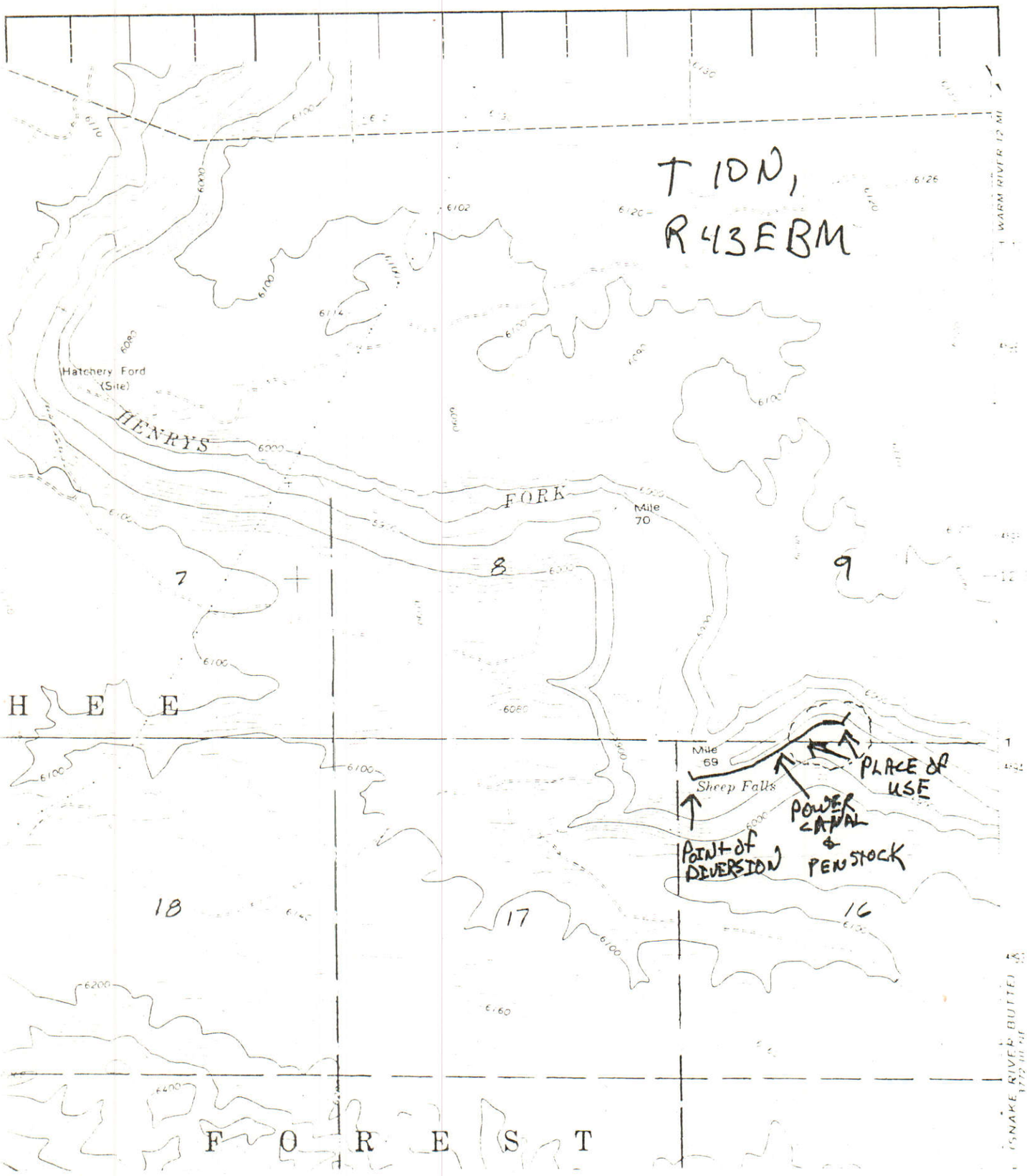
11. Map of proposed project: sh clearly the proposed point of divers , place of use, section number, township and range number.



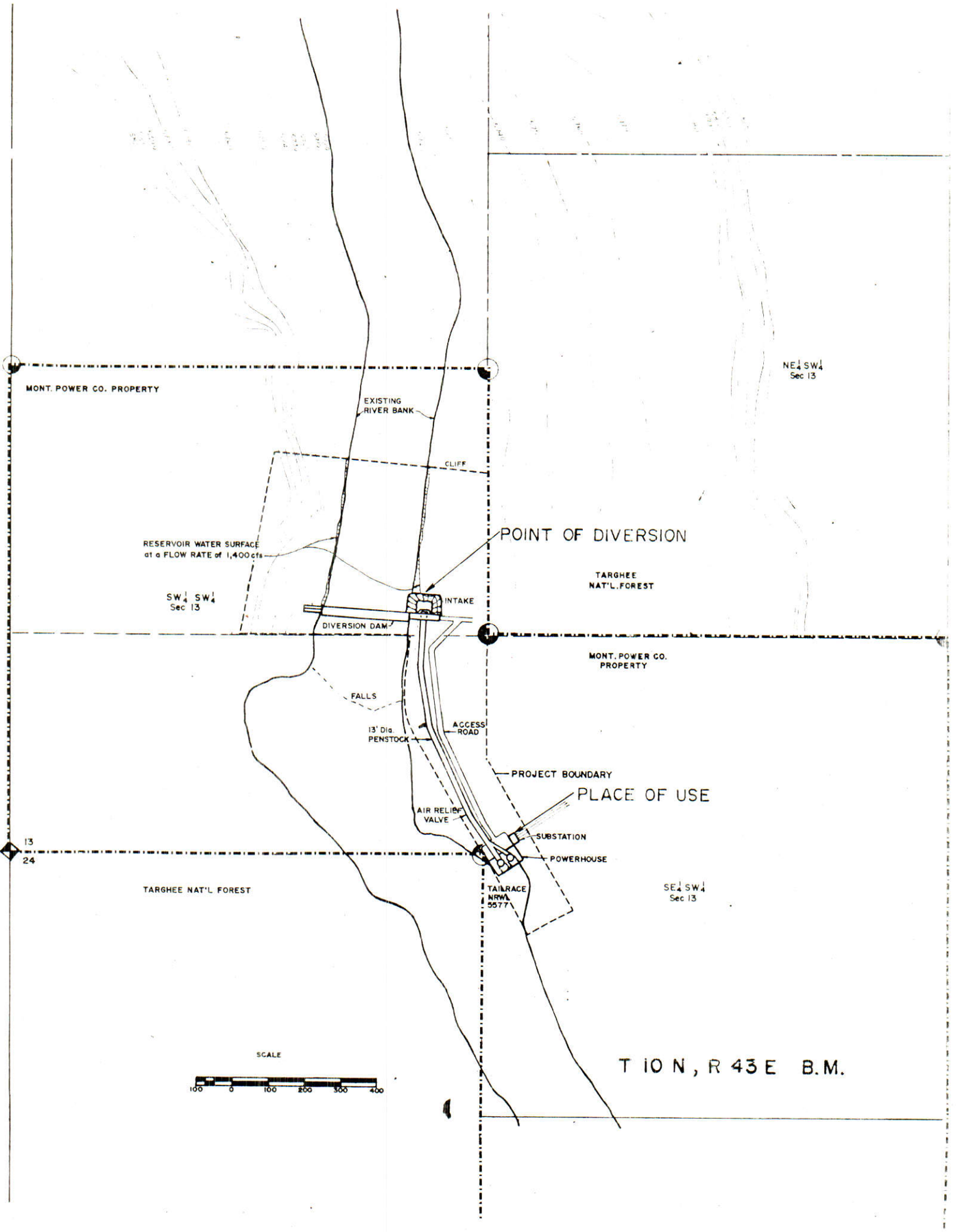
Scale: 2 inches equal 1 mile.

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.

Richard L Bowers
(Applicant)
Ken Ackworth
Bill Arkoosh

RECEIVED

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

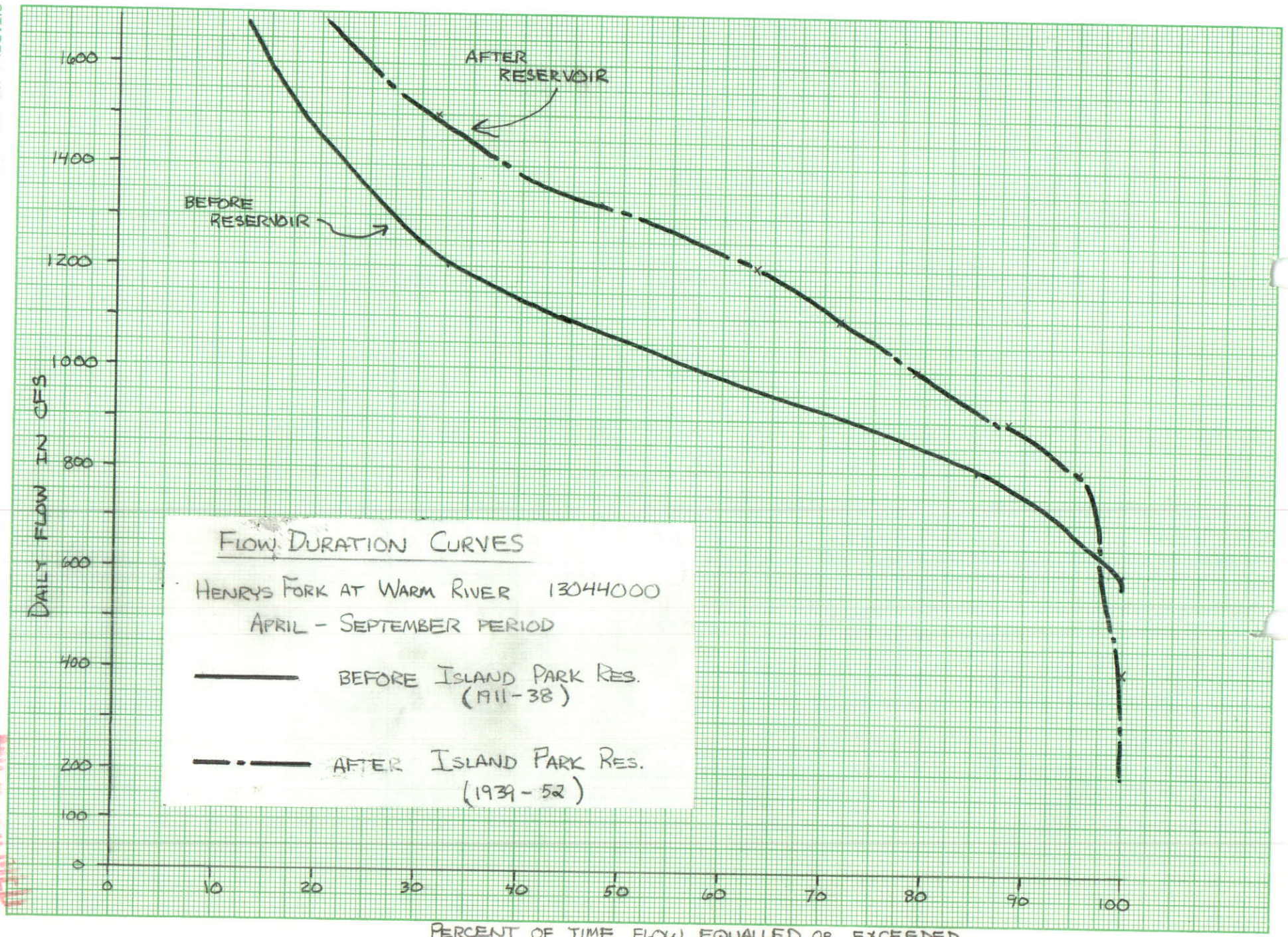


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

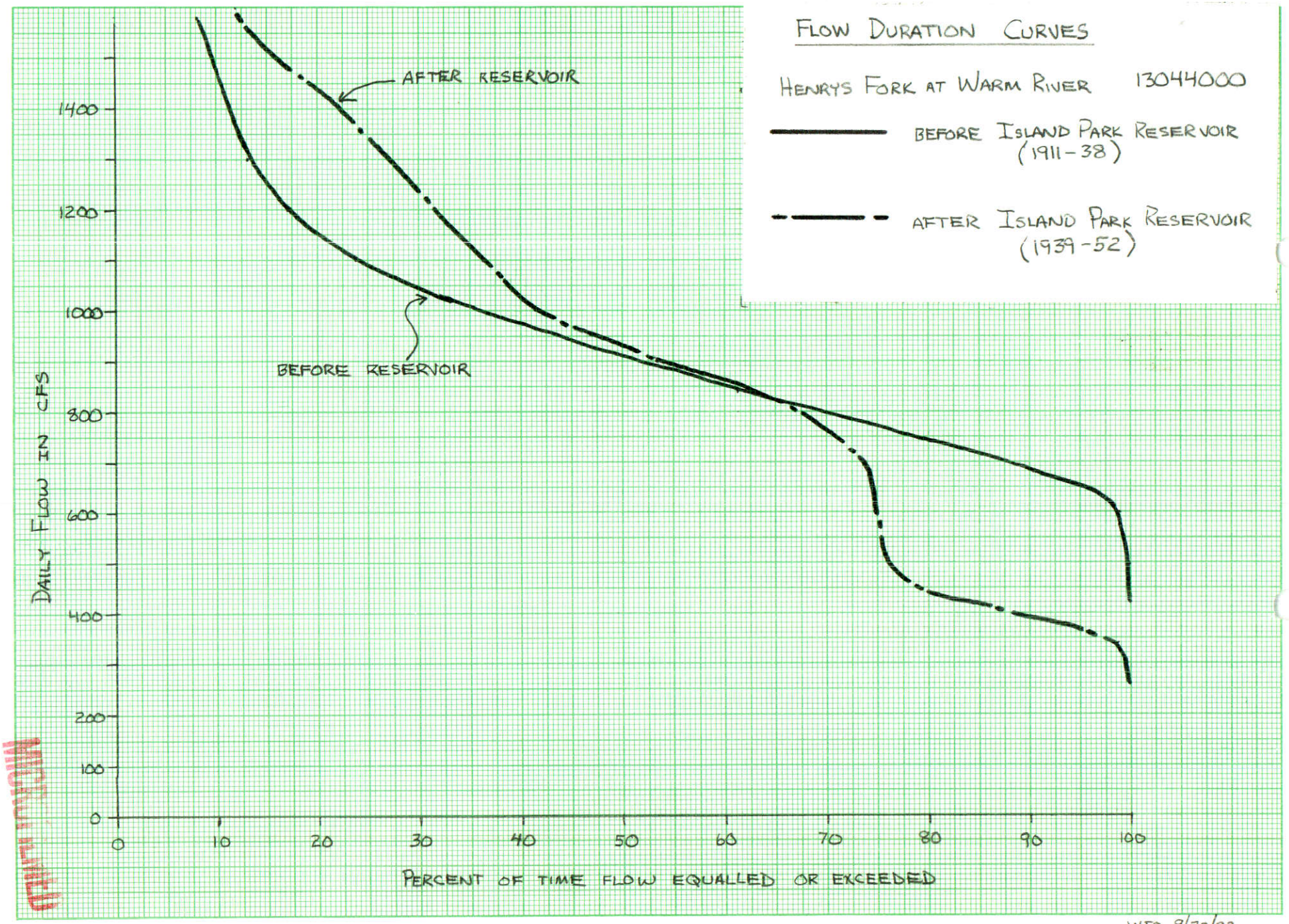
MONTANA POWER COMPANY

By Robert J. Galvin

(Applicant)



CITADEL® NO. 641 - SCIENCE - 10 SQUARES TO CENTIMETER



CITADEL® NO. 641 - SCIENCE - 10 SQUARES TO CENTIMETER

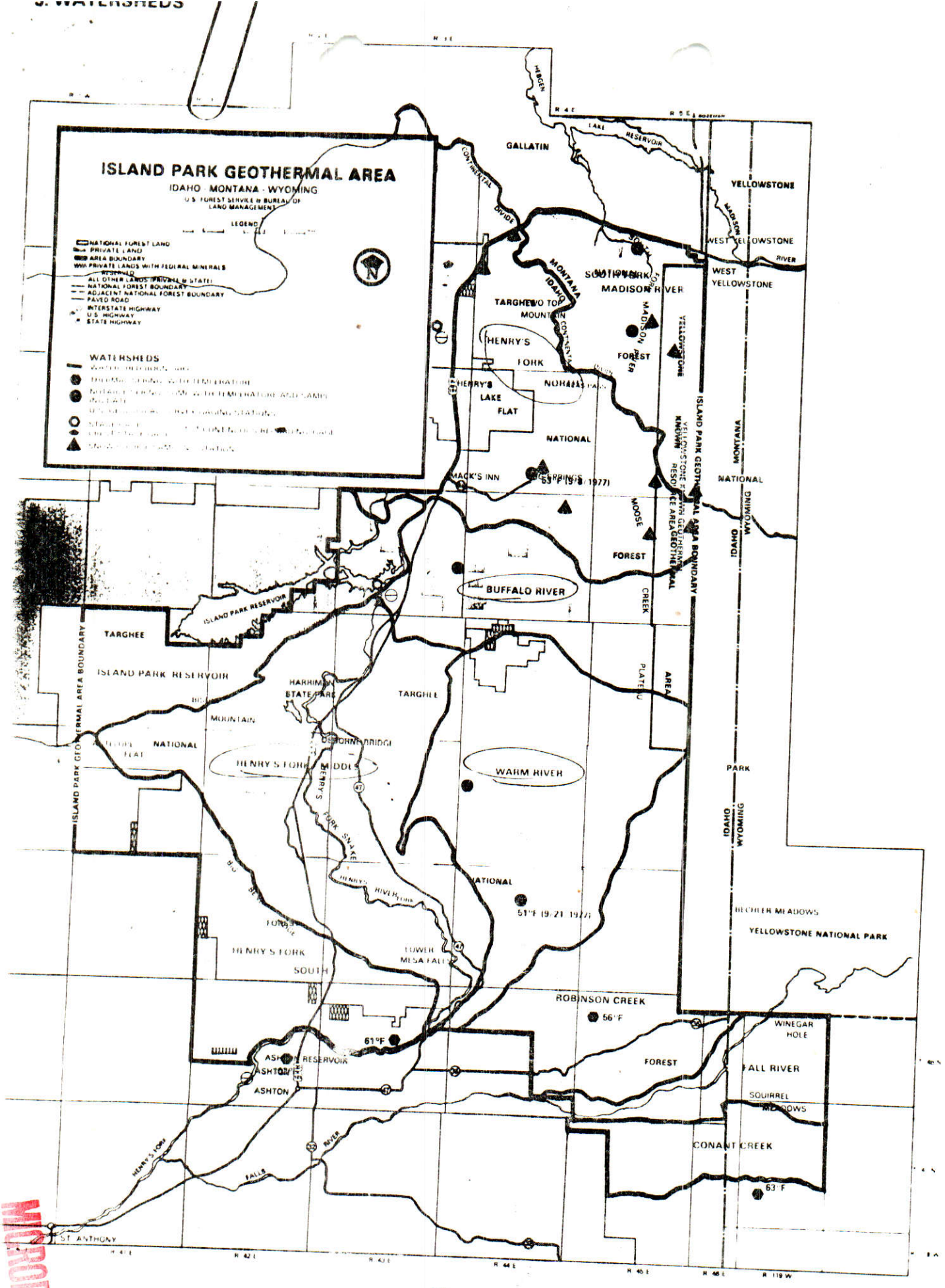
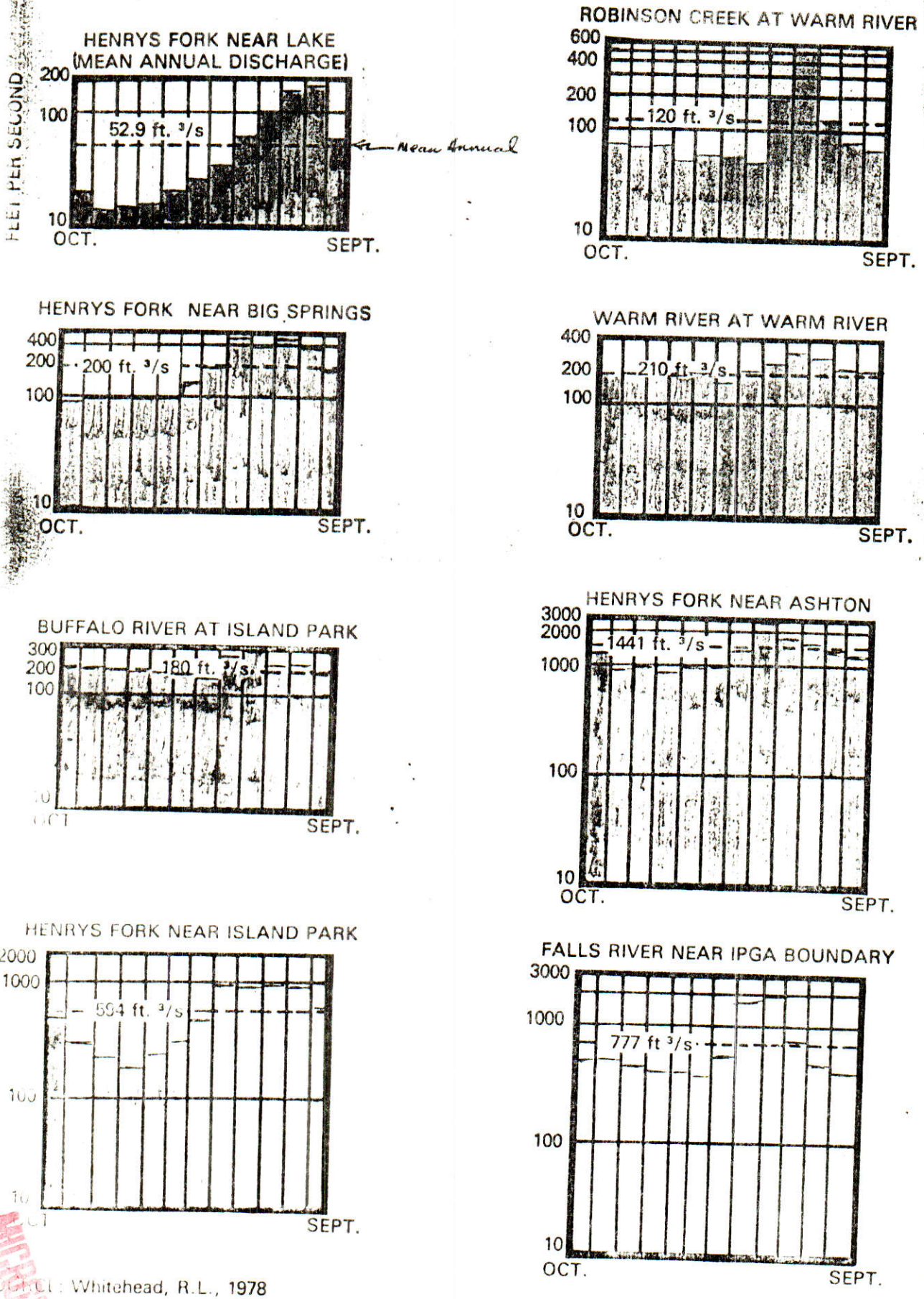

ISLAND PARK GEOTHERMAL AREA
IDAHO · MONTANA · WYOMING
U.S. FOREST SERVICE & BUREAU OF LAND MANAGEMENT
LEGEND
NATIONAL FOREST LAND
PRIVATE LAND
AREA BOUNDARY
WITH FEDERAL MINERALS RESERVED
ALL OTHER LANDS (PRIVATE & STATE)
NATIONAL FOREST BOUNDARY
ADJACENT NATIONAL FOREST BOUNDARY
PAVED ROAD
INTERSTATE HIGHWAY
U.S. HIGHWAY
STATE HIGHWAY
WATERSHEDS
GALLATIN
YELLOWSTONE
WEST YELLOWSTONE
SOUTH FORK MADISON RIVER
TARGHEE TOP MOUNTAIN
HENRY'S FORK
HENRY'S LAKE FLAT
NATIONAL FOREST
MACK'S INN
HOT SPRINGS
63°F (9/8/1977)
MOOSE
BUFFALO RIVER
ISLAND PARK RESERVOIR
TARGHEE
ISLAND PARK GEOTHERMAL AREA BOUNDARY
HARRIMAN STATE PARK
TARGHEE PLATEAU
HENRY'S FORK MIDDLE
WARM RIVER
PARK
IDAHO
WYOMING
MONTANA
51°F (9/21/1977)
BECHLER MEADOWS
YELLOWSTONE NATIONAL PARK
HENRY'S FORK SOUTH
LOWER MESA FALLS
ROBINSON CREEK
56°F
61°F
ASHTON RESERVOIR
ASHTON
WINEGAR HOLE
FALL RIVER
SQUIRREL MEADOWS
CONANT CREEK
63°F
ST. ANTHONY

FIGURE 6. STREAMFLOW CHARACTERISTICS IN THE IDAHO PART OF THE ISLAND PARK GEOTHERMAL AREA (IPGA)
(MEAN ANNUAL AND MEAN MONTHLY DISCHARGE)



Whitehead, R.L., 1978

MICROFILMED

Figure No. 4

WATER SUPPLY STUDY

ISLAND PARK RESERVOIR

	Average Inflow 17-Year Average (1959-1976)			1963 - 1977 Average Change in Storage			AVERAGE RELEASE
Month	Ac-Ft	Ac-Ft Per Day	CFS	Ac-Ft	Ac-Ft Per Day	CFS	CFS
October	34,200	1,103.23	556	+4,000	+129.03	65	490
November	31,800	1,060.00	534	+8,000	+266.67	134	400
December	31,400	1,012.90	511	+10,000	+322.58	163	348
January	30,500	983.87	496	+10,000	+322.58	163	333
February	25,900	925.00	466	+10,000	+157.14	180	286
March	28,600	922.58	465	+12,000	+387.10	195	270
April	37,200	1,240.00	625	+8,000	+266.67	131	491
May	79,000	2,548.39	1,285	+5,000	+161.29	81	1,204
June	64,600	2,153.33	1,086	-1,000	-33.33	17	1,103
July	39,800	1,283.87	647	-18,000	-580.65	293	940
August	38,900	1,254.84	633	-32,000	-1,032.26	520	1,153
September	37,200	1,240.00	625	-16,000	-533.33	269	894

MICROFILMED

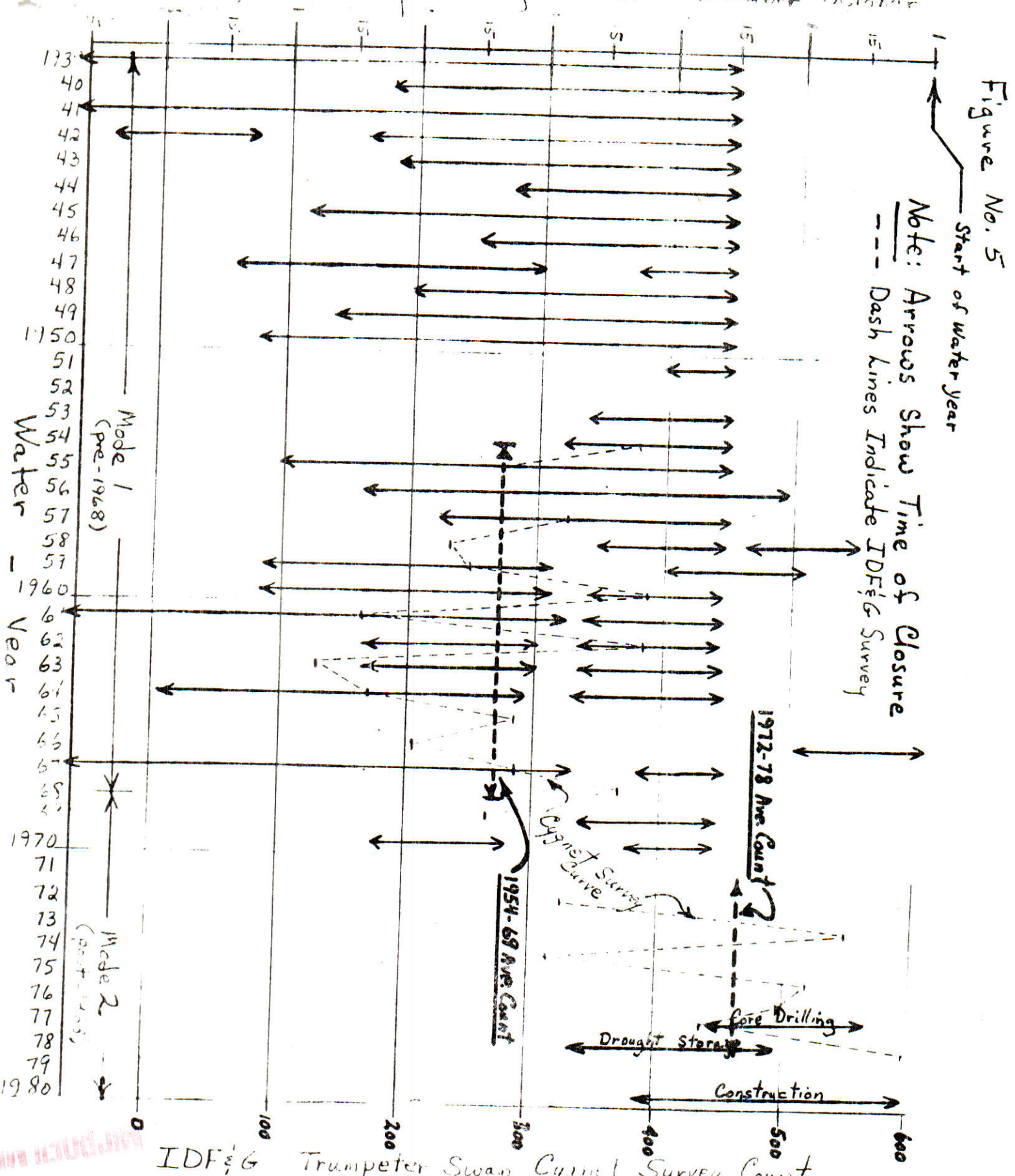


Figure No. 5

Graph Showing Lake Closure vs Trumpeter Swan Cygnet Survey			DETAILS
Island Park Dam			FEATURE
Minidoka		DATE	CHKD BY
SHEET	PROJECT	11/27/81 DATE	Jab BY

Mr. Dale R. Christensen
District Idaho P&R

22 Foller St
Cambridge Ma
02138
4/2/81

Dep Director
Admin Asst
Operations
Development
Rec. Planning
Personnel
Fiscal
File

Dear Mr Christensen

Thanks for your Oct 29 '81 letter informing me of the Nov 19 meeting to discuss establishment of minimum flows for the Henry's Fork below the Buffalo River. While I will not attend the meeting - due to the travel problem, I am writing to offer my full support for your effort to establish minimum flow standards. The steelhead is unique in its fish habitat and in its water use by waterborne recreationists. This feature can, and has been, damaged by low winter flows accompanied by ice formation

DECLASSIFIED

and I believe that the minimum
with a guaranteed and proven year (by well chosen minimum flow standard)
for the water in the river can
be maintained at an acceptable
level by intelligent management
and by optimum use of downstream
storage reservoirs.

Is it worth considering a
maximum flow standard for
the summer? Very high flows
constitute a safety hazard for
recreational river use and can damage
banks and bottom.

