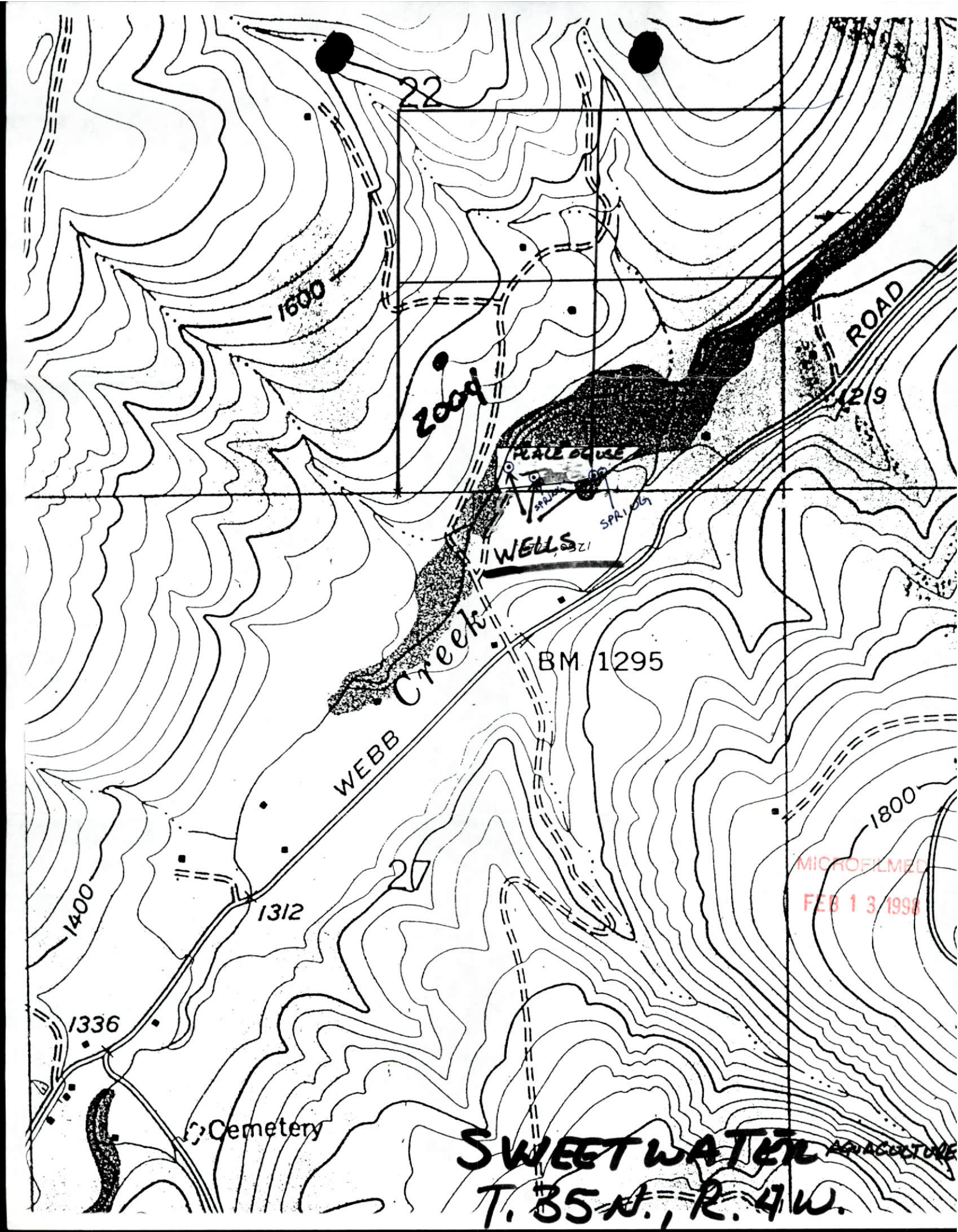




22

1600

2000

ROAD

29

WELLS

BM 1295

WEBB

27

1312

1400

1336

Cemetery

MICROFILMED

FEB 13 1998

1800

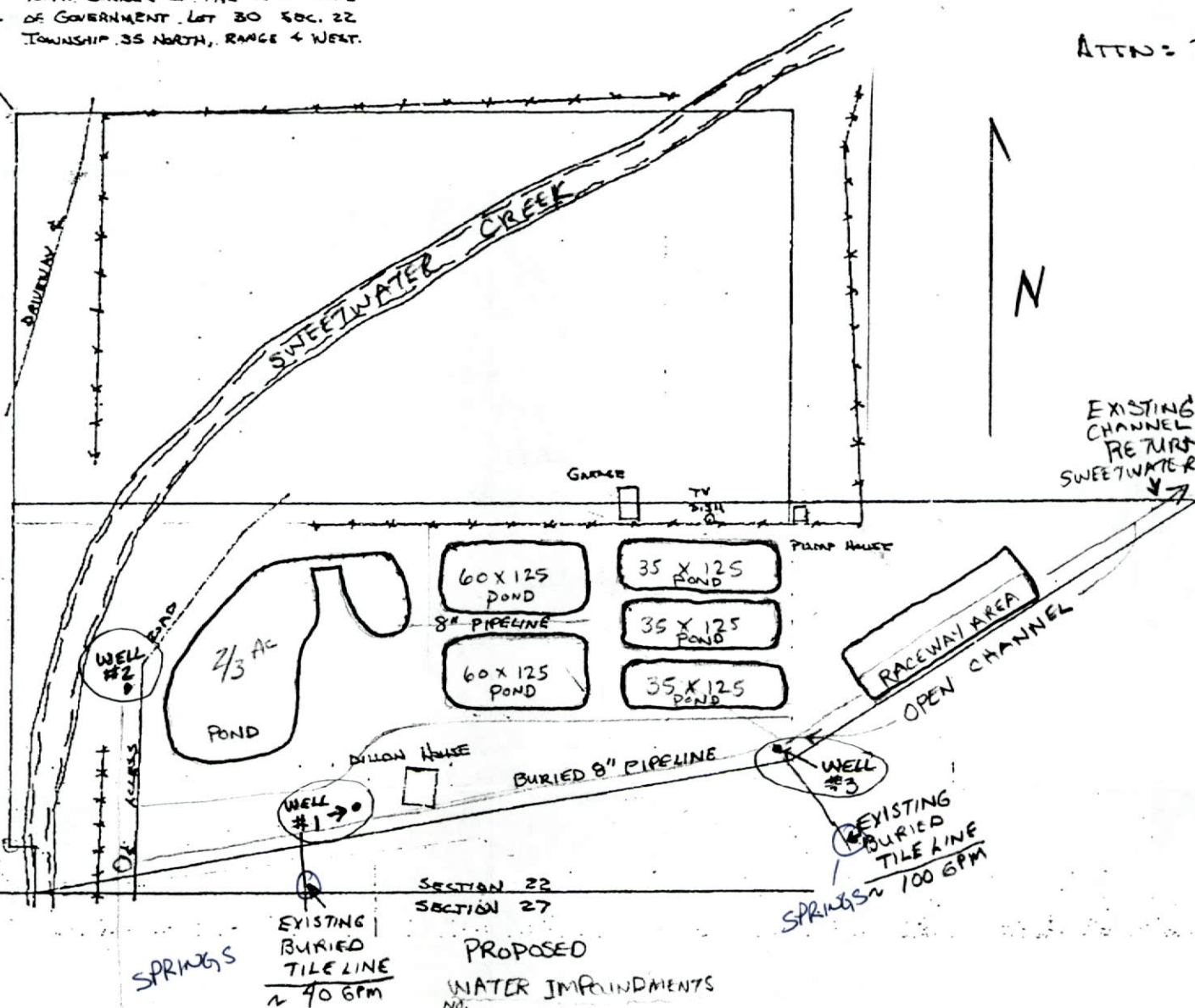
SWEETWATER

AQUACULTURE

T. 35 N., R. 4 W.

N.W. CORNER OF THE N. 1/2 S. 1/2
OF GOVERNMENT LOT 30 SEC. 22
TOWNSHIP 35 NORTH, RANGE 4 WEST.

ATTN:



PROPOSED WATER IMPOUNDMENTS

No.					
①	2/3 AC	7' AVERAGE DEPTH	-	201,250 ft ³	- 4.6 acre-ft
②	60x125	5' " "	-	75,000 ft ³	- 1.7 acre-ft
③	35x125	5' " "	-	65,625 ft ³	- 1.5 acre-ft
				341,875 ft ³	7.8 acre-ft

RACEWAYS

1 CFS - FLOW THRU

FUTURE DEVELOPMENT - ADDITIONAL 1 CFS FLOW THRU

MICROFILMED

FEB 13 1958

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 12/25/97

INVOICE NO. 162526

Account No. 964750

Description 162526NOTICEOFAPPLICAT

Times 2

Lines 32

Tab. Lines _____

\$ 96.00

**LEGAL ADVERTISING
INVOICE**

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

RECEIVED
DEC 30 1997
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

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 162526NOTICEOFA 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 12/18, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 12/18/97, and the last publication thereof being on the 12/25/97, and said 162526NOTICEOFA 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 29

day of December 1997

MICROFILMED

FEB 13 1998

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/00

162526

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

85-07642

SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRESIDENT
ROUTE 1 BOX 184A
LAPWAL, ID 83540

Source: GROUNDWATER
Diversion Pt:

Tributary: SWEETWATER CREEK
SWSE Sec 22 T 35N R 04W in NEZ PERCE County.
SESWSE Sec 22 T 35N R 04W in NEZ PERCE County.
SESE Sec 22 T 35N R 04W in NEZ PERCE County.
SWSESE Sec 22 T 35N R 04W in NEZ PERCE County.

