

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 94-07341

Priority: June 15, 1992 Minimum Instream Flow: 1018.00 CFS

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 June 15, 1992; and
has submitted Proof of Beneficial Use on June 6, 1994. A minimum stream flow in

COEUR D ALENE RIVER tributary to COEUR D ALENE LAKE

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach NENW , Sec. 31, Township 49N, Range 02E
End of Stream Flow Reach Lots 3 & 4 (SWNW), Sec. 36, Township 48N, Range 04W
KOOTENAI County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. This minimum streamflow shall be subject to future municipal and domestic development from the Coeur d'Alene River and its tributaries for use in the basin within and upstream of the minimum streamflow reach. The minimum streamflow will not be subject to water rights established in the future for irrigation uses or other large consumptive purposes even though covered under a municipal or domestic use definition.
3. Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described below, 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 the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

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

WATER RIGHT NO. 94-07341

CONDITIONS OF APPROVAL AND REMARKS

4. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than 06/15/1992.
5. Upon further finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Coeur d'Alene River, such measuring devices shall be permanently installed and maintained as specified by the Director.
6. This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life and recreational values.
7. This minimum stream flow begins at the confluence of the Coeur d'Alene River and the South Fork Coeur d'Alene River in the NENW, S31, T49N, R2E, Shoshone County and extends downstream approximately 35 miles to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SWNW), S36, T48N, R4W, Kootenai County.

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 24TH day of OCTOBER, 1995.

Acting for

KARL J. DREHER

Director

NOV 1 8 1995

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STATE OF IDAHO

JUN 06 1994

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. 94-07341 Telephone No. (208) 327-7910

2. Name(s) of Permit Holder(s): IDAHO WATER RESOURCE BOARD

3. Post Office Address: 1301 N Orchard, PO Box 83720, Boise, ID 83720-0098

4. Source of Water: Coeur d'Alene River

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 Stream Flow

6. Total rate and/or volume for which proof is submitted 1018 cfs _____ acre/feet

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

Measuring device: Required? Yes XNo Installed? Yes XNo

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes XNo

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

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

Name

Telephone No.

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.

5/31/94
Date

F. Don Giddick Chair I.W.R.B.
Signature (and title if on behalf of a company or organization)

AUG 10 1994

State of Idaho
Department of Water Resources

AMENDED

Permit To Appropriate Water

AMENDED

NO. 94-07341

Proposed Priority: June 15, 1992

Maximum Diversion Rate:

1018.00 CFS

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

has applied for a permit to appropriate water from:

COEUR D ALENE RIVER

tributary of COEUR D ALENE LAKE

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS
	Totals	1018.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach

NENW , Sec. 31, Township 49N, Range 02E

End of Stream Flow Reach

Lots 3 & 4(SWNW), Sec. 36, Township 48N, Range 04W
KOOTENAI County

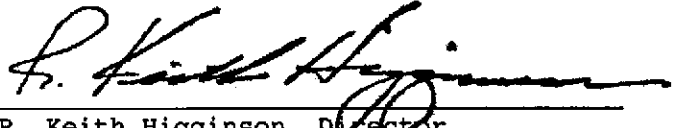
PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

10. See Final Order for conditions of approval.

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

13th day of January, 1994.


R. Keith Higginson, Director

AUG 10 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 94-07341

Proposed Priority: June 15, 1992

Maximum Diversion Rate:

1018.00 CFS

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

has applied for a permit to appropriate water from:

COEUR D ALENE RIVER

tributary of COEUR D ALENE LAKE

and a permit is APPROVED for development of water as follows:

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MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS
	Totals	1018.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach
End of Stream Flow Reach

NENW
~~NENE~~, Sec. 31, Township 49N, Range 02E
lot 3 & 4 (SWNW), Sec. 36, Township 48N, Range ~~04N~~
KOOTENAI County *04W*

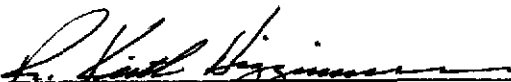
PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

20TH day of DECEMBER, 1993.


R. Keith Higginson, Director

AUG 10 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 94-07341 (COEUR D'ALENE)
RIVER) TO ESTABLISH A MINIMUM)
STREAMFLOW IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD)
_____)

ORDER ADOPTING
RECOMMENDED ORDER

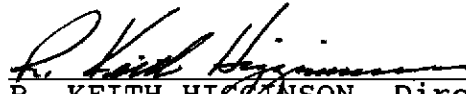
A Recommended Order in the above-captioned matter has been issued and a copy served on the parties;

WHEREAS, more than twenty-one days have passed since the service of the Recommended Order; and,

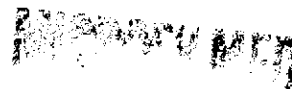
WHEREAS, no exception to that Recommended Order has been received,

IT IS, THEREFORE, HEREBY ORDERED that said Recommended Order be adopted and issued as the Final Order and proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.

Dated this 20TH day of December, 1993.



