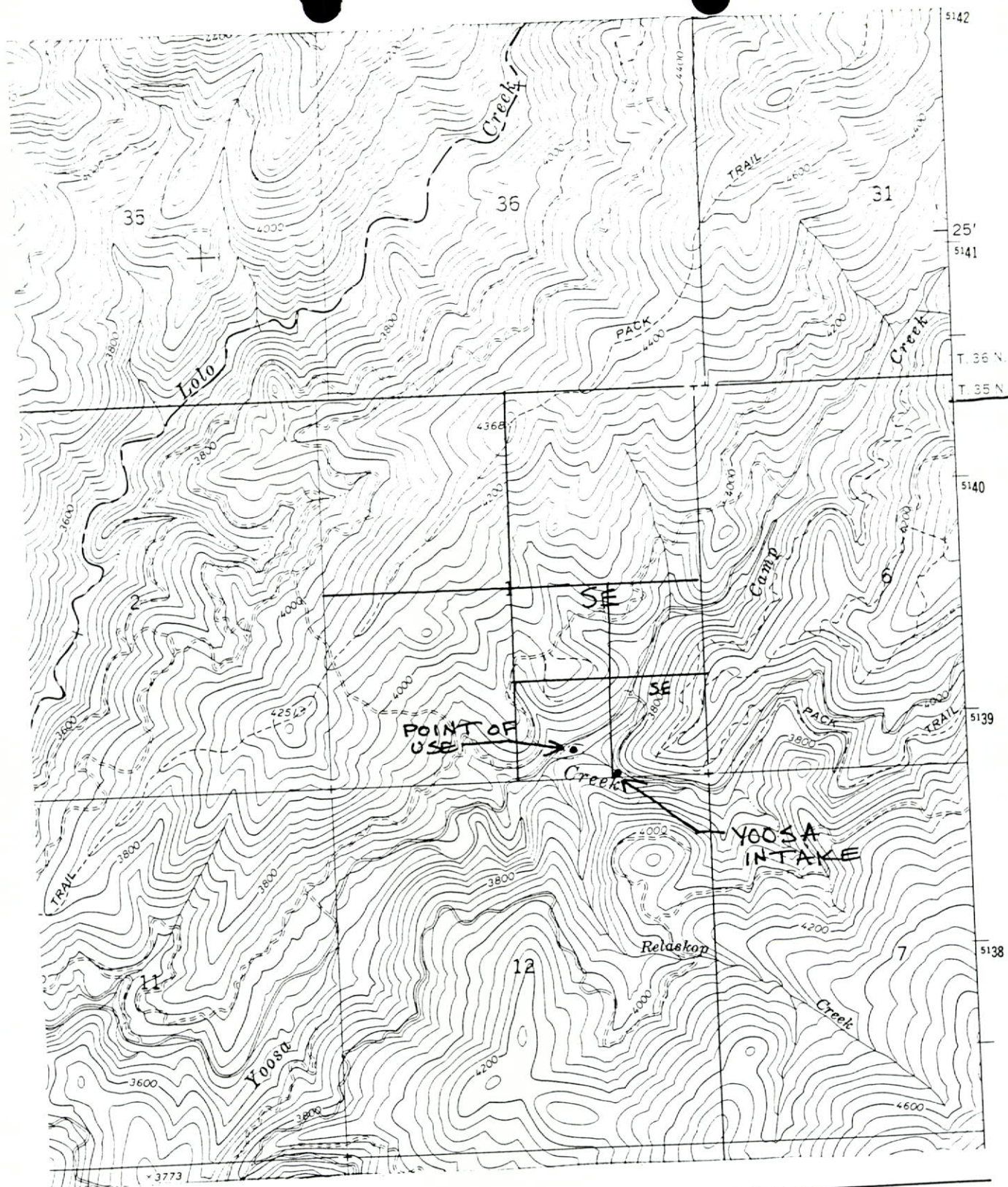
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SEP 25 2001



VICINITY MAP

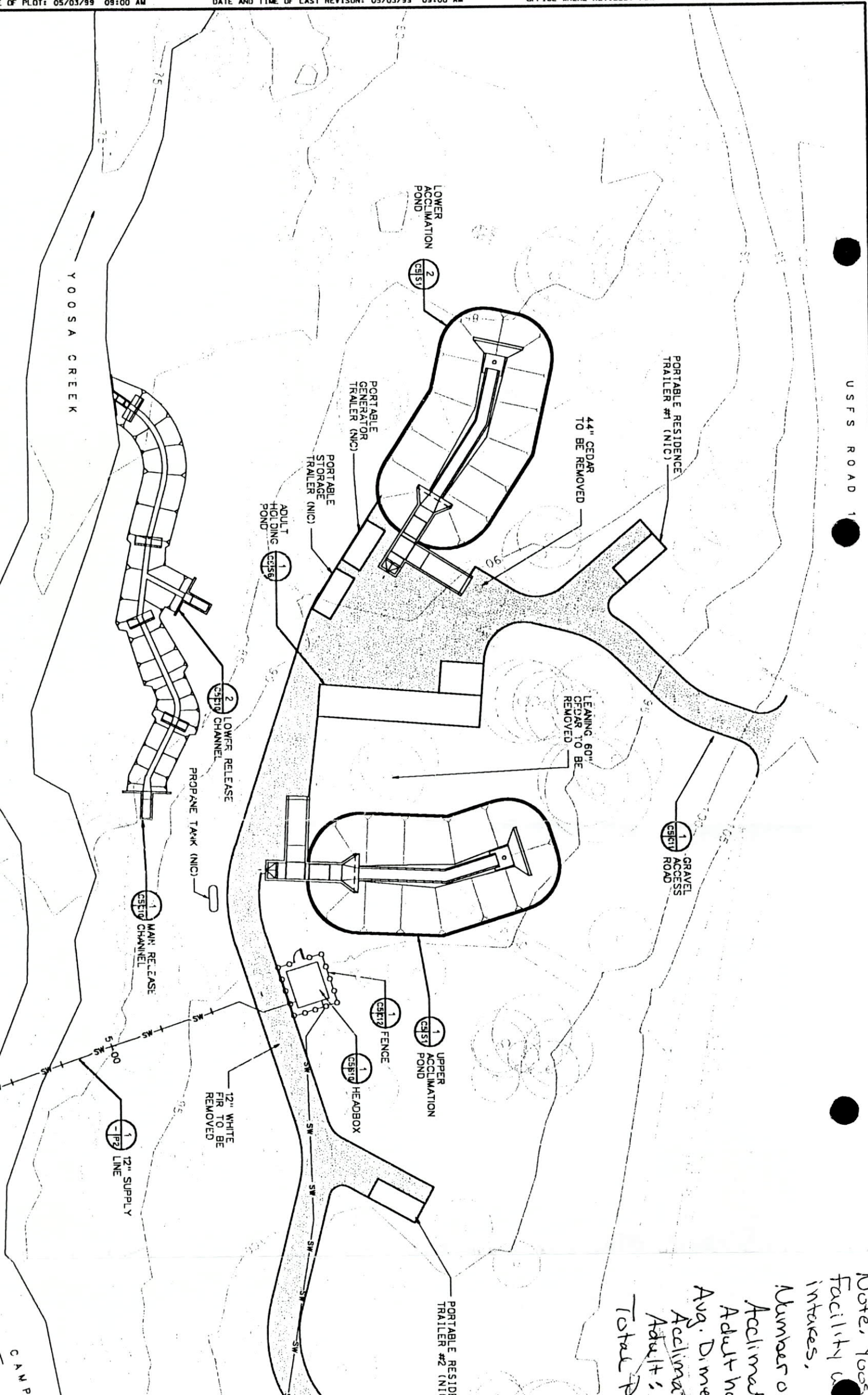
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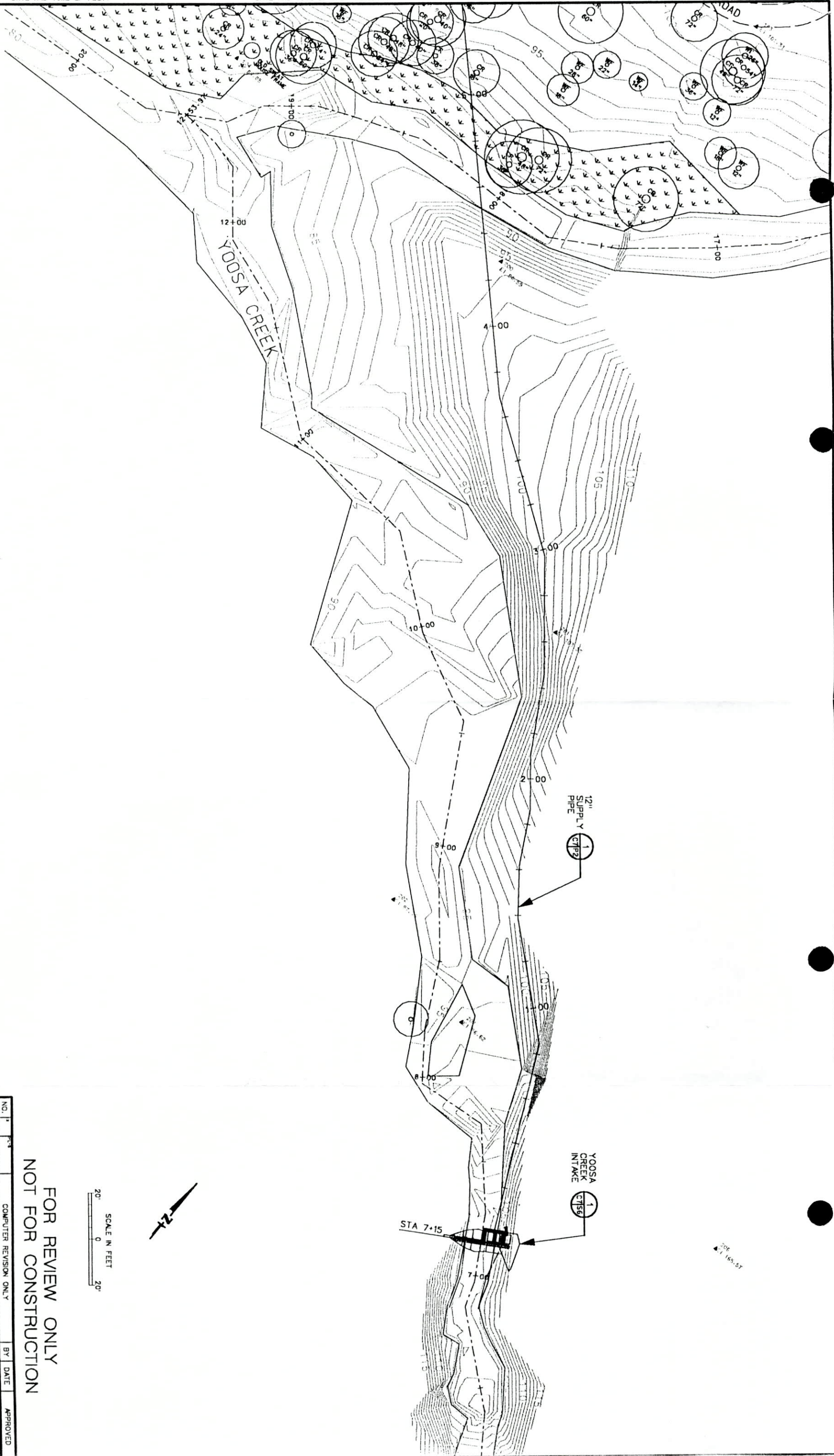
Township 35N
Range 6E
Section 1

