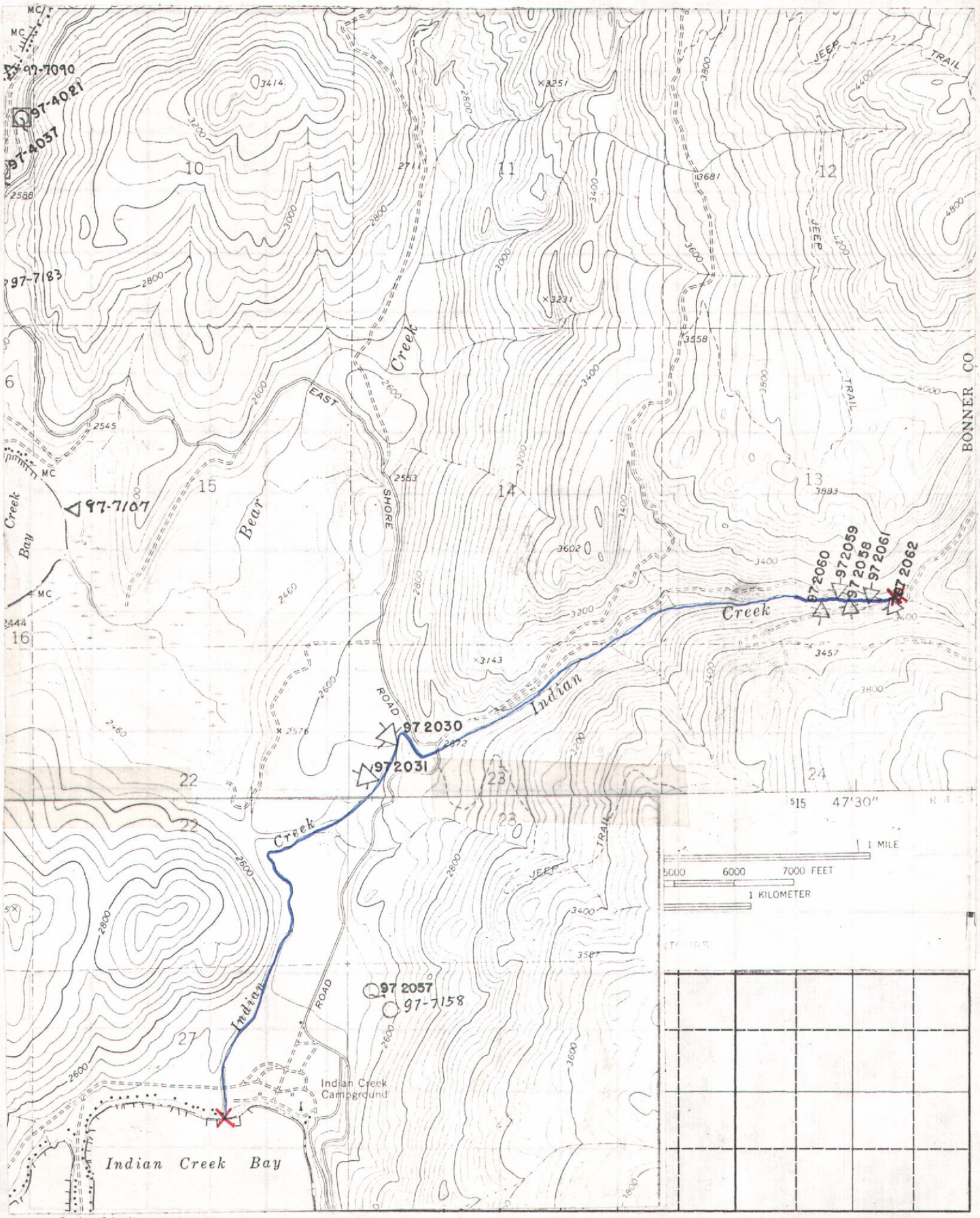
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

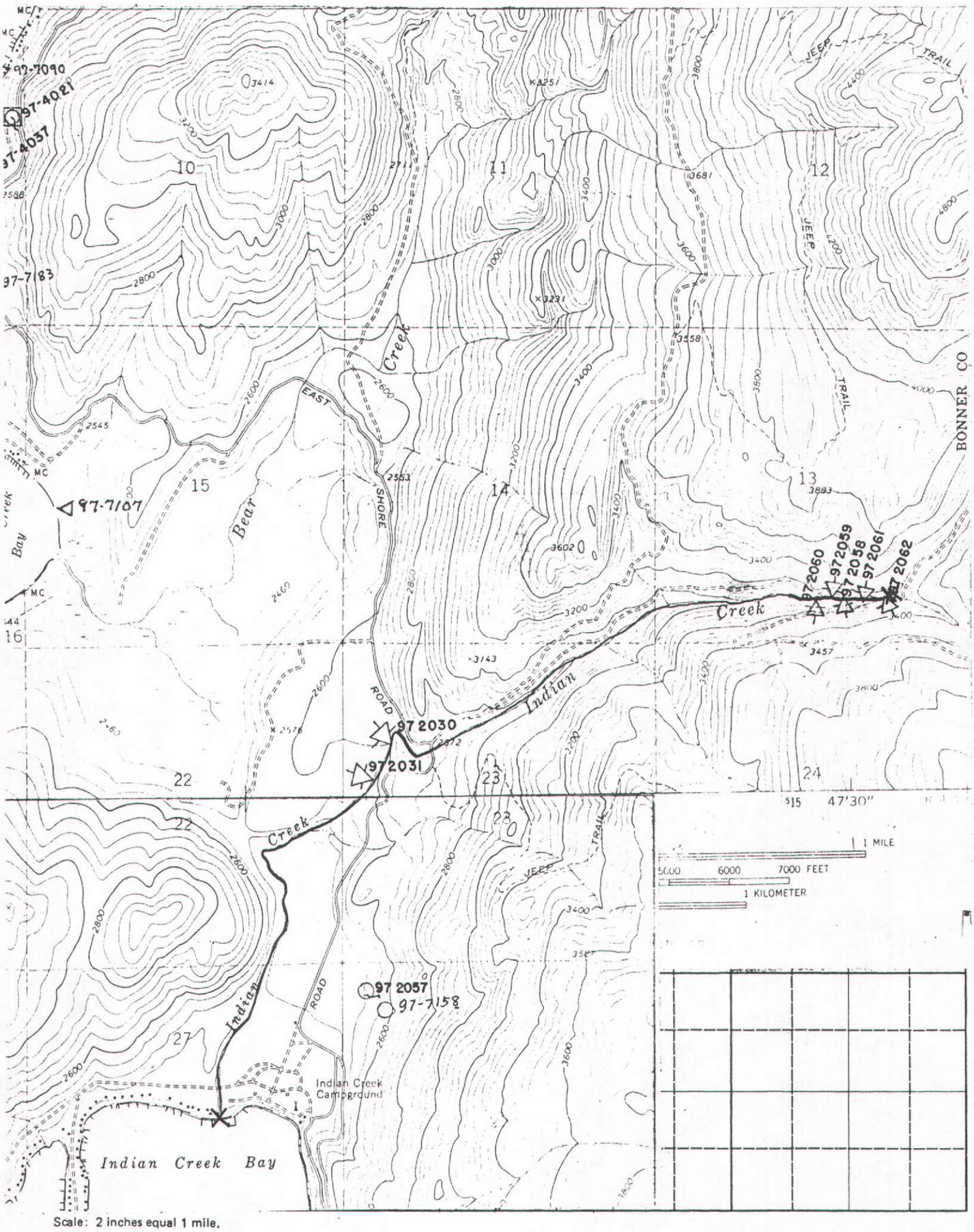
MICROFILMED

JUL 2 7 1988

(Applicant)

Chairman, Idaho Water Resource Board

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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 2 7 1988

(Applicant)

Chairman, Idaho Water Resource Board

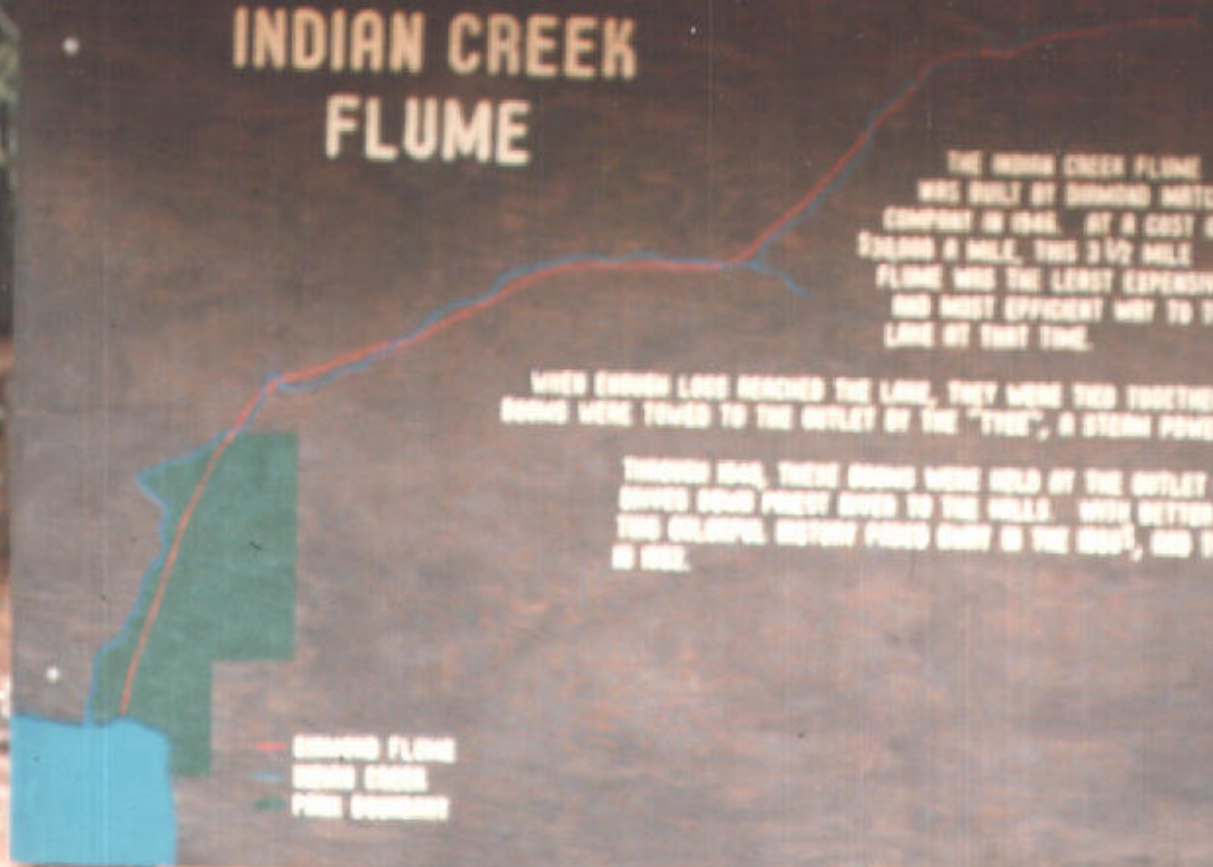








INDIAN CREEK FLUME



THE INDIAN CREEK FLUME
WAS BUILT BY DIAMOND MATCH
COMPANY IN 1946. AT A COST OF
$30,000 A MILE, THIS 3 1/2 MILE
FLUME WAS THE LEAST EXPENSIVE
AND MOST EFFICIENT WAY TO TRANSPORT LOGS TO THE
LAKE AT THAT TIME.

WHEN ENOUGH LOGS REACHED THE LAKE, THEY WERE TIED TOGETHER IN BOOMS. THESE LOG
BOOMS WERE TOWED TO THE OUTLET BY THE "TYEE", A STEAM POWERED TUG.

THROUGH FALL, THESE BOOMS WERE HELD AT THE OUTLET UNTIL THE SPRING LOG
DRIVES COULD MOVE DOWN TO THE MILLS. WITH BETTER ROADS AND TRUCKS
THIS COLORFUL HISTORY PASSED AWAY IN THE 1950'S, AND THE FLUME WAS ABANDONED
IN 1952.

DIAMOND FLUME
INDIAN CREEK
PINE BOOMING



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..

...Deon 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
10/27/87

RECEIVED
OCT 28 1987
Department of Water Resources
Northern District Office

FILED
JUL 27 1988

Affidavit of Publication

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

No 17887

I, Linda Copps McSwain, being first duly sworn upon oath, depose and say that I am Pubic 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 McSwain

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

RECEIVED
OCT 19 1987
Department of Water Resources
Northern District Office

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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 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.

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R. Keith Higginson, Director
Department of Water Resources
PUBLISH: Thursday, October 1, 08 and 15, 1987

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

Date 101587 INVOICE No. L00117869

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 28 1987
Department of Water Resources
Northern District Office

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

17869

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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 ¼ NE ¼), 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 ½ SE ¼, 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

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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.

RECEIVED
JUL 27 1988

C.M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 20 day of October 1987

Sheral M Lantz

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

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
131.00

Account Name	Account Number
Idaho Department of Water Resources (Northern)	#100631

Address	City/State	Zip
4055 Government Way	Coeur d'Alene, ID	83814

Ordered By	P.O. Number	Rate	Run Dates
Patricia Stypa		NT	1987 October 1, 8, 15

Identification	Estimated Inches	Real Inches
Notice of Application for Permit for Minimum Streamflow and Hearing		

1 Number of Affidavits Requested

Legal Number #6552

RECEIVED
OCT 19 1987
Department of Water Resources
Northern District Office

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

R. KEITH HIGGINSON
Director
Department of Water Resources

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

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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, 19 87

and ending with the issue of October 15, 19 87

Deborah Gregory

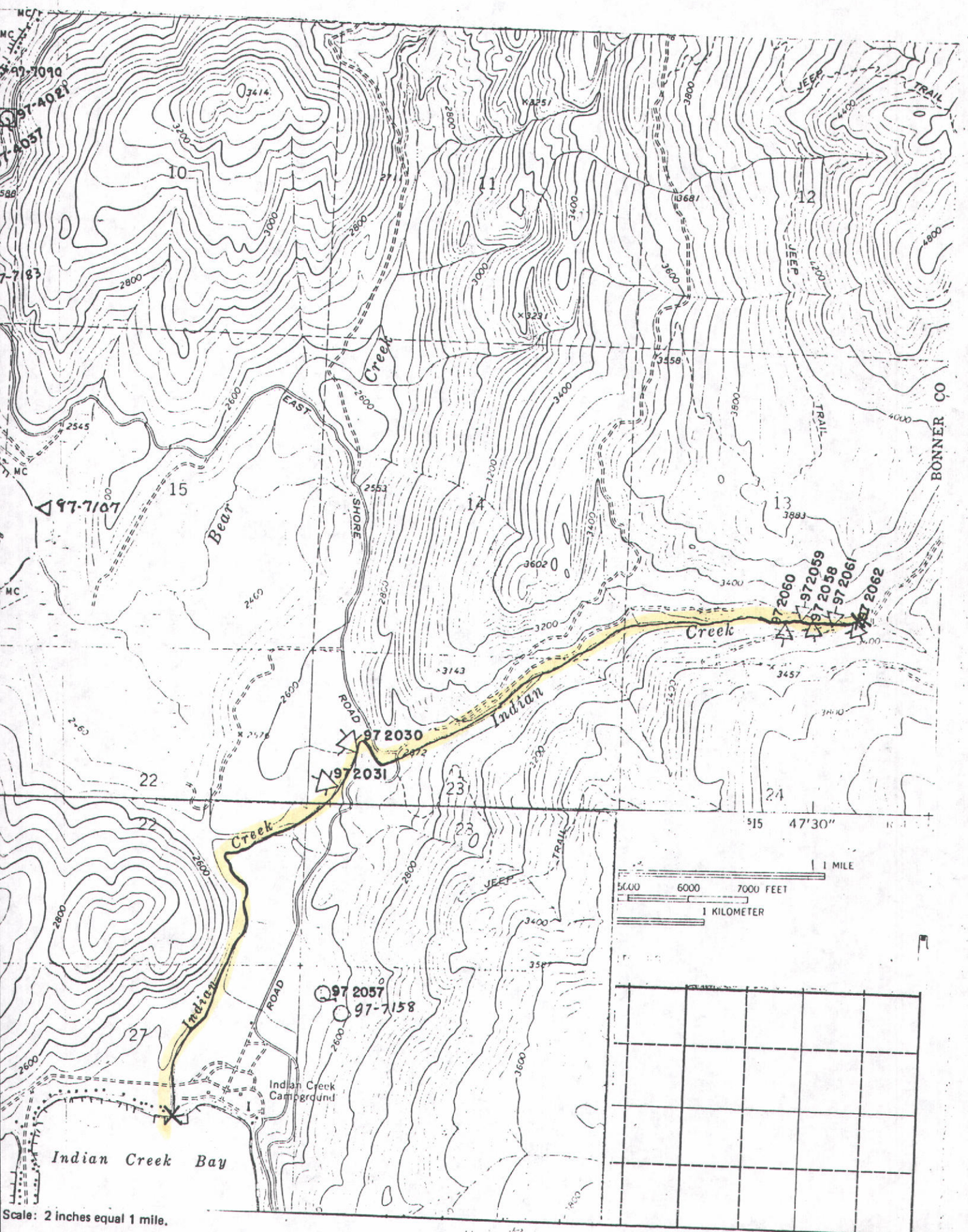
Subscribed and sworn to before me this 15th day of October, 19 87

RECEIVED
JUL 27 1988

Connie Hellerson 8/92

Notary Public for Idaho, Residing at Boise, Idaho

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



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(Applicant)

Chairman, Idaho Water Resource Board

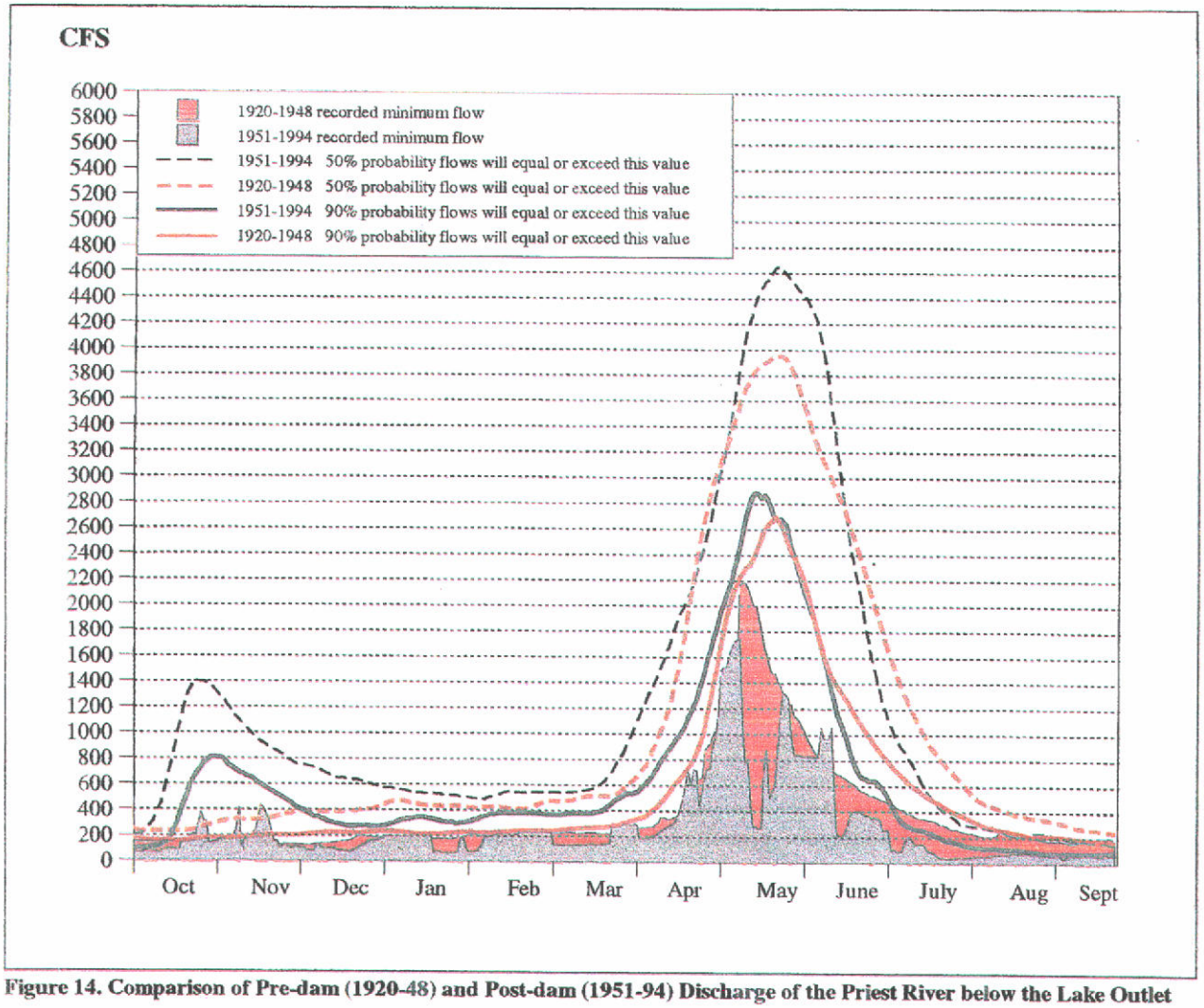


Figure 14. Comparison of Pre-dam (1920-48) and Post-dam (1951-94) Discharge of the Priest River below the Lake Outlet

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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JUL 18 1997

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.

