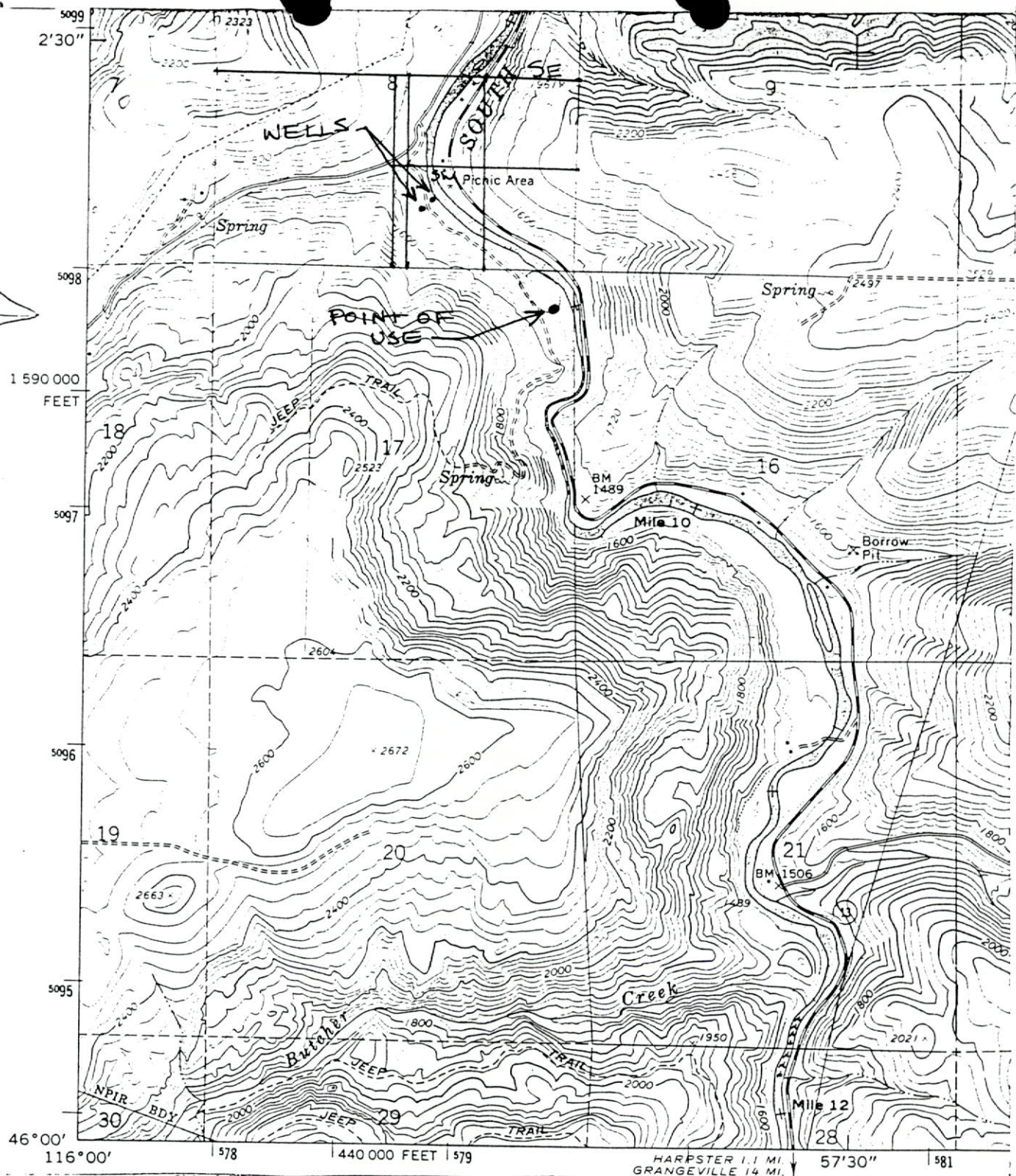




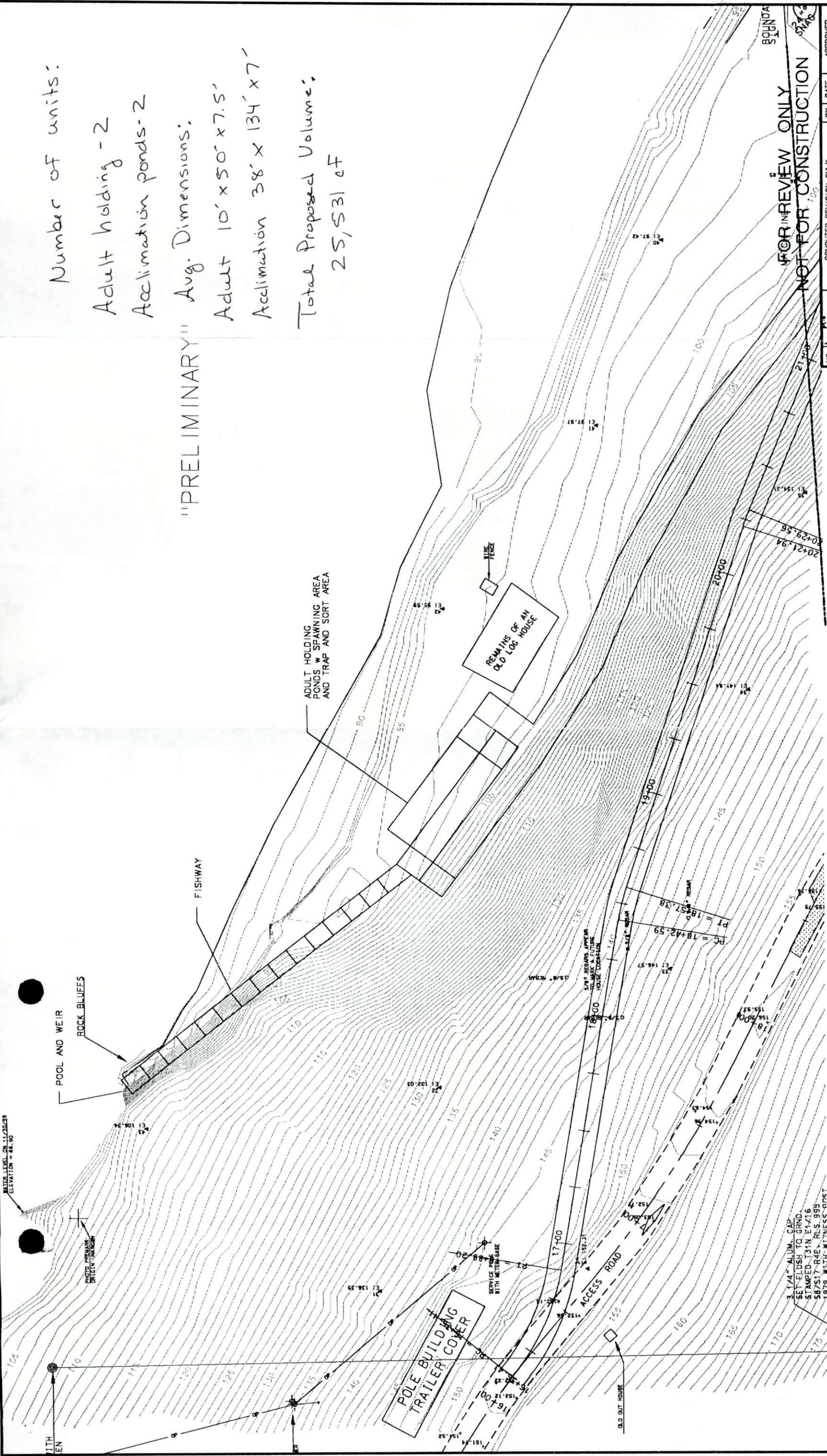
VICINITY MAP

TAKEN FROM USGS
STITES, ID

Township 31N
Range 4E
Section 8

IN/NEAR Stites
Idaho County, Idaho

MICROFILMED
SEP 25 2001



Number of units:
Adult holding - 2
Acclimation ponds - 2
"PRELIMINARY" Avg. Dimensions:
Adult 10' x 50' x 7.5'
Acclimation 38' x 134' x 7'
Total Proposed Volume:
25,531 cF



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NO.	BY	DATE	APPROVED
COMPUTER REVISION ONLY			
C - CONTRACT CONSTRUCTION F.A. - FORCE ACCOUNT R - RECORD			
UNITED STATES DEPARTMENT OF ENERGY			
BONEVILLE POWER ADMINISTRATION			
HEADQUARTERS, PORTLAND, OREGON			
NEZ PERCE TRIBAL HATCHERY PROGRAM			
LUKES GULCH			
SITE PLAN			
HOLDING POND AREA			
DSGN	DRWN	CHKD	REVW
CNCR	APPR	DATE	9/28/99
Serial	Page	Size	Sheet
		A1	C9
			Revision



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NO.	DATE	COMPUTER REVISION ONLY	BY	DATE	APPROVED
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UNITED STATES DEPARTMENT OF ENERGY					
BONNEVILLE POWER ADMINISTRATION					
HEADQUARTERS, PORTLAND, OREGON					
NEZ PERCE TRIBAL HATCHERY PROGRAM					
LUKES GULCH					
PHASE I AND II					
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APPR					
DATE	9/30/99	Serial	Page	Size	Revision
				A1	

PHASE II - PLAN

SCALE IN FEET

PHASE I - PLAN

A horizontal scale bar labeled "SCALE IN FEET". It has tick marks at 0, 50, and 100 feet.

