

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: A36-08307
Date Received: 7/26/1990
Receipt No: C018452
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO 208-327-7900
Address: IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720

2. Date of Priority: MAR 19, 1986

3. Source: MINNIE MILLER SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	8		SE	NW		GOODING
			NE	NE	SW		GOODING

5. Description of diverting works:
INSTREAM FLOWS IN TWO (2) REACHES DESCRIBED IN REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINIMUM INSTREAM FLOW	01/01	12/31	450.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	8	NW	NW	1	MIF	
			SW	NW	2	MIF	
			SE	NW		MIF	

A36-08307

Page 1

Date: 07/27/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	8	NE	SW	3	MIF	

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

THE USE OF WATER UNDER THIS PERMIT IS SUBJECT TO ALL PRIOR RTS. USE OF WATER UNDER THIS PERMIT SHALL RECOGNIZE & ALLOW THE CONTINUED BENEFICIAL DIVERSION OF WATER FOR IRRIGATION OR OTHER PURPOSES UNDER ANY PRIOR EXISTING WATER RIGHT ESTABLISHED BY DIVERSION & 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, I.C., WITH THE PRIORITY OF WATER RT. DATE EARLIER THAN 4/29/86, THE PRIORITY DATE OF THIS PERMIT. THIS PERMIT FOR MSF SHALL BE JUNIOR & SUBORDINATE TO ALL CONSUMPTIVE USE RTS. DIVERTED FROM GROUNDWATER WITHIN THE SNAKE RIVER AQUIFER TRIB. TO MINNIE MILLER SPRINGS, HELD IN TRUST BY THE STATE OF IDAHO, WHICH MAY BE APPROVED OR DIVERTED LATER IN TIME THAN THE PRIORITY OF THIS PERMIT. APPROVAL OF THIS PERMIT SHALL NOT GIVE RISE TO ANY RT. OR CLAIM AGAINST ANY FUTURE RTS. TO THE CONSUMPTIVE USE OF GROUNDWATER HELD IN TRUST BY THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PROPOSED PRIORITY OF THIS PERMIT & ANY SUBSEQUENT LICENSE TO THE EXTENT THAT SUCH USES ARE WITHIN THE LIMITS ESTABLISHED PURSUANT TO THE SWAN FALLS AGREEMENT, THE IDAHO STATE WATER PLAN, & CHAPTER 2, TITLE 42, I.C. THE APPLICANT, THROUGH THE REQUESTING AGENCY IF DESIRED, SHALL DEVELOP 3 YRS. OF SEASONAL FLOW DATA DURING THE PERMIT PERIOD, FOR THE PURPOSE OF ESTABLISHING THE AMT. OF FLOW THAT IS CAPABLE OF BEING MAINTAINED. FLOW DATA GATHERED DURING THE PERMIT PERIOD SHALL BE USED TO DETERMINE THE AMT. OF WATER THAT CAN BE LICENSED. UPON THE FUTURE FINDING & ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MIN. FLOW ON MINNIE MILLER SPRINGS & ITS ESTUARY, SUCH MEAS. DEVICES SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS SPECIFIED BY THE DEPT. PROOF OF INSTREAM BENEFICIAL USE SHALL BE LIMITED TO SUBMITTAL OF FLOW DATA SHOWING THAT THE PERMITTED FLOWS ARE CAPABLE OF BEING MAINTAINED.

FOR ITEMS 4, 5, 6 & 7:

THE SPRINGS REACH SHOWN IN EX. A OF APPLICATION - 200 CFS IS PROPOSED FROM 1/1 TO 12/31. THE FLOW IS THE SUM OF THE FLOWS FROM EACH INDIVIDUAL SPRING WITHIN THE REACH. THE REACH INCLUDES ALL OF THE SPRINGS LOCATED WITHIN LOT 3 (NENESW), SE1/4NW1/4 AND LOT 2 (NESWN), S.8, T 8S R14E, THAT FLOW INTO THE OUTFLOW STREAM REACH. THE SPRINGS REACH ALSO INCLUDES THE

14. Remarks: Continued

FLOW OF THE INDIVIDUAL SPRINGS FROM THE POINT WHERE THEY DISCHARGE FROM THE CANYON WALL TO THE POINT WHERE THEY FLOW INTO THE NORTH THOUSAND SPRING ESTUARY.

OUTFLOW STREAM REACH SHOWN IN EX. A OF APPLICATION - 450 CFS IS PROPOSED FROM 1/1 TO 12/31. THE OUTFLOW STREAM REACH BEGINS AT A POINT WHERE THE NORTH THOUSAND SPRINGS ESTUARY CROSSES INTO THE N1/2 OF LOT 3 (N1/2NE1/4SW1/4), S.8, T 8S, R14E, AND FLOWS IN A POINT LOCATED IN LOT 1 (SWNWNW) S.8, T 8S, R14E, WHERE THE STREAM DISCHARGES INTO THE SNAKE RIVER, ALL WITHIN GOODING CO. THE PROPOSED 450 CFS IS THE FLOW JUST PRIOR TO THE CONFLUENCE OF THE OUTFLOW REACH WITH THE SNAKE RIVER, AND REPRESENTS COMBINED FLOWS IN THE ESTUARY FROM THE IDAHO POWER CO. HYDROPOWER FACILITY ON THOUSAND SPRINGS AND FROM MINNIE MILLER SPRINGS.

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.
Signature of Authorized Agent
Chairman, Idaho Water Resource Board
Title and Organization
8/3/90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of August 19 90

[Signature]
Notary Public

Seal

Residing at Emmett
My Commission Expires 5/30/92

BEFORE THE WATER RESOURCE BOARD
OF THE STATE OF IDAHO

IN THE MATTER OF THE)
SNAKE RIVER BASIN WATER)
RIGHT ADJUDICATION)

A RESOLUTION TO FILE
ADJUDICATION CLAIMS AND
PAY FILING FEES

WHEREAS, the Snake River Basin Water Right Adjudication has been commenced by order of the Court dated November 19, 1987; and,

WHEREAS, under the provisions of Chapter 15, Title 42, Idaho Code, the Idaho Water Resource Board is the holder of certain instream water rights; and,

WHEREAS, the Idaho Water Resource Board desires to file claims in the Snake River Basin Adjudication for all water right permits held by the Board as provided by Section 42-1421, Idaho Code; and,

WHEREAS, all claims filed with the Director of the Idaho Department of Water Resources as a part of the adjudication must be accompanied by the appropriate filing fee as set out in Section 42-1414, Idaho Code; and,

WHEREAS, by Resolution of June 23, 1989 the Board directed that annual budget requests be made to the Legislature for an appropriation to pay adjudication claim fees for water rights held by the Board and that upon receipt of the necessary funds the Board will file the appropriate adjudication claims; and,

WHEREAS, the Legislature did appropriate \$74,200 to be used by the Board during fiscal year 1991 to pay the first installment of the filing fees for the claims listed below.

