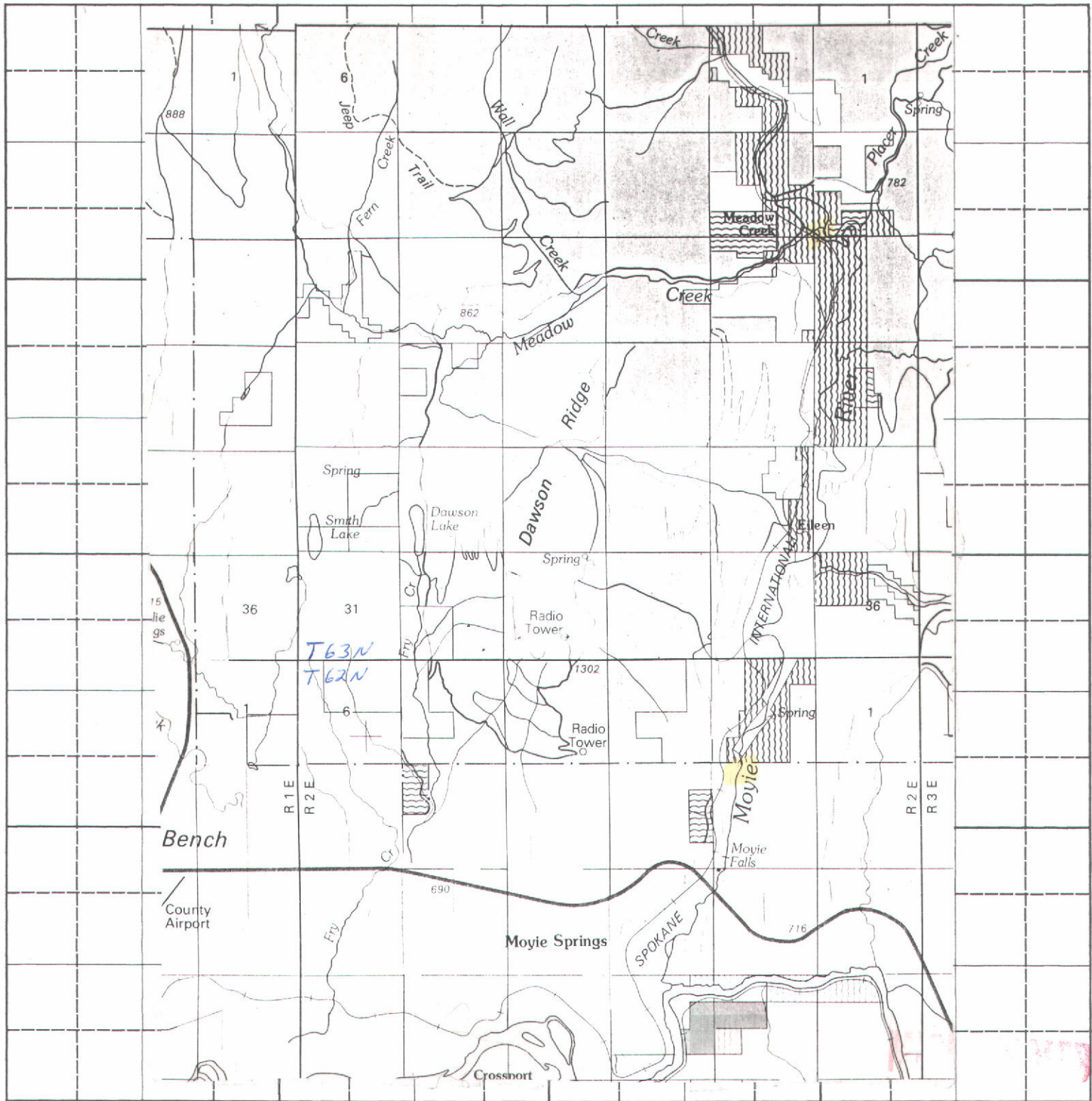


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

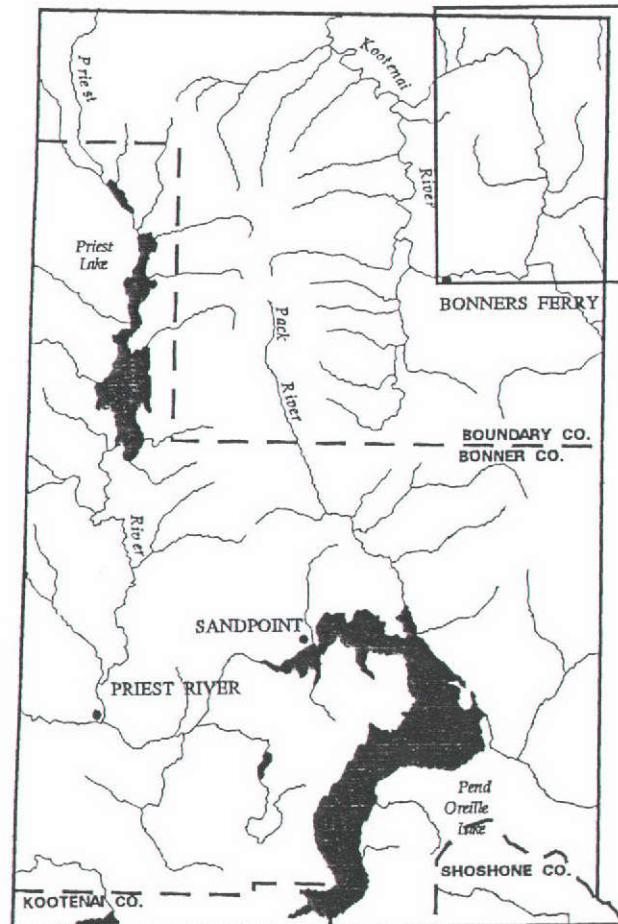
DEC 15 1994

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.

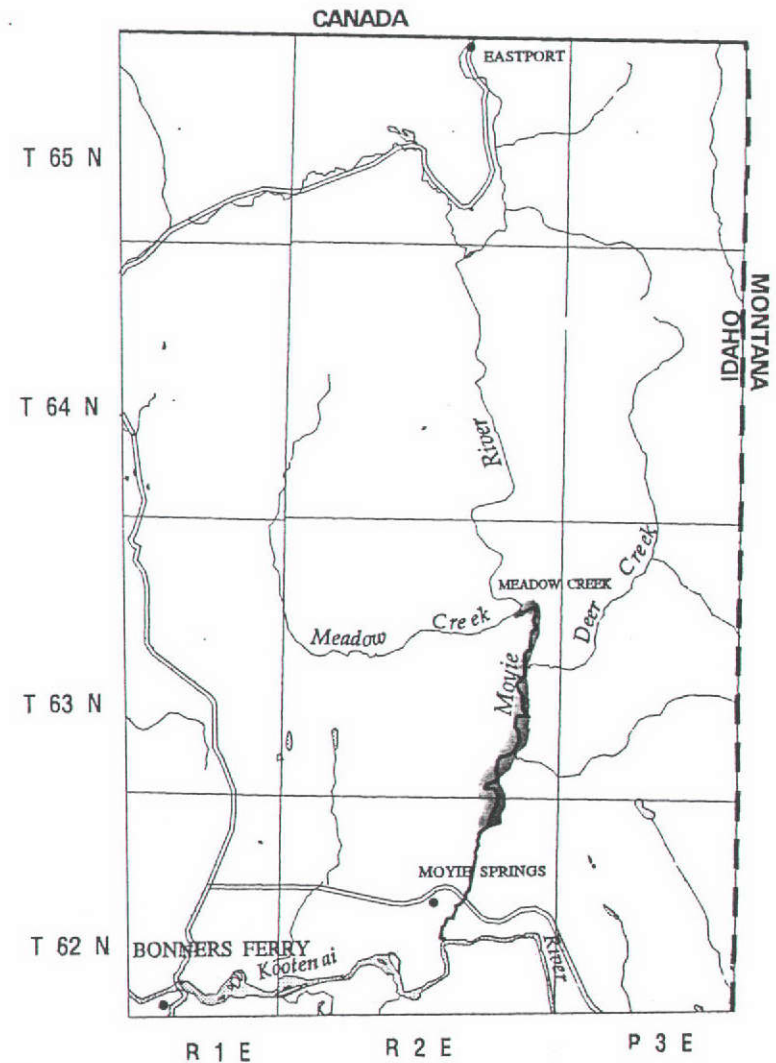
William S. Platt

(Applicant)

Moyie River - Minimum Streamflow



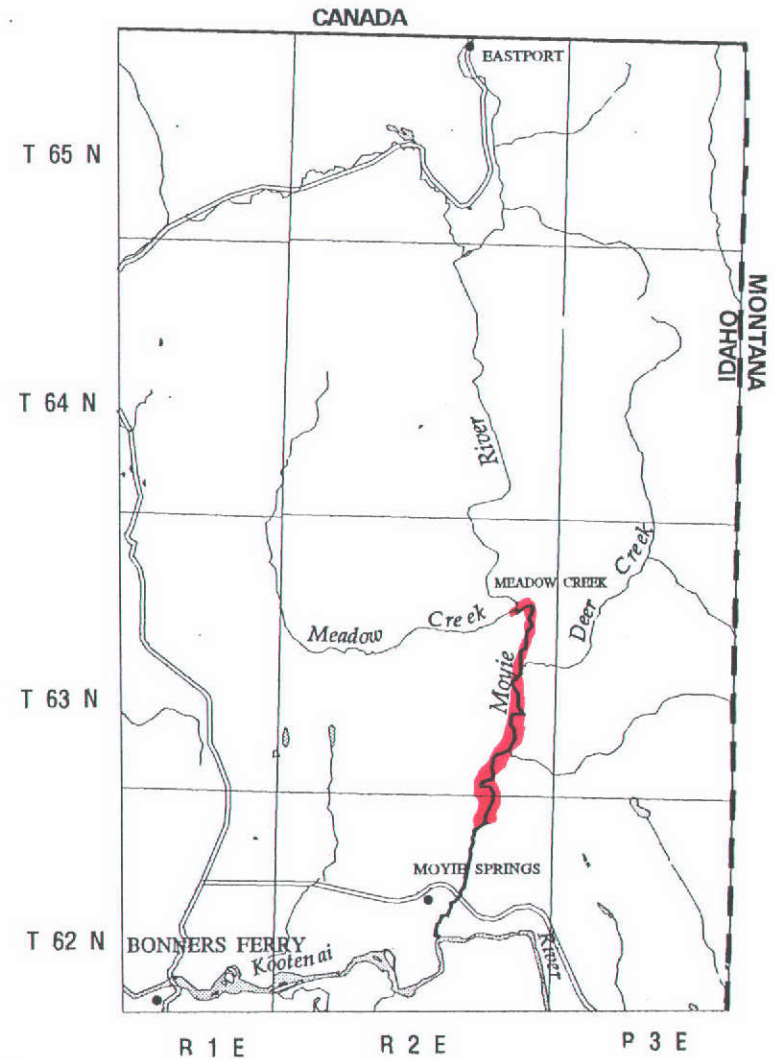
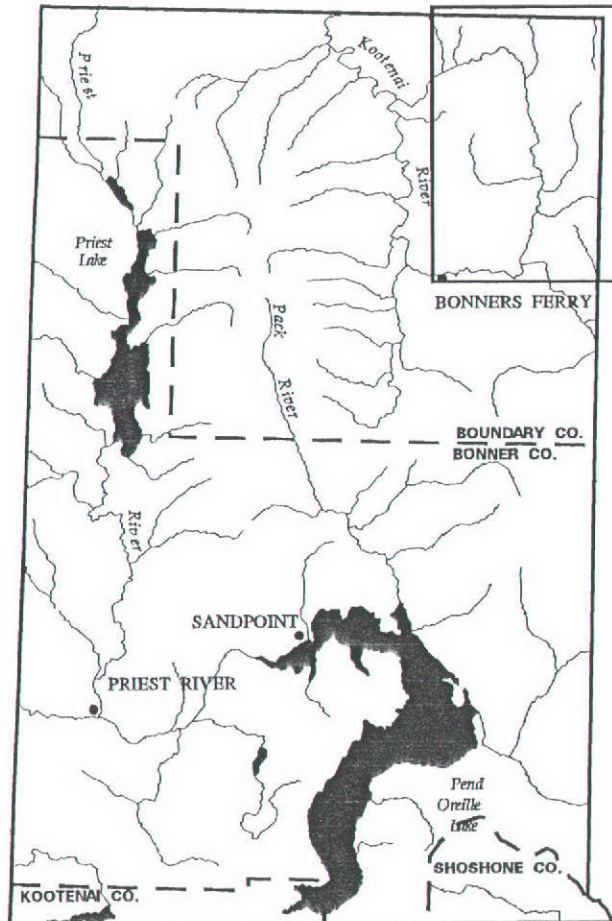
Minimum Streamflow Reach



IWRB2

Moyie River - Minimum Streamflow

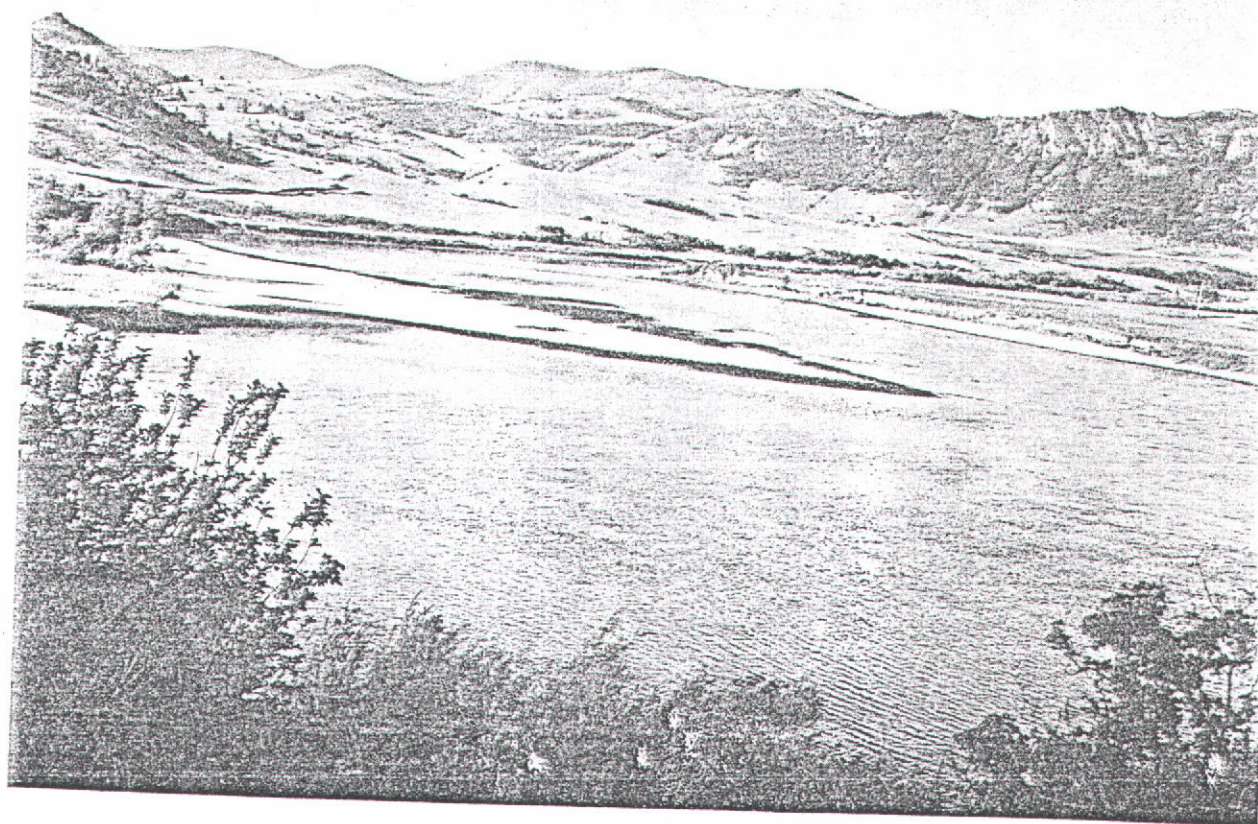
Minimum Streamflow Reach



DEC 15 1994

IWRB2

Fig. 2



Missouri River below Holter Dam, Montana, showing differences between flows of 3,000 cfs (55% of the average flow) and 2,000 cfs (37% of the average flow). The vertical drop was 7 inches. Flows reduced about midnight will clearly reveal differences in wetted substrate when photographed the next morning (photographic "regression analysis").

MRBS Photo #9000
by Don Tennant 6/10/70

Fig. 4

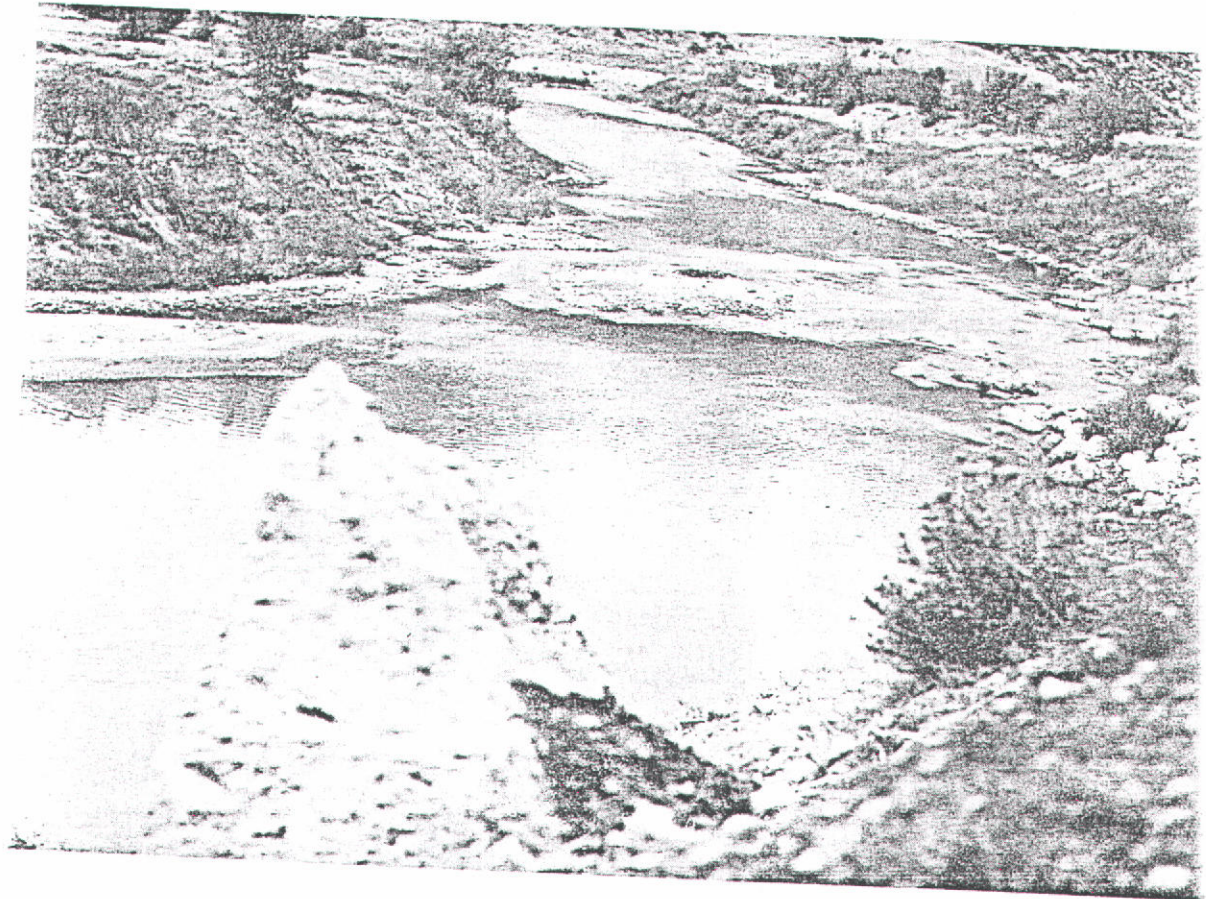


Republican River below Hardy Bridge, Nebraska, showing a flow of 42 cfs (10% of the average flow). Water depths were adequate to provide some fish cover, living space, movement and for fishing. Temperatures were within tolerable limits. This is a minimum instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms.

MRBS Photo #7159
by Don Tennant 7/10/64

20 DEC 15 1994

Fig. 5



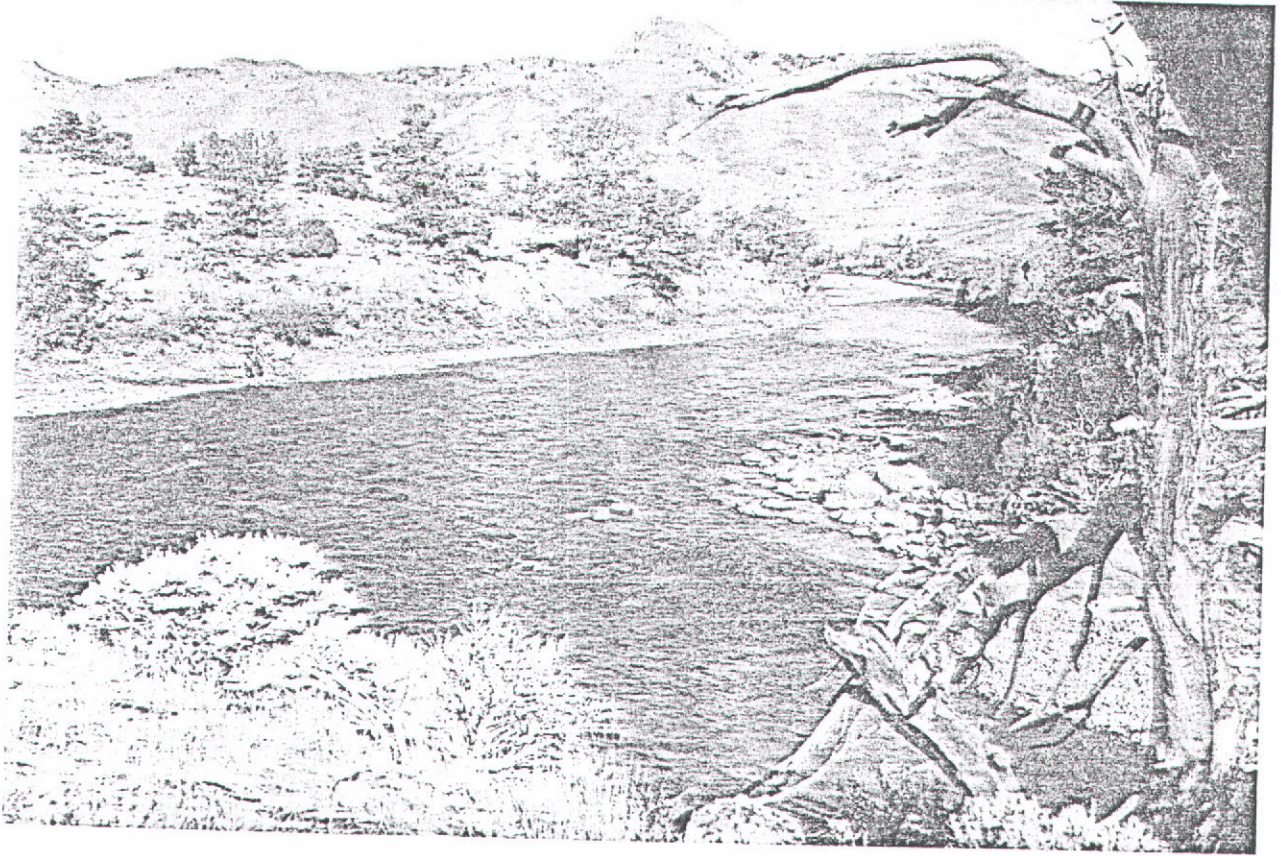
Bighorn River below Boysen Dam, Wyoming, showing a flow of 400 cfs (30% of the average flow). Water depth was adequate for trout movement, spawning incubation and winter survival in most run and pool areas for a distance of 45 car miles downstream. This is a base flow recommended to sustain good survival habitat for most aquatic life forms.

MRBS Photo #8542-B
by Don Tennant 10/2/68

22

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Fig. 6



North Fork Shoshone River near Wapiti, Wyoming, showing a flow of 456 cfs (approximately 60% of the average flow). Water widths, depths and velocities very good for fish and fishing in all riffles, runs and pools. This is a base flow recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses.