PHASE II - PLAN

SCALE IN FEET

0

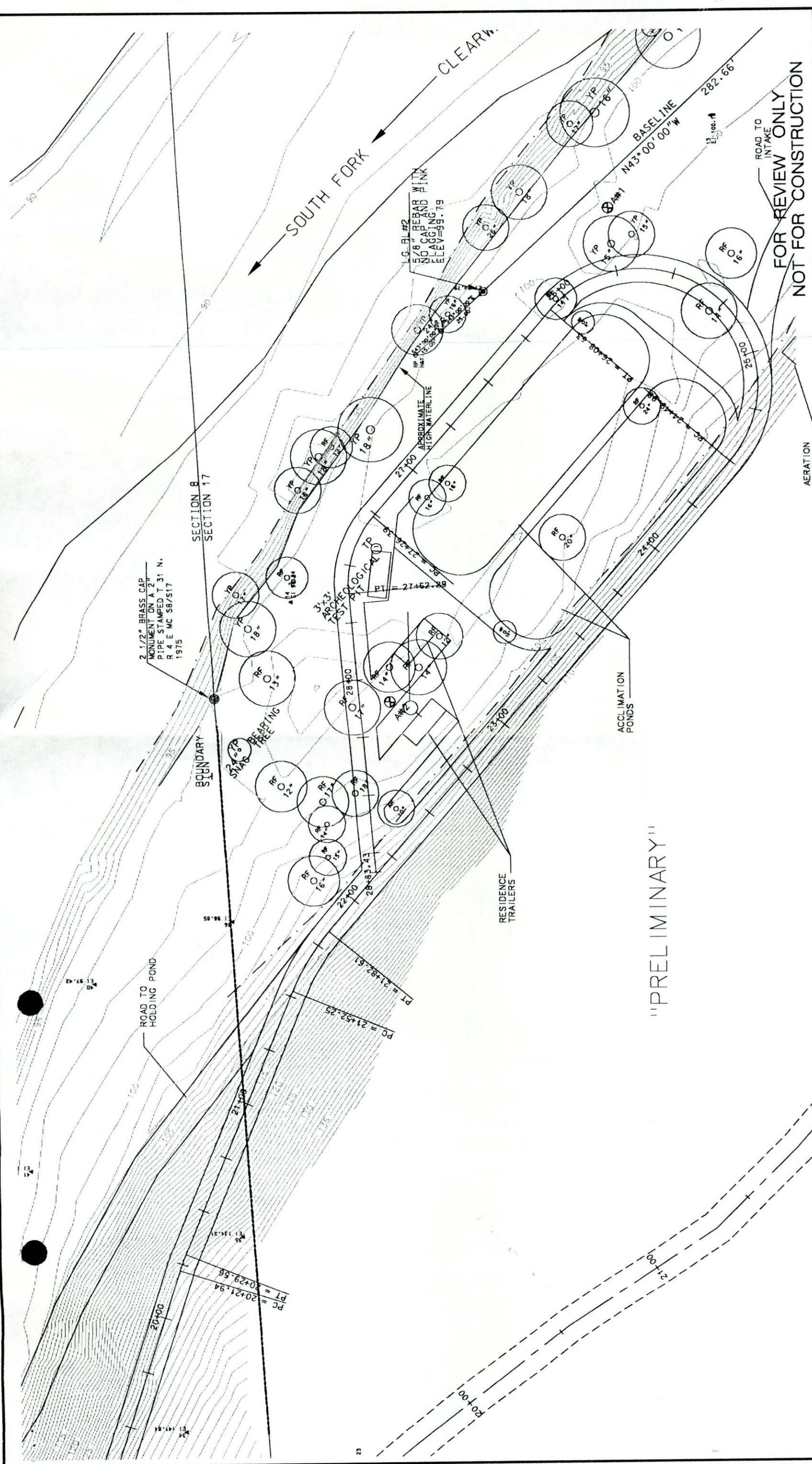
25'

50'

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SURFACE WATER
INTAKE AND PUMP
STATION

PHASE I AND II SITE PLAN



"PRELIMINARY"

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

NO.	AS	COMPUTER	REVISION ONLY	BY	DATE	APPROVED
C - CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD UNITED STATES DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON NEZ PERCE TRIBAL HATCHERY PROGRAM LUKES GULCH						
DSGN	DRWN	CHKD	REVW	CNCR	APPR	
DATE 9/28/99 Serial Page Size A1 Sheet Revision						SITE PLAN HATCHERY AREA



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SEP 25 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 85-07664

Priority: December 17, 1999

Maximum Diversion Rate:

1.70 CFS

This is to certify, that US DEPT OF ENERGY

BONNEVILLE POWER ADMIN EWN 4

PO BOX 3621

PORTLAND OR 97208

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	1.70 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.70 CFS	
	Totals	1.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 8, Township 31N, Range 04E
IDAHO County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

31N 04E 17

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.

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SEP 25 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07664

CONDITIONS OF APPROVAL AND REMARKS

7. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
8. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
9. Fish propagation is for Clearwater River sub-basin chinook salmon restoration with rearing and release of 400,000 fall chinook salmon fingerlings or smolts.
10. Two points of diversion are located within the SWSE, S8, T31N, R4E.

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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SEP 25 2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED APPLICATION FOR PERMIT

FEB 16 2000

To appropriate the public waters of the State of Idaho

Department of Water Resources
Name of Applicant

Bonneville Power Administration

Phone (503) 230-5557

Mailing address

P.O. Box 3621, EWN-4

Portland, OR 97208

2. Source of water supply

Wells #1 and #2 - (Test Wells)

which is a tributary of Clearwater River

3. Location of point of diversion is Township

31N

Range

4E

Sec.

8

in the

SW 1/4,

SE

1/4,

1/4, Govt. Lot

B.M.

Idaho

County

additional points of diversion if any:

2 POINTS OF DIVERSION WITHIN SW 1/4 SEC. 8 T. 31N. R. 4E

4. Water will be used for the following purposes:

Amount 1.7 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 57,160 for Storage for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 1.7 for Diversion to Storage for Fish Prop. purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 1.7 and/or (b) 57,160
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 2 WELLS, PUMPS + PIPELINESb. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is 10/10 inches; proposed depth of well is PW#1=380' / PW#2=450' feetd. Is ground water with a temperature of greater than 85° F being sought? Noe. If well is already drilled, when? July 1999; Drilling firm Layne Christensen CompanyWell was drilled for (well owner) BPA/Nez Perce Tribe; 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 of 400,000 fall chinook salmon fingerlings or smolts.

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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	
31N	4E	17	H																NA
			H (STORAGE)																
			X (D.W. TO 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? Nez Perce Tribe
- b. Who owns the land to be irrigated or place of use? Nez Perce Tribe
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Cooperative project between Bonneville Power Administration and Nez Perce Tribe.
BPA is the funding agency for the project.