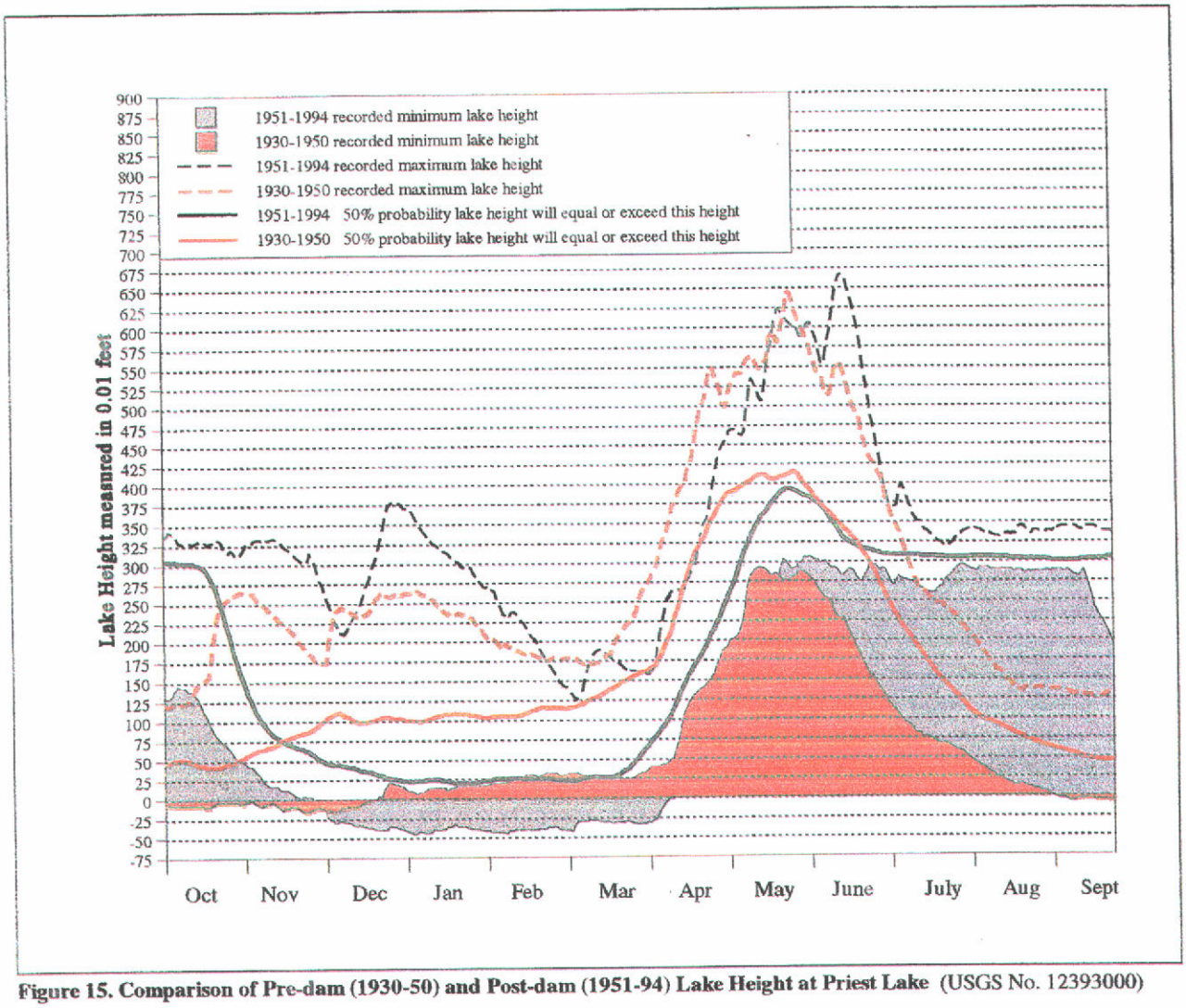


Figure 15. Comparison of Pre-dam (1930-50) and Post-dam (1951-94) Lake Height at Priest Lake (USGS No. 12393000)

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V69#9

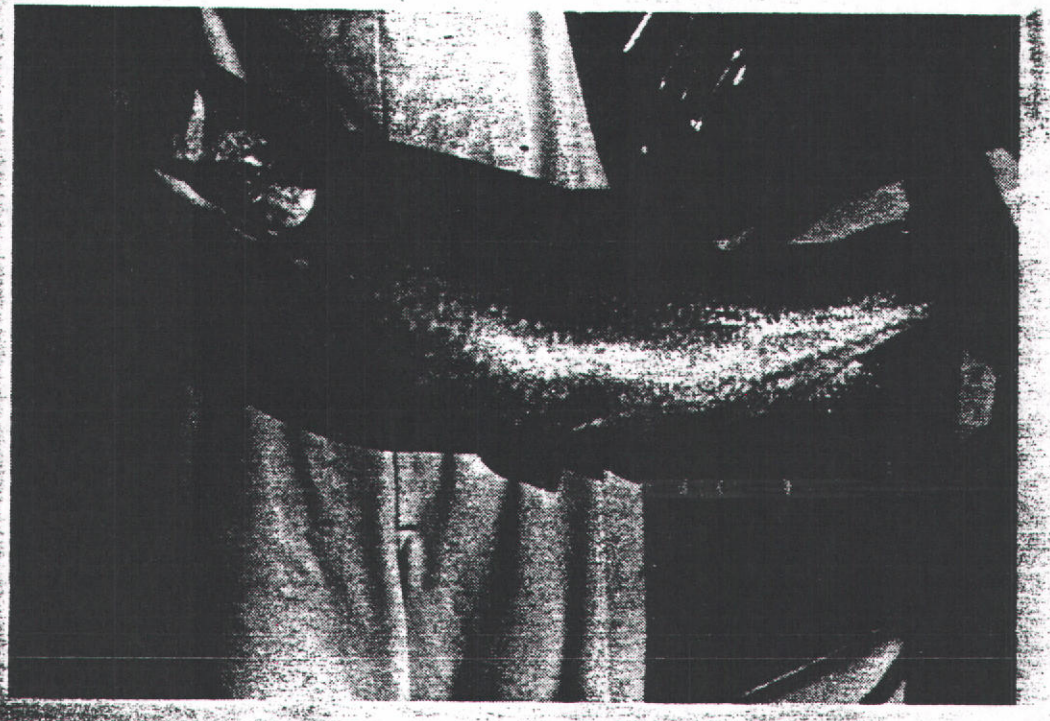
FISHERY RESEARCH

IDAHO FISH & GAME

FEDERAL AID
IN
FISH RESTORATION

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BOISE, ID 83707

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

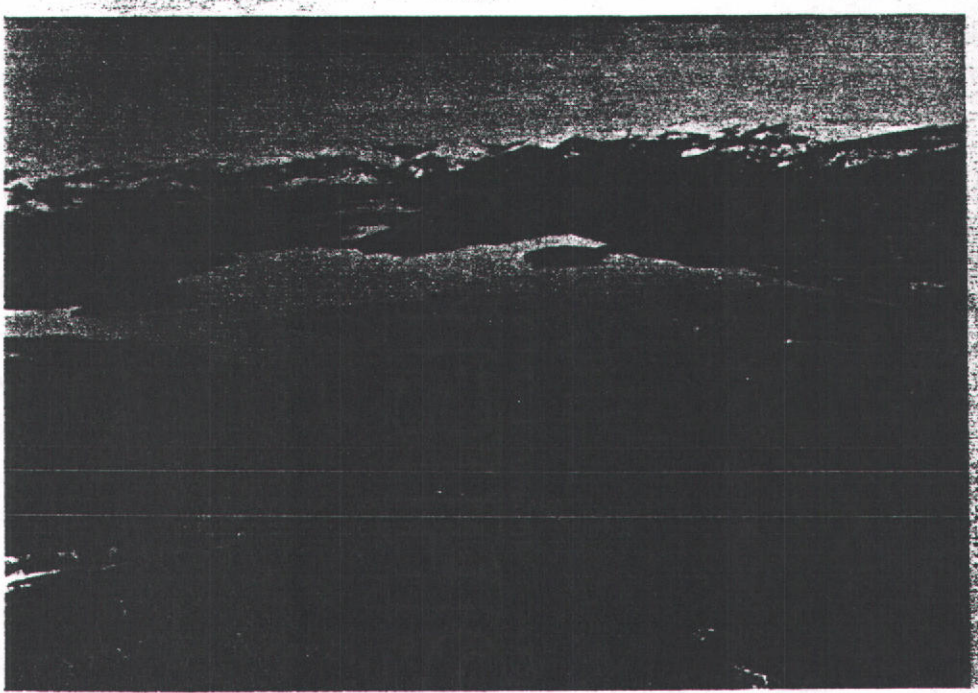
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JUL 18 1997

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83707

FEDERAL AID IN FISH RESTORATION

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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BOISE ID 83707

Gregg R. Mauser
Senior Fishery Research Biologist
January 1986

MICROFILMED
JUL 18 1997

IO DEPARTMENT OF FISH AND GAM
STREAM FLOW INVESTIGATIONS

STREAM Indian Creek. Transect No. 1 Date 7/14/90
Time 1100 Flow Cross section width
Elevation (HW) 102 5/8" (8.5, 11) B. M. Elevation 0.62 Stream to BM (110") = (9.17')
Distance from US X-section Meter time
Thalwag distance Riparian vegetation Sparse

Stream surface to Bench Mark

Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	Sub.	Q	Elev.	Comments
LEW	0								
6.2									
7	1 .032				-0-		-0-		
8	8 .256				.28		.072		
9	0 0				0.		-0-		On rock
10	10 cm .320				.15		.048		Sand
11	22 .704				.59		.415		Sand Cobble
12	25 .8				1.20		.960		"
13	24 .768				2.16		1.659		"
14	30 .960				1.20		1.152		
15	25 .8				3.12		2.496		Boulder
16	29 .928				1.64		1.522		
17	33 1.056				2.14		2.260		
18	31 .992				1.06		1.052		
19	1.8 .576				1.64		.945		Cobble
20	12 .384				1.70		.653		Cobble
21	17 .544				1.08		.588		
22	15 .48				1.43		.686		
23	22 .704				1.46		1.028		
24	20 .64				.26		.166		In moss
25	17 .544				.28		.152		"
26	24 .768				1.20		.922		
27	15 .48				1.66		.797		
28	11 .352				1.50		.816		

RECEIVED
FEB 25 1994

Sighting Rod = 7' + 3.33 + .62 = 10.95 Below Bench Mark
on Gauge (7 3/8")

WE NEED YOU!

You can volunteer if you live on Priest Lake or visit Priest Lake at least once every two weeks between May & September, and .....

..you have access to a boat & can spend 1–2 hours every two weeks collecting data.

..you meet with our lake management specialist to be trained & supplied with the necessary equipment, notebook with illustrated instructions, & post paid postcards on which to record data.

Sign Me Up!

Please sign me up to be a volunteer monitor.

Name _____

Address _____

Phone _____

"Location you would prefer to sample," _____

MAILED
JUL 27 1988

Self-Help Lake Monitoring Program

- Learn more about basic limnology or lake science.
- Increase your understanding of the overall water quality of your lake.
- Learn about basic lake sampling procedures.
- Observe & document how the water quality of your lake changes over time.
- Learn more about your lake, in particular through the individual & statewide reports you will receive from your efforts.
- Gain an understanding of the difference between natural & seasonal variations in water quality & long term trends.
- Assist our lake scientists in comparing the water quality of Priest Lake with the data you collect.

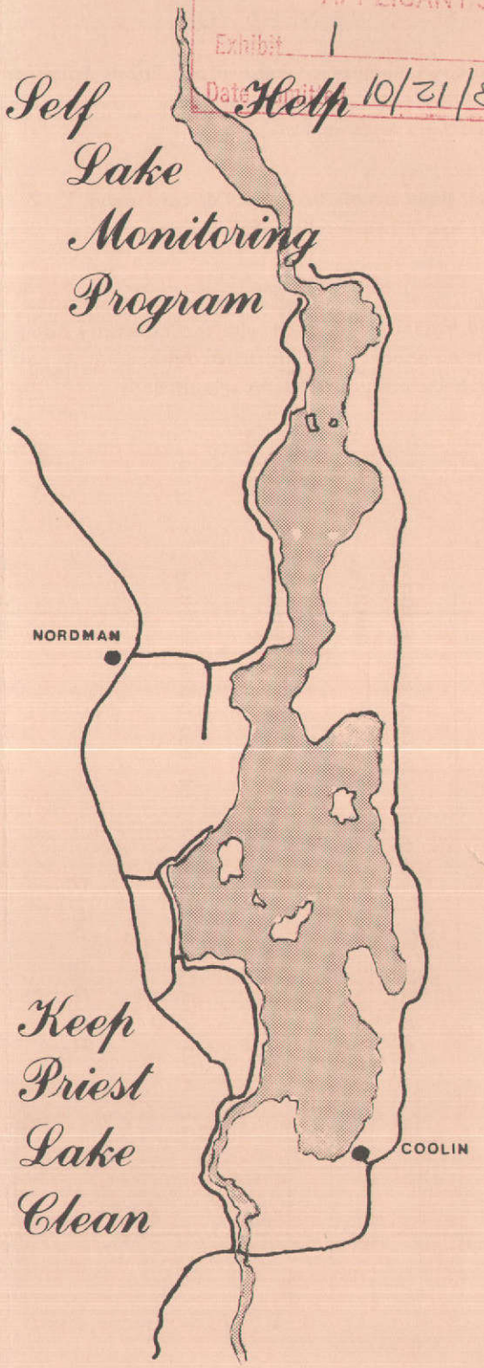
Let's Keep Priest Lake Clean!



Lakes are such an integral part of our lives, offering tremendous and diverse recreational opportunities, habitat to fish, waterfowl, and other wildlife, and contributing significantly to the economy of Priest Lake.

Department of Water Administration
APPLICANT'S
Exhibit 1
Date Admitted 10/21/87

Self Help Lake Monitoring Program



Keep Priest Lake Clean

YOU Are the KEY PLAYER in the self-help lake monitoring program.

By actively participating in these simple lake check ups, lake citizens have the opportunity to

contribute to the understanding & protection of Priest Lake's valuable resources.

become better acquainted with Priest Lake.

collect valuable data to help track lake water quality over time.

provide an early alert to problems which may be occurring.

initiate early action to identify & halt the sources of problems to better protect our beautiful Priest Lake.



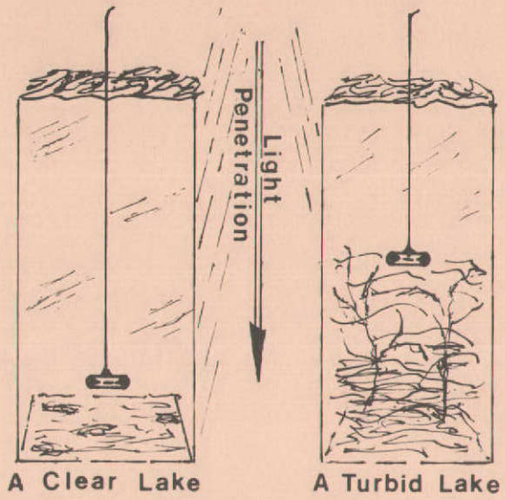
WHAT IS A SECCHI DISC ?

The Secchi Disc is the basic tool you will use to conduct your lake's physical exam. It is used to measure the water clarity or transparency of the lake. Water clarity is one indication of water quality. The Secchi Disc is an 8 inch metal plate painted black & white in alternating quadrants. The disc is attached to a non stretchable rope marked in foot intervals. It is lowered over the shady side of a boat into the water until it can no longer be seen. The point at which it disappears is recorded The measurement is usually taken at the lake's deepest point.

WHAT DOES THE SECCHI DISC INDICATE?

Measuring water clarity with a Secchi Disc is a simple test to conduct, yet it is the most commonly used indicator of lake water quality. Generally, the deeper the disc can be submerged into the water before it disappears from view, the better the water quality of the lake.

MEASURING WATER CLARITY WITH A SECCHI DISC



Water clarity is influenced by several factors, including the amount of algae, weeds & sediment present, & the natural color of the water. Wind & weather conditions can also affect the Secchi reading. We can expect to see variations in water clarity because the lake is an everchanging system not only seasonally, but from year to year as well. It is important that monitoring is conducted on Priest Lake for a number of years so trends in water clarity can be detected. This data can help you to judge whether lake health is getting better, getting worse, or staying the same. Measuring the water transparency with a Secchi Disc is only one of many tests that can be conducted as part of the lake's complete physical exam. However, the Secchi Disc measurement is a useful test that citizens can conduct without having a PhD in water chemistry!

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R.G. Wright
P.O. Box 67
Coolin, Idaho 83821

Lion Creek
~~Indian Creek~~ 97-7274

Hearing Notes – October 21, 1987

Todd Graeff – 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 Internat.

Streams are an integral part of the park –

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

Larry Townsend –

Parks & Rec – He's unified Lake State Park

Creeks play prominantly in play aesthetics and natural

Indian Creek north & west boundaries –

Lion Creek flows diagonally thru the park –

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

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

(Water quality effected
+ others —

No of ways - sounds & smell

Ecosystem - They affect the riparian growth.

Economic impact

1983 - work survey - visitor spending - determined that if figures applied

→ $12,7— to the local economy

This is an initial expenditure -

Investigated water rights for Diamond Match Company:

Log flume in operation - No

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

Interfere with existing water rights

No

Ned Horner -
= Regional fisheries manager
5 northern counties of Idaho
The since 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 -

What if there is a reduction of flow.

IFG Indian Bows 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 reads in depth & velocity.

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

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

Maximum amount of flow for not much loss.

Indian Creek - 26 cfs juvenile cutt rearing
Lean -

Depletions below minimum in the
The reach will be unacceptable

Spawning
Incubation
juvenile rearing - This is lowest va
adult rearing

What percentage in each -

Hughes Fork → This produces the
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 salmonids -

Mr. Wright

Name K G Wright

Having 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

Use monitoring shown importance of Indian Creek & Lion Creek

Flushing action of fresh waters w/ oxygen

~~Study of water quality~~ Etc.

If substantial reduction in Lion Creek or Indian Creek

Probably get more, increased turbidity

Been involved w 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 Kendra — (look at the list)
2500 people said they supported Lake 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 — 7,000 petitioned
69 signatures

Priest Lake Basin Assoc. —

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

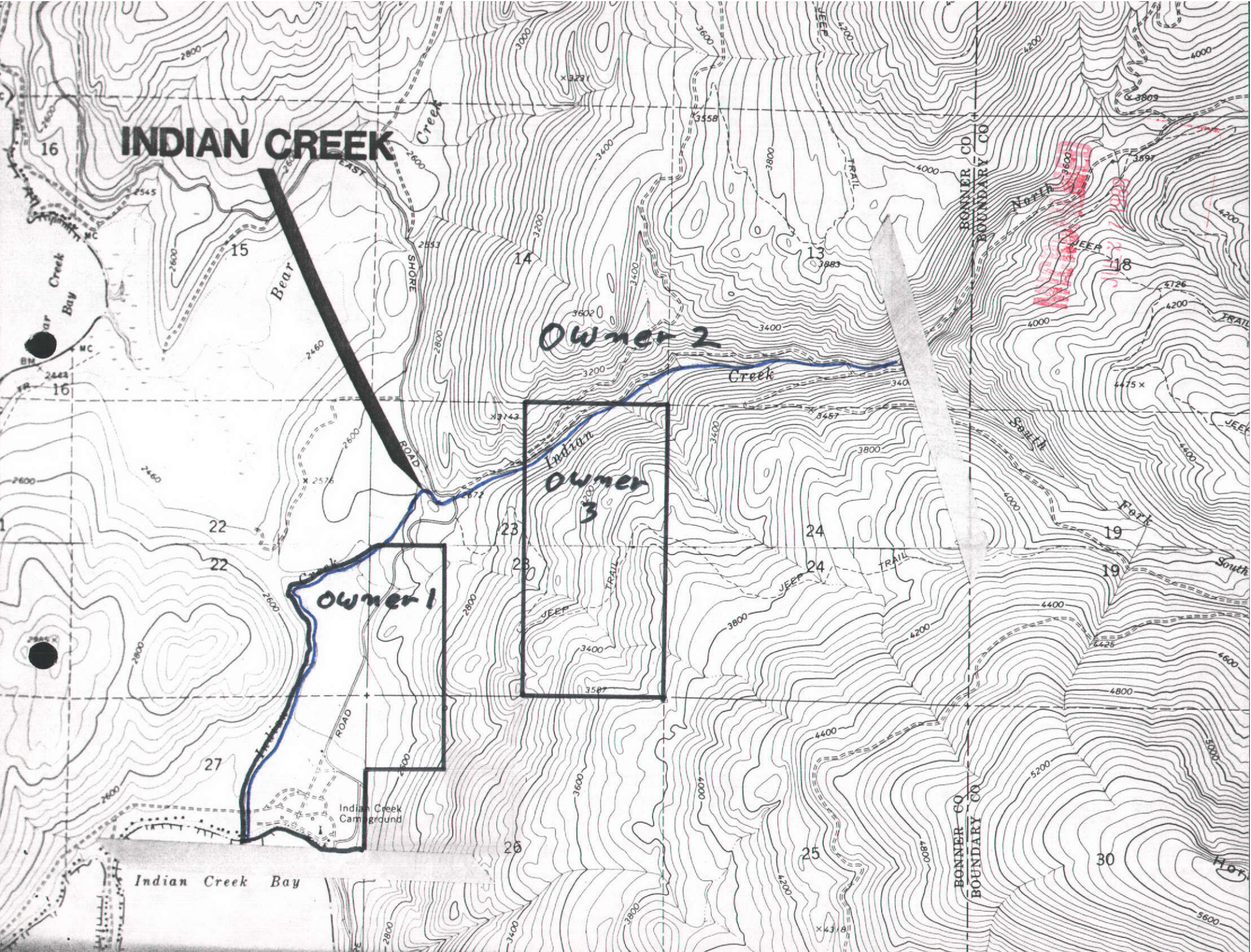
NUMBER	STAGE	DATE	POD	SOURCE
97-7274	A	26-Apr-1985	SWNE 27 61N 04W SESE 13 61N 04W	INDIAN CREEK

✓ 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
41-7059	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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JUL 27 1988


INDIAN CREEK
Owner 1
Owner 2
Owner 3
Indian Creek Campground
Indian Creek Bay
Bear Creek Bay
BONNER CO
BOUNDARY CO
ROAD
TRAIL
JEEP
SHORE
EAST
North Fork
South Fork
Creek

47 2893

K+E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

OCTOBER NOVEMBER DECEMBER JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER

5 10 15 20 25

1400
1200
1000
800
600
400
200

FLOW - CFS

SUMMARY HYDROGRAPH
PACK RIVER NEAR COLEBURN
HYDROGRAPH OF AVERAGE DAILY FLOWS
1959 - 1982

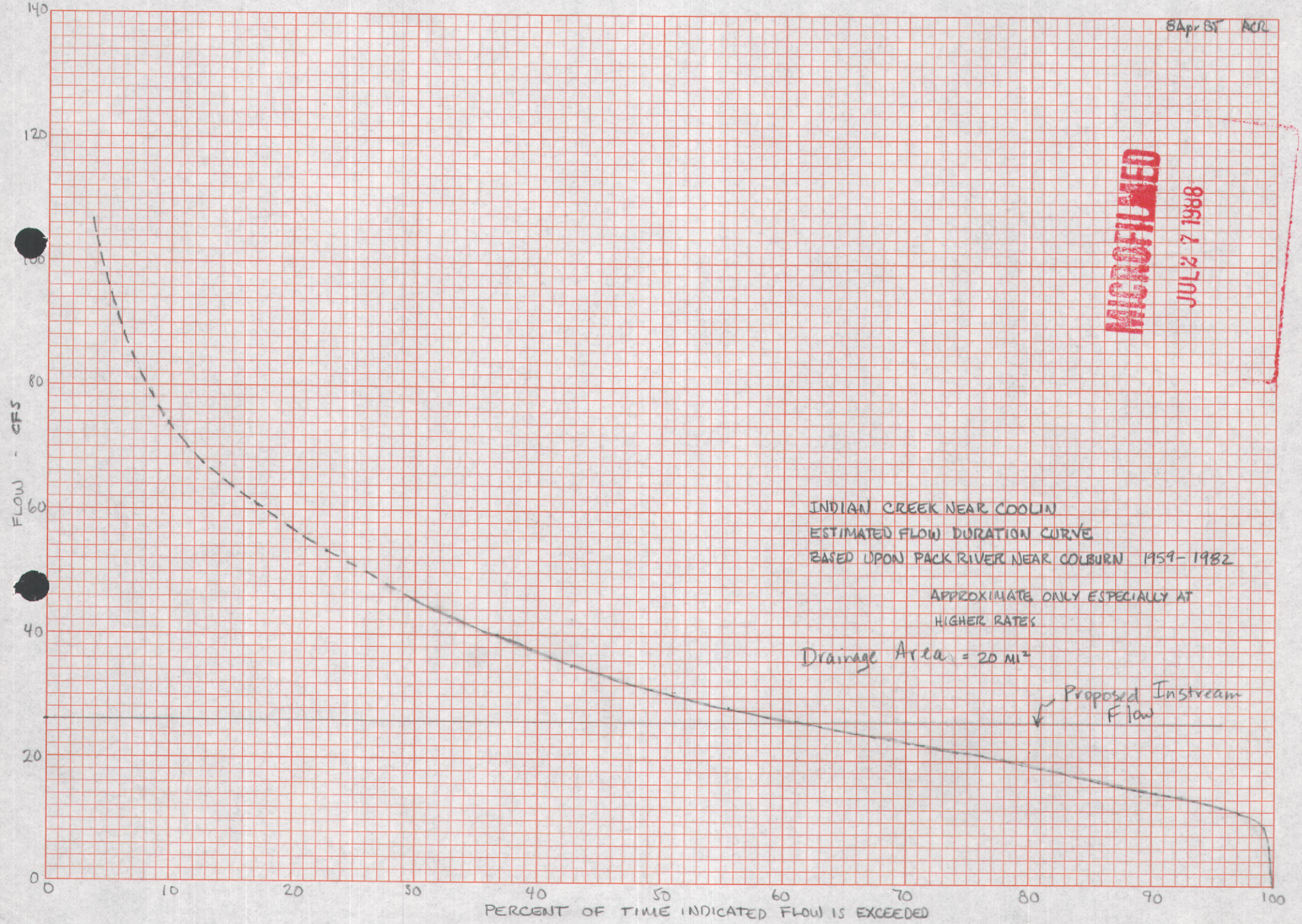
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K&E 10 X 10 TO THE INCH • 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

46 0703

8Apr BT ACR

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JUL 27 1988



INDIAN CREEK NEAR COOLIN
ESTIMATED FLOW DURATION CURVE
BASED UPON PACK RIVER NEAR COLBURN 1959-1982

APPROXIMATE ONLY ESPECIALLY AT HIGHER RATES

Drainage Area = 20 MI^2

Proposed Instream Flow

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 97-07274

Priority: April 26, 1985 Minimum Stream Flow: 26.00 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:

INDIAN CREEK tributary to **PRIEST LAKE**

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	MINIMUM STREAM FLOW
MINIMUM INSTREAM FLOW	10/01 to 06/30	26.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 07/31	19.00 CFS
MINIMUM INSTREAM FLOW	08/01 to 08/31	12.00 CFS
MINIMUM INSTREAM FLOW	09/01 to 09/30	9.00 CFS

MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach SWSE/SESE, Sec. 13, Township 61N, Range 04W
End of Stream Flow Reach Lot 2 (SWNE), Sec. 27, Township 61N, 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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 97-07274

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 Indian Creek with the South Fork of Indian Creek in the S1/2SE, S13, and ends at the confluence with Priest Lake in Lot 2 (SWNE), S27 T61N, R4W.
7. This minimum streamflow is for maintenance of aesthetic and recreational values at the surrounding Priest Lake State Park and maintenance of trout fishery habitat.

