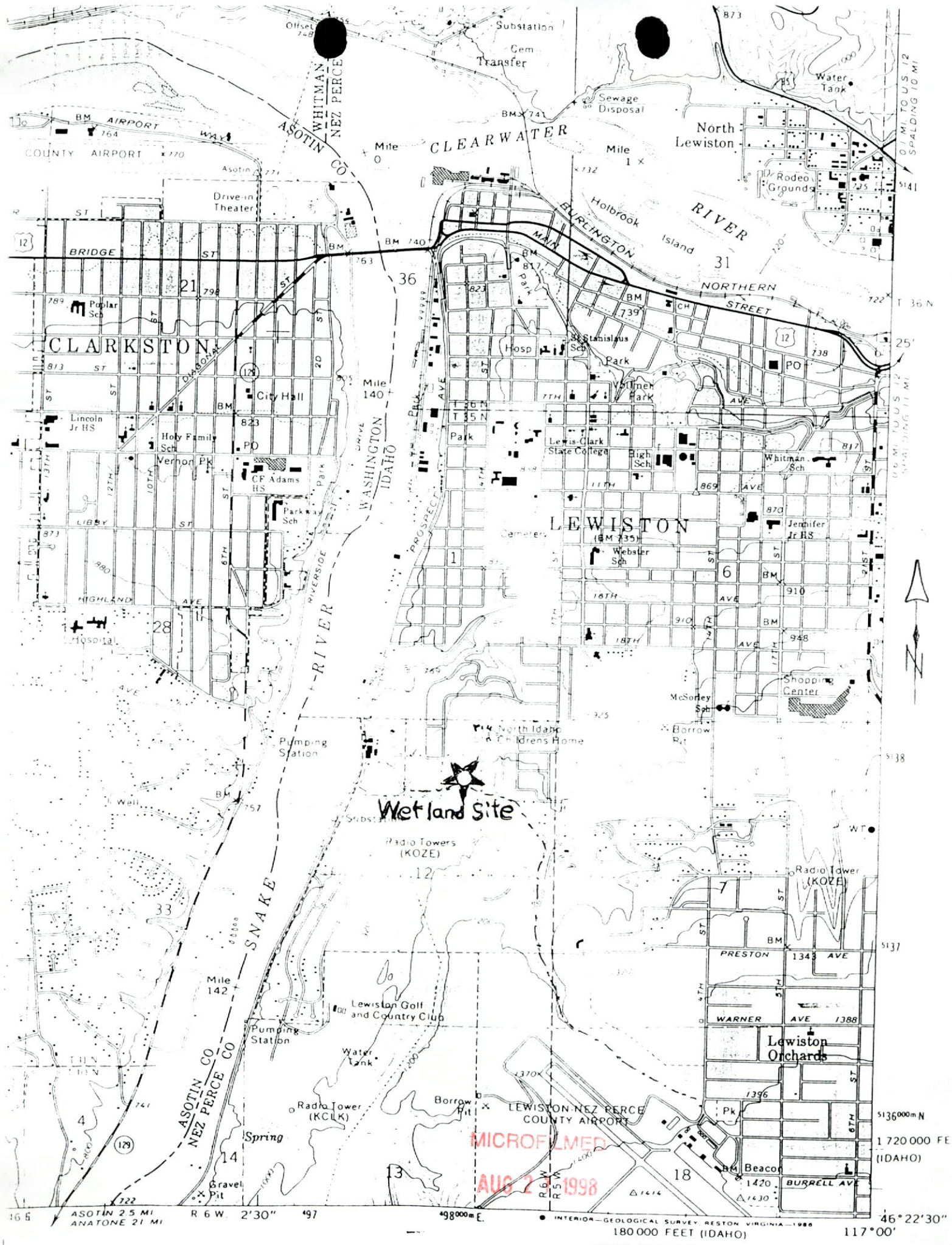
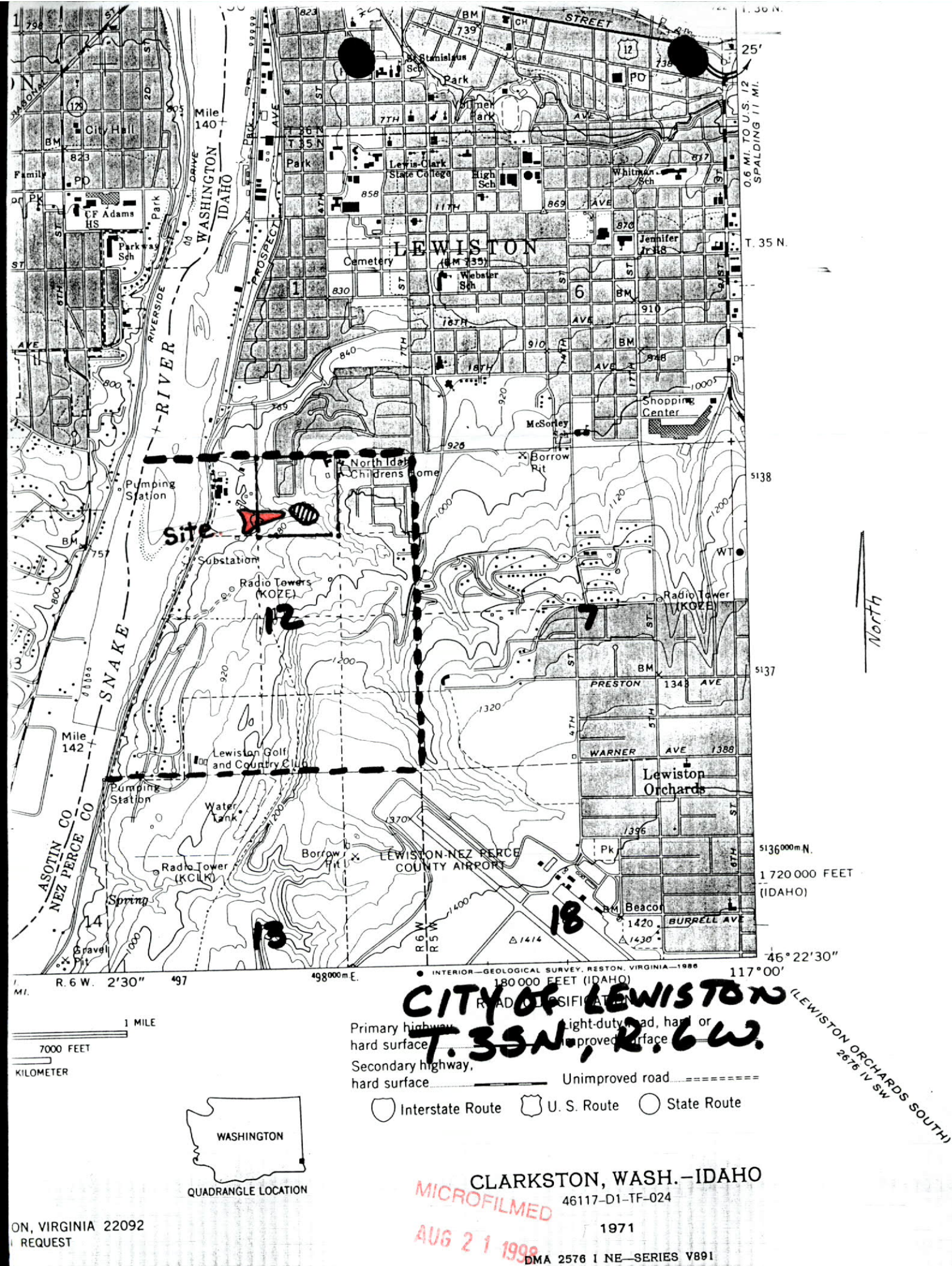
