

13. 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.

JUN 29 1990

[Signature]

(Applicant)

TIME	HOUR	MINS.	TIME
SZM	PON	SO	SERIE
			Nº
			87.43
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SESE	43	95-4151	5	08-01-1969 SPRING	LA CHAPPELLE
SESE	43	95-7911	L		MAFAND
SESE	01.04.43	95-0434	P	04-02-1979 GROUNDWATER	MUTCHMAN, SR.
				03-07-1984 GROUNDWATER	MUTCHMAN
SESE	01.04.43	95-0452	P		
				07-23-1984 GROUNDWATER	WALKER
					WALKER
SESE	01.43	95-0494	P		
				12-12-1985 GROUNDWATER	POKER
					POKER
SESESE	43	95-0533	P		
				11-07-1986 GROUNDWATER	JESLIN
					JESLIN
34	02 01	95-0440	P		
				07-25-1963 HAYDEN LAKE	LIGHTNER
	06 43	95-0087	P		
				04-01-1968 HAYDEN LAKE	ANDERSON

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06-28-1987

1980 DEPARTMENT OF WATER RESOURCES WATER RIGHTS BY POINT OF DIVERSION									
TWN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	PRIORITY	APPLG SOURCE OF WATER	LAST NAME
52N	83W	34			06 43	95-0060	05-29-1967	HAYDEN LAKE	BURRIS
					06 43	95-0060	05-20-1965	HAYDEN LAKE	CHANNTRY
					06 43	95-0230	07-01-1962	HAYDEN LAKE	HC CLAIN
					06 43	95-0244	06-01-1964	HAYDEN LAKE	HADSEN
					06 43	95-0442	05-20-1959	HAYDEN LAKE	JACKSON
					07 43	95-0074	06-11-1940	HAYDEN LAKE	COLE
					07 43	95-0133	06-16-1962	HAYDEN LAKE	FOX
					07 43	95-0147	06-01-1994	HAYDEN LAKE	GOETZMAN
					07 43	95-0231	06-01-1963	HAYDEN LAKE	LAMB
					07 43	95-0269	04-01-1960	HAYDEN LAKE	MOORE MOORE
					07 43	95-0335	07-01-1959	HAYDEN LAKE	SEBO
					07 43	95-0375	07-01-1967	HAYDEN LAKE	TAPSCOTT
					07 43	95-0404	06-21-1961	HAYDEN LAKE	WITTENBROCK
					08 43	95-0029	07-15-1957	HAYDEN LAKE	BERGH
					08 43	95-0153	07-01-1951	HAYDEN LAKE	GREEN
					08 43	95-0247	06-30-1959	HAYDEN LAKE	MILMQUIST
					08 43	95-0403	07-01-1963	HAYDEN LAKE	WISEMAN
					0800 02	95-7544			ALEXANDER
					NESH 06 43	95-0306	08-01-1949	HAYDEN LAKE	POL
					NESH 43	95-7206	08-10-1972	HAYDEN LAKE	CARLSON
					NESH 43	95-7545	06-27-1975	HAYDEN LAKE	SHYDEN
					NASH 02 43	95-7625	05-11-1976	HAYDEN LAKE	FORSTER
					NESH 08 43	95-7144	05-17-1971	HAYDEN LAKE	MURPHYEYS MURPHYEYS
					SHSE 08 43	95-4256	06-01-1949	SPRINGS	POL

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06/29/1987

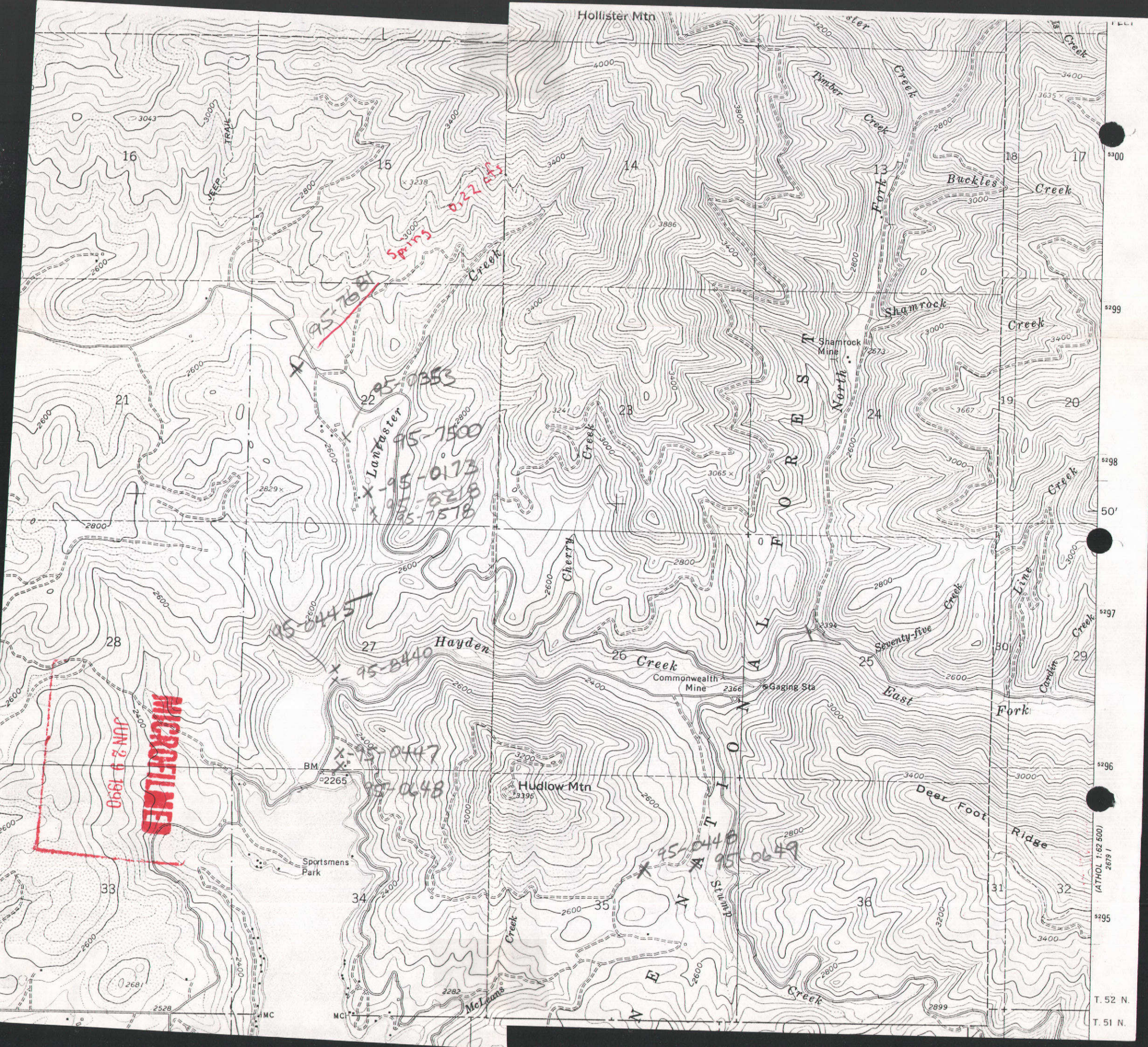
IDAHO DEPARTMENT OF WATER RESOURCES										PAGE 2405	
WATER RIGHTS BY POINT OF DIVERSION										06/28/1987	
THIN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME	DATE
52N	03W	34	SESE	43		95-7724	L		05-04-1977 SPRING	PALMER	
			SESE	43		95-7725	L		05-04-1977 SPRING	PALMER	
		35	SHHE	01		95-0448	S		01-23-1908 SPRING	REVELL	
			SENE	04		95-0649	S		01-23-1908 STUMP CREEK	REVELL	
52N	04W	02	HEHH	01,43		95-2043	S		04-17-1911 UNNAMED STREAM	HEMMS	
			SHSH	43		95-4606	S		05-11-1961 GROUNDWATER	LOFTIN	
			SHSH	43		95-0470	L		05-02-1905 GROUNDWATER	LOFTIN	
			HEHSE	01,43		95-0498	S		01-31-1906 GROUNDWATER	HEMMS, III	
		05	HEHSH	06 01		95-0530	P		10-10-1906 THIN LAKES	HAUSEN	
			HESE	43		95-0101	S		06-01-1953 THIN LAKES	WILBARK	
			SHSE	43		95-0101	S		06-01-1953 THIN LAKES	WILBARK	
			SHSE	43		95-0100	S		06-01-1953 THIN LAKES	SITHERMAN	
			SHSE	01,49		95-4282	S		06-01-1953 LOWER THIN LAKES	WILSON COWD	
			SHSE	43		95-4680	S		06-01-1927 GROUNDWATER	WILSON	
			SHSE	00 43		95-0899	S		06-01-1925 THIN LAKES	SMITH	
			SHSE	00 43		95-4290	S		05-30-1932 THIN LAKES	WALTON	
		06	HEHE	01 43		95-0823	S		05-01-1945 THIN LAKES	TURNBROUGH	
			HEHE	01 43		95-0890	S		05-01-1945 SPRING	TURNBROUGH	

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LONG HISTORY OF WATER RESOURCES

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102192



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

ss.

Danna H. Higgins being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *legal notices* of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *days* commencing on the *28th* day of *Sept.* 19*89*, and ending on the *29th* day of *Sept.* 19*89*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Subscribed and sworn to before me this *28* day of *Sept.* 19*89*

MICROFILMED

JUN 29 1990

Roberta Manley

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

ROBERTA MANLEY
My commission expires *2-3-92*

RECEIVED

SEP 29 1989

**NORTHERN REGION
IDWR**

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-8630

June Cadwalader Rt. 3 Box 62 Hayden Lake, Id. 83835 Source: Spring Tributary: Sinks Diversion Pt: NENWNW Sec. 28 T52N R03W Use: Domestic (0.04 CFS) Date Filed: 8/30/1989 In: T52N R03W Sec. 28 NWNW

For additional information concerning the property location, call the Northern Regional office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before OCTOBER 10, 1989.

**R. KEITH HIGGINSON, Director
NOTICE OF HEARING FOR
APPLICATION FOR
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows: Application No.: 95-8560 Source: Hayden Creek Proposed Priority: October 16, 1987 Amount & Period of Use: 4.0 cfs from 01/01 through 02/29; 20.0 cfs from 03/01 through 06/30; 4.0 cfs from 07/01 through 12/31. Purpose of Minimum flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources. Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights. R. KEITH HIGGINSON, Director
Legal 772 Sept. 21, 28, 1989

IDAHO DEPARTMENT OF FISH AND GAME

Jerry M. Conley, Director

FEDERAL AID TO FISH AND WILDLIFE RESTORATION

Job Performance Report

Project F-71-R-7



REGIONAL FISHERY MANAGEMENT INVESTIGATIONS

- Job 1-a. Region 1 Mountain Lakes Investigations
- Job 1-b. Region 1 Lowland Lakes Investigations
- Job 1-c. Region 1 Stream Investigations
- Job 1-d. Region 1 Technical Guidance

by

MICROFILMED

Gregg Mauser
Regional Fishery Manager

Ned Horner
Regional Fishery Biologist

1983

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08560

Priority: October 16, 1987

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 October 16, 1987; and
has submitted Proof of Beneficial Use on March 22, 1991. A minimum stream flow in

HAYDEN CREEK tributary to **HAYDEN LAKE**

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	01/01 to 02/29	4.00 CFS
MINIMUM INSTREAM FLOW	03/01 to 06/30	20.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 12/31	4.00 CFS

LOCATION OF MINIMUM FLOW REACH:

Beginning of Stream Flow Reach	SENW , Sec. 25, Township 52N, Range 03W
End of Stream Flow Reach	Lot 1 (NENW), Sec. 34, Township 52N, Range 03W KOOTENAI County

CONDITIONS/REMARKS:

1. This right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with a priority of the water right dated earlier than 10/16/87, the priority date of this right.
4. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Hayden Creek, such measuring devices shall be permanently installed as specified by the Department.

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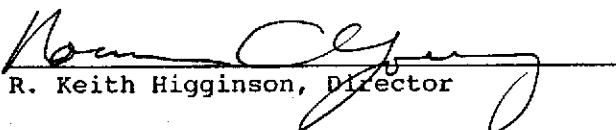
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 95-08560

CONDITIONS/REMARKS:

5. The Director retains jurisdiction to review and amend any and all parameters of this right. 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 parties seeking the amendment to establish that the amendment of the right would be in the public interest.
6. This minimum stream flow begins at the confluence of Hayden Creek and the North Fork of Hayden Creek in the SENW, S25, T52N, R3W, downstream approximately three (3) miles to the mouth of Hayden Creek where it flows into Hayden Lake in Lot 1 (NENW), S34, T52N, R3W.

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 11TH day of OCTOBER, 1994.


Acting for R. Keith Higginson, Director

RECEIVED
OCT 11 1994

RECEIVED
MAR 22 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Received by _____

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 95-8560 Telephone No. 327-7900

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

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

4. Source of Water: Hayden Creek

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

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

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Minimum streamflow

6. Total rate and/or volume for which proof is submitted * cfs N/A acre/feet

* 4.0 cfs, 7/1 through 2/29; 20.0 cfs, 3/1 through 6/30.

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

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

OR

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

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

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

Bill Graham

327-7966

Name

Telephone No.

IDWR, 1301 N. Orchard, Boise, ID 83720

Address

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

3/22/91
Date

F. Don Gylalef
Signature (and title if on behalf of a company or organization)

Chairman, IWRB

NOV 01 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	ORDER ADOPTING
PERMIT NO. 95-8560 TO ESTABLISH	)	PROPOSED MEMORANDUM
A MINIMUM STREAMFLOW IN HAYDEN	)	DECISION AND ORDER
CREEK IN THE NAME OF THE IDAHO	)	
WATER RESOURCE BOARD	)	

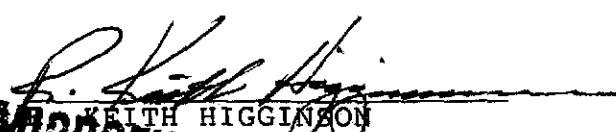
A Proposed Memorandum Decision and Order in the above-captioned matter has been issued and a copy served on the parties;

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.

Dated this 29TH day of DECEMBER, 1989.


KEITH HIGGINSON
MICROFILMED

JUN 29 1990

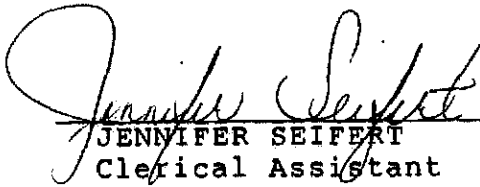
CERTIFICATE OF MAILING

I hereby certify that on the 29th day of December, 1989, I mailed a true and correct copy, postage prepaid, of the Order Adopting Proposed Memorandum Decision and Order to the following individuals:

Idaho Department of Fish and Game
c/o Stephen V. Goddard
600 South Walnut
P.O. Box 25
Boise, ID 83707

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

Wayne Haas
Idaho Water Resource Board


JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

JUN 29 1990

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

IN THE MATTER OF PERMIT NO. 95-8560 IN
THE NAME OF THE IDAHO WATER RESOURCE BOARD
TO ESTABLISH A MINIMUM STREAMFLOW IN
HAYDEN CREEK

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

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

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

I.
EXCEPTIONS

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

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

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

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

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JUN 29 1990

III.

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

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

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, 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

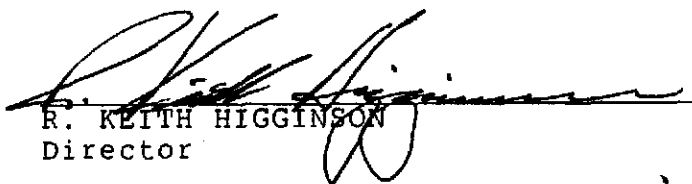
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

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 1st day of December, 19 89.


R. KEITH HIGGINSON
Director

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JUN 29 1990

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

IN THE MATTER OF PERMIT NO. 95-8560	)	
	)	
IN THE NAME OF THE IDAHO WATER	)	
	)	PROPOSED MEMORANDUM
RESOURCE BOARD TO ESTABLISH A MINIMUM	)	DECISION AND ORDER
	)	
STREAMFLOW IN HAYDEN CREEK	)	

On October 16, 1987, the Idaho Water Resource Board (Board) filed with the Idaho Department of Water Resources (Department) an application for permit to establish a minimum streamflow on Hayden Creek, tributary to Hayden Lake, located in Kootenai County. The application was filed in coordinance with the provisions of Chapter 15, Title 42, Idaho Code.

A public meeting was conducted by the Board on October 20, 1988, for the purpose of determining local public interest in the application. Following the public information meeting, the Board requested the Director of the Department to proceed with administrative action on the application.

Notice describing the proposed application and setting the time and place for the required hearing was published on September 21 and 28, 1989, in The Lewiston Morning Tribune, The Idaho Statesman, The Post-Register, Coeur d'Alene Press, and Times News. The public hearing was held in the Cooperative Extension Service Building in Coeur d'Alene, Idaho, on October 11, 1989.

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JUN 20 1990

Parties appearing in a formal capacity included the Board and the Idaho Department of Fish and Game (Fish and Game).

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

FINDINGS OF FACT

1. Application for permit no. 95-8560 proposes to appropriate a minimum streamflow in a reach of Hayden Creek beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, T52N, R3W, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, T52N, R3W, B.M., Kootenai County. The application proposes a flow rate of 4.0 cfs from January 1 through February 29, 20.0 cfs from March 1 through June 30, and 4.0 cfs from July 1 through December 31.

2. The purpose of the minimum streamflow application is to preserve fish habitat.

3. Streamflows have been measured and recorded within the minimum streamflow reach at a gauging station located just downstream from the upstream end of the minimum streamflow reach. Flow data indicates that flows in Hayden Creek have always exceeded 4.0 cubic feet per second. The data also shows that streamflows during the period from March 1 through June 30, have exceeded 20.0 cubic feet per second 79% of the time.