R. KEITH HIGGINSON, Director
Department of Water Resources



AUG 10 1994

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 1993, I mailed a true and correct copy, postage prepaid, of the Order Adopting Recommended Order to the following individuals:

Clarence Parr
Route 2 Box 2128
Heyburn, ID 83336

Cindy Robertson
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Blaunche Kohli
6415 Harbor Drive
Coeur d'Alene, ID 83814

James A. Emerson
2101 Lakewood Drive Suite 225
Coeur d'Alene, ID 83814

Kootenai County Commission
Courthouse
Coeur d'Alene, ID 83814

Gwen Burr
Dept. of Health & Welfare, DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

Larry LaBolle
E. 1411 Mission Avenue
Coeur d'Alene, ID 83814

Senator Mary Lou & Scott Reed
10 Giesa Road
Coeur d'Alene, ID 83814

Ross Walkin
Spokane River Association
W. 7911 E. Riverview
Coeur d'Alene, ID 83814

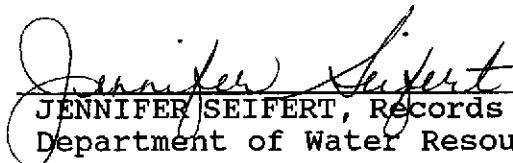
Robert Nonini
W. 5900 Harbor Drive
Coeur d'Alene, ID 83814

Rep. Marvin G. Vandenberg
6080 Sunrise Terrace
Coeur d'Alene, ID 83814

Shoshone County Commission
Box 1049
Wallace, ID 83873

Mary Lucachick
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Howard Funke
P.O. Box 969
Coeur d'Alene, ID 83814


JENNIFER SEIFERT, Records Clerk
Department of Water Resources

AUG 10 1994

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

**IN THE MATTER OF APPLICATION FOR
PERMIT NO. 94-07341 (COEUR D'ALENE
RIVER) TO ESTABLISH A MINIMUM
STREAM FLOW IN THE NAME OF THE
IDAHO WATER RESOURCE BOARD**

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)

**RECOMMENDED
ORDER**

On October 27, 1993, the Idaho Department of Water Resources (Department) conducted a hearing to determine whether an application for permit to appropriate water, numbered in the Department records as 94-07341, should be approved or rejected. The application seeks to establish a minimum stream flow in the Coeur d'Alene River, located in Shoshone and Kootenai Counties.

Notice of the hearing was published in the Coeur d'Alene Press, in Kootenai County and the Shoshone County News-Press, in Shoshone County. Statewide notice was given by publication in daily newspapers in Boise, Lewiston, Twin Falls and Idaho Falls. The Idaho Water Resource Board (Board) appeared as the only formal party. Other individuals and representatives of organizations also appeared and presented their views and comments as public witnesses.

The hearing officer left the hearing record open until November 8, 1993 for submission of written public interest comments. The evidence having been taken, and the record having closed, the hearing officer, as a representative of the Director of the Department of Water Resources, proposes the following Findings of Fact, Conclusions of Law, and Order:

RECOMMENDED ORDER - Page 1

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FINDINGS OF FACT

1. Application for minimum stream flow No. 94-07341, as amended on September 13, 1993, proposes the following:

Source: Coeur d'Alene River

Applicant: Idaho Water Resource Board

Priority Date: September 13, 1993

Rate of Flow: 1018 cfs from November 1 through June 30 413 cfs from July 1 through October 31

Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE 1/4 NW 1/4, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW 1/4 NW 1/4), Section 36, T48N, R4W, B.M., Kootenai County. The requested reach is approximately 35 miles long.

Purpose: Protection of fish and wildlife habitat, aquatic life and recreational values.

2. The Idaho Water Resource Board asked the Idaho Department of Fish & Game (Fish & Game) about specific data regarding Coeur d'Alene River which could be used to establish a minimum stream flow.

3. While Fish & Game has not specifically studied the Coeur d'Alene River to determine the minimum stream flow, a study conducted by Donald L. Tennant, a fisheries biologist for the U.S. Fish & Wildlife Service, concluded, after analyzing several western streams, that the percentage of the mean flow in the stream is related to the quality of the fish and aquatic habitat and the riparian health of the stream. Tennant's study was submitted as an exhibit, and marked IWRB 5. The study contains a table which lists the

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quality of various percentages of the mean annual flow relates to the stream habitat and environmental resources.

4. The Board's requested flow rate for the November through June period is based upon 40% of the mean annual flow. This flow rate is needed to prevent degrading instream habitat conditions during a critical part of this period. During the remainder of the requested period, the flow rate requested is lower than an optimum flow rate (60% of mean annual flow) as defined by Tennant. The Board determined that a stream flow which could result in stream habitat degradation would be less than the minimum desirable flow rate.

5. Flow data for Coeur d'Alene River was collected at a site near Cataldo, in the upper part of the requested reach, from 1921 through 1972 and 1987 through 1990. The flow data is summarized graphically by the exhibit marked IWRB 6. Forty percent of the mean annual flow is sustainable during the months of November through June. Forty percent of the mean annual flow is not sustainable for the months of July, August, September and October. As a result, the minimum stream flow sought for the four months of July, August, September and October was reduced to 413 cfs, which is the average monthly flow for the month of September, and is the lowest average monthly flow of the four month period.

6. Statistical analysis of the flow data indicates that the 1018 cfs requested flow has been equalled or exceeded 74% of the time during the November through June period and that the 413 cfs requested has been equalled or exceeded 60% of the time during the July through October period.

