

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08560

Priority: October 16, 1987

This is to certify, that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 16, 1987; and
has submitted Proof of Beneficial Use on March 22, 1991. A minimum stream flow in

HAYDEN CREEK tributary to **HAYDEN LAKE**

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	01/01 to 02/29	4.00 CFS
MINIMUM INSTREAM FLOW	03/01 to 06/30	20.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 12/31	4.00 CFS

LOCATION OF MINIMUM FLOW REACH:

Beginning of Stream Flow Reach	SENW , Sec. 25, Township 52N, Range 03W
End of Stream Flow Reach	Lot 1 (NENW), Sec. 34, Township 52N, Range 03W KOOTENAI County

CONDITIONS/REMARKS:

1. This right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. 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 issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with a priority of the water right dated earlier than 10/16/87, the priority date of this right.
4. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Hayden Creek, such measuring devices shall be permanently installed as specified by the Department.

RECEIVED
NOV 01 1994

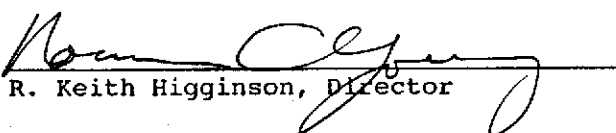
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 95-08560

CONDITIONS/REMARKS:

5. The Director retains jurisdiction to review and amend any and all parameters of this right. 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 parties seeking the amendment to establish that the amendment of the right would be in the public interest.
6. This minimum stream flow begins at the confluence of Hayden Creek and the North Fork of Hayden Creek in the SENW, S25, T52N, R3W, downstream approximately three (3) miles to the mouth of Hayden Creek where it flows into Hayden Lake in Lot 1 (NENW), S34, T52N, R3W.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 11TH day of OCTOBER, 1994.


Acting for R. Keith Higginson, Director

RECEIVED
OCT 11 1994

RECEIVED
MAR 22 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Received by _____

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 95-8560 Telephone No. 327-7900

2. Name(s) of Permit Holder(s): Idaho Water Resource Board

3. Post Office Address: Statehouse, Boise, ID 83720

4. Source of Water: Hayden Creek

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Minimum streamflow

6. Total rate and/or volume for which proof is submitted * cfs N/A acre/feet

* 4.0 cfs, 7/1 through 2/29; 20.0 cfs, 3/1 through 6/30.

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

8. Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Bill Graham

327-7966

Name

Telephone No.

IDWR, 1301 N. Orchard, Boise, ID 83720

Address

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

3/22/91
Date

F. Don Gylalef
Signature (and title if on behalf of a company or organization)

Chairman, IWRB

NOV 01 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	ORDER ADOPTING
PERMIT NO. 95-8560 TO ESTABLISH	)	PROPOSED MEMORANDUM
A MINIMUM STREAMFLOW IN HAYDEN	)	DECISION AND ORDER
CREEK IN THE NAME OF THE IDAHO	)	
WATER RESOURCE BOARD	)	

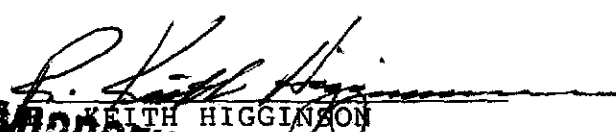
A Proposed Memorandum Decision and Order in the above-captioned matter has been issued and a copy served on the parties;

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.

Dated this 29TH day of DECEMBER, 1989.


KEITH HIGGINSON
MICROFILMED

JUN 29 1990

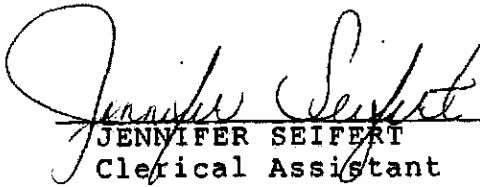
CERTIFICATE OF MAILING

I hereby certify that on the 29th day of December, 1989, I mailed a true and correct copy, postage prepaid, of the Order Adopting Proposed Memorandum Decision and Order to the following individuals:

Idaho Department of Fish and Game
c/o Stephen V. Goddard
600 South Walnut
P.O. Box 25
Boise, ID 83707

Idaho Water Resource Board
Dave Rydalch
Rt. 2, Box 108
St. Anthony, ID 83445

Wayne Haas
Idaho Water Resource Board


JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

JUN 29 1990

RECEIVED

OCT 16 1987

Form 202
6/85

Ident. No. 95-8560

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resources Board Phone 334-4440
Post office address Statehouse, Boise, Idaho 83720
2. Source of water supply Hayden Creek which is a tributary of Hayden Lake
3. Location of point of diversion is reach (NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Govt. Lot 1
Sec. 34 Township 52N Range 3W B.M. Kootenai County, ~~additional~~
upstream to the
~~points of diversion if any:~~ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T52N, R3W, B.M., Kootenai County.
4. Water will be used for the following purposes:
Amount 4.0 cfs for Fish Habitat purposes from 01-01 to 02-29 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20.0 cfs for Fish Habitat purposes from 03-01 to 06-30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 4.0 cfs for Fish Habitat purposes from 07-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 20.0 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. None
 - 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 works and application of the water to the proposed beneficial use is Five years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. To maintain rainbow and cutthroat trout spawning and rearing habitat from the point of requested flow upstream to the confluence of the North Fork of Hayden Creek.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? N/A

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

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

12. Remarks: This proposed minimum streamflow would begin at the mouth of Hayden Creek where it flows into Hayden Lake and extend upstream to the confluence of Hayden Creek and the North Fork of Hayden Creek, a distance of approximately three (3) miles.

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



Scale: 2 inches equal 1 mile.

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

JUN 29 1990

[Signature]
(Applicant)

Received by AGW Date 10-15-87 Time 11:40a Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date 7/13/89 Published in _____
Publication approved _____ Date 10/26/89

** Priority should be 10/16/87 per G.S.'s memo dated 11/23/87 - pm*

10/21/87 2:00 PM
10-16-87 10:00 A

AGW
G.S.

10-15-87

AGW

10/21/87

10-16-87

10-15-87

11:40a

AGW

10/26/89

7/13/89

10/26/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-8560, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 91 (1991).
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: Pursuant to Proposed Memorandum Decision and Order and Order Adopting Proposed Memorandum Decision and Order

Witness my hand this 29th day of December, 19 89

R. Keith Higginson
R. KEITH HIGGINSON
Director

MICROFILMED

JUN 29 1990

Instream flow request for maintenance of game fish habitat in Hayden Creek from Hayden Lake upstream to the North Fork of Hayden Creek.

