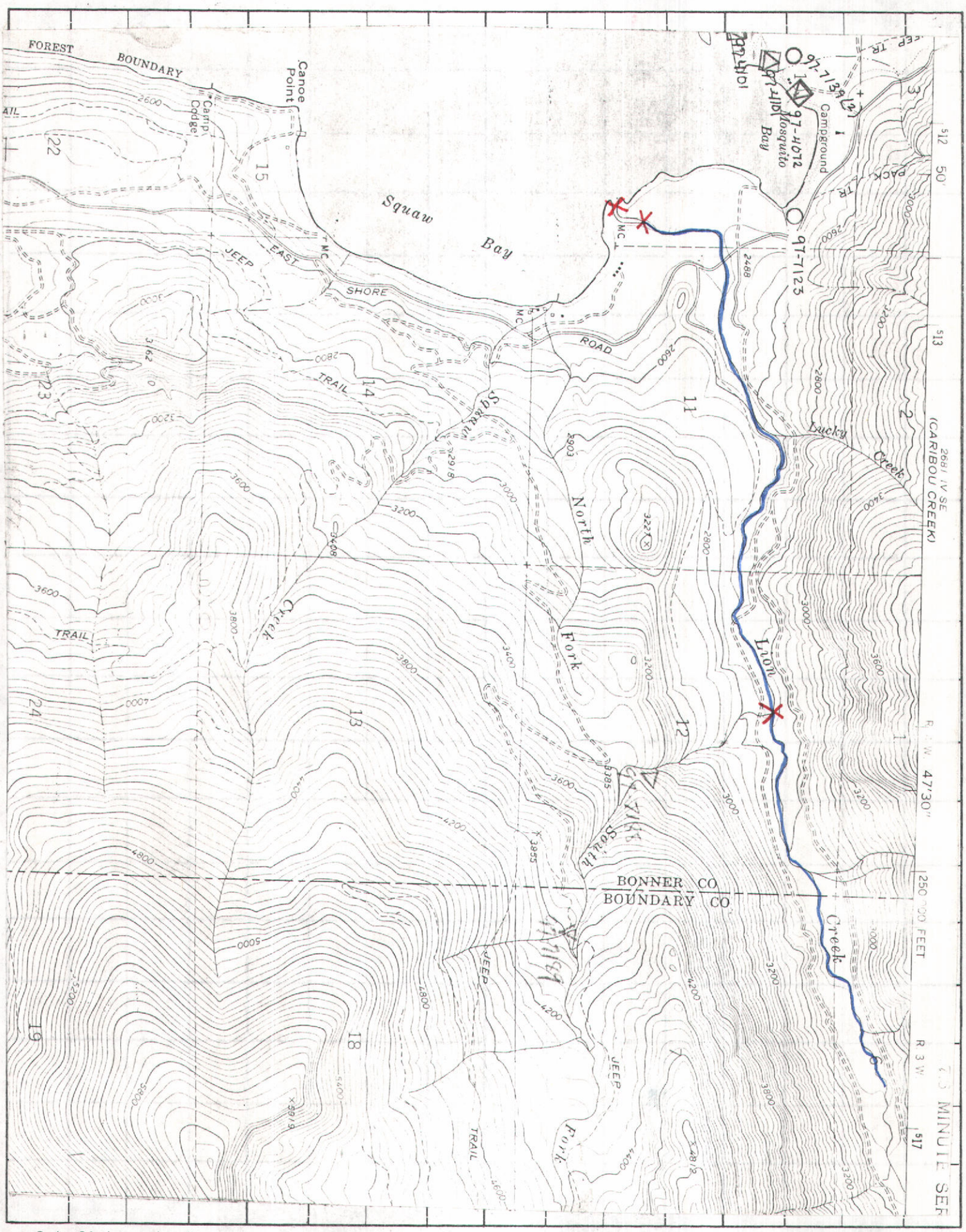
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

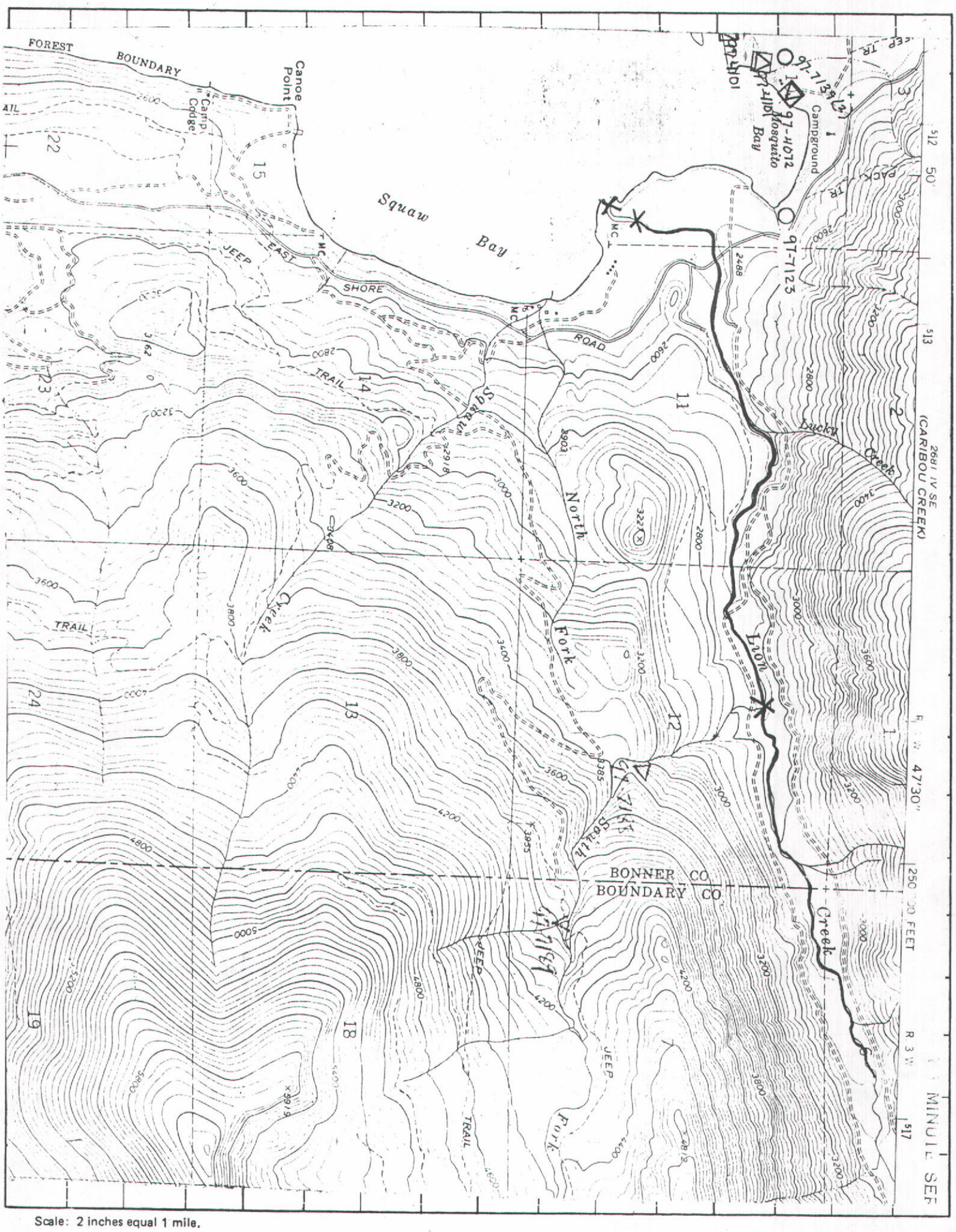
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JUL 27 1988
MAY 11 1994

(Applicant)

Chairman, Idaho Water Resource Board

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.

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MICROFILMED
JUL 2 7 1988

(Applicant)

Chairman, Idaho Water Resource Board

MICROFILMED
MAY 1 1 1994









Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for .....two..... consecutive weeks, first publication having been made on the .....1st..... day of .....October....., 19..87, last publication having been made on the .....8th..... day of .....October....., 19.87.., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

J. Robb Brady

Subscribed and sworn to before me, this ..20th.. day of ..October....., 19.87..

Leon R. Napier

Notary Public

My commission expires ..September. 30,....., 19.88..

B10

NOTICE OF APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW AND HEARING

Notice is hereby given that the IDAHO WATER RESOURCES BOARD has submitted Applications for Permit to Appropriate Water Nos. 97-7274 and 97-7275 to the Idaho Department of Water Resources for the purpose of establishing a minimum streamflow in Indian Creek and Lion Creek, tributary to Priest Lake. The applications propose the issuance of permits for the following:

INDIAN CREEK — Application No. 97-7274
Source: Indian Creek tributary to Priest Lake
Proposed Priority: April 26, 1985
Amount & Period of Use: 26 cfs from 01/01 to 12/31
Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.
Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 (SW 1/4 NE 1/4), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the S 1/2 SE 1/4, Section 13, T61N, R4W, B.M., Bonner County.

LION CREEK — Application No. 97-7275
Source: Lion Creek tributary to Priest Lake
Proposed Priority: April 26, 1985
Amount & Period of use: 22 cfs from 01/01 to 12/31
Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.
Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 (NE 1/4 SE 1/4), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE 1/4 NW 1/4, Section 12, T62N, R4W, B.M., Bonner County.

The Director of the Department of Water Resources will hold a public hearing on the applications at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 p.m. on October 21, 1987 for the purpose of hearing evidence regarding the applications. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

In addition to the daytime hearing, there will be a special evening hearing starting at 7:00 p.m. at the Sandpoint VFW Hall for the purpose of accepting testimony from individuals who are unable to attend the daytime session. Persons who choose to attend this session will not have an opportunity to cross examine either the applicant or others whose testimony is presented earlier in the day.

Any party who wished to formally appear at this proceeding for the purpose of presenting evidence or cross-examining witnesses must file a notice of appearance with the Director of the 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. Written informal views and comments may also be submitted to the Department of Water Resources through November 2, 1987.

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

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES
Published: October 1, 8, 15, 1987

OK
10/26/87

RECEIVED
OCT 23 1987
Department of Water Resources
Northern District Office
MAY 11 1994
MICROFILMED
JUL 27 1988

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, a newspaper printed and published at Sandpoint, in Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of legal notice

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 23 day of Oct, 19 85 and ending on the 30 day of Oct, 19 85 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 5 day of Nov, 19 85

Linda A Morrow 11/6/85

Notary Public for Idaho

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on April 26, 1985, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are tributary to Priest Lake and further described as follows:

APPLICATION NO. 96-7274

Source: Indian Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the SWNE Sec. 27, T61N, R4W, B.M., upstream about 3 miles to the confluence with the South Fork of Indian Creek in the S½SE¼, Sec. 13, T61N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
26 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

APPLICATION NO. 96-7275

Source: Lion Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the NESE Sec. 10, T62N, R4W, B.M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NENW Sec. 12, T62N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
22 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

The Idaho Water Resource Board will hold a public meeting on the applications at 7:30 p.m. on Wednesday, November 6, 1985, in District Courtroom No. 1, Bonner County Courthouse, 215 S. 1st St., Sandpoint, Idaho, for the purpose of gathering information on public interest regarding the above minimum flow applications.

Gene Gray
Chairman
Idaho Water Resource Board

#420 October 23, 30, 1985

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NOV 6 1985
Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

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Pete Thompson

By D Crabb

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Linda A Morrow

Notary Public for Idaho

Residing at Sandpoint, Idaho

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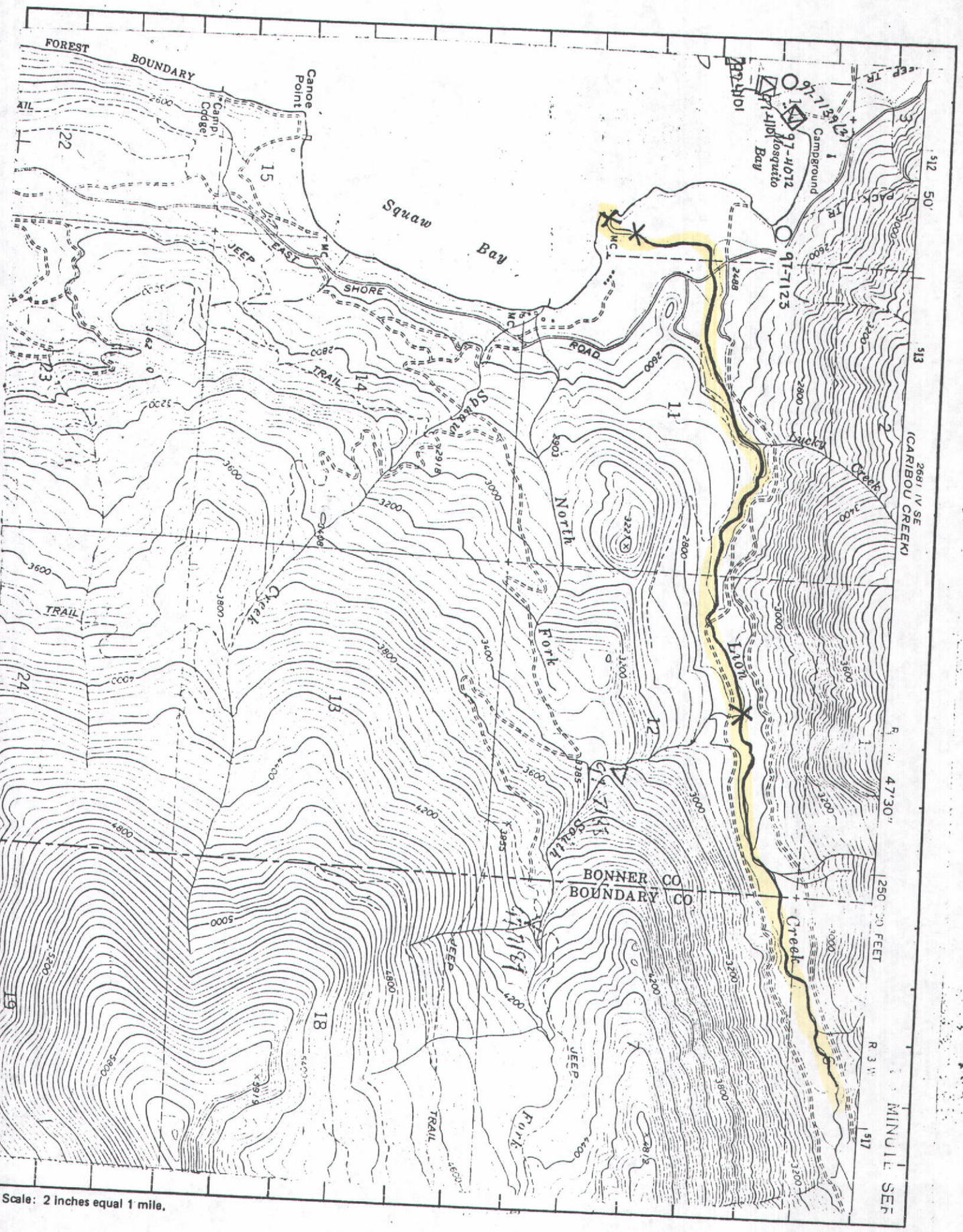
11/4/85

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Department of Water Resources
Northern District Office

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JUL 2 7 19

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



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.

(Applicant)

Chairman, Idaho Water Resource Board

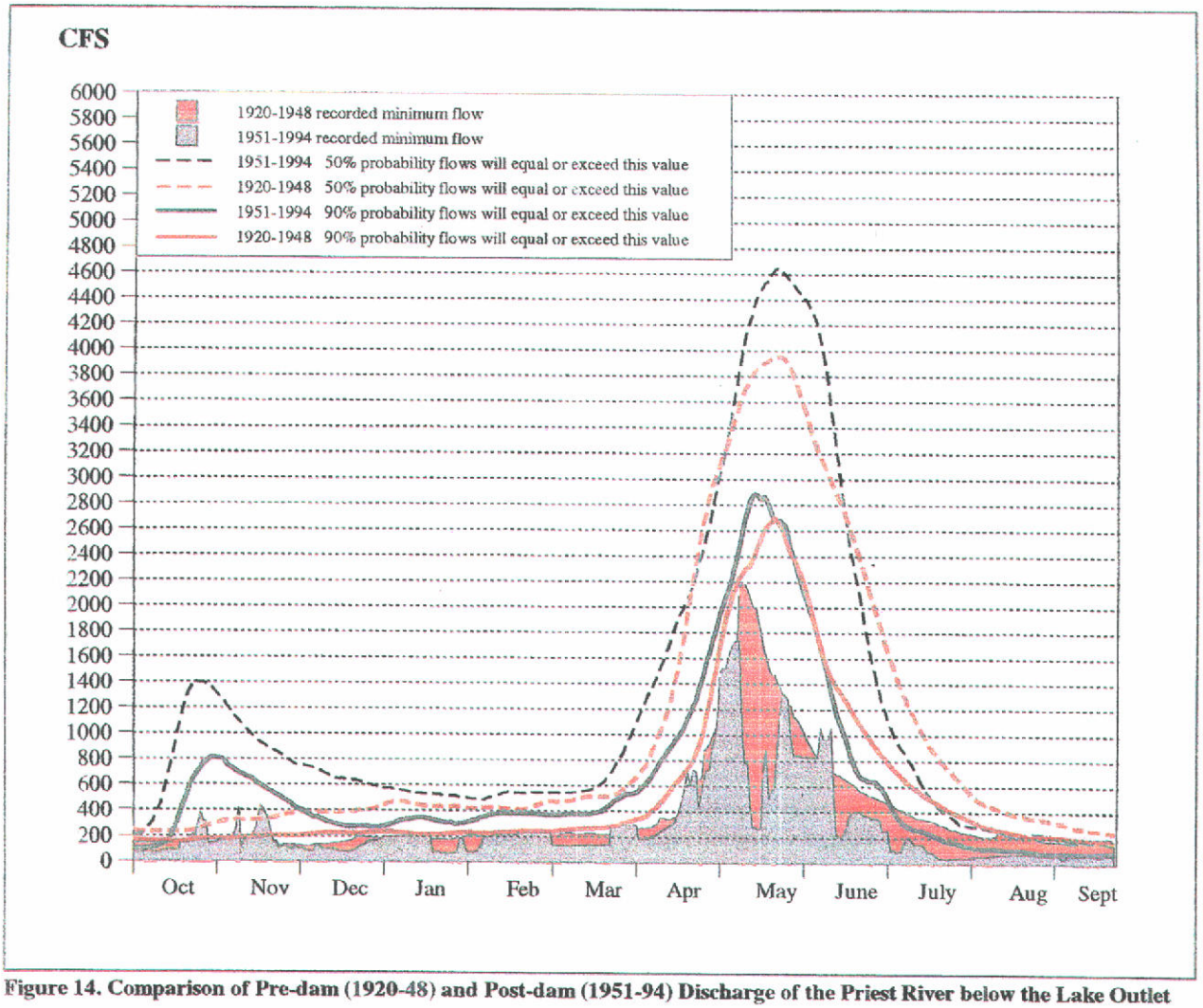


Figure 14. Comparison of Pre-dam (1920-48) and Post-dam (1951-94) Discharge of the Priest River below the Lake Outlet

Based on the 1920-1950 period, there was a 50% probability river flows below the lake outlet would equal or exceed 2000 cfs in early July and 600 cfs at the end of July. During August, there was a 50% probability flows would equal or exceed 600 cfs early in the month and 350 cfs by the end of August. Base flows of 200 cfs were not realized until October (based on a 90% probability of equaling or exceeding this rate). This compares with a post dam 50% probability that flows will equal or exceed 1200 cfs at the beginning of July, 300 cfs at the end of July, and 200 cfs during the month of August.

The 90% probability flows compare pre-dam and post-dam river flows with more certainty. Again, through-out the summer, river flows were approximately 200 cfs greater prior to dam construction and operation, than they are today. Based on the 1920-1950 period, there was a 90% probability river flows below the lake outlet would equal or exceed flows of 800 cfs in early July and 400 cfs by the end of July. This compares with a post dam 90% probability that flows will equal or exceed 400 cfs at the beginning of July, 200 cfs at the end of July, and 100 cfs during the month of August.

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Natural lake height on average dropped below 3.0 feet by July 1. Records from 1930 through 1950 show the lake height on the USGS gage (12393000) typically receded below 3.0 feet by the end of June (Table 11). Figure 15 illustrates maximum, minimum, and median lake stages pre- and post- dam. The outlet structure began operating in August 1950. Since the structure was built in 1951, the summer lake level has routinely varied between approximately 2.9 feet and 3.1 feet. In 1949, Diamond Match Company removed rock, driftwood, and boulders from the lake outlet which had impeded the passage of logs (during the low-water stage) from the lake to their sawmill situated approximately ¼ mile down-stream. This operation was probably of some immediate benefit, but not wholly successful, according to a Department of Water Administration Field Engineer. An examination of lake height and lake inflow records does not indicate that dredging significantly altered either the surface height of the lake or river flows.

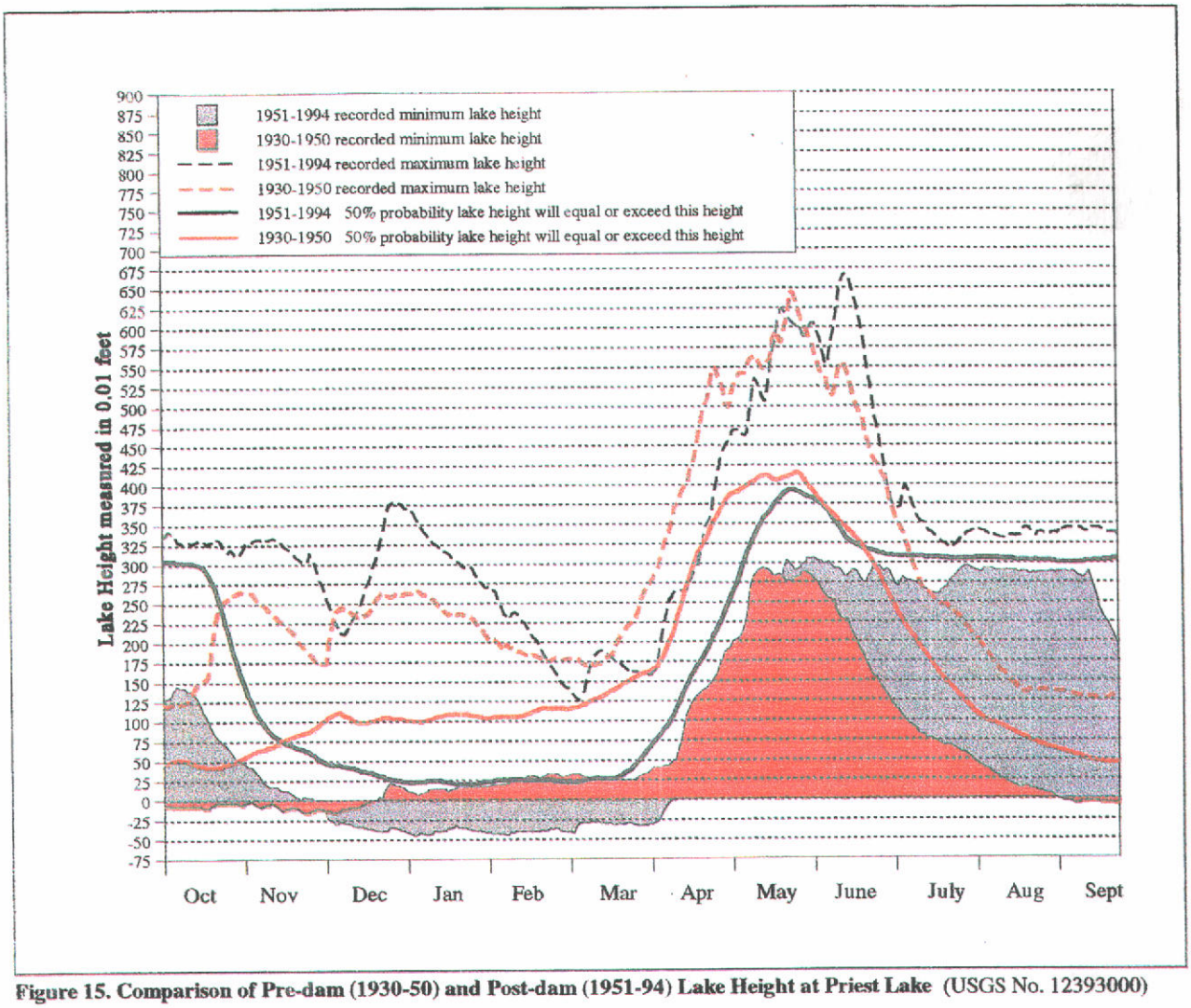


Figure 15. Comparison of Pre-dam (1930-50) and Post-dam (1951-94) Lake Height at Priest Lake (USGS No. 12393000)

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Job Performance Report, Project F-73-R-9
Subproject III: LAKE AND RESERVOIR INVESTIGATIONS
Study III: Fishery Enhancement in Large North Idaho Lakes
Job 2: Enhancement of Trout in Large North Idaho Lakes



By

Gregg R. Mauser, Senior Fishery Research Biologist
Robert W. Vogelsang, Biological Aide
Carole L. Smith, Biological Aide

February 1988

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JUL 18 1997

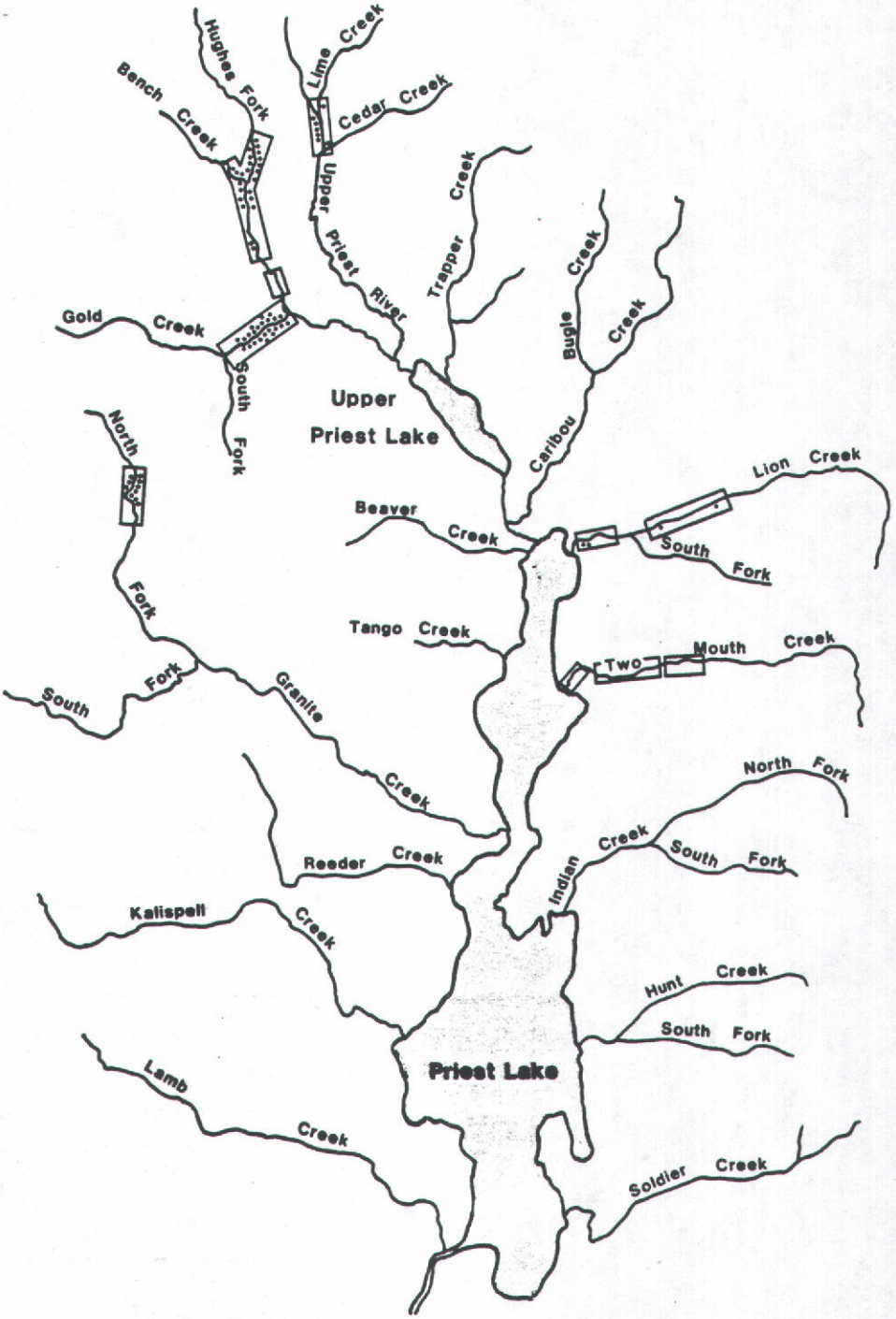


Figure 25. Stream sections surveyed and locations of bull trout redds in tributaries of Priest and Upper Priest lakes, Idaho, September 11 to 21, 1986.

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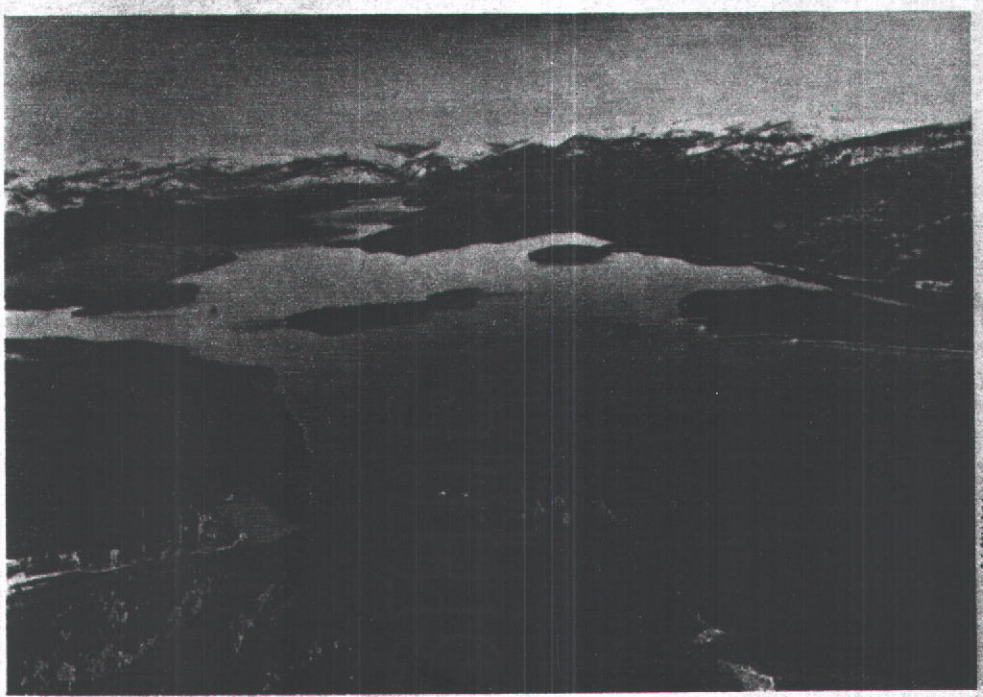
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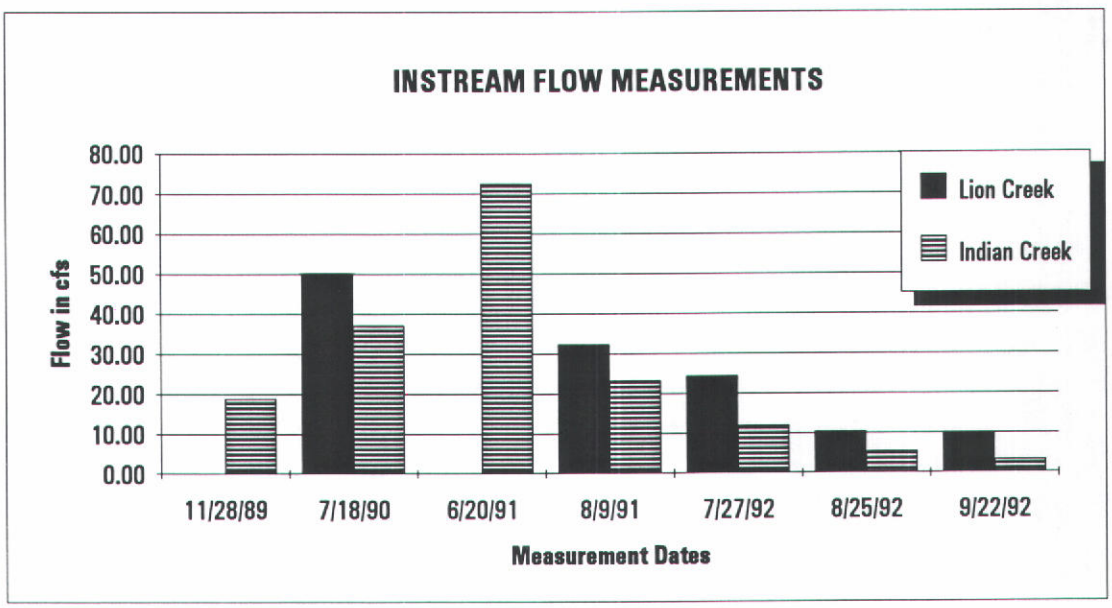
Gregg R. Mauser
Senior Fishery Research Biologist
January 1986

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JUL 18 1997

INSTREAM FLOW MEASUREMENTS

By Idaho Dept. of Fish & Game and Priest Lake State Park Staff

DATE	LION CREEK Flow in cfs	INDIAN CREEK Flow in cfs
11/28/89		18.749
7/18/90	50.212	37.156
6/20/91	Off Top of Gage	72.45
8/9/91	32.30	23.16
7/27/92	24.37	11.81
8/25/92	10.28	5.28
9/22/92	9.93	3.21



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RECEIVED
FEB 25 1994

INDIAN [redacted] - LION CR[redacted] HEARINGS

97-7275

PREHEARING CONFERENCE PROCEDURE

1) Combined / Separate Hearings
2) Explain hearing format -
   full parties - identify / representation
   public statements - ask if any time problems
3) Order of appearance
4) Review decision criteria - 42-1503
   a) interference with existing water rights
   b) public not private interest
   c) pres. of fish & wildlife habitat, aq. life, rec., aesthetics, trans. w.q.
   d) min. not ideal
   e) capable of being maintained

ANSWER any questions

HEARING PROCEDURE

Recorder
1) Take appearances - READ OPENING STATEMENT
2) DAVE RYDALCH - IWRB
3) GARY Spackman - official notice
4) FARRES & Rea -
5) F&G -
6) others
7) Public witness -
8) Rebuttal & closing
9) Leave record open for 10 days for public statements

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MAY 11 1994
JUL 27 1988

```
$!-------------------------[redacted]RIGHTS USER LOGIN COMMA[redacted]LE-------------------
$!                          USER: WRUSERS.WRSTATE.WRGARRETT
$!
$! set user-requested default protection--
$       SET PROT=(S:RWED,O:RWED,G:RWE,W)/DEFAULT
$!
$! check mode - exit if not interactive--
$       MODE = F$MODE()
$       IF MODE .NES. "INTERACTIVE" THEN EXIT
$! THIS COM FILE IS USED TO SUBMIT BATCH DTR PROCEDURES
$!
$!
$!
$SET DEFAULT WATERA:[WRUSERS.WRSTATE.WRGARRETT]
$ ASSIGN "CDD$TOP.WATERA.WRUSERS.WRSTATE.WRGARRETT" CDD$DEFAULT
$MCR DTR32
VAX Datatrieve V3.1
DEC Query and Report System
Type HELP for help
```

SOURCE SEARCH BY LION CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 26-APR-1985
WITHIN BASIN 97

NUMBER	STAGE	DATE	POD	SOURCE
97-7275	A	26-Apr-1985	NESE 10 62N 04W NENW 12 62N 04W	LION CREEK

✓ MSF

SOURCE SEARCH BY INDIAN CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 26-APR-1985
WITHIN BASIN 97