IN: Yoosa and Camp Creeks
IN/NEAR Musselshell
Idaho County, Idaho

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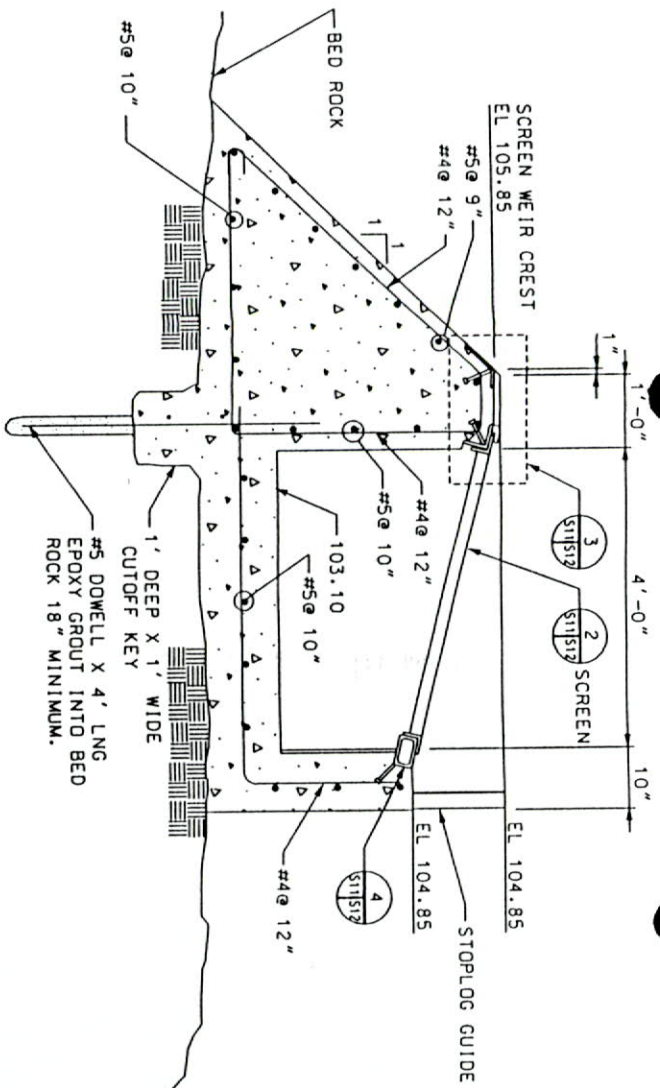




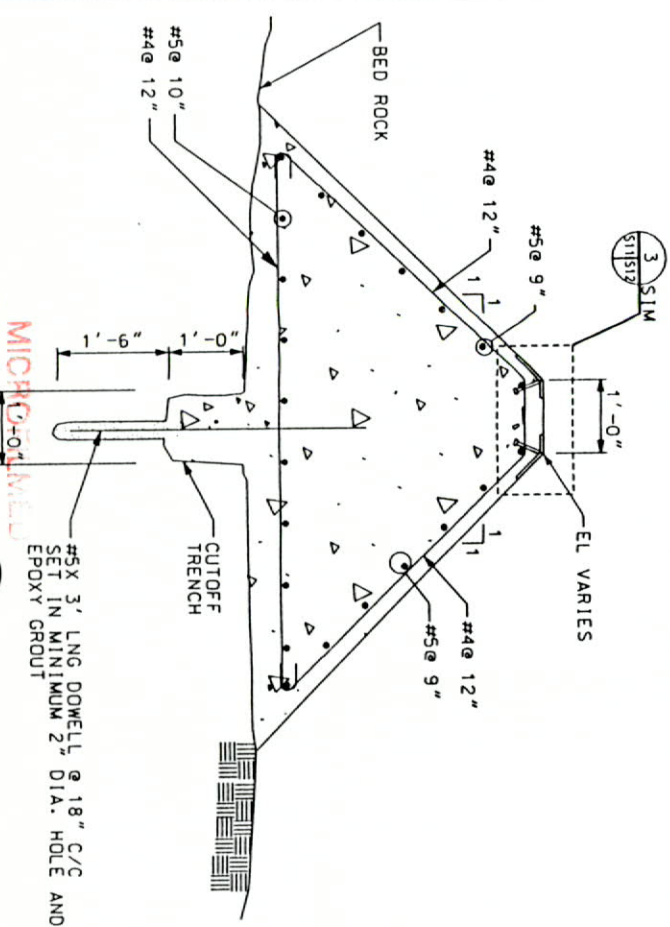
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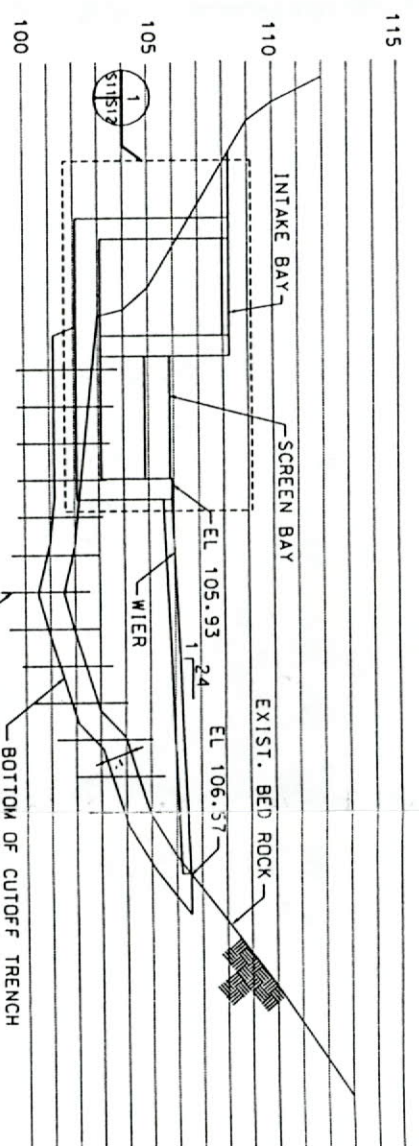
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FOR REVIEW ONLY NOT FOR CONSTRUCTION					
BONEVILLE POWER ADMINISTRATION UNITED STATES DEPARTMENT OF ENERGY HEADQUARTERS, PORTLAND, OREGON NEZ PERCE TRIBAL HATCHERY PROGRAM YOOSA / CAMP CREEK SITE PLAN YOOSA CREEK					



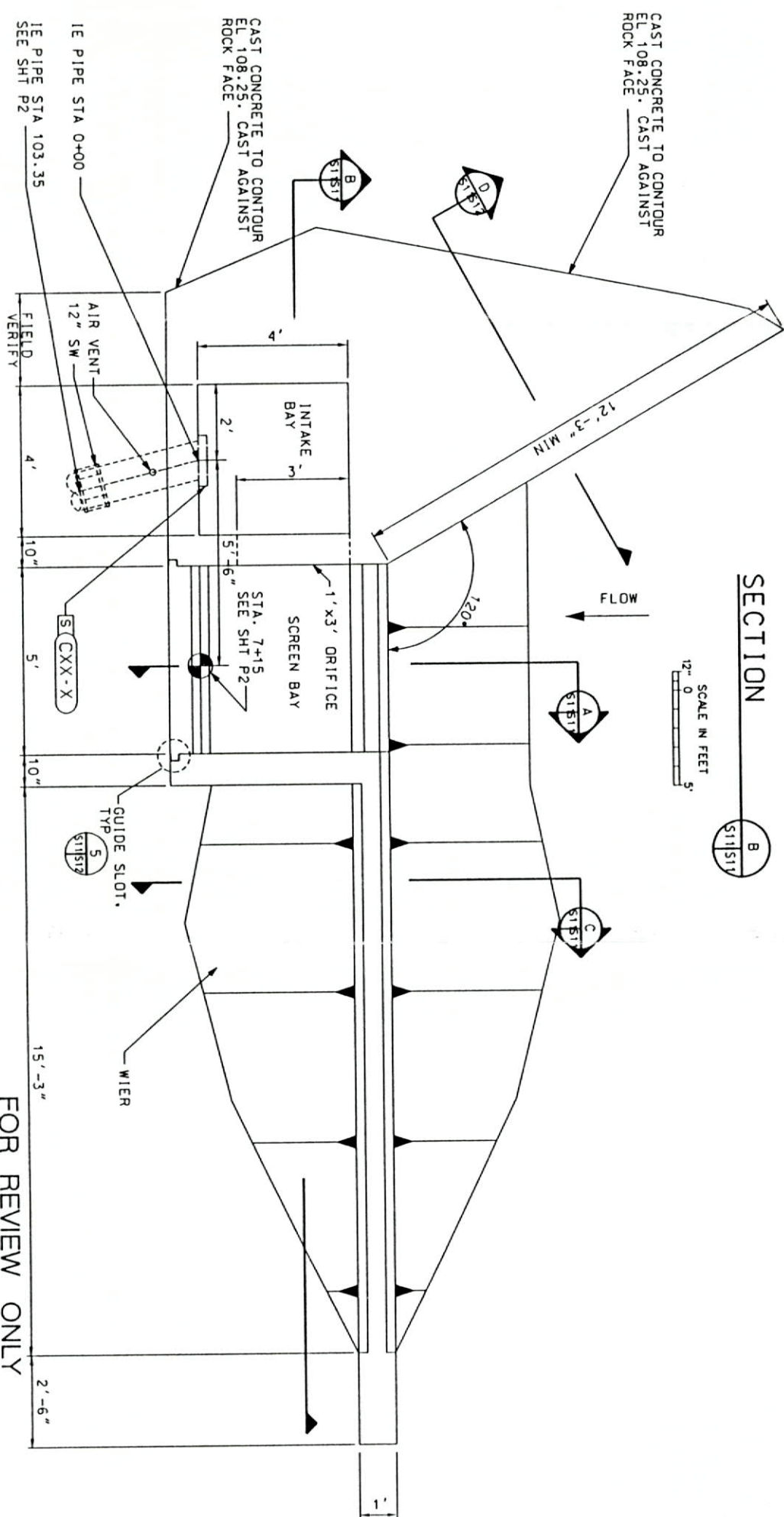
SECTION A
SCALE IN FEET
12" 0 2'



SECTION C
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12" 0 2'



SECTION B
SCALE IN FEET
12" 0 5'



PLAN
SCALE IN FEET
12" 0 3'



NO.		COMPUTER REVISION ONLY		BY		DATE		APPROVED	
• C • CONTRACT CONSTRUCTION, F.A. • FORCE ACCOUNT, R. • RECORD									
DESIGN		SLS		UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION 14400WATERS, PORTLAND, OREGON NEZ PERCE TRIBAL HATCHERY PROGRAM YOOSA / CAMP CREEK YOOSA CREEK INTAKE PLAN AND SECTIONS					
DRAWN		JPL							
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DATE		05/03/99		Serial		Page		Size	
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Affidavit of Publication

STATE OF IDAHO, } ss.
County of Idaho, }

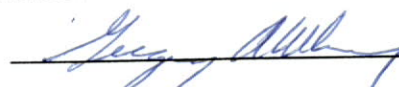
I, GREGORY A. WHERRY, being first duly sworn, depose and say that I am Editor of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the

first publication being on the 18th day of

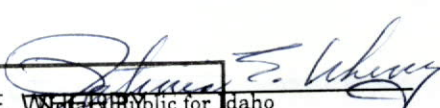
May, 2000, and the last publication on the

25th day of May, 2000; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.