NOW, THEREFORE BE IT RESOLVED that the Idaho Water Resource Board, through its Chairman, files the following claims to water rights as part of the Snake River Basin Adjudication and directs the fees for those claims be taken from the money appropriated for that purpose to be paid to the Department of Water Resources.

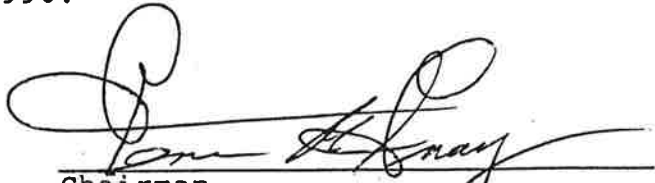
<u>Number</u>	<u>Instream Right</u>
21-07282	Henrys Fork
-36-07820	Blind Canyon Springs
73-07045	Pahsimeroi River
-41-07046	Rock Creek, East Fork
-37-07849	Silver Creek
-37-07919	Big Wood River
-37-07920	Malad River (Big Wood)
22-07370	Bitch Creek
21-07283	Warm River
-41-07074	Rock Creek, East Fork
21-07355	Warm River
65-12733	Payette River, SF & Main
-36-08307	Minnie Miller Springs

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- 36-08330
- 47-08073
- 36-08337
- 36-08374

Crystal Springs
Shoshone Creek
Box Canyon Springs
Crystal Springs

DATED this 3 day of August, 1990.


Chairman
Idaho Water Resource Board

ATTEST 
Secretary

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FEB 07 1993

RECEIVED

MAY 05 1998

OFFICE OF THE
ATTORNEY GENERAL

MAIL13944



RECEIVED

MAY - 7 1998

RECEIVED

Department of Water Resources
Adjudication Bureau

MAY 14 1998

WATER RESOURCES
WESTERN REGION

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

Case No. 39576

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

) 36-07820, 36-08307
) & 36-08337

IDWR has completed the following Administrative Proceedings:

LICENSES ISSUED

Name of Claimant:

State of Idaho

Idaho Water Resource Board

Claimant's Water Right:

36-07820, 36-08307

& 36-08337

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Transfer and Amended Director's Report* on the claimant, prior claimant(s) and all parties in the subcase affected, if any, as reflected on the attached certificate of mailing.

DATED: MAY 1, 1998

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-4, 1998, I mailed the original and copies of this form, to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449
3. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724
4. One copy to:
State of Idaho
Idaho Water Resource Board
Statehouse
Boise, ID 83720



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-01-1998

PAGE: A-1

RIGHTS FROM: SOURCE: MINNIE MILLER SPRINGS TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-08307

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

SOURCE: MINNIE MILLER SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 360.00 CFS
~~430.00 CFS~~

PRIORITY DATE: 03/19/1986

THIS MINIMUM STREAMFLOW SHALL BE JUNIOR AND SUBORDINATE TO ALL CONSUMPTIVE USE RIGHTS DIVERTED FROM GROUNDWATER WITHIN THE SNAKE RIVER AQUIFER TRIBUTARY TO MINNIE MILLER SPRINGS, HELD IN TRUST BY THE STATE OF IDAHO, WHICH MAY BE APPROVED OR DIVERTED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT. DECREE OF THIS RIGHT SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIM AGAINST ANY FUTURE RIGHTS TO THE CONSUMPTIVE USE OF GROUNDWATER HELD IN TRUST BY THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT TO THE EXTENT SUCH USES ARE WITHIN THE LIMITS ESTABLISHED PURSUANT TO THE SWAN FALLS AGREEMENT, THE IDAHO STATE WATER PLAN, AND CHAPTER 2, TITLE 42, IDAHO CODE.

POINT OF DIVERSION: T08S R14E S08 LOT 1 (NWNW) (E) Within GOODING County
/// 2 (NESWNW)
LOT 2 (SWNW) (E)
SEWN
LOT 3 (NESW) (B)
/// 3 (NENESW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	MINIMUM STREAM FLOW	01-01 12-31	360.00 CFS
	MINIMUM INSTREAM FLOW	01/01 12/31	~~430.00 CFS~~

THIS RIGHT IS FOR A MINIMUM FLOW OF 180.0 CFS IN THE SPRINGS REACH FROM A POINT IN GOVT. LOT 3 (NESW) AND ENDING IN GOVT. LOT 2 (SWNW), AND 360.0 CFS THROUGH THE OUTFLOW ESTUARY FROM A POINT IN GOVT. LOT 3 (NESW) AND ENDING AT A POINT IN GOVT. LOT 1 (NWNW), ALL WITHIN T08S, R14E, S08.

THIS MINIMUM STREAMFLOW IS FOR THE PRESERVATION OF SCENIC, RECREATIONAL AND AESTHETIC VALUES, AND FOR PRESERVATION OF FISH AND WILDLIFE HABITAT.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-01-1998

PAGE: A-2

-08307 (CONT.)

PLACE OF USE:

MINIMUM STREAM FLOW
SAME AS OTHER USEMINIMUM INSTREAM FLOW WITHIN SPRINGS CANYON
T08S R14E S08 E01 /1 (NWNW) E01 /2 (SWNW)

SENN E01 /3 (NENW)

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

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.

THE IDWR DIRECTOR HAS AUTHORITY TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS RIGHT. ANY PERSON SEEKING REVIEW AND AMENDMENT OF THE RIGHT SHALL FILE A REQUEST WITH THE BOARD, WHICH REQUEST SHALL DESCRIBE THE AMENDMENT SOUGHT, THE REASONS FOR THE PROPOSED AMENDMENT, AND A STATEMENT OF THE CHANGE IN CIRCUMSTANCES SINCE THE RIGHT WAS LAST REVIEWED THAT MERIT A REVIEW OF THE RIGHT. A COPY OF THE PETITION SHALL BE SERVED UPON THE DIRECTOR. THE BOARD, UPON RECEIVING A REQUEST, OR UPON ITS OWN INITIATIVE, MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE RIGHT. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF 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 RIGHT SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTY SEEKING THE AMENDMENT.