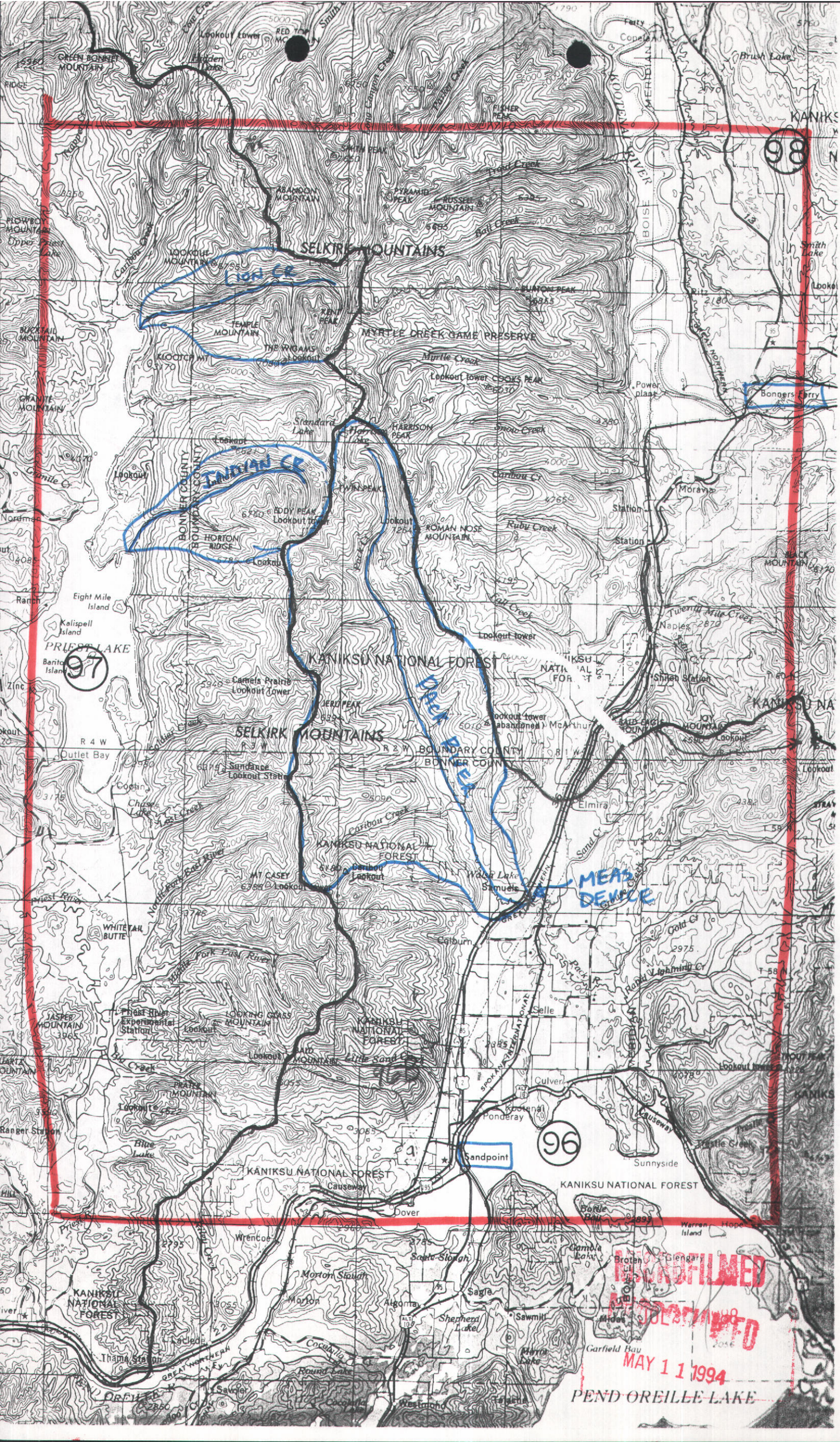
NUMBER	STAGE	DATE	POD	SOURCE
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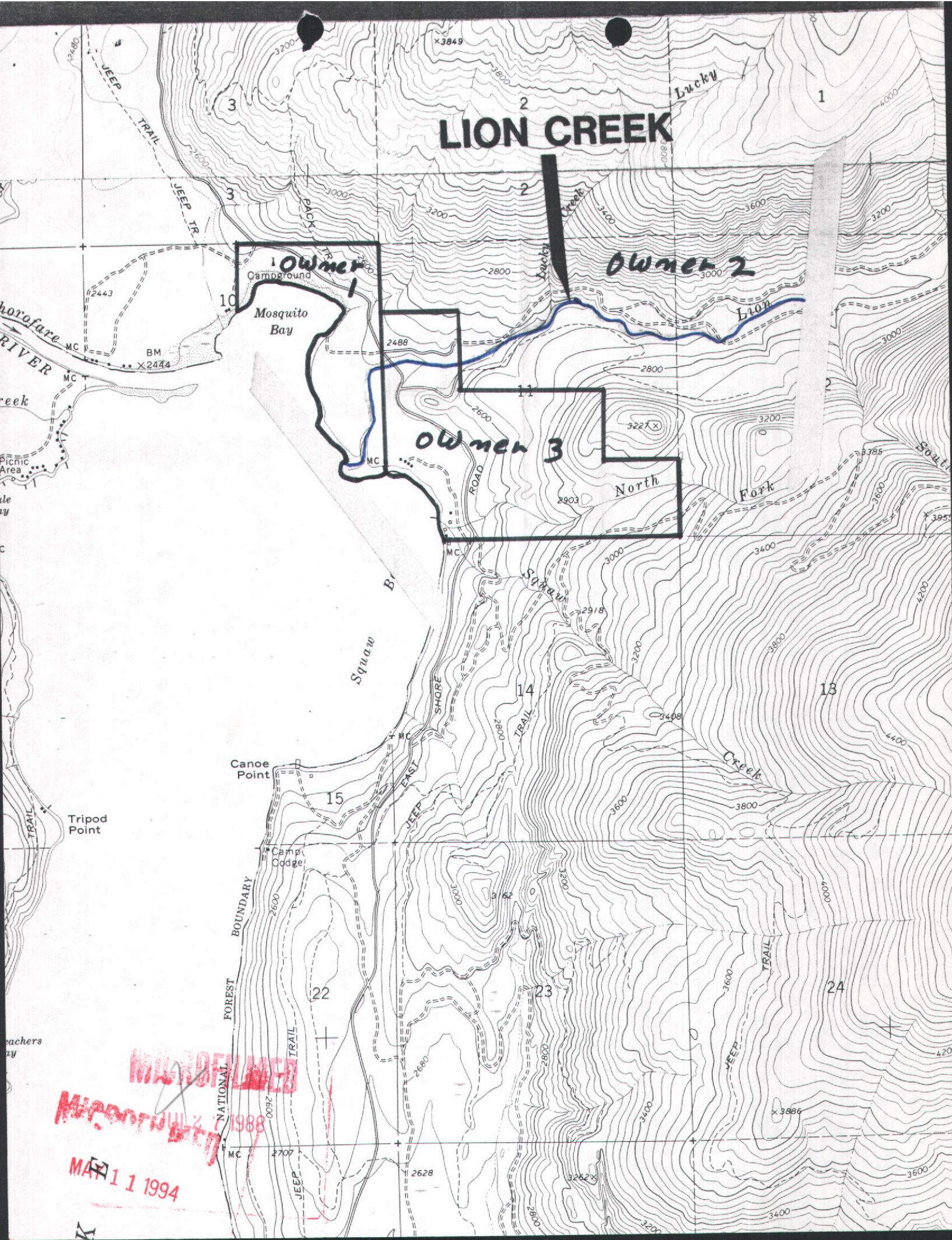
✓ MSF

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JUL 2 1 1988
MAY 1 1 1994

SOURCE SEARCH BY ROCK CREEK, EAST FORK
PRIORITY DATE GREATER THAN OR EQUAL TO 1-JAN-1880
WITHIN BASIN 41

NUMBER	STAGE	DATE	POD	SOURCE
41-0002	D	1-May-1886	SWSE 06 10S 31E	ROCK CREEK, EAST FORK
41-0018	D	15-May-1887	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-0019	D	1-May-1885	SENW 11 10S 31E	ROCK CREEK, EAST FORK
41-0022	D	1-Oct-1885	SWNE 10 10S 31E	ROCK CREEK, EAST FORK
41-0024	D	12-Mar-1881	SWSE 06 10S 31E	ROCK CREEK, EAST FORK
41-0025	D	15-May-1887	[illegible]	ROCK CREEK, EAST FORK


Lion Cr.
Indian Cr.
Pack River
MEADOW CREEK
SELKIRK MOUNTAINS
KANIKSU NATIONAL FOREST
MYRTLE CREEK GAME PRESERVE
BOUNDARY COUNTY
BONNER COUNTY
PRIEST LAKE
PEND OREILLE LAKE
Sandpoint
Priest River
Elmira
Naples
Moravia
Bonners Ferry
Coolin
Outlet Bay
Eight Mile Island
Kalispell Island
Baritou Island
Selle
Culver
Ponderay
Sunnyside
Dover
Wrencoe
Morton Slough
Scale Slough
Algoma
Sagle
Sawmill
Garfield Bay
Laclede
Sawyer
Thama Station
Round Lake
Westmond
Talache
Glengary
Warren Island
Hope
Coldwater Creek
Gold Cr.
Rapid Lightning Cr.
Trestle Creek
Causeway
Lookout Tower
Ranger Station
Ritz
Brush Lake
Smith Lake
Granite Mountain
Buck Tail Mountain
Lookout Mountain
Temple Mountain
Kootch Mt.
Harrison Peak
Eddy Peak
Horton Ridge
Twin Peaks
Roman Nose Mountain
Ruby Creek
Gull Creek
Twenty Mile Creek
Black Mountain
Jerry Peak
Camels Prairie Lookout Tower
Sundance Lookout Station
Mt. Casey
Caribou Lookout
Whitetail Butte
Jasper Mountain
Looking Glass Mountain
Priest River Experimental Station
Blue Creek
Little Sand Creek
Prater Mountain
Blue Lake
Lookout tower abandoned
Joy Mountain
Shiloh Station
Walker Lake
Samuels
Caribou Creek
Sand Cr.
Packer Cr.
Myrtle Creek
Snow Creek
Ball Creek
Pyramid Peak
Russell Mountain
Fisher Peak
Abandoned Mountain
Green Bonnet Mountain
Lookout Tower
Red Top Mountain
Smith Creek
Long Canyon Creek
Fourth Creek
Boise Cascade
Great Northern
Power plant
Cooks Peak
Standard Lake
Horn Lake
Caribou Cr.
Cedar Creek
Priest River
North Fork East River
White Fork East River
Flowery Mountain
Upper Priest Lake
Lookout tower
Lookout
Ranch
Zinc
Nordman
Cooks Peak
Twin Peak
Eddy Peak
Fisher Peak
Abandoned Mountain
Green Bonnet Mountain
Lookout Tower
Red Top Mountain
Smith Creek
Long Canyon Creek
Fourth Creek
Boise Cascade
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North Fork East River
White Fork East River
Flowery Mountain
Upper Priest Lake
Lookout tower
Lookout
Ranch
Zinc
Nordman
R 4 W
R 3 W
R 2 W
R 1 W
T 60 N
T 59 N
T 58 N
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97
96
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26 mi²

20 mi²

PRIEST LAKE STATE PARK MOSQUITO BAY

PRIEST LAKE STATE PARK INDIAN CREEK

MYRTLE CREEK STATE GAME PRESERVE

KANIKSU NATIONAL

PRIEST LAKE

T 63 N
T 62 N
T 61 N
T 60 N

R 4 W
R 3 W
R 2 W

BONNER CO
BOUNDARY CO

Priest Lake
Trail
Caribou Creek
Lookout Lake
Lookout
Pack
Jeep Tr
Lucky Creek
Lion Creek
Kent Creek
Ball Lakes
Myrtle Lake
Jim Creek
Peak Cr
Myrtle Creek
Two Mouth Lakes
Two Mouth Creek
Cooks Cr
Cooks Lake
Brooks Lake
Standard Lakes
Harrison Lake
Distillery Bay
Huckleberry Bay
Squaw Bay
South Fork Squaw Creek
Indian Cr Bay
Indian Trail
South Fork Indian Creek
Beaver Creek
North Fork Beaver Creek
Spring Cr
Beehive Lakes
Bottleneck Lake
Snow Lake
Roman Nose Lakes
Fall Trail
West Branch Creek
Abache Ridge
Hunt Creek
Hunt Lake
Horse Cr
Gunsight Cr
Fault Lake
McCormick Lake
McCormick Creek
Homestead Cr
Young Creek
Pearson Creek
Falls Creek
Jeru Creek
Marys Creek
River
Lindsey Creek
Jeru Ridge
Eightmile Island
Bernoo Island
Shoshone Bay
Fourmile Isl
Cougar Creek
Cavanaugh Bay
Radio Tower
Fenton Cr
Cavanaugh Bay Airport
Soldier Creek
Sherwood Beach
Lookout 2050
Lookout 2144
Lookout 2014
Lookout 1857
Lookout 2213

51 R 4 W 250 45' 250 R 3 W 53 R 2 W 300

gement

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20 Roman Nose–1967
21 Moravia–1965
22 Bonners Ferry–1965
23 Moyie Springs–1965
24 Curley Creek–1965

GN MN 21°

1 0 1 2

1 0

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 97-07275

Priority: April 26, 1985 Minimum Stream Flow: 22.00 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 26, 1985; and has submitted Proof of Beneficial Use on January 20, 1994. A minimum stream flow for:

LION CREEK tributary to PRIEST LAKE

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	MINIMUM STREAM FLOW
MINIMUM INSTREAM FLOW	01/01 to 12/31	22.00 CFS

MINIMUM STREAM FLOW REACH:
Beginning of Stream Flow Reach NENW , Sec. 12, Township 62N, Range 04W
End of Stream Flow Reach NESE , Sec. 10, Township 62N, Range 04W
BONNER County

CONDITIONS OF APPROVAL AND REMARKS

1. This right is subject to all prior water rights.
2. The Director retains jurisdiction to review and amend any and all parameters of this right. Any person seeking review and amendment of the right shall file a request with the Board, which request shall describe the amendment sought, the reasons for the proposed amendment, and a statement of the change in circumstances since the right was last reviewed that merit a review of the right. A copy of the petition shall be served upon the Director of the Dept. of Water Resources. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment.

JUL 16 [illegible]

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 97-07275

CONDITIONS OF APPROVAL AND REMARKS

3. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.
4. Upon further finding and order of the director that gauging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director.
5. Use of water under this right shall be non-consumptive.
6. This minimum streamflow begins at the confluence of Lion Creek with the South Fork of Lion Creek in the NENW, S12 and ends at the confluence with Priest Lake in the NESE, S10, T62N, R4W.
7. This minimum streamflow is for maintenance of aesthetic values and trout fishery habitat for recreational benefit of park visitors and general public.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20TH day of MAY, 1997.

Acting for KARL J. DREHER, Director

Form 217
11/91

RECEIVED
JAN 20 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $_____
Date _____
Receipt No. _____
Receipt by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 97-7275 Telephone No. (208) 327-7900

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

3. Mailing Address: Statehouse Mail, Boise, ID 83720

4. Source of Water: Lion Creek

   If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

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

5. Extent of Use (as authorized by the permit):

   Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

   Irrigation _____ (No. of acres) Other Instream flow

6. Total rate and/or volume for which proof is submitted 22 cfs **OR** _____ acre/feet

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

   Measuring device: Required? ___ Yes X No Installed? ___ Yes ___ No

   OR

   Flow Measurement Port: Required? ___ Yes X No Installed? ___ Yes ___ No

8. Fee Enclosed: $ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

   Larry Townsend (208) 443-2200
   Name Telephone No.

   Indian Creek Bay #423, Coolin, ID 83821
   Address

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

ACCEPTED
FEB 25 1994

1/20/94 Mary Jean Luechick, Natural Resource Specialist, IDPR
Date Signature (and title, if on behalf of a company or organization)

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

IN THE MATTER OF APPLICATION NO. 97-7275 TO ESTABLISH A MINIMUM STREAM FLOW IN LION CREEK IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

The Director of the Department of Water Resources, issued a Proposed Memorandum Decision and Order approving Application No. 97-7275 on February 16, 1988, and served copies on the parties pursuant to Idaho Code § 67-5211.

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

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

IT IS HEREBY ORDERED that the Proposed Memorandum Decision and Order be adopted as the Final Decision and Order of the Director, and that the terms and conditions imposed therein be incorporated into approved Application No. 97-7275.

IT IS FURTHER ORDERED that proof of completion of works and beneficial use shall be submitted on or before April 1, 1994.

Dated this 29 day of April, 1988.

APPROPRIATED

JUL 27 1988

R. KEITH HIGGINSON
Director

RECEIVED

MAY 11 1994

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 97-7275 (LION CREEK) TO ESTABLISH A MINIMUM STREAM FLOW IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Norman C. Young, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

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

I.
EXCEPTIONS

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

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

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

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

II.
BRIEFS

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

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

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

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

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

IV.

CERTIFICATE OF SERVICE

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

V.

FINAL DECISION

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

Dated this 18th day of February, 1988.

R. KEITH HIGGINSON
Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Application for Permit No. 97-7275 (Lion Creek) to Establish a Minimum Stream Flow in the Name of the Idaho Water Resource Board	PROPOSED MEMORANDUM DECISION & ORDER

On April 26, 1985, the Idaho Water Resource Board (Board) filed with the Department of Water Resources (Department) Application for Permit to Appropriate Water No. 97-7275 seeking to preserve a minimum stream flow on Lion Creek, which is tributary to Priest Lake. The application proposes the establishment of a minimum stream flow of 22 cfs beginning at the confluence of Lion Creek with Priest Lake and extending upstream about two miles to the confluence of the South Fork of Lion Creek with the main stem of Lion Creek. The minimum stream flow is sought to maintain a trout fishery habitat and also to preserve aesthetic and recreational values at the surrounding Priest Lake State Park.

Notice of a time and place for the hearing of the minimum stream flow application was properly published, and the hearing was held at Sandpoint, Idaho on October 21, 1987. The Board and the Idaho Department of Parks and Recreation (Parks & Recreation) appeared as formal parties at the hearing. Other individuals and representatives of organizations also appeared and presented their views and comments as public witnesses. After the close of the hearing, the record remained open for ten (10) days for the submittal of additional written statements.

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MAY 11 1994

Based upon the sworn testimony, documentation, public statements included in the record, and upon his understanding of the facts and the law, the hearing officer finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Application for Permit No. 97-7275 proposes a minimum stream flow of 22 cfs in the reach beginning at the confluence of Lion Creek and Priest Lake located in Lot 6 (NE1/4SE1/4), Sec. 10, T62N, R4W, B.M., and extending upstream approximately two miles to the confluence of Lion Creek and the South Fork, Lion Creek, located in the NE1/4NW1/4, Sec. 12, T62N, R4W, B.M., Bonner County.

2. Historical flows in Lion Creek have not been recorded.

3. The geographical area drained by Lion Creek was compared to a nearby watershed for Indian Creek. The Lion Creek watershed is larger and drains higher elevation terrain than the Indian Creek watershed. Flow estimates on Indian Creek predict maintenance of 26 cfs approximately 60% of the time. The proposed minimum flow of 22 cfs in Lion Creek is probably exceeded more than 60% of the time.

4. A minimum stream flow for Lion Creek was modeled by the Idaho Department of Fish and Game (Fish and Game) using juvenile trout rearing as the critical criteria. The modeling found that 22 cfs was the minimum flow necessary for the rearing of salmonoids in Lion Creek.

5. Lion Creek is an essential and critical component of Priest Lake State Park. The water is used for wading and for aesthetic enjoyment.

6. The flows from Lion Creek improve the water quality of Priest Lake by providing clean flushing flows through the lake which prevent stagnation.

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7. No water rights are recorded within the proposed minimum flow reach.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that stream flow preservation for the protection of fish and wildlife habitat, aesthetic and recreational values, when made pursuant to this statute, is in the public interest and is declared to be a beneficial use of such water.

2. Idaho Code § 42-1503 sets forth the criteria to be considered by the Department in reviewing an application for minimum stream flow:

> Upon the conclusion of the hearing and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in whole, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon a finding that such appropriation of minimum stream flow:
>
> (a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act;
>
> (b) is in the public, as opposed to private, interest;
>
> (c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;
>
> (d) is the minimum flow or lake level and not the ideal or most desirable flow of lake level; and
>
> (e) is capable of being maintained as evidenced by records of stream flows and water levels, and the existing or future establishment of necessary gaging stations and benchmarks.

3. Any right to be acquired under the application is for instream non-consumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than April 26, 1985.

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DEPARTMENT OF WATER

MAY 11 1994

4. The proposed minimum stream flow application is necessary to preserve fish and wildlife habitat, and aesthetic and recreational values.

5. The establishment of a minimum stream flow on Lion Creek is in the public as opposed to the private interest.

6. The minimum flow on Lion Creek of 22 cfs is a true minimum, not the ideal or most desirable flow.

7. The minimum flow sought is capable of being maintained.

8. The Director of the Department of Water Resources has considerable flexibility and authority to grant appropriations subject to future appropriations for uses of greater importance; in effect prioritizing among uses according to the public interest. Shokal v. Dunn, 109 Idaho 330, 337, 707 P.2d 441 (1985).

9. A perpetual commitment of a significant amount of water from Lion Creek without a workable method of changing the terms of that use could at some future date adversely affect the public interest.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 97-7275 is APPROVED subject to the following conditions:

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

2. The use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation and other purposes under any prior existing water rights established by diversion and application to beneficial use or by any application, permit or license on

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file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than April 26, 1985.

3. Upon the future finding and order of the Director that gaging stations are required to maintain the approved minimum flow on Lion Creek, such measuring devices shall be permanently installed and maintained as specified by the Department.

4. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Any person seeking review and amendment of the permit or license shall file a petition with the Director, which shall include the amendment sought, the reasons for the amendment, and a statement of the change in circumstances since the permit or license was issued or last reviewed that merit a review of the permit or license. A copy of the petition shall be served upon the holder of the permit or license. The holder of the permit or license may file an answer to the petition, which must be filed within twenty-one days after service of the petition upon the permit or license holder. If after a preliminary hearing, the Director finds that a significant change in circumstance has occurred and that sufficient reasons exist for exercising retained jurisdiction under this condition, the Director shall issue an order setting forth the change in circumstances and reasons meriting review of the permit or license, and shall give notice thereof to the holder of the permit or license, the public generally, and specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of

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proof at the hearing shall be upon the person or party seeking the amendment to establish that the permit or license should be amended to satisfy the public interest.

5. Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department within five (5) years after the permit approval is finally effective as herein provided.

6. Proof of beneficial use shall include documentation of the use of the stream for spawning trout, and shall also include at least three years of water course records which establish that the permitted flows are capable of being maintained in Lion Creek.

Dated this 16TH day of FEBRUARY, 1988.

NORMAN C. YOUNG
Hearing Officer

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JUL 27 1988

MAY 11 1994

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of February, 1988, I mailed true and correct copies of the Order Issuing Proposed Memorandum Decision and Proposed Memorandum Decision and Order by U.S. Mail, postage prepaid to the following parties:

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

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

Department of Parks and Recreation
State of Idaho
Statehouse Mail
Boise, ID 83720

Jane L. Fox

JANE L. FOX
Receptionist

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JUL 27 1988

MAY 11 1994

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill DATE 4/24/85

TO Bob Haynes

SUBJECT Attached

Here are the new IWRB filings on Indian Creek and Lion Creek.

Please:

a. Assign numbers
b. Send copies to H & W, Parks & Rec, & Fish & Game
c. Telephone the number to Roberta Garrett
d. Advertise the apps <u>without</u> hearing dates or protest date.

Dave
SIGNATURE

Form 202
3/78

Ident. No. 91-7275

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 334-4437

   Post office address Statehouse, Boise, Idaho 83720

2. Source of water supply Lion Creek which is a tributary of Priest Lake

3. Location of reach is from the confluence with Priest Lake in the NE 1/4 SE 1/4, Sec. 10, T 62 N R 4 W, B.M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NE 1/4 NW 1/4, Sec. 12, T 62 N, R 4 W, B. M., Bonner County.

4. Water will be used for the following purposes:

   Amount 22 CFS (cfs or acre-feet per annum) for instream purposes from Jan 1 to Dec. 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 22 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. none - instream flow

   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 _____ (Month/Day) to _____ (Month/Day) inclusive.

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) See reach described in item 3.

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JUL 27 1988

      (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: to maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

MAY 11 1994

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

9. a. Who owns the property along the reach: Diamond International & State of Idaho

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 attachment

MAY 1 1 1994

Form 202
Supplemental

7/78

ATTACHMENT TO APPLICATION FOR PERMIT

TO APPROPRIATE A MINIMUM STREAM FLOW

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

The requested flow is for in-stream non-consumptive use and will be subject to all vested water rights, permits or water applications of earlier dates of priority.

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

Lion Creek is a major tributary to Priest Lake, flowing through the Lionhead unit of Priest Lake State Park. Lion Creek not only provides a number of esthetic qualities for the park visitor, but also is a major spawning and rearing tributary for cutthroat trout. The requested in-stream water right on Lion Creek will be held in trust for the people of Idaho by the Water Resource Board.

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

During 1982-1984, personnel of the Idaho Dept. of Parks & Recreation and Idaho Fish & Game Dept. collected field data from Lion Creek. Using this data with in-stream flow methodologies, the requested flow was determined as necessary for maintaining trout spawning and rearing habitat in Lion Creek. Methodologies, techniques and flow recommendations are presented in following publication: Cochnauer, Tim and Edwin Buettner, 1978, Streams Resource Maintenance Flow Determinations on Idaho Streams. Job Preformance Report, Project F-69-R-3, Job II. 88pp.

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

The ideal flow would be bankfull discharge.

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

No gaging station is located on Lion Creek.

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

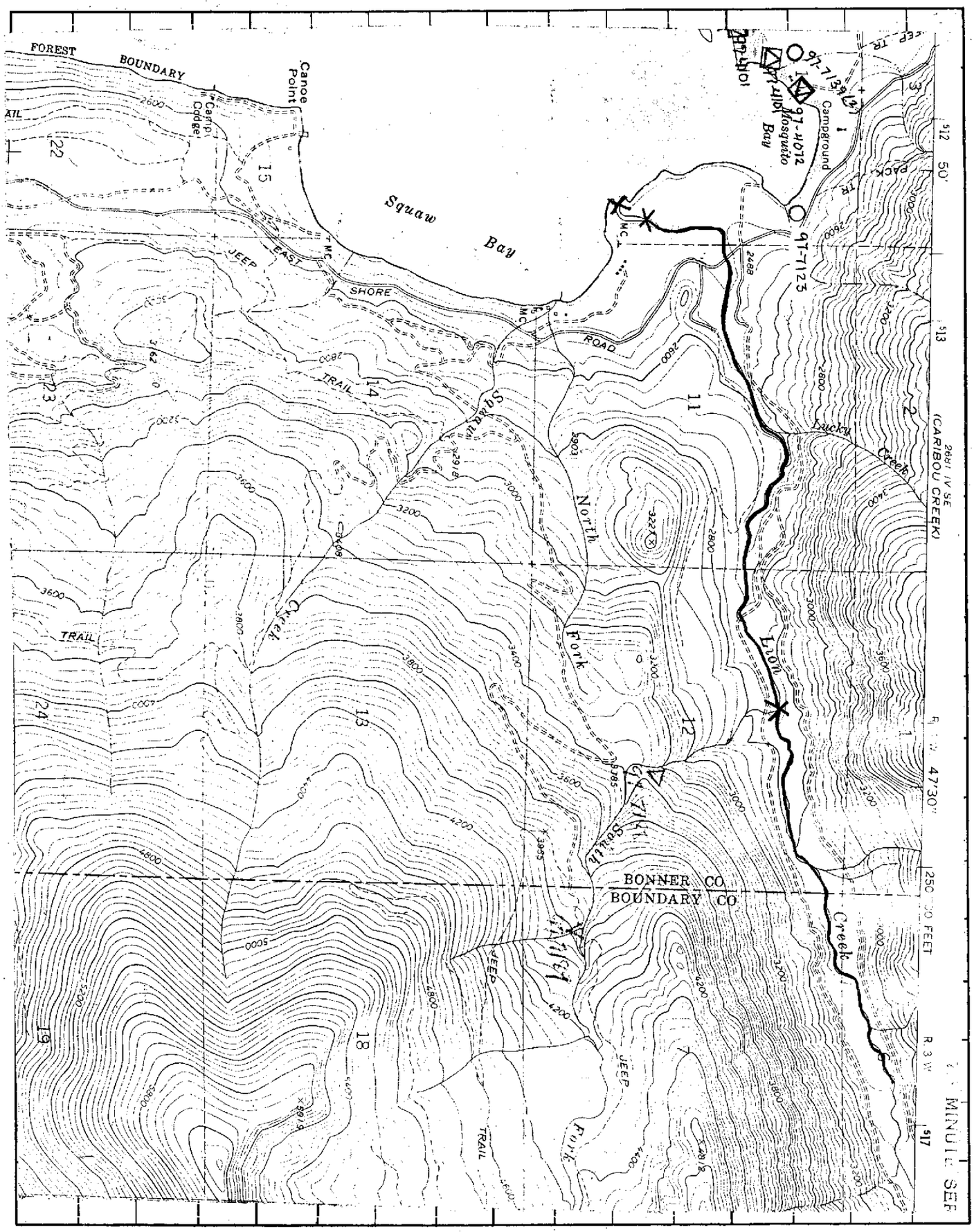
NONE

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

NONE

MICROFILMED
JUL 27 1988
MAY 11 1994

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.

RECEIVED
JUL 27 1988
MAY 11 1994

(Applicant)
Chairman, Idaho Water Resource Board

Received by DRT Date APR 26 1985 Time 1:00 PM

Preliminary check by DRT Fee $ NA

Receipted by NA Date NA

Publication prepared by [signature] Date 5/6/85

Published in Twin Falls Times

Publication dates 5/16 & 23/85

Publication approved [signature] Date 11/12/87

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 97-7275, 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 April 1, 1994.

   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:

Witness my hand this 29 day of April, 1988.

R. KEITH HIGGINSON
Director

MICROFILMED
JUL 27 1988

MAY 11 1994

Form 202
3/78

Ident. No. 95-7215

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 334-4437

   Post office address Statehouse, Boise, Idaho 83720

2. Source of water supply Lion Creek which is a tributary of Priest Lake

3. Location of reach is from the confluence with Priest Lake in the NE 1/4 SE 1/4, Sec. 10, T 62 N R 4 W, B.M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NE 1/4 NW 1/4, Sec. 12, T 62 N, R 4 W, B. M., Bonner County.

4. Water will be used for the following purposes:

   Amount 22 CFS (cfs or acre-feet per annum) for instream purposes from Jan 1 to Dec. 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 22 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. none - instream flow

   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 _____ (Month/Day) to _____ (Month/Day) inclusive.

   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).*

RECLAIMED
JUL 27 1988

8. Description of proposed uses:
   a. If water is not for irrigation:
      (1) See reach described in item 3.

      (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: to maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

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MAY 11 1994

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

9. a. Who owns the property along the reach: Diamond International & State of Idaho

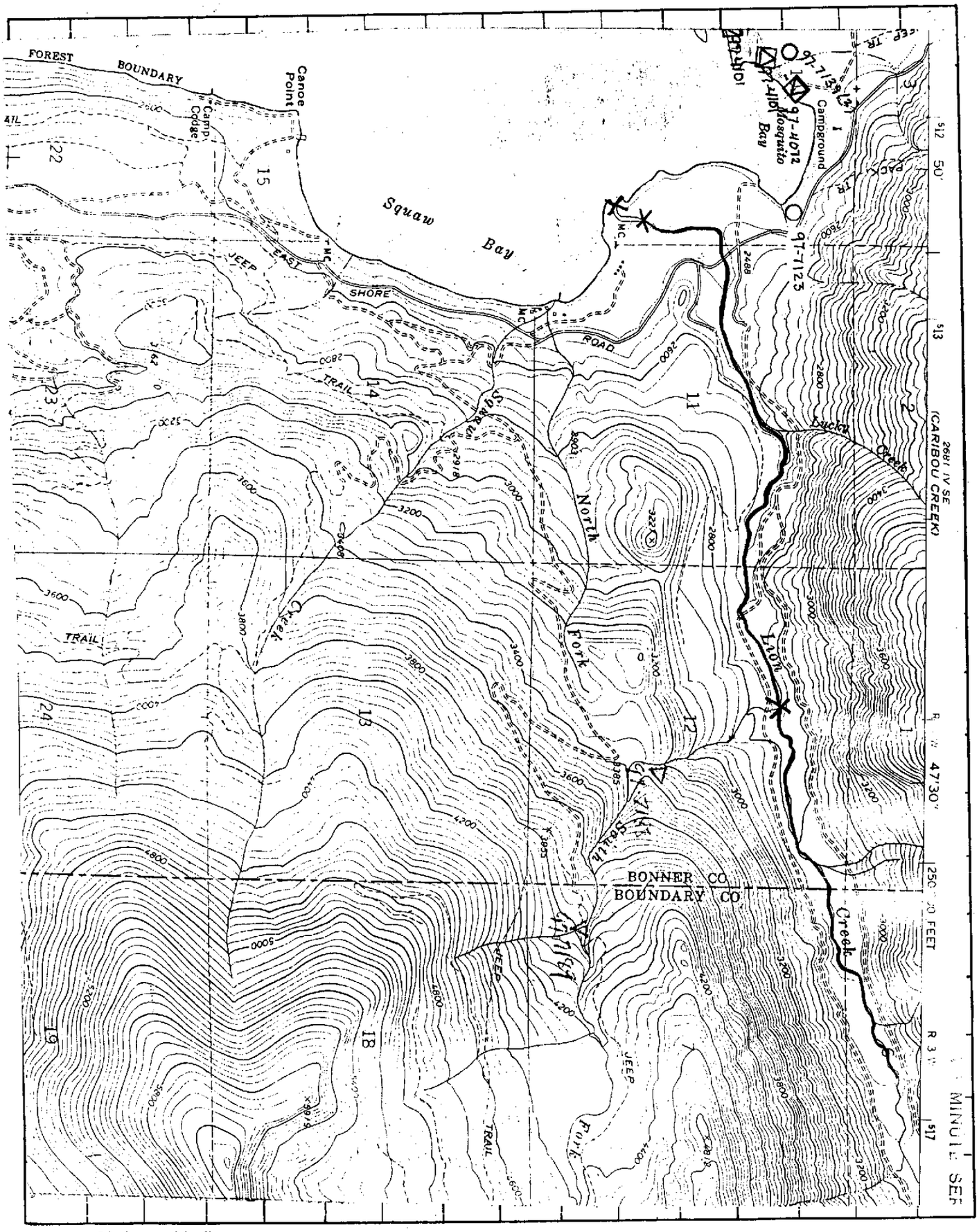
b. Who owns the land to be irrigated or place of use _____

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 attachment

MICROFILMED
JUL 2 1 1998
MAY 1 1 1994

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.

MICROFILMED

JUL 7 1988

(Applicant)

Chairman, Idaho Water Resource Board

MAY 11 1994

Received by DRT Date APR 26 1985 Time 1:00 PM

Preliminary check by DRT Fee $ NA

Receipted by NA Date NA

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

MICROFILMED
JUL 27 1988
MAY 11 1994

Form 202
Supplemental

7/78

ATTACHMENT TO APPLICATION FOR PERMIT

TO APPROPRIATE A MINIMUM STREAM FLOW

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

The requested flow is for in-stream non-consumptive use and will be subject to all vested water rights, permits or water applications of earlier dates of priority.

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

Lion Creek is a major tributary to Priest Lake, flowing through the Lionhead unit of Priest Lake State Park. Lion Creek not only provides a number of esthetic qualities for the park visitor, but also is a major spawning and rearing tributary for cutthroat trout. The requested in-stream water right on Lion Creek will be held in trust for the people of Idaho by the Water Resource Board.

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

During 1982-1984, personnel of the Idaho Dept. of Parks & Recreation and Idaho Fish & Game Dept. collected field data from Lion Creek. Using this data with in-stream flow methodologies, the requested flow was determined as necessary for maintaining trout spawning and rearing habitat in Lion Creek. Methodologies, techniques and flow recommendations are presented in following publication: Cochnauer, Tim and Edwin Buettner, 1978. Streams Resource Maintenance Flow Determinations on Idaho Streams. Job Preformance Report, Project F-69-R-3, Job II. 88pp.

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

The ideal flow would be bankfull discharge.