4. Additional flows added to Hayden Creek from Stump Creek and Lancaster Creek will also increase the flows in Hayden Creek.

5. Diversion of water under existing water rights occurs within the minimum streamflow reach and in tributaries to the minimum streamflow reach. Diversions from the tributaries to the minimum streamflow reach should not affect flows since the tributaries flow into Hayden Creek below the stream gauge.

6. Water right no. 95-08440 authorizes diversion of 0.52 cfs near the mouth of Hayden Creek. Two other water rights, 95-00447 and 95-00648, authorize the diversion of 0.28 cfs from springs near the mouth of Hayden creek. These rights combined together, authorize the diversion of 0.80 cfs. The minimum streamflow will not affect these earlier in time water rights. The earlier in time rights are small enough that diversion will not impact the minimum streamflow.

7. Hayden Creek is an important spawning stream for trout residing in Hayden Lake. Maintenance of a minimum streamflow is crucial for spawning and rearing of young fish.

8. Expert testimony by Fish and Game personnel established that 4.0 and 20.0 cfs during the respective periods of use would not be an optimum flow, but is a true minimum flow necessary for fish spawning and rearing in Hayden Creek.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that streamflow preservation for the protection of fish habitat, made pursuant to this statute, is in the public interest and is declared to be of 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 streamflow:

Upon the conclusion of the hearings 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 streamflow:

(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 streamflow filed under the provisions of this act;

(b) is in the public, as opposed to the private, interest;

(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;

(d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and,

(e) is capable of being maintained as evidenced by records of streamflows and water levels and the existing and future establishment of necessary gauging stations and bench marks.

3. Any right to be acquired under this application for instream non-consumptive use is subject to all vested water rights, permits or water right applications having dates of priority earlier than the date of priority of this application, October 16, 1987.

4. The proposed minimum streamflow appropriation is necessary to preserve fish habitat.

5. The minimum streamflow is in the interest of the public as opposed to the private interest.

6. A flow rate of 4.0 cubic feet per second from January 1 through February 29, 20.0 cfs from March 1 through June 30, and

4.0 cfs from July 1 through December 31, is a true minimum flow rate and is not the optimum flow for preservation of fish habitat.

7. The proposed minimum streamflow is capable of being maintained.

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

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

ORDER

IT IS HEREBY ORDERED that application for permit no. 95-8560 is APPROVED subject to the following conditions:

1. Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than October 16, 1987, the priority date of this permit.

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

MICROFILMED

JUN 29 1990

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

4. Proof of instream beneficial use of the minimum streamflow appropriation may be submitted immediately following final approval of the permit.

5. 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 request with the Board, which request shall include the amendment sought, the reasons for the amendment, and a statement of the change in circumstances since the 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 Director of the Department of Water Resources. The Board may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the

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JUN 29 1990

hearing shall be upon the person or party seeking the amendment to establish that amendment of the permit or license would be in the public interest.

Dated this 30th day of November, 1989.


GARY SPACKMAN
Hearing Officer
Department of Water Resources

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JUN 29 1990

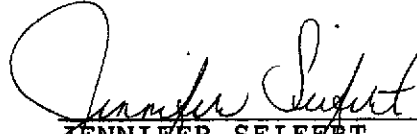
CERTIFICATE OF MAILING

I hereby certify that on this 1st day of December, 1989, I mailed a true and correct copy of this Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

Idaho Department of Fish & Game
c/o Stephen V. Goddard
600 South Walnut
P.O. Box 25
Boise, ID 83707

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

Wayne Haas
Idaho Water Resource Board


JENNIFER SEIFERT
Clerical Assistant

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JUN 29 1990

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OCT 16 1987

Form 202
6/85

Ident. No. 95-8560

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resources Board Phone 334-4440
Post office address Statehouse, Boise, Idaho 83720
2. Source of water supply Hayden Creek which is a tributary of Hayden Lake
3. Location of point of diversion is reach (NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of 1 Govt. Lot 1
Sec. 34 Township 52N Range 3W B.M. Kootenai County, ~~additional~~
upstream to the
~~points of diversion if any:~~ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T52N, R3W, B.M., Kootenai County.
4. Water will be used for the following purposes:
Amount 4.0 cfs for Fish Habitat purposes from 01-01 to 02-29 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20.0 cfs for Fish Habitat purposes from 03-01 to 06-30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 4.0 cfs for Fish Habitat purposes from 07-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 20.0 cubic feet per second and/or (b) acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. None
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is feet.
 - d. Is ground water with a temperature of greater than 90°F being sought?
7. Time required for the completion of the works and application of the water to the proposed beneficial use is Five years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. To maintain rainbow and cutthroat trout spawning and rearing habitat from the point of requested flow upstream to the confluence of the North Fork of Hayden Creek.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

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 _____

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

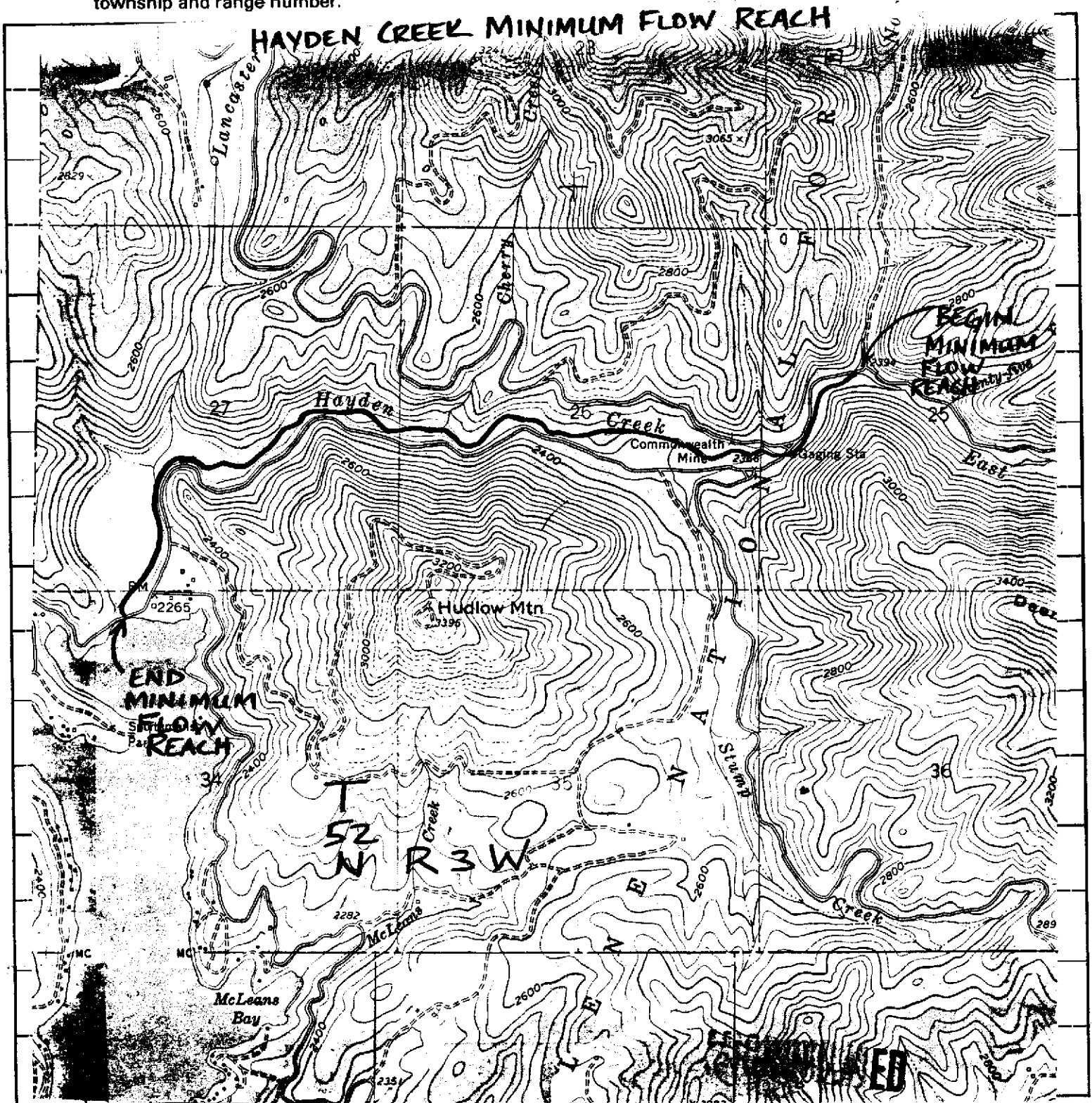
11. a. Who owns the property at the point of diversion? N/A

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. _____

12. Remarks: This proposed minimum streamflow would begin at the mouth of Hayden Creek where it flows into Hayden Lake and extend upstream to the confluence of Hayden Creek and the North Fork of Hayden Creek, a distance of approximately three (3) miles.

13. 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.

JUL 3 9 1990

[Signature]
(Applicant)

0661 6 2 NOV

R. KEITH HIGGINSON

Received by	ALW 6.5.	Date	10-15-87	Time	11:40a	Preliminary check by	
Received by	DRK 6.5.	Date	10-21-87	Time	2:00 PM		
Received by		Date	10-16-87	Time	10:00A		
Received by		Date	10-15-87	Time	11:40a		
Fee \$		#					
Publication prepared by		Date	7/13/87			Published in	
Publication approved by		Date	1/8/26/87				

Instream flow request for maintenance of game fish habitat in Hayden Creek from Hayden Lake upstream to the North Fork of Hayden Creek.

NAME OF STREAM: Hayden Creek, a tributary to Hayden Lake.

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

Kootenai County, (Mouth) SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 27, T52N, R3W

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND:

1 January - 29 February:	4.0 cfs	
1 March - 30 June:	20.0 cfs*	Flow records indicate we can't meet
1 July - 31 December:	4.0 cfs	20.0 cfs request in July

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:

To maintain cutthroat trout habitat from the point of requested flow upstream to the North Fork of Hayden Creek, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 25, T52N, R3W

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

AS ABOVE.

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

The requested flow is an instream use and will be subject to all water rights, permits or application of earlier dates of priority.

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

The above requested flow is for instream non-consumptive use to support fish and wildlife for the State of Idaho and its general public.

EVIDENCE OR JUSTIFICATION THAT THE APPROPRIATION IS NECESSARY FOR THE PURPOSE SHOWN ABOVE:

During 1978, personnel from the Idaho Department of Fish and Game collected field data for use with instream flow methodologies to determine flows for fish and wildlife resources. Flow recommendations are presented in the following report:

Horton, W.D. and T. Cochnauer. Instream flow methodology evaluation, biological criteria determination, and water quantity needs for selected Idaho streams. Western Water Allocation Project Contract No. 14-16-0001-77090. Idaho Department of Fish and Game.

EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL OR MOST DESIRABLE:

The ideal would be bankfull discharge. Flows for the period of record (1948-1987) for USGS Gauge No. 12416000 indicates mean monthly flows for the period July through February averaged 16.0 cfs (range 5.26 to 41.70 cfs). We are requesting 4.0 cfs. Mean monthly flows for the period March through June averaged 57.0 cfs (range 24.70 to 83.80 cfs).

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Figure A-3 Continued.

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

USGS staff gauge records for 29 years. (1948 - Present)

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

None. USGS gauge No. 12416000 located on Hayden Creek 0.3 miles
downstream from confluence of North Fork of Hayden Creek.

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JUN 29 1990

30-Sep-1987

SOURCE: HAYDEN CREEK

TRIBUTARY: HAYDEN LAKE

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

WR-NUMBER:
95-8440

CURRENT OWNER:
WAYNE MANIS
P.O. BOX 368
COEUR D ALENE, ID 83814

PRIORITY DATE:
29-May-1984

STAGE:
PERMIT

COUNTY: KOOTENAI
SOURCE: HAYDEN CREEK

TRIBUTARY: HAYDEN LAKE

WATER DISTRICT: 95A

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

IRRIGATION
STOCKWATER
DOMESTIC

0.460 CFS
0.020 CFS
0.040 CFS
TOTAL RATE: 0.520 CFS

0.00 AF
0.00 AF
0.00 AF
TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION: T52N R03W S27 NESW

PLACE OF USE: T52N R03W S27 NESW AC 10
T52N R03W S27 SESW AC 13
TOTAL ACRES: 23

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JUN 29 1990



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

M E M O

TO: Gary Spackman

DATE: October 1, 1987

FROM: Alan Robertson *AR*

SUBJECT: Hayden Creek Instream Flow Request

Based upon records for the Hayden Creek below North Fork gage, which is at the upper end of the flow request reach, the following comparisons can be made:

<u>Month</u>	<u>Requested Flow (cfs)</u>	<u>Percent of Time Requested Flow is Exceeded</u>
Jan	4	97
Feb	4	99+
Mar	20	89
Apr	20	94
May	20	90
Jun	20	53
Jul	4	99
Aug	4	92
Sep	4	90
Oct	4	90
Nov	4	95
Dec	4	96

The requested flows are exceeded a somewhat higher percentage of the time at the lower end of the reach. The above is based upon records from 1948 to 1985.

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JUN 29 1990

[illegible][illegible][illegible]

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SEP 01 1987

no record of
Department of Water Resources

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 Resources Board Phone 384-2215

Post office address Statehouse, Boise, Idaho 83720

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 52N

Range 3W B.M. Kootenai County, additional points of diversion if any: _____

(Need description for mouth) _____

4. Water will be used for the following purposes:

Amount 4.0 cfs for instream flow purposes from 01-01 to 02-29 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 200 cfs for instream flow purposes from 03-01 to 06-30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 4.0 cfs for instream flow purposes from 07-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. None

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

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

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

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

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 52N

Range 3W B.M.

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

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

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

(5) If water is to be used for other purposes describe: To maintain rainbow and cutthroat trout spawning and rearing habitat from the point of requested flow upstream to the confluence of the North Fork of Hayden Creek.

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applicant to make this filing

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

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

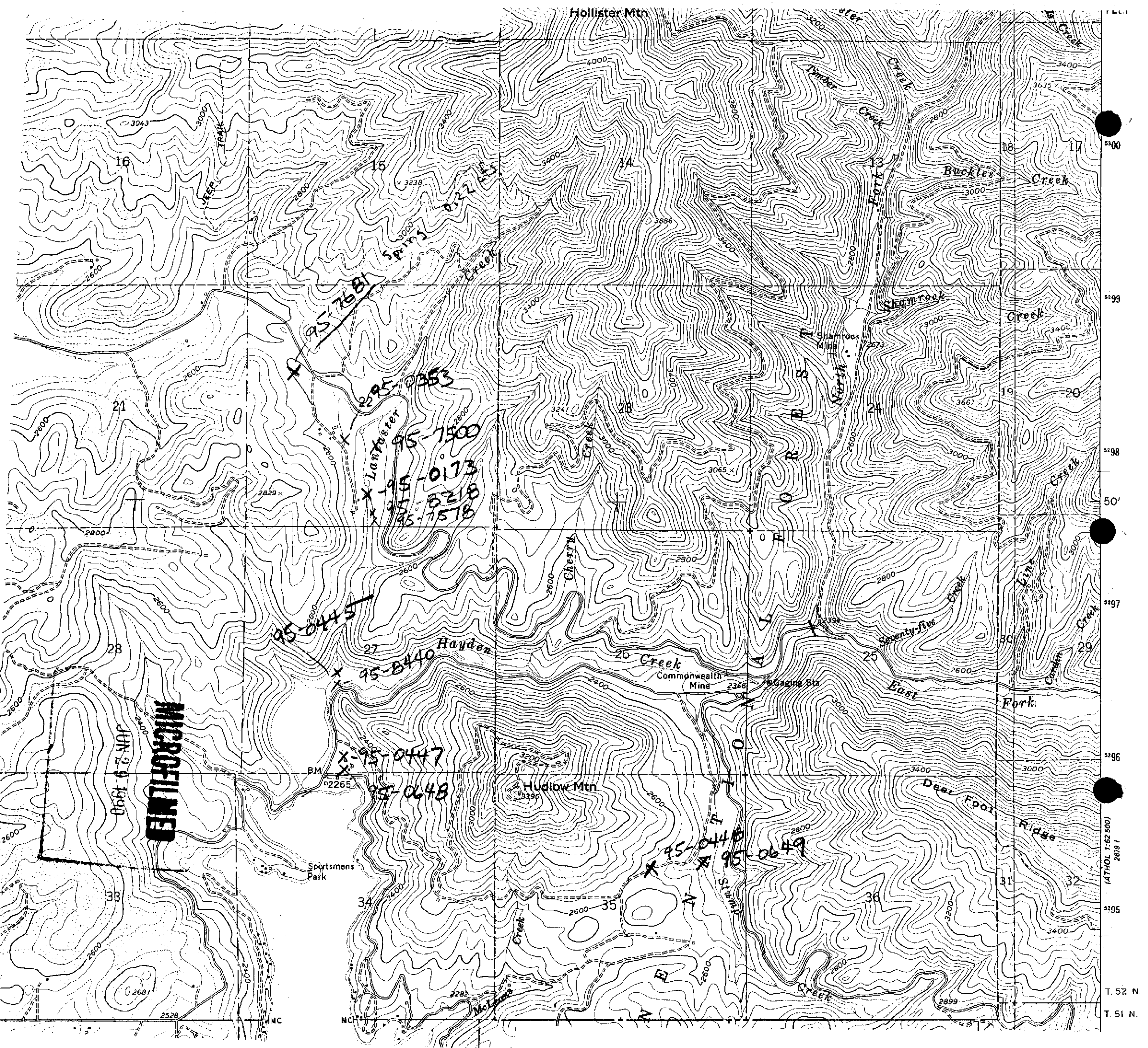
9. a. Who owns the property at the point of diversion

c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated

TWP	RANGE	SEC.	NE%				NW%				SW%				SE%			
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%

