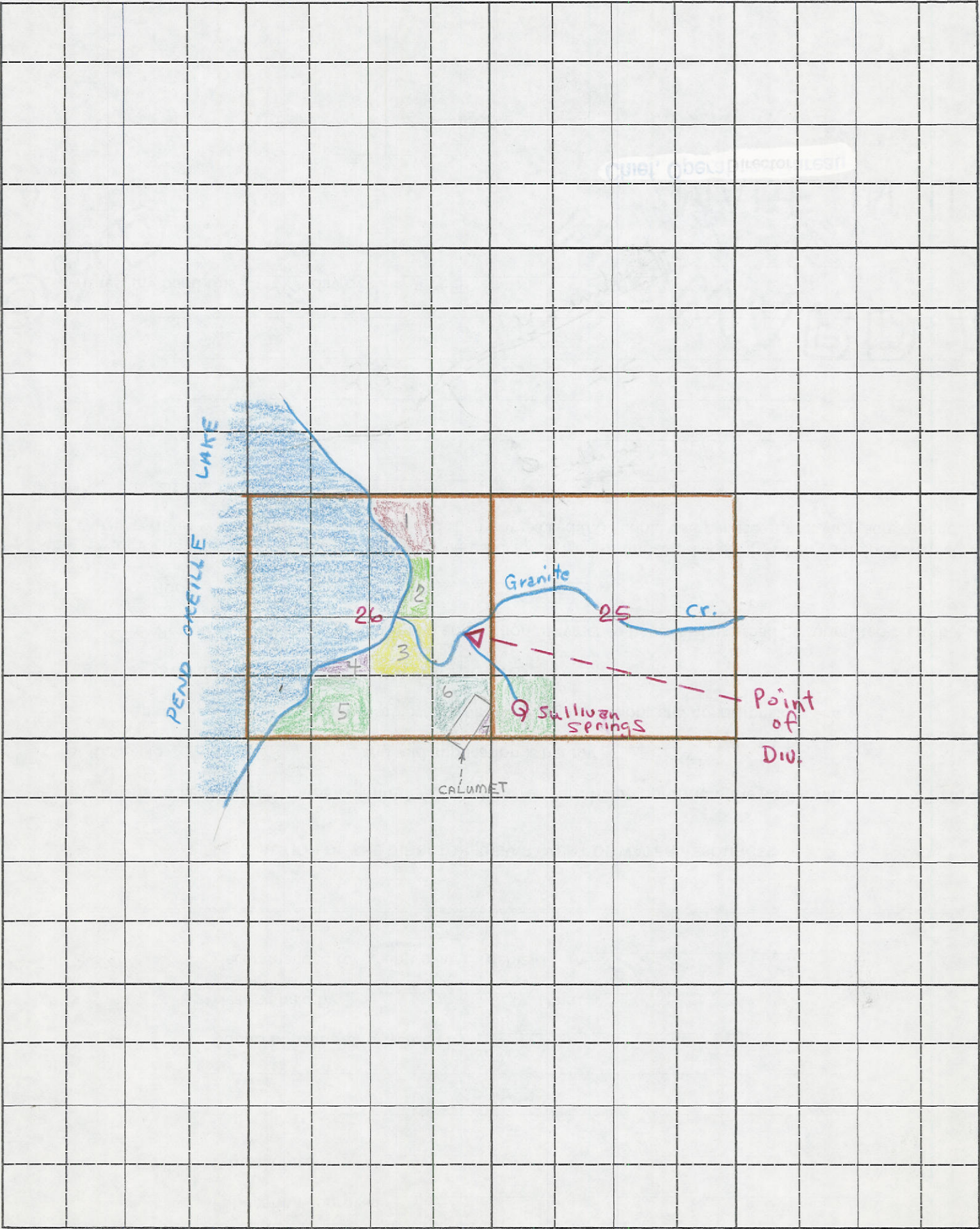


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

IDAHO WATER RESOURCE BOARD
by *George R. Joel*
Chairman (Applicant)



Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS and USFWS

Topography from aerial photographs by multiplex methods

Aerial photographs taken 1946. Field check 1949

Depth curves are from USC&GS charts

Polycyclic projection, 1927 North American datum

10,000-foot grid based on 1927 coordinate system

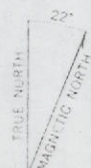
West zone

Dashed land lines indicate approximate location

checked elevations are shown in brown

1000-meter Universal Transverse Mercator, zone 11, shown in blue

APPROXIMATE MEAN DECLINATION, 1949



CONTOUR

DATUM

VAL 40 FEET

SEA LEVEL

ex. #6

THIS MAP IS FOR SALE BY U.S. GEOLOGICAL SURVEY, A FOLDER DESCRIBING TOPOGRAPHIC

MAP ACCURACY STANDARDS OVER 2, COLORADO OR WASHINGTON AND SYMBOLS IS AVAILABLE ON

96-7771

96-7772 ✓

Bonner County Sportsman Association
P.O. box 639
Sandpoint, Idaho 83864

Steve Alldred
Director Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, Idaho

Dear Mr. Alldred,

It has come to the attention of the Bonner County Sportsman's Assoc. that the Fish and Game Dept. has applied for minimum stream flow rights at Granite Creek and Sullivan Springs in the interest of improving the kokanee fishery on Lake Pend Oreille.

Our group has been supporting the Fish and Game Department's study of the kokanee on Lake Pend Oreille and agree with their plans to help maintain and improve these creeks as spawning areas for kokanee.

Please include in your hearing records that the Bonner County Sportsman's Assoc. is in favor of establishing minimum stream flow rights.

Thank you very much.

Sincerely,

Jim Thompson

Jim Thompson
Member of Board of Directors



Department of Justice
Northern District of Idaho

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07772

Priority: April 17, 1979 Minimum Stream Flow: 7.00 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 April 17, 1979; and
has submitted Proof of Beneficial Use on September 1, 1989. A minimum stream flow
water right in:

SULLIVAN SPRINGS tributary to GRANITE CREEK

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>FLOW RATE</u>
MINIMUM STREAM FLOW	01/01 to 12/31	7.00 CFS

LOCATION OF STREAM REACH:

Beginning of Stream Flow Reach	NESE , Sec. 26, Township 55N, Range 01W
End of Stream Flow Reach	SWSW , Sec. 25, Township 55N, Range 01W BONNER County

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42 Idaho Code, with the priority of the water right dated earlier than the priority date of this license.
5. The use of the water under this license shall be non-consumptive.
6. Upon the future finding and order of the Director that gauging stations are required to maintain the aproved minimum flow on Sullivan Springs, the measuring devices shall be permanently installed as specified by the Department.

SEP 12 1991

State of Idaho
Department of Water Resources

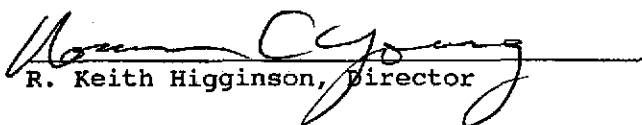
WATER RIGHT LICENSE

WATER RIGHT NO. 96-07772

CONDITIONS/REMARKS:

7. The Director retains jurisdiction to review and amend any and all parameters of this license. Any person seeking review and amendment of the license shall file a request with the Board, which request shall include the amendment sought, the reasons for the amendment, and a statement of the change in circumstances since the license was issued or last reviewed that merit a review of the license. A copy of the petition shall be served upon the Director of the Department of Water Resources. The Board may petition the Director for an amendment to the license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment to establish that amendment of the license would be in the public interest.
8. This minimum stream flow reach is from the confluence with Granite Creek in the NESE, S26, T55N, R1W upstream to Sullivan Springs, in the SWSW, S25, T55N, R1W.

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 15TH day of July, 1994.


R. Keith Higginson, Director

RECEIVED
SEP 12 1994

For Office Use Only	
Fee Received	NONE
Date	REQ'D
Receipt #	

RECEIVED

AUG 28 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Idaho Water Resource Board of Statehouse, Boise
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 96-7772

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
September 1, 19 84

That he has heretofore performed the following work described under said permit: _____
(This must be filled out! If no work has been completed put none.)

Beneficial use is recorded pursuant to a letter dated July 25, 1984
from Region 1, Idaho Department of Fish and Game
Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
More flow measurement data is needed prior to licensing

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to September 1, 1989
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Donald Kramer
Chairman, Idaho Water Resource Board
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to September 1, 1989.

Signed this 30th day of August, 19 84

L. Glen Saxton
Chief, Operations Bureau

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IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 37
BY RESOURCES AND CONSERVATION COMMITTEE

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

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

4 WHEREAS, the Water Resource Board may apply for a permit to appropriate
5 unappropriated waters of any stream for minimum stream flow; and,

6 WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit
7 shall become finally effective until affirmatively approved by the
8 Legislature.

9 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
10 Session, Forty-fifth Idaho Legislature, the House of Representatives and
11 the Senate concurring therein, that the application of the Water Resource
12 Board to appropriate the unappropriated waters for minimum stream flow,
13 described in Department of Water Resources application for permit number
14 96-7772, it being an application for a permit to appropriate 45 cubic feet
15 per second from Sullivan Springs, a tributary of Granite Creek, Pend
16 Oreille Lake, located on the NE 1/4 of SE 1/4 of Section 26, Township 55N,
17 Range 1W, in Bonner County, Idaho, be, and the same is hereby approved.

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MINIMUM STREAMFLOW REQUEST/APPLICATIONPROCESSING CHECKLIST

Legislative Approval Procedure
(For use after a MSF application is approved by the Director)

	<u>ASSIGNED TO</u>	<u>INITIALS/DATE</u>
1. Fact sheet prepared.	Section Supervisor	<u>DRT/4-28-80</u>
2. Copy of application sent to Speaker of the House and President Protem of the Senate.	Section Supervisor	<u>DRT/4-28-80</u>
3. Approval/Denial legislation placed in file.	Records Chief	<u>sg/4-28-80</u>
4. Applicant notified of legislative Approval/Denial.	Records Chief	<u>sg/4-28-80</u>

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT)
NOS. 96-7771 (GRANITE CREEK) AND 96-7772)
(SULLIVAN SPRINGS) TO ESTABLISH MINIMUM)
STREAM FLOWS IN THE NAME OF THE IDAHO)
WATER RESOURCE BOARD)

MEMORANDUM DECISION

AND ORDER

On April 17, 1979, the Idaho Water Resource Board filed with the Department of Water Resources applications for permit to appropriate water to preserve minimum stream flows on Granite Creek and on Sullivan Springs. Granite Creek is tributary to Pend Oreille Lake and Sullivan Springs is tributary to Granite Creek. The applications were filed pursuant to Chapter 15, Title 42, Idaho Code.

Application 96-7771 proposes to appropriate a minimum instream flow of 45 cubic feet per second on that portion of Granite Creek from its confluence with Pend Oreille Lake, located within Government Lot 1 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 26, Township 55 North, Range 1 West, B.M., Bonner County, upstream to the confluence of Granite Creek and Sullivan Springs, located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 55 North, Range 1 West, a distance of approximately one-half mile. The purpose for the proposed appropriation is to maintain trout and kokanee passage flows from the mouth of the creek upstream to its confluence with Sullivan Springs. The period of use is from January 1 to December 31.