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

No gaging station is located on Lion Creek

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

NONE

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

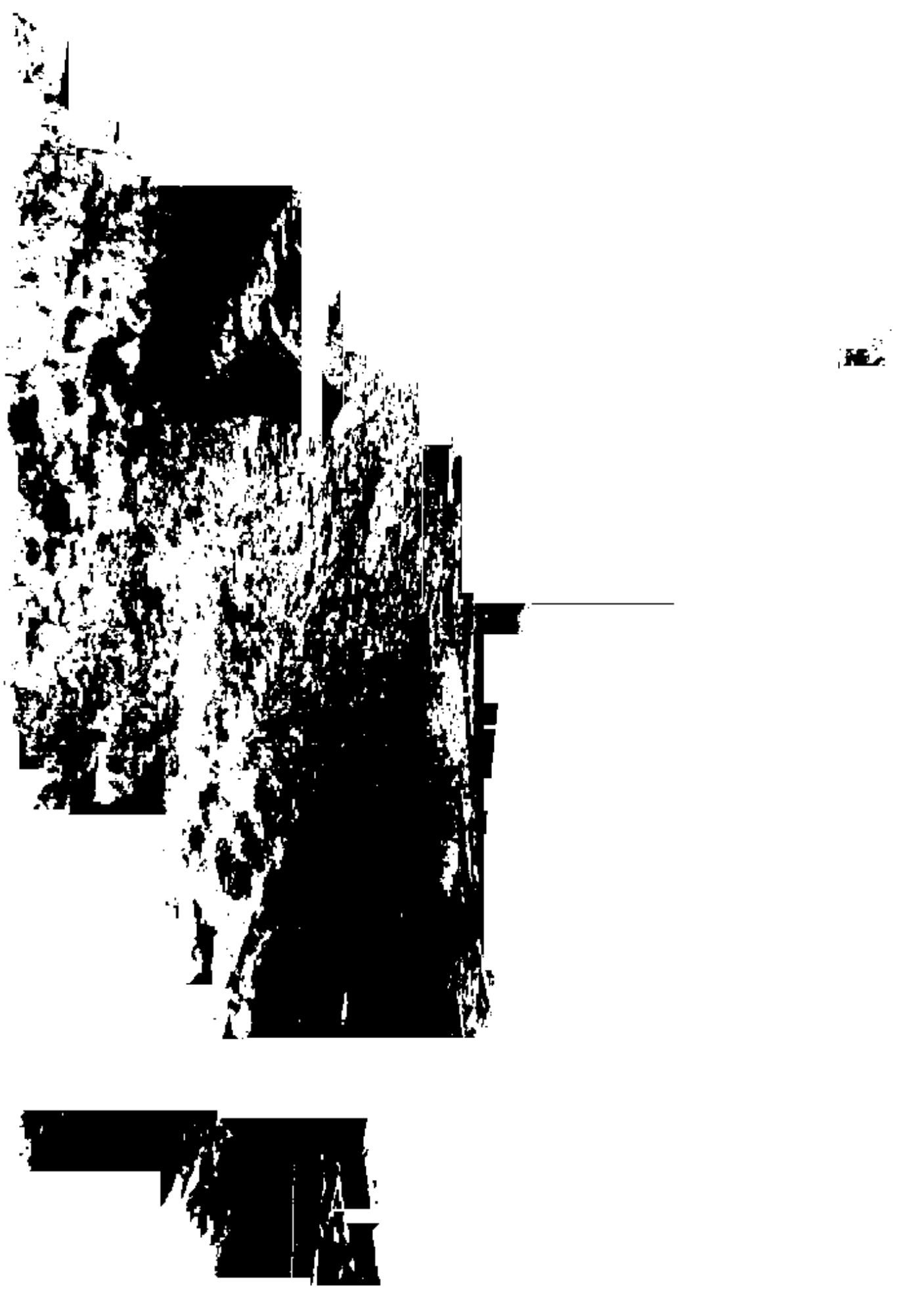
NONE

MICROFILMED

MAY 11 1994

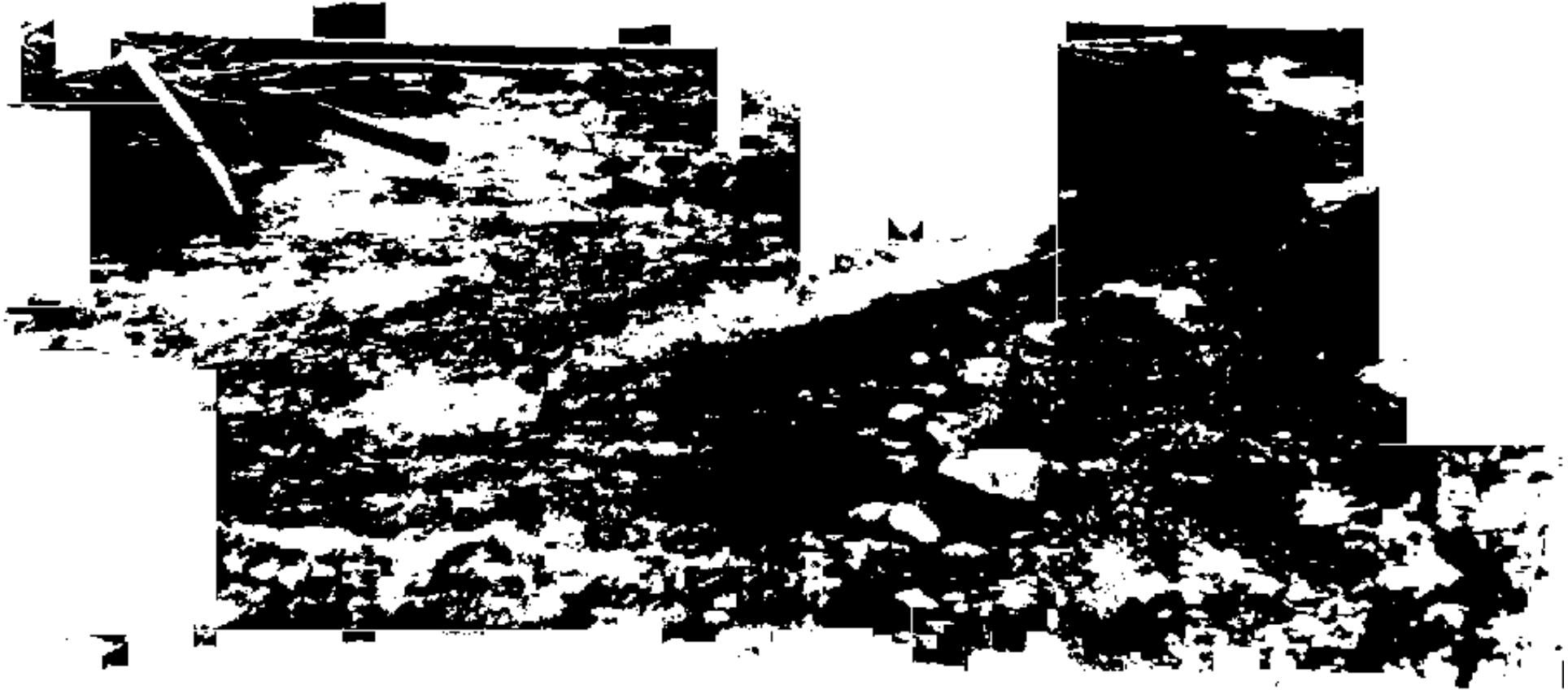
Pictures of Lion Creek

MAY 1 1 1994



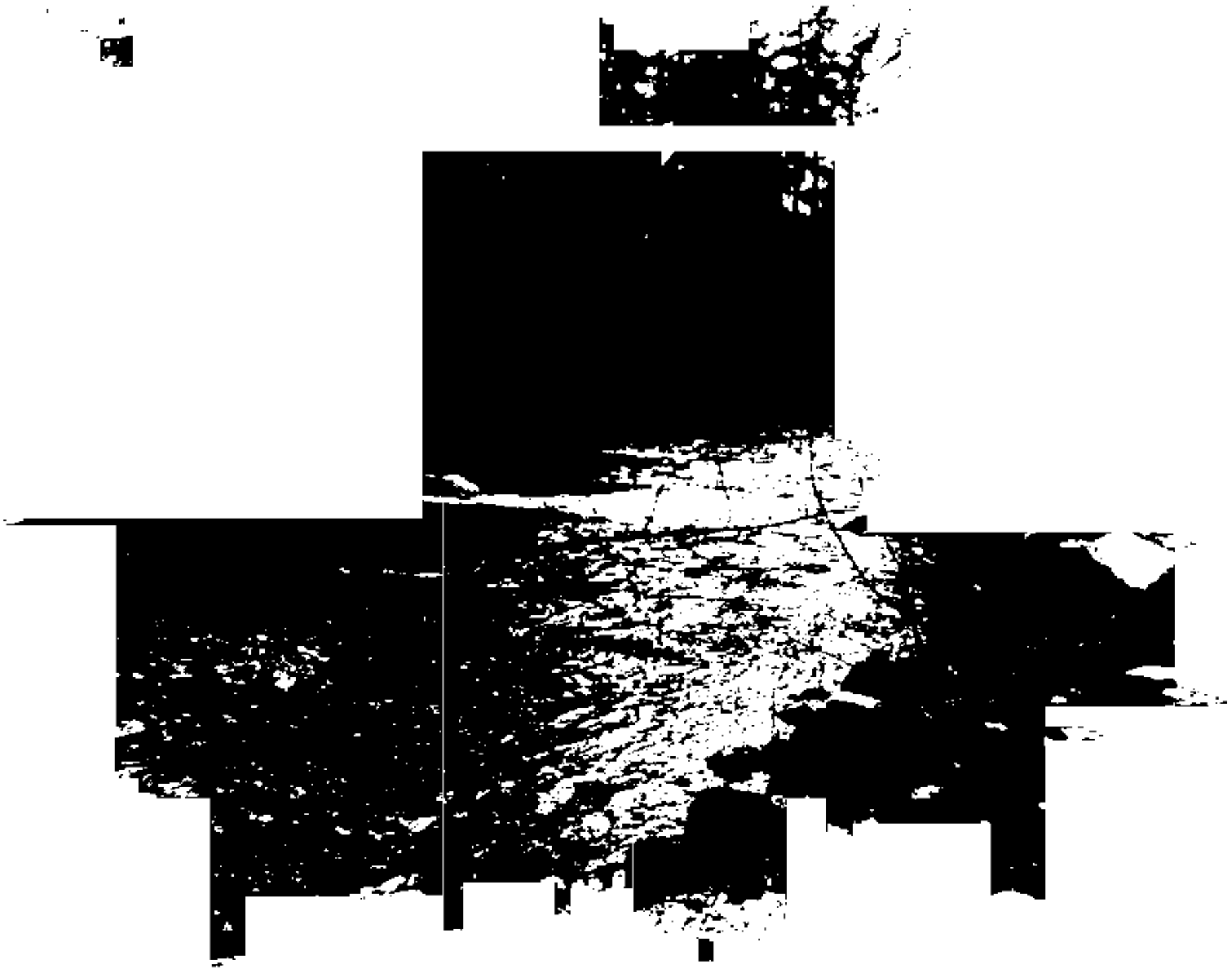
Lion Creek, about 1/4 mile upstream from Priest Lake.

DRT
11-6-85



Lion Creek, about ½ mile upstream from Priest Lake.

DRT
11-6-85



Lion Creek, about ¼ mile upstream from Priest Lake

DCT
11-6-85



Lion Creek, about 1/2 mile upstream from Priest Lake

MAY 11 1994

DRT
11-6-85

RECEIVED

NOV 05 1987

Department of Water Resources

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Debbie Edwards being first duly sworn on oath deposes and says that he/she is BookKeeper of the Sandpoint Daily Bee, a newspaper printed and published at Sandpoint, in Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Legal Notice

as it was published in the regular and entire issue of the said paper for a period of 3 consecutive weeks, commencing on 1 day of Oct, 1987 and ending on the 15 day of Oct, 1987 and that said notice was published in said newspaper.

Debbie Edwards

Subscribed and sworn to before me this 19 day of October, 1987.

Notary Public for Idaho

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR PERMIT FOR MINIMUM STREAMFL[illegible] AND HEARING

Notice is hereby given that the IDAHO WATER RESOURCES BOARD has submitted Applications for Permit to Appropriate Water Nos. 97-7274 and 97-7275 to the Idaho Department of Water Resources for the purpose of establishing a minimum streamflow in Indian Creek and Lion Creek, tributary to Priest Lake. The applications propose the issuance of permits for the following:

INDIAN CREEK - Application No. 97-7274

Source: Indian Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 26 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 (SW¼NE¼), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the S½SE¼, Section 13, T61N, R4W, B.M., Bonner County.

LION CREEK - Application No. 97-7275

Source: Lion Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 22 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 (NE¼SE¼), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE¼NW¼, Section 12, T62N, R4W, B.M., Bonner County.

The Director of the Department of Water Resources will hold a public hearing on the applications at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 p.m. on October 21, 1987 for the purpose of hearing evidence regarding the applications. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

In addition to the daytime hearing, there will be a special evening hearing starting at 7:00 p.m. at the Sandpoint VFW Hall for the purpose of accepting testimony from individuals who are unable to attend the daytime session. Persons who chose to attend this session will not have an opportunity to cross-examine either the applicant or others whose testimony is presented earlier in the day.

Any party who wished to formally appear at this proceeding for the purpose of presenting evidence or cross-examining witnesses must file a notice of appearance with the Director of the 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. Written informal views and comments may also be submitted to the Department of Water Resources through November 2, 1987.

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

R. Keith Higginson, Director
Department of Water Resources

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-8499

CHURCH OF JESUS CHRIST LATTER DAY SAINTS SANDPOINT STAKE, P.O. BOX 836, SANDPOINT, ID 83864

Source: GROUNDWATER

Diversion Pt: LOT 02 (SENW) Sec. 16 T 56N R 03W

Use: RECREATION (0.040 CFS), DOMESTIC (0.040 CFS)

Date Filed: 09/15/1987

In: SWNW SENW Sec 16 T 56N R 03W

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Government Way, Suite 9, Coeur d'Alene, Idaho 83814 on or before OCTOBER 19, 1987.

R. Keith Higginson, Dir.

#1582 October 1, 8, 15, 1987

RECEIVED

NOV 9 1987

Department of Water Resources
District Office

MAY 11 1994

1 1994

1 of 2

Affidavit of Publication

NOV 05 1987

Department of Water Resources

STATE OF IDAHO
County of Bonner, } ss.

Bill Bradshaw

being duly sworn, says that he is the Editor

of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least six columns each, printed from typematter or sterotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

#509 minimum streamflow

as it was published in the regular and entire issue of said paper for a period of 2 consecutive weeks, commencing on the 30 day of September, 19 87, and

ending on the 14 day of October, 19 87, and that said notice was published in said newspaper proper, and not in supplement form.

Bill Bradshaw

Subscribed and sworn to before me this 14 day of October, 19 87.

Linda K. Damey

Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW AND HEARING

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Source: Indian Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 26 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 ($SW\frac{1}{4}NE\frac{1}{4}$), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the $S\frac{1}{2}SE\frac{1}{4}$, Section 13, T61N, R4W, B.M., Bonner County.

LION CREEK - Application No. 97-7275

Source: Lion Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 22 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 ($NE\frac{1}{4}SE\frac{1}{4}$), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the $NE\frac{1}{4}NW\frac{1}{4}$, Section 12, T62N, R4W, B.M., Bonner County.

The Director of the Department of Water Resources will hold a public hearing on the applications at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 p.m. on October 21, 1987 for the purpose of hearing evidence regarding the applications. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

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Any party who wished to formally appear at this proceeding for the purpose of presenting evidence or cross-examining witnesses must file a notice of appearance with the Director of the 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. Written informal views and comments may also be submitted to the Department of Water Resources through November 2, 1987.

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

R. Keith Higginson, Director
Department of Water Resources

#509 Sept. 30, October 7, 14, 1987

Department of Water Resources
Northern District Office

MAY 2 1 19

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for .....two..... consecutive weeks, first publication having been made on the .....1st..... day of .....October....., 19..87, last publication having been made on the .....8th..... day of .....October....., 19.87.., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

J. Robb Brady

Subscribed and sworn to before me, this ..20th.. day of ..October....., 19.87..

Leon R. Napier
Notary Public

My commission expires ..September.30,....., 19.88..

B10

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Proposed Priority: April 26, 1985
Amount & Period of Use: 26 cfs from 01/01 to 12/31
Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.
Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 (SW 1/4 NE 1/4), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the S 1/2 SE 1/4, Section 13, T61N, R4W, B.M., Bonner County.

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Source: Lion Creek tributary to Priest Lake
Proposed Priority: April 26, 1985
Amount & Period of use: 22 cfs from 01/01 to 12/31
Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.
Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot [illegible] (SW 1/4 SE 1/4), Section 10, T62N, R4W, upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE 1/4 NW 1/4 [illegible], T62N, R4W, B.M., Bonner County.

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R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES
Published: October 1, 8, 15, 1987

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

L 101587 Inv. 10011869

Account No. 96475

Description 17869NOTIC

Times 3 Lines 101

Tab Lines

$ 126.25

LEGAL ADVERTISING
INVOICE

SOLD TO:
STATE OF IDAHO
DEPT. OF WATER RESOURCES
4055 GOVERNMENT Suite 1
COEUR D"ALENE, ID 83814

RECEIVED
OCT 26 1987
Department of Water Resources
Northern District Office

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

17869

NOTICE OF APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW AND HEARING

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Proposed Priority: April 26, 1985

Amount & Period of Use: 26 cfs from 01/01 to 12/31

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LION CREEK - Application No. 97-7275

Source: Lion Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 22 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 (NE ¼ SE ¼), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE ¼ NW ¼, Section 12, T62N, R4W, B.M., Bonner County.

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

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES

10/26/87

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

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

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 3 time(s). Publication being on 100187, or once a WEEK for 3 consecutive WEEKS, the first publication thereof being on the 100187, and the last publication thereof being on the 101587, and said NOTICE OF APPLICATION was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

C.M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30 day of October 1987

Sheral M. Lentz

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

MAY 11 1994

JUL 7 1988

92-2225

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD, STATEHOUSE, BOISE, ID 83720

Source: LION CREEK trib. to PRIEST LAKE

Date Filed: 04/26/1985

Diversion Pt: NESE Sec 10 T 62N R 04W NENW Sec 12 T 62N R 04W

Use: MINUMUM INSTREAM FLOW (22.00 CFS)

In: NESE Sec 10 T 62N R 04W NENW Sec 12 T 62N R 04W

JUL 27 1988

MAY 11 1994

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

No 17887

I, Linda Copps McLean, being first duly sworn upon oath, depose and say that I am Pubc Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Three consecutive Weeks, commencing with the issue dated October 1, 1987, and ending with the issue dated October 15, 1987.

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

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

Linda Copps McLean

Subscribed and sworn to before me on this 15 day of October 1987.

Deanna Bruce

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

Department of Water Resources Northern Div. Office

NOTICE OF APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW AND HEARING

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Source: Lion Creek tributary to Priest Lake.
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Amount & Period of Use: 22 cfs from 01/01 to 12/31
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If issued, the permit will be subject to all prior water rights.

R. Keith Higginson, Director
Department of Water Resources

PUBLISH: Thursday, October 1, 08 and 15, 1987

MAY 11 1988

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R. KEITH HIGGINSON
Director
Department of Water Resources

Pub. Oct. 1, 8, 15, 1987 6552

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

OCT 1987
Department of Water Resources
Northern District Office

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Three (3)
☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of October 1, 1987

and ending with the issue of October 15, 1987

Deborah Gregory

Subscribed and sworn to before me this 15th

day of October, 1987

Connie Helleson 8/92

Notary Public for Idaho, Residing at Boise, Idaho

I called all papers
Coeur d'Alene Press
Sand. Bee
Lewiston Trib.
Spokane News
Id. Statesman
Post Register.
They will make changes
& Pub. on
10/8 & 10/15/87.

NOTICE OF APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW AND HEARING

Notice is hereby given that the IDAHO WATER RESOURCES BOARD has submitted Applications for Permit to Appropriate Water Nos. 95-7274 and 97-7275 to the Idaho Department of Water Resources for the purpose of establishing a minimum streamflow in Indian Creek and Lion Creek, tributary to Priest Lake. The applications propose the issuance of permits for the following:

INDIAN CREEK-Application No. 95-7274.
Source: Lion Creek tributary to Priest Lake
Proposed priority: April 26, 1985
Amount & Period of Use: 26 cfs from 01/01 to 12/31
Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.
Place to Use: The minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 3 (SW¼NE¼), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the S½ SE¼, Section 13, R61N, R4W, B.M., Bonner County.

LION CREEK-Application No 95-7275
Source: Lion Creek tributary to Priest Lake.
Proposed Priority: April 26, 1985
Amount & Period of Use: 22 cfs from 01/01 to 12/31
Purpose of Minimum Instream Flow: to preserve aesthetic and recreational values; and to amintain trout fishery habitat.
Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 (NE¼ SE¼), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE¼NW¼, Section 12, T62N, R4W, B.M., Bonner County.

The Director of the Department of Water Resouces will hold a public hearing on the applications at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 P.M. on October 21, 1987 for the purpose of hearing evidence regarding the applications. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

In addition to the daytime hearing, there will be a special evening hearing starting at 7:00 p.m. at the Sandpoint VFW Hall for the purpose of acdepting testimony from individuals who are unable to attend the daytime session. Persons who chose to attend this session will not have an opportunity to cross examine either the applicant or others whose testimony is presented earlier in the day.

Any party who wished to formally appear at this proceeding for the purpose of presenting evidence or cross-examing witnesses must file a notice of appearance with the Director of the 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. Written informal views and comments may also be submitted to the Department of Water Resources through November 2, 1987.

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

R. Keith Higginson, Director
Department of Water Resources
PUBLISH: **Thursday**, October 1, 1987

181-2734

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor
R. KEITH HIGGINSON
Director

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

RECEIVED
SEP 28 1987
Department of Water Resources
Northern District Office

September 18, 1987

Bob Haynes
4055 Government Way, #9
Coeur D'Alene, ID 83814

Re: Hearing for Minimum Streamflow Applications on Indian Creek and Lion Creek

Dear Bob:

Enclosed is a legal notice for the minimum streamflow hearing for Indian Creek and Lion Creek. Please review it for accuracy.

I understand that you will cause the notice to be published statewide and in the Sandpoint and Priest River papers. The notice should appear in the October 1 and October 8, 1987, editions except for the Priest River paper, which publishes on September 30 and October 7.

Thank you for your assistance.

Sincerely,

Gary Spackman

GARY SPACKMAN

GS:jf

MICROFILMED
JUL 2 7 1988
MAY 1 1 1994

NOTICE OF APPLICATION FOR PERMIT FOR
MINIMUM STREAMFLOW AND HEARING

Notice is hereby given that the IDAHO WATER RESOURCES BOARD has submitted Applications for Permit to Appropriate Water Nos. 95-7274 and 97-7275 to the Idaho Department of Water Resources for the purpose of establishing a minimum streamflow in Indian Creek and Lion Creek, tributary to Priest Lake. The applications propose the issuance of permits for the following:

INDIAN CREEK - Application No. 95-7274
Source: ~~Lion~~ Indian Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 26 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 (SW 1/4 NE 1/4), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the S 1/2 SE 1/4, Section 13, T61N, R4W, B.M., Bonner County.

LION CREEK - Application No. 95-7275
Source: Lion Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 22 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 (NE 1/4 SE 1/4), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE 1/4 NW 1/4, Section 12, T62N, R4W, B.M., Bonner County.

The Director of the Department of Water Resources will hold a public hearing on the applications at the Sandpoint VFW Hall, 1325 Pine Steet, Sandpoint, Idaho, at 2:30 p.m. on October 21, 1987 for the purpose of hearing evidence regarding the applications. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

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

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES

Published in: Priest River Times – 9/30 & 10/7/87
Sandpoint Bee
Lewiston Tribune
Times News – 10/1 & 10/8/87
Idaho Statesman
Post Register

RECEIVED
JUN 1 1 1994
MAY 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor
R. KEITH HIGGINSON
Director

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

September 18, 1987

RECEIVED
SEP [illegible] 1987
Department of Water Resources
Northern District Office

Dale Reber
9660 Colburn/Culver Rd.
Sandpoint, ID 83864

Re: Reservation of VFW Hall

Dear Mr. Reber:

This letter confirms the reservation by the Department of Water Resources of the Sandpoint VFW Hall for the afternoon and evening of October 21, 1987, from approximately 2:30 p.m. to 10:00 p.m. I understand that the hall will seat approximately 80 people, and that the use fee is $25.00.

I will meet you at the VFW Hall at 1325 Pine Street, Sandpoint, Idaho at 2:00 p.m. on October 21, and will deliver the $25.00 check to you upon my arrival.

Thank you for your cooperation.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Northern Region

[illegible]
MAY 11 1994
MICROFILMED
JUL[illegible] 1988

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, a newspaper printed and published at Sandpoint, in Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of legal notice

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 23 day of Oct, 1985 and ending on the 30 day of Oct, 1985 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 5 day of Nov, 1985

Linda A Morrow 11/6/85

Notary Public for Idaho

Residing at Sandpoint, Idaho

MAY 11 1994

JUL 1988

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on April 26, 1985, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are tributary to Priest Lake and further described as follows:

APPLICATION NO. 96-7274

Source: Indian Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the SWNE Sec. 27, T61N, R4W, B.M., upstream about 3 miles to the confluence with the South Fork of Indian Creek in the S½SE¼, Sec. 13, T61N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
26 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

APPLICATION NO. 96-7275

Source: Lion Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the NESE Sec. 10, T62N, R4W, B.M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NENW Sec. 12, T62N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
22 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

The Idaho Water Resource Board will hold a public meeting on the applications at 7:30 p.m. on Wednesday, November 6, 1985, in District Courtroom No. 1, Bonner County Courthouse, 215 S. 1st St., Sandpoint, Idaho, for the purpose of gathering information on public interest regarding the above minimum flow applications.

Gene Gray
Chairman
Idaho Water Resource Board

#420 October 23, 30, 1985

RECEIVED
NOV 8 1985
Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

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

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 23 day of Oct, 1985 and ending on the 30 day of Oct, 1985 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 5 day of Nov, 1985

Linda W Morrow

Notary Public for Idaho

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

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Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the SWNE Sec. 27, T61N, R4W, B.M., upstream about 3 miles to the confluence with the South Fork of Indian Creek in the S½SE¼, Sec. 13, T61N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
26 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

APPLICATION NO. 96-7275

Source: Lion Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the NESE Sec. 10, T62N, R4W, B.M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NENW Sec. 12, T62N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:

Rate	Period of Use
22 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

The Idaho Water Resource Board will hold a public meeting on the applications at 7:30 p.m. on Wednesday, November 6, 1985, in District Courtroom No. 1, Bonner County Courthouse, 215 S. 1st St., Sandpoint, Idaho, for the purpose of gathering information on public interest regarding the above minimum flow applications.

Gene Gray
Chairman
Idaho Water Resource Board

#420 October 23, 30, 1985

RECEIVED
NOV 6 1985

MAY 11 1994

Department of Water Resources
Northern District Office

Affidavit of Publication

STATE OF IDAHO
County of Bonner, } ss.

Pete Thompson

being duly sworn, says that he is the Publisher

of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least six columns each, printed from typematter or sterotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

#97-7275

as it was published in the regular and entire issue of said paper for a period of Two consecutive weeks, commencing on the 16th day of May, 1985, and

ending on the 23rd day of May, 1985, and that said notice was published in said newspaper proper, and not in supplement form.

Pete Thompson

Subscribed and sworn to before me this 23 day of July, 1985

Notary Public for Idaho,
Residing at ~~Priest River~~, Idaho

Lexington

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

NOTICE IS HEREBY GIVEN, that the Idaho Water Resource Board has on April 26, 1985, filed two Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flow from the following sources, tributary to Priest Lake and are further described as follows:

APPLICATION NO. 97-7274

Source: Indian Creek

Point of Minimum Stream Flow: From the confluence with Priest Lake in the SW ¼ NE ¼, Sec. 27, T61N, R4W, B. M., upstream about 3 miles to the confluence with the South Fork of Indian Creek in the S ½ SE ¼, Sec. 13, T61N, R4W, B.M., Bonner County.

Rate of Flow: 26.0 cubic feet per second.

Season of Use: January 1 to December 31.

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

APPLICATION NO. 97-7275

Source: Lion Creek

Point of Minimum Stream Flow: From the confluence with Priest Lake in the NE ¼ SE ¼, Sec. 10, T62N, R4W, B. M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NE ¼ NW ¼, Sec. 12, T62N, R4W, B. M., Bonner County.

Rate of Flow: 22.0 cubic feet per second.

Season of Use: January 1 to December 31.

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

The public will be notified of a future public meeting on this matter to be held by the Idaho Water Resource Board to solicit public input.

KEN DUNN, Director

#7 May 16, 23-2t

MAY 11 1994

FILMED

JUL 27 1988

Form 219
6/92

RECEIVED
JUN 12 1997
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

Permit No. 97-07275

A. GENERAL INFORMATION

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

Current Address: Statehouse Mail, Boise, Id. 83720

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

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: LION CREEK tributary to Priest LAKE

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

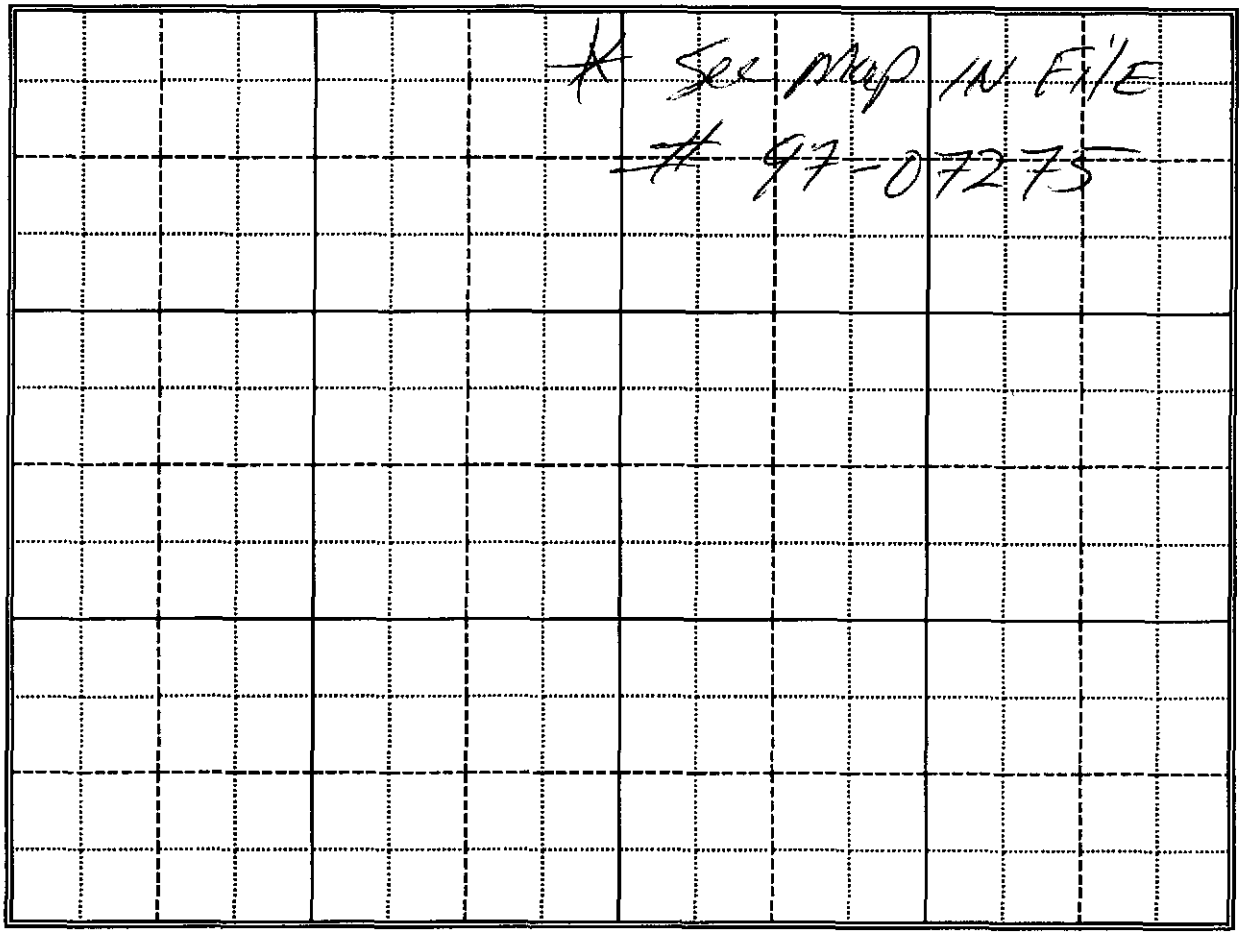
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Beginning Stream Reach:									
			NE	NW	12	62N	04W	Bonner	U.S.G.S. 7.5' QUAD.
Ending Stream Reach:									
			NE	SE	10	62N	04W	Bonner	U.S.G.S. 7.5' QUAD.

2. **Place(s) of Use:** Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
—				MINIMUM STREAMFLOW															

MICROFILMED
JUN 12 1997

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



Scale: 1" = _____.

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

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

____ Photo of Diversion and System Attached

4.

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

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** *See File # 97-07275 for Stream Flow Records

E. NARRATIVE/REMARKS/COMMENTS

Permit # 97-07275 has met all conditions for Licensing.

Minimum INStream Flow shall be 22.00 cfs beginning @ T. 62N, R. 04W., Sec. 12, NE¼ NW¼ to ending Reach T. 62N., R. 04W., Sec. 10, NE¼ SE¼.

Have conditions of permit approval been met? X yes ___ no

RECEIVED
JUL 18 1997

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

Minimum Instream Flow

See File #97-07275 for stream flow Records.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Minimum Flow	1-01-	12-31	22.00	—
		Totals:	22.00	—

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above &None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

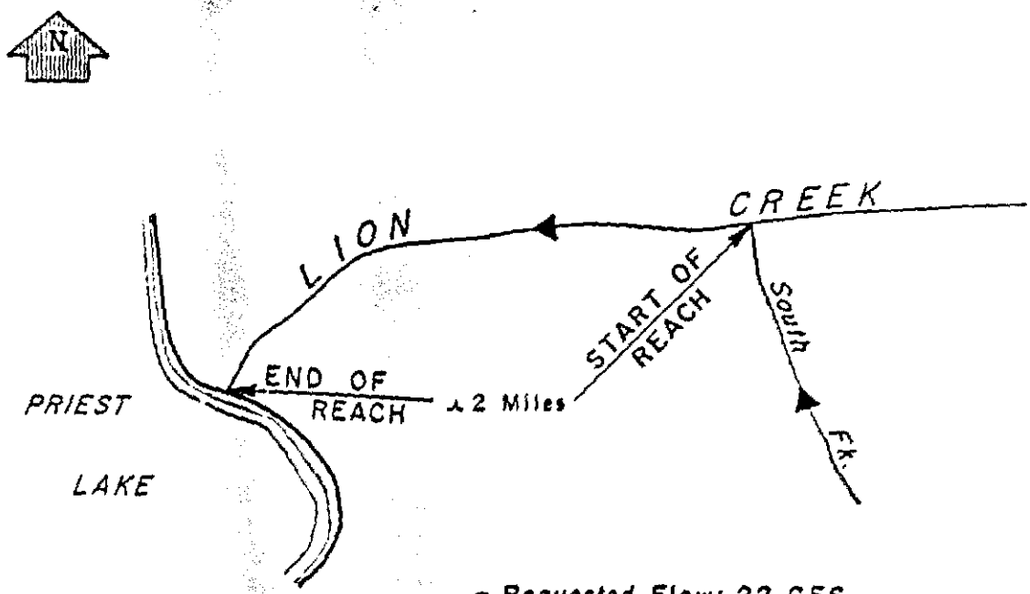
I. AUTHENTICATION

Field Examiner's Name Truman J Spangle Date 12-23-96

Reviewer _____ Date _____

SEAL

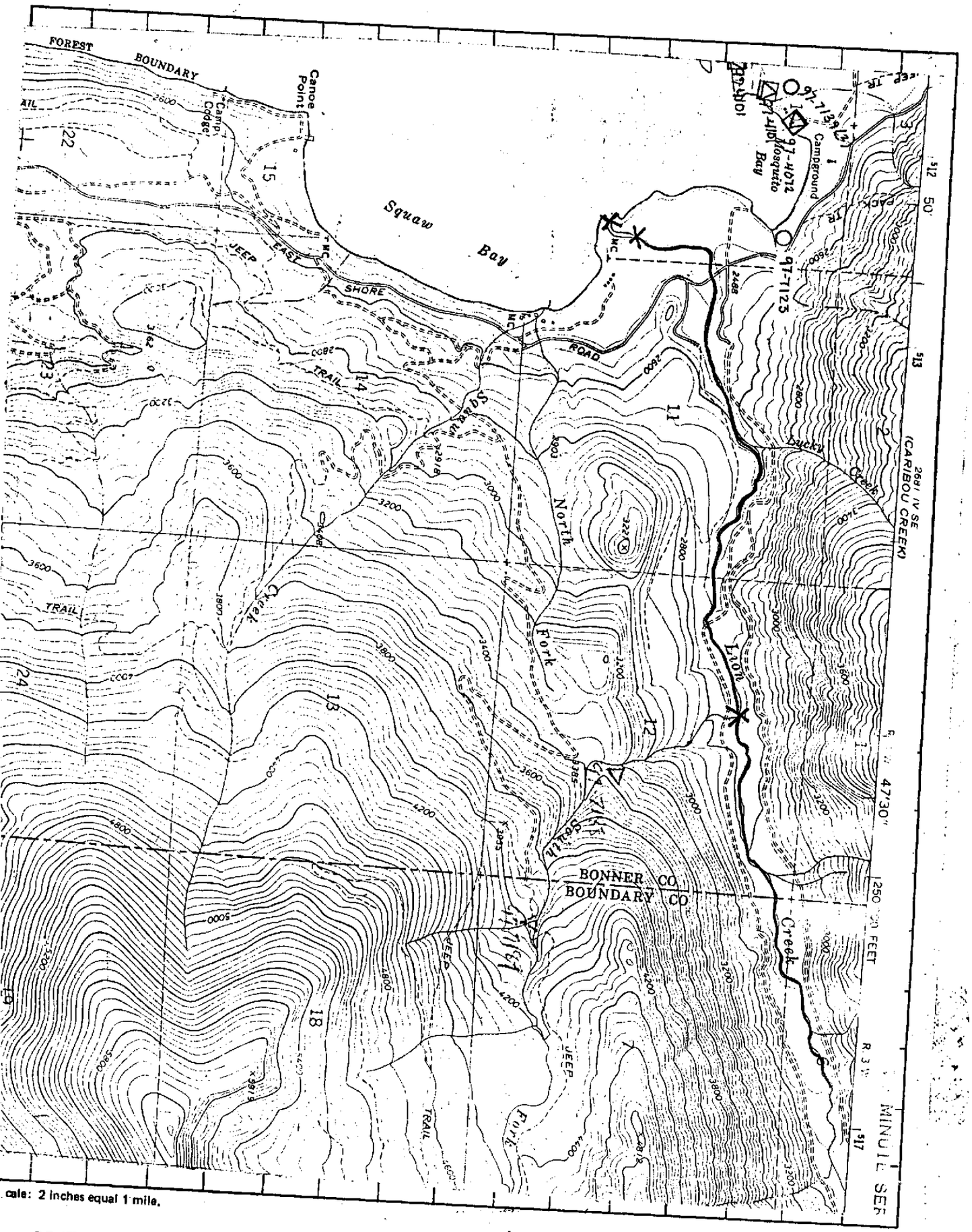
LION CREEK MINIMUM STREAM FLOW



- Requested Flow: 22 CFS
- No Previously Recorded Water Rights

RECEIVED

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



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.