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



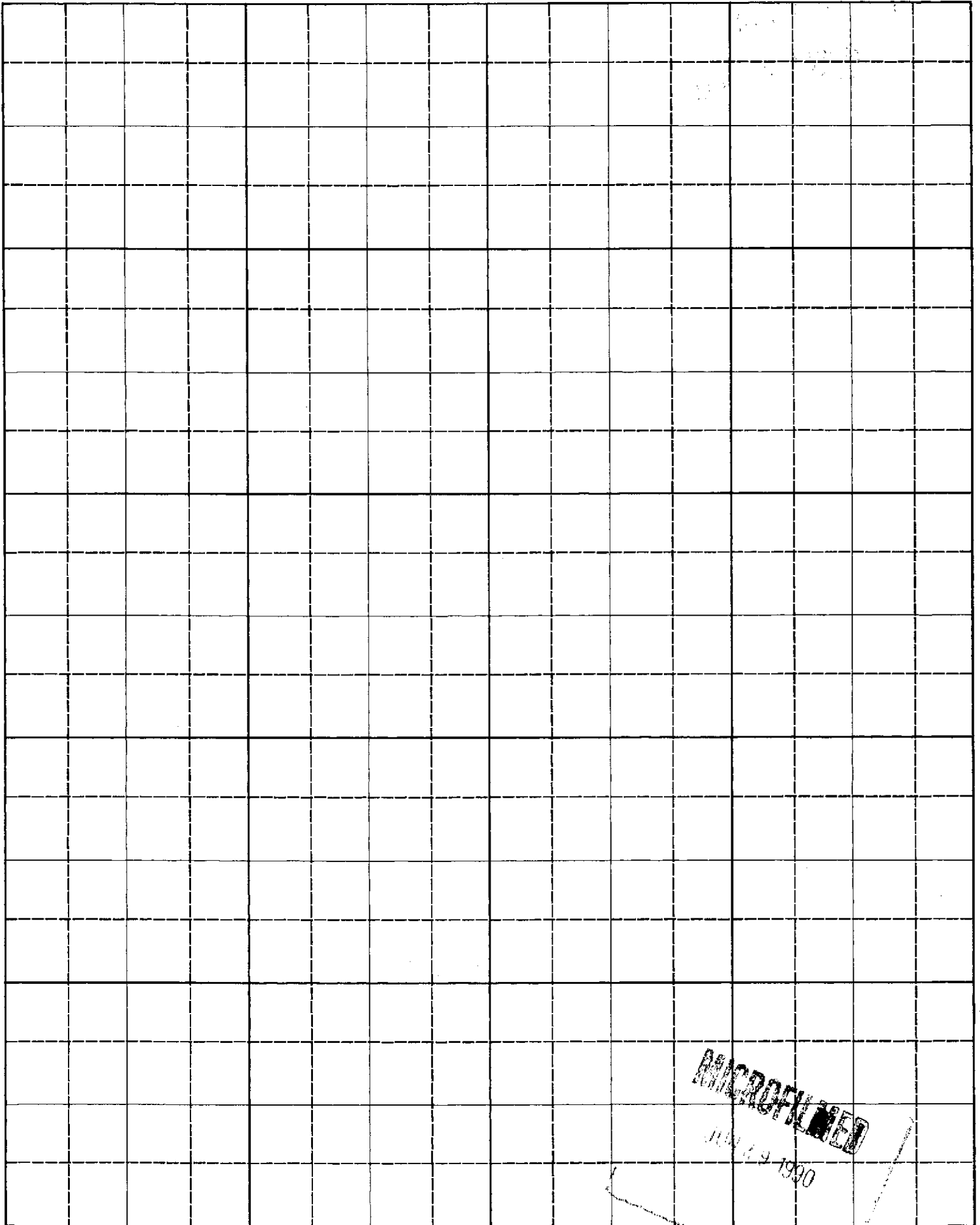
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JUN 29 1960

(ATHOL 1:62 500)
2673 1

T. 52 N.
T. 51 N.

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.

(Applicant)

Received by JF Date 9-1-87 Time 9:05

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

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: _____

Witness my hand this _____ day of _____, 19 ____.

Director

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JUN 28 1990

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OCT 16 1989

The Idaho Statesman

Department of Water Resources

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

70.20

Account Name State of Idaho Department of Water Resources		Northern		Account Number 100631	
Address 1910 Northwest Blvd., Suite 210		City/State Coeur d'Alene, Idaho		Zip 83814	
Ordered By Patricia Stypa	P.O. Number	Rate nt	Run Dates 1989 September 21, 28		
Identification Notice of Hearing Application for Minimum Streamflow 95-8560			Estimated Inches	Real Inches	
1 Number of Affidavits Requested			Legal Number 3694		

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OCT 04 1989

NORTHERN REGION
IDWR

Debbie Richards

, 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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 21, 1989

and ending with the issue of September 28, 1989

Debbie Richards

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 28th day of September 1989, before me, a Notary Public, personally appeared Debbie Richards

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 12/89

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows: Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use:

4.0 cfs from 01/01 through 02/29,

20.0 cfs from 03/01 through 06/30,

4.0 cfs from 07/01 through 12/31.

Purpose of Minimum Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Resources prior to the hearing.

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

R. KEITH HIGGINSON

Director

Pub. Sept. 21, 28, 1989

3694

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JUN 29 1990

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**

Date 092889 Invoice No. LOD175498
Account No. 95475 -8560
Description 75498NOTIC
Times 2 Lines 71
Tab Lines _____

SOLD TO:

DEPT. OF WATER RESOURCES
4055 GOVERNMENT WAY
COEURD'ALENE
ID 83814

\$ 71.00

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.

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AFFIDAVIT OF PUBLICATION

**NOTICE OF HEARING FOR
APPLICATION FOR
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source:

Hayden Creek

Proposed Priority:

October 16, 1987

Amount & Period of Use:

4.0 cfs from 01/01 through 02/29;

20.0 cfs from 03/01 through 06/30;

4.0 cfs from 07/01 through 12/31.

Purpose of Minimum Flow:

To preserve fish and wildlife habitat.

Place of Use:

The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a hearing regarding the application for the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON, Director

OCT 06 1989

STATE OF IDAHO, ss.
County of Nez Perce

Department of Water Resources

Sue Baumeister

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 HEARING FOR APPL

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 092189 WEEK for 2 consecutive WEEKS, the first publication thereof being on the 092189, and the last publication thereof being on the 092889, and said

NOTICE OF HEARING FOR APPL

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.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 28 day of September 1989

Michael D. Lintz

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

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JUN 29 1990

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM STREAMFLOW
Notice is hereby given
that the Idaho Water Re-
source Board submitted
an application for permit to
appropriate water to the
Department of Water Re-
sources on October 16,
1987, proposing to appro-
priate water for a minimum
streamflow in Hayden
Creek tributary to Hayden
Lake. The application is
further described as fol-
lows:

Application No. 95-
8560

Source: Hayden Creek
Proposed Priority: Oc-
tober 16, 1987

Amount & Period of
Use: 4.0 cfs from 01/01
through 02/29; 20.0 cfs
from 03/01 through
06/30; 4.0 cfs from
07/01 through 12/31.

Purpose of Minimum
Flow: To preserve fish
and wildlife habitat.

Place of Use: The por-
tion of Hayden Creek
flowing in the following
tracts:

Beginning at the con-
fluence of Hayden
Creek and the North
Fork of Hayden Creek,
located in the SE 1/4 NW 1/4
Section 25, Township
52 North, Range 3
West, B.M., and ex-
tending downstream
approximately three (3)
miles to the confluence
of Hayden Creek and
Hayden Lake, located
in Government Lot 1
(NE 1/4 NW 1/4), Section
34, Township 52 North,
Range 3 West, B.M.,
Kootenai County.

The Director of the
Department of Water
Resources will hold a
public hearing regard-
ing the application in
the Cooperative Exten-
sion Service Building,
106 Dalton Avenue,
Coeur d'Alene, Idaho,
beginning at 9:00 a.m.
on Wednesday, Octo-
ber 11, 1989. The
hearing will be held
pursuant to the provi-
sions of Section 42-
1503,

Idaho Code.

Any party who wishes
to formally appear in
this proceeding for the
purpose of presenting
evidence or cross ex-
amining witnesses
should file a notice of
appearance with the di-
rector of the Depart-
ment of Water Re-
sources, Statehouse
Mail, 4055 Government
Way, Coeur d'Alene,
Idaho 83814, five (5)
days prior to the hear-
ing. Other parties will
be given an opportu-
nity to informally
present their views and
comments without filing
a notice of appear-
ance. Written informal
views and comments
may also be submitted
to the Department of
Water Resources prior
to the hearing.

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

R. Keith Higginson
Director

PUBLISH: Thursday,
September 21 and 28,
1989.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 20373

I, Linda Copps McQuinn 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 Two consecutive weeks,
commencing with the issue dated September 21, 1989,
and ending with the issue dated September 28, 1989.

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 ex-
cept 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.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 6 day of October in the year of 1989,
I, Linda Copps McQuinn, personally appeared Linda Copps McQuinn,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

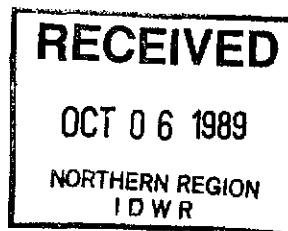
My commission expires:

Shava R. Feltman
Twin Falls County
5/19/94

RECORDED
OCT 23 1989
NORTHERN REGION
JUL 26 1989

Proof of Publication

The Post-Register



State of Idaho, }
County of Bonneville } ss

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman 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 21st day of September, 1989, last publication having been made on the 28th day of September, 1989, 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.

Subscribed and sworn to before me, this 3rd day of October, 1989.

Ted Delezene
Deon K. Papen
Notary Public

My commission expires September 30, 1994.

B10

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resources Board submitted an application for permit to appropriate water to the Department of Water resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use: 4.0 cfs from 01/01 through 02/29, 20.0 cfs from 03/01 through 06/30, 4.0 cfs from 07/01 through 12/31.

Purpose of Minimum Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water

Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 400 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON, Director
Published: September 21, 28, 1989

MICROFILMED
JUN 29 1990

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

70.20

Account Name State of Idaho Department of Water Resources		Northern		Account Number 100631	
Address 1910 Northwest Blvd., Suite 210		City/State Coeur d'Alene, Idaho		Zip 83814	
Ordered By Patricia Stypa	P.O. Number	Rate nt	Run Dates 1989 September 21, 28		
Identification Notice of Hearing Application for Minimum Streamflow 95-8560			Estimated Inches		Real Inches
1 Number of Affidavits Requested			RECEIVED OCT 04 1989 NORTHERN REGION IDWR		Legal Number 3694

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use:

4.0 cfs from 01/01 through 02/29,

20.0 cfs from 03/01 through 06/30,

4.0 cfs from 07/01 through 12/31.

Purpose of Minimum Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Resources prior to the hearing.

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

R. KEITH HIGGINSON

Director

Pub. Sept. 21, 28, 1989

3694

Debbie Richards, 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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 21, 1989

and ending with the issue of September 28, 1989

STATE OF IDAHO)

COUNTY OF ADA)

ss.

JUN 29 1990

On this 28th day of September in the year of 1989, before me, a Notary Public, personally appeared Debbie Richards

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 12/89

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 092889 INVOICE No. L00175498

Account No. 96475 8560

Description 75498NOTIC

Times 2 Lines 71

Tab Lines

**LEGAL ADVERTISING
INVOICE**

\$ 71.00

RECEIVED

OCT 03 1989

NORTHERN REGION
IDWR

DEPT. OF WATER RESOURCES
4055 GOVERNMENT WAY
COEURDALENE
ID 83814

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.

AFFIDAVIT OF PUBLICATION

**NOTICE OF HEARING FOR
APPLICATION FOR
MINIMUM STREAMFLOW**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source:

Hayden Creek

Proposed Priority:

October 16, 1987

Amount & Period of Use:

4.0 cfs from 01/01 through 02/29;

20.0 cfs from 03/01 through 06/30;

4.0 cfs from 07/01 through 12/31.

Purpose of Minimum Flow:

To preserve fish and wildlife habitat.

Place of Use:

The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON, Director

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, 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 HEARING FOR APPL

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication beginning on 092189

WEEK for 2 consecutive WEEKS, the first publication thereof being on the 092189, and the last publication thereof being on the 092889, and said

NOTICE OF HEARING FOR APPL

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.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 28

day of September 1989

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Dennis H. Higgins being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal notices
of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *days* commencing on the *28* day of *Sept.* 1989, and ending on the *28* day of *Sept.* 1989, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Dennis H. Higgins
Subscribed and sworn to before me this *28* day of *Sept.* 1989.

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-8630

June Cadwalader Rt. 3 Box 62 Hayden Lake, Id. 83835 Source: Spring Tributary: Sinks Diversion Pt: NENWNW Sec. 28 T52N R03W Use: Domestic (0.04 CFS) Date Filed: 8/30/1989 In: T52N R03W Sec. 28 NWNW

For additional information concerning the property location, call the Northern Regional office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before OCTOBER 10, 1989.

R. KEITH HIGGINSON, Director NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water resources on October 18, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows: Application No.: 95-8630 Source: Hayden Creek Proposed Priority: October 16, 1987 Amount & Period of Use: 4.0 cfs from 01/01 through 02/29; 20.0 cfs from 03/01 through 06/30; 4.0 cfs from 07/01 through 12/31. Purpose of Minimum flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights. R. KEITH HIGGINSON, Director
Legal 772 Sept. 21, 28, 1989

RECEIVED

SEP 29 1989

NORTHERN REGION
IDWR

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Taura Leth being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 3 consecutive weeks commencing on the 6 day of October, 1988, and ending on the 13 day of October, 1988, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Subscribed and sworn to before me this

13

day of

October

1988

Roberta M. Mendenhall
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

Idaho Department of Water Resources
Technical District Office

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an Application for Permit to the Department of Water Resources proposing to appropriate water for a minimum streamflow in Hayden Creek, tributary to the Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use:

4.0 cfs from 01/01 through 02/29

20.0 cfs from 03/01 through 06/30

4.0 cfs from 07/01 through 12/31

Purpose of Minimum In-stream Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M.

The Idaho Water Resource Board will hold a public meeting regarding the application on October 20, 1988, at 7:30 p.m., in Coeur d'Alene, Idaho at the Technical Services Meeting Room, Kootenai County Technical Services Building, 501 Government Way. The purpose of the meeting is to gather information on the public interest regarding the proposed minimum streamflow.

GENE GRAY, Chairman
IDAHO WATER
RESOURCE BOARD

Legal 120

Oct. 6, 13, 1988

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an Application for Permit to the Department of Water Resources proposing to appropriate water for a minimum streamflow in Hayden Creek, tributary to the Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31

Purpose of Minimum Instream Flow: To preserve fish and wildlife habitat.

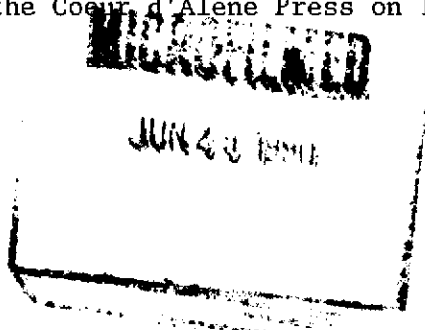
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GENE GRAY, Chairman
IDAHO WATER RESOURCE BOARD

Advertised in the Coeur d'Alene Press on 10/6 & 13/1988.





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

October 12, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

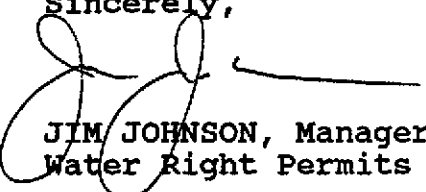
STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

RE: WATER RIGHT NOS. 36-08337/37-08258/37-08307/43-07295/
95-08560 and 97-07308

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits. If you have any questions, please contact me within 10 days of receipt of these licenses.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

SK:dc

Enclosure

NOV 01 1994

NOV 01 1994

RIGHT NO. 95-8560

Proof of beneficial use rec'd 3/22/91

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

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

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

Comments/adjustments _____

Printed license hand-edited

SC 8/4/94

WR0749NP
No. L95-08560

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/04/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720	10/16/1987	MINIMUM INSTREAM FLOW	01-01	02-29	4.00 CFS	
			MINIMUM INSTREAM FLOW	03-01	06-30	20.00 CFS	
			MINIMUM INSTREAM FLOW	07-01	12-31	4.00 CFS	
			TOTAL DIVERSION:			20.00 CFS	

Water Source: HAYDEN CREEK

Tributary to: HAYDEN LAKE

Stage: LICENSE

Point(s) of Diversion Capacity: 20.00 CFS

Point(s) of Beginning Stream Reach: T52N R03W S25 SENW
Point(s) of Ending Stream Reach: T52N R03W S34 Lot 01(NENW)

KOOTENAI County
KOOTENAI County

Pou County:

Conditions of Approval:

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

Remarks: 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 issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with a priority of the water right dated earlier than 10/16/87, the priority date of this right. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Hayden Creek, such measuring devices shall be permanently installed as specified by the Department. The Director retains jurisdiction to review and amend any and all parameters of this right. 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 persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest. This minimum stream flow begins at the confluence of Hayden Creek and the North Fork of Hayden Creek in the SENW, S25, T52N, R3W, downstream approximately three (3) miles to the mouth of Hayden Creek where it flows into Hayden Lake in Lot 1 (NENW), S34, T52N, R3W.

WR0749NP
No. L95-08560

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/04/94
PAGE: 2

=====

Dates:	App. Received:	10/16/1987	Priority Date:	10/16/1987
	Proof Due Date:	04/01/1991	Proof Made Date:	03/22/1991
	Exam Made Date:	03/02/1991	Exam Sent to S.O.:	
	Licensed Date:			
Misc:	Water District Number:		Field Exam Fee:	N (Not Required)
Audit:	08/04/94 SCURTIS	08/04/94 SCURTIS		



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 31, 1991

HAND DELIVERED

Idaho Water Resource Board
c/o Wayne Haas
1301 North Orchard
Boise, ID 83706

Gentlemen:

PROOF DUE NOTICE

RE: Permit No. 95-8560 - HAYDEN CREEK

Proof of beneficial use is due on or before April 1, 1991 for the above referenced permit. Either the proof of beneficial use or an acceptable request for extension of time must be received by the department on or before the April 1, 1991 date or the permit will no longer be of any force nor effect.