Application 96-7772 proposes to appropriate a minimum instream flow of 45 cubic feet per second over the full reach of Sullivan Springs from its confluence with Granite Creek, located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 55 North, Range 1 West, B.M., Bonner County, upstream to the course of Sullivan Springs located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 55 North, Range 1 West, B.M., a distance of approximately one-half mile. The purpose of the proposed appropriation is to maintain trout and kokanee spawning and incubation on the full stretch of the stream. The period of use is from January 1 to December 31.

Notice describing the two proposed appropriations and setting the time and place for hearing was published in the Sandpoint Daily Bee on July 3 and July 11, 1979. A public hearing on the two applications was held in Coeur d'Alene, Idaho on August 2, 1979. C. Stephen Allred, Director of the Department, served as the hearing Officer.

Parties appearing in a formal capacity included the Idaho Water Resource Board and the Idaho Department of Fish and Game. Formal testimony was also pre-

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sented by the staff of the Idaho Department of Water Resources. Other individuals who informally appeared to present their views and comments as public witnesses included State Senator Arthur Manley; Lester M. Larsen on behalf of the Kootenai Environmental Alliance; and Carl Brautigan, a fisherman from Coeur d'Alene.

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

FINDINGS OF FACT

1) On April 17, 1979, the Idaho Water Resource Board, pursuant to Chapter 15, Title 42, Idaho Code, filed application for permit No. 96-7771 to appropriate a minimum stream flow on Granite Creek which is tributary to Pend Oreille Lake, and permit No. 96-7772 to appropriate a minimum stream flow on Sullivan Springs which is tributary to Granite Creek.

2) Application for permit No. 96-7771 proposes to appropriate a minimum instream flow of 45 cubic feet per second on that portion of Granite Creek from its confluence with Pend Oreille Lake, located within Government Lot 1 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 26, Township 55 North, Range 1 West, B.M., Bonner County, upstream to the confluence of Granite Creek and Sullivan Springs.

3) Application for permit No. 96-7772 proposes to appropriate a minimum instream flow of 45 cubic feet per second over the full reach of Sullivan Springs from its confluence with Granite Creek, located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 55 North, Range 1 West, B.M., Bonner County, upstream to the source of Sullivan Springs.

4) The annual period of use under both applications is from January 1 to December 31.

5) The purpose for the proposed appropriation on Granite Creek is to maintain trout and kokanee passage flows. The purpose of the proposed instream appropriation on Sullivan Springs is to maintain trout and kokanee spawning and incubation on the full stretch of the stream.

6) All rights acquired under applications for permit Nos. 96-7771 and 96-7772 are for instream nonconsumptive use and will be subject to all vested water rights, permits or water applications having dates of priority earlier than April 17, 1979.

7) Based upon the sworn testimony, documentation and public statements comprising the record in this matter a finding is made that the proposed minimum instream flows proposed by applications Nos. 96-7771 and 96-7772 are necessary to maintain the existing trout and kokanee passage, spawning and incubation habitat of the stream areas.

8) Based upon testimony presented at the hearing a finding is made that the benefits to be derived from the minimum instream flow applications will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

9) Based upon testimony and evidence submitted by the Idaho Department of Fish and Game a finding is made that the flows requested in the applications are the minimum flows required to preserve the existing unique characteristics of the streams for the public benefit, and are not the ideal or most desirable flows which could be utilized for that purpose.

10) Based upon testimony and evidence submitted concerning available flow measurement data a finding is made that the minimum stream flows proposed for Granite Creek and Sullivan Springs are generally capable of being maintained. This testimony noted that flow data are limited for Granite Creek and that only one measurement has been recorded for Sullivan Springs.

11) Based upon testimony of the staff of the Department of Water Resources a finding is made that there are no existing diversion rights from Granite Creek or Sullivan Springs and that no such applications were filed prior to the filings by the Water Resource Board on April 17, 1979.

CONCLUSIONS OF LAW

1) The proposed minimum stream flow appropriations will not interfere with any vested water right, permit, or right under an application having a priority date earlier than April 17, 1979.

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

3) The proposed minimum stream flow appropriations are necessary for the preservation of quality fish passage, spawning and incubation habitat of the streams.

4) The minimum stream flows proposed to be appropriated are the minimum flows required for the purposes cited in Conclusion No. 3 and not the ideal or most desirable flows.

5) The minimum stream flows proposed are generally capable of being maintained.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Applications for Permit Nos. 96-7771 (Granite Creek) and 96-7772 (Sullivan Springs) are 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 both Sullivan Springs and Granite Creek.

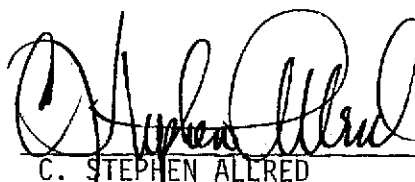
2) Proof of instream beneficial use of the minimum stream flows appropriated shall be submitted in a manner approved by the Department on or before September 1, 1984. The proof submitted shall include at least 3 years of flow data for each of the water courses. The frequency of the data accumulation shall be approved in advance by the Director.

3) The use of water under these permits shall be nonconsumptive.

4) The use of water under these permits is subject to all prior rights.

5) The applications 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 19 day of September, 1979.



C. STEPHEN ALLRED

Director

NAME OF STREAM: Sullivan Springs

LEGAL DESCRIPTION OF POINT WHERE STREAM FLOW REQUIRED:

From confluence with Granite Creek, Bonner County, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26, T55N, R1W upstream to Sullivan Springs.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND:

45 cfs

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:

To maintain trout and kokanee spawning and incubation from the point of requested flow to a point one-half mile upstream.

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

All year.

EVIDENCE THAT 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, permits or water applications of earlier dates of priority.

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

The Pend Oreille Lake kokanee fishery has been the most important fishery in Idaho in terms of angler and fish harvested. Annual catches exceeding 1,000,000 fish have been taken from Lake Pend Oreille. Kokanee are the food base for trophy Kamloops and Dolly Varden trout. World records for each of these species (37 and 32 lbs respectively) have been taken from Lake Pend Oreille. The fishery generates millions of dollars for the local economy of Bonner and Kootenai Counties.

Recent declines in kokanee populations have been documented and the Idaho Department of Fish and Game plans a comprehensive enhancement program with fish spawning in Sullivan Springs as the crucial focal point of that program. Without sufficient water to attract and convey spawners to Sullivan Springs and to incubate sufficient quantities of eggs, this enhancement program would be seriously jeopardized.

The requested instream 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:

In mitigation for potential impacts construction of Albeni Falls Dam and Cabinet Gorge Dam may have had on Pend Oreille Lake kokanee, in 1958 an artificial spawning channel was constructed at Sullivan Springs and Granite Creek and was financed by the US Army Corps of Engineers and Washington Water Power Company. The continued operation of this facility is contingent upon a satisfactory water supply. The facility (including instream diversion structures and fish traps) was designed for constant historic flows. Using accepted measurement techniques on July 20, 1977, Idaho Department of Fish and Game personnel measured a flow of 45 cfs.

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

No flow records are maintained for Sullivan Springs.

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

No gage station is located on Sullivan Springs. A gaging device located at the confluence with Granite Creek would be sufficient to monitor the requested flow.

EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL:

The spawning channel was designed to utilize historic flows, any reduction in flows would seriously distract from the utility of the channel.

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DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

COUNTY OF ADA

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Joseph H. Nettleton, Chairman
Idaho Water Resource Board
Murphy, ID 83650

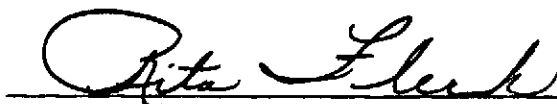
Idaho Department of Fish and Game
Statehouse Mail
Boise, ID 83720

Senator Arthur Murphy
1109 11th
Coeur d'Alene, ID 83814

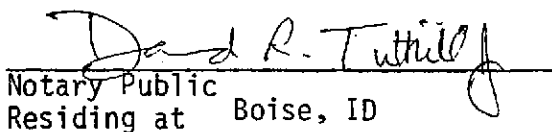
Lester M. Larsen
Kootenai Environmental Alliance
Route 4, Box 307 K-12
Coeur d'Alene, ID 83814

Carl Brautigan
Route 1, Box 88
Coeur d'Alene, ID 83814

Dated this 26th day of September, 19 79.



On this 26th day of September, 19 79, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.


Notary Public
Residing at Boise, ID

My commission expires 9/10/80

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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 _____

Water Right
as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 3 day of July, 1979 and ending on the 11 day of July, 1979 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 30 day of July, 1979.

Abel M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

NOTICE OF APPLICATION
FOR MINIMUM STREAM
FLOW

Notice is hereby given that the Idaho Water Resource Board has on April 17, 1979, submitted two (2) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the following sources which are further described as follows:

APPLICATION NO. 96-7771
SOURCE: Granite Creek, tributary of Pend Oreille Lake point of minimum streamflow; NWSE (Lot 3), Sec. 26 T55N, R1W B.M. Bonner County, through the NESE, Sec. 26, T55N, R1W, to the confluence of Granite Creek with Sullivan Springs.

RATE OF FLOW: 45 cubic feet per second
SEASON OF USE: January 1 to December 31
USE: To maintain trout and kokanee passage flows from the point of requested flow upstream to the confluence with Sullivan Springs.

APPLICATION NO. 96-7772
SOURCE: Sullivan Springs, tributary of Granite Creek, which is tributary of Pend Oreille Lake
POINT OF MINIMUM STREAMFLOW: NWSE, Sec. 26, T55N, R1W; NWSW and SWSW, Sec. 25, T55N, R1W to Sullivan Springs.

RATE OF FLOW: 45 cubic feet per second
SEASON OF USE: January 1 to December 31
USE: To maintain trout and kokanee spawning and incubation from the point of requested flow to a point 1/2 mile upstream.

The Director of the Department of Water Resources will hold a public hearing on the applications at 1:30 p.m., on Thursday, August 2, 1979, at the Idaho Department of Water Resources Northern Region Office, 4055 Government Way, Coeur d'Alene, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 43-1503, 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.