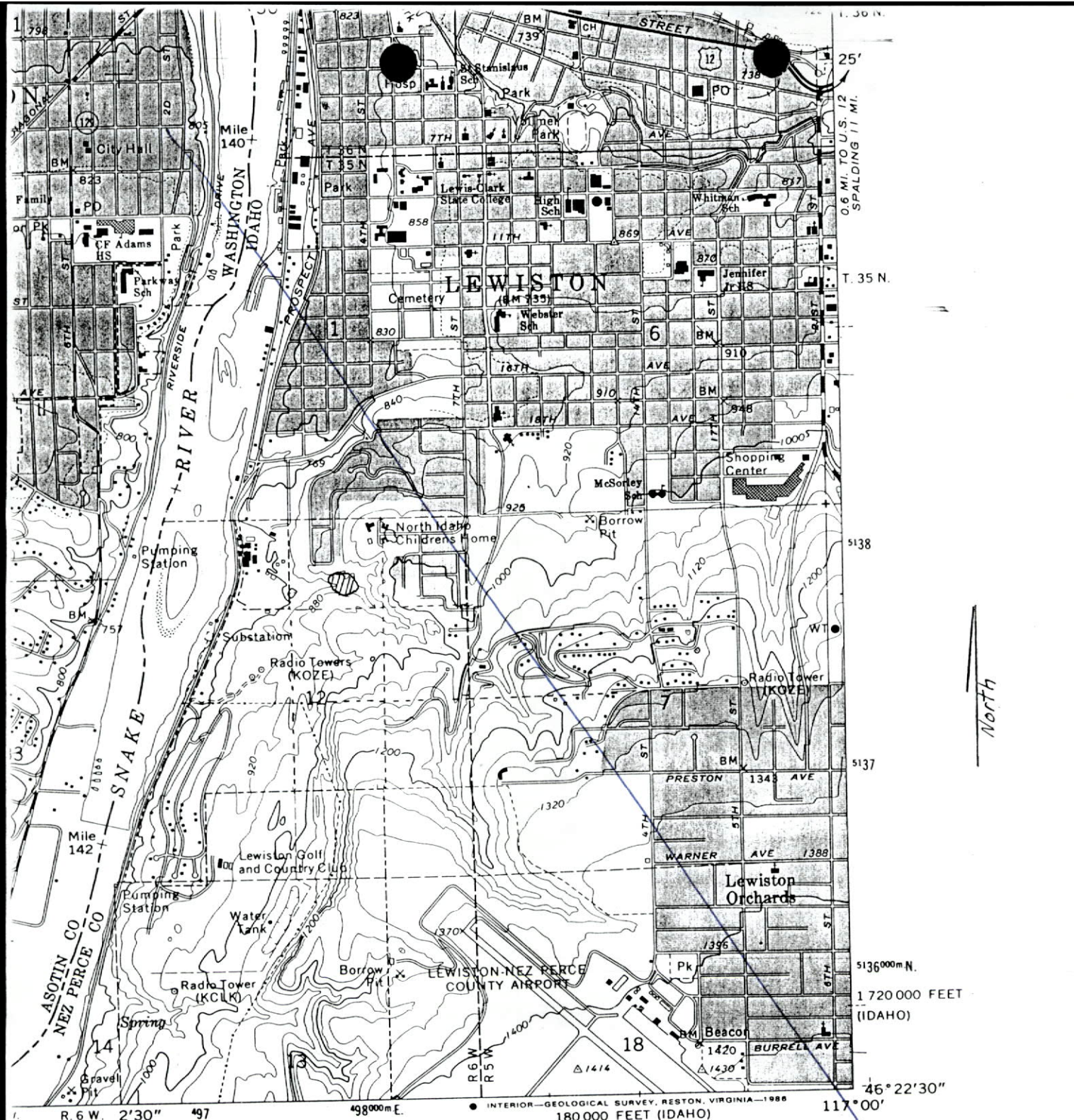