The permit was issued to establish a minimum stream flow on Hayden Creek tributary to Hayden Lake. Since the Idaho Water Resource Board filed the application at the request of the Department of Fish and Game, the Board may wish to ask Fish and Game to compile and submit data which will support the beneficial use of the water for this minimum streamflow. Any data compiled should be submitted as a part of the proof which is due on or before April 1, 1991.

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

Sincerely,

RITA I. FLECK

Secretary/Records Manager

Enclosures

I acknowledge receipt of this notice on behalf of the Water Resource Board.

1/31/91
Date

Wayne Haas
Signature

RECEIVED

NOV 01 1994

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 45

BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

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

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 95-8560 on December 29, 1989, by adopting a Proposed Memorandum Decision and Order authorizing the appropriation of a minimum streamflow in Hayden Creek of 4.0 cfs from January 1 through February 29, 20.0 cfs from March 1 through June 30, and 4.0 cfs from July 1 through December 31. The minimum streamflow begins at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, T52N, R3W, B.M., and extends downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, T52N, R3W, B.M., Kootenai County.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein, that application to appropriate water no. 95-8560 is hereby approved subject to the conditions and limitations contained in the Proposed Memorandum Decision and Order, dated November 30, 1989, and adopted by the Director of the Department of Water Resources on December 29, 1989.

MICROFILMED

JUL 02 1990



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 9, 1990

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

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 95-8560, Hayden Creek; 83-7099, Elk Creek; 96-8503,
Round Lake; 65-12822 and 65-12840, North Fork Payette River.

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 legislature for approval. Please advise me if you desire further information or presentation on the nature of the applications.

Sincerely,


R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council

RECEIVED

JUL 02 1990

Red
1-9-90
jd



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 9, 1990

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

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 95-8560, Hayden Creek; 83-7099, Elk Creek; 96-8503,
Round Lake; 65-12822 and 65-12840, North Fork Payette River.

Dear Representative Boyd:

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Director

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Enclosures

cc. Legislative Council

MICROFILMED

JUL 02 1990

CB 1/9/90



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 9, 1990



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

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 95-8560, Hayden Creek; 83-7099, Elk Creek; 96-8503,
Round Lake; 65-12822 and 65-12840, North Fork Payette River.

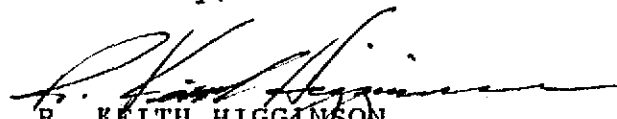
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Sincerely,


R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council

MICROFILMED

JUL 02 1990



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 29, 1989

Idaho Department of Fish and Game
c/o Stephen V. Goddard
600 South Walnut
P.O. Box 25
Boise, ID 83707

*Idaho Water Resource
Board (Wayne Kiser &
Dave Rydahl)*

RE: Permit No. 85-8560; Minimum Streamflow in Hayden Creek

Dear Mr. Goddard:

Please find enclosed a copy of the Order Adopting Proposed Memorandum Decision and Order and a copy of Application for Permit No. 95-8560.

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

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUL 02 1990

December 1, 1989

<address>

Dear <sal>:

Please find enclosed a copy of the Proposed Memorandum Decision and order and Order Issuing Proposed Memorandum decision and Order for Application No. 95-8650. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Hayden Creek.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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JUL 02 1990



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NOV 07 1989

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
SUSAN MATTOS
DEPUTY ATTORNEYS GENERAL

November 6, 1989

DEPARTMENT OF FISH & GAME
600 S. WALNUT STREET
P.O. BOX 25
BOISE, IDAHO 83707
TELEPHONE: (208) 334-3715

Mr. Gary Spackman, Manager
Water Rights Permits Section
Idaho Dept. of Water Resources
1301 North Orchard Street
STATEHOUSE MAIL
Boise, ID 83720

Re: Minimum Stream Flow Application on Hayden Creek, No. 95860

Dear Gary:

At the minimum stream flow hearing on this application held on October 11, 1989 in Coeur d'Alene, Idaho, the Idaho Department of Fish and Game requested that it be allowed to introduce copies of slides titled Idaho Fish and Game Exhibits 1-a through k. At that time, the hearing officer indicated it would be okay to supply these slides at a later date. Enclosed are copies of Fish and Game Exhibits 1-a through k for completion of the record.

If you have any questions or need any additional information, please let me know.

Sincerely,

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

SVG:tlv

Enclosure

MAIL ROOM

JUL 02 1990

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JX

APPLICATION NUMBER: 95-8560

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

☐ Yes ☐ No

Platted by: _____ Map No. _____

☐ Yes ☐ No

Other rights on same place of use. _____

☒ Yes ☐ No*

In form for advertising.

Final date for protests: _____

☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: _____

☒ Application published correctly. If not, record action taken: _____

☒ Fee amount, receipt date & number, recorded on application.

☒ Publication dates and paper, recorded on application.

☐ Protests, dates, withdrawal, etc., recorded on application.

☐ Recommendation & initial, recorded on application.

☐ Yes ☐ No Measuring device required.

☐ Yes ☐ No Access port required.

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____

Date of priority recommended. _____

Special conditions of approval or cover letter. _____

By: _____

Date: _____

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: _____

Date: _____

RECEIVED
NOV 02 1989

Department of Water Resources

IDENT. NO. 95-8560

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

R O S T E R O F A T T E N D A N C E

IDAHO DEPARTMENT OF WATER RESOURCES
HEARING - HAYDEN CREEK
MINIMUM STREAM FLOW

OCTOBER 11, 1989 - COOPERATIVE EXTENSION SERVICE BLDG.

Name	Address	Representing
Gary Spackman	471 Mango, Eagle	IDWR
Bill Horton	5480 W. LAKEMONT DR Boise	IDFG
STEVE GODDARD	Box 25 Boise	IDFG
DAVE RYDALCH	RT#2 Box 108 ST. A.	I.W.R.B.
Cindy Robertson	2320 Government Way COA	IDFG
Bob Haynes	1910 NW. Blvd COA	IDWR
Bill Graham	IDWR State house, Boise, 83720	IDWR

NOT FILMED

JUL 12 1990

HAYDEN CREEK
NOTES FOR DAVE RYDALCH

On September 1, 1987, the Idaho Department of Fish and Game requested that the Idaho Resource Board file an application to appropriate a minimum stream flow on Hayden Creek, located in Kootenai, County.

The Board considered the request at a Board meeting October 15, 1987, and determined that the application to appropriate a minimum stream flow on Hayden Creek should be filed. The Board filed an application for minimum stream flow to the Idaho Department of Water Resources on October 16, 1987.

A public information meeting regarding the minimum stream flow was held in Coeur d'Alene, Idaho on October 20, 1988. The purpose of the meeting was to gather public opinion about the proposed minimum flow.

After the comments were submitted, the Board determined that the minimum stream flow was meritorious and requested that the Department of Water Resources proceed with processing the minimum stream flow application.

The water from Hayden Creek ultimately flows into Hayden Lake. This minimum flow filing will be subject to all prior rights for irrigation and other purposes which are either upstream or downstream from the minimum flow reach.

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Hayden Creek -

Dave Rydallch -

Bill Graham →

1. Min. 5 cfs

Max 84 cfs

4 cfs exceeded for entire low flow period

4 cfs exceeded 80% of the

20 cfs exceeded 79% of the time

~~Steve Goddard~~

Fish & Game

Cindy Robertson - witness & employee of F&G

BS F & W management U of Montana

MS Fisheries management

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JUL 02 1990

F & G Exhibit

Admit slides -

- 1A - Vicinity Map

Hayden Creek - Largest tributary
70% of Hayden Lake water comes
from

1B - Picture of stream

1C - juvenile river habitat

1D - picture of cutthroat

1E - Rainbow

1F - Cutbow fish

1G - Picture of old time fish

1H - Dam in (weir) in Hayden Creek

The

- 1 F - permanent weir
- 1 J - Photo of 4 large cutthroat
- 1 K - Rainbow

Trophy fishery - both for cold

Hayden Creek does not provide a fishery -
but is the wild spawning tributary -

IFG Exhibit #2 -

Extremely low catch rate

IFG Exhibit #3 - Management info -

Hayden Lake low tech fishery -

Unique fishery in region one -
don't have to have a lot of investment

Largest trout was 6 pound trout - cutbow

Opinion - need minimum stream flow for
spawning - also need habitat for
aquatic life -

Water quality is needed for
temperature -

Also aesthetic beauty -

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JUL 02 1990

Bill Horton —

Performed study for minimum stream flow
Long runs - short & shallow pools.

Six different methodologies were
used - interface biology with stream characteristics

Ideal flow - all water that is available
at all time - except during flood stages
Capable of being maintained

If in his opinion - minimum
Fish production
More water should be available

8.8 to 25 cfs

[Record] > Advertizing —
notice

MICROFILMED

JUL 02 1990

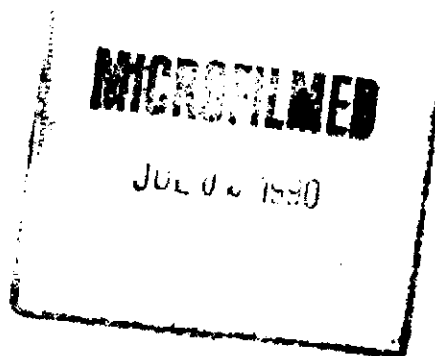
Idaho Department of Fish and Game Exhibit 1

Hayden Creek Minimum Instream Flow Hearing

October 11, 1989

Slide presentation by Cindy Robertson, regional Fisheries Biologist

- 1-a Map of Hayden Creek drainage and Hayden Lake
- 1-b Lower Hayden Creek
- 1-c Upper Hayden Creek
- 1-d Westslope cutthroat trout
- 1-e Rainbow trout
- 1-f Rainbow-cutthroat trout hybrid
- 1-g Historic catch of cutthroat trout from Hayden Lake
- 1-h Temporary fish weir in Hayden Creek
- 1-i Permanent fish weir in Hayden Creek
- 1-j Large wild cutthroat trout
- 1-k Large wild rainbow trout



