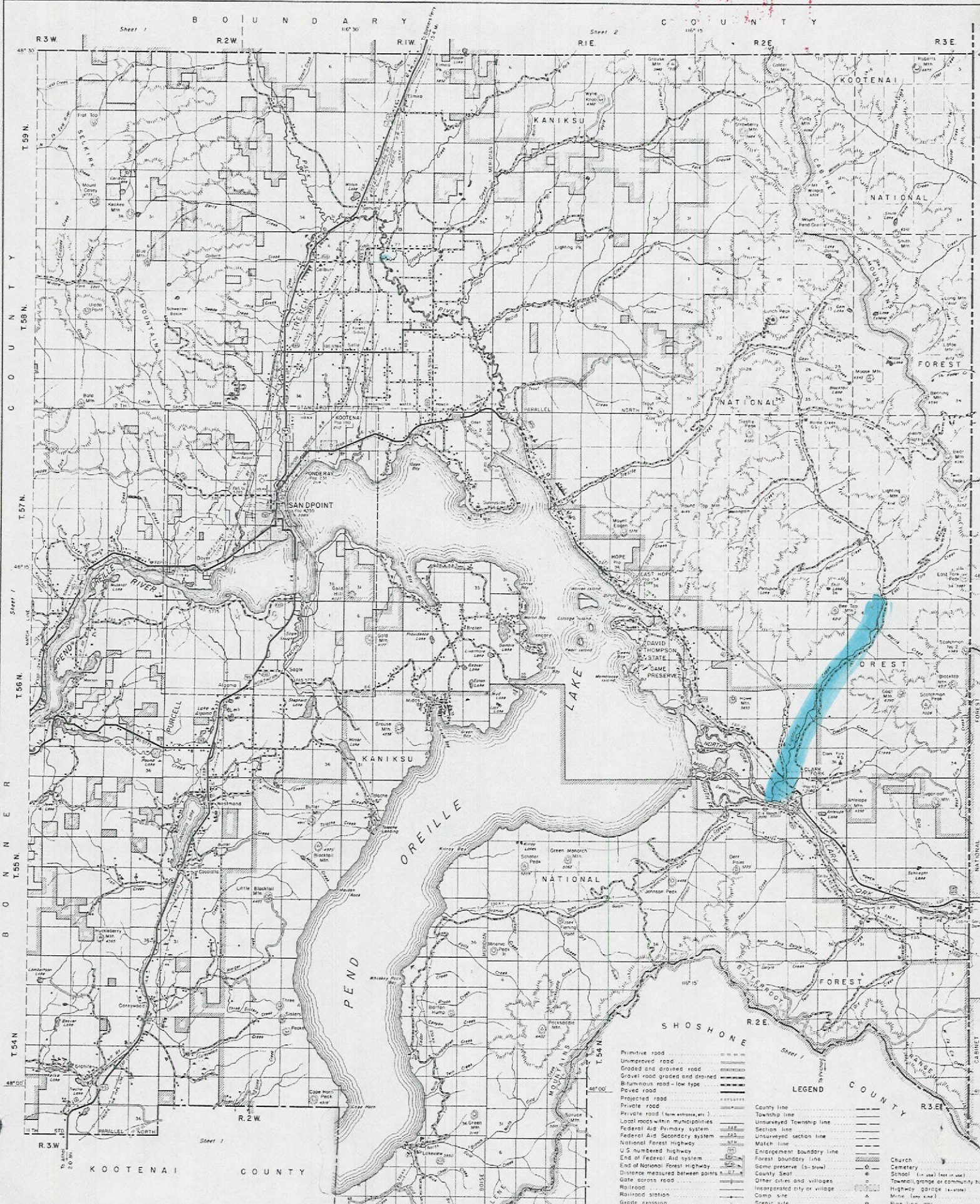




GENERAL HIGHWAY

BON

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of _____

Legal notice
as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 26 day of 10, 1983 and ending on the 2 day of 11, 1983 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 3 day of 11, 1983.

Abel M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are further described as follows:

APPLICATION

NO. 96-7979

Source: Lightning Creek, tributary to Pend Oreille Lake

Location of Minimum Streamflow Reach: SWNE Sec. 3, T55N, R02E, B.M., upstream approx. 8 miles to confluence with East Fork in the SWSW Sec. 32, T57N, R08E, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
49.0 CFS	8/1 to 3/31
84.0 CFS	4/1 to 5/31
53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION

NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B.M., upstream approx. 5 miles to the county road bridge in the SENE Sec. 25, T59N, R01W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
14.0 CFS	8/1 to 3/31
85.0 CFS	4/1 to 5/31
67.0 CFS	6/1 to 7/31

Use: To maintain trout

spawning and rearing habitat.

The Director of the Department of Water Resources will hold a public hearing on the applications at 9:00 a.m., on Wednesday, November 16, 1983, in the conference room of the Federal Building, 1500 Highway #2 (Dover Highway), Sandpoint, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A. KENNETH DUNN

Director

Published in the Sandpoint Daily Bee on October 26 and November 2, 1983.

AK
11/14/83

RECEIVED

NOV 10 1983

Department of Water Resources
Northern District Office

MICROFILMED

JUL 30 1980

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

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APPLICATION NO. 96-7979

Source: Lightning Creek, tributary to Pend Oreille Lake

Location of Minimum Streamflow Reach: SWNE Sec. 3, T55N, R02E, B.M.,
upstream approx. 8 miles to confluence with East Fork in the
SWSW Sec. 32, T57N, R03E, B.M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	49.0 CFS	8/1 to 3/31
	84.0 CFS	4/1 to 5/31
	53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B.M.,
upstream approx. 5 miles to the county road bridge in the
SENE Sec. 25, T59N, R01W, B.M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	14.0 CFS	8/1 to 3/31
	85.0 CFS	4/1 to 5/31
	67.0 CFS	6/1 to 7/31

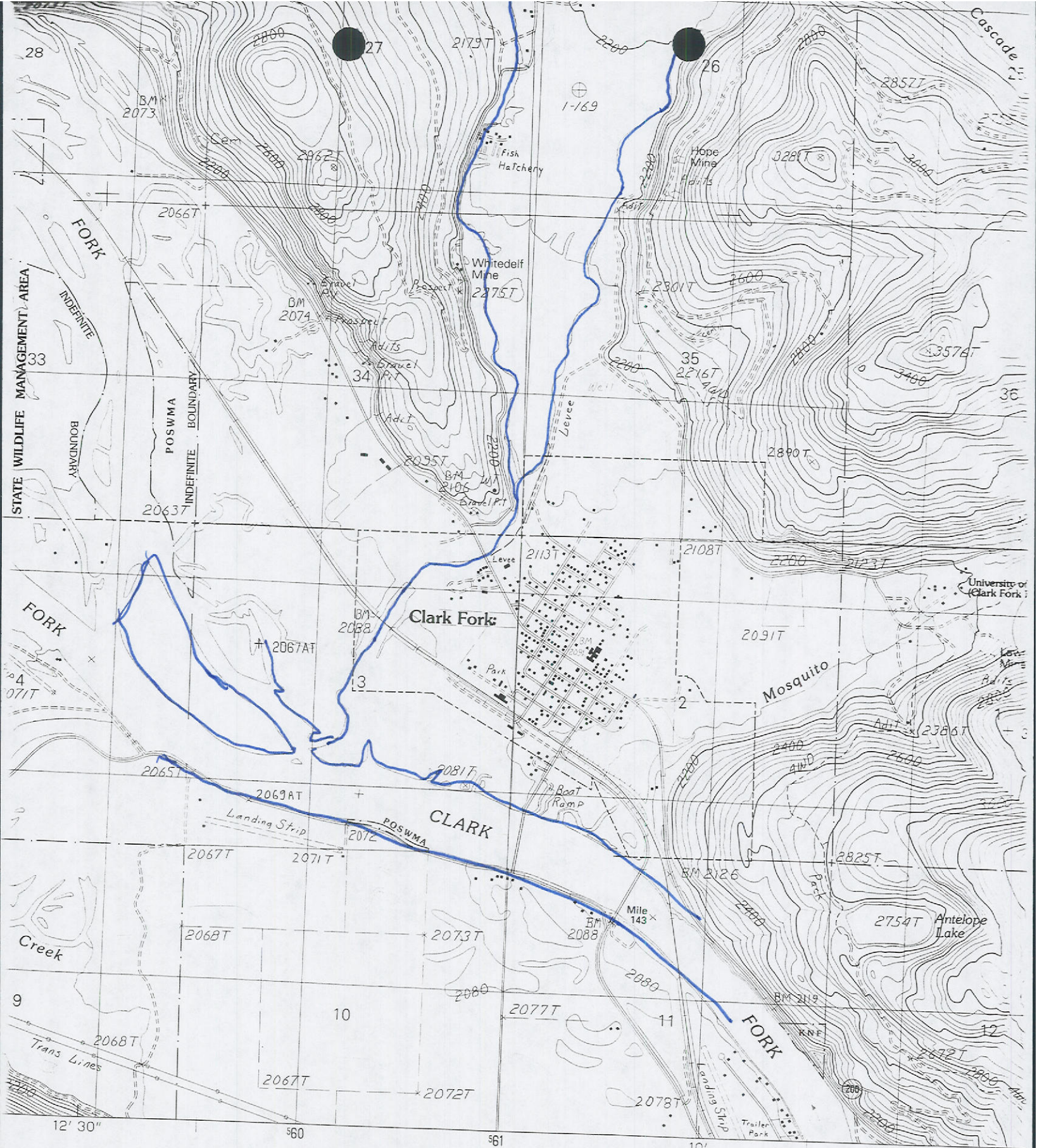
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If issued, these permits will be subject to all prior water rights. Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

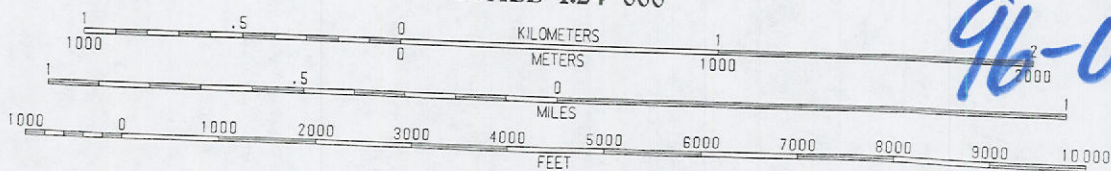
A. KENNETH DUNN
Director

Published in the Sandpoint Daily Bee on October 26 and November 2, 1983.



SCALE 1:24 000

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1989



CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

96-07979

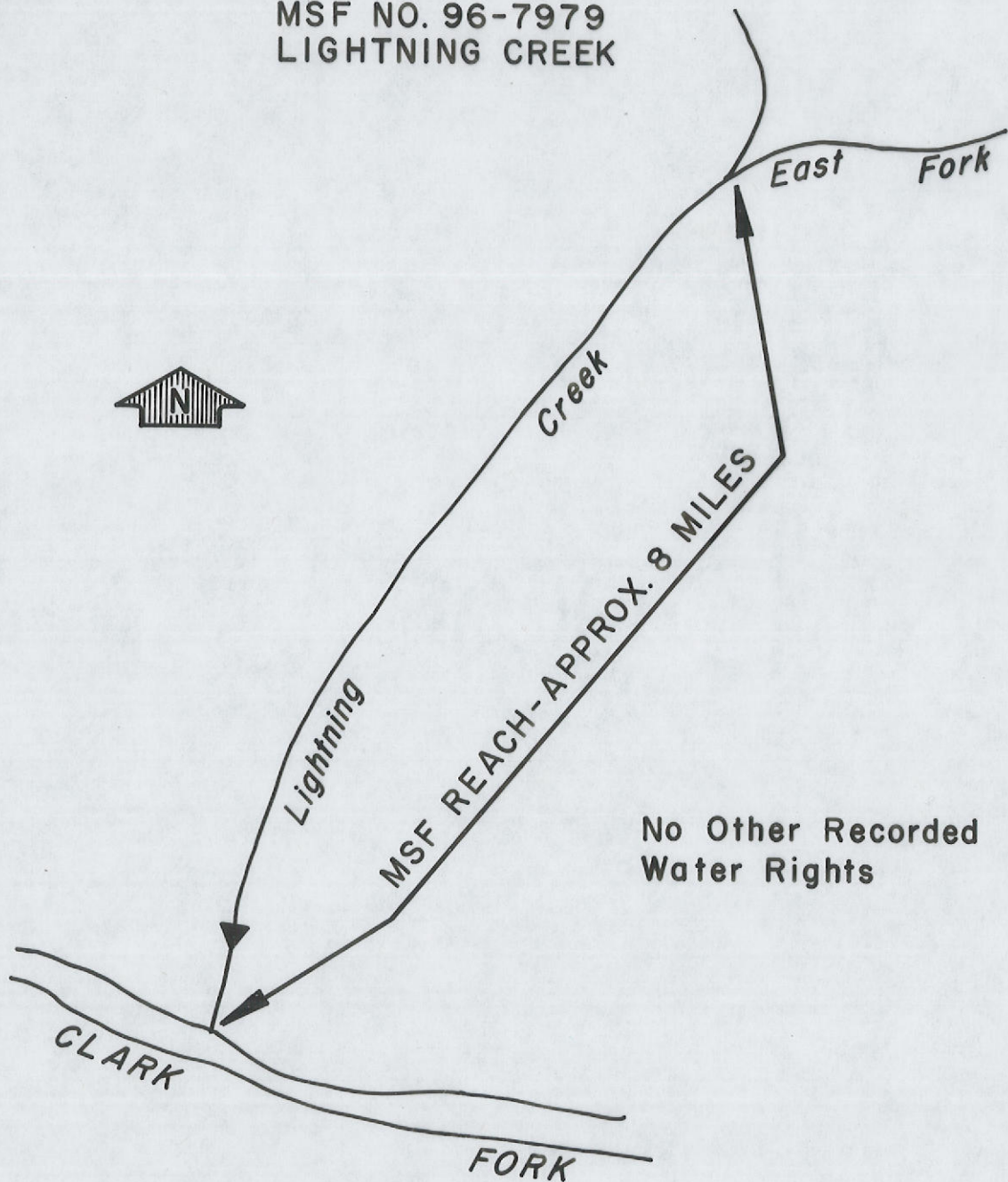
IDAHO

QUADRANGLE LOCATION

- | | | | |
|---|---|---|----------------|
| 1 | 2 | 3 | 1 Trout Peak |
| | | | 2 Trestle Peak |



MSF NO. 96-7979
LIGHTNING CREEK



IDAHO WATER RESOURCE BOARD FILING (cfs)

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>
49	49	49	84	84	53	53	49	49	49	49	49



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 26, 1983

MEMO

TO: Dave Tuthill, ^{DET}Water Allocation Section

FROM: Bill Ondrechen, ^{WTO}Hydrology Section

SUBJECT: HYDROLOGY OF GROUSE CREEK AND LIGHTNING CREEKS,
PEND OREILLE RIVER BASIN

Grouse Creek, tributary to the Pack River, and Lightning Creek, tributary to Pend Oreille Lake, both drain forested basins on the west flank of the Cabinet Mountains. Elevations within the basins range from over 6000 feet down to about 2100 feet. Annual precipitation is believed to range from 30 inches at the lower elevations to over 45 inches in the higher portions of the basins.

Neither stream has a continuous streamflow record, but both have been measured occasionally. ~~Rapid Lightning Creek, a drainage adjacent to Grouse Cr. which should exhibit similar flow characteristics to both basins,~~ was gaged from 1963 through 1968. A plot of monthly average flow for Rapid Lightning Cr. is shown in Figure 1. Low flows generally occur in the months of August, September and October. Rain or snowmelt at the lower elevations generally keeps winter flows somewhat above those of late summer or fall.

Grouse Creek has been measured at two sites, about 3 and 3.5 miles upstream from the mouth, approximately in the middle of instream flow reach. The drainage area above the lower measurement point is 55.6 sq. mi. Table 1 lists the available measurement data for both sites.

Lightning Creek has only been measured a few times, at the railroad crossing just upstream from the mouth. The drainage area at this point is 100 sq. mi. Tributaries above this point include Spring Cr., Cascade Cr., and Morris Cr. The measured streamflows are displayed in the following table:

10-5-73	24.6 cfs
9-27-74	33.6
9-3-75	99.2
9-9-76	72.7
7-19-77	26.4
8-11-78	24.9

MICROFILMED

JUL 30 1980

FROM DAVE TUTHILL

DATE 11/30/83

TO 96-7979

SUBJECT HEARING

THE HEARING ON THIS APPLICATION WAS CONDUCTED AS A
JOINT HEARING WITH APPLICATION NO. 96-7980 (GROUSE CR.).
SEE THAT FILE FOR ALL HEARING DOCUMENTATION & TAPES.

MICROFILMED

JUL 30 1990

D. Tuthill

SIGNATURE

1/2
587-4470

March 20 overnight

20

21

23

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07979

Priority: June 19, 1981

Minimum Stream Flow:

84.00 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 19, 1981; and
has submitted Proof of Beneficial Use on April 28, 1992. A minimum stream flow for

LIGHTNING CREEK

tributary to PEND OREILLE LAKE

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>MINIMUM STREAM FLOW</u>
MINIMUM INSTREAM FLOW	08/01 to 03/31	49.00 CFS
MINIMUM INSTREAM FLOW	04/01 to 05/31	84.00 CFS
MINIMUM INSTREAM FLOW	06/01 to 07/31	53.00 CFS

MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach
End of Stream Flow Reach

SWSW , Sec. 32, Township 57N, Range 03E
SWNE , Sec. 3, Township 55N, Range 02E
BONNER County

CONDITIONS OF APPROVAL AND REMARKS

1. This right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.
4. The Director retains jurisdiction to review and amend any and all parameters of this right. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of the license.

MICROFILMED
MAY 28 1987

State of Idaho
Department of Water Resources

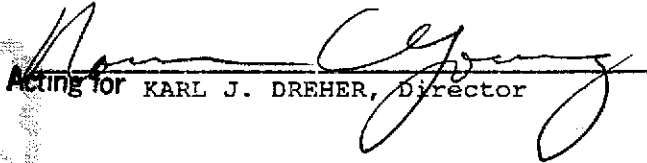
WATER RIGHT LICENSE

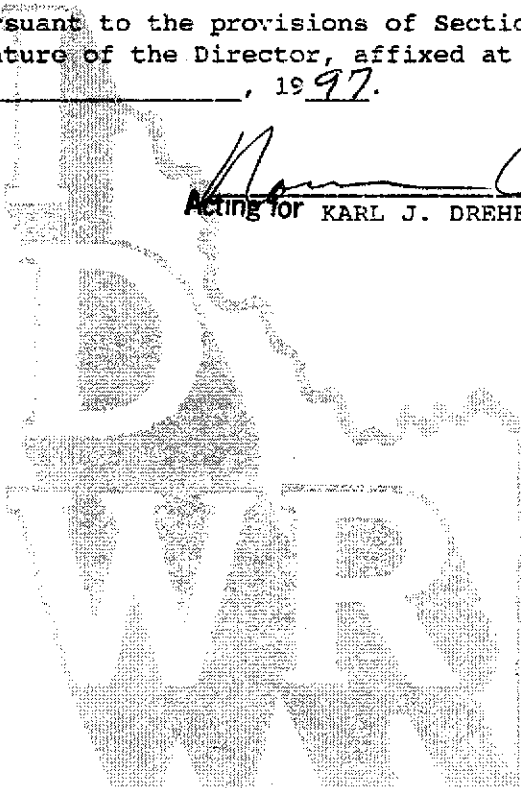
WATER RIGHT NO. 96-07979

CONDITIONS OF APPROVAL AND REMARKS

5. This minimum stream flow begins at the confluence with the East Fork in the SWSW, S32, T57N, R3E and extends downstream approximately eight (8) miles to the confluence with Clark Fork in the SWNE, S3, T55N, R2E.
6. This minimum stream flow is for the maintenance of trout spawning and rearing.

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 20th day of MAY, 1997.


Acting for KARL J. DREHER, Director



MICROFILMED

MAY 28 1997

RECEIVED

STATE OF IDAHO

APR 28 1992

DEPARTMENT OF WATER RESOURCES

Department of Water Resources **PROOF OF BENEFICIAL USE**

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

1. Permit No. 96-7979 Telephone No. 327-7900

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

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

4. Source of Water: Lightning Creek

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

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

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other Minimum streamflow

6. Total rate and/or volume for which proof is submitted 49 cfs Aug 1-Mar 31; 84 cfs April 1-May 31; 53 cfs Jun 1-Jul 31

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

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

OR

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

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

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

Frank Sherman 327-7900
Name Telephone No.

IDWR, Statehouse, Boise, ID 83720
Address

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

4/17/92
Date

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

MAY 28 1992

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

IN THE MATTER OF APPLICATION)
NO. 96-7979 TO ESTABLISH A)
MINIMUM STREAMFLOW IN LIGHTNING)
CREEK IN THE NAME OF THE IDAHO)
WATER RESOURCE BOARD)

ORDER ADOPTING PROPOSED
MEMORANDUM DECISION AND
ORDER

A. Kenneth Dunn, Director of the Department of Water Resources, issued a Proposed Memorandum Decision and Order approving Application No. 96-7979 on April 20, 1987, and served copies on the parties pursuant to Idaho Code § 67-5211.

More than fifteen days have passed since the service of the Proposed Memorandum Decision and Order.

No exceptions to the Proposed Memorandum Decision and Order having been filed with the Department of Water Resources;

IT IS HEREBY ORDERED that the Proposed Memorandum Decision and Order be adopted as the Final Decision and Order of the Director, and that the terms and conditions imposed therein be incorporated into approved Application No. 96-7979.

IT IS FURTHER ORDERED that proof of completion of works and beneficial use shall be submitted on or before February 1, 1993.

Dated this 24 day of June, 1987.


A. KENNETH DUNN
Director

MICROFILMED

JUL 30 1990

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of June, 1987, I mailed a true and correct copy, by U.S. Mail, postage prepaid, of the Order Adopting Proposed Memorandum Decision and Order to:

Water Resource Board
Gene Gray
Route 1, Box 46-A
Payette, ID 83661

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

Department of Fish & Game
Steve Goddard
600 South Walnut
Boise, ID 83706

Tom Mehler
Lake-Pend Oreille Trout Club
P.O. Box 1589
Sandpoint, ID 83864

Mike Ruskey
Idaho Pandandle Chapter of Trout Unlimited
P.O. Box 1821
Sandpoint, ID 83864

Cooke, Lamanna, & Smith
Thomas E. Cooke
Attorney at Law
P.O. Box 789
Priest River, ID 83856

Vicki Younger
P.O. Box 149
Colburn, ID 83865

Jane L. Fox
JANE L. FOX, Receptionist

MICROFILMED

JUL 30 1990

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

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 96-7979 TO ESTABLISH A MINIMUM STREAM)
FLOW IN LIGHTNING CREEK IN THE NAME OF)
THE IDAHO WATER RESOURCE BOARD)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, NORMAN C. YOUNG, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, §67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, §§42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions shall be filed with the Director within 15 days after the exceptions are filed upon the responding party.

MICROFILMED

JUL 30 1990

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, §42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

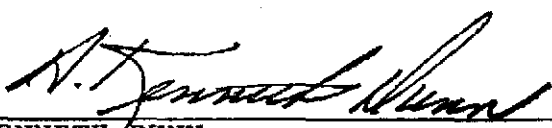
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 20th day of APRIL, 19 87.


A. KENNETH DUNN
Director

MICROFILMED

JUL 30 1990

I hereby certify that on the 20th of April, 1987, I sent copies of the Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum Decision to the following people:


JANE FOX, Receptionist

Water Resource Board
Gene Gray

Water Resource Board
Dave Rydalch

Dept. of Fish & Game
Steve Goddard
600 South Walnut
Boise, ID 83706

Tom Mehler
Lake Pend Oreille Trout Club
P.O. Box 1589
Sandpoint, ID 83864

Mike Ruskey
Idaho Panhandle Chapter of Trout Unlimited
P.O. 1821
Sandpoint, ID 83864

Cooke, Lamanna & Smith
Thomas E. Cooke
Attorney at Law
P.O. Box 789
Priest River, ID 83856

Vicki Younger
P.O. Box 149
Colburn, ID 83865

MICROFILMED

JUL 30 1990

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

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 96-7979 TO ESTABLISH A MINIMUM STREAM)
FLOW IN LIGHTNING CREEK IN THE NAME OF)
THE IDAHO WATER RESOURCE BOARD)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On June 19, 1981, the Idaho Water Resource Board (hereafter Board) filed with the Idaho Department of Water Resources (hereafter Department) an application for permit to preserve a minimum flow in Lightning Creek, tributary to Clark Fork, in Bonner County. The application was filed by the Board at the request of the Idaho Department of Fish and Game in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

A public meeting was held by the Board on September 29, 1983, in Sandpoint, Idaho, for the purpose of determining local public interest with respect to the application. On November 7, 1983, the Board adopted a resolution requesting the Director of the Department to proceed with administrative action on the application.

Notice describing the proposed appropriation and setting the time and place for the required hearing was published in the Sandpoint Daily Bee on October 26 and November 2, 1983. A public hearing was held at Sandpoint, Idaho on November 16, 1983.

Because of the similarities between this application and application for permit No. 96-7980, to appropriate a minimum stream

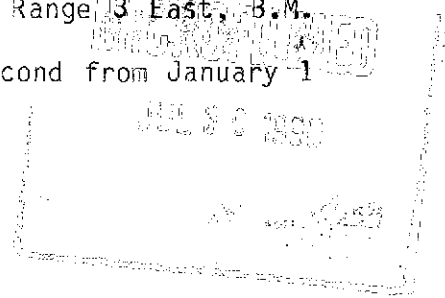
flow for identical purposes from nearby Grouse Creek tributary to the Pack River, a joint hearing was conducted for the two applications. Parties appearing in a formal capacity included members of the Board; representatives of the Idaho Department of Fish and Game; Tom Mehler representing the Lake Pend Oreille Idaho Club; Mike Ruskey representing the Idaho Panhandle Chapter of Trout Unlimited; Attorney Thomas E. Cooke representing Roland Derr; and Vicki Younger representing property owners in the Grouse Creek basin. James E. White and Ted Clarke appeared for the purpose of presenting public interest views and comments.

Based upon sworn testimony, documentation and statements included in the record, and his understanding of the law, the Hearing Officer as a representative of the Director of the Department proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1) On June 19, 1981, the Board filed Application for Permit No. 96-7979 to appropriate a minimum stream flow in Lightning Creek, which is tributary to Clark Fork just upstream from Lake Pend Oreille, Bonner County, pursuant to the provisions of Chapter 15, Title 42, Idaho Code.

2) Application for Permit No. 96-7979 proposes to appropriate a minimum stream flow in Lightning Creek within a reach extending from the confluence with Clark Fork in the SW1/4 NE1/4, Section 3, Township 55 North, Range 2 East, B.M., upstream approximately eight (8) miles to the confluence with the East Fork in the SW1/4 SW1/4, Section 32, Township 57 North, Range 3 East, B.M. The proposed rate of flow is 49 cubic feet per second from January 1



through March 31, 84 cubic feet per second in April and May, 53 cubic feet per second in June and July, and 49 cubic feet per second from August 1 through December 31.