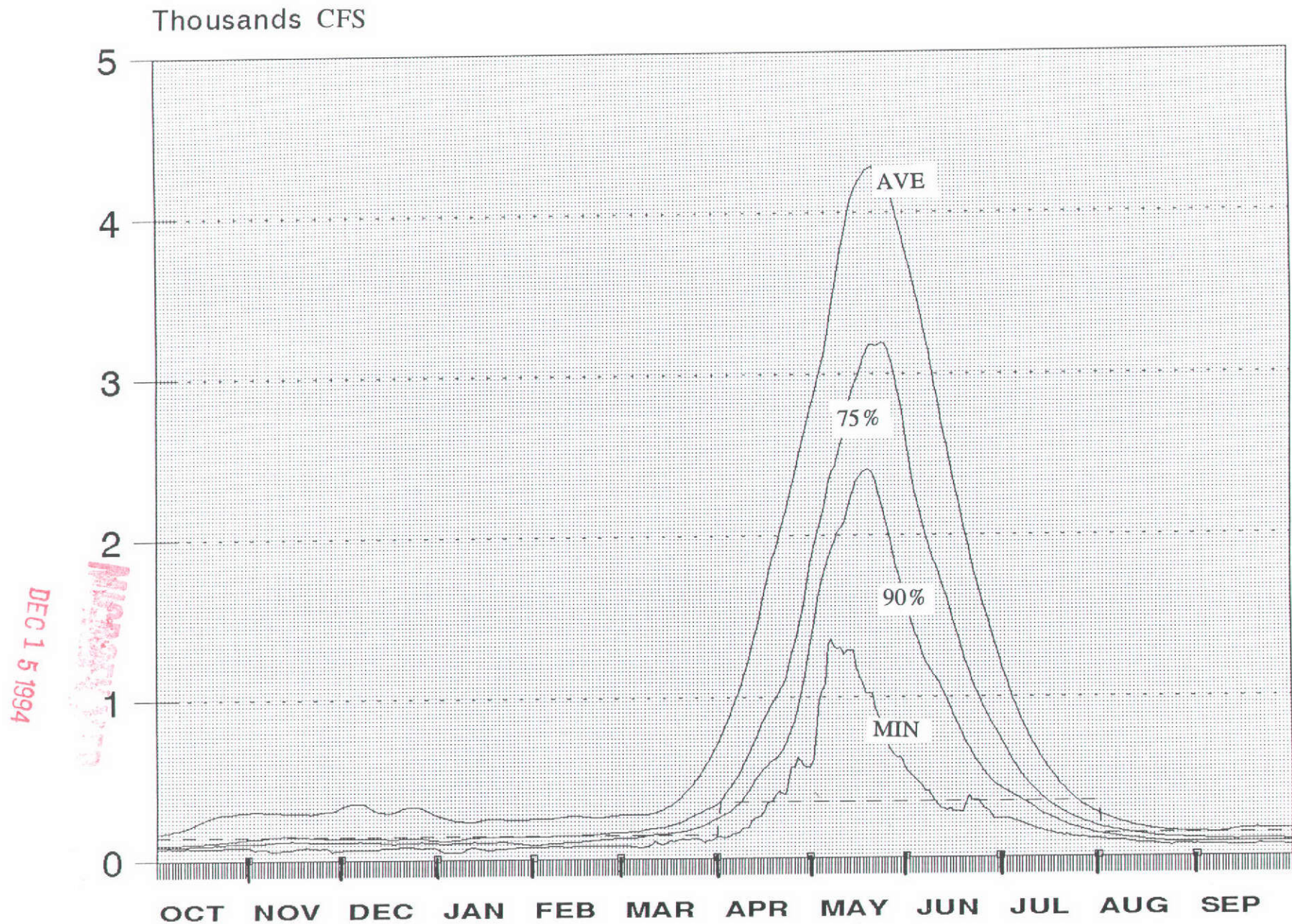
FWS Photo #6-1-68
by Don Tennant 9/29/72

MISSOURI HERB

DEC 15 1994

MOYIE RIVER AT EILEEN

SUMMARY HYDROGRAPH PERIOD OF RECORD 1926-78



TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 091693 INVOICE No. L00381705
Account No. 964750 -07704
Description 81703NOTIC
Times 1 Lines 42
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 63.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

RECEIVED

SEP 21 1993

NORTHERN REGION
IDWR

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

81703
**NOTICE OF HEARING FOR THE MOYIE RIVER
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board su
application for permit to appropriate water to the Departmer
Resources, proposing to appropriate water for a minimum stream
Moyie River, a tributary of the Kootenai River. The application
described as follows:

Source: Moyie River
Application No.: 98-07704
Proposed Priority: June 15, 1992
Amount and Period of Use: 354.0 cfs from April 1 th
31. 149.0 cfs from August
March 31.

Purpose of Minimum Flow: Protection of fish and w
it, aquatic life and r
values

Place of Use: Moyie River, commenc
confluence with Meadow
cated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
T63N, R2E, and extenc
stream to the backwater
Falls Reservoir, locat
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T
B.M. Boundary County

The Department of Water Resources will hold a public hea
Boundary County Cooperative Extensive Service Courthouse Anne
tenai, Bonners Ferry, Idaho beginning at 9:30 a.m., on Thursday,
1993, for the purpose of hearing evidence pertaining to the appli
hearing will be held pursuant to the provisions of Section 42-1503, I
In addition, the hearing officer will also receive informal testimo
public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for t
of presenting evidence or cross examining witnesses should file
appearance with the Director at the Department of Water Resour
house Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5)
to the hearing. Other parties may informally present their view
ments without filing a notice of appearance. Written informal
comments may also be submitted to the Department of Water
prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginso
IDAHO DEPT OF WATER RE

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NOTICE OF HEARING FOR THE
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 1 time(s). Publication be-
ing on 091693, or once a
WEEK for 1 consecutive WEEKS, the first
publication thereof being on the 091693, and the last pub
lication thereof being on the 091693, and said

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis
SUBSCRIBED AND SWORN BEFORE ME THIS THE 17
day of September 1993

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

DEC 15 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07704

Priority: June 15, 1992

Minimum Instream Flow:

354.00 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

MOYIE RIVER

tributary to KOOTENAI RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	04/01 to 07/31	354.00 CFS
MINIMUM INSTREAM FLOW	08/01 to 03/31	149.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach
End of Stream Flow Reach

SWSWSW , Sec. 12, Township 63N, Range 02E
NWNENW , Sec. 11, Township 62N, Range 02E
BOUNDARY County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. This minimum stream flow may be depleted by future municipal and domestic diversions from the Moyie River and its tributaries within and upstream of the minimum streamflow reach. The minimum streamflow shall not be depleted by diversions for irrigation uses or other large consumptive purposes authorized by a future municipal or domestic use water right.
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.

JAN 31 1996

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

WATER RIGHT NO. 98-07704

CONDITIONS OF APPROVAL AND REMARKS

4. Use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than 06/15/1992.
5. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on the Moyie 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 Moyie River with Meadow Creek in the SWSWSW, S12, T63N, R2E and ends at the backwaters of Moyie Dam Reservoir in the NWNEW, S11, T62N, R2E.

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

JAN 31 1996

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JUN 06 1994

Department of Water Resources

STATE OF IDAHO

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. 98-07704 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, Idaho 83720-0098

4. Source of Water: Moyie 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 354 cfs _____ acre/feet

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: \$ 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.

Date

Signature (and title if on behalf of a company or organization)

DEC 15 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 98-07704

Proposed Priority: June 15, 1992

Maximum Diversion Rate:

354.00 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:

MOYIE RIVER

tributary of **KOOTENAI RIVER**

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	04/01 to 07/31	354.00 CFS
MINIMUM INSTREAM FLOW	08/01 to 03/31	149.00 CFS
	Totals	354.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach

SWSWSW , Sec. 12, Township 63N, Range 02E

End of Stream Flow Reach

NWNENW , Sec. 11, Township 62N, Range 02E
BOUNDARY County

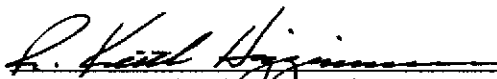
PLACE OF USE: See Remarks

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

DEC 15 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO 98-07704 (MOYIE RIVER))
TO ESTABLISH A MINIMUM STREAMFLOW)
IN THE NAME OF THE IDAHO WATER)
RESOURCE BOARD)

FINAL
ORDER

On October 14, 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 98-07704, should be approved or rejected. The application seeks to establish a minimum streamflow in the Moyie River, located in Boundary County.

Notice of the hearing was published in Boundary County and also statewide. The Idaho Water Resources 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. Midway through the hearing, the City of Bonners Ferry petitioned for intervention as a full party. After the city stated good cause for intervention, the hearing officer granted the petition to intervene based on conditions set forth below.

During the hearing, the hearing officer allowed the Department of Fish and Game (Fish & Game) to supply additional information to the Department following the hearing. The hearing

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OCT 15 1994

officer ruled that intervention by the City of Bonners Ferry did not grant the city the right to contest the submittal of information by Fish & Game after the hearing on the basis of due process. The City of Bonners Ferry was granted the right to review the information and comment, and submit additional information, but was not granted the right to cross examine witnesses regarding the post-hearing submittal.

A recommended order was issued on November 23, 1993. No exceptions to the order were filed within twenty-one days. An error was found, however, in finding of fact no. 7. Finding of fact no. 1 correctly lists a flow of 149 cfs from August 1 through March 31. Finding of fact no. 7 of the recommended decision incorrectly ends the time period in February. Finding of fact no. 7 has been corrected and is now consistent with the application and finding of fact no. 1. The entire text of the decision has been reprinted.

FINDINGS OF FACT

1. The Idaho Water Resource Board filed application for minimum stream flow no. 98-07704 on June 15, 1992. Application no. 98-07704 proposes the following:

Source:	Moyie River
Rate of Flow:	354 cfs from April 1 through July 31; 149 cfs from August 1 through March 31.
Location:	Beginning at the confluence of the Moyie River with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R2E, B.M., Boundary County, and extending downstream to the backwaters of Moyie

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Falls Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 11, T62N, R2E, B.M., Boundary
County.

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

2. The description of the downstream terminus of the minimum streamflow reach is not correct. The described ending point of the minimum streamflow should be the Moyie Dam Reservoir, not Moyie Falls Reservoir. Moyie Falls is located below the reservoir, and description of the falls may confuse the interpretation of the minimum streamflow reach.

3. The Idaho Water Resource Board asked Fish & Game to provide any available data regarding the Moyie River which could be used to determine the quantity of water necessary to sustain a minimum streamflow.

4. Fish & Game has not specifically studied the Moyie River to determine the minimum streamflow. Nevertheless, a study conducted by Donald L. Tennant, a fisheries biologist for the U.S. Fish and Wildlife Service, concluded, after analyzing several western streams, that stream values such as fish and aquatic habitat, and riparian health of the stream could be assigned to various percentages of the mean annual flow. Tennant's study was submitted as an exhibit, and marked IWRB 5. The study contains a table which lists the value of various percentages of the mean annual flow.

5. The Water Resource Board selected a value of 40% of the mean annual flow during the April to September period because 40%

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represented a good flow for fisheries value and any lesser percentage would represent a degrading value to the flow regime. The Board determined that a streamflow which would result in a stream degradation would be less than the minimum desirable flow.

6. During the period of October through March, 40% of the mean annual flow represents an outstanding flow. Even though 40% represents more than a degrading flow, it is less than the 60% flow which represents an optimum range.

7. Flow data for the Moyie River was measured at a site near Eileen, approximately two miles upstream from the reservoir, from 1926 through 1979. The flow data is summarized graphically by the exhibit marked IWRB 6. Forty percent of the mean annual flow is not sustainable for the months of August through March. As a result, the minimum streamflow sought for the eight months of August through March was reduced to 149 cfs, which is the average monthly flow for the month of September, and is the lowest average monthly flow of the eight months.

8. The Moyie River is currently fair habitat for spawning. The Moyie River was once a very good trout fishing stream. Degradation and loss of spawning habitat has diminished the fishing opportunities. Nevertheless, a minimum streamflow is necessary to restore the fisheries values in the Moyie River.

9. The Moyie River is boated by both commercial outfitters and private individuals. Rafting is only possible during the high water portion of the year.

DEC 15 1994

10. Public access to the Moyie River is very good. Approximately half of the land adjoining the Moyie River is owned by the U.S. Forest Service.

11. The records of the Department of Water Resources show only four water rights diverted directly from the Moyie River upstream or within the minimum streamflow reach. These water rights authorize a total diversion of 0.55 cfs. There are, however, approximately 70 water rights upstream of the proposed minimum streamflow reach on the Moyie River, and its tributaries, which authorize diversion of approximately 20.57 cfs.

12. The City of Bonners Ferry expressed concern that the minimum streamflow might curtail future development of Moyie River water for municipal or domestic purposes, particularly for towns or individual residences located near the Moyie River. To protect these anticipated uses of water, the Department should subject any minimum streamflow approval to developments upstream for domestic and municipal purposes.

13. The City of Bonners Ferry owns a hydropower dam and generating facility which creates the Moyie Dam Reservoir. Water flows into a penstock at the dam, and generates electricity for the city. Water rights nos. 98-07320 and 98-07492, authorize the use of Moyie River water for hydropower production. This minimum streamflow will protect the water supply for hydropower purposes now owned by the city against further depletions.

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CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that establishment of a minimum streamflow for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality 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 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 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 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 streamflows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

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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 June 15, 1992, the filing date of this application.

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

5. Lands surrounding the Moyie River and its tributaries may be developed in the future. It is not wise to use the Tennant method to establish a minimum streamflow which will preclude future municipal or domestic development. The minimum streamflow approval should be conditioned to allow future domestic and municipal development of the Moyie River and its tributaries.

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

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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. 98-07704 is APPROVED under the following conditions:

1. This minimum streamflow may be depleted by future municipal and domestic diversions from the Moyie River and its tributaries within and upstream of the minimum streamflow reach. The minimum streamflow shall not be depleted by diversions for irrigation uses or other large consumptive purposes authorized by a future municipal or domestic use water right.

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 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

DEC 1 5 1994

seeking the amendment to establish that the amendment of the permit or license would be in the public interest.

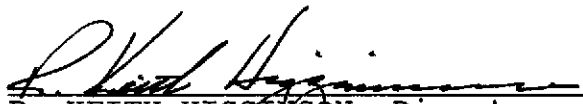
3. Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than June 15, 1992, the priority date of this permit.

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

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

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

Dated this 20TH day of December, 1993.


R. KEITH HIGGINSON, Director
Department of Water Resources

DEC 15 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of December, 1993, I mailed a true and correct copy of the Final Order, postage prepaid, to the following individuals:

Cindy Robertson
Dept. of Fish & Game
P.O. Box 25
Boise, ID 83702

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

June Berquist
Idaho DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83314

Dept. of Water Resources
Northern Regional Office
1910 Northwest Blvd. Ste. 210
Coeur d'Alene, ID 83814

Ken Hungerford
2005 Orchard Ave.
Moscow, ID 83843

David Bodner
P.O. Box 562
Moyie Springs, ID 83845-0562

Darrell Kerby
P.O. Box 882
Bonners Ferry, ID 83305-0882

John Beal
Dept. of Water Resources
Statehouse Office
Boise, ID 83706


JENNIFER SEIFERT, Records Clerk
Department of Water Resources

DEC 15 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 98-07704 (MOYIE RIVER))
TO ESTABLISH A MINIMUM STREAMFLOW)
IN THE NAME OF THE IDAHO WATER)
RESOURCE BOARD)**

**RECOMMENDED
ORDER**

On October 14, 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 98-07704, should be approved or rejected. The application seeks to establish a minimum streamflow in the Moyie River, located in Boundary County.

Notice of the hearing was published in Boundary County and also statewide. 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. Midway through the hearing, the City of Bonners Ferry petitioned for intervention as a full party. After the city stated good cause for intervention, the hearing officer granted the petition to intervene based on conditions set forth below.

During the hearing, the hearing officer allowed the Department of Fish and Game (Fish & Game) to supply additional information to the department following the hearing. The hearing officer ruled that intervention by the City of Bonners Ferry did not grant the city the right to contest the submittal of information by Fish & Game after the hearing, nor to contest the submittal on the basis of due process. The City of Bonners Ferry was granted the right to review the information and comment, and submit additional information, but was not granted the right to cross examine witnesses regarding the information submitted.

RECOMMENDED ORDER - Page 1

DEC 15 1994

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:

FINDINGS OF FACT

1. The Idaho Water Resource Board filed application for minimum stream flow no. 98-07704 on June 15, 1992. Application no. 98-07704 proposes the following:

Source: Moyie River

Rate of Flow: 354 cfs from April 1 through July 31;
149 cfs from August 1 through March 31.

Location: Beginning at the confluence of the Moyie River with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R2E, B.M., Boundary County, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T62N, R2E, B.M. Boundary County.

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

2. The description of the downstream terminus of the minimum streamflow reach is not correct. The described ending point of the minimum streamflow should be the Moyie Dam Reservoir, not Moyie Falls Reservoir. Moyie Falls is located below the reservoir, and description of the falls may confuse the interpretation of the minimum streamflow reach.

3. The Idaho Water Resource Board asked Fish & Game to provide any available data regarding the Moyie River which could be used to determine the quantity of water necessary to sustain a minimum streamflow.

4. Fish & Game has not specifically studied the Moyie River to determine the minimum streamflow. Nevertheless, a study conducted by Donald L. Tennant, a fisheries biologist for the U. S. Fish and Wildlife Service, concluded, after analyzing several western streams, that stream values such as fish and aquatic habitat, and riparian health of the stream could be assigned to

DEC 15 1994

various percentages of the mean annual flow. Tennant's study was submitted as an exhibit, and marked IWRB 5. The study contains a table which lists the value of various percentages of the mean annual flow.

5. The Water Resource Board selected a value of 40% of the mean annual flow during the April to September period because 40% represented a good flow for fisheries value and any lesser percentage would represent a degrading value to the flow regime. The Board determined that a streamflow which would result in stream degradation would be less than the minimum desirable flow.

6. During the period of October through March, 40% of the mean annual flow represents an outstanding flow. Even though 40% represents more than a degrading flow, it is less than the 60% flow which represents an optimum range.

7. Flow data for the Moyie River was measured at a site near Eileen, approximately two miles upstream from the reservoir, from 1926 through 1979. The flow data is summarized graphically by the exhibit marked IDWB 6. Forty percent of the mean annual flow is not sustainable for the months of August through February. As a result, the minimum streamflow sought for the seven months of August through February was reduced to 149 cfs, which is the average monthly flow for the month of September, and is the lowest average monthly flow of the seven months.

8. The Moyie River is currently fair habitat for spawning. The Moyie River was once a very good trout fishing stream. Degradation and loss of spawning habitat has diminished the fishing opportunities. Nevertheless, a minimum streamflow is necessary to restore the fisheries values in the Moyie River.

9. The Moyie River is boated by both commercial outfitters and private individuals. Rafting is only possible during the high water portion of the year.

10. Public access to the Moyie River is very good. Approximately half of the land adjoining the Moyie River is owned by the U. S. Forest Service.

11. The records of the Department of Water Resources show only four water rights diverted directly from the Moyie River upstream or within the minimum streamflow reach. These water rights authorize a total diversion of 0.55 cfs. There are, however, approximately 70 water rights upstream of the proposed minimum stream flow reach on the Moyie River, and its tributaries, which authorize diversion of approximately 20.57 cfs.

12. The City of Bonners Ferry expressed concern that the minimum streamflow might curtail future development of Moyie River water for municipal or domestic purposes, particularly for towns or individual residences located near the Moyie River. To protect these anticipated uses of water, the department should subject any minimum streamflow approval to developments upstream for domestic and municipal purposes.

13. The City of Bonners Ferry owns a hydropower dam and generating facility which creates the Moyie Dam Reservoir. Water flows into a penstock at the dam, and generates electricity for the city. Water rights nos. 98-07320 and 98-07492, authorize the use of Moyie River water for hydropower production. This minimum streamflow will protect the water supply for hydropower purposes now owned by the city against further depletions.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that establishment of a minimum streamflow for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality 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 full, or in part, or upon conditions or rejecting said

DEC 15 1994

application. Approval of any such application must be based upon the findings 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 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 streamflows 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, permit, or water right applications having dates of priority earlier than June 15, 1992, the filing date of this application.

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

5. Lands surrounding the Moyie River and its tributaries may be developed in the future. It is not wise to use the Tennant method to establish a minimum streamflow which will preclude future municipal or domestic development. The minimum streamflow approval should be conditioned to allow future domestic and municipal development of the Moyie River and its tributaries.

OEC 15 1994

6. The minimum streamflow 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 streamflow 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. 98-07704 is APPROVED under the following conditions:

1. This minimum streamflow may be depleted by future municipal and domestic diversions from the Moyie River and its tributaries within and upstream of the minimum streamflow reach. The minimum streamflow will not be depleted by diversions for irrigation uses or other large consumptive purposes authorized by a future municipal or domestic use water right.
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 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 for irrigation or other

purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than June 15, 1992, the priority date of this permit.

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

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

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

Dated this 23rd day of November, 1993.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 23rd day of November, 1993, a true and correct copy of the foregoing Recommended Order was mailed, postage prepaid, to the following:

Cindy Robertson
Idaho Dept. of Fish & Game
PO Box 25
Boise ID 83702

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

June Berquist
Idaho DEQ
2110 Ironwood Parkway
Coeur d'Alene ID 83314

Idaho Dept. of Water Resources
Northern Region Office
1910 Northwest Blvd., Ste. 210
Coeur d'Alene ID 83314-2615

Ken Hungerford
2005 Orchard Ave.
Moscow ID 83843

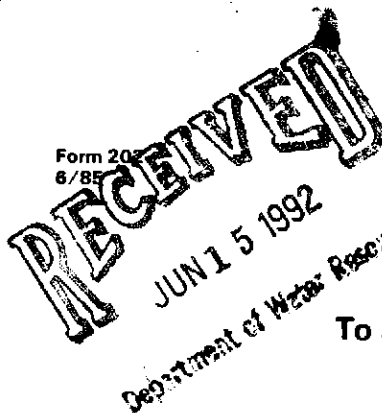
David Bodner
PO Box 562
Moyie Springs ID 83845-0562

Darrell Kerby
PO Box 882
Bonners Ferry ID 83305-0882

John Beal
Idaho Dept. of Water Resources
Statehouse Office
Boise ID 83706

Cindy Zimmerman
Cindy Zimmerman
Water Resource Agent

DEC 1 8 1993



Ident. No. 98-7704

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 Moyie River which is a tributary of Kootenai River
instream flow downstream from confluence with Meadow Creek in the

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____

Sec. 12 Township 63N Range 2E B.M. Boundary County: additional

~~points of diversion if any:~~ to backwaters of Moyie Falls Reservoir located approximately
in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 11, T62N, R2E, B.M.

4. Water will be used for the following purposes:

Amount 354 cfs for instream purposes from Apr 1 to Jul 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 149 cfs for instream purposes from Aug 1 to Mar 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) 354 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).

DEC 15 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 6.9 miles long.

DEC 15 1984

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 who diverts downstream of Moyie Falls Reservoir 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 April through July. 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 17% of the mean annual flow. These flows will provide a "good" to "fair" minimum flow for fish and wildlife habitat, aquatic life, and recreational values except for August and September.

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 annual flow value.

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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 354 cfs is less than the average monthly flow for the requested
period of use. The flow of 149 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 at Eileen (five miles upstream from
the mouth of the river and in the instream flow reach.) The Eileen gage
has been discontinued. Over 50 years of comparable data exists for the
active gage at Eastport (25 miles upstream from the mouth of the river
and upstream from the instream flow reach). The Eastport data can be
adjusted to indicate theoretical flows at Eileen.