Use: FISH PROPAGATION (2,000 CFS) (7.80 AF)
FISH PROP. STORAGE (2,000 CFS) (7.80 AF)
DIVERSION TO STORAGE (2,000 CFS) (7.80 AF)
Total Diversion:

Date Filed: 11/17/1997
In: NEZ PERCE County
T35N R04W S22 SWSE SESE

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before JANUARY 5, 1998.

KARL J. DREHER, Director

Published: 12/18/1997 & 12/25/1997

RECEIVED

DEC 24 1998

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 125.00
Receipt No. 0044004
Receipt By: Huricomp
Date Received: 12/24/98

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 who has been appointed by the department.

1. Permit No. 85-07642 Telephone No. (208) 843-2929

2. Name(s) of Permit Holder(s): SWEETWATER AQUACULTURE, GREGORY J. DILLON

3. Mailing Address: RT.1 BOX 184A LAPWAI, ID 83540

4. Source of Water: THREE SPRING & WELLS If GROUNDWATER (well), Date Drilled: mo. 11 / yr. 98
- GROUNDWATER -

a. Well Driller: BURNS WELL DRILLING INC Drilling Permit Number: 00 - 00 - 56 - 81

b. OPTIONAL:
Pump Horsepower: 5 HP Pressure (psi): 30 psi Dynamic pumping level (ft): 76 ft

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: FISH PROPAGATION

6. Total rate of diversion and/or volume for which proof is submitted: 2 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 ☐

Has the measuring device been installed?

Yes ☐ or No ☒

Flow Measurement Port: Is a flow measurement port required?

Yes ☐ or No ☒

Has the measurement port been installed?

Yes ☐ or No ☒

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

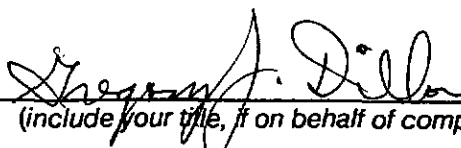
9. Person to contact to accompany the Department representative during field examination of the water system.

Name: GREGORY J. DILLON Telephone Number: (208) 843-2929

Address: RT.1 BOX 184A LAPWAI, ID 83540 (1.5 miles WEST OF HWY 95 ON WEBBER)

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

Signature of permit holder:



(include your title, if on behalf of company or organization)

MICROFILMED Date 12-21-98

APR 09 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 85-07642

Proposed Priority: November 17, 1997 Maximum Diversion Rate: 2.00 CFS

This is to certify, that SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRES
RT 1 BOX 184A
LAPWAI ID 83540

has applied for a permit to appropriate water from:
**GROUNDWATER
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	2.00 CFS	
FISH PROP. STORAGE	01/01 to 12/31		7.8 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.00 CFS	
	Totals	2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 30(SWSE), Sec. 22, Township 35N, Range 04W
Lot 30(SESWS), Sec. 22, Township 35N, Range 04W
Lot 31(SESE), Sec. 22, Township 35N, Range 04W
Lot 31(SWSESE), Sec. 22, Township 35N, Range 04W
NEZ PERCE County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

35N 04W 22 Lot 30(SWSE) Lot 31(SESE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1999.
2. Subject to all prior water rights.
3. 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.
4. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
6. 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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FEB 13 1998

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

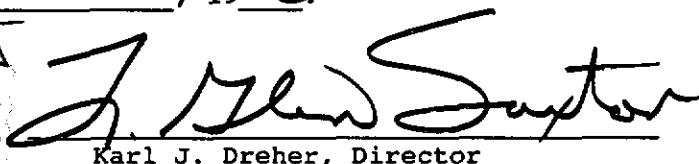
NO. 85-07642

CONDITIONS OF APPROVAL AND REMARKS

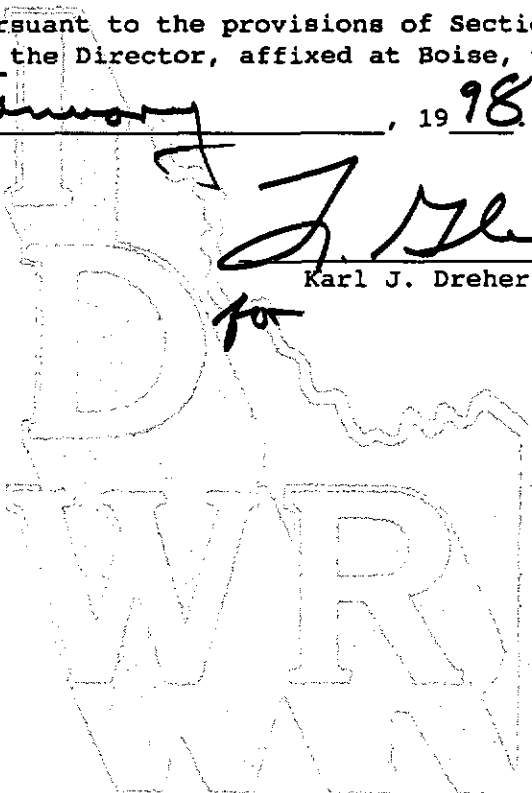
7. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. Two groundwater points of diversion are located within Lot 30 (SWSE), T35N, R04W.