MICROFILMED
AUG 24 1998





1 MILE
7000 FEET
KILOMETER



ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
○ Interstate Route	△ U. S. Route
	○ State Route

CLARKSTON, WASH.-IDAHO
46117-D1-TF-024

1971

DMA 2576 I NE-SERIES V891

MICROFILMED
AUG 21 1998

ON, VIRGINIA 22092
REQUEST

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 03/12/98INVOICE NO. 167975Account No. 964750Description 167975NOTICEOFAPPLICATTimes 2Lines 35Tab. Lines **RECEIVED**

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

\$ 48.13**MAR 13 1998**NORTHERN REGION
IDWR

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

167975
**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
85-07646
CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON, ID 83501
Source: UNNAMED STREAM
Tributary: SNAKE RIVER
Diversion Pt: NWNE Sec 12 T 35N R
06W in NEZ PERCE
County.
Use: WILDLIFE (0.100 CFS)
Total Diversion: (0.100 CFS)
Date Filed: 1/26/1998
In: NEZ PERCE County
T35N R06W S12 NWNE
For additional information concern-
ing the property location, call the
Northern Regional Office at (208) 769-
1450.
The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd. Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before MARCH 23, 1998.
KARL J. DREHER, Director
Published: 3/ 5/1998 & 3/12/1998

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 167975NOTICEOFA 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 03/05, or once a WEEK
for 2 consecutive WEEK, the first publication thereof being on
the 03/05/98, and the last publication thereof being on
the 03/12/98, and said 167975NOTICEOFA 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 12day of March 1998

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

MICROFILMED

AUG 21 1998

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 23 2000

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 85-07646 Telephone No. (208) 746-1316

2. Name of Permit Holder(s): City of Lewiston C/O Dick Marlatt

3. Mailing Address: P.O. Box 617

City Lewiston State ID Zip 83501

4. Source of Water: Un-named stream If **GROUNDWATER** (well), Date Drilled: mo. N/A / yr.

a. Well Driller: N/A Drilling Permit Number:

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: Wildlife (Wetland)

6. Total rate of diversion and/or volume for which proof is submitted: 0.10 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No XX
Has the measuring device been installed? Yes N/A or No

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: City Engineer Tim Richard Telephone Number: 208 746-3671 Ext. 258

Address: 1134 'F' Street - Lewiston, ID 83501

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Dick Marlatt Project Manager Date: 2/16/00
(include your title, if on behalf of company of organization)

MICROFILMED

MAY 24 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07646

Proposed Priority: February 11, 1998 Maximum Diversion Rate: 0.10 CFS

This is to certify, that CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617

LEWISTON ID 83501-0617

has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

WILDLIFE	01/01 to 12/31	0.10 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 12, Township 35N, Range 06W
NEZ PERCE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

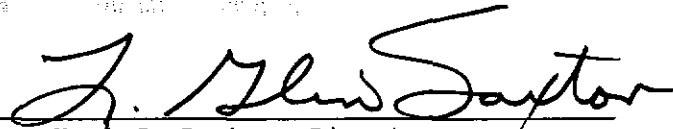
35N 06W 12 NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2000.
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. Wildlife use is for a wetland.

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

2nd day of April, 1998


Karl J. Dreher, Director
for

MICROFILMED

AUG 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AMENDED

APPLICATION FOR PERMIT

MAR 30 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Name of Applicant City of Lewiston - Dick Marlatt Phone 208-746-1316 EXT. 290
Mailing address P.O. Box 617 Lewiston, ID 83501
- Source of water supply UNNAMED STREAM which is a tributary of Snake River
Springer, Bryden Canyon
- Location of point of diversion is Township 35 N Range 6 W Sec. 12 in the SE NW 1/4,
NE NE 1/4, (NA) 1/4, Govt. Lot (NA), B.M., Nez Perce County;
additional points of diversion if any: _____
- Water will be used for the following purposes:
Amount 0.10 CFS for Wet Land, Wildlife purposes from Jan 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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)
- Total quantity to be appropriated is (a) 0.10 CFS and/or (b) 7.5 Acre Feet per Year
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source No devices will be in the stream.
The water will flow through the site and continue down stream.
 - Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
 - Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - Is ground water with a temperature of greater than 85°F being sought? N/A
 - If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
- Time required for completion of works and application of water to proposed beneficial use is two years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in KW. N/A
 - Stockwatering; list number and kind of livestock. N/A
 - Municipal; show name of municipality. N/A
 - Domestic; show number of households. N/A
 - Other; describe fully. Wetland mitigation. This site is part of the construction work for
Bryden Canyon, all within Lewiston City Limits.

2/12/98 - MR. MARLATT CONTACTED OUR OFFICE TO DISCUSS THE DIVERSION RATE
FOR THIS FILING. HE AGREED THAT 0.10 CFS WAS APPROPRIATE
THAN 0.01 CFS. *AS*

AUG 21 1998

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	6W	12		W			ISA												

Total number of acres to be irrigated 15

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? City of Lewiston

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: With the construction of Bryden Canyon Road a small area of wet land will be displaced. The site selected to mitigate the lost wet land is located down stream from the original wet land site. The water right that is being requested will be used to start and sustain the new wet land area. The remaining water will pass through the site and provide for the down stream wet lands. After the water has left the wet land site the water enters a pipe and is transported to the Snake River. The source of the water is the from a spring two thirds of the way up the canyon.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.)

