

Township 32N
Range 7E
Section 23

GODDARD 7.5 MINUTE QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2976 III NW
(COOLWATER MT)

612

32'30"

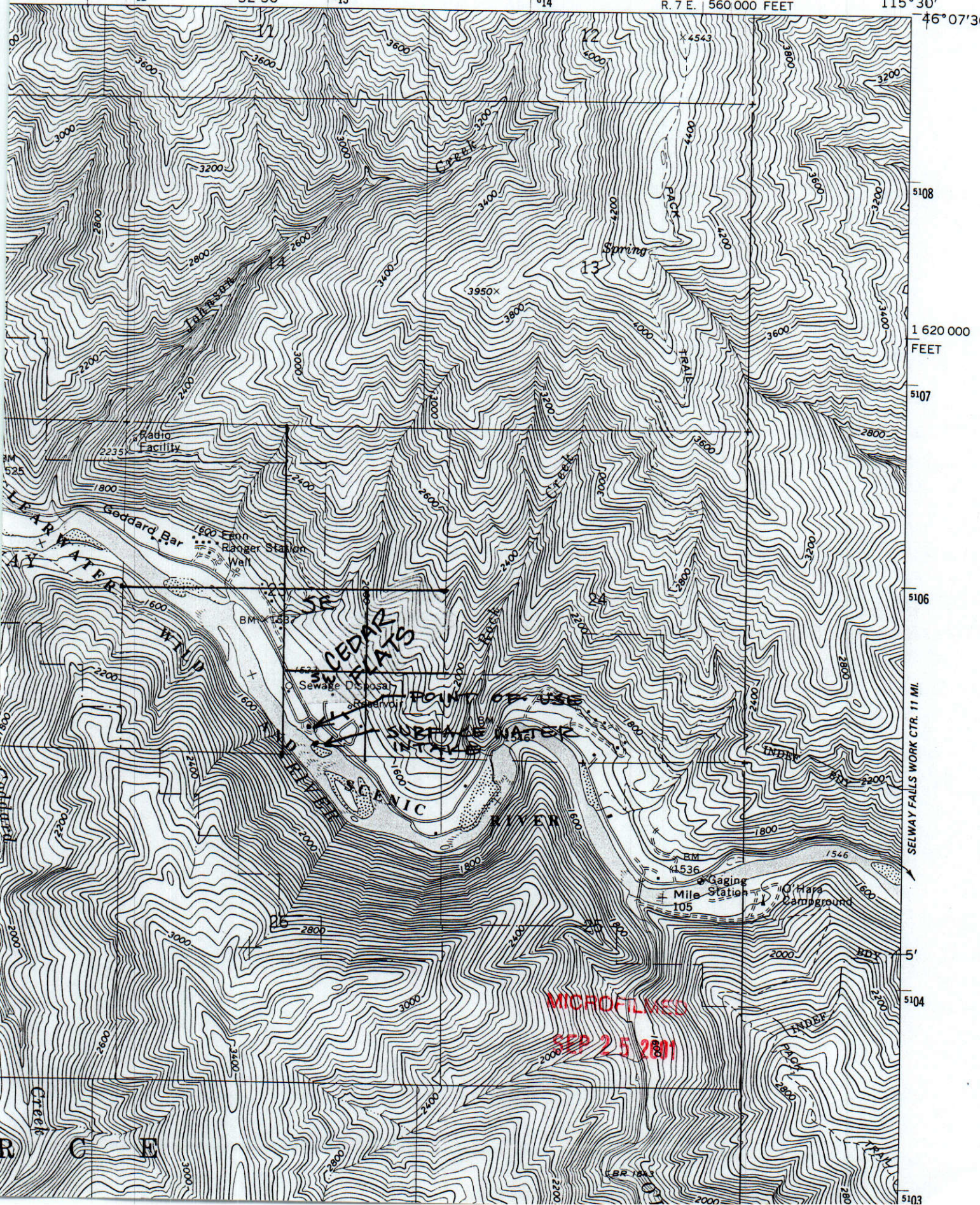
613

614

R. 7 E. | 560 000 FEET

115°30'

46°07'30"



PLANTINGS
TO BE
SELECTED
BY USFS

PORTABLE
RESIDENCE
TRAILER #1

PORTABLE
RESIDENCE
TRAILER #2

7" SPRUCE
TO BE REMOVED

STORAGE
BUILDING/
HEADTANK

14" WHITE FIR
TO BE REMOVED

ACCLIMATION
POND

PUMP
STATION

SURFACE
WATER
INTAKE

DISCHARGE
STRUCTURE

CULTURAL
RESOURCE
AREA

TRANSITION
TO EXISTING
ROAD

EXISTING ROAD
TO RECEIVE
GRAVEL SURFACE

TRANSITION
TO EXISTING
ROAD

GRAVEL
ACCESS
ROAD

NOTES:

1. ALL TREES SHOWN ON EXISTING SITE PLAN TO BE PROTECTED UNLESS OTHERWISE NOTED ON THIS DRAWING.
2. ENTIRE SITE IS WITHIN BOUNDARY OF RIPARIAN HABITAT CONSERVATION AREA (RHCA), 300 FT FROM STREAM.



SCALE IN FEET
0 20'