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 23rd day of May, 1997.

Acting for KARL J. DREHER, Director

JUL 1 1997

Form 217
11/91

RECEIVED
JAN 2 0 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. 97-7274 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: Indian 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 _____

6. Total rate and/or volume for which proof is submitted 26 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.

RECEIVED
FEB 2 5 1994

1/20/94 Mary Jean Luccheck, 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. 97-7274 TO ESTABLISH A MINIMUM STREAM FLOW IN INDIAN 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. 97-7274 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. 97-7274.

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.

R. KEITH HIGGINSON
Director

JUL 27 1988

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 97-7274 (INDIAN 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.

ENDORSED
JUL 2 7 1998

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, 19 88.

R. KEITH HIGGINSON
Director

MICROFILMED
JUL 27 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Application for Permit No. 97-7274 (Indian 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. 97-7274 seeking to preserve a minimum stream flow on Indian Creek, which is tributary to Priest Lake. The application proposes the establishment of a minimum stream flow of 26 cfs beginning at the confluence of Indian Creek with Priest Lake and extending upstream about three miles to the confluence of the South Fork of Indian Creek with Indian 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 materials.

Based upon 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. 97-7274 proposes a minimum stream flow of 26 cfs in the reach beginning at the confluence of Indian Creek and Priest Lake located in Lot 2 (SW1/4NE1/4), Sec. 27, T61N, R4W, B.M., and extending upstream approximately three miles to the confluence of Indian Creek and the South Fork, Indian Creek, located in the S1/2SE1/4, Sec. 13, T61N, R4W, B.M., Bonner County.

2. Stream flows on Indian Creek have been measured six times on an annual basis beginning in 1973 and ending in 1978. By correlating the measured flows with flows from nearby Pack River, the model hydrograph shows that discharges from Indian Creek exceed the proposed minimum flow approximately 60% of the time.

3. A minimum stream flow for Indian 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 26 cfs was the minimum flow necessary for the rearing of salmonoids in Indian Creek.

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

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

6. Several water rights in the name of Diamond Match Co. greatly exceed the flow capacity of the creek. The water rights with their respective flow rates are:

WR No.	Flow Rate
97-2030	25.0 cfs
97-2031	2.0 cfs
97-2050	1.0 cfs
97-2058	8.0 cfs
97-2060	5.0 cfs
97-2061	5.0 cfs
97-2062	2.0 cfs
97-2063	10.0 cfs

The water was used to convey logs to Priest Lake through a wooden flume. Witnesses at the hearing testified that Diamond Match Co. had sold much of the land over which the flume was constructed to Parks & Recreation. Witnesses also testified that the flume had not been operational for a long period of time, perhaps as long as 30 years.

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.

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 Indian Creek is in the public as opposed to the private interest.

6. The minimum flow on Indian Creek of 26 cfs is a true minimum, not the ideal or most desirable flow.

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

8. The validity of the rights held by Diamond Match Co. listed in Finding of Fact No. 6 is not resolved by this decision, although the evidence infers that the duration of non-use of water under the water rights exceeds the statutory forfeiture period. These rights have not been diverted in the past several years, and without diversion of the Diamond Match Co. rights, the minimum stream flow is capable of being maintained.

9. 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).

10. A perpetual commitment of a significant amount of water from Indian 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. 97-7274 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 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 Indian 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 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 Indian Creek.

Dated this 16TH day of FEBRUARY, 1988.

NORMAN C. YOUNG
Hearing Officer

FILED
JUL 27 1988

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

MICROFILMED
JUL 27 1988

Form 202
3/78

Ident. No. 97-7274

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 Indian Creek which is a tributary of Priest Lake

3. Location of reach is from the confluence with Priest Lake in the SW 1/4 NE 1/4, Sec. 27. T 61N, R 4W, 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, T 61N, R 4W, B.M. Bonner County.

4. Water will be used for the following purposes:

   Amount 26 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. 26 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.

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 and 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

ENDORSED

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.

Indian Creek is a major tributary to Priest Lake, flowing through the Indian Creek unit of Priest Lake State Park. Indian 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 Indian 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 1982-83, personnel of the Idaho Dept. of Parks & Recreation and Idaho Fish & Game Dept. collected field data from Indian Creek. Using data with instream flow methodoligies, the reqyesred flow was dtermined as necessary for maintain trout spawning and rearing habitat in Indian Creek. Methodoligies, techniques and flow recommendations are presented in the following publication: Cochnauer, Tim and Edwin Buettner. 1978, Streams Resource Maintenance Flow Determinations on Idaho Streams. Job Performance 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 Indian Creek

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

NONE

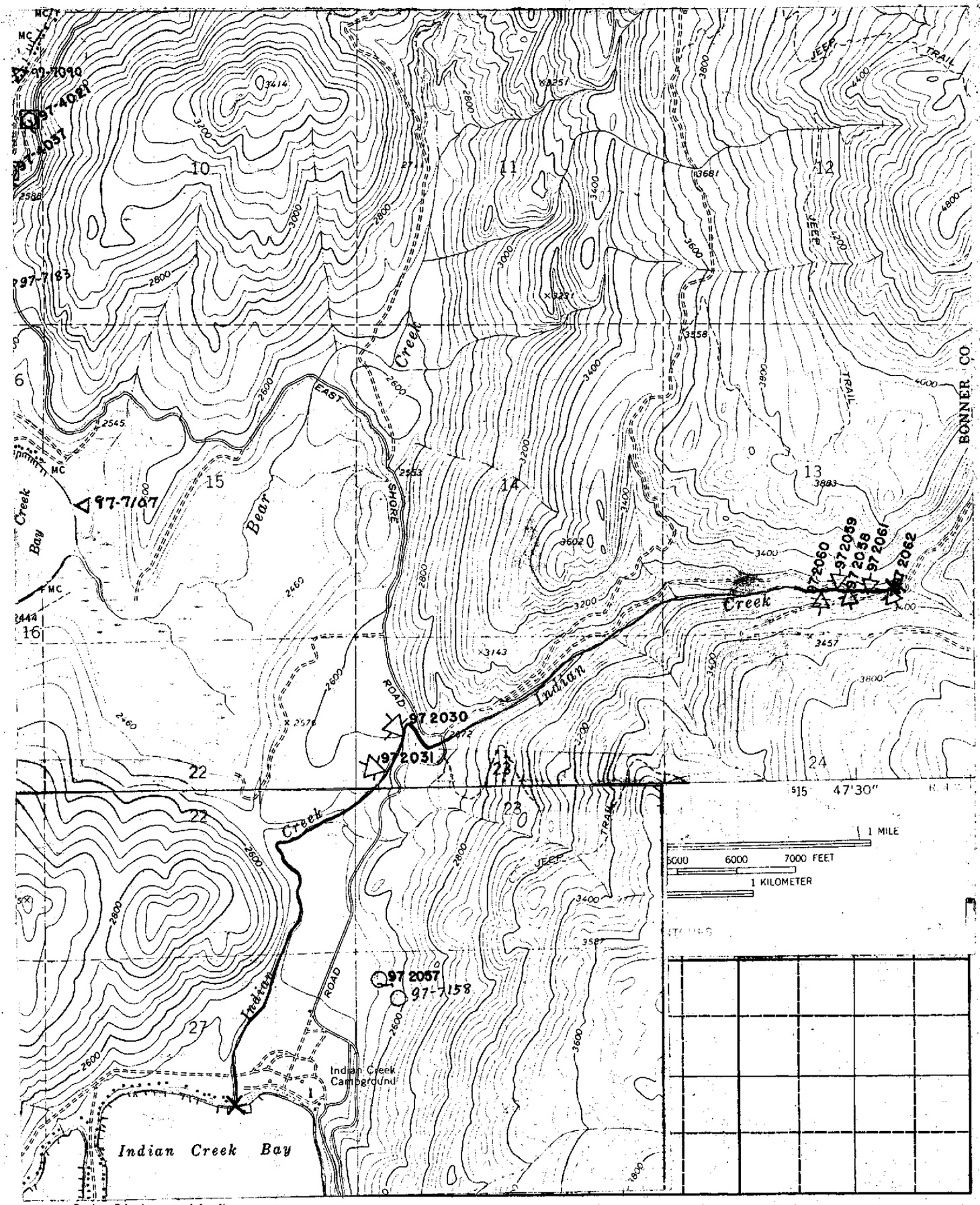
17. Do you intend to install additional gaging stations? Describe the location.

NONE

RETURNED

JUL 2 7 1988

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

(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 5/10 & 23/85

Publication approved [signature] Date 11/10/87

Protests filed by: [signature]

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. 97-7274, 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 26 day of April, 1988.

R. KEITH HIGGINSON
Director

MICROFILMED
NOV 2 7 1988

Absentees in:

Chief Executive ✓

Assistant Secretary ✓

Executive Asst. ✓

Secretary ✓

Asst. Secretary ✓

Asst. Treasurer ✓

✓ = appointment received.

INDIAN CREEK MSF 97-7274

SLIDES

1. GENERAL LOCATION, INCLUDING AREA SHOWING LION CR, INDIAN CR. & PACK R.
2. SCHEMATIC OF WATER RIGHTS
3. SUMMARY HYDROGRAPH - PACK R. NEAR COLBURN
4. FLOW DURATION CURVE
5. INDIAN CR. HYDROGRAPHIC INFO

Form 202
3/78

Ident. No. _____

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 Indian Creek which is a tributary of Priest Lake

3. Location of reach is from the confluence with Priest Lake in the SW 1/4 NE 1/4, Sec. 27. T 61N, R 4W, 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, T 61N, R 4W, B.M. Bonner County.

4. Water will be used for the following purposes:

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

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5. Total quantity to be appropriated:

   a. 26 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.

MICROFILMED
JUL 2 7 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.

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TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
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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 and State of Idaho

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

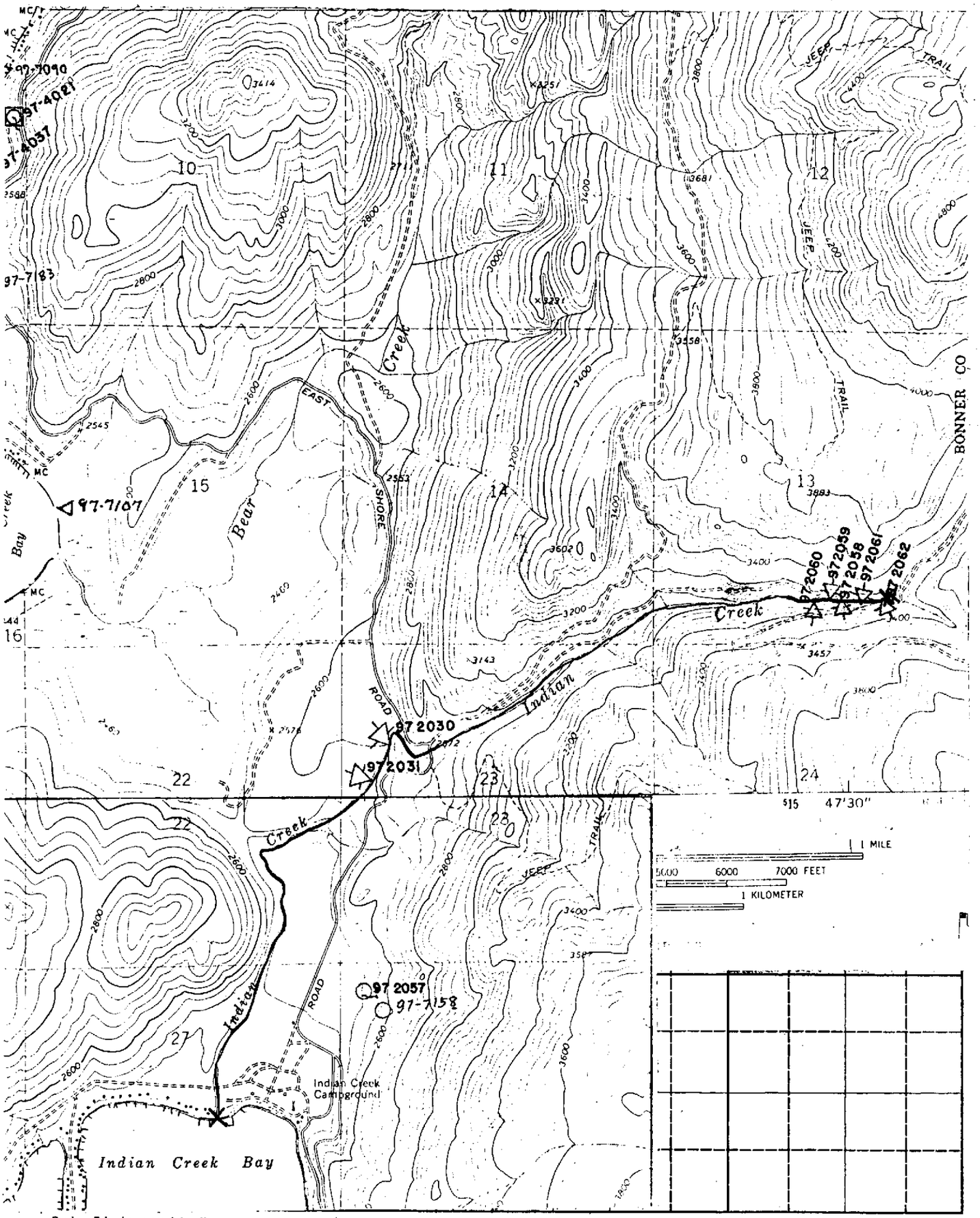
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks see attachment

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JUL 27 1988

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 2 7 1988

(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 _____ 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:

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JUL 27 1988

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.

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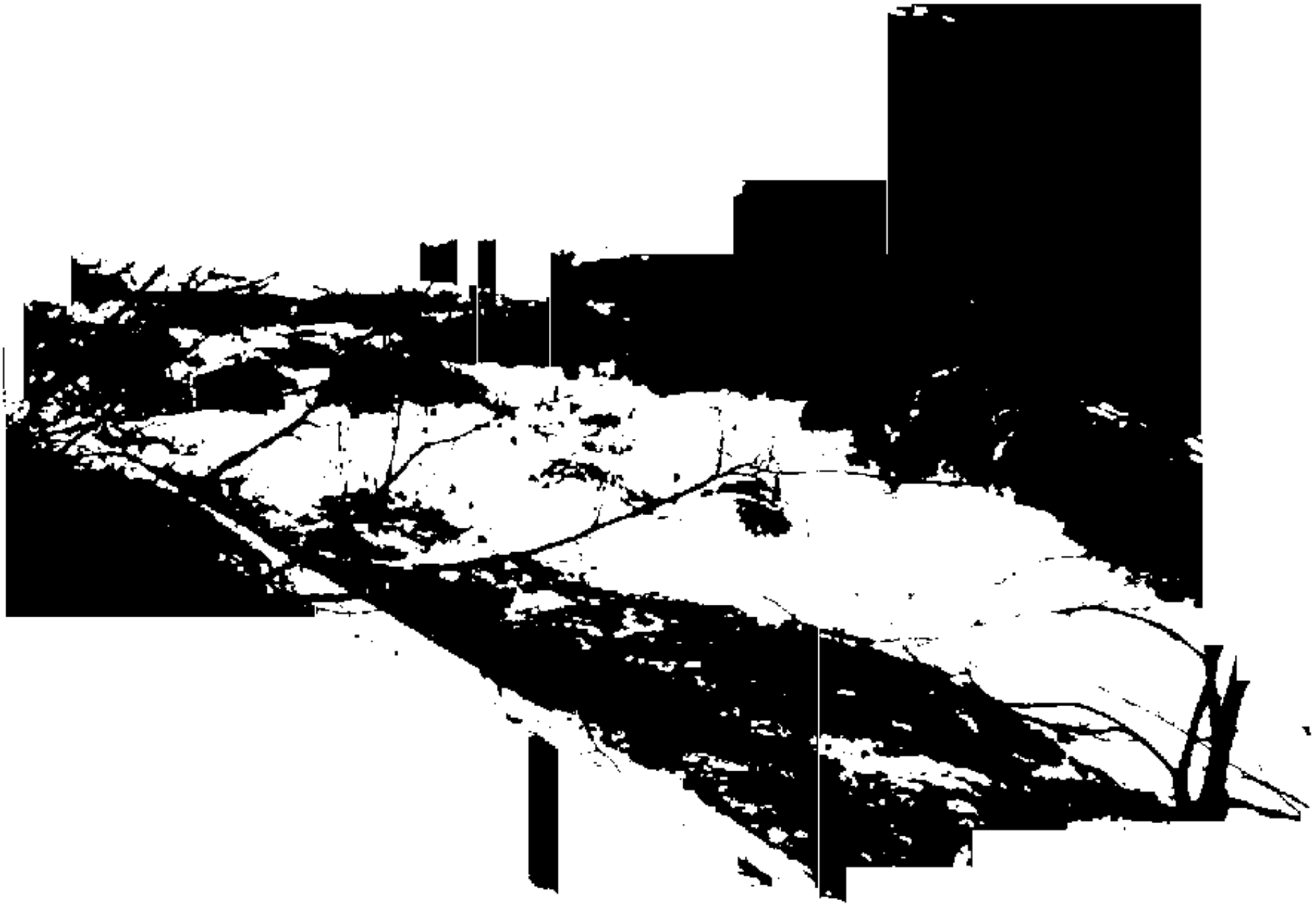
16. Describe the location of existing gaging stations that can be used in the administration of this appropriation.

NONE

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

NONE

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JUL 2 7 1988



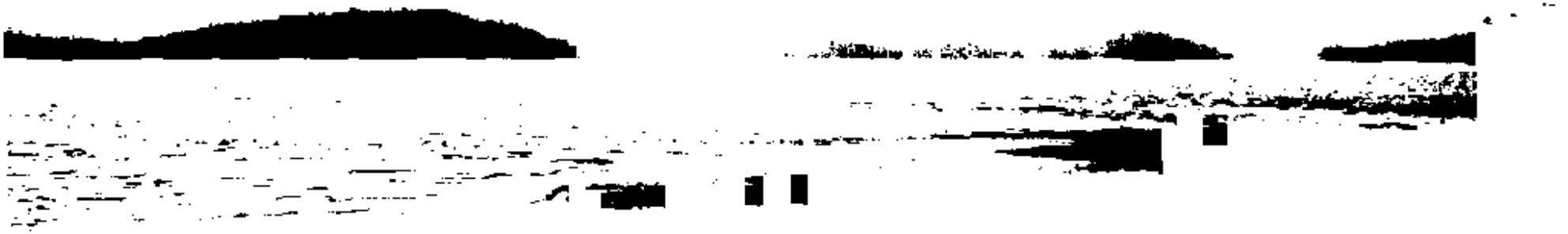
Lion Creek, about ½ mile upstream from Priest Lake

DRT 11-6-85



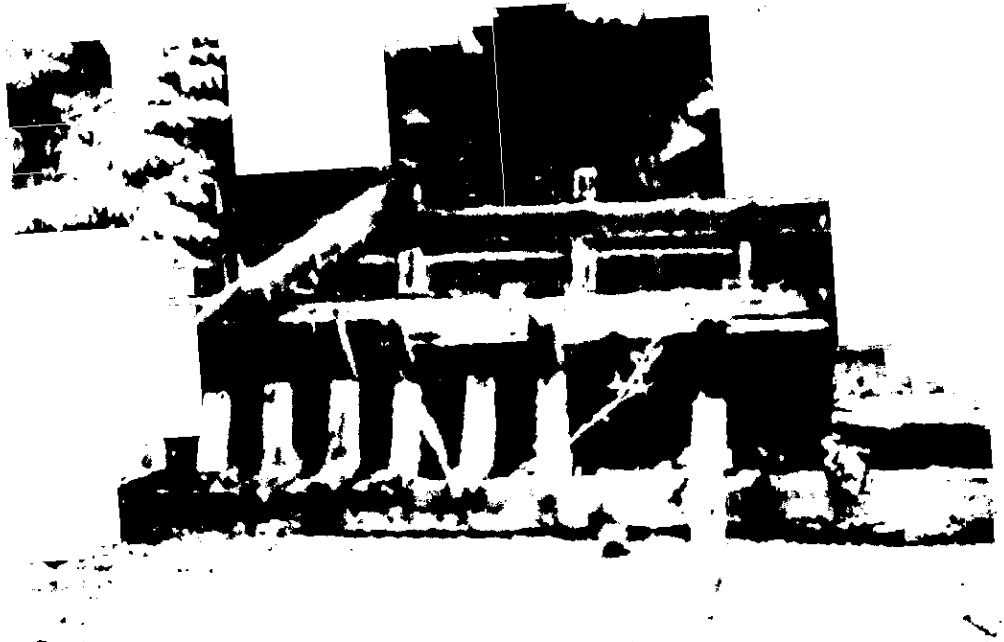
Indian Creek, Trib to Priest Lake

DIET 11-6-85



Priest Lake, as viewed from Priest Lake Campground at Indian Creek

DRT 11-6-85



Remnant of flume on Indian Creek

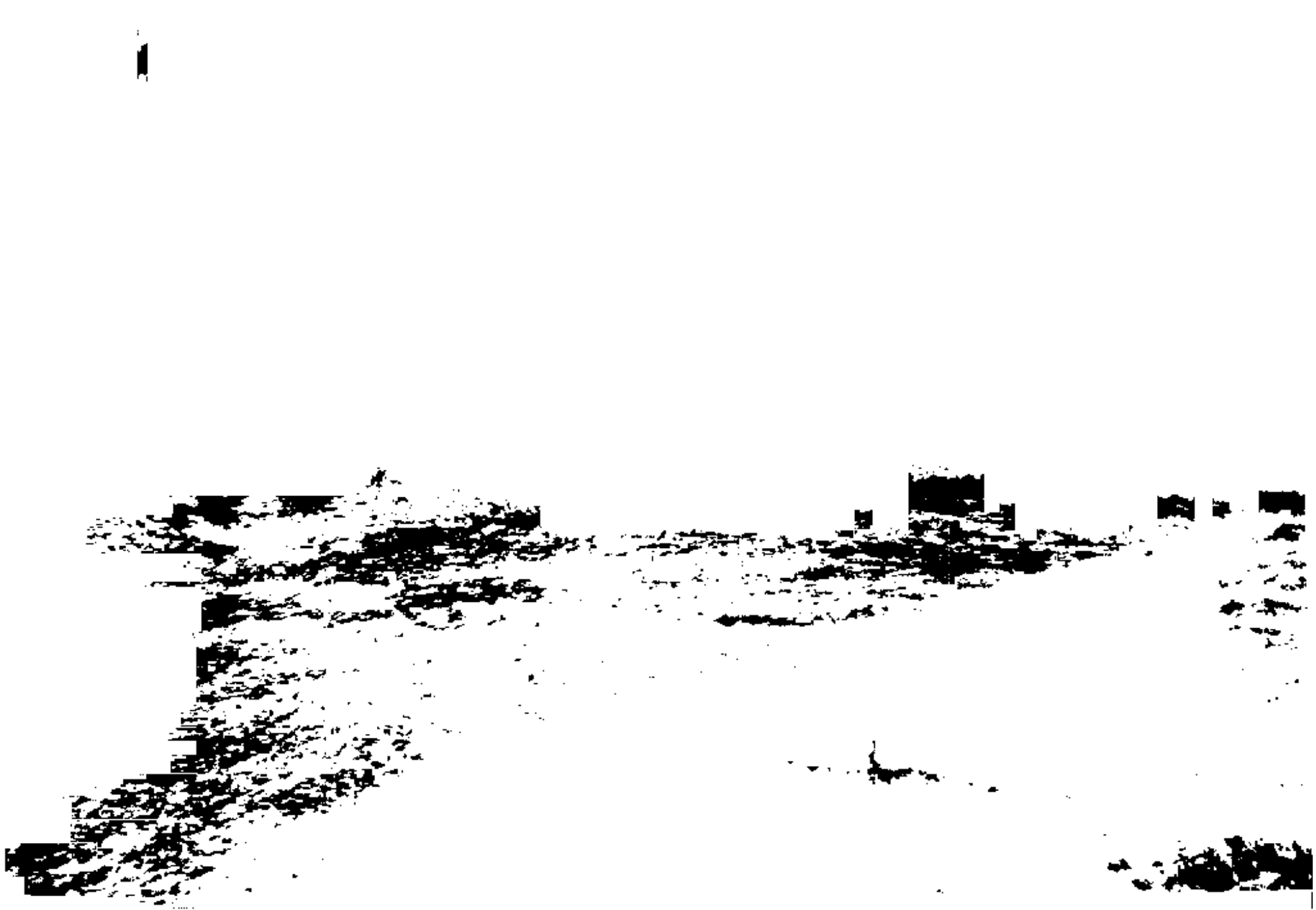
11/6/85

DET


INDIAN CREEK
FLUME

Indian Creek Flume Site at
Indian Creek Campground on Priest Lake

11/6/85
DRT



Indian Creek about 400 yds upstream from Priest Lake.