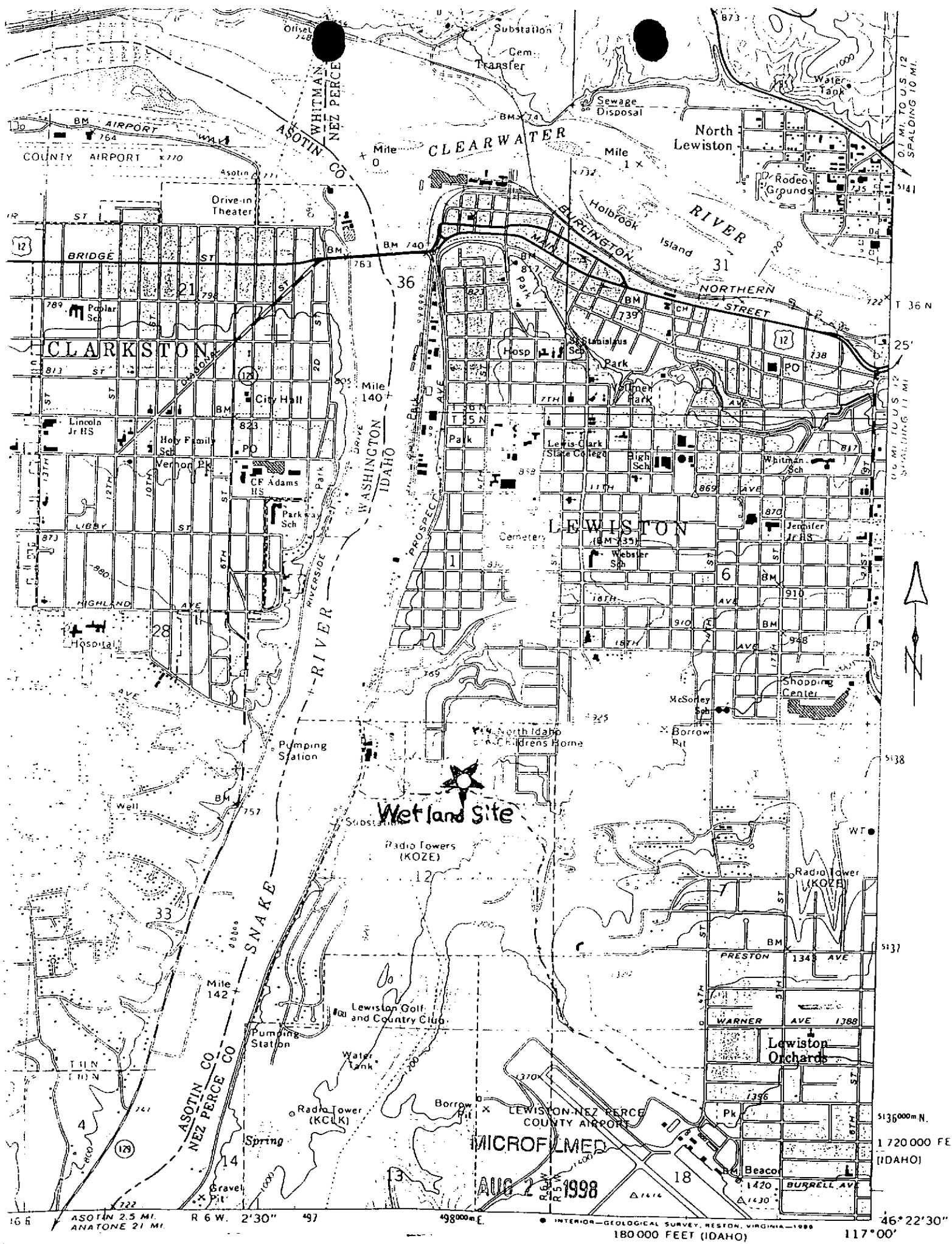
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

AUG 21 1998

David Marshall Temp. & Engr. Dir.
Signature of Applicant (and title, if applicable)

Date of Priority: 2/11/98 cs.

Received by [Signature] Date 1/26/98 Time 1:30 Preliminary check by [Signature]
Fee \$ 320.00 \$ 50.00 Received by [Signature] # N0117821809 Date 1/26/98-2/11/98
Publication prepared by [Signature] Date 2/25/98 Published in Lewiston Tribune 3/5 & 12/98
Publication approved [Signature] Date 3/17/98