STATE OF IDAHO, }
County of Idaho, }

On this 26th day of May in the year of 2000, before me, a Notary Public, personally appeared Gregory A Wherry, know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.


PATRICIA E. WHERRY, Notary Public for Idaho

NOTARY PUBLIC Residing at Cottonwood

STATE OF IDAHO My commission expires: 12-2000

NOTICE OF AMENDMENT

Notice is hereby given that the US DEPARTMENT OF ENERGY, BONNEVILLE POWER ADMIN. TSR3, PO BOX 3621, PORTLAND, OR. 97208 has filed an application for amendment of PERMIT NO. 84-07302.

The location of the point of diversion was originally described as the SESE, Section 1, Township 35N, Range 06E. The amendment adds a point of diversion located in the NENE, Section 12, Township 35N, Range 06E.

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

Any protests against the approval of the above-referenced amendment must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before JUNE 5, 2000.

KARL J. DREHER, DIRECTOR

Published in the Cottonwood Chronicle on May 18 and 25, 2000.

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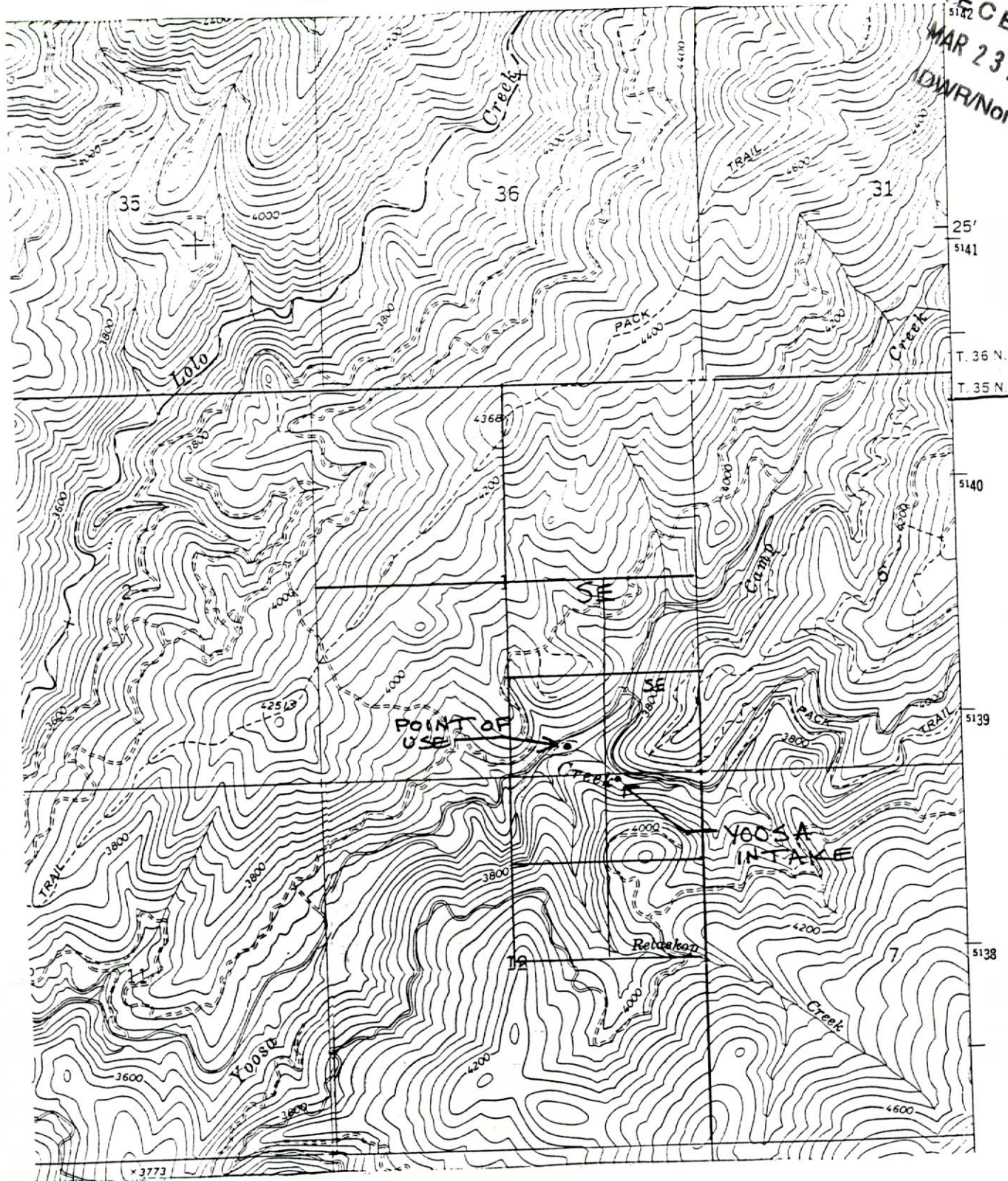
JUN 05 2000

IDWR/North

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MAR 23 2000
IDWR/North



VICINITY MAP

TAKEN FROM USGS
HEMLOCK BUTTE, ID

Township 35N
Range 6E
Section 1 & 12

IN: Yoosa and Camp Creeks
IN/NEAR Musselshell
Idaho County, Idaho

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SEP 25 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 84-07302

This is to certify, that US DEPT OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND OR 97208

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

YOOSA CREEK

tributary to LOLO CREEK

Priority: June 29, 1999

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

FISH PROPAGATION	01/01 to 12/31	2.50 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.50 CFS	
Totals		2.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 1, Township 35N, Range 06E
NENE , Sec. 12, Township 35N, Range 06E
IDAHO County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

35N 06E 1

SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and 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. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. 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 equal fish production.

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SEP 25 2001

PERMIT NO. 84-07302

CONDITIONS OF APPROVAL AND REMARKS

6. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
7. 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.
8. The right holder shall not divert more than one-half the rate of flow of water in Yoosa Creek, as measured at the point of diversion, under this right.
9. Fish propagation is for Clearwater River Subbasin chinook salmon restoration with the rearing and release of 150,000 spring chinook salmon fingerlings or smolts and holding of adult broodstock.

Witness my hand this

15th day of

September, 2000

J. Glen Saxton

Chief, Water Allocation Bureau

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SEP 6 2000

DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
WATER RIGHT NO. 84-07302

Receipt NO13630

RECEIVED
SEP 11 2000
IDWR/NORTH

Date of Priority: June 29, 1999

Maximum Diversion Rate:

2.50 CFS

Comes now

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND OR 97208

RECEIVED
APR 24 2000
IDWR/North

and represents to the Director of the Idaho Department of Water Resources that they are the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 84-07302, and requests that the permit be changed as follows:

Source: YOOSA CREEK

tributary to LOLO CREEK

<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	2.50 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.50 CFS	
	Totals	2.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 1, Township 35N, Range 06E
NENE , Sec. 12, Township 35N, Range 06E
IDAHO County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

35N 06E 1

SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and 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. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. 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.

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SEP 25 2001

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
WATER RIGHT NO. 84-07302

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. 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.
8. This right authorizes a single point of diversion.
9. Fish propagation is for Clearwater River Subbasin chinook salmon restoration with the rearing and release of 150,000 spring chinook salmon fingerlings or smolts and holding of adult broodstock.
10. The right holder shall not divert more than one-half the rate of flow of water in Yoosa Creek, as measured at the point of diversion, under this right.

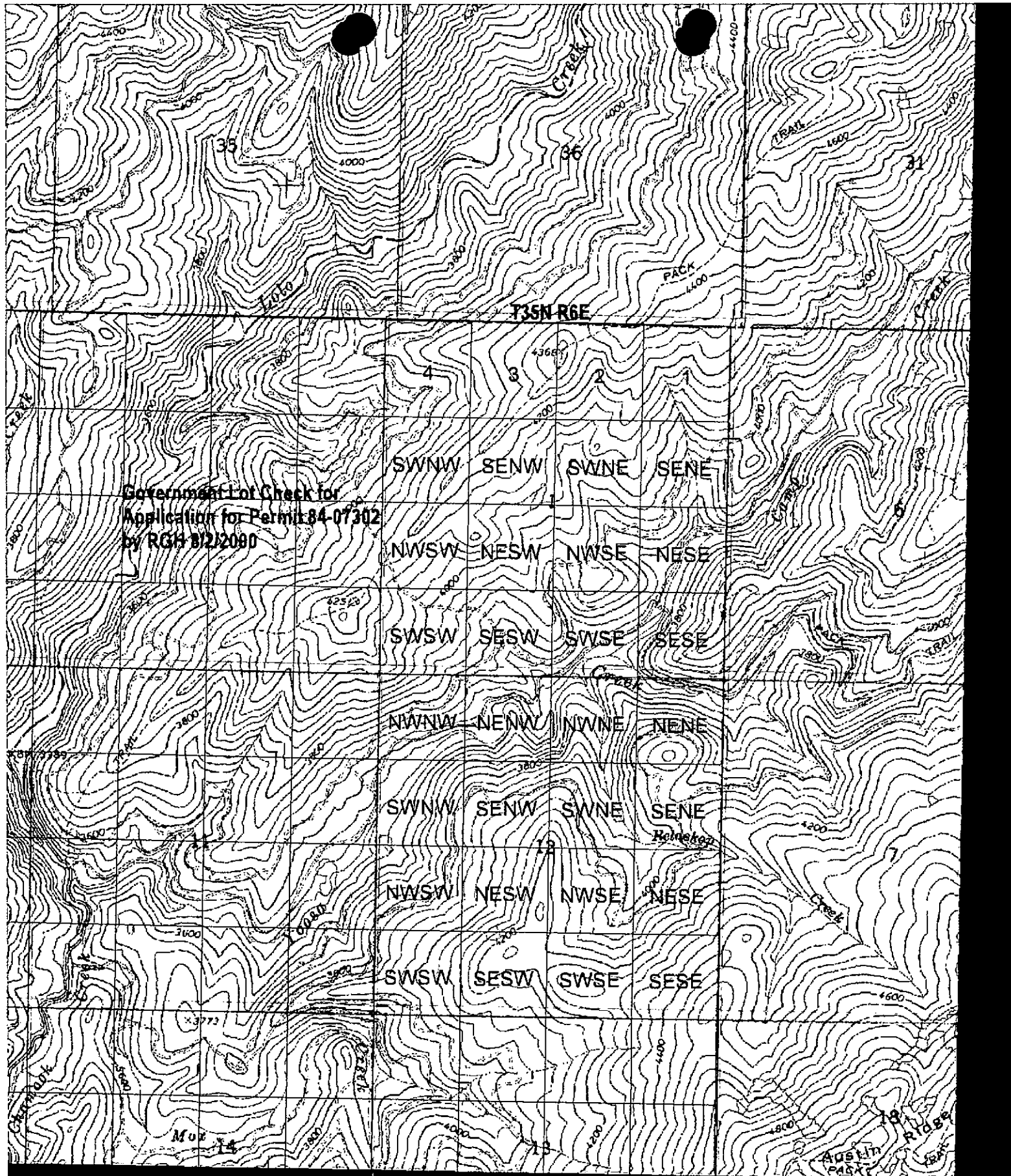
Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at 2:30 pm, this 20th day of April, 2000.