DRT 11-6-85

Pictures of Indian Creek

NOTICE OF A[illegible]CATION FOR PER[illegible]OR MINIMUM STR[illegible]FLOW 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

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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 Box Keeper 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

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.

#1682 October 1, 8, 15, 1987

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NOV 9 1987
Department of Water Resources

JUL 6 1988

1682

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 A. Ramey

Notary Public for Idaho,
Residing at Priest River, Idaho

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 (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.

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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 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.

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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

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NOV 9 1987
Department of Water Resources
Northern District Office

OK
11/10/87

MICROFILMED
JUL 27 1988

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.

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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: October 1, 8, 15, 1987

RECEIVED
OCT 22 1987
Department of Water Resources
Northern District Office

Affidavit of Publication

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

No 17887

I, Linda Copps McSwain, being first duly sworn upon oath, depose and say that I am Print 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 McSwain

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

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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 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.

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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 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.

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R. Keith Higginson, Director
Department of Water Resources
PUBLISH: Thursday, October 1, 08 and 15, 1987

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

Date 101587 INVOIC[redacted]o. L00117869

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 [illegible] 1987
Department of Water Resources
Northern District Office

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

17869

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 ¼ NE ¼), 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 ½ SE ¼, 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 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.

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.

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

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES

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

Sherrill M. Lantz

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

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
131.00

Account Name	Account Number
Idaho Department of Water Resources (Northern)	#100631

Address	City/State	Zip
4055 Government Way	Coeur d'Alene, ID	83814

Ordered By	P.O. Number	Rate	Run Dates
Patricia Stypa		NT	1987 October 1, 8, 15

Identification	Estimated Inches	Real Inches
Notice of Application for Permit for Minimum Streamflow and Hearing		

[1] Number of Affidavits Requested

Legal Number #6552

RECEIVED OCT 1987 Department of Water Resources Northern District Office

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:

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Source: Indian Creek tributary to Priest Lake
Proposed Priority: April 26, 1985
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Place of Use: The reach of the minimum streamflow is located from the confluence of Indian Creek with Priest Lake in Lot 2 (SW¼ NE¼), 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 ½ SE ¼, 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

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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)

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

JUL 3 1 1988

Connie Hellerson 8/92

Notary Public for Idaho, Residing at Boise, Idaho

I called all papers:
Post Register
Idaho Statesman
Bonner County Daily Bee
Lewiston Tribune
They will make changes
Spokesman Review
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:

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

187-2354

MICROFILMED
JUL 2 7 198

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 23 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

RECORDED
JUL 27 1988

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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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.

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RECEIVED
JUL 27 1988

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R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 7 1987

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
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

MICROFILMED
JUL 27 1988

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE 4/29/85

TO Bob Haynes

SUBJECT Attached

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

RECEIVED
MAY
Department of Water Resources
Northern District Office
RECEIVED
Department of Water Resources
District Office

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 without hearing dates or protest date.

Dave

SIGNATURE

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

#97-7274

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

My commission expires

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

RECEIVED
JUL 2 7 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. 97-07274

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:~~ Contact Larry Townsend EXAM DATE: 12-23-96

Address: Indian Creek Bay #423 Coolin, Id. Phone No. (208)-443-2200

Relationship to Permit Holder: Representative

3. Source: INDIAN 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

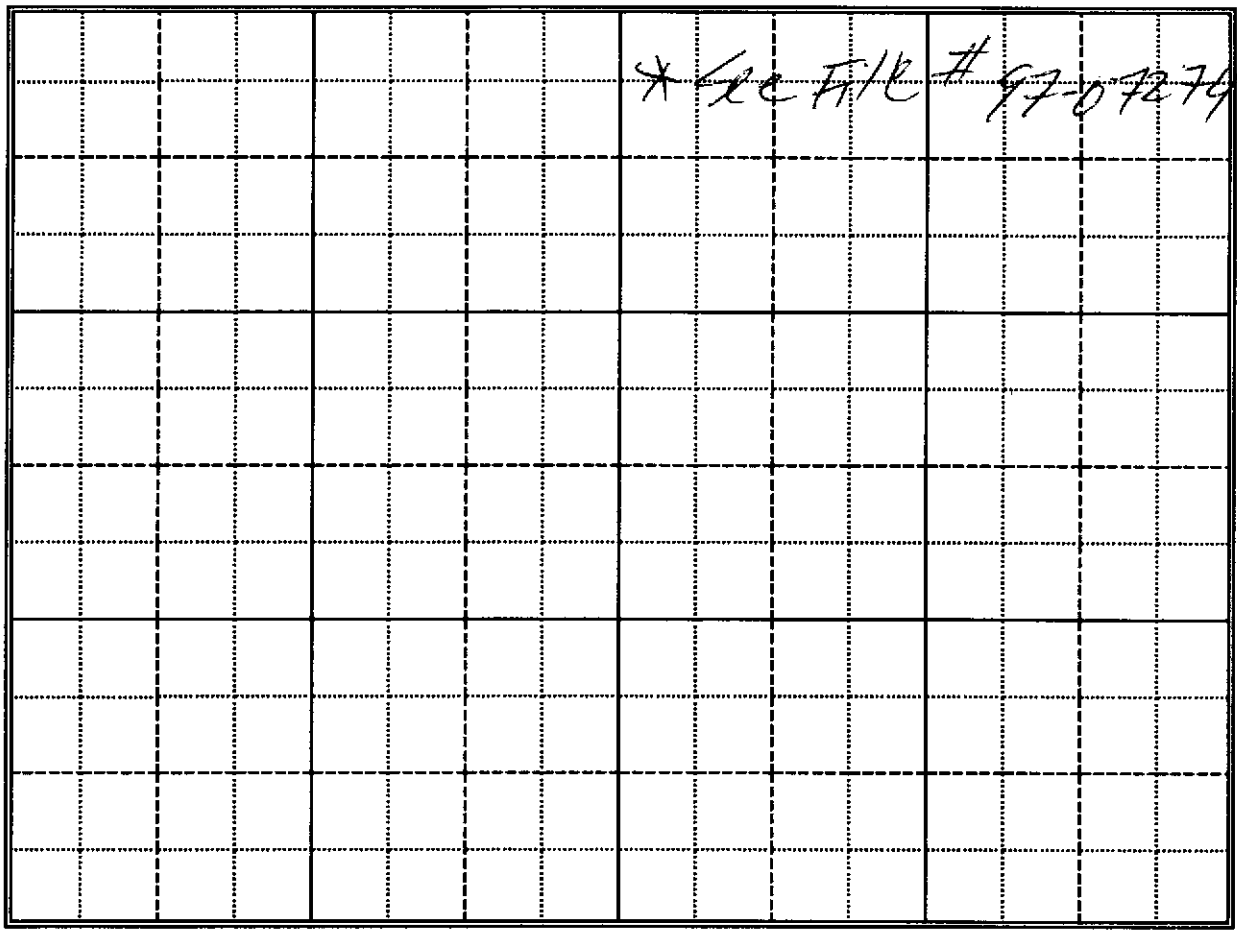
1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Beginning STREAM REACH:									
			SE	SE	13	T.61N	04W	Bonner	U.S.G.S. 7.5' QUAD.
Ending STREAM REACH:									
			SW	NE	27	61N	04W	Bonner	USGS 7.5' QUAD

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					Minimum				Stream				Flow						

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



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

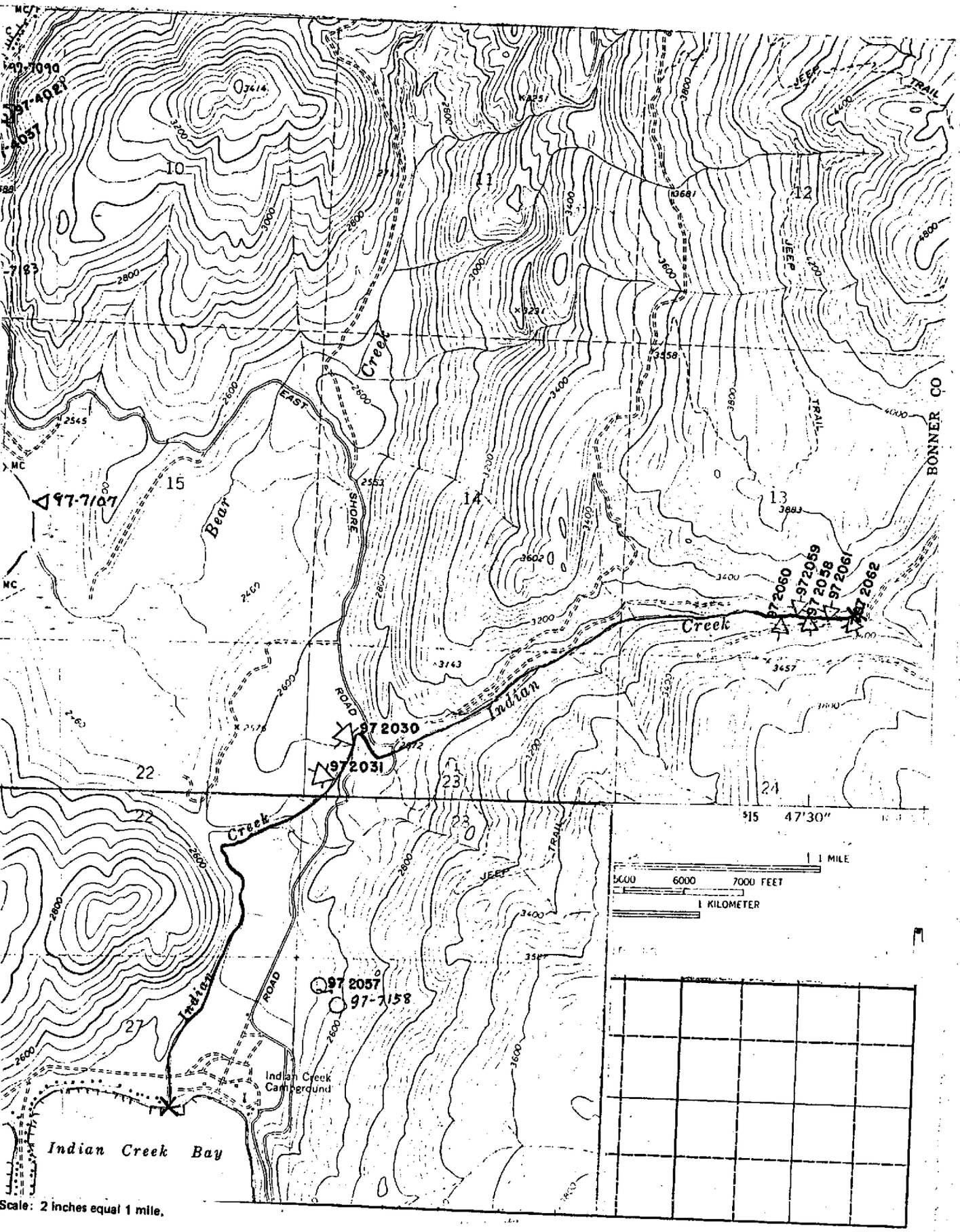
D. FLOW MEASUREMENTS

1.

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

2. **Measurements:** * See File # 97-07275 for Gaging Station Records for Stream Flows.

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

E. NARRATIVE/REMARKS/COMMENTS

Permit # 97-0774 has met all conditions for Licensing requirements.

Location of Beginning Stream Reach is T.61N., R.04W., Sec. 13, SE¼ SE¼, Ending Stream Reach is T.61N., R.04W., Sec. 27. SW¼NE¼.

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

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:

* See File # 97-0774 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	26.00	—
		Totals:	26.00	—

2. Recommended Amendments

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

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

I. AUTHENTICATION

Field Examiner's Name Shannon L Spangler Date 12-23-96

Reviewer _____ Date _____ SEAL

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 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 97-07274

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 **30th** 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. 97-07274

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

Kari Lynn Townsend
Secretary

MEMORANDUM

To: ~~Sharla Curtis~~ File

Through: Bill Graham BG

From: John Beal JB

Date: May 16, 1997

Re: Water Rights 97-7274 and 96-7980

Fish and Game personnel and I discussed these water rights and the proposed License Flows we discussed. Based upon this discussion you have the same options you presented to me earlier. Following is a brief discussion of each right.

Indian Creek (97-7274):

If you issue a preliminary license for 26 cfs in Oct to June, 19 cfs in July, 12 cfs in August and 9 cfs in September, it will probably be accepted. There is a small chance Parks and Recreation and/or Fish and Game may ask the Board to request additional time to take measurements from July through September. I doubt that they will and I think issuing the License is the action to take.

Grouse Creek (96-7980)

Fish and Game is concerned about the low flow in August of 9.5 cfs. All of the measurements for August in 1986 through 1990 were taken during the drought period. If we could issue the License for 14 cfs, I think everyone would be more comfortable. In talking to people how have seem this creek in normal years, 14 cfs is probably reasonable. If you issue the license for 9.5 cfs there is a good chance Fish and Game will ask us to request an extension of time and allow them to supply data for for the month of August for a none drought year. This is okay with us.

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Permit No. 97-07274

Summary of Stream Flow Data

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Permit	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0
1989											18.8	
1990							37.2					
1991						72.5		23.2				
1992							11.8	5.3	3.2			
60% method*							19.0	12.0	9.0			
License	26.0	26.0	26.0	26.0	26.0	26.0	19.0	12.0	9.0	26.0	26.0	26.0

*Background for this method is found in John Beal's memo of 4/4/97

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. 97-07274

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) 2 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 * flow adjustment made in line w/ John Beal's memo of 4/4/97.

Printed license hand-edited ____

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.

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JUL 18 1997

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 privateland.

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.

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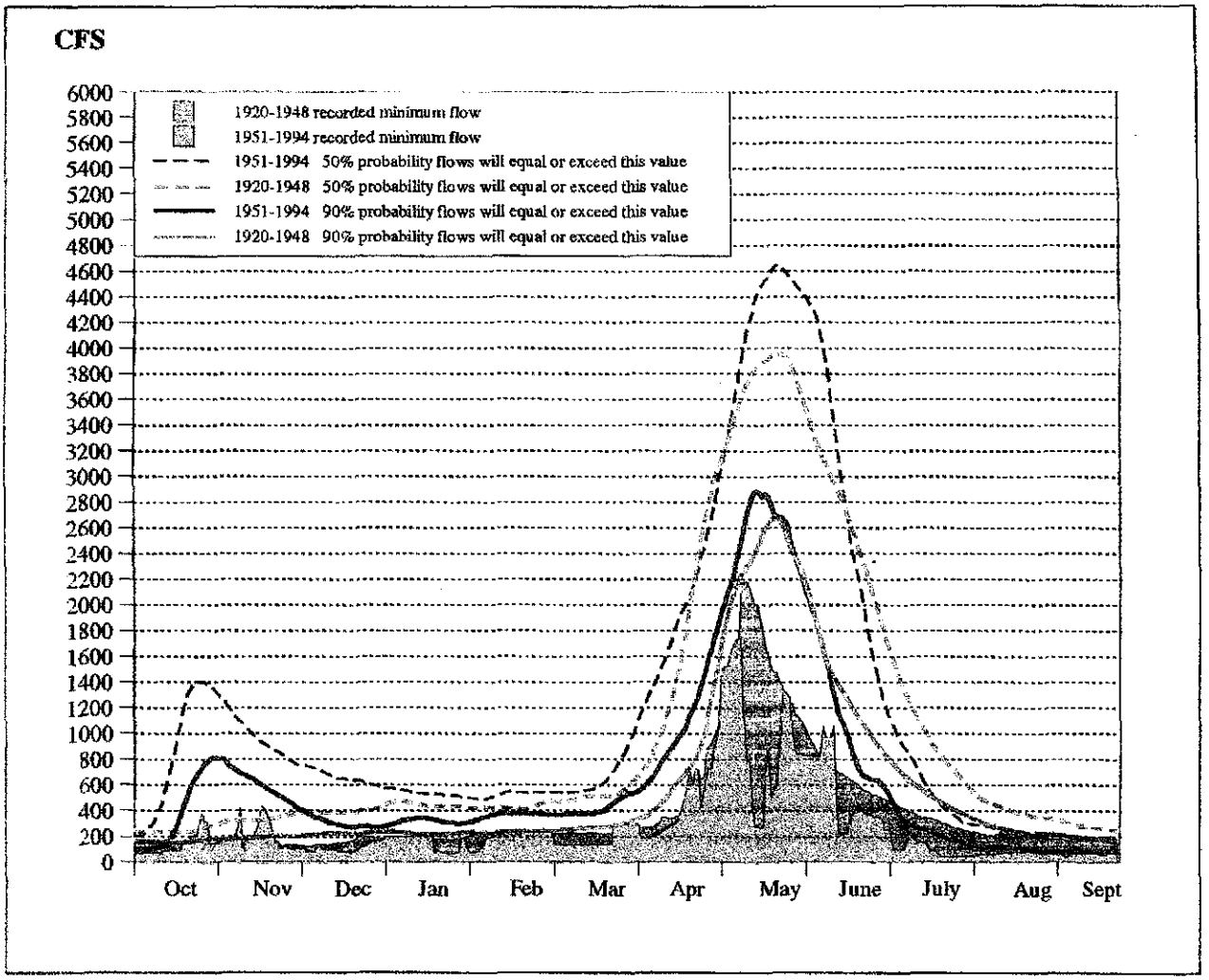


Figure 14. Comparison of Pre-dam (1920-48) and Post-dam (1951-94) Discharge of the Priest River below the Lake Outlet

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.

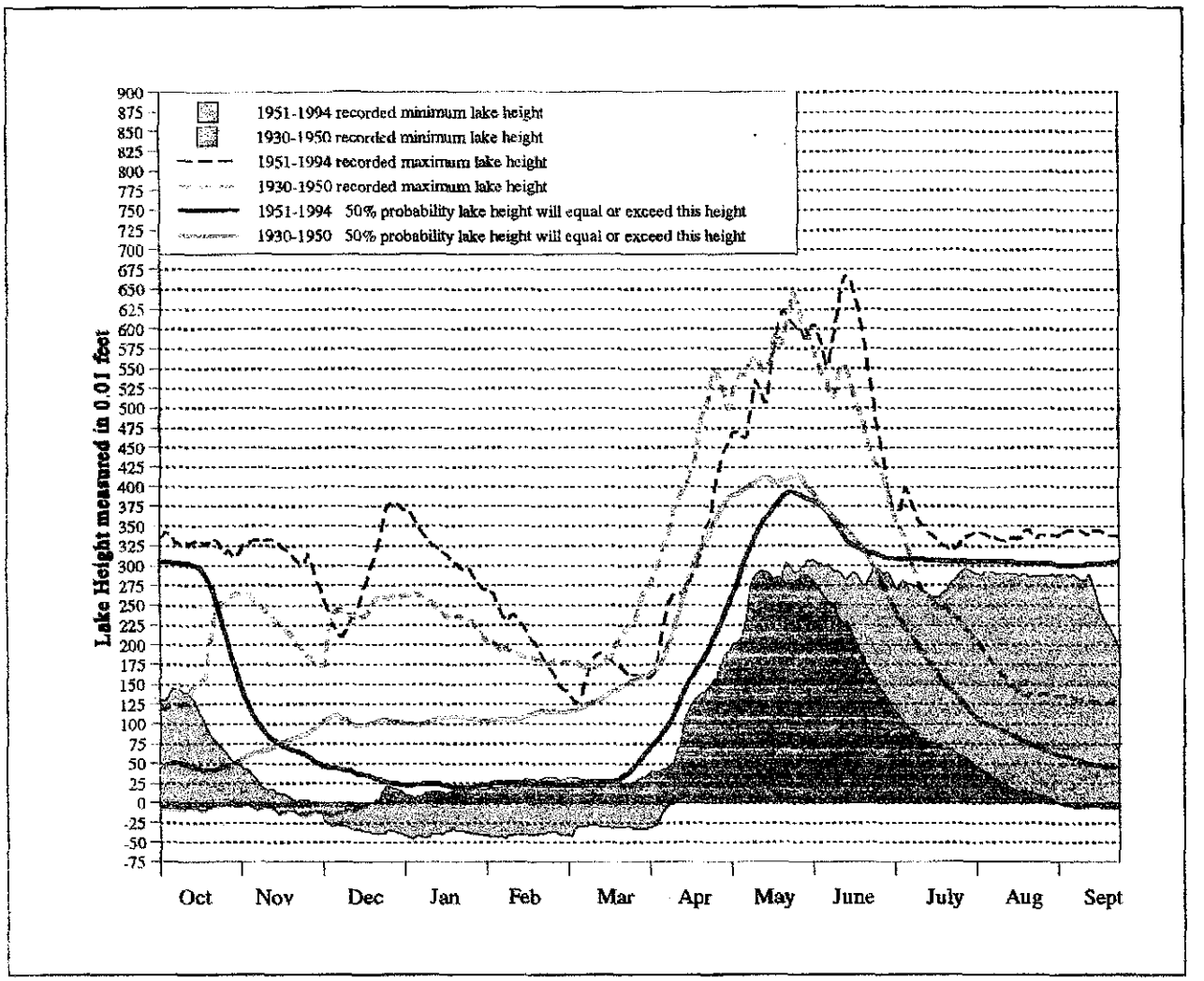


Figure 15. Comparison of Pre-dam (1930-50) and Post-dam (1951-94) Lake Height at Priest Lake (USGS No. 12393000)

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

W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR (Apr1 - Jun30)	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

Just as pulled

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

.033 .0000003858

$AF/mo \times .0168 = cfs$

V04T9

FISHERY RESEARCH

IDAHO FISH & GAME

FEDERAL AID
IN
FISH RESTORATION

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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

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.