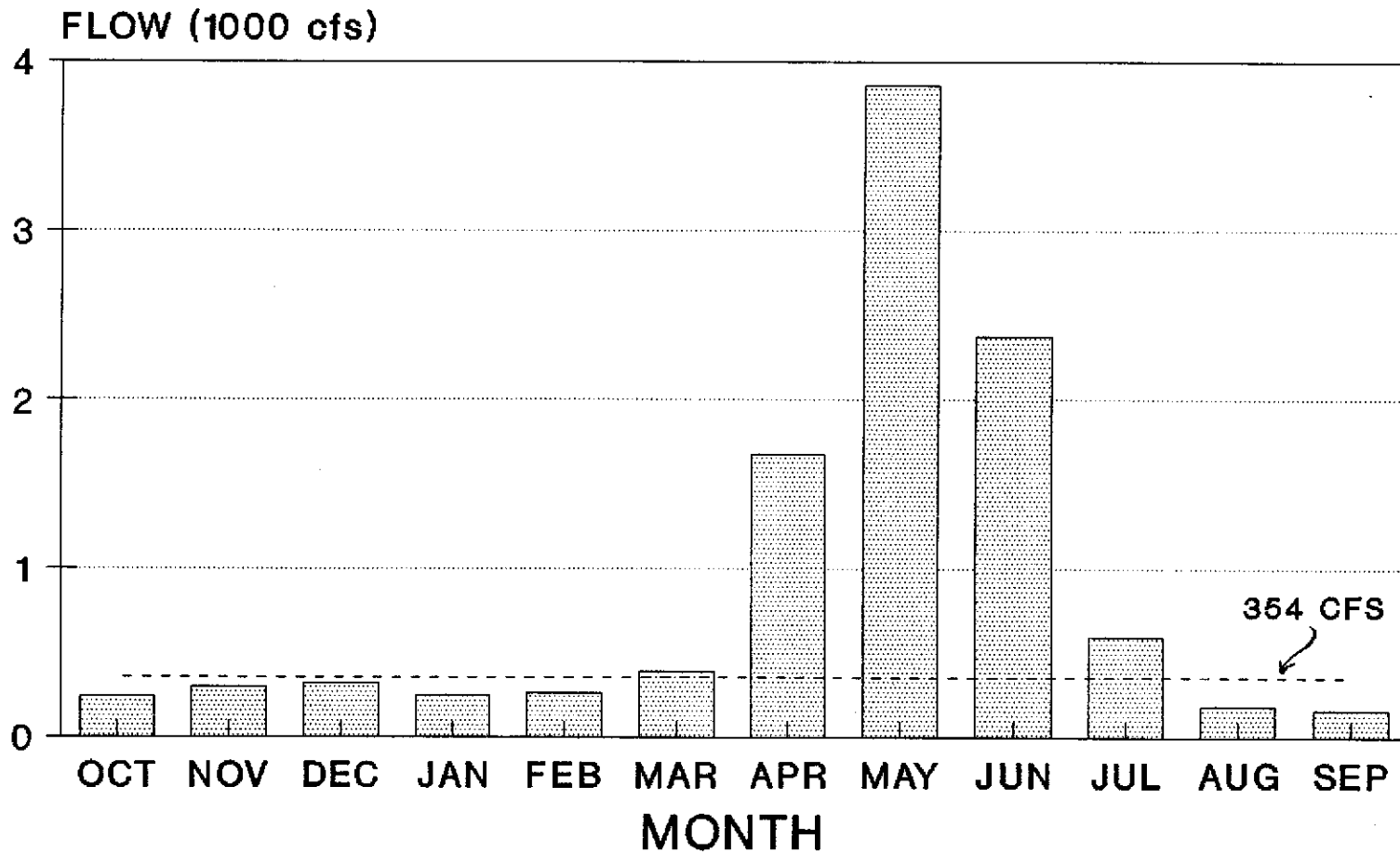
20. Do you intend to install additional gaging stations? Describe the location.

No

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

The flow request for August and September provides only a "fair to poor"
minimum flow for those months. Following consultation with the Division
of Environmental Quality and the Departments of Fish and Game and Parks
and 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.

MOYIE RIVER AT EILEEN (1926-79)

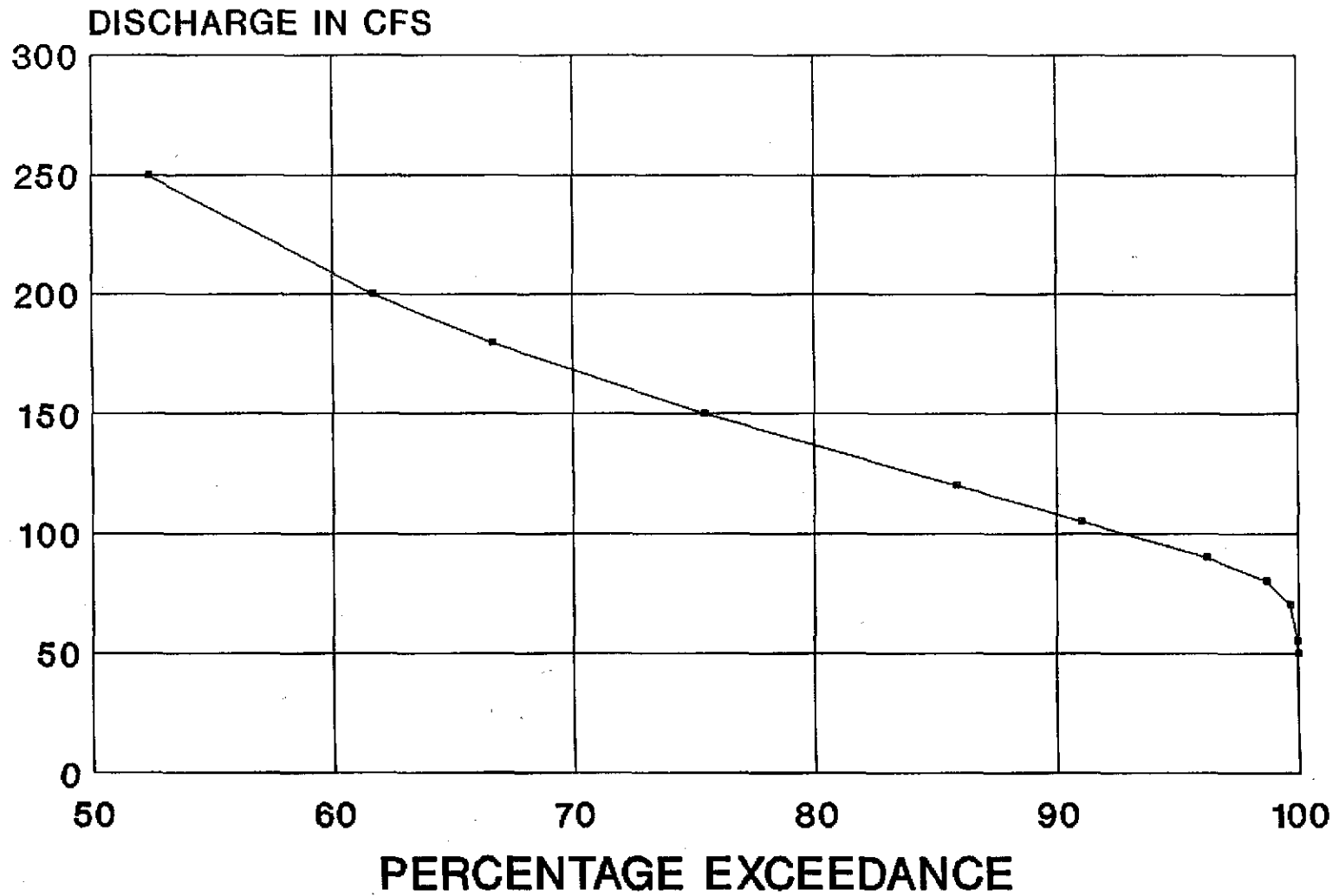


█ Average Monthly Flow - - - - Instream Flow

Mean Annual Flow = 885 cfs

DEC 15 1994

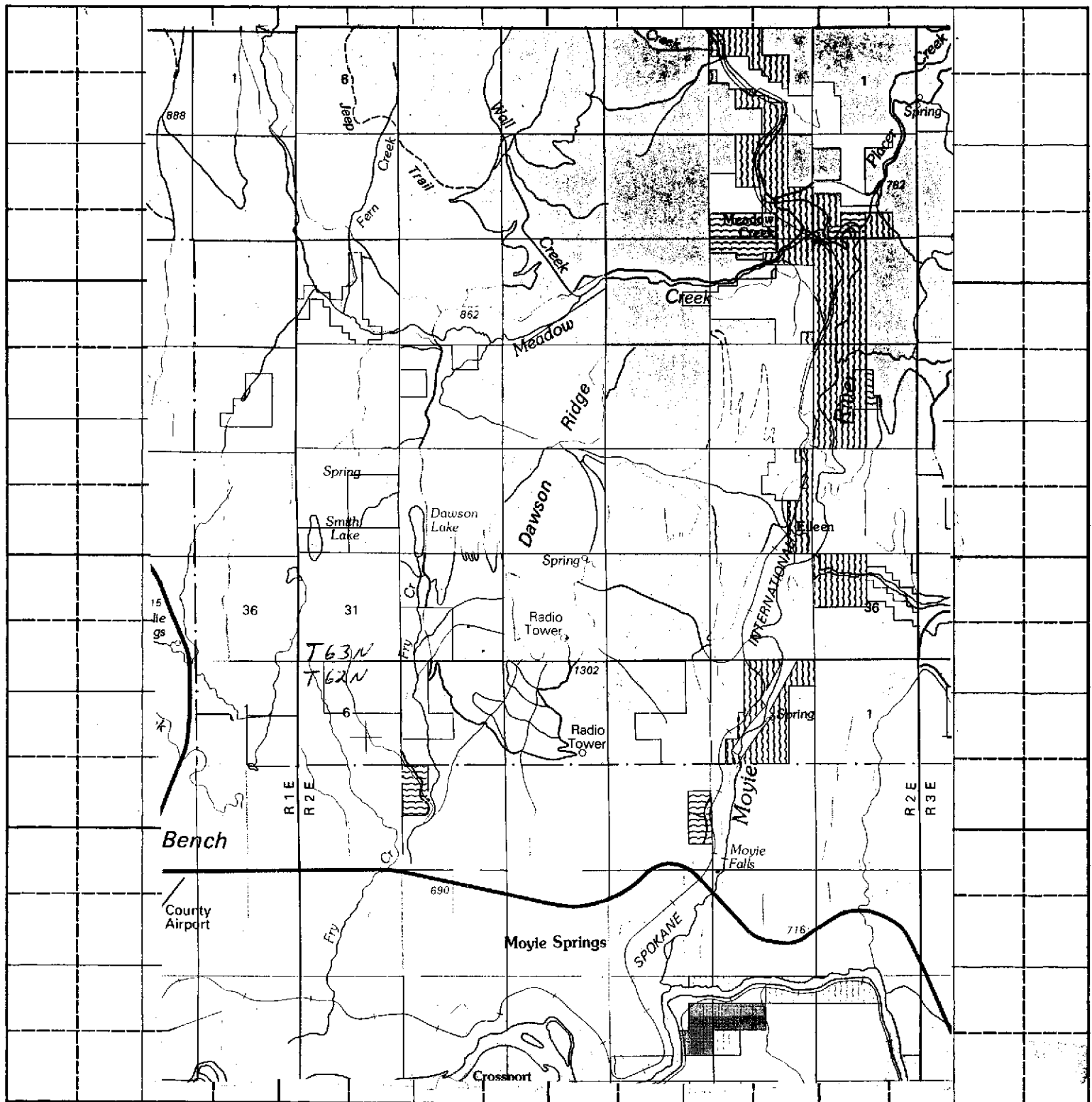
FLOW DURATION CURVE MOYIE RIVER AT EILEEN



PERIOD 1926-79

DEC 15 1994

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.

DEC 15 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.

William S. Platt

(Applicant)

Received by DB Date 6-15-92 Time 11:45 am 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:

DEC 15 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 24, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 98-07704

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

JAN 31 1996

RIGHT NO. 98-07704

6/6/94

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

✓
✓
✓
✓
✓

✓
~~✓~~
✓
✓
✓

Printed license hand-edited

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 98-07704 Reviewed by Jy Date 11-15-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

minimum 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

November 16, 1994

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07704

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
NOV 16 1994

DEC 15 1994

THE STATE OF IDAHO

SECOND REGULAR SESSION - 1994

A CONCURRENT RESOLUTION

**APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM
STREAMFLOW.**

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of a stream to establish a minimum streamflow; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved application shall not become finally effective until acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 98-07704 on December 20, 1993, by issuing a Final Order authorizing the appropriation of a minimum streamflow in the Moyie River of 354.0 cfs from April 1 through July 31 and 149.0 cfs from August 1 through March 31. The minimum streamflow begins at the confluence of Moyie River with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R02E, B.M., Boundary County, and extends downstream to the backwaters of Moyie Dam Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T62N, R02E, B.M., Boundary County.

NOW THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the 52nd Idaho State Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Final Order, dated December 20, 1993.

DEC 15 1994

MINIMUM STREAMFLOW
Fact Sheet

Permit to Appropriate Water No. 98-07704

Source: Moyie River

Applicant: Idaho Water Resource Board

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

Date Application Filed: June 15, 1992

Place of Use: Beginning at the confluence of Moyie River with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R02E, B.M., Boundary County, and extending downstream to the backwaters of Moyie Dam Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T62N, R02E, Boundary County.

Rate of Flow: 354.0 cfs from April 1 through July 31
149.0 cfs from August 1 through March 31

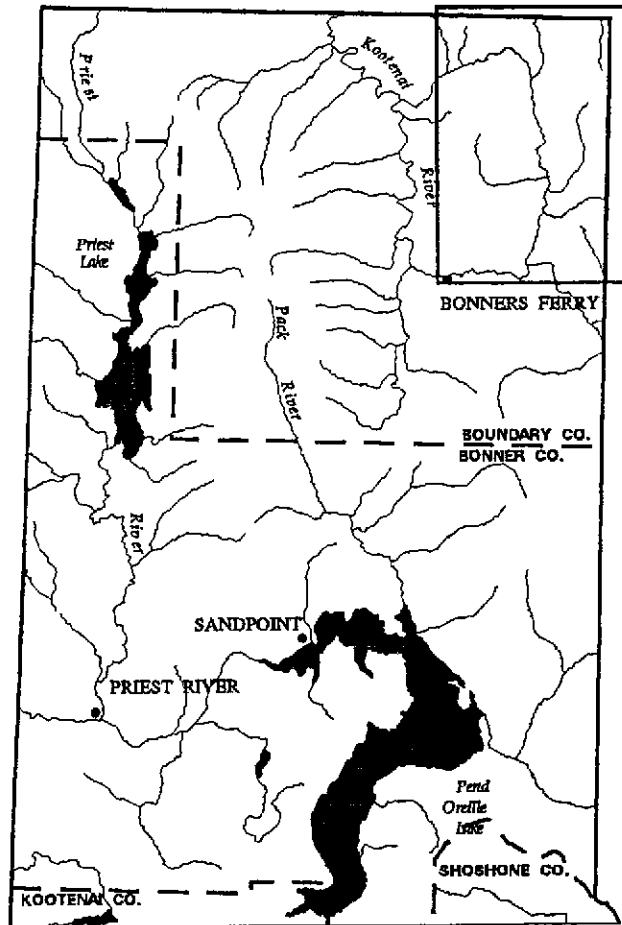
Purpose: Instream flow for the protection of fish and wildlife habitat, aquatic life, and recreational values.

Unique Facts:

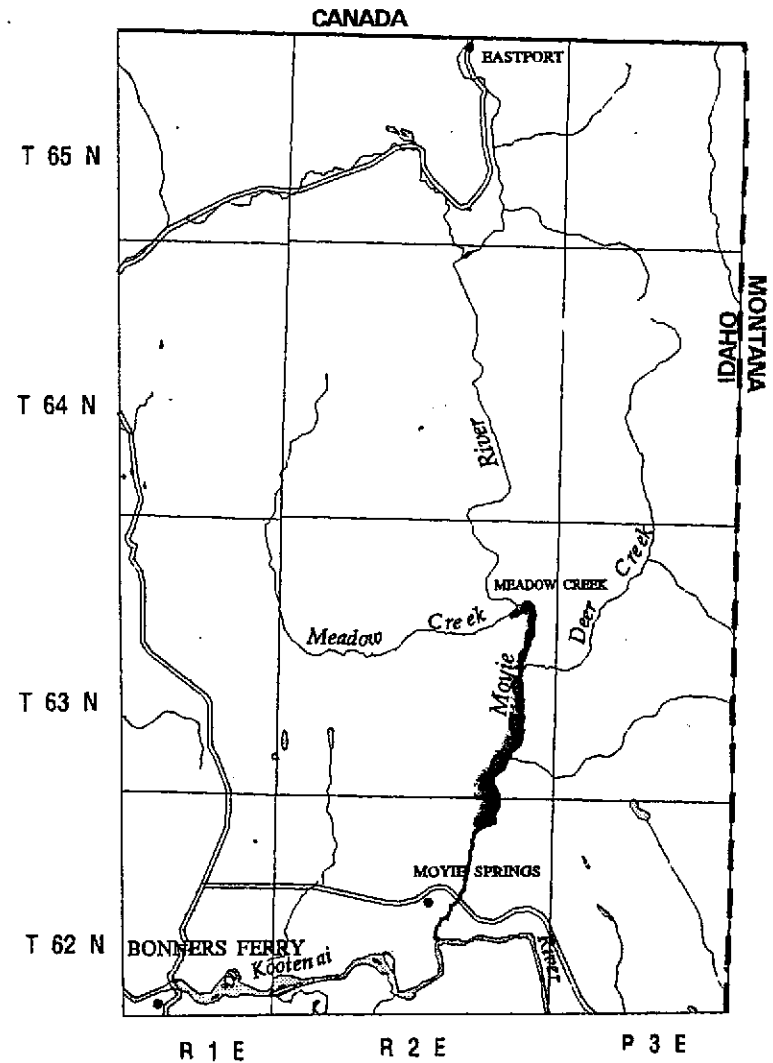
- Established minimum flow using the Tennant method.
- Minimum streamflow protects Bonners Ferry hydropower rights from depletion.
- May be depleted by future domestic or municipal uses.

DEC 15 1992

Moyie River - Minimum Streamflow



Minimum Streamflow Reach



IWRB2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

December 20, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: In the matter of application for permit no. 98-07704 filed in the name of the Idaho Water Resource Board to establish a minimum streamflow water right on Moyie River, a tributary of Kootenai River

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in the final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
 - (a) the petition for reconsideration is disposed of; or
 - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

DEC 15 1994

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4), Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

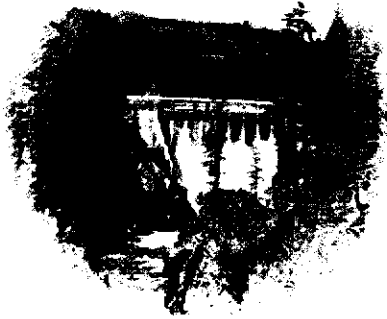
The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

City of
BONNERS FERRY



Moyie Dam Constructed 1948

Moyie R. MSF
98-7704

TELEPHONE (208) 267-3105
102 MAIN STREET
POST OFFICE BOX 149
BONNERS FERRY, IDAHO 83805
FAX (208) 267-5709

December 17, 1993

RECEIVED

DEC 21 1993

Department of Water Resources

98-7704

MS
Mr. L. Glen Saxton
Chief, Water Allocation Bureau
State of Idaho
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Dear Mr. Saxton:

We are in receipt of your November 23, 1993, transmittal of the Recommended Order for minimum stream flows in the Moyie River between Meadow Creek and the Moyie Hydroelectric Reservoir. We don't find any points of disagreement in same. The Order, as we understand it, endeavors to maintain instream flow quantities for habitat which simultaneously provides water for the City's hydropower purposes.

The prohibition in item No. 1 of the Order: "The minimum streamflow will not be depleted by diversions for irrigation uses or other large consumptive purposes authorized by a future municipal or domestic use water right" appears to provide the type of protection the City desires.

Very truly yours,

Mike Woodward
Mike Woodward
City Administrator

MJW/lf

cc: File (2)

DEC 25 1993

WR0749NP
No. P98-07704

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 12/16/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720 (208) 327-7910	06/15/1992	MINIMUM INSTREAM FLOW MINIMUM INSTREAM FLOW	04-01 07-31 08-01 03-31	354.00 CFS 149.00 CFS	
TOTAL DIVERSION:					354.00 CFS	

Water Source: MOYIE RIVER

Tributary to: KOOTENAI RIVER

Stage: PERMIT

Point(s) of Beginning Stream Reach: T63N R02E S12 SW SW SW
Point(s) of Ending Stream Reach: T62N R02E S11 NW NE NW

Pou County:

Remarks: The minimum stream flow may be depleted by future municipal and domestic diversions from the Moyie River and its tributaries within and upstream of the minimum streamflow reach. The minimum streamflow shall not be depleted by diversions for irrigation uses or other large consumptive purposes authorized by a future municipal or domestic use water right.

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 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.

Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than June 15, 1992, the priority date of this permit.

Use of water under this permit shall be nonconsumptive. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on the Moyie River, such measuring devices shall be permanently installed and maintained as specified by the Director. Proof of instream beneficial use of the minimum streamflow may be submitted immediately upon legislative approval of the permit, but shall be submitted no later than March 1, 1999.

WR0749NP
No. P98-07704

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 12/16/93
PAGE: 2

=====

Remarks: See Final Order for additional conditions of approval.

Dates: App. Received: 06/15/1992 Priority Date: 06/15/1992
 Proof Due Date: 03/01/1999 Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 12/16/93 ZIMMERMA



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 23, 1993

Re: In the matter of Applications for Permit No. 98-07704 in the name of Idaho Water Resource Board

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

DEC 15 1993

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

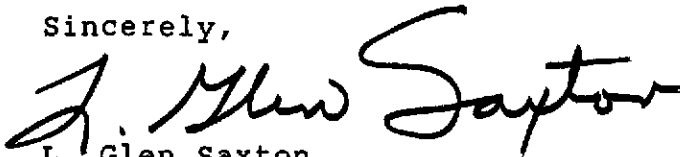
FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

Enclosures

76-2-5-1894



PO BOX 633, BOISE, ID 83701
(208) 343-7481

EXECUTIVE DIRECTOR

Wendy L. Wilson
Boise

BOARD OF DIRECTORS

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Curtis Webb
Twin Falls

September 27, 1993

RECEIVED

SEP 28 1993

Department of Water Resources

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Dear Mr. Spackman:

Idaho Rivers United wishes to submit the following comments relative to five applications for minimum streamflows in northern Idaho and one minimum lake level application for Bear Lake.

Pack River No. 96-08717 - We support the requested minimum of 129 cfs from November 1 but only until April 15. We recommend the IWRB and IDWR adopt a higher minimum flow of 350 cfs from April 15 to June 30 for recreational whitewater boating. The purpose of the higher minimum is to protect the river for recreational purposes.* We support the request of 129 cfs from July 1 to July 31, and a flow request of 54 cfs from August 1 through October 31. Those flows will provide the minimum needed for fish and wildlife values.

Kootenai River No. 98-07705 - Idaho Rivers United supports the request for 5340 cfs year round to provide the minimum needed for fish and wildlife values, with the following change: From May 15 to July 15 the IWRB and IDWR should adopt a minimum flow of 10,000 cfs to provide the minimum flow for recreational whitewater boating.*

Moyie River No. 98-07704 - We recommend that the IWRB and IDWR amend their request of 354 cfs from April 1 to July 31 to a flow of 900 cfs from April 15 to June 30 to provide the minimum streamflow needed to protect recreational whitewater boating. This flow request is based on information provided by Peter Grubb, River Odysseys West, on the segment from Cooper Creek to Meadow Creek immediately upstream from the segment under consideration. I also have personal experience floating both of these sections as a commercial river guide and private boater and believe the charts Peter Grubb developed accurately reflect the minimum flow needed.* I have enclosed copies of data Peter Grubb provided me on the Moyie. The flow request of 149 cfs from August 1 through March 31 is acceptable.

Coeur d'Alene River No. 98-07705 - I note that the water right number recorded for the Coeur d'Alene and the Kootenai River are the same. I am certain this must be a typographical error by the Department. According to my records, the correct number is 94-07341. We support the minimum streamflow requests of 1018 cfs from November 1 to June 30 and 413 cfs from July 1 to October 31 to protect fish and wildlife values, recreation and aesthetics. I am unable to substantiate the needed minimum for a recreational flow. However, should data or relevant information become available, we will petition the Department and the Board for a higher flow to protect recreational whitewater boating.

Spokane River No. 95-08780 - We support the minimum flow requests of 2495 cfs from November 1 to June 30 and 951 cfs from July 1 to October 31 to protect fish and wildlife values, recreation and aesthetics. We are unable to substantiate the necessary minimum for recreational whitewater boating at this time. If additional information becomes available we will petition the Department and the Board for a higher minimum to protect that use.