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

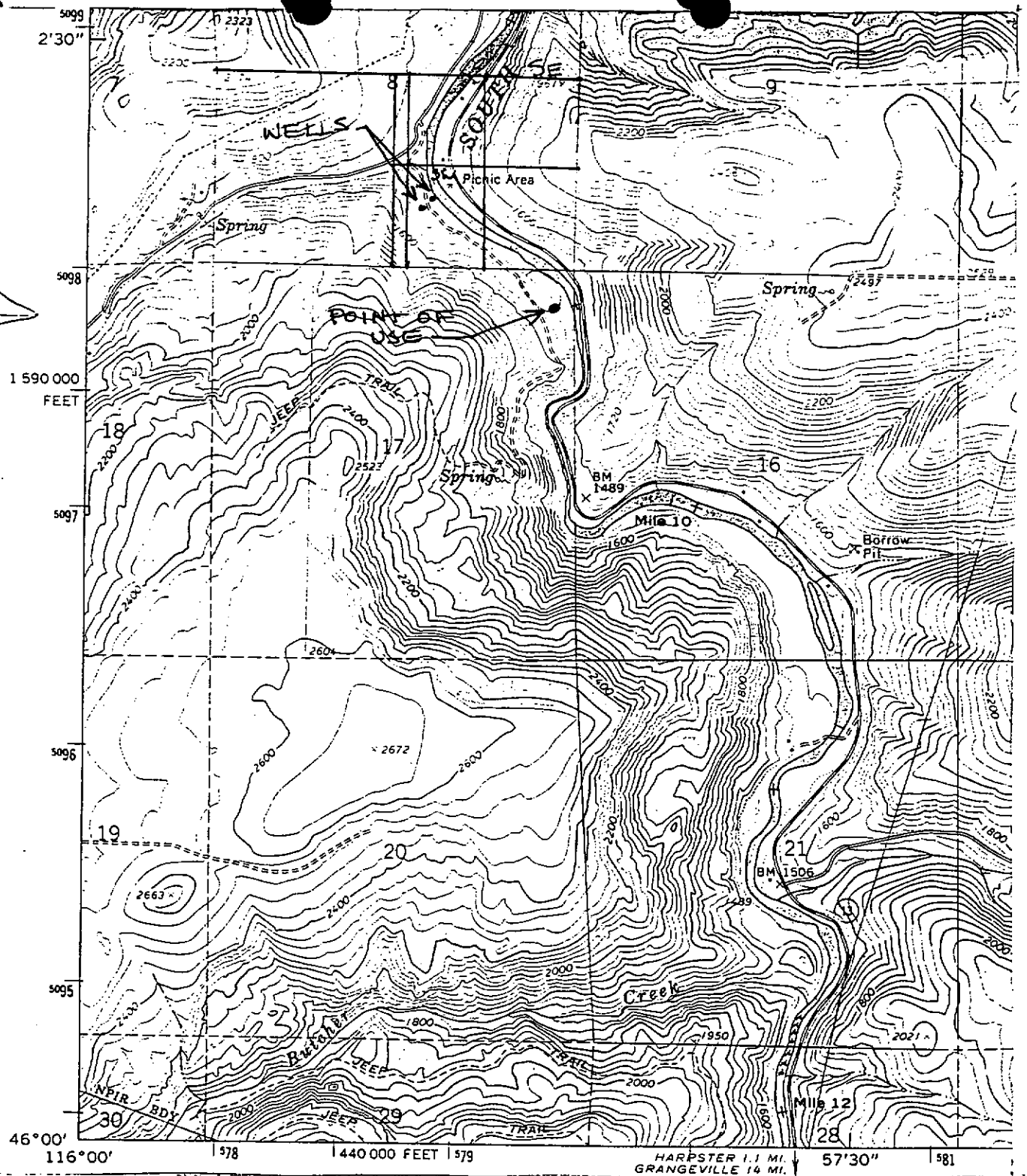
13. **MAP OF PROPOSED PROJECT REQUIRED** -Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Mammie Wouda
 Signature of Applicant (and title, if applicable)

Received by cb Date 12/17/99 Time 10:00 Preliminary check by AS
 Fee \$ 120 Received by cb # 2013388 Date 12/17/99
 Publication prepared by cb Date 1/12/00 Published in Idaho Free Press 1/19+26/00
 Publication approved cb Date 1/28/00

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VICINITY MAP

TAKEN FROM USGS
STITES, ID

Township 31N
Range 4E
Section 8

IN/NEAR Stites
Idaho County, Idaho

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SEP 25 2001

Additional information needed for fish propagation application for permit:

Site: Lukes Gulch

- 1) Construction plan to include sizes and number of ponds, total proposed facility volume: Attached Drawings; Site Plan Holding Pond Area, Phase I and II Site Plan, and Site Plan Hatchery Area.
- 2) Proof of "possessory interest" of land at place of use: Cooperative project between BPA and Nez Perce Tribe. BPA is the funding Agency for the project.
- 3) No assignment and/or diminished quality of water quality: FishPro, Inc. in contact with DEQ, Lewiston to address this requirement.
- 4) A statement of financial resources of the corporation, association, firm or person making the application and the means by which the funds necessary to construct the proposed works are to be provided.

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

- 5) A detailed estimate of construction costs, to include estimated costs of each major component of the construction plan: Attached Opinion of Probable Construction Costs – Summary.
- 6) Approval or design agreement of the facility by Idaho Dept. of Environmental Quality showing all state and federal water quality standards have been properly addressed.

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.

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

No existing Facility

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

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

No existing Facility.

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

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

No existing Facility.

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

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

No existing Facility

E) Anticipated temperature change in new facility.