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AUG 10 1994

7. Coeur d'Alene River is an important fishing and recreation resource. A Fish & Game sponsored survey of the angling use of the reach from Dudley upstream to the confluence with the South Fork (approximately the upper one-third of the requested reach) found that anglers committed over 7,000 hours to fishing from the bank and boats during a 5 week period during May and June 1986 (Fish & Game Exhibit #1). The survey found that over 2400 trout and kokanee salmon were caught during the survey period with cutthroat trout comprising nearly 60 percent of the catch. Catch rates of 0.2 to 0.3 fish per hour were observed. In addition to cutthroat trout, the river supports populations of rainbow trout, brook trout, and bull trout. The lower end of the requested reach up to about Cataldo provides habitat for spawning chinook salmon from Coeur d'Alene Lake.

8. The general public also boats and rafts in the Coeur d'Alene River in the requested reach.

9. Coeur d'Alene River and the associated "lateral lakes" (lakes located along the lower reach of the river from Coeur d'Alene Lake upstream to about Cataldo) provide excellent hunting for migratory birds. The area provides habitat for swans and other water fowl. The area is also heavily used for bird watching activities.

10. Boat launching facilities are available to the general public at a number of locations in and near the requested reach. Fish & Game owns most of the land covered by the lateral lakes and allows public access to the area.

11. The records of the department show four water rights within the minimum stream flow reach authorizing a total withdrawal of 13.85 cfs. All of the rights identified

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have priority dates earlier than September 13, 1993. One application for permit for 0.04 cfs has been filed with a priority date of June 14, 1993.

12. The Department attempted to notify all water right holders with applications or permits pending before the Department of the minimum stream flow hearing. To the extent that applications or permits have been assigned dates of priority earlier than the minimum stream flow, the minimum stream flow must be subject to the rights if approved.

13. The five written comment letters received support establishment of the minimum flow as requested.

14. The eight public witnesses all supported establishment of minimum flows. Several, including representatives of Fish & Game and the Coeur d'Alene and Spokane Tribes encouraged higher flow rates.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that stream flow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality when made pursuant to the minimum stream flow statutes, 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 stream flow:

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 full, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon the findings that such appropriation of minimum stream flow:

- (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

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in the office of the Director of a complete application for appropriation of minimum stream flow filed under the provisions of this act;

- (b) is in the public, as opposed to the 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 stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

3. Any right acquired under this 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 the filing date of the application set forth in the findings of fact.

4. Tennant's method is not an exact method for determining a minimum stream flow, but is an estimate of the minimum flow necessary to sustain stream habitat values. As a result, any approval of the minimum stream flow should be flexible enough to allow downward adjustment if further studies show the quantities approved are excessive. The minimum stream flow decision should be conditioned to allow for proper adjustment.

5. Since development is inevitable along the Coeur d'Alene River and some of its tributaries and since portions of the Coeur d'Alene River are already substantially developed, it is not in the public interest to use the Tennant method to establish a minimum stream flow which will preclude future municipal or domestic development in the basin within the requested reach and upstream. The minimum stream flow approval should be

AUG 10 1994

conditioned to allow future domestic and municipal development of the Coeur d'Alene River and its tributaries within the requested reach and upstream.

6. The minimum stream flow is in the public interest.

7. The flow sought is necessary for the preservation of fish and wildlife habitat, aquatic life, and recreational values.

8. The minimum stream flow sought for both periods of time is the minimum flow and is not the ideal or most desirable flow.

9. The minimum flows sought are capable of being maintained as evidenced by flow records.

ORDER

IT IS HEREBY ORDERED that application for permit No. 94-07341, as amended on September 13, 1993, is APPROVED under the following conditions:

1. This minimum stream flow shall be subject to future municipal and domestic development from the Coeur d'Alene River and its tributaries for use in the basin within and upstream of the minimum stream flow reach. The minimum stream flow will not be subject to water rights established in the future for irrigation uses or other large consumptive purposes even though covered under a municipal or domestic use definition.

2. Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of the public

APPROVED
AUG 10 1994

interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the permit or license would be in the public interest.

3. Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than September 13, 1993, for application No. 94-07341.

4. Use of water under this permit shall be nonconsumptive.

5. Upon further finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Coeur d'Alene River, such measuring devices shall be permanently installed and maintained as specified by the Director.

6. Proof of instream beneficial use of the minimum stream flow may be submitted immediately upon legislative approval of the permit, but shall be submitted no later than March 1, 1999.

Dated this 24TH day of November, 1993.


NORMAN C. YOUNG
Hearing Officer


AUG 10 1994

CERTIFICATE OF MAILING

I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class with the correct postage affixed thereto on the the 24th day of November, 1993.

Document Served: RECOMMENDED ORDER

Persons Served:

Clarence Parr
Route 2 Box 2128
Heyburn, ID 83336

Senator Mary Lou & Scott Reed
10 Giesa Road
Coeur d'Alene, ID 83814

Cindy Robertson
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Ross Walkin
Spokane River Association
W 7911 E Riverview
Coeur d'Alene, ID 83814

Blaunche Kohli
6415 Harbor Drive
Coeur d'Alene, ID 83814

Robert Nonini
W 5900 Harbor Drive
Coeur d'Alene, ID 83814

James A. Emerson
2101 Lakewood Drive Suite 225
Coeur d'Alene, ID 83814

Rep. Marvin G. Vandenberg
6080 Sunrise Terrace
Coeur d'Alene, ID 83814

Kootenai County Comm
Courthouse
Coeur d'Alene, ID 83814

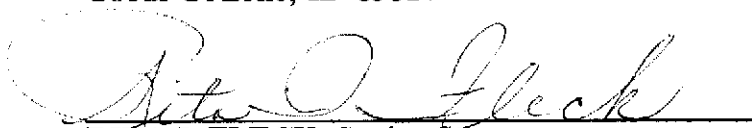
Shoshone County Comm
Box 1049
Wallace, ID 83873