15 1994

*Amended requests are based on information obtained from "Idaho Whitewater, the complete river guide," by Don McClaran and Greg Moore, 1989, and personal knowledge of the affected stream segments.

Idaho Rivers United also supports the minimum lake level request for Bear Lake. We believe this will aid in protecting the integrity of the lake, its water quality, fishery and recreation.

Many of our members use and enjoy the waters of these stream segments for fishing, whitewater recreation, viewing or to merely see a river in its free flowing state. Historically, southern Idaho rivers have been dammed, diverted, and dewatered for irrigation, mining, hydropower and industrial uses. Our fish are dying, our streams are dry, and our water quality is abysmal in the Snake River basin in many places. Hydropower projects have marred the landscape and visually impaired many of our scenic wonders like Shoshone Falls and Twin Falls.

Some opponents of minimum streamflows will attempt to convince the department that these flows will impede their economic development. I'd like to remind the Department that the fish were here first, as were the Native Americans. It is imperative that minimum streamflows are adopted on all streams in the state. This is an opportunity to prevent the decimation of north Idaho streams, unlike what has occurred in much of southern Idaho. Maintaining the integrity of the riverine ecosystem is of utmost importance! We support the efforts of the Board to protect Idaho's river resources.

Sincerely,

Marti L. Bridges

Marti L. Bridges
Water Policy Director

DEC 1 8 1989

CS

76,000
10,600
10,200
9800
9400
9000
8600
8200
7800
7400
7000
6600
6200
5800
5400
5000
4800
4400
4000
3800
3600
3400
3200
3000
2800
2600
2400
2200
2000
1800
1600
1400
1200
1000
800
600
400
200
0

Moyie River Flows

1961-1967

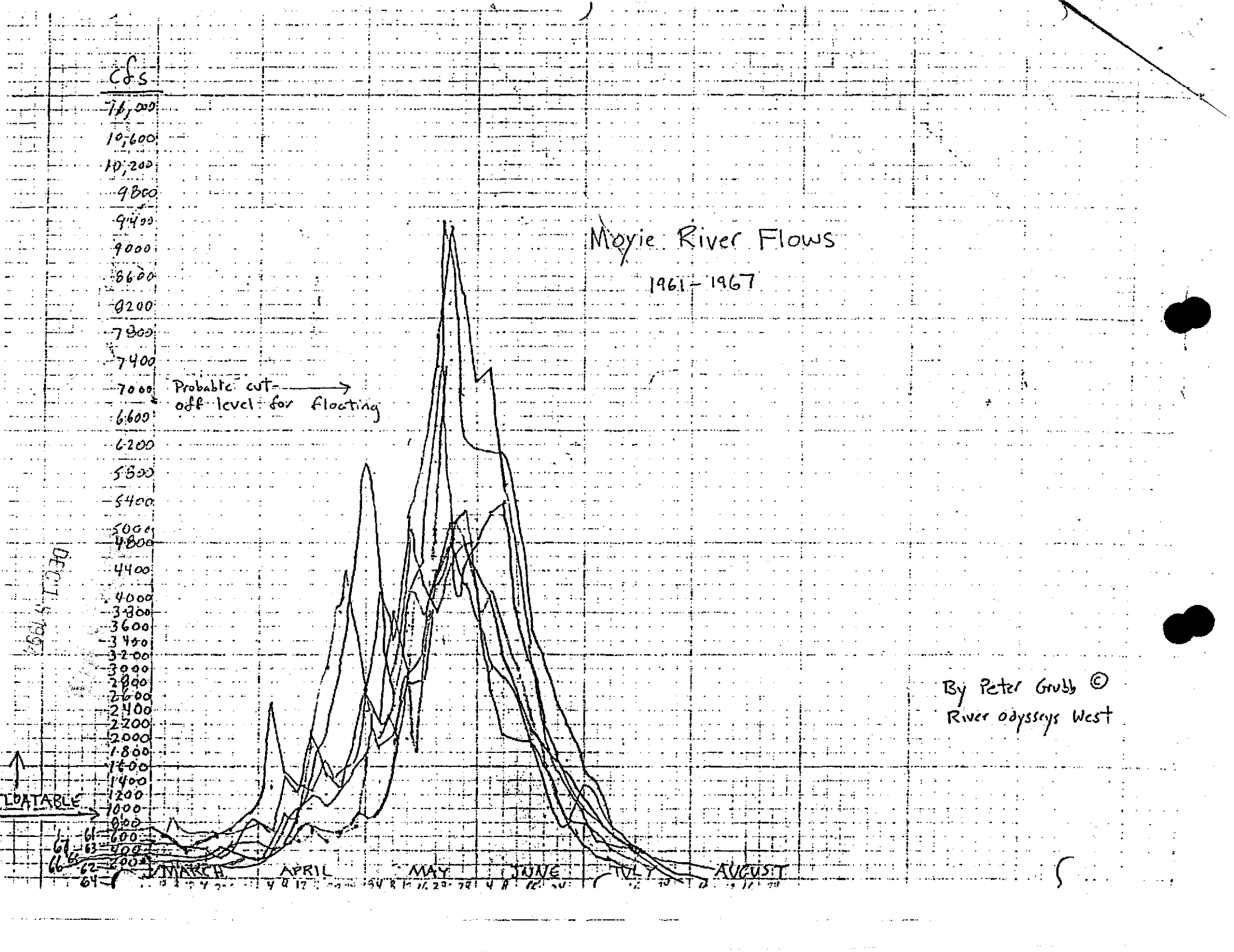
Probable cut-off level for floating

DECI 1961

LOADABLE

61-63-64
62-63-64
61-62-63-64
MARCH
APRIL
MAY
JUNE
JULY
AUGUST

By Peter Grubb ©
River odysseys West



MOYIE WATER FLOW INFORMATION

Power plant reading seems to be generally 3/10ths of a foot lower than yellow gauge stick on Bonners Ferry Municipal Dam. So, if yellow gauge reads 2.3, power plant should tell you 2'. Based on this, if you call power plant and they say river is at 1.7, then it should be runnable. We do know that it is runnable when power plant reading is 2' and gauge reading is 2.25. *(However, on 5/25/92, 9:00am N. Mertz saw gauge water level was just covering black line marked 2 ft, and the Powerplant told me 2.1)*

Power Plant Gauge Reading

	CFS
1'	309
1½'	576
2'	899
2½'	1265
3'	1680
3½'	2150
4'	2653
4½'	3198
5'	3781
5½'	4393
6'	5023
6½'	5701
7'	6413
7½'	7119
8'	7852
8½'	

In 1992, we ran it at 2.2 - pretty bony - rocks on river left immed. after Hole in the Wall are easy to get stuck on when boat full of water

From past experience we know that an unrunnable water level is around 7'. No trips should be attempted above 6' without prior scouting. If logs are frequent in river, cancel trip. Danger lies in lack of eddies and possible log jam at the old Eileen Dam.

Prepared by Peter Grubb

DEC 15 1994

Moyie River - 98-7704

Average monthly flow for the lowest flow (monthly)
gauge 2 miles upstream from the reservoir.

Average annual 885 cfs

Backwaters of the Moyie Dam Reservoir -

Cindy Robertson -

Tenant method

Poor to fair habitat - Flaws in the Tenant Method

Moyie River - personally.

Moyie fair habitat for spawning - Meadow Creek

#

Bull trout -



Mary Lucachick -

Class 2 - canoe run -

Meadow Creek to the backwaters - a

2-3 run

Higher flow - April 15 - June 30

Darrell Kirby - City Council President

Move to intervene -

Property interest - Full participant -

DEC 15 1994

Methodology - of appropriate minimum
stream flows -

Submit information - is it accurate the

City does not receive water from Moyie River -

Other municipalities who have vested interests.

Three mile water district -
Skin Creek ~~water~~ Creek water system

Moyie Springs

Relicensing - FERC work - 5 year process

< David Bodner I.C.L. Backpackers

Commend those who applied to protect.
west slope cutthrough, rainbow,
bull trout -

345 cfs - is unacceptable for
recreational uses - private river runners

900 - 1200 cfs -

149 cfs is acceptable -

350 cfs ought to be a target.

Extensive pressure

rainbow & cutthroat trout -

Plentiful below Meadow Creek Campground -

DEC 15 1994

IWRB1

MOYIE RIVER

WATER RIGHT NUMBER 98-7704

SOURCE: MOYIE RIVER

APPLICANT: IDAHO WATER RESOURCE BOARD

DATE FILED: JUNE 15, 1992

MINIMUM STREAMFLOW REACH:

**BEGINNING AT THE CONFLUENCE WITH
MEADOW CREEK IN SECTION 12, T63N, R02E,
AND EXTENDING DOWNSTREAM
APPROXIMATELY 7 MILES TO THE
BACKWATERS OF MOYIE FALLS RESERVOIR IN
SECTION 11, T62N, R02E, BOUNDARY CO.**

PERIOD OF USE: RATE OF FLOW

APRIL 1 TO JULY 31: 354 CFS

AUGUST 1 TO MARCH 31: 149 CFS

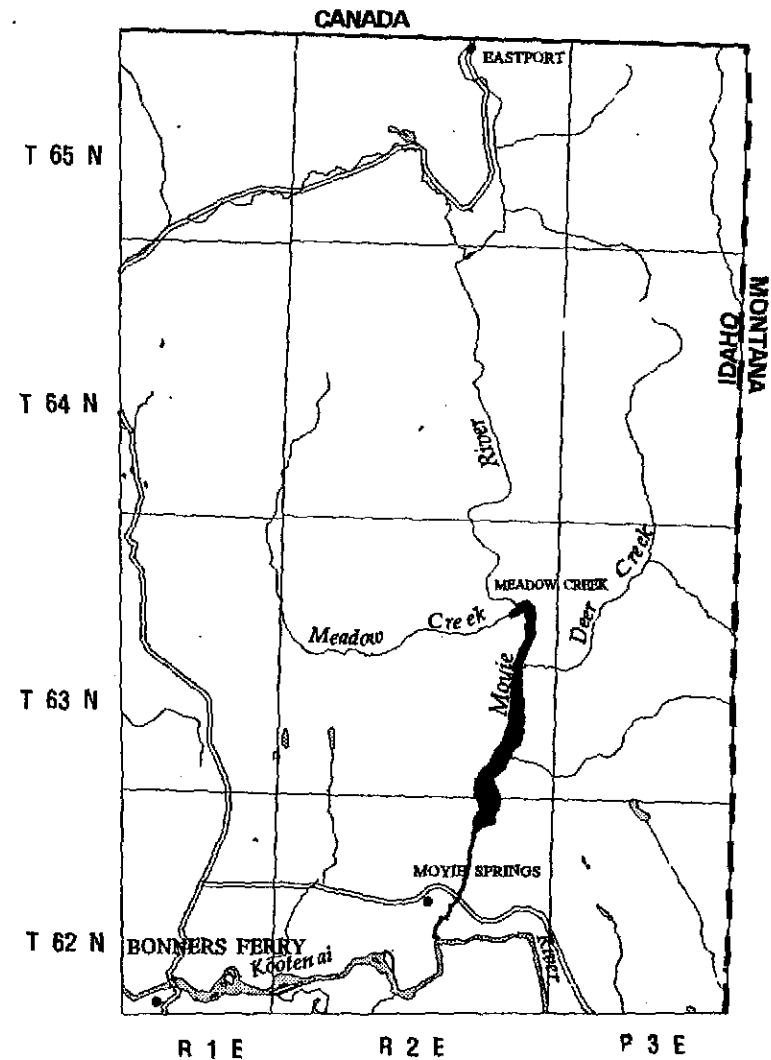
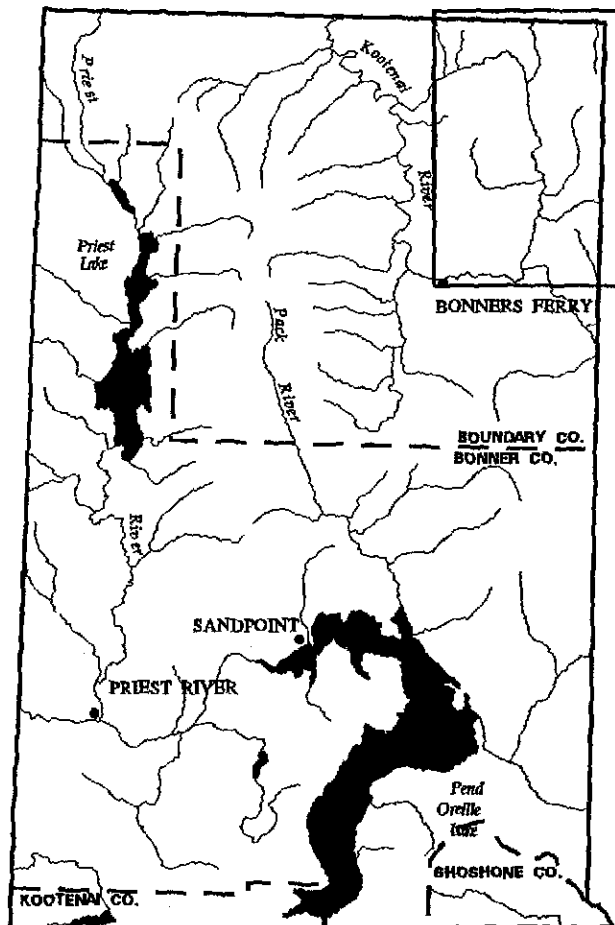
PURPOSE:

**INSTREAM FLOW FOR THE PROTECTION OF
FISH AND WILDLIFE HABITAT, AQUATIC LIFE,
AND RECREATIONAL VALUES.**

DEC 15 1994

Moyie River - Minimum Streamflow

Minimum Streamflow Reach



DEC 15 1994

IWRB2

IWRB3

WATER RIGHT SUMMARY

SOURCE LISTED AS MOYIE RIVER

**UPSTREAM OR IN THE MINIMUM STREAMFLOW
REACH**

0.55 CFS 4 RIGHTS

**ALL SOURCES EXCEPT MOYIE RIVER AND
GROUNDWATER WITHIN THE BASIN UPSTREAM OF
THE RESERVOIR**

20.57 CFS 70 RIGHTS

SOURCE LISTED AS GROUNDWATER

5.06 CFS 19 RIGHTS

APPROVED
DEC 15 1994

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = BAILEY CREEK						
9804290	BAILEY CREEK	MOYIE RIVER	02/01/28	0.220	0.00	S
NUMBER OF RIGHTS FOR BAILEY CREEK = 1				0.220	0.00	
SOURCE = BUZZARD CREEK						
9807419	BUZZARD CREEK	MOYIE RIVER	04/05/82	0.040	4.20	L
NUMBER OF RIGHTS FOR BUZZARD CREEK = 1				0.040	4.20	
SOURCE = DRY CREEK						
9807250	DRY CREEK	MOYIE RIVER	03/09/78	0.040	1.20	L
9807406	DRY CREEK	MOYIE RIVER	02/22/82	0.080	3.00	L
9807423	DRY CREEK	MOYIE RIVER	06/04/82	0.010	3.00	L
9807501	DRY CREEK	MOYIE RIVER	04/11/83	0.040	1.40	L
NUMBER OF RIGHTS FOR DRY CREEK = 4				0.170	8.60	
SOURCE = FEIST CREEK						
9804057	FEIST CREEK	MOYIE RIVER	06/01/37	0.240	0.00	S
NUMBER OF RIGHTS FOR FEIST CREEK = 1				0.240	0.00	
SOURCE = GILLON CREEK						
9802104	GILLON CREEK	ROUND PRAIRIE CREEK	11/07/58	7.500	0.00	L
9804123	GILLON CREEK	ROBINSON LAKE	09/01/33	0.060	0.00	S
NUMBER OF RIGHTS FOR GILLON CREEK = 2				7.560	0.00	

IWRB3
(A)

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = GROUNDWATER						
9804017	GROUNDWATER		09/01/68	0.040	0.00	S
9804018	GROUNDWATER		09/01/69	0.020	0.00	S
9804038	GROUNDWATER		06/01/62	4.000	0.00	S
9804066	GROUNDWATER		06/01/00	0.100	0.00	S
9804110	GROUNDWATER		08/01/78	0.020	0.00	S
9804111	GROUNDWATER		11/22/65	0.040	0.00	S
9804127	GROUNDWATER		06/01/62	0.010	0.00	S
9804275	GROUNDWATER		01/01/10	0.160	0.00	S
9807104	GROUNDWATER		01/17/74	0.020	1.20	L
9807297	GROUNDWATER		03/29/79	0.110	7.70	L
9807301	GROUNDWATER		04/09/79	0.200	4.20	L
9807313	GROUNDWATER		07/12/79	0.040	1.20	L
9807323	GROUNDWATER		07/16/80	0.040	7.20	L
9807381	GROUNDWATER		08/13/81	0.020	1.20	L
9807424	GROUNDWATER		06/04/82	0.040	2.40	L
9807504	GROUNDWATER		05/24/83	0.100	0.00	P
9807509	GROUNDWATER		05/12/83	0.040	1.20	L
9807580	GROUNDWATER		07/07/83	0.020	0.60	L
9807644	GROUNDWATER		06/28/88	0.040	1.20	L

NUMBER OF RIGHTS FOR GROUNDWATER = 19

5.060

28.10

SOURCE = KNOBLOCK SPRING

9802020	KNOBLOCK SPRING	MOYIE RIVER	07/01/18	0.330	0.00	L
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NUMBER OF RIGHTS FOR KNOBLOCK SPRING = 1

0.330

0.00

SOURCE = MC DOUGAL CREEK

9804279	MC DOUGAL CREEK	MOYIE RIVER	01/01/61	0.040	0.00	S
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NUMBER OF RIGHTS FOR MC DOUGAL CREEK = 1

0.040

0.00

DEC 15 1994

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

9802064	MEADOW CREEK	MOYIE RIVER	10/20/44	0.700	0.00	L
9802133	MEADOW CREEK	MOYIE RIVER	11/28/66	0.800	144.00	L
9804075	MEADOW CREEK	MOYIE RIVER	06/01/24	0.200	0.00	S
9807077	MEADOW CREEK	MOYIE RIVER	07/09/73	0.330	159.00	L
9807288	MEADOW CREEK	MOYIE RIVER	12/04/78	0.030	1.40	L
9807691	MEADOW CREEK	MOYIE RIVER	08/29/91	0.060	0.00	P

NUMBER OF RIGHTS FOR MEADOW CREEK = 6	2.120	304.40
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SOURCE = MILLER CREEK

9804047	MILLER CREEK	ROUND PRAIRIE CREEK	06/01/51	0.120	0.00	S
9804049	MILLER CREEK	ROUND PRAIRIE CREEK	06/01/51	0.040	0.00	S
9807114	MILLER CREEK	ROUND PRAIRIE CREEK	05/31/74	0.040	1.00	L
9807218	MILLER CREEK	ROUND PRAIRIE CREEK	09/06/77	0.040	1.20	L

NUMBER OF RIGHTS FOR MILLER CREEK = 4	0.240	2.20
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SOURCE = MOYIE RIVER

9807163	MOYIE RIVER	KOOTENAI RIVER	03/30/76	0.040	0.60	L
9807478	MOYIE RIVER	KOOTENAI RIVER	03/18/83	0.230	46.00	L
9807589	MOYIE RIVER	KOOTENAI RIVER	06/24/83	0.160	5.20	L
9807712	MOYIE RIVER	KOOTENAI RIVER	03/10/93	0.120	0.00	P

NUMBER OF RIGHTS FOR MOYIE RIVER = 4	0.550	51.80
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SOURCE = PLACER CREEK

9802096	PLACER CREEK	MAGIC CREEK	01/29/51	0.860	0.00	L
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NUMBER OF RIGHTS FOR PLACER CREEK = 1	0.860	0.00
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DEC 15 1994
466 5 1 037

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = POND						
9807641	POND	MOYIE RIVER	05/13/88	0.040	0.00	P
NUMBER OF RIGHTS FOR POND = 1				0.040	0.00	
SOURCE = ROUND PRAIRIE CREEK						
9802115	ROUND PRAIRIE CREEK	MOYIE RIVER	11/24/63	0.360	175.00	L
9802137	ROUND PRAIRIE CREEK	MOYIE RIVER	02/22/48	0.000	10.00	L
9804012	ROUND PRAIRIE CREEK	MOYIE RIVER	06/01/10	0.030	0.00	S
9804035	ROUND PRAIRIE CREEK	MOYIE RIVER	07/01/68	0.050	0.00	S
9804037	ROUND PRAIRIE CREEK	MOYIE RIVER	06/01/60	0.010	0.00	S
9804039	ROUND PRAIRIE CREEK	MOYIE RIVER	06/01/69	0.030	0.00	S
9804041	ROUND PRAIRIE CREEK	MOYIE RIVER	06/01/67	0.020	0.00	S
9804048	ROUND PRAIRIE CREEK	MOYIE RIVER	05/01/71	0.020	0.00	S
9804058	ROUND PRAIRIE CREEK	MOYIE RIVER	06/01/50	0.040	0.00	S
9807151	ROUND PRAIRIE CREEK	MOYIE RIVER	08/27/75	0.100	48.10	L
NUMBER OF RIGHTS FOR ROUND PRAIRIE CREEK = 10				0.660	233.10	
SOURCE = RUTLEDGE CREEK						
9802021	RUTLEDGE CREEK	MOYIE RIVER	10/25/18	0.500	0.00	L
NUMBER OF RIGHTS FOR RUTLEDGE CREEK = 1				0.500	0.00	
SOURCE = SKIN CREEK						
9802128	SKIN CREEK	MOYIE RIVER	04/11/66	0.060	30.00	L
NUMBER OF RIGHTS FOR SKIN CREEK = 1				0.060	30.00	
SOURCE = SNYDER CREEK						
9802010	SNYDER CREEK	MOYIE RIVER	02/01/10	2.800	0.00	L

DO NOT
15 1994

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
9804124	SNYDER CREEK	MOYIE RIVER	01/01/90	0.060	0.00	S
9807078	SNYDER CREEK	MOYIE RIVER	07/06/73	0.300	48.10	L

NUMBER OF RIGHTS FOR SNYDER CREEK = 3

3.160 48.10

SOURCE = SPRING

9804004	SPRING	ROUND PRAIRIE CREEK	06/01/56	0.020	0.00	S
9804036	SPRING		06/01/41	0.020	0.00	S
9804054	SPRING	SINKS	06/01/35	0.040	0.00	S
9804107	SPRING		09/07/40	0.040	0.00	S
9804114	SPRING	SINKS	02/01/28	0.240	0.00	S
9804116	SPRING	ROUND PRAIRIE CREEK	07/15/56	0.010	0.00	S
9804222	SPRING	BARN CREEK	01/01/01	0.060	0.00	S
9804272	SPRING	SINKS	01/01/35	0.100	0.00	S
9804291	SPRING	ROUND PRAIRIE CREEK	08/10/66	0.080	0.00	S
9807032	SPRING	SINKS	11/05/70	0.060	2.60	L
9807098	SPRING	MOYIE RIVER	11/09/73	0.030	0.60	L
9807193	SPRING	MOYIE RIVER	04/01/78	0.040	1.20	L
9807224	SPRING		10/11/77	0.020	1.20	L
9807236	SPRING	MOYIE RIVER	12/11/77	0.040	1.20	L
9807339	SPRING	SINKS	09/02/80	0.010	1.20	L
9807368	SPRING	SINKS	03/18/81	0.070	4.60	L
9807449	SPRING	SNYDER CREEK	02/07/83	0.040	0.60	L
9807473	SPRING	SINKS	03/12/83	0.040	1.40	L
9807676	SPRING	SINKS	08/23/90	0.040	0.00	P
9807683	SPRING	SINKS	10/23/90	0.010	0.00	P

NUMBER OF RIGHTS FOR SPRING = 20

1.010 14.60

SOURCE = SPRUCE CREEK

9807544	SPRUCE CREEK	MOYIE RIVER	05/24/83	0.060	6.80	L
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NUMBER OF RIGHTS FOR SPRUCE CREEK = 1

0.060 6.80

DEC 15 1994

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = TEMPLEMAN LAKE						
9804273	TEMPLEMAN LAKE	MEADOW CREEK	01/01/50	0.580	0.00	S
NUMBER OF RIGHTS FOR TEMPLEMAN LAKE = 1				0.580	0.00	
SOURCE = UNNAMED DRAIN						
9804276	UNNAMED DRAIN	DAWSON LAKE	01/01/43	0.160	0.00	S
NUMBER OF RIGHTS FOR UNNAMED DRAIN = 1				0.160	0.00	
SOURCE = UNNAMED LAKE						
9807324	UNNAMED LAKE		01/07/80	0.040	6.00	L
NUMBER OF RIGHTS FOR UNNAMED LAKE = 1				0.040	6.00	
SOURCE = UNNAMED STREAM						
9802129	UNNAMED STREAM	ROBINSON LAKE	05/19/66	0.020	0.73	L
9807027	UNNAMED STREAM	MOYIE RIVER	07/29/70	0.080	7.30	L
9807028	UNNAMED STREAM	ROBINSON LAKE	08/21/70	0.020	0.60	L
9807033	UNNAMED STREAM	ROUND PRAIRIE CREEK	11/19/70	0.070	0.97	L
9807053	UNNAMED STREAM	SKIN CREEK	05/19/72	1.940	291.70	L
9807159	UNNAMED STREAM	MOYIE RIVER	02/11/76	0.270	65.90	L
9807446	UNNAMED STREAM	SPRUCE CREEK	03/13/83	0.040	1.60	L
9807447	UNNAMED STREAM	SPRUCE CREEK	03/13/83	0.040	1.60	L
NUMBER OF RIGHTS FOR UNNAMED STREAM = 8				2.480	370.40	
NUMBER OF RIGHTS = 93				26.180	1108.30	

DEC 15 1994

IWRB4

IN DEFENSE OF IDAHO'S WATER

A Report to Governor Cecil D. Andrus

September 1991

DEC 15 1994

IN DEFENSE OF IDAHO'S WATER

A Report to Governor Cecil D. Andrus

Prepared by

**Ray Rigby
John Rosholt
Scott Reed
A. Kenneth Dunn
Brian Donesley
Reed Hansen
Gene Gray
J. D. Williams
R. Keith Higginson**

September 1991

DEC 15 1994

Recommendations

1) The Group recommends that the state continue to participate in discussions of the issue of potential endangered species listing for salmon with other entities in the Northwest. Our effort should be geared toward reaching the goal of fishable salmon in Idaho while protecting the ability of the state to utilize its water resources for multiple purposes. It is noted that the legislature approved some funding through the Governor's office to allow the various state agencies to participate in these regional water and fishery discussions. Idaho needs to aggressively assert its position that the problem of survival of the salmon in the Snake River basin will not be resolved by placing the burden upon the state of Idaho and its citizens.