Sincerely Joan

John P. Sargent

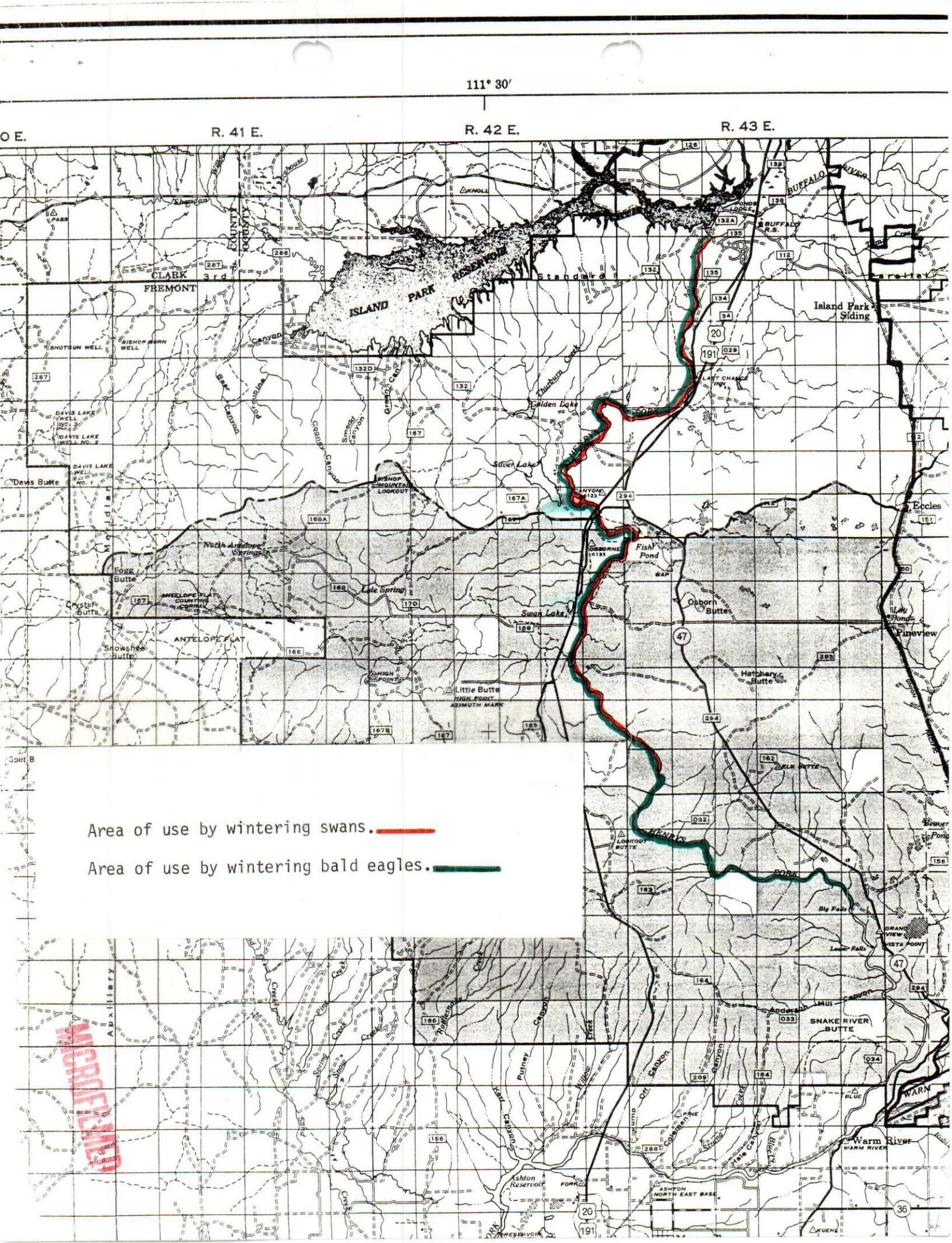
RECEIVED
NOV 12 1981
Idaho Parks & Recreation Dept

MICROFILMED

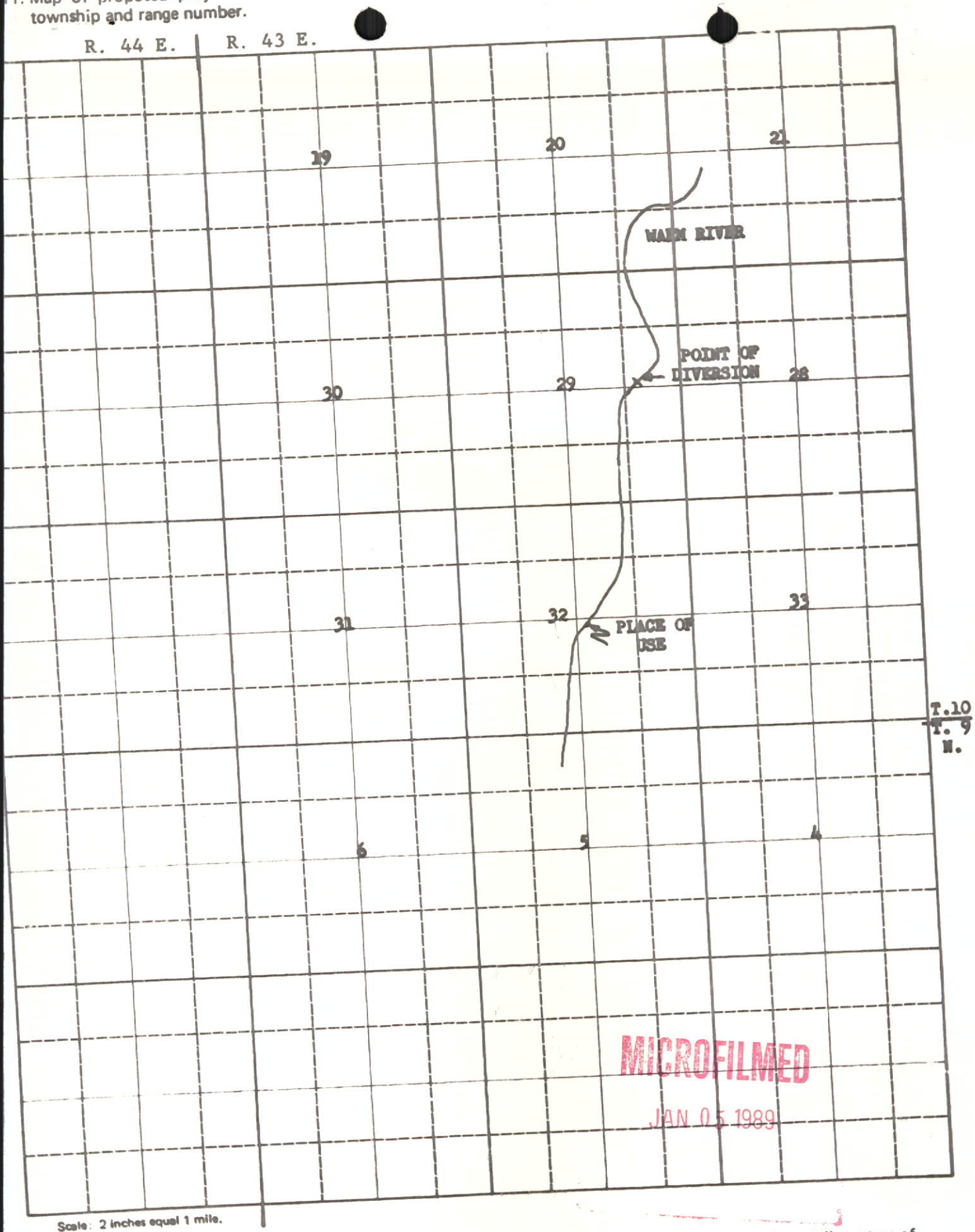


Upper Mesa Falls

Photo by Dee Wheeler


111° 30′
R. 41 E.
R. 42 E.
R. 43 E.
Area of use by wintering swans.
Area of use by wintering bald eagles.
ISLAND PARK RESERVOIR
FREMONT
CLARK
Island Park Siding
Eccles
Pineview
Warm River
SNAKE RIVER BUTTE
ANTELOPE FLAT
Little Butte
Osborn Butte
Fish Pond
Hatchery Butte
Swan Lake
Silver Lake
Golden Lake
Ashton Reservoir
Big Falls
Lower Falls
Buffalo River
Teton Creek
Warm River
Split B
MICROFILMED

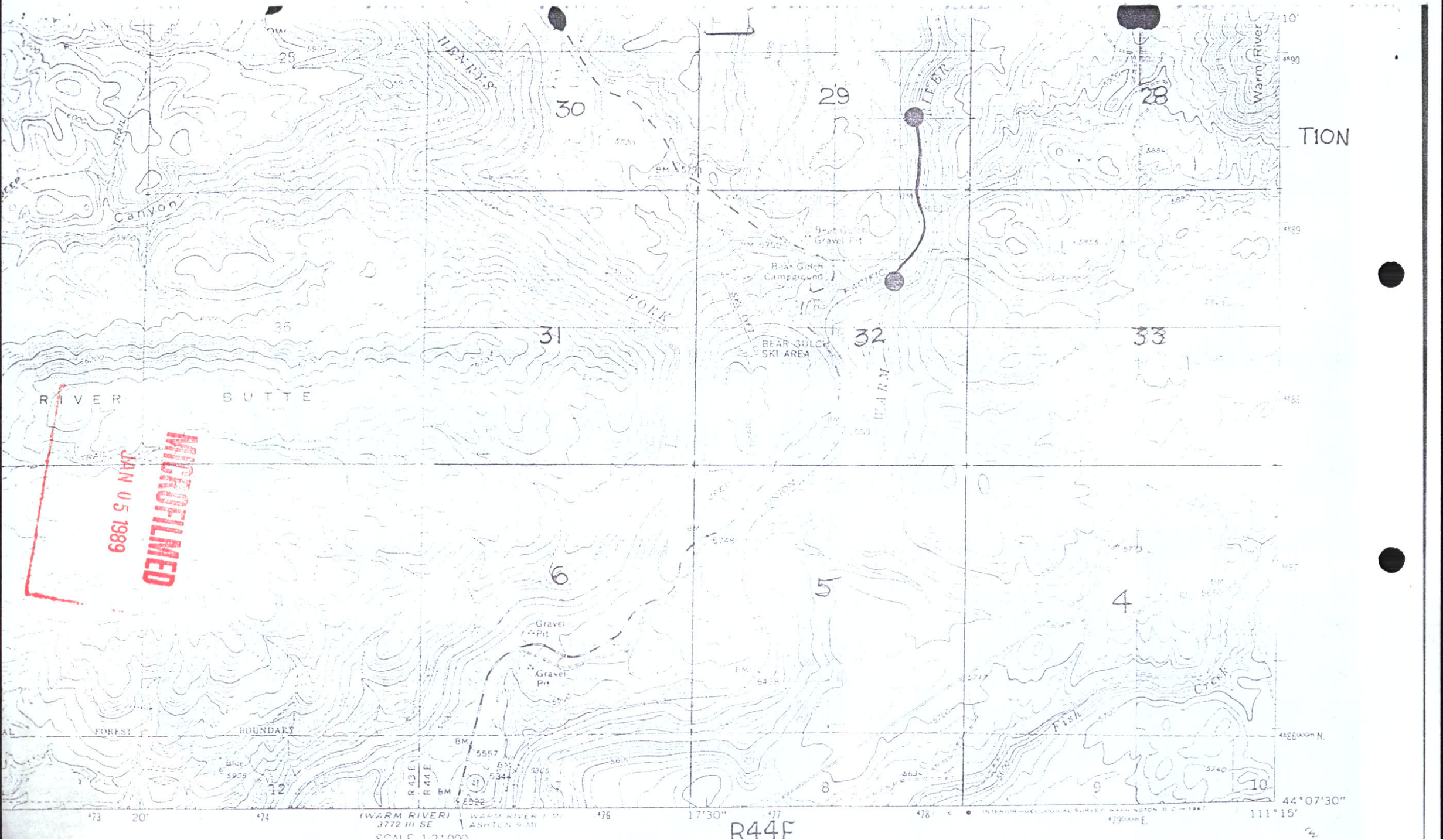
1. Map of proposed project: show clearly the proposed point of diversion, place of use, township and range number.



MICROFILMED
JAN 05 1989

Scale: 2 inches equal 1 mile.

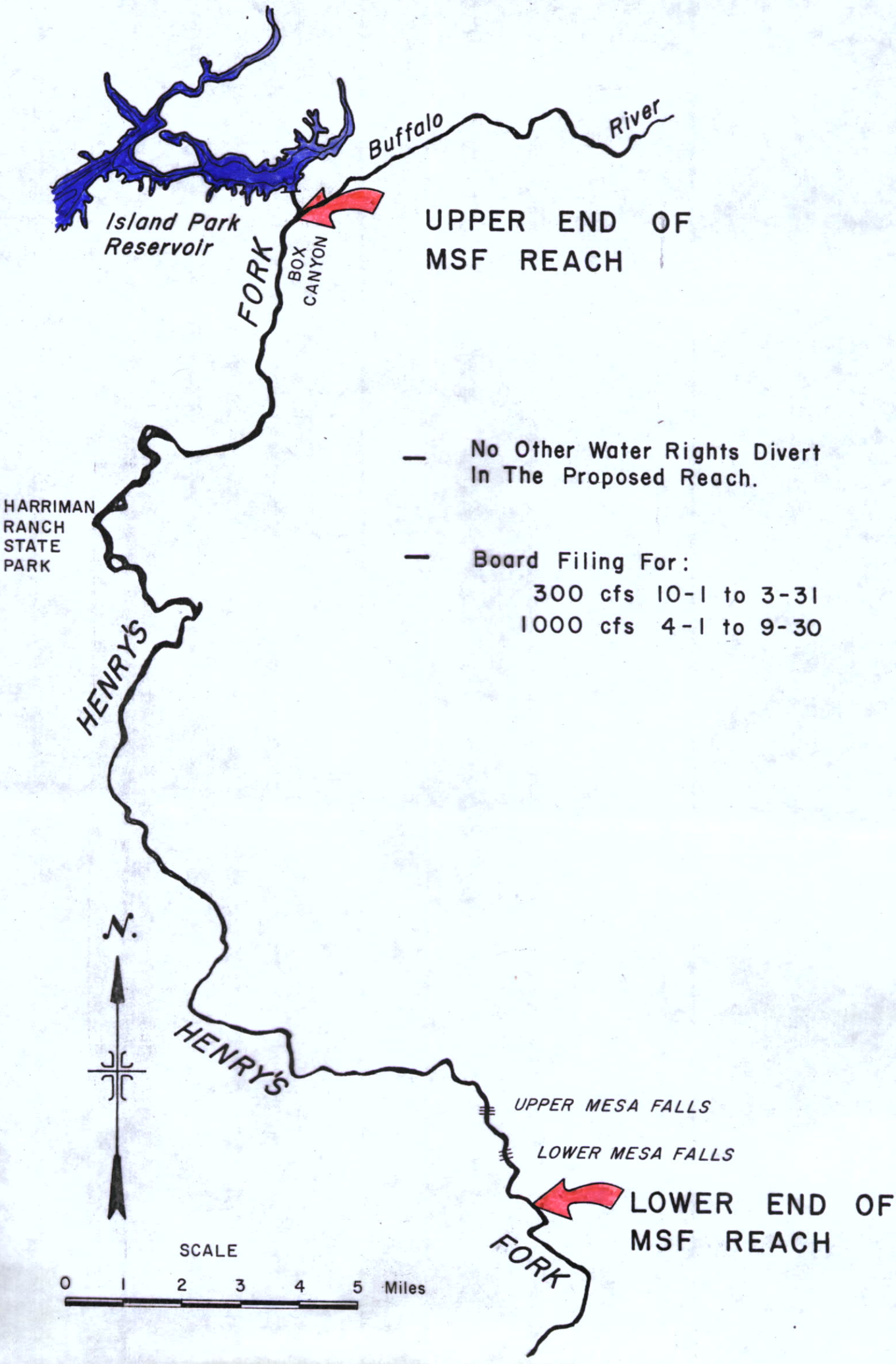
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.



MICROFILMED
JAN 05 1989

HENRY'S FORK MSF

App. No. 21-7282

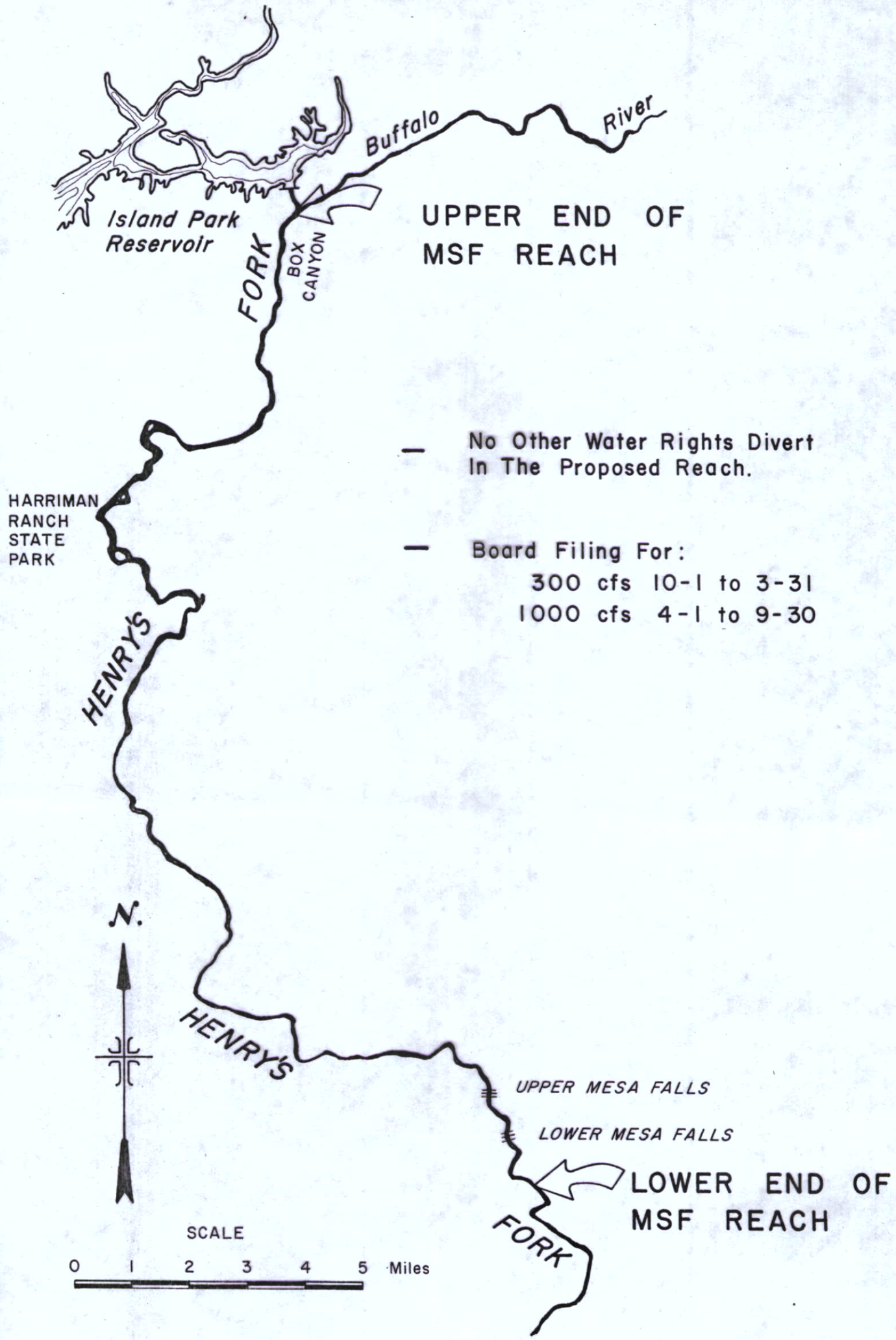


— No Other Water Rights Divert In The Proposed Reach.

— Board Filing For:
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

HENRY'S FORK MSF

App. No. 21-7282

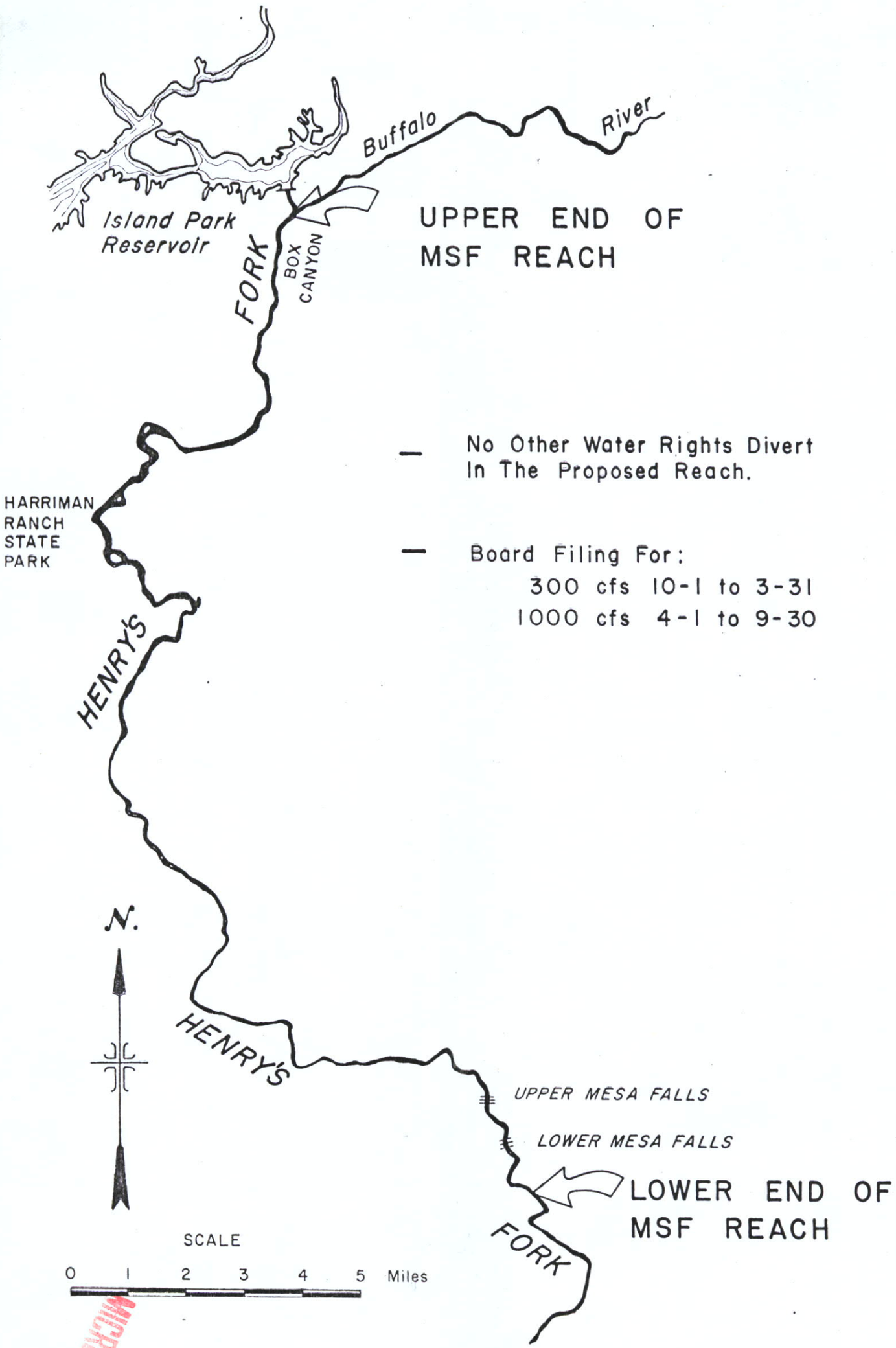


— No Other Water Rights Divert In The Proposed Reach.

— Board Filing For:
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

HENRY'S FORK MSF

App. No. 21-7282



- No Other Water Rights Divert In The Proposed Reach.

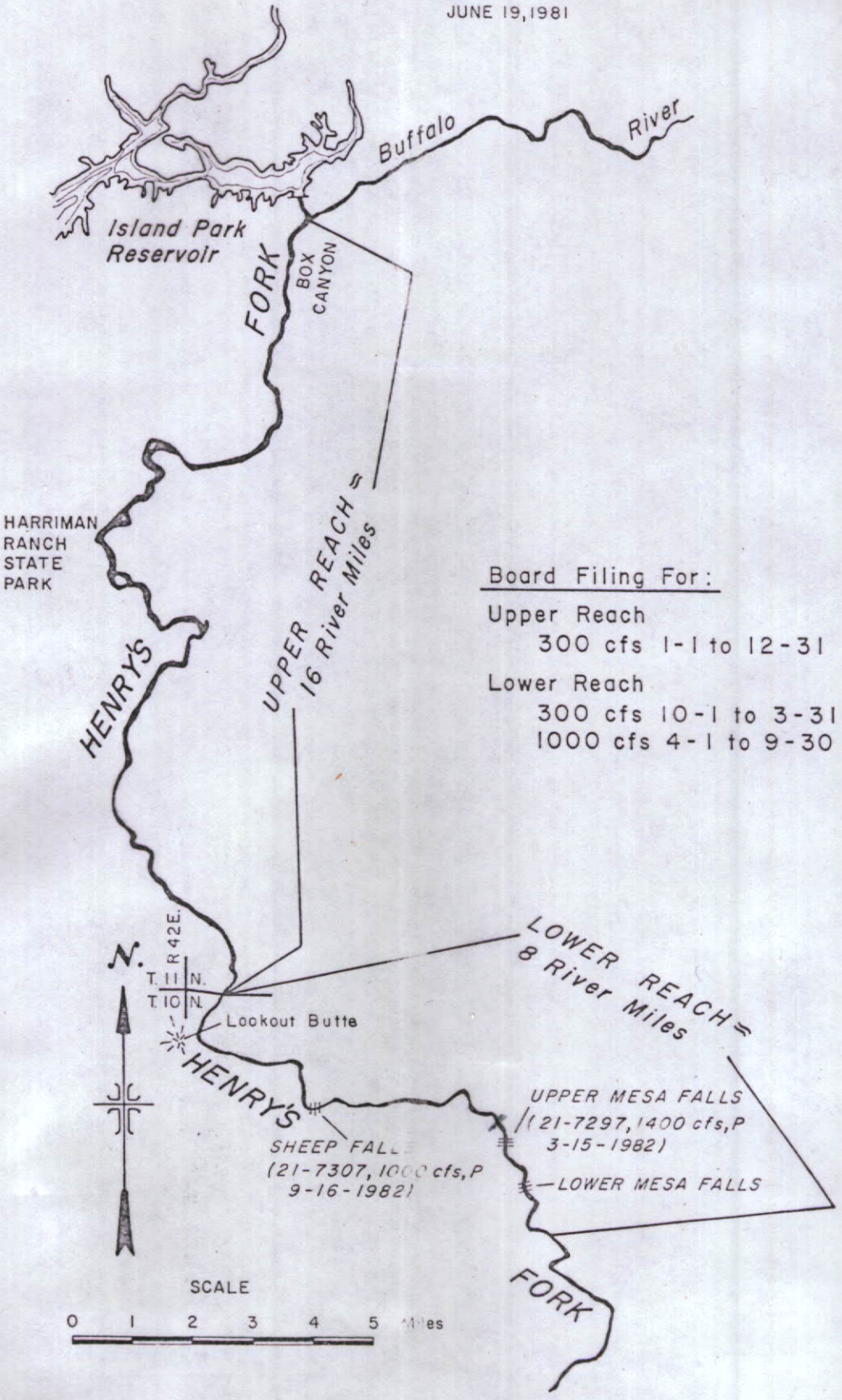
- Board Filing For:
  300 cfs 10-1 to 3-31
  1000 cfs 4-1 to 9-30

MICROFILMED

HENRY'S FORK ...SF

App. No. 21-7282

JUNE 19, 1981



Board Filing For:

Upper Reach
300 cfs 1-1 to 12-31

Lower Reach
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

IDWR EXHIBIT



SNAKE RIVER BUTTE, IDAHO

N4407.5—W11115/7.5

1965

AMS 3772 III NE—SERIES V893

SCALE 1:24 000

1 0 1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

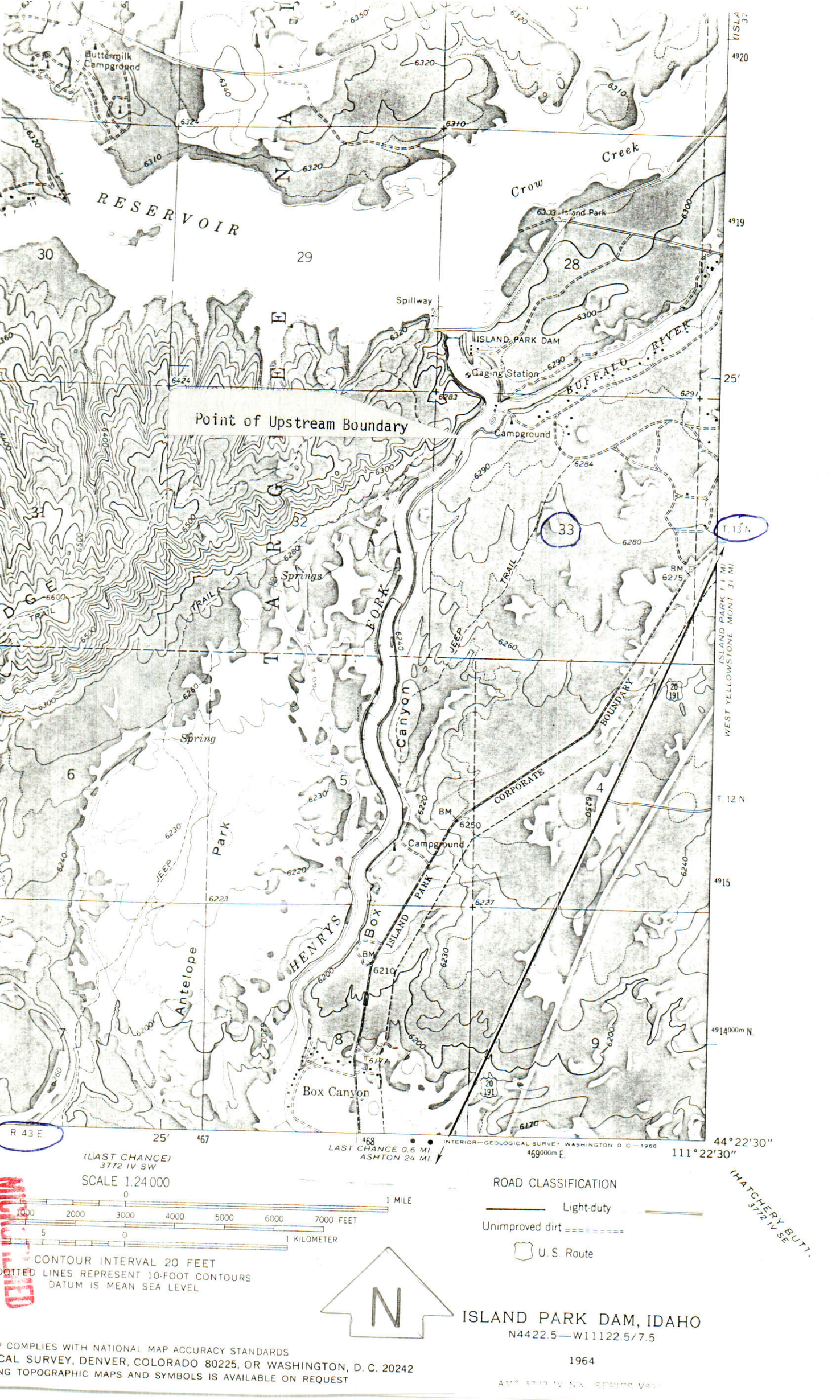
1 0 1 KILOMETER

CONTOUR INTERVAL 20 FEET

DOTTED LINES REPRESENT 10-FOOT CONTOURS

DATUM IS MEAN SEA LEVEL

MICROFILMED



SCALE 1:24 000

1 MILE

1000 2000 3000 4000 5000 6000 7000 FEET

1 KILOMETER

CONTOUR INTERVAL 20 FEET

DOTTED LINES REPRESENT 10-FOOT CONTOURS

DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION

Light-duty

Unimproved dirt

U. S. Route

N

ISLAND PARK DAM, IDAHO

N4422.5—W11122.5/7.5

1964

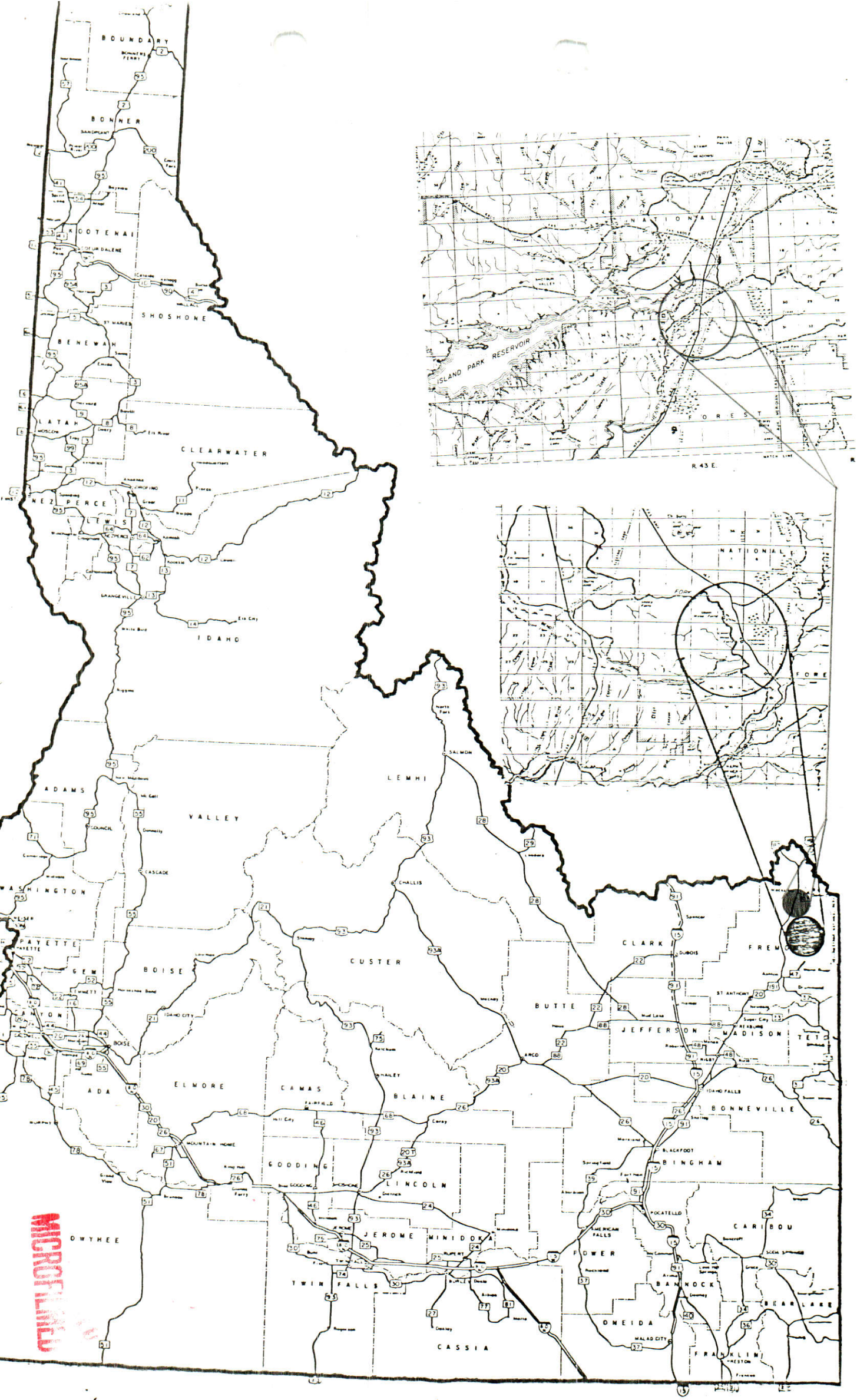
AMS 3772 IV NW—SERIES V881

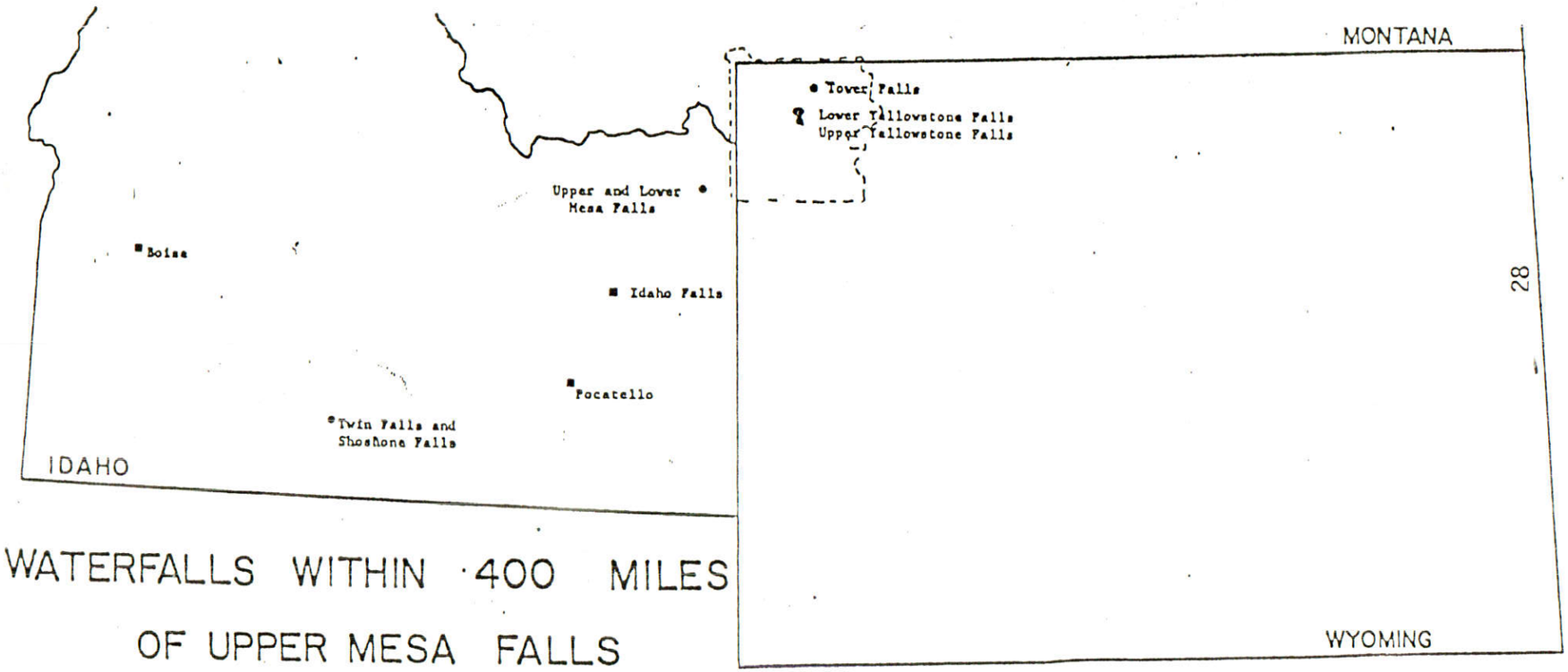
MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242

FOR INFORMATION ON OTHER TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

MICROFILMED


BOUNDARY
BONNER
KOOTENAI
SHOSHONE
BENEWAH
LATAH
CLEARWATER
NEZ PERCE
LEWIS
IDAHO
ADAMS
WASHINGTON
PAYETTE
GEM
BOISE
CANYON
ADA
VALLEY
LEMHI
CUSTER
ELMORE
CAMAS
BLAINE
GOODING
LINCOLN
JEROME
MINIDOKA
TWIN FALLS
CASSIA
OWYHEE
BUTTE
CLARK
JEFFERSON
MADISON
BONNEVILLE
BINGHAM
POWER
BANNOCK
CARIBOU
ONEIDA
FRANKLIN
BEAR LAKE
ISLAND PARK RESERVOIR
R 43 E.



