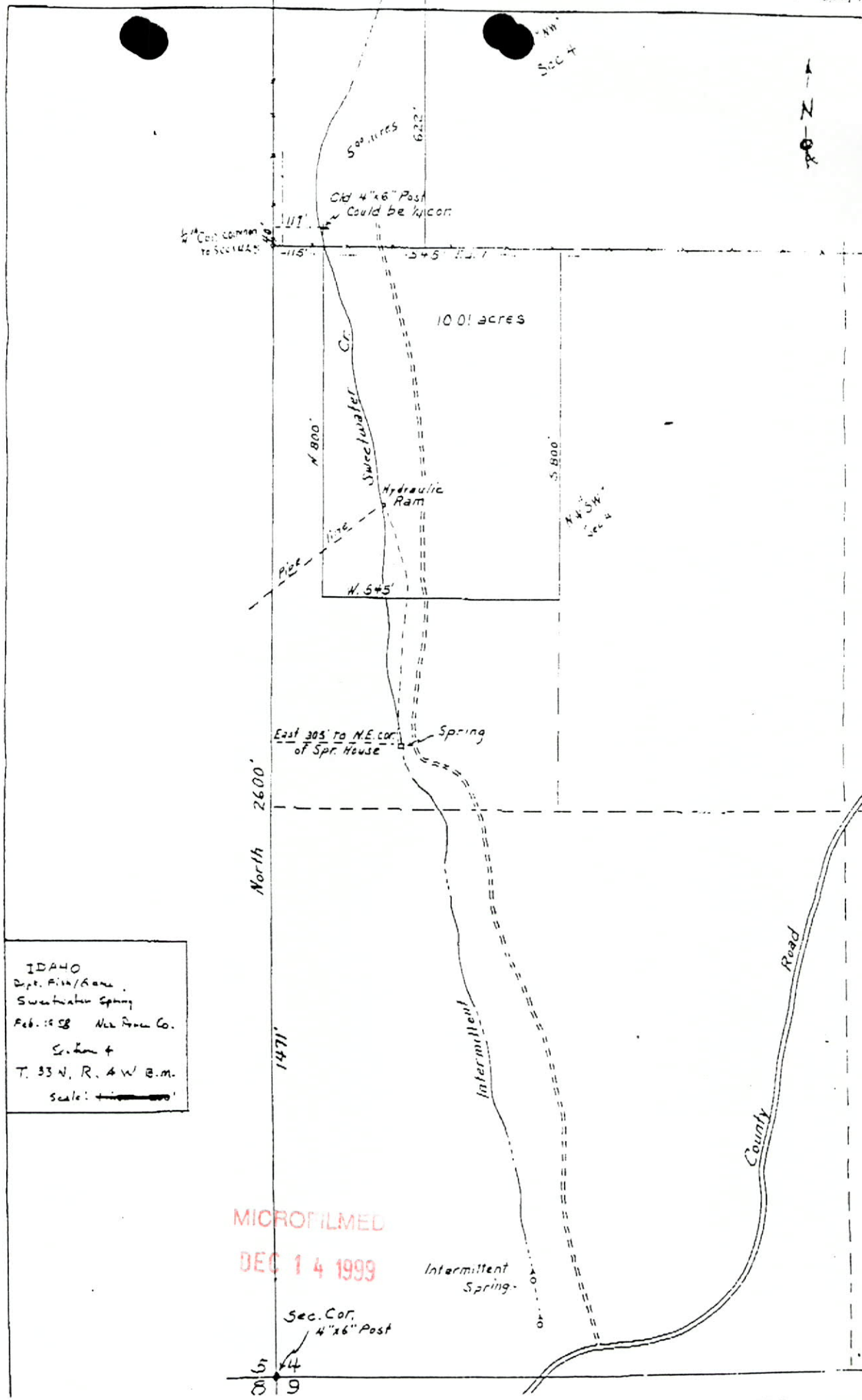




IDAHO
Dept. Fish & Game
Sweetwater Spring
Feb. 1958 Nez Perce Co.
S. L. &
T. 33 N., R. 4 W. B.M.
Scale: 1" = 1000'

