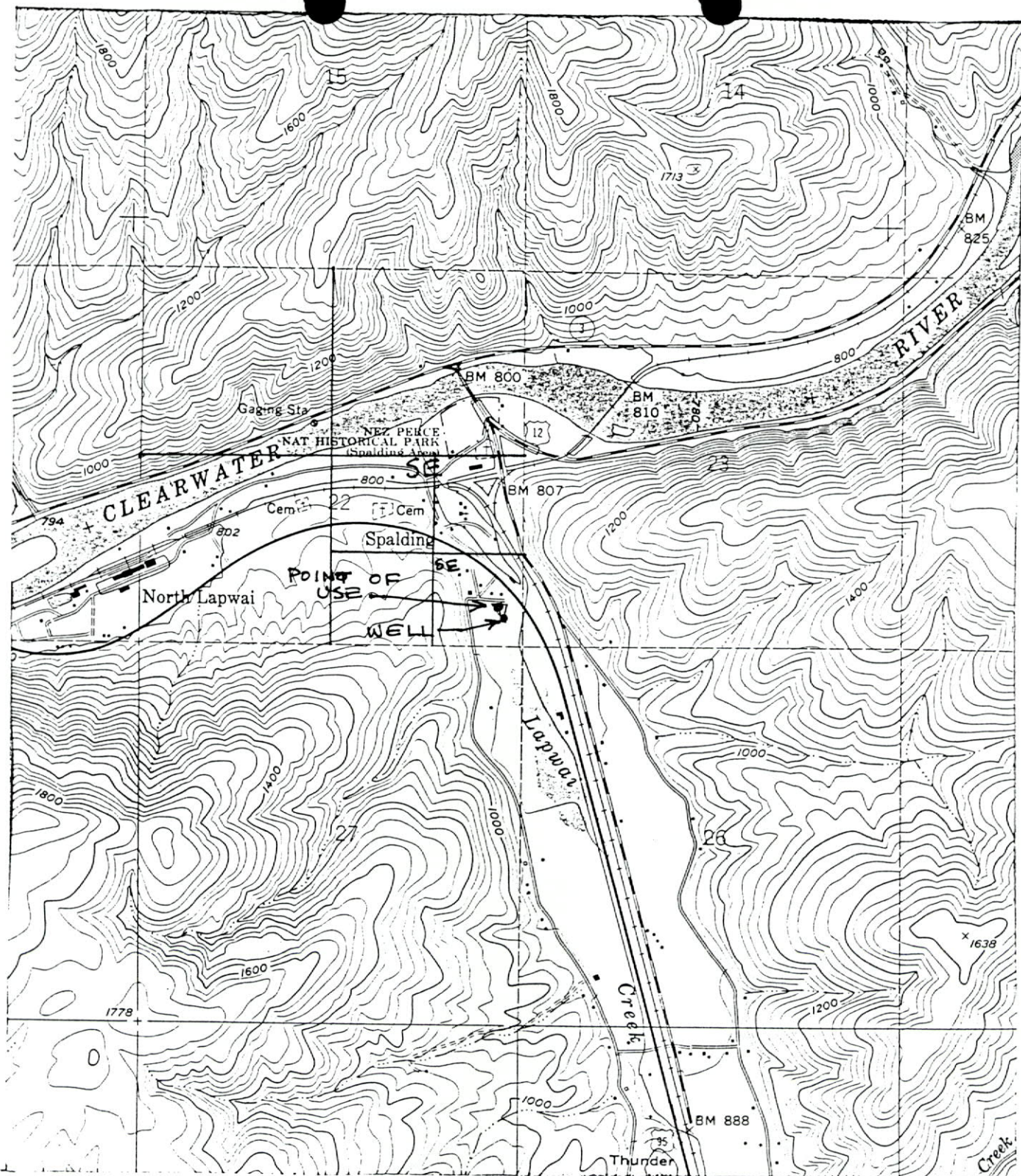




VICINITY MAP

TAKEN FROM USGS  
LAPWAI, ID

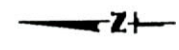
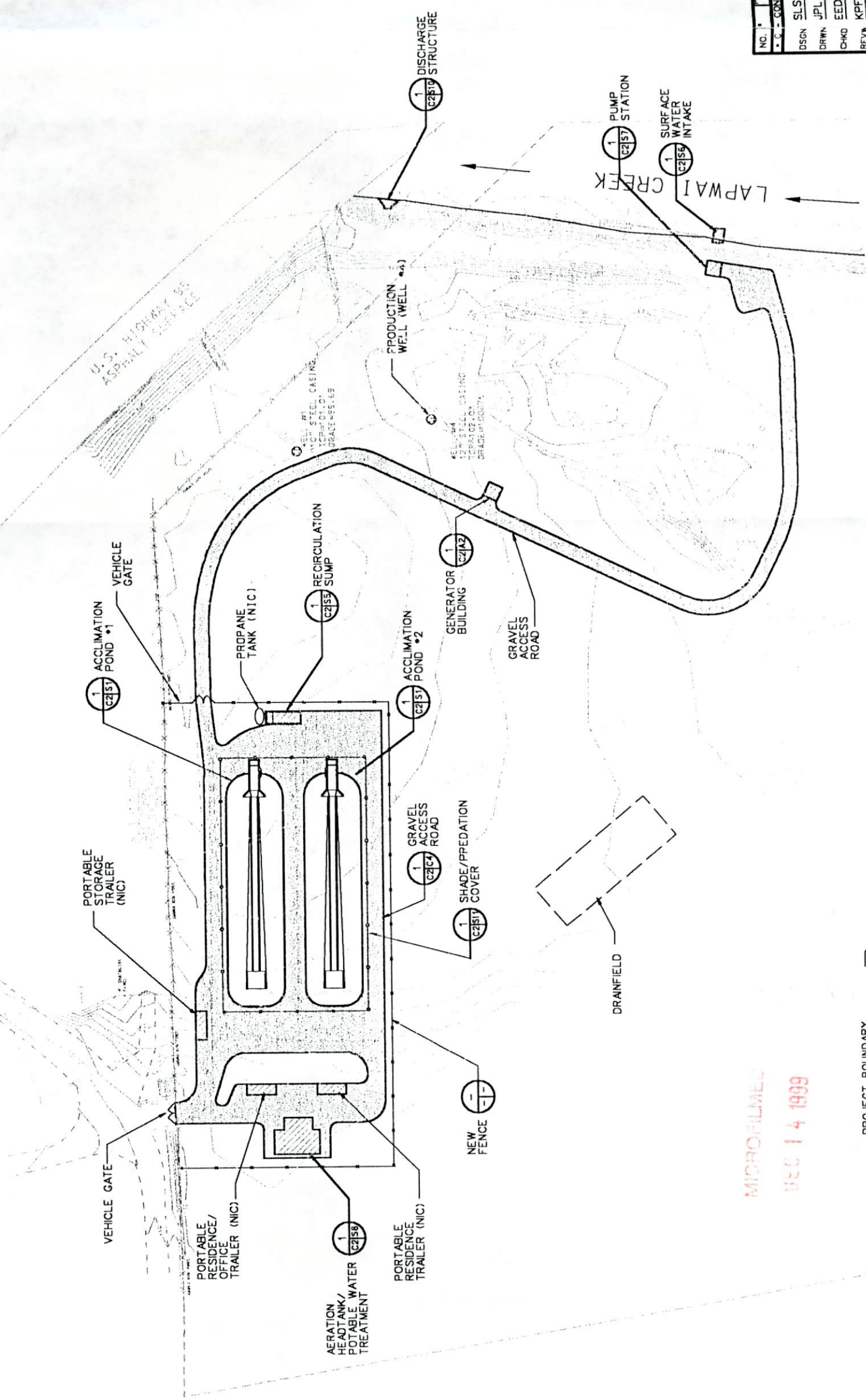
Township 36N  
Range 4W  
Section 22