NAME OF STREAM: Hayden Creek, a tributary to Hayden Lake.

LEGAL DESCRIPTION OF THE POINT OF THE STREAM WHERE STREAM FLOW IS REQUESTED:

Kootenai County, (Mouth) SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 27, T52N, R3W

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND:

1 January - 29 February:	4.0 cfs	
1 March - 30 June:	20.0 cfs*	Flow records indicate we can't meet
1 July - 31 December:	4.0 cfs	20.0 cfs request in July

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:

To maintain cutthroat trout habitat from the point of requested flow upstream to the North Fork of Hayden Creek, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 25, T52N, R3W

THE PERIOD OF TIME OF SEASON OF YEAR DURING WHICH APPROPRIATION IS PROPOSED:

AS ABOVE.

EVIDENCE THAT THE APPROPRIATION WILL NOT INTERFERE WITH ANY VESTED WATER RIGHT, PERMIT, OR WATER APPLICATION OF EARLIER DATE OF PRIORITY:

The requested flow is an instream use and will be subject to all water rights, permits or application of earlier dates of priority.

EVIDENCE THAT THE APPROPRIATION WOULD BE IN THE PUBLIC INTEREST AS OPPOSED TO PRIVATE INTEREST:

The above requested flow is for instream non-consumptive use to support fish and wildlife for the State of Idaho and its general public.

EVIDENCE OR JUSTIFICATION THAT THE APPROPRIATION IS NECESSARY FOR THE PURPOSE SHOWN ABOVE:

During 1978, personnel from the Idaho Department of Fish and Game collected field data for use with instream flow methodologies to determine flows for fish and wildlife resources. Flow recommendations are presented in the following report:

Horton, W.D. and T. Cochnauer. Instream flow methodology evaluation, biological criteria determination, and water quantity needs for selected Idaho streams. Western Water Allocation Project Contract No. 14-16-0001-77090. Idaho Department of Fish and Game.

EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL OR MOST DESIRABLE:

The ideal would be bankfull discharge. Flows for the period of record (1948-1987) for USGS Gauge No. 12416000 indicates mean monthly flows for the period July through February averaged 16.0 cfs (range 5.26 to 41.70 cfs). We are requesting 4.0 cfs. Mean monthly flows for the period March through June averaged 57.0 cfs (range 24.70 to 83.80 cfs).

MICROFILMED

JUN 29 1990

Figure A-3 Continued.

EVIDENCE THAT THE REQUESTED FLOW IS CAPABLE OF BEING MAINTAINED AS EVIDENCED BY RECORDS OF STREAM FLOWS.

USGS staff gauge records for 29 years. (1948 - Present)

LOCATION OF EXISTING GAGING STATION THAT CAN BE USED IN THE ADMINISTRATION OF THIS APPROPRIATION:

None. USGS gauge No. 12416000 located on Hayden Creek 0.3 miles downstream from confluence of North Fork of Hayden Creek.

MICROFILMED

JUN 29 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

M E M O

TO: Gary Spackman

DATE: October 1, 1987

FROM: Alan Robertson *AR*

SUBJECT: Hayden Creek Instream Flow Request

Based upon records for the Hayden Creek below North Fork gage, which is at the upper end of the flow request reach, the following comparisons can be made:

<u>Month</u>	<u>Requested Flow (cfs)</u>	<u>Percent of Time Requested Flow is Exceeded</u>
Jan	4	97
Feb	4	99+
Mar	20	89
Apr	20	94
May	20	90
Jun	20	53
Jul	4	99
Aug	4	92
Sep	4	90
Oct	4	90
Nov	4	95
Dec	4	96

The requested flows are exceeded a somewhat higher percentage of the time at the lower end of the reach. The above is based upon records from 1948 to 1985.

MICROFILMED

JUN 29 1990

[illegible][illegible][illegible]

SESE	43	95-4151	5	08-01-1969 SPRING	LA CHAPPELLE
SESE	43	95-7911	L	04-02-1979 GROUNDWATER	WALAND
SESE	01.04.43	95-0434	P	03-07-1984 GROUNDWATER	MITCHAM, SR. MITCHAM
SESE	01.04.43	95-0452	P	07-23-1984 GROUNDWATER	WALKER WALKER
SESE	01.43	95-0494	P	12-12-1985 GROUNDWATER	POKER POKER
SESESE	43	95-0533	P	11-07-1986 GROUNDWATER	JESLIN JESLIN
34	02 01	95-0440	P	07-25-1963 HAYDEN LAKE	LIGHTNER
	06 43	95-0087	P	04-01-1968 HAYDEN LAKE	ANDERSON

PAGE 2309
06-28-1987

1980 DEPARTMENT OF WATER RESOURCES WATER RIGHTS BY POINT OF DIVERSION									
TWN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	PRIORITY	APPLG SOURCE OF WATER	LAST NAME
52N	83W	34		06 43		95-0060	05-29-1967	HAYDEN LAKE	BURRIS
				06 43		95-0060	05-20-1965	HAYDEN LAKE	CHANNTRY
				06 43		95-0230	07-01-1962	HAYDEN LAKE	HC CLAIN
				06 43		95-0244	06-01-1964	HAYDEN LAKE	HADSEN
				06 43		95-0442	05-20-1959	HAYDEN LAKE	JACKSON
				07 43		95-0074	06-11-1940	HAYDEN LAKE	COLE
				07 43		95-0133	06-16-1962	HAYDEN LAKE	FOX
				07 43		95-0147	06-01-1994	HAYDEN LAKE	GOETZMAN
				07 43		95-0231	06-01-1963	HAYDEN LAKE	LAMB
				07 43		95-0269	04-01-1960	HAYDEN LAKE	MOORE MOORE
				07 43		95-0335	07-01-1959	HAYDEN LAKE	SEBO
				07 43		95-0375	07-01-1967	HAYDEN LAKE	TAPSCOTT
				07 43		95-0404	06-21-1961	HAYDEN LAKE	WITTENBROCK
				08 43		95-0029	07-15-1957	HAYDEN LAKE	BERGH
				08 43		95-0153	07-01-1951	HAYDEN LAKE	GREEN
				08 43		95-0247	06-30-1959	HAYDEN LAKE	MILMQUIST
				08 43		95-0403	07-01-1963	HAYDEN LAKE	WISEMAN
				0800 02		95-7544			ALEXANDER
				NESH 06 43		95-0306	08-01-1949	HAYDEN LAKE	POL
				NESH 43		95-7206	08-10-1972	HAYDEN LAKE	CARLSON
				NESH 43		95-7545	06-27-1975	HAYDEN LAKE	SHYDER
				NASH 02 43		95-7625	05-11-1976	HAYDEN LAKE	FORSTER
				NESH 08 43		95-7144	05-17-1971	HAYDEN LAKE	MURPHY MURPHY
				SHSE 08 43		95-4256	06-01-1949	SPRINGS	POL