2) The state needs a coordinated effort through the Governor's office to respond to the other activities in the region which will impact on Idaho's water resources. These include those items listed in the early part of this section. It will particularly be important that the state influence the decisions made in relicensing the power projects of the Idaho Power Company in Hells Canyon and elsewhere along the Snake River to assure that the benefits gained from prior license conditions and the Swan Falls Agreement are not lost.

Summary

The Water Defense Group has been pleased to respond to Governor Andrus' request that it consider and make recommendations of actions which need to be taken to protect Idaho's valuable water resources. We hope that this paper which has discussed the issues originally presently to the Group by the Governor will be helpful to officials of the state whose responsibility it is to represent Idaho and her interests.

We have recommended the following:

1) Idaho should place a great deal more emphasis and effort (financial and staff) into comprehensive water resources planning which considers the present and potential future uses of Idaho's water. This would demonstrate the need of conserving the resource for future use within the state. It should be Idaho's goal to have in place a completed and approved comprehensive water plan for at least two-thirds of the state's river basins by the year 2000. Particular attention and priority should be given to those streams which potentially could be threatened for water export. Under Section 10 of the FPA, FERC is required to consider state comprehensive water plans in its licensing decisions. Since FERC does little or no comprehensive planning, a well-crafted state water plan should provide the record necessary for the state to successfully argue for water uses consistent with the state long term needs. Additionally, under section 210 of the Public Utility Regulatory Policies Act of 1978, PURPA benefits cannot be extended by FERC to a hydroelectric project on

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any segment of a natural watercourse designated by the state as a natural or recreational river.

2) The Governor should consider recommending to the Legislature the appropriation in trust of a portion of the unappropriated waters of streams in north Idaho to preserve the flows required to protect instream values. The Departments of Water Resources, Fish and Game and Parks and Recreation should be asked to study these northern streams and recommend the quantities to be preserved in this manner to protect these uses.

3) The Water Defense Group recommends that the State of Idaho support the legislation drafted by the Idaho Department of Water Resources and the Idaho Attorney General's Office and introduced in the House of Representatives by Rep. Richard Stallings and Rep. Larry LaRocco as H.R. 649 and in the Senate by Senator Craig and Senator Symms as S. 106 to correct the Supreme Court's misinterpretation of the FPA. The bill clarifies that the FPA is not intended to preempt state authority to regulate the use of water by hydropower facilities.

4) There should be a central clearing house for state agency comments to the FERC. Although state agencies have attempted to some extent to coordinate their comments in FERC proceedings, a formal process for participation in the process would enhance the state's ability to influence the FERC decision-making process and to avoid conflicting state positions.

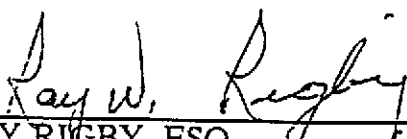
5) Minimum flow water rights should be established for all river reaches in Idaho as expeditiously as practical. These minimum flows will serve as a means of ensuring that FERC-established conditions recognize and protect other state interests.

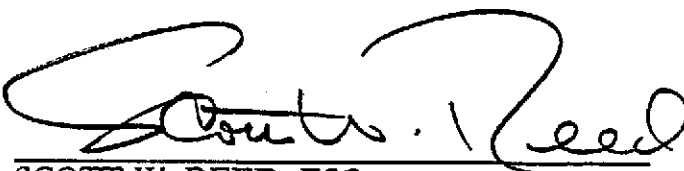
6) The state should continue to discuss with other entities in the Northwest the issues of listing salmon stocks as endangered species. It will also be important for the state to continue participating in efforts to recover declining salmon stocks to insure that the state's interests in both its anadromous fisheries and water resources are protected.

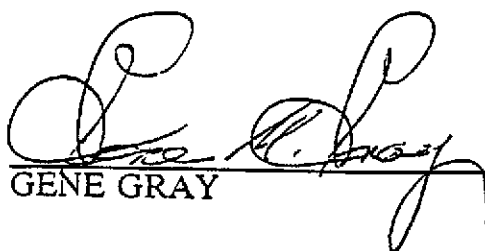
7) The state needs a coordinated effort through the Governor's office to respond to all activities in the region and state which will impact on Idaho's water resources. For example, it will particularly be important for the state to participate in the FERC relicensing process for hydropower projects along the Snake River to assure that the state's right to regulate its water resources is protected.

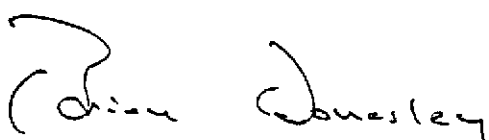
DEC 15 1984

The foregoing report and recommendations are respectfully submitted to Governor Cecil D. Andrus by the members of his appointed Water Defense Group.


RAY RIGBY, ESQ.

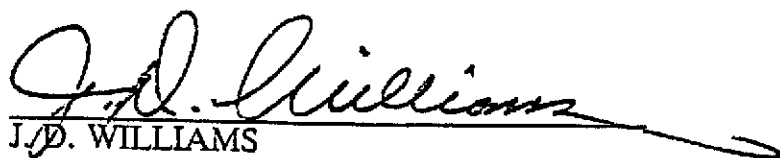

SCOTT W. REED, ESQ.

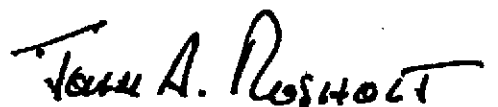

GENE GRAY

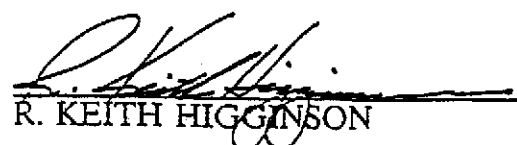

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DEC 15 1994

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Department of Water Resources

INSTREAM FLOW REGIMENS
FOR
FISH, WILDLIFE, RECREATION
AND
RELATED ENVIRONMENTAL RESOURCES

DIRECTOR	
ADMINISTRATIVE	

[Handwritten initials]

By

DONALD L. TENNANT
U.S. FISH AND WILDLIFE SERVICE
711 CENTRAL AVENUE
BILLINGS, MONTANA 59102

1975

ST. WATER PLG. BUREAU		
✓	Snake River	<i>[Signature]</i>
✓	Bear	<i>[Signature]</i>
✓	Panhandle	<i>[Signature]</i>
✓	RBPU	<i>[Signature]</i>
	File:	

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ACKNOWLEDGEMENT

*Dedicated to all the scientists who helped develop the
"Montana Method" for prescribing instream flows to protect
our natural, free-flowing aquatic environment.*

*May this work serve them and their colleagues well in
future efforts to preserve and enhance this vital resource.*

D. L. Tennant

DEC 15 1984

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INTRODUCTION

Natural, free-flowing streams are one of the world's most beautiful and valuable resources. Before the coming of Christ, the Roman Emperor Justinian said: "By the law of nature certain things are common property; for example, the air, running water, and the sea." America's late Senator Norris said: "The streams that are flowing downhill were given us by a creator. They do not belong to any special interest or to any individual. They belong to the people and ought to be utilized for the benefit of all of them."

Few streams in the United States have escaped degradation from altered flows by some kind of man-made, "water development" project. Some recognition is finally being given to instream flow regimens to protect the natural environment. Scientists from many disciplines are seeking reliable, practical methods for determining streamflow requirements to protect fishes, waterfowl, furbearers, reptiles, amphibians, mollusks, aquatic invertebrates, and related life forms from all the various people competing for our Nation's water.

With the help of several hydrologists and many state and federal biologists, I have developed a quick, easy method for determining[?] flows to protect the aquatic resources, in both warmwater and cold-water streams. This methodology evolved over the past 17 years from my work on hundreds of streams in the states north of the Mason-Dixon Line between the Atlantic Ocean and the Rocky Mountains. My work has been cited in a score of publications and is best known as the "Montana Method."

ABSTRACT

Describes the "Montana Method," a quick, easy methodology for determining flows to protect the aquatic resources in both warm-water and coldwater streams based on their average flow. With this method, biologists do their analysis with the aid of hydrological data provided by the U.S. Geological Survey. Detailed field studies were conducted on 11 streams in 3 states between 1964 and 1974, testing the "Montana Method." This work involved physical, chemical, and biological analyses of 38 different flows at 58 cross-sections on 196 stream-miles, affecting both coldwater and warmwater fisheries. Reports or publications on 6 study streams are available. Numerous black and white photos and 35 mm. slides were taken of all the flow stages studied at each cross-section. The studies were all planned, conducted, and analyzed with the help of state fisheries biologists. Results reveal that the condition of the aquatic habitat is remarkably similar on most of the streams carrying the same portion of the average flow. Similar analyses of hundreds of additional flow regimens near U.S.G.S. gages in 21 different states during the past 17 years substantiated this correlation on a wide variety of streams. Running waters studied ranged from small precipitous brooks high in the Rocky Mountains to large, low-gradient rivers and streams out on the prairies of mid-America or along the coastal plains. Results are consistent from stream to stream or state to state, and it is impossible to get a zero flow recommendation using this method. Ten percent (10%) of the average flow is a minimum instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms. Thirty percent (30%) of the average flow is recommended as a base flow to sustain good survival habitat for most aquatic life forms. Sixty percent (60%) of the average flow is recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses. Thirty pages illustrated with tables, graphs, and photos.

APPROVED

DEC 15 1984

METHOD

The Montana Method is so brief it can be typed on a 3" x 5" card. It can be applied rapidly to many segments of thousands of streams by referring to Table 1 of this paper and surface water records of the U.S. Geological Survey (U.S.G.S.). 1/

The following intensive use of this method will produce a factual, conclusive, streamflow study on any stream. First, determine the average annual flow of the stream at the location(s) of interest (listed as AVERAGE DISCHARGE by U.S.G.S. and hereinafter called average flow). If the average flow isn't published by the U.S.G.S., they can quickly calculate it for you. Visit the stream and observe, photograph, sample, and study flow regimens approximating 10%, 30%, and 60% of the average flow. Other flows can be studied, but these three regimens will cover a flow range from about the minimum to near the maximum that can normally be justified and recommended to protect the natural environment on most streams (fig. 1).

If the flow is not controlled, study U.S.G.S. records for flow patterns, then go to the field and check their gage(s) until you can view and study natural flows approximating 10%, 30%, and 60% of the average flow.

If flows are controlled, begin by having the highest flow you wish to study released first, then regulate so that each succeeding lower flow will begin the following midnight. Photos taken early the next morning

1/ Water Resources Data for (name of state), Part. 1. Surface Water Records, United States Department of the Interior, Geological Survey.

Table 1

Instream Flow Regimens for Fish, Wildlife, Recreation and Related
Environmental Resources

Narrative Description of Flows ^{1/}	Fisheries Classification ^{2/}	Recommended Base Flow Regimens	
		Oct.-Mar.	: Apr.-Sept.
Flushing or Maximum	--	200% of the average flow ^{3/}	
Optimum Range	--	60%-100% of the average flow ^{4/}	
Outstanding	I	40%	60%
Excellent	II	30%	50%
Good	III	20%	40%
Fair or Degrading	IV	10%	30%
Poor or Minimum	--	10%	10%
Severe Degradation	--	10% of average flow to zero flow	

^{1/}Most appropriate description of the general condition of the streamflow for all the parameters listed in the title of this paper.

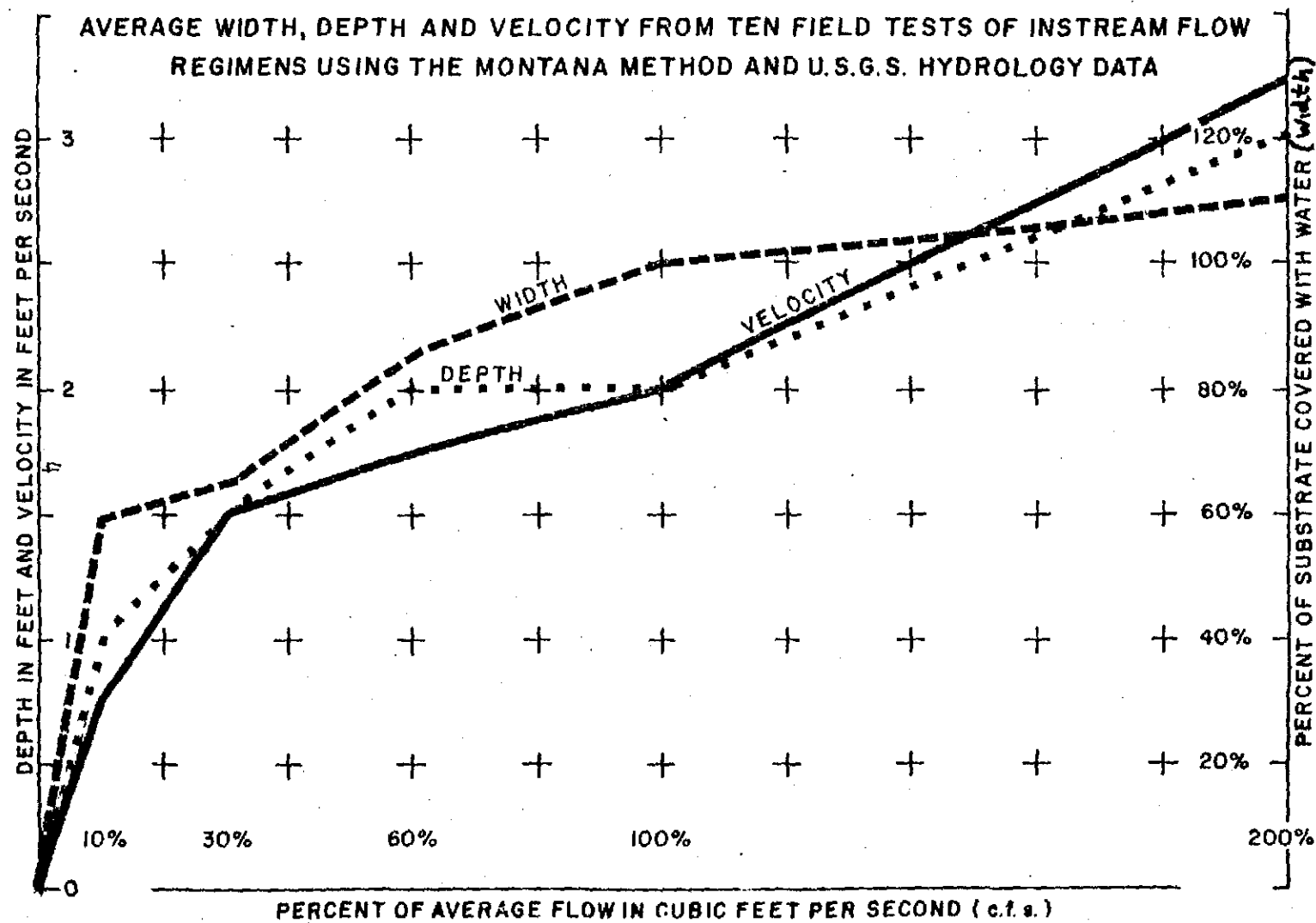
^{2/}Roman numeral ratings for Fisheries Classification Systems like those developed for the States of Idaho, Montana, West Virginia, Wyoming, and the Delaware River Basin Comprehensive Study by the U.S. Fish and Wildlife Service. ^{5, 11, 14, 19, 26} The base flow regimens outlined above in columns 3 and 4 to maintain the respective designated classes, are judged to be as reliable and valid as the classification systems themselves. These recommended flows generally apply very well to both cold and warm water streams. Regimens should be reversed or altered to fit different hydrologic cycles, like the Salmonid streams on the West Coast, or to favor species like the fall spawning brown trout. Flows may be refined further by specifically matching them to vital periods of the life cycle of fishes, like migration, spawning, incubation, growth, etc. Use of the Montana Method on spring creeks or streams that have a very uniform flow year-around may provide unprecedented low-flow regimens at the minimum or base flow levels.

^{3/}The average flow will usually fill the active stream channel approximately 1/3 full or to the line of permanent terrestrial vegetation, while 3 times the average flow will often fill the active channel approximately to the point of spilling out on the first bench of the flood plain.¹⁵ Twice the average flow will produce effective depths and velocities within the stream channel for moving silt, sediment and other bed load material without doing extensive damage to the banks and riparian vegetation. Twice the average flow is a good maximum flow recommendation as well as a good flushing flow (Fig. 1).

^{4/}Optimum is a nebulous term; however, this flow range covers that definition best for all the parameters of this paper collectively.

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FIG. 1



will reveal the difference in exposed substrate or wetted perimeter (fig. 2). This is photographic "regression analysis." An 8 - 10 hour interval will normally be sufficient to negate any appreciable differences in flow levels due to bank storage.

Pictures may be the best data you will collect for selling your recommendations to the general public, administrators of construction agencies managing water development projects, and judges or juries adjudicating water laws. Black and white photographs and 35 mm. slides of key habitat types (e.g., riffles, runs, pools, islands and bars) from elevated vantage points like bridges and high stream banks will give results superior to ground level shots or photos from aircraft high above the stream. Record appropriate, vital information on all photographs and slides as soon as they are received.

U.S.G.S. monthly measurements cover a variety of flows at most of their stream gage or cable crossings. Obtain cross-sectional data on width, depth, and velocity measurements from the local U.S.G.S. field office for flow regimens under study. Use this information to plot and compare water widths, depths, and velocities to known requirements for aquatic resources. U.S.G.S. will make specific cross-sectional measurements of width, depth, and velocity at any point on a stream for a reasonable fee. With the proper experience, equipment, and plenty of time, others can make the necessary cross-sectional measurements. Study both the average daily streamflow regimen tables and previous historic low-flow data published by U.S.G.S. to learn the base flow patterns of the climatic year and help determine and justify your final recommendations.

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Fig. 2



Missouri River below Holter Dam, Montana, showing differences between flows of 3,000 cfs (55% of the average flow) and 2,000 cfs (37% of the average flow). The vertical drop was 7 inches. Flows reduced about midnight will clearly reveal differences in wetted substrate when photographed the next morning (photographic "regression analysis").

MRBS Photo #9000
by Don Tennant 6/10/70

Recommend the most appropriate and reasonable flow(s) that can be justified to provide protection and habitat for all aquatic resources.

RESULTS

Detailed field studies were conducted on 11 streams in 3 states between 1964 and 1974 testing the Montana Method (Table 2). This work involved physical, chemical, and biological analyses of 38 different flows at 58 cross-sections on 196 stream miles, affecting both coldwater and warmwater fisheries. Reports or publications on 6 study streams are available as indicated in Table 2. Numerous black and white photos and 35 mm. slides were taken of all the flow stages studied at each cross-section. The studies were all planned, conducted, and analyzed with the help of state fisheries biologists. These studies reveal that the condition of the aquatic habitat is remarkably similar on most streams carrying the same portion of the average flow.

Width, depth, and velocity are physical instream flow parameters vital to the well-being of aquatic organisms and their habitat. Sixteen-hundred measurements of these parameters for 48 different flows on 10 of the streams cited in Table 2 show that they all increase with flow and that changes are much greater at the lower levels of flow (fig.1). Width, depth, and velocity all changed more rapidly from no flow to a flow of 10% of the average, than at any point thereafter. Ten percent (10%) of the average flow covered 60% of the substrates, depths averaged 1 foot, and velocities averaged 3/4 foot per second. Studies show that these are critical points or the lower limits for

Table 2

DETAILED STUDIES OF INSTREAM FLOW REGIMENS USING THE MONTANA METHOD

Name of Stream	State	Date	Miles Studied	Number of Stations	Different Flows	Parameters Studied (1)	Type of Fishery (2)	Reference
Republican R.	Nebraska	1964	40	3	4	W,D,V,S,B,C,T,F	WW	25
Wind-Bighorn R.	Wyoming	1968	50	10	3	W,D,S,B,C,T,F	CW & WW	24
Marias R.	Montana	1968	67	9	3	W,D,V,S,B,C,T,F	CW & WW	
Missouri R.	Montana	1970	15	8	4	W,D,V,S,B,C,I,F	CW & WW	
Blacks Fork R.	Wyoming	1971	16	4	3	W,D,V,S,C,I	CW	31
Shoshone Creek	Wyoming	1971	1	2	9	W,D,V,S,B,C,F	CW	
Ruby R.	Montana	1971	1	4	3	W,D,V,S,B,C,F	CW	10
W. Fk. Bitterroot	Montana	1971	1	5	3	W,D,V,S,B,C,F	CW	10
W. Rosebud R.	Montana	1971	3	3	4	W,D,V,S,B,C,F	CW	10
N. Platte R.	Wyoming	1974	2	10	2	W,D,V,S,B,C,F	CW & WW	
Totals			196	58	38			

∞

(1) Parameters Studied -- W=Width, D=Depth, V=Velocity, S=Substrate & Sidechannels, B=Bars & Islands, C=Cover
M=Migration, T=Temperature, I=Invertebrates, F=Fishing & Floating, E=Esthetics & Natural Beauty

(2) Type Fishery -- WW=Warmwater, CW=Coldwater

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the well-being of many aquatic organisms, particularly fishes. This substantiates the conclusion that this is the area of most severe degradation or that 10% is a minimum short-term survival flow at best. Flows from 30% to 100% of average result in a gain of 40% for wetted substrate, average depth increases from 1½ to 2 feet, and average velocities rise from 1½ to 2 feet per second. These are within good to optimum ranges for aquatic organisms, however, it requires 3 to 10 times the amount of water needed for a short-term minimum or good base flow, and gains or benefit-cost ratios may become questionable. Increasing flow from 100% of average to 200% of average (doubled) only increases average wetted substrate by 10%, average depth increases from 2 to 3 feet, and average velocity rises from 2 to 3½ feet per second. Velocities averaging 3½ feet per second are probably too high for the general well-being of most aquatic organisms but good for moving sediment, bedload, and white water boating. In all 11 field tests of the Montana Method, water depth appeared adequate for aquatic organisms whenever velocities were satisfactory.