**HAYDEN CREEK
MINIMUM STREAMFLOW APPLICATIONS**

Water Right No.: 95-8560

Source: Hayden Creek

Rate of Flow: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31

Date Application Filed: October 16, 1987

Applicant: Idaho Water Resource Board

Requesting Agency: Department of Fish and Game

Purpose: Preserve fish and wildlife habitat

MICROFILMED

JUL 02 1990

**APPLICATION FOR MINIMUM
STREAMFLOW. NO. 95-8560
HAYDEN CREEK**

MINIMUM
FLOW REACH

HAYDEN

CREEK

HAYDEN

HAYDEN LAKE

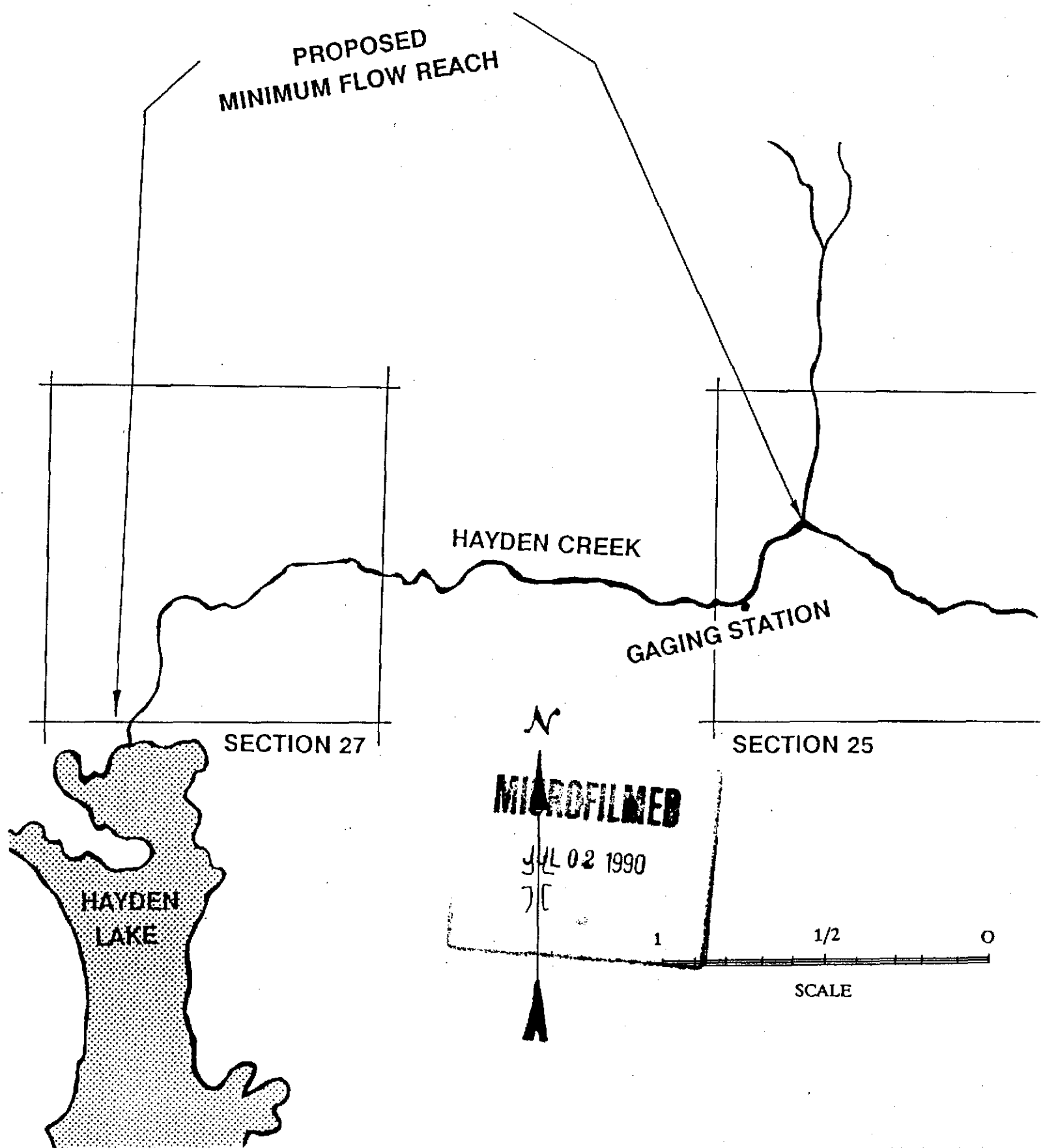


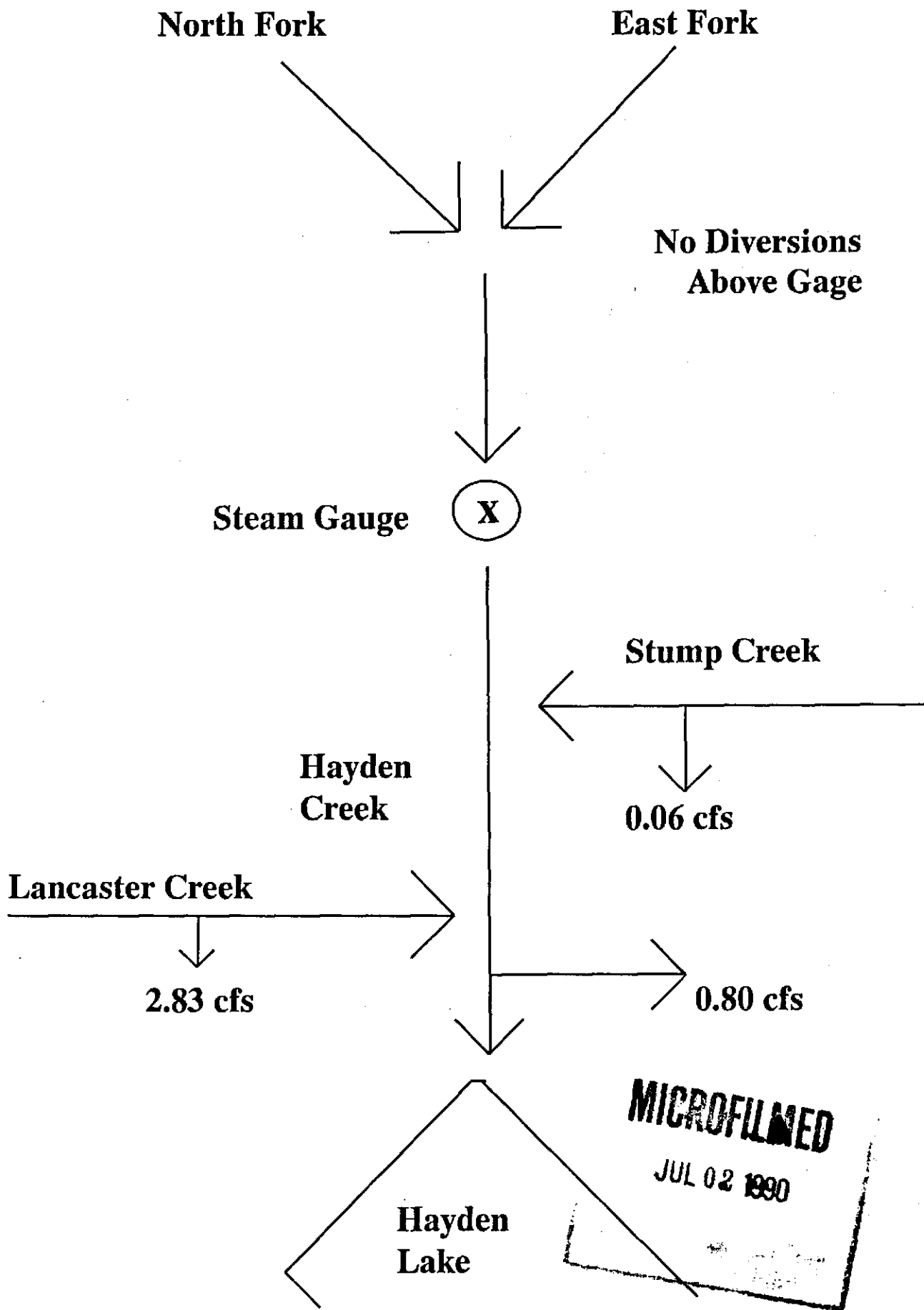
COEUR d' ALENE

MICROFILMED

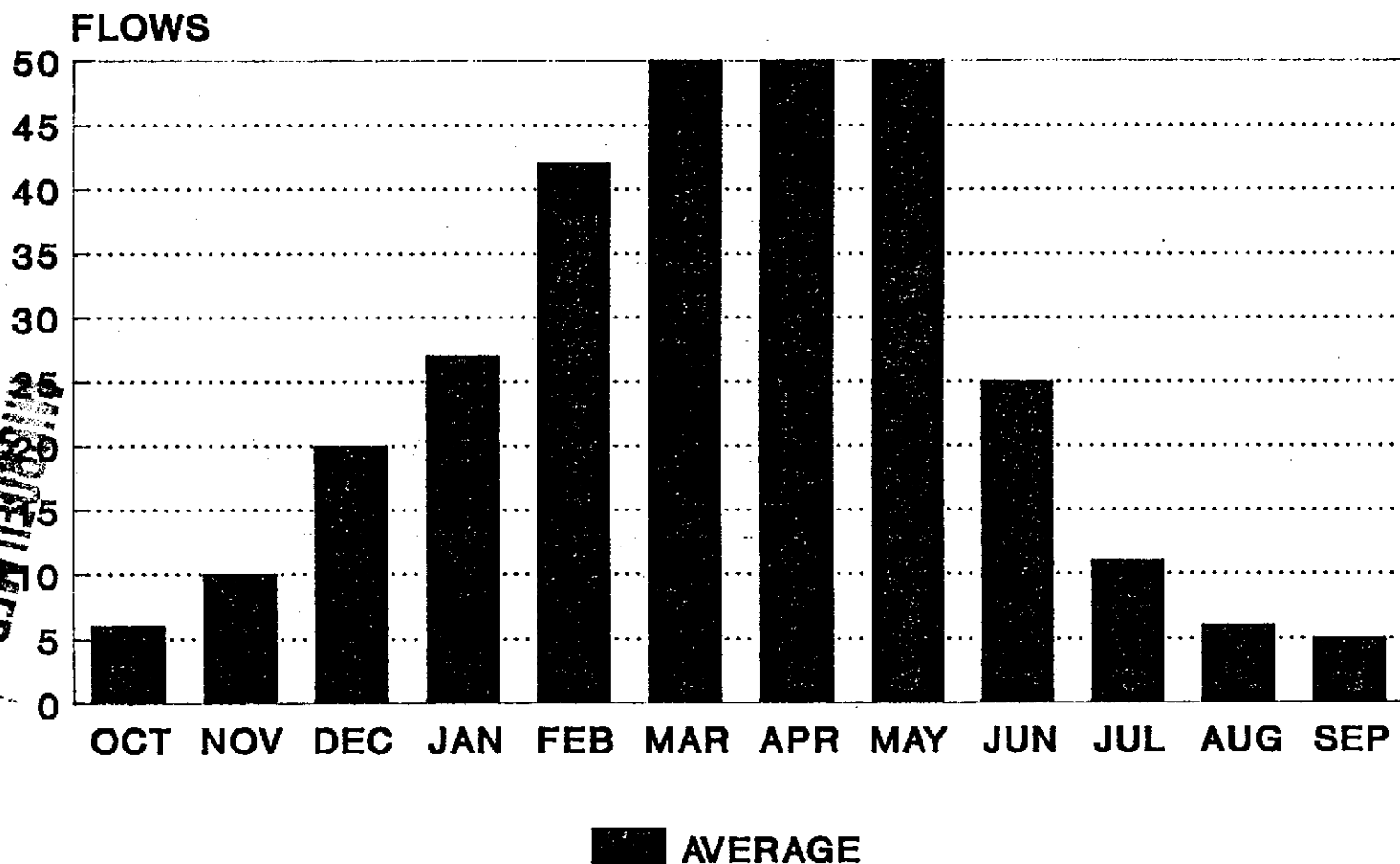
JUL 02 1990

APPLICATION FOR MINIMUM
LAKE LEVEL NO. 95-8560
HAYDEN CREEK



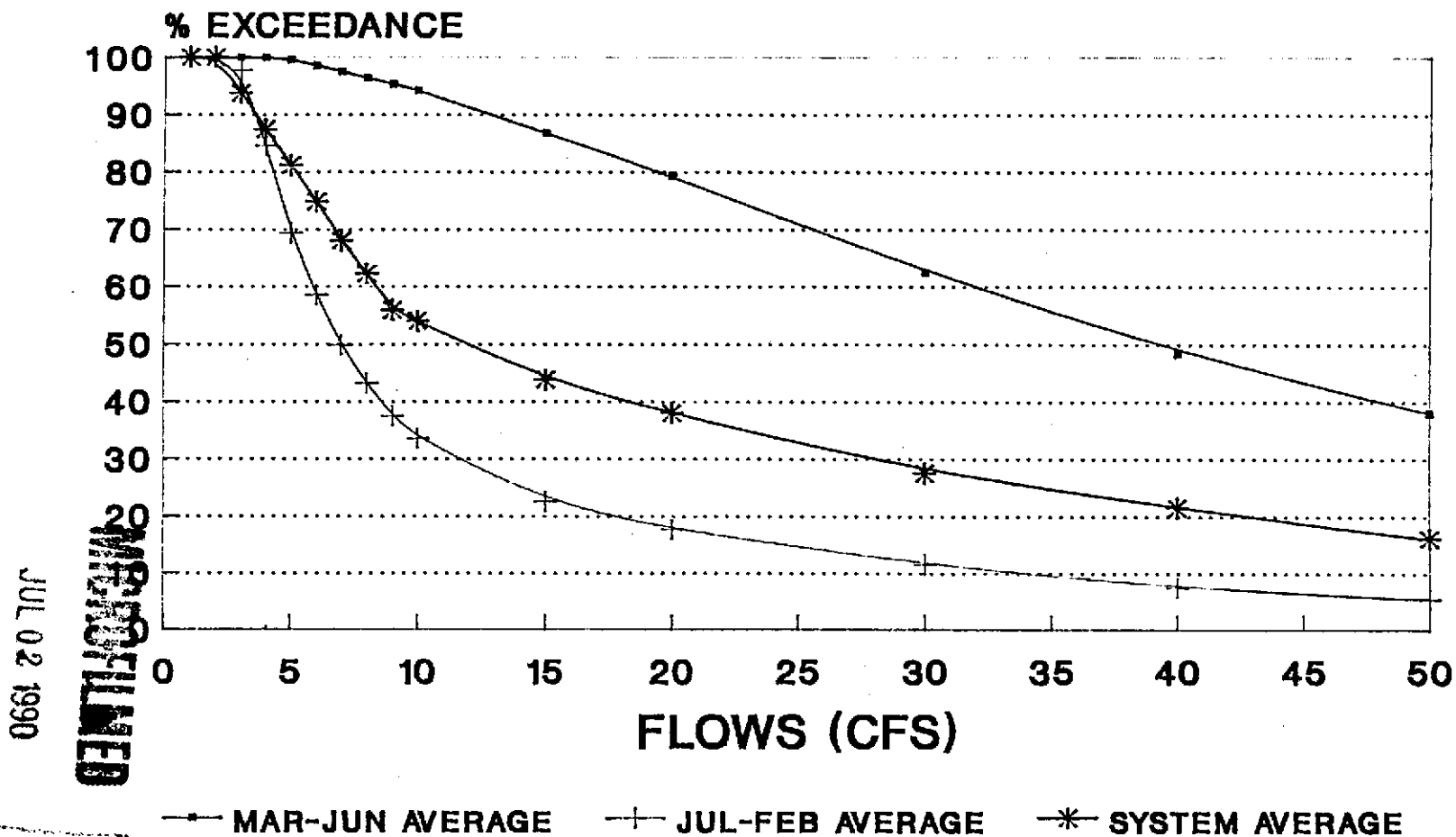


HAYDEN CREEK NEAR LAKE AVERAGE FLOWS (CFS)



NOTE: MAR TO MAY VALUES ARE TRUNCATED.

HAYDEN CREEK FLOW DURATION CURVES (% EXCEEDANCE VERSUS FLOWS)



JUL 02 1990

STA 12416000

TWRB
 Exhibit 6

IDAHO DEPARTMENT OF FISH AND GAME

Jerry M. Conley, Director

FEDERAL AID TO FISH AND WILDLIFE RESTORATION

Job Performance Report

Project F-71-R-7



REGIONAL FISHERY MANAGEMENT INVESTIGATIONS

Job 1-a. Region 1 Mountain Lakes Investigations
Job 1-b. Region 1 Lowland Lakes Investigations
Job 1-c. Region 1 Stream Investigations
Job 1-d. Region 1 Technical Guidance

by

Gregg Mauser
Regional Fishery Manager

Ned Horner
Regional Fishery Biologist

1983

20% of both groups of fish were lost while loading, in transit or during release, resulting in approximately 34,400 fish stocked into Coeur d'Alene Lake (Table 5).

To date, we have documented several fish taken by anglers in Coeur d'Alene Lake. The fish caught in the northern end of the lake in April were about 275 mm total length, weighed 350 g and were eating age 1 kokanee salmon. A fish taken in the southern part of the lake in May was about 400 mm long, 800 g and contained fish remains in its stomach.

The survival, growth and feeding habits of chinook in Coeur d'Alene Lake are encouraging. Refining transportation and release methods and determining the impact chinook are having on the kokanee population will be major objectives to pursue in 1983.

Other Lakes

Fall chinook salmon were stocked in a number of other lowland lakes in Region 1 during 1982 to test their survival and growth in a wide variety of environments (Table 5). To date, we have documented chinook from Fernan Lake (1 fish 240 mm) and Hauser Lake (several fish 250-300 mm). We have received numerous reports of 350 mm+ chinook in Cocolalla Lake and 250 mm chinook in McArthur Reservoir but have not been able to verify these reports. The chinook taken in Fernan and Hauser Lakes were feeding on plankton when caught.

Hayden Lake

Research personnel estimated that anglers fished 34,400 hours on Hayden Lake during the 1982 season to catch an estimated 7,000 trout (harvested 2,400) and 33,200 warmwater fish (harvested 26,400) (Table 6). The majority of trout caught were hatchery reared cutthroat trout although the harvest of wild rainbow and rainbow/cutthroat hybrids combined was nearly equal to the harvest of cutthroat.

Table 6. Total estimated catch and harvest of all species of fish in Hayden Lake, Idaho, 1 May-15 October, 1982. Boat anglers fished an estimated 26,665 hours while shore anglers fished 7,756 hours.

Fish species	Boat anglers		Shore anglers		Boat and shore combined	
	Catch	Harvest	Catch	Harvest	Catch	Harvest
Cutthroat trout (wild)	--	640	--	0	--	640
Cutthroat trout (hatchery)	--	857	--	47	--	904
Adipose clip	--	818	--	47	--	0
Right pec.	--	9	--	0	--	0
Left pec.	--	14	--	0	--	0
Right vent.	--	16	--	0	--	0
Rainbow trout	--	492	--	0	--	0
Hybrid trout	--	360	--	0	--	0
Largemouth bass	419	44	168	117	587	161
Black crappie	3,501	2,387	4,003	2,743	7,504	5,130
Yellow perch	6,505	5,514	18,560	15,549	25,065	21,063
Brown bullhead	11	0	--	--	11	0
Nongame species (squawfish, tench)	655	205	282	154	937	359

IDAHO DEPARTMENT OF FISH AND GAME

Jerry M. Conley, Director

FEDERAL AID IN FISH RESTORATION

Job Performance Report

Project F-71-R-12



REGIONAL FISHERIES MANAGEMENT INVESTIGATIONS

- Job No. 1-a. Region 1 Mountain Lakes Investigations
- Job No. 1-b. Region 1 Lowland Lakes Investigations
- Job No. 1-c. Region 1 River and Stream Investigations
- Job No. 1-d. Region 1 Technical Guidance

By

Ned J. Horner, Regional Fishery Manager
Larry D. LaBolle, Regional Fishery Biologist
Cynthia A. Robertson, Regional Fishery Biologist

October 1988

Table 2. Estimated effort on the north end of Lake Coeur d'Alene, Idaho, April 27 through October 30, and estimated catch rate and harvest of kokanee salmon in 1987.

Anglers interviewed	Average angler count	Estimated effort (hours)	Hours expended for species	Catch rate fish/hour	Estimated harvest
402	North end 50.2	117,449	Kokanee 117,449 Chinook 11,250	Kokanee 0.80 Chinook 0.03 ^a	93,959 350
885	South end 45.0	110,882	Kokanee 95,358 Chinook 5,544 Spiny ray 9,980	Kokanee 1.52 Chinook -- Spiny ray --	144,944 -- --
1,287	TOTALS	228,331	Kokanee 212,807 Chinook 16,794 Spiny ray 9,980		238,903

^aCatch rates estimated only during the August "Big One" derby period.

Table 11. Comparative estimates of effort and catch rate on lakes in Region 1, Idaho, during April through September, 1983-84, 1985, 1986, and 1987.

Lake	Mean anglers inter- viewed (n)	Effort (hours)				Hours/acre				Overall catch rate							
										1983-84		1985		1986		1987	
		1983-4	1985	1986	1987	1983-4	1985	1986	1987	Sal- monids	Spiny ray	Sal- monids	Spiny ray	Sal- monids	Spiny ray	Sal- monids	Spiny ray
Coeur d'Alene ^a	574	--	192,168	172,452	117,449	--	--	--	--	0.92 ¹	--	1.30 ¹	--	1.22 ¹	--	0.83	--
Hauser	410	49,500	75,210	66,710	51,222	89	135	121	92	0.26	0.16	0.24	0.11	0.25	0.44	0.08	0.27
Fernan	307	63,000	67,742	72,000	88,558	163	176	176	--	0.14	1.60	0.34	0.57	0.12	0.31	0.11	0.33
Hayden	545	40,500	80,776	87,360	76,078	11	30	32	28	0.03	0.96	0.05	0.38	0.06	0.20	0.03	2.30
Pend Oreille ^b	365	--	66,000	82,393	82,506	--	6	8	8	--	--	0.24 ¹	--	0.02	--	--	--
Chatcolet	82	--	26,645	23,338	--	--	--	--	--	--	--	--	0.93	--	1.14	--	--
Upper Twin	40	--	17,401	16,000	--	--	35	32	--	--	--	0.19	--	--	--	--	--
Lower Twin	115	--	39,742	37,900	--	--	132	125	--	--	--	0.20	0.55	0.26	0.05	--	--
Brush	68	--	35,542	14,265	14,491	--	1,225	491	491	--	--	0.45	--	0.71	0.11	0.35	--
Coeur d'Alene ^c	533	--	34,803	--	110,882	--	--	--	--	--	--	1.10 ¹	0.03	--	--	1.52	--
Robinson	103	--	24,025	25,303	16,361	--	480	505	--	--	--	0.63	--	0.38	0.09	0.64	0.02
Smith	68	--	13,455	12,972	12,060	--	354	341	--	--	--	0.45	0.06	0.80	0.03	0.33	--
Round	45	13,100	--	--	16,127	252	--	--	--	0.83	0.40	0.75	--	--	--	0.72	--
Dawson	3	--	--	--	--	--	--	--	--	--	--	--	3.00	--	--	--	--
Mirror	36	--	--	--	--	--	--	--	--	--	--	0.24	--	0.33	--	--	--
Benewah	19	--	--	17,207	--	--	--	--	--	--	--	--	1.14	--	2.25	--	--
Perkins	12	--	--	--	--	--	--	--	--	--	--	--	2.51	0.27	0.20	--	--
Jewell	13	--	--	9,900	--	--	--	--	--	--	--	0.36	0.36	0.07	0.28	--	--
Cocolalla	43	--	--	--	24,307	--	--	--	--	--	--	0.22	--	--	--	0.32	1.26
Solomon	20	--	--	--	--	--	--	--	--	--	--	0.46	--	--	--	--	--
Bonner	4	--	--	--	--	--	--	--	--	--	--	1.00	--	--	--	--	--
Glidden	28	--	--	--	--	--	--	--	--	--	--	0.98	--	--	--	--	--
Kelso	42	--	--	19,060	25,000	--	--	--	--	--	--	0.45	0.17	0.70	0.19	0.62	--

Table 11. Continued.

Lake	Mean anglers inter- viewed (n)	Effort (hours)				Hours/acre				Overall catch rate							
										1983-84		1985		1986		1987	
		1983-84	1985	1986	1987	1983-4	1985	1986	1987	Sal- monids	Spiny ray	Sal- monids	Spiny ray	Sal- monids	Spiny ray	Sal- monids	Spiny ray
Porcupine	21	--	--	--	--	--	--	--	--	--	--	5.97 ^d	--	0.98	--	--	--
Roman Nose #1	4	--	--	--	--	--	--	--	--	--	--	0.50	--	--	--	--	--
Freeman	15	--	--	--	--	--	--	--	--	--	--	0.07 ^e	1.40	0.83	--	--	--
Rose	6	--	--	--	--	--	--	--	--	--	--	--	0.31	--	--	--	--
Ball	6	--	--	--	--	--	--	--	--	--	--	0.67	--	--	--	--	--
Sheperd	15	--	--	--	--	--	--	--	--	--	--	--	2.50	--	1.0	--	--

^aNorth end of Lake Coeur d'Alene, including Wolf Lodge Bay.^bNorth shore of Lake Pend Oreille near mouth of Clark Fork River.^cSouth end of Lake Coeur d'Alene, but not including Lake Chatcolet.^dSmall sample size and some confusion in data sheets.^eOpening day information only.^fPrimarily kokanee.