3) The purpose of the proposed instream appropriation is to maintain trout spawning and rearing throughout the reach defined above.

4) Based upon testimony of the staff of the Department, it is found that no other water rights had been filed for the use of Lightning Creek at the time of the hearing. However, testimony at the hearing indicated that there may be an intent to divert water from Lightning Creek for beneficial use in the future.

5) The proposed uses under Application for Permit No. 96-7979 are instream and non-consumptive.

6) Based upon the sworn testimony, documentation, and statements comprising the record in this matter, it is found that the minimum stream flow proposed by Application for Permit No. 96-7979 is necessary to maintain trout spawning and rearing.

7) Based upon testimony presented at the hearing, it is found that the benefits to be derived from the minimum stream flow application would be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

8) Based upon testimony and evidence submitted by the Idaho Department of Fish and Game, it is found that the flow requested in the application is the minimum flow required to preserve the existing unique characteristics of the stream for the public benefits and is not the ideal or most desirable flow which could be utilized for that purpose.

9) Based upon testimony and evidence submitted concerning available flow measurement data, a finding is made that the minimum stream flows proposed for Lightning Creek are generally capable of being maintained. This testimony noted that flow data is limited for Lightning Creek.

ANALYSIS

Based upon testimony at the hearing and information in the file, there is one primary item of contention with respect to the proposed application. Section 42-1503, Idaho Code, requires that approval of an application for permit for a minimum stream flow must be based upon, among other things, a finding that the requested flows are "capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks". The question concerns whether this requirement has been satisfied.

The record shows few recorded flow measurements on Lightning Creek. United States Geological Survey measurements identified in publications of Water Resources Data for Idaho, include six individual measurements made at a location near the railroad bridge about one-half mile upstream from the mouth. These measurements are tabulated as follows:

<u>Date</u>	<u>Flow</u> (cubic feet per second)
10-5-73	24.6
9-27-74	33.6
9-3-75	99.2
9-9-76	72.7
7-19-77	26.4
8-11-78	24.9

Of these measurements, the two made in early September indicate flows at this point sufficient to satisfy the minimum stream flow request.

One other flow measurement on Lightning Creek was documented by Idaho Department of Fish and Game personnel for a transect about seven (7) miles upstream from the mouth. The testimony indicates the flow to have been 58 cubic feet per second on July 26, 1977, which is five (5) feet per second more than the minimum flow requested.

The testimony and evidence established that the available measurements were made during months which are typically part of the low flow period of the annual flow regime cycle for streams in the Lightning Creek area.

Information presented at the hearing established that Lightning Creek does not have a homogeneous surface flow regime throughout the minimum flow reach, to the extent that in some portions of the reach there could be adequate flow to satisfy the minimum stream flow request while at the same time there is not sufficient flow to do so in other portions of the reach. The information, although not conclusive, indicates that the portion of the minimum flow reach for which most of the flow data are available is a section exhibiting significant percolation losses. For this reason, the existing flow data underestimate the flow rates occurring upstream over most of the requested reach.

The available flow data, when evaluated using information presented at the hearing concerning location and timing of the measurements, does indicate that the flow rates requested are generally capable of being maintained over most of the reach requested.

Public interest is a dynamic factor subject to change as the needs and desires of the people in an area and throughout Idaho

evolve. A perpetual commitment of a significant amount of water from a stream or river system to a use without a workable method of changing the terms of that use could at some future time adversely affect the public interest. Approval of a minimum stream flow should provide for a periodic review of the continued public interest.

CONCLUSIONS OF LAW

1) The proposed minimum stream flow appropriation will not interfere with any vested water right, permit, or right under an application having a priority date earlier than June 19, 1981.

2) The proposed minimum stream flow appropriation is in the public, as opposed to private, interest.

3) The proposed minimum stream flow appropriation is necessary to maintain trout spawning and rearing.

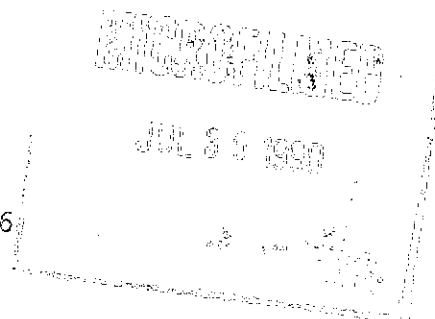
4) The proposed minimum stream flow appropriation is the minimum flow required for the purpose cited in Conclusion of Law No. 3 and not the ideal or most desirable flow.

5) The proposed minimum stream flow appropriation is generally capable of being maintained over most of the reach requested.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 96-7979 (Lightning Creek) is APPROVED subject to the following conditions:

1) Measuring devices of a type and at locations approved by the Director shall be installed to monitor the flows of Lightning Creek.



2) Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department within five years after the permit approval is finally effective as herein provided. The proof submitted shall include at least three years of flow data. The frequency of the data accumulation shall be approved in advance by the Director.

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

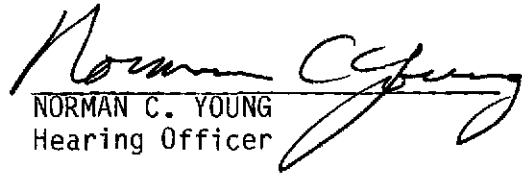
4) The use of water under this permit is subject to all prior rights.

5) The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of either the permit or the license.

6) The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the next regular legislative session and the Director's approval shall not

become finally effective until approved by the legislature pursuant to the procedure provided by Section 42-1503, Idaho Code.

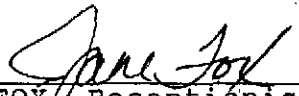
Dated this 9TH day of April, 1987.


NORMAN C. YOUNG
Hearing Officer

MICROFILMED

JUL 30 1990

I hereby certify that on the 15th of April, 1987, I sent copies of the Proposed Memorandum Decision and Order to the following people:


JANE FOX Receptionist

Water Resource Board
Gene Gray

Water Resource Board
Dave Rydalch

Dept. of Fish & Game
Steve Goddard
600 South Walnut
Boise, ID 83706

Tom Mehler
Lake Pend Oreille Trout Club
P.O. Box 1589
Sandpoint, ID 83864

Mike Ruskey
Idaho Panhandle Chapter of Trout Unlimited
P.O. 1821
Sandpoint, ID 83864

Cooke, Lamanna & Smith
Thomas E. Cooke
Attorney at Law
P.O. Box 789
Priest River, ID 83856

Vicki Younger
P.O. Box 149
Colburn, ID 83865

MICROFILMED

JUL 30 1990

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 384-2215

Post office address Statehouse, Boise, Idaho 83720

2. Source of water supply Lightning Creek which is a tributary of Pend Oreille Lake

3. Location of reach is from SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3 Township 55 N

Range 2 E B.M. Bonner County, upstream approximately 8 miles to confluence with
East Fork in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 32, T57N, R3E, B.M., Bonner County.

4. Water will be used for the following purposes:

see No. 10

Amount for instream flow 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)

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:

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3 Township 55 N

Range 2 E B.M.

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

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

(4) Name of municipality to be served of families to be
supplied with domestic water .

(5) If water is to be used for other purposes describe: To maintain trout spawning and rearing
from the confluence with Clark Fork upstream a distance of 8 miles.

MICROFILMED

JUL 30 1990

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion

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

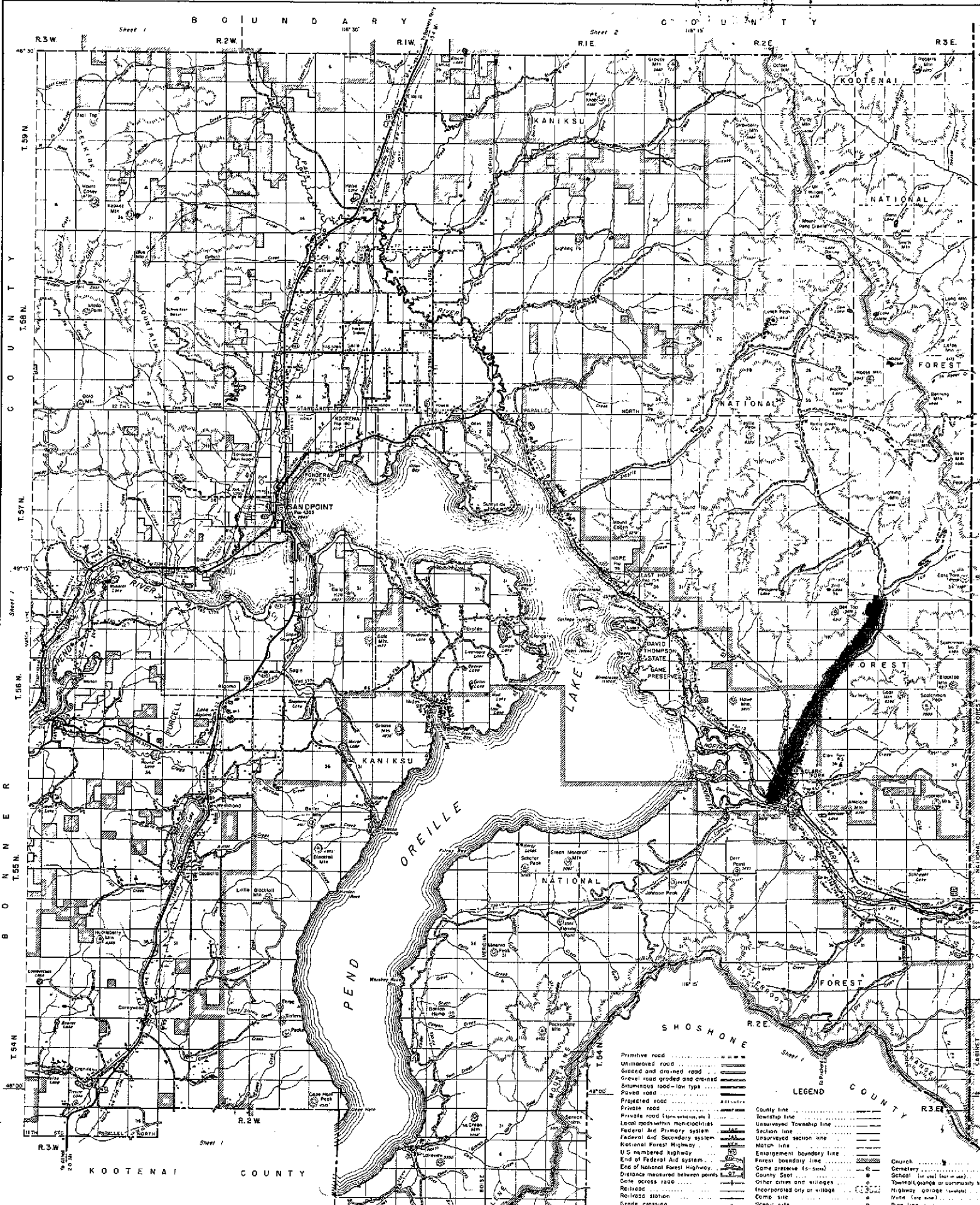
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
49	49	49	84	84	53	53	49	49	49	49	49

LINE

40E 3 0 1990



- Primitive road
Unimproved road
Gravel road graded and drained
Gravel road graded and drained
Bituminous road-low type
Paved road
Proposed road
Private road
Private road (open access)
Local roads within municipalities
Federal Aid Primary system
Federal Aid Secondary system
National Forest Highway
U.S. numbered highway
End of National Forest Highway
Distance measured between points
One across road
Railroad
Railroad station
Grade crossing
- County line
Township line
Unsurveyed Township line
Section line
Unsurveyed section line
Match line
Enlargement boundary line
Forest boundary line
Game preserve (5-500)
County seat
Other cities and villages
Incorporated city or village
Camp site
Scenic site
- Church
Cemetery
School (in use) (not in use)
Township, grange or community hall
Highway garage (not)
Mine (not in use)
Pipe line

This image shows a full page of blank graph paper. The grid consists of 20 columns and 20 rows of squares, formed by thin black lines. There are no margins, text, or other markings on the page.

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.

JUL 30 1990

Idaho Water Resource Board

Received by 153 Date 7/6/81 Time 5:45 PM
6-19-81
Preliminary check by RJA Fee \$ NR
Receipted by RJA Date NR
Publication prepared by mm Date 9/8/83
Published in Sandpoint Bee
Publication dates 9/14-21/83
Publication approved mm Date 10/11/83
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7979, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 93.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Pursuant to PROPOSED MEMORANDUM DECISION AND ORDER and ORDER ADOPTING
PROPOSED MEMORANDUM DECISION AND ORDER

Witness my hand this 24 day of June, 19 87

[Signature]
Director

RECORDED

JUN 11 1987

NAME OF STREAM: Lightning Creek, a tributary of Pend Oreille Lake.

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

At mouth, Bonner County, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 55 N., R. 2 E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND:

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
49	49	49	84	84	53	53	49	49	49	49	49

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:

To maintain trout spawning and rearing from the point of requested flow upstream a distance of eight miles.

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

See above.

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

The above requested flow is for instream nonconsumptive use and will be subject to all vested water rights or water applications of earlier dates of priority.

EVIDENCE THAT THE APPROPRIATION WOULD BE IN THE PUBLIC INTEREST AS OPPOSED TO PRIVATE INTEREST: Lightning Creek is an important tributary of Pend Oreille Lake and is a major spawning and rearing area for kamloops trout, Dolly Varden cutthroat trout and kokanee salmon. This stream is the most important tributary for world record gerrard kamloop trout. These fish are only found in Pend Oreille and Kootenai lakes. Recreational fishing is one of the prime sources of income for neighboring areas of Pend Oreille Lake. The requested water right will be held in trust for the people of Idaho by the Idaho Water Resource Board.

EVIDENCE OR JUSTIFICATION THAT THE APPROPRIATION IS NECESSARY FOR THE PURPOSES SHOWN ABOVE: During 1977, personnel of the Idaho Fish and Game collected field data from Lightning Creek. Using this data with instream flow methodologies, the above requested flows were determined as necessary for maintaining trout spawning and rearing habitat in Lightning Creek. Methodologies, techniques and flow recommendations are presented in the following publication:

Cochmauer, Tim and Edwin Buettner. 1978. Stream Flow Investigations -- Stream Resource Maintenance Flow Determinations on Idaho Streams. Job Performance Report. Project F-69-R-3, Job II. Idaho Department of Fish and Game. 8 pp.

EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL OR MOST DESIRABLE FLOW: The ideal flow would be bank full discharge.

EVIDENCE THAT THE REQUESTED FLOW IS CAPABLE OF BEING MAINTAINED AS EVIDENCED BY RECORDS OF STREAM FLOWS: No regularly recorded flow data is available.

LOCATION OF EXISTING GAGING STATION THAT CAN BE USED IN THE ADMINISTRATION OF THIS APPROPRIATION: None

JUL 30 1980

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of _____

Legal Notice

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 14 day of 9, 1983 and ending on the 21 day of 9, 1983 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 3 day of 10, 1983.

Deed M Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

MICROFILMED

JUL 30 1990

**NOTICE OF APPLICATION
FOR MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources of water which are further described as follows:

APPLICATION NO. 94-7979

Source: Lightning Creek, tributary to Pend Oreille Lake
Location of Minimum Streamflow Reach: SWNE Sec. 3, T55N, R02E, B.M., upstream approx. 8 miles to confluence with East Fork in the SWSW Sec. 32, T57N, R03E, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate:	Period of Use
49.0 CFS	8/1 to 3/31
84.0 CFS	4/1 to 5/31
53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION NO. 94-7980

Source: Grouse Creek, tributary to Pack River.
Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B.M., upstream approx. 5 miles to the county road bridge in the SENE Sec. 25, T59N, R01W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
14.0 CFS	8/1 to 3/31
85.0 CFS	4/1 to 5/31
67.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

The Idaho Water Resource Board will hold a Public Meeting on the applications at 7:30 p.m., on Thursday, September 29, 1983, in the Sandpoint Community Hall 204 S. 1st. St., Sandpoint, Id., for the purpose of gathering information about public interest with regard to the above minimum stream flow applications. If issued, these permits will be subject to all prior water rights.

DONALD R. KRAMER

Chairman-Idaho Water Resource Board

Published in the Sandpoint Daily Bee on September 14 and 21, 1983.

OK
10/11/83

RECEIVED
OCT 7 1983

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of _____

Legal notice

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 26 day of 10, 1983 and ending on the 2 day of 11, 1983 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 3 day of 11, 1983.

Abel M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are further described as follows:

APPLICATION

NO. 96-7979

Source: Lightning Creek, tributary to Pend Oreille Lake

Location of Minimum Streamflow Reach: SWNE Sec. 2, T55N, R02E, B.M., upstream approx. 8 miles to confluence with East Fork in the SWSW Sec. 32, T57N, R10E, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
49.0 CFS	8/1 to 3/31
84.0 CFS	4/1 to 5/31
53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION

NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T56N, R01W, B.M., upstream approx. 5 miles to the county road bridge in the SENE Sec. 25, T59N, R01W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
14.0 CFS	8/1 to 3/31
85.0 CFS	4/1 to 5/31
67.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

spawning and rearing habitat.

The Director of the Department of Water Resources will hold a public hearing on the applications at 9:00 a.m., on Wednesday, November 16, 1983, in the conference room of the Federal Building, 1500 Highway #2 (Dover Highway), Sandpoint, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A. KENNETH DUNN

Director

Published in the Sandpoint Daily Bee on October 26 and November 2, 1983.

AK

11/17/83

RECEIVED

MICROFILMED

Department of Water Resources
Northern District Office

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are further described as follows:

APPLICATION NO. 96-7979

Source: Lightning Creek, tributary to Pend Oreille Lake

Location of Minimum Streamflow Reach: SWNE Sec. 3, T55N, R02E, B.M.,
upstream approx. 8 miles to confluence with East Fork in the
SWSW Sec. 32, T57N, R03E, B.M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	49.0 CFS	8/1 to 3/31
	84.0 CFS	4/1 to 5/31
	53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B.M.,
upstream approx. 5 miles to the county road bridge in the
SENE Sec. 25, T59N, R01W, B.M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	14.0 CFS	8/1 to 3/31
	85.0 CFS	4/1 to 5/31
	67.0 CFS	6/1 to 7/31

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A. KENNETH DUNN
Director

Published in the Sandpoint Daily Bee on October 26 and November 2, 1983.

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APPLICATION NO. 96-7979

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	84.0 CFS	4/1 to 5/31
	53.0 CFS	6/1 to 7/31

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APPLICATION NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B. M., upstream approx. 5 miles to the county road bridge in the SENE Sec. 25, T59N, R01W, B. M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	14.0 CFS	8/1 to 3/31
	85.0 CFS	4/1 to 5/31
	67.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

The Idaho Water Resource Board will hold a Public Meeting on the applications at 7:30 p.m., on Thursday, September 29, 1983, in the Sandpoint Community Hall 204 S. 1st St., Sandpoint, Id., for the purpose of gathering information about public interest with regard to the above minimum stream flow applications. If issued, these permits will be subject to all prior water rights.

DONALD R. KRAMER
Chairman--Idaho Water Resource Board

Published in the Sandpoint Daily Bee on September 14 and 21, 1983.

SEP 30 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 12 1997

96-07979

A. GENERAL INFORMATION

Permit No. 96-07979

1. Owner: State of Idaho / Idaho Water Resources Board Phone No. 208 327-7900

Current Address: STATE HOUSE, MAIL, BOISE, ID. 83720

2. Accompanied by: _____ EXAM DATE: 12-23-96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Lightning Creek tributary to Clark Fork River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
<u>Beginning STREAM REACH:</u>									
		SW	SW		32	57N	03E	Bonner	U.S.G.S. 7.5' QUAD.
<u>Ending STREAM REACH:</u>									
		SW	NE		03	55N	02E	Bonner	U.S.G.S. 7.5' QUAD

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Minimum STREAM FLOW

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

* See File # 96-07979

Scale: 1" = _____



Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).



Aerial Photo Attached
(required for irrigation of 10+ acres)



Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements:

* See File # 96-07979 for Stream Flow Records.

E. NARRATIVE/REMARKS/COMMENTS

All conditions have been met for Licensing Requirements.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

**See File #96-07979 for
Decision & ORDERS adopting
Permit.*

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

**See File #96-07979 for Minimum
Stream Flows Record.**

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Minimum Stream Flow</u>	<u>08-01</u>	<u>03-31</u>	<u>49.0</u>	<u>—</u>
<u>Minimum stream Flow</u>	<u>04-01</u>	<u>05-31</u>	<u>84.0</u>	<u>—</u>
<u>Minimum stream Flow</u>	<u>06-01</u>	<u>07-31</u>	<u>53.0</u>	<u>—</u>
Totals:			<u>84.0</u>	<u>—</u>

2. Recommended Amendments

____ Change P.D. as reflected above

____ Add P.D. as reflected above

____ None

____ Change P.U. as reflected above

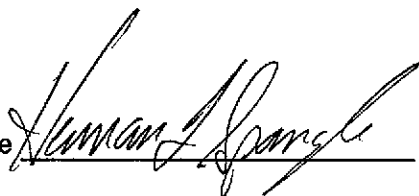
____ Add P.U. as reflected above

☒ Other

*TRIBUTARY TO:
CLARK FORK RIVER*

I. AUTHENTICATION

Field Examiner's Name



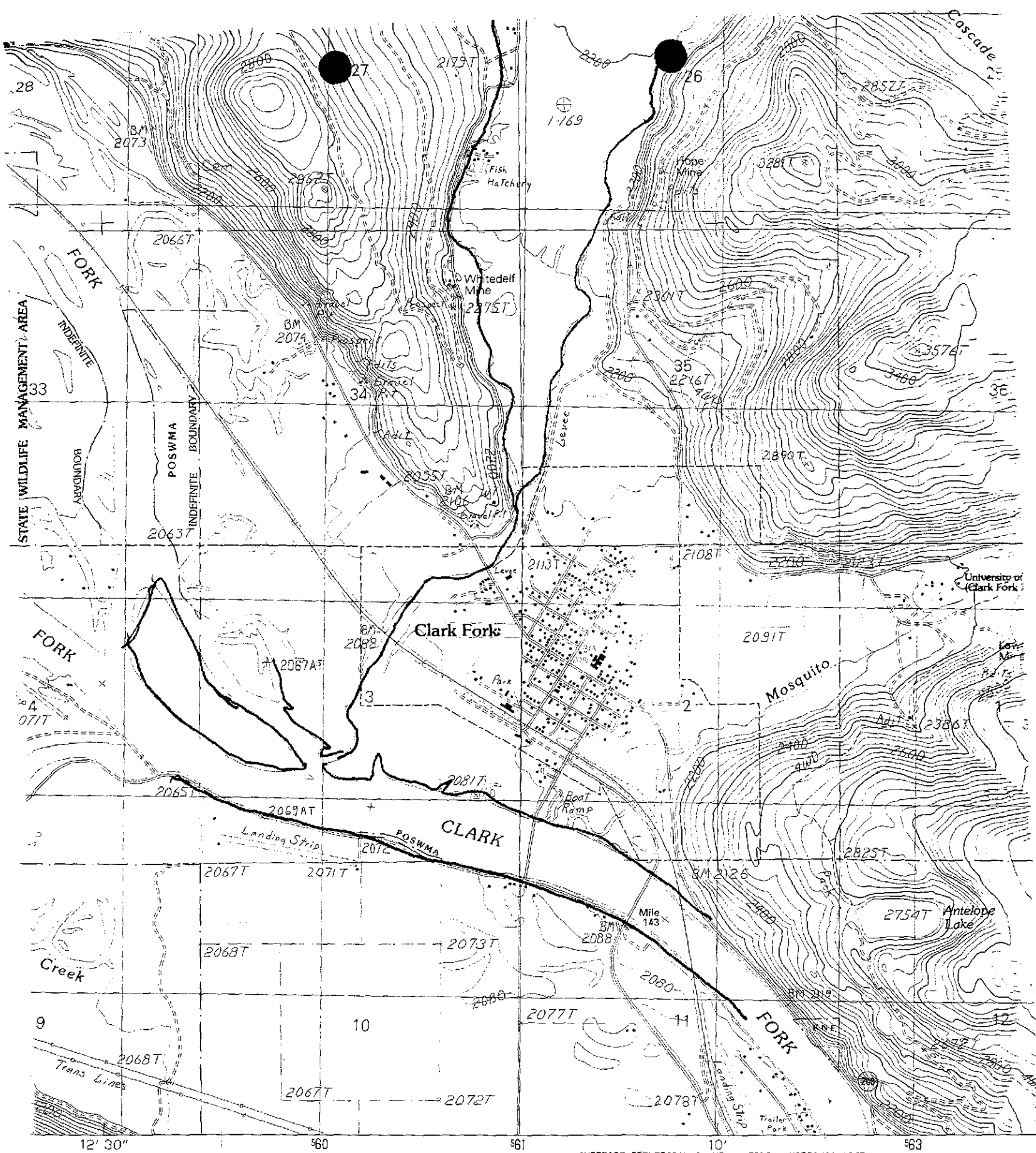
Date

12-23-96

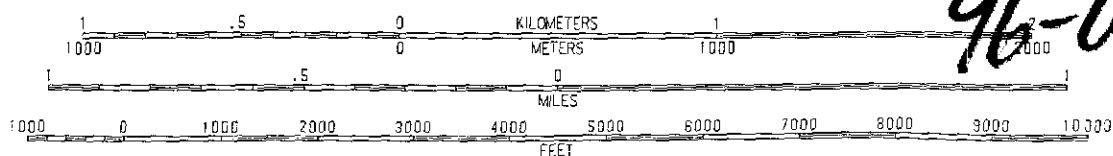
Reviewer _____

Date _____

SEAL



SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1989

96-07979

IDAHO

QUADRANGLE LOCATION

1	2	3	1 Trout Peak
			2 Tropic Peak

MINIMUM STREAM FLOW
Fact Sheet

Water Right No.: 96-7979

Source: Lightning Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.
49 49 84 84 53 53 49 49 49 49 49 49 cfs

Location of Reach: From the confluence with Clark Fork within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 55 North, Range 2 East, upstream approximately 8 miles to the confluence with the East Fork in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 57 North, Range 3 East.

Purpose: To maintain trout spawning and rearing.

Public Meeting: Thursday, September 29, 1983, at the Sandpoint Community Hall, 204 S. 1st in Sandpoint, 7:30 p.m.