IN/NEAR Lapwai  
NEZ PERCE COUNTY, ID

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DEC 14 1999

-T361

Number of Units: 2  
Avg. Dimensions: 38x160x7'  
Total Proposed Volume: 26,316cf



SCALE IN FEET  
0 40'

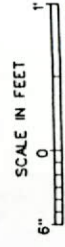
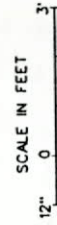
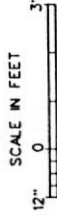
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| NO.  | REV.     | DESCRIPTION                                             | BY   | DATE | APPROVED |
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| DSGN | SLS      | BONEVILLE POWER ADMINISTRATION                          |      |      |          |
| DRWN | JPL      | HEADQUARTERS, PORTLAND, OREGON                          |      |      |          |
| CHKD | EED      | NEZ PERCE TRIBAL HATCHERY PROGRAM                       |      |      |          |
| REVW | KPF      | NORTH LAPWAI VALLEY                                     |      |      |          |
| CNCR |          |                                                         |      |      |          |
| APPR |          |                                                         |      |      |          |
| DATE | 05/03/99 | Serial                                                  | Page | Size | Sheet    |
|      |          |                                                         |      | A1   | C2       |

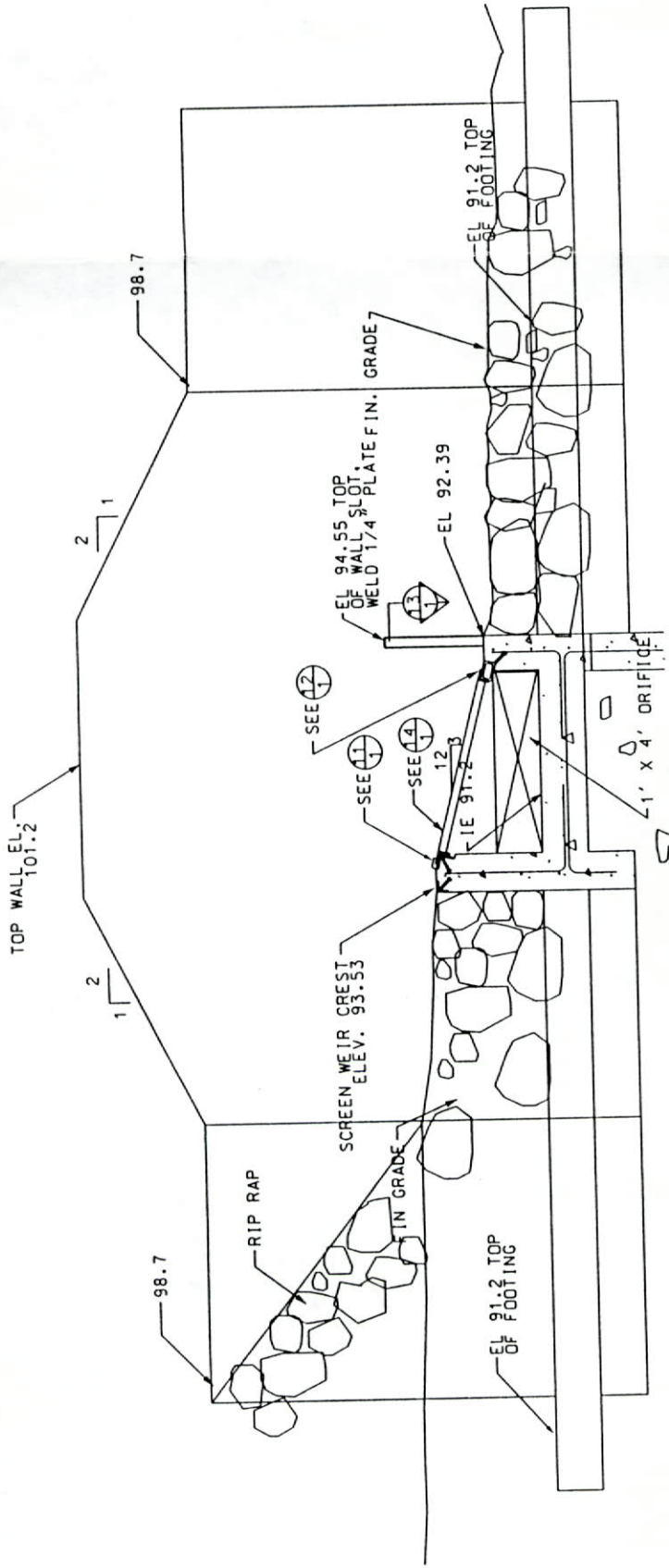
PROJECT BOUNDARY  
(BOUNDARY ALLOTMENT 606)



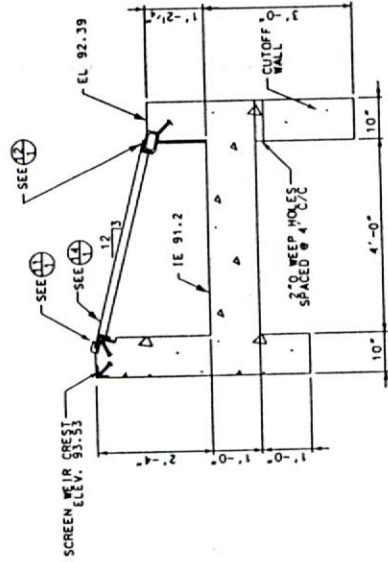
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**FISHPRO**