Analyses of hundreds of additional flow regimens near U.S.G.S. gages in 21 different states during the past 17 years substantiate these correlations between similar flows on a wide variety of streams. Running waters studied ranged from small precipitous brooks high in the Rocky Mountains, to large, low-gradient rivers out on the prairies of mid-America and streams along the coastal plains. This phenomenon of nature is documented with hundreds of black and white photographs and 35 mm. slides that are registered and filed with the U.S. Fish and Wildlife Service (FWS) in Billings, Montana; Grand Island, Nebraska; and Denver, Colorado.

The average flow of a stream (or any given portion or percent of the average flow) is a composite manifestation of the size of the drainage area, geomorphology, climate, vegetation, and land use. These relationships have also been evaluated and reported by other biologists and hydrologists. 8, 13, 15, 16, 18, 29, 31

Use of the Montana Method has produced over 100 separate streamflow recommendations to protect fish, wildlife, and environmental resources in more than 70 reports issued by the FWS.²⁰ The recommendations were made with the aid of district fishery biologists from 11 different states, endorsed by both the Directors of their state Fish and Game Departments and the Director of the FWS and generally accepted by various construction agencies. This work occurred on at least 30 warmwater streams and 70 coldwater streams.

Many of our recommendations were not adopted, since providing streamflow for fish, wildlife, and environmental preservation or enhancement is not a legal beneficial use of water in most of the country, especially the 17 western states.⁹ Administrators managing water development projects have generally been willing to regulate flow regimens for instream flow studies and provide minimum flows necessary to protect these resources when there is plenty of water. However, these resources are the first to suffer when water is short. 6, 9, 24, 25, 27

In 1970, the project managers of the U.S. Bureau of Reclamation, U.S. Corps of Engineers, and the Montana Power Company were requested to identify the minimum flows that they recognized solely for the

n- protection of fish, wildlife, and the aquatic environment, downstream from dams under their jurisdiction.²¹ These agencies control the operation of 23 major dams in Montana and Wyoming. Table 3 compares their replies to previous FWS recommendations and mean and minimum flows of record.

The agencies reported minimum flows for fish, wildlife, and environmental protection which ranged from zero (four instances) to 38% of the average flow. The 38% flow was the result of fish and wildlife interests getting 500 cubic feet per second (cfs) released below Kortes Dam on the North Platte River in Wyoming. Congress reauthorized the operation of that project, which took about 10 years and is the only known accomplishment of its kind in the U.S.A.

Twelve of the 21 flows accepted by the agencies were less than 10% of the average flow of record, which is inadequate to sustain the normal life cycles of either warmwater or salmonid fishes.

Federal and state biologists analyzed flows and made flow recommendations on 12 of the streams involved. However, flows accepted by the agencies agreed with these recommendations in only 3 instances.

In 10 of 20 cases, the minimum natural inflow of record to the regulating reservoir exceeded their recognized release for the conservation of fish, wildlife, and the aquatic environment downstream below the dams. All flow recommendations should stipulate that outflow from dams should at least equal inflow when managing agencies cannot release the flow regimens requested to protect the environment. Project

Table 3
Minimum Instantaneous Flows for Fish, Wildlife, and Aquatic Environment Below Dams
in the Missouri River Basin in Montana and Wyoming - 1970

Dam & Agency	Minimum Flow for Fish Recognized by Construction Agency	% of Mean Flow	Mean Flow of Record	FWS Recom- mended Min. Flow	% of Mean Flow	Minimum Reservoir Inflow or Natural Flow of Record
Seminole ^{1/} (BR)	---		1279 cfs			70 cfs
Kortes (BR)	500 cfs	38%	1300 cfs	500 cfs	38%	70 cfs
Pathfinder (BR)	0 cfs	0%	1423 cfs			70 cfs
Alcova ^{2/} (BR)	---		1500 cfs			70 cfs
Gray Reef (BR)	330 cfs	22%	1500 cfs	330 cfs	22%	70 cfs
Glendo (BR)	0 cfs	0%	1680 cfs			170 cfs
Guernsey (BR)	0 cfs	0%	1710 cfs			170 cfs
Boysen (BR)	100 cfs	7%	1350 cfs	250-400 cfs	19-30%	42 cfs
Buffalo Bill (BR)	15 cfs	1%	1256 cfs	350 cfs	28%	41 cfs
Heart Mountain (BR)	200 cfs	16%	1256 cfs	350 cfs	28%	41 cfs
Yellowtail (BR)	1000 cfs	29%	3500 cfs	1000 cfs	29%	179 cfs
Clark Canyon (BR)	25 cfs	8%	324 cfs	250 cfs	77%	69 cfs
Barretts Div. (BR)	25 cfs	6%	405 cfs	200 cfs	29%	69 cfs
Hebgen (MP)	50 cfs	5%	969 cfs	400 cfs	41%	200 cfs
Ennis (MP)	200 cfs	12%	1675 cfs			275 cfs
Holter (MP)	1000 cfs	19%	5289 cfs	2000 cfs	38%	747 cfs
Moroney (MP)	1500 cfs	20%	7362 cfs			1760 cfs
Ft. Peck (CE)	3000 cfs	32%	9292 cfs			1120 cfs
Gibson (BR)	50 cfs	6%	850 cfs	270 cfs	32%	60 cfs
Sun River Div. (BR)	100 cfs	12%	852 cfs	270 cfs	32%	47 cfs
Sherburne (BR)	0 cfs	0%	200 cfs			0 cfs
St. Mary's Div. ^{3/} (BR)	25 cfs	3%	790 cfs			16 cfs
Fresno (BR)	25 cfs	6%	430 cfs			0 cfs
Tiber (BR)	100 cfs	11%	880 cfs	250 cfs	28%	10 cfs

^{1/} Outflow directly into Kortes

^{2/} Outflow directly into Gray Reef

^{3/} A Canal to Milk River - Canada

managers often reminded us that there were no legal requirements for providing any water specifically for the conservation or enhancement of fish, wildlife, and environmental resources. Water agencies "sell" their projects by declaring that their operation will moderate the extreme high and low flows that occur naturally. Just the opposite was true on $\frac{1}{2}$ of these projects. Our analysis did not include scores of existing, smaller projects under the programs of the U.S. Forest Service and the U.S. Soil Conservation Service, most of which did not recognize or provide any minimum flows for fish, wildlife, or the environment.

The Montana Method has been used by the FWS while conducting major comprehensive type studies that required quick, consistent streamflow recommendations for fish, wildlife, and the aquatic environment on numerous streams, covering extensive geographic areas.^{1, 2, 3, 4, 28} It has also been very useful for prescribing streamflows on large rivers where data are difficult to obtain using other procedures.

The Montana Method has virtues other than being quick and easy to use. It assures consistency from stream to stream or state to state. You always know the portion of the total streamflow requested and will never get a zero flow recommendation like some other methods produce (e.g., use of 7-day or 3-day minimum or historic minimum flow criteria). In 1970, I evaluated 7-day minimum flow criteria input for the Upper Missouri, Yellowstone, Kansas, and Platte-Niobrara Sub-Basins of the Missouri River Basin Comprehensive Study. I found that these criteria resulted in zero flow in 86 of 305 instances, or about 28% of the time.²²

In 236 of 305 cases (77%), the 7-day minimum flow was less than 10% of the average flow, which I consider in the range of severe degradation for most elements of the aquatic environment. Criteria for 3-day minimum flows would be worse yet, and recommending the meager, alltime, historic minimum flow would be unthinkable. That would be like prescribing a person's alltime worst health condition as a recommended level for a portion of his future well-being.

Avoid recommending vacillating flow regimens specifically for fishes coincidental with monthly (m.a.f.) or daily (d.a.f.) average flows because there are too many unknown, degrading effects on the life cycles of many other organisms in the aquatic environment and other uses of water to justify frequent ebb and flow changes in most streams. Quarterly variations in flow regimens might approximate climatic hydrology and be appropriate. The Montana Method can easily be modified to suit the individual convictions of any biologist or the monthly or daily hydrological variations of any given stream. I usually recommend variation in flow regimens for 6-month periods (e.g., columns 3 and 4 of Table 1) that mimic nature and coincide most naturally with the so-called climatic year used by the U.S.G.S. and the U.S. National Weather Service. This offers the following distinct advantages:¹² a) Stages of ground water are more nearly uniform on October 1 in most inland sections of the United States than on any other date, leading in general to fairly reliable comparisons of annual rainfall-runoff relations because of the relatively small errors due to annual differences in the ground-water table on that date; b) In the arid and semi-arid parts of the country, September 30 usually marks the end of the irrigation season and in humid regions

on it approximates the end of the growing season; c) There is a minimum probable error due to the effect of ice in the records of winter flow if the discharge for the winter period (November to April) is computed together at one time; d) The winter or base flow period coincides with reduced metabolic functions and decreased demands for vital life elements by most aquatic organisms (e.g., oxygen, food, removal of waste products, and increased tolerance to pollution); e) A low flow winter period matches the downstream migration habits of many fishes (warmwater and coldwater), when they travel to deeper more permanent water to spend the winter. This is also the spawning and incubation season for most salmonids, when they naturally seek less water by moving into headwater or tributary streams and onto redds in shoal or shallow riffle areas; and f) Higher summer flow regimens provided by this method coincide with the frost-free, recreation season and the major growth period for most aquatic plants and animals, when their requirements for dissolved gases, space, food, and removal of septic waste products are naturally higher (the attendant increased width, depth, and velocities in the stream all serve to enhance the availability of elements vital to these recreation uses and critical life functions). These phenomena may be seasonally reversed for anadromous fishes using the coastal streams of Alaska, the Canadian Provinces, and our west coast states and flow regimens should be adjusted accordingly.

Using the Montana Method, it is easy to adjust to above or below normal water years and maintain stream flows that are appropriate portions of monthly, quarterly, or annual instream supplies of water. This helps fish, wildlife, and aquatic resources share surpluses and

portages of water equitably with other users.

With the Montana Method, U.S.G.S measures the hydraulic characteristics of the stream and biologists interpret the biological response. This saves considerable precious time that biologists can use on a more complete ecological analysis of streamflow needs. U.S.G.S. is recognized nationwide for its expertise in making reliable streamflow measurements, and their results are less apt to be questioned by water resource development agencies and more likely to withstand the scrutiny of adversaries in a court of law.¹² This method is applied to hundreds of thousands of streamflow records that have been published by U.S.G.S. since 1888 on most of the perennial streams in America. In 1972 alone, there were nearly 24,000 active, surfacewater gaging stations in the United States.¹⁷ U.S.G.S. employs more than 2,000 professional hydrologists, working out of 220 different locations to measure streamflow parameters on our Nation's lotic waters.¹² These scientists maintain and use several million dollars worth of specialized supplies and equipment specifically for this purpose.⁷

There is significant hydrological and biological evidence that the Montana Method can also be used successfully on streams throughout the world. 6, 8, 10, 13, 15, 16, 18, 23, 24, 25, 27, 29, 30, 31

U.S.G.S. is considering the revision of streamflow data programs for most of the states.²³ The majority of existing gages may be discontinued under its future program. Techniques like measuring channel geometry, interpolation from a known flow to an unknown flow, and correlations with adjacent streams will be used to provide streamflow

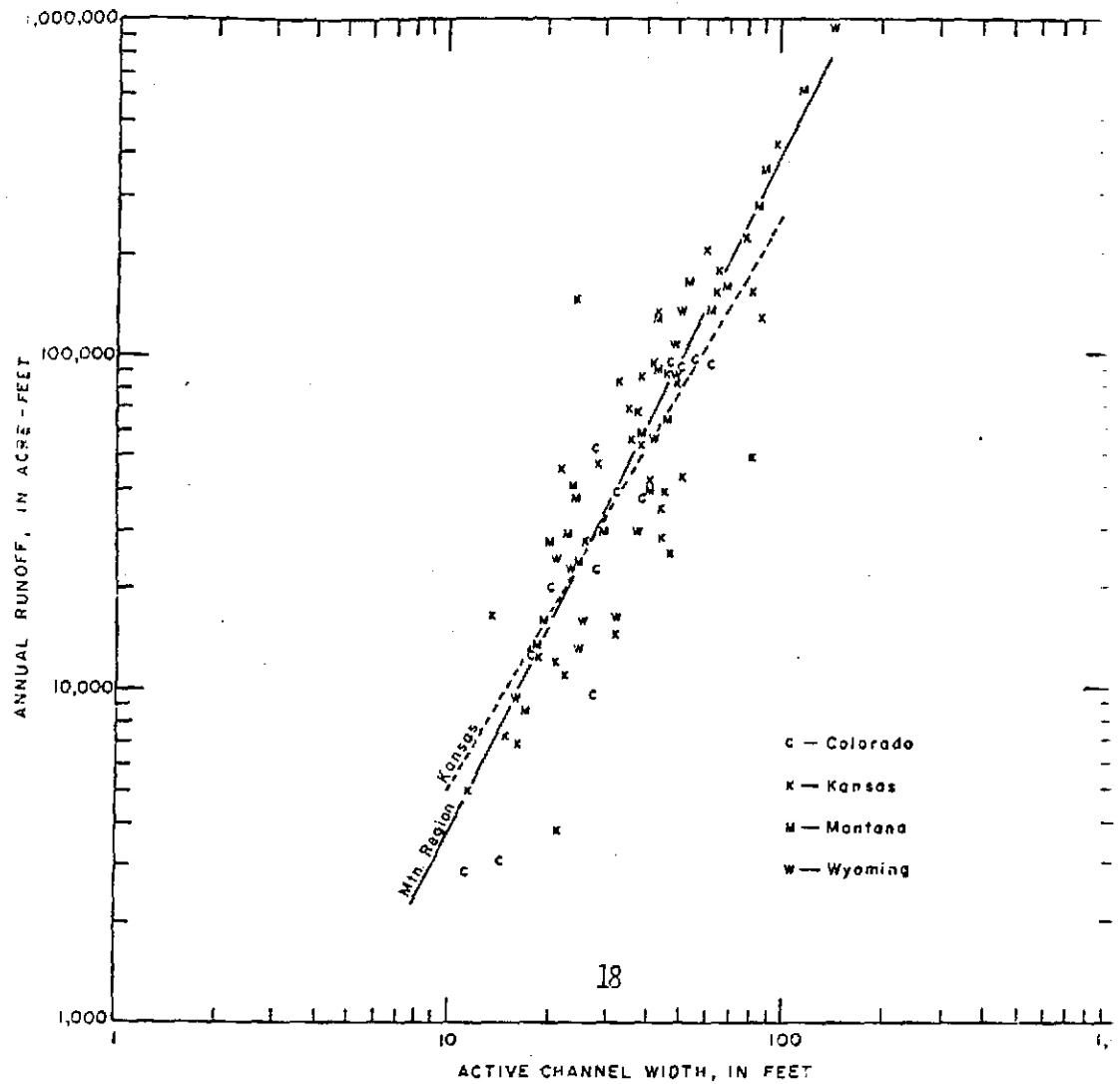
information at any point on any stream. Simple channel geometry measurements have produced average flow data as accurate as 10 years of continuous gage records.¹³ The standard errors were lowest for mountain regions and in competition with 5 to 10 years of gaged records for the plains region. There is very little variation when results are compared between channel width and average flow (fig.3). Mean annual discharge is one of the few criteria that will be routinely provided by this future program. Therefore, the Montana Method can still be used with this new program, since it is based primarily on knowledge of the mean annual discharge or average flow. The ability to provide the average flow at any point on any stream would actually facilitate the use of the Montana Method in the future.

Adopting the metric system would not require conversion tables or other problems since this method is based on percentages of the average flow however it is expressed.

CONCLUSIONS

The following conclusions on flows are the result of frequent observations and detailed analyses of flows from a wide variety of streams over a large geographical area of the United States

Fig. 3

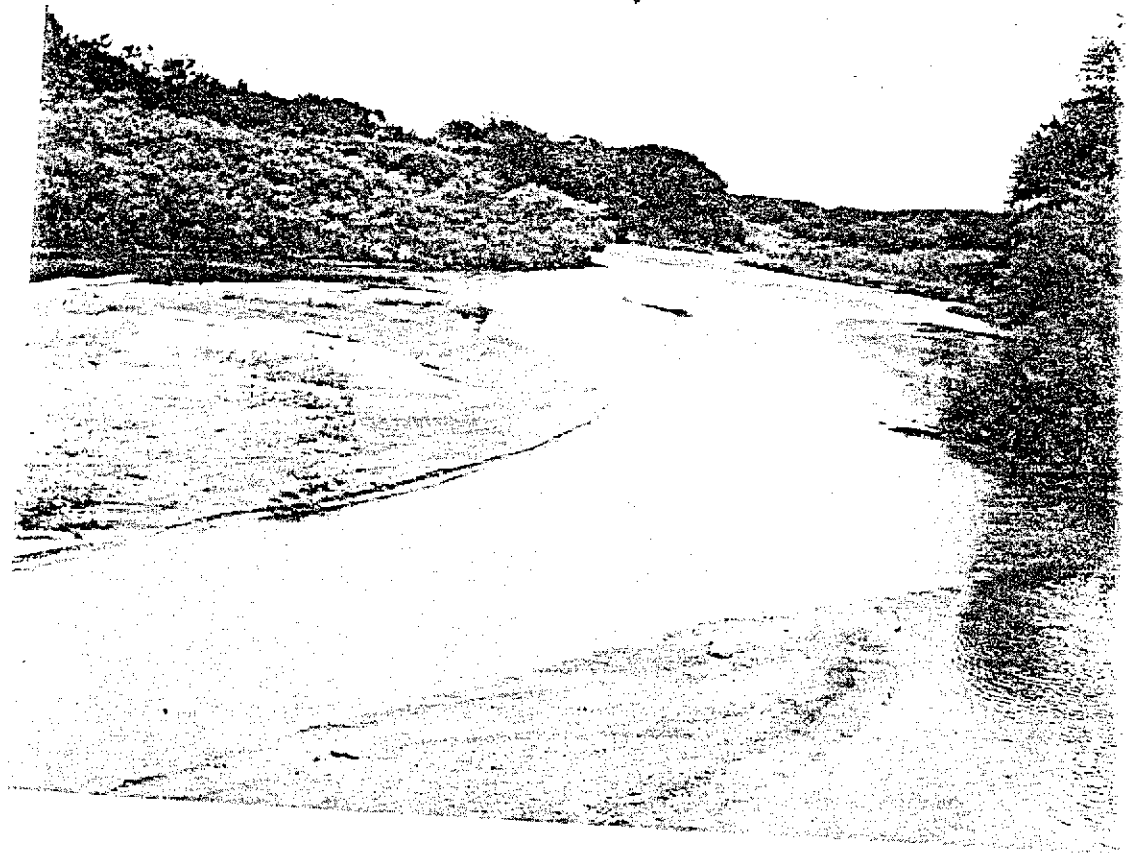


Correlation between average flow and channel width for streams in the mountain and plains regions of Colorado, Kansas, Montana and Wyoming

DEC 15 1964

Ten percent (10%) of the average flow (fig. 4): This is a minimum instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms. Channel widths, depths, and velocities will all be significantly reduced and the aquatic habitat degraded (fig. 1). The stream substrate or wetted perimeter may be about $\frac{1}{2}$ exposed, except in wide, shallow riffle or shoal areas where exposure could be higher. Most side channels will be severely or totally dewatered. Most gravel bars will be substantially dewatered, and islands will usually no longer function as wildlife nesting, denning, nursery, and refuge habitat. Streambank cover for fish and fur animal denning habitat will be severely diminished. Many wetted areas will be so shallow they no longer will serve as cover, and fish will generally be crowded into the deepest pools. Riparian vegetation may suffer from lack of water. Large fish may have difficulty migrating upstream over many riffle areas. Water temperature may become a limiting factor, especially in the lower reaches of the stream in July and August. Invertebrate life will be severely reduced. Fishing will often be very good in the deeper pools and runs since fish will be concentrated. Many fishermen prefer this level of flow! However, fish may be vulnerable to overharvest. Floating is usually difficult even in a canoe or rubber raft (stream with an average flow of more than 100 cfs). Natural beauty and stream esthetics are badly degraded. Most streams carry less than 10% of the average flow at times, so even this low level of flow will occasionally provide some enhancement over a natural flow regimen.

Fig. 4



Republican River below Hardy Bridge, Nebraska, showing a flow of 42 cfs (10% of the average flow). Water depths were adequate to provide some fish cover, living space, movement and for fishing. Temperatures were within tolerable limits. This is a minimum instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms.

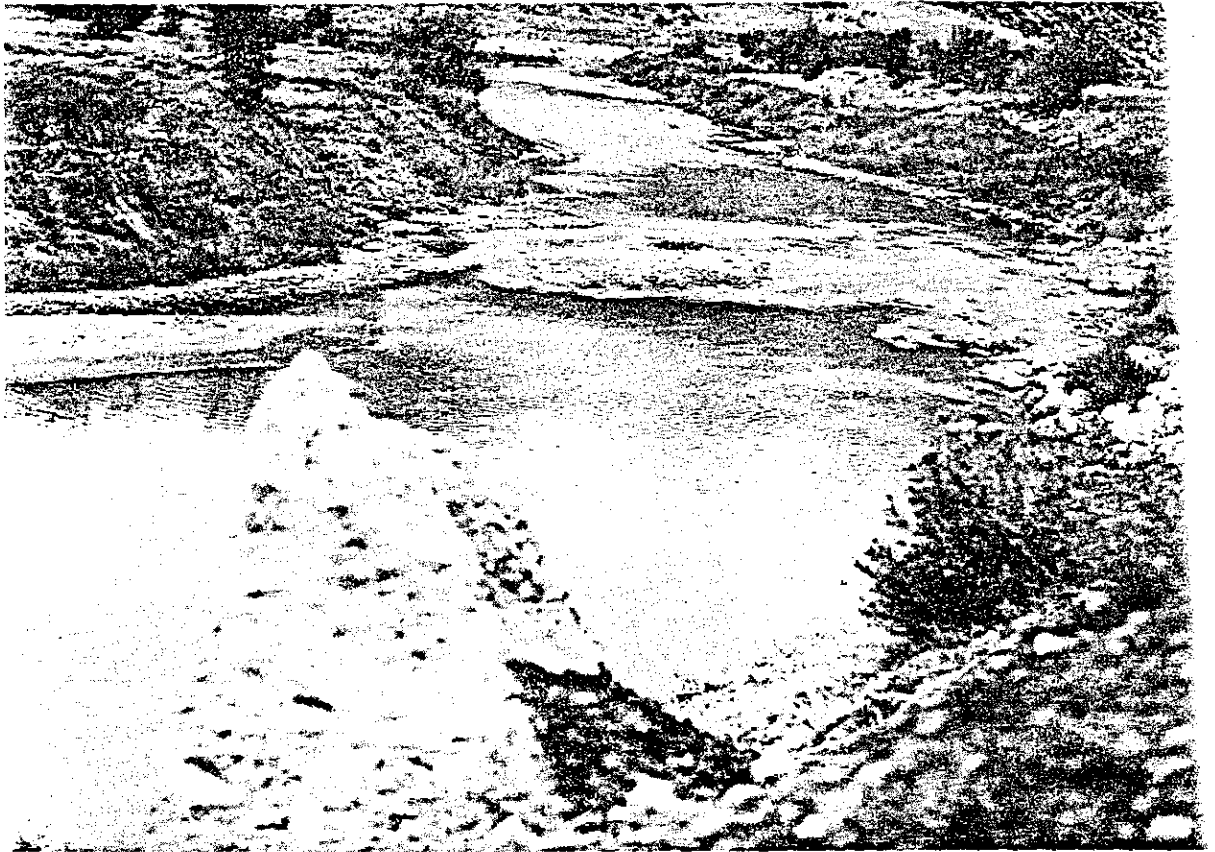
MRBS Photo #7159
by Don Tennant 7/10/64

20 DEC 15 1994

Thirty percent (30%) of the average flow (fig. 5): This is a base flow recommended to sustain good survival habitat for most aquatic life forms. Widths, depths, and velocities will generally be satisfactory (fig. 1). The majority of the substrate will be covered with water, except for very wide, shallow riffle or shoal areas. Most side channels will carry some water. Most gravel bars will be partially covered with water and many islands will provide wildlife nesting, denning, nursery, and refuge habitat. Streambanks will provide cover for fish and wildlife denning habitat in many reaches. Many runs and most pools will be deep enough to serve as cover for fishes. Riparian vegetation should not suffer from lack of water. Large fish should have no trouble moving over most riffle areas. Water temperatures are not expected to become limiting in most stream segments. Invertebrate life is reduced but not expected to become a limiting factor in fish production. Water quality and quantity should be good for fishing, floating, and general recreation, especially with canoes, rubber rafts, and smaller shallow draft boats (streams with an average flow of more than 100 cfs). Stream esthetics and natural beauty will generally be satisfactory.