Water Right No.: 96-7980

Source: Grouse Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.
14 14 14 85 85 67 67 14 14 14 14 14 cfs

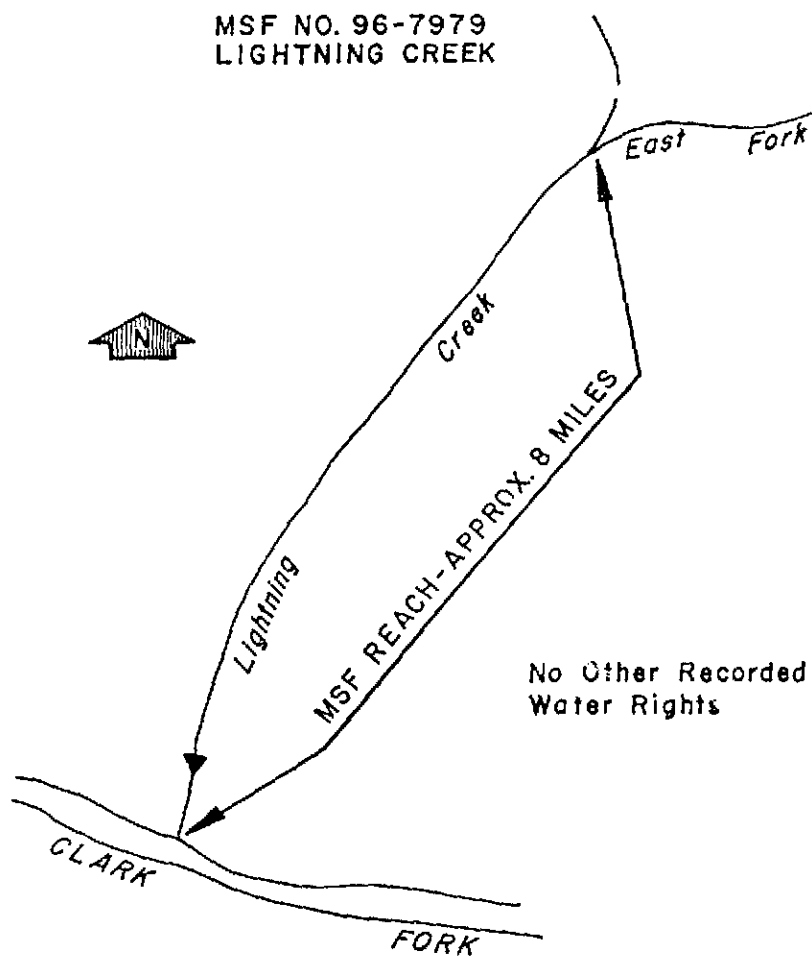
Location of Reach: From the confluence with the Pack River within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 58 North, Range 1 West, upstream about 5 miles to the county road bridge in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 59 North, Range 1 West.

Purpose: To maintain trout rearing and spawning habitat.

Public Meeting: Thursday, September 29, 1983, at the Sandpoint Community Hall, 204 S. 1st in Sandpoint, 7:30 p.m.

96-07979

MSF NO. 96-7979
LIGHTNING CREEK



No Other Recorded
Water Rights

IDAHO WATER RESOURCE BOARD FILING (cfs)

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
49	49	49	84	84	53	53	49	49	49	49	49

96-07979



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

May 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 96-07979

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the 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(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a 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.

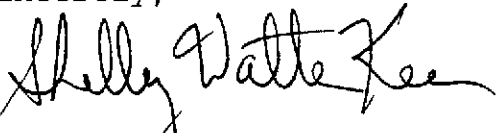
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case 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 of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

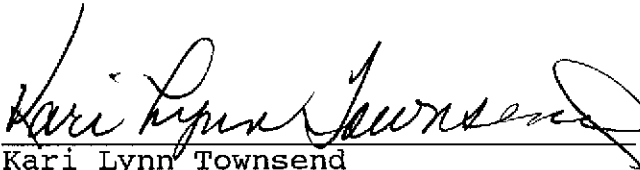
RECEIVED
NOV 28 1997

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-07979

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720


Kari Lynn Townsend
Secretary

RECORDED
MAY 23 1997

Water Right Permit No. 96-07979 -- Lightning Creek												
Summary of Stream Flow Data												
All measurements are in cubic feet per second. Figures highlighted in light gray are Dept. of Fish and Game measurements. Figures highlighted in dark gray are USGS maximum measured flow rates for the month. The permitted minimum stream flow for each month was equalled or exceeded at least once during the period 1987-1990.												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Permit	49.0	49.0	49.0	84.0	84.0	53.0	53.0	49.0	49.0	49.0	49.0	49.0
1987								20.5	15.0	9.9		
1988							38.9	17.4		931.0	1160.0	201.0
1989	127.0	77.0	656.0	2240.0	2700.0	2110.0	147.0	77.0	78.0	36.0	2490.0	3030.0
1990	2510.0	208.0	430.0	1760.0	2790.0	2290.0	766.0	80.0	18.0			
License	49.0	49.0	49.0	84.0	84.0	53.0	53.0	49.0	49.0	49.0	49.0	49.0

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MAY 28 1997

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 96-07979

Proof of beneficial use rec'd 4/28/92

Was flow data submittal a requirement
with proof submittal? Yes ☒ No ☐

If yes, has data been reviewed and a determination
made that minimum flow is capable of being
maintained? Yes ☐ No ☒

Data submitted fully complies with permit condition
(i.e. # of years of flow data sufficient) 3 yrs.

1988 & 1989 12 mos. full data ea. yr. &

Data Entry for License: miss 1978, 1987, 1975, 1976, 1977 data

Name Standardized

Total cfs & div. capacity listed as highest flow

P/D(s) beginning and ending descriptions listed

Use flows defined for entire year

P/U left blank (description in remarks)

Remarks/non-standard conditions

Non-consumptive

Watermaster control

Jurisdiction retains to amend

Description of reach(es)

All other applicable permit conditions
carried forward

Comments/adjustments Cond #1 Reg'd meas. devices to monitor
flows - USGS water stage recorder & info. submitted - cond not
complied with - areas where measurements were taken may not be
sufficient to account for portions of reach where flows can/cannot
be maintained -

Printed license hand-edited

Cindy Robertson states that data was collected
in drought years - this may or may not reflect
accurately on whether flows can be maintained, as
stated above in all the data for 7 different years.
The minimums for ea. season were not maintained.

info submitted is sufficient - meas. dev. condition
considered complied with, will not be carried over
to license.

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 96-07979

Reviewed by Keg

Date 5/20/92

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 streamflow

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source

 Ground water source

NA Drilling permit required?

/ Copy in the file? Drilling Permit No.

/ Amount paid for permit Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

NA Required?
/ Amount Submitted
/ Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 4/28/92
5/20/92 Keg

Bill

4/15

- DATA FOR LIGHTNING CREEK
LOOKS OKAY

- Grouse Creek Data is
Deficient, Flow Data is
needed for all 12 months
(1 year would be
sufficient) - George

Gary -

(1) Attached flow data for
MSF proofs of bene. use
on Lightning + Grouse
Creeks. Is this adequate?

(2) Has George finished
his flow determinations
for E. Fk. Rock Cr.?

Bill G.

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MAY 28 1997

State of Idaho
Department of Fish and Game
2320 Government Way
Coeur d'Alene, ID 83814

March 5, 1992

MEMORANDUM

FROM: CHIP CORSI 
Environmental Staff Biologist

TO: CINDY ROBERTSON
Senior Fishery Research Biologist

SUBJECT: FLOW MEASUREMENTS

Attached is a summary of the flow data in the files for Grouse and Lightning creeks. I hope this is what you're looking for--if not holler and I'll get (or try to, anyway) whatever else it is you need.

CEC:njk

Attachment

Attached are data collected by IDFG personnel from 1986 to 1990 in the Grouse and Lightning Creek drainages. The data from Grouse Creek were collected approximately 15 yards below the county road bridge (Sect. 2, T58N, R1W). The data for Lightning Creek were collected approximated 75 yards below the Highway 200 bridge. (The data for the North Fork Grouse Creek are not relevant to the Grouse Creek flow data.)

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MAR 13 1992 MAY 28 1997

GROUSE CREEK FLOW MEASUREMENTS

<u>1986</u>		
Date	Gage Ht.	Q
7/24	0.54	19.0
8/15	0.38	5.7
9/19	0.49	17.2
10/15	0.66	30.0

<u>1987</u>		
Date	Gage Ht.	Q
6/12	0.98	68.6
6/26	0.81	44.7
7/13	0.62	19.0
7/23	0.67	23.5
8/21	0.48	9.5
9/11	0.38	5.8

<u>1988</u>		
Date	Gage Ht.	Q
6/17	0.95	64.9
7/12	0.63	19.6
8/9	NR	7.1

<u>1989</u>		
Date	Gage Ht.	Q
ND	ND	ND

<u>1990</u>		
Date	Gage Ht.	Q
8/2	NR	4.9

NORTH FORK GROUSE CREEK

<u>1989</u>		
Date	Gage Ht.	Q
9/1	NR	3.6
10/26	NR	4.4

<u>1990</u>		
Date	Gage Ht.	Q
6/27*	NR	36.9

* Flow data from other sites on North Fork Grouse Creek for 6/27/90 ~ 15 cfs.

LIGHTNING CREEK

<u>1987</u>		
Date	Gage Ht.	Q
8/24	7.5	20.5
9/21	NR	6.4
10/16	3.04	4.7

<u>1988</u>		
Date	Gage Ht.	Q
7/13	NR	38.9
8/8	NR	17.4

N.R. = Not recorded

All Q in cfs

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MAY 28 1997



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707

March 20, 1992

Mr. Bill Graham
Idaho Department of Water Resources
STATEHOUSE MAIL
Boise, Idaho 83720

Re: Grouse and Lightning creeks flow data for minimum flow applications
96-7980 and 96-7979.

Dear Bill:

Enclosed are the flow data collected by Idaho Department of Fish and Game (IDFG) personnel as part of the permit approval conditions for the above-referenced minimum stream flow permits. Data collected by IDFG were collected during the current drought cycle and may not accurately reflect water conditions in the drainages during normal water years.

I have also included data collected by U.S. Geological Survey (USGS) personnel to supplement our records. Please review these data to determine if they are sufficient to meet the conditions of the above-referenced permits. If they are insufficient, please notify me as soon as possible, and I will submit a request for extension of time to provide additional data.

Thank you in advance for your assistance. If I can provide additional information, please call me at 334-2597.

Sincerely,

Cindy

Cindy Robertson
Fishery Biologist

CR:kdd

Enclosures

cc: Chip Corsi, Region 1

Cecil D. Andrus / Governor
Jerry M. Conley / Director



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MAY 28 1997

As the number of streams on which streamflow information is likely to be desired far exceeds the number of stream-gaging stations feasible to operate at one time, the Geological Survey collects limited streamflow data at sites other than stream-gaging stations. When limited streamflow data are collected on a systematic basis over a period of years for use in hydrologic analyses, the site at which the data are collected is called a partial-record station. Data collected at these partial-record stations are usable in a low-flow or floodflow analyses, depending on the type of data collected. In addition, discharge measurements are made at other sites not included in the partial-record program. These measurements are generally made in times of drought or flood to give better areal coverage to those events. Those measurements and others collected for some special reason are called measurements at miscellaneous sites.

Records collected at partial-record stations are presented in two tables. The first is a table of discharge measurements at low-flow partial-record stations, and the second is a table of annual maximum stage and discharge at crest-stage stations. Discharge measurements made at miscellaneous sites for both high and low flow are given in a third table.

Low-flow partial-record stations

Measurements of streamflow in the area covered by this report made at low-flow partial-record stations are given in the following table. Most of these measurements were made during periods of base flow when streamflow is primarily from ground-water storage. These measurements, when correlated with simultaneous discharge of a nearby stream where continuous records are available, will give a picture of the low-flow potentiality of the stream. The column headed "Period of record" shows the water years in which measurements were made at the same, or practically the same, site.

Discharge measurements made at low-flow partial-record stations during water year 1975

Station No.	Station name	Location	Drainage area (sq mi)	Period of record	Measurements	
					Date	Discharge (cfs)
Bear River basin						
10091130	Swan Lake Creek near Swan Lake	Lat 42°20'31", long 111°59'05", in NE¼ sec. 35, T.12 S., R.38 E., Bannock County, at county road crossing and 2.2 mi (3.5 km) north of Swan Lake.	-	1973-75	9-19-75	1.45
Tributaries between Great Salt Lake Desert and Bear River						
10172970	Rock Creek near Holbrook	Lat 42°13'51", long 112°43'45", in NW¼ sec. 9, T. 14 S., R.32 E., Oneida County, at county road crossing and 6.0 mi (9.7 km) northwest of Holbrook.	a44	1962-71b, 1973-75	9-20-75	4.45
Kootenai River basin						
12306800	Round Prairie Creek near Eastport	Lat 48°57'53", long 116°11'52", in SW¼SE¼ sec. 21, T.65 N., R.2 E., Boundary County, Kaniksu National Forest, 0.4 mi (0.6 km) downstream from Robinson Lake, 2.5 mi (4.1 km) south of Eastport, and at mile 2.5 (4.1 km).	-	1974-75	10- 1-74 8-27-75	c27.9 5.77
12310800	Trail Creek at Naples	Lat 48°34'28", long 116°23'20", in SW¼SW¼ sec. 6, T.60 N., R.1 E., Boundary County, at railroad culvert, 0.4 mi (0.6 km) upstream from mouth, and at Naples.	a16	1961-71b, 1973-75b	10-30-74 8-22-75	.56 .42
12321000	Smith Creek near Porthill	Lat 48°57'40", long 116°33'20", in SE¼NW¼ sec. 26, T.65 N., R.2 W., Boundary County, Kaniksu National Forest, at forest bridge, 1.0 mi (1.6 km) south of Smith Creek ranger station, and 4.0 mi (6.4 km) southwest of Porthill.	a70	1928-61t, 1973,1975	10-23-74 8-21-75	11.8 29.8
Pend Oreille River basin						
12392100	Trapper Creek near Clark Fork	Lat 48°15'57", long 116°07'00", in NE¼ sec. 30, T.57 N., R.3 E., Bonner County, Kaniksu National Forest, at U.S. Forest Service road and 9.8 mi (15.7 km) north of Clark Fork.	1.12	1962-71b, 1974-75	9-27-74 9- 3-75	0 .07
12392155	Lightning Creek at Clark Fork	Lat 48°08'52", long 116°11'24", in NW¼SW¼ sec. 3, T.55 N., R.2 E., Bonner County, 100 ft (305 m) downstream from N.P. Railroad bridge, 1,600 ft (488 m) upstream from mouth, and 0.5 mi (0.8 km) west of Clark Fork.	a100	1974-75	9- 3-75	99.2
12392800	Hornby Creek near Dover	Lat 48°15'10", long 116°37'50", in SW¼SW¼ sec. 30, T.57 N., R.2 W., Bonner County, at U.S. Highway 2 crossing and 1.2 mi (1.9 km) west of Dover.	a2.2	1961-71b,	9- 5-75	4.17
12392350	Grouse Creek near Colburn	Lat 48°20'36", long 116°26'10", in NE¼NW¼ sec. 2, T.58 N., R.1 W., Bonner County, 2.0 mi (3.2 km) upstream from mouth and 4.0 mi (6.4 km) east of Colburn.	55.6	1958-65, 1974-75	9- 5-75	30.8
12392450	Rapid Lightning Creek near Colburn	Lat 48°21'55", long 116°24'05", in SE¼SW¼ sec. 24, T.58 N., R.1 W., Bonner County, 0.3 mi (0.5 km) upstream from mouth and 6.0 mi (9.6 km) southeast of Colburn.	-	1958-65, 1974-75	9- 5-75	21.3
12392854	Brickel Creek near Spirit Lake	Lat 47°56'10", long 116°56'59", in NW¼SE¼ sec. 15, T.53 N., R.5 W., Kootenai County, 0.7 mi (1.1 km) upstream from mouth and 4.5 mi (7.2 km) southwest of Spirit Lake.	-	1973-75	9- 3-75	8.38
12392892	Blanchard Creek near Blanchard	Lat 47°59'32", long 117°04'14", in SE¼NE¼ sec. 23, T.29 N., R.45 E. (Willamette meridian), Spokane County, Wash., at confluence with North Fork, 1.3 mi (2.1 km) west of Idaho-Washington State line, and 5.8 mi (9.3 km) southwest of Blanchard.	-	1973-75	9- 3-75	6.54
12392950	Indian Creek near Coolin	Lat 48°37'37", long 116°49'14", in NW¼SE¼ sec. 23, T.61 N., R.4 W., Bonner County, Kaniksu National Forest, 1.5 mi (2.4 km) upstream from mouth and 11 mi (18 km) north of Coolin.	20	1948,1973, 1975	10-30-74	5.52

See footnotes at end of table, p. 301.

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MAY 28 1997

WATER QUALITY DATA, WATER YEAR OCTOBER 1975 TO SEPTEMBER 1976

DATE	TIME	INSTAN- TANEOUS DIS- CHARGE (CFS)	SPE- CIFIC CON- DUCT- ANCE (MICRO- MHOS)	TEMPER- ATURE (DEG C)	AIR TEMPER- ATURE (DEG C)	DATE	TIME	INSTAN- TANEOUS DIS- CHARGE (CFS)	SPE- CIFIC CON- DUCT- ANCE (MICRO- MHOS)	TEMPER- ATURE (DEG C)	AIR TEMPER- ATURE (DEG C)
KOOTENAI RIVER BASIN--Continued											
12321500 - BOUNDARY CREEK NEAR PORTHILL, IDAHO (LAT 48 59 50 LONG 116 34 05)											
OCT , 1975						APR , 1976					
01...	1035	29	34	7.5	21.0	09...	1125	236	27	2.0	8.0
NOV						JUL					
18...	1015	--	24	.0	10.0	01...	1405	446	18	10.0	23.0
DEC						SEP					
23...	1325	149	25	1.0	10.0	08...	1220	102	24	18.0	21.5
PEND OREILLE RIVER BASIN											
12392000 - CLARK FORK AT WHITEHORSE RAPIDS, NEAR CABINET, I (LAT 48 05 18 LONG 116 04 16)											
OCT , 1975						MAY , 1976					
10...	0935	22100	201	13.0	9.0	12...	0920	95900	127	10.5	13.0
DEC						JUN					
16...	1115	--	116	4.0	4.0	24...	1445	52000	131	13.5	18.5
19...	1030	34700	134	2.5	1.0	SEP					
JAN , 1976						21...	1500	6770	200	26.5	23.0
30...	0855	32700	210	2.0	11.0						
MAR											
16...	1050	29900	194	4.0	5.0						
12392100 - TRAPPER CREEK NEAR CLARK FORK, IDAHO (LAT 48 15 57 LONG 116 07 00)											
MAY , 1976						SEP , 1976					
12...	1415	24	20	5.0	18.0	09...	0920	.00	17	7.0	9.5
JUN											
28...	1310	3.5	14	6.0	15.5						
12392155 - LIGHTNING CR AT CLARK FORK ID (LAT 48 08 52 LONG 116 11 24)											
SEP , 1976											
09...	1015	73	28	9.5	16.0						
12392350 - GROUSE CR NR COLBURN ID (LAT 48 20 36 LONG 116 26 10)											
SEP , 1976											
09...	1230	28	32	12.5	21.0						
12392450 - RAPID LIGHTNING CR NR COLBURN ID (LAT 48 21 55 LONG 116 24 05)											
SEP , 1976											
09...	1340	18	40	12.0	23.0						
12392800 - HORNBY CREEK NEAR DOVER IDAHO (LAT 48 15 10 LONG 116 37 50)											
SEP , 1976											
10...	0825	2.3	42	9.0	15.0						
12392854 - BRICKEL CREEK NEAR SPIRIT LAKE IDAHO (LAT 47 56 10 LONG 116 56 59)											
SEP , 1976											
10...	1230	6.8	37	9.0	25.0						
12392892 - BLANCHARD CR NR BLANCHARD ID (LAT 47 59 32 LONG 117 04 14)											
SEP , 1976											
10...	1055	.20	106	12.5	18.0						
12392950 - INDIAN CREEK NEAR COOLIN IDAHO (LAT 48 37 37 LONG 116 49 14)											
OCT , 1975						SEP , 1976					
09...	1100	23	14	5.0	9.5	09...	1345	27	13	7.0	24.5
12393500 - PRIEST R AT OTLT OF PRST LKE, N COOLIN, IDAHO (LAT 48 29 00 LONG 116 54 00)											
JUL , 1976											
12...	1445	66	14	12.0	17.0						

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MAY 28 1997

As the number of streams on which streamflow information is likely to be desired far exceeds the number of stream-gaging stations feasible to operate at one time, the Geological Survey collects limited streamflow data at sites other than stream-gaging stations. When limited streamflow data are collected on a systematic basis over a period of years for use in hydrologic analyses, the site at which the data are collected is called a partial-record station. Data collected at these partial-record stations are usable in a low-flow or floodflow analyses, depending on the type of data collected. In addition, discharge measurements are made at other sites not included in the partial-record program. These measurements are generally made in times of drought or flood to give better areal coverage to those events. Those measurements and others collected for some special reason are called measurements at miscellaneous sites. Records collected at partial-record stations are presented in two tables. The first is a table of discharge measurements at low-flow partial-record stations, and the second is a table of annual maximum stage and discharge at crest-stage stations. Discharge measurements made at miscellaneous sites for both high and low flow are given in a third table.

Low-flow partial-record stations

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Discharge measurements made at low-flow partial-record stations during water year 1976

Discharge measurements made at low-flow partial-record stations during water year 1976						Measurements
Station No.	Station name	Location	Drainage area (sq mi)	Period of record	Date	Discharge (cfs)
Bear River basin						
10091130	Swan Lake Creek near Swan Lake	Lat 42°20'31", long 111°59'05", in NE¼ sec.35, T.12 S., R.38 E., Bannock County, at county road crossing and 2.2 mi (3.5 km) north of Swan Lake.	-	1973-76	9- 9-76	.86
Tributaries between Great Salt Lake Desert and Bear River						
10172970	Rock Creek near Holbrook	Lat 42°13'51", long 112°43'45", in NW¼ sec.9, T.14 S., R.32 E., Oneida County, at county road crossing and 6.0 mi (9.7 km) northwest of Holbrook.	a44	1962-71b, 1973-76	9-10-76	1.42
Kootenai River basin						
12306800	Round Prairie Creek near Eastport	Lat 48°57'53", long 116°11'52", in SW¼ sec.21, T.65 N., R.2 E., Boundary County, Kaniksu National Forest, 0.4 mi (0.6 km) downstream from Robinson Lake, 2.5 mi (4.1 km) south of Eastport, and at mile 2.5 (4.1 km).	-	1974-76	9- 8-76	5.40
12310800	Trail Creek at Naples	Lat 48°34'28", long 116°23'20", in SW¼ sec.6, T.60 N., R.1 E., Boundary County, at railroad culvert, 0.4 mi (0.6 km) upstream from mouth, and at Naples.	a16	1961-71b, 1973-76b	9- 8-76	1.80
12321000	Smith Creek near Porthill	Lat 48°57'40", long 116°33'20", in SE¼ sec.26, T.65 N., R.2 W., Boundary County, Kaniksu National Forest, at forest bridge, 1.0 mi (1.6 km) south of Smith Creek ranger station, and 4.0 mi (6.4 km) southwest of Porthill.	a70	1928-61, 1973, 1975-76	9- 8-76	71.4
Pend Oreille River basin						
12392100	Trapper Creek near Clark Fork	Lat 48°15'57", long 116°07'00", in NE¼ sec.30, T.57 N., R.3 E., Bonner County, Kaniksu National Forest, at U.S. Forest Service road and 9.8 mi (15.7 km) north of Clark Fork.	1.12	1962-71b, 1974-76b	9- 9-76	.01
12392155	Lightning Creek at Clark Fork	Lat 48°08'52", long 116°11'24", in NW¼ sec.3, T.55 N., R.2 E., Bonner County, 100 ft (305 m) downstream from N.P. Railroad bridge, 1,600 ft (488 m) upstream from mouth, and 0.5 mi (0.8 km) west of Clark Fork.	a100	1974-76	9- 9-76	72.7
12392350	Grouse Creek near Colburn	Lat 48°20'36", long 116°26'10", in NE¼ sec.2, T.58 N., R.1 W., Bonner County, 2.0 mi (3.2 km) upstream from mouth and 4.0 mi (6.4 km) east of Colburn.	55.6	1958-65, 1974-76	9- 9-76	27.6
12392450	Rapid Lightning Creek near Colburn	Lat 48°21'55", long 116°24'05", in SE¼ sec.24, T.58 N., R.1 W., Bonner County, 0.3 mi (0.5 km) upstream from mouth and 6.0 mi (9.6 km) southeast of Colburn.	-	1958-65, 1974-76	9- 9-76	17.8
12392800	Hornby Creek near Dover	Lat 48°15'10", long 116°37'50", in SW¼ sec.30, T.57 N., R.2 W., Bonner County, at U.S. Highway 2 crossing and 1.2 mi (1.9 km) west of Dover.	a2.2	1961-71b, 1975-76	9-10-76	2.29
12392854	Brickel Creek near Spirit Lake	Lat 47°56'10", long 116°56'59", in NW¼ sec.15, T.53 N., R.5 W., Kootenai County, 0.7 mi (1.1 km) upstream from mouth and 4.5 mi (7.2 km) southwest of Spirit Lake.	-	1973-75	9-10-76	6.84
12392892	Blanchard Creek near Blanchard	Lat 47°59'32", long 117°04'14", in SE¼ sec.23, T.29 N., R.45 E. (Willamette meridian), Spokane County, Wash., at confluence with North Fork, 1.3 mi (2.1 km) west of Idaho-Washington State line, and 5.8 mi (9.3 km) southwest of Blanchard.	-	1973-76	9-11-76	.20
12392950	Indian Creek near Coolin	Lat 48°37'37", long 116°49'14", in NW¼ sec.23, T.61 N., R.4 W., Bonner County, Kaniksu National Forest, 1.5 mi (2.4 km) upstream from mouth and 11 mi (18 km) north of Coolin.	20	1948, 1973, 1975-76	10- 9-75 9- 9-76	23.3 26.9

See footnotes at end of table, p. 540.