PAGE 2390
06/28/1987

WATER RIGHTS BY POINT OF DIVERSION										PAGE 2/25 06/28/1987	DATE
THIN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RPLG	SOURCE OF WATER	LAST NAME	DATE
52N	03N	34	SESE	43		95-7724	L		05-04-1977 SPRING	PALMER	
			SESE	43		95-7725	L		05-04-1977 SPRING	PALMER	
		35	SHSE	01		95-0448	S		01-23-1908 SPRING	REVELL	
			SENE	04		95-0649	S		01-23-1908 STUMP CREEK	REVELL	
52N	04N	02	H004	01, 43		95-2043	L		04-17-1911 LAMMER STREAM	DENNIS SKINNER	
			SHSH	43		95-4606	S		05-11-1961 GROUNDWATER	LOFTIN	
			SHSH	43		95-0470	L		05-09-1905 GROUNDWATER	HEWER, III	
			HESESE	01, 43		95-0490	L		01-31-1906 GROUNDWATER	UMPHREY	
										UMPHREY	
										PRODRUP	
05	HEHSH	04	01			95-0530	P		10-10-1906 THIN LAKES	HAUSEN	
			HAUSE	43		95-0101	S		06-01-1953 THIN LAKES	WILDAHL	
			SHSE	43		95-0101	S		06-01-1953 THIN LAKES	WILDAHL	
			SHSE	43		95-0100	S		06-01-1953 THIN LAKES	SHEPHERD	
			SHSE	01, 49		95-4282	S		06-01-1955 LOWER THIN LAKES	THINLOH CHUP	
			SHSE	43		95-4680	S		06-01-1927 GROUNDWATER	THINLOH UNITED METHODIST CHURCH CAMP	
			SHSE	00 43		95-0899	S		04-01-1925 THIN LAKES	SMITH	
			SHSE	00 43		95-4290	S		05-30-1932 THIN LAKES	WILSON	
										RODNEY	
06	HEHE	01	43			95-0823	S		05-01-1945 THIN LAKES	TURNBROUGH	
			HEHE	01 43		95-0890	S		05-01-1905 SPRING	NICHOLFFE	

1417

LONG HISTORY OF WATER RESOURCES

PAGE 226
226

1000:90

Form 202
RECEIVED

SEP 01 1987

no record of
Department of Water Resources

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resources Board Phone 384-2215

Post office address Statehouse, Boise, Idaho 83720

2. Source of water supply Hayden Creek which is a tributary of Hayden Lake

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 52N

Range 3W B.M. Kootenai County, additional points of diversion if any: _____

(Need description for mouth) _____

4. Water will be used for the following purposes:

Amount 4.0 cfs for instream flow purposes from 01-01 to 02-29 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 200 cfs for instream flow purposes from 03-01 to 06-30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 4.0 cfs for instream flow purposes from 07-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. _____ cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. None

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is Five years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 52N

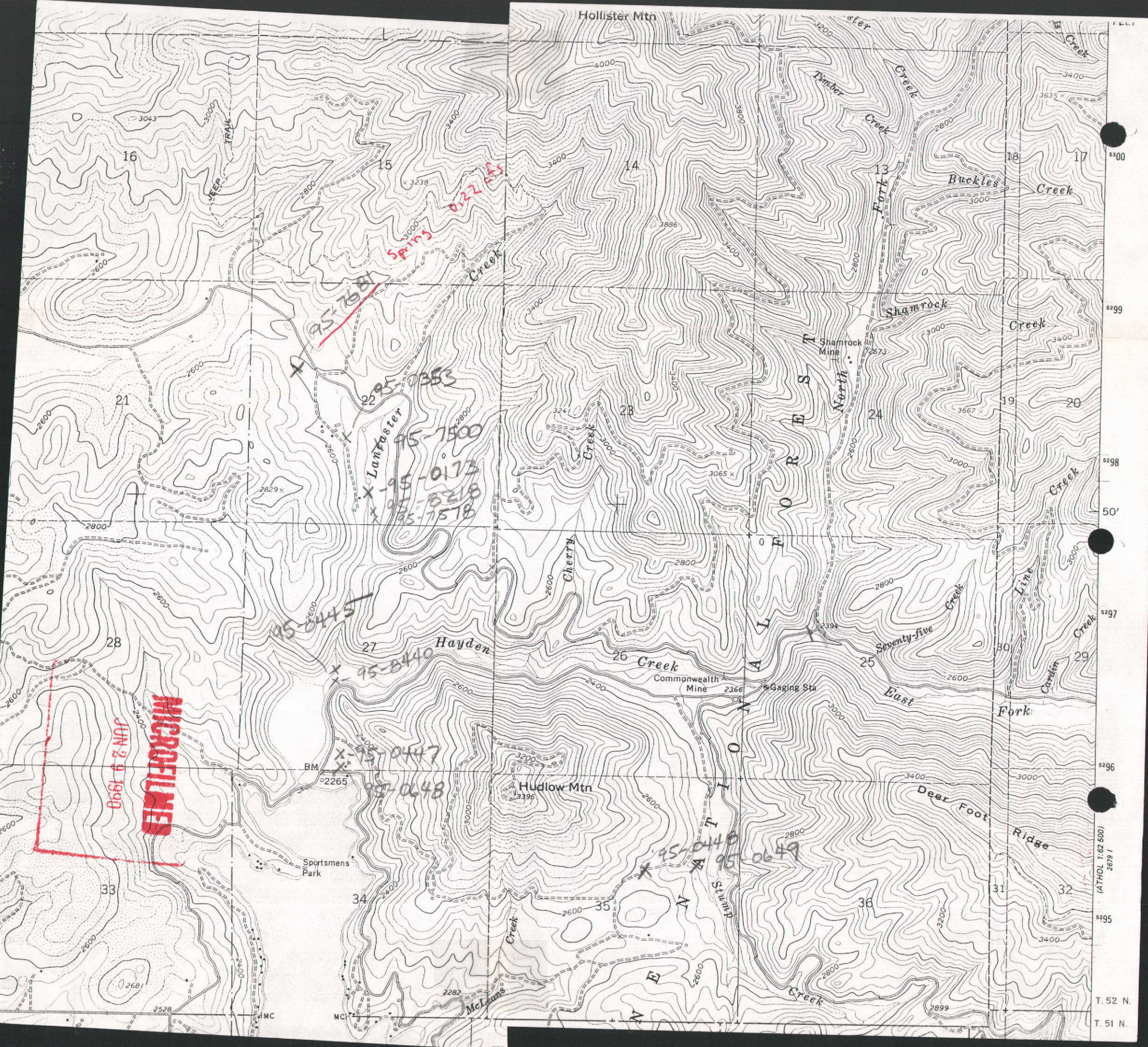
Range 3W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____ or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: To maintain rainbow and cutthroat trout spawning and rearing habitat from the point of requested flow upstream to the confluence of the North Fork of Hayden Creek.