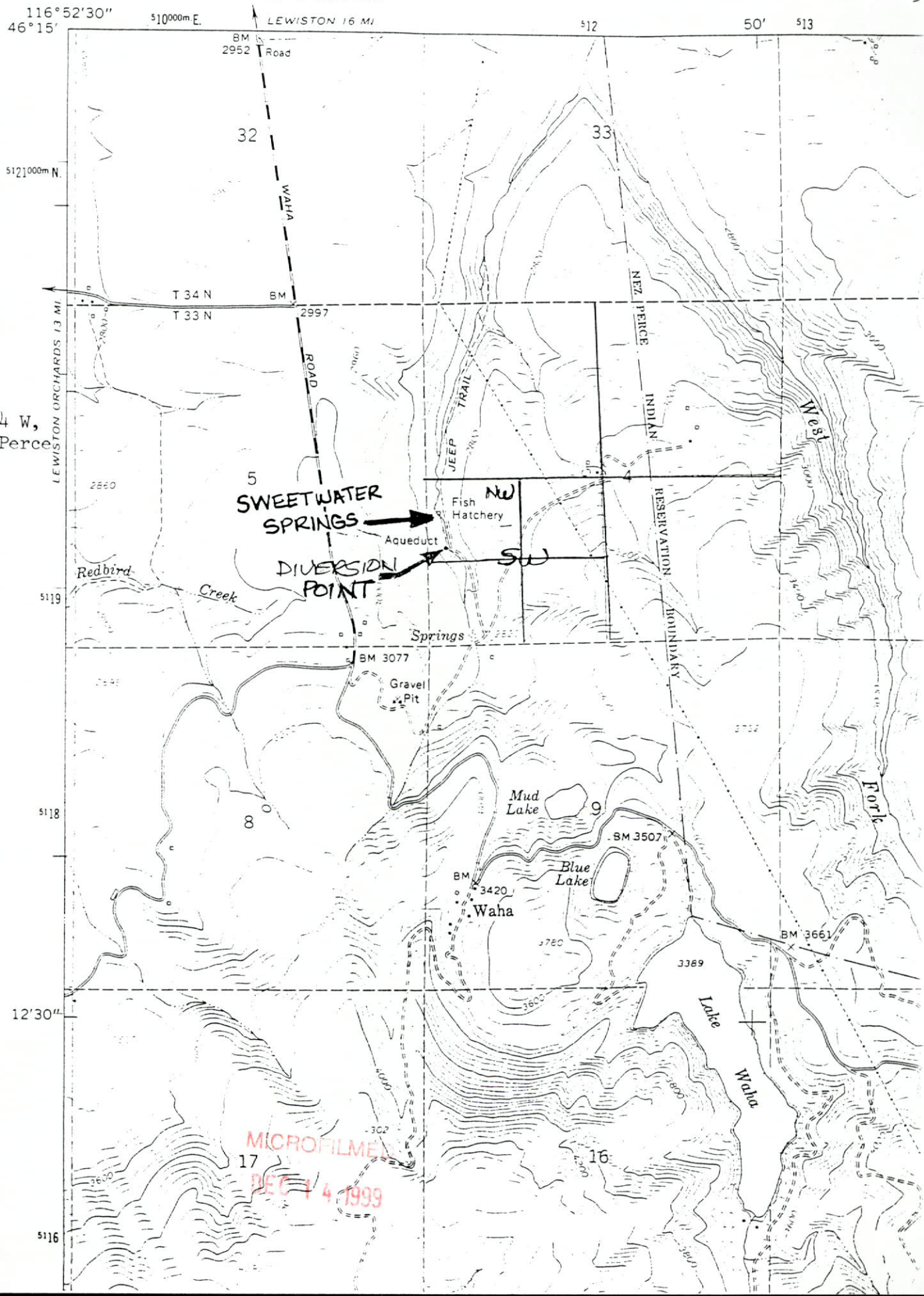
MICROFILMED
DEC 14 1999

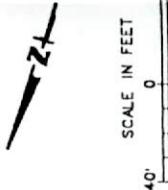
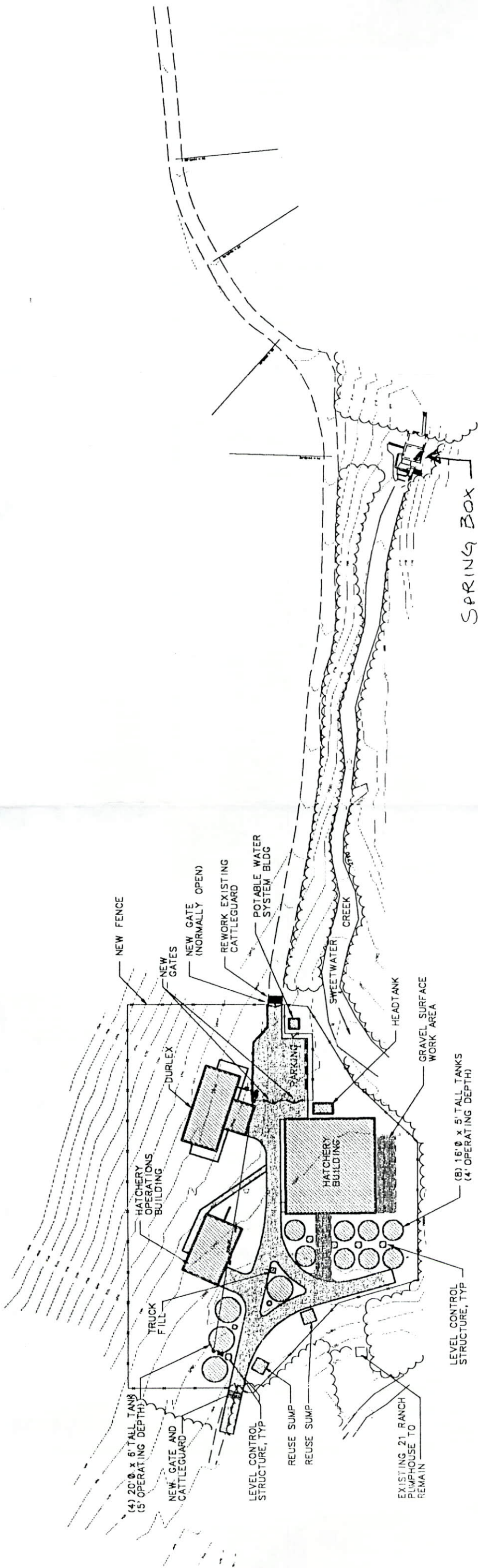
26° 14' 30" N
LEWISTON ORCHARDS
SOUTH

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

WAHA QUADRANGLE
IDAHO - NEZ PERCE C.
7.5 MIN. SERIES (TOPO)

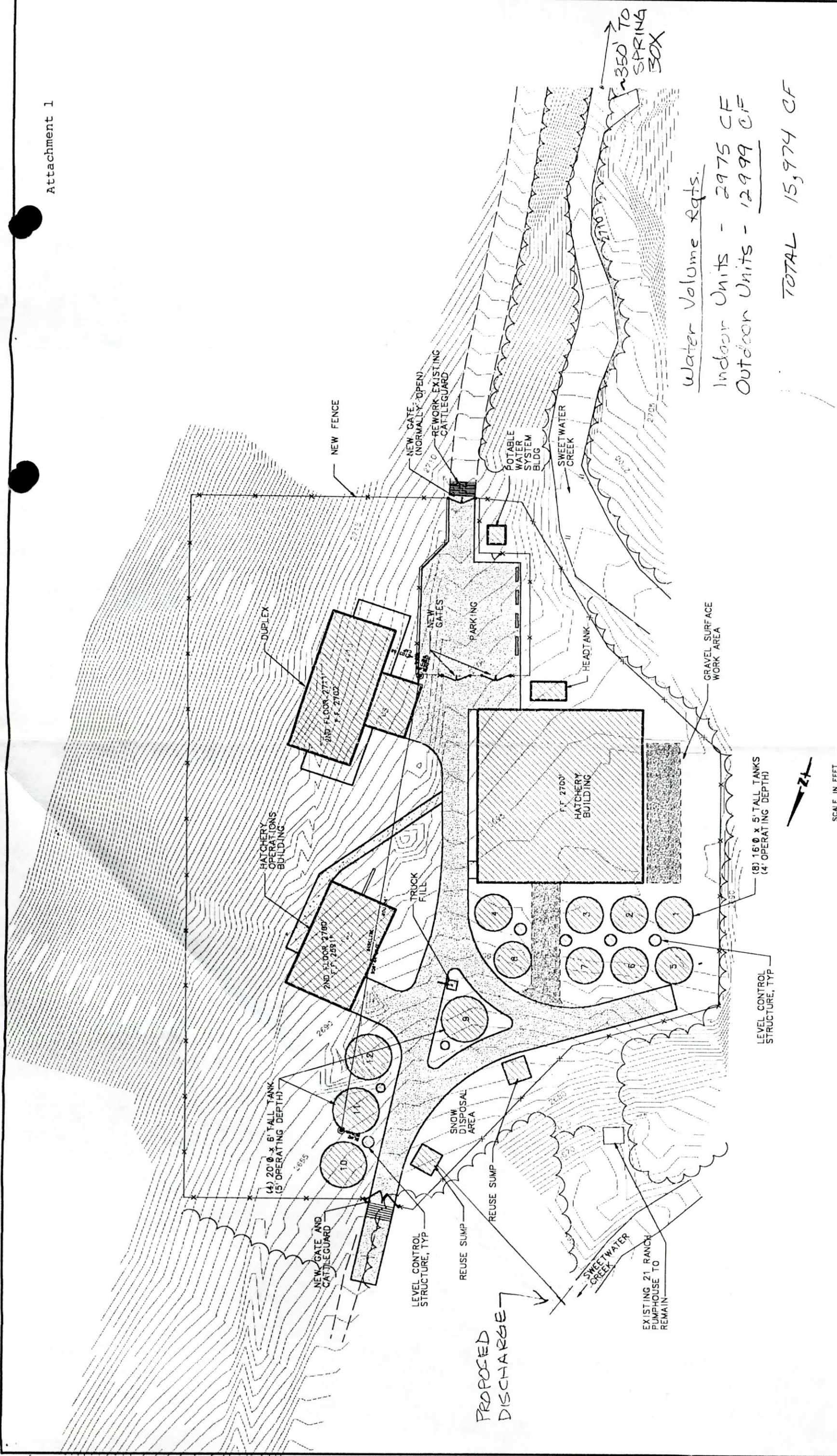
Section 4,
T 33 N, R 4 W,
B.M., Nez Perce
County, ID





NO.	REV.	COMPUTER REVISION ONLY	BY	DATE	APPROVED
C - CONTRACT CONSTRUCTION - FA - FORCE ACCOUNT - R - RECORD					
DSGN	WEC	UNITED STATES DEPARTMENT OF ENERGY BONEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON			
DRWN	ACB	NEZ PERCE TRIBAL HATCHERY PROGRAM			
CHKD	MJM	SWEETWATER SPRINGS			
REVW	KPF				
CNCR					
APPR					
DATE	1/20/99	Serial	Page	Sheet	Revision
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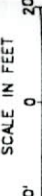


Water Volume Rqts.

