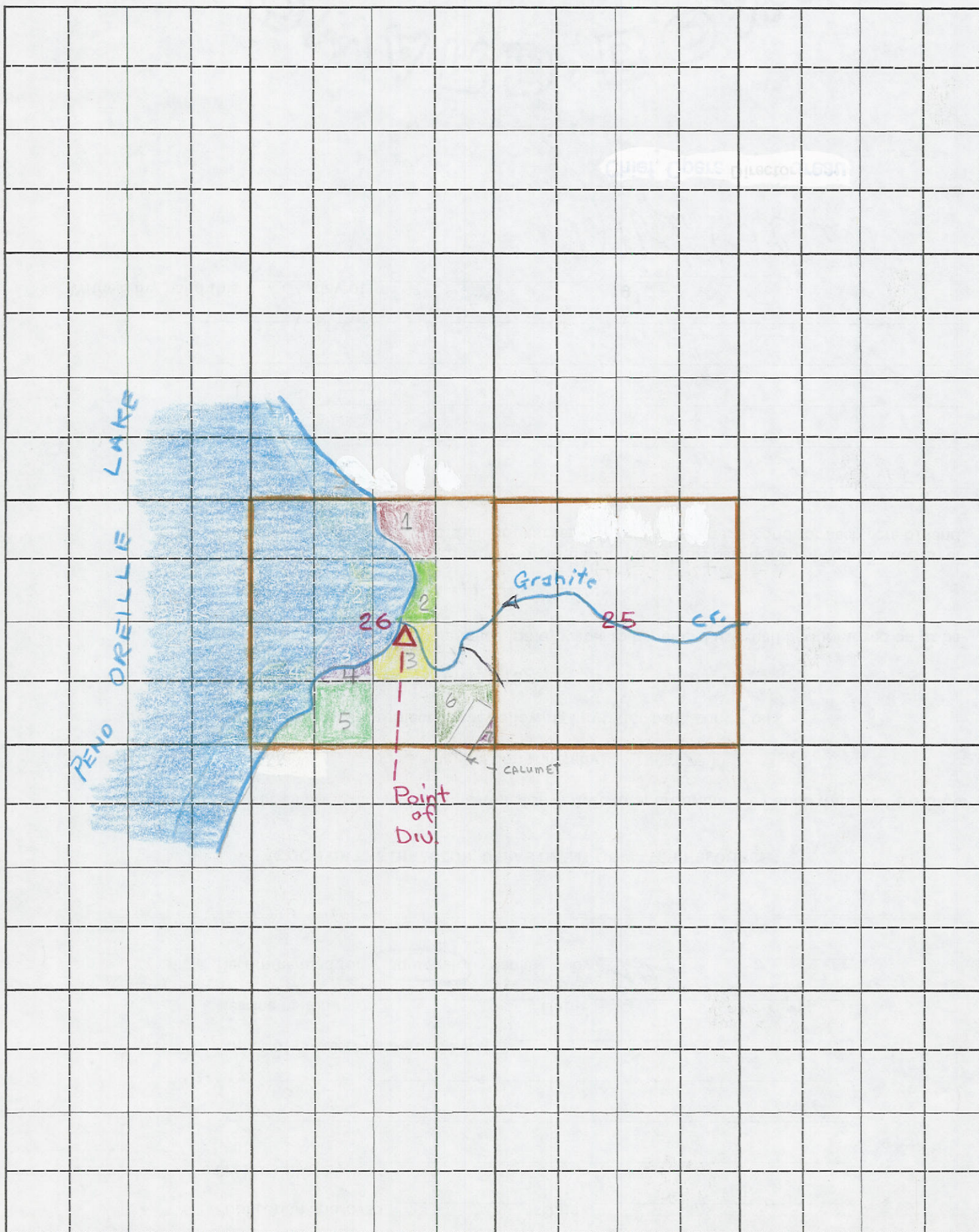


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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)

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.

Adel 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, on July 3, and July 11, 1979

*file
96-7771*

RECEIVED
JUL 31 1979
Department of Water Resources
Northern District Office

*all
OK
8/10/79*

MICROFILMED



Exhibit 1. Kokanee salmon in Sullivan Springs.

RECEIVED

SEP 12 1994



Exhibit No. 2. Sullivan Springs upstream from kokanee spawning trap.

MISSOURI KED

SEP 12 1994



Exhibit No. 3. Kokanee spawn taking operation at Sullivan Springs.

MICROFILM

SEP 12 1994



Exhibit No. 4. Kamloops rainbow trout taken from Lake Pend Oreille.

SEP 12 1994



Exhibit No. 5. Bull trout taken from Lake Pend Oreille.

SEP 12 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07771

Priority: April 17, 1979

Minimum Stream Flow:

10.00 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:

GRANITE CREEK

tributary to PEND OREILLE LAKE

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	10.00 CFS

LOCATION OF STREAM REACH:

Beginning of Stream Flow Reach Lot 3(NWSE), Sec. 26, Township 55N, Range 01W
End of Stream Flow Reach NESE , Sec. 26, 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 right shall be non-consumptive.
5. 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.
6. Upon the future finding and order of the Director that gauging stations are required to maintain the aproved minimum flow on Granite Creek, the measuring devices shall be permanently installed as specified by the Department.