(Applicant)

Chairman, Idaho Water Resource Board

ATTACHMENT TO APPLICATION FOR PERMIT

TO APPROPRIATE A MINIMUM STREAM FLOW

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

The requested flow is for in-stream non-consumptive use and will be subject to all vested water rights, permits or water applications of earlier dates of priority.

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

Lion Creek is a major tributary to Priest Lake, flowing through the Lionhead unit of Priest Lake State Park. Lion Creek not only provides a number of esthetic qualities for the park visitor, but also is a major spawning and rearing tributary for cutthroat trout. The requested in-stream water right on Lion Creek will be held in trust for the people of Idaho by the Water Resource Board.

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

During 1982-1984, personnel of the Idaho Dept. of Parks & Recreation and Idaho Fish & Game Dept. collected field data from Lion Creek. Using this data with in-stream flow methodologies, the requested flow was determined as necessary for maintaining trout spawning and rearing habitat in Lion Creek. Methodologies, techniques and flow recommendations are presented in following publication: Cochnauer, Tim and Edwin Buettner, 1978, Streams Resource Maintenance Flow Determinations on Idaho Streams. Job Preformance Report, Project F-69-R-3, Job II. 88pp.

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

The ideal flow would be bankfull discharge.

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

No gaging station is located on Lion Creek

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

NONE

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

NONE

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

May 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 97-07275

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **21st** day of **May, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 97-07275

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

Kari Lynn Townsend
Secretary

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720	04/26/1985	MINIMUM INSTREAM FLOW	01/01	12/31	22.000 CFS	
					TOTAL DIVERSION:	22.000 CFS	

Water Source: LION CREEK Tributary to: PRIEST LAKE Stage: LICENSE

Point(s) of Beginning Stream Reach: T62N R04W S12 NENW BONNER County
Point(s) of Ending Stream Reach: T62N R04W S10 NESE BONNER County

Pou County:

Other Water Rights with Same Point(s) of Diversion and Source:
97-07275

Conditions of Approval:

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

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

092 - Upon further finding and order of the director that gauging
- stations are required to maintain the approved minimum flows
- under this right, such measuring devices shall be permanently
- installed and maintained as specified by the director.

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

Remarks: This minimum streamflow begins at the confluence of Lion Creek with the South Fork of Lion Creek in the NENW, S12 and ends at the confluence with Priest Lake in the NESE, S10,

Remarks: T62N, R4W.
This minimum streamflow is for maintenance of aesthetic values and trout fishery habitat for recreational benefit of park visitors and general public.

Dates: App. Received: 04/26/1985 Priority Date: 04/26/1985
Proof Due Date: 04/01/1994 Proof Made Date: 01/20/1994
Exam Made Date: 12/23/1996 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: N (Not Required)

Audit: 02/03/97 SCURTIS 04/23/97 SCURTIS

Permit No. 97-07275												
Summary of Stream Flow Data												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Permit	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0
1990							50.2					
1991								32.3				
1992							24.4	10.3	9.9*			
License	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0
*Although this one and only measurement is below the permitted rate, drought conditions were more than likely a factor; three of the five measurements taken exceeded the requested flow, the license will be issued for the permitted flow year-round.												

MEMORANDUM

TO: Files 36-08307, 96-07980, 97-07274 and 97-07275

FROM: Sharla

DATE: April 28, 1997

RE: License Issuance

The above referenced files have been reviewed for licensing. They were routed to John Beal to resolve some questions about data submittal and capability of maintaining flows requested. John's memos have been filed in the appropriate files.

Licenses have been drafted as follows:

36-08307:

270.0 cfs	1/1 - 12/31	Outflow estuary reach
150.0 cfs	1/1 - 12/31	Springs reach

These flows have been reduced based on the data submitted; the difference between the upper and lower measurements is the rate shown for springs reach.

If these lowered flows are unacceptable, the proof of beneficial use will have to be withdrawn and an extension of time filed to compile further data to warrant higher flows.

96-07980:

License as permitted with the exception of the flow for July; these flows have been dropped to the maximum reported rates. If this is not acceptable, an extension of time can be filed.

Proof of beneficial use has not yet been filed; if the above is acceptable and the b/u form is received, licensing can proceed.

97-07274:

License as suggested by John Beal with reduced flows for July through September. The spawning data has been received; 3 of the 5 measurements taken indicate flow is capable of being maintained in line with the suggested reductions.

97-07275:

License as permitted. The spawning data has been received; measurement information includes drought conditions, however, the flow data indicates that flow is capable of being maintained more than 60% of the time.

The draft licenses for these files should be routed to John Beal for approval and follow-up. If acceptable, they can then be routed to Norm so that they can be reviewed by the Board at the next meeting on May 16.

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 97-07275

Proof of beneficial use rec'd 1/20/94

Was flow data submittal a requirement with proof submittal? Yes ✓ No ____

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

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

Data Entry for License:

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

Comments/adjustments * See memo dated 4/4/97 (John Beal)

Printed license hand-edited ____

MEMORANDUM

To: Sharla Curtis, Shelley Keen and Julie Yarbourgh

From: John Beal

Date: April 21, 1997

Re: Indian Creek and Lion Creek minimum stream flows 97-7274 and 97-7275

Attached are two research documents that show Lion Creek and Indian Creek provide spawning habitat.

I have discussed these permits with people at Parks and Recreation and Fish and Game and it appears that an extension of time may be appropriate.

Before we ask the Board to submit an extension request, we need the answers to the following questions:

- Can you accept my comments on the memo dated April 4 for Lion Creek. Based upon that memo can we issue a license for Lion Creek for the 22 cfs for the entire year? V
- How much data is needed to accept a 26 cfs flow on Indian Creek for the entire year? Will data for the months of July through September for one season be enough? Same question for Lion Creek if you can not approve it.

Also attached are figures showing the shift in flows below Priest Lake for the pre-dam versus post-dam periods and the change in lake levels before and after the dam. The flow shift after the dam indicates that my evaluation on the memo dated April 4 is probably on the conservative side.

MEMORANDUM

To: Sharla Curtis, Shelley Keen and Julie Yarbourgh

From: John Beal

Date: April 4, 1997

Re: Water Right Permits No. 97-7275 and 97-7274, Proof of Beneficial Use

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After discussing these rights with Sharla, I have reviewed the files and I have some concerns about what is required by the Department to show that the flows are available most of the time. Based upon my review of these files, I am not sure just what data was actually requested. Do all of the measurements have to exceed the minimum stream flow amount (for Lion Creek 3 of the 5 measurements are above the 22 cfs). I agree with you that no data was provided concerning the need for water for spawning trout populations. This can be corrected. I am not sure what additional data is needed to show that the requested flows are available most of the time. Also it appears that we have placed the emphasis on fish and spawning and have ignored the aesthetic and recreational value of the minimum in stream flows.

Sharla and I discussed the possibility of withdrawing the proofs and requesting an extension of time on these rights. While this is not my first choice, I can support this idea if there are no other good alternatives. I do not know if we can get additional measurements during non-drought years. We need to confirm the availability of personnel and equipment to take the measurements.

As for spawning data, Cindy Robertson of the Idaho Department of Fish and Game has been asked to provide data that may be pertinent. This requirement was simply overlooked.

The hydrology section provided data for the Priest basin so that we could compare the measured flows with historical data. I hoped to show that the requested minimum flows are available in normal years. Attached is the monthly/yearly discharge data for the gage at Coolin. This is the only gage in the upper basin. Based upon these data the annual quantity for 1992 was about 60% of the average quantity for the the period 1951 to 1995.

For Lion Creek, if we apply the 60% for August 1992 and September 1992 the flows would be 17.2 cfs and 16.5 cfs respectively. If we use the monthly data and compare this to the monthly average we get 23.9 cfs for August and 29.9 cfs for September. Both are above the requested flow of 22 cfs.

D:\WPNEW\MEMOS\0402WR.Y97

If we do the same analysis for Indian Creek, it appears that the average flows for July, August and September may be lower than the flows requested on the minimum flow application. By applying the percentages for the 1992 monthly data to the flows measured in 1992, it appears that more realistic flow numbers may be 19 cfs for July and 12 cfs for August and 9 cfs for September. The requested flow was 26 cfs for the entire year.

Based upon the hydrologic data, the 1990 and 1991 data are more representative of the flows in the basin. However the flows at the gage for these years were above average.

Also, it should be noted that there has not been any water right requests on these creeks since the minimum flow applications were filed. These are on public land not private land.

Proposals/Options

- For Lion Creek - Since the 1992 data was clearly in a drought year, I propose that we acknowledge this and approve the water right license for the full 22 cfs.

- For Indian Creek - I suggest that we approve the license for 26 cfs for the period of October through June. I support a flow of 19 cfs in July, 12 cfs in August and 9 cfs in September. If the Water Board, Idaho Department of Parks and Recreation or the Idaho Department of Fish and Game can not approve this modification, they should be allowed time to submit any data that supports the higher flow of 26 cfs. This could and should include a possible extension of time to collect additional data if this is needed.

- My last option, which is what Sharla and I discussed, would be an extension of time to collect additional data for both creeks.

The next Water Board meeting is set for May 16. I am presenting this to you first for consideration. We will need to get concurrence with Fish and Game, Parks and Recreation and the Board before the final decision is made. Please let Bill Graham or me know what our options are. If the Board needs to request an extension of time we should discuss this at the May meeting. My preferred option would be to acknowledge the fact that 1992 to 1993 were drought years and not require additional flow measurements. We will of course provide documentation of the need for the requested flows for spawning.

If we need to get together to discuss these rights, just give us a call. Thanks.

3940.00 HISTORIC DISCHARGE PRIEST RIVER NR COOLIN (1000 AC-FT)

Apr-1 - Jun30

W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
51	24.7	81.2	64.2	95.9	107.5	70.4	104.1	284.0	173.1	50.5	9.0	22.0	1086.6
52	70.5	68.7	91.1	50.3	36.2	32.0	96.9	311.7	185.5	56.9	12.7	5.1	1017.6
53	44.0	47.1	25.4	28.9	32.3	29.6	31.7	263.3	277.3	71.8	29.3	9.2	889.9
54	51.3	49.7	33.6	30.6	25.6	32.4	62.6	285.9	311.5	142.9	31.5	28.6	1086.2
55	21.3	94.4	54.4	35.6	25.0	24.6	48.9	153.5	327.1	168.4	27.3	13.8	994.3
56	65.2	98.2	56.7	56.2	36.4	38.2	121.1	346.2	295.3	63.9	15.8	13.4	1206.6
57	25.1	81.3	36.1	26.0	21.8	35.3	63.9	319.7	160.8	32.3	14.6	6.7	823.6
58	80.8	32.9	25.1	24.3	30.7	67.4	110.9	265.0	142.4	27.0	6.3	4.6	817.4
59	21.8	82.5	46.6	46.7	37.7	34.7	80.0	234.4	283.8	51.8	17.1	72.5	1009.6
60	85.6	62.2	54.1	43.7	36.0	37.7	153.0	252.5	259.9	53.3	17.8	23.3	1079.1
61	82.1	46.3	40.6	32.7	46.9	68.7	114.2	312.6	365.9	43.7	15.9	10.6	1180.2
62	80.6	36.8	28.7	25.3	20.2	21.7	88.2	214.0	198.3	36.7	16.6	14.0	781.1
63	50.6	84.0	72.7	58.7	42.4	44.2	95.3	201.8	160.7	54.3	14.7	10.8	890.2
64	30.7	74.3	42.6	31.2	24.2	23.7	43.8	193.5	301.2	55.5	21.4	16.4	858.5
65	54.4	66.3	44.3	35.6	27.0	32.2	86.0	265.4	224.1	45.4	25.7	15.8	922.2
66	38.3	63.3	36.7	33.0	22.2	30.9	101.0	214.0	173.9	47.5	9.1	8.1	778.0
67	44.1	59.3	61.1	57.7	51.7	47.4	71.4	193.0	336.3	66.7	11.2	4.3	1004.2
68	56.0	66.7	36.1	27.5	34.9	76.0	84.3	184.3	206.9	42.0	24.1	31.5	870.3
69	69.0	105.2	76.0	52.4	36.2	32.3	129.2	336.7	237.1	86.8	16.9	10.4	1188.2
70	61.0	69.6	37.1	28.7	26.8	30.7	51.9	185.5	192.7	24.1	15.8	5.4	729.3
71	49.5	60.7	36.4	30.7	41.6	42.4	82.7	305.4	240.5	75.1	12.6	17.3	994.9
72	50.0	69.1	35.6	28.9	26.9	75.6	109.5	251.7	286.0	84.9	29.3	12.7	1060.2
73	58.6	54.7	27.1	32.0	23.3	31.9	60.2	170.7	129.1	27.9	9.8	5.0	630.3
74	58.2	94.2	82.0	114.9	87.8	65.5	137.9	297.9	428.8	167.0	23.2	16.7	1574.1
75	53.0	60.3	44.9	33.8	24.5	30.2	41.7	235.2	310.8	80.5	27.0	33.4	975.3
76	76.2	63.7	69.1	53.4	36.3	32.4	85.4	275.4	184.0	60.7	42.5	27.1	1006.2
77	84.6	31.9	17.8	15.1	13.9	18.5	30.7	76.4	60.5	15.0	8.5	13.5	386.4
78	78.1	41.5	38.5	33.3	23.3	30.3	115.5	252.4	198.0	55.7	11.9	25.6	904.1
79	74.0	38.1	15.1	19.5	23.9	29.1	49.3	213.1	79.6	24.8	8.0	8.1	582.6
80	75.8	22.8	29.9	23.0	22.5	53.0	99.0	291.3	99.3	37.4	20.0	30.1	804.1
81	64.4	43.3	54.3	76.9	65.6	72.6	88.0	231.8	201.2	97.1	31.3	16.8	1043.3
82	93.3	50.2	47.0	34.5	59.0	106.1	94.2	253.0	301.6	96.7	25.8	24.6	1186.0
83	88.6	48.2	46.6	46.9	50.7	116.1	127.6	265.4	267.0	109.2	44.7	20.3	1231.3
84	22.5	141.9	70.2	46.8	38.2	49.1	107.0	176.7	286.4	76.7	19.2	9.4	1044.1
85	72.5	44.5	25.1	21.0	13.9	19.4	75.5	209.0	144.7	14.7	12.8	19.9	673.0
86	75.1	59.9	20.3	26.9	29.4	70.0	113.0	160.3	113.4	39.7	10.0	12.2	730.2
87	87.8	49.9	49.9	22.9	22.2	115.5	141.0	224.6	75.6	26.7	14.3	5.4	835.8
88	64.3	36.7	30.8	19.1	20.4	21.8	138.1	158.0	99.2	22.8	7.1	4.7	623.0
89	54.8	65.2	25.8	25.0	18.9	17.5	120.9	271.9	115.7	30.9	23.6	11.5	781.7
90	56.5	72.0	55.6	46.8	37.3	37.2	145.9	217.6	287.6	70.3	18.3	11.7	1056.8
91	55.7	75.3	63.0	40.2	47.5	58.2	108.7	260.4	218.1	87.3	21.3	13.2	1048.9
92	57.9	40.7	14.6	17.4	34.7	61.0	104.0	115.6	55.3	37.1	8.0	5.2	551.5
93	45.3	63.3	15.1	12.5	13.9	25.4	87.8	199.4	75.4	68.0	32.6	19.2	657.9
94	32.6	57.6	28.8	19.2	21.0	37.9	126.7	190.7	100.7	26.2	5.9	4.6	651.9
95	37.4	61.9	30.8	33.2	48.2	112.6	127.7	230.8	157.1	42.4	16.4	11.6	910.1
AVE 1951-95:	58.3	62.6	43.1	37.7	34.8	47.5	94.6	234.5	207.3	59.9	18.6	15.7	914.6
AVE 1989-93:	54.0	63.3	34.8	28.4	30.5	39.9	113.5	213.0	150.4	58.7	20.8	12.2	819.4
Ag cfs	979	1050	724	633	585	798	1590	3940	3480	1010	312	264	

Notes pulled

.033 .0000003858

$$\frac{AF}{1\,mo} \times \frac{1\,mo}{30\,dy} = \frac{AF}{1\,dy} \times \frac{1\,dy}{86{,}400\,sec} = \frac{AF}{sec} \times \frac{43{,}560\,ft^3}{AF} = \frac{ft^3}{sec}$$

$AF/mo \times .0168 = cfs$

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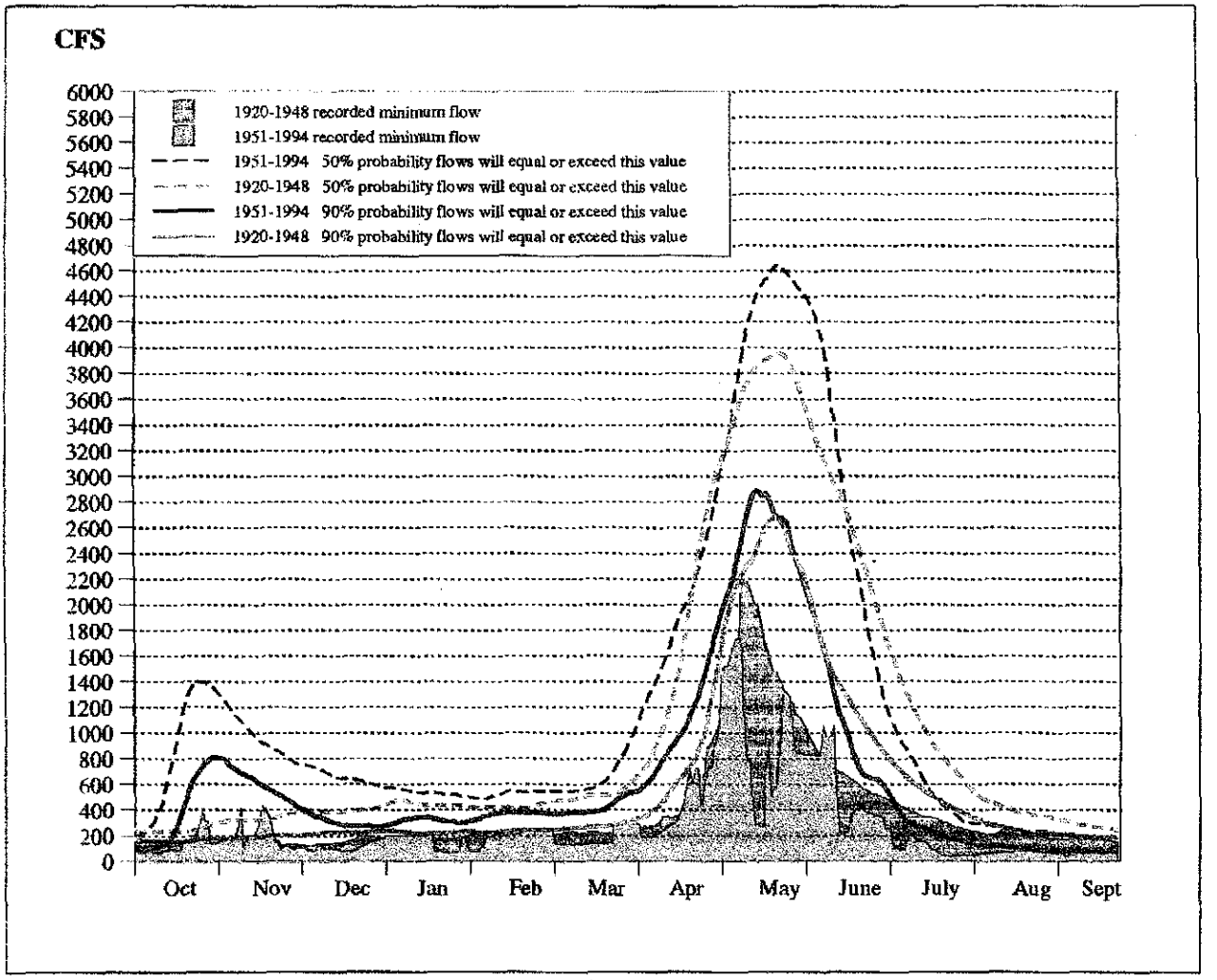


Figure 14. Comparison of Pre-dam (1920-48) and Post-dam (1951-94) Discharge of the Priest River below the Lake Outlet

Based on the 1920-1950 period, there was a 50% probability river flows below the lake outlet would equal or exceed 2000 cfs in early July and 600 cfs at the end of July. During August, there was a 50% probability flows would equal or exceed 600 cfs early in the month and 350 cfs by the end of August. Base flows of 200 cfs were not realized until October (based on a 90% probability of equaling or exceeding this rate). This compares with a post dam 50% probability that flows will equal or exceed 1200 cfs at the beginning of July, 300 cfs at the end of July, and 200 cfs during the month of August.

The 90% probability flows compare pre-dam and post-dam river flows with more certainty. Again, through-out the summer, river flows were approximately 200 cfs greater prior to dam construction and operation, than they are today. Based on the 1920-1950 period, there was a 90% probability river flows below the lake outlet would equal or exceed flows of 800 cfs in early July and 400 cfs by the end of July. This compares with a post dam 90% probability that flows will equal or exceed 400 cfs at the beginning of July, 200 cfs at the end of July, and 100 cfs during the month of August.

Natural lake height on average dropped below 3.0 feet by July 1. Records from 1930 through 1950 show the lake height on the USGS gage (12393000) typically receded below 3.0 feet by the end of June (Table 11). Figure 15 illustrates maximum, minimum, and median lake stages pre- and post- dam. The outlet structure began operating in August 1950. Since the structure was built in 1951, the summer lake level has routinely varied between approximately 2.9 feet and 3.1 feet. In 1949, Diamond Match Company removed rock, driftwood, and boulders from the lake outlet which had impeded the passage of logs (during the low-water stage) from the lake to their sawmill situated approximately ¼ mile down-stream. This operation was probably of some immediate benefit, but not wholly successful, according to a Department of Water Administration Field Engineer. An examination of lake height and lake inflow records does not indicate that dredging significantly altered either the surface height of the lake or river flows.

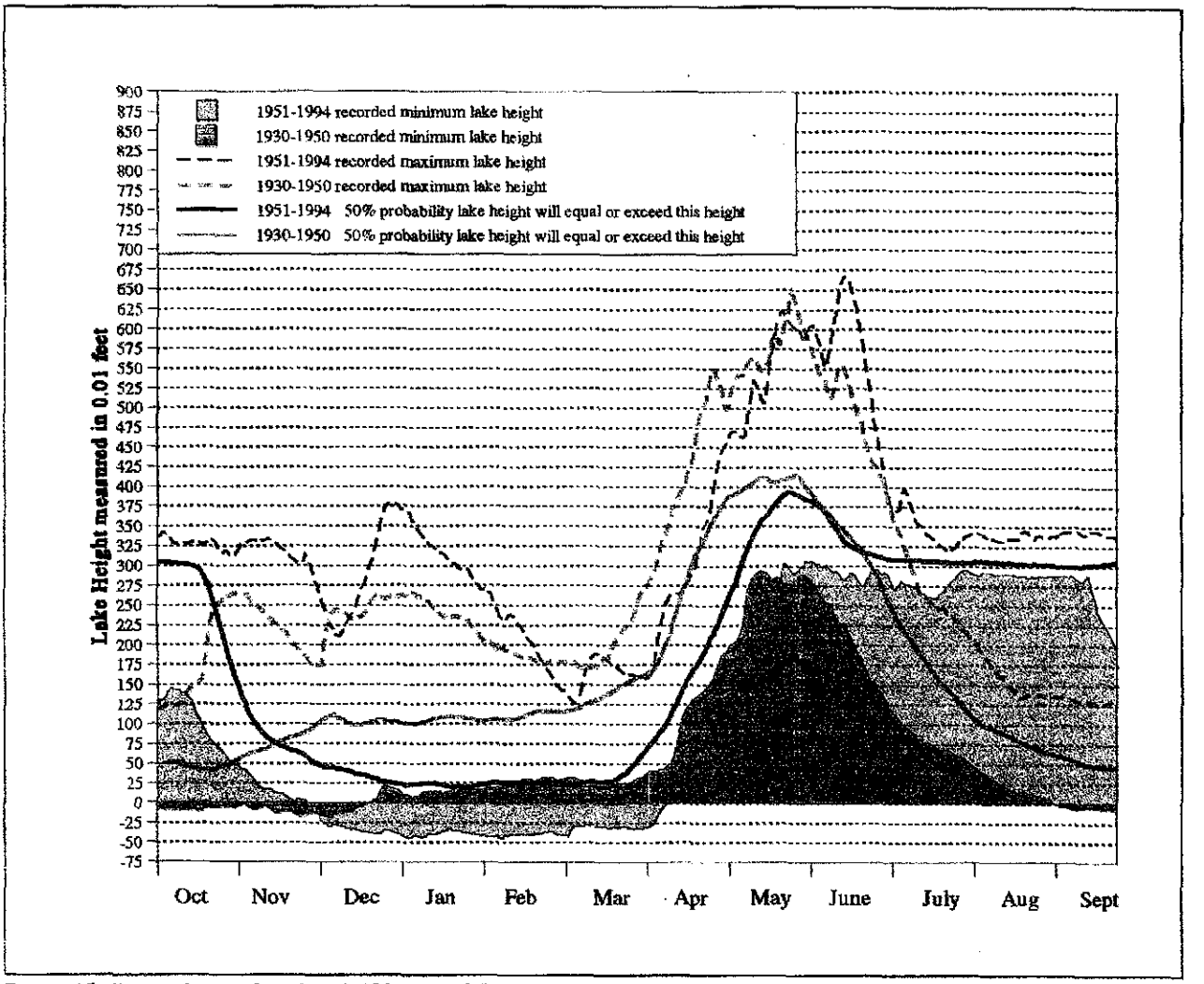


Figure 15. Comparison of Pre-dam (1930-50) and Post-dam (1951-94) Lake Height at Priest Lake (USGS No. 12393000)

V64-9

FISHERY RESEARCH

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Job Performance Report, Project F-73-R-9
Subproject III: LAKE AND RESERVOIR INVESTIGATIONS
Study III: Fishery Enhancement in Large North Idaho Lakes
Job 2: Enhancement of Trout in Large North Idaho Lakes



By

Gregg R. Mauser, Senior Fishery Research Biologist
Robert W. Vogelsang, Biological Aide
Carole L. Smith, Biological Aide

February 1988

JUL 18 1988

Under the conditions simulated, restrictive regulations were not necessary simply to maintain a lake trout fishery. It was only possible to reduce the harvest above 40% exploitation with limited kokanee forage and above 50% exploitation with moderate forage (Figure 21). Abundance declined at the highest mortality rates for all forage levels (Figure 20). Age structure was progressively suppressed with increasing exploitation of older fish (Figure 23). However, in younger age classes, where the major reductions in total population abundance occurred, the decreases weren't sufficient to dramatically reduce recruitment to the ages 6 to 15-years-old segment because of compensatory mechanisms.

Abundance of larger fish, which comprised 70% of the harvest in the model and were the primary kokanee predators, was therefore maintained at high enough levels (Figure 24) to sustain increased catch levels as exploitation increased to 50% (Figure 21). Rates higher than 40 to 50% destabilized the catch and decreased size of fish harvested (Figure 22). These undesirable results were not likely to persist in the fishery due to angler response to poorer fishing conditions, but were therefore a concern for short-term management of the lake trout resource.

Although increased exploitation did not generally produce declining harvest levels in the model, the effects of angler success and effort weren't considered. Significant increases in the number of fishermen necessary to achieve higher exploitation, resultant fluctuation of the catch, and decline in size would reduce individual catch rates and participation, which would in turn reduce catch and vice versa. Cyclic fluctuations within a more limited range in the fishery would probably result. Regulations could be used to stabilize or improve angler success and size of fish creeled even though their necessity was not indicated from strictly yield considerations.

Compared to moderate forage, abundant forage dramatically increased population size, yield, and mean weight of fish in the creel, but not harvest (Figure 21). Harvest at exploitation below 60% was in fact less than for moderate forage (Table 9). Significantly greater biomass resulted with abundant forage and low exploitation. The large biomass caused juvenile mortality to reduce recruitment to older age classes (Figure 23), which limited subsequent catches.

Under moderate forage conditions and high exploitation, fish in the creel were not dramatically larger than for limited forage (Table 9, Figure 22). The harvest benefits of moderate forage were, however, substantial (Figure 21, Table 9).

Bull Trout

Spawning escapements remained low in Priest Lake tributary trend areas in 1986 with higher densities in the Upper Priest drainage (Figure 25, Table 10). Hook-and-line sampling in the Upper Lake during June indicated good bull trout recruitment (Figure 26). Bull trout sampled with a weir at the mouth of Granite Creek in July, and redd counts indicated that this Priest Lake tributary still had a viable bull trout population.

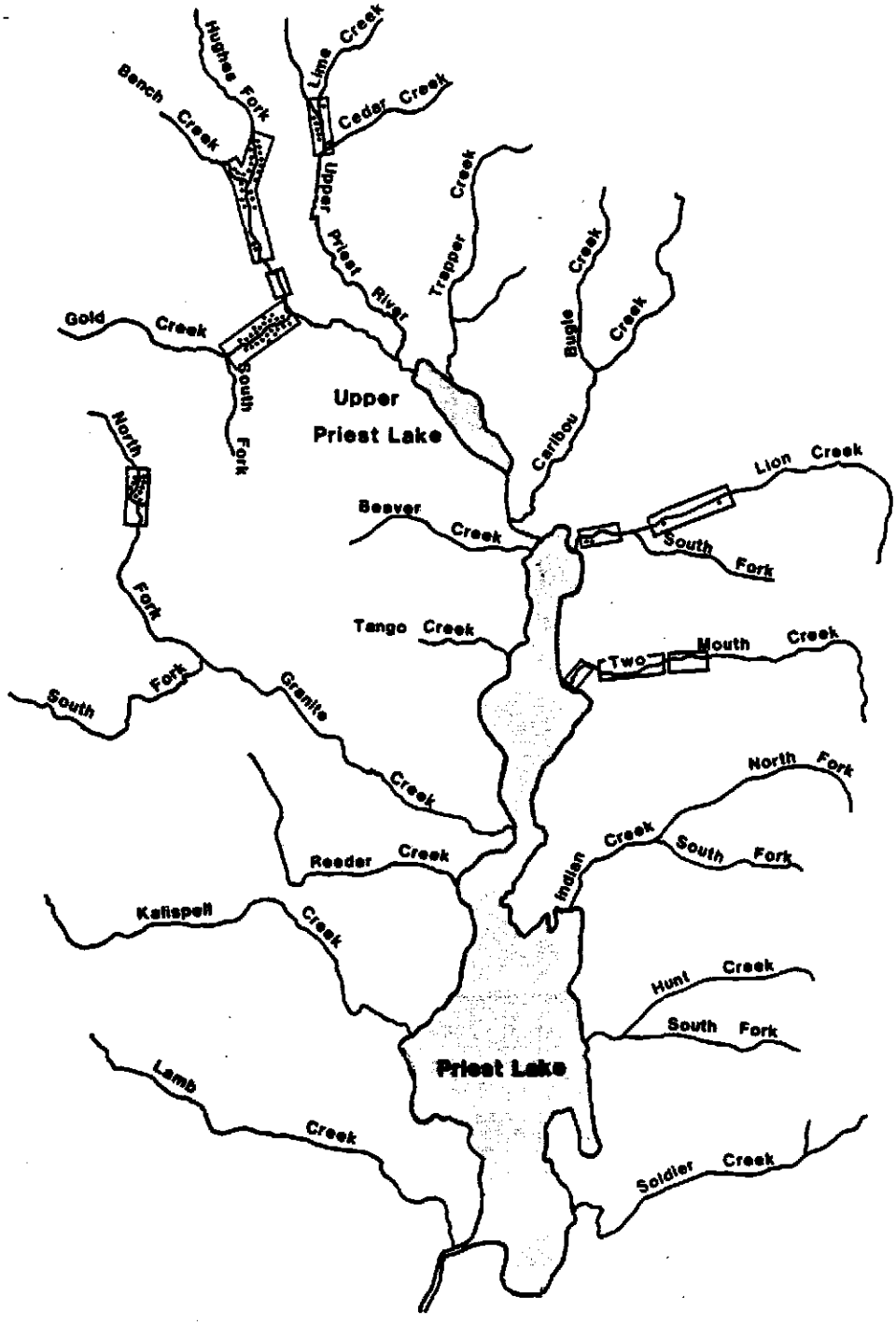


Figure 25. Stream sections surveyed and locations of bull trout redds in tributaries of Priest and Upper Priest lakes, Idaho, September 11 to 21, 1986.

Table 10. Bull trout redd counts, Priest and Upper Priest tributary trend areas, 1983-1986.

Location	Year			
	1983	1984	1985	1986
Upper Priest Lake tributaries				
Hughes Fork	NC[a]	NC	41	19
Gold Creek	NC	NC	24	23
Upper Priest River	NC	NC	12	5
Lime Creek	NC	NC	4	1
Cedar Creek	NC	NC	NC	1
Priest Lake tributaries				
Lion Creek	16	2	0	4
Two Mouth	0	0	0	0
Indian	9	1	0	NC
North Fork Granite	14	5	6	10

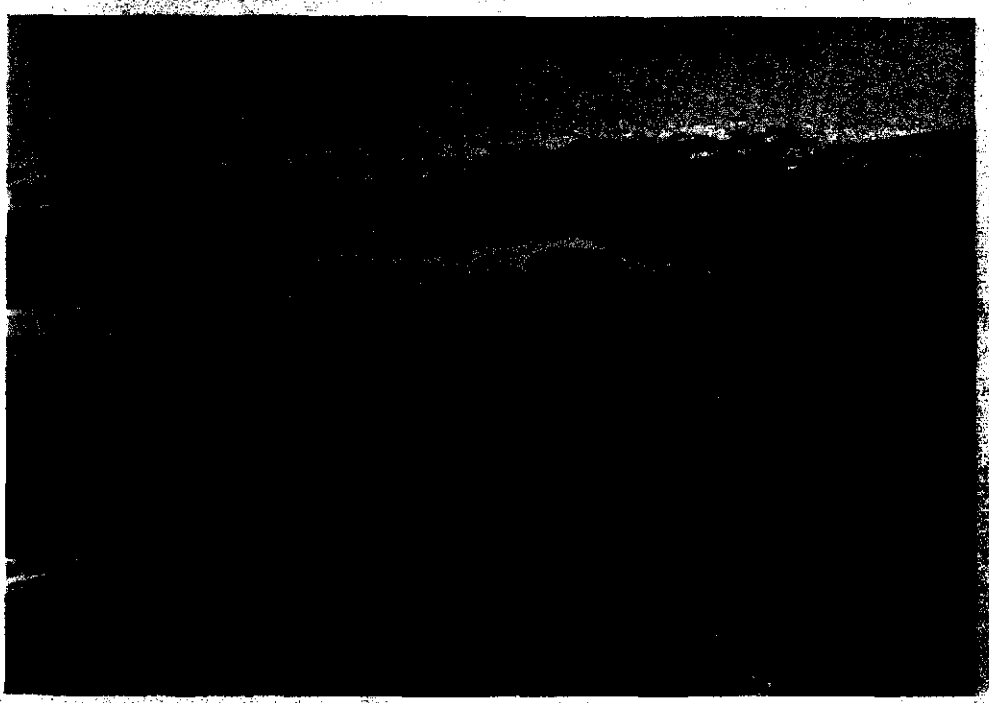
[a]NC = redds were not counted.

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Job Performance Report, Project F-73-R-7
Subproject III: Lake and Reservoir Investigations
Study III: Fishery Enhancement in Large North Idaho Lakes
Job 2: Enhancement of Trout in Large North Idaho Lakes



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Gregg R. Mauser
Senior Fishery Research Biologist
January 1986

Priest Lake cutthroat began to mature during their second summer in the lake (lake age 1). Lake age 0 fish (200-319 mm) sampled in fall were immature. Fifty-eight percent of the lake age 1 fish were also immature at a mean size of 346 mm. Maturing lake age 1 cutthroat measured 340-409 mm with a mean size of 368 mm (Fig. 11). All fish of lake age 2 and older were mature.

Most tagged cutthroat exhibited extensive random movements though some fish were recovered in the same general area.

Bull Trout

Spawning ground surveys conducted 17 to 19 September 1984 coincided with initial migrations of spent bull trout back to Priest Lake. Many of the spent bull trout trapped in eastside streams had apparently over-summered in the tributaries since a late summer or fall upstream migration of adult bull trout occurred only in Granite Creek (Fig. 12). Adult fish were still moving downstream on October 29 as we removed the weirs during the first freeze-up.

