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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Right Claim: 71-10886 <i>et al.</i>
	)	
Case No. 39576	)	ORDER GRANTING MOTIONS TO FILE
	)	LATE NOTICES OF CLAIMS

On July 1, 2005, Claimant Idaho Water Resource Board (Board), by and through its attorney, Mr. Steven Strack, filed *Motions to File Late Notice of Claims* for the above-captioned water right claims. The claimant motioned for an expedited hearing on the matter. That expedited hearing was granted in open court on July 19, 2005. The Shoshone-Bannock Tribes, by and through its attorney, Mr. William F. Bacon, filed an *Objection to Filing Late Claims*. Hearing was held on the *Motions to File Late Notice of Claims* on July 19, 2005, in Caldwell, Idaho. Mr. Strack appeared to support the *Motions to File Late Notices of Claims*. Ms. Heidi Gudgell, appearing for the Nez Perce Tribe, and Ms. Vanessa Boyd Willard, appearing for the United States, concurred in Mr. Strack's remarks. Mr. Bacon appeared opposing the *Motions*.

Under *Administrative Order 1*, a motion to file a late notice of claim is determined pursuant to I.R.C.P. 55(c), which provides the standard for setting aside the entry of a default. See *AOI* § 4d(2)(d) (late claims reviewed under I.R.C.P. 55(c) criteria). The Court, therefore, applies a "good cause" standard to motions to file late notices of claims. In determining whether to set aside the entry of a default under I.R.C.P. 55(c), Idaho Courts apply a "good cause" for untimeliness standard. I.R.C.P. 55(c). The "good cause" standard is a more lenient threshold than the Rule 60(b) standard. *McFarland v. Curtis*, 123 Idaho at 935, 854 P.2d at 279. The I.R.C.P. 55(c) good cause standard takes into account the following factors:

- 1) whether the default was willful;
- 2) whether setting aside the judgment would prejudice the opponent.
- 3) as with a Rule 60(b) motion, whether a meritorious position has been presented.

In this case, the Shoshone Bannock Tribes argue that, 1) the *Motions* are not timely, and would result in prejudice; 2) the time period for filing claims in the basins has expired according to the

Court's order dated December 21, 1998, and are almost 7 years late; 3) the late claims are substantially the same as those dismissed with prejudice in 2002, and the Shoshone-Bannock Tribes would not have motioned the Court to dismiss their substantially similar claims.

This Court has considered the objections of the Shoshone-Bannock Tribes and concludes as follows: Any allegations of untimeliness are without merit. These late claims are for newly created water rights, only established on March 24, 2005, when the Governor of Idaho signed House Bill 154 (2005), creating a new code section I.C. 42-1507, which establishes minimum instream flows and directs the Board to file the claims in the SRBA. The claims are part of the Nez Perce Agreement, which is currently before the Court. Since these claims did not exist until 2005, it would have impossible for the claims to have been filed at any prior time. Any allegations of prejudice are without merit as well. Parties will have the opportunity to object to the claims after they are reported by the Idaho Department of Water Resources in a forthcoming *Director's Report*. Additionally, the claimed priority dates are April 1, 2005, the claims are non-consumptive, and they are subordinated as set forth in I.C. § 42-1507. Finally, the claimant has presented a meritorious position. The creation of these instream minimum flow water rights was authorized by the Idaho Legislature and the Governor of Idaho. Idaho Code § 42-1501 recognizes such rights as beneficial uses.

Therefore, the Court finds that good cause exists for the *Motions to File Late Claims* to be granted.

THEREFORE, IT IS ORDERED, that the *Motions to File Late Notices of Claims* for the above water rights are **granted**.

The original Notices of Claim, as well as any required filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated July 27, 2005.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

71-10886	81-11963	84-12219
71-10887	81-11964	84-12220
71-10888	81-11965	84-12221
71-10889	81-11966	84-12222
71-10890	81-11967	84-12223
71-10891	81-11968	84-12224
71-10892	81-11969	84-12225
71-10893	81-11970	85-15598
71-10894	81-11971	85-15599
71-10895	81-11972	85-15600
71-10896	81-11973	85-15601
72-16664	81-11974	85-15602
72-16665	81-11975	85-15603
72-16666	82-12220	85-15604
72-16667	82-12221	85-15605
72-16668	82-12222	85-15606
72-16669	82-12223	85-15607
72-16670	82-12224	85-15608
72-16671	82-12225	85-15609
72-16672	82-12226	85-15610
72-16673	82-12227	85-15611
81-11934	82-12228	85-15612
81-11935	82-12229	85-15613
81-11936	82-12230	85-15614
81-11937	82-12231	85-15615
81-11938	82-12232	85-15616
81-11939	82-12233	85-15617
81-11940	82-12234	85-15618
81-11941	82-12235	85-15619
81-11942	83-11945	85-15620
81-11943	83-11946	85-15621
81-11944	83-11947	85-15622
81-11945	83-11948	85-15623
81-11946	83-11949	85-15624
81-11947	83-11950	85-15625
81-11948	83-11951	85-15626
81-11949	83-11952	86-11957
81-11950	83-11953	86-11958
81-11951	83-11954	86-11959
81-11952	83-11955	86-11960
81-11953	83-11956	
81-11954	83-11957	
81-11955	83-11958	
81-11956	83-11959	
81-11957	83-11960	
81-11958	83-11961	
81-11959	84-12215	
81-11960	84-12216	
81-11961	84-12217	
81-11962	84-12218	

(Subcase list: SF4IWRB)
7/27/05

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS TO FILE LATE NOTICES OF CLAIM was mailed on July 27, 2005, with sufficient first-class postage to the following:

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Attachment 1

List of Water Rights for Which Late Notices of Claim are Being Filed

Attachment 1

Minimum stream flow water rights for which late claims are being filed.

71-10886	81-11951	82-12233	85-15605
71-10887	81-11952	82-12234	85-15606
71-10888	81-11953	82-12235	85-15607
71-10889	81-11954	83-11945	85-15608
71-10890	81-11955	83-11946	85-15609
71-10891	81-11956	83-11947	85-15610
71-10892	81-11957	83-11948	85-15611
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71-10896	81-11961	83-11952	85-15615
72-16664	81-11962	83-11953	85-15616
72-16665	81-11963	83-11954	85-15617
72-16666	81-11964	83-11955	85-15618
72-16667	81-11965	83-11956	85-15619
72-16668	81-11966	83-11957	85-15620
72-16669	81-11967	83-11958	85-15621
72-16670	81-11968	83-11959	85-15622
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81-11942	82-12224	84-12224	
81-11943	82-12225	84-12225	
81-11944	82-12226	85-15598	
81-11945	82-12227	85-15599	
81-11946	82-12228	85-15600	
81-11947	82-12229	85-15601	
81-11948	82-12230	85-15602	
81-11949	82-12231	85-15603	
81-11950	82-12232	85-15604	

Attachment 2

**Legal Documentation for Claimed Use of Water:
Resolution of Idaho Water Resource Board dated February 8, 2005**

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE ESTABLISHMENT	)	
OF MINIMUM STREAM FLOW WATER	)	
RIGHTS PROVIDED FOR IN THE SNAKE	)	RESOLUTION
RIVER WATER RIGHTS AGREEMENT OF	)	
2004	)	

WHEREAS, on December 17, 2004, the Idaho Water Resource Board ("Board") adopted a resolution providing approval of the Snake River Water Rights Agreement of 2004 ("Term Sheet" or "agreement") and recommending Legislative approval; and

WHEREAS, the Term Sheet, among other things, provides for the establishment of minimum stream flow water rights on selected streams to be held by the Board in trust for the people of Idaho; and

WHEREAS, the minimum stream flows reserve opportunities consistent with the Term Sheet as summarized in Attachments 1 and 2, attached hereto and incorporated herein by this reference, for future use in the Salmon and Clearwater Basins; and

WHEREAS, the streams have been divided into "A" and "B" List groups based on land ownership and level of existing use; and

WHEREAS, the "A" list, attached hereto as Attachment 1, will have minimum stream flows and future non-DCMI ("domestic, commercial, municipal and industrial") levels assigned based on categories of ownership; and

WHEREAS, the "B" list, attached hereto as Attachment 2, includes those streams where minimum stream flows and other non-flow-related actions have been developed by the parties, in conjunction with the local stakeholders and communities; and

WHEREAS, the Board held a series of meetings with the local communities and parties, and has collaboratively developed Basin Work Plans which quantify minimum stream flows for the A and B List streams; and

WHEREAS, the estimates used to establish minimum stream flows are based on exceedence values from simulated hydrology and the adjudication process before the Snake River Basin Adjudication ("SRBA") District Court will provide a mechanism for changing the flow amounts if actual stream flow measurement data becomes available; and

WHEREAS, all minimum stream flow water rights will be junior in priority to all existing water rights; and

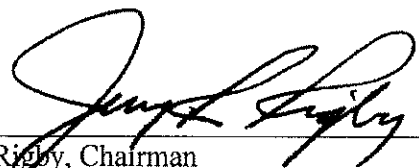
WHEREAS, any established minimum stream flow water rights that are not capable of being maintained with available stream flows may be satisfied and maintained with the cooperation of local water right holders through voluntary market based mechanisms, including use of the water supply bank authorized by sections 42-1761 through 42-1765, Idaho Code; and

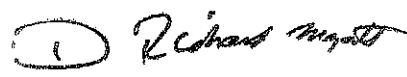
WHEREAS, the State of Idaho retains the authority to change these minimum stream flow rights in the future.