Marianne Wollert
(Signature)

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SEP 25 2001



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SEP 25 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07302

Priority: June 29, 1999

Maximum Diversion Rate:

2.50 CFS

This is to certify, that US DEPT OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND OR 97208

has applied for a permit to appropriate water from:
YOOSA CREEK tributary of LOLO CREEK

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	2.50 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.50 CFS	
	Totals	2.50 CFS	

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 1, Township 35N, Range 06E
IDAHO County

PLACE OF USE: FISH PROPAGATION
TWN RGE SEC
35N 06E 1 SWSE

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. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. 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.
6. 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.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07302

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. Fish propagation is for Clearwater River Subbasin chinook salmon restoration with the rearing and release of 150,000 spring chinook salmon fingerlings or smolts and holding of adult broodstock.
9. The right holder shall not divert more than one-half the rate of flow of water in Yoosa Creek, as measured at the point of diversion, under this right.

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

27th day of March, 2000.

for Karl J. Dreher, Director

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SEP 25 2001

STATE OF IDAHO

A Tract No. JHNCK-FF-3SW

DEPARTMENT OF WATER RESOURCES

RECEIVED APPLICATION FOR PERMIT

FEB - 4 2000

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Bonneville Power Administration -TSR-3 Phone 503-230-5680Mailing address P.O. Box 3621 Portland, OR 972082. Source of water supply Yoosa Creek which is a tributary of Lolo Creek3. Location of point of diversion is Township 35N Range 6E Sec. 1, in the SE 1/4, SE 1/4, 1/4, Govt. Lot Idaho County Idaho

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.5 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.40 for FISH PROPAGATION purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 2.5 for DIVERSION TO STORAGE purposes from 7/1 to 12/31 (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) 2.5 and/or (b) 0.40
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 Submerged screened intake structure.b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

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

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

e. If well is already drilled, when? _____; Drilling firm _____

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

7. Time required for completion of works and application of water to proposed beneficial use is 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. Rearing and
release site for 150,000 spring salmon. Holding of adult brood fish.

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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	
35N	6E	1															H	H	NA
																	H (STORAGE)		

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? USFS

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

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

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.

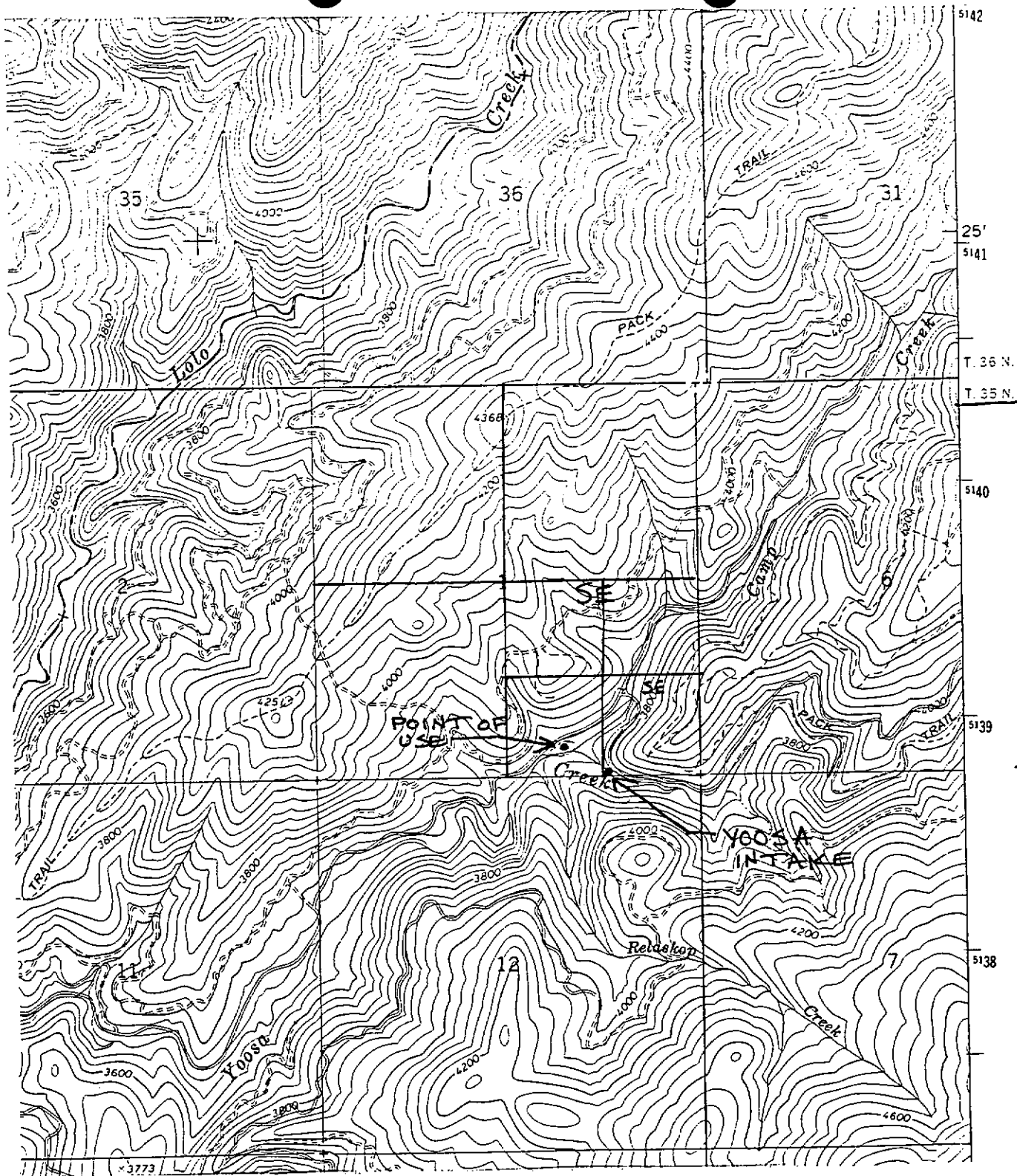
13. **MAP OF PROPOSED PROJECT REQUIRED** -Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

MICROFILMED

Marion Wolcott SEP 25 2001
Signature of Applicant (and title, if applicable)

Received by 6/29/99 Date 6/29/99 Time 9:40a Preliminary check by AB
Fee \$ 140.00 Receipted by db # N013011 Date 6/29/99
Publication prepared by db Date 9/8/99 Published in Idaho Free Press 9/15/99
Publication approved db Date 11/9/99



VICINITY MAP

TAKEN FROM USGS
HEMLOCK BUTTE, ID

Township 35N
Range 6E
Section 1

IN: Yoosa and Camp Creeks
IN/NEAR Musselshell
Idaho County, Idaho

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Additional information needed for fish propagation application for permit:

Site: Yoosa Creek

1) Construction plan to include sizes and number of ponds, total proposed facility volume: Attached Drawings; Site Plan Pond Area sheet C5, Site Plan Yoosa Creek sheet C6, Yoosa Creek Intake Plan and Sections sheet S11, and Yoosa Creek Intake Section & Details sheet S12.

2) Proof of "possessory interest" of land at place of use: Special Use Permit with USFS.

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.

Facility less than 20,000 pounds production threshold limit for NPDES permit. FishPro, Inc. in contact with 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.

No existing Facilities.

- 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.

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 Facilities.

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 Facilities

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 Facilities

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

G) Proposed new facility

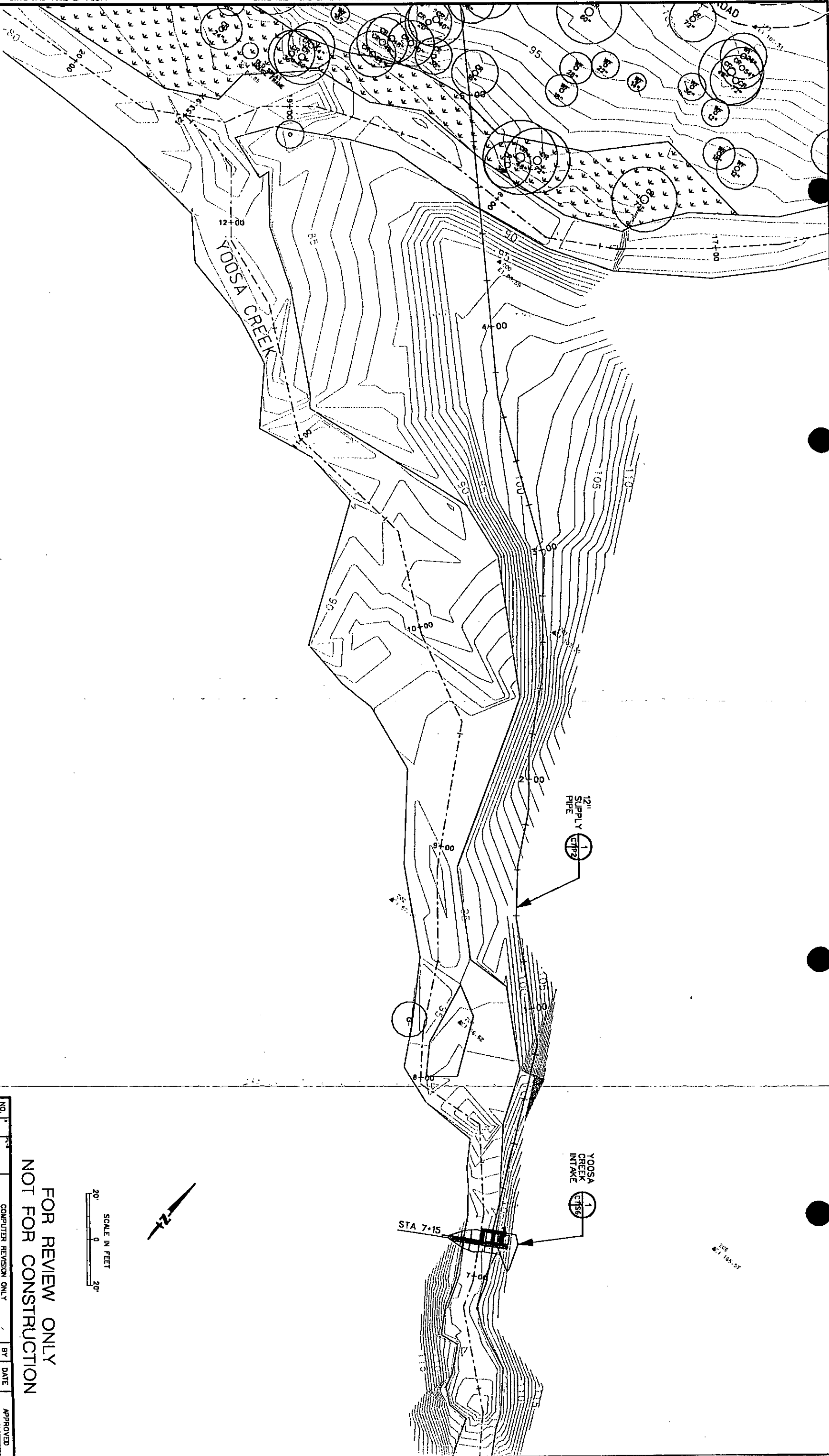
- a) Spring or well source with no fish facility above.