WATERFALLS WITHIN 400 MILES

OF UPPER MESA FALLS

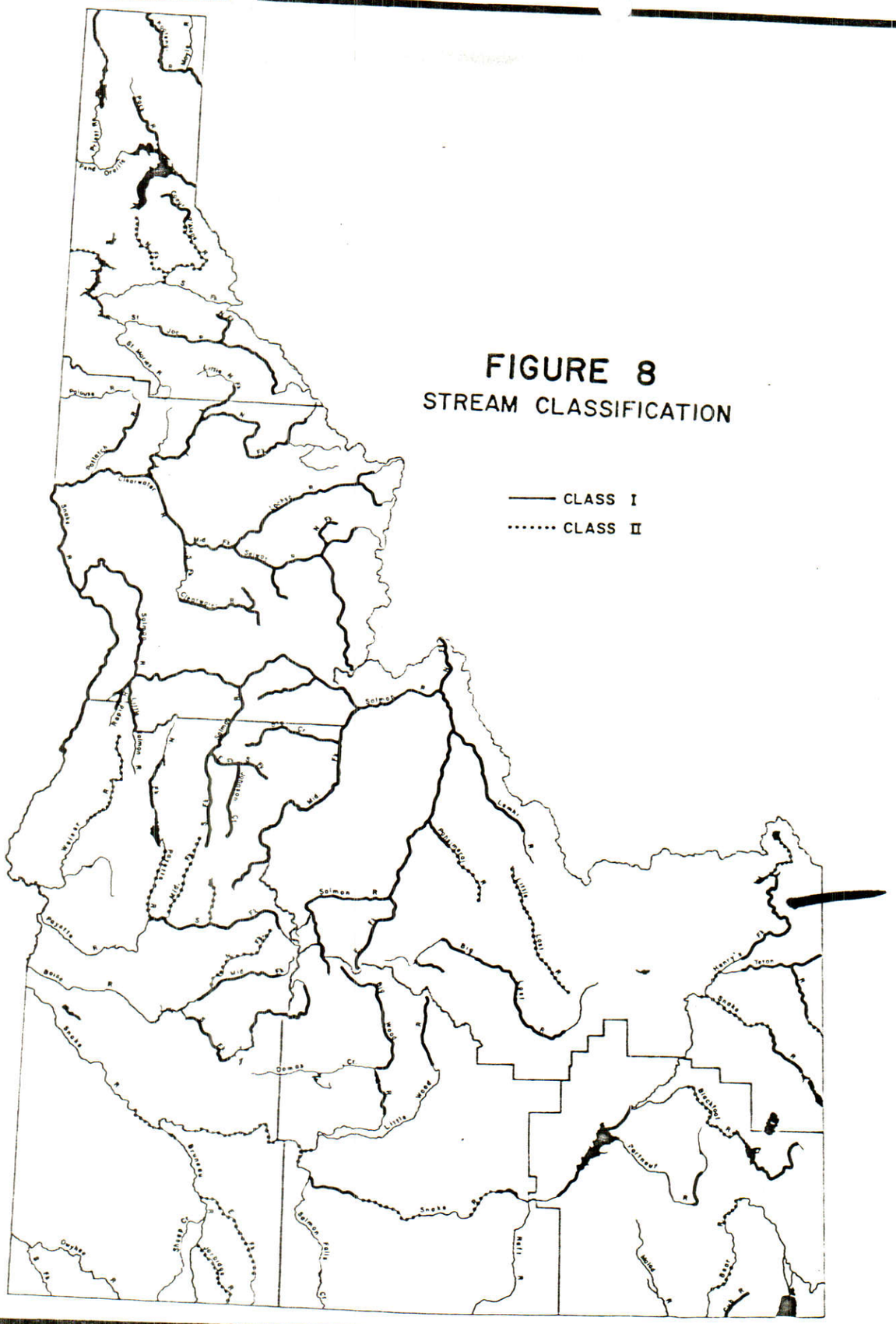
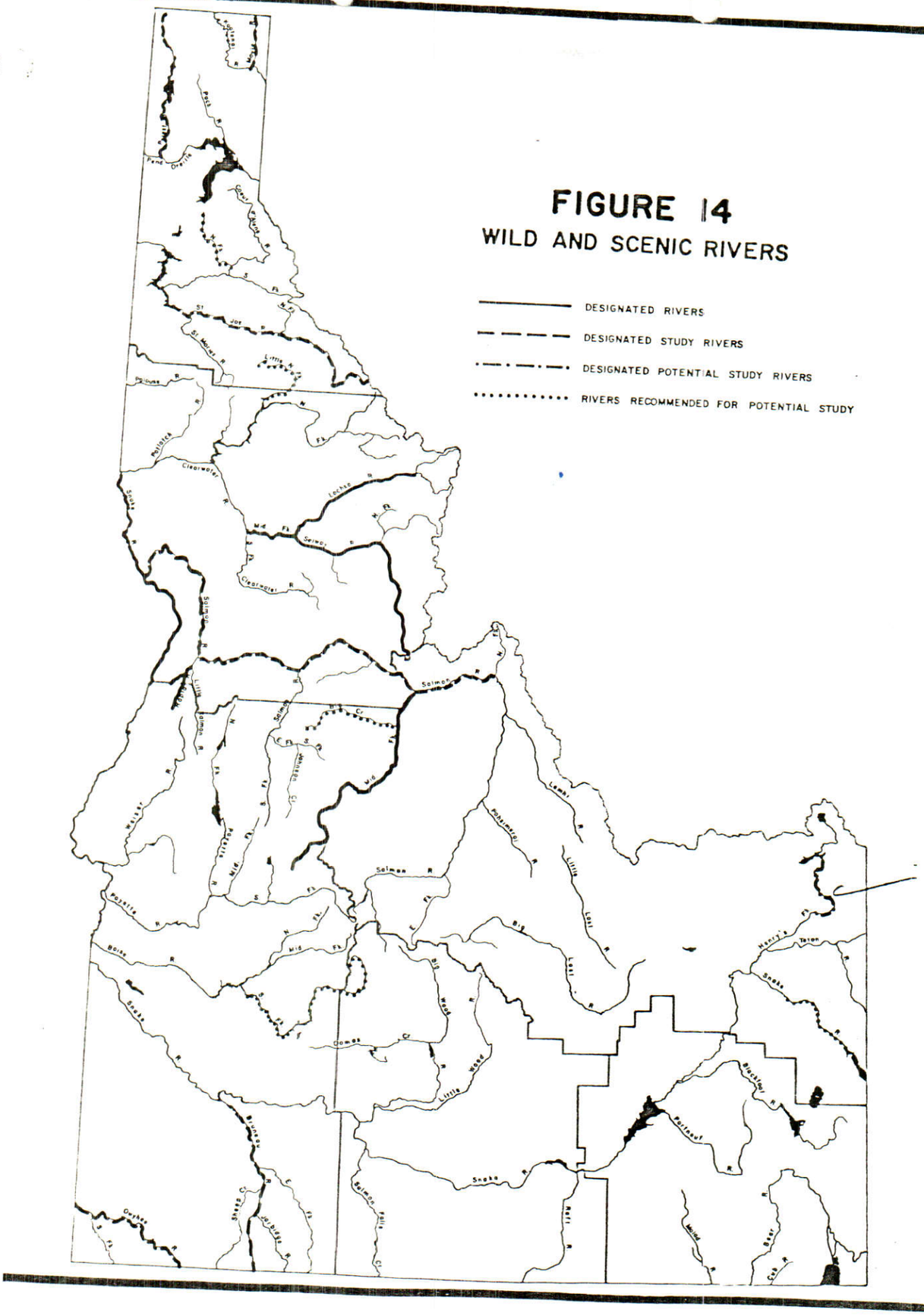


FIGURE 8
STREAM CLASSIFICATION

MICROFILMED



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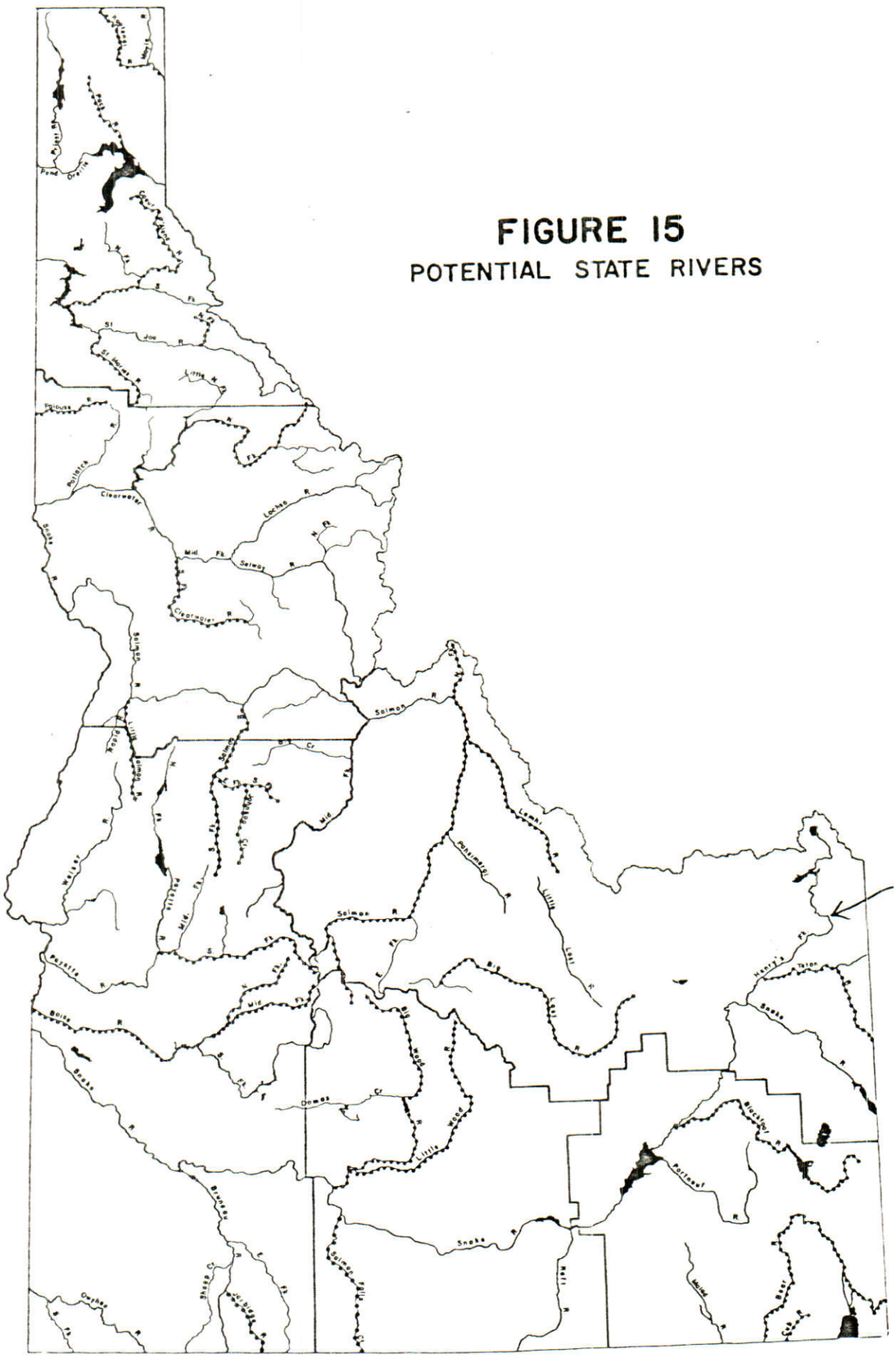


FIGURE 15
POTENTIAL STATE RIVERS

MICROFILMED

THE CHRONICLE-NEWS
ST. ANTHONY, IDAHO

RECEIVED
SEP 15 1982
Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Fremont) ss

I, Raymond F. Nash, being first duly sworn, depose and say, that I am the printer of THE CHRONICLE-NEWS, a weekly newspaper printed and published weekly at St. Anthony, Fremont County, Idaho; and I do solemnly swear that the

Notice of amended application

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on Aug. 19, 1982 and the last publication having been made on Aug. 26, 1982.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Raymond F. Nash

Subscribed to and sworn to before me this Aug. 27, 1982

Geri Garner
Notary Public.

(SEAL)

My commission expires Lifetime

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR PERMIT OF MINIMUM STREAMFLOW

Notice is hereby given that application for permit No. 21-7282 in the name of Idaho Water Resource Board was filed for the appropriation of 1,000 c.f.s. of water from Apr. 1 to Sep. 30 and 300 c.f.s. of water from Oct. 1 to Mar. 31 within the reach of river starting in the NW¼NW¼, Sec. 33, T. 13N, R. 43E, below the confluence of the Buffalo River and the Henry's Fork and ending in the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls, all within Fremont County.

The applicant now proposes to amend application No. 21-7282 proposing the appropriation of 300 c.f.s. of water from Jan. 1 to Dec. 31 from below the confluence of the Buffalo River on the Henry's Fork within the NW¼NW¼, Sec. 33, T. 13N, R. 43E to the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls; and 1,000 c.f.s. of water from Apr. 1 to Sep. 30, limited to the river reach between township line 10N and 11N, R. 43E, to the lower end of the reach described above, all within Fremont County; to be used for aesthetics and recreational purposes on the Henry's Fork tributary to the Snake River.

The Department of Water Resources will hold a public hearing on the application in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho, at 9:00 a.m. on September 23, 1982; for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross-examinating witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

If issued this permit will be subject to all prior water rights, and the practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts, American Falls Reservoir #2 and the Warren Act Contractors; nor shall it be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

A. KENNETH DUNN
Director

Publ. Aug. 19 and 26, 1982CN

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of amended application for permit for minimum stream flow

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 19 day of August, 1982, and the last publication on the 26 day of August 1982.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of August, 1982

Linda Sheldon

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

NOTICE OF AMENDED APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW

Notice is hereby given that application for permit No. 21,7282 in the name of Idaho Water Resource Board was filed for the appropriation of 1,000 c.f.s. of water from Apr. 1 to Sep. 30 and 300 c.f.s. of water from Oct. 1 to Mar. 31 within the reach of river starting in the NW¼NW¼, Sec. 33, T. 13N, R. 43E, below the confluence of the Buffalo River and the Henry's Fork and ending in the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls, all within Fremont County.

The applicant now proposes to amend application No. 21-7282 proposing the appropriation of 300 c.f.s. of water from Jan. 1 to Dec. 31 from below the confluence of the Buffalo River on the Henry's Fork within the NW¼NW¼, Sec. 33, T. 13N, R. 43E to the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls; and 1,000 c.f.s. of water from Apr. 1 to Sep. 30, limited to the river reach between township line 10N and 11N, R. 43E, to the lower end of the reach described above, all within Fremont County; to be used for aesthetics and recreational purposes on the Henry's Fork tributary to the Snake River.

The Department of Water Resources will hold a public hearing on the application in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho, at 9:00 a.m. on September 23, 1982; for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross-examinating witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

If issued this permit will be subject to all prior water rights, and the practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts, American Falls Reservoir #2 and the Warren Act Contractors; nor shall it be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

A. KENNETH DUNN
Director

Publ. Aug. 19 and 26, 1982AH

Bill submitted 9-1-82 cw

RECEIVED
AUG 31 1982
Department of Water Resources
Eastern District Office

MICROFILMED

AFFIDAVIT OF
PUBLICATION

State of Idaho
County of Fremont } ss.
Raymond F. Nash

being first duly sworn, upon his oath, deposes and says:

That he is the Editor of The Chronicle-News, a newspaper as defined by Idaho Codes Annotated, section 58-103, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

Notice of Public meeting

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for two consecutive issues thereof; first publication having been made on the 5th day of November, 19 81, and the last publication on the 12 day of November 19 81.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Raymond F. Nash

Subscribed in my presence and sworn to before me this 13th day of November 19 81.

Jeri Garner
Notary Public for the State of Idaho, residing and post office address St. Anthony.

NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board plans to hold an informal meeting to obtain public input concerning a minimum stream flow application No. 21-7282 on the Henry's Fork tributary to Snake River.

The meeting will be held on Thursday, November 19, 1981, at 3:00 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho.

Any person interested in this application is invited to appear and provide comments.

A KENNETH DUNN
Director

Publ. Nov. 5 and 12, 1981 CN AH

RECEIVED
NOV 23 1981
Department of Water Resources
Eastern District Office

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey, her

being first duly sworn, upon his oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Public Meeting for Minimum Stream Flow

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 5 day of November, 19 81, and the last publication on the 12 day of November 19 81.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 17 day of November, 19 81

James E. Holcomb

Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

[SEAL]

RECEIVED
NOV 19 1981
Department of Water Resources
Eastern District Office

NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board plans to hold an informal meeting to obtain public input concerning a minimum stream flow application No. 21-7282 on the Henry's Fork tributary to Snake River.

The meeting will be held on Thursday, November 19, 1981, at 3:00 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho.

Any person interested in this application is invited to appear and provide comments.

A KENNETH DUNN
Director

Publ. Nov. 5 and 12, 1981CN AH

RECEIVED

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of Application for Minimum Stream Flow #21-7282

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 13 day of August, 19 81, and the last publication on the 20 day of August 19 81.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence ~~and~~ sworn to before me this 1st day of Sept, 19 81.

Linda Nuddols

Notary Public for the [SEAL] State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho.
Ashton

RECEIVED
SEP 3 1981
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

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

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted application 21-7282 for a permit to the Department of Water Resources proposing the appropriation of 300 cubic feet per second from October 1 to March 31 or 1000 cubic feet per second from April 1 to September 30 of water within the NW¼NW¼, Sec. 33, Twp. 13N, Rge. 43E, Fremont County to preserve the minimum stream flow subject to all prior water rights for aesthetics and recreation purposes in Henry's Fork of Snake River.

Pursuant to Title 42, Chapter 15 of the Idaho Code a legal notice will be published at a later date setting a time and place for a hearing during which opportunity will be provided for public comment.

A. KENNETH DUNN
Director

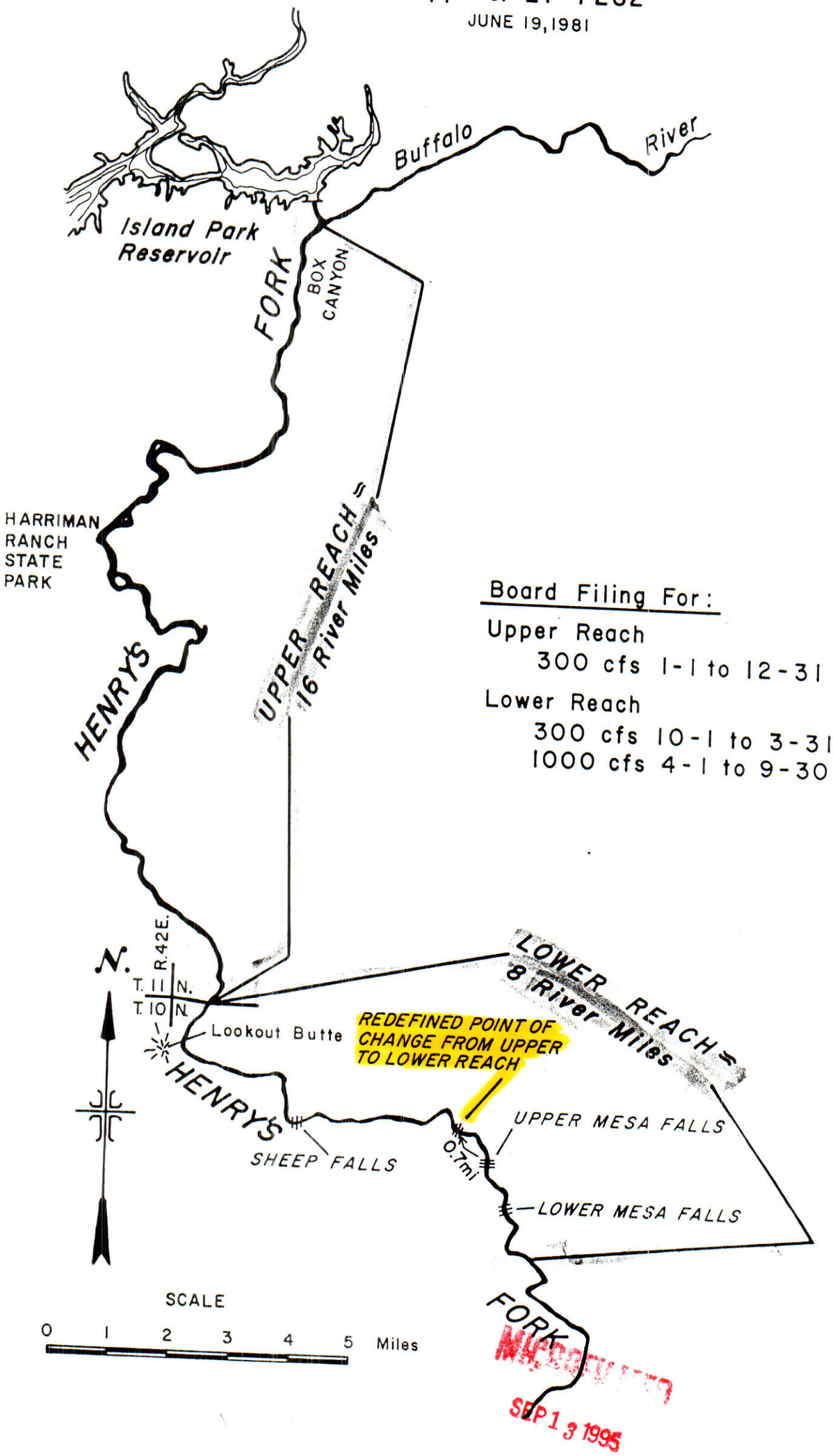
Publ. Aug. 13 and 20, 1981AH

MICROFILMED

HENRY'S FORK MSF

App. No. 21-7282

JUNE 19, 1981



Board Filing For:

Upper Reach

300 cfs 1-1 to 12-31

Lower Reach

300 cfs 10-1 to 3-31

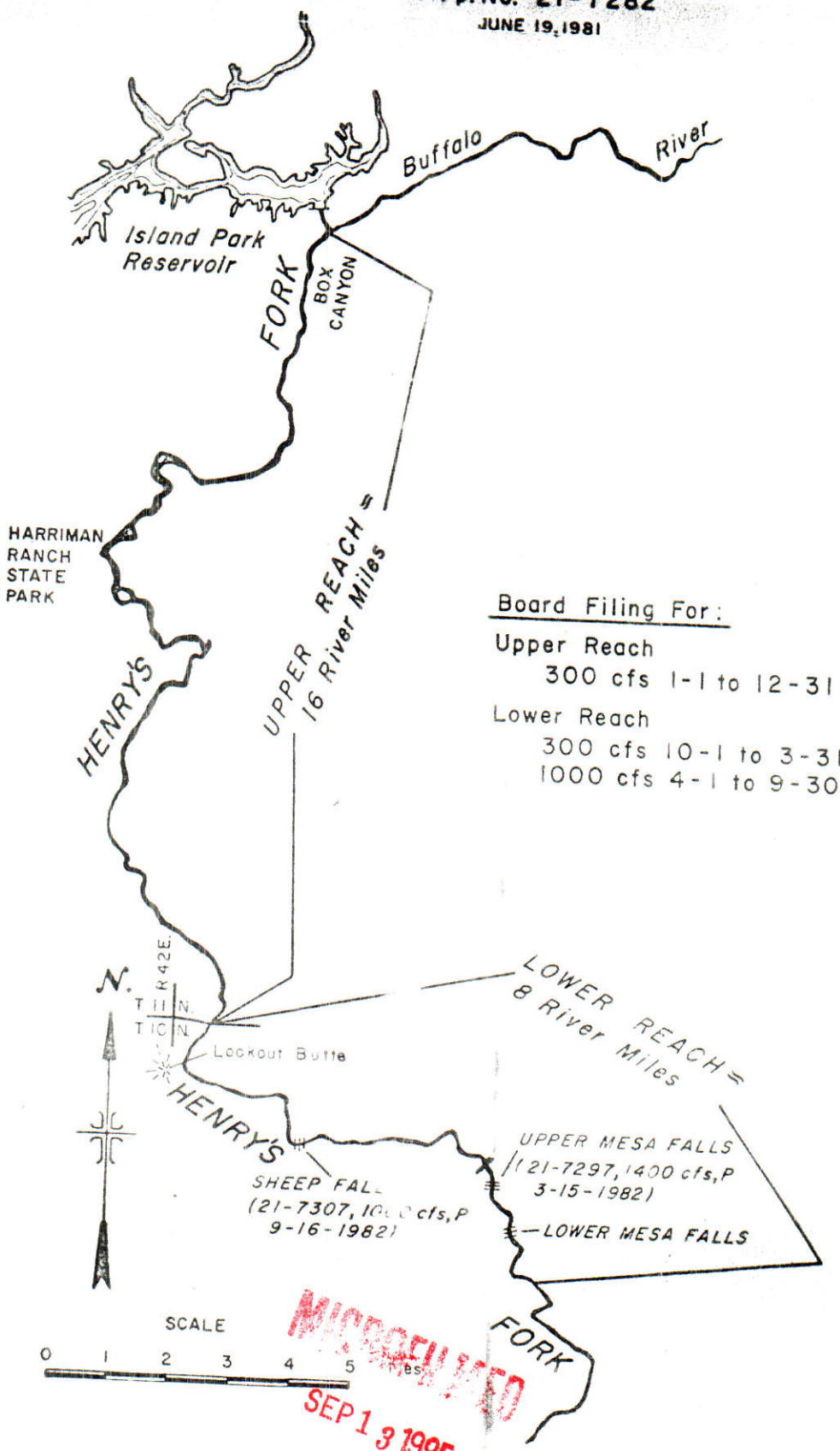
1000 cfs 4-1 to 9-30

SEP 13 1995

HENRY'S FORK ...ISF

App. No. 21-7282

JUNE 19, 1981



Board Filing For:

Upper Reach
300 cfs 1-1 to 12-31

Lower Reach
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

RECEIVED
SEP 13 1995

IDWR EXHIBIT

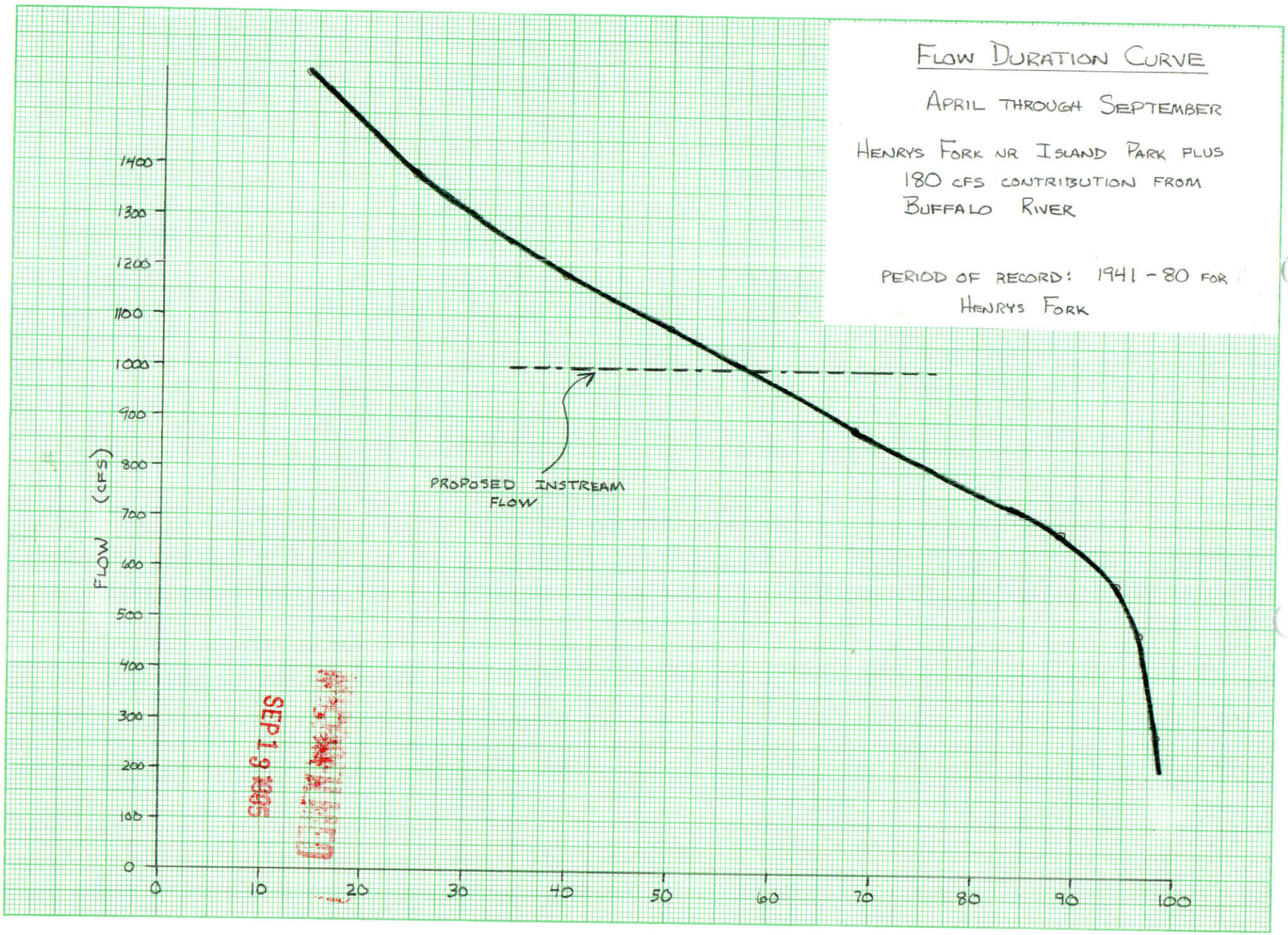
CITADEL® NO. 641 - SCIENCE - 10 SQUARES TO CENTIMETER