SELWAY RIVER

Number of units: 1
Avg Dimensions: 38'x240'x7'
Total Proposed Volume: 21,053 cf

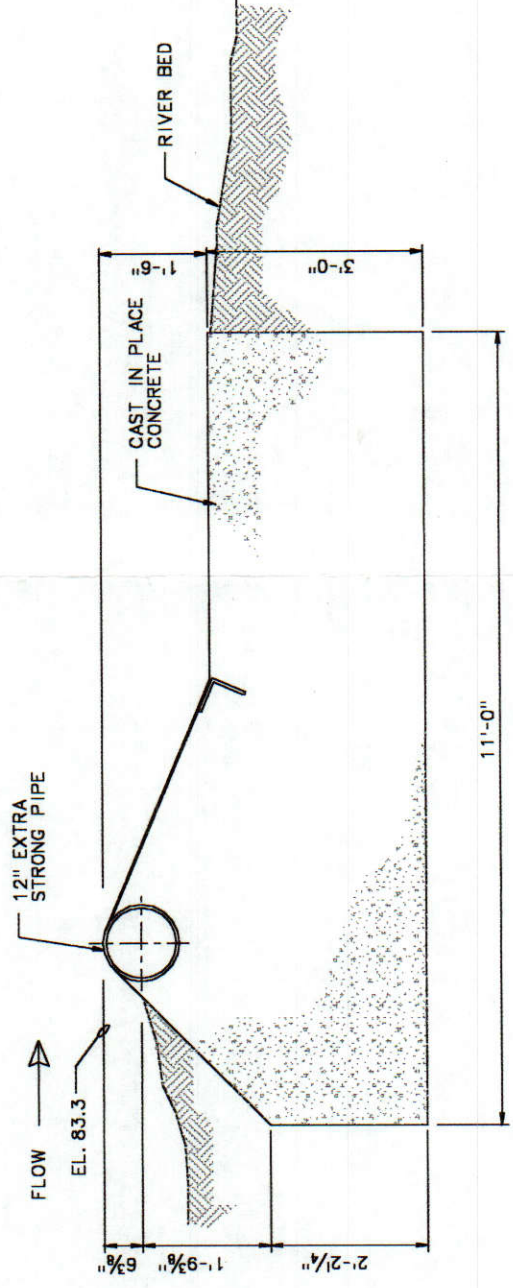
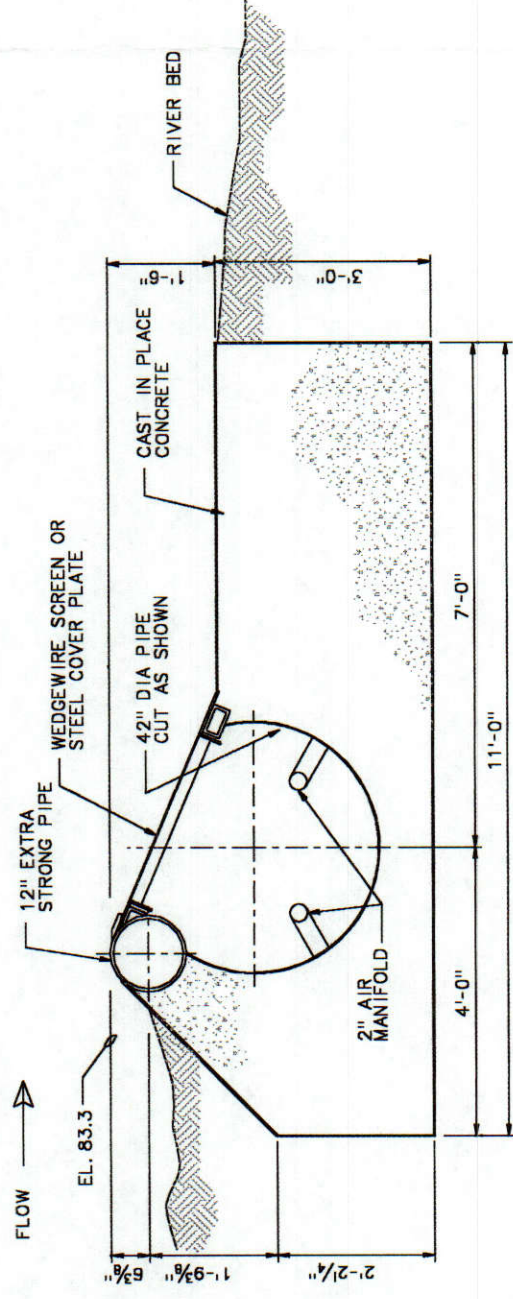
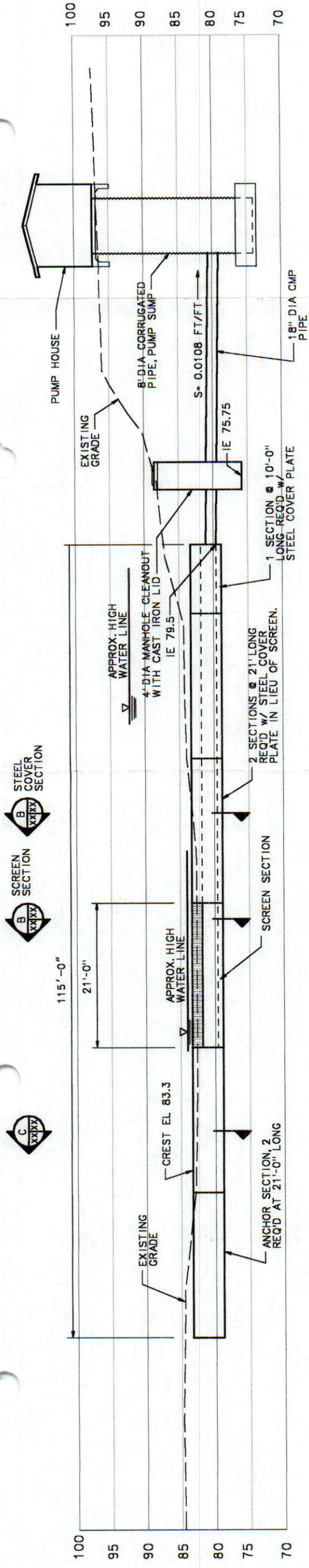


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SEP 25 2001

NO.	REV.	COMPUTER REVISION ONLY	BY	DATE	APPROVED
1	1	CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORDS			
DSGN	SLS	UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON			
DRWN	ACB	NEZ PERCE TRIBAL HATCHERY PROGRAM			
CHKD	EED	CEDAR FLATS			
REV'D	KPF				
CNCR					
APPR					
DATE	4/01/99				
Serial					
Page					
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SHEET					
Revision					

SITE
PLAN



FOR REVIEW ONLY
NOT FOR CONSTRUCTION

NO.	#	K-C-N	COMPUTER REVISION ONLY	BY	DATE	APPROVED
G - CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD						
UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON						
NEZ PERCE TRIBAL HATCHERY PROGRAM						
CEDAR FLATS						
SURFACE WATER INTAKE PROFILE AND SECTION						
			Page	Size	Sheet	Revision
				A1		
			Serial			
			DATE 5/25/99			
DGN	RB					
DWN	EBI					
CHKD	SL S					
REVW	KPF					
CNCR						
APPR						