NOW THEREFORE BE IT RESOLVED that the Board approves the minimum stream flow water rights provided for under the Snake River Water Rights Agreement of 2004 in the amounts set forth in attachments 1 and 2 attached to this Resolution and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Board recommends that the Idaho State Legislature establish these minimum stream flow water rights by law and waive the fees required for submitting claims for the established water rights before the SRBA.

Dated this 8th day of February, 2005


Jerry R. Rigby, Chairman
Idaho Water Resource Board

ATTEST 
D. Richard Wyatt, Secretary



Attachment 1- List A Minimum Stream Flows

Quantification	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Location	Federal Wilderness 30% Recommended Exceedence and 5% Future Non-DCMI, Subordinated to all future DCMI.													
426	Benjamin Creek	Salmon River	32	27	32	172	741	637	147	49	41	42	40	34
341	Bear Creek	Selway River	161	185	317	1010	2708	1878	404	136	97	147	195	220
967	Bear Valley Creek	Middle Fork Salmon River	109	105	119	343	1434	1249	350	164	136	143	142	120
655	Big Creek	Middle Fork Salmon River	317	289	324	767	2510	3466	1242	527	398	363	371	327
697	Big Creek	Middle Fork Salmon River	12	11	12	44	191	212	53	18	12	13	13	13
208	Big Flat Creek	White Sand Creek	19	24	26	67	188	200	41	16	15	14	17	15
206	Big Sand Creek	White Sand Creek	97	127	129	345	954	1052	213	80	79	70	90	77
237	Boulder Creek	Lochsa River	38	59	72	259	389	213	38	17	16	26	44	51
751	Brush Creek	Middle Fork Salmon River	14	13	13	33	155	187	55	26	19	19	16	16
124	Brushy Fork	Crooked Fork	111	139	153	382	1072	1189	236	90	89	79	101	86
366	Buck Lake Creek	Meadow Creek	23	29	32	81	236	250	50	19	19	17	22	18
782	Camas Creek	Middle Fork Salmon River	229	203	238	550	1793	2497	869	375	284	253	273	229
540	Chamberlain Creek	Salmon River	131	107	130	298	992	1374	474	211	159	143	142	131
311	Clear Creek	Middle Fork Clearwater River	37	57	68	246	377	200	36	16	16	25	42	49
139	Crooked Fork	Lochsa River	181	220	365	1146	3062	2128	460	148	108	168	217	250
351	Cub Creek	Bear Creek	101	127	141	370	1025	1139	224	85	84	76	96	82
433	Deep Creek	Selway River	38	49	53	136	377	426	83	32	31	28	36	31
791	Dynamite Creek	Marble Creek	9	8	9	27	109	101	27	13	11	11	11	10
258	E. Fork Moose Cr.	Moose Creek	231	301	329	836	2355	2629	516	193	195	168	217	190
972	Elk Creek	Bear Valley Creek	46	43	46	137	562	524	147	68	56	58	57	51
201	Fish Creek	Lochsa River	111	174	200	727	1119	601	109	49	47	76	130	150
320	Gedney Creek	Selway River	36	56	68	246	365	200	36	16	15	25	42	49
370	Goat Creek	Selway River	20	25	27	71	200	225	44	17	16	15	18	16
345	Hamby Fork of O'Hara Creek	O'Hara Creek	8	13	15	53	80	44	8	4	3	5	9	11
554	Horse Creek	Salmon River	83	80	107	321	801	712	192	95	84	92	97	88
198	Hungry Creek	Fish Creek	41	64	78	271	412	225	41	18	17	28	48	55
412	Indian Creek	Selway River	40	51	55	136	400	438	87	33	32	29	37	32
795	Indian Creek	Middle Fork Salmon River	45	42	45	137	550	499	135	66	53	56	55	49
419	Johns Creek	South Fork Clearwater River	34	44	72	283	459	250	56	23	19	25	34	34
675	Logan Creek	Big Creek	10	9	10	35	155	175	44	14	10	11	11	10
824	Loon Creek	Middle Fork Salmon River	208	182	216	492	1673	2248	790	340	261	231	240	207
278	Maggie Creek	Middle Fork Clearwater River	9	23	38	55	49	31	8	3	4	4	8	8
805	Marble Creek	Middle Fork Salmon River	67	62	68	206	825	762	203	98	81	85	82	74
971	Marsh Creek	Middle Fork Salmon River	90	82	83	218	1040	1249	361	164	125	121	108	103
321	Marten Creek	Selway River	21	28	29	76	212	238	47	18	17	16	21	17
347	Meadow Creek	Selway River	181	220	247	628	1766	2003	381	148	141	126	163	140
322	Mink Creek	Selway River	9	11	13	32	89	99	20	7	7	7	8	7

Attachment 1- List A Minimum Stream Flows

Quantification														
Location	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
671	Monumental Creek	Big Creek	50	47	53	183	801	924	226	74	53	57	58	53
292	Moose Creek	Selway River	302	359	600	1848	5181	3505	774	250	184	283	358	411
272	N. Fork Moose Cr.	Moose Creek	131	150	259	826	2237	1502	336	108	79	126	152	180
325	O'Hara Creek	Selway River	30	46	56	197	306	193	30	14	13	21	35	41
346	O'Hara Creek	Selway River	14	22	27	96	141	79	15	6	6	10	16	19
261	Old Man Creek	Lochsa River	34	52	63	222	342	188	34	15	15	23	39	46
133	Papoose Creek	Lochsa River	19	24	26	67	188	213	41	16	15	14	17	15
273	Pete King Creek	Lochsa River	13	20	24	84	130	70	12	6	5	9	14	17
291	Petibone Creek	Selway River	30	38	41	107	306	338	66	25	25	22	28	24
855	Pistol Creek	Middle Fork Salmon River	62	58	63	195	765	699	192	91	75	78	75	69
874	Rapid River	Middle Fork Salmon River	62	57	58	149	717	874	248	115	89	84	75	72
1036	Redfish Lake Creek	Salmon River	17	17	30	108	275	287	76	29	22	21	21	19
270	Rhoda Creek	Selway River	57	73	79	197	565	626	123	48	47	42	53	46
386	Running Creek	Selway River	78	100	107	283	777	864	168	65	64	58	73	63
706	Rush Creek	Big Creek	37	34	39	137	586	687	169	55	40	42	43	39
464	Sheep Creek	Salmon River	21	18	19	72	335	350	107	35	26	32	31	24
775	Sheep Creek	Middle Fork Salmon River	13	12	12	32	155	187	53	25	18	18	16	15
773	Silver Creek	Camas Creek	26	25	25	64	311	375	106	49	37	36	32	31
639	Smith Creek	Big Creek	9	9	10	34	143	175	41	14	10	10	11	10
126	Spurce Creek	Brushy Creek	35	44	48	123	353	388	76	30	29	26	33	28
135	Squaw Creek	Lochsa River	24	30	33	84	236	263	52	19	19	18	22	19
918	Sulphur Creek	Middle Fork Salmon River	28	27	29	87	347	325	88	42	34	36	35	32
425	Terminle Creek	South Fork Clearwater River	18	23	38	148	247	138	30	11	11	14	18	18
414	Three Prong Creek	Meadow Creek	10	13	13	35	95	105	21	8	8	7	9	8
526	W. Fork Chamberlain	Chamberlain Creek	7	6	7	41	167	150	35	11	9	10	9	8
174	Walton Creek	Lochsa River	10	13	14	36	101	111	22	8	8	7	9	8
187	Warm Springs Creek	Lochsa River	82	104	113	296	824	901	179	68	67	60	77	66
227	West Moose Cr.	North Fork Moose Creek	31	39	42	111	306	338	68	26	26	23	29	25
388	White Cap Creek	Selway River	151	197	212	542	1531	1627	336	125	130	115	141	120
154	White Sand Creek	Lochsa River	241	289	482	1479	4122	2879	617	205	152	231	293	331
460	Wilkerson Creek	Selway River	28	36	39	100	283	313	62	24	23	21	26	22
519	Wind River	Salmon River	23	21	22	82	382	400	124	40	30	36	34	27
250	Wounded Doe Cr.	Rhoda Creek	17	22	24	60	165	188	37	14	14	13	16	14
1066	Yellow Belly Lake Cr.	Alturas Lake Creek	5	5	8	29	73	75	20	8	6	5	6	5