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

30th day of January, 1998


Karl J. Dreher, Director

for



MICROFILMED

FEB 13 1998

Ident. No. 85-7642

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
JAN 23 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant GREGORY J. DILLON, PRESIDENT Phone (208) 843-2929
Post Office address SWEETWATER AQUACULTURE INC
RT. 1 BOX 184A LAPWAL ID 83540
2. Source of water supply DRILLED WELLS, & NATURAL SPRINGS which is a tributary of SWEETWATER CREEK
3. Location of point of diversion is SW 1/4 1/4 of SE 1/4 (LT 30) or SE 1/4 SE 1/4 Govt. Lot Wells #2: SW 1/4 1/4 Wells #3: SE 1/4 SE 1/4
Sec. 22 Township 35N Range 4W B.M. NE 2 PERCE County; additional points of diversion if any: SPRINGS: SE 1/4 SW 1/4 SE 1/4 SW 1/4 SE 1/4 SE 1/4
(LT 30) (LT 31)
4. Water will be used for the following purposes:
Amount 2.0 CFS for FISH PROPAGATION purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum) FISH PROP STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
Amount 7.8 for FISH PROP STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
Amount 2.0 for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.0 CFS and/or (b) 7.8
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. EXISTING TILE LINES & PIPE LINES, SUBMERSIBLE PUMPS (3 WELLS)
- b. Height of storage dam NONE feet; active reservoir capacity 7.8 acre-feet; total reservoir capacity 7.8 acre-feet; period of year when water will be diverted to storage: JAN. 1 to DEC. 31 inclusive.
- c. Proposed well diameter is 10" inches; proposed depth of well is 200 feet.
- d. is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? YES, 1996 & 1997 Drilling firm JOHN WELLS DRILLING
Well was drilled for (well owner) GREGORY J. DILLON
7. Time required for completion of works and application of water to proposed beneficial use is 1 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 if 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. PROPAGATION OF FISH

MICROFILMED

FEB 13 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	DAN	22																	230 CFS

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? GREGORY J. DILLON

b. Who owns the land to be irrigated or place of use? N/A

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

12. Remarks:

13. MAP OF PROPOSED PROJECT ATTACHED. Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

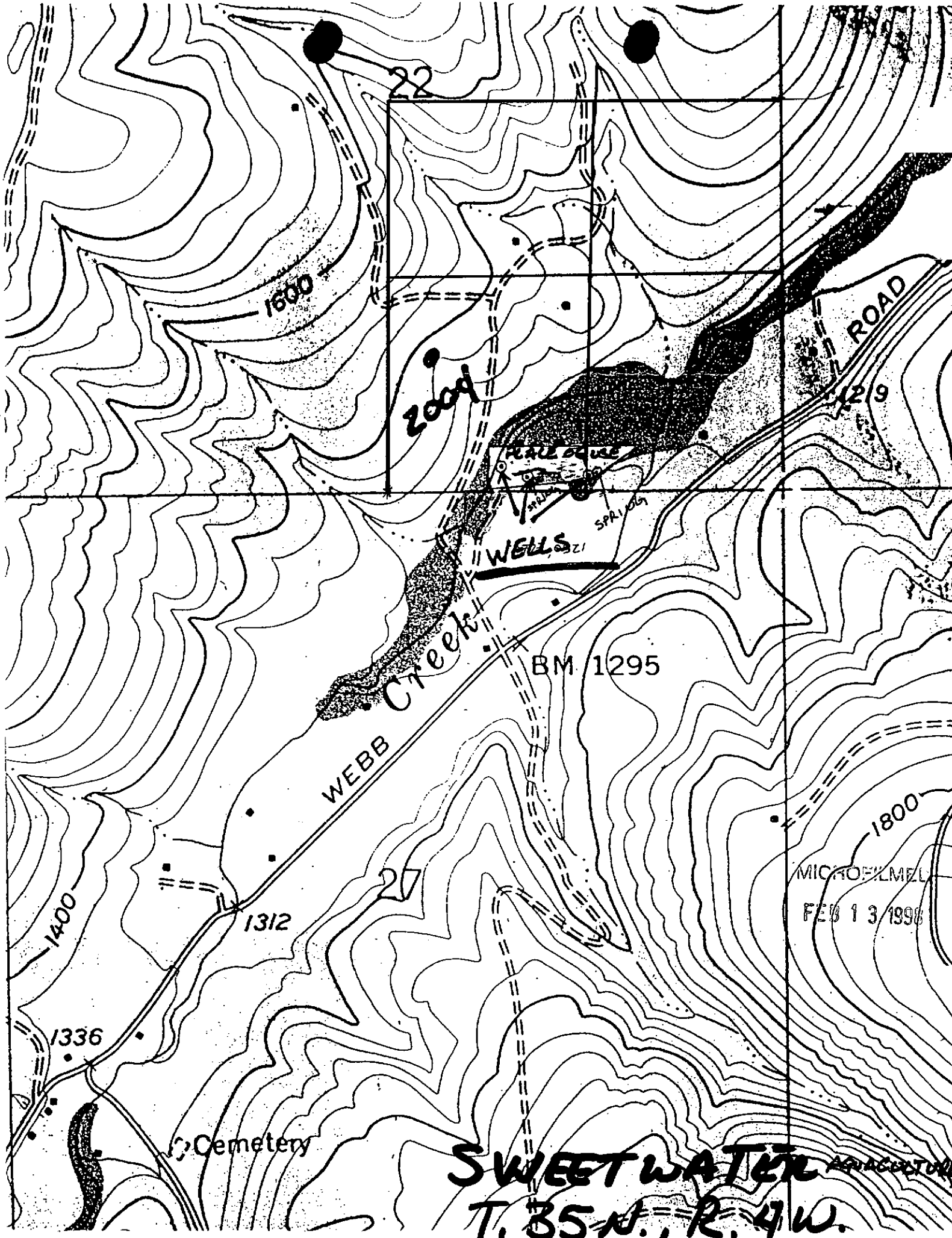
SWEETWATER AQUACULTURE INC.