Surface water Facility with no fish facility above.

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ISSN	SL5	BOISEVILLE POWER ADMINISTRATION UNITED STATES DEPARTMENT OF ENERGY WASHINGTON, NORTH AND OREGON NEZ PERCE TRIBAL HATCHERY PROGRAM YOOSA / CAMP CREEK			
CRWN	JPL				
CHRD	EED				
REVW	KPF				
CMCR					
JPPR		SITE PLAN POND AREA			
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SEP 25 2001



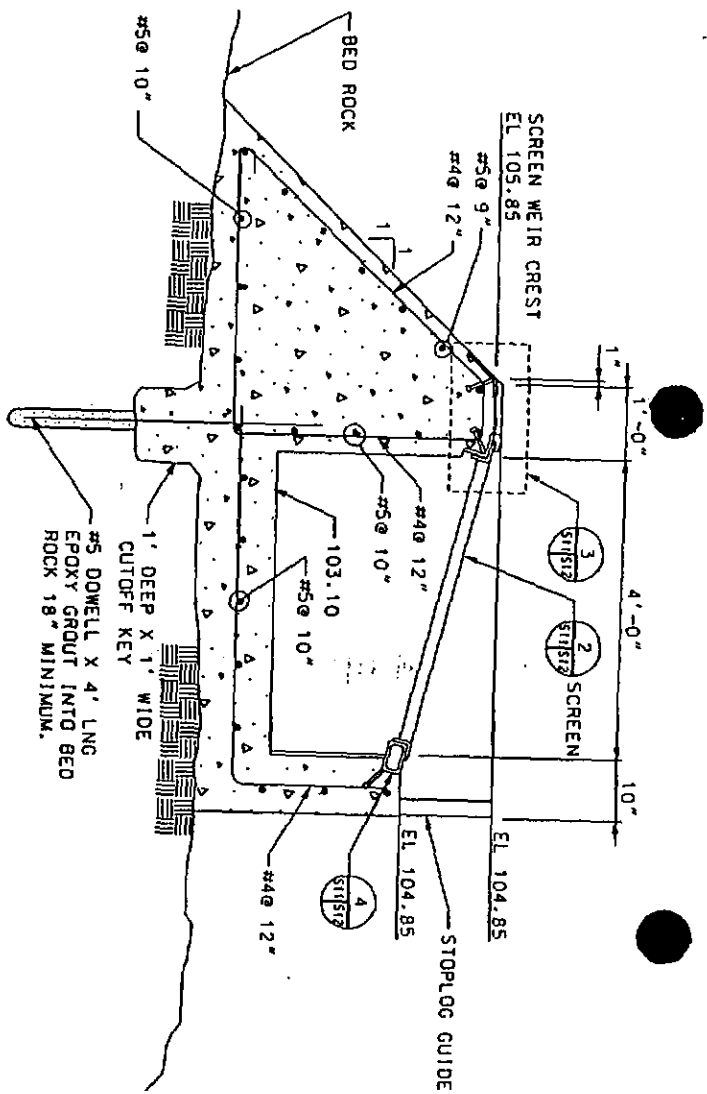
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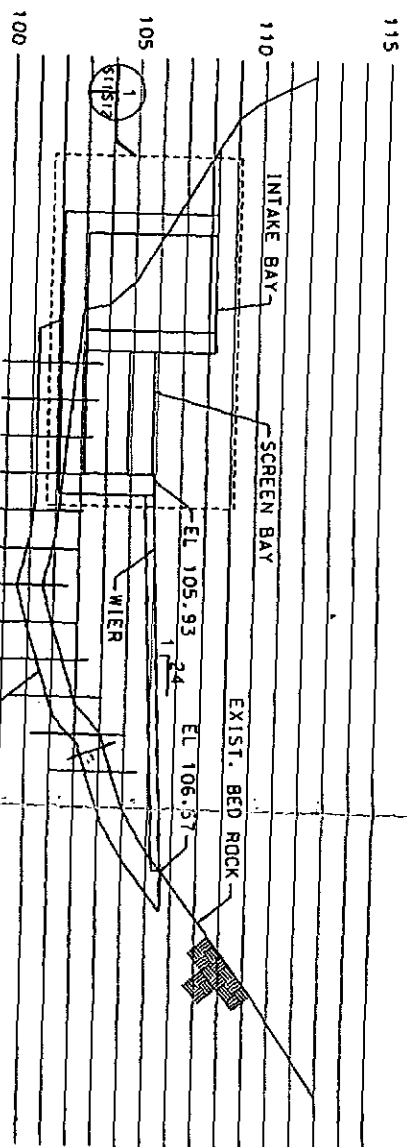
SITE PLAN
YOOSA CREEK

NEZ PERCE TRIBAL HATCHERY PROGRAM
YOOSA / CAMP CREEK

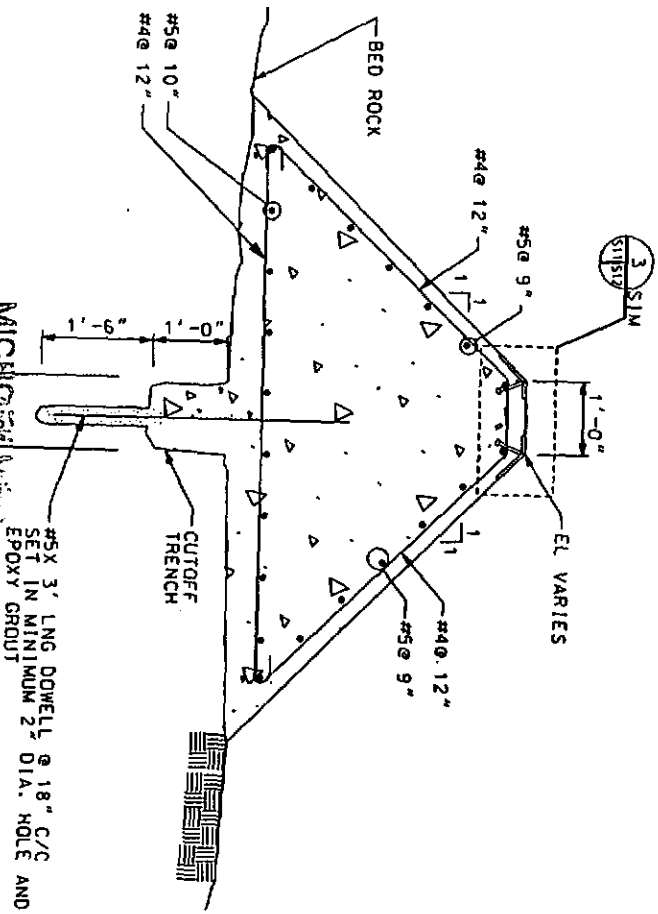
UNITED STATES DEPARTMENT OF ENERGY
BONEVILLE POWER ADMINISTRATION
HEADQUARTERS, PORTLAND, OREGON



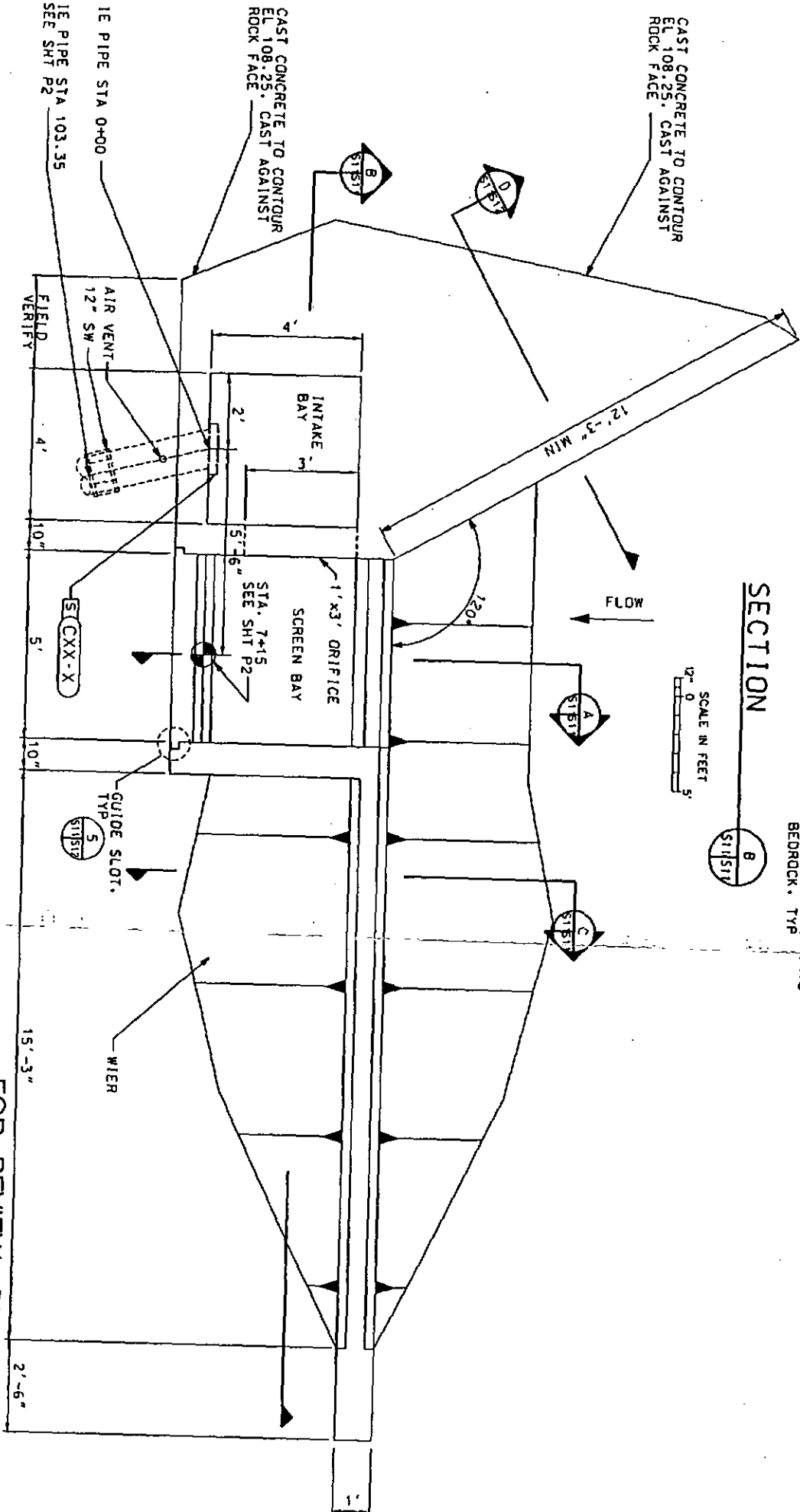
SECTION A-A
SCALE IN FEET
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SECTION B-B
SCALE IN FEET
12' 0' 5'



SECTION C-C
SCALE IN FEET
12' 0' 3'



PLAN

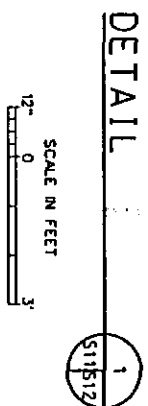
SCALE IN FEET
12' 0' 3'

1
C/S

FOR REVIEW ONLY
NOT FOR CONSTRUCTION



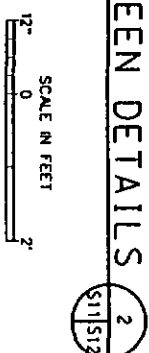
NO.	1	COMPUTER REVISION ONLY	BY	DATE	APPROVED
DESIGN	SLS	UNITED STATES DEPARTMENT OF ENERGY			
DRAWN	JPL	BOWENVILLE POWER ADMINISTRATION			
CHECKED	EED	NEZ PERCE TRIBAL HATCHERY PROGRAM			
REVIEW	KPF	YOOSA / CAMP CREEK			
CHIEF					
APPROVED					
DATE	05/03/99				
Sheet	Page	Size	Sheet	Revision	
A1	S11				

DETAIL

DETAIL

MICROFILMED

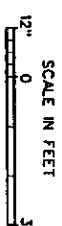
SEP 25 2001



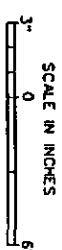
SCREEN DETAILS



DETAIL



SECTION



GUIDE DETAILS

NOTE: ALL DIMENSIONS
ARE INSIDE.