Indoor Units - 2975 CF

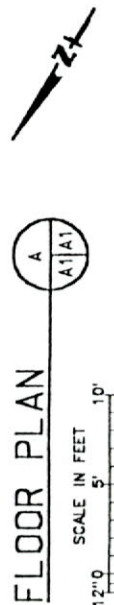
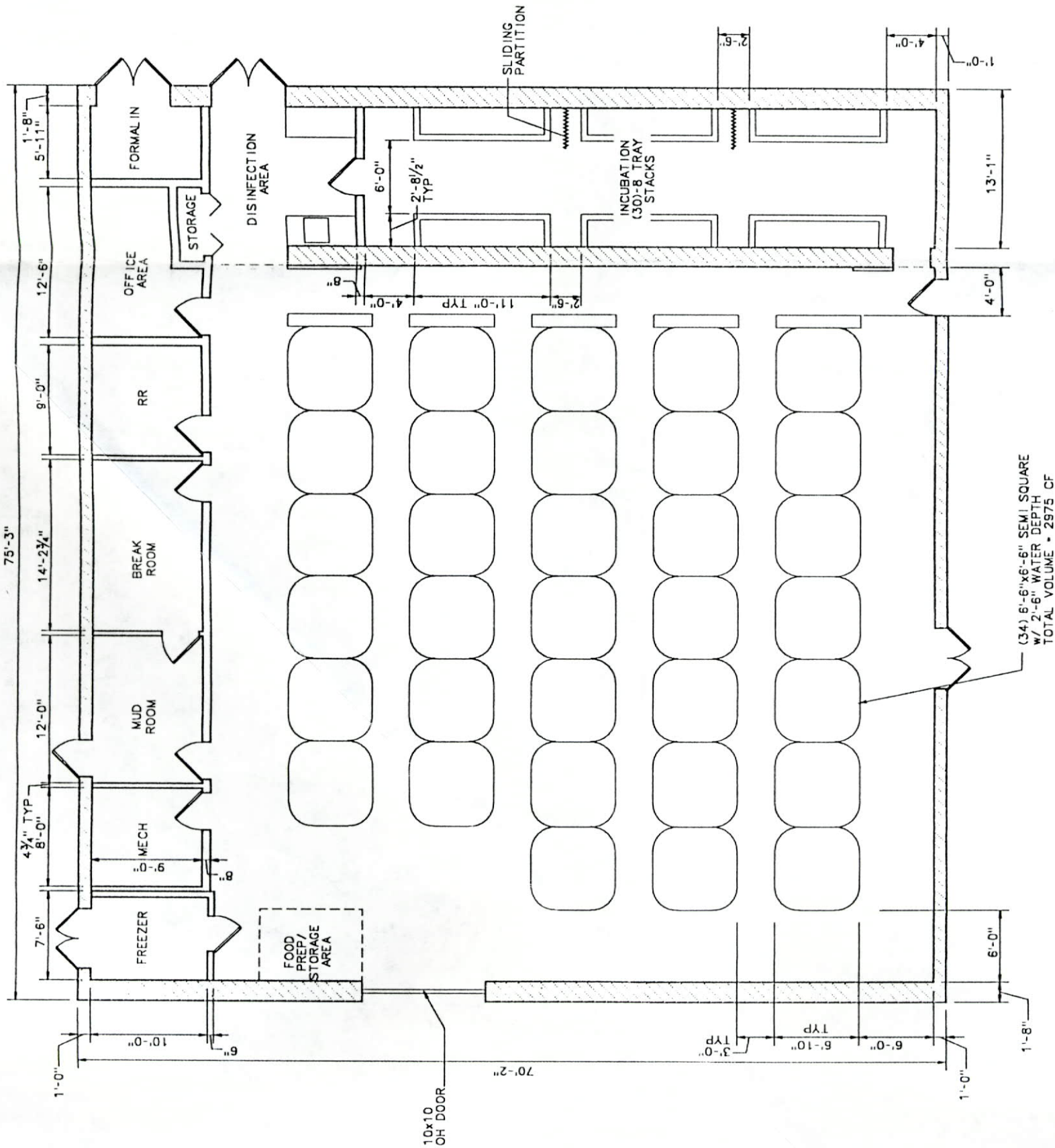
Outdoor Units - 12999 CF

TOTAL 15,974 CF



NO.	REV.	COMPUTER REVISION ONLY	BY	DATE	APPROVED
C		CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD			
DSGN	MJM	UNITED STATES DEPARTMENT OF ENERGY			
DRWN	ACB	BONNEVILLE POWER ADMINISTRATION			
CHKO	EED	HEADQUARTERS, PORTLAND, OREGON			
REVW	KPF	NEZ PERCE TRIBAL HATCHERY PROGRAM			
ENCR		SWEETWATER SPRINGS			
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DATE	1/20/00				
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NO.	REVISION	COMPUTER REVISION ONLY	BY	DATE	APPROVED
1	C	CONTRACT CONSTRUCTION, FA - FORCE ACCOUNT, R - RECORD			
DSGN	MJM	BONEVILLE POWER ADMINISTRATION			
DRWN	SLS	UNITED STATES DEPARTMENT OF ENERGY HEADQUARTERS PORTLAND, OREGON			
CHKD		NEZ PERCE TRIBAL HATCHERY PROGRAM			
REVIEW		SWEETWATER SPRINGS			
CHGR					
APPR					

HATCHERY BUILDING
FLOOR PLAN

Page 1 Size 11x17 Sheet 1

280666

EASEMENT FOR USE OF SPRING WATER

THIS INDENTURE, made and entered into this 27th day of October, 1960, by and between "21 RANCH, INC.," a corporation, hereinafter referred to as the party of the first part, and the STATE OF IDAHO, for the use and benefit of the Department of Fish & Game, hereinafter referred to as the party of the second part,

W I T N E S S E T H :

WHEREAS, the party of the first part is the owner of certain lands situate in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 33 North, Range 4, West Boise Meridian, upon which there is a spring commonly referred to as "Sweetwater Spring," and

WHEREAS, the party of the first part intends to grant unto the party of the second part the right and privilege of laying a water pipeline from the said spring to the lands of the party of the second part adjoining the lands of the party of the first part, which have heretofore been conveyed from the party of the first part to the party of the second part, so that the grantee may enjoy the use of such water from said spring as it may need for the purpose of maintaining a fish hatchery, and domestic uses and other uses appurtenant to the operations of a prior fish hatchery, subject only to the right of party of the first part, its assigns, shareholders and employees to use and appropriate the waters of said Sweetwater Spring for domestic use and household curtilage, and the watering of livestock.

Filed and recorded at the request of	
State of Idaho	
4/26/61 on JAN 11 1961	
A. L. LYONS	
Notary Public	
By <u>John Lyons</u> Deputy	

Mack: John Lyons
Deputy

or

13/396
Misc.

RECORDED
DEC 14 1999

NOW, THEREFORE, in consideration of the premises and of the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant, bargain, and sell unto the party of the second part or its assigns, an easement and right, use, and privilege to draw and use from Sweetwater Spring for the purposes aforesaid, and subject to the aforementioned prior right of the first party to all water that it may need on said property for the purposes aforesaid, together with an easement over lands of the party of the first part located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 33 North, Range 4, West Boise Meridian, for the purpose of laying and maintaining a pipeline from said spring to the lands of the party of the second party located in the said NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 33 North, Range 4, West Boise Meridian.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused its hand to be set the day and year hereinabove first written.

"21 RANCH, INC."

By: Alvin V. McCormack
President

(SEAL)

STATE OF IDAHO)
) ss.
County of New Perce)

On this 5th day of October, 1960, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared ALVIN V. MC CORMACK, known to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of the said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Alvin V. McCormack
Notary Public in and for the State of Idaho, residing at Lewiston, therein.

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DEC 14 1999

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**Date 08/12/99INVOICE NO. 207908Account No. 964750Description 207908NOTICEOFCORRECTITimes 2Lines 28

Tab. Lines _____

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

\$ 38.50

RECEIVED
AUG 16 1999
IDWR/North

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF CORRECTION
207908
NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 85-07656 in the name of US DEPT OF ENERGY, BONNEVILLE POWER ADMIN, PO BOX 3621, PORTLAND, OR, 97208, was incorrectly advertised on July 15 and 22, 1999. That portion of the proposed USE described as FISH PROP. STORAGE was incorrectly advertised as 0.10 AF, whereas correctly it should have read FISH PROP. STORAGE 0.40 AF. (For additional information concerning the property location, call the Northern Regional Office at 769-1450.) Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before August 23, 1999.
KARL J. DREHER, Dir.
Published in the Lewiston Tribune on 8/5 & 12/1999.

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 207908NOTICEOFC 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 08/05, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 08/05/99, and the last publication thereof being on the 08/12/99, and said 207908NOTICEOFC 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 12

day of August 1999

M.C. FILMED

DEC 14 1999

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

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**

Date 07/22/99

INVOICE NO. 206354

Account No. 964750

Description 206354NOTICEOFAPPLICAT

Times 2

Lines 28

Tab. Lines _____

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

\$ 84.00

RECEIVED
JUL 26 1999
IDWR/North

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

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 206354NOTICEOFA 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 07/15, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 07/15/99, and the last publication thereof being on the 07/22/99, and said 206354NOTICEOFA 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 23rd

day of July 1999

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

206354

**NOTICE OF
APPLICATION FOR WATER RIGHT**

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

85-07656

Readvertised

do 0.4

(0.10 AF)

US DEPT OF ENERGY
BONNEVILLE POWER ADMIN
PO BOX 3621
PORTLAND, OR 97208
Source: SPRINGS

Tributary: SWEETWATER CREEK

Diversion Pt: NWSW Sec 4 T 33N R 04W in NEZ PERCE County.

Use: FISH PROPAGATION (4,000 CFS)
FISH PROP. STORAGE (4,000 CFS)
DIVERSION TO STORAGE (4,000 CFS)

Total Diversion:
Date Filed: 6/3/1999

In: NEZ PERCE County
T33N R04W S04 NWSW

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 AUGUST 2, 1999.