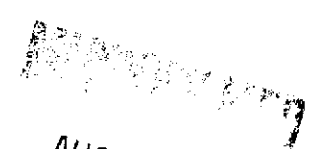
Gwen Burr
Dept. of Health & Welfare, DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

Mary Luckachick
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Larry LaBolle
E. 1411 Mission Avenue
Coeur d'Alene, ID 83814

Howard Funke
P. O. Box 969
Coeur d'Alene, ID 83814


RTIA I. FLECK, Senior Secretary


AUG 10 1994

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SEP 13 1993

Department of Water Resources

Ident. No. 94-07341

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 Resource Board Phone 327-7910
Post office address Statehouse Mail, Boise, ID 83720
2. Source of water supply Coeur D'Alene River which is a tributary of Coeur D'Alene Lake
Instream flow downstream from the confluence with the South Fork of Coeur D'Alene R in
3. Location of point of diversion is 1/4 of NE 1/4 of NW 1/4, Govt. Lot
Sec. 31 Township 49N Range 2E B.M. Shoshone County; additional
to the mouth of the Coeur D'Alene River in Lots 3 and 4 (SW 1/4 NW 1/4), Sec 36, T48N, R4W,
points of diversion if any: BM, Kootenai Co
4. Water will be used for the following purposes:
Amount 1018 for instream purposes from Nov 1 to June 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 413 for instream purposes from July 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (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) 1018 and/or (b) _____
cubic feet per second 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 85°F being sought? NO
e. If well is already drilled, when? _____; Drilling firm AUG - 0 1994;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
5 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. A minimum stream flow for the protection of fish and wildlife habitat, aquatic life, and recreational values.

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. _____

11. a. Who owns the property at the point of diversion? _____

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: The affected reach is approximately 35 miles long.

AUG 10 1994

Accepted by



RESERVATION

Acres 8730.73.

Surveyed	Mean Declination
Nov. 1-1891	
Nov. 1-1892	21° 25' E.
"	"
"	"

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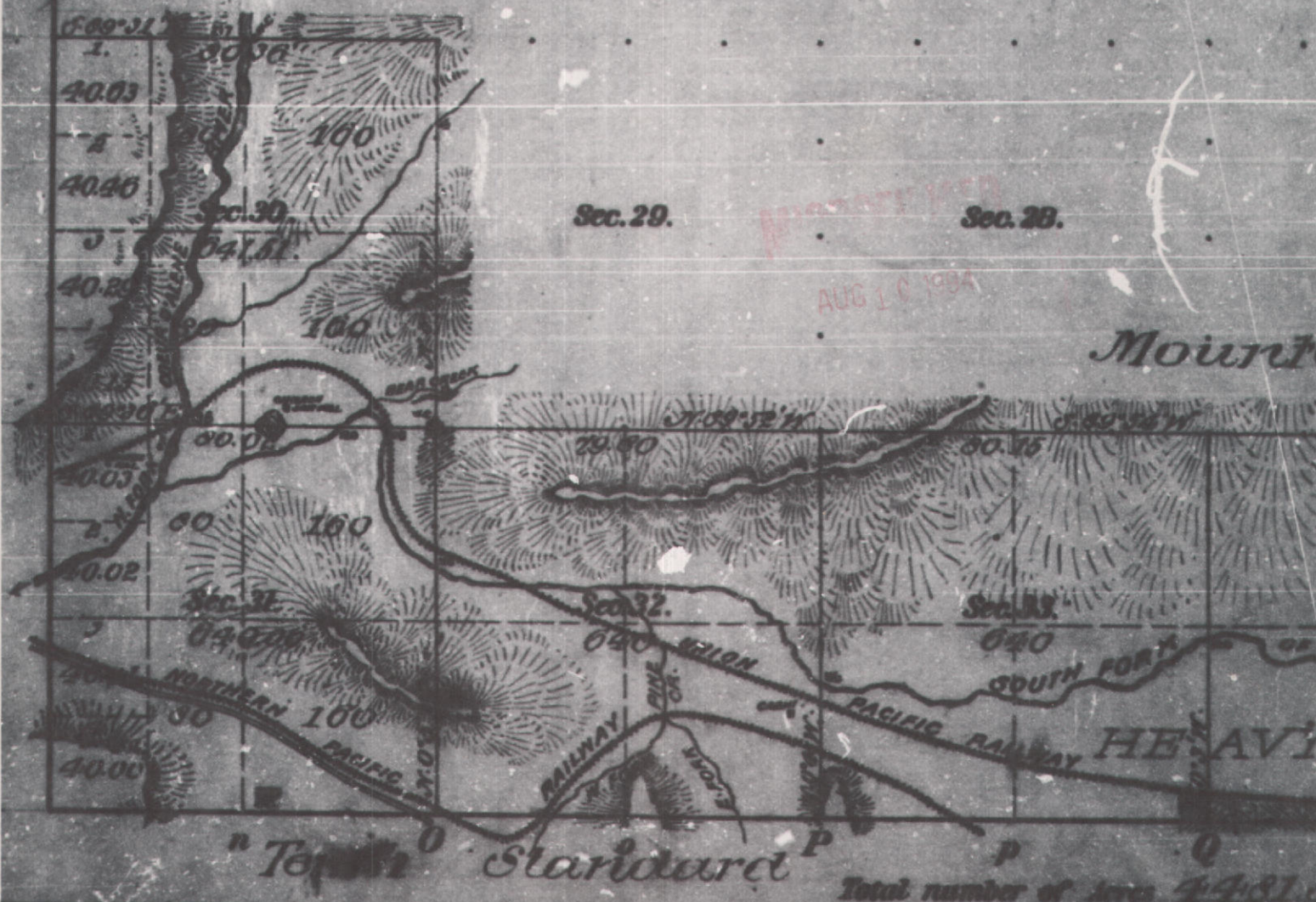
The above Map of Township No. 48 North, of Range No. 4
 Boise Meridian, Idaho, is strictly conformable
 notes of the survey thereof on file in this Office, which have been examined.
 Surveyor General's Office.
 Boise City, Idaho
 February 23-1893.