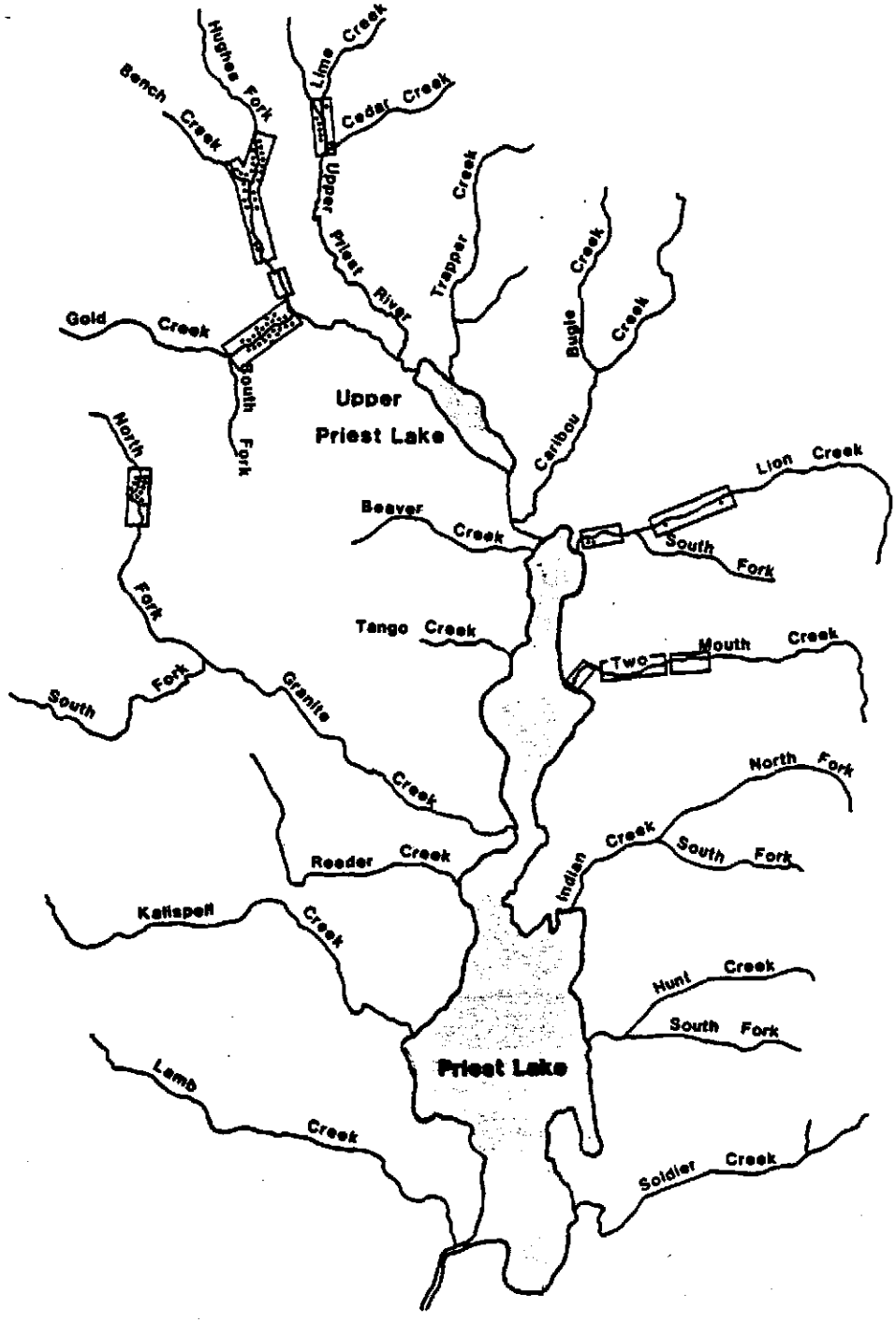


Figure 25. Stream sections surveyed and locations of bull trout redds in tributaries of Priest and Upper Priest lakes, Idaho, September 11 to 21, 1986.

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

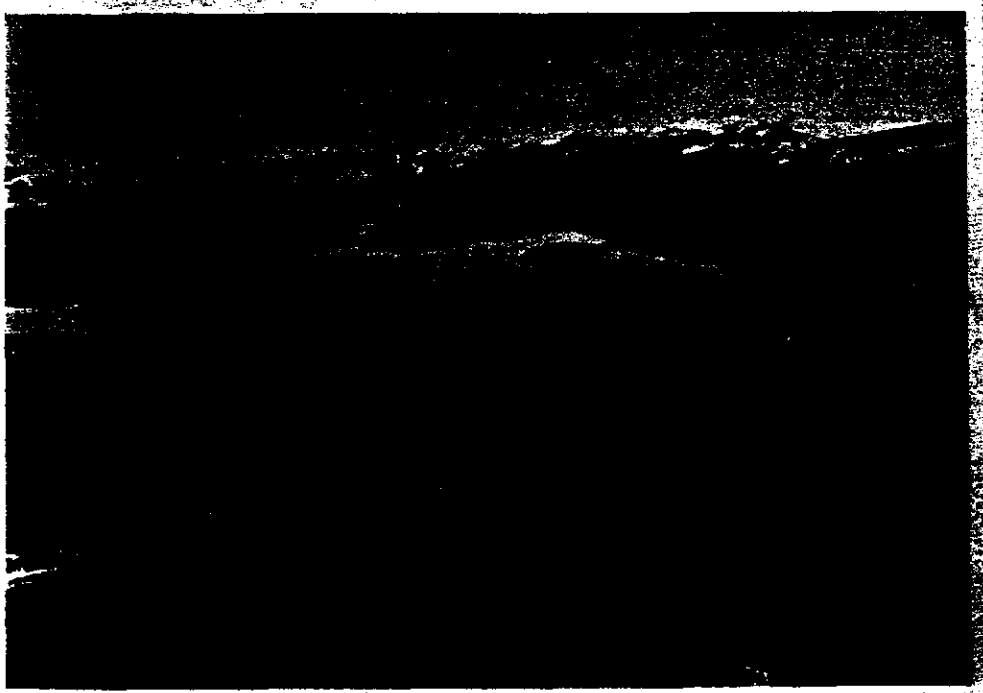
[a]NC = redds were not counted.

FISHERY RESEARCH

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FEDERAL AID IN FISH RESTORATION

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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BOISE, ID 83707

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

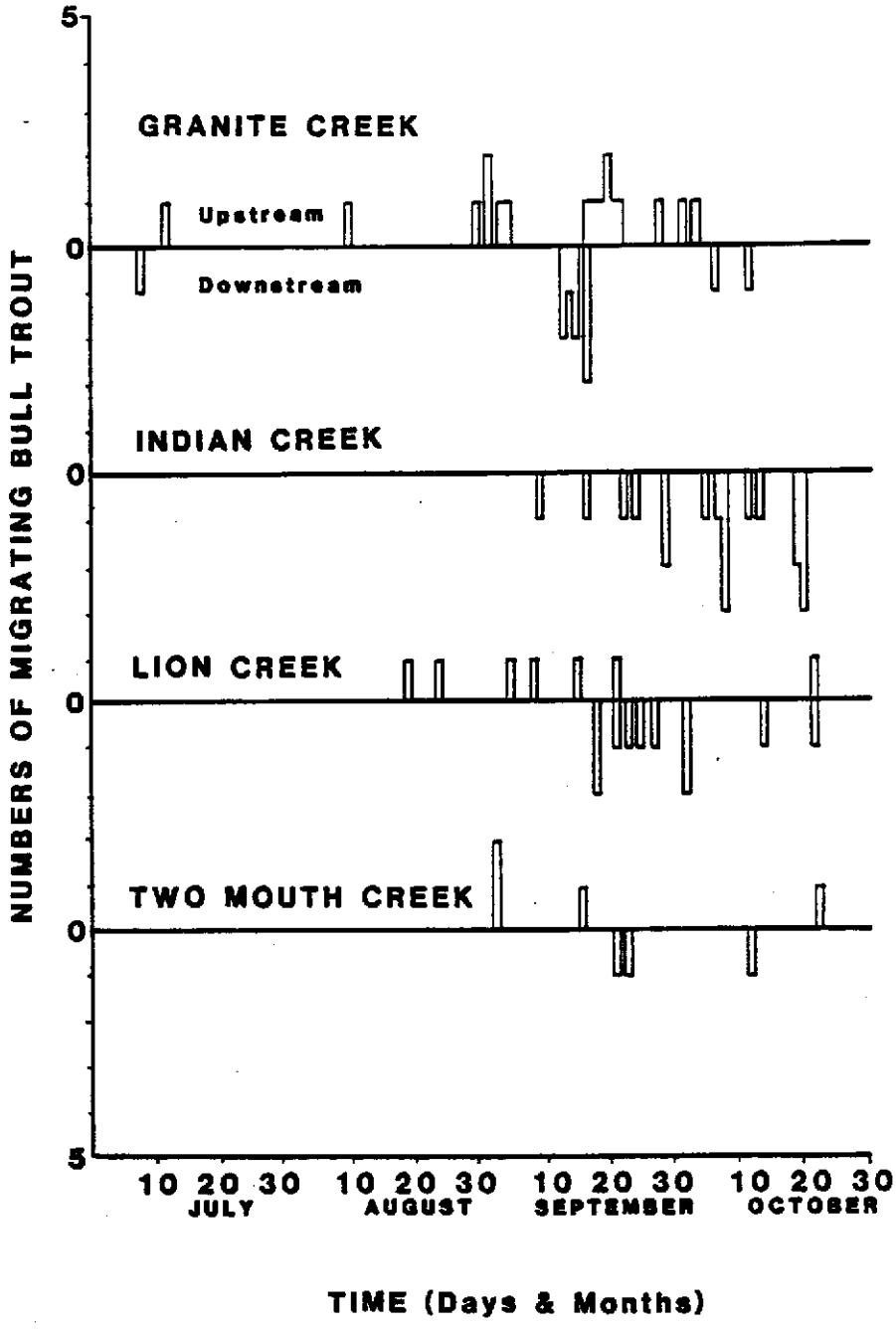


Figure 12. Bull trout migrations past temporary weirs on tributaries of Priest Lake, Idaho, in 1984.

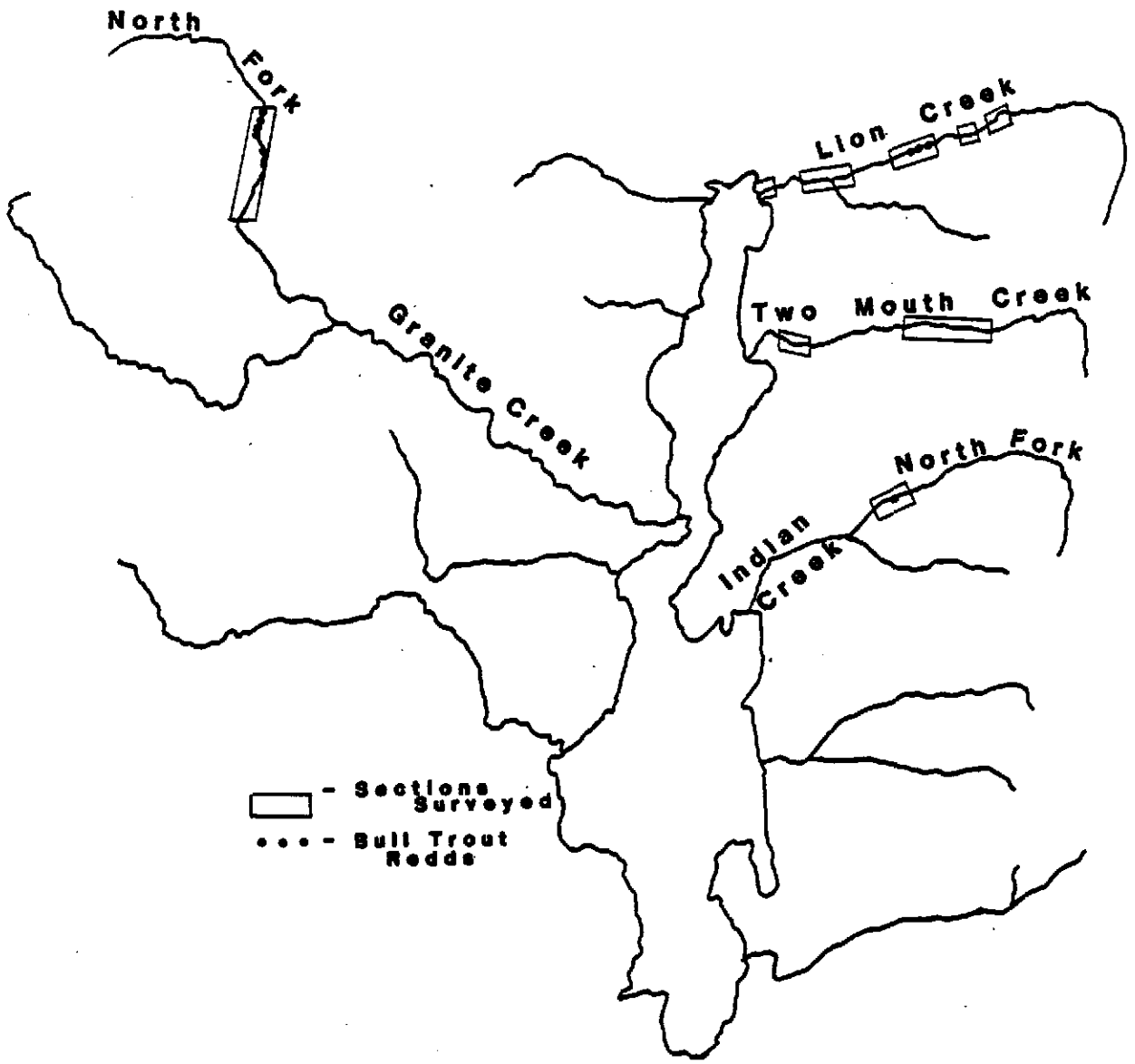


Figure 13. Stream sections surveyed and locations of bull trout spawning activity, Priest Lake, Idaho, streams, 17-19 September, 1984.

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.

MICROFILMED
JUL 1 8 1997

February 4, 1994

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07274

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. 97-7274 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

IDAHO DEPARTMENT
OF
PARKS&RECREATION

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Governor

YVONNE S. FERRELL
Director

FRANKLIN E. BOTELER, Ph.D.
Deputy Director

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STATEHOUSE MAIL
BOISE, IDAHO 83720-8000
(208) 327-7444
FAX (208) 327-7406
TDD (208) 377-3529

Street Address
7800 Fairview Ave.

Equal Opportunity Employer

January 20, 1994

Julie Yarbrough
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Re: Indian Creek Permit No. 97-7274, and
Lion Creek Permit No. 97-7275

Dear Ms. Yarbrough:

Please accept the attached Proof of Beneficial Use form and three years of instream flow measurements for Lion Creek and Indian Creek. Please note that the flow data was collected during a seven year period of drought.

If you have any questions, please contact me or Ms. Rinda Just at 327-7444.

Sincerely,

Mary Jean Lucachick

g:\wp\mjl\proof.msf

cc: Rinda Just
Larry Townsend, Priest Lake Manager

RECEIVED
FEB 25 1994

IDAHO DEPARTMENT OF FISH AND [redacted]
STREAM FLOW INVESTIGATIONS

STREAM INDIAN CREEK Transect No. _____ Date 11/29/[illegible]
Time 11:00 AM Flow _____ Cross section width _____
Elevation (HW) 9.83 B. M. Elevation +0.43 (9.40 BM TO STREAM SURFACE)
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
1-HW	0				0				HIGH [illegible] MARK
8 WE	0				0				WATER EDGE
9	0				-				ON ROCK
10	1 .032				.01		.0003		
11	5 .164				.17		.028		
12	9 .295				1.18		0.348		
13	14 .459				1.46		.670		
14	19 .623				1.28		.797		
15	23 .754				1.39		1.048		
16	24 .787				1.70		1.338		
17	9 .295				1.67		.49		ON ROCK
18	2 .066				1.20		.08		ON ROCK
19	14 .459				1.35		.62		
20	12 .394				.67		.26		
21	3 .098				.60		.06		
22	9 .215				1.18		.35		
23	10 .328				.85		.28		
24	14 .459				.96		.44		
25	10 .328				.15		.05		
26	12 .394				1.23		.48		
27	13 .426				.25		.11		BEHIND ROCK
28	14 .459				1.10		.46		
29	14 .459				1.60		.73		
30	16 .525				1.52		.80		

[illegible] FEB 25 1994

[illegible] 8.03 ft @ 3.31 [illegible] 7.59 [illegible]

[illegible] 1.9 ft

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM INDIAN CREEK Transect No. 1 Date 11/28/01
Time 11:00 AM Flow 18.749 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
31	25 .820				1.83		1.50		
32	28 .919				1.66		1.52		
33	25 .820				1.16		.95		
34	24 .787				2.11		1.66		
35	24 .787				1.90		1.50		
36	25 .820				1.03		.84		
37	19 .623				1.28		.80		
38	12 .394				1.10		.43		
39	5 .164				.65		.11		
40	5 .164				0		0		
WE 40.5	0				0				WATER EDGE
END 45.8	0				0				HIGH WATER
					22.162		18.749	CFS	
					÷ 2				

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[redacted]IO DEPARTMENT OF FISH AND GAM[redacted]
STREAM FLOW INVESTIGATIONS

STREAM Indian Creek Transect No. 1 Date 7/19/90
Time 1100 Flow Cross section width
Elevation (HW) 102 5/8" (8.5+) B. M. Elevation 0.62 Stream to BM (110") = (9.17')
Distance from US X-section Meter time
Thalwag distance Riparian vegetation Sparse

Dist. m/ft	Depth cm/ft	Velocity .2 Rev/sec	Velocity .4 Rev/sec	Velocity .8 Rev/sec	fps	Sub.	Q	Elev.	Comments
HW	0								
6.2									
7	1 .032				-0-		-0-		
8	8 .256				.28		.072		
9	0 0				0.		-0-		On rock
10	10 cm .320				.15		.048		Sand
11	22 .704				.59		.415		Sand Cobble
12	25 .8				1.20		.960		"
13	24 .768				2.16		1.659		"
14	30 .960				1.20		1.152		
15	25 .8				3.12		2.496		Boulder
16	29 .928				1.64		1.522		
17	33 1.056				2.14		2.260		
18	31 .992				1.06		1.052		
19	18 .576				1.64		.945		Cobble
20	12 .384				1.70		.653		Cobble
21	17 .544				1.08		.588		
22	15 .48				1.43		.686		
23	22 .704				1.46		1.028		
24	20 .64				.26		.166		In moss
25	17 .544				.28		.152		"
26	27 .168				1.20		.922		
27	15 .48				1.66		.797		
28	17 .544				1.50		.816		

Missing Rod = 7' + 3.33 + .62 Below Bench Mark = 10.95
On Gauge (7 3/8")

IO DEPARTMENT OF FISH AND GAM
STREAM FLOW INVESTIGATIONS

STREAM Indian Crk Transect No. 1 Date 7-18-90
Time 11:55 AM Flow Cross section width
Elevation (HW) B. M. Elevation 110"
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	23 .754				1.84		1.354		Cobble + sand
30	1.86 .834				2.13		1.772		
31	27 .821				2.15		1.858		
32	35 1.12				1.82		2.038		
33	39 1.218				2.55		3.182		
34	20 .69				2.29		1.466		on moss
35	34 1.088				1.54		1.676		
36	31 .992				2.12		2.103		
37	33 1.056				1.98		2.091		
38	21 .672				.87		.585		
39	15 .48				.82		.394		Cobble
40	9 .288				.86		.248		
41.	1 .032				—		—		
41.1							—		
							37.156	CFS	

Water temp. 10°C

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM Indian Creek Transect No. _____ Date 8 20 11
Time 1300 hr Flow 72.45 Cross section width 58'
Elevation (HW) _____ B. M. Elevation 0.3 rail — 3.875 at W.S.E.
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
W.E 15	0				0				
16	16				1.0		1.0		
17	29				1.0		1.0		
18	31				3.2		3.2		
19	41				3.5		3.5		
20	55				3.0		3.0		
21	51				2.7		2.7		
22	62				3.0		3.0		
23	64			1.3.3	2.6		2.6		
24	60				1.5		1.5		
25	63				2.3		2.3		
26	63				2.8		2.8		
27	62				2.5		2.5		
28	58				1.8		1.8		
29	56				3.4		3.4		
30	51				1.2		1.2		
31	50				1.7		1.7		
32	60				1.5		1.5		
33	52				1.7		1.7		
34	32				1.0		1.0		
35	30				2.3		2.3		
36	65				1.5		1.5		
37	55				2.2		2.2		
38	50				3.0		3.0		

Missoula MED
FEB 25 1994

IDAHO DEPARTMENT OF FISH AND GAME
STREAM FLOW INVESTIGATIONS

STREAM Indian Cr Transect No. _____ Date 6/20/
Time 1300 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
39	60				2.4		2.4		
40	69			1.5 3.0	2.25		2.25		
41	58				1.7		1.7		
42	52				2.1		2.1		
43	48				1.6		1.6		
44	43				2.4		2.4		
45	50				1.8		1.8		
46	50				1.7		1.7		
47	46				2.3		2.3		
48	43				1.7		1.7		
49	39				1.9		1.9		
50	42				1.8		1.8		
51	35				.9		0.9		
52	24				.5		0.5		
WE 53					0				
						27	72.45		

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FEB 25 1994

45° R

IDAHO DEPARTMENT OF FISH AND GA[illegible]
STREAM FLOW INVESTIGATIONS

STREAM Indian Cr Transect No. _____ Date 8/9/91
Time 1300 hr Flow 23.16 cfs Cross section width 33.46 ft
Elevation (HW) 8.93 ft B. M. Elevation = 0m (Stream Elev = 2.723 m)
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
W.E. 2.2 / 7.22	0				0		—		
2.3 / 7.55	13 / .1				0	cobble	—		
2.5 / 8.2	16 / .2				.7	"	.23		
3.0 / 9.84	12 / .39				.85	"	.54		
3.5 / 11.48	11 / .36				1.3	"	.77		
4.0 / 13.12	11 / .36				1.2	"	.71		
4.5 / 14.76	20 / .66				1.4	"	1.52		
5.0 / 16.41	20 / .66				1.5	"	1.62		
5.5 / 18.05	15 / .49				1.2	"	.96		
6.0 / 19.69	18 / .59				1.0	"	.97		
6.5 / 21.33	15 / .49				.93	"	.75		
7.0 / 22.97	7 / .23				1.0	"	.38		
7.5 / 24.61	12 / .39				1.15	agu. veg	.74		
8.0 / 26.25	11 / .36				1.3	agu veg	.77		
8.5 / 27.89	14 / .46				1.3	cobble	.98		
9.0 / 29.53	18 / .59				1.5	agu veg	1.45		
9.5 / 31.17	18 / .59				2.2	cobble	2.13		
10.0 / 32.81	26 / .85				1.9	agu veg	2.65		
10.5 / 34.45	20 / .66				2.1	agu veg	2.27		
11.0 / 36.09	23 / .75				1.9	cobble	2.34		
11.5 / 37.73	17 / .56				1.5	cobble	1.38		
12.0 / 39.37	6 / .20				0	cobble	—		
12.4 / 4068	0 / 0				0	cobble	—		
							23.16		

FEB 25 1994

IDAHO DEPARTMENT OF FISH AND [illegible]
STREAM FLOW INVESTIGATIONS

STREAM [illegible] Transect No. _____ Date [illegible]
Time [illegible] Flow 11.81 cfs Cross section width [illegible]
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	width of Sub.	Q	Elev.	Comment
0.4 1.31	7 .23				0.8	1.97	.36		
.8 2.62	8 .26				0.5	1.32	.17		
1.2 3.94	13 .43				0.7	1.32	.40		
1.6 5.25	8 .26				0.7	1.32	.24		
6.56	.52				1.4	1.32	.96		
7.87	20 .66				1.3	1.32	1.13		
2.5 9.19	22 .72				1.1	1.32	1.05		
3.2 10.5	15 .49				0.9	1.32	.58		
11.5	17 .56				0.8	1.32	.59		
13.12	15 .49				0.7	1.32	.45		
14	5 .49				0.2	1.32	.13		
15.75	2 .07				0.1	1.32	.01		
17.06	.52				0.6	1.32	.41		
18.37	17 .56				0.8	1.32	.59		
19.69	19 .62				0.8	1.32	.65		
21.00	14 .46				1.5	1.32	.91		
22.31	15 .49				1.5	1.32	1.16		
23.62	23 .75				1.0	1.32	.99		
24.93	16 .52				1.1	1.32	.76		
26.25	7 .23				0.6	1.97	.27		
27.56						[illegible]			

FEB 2 6 1994

Transect # _____ of _____, page _____ of _____.