SEP 12 1994

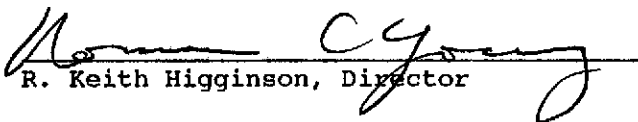
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 96-07771

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 between a point in Lot 3 (NWSE) S26, T55N, R01W and a point in the NESE, S26, T55N, R01W, at the confluence of Granite Creek with Sullivan Springs.

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

SEP 12 1994

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

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

AUG 28 1984

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. 96-7771.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
September 1, 1984.

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, 1984

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

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)

MEMORANDUM DECISION

Legislature of the State of Idaho

[Second Regular Session
[Forty-fifth Legislature]

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 40
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 96-7771, it being an application for a permit to appropriate 45 cubic feet
15 per second from Granite Creek, a tributary of Pend Oreille Lake, located on
16 Lot 3, NW 1/4 of SE 1/4 of Section 26, Township 55N, Range 1W, in Bonner
17 County, Idaho, be, and the same is hereby approved.

MICROFILMED

MICROFILMED

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 habitats 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.

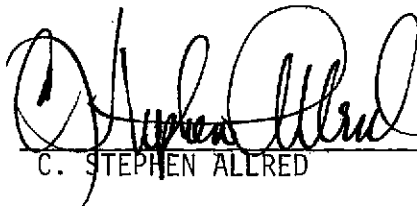
2) Proof of instream beneficial use of the minimum stream flows appropriated shall be submitted in a manner approved by the Department on or before September 1, 1984. The proof submitted shall include at least 3 years of flow data for each of the water courses. The frequency of the data accumulation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

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, Boise, ID 83720
2. Source of water supply Granite Creek which is a tributary of Pend Oreille Lake
3. Location of point of diversion is (Lot 3)
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 55N
Range 1W B.M. Bonner County, thru the
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Twp. 55N, Rge. 1W to the confluence of Granite Cr. with Sullivan Spr.
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: (Lot 3)
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 55N
Range 1W B.M. and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, 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: _____

MICROFILMED

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. _____

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

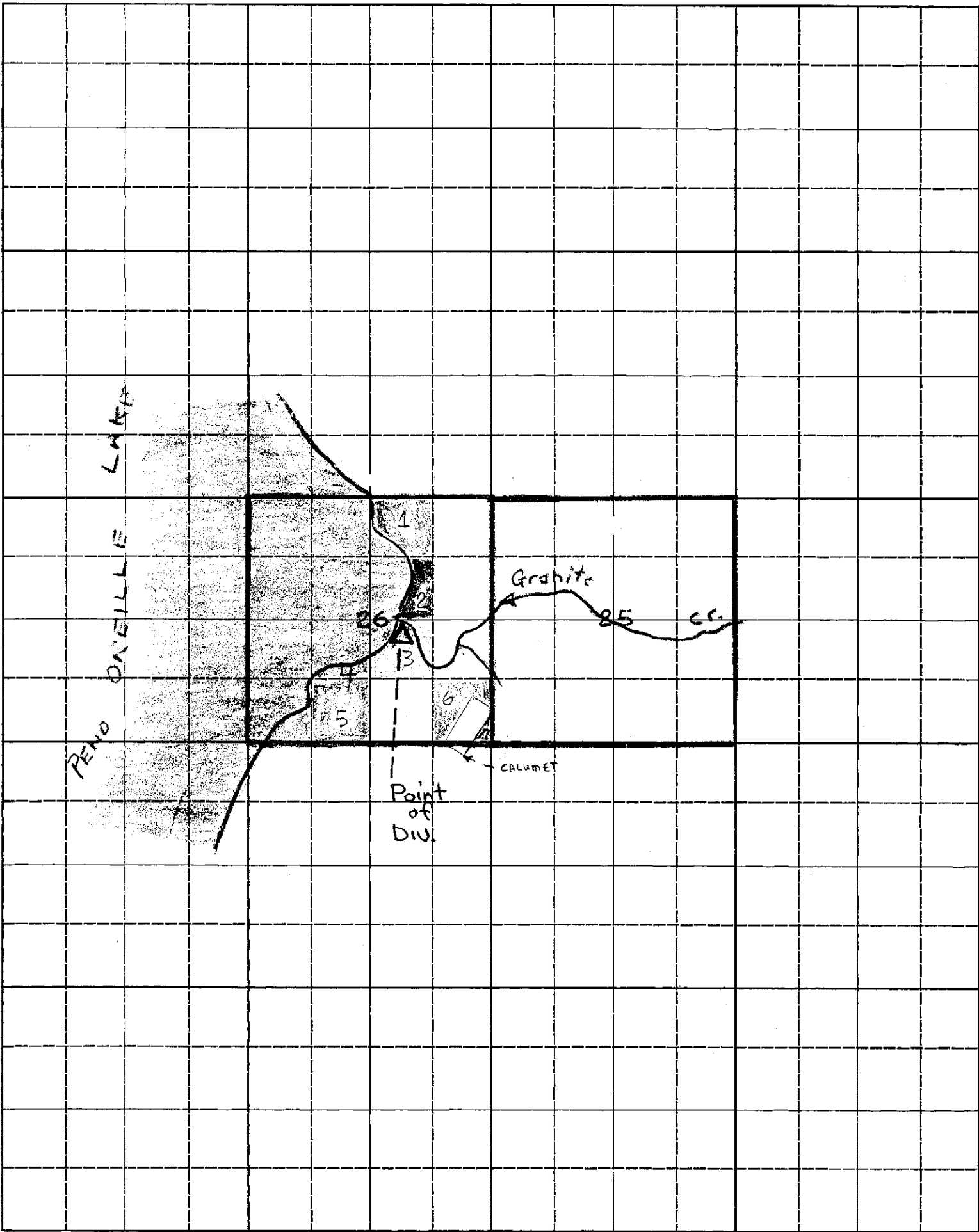
b. Who owns the land to be irrigated or place of use