Gregory J. Dillon PRESIDENT
(Applicant)

Received by db Date 11/17/97 Time 1:15 P
 Fee \$ 120.00 Receipted by db # N011704 Date 11/17/97
 Publication prepared by db Date 12/10/97 Published in Lewiston Tribune 12/18/97
 Publication approved db Date 12/30/97

MICROFILMED

FEB 13 1998



22

2000

ROAD

129

WELLS

BM 1295

WEBB Creek

1312

27

1336

1800

MICROFILMED

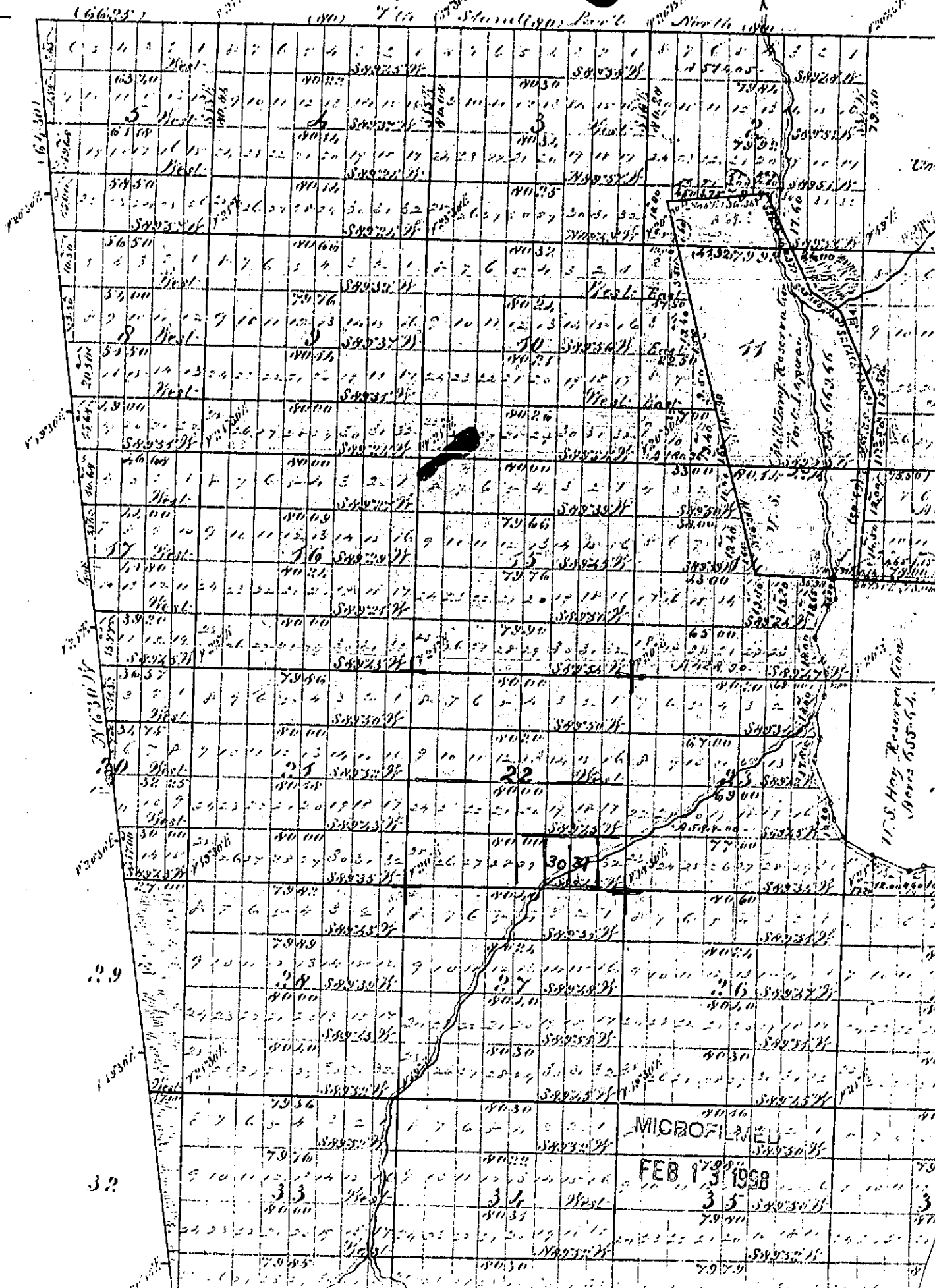
FEB 13 1998

Cemetery

SWEETWATER AQUACULTURE

T. 35 N., R. 4 W.

Ship No 35 North Range S & West Boise River

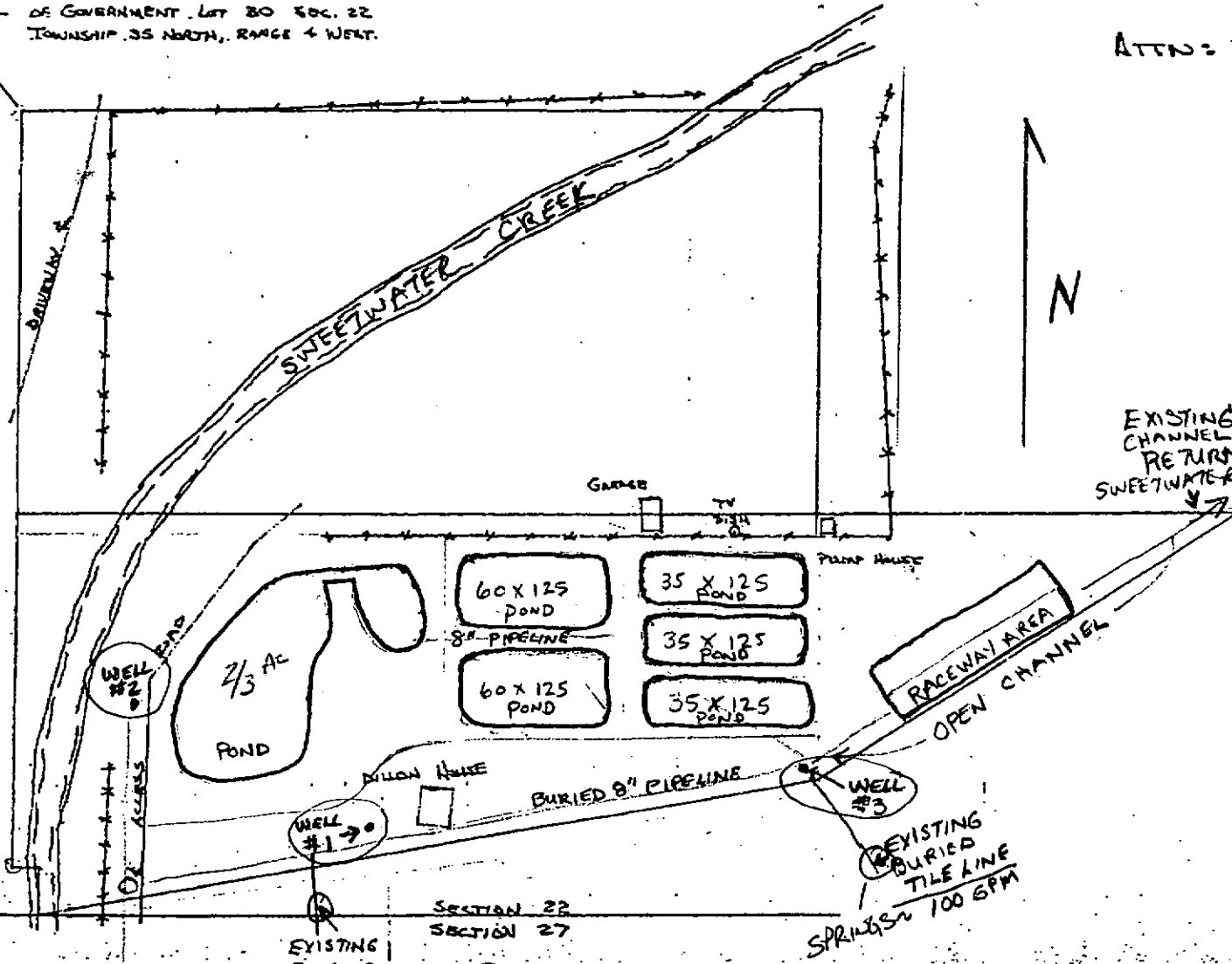


MICROFILMED
FEB 13 1938

N.W. CORNER OF THE N. 1/2 S. 1/2
OF GOVERNMENT LOT 20 SEC. 22
TOWNSHIP 35 NORTH, RANGE 4 WEST.