DEC 15 1981

Fig. 5



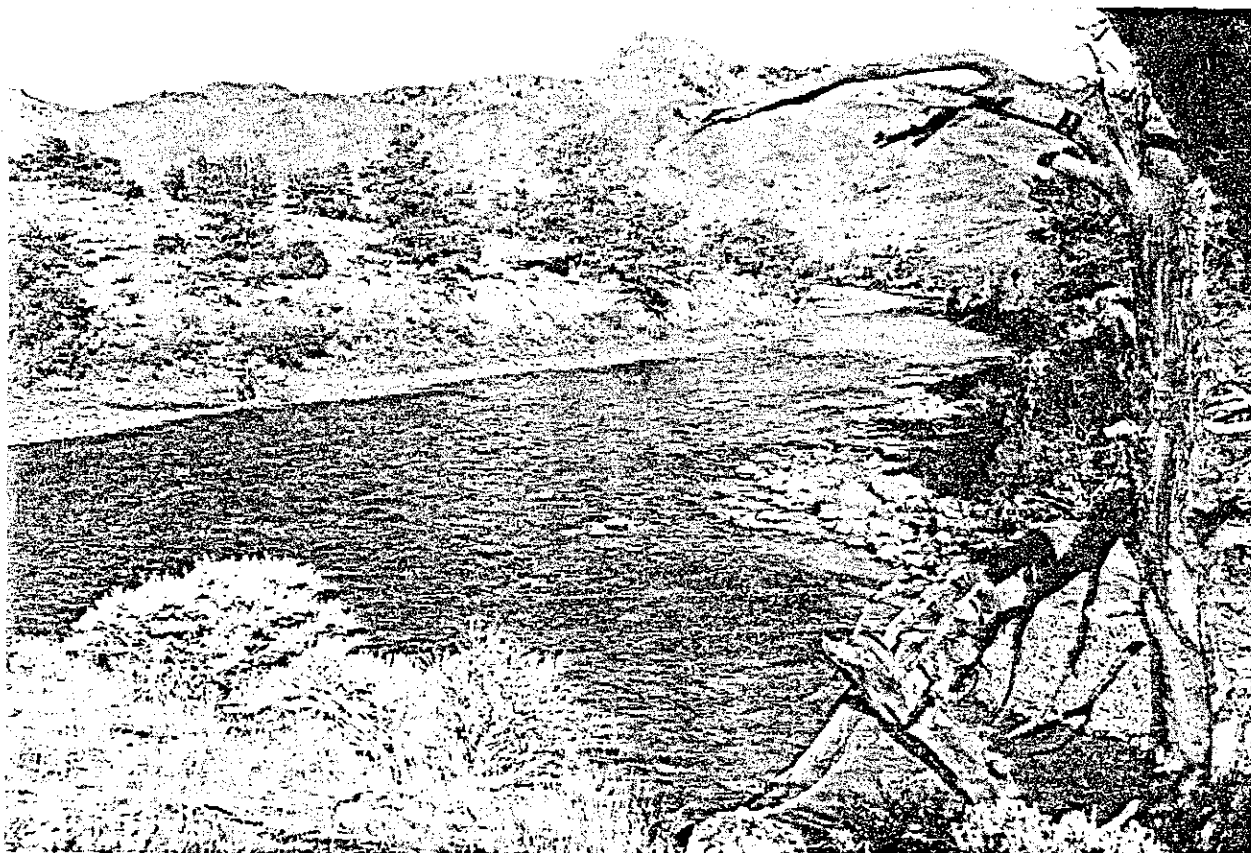
Bighorn River below Boysen Dam, Wyoming, showing a flow of 400 cfs (30% of the average flow). Water depth was adequate for trout movement, spawning incubation and winter survival in most run and pool areas for a distance of 45 car miles downstream. This is a base flow recommended to sustain good survival habitat for most aquatic life forms.

MRBS Photo #8542-B
by Don Tennant 10/2/68

Sixty percent (60%) of the average flow (fig. 6): This is a base flow recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses. Channel widths, depths, and velocities will provide excellent aquatic habitat (fig. 1). Most of the normal channel substrate will be covered with water, including many shallow riffle and shoal areas. Side channels that normally carry water will have adequate flows. Few gravel bars will be exposed, and the majority of islands will serve as wildlife nesting, denning, nursery, and refuge habitat. The majority of streambanks will provide cover for fish and safe denning areas for wildlife. Most pools, runs, and riffles will be adequately covered with water and provide excellent feeding and nursery habitat for fishes. Riparian vegetation will have plenty of water. Fish migration is no problem in any riffle areas. Water temperatures are not expected to become limiting in any reach of the stream. Invertebrate life forms should be varied and abundant. Water quality and quantity should be excellent for fishing and floating canoes, rafts, and larger boats, and general recreation (stream with an average flow in excess of 100 cfs). Stream esthetics and natural beauty will be excellent to outstanding.

0923 1 5 1394

Fig. 6



North Fork Shoshone River near Wapiti, Wyoming, showing a flow of 456 cfs (approximately 60% of the average flow). Water widths, depths and velocities very good for fish and fishing in all riffles, runs and pools. This is a base flow recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses.

FWS Photo #6-1-68
by Don Tennant 9/29/72

A flow of 2 to 3 times the average flow is often best for kayaks and whitewater canoeing. A flow of this magnitude is also preferable for larger boats with inboard or outboard motors, like those many people use on the annual Missouri and Yellowstone River floats held in June and July in Montana.

RECOMMENDATIONS

1. Request "instantaneous flows" to prevent flow releases from dams and diversion structures that are averaged over a day, month, or year, which permits erratic releases or even no flow at times.
2. Recommend that dual or multiple outlets to all dams be designed and constructed so that minimum flows of an appropriate temperature and quality to protect the aquatic environment can be by-passed at all times, including drawdowns for safety inspections and emergency repairs.
3. Insist that costs for providing of instream flows to protect the aquatic environment downstream below dams be project costs, including costs for unforeseen emergency repairs and routine maintenance over the life of the project.
4. Justify only that portion of a stream flow required to fulfill specific instream needs. If fish need a flow of 100 cfs in a segment of stream where there are already legal requirements of 25 cfs for municipal water, 15 cfs for irrigation water transport, and 10 cfs for a U.S. Environmental Protection Agency water quality requirement, you logically and legally should only have to justify a flow of 50 cfs

(the additional increment necessary to provide 100 cfs). Planners of water development projects may ask you to justify and apply cost/benefit ratios for fish to the 100 cfs flow because this makes their "project purpose" look more favorable on a comparable cost/benefit basis.

5. Stipulate that the downstream flow will not be less than the inflow to impoundments, whenever operators of water development projects cannot provide specific flow requirements. Make this an integral part of every flow regimen recommendation, preferably part of the same sentence.

6. Reduced releases to a stream should not exceed a vertical drop of 6 inches in 6 hours (equal to 2 feet in 24 hours). Fluctuations greater than this may significantly degrade aquatic resources.

7. Request that maximum flows released from dams not exceed twice the average flow. Prolonged releases of clear water greater than this will cause severe bank erosion and degrade the downstream aquatic environment.

8. Use "undepleted" U.S.G.S. hydrology data for flow recommendations that relate to the stream in its pristine conditions (e.g., before dams, diversions, pumps, etc.). Otherwise, recommendations from the Montana Method may relate to depleted stream conditions and result in less than ideal flows.

9. Avoid recommending minimum instantaneous stream flow regimens less than 10% of the average flow since they will result in catastrophic degradation to fish and wildlife resources and harm both the aquatic

and riparian environments (fig. 1). Encourage lawmakers to pass legislation that would prevent diversions or regulation at dams, whenever it would reduce streamflow below this level. If water development projects cannot make it on 90% of the water carried by a stream, use of the remaining 10% probably won't justify their projects. Philosophically, it is a crime against nature to rob a stream of that last portion of water so vital to the life forms of the aquatic environment that developed there over eons of time.

*Before
Committee on Environment
and Natural Resources*

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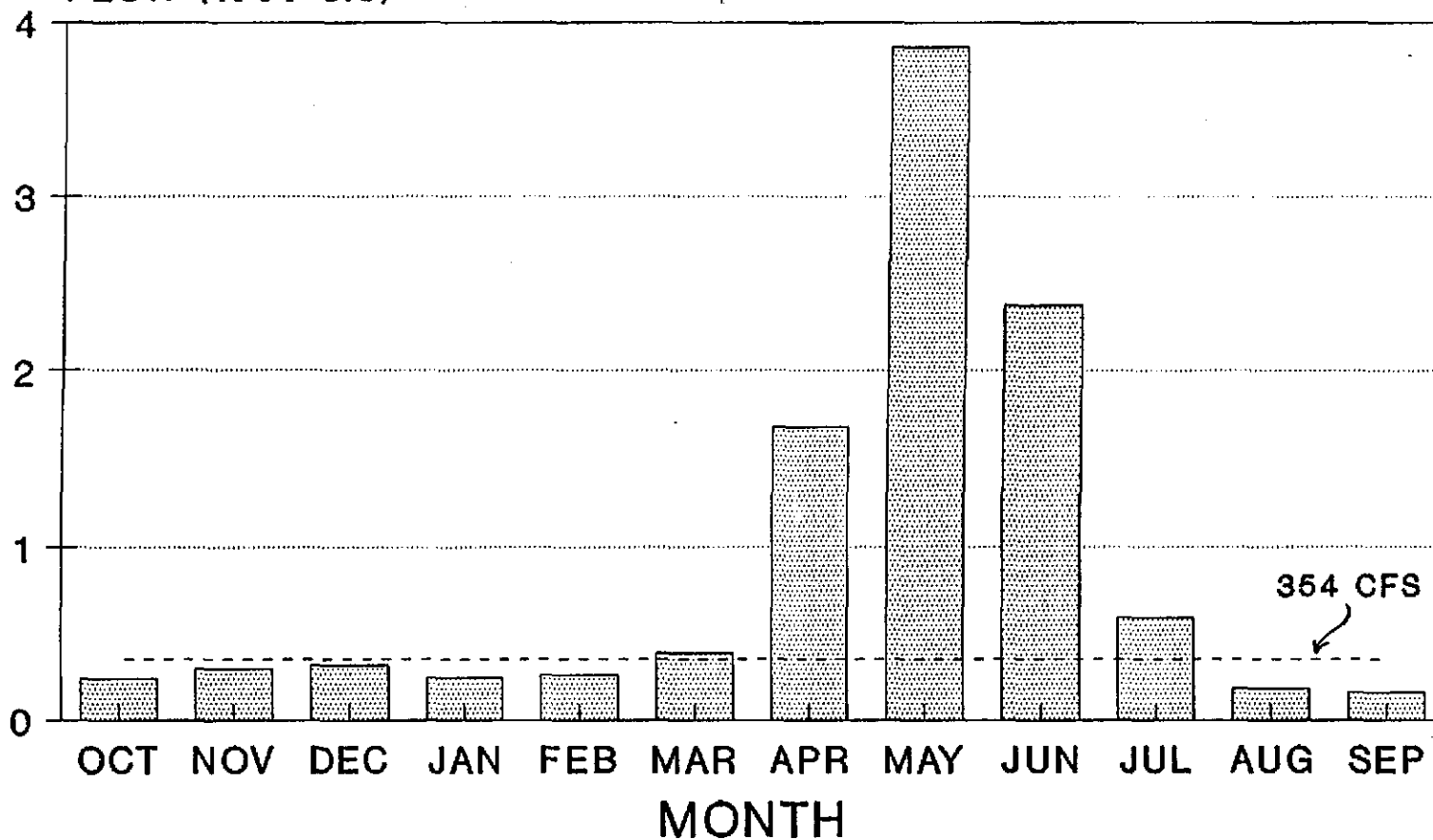
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MOYIE RIVER AT EILEEN (1926-79)

FLOW (1000 cfs)



Legend: Average Monthly Flow Instream Flow

Mean Annual Flow = 885 cfs

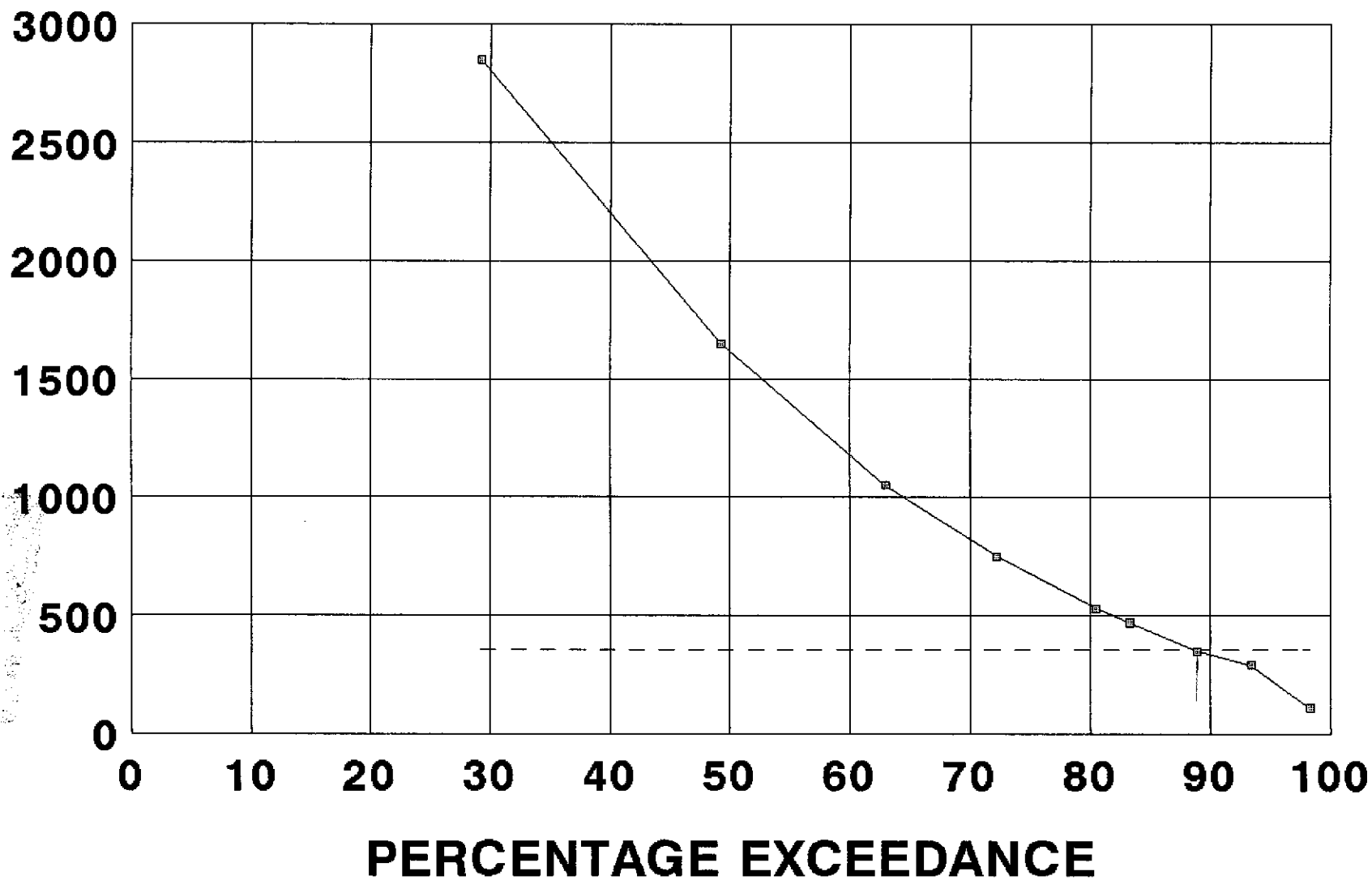
DEC 15 1984

IVRB 6

FLOW DURATION CURVE, APR-JUL

MOYIE RIVER AT EILEEN

DISCHARGE IN CFS



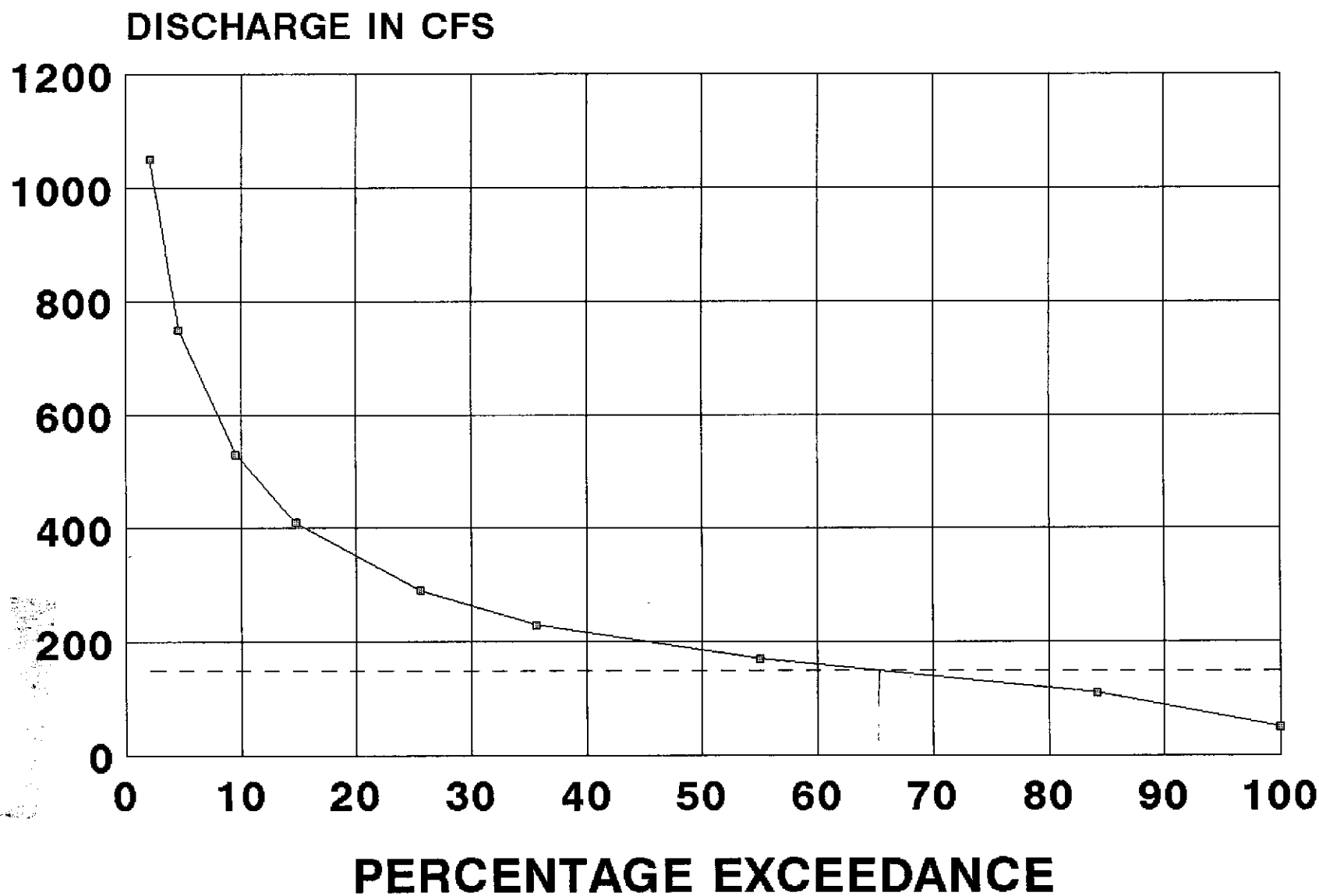
PERIOD 1926-78

DEC 15 1984

JWRB7

FLOW DURATION CURVE, AUG-MAR

MOYIE RIVER AT EILEEN



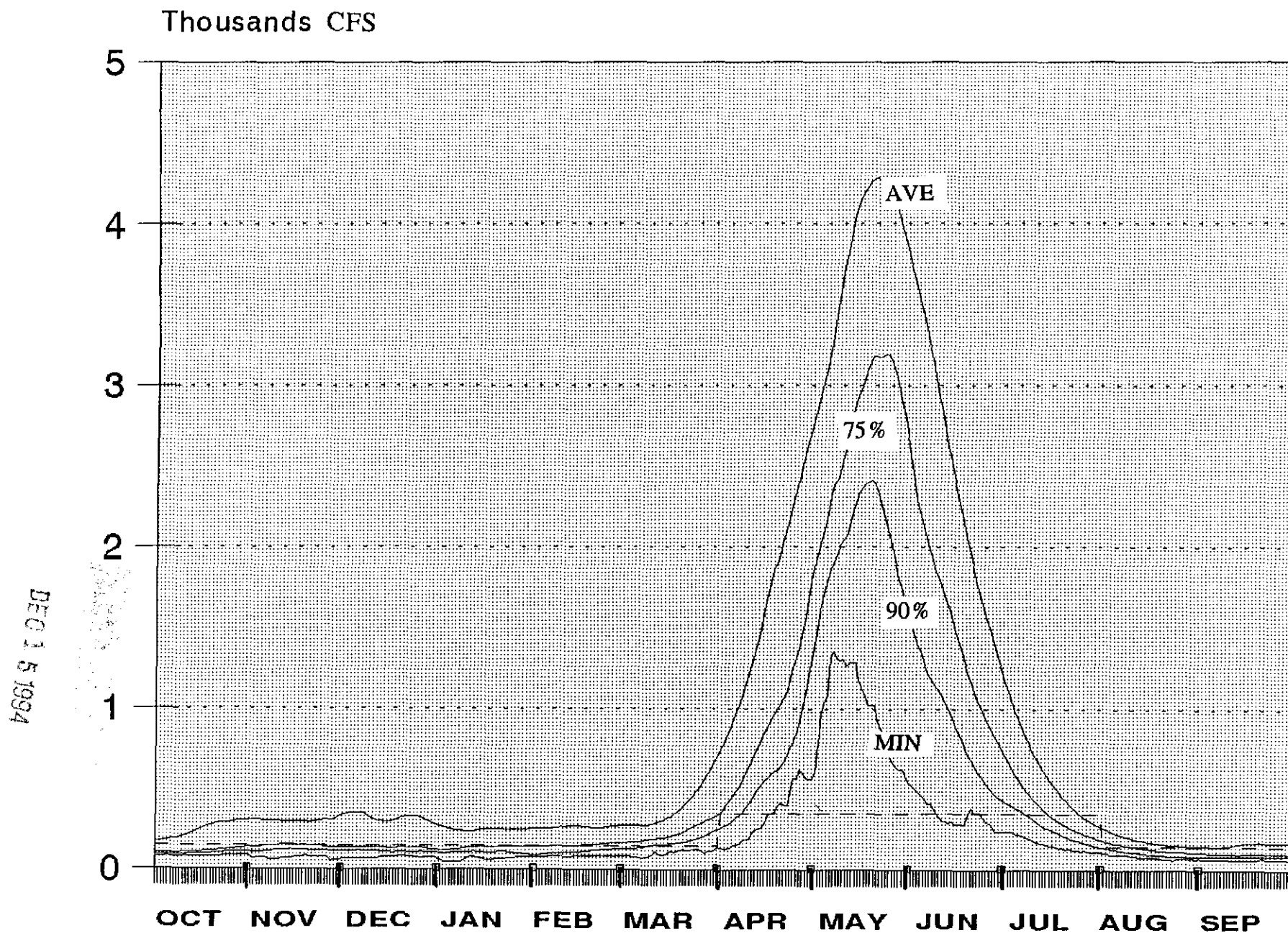
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IWRB8

PERIOD 1926-78

MOYIE RIVER AT EILEEN

SUMMARY HYDROGRAPH PERIOD OF RECORD 1926-78



Place: Coop Ext Srvc Crthouse Annex, 317 Kootenai, Bonner Ferry

DEC 15 1964



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 5, 1993

RE: Minimum Streamflow Application for Moyie River No. 98-07704

Dear Interested Party:

The Idaho Department of Water Resources will conduct a hearing on Thursday, October 14, 1993, to determine whether a minimum streamflow for the Moyie River should be approved. The hearing will commence at the Boundary County Cooperative Extensive Service, Courthouse Annex, 317 Kootenai Street, Bonners Ferry, Idaho, beginning at 9:30 a.m. The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department.

The enclosed fact sheet describes the application. Also enclosed is a brochure which describes the minimum flow procedures.