INDIAN CREEK 8/[redacted]92 Flow = 5.28 cfs 1.1 gage reading

Distance from Head Pin LB (RB)	Ground Elevation (ft.) Depth (ft)	Mean Velocity (Fps) Cell or Vertical (Circle one) 1	2	Width of Cell (ft)	4	Q cfs	Substrate/ Cover Code
RBWE 13.8	0.01	0.00				0	
15.0	0.15	0.00		1		0	
16.0	0.30	0.02		1		.006	
17.0	0.50	0.02		1		.010	
18.0	0.49	0.32		1		.157	
19.0	0.58	0.44		1		.255	
20.0	0.65	0.74		1		.481	
21.0	0.97	0.78		1		.757	
22.0	1.08	0.74		1		.799	
23.0	1.05	0.96		1		1.008	
24.0	1.20	0.61		1		.732	
25.0	1.30	0.43		1		.559	
26.0	1.22	0.15		1		.183	
27.0	0.98	0.29		1		.284	
28.0	1.05	0.01		1		.011	Slackwater
29.0	1.05	0.01		1		.011	"
30.0	0.80	0.01		1		.008	"
31.0	0.66	0.01		1		.007	"
32.0	0.52	0.01		1		.005	"
33.0	0.22	0.01		1		.002	
34.0	—	—					on rock
35.0	—	—					
						5.28 cfs	

RECEIVED
FEB 25 1994

Transect # 1 of 1 page 1 of 1 SC Begin = no staff gage read

Ind. and Creek Flow = 3.21 cfs 9-22-94 End

Distance from Head Pin LB RB Feet	Ground Elevation (ft.) Depth	Mean Velocity (Fps) Cell or Vertical (Circle one) 1 2 3 4	cfs Q	Substrate/ Cover Code
HW NE				
8.7				
9	.17	.001	.0001	
10	.17	.001	.0002	
11	.27	.001	.0003	
12	.35	.002	.0005	
12.5	.64	.002	.0008	
13	.62	0.14	.0608	
14	.72	0.31	.2232	
15	.72	0.23	.1656	
16	.8	0.40	.3200	
17	.79	0.52	.4108	
18	.96	0.02	.0192	BAR
19	.96	0.06	.0576	
20	.8	0.55	.4400	
21	.9	0.23	.2070	
22	.68	0.53	.3604	
23	.61	0.52	.3172	BAR
24	.72	0.33	.2442	
25	.73	0.20	.1460	
26	.61	0.23	.1403	
27	.51	0.18	.0918	
28	.28	.01	.0028	
29	.32	.01	.0032	
30	.1	.01	.0010	
31	.07	.01	.0008	
32	.08	.001	.0001	
32.2				
			3.21 cfs	

FEB 25 1994

BAR

IDAHO DEPARTMENT of PARKS & RECREATION

Cecil D. Andrus, Governor **Yvonne S. Ferrell, Director**

Priest Lake State Park
Indian Creek Bay #423
Coolin, ID 83821
January 24, 1990

RECEIVED
JAN 29 1990
Department of Water Resources

Gary Spackman, Manager
Water Rights Permits Section
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Gary,

Thank you for your letter of January 11, clarifying requirements for proof of beneficial use on water right permits 97-7274 (Indian Creek) and 97-7275 (Lion Creek). We will submit the procedural data as you have requested.

You indicated that we may be able to reduce the number of stream flow readings required (monthly during winter months, weekly during the remainder of the year). I would be interested in learning what would be the minimum acceptable readings that would meet the requirements of your Department.

Thank you for your assistance.

Sincerely,

Larry Townsend

Larry Townsend
Park Manager

cc: Rinda Just

RETURNED
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

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

MICROFILMED
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

RECEIVED
FEB 26

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER

FOR MINIMUM STREAMFLOW

97-7274

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. 97-7274 on April 29, 1988, by adopting a Proposed Memorandum Decision and Order authorizing the appropriation of a minimum streamflow in Indian Creek of 26 cfs during the period beginning January 1 through December 31. The minimum streamflow begins at the confluence of Indian Creek and Priest Lake in Lot 2 (SW1/4NE1/4), Section 27, T61N, R4W, and extends upstream approximately three miles to the confluence of Indian Creek and the South Fork of Indian Creek in the S1/2SE1/4, Section 13, T61N, 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.

RECEIVED
MAY 19 1988

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.

RECEIVED
MAY 13 1985

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.

RECEIVED
MAY 15 1989

INDIAN CREEK
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), 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.

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

Attended by 13 people

All public input was favorable

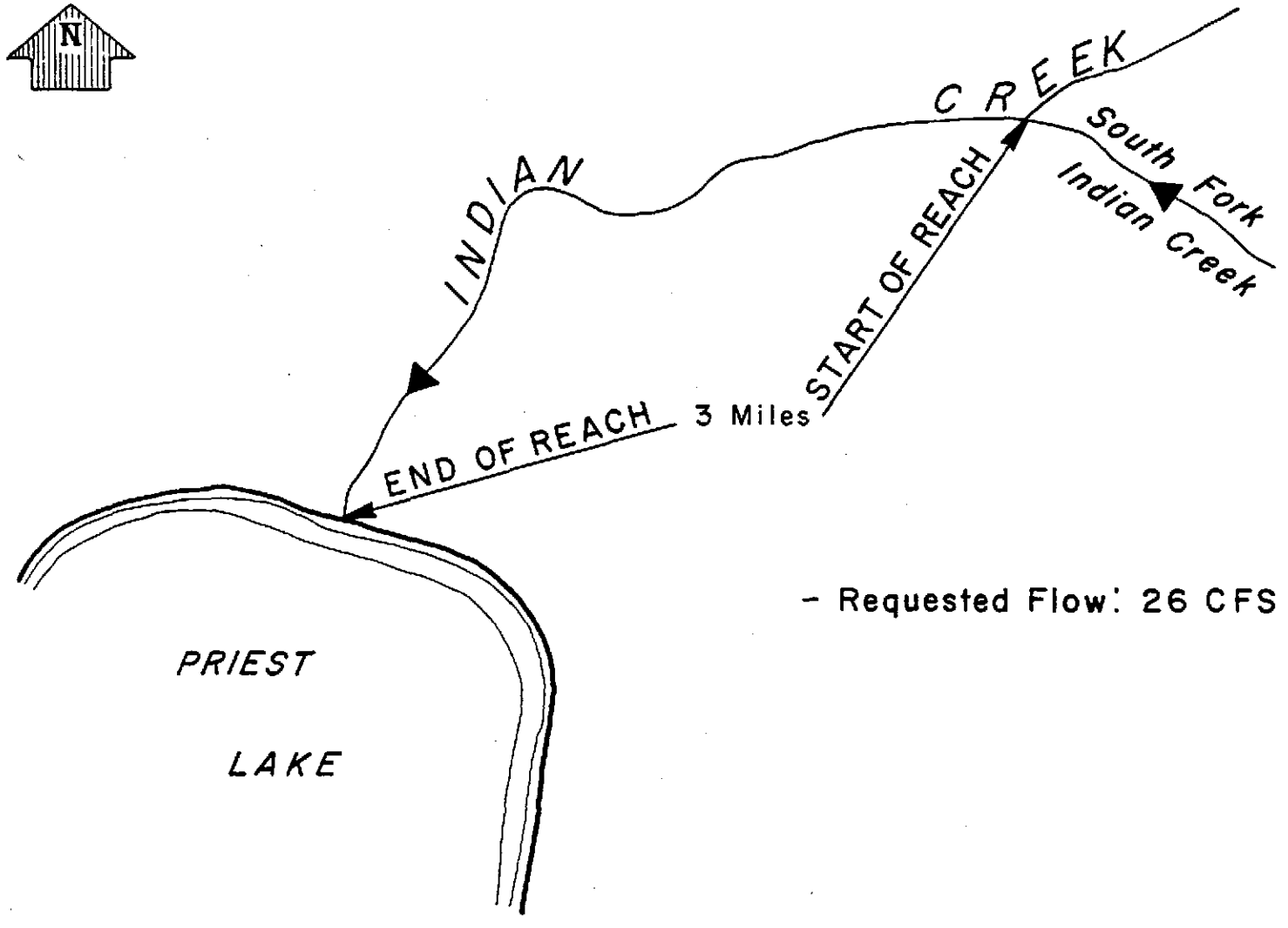
Permit: Order Adopting Proposed Decision dated April 29, 1988

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.

RECEIVED
MAY 15 1989

INDIAN CREEK MINIMUM STREAM FLOW



- Requested Flow: 26 CFS

RECEIVED
JUL 27 1988

RECEIVED
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

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

MICROFILMED
MAY 15 1989

GS:ds
Enclosures

CC: Legislative Council

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

RECEIVED
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

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

Re: Application for Permit No. 97-7274

Dear Mr. Rydalch:

Please find enclosed a copy of the Final Memorandum Decision and Order for Application No. 97-7274 in the name of Indian 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

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
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. 97-7274

Dear Mr. Gray:

Please find enclosed a copy of the Final Memorandum Decision and Order for Application No. 97-7274 in the name of Indian 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

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
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. 97-7274

Dear Interested Party:

Please find enclosed a copy of the Final Memorandum Decision and Order for Application No. 97-7274 in the name of Indain 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

MICROFILMED
JUL 27 1988

PERMIT AND LICENSED RIGHTS ON Indian Creek and Tributaries Within Reach T.61N, R.04W., Sec. 13 thru 27 CO., IDAHO

March 26 19 85 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.	
97-2030		Indian Creek The Diamond Match Co.	25.0	11-06-1945	SWNW	23	61N	4W	Transportation of logs, poles and other timber products
97-2058		South Fork, Indian Creek The Diamond Match Co.	8.0	11-06-1945	SWSE	13	61N	4W	Transportation of logs, poles and other timber products
97-2056		Unnamed tributary of So. Fk, Indian The Diamond Match Co. Creek	1.0	11-06-1945	SWSE	13	61N	4W	Transportation of logs, poles and other timber products
97-2060		Unnamed tributary of So. Fk, Indian The Diamond Match Co. Creek	5.0	11-06-1945	SWSE	13	61N	4W	Transportation of logs, poles and other timber products
97-2061		Unnamed tributary of So. Fk, Indian The Diamond Match Co. Creek	5.0	11-06-1945	SWSE	13	61N	4W	Transportation of logs, poles and other timber products
97-2062		Unnamed tributary of So. Fk, Indian The Diamond Match Co. Creek	2.0	11-06-1945	SWSE	13	61N	4W	Transportation of logs, poles and other timber products
97-2031		Unnamed tributary of So. Fk, Indian The Diamond Match Co. Creek	2.0	11-06-1951	SWNW	23	61N	4W	Transportation of logs, poles and other timber products
	APP	Indian Creek Idaho Water Resource Board	26.0		SWNE S½SE	27 13	61N 61N	4W 4W	Instream flow - reach from the confluence with Priest Lake in the SWNE, Sec. 27, T.61N, R.4W., upstream about 3 miles to the confluence with the So. Fk. of Indian Creek in the S½SE, Sec. 13, T.61N., R. 4 W. Bonner County
97-2063		No. Fk, Indian Creek (trib. Priest Lake) The Diamond Match Co.	10.0	11-06-1945	SWSW	08	61N	3W	Transportation of logs, poles and other timber products

JUL 27 1988

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. 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 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.

FILED
JUL 27 1988

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES

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

October 21, 1987

To: Idaho Department of Water Resources.

Ref: Minimum stream flows in Indian & Lion Creeks.

My name is Jules Gindraux, resident of Priest Lake* and a Director on the Board of Concerned Residents of Priest Lake, which supports Parks & Recreation's applications.

On November 2, 1982 in a public hearing held at Cavanaugh Bay, Priest Lake, concerning Independent Power Developers' attempt to construct electricity generators on streams of the Priest Lake watershed, Dr. John Crane presented for the record verbal and written expert opinion that interference with water flow into Priest Lake would be seriously detrimental.

Dr. Crane, who is also a Director of the Concerned Residents of Priest Lake, has asked that I pass on to you that the substance of his opinion still applies to all streams, including Indian & Lion Creeks.

As well as being a Director on the Board of Concerned residents of Priest Lake, I am also on the Boards of Directors of the Priest Lake Coalition and the Selkirk Priest Basin Association, and would like to go on record that all three organizations strongly support the protection and non-interference of all stream flows entering Priest Lake.

MICROFILMED
JUL 2 7 1988

* ADDRESS P.O. B 186 COOLIN ID 83821

WE NEED YOU!

You can volunteer if you live on Priest Lake or visit Priest Lake at least once every two weeks between May & September, and .....

..you have access to a boat & can spend 1–2 hours every two weeks collecting data.

..you meet with our lake management specialist to be trained & supplied with the necessary equipment, notebook with illustrated instructions, & post paid postcards on which to record data.

Please sign me up to be a volunteer monitor.

Name _____

Address _____

Phone _____

"Location you would prefer to sample," _____

Sign Me Up!

JUL 27 1988

Self-Help Lake Monitoring Program

- Learn more about basic limnology or lake science.
- Increase your understanding of the overall water quality of your lake.
- Learn about basic lake sampling procedures.
- Observe & document how the water quality of your lake changes over time.
- Learn more about your lake, in particular through the individual & statewide reports you will receive from your efforts.
- Gain an understanding of the difference between natural & seasonal variations in water quality & long term trends.
- Assist our lake scientists in comparing the water quality of Priest Lake with the data you collect.

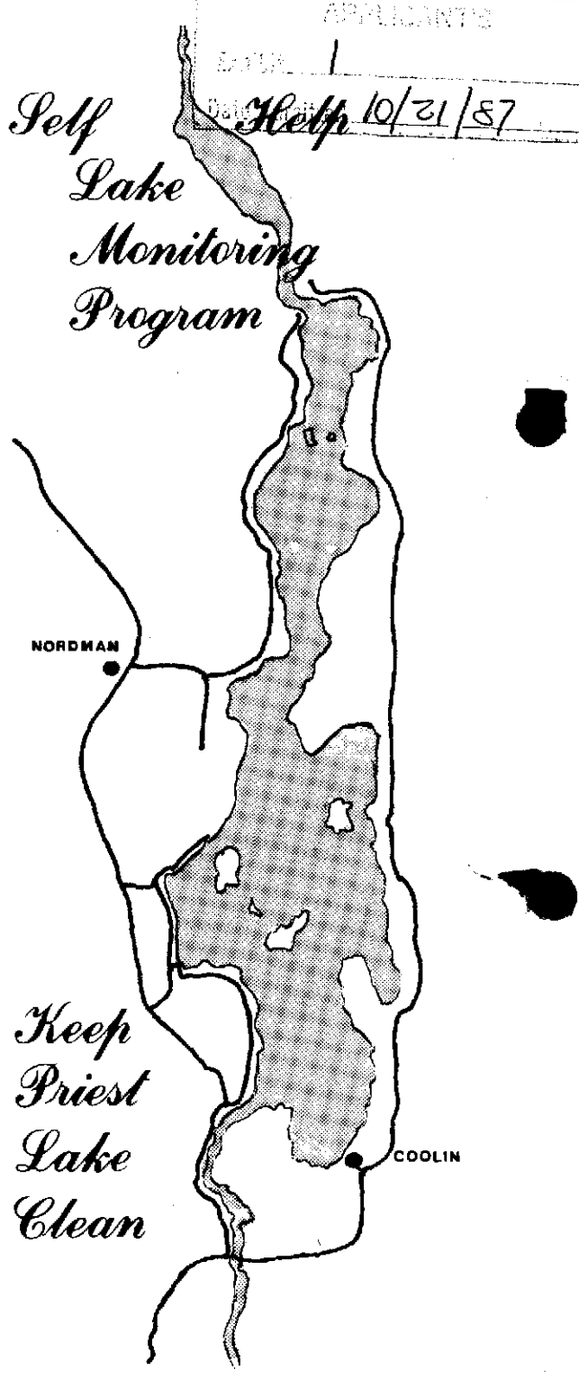
Let's Keep Priest Lake Clean!



Lakes are such an integral part of our lives, offering tremendous and diverse recreational opportunities, habitat to fish, waterfowl, and other wildlife, and contributing significantly to the economy of Priest Lake.

Department of Water Administration
APPLICANTS
Exhibit 1
Date 10/21/87

Self Help Lake Monitoring Program



Keep Priest Lake Clean

YOU Are the KEY PLAYER in the self-help lake monitoring program.

By actively participating in these simple lake check ups, lake citizens have the opportunity to

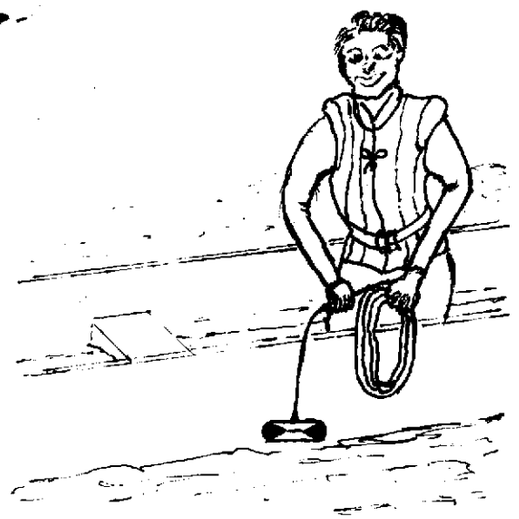
contribute to the understanding & protection of Priest Lake's valuable resources.

become better acquainted with Priest Lake.

collect valuable data to help track lake water quality over time.

provide an early alert to problems which may be occurring.

initiate early action to identify & halt the sources of problems to better protect our beautiful Priest Lake.



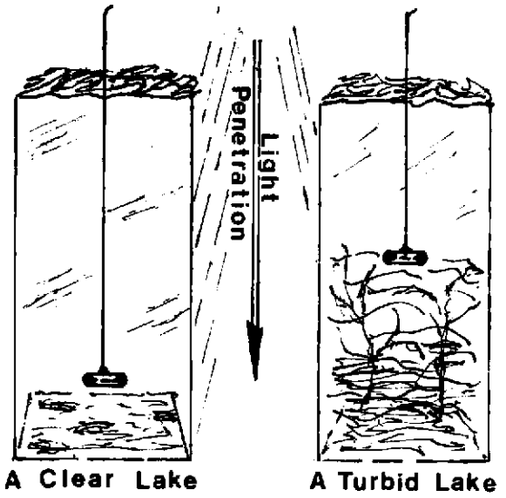
WHAT IS A SECCHI DISC ?

The Secchi Disc is the basic tool you will use to conduct your lake's physical exam. It is used to measure the water clarity or transparency of the lake. Water clarity is one indication of water quality. The Secchi Disc is an 8 inch metal plate painted black & white in alternating quadrants. The disc is attached to a non stretchable rope marked in foot intervals. It is lowered over the shady side of a boat into the water until it can no longer be seen. The point at which it disappears is recorded The measurement is usually taken at the lake's deepest point.

WHAT DOES THE SECCHI DISC INDICATE?

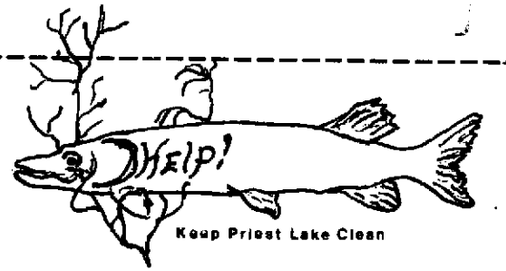
Measuring water clarity with a Secchi Disc is a simple test to conduct, yet it is the most commonly used indicator of lake water quality. Generally, the deeper the disc can be submerged into the water before it disappears from view, the better the water quality of the lake.

MEASURING WATER CLARITY WITH A SECCHI DISC

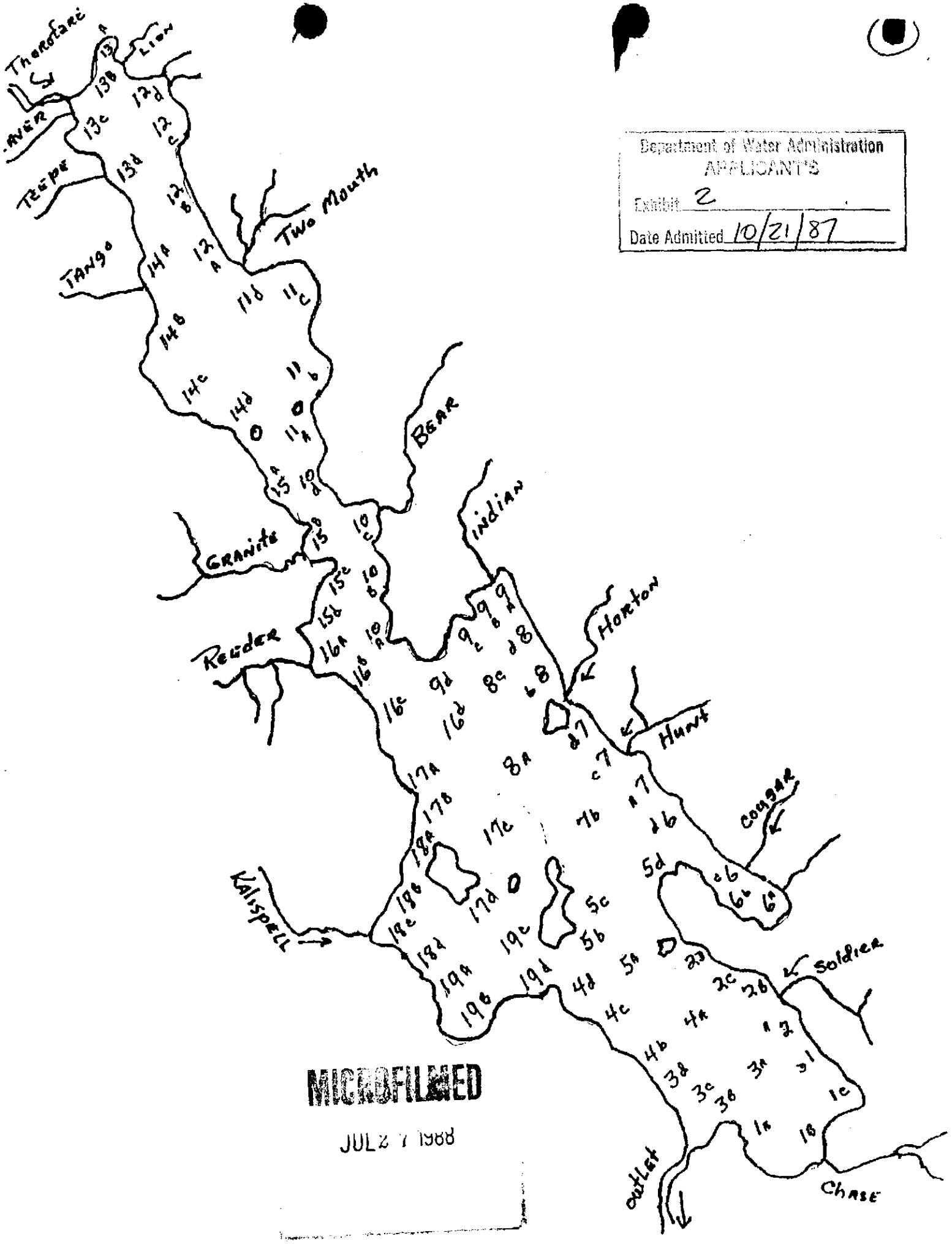


Water clarity is influenced by several factors, including the amount of algae, weeds & sediment present, & the natural color of the water. Wind & weather conditions can also affect the Secchi reading. We can expect to see variations in water clarity because the lake is an everchanging system not only seasonally, but from year to year as well. It is important that monitoring is conducted on Priest Lake for a number of years so trends in water clarity can be detected. This data can help you to judge whether lake health is getting better, getting worse, or staying the same. Measuring the water transparency with a Secchi Disc is only one of many tests that can be conducted as part of the lake's complete physical exam. However, the Secchi Disc measurement is a useful test that citizens can conduct without having a PhD in water chemistry!