THIS RIGHT IS FOR THE USE OF A MINIMUM STREAMFLOW IN TWO REACHES, THE SPRINGS REACH AND THE OUTFLOW REACH:

SPRINGS REACH / 200 CFS DURING THE PERIOD JANUARY 1 THROUGH DECEMBER 31 IS THE SUM OF THE FLOW FROM EACH INDIVIDUAL SPRING SPRING LOCATED WITHIN LOT 3 (NENSW), SENN, AND LOT 2 (NENSW), S08, T08S, R14E, B1W, THAT FLOW INTO THE OUTFLOW REACH. THE SPRINGS REACH ALSO INCLUDES THE FLOW OF THE INDIVIDUAL SPRINGS FROM THE POINT WHERE THEY DISCHARGE FROM THE CANYON WALL TO THE POINT WHERE THEY FLOW INTO THE NORTH THOUSAND SPRINGS ESTUARY.

THE OUTFLOW STREAM REACH / 430 CFS DURING THE PERIOD JANUARY 1 THROUGH DECEMBER 31 IN THE OUTFLOW STREAM BEGINNING AT A POINT WHERE THE NORTH THOUSAND SPRINGS ESTUARY CROSSES THE NORTH HALF

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

August 13, 1997 11:20pm

NAME:

PAM WASCHER

CAMEIN

RE:

MINNIE MILLER INFO

I GAVE HER THE PACKET OF INFO I HAD PREPARED FOR THE MINNIE MILLER SPRINGS AREA. INCLUDED PROOFS OF THE RIGHTS **A36-04269 AND A36-08307.** THEY REQUESTED AN APPLICATION FOR PERMIT WHICH I GAVE THEM. WE DISCUSSED BRIEFLY THE USES THEY WERE PLANNING WHICH WOULD INCLUDED A WILDLIFE POND. I TOLD THEM TO STAY WITHIN THE NON-CONSUMPTIVE USE THE POND WOULD HAVE TO BE A HALF ACRE OR LESS.

R PROOF
CVR
MAPS
PHOTOS
MISC

✓

✓

✓

✓

✓

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FEB 07 1993

AJ5809NP
No. R36-08307

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/15/92
PAGE: 9

=====

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:
Comments:	Date: 08/03/1992 User-ID: WHITE Subject: DATA ENTRY CHANGE MADE TO MEET DATA ENTRY STANDARDS.	
	Date: 09/04/1992 User-ID: THORNTON Subject: DIVERSION RATE THE PERMIT IS FOR 650 CFS; CLAIM IS FOR 450 CFS. CAN'T RECOMMEND MORE THAN CLAIMED WITHOUT AMENDMENT.	
Audit:	05/17/91 WORSTELL 05/20/91 WORSTELL 12/03/91 CLELLAND 07/18/92 POST-STD 08/03/92 WHITE 08/28/92 PR-PRODM 09/04/92 THORNTON 09/14/92 SHAFF	

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:25
05/13/91

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-08307

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N	Permit		SW 12-3-91	
POINT OF DIV	Y			Y				
SOURCE				N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

AD1

Same as Permit

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:25
05/13/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-08307

LAST: STATE OF IDAHO
ADDRESS: IDAHO WATER RESOURCE BOARD
STATEHOUSE
CITY: BOISE
PHONE NUMBER: 208-327-7900

FIRST:

STATE: ID ZIP: 83720

OWNER CODE: C

LAST: WATER
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST:

STATE: ID ZIP: 0

OWNER CODE: K

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THE USE OF WATER UNDER THIS PERMIT IS SUBJECT TO ALL PRIOR RTS. USE OF WATER UNDER THIS PERMIT SHALL RECOGNIZE & ALLOW THE CONTINUED BENEFICIAL DIVERSION OF WATER FOR IRRIGATION OR OTHER PURPOSES UNDER ANY PRIOR EXISTING WATER RIGHT ESTABLISHED BY DIVERSION & 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, I.C., WITH THE PRIORITY OF WATER RT. DATE EARLIER THAN 4/29/86, THE PRIORITY DATE OF THIS PERMIT. THIS PERMIT FOR MSF SHALL BE JUNIOR & SUBORDINATE TO ALL CONSUMPTIVE USE RTS. DIVERTED FROM GROUNDWATER WITHIN THE SNAKE RIVER AQUIFER TRIB. TO MINNIE MILLER SPRINGS, HELD IN TRUST BY THE STATE OF IDAHO, WHICH MAY BE APPROVED OR DIVERTED LATER IN TIME THAN THE PRIORITY OF THIS PERMIT. APPROVAL OF THIS PERMIT SHALL NOT GIVE RISE TO ANY RT. OR CLAIM AGAINST ANY FUTURE RTS. TO THE CONSUMPTIVE USE OF GROUNDWATER HELD IN TRUST BY THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PROPOSED PRIORITY OF THIS PERMIT & ANY SUBSEQUENT LICENSE TO THE EXTENT THAT SUCH USES ARE WITHIN THE LIMITS ESTABLISHED PURSUANT TO THE SWAN FALLS AGREEMENT, THE IDAHO STATE WATER PLAN, & CHAPTER 2, TITLE 42, I.C. THE APPLICANT, THROUGH THE REQUESTING AGENCY IF DESIRED, SHALL DEVELOP 3 YRS. OF SEASONAL FLOW DATA DURING THE PERMIT PERIOD, FOR THE PURPOSE OF ESTABLISHING THE AMT. OF FLOW THAT IS CAPABLE OF BEING MAINTAINED. FLOW DATA GATHERED DURING THE PERMIT PERIOD SHALL BE USED TO DETERMINE THE AMT. OF WATER THAT CAN BE LICENSED. UPON THE FUTURE FINDING & ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MIN. FLOW ON MINNIE MILLER SPRINGS & ITS ESTUARY, SUCH MEAS. DEVICES SHALL

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FEB 07 1993

BE PERMANENTLY INSTALLED & MAINTAINED AS SPECIFIED BY THE DEPT.
PROOF OF INSTREAM BENEFICIAL USE SHALL BE LIMITED TO SUBMITTAL OF
FLOW DATA SHOWING THAT THE PERMITTED FLOWS ARE CAPABLE OF BEING
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INCLUDES ALL OF THE SPRINGS LOCATED WITHIN LOT 3 (NENESW),
SE1/4NW1/4 AND LOT 2 (NESWNW), S.8, T 8S R14E, THAT FLOW INTO
THE OUTFLOW STREAM REACH. THE SPRINGS REACH ALSO INCLUDES THE
FLOW OF THE INDIVIDUAL SPRINGS FROM THE POINT WHERE THEY
DISCHARGE FROM THE CANYON WALL TO THE POINT WHERE THEY FLOW INTO
THE NORTH THOUSAND SPRING ESTUARY.