C. STEPHEN ALLRED
Director

Published in the Sandpoint
Daily Bee, August 1, 1979

file
96-7772

all
OK
8/10/79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant IDAHO WATER RESOURCE BOARD Phone 384-2215

Post office address Statehouse Mail, Boise, ID 83720

2. Source of water supply Sullivan Springs which is a tributary of Granite Creek
Pend Oreille Lake

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 55N

Range 1W B.M. Bonner County, thru the

NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Twp. 55N, Rge. 1W to Sullivan Springs

4. Water will be used for the following purposes:

Amount 45 for instream flow purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 45 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 55N

Range 1W B.M. and NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Twp. 55N, Rge. 1W

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

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

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

(5) If water is to be used for other purposes describe: _____

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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

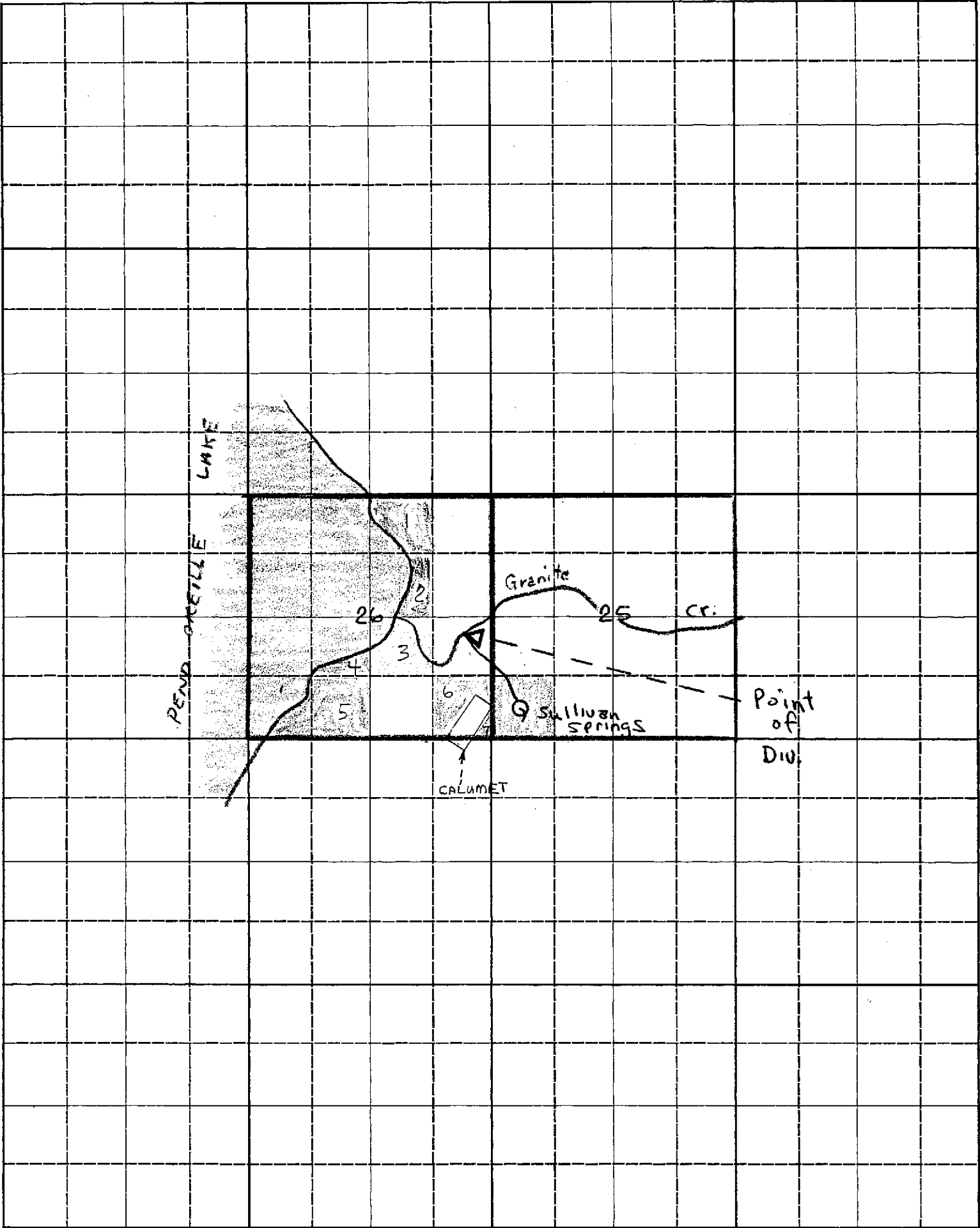
b. Who owns the land to be irrigated or place of use

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 See attached sheet

[illegible]

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



Scale: 2 inches equal 1 mile.

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

IDAHO WATER RESOURCE BOARD
by *[Signature]*
Chairman (Applicant)

Proposed Priority 4/17/79
Received by 722 Date 4-17-79 Time 5:00 P.
Preliminary check by _____ Fee \$ N.A.
Receipted by no fee Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates July 3 & July 11, 1979
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by 722

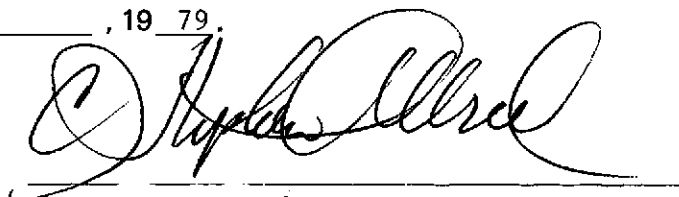
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7772, 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 September 1, 19 84.
- 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 MEMORANDUM DECISION AND ORDER

Witness my hand this 18 day of September, 19 79.


Director

WR0749NP
No. L96-07772

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/07/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720	04/17/1979	MINIMUM INSTREAM FLOW	01-01 12-31	7.00 CFS	
TOTAL DIVERSION:					7.00 CFS	

Water Source: SULLIVAN SPRINGS

Tributary to: GRANITE CREEK

Stage: LICENSE

Point(s) of Beginning Stream Reach: T55N R01W S26
Point(s) of Ending Stream Reach: T55N R01W S25

NESE
SWSW

BONNER County
BONNER County

Pou County:

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

The use of the water under this license shall be non-consumptive. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Sullivan Springs, the measuring devices shall be permanently installed as specified by the Department.

The Director retains jurisdiction to review and amend any and all parameters of this license. Any person seeking review and amendment of the license shall file a request with the Board, which request shall include the amendment sought, the reasons for the amendment, and a statement of the change in circumstances since the license was issued or last reviewed that merit a review of the license. A copy of the petition shall be served upon the Director of the Department of Water Resources. The Board may petition the Director for an amendment to the license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment to establish that amendment of the license would be in the public interest.

This minimum stream flow reach is between a point in the NESE, S26, T55N, R1W and a point in the SWSW, S25, T55N, R1W.

Dates: App. Received: 04/17/1979 Priority Date: 04/17/1979
Proof Due Date: 09/01/1989 Proof Made Date: 09/01/1989
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Form 217
03/86

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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.

Permit No. 96-7772

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

Post Office Address: Statehouse, Boise 83720

Telephone No. _____

Source of Water: Sullivan Springs

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Minimum Stream Flow

Total rate and/or volume for which proof is submitted 10 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: n/a

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☒ Yes ☐ No Fee enclosed \$ _____
(See License Examination Fee Schedule)

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

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

William D. Horton 334-3791
(Name) (Telephone Number)

P.O. Box 25 Boise, ID 83707
(Address)

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.

SEP 12 1989

9-1-89
Date

J. D. Sullivan - for the Idaho Water
Signature of Permit Holder (and title, if appropriate)
Resource Board

Table 9. Staff gauge readings and discharge estimates in Sullivan Springs and Granite Creek, Pend Oreille Lake drainage, Idaho, 1982-1984.

Date	Sullivan Springs		Granite Creek	
	Staff gauge	Discharge (cfs)	Staff gauge	Discharge (cfs)
6-15-82	1.00	9.95	1.14	70.66
7-23-82	.97	8.70	.62	17.98
8-31-82	.95	7.46	.47	10.66
7-26-83	.96	7.54	.70	28.20
8-31-83	.98	7.27	.51	13.12
9-9-83	.96	6.92	---	---
10-26-83	.94	5.85	.40	8.97
5-18-84	.98	8.52	1.14	70.76
8-14-84	.98	---	.50	---
9-21-84	.96	---	.42	---
9-28-84	.95	---	.42	---
10-7-84	.93	---	.40	---
10-15-84	.94	---	.42	---
10-25-84	.97	---	.43	---
11-7-84	.98	---	.46	---
11-15-84	.98	---	.51	---
11-20-84	.99	---	.58	---
11-23-84	.98	---	.58	---
11-26-84	.98	---	.57	---
12-3-84	.98	---	.55	---
12-10-84	.98	---	.64	---
12-13-84	.98	---	.61	---
12-22-84	.96	---	.54	---

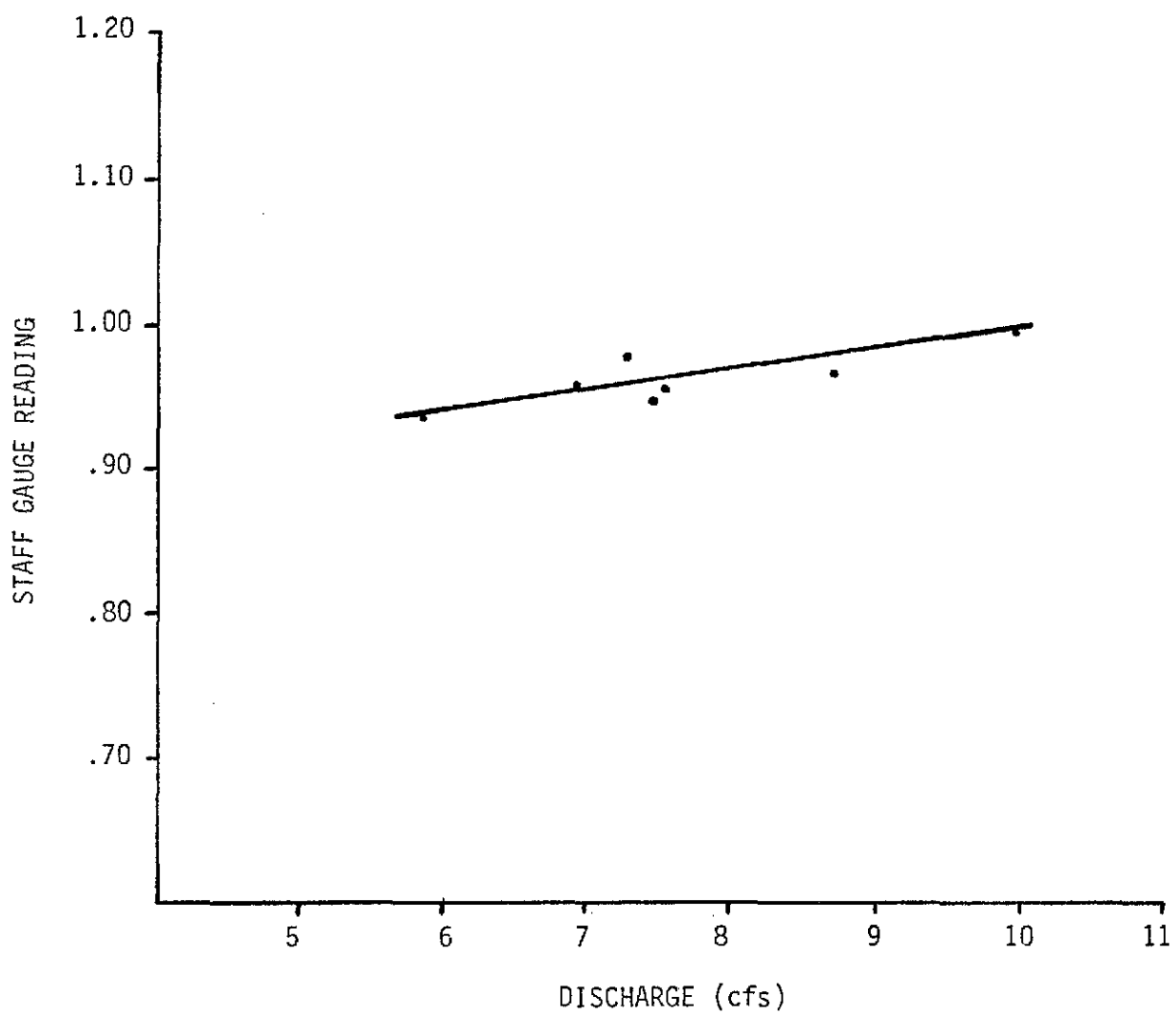


Figure 6. Staff gauge/discharge relationship for Sullivan Springs, Pend Oreille Lake drainage, Idaho.