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R.G. Wright
P.O. Box 67
Coolin, Idaho 83821



Department of Water Administration
APPLICANT'S
Exhibit 2
Date Admitted 10/21/87

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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 Indian Creek Application No. 97-7274	)	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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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

JUL 2 (19

INDIAN CREEK - LION CK HEARINGS

91-7274

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, env. trans, wq.
   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) FARRIS + Rex —
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 THIS 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 at 7:00 continuation — All testimony are under oath.
- Upon close of record — 10 days proposed decision, final decision, appeal procedure, legislative review

JUL 27 1988

- take appearances
- any other introductory matters?
- Call Dave Rydalch - ask
- 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 advertisements
2) Described the dates
3) Notice to riparian owners, legislators,
those attending public inform

2) 1) Indian Creek 97-7274
Slide of water right
Slide of map of Indian Cr min
flow reach

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Water rights of record would exceed low flows of Indian Creek -

Diamond Notch 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 peak river hydrograph — as a representation of correlated record — 9.

Indian Ck measured 6 times (1973-78 @ above center of NSF road

93% correlation w/ Park River Hydrograph of Indian Ck developed

Exceedance curve slide

flows of 26 cfs exceeded 65% of time —

Lion Creek — 97-7275 MICROFILMED

W.R slide shown — JUL 27 1988

Location slide

Map of NSF road on Lion Ck

No previously recorded W.R on Lion Ck

No recorded flows 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 & development — will be done this year

4) PARKS acquired 293 acres from Diamond International last year

5) ~~Streams~~ are important to the area —

Larry Townsend — Priest Lake State Park Coolin Idaho

— Role of Indian Ck & Lion Ck aesthetics, recreation, ~~fishing~~, general play —

North & west, boundary — Indian Ck

92 unit campground

Boat Launching facilities

Lion Ck diagonally across center

47 unit campground

Boat Launch

Picnic facility

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Calendar Priest Lake — 25,894 user visits to Indian Ck ~~with~~

36,792 total — Indian Ck & Lion Rd

1,680 campers
7,214 day users

8,279 campers
2,199 day users

- Loss of Indian Ck & Lion Ck would adversely affect 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 1983
  - voluntary survey of facilities used money spent, where -
  - concluded that visitor spending was $121,940 to local economy
  - Does not include multiplier effect

Dismiss interstate water right as no flume that has not existed in more than 8 yrs;
Minimum flow not the idea
Do not intend to interfere with any valid existing water r.

Wet Heaven

FTA Fishery Biologist
Bull trout - adfluvial rely on streams for spawning & rearing
Listed as species of special concern -
Indian & Lion Ck are 2 of 4 tribs that

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support Bull trout spawning & rearing)

? → Lion & Indian Ck are the longest tributaries (Hughes Fork – Twobmouth Ck –

Population in Lake are limited by spawning & rearing –

West Slope Cutthroat trout – adfluvial – Lion & Indian Ck are spawning streams – more than fork

when → Lion & Indian Ck 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 cks @ 4 different times

Depth/velocity measurements on MICROFILMED predict our year around habitats JUL 2 1988

also used to determine fish habitats –

Model determines flows needed for various life stages – used only

Juvenile ~~[illegible]~~ incubation for these streams - usually less than spawning -

Inflection point on curve - below/unacceptable passage occurs - Indian Ck

Min flow - 26 cfs juvenile cutthroat ~~incubation~~ rearing -

Restriction as opposed to enhancement

Strong preference for native fishery as opposed to the put and take fishery

Wild native salmonid - consideration in management plan

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R.G. Wright — self help monitoring program on Priest Lake —
Coulin, Idaho —
Exhibits — parks & Rec ex. 1 brochure
~~diagram~~ ex. 2 map

Water quality monitors — 19 volunteers
— use secchi discs to monitor turbidity
Wright compiles the data —
Measurements every 2 weeks —
Roads, logging, recreation, & sewage w/ some degradation of the lake

Flushing action of fresh water inflow helps reduce turbidity —
Inflows from Indian Ck & Trout Ck are important for W.Q. — retention 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 —
Secchi discs could be ~~shown~~ —

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Jules Gindraux – Public interest statement –

- Requested that Dr. Crowe's study report be included in the record of the Federal power project hearings be included in the record of this hearing.
- Concerned residents of Priest Lake membership total – 2500 signatures
  Priest Lake Coalition – 700 signatures @ 600 contributors
  Selkirk-Priest Basin Assn – never –
  strong support of all three groups for this approval of these filings Board of directors – Unan –

Bob Jakus – Coeur d'Alene Idaho
President of Priest Lakes Chamber of Commerce –

- Primary use is public
- Beautiful setting
- Want them streams as a fishery
- Priest Lake economy 1988 based upon campers, tourists, etc
- Streams are important to tourism and the economy –
- No need for small hydro/surplus power in the northwest

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flows should keep Hyland

lived in the area since 1951

new

~~1951~~

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Lion Creek
Indian Creek
97-7274

Hearing Notes – October 21, 1987

Todd Graeff – 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 Int'l.

Streams are an integral part of the park –

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

Larry Townsend –

Parks & Rec. He's married Lake State Park.

Creeks play prominantly in play aesthetics and natural

Indian Creek north & west boundaries –

Lion Creek flows diagnally thru the Park –

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

1.

The [illegible] creek was not maintained (Flows) all would be impacted

/water quality impacted
Fishing

No of ways - sounds & smell.

Ecosystem - They affect the riparian growth.

economic impact

1983 - [illegible] survey - visitor spending - determined that of figures applied → $12,— to the local economy

This is an initial expenditure -

Investigated water rights for Diamond Match Company.

Log flume in operation - No

Not been ~~Rate~~ in operation since he started ~~[illegible]~~ at the Falls.

Interfere with existing water rights

No

Ned Horne -
a Regional fisheries manager
5 northern counties of Idaho
the area October 1984 -
~~Report from~~

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.

What if there is a reduction
of flow.

TFG instream flows study -

Study TFG 4 — — method

transects established on a stream

pools
riffles } habitats
runs

Measure depth & velocity -

Measured flows on Trout & Lion Creek -

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

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

- Juvenile rearing was utilized

- Much less that incubating or spawning -

Maximum amount of flow for
not much loss.

Indian Creek - 16 ½ juvenile cutthroat rearing
Lion -
Depletions below minimum in the
The reach will be unacceptable

Spawning }
Incubation }
juvenile rearing - This is lowest va
adult rearing

What percentage in each -

Hughes Fork → This produces the
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 salmonids -

Mr. Wright

Name K G W. [illegible]

Working 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 -

Less monitoring shown importance of Indian Creek & Lion Creek

Flushing action of fresh waters w/ oxygen -

~~Study of water quality for~~

If substantial reduction in Lion Creek or Indian Creek.

Probably get more, increased turbidity

Has studied water quality of many of the streams in Kootenai Lake

North Idaho Lake Association

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

Jules Kendro — Look at the Lake

2500 people said they supported us
Concerned residents of Priest Lake
(group around the Lake)
Nov. 7 1982 Kaveneagh Bay
Tuesday, Folsom & [illegible]

Dr John Crane — Influence of 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 — 7,000 petitioned signatures

Priest [illegible]

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 Ray Just	IDPR, Statehouse Mail	IDPR	
Deputy AG	Boise ID 83720		
LARRY TOWNSEND	PRIEST LAKE STATE PARK INDIAN CREEK BAY #423, COOLIN, ID 83821	IDPR	✓
~~TODD GRAEFF~~	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 SELKIRK	CONCERNED RESIDENTS OF PRIEST LAKE COALITION PRIEST BASIN ASSOC	✓
R.G. Wright	Box 67 Coolin, Ida	Self Help Monitor Group	
Norm Young	statehouse Boise	IDWR	Hearing officer
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	

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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

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

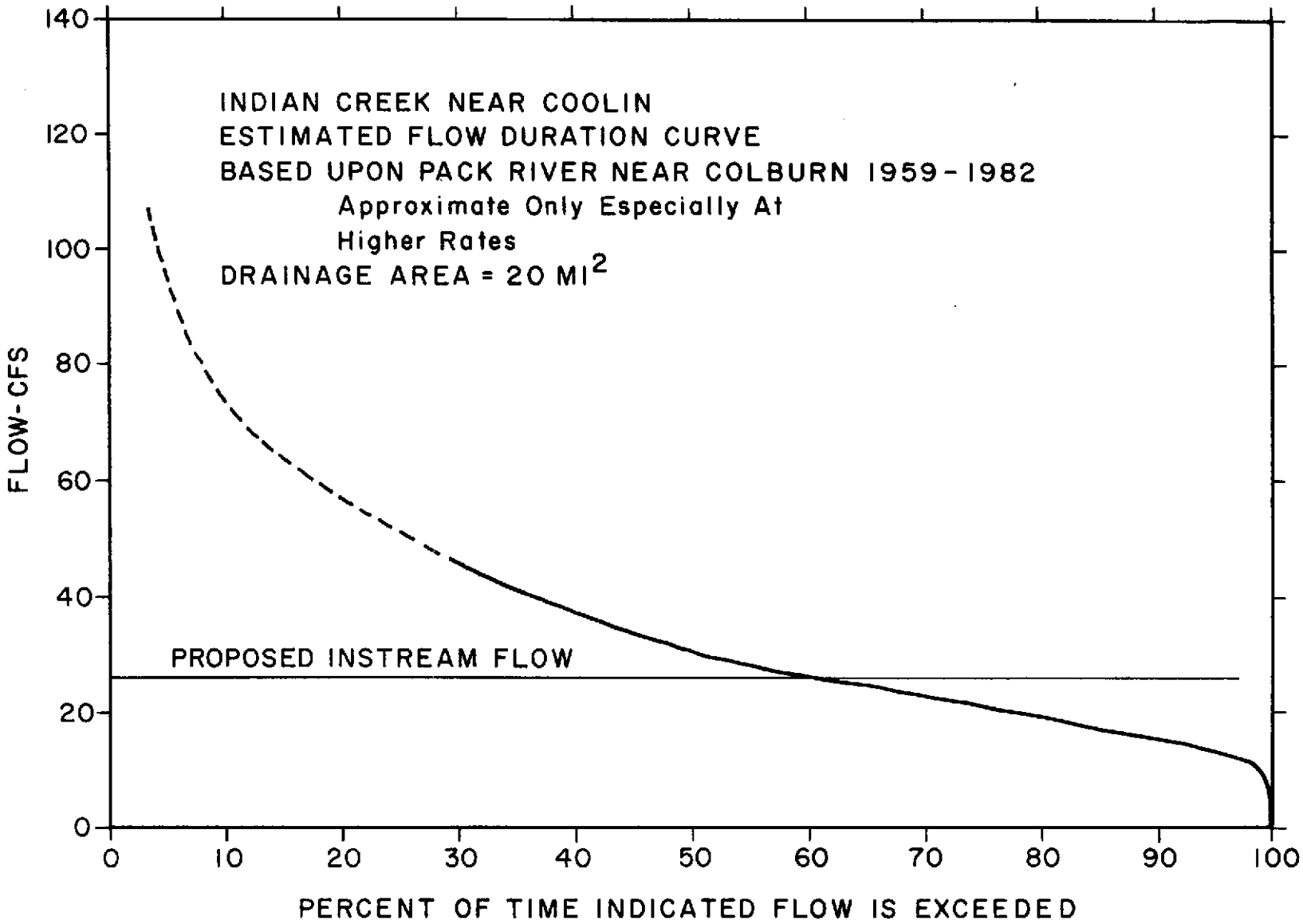
INDIAN CREEK
HYDROGRAPHIC INFORMATION

- Indian Creek measured six times from 1973-78, at about the center of the MSF reach.

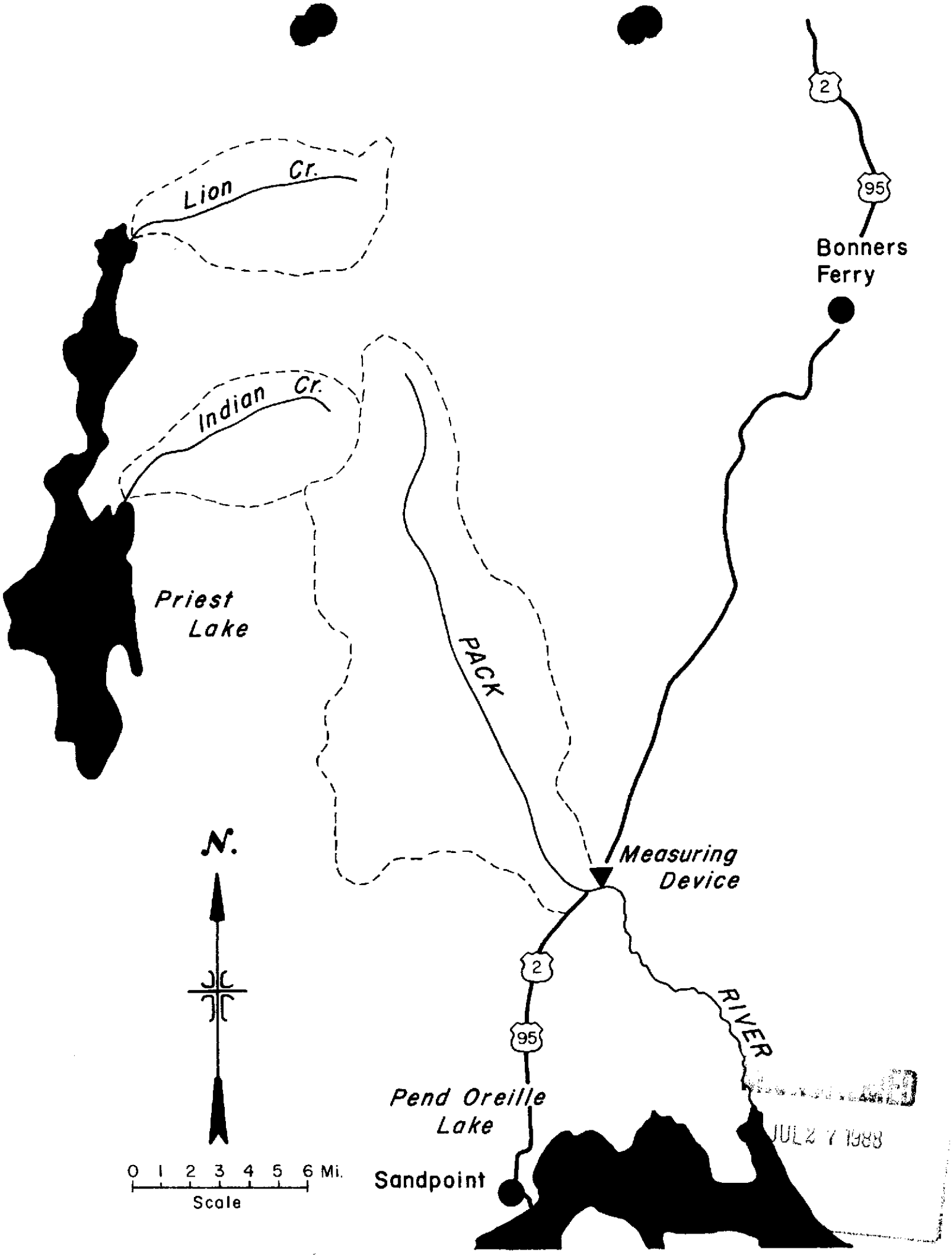
- Correlation with flows of Pack River near Colburn = 0.93.

- Flows consist primarily of snowmelt runoff.

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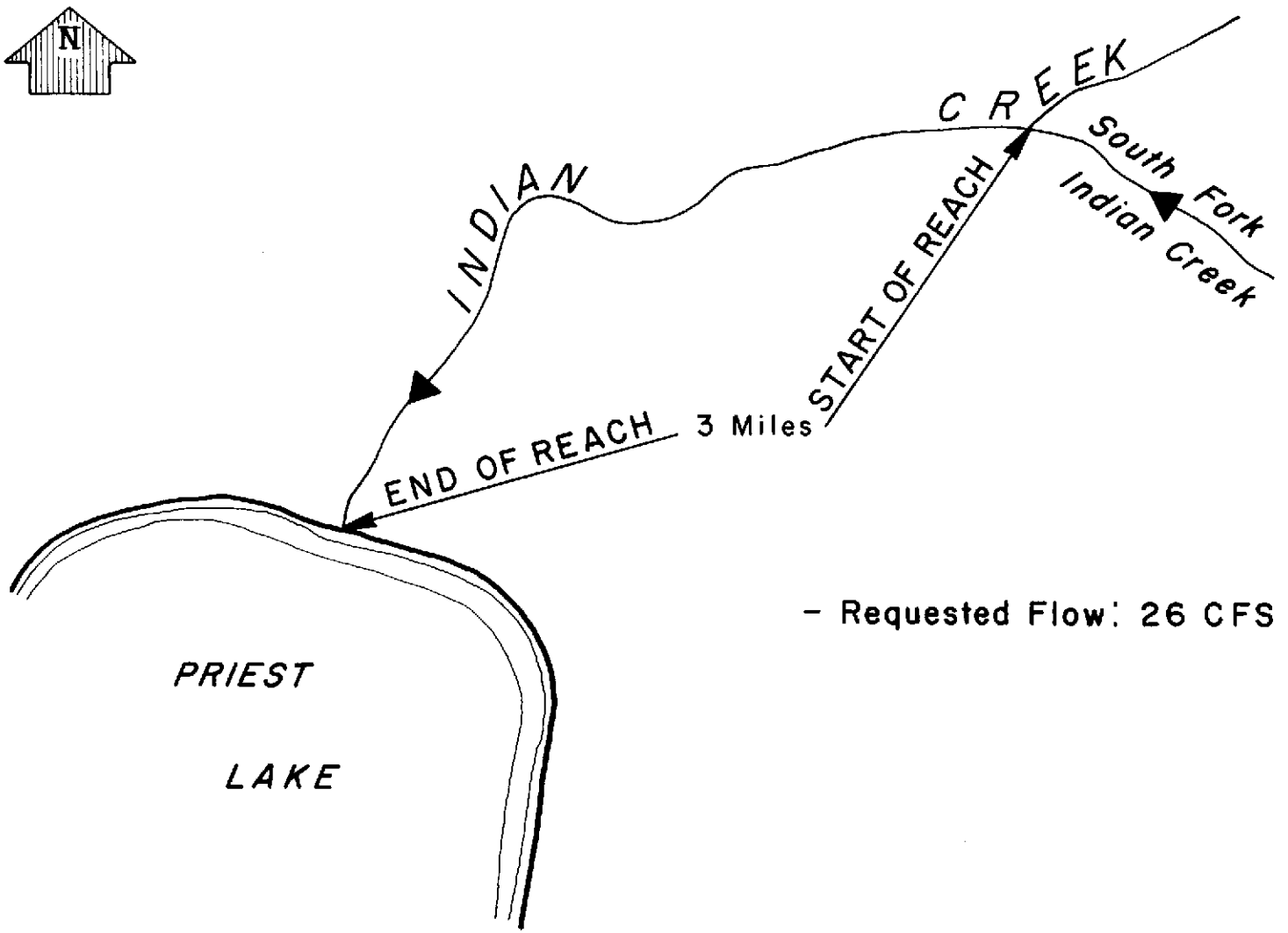

INDIAN CREEK NEAR COOLIN
ESTIMATED FLOW DURATION CURVE
BASED UPON PACK RIVER NEAR COLBURN 1959-1982
Approximate Only Especially At
Higher Rates
DRAINAGE AREA = 20 MI2
PROPOSED INSTREAM FLOW
FLOW-CFS
PERCENT OF TIME INDICATED FLOW IS EXCEEDED
0
20
40
60
80
100
120
140
0
10
20
30
40
50
60
70
80
90
100

JUL 2 7 1988


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

JUL 2 7 1988

INDIAN CREEK MINIMUM STREAM FLOW

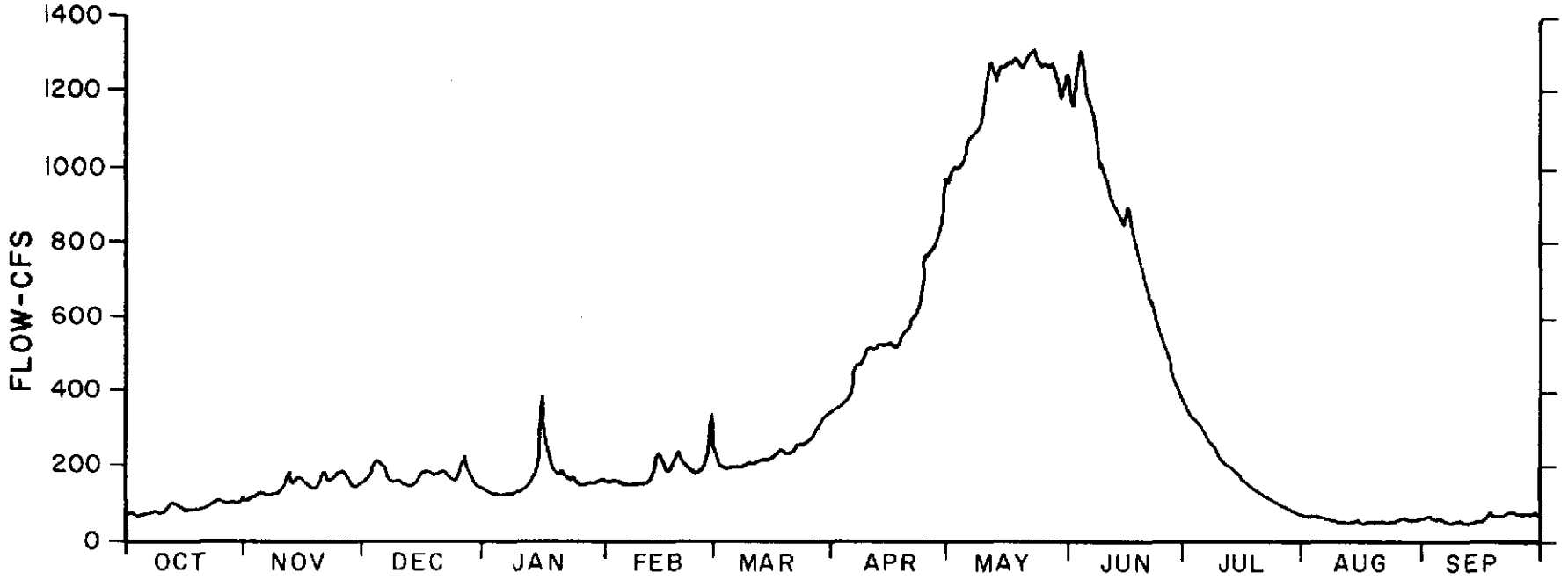


– Requested Flow: 26 CFS

JUL 27 1988

JUL 27 1988

SUMMARY HYDROGRAPH
PACK RIVER NR COLBURN
HYDROGRAPH OF AVERAGE DAILY FLOWS
1959 - 1982



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-

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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-

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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

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

JUL 27 1988

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, Supervisor
Water Allocation Section

GS:jf

Enclosures

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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

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Lion &
Indian Cr

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

JUL 27 1988

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.

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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.

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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

RECEIVED
JUL 27 1988

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

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.