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

F) Existing facility consideration

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

G) Proposed new facility

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

** Surface water with no fish facility above.*

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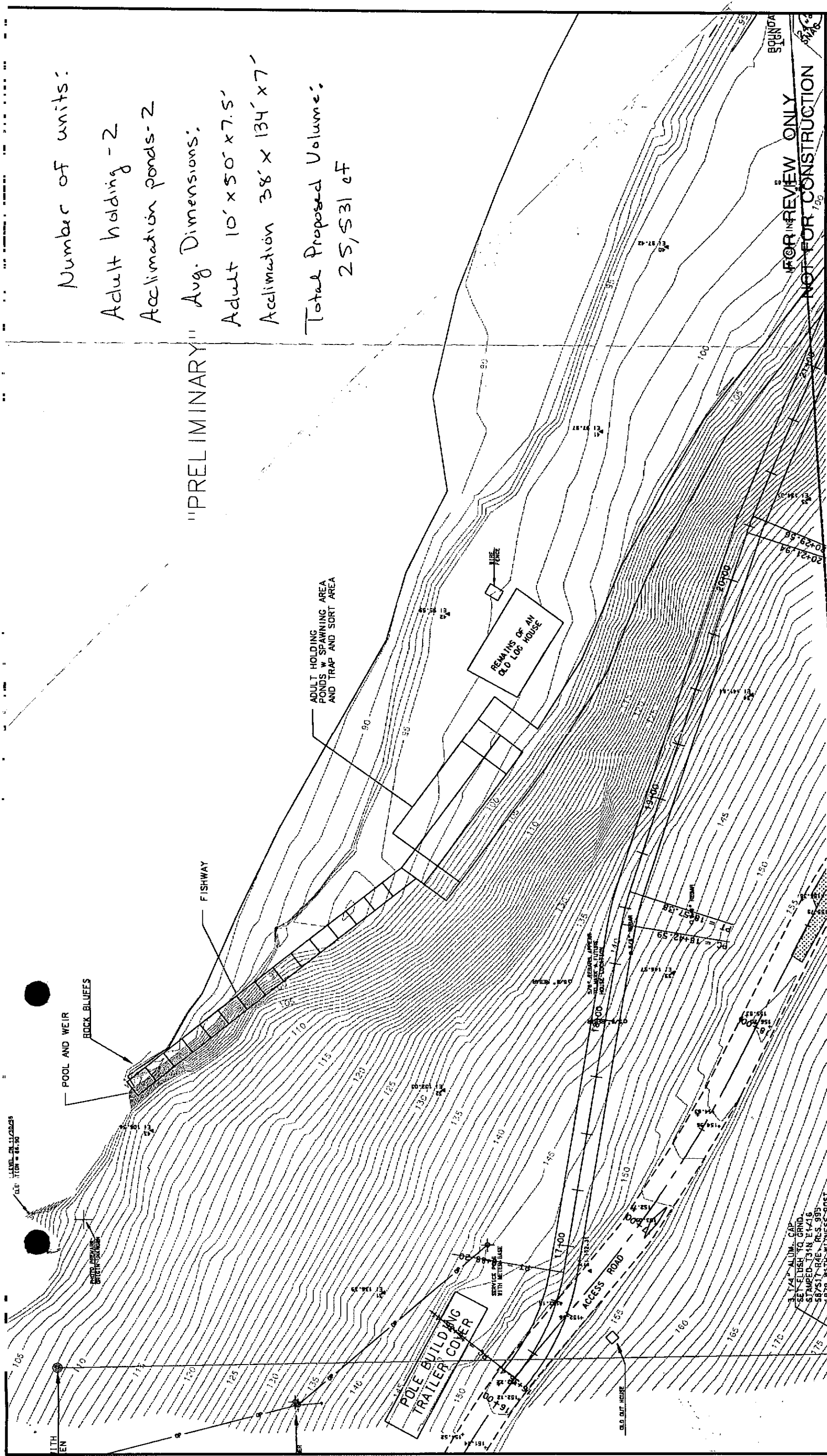
SEP 25 2001

Luke's Gulch
Opinion of Probable Construction Costs - Summary

Item No.	Item	Total
PHASE I:		
1.0	Site Work	\$63,752
2.0	Utilities	\$122,134
3.0	Portable Living Quarters	\$35,250
4.0	Storage Building	\$15,200
5.0	Surface Water Intake and Pump Station	\$131,997
6.0	Process Well	\$20,000
7.0	Process Water Distribution and Treatment	\$87,300
8.0	Acclimation Ponds	\$409,660
9.0	Adult Holding Pond	\$192,000
10.0	Adult Ladder, Trap, and Sorting Area	\$106,600
11.0	Instrumentation, Alarm and Control	<u>\$41,180</u>
Total Phase I		\$1,225,073
Contingency (20%)		<u>\$245,015</u>
Total with Contingency		\$1,470,088
Sales Tax (Exempt)		\$0
Tribal Employment Rights Office (TERO) (1.5%)		<u>\$22,051</u>
Total Phase I with TERO		\$1,492,139
PHASE II:		
1.0	Acclimation Pone	\$210,000
2.0	Adult Holding Pond	<u>\$126,000</u>
Total Phase II		\$336,000
Contingency (20%)		<u>\$67,200</u>
Total with Contingency		\$403,200
Sales Tax (Exempt)		\$0
Tribal Employment Rights Office (TERO)(1.5%)		<u>\$6,048</u>
Total Phase II with TERO		\$409,248
GRAND TOTAL PHASE I and II:		\$1,901,387