MEMORANDUM

TO: Minimum Streamflow Permits for Wolf Lodge Creek, Granite Creek, and Sullivan Springs; Water Right Nos. 95-7874, 95-7771, and 96-7772 Respectively
FROM: Gary Spackman
DATE: March 1, 1990

RE: Adequacy of Proof of Maintainability of Flows

Wolf Lodge Creek, Granite Creek and Sullivan Springs are all tributaries to Pend Oreille Lake. Fish and Game has represented that they are important spawning streams in which minimum flows must be maintained to support the fishery, both wild and hatchery.

All three minimum streamflow applications were approved on September 18, 1979. The order portion in all three decisions contains identical language regarding the installation of measuring devices and the accumulation of flow data. The orders read:

- (1) Measuring devices of a type and at locations approved by the Director of the Department of Water Resources shall be installed and maintained to monitor [the flow of the streams].
- (2) Proof of instream beneficial use of the minimum instream flow appropriated shall be submitted in a manner approved by the Department on or before September 1, 1984. The proof submitted shall include at least three years of flow data for the water course. The frequency of data accumulation shall be approved by the Director.

Proof of beneficial use was due on or before September 1, 1984.

In August of 1984, the Idaho Water Resource Board requested an extension of time for all three filings for the purpose of gathering additional flow data. The extensions of time were granted, and the Board was given until September 1, 1989, to submit proof of beneficial use. On September 1, 1989, the Board submitted proof of beneficial use. The proof of beneficial use was accompanied by flow measurements from the three sources of water. The flow measurements are an apparent attempt to comply with the conditions of the permits.

[Handwritten signature]

SEP 12 1994

Strictly applied, the conditions required installation of a measuring device approved by the Director at a location approved by the Director. The conditions required three years of flow data, measured with a frequency approved by the Director. I have searched the files for information regarding the three requirements that called for Department approval. A letter to Virgil Moore on August 9, 1984, from Dave Tuthill, signed by Jim Johnson, discussed the flow measurements that would be needed. It states:

. . . more thorough streamflow information will be required before licenses can be issued. For example the discharge measurements for Sullivan Springs range from a minimum of 5.85 cfs to a maximum of 9.95 cfs. It is unclear how these measurements relate to the 45.0 cfs identified in the permit. As another example, the discharge measurements on Granite Creek range from 8.97 cfs to 70.76 cfs. Again, the relationship to the 45.0 cfs identified in the permit is unclear. For all three permits, a series of gauge readings is needed to augment the staff gauge-discharge relationships that have been developed. The frequency of gauge reading should be a minimum of once every two weeks throughout the year.

The data originally submitted did not cover three full years. For Wolf Lodge Creek, no data was submitted for December of any year. For the months of January through May, only one measurement was taken. Measurements were very sporadic. Bill Horton informed me later, however, that the USGS installed a permanent gauging station on Wolf Lodge Creek in 1986, and has compiled data since that time. He later delivered a copy of the data to me.

For Granite Creek, the information is even more sketchy. Flows were not measured in January, February, March and April. Only one measurement was made in May. The flows were sporadically measured in June, July and August. The fall months have very few measurements.

Flows in Sullivan Springs were not measured with any more frequency than the flows of Granite Creek. Flows of Sullivan Springs appear to be more constant, however, requiring fewer measurements.

Dave Tuthill's letter could be interpreted to mean that only one more year of full measured data is required. Even viewed liberally in this way, the data that has been submitted still does not comply with his request. Flows were not measured weekly over an entire one year span, except for USGS measurements of Wolf Lodge Creek flows.

I can find no discussion in the file or in the material submitted about the requirement that a measuring device approved

SEP 12 1994

by the Department be installed and that it be located in a place approved by the Department.

I recommend the following action on each of the filings:

Sullivan Springs

I recommend licensing permit no. 96-7772 for 7.0 cfs. Most staff gauge readings for 1984 read 0.98 inches which appears to correspond to a flow rate of between 7.0 and 7.5 cfs.

Wolf Lodge Creek

Based on the USGS data, I recommend licensing for 7.0 cfs for July 1 through November 15, and 30.0 cfs from November 16 through June 30. I have not statistically analyzed the data, but feel that the amounts recommended reflect probable normal flows. The recommendation may seem liberal when reviewing the data, but the data is artificially low as a result of drought conditions during the data collection period. Water use demands on Wolf Lodge Creek are not heavy at the present time.

Granite Creek

I recommend that we license Granite Creek for 10.0 cfs which is close to the minimum flow measured. Lack of data prevents me from recommending more.

All of the minimum streamflows should be conditioned as follows:

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

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

3. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on (source). Such measuring devices shall be permanently installed as specified by the Department.

4. The Director retains jurisdiction to review and amend any and all parameters of this license. Any person seeking review and amendment of the license shall file a request with the Board, which request shall include the amendment sought, the reasons for the amendment, and a statement of the change in circumstances since the license was issued, or last reviewed that merit a review of the license. A copy of the petition shall be

SEP 12 1994

served upon the Director of the Department of Water Resources. The Board may petition the Director for an amendment to the license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment to establish that amendment of the license would be in the public interest.

SEP 12 1984

June 30, 1989

Idaho Water Resource Board
c/o Wayne Haas
Statehouse Mail
Boise, ID 83720

HAND DELIVERED

Dear Permit Holder:

PROOF DUE NOTICE

RE: Permit No. 96-7771 — Granite Creek
Permit No. 96-7772 — Sullivan Springs
Permit No. 95-7874 — Wolf Lodge Creek

Proof of beneficial use in connection with the above referenced permits is due on or before September 1, 1989. Either the proof of beneficial use or an acceptable request for extension of time must be received by the department on or before the above described date or the permits will no longer be of any force nor effect.

The permits were issued to establish a minimum stream flows on the referenced streams. Since the Idaho Water Resource Board (Board) filed the applications at the request of the Department of Fish and Game, the Board may want to ask Fish and Game to gather information to be used as a part of the proof of beneficial use submittal. Information required as part of the proof includes at least three years of flow data for the water course and data on the nature and frequency of use of the resources for aesthetic and recreation purposes.

Enclosed is a proof of beneficial use form and a request for extension of time form for your use.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECEIVED

SEP 12 1989

SEP 12 1994

September 4, 1984

Donald R. Kramer, Chairman
Idaho Water Resource Board
Statehouse Mail
Boise, ID 83720

Dear Mr. Kramer:

Re: Permit Nos. 95-7874 - Wolf Lodge Creek Minimum Instream Flow,
96-7771 and 96-7772 - Granite Creek Minimum Instream Flow

Enclosed is a copy of the approved requests for extension of time submitted in connection with the above-referenced permits. The time within which to submit the statements of beneficial use and supporting evidence is extended to September 1, 1989 for each permit.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED
SEP 11 1984

96-7772



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

August 9, 1984

Mr. Virgil Moore
State Fisheries Manager
Idaho Department of Fish and Game
600 S. Walnut St.
Boise, ID 83707

Re: Minimum Stream Flows

Dear Virgil:

Throughout the past four months we have had numerous telephone conversations regarding the Idaho Minimum Stream Flow Program. The purpose of this letter is to document the current status of the various minimum stream flow filings for which your Department is the requesting agency. The letter has been organized into three phases corresponding to the stages of water right processing.

Applications

Currently we have four remaining applications for which no hearings have yet been held by this Department. To confirm our earlier conversation, enclosed is a list of projected dates for public meetings to be held in September. As we discussed, we will mail the individual notifications of the meetings based on copies of plats and other information on riparian ownerships that you supply.

Permits

We have received the letter dated July 25, 1984, from Bruce E. Rieman, the Regional Fishery Manager of Region 1, regarding the minimum stream flow permits on Granite Creek, No. 96-7771; Sullivan Springs, No. 96-7772; and, Wolf Lodge Creek, No. 95-7874. The information includes enough documentation of beneficial use for the three permits. However, as we discussed, more thorough stream flow information will be required before licenses can be issued. For example, the discharge measurements for Sullivan Springs range from a minimum of 5.85 cfs to a maximum of 9.95 cfs. It is unclear how these measurements relate to the 45 cfs identified in the permit. As another example, the discharge measurements on Granite

RECEIVED

Mr. Virgil Moore
August 9, 1984
Page 2

Creek range from 8.97 cfs to 70.76 cfs. Again, the relationship to the 45 cfs identified in the permit is unclear. For all three permits, a series of gauge readings is needed to augment the staff gauge-discharge relationships that have been developed. The frequency of gauge reading should be a minimum of once every two weeks throughout the year. This office would be happy to entertain a proposal in this regard.

Because proof of beneficial use is due for these three permits on September 1, 1984, extensions of time will be required to maintain the permits in a valid status while the discharge measurements are being collected. We have prepared the three Requests for Extension of Time forms for the signature of Mr. Don Kramer, the chairman of the Idaho Water Resource Board. By separate letter we are mailing the request forms to Mr. Kramer, with the request that they be signed and returned to this office by August 24, 1984. In this way the dates of priority of the minimum stream flow applications will be preserved.

These are the final three minimum stream flow permits for which further documentation will be required this year. Regarding permits with proof due in upcoming years, you may wish to review the conditions of approval to insure that the needed measurements are being made on a current basis to enable timely filing of statements of beneficial use. I would be happy to review the requirements on the permits at your convenience.

Licenses

As you are aware, water right licenses have been issued for both of the upper reaches on Silver Creek. License Nos. 37-7727 and 37-7728 represent the first two licenses issued as a result of the minimum stream flow program. We have received statements of beneficial use for permit Nos. 37-7734, Bancroft Springs, and 36-7818, Vinyard Creek. We are currently reviewing the data on these files and plan to issue licenses in the near future.