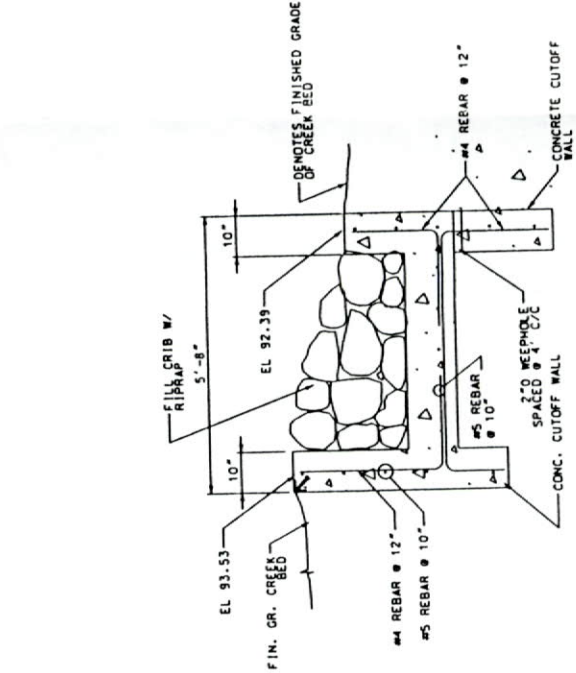
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DEC 14 1999



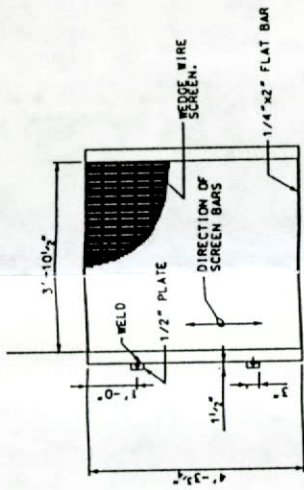
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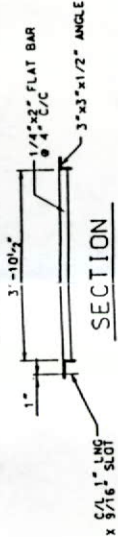
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SECTION 6  
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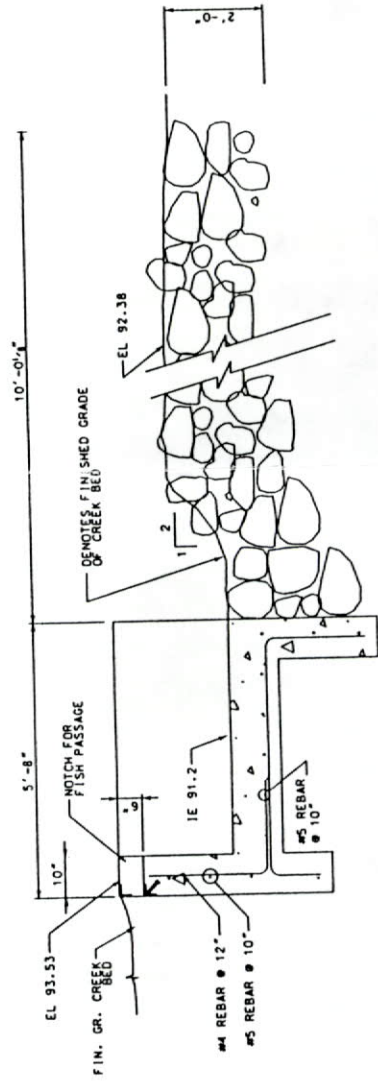