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 jsb 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 jsb

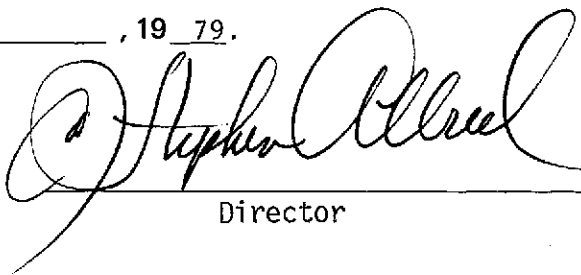
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7771 _____, 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

NAME OF STREAM: Granite Creek

LEGAL DESCRIPTION OF POINT WHERE STREAM FLOW REQUESTED:

From confluence of Granite Creek and Pend Oreille Lake, NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26, T55N, R1W, Bonner County, upstream to confluence of Granite Creek and 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 passage flows from the point of requested flow upstream to the confluence with Sullivan Springs.

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

All year.

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

The above requested flow is for instream nonconsumptive use and will be subject to all vested water rights, 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 effort 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 the 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:

During winter months when kokanee spawning migrations occur, often flow at the point of requested flow is comprised solely of the flow of Sullivan Springs. This flow is necessary to the confluence of Granite Creek and Pend Oreille Lake to insure the physical passage of kokanee to spawning facilities in Sullivan Springs.

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

No flow records are maintained for Granite Creek.

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

No gage station is located on Granite Creek. A gaging device near the mouth would be sufficient to monitor the requested flow.

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

The flow of Sullivan Springs (45 cfs) provides minimal flows necessary for unimpeded fish passage in Granite Creek.

MICROFILMED

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

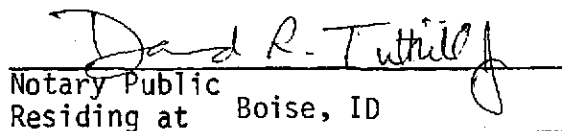
Lester M. Larsen
Kootenai Environmental Alliance
Route 4, Box 307 K-12
Coeur d'Alene, ID 83814

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

MICROFILMED

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.

Robert 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, on July 3, and July 11, 1979

file
96-7771

all
OK
8/10/79

WR0749NP
No. L96-07771

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	10.00 CFS	
TOTAL DIVERSION:					10.00 CFS	

Water Source: GRANITE CREEK

Tributary to: PEND OREILLE LAKE

Stage: LICENSE

Point(s) of Beginning Stream Reach: T55N R01W S26 Lot 03(NWSE)

BONNER County

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

BONNER County

Pou County:

Conditions of Approval:

027 - Use of water under this right shall be non-consumptive.

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.

Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Granite Creek, 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 Lot 3 (NWSE) S26, T55N, R01W and a point in the NESE, S26, T55N, R01W.

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:	

WR0749NP
No. L96-07771

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/07/94
PAGE: 2

=====

Misc:	Water District Number:	Field Exam Fee:
Audit:	04/01/92 SKAGGS 04/08/92 SKAGGS 07/01/92 SKAGGS 03/07/94 CURTIS	

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.

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 1984

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.

RECEIVED

SEP 12 1994

Granite Creek

1982 1983 1984 1985

January

February

March

April

May

70.76

June

70.66

July

17.98

28.20

August

10.66

13.12

≈ 13.12

September

≥ 8.97

October

8.97

≈ 8.97

November

≥ 13.12

December

13.12 - 17.98

73

SEP 12 1994

SEP 12 1994

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

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

Lake Pend Oreille has been one of the most important fisheries in Idaho. The lake historically supported kokanee catches in excess of one 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. Some natural spawning does occur in the springs and stream.

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

Data collected by the Department of Fish and Game indicated 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 four 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).

The Department collected staff gauge and discharge information from 1982 to 1984 from Granite Creek and Sullivan Springs to substantiate the minimum stream flow requests (Table 6). The requested flow of 10 cfs is slightly above the nearly constant flow of 8.5 cfs in Sullivan Springs. The information provided on Granite Creek shows that the 45 cfs request cannot be found throughout the year. The Department requests that the unallocated flow be the minimum stream flow when it drops below 45 cfs. Passage of fish migrating from the lake to Sullivan Springs and Granite Creek is critical to the Lake Pend Oreille fishery.