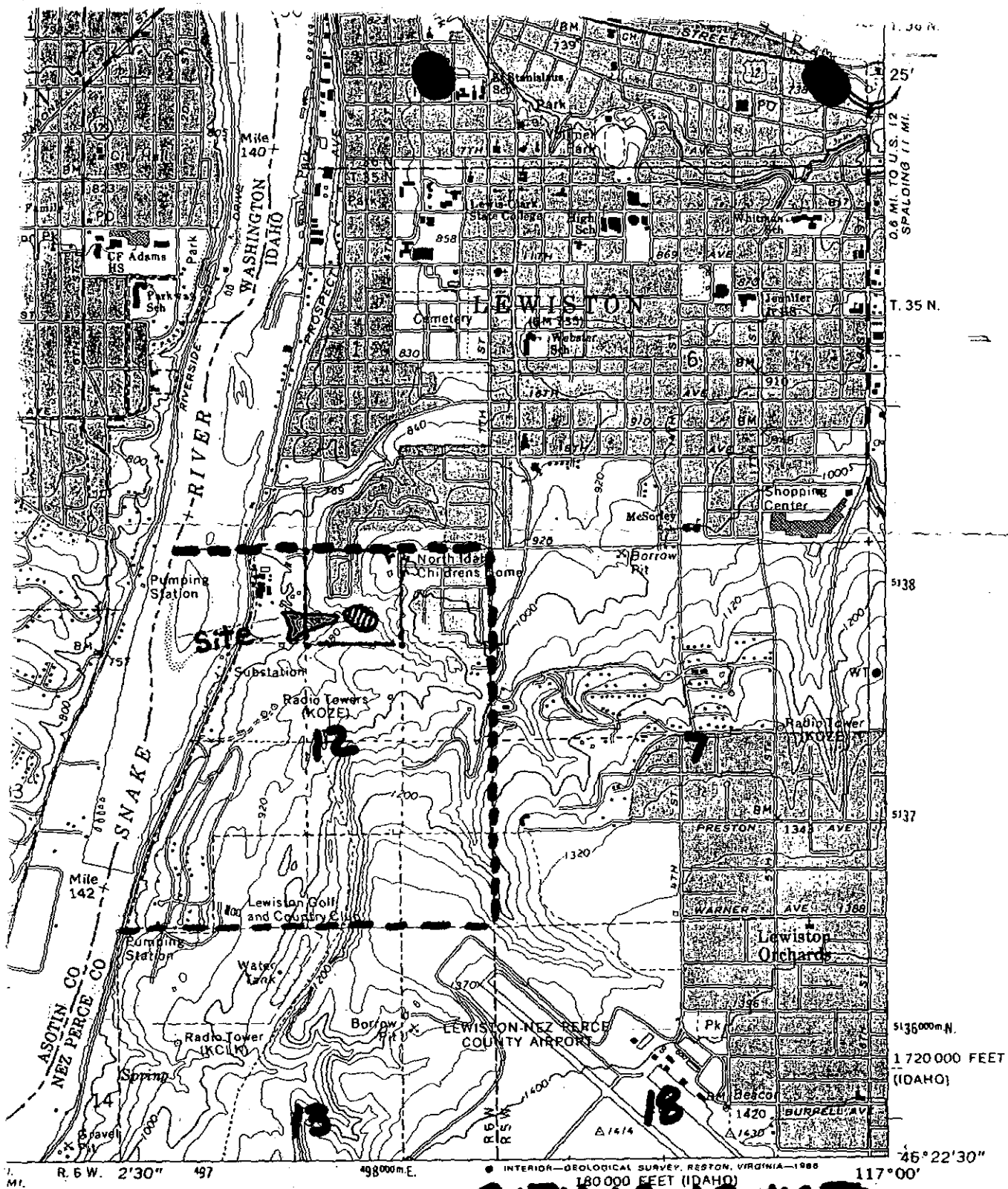


Wetland Site

MICROFILMED
AUG 23 1998



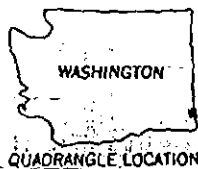
46°22'30" 117°00'
180 000 FEET (IDAHO)
ROAD CLASSIFICATION



CITY OF LEWISTON

Primary highway, light-duty road, hard or hard surface
 Secondary highway, improved surface
 hard surface
 Unimproved road