PLAN



SECTION

SCREEN DETAILS 14  
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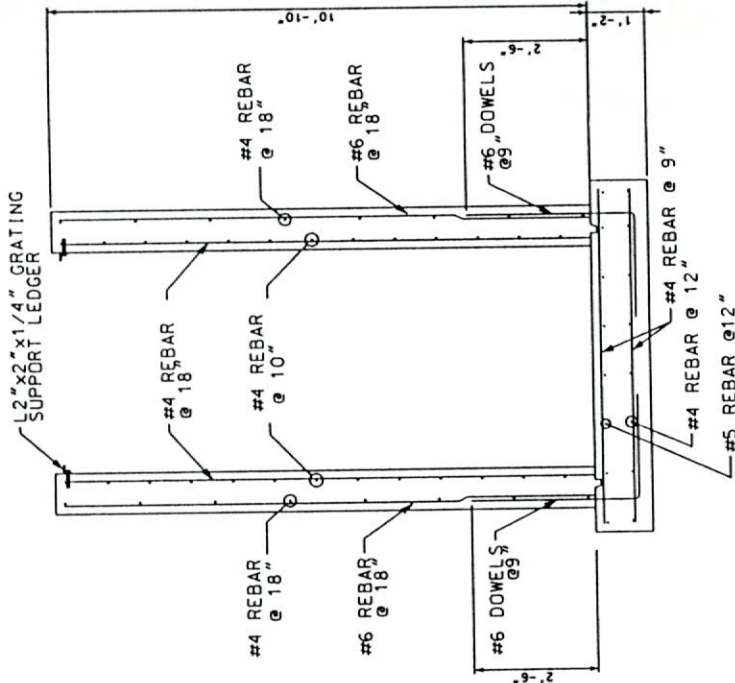
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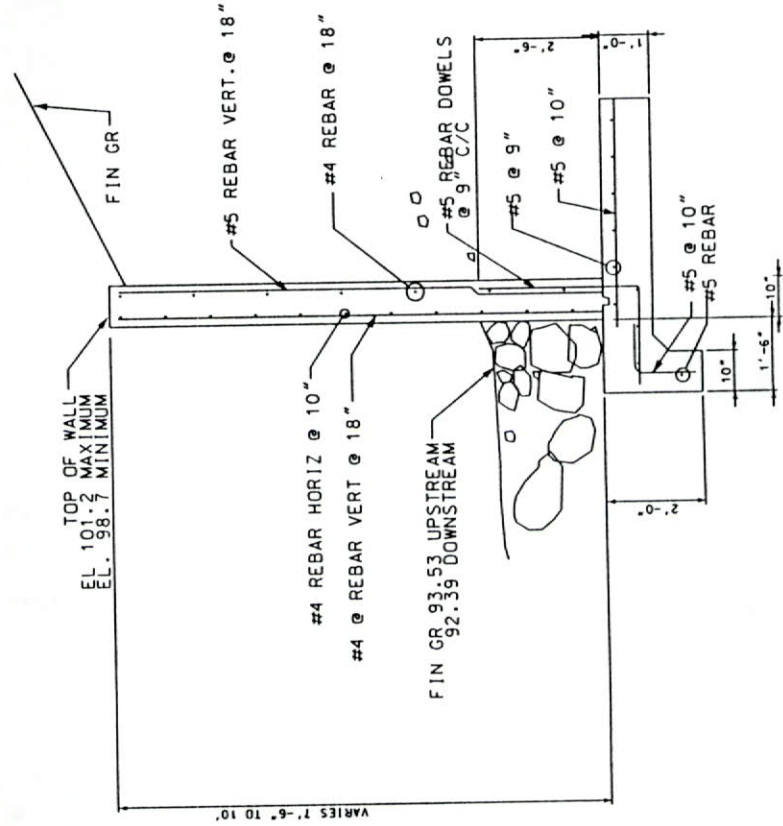
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| 3   | DESIGN   | SLS           | UNITED STATES DEPARTMENT OF ENERGY |
| 4   | DRAWN    | JPL           | BONNEVILLE POWER ADMINISTRATION    |
| 5   | CHECKED  | EED           | NEZ PERCE TRIBAL HATCHERY PROGRAM  |
| 6   | REVIEW   | KPF           | NORTH LAPWAI VALLEY                |
| 7   | CHECKED  | KPF           | INTAKE & PUMP STATION              |
| 8   | REVIEW   | KPF           | SECTIONS AND DETAILS               |
| 9   | CHECKED  | KPF           |                                    |
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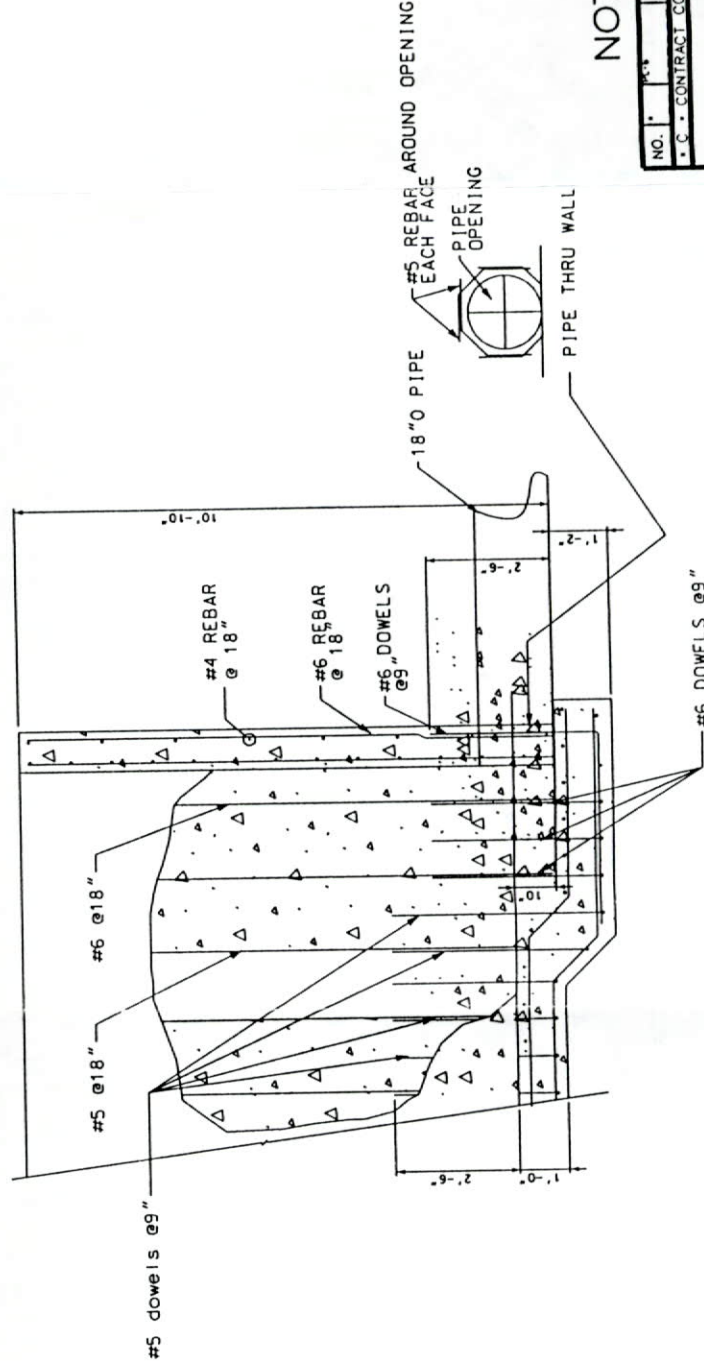
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DETAILS 10 XXXX



DETAIL 8 XXXX



DETAIL 9 XXXX

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| NO. | BY                                        | DATE | APPROVED |
|-----|-------------------------------------------|------|----------|
| 1   | COMPUTER REVISION ONLY                    |      |          |
| 2   | CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT |      |          |
| 3   | RECORD                                    |      |          |
| 4   | UNITED STATES DEPARTMENT OF ENERGY        |      |          |
| 5   | BONNEVILLE POWER ADMINISTRATION           |      |          |
| 6   | HEADQUARTERS, PORTLAND, OREGON            |      |          |
| 7   | NEZ PERCE TRIBAL HATCHERY PROGRAM         |      |          |
| 8   | NORTH LAPWAI VALLEY                       |      |          |
| 9   | INTAKE & PUMP STATION SECTIONS            |      |          |
| 10  | DATE 05/03/99                             |      |          |
| 11  | Serial                                    | Page | Sheet    |
| 12  | Revision                                  | A1   | S8       |



**TRIBUNE PUBLISHING COMPANY, INC.**

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

**LEGAL ADVERTISING  
INVOICE**

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

Date 10/14/1999 INVOICE NO. 213088

Account No. 964750

Description 213088NOTICE OF APPLIC

Times 2 Lines 25

Tab. Lines \_\_\_\_\_

\$ 75.00

**RECEIVED**

OCT 18 1999

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
**Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.**

**RECEIVED**

OCT 18 1999

IDWR/North

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 213088NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 10/07, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 10/07/1999 and the last publication thereof being on the 10/14/1999 and said 213088NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of October 1999

Roy Reed

Notary Public in and for the State of Id  
residing at Lewiston, therein  
Commission Expires 7/1/03

**NOTICE OF APPLICATION FOR WATER RIGHT**

213088

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

85-07661

US DEPT OF ENERGY  
BONNEVILLE POWER ADMIN - TSR-3  
PO BOX 3621  
PORTLAND, OR 97208  
Source: GROUNDWATER  
Diversion Pt: SESE Sec 22 T 36N R 04W in NEZ PERCE County.  
Use: FISH PROPAGATION (1.400 CFS)  
FISH PROP. STORAGE (0.60 AF)  
DIVERSION TO STORAGE (1.400 CFS)  
Total Diversion: (1.400 CFS)

Date Filed: 6/29/1999

In: NEZ PERCE County

T36N R04W S22 SESE

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 25, 1999.