This completes the information that I wanted to summarize regarding the water rights based on requests from your agency. In addition, we would like to request that a study of in-stream flow needs be made on the east fork of Rock Creek, tributary to Rock Creek near American Falls. Minimum stream flow application No. 41-7046 was originally filed by the Idaho Water Resource Board based on a request from the Power County Commissioners. The application was held pending the outcome of an existing protested application for permit located upstream on the east fork of Rock Creek. That application has now been withdrawn and further action can be taken on the application. However, the information provided in the original hearing does not provide a sufficient technical basis for a minimum flow. Therefore, it appears that the next step for action regarding the minimum flow is some type of fishery-related study. Enclosed for

MICROFILMED

Mr. Virgil Moore
August 9, 1984
Page 3

your information is a copy of the application. Please advise me regarding the possibilities of an instream flow study on not only the proposed reach, but upstream to the source of the stream as well.

If you wish to clarify or add to any portion of this letter, Virgil, please feel free to give me a call. I will be out of the office until August 27 on military leave, but Jim Johnson of this office should be able to assist you until that date. I look forward to working with you and your staff regarding this program in the future.

Sincerely,



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

DRT:ls

Enclosures

MICROFILMED

✓ WATER RIGHT NUMBER 96-7772

✓ OWNER LAST NAME - STATE OF IDAHO

FIRST NAME -

ORIG OWNER -

✓ ADDRESS LINE 1 - IDAHO WATER RESOURCE BOARD

ADDRESS LINE 2 - STATEHOUSE

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE - 83720

✓ SOURCE - SULLIVAN SPRINGS

✓ TRIBUTARY OF - GRANITE CREEK

✓ STAGE - APPLICATION

STATUS -

PRIORITY - 04-19-1979

COUNTY - BONNER

TOTAL DIV. RATE -

45.0000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

✓ DIVERSION POINT - NESE 26 55N 01W LOT

REDIV -

NWSW 25 55N 01W LOT

REDIV -

SWSW 25 55N 01W LOT

REDIV -

✓ FROM - 01-01 TO - 12-31 USE - MINIMUM INSTREAM FLOW

USE DIV. RATE -

45.0000 CFS

USE DIV. VOLUME -

.00 AFA

✓ USE - MINIMUM INSTREAM FLOW

PLACE OF USE - TWN 55N RNG 01W SEC 25 TRACT NWSW LOT

AC

TRACT SWSW LOT

AC

✓ USE - MINIMUM INSTREAM FLOW

PLACE OF USE - TWN 55N RNG 01W SEC 26 TRACT NESE LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE - NONE

PROOF DUE - 9-1-84

PERMIT/DENIED - 9-18-79

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM -

COND. OF APPROVAL -

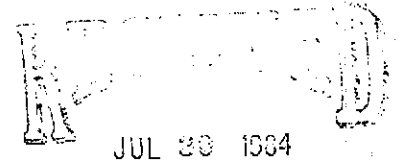
16

DIVERSION MEANS -



July 25, 1984

Region 1
2320 Government Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 664-9236



Department of Water Resources

Mr. Dave Tuthill *DRT*
Idaho Department of Water Resources
450 West State
Boise, ID 83720

Dear Mr. Tuthill:

Enclosed are justifications of beneficial use for instream maintenance flows and discharge estimates for Granite Creek. I have combined the information for Sullivan Springs and Granite Creek since both flow requests are for essentially the same purpose.

If we need provide any further information in this regard, please let me know.

Sincerely,

Bruce E. Rieman
Regional Fishery Manager

Enclosure
cc Bureau of Fisheries

EQUAL OPPORTUNITY EMPLOYER

ENCLOSURE

EVIDENCE OF BENEFICIAL USE OF INSTREAM FLOWS
FOR GRANITE CREEK AND SULLIVAN SPRINGS TRIBUTARIES TO PEND OREILLE LAKE

A minimum stream flow was requested to maintain trout and kokanee passage to Granite Creek and Sullivan Springs.

Pend Oreille Lake has been one of the most important fisheries in Idaho. The lake historically supported kokanee catches in excess of 1 million fish annually. World record class Kamloops and bull trout also provide a major trophy fishery. Kokanee serve as the primary food item for the trophy species.

Spawning and rearing habitat for fish has been limited in the Pend Oreille basin. Over 90% of historic habitat was lost due to dam construction. The remaining habitat has been degraded by development, dewatering and sedimentation. Both trout and kokanee populations have declined in recent years. Maintenance of the fishery on Pend Oreille Lake is dependent on a major hatchery enhancement program for kokanee and preservation of existing spawning and rearing habitat for trout.

The hatchery enhancement program has been initiated using a spawning run of kokanee in Sullivan Springs, a tributary to Granite Creek. Kokanee returning to Sullivan Springs are trapped and spawned. The resulting embryos are incubated, hatched and reared in the hatchery system. Juvenile kokanee are released back into the system the following summer.

Granite Creek also supports a considerable amount of high quality spawning and rearing habitat. Bull trout and Kamloops move into the creek and spawn naturally. Their young may rear in the system for two or three years before moving to the lake to mature.

Instream flows are necessary to insure passage of kokanee to the spawning facility and migration of juvenile fish back to the lake. They are also necessary to insure passage of trout to and from the spawning and rearing habitat.

Data collected by the Department of Fish and Game indicate the importance of maintaining these passage flows. The hatchery program on Sullivan Springs has resulted in a major increase in numbers of kokanee returning to spawn (Table 1), a major increase in the numbers of kokanee fry available for release (Table 2) and a stabilization of the kokanee population within the lake (Table 3).

Granite Creek still supports spawning and rearing populations of bull trout, rainbow and cutthroat. Habitat in the upper drainage is in relatively good condition and seems to be best suited for bull trout. Density estimates of rearing, juvenile bull trout were more than 4 times the average for all streams tributary to Pend Oreille (Table 4). During 1983 spawning surveys, 32 bull trout were found in Granite Creek and its tributaries. With that data we estimate that 60 to 120 adult trout had moved into the drainage to spawn that year (Table 5).

During the last three years the Department of Fish and Game has collected stream flow data to develop a staff gauge discharge relationship for Granite Creek (Table 6) and Sullivan Springs (Table 7).

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Table 1. Weir counts of kokanee returning to Sullivan Springs, 1974-1983.

Year	Kokanee
1974	13,549
1975	14,200
1976	10,200
1977	17,560
1978	16,875
1979	12,005
1980 ¹	48,760 ¹
1981	112,820
1982	115,850
1983	79,800

¹First year of hatchery returns.

MICROFILMED

Table 2. Numbers of kokanee fry released to Pend Oreille Lake as a result of the Sullivan Springs enhancement program.

Year	Millions of kokanee released
1976	0
1977	0.8
1978	1.6
1979	1.7
1980	1.1
1981	4.1
1982	5.7
1983	5.3
1984	4.6

Table 3. Estimated total fall kokanee population in Pend Oreille Lake.

Year	Millions of kokanee
1974	12.0
1975	8.2
1976	7.6
1977	7.0
1978	5.7
1979	5.6
1980	4.3
1981	5.1
1982	8.0
1983	5.4

MICROFILMED

Table 4. Densities of juvenile trout in Granite Creek and other Pend Oreille tributaries estimated by snorkeling in 1983.

	Granite Creek Density of Juvenile Trout (Fish/100 m ²)	Mean for 51 Tributary Transects in Pend Oreille Basin (Fish/100 m ²)
Bull trout	4.6	1.1
Rainbow	7.4	10.9
Cutthroat	1.8	7.1

Table 5. Redd counts and estimated spawning escapement of bull trout in Granite Creek in 1983.

<u>Total Redd Count</u>	<u>Estimated Spawning Escapement</u>
32	60-120

WATER OF CANADA

Table 6. Staff gauge/discharge relationship for Sullivan Springs, Bonner County, Idaho, 1982-1984.

Date	Staff gauge reading	Discharge (cfs)	Comments
6/15/82	1.00	9.95	Water Resources Price AA meter
7/23/82	.97	8.70	Fish and Game Pygmy meter
8/31/82	.95	7.46	Fish and Game Pygmy meter
7/26/83	.96	7.54	Fish and Game Price AA meter
8/31/83	.98	7.27	Fish and Game Price AA meter
9/9/83	.96	6.92	Fish and Game Price AA meter
10/26/83	.94	5.85	Fish and Game Price AA meter
5/18/84	.98	8.52	Fish and Game Price AA meter

Table 7. Staff gauge/discharge relationship for Granite Creek, Bonner County, Idaho, 1982-1984.

Date	Staff gauge reading	Discharge (cfs)	Comments
6/15/82	1.14	70.66	Water Resources Price AA meter
7/23/82	0.62	17.98	Fish and Game Pygmy meter
8/31/82	0.47	10.66	Fish and Game Pygmy meter
7/26/83	0.70	28.20	Fish and Game Price AA meter
8/31/83	0.51	13.12	Fish and Game Price AA meter
10/26/83	0.40	8.97	Fish and Game Price AA meter
5/18/84	1.14	70.76	Fish and Game Price AA meter

MICROFILMED

EVIDENCE OF BENEFICIAL USE OF INSTREAM FLOWS
FOR WOLF LODGE CREEK, A TRIBUTARY TO COEUR d'ALENE LAKE

A minimum stream flow was requested for Wolf Lodge Creek to maintain trout spawning and rearing habitat.

Wolf Lodge is a major tributary of Coeur d'Alene Lake and has been heavily utilized as spawning and rearing habitat for cutthroat trout residing in the lake. Many of the cutthroat trout harvested throughout Coeur d'Alene Lake are produced in Wolf Lodge Creek. A popular spring cutthroat fishery develops on Coeur d'Alene Lake near the mouth of the Spokane River and in Wolf Lodge Bay each year. That fishery is supported almost entirely by Wolf Lodge Creek.

In June 1983, a gasoline pipeline was ruptured at its crossing of the creek approximately 5 miles above the I-90 bridge. More than 20,000 gallons of gasoline spilled into the creek resulting in a complete kill of fish in the lower 1/3 of the creek. Snorkeling estimates conducted in 1975, 1976 and 1983 (Table 1) were used to estimate the densities of cutthroat in Wolf Lodge Creek prior to the spill. That data was then used to estimate the numbers of cutthroat lost to the system (Table 2).

The loss included brook trout and large numbers of cutthroat and will result in a major loss to the Coeur d'Alene fishery. To mitigate losses, fishing in Wolf Lodge Creek has been closed entirely for a period of at least 3 years and possibly longer. A gravel scarification project was undertaken to release trapped gasoline. A lawsuit has been filed against the Continental Oil Company seeking a settlement for losses and could result in some artificial enhancement in the system. It will take the population a number of years to rebuild, however, even under ideal conditions. Maintenance of stream flows to provide suitable spawning and rearing habitat is critical to insure that the population rebuilds as quickly as possible.

During the last three years, the Department of Fish and Game has collected stream flow data to develop a staff gauge-discharge relationship for Wolf Lodge Creek (Table 3). We will continue to collect discharge information in the future.

MICROFILMED

Table 1. Densities of juvenile trout in Wolf Lodge Creek in areas not affected by the 1983 gasoline spill.