○ Interstate Route □ U. S. Route ○ State Route



CLARKSTON, WASH.-IDAHO
 MICROFILMED 46117-D1-TF-024

AUG 21 1990
 1971
 DMA 2576 I NE SERIES V891

ON, VIRGINIA 22092
 REQUEST

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

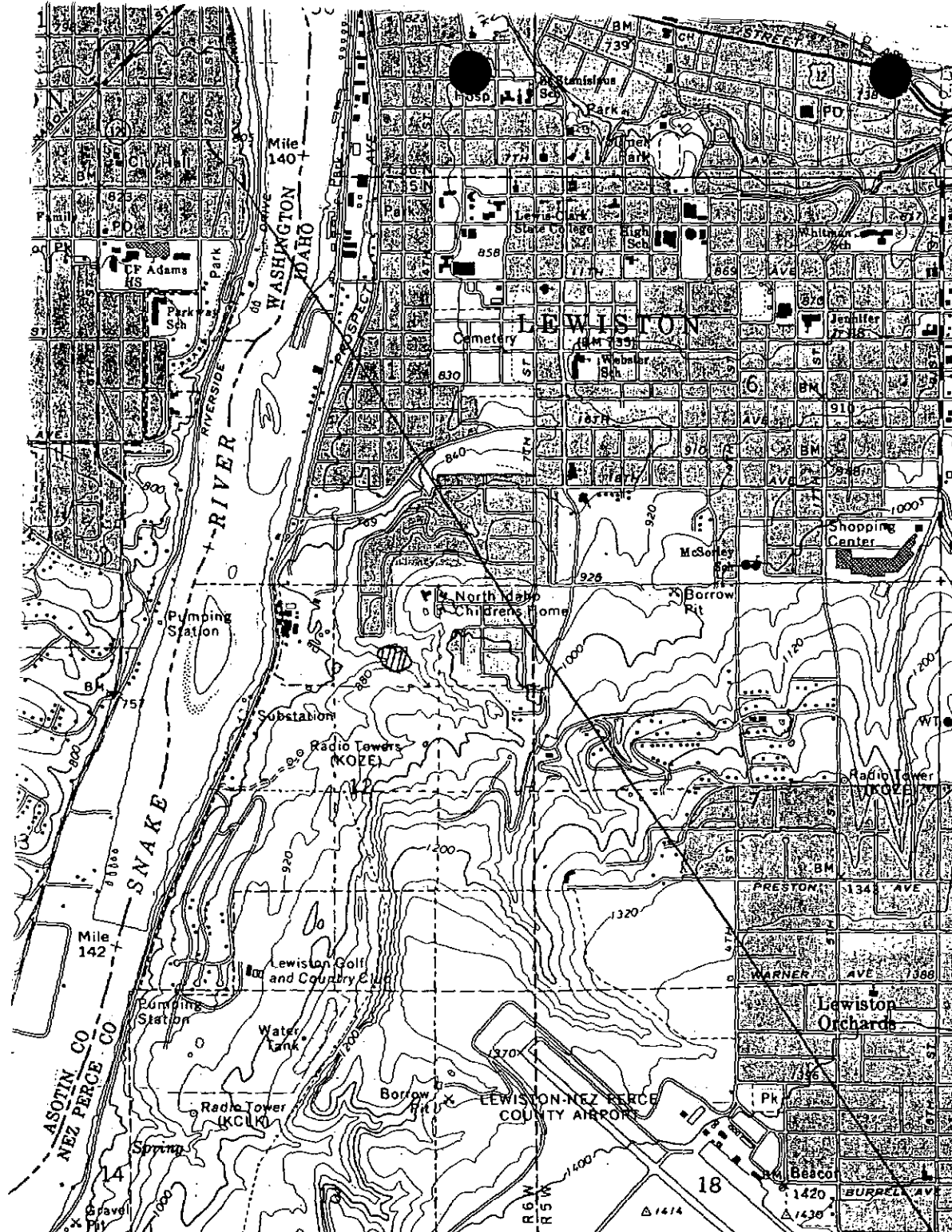
RECEIVED

FEB 11 1998

NORTHERN REGION
IDWR

1. Name of Applicant City of Lewiston - Dick Marlatt Phone 208-746-1316 EXT. 290
Mailing address P.O. Box 617 Lewiston, ID 83501
2. Source of water supply Springs, Bryden Canyon which is a tributary of Snake River
3. Location of point of diversion is Township 35 N Range 6 W Sec. 12 in the SE South 1/2 1/4, NW 1/4, (NA) NE 1/4, Govt. Lot (NA), B.M., Nez Perce County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.01 CFS for Wet Land, Irrigating purposes from Jan 1 to Jan 1 (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)
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) 0.01CFS and/or (b) 7.5 Acre Feet per Year
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 No devices will be in the stream.
The water will flow through the site and continue down stream.
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
d. Is ground water with a temperature of greater than 85°F being sought? N/A
e. If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is two 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. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. N/A
e. Other; describe fully Wetland mitigation. This site is part of the construction work for
Bryden Canyon, all within Lewiston City Limits.

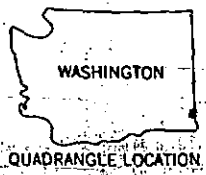
AUG 21 1998



1 MI. R. 6 W. 2'30" 497 498000E. INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1968 180000 FEET (IDAHO) 117°00' 46°22'30"



- ROAD CLASSIFICATION**
- Primary highway, hard surface
 - Light-duty road, hard or improved surface
 - Secondary highway, hard surface
 - Unimproved road
 - Interstate Route
 - U. S. Route
 - State Route



CLARKSTON, WASH.-IDAHO

MICROFILMED

46117-D1-TF-024-

1971

AUG 21 1998

DMA 2576 I NE-SERIES V891

ON, VIRGINIA 22092
REQUEST

5136000N.
1720000 FEET (IDAHO)
2676 N SW
(LEWISTON ORCHARDS SOUTH)



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

April 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07646

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

MAY 24 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 85-07646 Reviewed by D. Ellis Date 4/17/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

wildlife

Correct Uses? yes

SOURCE OF WATER

yes Surface water source
No Ground water source
____ Drilling permit required?
____ Copy in the file? Drilling Permit No. _____
____ Amount paid for permit _____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
\$50 Amount Submitted
yes Correct?

MEASURING DEVICE

No Required?
____ Installed?
____ Waiver requested?

PRIORITY CALCULATION

Date proof received 3/23/00
Date proof due 4/1/2000
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address _____ Proof Made 3/23/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 2048563

Date: 5/23/2000
Time: 14:35:35

Received From: CITY OF LEWISTON

	Type of Payment		Program A cct	Amount
BENEFICIAL USE	# 85-07646	56104	229 21 1155	50.00

CHECK

033876

Total

\$ 50.00

Region: STATE

Signature: Jean Mase

MICROFILMED
MAY 24 2000

January 31, 2000

CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON ID 835010617

PROOF DUE NOTICE

RE: PERMIT NO. 85-07646

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

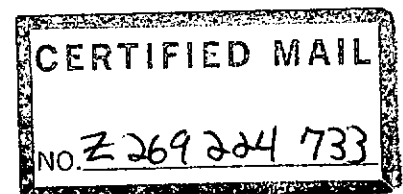
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAY 24 2000





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 3, 1998

CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON ID 83501-0617

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07646

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.

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.

NOT RECORDED

APR 21 1998

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

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

AUG 21 1998

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of April, 1998, 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. 85-07646

CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON ID 83501-0617


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 21 1998

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.

MICROFILMED
AUG 21 1998

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
JUN 21 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Clady Lou*
 No.: 85-7646 Name: City of Lewiston Date: 4/1/98 Ad OK? ✓ ✓ Gvmt Lts: ✓
AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)**WMD (✓ MAP)**

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

Included w/permit

irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):**IN/ABOVE MIN. STR. FLOW (✓ MAP)****WD (✓ MAP & LISTING)**

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**- No/Yes: S/C Mor / _____ GWMA / Trust / Non-trust

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

- 26A P17

- P16

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046-P23

- Permit No. _____ - _____ - _____ - _____, P99

- P05 (new well location)

- *WB9 _____

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22-P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req)-081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 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

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 023 (Twin Falls area)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU) _____

- 0 wu f wetlands- 4/1/ 2000

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

RECEIVED

WR1
WR2
PC

MAR 30 1998

APPLICATION # 85-7646

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: CITY OF LEWISTON

BY: AB

DATE: 2/12/98

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

PROCESSING

- (Yes) (No) PRIORITY DATE: 2/12/98
1/26/98
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

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:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>2</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>3</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- (Yes) (No)
- Notice of pending void order issued. Final order response date: _____
- Further information required from applicant
- 3/13 Affidavit of publication received
- 3/13 Application published correctly. If not, record action taken: _____
- 2/21 Publication dates and paper recorded on application | Sr. Agent initial AB
- 1 Protests received; Final protest date: 3/23/98
- 1 Measuring device required
- 1 Measuring port required
- 1 Special conditions:
- 1 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 3/26/98

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 03/12/98INVOICE NO. 167975Account No. 964750Description 167975NOTICEOFAPPLICATTimes 2Lines 35

Tab. Lines

\$ 48.13**RECEIVED****MAR 13 1998**NORTHERN REGION
IDWR

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

167975
NOTICE OF APPLICATION
FOR WATER RIGHT
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
85-07646

CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON, ID 83501
Source: UNNAMED STREAM
Tributary: SNAKE RIVER
Diversion Pt: NWNE Sec 12 T 35N R
06W in NEZ PERCE
County.