KARL J. DREHER, Director

Published: 10/ 7/1999 & 10/14/1999

MICROFILMED

OCT 14 1999

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 85-07661

Priority: June 29, 1999

Maximum Diversion Rate:

1.40 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: 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       | 1.40 CFS                 |                      |
| FISH PROP. STORAGE    | 01/01 to 12/31       |                          | 0.6 AF               |
| DIVERSION TO STORAGE  | 01/01 to 12/31       | 1.40 CFS                 |                      |
|                       | Totals               | 1.40 CFS                 |                      |

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 22, Township 36N, Range 04W  
NEZ PERCE County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

36N 04W 22

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2004.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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State of Idaho  
Department of Water Resources

## Permit To Appropriate Water

NO. 85-07661

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 Subbasin chinook salmon restoration with the rearing and release of 500,000 fall chinook salmon fingerlings or smolts.

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

24<sup>th</sup> day of November, 1999.

*Karl J. Dreher*  
Karl J. Dreher, Director

for

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DEC 14 1999

## STATE OF IDAHO

BPA Tract No. NPTH-FF-1WW

## DEPARTMENT OF WATER RESOURCES

RECEIVED

## APPLICATION FOR PERMIT

NOV 12 1999

To appropriate the public waters of the State of Idaho

## Department of Water Resources

1. Name of Applicant Bonneville Power Administration - TSR-3 Phone 503-230-5680  
 Mailing address P.O. Box 3621 Portland, OR 97208
2. Source of water supply Well GROUNDWATER which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township 36N Range 4W Sec. 22 in the SE 1/4,  
SE 1/4, 1/4, Govt. Lot \_\_\_\_\_ B.M. \_\_\_\_\_ Nez Perce County  
 additional points of diversion if any: \_\_\_\_\_

## 4. Water will be used for the following purposes:

- Amount 1.4 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
 (cfs or acre-feet per annum)
- Amount 0.60 for FISH PROPAGATION purposes from 4/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per annum) STORAGE
- Amount 1.4 for DIVERSION TO purposes from 4/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per annum) 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) 1.4 and/or (b) 0.60  
 cubic feet per second acre feet per annum

## 6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source WELL + PUMP
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total  
 reservoir capacity \_\_\_\_\_ acre-feet
- c. Proposed well diameter is 12 inches; proposed depth of well is 679 feet
- d. Is ground water with a temperature of greater than 85° F being sought? No
- e. If well is already drilled, when? Dec. 1997 Drilling firm Staco Well Services Inc.  
 Well was drilled for (well owner) 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 500,000 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 |        |
| 36N | 4W  | 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | H  | NA     |
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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.

12. Remarks: BPA is the funding agency for the project.

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.

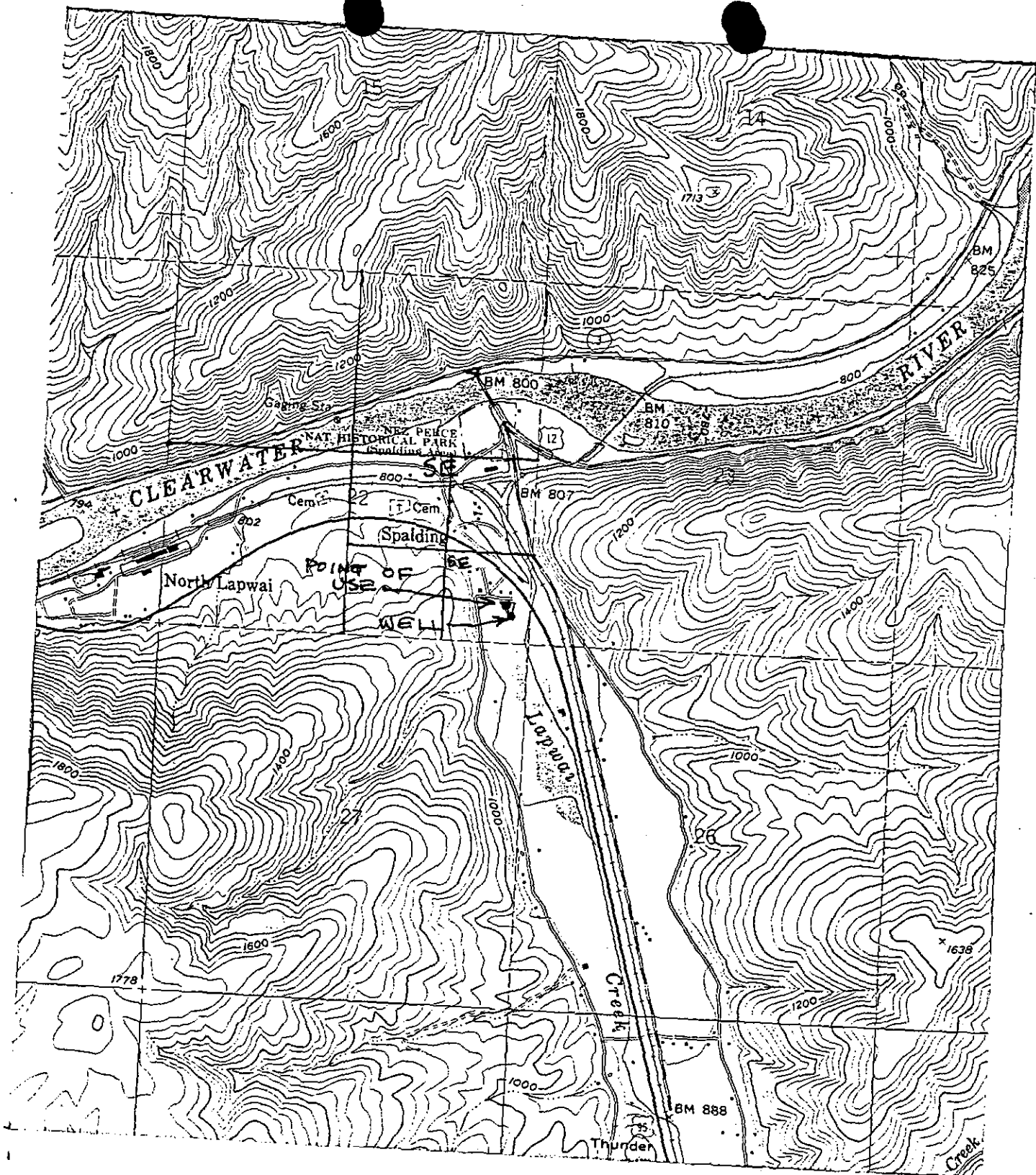
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*William W. Wollcott*

Signature of Applicant (and title, if applicable)

Received by db Date 6/29/99 Time 9:40 a Preliminary check by db  
 Fee \$ 120.00 Receipted by db # N013011 Date 6/29/99  
 Publication prepared by db Date 9/28/99 Published in Sebaston Trib 10/6+13/99  
 Publication approved db Date 10/19/99



# VICINITY MAP

TAKEN FROM USGS  
LAPWAI, ID

Township 36N  
Range 4W  
Section 22

IN/NEAR Lapwai  
NEZ PERCE COUNTY, ID

MICROFILMED  
DEC 14 1999

-T361

Additional information needed for fish propagation application for permit:

Site: North Lapwai Valley

- 1) Construction plan to include sizes and number of ponds, total proposed facility volume: Attached Drawings; Site Plan sheet C2, Intake & Pump Station Section and Details sheets S6, S7, and S8.
- 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 IDEQ, 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

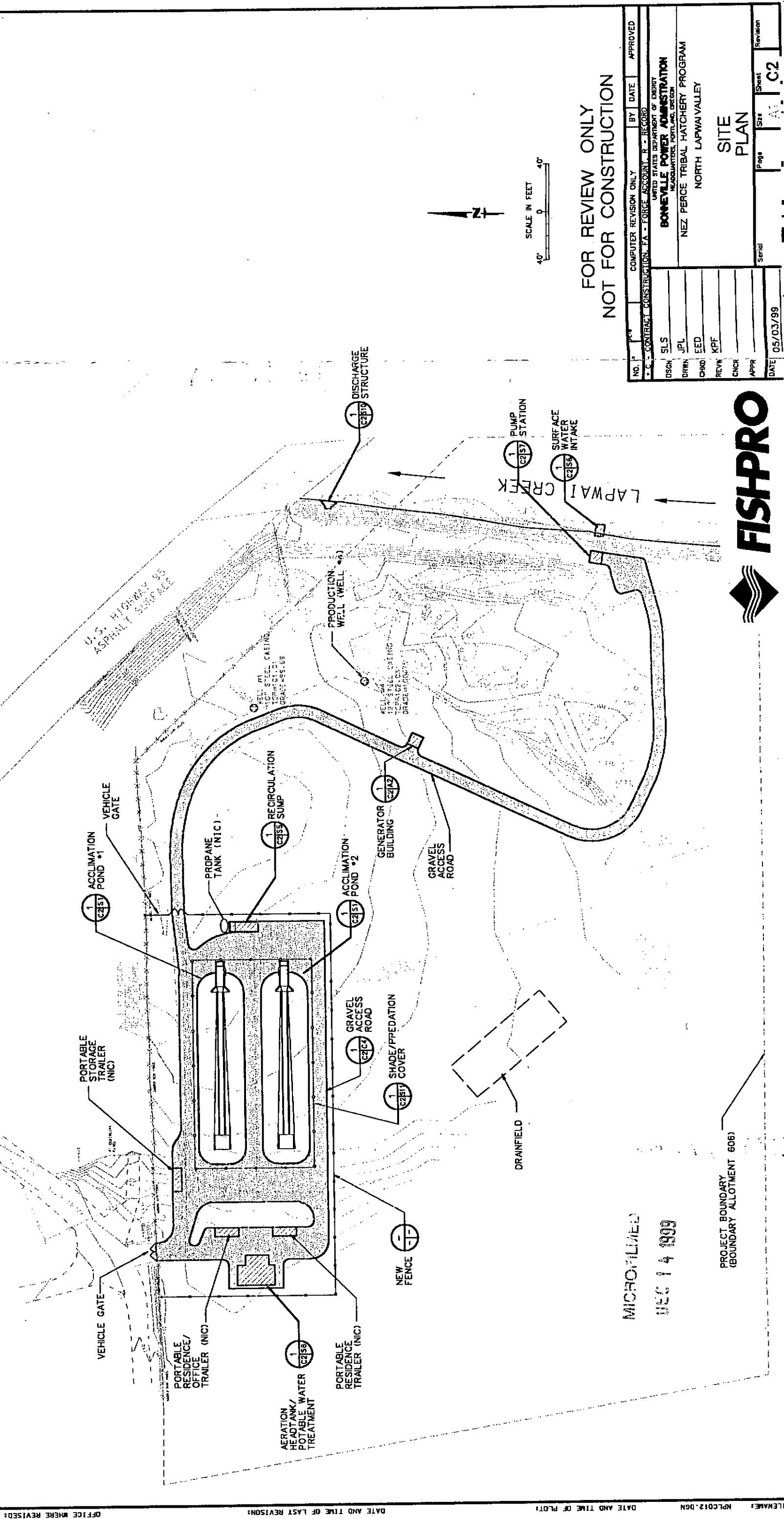
G) Proposed new facility

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

Surface water source with no fish facility above.

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Number of Units: 2  
Avg. Dimensions: 38x160x7'  
Total Proposed Volume: 26,316cf



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PROJECT BOUNDARY  
(BOUNDARY ALLOTMENT 606)