Flow Duration Curve

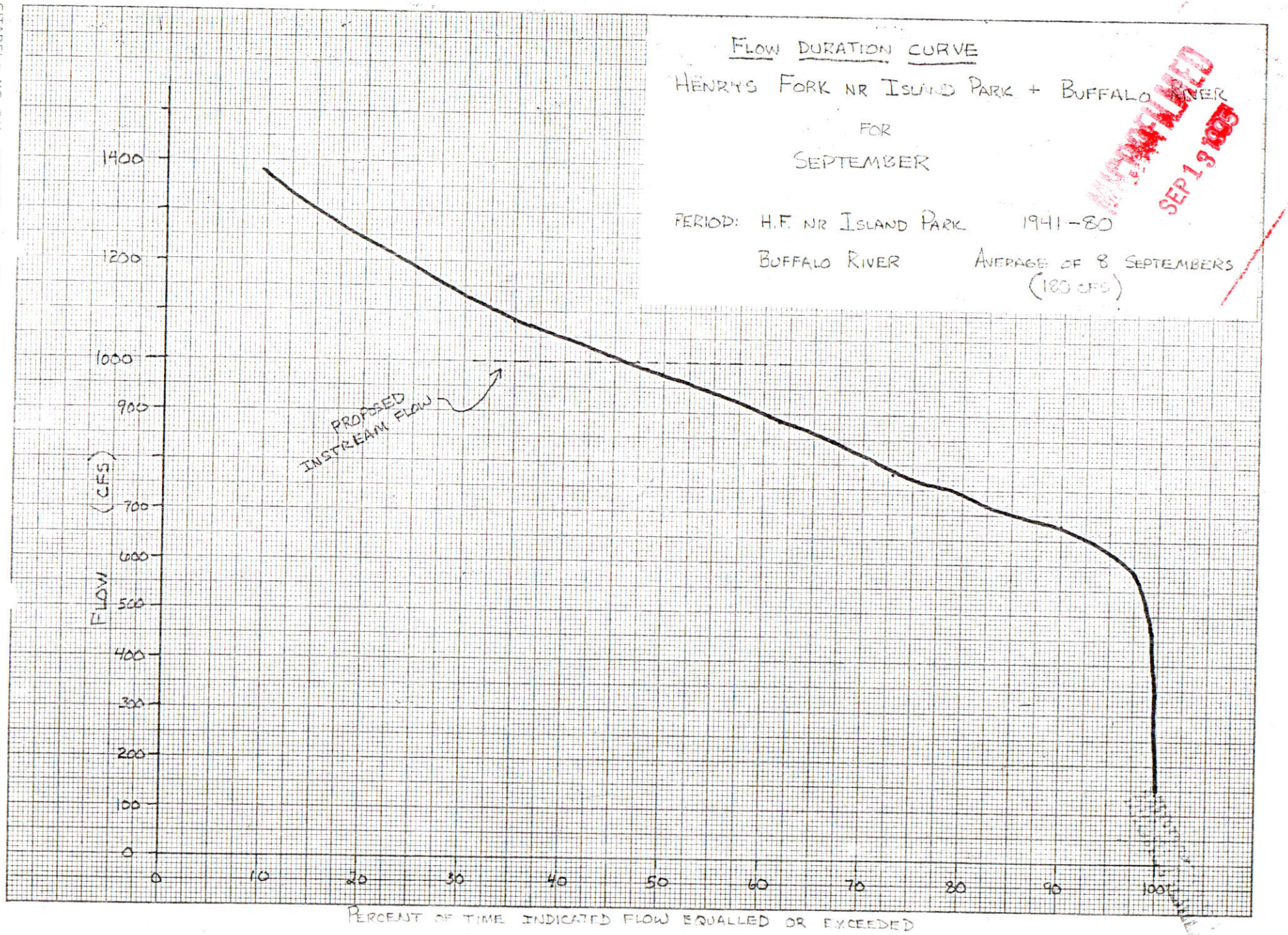
April through September

Henrys Fork nr Island Park plus
180 cfs contribution from
Buffalo River

Period of record: 1941 - 80 for
Henrys Fork



SEP 19 1985



CITADEL® NO. 641 - SCIENCE - 5 SQUARES TO CENTIMETER

FLOW DURATION CURVE

HENRY'S FORK NR ISLAND PARK/BUFFALO RIVER

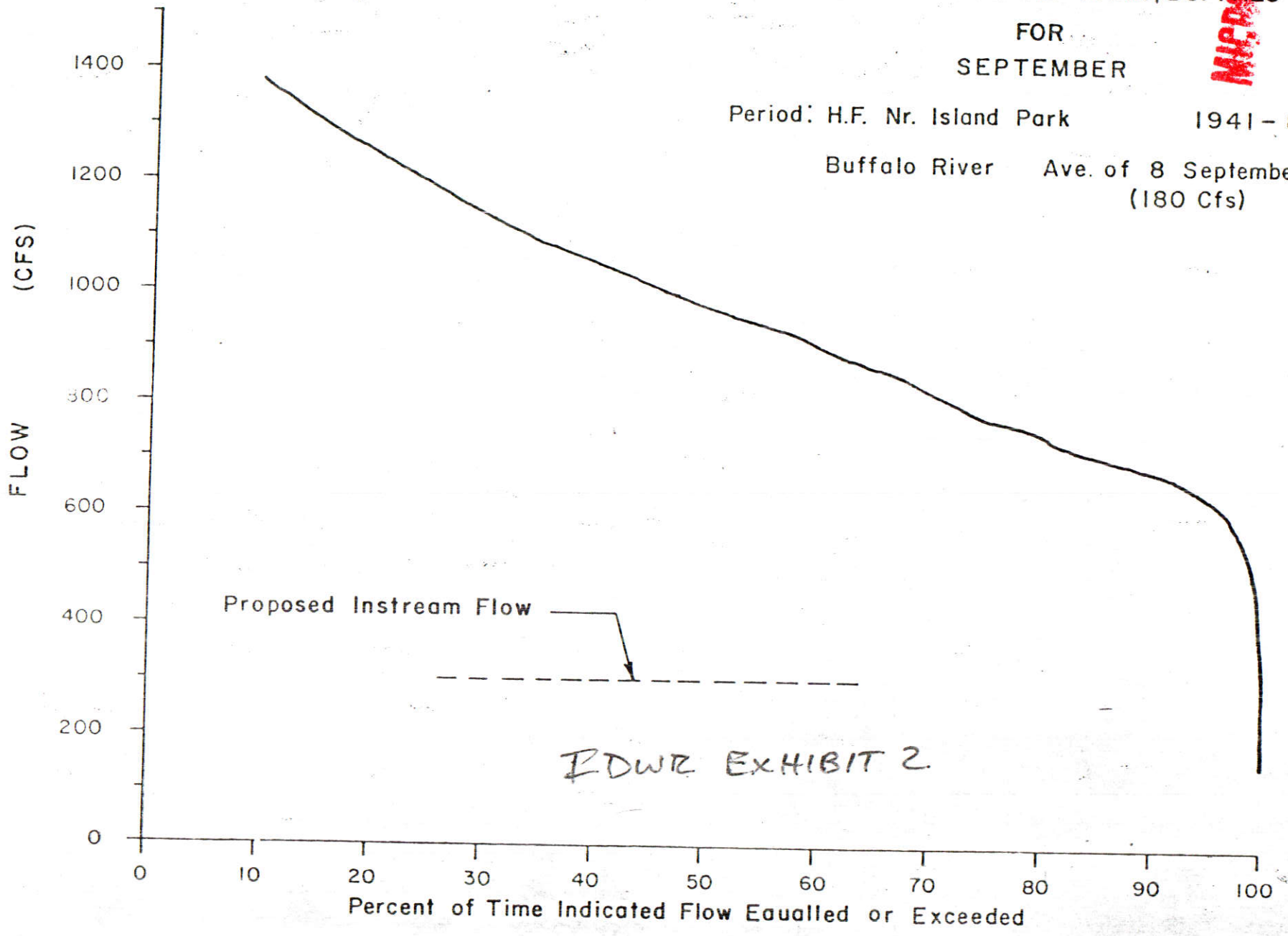
FOR

SEPTEMBER

Period: H.F. Nr. Island Park 1941 - 80

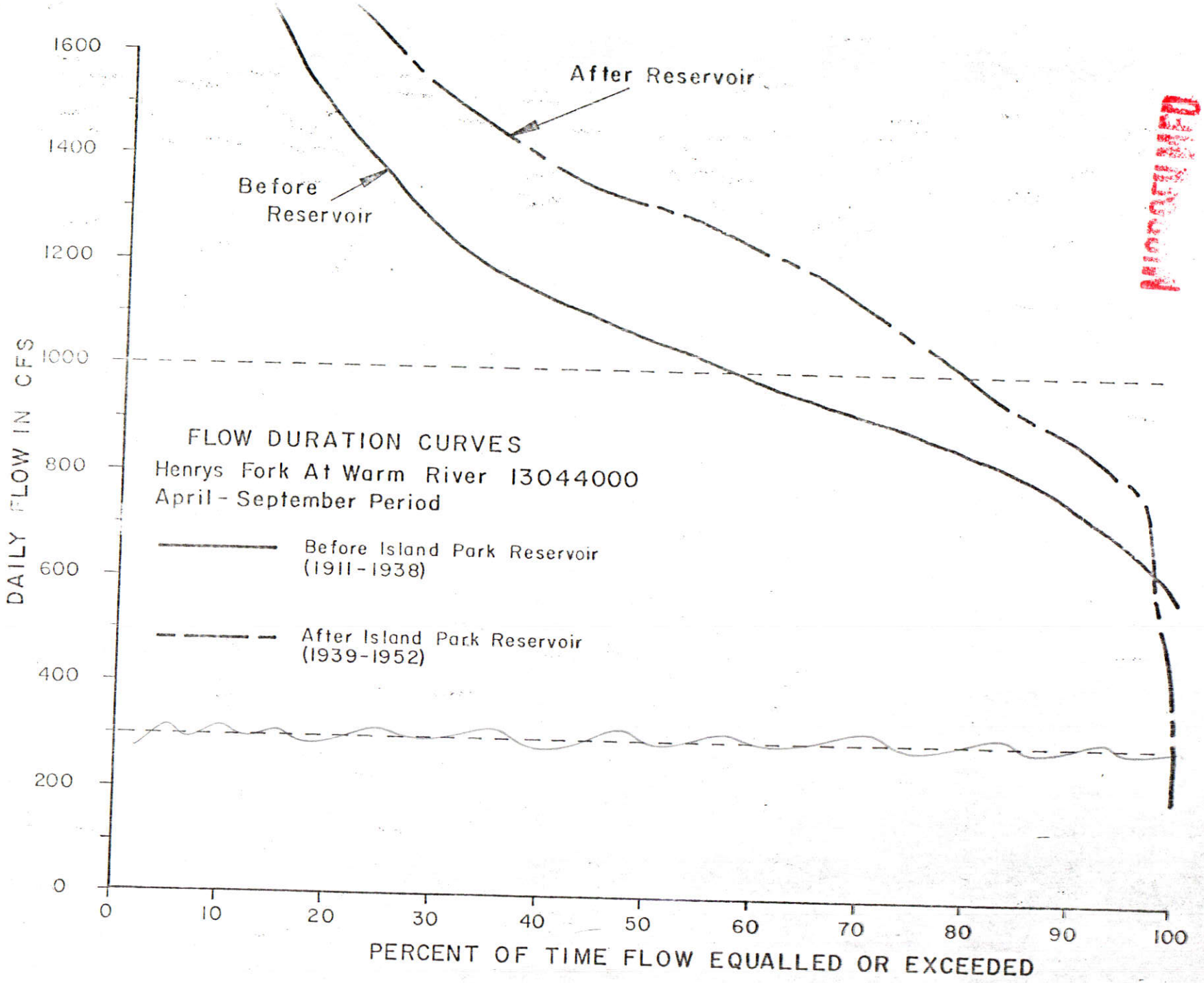
Buffalo River Ave. of 8 Septembers
(180 Cfs)

MARKED
SEP 1, 1983



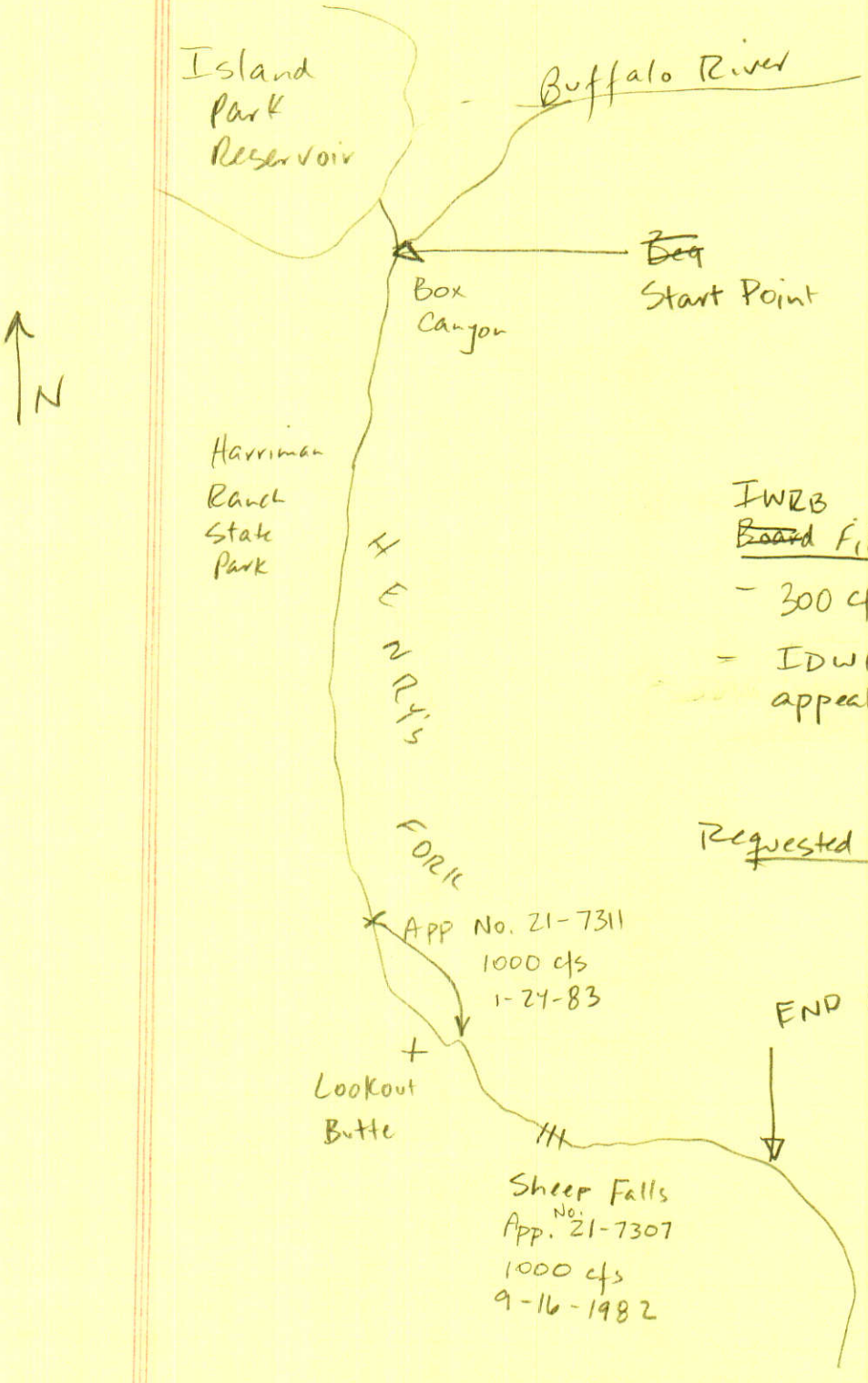
IDWR EXHIBIT 2.

RECEIVED



RECEIVED
SEP 19 1995
MICROFILMED
IDWR Exhibit # 3

Henry's Fork ~~MSF~~ Minimum Stream Flow



IWRB
~~Board~~ Filing 21-7282:

- 300 cfs Throughout Reach
- IDWR Director's approval appealed to Idaho Supreme Ct.

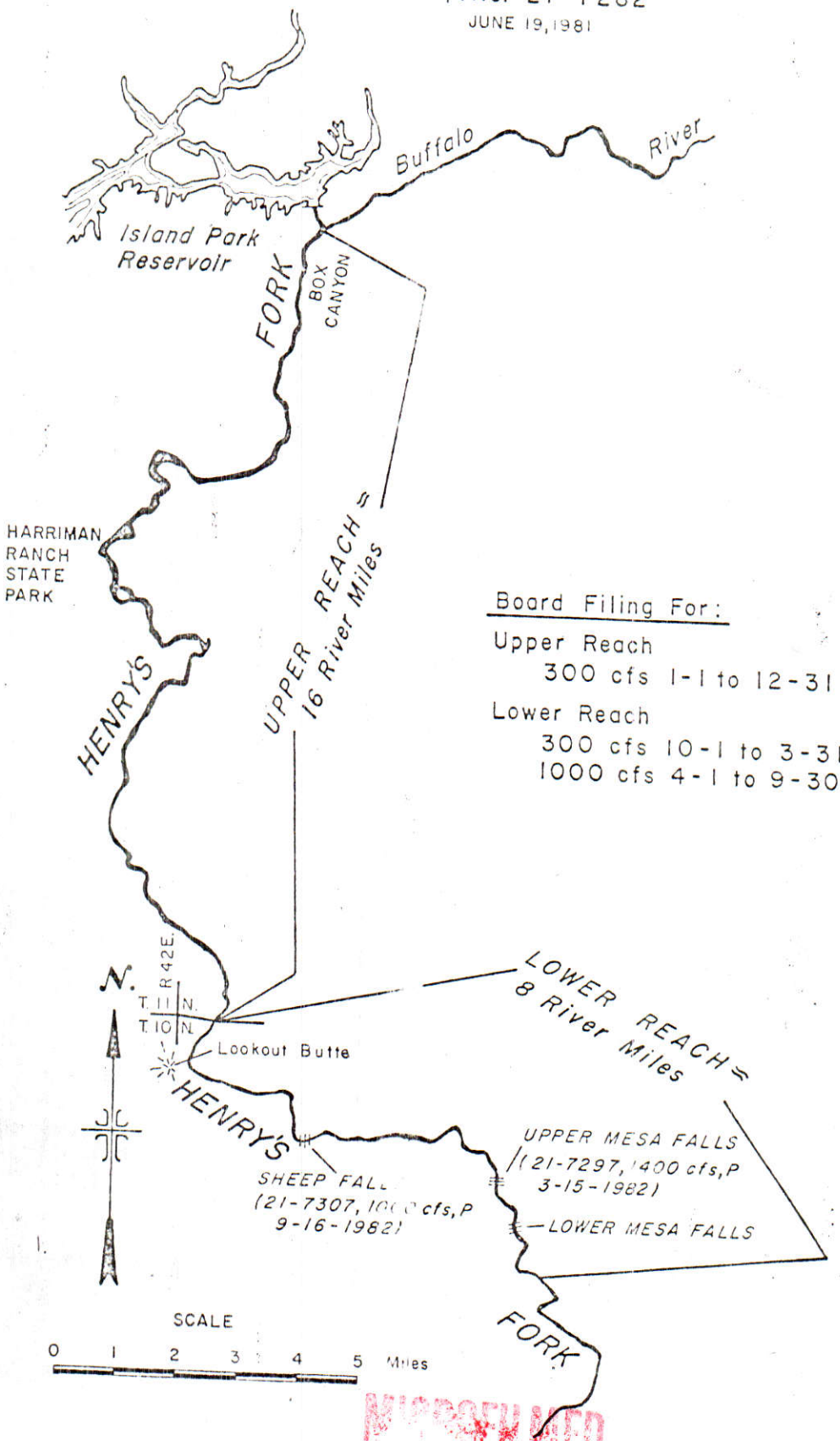
Requested flow: 1000 cfs
4-1 to 9-30

MICROFILMED
SEP 13 1995

HENRY'S FORK ...SF

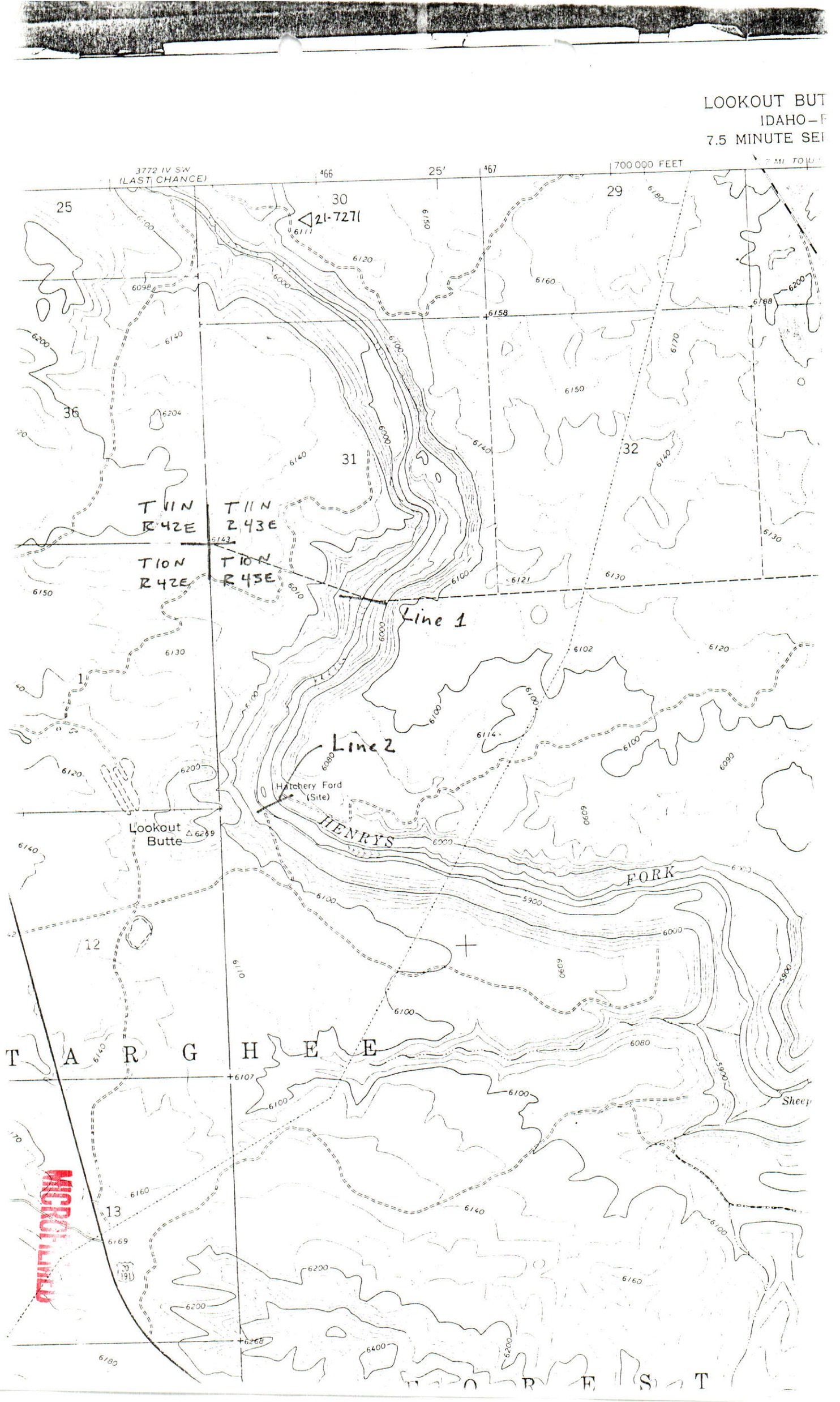
App. No. 21-7282

JUNE 19, 1981



MICROFILMED
SEP 13 1995
IDWR
EXHIBIT
MICROFILMED


10N
43E
4896
4895
4894
4893
4892
12'30"
6093
BM 6093
BM 6048
BM 6033
BM 6041
BM 6001
12
7
18
13
20
HENRYS
FORK
Upper
Mesa Falls
Lower
Mesa Falls
Grand View
BM 5966
BM 5932
BM 5928
BM 5912
5977
5984
5953
5944
5813
5755
MC
JEEP
TRAIL
3772 III NW
(LOOKOUT BUTTE)
T A R G H E E
N A T I O N A L
F O R
SEP 13 1995


LOOKOUT BUT
IDAHO—F
7.5 MINUTE SE
3772 IV SW
(LAST CHANCE)
700 000 FEET
25
30
29
36
31
32
1
12
13
T11N R42E
T11N R43E
T10N R42E
T10N R43E
Line 1
Line 2
Hatchery Ford
(Site)
Lookout Butte
△6289
HENRYS
FORK
T A R G H E E
Sheep
MOUNTAIN

CITADEL® NO. 641 - SCIENCE - SQUARES TO CENTIMETER

FLOW DURATION CURVE

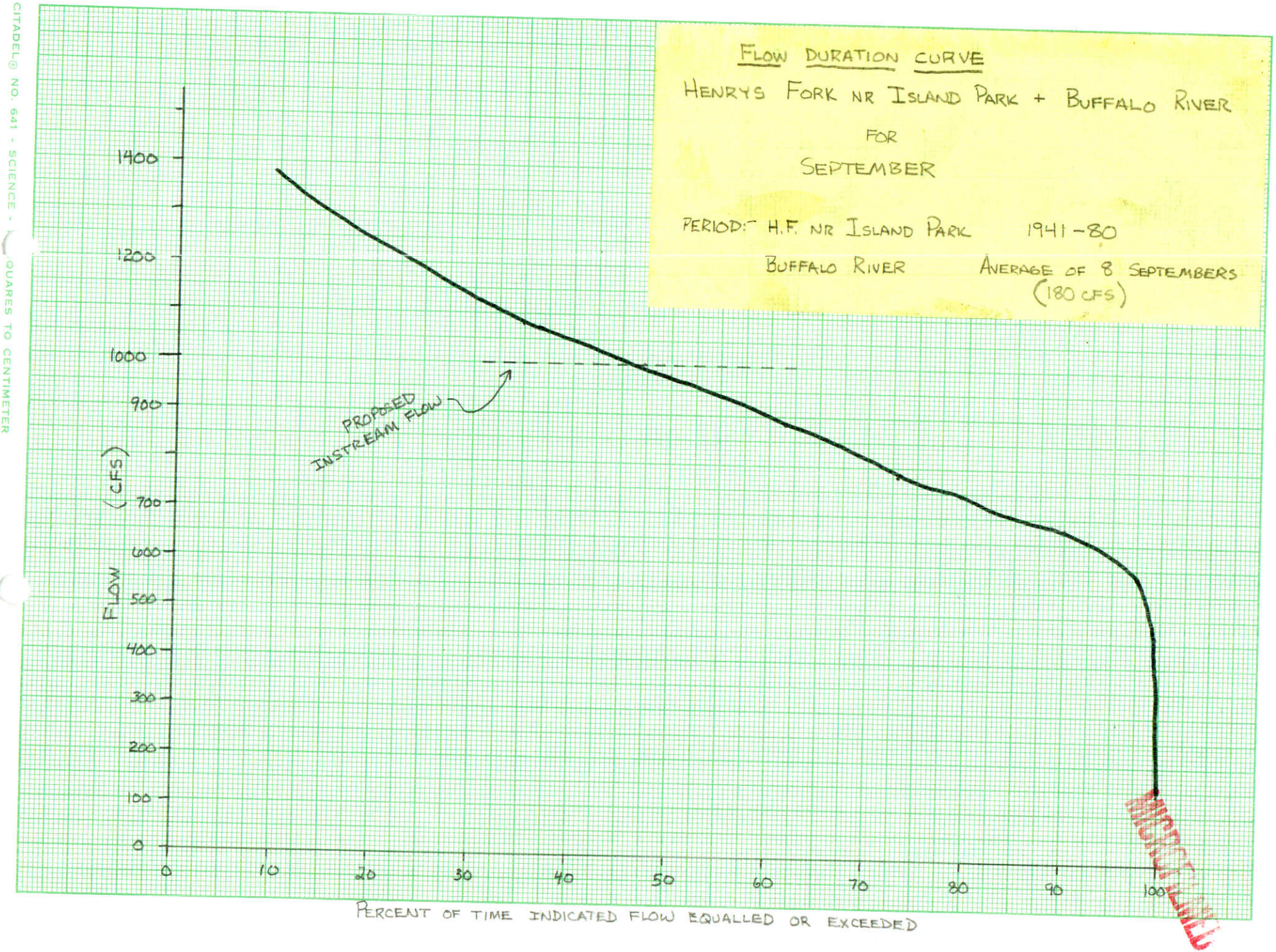
HENRYS FORK NR ISLAND PARK + BUFFALO RIVER

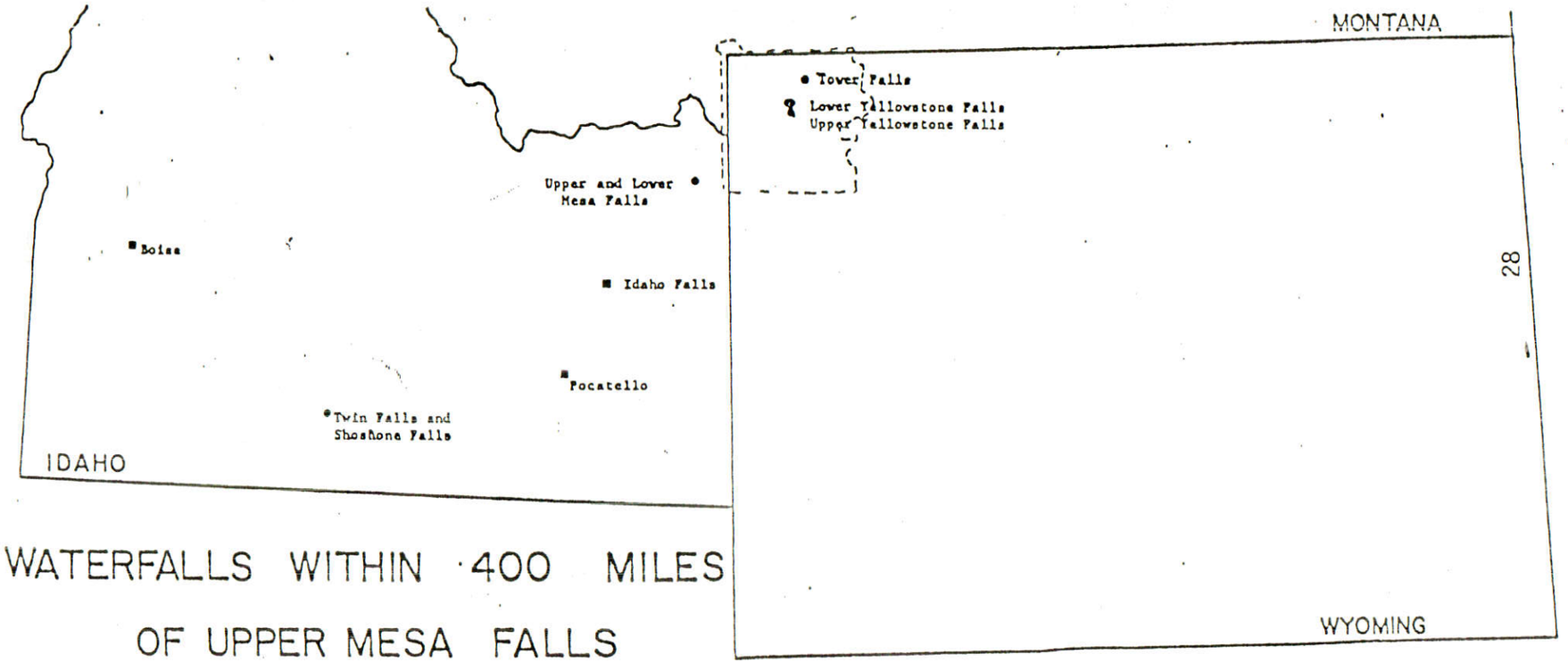
FOR

SEPTEMBER

PERIOD: H.F. NR ISLAND PARK 1941-80

BUFFALO RIVER AVERAGE OF 8 SEPTEMBERS (180 CFS)





WATERFALLS WITHIN 400 MILES

OF UPPER MESA FALLS

MICROFILMED

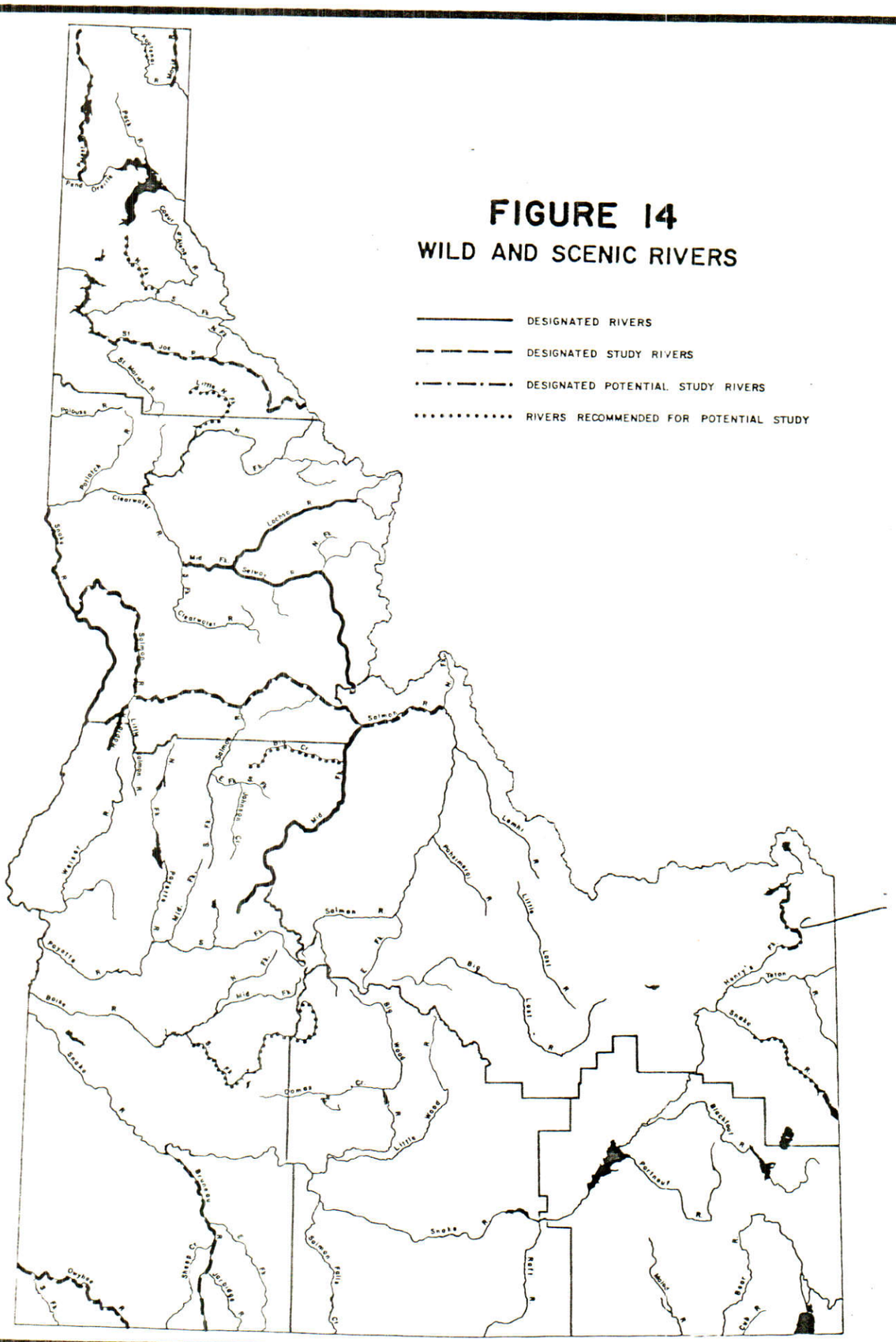
IDAHO

outdoor recreation plan

1988

MAIL ADDRESS: STATEHOUSE
OFFICE: 2200 WARM SPRINGS
PHONE (208) 384-2264
BOISE, ID 83720

DRAFT


FIGURE 14
WILD AND SCENIC RIVERS
DESIGNATED RIVERS
DESIGNATED STUDY RIVERS
DESIGNATED POTENTIAL STUDY RIVERS
RIVERS RECOMMENDED FOR POTENTIAL STUDY

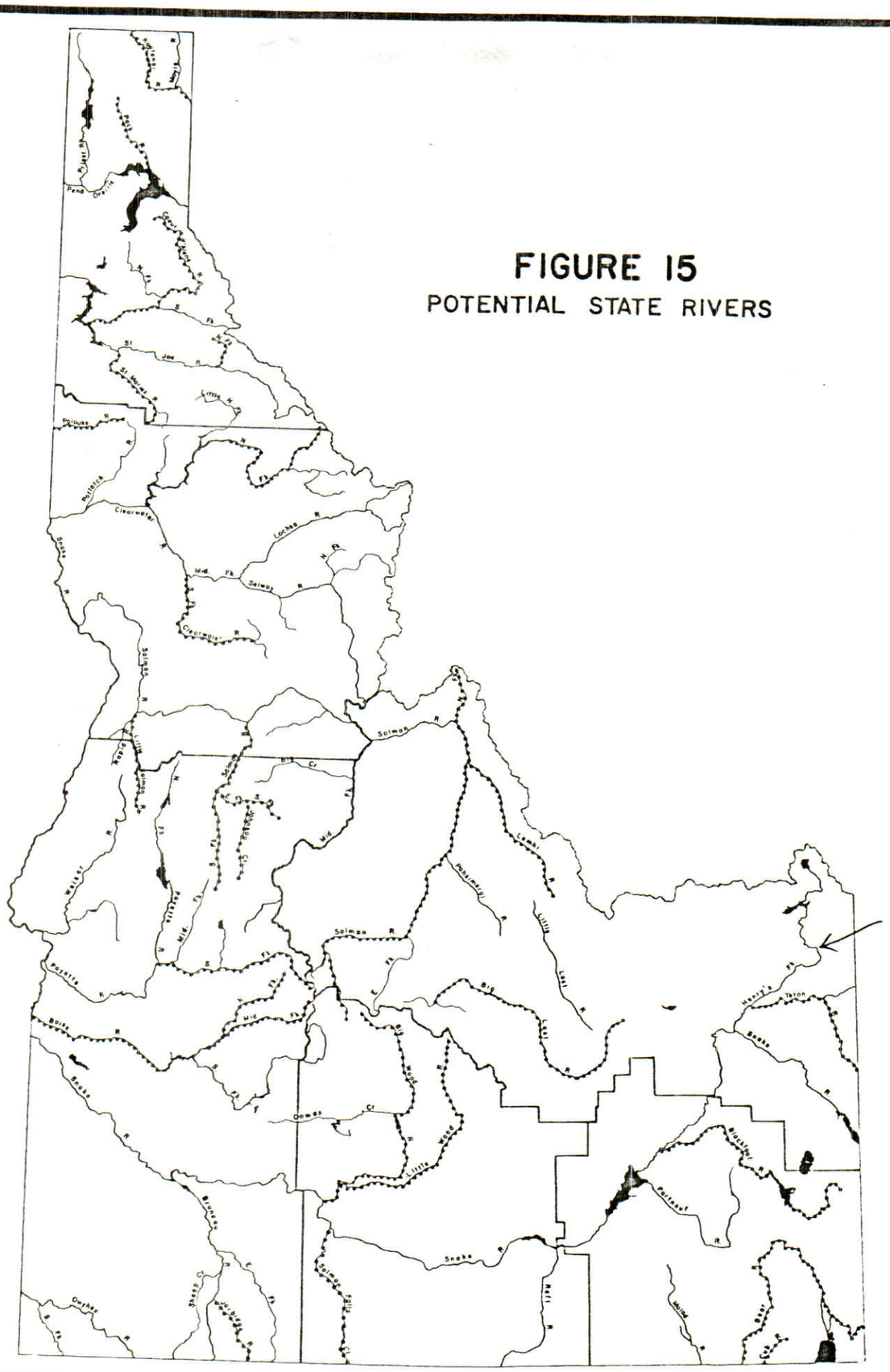


FIGURE 15
POTENTIAL STATE RIVERS

MSF HEARING OF THE IDAHO WATER RESOURCE BOARD, HELD

AT St Anthony, ON Sep 23, 82.