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SEP 25 2001
Page 1



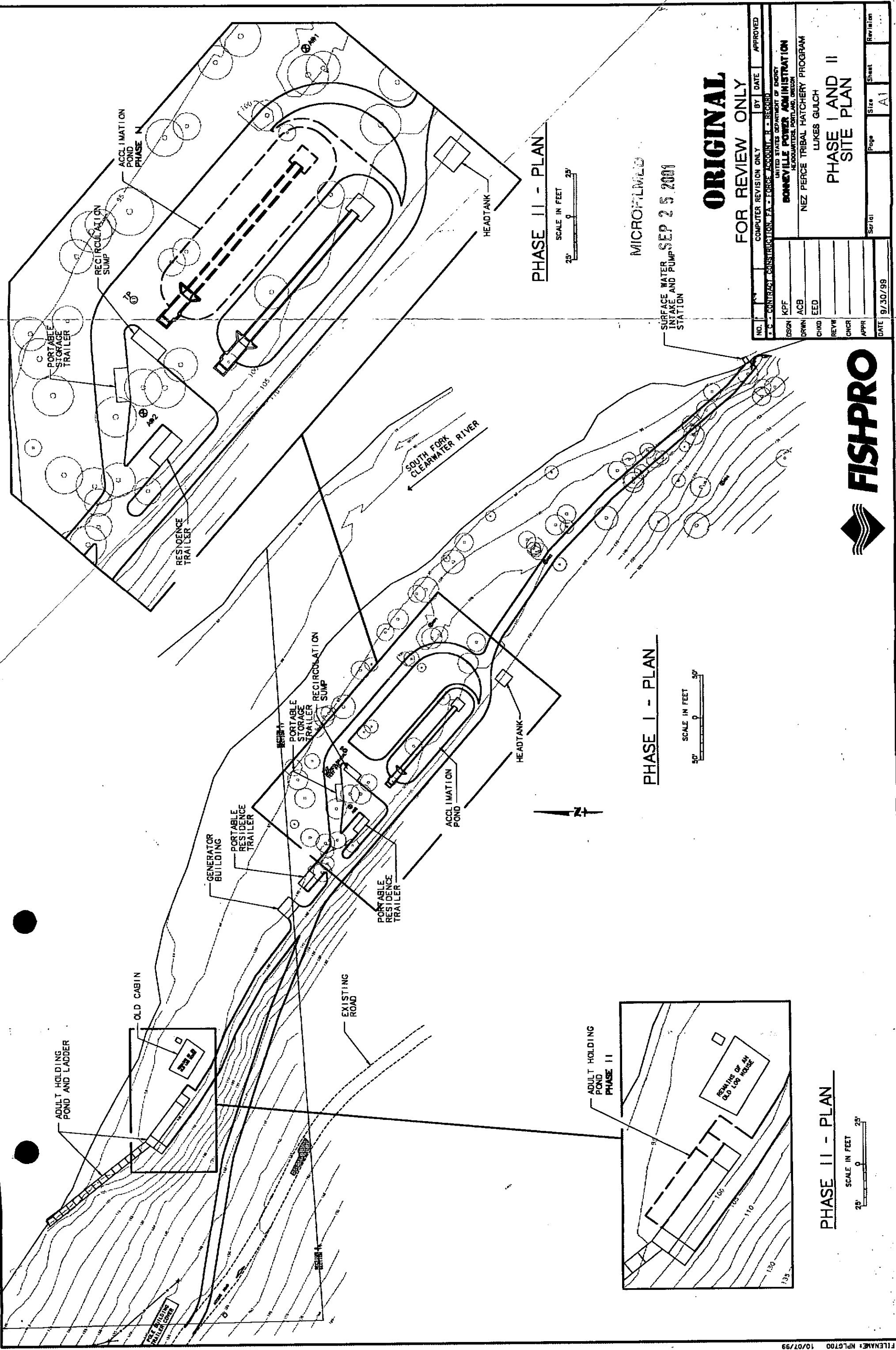
Number of units:
Adult holding - 2
Acclimation ponds - 2
"PRELIMINARY" Aug. Dimensions:
Adult 10' x 50' x 7.5'
Acclimation 38' x 134' x 7'
Total Proposed Volume:
25,531 cF



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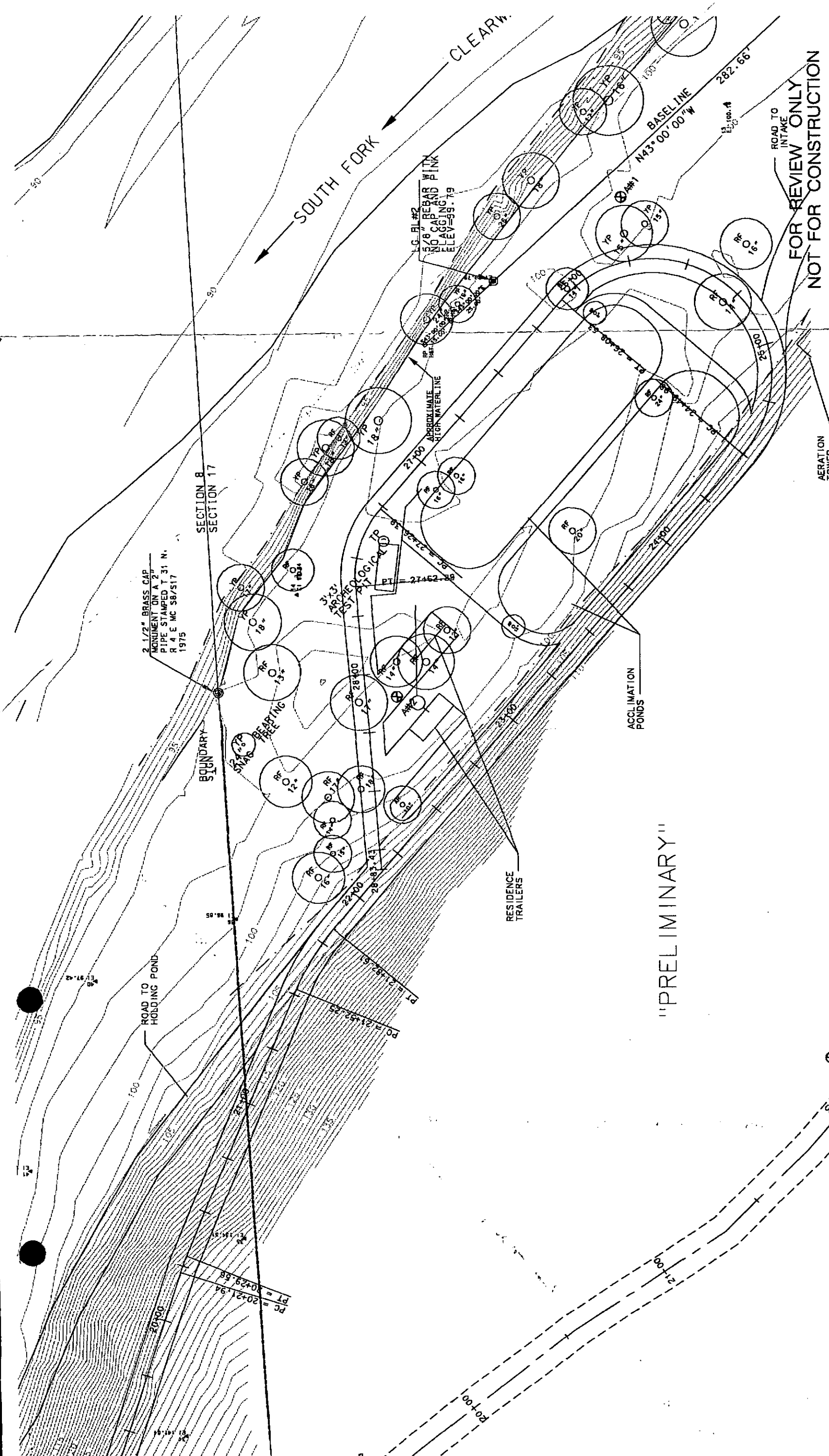
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REVW	NEZ PERCE TRIBAL HATCHERY PROGRAM			
CNCR	LUKES GULCH			
APPR	SITE PLAN			
DATE	9/28/99	Page	A1	Revision
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SEP 25 2001
SURFACE WATER INTAKE AND PUMP STATION