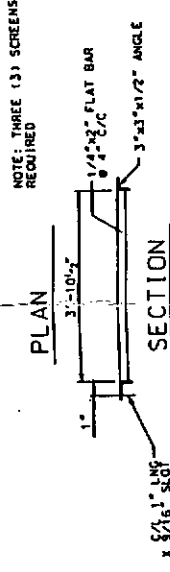
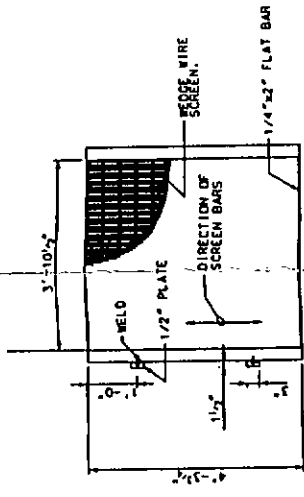
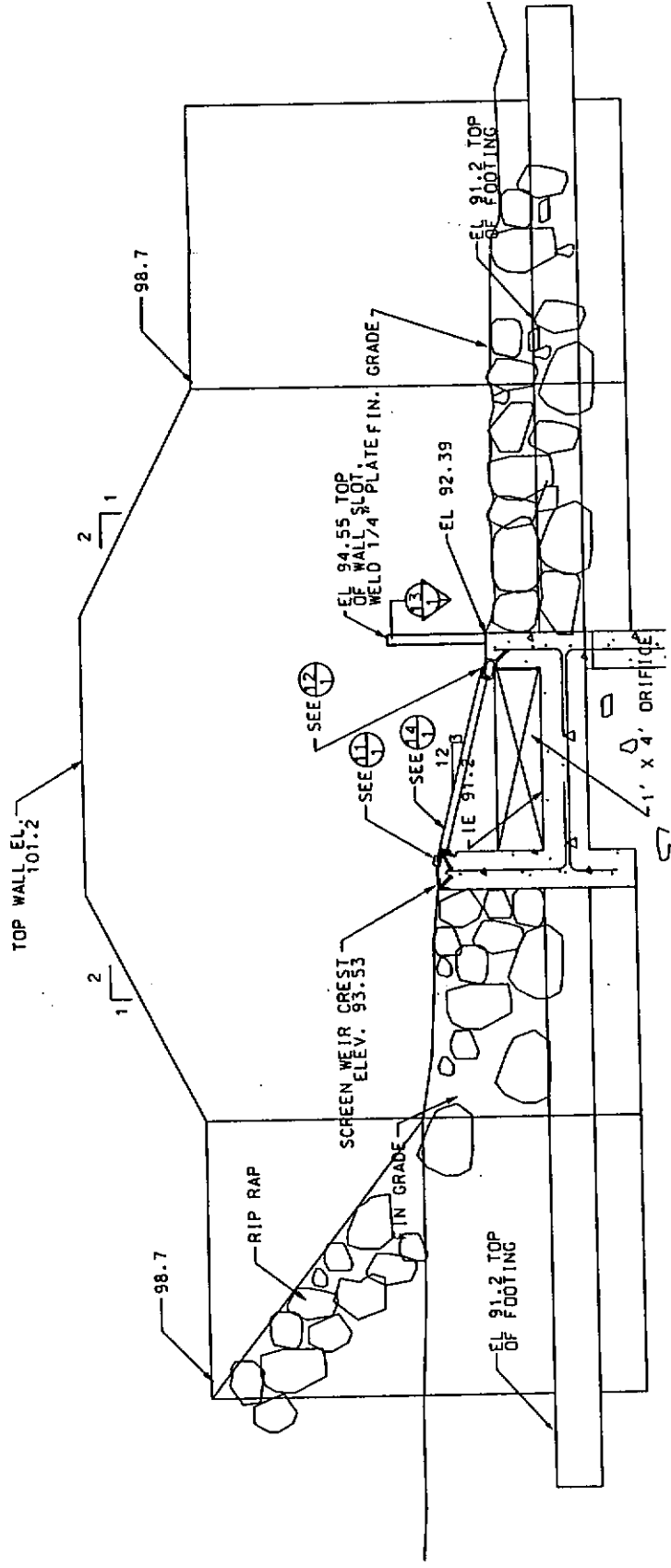
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| * C - CONTRACT CONSTRUCTION - FA - FORCE ACCOUNT - R - RECORD |   |      |   |                        |    |      |          |
| UNITED STATES DEPARTMENT OF ENERGY                            |   |      |   |                        |    |      |          |
| BONNEVILLE POWER ADMINISTRATION                               |   |      |   |                        |    |      |          |
| HEADQUARTERS, PORTLAND, OREGON                                |   |      |   |                        |    |      |          |
| NEZ PERCE TRIBAL HATCHERY PROGRAM                             |   |      |   |                        |    |      |          |
| NORTH LAPWAI VALLEY                                           |   |      |   |                        |    |      |          |
| SITE PLAN                                                     |   |      |   |                        |    |      |          |
| Page 1 of 1                                                   |   |      |   |                        |    |      |          |
| Serial                                                        |   |      |   |                        |    |      |          |
| Date 05/03/99                                                 |   |      |   |                        |    |      |          |
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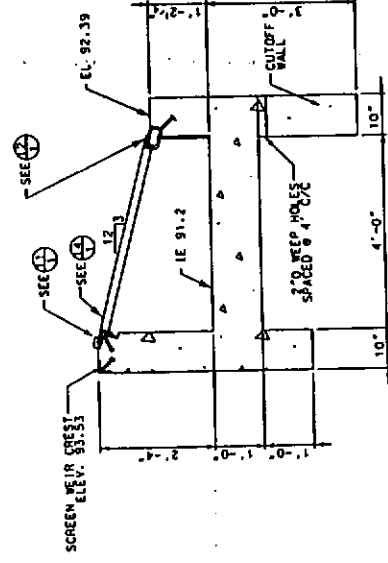


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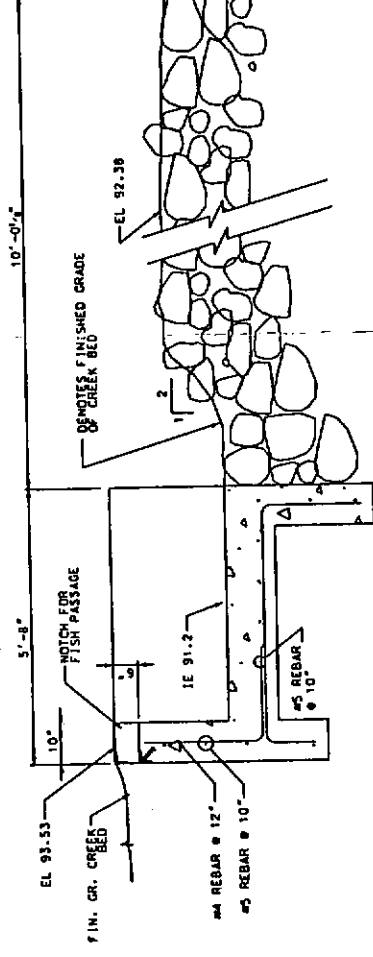


SCREEN DETAILS 14 XXXX

SECTION 4 XXXX



SECTION 5 XXXX



SECTION 7 XXXX

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SECTION 6 XXXX

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INTAKE & PUMP STATION  
SECTIONS AND DETAILS

BONEVILLE POWER ADMINISTRATION  
HEADQUARTERS, PORTLAND, OREGON  
NEZ PERCE TRIBAL HATCHERY PROGRAM  
NORTH LAPWAI VALLEY

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**FISHPRO**

|                                                                                                                                   |      |                        |      |       |          |
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| * C - CONTRACT CONSTRUCTION, F.A. - FORCE ACCOUNT, R - RECORD                                                                     |      |                        |      |       |          |
| <p>UNITED STATES DEPARTMENT OF ENERGY<br/> <b>BONNEVILLE POWER ADMINISTRATION</b><br/>         HEADQUARTERS, PORTLAND, OREGON</p> |      |                        |      |       |          |
| NEZ PERCE TRIBAL HATCHERY PROGRAM                                                                                                 |      |                        |      |       |          |
| NORTH LAPWAL VALLEY                                                                                                               |      |                        |      |       |          |
| <p>INTAKE &amp; PUMP STATION<br/>         SECTIONS</p>                                                                            |      |                        |      |       |          |
| Serial                                                                                                                            |      | Page                   | Size | Sheet | Revision |
|                                                                                                                                   |      |                        | A1   | S8    |          |
| DATE 05/03/99                                                                                                                     |      |                        |      |       |          |
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**North Lapwai Valley  
Opinion of Probable Construction Costs - Summary**