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

NO. 1	DATE	COMPUTER REVISION ONLY	BY	DATE	APPROVED
C. CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD					
OSCN	SL.S	BOZEVILLE POWER ADMINISTRATION UNITED STATES DEPARTMENT OF ENERGY 14400 WATERS FORT AND OVERCROW NEZ PERCE TRIBAL HATCHERY PROGRAM YOOSA / CAMP CREEK			
DWIN	JPL				
CHQD	EED				
REVW	KPF				
CNCR					
APPR		YOOSA CREEK INTAKE SECTION & DETAILS			
DATE	05/03/99				
Serial	Page	Site	Sheet	Revision	
		A1	S12		

**Yoosa/Camp Creek
Opinion of Probable Construction Costs - Summary**

Item No.	Item	Total
1.0	Site Work	\$36,609
2.0	Utilities	\$38,342
3.0	Portable Living Quarters	\$35,250
4.0	Portable Storage Trailer	\$20,570
5.0	Yoosa Creek Surface Water Intake	\$14,860
6.0	Camp Creek Surface Water Intake	\$18,460
7.0	-Power Generator	\$25,000
8.0	Process Water Distribution and Treatment	\$150,649
9.0	Acclimation Ponds	\$162,730
10.0	Adult Holding Pond	\$91,585
11.0	Release Channel and Structures	\$13,829
12.0	Instrumentation Alarm & Control System	<u>\$14,250</u>
Total		\$622,134
Contingency (15%)		<u>\$93,320</u>
Total with Contingency		\$715,454
Sales Tax (Exempt)		\$0



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

September 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND OR 97208

RE: Permit 84-07302

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of 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.

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 regarding this matter, you may call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

SEP 25 2001

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of September, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Amendment of Permit) to the person(s) listed below:

RE: PERMIT 84-07302

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND OR 97208


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 25 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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.

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SEP 25 2001

AMENDMENT OF PERMIT REVIEW

Review Date 9-15-00

PERMIT NO. 84-07302 NAME US Dept of Energy

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: S/C Mor GWMA Trust/Non-trust

Non-consumptive use ok

PROOF OF B/U RECEIVED? Yes/No Due < 6 months? Yes/No

GROUNDWATER: N/A
Drilling Permit No. _____;
Drilled /

Swan Falls Flag NA

Conditions of Approval: 26A[✓] 004[✓] 042[✓] 106, 01m, ~~076~~

Remarks/Comments _____

MICROFILMED
SEP 25 2001

RECEIVED

SEP 6 2000

DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: AB

Right Number 84-07302 Applicant BPA

Purpose of Amendment: ☒ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Stream index information (reverse).
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☐ No Should date of priority be delayed? If yes, to what date? _____

cc/shur/ok

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☐ Protests processed. *check F & G for special conditions*
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

*a. advertised in Cottonwood Chronicle
5/18+25/00 6/5/00*

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, May 23, 2000 3:54 PM
To: Beardslee, Allen
Subject: FW: 84-07302 and b84-7302

Al, will you please respond to Gregg's question regarding the request for special condition on these two water rights.
Thank you very much. Dianne

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

From: GREGG SERVHEEN [mailto:gservhee@IDFG.STATE.ID.US]
Sent: Tuesday, May 23, 2000 3:45 PM
To: dball@idwr.state.id.us
Subject: 84-07302 and b84-7302

Dianne

We looked at the above water rights and they appear ok. We did work with Shelly to include the "divert not more than one half the rate of flow" in the right. If it is included as a remark, does that mean it is a condition of the right or a guideline? We would like it as a condition to both.

Thanks.

Gregg Servheen
Natural Resource Biologist
Idaho Dept. of Fish and Game
1540 Warner Ave
Lewiston, ID 83501

208-799-5010
208-799-5012 (FAX)
gservhee@idfg.state.id.us

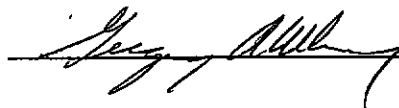
MICROFILMED
SEP 25 2001

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

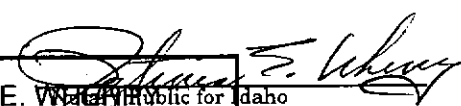
I, GREGORY A. WHERRY, being first duly sworn, depose and say that I am Editor of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the first publication being on the 18th day of May, 2000, and the last publication on the 25th day of May, 2000; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.



STATE OF IDAHO, }
County of Idaho, }

On this 26th day of May in the year of 2000, before me, a Notary Public, personally appeared Gregory A Wherry, know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.


PATRICIA E. Wherry, Notary Public for Idaho
Residing at Cottonwood
STATE OF IDAHO
My commission expires: 12-2000

NOTICE OF AMENDMENT

Notice is hereby given that the US DEPARTMENT OF ENERGY, BONNEVILLE POWER ADMIN. TSR3, PO BOX 3621, PORTLAND, OR. 97208 has filed an application for amendment of PERMIT NO. 84-07302.

The location of the point of diversion was originally described as the SESE, Section 1, Township 35N, Range 06E. The amendment adds a point of diversion located in the NENE, Section 12, Township 35N, Range 06E.

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

Any protests against the approval of the above-referenced amendment must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before JUNE 5, 2000.

KARL J. DREHER, DIRECTOR

Published in the Cottonwood Chronicle on May 18 and 25, 2000.

RECEIVED

JUN 05 2000

IDWR/North

MICROFILMED
SEP 25 2001

Ball, Dianne

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Gregg Servheen
Natural Resource Biologist
Idaho Dept. of Fish and Game
1540 Warner Ave
Lewiston, ID 83501

208-799-5010
208-799-5012 (FAX)
gservhee@idfg.state.id.us

MICROFILMED

SEP 25 2001

May 10, 2000

Legal Notices Department
Cottonwood Chronicle
PO Box 157
Cottonwood ID 83522

Re: 84-07302 - NOTICE OF AMENDMENT

Gentlemen:

Enclosed you will find a legal Notice of Amendment of a Permit for a Water Right which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication, and the bill, to this office before June 6, 2000.

Thank you.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure

MICROFILMED

SEP 25 2001

NOTICE OF AMENDMENT

Notice is hereby given that the US DEPARTMENT OF ENERGY, BONNEVILLE POWER ADMIN
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fee of \$25.00 on or before JUNE 5, 2000.

KARL J. DREHER, DIRECTOR

Published in the Cottonwood Chronicle on May 18 and 25, 2000

MICROFILMED

SEP 25 2001

To: Gregg Servheen
Idaho Fish and Game

Fax No.: 208-799-5012

Re: US Dept of Energy< Bonneville Power Administration
Amendment for Water Right No. 84-07302

Date: May 11, 2000

Pages: 5 including this cover sheet

Gregg, following are Computer Profile Reports for the above referenced water right. They are in two sets of two pages each.

- 84-07302 is the original to which you had no objection when it was processed last year.
- B84-7302 shows the additional point of diversion. Nothing else has changed.

We do need your comments on this before 6/5/00.

Should you have any questions or need further specific information or explanation, please call Al Beardslee at our office – (208) 769-1450.

Thanks very much.

Dianne Ball

From the desk of...

Dianne L. Ball
Administrative Assistant
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814
(208) 769-1450

MICROFILMED

SEP 25 2001
Fax: (208) 769-1454
E-mail: dball@idwr.state.id.us

WR0749NP
No. 84-07302

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/00
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 TSR 3 PO BOX 3621 PORTLAND OR 97208 (503) 230-5680	06/29/1999	FISH PROPAGATION FISH PROP. STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	2.500 CFS 2.500 CFS	 0.40 AFA
TOTAL DIVERSION:					2.500 CFS	

Water Source: YOOSA CREEK

Tributary to: LOLO CREEK

Stage: PERMIT

Point(s) of Diversion: T35N R06E S01 SESE IDAHO County

Place of use Legal Description for: FISH PROPAGATION

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac
35N 06E 1	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: IDAHO

Conditions of Approval:

- 26A - 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.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.
- 042 - 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.
- 081 - 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.
- 01M - 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.

Remarks: GEM Fish propagation is for Clearwater River Subbasin chinook salmon restoration with the rearing and release of 150,000 spring chinook salmon fingerlings or smolts and holding of adult broodstock.

The right holder shall not divert more than one-half the rate of flow of water in Yoosa Creek, as measured at the point of diversion, under this right.

MICROFILMED

SEP 25 2001

WR0749NP
No. 84-07302

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/00
PAGE: 2

=====
Dates: App. Received: 06/29/1999 Priority Date: 06/29/1999
Proof Due Date: 03/01/2005 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/08/1999 User-ID: DBALL Subject: Examiner's notes.
POD & POU owned by USFS. Special use permit.
Submerged screened intake structure.
Time required 5 years.

Date: 11/24/1999 User-ID: SCURTIS Subject: CORPORATE OFFICERS
Administrator - Judy Johansen
Real Properties Services Mgr - John R. Cowger
Realty Specialist - Marian Walcott

Audit: 09/08/99 DBALL 09/13/99 SCURTIS 02/14/00 SCURTIS 02/14/00 SCURTIS
02/15/00 SCURTIS 03/21/00 SCURTIS 03/22/00 SCURTIS 03/24/00 SKEEN

MICROFILMED

SEP 25 2001

WR0749NP
No. B84-07302

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/00
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 TSR 3 PO BOX 3621 PORTLAND OR 97208 (503) 230-5680	06/29/1999	FISH PROPAGATION FISH PROP. STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	2.500 CFS 2.500 CFS	 0.40 AFA
TOTAL DIVERSION:					2.500 CFS	

Water Source: YOOSA CREEK

Tributary to: LOLO CREEK

Stage: PERMIT

Point(s) of Diversion: T35N R06E S01 SESE IDAHO County
S12 NENE IDAHO County

Place of use Legal Description for: FISH PROPAGATION

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
35N 06E 1	:				:				:				:		F	:

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 - or easement across the land of another.
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 - 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.
- 081 - 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.
- 01M - 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.
- 076 - This right authorizes a single point of diversion.