ORIGINAL
FOR REVIEW ONLY

NO.	REV.	DESCRIPTION	BY	DATE	APPROVED
1	0	CONTRACT CONSTRUCTION	FA	RECORDED	
2	0	UNITED STATES DEPARTMENT OF ENERGY			
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SEP 25 2001

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

"PRELIMINARY"



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 2000

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07664

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest

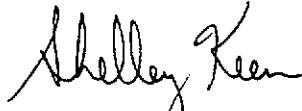
SEP 25 2001

you.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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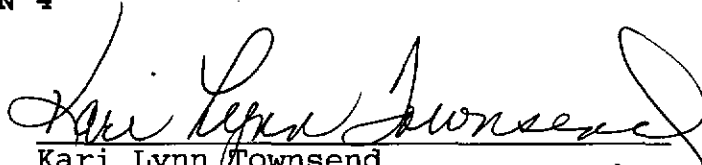
SEP 25 2001

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. 85-07664

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


Kari Lynn Townsend
Secretary

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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.

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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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/24/00

No. 85-07664 Name: BPA Corp. Officers ☒ Ad ok ☒ Govt Lots ☐

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: 4/01/2005

MISC CONDITIONS/REMARKS:

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

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 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - 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



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,

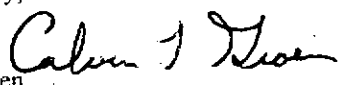
We have reviewed the proposals for water rights being applied for by the Bonneville Power Administration for Nez Perce Tribe hatchery operations. Upon review, we also conferred with the Nez Perce Tribe hatcheries program on some of the requests. The Tribe and our Department agree that some of the following 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. ~~at~~ I told Gregg that I am expecting some information from Patty Michale 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. ~~at~~ I told Gregg I'd make sure he gets a copy of whatever Patty Michale ad/or BPA submit to me.

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S.W. Keen

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

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

Sent by fax with original to follow by mail

Dear Applicant:

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

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

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

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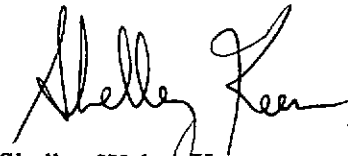
Bonneville Power Administration
February 17, 2000
Page 2

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

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

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

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

Cc: Cindy Robertson at IDF&G

Enclosure

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(7-1-93)

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

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

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93)

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

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

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

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

13342450 LAPWAI CREEK NEAR LAPWAI, ID

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

DRAINAGE AREA.--235 mi², approximately.

WATER-DISCHARGE RECORDS

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

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

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

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

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

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

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

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

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	23	37	33	34	96	34	63	54	181	19	11	5.9
2	23	33	32	40	88	36	59	40	142	18	11	6.1
3	24	31	30	41	86	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	17	32	38	91	45	145	26	69	15	7.2	6.9
9	26	16	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)

	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
MEAN	15.2	24.6	55.4	79.9	138	189	222	143	52.2	15.7	7.57	10.0												
MAX	34.5	62.6	357	333	675	487	546	368	140	42.7	16.3	18.2												
(WY)	1976	1996	1976	1997	1996	1997	1976	1979	1984	1982	1976	1984												
MIN	4.14	8.68	12.6	14.9	15.0	18.9	26.7	8.98	3.00	2.96	1.68	1.05												
(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	
ANNUAL MEAN	171	52.2	79.0
HIGHEST ANNUAL MEAN			191
LOWEST ANNUAL MEAN			15.7
HIGHEST DAILY MEAN	1920	572	3600
LOWEST DAILY MEAN	11	5.5	.93
ANNUAL SEVEN-DAY MINIMUM	12	5.7	1.1
ANNUAL RUNOFF (AC-FT)	123400	37810	57210
ANNUAL RUNOFF (CFSM)	.73	.22	.34
ANNUAL RUNOFF (INCHES)	9.85	3.02	4.57
10 PERCENT EXCEEDS	482	117	213
50 PERCENT EXCEEDS	37	32	25
90 PERCENT EXCEEDS	16	8.7	6.2