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.

SEP 12 1994

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

SEP 12 1994

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

SEP 12 1994

Table 6. 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	---

SEP 12 1994



Exhibit 1. Kokanee salmon in Sullivan Springs.

SEP 12 1994



Exhibit No. 2. Sullivan Springs upstream from kokanee spawning trap.

SEP 12 1994



Exhibit No. 3. Kokanee spawn taking operation at Sullivan Springs.

SEP 12 1984



Exhibit No. 4. Kamloops rainbow trout taken from Lake Pend
Oreille.

SEP 12 1954



Exhibit No. 5. Bull trout taken from Lake Pend Oreille.

SEP 12 1994

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

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. 96-7771

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

Post Office Address: Statehouse, Boise ID 83720

Telephone No. _____

Source of Water: Granite Creek

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 45 cfs _____ acre-feet

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

Measuring Device: Required? XX Yes XX No
Installed? X Yes XX No

Fee enclosed \$ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? XX Yes XX No
Installed? XX Yes XX 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 1994

9-1-89
Date

William D. Horton - For the Idaho Water Resource Board
Signature of Permit Holder (and title, if appropriate)

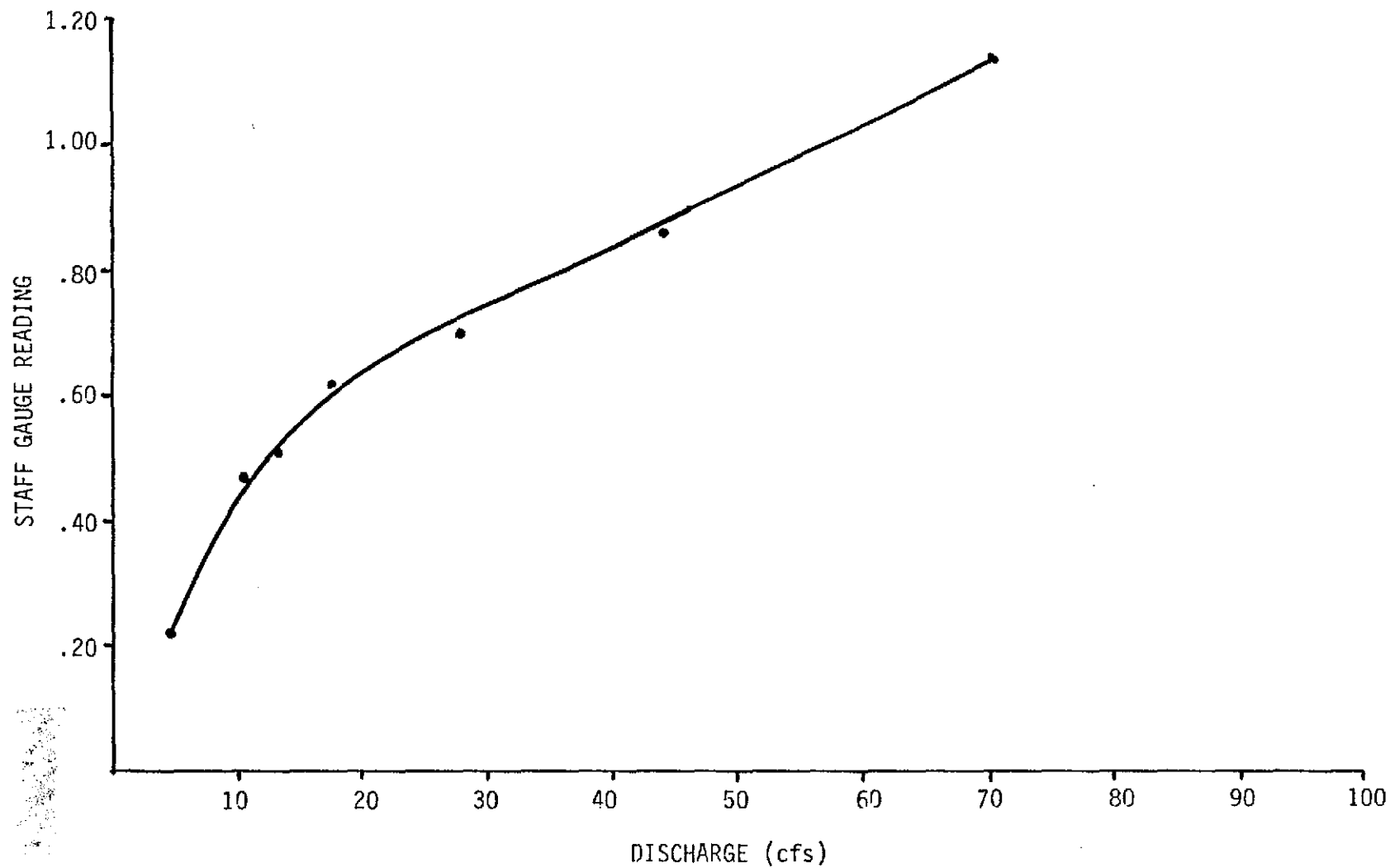


Figure 5. Staff gauge/discharge relationship for Granite Creek, Pend Oreille Lake drainage, Idaho.