Attachment 1- List A Minimum Stream Flows

Quantification	Location	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Federal Non-Wilderness 40% Recommended Exceedence and 10% Future Non-DCMI, Subordinated to all future DCMI.															
75	Elk Creek	North Fork Clearwater River		119	193	229	482	260	90	27	19	24	32	58	77
1078	Alturas Lake Creek	Salmon River		21	21	37	115	305	313	82	35	26	24	25	23
389	American River	South Fork Clearwater River		29	38	66	262	447	227	51	22	19	22	30	28
382	Big Elk Creek	American River		7	8	15	58	98	51	11	5	4	5	7	6
4	Canyon Creek	Little N.F. Clearwater River		45	78	169	233	198	114	51	46	42	40	62	36
94	Cayuse Creek	Kelly Creek		159	248	318	1152	1767	919	168	81	78	112	186	209
14	Collins Creek	Skull Creek		23	35	46	188	260	134	24	11	11	16	27	30
396	Cougar Creek	South Fork Clearwater River		2	3	5	19	31	17	4	2	1	2	2	2
420	Crooked River	South Fork Clearwater River		19	25	44	168	291	145	34	14	13	15	19	19
1018	East Fork Salmon River	Salmon River		91	92	100	166	437	1014	462	198	144	139	125	100
1052	East Fork Salmon River	Salmon River		37	35	35	51	196	528	351	135	74	63	52	42
1053	East Pass Creek	Herd Creek		9	8	8	11	40	91	39	20	13	11	10	9
962	Eightmile Creek	Yankee Fork		3.8	3.7	6.4	21	54	56	14	6.1	4.6	4.3	4.5	4.0
216	Eldorado Creek	Lolo Creek		22	56	98	147	135	80	21	10	11	10	19	19
9	Foehn Creek	Little N.F. Clearwater River		25	43	94	157	114	60	28	26	23	22	35	20
102	Fourth of July Creek	North Fork Clearwater River		27	41	54	188	301	155	28	13	13	19	32	35
556	French Creek	Salmon River		26	24	25	85	396	421	122	45	34	41	39	30
1060	Germania Creek	East Fork Salmon River		16	15	17	23	88	238	157	62	34	29	24	19
826	Hat Creek	Salmon River		10	9	9	12	53	108	45	22	16	12	12	10
1042	Herd Creek	East Fork Salmon River		22	20	19	28	98	217	92	47	34	27	26	23
23	Isabella Creek	North Fork Clearwater River		19	33	71	126	84	45	21	19	17	16	26	15
81	Kelly Creek	North Fork Clearwater River		317	404	706	2827	4782	2479	550	236	204	241	319	301
40	Lake Creek	North Fork Clearwater River		33	51	68	241	385	196	35	17	16	24	40	44
964	Lightning Creek	Yankee Fork		4.1	4.0	6.9	22	57	59	15	6.6	5.0	4.6	4.8	4.2
24	Little N.F. Clearwater	Little N.F. Clearwater River		286	487	1094	1780	1248	682	326	287	262	250	389	232
466	Little Slate Creek	Slate Creek		29	41	53	186	371	244	33	12	11	17	24	22
373	Meadow Creek	South Fork Clearwater River		7	9	17	66	114	57	13	6	5	6	8	7
10042	Meadow Creek	Valley Creek		4.1	4.1	6.8	22	57	59	15	6.6	5.0	4.6	4.8	4.3
417	Mill Creek	South Fork Clearwater River		7	9	16	61	104	54	12	5	5	5	7	7
358	Newsome Creek	South Fork Clearwater River		18	23	41	168	281	145	32	13	12	14	19	18
533	North Fork Salmon River	Salmon River		42	41	53	144	366	335	86	47	42	46	49	44
600	Parthier Creek	Salmon River		132	111	130	269	925	1297	431	201	158	143	153	131
735	Parthier Creek	Salmon River		22	22	28	77	193	173	45	24	22	24	25	23
385	Peasley Creek	South Fork Clearwater River		3	4	7	27	47	24	5	2.3	2.0	2.3	3.1	2.9
586	Pine Creek	Salmon River		6	6	8	21	54	49	12	7	6	7	7	6
422	Red River	South Fork Clearwater River		56	71	129	492	842	434	93	41	37	43	57	53
344	S. Fork Clear Creek	Clear Creek		7	11	15	52	82	42	8	4	3	5	9	9

Attachment 1- List A Minimum Stream Flows

Quantification														
Location	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
444	S. Fork Red River	Red River	11	15	25	98	166	86	20	8	7	9	12	11
379	Silver Creek	South Fork Clearwater River	7	8	15	59	99	51	11	5	4	5	7	6
437	Skookumchuck Creek	Salmon River	12	17	22	79	159	102	13	5	5	7	10	9
41	Skull Creek	North Fork Clearwater River	63	101	129	450	717	362	66	32	31	45	75	85
453	Slate Creek	Salmon River	53	76	94	341	689	444	60	23	22	32	43	40
306	South Fork Clearwater	Clearwater River	452	597	995	2198	3639	2789	783	308	262	259	319	371
411	South Fork Clearwater	Clearwater River	167	211	408	1466	2391	1653	438	164	136	164	204	178
1021	Stanley Lake Creek	Salmon River	6	6	10	33	84	88	22	7	7	7	7	6
105	Toboggan Creek	Cayuse Creek	13	21	27	97	156	79	14	7	7	9	16	18
10043	Trap Creek	Valley Creek	2.2	2.2	3.7	12	31	32	8	3.6	2.7	2.5	2.6	2.4
1008	Valley Creek	Salmon River	49	48	85	298	765	787	215	83	61	57	59	52
20	Vanderbilt Gulch Creek	North Fork Clearwater River	14	22	29	104	166	84	15	7	7	10	17	19
125	Wellas Creek	North Fork Clearwater River	151	230	298	1047	1663	868	158	76	73	103	177	193
157	Wellas Creek	North Fork Clearwater River	76	119	149	544	863	434	79	39	37	54	89	100
407	White Bird Creek	Salmon River	36	51	66	228	466	300	40	15	14	22	29	27
267	Yakus Creek	Lolo Creek	5	12	21	30	28	17	4	2	2	2	4	4
1001	Yankee Fork	Salmon River	40	37	46	173	640	702	169	83	62	56	52	45