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Discharge measurements made at miscellaneous sites during water year 1977

Stream	Tributary to	Location	Drainage area (mi ²)	Measured previously (water years)	Measurements	
					Date	Discharge (ft ³ /s)
Pend Oreille River basin—Continued						
Lightning Creek 12392155	Clark Fork River	Lat 48°02'52", long 116°11'24", in NW¼SW¼ NE¼ sec.3, T.55 N., R.2 E., Bonner County, 100 ft downstream from N.P. Railroad bridge, upstream from mouth, and 0.5 mi west of Clark Fork.	6100	1974-76	7-19-77	c26.4
Johnson Creek 12392155	Clark Fork River	Lat 48°08", long 116°13', in SE¼NE¼ sec. 8, T.55 N., R.2 E., Bonner County, Kaniksu National Forest, 2.5 mi west of Clark Fork.	-	-	4- 4-77	a6
					4-11-77	a17
					4-18-77	a16
					4-25-77	a16
					5- 3-77	a22
					5- 9-77	a17
					5-16-77	a13
					5-24-77	a11
					6- 9-77	a8
					8-16-77	a4
Halfway Creek 12392160	Granite Creek	Lat 48°05', long 116°28', in SE¼SE¼ sec.30, T.55 N., R.1 E., Bonner County, Kaniksu National Forest, and 10 mi southwest of Clark Fork.	-	-	4- 6-77	a .4
					4-13-77	a .5
					4-20-77	1
					4-28-77	1
					5- 5-77	1
					5-12-77	a .5
					4- 6-77	a16
Granite Creek 12392162	Pend Oreille Lake	Lat 48°05', long 116°24', SW¼NW¼ sec.25, T.55 N., R.1 W., Bonner County, Kaniksu National Forest and at Granite.	-	-	4-13-77	a23
					4-20-77	a26
					4-28-77	a39
					5- 5-77	a26
					5-12-77	a28
					5-18-77	a21
					6- 8-77	a13
					6-29-77	a9
					8-18-77	a5
					4-13-77	a5
					4-20-77	a5
					4-28-77	a12
					5- 5-77	a10
North Gold Creek	Pend Oreille Lake	Lat 47°58', long 116°25', in SW¼NW¼ sec. 2, T.53 N., R.1 W., Bonner County, and 0.5 mi west of Lakeview.	-	-	5-12-77	a8
					5-18-77	a6
					6- 8-77	a4
					6-29-77	a2
					8-18-77	a1
					9- 1-77	a1
					6-28-77	c0
					7-19-77	c0
					8-18-77	c0
					9-13-77	c0
Riser Creek 12392170	Pend Oreille Lake	NW¼SE¼ sec.1, T.56 N., R.1 E., Bonner County.	-	-	3-29-77	a4
					4- 5-77	a3
					4-11-77	a20
					4-18-77	a14
					4-25-77	a38
					5- 3-77	a32
					5-10-77	a17
Strong Creek	Pend Oreille Lake	Lat 48°15', long 116°17', in NW¼NW¼ sec. 36, T.57 N., R.1 E., Bonner County, and 0.5 mi northeast of Hope.	-	-	5-19-77	a12
					8-16-77	a2
					6-28-77	c4.65
					7-19-77	c2.69
					8-18-77	c .99
					9-13-77	c .75
					6-28-77	c12.9
Trestle Creek 12392180	Pend Oreille Lake	SE¼SW¼ sec.16, T.57 N., R.1 E., Bonner County, just above U.S. Highway 200 crossing.	-	-	7-19-77	c7.36
					8-18-77	c3.37
					9-13-77	c3.19
					7-19-77	c1.46
Colburn Creek 12392345	Pack River	SW¼SW¼ sec.1, T.58 N., R.2 W., Bonner County, at road crossing.	-	-	8-11-77	c .46
					9- 9-77	c .54
					6-21-77	c1.57
Sand Creek	Pack River	SW¼NE¼ sec.33, T.59 N., R.1 W., Bonner County, at road crossing 1.0 mi east of Samuels.	-	-	7-19-77	c1.04
					8-11-77	c1.24
					9-13-77	c1.66
N. Fk. Grouse Creek	Grouse Creek	Lat 48°27', long 116°22', in NW¼ sec. 20, T.59 N., R.1 E., Bonner County, Kaniksu National Forest, 5.0 mi south-east of McArthur.	-	-	3-31-77	a7
					4- 7-77	a18
					4-12-77	a23
					4-19-77	a20
					4-27-77	a57
					5- 4-77	a72
					5-11-77	a62
					5-19-77	a27
					5-27-77	a32
					6- 7-77	a25
8-30-77	a4					

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WATER QUALITY DATA, WATER YEAR OCTOBER 1977 TO SEPTEMBER 1978

TEMPER- ATURE (DEG C)	DATE	TIME	STREAM- FLOW, INSTAN- TANEOUS (CFS)	SPE- CIFIC CON- DUCT- ANCE (MICRO- MHOS)	TEMPER- ATURE, AIR (DEG C)	TEMPER- ATURE (DEG C)	DATE	TIME	STREAM- FLOW, INSTAN- TANEOUS (CFS)	SPE- CIFIC CON- DUCT- ANCE (MICRO- MHOS)	TEMPER- ATURE, AIR (DEG C)	TEMPER- ATURE (DEG C)
KOOTENAI RIVER BASIN--Continued												
12316800 - MISSION CREEK NEAR COPELAND, IDAHO (LAT 48 55 54 LONG 116 20 00)												
5.0	OCT , 1977						MAY , 1978					
	03...	1005	4.8	54	3.5	5.5	16...	1435	281	26	14.5	7.0
6.5	NOV						17...	1355	224	22	18.0	8.0
	14...	1100	7.1	34	6.0	3.5	JUL					
16.0	JAN , 1978						10...	1200	20	27	18.5	13.5
	11...	1435	5.0	32	-2.0	.0	SEP					
13.5	MAR						08...	1345	6.3	35	14.0	12.5
	07...	1220	4.5	35	7.0	1.5						
12321000 - SMITH CREEK NEAR PORTHILL IDAHO (LAT 48 57 40 LONG 116 33 15)												
	SEP , 1978											
	11...	1150	65	16	18.5	11.0						
12321500 - BOUNDARY CREEK NEAR PORTHILL, IDAHO (LAT 48 59 50 LONG 116 34 05)												
7.5	OCT , 1977						MAY , 1978					
	03...	1200	36	45	8.0	6.0	16...	1240	1110	22	16.0	6.5
16.5	DEC						JUL					
	01...	1230	54	41	2.0	.0	10...	1020	158	26	18.5	14.0
12.0	JAN , 1978						SEP					
	10...	1355	39	38	1.0	1.0	11...	1050	82	34	17.5	10.5
	APR											
	12...	1110	235	30	13.5	4.0						
PEND OREILLE RIVER BASIN												
12336000 - NEVADA CREEK NEAR FINN, MT (LAT 46 48 00 LONG 112 48 00)												
	SEP , 1978											
	09...	1900	883	30	19.0	15.5						
12392000 - CLARK FORK AT WHITEHORSE RAPIDS, NEAR CABINET, I (LAT 48 05 18 LONG 116 04 16)												
6.0	OCT , 1977						MAY , 1978					
	06...	0950	14800	220	9.5	10.0	22...	1300	52200	130	10.0	9.5
9.5	DEC						JUL					
	08...	1030	14900	181	4.0	7.5	21...	0915	35100	155	19.0	17.0
20.5	FEB , 1978						SEP					
	08...	1500	22100	169	8.5	2.0	07...	1140	17400	252	19.0	19.0
14.0	APR											
	11...	1240	31200	150	16.0	17.0						
12392100 - TRAPPER CREEK NEAR CLARK FORK, IDAHO (LAT 48 15 57 LONG 116 07 00)												
16.5	MAY , 1978						AUG , 1978					
	22...	1140	31	10	10.0	4.0	11...	0950	.01	22	23.0	21.0
12392155 - LIGHTNING CR AT CLARK FORK ID (LAT 48 08 52 LONG 116 11 24)												
6.0	AUG , 1978											
	11...	1040	25	25	23.0	19.0						
15.5												
11.0												
12392350 - GROUSE CR NR COLBURN ID (LAT 48 20 36 LONG 116 26 10)												
	AUG , 1978											
	11...	1230	6.2	34	23.0	19.0						
12392450 - RAPID LIGHTNING CR NR COLBURN ID (LAT 48 21 55 LONG 116 24 05)												
	AUG , 1978											
	11...	1200	32	35	23.0	19.0						
12392800 - HORNSBY CREEK NEAR DOVER IDAHO (LAT 48 15 10 LONG 116 37 50)												
	AUG , 1978											
	11...	1330	.98	33	25.0	19.0						

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SUPPLEMENTAL WATER-QUALITY DATA FOR GAGING STATIONS

WATER YEAR OCTOBER 1986 TO SEPTEMBER 1987

DATE	TIME	STREAM- FLOW, INSTAN- TANEOUS (CFS)	SPE- CIFIC CON- DUCT- ANCE (US/CM)	TEMPER- ATURE WATER (DEG C)	DATE	TIME	STREAM- FLOW, INSTAN- TANEOUS (CFS)	SPE- CIFIC CON- DUCT- ANCE (US/CM)	TEMPER- ATURE WATER (DEG C)
KOOTENAI RIVER BASIN									
12305000 KOOTENAI RIVER AT LEONIA, ID (LAT 48 37 04N LONG 116 02 47W)									
OCT 1986					MAR 1987				
01...	1200	15000	212	11.5	03...	0900	9360	234	4.0
DEC 08...	0850	5470	215	4.5	MAY 06...	1235	12400	127	9.0
JAN 1987	0935	19900	245	4.5	JUL 09...	0730	5300	215	14.5
06...									
12306500 MOYIE RIVER AT EASTPORT, ID (LAT 48 59 58N LONG 116 10 43W)									
OCT 1986					MAR 1987				
01...	1500	157	42	9.5	30...	1055	429	43	4.0
JAN 1987	0955	163	38	1.0	JUL 09...	1015	204	57	12.0
05...	0955	130	47	0.0	AUG 03...	1005	127	48	13.0
29...					26...	1116	81	53	13.5
FEB 27...	0920	111	50	0.0					
12316800 MISSION CREEK NEAR COPELAND, ID (LAT 48 55 54N LONG 116 20 00W)									
JUN 1987					SEP 1987				
25...	1205	15	29	10.0	25...	1125	3.2	39	9.5
AUG 26...	1355	5.1	42	15.0					
12321000 SMITH CREEK NEAR PORTHILL ID (LAT 48 57 40N LONG 116 33 15W)									
JUN 1987					SEP 1987				
25...	1000	99	14	11.0	01...	1245	9.7	28	15.5
					25...	1020	18	32	10.0
12321500 BOUNDARY CREEK NR PORTHILL ID (LAT 48 59 50N LONG 116 34 05W)									
JAN 1987					MAY 1987				
05...	1255	61	37	1.0	01...	1215	2220	14	4.5
MAR 10...	1130	224	28	2.0	JUN 25...	1100	107	32	12.0
12322000 KOOTENAI RIVER AT PORTHILL ID (LAT 49 00 00N LONG 116 30 10W)									
OCT 1986					APR 1987				
03...	1015	14900	199	11.0	01...	1045	6940	183	7.0
21...	1215	27600	232	12.0	20...	0920	14100	120	8.0
JAN 1987					JUN 02...	0945	9500	127	13.0
28...	1200	4860	166	2.0	30...	0931	8520	153	19.5
FEB 19...	0940	7640	223	3.5	AUG 03...	1230	7960	207	20.0
					31...	1000	5410	223	17.5
PEND OREILLE RIVER BASIN									
12392155 LIGHTNING CR AT CLARK FORK ID (LAT 48 08 52N LONG 116 11 24W)									
SEP 1987					SEP 1987				
01...	0910	15	45	10.0	28...	0955	11	30	9.0
12392300 PACK RIVER NEAR COLBURN, ID (LAT 48 25 12N LONG 116 30 02W)									
JUN 1987					SEP 1987				
26...	0920	159	32	17.5	01...	1330	21	57	11.0
					25...	1325	18	79	15.0
12392895 BLANCHARD CR AB RES NR BLANCHARD ID (LAT 47 59 58N LONG 117 01 51W)									
OCT 1986									
24...	0930	3.1	57	3.0					
12392950 INDIAN CREEK NEAR COOLIN ID (LAT 48 37 37N LONG 116 49 14W)									
SEP 1987					SEP 1987				
01...	0830	9.7	41	9.5	28...	1300	10	18	7.5

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SUPPLEMENTAL WATER-QUALITY DATA FOR GAGING STATIONS

WATER YEAR OCTOBER 1987 TO SEPTEMBER 1988

DATE	TIME	STREAM- FLOW, INSTAN- TANEOUS (CFS)	SPE- CIFIC CON- DUCT- ANCE (US/CM)	TEMPER- ATURE WATER (DEG C)	DATE	TIME	STREAM- FLOW, INSTAN- TANEOUS (CFS)	SPE- CIFIC CON- DUCT- ANCE (US/CM)	TEMPER- ATURE WATER (DEG C)
KOOTENAI RIVER BASIN									
12305000 KOOTENAI RIVER AT LEONIA ID (LAT 48 37 04N LONG 116 02 47W)									
OCT 1987					APR 1988				
01...	0925	20000	242	10.5	28...	1225	7260	165	8.0
NOV					JUN				
23...	1042	4400	235	7.5	17...	1130	6050	198	11.5
JAN 1988					AUG				
07...	1225	24200	239	5.0	12...	1150	3900	204	14.5
FEB									
29...	0902	14100	259	3.0					
12306500 MOYIE RIVER AT EASTPORT, IDAHO (LAT 48 59 58N LONG 116 10 43W)									
OCT 1987					APR 1988				
01...	1125	41	53	9.5	28...	0907	1340	37	5.5
JAN 1988					JUN				
05...	0929	50	43	0.0	17...	1420	913	37	12.0
29...	0914	73	53	5.0	AUG				
FEB					11...	1415	71	53	19.0
26...	0859	59	58	0.0					
MAR									
31...	0850	197	55	4.0					
12321500 BOUNDARY CREEK NR PORTHILL ID (LAT 48 59 50N LONG 116 34 05W)									
OCT 1987					APR 1988				
01...	1115	27	56	8.0	19...	1110	914	47	5.0
DEC					JUN				
08...	1245	76	33	1.5	15...	1410	285	22	11.0
JAN 1988					AUG				
07...	1050	45	45	0.0	23...	0907	23	53	12.5
MAR									
01...	1120	38	48	1.0					
12322000 KOOTENAI RIVER AT PORTHILL IDAHO (LAT 49 00 00N LONG 116 30 10W)									
OCT 1987					MAR 1988				
01...	1020	24900	233	14.0	01...	1025	13900	266	4.0
NOV					28...	0910	7880	228	7.0
02...	1050	20100	239	11.0	MAY				
DEC					04...	0920	9280	119	8.0
04...	1000	6770	240	5.5	JUN				
JAN 1988					28...	0915	6070	159	18.5
06...	0935	22800	248	1.5	JUL				
26...	1020	19600	242	3.5	22...	0920	4470	191	20.0
					AUG				
					23...	0934	7490	116	14.5
PEND OREILLE RIVER BASIN									
12392155 LIGHTNING CREEK AT CLARK FORK ID (LAT 48 09 04N LONG 116 10 56W)									
OCT 1987									
13...	1215	9.9	30	9.0					
12392660 SAND CREEK NEAR SANDPOINT ID (LAT 48 18 35N LONG 116 32 59W)									
SEP 1988									
10...	1310	2.0	35	14.0					
12392950 INDIAN CREEK NEAR COOLIN IDAHO (LAT 48 37 37N LONG 116 49 14W)									
OCT 1987									
15...	1300	5.3	17	4.0					
12394000 PRIEST R NR COOLIN ID (LAT 48 27 07N LONG 116 53 58W)									
OCT 1987					APR 1988				
15...	1145	1680	48	14.0	04...	1010	1150	46	4.0
DEC					20...	1010	3300	50	9.0
01...	1300	179	33	3.0	JUN				
FEB 1988					06...	1040	2160	47	12.0
09...	1225	388	46	2.0	AUG				
					10...	1226	133	50	20.5

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PEND OREILLE RIVER BASIN

12392155 LIGHTNING CREEK AT CLARK FORK, ID-Continued

WATER-QUALITY RECORDS

PERIOD OF RECORD.-October 1988 to current year.

WATER QUALITY DATA, WATER YEAR OCTOBER 1988 TO SEPTEMBER 1989

DATE	TIME	DIS- CHARGE, INST. CUBIC FEET PER SECOND	TEMPER- ATURE AIR (DEG C)	TEMPER- ATURE WATER (DEG C)	SPE- CIFIC CON- DUCT- ANCE (DS/CM)	PHOS- PHOROUS TOTAL (MG/L AS P)	PHOS- PHOROUS ORTHO, DIS- SOLVED (MG/L AS P)	NITRO- GEN, AM- MONIA + ORGANIC TOTAL (MG/L AS N)	NITRO- GEN, NO2+NO3 TOTAL (MG/L AS N)	NITRO- GEN, AMMONIA TOTAL (MG/L AS N)
OCT										
18...	1055	185	9.0	8.0	25	0.004	0.002	0.06	0.183	0.004
NOV										
14...	1016	199	11.5	5.0	25	0.004	0.003	0.05	0.121	0.004
28...	1230	148	8.0	4.5	23	--	--	--	--	--
DEC										
12...	1300	92	5.5	6.0	26	0.007	0.006	0.06	0.090	0.018
JAN										
17...	0930	147	11.0	2.5	25	0.005	0.005	0.10	0.134	0.042
23...	1140	99	-1.5	3.0	30	--	--	--	--	--
FEB										
13...	1045	78	6.0	3.0	30	0.004	0.004	<0.05	0.104	0.031
MAR										
10...	1120	398	8.0	1.0	24	--	--	--	--	--
14...	1430	515	4.0	5.0	30	0.008	0.007	0.12	0.183	0.051
APR										
10...	1620	869	21.0	7.0	20	0.007	0.004	<0.05	0.141	0.023
24...	1110	1300	9.5	5.5	16	0.005	<0.002	<0.05	0.121	0.028
MAY										
01...	1142	1440	20.0	5.0	16	--	--	--	--	--
08...	1210	2440	23.5	8.0	14	0.015	0.004	0.06	0.100	0.018
23...	0945	1910	16.5	5.5	12	0.012	0.002	0.08	0.079	0.019
JUN										
05...	1215	1730	24.0	10.0	14	0.006	<0.002	0.07	0.040	0.017
06...	1430	1720	--	9.0	14	--	--	--	--	--
19...	1119	459	14.5	9.5	15	0.002	0.002	<0.05	0.027	0.024
JUL										
03...	1255	122	19.5	14.5	21	0.003	<0.002	0.08	0.010	0.015
17...	1035	83	28.0	15.0	20	0.005	0.005	0.11	0.014	0.029
31...	0855	30	19.0	8.5	28	0.009	0.003	0.21	0.011	0.025
AUG										
14...	0915	27	26.0	9.0	28	0.008	0.005	0.05	0.021	0.037
28...	0940	62	18.0	12.0	28	0.004	0.002	0.09	0.044	0.078
SEP										
11...	1100	36	19.0	9.5	29	0.007	0.003	<0.05	0.025	0.017
27...	0815	24	13.5	8.5	29	0.009	0.006	0.05	0.037	0.015

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PEND OREILLE RIVER BASIN

12392155 LIGHTNING CREEK AT CLARK FORK, ID

LOCATION.—Lat 49°09'04", long 116°10'56", in NE¹/₄, NE¹/₄, NE¹/₄, sec.3, T.55 N., R.2 W., Bonner County, Hydrologic Unit 17010213, on left bank 18 ft downstream from private road bridge, 0.3 mi upstream from mouth, and 6 mi southeast of Colburn.

DRAINAGE AREA.—115 mi².

WATER-DISCHARGE RECORDS

PERIOD OF RECORD.—October 1988 to September 1989. Miscellaneous measurements made at this site 1974-78, 1987-88.

GAGE.—Water-stage recorder. Elevation of gage is 2,100 ft, from topographic map.

REMARKS.—Records good except for those above 1,500 ft³/s, which are fair.

EXTREMES OUTSIDE PERIOD OF RECORD.—Indirect determination for peak of May 27 or 28, 1948 was 5,100 ft³/s, 5 mi upstream. Indirect determination for peak of January 1974 was 5,530 ft³/s, 5 mi upstream.

EXTREMES FOR CURRENT YEAR.—Maximum discharge, 2,860 ft³/s May 9, gage height, 9.18 ft; minimum, 9.5 ft³/s Feb. 3, gage height, 3.65 ft, result of freezeout.

Rating table (gage height, in feet, and discharge, in cubic feet per second)

3.9	16	5.5	253
4.1	24	6.0	455
4.4	40	7.0	1110
4.7	69	8.0	1910
5.0	118	9.0	2710

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1988 TO SEPTEMBER 1989
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	28	46	114	88	43	56	288	1520	1650	147	29	39
2	28	48	112	85	35	53	270	1780	2040	133	29	48
3	28	163	107	85	24	46	241	1800	2110	120	29	78
4	28	168	103	109	37	48	226	1880	2030	112	29	61
5	26	176	99	119	67	55	533	2030	1970	101	28	53
6	25	1160	102	107	61	86	1300	2210	2040	91	27	47
7	24	619	99	99	60	108	1550	2640	1930	82	27	43
8	23	401	96	90	73	88	1390	2600	1760	76	27	41
9	22	323	96	90	70	94	1060	2560	1640	71	27	38
10	21	281	95	93	69	344	865	2700	1380	69	33	36
11	20	278	94	88	73	394	767	2210	1140	73	31	34
12	19	250	100	81	76	632	797	1630	1100	65	29	33
13	19	228	201	81	76	656	924	1360	1010	73	28	32
14	19	199	183	82	73	539	1240	1260	905	71	28	30
15	216	179	150	82	66	448	1610	1350	800	63	28	29
16	931	164	140	86	67	392	1810	1630	928	58	27	28
17	383	153	136	127	63	346	1630	1920	535	76	27	27
18	189	141	132	123	62	308	1540	2050	448	65	27	28
19	141	133	137	122	63	284	1630	1510	429	55	27	28
20	116	143	128	113	63	262	1920	1150	379	51	26	27
21	99	137	124	111	63	257	2240	1030	327	47	30	26
22	85	172	118	108	61	257	2010	1130	303	44	49	26
23	74	294	115	101	77	245	1700	1870	294	41	48	25
24	66	212	110	94	68	235	1450	1640	281	39	52	24
25	61	181	99	92	62	243	1350	1240	264	37	65	23
26	59	159	76	89	61	286	1240	999	251	35	77	23
27	55	143	88	86	60	299	1170	925	227	34	67	22
28	52	140	90	83	59	375	e1060	1100	193	32	63	22
29	49	129	90	80	---	374	e1040	851	179	31	53	21
30	47	120	93	85	---	333	e1250	750	165	30	46	21
31	46	---	95	109	---	313	---	1040	---	29	42	---
TOTAL	2999	6940	3522	2988	1732	8456	36101	50365	28708	2051	1155	1013
MEAN	96.7	231	114	96.4	61.9	273	1203	1625	957	66.2	37.3	33.8
MAX	931	1160	201	127	77	656	2240	2700	2110	147	77	78
MIN	19	46	76	80	24	46	226	750	165	29	26	21
AC-FT	1250	13729	6990	5930	3448	16770	71610	99900	56940	4070	2298	2010

WTR YR 1989 TOTAL 146030 MEAN 400 MAX 2700 MIN 19 AC-FT 289700

e Estimated

MICROFILMED
MAY 28 1987

PEND OREILLE RIVER BASIN

12392155 LIGHTNING CREEK AT CLARK FORK, ID

LOCATION.—Lat 48°09'04", long 116°10'56", in NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, sec. 3, T. 55 N., R. 2 W., Bonner County, Hydrologic Unit 17010213, on left bank 20 ft upstream from Idaho Highway 200 bridge, 1 mi upstream from mouth, at Clark Fork.

DRAINAGE AREA.—115 mi².

WATER-DISCHARGE RECORDS

PERIOD OF RECORD.—October 1988 to current year. Miscellaneous measurements made at this site 1974-78, 1987-88.

GAGE.—Water-stage recorder. Elevation of gage is 2,100 ft above National Geodetic Vertical Datum of 1929, from topographic map.

REMARKS.—Records good except for estimated daily discharges and those above 2,000 ft³/s, which are fair.

EXTREMES FOR PERIOD OF RECORD.—Maximum daily discharge, 3,030 ft³/s Dec. 5, 1989; maximum gage height 10.25 ft Dec. 5, 1989; minimum discharge, 8.7 ft³/s Sept. 29, 30, 1990, gage height, 6.55 ft; minimum gage height, 3.65 ft, Feb. 3, 1989, result of freezeout.

EXTREMES OUTSIDE PERIOD OF RECORD.—Indirect determination for peak of May 27 or 28, 1948 was 5,100 ft³/s, 5 mi upstream. Indirect determination for peak of January 1974 was 5,530 ft³/s, 5 mi upstream.

EXTREMES FOR CURRENT YEAR.—Maximum daily discharge, 3,030 ft³/s Dec. 5, maximum gage height, 10.25 ft Dec. 5; minimum discharge, 8.7 ft³/s Sept. 29, 30, gage height, 6.55 ft.

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1989 TO SEPTEMBER 1990
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	21	24	328	128	129	79	580	535	2290	766	80	18
2	21	23	324	131	122	81	881	527	1810	656	71	18
3	21	24	318	126	112	88	1160	590	1680	595	63	17
4	20	213	1550	135	111	102	1170	807	1760	506	57	17
5	20	125	3030	127	99	107	997	1340	1600	474	52	16
6	20	104	1510	248	93	117	952	2380	1510	436	48	15
7	19	111	923	426	86	125	1020	1630	1890	381	44	15
8	19	85	752	627	81	185	1150	1180	1690	347	39	14
9	18	493	627	1120	95	186	1110	981	1610	328	37	14
10	18	1260	528	2510	156	191	919	914	2050	307	36	15
11	18	1940	457	1110	208	187	788	969	1880	283	34	14
12	18	2490	409	811	182	171	757	1160	1470	264	33	14
13	18	1310	379	672	135	159	781	1170	1270	240	30	13
14	18	835	337	574	e70	143	849	1090	1220	216	28	14
15	18	638	308	500	e67	131	954	987	1320	187	26	13
16	18	569	291	442	e68	127	1070	950	1510	168	25	13
17	18	520	274	381	e69	132	1190	979	1680	151	23	14
18	18	493	251	332	e69	132	1380	1090	1800	132	23	13
19	18	482	235	303	e70	160	1520	978	1800	119	23	13
20	18	498	218	271	e72	212	1590	973	1750	110	23	13
21	18	485	200	263	e74	280	1540	988	1640	99	28	13
22	34	454	187	270	e77	307	1730	1050	1600	91	40	12
23	32	431	181	240	80	296	1710	1600	1660	86	49	13
24	36	421	172	212	80	265	1760	2010	1540	87	36	13
25	33	412	170	204	79	245	1330	2030	1390	128	30	11
26	30	391	158	190	81	235	1020	1610	1250	168	28	11
27	29	373	148	174	78	230	855	1480	1100	225	25	11
28	29	359	140	173	77	248	772	1830	915	156	23	10
29	27	350	131	165	---	283	648	2540	812	119	21	9.8
30	26	343	128	149	---	340	574	2790	830	100	20	9.3
31	25	---	120	128	---	430	---	2140	---	89	19	---
TOTAL	696	16256	14784	13142	2720	5974	32757	41298	46327	8014	1114	406.1
MEAN	22.5	542	477	424	97.1	193	1092	1332	1544	259	35.9	13.5
MAX	36	2490	3030	2510	208	430	1760	2790	2290	766	80	18
MIN	18	23	120	126	67	79	574	527	812	86	19	3
AC-FT	1380	32490	29320	26070	5400	11850	64970	81910	91890	15900	2210	805

CAL YR 1989 TOTAL 164305 MEAN 450 MAX 3030 MIN 18 AC-FT 325900
WTR YR 1990 TOTAL 183488.1 MEAN 503 MAX 3030 MIN 9.3 AC-FT 363900

e Estimated

MICROFILMED

MAY 28 1997

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 any 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. 96-7979 in a Memorandum Decision and Order dated June 24, 1987 authorizing the appropriation of a varied rate of flow by month ranging from 49 cubic feet per second to 84 cubic feet per second on a reach of Lightning Creek extending from the confluence with Clark Fork in the SW1/4NE1/4 Section 3, Twp. 55N, Rge. 2E, B.M. upstream approximately eight (8) miles to the confluence with the East Fork in the SW1/4SW1/4, Section 32, Twp. 57N, Rge. 3E, B.M., Bonner County, Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty Ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Memorandum Decision and Order of the Director of the Department of Water Resources dated June 24, 1987.