NAME	ORGANIZATION	Please check (X) if you wish to make a formal statement
Robert Periman	The Montana Power Co.	
Richard Davenport	The Montana Power Co.	
Kent W. Foster	Holden, Kidwell, Hahn & Crapo	X
J.D. Hancock	Smith, Hancock & Moss	
Mary Smith	Fremont-Madison	
J. Ray Mortensen	" "	
D.D. Rydalch	St Anthony Union	
Cathy Koon	Post-Register	
Dale L. Swensen	Fremont-Madison Irrig Dist.	
James L. Holloway	Fremont Co Comm.	
Mark G. Rieke	State Senate	
Rick E Ormsbee	State rep.	
DONALD E TRACY	U.S. Bureau of Reclamation	X
Russell Weeks	S-J INC.	
MARTY HUEBNER	BONNEVILLE COUNTY SPORTSMANS ASSO	X
JERRY REYNOLDS	FREMONT COUNTY PLANNING	(yes)
GENE GRAY	IWRB	

MICROFILMED

MSF HEARING OF THE IDAHO DEPARTMENT OF WATER RESOURCES, HELD

AT St Anthony, ON Sep 23, '82.

NAME	ORGANIZATION	Please check (X) if you wish to make a formal statement
JOHN ARKOOSH	Self	X
Richard L Graves	Self	
Bill Ackerd	Self	
Bob Meiner	IDPR	X
Paul Cheney	Marysville Canal	
Martin Bergman	Squirrel Creek Canal	
J Steward	Marysville Canal	
Norman Williams	Fremont Madison	
Ed Clark	Fremont Madison	
Calvin Wickham	Fall River Electric Coop	✓
Paul N. Otter	Fall River REC / CH2M Hill	
Charles L. Dawson	" "	
Kirk Chantrill	Idaho Water Users Dist No 1	✓
Roger D. Wickstrom	Bureau of Land Management Idaho Falls	
Edward Klein	Fremont Co. Planning Co.	
George Matsuko	US Forest Service	
JAMES E. SMITH	U.S. FOREST SERVICE	
Virgil Moore	Idaho Fish + Game	X
Dennis Bilton	Federation of Fly Fishers	X

MICROFILMED

Form 202
3/78

Ident. No. 21-7307

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard L. Graves, Bill Arkoosh & John C. Arkoosh Phone 934-8111
   Post office address 601 Nevada Street, Gooding, Idaho 83330

2. Source of water supply Henrys Fork which is a tributary of Snake

3. Location of point of diversion is NW ¼ of NW ¼ of Section 16 Township 10 N unsurveyed
   Range 43E B.M. Fremont *** County, additional points of diversion if any:

   ***See Remarks Section

4. Water will be used for the following purposes:

   Amount 1000CFS (cfs or acre-feet per annum) for Electrical Generation purposes from Jan 1 to Dec 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 1000 CFS cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Diverting structure with control gate to regulate flow; into canal and penstock.

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is ~~2 to~~ 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: ~~SWE~~ NE ¼ of SW ¼ of NW ¼ of Section 9 Township 10 N unsurveyed
      Range 43E B.M. 43 E BM

      (2) Amount of power to be generated: 2860 KW ~~horsepower~~ under 40 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: _____

RECEIVED

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

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

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion State of Idaho (See Remarks)

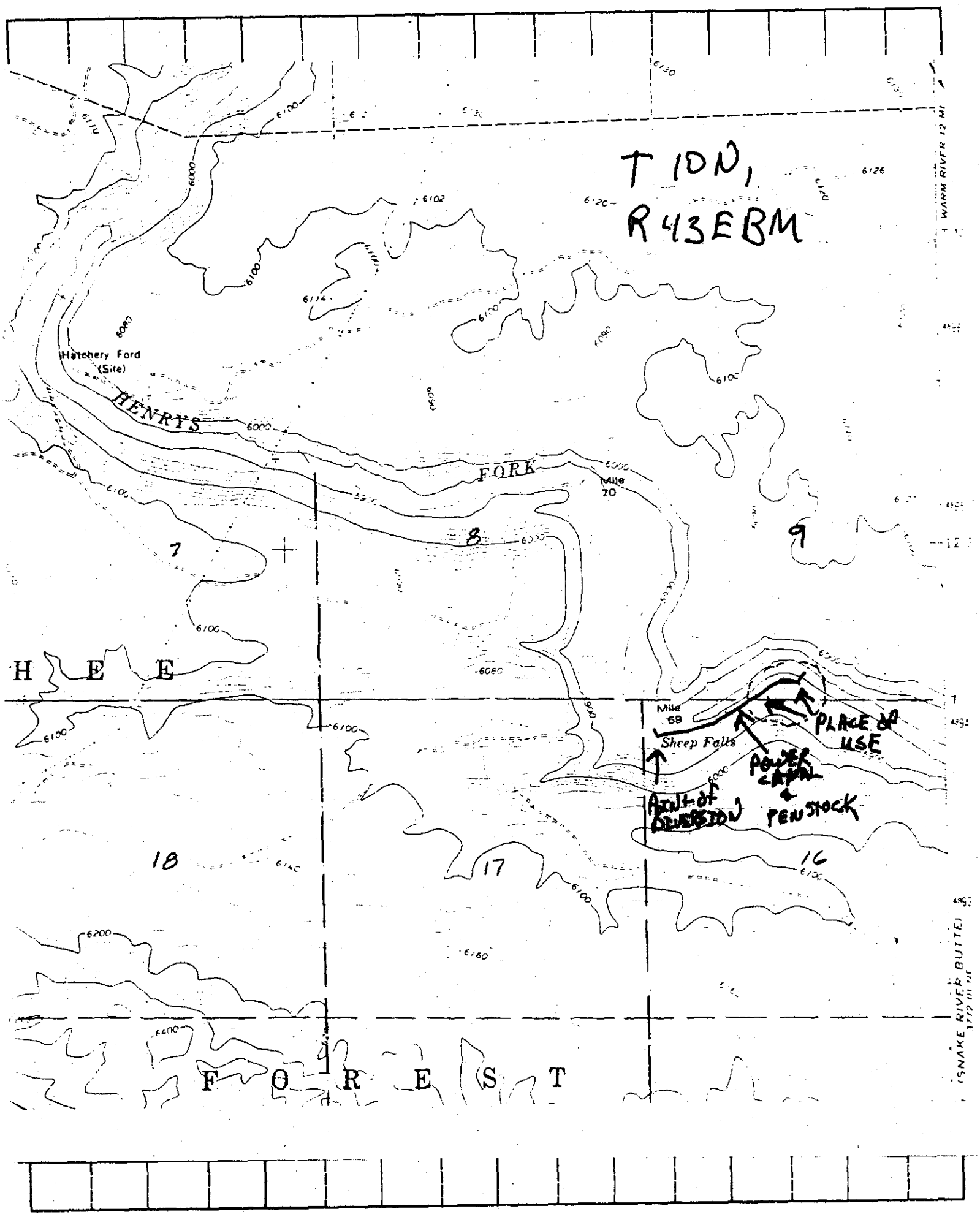
b. Who owns the land to be irrigated or place of use United States of America (Forest Service) (See Remarks)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Point of Diversion: (Sheep Falls) Application to be made with state of Idaho for a long term lease, or sale of property. Place of Use: Application to be made with Forest Service for a special use permit for placement of power canal, penstock, roads, and transmission lines.

10. Remarks Exact location of Point of Diversion and Place of use subject to survey.

RECEIVED

11. Map of proposed project: sh[illegible] clearly the proposed point of diver[illegible], 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.

Richard L. Brown
(Applicant)
Bill Arkoosh

Received by _____ Date 9-16-82 Time 4:15 A.M.

Preliminary check by _____ Fee $ 3725.00

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:

Form 202
3/78

Ident. No. 21 7257

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant MONTANA POWER COMPANY Phone (406) 723 5421
A Montana Corporation, qualified to do Business in Idaho,
Post office address 40 East Broadway, Butte, Montana 59701

2. Source of water supply Henry's Fork which is a tributary of Snake River

3. Location of point of diversion is SW ¼ of SW ¼ of Section 13 Township 10 N.
Range 43 E B.M. Fremont County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

Amount 1400cfs (cfs or acre-feet per annum) for power generation purposes from Jan 1 to Dec. 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

a. 1400 cfs cubic feet per second and/or b. 1,011,800 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete gravity diversion dam consisting of a spillway and an intake section, buried steel pipeline 13' in diameter, 680 feet long, powerhouse with 2 hydraulic turbines, 70' wide tailrace to river.

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

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

c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 * years *(minimum 1 year -- maximum 5 years).* Includes engineering studies, FERC licensing, procurement and construction.

*Subject to right to ask for extension per Section 42-204, Idaho Code for additional six years.

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE ¼ of SW ¼ of Section 13 Township 10 N.
Range 43 E. B.M.

(2) Amount of power to be generated: 15400 horsepower under 112 feet of head.

(3) List number of each kind of livestock to be watered n/a

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

(5) If water is to be used for other purposes describe: n/a

MICROFILMED

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

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

Total number of acres to be irrigated None

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

None

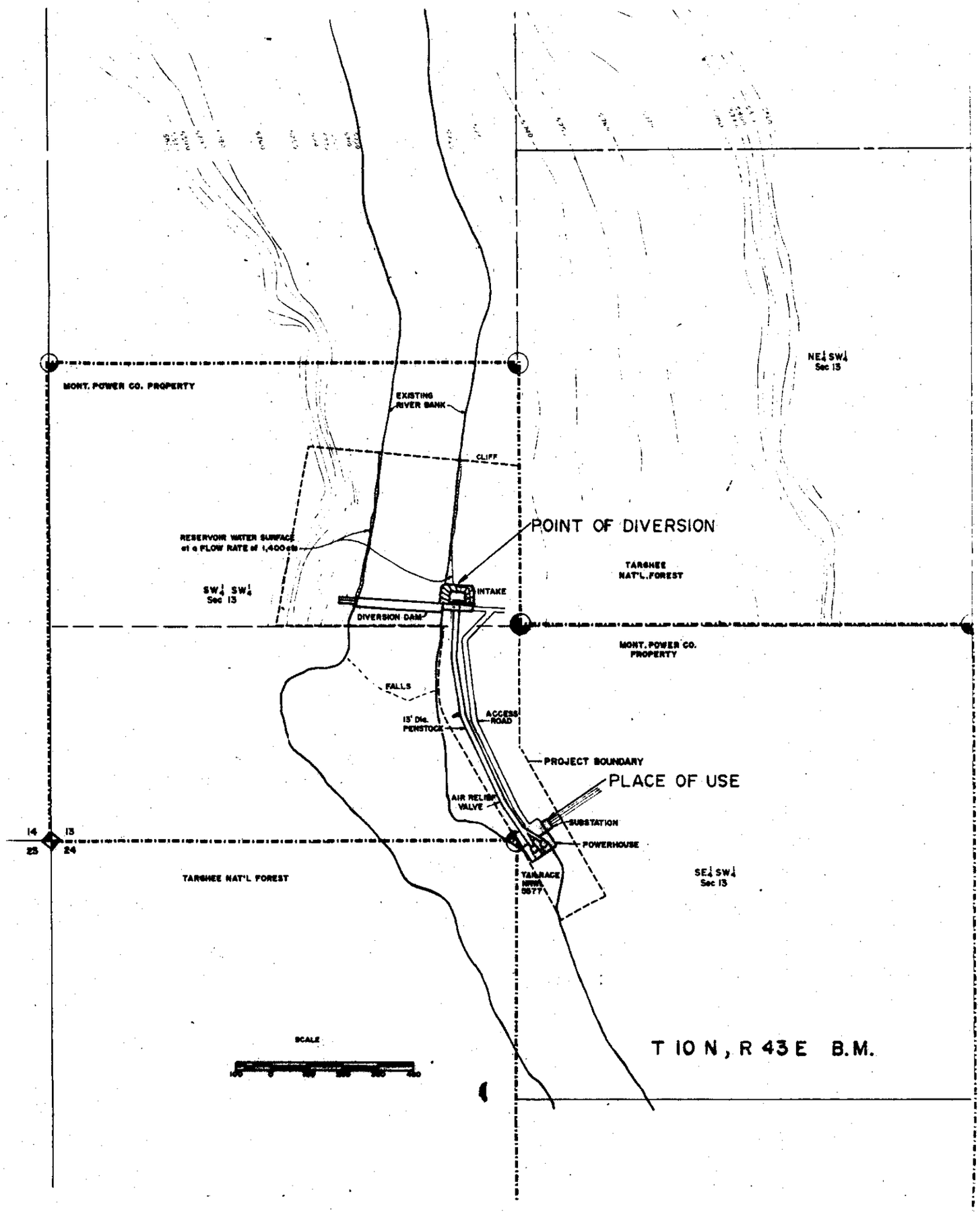
9. a. Who owns the property at the point of diversion THE MONTANA POWER CO.

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

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

10. Remarks _____

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



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

MONTANA POWER COMPANY

By Robert J. Lalvic

(Applicant)

Received by mm Date 3/15/82 Time 1:00pm

Preliminary check by HWS Fee $ 7,125.00

Receipted by mm Date 3/15/82 (21184)

Publication prepared by BB Date 3-31-82

Published in Fremont County Chronicle

Publication dates 4-8 4-15-82

Publication approved CW Date 5-6-82

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

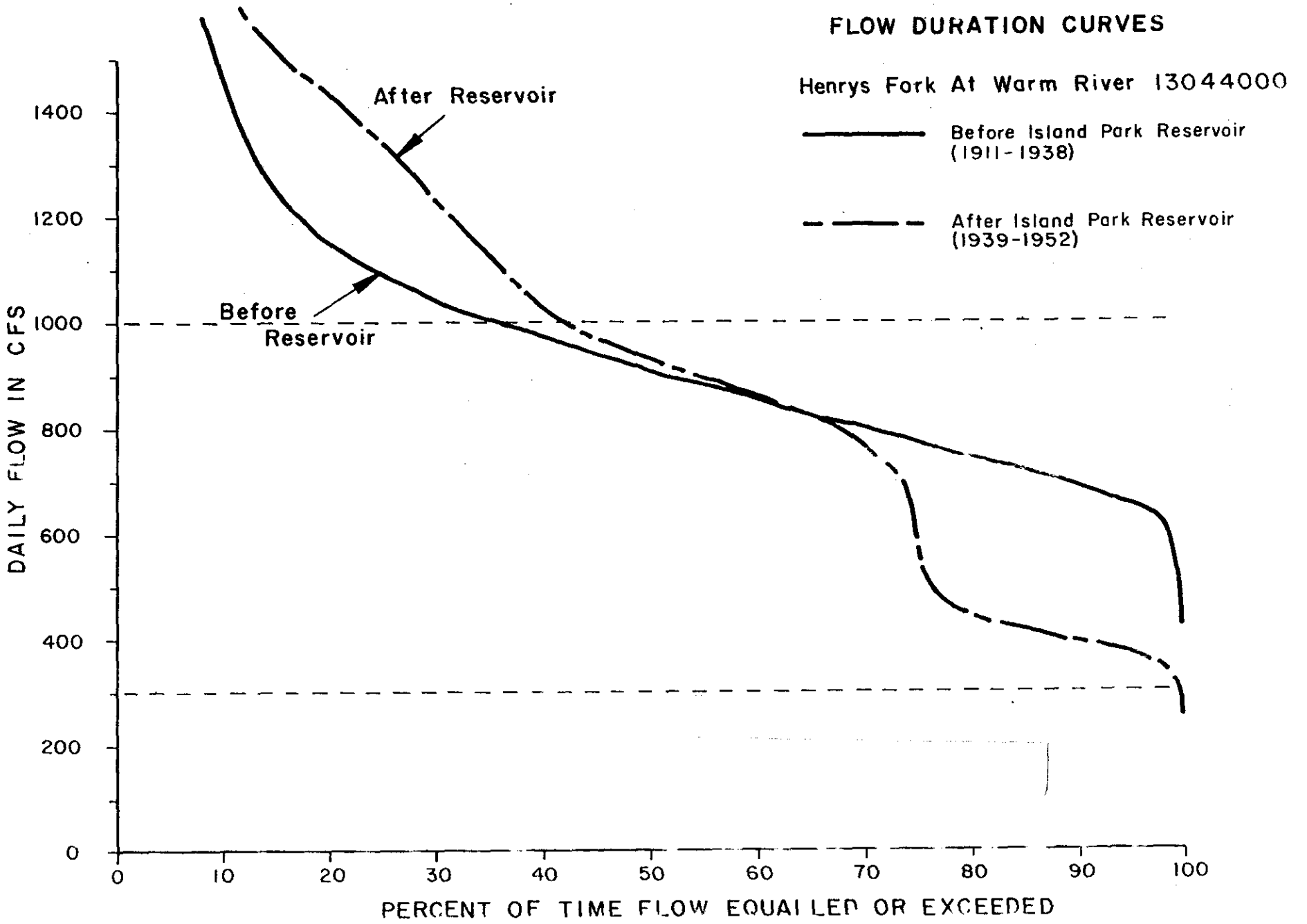
   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

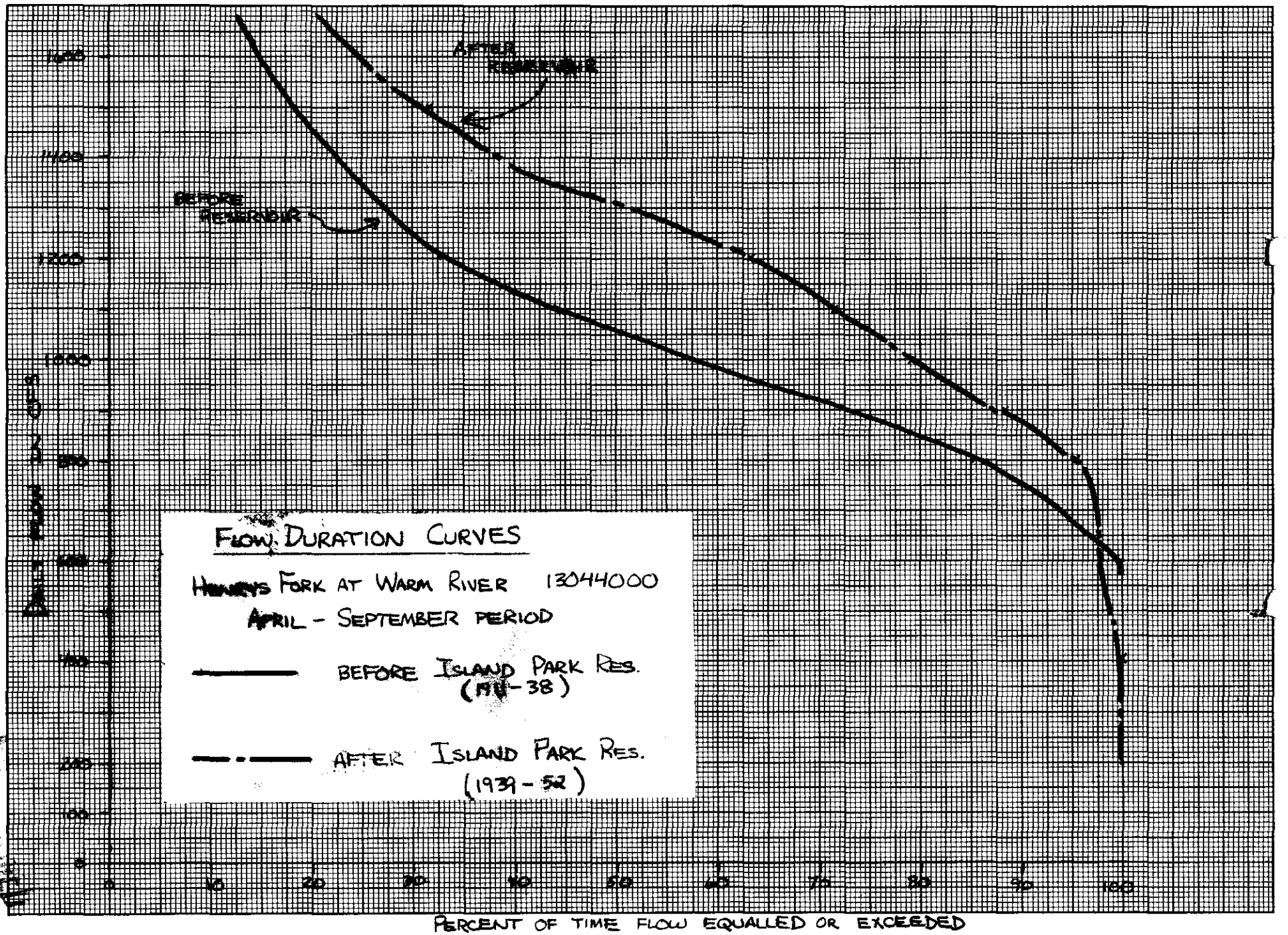
   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____ , 19 ____ .

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

   d. Other:

MICROFILMED


FLOW DURATION CURVES
Henrys Fork At Warm River 13044000
Before Island Park Reservoir (1911-1938)
After Island Park Reservoir (1939-1952)
After Reservoir
Before Reservoir
DAILY FLOW IN CFS
1400
1200
1000
800
600
400
200
0
0
10
20
30
40
50
60
70
80
90
100
PERCENT OF TIME FLOW EQUALED OR EXCEEDED



FLOW DURATION CURVES

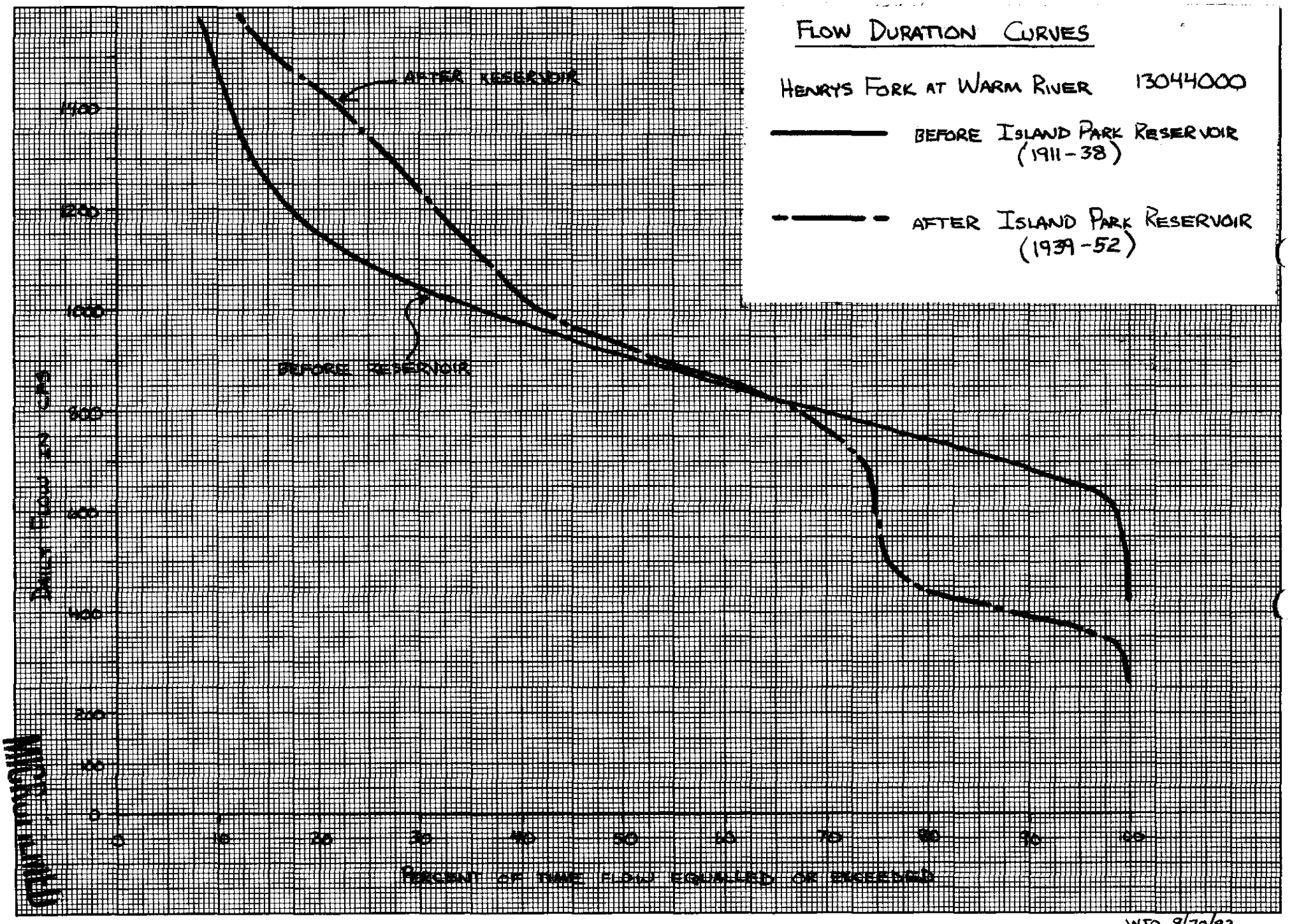
HENRYS FORK AT WARM RIVER 13044000

APRIL - SEPTEMBER PERIOD

——— BEFORE ISLAND PARK RES. (1911-38)

—·— AFTER ISLAND PARK RES. (1939-52)

CITADEL® NO. 641 - SCIENCE - 10 SQUARES TO CENTIMETER



CITADEL® NO. 641 - SCIENCE - 10 SQUARES TO CENTIMETER

HENRYS FK AT WARM RIVER

AVERAGE OF EXCEEDANCE FREQUENCIES FOR SELECTED FLOWS,
APRIL – SEPT. PERIOD

PRE RESERVOIR 1911-38

FLOW	A	M	J	J	A	S	AVG
2000	5.2	32.8	9.1	0	0	0	7.9
1500	16.8	58.8	31.2	2.3	1.16	0	18.4
1200	27.9	78.5	51.1	22.8	12.7	2.9	32.7
1100	35.2	82.8	61.9	45.0	29.6	6.9	43.6
1000	40.8	87.5	71.1	65.7	57.0	21.2	57.2
900	58.0	93.2	82.3	79.7	76.0	46.7	72.7
800	73.8	94.4	93.9	94.6	84.3	69.7	85.1
600	100	100	100	100	100	100	100
400	100	100	100	100	100	100	100
200	100	100	100	100	100	100	100

POST RESERVOIR 1939-52

FLOW	A	M	J	J	A	S	AVG
2000	4.3	11.3	5.8	11.7	9.7	1.9	7.1
1500	12.1	51.8	27.6	28.1	52.3	18.1	31.7
1200	24.1	82.3	64.3	64.3	87.3	57.4	63.3
1100	30.2	88.3	76.7	74.7	92.9	64.8	71.3
1000	38.3	96.1	84.8	86.9	97.7	71.0	79.1
900	55.7	98.2	92.6	98.9	99.1	84.1	88.1
800	73.6	99.3	99.5	100	100	99.0	95.2
600	85.7	100	100	100	100	100	97.6
400	97.6	100	100	100	100	100	100
200	100	100	100	100	100	100	100

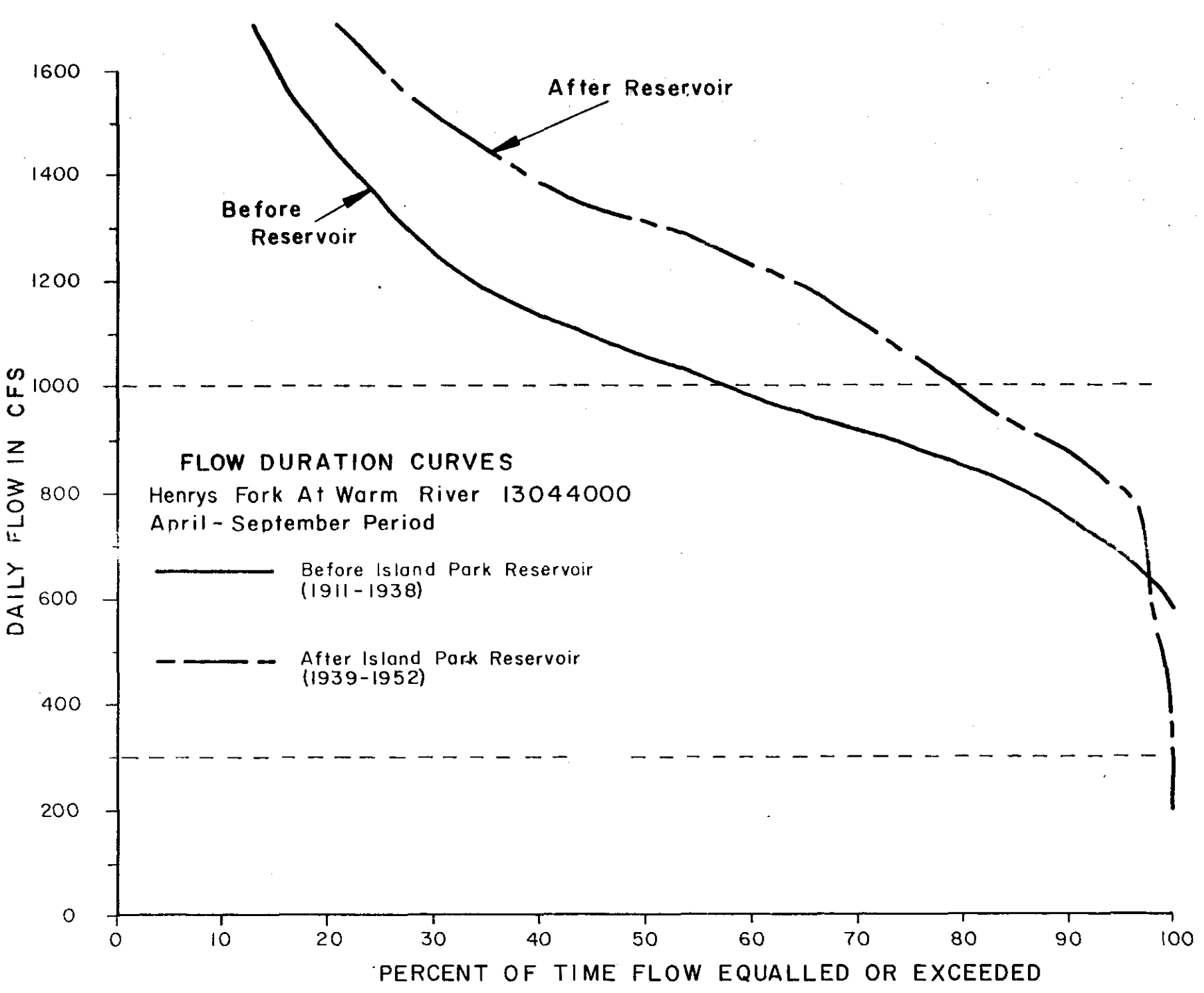
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WTO 9/21/82

MSF HEARING OF THE IDAHO DEPARTMENT OF WATER RESOURCES, HELD

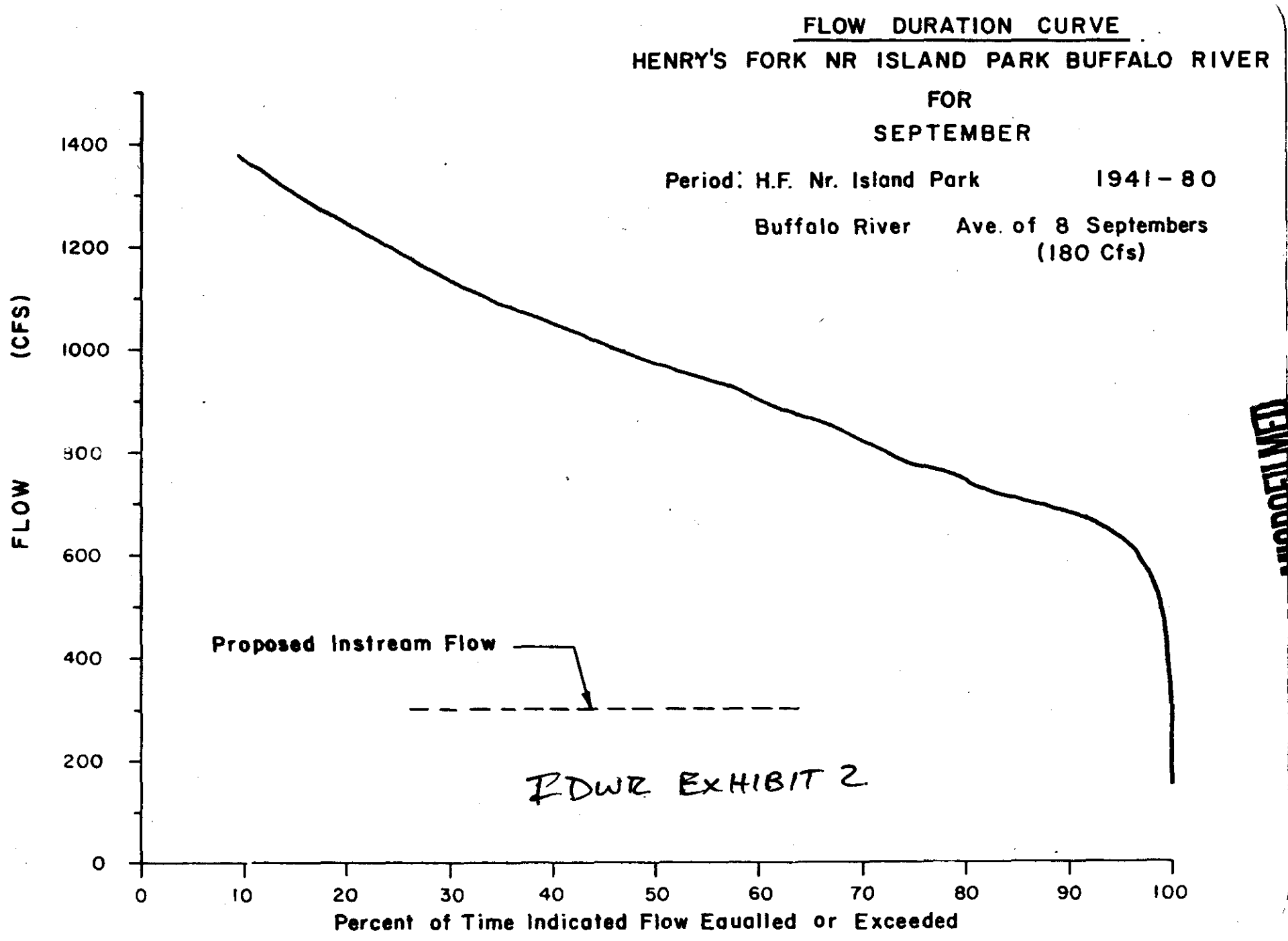
AT St Anthony, ON Sep 23 '82.