1 JIM JONES
2 Attorney General
3 State of Idaho
4 Statehouse, Room 210
5 Boise, Idaho 83720
6 Telephone: (208) 334-2400

RECEIVED
SEP 22 1989

7 STEPHEN V. GODDARD
8 SUSAN MATTOS
9 Deputy Attorneys General
10 Idaho Dept. of Fish and Game
11 600 South Walnut
12 P. O. Box 25
13 Boise, ID 83707
14 Telephone: (208) 334-3715

Department of Water Resources

Attorney for the Idaho Department of Fish and Game

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

14 In the Matter of the)
15 Application for a)
16 Minimum Stream Flow on)
17 Hayden Creek)

NOTICE OF APPEARANCE

17 Application No. 95-8560)
18

19 Stephen V. Goddard, Deputy Attorney General, hereby enters an
20 appearance as attorney of record for the Idaho Department of Fish and
21 Game for the hearing to be held in this matter on October 11, 1989 in
22 Coeur d'Alene, Idaho.

23 DATED this 21st day of September, 1989.

24 MICROFILMED

25 JUL 02 1990

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

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

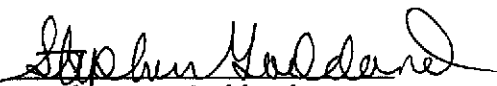
CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 1989, 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
Route 1, Box 46-A
Payette, ID 83661

Mr. Gary Spackman, Supervisor
Water Allocation Section
Idaho Dept. of Water Resources
1301 North Orchard Street
STATEHOUSE
Boise, ID 83720

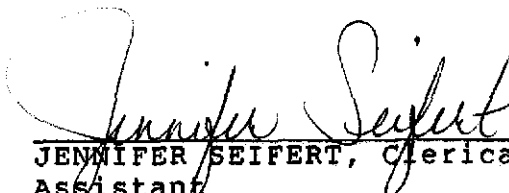

Stephen V. Goddard
Deputy Attorney General

MICROFILMED

JUL 02 1990

CERTIFICATE OF MAILING

I hereby, certify, that on the 8th day of September, ¹⁹⁸¹
mailed a true and correct copy of the following letter, postage
prepaid, to the following individuals:


JENNIFER SEIFERT, Clerical
Assistant

MICROFILMED

JUL 02 1990

September 8, 1989

<name>

RE: Minimum Streamflow Application on Hayden Creek, No. 95-8560

Dear <sal>:

The Idaho Department of Water Resources will conduct a hearing on Wednesday, October 11, 1989, to determine whether a minimum streamflow in Hayden Creek should be approved. The hearing will commence at the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m.

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 the minimum streamflow procedure.

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a full party to the action. A full party may call and cross examine witnesses.

If you do not wish to become a full party, you may also testify informally without filing a notice of appearance. Written comments may also be filed with the Department prior to the hearing.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

MICROFILMED

JUL 02 1990

<name>James Stoicheff
615 Lakeview
Sandpoint, ID 83864
<sal>Representative Stoicheff
<>

<name>Karen Cooke
P.O. Box 789
Priest River, ID 83856
<sal>Senator Cooke
<>

<name>Tim Tucker
K.V. Ranch
HCR 60, Box 227
Porthill, ID 83853
<sal>Representative Tucker
<>

<name>Mary Lou Reed
10 Giesa Rd.
Couer d'Alene, ID 83814
<sal>Senator Reed
<>

<name>John Stocks
824 N. 22nd
Coeur D'Alene, ID 83814
<sal>Senator Stocks
<>

<name>Freeman B. Duncan
388 Ponderosa Drive
Post Falls, ID 83814
<sal>Representative Duncan
<>

<name>Dean Haagenson
Fernan Lake Rd.
Coeur d'Alene, ID 83814
<sal>Representative Haagenson
<>

<name>Hilde Kellogg
519 E. 17th
Post Falls, ID 83854
<sal>Representative Kellogg
<>

<name>Ron Vieselmeyer
4050 Sky Harbor Drive
Coeur d'Alene, ID 83814
<sal>Representative Vieselmeyer

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JUL 02 1990

<>

<name>Marvin G. Vandenberg
6080 Sunrise Terrace
Coeur d'Alene, ID 83814
<sal>Representative Vandenberg
<>

<name>Steve Herndon
P.O. Box 216
Sandpoint, ID 83864
<sal>Senator Herndon
<>

<name>Terry Sverdsten
E27555 Schoolhouse Loop
Cataldo, ID 83810
<sal>Senator Sverdsten
<>

<name>Robert M. Scates
334 Military Drive
Coeur d'Alene, ID 83814
<sal>Representative Scates
<>

<name>Thomas Joseph Giovanelli
P.O. Box 2221
Coeur d'Alene, ID 83814
<sal>Representative Giovanelli
<>

<name>Mike Blackbird
6 Diamond
Kellogg, ID 83837
<sal>Senator Blackbird
<>

<name>Jeanne Givens
P.O. Box 969
Coeur d'Alene, ID 83814
<sal>Representative Givens
<>

<name>Eugene L. White
P.O. Box 37
Cataldo, ID 83810
<sal>Representative White
<>

<name>Cindy Robertson
2320 Governemnt Way
Coeur d'Alene, ID 83814
<sal>Ms. Robertson

MICROFILMED

JUL 02 1990

<>

<name>Bill Horton
600 S. Walnut
Boise, ID 83720
<sal>Mr. Horton
<>

<name>Nick Ormonde
R 3 Box 34
Hayden Lake, ID 83835
<sal>Mr. Ormonde
<>

<name>Thomas R. Norris
8910 Walden Rd.
Silver Springs, MD 20901
<sal>Mr. Norris
<>

<name>James K. Schuler
Box 965
Hayden Lake, ID 83835
<sal>Mr. Schuler
<>

<name>Mildred V. Linhart
512 1/2 Main St.
Kellogg, ID 83837
<sal>Ms. Linhart
<>

<name>Wayne S. Manis
E. 7001 Triangle Rd.
Hayden Lake, ID 83835
<sal>Mr. Manis
<>

<name>O.K. Smith
Rt. 1 Box 288
Hayden Lake, ID 83835
<sal>Water Right Holder
<>

<name>Czenzi Heinemann
Nick Ormande
Rt. 1
Hayden Lake, ID 83835
<sal>Water Right Holder
<>

<name>Warren Smith
Rt. 3 Box 36
Hayden Lake, ID 83835

MICROFILMED

JUL 02 1990

<sal>Mr. Smith
<>

<name>State of Idaho
Idaho Water Resource Board
Statehouse
Boise, ID 83720
<sal>Gentlemen
<>

<name>Robert J. Revelli
P.O. Box 589
Wallace, ID 83873
<sal>Mr. Revelli
<>

MICROFILMED

JUL 02 1990

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS REPORT

WR-NUMBER: 95-07681 CURRENT OWNER: NICK ORMONDE
RT. 3 BOX 34
HAYDEN LAKE, ID 83835 PRIORITY DATE: 11-16-1976 STAGE: PERMIT

COUNTY: KOOTENAI
SOURCE: SPRING
WATER USE: IRRIGATION DIVERSION RATE: 0.220 DIVERSION VOLUME: PERIOD FROM: 04/01 PERIOD TO: 11/01
IRRIGATION STORAGE 4.00 01/01 12/31
IRRIGATION FROM STORAGE 4.00 04/01 11/01
STOCKWATER 0.020 01/01 12/31
TOTAL: 0.220 4.00

REMARKS: REINSTATED 1-20-1982.

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 22 SW NW
PLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 22 SW NW 10.0
52N 03W 22 NW SW 1.0
TOTAL ACRES: 11.0

WR-NUMBER: 95-00353 CURRENT OWNER: O. K. SMITH
RT. 1 BOX 288
HAYDEN LAKE, ID PRIORITY DATE: 03-27-1908 STAGE: DECREE

COUNTY: KOOTENAI
SOURCE: SPRING
WATER USE: STOCKWATER DIVERSION RATE: 0.060 DIVERSION VOLUME: 1.65 PERIOD FROM: 01/01 PERIOD TO: 12/31
DOMESTIC 0.060 1.14 01/01 12/31
TOTAL: 0.060 2.79

DECREE PLAINTIFF: AVONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 22 NE SW
PLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 22 NE SW

WR-NUMBER: 95-00173 CURRENT OWNER: CZENZI HEINEMANN
NICK ORMONDE
RT. 1
HAYDEN LAKE, ID 83835 PRIORITY DATE: 12-21-1960 STAGE: DECREE

List of
WR Users
on Hayden Creek.

Tributary to

Trib-10

Trib-10

JUL 02 1990

FILED

WR-NUMBER: 95-00173 (cont'd)

COUNTY: KOOTENAI
SOURCE: LANCASTER CREEK
SPRINGSTRIBUTARY: HAYDEN LAKE
HAYDEN LAKE

WATER-DIST: 95A

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	0.540	91.57	04/01	10/31
DOMESTIC	0.540	91.57	01/01	12/31
TOTAL:	0.540	91.57		

DECREE PLAINTIFF: AVONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.

REMARKS: PURSUANT TO WATER LICENSE NO. 95-2135.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	52N	03W	22	SE SW	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	52N	03W	22	SE SW		13.0
	52N	03W	22	SW SE		13.0
TOTAL ACRES:						26.0

WR-NUMBER: 95-08218
CURRENT OWNER: CZENZI HEINEMANN
RT. 3 BOX 34
HAYDEN LAKE, ID 83835PRIORITY DATE:
09-03-1982STAGE:
PERMITCOUNTY: KOOTENAI
SOURCE: LANCASTER CREEK
SPRINGSTRIBUTARY: HAYDEN CREEK
HAYDEN CREEK

WATER-DIST: 95A

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
FISH PROP. STORAGE		5.00	01/01	12/31
DIVERSION TO STORAGE	0.200		01/01	12/31
TOTAL:	0.200	5.00		

REMARKS: SOURCES ARE LANCASTER CK., TRIB. HAYDEN CK.; SPRINGS, TRIB.
REINSTATED 2-7-1984.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	52N	03W	22	SW SE	
	52N	03W	22	SE SW	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	52N	03W	22	SE SW		
	52N	03W	22	SW SE		

WR-NUMBER: 95-07500
CURRENT OWNER: WARREN SMITH
RT. 3 BOX 36
HAYDEN LAKE, ID 83835PRIORITY DATE:
11-01-1974STAGE:
LICENSE

COUNTY: KOOTENAI

JUL 02 1990

RECEIVED

Trib. 10

WR-NUMBER: 95-07500 (cont'd)

SOURCE: SPRING

TRIBUTARY:

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

IRRIGATION

0.300

145.80

03/15

11/15

TOTAL:

0.300

145.80

POINT OF DIVERSION:

Twp

Rge

Sec

Tract

Lot

52N

03W

22

NW SE

PLACE OF USE:

Twp

Rge

Sec

Tract

Lot

Acres

52N

03W

22

SW NE

1.0

52N

03W

22

SE NW

5.0

52N

03W

22

NE SW

22.0

52N

03W

22

NW SE

20.0

TOTAL ACRES:

48.0

Trib. to:

WR-NUMBER:
95-07578

CURRENT OWNER:

WARREN SMITH

RT. 3 BOX 36

HAYDEN LAKE, ID 83835

PRIORITY DATE:

01-28-1976

STAGE:

LICENSE

COUNTY: KOOTENAI

SOURCE: LANCASTER CREEK

TRIBUTARY: HAYDEN CREEK

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

IRRIGATION

0.060

29.20

03/15

11/15

IRRIGATION STORAGE

1.80

01/01

12/31

IRRIGATION FROM STORAGE

1.80

03/15

11/15

DIVERSION TO STORAGE

0.060

01/01

12/31

TOTAL:

0.060

31.00

POINT OF DIVERSION:

Twp

Rge

Sec

Tract

Lot

52N

03W

22

NW SE

PLACE OF USE:

Twp

Rge

Sec

Tract

Lot

Acres

52N

03W

22

SW NE

2.0

52N

03W

22

SE NW

10.0

52N

03W

22

NE SW

28.0

52N

03W

22

NW SE

20.0

TOTAL ACRES:

60.0

Trib. to:

JUL 0 2 1990

FILED

WR-NUMBER:
95-08218

CURRENT OWNER:

CZENZI HEINEMANN

RT. 3 BOX 34

HAYDEN LAKE, ID 83835

PRIORITY DATE:

09-03-1982

STAGE:

PERMIT

COUNTY: KOOTENAI

SOURCE: LANCASTER CREEK
SPRINGSTRIBUTARY: HAYDEN CREEK
HAYDEN CREEK

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

FISH PROP. STORAGE

5.00

01/01

12/31

DIVERSION TO STORAGE

0.200

01/01

12/31

TOTAL:

0.200

5.00

WATER-DIST: 95A

Trib. to:

WR-NUMBER: 95-08218 (cont'd)

REMARKS: SOURCES ARE LANCASTER CK., TRIB. HAYDEN CK.; SPRINGS, TRIB.
REINSTATED 2-7-1984.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	52N	03W	22	SW SE	
	52N	03W	22	SE SW	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	52N	03W	22	SE SW		
	52N	03W	22	SW SE		

WR-NUMBER:
95-08560CURRENT OWNER:
STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 837200000PRIORITY DATE:
10-16-1987STAGE:
APPLICATIONCOUNTY: KOOTENAI
SOURCE: HAYDEN CREEK

TRIBUTARY: HAYDEN LAKE

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

MINIMUM INSTREAM FLOW

4.000

01/01 02/29

MINIMUM INSTREAM FLOW

20.000

03/01 06/30

MINIMUM INSTREAM FLOW

4.000

07/01 12/31

TOTAL:

20.000

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	52N	03W	34	NE NW	1
	52N	03W	25	SE NW	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	52N	03W	34	NE NW	1	
	52N	03W	25	SE NW		

WR-NUMBER:
95-00445CURRENT OWNER:
ROBERT J. REVELLI
P.O. BOX 589
WALLACE, ID 83873PRIORITY DATE:
12-01-1896STAGE:
DECREECOUNTY: KOOTENAI
SOURCE: LANCASTER CREEK

TRIBUTARY: HAYDEN LAKE

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

WATER-DIST: 95A

PERIOD FROM: PERIOD TO:

IRRIGATION

0.850

149.10

04/01 10/31

TOTAL:

0.850

149.10

DECREE PLAINTIFF: AVONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.REMARKS: ACTUAL IRRIGATED ACREAGE = 42.6 ACRES.
NO DIVERSION WORKS LOCATED.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	52N	03W	27	NE SW	

JUL 02 1990

FILED

Trib. to!

WR-NUMBER: 95-00445 (cont'd)

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	52N	03W	27	NE SW		15.0
	52N	03W	27	NW SW		4.0
	52N	03W	27	SW SW		15.0
	52N	03W	27	SE SW		14.0
				TOTAL ACRES:		48.0

WR-NUMBER: 95-08440
CURRENT OWNER: WAYNE MANIS
P.O. BOX 368
COEUR D'ALENE, ID 83814

PRIORITY DATE:
05-29-1984

STAGE:
PERMIT

COUNTY: KOOTENAI
SOURCE: HAYDEN CREEK
WATER USE:
IRRIGATION
STOCKWATER
DOMESTIC

DIVERSION RATE:
0.460
0.020
0.040
TOTAL: 0.520

TRIBUTARY: HAYDEN LAKE
DIVERSION VOLUME:

WATER-DIST: 95A

PERIOD FROM: PERIOD TO:
03/15 11/15
01/01 12/31
01/01 12/31

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 27 NE SW

PLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 27 NE SW 10.0
52N 03W 27 SE SW 13.0
TOTAL ACRES: 23.0

Trib to

WR-NUMBER: 95-00447
CURRENT OWNER: ROBERT J. REVELLI
P.O. BOX 589
WALLACE, ID 83873

PRIORITY DATE:
04-12-1903

STAGE:
DECREED

COUNTY: KOOTENAI
SOURCE: SPRING
WATER USE:
IRRIGATION
DOMESTIC

DIVERSION RATE:
0.200
0.060
TOTAL: 0.260

TRIBUTARY: HAYDEN LAKE
DIVERSION VOLUME:
35.00
1.71
36.71

WATER-DIST: 95A

PERIOD FROM: PERIOD TO:
04/01 10/31
01/01 12/31

DECREE PLAINTIFF: AVONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 27 SE SW

PLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 34 4
52N 03W 34 1
52N 03W 27 SE SW
52N 03W 27 SE SW 10.0

JUL 02 1990

FILED

2

WR-NUMBER: 95-00447 (cont'd)

PLACE OF USE:

TOTAL ACRES:

Acres

10.0

WR-NUMBER:
95-00648CURRENT OWNER:
ROBERT J. REVELLI
P.O. BOX 589
WALLACE, ID 83873PRIORITY DATE:
06-28-1901STAGE:
DECREED

COUNTY: KOOTENAI

SOURCE: SPRING

WATER USE:

STOCKWATER

TOTAL:

DIVERSION RATE:

0.020

0.020

TRIBUTARY: HAYDEN LAKE

DIVERSION VOLUME:

8.40

8.40

WATER-DIST: 95A

PERIOD FROM: PERIOD TO:
01/01 12/31DECREE PLAINTIFF: AYONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.REMARKS: THE TOTAL AMOUNT OF WATER DIVERTED FOR STOCKWATER SHALL NOT
EXCEED MORE THAN 8.4 ACRE FEET PER ANNUM OR A MAXIMUM RATE OF
DIVERSION OF 0.02 CFS FROM ANY ONE OR A COMBINATION OF ALL
CLAIMS NO. 95-0648, 95-0649, 95-0650 AND 95-0453.POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 27 SE SWPLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 27 SE SWWR-NUMBER:
95-08560CURRENT OWNER:
STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 837200000PRIORITY DATE:
10-16-1987STAGE:
APPLICATION

COUNTY: KOOTENAI

SOURCE: HAYDEN CREEK

WATER USE:

MINIMUM INSTREAM FLOW

MINIMUM INSTREAM FLOW

MINIMUM INSTREAM FLOW

TOTAL:

DIVERSION RATE:

4.000

20.000

4.000

20.000

TRIBUTARY: HAYDEN LAKE

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

01/01

02/29

03/01

06/30

07/01

12/31

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 34 NE NW 1
52N 03W 25 SE NWPLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 34 NE NW 1
52N 03W 25 SE NW

WR-NUMBER:

CURRENT OWNER:

PRIORITY DATE:

STATUS:

JUL 02 1990

RECEIVED

WR-NUMBER: 95-07544 (cont'd)

CURRENT OWNER:
95-07544 JAMES H. ALEXANDER
BOISE,

LAPSED

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 34 NW NW 2

WR-NUMBER: 95-00448
CURRENT OWNER:
ROBERT J. REVELLI
P.O. BOX 589
WALLACE, ID 83873

PRIORITY DATE:
01-23-1908

STAGE:
DECREED

COUNTY: KOOTENAI
SOURCE: SPRING

TRIBUTARY: HAYDEN LAKE

WATER-DIST: 95A

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

IRRIGATION

0.040

7.00

04/01

10/31

TOTAL:

0.040

7.00

DECREE PLAINTIFF: AVONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 35 SW NE

PLACE OF USE: Twp Rge Sec Tract Lot Acres
52N 03W 35 SE NE 2.0
TOTAL ACRES: 2.0

WR-NUMBER: 95-00649
CURRENT OWNER:
ROBERT J. REVELLI
P.O. BOX 589
WALLACE, ID 83873

PRIORITY DATE:
01-23-1908

STAGE:
DECREED

COUNTY: KOOTENAI
SOURCE: STUMP CREEK

TRIBUTARY: HAYDEN LAKE

WATER-DIST: 95A

WATER USE:

DIVERSION RATE:

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

STOCKWATER

0.020

8.40

01/01

12/31

TOTAL:

0.020

8.40

DECREE PLAINTIFF: AVONDALE IRRIGATION DIST., ET AL.
DECREE DEFENDANT: NORTH IDAHO PROPERTIES, INC. ET AL.