RECEIVED

JUL 30 1988

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 43

BY RESOURCES AND CONSERVATION COMMITTEE

1 A CONCURRENT RESOLUTION
2 APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

4 WHEREAS, the Idaho Water Resource Board may apply for a permit to appro-
5 priate unappropriated waters of any stream to establish a minimum streamflow;
6 and

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

12 WHEREAS, the Director of the Department of Water Resources approved Appli-
13 cation for Permit No. 96-7979 in a Memorandum Decision and Order dated June
14 24, 1987, authorizing the appropriation of a varied rate of flow by month
15 ranging from 49 cubic feet per second to 84 cubic feet per second on a reach
16 of Lightning Creek extending from the confluence with Clark Fork in the
17 SW1/4NE1/4, Section 3, Twp. 55N, Rge. 2E, B.M. upstream approximately eight
18 (8) miles to the confluence with the East Fork in the SW1/4SW1/4, Section 32,
19 Twp. 57N, Rge. 3E, B.M., Bonner County, Idaho.

20 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
21 sion of the Forty-ninth Idaho Legislature, the House of Representatives and
22 the Senate concurring therein, that the approved Application for Permit No.
23 96-7979 is hereby approved subject to the conditions and limitations contained
24 in the Memorandum Decision and Order of the Director of the Department of
25 Water Resources dated June 24, 1987.

MICROFILMED

JUL 30 1990

MINIMUM INSTREAM FLOW

LIGHTNING CREEK

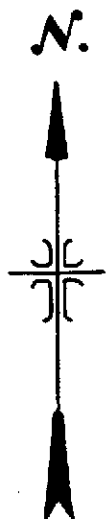
96-7979

- Applicant: Idaho Water Resource Board
- Sponsor: Dept. of Fish and Game
- Applic. Date: June 19, 1981
- Rate: Variable by month 49 cfs to 84 cfs
- Purpose: Maintain trout spawning and rearing
- Hearing:
 - November 16, 1983 in Sandpoint, Idaho
 - Joint hearing including Grouse Creek (96-7980)
 - Attended by about 18 people
 - No real opposition
 - Only major question was whether flows can be maintained.
- Permit:
 - Proposed decision issued April 9, 1987
 - Final decision issued June 24, 1987, since no exceptions were filed.
- Special conditions:
 - Term condition to allow review of permit/license after 15 years.
- General information
 - There are no other recorded water rights on Lightning Creek.

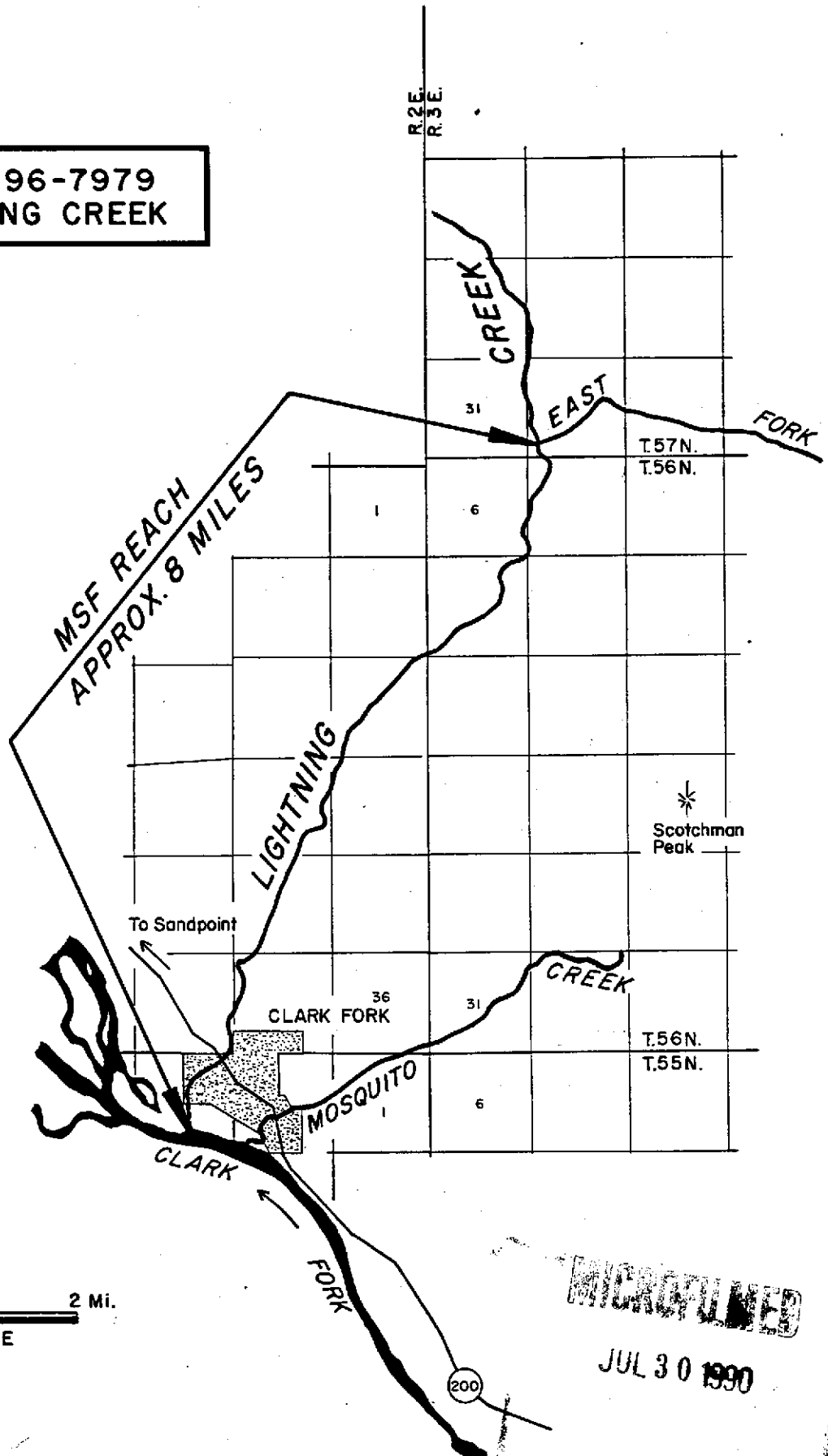
MICROFILMED

JUL 30 1990

MSF NO. 96-7979
LIGHTNING CREEK



0 1/2 1 2 Mi.
SCALE



MICROFILMED

JUL 30 1990

MINIMUM FLOWS (CFS)

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
49	49	49	84	84	53	53	49	49	49	49	49

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER
FOR MINIMUM STREAMFLOW

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MICROFILMED

JUL 30 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 13, 1987

*Received
1/14/88
js*

Senator James Risch, President
Senate Pro Tem
Statehouse
Boise, ID 83720

Re: Water Right Applications for Permit for Minimum Streamflow
Nos.: 96-7980, Grouse Creek; 41-7046, East Fork, Rock
Creek; 36-8307, Minnie Miller; 41-7074, Rock Creek, East
Fork; and 96-7979, Lightning Creek; 65-12733, South Fork and
Main Stem, Payette River.

Dear Senator Risch:

Enclosed please find copies of the above referenced
Applications for Permit. Enclosed with the applications are the
decisions and orders which conclude the administrative processing
of the applications.

As you are aware, Section 42-1503, Idaho Code, requires that
the applications be reviewed by the legislature. As defined by
statute, each application "(i) shall not become finally effective
until affirmatively acted upon by concurrent resolution of the
Idaho Legislature; or (ii) 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."

This letter constitutes submittal of the applications to the
legislature for approval. Please advise me if you desire further
information or presentation on the nature of the applications.

Sincerely,


R. KEITH HIGGINSON
Director

GS:RKH:jf
Enclosures

CC: Legislative Council

MICROFILMED

JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 13, 1987

Representative Tom Boyd, Speaker
House of Representatives
Statehouse
Boise, ID 83720

*Rec'd 1/14/88
@ Belmain
AA to Speaker*

Re: Water Right Applications for Permit for Minimum Streamflow
Nos.: 96-7980, Grouse Creek; 41-7046, East Fork, Rock
Creek; 36-8307, Minnie Miller; 41-7074, Rock Creek, East
Fork; and 96-7979, Lightning Creek; 65-12733, South Fork and
Main Stem, Payette River.

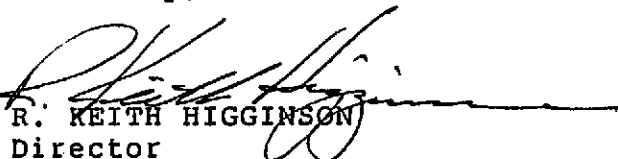
Dear Representative Boyd:

Enclosed please find copies of the above referenced
Applications for Permit. Enclosed with the applications are the
decisions and orders which conclude the administrative processing
of the applications.

As you are aware, Section 42-1503, Idaho Code, requires that
the applications be reviewed by the legislature. As defined by
statute, each application "(i) shall not become finally effective
until affirmatively acted upon by concurrent resolution of the
Idaho Legislature; or (ii) 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."

This letter constitutes submittal of the applications to the
legislature for approval. Please advise me if you desire further
information or presentation on the nature of the applications.

Sincerely,


R. KEITH HIGGINSON
Director

GS:RKH:jf
Enclosures

CC: Legislative Council

MICROFILMED

JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 24, 1987

Idaho Water Resource Board
Statehouse
Boise, ID 83720

Re: Application for Permit No. 96-7979

Dear Applicant:

Enclosed is a copy of approved Application for Permit No. 96-7979 along with a copy of the Order Adopting Proposed Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of the date of the decision is mailed.

Please note that the application will not ripen into a permit until finally approved by the Idaho Legislature.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman", is written over the typed name.

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosures

CC: Protestants
(see certificate of mailing)

MICROFILMED

JUL 30 1990

ROUTING SLIP

DATE <u>6-29-81</u>		TIM.
TO:		REF. No. (if any)
<u>Northern</u>		
FROM: (show title)		
<u>Roberta</u>		
FOR YOUR:	REVIEW AND:	PER:
☐ Information	☐ Call Me ☐ See Me	☐ Our Conversation
☐ Approval	☐ Comment & Return	☐ Your Request
☐ Signature	☐ Take Proper Action	☐ Boss's Request
	☐ Draft a Reply for Me	

Minimum Streamflow Filings (no fee required):
 Lightning Cr.
 Grouse Cr.

DO NOT ADVERTISE UNTIL NOTIFIED BY STATE
 OFFICE.

Please notify me of the application numbers
 assigned.

Thanks.

done ↑
7/1/81

R E C E I V E D

JUL 6 1981

Department of Water Resources
 Northern District Office

TO _____
DATE _____ **WHILE YOU WERE OUT** TIME _____
M _____
OF _____
PHONE: _____ AREA CODE _____ NUMBER _____ EXT. _____

- ☐ Telephoned ☐ Returned Your Call ☐ Will Call Again
☐ Please Call ☐ Called to See You

Don J. Spencer

FROM Dave T

TO Bob Haynes

SUBJECT

RECEIVED

SEP 6 1982

Department of Water Resources
Northern District Office

INTER-DEPARTMENT MEMO — 1

DATE 1/2/82

Plz call me about the meeting place so we can incorporate it in our releases.

MICROFILMED

JUL 30 1990

Thanks, Dave

SIGNATURE

PROPOSED MEETINGS AND HEARINGS FOR MINIMUM STREAM FLOWS

(Adopted by Board)

<u>Water Right No.</u>	<u>Stream</u>	<u>County</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>	<u>Type of Meeting</u>
37-7892	Malad River	Gooding	Wed.	7:30 pm	Gooding	Public Meeting
37-7920	Malad River	Gooding	Sept. 21			Held by IWRB
37-7849	Silver Cr.	Blaine	Thurs.	7:30 pm*	Hailey	Public Meeting
37-7919	Big Wood R.	Blaine	Sept. 22			Held by IWRB
96-7979	Lightning Cr.	Bonner	Thurs.	7:30 pm	Sandpoint	Public Meeting
96-7980	Grouse Cr.	Bonner	Sept. 29			Held by IWRB
* Spend the day viewing MSF's on the Big Wood River, Malad River and Silver Creek						
37-7892	Malad River	Gooding	Wed.	1:30 pm	Gooding	Hearing
37-7920	Malad River	Gooding	Nov. 9			Held by IDWR
37-7849	Silver Cr.	Blaine	Thurs.	9:00 am	Hailey	Hearing
37-7919	Big Wood R.	Blaine	Nov. 10			Held by IDWR
96-7979	Lightning Cr.	Bonner	Thurs.	1:30 pm	Sandpoint	Hearing
96-7980	Grouse Cr.	Bonner	Nov. 17			Held by IDWR

* Spend the day viewing MSF's on the Big Wood River, Malad River and Silver Creek

① From Rev. 70 people -
Cell Body School - 263-7863 and
265-4143 work

② From Ball - 150 people -
The Mrs. Flannery
263-2980 home

to make restoration

did not make
keeping Huntington's

9 Spoke retractor
- Connolly Blvd
7/1/83 204 p. 125
- downtown, - get the
- back seat Coats off
- returned 8:45 PM

RECEIVED
SEP 6

MICROFILMED

JUL 30 1990

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

	<u>ASSIGNED TO</u>	<u>INITIALS/DATE</u>
1. Request received and checklist attached.	Receptionist	_____
2. Request indexed.	Records Chief	_____
3. Preliminary review. Application prepared for signature.	Section Supv.	_____
4. Streamflow information requested from hydrology.	Section Supv.	_____
5. Region advised of request.	Section Supv.	_____
6. Acknowledgment letter sent.	Section Supv.	_____
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Records Chief	_____
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Records Chief	_____
9. Water Rights researched & abstracted.	Records Chief	_____
10. Visual aid request prepared.	Section Supv.	_____
11. Visual aid reviewed.	Section Supv.	_____
12. Request and related data presented to Board.	Administrator, Res. Admin. Div.	_____
13. Filed or Rejected by Board.	Sec. Supv. et.al.	_____
14. Board action indexed.	Records Chief	_____
15. Original application sent to region.	Records Chief	_____
16. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	_____
17. Notice sent to each water right holder or applicant on MSF reach.	Sec. Supv.	_____
18. Application advertised w/o hearing date.	Region	_____
19. Personal contact made with riparian land owners.	Requestor	_____
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	_____
21. Informal public meeting advertised in legal notices.	Region	_____
22. Notification of informal public meeting sent to:		_____
a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____

MICROFILMED

JUL 30 1990

Plz prepare formal adv. We will prepare & distribute news release for all media. Dkr

RECEIVED
SEP 8 1985
Department of Water Resources
Northern District Office

e. Local TV & Radio Stations	Section Supv.	_____
f. Water Right Holders	Requestor	_____
g. Riparian Owners	Requestor	_____
23. Information provided to IWRB for decision to proceed, modify, or abandon.	Section Supv.	_____
24. Notice of formal hearing advertised in legal notices.	Region	_____
25. Notification of formal hearing sent to:		
a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV & Radio Stations	Section Supv.	_____
f. Water right holders	Section Supv.	_____
g. Attendees of informal public meetings.	Section Supv.	_____
h. Riparian Owners	Requestor	_____
26. Hearing held (mandatory).	Hearing Officer & Regional Rep.	_____
27. Standard approval procedure for memorandum decision.	Hearing Officer	_____
28. If application is approved, Legislative approval procedure attached.	Records Chief	_____

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 11, 1983

Robert L. Meinen, Deputy Director
Idaho Dept. of Parks and Recreation
Statehouse Mail
Boise, ID 83720

RE: Minimum Stream Flows

Dear Bob:

The purpose of this letter is to apprise you of the current status of minimum stream flow applications for permit pending action this fall.

As you are aware, one of the items on the agenda of the Idaho Water Resource board meeting on October 7, 1983, was minimum stream flows. The Board reviewed the status of the six minimum stream flow applications currently pending action. Discussion and information presented for five of the applications resulted in the adoption of a resolution calling for the Director of the Idaho Dept. of Water Resources to proceed with administrative actions on each of the applications. A copy of this resolution, which describes the water right numbers and the respective streams, is enclosed for your information. Note that Application No. 37-7892 on the Malad River, for which your agency was the requesting agency, is included in this group.

Discussion and information presented for Application No. 37-7919, Big Wood River, included the reading into the record of your letter dated October 6, 1983. Also, Mr. Ted Divine briefly presented his proposal to develop a hydropower site with a point of diversion about 1½ miles upstream from the lower end of the proposed minimum stream flow reach. Based on this information as well as the public input at the informal public meeting in Hailey on September 22, the Board resolved to hold this application pending further investigation (copy of resolution enclosed). I anticipate that Mr. Gray will be contacting you to explore the possibility of further studies on this stream.

In your letter dated October 6, 1983, you indicated that your agency was not advised of the minimum stream flow filing on the Big Wood River. Our standard processing of minimum stream flow

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JUL 30 1990

Robert L. Meinen
October 11, 1983
Page 2

application calls for our regional office to send your agency a copy of any minimum stream flow application as soon as it is received. I checked on this one in particular and found that in fact it had not been so distributed. In the future we will insure that this distribution is accomplished.

The next administrative action for each of the five applications on which we have been requested to proceed is a hearing by the Director or his representative. These hearings have been tentatively scheduled as follows:

<u>App. No.</u>	<u>Source</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
37-7892	Malad River	Nov. 9	1:30 pm	Gooding
37-7920	"	"	"	"
37-7849	Silver Creek	Nov. 10	9:00 am	Hailey
37-7979	Lightning Cr.	Nov. 17	9:00 am	Sandpoint
37-7980	Grouse Creek	"	"	"

I will notify you when the details of these hearings have been confirmed.

Sincerely,

Dave

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

cc: Gene Gray

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JUL 30 1990

D 9, 09

Lightning Creek
SWNE, 3, 55N, 2E upstream to confluence
East FK.

SWSW, 32, 57N, 3E

Find 28 with (SD = '96')
((AU = '55N' and AV = '02E')
and AT < '04'))

OR ((AU = '56N' and AV >= '01E'))

OR ((AU = '57N' and AV <= '03E')
and AT >= '31'))

Where AO(1-4) = scan 'Light'

96-7979

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JUL 30 1990

USGS map D-9

Lightning Creek

96-7979

96-7979

96-8005

96-8032

96-7704

96-2243

96-7386

not on Lightning Creek

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JUL 30 1990

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are further described as follows:

APPLICATION NO. 96-7979

Source: Lightning Creek, tributary to Pend Oreille Lake

Location of Minimum Streamflow Reach: SWNE Sec. 3, T55N, R02E, B.M.,
upstream approx. 8 miles to confluence with East Fork in the
SWSW Sec. 32, T57N, R03E, B.M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	49.0 CFS	8/1 to 3/31
	84.0 CFS	4/1 to 5/31
	53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B.M.,
upstream approx. 5 miles to the county road bridge in the
SENE Sec. 25, T59N, R01W, B.M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	14.0 CFS	8/1 to 3/31
	85.0 CFS	4/1 to 5/31
	67.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

The Director of the Department of Water Resources will hold a public hearing on the applications at 9:00 a.m., on Wednesday, November 16, 1983, in the conference room of the Federal Building, 1500 Highway #2 (Dover Highway), Sandpoint, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing notice of appearance.

A. KENNETH DUNN
Director

JUL 30 1983

Published in the Sandpoint Daily Bee on October 26 and November 2, 1983.

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RyA

APPLICATION NUMBER: 96-7979

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☐ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee. NR
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt. NA

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. NO
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10/7/83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.
By: _____ Date: _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

A. Kenneth Dean
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

September 8, 1983

Sandpoint Daily Bee
P.O. Box 159
Sandpoint, Id. 83864

Gentlemen:

Enclosed is a legal notice which we would like printed in your newspaper on September 14 and 21, 1983.

After publication, please forward us an Affidavit of publication and your bill.

Thank you for your cooperation.

Sincerely,

Patricia M. Stypa
Secretary - O/C

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JUL 30 1990

50N 3E

Lee 5 NW NW, SW NW, NW SW, SW SW

Lee 6 NE SE, SE SE

7 NENE, NENE, SENE, SW NE, NW SE

~~30N 2E~~ 12 NESW, SE SE, NW SW, SW SW

13 SE SE

13 NENE, NENE, SW NE, SE NW, NESW, NW SW
SW SW

24 NW NW

23 NENE, SENE, NE SE, NW SE, SE SE, SW SE

26 NW NE, SW NE, SE NW, NE SW, SW SW, SE SW

-35 NW NW, SW NW, NW SW, NE SE, SE SE
NE SE, SE SE

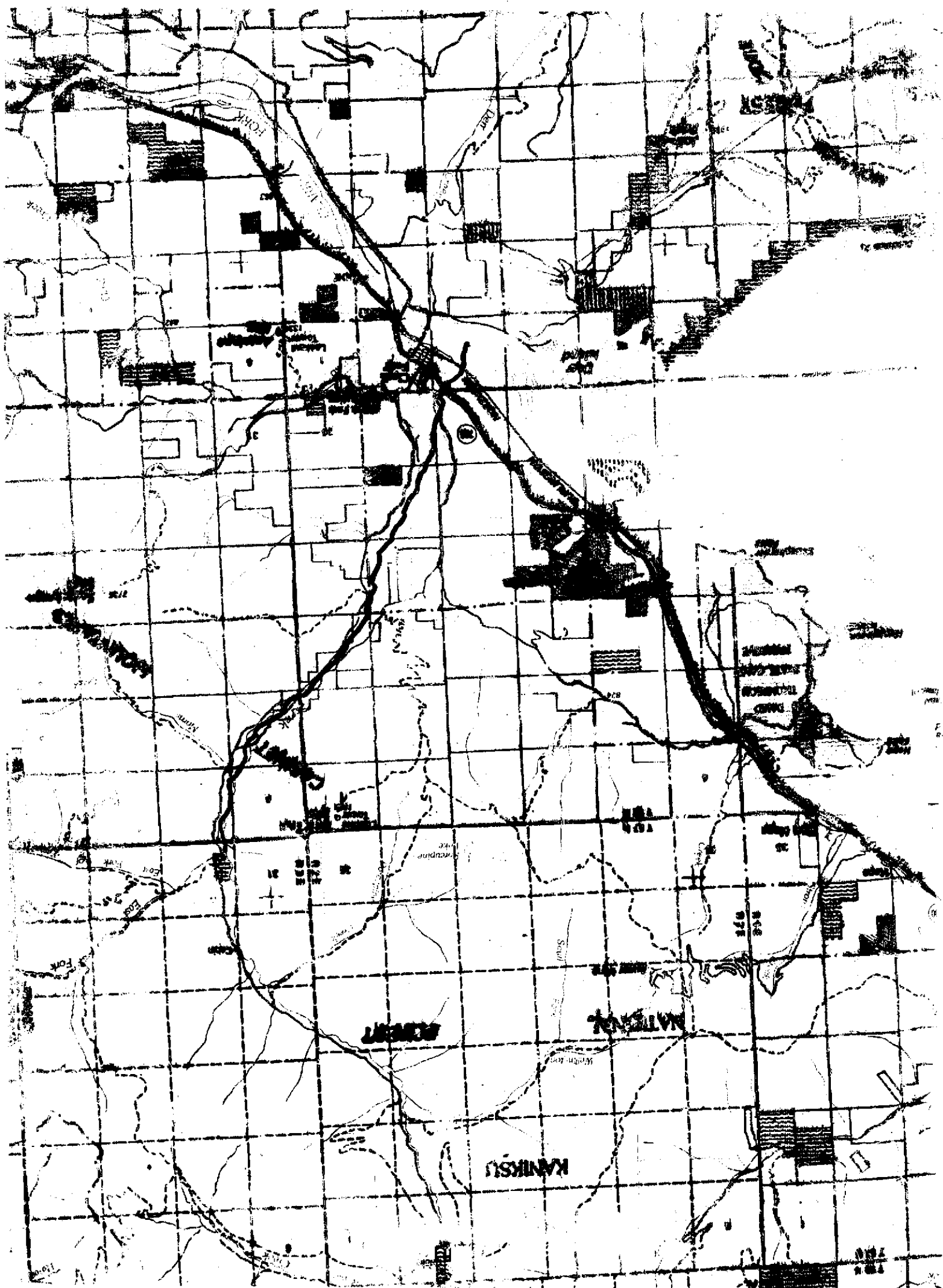
35N 2E 34 SW NE

3 NENE, NENE, NW SE

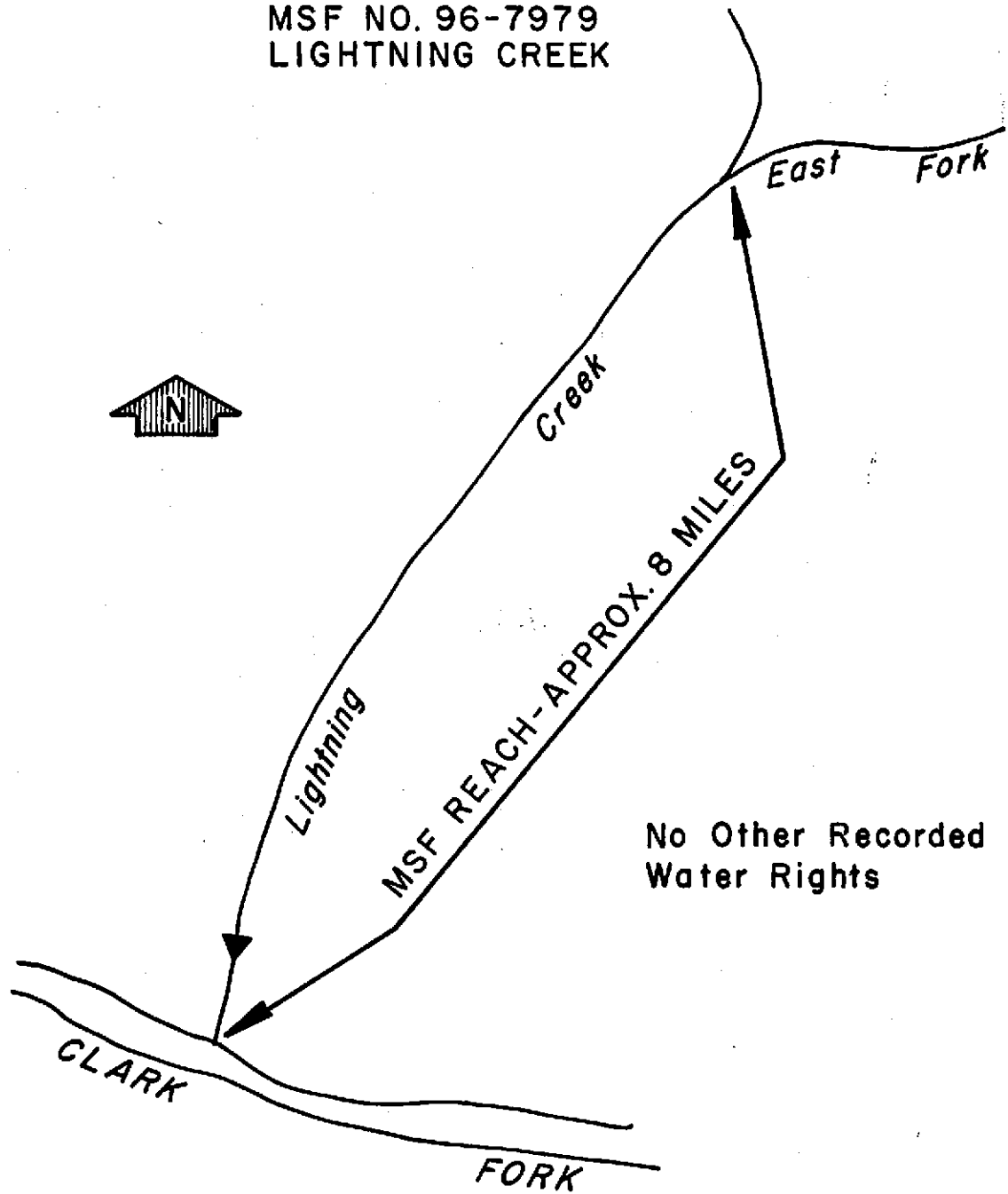
P/C

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JUL 30 1990



MSF NO. 96-7979
LIGHTNING CREEK



IDAHO WATER RESOURCE BOARD FILING (cfs)