NAME	ORGANIZATION	Please check (X) if you wish to make a formal statement
Penny Stanford	Individual	
W. R. Mayhew	—	
Monte Yates	IDA. PARKS BOARD	
E. Howell	Pioneer Irrig Canal Co	
Donald D. Trupp	North Fork Water Protective	
Barry Leach	Individual	
RON WATTERS	INDIVIDUAL	X
DANA OLSON	Individual	
Reed Oldham	Comm of Wire.	X
REES MADSEN	U.S. FISH & WILDL. SERV.	X
Gene Eyraud	Harriman State Park	
Susan McKenna	individual	X



MICROFILMED

IDWR Exhibit # 3



MICROFILMED

IWRB
Exhibit 1
Entered

MESA FALLS AND THE MINIMUM STREAM FLOW APPLICATION ON THE HENRY'S FORK RIVER

Fact Sheet

Background:

Upper Mesa Falls is listed as one of the major waterfalls of the world in Water Encyclopedia (1970). The falls are variously listed as 96 to 114 feet in height. A companion falls, named Lower Mesa Falls, is listed at 65 to 70 feet high. The pair of falls are situated in a scenic gorge on the Henry's Fork of the Snake River in Fremont County, Idaho (see map). The surrounding area is a forested landscape. An annual average water flow of 988 cfs cascades over both falls.

Mesa Falls, as well as the Henry's Fork, has been recognized on a national level (by the Heritage Conservation Recreation Service) and a state level (in the Idaho Outdoor Recreation Plan) as capable of providing unique recreational opportunities to the people of the state and nation. Idaho Department of Parks and Recreation (IDPR) has petitioned the Idaho Water Resource Board (IWRB) for a minimum stream flow on the Henry's Fork to protect the unique aesthetic and recreational values along the river. IDPR has also been granted intervenor status by the Federal Energy Regulatory Commission (FERC) in the power application on Mesa Falls for the same aesthetic reasons.

Three different applications have been filed with the Federal Energy Regulatory Commission (FERC) seeking permission to generate power at Mesa Falls. Western Hydro consortium, represented by Gregory Wilcox, is first in line in the application process, followed by Montana Power Company and Utah Power and Light. (All of these applications are separate from each other. While any one may eventually be approved, this paper is primarily concerned with Western Hydro Consortium's application because of its priority.)

Power Potential:

Much of the flow on the Henry's Fork is determined by the headwater storage at the Island Park Reservoir, completed in 1938. The average water flow at Mesa Falls of 988 cfs spills a total of 182 feet over both falls. To generate electricity, Western Hydro Consortium has proposed a "low profile, 6 feet high, concrete diversion structure sized to divert 1000 cfs of water." Penstocks will consist of 8 foot diameter tunnels through rock canyon walls. Powerhouses will be concrete block and steel, approximately 100' x 50'. Preliminary analysis indicates power production of 12.5 MW is feasible, or 98.6 GWH total plant annual output which amount to nearly $5.0 million annually

of power benefits (using Utah Power and Light avoided cost of 50.6186 mills/KWH).

Forty-five hundred feet of transmission line will be used to connect to the existing Fall River Rural Electric Coop transmission line already in existence.

During minimum stream flow hearings held by IWRB, a representative from Montanta Power Company testified that the upper falls could produce 7.5 average megawatts of power by stopping all flows over the falls and diverting them to power production. However, with a minimum streamflow in effect only 2.7 average megawatts could be produced by the upper falls, the spokesman said.

Upper Mesa Falls land area is owned by a company related to Montana Power Company. Lower Mesa Falls is on land administered by the U.S. Forest Service. The actual riverbed (between high water marks) is owned by the State of Idaho. If a dam is erected, the builder must apply for and be granted an easement from the Idaho Land Board. The Idaho Department of Lands makes recommendations regarding the granting of easements based on criteria roughly the same as those found in an environmental impact statement. These criteria are judged solely on a case-by-case basis. Should the easement be granted, payments for it are set using standard appraisal techniques. If alterations of the streambed are necessary for the dam, a stream alteration permit is necessary from the Idaho Department of Water Resources.

Area electrical utilities and cooperatives as well as the Bonneville Power Administration are considered potential markets for the power produced. Users of the power could be Idaho cities of Ashton, St. Anthony and Rexburg and possibly communities in southern Montana.

Western Hydro Consortium is committed to "renewable and alternative energy resources and a regard for the environment."

Role of the Idaho Water Resource Board and the Idaho Department of Water Resources:

Of the three preliminary applications for power development on Mesa Falls, none have included a water right application (which is critical to the success of such an application). IDPR requested the IWRB to submit an application for a minimum stream flow on the Henry's Fork. (The IWRB is the only entity authorized to apply for and hold a water right for minimum flow.) On June 12, 1981, the IWRB filed a minimum stream flow application which is currently the only filing on the Henry's Fork in the reach under consideration and therefore will have priority over any other that may be filed in the future if it is approved. The minimum stream flow requests 300 cfs between October 1 and March 31 and 1000 cfs during the remainder of the year.

Minimun stream flow applications must meet certain criteria detailed in Chapter 15, Idaho Code. Among these are:

1. The minimum stream flow will not interfere with any vested water right, permit or application of earlier date or priority;
2. The minimum stream flow would be in the public interest;
3. Justification that the minimum stream flow is needed; and
4. Evidence that the flows requested are minimum and not ideal or most desirable.

The procedure to be followed in granting a minimum stream flow is :

1. Water Resource Board upon request of a public agency, files for minimum stream flow;
2. Informal public meeting by IWRB advertised in legal notices, newspaper advertisements and by contacting riparian landowners and water right holders along the reach under consideration;
3. IWRB may determine public interest at informal public meeting, and later, makes a decision to approve, amend, or revoke the minimum stream application;
4. If the minimum stream flow application is approved or amended by the IWRB, the application goes to IDWR for approval after public hearing and legal notice publication; and
5. If IDWR approves the application, it goes to the legislature, which can accept it or reject it, or do nothing which acts as an acceptance. Upon acceptance, the minimum stream flow becomes law.

Role of Idaho Parks and Recreation Department:

Parks and Recreation is concerned with Mesa Falls primarily because of aesthetic values: Mesa Falls is one of the last falls in the state undisturbed by diversion or power development and as such is a pristine remnant of an existing system. They are primarily worried about Upper Mesa Falls, owned by a company related to Montana Power Company. Lower Mesa Falls is currently owned by USFS. IDPR has been unsuccessfully negotiating since 1973 with Montana Power Company to purchase Upper Mesa Falls.

In a broader sense, IDPR is interested in protecting the recreational values on the Henry's Fork, and the river in general from the Buffalo River's confluence with the Henry's Fork to below Mesa Falls. They are concerned with the Trumpeter swan wintering area in Harrison State Park as well. (Over 400 swans, which is 40 percent of the U.S. population outside of Alaska, winter there.) Finally, they are concerned with keeping the upper reaches of the Snake River clear of development as a recreational reminder of our heritage.

UNRESTRICTED

IDPR is pursuing a two phased approach to protection. On the one hand they have been allowed by FERC to intervene in a power application for Upper Mesa Falls filed for Gregory Wilcox, a representative of a consortium of investors from Oakland, California, by George L. Smith of Idaho Falls. The Wilcox FERC *application* was accepted in May 1981 and IDPR was granted permission to intervene shortly thereafter. (In line behind Wilcox, with FERC applications in hand, are Utah Power and Light and Montana Power Company. Both are interested in the same parcel that Wilcox has filed on, viz. Upper Mesa Falls. Should Wilcox be rejected and one of the two power companies come forward with their application, IDPR expects FERC to extend intervenor status to them.)

IDPR has also petitioned the Idaho Water Resource Board to file a minimum stream flow application to protect these same aesthetic values along the river.

Idaho Fish and Game Department (IFGD) has provided information to IDPR in their minimum stream flow efforts in order to protect the fishery on the Henry's Fork. In addition to the preservation of the fishery, IFGD is concerned about the waterfowl habitat in Harriman State Park, which is a major waterfowl wintering area particularly for Trumpeter swans. The minimum flow is needed to maintain suitable habitat for these protected birds.

Sources

Western Hydro Consortium
Susan Shepartd, atty. for Gregory Wilcox (representative of Western Hydro)

Idaho Department of Water Resources
Dave Tuthill, Supervisor, Water Allocation Section

Idaho Department of Parks and Recreation
Bob Meinen, Deputy Director

Idaho Fish and Game Department
Herb Pollard, State Fisheries Manager
Virgil Moore, Regional Fishery Manager

Idaho Department of Lands
Bill Scribner, Chief, Bureau of Navigable Waters

"Application for Preliminary Permit, Upper and Lower Mesa Falls Hydroelectric Project" to Federal Energy Regulatory Commission.

"Henry's Fork Fishery Investigations" John Koon, Idaho Fish and Game Department, June, 1977.

MICROFILMED

United States Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

IWRB Exhibit #2 Entered

IN REPLY REFER TO: PN 420
511.-

DEC 4 1981

Mr. M. Reed Hansen, Chairman
Water Resources Board
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Mr. Hansen:

Enclosed is some more detailed information and background material on past and present operations at Island Park Dam which you requested in the November 19, 1981, meeting in St. Anthony.

1. Operational Goals

The Minidoka Project Office in Burley, Idaho, attempts to coordinate day-to-day operations of Island Park Dam for structural integrity, irrigation storage, downstream water rights, flood protection, and for instream flow benefits as dictated by existing watershed conditions.

2. Area Served

The Minidoka Project land extends from Ashton downstream about 300 miles to Gooding, Idaho. Island Park Reservoir, along with five other reservoirs, furnishes a full or supplemental water supply to more than one (1) million acres of land in the area mentioned above. The water is delivered to the Fremont-Madison, Falls, A&B, Burley, and Minidoka Irrigation Districts; American Falls Reservoir District No. 2; and the Warren Act contractors. Island Park Dam operations are coordinated with other Upper Snake River Reservoirs in order to best serve the public at large, within the contractual agreements and according to the applicable Federal and State laws.

3. Operations

Island Park Reservoir has a total capacity of 135,000 acre-feet of storage at elevation 6303.0 feet (1 foot above spillway crest). The three general operational time periods during the year are: irrigation storage (September - April), flood regulation (April - June), and irrigation storage release (April - September), which vary according to precipitation conditions. The flood regulation period in drought years, such as 1977, may be nonexistent.

The present and historical operating procedures and practices of Island Park Facilities have developed over the years since it was first used to store water in 1938. Since that time, two general modes of operation with different storage and release procedures have been used. The general operational releases for these two modes (pre-1968 and post-1968) are shown on the attached Figure No. 1. The pre-1968 mode was primarily due to the contractual agreement with Utah Power and Light Company (UPL) in terms of their power right for the Ashton Powerplant. Essentially the agreement was to pass inflows through Island Park Dam until November 15 after which time the gates could be fully closed.

However, since 1968 the releases have been modified in coordination with UPL and Idaho Department of Fish and Game. Storage is now started in the fall and water is released during the colder winter months in order to increase benefits to power at the Ashton Powerplant and to increase instream flow benefits. Such operations are coordinated with UPL, the Upper Snake River District No. 01 Watermaster, and the Idaho Department of Fish and Game.

These procedures are mostly on an informal basis and, to our knowledge, with agreement to all parties concerned.

4. Water Supply

Attached is Figure No. 2 which is extracted from a Federal publication as noted on the cover sheet. This contains an analysis of water supplies of the Snake River above Ashton Dam. Figures No. 3 and 4 provide data on change in mode of Island Park Dam operations.

5. Inspection and Maintenance

Prior to 1979 the flows were stopped completely for periodic inspection and maintenance operations. Since the rehabilitation program of 1979-1980, a temporary siphon has been used to pass water at these times. The feasibility of making the bypass siphon permanent is being evaluated. If making the siphon permanent proves infeasible, the flows will again have to be interrupted periodically for inspection and maintenance.

6. Conclusions

Figure No. 5 provides some indication of possible benefit of our present operations as compared to past, in relation to increased number of Trumpeter Swan Cygnets in Island Park area. Also included is information concerning the Trumpeter Swan found in Figure No. 2.

If the Water Resources Board desires more information or clarification of the enclosed data, feel free to contact this office.

Sincerely yours,

John W. Keys, III

Acting Regional Director

Enclosures

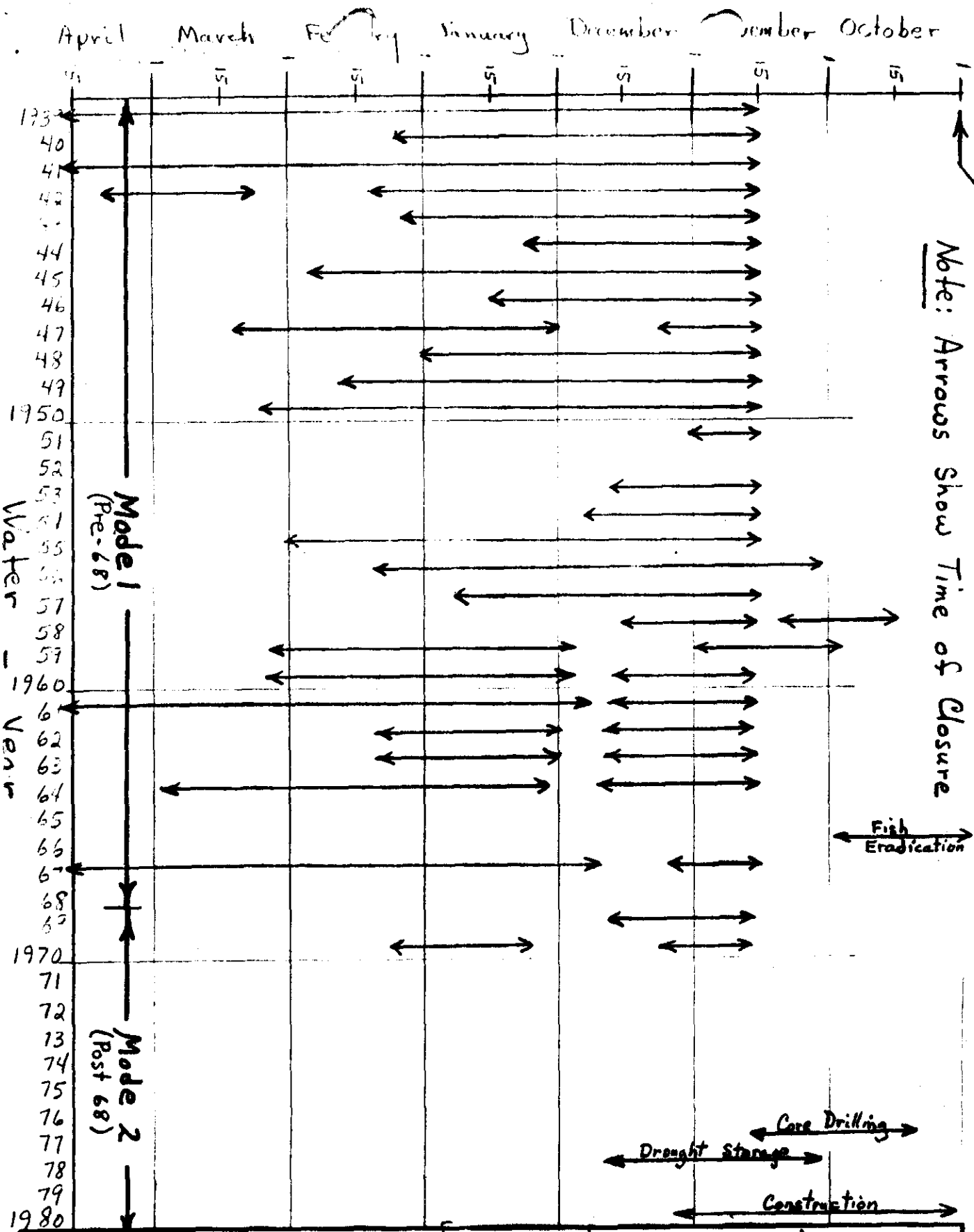


Figure No. 1

COMPUTATION SHEET

7-1654 (7-73)
Bureau of Reclamation

* U.S. Government Printing Office: 1977-779-537

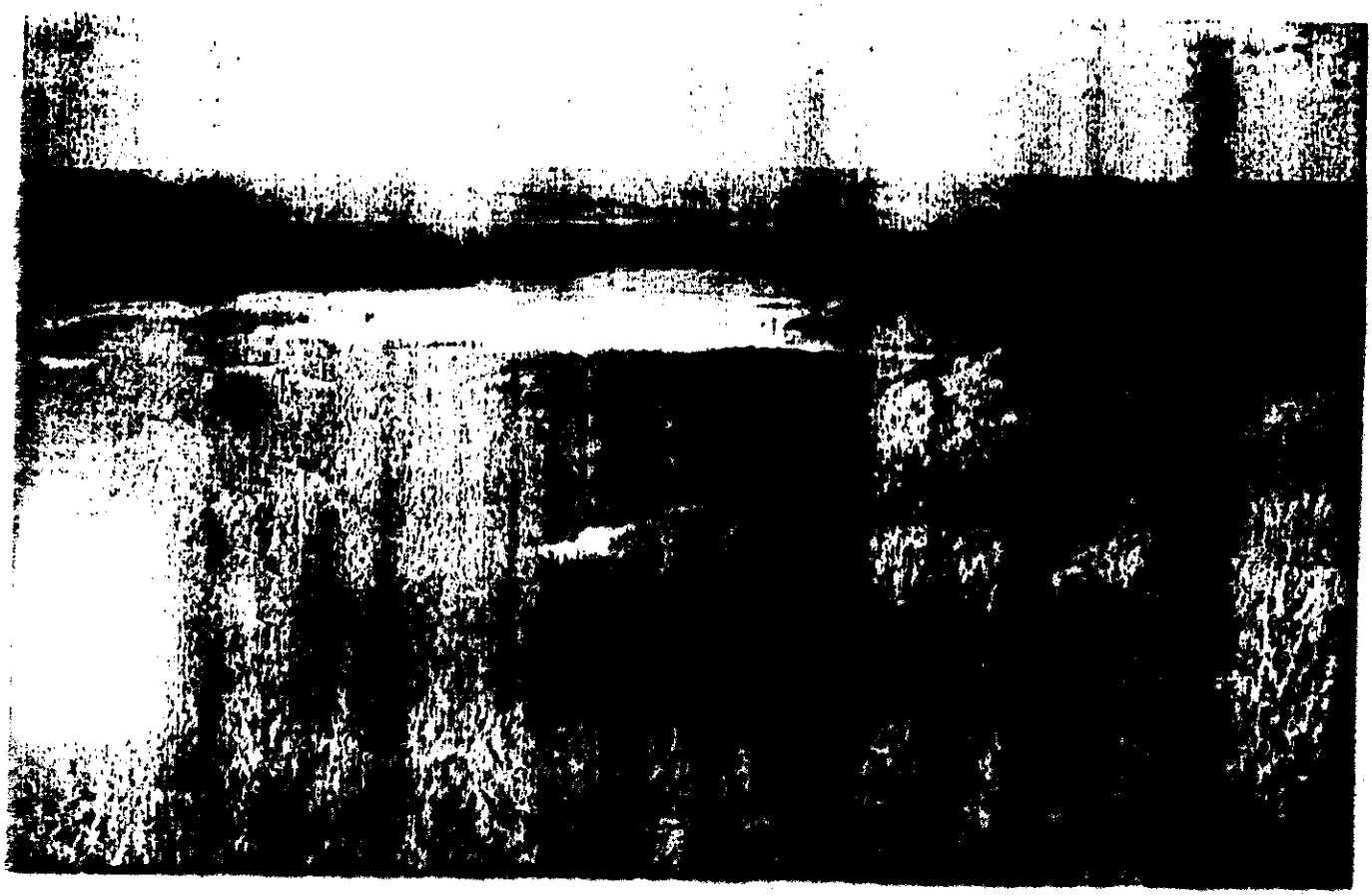
BY	DATE	PROJECT	SHEET ___ OF ___
JAG	11/27/81	Minidoka	
CHKD BY	DATE	FEATURE	
		Island Park Dam	

DETAILS: Graph Summary Showing Gate Closure - Water Year

Figure No. 2

DRAFT ENVIRONMENTAL STATEMENT of the ISLAND PARK GEOTHERMAL AREA

IDAHO • MONTANA • WYOMING



UNITED STATES DEPARTMENT of AGRICULTURE
FOREST SERVICE

UNITED STATES DEPARTMENT of THE INTERIOR
BUREAU of LAND MANAGEMENT

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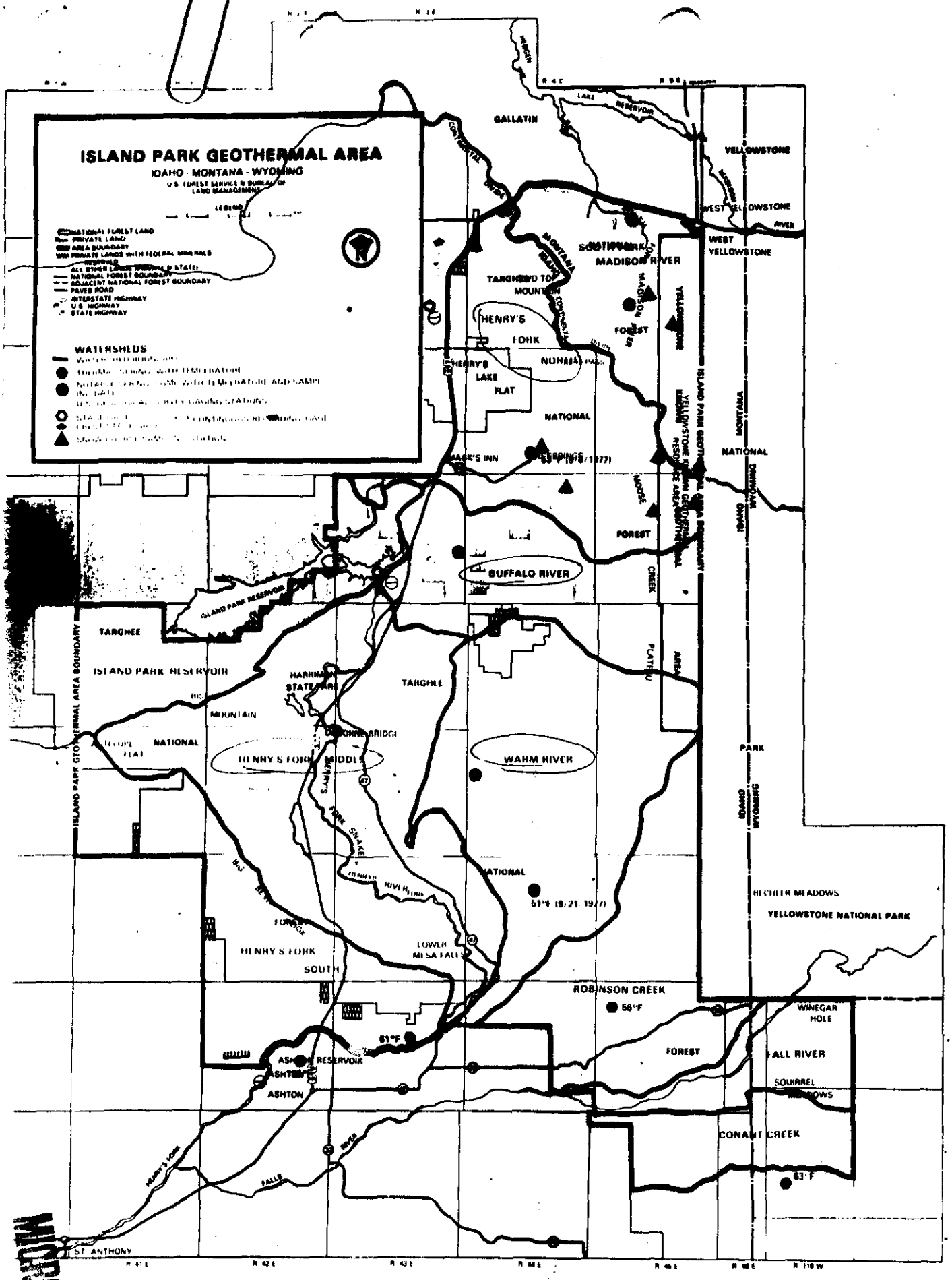
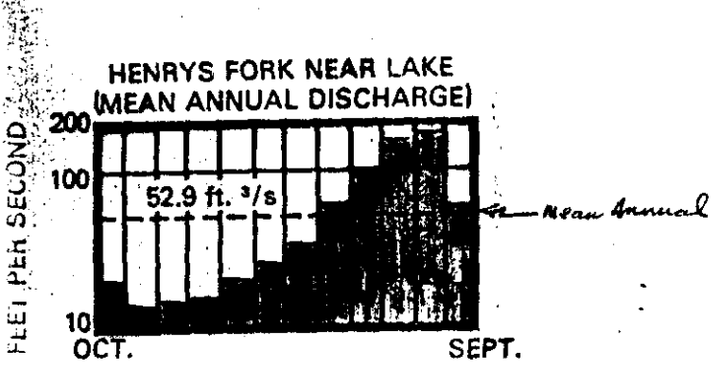
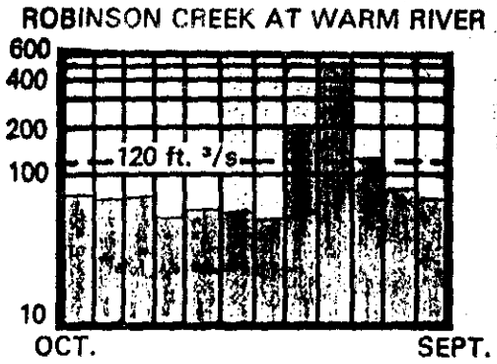
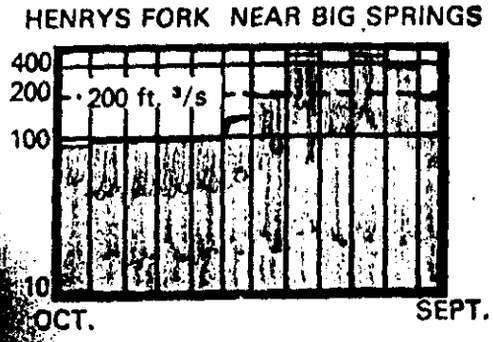
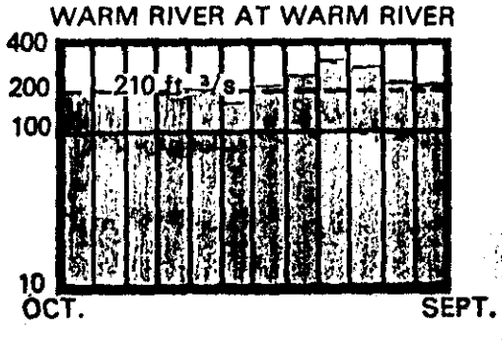

ISLAND PARK GEOTHERMAL AREA
IDAHO - MONTANA - WYOMING
U.S. FOREST SERVICE & BUREAU OF LAND MANAGEMENT
LEGEND
NATIONAL FOREST LAND
PRIVATE LAND
AREA BOUNDARY
PRIVATE LANDS WITH FEDERAL MINERALS
TOWNSHIP
ALL OTHER LANDS INCLUDING STATE
NATIONAL FOREST BOUNDARY
ADJACENT NATIONAL FOREST BOUNDARY
PAVED ROAD
INTERSTATE HIGHWAY
U.S. HIGHWAY
STATE HIGHWAY
WATERSHEDS
GALLATIN
YELLOWSTONE
WEST YELLOWSTONE
SOUTH FORK MADISON RIVER
TARGHEE NATIONAL FOREST
HENRY'S FORK
HENRY'S LAKE FLAT
NUMBER PARK
MACK'S INN
HOT SPRINGS
MONTANA
WYOMING
IDAHO
BUFFALO RIVER
TARGHEE
ISLAND PARK RESERVOIR
HARRIMAN STATE PARK
TARGHEE PLATEAU AREA
MOUNTAIN
HENRY'S FORK MIDDLE
SAMBORN BRIDGE
WARM RIVER
SNAKE RIVER
HENRY'S FORK
FALLS
LOWER MESA FALLS
HENRY'S FORK SOUTH
ROBINSON CREEK
56°F
WINEGAR HOLE
61°F
ASHTON RESERVOIR
ASHTON
FALL RIVER
SQUIRREL MEADOWS
CONANT CREEK
63°F
BECHLER MEADOWS
YELLOWSTONE NATIONAL PARK
ST ANTHONY
R 41 E
R 42 E
R 43 E
R 44 E
R 45 E
R 46 E
R 118 W

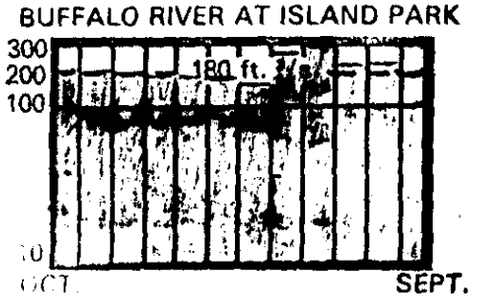
FIGURE 6. STREAMFLOW CHARACTERISTICS IN THE IDAHO PART OF THE ISLAND RK GEOTHERMAL AREA (IPGA)
(MEAN AN. AL AND MEAN MONTHLY DISCHARGE

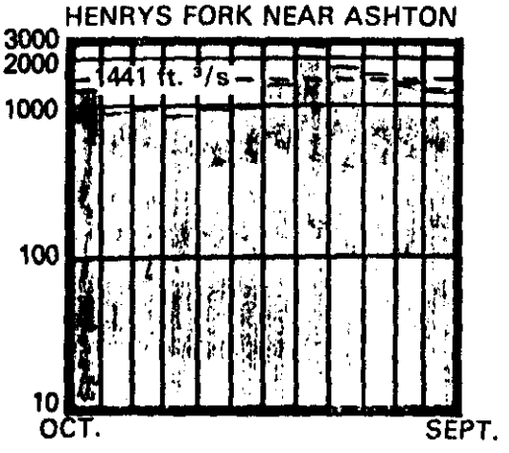


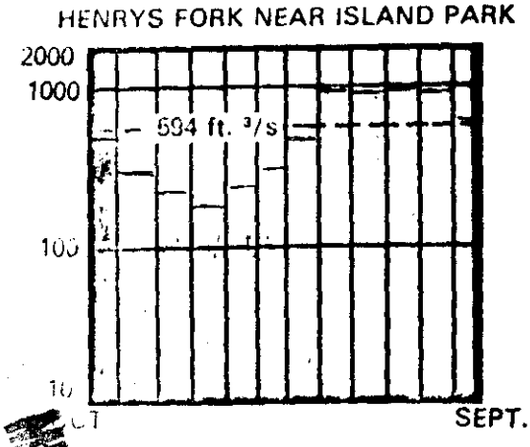


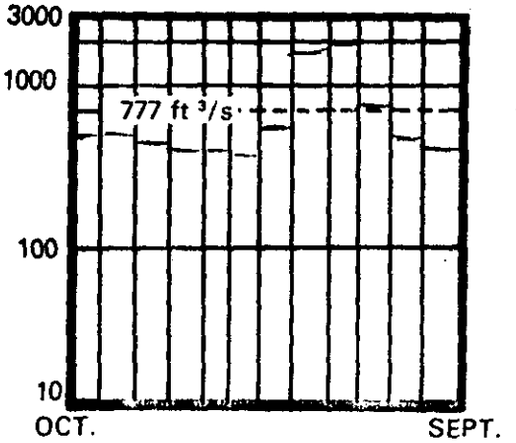












SOURCE: Whitehead, R.L., 1978

TABLE 6. DISCHARGE DATA FOR STREAMS IN THE ISLAND PARK GEOTHERMAL AREA

—IDAHO STREAMS—

Stream	Average Discharge, cfs	Period of Record	Recorded Peak Flows: cfs and date	Drainage Area in Square Miels
Henrys Lake Outlet, below dam	52.9 (38,330 ac-ft/yr)	46 yrs.	907 (6/1926)	99.3
Henrys Fork near Island Park, below Island Park Reservoir Dam	594 (430,400 ac-ft/yr)	42 yrs.	2,770 (4/1946)	481
Henrys Fork near Ashton, downstream of Ashton Reservoir Dam	1,441 (1,044,000 ac-ft./yr)	55 yrs.	6,220 (5/1925)	1,040
Falls River, 3 miles west of IPGA boundary	777 (562,900 ac-ft/yr)	61 yrs.	6,440 (6/1927)	326
Buffalo River, at Island Park	180 (130,090 ac-ft/yr)	9 yrs.	638 (4/30/38)	59.1
Warm River, at Warm River	210 (151,770 ac-ft/yr)	22 yrs.	900 (6/2/12)	145
Robinson Creek, at Warm River	120 (86,720 ac-ft/yr)	20 yrs.	1,140 (5/28/12)	126

—MONTANA—

Discharge in the S. Fork of the Madison River; measured at the US 191-20 highway bridge (the north edge of the IPGA)

Date	Flow, cfs
22 June 1977	110.1
10 August 1977	105
13 Sept. 1977	105

Source: US Geological Survey, 1976; US Geological Survey, personal communication, 1978; unpublished records of the US Forest Service

TABLE 7. STORAGE CAPACITY IN LAKES AND RESERVOIRS IN OR NEAR THE ISLAND PARK GEOTHERMAL AREA

	Capacity (acre-feet)	Drainage Area (square miles)
Idaho		
Henrys Lake	140—92,100	99
Island Park Reservoir	5,280—143,500	481
Ashton Reservoir	7,457[1]	1,040
Montana		
Hebgen Lake	200,000—350,000	905

[1] Maintained near this volume for power generation

Source: US Geological Survey, 1976; personal communication with US Bureau of Reclamation, and Montana Power Company

TABLE 18. PRESENT AND FUTURE WATERFOWL STATISTICS FOR THE ISLAND PARK GEOTHERMAL AREA

Year	Pre-season Population	Total Harvest	Total Hunters	Total Hunting Days	Success (Birds/Day)
			DUCKS		
1975	13,500	1,000	165	660	1.5
1980	13,500	1,100	175	720	1.5
1985	14,500	1,200	180	800	1.5
1990	15,000	1,400	200	900	1.6
			CANADA GEESE		
1975	1,500	450	360	1,080	0.4
1980	1,500	480	390	1,365	0.4
1985	1,500	525	420	1,640	0.3
1990	1,500	540	435	1,780	0.3

Source: Idaho Department of Fish and Game

Birds of prey subsist mainly on small rodents, fish, reptiles, amphibians, carrion, and an occasional hooved animal (ungulate). Shrubs, trees, and cliffs provide cover and nesting sites for most of the species. In open country around Henrys Lake Flat utility poles, fence posts, snags, and other isolated structures provide important perches for nesting and hunting. Many of these structures are also found around sagebrush flats, meadows, and riparian habitats on the IPGA. Raptors are important elements in predator-prey relationships in most ecosystems. They can help control small prey species such as rabbits, hares, and rodents.