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	---

RECEIVED
NOV 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

SEP 12 1989

(H.C.R. No. 40)

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 96-7771, it being an application for a permit to appropriate 45 cubic feet per second from Granite Creek, a tributary of Pend Oreille Lake, located on Lot 3, NW 1/4 of SE 1/4 of Section 26, Township 55N, Range 1W, in Bonner County, Idaho, be, and the same is hereby approved.

Adopted by the House February 21, 1980.

Adopted by the Senate March 6, 1980.

(H.C.R. No. 41)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE IN THE SECOND REGULAR SESSION OF THE FORTY-FIFTH IDAHO LEGISLATURE, INVITING THE GOVERNOR AND ELECTED OFFICIALS TO ATTEND A PROGRAM COMMEMORATING THE BIRTH OF ABRAHAM LINCOLN.

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

WHEREAS, Abraham Lincoln, sixteenth president of the United States of America, is recognized for his accomplishments on behalf of the American Union while serving as leader of this nation; and

WHEREAS, many of the programs initiated during the term of office of Abraham Lincoln established policy of special importance to the residents of the State of Idaho; and

WHEREAS, we count among these special accomplishments, the signing of the Organic Act of the Territory of Idaho, granting self-government to the great State of Idaho; the signing of the Homestead Law authorizing free land in the western territory to persons willing to settle on the land and cultivate it; and the signing of the Agricultural College Land Grant Act providing to every state in the Union the opportunity for establishment of an agricultural college; and

WHEREAS, it is fitting and proper that we honor the memory of Abraham Lincoln on this, the anniversary of his birth.



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

MICROFILMED

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

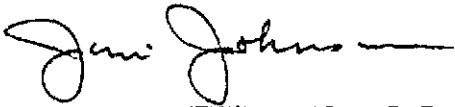
RECEIVED
AUG 14 1984

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

RECEIVED

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

MICROFILMED



July 25, 1984

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

RECEIVED
JUL 30 1984

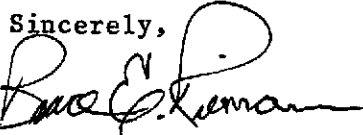
Department of Water Resources

Mr. Dave Tuthill *DKT*
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

RECEIVED

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).

APR 10 1984

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

MICROFILMED

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.

RECEIVED

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

537-6610

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. 96-7771 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

ENCLOSURE



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

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>rg/4-28-80</u>
4. Applicant notified of legislative Approval/Denial.	Records Chief	<u>rg/4-28-80</u>

MICROFILMED

FACT SHEET

App. No.

96-7771

Source: GRANITE CR.

Tributary To: PEND ORIELLE LAKE

Requestor: IDAHO DEPT. OF FISH & GAME

Quantity: 45 CFS

Length of Reach: 0.5 MI

Purpose: MAINTAIN TROUT & KOKANEE PASSAGE FLOWS

Date Received: 4/17/79

Date Hearing Held: 8/2/79 IN COEUR D'ALENE

Date Approved by Director: 9/18/79

Other Rights: NO RECORDED WATER RIGHTS.

REMARKS: MAJORITY OF FLOW PROVIDED BY SULLIVAN SPGS.

MICROFILMED

FACT SHEET

Source: Granite Creek

Tributary To: Pend Orielle Lake

Requestor: Idaho Dept. of Fish & Game

Quantity: 45 cfs

Length of Reach: 0.5 mi.

Purpose: Maintain Trout & Kokanee passage flows

Date Received: 4-17-79

Date Hearing Held: 8-2-79 in Coeur d'Alene

Date Approved by Director: 9-18-79

Other Rights: No recorded water rights.

REMARKS: Majority of flow provided by Sullivan Springs.

RECORDED

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

<u>Name</u>	<u>Organization</u>
See Attached sheet	

Related Correspondence

<u>Name</u>	<u>Organization</u>	<u>Received</u>
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

FACT SHEET

Sen Marsden
Williams
Chairman

Source: Granite Creek - Bonner Co.

Tributary to: Pend Oreille Lake

Requestor: Idaho 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. Mansley
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



STATE OF IDAHO

See 96-7771

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.

MICROFILMED

January 14, 1980
Page 2

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.

RECEIVED

January 14, 1980
Page 3

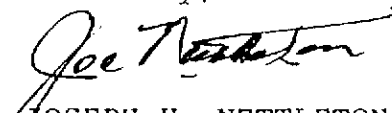
You may be interested in the procedures that were followed. The Department published legal notice of hearings on all applications and in addition news releases concerning the applications were sent to newspapers in the vicinity. The first hearing was on the Silver Creek applications held in the City 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



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

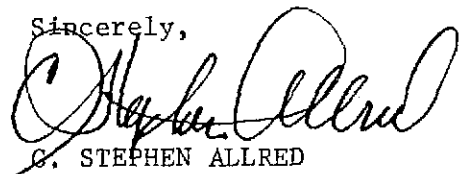
Dear Senator Budge:

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.

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 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, 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

DATE 9/26/79

FROM Rita Fleck

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.