Use: WILDLIFE (0.100 CFS)
Total Diversion: (0.100 CFS)

Date Filed: 1/26/1998

In: NEZ PERCE County
T35N R06W S12 NWNE

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

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd. Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before MARCH 23, 1998.

KARL J. DREHER, Director
Published: 3/5/1998 & 3/12/1998

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 167975NOTICEOFA 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 03/05, or once a WEEK
for 2 consecutive WEEK, the first publication thereof being on
the 03/05/98, and the last publication thereof being on
the 03/12/98, and said 167975NOTICEOFA 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 12day of March

1998

MICROFILMED

AUG 21 1998

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

85-07646

CITY OF LEWISTON
C/O DICK MARLATT
PO BOX 617
LEWISTON, ID 83501

Source: UNNAMED STREAM

Tributary: SNAKE RIVER

Diversion Pt: NWNW Sec 12 T 35N R 06W in NEZ PERCE County.

Use: WILDLIFE	(	0.100 CFS)
Total Diversion:	(	0.100 CFS)

Date Filed: 1/26/1998

In: NEZ PERCE County	
T35N R06W S12	NWNW

MICROFILMED

AUG 21 1998

February 25, 1998

Dick Marlatt
City of Lewiston
PO Box 617
Lewiston ID 83501

Re: Water Appropriation Application No. 85-07646

Dear Mr. Marlatt:

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 N011809.

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

MICROFILMED

AUG 21 1998

DETACH THIS PORTION BEFORE
DEPOSITING CHECK

CITY OF LEWISTON

VOUCHERS PAYABLE

001973

FEBRUARY 4, 1998

43249 IDAHO DEPT OF WATER RESOURCES

CHECK #:

1973

<u>DATE</u>	<u>ACCOUNT CODE</u>	<u>PO #</u>	<u>INVOICE #</u>	<u>GROSS AMOUNT</u>	<u>DISCOUNT AMOUNT</u>	<u>NET AMOUNT</u>
1/30/98	2-100-104-303-925	42436	42436	50.00		50.00
				NET AMOUNT OF CHECK		\$50.00

RECEIVED

FEB 11 1998

NORTHERN REGION
IDWR

*Receipt
NO 11809*

MICROFILMED
AUG 21 1998



City of Lewiston

IDAHO'S ONLY SEAPORT

POST OFFICE BOX 617

LEWISTON, IDAHO 83501

(208) 746-3671

TO: 43249
IDAHO DEPT OF WATER RESOURCES
1910 NORTHWEST BLVD, SUITE 210
COEUR D'ALENE ID 83814

DELIVER TO: 1134 F STREET

INVOICE TO: ENGINEERING

PURCHASE ORDER NO. 42436

DATE 1/30/98

DELIVERY REQUESTED BY

THE ABOVE PURCHASE ORDER NO. MUST APPEAR ON ALL PACKAGES, INVOICES, PACKING LISTS AND B/L'S PERTAINING TO THIS ORDER. A PACKING SLIP MUST ACCOMPANY EACH SHIPMENT OR IT IS SUBJECT TO REFUSAL.

PURCHASE REQUISITION NO. 45158

IDAHO STATE TAX EXEMPTION NO. 23959

FEDERAL ID NO. 82-6000219

PROJECT #: 6-28

ACCOUNT CODE	QTY.	UNIT TYPE	ITEM DESCRIPTION	UNIT PRICE	EXTENSION	RCV'D
2-100-104-303-925			WATER RIGHT APPLICATION FEE	50.00	50.00	
/30 # 42436 Receipt # N011809 RECEIVED FEB 11 1998 NORTHERN REGION IDWR						
TOTAL					50.00	

BY SALE OF THE REQUESTED MATERIAL ABOVE, THE VENDOR WARRANTS THAT ALL MATERIAL IS IN ACCORD WITH AND CONFORMS TO ALL OSHA STANDARDS.

ALL MATERIALS ARE TO BE SHIPPED PREPAID - F.O.B. LEWISTON - C.O.D. OR COLLECT SHIPMENTS WILL NOT BE ACCEPTED.

I HEREBY CERTIFY THAT THIS PURCHASE IS IN AGREEMENT WITH THE REQUISITION ON FILE AUTHORIZING THE EXPENDITURE AND IS PROPERLY APPROVED.

PURCHASING

DATE

REC'D BY

DATE

FINANCE - APPROVED FOR PAYMENT

MICROFILMED

DATE

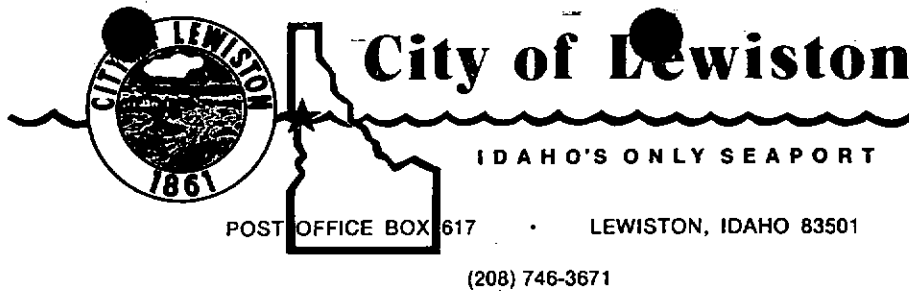
White - Accts. Payable

Yellow - Vendor

Pink - Receiving

Gold - Dept./Div.