OUTFLOW STREAM REACH SHOWN IN EX. A OF APPLICATION - 450 CFS
IS PROPOSED FROM 1/1 TO 12/31. THE OUTFLOW STREAM REACH BEGINS
AT A POINT WHERE THE NORTH THOUSAND SPRINGS ESTUARY CROSSES INTO
THE N1/2 OF LOT 3 (N1/2NE1/4SW1/4), S.8, T 8S, R14E, AND FLOWS IN
A POINT LOCATED IN LOT 1 (SWNNW) S.8, T 8S, R14E, WHERE THE
STREAM DISCHARGES INTO THE SNAKE RIVER, ALL WITHIN GOODING CO.
THE PROPOSED 450 CFS IS THE FLOW JUST PRIOR TO THE CONFLUENCE OF
THE OUTFLOW REACH WITH THE SNAKE RIVER, AND REPRESENTS COMBINED
FLOWS IN THE ESTUARY FROM THE IDAHO POWER CO. HYDROPOWER FACILITY
ON THOUSAND SPRINGS AND FROM MINNIE MILLER SPRINGS.

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FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A36-08307 PRIORITY DATE: 03-19-1986 STAGE: P

B. WR RECORD: # 36-08307 PRIORITY DATE: 03-19-1986 STAGE: P

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	_____

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
03-19-1986

REVIEWED BY *R.V.J.*

DATE *5/16/91*

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-08307	08S	14E	8	~~SE~~ SW	SE	NW	~~SE~~	GOODING
A36-08307	08S	14E	8	NE	~~NE~~ NW	~~SW~~ NW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-04269 NONE

WR RECORDS IN SAME 40 ACRE TRACT
SE SE NW
36-04269

SOURCE: MINNIE MILLER SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3608307 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: MINNIE MILLER SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>N</u>

REMARKS:

P/D incorrectly described compared to USGS MAP

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FEB 07 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>8S</u>	<u>14E</u>	<u>8</u>	<u>3S</u>	<u>3E</u>	<u>NW</u>		<u>Gooding</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>NW</u>	<u>SE</u>	<u>NW</u>		<u>"</u>
			<u>NE</u>	<u>SW</u>	<u>NW</u>		

SOURCE: MINNIE MILLER SPRINGS

TRIB: SNAKE RIVER

REVIEWED BY:

DATE:

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A. ROOT WATER RIGHT NUMBERS: A36-08307

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	14E	8	NW	NW	1	STATE OF IDAHO	✓ A36-08307 /	36-08307 /	12.0		
			NW	NW	1	PISCES INVESTMENTS INC.	A36-07072 /	36-07072 /			
			NW	NW	1	PISCES INVESTMENTS INC.	R36-07072 /	- /			
			NW	NW	8	BICKEL , PAUL S. A.		36-00128 /			
			NW	NW	8	BICKEL , PAUL S. A.		36-00129 /			
			NW	NW	8	BICKEL , PAUL S. A.		36-00130 /			
			NW	NW	8	BICKEL , PAUL S. A.		36-00131 /			
			NW	NW	8	BICKEL , PAUL S. A.		36-00132 /			
			NW	NW	1	PISCES INVESTMENTS INC.		36-08356 /			
			NW	NW	1	PISCES INVESTMENTS INC.		P36-08356 /			
08S	14E	8	SW	NW	2	STATE OF IDAHO	✓ A36-08307 /	36-08307 /	5.0		
			SW	NW		HANSEN , JAMES D.	A36-04269 /16.0	36-04269 /16.0			
08S	14E	8	SE	NW		STATE OF IDAHO	✓ A36-08307 /	36-08307 /	2.0		
			SE	NW		HANSEN , JAMES D.	A36-04269 / 1.0	36-04269 / 1.0			
08S	14E	8	NE	SW	3	STATE OF IDAHO	✓ A36-08307 /	36-08307 /	24.0		
			NE	SW	3	SMITH , BRUCE M.	A36-02013 /	- /			
			NE	SW	3	IDAHO POWER CO.	A36-02026 /	36-02026 /			
			NE	SW		HANSEN , JAMES D.	A36-04269 /21.0	36-04269 /21.0			
			NE	SW	3	IDAHO POWER CO.	R36-02026 /	- /			
			NE	SW	3	IDAHO POWER CO.	R36-02013 /	- /			
			NE	SW		IDAHO WATER RESOURCE BOARD		36-08556 /			
TOTAL ACRES							A36-08307		43.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
✓

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: A. V. Z.

DATE: 5/17/91

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-08307 MINIMUM INSTREAM FLOW	FROM 01-01 TO 12-31	450.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		450.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-08307 MINIMUM INSTREAM FLOW	FROM 01-01 TO 12-31	650.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		650.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	☒
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	☒
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	☒

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER? Y(☐) N(☐) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 450.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 650.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

*To BE DONE For 3 yrs to establish
an average expected rate.
See Hi Lighted Portion of Remarks*

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM:

LIST ALL RIGHTS WITH A SAME POI AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04269	MINNIE MILLER SPRINGS THOUSAND SPRINGS	HANSEN , JAMES D.	13.500	0.175		

LIST ALL RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-08307	MINIMUM INSTREAM FLOW	STATE OF IDAHO	FROM 01-01 TO 12-31	450.000 CFS	
A36-07072	FISH PROPAGATION	PISCES INVESTMENTS INC.	FROM 01-01 TO 12-31	148.200 CFS	
R36-07072	FISH PROPAGATION	PISCES INVESTMENTS INC.	FROM 01-01 TO 12-31	148.200 CFS	
A36-02013	POWER	SMITH , BRUCE M.	FROM 01-01 TO 12-31	600.000 CFS	
A36-02013	DOMESTIC	SMITH , BRUCE M.	FROM 01-01 TO 12-31	.100 CFS	
A36-02026	POWER	IDAHO POWER CO.	FROM 01-01 TO 12-31	100.000 CFS	
R36-02026	POWER	IDAHO POWER CO.	FROM 01-01 TO 12-31	100.000 CFS	
A36-04269	STOCKWATER	HANSEN , JAMES D.	FROM 04-01 TO 10-31	11.000 CFS	
A36-04269	DOMESTIC	HANSEN , JAMES D.	FROM 01-01 TO 12-31	.500 CFS	
R36-02013	POWER	IDAHO POWER CO.	FROM 01-01 TO 12-31	600.000 CFS	
R36-02013	DOMESTIC	IDAHO POWER CO.	FROM 01-01 TO 12-31	.100 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 0 x 0.02 CFS/ACRE = 0 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 0 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 0 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

The

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
MINIMUM INSTREAM FLOW	01-01	12-31	DATABASE 450.000	EXAMINER <u>up to</u>	DATABASE	EXAMINER	DATABASE 0.0	EXAMINER
TOTAL FOR THIS RIGHT			450.000	<u>450</u>			0.0	

REVIEWED BY:

R. W. Worstell

DATE:

5/17/91

*Measurements are to be taken for 3 years during the Permit stage to determine if 450 cfs flow is available to be licensed for this use
(see H-lited Portion of Remarks and "Proposed Memorandum Decision")*

A01 - Same as Permit

See 12-3-91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-08307

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 650.000	EXAMINER _____	CFS
-----------------------------------	---------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-08307	450.000	-		36-08307	650.000
TOTAL CFS		450.000				650.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

Permit

AUTHENTICATION:

SIGNATURE: _____

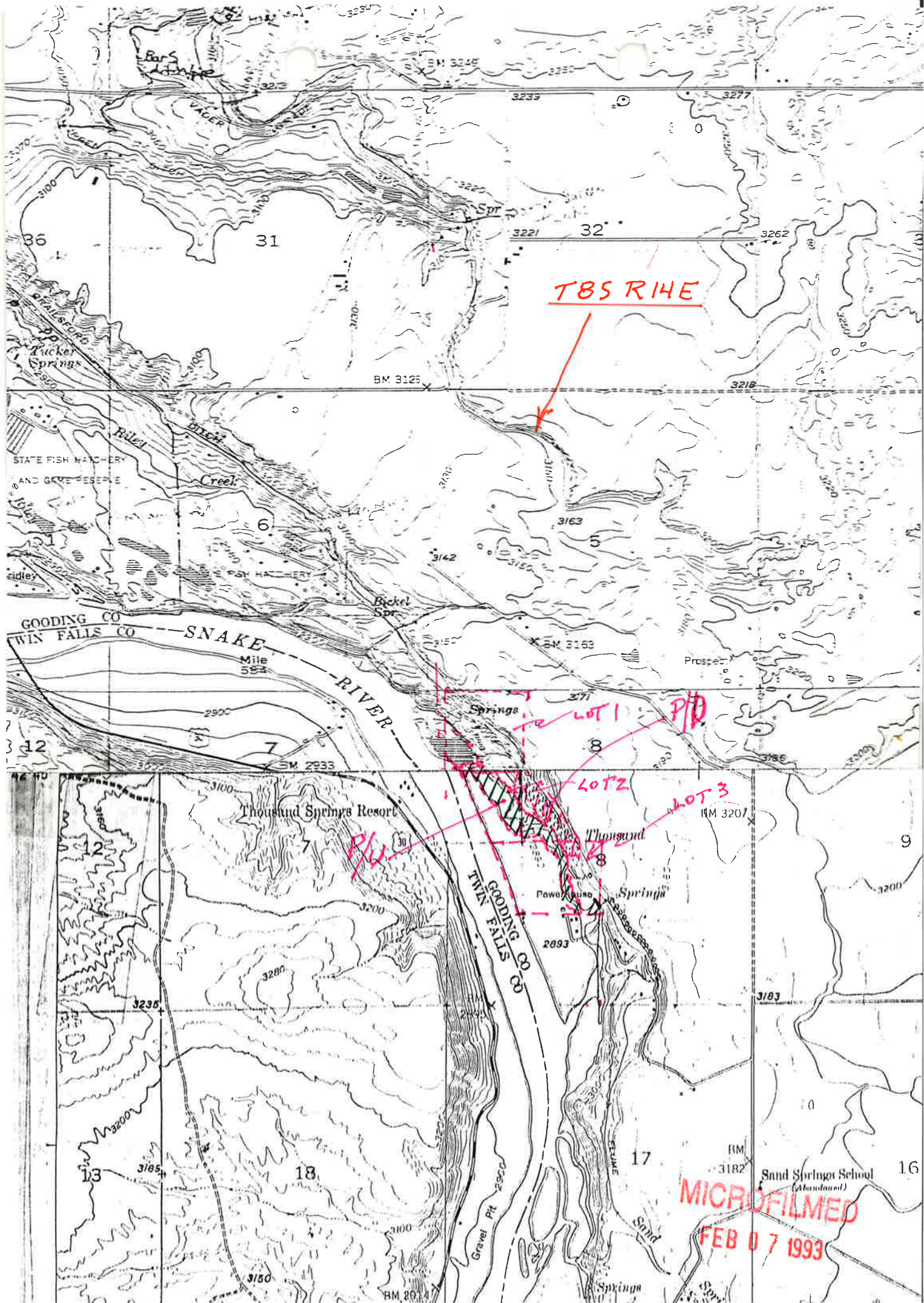
Steve Callahan

DATE: _____

12-3-91

NAME OF FIELD EXAMINER: _____

TITLE: _____



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FEB U 7 1993



← RIVER
FLOW

A36-08307 - Minnie Miller Springs

A36-08307

RECEIVED

Form 202
6-85

MAR 10 1988

STATE OF IDAHO

File # 8307

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT - MINIMUM STREAM FLOW

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 334-4437
Post office address 450 W. State Street Boise, Idaho 83720
2. Source of water supply Minnie Miller Springs which is a tributary of Snake River
the reach (springs) and NENE SW 1/4 4 GAG 4-29-86
3. Location of point of diversion is SE 1/4 of NW 1/4 of XXXXXXXXXXXXXXXXXXXX
Sec. 8 Township 8 S Range 14 E S.M. Cooding County; additional reach:
points of diversion: SEE ATTACHMENT "A" for description of outflow stream reach (involving
the same waters as those flowing from Minnie Miller Springs system)
4. Water will be used for the following purposes:
Scenic, Recreational, Aesthetic beauty. AND OTHER WATERS.
4.706 Amount 200 cfs for Fish & Wildlife habitat from Jan 1 to Dec 31 (both dates inclusive)
4.706 Amount 450 cfs for Scenic, Recreational, Aesthetic beauty from Jan 1 to Dec 31 (both dates inclusive)
4.706 Amount 200 cfs for Fish & Wildlife habitat purposes from Jan 1 to Dec 31 (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 200 cfs flow in the Springs reach, then in the outflow
stream
6. Proposed diverting works: No diversion, instream flow only
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the work and application of the water to the proposed beneficial use is five years (minimum 1 year).

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A26-08307

- reach.
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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The Springs Reach (Shown in Exhibit A) - An appropriation of 200 cfs is proposed during the period from January 1 through December 31 for the spring reach. The flow is the sum of the flow from each individual spring, within the reach. The reach includes all of the springs located within Lot 3 (NE\NE\SW\), SE\NW\, and Lot 2 (NE\SW\NW\), Sec. 8, T8S, R14E, B.M. that flow into the outflow stream reach. The springs reach also includes the flow of the individuals springs from the point where they discharge from the canyon wall to the point where they flow into the North Thousand Spring Estuary.