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**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 3/20/00

No. 81-07181 Name: BPA Corp. Officers ✓ Ad ok ✓ Govt Lots
S/C

AREA OF CONCERN: No/Yes **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: / 01 /

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSE - 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 (2500 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
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

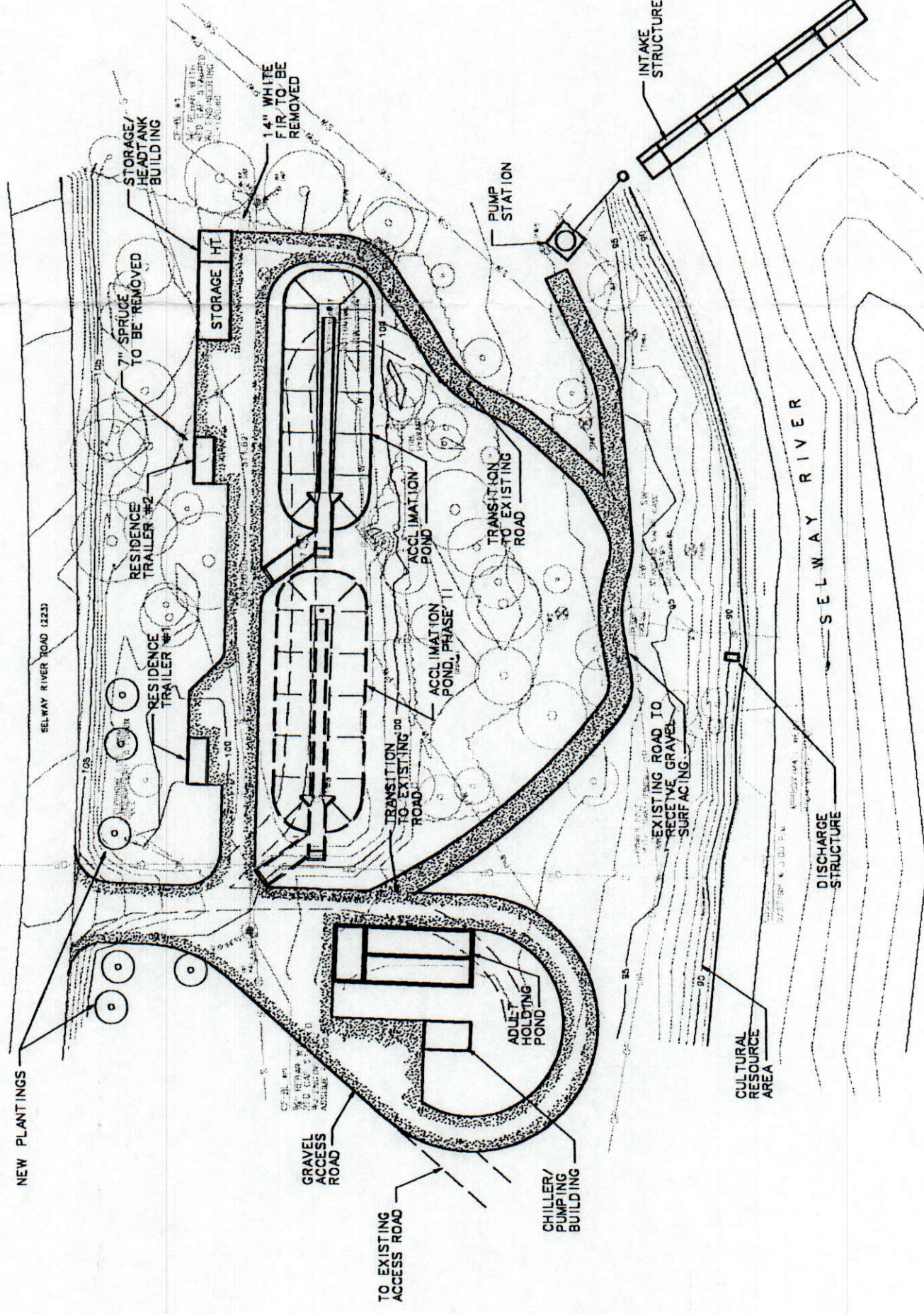
Total Proposed Volume: 29,000 cf

ORIGINAL

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NO.	1	10-4	COMPUTER REVISION ONLY	BY	DATE	APPROVED
* C - CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD						
CIGN RC CRWN ACB CKHD EED REVW KPF CNCR APPR DATE 10/5/99			UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON NEZ PERCE TRIBAL HATCHERY PROGRAM CEDAR FLATS SITE PLAN			
Serial			Page		Size	Sheet
					A1	C2
Revision						

SEP 25 2001



RECEIVED
APR 06 2000
IDWR/North

RECEIVED

APR 13 2000

Department of Water Resources

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

81-07181

US DEPT. OF ENERGY
BONNEVILLE POWER ADMIN TSR 3
PO BOX 3621
PORTLAND, OR 97208
Source: SELWAY RIVER, MIDDLE FORK
Tributary: CLEARWATER RIVER
Diversion Pt: SWSE Sec 23 T 32N R 07E in
IDAHO County.

Use: FISH PROPAGATION (5.700 CFS)
FISH PROP. STORAGE (0.67 AF)
DIVERSION TO STORAGE (5.700 CFS)
Total Diversion: (5.700 CFS)
Date Filed: 2/9/2000

In: IDAHO County
T32N R07E S23 SWSE

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

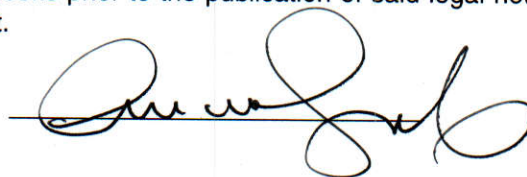
The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before MARCH 20, 2000.