Attachment 1- List A Minimum Stream Flows

Quantification		Location											
Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
State and Private 50% Recommended Exceedence and 25% Future Non-DCM, Subordinated to all future DCM.													
175 Big Canyon Creek	Clearwater River	34	84	148	130	107	39	17	8	12	18	25	35
91105 Billy Creek	Snake River	0.3	0.8	1.8	2.2	2.4	1.6	0.4	0.2	0.2	0.2	0.2	0.3
1107 Captain John Creek	Snake River	1.1	2.8	8.0	12.5	12.9	8.3	1.9	1.1	0.9	0.9	1.0	1.1
110 Cedar Creek	Pollatch River	8.7	19.1	34.7	76.6	32.3	10.0	4.4	2.9	3.5	4.6	5.3	7.2
170 Cottonwood creek	Clearwater River	7.0	17.4	30.7	26.9	22.8	8.4	3.6	1.8	2.4	3.6	5.2	7.2
254 Effie Creek	Sixmile Creek	0.5	1.6	2.7	3.0	4.0	2.1	0.9	0.3	0.4	0.5	0.9	0.5
231 Fivemile Creek	Clearwater River	0.9	2.9	5.0	5.8	7.4	4.0	1.6	0.7	0.8	1.0	1.7	1.0
245 Holes Creek	Little Canyon Creek	2.5	6.2	11.2	9.6	8.0	2.9	1.3	0.6	0.8	1.3	1.8	2.6
171 Jacks Creek	Clearwater River	2.2	5.3	9.4	8.2	6.7	2.5	1.1	0.5	0.7	1.1	1.6	2.3
184 Jim Ford Creek	Clearwater River	28	68	119	176	175	98	26	13	15	14	23	23
180 Little Canyon Creek	Big Canyon Creek	13	32	56	48	42	15	7	3	4	7	10	13
548 Little Salmon River	Salmon River	234	285	528	1254	2542	2679	981	472	314	211	230	225
693 Little Salmon River	Salmon River	46	67	151	504	832	573	369	171	85	28	35	43
241 Long Hollow Creek	Little Canyon Creek	3.9	9.5	17.1	14.9	12.7	4.4	2.0	0.9	1.3	2.0	2.9	4.0
190 Musselshell Creek	Lolo Creek	22	53	94	141	138	78	20	10	11	11	18	18
172 Orofino Creek	Clearwater River	61	150	272	387	377	223	56	28	31	31	50	50
129 Pine Creek	Clearwater River	2.0	4.4	7.7	17.4	7.3	2.2	1.0	0.6	0.8	1.0	1.2	1.6
234 Pollach Creek	Big Canyon Creek	0.9	2.1	3.7	3.2	2.7	1.0	0.4	0.2	0.3	0.4	0.6	0.9
159 Pollach River	Clearwater River	146	397	1078	1305	587	207	86	43	56	72	70	152
332 Rabbit Creek	South Fork Clearwater River	5.9	5.6	14.5	11.4	4.2	1.4	0.4	0.2	0.3	0.5	0.9	1.4
387 Rice Creek	Salmon River	3.9	4.5	23.2	195.8	165.6	66.5	13.5	4.1	2.7	3.4	5.3	6.8
372 Rock Creek	Salmon River	7	8	43	356	313	124	24	8	5	6	10	12
340 Sally Ann Creek	South Fork Clearwater River	5.4	11.2	22.0	52.2	23.7	3.7	1.1	1.6	1.5	1.9	2.4	3.0
253 Sixmile Creek	Clearwater River	1.8	5.6	9.4	11.0	14.1	7.8	3.1	1.3	1.5	1.8	3.1	1.9
338 Threemile Creek	South Fork Clearwater River	19.7	18.8	47.6	38.7	13.8	4.6	1.2	0.7	1.0	1.6	3.1	4.6
257 Tom Taha Creek	Clearwater River	3.7	9.0	16.2	23.8	23.0	13.4	3.4	1.7	1.9	1.9	3.1	3.1
235 Unnamed	Big Canyon Creek	1.0	2.5	4.3	3.7	3.2	1.1	0.5	0.3	0.3	0.5	0.7	1.0
243 Unnamed Stream	Clearwater River	2.1	5.0	9.4	13.2	12.9	7.6	2.0	0.9	1.0	1.1	1.7	1.7
134 Whiskey Creek	Orofino Creek	10.2	25.5	45.9	66.9	65.3	37.4	9.4	4.7	5.4	5.3	8.5	8.3
9186 Yoosa Creek	Lolo Creek	23.1	56.3	102.0	149.6	147.2	83.7	21.1	10.1	12.2	11.7	19.2	19.2

Attachment 1- List A Minimum Stream Flows

Quantification	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Special No Recommended Exceedences														
664	Salmon River	Snake River	948	981	1030	1134/1655	3850	5700	2630	899	871	1120	1200	1050
853	Salmon River	Snake River	566	578	598	975/1263	3460	4910	2100	703	625	706	669	601
1015	Salmon River	Snake River	364	369	396	712/953	2530	3310	1320	453	405	447	436	391
397	Salmon River	Snake River	4000	4000	4000	9200	31000	31000	10400	4000	4000	4000	4000	4000
Consistent with the Wild and Scenic Flows from the North Fork Salmon to Long Tom Bar. These rights are subordinated to the extent necessary to permit full utilization of the future water development preserved by the subordinations contained within the description of the Wild and Scenic River water right for the Salmon River, numbers 75-13316 and 77-11941.														
Special 40% Recommended Exceedence and 5% Future Non-DCMI, Subordinated to all future DCMI.														
813	Blackmare Creek	South Fork Salmon River	8	8	9	27	122	140	33	12	9	9	9	9
766	Buckhorn Creek	South Fork Salmon River	21	20	23	72	315	367	87	31	23	24	25	23
835	Burning Creek	Johnson Creek	15	15	16	52	224	270	62	22	17	17	18	16
745	E. Fork S. Fork Salmon	South Fork Salmon River	254	232	291	625	1829	2269	590	223	179	173	214	222
734	Fitzlum Creek	South Fork Salmon River	10	10	10	34	152	162	50	18	14	16	15	12
765	Johnson Creek	E. Fork S. Fork Salmon River	90	87	95	308	1321	1513	365	127	97	102	102	97
9588	Lake Creek	Secesh River	10	10	10	34	154	164	49	18	13	16	15	12
700	Lick Creek	Secesh River	13	12	12	40	193	195	59	21	16	19	18	15
610	Porphyry Creek	South Fork Salmon River	12	12	13	42	183	216	51	18	14	14	14	13
723	Profile Creek	E. Fork S. Fork Salmon River	8	7	8	26	112	140	32	12	8	9	9	8
720	Quartz Creek	E. Fork S. Fork Salmon River	8	7	8	26	112	130	32	12	8	9	9	8
588	Secesh River	South Fork Salmon River	54	50	50	173	793	843	253	90	69	84	80	63
666	Secesh River	South Fork Salmon River	93	86	87	298	1423	1513	440	159	116	143	143	111
583	South Fork Salmon River	Salmon River	477	465	672	2306	5691	5620	1498	594	443	469	540	575
752	South Fork Salmon River	Salmon River	244	232	291	615	1829	2161	590	212	169	163	214	222
757	Sugar Creek	E. Fork S. Fork Salmon River	8	7	8	26	112	130	31	12	8	9	9	8
736	Tamarack Creek	E. Fork S. Fork Salmon River	8	7	8	25	112	130	31	11	8	9	9	8
861	Warm Lake Creek	South Fork Salmon River	10	10	10	34	142	173	40	15	11	11	11	11
Special 40% Recommended Exceedence and 10% Future Non-DCMI, Subordinated to all future DCMI.														
131	Bedrock Creek	Clearwater River	8	16	23	48	21	7	3	2	2	3	4	6
25	Breakfast Creek	North Fork Clearwater River	119	156	259	576	946	733	205	79	68	67	83	93
210	Lolo Creek	Clearwater River	135	340	587	869	811	475	131	57	66	64	115	116
39	North Fork Clearwater	Clearwater River	167	211	378	1466	2495	1343	289	123	107	129	168	162
719	Sheep Creek	South Fork Salmon River	9	9	9	26	122	138	32	12	10	11	11	9

Attachment 2- List B Minimum Stream Flows - Subordinated to all future DCM.

Quantification		Location	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
638		Boulder Creek	Little Salmon River		13	16	25	81	127	70	21	8	7	9	11	14
307		Cottonwood Creek	South Fork Clearwater River		122	113	289	238	87	21	7	4	6	10	19	28
264		E. Fork Sweetwater	Sweetwater Creek		1.4	3.6	6.5	5.8	4.7	1.7	0.8	0.3	0.5	0.8	1.0	1.5
605		Elk Creek	Little Salmon River		3.3	4.1	6.0	23.2	29.4	17.6	5.9	2.1	2.0	2.7	3.3	4.0
10041		Elk Creek	Valley Creek		11.7	11.5	11	21	118	119	34.3	14.1	12.4	12.5	12.8	12.8
10082		Goat Creek	Valley Creek		2.3	2.1	2.2	3.8	7.4	10.5	4.5	3.0	3.0	2.8	2.8	2.7
620		Hazard Creek	Little Salmon River		11	13	19	61	116	110	35	9	8	10	12	14
647		Hazard Creek	Little Salmon River		23	27	39	120	201	179	55	17	15	20	24	29
10083		Iron Creek	Valley Creek		4.1	3.8	3.9	6.8	15.1	22.5	8.2	5.0	5.0	5.1	4.9	4.9
195		Lapwai Creek	Clearwater River		41	74	170	209	137	61	30	19	18	22	28	35
275		Lawyer Creek	Clearwater River		90	112	260	168	80	21	9	5	7	14	30	27
10081		Meadow Creek	Goat Creek		4.4	4.2	4.3	7.4	18.8	24.5	8.9	5.4	5.2	5.5	5.4	5.3
293		Meadow Creek	Lawyer Creek		4.7	5.6	13	8.6	4.2	1.3	0.5	0.3	0.4	0.7	1.5	1.4
220		Mission Creek	Lapwai Creek		9.0	22.4	38.9	34.1	28.8	8.7	3.9	1.8	3.1	4.7	6.7	9.1
295		Red Rock Creek	Cottonwood Creek		18.4	17.3	43.4	36.1	12.9	4.3	1.2	0.6	0.9	1.5	2.8	4.2
225		Rock Creek	Mission Creek		1.6	3.9	7.1	6.2	5.2	1.9	0.9	0.4	0.6	0.8	1.2	1.6
283		Severnille Creek	Lawyer Creek		4.7	6.2	14.2	9.1	4.4	1.3	0.6	0.3	0.4	0.8	1.7	1.5
214		Sweetwater Creek	Lapwai Creek		9	22.4	39.5	34.6	29.5	10.2	4.7	4.7	4.7	4.7	6.7	9.6
177		Tom Beall Creek	Lapwai Creek		1.3	3.2	5.7	4.8	4.2	1.5	0.7	0.3	0.4	0.7	1.0	1.3
302		Unnamed	Lawyer Creek		3.6	4.5	11.0	6.7	3.3	1.0	0.4	0.3	0.3	0.6	1.2	1.1
265		W. Fork Sweetwater	Sweetwater Creek		1.4	3.3	5.8	5.3	4.4	1.6	0.7	0.3	0.5	0.7	1	1.4
238		Webb Creek	Sweetwater Creek		3.2	7.8	14.2	12	10.1	3.7	1.6	0.8	1.1	1.7	2.3	3.3
294		Willow Creek	Lawyer Creek		7.8	10	23	15	7.4	2.2	0.9	0.5	0.7	1.2	2.7	2.4