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>
49	49	49	84	84	53	53	49	49	49	49	49

LIGHTNING CREEK

Miscellaneous Measurements

18-05-73	24.6 cfs
09-27-74	33.6
09-03-75	99.2
09-09-76	72.7
07-12-77	26.4
08-11-78	24.9

Attendance at Public Meeting
Grouse Creek & Lightning Cr
Sandpoint 9/29/83 7:30 PM

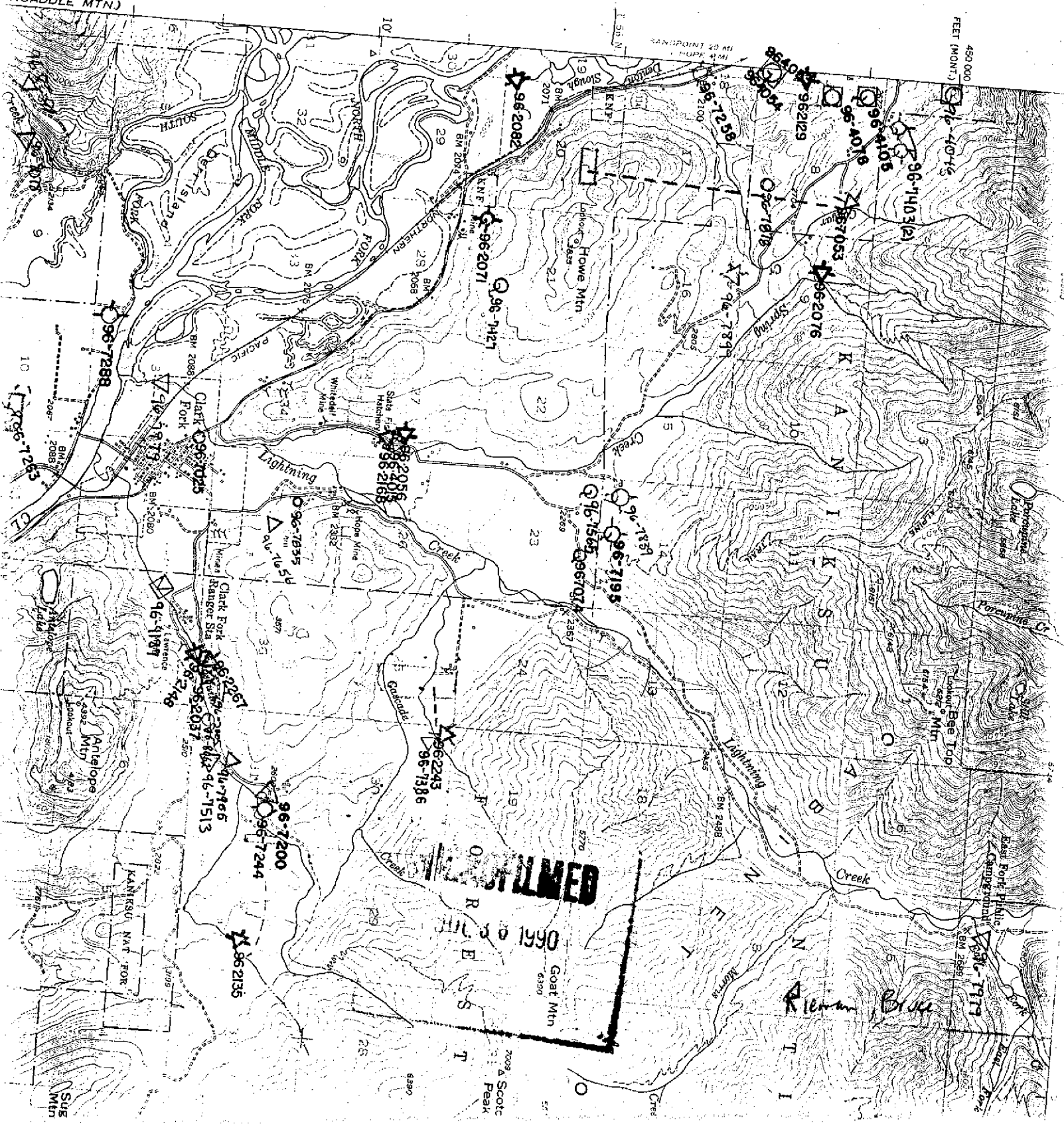
NAME	Address	TELEPHONE
SARAH PORTER	Sgt DAILY BEE	263-9534
MIKE RUSKEY	P.O. 1821 SANDPOINT, ID	264-5835
Karen Pratt	Clark Fork Research Station	
Compton White	Clark Fork Ida Box 8	264-5864
Sat White	Clark Fork Ida	266-1411
Ellen with Nypala	Box 119 Hope, Id.	264-5754
Bob Skinnister	P.O. Box 122 Hope, Id.	264-5747
Tom Melen	P.O. Box 139 Sagle Id.	263-1012
Charlie Elliott	4675 Baldy Mtn. Rd, Sagle	263-7886
My Catherine Brodie	P.O. Box 45, Clark Fork	266-1306
John D Brodie	P.O. Box 456 Clark Fork	266-1306
Jim Boland	Box 780 COLEMAN COLEMAN	263-5445
FRANK KERNS JR.	Box 160 SAMUELS, IDAHO	263-4077
George A. Miller	500 GROUSE CREEK RD SANDPOINT	263-6485
Alan W McHale	300 GROUSE CREEK Rd SAMUELS	263-2695
Roland W Dehn	Box 176 CLARKS FORK ID	266-1313
Cleone Zarislak	2281 mt Vernon St Riverside Ca	714-682-8994 925 07

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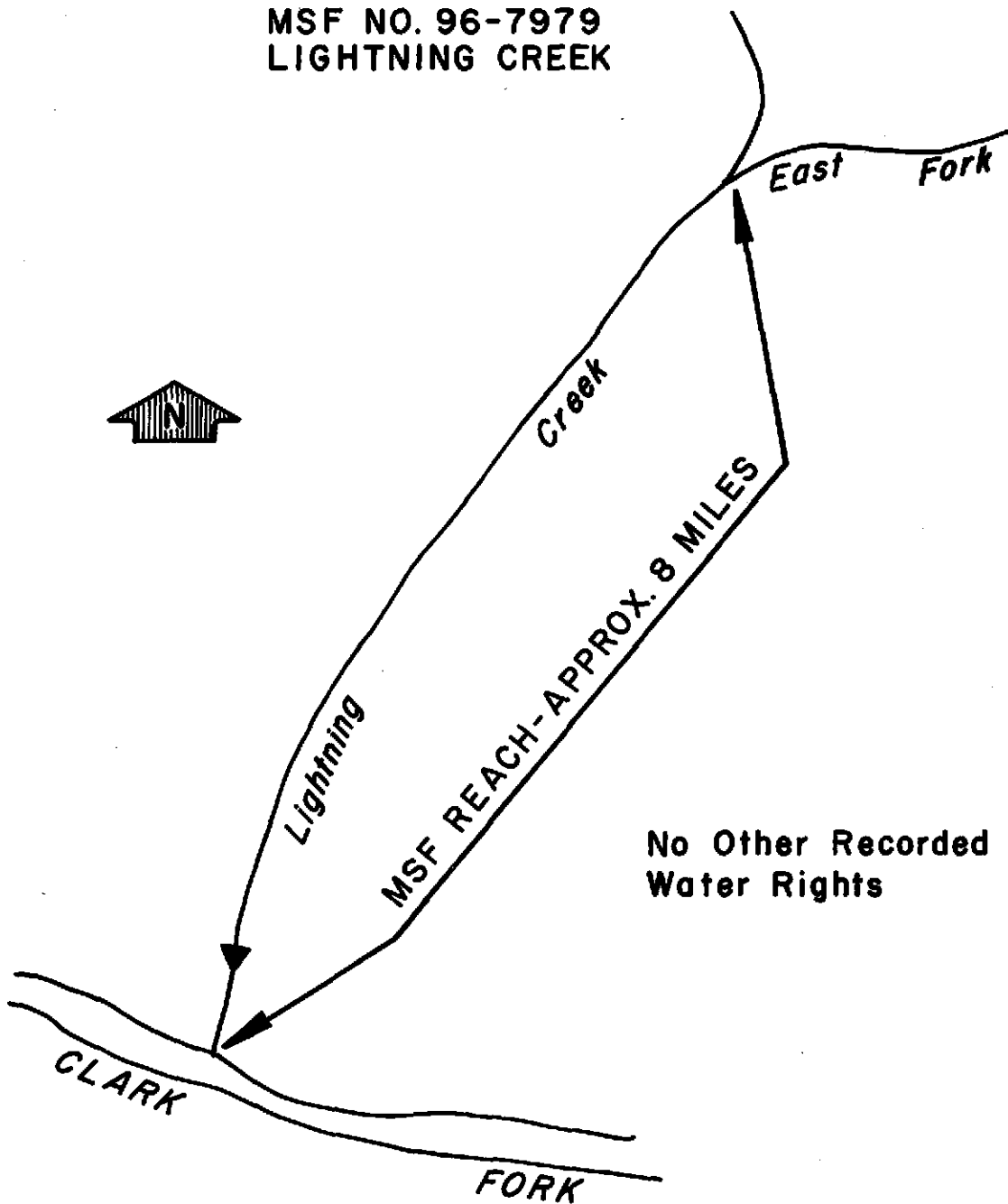
JUL 30 1990

OKSADDLE MTN.)

450 000
FEET (MONT.)



MSF NO. 96-7979
LIGHTNING CREEK



No Other Recorded
Water Rights

IDAHO WATER RESOURCE BOARD FILING (cfs)

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>
49	49	49	84	84	53	53	49	49	49	49	49

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MINIMUM STREAM FLOW
APPLICATIONS NOS. 37-7849, 37-7892,
37-7920, 96-7979 AND 96-7980

A RESOLUTION

WHEREAS, pursuant to Chapter 15, Title 42, Idaho Code, the Idaho Water Resource Board (Board) has the authority to appropriate the unappropriated waters of streams in Idaho for the purpose of establishing minimum stream flows; and,

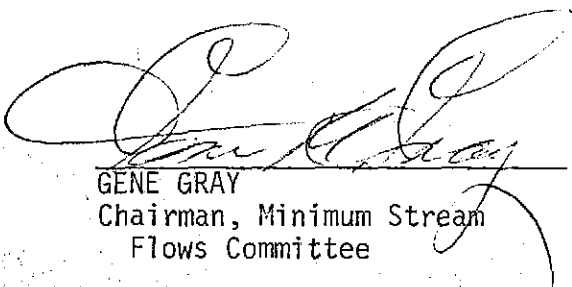
WHEREAS, the Board has submitted to the Director of the Idaho Department of Water Resources (Director) five applications to appropriate water for minimum stream flows identified as follows: No. 37-7849, Silver Creek; No. 37-7892, Malad River; No. 37-7920, Malad River; No. 96-7979, Lightning Creek; and No. 96-7980, Grouse Creek; and,

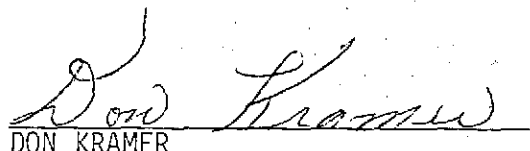
WHEREAS, in accordance with the adopted guidelines on minimum stream flow applications, the Board has conducted informal public meetings to determine public interest with respect to said applications; and,

WHEREAS, the Board has reviewed the public comments and has determined that each of the said applications is reasonable and in the public interest;

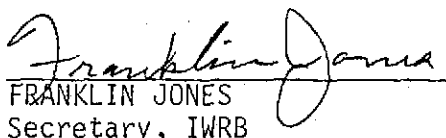
NOW, THEREFORE, BE IT Resolved that the Board request the Director to proceed with administrative actions on each of the five said applications.

Dated this 7th day of October, 1983.


GENE GRAY
Chairman, Minimum Stream
Flows Committee


DON KRAMER
Chairman, IWRB

Attest:


FRANKLIN JONES
Secretary, IWRB

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JUL 30 1990

NOTES FOR MSF PUBLIC MEETING

D. Tuthill

Presentation Consists of Four Parts:

- Describe where the proposed MSF Reach is located
- Discuss other water rights in the vicinity of the proposed MSF
- Describe the MSF Application
- Summarize flow data in the Department's files

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JUL 3 - 1990

MINIMUM STREAM FLOW
Fact Sheet

Water Right No.: 96-7979

Source: Lightning Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

<u>Rate of Flow:</u>	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
	49	49	84	84	53	53	49	49	49	49	49	49 cfs

Location of Reach: From the confluence with Clark Fork within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 55 North, Range 2 East, upstream approximately 8 miles to the confluence with the East Fork in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 57 North, Range 3 East.

Purpose: To maintain trout spawning and rearing.

Public Meeting: Thursday, September 29, 1983, at the Sandpoint Community Hall, 204 S. 1st in Sandpoint, 7:30 p.m.

Water Right No.: 96-7980

Source: Grouse Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

<u>Rate of Flow:</u>	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
	14	14	14	85	85	67	67	14	14	14	14	14 cfs

Location of Reach: From the confluence with the Pack River within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 58 North, Range 1 West, upstream about 5 miles to the county road bridge in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 59 North, Range 1 West.

Purpose: To maintain trout rearing and spawning habitat.

Public Meeting: Thursday, September 29, 1983, at the Sandpoint Community Hall, 204 S. 1st in Sandpoint, 7:30 p.m.

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 26, 1983

MEMO

TO: Dave Tuthill, ^{DET}Water Allocation Section

FROM: Bill Ondrechen, ^{WTO}Hydrology Section

SUBJECT: HYDROLOGY OF GROUSE CREEK AND LIGHTNING CREEKS,
PEND OREILLE RIVER BASIN

Grouse Creek, tributary to the Pack River, and Lightning Creek, tributary to Pend Oreille Lake, both drain forested basins on the west flank of the Cabinet Mountains. Elevations within the basins range from over 6000 feet down to about 2100 feet. Annual precipitation is believed to range from 30 inches at the lower elevations to over 45 inches in the higher portions of the basins.

Neither stream has a continuous streamflow record, but both have been measured occasionally. ~~Lightning Creek, a drainage area of 100 sq. mi., should exhibit streamflow characteristics similar to those of Rapid Lightning Cr. which was gaged from 1963 through 1968. A plot of monthly average flow for Rapid Lightning Cr. is shown in Figure 1. Low flows generally occur in the months of August, September and October. Rain or snowmelt at the lower elevations generally keeps winter flows somewhat above those of late summer or fall.~~

Grouse Creek has been measured at two sites, about 3 and 3.5 miles upstream from the mouth, approximately in the middle of instream flow reach. The drainage area above the lower measurement point is 55.6 sq. mi. Table 1 lists the available measurement data for both sites.

Lightning Creek has only been measured a few times, at the railroad crossing just upstream from the mouth. The drainage area at this point is 100 sq. mi. Tributaries above this point include Spring Cr., Cascade Cr., and Morris Cr. The measured streamflows are displayed in the following table:

10-5-73	24.6 cfs
9-27-74	33.6
9-3-75	99.2
9-9-76	72.7
7-19-77	26.4
8-11-78	24.9

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JUL 30 1980

FIGURE 1. AVERAGE MONTHLY DISCHARGE, RAPID LIGHTNING CR NR SAMUELS 1963-68

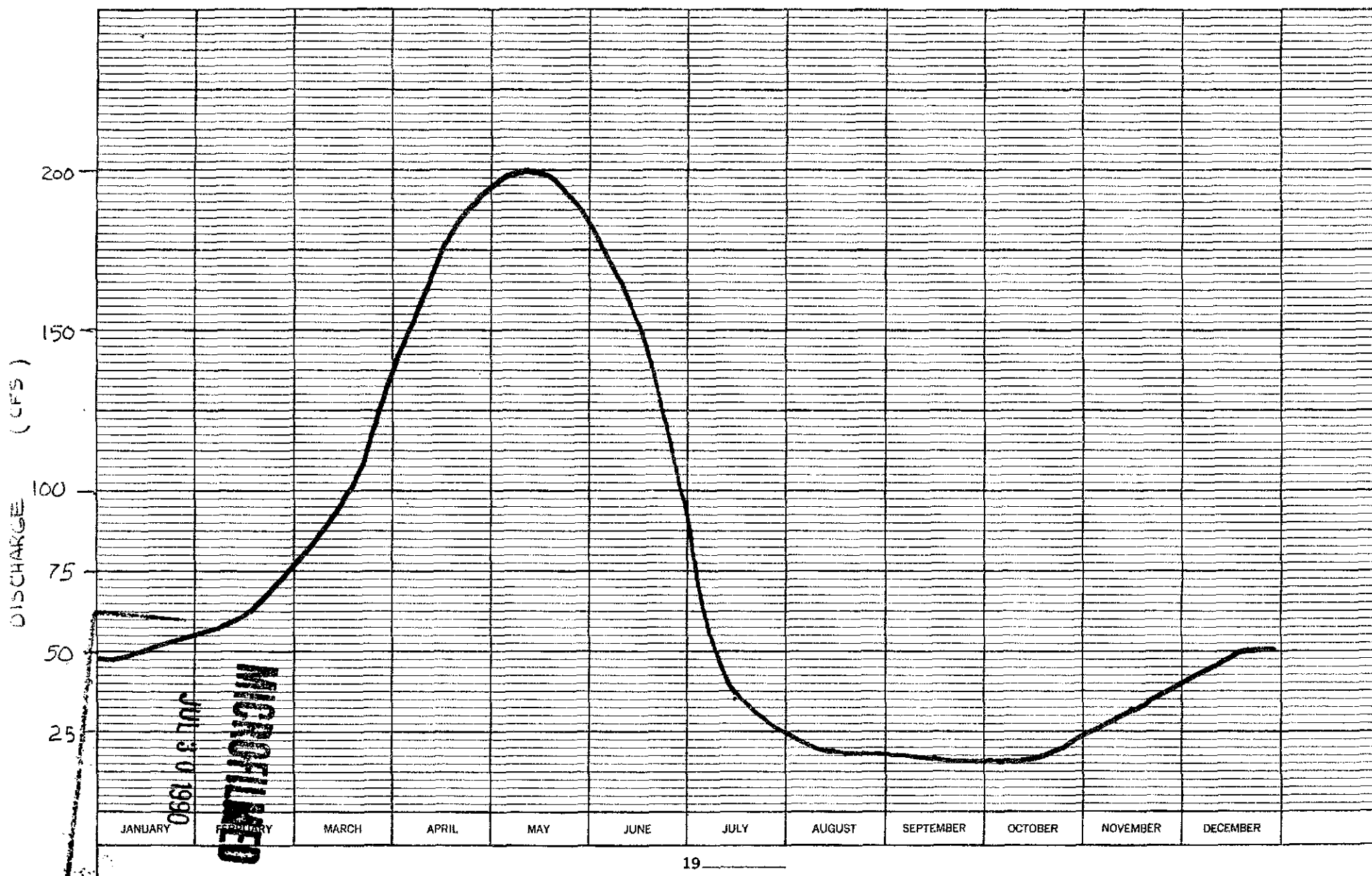


TABLE 1. GROUSE CREEK, Miscellaneous Measurements During Month (cfs)

	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>
<u>Water</u> <u>Year</u>												
✓ 1959	9.0											14.8
✓ 1960	108		109	63.9			290	319	219	16.1	14.4	
● 1961	8.1	35.7	74.5	55.8	161		303	804	697	26.4	6.4	5.7
✓ 1962		8.7	18.3	21.8	53.2		153	328	430	6.0		14.0
✓ 1963	24.7		88.8	62.9	111	80.9		484	58.6	12.5		4.3
✓ 1964	6.8	243	40.3		32.5	30.9	290	1060	264	33		12.1
✓ 1965	24		100	57.1		103	846		342	21		13.1
✓ 1974												9.1
✓ 1975												30.8
✓ 1976												27.6
● 1977						32	182*	230*		91	15	
✓ 1978											6.3	
✓ 1979												
✓ 1980												7.6

* Average of several measurements

On September 21, 1983 copies of the attached letters and materials were sent to the legislators, property owners and waterusers identified on the attached mailing labels.

Sharla Curtis

SHARLA CURTIS

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 16, 1983

Senator Kermit V. Kiebert
Box 187
Hope, ID 83836

RE: Public Meeting Regarding Water Rights for Minimum Stream Flows

Dear Senator Kiebert:

The Idaho Water Resource Board is planning to hold a public meeting to solicit public input and reaction to two minimum streamflow applications for water rights proposed in or near your legislative district.

One application on Grouse Creek and one application on Lightning Creek will be reviewed at a meeting at the Sandpoint Community Hall at 7:30 p.m. on Thursday, September 29. Please find enclosed a fact sheet regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 16, 1983

Rep. Tim Tucker
K. V. Ranch
Porthill, ID 83853

RE: Public Meeting Regarding Water Rights for Minimum Stream Flows

Dear Representative Tucker:

The Idaho Water Resource Board is planning to hold a public meeting to solicit public input and reaction to two minimum streamflow applications for water rights proposed in or near your legislative district.

One application on Grouse Creek and one application on Lightning Creek will be reviewed at a meeting at the Sandpoint Community Hall at 7:30 p.m. on Thursday, September 29. Please find enclosed a fact sheet regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

JUL 30 1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 16, 1983

Rep. James F. Stoicheff
615 Lakeview
Sandpoint, ID 83864

RE: Public Meeting Regarding Water Rights for Minimum Stream Flows

Dear Representative Stoicheff:

The Idaho Water Resource Board is planning to hold a public meeting to solicit public input and reaction to two minimum streamflow applications for water rights proposed in or near your legislative district.

One application on Grouse Creek and one application on Lightning Creek will be reviewed at a meeting at the Sandpoint Community Hall at 7:30 p.m. on Thursday, September 29. Please find enclosed a fact sheet regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

JUL 30 1990

September 16, 1983

Re: Minimum Stream Flow Application on Lightning Creek

Dear Wateruser:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of Lightning Creek. According to the records of this Department, you have a water right for which the point of diversion is located in or near the proposed minimum streamflow reach.

Information describing the application and the time and place of the meeting is shown on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum streamflow procedure.

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

JUL 30 1983

September 16, 1983

Re: Minimum Stream Flow Application on Lightning Creek

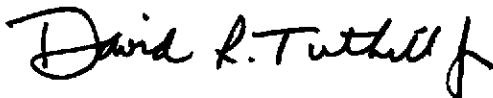
Dear Property Owner:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of Lightning Creek. According to the records at the county courthouse, you are one of the owners of property adjacent to the reach where the minimum streamflow is proposed.

Information describing the application and the time and place of the meeting is shown on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum streamflow procedure.

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

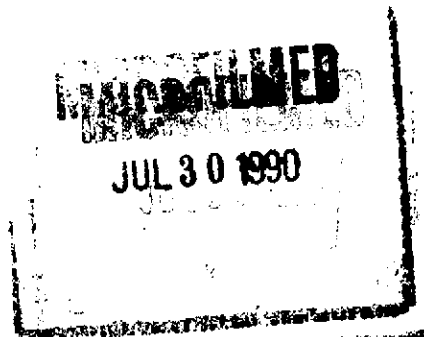
Sincerely,



DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures



Thomas S. Blair
Box 41
Clark Fork, ID 83811

Reubon S. Bastian
Box 258
Vian, OK 74962

Margie Boylon
2312 Jean St.
Boise, ID 83705

John D. & Catherine Brodie
Box 456
Clark Fork, ID 83811

Theodore J. Piper
Box 1885
Idaho Falls, ID 83401

Stanley P. Potter
Box 41
Clark Fork, ID 83811

William H. Cutshall
Box 587
Clark Fork, ID 83811

Roland & Patricia Derr
box 276
Clark Fork, ID 83811

Donald J. Diehl
c/o Stanton L. Diehl
Box 908
Sandpoint, ID 83864

Roland D. Eaton
250 Mtn. Ridge Rd.
Revo, NV 89523

Charles English
Rt. 1, Box 201
Long Beach, WA 98631

Jack Horseman
4615 W. Cuthbert
Midland, TX 79703

Harold J. Huber
10524 Valley View
Bothell, WA 98011

Albert & Elizabeth Johns
1521 E. 38th Ave.
Spokane, WA 99203

Madeline Leininge
333 Couington Dr. #38
Detroit, MI 48203

Ruth P. Mickens
557 Ward St.
Seattle, WA 98109

96-7979

Prop. Owners

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Lightning Creek Land Owners

Dennis Bair	Address unavailable
Thomas S. Balir	Box 41 - Clark Fork, ID 83811
Reubon S. Bastian	P.O. Box 258 - Vian, OK 74962
Margie Boylon	2312 Jean Street - Boise, ID 83705
John D. and Catherine Brodie	P.O. Box 456 - Clark Fork, ID 83811
Larry Corchi	Address unavailable
William H. Cutshall	P.O. Box 387 - Clark Fork, ID 83811
Roland and Patricia Derr	Box 276 - Clark Fork, ID 83811
Donald J. Diehl	c/o Stanton L. Diehl-P.O. Box 908 - Sandpoint, ID 83864
Vance V. Digham	
Roland D. Eaton	250 Mountain Ridge Road - Revo, NV 89523
Charles English	Route 1, Box 201 - Long Beach, WA 98631
Jack Horseman	4615 W. Cuthbert - Midland, TX 79703
Harold J. Huber	10524 Valley View - Bothell, WA 98011
Albert and Elizabeth Johns	1521 E. 38th Avenue - Spokane, WA 99203
Tom and Donna Kerby	Address unavailable
Madeline Leininge	333 Couington Drive #38 - Detroit, MI 48203
James C. and Nancy Mallenkopf	Address unavailable
James Marsen	Address unavailable
Ruth P. Mickens	557 Ward Streer - Seattle, WA 98109
Daneila Moran	Address unavailable
Northern Pacific Railroad	Address unavailable
Theoadore J. Piper	P.O. Box 1885 - Idaho Falls, ID 83401
Stanley P. Potter	P.O. Box 41 - Clark Fork, ID 83811

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Lightning/Grouse Creeks

page 2

Gray encourages anyone who wishes to comment on either the Lightning Creek or Grouse Creek applications to attend the meeting. The board, he said, has the option of changing or withdrawing the applications, based on public comment, although it may choose to pursue the applications as filed.