KARL J. DREHER, Director
Published: 3/1/2000 & 3/8/2000

M1-8

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 County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 1st day of March, 2000; and the last publication on the 8th day of March, 2000; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDA)

On this 8th day of March in the year of 2000, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002
12-21-03

State of Idaho MICROFILMED
48.32 SEP 25 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 81-07181

Priority: February 9, 2000

Maximum Diversion Rate:

5.70 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:

SELWAY RIVER, MIDDLE FORK

tributary of CLEARWATER RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	5.70 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	5.70 CFS	
	Totals	5.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 23, Township 32N, Range 07E
IDAHO County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

32N 07E 23

SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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. 81-07181

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, acclimation, rearing and release of 400,000 fall chinook salmon.
9. The right holder shall not divert more than one-half the rate of flow of water in the Middle Fork of the Selway River, 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.

Karl J. Dreher
for
Karl J. Dreher, Director

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Bonneville Power Administration - TSR-3 Phone 503-230-5680
 Mailing address P.O. Box 3621 Portland, OR 97208
2. Source of water supply Selway River - Middle Fork which is a tributary of Clearwater River
3. Location of point of diversion is Township 32N Range 7E Sec. 23 in the SW 1/4,
SE 1/4, Govt. Lot B.M. Idaho County
 additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 27 5.7 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum) **FISH PROPAGATION**

Amount 0.48 0.67 for STORAGE purposes from Y. to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum) **STORAGE**

Amount 375.7 for DIVERSION TO STORAGE purposes from Y. to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum) **DIVERSION TO STORAGE**

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) 5.7 and/or (b) 0.48 5.7 0.67
 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. Acclimation, rearing and release of 400,000 fall chinook salmon.

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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	
32N	7E	23																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 - Nez Perce NF

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

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.

*** THIS FILING WAS RESUBMITTED ON 2/9/00 AS A RESULT OF INCREASED DIVERSION RATE + STORAGE VOLUME. AB**

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.)

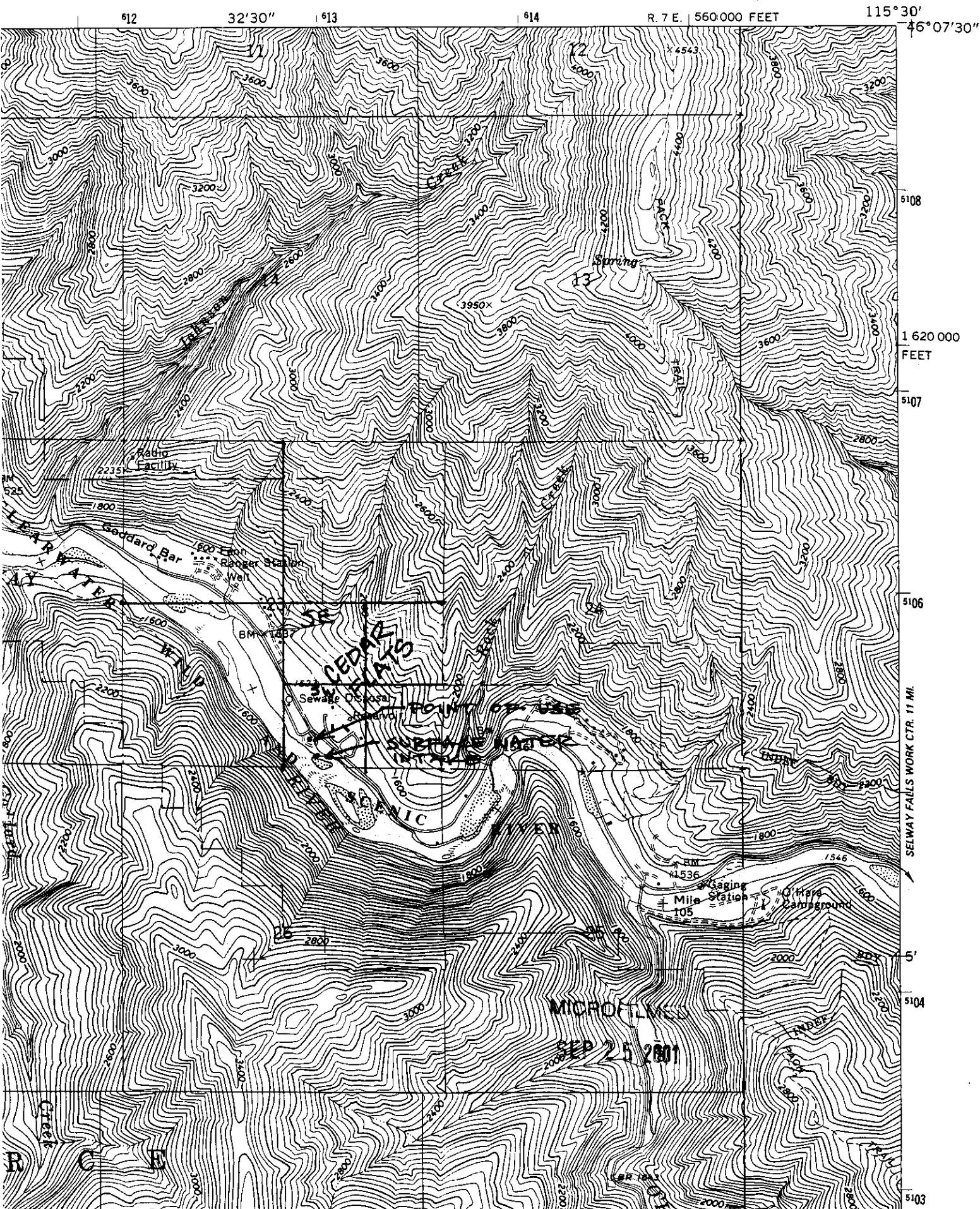
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SEP 25 2001

Martin Warratt
Signature of Applicant (and title, if applicable)

Received by AB Date 2/9/00 Time 9:40
Fee \$ 160.00 2000 Received by AB # N013011 N018436 Date 6/29/99
Publication prepared by AB Date 9/8/99 Published in Id Co Free Press 9/15/99
Publication approved AB Date 11/9/99

2976 III NW
(COOLWATER MT



Additional information needed for fish propagation application for permit:

Site: Cedar Flats

- 1) Construction plan to include sizes and number of ponds, total proposed facility volume: Attached Drawings; Site Plan and Surface Water Intake Profile and Section.
- 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 Facility

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

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

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

No existing Facility

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

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

No existing Facility

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

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

No existing Facility

E) Anticipated temperature change in new facility.