Willis H. Sur.

Sec. 19.

Sec. 20.

Sec. 21.



Designated	By Whom Surveyed	Date of Contract	Amount of Survey M. C. H.	When Surveyed	Mean Price
Ship lines	H. Claytor & Son	April 23 - 1891	1 00 00	May 11-14 - 1891	21 1/2
Divisions	.	.	13 00 37	June 10-12 - 1891	

Received by GARY S. Date 9/13/93 Time 8:30 am Preliminary check by GARY S.
Fee \$ N/A Receipted by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. 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:

RECEIVED 9/13/93

AUG 10 1994

ATTACHMENT TO APPLICATION FOR PERMIT
TO APPROPRIATE A MINIMUM STREAM FLOW

14. Provide evidence that the appropriation will not interfere with any vested water right, permit, or water right application of earlier date of priority.

The appropriation is junior to rights, permits, or applications with earlier dates of priority.

As a nonconsumptive, instream use this appropriation can have no impact on any water user downstream except to help insure water availability.

15. Provide evidence to show that the appropriation would be in the public interest as opposed to private interest.

The appropriation will be held by the Water Resource Board rather than a private entity.

The appropriated water will preserve river values for the benefit and enjoyment of all citizens of the state.

16. Provide evidence or justification that the appropriation is necessary for the purposes shown in Item 4.

The appropriation is for 40% of the mean annual flow for the period of November through June.

The request for the rest of the year is for the average monthly flow for September, the lowest month for the period of record. This flow is close to 16% of the mean annual flow. These flows will provide a "good" minimum flow for fish and wildlife habitat, aquatic life, and recreational values for April through June.

17. Provide evidence that the minimum flow or lake level is minimum and not the ideal or most desirable flow or lake level.

The requested flows are based on the Montana Method which utilized field studies to identify riverine conditions at varying flow rates. The optimum flow for fish, wildlife, recreation and related environmental resources ranges from 60% to 100% of the mean flow value.

AUG 10 1994

18. Provide evidence that the flow or lake level requested is capable of being maintained as evidenced by records of stream flows and water levels.

A flow of 1018 cfs is less than the average monthly flow for the requested period of use. The flow of 413 cfs is the lowest average monthly flow of the year for the period of record.

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

The requested flow is based on records from the Cataldo station which is approximately 4.9 miles downstream of the confluence with the South Fork.

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

No

21. List any additional remarks related to this minimum stream flow application.

The flow request provides a "good" minimum flow for April to June, a "fair to poor" flow for August to September, a "good to fair" flow for October, and an "outstanding" flow for November to March. Following consultation with the Division of Environmental Quality and the Departments of Fish & Game and Parks & Recreation, the Water Resource Board may amend this application to more accurately reflect the necessary minimum flow based on new data provided by the above or other agencies.

200-1018

AUG 10 1994

RECEIVED
JUN 15 1992
Department of Water Resources

Ident. No. 94-7341

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 Resource Board Phone 327-7910
Post office address Statehouse Mail, Boise, ID 83720
2. Source of water supply Coeur D'Alene River which is a tributary of Coeur D'Alene Lake
Instream flow downstream from the confluence with the South Fork of Coeur D'Alene R in the
3. Location of point of diversion is NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot
Sec. 31 Township 49N Range 2E B.M. Shoshone County; additional
to the mouth of the Coeur D'Alene River in Sec. 2, T48n, R1W, B.M. Kootenai County
~~points of diversion if any:~~
4. Water will be used for the following purposes:
- Amount 1018 CFS for instream purposes from Nov. 1 to June 30 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 413 CFS for instream purposes from July 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (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) 1018 and/or (b)
cubic feet per second 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
5 years (minimum 1 year).

AUG 10 1994

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. A minimum stream flow for the protection of fish and wildlife habitat, aquatic life, and recreational values.