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

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

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 SEP 25 2001

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

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

MICROFILMED

SEP 25 2001

RECEIVED

FEB 16 2000

IDaho DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

WR-1
WRA
BCA

Department of Water Resources

APPLICATION # 85-07664

INITIAL REVIEW

APPLICANT: BPA

BY: AS

DATE: 01/10/00

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
(X) Fee (Amt, receipt, acknowledgement)

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 12/17/99

X (Include Moratorium Remark)

X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

IL/Wed/ok

ADVERTISE IN: WEL PERCE 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:	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
1/28 1/28 _____ Affidavit of publication received
_____ Application published correctly. If not, record action taken: _____
1/12 _____ Publication dates and paper recorded on application | Sr. Agent initial AS
_____ ✓ Protests received, Final protest date: 2/7/00
_____ ✓ Measuring device required
_____ ✓ Measuring port required
_____ ✓ Special conditions:
_____ ✓ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AS RJA

Date: 2/7/00

RECEIVED
JAN 28 2000
IDWR/North

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:

82-07206

GARRETT, CARL E
PO BOX 254
GRANGEVILLE, ID 83530-0254
Source: LITTLE LIGHTNING CREEK
Tributary: LIGHTNING CREEK
Diversion Pt: SENE Sec 15 T 30N R 04E in
IDAHO County.
Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.100 CFS)

Total Diversion: (0.120 CFS)
Date Filed: 1/4/2000
In: IDAHO County
T30N R04E S15 NENE NWNE SWNE
SENE

82-07207

DIERINGER, KIP
PO BOX 345
ELK CITY, ID 83525
Source: AMERICAN RIVER Tributary: S
FK CLEARWATER RIVER
Diversion Pt: NWNENE Sec 35 T 29N R
08E in IDAHO County.
Use: MINING (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 1/4/2000
In: IDAHO County
T29N R08E S35 NENE

85-07664

US DEPT. OF ENERGY
BONNEVILLE POWER ADMIN
PO BOX 3621 EWN-4
PORTLAND, OR 97208
Source: GROUNDWATER
Diversion Pt: SWSE Sec 8 T 31N R 04E in
IDAHO County.
Use: FISH PROPAGATION (1.700 CFS)
FISH PROP. STORAGE (0.60 AF)
DIVERSION TO STORAGE (1.700 CFS)
Total Diversion: (1.700 CFS)
Date Filed: 12/17/1999
In: IDAHO County
T31N R04E S17 NENE
For additional information concerning the
property location, call the Northern Regional
Office at (208) 769-1450.

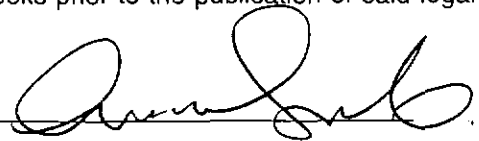
The permit(s) will be subject to all prior
water rights. Protests must be filed with the
applicant and with the Director, Dept. of
Water Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur d'Alene,
Idaho 83814, together with a protest fee of
\$25.00 on or before FEBRUARY 7, 2000.

KARL J. DREHER, Director
Published: 1/19/2000 & 1/26/2000

J19-26

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
County, State of Idaho, and is of general circulation in said coun-
ty 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 19th day of January, 2000; and the last publication
on the 26th day of January, 2000; and that the said legal
notice was published in the newspaper proper and not a supple-
ment; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said legal notice of
advertisement.

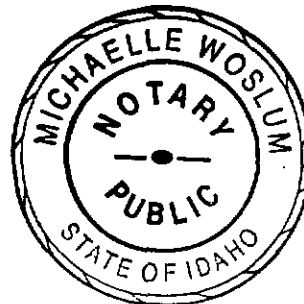


STATE OF IDAHO)
COUNTY OF)

On this 26th day of January 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 sub-
scribed 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



MICROFILMED

SEP 25 2001

To: Greg Servheen

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

Date: January 14, 2000

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

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

Thank you.

Al Beardslee

From the desk of...

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

MICROFILMED

SEP 25 2001

85-07664

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

Source: GROUNDWATER

Diversion Pt: SWSE Sec 8 T 31N R 04E in IDAHO County.

Use: FISH PROPAGATION	(	1.700 CFS)	
FISH PROP. STORAGE			(0.60 AF)
DIVERSION TO STORAGE	(	1.700 CFS)	
Total Diversion:	(	1.700 CFS)	

Date Filed: 12/17/1999

In: IDAHO County
T31N R04E S17 NENE

MICROFILMED

SEP 25 2001

January 12, 2000

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

Re: Water Appropriation Applications Nos. 85-07664, 86-07371, 86-07372, 86-07373
TR-3: JHNCK-FF-IGW; NPTH-FF-3SW; NPTH-FF-2WW; and NPTH-FF-3WW respectively

Dear Ms. Wolcott:

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

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

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

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

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

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

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

Sincerely,

ALLEN BEARDSLEE/MICROFILM
Senior Water Resources Agent

AB:db

SEP 25 2001



Department of Energy

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

December 16, 1999

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

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

Dear Mr. Beardslee:

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

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

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

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

Sincerely,

Marian Wolcott

Marian Wolcott
Realty Specialist

MICROFILMED

SEP 25 2001