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

F) Existing facility consideration

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

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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SEP 25 2007

PLANTINGS
AL TO
BE SELECTED
BY USFS)

PORTABLE
RESIDENCE
TRAILER #1

PORTABLE
RESIDENCE
TRAILER #2

7" SPRUCE
TO BE REMOVED

STORAGE
BUILDING/
HEADTANK

14" WHITE FIR
TO BE REMOVED

ACCLIMATION
POND

TRANSITION
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CULTURAL
RESOURCE
AREA

SELWAY RIVER

NOTES:

1. ALL TREES SHOWN ON EXISTING SITE PLAN TO BE PROTECTED UNLESS OTHERWISE NOTED ON THIS DRAWING.
2. ENTIRE SITE IS WITHIN BOUNDARY OF RIPARIAN HABITAT CONSERVATION AREA (RHCA), 300 FT FROM STREAM.



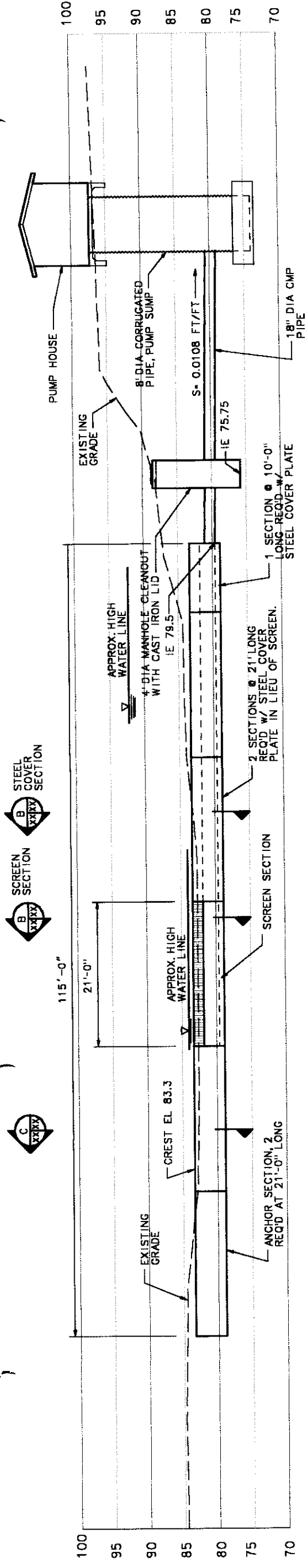
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0 20'

Number of units: 1
Avg Dimensions: 38'x240'x7'
Total Proposed Volume: 21,053 cf

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SEP 25 2001



NO.	REV	DESCRIPTION	BY	DATE	APPROVED
1	0	CONTRACT CONSTRUCTION	FA	FORCE ACCOUNT	R - RECORD
DSGN	SLS	UNITED STATES DEPARTMENT OF ENERGY			
DRWN	ACB	BONNEVILLE POWER ADMINISTRATION			
CHKD	EED	HEADQUARTERS, PORTLAND, OREGON			
REV'D	KPF	NEZ PERCE TRIBAL HATCHERY PROGRAM			
CNCR		CEDAR FLATS			
APPR		SITE PLAN			
DATE	4/01/99	Serial	Page	Sheet	Revision



SECTION

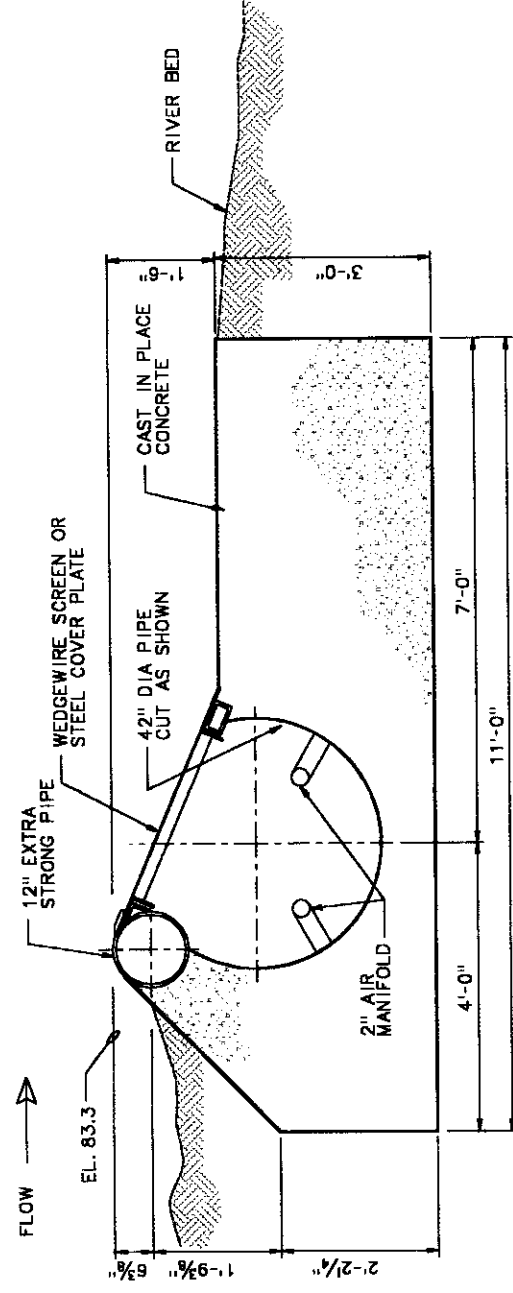
SCALE IN FEET

12' 0" 5' 10' 15'

(LOOKING DOWNSTREAM)