Tributary trapping and spawning surveys indicated bull trout abundance was low, with all streams contributing some fish to the lake except possibly Kalispell Creek (Table 6). Redd counts in the same areas showed no increase in bull trout spawning activity over 1983 (Fig. 13). Reported catches of bull trout in Priest Lake were also rare in 1984.

Lake Trout

Fishing for lake trout continued to improve on Priest Lake in 1984. Catch rates increased from 0.10 fish per hour in 1983 to 0.16 in 1984 (Fig. 14). Mean size of lake trout in the catch was larger by 37 mm and 492 g (Fig. 15), and condition factor of larger fish was greater (Fig. 16). Though lake trout continued to feed on mysids, kokanee consumption by larger lake trout increased considerably (Tables 7 and 8).

DISCUSSION

Cutthroat Trout

Proportional increases in mean size and age of cutthroat trout sampled in 1983 and 1984 appeared to be due primarily to poor representation of fish spending their first year in the lake in 1984. Greater relative numbers of older cutthroat in population samples in 1984 could also reflect initial improvement of the cutthroat fishery.

Table 6. Summary of observed bull trout spawning activity and tributary trapping, Priest Lake, Idaho streams, 1984.

Drainage	Spawning activity		Numbers trapped	
	Redds	Adults	Adults	Juveniles
Granite Creek	5	0	27	1
Indian Creek	1	0	10	8
Lion Creek	2	2	3	13
Two Mouth Creek	0	0	3	4
Kalispell Creek	-	-	0	0

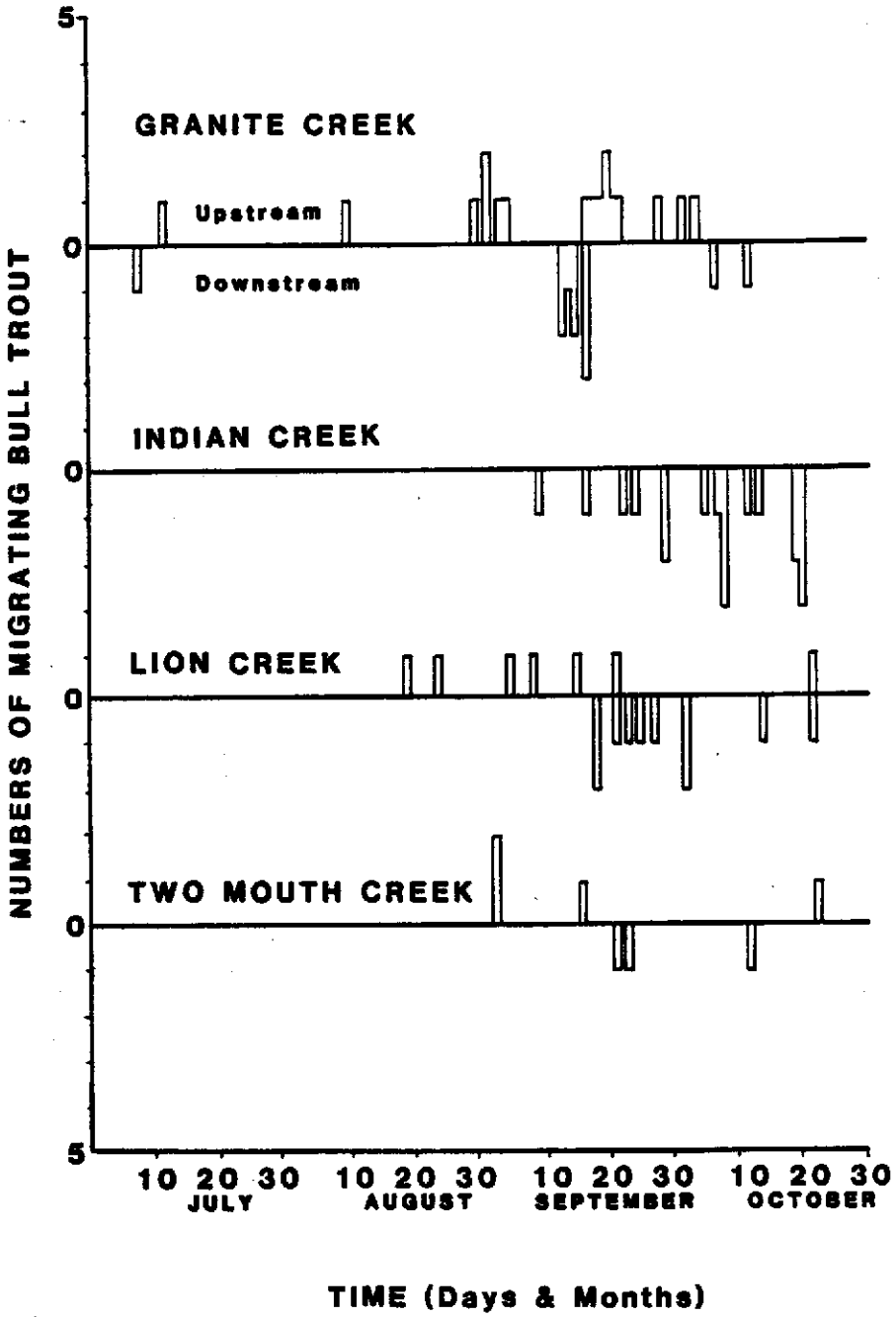


Figure 12. Bull trout migrations past temporary weirs on tributaries of Priest Lake, Idaho, in 1984.

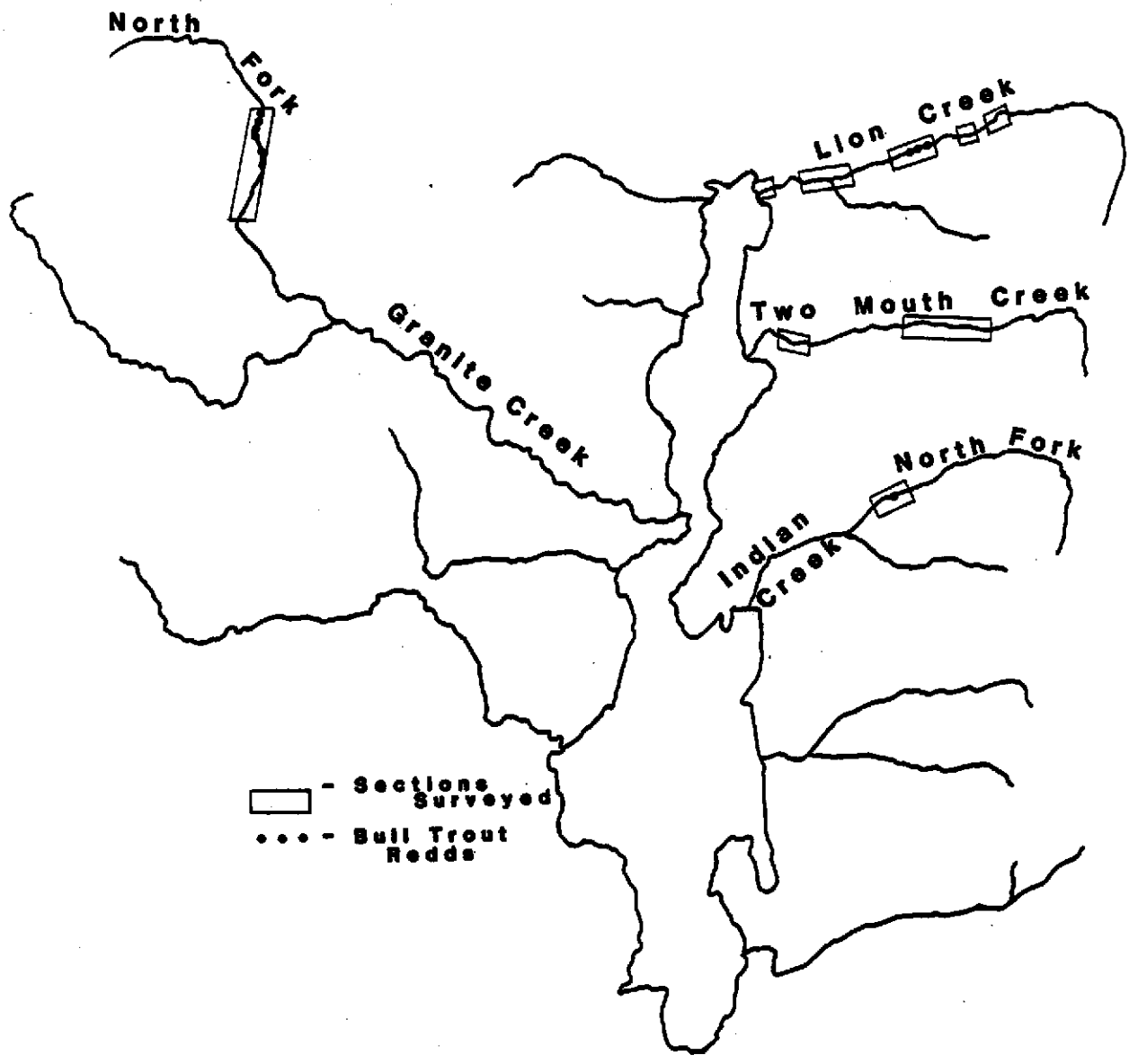


Figure 13. Stream sections surveyed and locations of bull trout spawning activity, Priest Lake, Idaho, streams, 17-19 September, 1984.

MEMORANDUM

TO: Files 97-07274 and 97-07275

FROM: Sharla

DATE: March 24, 1998

RE: Proof of Beneficial Use and Flow Data

On this date, I spoke with John Beal concerning the flow data submitted for the two permits referenced above. The flow data submitted shows that the requested flows were not maintained the majority of the time measurements were made.

The measurements were taken during the period of years Idaho experienced drought conditions. This undoubtedly had an impact on these permits. John also feels that the data submitted is not sufficient nor is it content-satisfactory. He expressed disappointment in the fact that the data was not reviewed in his section when proof was filed, otherwise, it likely would have been rejected and additional data sought.

John requests that the proof of beneficial use statements be withdrawn and extensions of time filed instead to allow at least one more year of data collection to support the requested flows.

The files will be routed to Julie Yarbrough for appropriate processing to withdraw the proof of beneficial use statements and filing of extensions of time.

RECEIVED
MAR 26 1998

February 4, 1994

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07275

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
FEB 25 1994

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 97-7275 Reviewed by [signature] Date 2-4-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

Instream flow

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No.
Amount paid for permit Correct?
Well log in the file?

LICENSE EXAMINATION FEE

no Required?
Amount Submitted
Correct?

MEASURING DEVICE

Required?
Installed?
Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address Proof Made 1-20-94

GAUGE READINGS
By
Priest Lake State Park Staff

DATE	INDIAN CREEK	LIONHEAD
11/28/89	1.90	--
11/29/89	--	1.90
12/12/89	1.10	1.05
1/8/90	.85	--
1/10/90	-0-	1.10
2/8/90	.70	No Reading at Lionhead
3/20/90	.80	No Reading at Lionhead
4/4/90	1.30	No Reading at Lionhead
5/2/90	--	1.44
5/3/90	1.57	--
7/11/90	--	1.30
7/18/90	1.02	1.00
8/15/90	.75	.64
9/20/90	.60	.56
9/25/90	.55	--
10/2/90	--	.38
11/1/90	.60	.80
1/23/91	.77	--
4/3/91	.90	--
7/22/91	--	1.10
12/11/91	--	.58

Reading discontinued because staff gauge washed out and was not replaced at Indian Creek.

Predared for Proof of Beneficial Use for Lion Creek 97-7275, and Indian Creek 97-7274 by the Idaho Department of Parks and Recreation

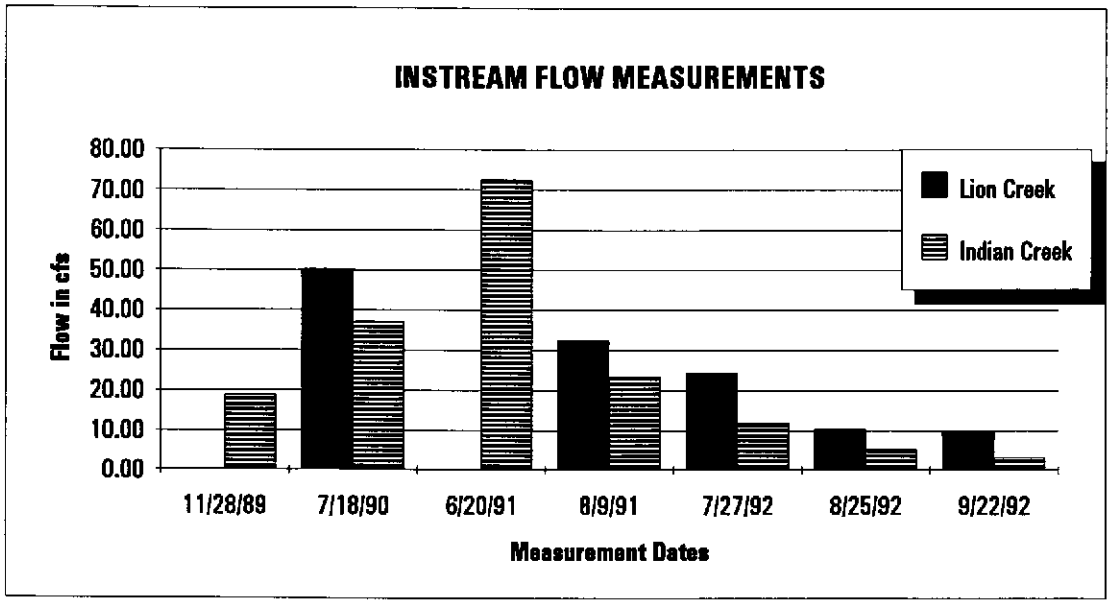
January 20, 1994

RECEIVED
FEB 25 1994

INSTREAM FLOW MEASUREMENTS

By Idaho Dept. of Fish & Game and Priest Lake State Park Staff

DATE	LION CREEK Flow in cfs	INDIAN CREEK Flow in cfs
11/28/89		18.749
7/18/90	50.212	37.156
6/20/91	Off Top of Gage	72.45
8/9/91	32.30	23.16
7/27/92	24.37	11.81
8/25/92	10.28	5.28
9/22/92	9.93	3.21



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FEB 25 1994

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM Lions Crk. Transect No. 1. Below E.S.L. RD Date 7-18-90
Time 1:56 Flow Cross section width
Elevation (HW) B. M. Elevation
Distance from US X-section Meter time Gage height 1.00
Thalwag distance Riparian vegetation

Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	Sub.	Q	Elev.	Comments
0 on Peg									
LWE 6.9									
7.	1 .032				—		-0-		
x	.256				.25		.061		
9	0 0				—		-0-		On Rock
10	26 .832				.34		.283		Sand & Cobble
11	34 1.088				.32		.348		"
12	33 1.056				1.13		1.193		"
13	37 1.184				1.48		1.752		"
14	38 1.216				1.22		1.484		"
15	32 1.024				1.47		1.505		"
16	23 .736				1.70		1.251		
17	20 .64				1.48		.947		
18	20 .64				1.72		1.133		
19	25 .8				1.56		1.248		
20	22 .704				1.57		1.105		
21	21 .672				1.41		.948		
22	37 1.184				1.15		1.362		
23	38 1.216				1.09		1.325		
24	39 1.248				1.54		1.922		
25	31 .992				1.76		1.746		On rock
26	38 1.216				1.15		1.398		
27	44 1.408				1.54		2.168		
28	44 1.408				1.70		2.394		

14°C

Page 2 of 2

IO DEPARTMENT OF FISH AND GAM
STREAM FLOW INVESTIGATIONS

STREAM Lions c.k. Transect No. _____ Date 7-18-90
Time 14:20 Flow 50.212 CFS Cross section width _____
Elevation (HW) _____ B. M. Elevation _____
Distance from US X-section _____ Meter time _____
Thalwag distance _____ Riparian vegetation _____

Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	Sub.	Q	Elev.	Comments
29	38 1.21				1.73		2.104		
30	39 1.21				1.31		1.603		
31	19 .603				1.64		.991		On Boulder
32	18 .576				2.10		1.210		"
33	47 1.504				.99		1.489		Sand & Cobble
34	53 1.696				3.01		5.105		
35	40 1.28				1.98		2.531		
36	50 1.6				1.32		2.112		
37	52 1.664				1.39		2.313		
38	27 .864				1.62		1.400		On Boulder
39	42 1.344				1.32		1.774		
40	18 .576				1.57		.904		
41	14 .448				1.65		.739		
42	8 .256				1.25		.320		
43	1 .032				—		-0-		
43.4					—				
							50.212	CFS	

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM Lion Cr Transect No. _____ Date 6/20/11
Time 1400 hr Flow _____ Cross section width _____
Elevation (HW) _____ B. M. Elevation _____
Distance from US X-section _____ Meter time _____
Thalwag distance _____ Riparian vegetation _____

Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	Sub.	Q	Elev.	Comments
									Flow to high to measure
									staff gage 1-meter mark
									at top of outline
									water elevation at 0.64m
									or 2.1 feet

FEB 2 5 1994

Tango 5.

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM Lion Cr Transect No. _____ Date 8/7/91
Time 1300 hr Flow 32.3 CFS Cross section width 33.3 ft
Elevation (HW) 0.885 ft (WE) B. M. Elevation _____
Distance from US X-section _____ Meter time _____
Thalwag distance _____ Riparian vegetation _____

	Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	Sub.	Q	Elev.	Comments
WE	3.4 / 11.2	0 / 0				0				
	3.6 / 11.8	19 / 0.6				0.4	cobble	0.3		
	4.0 / 13.1	20 / 0.66				0.78	"	0.82		
	4.5 / 14.8	24 / .79				1.1	"	1.39		
	5.0 / 16.4	18 / .59				1.3		1.23		
	5.5 / 18.0	22 / .72				0.45		0.52		
	6.0 / 19.7	13 / .43				1.5		1.02		
	6.5 / 21.3	15 / 0.49				1.4		1.10		
	7.0 / 23	14 / .46				1.35		0.99		
	7.5 / 24.6	31 / 1.02				1.3		2.12		
	8.0 / 26.2	25 / .82				1.25		1.64		
	8.5 / 27.9	28 / .92				1.5		2.21		
	9.0 / 29.5	25 / .82				1.25		1.64		
	9.5 / 31.2	30 / .98				1.4		2.20		
	10.0 / 32.8	10 / .33				1.9		1.00		
	10.5 / 34.5	27 / .89				2.3		3.28		
	11.0 / 36.1	40 / 1.31				1.7		3.56		
	11.5 / 37.7	41 / 1.35				1.25		2.70		
	12.0 / 39.4	45 / 1.48				1.4		3.32		
	12.5 / 41	15 / .49				1.2		0.94		
	13.0 / 42.7	10 / .33				0.6		0.32		
WE	13.55 / 44.5	0				0				
								32.36		

1994

Dam 0.48

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM Lion Ck (Priest L) Transect No. _____ Date 3/27/92
Time 1520 Flow 24.37 cfs Cross section width 5.1m
Elevation (HW) _____ B. M. Elevation _____
Distance from US X-section _____ Meter time _____
Thalwag distance _____ Riparian vegetation grass/low/brush trees

Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	width of cell (ft)	Q	Elev.	Comments
0.3	6 .20				0.01	1.47	.003		
0.6	10 .33				0.50	.98	.16		
0.9	14 .46				0.35	.98	.16		
1.2	16 .52				0.40	.98	.20		
1.5	17 .56				0.80	.98	.44		
1.8	28 .92				1.00	.98	.90		
2.1	31 1.02				1.50	.98	1.50		
2.4	38 1.25				2.20	.98	2.70		
2.7	48 1.57				2.60	.98	4.00		
3.0	52 1.71				2.70	.98	4.52		
3.3	57 1.87				2.20	.98	4.03		
3.6	58 1.90				1.80	.98	3.35		
3.9	56 1.84				1.00	.98	1.80		
4.2	44 1.44				0.50	.98	.71		
4.5	43 1.41				0.05	.98	.07		
4.8	23 .75				-0.15	1.47	-.17		
5.1									
							24.37		

FEB 25 1992

Transect # _____ of _____, page _____ of _____.

LION CREEK 8/25/92 Flow = 10.28 cfs 0.50 gage reading

Distance from Head Pin LB RB	Ground Elevation (ft.)	Mean Velocity (Fps) Cell or Vertical (Circle one) 1	2	3	4	Q cfs	Substrate/ Cover Code
22.6	.02	0				0	
24.0	.30	0.25				.075	
25.0	0	0				0	on Rock ODW
26.0	0.35	0.67				.235	
27.0	0.47	0.92				.432	
28.0	0.49	0.88				.431	O.A.R.
29.0	0.85	1.09				.927	
30.0	0.81	1.75				1.418	
31.0	1.28	0.29				.371	
32.0	1.30	1.45				1.885	
33.0	1.31	0.30				.393	B.W.R.
34.0	1.40	1.93				2.702	
35.0	1.35	0.60				.810	
36.0	0.20	1.04				.208	OAR,
37.0	0.22	1.16				.255	SBFR
38.0	0.56	0.24				.134	
						10.28	

BWE

FEB 5 1994

Transect # 1 of 1, page 1 of 1 SC Beg. W - 1.32

Lion Creek 9-22-94 Flow = 9.93 cfs End - 1.32

Distance from Head Pin LB RB Feet	Ground Elevation (ft.) Depth	Mean Velocity (Fps) Cell or Vertical (Circle one) 1 2 3 4	Q cfs	Substrate/ Cover Code
HW				
WE 4.3				
5	.05	.001	.0001	
5.5	.43	.001	.0002	
6.0	.17	.001	.0001	
7.0	.53	.01	.0053	
8.0	.76	.28	.2128	
9.0	1.12	.78	.8736	
10.0	.19	1.33	.2394	O AR
11.0	1.49	1.34	1.3976	
11.5	1.50	1.96	1.7640	
12.0	1.53	1.45	1.1092	
12.5	1.42	1.62	1.1502	
13.0	1.21	1.50	.9075	
13.5	1.12	0.50	.2800	BAR
14	.76	0.77	.2926	ONL
14.5	.85	0.81	.3442	
15	.91	0.76	.4575	BAR
16	.60	1.05	.6720	
17	.50	0.02	.0100	BAR
18	.34	0.16	.0544	
19	.21	0.26	.0546	
20	.14	0.40	.0760	
21	.24	0.10	.0240	
22	.17	0.21	.0292	
22.4				
			9.93 cfs	

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FEB 25 1994

O A R - On A Rock

B A R - Bar

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 11, 1990

Larry Townsend
Priest Lake State Park
Indian Creek Bay #423
Coolin, ID 83821

RE: Minimum Streamflows in Indian Creek and Lion Creek, Water Right Permit Nos. 97-7274 and 97-7275

Dear Mr. Townsend:

I discussed Frank Sherman's letter with Frank and Norm Young, our administrator. Both were unaware of Park's efforts to establish a rated section and the periodic reading of installed gauges. Both felt that what Parks is doing is acceptable, and is probably more extensive than the minimum we would require.

You will not be required to hire a certified examiner to measure flows. As Fish and Game assists in establishing the rated section, please have someone record the procedures followed. When the data is submitted with proof of beneficial use, or at the time the rating curve is established, we request that the procedures for establishing the rated transect or section be submitted to the Department of Water Resources. Please also ask the person developing the rating information to certify that proper methodologies were followed.

If you want to discuss reducing the number of readings, I would be happy to visit with you.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Bob Haynes
Frank Sherman
Rinda Just, Parks & Recreation

RECEIVED
FEB 25 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 21, 1989

Ms. Rinda Just
Deputy Attorney General
Idaho Dept. of Parks & Recreation
Statehouse Mail

Dear Ms. Just:

I apologize for the long delay in responding to your request for guidance in the matter of the flow data supporting the minimum stream flows on Lion and Indian creeks. To some extent the delay resulted from my efforts to eliminate or reduce the burden on your agency in this matter.

Unfortunately, I have not been particularly successful in my endeavors. The Department of Water Resources will require at least one flow measurement a year for a three-year period on each stream. The measurement must be made by a certified water right examiner or other person acceptable to the Department at a time when streamflow is generally considered to be at seasonal lows.

Staff at the Northern Office of Water Resources suggest that Allen Isaacson, 3023 Westwood Court, Coeur d'Alene would be a good choice to do this work. Several months ago Mr. Isaacson stated that for $350.00 he could make a single measurement on each stream. This could be a starting point in any discussions you might have with him. If the missed opportunity for data collection in calendar year 1989 becomes a problem, I will be glad to assist in obtaining the requisite extension of time.

Very truly yours,

Frank B. Sherman

Frank B. Sherman
Water Planning Bureau

FBS:cjk

FEB 2 5 1994

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER

FOR MINIMUM STREAMFLOW

97-7275

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

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

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 97-7275 on April 29, 1988, by adopting a Proposed Memorandum Decision and Order authorizing the appropriation of a minimum streamflow in Lion Creek of 22 cfs during the period beginning January 1 through December 31. The minimum streamflow begins at the confluence of Lion Creek and Priest Lake in Lot 6 (NE1/4SE1/4), Section 10, T62N, R4W, B.M., and extends upstream approximately two miles to the confluence of Lion Creek and the South Fork of Lion Creek, located in the NE1/4NW1/4, Section 12, T62N, R4W, B.M., Bonner County;

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty Ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Proposed Memorandum Decision and Order, dated February 16, 1988, adopted by the Director of the Department of Water Resources.

MAY 15 1989

MINIMUM STREAMFLOWS
FOR TRIBUTARIES
TO PRIEST LAKE

Lion Creek

Water Right No.: 97-7275

Source: Lion Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 22 cfs

Location of Reach: From the confluence with Priest Lake in Lot 6 (NE1/4SE1/4), Sec. 10, T62N, R4W, upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NE1/4NW1/4, Sec. 12, T62N, R4W, Bonner County.

Purpose: To maintain aesthetic values for Priest Lake State Park visitors; to maintain trout fishery habitat.

Indian Creek

Water Right No.: 97-7274

Source: Indian Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 26 cfs

Location of Reach: From the confluence with Priest Lake in Lot 2 (SW1/4NE1/4), Sec. 27, T61N, R4W, upstream about three miles to the confluence with the South Fork of Indian Creek in the S1/2SE1/4, Sec. 13 T61N, R4W, Bonner County.

Purpose: To maintain aesthetic values for Priest Lake State Park visitors; to maintain trout fishery habitat.

MAY 15 1989

Hearing

A hearing for both minimum streamflows was held on Wednesday October 21, 1987, Sandpoint, Idaho.

-Attended by 13 people

-Parks & Recreation records show 36,372 people visited Indian Creek and Lion Creek in 1986 at Priest Lake State Park.

-Two of the four most important fish spawning tributaries of Priest Lake

-R.G. Wright - Chairs a self help monitoring program for Priest Lake water quality - Flushing action of Indian Creek and Lion Creek is essential for reducing turbidity and maintaining water quality of Priest Lake.

-Jules Gindraux - Represented Concerned Citizens of Priest Lake, Priest Lake Coalition and Selkirk Priest Basin Association. Support the objectives of the minimum streamflows.

-Bob Johns - President of Priest Lake Chamber of Commerce - strongly supports minimum flows - essential for areas tourism economy.

-All public input was favorable

Permits: Orders Adopting Proposed Decisions dated April 29, 1988 were issued by the Director

Special Conditions: Retained jurisdiction language where a party may seek change by filing a petition with the director. The petition may be filed at any time.

Three years of flow data must be submitted with proof of beneficial use.

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MAY 15 1989

LION CREEK
MINIMUM STREAMFLOW
Lion Creek

Water Right No.: 97-7275

Source: Lion Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 22 cfs

Location of Reach: From the confluence with Priest Lake in Lot 6 (NE1/4SE1/4), Sec. 10, T62N, R4W, upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NE1/4NW1/4, Sec. 12, T62N, R4W, Bonner County.

Purpose: To maintain aesthetic values for Priest Lake State Park visitors; to maintain trout fishery habitat.

Hearing: Wednesday October 21, 1987, Sandpoint, Idaho.

Attended by 13 people

All public input was favorable

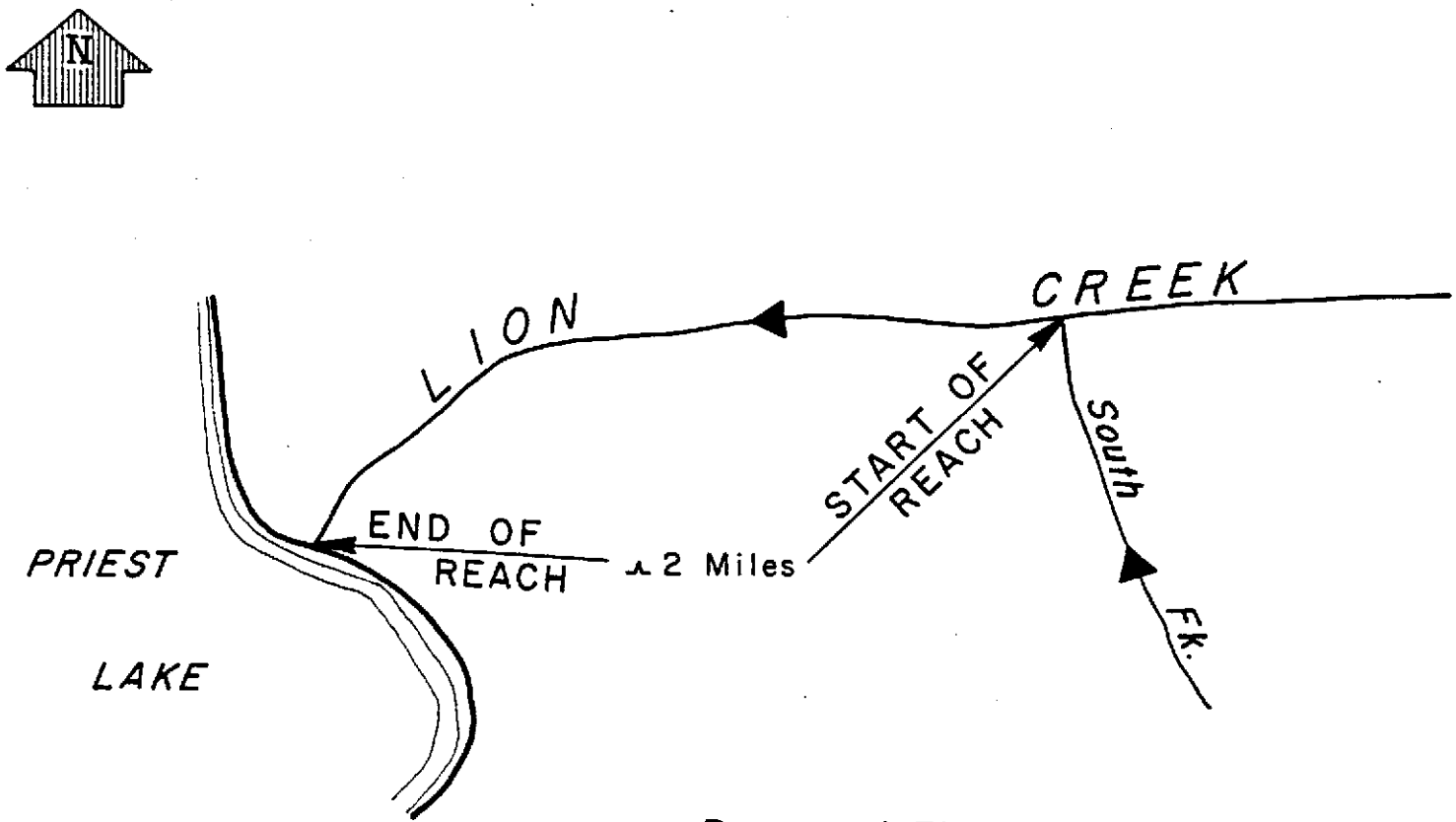
Permit: Order Adopting Proposed Decision dated April 29, 1988

Special Conditions: Old retained jurisdiction language where party seeking change must file a petition with the director. The petition may be filed at any time.

Three years of flow data must be submitted with proof of beneficial use.

MAY 15 1989

LION CREEK MINIMUM STREAM FLOW



- Requested Flow: 22 CFS
- No Previously Recorded Water Rights

MICROFILMED
MAY 15 1989
MICROFILMED
JUL 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 9, 1989

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

RE: Water Right Applications for Permit for Minimum Streamflow

RE: Water Right Applications for Permit for Minimum Streamflow Nos.: 36-8374 and 36-8330, Crystal Springs; 22-7370, Bitch Creek; 37-7920, Malad River; 36-8337, Box Canyon Creek; 21-7283 and 21-7355, Warm River; 47-8073, Shoshone Creek; 97-7275, Lion Creek; and 97-7274, Indian Creek; 36-7820, Blind Canyon Springs.

Dear Representative Boyd:

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

As you are aware, Section 42-1503, Idaho Code, requires that the applications be reviewed by the legislature. As defined by statute, each application "(i) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho Legislature; or (ii) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved."

This letter constitutes submittal of the applications to the legislature for approval. Please advise me if you desire further information or presentation on the nature of the applications. Department personnel are also willing to assist with preparation of draft concurrent resolutions if requested.

Sincerely,

R. KEITH HIGGINSON
Director

GS:ds
Enclosures

CC: Legislative Council

MICROFILMED
MAY 15 1989

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 9, 1989

Senator Michael Crapo, President
Senate pro Tem
Statehouse
Boise, ID 83720

RE: Water Right Applications for Permit for Minimum Streamflow Nos.: 36-8374 and 36-8330, Crystal Springs; 22-7370, Bitch Creek; 37-7920, Malad River; 36-8337, Box Canyon Creek; 21-7283 and 21-7355, Warm River; 47-8073, Shoshone Creek; 97-7275, Lion Creek; and 97-7274, Indian Creek; 36-7820, Blind Canyon Springs.

Dear Senator Crapo:

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

As you are aware, Section 42-1503, Idaho Code, requires that the applications be reviewed by the legislature. As defined by statute, each application "(i) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho Legislature; or (ii) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved."

This letter constitutes submittal of the applications to the information or presentation on the nature of the applications. Department personnel are also willing to assist with preparation of draft concurrent resolutions if requested.

Sincerely,

R. KEITH HIGGINSON
Director

GS:ds
Enclosures

CC: Legislative Council

MICROFILMED
MAY 15 1989

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

May 5, 1988

Gene Gray
Idaho Water Resource Board
Rt. 1. Box 46-A
Payette, ID 83661

Re: Application for Permit No. 97-7275

Dear Mr. Gray:

Please find enclosed a copy of the Final Memorandum Decision and Order for Application No. 97-7275 in the name of Lion Creek to establish a minimum stream flow in the name of the Idaho Water Resource Board and the Order Adopting Proposed Memorandum Decision and Order.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosure

JUL 2 1988
MAY 11 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

May 5, 1988

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

Re: Application for Permit No. 97-7275

Dear Mr. Rydalch:

Please find enclosed a copy of the Final Memorandum Decision and Order for Application No. 97-7275 in the name of Lion Creek to establish a minimum stream flow in the name of the Idaho Water Resource Board and the Order Adopting Proposed Memorandum Decision and Order.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosure

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JUL 27 1988
MAY 11 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

May 5, 1988

Department of Parks and Recreation
State of Idaho
Statehouse Mail
Boise, ID 83720

Re: Application for Permit No. 97-7275

Dear Interested Party:

Please find enclosed a copy of the Final Memorandum Decision and Order for Application No. 97-7275 in the name of Lion Creek to establish a minimum stream flow in the name of the Idaho Water Resource Board and the Order Adopting Proposed Memorandum Decision and Order.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosure

JUL 2 1 1988

MAY 1 1 1994

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OCT 13 1987
Department of Water Resources

JIM JONES
ATTORNEY GENERAL
STATE OF IDAHO
Room 210
Statehouse Mail
Boise, ID 83720
Phone: (208)334-2400

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

RINDA RAY JUST
Deputy Attorney General
Idaho Department of Parks &
Recreation
Statehouse Mail
Boise, ID 83720
Phone: (208)334-2154

Attorneys for the Idaho Department of Parks and Recreation

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

In the Matter of the Application for a Minimum Stream Flow on Lion Creek Application No. 97-7275	)	NOTICE OF APPEARANCE

Rinda Ray Just, Deputy Attorney General, hereby enters an appearance as attorney of record for the Idaho Department of Parks and Recreation for the hearing to be held in this matter on October 21, 1987.

DATED this 13th day of October, 1987.