See file 96-7772 for hearing tapes

RP

SIGNATURE



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

Fish and Game
advised ✓ *Ex 8*
REGION 1
2320 GOVERNMENT WAY
COEUR d'ALENE, IDAHO 83814

STATEMENT OF BILL GOODNIGHT, REGIONAL FISHERY MANAGER
IDAHO DEPARTMENT OF FISH AND GAME
REGARDING INSTREAM FLOW WATER RIGHT APPLICATIONS FOR
SULLIVAN SPRINGS AND GRANITE CREEK

To: Idaho Department of Water Resources

Date: August 2, 1979
Coeur d'Alene, Idaho

Sullivan Springs is a tributary to Granite Creek which flows into the east side of Pend Oreille Lake.

Sullivan Springs and Granite Creek have been major traditional spawning streams for Lake Pend Oreille kokanee.

Kokanee salmon, also called blueback or silvers, are a landlocked form of Pacific Ocean sockeye salmon. Like their ocean counterpart, the sockeye, are highly valued as table fish and smoked and canned blueback is a traditional winter staple for North Idaho sportsmen.

Kokanee were first identified from Pend Oreille Lake in 1933. They were downstream migrants from Flathead Lake in Montana. Kokanee adapted well to Pend Oreille and were soon a popular sport fish. Kokanee flourished and commercial fishing and sale of kokanee began in 1945 with no limit. In 1952, a 50-fish sport limit and a 200-fish commercial limit were established. The kokanee catch from 1953 through 1965 averaged over 1,000,000 fish per year.

Kokanee are also the exclusive food item for Kamloops rainbow and Dolly Varden trout. World records for both species (37 lbs and 32 lbs respectively) came from Pend Oreille. Many fish over 20 lbs are caught annually.

We estimate from economic surveys that the net value of a day's fishing on Pend Oreille is \$48 which represents an anglers willingness to pay. This compares well with values arrived at in other studies on trout and salmon fisheries.

In 1978, 50,000 angler days were expended on Pend Oreille making the net annual value of that fishery about \$2.5 million dollars.

The capitalized value of the fishery which represents the capital investment that would be necessary to produce annual sustained values of 2.5 million at 7 3/4% interest would be 30 million dollars. (You would have to invest 30 million at 7 3/4% to receive returns equal to annual values comparable--2.5 million.)

Kokanee populations have declined drastically during the past 10 years and research indicates the only road to recovery is artificial enhancement. We need to release large numbers of kokanee fry annually to reach historic populations levels.

To do that we need a massive egg supply. We are looking to Sullivan Springs for this supply. 20,000-90,000 kokanee spawn annually in Sullivan Springs. This run needs to be increased to 150-200 thousand fish to supply the eggs needed to support a hatchery. Sullivan Springs is critical to the future well being of the fisheries of Pend Oreille and other North Idaho lakes.

In 1958, Sullivan Springs was extensively altered to optimize kokanee spawning success. The stream was widened, twelve drop log structures placed instream to provide optimum depths (2-3 inches) and velocities for kokanee spawning. Graded gravel of a size to provide optimum spawning was placed in the channel. Any significant withdrawal of water within Sullivan Springs could reduce depths and retard or restrict fish movement, dewater some available areas, and seriously reduce the spawning capacity of Sullivan Springs.

Using accepted measurement techniques Department personnel on July 20, 1977 measured a flow of 45 cfs. Sullivan Springs is a short run stream of spring origin and flows do not fluctuate significantly. *

Kokanee enter Granite Creek beginning in mid-October. Spawning takes place in Sullivan Springs and Granite Creek through late December. Embryos remain in the gravel through May when hatched fry emerge and migrate to Pend Oreille Lake.

During the periods of kokanee spawning (mid-November through late December) flows in Granite Creek above Sullivan Springs are negligible. Therefore it is critical to maintain flows to the mouth of Granite Creek equal to Sullivan Springs flows to provide attraction, conveyance and holding water for fish destined for Sullivan Springs.

Ten to twenty pair of lake run Dolly Varden up to 10 lbs also spawn annually between the source of Sullivan Springs and the mouth of Granite Creek. These fish enter Granite Creek beginning in mid-August and spawning takes place during September. Embryos remain in the gravel until late May when hatched fry migrate to the lake.

* { Last May we noticed someone had placed a two-inch water line in Sullivan Springs. After investigating we found two families from the downstream subdivision were using it for domestic water. With 91 lots subdivision downstream 100% sold and because of the close proximity of this high quality water source, people will inevitably be looking to Sullivan Springs for domestic water.

Another 200-unit subdivision lies adjacent and upstream to Sullivan Springs. Recently a Canadian developer purchased the remaining lots in this subdivision. He has requested a right-of-way across our property for a power line to his subdivision and we feel it inevitable that he or some lot purchasers will also look to Sullivan Springs for water.

Sportsmen and businessmen in the Panhandle have been highly vocal regarding their desire to see Pend Oreille kokanee restoration efforts proceed. Granite Creek and Sullivan Springs are an integral part of that restoration effort. Approval of the applications for instream flows for Sullivan Springs and Granite Creek would provide needed protection for an existing fishery resource and facilitate badly needed restoration efforts, both of vital interest to the public, locally and regionally.