ATTN:

N



SPRINGS

EXISTING
BURIED
TILE LINE
~ 40 GPM

SECTION 22
SECTION 27

**PROPOSED
WATER IMPOUNDMENTS**

NO.					
①	2/3 AC	7' AVERAGE DEPTH	-	201,250 ft ³	- 4.6 ac-ft
②	60x125	5' "	"	- 75,000 ft ³	- 1.7 ac-ft
③	35x125	5' "	"	- 65,625 ft ³	- 1.5 ac-ft
				<u>341,875 ft³</u>	<u>7.8 ac-ft</u>

MICROFILMED

RACEWAYS

1 CFS - Flow thru

FEB 13 1998

FUTURE DEVELOPMENT - ADDITIONAL 1 CFS FLOW THRU

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 85-07642 Reviewed by [Signature] Date 12-30-98

GENERAL CONSIDERATIONS

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

TYPES OF USE

Fish prop.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☒ Ground water source

☐ Drilling permit required? existing

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
125 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Crossed out] Proof Made 12-24-98



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

January 11, 1999

Sweetwater Aquaculture Inc
Gregory J Dillon Pres
Rt 1 Box 184A
Lapwai ID 83540

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07642

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,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

APR 09 1999

November 30, 1998

SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRES
RT 1 BOX 184A
LAPWAI ID 83540

PROOF DUE NOTICE

RE: PERMIT NO. 85-07642

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 February 1, 1999.

(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.

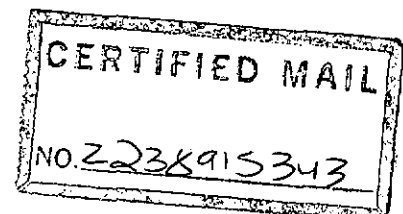
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

APR 09 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

February 2, 1998

PHILIP E. BATT
GOVERNOR

SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRES
RT 1 BOX 184A
LAPWAI ID 83540

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07642

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

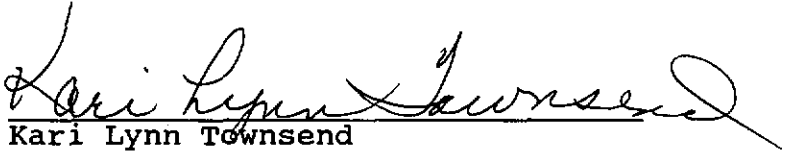
MICROFILMED
FEB 13 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 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. 85-07642

SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRES
RT 1 BOX 184A
LAPWAI ID 83540


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 13 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.

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
FEB 13 1998

MEMORANDUM

DATE: February 2, 1998

TO: Water right file 85-07642

FROM: Shelley W. Keen *SWK*

RE: Kinds of fish being raised

This morning I spoke with Greg Dillon on Sweetwater Aquaculture, Inc., about the kinds of fish he intends to raise. Mr. Dillon said that he will raise trout in the flowing water and bass and bluegill in the still ponds. The fish will not be sold to the commercial food processors, but rather to parties stocking fishing stream and ponds throughout the area. The fish are not being raised for Mr. Dillon's private recreational purposes.

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FEB 13 1998

WR0749NP
No. 85-07642

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/26/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SWEETWATER AQUACULTURE INC GREGORY J DILLON PRES RT 1 BOX 184A LAPWAI ID 83540 (208) 843-2929	11/17/1997	FISH PROPAGATION FISH PROP. STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	2.000 CFS 2.000 CFS	 7.80 AFA
TOTAL DIVERSION:					2.000 CFS	

Water Source: GROUNDWATER
SPRINGS

Tributary to:
SWEETWATER CREEK

Stage: PERMIT

Point(s) of Diversion: T35N R04W S22 Lot 30 (SWSE) Lot 30 (SESWSSE) Lot 31 (SESE) Lot 31 (SWSESE) NEZ PERCE County

Place of use Legal Description for: FISH PROPAGATION

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac
35N 04W 22	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: NEZ PERCE

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

85-04189 85-07085 85-07209 85-07642

Other Water Rights Listing Overlapping Place(s) of use:

85-07085 85-07209

Conditions of Approval:

- 01W - 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.
- 029 - The right holder shall comply with all fish screening
 - requirements of the Idaho Department of Fish and Game.
- 007 - 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.
- 004 - The issuance of this right does not grant any right-of-way
 - or easement across the land of another.

WR0749NP
No. P85-07642

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/26/98
PAGE: 2

Remarks: GEN Two groundwater points of diversion are located within Lot 30
(SWSE), T35N, R04W.

Dates: App. Received: 11/17/1997 Priority Date: 11/17/1997
Proof Due Date: 02/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/08/1997 User-ID: DBALL Subject: DIVERSION DESCRIPTION
3 existing wells: 85-96-N-72-100; 85-97-N-25-100, 85-97-N-76.
Springs.
Existing tile lines and pipe lines, and submersible pumps.