Received by JF Date 9-1-87 Time 9:05

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: _____

Witness my hand this _____ day of _____, 19 ____.

Director

MICROFILMED

JUN 28 1990

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an Application for Permit to the Department of Water Resources proposing to appropriate water for a minimum streamflow in Hayden Creek, tributary to the Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31

Purpose of Minimum Instream Flow: To preserve fish and wildlife habitat.

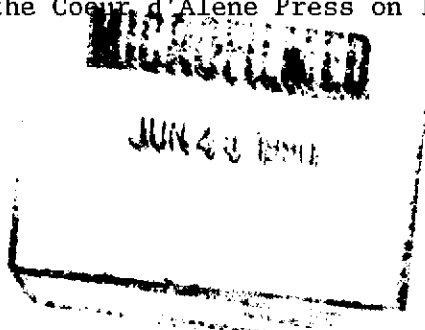
Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M.

The Idaho Water Resource Board will hold a public meeting regarding the application on October 20, 1988, at 7:30 p.m., in Coeur d'Alene, Idaho at the Technical Services Meeting Room, Kootenai County Technical Services Building, 501 Government Way. The purpose of the meeting is to gather information on the public interest regarding the proposed minimum streamflow.

GENE GRAY, Chairman
IDAHO WATER RESOURCE BOARD

Advertised in the Coeur d'Alene Press on 10/6 & 13/1988.



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JX APPLICATION NUMBER: 95-8560
CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

☐ Fee. ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department.
☒ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other DDE

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising.

Final date for protests: _____

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

RECEIVED
NOV 02 1989

Department of Water Resources

R O S T E R O F A T T E N D A N C E

IDAHO DEPARTMENT OF WATER RESOURCES
HEARING - HAYDEN CREEK
MINIMUM STREAM FLOW

OCTOBER 11, 1989 - COOPERATIVE EXTENSION SERVICE BLDG.

Name	Address	Representing
------	---------	--------------

Gary Spackman	471 Mango, Eagle	IDWR
---------------	------------------	------

Bill Horton	5480 W. Lakport Dr Boise	IDFG
-------------	--------------------------	------

STEVE GODDARD	Box 25 Boise	IDFG
---------------	--------------	------

DAVE Rydall	RT#2 Box 108 ST. A.	T.M.R.B.
-------------	---------------------	----------

Cindy Robertson	2320 Government Way COA	IDFG
-----------------	-------------------------	------

Bob Haynes	1910 NW. Blvd COA	IDWR
------------	-------------------	------

Bill Graham	IDWR State house, Boise, 83720	IDWR
-------------	--------------------------------	------

NOT FILMED

JUL 12 1990

HAYDEN CREEK
NOTES FOR DAVE RYDALCH

On September 1, 1987, the Idaho Department of Fish and Game requested that the Idaho Resource Board file an application to appropriate a minimum stream flow on Hayden Creek, located in Kootenai, County.

The Board considered the request at a Board meeting October 15, 1987, and determined that the application to appropriate a minimum stream flow on Hayden Creek should be filed. The Board filed an application for minimum stream flow to the Idaho Department of Water Resources on October 16, 1987.

A public information meeting regarding the minimum stream flow was held in Coeur d'Alene, Idaho on October 20, 1988. The purpose of the meeting was to gather public opinion about the proposed minimum flow.

After the comments were submitted, the Board determined that the minimum stream flow was meritorious and requested that the Department of Water Resources proceed with processing the minimum stream flow application.

The water from Hayden Creek ultimately flows into Hayden Lake. This minimum flow filing will be subject to all prior rights for irrigation and other purposes which are either upstream or downstream from the minimum flow reach.

RECEIVED
JUL 02 1990

Hayden Creek -

Dave Rydallch -

Bill Graham →

1. Min. 5 cfs

Max 84 cfs

4 cfs exceeded for entire low flow period

4 cfs exceeded 80% of the

20 cfs exceeded 79% of the time

~~Steve Goddard~~

Fish & Game

Cindy Robertson - witness & employee of F&G

BS F & W management U of Montana

MS Fisheries management

MICROFILMED

JUL 02 1990

F & G Exhibit

Admit slides -

- 1A - Vicinity Map

Hayden Creek - Largest tributary
70% of Hayden Lake water comes
from

1B - Picture of stream

1C - juvenile river habitat

1D - picture of cutthroat

1E - Rainbow

1F - Cutbow fish

1G - Picture of old time fish

1H - Dam in (weir) in Hayden Creek

The

- 1 F - permanent weir
- 1 J - Photo of 4 large cutthroat
- 1 K - Rainbow

Trophy fishery - both for cold

Hayden Creek does not provide a fishery -
but is the wild spawning tributary -

IFG Exhibit #2 -

Extremely low catch rate

IFG Exhibit #3 - Management info -

Hayden Lake low tech fishery -

Unique fishery in region one -
don't have to have a lot of investment

Largest trout was 6 pound trout - cutbow

Opinion - need minimum stream flow for
spawning - also need habitat for
aquatic life -

Water quality is needed for
temperature -

Also aesthetic beauty -

MICROFILMED

JUL 02 1990

Bill Horton —

Performed study for minimum stream flow
Long runs - short & shallow pools.