A

XXIX

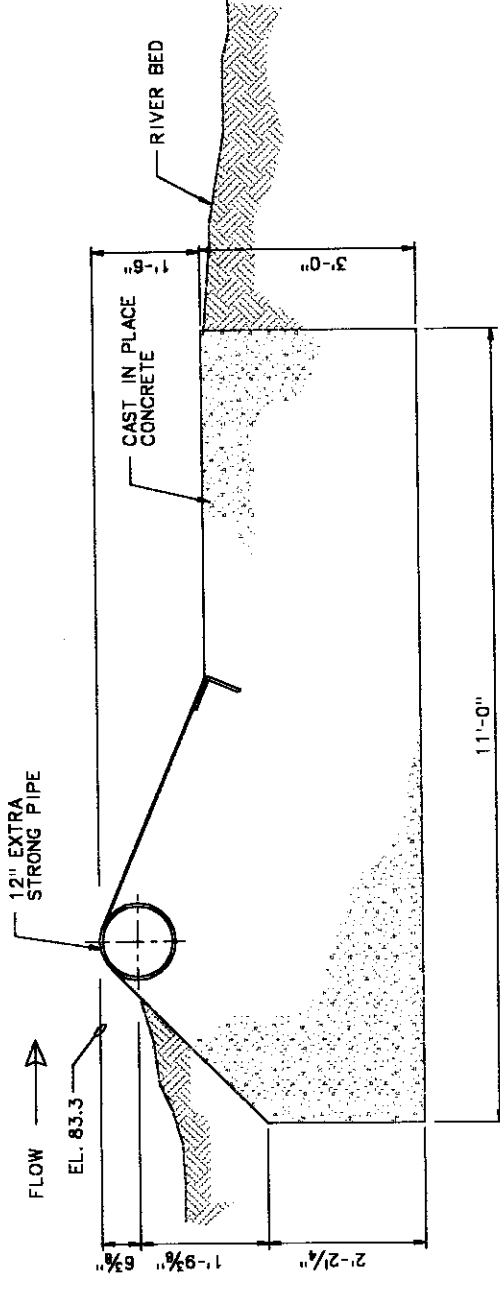


SECTION

SCALE IN FEET

12" 0 2'

B XX XX



SECTION

SCALE IN FEET

12" 0 2'

C XX XX

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

NO. 1	DATE	COMPUTER REVISION ONLY	BY	DATE	APPROVED
* C = CONTRACT * CONSTRUCTION * EA = FORCE ACCOUNT * R = RECORD					
DSON RB DRWN EBI CHKD SLS REVN KPF QNCR _____ APPR _____			UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON NEZ PERCE TRIBAL HATCHERY PROGRAM CEDAR FLATS SURFACE WATER INTAKE PROFILE AND SECTION		
DATE 5/25/89		Serial	Page	Size A1	Sheet
					Revision

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Cedar Flats
Opinion of Probable Construction Costs - Summary

Item No.	Item	Total
1.0	Site Work	\$22,890
2.0	Utilities	\$63,500
3.0	Portable Living Quarters	\$19,700
4.0	Storage Building	\$15,400
5.0	Water Intake Structure	\$75,000
6.0	Pump Station	80,000
7.0	Water Supply Distribution and Treatment	\$26,500
8.0	Acclimation Pond	<u>\$128,000</u>
Total		\$430,990
Contingency (20%)		<u>\$86,198</u>
Total with Contingency		\$517,188
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

DIRK KEMPTHORNE
GOVERNOR

March 27, 2000

KARL J. DREHER
DIRECTOR

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 81-07181

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

SEP 25 2001

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

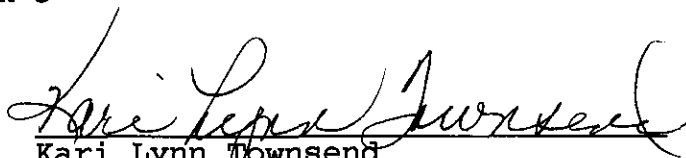
SEP 25 2001

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. 81-07181

**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.

FILED
SEP 25 2001

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

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 3/20/00

No. 81-07181 Name: BPA Corp. Officers ✓ Ad ok ✓ Govt Lots —

AREA OF CONCERN: No/Yes S/C 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: 101

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response —

In/Access —

PLANNING SECTION REVIEW/RESPONSE —

In-stream development P02

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 (2500 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
Use definitions - W02 example – S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON — - — (Per updated map)

OTHER CONDITIONS/REMARKS —

COMMENTS —



IDAHO FISH & GAME

CLEARWATER REGION
1540 Warner Avenue
Lewiston, Idaho 83501-5699

RECEIVED
MAR 7 2000
Department of Water Resources

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, 84-07302, 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

MICROFILMED
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 Newkirk 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. ~~I~~ 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. ~~I~~ I told Gregg I'd make sure he gets a copy of whatever Patty Michalek ad/or BPA submit to me.

S.W. Keen

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

**IDA DEPARTMENT OF WATER RESOURCES
APPROVAL APPLICATION ANALYSIS SHEET**

WR
BCA
WRA

APPLICATION # 81-07181

..... INITIAL REVIEW

APPLICANT: BPA BY: AB DATE: 6/29/99

ITEM REQUIRED INFORMATION

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

1c/Wed/ok

ADVERTISE IN: IDAHO County

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>	<u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()
<u>1</u>	<u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()
<u>1</u>	<u>1</u>	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)
- 11/9/99 Notice of pending void order issued. Final order response date: _____/_____/_____
 - 11/9 Further information required from applicant
 - 11/9 Affidavit of publication received
 - 11/9 Application published correctly. If not, record action taken: _____
 - 11/9 Publication dates and paper recorded on application
 - 10/4/99 Protests received, Final protest date: 3/20/00
 - Measuring device required
 - Measuring port required
 - Special conditions:

Sr. Agent initial _____

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: _____ Date: _____/_____/_____



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 24, 2000

Legal Notices Department
IDAHO COUNTY FREE PRESS
P. O. BOX 267
GRANGEVILLE, ID 83530

Gentlemen:

Enclosed you will find a legal notice 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.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 20, 2000.

Yours truly,

Dianne Ball

DIANNE BALL
Administrative Assistant

Enclosure

*Filed 2/24/00
ed db*

MICROFILMED
SEP 25 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
SEP 25 2001

81-07181

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

Source: SELWAY RIVER, MIDDLE FORK Tributary: CLEARWATER RIVER

Diversion Pt: SWSE Sec 23 T 32N R 07E in IDAHO County.

Use: FISH PROPAGATION	(	5.700 CFS)	
FISH PROP. STORAGE			(0.67 AF)
DIVERSION TO STORAGE	(	5.700 CFS)	
Total Diversion:	(	5.700 CFS)	

Date Filed: 2/ 9/2000

In: IDAHO County
T32N R07E S23 SWSE

MICROFILMED

SEP 25 2001

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 MARCH 20, 2000.