Audit: 01/26/98 CZIMMERM

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cludy Lou*
 No.: 85-7642 Name: Sweetwater Date: 1/26/98 Ad OK? ☒ ☒ Gvmt Lts: ☒
Aquaculture Inc

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

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

- 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 (FERG); 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) _____

- 01W32 / 2 wells / SWSE - L30

- 2/1/1999

- add govt. Lts, comp off.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

JAN 23 1998

WR/ BC WRA

APPLICATION # 85-7642

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: SWEETWATER

BY: AB

DATE: 11/19/97

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: 11/19/97

X (Include Moratorium Remark)

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

LT/plus/ok

ADVERTISE IN: NEE 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

(Yes) (No)

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

Checked by: _____ Date: ____/____/____

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- Notice of pending void order issued. Final order response date: ____/____/____
- Further information required from applicant
- 12/30 Affidavit of publication received
- 12/30 Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application

Protests received, Final protest date: 1/5/98 Sr. Agent initial _____

Measuring device required

Measuring port required

Special conditions:

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

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

85-96-N-12

85-97-N-25-

85-97-N-76 D3499

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 12/25/97INVOICE NO. 162526Account No. 964750Description 162526NOTICEOFAPPLICATTimes 2Lines 32

Tab. Lines _____

\$ 96.00**LEGAL ADVERTISING
INVOICE**

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

RECEIVED
DEC 30 1997
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

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 162526NOTICEOFA 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 12/18, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 12/18/97, and the last publication thereof being on the 12/25/97, and said 162526NOTICEOFA 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 29day of December 1997

MICROFILMED

FEB 13 1998

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/00

162526

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

85-07642

SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRESIDENT
ROUTE 1 BOX 184A

LAPWAL, ID 83540
Source: GROUNDWATER

Source: SPRINGS
Diverston Pt:

Tributary:

Sec 22 T 35N R 04W in NEZ PERCE County,
SESWSE Sec 22 T 35N R 04W in NEZ PERCE County,
SESE Sec 22 T 35N R 04W in NEZ PERCE County,
SWSESE Sec 22 T 35N R 04W in NEZ PERCE County,
(2,000 CFS)

Use: FISH PROPAGATION (7.80 AF)
FISH PROP. STORAGE (2,000 CFS)

DIVERSION TO STORAGE (2,000 CFS)
Total Diversion: (7.80 AF)

Date Filed: 11/17/1997

In: NEZ PERCE County

T35N R04W S22

SWSE

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 JANUARY 5, 1998.

KARL J. DREHER, Director

Published: 12/18/1997 & 12/25/1997

85-07642

SWEETWATER AQUACULTURE INC
GREGORY J DILLON PRESIDENT
ROUTE 1 BOX 184A
LAPWAI, ID 83540

Source: GROUNDWATER
Source: SPRINGS

Tributary:
Tributary: SWEETWATER CREEK

Diversion Pt: SWSE Sec 22 T 35N R 04W in NEZ PERCE County.
SESWSE Sec 22 T 35N R 04W in NEZ PERCE County.
SESE Sec 22 T 35N R 04W in NEZ PERCE County.
SWSESE Sec 22 T 35N R 04W in NEZ PERCE County.

Use: FISH PROPAGATION	(	2.000 CFS)	
FISH PROP. STORAGE			(7.80 AF)
DIVERSION TO STORAGE	(	2.000 CFS)	
Total Diversion:	(	2.000 CFS)	(7.80 AF)

Date Filed: 11/17/1997

In: NEZ PERCE County
T35N R04W S22 SWSE SESE

MICROFILMED

FEB 13 1998

December 10, 1997

Gregory J. Dillon, President
Sweetwater Aquaculture Inc
Route 1 Box 184A
Lapwai ID 83540

Re: Water Appropriation Application No. 85-07642

Dear Mr. Dillon:

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

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

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

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

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

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

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

FEB 13 1998

November 12, 1997

Mr. Gregory Dillon
Sweetwater Aquaculture, Inc.
Rt.1 Box 184A
Lapwai ID 83540

RE: Application for Permit

Dear Mr. Dillon:

We are returning your Application for Permit to you, as it is not acceptable in it's present form. We are also returning your previous Application for Permit for Sweetwater Creek.

A map is required to be submitted with the filings showing where all of the sources will be located. And the place of use should also be described on the map. A sketch, or diagram of how the water will be used would also be helpful.

Our Department understands that there will be an additional well for this system which is to be constructed. By requesting a Well Drilling Permit prior to receiving an approved Water Right Permit, you will run the risk of having your filing protested. In the event that the protestant can prove that your source will have an adverse affect on his existing water right, we would not be able to approve your Application for Permit. Mr. Robert Haynes, our Regional Manager, can approve your Well Drilling Permit prior to the approval of the water right application, if you are willing to take such a risk.

Please write us a letter describing the status of your Sweetwater filing.

If you have further questions, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED

FEB 13 1998