Attachment 3

**Legal Documentation for Claimed Use of Water:
House Bill No 153, Chapter 150, 2005 Idaho Session Laws**

ORIGINAL

Fifty-eighth Legislature
First Regular Session - 2005
 LEGISLATURE OF THE STATE OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 154

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO MINIMUM STREAM FLOW WATER RIGHTS; AMENDING CHAPTER 15, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1507, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF CERTAIN MINIMUM STREAM FLOW WATER RIGHTS, TO AUTHORIZE THE WATER RESOURCE BOARD TO HOLD THE MINIMUM STREAM FLOW WATER RIGHTS IN TRUST AND TO FILE CLAIMS FOR THE RIGHTS IN THE SNAKE RIVER BASIN ADJUDICATION, TO PROVIDE A PRIORITY DATE, TO PROVIDE FOR SUBORDINATION TO SPECIFIED USES, TO WAIVE CERTAIN FILING FEES, TO PROVIDE THAT CERTAIN MINIMUM STREAM FLOW WATER RIGHTS MAY BE SATISFIED AND MAINTAINED THROUGH DESIGNATED METHODS, TO PROVIDE FOR CERTAIN NOTICE AND CONSULTATION IN THE EVENT THE STATE DECIDES TO CHANGE ANY MINIMUM STREAM FLOW WATER RIGHT, TO CLARIFY THE AUTHORITY OF THE STATE IN RELATION TO THE MINIMUM STREAM FLOW WATER RIGHTS AND TO PROVIDE A CONTINGENCY ON EFFECTIVENESS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 15, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1507, Idaho Code, and to read as follows:

42-1507. SNAKE RIVER WATER RIGHTS AGREEMENT MINIMUM STREAM FLOW WATER RIGHTS ESTABLISHED. (1) The legislature hereby establishes minimum stream flow water rights for the stream reaches identified by resolution of the Idaho water resource board, adopted February 8, 2005. The elements of the minimum stream flow water rights established by this section are as defined by the board's resolution and the attachments thereto. The board shall hold the minimum stream flow water rights in trust for the people of the state of Idaho, and the board shall file claims for the rights in the Snake river basin adjudication. These minimum stream flow water rights shall have a priority date as of April 1, 2005, and shall be subordinated to future domestic, commercial, municipal, and industrial water uses and such other future uses as described in the December 17, 2004, resolution of the Idaho water resource board providing approval of the Snake River Water Rights Agreement of 2004 ("Mediator's Term Sheet" dated April 20, 2004, and submitted on that date to the SRBA Court in SRBA Consolidated Subcase 03-10022 and SRBA Consolidated Subcase 67-13701, with all appendices to the document), as approved, ratified, and confirmed by the 108th Congress of the United States in the "Snake River Water Rights Act of 2004," Pub. L. No. 108-447 (H.R. 4818), 118 Stat. 3431 to 3441 (December 8, 2004).

(2) No fee shall be required in connection with the filing of claims in the Snake river basin adjudication for the minimum stream flow water rights established by this section.

(3) Any minimum stream flow water rights established by this section that are not capable of being maintained may be satisfied and maintained through operation of the water supply bank authorized by sections 42-1761 through

1 42-1765, Idaho Code, inclusive, and other available methods consistent with
2 Idaho law.

3 (4) In the event the state decides to change any minimum stream flow
4 water rights created by this section, it will provide notice of such change
5 and consult with the Nez Perce tribe on a government-to-government basis as
6 provided in the Snake River Water Rights Agreement of 2004. Provided however,
7 nothing herein or in the Snake River Water Rights Agreement of 2004 shall be
8 construed or interpreted to abridge, impair or limit the authority of the
9 state of Idaho to create, modify or terminate any minimum stream flow water
10 right established by this section.

11 (5) This section shall not become effective until the governor issues a
12 proclamation certifying that all conditions for the effectiveness of the Snake
13 River Water Rights Agreement of 2004 have been satisfied.

14 SECTION 2. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after its
16 passage and approval.

STATEMENT OF PURPOSE

RS 14927C1

Passage of this legislation will establish the Snake River Water Rights Agreement minimum stream flow water rights adopted by the Idaho Water Resource Board. The Board shall hold the minimum stream flow rights in trust for the people of the State of Idaho.

FISCAL NOTE

The proposed legislation provides a waiver from fees required to file claims in the Snake River Basin adjudication for minimum stream flows. Enactment of this legislation will have no effect upon the state's general fund or other state or local funds.

Contact

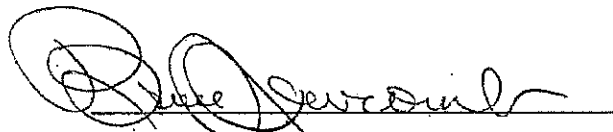
Names:

Representative Bruce Newcomb	Senator Bob Geddes
Representative John Stevenson	Senator Don Burtenshaw
Representative Dell Raybould	Senator Gary Schroeder
Representative Scott Bedke	Senator Stan Williams
Representative Wendy Jaquet	Senator Clint Stennett

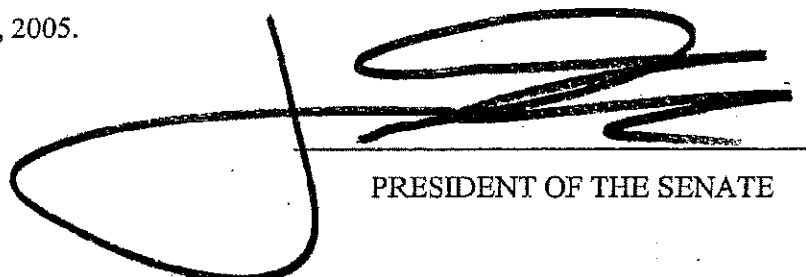
Phone:

(208) 332-1000

THIS HOUSE BILL PASSED THE HOUSE OF REPRESENTATIVES ON THE 24th DAY
OF March, 2005.


SPEAKER OF THE HOUSE OF
REPRESENTATIVES

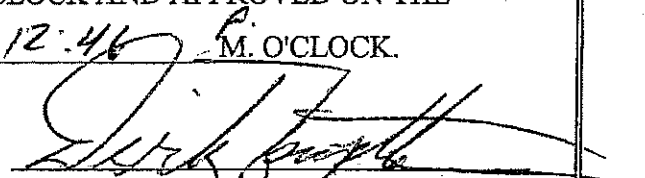
THIS HOUSE BILL PASSED THE SENATE ON THE 16th DAY OF
March, 2005.


PRESIDENT OF THE SENATE

I HEREBY CERTIFY THAT THE WITHIN HOUSE BILL NO. 154
ORIGINATED IN THE HOUSE DURING THE FIRST REGULAR SESSION OF THE FIFTY-
EIGHTH LEGISLATURE OF THE STATE OF IDAHO.


CHIEF CLERK OF THE HOUSE OF
REPRESENTATIVES

THIS HOUSE BILL RECEIVED BY THE GOVERNOR ON THE 22nd DAY OF
March, 2005, AT 11:05 A.M. O'CLOCK AND APPROVED ON THE
24 DAY OF March, 2005, AT 12:46 P.M. O'CLOCK.


GOVERNOR

RECEIVED & FILED

March 24, 2005 3:29 p.m.

Chapter 150

CHAPTER NO.
BEN YSURSA
SECRETARY OF STATE

Effective Date: Governor's Proclamation certifying
all conditions of effectiveness of the Snake River
Water Rights Agreement of 2004 have been satisfied.

Attachment 4

Notice of Claim for State Minimum Stream Flow Water Rights

RECEIVED

APR 18 2005

OFFICE OF THE
ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM	CIVIL CASE NUMBER: 39576 Ident. Number: SEE ATTACHMENT 1 Date Received: Receipt No: Received By:
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**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s):

State of Idaho
Idaho Water Resource Board
Statehouse Mail
P.O. Box 83720
Boise, ID 83720-0098

2. Date of Priority:

April 1, 2005.