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. _____

11. a. Who owns the property at the point of diversion? _____

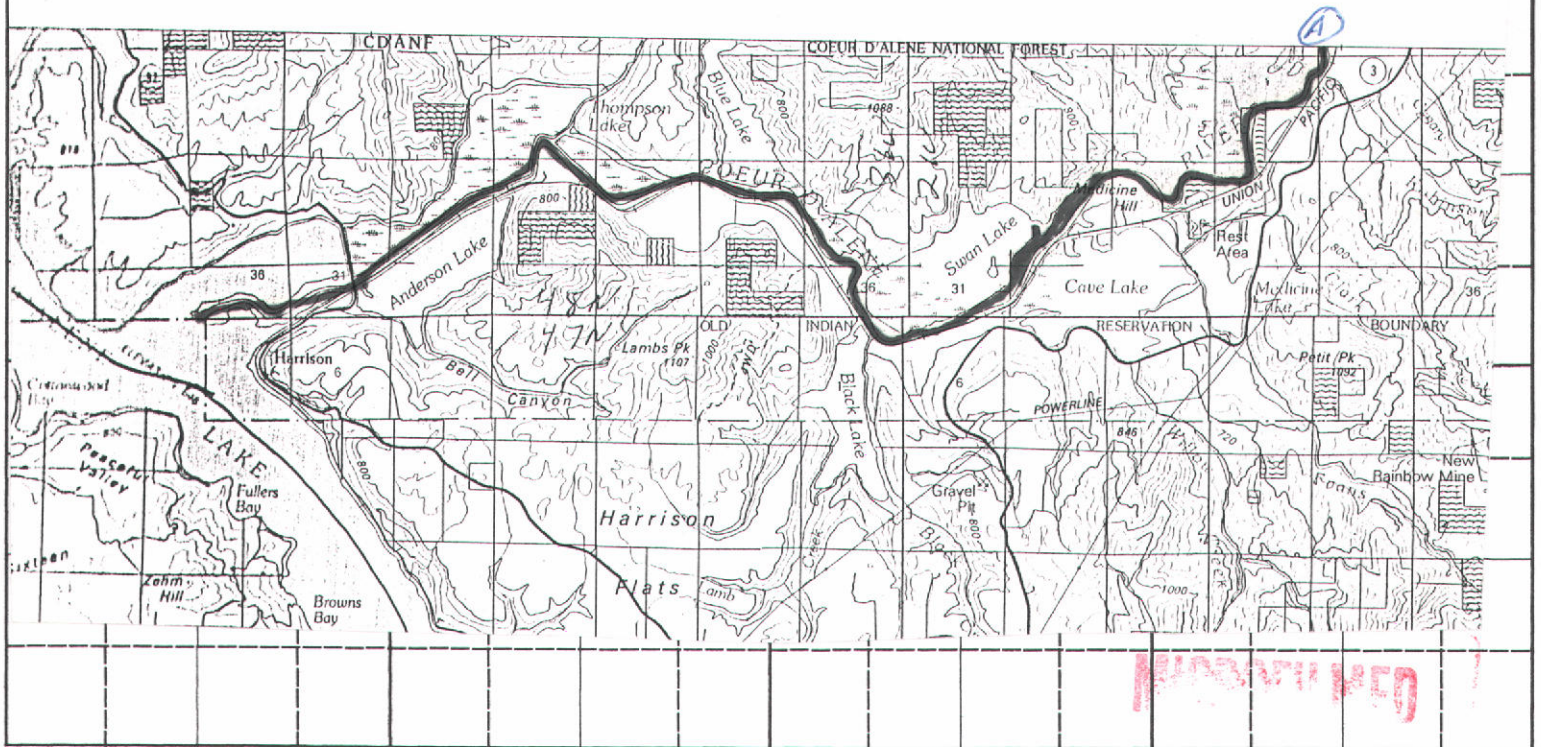
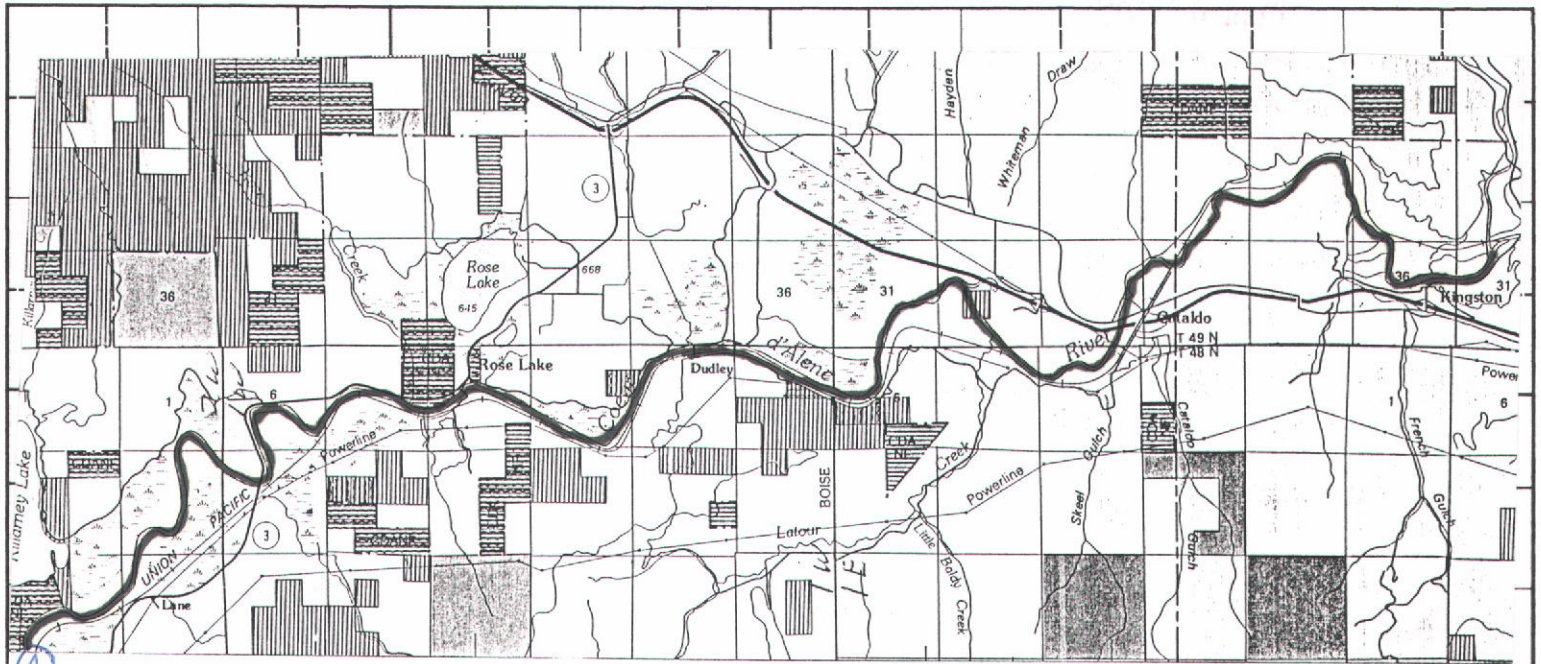
b. Who owns the land to be irrigated or place of use? _____