Bill Goodnight
Regional Fishery Manager

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

96-7771 ✓
96-7772

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

Dear Mr. Alldred,

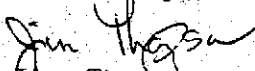
It has come to the attention of the Bonner County Sportsman's Assoc. that the Fish and Game Dept. has applied for minimum stream flow rights at Granite Creek and Sullivan Springs in the interest of improving the kokanee fishery on Lake Pend Oreille.

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
Member of Board of Directors

RECEIVED

AUG 1 1979

Department of Water Resources
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

RECEIVED

JUL 31 1979

Department of Water Resources
Northern District Office

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.

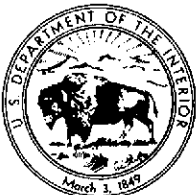
Very truly yours,

D. L. Olson

BDA:sw

cc: William Goodnight (IDFG)

MICROFILMED



United States Department of the Interior

RECEIVED

JUL 30 1979

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
4629 Overland Road, Room 209
Boise, Idaho 83705

Department of Water Resources

DBS

July 30, 1979

95-7874

95-7874 ✓

95-7874

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



Save Energy and You Serve America!

MICROFILMED

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

✓	70
	109
✓	145

37-7727
37-7728
✓ 36-7818
36-7819
36-7820
36-7821
36-7822
36-7823

76-7722
96-7771
95-7771

MICROFILMED

96-2771

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.

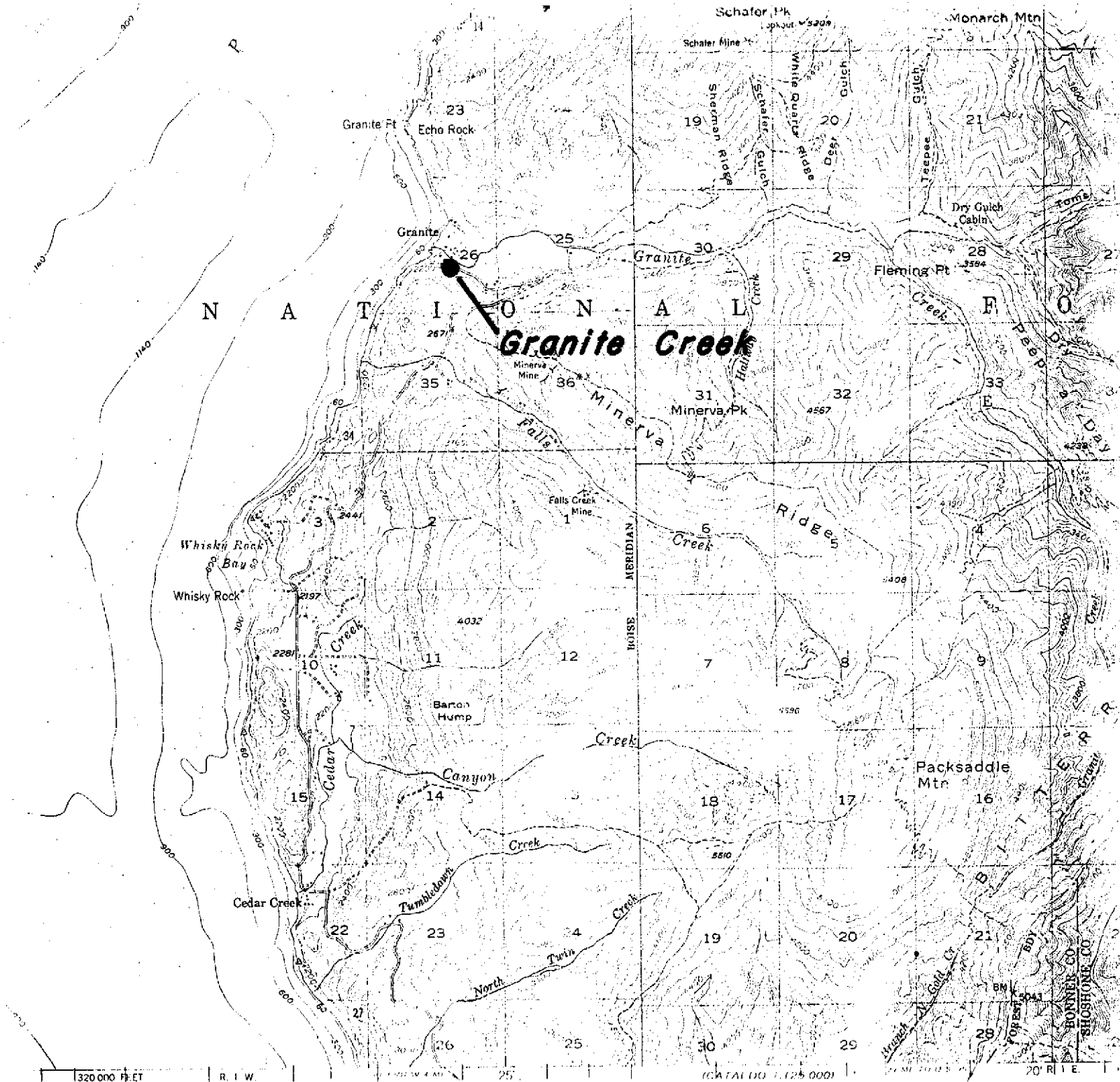
Sincerely,

Joe Wyllie

Joe Wyllie
President, BVFF

JW:jl

MICROFILMED



prepared, edited, and published by the Geological Survey
by USGS, USC&GS and USFRA