As required by law, the Idaho Department of Water Resources will schedule public hearings on the two applications, probably in November, Gray said. After the hearings, the applications, unless withdrawn by the board, are reviewed by the director of the Idaho Department of Water Resources for approval or denial. If approved, the applications are then sent to the Idaho Legislature, which may approve or reject them.

Gray stressed that the minimum stream flow applications, if approved, are junior to older, established water rights with earlier priorities.

-30-

Kay Weaver
Information Specialist

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JUL 30 1990



FOR IMMEDIATE RELEASE

September 9, 1983

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

NEWS RELEASE

BOISE---Minimum stream flow applications on Lightning and Grouse Creeks in Bonner County will be discussed at a public meeting September 29 at 7:30 P.m., Sandpoint Community Hall, 204 South First, Sandpoint.

In application #96-7979, the Idaho Water Resource Board (IWRB) seeks variable flows each month in the year to maintain trout spawning and rearing. The proposed reach of Lightning Creek extends from the confluence with the Clark Fork upstream eight miles.

The application seeks the following flows: January through March, 49 cubic feet per second (cfs); April, May, 84 cfs; June, July, 53 cfs, with 49 cfs between August and December.

A second minimum stream flow application, #96-7980, also seeks a varying flow, from the mouth of Grouse Creek upstream about five miles to the county road bridge. According to Gene M. Gray, vice chairman, Idaho Water Resource Board, the flows would maintain trout spawning and rearing habitat in the five mile reach.

The requested rates of flow are: January through March, 14 cubic feet per second; April, May, 85 cfs; June, July, 67 cfs, with 14 cfs sought for August through December. Both applications were filed by the Idaho Water Resource Board at the request of the Idaho Department of Fish and Game. Staff from that agency will attend the meeting to answer questions and discuss the applications.

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NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

SEP 14 1983

Department of Water Resources

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources of water which are further described as follows:

APPLICATION NO. 96-7979

Source: Lightning Creek, tributary to Pend Oreille Lake

Location of Minimum Streamflow Reach: SWNE Sec. 3, T55N, R02E, B. M., upstream approx. 8 miles to confluence with East Fork in the SWSW Sec. 32, T57N, R03E, B. M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	49.0 CFS	8/1 to 3/31
	84.0 CFS	4/1 to 5/31
	53.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

APPLICATION NO. 96-7980

Source: Grouse Creek, tributary to Pack River.

Location of Minimum Streamflow Reach: SESW Sec. 4, T58N, R01W, B. M., upstream approx. 5 miles to the county road bridge in the SENE Sec. 25, T59N, R01W, B. M., Bonner County.

Rate of Flow and Season of Use:	<u>Rate</u>	<u>Period of Use</u>
	14.0 CFS	8/1 to 3/31
	85.0 CFS	4/1 to 5/31
	67.0 CFS	6/1 to 7/31

Use: To maintain trout spawning and rearing habitat.

The Idaho Water Resource Board will hold a Public Meeting on the applications at 7:30 p.m., on Thursday, September 29, 1983, in the Sandpoint Community Hall 204 S. 1st St., Sandpoint, Id., for the purpose of gathering information about public interest with regard to the above minimum stream flow applications. If issued, these permits will be subject to all prior water rights.

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DONALD R. KRAMER
Chairman--Idaho Water Resource Board

Published in the Sandpoint Daily Bee on September 14 and 21, 1983.

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Note in Microfilm

Don

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

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 96-7979 TO ESTABLISH A MINIMUM STREAM)
FLOW IN LIGHTNING CREEK IN THE NAME OF)
THE IDAHO WATER RESOURCE BOARD)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On June 19, 1981, the Idaho Water Resource Board (hereafter Board) filed with the Idaho Department of Water Resources (hereafter Department) an application for permit to preserve a minimum flow in Lightning Creek, tributary to Clark Fork, in Bonner County. The application was filed in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

A public meeting was held by the Board on September 29, 1983, in Sandpoint, Idaho, for the purpose of determining local public interest with respect to said application. On November 7, 1983, the Board adopted a resolution requesting the Director of the Department to proceed with administrative action on the application.

Notice describing the proposed appropriation and setting the time and place for the required hearing was published in the Sandpoint Daily Bee on October 26 and November 2, 1983. A public hearing was held at Sandpoint, Idaho on November 16, 1983. Norman C. Young of the Department served as hearing officer.

Because of the similarities between this application and application for permit No. 96-7980, to appropriate a minimum stream flow for identical purposes from nearby Grouse Creek tributary to the Pack River, a joint hearing was conducted for the two applications. Parties appearing in a formal capacity included members of the Board; representatives of the Idaho Department of Fish and Game; Tom Mehler representing the Lake Pend Oreille Idaho Club; Mike Ruskey representing the Idaho Panhandle Chapter of Trout Unlimited; Attorney Thomas E. Cooke representing Roland Derr; and Vicki Younger representing property owners in the Grouse Creek basin. *James E. White*
~~No parties~~

Test Clark
appeared for the purpose of presenting ^{*public interest*} views and comments ^{*a*} as ~~public~~ witnesses.

Based upon sworn testimony, documentation and statements included in the record, and his understanding of the law, the Hearing Officer as a representative of the Director of the Department proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1) On June 19, 1981, the Board filed Application for Permit No. 96-7979 to appropriate a minimum stream flow in Lightning Creek, which is tributary to Clark Fork just upstream from Lake Pend Oreille, Bonner County, pursuant to the provisions of Chapter 15, Title 42, Idaho Code.

2) Application for Permit No. 96-7979 proposes to appropriate a minimum stream flow in Lightning Creek within a reach extending from the confluence with Clark Fork in the SW1/4 NE1/4, Section 3, Township 55 North, Range 2 East, B.M., upstream approximately eight (8) miles to the confluence with the East Fork in the SW1/4 SW1/4, Section 32, Township 57 North, Range 3 East, B.M. The proposed rate of flow is 49 cubic feet per second from January through March, 84 cubic feet per second in April and May, 53 cubic feet per second in June and July, and 49 cubic feet per second from August through December.

3) The purpose of the proposed instream appropriation is to maintain trout spawning and rearing throughout the reach defined above.

4) Based upon testimony of the staff of the Department, it is found that no other water rights had been filed for the use of Lightning Creek at the time of the hearing. However, testimony at the hearing indicated that there may be an intent to divert water from Lightning Creek for beneficial use in the future.

5) The proposed uses under Application for Permit No. 96-7979 are instream and non-consumptive.

6) Based upon the sworn testimony, documentation, and statements comprising the record in this matter, it is found that the minimum stream flow proposed by Application for Permit No. 96-7979 is necessary to maintain trout spawning and rearing.

7) Based upon testimony presented at the hearing, it is found that the benefits to be derived from the minimum stream flow application would be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

8) Based upon testimony and evidence submitted by the Idaho Department of Fish and Game, it is found that the flow requested in the application is the minimum flow required to preserve the existing unique characteristics of the stream for the public benefits and is not the ideal or most desirable flow which could be utilized for that purpose.

ANALYSIS

Based upon testimony at the hearing and information in the file, there is one primary item of contention with respect to the proposed application. Section 42-1503, Idaho Code, requires that approval of an application for permit for a minimum stream flow must be based upon, among other things, a finding that the requested flows are "capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks". The question concerns whether this requirement has been satisfied.

The Department considers the statutory requirement above to consist of two distinct parts. The first part is that the requested flows must be "capable of being maintained as evidenced by records of stream flows and water levels". The requirement for this determination is common to all water rights in Idaho, both consumptive and non-consumptive. The second part concerns the "existing or future establishment of necessary gauging stations and bench marks". Because the Department considers each part to be an individual and separate requirement, the first part will be analyzed separately from the second part.

The record shows few recorded flow measurements on Lightning Creek. United States Geological Survey measurements identified in publications of Water Resources Data for Idaho, include six individual measurements made at a location near the railroad bridge about one-half mile upstream from the mouth. These measurements are tabulated as follows:

<u>Date</u>	<u>Flow</u> (cubic feet per second)
10-5-73	24.6
9-27-74	33.6
9-3-75	99.2
9-9-76	72.7
7-19-77	26.4
8-11-78	24.9

Of these measurements, only the two made in early September indicate flows sufficient to satisfy minimum stream flow request.

The one other flow measurement on Lightning Creek documented in the record was the flow measured by Idaho Department of Fish and Game personnel at a transect about seven (7) miles upstream from the mouth. The testimony indicates the flow to be 58 cubic feet per second on July 26, 1977, which is five (5) feet per second more than the minimum flow requested.

Information presented at the hearing established that Lightning Creek does not have a homogeneous surface flow regime throughout the minimum flow reach, to the extent that in some portions of the reach there could be a measurable flow while at the same time there is no flow in other portions of the reach. Based upon the scarce data available, which indicates that the requested flows were not available at the time of measurement, it cannot be found that the flow is generally capable of being maintained throughout the reach. Therefore the first part of the statutory requirement has not been satisfied.

The Idaho Department of Fish and Game has argued that if existing flow records are not available to establish whether the flow can be maintained, the Director of the Department has the option to condition approval of a permit by requiring collection of additional flow data. Such a condition of approval has been applied to previous permits for minimum stream flows. However, in those cases the limited flow data available have indicated that the flows were likely capable of being maintained most of the time, which is not the case with Lightning Creek.

Regarding the second part of the statutory requirement, related to the existing or future establishment of necessary gauging stations or bench marks, no further analysis or determination is required at this time because the first part of the statutory requirement has not been satisfied.

CONCLUSIONS OF LAW

1) The proposed minimum stream flow appropriation would not interfere with any vested water right, permit, or right under an application having a priority date earlier than June 19, 1981.

2) The proposed minimum stream flow appropriation would be in the public, as opposed to private, interest.

3) The proposed minimum stream flow appropriation would be necessary to maintain trout spawning and rearing.

4) The proposed minimum stream flow appropriation is the minimum flow required for the purpose cited in Conclusion of Law No. 3 and not the ideal or most desirable flow.

5) The proposed minimum stream flow appropriation has not been shown to be capable of being maintained.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 96-7979 is DENIED.

Dated this _____ day of _____, 1984.

NORMAN C. YOUNG
Hearing Officer

to Kinross Trout spawning and rearing

The information presented at the hearing established that flows of the magnitude requested ^{are needed for} ~~the~~ spawning and rearing habitat. The information presented also established that the ~~best~~ fishery resource as it exists under the flow conditions present in Liffing Creek makes a substantial contribution to the economics and recreational opportunities in ~~the~~ Northern Shosh. To the extent that presently available flows do not meet the flow rates ~~requested and~~ shown to be needed simply ~~general~~ ~~constant~~ ~~upon the~~ ~~the~~ ~~emphasis~~ the need to retain the existing flow rates to the extent that the rates do not exceed the requested amounts.

4) a decision to deny the request to establish the minimum flow on the basis that data are not available to establish the flow rates available at each location along the requested reach for each period of the year would ~~serve only~~ ~~the~~ failure to properly recognize the give adequate weight to the testimony and evidence submitted documenting that the requested flow rates are necessary for the purposes requested and that preservation of the values sought to be protected is in the public interest.

The applicant, as a condition of approval of a permit and/or a requirement to be met before a license will be issued confirming the use under this right, shall

The information presented at the hearing established that flows of the magnitude requested are necessary for spawning and rearing habitat, particularly for such habitat for Kamloop trout important to the Lake Pend Oreille fishery. The information presented also established that the trout fishery resource as it exists under the flow conditions present in Lightning Creek contributes substantially to economic and recreational opportunities in the area. The importance of these findings would not be given adequate weight in a decision which denied the request to establish a minimum instream flow if such denial were based upon

~~The information presented at the hearing~~

The available flow information when ~~examined~~ evaluated against information presented at the hearing relative to location and timing of the measurements do indicate that the flow rates requested are generally capable of being maintained over most of the reach requested.

⑥

collect additional flow data to establish
the rates of flow available in the various
reaches of Tipton Creek covered by this
filing. The flow rates ^{and the reaches to which they are available} will then
be adjusted ^{where necessary} to conform to those found to be
available within the amounts requested.

W. J. D.

As the number of streams on which streamflow information is likely to be desired far exceeds the number of stream-gaging stations feasible to operate at one time, the Geological Survey collects limited streamflow data at sites other than stream-gaging stations. When limited streamflow data are collected on a systematic basis over a period of years for use in hydrologic analyses, the site at which the data are collected is called a partial-record station. Data collected at these partial-record stations are usable in a low-flow or floodflow analyses, depending on the type of data collected. In addition, discharge measurements are made at other sites not included in the partial-record program. These measurements are generally made in times of drought or flood to give better areal coverage to those events. Those measurements and others collected for some special reason are called measurements at miscellaneous sites. Records collected at partial-record stations are presented in two tables. The first is a table of discharge measurements at low-flow partial-record stations, and the second is a table of annual maximum stage and discharge at crest-stage stations. Discharge measurements made at miscellaneous sites for both high and low flow are given in a third table.

Low-flow partial-record stations

Measurements of streamflow in the area covered by this report made at low-flow partial-record stations are given in the following table. Most of these measurements were made during periods of base flow when streamflow is primarily from ground-water storage. These measurements, when correlated with simultaneous discharge of a nearby stream where continuous records are available, will give a picture of the low-flow potentiality of the stream. The column headed "Period of record" shows the water years in which measurements were made at the same, or practically the same, site.

Discharge measurements made at low-flow partial-record stations during water year 1978

Station No.	Station name	Location	Drainage area (mi ²)	Period of record	Measurements	
					Date	Discharge (ft ³ /s)
Kootenai River basin						
12306800	Round Prairie Creek near Eastport	Lat 48°57'53", long 116°11'52", in SW ¹ / ₄ SE ¹ / ₄ sec. 21, T.65 N., R.2 E., Boundary County, Kaniksu National Forest, 0.4 mi (0.6 km) downstream from Robinson Lake, 2.5 mi (4.1 km) south of Eastport, and at mile 2.5 (4.1 km);	-	1974-78	9-8-78	3.07
12310800	Trail Creek at Naples	Lat 48°34'28", long 116°23'20", in SW ¹ / ₄ SW ¹ / ₄ sec. 6, T.60 N., R.1 E., Boundary County, at railroad culvert, 0.4 mi (0.6 km) upstream from mouth, and at Naples.	a16	1961-71b, 1973-78b	9-11-78	1.66
12321000	Smith Creek near Porthill	Lat 48°57'40", long 116°33'20", in SE ¹ / ₄ SW ¹ / ₄ sec. 26, T.65 N., R.2 W., Boundary County, Kaniksu National Forest, at forest bridge, 1.0 mi (1.6 km) south of Smith Creek ranger station, and 4.0 mi (6.4 km) southwest of Porthill.	a70	1928-61†, 1973, 1975-78	9-11-78	65.3
Pend Oreille River basin						
12392100	Trapper Creek near Clark Fork	Lat 48°15'57", long 116°07'00", in NE ¹ / ₄ sec. 30, T.57 N., R.3 E., Bonner County, Kaniksu National Forest, at U.S. Forest Service road and 8.8 mi (15.7 km) north of Clark Fork.	1.12	1962-71b, 1974-78b	8-11-78	.01
12392155	Lightning Creek at Clark Fork	Lat 48°08'52", long 116°11'24", in NW ¹ / ₄ SE ¹ / ₄ sec. 3, T.55 N., R.2 E., Bonner County, 100 ft (305 m) downstream from N.P. Railroad bridge, 1,600 ft (488 m) upstream from mouth, and 0.5 mi (0.8 km) west of Clark Fork.	a100	1974-78	8-11-78	24.9
12392350	Grouse Creek near Colburn	Lat 48°20'36", long 116°26'10", in NE ¹ / ₄ SW ¹ / ₄ sec. 2, T.58 N., R.1 W., Bonner County, 2.0 mi (3.2 km) upstream from mouth and 4.0 mi (6.4 km) east of Colburn.	55.6	1958-65, 1974-76, 1978	8-11-78	6.25
12392450	Rapid Lightning Creek near Colburn	Lat 48°21'55", long 116°24'05", in SE ¹ / ₄ SW ¹ / ₄ sec. 24, T.58 N., R.1 W., Bonner County, 0.3 mi (0.5 km) upstream from mouth and 6.0 mi (9.6 km) southeast of Colburn.	-	1958-65, 1974-78	8-11-78	32.0
12392800	Hornby Creek near Dover	Lat 48°15'10", long 116°37'50", in SW ¹ / ₄ SW ¹ / ₄ sec. 30, T.57 N., R.2 W., Bonner County, at U.S. Highway 2 crossing and 1.2 mi (1.9 km) west of Dover.	a2.2	1961-71b, 1975-78	8-11-78	.98
12392854	Brickel Creek near Spirit Lake	Lat 47°56'10", long 116°56'59", in NW ¹ / ₄ SE ¹ / ₄ sec. 15, T.53 N., R.5 W., Kootenai County, 0.7 mi (1.1 km) upstream from mouth and 4.5 mi (7.2 km) southeast of Spirit Lake.	-	1973-76, 1978	8-30-78	3.13
12392892	Blanchard Creek near Blanchard	Lat 47°59'32", long 117°04'14", in SE ¹ / ₄ NE ¹ / ₄ sec. 23, T.29 N., R.45 E. (Willamette meridian), Spokane County, WA, at confluence with North Fork, 1.3 mi (2.1 km) west of Idaho-Washington State line, and 5.8 mi (9.3 km) southwest of Blanchard.	-	1973-78	8-30-78	3.39
12392950	Indian Creek near Coolin	Lat 48°37'37", long 116°49'14", in NW ¹ / ₄ SE ¹ / ₄ sec. 23, T.61 N., R.4 W., Bonner County, Kaniksu National Forest, 1.5 mi (2.4 km) upstream from mouth and 11 mi (18 km) north of Coolin.	20	1948, 1973, 1975-78	8-29-78	18.7
12393600	Binarch Creek near Coolin	Lat 48°28'10", long 116°55'20", in NE ¹ / ₄ sec. 13, T. 59 N., R.5 W., Bonner County, Kaniksu National Forest, at State Highway 57 crossing and 3 mi (4.8 km) west of Coolin.	10.7	1962-71b, 1973, 1975-78b	8-29-78	3.32

See footnotes at end of table, p. 278.

U.S. GEOLOGICAL SURVEY MEASUREMENTS

WATER RESOURCES DATA FOR IDAHO

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Tulhills DRT

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Department of Water Resources

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BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF
APPLICATION NO. 96-7979
FOR A MINIMUM STREAM FLOW
ON LIGHTNING CREEK

IDAHO DEPARTMENT OF FISH AND
GAME MEMORANDUM IN SUPPORT
OF THE APPLICATION

INTRODUCTION

On June 19, 1981, the Idaho Water Resources Board filed an application for a permit with the Idaho Department of Water Resources (hereafter Department) for the establishment of a minimum stream flow for a reach of Lightning Creek in Bonner County, Idaho. The application was made pursuant to Section 42-1501, et seq., Idaho Code. On September 29, 1983, a public meeting was held to explain and receive comments on the application. A public hearing was held on November 16, 1983 in Sandpoint, Idaho. Testimony at this hearing was presented by staff of the Department, members of

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IDAHO DEPARTMENT OF FISH AND GAME MEMORANDUM
IN SUPPORT OF THE APPLICATION - p. 1

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1 the Water Resources Board, personnel from the Idaho Department
2 of Fish and Game (hereafter Fish and Game) and members of
3 the general public. At the conclusion of the hearing, the
4 hearing officer allowed Mr. Derr 15 days to reply in writing.
5 Fish and Game had an additional 15 days to respond to Mr.
6 Derr. On November 22, 1983, Fish and Game received Mr.
7 Derr's memorandum brief.

8
9 ARGUMENT

10 Section 42-1503, Idaho Code, provides:

11 . . . Upon the conclusion of the hearings and
12 completion of any investigation conducted by the
13 director, he shall enter his findings in writing
14 approving the application in whole, or in part, or
15 upon conditions or rejecting said application.

Approval of any such application must be based
upon a finding that such appropriation of minimum
stream flow:

- 16 (a) will not interfere with any vested water
17 right, permit, or water right application
18 with priority of right date earlier than the
19 date of receipt in the office of the director
20 of a complete application for appropriation
21 of minimum stream flow filed under the provisions
22 of this act;
- 23 (b) is in the public, as opposed to private,
24 interest;
- 25 (c) is necessary for the preservation of fish and
26 wildlife habitat, aquatic life, recreation,
27 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

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1 (e) is capable of being maintained as evidenced
2 by records of stream flow and water levels
3 and the existing or future establishment of
4 necessary gauging stations and bench marks.
(emphasis added)

5 1. Mr. Derr is incorrect when he states requirement for
6 a diversion appears to be recognized by Article 15, Section 3
7 of the Idaho Constitution

8 The Derrs argue that the diversionary requirement,
9 which they acknowledged is abrogated by the instream flow
10 act, appears to be recognized in Article 15, Section 3 of
11 the Idaho Constitution. Because of this fact and because
12 Idaho water law has required diversions for many years means
13 in order to obtain a water right then the instream flow
14 statute must be strictly construed. (Derr Memo at 2 and 3).
15 This argument is untenable. In State, Dept. of Parks v.
16 Idaho Dept. of Water Admin., 96 Idaho 440, 444 (1974), the
17 Idaho Supreme Court said the language contained in Article
18 15, Section 3 of the Idaho Constitution does not bear on the
19 question of whether an actual physical diversion is required
20 but merely declares "the right to divert and appropriate the
21 unappropriated waters of any natural stream to beneficial
22 use, shall never be denied. . ." The Court then went on to
23 hold that the Idaho Constitution does not require an actual
24 physical diversion. Id at 444.

25 This case involved the appropriation of waters for
26 the preservation of esthetic values and recreation.
27

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1 tunities by the Idaho Department of Parks for the beneficial
2 use of citizens of the State of Idaho. This authority was
3 granted by Section 67-4307, Idaho Code. The purpose behind
4 that statute and the purpose behind the instream flow statutes,
5 Section 42-1501, et seq., Idaho Code, are similar.

6 In Section 42-1501, Idaho Code, the Idaho Legislature
7 said the preservation of water by minimum stream flows for
8 fish and wildlife habitat, aquatic life, recreation, aesthetic
9 beauty, transportation, navigation, and water quality is
10 necessary and desirable for all inhabitants of the State and is
11 in the public interest and is declared a beneficial use of
12 such water. Thus, the Director in making his decision on
13 this application should consider it in the same manner as
14 any other water right application.

- 15
16 2. The un rebutted evidence clearly shows that the instream
17 flow application will not interfere with any vested
18 water right, permit or water right application with
19 an earlier priority date

20 Mr. Tuthill of the Idaho Water Resources Department
21 testified there were no other recorded water rights with an
22 earlier priority date on the reach of Lightning Creek covered
23 by the application. This information is presented in Exhibit
24 WR-2. There was no other contradictory testimony introduced
25 on this issue. Thus, the instream flow will not interfere
26
27

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1 with any vested water right, permit or application with an
2 earlier priority date.

3
4 3. The evidence is clear that the application is in
5 the public interest

6 Testimony in favor of the application was presented
7 by Tom Mehler representing a 300 member sportsmen's organiza-
8 tion concerned with the fishery on Lake Pend Oreille. He
9 testified that tournaments held by his club attracted up to
10 1,800 entrants and that the Pend Oreille fishery had produced
11 world records for bull trout and kamloop trout. He further
12 testified that building Cabinet Gorge Dam had removed approxi-
13 mately 90 percent of the kamloop and bull trout spawning
14 habitat for the wild lake populations. Mr. Mike Ruskey, who
15 represented about 500 members of Trout Unlimited, testified
16 as to the importance of the Pend Oreille fishery and as to
17 the necessity of the instream flows. In addition, testimony
18 was presented by Bruce Reiman of the Idaho Department of
19 Fish and Game as to the importance of the spawning and
20 rearing habitat found in Lightning Creek and the habitat's
21 relationship to the kamloop and bull trout fishery in Lake
22 Pend Oreille. He testified that Lightning Creek contained
23 approximately 30 to 50 percent of the spawning kamloops and
24 36 percent spawning of the bull trout for the Pend Oreille
25 drainage. (Reiman testimony, and Exhibit FG-7). Mr. Reiman
26 also testified that the economic value of the kamloop and
27

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1 bull trout fishery was approximately one million dollars and
2 that Lightning Creek was the single most important drainage
3 in maintaining this fishery. He also testified that it was
4 not possible to supplement wild populations with hatchery
5 fish. This evidence is un rebutted and it is clear the
6 instream flow is in the public interest.

7
8 4. The un rebutted evidence shows the instream flow
9 sought is necessary for the preservation of fish and wildlife
10 habitat, aquatic life, recreation, and water quality

11 Mr. Tim Cochnauer and Mr. Reiman of the Idaho
12 Department of Fish and Game testified the flows were necessary
13 for the preservation of fish habitat, aquatic life, recreational
14 values and water quality in the stream. There was no testimony
15 presented that these flows were not necessary for the preserva-
16 tion of the above-listed items.

17
18 5. The evidence clearly supports a finding the flow sought
19 is the minimum flow and not the ideal or most desirable flow

20 Tim Cochnauer gave his expert opinion that the
21 flows sought were minimum flows and not the ideal or optimum
22 flows. He testified that the ideal rearing flow for Lightning
23 Creek would be 75 cfs and the ideal spawning flow would be
24 180 cfs. The ideal flow would be a bank full discharge.
25 The flows sought in the application are much lower flows.
26 Mr. Cochnauer testified that the optimum flow would be the
27 natural flow.

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1 6. If existing flow records are not available to establish
2 whether the flow can be maintained, the Director of Water
3 Resources can condition approval of the application by
4 requiring collection of additional flow data

5 Section 42-1503, I.C., states:

6 . . . Upon the conclusion of the hearings and
7 completion of any investigation conducted by the
8 director, he shall enter his findings in writing
9 approving the application in whole, or in part, or
10 upon conditions or rejecting said application.
11 (emphasis added)

12 Thus, if existing flow data is not sufficient to
13 show flows can be maintained, the director can condition his
14 approval on the collection of additional flow data. This
15 authority is clearly provided for in Section 42-1503(e)
16 which provides the minimum stream flow "is capable of being
17 maintained as evidenced by records of stream flows and water
18 levels and the existing or future establishment of necessary
19 gauging stations and bench marks." (emphasis added)

20 Capable of being maintained does not mean flows
21 must be present 24 hours a day 365 days of the year. The
22 testimony and exhibits indicate that high discharges occur
23 in Lightning Creek during the year. Lightning Creek has
24 similar flow characteristics to Rapid Lightning Creek.
25 (Exhibit WR-3) The stream has peak flows in March, April,
26 May and June. This is when the Board requested flows of 53
27 to 84 cfs. Testimony and exhibits produced by Mr. Derr (D-
2-11) show a broad braided stream channel through his property.