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: The affected reach is approximately 11 miles long.

AUG 10 1984

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



AUG 10 1994

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.

F. Dale Byrd

(Applicant)

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.

William J. Platt
(Applicant)

Received by WFB Date 12-15-92 Time 11:45am Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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 _____.

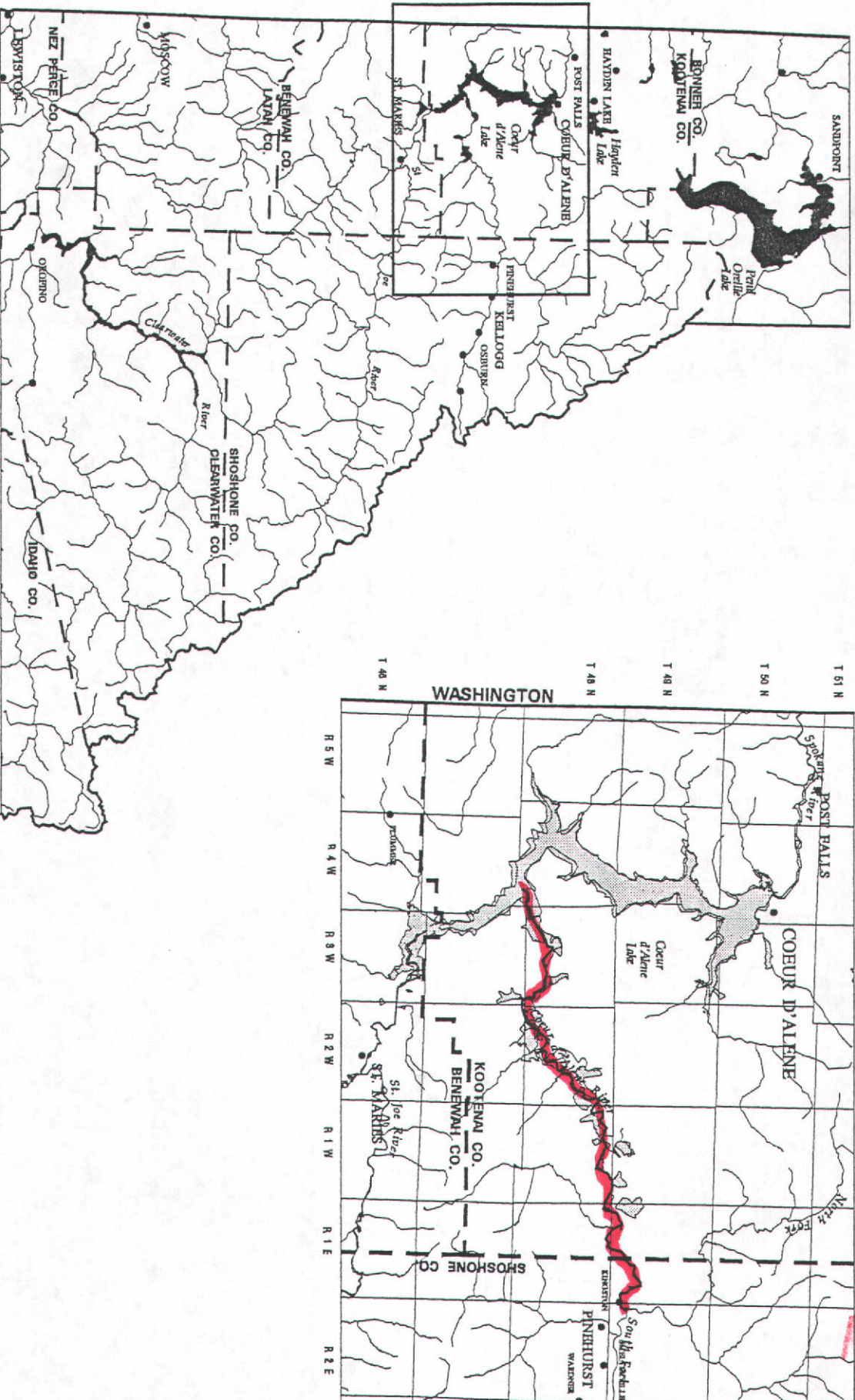
1. Approval of said application is subject to the following limitations and conditions:

- 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. 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:

AUG 10 1994

Coeur d'Alene River - Minimum Streamflow

Minimum Streamflow Reach



IWRB2

RIGHT NO. 94-07341

Proof of beneficial use rec'd 6/6/94

If yes, has data been reviewed and a determination made that minimum flow is capable of being maintained? Yes _____ No _____ N/A

Data submitted fully complies with permit condition
(i.e. # of years of flow data sufficient) N/A

Name Standardized
Total cfs & div. capacity listed as highest flow
P/D(s) beginning and ending descriptions listed
Use flows defined for entire year
P/U left blank (description in remarks)
Remarks/non-standard conditions
 Non-consumptive
 Watermaster control
 Jurisdiction retains to amend
 Description of reach(es)
 All other applicable permit conditions
 carried forward

Comments/adjustments _____

Printed license hand-edited

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 94-7341

Reviewed by Jay

Date 7-5-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

mini stream flow

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☒ Well log in the file?

LICENSE EXAMINATION FEE

no Required?
✓ Amount Submitted
✓ Correct?

MEASURING DEVICE

☐ Required?
☐ Installed?
☒ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 6-6-94

MEMORANDUM

TO: File 94-07341

FROM: Sharla

DATE: January 13, 1994

RE: Date of Priority

The original application for permit was received on June 15, 1992. An amended application was received on September 13, 1993 with the only change being in the legal descriptions of the beginning and end of the reach. The original did indicate the beginning at the confluence with the South Fork of Coeur d'Alene River and the end of the reach as being the mouth of the Coeur d'Alene River. However, the tract descriptions were incorrect.

Because the amending of the application did not result in an expansion of use (nor was the physical reach expanded since the defining parameters "confluence with South Fork" and "mouth of Coeur d'Alene River" remained the same), the right should keep the original date of priority - June 15, 1992.

The recommended order identifies September 13, 1993 as the priority date, however, the permit and amended permit both listed June 15, 1992 as the priority in line with the above reasoning. The license should thus also reflect the 6/92 priority when it is issued.

NOV 16 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 94-07341

Proposed Priority: June 15, 1992

Maximum Diversion Rate:

1018.00 CFS

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

has applied for a permit to appropriate water from:

COEUR D ALENE RIVER

tributary of COEUR D ALENE LAKE

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS
	Totals	1018.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach
End of Stream Flow Reach

NENENE , Sec. 31, Township 49N, Range 02E
SWNW , Sec. 36, Township 48N, Range 01W
KOOTENAI County

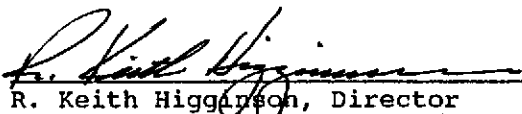
PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

20TH day of DECEMBER, 1993.


R. Keith Higginson, Director

AUG 10 1994

Does not include Applications

WR NUMBER SOURCE TRIBUTARY TO PRIORITY DATE DIVERSION RATE - CFS DIVERSION VOLUME - AFA STAGE

SOURCE = COEUR D ALENE RIVER

9407299	COEUR D ALENE RIVER	COEUR D ALENE LAKE	08/08/86	0.020	1.50	L
9404022	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/01/70	0.600	0.00	S
9407133	COEUR D ALENE RIVER	COEUR D ALENE LAKE	02/26/79	0.330	12.00	L
9402213	COEUR D ALENE RIVER	COEUR D ALENE LAKE	09/25/56	12.900	0.00	L

NUMBER OF RIGHTS FOR COEUR D ALENE RIVER = 4 13.850 13.50

NUMBER OF RIGHTS = 4 13.850 13.50

Including Applications

WR NUMBER SOURCE TRIBUTARY TO PRIORITY DATE DIVERSION RATE - CFS DIVERSION VOLUME - AFA STAGE

SOURCE = COEUR D ALENE RIVER

9407299	COEUR D ALENE RIVER	COEUR D ALENE LAKE	08/08/86	0.020	1.50	L
9407341	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/15/92	1018.000	0.00	A
9404022	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/01/70	0.600	0.00	S
9407346	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/14/93	0.040	0.00	A
9407133	COEUR D ALENE RIVER	COEUR D ALENE LAKE	02/26/79	0.330	12.00	L
9402213	COEUR D ALENE RIVER	COEUR D ALENE LAKE	09/25/56	12.900	0.00	L

Minimum 5 F App.

NUMBER OF RIGHTS FOR COEUR D ALENE RIVER = 6 1031.890 13.50

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MINIMUM STREAMFLOW
Fact Sheet

Permit To Appropriate Water No. 94-07341

Source: Coeur d'Alene River

Applicant: Idaho Water Resource Board

Requesting Agency: None. The Water Resource Board initiated the application.

Application Filed: June 15, 1992

Rate of Flow: 1018.0 cfs from November 1 through June 30
413.0 cfs from July 1 through October 31

Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T49N, R02E, Shoshone County, and extending downstream to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 36, T48N, R04W, B.M., Kootenai County.

Purpose: Protection of fish and wildlife habitat, aquatic life and recreational values.

Unique Facts:

- The basis for the rate of the instream flow is 40% of mean annual discharge, when available (Tennant method).
- Jurisdiction is retained to amend the permit if the public interest changes.
- The permit is subordinated to future municipal and domestic development.

AUG 10 1994

MINIMUM STREAMFLOW
Fact Sheet

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AUG 10 1994