Year	Cutthroat (Fish/100 m ²)	Brook Trout (Fish/100 m ²)
1975	112	3
1976	28	9
1983	30	12

Table 2. Estimates number of cutthroat and brook trout killed by age class in Wolf Lodge Creek following the 1983 gasoline spill.

Age class	Cutthroat Trout	Brook Trout
0 and 1	9,200	183
2	3,000	201
3	5,200	214
4-6	144	44
Total	17,622	642

MICROFILMED

Table 3. Staff gauge/discharge relationship for Wolf Lodge Creek,
Kootenai County, Idaho, 1982-84.

Date	Staff gauge reading	Discharge (cfs)	Comments
6/14/82	1.40	22.28	Water Resources Price AA meter
7/22/82	1.17	11.22	Fish and Game Pygmy meter
8/30/82	1.04	4.95	Fish and Game Pygmy meter
9/24/82	1.02	4.38	Fish and Game Pygmy meter
7/18/83	1.86	61.70	Fish and Game Price AA meter
9/1/83	1.22	7.87	Fish and Game Price AA meter
9/8/83	1.42	19.22	Fish and Game Price AA meter
1/25/84	2.20	118.64	Fish and Game Price AA meter
1/18/84	2.91	261.00	Fish and Game Price AA meter

MICROFILMED



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

August 9, 1984

Mr. Donald Kramer, Chairman
Idaho Water Resource Board
Castleford, ID 83321

Re: Minimum Stream Flow Permit Nos. 96-7771, Granite Creek; 96-7772;
and, 95-7874, Wolf Lodge Creek

Dear Mr. Kramer:

Enclosed please find three Requests for Extension of Time, which have been prepared regarding the three permits identified above. Please note that although beneficial uses on the three reaches described by the permits have been documented, information on flows within the reaches is insufficient to provide for licensing at this time. Please sign the requests if you concur with the information on the forms and return them to this office by August 24, 1984 if possible.

Sincerely,

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

DRT:ls

cc: Gene Gray

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

HAND DELIVERED

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720

PROOF DUE NOTICE

JUNE 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7772 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

IDWR Routing Slip

File No. _____

Routing Order		Initials	Date
4	Director	OV	11/18
5	Deputy Director		
3	Resource Admin. Division	NOY	12/5/80
	Regional Office Bureau Chief		
2	Operations Bureau Chief	PSA	12-4-80
1, 5	Water Allocation Section		
	Dam Safety Section		
	Permits Section		
	Resource Analysis Division		
	Technical Serv. Bureau Chief		
	Hydrology Section		
	Geothermal E.Q. Section		
	Remote Sensing Section		
	Project Studies Bureau Chief		
	Engineering Section		
	Economics Section		
	Local Support Section		
	Management & Support		
	Systems Mgmt. Section		
	Fiscal Section		
	Personnel Section		
	Legal		
	Other		

For: ☐ Review & Comment ☐ Approval ☐ Information
☐ As Requested

Please return to

by

(date)

vault file (Lucky Peak Permit)

FACT SHEET

Source: SULLIVAN SPRINGS
Tributary To: GRANITE CREEK
Requestor: ID DEPT OF F&G
Quantity: 45 cfs
Length of Reach: .5 MI
Purpose: MAINTENANCE OF TROUT AND KOKANEE
SPAWNING AND INCUBATION.
Date Received: 4/17/79
Date Hearing Held: 8/2/79 (COEUR D'ALENE)
Date Approved by Director: 9/18/79
Other Rights: NO RECORDED RIGHTS.

REMARKS: FLOW ON 7-20-77 WAS 45 CFS.

UNRECORDED



United States Department of the Interior

WATER AND POWER RESOURCES SERVICE
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

IN REPLY PN 704
REFER TO:
511.

NOV 28 1980

Mr. Bill M. Chronic, P.E.
Chronic & Associates
707 North 27th
Boise, Idaho 83702

Dear Mr. Chronic:

The Water and Power Resources Service, after meeting with Norm Young and other members of the Idaho Department of Water Resources staff on October 27, 1980, further reviewed your August 5, 1980, request for purchasing water from the Corps of Engineers Lucky Peak Reservoir non-contracted space for use, at the rate of 10 cubic feet per second during the period of October 15 to April 15, on a yearly basis.

Your proposed use for storage water is to maintain fish and other aquatic life in the Boise River relief channels and to maintain environmental and recreational amenities during low river flows along the reach of the left bank of the Boise River in Section 4, T.3N., R.3E., B.M., which is adjacent to Boise River Run development and including the Greenbelt development between River Run development and the left bank of the Boise River.

Our discussions resulted in a denial of your request for purchase of the Lucky Peak Reservoir noncontracted space. Recent studies of the Boise River System operation stressing improved flood control operations resulted, as an interim measure, in designating the Lucky Peak noncontracted space for flood control use. A secondary benefit resulting from this designation is improved Boise River streamflows during the fall and winter low-flood period. Until we have had an opportunity to complete water and related land resource studies of the Boise River Basin that addresses the future beneficial use of Lucky Peak noncontracted space it will be our policy to not allow permanent disposition of the noncontracted space.

We were able to make a decision on your request prior to receiving a letter regarding the Idaho Department of Water Resources opinion on the question of beneficial use of water, because the Department told us at our October 27, 1980, meeting what their position would be. To expediate our response we decided to notify you at the time we made our decision.

UNRECORDED

If you have any further questions on the matter, please contact Ronald J. Golus, Study Coordinator, for the Boise Project Power and Modification Study.

Sincerely yours,





Regional Director

cc: Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Corps of Engineers
Building 602
City-County Airport
Walla, Walla, Washington 99362





STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

600 SO. WALNUT ST. — P.O. BOX 25
BOISE, IDAHO 83707

October 20, 1981

RECEIVED
OCT 23 1981
Department of Water Resources

Mr. David R. Tuthill, Jr., P.E.
Supervisor, Water Allocation Section
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Dave:

The following work has been done on Minimum Stream Flows in 1981:

95-7874 - Wolf Lodge Creek
96-7771 - Granite Creek
96-7772 - Sullivan Springs ✓

Region 1 reports that staff gauges were installed and calibrated on these waters this summer. Periodic readings and recalibrations will be recorded.

73-7045 - Pahsimeroi River

We have collected stream flow measurements at 12 sites on the Pahsimeroi monthly since May and at two week intervals during some of the peak irrigation times. A report is being prepared which will include an aerial photo-map indicating the flow volume, inflows and withdrawals at the different sites and times. We hope to have the data completed and summarized in the next two months.

37-7849 - Silver Creek, lower end

The Regional office is supposed to be making contact with the riparian land owners this week and a report will be forwarded to you.

Sincerely,

Herb Pollard
State Fishery Manager
Bureau of Fisheries

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

January 7, 1980

The Honorable Ralph Olmstead
Speaker of the House
State House
Boise, Idaho 83720

Dear Mr. Speaker:

Enclosed please find copies of the applications for permit to appropriate water for minimum streamflow purposes that have been approved by this Department during calendar year 1979. They are numbered 37-7734, 37-7728, 36-7818, 37-7727, 95-7874, 96-7772, and 96-7771.

As you are aware, Section 42-1503, Idaho Code requires that these applications be reviewed by the legislature. As defined by the 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."

Please advise me if you desire either further information or a presentation on the nature of the applications.

Sincerely,

C. STEPHEN ALLRED
Director

CSA:DRT:jg

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

January 7, 1980

The Honorable Reed Budge
President Protem of the Senate
State House
Boise, Idaho 83720

Dear Senator Budge:

Enclosed please find copies of the applications for permit to appropriate water for minimum streamflow purposes that have been approved by this Department during calendar year 1979. They are numbered 37-7734, 37-7728, 36-7818, 37-7727, 95-7874, 96-7772 and 96-7771.

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Please advise me if you desire either further information or a presentation on the nature of the applications.

Sincerely,

C. STEPHEN ALLRED
Director

CSA:DRT:jg

Enclosure

RECEIVED
JAN 10 1980
STATE OF IDAHO



STATE OF IDAHO

file 96-7772

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

January 14, 1980

Dear Legislator:

For the opening of the 1980 legislative session the Idaho Water Resource Board has submitted to the Legislature seven applications for minimum instream flows which have been approved by the Director of the Idaho Department of Water Resources. These applications will become effective under the provisions of I.C. §42-1503 if the legislature passes a concurrent resolution of approval or fails to act at all prior to the end of the regular session.

Recent newspaper stories have reflected considerable misunderstanding and misinformation concerning the minimum flow law which was adopted in 1978 and the action taken by the Idaho Water Resource Board under that act. My purpose in writing to each senator and representative is to try to clarify the law and our actions under that law to date.

Under I.C. §42-1501 the preservation of minimum stream flows for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality is recognized as a beneficial use. The Idaho Water Resource Board is granted the power to apply for a minimum flow right and hold that right if approved. No other agency or individual can either make application or hold a minimum flow water right.

The standards to be used by the Director in determining whether to approve a minimum flow are set forth in I.C. §42-1503. It is very important to note that under the first requirement of that section the Director cannot approve an application for a minimum flow unless he specifically makes a finding that such an appropriation:

Will not interfere with any vested water right, permit, or water application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act.

WATER RESOURCE BOARD
BOISE, IDAHO

Minimum flow applications are treated exactly in this same fashion as any diversionary applications. Any right that is granted is subsequent to and inferior to any prior right. The minimum flow rights are subject to the statutory and constitutional rule in Idaho commonly expressed as "first in time is first in right."

On the sources described by the seven applications which were approved by the Director, there were no other applications pending prior to the date of the Board's application. Prior water rights exist on the sources of three of the approved applications, but the applications are junior in priority to the existing water rights.

The Board did submit four other applications in the Thousand Springs area. The testimony at the hearings and the records of the Department of Water Resources indicated that undeveloped water rights exist on the four sources described by the applications. These existing water rights are recorded in the form of unapproved applications and undeveloped permits. The Director has not approved the four applications submitted by the Board but has deferred action to see if the prior filings are developed within the allowable time limits.

The following applications as approved by the Director have been presented to the Speaker of the House and the President Protem of the Senate for your consideration:

Permit No. 37-7727 Silver Creek, tributary to the Little Wood River, Blaine County, 99 c.f.s.

Permit No. 37-7728 Silver Creek, tributary to the Little Wood River, Blaine County, 74 c.f.s.

Permit No. 36-7818 Vinyard Creek, tributary to the Snake River, Jerome County, 17 c.f.s.

Permit No. 37-7734 Bancroft Springs, tributary to the Snake River, Elmore County, 17 c.f.s.

Permit No. 95-7874 Wolf Lodge Creek, tributary to Coeur d'Alene Lake, Kootenai County, 30 c.f.s.

Permit No. 96-7771 Granite Creek, tributary to Pend Oreille Lake, Bonner County, 45 c.f.s.

Permit No. 96-7772 Sullivan Springs, tributary to Pend Oreille Lake, Bonner County, 45 c.f.s.

January 14, 1980
Page 3

You may be interested in the procedures that were followed. The Department published legal notice of hearings on all applications and in addition news releases concerning the applications were sent to newspapers in the vicinity. The first hearing was on the Silver Creek applications held in the City Hall at Hailey on January 11, 1979. Approximately 40 people attended and twelve testified in support of the applications. There was no opposition at the hearing to either application.