REMARKS: THE TOTAL AMOUNT OF WATER DIVERTED FOR STOCKWATER SHALL NOT
EXCEED MORE THAN 8.4 ACRE FEET PER ANNUM OR A MAXIMUM RATE OF
DIVERSION OF 0.02 CFS FROM ANY ONE OR A COMBINATION OF ALL
CLAIMS NO. 95-0648, 95-0649, 95-0650 AND 95-0453.
SUPPLEMENTAL TO CLAIM NO. 95-0648.

POINT OF DIVERSION: Twp Rge Sec Tract Lot
52N 03W 35 SE NE

JUL 02 1990

RECORDED

05-OCT-1988

PAGE: 8

WR-NUMBER: 95-00649 (cont'd)

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	52N	03W	35	SE NE		

RECORDED
JUL 02 1990

MINIMUM STREAMFLOW
Fact Sheet

Water Right No.: 95-8560

Source: Hayden Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Department of Fish & Game

Date Application Filed: October 16, 1987

Rate of Flow: 4.0 cfs from 01/01 through 02/29;
20.0 cfs from 03/01 through 06/30;
4.0 cfs from 07/01 through 12/31.

Place of Use: The portion of Hayden Creek flowing in the
following tracts:

Beginning at the confluence of Hayden Creek and
the North Fork of Hayden Creek, located in the
SE1/4NW1/4, Section 25, Township 52 North, Range
3 West, B.M., and extending downstream
approximately three (3) miles to the confluence
of Hayden Creek and Hayden Lake, located in
Government Lot 1 (NE1/4NW1/4), Section 34,
Township 52 North, Range 3 West, B.M., Kootenai
County.

Purpose: Preserve fish and wildlife habitat

Hearing: Cooperative Extension Service Building, 106 Dalton
Avenue, Coeur d'Alene, Idaho, Beginning at 9:00 a.m. on
Wednesday, October 11, 1989.

MICROFILMED

JUL 02 1990

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water resources on October 16, 1987, proposing to appropriate water for a minimum streamflow in Hayden Creek tributary to Hayden Lake. The application is further described as follows:

Application No.: 95-8560

Source: Hayden Creek

Proposed Priority: October 16, 1987

Amount & Period of Use: 4.0 cfs from 01/01 through 02/29;
20.0 cfs from 03/01 through 06/30;
4.0 cfs from 07/01 through 12/31.

Purpose of Minimum Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section 34, Township 52 North, Range 3 West, B.M., Kootenai County.

The Director of the Department of Water Resources will hold a public hearing regarding the application in the Cooperative Extension Service Building, 106 Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:00 a.m. on Wednesday, October 11, 1989. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 4055 Government Way, Coeur d'Alene, Idaho 83814, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON, Director

MICROFILMED

JUL 04 1990



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

October 27, 1988

Ms. Judy Carr
Kootenai County Technical Services
501 Government Way
Coeur d'Alene, ID 83814

Dear Ms. Carr:

I wish to express the appreciation of the Idaho Water Resource Board for the use of your meeting room. The facility was perfectly suited to the Board's purposes. The county provides a valuable service by making the room available for public meetings.

Sincerely,

Frank B. Sherman

Frank B. Sherman
Manager
Water Planning Section

FBS:cjk

MICROFILMED

JUL 02 1990

ROSTER OF ATTENDANCE

HAYDEN CREEK - 95-8560 - MINIMUM INSTREAM FLOW - PUBLIC HEARING

OCTOBER 20, 1988 - COEUR D'ALENE

Name	Address	Representing
Cindy Robertson	2320 Government Way Cd'A	Idaho Dept. Fish & Game
BILL HORTON	600 S. WALNUT Boise	IDFG
NICK ORMONDE	R 3 BX 34 HAYDEN LAKE	RANCHER - FISH FARM -
Ken Hungerford	Moscow, ID.	Ida. Water Res. Bd.
DEAN HAAGER	Box 390 CDA	LEGISLATURE

MICROFILMED

JUL 02 1990

**APPLICATION FOR MINIMUM
LAKE LEVEL NO. 95-8560
HAYDEN CREEK**

**MINIMUM
FLOW REACH**

**HAYDEN
CREEK**

HAYDEN

HAYDEN LAKE

95

COEUR d' ALENE

MICROFILMED

JUL 02 1990

CERTIFICATE OF MAILING

I, hereby, certify that on the 7th day of October, I mailed a true and correct copy of the following letter, postage prepaid, to the following individuals.

Heidi Miller
HEIDI MILLER, Receptionist

MICROFILMED

JUL 02 1980

Property
Owners
Hayden
Creek

October 7, 1988

<address>

RE: Minimum Streamflow Application on Hayden Creek, Application
No. 95-8560

Dear <sal>:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on Hayden Creek. According to the records of this Department, you own property where the point of diversion is located or near the proposed minimum streamflow reaches.

Information describing the application and the time and place of the public 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,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:hm

Enclosures

MICROFILMED

JUL 02 1990

<address>Thomas R. Norris
8910 Walden Rd.
Silver Springs, MD 20901
<sal>Mr. Norris
<>

<address>James K. Schuler
Box 965
Hayden Lake, ID 83835
<sal>Mr. Schuler
<>

<address>Mildred V. Linhart
512 1/2 Main St.
Kellogg, ID 83837
<sal>Ms. Linhart
<>

<address>Wayne S. Manis
E. 7001 Triangle Rd.
Hayden Lake, ID 83835
<sal>Mr. Manis
<>

MICROFILMED

JUL 02 1990

CERTIFICATE OF MAILING

I, hereby, certify that on the 7th day of October, I mailed a true and correct copy of the following letter, postage prepaid, to the following individuals.

Heidi Miller
HEIDI MILLER, Receptionist

MICROFILMED

JUL 02 1990

*Water Right
Holders
Hayden Creek*

October 7, 1988

<address>

RE: Minimum Streamflow Application on Hayden Creek, Application
No. 95-8560

Dear <sal>:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on Hayden 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 reaches.

Information describing the application and the time and place of the public 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,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:hm

Enclosures



<date>October 7, 1988
<address>Nick Ormonde
Rt. 3 Box 34
Hayden Lake, ID 83835
<sal>Mr. Ormonde
<>

<date>October 7, 1988
<address>O. K. Smith
Rt. 1 Box 288
Hayden Lake, ID 83835
<sal>Water Right Holder
<>

<date>October 7, 1988
<address>Czenzi Heinemann
Nick Ormonde
Rt. 1
Hayden Lake, ID 83835
<sal>Water Right Holder
<>

<date>October 7, 1988
<address>Warren Smith
Rt. 3 Box 36
Hayden Lake, ID 83835
<sal>Mr. Smith
<>

<date>October 7, 1988
<address>State of Idaho
Idaho Water Resource Board
Statehouse
Boise, ID 83720
<sal>Gentlemen
<>

<date>October 7, 1988
<address>Robert J. Revelli
P.O. Box 589
Wallace, ID 83873
<sal>Mr. Revelli
<>

<date>October 7, 1988
<address>Wayne Manis
P.O. Box 368
Coeur d'Alene, ID 83814
<sal>Mr. Manis
<>

RECEIVED

JUL 02 1990

CERTIFICATE OF MAILING

I, hereby, certify that on the 7th day of October, I mailed a true and correct copy of the following letter, postage prepaid, to the following individuals.

Heidi Miller
HEIDI MILLER, Receptionist

MICROFILMED

JUL 02 1990

*Legislators
Bonner & Koot.
Round &
Hayden*

<date>

<address>

RE: Minimum Streamflow Application on Round Lake, Application
No. 96-8503

Dear <sal>:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on Round Lake.

Information describing the application and the time and place of the public 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,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:hm

Enclosures



October 7, 1988

<address>

RE: Minimum Streamflow Application on Hayden Creek, Application
No. 95-8560

Dear <sal>:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on Hayden Creek.

Information describing the application and the time and place of the public 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,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:hm

Enclosures

MICROFILMED

JUL 02 1990

<address>Steve Herndon
P.O. Box 216
Sandpoint, ID 83864
<sal>Senator Herndon
<>

<address>Tim Tucker
K.V. Ranch
HCR 60 Box 227
Porthill, ID 83853
<sal>Representative Tucker
<>

<address>James F. Stoicheff
615 Lakeview
Sandpoint, ID 83864
<sal>Representative Stoicheff
<>

<address>Mary Lou Reed
10 Geisa Road
Coeur d'Alene, ID 83814
<sal>Senator Reed
<>

<address>Terry Sverdsten
E27555 Schoolhouse Loop
Cataldo, ID 83810
<sal>Senator Sverdsten
<>

<address>Robert M. Scates
334 Military Drive
Coeur d'Alene, ID 83814
<sal>Representative Scates
<>

<address>D. Dean Haagenson
P.O. Box 340
Coeur d'Alene, ID 83814
<sal>Representative Haagenson
<>

<address>Hilde Kellogg
P.O. Box 1479
Post Falls, ID 83854
<sal>Representative Kellogg
<>

<address>Thomas Joseph Giovanelli
P.O. Box 2221
Coeur d'Alene, ID 83814
<sal>Representative Giovanelli
<>

MICROFILMED
JUL 02 1990

<address>Mike Blackbird
6 Diamond
Kellogg, ID 83837
<sal>Senator Blackbird
<>

<address>Jeanne Givens
P.O. Box 969
Coeur d'Alene, ID 83814
<sal>Representative Givens
<>

<address>Eugene L. White
P.O. Box 37
Cataldo, ID 83810
<sal>Representative White
<>

Department of Fish & Game
Statehouse Mail
Boise, ID 83720

Department of Parks & Rec.
Statehouse Mail
Boise, ID 83720

MICROFILMED

JUL 02 1990

MEMORANDUM

TO: Files Nos. 36-8337, Box Canyon Creek; 47-8073, Shoshone Creek; 96-8503, Round Lake; 95-8560, Hayden Creek

FROM: Gary Spackman *Gary*

DATE: November 23, 1987

RE: Date of Filing Minimum Flow Applications with IDWR

At a meeting conducted on October 15, 1987, the Idaho Water Resource Board decided to file applications for minimum streamflow on Box Canyon Creek, Shoshone Creek, Round Lake, and Hayden Creek. Gene Gray, Chairman of the board, signed the applications, and they were given to the Director and Anita Warntjes.

Anita dated the applications on the back page at the time they were received. The statutes governing the filing of the applications state, however, that an application for minimum streamflow must be filed in the office of the Director. The applications were received in the state office on October 16, 1987. Therefore, the proposed date of priority should be October 16, 1987.

MICROFILMED

JUL 02 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

October 28, 1987

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

Re: 95-8560

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

Celebrate
IDAHO
1890 • CENTENNIAL • 1990





State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

October 28, 1987

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

Re: 95-8560

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 02 1990

Celebrate
IDAHO
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State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

October 28, 1987

Dept. of Lands
P.O. Box 670
Coeur d'Alene, Id. 83814

Re: 95-8560

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 02 1990

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an Application for Permit to the Department of Water Resources proposing to appropriate water for a minimum streamflow in Hayden Creek, tributary to the Hayden Lake. The application is further described as follows:

Application No.: 95-8560
Source: Hayden Creek
Proposed Priority: October 16, 1987
Amount & Period of Use: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31

Purpose of Minimum Instream Flow: To preserve fish and wildlife habitat.

Place of Use: The portion of Hayden Creek flowing in the following tracts:

Beginning at the confluence of Hayden Creek and the North Fork of Hayden Creek, located in the SE1/4NW1/4, Section 25, Township 52 North, Range 3 West, B.M., and extending downstream approximately three (3) miles to the confluence of Hayden Creek and Hayden Lake, located in Government Lot 1 (NE1/4NW1/4), Section ~~25~~³⁴, Township 52 North, Range 3 West, B.M.

The Idaho Water Resource Board will hold a public meeting regarding the application on October 20, 1988, at 7:30 p.m., in Coeur d'Alene, Idaho at the Technical Services Meeting Room, Kootenai County Technical Services Building, 501 Government Way. The purpose of the meeting is to gather information on the public interest regarding the proposed minimum streamflow.

GENE GRAY, Chairman
IDAHO WATER RESOURCE BOARD



SUMMARY ANALYSIS OF MINIMUM STREAMFLOW REQUESTS

Shoshone Creek

The request for minimum streamflow on Shoshone Creek was submitted by the Idaho Department of Fish and Game. The original application which was submitted was incomplete in that it did not adequately describe the minimum streamflow reach, and it did not contain a map depicting the proposed reach. The application was retyped in the state office of the Department of Water Resources, and a copy was forwarded to Fish and Game.

The hydrologic summary prepared by Alan Robertson indicates that the minimum flow of 5 cfs from January 1 to March 31 and the increased flow from April 1 to June 1 of 7 cfs can be maintained most of the time. After June 1, a proposed flow of 7 cfs through July 31, and a proposed flow of 5 cfs from August 1 through December 31 may be more difficult to maintain.

One hydropower license, No. 47-2455, authorizing a diversion rate of 17.37 cfs, may conflict with the minimum flow filing. The license has a priority of March 28, 1963. I don't have information as to whether the project is still operational.

✓ Hayden Creek

The Hayden Creek application was not in proper form, in that it improperly described the reach and did not contain a map showing the reach. The application was amended in the state office of the Department of Water Resources, and a copy was mailed to Fish and Game.

Hydrology indicates that the stream flow requested will be exceeded most of the time, except in June when the requested 20 cfs will only be available approximately half of the time.

No substantial conflicts with water rights are apparent.

JUL 04 1960

Box Canyon Creek

This application by BLM is unique because it seeks a continuously increasing streamflow from the upstream end of the reach to the downstream end. The minimum streamflow is to be assured by agreement with Earl Hardy that calls for non-development of 75 cfs of water on the upstream end. Throughout the entire proposed streamflow reach, diffuse groundwater

discharge increases the flows by 87 cfs, totaling 162 cfs at the mouth of the Snake River. I have prepared two attachments for the application which describes the reach, and also describes the minimum flow sought. If the Board wishes to do so, the attachments can be incorporated as part of the application.

There are numerous water right filings from Box Canyon Springs or Box Canyon Creek. The following is a summary of the rights. I have attempted to total the diversions, but at this point in time, I am uncertain how much development has taken place, how much is anticipated, and how much water is discharged back into Box Canyon Creek prior to reaching the proposed minimum streamflow reach. The estimate I have attached is rough, but a more careful field examination must be conducted prior to determining how much water may be available for appropriation. Suspected non-accumulating flows are contained in parenthesis.

<u>Water Right</u>	<u>Name</u>	<u>Amount (cfs)</u>	<u>Stage</u>
36-2705	Mountain View Irrigation	200	P
36-7091	Earl Hardy	300	P
36-7175	Earl Hardy	330	P
36-7824	Manteck, Inc.	(300)	P
36-7334	Box Canyon Trout Co. Earl Hardy	600	P
36-7040	Clear Springs Trout Co.	300	L
36-7797	Clear Springs Trout Co.	(300)	P
36-8080	Clear Springs Trout Co.	(300)	P
36-7066	Blind Canyon Aqua Ranch	400	P
36-7198	Idaho Parks & Recreation	(850)	A
	Earl Hardy	(425)	A
ESTIMATED FLOWS OF EXISTING FILINGS		2,130	

Southern Region represents that Mountain View Irrigation intends to relinquish their permit, and that Blind Canyon Aqua Ranch did not develop any water from Box Canyon Springs. The elimination of Mountain View and Blind Canyon reduces the diversion demands to 300 cfs diverted from the Clear Springs Trout Co. and Manteck, Inc. operation, and flows under permits now held by Earl Hardy. If the contract with Hardy and BLM doesn't contain loopholes regarding quality or amount of the

water, Hardy should be contractually bound to deliver 75 cfs at the upper end.

The most recent application by Earl Hardy seeking 425 cfs for hydropower purposes does not interfere with a minimum streamflow reach as proposed.

The hydrology report shows sufficient water to fill the minimum streamflow. The measurements do not take into account possible future development under existing permits, however.

Round Lake

The application probably should state that Round Lake is the source of the water supply.