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversions and application to beneficial use or by an application, permit or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.

3. Sources: See Attachment 2. Trib. to: See Attachment 2.

4. Points of Diversion: See Attachment 2.

5. Description of diverting works: None (minimum stream flow).

Idaho Water Resource Board
Ident. Nos. (See attachment).

6. Water is used for the following purposes:

Minimum stream flow to preserve fish and wildlife, scenic and recreational values and to protect and enhance water quality.

7. Total Quantity appropriated is:

See Attachment 2.

8. Total consumptive use:

Use of water shall be non-consumptive.

9. Non-irrigation uses:

Minimum stream flows.

10. Place of use:

140 stream reaches, as identified in attached spreadsheet. The places of use are the reaches above the quantification points.

11. Counties in which places of use are located:

Clearwater, Custer, Idaho, and Shoshone.

12. Do you own the property listed as place of use? No (see remarks).

13. Other water rights used:

N/A

14. Remarks:

These are late claims pending acceptance by the SRBA Court.

All minimum stream flow water rights identified in Attachment 2 except the following are subordinated to future non-Domestic-Commercial-Municipal-Industrial ("non-DCMI") development in the amount specified in the attached spreadsheet, or a floor amount equivalent to the unimpaired monthly 80% exceedence flow, whichever is less: 71-10891, 71-10894, 71-10895, 71-10896, 85-15601, 85-15603, 85-15604, 85-15605, 85-15606, 85-15610, 85-

15614, 85-15615, 85-15616, 85-15617, 85-15618, 85-15619,
85-15620, 85-15621, 85-15622.

While the instream flow and the future allocation for non-DCMI uses and floor flows are to be decreed in cubic feet per second (cfs), such quantities are intended to reflect the stated exceedence flows at the quantification point. The exceedence flows were estimated using regional regression equations developed by the United States Geological Service. Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director. If actual flow data become available, the quantities in this water right will be adjusted as necessary to give effect to the exceedence assumption state above. Such adjustments do not result in a material change to the water right and are not subject to the notice and hearing requirements set forth in this partial decree, but shall comply with the notice and consultation requirements of Section 42-1507(4), Idaho Code.

The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right after complying with the notice and consultation procedures of Section 42-1507(4), Idaho Code. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in the public interest.

This water right shall be subordinate to all future DCMI uses.

When this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law.

For claims nos. 72-16664 and 72-16668, the water right will be administered in a manner consistent with Wild and Scenic River flows from the North Fork of the Salmon River to Long Tom Bar, and subordinated to the extent necessary to permit full utilization of the future water development preserved by the subordinations contained within the description of the Wild and Scenic water rights for the Salmon River, water right numbers 75-13316 and 77-11941.

that all conditions for the effectiveness of the Snake River Water Rights Agreement of 2004 have been satisfied.

16. Signature(s)

- (a) By signing below, I/we acknowledge that I/we have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/we do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations. I do solemnly swear or affirm that I am Chairman of the Idaho Water Resource Board, that I have signed the foregoing document in the space below as Chairman of Idaho Water Resource Board, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

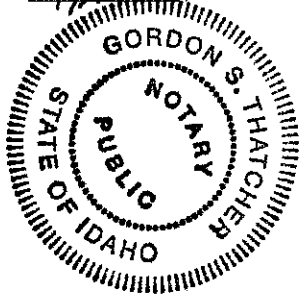
Title and Organization: _____

Jerry R. Rigby, Chairman
Idaho Water Resource Board

State of Idaho _____

County of Madison

Subscribed and sworn (~~or affirmed~~) before me this 16th day of April 2005.



Notary Public: _____

Residing at: _____

My commission expires: _____

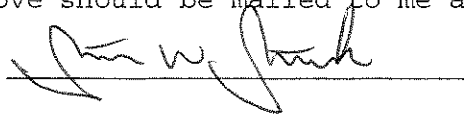
Gordon S. Thatcher
Rexburg
Jan-3, 2009

Idaho Water Resource Board
Ident. Nos. (See attachment).

17. Notice of Appearance

Notice is hereby given that I, Steven W. Strack, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below:

Signature:



Address: Office of the Attorney General
Natural Resources Division
P.O. Box 4449
Boise, ID 83711-4449

Date:

~~April~~ ^{June} 28, 2005.

Attachment 1

Minimum stream flow water rights for which late claims are being filed.

71-10886	81-11951	82-12233	85-15605
71-10887	81-11952	82-12234	85-15606
71-10888	81-11953	82-12235	85-15607
71-10889	81-11954	83-11945	85-15608
71-10890	81-11955	83-11946	85-15609
71-10891	81-11956	83-11947	85-15610
71-10892	81-11957	83-11948	85-15611
71-10893	81-11958	83-11949	85-15612
71-10894	81-11959	83-11950	85-15613
71-10895	81-11960	83-11951	85-15614
71-10896	81-11961	83-11952	85-15615
72-16664	81-11962	83-11953	85-15616
72-16665	81-11963	83-11954	85-15617
72-16666	81-11964	83-11955	85-15618
72-16667	81-11965	83-11956	85-15619
72-16668	81-11966	83-11957	85-15620
72-16669	81-11967	83-11958	85-15621
72-16670	81-11968	83-11959	85-15622
72-16671	81-11969	83-11960	85-15623
72-16672	81-11970	83-11961	85-15624
72-16673	81-11971	84-12215	85-15625
81-11934	81-11972	84-12216	85-15626
81-11935	81-11973	84-12217	86-11957
81-11936	81-11974	84-12218	86-11958
81-11937	81-11975	84-12219	86-11959
81-11938	82-12220	84-12220	86-11960
81-11939	82-12221	84-12221	
81-11940	82-12222	84-12222	
81-11941	82-12223	84-12223	
81-11942	82-12224	84-12224	
81-11943	82-12225	84-12225	
81-11944	82-12226	85-15598	
81-11945	82-12227	85-15599	
81-11946	82-12228	85-15600	
81-11947	82-12229	85-15601	
81-11948	82-12230	85-15602	
81-11949	82-12231	85-15603	
81-11950	82-12232	85-15604	

Attachment 2 : Periods of Use and Quantities (Basins 71, 72, 81, 82, 83, 84, 85 and 86)

Minimum stream flows for the following streams are quantified in cfs, based on the monthly 30% exceedence level of the estimated unimpaired flow. Flows are subordinated to all future DCMI water rights, in addition, 5% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCMI uses; provided, non-DCMI uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedence flow.