By: Rinda Ray Just
Rinda Ray Just
Attorney for the
Idaho Department of Parks & Recreation

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JUL 2 1 1988

MICROFILMED
MAY 11 19

CERTIFICATE OF MAILING

I hereby certify that on the 13th of October, 1987, I served a true and correct copy of the NOTICE OF APPEARANCE by depositing same in the United States Mail, postage prepaid, to the following persons:

Mr. David Rydalch
Minimum Stream Flow Chairman
Idaho Water Resource Board
Statehouse
Boise, ID 83720

Mr. Gene M. Gray, Chairman
Idaho Water Resource Board
Rt. 1, Box 46-A
Payette, ID 83661

Rinda Ray Just
Deputy Attorney General

MAY 04

INDIAN [redacted] - LION CR [redacted] HEARINGS
97-7275

PREHEARING CONFERENCE PROCEDURE

1) Combined / separate hearings
2) Explain hearing format -
   full parties - identify / representation
   public statements - one if any time problems
3) Order of appearance
4) Review decision criteria - 42-1503
   a) interference with existing water rights
   b) public not private interest
   c) pres. of fish & wildlife habitat, aq. life, rec., aesthetics, trans, w.q.
   d) min. not ideal
   e) capable of being maintained
ANSWER any questions

HEARING PROCEDURE

Recorder 1) Take appearances - READ OPENING STATEMENT
2) DAVE RYDALCH - IWRB
3) GARY SPACKMAN - official notice
4) PARKS + Rec -
5) F+G -
6) others
7) Public witness -
8) Rebuttal + closing
9) Leave record open for 10 days for public statements

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Opening statement

- Sandpoint Oct 21, 1987 3:00 pm
  VFW Hall
- Purpose of hearing is to develop a record for ruling on application 97-7274 Indian Creek (and 97-7275 Crow Creek) These applications are for minimum stream flows to be established pursuant to Chapter 15 Title 42 Idaho Code
- The ~~proceedings~~ hearings today will be ~~governed by~~ in accordance with the rules of practice & procedure of IDWR - OPPORTUNITY WILL BE GIVEN FOR ALL WISHING TO DO SO TO PROVIDE INPUT - Those WISHING TO PARTICIPATE AS FULL PARTIES TO THESE MATTER(S) ~~have~~ ~~been~~ will be allowed to provide testimony under oath, examine & cross examine witnesses, have the right of appeal and otherwise participate as a party as provided by the rules. Those wishing to make public interest statements ~~will be~~ encouraged ~~allowed~~ to do so, pm + 7:00 continuance - All statements & testimony are under oath.
- Upon close of record - 10 days proposed decision, final decision, appeal procedure, legislative review

- take appearances
- any other introductory matters?
- Call Dave Rydalch - oath
- Call Gary Spackman - official notice review documents records etc

Closing statements / briefs

adjourn hearing - record remains open for 10 days for written public statements
copies will be provided to full parties for rebuttal -

Hearing notes -

Dave Rydalch -

Read prepared statement -
No X-EXAM

GARY SPACKMAN - official notice of documents -

1) Historical SKETCH of APPLICATIONS
2) WATER RIGHTS on stream
3) Hydrology of streams

1) 1) Advertised statewide - local advertisement
2) Described the dates
3) Notice to riparian owners, legislators, those attending public info mtg
2) 1) Indian Creek 97-7274
Slide of water right
Slide of map of Indian Ck min flow reach

Water rights of record would
low flow of Indian Creek -
Diamond Match water rights
97-2030 — 25 cfs
97-2058 — 8 cfs
97-2056 — 1 cfs
97-2060 — 5 cfs
97-2061 — 5 cfs
97-2062 — 2 cfs
97-2031 —
97-2063 — 10 cfs

Slide of Pack River hydrograph —
as a representation of correlated
record — 9.
Indian Ck measured 6 times (1973-7
@ above center of NSF road
93% correlation with Pack River
Hydrograph of Indian Ck developed
Exceedance curve slide
flows of 26 cfs exceeded 65%
of time —

Lion Creek — 97-7275
W.R slide shown —
Location slide
Map of NSF road on Lion Ck
No previously recorded W.R on Lion Ck
No recorded flow measurements

PARKS & Rec

M.S. JUST EXAMING:

Todd Graeff 1) background & position with dept 2) Indian Ck & Lion Ck – flow thru Priest Lake State Park

3) MASTER Plan for the state park is being done – will identify lands to be purchased & develop – will be done this year

4) PARKS acquired 293 acres from Diamond International last year

5) Streams are important to the area –

Corey Townsend – Priest Lake State Park Coolin Idaho

– Role of Indian Ck & Lion Ck activities, recreation, fishing, general –

North & west boundary – Indian 92 unit campground

Boat launching facilities

Lion Ck diagonally across center 47 unit campground

Boat launch

Picnic facility

Calendar Priest Lake – 25,894 users visits to Indian Ck unit in 1984 36,092 total – Indian Ck & Lion Ck

18,684 campers
7,214 day users

8,279 campers
2,199 day users

- Loss of Indian Cr & Lion Cr would adversely affect ~~the~~ all users directly or indirectly
  - water quality
  - beach activity
  - beach formation
  - visual, sound, smell tranquility
- reduction in flow would injure use
- Economic impact of Park in 1985
  - voluntary survey of facilities re money spent, where -
  - concluded that visitor spending was $121,940 to local economy
  - Does not include multiplier effect

Distrust ~~federal~~ international water rights or ~~for a~~ flume that has not existed in some fk. 8 yrs; Minimum flow not the idea

Do not intend to interfere with any valid existing water rights

Ned Horner

- F+G Fishery Biologist
- Bull trout - adfluvial rely on stream fun spawning & rearing
- Listed as Species of Special Concern -
- Indian & Lion Ck are ? of ? to the

MAY [illegible]

suppress Bull trout spawning & rearing)

? → Lion & Indian Cr are the longer tributaries (Hughes Fork – Twobmouth Cr –

Population in Lake are limited by spawning & rearing –

West Slope Cutthroat trout – adfluvial – Lion & Indian Cr are spawning streams – more than for

when → Lion & Indian Cr are closed to the taking of Bull & Cutthroat trout along with other tribs because of stressed populations in Lake – [1984 – Lake 1984 –

Reduction in flow would further stress

Cutthroat 1988 will be closed on Lake

IFG4 min stream flow method

4 transects – low, med, & high flows –

flows measured on both creeks @ 4 different times

Depth/velocity measurements are used to predict our year around habitats –

Also used to determine fish habitats –

Model determines flows needed for various life stages – used only

juvenile ~~rearing~~ incubation for these streams - usually less than spawning —

Inflection point on curve - below/unacceptable losses occur —

Indian Ck

Min Flow - 26 cfs juvenile cutthroat ~~incubation~~ rearing —

Restoration as opposed to enhancement

Strong preference for native fish as opposed to the non-native fish

Wild native salmonid - consideration - management plan

MAY

R.G. Wright — self help monitoring program on Priest Lake —
Coolin, Idaho —
Exhibitor — parks & Rec ex. 1 brochure
~~flag~~ 6" = 2 miles

Water quality monitors — 19 volunteers
— use Secchi discs to monitor turbidity
Wright compiles the data —
Measurements every 2 weeks —
Roads, logging, recreation, & sewage will cause degradation of the rivers

Flushing action of fresh water inflow helps reduce turbidity —
Inflows from Indian Ck & Lion Ck are important for W.Q — reduction would injure Lake W.Q.
More turbidity would reduce fish habitat
Experience on water quality —
Priest Lake important as source of water for kidney patients, additional ~~turbidity~~ contamination injures these people —
Priest Lake is a pristine Lake because of rapid water turnout — i.e.
Secchi discs could be seen —

Jules Gindraux — public interest statement —

→ Requested that Dr. Crowe's study report included in the record of the Independent power project hearing be included in the record of this hearing

→ Concerned residents of Priest Lake membership total - 2500 signatures to Priest Lake Coalition - 7000 signatures 600 contributors
Selkirk-Priest Basin Assn - never — strong support of all three groups for ~~this~~ approval of these filings Board of directors - took -

Bob Talkus — Coolin Idaho
President of Priest Lakes Chamber of Commerce —
— Primary use is public
— Beautiful setting
— Want the streams as a fishery
— Priest Lake economy is based upon campers, tourists, etc
— Streams are important to tourism and the economy —
— No need for small hydro/surplus power in the Northwest

flows should ~~keep~~ keep [illegible]

lived in the area since 195[illegible]

new

~~1951~~

Lion Creek
Indian Creek

97-7275

Hearing Notes – October 21, 1987

Todd Graff – Master plan – what kinds of uses they want to provide – Master plan will identify future lands to be purchased –

Land was acquired by Diamond International – 293 acres from Diamond International

Streams are an integral part of the park –

Nature Conservancy & Fish & Game participated in the purchase of the 293 acres

Larry Townsend –
Parks & Rec. Mgr. w/ Priest Lake State Park.

Creeks play prominantly in play, aesthetics and natural

Indian Creek – north & west boundaries –

Lion Creek flows diagonally [illegible] the Park –

JUL 27 1988

1986 – Indian Creek – 36,372 total people visiting Indian Creek & Lion Creek

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If Indian Creek was not maintained (flows) - all would be impacted.

Water quality affected + ~~ishing~~

No of ways - sounds & smell.

Ecosystem - They affect the riparian growth.

Economic impact -

1983 - written survey - visitor ~~spending~~ - determined that if figures applied → $121,___ to the local economy

This is an initial expenditure -

Investigated water rights for Diamond Match Company:

Log flume in operation - No

Not been ~~Date~~ in operation since he started ~~the~~ at the Park.

Interfere with existing water rights to

No

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Ned Horner –
& Regional fisheries manager
5 northern counties of Idaho
The area October 1984 –
~~Regional fish~~

Bull Trout or Dolly Varden
population ~~is~~ in Priest Lake
depends on the tributaries ~~to~~
for ~~spawning~~ beds –
Indian Creek & Lion Creek
are tributaries which support
spawning grounds –
More acres of lake than
the tributaries will support –

Cutthroat are a lake ~~spawning~~
trout spawning into Indian C.
& Lion Creek.

Numbers in the lake are in
a severe state of depression –
– Lion & Indian are closed to
fishing to try to provide as
much production as possible

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What if there is a reduction
of flow.

IF&G instream flow study -

Study IFG 4 — — method

transects established on a stream

pools
riffles } habitats
runs

Measure depth & velocity -

Measured flows on Indian & Lion Creek -

Then look to see what a fish needs in depth & velocity.

Look at critical life stages -
- Curves are develop from the life stages.

- Juvenile rearing was utilized
- Much less that incubating or spawning -

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Maximum amount of flow for not much loss.

Indian Creek 26 cfs juvenile cutt rearing Leon -

Depletions below minimum in the The reaches will be unacceptable

Spawning
Incubation
juvenile rearing - This is lowest value
adult rearing

What percentage in each -

Hughes Fork → This produces the most
Priest River
Indian Creek
Lion Creek

Bull Trout is listed as a species of special concern -
Recognized as wild native salmonid

Will manage for wild salmonid -

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Mr. Wright -
Name R.G. Wright -
Chairing self help monitoring program -

Water quality monitoring program -

Measure turbidity - performed by volunteers -
Humans are the biggest contributors to degradation -
Roads, logging -

Only monitor for turbidity -

Has monitoring shown importance of Indian Creek & Lion Creek -

Flushing action of fresh waters w/ oxygen -
~~Study of water quality flow~~
If substantial reduction in Lion Creek or Indian Creek -
Probably get moss, increased turbidity

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Been involved in water quality of many of the streams in Southern Idaho

North Idaho Lake Association

Both streams play an important part in the flushing action on the Lake.

Jules Kendro — Took at the last 2500 people said they supported objectives
Concerned residents of Priest Lake
(group around the Lake)
Nov. 2, 1982 — Kavenaugh Bay
zoology professor @ Pullman
Dr John Crane interference w/ water flow into the lake would seriously affect the water quality in the Lake.
He asked that it be entered — Do what can to protect integrity of the stream.

Priest Lake Coalition 7000 petitioned
Signatures

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Priest Lake Basin Assoc. —

MAY 11 199

MINIMUM INSTREAM FLOW HEARING

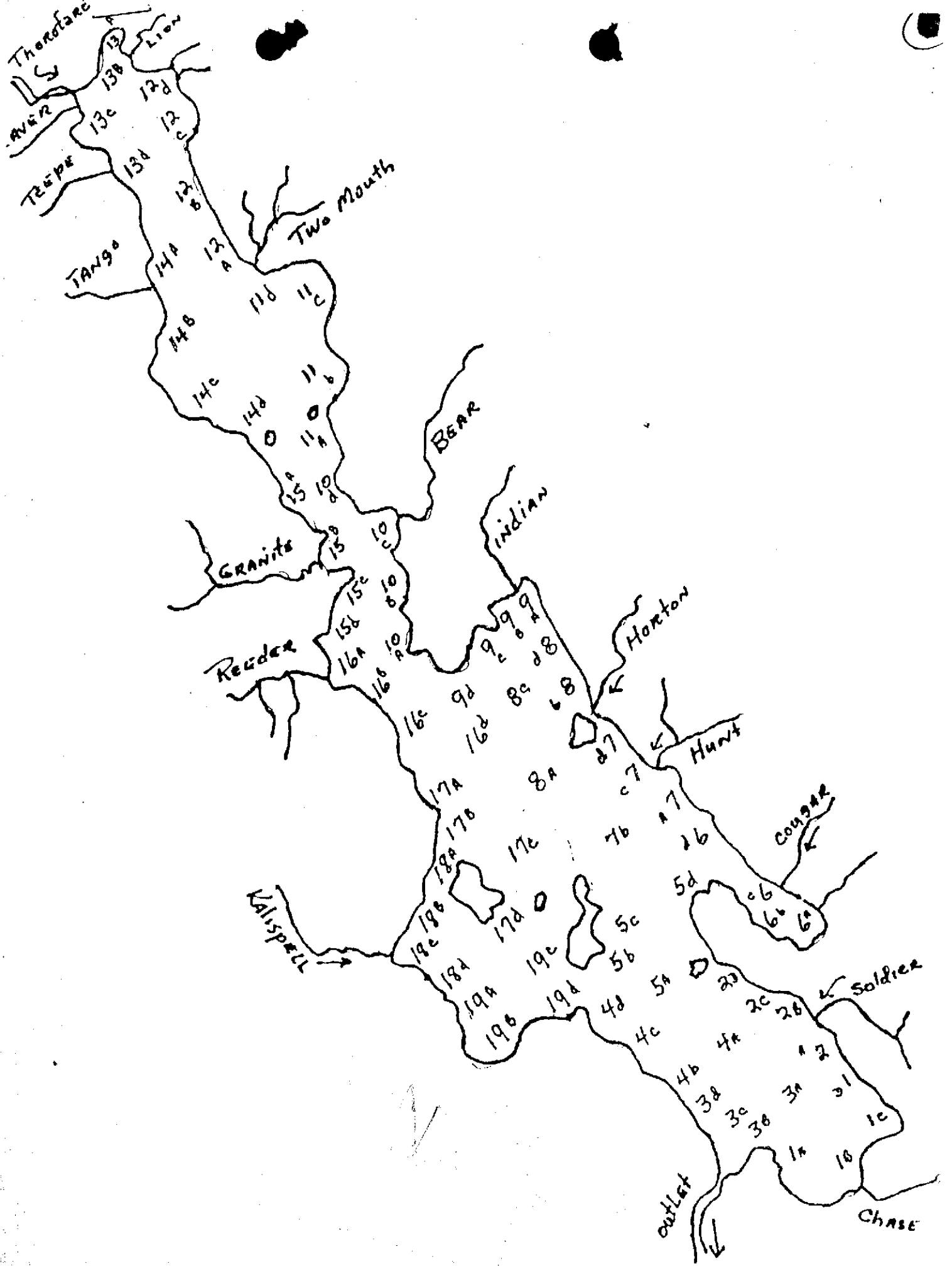
97-7274 - INDIAN CREEK

97-7275 - LION CREEK

ROSTER OF ATTENDANCE

Please Print

Name	Address	Representing	Check ( ) if formal testimony or statement will be given
Rinda Roy Just	IDPR, Statehouse Mail	IDPR	
~~Deputy~~ AG	Boise ID 83720		
LARRY TOWNSEND	PRIEST LAKE STATE PARK INDIAN CREEK BAY #423, COOLIN, ID 83821	IDPR	✓
~~TOM HEADLEE~~	IDPR, ~~STATEHOUSE~~ MAIL	IDPR	✓
Ned Horner	2320 Government Way Coeur d'Alene Id. 83814	IDFG	✓
ROGER JANSSON	CAVANAUGH BAY, #132 Coolin, Id. 83821	IDL	
JULES GINDRAUX	POB 186	CONCERNED RESIDENTS OF PRIEST PRIEST LAKE COALITION SELKIRK PRIEST BASIN ASSOC	✓
R.G. Wright	Box 67 Coolin, Ida	Self Help Monitor Group	
Norm Young	statehouse Boise	Tour	Hearing off
Bob Haynes	4055 Gov't Way Coeur d'Alene		
K B JOHNS	STEAMBOAT BAY RD. #121	PRIEST LAKE CHAMBER OF COMMERCE COOLIN, ID. 83821	✓
Dale Reber	9660 Colburn Culver Rd Sandpoint Ida 83864	SELF	
LEONARD M LEONARD	7105 HIWAY 2 SANDPOINT IDAHO 83864	SELF	


Thorndale
Lion
Two Mouth
Tango
Bear
Indian
Granite
Horton
Hunt
Cougar
Kalispell
Soldier
outlet
Chase

Water Right No.: 97-7275

Source: Lion Creek

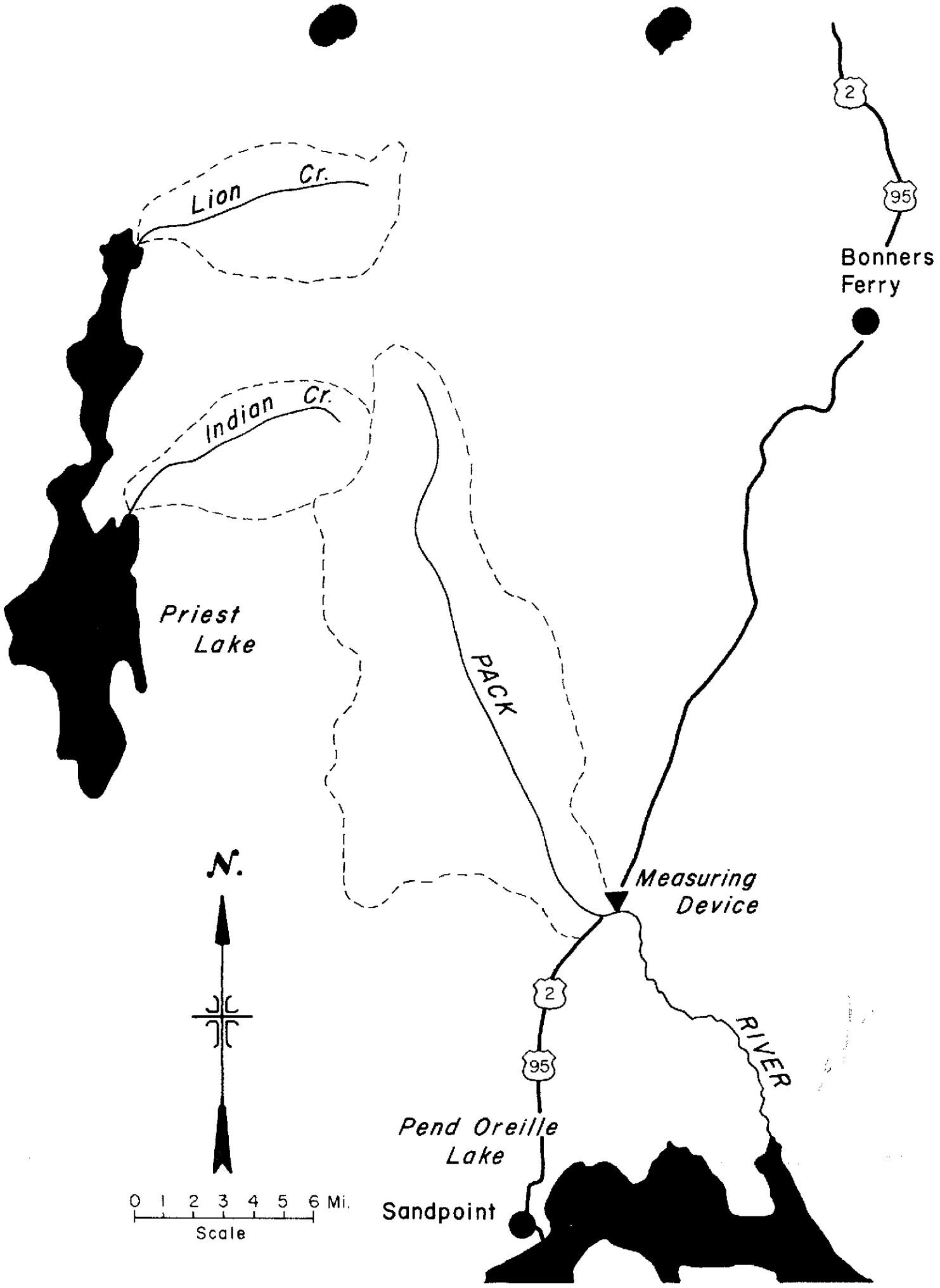
Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

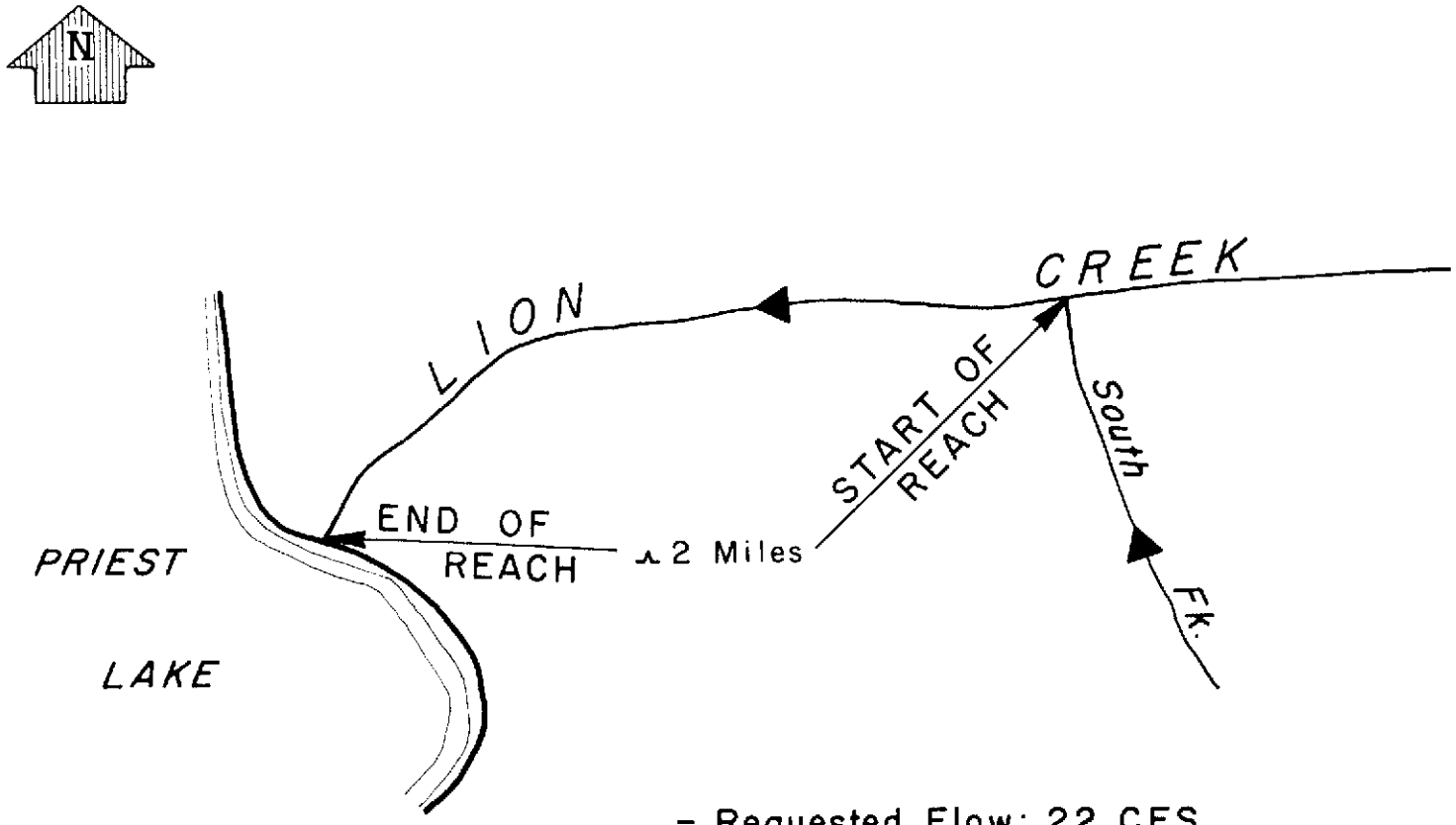
Date Application Filed: April 26, 1985

Rate of Flow: 22 cfs

Purpose: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public


Lion Cr.
Indian Cr.
Priest Lake
PACK
RIVER
Measuring Device
Bonners Ferry
Pend Oreille Lake
Sandpoint
2
95
N.
0 1 2 3 4 5 6 Mi.
Scale

LION CREEK MINIMUM STREAM FLOW



- Requested Flow: 22 CFS
- No Previously Recorded Water Rights

RECEIVED
OCT 16 1987
Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
SUSAN MATTOS
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

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

October 14, 1987

Mr. Gary Spackman, Supervisor
Water Allocations Section
Idaho Department of Water Resources
450 West State Street
Boise, ID 83702

Re: Hearings for Indian Creek, Lion Creek and South Fork River and Main Payette River Minimum Stream Flows

Dear Gary:

This is in response to your letter of October 7, 1987 regarding the above-referenced minimum stream flow hearings. The Idaho Department of Fish and Game wishes to file written notice of its intent to appear as a party at the minimum stream flow hearing on the South Fork and Main Payette River to be heard on October 27, 1987 in Horseshoe Bend. This letter is also to inform you that the Department will be presenting testimony in support of the Department of Parks and Recreation's minimum stream flow requests for Indian Creek and Lion Creek to be heard in Sandpoint, Idaho on October 21, 1987.

Thank you for your consideration in this matter.

Sincerely,

Stephen Goddard

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

SVG:tlv

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

NEWS RELEASE

October 9, 1987

Contact: Gary Spackman
334-4104

FOR IMMEDIATE RELEASE:

PUBLIC HEARINGS SET ON MINIMUM STREAMFLOWS IN NORTH AND WEST CENTRAL IDAHO

Public hearings will be held in Northern and West Central Idaho communities on applications for minimum streamflows on the South Fork and Main stem of the Payette River, and on Lion Creek and Indian Creek in the Priest Lake State Park.

According to Gary Spackman, of the Idaho Department of Water Resources, the filing on the South fork and Main Stem of the Payette River proposes a minimum streamflow ranging from 212 to 1,350 cfs in the stream reach from where the South Fork Payette River leaves the Sawtooth Wilderness Area downstream to the confluence of the Payette River and the North Fork Payette River near Banks. The minimum flow is proposed by the Idaho Department of Parks and Recreation and the Idaho Department of Fish and Game.

The reason for the application is to maintain recreational boating flows during the high use season, aesthetic values and fishery habitat.

The hearing for the South Fork and Main Payette River application is scheduled Tuesday, October 27 at 2:00 p.m. at the

-MORE-

Norm Young

Horseshoe Bend School Cafeteria, 161 School Drive, Horseshoe Bend, Idaho. Additional comments will be taken at an evening meeting beginning at 6:30 p.m. at the same location.

The application on Indian Creek proposes a minimum flow of 26 cfs from the confluence of the South Fork Indian Creek and Indian Creek downstream about three miles to the mouth of Indian Creek where it empties into Priest Lake.

The filing on Lion Creek proposes a minimum streamflow of 22 cfs from the confluence of South Fork Lion Creek and Lion Creek downstream approximately two miles to the mouth of Lion Creek where it empties into Priest Lake, Spackman said.

The proposed flows were requested by the Idaho Department of Parks and Recreation to maintain aesthetic values for visitors to Priest Lake State Park and to maintain trout fishery habitat.

The public hearing for these applications will be held Wednesday, October 21 at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho beginning at 2:30 p.m. and again at 7:00 p.m. at the same location.

Spackman said any persons wanting to become a formal party to the hearing must give written notice to the Idaho Department of Water Resources, Statehouse, Boise, ID 83720 at least five days prior to the hearing. Oral comments may be presented at the hearings without formal prior notice.

-30-

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of October, 1987, I mailed a true and correct copy of the following letter and fact sheets to the following people by U.S. Mail, postage prepaid.

Jane Fox

JANE FOX, Receptionist

October 5, 1987

Dear Water User:

Re: Hearing for water right application for a minimum streamflow on Indian Creek and Lion Creek.

The Idaho Department of Water Resources is planning to hold a hearing for a proposed minimum streamflow application on Indian Creek and Lion Creek. According to the records of this Department, you have a water right for which the point of diversion is located in or near a proposed minimum streamflow reach.

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

If you wish to become a party to the action, you must notify the Department of Water Resources in writing at least five (5) days prior to the hearing.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosures

JUL 27 1988

October 5, 1987

Re: Hearing for water right application for a minimum streamflow on Indian Creek and Lion Creek.

The Idaho Department of Water Resources is planning to hold a hearing for minimum streamflow applications on Indian Creek and Lion Creek. The hearing will be held at the VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 p.m. on Wednesday, October 21, 1987. A meeting for the presentation of informal statements will also be held at the same location at 7:00 p.m. on the same date.

Please find enclosed a fact sheet regarding this application and a brochure which describes the minimum streamflow procedures.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosures

Lion & Idaho Creek

MIKE BLACKBIRD
6 DIAMOND
KELLOGG, ID 83837

JEANNE GIVENS
P.O. BOX 969
COEUR D'ALENE, ID 83814

STEVE HERNDON
P.O. BOX 216
SANDPOINT, ID 83864

DIAMOND INTERNATIONAL INC.
MR. BRUCE E. COLWELL, GROUP V. PRESIDNET
N. 8886 GOVERNMENT WAY, LOCKHAVEN SQUARE
SUITE G
HAYDEN LAKE, ID 83835

LARRY TOWNSEND, MANAGER
PRIEST LAKE STATE PARK
COOLIN, ID 83821

REPRESENTATIVE JAMES F. STOICHEFF
615 LAKEVIEW
SANDPOINT, ID 83864

REPRESENTATIVE TIM TUCKER
K.V. RANCH
PORTHILL, ID 83853

SENATOR KERMIT V. KEIBERT
BOX 187
HOPE, ID 83836

MINIMUM STREAMFLOW
FACT SHEET

Water Right No.: 97-7275

Source: Lion Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 22 cfs

Location of Reach: From the confluence with Priest Lake in Lot 6 (NE1/4SE1/4), Section 10, Township 62N, Range 4W, upstream about two miles to the confluence with the South Fork of Lion Creek in the NE1/4NW1/4, Section 12, Township 62N, Range 4W, Bonner County.

Purpose: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

Hearing: Wednesday October 21, 1987, at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 p.m. Additional statements will be taken at an evening meeting commencing at 7:00 p.m. at the same location.

MINIMUM STREAMFLOW
FACT SHEET

Water Right No.: 97-7274

Source: Indian Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 26 cfs

Location of Reach: From the confluence with Priest Lake in Lot 2 (SW1/4NE1/4), Section 27, Township 61N, Range 4W, upstream about three miles to the confluence with the South Fork of Indian Creek in the S1/2SE1/4, Section 13, Township 61N, Range 4W, Bonner County.

Purpose: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

Hearing: Wednesday October 21, 1987, at the Sandpoint VFW Hall, 1325 Pine Street, Sandpoint, Idaho, at 2:30 p.m. Additional statements will be taken at an evening meeting commencing at 7:00 p.m. at the same location.

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

September 18, 1987

Bob Haynes
4055 Government Way, #9
Coeur D'Alene, ID 83814

Re: Hearing for Minimum Streamflow Applications on Indian Creek and Lion Creek

Dear Bob:

Enclosed is a legal notice for the minimum streamflow hearing for Indian Creek and Lion Creek. Please review it for accuracy.

I understand that you will cause the notice to be published statewide and in the Sandpoint and Priest River papers. The notice should appear in the October 1 and October 8, 1987, editions except for the Priest River paper, which publishes on September 30 and October 7.

Thank you for your assistance.

Sincerely,

Gary Spackman

GARY SPACKMAN

GS:jf

NOTICE OF APPLICATION FOR PERMIT FOR
MINIMUM STREAMFLOW AND HEARING

Notice is hereby given that the IDAHO WATER RESOURCES BOARD has submitted Applications for Permit to Appropriate Water Nos. 95-7274 and 97-7275 to the Idaho Department of Water Resources for the purpose of establishing a minimum streamflow in Indian Creek and Lion Creek, tributary to Priest Lake. The applications propose the issuance of permits for the following:

INDIAN CREEK - Application No. 95-7274
Source: Lion Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 26 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 (SW 1/4 NE 1/4), Section 27, T61N, R4W, B.M., upstream approximately three miles to the confluence of the North Fork of Indian Creek with the South Fork of Indian Creek in the S 1/2 SE 1/4, Section 13, T61N, R4W, B.M., Bonner County.

LION CREEK - Application No. 95-7275
Source: Lion Creek tributary to Priest Lake

Proposed Priority: April 26, 1985

Amount & Period of Use: 22 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: To preserve aesthetic and recreational values; and to maintain trout fishery habitat.

Place of Use: The minimum streamflow reach is located from the confluence of Lion Creek with Priest Lake in Lot 6 (NE 1/4 SE 1/4), Section 10, T62N, R4W, B.M., upstream approximately two miles to the confluence of Lion Creek with the South Fork of Lion Creek in the NE 1/4 NW 1/4, Section 12, T62N, R4W, B.M., Bonner County.

The Director of the Department of Water Resources will hold a public hearing on the applications at the Sandpoint VFW Hall, 1325 Pine Steet, Sandpoint, Idaho, at 2:30 p.m. on October 21, 1987 for the purpose of hearing evidence regarding the applications. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

In addition to the daytime hearing, there will be a special evening hearing starting at 7:00 p.m. at the Sandpoint VFW Hall

for the purpose of accepting testimony from individuals who are unable to attend the daytime session. Persons who chose to attend this session will not have an opportunity to cross examine either the applicant or others whose testimony is presented earlier in the day.

Any party who wished to formally appear at this proceeding for the purpose of presenting evidence or cross-examining witnesses must file a notice of appearance with the Director of the 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. Written informal views and comments may also be submitted to the Department of Water Resources through November 2, 1987.

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

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MINIMUM STREAM FLOW APPLICATIONS NOS. 97-7274, INDIAN CREEK, AND 97-7275, LION CREEK	A RESOLUTION

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

WHEREAS, the Board has submitted to the Director of the Idaho Department of Water Resources (Director) Applications for Permits to appropriate water for minimum stream flows, Nos. 97-7274, Indian Creek, and 97-7275, Lion Creek; and,

WHEREAS, in accordance with the adopted guidelines, the Board has conducted an informal public meeting to determine public interest with respect to the applications; and,

WHEREAS, the Board has reviewed the public comments and has determined that the establishment of minimum stream flow water rights as described in the applications is in the public interest;

NOW, THEREFORE, BE IT Resolved that the Board hereby requests the Director to proceed with administrative actions toward establishing minimum stream flow water rights on Indian Creek and Lion Creek as identified in Applications for Permits Nos. 97-7274 and 97-7275.

Dated this 6TH day of December, 1985.

F. DAVE RYDALCH
Chairman, Minimum Stream Flows Committee

GENE M. GRAY
Chairman, Idaho Water Resource Board

Attest:
JAMES SHAWVER
Secretary, Idaho Water Resource Board

Minimum Streamflow Public Meeting by IWRB

Nov 6, 1985 7:30pm ATTENDANCE ROSTER

Sandpoint, Id

Indian Cr. & Lion Cr MSF's

NAME	ADDRESS	REPRESENTING
DAVE Ryda Lch	RTH 2 Box 108 ST.A. 83445	IWRB
[illegible]	24 N. State Boise 83265	"
Bob Haynes	4058 Govt Way CdA 83814	IDWR
Ned Horner	2320 Govt. Way CdA 83814	IDFG
[illegible]	RT 1 Box 284 Cool IN Id	I.D.L.
TODD ~~GRAEFF~~	~~STATEHOUSE~~ MAIL ~~BOISE~~	~~IDPR~~
Dave Tuthill	Statehouse, Boise	IDWR
Michael F. Barron	2808 Springview Dr. Coeur d'Alene	Diamond Lands Corp.

DEPARTMENT OF WATER RESOURCES

State of Idaho, Statehouse, Boise, Idaho 83720
Phone: (208) 334-4440

RECEIVED
OCT 24 1985
Department of Water Resour
Western Regional Office

FOR IMMEDIATE RELEASE

23 October, 1985

NEWS RELEASE

Contact: David Tuthill, Jr.
334-2190

BOISE--- Two proposed minimum stream flow applications, on Indian and Lion Creeks in Bonner County, have been scheduled for discussion at a public meeting on Nov. 6, 1985, in District Courtroom #1, 215 S. First St., Sandpoint, at 7:30 p.m. according to Gene Gray, Idaho Water Resource Board (IWRB) chairman.

The board filed the two water right applications with the Idaho Department of water Resources (IDWR) on April 26, 1985, at the request of the Idaho Department of Parks and Recreation. According to Gray, the two proposed minimum stream flows are to maintain the aesthetic values for park visitors, to maintain trout fisheries and habitat for the benefit of park visitors and the general public. The purpose of the meeting, Gray said, is to solicit input regarding interest in the applications.