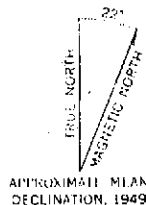
photographs from aerial photographs by multiplex methods
photographs taken 1946. Field check 1949
values are from USC&GS charts

conic projection, 1927 North American datum
100 foot grid based on Idaho coordinate system

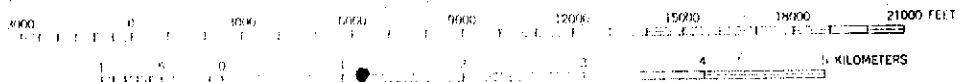
land lines indicate approximate location

elevations are shown in brown

meter Universal Transverse Mercator grid ticks,
11, shown in blue



APPROXIMATE MEAN
DECLINATION, 1949



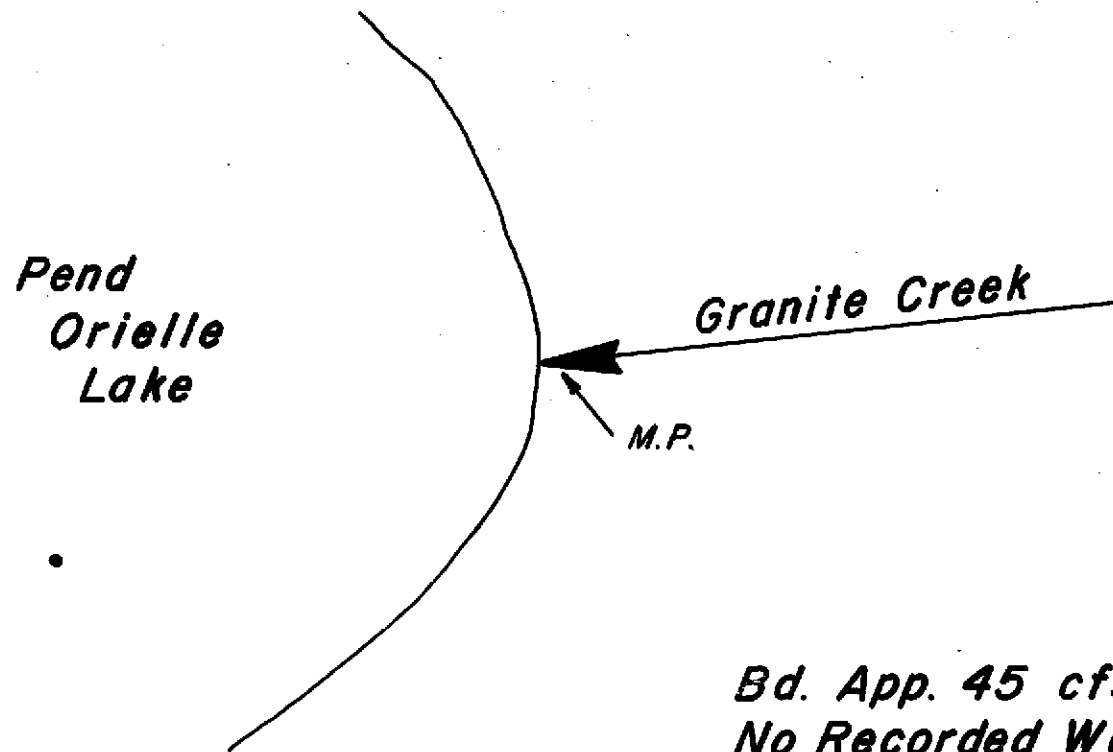
CONTOUR INTERVAL 40 FEET

DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET - DATUM IS LAKE ELEVATION 2054 FEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Staff
ex. 4

Staff
EX, #5



***Bd. App. 45 cfs.
No Recorded Water Rights.
Majority Of Flow Provided
By Sullivan Springs.***

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 96-7771 IWRB

☒ 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
☒ Fee None Required

(1) RGA 4-20-79
(2) RSK 4-20-79

In form to receipt

Send Copies to:

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

(4) RGA 4-20-79
(5) RSK 6/28/79

In form for advertising

Authorization for advertising received from Dave Shaw
Platted on Map No. 6/25/79

(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 _____

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.

*mailed
8-2-79*

MICROFILMED

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD, STATEHOUSE, BOISE, ID 83720

Source: GRANITE CREEK tributary to PEND OREILLE LAKE

Date Filed: 04/19/1979

Amount: 45.00 CFS

Diversion Point: LOT 03 (NWSE) NESE Sec 26 T 55N R 01W, BONNER Co.

Use:

Place of Use: LOT 03 (NWSE) NESE Sec 26 T 55N R 01W

*not used for
advertising
see typed form*

MICROFILMED

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD, STATEHOUSE, BOISE, ID 83720

Source: GRANITE CREEK tributary to PEND OREILLE LAKE

Date Filed: 04/19/1979

Amount: 45.00 CFS

Diversion Point: LOT 03 (NWSE) NESE Sec 26 T 55N R 01W, BONNER Co.

Use:

Place of Use: LOT 03 (NWSE) NESE Sec 26 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

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
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)

UNRECORDED



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