A hearing was held in Buhl on April 25th and 26th on Vinyard Creek and Bancroft Springs along with four other flows in the Thousand Springs area. Approximately 50 people attended the hearing. There was considerable testimony in support of all of the applications with opposition to the request for flows on some of the springs from trout farming interests. There was no testimony in opposition to either Vinyard Creek or Bancroft Springs. Consolidated hearing was held on the three Panhandle applications in Coeur d'Alene on August 2nd. Approximately twenty people attended and all of the testimony was in support of the applications.

Some members of our board were in attendance at each of the hearings. As far as we can determine from the public hearings and the written testimony received by the Department, the applications as approved have very substantial public support and are free from controversy. We believe these seven applications are consistent with the intent of the legislature at the time it unanimously passed the minimum stream flow law as part of its consideration of the State Water Plan.

The approved applications with supporting documentation will be available in the legislative files. If there is any further information that you desire to have, please do not hesitate to call upon us.

Sincerely,

JOSEPH H. NETTLETON
Chairman

JHN:SWR:rh

RECEIVED

FACT SHEET

Source: Sullivan Springs
Tributary To: Granite Creek
Requestor: Idaho Dept. of Fish & Game
Quantity: 45 cfs
Length of Reach: .5 mi.
Purpose: Maintenance of Trout and Kokanee spawning and incubation.

Date Received: 4-17-79
Date Hearing Held: 8-2-79 (Coeur d'Alene)
Date Approved by Director: 9-18-79
Other Rights: No recorded rights.

REMARKS: Flow on 7-20-77 was 45 cfs.

MICROFILMED

FACT SHEET # 2

HEARING

Filings Examined at Hearing 96-7771, 96-7772, 95-7874

Date Hearing Held 8-2-79

Location of Hearing Coeur d'Alene

Hearing Officer C. Stephen Allred

No. of Persons at Hearing See Attached sheet

Roster of Attendance

Name

Organization

See Attached sheet

Related Correspondence

Name

Organization

Received

Ed Chaney

Self

10-27-78

Joe F. Allen

Self

10-24-78

Joe Wyllie

Boise Valley Fly Fishermen 11-16-78

Doli Obee

Self

11-4-78

Pete Cole

Portneuf Valley Audubon Society 1-5-79

George Davis

Forest Service

7-27-79

Philip Nelson

Inland Empire Fly Fishing Club 7-27-79

Richard Fisher

Fish & Wildlife Service 7-30-79

Joseph K. Haynes

North Idaho Fly Casters 7-30-79

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO)

COUNTY OF ADA)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Joseph H. Nettleton, Chairman
Idaho Water Resource Board
Murphy, ID 83650

Idaho Department of Fish and Game
Statehouse Mail
Boise, ID 83720

Senator Arthur Murphy
1109 11th
Coeur d'Alene, ID 83814

Lester M. Larsen
Kootenai Environmental Alliance
Route 4, Box 307 K-12
Coeur d'Alene, ID 83814

Carl Brautigan
Route 1, Box 88
Coeur d'Alene, ID 83814

Dated this 26th day of September, 19 79.

Rita Fleck

On this 26th day of September, 19 79, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.

David R. Tuttle
Notary Public
Residing at Boise, ID

My commission expires 9/10/80

MICROFILMED

MICROFILMED

Steer
Brooks
van Engle
De Bair
Manley
Robinson
FACT SHEET

Mr. Chairman
Members of
Committee

Source: Sullivan Springs - Bonner Co.

Tributary to: Granite Creek

Requestor: Dept. of Fish & Game

Quantity: 45 cfs

Length of Reach: 0.5 mi.

Purpose: Maintain trout and kokanee spawning

Date Received: 4-17-79

Date Hearing Held: 8-2-79

Date Approved by Director: 9-18-79

Other Rights: none

Sen. Manley
attended

REMARKS: _____

MICROFILMED

FACT SHEET # 2

HEARING

Filings Examined at Hearing _____

Date Hearing Held 8-2-79

Location of Hearing Coeur d'Alene

Hearing Officer C. Stephen Allred

No. of Persons at Hearing _____

Roster of Attendance

Name

Organization

See Attached

Related Correspondence

Name

Organization

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Roberta Garrett

DATE 7-27-79

TO File 96-7772

SUBJECT Abstract - Sullivan Springs, tributary to Granite Creek - Pend Oreille Lake

No additional rights located naming Sullivan Springs within designated location of NESE, Sec. 26, T. 55 N., R. 1 W. or NWSW, Sec. 25, T. 55 N., R. 1 W. to Sullivan Springs.

~~MICROFILMED~~ SIGNATURE

NCY 96-7721

8/2/79

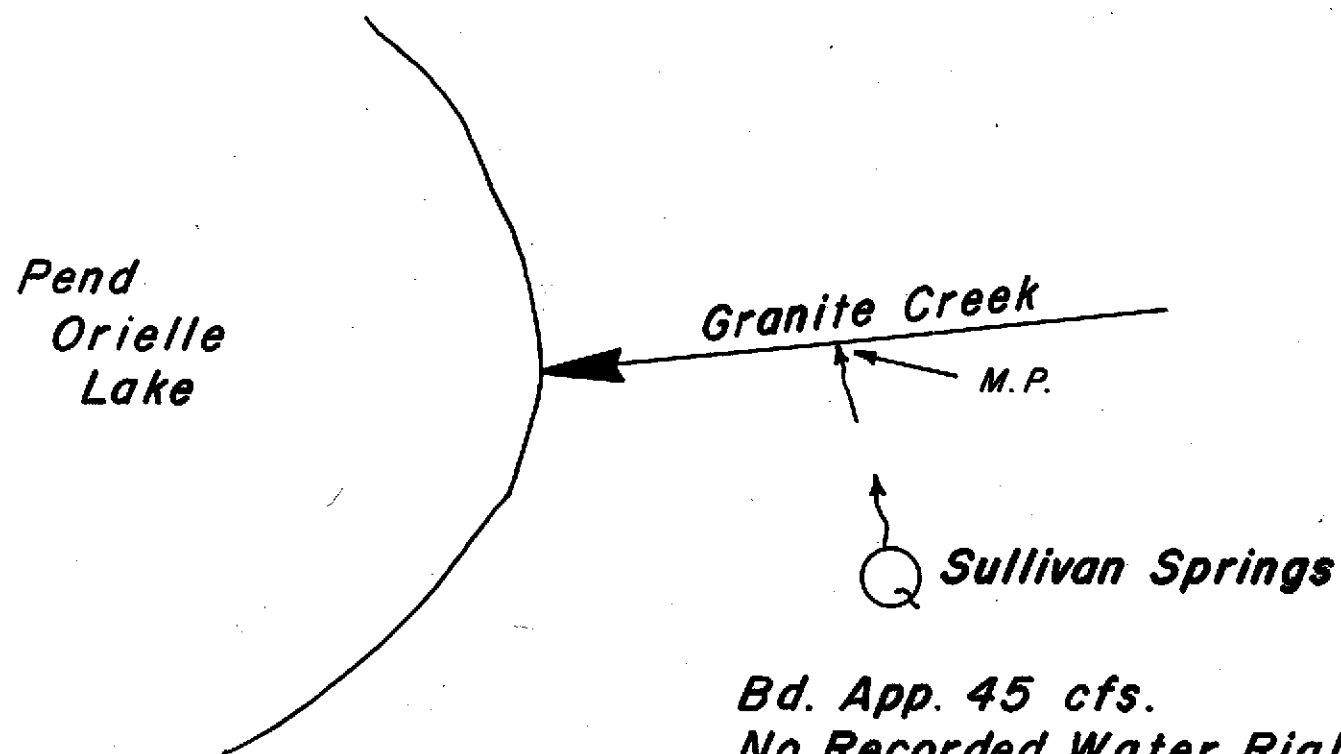
NRG Notes - Granite CK

Fish & Game seem to be implying that flow coming down Granite CK above confluence with Sullivan Sp. discharge channel could be appropriated. Possibly the min. flow could be conditioned to allow this.

No opposition only full support expressed @ hearing.

Lack of evidence of adequate flow could be taken care of thru condition requiring flow measurement for up to 5 yr period to allow license to be issued accurately only for flow of Sullivan Sp.

Staff
ex. #7



Bd. App. 45 cfs.
No Recorded Water Rights.
Measurement Made 7-20-77: 45 cfs.

Notes of

Skal A.

Appearances.

Joe Nettleton - IWRB - Introduces

John Valloe IF&G

Norm Young, - IDWR -

Exhibits

IDWR # 1

Schematic map

IDWR # 2

Location map
Wolf Lodge

Wolf Lodge

highest flow 385 cfs

lowest 4.8 cfs.

IDWR # 3 Pld of 1958-1959

for Wolf Lodge Creek

Gronte Creek

IDWR Exhibit 4 - Location map, Gronte Cr.

Upstream flow from lake to confluence
of Gronte & Sullivan Creek

IDWR Ex # 5 - Schematic map
Gronte Creek.

39 cfs - Highest
5 cfs - Lowest

> upstream on
Gronte Creek

Sullivan Springs

IDWR # 6 - Location map, Sullivan Springs

IDWR # 7 - Schematic map, Sullivan Springs.

45 cfs only flow record -

MICROFILMED

Gross Exam. Young ^(Vallau) by IF&G. Can flow be maintained - Not all the time at upper point but perhaps at lower point.

Can Application be granted so as not to interfere with existing vested right - Yes - is subject to all valid existing rights

Grants Creek - Can application be granted without interfering with other vested rights - Yes - would be subject to them

- Can water be diverted by other users - only if flow is in excess of existing rights and boards application.

- Can 45 cfs appx be capable of being maintained. - Records ~~not~~ adequate to determine.

- Are you aware of source of spring - Generally

- Will other rights be affected -

no if -

Can flow be maintained - not sufficient record.

Alfred cross spring - why isn't stream below ~~application~~ bridge on highway.
- information based upon supplemental information in Application.

Bill Goodnight - IFG - Regional

Manager -

Direct by Vallow -
Wolf Lodge Creek

F&G Exhibit 4 - testimony
to be submitted officially by
IDFG.

Reel statements

Exhibit # 2 - Report by Mallet

3 - Report by Goodnight
& Mosen

4 - " "

5 - Report by Jim
Tucker

6 - Wolf Lodge Stream
habitat report

7 - Report by Tom
Kokomus 1977

Siott Reed Crosseramin Goodnight - popularity
of Wolf Lodge for fishing - attraction is
early - opening season fishing for Spawning-out
- Does he have comments
as to why instream flows go only to
bridges - Summer lake should go to
interstate @ bridge.