The 26 cubic feet per second (cfs) right sought on Indian Creek extends from its confluence with Priest Lake upstream about three miles to the confluence with the South Fork of Indian Creek. The 22 cfs right sought on Lion Creek extends from its confluence with Priest Lake upstream about two miles to its confluence with the South Fork of Lion Creek.

Following the public meeting, the IWRB will decide to either proceed with or withdraw each application. If the decision is to proceed, the Idaho Department

more

of Water Resources will schedule a public hearing where formal testimony, written and oral, will be taken and made a part of the record. Based on the information presented, the IDWR director can then either approve or deny the instream flow applications. If either or both is approved, the agency then submits the water rights to the Idaho Legislature, which may accept, deny or alter either or both.

Minimum flow rights are valid water rights in the State of Idaho and are established by the IWRB for the preservation of fish and wildlife habitat, water quality, aesthetics and natural beauty, transportation or navigation. Unlike most other water rights in the state, which require a point of diversion and a place of use, the minimum stream flow rights remain in either the stream channel or lake.

Kay Weaver

Information Specialist

SOURCE SEARCH BY LION CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 26-APR-1985
WITHIN BASIN 97

NUMBER	STAGE	DATE	POD	SOURCE
97-7275	A	26-Apr-1985	NESE 10 62N 04W NENW 12 62N 04W	LION CREEK

✓ MSF

SOURCE SEARCH BY INDIAN CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 26-APR-1985
WITHIN BASIN 97

NUMBER	STAGE	DATE	POD	SOURCE
97-7274	A	26-Apr-1985	SWNE 27 61N 04W SESE 13 61N 04W	INDIAN CREEK

✓ MSF

SOURCE SEARCH BY ROCK CREEK, EAST FORK
PRIORITY DATE GREATER THAN OR EQUAL TO 1-JAN-1880
WITHIN BASIN 41

NUMBER	STAGE	DATE	POD	SOURCE
41-0002	D	1-May-1886	SWSE 06 10S 31E	ROCK CREEK, EAST FORK
41-0018	D	15-May-1887	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-0019	D	1-May-1885	SENW 11 10S 31E	ROCK CREEK, EAST FORK
41-0022	D	1-Oct-1885	SWNE 10 10S 31E	ROCK CREEK, EAST FORK
41-0024	D	12-Mar-1881	SWSE 06 10S 31E	ROCK CREEK, EAST FORK
41-0025	D	12-Mar-1881	SESW 05 10S 31E	ROCK CREEK, EAST FORK
41-0026	D	1-May-1888	SWNE 10 10S 31E	ROCK CREEK, EAST FORK
41-0028	D	15-Jun-1883	SWSW 05 10S 31E	ROCK CREEK, EAST FORK
41-0030	D	1-Oct-1883	NENE 09 10S 31E	ROCK CREEK, EAST FORK
41-0031	D	1-Oct-1883	NENE 09 10S 31E	ROCK CREEK, EAST FORK
41-0032A	D	1-Jun-1882	SESW 05 10S 31E	ROCK CREEK, EAST FORK
41-0032B	D	1-Jun-1882	SESW 05 10S 31E	ROCK CREEK, EAST FORK
41-0033	D	1-Jun-1886	SWSW 05 10S 31E	ROCK CREEK, EAST FORK
41-0034	D	1-May-1885	SWSW 05 10S 31E	ROCK CREEK, EAST FORK
41-0035	D	10-May-1884	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-0036	D	10-May-1884	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-0038	D	10-May-1890	SWSW 04 10S 31E	ROCK CREEK, EAST FORK
41-2001	L	14-Sep-1908	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-7069	A	16-Jun-1982	NWSE 11 10S 31E SESW 32 09S 31E	ROCK CREEK, EAST FORK
41-7073	A	21-Mar-1984	NWNE 11 10S 31E NWNE 10 10S 31E	ROCK CREEK, EAST FORK

✓ ✓ ✓

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$!-------------------------[illegible]RIGHTS USER LOGIN.COMMA[illegible]LE-----
$!                    USER: WRUSERS.WRSTATE.WRGARRETT
$!
$! set user-requested default protection--
$       SET PROT=(S:RWED,O:RWED,G:RWE,W)/DEFAULT
$!
$! check mode - exit if not interactive--
$       MODE = F$MODE()
$       IF MODE .NES. "INTERACTIVE" THEN EXIT
$! THIS COM FILE IS USED TO SUBMIT BATCH DTR PROCEDURES
$!
$!
$!
$SET DEFAULT WATERA:[WRUSERS.WRSTATE.WRGARRETT]
$ ASSIGN "CDD$TOP.WATERA.WRUSERS.WRSTATE.WRGARRETT" CDD$DEFAULT
$MCR DTR32
VAX Datatrieve V3.1
DEC Query and Report System
Type HELP for help

SOURCE SEARCH BY LION CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 26-APR-1985
WITHIN BASIN 97

 NUMBER    STAGE      DATE          POD                    SOURCE

 97-7275     A     26-Apr-1985   NESE 10 62N 04W     LION CREEK
                                 NENW 12 62N 04W

SOURCE SEARCH BY INDIAN CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 26-APR-1985
WITHIN BASIN 97

 NUMBER    STAGE      DATE          POD                    SOURCE

 97-7274     A     26-Apr-1985   SWNE 27 61N 04W     INDIAN CREEK
                                 SESE 13 61N 04W

SOURCE SEARCH BY ROCK CREEK, EAST FORK
PRIORITY DATE GREATER THAN OR EQUAL TO 1-JAN-1880
WITHIN BASIN 41

 NUMBER    STAGE      DATE          POD                    SOURCE

 41-0002     D      1-May-1886    SWSE 06 10S 31E     ROCK CREEK, EAST FORK
 41-0018     D     15-May-1887    NWSE 11 10S 31E     ROCK CREEK, EAST FORK
 41-0019     D      1-May-1885    SENW 11 10S 31E     ROCK CREEK, EAST FORK
 41-0022     D      1-Oct-1885    SWNE 10 10S 31E     ROCK CREEK, EAST FORK
 41-0024     D     12-Mar-1881    SWSE 06 10S 31E     ROCK CREEK, EAST FORK
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On October 18, 1985 copies of the attached letters and materials were sent to the legislators, property owners and waterusers identified on the attached mailing labels.

Linda D. Smith

LINDA D. SMITH

MINIMUM STREAM FLOW
Fact Sheet

Water Right No.: 97-7274

Source: Indian Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 26 cfs

Location of Reach: From the confluence with Priest Lake in the SW¼NE¼, Section 27, Township 61N, Range 4W, upstream about 3 miles to the confluence with the South Fork of Indian Creek in the S½SE¼, Section 13, Township 61N, Range 4W, Bonner County.

Purpose: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

Public Meeting: Wednesday, November 6, 1985, at the Sandpoint District Courtroom #1, 215 S. 1st St., 7:30 pm.

Water Right No.: 97-7275

Source: Lion Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: April 26, 1985

Rate of Flow: 22 cfs

Location of Reach: From the confluence with Priest Lake in the NE¼SE¼, Section 10, Township 62N, Range 4W, upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NE¼NW¼, Section 12, Township 62N, Range 4W, Bonner County.

Purpose: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

Public Meeting: Wednesday, November 6, 1985, at the Sandpoint District Courtroom #1, 215 S. 1st St., 7:30 pm.

Re: Minimum Stream Flow Application on Lion Creek

Dear Wateruser:

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

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

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

Sincerely,

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

ls

Enclosures

Re: Minimum Stream Flow Application on Indian Creek

Dear Wateruser:

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

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

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

Sincerely,

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

ls

Enclosures

Wateruser

Diamond International Inc.
Mr. Bruce E. Colwell
Group Vice President
N. 8886 Government Way
Lockhaven Square, Suite G
Hayden Lake, ID 83835

Re: Minimum Stream Flow Application on Indian Creek

Dear Property Owner:

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

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

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

Sincerely,

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

ls

Enclosures

Re: Minimum Stream Flow Application on Lion Creek

Dear Property Owner:

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

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

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

Sincerely,

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

ls

Enclosures

INDI[redacted]CREEK AND LION CREEK LANDOWNER[redacted]

Diamond International Inc.
Mr. Bruce E. Colwell
Group Vice President
N. 8886 Government Way

also wateruser

Lockhaven Square, Suite G
Hayden Lake, ID 83835

Idaho Department of Lands
Statehouse
Boise, Id 83720

Idaho Dept. of Parks and Recreation
Statehouse
Boise, ID 83720

1994

Re: Public Meeting Regarding Water Rights for Minimum Stream Flows

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

One application on Indian Creek and one application on Lion Creek will be reviewed at a meeting at the Sandpoint District Courtroom #1 at 7:30 pm on Wednesday, November 6, 1985. Please find enclosed a fact sheet regarding the applications and a brochure which describes the minimum streamflow procedure.

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

Sincerely,

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

ls

Enclosures

SENATOR [redacted] REPRESENTATIVES IN LEGISLATIVE [redacted] STRICT [redacted]

Representative James F. Stoicheff
615 Lakeview
Sandpoint, ID 83864

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

Kermit V. Kiebert
Box 187
Hope, ID 83836

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

October 18, 1985

Bob Meinen, Director
Idaho Department of Parks and Recreation
Statehouse
Boise, ID 83720

Virgil Moore
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

Re: Schedule of Minimum Stream Flow Public Meetings
and Hearings, November, 1985

Gentlemen:

The purpose of this letter is to follow up on our earlier telephone conversations by providing you with a copy of the above-referenced schedule.

Per our discussion, the requesting agency will be invited to present information relative to the applications for both the public meetings and the hearings, as we have done in the past.

Sincerely,

Dave

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

ls

Enclosure

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on April 26, 1985, submitted two (2) Applications for Permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream flows from the following sources of water which are tributary to Priest Lake and further described as follows:

APPLICATION NO. 96-7274

Source: Indian Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the SWNE Sec. 27, T61N, R4W, B.M., upstream about 3 miles to the confluence with the South Fork of Indian Creek in the S 1/2 SE 1/4, Sec. 13, T61N, R4W, B.M. Bonner County.

Rate of Flow and Season of Use:	Rate	Period of Use
	26 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

APPLICATION NO. 96-7275

Source: Lion Creek

Location of Minimum Streamflow Reach: From the confluence with Priest Lake in the NESE Sec. 10, T62N, R4W, B.M., upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NENW Sec. 12, T62N, R4W, B.M., Bonner County.

Rate of Flow and Season of Use:	Rate	Period of Use
	22 CFS	1/1 to 12/31

Use: To maintain aesthetic values for park visitors; to maintain trout fishery habitat for recreational benefit of park visitors and general public.

The Idaho Water Resource Board will hold a public meeting on the applications at 7:30 p.m. on Wednesday, November 6, 1985, in District Courtroom No. 1, Bonner County Courthouse, 215 S. 1st St., Sandpoint, Idaho, for the purpose of gathering information on public interest regarding the above minimum flow applications.

RECEIVED
OCT 17 1985
Department of Water Resources
Western Regional Office

Gene Gray

Chairman--Idaho Water Resource Board

Published in the Sandpoint Daily Bee on October 24 and 31, 1985.

MAY 1 1994

MI[redacted]UM STREAMFLOW REQUEST/APPLICAT[redacted]

Lion Creek

PROCESSING CHECKLIST

		Assigned to	Initials/Date
1.	Request received and checklist attached.	Records Chief	RG 3/20/85
2.	Request indexed.	Records Chief	RG 3/20/85
3.	Preliminary review. Application prepared for signature.	Section Supv.	DRT 3/22/85
4.	Streamflow information requested from hydrology.	Section Supv.	DRT 3/19/85
5.	Region advised of request	Section Supv.	LS 3/25/85
6.	Acknowledgement letter sent.	Section Supv.	DRT 3/22/85
7.	Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Section Supv.	LDS 3/25/85
8.	Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Section Supv.	LDS 3/25/85
9.	Water Rights researched and abstracted.	Records Chief	RG 3/26/85
10.	Request and related data presented to Board.	Requestor	Bob Meinen 4/26/85
11.	Filed or Rejected by Board.	IWRB, Section Supv.	4/26/85
12.	Board action indexed.	Records Chief	
13.	Original application sent to region	Section Supv.	DRT 4/29/85
14.	Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	
15.	Application advertised w/o hearing date.	Region	
16.	Notice sent to each water right holder or applicant on MSF reach.	Section Supv.	None DRT 4/29/85
17.	Personal contact made with riparian land owners.	Requestor	
18.	Visual aid request prepared. (location, water rights, hydrology)	Section Supv.	DRT 5/1/85
19.	Visual aids reviewed.	Section Supv.	DRT 6/7/85
20.	Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	Yes
21.	Informal public meeting advertised in legal notices.	Region	

		Assigned to	Initials/Date
22.	Notification of informal public meeting sent to:		
	a. IWRB members	Section Supv.	Ltr (10/16 Bd mtg)
	b. Local Legislators	Section Supv.	Ltr 10/85
	c. Watermaster	Section Supv.	None
	d. Department Personnel	Section Supv.	Ltr 10/85
	e. Local TV and Radio Stations	Section Supv.	Kay Weaver 10/85
	f. Water Right Holders	Requestor	Ltr - None
	g. Riparian Owners	Requestor	Ltr 10/85
23.	Informal public meeting held.	IWRB and Section Supv.	
24.	Notice of formal hearing advertised in legal notices.	Region	
25.	Notification of formal hearing sent to:		
	a. IWRB members	Section Supv.	
	b. Local Legislators	Section Supv.	
	c. Watermaster	Section Supv.	
	d. Department Personnel	Section Supv.	
	e. Local TV and Radio Stations	Section Supv.	
	f. Water right holders	Section Supv.	
	g. Attendees of informal public meetings	Section Supv.	
	h. Riparian Owners (with data generated by Requestor)	Section Supv.	
26.	Hearings held (mandatory).	Hearing Officer and Regional Rep.	
27.	Standard approval procedure for memorandum decision.	Hearing Officer	
28.	If application is approved, Legislative approval procedure attached.	Records Chief	

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MINIMUM STREAM FLOW APPLICATIONS NOS. 97-7274, INDIAN CREEK, AND 97-7275, LION CREEK	)	A RESOLUTION

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

WHEREAS, the Board has submitted to the Director of the Idaho Department of Water Resources (Director) Applications for Permits to appropriate water for minimum stream flows, Nos. 97-7274, Indian Creek, and 97-7275, Lion Creek; and,

WHEREAS, in accordance with the adopted guidelines, the Board has conducted an informal public meeting to determine public interest with respect to the applications; and,

WHEREAS, the Board has reviewed the public comments and has determined that the establishment of minimum stream flow water rights as described in the applications is in the public interest;

RECEIVED
MAY 11 1994

NOW, THEREFORE, BE IT Resolved that the Board hereby requests the Director to proceed with administrative actions toward establishing minimum stream flow water rights on Indian Creek and Lion Creek as identified in Applications for Permits Nos. 97-7274 and 97-7275.

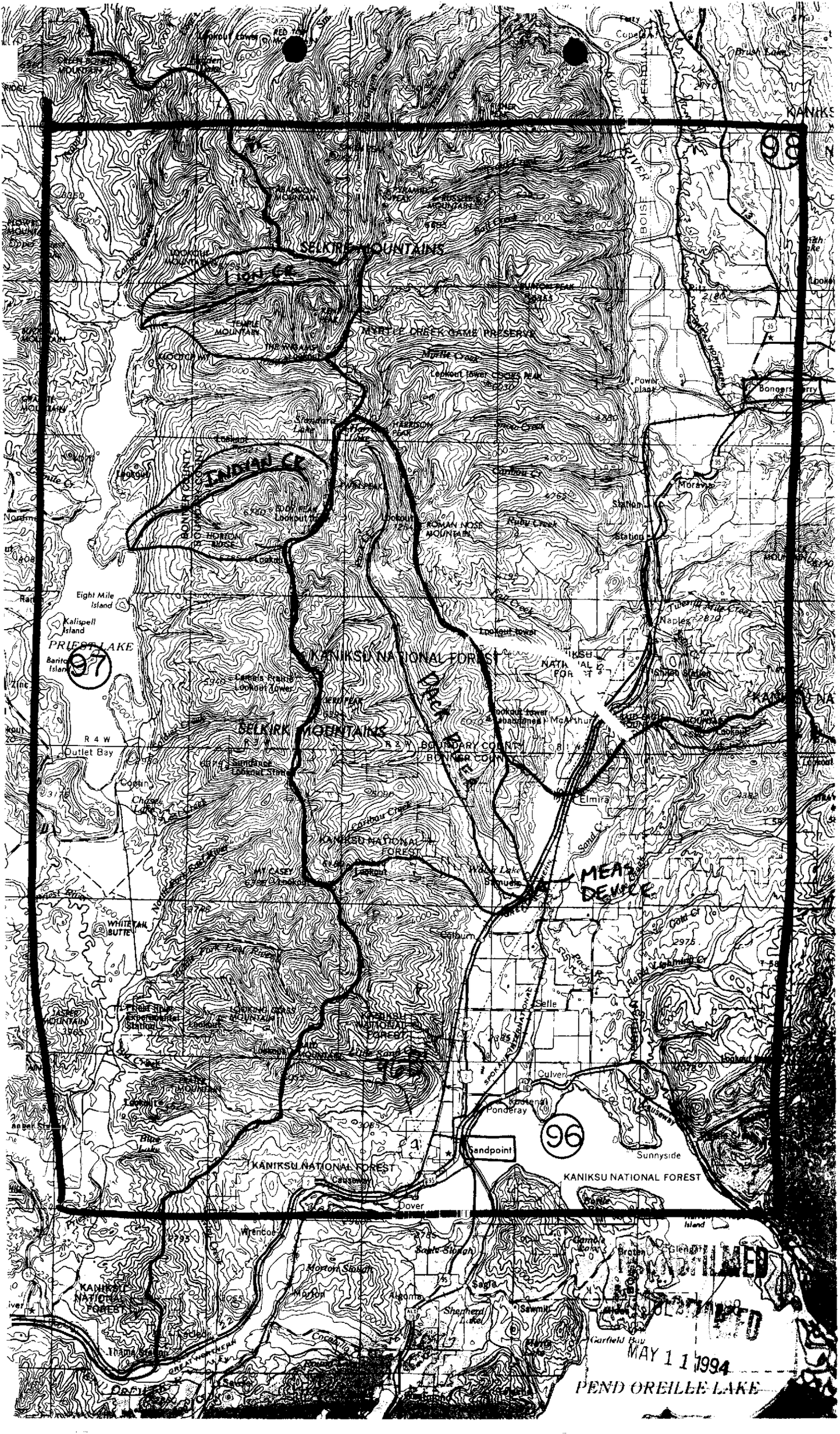
Dated this 6th day of December, 1985.

F. DAVE RYDALCH
Chairman, Minimum Stream Flows Committee

GENE M. GRAY
Chairman, Idaho Water Resource Board

Attest: JAMES SHAWVER
Secretary, Idaho Water Resource Board

MAY 11 1994


SELKIRK MOUNTAINS
MYRTLE CREEK GAME PRESERVE
INDIAN CR
KANIKSU NATIONAL FOREST
PRIEST LAKE
Priest River
Outlet Bay
Sandpoint
Dover
Elmira
Naples
Bonners Ferry
Moravia
Culver
Ponderay
Sunnyside
Selle
Coolin
Colburn
Blue Lake
Eight Mile Island
Kalispell Island
Baritau Island
Chimney Rock Mountain
Roman Nose Mountain
Pyramid Mountain
Hoodoo Mountain
Lookout Mountain
Temple Mountain
Hidden Lake
Myrtle Creek
Indian Creek
Boundary Creek
Caribou Creek
Ruby Creek
Fall Creek
Long Canyon
Sand Creek
Gold Creek
Rapid Lightning Creek
Pack River
Priest River
Kootenai River
Boundary County
Bonner County
R 4 W
R 5 W
Sandpoint Lookout Station
Priest River Experimental Station
Lookout Tower
Power plant
Ranger Station
Sawmill
Garfield Bay
Pend Oreille Lake
98
97
96
MEARS DEVICE
MAY 11 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

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

May 8, 1985

Divn. of Environment
2110 Ironwood Parkway
Coeur d'Alene, Id. 83814

Re: 97-7275

Gentlemen:

Enclosed is information which may be of interest to your Agency relating to an application recently filed with the Department of Water Resources.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enclosure

MICROFILMED
JUL 2 1 1988
MICROFILMED
MAY 1 1 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

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

May 8, 1985

Dept. of Parks & Recreation
2177 Warm Springs Ave.
Boise, Id. 83720

Re: 97-7275

Gentlemen:

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Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enclosure

MICROFILMED
JUL
MAY 11 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

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

May 8, 1985

Dept. of Parks & Recreation
1838 N. Lincoln Way
Coeur d'Alene, Id. 83814

Re: 97-7275

Gentlemen:

Enclosed is information which may be of interest to your Agency relating to an application recently filed with the Department of Water Resources.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enclosure

MICROFILMED
JUL 27 1988
MICROFILMED
MAY 11 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

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

May 8, 1985

Dept. of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 97-7275

Gentlemen:

Enclosed is information which may be of interest to your Agency relating to an application recently filed with the Department of Water Resources.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enclosure

MICROFILMED
MAY 11 1994

IDAHO DEPARTMENT of PARKS & RECREATION
2177 Warm Springs Ave., Statehouse Mail, Boise, Idaho 83720 (208) 334-215

Robert L. Meinen, Director

John V. Evans, Governo

RECEIVED
MAY 3 1985
Department of Water Resources

May 1, 1985

Mr. Dave Tuthill Jr., P.E.
Supervisor, Water Allocation Section
Idaho Dept. of Water Resources
Statehouse
Boise, ID 83720

Dear Dave:

Enclosed are maps showing land ownership along the reach of Indian Creek and Lion Creek for which we requested minimum instream flow.

The same owners border both streams. They are:

Owner #1 - Idaho Park & Recreation Dept.
Statehouse
Boise, ID 83720

Owner #2 - Idaho Lands Department
Statehouse
Boise, ID 83720

Owner #3 - Diamond International Inc.
Mr. Bruce E. Colwell
Group Vice President
N. 8886 Government Way
Lockhaven Square, Suite G
Hayden Lake, ID 83835

We are researching the land ownerhsip along the Payette and South Payette and will forward that list to you as soon as we have it completed.

Thank you for your help.

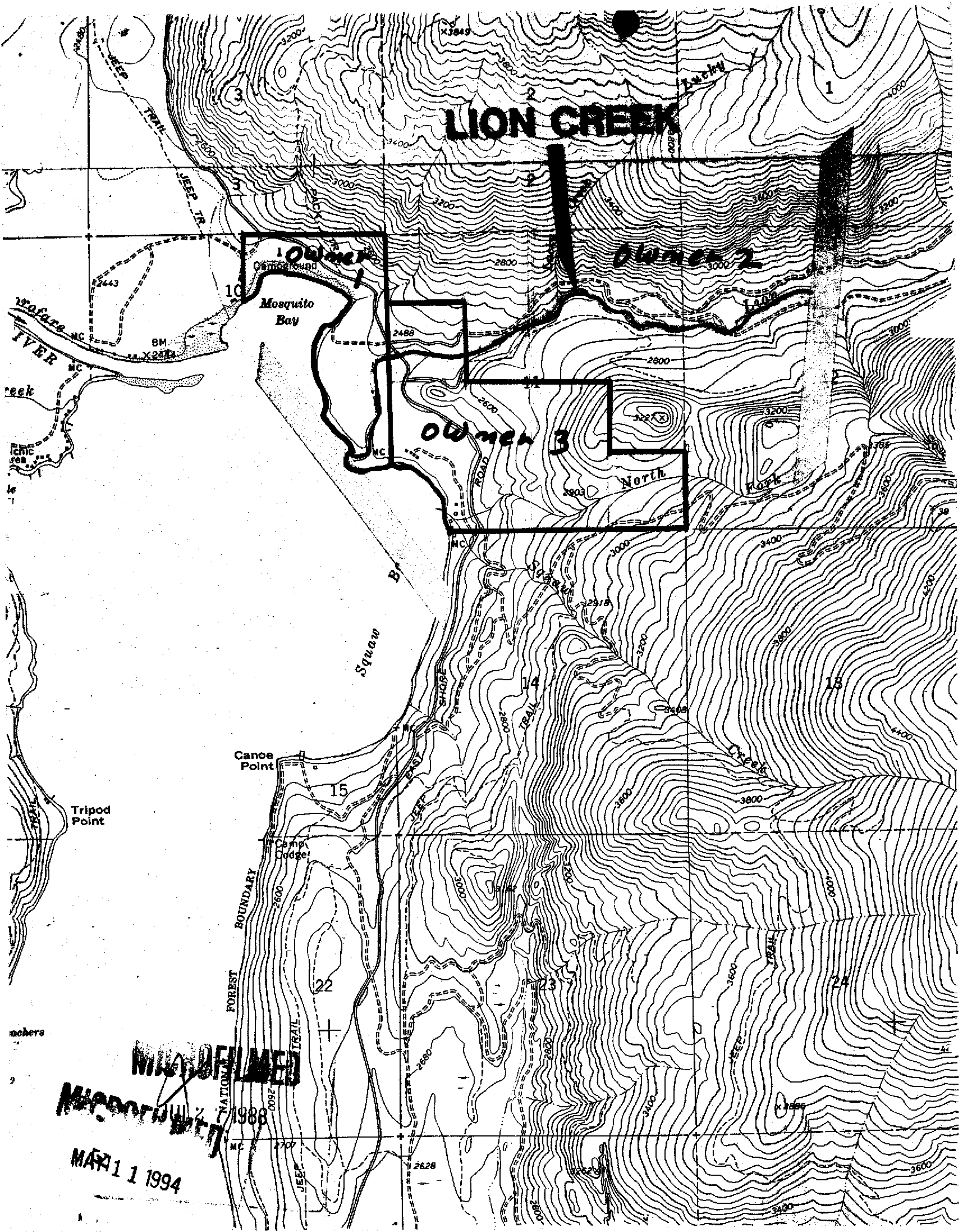
Sincerely,

Bob Meinen

Robert L. Meinen
Director

jm-0817J

JUL 27 1988
MAY 11 1994



MICROFILMED 1988
MAY 1 1 1994

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF A MINIMUM STREAM FLOW REQUEST ON LION CREEK	A RESOLUTION

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

WHEREAS, in accordance with both Chapter 15, Title 42, Idaho Code, and the Board's Guidelines on Minimum Stream Flow Applications adopted on November 6, 1980, the Idaho Department of Parks and Recreation has submitted to the Board a request to appropriate water for a minimum stream flow in Lion Creek; and,

WHEREAS, the Board has witnessed a preliminary presentation of the request by the Idaho Department of Parks and Recreation, and has determined that the request is reasonable and may be in the local public interest;

NOW, THEREFORE, BE IT Resolved that the Board, acting through its Chairman, will on this day file with the Director of the Idaho Department of Water Resources an Application for Permit to establish a minimum stream flow water right on Lion Creek, provided that the Board reserves the option to change or withdraw

FILED
JUL 27 1988
MICROFILMED
MAY 11 1994

the Application for Permit based on future assessments of local public interest and factual data.

Dated this 26th day of April, 1985.

F. DAVE RYDALCH
Chairman, Minimum Stream
Flows Committee

GENE M. GRAY
Chairman, IWRB

Attest:
JAMES SHAWVER
Secretary, IWRB

MICROFILMED
JUL 2 1 1994
MAY 1 1 1994

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 4/3/85

TO Alan Robertson

SUBJECT Indian Cr & Lion Cr Min flows.

Thanks for the timely response. A corrollary question. Would it be possible to use the flow record at Pack River to come up with an estimated ① flow duration curve and ② average monthly flow curve at India Creek (given the limitation of .93 correlation rather than 1.0 correlation)? This type of graphical depiction is very useful in briefing audiences on the flows available.

SIGNATURE

Dave

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

M E M O

TO: Dave Tuthill DWR DATE: March 29, 1985

FROM: Alan Robertson

SUBJECT: Flows at locations of instream flow applications for Indian Creek and Lion Creek near Priest Lake.

Indian Creek

Indian Creek was measured at low flow times on six occasions during the period 1973-78. A slope-area determination of 800 cfs was also made in May 1948. The measuring site was NW¼SE¼NW¼, Sec. 23, T61N, R4W, which is approximately in the center of the reach of requested instream flow. Drainage area at the gage site is twenty square miles.

The low flow measurements all were made in August, September or October. The lowest flow measured was 5.5 cfs on October 30, 1974. Correlation of these data with same day flow of Pack River near Colburn yields a correlation coefficient of 0.93; thus the continuous record of Pack River is a fairly good estimator of flow in Indian Creek during low flow periods. Use of flow duration tables for Pack River and the regression equation produces the following estimates of low flow frequencies for Indian Creek:

	Percent of Time Indicated Flow is Exceeded	
	26 cfs	15 cfs
June	>95	>95
July	65	94
August	6	44
September	13	43
October	25	71

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RECEIVED MAY 11 1994

Lion Creek

There are no records of flow in Lion Creek. This stream has a drainage area of 23.8 square miles below the confluence of Lion Creek with the South Fork, the upper end of the requested instream flow reach. Below Lucky Creek the drainage area is 26.1 square miles. In addition to being somewhat larger than the Indian Creek basin, the Lion Creek basin contains more high elevation area. These factors probably result in greater runoff for Lion Creek but without some data, reliable estimates are not possible. The requested instream flow of 22 cfs for Lion Creek probably occurs with greater frequency than does the requested 26 cfs in Indian Creek.

ACR:cjk

MAY 11 1994

26 mi

20 mi

PRIEST LAKE STATE PARK MOSQUITO BAY

PRIEST LAKE STATE PARK INDIAN CREEK

MYRTLE CREEK

STATE GAME PRESERVE

NATIONAL

PRIEST LAKE

T 63 N
T 62 N
T 61 N
T 60 N

R 4 W
R 3 W
R 2 W

BOUNDARY CO

Priest Lake
Upper Priest Lake
Lower Priest Lake
Distillery Bay
Huckleberry Bay
Indian Cr Bay
Eightmile Island
Shoshone Bay
Fourmile Isl
Cavanaugh Bay
Sherwood Beach
Bell Lake
Myrtle Lake
Kaniksu Lake
Cooks Lake
Standard Lakes
Hemlock Lake
Hunt Lake
Jeru

Lookout
Lookout Lake
Lookout 7857
Lookout 2213
Lookout 7014

Trail
Jeep Tr
Creek
Mouth
Fork
West Branch
Ridge
Homestead
Radio Tower
Cavanaugh Bay Airport

INDEX TO 1:24 000-SCALE MAPS

1	2	3	4	5	6	7	8
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1 Continental Mtn–1968
2 Grass Mountain–1969
3 Shorty Peak–1969
4 Smith Falls–1968
5 Copeland–1965
6 Hall Mountain–1965
7 Eastport–1965
8 Canuck Peak–1965
17 Priest Lake NW–1967
18 Priest Lake NE –1967
19 The Wigwams–1967
20 Roman Nose–1967
21 Moravia–1965
22 Bonners Ferry–1965
23 Moyie Springs–1965
24 Curley Creek–1965

GN MN 21°

1 0 1 2

1 0

ement

ap edited 1978

PEND OREILLE RIVER BASIN

12392300 PACK RIVER NEAR COLBURN, ID

LOCATION.--Lat 48°25'11", long 116°30'02", in SE¼NW¼SW¼ sec.32, T.59 N., R.1 W., Bonner County, Hydrologic Unit 17010214, on right bank 150 ft (46 m) downstream from bridge on U.S. Highway 95, 2.2 mi (3.5 km) northeast of Colburn, 10 mi (16.1 km) north of Sandpoint, and at mile 28.07 (45.2 km).

DRAINAGE AREA.--124 mi^2 (321 km^2). Mean altitude, 4,210 ft (1,283 m).

PERIOD OF RECORD.--September 1958 to September 1982 (discontinued).

GAGE.--Water-stage recorder. Altitude of gage is 2,130 ft (649 m), from topographic map.

REMARKS.--Records poor. No regulation or diversion above station.

AVERAGE DISCHARGE.--24 years, 323 ft^3/s (9.15 m^3/s), 35.37 in./yr (898 mm/yr), 234,000 acre-ft/yr (289 hm^3/yr).

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 6,880 ft^3/s (194 m^3/s) Jan. 16, 1974, gage height, 16.38 ft (4.993 m); minimum, 15 ft^3/s (0.425 m^3/s) Sept. 2, 3, 1967; minimum gage height, 0.69 ft (0.210 m) Sept. 14, 15, 1973.

EXTREMES FOR CURRENT YEAR.--Peak discharge above base of 1,450 ft^3/s (41 m^3/s) and maximum (*):

		Discharge		Gage height				Discharge		Gage height	
Date	Time	(ft^3/s)	(m^3/s)	(ft)	(m)	Date	Time	(ft^3/s)	(m^3/s)	(ft)	(m)
Feb. 15	1915	2370	67.1	10.11	3.082	May 26	0515	*2740	77.6	*11.03	3.362
Feb. 21	0500	2350	66.6	10.06	3.066	June 4	0530	1620	45.9	8.18	2.493
May 18	1330	2060	58.3	9.37	2.856	June 16	0400	1840	52.1	8.81	2.685

Minimum discharge, 33 ft^3/s (0.935 m^3/s) Sept. 9; gage height, 0.92 ft (0.280 m).

Rating table (gage height, in feet, and discharge, in cubic feet per second)
(Shifting-control method used Feb. 16 to July 18; stage-discharge relation affected by ice Dec. 14 to Jan. 29 and Feb. 3-15)

0.6	15	4.0	436
.8	24.2	6.0	896
1.0	36	8.0	1510
1.5	74	10.0	2250
2.0	125	12.0	3200
3.0	256		

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1981 TO SEPTEMBER 1982
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	59	147	125	86	117	550	326	825	1420	522	118	44
2	146	152	129	87	113	595	315	941	1320	787	104	40
3	126	144	121	89	110	542	320	1030	1360	576	96	37
4	92	135	120	88	97	500	312	871	1420	466	88	37
5	80	124	135	87	98	462	302	790	1460	472	81	45
6	80	117	209	86	99	434	290	820	1180	414	77	42
7	140	110	186	88	100	414	280	876	924	360	73	37
8	192	105	164	90	102	396	272	840	851	325	70	36
9	166	103	155	93	105	530	266	803	983	320	70	35
10	140	99	295	93	108	703	271	808	1110	312	72	50
11	116	96	245	94	112	773	413	895	1250	288	70	49
12	104	125	204	94	120	684	699	1040	1450	275	65	50
13	97	174	191	94	135	578	761	1140	1630	258	64	48
14	92	189	175	94	380	548	749	1340	1640	261	74	51
15	91	193	160	93	1850	530	611	1560	1630	251	68	46
16	90	170	155	94	2000	490	533	1600	1540	251	61	44
17	91	178	145	94	1200	450	495	1740	1290	216	57	41
18	87	189	135	93	994	418	471	1950	1190	202	54	40
19	84	172	130	92	818	390	436	1670	1100	192	52	37
20	82	160	125	92	1160	368	415	1500	1040	190	50	35
21	79	178	120	91	2030	354	413	1670	963	177	49	36
22	76	202	120	90	1180	346	450	1760	994	159	48	38
23	75	183	115	90	904	340	555	1950	854	143	46	38
24	73	167	110	92	749	336	715	1760	770	133	44	37
25	72	155	105	94	655	331	677	2050	718	125	42	38
26	71	150	100	97	586	333	694	2240	662	118	41	67
27	74	146	97	102	540	364	744	1500	944	112	40	84
28	111	141	94	108	496	366	890	1130	696	105	37	126
29	161	136	89	115	---	358	887	1000	570	98	37	188
30	133	132	87	116	---	336	778	974	534	95	40	115
31	127	---	86	122	---	336	---	1200	---	95	47	---
TOTAL	3207	4472	4427	2938	16958	14155	15340	40273	33493	8298	1935	1611
MEAN	103	149	143	94.8	606	457	511	1299	1116	268	62.4	53.7
MAX	192	202	295	122	2030	773	890	2240	1640	787	118	188
MIN	59	96	86	86	97	331	266	790	534	95	37	35
CFSM	.83	1.20	1.15	.77	4.89	3.69	4.12	10.5	9.00	2.16	.50	.43
IN.	.96	1.34	1.33	.88	5.09	4.25	4.60	12.08	10.05	2.49	.58	.48
AC-FT	6360	8870	8780	5830	33640	28080	30430	79880	66430	16460	3840	3200

CAL YR 1981 TOTAL 114394 MEAN 313 MAX 2220 MIN 34 CFSM 2.52 IN 34.32 AC-FT 226900
WTR YR 1982 TOTAL 147107 MEAN 403 MAX 2240 MIN 35 CFSM 3.25 IN 44.13 AC-FT 291800

LION CREEK
HYDROGRAPHIC INFORMATION

- No flow records available.
- Same orientation as Indian Creek
- Drainage Area is 30% larger than Indian Creek
- Generally higher elevation than Indian Creek
- Probably higher flows than Indian Creek

MICROFILMED
JUL 27 1988
MAY 11 1994

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

March 22, 1985

Robert L. Meinen, Director
Idaho Department of Parks and Recreation
2177 Warm Springs Ave.
Statehouse Mail
Boise, ID 83720

Re: Requests for Minimum Stream Flows

Dear Bob:

The purpose of this letter is to acknowledge receipt of requests for minimum stream flows on Indian Creek and Lion Creek, which flow into Priest Lake.