The Fish and Wildlife Service raptor report emphasized the importance of Henrys Lake Flat, which extends onto the IPGA. This high elevation grassland is used by hundreds of fledged falcons and hawks as a staging area during migration in August and September. Nearby ridges funnel birds in from the north, south, and west to the Flats, where they use the surrounding forest for hunting, roosting, and perching.

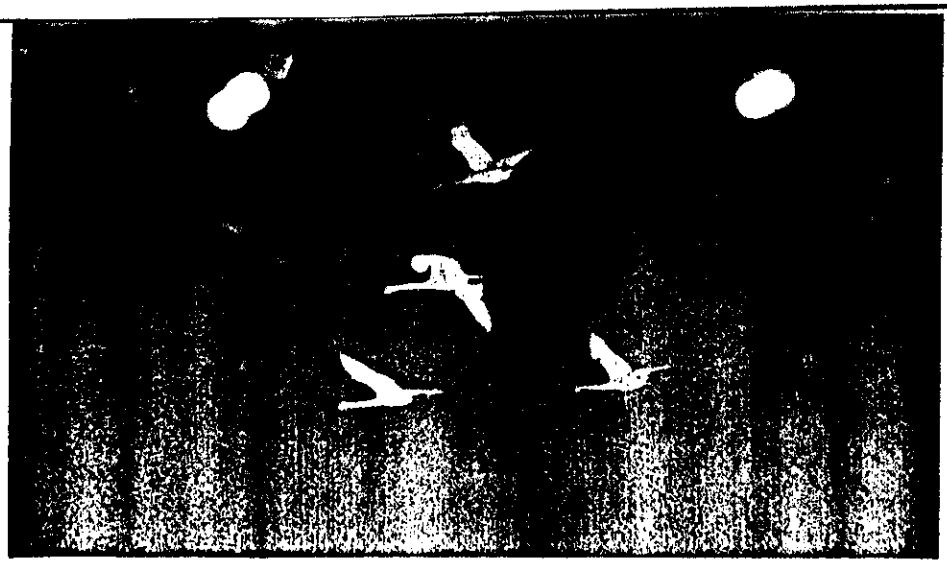
Raptors are completely protected by the Federal Migratory Bird Treaty Act and state regulations.

Species of Special Concern

Of special concern to Idaho, Montana, and Wyoming are species whose restricted range, specific habitat requirements, and/or low numbers make them vulnerable if adverse impacts on populations or habitat occur. Of the 22 state-listed species, the following are found on the IPGA: grizzly bear, Northern Rocky Mountain wolf, Canada lynx, fisher, wolverine, trumpeter swan, sharp-tailed grouse, ferruginous hawk, prairie falcon, American peregrine falcon, and northern bald eagle. The sharp-tailed grouse, ferruginous hawk and prairie falcon were discussed in previous sections, and those on the federal Threatened and Endangered Species List (wolf, grizzly bear, peregrine falcon, and bald eagle) are discussed in a separate section. The others are briefly discussed below.

The bobcat, Canada lynx, fisher, and wolverine are common-to-rare mammalian predators whose numbers have declined in the past 10-15 years. Rising prices for bobcat and lynx pelts and uncontrolled harvest have reduced their numbers drastically. They have been removed from predator lists and placed under Idaho Fish and Game Department's control. The fisher, requiring forested, wilderness habitat, is also under state control. The wolverine, which also requires wilderness habitat, is extremely rare in the IPGA.

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The IPGA is a very important wintering area for Trumpeter Swans.

The trumpeter swan is a common resident of the IPGA (Map 10). While the species is no longer endangered or threatened, in recent years trumpeter breeding populations have experienced extremely high mortality among cygnets (60%-90%). Evidence points to a possible nutritional problem in the wintering areas. Breeding habitat requirements of these birds are:

1. Waters with a relatively static level, not marked by seasonal fluctuations.
2. Quiet waters of lakes, marshes, or sloughs, not subject to current or constant wave action.
3. Shallow waters of lakes or open marshes, not so deep as to preclude digging and foraging for lower aquatic plant parts, roots, tubers, etc.
4. Minimum human disturbance and relatively remote areas.

The open waters of the Henrys Fork drainage within the IPGA are the primary wintering areas for all of Canada's Trumpeter Swans. In addition to the migrants, approximately 50% of the year-round resident Trumpeters winter within the IPGA. The relative isolation, abundant submerged vegetation, and open waters of the Henrys Fork are critical to the welfare of the remaining Trumpeter population of Canada and the U.S. Hebgen Lake, approximately 4 miles north of the IPGA, also supports wintering Trumpeters.



Photo courtesy of Sam Winegardner

Several locations in the IPGA provide suitable Sandhill Crane habitat.

The sandhill crane, considered unique, is common on the IPGA. It is a summer resident which breeds and nests where there are abundant marsh and riparian habitat. Cranes congregate on a major staging area on the IPGA (Map 10) where they feed and prepare for the fall migration.



Grandview offers a picturesque view of Lower Mesa Falls and is in the heart of the IPGA.

VISUALS

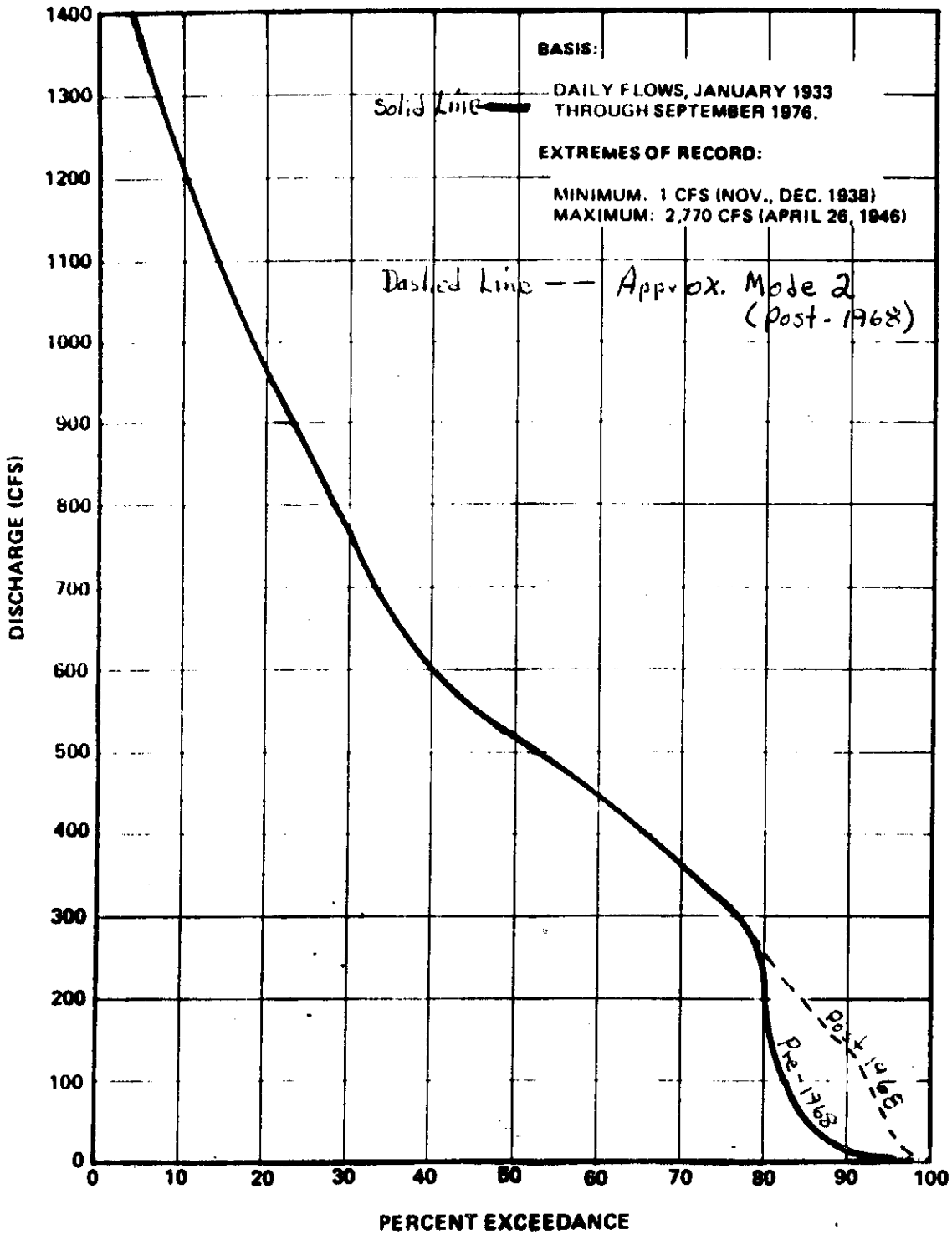
The landscape character of the IPGA is varied. The quality and sensitivity depend on diversity of landforms, rock formations, vegetation, color, water features, number of viewers and distance from which the characteristics are viewed. Table 22 illustrates some of the visual characteristics.

Visual resource management goals have been established for the Island Park Geothermal Area. These were the result of a process which considers landscape variety and public concern for scenic quality (Sensitivity levels).

TABLE 22. VISUAL CHARACTER OF LANDTYPES IN THE ISLAND PARK GEOTHERMAL AREA

LANDTYPE	VISUAL CHARACTER	LOCATION	GENERAL QUALITY/SENSITIVITY
Mountainous	Much relief, rocky slopes sharp-exposed ridges, steep slopes, dominating landform rockform features	Continental Divide N.E. portion (Mt. Two Top) Bishop Mtn. - High Point - West side of Big Bend Ridge (Rim of Island Park Caldera)	High
Plateau	0-30% slopes with little variety	East Side of Area (Moose Creek Plateau)	Low
Basin Lands-Flat	Little variety in vegetation patterns types, color or texture	Central Portion - within Island Park Caldera	Low
Open Park-Like	High degree of vegetation patterns and diversity	North portion E. of Henrys Lake and Central portion around Harriman State Park and widely scattered meadows	High
Mountain Slopelands (Forested)	Moderate slopes, common vegetation patterns - some diversity	Widely distributed, dominant landscape in S.E. portion	Medium
Aquatic or Water Associated	Large size, unique features, great diversity of flow, meandering shoreline patterns, etc.	Central and Eastern portions, widely distributed. (Streams & Lakes)	High
Canyons	Landform and rockform diversity, steep slopes	Primarily in the Southern portion	High

Figure No. 3 Island Park Releases



MUNICIPAL

DAILY FLOW DURATION CURVE

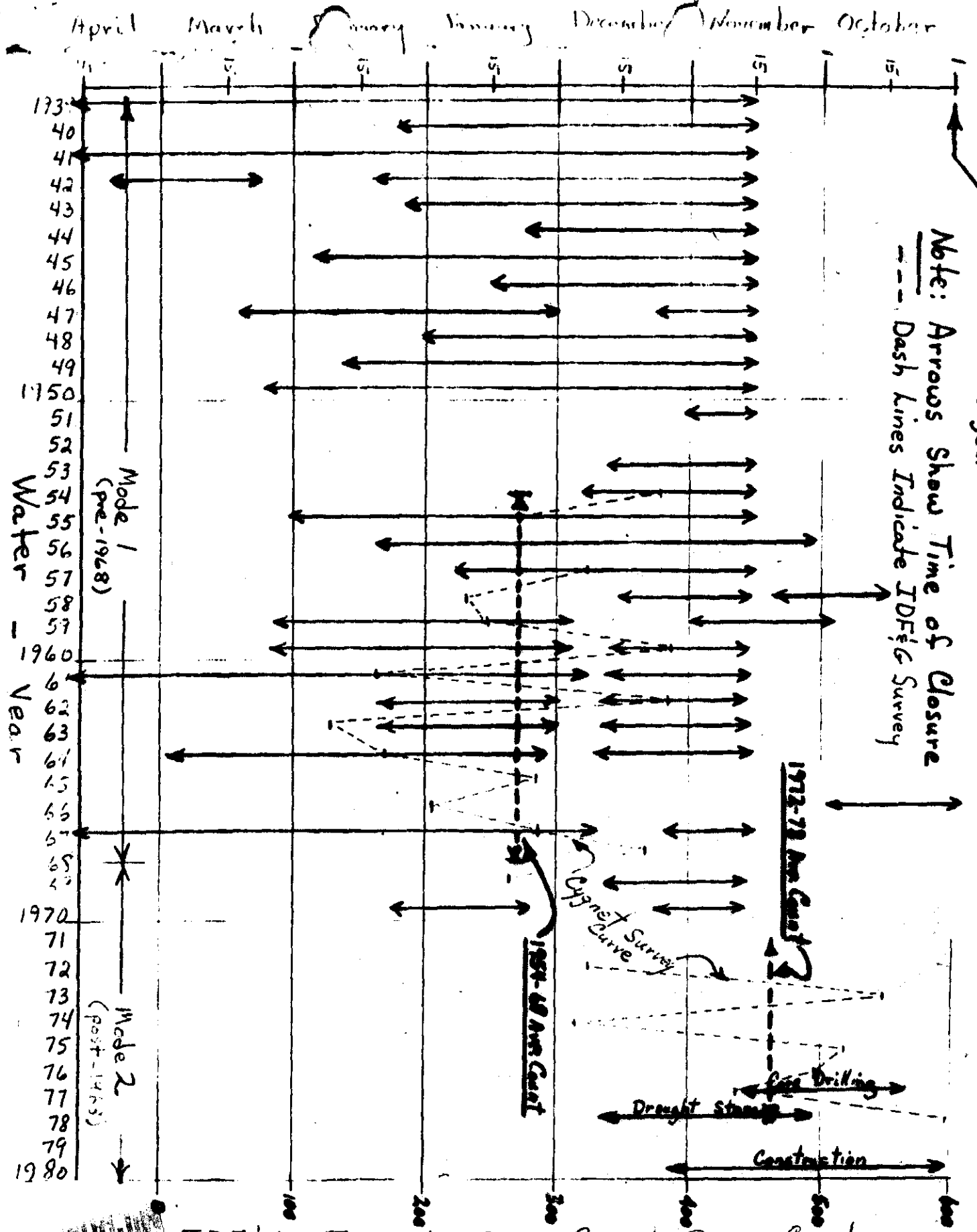
Figure No. 4

WATER SUPPLY STUDY

ISLAND PARK RESERVOIR

	Average Inflow 17-Year Average (1959-1976)			1963 - 1977 Average Change in Storage			AVERAGE RELEASE
Month	Ac-Ft	Ac-Ft Per Day	CFS	Ac-Ft	Ac-Ft Per Day	CFS	CFS
October	34,200	1,103.23	556	+4,000	+129.03	65	490
November	31,800	1,060.00	534	+8,000	+266.67	134	400
December	31,400	1,012.90	511	+10,000	+322.58	163	348
January	30,500	983.87	496	+10,000	+322.58	163	333
February	25,900	925.00	466	+10,000	+157.14	180	286
March	28,600	922.58	465	+12,000	+387.10	195	270
April	37,200	1,240.00	625	+8,000	+266.67	134	491
May	79,000	2,548.39	1,285	+5,000	+161.29	81	1,204
June	64,600	2,153.33	1,086	-1,000	-33.33	17	1,103
July	39,800	1,283.87	647	-18,000	-580.65	293	940
August	38,900	1,254.84	633	-32,000	-1,032.26	520	1,153
September	37,200	1,240.00	625	-16,000	-533.33	269	894

MICROFILMED



BY Rob	DATE 11/27/81	PROJECT Minidoka	SHEET ___ OF ___
CHKD BY	DATE	FEATURE Island Park Dam	
DETAILS Graph Showing Gate Closure vs Trumpeter Swan Cygnet Survey			

IWRB Exhibit 3

My name is Rees Madsen. I represent the Red Rock Lakes National Wildlife Refuge which is administered by a branch of the U. S. Department of the Interior. I am here to express support for the minimum stream flow application requested by the Idaho Department of Parks and Recreation for portions of the Henry's Fork.

Red Rock Lakes refuge, located 30 miles west of Henry's Lake, was established in 1935 to protect the then endangered trumpeter swan. While the trumpeters are no longer threatened with extinction, their continued existence in the Yellowstone area is by no means secure.

One of the major threats to the Mid Continent population of trumpeter swans is the loss or reduction in quality of their wintering grounds. Areas capable of supporting the wintering swans with open water and available aquatic vegetation for food are not abundant in this area. In fact, the lack of winter habitat seems to be the limiting factor restricting expansion of this swan flock. For this reason we are especially interested in seeing the Henry's Fork wintering areas preserved and protected.

Our concern about the Henry's Fork is not new. In 1953 Winston Banko, then manager at Red Rock Lakes, wrote to his supervisors urging the establishment of a wildlife refuge in the Island Park area to preserve the winter swan habitat along the Henry's Fork. In part he said, "More active protection of these birds has been needed for many years in the area under consideration. Without a doubt it represents one of the major concentration points for this species on the Continent and furnishes a valuable wintering habitat counterpart to this refuge's breeding and summering area. As far as the Red Rock Lakes-Yellowstone trumpeters are concerned, the Railroad Ranch area is the major wintering grounds and its importance in this respect cannot be over-emphasized." Since that time, studies have shown trumpeter swans from Canada also winter here.

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The Red Rock Lakes refuge began aerial surveys of wintering trumpeters in 1972. A review of the last ten surveys shows the average number of swans wintering in the Yellowstone region was 890 (Table 1). Of this number, 429 or 48 percent were found in Idaho. One third of the total number of birds was located on the Henry's Fork between the Island Park reservoir and Ashton. Twenty-five percent of the wintering trumpeters used the area that is now the Harriman State Park. These census results confirm the importance of the Henry's Fork in supporting the trumpeters.

We feel the requested flow of 300 cfs, measured below the confluence of the Buffalo River with the Henry's Fork, is insufficient to maintain the open water required by the swans during periods of extremely cold temperatures. Experience during recent winters has shown a release of 300 cfs from the Island Park reservoir is necessary in addition to the flow of the Buffalo River to adequately protect the trumpeter swans and their habitat during the critical period of mid November through February.

In summary, the staff at Red Rock Lakes considers the upper reaches of the Henry's Fork to be vital to the continued well being of the Mid Continent population of trumpeter swans and fully supports the establishment of a minimum stream flow of 300 cfs in the Henry's Fork in addition to the Buffalo River to protect this international wildlife resource.

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Table 1. Mid-winter trumpeter swan surveys in the tri-state area of Montana, Idaho, and Wyoming.

YEAR	TOTAL	IDAHO TOTAL	%	HENRY'S FORK *	%	HSP **	%
1982	1218	566	46	275	22	195	16
1981	1247	480	38	356	28	340	27
1980	939	320	34	142	15	134	14
1979	866	434	50	238	27	200	23
1978	874	488	56	371	42	371	42
1977	1017	521	51	452	44	436	43
1976	725	375	52	238	33	209	29
1975	723	427	59	354	49	138	19
1974	709	391	55	288	41	91	13
1973	585	284	48	244	42	139	24
10 Year Avg.	890	429	48	296	33	225	25

* From Island Park reservoir to Ashton

** Harriman State Park

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IDAHO DEPARTMENT of PARKS & RECREATION

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director

John V. Evans, Governor

Parks Exhibit # 10

September 21, 1982

Gene Eyraud, Manager
Harriman State Park of Idaho
Star Route Box 33
Ashton, Idaho 83420

A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Ref.: Minimum Stream Flow Application on the Henrys Fork River by the Idaho Departmetn of Parks and Recreation

Dear Mr. Dunn:

The minimum stream flow application of the Idaho Department of Parks and Recreation on the Henrys Fork River from the Buffalo River to the Lower Mesa Falls area would protect the esthetic and wildlife habitat values of that stretch of river running through Harriman State Park of Idaho. This application would prevent the diversion of water away from the river channel and protect the esthetics essential to the park. Large mud flats or a nearly dry river channel could result from too much water diversion.

Wildlife is a resource of Harriman State park and also part of the esthetic values. The Henrys Fork provides essential habitat for many species of wildlife which would also be protected by this minimum stream flow application.

Sincerely,

DALE R. CHRISTIANSEN, DIRECTOR

Gene Eyraud

Gene Eyraud, Manager
Harriman State Park of Idaho

MICROFILMED

Parks Exhibit #11

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail, 2177 Warm Springs Ave., Boise, Idaho 83720 (208) 334-2154

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director

John V. Evans, Governor

September 21, 1982

A. Kenneth Dunn, Director
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Dunn:

On behalf of the Parks & Recreation Board and the Director, Dale Christiansen, I would like to submit this document as summary to our request.

Our Department made the request to the Water Board to consider a minimum stream flow of 1,000 cubic feet per second from 4/1 to 9/30 and 300 cfs from 10/1 to 3/31 annually.

Our intent in asking for this minimum stream flow is to establish a non-consumptive instream flow of water that is protected for its scenic, wildlife and recreational values. Our intent is not to intentionally damage any private party or company. This application will not affect any existing water rights nor will it affect any downstream users of the water.

We feel that we have several reasons for making the request. First, in the enabling legislation forour department (Idaho Code 67-4219) it was the intent of the legislature that the department identify and protect areas of scenic beauty and recreational utility for the people of the state to enjoy. The Henry's Fork definitely has scenic beauty and recreational utility, consequently, we feel strongly that we should stand up and try to protect it.

Secondly, we have a vested interest in a portion of the Henry's Fork. The river is very important to the Harriman State Park. The river is an

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integral part of the state park and we feel it should be maintained as it is. The minimum flow request involved is approximately 31 river miles in length.

The Henry's Fork is a unique resource to the State of Idaho. This is why we have made the request to the Water Resources Board. There are many things that justify our request. First, consider fishing. This is a blue ribbon rainbow trout fishery recognized nationally. Because of national value and attraction, thousands of fishermen days of angling are spent on these reaches of the Henry's Fork. Most of those days occur along the 31 miles we are requesting protection of. Many of the businesses in the area would be impacted if the annual influx of fishermen did not occur. There is a need to protect the fishing and the fish habitat.

Another reason the Henry's Fork is unique is the wildlife population that depends on the river, particularly the birds. This segment of the Henry's Fork is so valuable to the wintering of one bird species that changing the water flows and their winter habitat could affect as much as 40% of the birds in North American outside of Alaska. The bird I talk of is the beautiful Trumpeter Swan. According to the Trumpeter Swan Society there are only 1,000 Trumpeter Swans in North America, outside of Alaska. Over 400 of the group winter on the Henry's Fork of the Snake River. There are only a little over 5,500 of the birds alive in the world. The questions might be, then, if the Henry's Fork dries up in the winter, the birds can go elsewhere. Unfortunately, that may not be possible judging from information compiled by experts in the study of the Swans. The Swans need the open, undisturbed waters of the Henry's Fork to winter on. They have very few alternatives left.

A third reason we feel a minimum stream flow of the magnitude we asked you for is needed is to protect Upper and Lower Mesa Falls. These two falls are 114 ft. and 67 ft. in height, respectively. They are, to my knowledge, the last remaining undisturbed major waterfalls in the State of Idaho on the

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Snake River System. Two larger falls in Idaho, Twin Falls and Shoshone Falls, are both dammed, disturbed and the majority of the water is diverted before it even has a chance to go over the falls. Upper and Lower Mesa Falls have significant scenic value for the recreationist. Upper Mesa Falls is also internationally known. It is listed in the world book of major waterfalls. It is truly a visual, photographic, and auditable delight to the many people that have found the area. Lower Mesa Falls is owned by the U.S. Forest Service. Upper Mesa Falls is privately owned, consequently, we feel we should not be promoting public use on a private party's land. Historically, our department, the U.S. Forest Service and a non-profit group called the Idaho Park Foundation have all tried unsuccessfully to secure ownership of Upper Mesa Falls. Our efforts date back to the early 1970's. The Forest Service, at one time, had the money and was making appraisals to purchase the site. Unfortunately, to date, no successful nefotiation has been completed. However, our department is still interested in trying to find some way to secure this area so the public can enjoy this resource.

We feel that, aesthetically, and from a scenic point of view, the 100 cfs we requested in the application to you is a minimum to maintain the impact of the falls. A large volume of water is necessary to retain the visual and audible impact of viewing the falls. The volume is also important in terms of significance as a waterfall. There may be waterfalls in Idaho that are as high or higher, however, they do not have the water flows necessary to have significant impact on the viewer. The volume and size of Niagara Falls is what makes them significant. The same is true of the two Mesa Falls.

Our last reason for requesting the minimum flow, particularly a large volume, is the Snake River itself. In Idaho, there is approximately 865 miles of the Snake River, counting the mainstem and the major areas such as the Henry's Fork. The Snake is the major river system of the southern part of

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the state. As you know, the Snake River contains many unique and varied features. The Snake River, though, is rapidly disappearing as a river. As you can see in the graphic, power generation has and is going to take its toll.

Presently, a little over 300 miles or 35% of the river is impounded by 25 existing dams. We have mapped the impact of 10 new Federal Energy Regulatory Commission approved or pending projects that have been filed for power generation. These would impound and dam another 50 or 60 miles of the Snake River. These proposals do not include the potential dams pointed out by the Corps of Engineers for example, along the South Fork of the Snake below Palisades Dam. Also, this map does not include the yet unfiled FERC proposals that are sure to come. At this time, there is only 67 miles of 8.6% of the Snake River protected. That is, of course, the Hells Canyon Wild and Scenic Area. Some areas of the Snake River probably will not be dammed due to the flat topography. However, these areas are also surrounded by farming activities and developments that impact uniqueness of the river. Also, please keep in mind there are areas like below Milner Dam that the Snake is basically de-watered for periods of the year. The majority of the Snake River is or is going to be impacted by development.

What we are asking is to preserve a small remaining segment of the Upper Snake for recreation and aesthetic purposes. If the Henry's Fork is developed, there is little Snake River left to protect.

In summary, then, we feel the 1,000 cfs is justified in the summer for recreation, fishing and to maintain the abstract quality of Mesa

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Falls. The 300 cfs in the winter is crucial for the swan and wildlife that depend on the Henry's Fork. Now is the time for action to save these water flows. Hopefully, you will agree.

Thank you.

Sincerely,

Robert L. Meinen
Deputy Director

Parks Exhibit 12

STATEMENT OF THE IDAHO DEPARTMENT OF PARKS & RECREATION

The Idaho Legislature has declared that the appropriation of a minimum stream flow for the protection of fish and wildlife habitat, aquatic life, recreation, and aesthetic beauty is in the public interest and is a beneficial use of the waters of this state. Idaho Code § 42-1501. Application No. 21-7282 of the Idaho Water Resources Board, as amended, should be approved based upon satisfaction of the following criteria set forth in Idaho Code § 42-1503:

1. The Minimum Stream Flow Will Not Interfere With Any Vested Water Right, Permit, Or Senior Water Right Application.

There are no water rights vested or appropriation permits issued for the stretch of the Henry's Fork covered by the proposed minimum stream flow. Application was made on September 16, 1982, for diversion of water at Sheep Falls, but this application is junior to the June 12, 1981, priority date of Application No. 21-7282. A preliminary permit has been issued by the Federal Energy Regulatory Commission for the study of hydroelectric development above Upper and Lower Mesa Falls, but to date the permittee has not applied for state water rights.

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The application as amended provides that the minimum stream flow right would be subject to prior water rights. The application also expressly provides that the minimum stream flow right would be subject to existing practices of certain local irrigation districts. Storage and release at Island Park Dam necessary to maintain the irrigation supply would not be affected by the minimum stream flow.

2. The Minimum Stream Flow Is In The Public Interest.

The stretch of the Henry's Fork covered by the application is undisturbed by development, flows past Harriman Ranch State Park, and includes significant water falls at Sheep, Upper Mesa, and Lower Mesa Falls. The Henry's Fork is identified in the State Comprehensive Outdoor Recreation Plan of 1977 as a significant natural resource requiring protection, is identified in the Heritage Conservation Recreation Service Inventory of 1980 as a potential wild and scenic river, and is listed by the Idaho Fish and Game Department as a Class I trout stream. The minimum stream flow would protect the fish and wildlife habitat, recreational utility, and aesthetic beauty of the Henry's Fork for the benefit of the people.

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3. The Minimum Stream Flow Is Necessary For The Preservation Of Fish and Wildlife Habitat, Recreation, and Aesthetic Beauty.

The 300 c.f.s. stream flow requested from Island Park Dam to Lookout Butte is necessary to maintain the trophy trout fishery and the winter habitat of the Trumpeter Swan at Harriman Ranch State Park. The 1,000 c.f.s. stream flow requested below Lookout Butte is necessary to protect Sheep, Upper Mesa, and Lower Mesa Falls from denudement by potential future water diversions.

4. The Minimum Stream Flow Is The Minimum And Not The Ideal Flow.

The original application requested a minimum stream flow of 1,000 c.f.s. for the entire stretch covered by the application. The 1,000 c.f.s. flow was then reduced to the eight mile stretch from Lookout Butte to below Lower Mesa Falls in deference to historical flow data and the determination of the Idaho Department of Fish and Game that a 300 c.f.s. flow is the minimum necessary for maintenance of the fishery above Lookout Butte. Three hundred c.f.s. is also the minimum flow necessary to prevent substantial freezing over of the Trumpeter Swan winter habitat at Harriman Ranch State Park. 1,000 c.f.s. is the minimum flow necessary to maintain the scenic character of Sheep, Upper Mesa, and Lower Mesa Falls, where the flow otherwise often exceeds 1,900 c.f.s.

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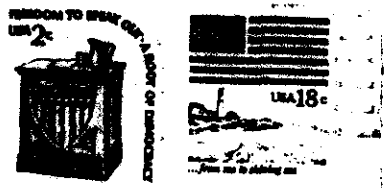
5. The Minimum Stream Flow Is Capable Of Being Maintained.

The combination of flow releases from Island Park Dam and the estimated 300 c.f.s. contributed by Buffalo River just below the dam is adequate to maintain the requested minimum stream flow.



? Wedemann
12 Tower Bank Rd.
Severna Park, Md.
21146

6/2 Tower



Parks Exhibit 13

Idaho Dept of Parks & Recreation
Statehouse Mail
2177 Warm Springs Ave.
Boise
Idaho 83720

Attn: Dale R. Christiansen, Dir.