KARL J. DREHER, Director

Published: 7/15/1999 & 7/22/1999

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DEC 14 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07656

Priority: June 3, 1999

Maximum Diversion Rate:

4.00 CFS

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

has applied for a permit to appropriate water from:
SPRINGS tributary of SWEETWATER CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	4.00 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.00 CFS	
Totals		4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWNWSW , Sec. 4, Township 33N, Range 04W
NEZ PERCE County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

33N 04W 4

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 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. 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.
5. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

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State of Idaho
Department of Water Resources

PAGE 2

Permit To Appropriate Water

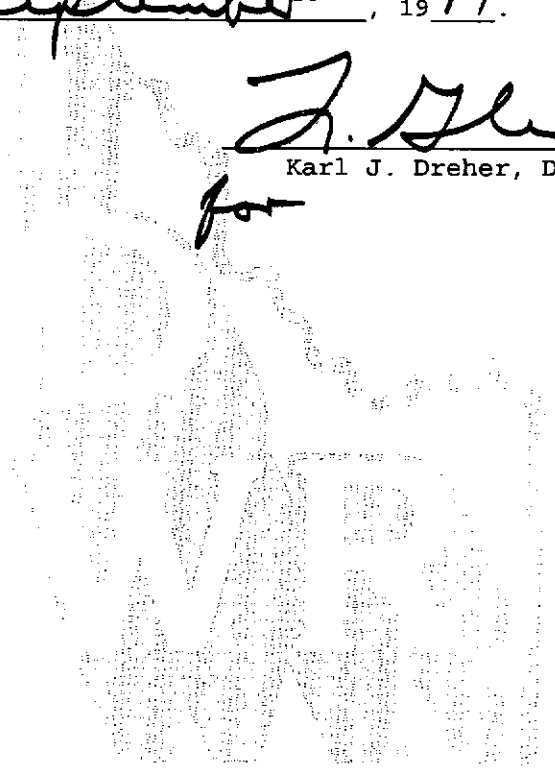
NO. 85-07656

CONDITIONS OF APPROVAL AND REMARKS

6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. Fish propagation is for incubation and rearing of fall chinook salmon.

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

29th day of September, 1999.


Karl J. Dreher
Karl J. Dreher, Director
for

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DEC 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

PA Tract No. SWTWR-FF-1SW**RECEIVED****SEP 20 1999**

To appropriate the public waters of the State of Idaho

Department of Water Resources

503-230-5680

United States of America, Dept. of Energy

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 Sweetwater Springs which is a tributary of SWEETWATER CREEK
3. Location of point of diversion is Township 33N Range 4W Sec. 4 in the NW 1/4,
SW 1/4, 1/4, Govt. Lot 1/4, B.M. Nez Perce
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 19 4 cfs. for Fish propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR
- Amount 20 0.4 AF for FISH PROPAGATION purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) DIVERSION TO
- Amount 55 0.4 CFS for STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 4+ and/or (b) 0.4
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 Concrete vault extension to existing spring box
connected via 12" pipe.
- b. Height of storage dam N/A feet, active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85° F being sought? No
- e. If well is already drilled, when? N/A; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9)
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fish propagation. Incubation and rearing of approximately 800,000 fall chinook salmon. These
will be reared to fingerlings before transfer to satellite facilities in February and April.

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9. Description of place of use:

- a. If water is for irrigation, indicate 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.

[illegible]

Total number of acres to be irrigated N/A

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? USA - Bonneville Power Administration
b. Who owns the land to be irrigated or place of use? USA - Bonneville Power Administration
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: BPA purchased this property from IDFG as of April 1, 1999.
12. Remarks: The purpose of this Fish propagation activity is as a supplementation program to restore chinook salmon to the Clearwater River Subbasin in Idaho. Fall chinook salmon will be reared at this site, released from satellite acclimation sites and will return to reproduce naturally.
The United States submits this permit application as a matter of comity and, in doing so, does not waive any rights it may have under federal law for the same purpose or use.
13. **MAP OF PROPOSED PROJECT REQUIRED** -Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED Marian Wolcott, Ready Specialist
DEC 14 1999 Signature of Applicant (and title, if applicable)

Received by db Date 6/3/99 Time 9:00 a Preliminary check by AB
 Fee \$ 160.00 Received by db # NO12931 Date 6/3/99
 Publication prepared by db Date 7/7/99 Published in Lewiston Trip 7/15+23
 Publication approved db Date 8/16/99 8/5+1

Additional information needed for fish propagation application for permit:

- 1) Construction plan to include sizes and number of ponds, total proposed facility volume: Attachment 1 - 3 drawings.
- 2) Proof of "possessory interest" of land at place of use: Attachment 2 - Easement for use of Spring Water.
- 3) No assignment and/or diminished quality of water quality: FishPro, Inc. in contact with DEQ, Boise 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: Attachment 5.
- 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 DEQ, Boise to address this requirement.

- 7) Are there any existing facilities upstream of diversion point or downstream of discharge point.

Upstream: no facilities. Downstream: Sweetwater Aquaculture approximately 3-5 miles downstream of discharge location.

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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.
- B) Average percent of existing facility's water to be used by the proposed facility.
- ☒ a) Less than 10% - *Non-consumptive use*
 - b) 10% to less than 25%
 - c) 25% to less than 50%
 - d) 50% to less than 75%
 - e) 75% or more
- 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
- 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
- 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.

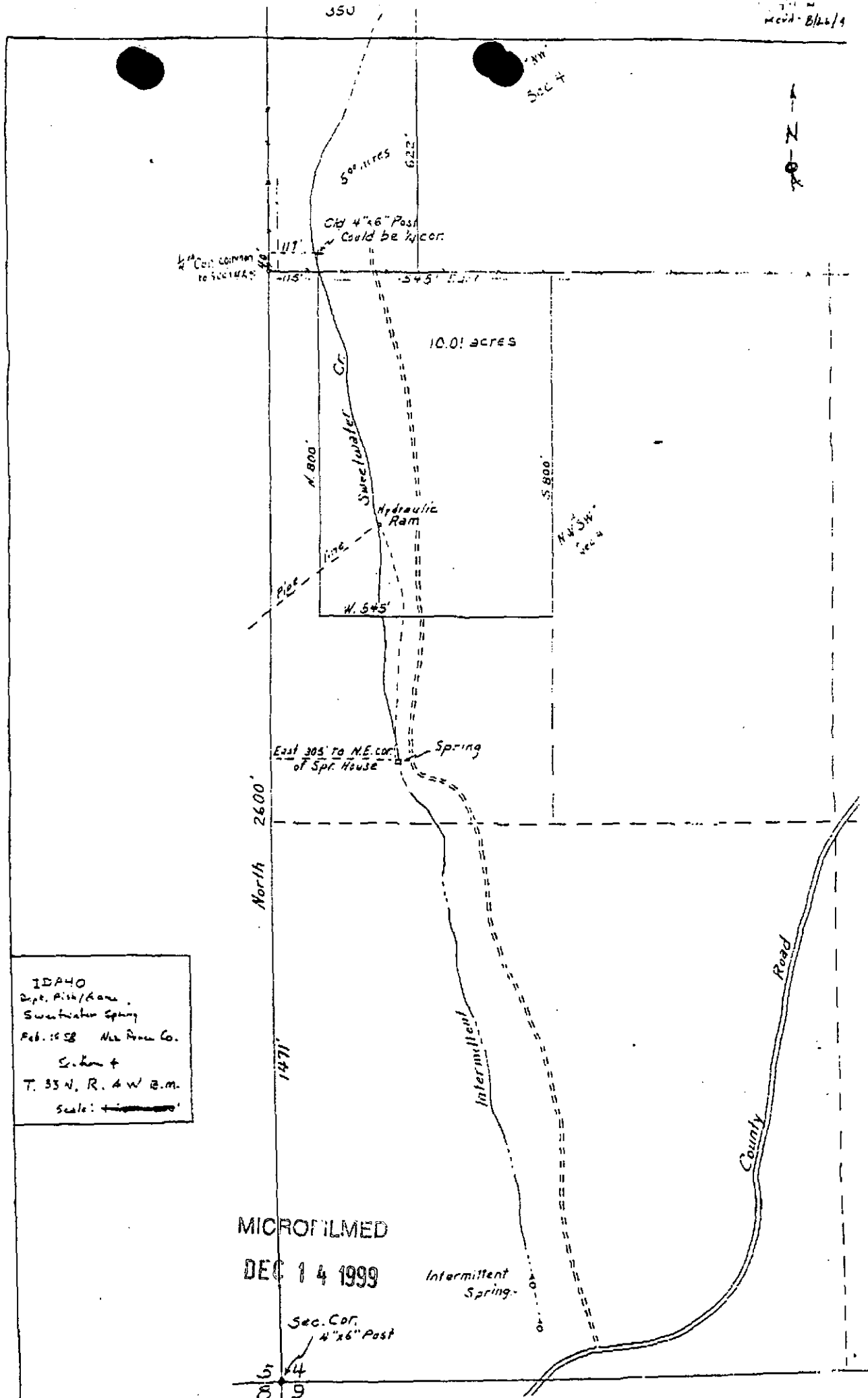
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Additional comments: BPA and the Nez Perce Tribe will cooperate in the enhancement of the existing facilities and construction of new facilities for salmon restoration to the Clearwater River Subbasin. Approximately 4000 pounds of fall chinook salmon fingerlings will be hatched and reared at this location. Fish will be transferred in the spring to satellite facilities for final rearing and release. Adults will return to release waters and allowed to spawn naturally.