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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;

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JUL 27 1988

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

JUL 2 7 1988

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 Bydalch	RT#2 Box 10F ST.A. 83445	IWRB
[illegible]	24 N. Main Preston 83263	"
Bob Haynes	4058 Gout Way Cd'A 83814	IDWR
Ned Horner	2320 Gout. Way Cd'A 83814	IDFG
[illegible]	RTe1 Box 284 Coolin 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 Hands Corp.

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JUL 27 1988

Dave T.

RECEIVED
OCT 24 1985
Department of Water Resources
Western Regional Office

FOR IMMEDIATE RELEASE

23 October, 1985

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

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

RETURNED
JUL 27 1988

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

JUL 7 1983

Type HELP to 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 [redacted] 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
41-7059	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

MEASURED
JUL 2 1985

```
$!-------------------------WATERIGHTS USER LOGIN COMMAND FILE-------------------------
$!                          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-1987   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
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✓ MSF

✓ MSF

JUL 7 1988

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

MICROFILMED

JUL 2 7 1988

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.

JUL 7 1988

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

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JUL 27 1988

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

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JUL 27 1988

Wateruser

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

MICROFILMED

JUL 2 7 1988

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

MICROFILMED

JUL 27 1988

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

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JUL 27 1988

INDIAN CREEK AND LION CREEK LANDOWNERS

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

MICROFILMED
JUL 27 1988

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

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JUL 27 1988

SENATOR AND REPRESENTATIVES IN LEGISLATIVE DISTRICT

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

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JUL 27 1988

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

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JUL 27 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 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.

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JUL 2 7 1988

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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.

MI[redacted]UM STREAMFLOW REQUEST/APPLICAT[redacted] INDIAN 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.	LDS 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.	DRT 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	Northern 5/85
15.	Application advertised w/o hearing date.	Region	Northern 5/85
16.	Notice sent to each water right holder or applicant on MSF reach. (Diamond Match Co.)	Section Supv.	DRT 5/1/85
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	Northern 10/85

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JUL 8 1988

	Assigned to	Initials/Date
22. Notification of informal public meeting sent to:		
a. IWRB members	Section Supv.	Dmt 10/85
b. Local Legislators	Section Supv.	Dmt 10/85
c. Watermaster	Section Supv.	None
d. Department Personnel	Section Supv.	Dmt 10/85
e. Local TV and Radio Stations	Section Supv.	Kay Weaver 10/85
f. Water Right Holders	Requestor	Dmt 10/85
g. Riparian Owners	Requestor	Dmt 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	

JUL 2 7 1988

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: 97-7274

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

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: 97-7274

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 7 1988

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: 97-7274

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 7 1988

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: 97-7274

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

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JUL 2 7 1988

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

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.

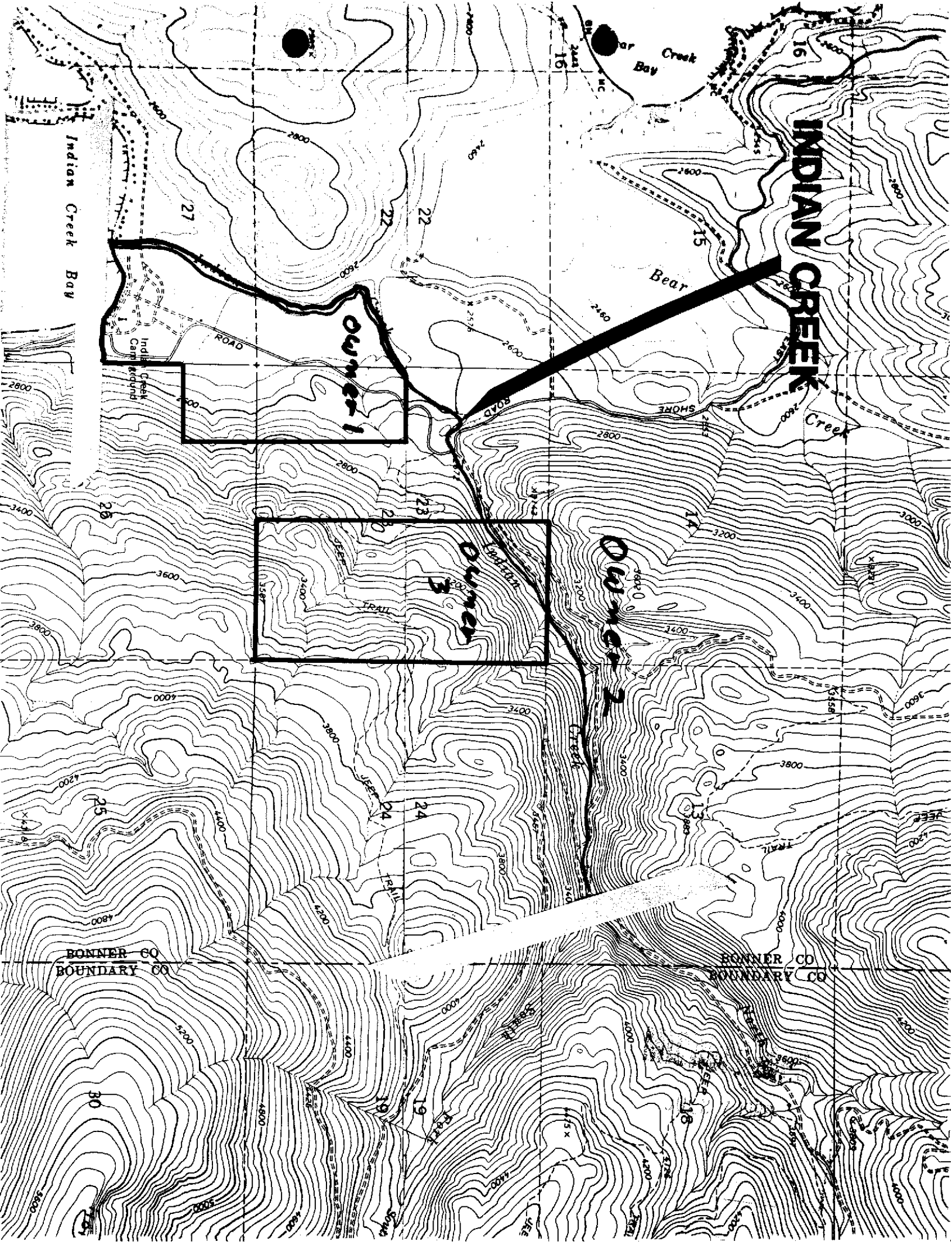
Thank you for your help.

Sincerely,

MICROFILMED
JUL 2 7 1988

Robert L. Meinen
Director

jm-0817J


Indian Creek Bay
Bear Creek Bay
INDIAN CREEK
Bear Creek
ROAD
SHORE
Indian Creek Campground
Owner 1
Owner 2
Owner 3
JEEP TRAIL
FOOT TRAIL
BONNER CO
BOUNDARY CO
BONNER CO
BOUNDARY CO

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

May 1, 1985

Diamond Match Co.
30 Church Street
New York, NY 10007

Re: Idaho Water Right License Nos. 97-2030, 97-2031, 97-2056, 97-2058, 97-2060, 97-2061, 97-2062 and 97-2063

Gentlemen:

On April 26, 1985, the Idaho Water Resource Board filed an Application for Permit to develop a minimum instream flow water right on Indian Creek tributary to Priest Lake in Idaho. In the course of investigation of water rights related to Indian Creek, we have discovered the eight above-referenced licenses in the name of the Diamond Match Co. The purpose of this letter is to solicit information regarding the currency and validity of the licensed water rights.

For your information, we have enclosed copies of each of the licenses, and a copy of a map of the "Indian Creek Logging Flume," which was prepared in 1951. At the time of our field examination, which was conducted in 1951, the logging flume was functioning for the purpose of conveying logs to the match factory located along the banks of Priest Lake.

It is our understanding that this logging flume and the associated match factory have not been in existence for many years. Pursuant to Section 42-222, Idaho Code, a copy of which is enclosed, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for a term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through non use or forfeiture such rights to such water shall revert to the State and be again subject to appropriation under this chapter." Based on this statute, it appears likely that the above-referenced licensed water rights have been forfeited.

For the purpose of clarifying the record on this matter, we ask that you provide information regarding when the match factory along Priest Lake last utilized the Indian Creek logging flume. Based on information that you provide, the file can be better documented regarding the availibility of flows for instream flow purposes. I would ask that you please provide this information to my attention by June 1, 1985, so that we may proceed in a timely manner with processing the minimum stream flow application.

Sincerely,

David R. Tuthill Jr

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

DRT/ls

cc: Dave Rydalch, Chairman
IWRB Minimum Stream Flows Committee

Enclosures

JUL 27 1988

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill DATE 4/29/85

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 numbers to Roberta Garrett
d. Advertise the apps <u>without</u> hearing dates or protest date.

Dave

SIGNATURE

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF A MINIMUM STREAM FLOW REQUEST ON INDIAN 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 Indian 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 Indian Creek, provided that the Board reserves the option to change or withdraw

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

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JUL 27 1988

INTER-DEPARTMENT MEMO — 1

FROM Alan Robertson

DATE 9 Apr 85

TO ~~Dave Tuttle~~ File

SUBJECT Indian Cr nr Coolin

Attached are : (1) Flow duration curve based upon Pack River
(2) Average hydrograph for Pack River.

I have used the low flow relationship to estimate Indian Cr average flows from the Pack River average flows as follows:

Date	Indian Cr Avg (cfs)
15 Jul	42
31	19
15 Aug	14
31	15
15 Sep	16
30	19
15 Oct	24
31	26

(In case you want to add them to the Pack River hydrograph)

The equation is $I = .23P + 3$

Alan
SIGNATURE

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 DWT 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:

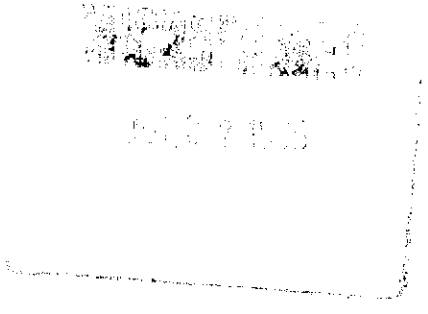
	Percent of Time Indicated Flow is Exceeded	
	26 cfs	15 cfs
June	>95	>95
July	65	94
August	6	44
September	13	43
October	25	71

JUL 7 1988

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



47 2893

KE 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

SUMMARY HYDROGRAPH

PACK RIVER NEAR COLEURAU

HYDROGRAPH OF AVERAGE DAILY FLOWS

1959 - 1982

FLOW - CFS

1400
1200
1000
800
600
400
200

OCTOBER 5 10 15 20 25
NOVEMBER 5 10 15 20 25
DECEMBER 5 10 15 20 25
JANUARY 5 10 15 20 25
FEBRUARY 5 10 15 20 25
MARCH 5 10 15 20 25
APRIL 5 10 15 20 25
MAY 5 10 15 20 25
JUNE 5 10 15 20 25
JULY 5 10 15 20 25
AUGUST 5 10 15 20 25
SEPTEMBER 5 10 15 20 25

JUL 2 7 1988

K+E 10 X 10 TO THE INCH • 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

8Apr87 BCL

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INDIAN CREEK NEAR COOLIN
ESTIMATED FLOW DURATION CURVE
BASED UPON PACK RIVER NEAR COLBURN 1959-1982

APPROXIMATE ONLY ESPECIALLY AT HIGHER RATES

Drainage Area = 20 mi^2

Proposed Instream Flow

FLOW - CFS

0 20 40 60 80 100 120 140

0 10 20 30 40 50 60 70 80 90 100

PERCENT OF TIME INDICATED FLOW IS EXCEEDED

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 2 7 1988

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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JUL 2 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 Appropriate a Minimum Stream Flow - Indian Creek

From a recreation standpoint, a justification of the value of maintaining a minimum stream flow in Indian Creek in many cases does not lend itself to hard facts and figures. Nevertheless, the importance of Indian 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 Indian Creek Unit is mainly water-based. While the primary recreation emphasis is on Priest Lake itself, a substantial importance is played by Indian Creek, which currently forms the north and west boundaries of the Indian Creek Unit. In 1984, the Indian Creek Unit served 35,282 visitors. Based on staff observation, verbal and written comments by visitors and in some cases, actual counts, it is estimated that at least half of those visitors had some kind of recreational experience related to the Indian Creek itself.

ESTHETIC VALUES: The esthetic benefits and opportunities to park visitors range from simply enjoying the scenery of a picturesque, meandering forest stream, to watching the wildlife attracted by the creek; from being lulled to sleep at night by the sounds of the stream, to experiencing the peace and quiet of the setting. Esthetics mean different things to different people, but nevertheless are important and must be recognized as a valuable part of the recreation experience.

EDUCATIONAL VALUES: In keeping with the park's classification as a Natural Park, environmental education is one of its major missions. In 1984, 967 park visitors participated in organized environmental education programs. These included a Junior Ranger program for children, guided walks, campfire programs, school classes, and a Campfire Girl Day Camp. The majority of these programs included activities or exercises centered around the Indian Creek and its ecological, geological, and historical significance, making the

JUL 2 7 1988

creek a center of focus in the park's environmental education efforts. As the park develops and grows, we intend for these programs to expand greatly into a more comprehensive and professional undertaking with a greater diversity of learning opportunities and increased visitor attendance.

RECREATION ACTIVITIES: Some of the more common recreation activities that park visitors pursue in or at the Indian Creek include hiking, fishing, photography, cross-country skiing, plant and animal identification, picking berries or mushrooms, etc. Should a minimum flow not be sustained in Indian Creek, most of these activities could be adversely affected, either directly or indirectly. Park staff have long recognized the recreational potential of Indian Creek, and plans for future development of park facilities and programs are directly tied to the creek.

ECONOMIC VALUES: An economic impact survey conducted by park staff in 1983 yielded the information that the average per person expenditure in the local economy by campers was approximately $17.50 per visit. Computing the number of visits for 1984 and multiplying by the per visit dollar figure, we arrive at approximately $96,000 spent in the local economy by park visitors. Certainly the direct impact on this figure that is played by Indian Creek is small. However, in terms of such items as film, fishing supplies, and other miscellaneous expenditures for activities at the Indian Creek, plus the indirect revenues due to extended stays because of the esthetics of Indian Creek, or better fishing than anticipated, etc., the creek surely has a substantial economic impact on the local economy, as well as on park revenues (41,691 in 1984).

ENVIRONMENTAL VALUES: As one of the major tributaries to Priest Lake, Indian Creek certainly has substantial impact on the water quality, fishery population, and wildlife community 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 Indian Creek remain undiminished and of good quality. Establishing a minimum stream flow for the tributary streams is one step towards maintaining or improving water quality.

Indian Creek is recognized by the Idaho Fish & Game Department as one of the important migratory tributary streams for Dolly Varden and Cutthroat Trout populations on Priest Lake. Failure to maintain a minumum flow capable of supporting this population would adversely impact the Priest Lake fishery.

The importance of Indian Creek in sustaining the Whitetail Deer population is also recognized. Failure to maintain a minimum flow could certainly impact this population. And, finally, countless other natural inhabitants in the area, such as raccoon, bobcat, brown bear, chipmunk, etc. depend in varying degrees on Indian Creek to sustain their lives. Again, a less than adequate stream flow would affect these populations.

JUL 2 7 1988

CONCLUSION: For the above stated justifications we would recommend a minimum stream flow be approved from the mouth of Indian Creek at Priest Lake to the confluence of the North and South Forks of Indian Creek, and that the quantity of flow be as requested in the Application for Permit, which is based on findings of the Idaho Dept. of Fish & Game pertaining to the flow necessary to sustain the fishery population.

Larry Townsend

Larry Townsend, Manager
Priest Lake State Park

pw/0066D

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JUL 27 1988

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

JUL 27 1988

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

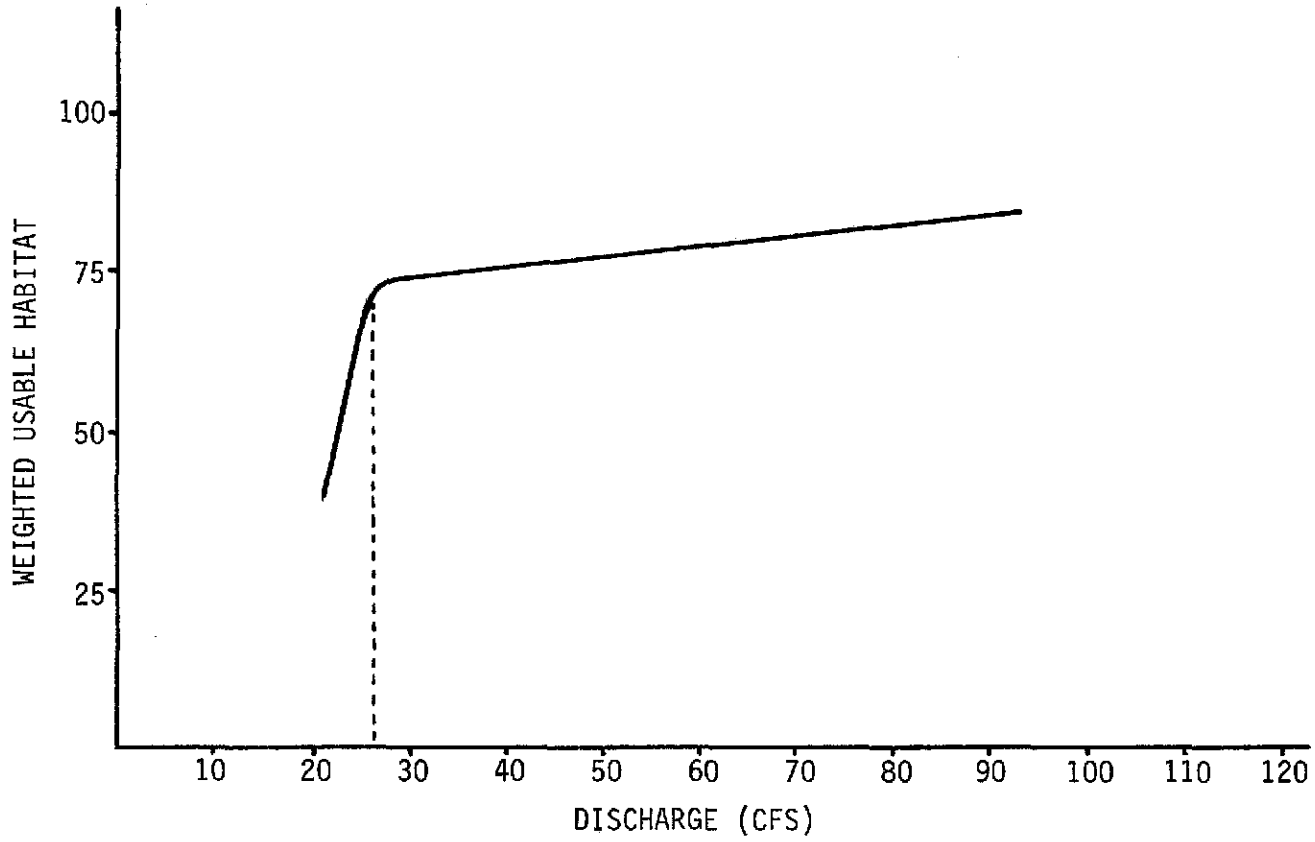
Indian Creek

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

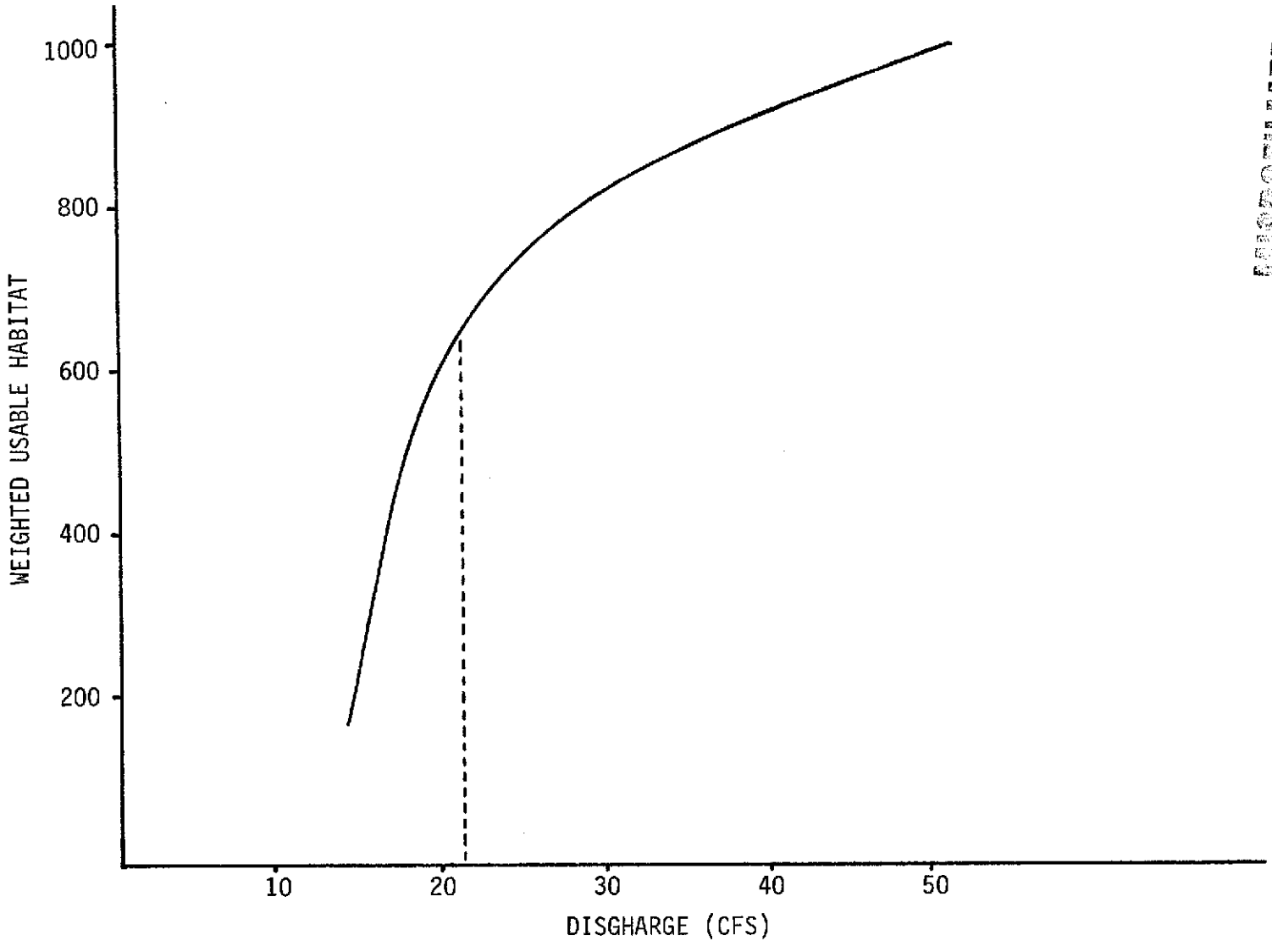
Water depths and velocities were measured for 15 cfs on 8/27/84, 36 cfs on 8/13/82, 48 cfs on 8/11/83 and 78 cfs on 9/30/82. Using juvenile cutthroat trout rearing habitat as the criteria for determining stream resource maintenance flow values, a flow of 22 cfs was selected as the minimum flow necessary to protect fishery values in Lion Creek (Fig. 2) from the mouth upstream to the confluence of the South Fork.

JUL 2 7 1988



JUL 2 7 1988

Figure 1. Weighted usable habitat (juvenile cutthroat trout) versus discharge relationship for Indian Creek, Priest Lake drainage, Idaho.



JUL 2 7 1988

Figure 2. Weighted usable habitat (juvenile cutthroat trout) versus discharge relationship for Lion Creek, Priest Lake drainage, Idaho.

RECEIVED
MAR 11 1983
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,

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JUL 27 1988

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

MICROFILMED
JUL 27 1988

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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JUL 2 7 1988

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.

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 following the hearing are:

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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