Six different methodologies were
used - interface biology with stream characteristics

Ideal flow - all water that is available
at all time - except during flood stages
Capable of being maintained

If in his opinion - minimum
Fish production
More water should be available

8.8 to 25 cfs

[Record] > Advertizing —
notice

MICROFILMED

JUL 02 1990

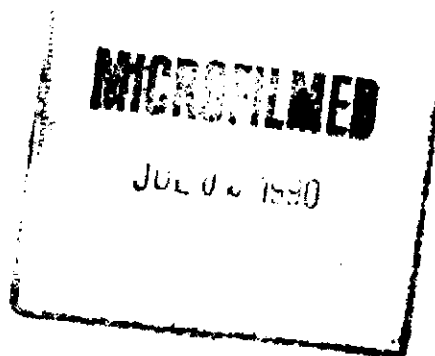
Idaho Department of Fish and Game Exhibit 1

Hayden Creek Minimum Instream Flow Hearing

October 11, 1989

Slide presentation by Cindy Robertson, regional Fisheries Biologist

- 1-a Map of Hayden Creek drainage and Hayden Lake
- 1-b Lower Hayden Creek
- 1-c Upper Hayden Creek
- 1-d Westslope cutthroat trout
- 1-e Rainbow trout
- 1-f Rainbow-cutthroat trout hybrid
- 1-g Historic catch of cutthroat trout from Hayden Lake
- 1-h Temporary fish weir in Hayden Creek
- 1-i Permanent fish weir in Hayden Creek
- 1-j Large wild cutthroat trout
- 1-k Large wild rainbow trout