Outflow Stream Reach (Shown in Exhibit A) - An appropriation of 450 cubic feet per second during the period from January 1 to December 31 is proposed for the outflow stream reach. The outflow stream reach begins at a point where the North Thousand Springs Estuary crosses into the N\ of Lot 3 (N\NE\SW\), Sec. 8, T8S, R14E, B.M., and flows in a northwesterly direction approximately one-half mile, ending at a point located in Lot 1 (SW\NW\NW\), Sec. 8, T8S, R14E, B.M., where the stream discharges into the Snake River, all within Gooding County. The proposed 450 cfs is the flow just prior to the confluence of the outflow reach with the Snake River, and represents combined flows in the estuary from the Idaho Power hydropower facility on Thousand Springs and from Minnie Miller Springs.

2. The hearing record indicates that Mr. Cecil Thomas, a consulting engineer employed by The Nature Conservancy, measured in April, 1986, a flow of 163 cubic feet per second discharging from Minnie Miller Springs in the springs reach, and also

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A36-08307

Form 202
Supplemental

The Board believes that the most significant threat to maintaining these flows would be a proposal to appropriate them directly at the canyon wall or in the outflow stream for private purposes. The establishment of a minimum stream flow for the entire spring and stream flows would preserve them for the public benefit and would remove that threat. The Board does not anticipate that the springs will be affected in any significant manner by irrigation pumping under senior rights in the Snake Plain Aquifer.

16. Describe the location of existing gaging stations that can be used in the administration of this appropriation.

The United States Geological Survey's Thousand Springs Gauging Station on the mainstem of the Snake River is capable of monitoring changes in river flows in the reach in which Minnie Miller Springs is located. The U.S.G.S. gauging station includes facilities at two points on the north (east) bank of the Snake River: 1) the point at which the north boundary of Section 20, 8S 14E, B.M. intersects the bank, and 2) the point at which the south boundary of Section 6, 8S, 14E, B.M., intersects the bank.

17. Do you intend to install additional gaging stations? Describe the location.

The U.S.G.S. Thousand Springs Gauging Station probably is the best measuring system reasonably available for determining the flows from the Minnie Miller Springs and their associated stream outflow. Measuring the outflow directly from the springs themselves would be expensive and diffi-

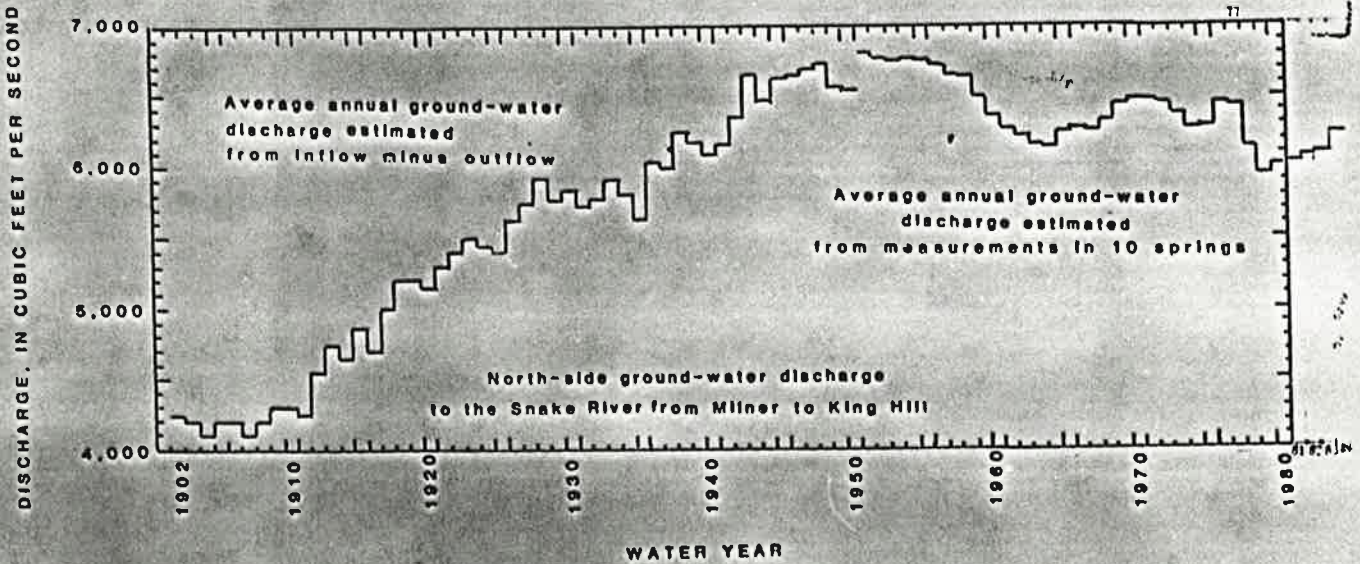
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FEB 07 1993

A36-08307

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JUN 28 1968



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FEB 07 1993

OFILMED
07 1993

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 36-8307 (MINNIE MILLER)
SPRINGS) TO ESTABLISH A MINIMUM)
STREAMFLOW IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On March 19, 1986, the Idaho Water Resource Board (Board) filed with the Department of Water Resources (Department) an application for permit to appropriate water to preserve a minimum streamflow on Minnie Miller Springs which are tributary to the Snake River in Gooding County. The application was filed by the Board upon the request of the Idaho Department of Parks and Recreation, pursuant to Chapter 15, Title 42, Idaho Code. On April 7, 1986, the application was amended to increase the flow rate in the outflow estuary, and an additional segment of the outflow estuary was added on April 29, 1986.

Application No. 36-8307 proposes to appropriate a minimum streamflow within two reaches, the springs reach and the outflow stream reach.

The application proposes the appropriation of 200 cubic feet per second from January 1 to December 31 in the springs reach and an appropriation of 450 cubic feet per second from January 1 to December 31 through the outflow estuary.

The purpose for the proposed minimum streamflow is to preserve scenic, recreational, and aesthetic values; and also to preserve fish and wildlife habitat.

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Notice of the time and place of hearing was published in the Times News, Twin Falls, Idaho; the Lewiston Morning Tribune, Lewiston, Idaho; the Statesman, Boise, Idaho; and the Post Register, Idaho Falls, Idaho; on February 26 and March 5, 1987. In addition, notice was also published in the Gooding Leader, Gooding, Idaho; and the Buhl Herald, Buhl, Idaho; on February 25 and March 4, 1987.

A public hearing was held in Hagerman, Idaho on March 19, 1987. Bobby D. Fleenor of the Department served as the hearing officer.

Parties appearing in a formal capacity at the hearing included the Board, the Idaho Department of Fish and Game, the Idaho Department of Parks and Recreation, and The Nature Conservancy. Other individuals and representatives of organizations also appeared and presented their views and comments as public witnesses.