Two water rights on Round Lake are listed in the database. The lake is fed by Cocolalla Creek and Cocolalla Lake, however, and there are numerous upstream consumptive rights. Although the filing should not affect prior rights, some declination in water levels could occur from upstream permits not yet developed. Parks and Recreation also stated that they are concerned about ground water withdrawals that might affect the lake. Again, there may be undeveloped permitted uses that might cause further declines.

RECEIVED
JUL 02 1990

REQUESTS FOR MINIMUM STREAMFLOWS

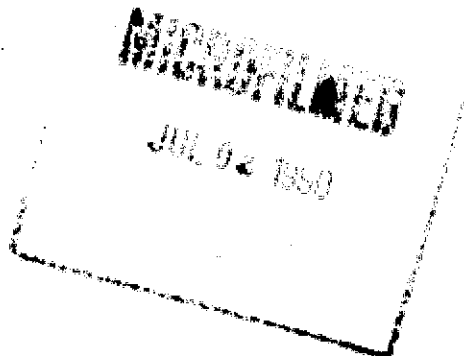
<u>Source</u>	<u>County</u>	<u>Amount</u>	<u>Period</u>	<u>Agency</u>
Shoshone Creek	Twin Falls	5 cfs 7 cfs 5 cfs	1/1 to 3/31 4/1 to 7/31 8/1 to 12/31	Fish & Game
✓ Hayden Creek	Kootenai	4 cfs 20 cfs 4 cfs	1/1 to 2/29 3/1 to 6/30 7/1 to 12/31	Fish & Game
Box Canyon Creek	Gooding	*75-162 cfs	1/1 to 12/31	BLM
Round Lake	Bonner	**	**	Parks & Rec.

* Graduated flows to be maintained through several reaches of the creek.

** Todd Graeff requested time for a presentation to the Board. Application has not yet been filed.

RESOLUTION TO CONTINUE OR WITHDRAW

<u>Source</u>	<u>County</u>	<u>Amount</u>	<u>Period</u>	<u>Agency</u>
Crystal Springs	Gooding	50 cfs	1/1 to 12/31	Parks & Rec.



INTER-DEPARTMENT MEMO — 1

DATE 10-20-87

FROM Bert thru Gary

TO Northern

SUBJECT MSF Round Lake, Hayden Creek

Gary requests that you hold off
on advertising.

SIGNATURE



600 South Walnut • Box 25
Boise, Idaho 83707

RECEIVED
SEP 01 1987

August 25, 1987

Department of Water Resources

Mr. Gene Gray, Chairman
Idaho Water Resources Board
Statehouse
Boise, ID 83720

Dear Mr. Gray:

Attached are two applications to appropriate minimum instream flows which we would request the Board make on behalf of the Department of Fish and Game.

Shoshone Creek, in Twin Falls County, is one of a relatively few streams south of the Snake River in southcentral Idaho still supporting native cutthroat. Hayden Creek in Kootenai County provides a major source of recruitment supporting the rainbow and cutthroat fisheries in Hayden Lake.

The requested flows are not ideal, but minimum for maintaining fishery values which we feel are of particular interest to the public.

Thank you for your consideration. If you have any questions, please feel free to contact Al Van Vooren of our staff.

Sincerely,

Jerry Mallet
for Jerry M. Conley
Director

RECORDED

JUL 02 1987

EQUAL OPPORTUNITY EMPLOYER



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

M E M O

TO: Gary Spackman

DATE: October 1, 1987

FROM: Alan Robertson *AR*

SUBJECT: Hayden Creek Instream Flow Request

Based upon records for the Hayden Creek below North Fork gage, which is at the upper end of the flow request reach, the following comparisons can be made:

<u>Month</u>	<u>Requested Flow (cfs)</u>	<u>Percent of Time Requested Flow is Exceeded</u>
Jan	4	97
Feb	4	99+
Mar	20	89
Apr	20	94
May	20	90
Jun	20	53
Jul	4	99
Aug	4	92
Sep	4	90
Oct	4	90
Nov	4	95
Dec	4	96

The requested flows are exceeded a somewhat higher percentage of the time at the lower end of the reach. The above is based upon records from 1948 to 1985.

[Faint stamp]

JUL 02 1990

HAYDEN CREEK MINIMUM STREAMFLOW APPLICATION

Water Right No: 95-8560

Source: Hayden Creek

**Rate of Flow: 4.0 cfs from 01/01 through 02/29
20.0 cfs from 03/01 through 06/30
4.0 cfs from 07/01 through 12/31**

Date Application Filed: October 16, 1987

Applicant: Idaho Department of Water Resource Board

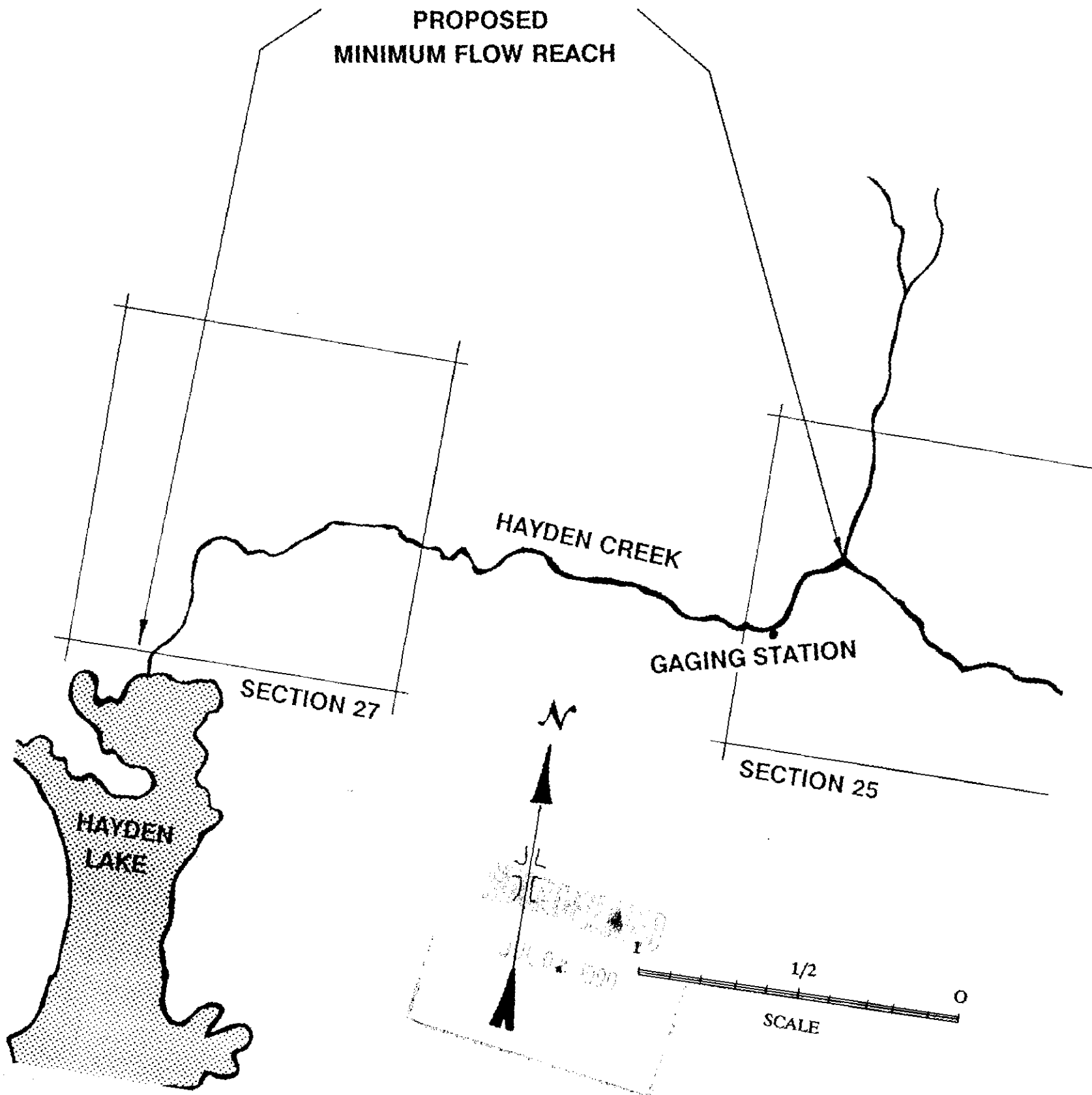
Requesting Agency: Department of Fish and Game

Purpose: Preserve fish and wildlife habitat

JUL 02 1990

RECEIVED

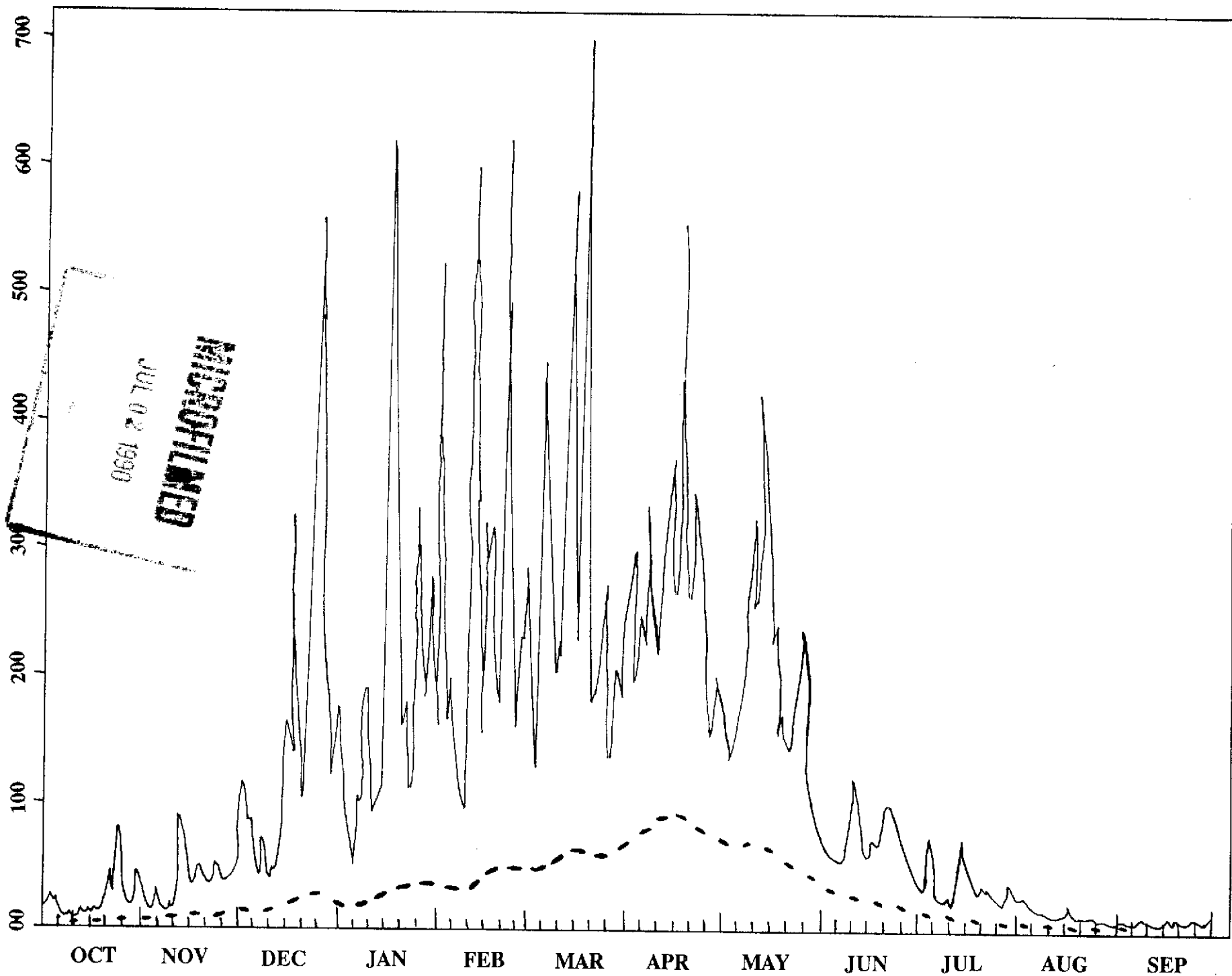
APPLICATION FOR MINIMUM
LAKE LEVEL NO. 95-8560
HAYDEN CREEK



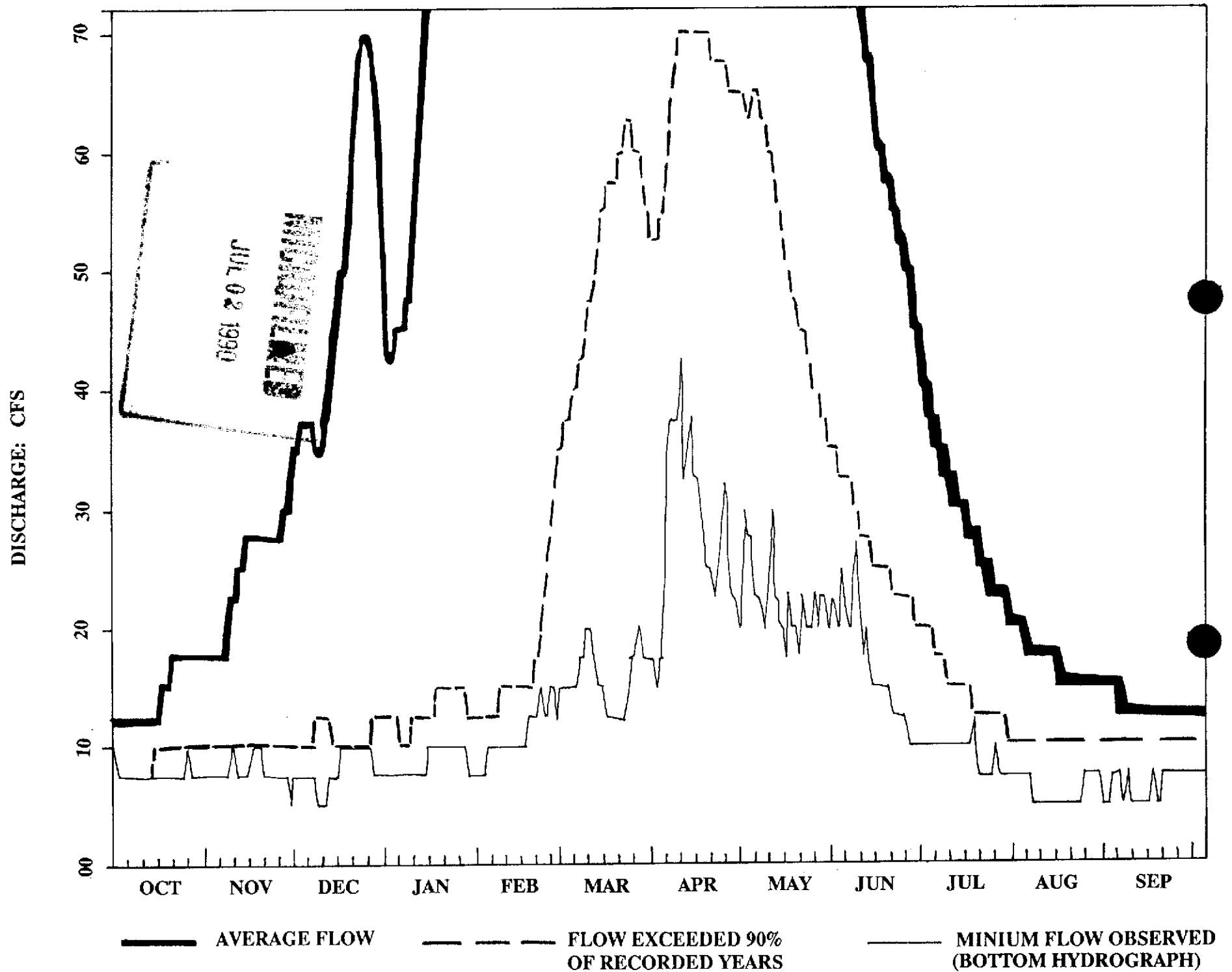
NAME: HAYDEN CREEK BL NORTH FORK

STATION: 12416000

DISCHARGE: CFS



NAME: HAYDEN CREEK BL NORTH FORK
STATION: 12416000



MINIMUM STREAMFLOW REQUEST/APPLICAT

PROCESSING CHECKLIST

HAYDEN CREEK

	Assigned to	Initials/Date
1. Request received and checklist attached.	Records Chief	<u>10-13-87</u> <i>mg</i>
2. Request indexed.	Records Chief	<u>10-13-87</u> <i>mg</i>
3. Preliminary review. Application prepared for signature.	Section Supv.	<u>10/13/87 G.S.</u>
4. Streamflow information requested from hydrology.	Section Supv.	<u>10/11/87 G.S.</u>
5. Region advised of request	Section Supv.	<u>10/13/87 G.S.</u>
6. Acknowledgement letter sent.	Section Supv.	<u>10/17/87 G.S.</u>
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Section Supv.	<u>10/13/87 G.S.</u>
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Section Supv.	<u>10/11/87 G.S.</u>
9. Water Rights researched and abstracted.	Records Chief	<u>mg 9-30-87</u>
10. Request and related data presented to Board.	Requestor	_____
11. Filed or Rejected by Board.	IWRB, Section Supv.	_____
12. Board action indexed.	Records Chief	_____
13. Original application sent to region	Section Supv.	_____
14. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	_____
15. Application advertised w/o hearing date.	Region	_____
16. Notice sent to each water right holder or applicant on MSF reach.	Section Supv.	_____
17. Personal contact made with riparian land owners.	Requestor	_____
18. Visual aid request prepared. (location, water rights, hydrology)	Section Supv.	_____
19. Visual aids reviewed.	Section Supv.	_____
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	_____
21. Informal public meeting advertised in legal notices.	Region	_____

	<u>Assigned to</u>	<u>Initials/Date</u>
22. Notification of informal public meeting sent to:		
a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV and Radio Stations	Section Supv.	_____
f. Water Right Holders	Requestor	_____
g. Riparian Owners	Requestor	_____
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	_____