

10/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-7597

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0098

SOURCE: WILLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 50.000 CFS

Upon further finding and order of the director that gauging 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.

PRIORITY DATE: 06/24/1991

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion 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.

POINT OF DIVERSION:

T01N R40E S33 SENW Begin of Stream Flow Within BONNEVILLE County
T02N R40E S27 NWSE End of Stream Flow Within BONNEVILLE County

This minimum instream flow begins in SENW, Section 33, T01N, R40E and ends at the back waters of Ririe Reservoir located in NWSE, Section 27, T02N, R40E.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINIMUM STREAM FLOW	04/01 05/31	50.000 CFS
	06/01 07/15	50.000 CFS
	07/16 09/30	22.000 CFS
	10/01 11/30	36.000 CFS
	12/01 03/31	22.000 CFS

Use of water under this right shall be non-consumptive.

PLACE OF USE:

The minimum instream flow use is for the preservation of fish and wildlife habitat, and to maintain streambank integrity at the place of use between the points of diversion described above.

10/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that the amendment of this water right would be in the public interest.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Rm
03/15/2004

NOTICE OF ERROR
REPLY

RECEIVED

AUG 30 2004

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-7597

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0098
Telephone Number: (208) 327-7900

RECEIVED

SEP 29 2004

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of Use

2. Describe the changes you wish to make in the proposed recommendation:

Remove Highlighted QRS. Add the following QRS: listed below

3. Give a brief explanation as to why you disagree with these portions:

I performed an intersect on the stream portion between the PODs, with the GICDB QRS in the GIS layers and found the above discrepancies

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9-22-04

SIGNATURE: by

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Add these QRS to Pou.

01 N 40 E 03 NENE
03 SWSW
17 SENW
27 SESE
27 SWSE
29 NWNE
29 SWNW

PROFILED

SCANNED

OCT 01 2004

SCANNED

SEP 23 2004

License

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-7597

WATER RIGHT NUMBER: 25-7597

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE MAIL PO BOX 83720 BOISE, ID 83720-0098 (208)327-7900

Priority Date: 06/24/1991

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM INSTREAM FLOW	12/01 to 3/31	22.000 CFS	
MINIMUM INSTREAM FLOW	4/01 to 5/31	50.000 CFS	
MINIMUM INSTREAM FLOW	6/01 to 7/15	50.000 CFS	
MINIMUM INSTREAM FLOW	7/16 to 9/30	22.000 CFS	
MINIMUM INSTREAM FLOW	10/01 to 11/30	36.000 CFS	
<u>Total Diversion:</u>		50.000 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SE1/4NW1/4	Sec. 33, Twp 01N, Rge 40E, B.M.
BONNEVILLE County	(Beginning of Reach)	
WILLOW CREEK	NW1/4SE1/4	Sec. 27, Twp 02N, Rge 40E, B.M.
BONNEVILLE County	(Ending of Reach)	

Place of UseConditions of Approval:

1. The minimum instream flow use is for the preservation of fish and wildlife habitat, and to maintain streambank integrity.
2. This minimum instream flow begins in SENW, Section 33, T01N, R40E and ends at the back waters of Ririe Reservoir located in NWSE, Section 27, T02N, R40E.
3. 027 Use of water under this right shall be non-consumptive.
4. 091 Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion 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.
5. 092 Upon further finding and order of the director that gauging 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-7597

6. 112 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. 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. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that the amendment of this water right would be in the public interest.

Remarks:

Comments:

1. dcarlson 6/11/2003 Field Report Narrative
Comment: see memorandum from john beal 2/11/1998
water resource board minimum stream flow water right

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 25-7597 V1

WATER RIGHT NUMBER: 25-7597 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE MAIL PO BOX 83720 BOISE, ID 83720-0098 (208)327-7900

Priority Date: 06/24/1991

Basis: Permit

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM INSTREAM FLOW	04/01 to 05/31	50.000 CFS	
MINIMUM INSTREAM FLOW	06/01 to 07/15	50.000 CFS	
MINIMUM INSTREAM FLOW	07/16 to 09/30	22.000 CFS	
MINIMUM INSTREAM FLOW	10/01 to 11/30	36.000 CFS	
MINIMUM INSTREAM FLOW	12/01 to 03/31	22.000 CFS	
	<u>Total Diversion:</u>	50.000 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SE1/4NW1/4	Sec. 33, Twp 01N, Rge 40E, B.M.
BONNEVILLE County	(Beginning of Reach)	
WILLOW CREEK	NW1/4SE1/4	Sec. 27, Twp 02N, Rge 40E, B.M.
BONNEVILLE County	(Ending of Reach)	