KARL J. DREHER, Director

Published: 3/ 1/2000 & 3/ 8/2000

MICROFILMED

SEP 25 2001

81-07181

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

Source: SELWAY RIVER, MIDDLE FORK Tributary: CLEARWATER RIVER

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Use: FISH PROPAGATION	(	5.700 CFS)	
FISH PROP. STORAGE			(0.67 AF)
DIVERSION TO STORAGE	(	5.700 CFS)	
Total Diversion:	(	5.700 CFS)	

Date Filed: 2/ 9/2000

In: IDAHO County
T32N R07E S23 SWSE

MICROFILMED

SEP 25 2001

February 24, 2000

Marian Wolcott
US Department of Energy
Bonneville Power Administration - TSR-3
PO Box 3621
Portland OR 97208

Re: Re-advertising of Water Appropriation Application No. 81-07181 Middle Fk Selway River
due to increase in diversion rate.

Dear Ms. Wolcott:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho with changes from the original application, increasing diversion rate to 5.7 cfs. 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, which is the same number used for the original submission. Enclosed for your file is Receipt Number N013436 acknowledging the \$200.00 re-filing fee.

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

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

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

If 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

AB:db

SEP 25 2001



Department of Energy

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

TRANSMISSION BUSINESS LINE

February 8, 2000

In reply refer to: TR-3
Tract ID: JHNCK-FF-2SW
Selway River - Middle Fork

SENT BY FEDERAL EXPRESS

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

RECEIVED
FEB 09 2000
IDWR/North

Rec# N013436

Dear Mr. Beardslee:

Enclosed is Bonneville Power Administration check number 558 in the amount of \$200.00 made payable to State of Idaho Dept of Water Resources. This is BPA's fee for the Re-Filing Application for Permit Number 81-07181 that you and I discussed in our telephone conversation on February 2, 2000.

Thank you for your cooperation in this transaction.

Sincerely,

John R. Conger for

Marian Wolcott
Enclosure

MICROFILMED

SEP 25 2000

1/00
WAITING FOR DECISION
ON WHETHER BPA WANTS
TO REFILE ON WHOLE Q, OR
PARTIAL 503 230 3273
230 7615 for
MICROFILMED Marian Wolcott
SEP 25 2001

11/99 ≡

HOLD FILE
AS PER PATRY MICHEAL (HSH PRO)
BPA INTENDS TO INCREASE RATE/
VOLUME AT THIS FACILITY - WILL
HAVE TO RE-ADVERTISE.

MICROFILMED

MMPRESLEY@BPA.GOV. ← SEP 25 2001

TO: MARIAN WOLCOTT

Beardslee, Allen

To:  mawolcott@bpa.gov
Subject: Re-filing Application for Permit Number 81-07181 (BPA Tract No. JHNCK-FF-2SW) Selway River - Middle Fork

Marian,

As per our phone conversation today and your letter requesting the re-filing of the above water right filing to increase the diversion rate to 5.7 cfs & 0.67 AF, we will need a filing fee of \$200.00.

The priority date of this filing will be based on the date that the filing fee is received.

If you have any questions, please feel free to contact me at this office. (208) 769-1450

P.S. EMAIL DIDN'T SEEM TO WORK -

MY ADDRESS IS ABEARDSL@IDWR.STATE.ID.US.

MICROFILMED
SEP 25 2001



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

December 27, 1999

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

RECEIVED
DEC 29 1999
IDWR/North

Re: Application for Permit to appropriate the public waters of the State of Idaho:
IDWR Application Number 81-07181, BPA Reference Number JHNCK-FF-2SW,
request for change to amount appropriated.

Dear Mr. Beardslee,

Bonneville Power Administration (BPA) is requesting a change to the volume to be appropriated on the application 81-07181, source of water Selway River and point of diversion Township 32 North, Range 7 East, Section 23.

The amount of water appropriated for fish propagation should be changed to 5.7 cfs, and the amount to diversion for storage should also be changed to 5.7 cfs. There will be an increase in the storage amount by 8000 cf, or 0.18 acre feet. This increased amount and storage volume is caused by the addition of adult salmon holding ponds on site. Please see enclosed revised Site Plan.

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

Sincerely,

Marian Wolcott

Marian Wolcott
Realty Specialist

Enclosure

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

21,053
8,000

29,053

3.7 - \$160
5.7 - \$200

40

0.67

C.C.