**HAYDEN CREEK
MINIMUM STREAMFLOW APPLICATIONS**

Water Right No.: 95-8560

Source: Hayden Creek

Rate of Flow: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31

Date Application Filed: October 16, 1987

Applicant: Idaho Water Resource Board

Requesting Agency: Department of Fish and Game

Purpose: Preserve fish and wildlife habitat

MICROFILMED

JUL 02 1990

**APPLICATION FOR MINIMUM
STREAMFLOW. NO. 95-8560
HAYDEN CREEK**

MINIMUM
FLOW REACH

HAYDEN

CREEK

HAYDEN

HAYDEN LAKE

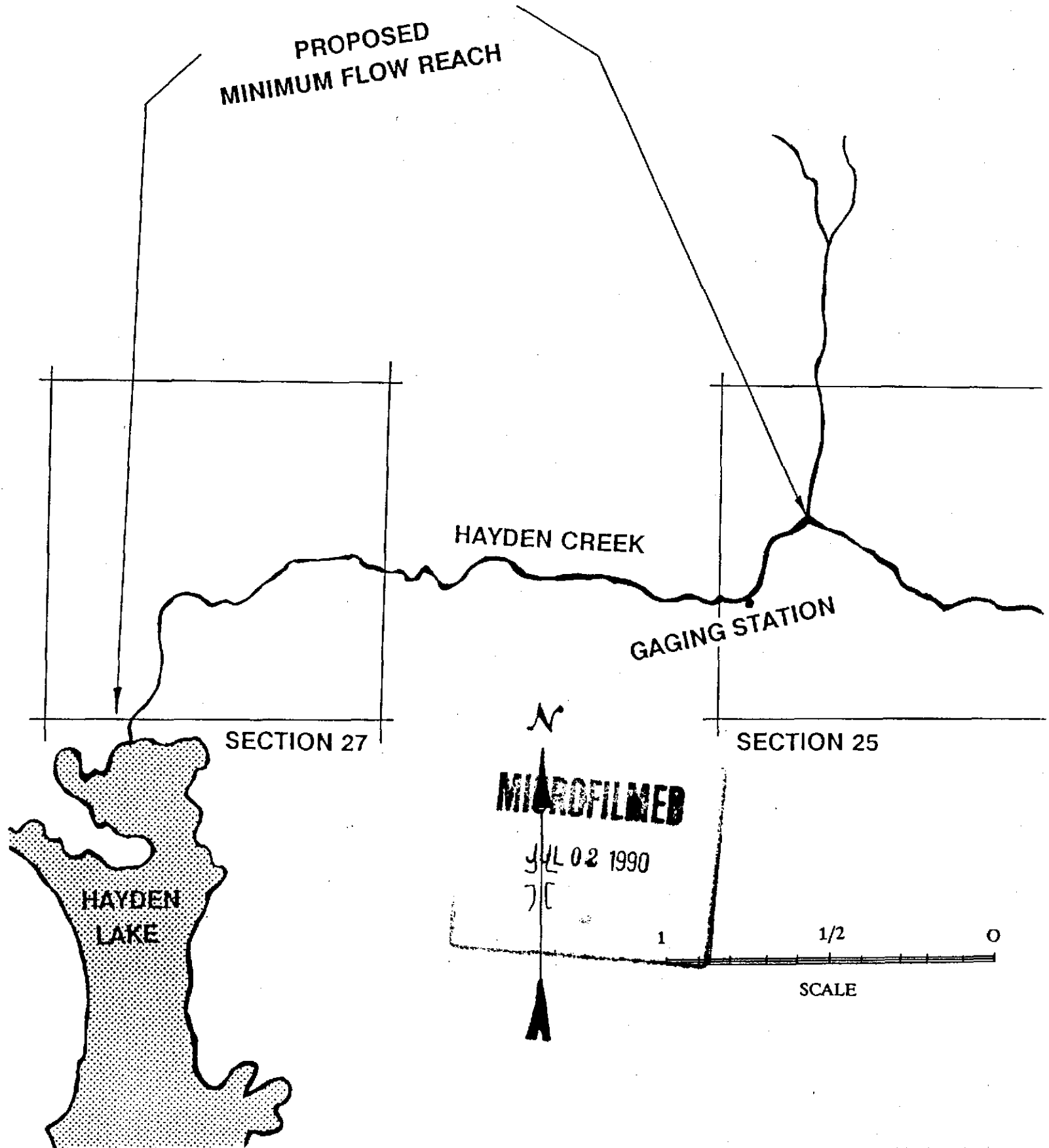


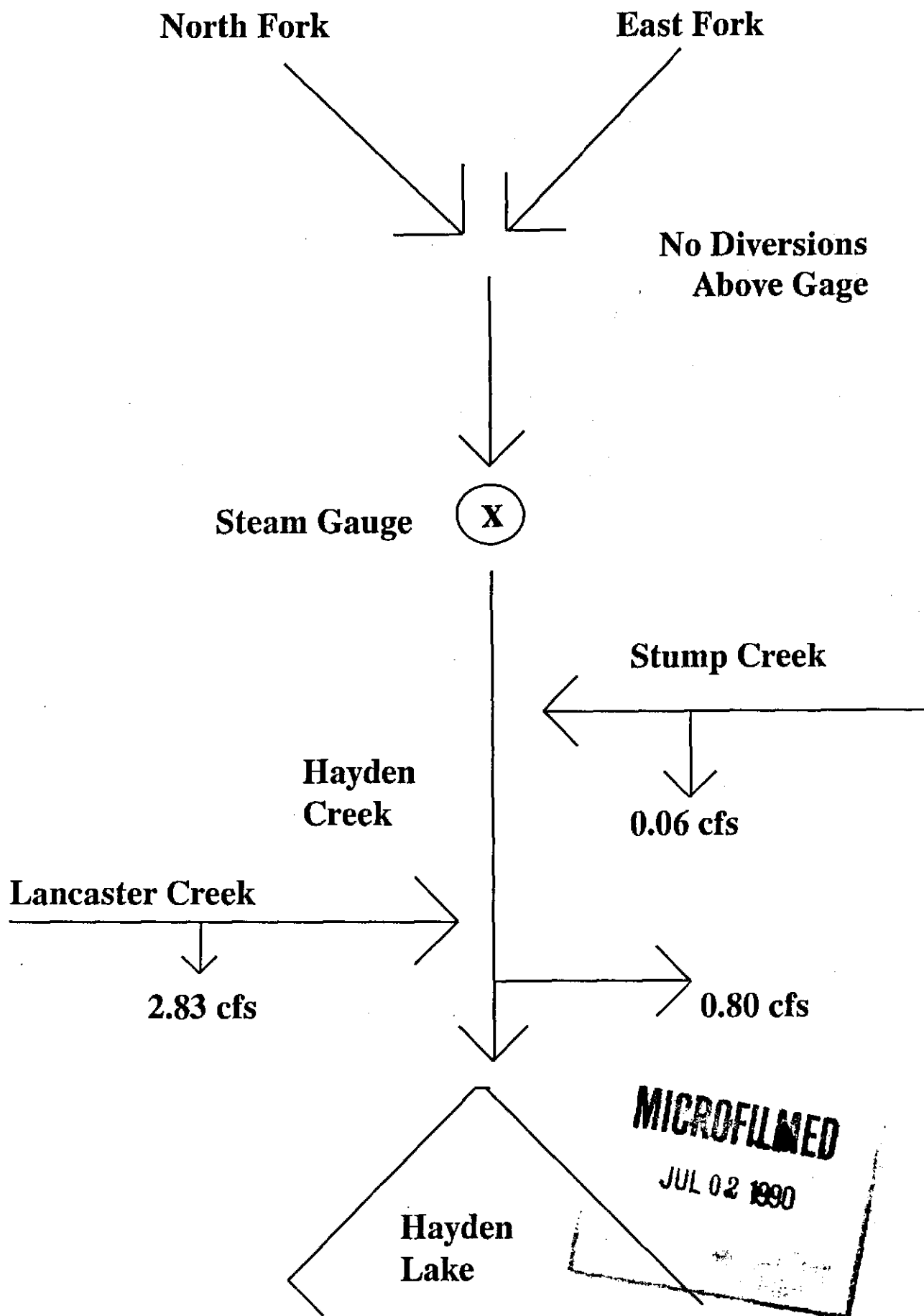
COEUR d' ALENE

MICROFILMED

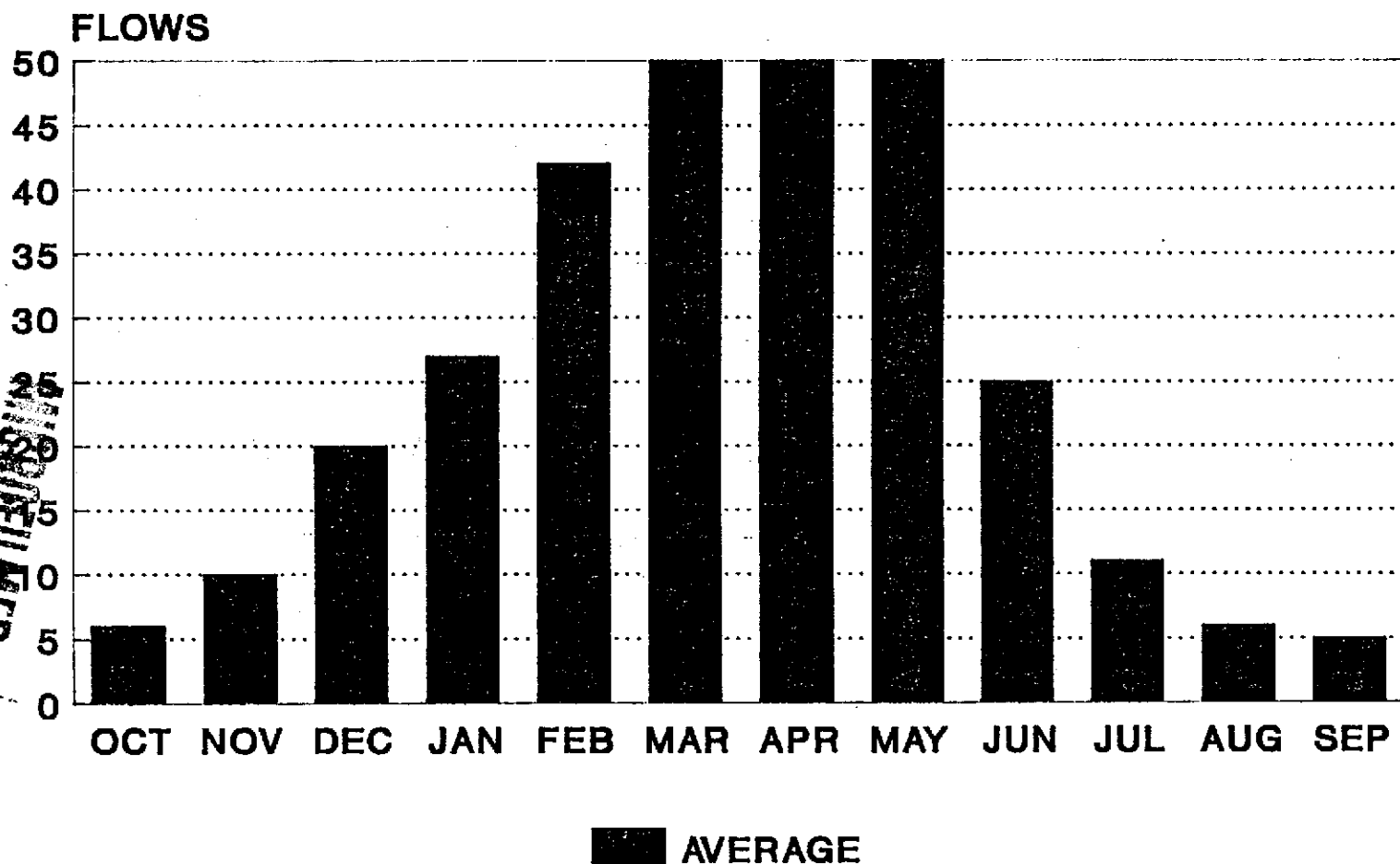
JUL 02 1990

APPLICATION FOR MINIMUM
LAKE LEVEL NO. 95-8560
HAYDEN CREEK



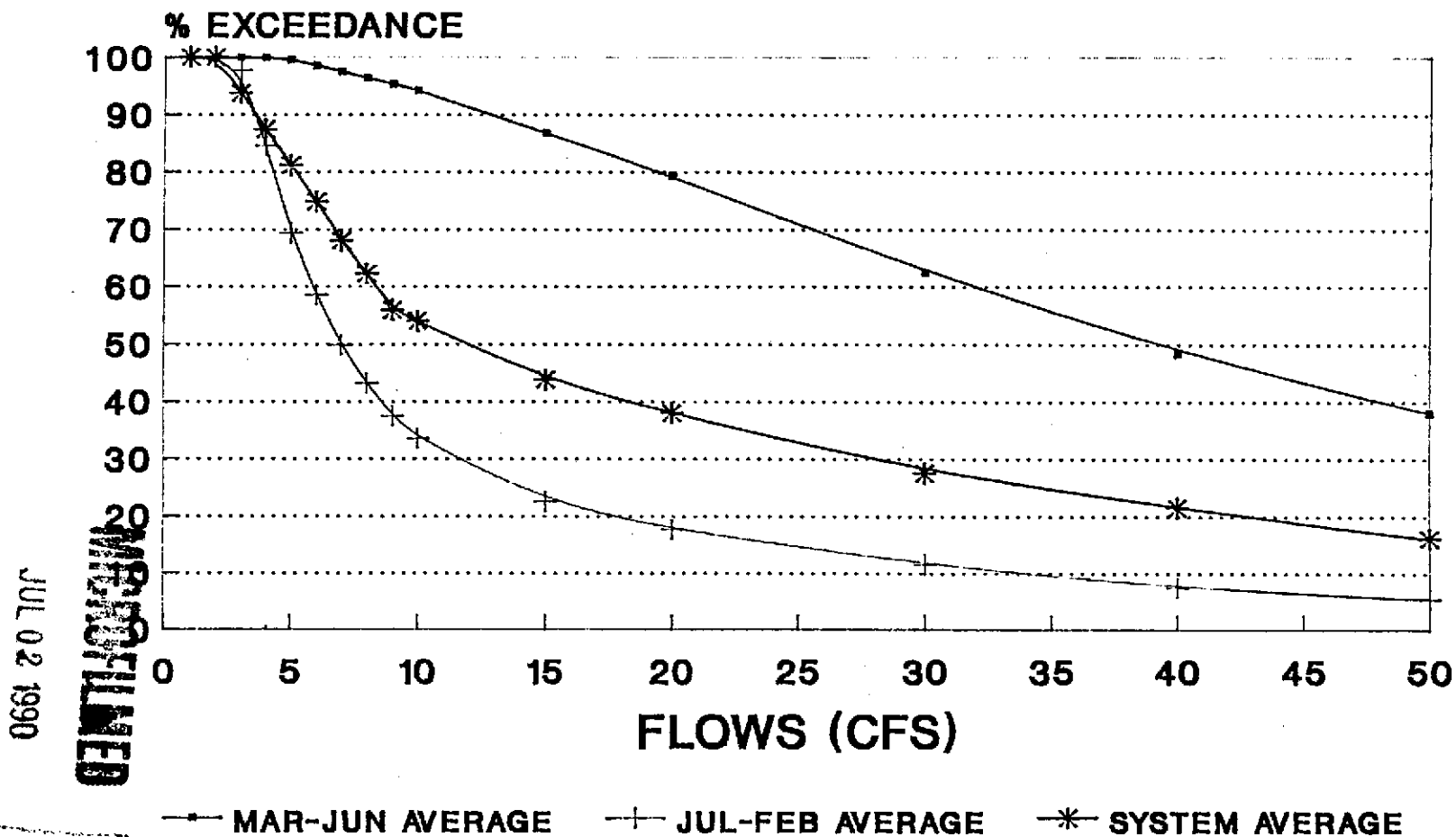


HAYDEN CREEK NEAR LAKE AVERAGE FLOWS (CFS)



NOTE: MAR TO MAY VALUES ARE TRUNCATED.

HAYDEN CREEK FLOW DURATION CURVES (% EXCEEDANCE VERSUS FLOWS)



STA 12416000

TWRB
 Exhibit 6

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an Application for Permit to the Department of Water Resources proposing to appropriate water for a minimum streamflow in Hayden Creek, tributary to the Hayden Lake. The application is further described as follows:

Application No.: 95-8560
Source: Hayden Creek
Proposed Priority: October 16, 1987
Amount & Period of Use: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31

Purpose of Minimum Instream Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section ~~25~~³⁴, Township 52 North, Range 3 West, B.M.