Place of Use

MINIMUM INSTREAM FLOW

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 40e 2						X	X										
01N 40e 3				X									X				X
01N 40e 4															X		
01N 40e 5							X	X	X	X		X			X		
01N 40e 6													X				X

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 25-7597 V1

01N 40e 7	X		X	X					X	X		X
01N 40e 8	X	X						X				
01N 40e 9	X	X		X	X							
01N 40e 10	X	X		X	X							
01N 40e 17				X	X	X	X	X	X		X	
01N 40e 19	X		X	X							X	X
01N 40e 20		X		X	X	X	X					
01N 40e 28					X	X	X	X		X		X
01N 40e 29	X	X	X	X	X		X					
01N 40e 30	X											
01N 40e 33		X		X			X					
02N 40e 27		X	X	X						X	X	X
02N 40e 34	X			X						X		X
02N 40e 35								X				

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.
2. a01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 25-7597 V1

1. General Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion 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 June 24, 1991, for Application No. 25-07597. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Willow Creek, such measuring devices shall be permanently installed and maintained as specified by the Director. The Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. 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 known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the permit or license would be in the public interest.
During the duration of the permit, the upper flows shall be measured and the relationship between the measured flows and the Tex Creek gauge flows developed. Failure to measure the upstream flows and relate the measurements to the Tex Creek gauge data will result in a single point minimum flow located at the Tex Creek gauge. If a point minimum streamflow is established, Willow Creek upstream of Tex Creek will only be protected to the extent necessary to maintain the minimum flow at the Tex Creek gauge.
The minimum instream flow use is for the preservation of fish and wildlife habitat, and to maintain streambank integrity.

Comments:

1. Rmikesell 2/9/2004 recommendation

Comment: this claim will be recommended as permitted until a license is issued and then the recommendation will be changed to reflect the license.

SCANNED

AUG 2001

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: A25-07597

Date Received: 7/6/1995 7/2/95

Receipt No: STARS TRANSFER

Received By: 8/22/95

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

2. Date of Priority: JUN 24, 1991

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
Beginning Point of Instream Flow					
01N	40E	33	SE	NW	BONNEVILLE
Ending Point of Instream Flow					
02N	40E	27	NW	SE	BONNEVILLE

5. Description of diverting works:
INSTREAM FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINIMUM INSTREAM FLOW	12/01	03/31	22.000		
MINIMUM INSTREAM FLOW	04/01	05/31	50.000		
MINIMUM INSTREAM FLOW	06/01	07/15	50.000		
MINIMUM INSTREAM FLOW	07/16	09/30	22.000		
MINIMUM INSTREAM FLOW	10/01	11/30	36.000		

7. Total Quantity Appropriated is:
50.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.



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NOV 08 1990

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion 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 June 24, 1991, for Application No. 25-07597.

Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Willow Creek, such measuring devices shall be permanently installed and maintained as specified by the Director.

The Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. 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 known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the permit or license would be in the public interest.

During the duration of the permit, the upper flows shall be measured and the relationship between the measured flows and the Tex Creek gauge flows developed. Failure to measure the upstream flows and relate the measurements to the Tex Creek gauge data will result in a single point minimum flow located at the Tex Creek gauge. If a point minimum streamflow is established, Willow Creek upstream of Tex Creek will only be protected to the extent necessary to maintain the minimum flow at the Tex Creek gauge.

The minimum instream flow use is for the preservation of fish.

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NOV 08 1990

14. Remarks: Continued
and wildlife habitat, and to maintain streambank integrity.

15. Basis of Claim: PERMIT

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Chairman _____ of _____ Title _____

Idaho Water Resource Board _____, that I have signed the foregoing Organization _____

document in the space below as _____ Chairman _____ of _____ Title _____

Idaho Water Resource Board _____ and that the statements contained in the Organization _____

foregoing document are true and correct.

Charles Parr
Signature of Authorized Agent

Chairman, Idaho Water Resource Board
Title and Organization

July 21, 1995

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of July 19 95

Stella I. Fleck
Notary Public



Residing at Boise, Idaho

My Commission Expires 1/26/2000

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NOV 08 1999