| <b>Item No.</b>                                      | <b>Item</b>                             | <b>Total</b>     |
|------------------------------------------------------|-----------------------------------------|------------------|
| 1.0                                                  | Site Work                               | \$33,135         |
| 2.0                                                  | Utilities                               | \$68,575         |
| 3.0                                                  | Portable Living Quarters                | \$35,250         |
| 4.0                                                  | Storage Building                        | \$15,200         |
| 5.0                                                  | Generator Building                      | \$122,625        |
| 6.0                                                  | Surface Water Intake and Pump Station   | \$190,575        |
| 7.0                                                  | Process Well                            | \$47,640         |
| 8.0                                                  | Water Supply Distribution and Treatment | \$190,210        |
| 9.0                                                  | Process Drains                          | \$34,695         |
| 10.0                                                 | Acclimation Pond, Two                   | \$279,920        |
| 11.0                                                 | Alarm and Control System                | <u>\$9,000</u>   |
| <b>Total</b>                                         |                                         | \$1,026,825      |
| <b>Contingency (15%)</b>                             |                                         | <u>\$154,024</u> |
| <b>Total with Contingency</b>                        |                                         | \$1,180,849      |
| <b>Sales Tax (Exempt)</b>                            |                                         | \$0              |
| <b>Tribal Employment Rights Office (TERO) (1.5%)</b> |                                         | <u>\$17,713</u>  |
| <b>Total with TERO</b>                               |                                         | \$1,198,561      |



## 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

November 26, 1999

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

#### PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07661

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  
NOV 29 1999

you.

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

Sincerely,



*for* Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosures

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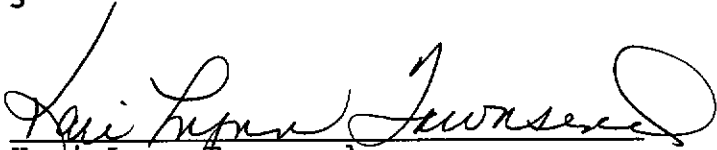
DEC 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of November, 1999, 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. 85-07661

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

  
Kari Lynn Townsend  
Secretary

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DEC 14 1999

## 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.

MICROFILMED  
DEC 14 1999

**MEMORANDUM**

**TO: File 85-07661**

**FROM: Sharla**

**DATE: November 24, 1999**

**RE: Telecon**

On this date, I spoke with LaDonna (Real Properties Services Division) concerning corporate officers or directors. She gave me the following names:

Administrator – Judy Johansen

Real Properties Services Mgr – John R. Cowger

Realty Specialist – Marian Walcott (she is the one who signed the application for permit)

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DEC 14 1999

APPLICATION FOR PERMIT  
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 11/16/99

No. 85-07661 Name: BPA Corp. Officers ☒ Ad ok ☒ Govt Lots ☐

AREA OF CONCERN: No/Yes S/C Moratorium 1gw ok ~~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)~~ - 065-079  
~~Supp. irr. (+ other uses)~~ - 100-101  
~~≤ 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) ~~067~~ 042-081(P10)  
~~HEAT/COOL~~ - R07(injection well)  
~~FIRE PROT.~~ - 077

BENEFICIAL USE DUE: 12/01/2004

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 (2400 gpd - meetd 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)

OTHER CONDITIONS/REMARKS \_\_\_\_\_

COMMENTS \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED <sup>WRI</sup>  
<sup>WRA</sup>  
NOV 12 1999 <sup>BCA</sup>

APPLICATION # 85-07661

Department of Water Resources

..... INITIAL REVIEW .....

APPLICANT: BPA

BY: AS

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  
(X) 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

\_\_\_ X (Include Moratorium Remark)

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

*LT/shuns/ak*

ADVERTISE IN: NEZ PERCE 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? |
|------------------|-------|-----------------------|-------------|-------------|-----------------|
| ___              | ___   | 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: NO UPGRADES REQUIRED  
AS WELL DRIVEN ON TRIBAL  
PROPERTY FOR TRIBAL PURPOSES

**FINAL REGIONAL PROCESSING/REVIEW**

(Yes) (No)

- \_\_\_ Notice of pending void order issued. Final order response date: \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Further information required from applicant
- 10/18 \_\_\_ Affidavit of publication received
- 10/19 \_\_\_ Application published correctly. If not, record action taken: \_\_\_\_\_

9/28 \_\_\_ Publication dates and paper recorded on application | Sr. Agent initial \_\_\_\_\_

\_\_\_ Protests received, Final protest date: 10/25/99

\_\_\_ Measuring device required

\_\_\_ Measuring port required

\_\_\_ Special conditions:

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

Approval Recommended by: AS

Date: 11/8/99

**TRIBUNE PUBLISHING COMPANY, INC.**

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

Date 10/14/1999INVOICE NO. 213088Account No. 964750Description 213088NOTICE OF APPLICTimes 2Lines 25

Tab. Lines \_\_\_\_\_

**LEGAL ADVERTISING  
INVOICE**

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

\$ 75.00**RECEIVED****OCT 18 1999**

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

**RECEIVED****OCT 18 1999****IDWR/North****AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 213088NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 10/07, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 10/07/1999 and the last publication thereof being on the 10/14/1999 and said 213088NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

**NOTICE OF APPLICATION FOR WATER RIGHT**

213088

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

85-07661

US DEPT OF ENERGY  
BONNEVILLE POWER ADMIN - TSR-3  
PO BOX 3621  
PORTLAND, OR 97208  
Source: GROUNDWATER  
Diversion Pt: SESE Sec 22 T 36N R 04W in NEZ PERCE County.  
Use: FISH PROPAGATION (1.400 CFS)  
FISH PROP. STORAGE (0.60 AF)  
DIVERSION TO STORAGE (1.400 CFS)  
Total Diversion: (1.400 CFS)

Date Filed: 6/29/1999

In: NEZ PERCE County

T36N R04W S22 SESE

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 25, 1999.

KARL J. DREHER, Director

Published: 10/ 7/1999 &amp; 10/14/1999

*Karen J Lewis*SUBSCRIBED AND SWORN BEFORE ME THIS THE 10day of October 1999*Roy Reed*

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DEC 14 1999

Notary Public in and for the State of Id  
residing at Lewiston, therein  
Commission Expires 7/1/03

85-07661

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

Source: GROUNDWATER

Diversion Pt: SESE Sec 22 T 36N R 04W in NEZ PERCE County.

|                       |   |            |            |
|-----------------------|---|------------|------------|
| Use: FISH PROPAGATION | ( | 1.400 CFS) |            |
| FISH PROP. STORAGE    |   |            | ( 0.60 AF) |
| DIVERSION TO STORAGE  | ( | 1.400 CFS) |            |
| Total Diversion:      | ( | 1.400 CFS) |            |

Date Filed: 6/29/1999

In: NEZ PERCE County  
T36N R04W S22 SESE

MICROFILMED  
DEC 14 1999

September 29, 1999

Bonneville Power Administration - TSR-3  
PO Box 3621  
Portland OR 97208

Re: Water Appropriation Application No. 85-07661

Gentlemen:

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.

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

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

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

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

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

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

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

MICROFILMED

DEC 14 1999