WR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
71-10889	Redfish Lake Creek	Salmon River	17	17	30	108	275	287	76	29	22	21	21	19
81-11934	Yellow Belly Lake Cr.	Alluras Lake Creek	5	5	8	29	73	76	20	8	6	5	6	5
81-11935	Brushy Fork	Crooked Fork	111	139	153	382	1072	1189	236	90	89	79	101	86
81-11936	Spruce Creek	Brushy Creek	35	44	48	123	353	388	76	30	29	28	33	28
81-11937	Papoose Creek	Lochsa River	19	24	26	67	188	213	41	16	15	14	17	15
81-11938	Squaw Creek	Lochsa River	24	30	33	84	236	263	52	19	19	18	22	19
81-11939	Crooked Fork	Lochsa River	181	220	365	1146	3062	2128	460	148	108	168	217	250
81-11940	White Sand Creek	Lochsa River	241	289	482	1479	4122	2879	617	205	152	231	293	331
81-11941	Walton Creek	Lochsa River	10	13	14	36	101	111	22	8	8	7	9	8
81-11942	Warm Springs Creek	Lochsa River	82	104	113	296	824	901	179	68	67	60	77	66
81-11943	Hungry Creek	Fish Creek	41	64	78	271	412	225	41	18	17	28	48	55
81-11944	Big Sand Creek	Lochsa River	111	174	200	727	1119	601	109	49	47	76	130	150
81-11945	Big Flat Creek	White Sand Creek	97	127	129	345	954	1052	213	80	79	70	80	77
81-11946	West Moose Cr.	North Fork Moose Creek	19	24	26	67	188	200	41	16	15	14	17	15
81-11947	Boulder Creek	Lochsa River	31	39	42	111	306	338	68	26	26	23	29	25
81-11948	Wounded Doe Cr.	Lochsa River	38	59	72	259	389	213	38	17	16	26	44	51
81-11949	E. Fork Moose Cr.	Moose Creek	17	22	24	60	165	188	37	14	14	13	16	14
81-11950	Old Man Creek	Lochsa River	231	301	329	838	2355	2629	516	193	195	168	217	190
81-11951	Rhoda Creek	N. Fork Moose Creek	57	73	79	197	565	626	123	48	47	42	53	46
81-11952	N. Fork Moose Cr.	Moose Creek	131	150	269	826	2237	1502	336	108	79	126	152	180
81-11953	Pete King Creek	Lochsa River	9	20	24	84	130	70	12	6	5	9	14	17
81-11954	Maggie Creek	Middle Fork Cleanwater River	30	23	38	107	308	338	66	25	25	22	28	24
81-11955	Petibone Creek	Selway River	30	38	41	107	308	338	66	25	25	22	28	24
81-11956	Moose Creek	Middle Fork Cleanwater River	302	359	600	1848	5181	3505	774	250	184	283	358	411
81-11957	Clear Creek	Selway River	37	57	68	246	377	200	36	16	16	25	42	49
81-11958	Gedney Creek	Selway River	36	58	68	246	365	200	36	16	15	25	42	49
81-11959	Marten Creek	Selway River	21	28	29	76	212	238	47	18	17	16	21	17
81-11960	Milk Creek	Selway River	9	11	13	32	89	99	20	7	7	7	8	7
81-11961	O'Hara Creek	Selway River	30	46	56	197	306	163	30	14	13	21	35	41
81-11962	Bear Creek	Selway River	161	185	317	1010	2708	1878	404	136	97	147	195	220
81-11964	Hamby Fork of O'Hara Creek	O'Hara Creek	8	13	15	53	80	44	8	4	3	5	9	11
81-11965	O'Hara Creek	Selway River	14	22	27	96	141	79	15	6	6	10	16	19
81-11966	Meadow Creek	Selway River	181	220	247	628	1766	2003	381	148	141	126	163	140
81-11967	Cub Creek	Bear Creek	101	127	141	370	1025	1139	224	85	84	76	96	82
81-11968	Buck Lake Creek	Meadow Creek	23	29	32	81	236	250	50	19	19	17	22	18
81-11969	Goat Creek	Selway River	20	25	27	71	200	225	44	17	16	15	18	16
81-11970	Running Creek	Selway River	78	100	107	283	777	864	168	65	64	58	73	63
81-11971	White Cap Creek	Selway River	151	197	212	542	1531	1627	336	125	130	115	141	120
81-11972	Indian Creek	Selway River	40	51	55	136	400	438	87	33	32	29	37	32
81-11973	Three Prong Creek	Meadow Creek	10	13	13	35	95	105	21	8	8	7	9	8
81-11974	Deep Creek	Selway River	38	49	53	136	377	426	83	32	31	28	36	31
81-11975	Wilkinson Creek	Selway River	28	36	39	100	283	313	62	24	23	21	26	22
82-12231	Johns Creek	South Fork Cleanwater River	34	44	72	263	459	250	56	23	19	25	34	34
82-12234	Temble Creek	South Fork Cleanwater River	18	23	38	148	247	138	30	11	11	14	18	18

Attachment 2 : Periods of Use and Quantities (Basins 71, 72, 81, 82, 83, 84, 85 and 86)

Minimum stream flows for the following streams are quantified in cfs, based on the monthly 40% exceedence level of the estimated unpaired flow. Flows are subordinated to all future DCMI water rights, in addition, 10% of the lowest median monthly unpaired estimated flow is subordinated to future non-DCMI uses; provided, non-DCMI uses are to be curtailed at a floor equivalent to the unpaired 80% estimated exceedence flow.

WR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
71-10886	Valley Creek	Salmon River	49	48	85	298	765	787	215	83	61	57	58	52
71-10887	Stanley Lake Creek	Salmon River	6	6	10	33	84	88	22	10	7	7	7	6
71-10890	Alturas Lake Creek	Salmon River	21	21	37	115	305	313	82	35	26	24	25	23
71-10892	Meadow Creek	Valley Creek	4.1	4.1	6.8	22	57	59	15	6.6	5.0	4.6	4.8	4.3
71-10893	Trap Creek	Valley Creek	2.2	2.2	3.7	12	31	32	8	3.6	2.7	2.5	2.6	2.4
72-16655	Eightmile Creek	Yankee Fork	3.8	3.7	6.4	21	54	56	14	6.1	4.6	4.3	4.5	4.0
72-16666	Lightning Creek	Yankee Fork	4.1	4.0	6.9	22	57	59	15	6.6	5.0	4.6	4.8	4.2
72-16667	Yankee Fork	Salmon River	40	37	46	173	640	702	169	83	62	56	52	45
72-16669	East Fork Salmon River	Salmon River	91	92	100	166	437	1014	462	198	144	139	125	100
72-16670	Herd Creek	East Fork Salmon River	22	20	19	28	98	217	92	47	34	27	26	23
72-16671	East Fork Salmon River	Salmon River	37	36	35	51	196	628	351	135	74	63	52	42
72-16672	East Pass Creek	Herd Creek	9	8	8	11	40	91	39	20	13	11	10	9
72-16673	Germania Creek	East Fork Salmon River	16	15	17	23	88	238	157	62	34	29	24	19
81-11963	S. Fork Clear Creek	Clear Creek	7	11	15	52	82	42	8	4	3	5	9	9
82-12220	South Fork Clearwater	Clearwater River	452	597	995	2198	3639	2789	783	308	262	259	319	371
82-12222	Newsome Creek	South Fork Clearwater River	18	23	41	168	281	145	32	13	12	14	19	18
82-12223	Meadow Creek	South Fork Clearwater River	7	9	17	66	114	57	13	6	5	6	8	7
82-12224	Silver Creek	South Fork Clearwater River	7	8	15	59	99	51	11	5	4	5	7	6
82-12225	Big Elk Creek	American River	7	8	15	58	98	51	11	5	4	5	7	6
82-12226	Peasley Creek	South Fork Clearwater River	3	4	7	27	47	24	5	2.3	2.0	2.3	3.1	2.9
82-12227	American River	South Fork Clearwater River	29	38	66	262	447	227	51	22	19	22	30	28
82-12228	Cougar Creek	South Fork Clearwater River	2	3	5	19	31	17	4	2	1	2	2	2
82-12229	South Fork Clearwater	Clearwater River	167	211	408	1466	2391	1653	438	164	136	164	204	178
82-12230	Mill Creek	South Fork Clearwater River	7	9	16	61	104	54	12	5	5	5	7	7
82-12232	Crooked River	South Fork Clearwater River	19	25	44	168	291	145	34	14	13	15	19	19
82-12233	Red River	South Fork Clearwater River	56	71	129	492	842	434	93	41	37	43	57	53
82-12235	S. Fork Red River	Red River	11	15	25	98	166	86	20	8	7	9	12	11
83-11945	Canyon Creek	Little N.F. Clearwater River	45	78	169	293	198	114	51	46	42	40	62	36
83-11946	Foehl Creek	Little N.F. Clearwater River	25	43	94	157	114	60	28	26	23	22	35	20
83-11947	Collins Creek	Skull Creek	23	35	46	168	260	134	24	11	11	16	27	30
83-11948	Vanderbilt Gulch Creek	North Fork Clearwater River	14	22	29	104	166	84	15	7	7	10	17	19
83-11949	Isabella Creek	North Fork Clearwater River	19	33	71	128	84	45	21	19	17	16	26	15
83-11950	Little N.F. Clearwater	North Fork Clearwater River	286	487	1094	1780	1248	682	326	287	262	250	389	232
83-11953	Lake Creek	North Fork Clearwater River	33	51	68	241	365	196	35	17	16	24	40	44
83-11954	Skull Creek	North Fork Clearwater River	63	101	129	450	717	362	66	32	31	45	75	85
83-11955	Elk Creek	North Fork Clearwater River	119	193	229	482	260	90	27	19	24	32	58	77
83-11956	Kelly Creek	North Fork Clearwater River	317	404	706	2827	4782	2479	550	236	204	241	319	301
83-11957	Cayuse Creek	North Fork Clearwater River	159	248	318	1152	1767	919	168	81	78	112	186	209
83-11958	Fourth of July Creek	North Fork Clearwater River	27	41	54	188	301	155	28	13	13	19	32	35
83-11959	Toboggan Creek	Cayuse Creek	13	21	27	97	156	79	14	7	7	9	16	18
83-11960	Weilas Creek	North Fork Clearwater River	151	230	298	1047	1663	868	158	76	73	103	177	193
83-11961	Weilas Creek	North Fork Clearwater River	76	119	149	544	863	434	79	39	37	54	89	100
84-12220	Eldorado Creek	Lolo Creek	22	56	98	147	135	80	21	10	11	10	19	19
84-12224	Yakus Creek	Lolo Creek	5	12	21	30	28	17	4	2	2	2	4	4
84-12225	Yoosa Creek	Lolo Creek	6.1	15.6	27.1	40.4	37.8	22.0	5.7	2.6	3.1	2.9	5.4	5.3

Attachment 2 : Periods of Use and Quantities (Basins 71, 72, 81, 82, 83, 84, 85 and 86)