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become full party to the action. A full party may call and cross examine witnesses.

If you do not wish to become a full party, you may testify informally without filing a notice of appearance. Written comments may also be filed with the Department prior to the hearing.

Sincerely,


Gary Spackman

Enclosures

10/15/93

**MINIMUM STREAMFLOW
Fact Sheet**

Water Right No. 98-07704

Source: Moyie River

Applicant: Idaho Water Resource Board

Date Filed: June 15, 1992

Rate of Flow: 354.0 cfs from April 1 through July 31.
149.0 cfs from August 1 through March 31.

Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T62N, R1E, B.M., Boundary County.

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

Hearing Location
and Time:

Thursday, October 14, 1993, Boundary County Cooperative Extensive Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m. General testimony may also be submitted at an evening meeting scheduled for 7:00 p.m. at the same location.

10/14/93

DSR 07704

Mayie River

98-07676
GLADYCE COBLE
KEITH COBLE
HCR 60 BOX 89
BONNERS FERRY ID 83805

98-07683
RANDY E. PREWITT
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98-07691
EDWARD CARLSON
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98-07712
LVHD INC
PO BOX S
BONNERS FERRY ID 83805

98-07716
CHANNING E NAGEL
E C NAGEL
HCR 61 BOX 198
BONNERS FERRY ID 83805

-

DEC 15 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 20, 1993

RE: Minimum Streamflow Application for Moyie River No. 98-07704

Dear Interested Party:

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Sincerely,

Gary Spackman
Gary Spackman

Enclosures

DEC 15 1994

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DEC 15 1994

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DEC 15 1994

~~Henry L Samuels~~

~~Samuels, ID 83862~~

~~HF Clark~~

~~Rt 1
Samuels, ID 83862~~

Albert D Bomba

Rt 1 Box 156
Samuels, ID 83862

Thomas & Viva Wiley

PO Box 669
Brentwood, CA 94513

Dave Dorland

2860 Pack River Rd
Sandpoint, ID 83864

Marian Goncalves
Adriana De Amorimlima
4200 Pack River Rd
Samuels, ID 83862

Josephine Asaro

4200 Pack River Rd
Samuels, ID 83862

George Simchuk

630 Colburn-Culver Rd
Sandpoint, ID 83864

Donna M Keeley

4480 Pack River Rd
Sandpoint, ID 83864

Kelly McCathren
Peter Boracci
PO Box 132
Nine Mile Falls, WA 99206

Mark A Todd

6175 Pack River Rd
Sandpoint, ID 83864

~~Abe Lenker~~

~~S 3185 US Hwy 10
Coeur dAlene, ID 83814~~

Village of Bonners Ferry

PO Box 192
Bonners Ferry, ID 83805

Leonard O Svendsbye

PO Box 573
Bonners Ferry, ID 83805

Kenneth MacDonald
Karen MacDonald
Rt 3 Box 160
Bonners Ferry, ID 83805

Patricia J Mc Nally

PO Box 1073
Bonners Ferry, ID 83805

Panhandle Brewing Co

HCR 61 Box 169
Bonners Ferry, ID 83805

Pat & Ruby Wilund

PO Box 4
Coeur dAlene, ID 83814

City of Bonners Ferry

PO Box 149
Bonners Ferry, ID 83805

Lowell H Grant
Leo & Donna Sanders
HCR 61 Box 186A
Bonners Ferry, ID 83805

Donald L Bunyard

1521 N 19th St
Coos Bay, OR 97420

LVHD Inc

PO Box S
Bonners Ferry, ID 83805

DEC 15 1984

NOTICE OF HEARING FOR THE MOYIE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

Source: Moyie River

Application No.: 98-07704

Proposed Priority: June 15, 1992

Amount and Period of Use: 354.0 cfs from April 1 through July 31. 149.0 cfs from August 1 through March 31.

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

Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T62N, R2E, B.M., Boundary County.

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extensive Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m., Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

} *Deus added*

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

DEC 15 1994

NOTICE OF HEARING FOR THE MOYIE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

Source: Moyie River

Application No.: 98-07704

Proposed Priority: June 15, 1992

Amount and Period of Use: 354.0 cfs from April 1 through July 31. 149.0 cfs from August 1 through March 31.

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

Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW 1/4 SW 1/4, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE 1/4 NW 1/4, Section 11, T62N, R2E, B.M., Boundary County.

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extension Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m., Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director

Idaho Department of Water Resources

NOTICE OF HEARING FOR THE KOOTENAI RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Kootenai River, a tributary of the Columbia River. The application is further described as follows:

Source: Kootenai River

Application No.: 98-07705

Proposed Priority: June 15, 1992

Amount and Period of Use: 5340.0 cfs from January 1 through December 31.

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

Place of Use: Kootenai River, commencing at the Idaho-Montana state line, located in lots 5 and 8 (E 1/2 SE 1/4), Section 22, T61N, R3E, and extending downstream to the highway bridge at Bonners Ferry, located in the NE 1/4 NE 1/4, Section 27, T62N, R1E, B.M., Boundary County.

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extension Service Courthouse Annex, 317 Kootenai Street, Bonners Ferry, Idaho, beginning at 2:00 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject of all prior water rights.

R. Keith Higginson, Director

Idaho Department of Water Resources

NOTICE OF HEARING FOR THE PACK RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in Pack River, a tributary of Pend Oreille Lake. The application is further described as follows:

Source: Pack River

Application No.: 96-08717

Proposed Priority: June 15, 1992

Amount and Period of Use: 129.0 cfs from November 1 through July 31. 54.0 cfs from August 1 through October 31.

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

Place of Use: Pack River, commencing at the confluence with Zuni Creek, located in the SE 1/4 NE 1/4, Section 30, T61N, R2W, Boundary County, and extending downstream to the confluence with Grouse Creek, located in the SE 1/4 SW 1/4, Section 4, T58N, R1W, B.M., Bonner County.

The Department of Water Resources will hold a public hearing in the Sandpoint Community Hall, 204 South First Avenue, Sandpoint, Idaho, beginning at 1:30 p.m. on Wednesday, October 13, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director

Idaho Department of Water Resources

NOTICE OF HEARING FOR THE SPOKANE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Spokane River, a tributary of the Columbia River. The application is further described as follows:

Source: Spokane River

Application No.: 95-08780

Proposed Priority: June 15, 1992

Amount and Period of Use: 2495.0 cfs from November 1 through June 30. 951.0 cfs from July 1 through October 31.

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

Place of Use: Spokane River, commencing at Posi Falls Dam, located in both the SW 1/4 NW 1/4, and the SE 1/4 SW 1/4, Section 3, T50N, R5W, and extending downstream to the Idaho-Washington State line in the SW 1/4 NW 1/4, Section 12, T50N, R6W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 2:00 p.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director

Idaho Department of Water Resources

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source: Coeur d'Alene River

Application No.: 94-07341

Proposed Priority: September 13, 1993

Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.

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

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 Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director

Idaho Department of Water Resources

Publication

HO

WIN FALLS

SS.

No 25242

being first duly sworn upon oath, depose

of the TIMES-NEWS, published daily, at

o, and do solemnly swear that a copy of the notice of advertisement, as per

l, was published in the regular and entire issue of said newspaper, and not in

hereof, for Two consecutive Publications,

1 the issue dated September 16, 1993,

the issue dated September 23, 1993.

er certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho ish theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex- f which newspapers prior to consolidation had been published under said names in said city and and uninterruptedly during a period of more than twelve consecutive months, and said TIMES- onsolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at vspaper began daily publication under said name in said city and county continuously and

ertify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, ily, will be published; and that at the head of the editorial column of said combined newspapers, ereof, Thursday is announced as the day on which said legal notices will be published.

N FALLS

14 day of October in the year of 1993, before me,

sonally appeared Linda Capps McQuinn

to me to be the person whose name subscribed to the within instrument, and being by me first

d that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Feltman

Notary Public for Idaho

Residing at Twin Falls

My commission expires: 5/19/94

Affidavit of PublicationSTATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

RECEIVED

OCT 22 1993

No 25242

I, Linda Capas McBain, being first duly sworn upon oath, depose and say that I am Deputy Clerk of the IDAHO TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Publications, commencing with the issue dated September 16, 1993, and ending with the issue dated September 23, 1993.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 14 day of October in the year of 1993, before me, a Notary Public, personally appeared Linda Capas McBain, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Irene R. Feltman
Notary Public for IdahoResiding at Twin FallsMy commission expires: 5/19/94

DEC 15 1994

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date _____ INVOICE No. _____
Account No. _____
Description _____
Times _____ Lines _____
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO: _____ \$ _____

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only

RECEIVED

SEP 21 1993

NORTHERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

81703
**NOTICE OF HEARING FOR THE MOYIE RIVER
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

Source: Moyie River
Application No.: 98-07704
Proposed Priority: June 15, 1992
Amount and Period of Use: 354.0 cfs from April 1 through July 31, 149.0 cfs from August 1 through March 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values
Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW¼SW¼, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE¼NW¼, Section 11, T62N, R2E, B.M. Boundary County

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extensive Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m., on Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director at the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

_____, being duly sworn, deposes and says, I am the _____, the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and it has been so published uninterrupted for said period; that the

_____ attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, _____ time(s). Publication began on _____, or once a _____ for _____ consecutive _____, the first publication thereof being on the _____, and the last publication thereof being on the _____, and said _____

_____ as so published in the regular and entire issue of said newspaper and _____ it in a supplement thereof and was so published in every issue and _____ number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____
y of _____

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

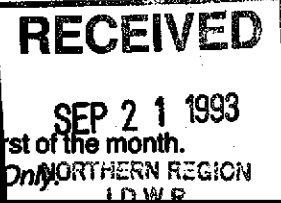
Date 091693 INVOICE No. 00381705
Account No. 764750 - 07704
Description 81703NOTIC
Times 1 Lines 42
Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO: ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 63.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. 00381705



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Nez Perce

ss.

Karen J. Lewis, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF HEARING FOR THE

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 1 time(s). Publication be-
ing on 091693, or once a
WEEK for 1 consecutive WEEKS, the first
publication thereof being on the 091693, and the last pub-
lication thereof being on the 091693, and said
NOTICE OF HEARING FOR THE

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 17
day of September 1993

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

DEC 15 1994

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

98-07719
KEYSER, JOHN
KEYSER, TERRY
PO BOX 913
MORRO BAY, CA 93442
Source: UNNAMED STREAM
Tributary: SINKS
Diversion Pt: NWNW Sec 23 T
63N R 01E in BOUNDARY County.
Use: STOCKWATER (.040 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 9/1/1993
In: BOUNDARY County
T63N R01E S23 NWNW
98-07720
MAC DONALD, SCOTT
RT 1 BOX 231
BONNERS FERRY, ID 83805
Source: UNNAMED STREAM
Tributary: SMITH CREEK
Diversion Pt: NWNWSW Sec 23 T
65N R 02W in BOUNDARY County.
Use: IRRIGATION (.030 CFS)
DOMESTIC (.100 CFS)
Total Diversion: (.130 CFS)
Date Filed: 8/31/1993
In: BOUNDARY County
T65N R02W S23 SWNW NWSW
SWSW
3.0 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before OCTOBER 4, 1993.

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 98-0768 in the name of Jack L. & Doris L. Jones, 5005 Upper Pack River Rd., Sandpoint, Id. 83864, was advertised incorrectly on 8/4 and 11, 1993.

The place of use (T60N R02W S34 SE3W) was incorrectly described as being within Kootenai County; whereas, correctly it is located within Bonner County.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Protests to the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before October 4, 1993.

NOTICE OF HEARING FOR THE PACK RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in Pack River, a tributary of Pend Oreille Lake. The application is further described as follows:

Source: Pack River
Application No.: 96-08717
Proposed Priority: June 15, 1992
Amount and Period of Use: 1.29 cfs from November 1 through July 31. 54.0 cfs from August 1 through October 31.

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

Place of Use: Pack River, commencing at the confluence with Zuni Creek, located in the SE1/4NE1/4, Section 30, T81N, R2W, Boundary County, and extending downstream to the confluence with Grouse Creek, located in the SE1/4SW1/4, Section 4, T58N R1W, B.M., Bonner County.

The Department of Water Resources will hold a public hearing in the Sandpoint Community Hall, 204 South First Avenue, Sandpoint, Idaho, beginning at 1:30 p.m. on Wednesday, October 13, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

NOTICE OF HEARING FOR THE KOOTENAI RIVER MINIMUM STREAMFLOW

Notice is hereby given that the

Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Kootenai River, a tributary of the Columbia River. The application is further described as follows:

Source: Kootenai River
Application No.: 98-07705
Proposed Priority: June 15, 1992
Amount and Period of Use: 5340.0 cfs from January 1 through December 31.

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

Place of Use: Kootenai River, commencing at the Idaho-Montana state line, located in lots 5 and 8 (E1/2SE1/4), Section 22, T81N, R3E, and extending downstream to the highway bridge at Bonners Ferry, located in the NE1/4NE1/4, Section 27, T62N, R1E, B.M., Boundary County.

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extension Service Courthouse Annex, 317 Kootenai Street, Bonners Ferry, Idaho, beginning at 2:00 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

NOTICE OF HEARING FOR THE MOYIE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

Source: Moyie River
Application No.: 98-07704
Proposed Priority: June 15, 1992
Amount and Period of Use: 354.0 cfs from April 1 through July 31. 149.0 cfs from August 1 through March 31.

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

Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW1/4SW1/4, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE1/4NW1/4, Section 11, T62N, R2E, B.M., Boundary County.

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extension Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m. on Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

BFH#2567 September 15, 22, 1993

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

DAVID KEYES being first duly sworn on oath

deposes and says that he/she is PUBLISHER

of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho; that

the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

LEGAL# 2567

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 15 day of September 1993

and ending on the 22 day of September, 1993

and that said notice was published in said newspaper.

Dated: 9/30/93

Subscribed and sworn to before me this 30 day

of September, 1993.

Kemala G. Naworth
Notary Public for Idaho

Residing at BONNERS FERRY

My Commission expires: 11/08/97

SEP 15 1994

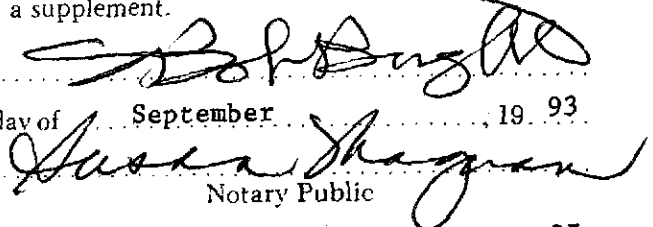
Proof of Publication The Post-Register

State of Idaho, }
County of Bonneville } ss

I, S. BOB BRIGHT or TED DELEZENE, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 16th day of September, 1993, last publication having been made on the 23rd day of September, 1993, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

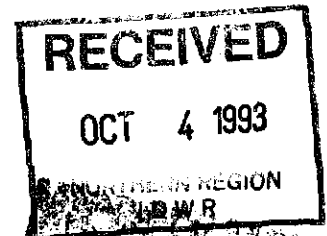
Subscribed and sworn to before me, this 29th day of September, 1993.


Notary Public

My commission expires July 1, 1997.

B10

*affidavit and
on back*



DEC 15 1994

**NOTICE OF HEARING FOR
THE MOYIE RIVER MINIMUM
STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

Source: Moyie River

Application No.: 98-07704

Proposed Priority: June 15, 1992

Amount and Period of Use: 354.0 cfs from April 1 through July 31. 149.0 cfs from August 1 through March 31.

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

Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T62N, R2E, B.M., Boundary County.

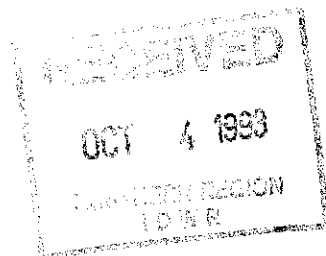
The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extensive Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m., Thursday October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources
Published: Sept. 16, 23, 1993



The Idaho Statesman

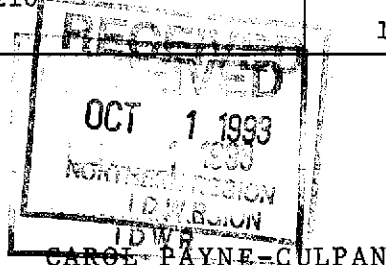
P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

82.92
98.04

Account Number 100631		Identification NOTICE OF HEARING FOR THE MOYIE RIVER MINIMUM STREAMFLOW	
Ordered By Patricia M. Stypa	P.O. Number	Rate NT	Run Dates September 16, 23, 1993
State of Idaho Department of Water Resources Northern Region 1910 Northwest Boulevard, Suite 210 Coeur d'Alene, Idaho 83814		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 5876



CAROL PAYNE-CULPAN

LEGAL NOTICE NOTICE OF HEARING FOR THE MOYIE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

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Application No.: 98-07704
Proposed Priority: June 15, 1992
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354.0 cfs from April 1 through July 31, 149.0 cfs from August 1 through March 31.

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

Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW1/4SW1/4, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE1/4NW1/4, Section 11, T62N, R2E., B.M., Boundary County.

The Department of Water Resources will hold a public hearing in the Boundary Cooperative Extension Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho, beginning at 9:30 a.m. on Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1310 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 38270, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON
Director
Idaho Department of Water Resources
Pub. September 16, 23, 1993 5876

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 16, 1993

and ending with the issue of SEPTEMBER 23, 1993

Carol Payne-Culpan

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 23RD day of SEPTEMBER in the year of 1993, before me, a Notary Public, personally appeared CAROL PAYNE-CULPAN

, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Carol Payne-Culpan
Notary Public for Idaho BOISE, ID
Residing at

My commission expires: 11-27-93

DEC 1 1993

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 092393 INVOICE No. L00381703

Account No. 964750 18-07704

Description 81703NOTIC

Times 1 Lines 49

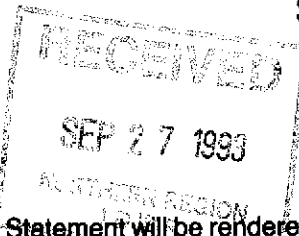
Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 73.50



NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**81703
NOTICE OF HEARING FOR THE MOYIE RIVER
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Moyie River, a tributary of the Kootenai River. The application is further described as follows:

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Application No.: 98-07704
Proposed Priority: June 15, 1992
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Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values
Place of Use: Moyie River, commencing at the confluence with Meadow Creek, located in the SW1/4SW1/4, Section 12, T63N, R2E, and extending downstream to the backwaters of Moyie Falls Reservoir, located in the NE1/4NW1/4, Section 11, T62N, R2E, B.M. Boundary County

The Department of Water Resources will hold a public hearing in the Boundary County Cooperative Extensive Service Courthouse Annex, 317 Kootenai, Bonners Ferry, Idaho beginning at 9:30 a.m., on Thursday, October 14, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director at the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Gary Spackman, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

Karen J. Lewis, being duly sworn,
poses and says, I am the Legal Clerk
the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and it has been so published uninterrupted for said period; that the

NOTICE OF HEARING FOR THE
attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 1 time(s). Publication began on 092393, or once a WEEK for 1 consecutive WEEKS, the first publication thereof being on the 092393, and the last publication thereof being on the 092393, and said

NOTICE OF HEARING FOR THE
as so published in the regular and entire issue of said newspaper and it in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23
day of September 1993

Karen J. Lewis

Roy Paul
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

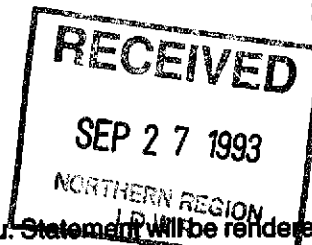
Date 092393 INVOICE No. L00381703
Account No. 964750 78-D7704
Description 81703NOTIC
Times 1 Lines 49
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 73.50



NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF HEARING FOR THE
attached hereto and which is made a part of this affidavit was published in
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ing on 092393 or once a
WEEK for 1 consecutive WEEKS, the first
publication thereof being on the 092393, and the last pub-
lication thereof being on the 092393, and said
NOTICE OF HEARING FOR THE
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis
SUBSCRIBED AND SWORN BEFORE ME THIS THE 23
day of September 1993

Roy Road
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF HEARING FOR THE MOYIE RIVER
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board
application for permit to appropriate water to the Department
Resources, proposing to appropriate water for a minimum stream
Moyie River, a tributary of the Kootenai River. The application
described as follows:

Source: Moyie River
Application No.: 98-07704
Proposed Priority: June 15, 1992
Amount and Period of Use: 354.0 cfs from April 1 to
31. 149.0 cfs from August
March 31.

Purpose of Minimum Flow: Protection of fish and
aquatic life and
values

Place of Use: Moyie River, common
confluence with Meadow
cated in the SW 1/4 SW 1/4,
T83N, R2E, and extension
stream to the backwater
Falls Reservoir, local
NE 1/4 NW 1/4, Section 11,
B.M. Boundary County

The Department of Water Resources will hold a public hearing
Boundary County Cooperative Extension Service Courthouse Annex
tenai, Bonners Ferry, Idaho beginning at 9:30 a.m., on Thursday,
1993, for the purpose of hearing evidence pertaining to the applica-
tion. The hearing will be held pursuant to the provisions of Section 42-1503,
Idaho Code. In addition, the hearing officer will also receive informal testimony
beginning at 7:00 p.m. in the evening at the same location.
Any party who wishes to formally appear in the proceeding for
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appearance with the Director at the Department of Water Resources
house, 1301 North Orchard Street, Boise, Idaho 83708, five (5)
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the hearing, please advise the department within ten (10) days
prior to the hearing. The hearing will be conducted by Mr. Gary Spackn
Department of Water Resources, Statehouse Mail, Boise, Idaho 83720.
This permit will be subject to all prior water rights.

K. Keith Higgins
IDAHO DEPT. OF WATER RES.

DEC 15 1994

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 091693 INVOICE No. L00381703

Account No. 964750 95-07704

Description 81703NOTIC

Times 1 Lines 42

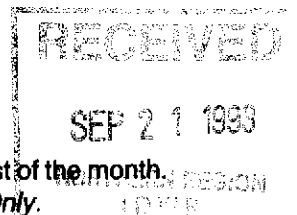
Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 63.00



NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**81703
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If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

Karen J. Lewis, being duly sworn, poses and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the WISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF HEARING FOR THE attached hereto and which is made a part of this affidavit was published in said Lewiston Morning Tribune, 1 time(s). Publication began on 091693, or once a WEEK for 1 consecutive WEEKS, the first publication thereof being on the 091693, and the last publication thereof being on the 091693, and said NOTICE OF HEARING FOR THE

is so published in the regular and entire issue of said newspaper and in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

JBSCRIBED AND SWORN BEFORE ME THIS THE 17

September 1993

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 091693 INVOICE No. L00381703

Account No. 964750 98-07704

Description 81703NOTIC

Times 1 Lines 42

Tab Lines

**LEGAL ADVERTISING
INVOICE**

\$ 63.00

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

RECEIVED

SEP 21 1993

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

NORTHERN REGION
IDWR

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
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years next immediately preceding the first publication of this notice, and
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attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 1 time(s). Publication be-
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WEEK for 1 consecutive WEEKS, the first
publication thereof being on the 091693, and the last pub-
lication thereof being on the 091693, and said

NOTICE OF HEARING FOR THE
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 17
day of September 1993

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF HEARING FOR THE MOYIE RIVER
MINIMUM STREAMFLOW**

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Proposed Priority:
Amount and Period of Use:

Purpose of Minimum Flow:

Place of Use:

Moyie River
98-07704
June 15, 1992
354.0 cfs from April 1 to
31, 149.0 cfs from August
March 31.
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confluence with Meado
cated in the SW1/4SW1/4,
T63N, R2E, and exten
stream to the backwater
Falls Reservoir, locat
NE1/4NW1/4, Section 11,
B.M. Boundary County

The Department of Water Resources will hold a public hear-
Boundary County Cooperative Extensive Service Courthouse Ann
tural, Bonners Ferry, Idaho beginning at 9:30 a.m., on Thursday,
1993, for the purpose of hearing evidence pertaining to the appli-
hearing will be held pursuant to the provisions of Section 42-1503, I
In addition, the hearing officer will also receive informal testimony
public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for t
at presenting evidence or cross examining witnesses should file
appearance with the Director at the Department of Water Resour
House Mail, 1301 North Orchard Street, Boise, Idaho 83708, five (5)
to the hearing. Other parties may informally present their views
without filing a notice of appearance. Written informal
comments may also be submitted to the Department of Water
prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson
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