As I have indicated to Ned Jackson, we will request the Idaho Water Resource Board to review the requests at their next scheduled meeting on April 26, 1985. In accordance with your letter dated March 21, 1985, we will ask the Board to schedule the requests to be heard as early in the morning as possible. We will advise you regarding the scheduling availability of the Board.

Meanwhile, we will continue processing the requests in anticipation of the April 26 meeting.

Sincerely,

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

DRT/ls

cc: Wayne Haas
Northern Region

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JUL 1988
MAY 11 1994

IDAHO DEPARTMENT of PARKS & RECREATION
2177 Warm Springs Ave., Statehouse Mail, Boise, Idaho 83720 (208) 334-2154

Robert L. Meinen, Director

John V. Evans, Governor

March 21, 1985

Mr. Dave Tuthill
Idaho Dept. of Water Resources
450 W. State
Boise, ID 83720

Dear Dave:

Enclosed are the applications for permit to appropriate the public waters of the State of Idaho on Indian Creek and Lion Creek which flow into Priest Lake.

If possible, we would like to present them to the Water Resource Board at their next scheduled meeting on April 26, 1985.

I have another presentation to give on the afternoon of April 26th in Pocatello. If it is possible, I would appreciate being able to make the presentation to the board as early in the morning as possible.

Thank you for your help on these applications.

Sincerely,

Robert L. Meinen
Director

NJ/jm-0701J
encls.

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MAY 11 1994

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE 3/19/85

TO Alan Robertson

SUBJECT Attached

Here are copies of two new Min stream flow requests. Please prepare standard memorandum Summaries of hydrology on the streams, as has been done in the past.

Thanks, Dave

SIGNATURE

IDAHO DEPARTMENT of PARKS & RECREATION

Ned.

Robert L. Meinen, Director

John V. Evans, Governor

MEMORANDUM

DATE: February 22, 1985

TO: Jerry Hover

FROM: Larry Townsend

SUBJECT: Minimum Stream Flow Applications - Indian Creek and Lion Creek

Attached are the completed stream flow applications for Indian and Lion Creeks plus accompanying testimony from Fish & Game and us justifying the request. We utilized instructions that Idaho Fish & Game had printed up plus numerous phone conversations with Bob Haynes at Water Resources in putting the applications together, so they should be complete and accurately filled out.

Water Resources indicated that we should submit the applications through channels within our department with Bob Meinen making the application to the Water Resources Board there in Boise. Could you please see that this takes place.

Originally we were going to make a joint application with Fish & Game, but Water Resources felt it would be simpler for us to make the application with supportive testimony from Fish & Game.

Fish & Game requested that we make application for the length of stream from the mouths of both creeks up as far as the confluences of the North and South Forks. Therefore, we are making our requests for segments of stream out of the park, but we have the backing of Fish & Game.

pw/0065D

MAY 11 1994

JUL 7 1988

IDAHO DEPARTMENT of PARKS & RECREATION

Robert L. Meinen, Director

John V. Evans, Governor

MEMORANDUM

DATE: February 22, 1985

TO: Idaho State Water Resources Board

FROM: Larry Townsend, Manager, Priest Lake State Park

SUBJECT: Attachment to Application for Permit to Appreciate a Minimum Stream Flow - Lion Creek

From a recreation standpoint, a justification of the value of maintaining a minimum stream flow in Lion Creek, in many cases does not lend itself to hard facts and figures. Nevertheless, the importance of Lion Creek to Priest Lake State Park and its visitors is multifold. As is the case with the majority of recreation activities and facilities nationwide, the attraction at the park's Lionhead Unit is mainly itself, a substantial importance is played by Lion Creek, which flows through the Lionhead Unit. In 1984, the Lionhead Unit served 13,057 visitors. Based on staff observation, it is estimated that at least a third of those visitors had some type of recreational experience related to Lion Creek.

ESTHETIC VALUES: the esthetic benefits to park visitors range from simply enjoying the scenery, to watching the wildlife attracted by the creek. Esthetics mean different things to different people, but nevertheless are recognized as an important part of the recreational experience.

EDUCATIONAL VALUES: current park staff and funding levels have not enabled a formal environmental education program to be developed for the Lionhead Unit. Future plans for the park include a variety of facilities and programs pertaining to environmental education. A substantial portion of those plans will deal with Lion Creek.

For now the educational aspects pertain mainly to self-discovery activities conducted by the visitors on their own. A trail has been developed from the campground to Lion Creek and is heavily used during the summer months. From visitor questions to park staff, it is quite evident that interest is high in learning more about Lion Creek and its environs.

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1988
MAY 11 1994

RECREATION ACTIVITIES: some of the more common recreation activities that park visitors pursue in or adjacent to Lion Creek include: hiking, fishing, photography, plant and animal identification, berry and mushroom picking, etc. should a minimum flow not be sustained in Lion Creek, most of these activities would be adversely affected, either directly or indirectly.

ECONOMIC VALUES: even though no figures exist to support the fact, Lion Creek surely has some impact on the local economy, through the sales of film, fishing supplies, insect repellent, plant and animal identification guidebooks, etc.

ENVIRONMENTAL VALUES: as one of the major tributaries to Priest Lake, Lion Creek certainly has substantial impact on the water quality, fishery population, and wildlife populations at Priest Lake.

Studies are now underway to determine the water quality of Priest Lake and the direction it is taking. If, as many suspect, the studies show the quality to be declining, then it becomes essential that the flow into the lake of tributary streams such as Lion Creek remain undiminished and of good quality. Establishing a minimum stream flow for the tributary streams is one step towards maintaining or improving lake water quality.

Lion Creek is recognized by the Idaho Fish and Game Department as one of the important migratory tributary streams for Dolly Varden and Cutthroat Trout populations on Priest Lake. Failure to maintain a minimum flow capable of supporting this population will adversely impact the Priest Lake fishery.

The importance of Lion Creek in sustaining the Whitetail Deer population is also recognized. Failure to maintain a minimum flow would certainly impact this population.

And finally the countless other natural inhabitants in the area such as raccoon, bobcat, brown bear, chipmunks, etc. depend in varying degrees on Lion Creek to sustain their lives. Again, a less than adequate stream flow would affect these populations.

CONCLUSION: for the above stated justifications we would recommend a minimum stream flow be approved from the mouth of Lion Creek to the confluence of the North and South Forks of Lion Creek, and that the level of flow be as requested in the application for permit, based on the findings of the Idaho Fish & Game Department pertaining to the flow necessary to sustain a fishery population.

Larry Townsend

Larry Townsend, Manager
Priest Lake State Park

pw/0068D

JUL [illegible]

MAY 1 1 1994

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

February 12, 1985

Mr. Larry Townsend
Priest Lake State Park
Coolin, ID 83821

Dear Larry:

Enclosed is the summarized data and recommendations for stream reaches and maintenance flows to be used in applying for water rights in Indian and Lion creeks.

It is appropriate for your agency to apply for these water rights. Thank you for your continued involvement in this cooperative effort and do not hesitate to call us if you have additional questions.

Sincerely,

Kris Moser
Regional Supervisor

KM:NJH:amh

Enclosure

RECEIVED
JUL 2 1988
MAY 11 1994

SUBJECT

Resource maintenance flows for Indian and Lion creeks, Priest Lake, Idaho.

BACKGROUND

Assistance was given to personnel from the Idaho Department of Parks and Recreation, Priest Lake State Park by Tim Cochnauer and Ned Horner from the Idaho Department of Fish and Game in the collection and interpretation of flow data from Indian and Lion creeks in the Priest Lake drainage of North Idaho. The flow data was used to develop instream flow recommendtions necessary to protect fishery values associated with these two critical tributaries.

TECHNIQUES USED

Study sites were selected on representative cutthroat trout habitat near the mouth of each stream. Measurements of water depths and velocities were made at 20 stations on each of four cross sections for four different discharges. This hydraulic flow data was used in the IFG4-IFG3 instream flow incremental methodology for determination of usable habitat over a range of flows, from which stream resource maintenance flows were determined.

RESULTS

Indian Creek

Water depths and velocities were measured for 22 cfs on 8/13/82, 29 cfs on 8/22/83, 51 cfs on 9/30/82 and 93 cfs on 5/5/82. Using juvenile cutthroat trout rearing habitat as the criteria for determining stream resource maintenance flow values, a flow of 26 cfs was selected as the minimum flow necessary to protect fishery values in Indian Creek (Fig. 1) from the mouth upstream to the confluence of the North and South forks.

Lion Creek

Water depths and velocities were measured for 15 cfs on 8/27/84, 36 cfs on 8/13/82, 48 cfs on 8/11/83 and 78 cfs on 9/30/82. Using juvenile cutthroat trout rearing habitat as the criteria for determining stream resource maintenance flow values, a flow of 22 cfs was selected as the minimum flow necessary to protect fishery values in Lion Creek (Fig. 2) from the mouth upstream to the confluence of the South Fork.

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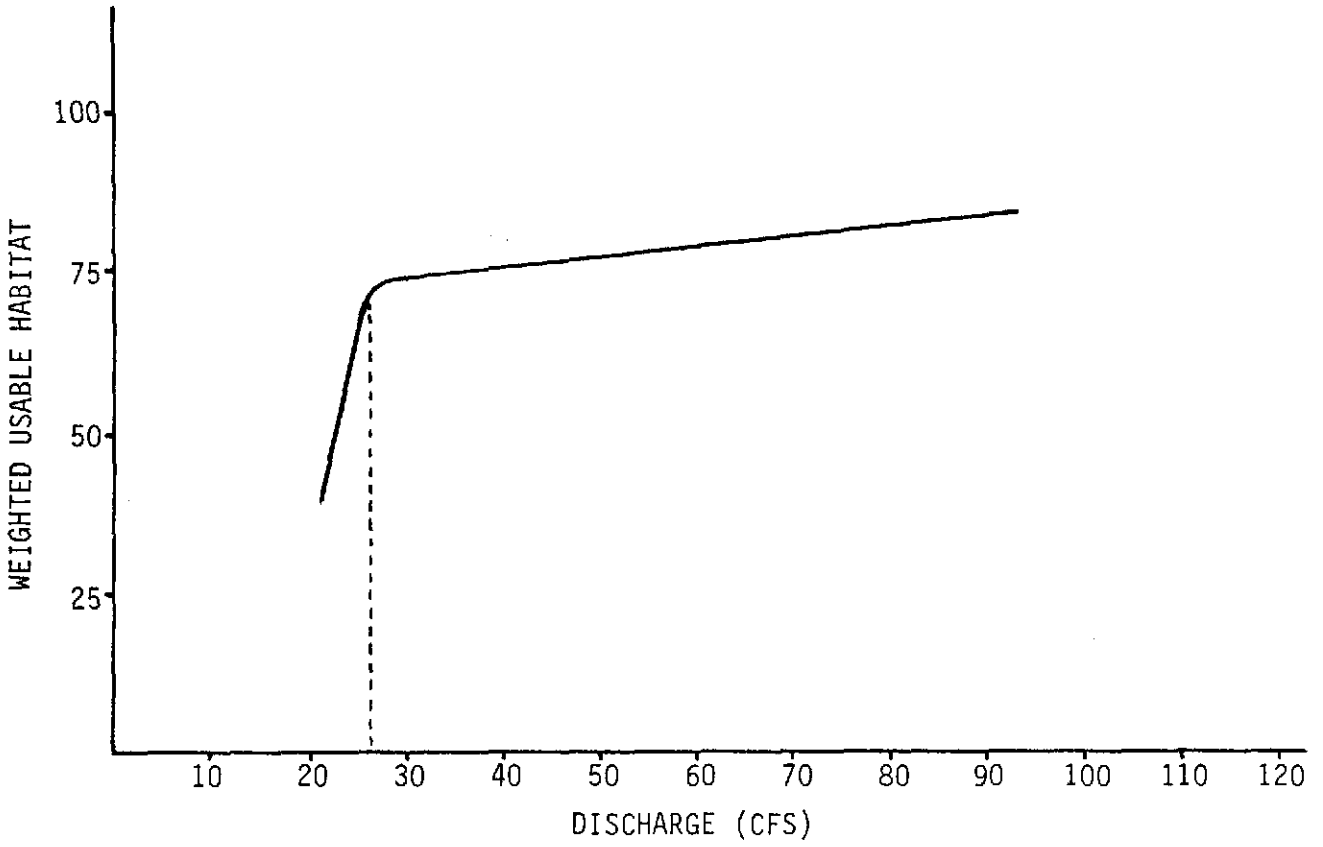
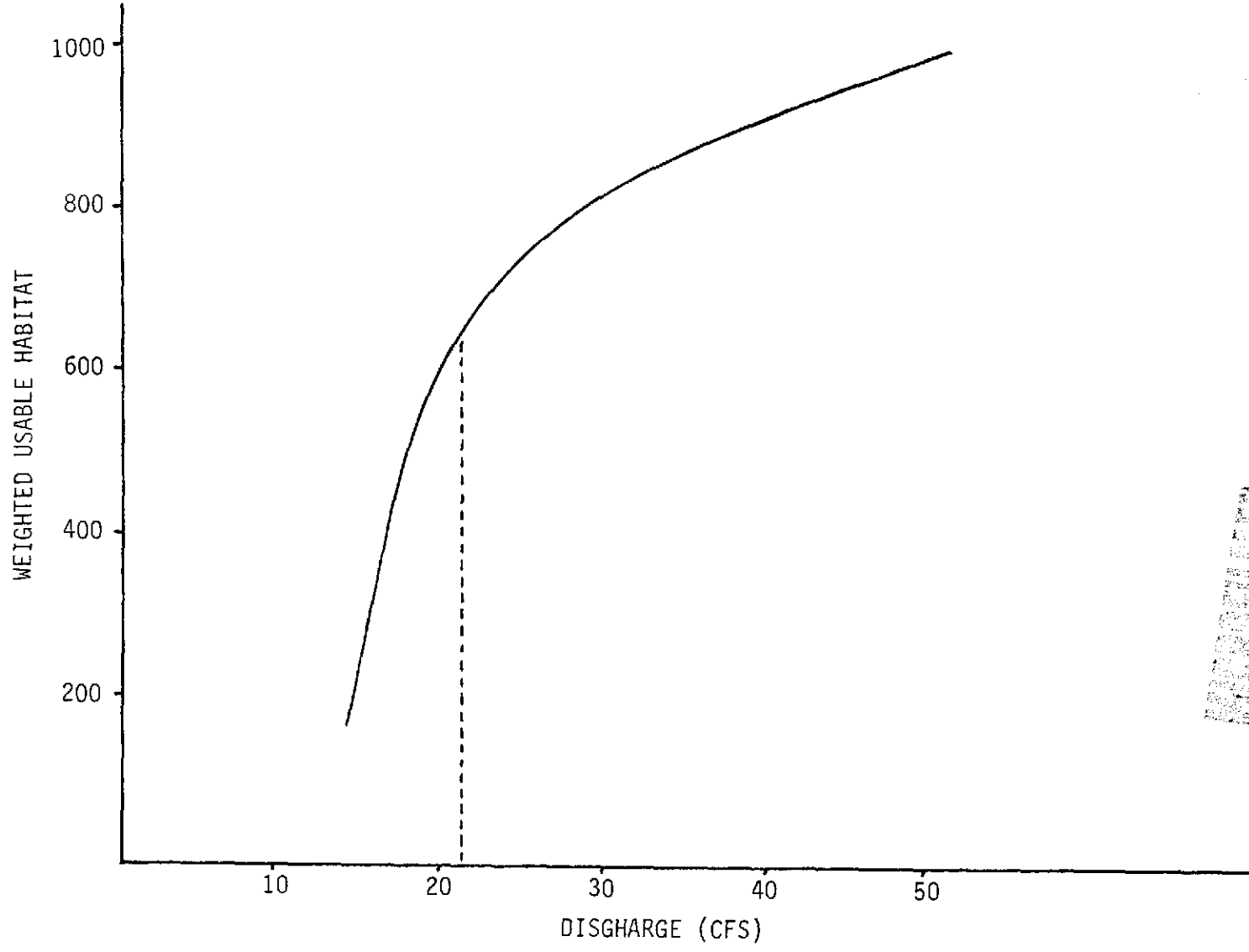


Figure 1. Weighted usable habitat (juvenile cutthroat trout) versus discharge relationship for Indian Creek, Priest Lake drainage, Idaho.



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Figure 2. Weighted usable habitat (juvenile cutthroat trout) versus discharge relationship for Lion Creek, Priest Lake drainage, Idaho.

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Department of Water Resources
Northern District Office

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NOS. 97-7184, 97-7185, 97-7186, 97-7187, 97-7188, 97-7189, 97-7190, 97-7191 AND 97-7192 IN THE NAME OF HOMESTAKE CONSULTING AND INVESTMENTS, INC.

ORDER AMENDING AND ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources issued and served a copy on all parties on January 14, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter; and,

WHEREAS, on January 31, 1983, the first working day following the fifteen days allowed for the filing of exceptions, the applicant thru its attorney, filed three exceptions to the proposed decision and requested oral argument before the Director; and,

WHEREAS, the applicant asked:

1) that newly discovered evidence be considered on:

a) the reinstatement of the corporate status of the applicant,

b) the unconditional bond commitments that will be provided within two weeks;

2) that Conclusion of Law No. 3 is clearly erroneous in recognizing the testimony of the representatives of the Department of Fish and Game regarding the effect on the stream of minimum flow;

3) that Conclusion of Law No. 2 is clearly erroneous since evidence was entered which demonstrates that the projects can be operated with minimum stream flows; and,

WHEREAS, responses to the exceptions were received from the Concerned Residents of Priest Lake, Inc. along with a request for oral argument and from the Department of Fish and Game; and,

WHEREAS, the Director has considered the exceptions and the responses and finds:

1) that while the expiration of the applicant's corporate status may have come as a surprise, the reinstatement is not new evidence that can be considered,

2) that no additional evidence of existing financial ability has been submitted,

3) that Conclusion of Law Nos. 2 and 3 are supported by the Finding of Fact and evidence and are not clearly erroneous; and,

WHEREAS, the Director of the Department of Water Resources was present during the presentation by the applicant; and,

WHEREAS, Finding of Fact No. 16 would be more technically correct if the terms "resident fisheries" and "resident streams" were amended to read "migratory fisheries" and "migratory streams";

THEREFORE, the request for oral agrument is denied, the exceptions against the approval of the proposed decision are rejected and the Proposed Memorandum Decision and Order is adopted as the final decision with Finding of Fact No. 16 amended to read as follows:

> 16. The limiting factor of both Dolly Varden and Cutthroat Trout populations is the number of miles of stream habitat. There are about 200 miles of streams tributary to Priest Lake with about one-half of 100 miles of streams with migratory fisheries of Dolly Varden and Cutthroat Trout. About 13 miles which is 13 percent of the migratory streams will be impacted by these proposed projects if the minimum flows are not maintained.

Dated this 3rd day of March, 1983.

A. KENNETH DUNN
Director

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATIONS FOR PERMIT NOS. 97-7184, 97-7185, 97-7186, 97-7187, 97-7188, 97-7189, 97-7190, 97-7191 AND 97-7192 IN THE NAME OF HOMESTAKE CONSULTING AND INVESTMENTS, INC.	PROPOSED MEMORANDUM DECISION AND ORDER

Applications to appropriate water at nine locations from streams flowing into the Eastside of Priest Lake were filed on June 14, 1982 by Homestake Consulting and Investments, Inc.

The applicant proposed to divert water from the stream into a pipeline which would convey the water to a generator. The water would then return to the stream. The number, source and rate of diversion on the applications are summarized as follows:

NUMBER	SOURCE	DIVERSION RATE (CFS)
97-7184	Indian Creek	9.00
97-7185	Horton Creek (upper)	4.00
97-7186	Horton Creek (lower)	8.00
97-7187	Two Mouth Creek	17.50
97-7188	S. F. Lion Creek (lower)	16.00
97-7189	S. F. Lion Creek (upper)	15.00
97-7190	Cougar Creek	4.00
97-7191	Hunt Creek (S. F.)	16.50
97-7192	Hunt Creek	17.50

Applications 97-7184, 97-7187 and 97-7189 were advertised, as required by statute, in the Bonners Ferry Herald published in Bonners Ferry, since the points of diversion are in Boundary County. Applications 97-7185, 97-7186, 97-7188, 97-7190, 97-7191 and 97-7192 were advertised in the Priest River Times published in Priest River since the points of diversion are in Bonner County. The final date to protest any of the applications was July 2, 1982.

The applications were protested by the following individuals and organizations:

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PROTESTANTS	97-7184	97-7185	97-7186	97-7187	97-7188	97-7189	97-7190	97-7191	97-7192
Jerome Prahl	x	x	x	x	x	x	x	x	x
Power Associates	x	x	x	x	x	x	x	x	x
Priest River Chamber of Commerce	x	x	x	x	x	x	x	x	x
Concerned Residents of Priest Lake		x	x		x		x	x	x
Stephen Sonntag		x	x		x		x	x	x
Idaho Department of Fish and Game	x			x	x	x		x	x
Frank Freeman					x	x	x	x	x
K. E. Hanson		x	x						
Rose Chekal		x	x						
Al Robinson							x		
Larry Stanley							x		
Walter Knapp							x		

x indicates applications protested

The protest by Power Associates was subsequently withdrawn on July 28, 1982.

All of the parties who desired to be heard were given the opportunity at the hearing held to consider the applications and the protests at Priest River, Idaho begun on September 17, 1982 and completed on November 2, 1982, at Coolin, Idaho. During the hearing the following exhibits were accepted:

LIST OF EXHIBITS

Applicant

No. 1 Letter and Water Quality Report from N.W. Environmental Services to Mr. Charles W. Green, V.P. Engineering I.P.D., Inc.

No. 2 Letter from Idaho Department of Fish and Game to Mr. William H. Delp, II, President, I.P.D., Inc.

No. 3 Letter from Idaho Department of Lands to Homestake Consulting & Investment, Inc. and Prescriptions For Erosion Control.

No. 4 Environmental Impact Assessment prepared by Northwest Environmental Services for Independent Power Developers, Inc. on South Hunt Creek.

No. 5 Same as No. 4 but for Cougar Creek.

No. 6 Same as No. 4 but for Lower South Lion Creek.

No. 7 Same as No. 4 but for Upper South Lion Creek.

No. 8 Same as No. 4 but for Upper Hunt Creek.

No. 9 Same as No. 4 but for South Indian Creek.

No. 10 Same as No. 4 but for Lower Horton Creek.

No. 11 Same as No. 4 but for Upper Horton Creek.

No. 12 Same as No. 4 but for Two Mouth Creek.

No. 13 Table of estimated monthly flow rates.

No. 14 Table of stream flow measurements.

No. 15 Letter from the Bonner County assessor to William McAdam, attorney for Homestake Consulting & Investment, Inc.

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Protestant Idaho Department of Fish & Game

No. 1 Publication "Predicting Average Annual, Low and Peak Flows on the Idaho Panhandle National Forests" by Robert S. Embry of the U.S. Forest Service and dated March 15, 1981.

No. 2 Map.

No. 3 Flow calculations for South Fork Lion Creek.

No. 4 Flow calculations for Two Mouth Creek.

No. 5 Flow calculations for South Fork Indian Creek.

No. 6 Flow calculations for Upper Hunt Creek.

No. 7 Flow calculations for South Hunt Creek.

No. 8 Table of estimated flow rates by Department of Fish and Game.

No. 9 Sketch map of Priest Lake Area (large drawing at Northern Region Office).

No. 10 Summary of trout density estimates; West side of Priest Lake.

No. 11 Summary of trout density estimates; East side of Priest Lake.

No. 12 Proposed permit terms for South Fork Indian Creek.

No. 13 Proposed permit terms for Two Mouth Creek.

No. 14 Proposed permit terms for Upper Hunt Creek.

No. 15 Proposed permit terms for South Hunt Creek.

No. 16 Proposed permit terms for Upper South Lion Creek.

No. 17 Proposed permit terms for Lower South Lion Creek.

Protestants Concerned Citizens of Priest Lake

No. 1 Order revoking master electrician license of William H. Delp, II.

No. 2 Nine letters of support to Concerned Citizens.

No. 3 Letter from Northern Lights, Inc. to Concerned Citizens.

No. 4 Letter from Pacific Power & Light Co. to Concerned Citizens.

No. 5 Letter from Steve Smith to and response from Bonner County Planning and Zoning Commission.

No. 6 Claim of lien against Independent Power Developers, Inc. filed by Armco, Inc.

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Other Documents Considered

Applications.

Protests.

Letter withdrawing protest of Power Associates received July 28, 1982.

Petitions against approval.

Affidavit to establish qualification to do business.

Comments of Perry Swisher, IPUC President read into the record.

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Minutes of September 14 Priest River Chamber of Commerce Meeting.

Letters dated November 10, 1982 to Homestake Consulting and Investments, Inc. from J. D. Milligan of Milligan Bond and Insurance Services offering performance and labor and material bonds in the following amounts:

NUMBER	SOURCE	AMOUNT
97-7184	Indian Creek	$ 435,000
97-7185	Upper Horton	145,000
97-7186	Lower Horton	435,000
97-7187	Two Mouth	362,500
97-7188	South Lion	1,597,500
97-7189	South Lion	
97-7190	Cougar	145,000
97-7191	SF Hunt Creek	725,000
79-7192	Hunt Creek	870,000
	TOTAL	$4,715,000

Letter dated November 16, 1982, from Mr. Delp stating I.P.D. has contracted or purchased $3,488,176 worth of material and services for these projects.

Letter dated November 16, 1982, from Idaho Department of Lands to I.P.D., Inc. that requirements of Department for rehabilitation work was complete.

Letter dated November 23, 1982, from Roger Gregory, Priest River Chamber of Commerce.

Letter dated November 24, 1982, from Jules Gindraux, Sec-Treas. Concerned Residents of Priest Lake, Inc.

Letter dated November 30, 1982, from Steve Smith, Attorney for Concerned Residents of Priest Lake, Inc.

Letter dated December 2, 1982, from Dave Barber, Attorney for Fish and Game transmitting:

Fish & Game Exhibit 18. Affidavit of Bob Fraundorf about Milligan Bond & Insurance Service not being licensed to do business in Idaho.

Fish & Game Exhibit 19. Certificate from Secretary of State that Independent Power Developers, Inc. forfeited its corporate charter on November 30, 1982.

Fish & Game Exhibit 20. Certificate from Secretary of State that Homestake Consulting & Investments, Inc. forfeited its corporate charter on November 30, 1981.

Several other documents are a part of the record or were mentioned during the hearing with no objection. They are:

The applications.

The protests.

The affidavit by the applicant to establish qualification to do business in Idaho.

The petitions against the approval of the applications.

Minutes of the September 14, 1982 Priest River Chamber of Commerce meeting.

The documents sent to the department for consideration during the hearing are:

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Letters dated November 10, 1982, to Homestake Consulting and Investments, Inc. from Mr. J. D. Milligan of Milligan Bond and Insurance Services offering performance and labor and material bonds.

Letter to the Department dated November 16, 1982, stating the amount of material and services supplied by Independent Power Developers, Inc.

Letter to Independent Power Developers, Inc., dated November 16, 1982, from Idaho Department of Lands concerning rehabilitation work completion.

Letter to Department dated November 23, 1982, from Roger Gregory, Priest River Chamber of Commerce.

Letter to Department dated November 24, 1982, from Jules Gindraux, Sec.-Treas., of Concerned Residents of Priest Lake, Inc.

Letter to Department dated November 30, 1982, from Steve Smith, Attorney for Concerned Residents of Priest Lake, Inc.

Letter to Department dated December 2, 1982, from Dave Barber, Attorney for Idaho Department of Fish and Game transmitting:

Fish & Game Exhibit 18 - Affidavit from Bob Fraundorf, a Public Officer of the Idaho Department of Insurance.

Fish & Game Exhibit 19 - Certificate from Idaho Secretary of State concerning status of Independent Power Developers, Inc.

Fish & Game Exhibit 20 - Certificate from Idaho Secretary of State concerning status of Homestake Consulting & Investments, Inc.

The admissibility of the statement of Perry Swisher, member of the Idaho Public Utility Commission, read into the record by William Drummond of the Commission's staff was questioned by the protestants. The motion to not allow the statement was taken under advisement and it is now determined that the statement should be considered.

Concerns about the effect of these projects on the fishery in Priest Lake, the streams themselves and the impact of the local public were raised during the hearing on all of the applications, as was the question of the financial ability of the applicant to complete the project. The interference with downstream water rights was raised also as an issue on Applications Nos. 97-7185 and 97-7186, Horton Creek and 97-7190, Cougar Creek.

The hearing officer, having taken into consideration the evidence submitted and based upon his understanding of the law, reaches the following conclusions based upon the Findings of Fact and, therefore, proposes the following Order.

FINDINGS OF FACT

1. William Delp, II is the principle stockholder of both Homestake Consulting & Investments, Inc., the applicant, and Independent Power Developers, Inc.

2. The applicant or at least Mr. Delp was involved in the electrical

portion of the construction of a hydropower project on Derr Creek, a tributary of Lake Pend Oreille, which is working satisfactorily. Mr. Delp was involved in the construction of at least two hydropower projects in the state of Montana which were not satisfactorily completed. The projects proposed by the applicant are high head (greater than 200 feet) hydropower plants similar in design to the Derr Creek project.

3. In physical appearance the projects would consist of a turbine house with dimensions of about 20'X40'X10' and a diversion dam no more than three feet high. The pipeline and the transmission lines would be buried and would not be visible. The roads to the generator sites would be temporary for use only during the initial construction.

4. No change in the quantity or quality of the water transmitted through the pipeline is expected because of the power generation. The lubrication of the turbine is external to the water contact. The water will be returned directly to the stream at the generation sites.

5. The land at the sites is owned by either the State of Idaho or Diamond National Lumber Co. The yearly cost of the lease of the state land is three percent of the estimated $1,226,000 project annual income. The lease arrangement with Diamond National was not known.

6. The applicant cleared four sites, dug or partially dug two trenches and built four access roads. Construction began in June after these water right applications were filed. The applicant proceeded with the work beyond that allowed by the temporary permit issued by the Idaho Department of Lands and was ordered by the Land Board to cease construction and to restore the areas. That restoration work has been completed to the satisfaction of the Idaho Department of Lands.

7. About 80 percent of the equipment for the project has been built. Most of the equipment is not uniquely designed for these particular sites.

8. The construction of the projects would provide some employment to the local work force during the five or six-month construction period. There would be no long-term employment opportunity for the operation and maintenance of the equipment.

9. The flows available, which is either the flow of the stream or the maximum designed capacity of the generator, for power generation, if the instream minimum flows requested by the Department of Fish and Game are maintained, are tabulated below:

Number	Creek	Minimum Flow	Month											
			Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
97-7184	Indian	4.2	0.3	0	2.4	8.4	8.4	8.4	5.2	0	0	0	0	0
97-7185	Horton (upper)	0	1.9	0.9	2.8	3.5	3.5	3.5	3.5	0.9	0.6	0.8	1.8	1.7
97-7186	Horton (lower)	0	2.1	1.0	3.1	7.4	7.4	7.4	4.4	1.0	0.6	0.9	2.0	1.8
97-7187	Two Mouth	11.2	0.1	0	5.5	17.2	17.2	17.2	12.6	0	0	0	0	0
97-7188	S. Lion (lower)	3.5	0.4	0	2.3	16.0	16.0	16.0	4.7	0	0	0	0.1	0
97-7189	S. Lion (upper)	3.3	0.4	0	2.2	12.8	12.8	12.8	4.5	0	0	0	0.2	0
97-7190	Cougar	0	1.7	0.8	2.5	3.7	3.7	3.7	3.6	0.8	0.5	0.7	1.6	1.5
97-7191	S. Hunt	5.2	0.2	0	2.8	15.7	15.7	15.7	6.2	0	0	0	0	0
97-7192	Hunt	7.6	0.1	0	3.8	16.8	16.8	16.8	8.6	0	0	0	0	0

10. There is a diversion works for domestic use by the members of the Cougar Creek Water Users Association downstream from the proposed project on Cougar Creek. The construction on Cougar Creek by the applicant has caused extensive siltation of the association's water system intake.

11. The applicant retained Northwest Environmental Services to prepare environmental impact assessments on each of the project sites. On Cougar Creek, the field work for the assessment was begun on June 19, 1982, the construction began on June 22, 1982, and the environmental impact assessment was dated June 23, 1982.

12. The Priest River Chamber of Commerce opposes the projects on these streams. Tourism, including fishing, has become an important industry since logging has declined in recent years.

13. Logging has not, in the past, been allowed along the streams around Priest Lake.

14. Dolly Varden trout are found in Indian and Lion Creeks which indicates that fish can travel from the lake up to those streams. Dolly Varden are also likely to be found in Two Mouth Creek but none were found during the snorkling transects conducted by the expert for the Department of Fish and Game. Several tributaries to Priest Lake have been closed to fishing to protect the lake fishing from further deterioration.

15. A very high density of Cutthroat Trout was found in Hunt Creek and a relatively high density was found in Two Mouth Creek with good density found in all the other streams.

16. The limiting factor of both Dolly Varden and Cutthroat trout populations is the number of miles of stream habitat. There are about 200 miles of streams tributary to Priest Lake with about one-half or 100 miles of stream with resident fisheries of Dolly Varden and Cutthroat Trout. About 13 miles which is 13 percent of the resident streams will be impacted by these proposed projects if minimum flows are not maintained.

17. There are 18 businesses located on Priest Lake including six marinas and seven resorts. Between 50 percent and 75 percent of the boat rentals of the marinas are to fishermen.

18. The 100 miles of stream available to naturally restock the Priest Lake fishery is not sufficient to meet the present angler demand for fish.

19. The Concerned Citizens of Priest Lake is a group of individuals who joined together as a non-profit corporation on August 30, 1982. Petitions with 2,123 signatures against the approval of these applications were collected by the Concerned Citizens group.

20. The applicant received from the Milligan Bond and Insurance Services of 326 Newport Boulevard, Newport Beach, California a letter on each of the proposed projects that states:

> "Upon the completion of the Bond Company indemnity agreements and other required documents, we will cause to be issued performance and labor and material bonds in the aggregate amount of '(an amount was given for each project)' for the above captioned hydroelectric project."

The amounts given are shown in the list of Other Documents Considered on page 3.

21. The Milligan Bond and Insurance Services does not have a license to do business in the State of Idaho as a non-resident insurance agent.

22. The applicant, Homestake Consulting and Investments, Inc., forfeited its corporate charter on November 30, 1981, and from then until at least December 1, 1982, was not authorized to transact business as a subsisting corporation in the State of Idaho.

23. Section 42-206, Idaho Code, prohibits the issuance of a permit to appropriate water for power purposes to a corporation not organized or qualified to do business in and under the laws of the State of Idaho.

CONCLUSIONS OF LAW

1. No interference with the water rights of others would occur after the projects are completed and the sites disturbed during construction stabilize. However, during construction any downstream users would be affected by the

deterioration of the quality of their water. This interference is pro[illegible] apparent on Cougar Creek where the use of water for domestic purposes wou[illegible] precluded during the construction phase of the project.

2. The rate of flow available for power generation in each of the streams if the minimum flows requested by the Department of Fish and Game are maintained between the point of diversion and the point of power generation, are not sufficient to support the projects as proposed.

3. The projects, when completed and in operation, would add little to the local economy. Construction and operation of the projects would cause a change in the streams and interfere with the habitat of the fish and their food chain unless minimum stream flows are maintained. The resulting changes would deteriorate further the recreational fishery in Priest Lake and adversely affect the local economy. These projects as proposed, are found to not be in the local public interest.

4. The applicant has not shown conclusively that it has the financial ability to complete the projects proposed. The letters from Milligan Bond and Insurance Services are not unconditional in committal of bonds for the performance, material and labor to complete the projects.

5. The applicant was not a corporation authorized to transact business in the State of Idaho at the time the applications were filed nor at the time of the hearing on the applications. This alone would prevent the issuance of any of these permits for the use of water for hydroelectric power generation.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Applications for Permit Nos. 97-7184, 97-7185, 97-7186, 97-7187, 97-7188, 97-7189, 97-7190, 97-7191 and 97-7192 are DENIED.

Dated this 12TH day of January, 1983.

Norman C. Young

for BOBBY D. FLEENOR

Hearing Officer

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JUL 27 1988

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PERMIT AND LICENSED RIGHTS ON Lion Creek - NESE, Sec. 10 thru Sec. 12, T. 62N., R.4W., Bonner CO., IDAHO

March 26, 1985 19____ Revised _____ Water District No. _____

LICENSE	PERMIT	NAME	AMT.	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.
					Subdiv.	Sec.	Twp.	Rge.	
	APP	Lion Creek Idaho Water Resource Board	22.0		NESE NENW	10 12	62N 62N	04W 04W	Instream flow from the confluence with Priest Lake in the NESE, Sec. 10, T.62N., R. 4 W. upstream about 2 miles to the confluence with the South Fork of Lion Creek in the NENW, Sec. 12, T.62N., R.4W., Bonner County.

JUL 1 1988 RECD
MAY 11 1994 Approved