The Idaho Water Resource Board will hold a public meeting regarding the application on October 20, 1988, at 7:30 p.m., in Coeur d'Alene, Idaho at the Technical Services Meeting Room, Kootenai County Technical Services Building, 501 Government Way. The purpose of the meeting is to gather information on the public interest regarding the proposed minimum streamflow.

GENE GRAY, Chairman
IDAHO WATER RESOURCE BOARD



SUMMARY ANALYSIS OF MINIMUM STREAMFLOW REQUESTS

Shoshone Creek

The request for minimum streamflow on Shoshone Creek was submitted by the Idaho Department of Fish and Game. The original application which was submitted was incomplete in that it did not adequately describe the minimum streamflow reach, and it did not contain a map depicting the proposed reach. The application was retyped in the state office of the Department of Water Resources, and a copy was forwarded to Fish and Game.

The hydrologic summary prepared by Alan Robertson indicates that the minimum flow of 5 cfs from January 1 to March 31 and the increased flow from April 1 to June 1 of 7 cfs can be maintained most of the time. After June 1, a proposed flow of 7 cfs through July 31, and a proposed flow of 5 cfs from August 1 through December 31 may be more difficult to maintain.

One hydropower license, No. 47-2455, authorizing a diversion rate of 17.37 cfs, may conflict with the minimum flow filing. The license has a priority of March 28, 1963. I don't have information as to whether the project is still operational.

✓ Hayden Creek

The Hayden Creek application was not in proper form, in that it improperly described the reach and did not contain a map showing the reach. The application was amended in the state office of the Department of Water Resources, and a copy was mailed to Fish and Game.