After the close of the hearing, the record remained open for ten (10) days to provide for the submission of additional written materials.

Based upon the sworn testimony, documentation, public statements included in the record and upon his understanding of the facts and the law, the Director of the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Application for Permit No. 36-8307 proposes a minimum streamflow in two reaches, the springs reach and the outflow reach:

The Springs Reach (Shown in Exhibit A) - An appropriation of 200 cfs is proposed during the period from January 1 through December 31 for the spring reach. The flow is the sum of the flow from each individual spring, within the reach. The reach includes all of the springs located within Lot 3 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 8, T8S, R14E, B.M. that flow into the outflow stream reach. The springs reach also includes the flow of the individuals springs from the point where they discharge from the canyon wall to the point where they flow into the North Thousand Spring Estuary.

Outflow Stream Reach (Shown in Exhibit A) - An appropriation of 450 cubic feet per second during the period from January 1 to December 31 is proposed for the outflow stream reach. The outflow stream reach begins at a point where the North Thousand Springs Estuary crosses into the N $\frac{1}{2}$ of Lot 3 (N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 8, T8S, R14E, B.M., and flows in a northwesterly direction approximately one-half mile, ending at a point located in Lot 1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 8, T8S, R14E, B.M., where the stream discharges into the Snake River, all within Gooding County. The proposed 450 cfs is the flow just prior to the confluence of the outflow reach with the Snake River, and represents combined flows in the estuary from the Idaho Power hydropower facility on Thousand Springs and from Minnie Miller Springs.

2. The hearing record indicates that Mr. Cecil Thomas, a consulting engineer employed by The Nature Conservancy, measured in April, 1986, a flow of 163 cubic feet per second discharging from Minnie Miller Springs in the springs reach, and also

measured a flow of 413 cubic feet per second in the outflow stream reach after the springs' flows had combined with the estuary flows.

3. Discharges from the Snake River Plain Aquifer cycle from highest flows in late summer and fall to lowest flows in the spring of the year. The flows measured by Mr. Cecil Thomas in April, 1986, represent the flows available at the lowest discharge period of the year, and flows in excess of the measured amounts probably occur later in the year.

4. The hearing record includes information regarding the fluctuation of flows of the groundwater discharge into the Snake River caused by irrigation practices in the Snake River Plain Aquifer. IDWR Exhibit No. 3, admitted into evidence, graphically depicts a steady rise in the average annual groundwater discharge from 1902 until approximately 1950. The average annual discharge increased from approximately 4,250 cfs in 1902 to approximately 6,850 cfs in 1950. The Department witness stated that the increase in the spring flows was attributable to surface water irrigation in the Snake River Plain Aquifer that recharged the aquifer.

5. Beginning in 1950 until the present, groundwater discharge has declined. The Department witness stated that the decline was attributable to both the withdrawal of water from wells which tap the aquifer, and a decrease in the amount of surface water diverted from the upper Snake River which subsequently reduces the recharge.

6. The Department witness testified that the flows of

Minnie Miller Springs would fluctuate depending on the future withdrawal of groundwater from the aquifer, and the volume of surface water diverted onto lands overlying the Snake River Plain Aquifer that might recharge the aquifer.

7. Although the spring flows were measured, evidence establishing an average or normal flow from the springs was not presented. The long term capability of maintenance of the flows is directly dependent on water use on the lands overlying the Snake River Plain Aquifer.

8. Department records include Claim No. 36-4269 claiming a water right from in the amount of 13.5 cfs which has been established by the beneficial use of water from Minnie Miller Springs for irrigation, stockwater, domestic, and commercial purposes with a priority of April 6, 1916. The place of use of Claim No. 36-4269 is on property held by The Nature Conservancy but evidence was not submitted into the hearing record regarding use of water under the claimed right.

9. Based upon the sworn testimony, documentation, and public statements comprising the record in this matter, a finding is made that the minimum streamflow proposed by Application No. 36-8307 is necessary to preserve the existing fish and wildlife habitat, aesthetics, and scenic and recreational value.

10. Department personnel and Todd Graeff testified that Minnie Miller Springs represented only a small portion of the total flow from the Thousand Springs complex. Testimony was presented that the Minnie Miller Springs are the last major group of undeveloped springs in the Thousand Springs area.

11. Department of Fish and Game testified that a reduction in water flow from the springs and outflow estuary would adversely impact not only the aesthetic values, but also the fish and wildlife which are dependent on spring flows.

12. The benefits to be derived from the minimum streamflow application will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that streamflow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality, when made pursuant to this statute, is in the public interest and is declared to be a beneficial use of such water.

2. Idaho Code § 42-1503 sets forth the criteria to be considered by the Department in reviewing an application for minimum streamflow:

Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in whole, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon a finding that such appropriation of minimum streamflow:

(a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum streamflow filed under the provisions of this act;

(b) is in the public, as opposed to private, interest;

(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;

(d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and

(e) is capable of being maintained as evidenced by records of streamflows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

3. Any right to be acquired under the application is for instream nonconsumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than April 29, 1986.

4. No conclusion was made as to the validity of Claim No. 36-4269. If it is found to be valid by the courts, the establishment of a minimum streamflow with the priority date later in time cannot cause injury to the owners of the claimed right by reducing water available under the right.

5. The proposed minimum streamflow appropriation is necessary to preserve scenic, recreational, and aesthetic values, and to preserve fish and wildlife habitat.

6. When the proposed minimum streamflows are evaluated broadly to include all flows which once flowed from the Thousand Springs complex, the Minnie Miller Springs are the remaining remnant of a once large display of free flowing cascades and pristine estuaries. To preserve the last of these springs in their natural condition is not an optimum or most desirable flow, but is, in fact a minimum flow, except as those flows may be impacted as set forth herein.

7. The establishment of a minimum streamflow for Minnie Miller Springs is in the public, as opposed to private, interest. The establishment of a vested right to the flows requested in the application, however, may not be in the public interest, if

development in the Snake River Aquifer would necessarily have to be curtailed or stopped in order to perpetuate the present rate of spring flows.

8. The Director of the Department of Water Resources has considerable flexibility and authority to grant appropriations subject to future appropriations for uses of greater importance; in effect prioritizing among uses according to the public interest. Shokal v. Dunn, 109 Idaho 330, 337, 707 P.2d 441 (1985)

9. In response to litigation over the depletion of groundwater discharge from the Snake River Plain Aquifer initiated by Idaho Power Company to protect its surface water flows in the Snake River, the Idaho Legislature declared in Idaho Code § 42-203B that it was in the public interest to regulate the use of Snake River water for power purposes in order to assure an adequate supply of water in the Snake River Plain Aquifer for all future beneficial uses.