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DEC 14 1999



IDAHO
Dept. Fish & Game
Sweetwater Spring
Feb. 1958 New River Co.
S. L. &
T. 35 N., R. 4 W. E. M.
Scale: 1" = 100'

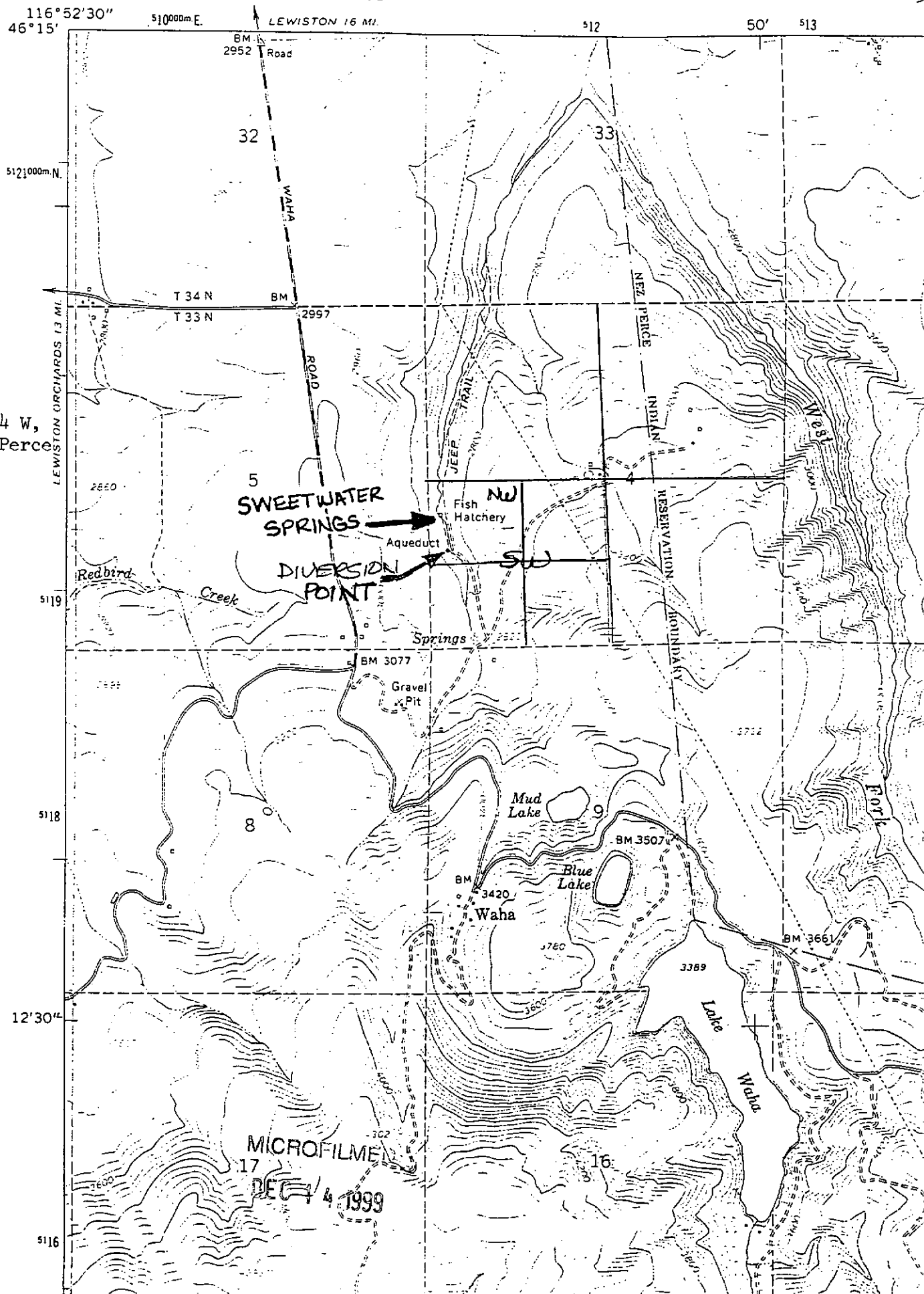
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DEC 14 1999

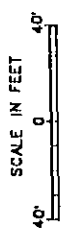
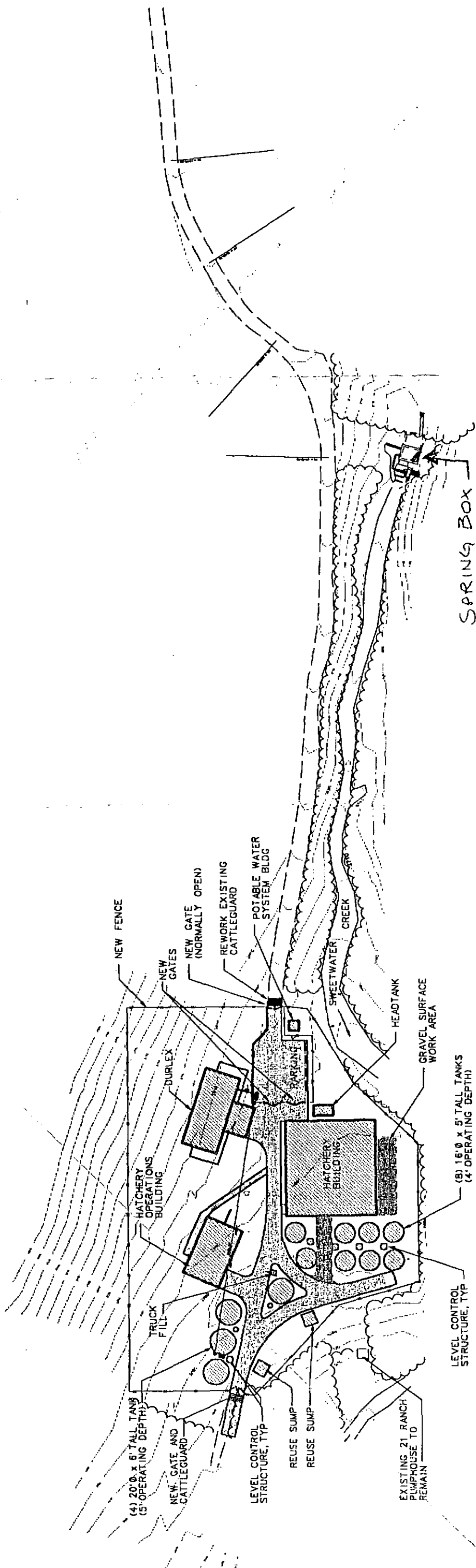
2378 IV SW
LEWISTON ORCHARDS
SOUTH

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

WAHA QUADRANGLE
IDAHO - NEZ PERCE C.
7.5 MIN. SERIES (TOPO)