Remarks: GEN Fish propagation is for Clearwater River Subbasin chinook salmon restoration with the rearing and release of 150,000 spring chinook salmon fingerlings or smolts and holding of adult broodstock.
The right holder shall not divert more than one-half the rate of

MICROFILMED
SEP 25 2001

WR0749NP
No. 884-07302

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/00
PAGE: 2

Remarks: flow of water in Yoosa Creek, as measured at the point of
diversion, under this right.

Dates: App. Received: 06/29/1999 Priority Date: 06/29/1999
Proof Due Date: 03/01/2005 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/08/1999 User-ID: DBALL Subject: Examiner's notes.
POD & POU owned by USFS. Special use permit.
Submerged screened intake structure.
Time required 5 years.

Date: 11/24/1999 User-ID: SCURTIS Subject: CORPORATE OFFICERS
Administrator - Judy Johansen
Real Properties Services Mgr - John R. Cowger
Realty Specialist - Marian Walcott

Audit: 04/06/00 SCURTIS

MICROFILMED

SEP 25 2001

Ball, Dianne

From: GREGG SERVHEEN [gservhee@IDFG.STATE.ID.US]
Sent: Wednesday, May 10, 2000 3:19 PM
To: dball@idwr.state.id.us
Subject: re: NOTICE OF AMENDMENT

Dianne, I need more specifics to make a comment. Thanks

Gregg Servheen
Natural Resource Biologist
Idaho Dept. of Fish and Game
1540 Warner Ave
Lewiston, ID 83501

208-799-5010
208-799-5012 (FAX)
gservhee@idfg.state.id.us
----- Original Text -----

From: "Ball, Dianne" <dball@idwr.state.id.us>, on 5/10/00 10:00 AM:

Gregg, the attachment is a copy of a Notice of Amendment on US Dept. of Energy, Bonneville Power Administration Water Right No. 84-07302, originally filed last year. It is for an ADDED POINT OF DIVERSION within the adjoining Section 12 (just across the line from the original point of diversion) of the same Township 35N and Range 06E. Diversion is from Yoosa Creek, tributary to Lolo Creek.

We need your comments before 6/5/00 on this one, also.

Thank you. Dianne - IDWR - North.

<<AMEND84-07302.doc>>

MICROFILMED
SEP 25 2001

May 10, 2000

US Department of Energy
Bonneville Power Admin TSR3
PO Box 3621
Portland OR 97208

Re: Water Appropriation Application No. 84-07302

Gentlemen:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Amendment to Water Right No. 84-7302. 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 N013630.

Your Application for Amendment 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 Transfer Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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 25 2001

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, May 02, 2000 3:54 PM
To: Ellis, Debbie
Subject: Amendment Advertising

Hi there, pretty lady.

I have an Amendment that will go out for advertising on Wednesday 5/10. This is the first Amendment (or any other type of "unautomated ad" for that matter), that we've had for at least a year, and I don't know how to process those down to you under the new system.

Will you please e-mail instructions to me on how to do that so come next Wednesday, I don't have to call you in a state of panic! I am not exceptionally computer literate on how to transfer things from one place to another, but I do know how to manage within the specific programs.

Attached is a copy of the amendment just in case you have any suggestions.



AMEND84-07302.doc

Any help you can offer will be greatly appreciated!!!! Thanks ever so much.

Dianne - Northern

*sent to
St. Jice
w/ Charlie's help
5/3/00*

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SEP 25 2001



Department of Energy

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

TRANSMISSION BUSINESS LINE

RECEIVED
APR 24 2000
IDWR/North

April 21, 2000

In reply refer to: TR-3
JHNCK-FF-1SW, 84-07302

Mr. Al Beardslee
State of Idaho Department of Water Resources
Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

RECEIVED
APR 24 2000
IDWR/North

Dear Mr. Beardslee:

Enclosed is a signed copy of the Application For Amendment, Water Right No. 84-07302, which is for Bonneville Power Administration's (BPA) Johnson Creek Project, Camp Creek Fish Facility.

Also enclosed is U.S. government, BPA check number 619, drawn to the order of IDWR Northern Region in the amount of fifty dollars as payment for the filing fee of this Amendment.

If you have any questions, please contact me at my telephone number (503) 230-3273, or fax me at (503) 230-7615, or e-mail me at mhwolcott@bpa.gov.

Sincerely,

Marian Wolcott

Marian Wolcott
Realty Specialist

2 Enclosures

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SEP 25 2001

Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, June 14, 2000 3:16 PM
To: 'gservhee@idfg.state.id.us'
Cc: Beardslee, Allen
Subject: RE: 84-07302 and b84-7302

Gregg,

The limitation you refer to is a condition of use. Diversion of more than half the streamflow would be a violation of the permit. I will put this message in the water right file to indicate your opinion that this limitation should be on the amendment, if approved, also.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

Dianne

We looked at the above water rights and they appear ok. We did work with Shelly to include the "divert not more than one half the rate of flow" in the right. If it is included as a remark, does that mean it is a condition of the right or a guideline? We would like it as a condition to both.

Thanks.

Gregg Servheen
Natural Resource Biologist
Idaho Dept. of Fish and Game
1540 Warner Ave
Lewiston, ID 83501

208-799-5010
208-799-5012 (FAX)
gservhee@idfg.state.id.us

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SEP 25 2001



Department of Energy

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

March 20, 2000

In reply refer to – TR-3
Tract No. JHNCK-FF-3SW

Mr. Al Beardslee
Idaho Department of Water Resources
Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene Idaho 83814-9255

Re: Application for Permit to appropriate the public waters of the State of Idaho, IDWR
Application Number 84-07302, BPA Reference Number JHNCK-FF-3SW, request for
change to location of point of diversion.

Dear Mr. Beardslee:

Bonneville Power Administration (BPA) is requesting a change to the location of the
point of diversion on the application 84-07302, source of water Yoosa Creek, current
point of diversion Township 35N, Range 6E Section 1.

The point of diversion should be modified to include Section 12, NE1/4 of the NE 1/4.
A survey of the area located the intake structure to be approximately 20 feet south of
the section line between Sections 1 and 12 (Enclosure). Because of the close
proximity to the section line the point of diversion should include both Sections 1
and 12.

BPA understands that this change to the application will result in the need to re-
advertise the application.

Sincerely,

Marian Wolcott
Realty Specialist

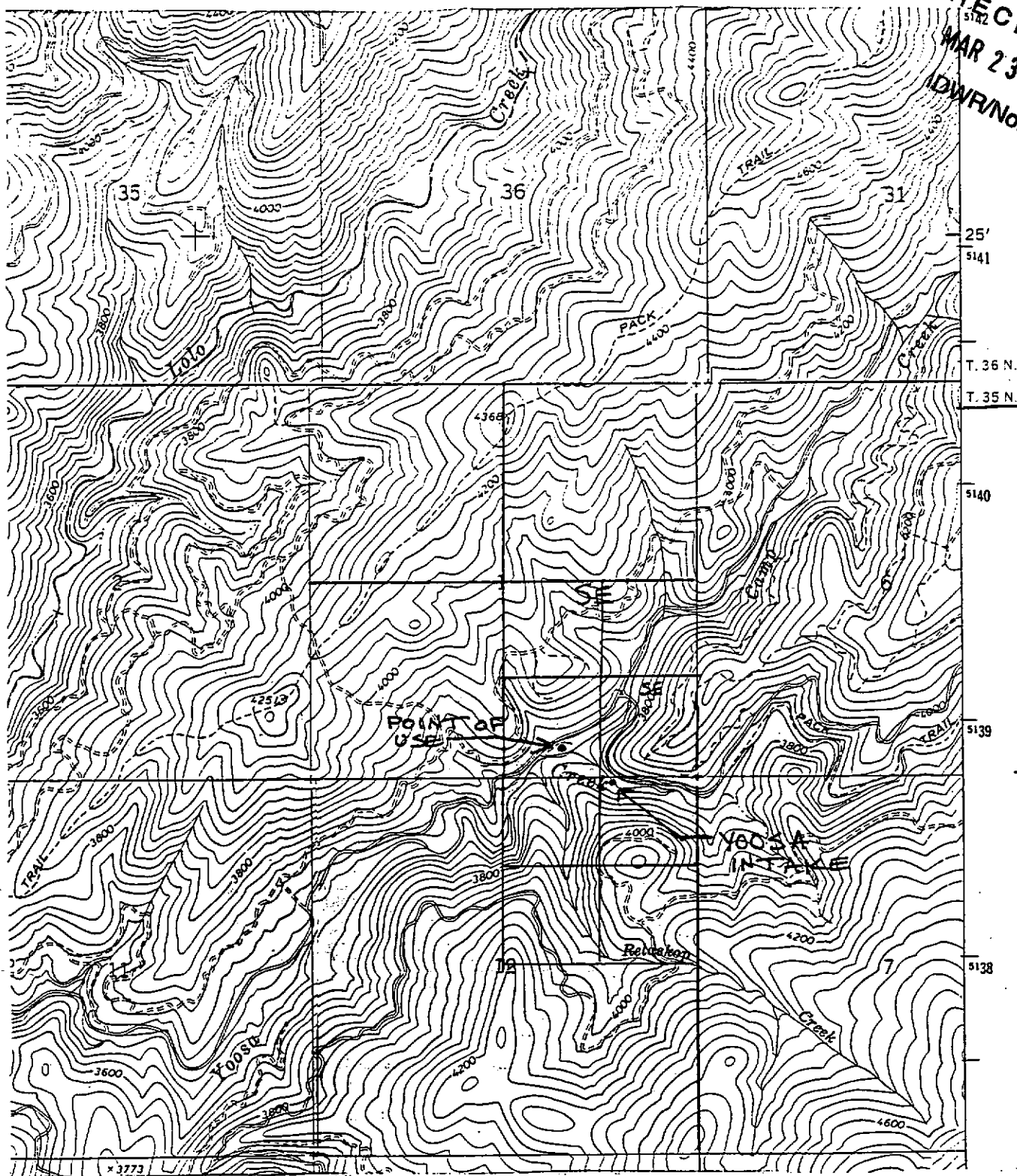
Enclosure

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

RECEIVED
MAR 23 2000
IDWR/North

MICROFILMED
SEP 25 2001

RECEIVED
MAR 23 2000
IDWR/North



VICINITY MAP

TAKEN FROM USGS
HEMLOCK BUTTE, ID

Township 35 N
Range 6 E
Section 1 #12

IN: Yoosa and Camp Creeks
IN/NEAR Musselshell
Idaho County, Idaho

MICROFILMED
SEP 25 2001



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 TSR 3
PO BOX 3621
PORTLAND OR 97208

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07302

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.