Hydrology indicates that the stream flow requested will be exceeded most of the time, except in June when the requested 20 cfs will only be available approximately half of the time.

No substantial conflicts with water rights are apparent.

JUL 04 1960

Box Canyon Creek

This application by BLM is unique because it seeks a continuously increasing streamflow from the upstream end of the reach to the downstream end. The minimum streamflow is to be assured by agreement with Earl Hardy that calls for non-development of 75 cfs of water on the upstream end. Throughout the entire proposed streamflow reach, diffuse groundwater

discharge increases the flows by 87 cfs, totaling 162 cfs at the mouth of the Snake River. I have prepared two attachments for the application which describes the reach, and also describes the minimum flow sought. If the Board wishes to do so, the attachments can be incorporated as part of the application.

There are numerous water right filings from Box Canyon Springs or Box Canyon Creek. The following is a summary of the rights. I have attempted to total the diversions, but at this point in time, I am uncertain how much development has taken place, how much is anticipated, and how much water is discharged back into Box Canyon Creek prior to reaching the proposed minimum streamflow reach. The estimate I have attached is rough, but a more careful field examination must be conducted prior to determining how much water may be available for appropriation. Suspected non-accumulating flows are contained in parenthesis.

<u>Water Right</u>	<u>Name</u>	<u>Amount (cfs)</u>	<u>Stage</u>
36-2705	Mountain View Irrigation	200	P
36-7091	Earl Hardy	300	P
36-7175	Earl Hardy	330	P
36-7824	Manteck, Inc.	(300)	P
36-7334	Box Canyon Trout Co. Earl Hardy	600	P
36-7040	Clear Springs Trout Co.	300	L
36-7797	Clear Springs Trout Co.	(300)	P
36-8080	Clear Springs Trout Co.	(300)	P
36-7066	Blind Canyon Aqua Ranch	400	P
36-7198	Idaho Parks & Recreation	(850)	A
	Earl Hardy	(425)	A
ESTIMATED FLOWS OF EXISTING FILINGS		2,130	

Southern Region represents that Mountain View Irrigation intends to relinquish their permit, and that Blind Canyon Aqua Ranch did not develop any water from Box Canyon Springs. The elimination of Mountain View and Blind Canyon reduces the diversion demands to 300 cfs diverted from the Clear Springs Trout Co. and Manteck, Inc. operation, and flows under permits now held by Earl Hardy. If the contract with Hardy and BLM doesn't contain loopholes regarding quality or amount of the

water, Hardy should be contractually bound to deliver 75 cfs at the upper end.

The most recent application by Earl Hardy seeking 425 cfs for hydropower purposes does not interfere with a minimum streamflow reach as proposed.

The hydrology report shows sufficient water to fill the minimum streamflow. The measurements do not take into account possible future development under existing permits, however.

Round Lake

The application probably should state that Round Lake is the source of the water supply.

Two water rights on Round Lake are listed in the database. The lake is fed by Cocolalla Creek and Cocolalla Lake, however, and there are numerous upstream consumptive rights. Although the filing should not affect prior rights, some declination in water levels could occur from upstream permits not yet developed. Parks and Recreation also stated that they are concerned about ground water withdrawals that might affect the lake. Again, there may be undeveloped permitted uses that might cause further declines.

RECEIVED
JUL 02 1990

REQUESTS FOR MINIMUM STREAMFLOWS

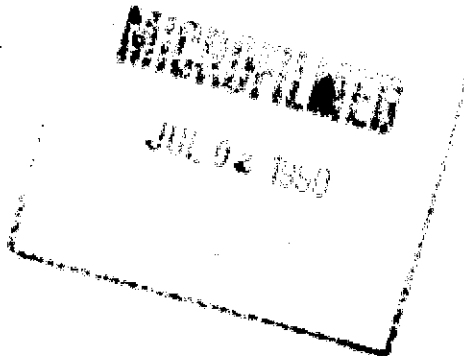
<u>Source</u>	<u>County</u>	<u>Amount</u>	<u>Period</u>	<u>Agency</u>
Shoshone Creek	Twin Falls	5 cfs 7 cfs 5 cfs	1/1 to 3/31 4/1 to 7/31 8/1 to 12/31	Fish & Game
✓ Hayden Creek	Kootenai	4 cfs 20 cfs 4 cfs	1/1 to 2/29 3/1 to 6/30 7/1 to 12/31	Fish & Game
Box Canyon Creek	Gooding	*75-162 cfs	1/1 to 12/31	BLM
Round Lake	Bonner	**	**	Parks & Rec.

* Graduated flows to be maintained through several reaches of the creek.

** Todd Graeff requested time for a presentation to the Board. Application has not yet been filed.

RESOLUTION TO CONTINUE OR WITHDRAW

<u>Source</u>	<u>County</u>	<u>Amount</u>	<u>Period</u>	<u>Agency</u>
Crystal Springs	Gooding	50 cfs	1/1 to 12/31	Parks & Rec.



MINIMUM STREAMFLOW REQUEST/APPLICANT

PROCESSING CHECKLIST

HAYDEN CREEK

	Assigned to	Initials/Date
1. Request received and checklist attached.	Records Chief	<u>10-13-87</u> <i>mg</i>
2. Request indexed.	Records Chief	<u>10-13-87</u> <i>mg</i>
3. Preliminary review. Application prepared for signature.	Section Supv.	<u>10/13/87 G.S.</u>
4. Streamflow information requested from hydrology.	Section Supv.	<u>10/11/87 G.S.</u>
5. Region advised of request	Section Supv.	<u>10/13/87 G.S.</u>
6. Acknowledgement letter sent.	Section Supv.	<u>10/17/87 G.S.</u>
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Section Supv.	<u>10/13/87 G.S.</u>
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Section Supv.	<u>10/11/87 G.S.</u>
9. Water Rights researched and abstracted.	Records Chief	<u>mg 9-30-87</u>
10. Request and related data presented to Board.	Requestor	_____
11. Filed or Rejected by Board.	IWRB, Section Supv.	_____
12. Board action indexed.	Records Chief	_____
13. Original application sent to region	Section Supv.	_____
14. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	_____
15. Application advertised w/o hearing date.	Region	_____
16. Notice sent to each water right holder or applicant on MSF reach.	Section Supv.	_____
17. Personal contact made with riparian land owners.	Requestor	_____
18. Visual aid request prepared. (location, water rights, hydrology)	Section Supv.	_____
19. Visual aids reviewed.	Section Supv.	_____
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	_____
21. Informal public meeting advertised in legal notices.	Region	_____