Section 4,
T³³ N, R⁴ W,
B.M., Nez Perce
County, ID

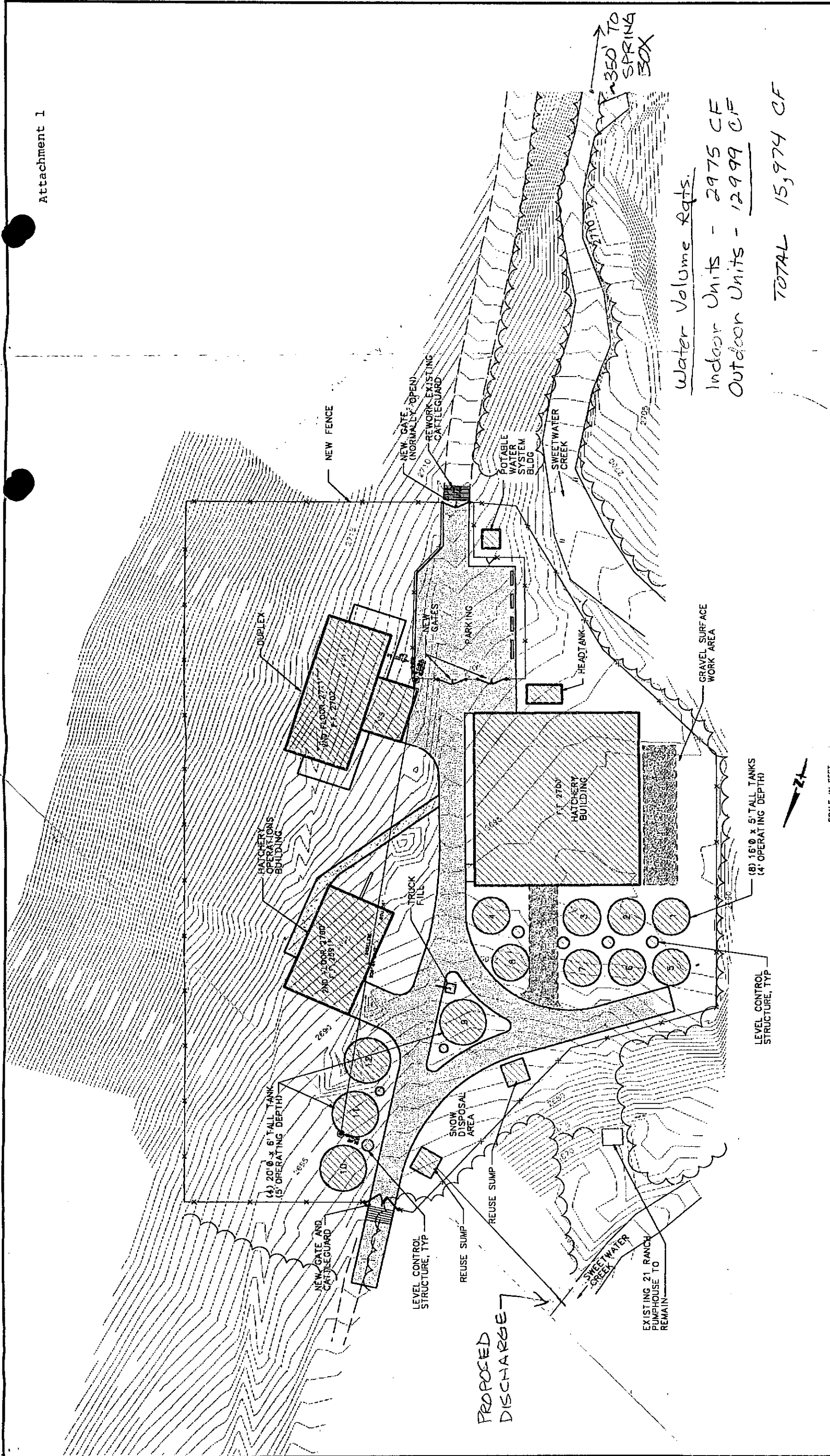




NO.	CONTRACT	CONSTRUCTION	FA	FORCE ACCOUNT	E	RECORD	BY	DATE	APPROVED
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ACB	ACB	ACB	ACB	ACB	ACB	ACB	ACB	ACB	ACB
MJM	MJM	MJM	MJM	MJM	MJM	MJM	MJM	MJM	MJM
KPF	KPF	KPF	KPF	KPF	KPF	KPF	KPF	KPF	KPF
CNCR	CNCR	CNCR	CNCR	CNCR	CNCR	CNCR	CNCR	CNCR	CNCR
APPE	APPE	APPE	APPE	APPE	APPE	APPE	APPE	APPE	APPE
DATE	1/20/99								

BONEVILLE POWER ADMINISTRATION	
HEADQUARTERS PORTLAND, OREGON	
NEZ PERCE TRIBAL HATCHERY PROGRAM	
SWEETWATER SPRINGS	
PARTIAL SITE PLAN	
HATCHERY AREA	
Page	1
Sheet	1
Revision	



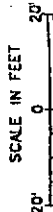


Water Volume Rqts.

Indoor Units - 2975 CF

Outdoor Units - 12999 CF

TOTAL 15,974 CF



NO.	REV.	DESCRIPTION	BY	DATE	APPROVED
1		CONTRACT CONSTRUCTION FA - FORCE ACCOUNT, R - RECORD			
2		COMPUTER REVISION ONLY			
3		UNITED STATES DEPARTMENT OF ENERGY			
4		BONNEVILLE POWER ADMINISTRATION			
5		HEADQUARTERS, PORTLAND, OREGON			
6		NEZ PERCE TRIBAL HATCHERY PROGRAM			
7		SWEETWATER SPRINGS			
8		PARTIAL SITE PLAN			
9		HATCHERY AREA			

Serial

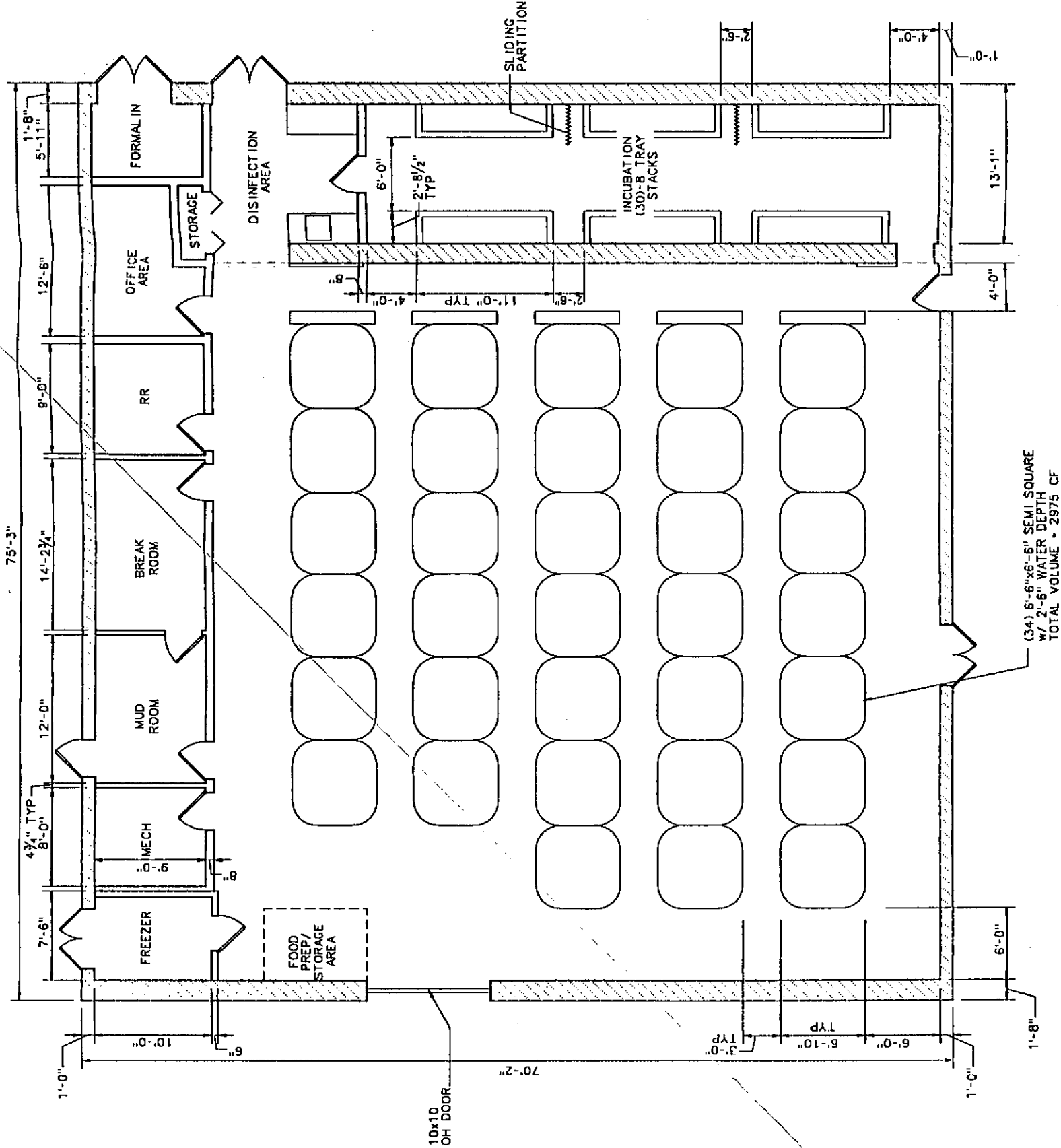
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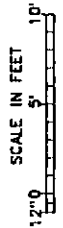
Sheet