10. The Idaho Legislature specifically ratified an agreement between the State of Idaho and Idaho Power in Idaho Code § 42-203B(5) which implements the public interest of supplying water for future beneficial use. The agreement expressly provides for a partial depletion of Snake River surface water flows resulting from development in the Snake River Plain Aquifer.

11. The analysis portion of Policy 5G of the State Water Plan, which has been ratified by the legislature, states:

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain Aquifer

may reduce the present flow of springs tributary to the Snake River

12. Policy 5G of the State Water Plan contemplates a reduction in groundwater discharge to the Snake River as a result of development in the Snake River Plain Aquifer. Policy 5G implies a determination by the Water Board and the ratifying legislature that a reduction of discharge to the Snake River in exchange for development in the Snake River Plain aquifer is in the public interest.

13. The spring flows from Minnie Miller Springs are a portion of the groundwater discharge flows which the legislature has declared may be partially reduced in favor of the public interest in development of the Snake River Plain Aquifer.

14. The proposed minimum streamflow may not be capable of being maintained because of uncertainty about future water use which may impact the Snake River Plain Aquifer.

15. In order to implement the public interest defined by the legislature, this right will be granted subject to development in the Snake River Plain Aquifer which may affect flows in Minnie Miller Springs.

16. Public interest is a dynamic concept subject to change as the needs and desires of the people in the locality and throughout the state evolve. A perpetual commitment of a significant amount of water from the springs to a use without a workable method of changing the terms of that use could at some future date adversely affect the public interest. The permit and subsequent license for the proposed use will therefore provide

for periodic review of the continued public interest.

17. The priority of this application must be reduced to the date it was enlarged by amendment which was April 29, 1986.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 36-8307 is APPROVED subject to the following conditions:

1. The use of water under this permit is subject to all prior rights.

2. The use of water under this permit shall be non-consumptive.

3. 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 the priority of water right date earlier than April 29, 1986, the priority date of this permit.

4. This permit for minimum streamflow shall be junior and subordinate to all consumptive use rights diverted from groundwater within the Snake River Plain Aquifer tributary to Minnie Miller Springs which may be initiated later in time than the priority of this permit. Approval of this permit shall not give rise to any right or claim against any future rights to the consumptive use of groundwater within the State of Idaho initiated later in time than the proposed priority of this permit and any subsequent license to the extent that such uses are

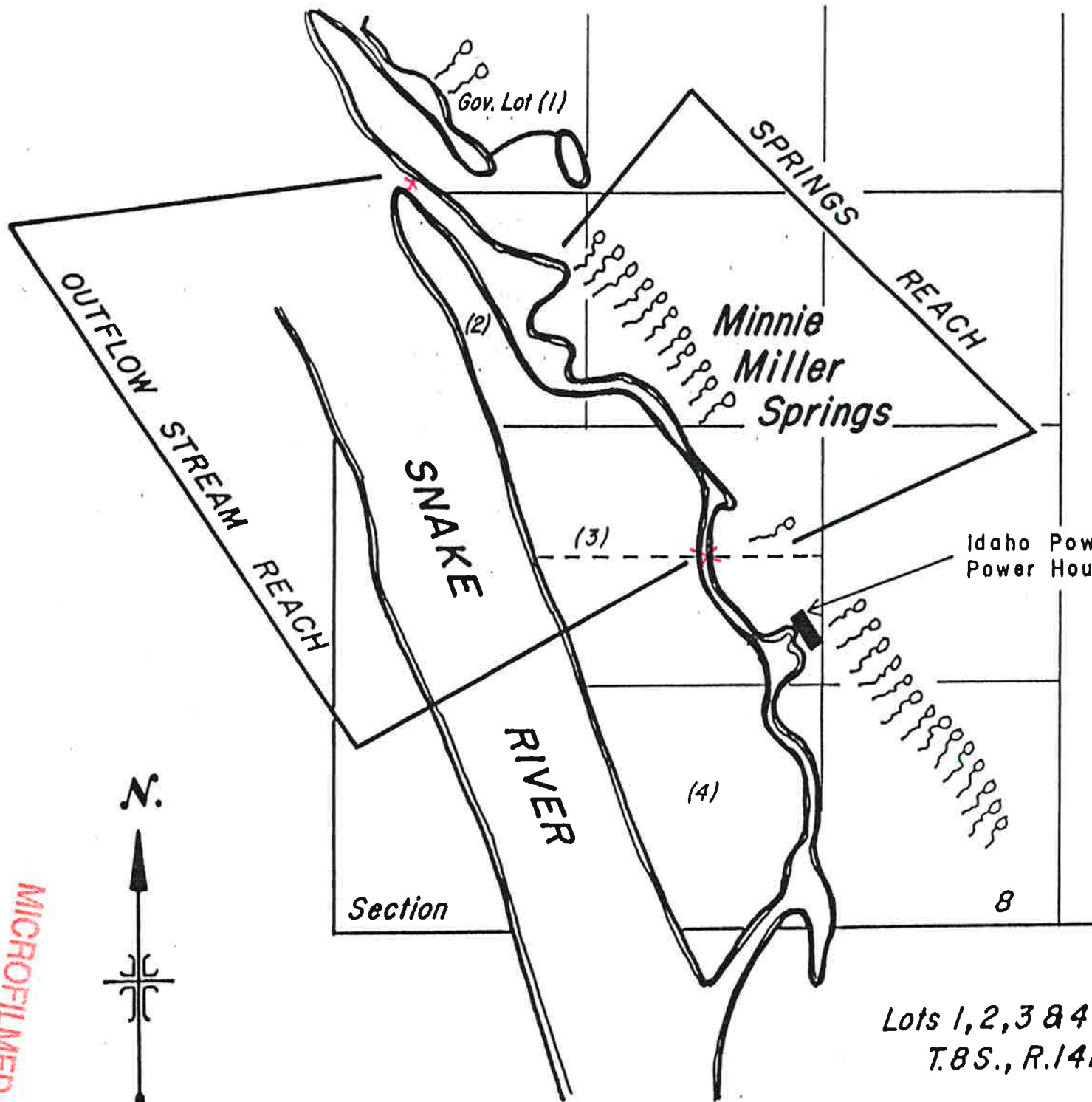
within the limits established pursuant to the Swan Falls Agreement.

5. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Minnie Miller Springs and its estuary, such measuring devices shall be permanently installed and maintained as specified by the Department.

6. Proof of instream beneficial use of the minimum stream-flow appropriated shall be submitted in a manner approved by the Department within five (5) years after the permit approval is finally effective as herein provided.

7. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum streamflow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest.

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Lots 1, 2, 3 & 4 Section 8
T.8S., R.14E., B.M.