AUG 21 1998



January 15, 1998

RECEIVED

JAN 26 1998

NORTHERN REGION
IDWR

Regulatory Project Manager
US Army Corps of Engineers
Regulatory Branch
Walla Walla, WA 99362-9265

RE: Idaho Transportation Department Project #DPI-0060(001)
Bryden Canyon Road
Key #5310
US Army COE NP #940100310
Request for Modification to Joint Application for Permit

Dear Barbara:

Attached please find the Modification Request to the Joint Application Permit that Rob Tiedemann prepared for the City's submittal to the U.S. Army Corps of Engineers.

The City has reviewed the permit and the site and find the long term maintenance will be less at this site. The site has little access for the large four wheel drives and the smaller ATV's. The adjoining property owners are protective of the land because of the wild life. The wetland will increase their ability to see the wild life from the back yards and homes. This site is much better from the City's perspective.

We would greatly appreciate your attention to this permit. Thank you.

Sincerely,

Richard Marlatt
Transportation/Engineering Director
Bryden Canyon Road Project Mgr.

ajg

Enclosure

cc: Blake Rindlisbacher - ITD District II
✓ Ken Knoblock - IDWR Northern Region



TREE CITY USA

MICROFILMED

AUG 21 1998



January 27, 1998

Richard Marlatt
Transportation/Engineering Director
City of Lewiston
PO Box 617
Lewiston ID 83501

Re: Water Right Application Fee - Bryden Canyon Road Project

Dear Mr. Marlatt:

We are returning your check No. 001421 in the amount of \$320.00, dated January 21, 1998, as the fee is only \$50.00. In accordance with your conversation with Mr. Allen Beardslee of our office, we understand that you will be forwarding your check in the amount of \$50.00 to cover the Water Right Application Fee.

If there is any question, please contact Mr. Beardslee.

Sincerely,

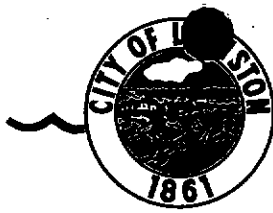
Dianne Ball
Senior Secretary

db

enc. City of Lewiston Check No. 001421

MICROFILMED

AUG 21 1998



City of Lewiston

IDAHO'S ONLY SEAPORT

POST OFFICE BOX 617 • LEWISTON, IDAHO 83501

(208) 746-3671

RECEIVED

JAN 26 1998

NORTHERN REGION
IDWR

January 19, 1998

Idaho Department of Water Resources
Att: Ken Knoblock
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Ken:

Enclosed is an application for permit for water rights to relocate a small area of wet land necessary for the construction of the Bryden Canyon Road Project. This permit must be secured before construction can begin. We would appreciate your prompt consideration of this request.

Sincerely,

Richard Marlatt
Transportation/Engineering Director

ajg

Enclosure

cc: File: Bryden Canyon Road Project - Water Rights

MICROFILMED

AUG 20 1998



TREE CITY USA

DETACH THIS PORTION BEFORE
DEPOSITING CHECK

CITY OF LEWISTON VOUCHERS PAYABLE

001421

JANUARY 21, 1998

43249 IDAHO DEPT OF WATER RESOURCES CHECK #: 1421

<u>DATE</u>	<u>ACCOUNT CODE</u>	<u>PO #</u>	<u>INVOICE #</u>	<u>GROSS AMOUNT</u>	<u>DISCOUNT AMOUNT</u>	<u>NET AMOUNT</u>
1/15/98	2-100-104-303-925	42148	42148	320.00		320.00
				NET AMOUNT OF CHECK		\$320.00

RECEIVED
MICROFILMED
JAN 26 1998 AUG 21 1998
NORTHERN REGION
IDWR



City of Lewiston

IDAHO'S ONLY SEAPORT

POST OFFICE BOX 617

LEWISTON, IDAHO 83501

(208) 746-3671

TO: 43249
IDAHO DEPT OF WATER RESOURCES
1910 NORTHWEST BLVD, SUITE 210
COEUR D'ALENE ID 83814

DELIVER TO: 1134 F STREET

INVOICE TO: ENGINEERING

PURCHASE ORDER NO. 42148

DATE 1/15/98

DELIVERY REQUESTED BY

THE ABOVE PURCHASE ORDER NO. MUST APPEAR ON ALL PACKAGES, INVOICES, PACKING LISTS AND B/L'S PERTAINING TO THIS ORDER. A PACKING SLIP MUST ACCOMPANY EACH SHIPMENT OR IT IS SUBJECT TO REFUSAL.

PURCHASE REQUISITION NO. 45216

IDAHO STATE TAX EXEMPTION NO. 23959

FEDERAL ID NO. 82-6000219

PROJECT #: 6-28

ACCOUNT CODE	QTY.	UNIT TYPE	ITEM DESCRIPTION	UNIT PRICE	EXTENSION	RCVD
2-100-104-303-925			WATER RIGHT APPLICATION FOR BRYDEN CANYO	320.00	320.00	
					RECEIVED JAN 26 1998 NORTHERN REGION IDWR	
TOTAL					320.00	

BY SALE OF THE REQUESTED MATERIAL ABOVE, THE VENDOR WARRANTS THAT ALL MATERIAL IS IN ACCORD WITH AND CONFORMS TO ALL OSHA STANDARDS.

ALL MATERIALS ARE TO BE SHIPPED PREPAID - F.O.B. LEWISTON - C.O.D. OR COLLECT SHIPMENTS WILL NOT BE ACCEPTED.

I HEREBY CERTIFY THAT THIS PURCHASE IS IN AGREEMENT WITH THE REQUISITION ON FILE AUTHORIZING THE EXPENDITURE, AND IS PROPERLY APPROVED.

MICROFILMED
AUG 21 1998
PURCHASING

REC'D BY

DATE

FINANCE - APPROVED FOR PAYMENT

DATE

White - Accts. Payable

Yellow - Vendor

Pink - Receiving

Gold - Dept./Div.