Revision





FLOOR PLAN A



AREA SET ASIDE FOR BUILDING STRUCTURAL COMPONENTS



NO.	REVISION	ONLY	BY	DATE	APPROVED
1	CONTRACT CONSTRUCTION	FA	FORCE ACCOUNT	R	RECORD
DESIGN	MJM				
DRAWN	SL				
CHECKED					
REVIEW					
ENGINEER					
ARCHITECT					
UNITED STATES DEPARTMENT OF ENERGY					
BONNEVILLE POWER ADMINISTRATION					
HEADQUARTERS, PORTLAND, OREGON					
NEZ PERCE TRIBAL HATCHERY PROGRAM					
SWEETWATER SPRINGS					
HATCHERY BUILDING					
FLOOR PLAN					

280066

EASEMENT FOR USE OF SPRING WATER

THIS INDENTURE, made and entered into this 22nd day of October, 1960, by and between "21 RANCH, INC.", a corporation, hereinafter referred to as the party of the first part, and the STATE OF IDAHO, for the use and benefit of the Department of Fish and Game, hereinafter referred to as the party of the second part,

WITNESSETH:

WHEREAS, the party of the first part, the owner of certain lands situate in the NW 1/4 of Section 1, Township 1 North, Range 4, West Boise Meridian, upon which there is a spring commonly referred to as "Sweetwater Spring", and

WHEREAS, the party of the first part intends to grant unto the party of the second part the right and privilege of installing a water pipeline from the said spring to the lands of the party of the second part adjoining the lands of the party of the first part, which have heretofore been conveyed from the party of the first part to the party of the second part, so that the party of the second part may enjoy the use of such water from said spring and may need for the purpose of maintaining a fish hatchery, and for domestic uses and other uses appurtenant to the operation of said fish hatchery, subject only to the right of party of the first part, its assigns, shareholders and employees to use and appropriate the waters of said Sweetwater Spring for domestic and household curtilage, and the watering of livestock;

Filed and recorded on the request of	
JAN 17 1961	
A. L. LYONS	
RECORDED	INDEXED
By <i>[Signature]</i>	

*Mail Table Encl
Lynn M. [unclear]*

or

*13/396
Misc.*

*RECEIVED
DEC 14 1999*

own interests, in consideration of the premises and of the fact of the drilling and erecting good and valuable consideration for the property herein referred to, the said party of the first part hereby grants, conveys and sells unto the party of the second part, or its assigns, an easement and right of way, and right of use, draw and use from a wellhead spring and the water therefrom, and subject to the aforementioned prior right of the party of the first part, located in the NW 3/4 Section 27, Township 36 North, Range 4, West, 10th Meridian, for the purpose of laying and maintaining a pipeline from said spring to the lands and the location of the second party located in the said NW 3/4 Section 27, Township 36 North, Range 4, West, 10th Meridian.

IN WITNESS WHEREOF, the said private Council hath caused its hand to be set, and its seal to be hereunto caused its hand to be set, this first writtene.

(SIAL)

STATE OF IDAHO)
County of New Burgher)

On this 17th day of October, 1960, at San Francisco, California,
undersigned, a Notary Public for the State of California,
appeared ALVIN V. MC CORMACK, known to me to be the person whose name is
the corporation that executed the foregoing instrument, and he
executed the instrument on behalf of the said corporation, and he
acknowledged to me that such corporation was the owner of the

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal this 25th day of June, 1941, at
St. Paul, Minnesota.

(S. 10)

MICROFILM
DEC 14 1999

**Sweetwater
Opinion of Probable Construction Costs - Summary**

Item No.	Item	Total
1.0	Site Work	\$198,204
2.0	Utilities	\$235,981
3.0	Duplex	\$320,190
4.0	Garage/Shop Building	\$158,103
5.0	Hatchery Building	\$1,172,899
6.0	Headtank	\$86,128
7.0	Process Water Supply	\$527,561
8.0	Process Water Drain System	\$124,885
9.0	Emergency Power Generator	\$219,761
10.0	Outdoor Circular Tanks (16' Dia.)	\$467,183
11.0	Site Preparation	\$200,320
12.0	Instrumentation, Alarm and Control	\$260,305
	Total	\$3,971,520
	Contingency (15%)	\$595,728
	Total with Contingency	\$4,567,248

MICROFILMED
DEC 14 1999



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

September 30, 1999

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07656

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.

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.

MICROFILMED

OEC 14 1999

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

Sincerely,



for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

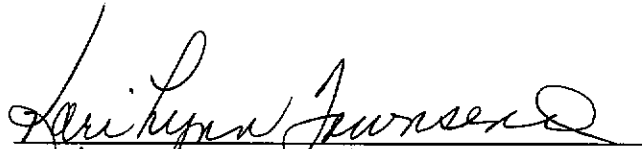
DEC 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **September, 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. 85-07656

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


Kari Lynn Townsend
Secretary

MICRC
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

WR0749NP
No. P85-07656

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF ENERGY BONNEVILLE POWER ADMIN PO BOX 3621 PORTLAND OR 97208 (503) 230-5680	06/03/1999	FISH PROPAGATION FISH PROP. STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	4.000 CFS 4.000 CFS	 0.40 AFA
TOTAL DIVERSION:					4.000 CFS	

Water Source: SPRINGS

Tributary to: SWEETWATER CREEK

Stage: PERMIT

Point(s) of Diversion: T33N R04W S04 SWNWSW NEZ PERCE County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
33N	04W	4	:		:		:		:		:		:		:	

Pou County: NEZ PERCE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
85-02123 85-07656

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 01M - After specific notification by the department, the right holder
 - shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- ~~087~~ - The right holder shall not assign or sell the permit without
 - first securing the written approval of the Department of Water
 - Resources.
- 042 - The right holder shall provide the Department, upon request,
 - information showing volume changes per hour necessary to
 - maintain an adequate environment for the fish propagation
 - facility. Volume changes per hour shall be based upon actual
 - fish production.
- 081 - Use of water under this approval shall comply with applicable
 - water quality standards of the Division of Environmental Quality
 - of the Idaho Department of Health and Welfare.

Remarks: GEN Fish propagation is for incubation and rearing of fall chinook salmon.

WR0749NP
No. P85-07656

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/99
PAGE: 2

=====
Dates: App. Received: 06/03/1999 Priority Date: 06/03/1999
Proof Due Date: 10/01/2004 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/29/1999 User-ID: DBALL Subject: Examiner's notes.
BPA purchased property from IDFG as of 4/1/99.
The US submits this permit app 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.
Time required 5 years.

Date: 09/28/1999 User-ID: SCURTIS Subject: PROJECT CONTACTS
Ken Kirkman - Project Manager
Marian Wolcott - Realty Specialist
Ken Ferjancic - Project Manager (Design and Engineering)
Kathleen Concannon - Contract NEPA Coordinator

Audit: 09/28/99 SCURTIS

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

No.: 85-07656 Name: USDE Date: _____ Ad OK? _____ ✓ Gvmt Lts: _____ by SCurtis

AREA OF CONCERN: - No/Yes: GL Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WAMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - YES / NO; WHEN: 9/16/99 RESPONSE: NO OBJECTIONS
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE - 01M or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req)-081-P10
- FISH PROPAGATION - 029(70's only)-067-042(req)-081 (WQ? P10)
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 in 20/30/40/50/60/70/80 (87) basin
- SWAN FALLS FLAG (✓ Code) - _____
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 10/11/2004
- 10 ac. pda SW NW SW

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

RECEIVED

SEP 20 1999

APPLICATION # 85-07656

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT:

BPA

BY:

AS

DATE:

6/28/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

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

PROCESSING

(Yes)(No) PRIORITY DATE: 6/28/99

X (Include Moratorium Remark)

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

LT/Chun/ok

ADVERTISE IN: NEZ PERCE County

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>↓</u>		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: 8/1/99
- Further information required from applicant
- 8/16 Affidavit of publication received
- 8/16 Application published correctly. If not, record action taken: Resubmit to correct fish prop storage amount
- 7/2 Publication dates and paper recorded on application
- Protests received, Final protest date: 8/2/99 Sr. Agent initial 8/23/99
- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: _____

Date: 8/23/99

Memorandum

Date: September 16, 1999

To: File 85-07656

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
Mr. Ed Schriever, of Idaho Department of Fish and Game, Lewiston office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Survheen, he had no problem with it's approval.

MICROFILMED  
DEC 14 1999

September 16, 1999

Ed Schriever  
Idaho Department of Fish & Game  
1540 Warner  
Lewiston ID 83501

Re: Water Right 85-07656 - US Dept of Energy, Bonneville Power Admin.

Dear Mr. Schriever:

Pursuant to your conversation with Al Beardslee of our office, enclosed is a copy of above referenced application and pertinent information.

Should you have any questions or comments, please contact Mr. Beardslee at (208) 769-1450, e-mail: <abeardsl@idwr.state.id.us>.