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

MICROFILMED

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

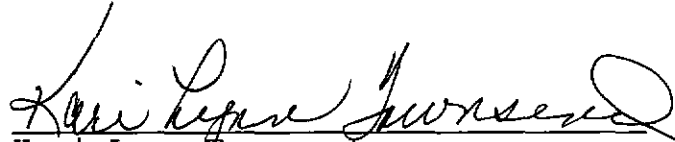
SEP 25 2001
MICROFILMED
SEP 25 2001

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. 84-07302

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND OR 97208


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 25 2001

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.

MEMORANDUM

DATE: March 24, 2000

TO: Water Right Files 85-07659, 86-07371, 86-07372, 85-07664, 84-07303, 84-07302, 82-07205, 82-07204, 85-07660 and 81-07181

FROM: Shelley W. Keen *SWK*

RE: Limit to 50% of stream flow

This afternoon I spoke on the phone with Marian Wolcott of the Bonneville Power Administration. She told me that BPA is not opposed to limiting these permits to 50% of the stream flow measured at the point of diversion as suggested by IDF&G.

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SEP 25 2001



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,

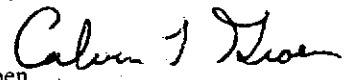
We have reviewed the proposals for water rights being applied for by the Bonneville Power Administration for Nez Perce Tribe hatchery operations. Upon review, we also conferred with the Nez Perce Tribe hatcheries program on some of the requests. The Tribe and our Department agree that some of the following 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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SEP 25 2001

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 ad/or BPA submit to me.

SEP 25 2001

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.

\\DWR03\skreen\WRMEMOS\8507659BPA.doc (360-871-2727)

S.W. Keen



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,

MICROFILMED

SEP 25 2001

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

MICROFILMED

SEP 25 2001

(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)

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 ft³/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	16	59	40	142	18	11	6.1
3	24	31	30	41	86	52	54	36	119	21	9.4	5.9
4	25	29	29	42	95	52	60	33	100	22	8.7	5.5
5	26	28	29	40	100	53	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	364	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)

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			3600
HIGHEST DAILY MEAN	1920	572	1992
LOWEST DAILY MEAN	11	5.5	1992
ANNUAL SEVEN-DAY MINIMUM	12	5.7	1992
ANNUAL RUNOFF (AC-FT)	123400	37810	57210
ANNUAL RUNOFF (CFSM)	9.73	.22	.34
ANNUAL RUNOFF (INCHES)	9.85	1.02	4.57
10 PERCENT EXCEEDS	482	117	213
50 PERCENT EXCEEDS	37	32	25
90 PERCENT EXCEEDS	16	8.7	6.2

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SEP 25 2001

STATION LAPWAI CREEK NR LAPWAI (1974-99) 13342450
FLOW DURATION TABLE

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

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SEP 25 2001

STATION LAPUAI CREEK NR LAPUAI (1974-99) 13342450
FLOW DURATION TABLE

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

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SEP 25 2001

MEMORANDUM

To: Files 81-07180, 82-07204, 82-07205, 84-07302, 84-07303, 85-07659 and 85-07660

FROM: Sharla

DATE: February 15, 2000

RE: Fish and Game Contacted

On this date I spoke with Al Beardslee concerning contact with Fish and Game for comments concerning these applications. Although Al hadn't placed a memo in the files, he told me he had indeed spoken with F&G and they had no concerns with approval. These filings are all within the wilderness moratorium areas, however, the use is non-consumptive and therefore the permits can be issued.

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SEP 25 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 2/12/00

No. 84-07302 Name: BPA Corp. Officers ☒ Ad ok ☒ Govt Lots ☐

AREA OF CONCERN: No/Yes SC Moratorium ☐ GWMA ☐ TRUST/NON-TRUST ☐

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front/LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
~~HEAT/COOL~~ - R07(injection well)
~~FIRE PROT.~~ - 077

BENEFICIAL USE DUE: 3 / 01 / 2005

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
~~in/Above MSF~~ - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 same as 85-07660
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETWRI
BCA
WRA

FEB - 4 2000

APPLICATION # 84-07302

Department of Water Resources

INITIAL REVIEW

APPLICANT: BPABY: ASDATE: 6/29/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

- ☒ Field check: by _____
- ☒ Field report attached
- ☒ Analysis Supp. attached (>5cfs/500af)
- ☒ Water delivered by water master?
- Water District # _____

PROCESSING

(Yes) (No)

PRIORITY DATE: 6/29/99☒ (Include Moratorium Remark)☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).ADVERTISE IN: IDAHO County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information (☒) Fish Information() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
☒		Dom. Non-Dom.	Paid \$		Y () N ()
☒		Dom. Non-Dom.	Paid \$		Y () N ()
☒		Dom. Non-Dom.	Paid \$		Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- ☒ Notice of pending void order issued. Final order response date: _____/_____/_____
- ☒ Further information required from applicant
- ☒ Affidavit of publication received
- ☒ Application published correctly. If not, record action taken: _____
- ☒ Publication dates and paper recorded on application
- ☒ Protests received, Final protest date: 10/4/99 | Sr. Agent initial _____
- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: _____

Date: _____/_____/_____

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

81-07180

US DEPT. OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208
Source: MEADOW CREEK Tributary: SELWAY RIVER
Diversion Pt: NWSE Sec 11 T 31N R 09E in IDAHO County.
Use: FISH PROPAGATION (5.100 CFS)
FISH PROP. STORAGE (0.12 AF)
DIVERSION TO STORAGE (5.100 CFS)
Total Diversion: (5.100 CFS) (0.12 AF)
Date Filed: 6/29/1999
In: IDAHO County
T31N R09E S11 NWSE

81-07181

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208
Source: MIDDLE FORK SELWAY RIVER
Tributary: CLEARWATER RIVER
Diversion Pt: SWSE Sec 23 T 32N R 07E in IDAHO COUNTY.
Use: FISH PROPAGATION (3.700 CFS)
FISH PROP. STORAGE (0.48 AF)
DIVERSION TO STORAGE (3.700 CFS)
Total Diversion: (3.700 CFS) (0.48 AF)
Date Filed: 6/29/1999
In: IDAHO County
T32N R07E S23 SWSE

82-07204

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208
Source: S FORK MILL CREEK Tributary: CLEARWATER RIVER
Diversion Pt: SENW Sec 34 T 29N R 04E in IDAHO County.
Use: FISH PROPAGATION (1.000 CFS)
FISH PROP. STORAGE (0.08 AF)
DIVERSION TO STORAGE (1.000 CFS)
Total Diversion: (1.000 CFS) (0.08 AF)
Date Filed: 6/29/1999
In: IDAHO County
T29N R04E S34 SENW

82-07205

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208
Source: NEWSOME CREEK Tributary: CLEARWATER RIVER
Diversion Pt: SWNE Sec 31 T 30N R 07E in IDAHO County.
Use: FISH PROPAGATION (1.700 CFS)
FISH PROP. STORAGE (0.24 AF)
DIVERSION TO STORAGE (1.700 CFS)
Total Diversion: (1.700 CFS) (0.24 AF)
Date Filed: 6/29/1999
In: IDAHO County
T30N R07E S31 SWNE

84-07302

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208
Source: YOOSA CREEK Tributary: LOLO CREEK

Diversion Pt: SESE Sec 1 T 35N R 06E in IDAHO County.
Use: FISH PROPAGATION (2.500 CFS)
FISH PROP. STORAGE (0.40 AF)
DIVERSION TO STORAGE (2.500 CFS)
Total Diversion: (2.500 CFS) (0.40 AF)
Date Filed: 6/29/1999
In: IDAHO County
T35N R06E S01 SWSE

84-07303

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PORTLAND, OR 97208
Source: CAMP CREEK Tributary: YOOSA CREEK
Diversion Pt: SESE Sec 1 T 35N R 06E in IDAHO County.
Use: FISH PROPAGATION (2.500 CFS)
FISH PROP. STORAGE (0.40 AF)
DIVERSION TO STORAGE (2.500 CFS)
Total Diversion: (2.500 CFS) (0.40 AF)
Date Filed: 6/29/1999
In: IDAHO County
T35N R06E S01 SWSE

85-07660

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208
Source: S FORK CLEARWATER RIVER
Tributary: CLEARWATER RIVER
Diversion pt: NWNW Sec 16 T 31N R 04E in IDAHO County.
NENE Sec 17 T 31N R 04E in IDAHO County.
Use: FISH PROPAGATION (10.200 CFS)
FISH PROP. STORAGE (0.57 AF)
DIVERSION TO STORAGE (10.200 CFS)
Total Diversion: (10.200 CFS) (0.57 AF)
Date Filed: 6/29/1999
In: IDAHO County
T31N R04E S17 NENE
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 OCTOBER 4, 1999.
KARL J. DREHER, Director

Published: 9/15/1999 & 9/22/1999

S15-22

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SEP 25 2001

RECEIVED

NOV 09 1999

IDWR/North

AFFIDAVIT OF PUBLICATION

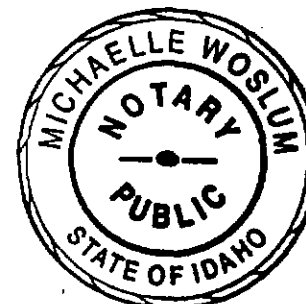
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho, and is of general circulation in said county, that the said legal notice, of which the one hereto is a true copy, was published in said paper for two times, the first publication being on 5th day of September, 1999; and the last publication 22nd day of September, 1999; and that the notice was published in the newspaper proper and not that said newspaper has been continuously and steadily published in said county during a period of several consecutive weeks prior to the publication of said legal advertisement.

OF IDAHO)
)
' OF)

22nd day of September in the year of 1999, before my Public personally appeared Andrew J. McNab, identified to me to be the person whose name is in the within instrument, and being by me first duly sworn, that the statements therein are true, and acknowledged that he executed the same.

Michaelle Woslum
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



84-07302

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN - TSR-3
PO BOX 3621
PORTLAND, OR 97208

Source: YOOSA CREEK

Tributary: LOLO CREEK

Diversion Pt: SESE Sec 1 T 35N R 06E in IDAHO County.

Use: FISH PROPAGATION	(	2.500 CFS)	
FISH PROP. STORAGE			(0.40 AF)
DIVERSION TO STORAGE	(	2.500 CFS)	
Total Diversion:	(	2.500 CFS)	(0.40 AF)

Date Filed: 6/29/1999

In: IDAHO County
T35N R06E S01 SWSE

MICROFILMED
SEP 25 2001

September 8, 1999

US Dept of Energy
Bonneville Power Admin - TSR-3
PO Box 3621
Portland OR 97208

Re: Water Appropriation Applications Nos. 81-07180, JHNCK-FF-5SW; 81-07181, JHNCK-FF-2SW;
82-07204, JHNCK-FF-6SW; 84-07205, JHNCK-FF-4SW; 84-07302, JHNCK-FF-3SW;
84-07303, JHNCK-FF-1SW; 85-07659, NPTH-FF-2SW; and 85-07660 NPTH-FF-1SW

Gentlemen:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Applications for Permits 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 numbers in all future matters concerning these water right applications.

Your appropriation applications are currently being prepared for advertising in the local county newspapers, and the two that are 10 cfs or more are being advertised statewide. These advertisements 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 applications are not protested.

If the applications are not protested, they 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 applications are 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 Applications for Permits and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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

MICROFILMED

SEP 25 2001

AB:db