MAWOLCOTT@BPA.GOV

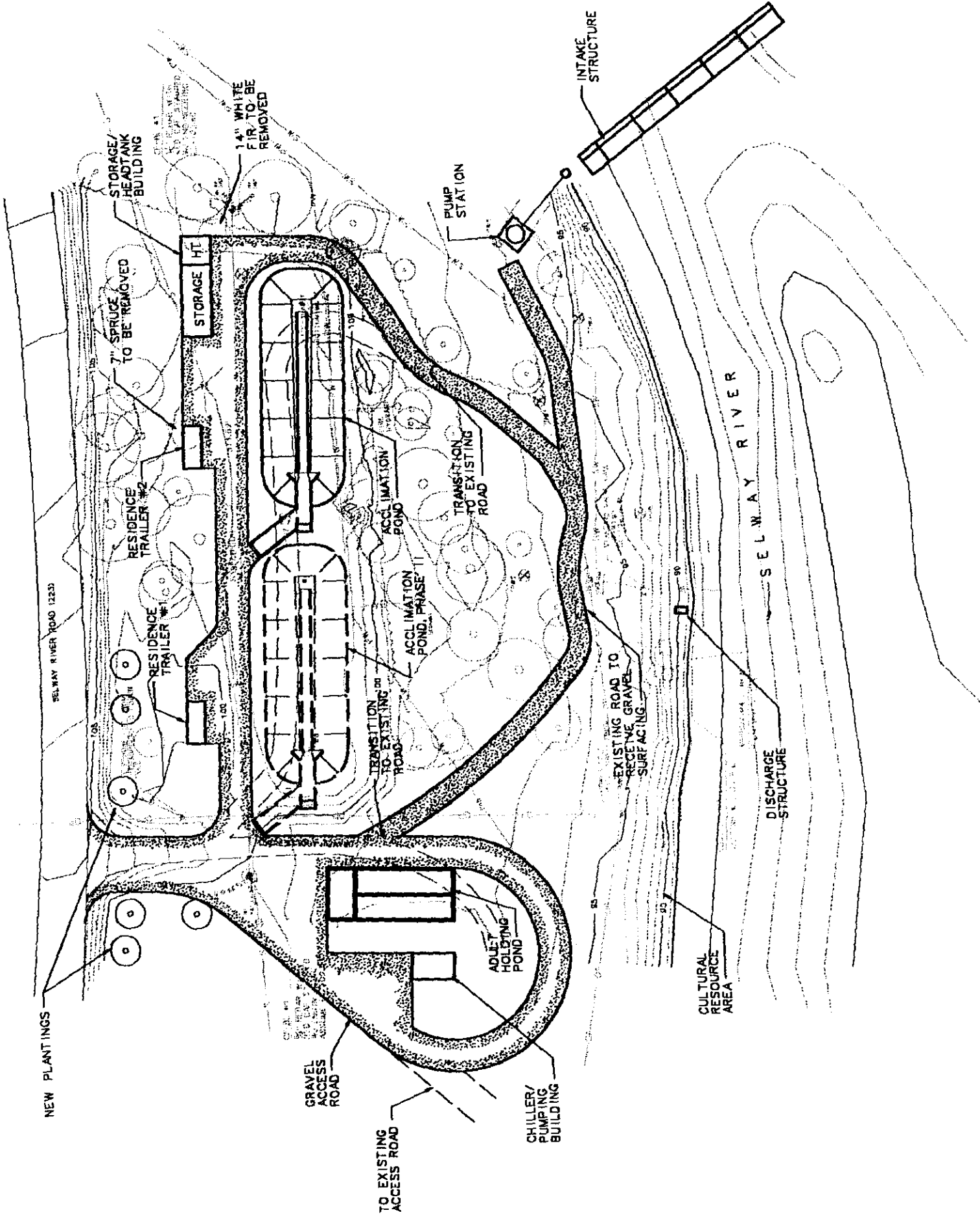
MICROFILMED

SEP 25 2001

Number of Units:
Acclimation Ponds: 2 Avg. Dimensions 150'x38'x7'
Proposed Volume: 21,000cf
Adult Holding Ponds: 2 Avg. Dimensions 50'x10'x8'
Proposed Volume: 8000 cf

Total Proposed Volume: 29,000 cf

RECEIVED
DEC 29 1999
IDWR/North



ORIGINAL

FOR REVIEW ONLY
NOT FOR CONSTRUCTION



MICROFILMED
SEP 25 2001

NO. 1	COMPUTER REVISION ONLY	BY DATE	APPROVED
C - CONTRACT CONSTRUCTION - A - FORCE ACCOUNT - F - RECORD			
UNITED STATES DEPARTMENT OF ENERGY			
BONNEVILLE POWER ADMINISTRATION			
HEADQUARTERS PORTLAND, OREGON			
NEZ PERCE TRIBAL HATCHERY PROGRAM			
CEDAR FLATS			
SITE PLAN			
DATE 10/5/99	Sheet	Size	Revision
	A1	C2	

RECEIVED

APR 06 2000

IDWR/North

RECEIVED

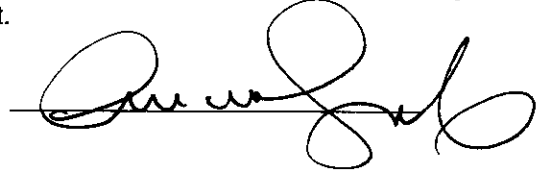
APR 13 2000

Department of Water Resources

AFFIDAVIT OF PUBLICATION

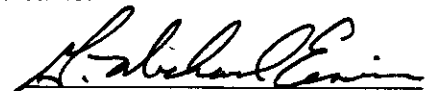
STATE OF IDAHO
County of Idaho - ss.

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 County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 1st day of March, 2000; and the last publication on the 8th day of March, 2000; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 8th day of March in the year of 2000, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002
12-21-03

STATE OF IDAHO MICROFILMED

48.32

SEP 25 2001

**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: SEL-
WAY 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 972-08
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

RECEIVED
NOV 09 1999
IDWR/North

AFFIDAVIT OF PUBLICATION

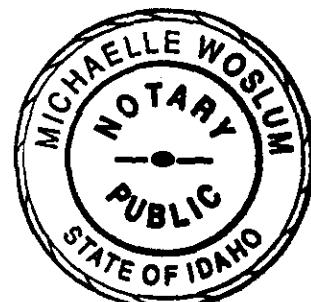
STATE OF IDAHO
County of Idaho - ss.

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

OF IDAHO)
)
' OF)

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

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



MICROFILMED
SEP 26 2001

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

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

AB:db

MICROFILMED

SEP 25 2001

WR0749NP
No. 81-07181

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/10/00
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	02/09/2000	FISH PROPAGATION FISH PROP. STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	5.700 CFS 5.700 CFS	 0.67 AFA
TOTAL DIVERSION:					5.700 CFS	

Water Source: SELWAY RIVER, MIDDLE FORK

Tributary to: CLEARWATER RIVER

Stage: APPLICATION

Point(s) of Diversion: T32N R07E S23 SWSE 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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
32N 07E 23 :																															

Pou County: IDAHO

Remarks: GEN Fish propagation for Clearwater River Subbasin chinook salmon restoration. Acclimation, rearing and release of 400,000 fall chinook salmon.

Dates: App. Received: 02/09/2000 Priority Date: 02/09/2000
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

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

Date: 02/10/2000 User-ID: DBALL Subject: Note to File.
This filing was resubmitted on 2/9/00 as a result of increased diversion rate and storage volume. dball-Per AL BEARDSLEE.
Original filing received 6/29/99 with receipt N013011 for \$160.00
New filing receipt N013436 for \$200.00 for additional volume to be appropriated from that of original application.

Audit: 09/08/99 DBALL 09/13/99 SCURTIS 02/10/00 DBALL

MICROFILMED
SEP 25 2001