Sincerely,

Dianne Ball  
Administrative Assistant

db

Enc.

MICROFILMED  
DEC 14 1999

**TRIBUNE PUBLISHING COMPANY, INC.**

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

**LEGAL ADVERTISING  
INVOICE**Date 08/12/99INVOICE NO. 207908Account No. 964750Description 207908NOTICEOFCORRECTITimes 2Lines 28

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

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

\$ 38.50

RECEIVED  
AUG 16 1999  
IDWR/North

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

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

**NOTICE OF CORRECTION**  
NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 85-07656 in the name of US DEPT OF ENERGY, BONNEVILLE POWER ADMIN, PO BOX 3621, PORTLAND, OR, 97208, was incorrectly advertised on July 15 and 22, 1999. That portion of the proposed USE described as FISH PROP. STORAGE was incorrectly advertised as 0.10 AF, whereas correctly it should have read FISH PROP. STORAGE 0.40 AF. (For additional information concerning the property location, call the Northern Regional Office at 769-1450.) Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before August 23, 1999.  
**KARL J. DREHER, Dir.**  
Published in the Lewiston Tribune on 8/5 & 12/1999.

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 207908NOTICEOFC 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 08/05, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 08/05/99, and the last publication thereof being on the 08/12/99, and said 207908NOTICEOFC 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 12

day of August 1999

MICROFILMED

DEC 14 1999

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires 7/1/02

July 28, 1999

Legal Notice  
Lewiston Tribune  
PO Box 957  
Lewiston ID 83501

Re: Water Right No. 85-7656 - US Dept of Energy, Bonneville Power Admin

Gentlemen:

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

Please send the Affidavit of Publication, and the bill, to this office before August 23, 1999.

Thank you.

Sincerely,

Dianne Ball  
Administrative Assistant

Enclosure

MICROFILMED

DEC 14 1999

NOTICE OF CORRECTION

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Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before August 23, 1999.

KARL J. DREHER, Dir.

Published in the Lewiston Tribune on 8/5 & 12/1999.

MICROFILMED

DEC 14 1999

**TRIBUNE PUBLISHING COMPANY, INC.**

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

Date 07/22/99

INVOICE NO. 206354

Account No. 964750

Description 206354NOTICEOFAPPLICAT

**LEGAL ADVERTISING  
INVOICE**

Times 2

Lines 28

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

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

\$ 84.00

RECEIVED  
JUL 26 1999  
IDWR/North

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

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

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 206354NOTICEOFA 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 07/15, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 07/15/99, and the last publication thereof being on the 07/22/99, and said 206354NOTICEOFA 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 23rd

day of July 1999

Sheryl M. Lentz

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires June 4, 03

206354

**NOTICE OF  
APPLICATION FOR WATER RIGHT**

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

85-07656

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

Source: SPRINGS

Tributary: SWEETWATER CREEK

Diversion Pt: NWSW Sec 4 T 33N R 04W in NEZ PERCE County.

Use: FISH PROPAGATION (4,000 CFS)

FISH PROP. STORAGE (4,000 CFS)

DIVERSION TO STORAGE (4,000 CFS)

Total Diversion:

Date Filed: 6/3/1999

In: NEZ PERCE County

T33N R04W S04 NWSW

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 AUGUST 2, 1999.

KARL J. DREHER, Director

Published: 7/15/1999 & 7/22/1999

MICROFILMED

DEC 14 1999

85-07656

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

Source: SPRINGS

Tributary: SWEETWATER CREEK

Diversion Pt: NWSW Sec 4 T 33N R 04W in NEZ PERCE County.

|                       |   |            |
|-----------------------|---|------------|
| Use: FISH PROPAGATION | ( | 4.000 CFS) |
| FISH PROP. STORAGE    | ( |            |
| DIVERSION TO STORAGE  | ( | 4.000 CFS) |
| Total Diversion:      | ( | 4.000 CFS) |

0.10 AF)

*Should be*

0.4

Date Filed: 6/ 3/1999

In: NEZ PERCE County  
T33N R04W S04 NWSW

RECEIVED

DEC 14 1999

July 7, 1999

Marian Wolcott, Realty Specialist  
US Dept of Energy  
Bonneville Power Administration - TSR-3  
PO Box 3621  
Portland OR 97208

Re: Water Appropriation Application No. 85-07656

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 N012931.

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

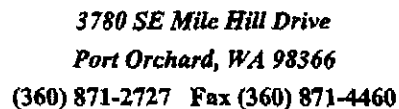
Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

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DEC 14 1999



June 17, 1999

Page 1 of 1 total pages

Original \_\_\_\_ will x will not follow

To: Al Beardslee

**From:** Patty Michak

**Fax: 208 769 1454**

**Re: Corporate Officers for Sweetwater Springs Water Right**

The following individuals will be the appropriate contacts for the Sweetwater Springs water rights Application submitted by US Dept of Energy, Bonneville Power Administration:

Mr. Ken Kirkman  
Project Manager  
Bonneville Power Administration  
PO Box 3621 EWN-4  
Portland OR 97208  
503 230 5557

Ms. Marian Wolcott  
Realty Specialist  
Bonneville Power Administration  
PO Box 3621 TSR-3  
Portland OR 97208  
503 230 3273

**Mr. Ken Ferjancic**  
**Project Manager-Design and Engineering**  
**FishPro, Inc.**  
**3780 SE Mile Hill Drive**  
**Port Orchard WA 98366**  
**360 871 2727**

Ms. Kathleen Concannon  
Contract NEPA Coordinator for BPA  
4945 NE 35<sup>th</sup> Ave.  
Portland OR 97211  
503 230 3298

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DEC 14 1999

Phone conversation memo

To: File (BPA Application for Permit #\_\_\_\_-\_\_\_\_)

Date: 6-16-99

RE: Ms. Tatty Michak, of FishPro, Inc. ~~4~~(360)871-2727

~~~~~  
Ms. Michak called to inquire as to the status of this filing. I informed her that we were waiting for further information needed prior to processing for advertisement. Ms. Michak informed me that she had the authority to clarify the following items on BPA's Application for Permit:

The source will be changed from Sweetwater Springs to Springs and a reference will be made in the remarks to describe the source locally known as Sweetwater Springs. The location of the springs where the point of diversion is located was verified as only being located within the NW1/4 SW1/4 Section 4, T33N., R4W. It was further explained that the springs showing on the topographical within the SW1/4 SW1/4 did not flow during the drier times of the year

The addition of diversion to storage and storage components were added with a rate of 4.0 CFS and 0.40 AF to the filing.

A list of Officials will be faxed to our office.

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DEC 14 1999



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From **Marian Wolcott - TSR-3** Ship Date **6/2/99**

**BONNEVILLE POWER ADMIN.
905 NE 11TH AVE
PORTLAND**

OR 97232

To (If Hold for Pickup, Print FEDEX Address Here) (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

**Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615**

Release No.

Phone No. **208-769-1450**

Reference Info

Routing Code

SVC. CODE		Priority Overnight Service				Standard Overnight Service				Econ. Two-Day Svc.		Gov't Overnight Svc.	
1- Your Pkg		2- Fedex Pkg	3- Fedex Pkg	4- Fedex Pkg	5- Fedex Pkg	6- Fedex Pkg	7- Fedex Pkg	8- Fedex Pkg	9- Fedex Pkg	10- Fedex Pkg	11- Fedex Pkg	12- Fedex Pkg	
WEIGHT	DECLARED VALUE	SPECIAL HANDLING CODES											
		1 HOLD FOR PICK-UP 2 DELIVER WEEK-SATURDAY 3 DELIVER SATURDAY 4 DANGEROUS GOODS 5 DRY ICE 6 HOLIDAY DELIVERY											

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

June 2, 1999

In reply refer to TSR-3
Tract No. SWTWR-FF-1SW

Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615

Dear Sir or Madam:

Bonneville Power Administration (BPA) is requesting a permit to use public waters for its Sweetwater Fish Hatchery Project.

Enclosed is a completed Application for Permit to Appropriate the Public Waters of the State of Idaho.

Also enclosed is U.S. Government Check, Bonneville Power Administration, No. 385, drawn to the order of State of Idaho, Dept. of Water Resources, in the amount of \$160.00 in payment for the enclosed permit for 4cfs, as indicated in your fee schedule.

Please take the necessary steps to process this application.

If you have any questions or we can be of help in processing the application, please call Madonna Presley at (503) 230-5680.

Thank you for your attention to this matter.

Sincerely,

Marian Wolcott

Marian Wolcott
Realty Specialist

2 Enclosures

RECEIVED
JUN 03 1999
IDWR/North

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DEC 14 1999