Sullivan Springs - Aronita Creek

F&G # 8 - testimony of Dept
of F&G - Sullivan Springs &
Aronita Creek - Road in

Dave Nieder - Regional Secy I F&G

Art Mowley - State Senator -

Wolf Lodge - One of the few "live" streams
which flows into Lake Col - most streams
dry up & are of little value for spawning - Monte
Creek is some type on Porterville Lake -

Lester M. Larsen - Kootenai Environmental
alliance - Supports applications

Carl Brantigen - CDA - fisherman

96-7771
96-7772 ✓

Bonner County Sportsman Association
P.O. box 639
Sardpoint, Idaho 83864

Steve Alldred
Director Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, Idaho

Dear Mr. Alldred,

It has come to the attention of the Bonner County Sportsman's Assoc. that the Fish and Game Dept. has applied for minimum stream flow rights at Granite Creek and Sullivan Springs in the interest of improving the kokanee fishery on Lake Pend Oreille.

Our group has been supporting the Fish and Game Department's study of the kokanee on Lake Pend Oreille and agree with their plans to help maintain and improve these creeks as spawning areas for kokanee.

Please include in your hearing records that the Bonner County Sportsman's Assoc. is in favor of establishing minimum stream flow rights.

Thank you very much.

Sincerely,

Jim Thompson
Jim Thompson
Member of Board of Directors

APR 3 1980

Department of Fish and Game
Northern District Office

MICROFILMED



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

D. L. OLSON
VICE PRESIDENT
ENGINEERING AND CONSTRUCTION

July 31, 1979

96-7771
96-7772 ✓

Mr. Steven Allred, Director
Idaho Water Resources Department
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. Allred:

This concerns the request of the Idaho Department of Fish and Game for a minimum flow regulation of 45 cfs. in Granite Creek, a tributary of Pend Oreille Lake. It is our understanding that this request is for the reach of Granite Creek extending upstream from the stream's mouth to the confluence with Sullivan Springs.

The Washington Water Power Company has been involved with fishery restitution measures and studies on Pend Oreille Lake since the construction of Cabinet Gorge Dam on the Clark Fork River. We view the existing improvements to Granite Creek, which have been designed for purposes of fish spawning enhancement, as an important factor in efforts to maintain the viability of the fishery resource in Pend Oreille Lake. The establishment of a minimum flow in Granite Creek will provide an element of long-term protection for a stream considered to be of significant importance for research and fish propagation.

I am requesting that this letter, supporting the Idaho Department of Fish and Game and the need for the establishment of 45 cfs. minimum flow in Granite Creek, be incorporated into the hearing record.

Very truly yours,

D. L. Olson

BDA:sw

cc: William Goodnight (IDFG)

RECEIVED



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
4626 Overland Road, Room 200
Boise, Idaho 83705

RECEIVED

JUL 30 1979

Department of Water Resources

DBS

July 30, 1979

95-7874
96-7771
96-7772

Mr. C. Stephen Allred, Director
State Office
Idaho Department of Water Resources
373 W. Franklin
Boise, Idaho 83702

Dear Mr. Allred:

We have cooperated with Idaho Department of Fish and Game personnel for several years collecting information to establish resource maintenance flows needed to support fish and wildlife and other environmental factors.

A major step leading to proper water management is to determine the quantity and quality of water which should remain in a stream to support aquatic resources. Therefore, we support the Fish and Game in their efforts to establish instream flows which will maintain and/or enhance the fishery resources in Wolf Lodge, Sullivan and Granite Creeks, tributaries to Lake Coeur d'Alene.

Thank you.

Sincerely yours,

Richard J. Fisher
Field Supervisor

cc: IDF&G, Headquarters
IDF&G, Coeur d'Alene
IDP&R, Boise
Regional Office, FWS, Portland
Area Office, FWS, Boise



MICROFILMED

Save Energy and You Serve America!

Portneuf Valley Audubon Society



January 5, 1979

Norman Young
Dept. Of Water Resources
State House
Boise, Idaho 83720

The Portneuf Valley Audubon Society wishes to lend its support for the approval of the 11 instream flow water rights applications as submitted by Idaho Fish and Game. In particular, this chapter notes the ecological importance of Silver Creek and recommends that the minimum flows of 99 CFS near Picabo and 74 CFS near U.S. Highway 93 between Richfield and Carey be approved.

Respectfully,

PETE

Pete Cole
President of the Portneuf Valley
Audubon Society

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96-7772

96-7771

95-7774

REPRODUCTION

96-7772

BOISE VALLEY FLY FISHERMEN

OFFICE OF
Joe Wyllie

P. O. BOX 311

BOISE, IDAHO 83702

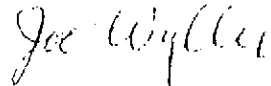
November 16, 1978

Water Resource Board
373 W. Franklin Street
Boise, Idaho 83720

Dear Sirs:

The members of the Boise Valley Fly Fishermen are in complete favor of the action taken by the Idaho Fish and Game Department to gain water rights for minimum flows on 11 streams or portions of streams in Idaho. We sincerely hope that you will take action and approve the request.

Sincerely,



Joe Wyllie
President, BVFF

JW:jl

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 26, 1979

Joseph H. Nettleton, Chairman
Idaho Water Resource Board
Murphy, ID 83650

Dear Mr. Nettleton:

Re: Applications for Permit Nos. 95-7874, 96-7771 & 96-7772
Minimum Stream Flow - Wolf Lodge Creek, Granite Creek & Sullivan Creek

Enclosed is a copy of each of the above referenced permits along with a copy of the corresponding Memorandum Decision and Orders. We direct your attention to the conditions of approval as set forth in the orders.

Be sure to note the special condition requiring you to install measuring devices at the locations approved by the Director.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 60 days of the date the decision is mailed.

Sincerely,

David R. Tuttle, Jr. Acting, for:

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 9/26/79

TO Files 96-7771, 96-7772 & 95-7874

SUBJECT

A copy of the approved applications and the corresponding Memorandum Decision and Orders were sent to each of the board members.

RECEIVED

RF

SIGNATURE

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 96-7772 LDARB

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works None Required
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature None Required
☒ Fee

(1) RJA 4-20-79

(2) RJA 4-20-79

In form to receipt

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management
☒ RJA & REC
☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(3) _____

(4) RJA 4-20-79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) _____

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District _____ By _____ Date _____

MICROFILMED

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given the the Idaho Water Resource Board has on April 17, 1979, submitted two (2) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the following sources which are further described as follows:

APPLICATION NO. 96-7771

SOURCE: Granite Creek, tributary of Pend Oreille Lake

POINT OF MINIMUM STREAMFLOW: NWSE (Lot 3), Sec. 26 T55N,

R1W B. M. Bonner County, through the

NESE, Sec. 26, T55N, R1W, to the confluence

of Granite Creek with Sullivan Springs.

RATE OF FLOW: 45 cubic feet per second

SEASON OF USE: January 1 to December 31

USE: To maintain trout and kokanee passage flows from the point of requested flow upstream to the confluence with Sullivan Springs.

APPLICATION NO. 96-7772

SOURCE: Sullivan Springs, tributary of Granit Creek,
which is tributary of Pend Oreille Lake

POINT OF MINIMUM STREAMFLOW: NWSE, Sec. 26, T55N, R1W;

NWSW and SWSW, Sec. 25, T55N, R1W to

Sullivan Springs.

RATE OF FLOW: 45 cubic feet per second

SEASON OF USE: January 1 to December 31

USE: To maintain trout and kokanee spawning and incubation
from the point of requested flow to a point $\frac{1}{2}$ mile upstream.

MICROFILMED

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW - CONTINUED

The Director of the Department of Water Resources will hold a public hearing on the applications at 1:30 p.m., on Thursday, August 2, 1979, at the Idaho Department of Water Resources Northern Region Office, 4055 Government Way, Coeur d'Alene, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 43-1503, 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.

C. STEPHEN ALLRED
Director

Published in the Sandpoint Daily Bee, on July 3, and July 11, 1979.

Amended 6/27/79
C. Allred

MICROFILMED

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD, STATEHOUSE, BOISE, ID 83720

Source: SULLIVAN SPRINGS tributary to GRANITE CREEK

Date Filed: 04/19/1979

Amount: 45.00 CFS

Diversion Point: NESE Sec 26 T 55N R 01W NWSW SWSW Sec 25 T 55N R 01W,
BONNER Co.

Use:

Place of Use: NESE Sec 26 T 55N R 01W NWSW SWSW Sec 25 T 55N R 01W

*not used for
advertising
see typed form*

MICROFILMED

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD, STATEHOUSE, BOISE, ID 83720

Source: SULLIVAN SPRINGS tributary to GRANITE CREEK

Date Filed: 04/19/1979

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Diversion Point: NESE Sec 26 T 55N R 01W NWSW SWSW Sec 25 T 55N R 01W,
BONNER Co.

Use:

Place of Use: NESE Sec 26 T 55N R 01W NWSW SWSW Sec 25 T 55N R 01W

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 1
2320 GOVERNMENT WAY
COEUR D'ALENE, IDAHO 83814

RECEIVED

MAY 15 1979

May 14, 1979

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes, PE
Regional Supervisor
Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

Reference: 96-7771 Granite Creek
96-7772 Sullivan Springs

Dear Mr. Haynes:

We support the Idaho Water Resource Board instream flow applications 96-7771 and 96-7772 for Granite Creek and Sullivan Springs.

Sincerely,

DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

David S. Neider

David S. Neider, Regional Supervisor
Region 1

DSN:amh

cc Bureau of Fisheries
Bureau of Program Coordination

MICROFILMED

April 20, 1979

Director
State of Idaho
Department of Parks & Recreation
Statehouse
Boise, Idaho 83720

Re: 96-7771 and 96-7772

Dear Sir:

Pursuant to Section 42-1503 IDAHO CODE, enclosed for your review
are copies of two instream flow applications filed by the Idaho
Water Resource Board on Sullivan Springs and Granite Creek.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Applications (2)

MICROFILMED

April 20, 1979

Director
State of Idaho
Department of Health & Welfare
Statehouse
Boise, Idaho 83720

Re: 96-7771 and 96-7772

Dear Sir:

Pursuant to Section 42-1503 IDAHO CODE, enclosed for your review
are copies of two instream flow applications filed by the Idaho
Water Resource Board on Sullivan Springs and Granite Creek.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Applications (2)

MICROFILMED

April 20, 1979

Director
State of Idaho
Department of Fish & Game
Statehouse
Boise, Idaho 83720

Re: 96-7771 and 96-7772

Dear Sir:

Pursuant to Section 42-1503 IDAHO CODE, enclosed for your review
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Water Resource Board on Sullivan Springs and Granite Creek.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Applications (2)

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

April 18, 1979

MEMORANDUM

TO: Northern Region

FROM: Roberta Garrett *RG*

SUBJECT: IWRB Minimum Stream Flow (MSF) Applications

Attached are original applications submitted by the Board for minimum streamflow on Sullivan Springs and Granite Creek. Please process in your region. Note the following exceptions:

1. A fee is not applicable for MSF
2. Do not advertise without authorization from State Office
3. Send State Office a paper copy when number is assigned and point of diversion is verified

RECEIVED

APR 19 1979

Department of Water Resources
Northern District Office

MICROFILMED