WR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Minimum stream flows for the following streams are quantified in cfs, based on the monthly 50% exceedence level of the estimated unimpaired flow. Flows are subordinated to all future DCMl water rights; in addition, 25% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCMl uses; provided, non-DCMl uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedence flow.														
85-15600	Big Canyon Creek	Clearwater River	34	84	148	130	107	39	17	8	12	18	25	35
82-12221	Rabbit Creek	South Fork Clearwater River	5.9	5.6	14.5	11.4	4.2	1.4	0.4	0.2	0.3	0.5	0.9	1.4
84-12215	Whiskey Creek	Orofino Creek	10.2	25.5	45.9	66.9	65.3	37.4	9.4	4.7	5.4	5.3	8.5	8.3
84-12216	Orofino Creek	Clearwater River	61	150	272	387	377	223	56	28	31	31	50	50
84-12217	Jim Ford Creek	Clearwater River	28	68	119	176	175	98	26	13	15	14	23	23
84-12218	Musselshell Creek	Lolo Creek	22	53	94	141	138	78	20	10	11	11	18	18
84-12221	Unnamed Stream	Clearwater River	2.1	5.0	9.4	13.2	12.9	7.6	2.0	0.9	1.0	1.1	1.7	1.7
84-12222	Sixmile Creek	Clearwater River	1.8	5.6	9.4	11.0	14.1	7.8	3.1	1.3	1.5	1.8	3.1	1.9
84-12223	Tom Taha Creek	Clearwater River	3.7	9.0	16.2	23.8	23.0	13.4	3.4	1.7	1.9	1.9	3.1	3.1
85-15598	Collonwood creek	Clearwater River	7.0	17.4	30.7	26.9	22.8	8.4	3.6	1.8	2.4	3.6	5.2	7.2
85-15599	Jacks Creek	Clearwater River	2.2	5.3	9.4	8.2	6.7	2.5	1.1	0.5	0.7	1.1	1.6	2.3
85-15602	Little Canyon Creek	Big Canyon Creek	13	32	56	48	42	15	7	3	4	7	10	13
85-15607	Fivemile Creek	Clearwater River	0.9	2.9	5.0	5.8	7.4	4.0	1.6	0.7	0.8	1.0	1.7	1.0
85-15608	Post Hole Creek	Big Canyon Creek	0.9	2.1	3.7	3.2	2.7	1.0	0.4	0.2	0.3	0.4	0.6	0.9
85-15609	Unnamed	Big Canyon Creek	1.0	2.5	4.3	3.7	3.2	1.1	0.5	0.3	0.3	0.5	0.7	1.0
85-15611	Long Hollow Creek	Little Canyon Creek	3.9	9.5	17.1	14.9	12.7	4.4	2.0	0.9	1.3	2.0	2.9	4.0
85-15612	Holes Creek	Little Canyon Creek	2.5	6.2	11.2	8.6	8.0	2.9	1.3	0.6	0.8	1.3	1.8	2.6
85-15613	Effie Creek	Sixmile Creek	0.5	1.6	2.7	3.0	4.0	2.1	0.9	0.3	0.4	0.5	0.9	0.5
85-15623	Threemile Creek	South Fork Clearwater River	19.7	18.8	47.6	38.7	13.8	4.6	1.2	0.7	1.0	1.6	3.1	4.6
85-15624	Sally Ann Creek	South Fork Clearwater River	5.4	11.2	22.0	52.2	23.7	3.7	1.1	1.6	1.5	1.9	2.4	3.0
85-15625	Captain John Creek	Snake River	1.1	2.8	8.0	12.5	12.9	8.3	1.9	1.1	0.9	0.9	1.0	1.1
85-15626	Billy Creek	Snake River	0.3	0.8	1.8	2.2	2.4	1.6	0.4	0.2	0.2	0.2	0.3	0.3
86-11957	Cedar Creek	Polatch River	8.7	19.1	34.7	76.6	32.3	10.0	4.4	2.9	3.5	4.6	5.3	7.2
86-11958	Pine Creek	Clearwater River	2.0	4.4	7.7	17.4	7.3	2.2	1.0	0.6	0.8	1.0	1.2	1.6
86-11960	Polatch River	Clearwater River	146	397	1078	1305	587	207	86	43	56	72	70	152
The following claims are quantified in accord with Wild and Scenic River instream flows and future allocations, and are subordinated to the extent necessary to permit full utilization of the future water development preserved by the subordinations contained within the description of the Wild and Scenic River water right for the Salmon River, numbers 75-13316 and 77-11941.														
72-18664	Salmon River	Snake River	566	578	598	975/1263	3460	4910	2100	703	625	706	669	601
72-18668	Salmon River	Snake River	364	369	396	712/953	2630	3310	1320	453	405	447	436	391
Minimum stream flows for the following streams are quantified in cfs, based on the monthly 40% exceedence level of the estimated unimpaired flow. Flows are subordinated to all future DCMl water rights; in addition, 10% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCMl uses; provided, non-DCMl uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedence flow.														
83-11951	Breakfast Creek	North Fork Clearwater River	119	156	259	576	946	733	205	79	68	67	83	93
83-11952	North Fork Clearwater	Clearwater River	167	211	378	1466	2495	1343	289	123	107	129	168	162
84-12219	Lolo Creek	Clearwater River	135	340	587	869	811	475	131	57	66	64	115	116
86-11959	Bedrock Creek	Clearwater River	8	16	23	48	21	7	3	2	2	3	4	6

Attachment 2 : Periods of Use and Quantities (Basins 71, 72, 81, 82, 83, 84, 85 and 86)

WR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Minimum stream flows for the following claims are quantified in cfs as follows, based on estimated unimpaired exceedence flows. All claims are subordinated to all future DCM water rights.														
WR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
71-10891	Elk Creek	Valley Creek	11.7	11.5	11	21	118	119	34.3	14.1	12.4	12.5	12.8	12.8
71-10894	Meadow Creek	Goat Creek	4.4	4.2	4.3	7.4	18.8	24.5	8.9	5.4	5.2	5.5	5.4	5.3
71-10895	Goat Creek	Valley Creek	2.3	2.1	2.2	3.8	7.4	10.5	4.5	3.0	3.0	2.8	2.8	2.7
71-10896	Iron Creek	Valley Creek	4.1	3.8	3.9	6.8	15.1	22.5	8.2	5.0	5.0	5.1	4.9	4.9
85-15601	Tom Beall Creek	Lapwai Creek	1.3	3.2	5.7	4.8	4.2	1.5	0.7	0.3	0.4	0.7	1.0	1.3
85-15603	Lapwai Creek	Clearwater River	41	74	170	209	137	61	30	19	18	22	28	35
85-15604	Sweetwater Creek	Lapwai Creek	9	22.4	39.5	34.6	29.5	10.2	4.7	4.7	4.7	4.7	6.7	9.6
85-15605	Mission Creek	Lapwai Creek	9.0	22.4	38.9	34.1	28.8	8.7	3.9	1.8	3.1	4.7	6.7	9.1
85-15606	Rock Creek	Mission Creek	1.6	3.9	7.1	6.2	5.2	1.9	0.9	0.4	0.6	0.8	1.2	1.6
85-15610	Webb Creek	Sweetwater Creek	3.2	7.8	14.2	12	10.1	3.7	1.6	0.8	1.1	1.7	2.3	3.3
85-15614	E. Fork Sweetwater	Sweetwater Creek	1.4	3.6	6.5	5.8	4.7	1.7	0.8	0.3	0.5	0.8	1.0	1.5
85-15615	W. Fork Sweetwater	Sweetwater Creek	1.4	3.3	5.8	5.3	4.4	1.6	0.7	0.3	0.5	0.7	1	1.4
85-15616	Lawyer Creek	Clearwater River	90	112	260	168	80	21	9	5	7	14	30	27
85-15617	Severnille Creek	Lawyer Creek	4.7	6.2	14.2	9.1	4.4	1.3	0.6	0.3	0.4	0.8	1.7	1.5
85-15618	Meadow Creek	Lawyer Creek	4.7	5.6	13	8.6	4.2	1.3	0.5	0.3	0.4	0.7	1.5	1.4
85-15619	Willow Creek	Lawyer Creek	7.8	10	23	15	7.4	2.2	0.9	0.5	0.7	1.2	2.7	2.4
85-15620	Red Rock Creek	Cottonwood Creek	18.4	17.3	43.4	36.1	12.9	4.3	1.2	0.6	0.9	1.5	2.8	4.2
85-15621	Unnamed	Lawyer Creek	3.6	4.5	11.0	6.7	3.3	1.0	0.4	0.3	0.3	0.6	1.2	1.1
85-15622	Cottonwood Creek	South Fork Clearwater River	122	113	289	238	87	21	7	4	6	10	19	28