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IDAHO DEPARTMENT OF FISH AND GAME MEMORANDUM
IN SUPPORT OF THE APPLICATION - p. 7 JUL 30 1990

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 Mr. Derr testified extremely large discharges occur in the
2 spring. He also testified that large flows occurred during
3 the winter when the ground was frozen and the weather warmed
4 up causing the snow to melt. Mr. Derr indicated large flows
5 occurred following heavy rains. Lightning Creek drainage
6 experiences a high annual precipitation with 30 inches at
7 lower elevations and 45 inches at higher elevations. (Exhibit
8 WR-3) The evidence is clear kamloops and bull trout move up
9 the stream and spawn at various times of the year.

10 The low point on the flow curve takes place in
11 July, August, September and October. (Exhibit WR-3) Mr.
12 Derr testified and presented exhibits (D-2-11) showing very
13 little water running through his property during September.
14 He also admitted that there was much more water in the
15 stream above his property line. Recorded measurements show
16 measured flows in July 1977 of 58 cfs above Mr. Derr's
17 property and September flows of 99.2 and 72.7 cfs below his
18 property. The evidence is also unrebutted that large numbers
19 of rainbow trout fry were observed where Lightning Creek
20 runs through the Derr property. Admittedly, there are flow
21 measurements taken at the lower end of the reach which are
22 less than the 49 cfs requested in the application. These
23 measurements were all taken below Mr. Derr's property and
24 indicate at least the measured amounts were available. They
25 certainly do not show that there is not adequate water
26 available in the stream above Mr. Derr's property. In fact,

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JUL 30 1990

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 the testimony showed there was considerably more water
2 available above his property. The reach of the stream
3 through his property is unique in that much of the stream
4 sinks underground during portions of some years.

5 Mr. Derr contends that the flow measurements
6 available may not be accurate. (Derr Memo at 4) Fish and
7 Game submits that these measurements are part of the Water
8 Resources files and there is nothing in the record to indicate
9 they are not accurate.

10 Mr. Derr also argues that if the minimum stream
11 flow application is approved a future appropriator will
12 have to prove there is water available. (Derr Memo at 5)
13 While this may be true since Section 42-203, Idaho Code,
14 says if the water supply is not sufficient the director may
15 reject an application or may partially approve a permit for
16 a lesser quantity of water or may grant a permit under
17 conditions. In any case, the establishment of a minimum
18 stream flow does not change a future applicant's burden of
19 proof. The minimum stream flow right is the same as any
20 other prior water right.

21
22 CONCLUSION

23 For the reasons given above, it is clear that the
24 Director should approve the minimum stream flow for the
25 reach of the stream above the Derr property. Due to the
26

27
IDAHO DEPARTMENT OF FISH AND GAME MEMORANDUM
IN SUPPORT OF THE APPLICATION - JUL 23 0 1990

1 unique situation of the stream reach through the Derr property,
2 the Director should condition approval of the permit by
3 requiring the establishment of other flow gauges, or water
4 measuring devices at appropriate places to ascertain the
5 flow through this lower reach of the stream.

6 DATED This 6th day of December, 1983.

7
8 
9 STEPHEN V. GODDARD
10 Deputy Attorney General
11 Idaho Dept. of Fish and Game
12

13 CERTIFICATE OF SERVICE

14 I HEREBY CERTIFY that the foregoing IDAHO DEPARTMENT
15 OF FISH AND GAME MEMORANDUM IN SUPPORT OF THE APPLICATION
16 was mailed, postage prepaid, on December 6, 1983 1983, to the
17 following:

18 Norman C. Young
19 Administrator
20 Division of Resources Admin.
21 Idaho Dept. of Water Resources
22 STATEHOUSE MAIL
23 Boise, Idaho 83720

24 Idaho Water Resources Board
25 STATEHOUSE MAIL
26 Boise, Idaho 83720

27 Lake Pend Oreille Trout Club
c/o Tom Mehler
P. O. Box 1589
Sandpoint, Idaho 83864

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JUL 30 1990

IDAHO DEPARTMENT OF FISH AND GAME MEMORANDUM
IN SUPPORT OF THE APPLICATION - p. 10

1 Trout Unlimited
2 Idaho Panhandle Chapter
3 c/o Mike Ruskey
4 P. O. Box 1821
5 Sandpoint, Idaho 83864

6 Thomas Cooke
7 Box C
8 Sandpoint, Idaho 83864

9 Ms. Vicki Younger
10 Box 149
11 Colburn, Idaho 83865

12 
13 STEPHEN V. GODDARD
14 Deputy Attorney General
15 Idaho Dept. of Fish and Game
16
17
18
19
20
21
22
23
24
25
26
27

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IDAHO DEPARTMENT OF FISH AND GAME MEMORANDUM
IN SUPPORT OF THE APPLICATION - p. 11

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

Dr Tuttle

COOKE, LAMANNA & SMITH

CHARTERED
ATTORNEYS AND COUNSELORS AT LAW
PRIEST RIVER PROFESSIONAL CENTER

P. O. BOX 788
PRIEST RIVER, IDAHO 83856

(206) 448-1221

RECEIVED

SEP 21 1983

Department of Water Resources

THOMAS E. COOKE
NICK M. LAMANNA
STEPHEN F. SMITH

November 18, 1983

SANDPOINT OFFICE
FIRST AND SUPERIOR
SANDPOINT, IDAHO 83864
(208) 263-3115

KAREN M. SATTERLEE
LEGAL ASSISTANT

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

ATT: Norm Young,
Hearing Officer

RE: Lightning Creek Application No. 96-7979
Minimum Stream Flow

Dear Mr. Young:

Enclosed please find the original of a Memorandum Brief of Roland and Patricia Derr for your consideration.

Copies of the Brief have this day been sent by U.S. Mail, postage prepaid, to the other persons and entities on the full party mailing list.

I appreciated the very professional way in which you conducted the hearing in Sandpoint, Idaho on November 16, 1983, on the above matter. It was a pleasure to appear before you.

Very truly yours,

COOKE, LAMANNA & SMITH

TEC
Thomas E. Cooke
Attorney at Law
TEC:jt
Enclosure
cc: Roland Derr

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JUL 30 1990

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF	)	
	)	WATER RIGHT NO. 96-7979
MINIMUM STREAM FLOW ON	)	
LIGHTNING CREEK	)	MEMORANDUM BRIEF FOR
	)	ROLAND AND PATRICIA DERR

COME NOW ROLAND DERR and PATRICIA DERR, and submit this Memorandum Brief.

SUMMARY FACTUAL STATEMENT

On June 19, 1981, at the request of the Idaho Department of Fish and Game, the Idaho Water Resource Board filed an Application for Permit to the Department of Water Resources of the State of Idaho, under Application No. 96-7979, for preservation of a minimum stream flow for a portion of Lightning Creek, Bonner County, Idaho. The Application was made pursuant to I.C. §42-1501, and designated the area of the location of the minimum stream flow reach as from the mouth of the Clark Fork River in the Southwest Quarter of the Northeast Quarter in Section 3, Township 55 North, Range 2, East of the Boise Meridian; thence continuing upstream approximately eight miles to the confluence of Lightning Creek with the East Fork in the Southwest Quarter of the Southwest Quarter of Section 32, same township and range. The stated purpose of the Application was the maintenance of trout spawning and rearing, and the rate of flow sought was a minimum of 49 cfs to a high of 84 cfs, throughout the entire year.

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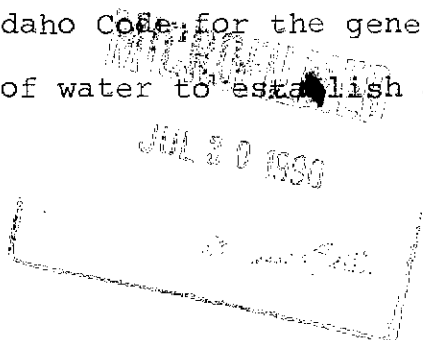
JUL 30 1990

A hearing on the aforesaid Application was held in Sandpoint, Idaho on November 16, 1983, before the Idaho Department of Water Resources. Various interested parties attended and participated in the hearing, including ROLAND and PATRICIA DERR. The DERRS' interest is as a result of being riparian landowners along the affected portions of Lightning Creek. The DERRS own in excess of 500 acres in Sections 35 and 26, Township 57 North, Range 3, E.B.M., approximately one mile of which fronts on both sides of that part of Lightning Creek under consideration.

Coincidentally with the filing of Application No. 96-7979, the Idaho Water Resource Board also filed Application No. 96-7980 relative to maintenance of a minimum stream flow in Grouse Creek, also in Bonner County, Idaho. The two applications were consolidated for purposes of the hearing. The DERRS have no interest in the Grouse Creek Application and will offer no argument thereon.

LEGAL ARGUMENT

The concept of the maintenance of minimum stream flows was unknown to the law in Idaho until the passage of the Minimum Stream Flow Act in 1978. This Act is in derogation of the common law of Idaho in permitting the establishment of a water right without requiring a diversion of water, and thus should be strictly construed. It should also be noted that the diversionary requirement, which is abrogated by the Act in a minimum stream flow situation, appears to be recognized by Article XV, Section 3 of the Idaho Constitution, and without a doubt, has been a requirement imposed by many years of Idaho Supreme Court decisions in the area of water rights. See generally the Idaho Law of Water Rights, Idaho Law Review, Vol. 5, No. 1, 1968. See also Title 42, Chapters 1 and 2, Idaho Code, for the general statutory requirements for a diversion of water to establish and perfect



a water right. Thus, the recognition of a minimum stream flow, being a type of water right not historically recognized in Idaho, and in fact, being inconsistent with over 100 years of recognized law within this jurisdiction, is not a step to be taken lightly, and should not be allowed unless strictly in accordance with the legislatively mandated procedures.

I.C. §42-1503 states as follows:

"Approval of any such application [for minimum stream flow] must be based upon a finding that such application of minimum stream flow:

- (a) Will not interfere with any vested water right, permit or water right application with a priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this Act;
- (b) Is in the public, as opposed to private, interest;
- (c) Is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;
- (d) Is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and
- (e) Is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and benchmarks.

There is no statutory recognition given to according any one of the foregoing requirements higher status than any other. Thus, the applicant for minimum stream flow must establish, by evidence competent enough to base legitimate findings upon, that all statutory requirements can be met. Otherwise, by the plain language of the Act, approval of the application must be denied.

An analysis of the evidence presented by the Idaho Department of Fish and Game at the hearing on the instant Application immediately evidences that the Application must be disallowed. The plain language of the Act requires that evidence be presented

JUL 30 1990

showing the minimum stream flow is capable of being maintained as evidenced by records of stream flows and water levels. This requirement has not been met. The evidence in support of the Application on this question is summarized as follows:

Month	Rate of Flow Requested	Evidence as to Capability of Maintenance
January	49 cfs	None
February	49 cfs	None
March	84 cfs	None
April	84 cfs	None
May	53 cfs	None
June	53 cfs	None
July	49 cfs	26.4 cfs (1977) 56 cfs (1977)
August	49 cfs	24.9 cfs (1978)
September	49 cfs	33.6 cfs (1974) 99.2 cfs (1975) 72.7 cfs (1976)
October	49 cfs	24.6 cfs (1973)
November	49 cfs	None
December	49 cfs	None

The above evidence clearly shows no data whatever to be available in support of a full eight of the twelve months for which the minimum stream flow is requested. Even the limited data available will not support the amount of water requested for three of the four months for which there is data. The Department is requesting 49 cfs when only approximately half of this amount is available, according to the data for the months of July, August and October. It should further be noted that there may be reason to question the reliability of much of the data that was presented, the Department's admitting it did not know who took the measurements; by which means they were taken or the accuracy thereof; and that the data was collected at only one point on the stream, at a place where admittedly the data collected would be influenced

by the inflow of another creek and would not necessarily support the measured amount of water at the collection point being available in the upper portions of the reach.

The DERRS would further argue that irrefutable evidence is before the Board, in the form of photographs of portions of the reach in question, taken during part of September and October, showing no water in the creek bed.

Finally, the Applicant has admitted in its very Application that there is no data available satisfying the requirement for evidence showing the minimum stream flow "as capable of being maintained". Even the limited records available are not sufficient to support any proposition other than that there was that particular amount of water at that particular point in the stream during that particular year. They are totally inadequate to establish any historical trend, or even the statistical probability that that particular amount of water would, more likely than not, be available.

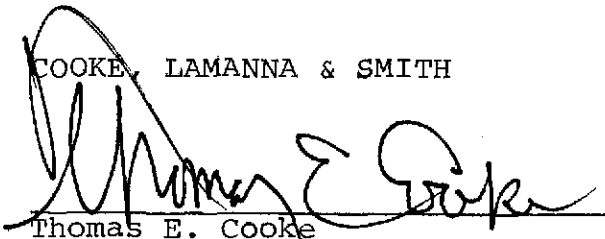
There is little question that portions of Lightning Creek are suitable for trout spawning and rearing, and in fact, may well be excellent for that purpose. The evidence strongly suggests however that those portions so usable lie north of the reach which is the subject of the Minimum Stream Flow Application. Therefore, the DERRS would respectfully request the Idaho Department of Fish and Game re-examine the necessity to endeavor to establish a minimum stream flow in the reach described in the Application, particularly those portions passing through the DERR property. To do otherwise would require any potential future appropriator, before his application could be permitted, to prove that there was available in the creek, water in excess of that sought in the Minimum Stream Flow Application. This is not a burden which should rightfully be placed upon a future

appropriator where, as here, the evidence before the Board fails to show that even the Minimum Stream Flow sought by the Department of Fish and Game is available. Were this Application approved, it would not be the "minimum flow" approved, as mandated by the Act, but instead and in fact, at times twice the entire flow contained within the creek, based upon available data. And, considering the Department of Fish and Game is seeking water which the evidence does not support is even there, it is submitted the Department is, in fact, seeking the "ideal or most desirable flow", a result prohibited by the statute.

The DERRS respectfully request, based upon the above and foregoing, that Application No. 96-7979 be denied.

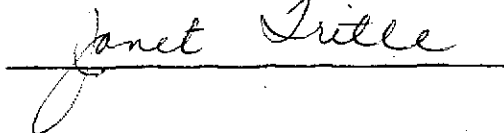
RESPECTFULLY SUBMITTED:

COOKE, LAMANNA & SMITH


Thomas E. Cooke
Attorneys for Roland Derr and
Patricia Derr

I hereby certify that a true and correct copy of the foregoing document was served on Idaho Dept. of Fish and Game, Att: Steve Goddard, Statehouse, Boise, ID 83720; Lake Pend Oreille Idaho Club, c/o Tom Mehler, P.O. Box 1589, Sandpoint, ID 83864; Trout Unlimited, Idaho Panhandle Chapter, c/o Mike Ruskey, P.O. Box 1821, Sandpoint, ID 83864, Ms. Vicki Younger, Box 149, Colburn, ID 83865; Idaho Water Resource Board, Statehouse, Boise, ID 83720, by depositing the same in the U.S. Mails, postage prepaid, at Priest River, Idaho, on the 18th day of November, 1983.

COOKE, LAMANNA & SMITH
ATTORNEYS AT LAW



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JUL 30 1990

FROM DAVE TUTHILL

DATE 11/30/83

TO 96-7979

SUBJECT HEARING

THE HEARING ON THIS APPLICATION WAS CONDUCTED AS A
JOINT HEARING WITH APPLICATION NO. 96-7980 (GROUSE CR.).
SEE THAT FILE FOR ALL HEARING DOCUMENTATION & TAPES.

JUL 30 1990

D. Tuthill

SIGNATURE



October 28, 1983

Contact: Dave Tuthill 334-4104

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

NEWS RELEASE

FOR IMMEDIATE RELEASE

BOISE---A public hearing on minimum stream flow applications on Lightning and Grouse Creeks is scheduled for Wednesday, Nov. 16, at 9:00 a.m. at the Federal Building at Dover Highway and Division Street, Sandpoint. Norman C. Young, administrator, Resource Administration Division, Idaho Department of Water Resources (IDWR) will conduct the hearing.

Application #96-7979 seeks variable flows each month on Lightning Creek: January to March - 49 cubic feet per second (cfs); April, May - 84 cfs; June, July - 53 cfs and from August to December - 49 cfs. The reach extends from the confluence with the Clark Fork upstream about eight miles. The flows would maintain trout spawning and rearing habitat.

Application #96-7980 covers Grouse Creek from the confluence with Pack River upstream about five miles to the county road bridge. It also seeks a variable flow: January to March - 14 cfs; April, May - 85 cfs; June, July - 67 cfs and August to December - 14 cfs. These flows would also protect trout spawning and rearing habitat. Both applications were filed by the Idaho Water Resource Board at the request of the Idaho Department of Fish and Game.

--more--

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The public hearing will give interested parties the opportunity to express their support or opposition to the proposed stream flow application. Following the hearing, the director of the Department of Water Resources will either approve or deny the applications. If approved, they will then be submitted to the Idaho Legislature.

"Minimum stream flows are water rights in which the stream is not diverted," said Young. "They are junior to all water rights with earlier priority dates. These rights protect fish and wildlife habitat, water quality, aesthetics, recreation, navigation or transportation."

The public is encouraged to attend.

Linda White
Hotline Specialist

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JUL 30 1990



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OCT 31 1983

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
WILLIAM B. DILLON, III
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

600 S. WALNUT ST.
P.O. Box 25
BOISE, IDAHO 83707
(208) 334-3715

October 28, 1983

Mr. David Tuthill, ^{DPT} Supervisor
Water Allocation Section
Idaho Dept. of Water Resources
STATEHOUSE
Boise, Idaho 83720

Dear Dave:

The Idaho Department of Fish and Game hereby requests full party status in the following instream flow hearings scheduled to be heard on November 9, 10, and 16, 1983:

Malad River	Application No. 37-7920
Silver Creek	Application No. 37-7849
Grouse Creek	Application No. 96-7980
Lightning Creek	Application No. 96-7979

Thank you for your consideration in the matter.

Sincerely,

Stephen V. Goddard
Deputy Attorney General
Idaho Dept. of Fish and Game

SVG:tlv

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 28, 1983

RE: Hearings on Minimum Stream Flows

Dear Board Member:

In accordance with the resolution of the Idaho Water Resource Board which requested the Director, IDWR, to proceed with administrative actions on five minimum stream flow applications, hearings have been scheduled.

As described on the attached fact sheets, the hearing locations are as follows:

<u>Water Right No.</u>	<u>Source</u>	<u>Date, Time</u>	<u>Location</u>
37-7892	Malad River	Wed., Nov. 9, 1:30 pm	Gooding
37-7920	Malad River	Wed., Nov. 9, 1:30 pm	Gooding
37-7849	Silver Creek	Thur., Nov. 10, 9:00 am	Hailey
✓ 96-7979	Lightning Cr.	Wed., Nov. 16, 9:00 am	Sandpoint
96-7980	Grouse Creek	Wed., Nov. 16, 9:00 am	Sandpoint

Note that the hearing in Sandpoint will be held the day after the next Board meeting in Coeur d'Alene.

On behalf of the Director, you are cordially invited to attend the hearings. If you plan to attend, please coordinate your travel and lodging arrangements through Anita Warntjes.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.

Supervisor, Water Allocation Section

DRT:sc

Enclosures

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 28, 1983

Idaho Dept. of Fish and Game
Attn: Dave Hanson
600 S. Walnut
Boise, ID 83706

Dear Dave:

The purpose of this letter is to follow up earlier telephonic communications by notifying you of upcoming hearings on minimum stream flow applications nos. 37-7920, 37-7849, 96-7979 and 96-7980 for which your agency acted as requestor.

Times and locations are noted on the enclosed fact sheet.

All known interested parties have been notified of the hearings. If any problems arise, please notify me at 334-4104

Sincerely,

A handwritten signature in dark ink, reading "David R. Tuthill, Jr." in a cursive style.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

cc: Steve Goddard IDFG

Enclosures

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JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 1, 1983

RE: Minimum Stream Flow Applications on Grouse Creek and
Lightning Creek

Dear Interested Party:

On September 29, 1983, you attended a public meeting held by the Idaho Water Resource Board regarding applications for minimum stream flows on Grouse Creek and Lightning Creek.

Please be advised that based on the public input received, the Board requested the Director of the Idaho Department of Water Resources to proceed with administrative actions on the applications. Therefore, a hearing has been scheduled for November 16, 1983 as described on the enclosed fact sheet.

At the hearing, you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 11, 1983. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

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JUL 30 1990

A copy of this letter
was sent to the
individuals on the
following page on
11/1/83. N. Seale

Sarah Porter
Sandpoint Daily Bee
Sandpoint, ID 83864

Tom Mehen
Box 139
Sagle, ID 83860

Mike Ruskey
P.O. 1821
Sandpoint. ID 83864

Charlie Elliott
4675 Baldy Mtn. Rd.
Sandpoint, ID 83864

Karen Pratt
Clark Fork Research Station
Clark Fork, ID 83811

Frank Kerns, Jr.
Rt. 1, Box 106
Samuels, ID 83862

Compton J. White, Jr.
Box 8
Clark Fork, ID 83811

T.M. Belise
Box 780
Colburn, ID 83865

Ellsworth Snyder
Box 119
Hope, ID 83836

George A. Miller
500 Grouse Creek Rd.
Sandpoint, ID 83864

Bob Scheimeister
P.O. Box 122
Hope, ID 83836

Alan W. McNall
300 Grouse Creek Rd.
Samuels, ID 83862

Cleone Zaruslak
2281 Mt. Vernon St.
Riverside, CA 92507

*Interested Party
Letters*

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JUL 8 9 1980

Lightening Creek



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 1, 1983

RE: Minimum Stream Flow Applications on Grouse Creek and
Lightning Creek

Dear Property Owner:

The Idaho Department of Water Resources will be holding a hearing on minimum streamflow applications on reaches of Grouse Creek and Lightning Creek. According to the records at the county courthouse, you are one of the owners of property adjacent to one of the reaches where the minimum streamflows are proposed.

Information describing the applications and the time and place of the hearing is shown on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum streamflow procedure.

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 11, 1983. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

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JUL 30 1990

A copy of this letter
was sent to the individuals
on the following page on
11/1/83 W. Seale

Thomas S. Blair
Box 41
Clark Fork, ID 83811

Jack Horseman
4615 W. Cuthbert
Midland, TX 79703

Reubon S. Bastian
Box 258
Vian, OK 74962

Harold J. Huber
10524 Valley View
Bothell, WA 98011

Margie Boylon
2312 Jean St.
Boise, ID 83705

Albert & Elizabeth Johns
1521 E. 38th Ave.
Spokane, WA 99203

John D. & Catherine Brodie
Box 456
Clark Fork, ID 83811

Madeline Leininge
333 Couington Dr. #38
Detroit, MI 48203

Theodore J. Piper
Box 1885
Idaho Falls, ID 83401

Ruth P. Mickens
557 Ward St.
Seattle, WA 98109

William H. Cutshall
Box 378
Clark Fork, ID 83811

Roland D. Eaton
250 Mtn. Ridge Rd.
Reno, NV 89523

Stanley P. Potter
Box 41
Clark Fork, ID 83811

Donald J. Diehl
c/o Stanton L. Diehl
Box 908
Sandpoint, ID 83864

Roland & Patricia Derr
Box 276
Clark Fork, ID 83811

Charles English
Rt. 1, Box 201
Long Beach, WA 98631

*Property Owner
Letters*

Lightning Creek

MINIMUM STREAM FLOW
Fact Sheet

Water Right No.: 96-7979

Source: Lightning Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.
49 49 84 84 53 53 49 49 49 49 49 49 cfs

Location of Reach: From the confluence with Calrk Fork within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 55 North, Range 2 East, upstream approximately 8 miles to the confluence with the East Fork in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 57 North, Range 3 East.

Purpose: To maintain trout spawning and rearing.

Hearing: Wednesday, November 16, 1983, at 9:00 a.m. at the Federal Bldg., corner of Dover Hwy. and Division St., Sandpoint

Water Right No.: 96-7980

Source: Grouse Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.
14 14 14 85 85 67 67 14 14 14 14 14 cfs

Location of Reach: From the confluence with the Pack River within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 58 North, Range 1 West, upstream about 5 miles to the county road bridge in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 59 North, Range 1 West.

Purpose: To maintain trout rearing and spawning habitat.

Hearing: Wednesday, November 16, 1983, at 9:00 a.m. at the Federal Bldg., corner of Dover Hwy. and Division St., Sandpoint

JUL 30 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 27, 1983

Senator Kermit V. Kiebert
Box 187
Hope, ID 83836

RE: Public Hearing Regarding Water Rights for Minimum Stream Flows

Dear Senator Kiebert:

The Idaho Department of Water Resources has scheduled a public hearing on two minimum streamflow applications for water rights proposed in or near your legislative district. You may recall that in September the Idaho Water Resource Board held public meetings on these two minimum streamflow applications. Based on public input the Board requested this Department to proceed with processing each of the applications.

The hearing for the applications on Grouse Creek and Lightning Creek will be held at the Federal Bldg., corner of Dover Hwy. and Division St., Sandpoint, at 9:00 a.m. on Wednesday, November 16. Please find enclosed a fact sheet describing the applications and a brochure about the minimum streamflow procedure.

On behalf of the Director of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 27, 1983

Rep. Tim Tucker
K. V. Ranch
Porthill, ID 83853

RE: Public Hearing Regarding Water Rights for Minimum Stream Flows

Dear Representative Tucker:

The Idaho Department of Water Resources has scheduled a public hearing on two minimum streamflow applications for water rights proposed in or near your legislative district. You may recall that in September the Idaho Water Resource Board held public meetings on these two minimum streamflow applications. Based on public input the Board requested this Department to proceed with processing each of the applications.

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On behalf of the Director of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 27, 1983

Rep. James F. Stoicheff
615 Lakeview
Sandpoint, ID 83864

RE: Public Hearing Regarding Water Rights for Minimum Stream Flows

Dear Representative Stoicheff:

The Idaho Department of Water Resources has scheduled a public hearing on two minimum streamflow applications for water rights proposed in or near your legislative district. You may recall that in September the Idaho Water Resource Board held public meetings on these two minimum streamflow applications. Based on public input the Board requested this Department to proceed with processing each of the applications.

The hearing for the applications on Grouse Creek and Lightning Creek will be held at the Federal Bldg., corner of Dover Hwy. and Division St., Sandpoint, at 9:00 a.m. on Wednesday, November 16. Please find enclosed a fact sheet describing the applications and a brochure about the minimum streamflow procedure.

On behalf of the Director of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

JUL 30 1990