MICROFILMED

Idaho Department of Parks and Recreation

14 Nov 1981

Attn: Dale R Christiansen, Director

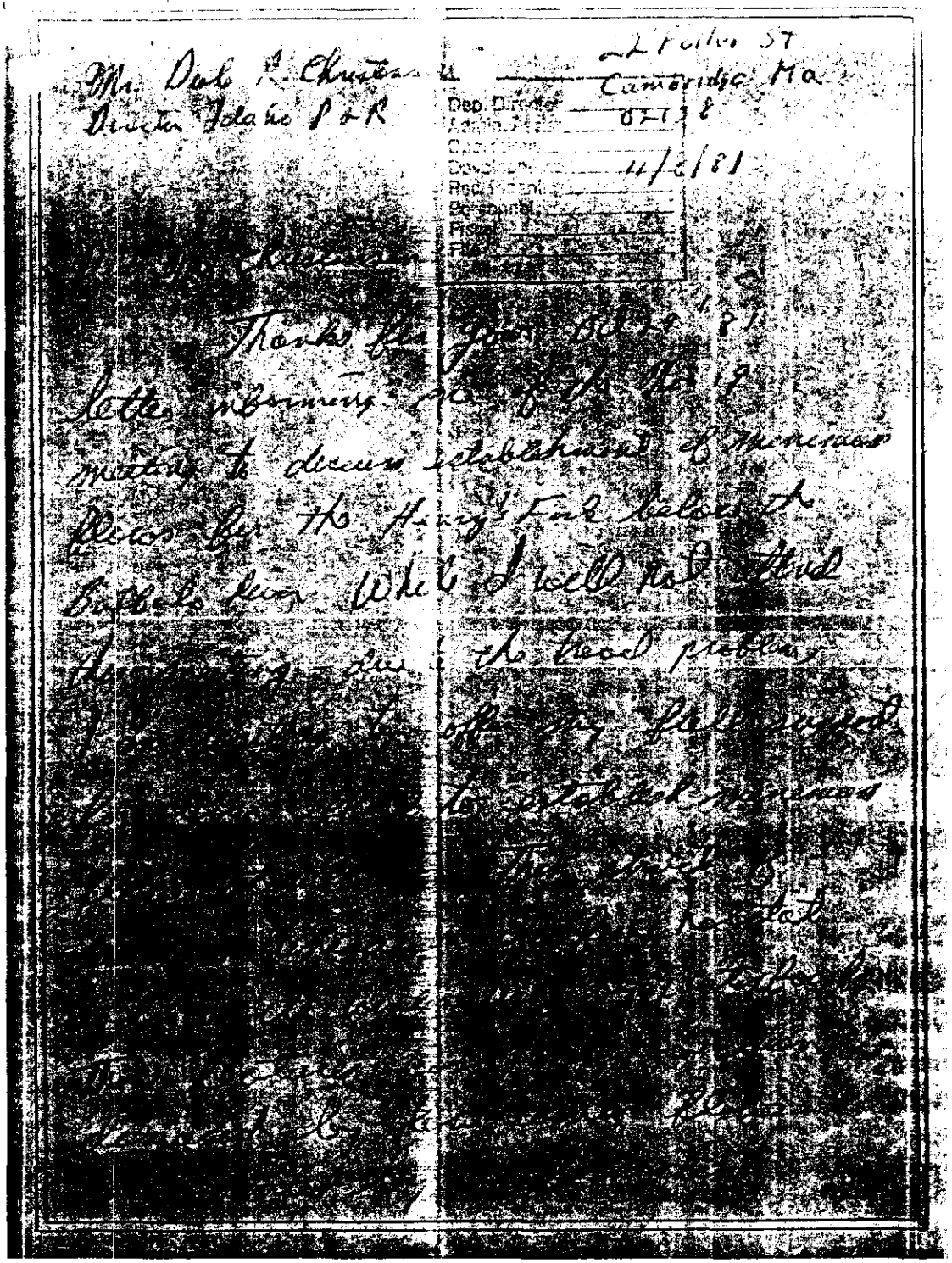
Dear Mr Christiansen:

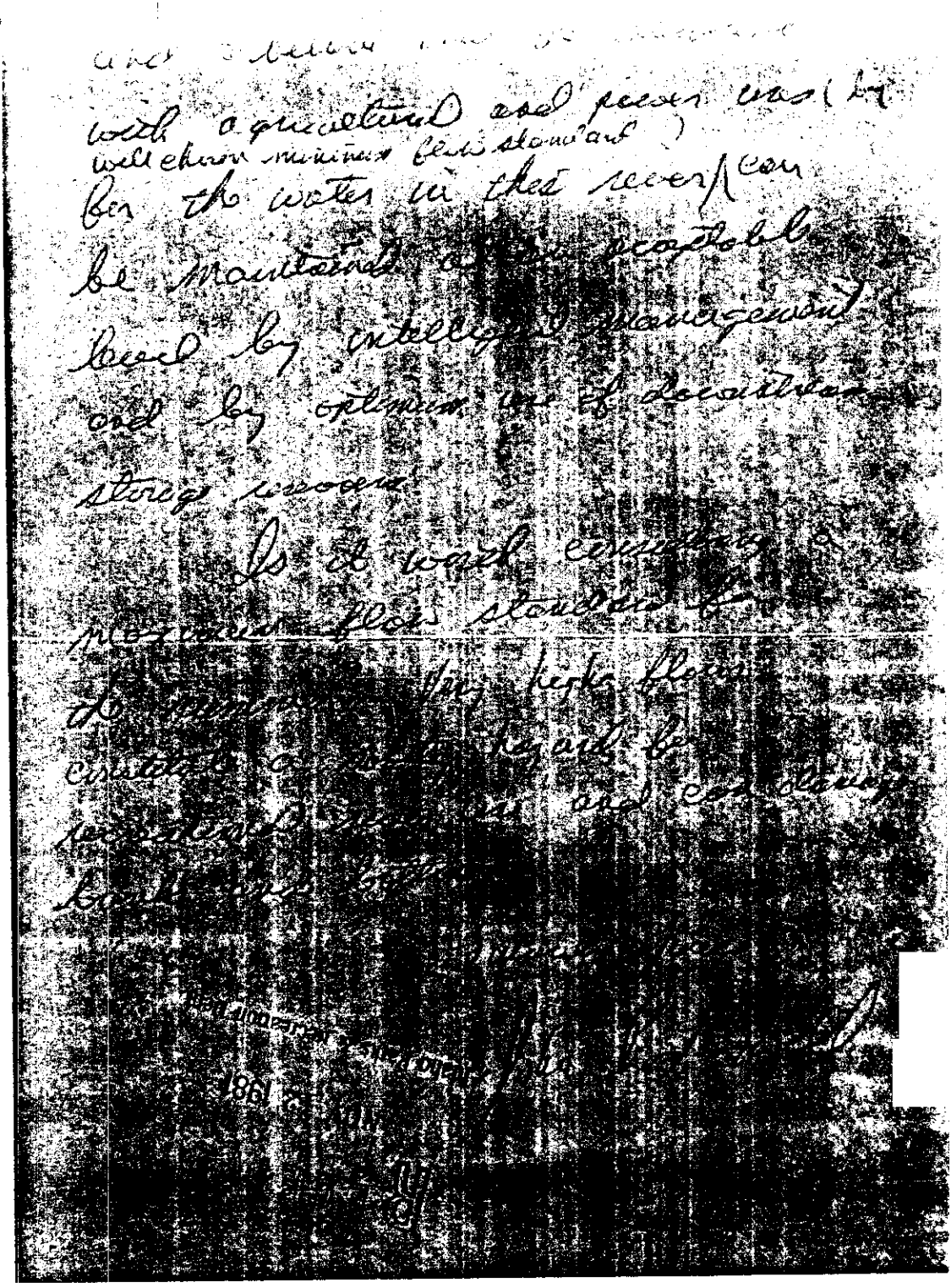
I am very much concerned with recent developments which have the potential of seriously damaging the wonderful fishing found on Henry's Fork. I feel that the maintenance of a minimum stream flow is essential to the recreational and tourist value of the river. As a property owner, I support your effort to establish and maintain the minimum flow in Henry's Fork.

Sincerely Benjamin W Heman

Purchaser Lot 36, 37, 38, 39

MICROFILMED





DONALD C. HODGE INCORPORATED
MANUFACTURERS' REPRESENTATIVES
P. O. BOX 15
BRECKSVILLE, OH 44141
PHONE (216) 526-6950

November 5, 1981

Mr. Robert L. Meinen, Deputy Director
% Idaho Department of Parks & Recreation
2177 Warm Springs Ave.
Boise, ID 83720

Dear Mr. Meinen:

In response to your letter dated October 29, 1981 and your separate request to the Water Resources Board to consider establishing minimum instream flow on the Henrys Fork, please take notice that I am concerned and supportive of your request.

As a property owner on Henrys Fork, I am well aware of the vital importance of water flow and its relation to the support of our fresh and waterfowl species.

This is a regulation that has been needed for sometime and if I can do anything to help you achieve your goal, please let me know.

Sincerely,

Donald C. Hodge

DCH/jl

P.S. Please keep me informed of your progress.

cc: J. Hodge
R. Johnson
G. Harvey

OFFICE & WAREHOUSE
4101 E. ROYALTON ROAD
BROADVIEW HTS., OH 44147

G. W. Hogg
1794 Rainier
Idaho Falls, Idaho
83402

Idaho Dept of Parks & Recreation
Statehouse Mail
2177 Warm Springs Ave.
Boise, Idaho, 83720

Dep. Director	
Admin. Assist	
Operations	
Development	
Rec. Planning	
Personnel	
Fiscal	
File	

Dear Mr. Dale R. Christiansen, Director

I believe it is essential to provide minimum instream flow on the Henrys Fork of the Snake River from below Lower Mesa falls to the confluence of the Buffalo River with the Henrys Fork. As a property owner adjacent to to the Henry's Fork in the Island Park area, I consider it essential to maintain the fish and wildlife and scenic value of the River.

Please secure the required minimum stream flows.

Yours truly

Mr. & Mrs G. W. Hogg.

11-2-81
1430 Summit Dr.
Pocatello, Idaho 83204

Dale K. Christiansen, Director
to Dept. of Parks & Recreation
state house Mail
77 Warm Springs Ave.
ise, Idaho 83720

Dep. Director
Admin. Assist
Operations
Development
Rec. Planning
Personnel
Fiscal
File

ear Mr. Christiansen,

By all means I favor establishment for a minimum instream flow on Henry's Fork of the Snake River as described in your letter, copy attached. To do otherwise to the area in question would be a tragedy for all nature residing there. It would never be replaced and once again we would see "too little, too late".

I believe in industry, in development, in dams and irrigation, but I believe we must place limits and restrictions on some instances and Henry's Fork is one such instance.

Sincerely Yours,

Mark Carlile

Dear Mr. Dale R. Christiansen:

I hartily endorse your Program and efforts in protecting the beautiful Henrys Fork & the Snake River at Island Park area.

Sincerely yours
Don Hull

RECEIVED
NOV 9 1981
Idaho Parks & Recreation Dept.

unique recreational potential of the river from man-made diversions that may affect the fish habitat, wildlife, and scenic character of the river. Our feeling is that with minimum flows established, the fish and wildlife will be protected. Also, by protecting the scenic value of the river and Upper and Lower Mesa Falls, the tourism business that is attracted to the Island Park area can be maintained and possibly enhanced.

The Water Resource Board will be sponsoring a public meeting to gather public comment on this application on November 19, 1981 at 3:00 p.m. The meeting will be held at the Fremont County Courthouse, 127 W. 1st N., in St. Anthony. Please plan to attend if you want to voice an opinion. If you can not attend, please write either the Department of Water Resources or this Department.

Thank you for your time.

Sincerely,

Dale R. Christiansen
Director

RLM/cjv

EQUAL OPPORTUNITY EMPLOYER

November 12, 1981

Dale R. Christiansen
Director
Idaho Dept. of Parks & Recreation
State House Mail
2177 Warm Springs Avenue
Boise, Idaho 83720

Dear Mr. Christiansen,

We have received your letter of October 29, concerning the proposal to establish a minimum flow on the Henry's Fork.

As we will be unable to attend the public meeting on November 19, I hope that you will represent our view of being in support of your proposal.

The Henry's Fork is a unique, natural asset that should be protected at almost any cost. We were attracted to the state by its qualities and I would hope that man would have the wisdom to protect it. Protection of the fish, wildlife and scenic qualities should be paramount. Anything that detracts from these objectives must be considered shortsighted and lacking wisdom. What will we tell our children if we start a process that destoys or cripples the stream?

Sincerely,

James R. A. Rehfus

James R. A. Rehfus
414 Plaza Rubio
Santa Barbara, Ca. 93103

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160 Calumet Ave.,
Santa Monica, Calif.
90024

Dec. 6, 1981

Idaho Department of Parks & Recreation
Statehouse Mail
2177 Warm Springs Ave.,
Boise, Idaho 83720

Dear Sirs:

As an out-of-stater I would surely like to see the character of the Upper Snake River changed. We, like hundreds of others, spend our vacations and/or summers in that area, and would surely like to continue to do so.

Yours sincerely,
A. L. Strong

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Parks Exhibit 19
Entered

United States Department of the Interior

BUREAU OF RECLAMATION
WATER AND POWER RESOURCES SERVICE
MINIDOKA PROJECT OFFICE
1359 HANSEN AVENUE
BURLEY, IDAHO 83318

IN REPLY
REFER TO: 100

September 22, 1982

Mr. A. Kenneth Dunn
Department of Water Resources
State Office
450 W. State Street
Boise, Idaho 83720

Dear Mr. Dunn:

The Bureau of Reclamation does not object to the Henry's Fork minimum flow application as amended, if it is granted subject to the conditions contained in the Water Resource Board's policy statement transmitted to this office with Deputy Attorney General Kurt Burkholder's letter of September 17, 1982. Item 1-C of this policy statement specifically subordinates the minimum flow to operations of Island Park Reservoir.

The Island Park Dam and Reservoir is now operated for structural integrity; irrigation storage; flood protection; and for instream flow benefits as part of the overall Upper Snake storage system. The storage space is regulated as dictated by existing watershed conditions within four general time periods of the water year (October 1 through September 30). These periods include winter irrigation storage (October through February); vacating of reservoir storage for flood protection (March through April); flood control and refill of irrigation storage (May through June); and irrigation storage release (July through September). The flood and irrigation refill periods are dependent on overall watershed conditions. All operational considerations are coordinated and modified to meet as many of the reservoir and downstream water resource needs as possible, within existing contractual requirements and limitations of authority.

Without language such as that in Item 1-C minimum stream flows below Island Park Dam could jeopardize future downstream flood protection operations. The threat occurs principally in the period of May through June because under the one fill interpretation when Island Park Reservoir's 135,000 acre-feet of irrigation water is filled any portion vacated for flood space would then be subject to other junior water rights on the Upper Snake, including the 1,000 cubic feet per second (cfs) minimum flow downstream of Lookout Butte, when again refilling this space.

Flood protection of various water resource facilities, such as Ashton Dam and Powerplant, irrigation diversion dams, irrigation headworks and canals, plus individual private property will benefit from additional flood protection within Island Park Reservoir. The proposed minimum flow, coupled with the one fill interpretation, would reduce downstream flood protection capabilities. There also exists, to a lesser degree, the ability to curtail operational releases from Island Park Dam below the minimum flow of 1,000 cfs at Lookout Butte in

cases when Warm River or other North Fork tributaries are in flood stage.

The primary period of concern is in the months of April, May, and June as to the 1,000 cfs minimum flow. This is by reason of the above mentioned facts and in part because the flows within the reach below Lookout Butte have greater than 60 percent of the water originating above Island Park Dam.

If the Director of the Idaho Department of Water Resources includes in minimum flow application No. 21-7282, Policy Statement of the Idaho Water Resource Board on Henry's Fork River, especially section 1-C or equivalent language, the filings would not be objectionable. The Island Park storage and operational rights are then acknowledged as being superior, including flood operations and refilling as described above.

Sincerely yours,

Donald E. Tracy

Donald E. Tracy
Project Superintendent

CONFIDENTIAL

MONTANA POWER COMPANY

GENERAL OFFICES • 40 EAST BROADWAY • BUTTE, MONTANA 59701 • TELEPHONE 406-723-5421

JAN 3 1983

Department of Water Resources

File 21-7282

LEGAL DEPARTMENT

ROBERT E. SULLIVAN
VICE PRESIDENT and GENERAL COUNSEL
JOHN CARL
SENIOR COUNSEL
ROBERT P. GANNON
JAMES F. WALSH
MARY CRUMBAKER - SMITH
R. BLAIR STRONG
MICHAEL E. ZIMMERMAN
PAMELA K. MERRELL
ROBERT T. O'LEARY
EDWARD F. BARTLETT

December 29, 1982

Mr. L. Glen Saxton, Chief
Operations Bureau
Department of Water Resources
State Office
450 West State Street
Boise, ID 83720

RE: APPLICATION FOR PERMIT NO. 21-7297

Dear Mr. Saxton:

This letter is to provide you a status report regarding The Montana Power Company's efforts to obtain a preliminary permit from the Federal Energy Regulatory Commission for its Mesa Falls site where the water right applied for in Application for Permit No. 21-7297 will be used. MPC filed an application for a preliminary permit to study the feasibility of developing its Mesa Falls site (Project No. 5343) on September 10, 1981. This application competed with an application filed by Gregory Wilcox (Project No. 3878-001). Utah Power & Light Company filed a competing application for the Mesa Falls site on September 15, 1981.

On February 26, 1982, FERC's Director of the Office of Electric Power Regulation issued a preliminary permit to Gregory Wilcox and denied MPC's competing application. MPC filed, on March 26, 1982, an appeal from this order. The appeal argues that the Director erred in denying MPC's application because the Director's finding that "there are no significant substantiated differences in the applicant's plant" is incorrect. The appeal also asserts that MPC's ownership of the Mesa Falls site is a significant fact that entitled MPC to a priority.

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On April 15, 1982, FERC provided notice of its intent to act on MPC's appeal. This FERC action is pending.

As you can see, then, MPC is diligently continuing its efforts to obtain a preliminary permit. As the FERC proceedings develop, I will keep your department informed.

Yours truly,

Michael E. Zimmerman

Michael E. Zimmerman

MEZ/pb

cc: Alden Hull

MICROFILMED

V.A. Seever
101 E. Almon #2
Moscow, Ida. 83843

Oct. 24, 1982

ASSOCIATE MEMBER

Kenneth Dunn, Director
Ida. Dept. of Water Resources
Statehouse Mail, Boise 83720

RECEIVED
OCT 27 1982
Department of Water Resources

Sir:

I am sorry that I could not have written you by Oct. 15, but I am only now becoming a member of the Idaho Conservation League and have just received their Oct. newsletter. (I belong to over a dozen national/international associations and have recently sought out a grassroots organization to join, as well.) I wish to state support for the Ida. Dept. of Parks and Recreation's application for two minimum flows on Henry's Fork of the Snake River, and the Ida. Fish and Game Dept.'s application for two minimum flows on the Pahsimeroi River.

Nearly 15 years ago, I came from Idaho Falls to Moscow, which became my permanent residence; I have strong memories of Island Park, and still remember too the Mesa Falls and Harriman State Park and the thrill of seeing the trumpeter swans and waterfowl. I have a very deep aesthetic appraisal of such natural life, and the certain knowledge of its integral, priceless value to a holistic environment. I wonder that any reasonable or sensitive individual could live in Idaho and not appreciate a profound respect for the earth itself and its wildlife.

Respectfully,
Victoria A. Seever

MICROFILMED

RECEIVED
OCT 22 1982
Department of Water Resources

Jerry Wegman
119 N. Blaine
Moscow, Idaho 83843
Oct. 19, 1982

Kenneth Dunn
Dir., Id. Dept. of Water Resources
Statehouse Mail
Boise, Id. 83720

Dear Mr. Dunn:

I understand that your department is now considering a minimum stream flow application for the Henry's Fork of the Snake River. I have fished in that unique stream for its elusive Rainbow Trout and can testify from personal experience that it is one of the most valuable fisheries in the world. I urge you to approve the requested minimum stream flow for Henry's Fork.

Yours truly,

Jerry Wegman

MICROFILMED

Dear Mr. Dunn: Oct. 14

I wish to express my support for the proposed minimum stream flow designations on Henrys Fork of the Snake River. I feel the recreational values of Henrys Fork far outweigh the possible hydroelectric uses. With a MSF for the River, the internationally recognized fishery in Island Park will be protected, as well as the critical wintering habitat for the Trumpeter swan.

I am a year-round resident of Island Park and have lived in Eastern Idaho for six years. I urge you to establish the MSF. Janice M. Brown

Janice M. Brown
Star Route - Box 33
Ashton, ID 83420



RECEIVED

OCT 18 1982

Department of Water Resources

Mr. Kenneth Dunn
Dept. of Water Resources
Statehouse
Boise, ID 83720

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KENNETH DUNN
DIRECTOR, IDAHO DEPT. OF WATER RESOURCES
STATEHOUSE, BOISE

RECEIVED
OCT 18 1982
Department of Water Resources

MR. DUNN,

I am writing in support of minimum stream flows being established on Henry's Fork of the Snake River and on the Palsimeroi River. Please include this letter in the hearing record.

First the Henry's Fork: I recommend a year-round flow of 300 cfs from South of the intersection of the Buffalo River & Henry's Fork; and a 1,000 cfs flow from near Sookont Butte downstream to below Lower Mesa Falls year-round. These minimum flows are necessary not only to maintain the economic viability of the Island Park area, but more importantly to protect critical habitat for trout and trumpeter swans. In addition, the natural value of Harriman State Park and the Mesa

Falls would receive at least minimal sustenance by adopting the above flows.

On the Pahsimeroi River: Please designate a minimum flow of 74 CFS from the junction of the Salmon + Pahsimeroi Rivers upstream to the confluence with Big Springs; and a minimum of 45 CFS from Idaho Power's hatchery to the junction with Big Springs. Both flows should be established year-round. The major reason for establishing the above flows is to continue the promising salmonid fishery and fish habitat on the Pahsimeroi as well as to maintain the incredible aesthetic value of the river + surrounding areas. Please adopt the flows as minimums which are described above.

Thanks.

Rob Jones

ROB JONES
P.O. Box 357
ARCO, IDAHO 83213

P.O. Box 357
ARCO, ID. 83213

POCATELLO, ID 832
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KENNETH DUNN
DIRECTOR, IDAHO DEPT. OF WATER RESOURCES
STATEHOUSE MAIL
BOISE, IDAHO 83720

10/12/82

Kenneth Dunn
Director
Idaho Dept. of Water Resources
Statehouse Mail
Boise

RECEIVED
OCT 14 1982
Department of Water Resources

Mr. Dunn,

I support the Idaho Dept. of Parks & Recreation's request for minimum flows on the Henry's Fork of the Snake River.

This river is nationally famous as a superb trout fishery. It often gets national recognition in "Fly fisherman" magazine. It would be very stupid and uneconomical to do anything which would jeopardize this fisher-mecca.

These minimum flows are also intended to protect habitat of trumpeter swans and other water fowl.

The Pahsimeroi River also deserves protection of flows as proposed by the Idaho Dept. of Fish & Game. Wild runs of anadromous fish still originate in this drainage. This wild heritage must be preserved!

Mark Keller

MARK KELLER PO Box 1105 Ovofino, ID 83544

RECEIVED
OCT 14 1982
Department of Water Resources

October 11, 1982
Ketchum, Idaho

Dear Mr. Dunn—

It is important to the areas around the Henry's Fork and the Pahsimeroi Valley that a minimum stream flow be maintained.

First of all, I recently came back from an eleven day jaunt around the Yellowstone Park, West Yellowstone and the Henry's Fork. It was a fishing trip, and, of course, fishermen talk to other anglers, where many of whom were from all points of the States. They talked about the Henry's Fork on its beauty and good, but difficult, fishing.

I could not wait to go, and, sure enough, I was not disappointed.

The Island Park area and its fishing industry will flourish with the opening of the Harriman State Park. They have done a fine job so far, so please do not spoil it for some temporary construction jobs.

I cannot believe that the steelhead from the Pahsimeroi Hatchery will have yet another obstacle to compete with. It is a shame that they have such a slim chance anyways with all of those dams. The steelhead fishing on the Salmon is now just coming back with its two hatcheries. It does

not need another blow.

I have fished hard for the Obsiva steelhead up and down the Salmon, and the number of fishermen I have seen has been overwhelming. I can imagine the amount of support it brings to such towns like Salmon and other highway spots like the Tunnel Rock Café outside of Challis. Fishing is vital to keep these places in business.

So please take these experiences and points into consideration. I look forward to a reply.

Thank you for your time,

Jeffrey S. Bailey

P.O. Box 3947
Ketchum, Idaho
83340

MURRAY HILL

Twin Falls

Sept, 28, 1982

Director of Dept. of Water Resources

RECEIVED
OCT 14 1982
Department of Water Resources

Dear Mr. Dunn,

I was at the hearing regarding stream flow in the Mesa Falls Area on Sept. 23rd. I had to leave, because of my job, at 11 A.M., but I want to let you know my opinions.

These waterfalls are a valuble resource for Idaho in their beautiful natural state. They are listed in a book of the world's beautiful falls. There is none other like them.

The lawyer was talking about what if there was no "appreciable" difference in the aesthetic quality of the falls with what the technology of the future might be able to produce in the way of a power plant, when he was trying to prove that the chairmen of the Idaho Water Resource Board's ideas were subjective. The lawyer's "appreciable" was his own subjective interjection into his own question.

Even modern technology isn't going to completely hide their equipment and run it by remote control,

I had the impression from earlier newspaper articles that the development would require a low diversion dam and that doesn't even come near to "no appreciable difference" to my way of thinking.

The amount of power it would produce: I heard it would be about roughly 5% or less, than that which a coal-fired plant produces, which Montana Power uses, doesn't sound much worth the expense to them and then the great distance to inefficiently transmit the energy into Montana consumers. Montana Power wasn't much interested, it would appear, until

MICROFILMED

Western Hydro filed their request. Montana Power, therefore, might be faking their great interest to make the land, which they own, seem more valuble to them, in case, the federal govt makes them sell it to the senior petitioner at a price the govt. decides.

The area's irrigators are not dumb to protest any kind of govt control on the water, but I feel they are ignorant of the way that this law would be set up in a way that would not affect them in any adverse way.

I'm enclosing a random on-the-street interview from the city of Rexburg, which though not extensively done, shows only one person out of five that was in favor of a hydro-electric development at the falls.

Well, I'm glad I don't have to argue against those lawyers. Thanks for listening.

Sincerely,

Barry Leech
P.O. Box 161
Chester, Idaho
83421

The Question:

"What is your opinion of the possibility of hydroelectric power dams being built on Upper and Lower Mesa Falls near Ashton?"

By MASHELL NEDROW
Staff Writer



"I haven't give it much thought. I hate to see dams being built in an area of that nature. I guess I kind of lean toward the environmentalists when its around here. I agree we need dams and need to develop more energy sources, but I hate to see it in that particular area." — Brad Liljenquist, Rexburg.



"I don't like the idea. I've lived in this area for quite awhile and don't want to see it spoiled with a dam." — Nona Perry, Sugar City.



"I haven't studied it very well. I think that if it would help electricity come down in price maybe it would be a good thing. But, I don't know if it would be good for the environment. It would ruin the way the falls look." — Ruth Christensen, Rexburg.



"I think they will build the dams. But I wouldn't like to see it done because it'll ruin the scenery." — Leslie Lowder, LaBelle.



"I think it's a good idea. It's an opportunity for employment for the people of this area. It can't do anything but good and I think ecologists can get along with everyone else and give a little bit." — Moeena Buck, St. Anthony.



"I'd just as soon the dams are not built. I think it will ruin the habitat, the animals and the fishery." — Ron Moss, Lyman.

BARRY LEECH
P.O. BOX 161
CHESTER, IDAHO, 83421

POCATELLO, ID 832
PM
13 OCT
1982

POCATELLO, IDAHO
CENTENNIAL YEAR
1882 – 1982
USA 20c

Director
Dept. of Water Resources
Statehouse
Boise, Idaho, 83720

Oct. 8. 81

C.W. [redacted] POMEROY
BOX 1765
KETCHUM, IDAHO 83340

Kenneth Dunn

I have enjoyed both the Henry's Fork & Pahsimero River a lot for the last eight years, & would hate to see damage done to these rivers

I support the minimum flow in both cases, the enjoyment & money from the Fishermen, far out ways and reasons For a small-scale hydro project.

Please support the minimum flow

thankyou

C.W. Pomeroy

MICROFILMED

MONTANA POWER COMPANY mpc
GENERAL OFFICES: 40 EAST BROADWAY, BUTTE, MONTANA 59701 • TELEPHONE 406/723-5421

OCT 4 1982

Department of Water Resources

LEGAL DEPARTMENT

ROBERT E. SULLIVAN
VICE PRESIDENT and GENERAL COUNSEL
JOHN CARL
SENIOR COUNSEL
ROBERT P. GANNON
JAMES F. WALSH
MARY CRUMBAKER - SMITH
R. BLAIR STRONG
MICHAEL E. ZIMMERMAN
PAMELA K. MERRELL
ROBERT T. O'LEARY
EDWARD F. BARTLETT

October 1, 1982

Mr. A. Kenneth Dunn
Idaho Department of Water
Resources
450 West State Street
Boise, ID 83720

RE: MINIMUM STREAM FLOW APPLICATION NO. 21-7282, AMENDED

Dear Mr. Dunn:

Enclosed for your file are affidavits made by Mr. Robert A. Periman and Mr. Richard P. Davenport. Mr. Periman and Mr. Davenport testified in The Montana Power Company's behalf at the September 23, 1982 hearing regarding the Idaho Department of Parks and Recreation's request for a minimum stream flow on the Henry's Fork at Upper Mesa Falls. Please file these affidavits so that they will become part of the record in this proceeding. Thank you.

Yours truly,

Michael E. Zimmerman

Michael E. Zimmerman

MEZ/pb

Enclosures

cc: Kent W. Foster

STATE OF MONTANA)
:
County of Silver Bow)

AFFIDAVIT

I, RICHARD P. DAVENPORT, being first duly sworn, say that I am Senior Planning Engineer for The Montana Power Company, 40 East Broadway, Butte, Montana 59701. I received a Bachelor of Arts Degree from Whitman College in 1943 and a Bachelor of Science Degree in Electric Engineering from Montana State University in 1948. I am a registered Professional Engineer in the State of Montana. I have worked for The Montana Power Company since 1948.

On September 23, 1982, I appeared at a hearing in St. Anthony, Idaho held by the Idaho Department of Water Resources. The purpose of the hearing was to consider Application No. 21-7282, Amended, filed by the Idaho Water Resources Board requesting a minimum stream flow on the Henry's Fork of the Snake River. The following statement summarizes my oral testimony made at the September 23, 1982 hearing and emphasizes my conclusion that the minimum stream flow requested in Application No. 21-7282, Amended, if granted, will render The Montana Power Company's Upper Mesa Falls site useless as a hydroelectric power generation site.

In my function as a planning engineer, I have performed studies of the economics of the development of the hydro-

electric power generation potential at Upper Mesa Falls. In these studies, I valued the average annual energy potential of the site by valuing each kWh at the cost of coal-fired steam generation. The Montana Power Company uses this valuation methodology because steam generation is the alternative resource most available to the Company. I have determined that the value of the energy potential at Upper Mesa Falls is $3,000,000 annually. The annual cost of developing a project such as described by Mr. Periman is over $2,700,000. Given these figures, development of Upper Mesa Falls as a hydroelectric generation site is economically feasible.

If the minimum stream flow requested in Application 21-7282, Amended, is granted, the value of the site's energy potential is decreased because the average annual energy potential is decreased. Given the reduced water flow available for diversion through the penstocks and turbines, I have calculated the value of the energy potential at Upper Mesa Falls to be only $800,000 annually. The annual cost of a smaller project sized to match this reduced water flow would be approximately $1,500,000. This development would be uneconomic. It is my conclusion, then, that granting the minimum stream flow requested in Application 21-7282, Amended, will render the Upper Mesa Falls site useless for the purposes of hydroelectric power generation.

In the course of my testimony on September 23, 1982, I was asked several questions to which I responded. A brief summary of my responses follow.

Mr. Reed asked me whether diversions from the Henry's Fork at Upper Mesa Falls as contemplated for The Montana Power Company's proposed project would dry up the falls. My response indicated that 40% of the time from April through September it would be impossible to dry up the falls because the water flows in this period of time exceed the project's 1400 cfs capacity. During the remaining period of time it is theoretically possible to divert all of the water before it flows over the falls; however, the project could be controlled so that water flows over the falls at all times.

Mr. Reed asked me several questions from which I have implied that it was his intent to determine wheter it is unusual for power companies to wait 70 years before seeking authorization to develop a power site. It is my opinion that this is not an unusual occurrence because projects that are uneconomic when first conceived become economic with the passage of time and the changing of events. In our case, demand for power and the high cost of alternative coal-fired steam generation, to name only a few factors, have made a project economic that for many years was not economic.

Mr. Burkholter asked if The Montana Power Company's project could accommodate the release patterns deemed necessary at Island Park Dam to meet irrigation demands and protect the swan population of the Henry's Fork. I replied we would be comfortable with any release pattern that was necessary. It is my opinion that these releases would benefit generation at Upper Mesa Falls in that they regulate the natural flow of the river. The

Montana Power Company is accustomed to the operation of hydroelectric projects maximizing flows available in a coordinated river system.

Mr. Burkholter also asked if The Montana Power Company's commitments to provide firm power would negatively impact the ability to operate a project at Upper Mesa Falls so that water is always flowing over the falls. My reply indicated that because our firm power commitments are provided from system resources and not from single generation plants, we would have the ability to operate the Upper Mesa Falls plant to maintain water flow over the falls.

Finally, I was asked by Mr. Foster if I had determined a value of the Upper Mesa Falls site as a hydroelectric power generation site. I have. The value of the Upper Mesa Falls hydroelectric power generation site is approximately $2,000,000.

DATED this 30th day of September, 1982.

Richard P. Davenport
RICHARD P. DAVENPORT

STATE OF MONTANA)
:
County of Silver Bow)

On this 30th day of September, 1982, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared RICHARD P. DAVENPORT, known to me to be the person whose name is subscribed to to the within instrument, and acknowledged to me that he executed the same.

Jessica D. Eyde
Notary Public in and for the
State of Montana
Residing at Butte
My Commission expires 10/29/82

MEZ10C-S

STATE OF MONTANA)
:
County of Silver Bow)

AFFIDAVIT

I, ROBERT A. PERIMAN, being first duly sworn, say that I am the Manager of Hydro Engineering for The Montana Power Company, 40 East Broadway, Butte, Montana 59701. I have a Bachelor of Science Degree in Civil Engineering from Montana State University. I am a registered professional engineer and I am licensed to practice in the State of Montana. I have worked as a hydroelectric engineer for The Montana Power Company for 16 years.

On September 23, 1982, I appeared at a hearing in St. Anthony, Idaho held by the Idaho Department of Water Resources. The purpose of the hearing was to consider Application No. 21-7282, Amended, filed by the Idaho Water Resources Board requesting a minimum stream flow on the Henry's Fork of the Snake River. The following statement summarizes my oral testimony made at the September 23, 1982 hearing and emphasizes my conclusion that the minimum stream flow requested in Application No. 21-7282, Amended, if granted, will deny The Montana Power Company the ability to develop the hydroelectric power generation potential of its Upper-Mesa Falls hydroelectric power generation site.

The Montana Power Company acquired property on both sides of Upper-Mesa Falls on the Henry's Fork of the Snake River in 1914. This property consisting of 160 acres, more or less, in the SW¼ of Section 13 and the NW¼ of Section 24, both in Township 10 North, Range 43 East, Idaho Principal Meridian, was acquired for and has been held for its hydroelectric generation potential.

The Montana Power Company employs a standardized procedure to evaluate hydroelectric power generation sites and determine whether development is feasible. An appraisal level engineering and economic study addressing all of the project elements is first performed. This appraisal level study examines the project elements in sufficient detail to determine whether the site has potential to contribute to the Company's load-resource plan. The study generally costs about $20,000.

If the appraisal level study indicates the site is a viable site, it is followed by an application for a Preliminary Permit. A Preliminary Permit, issued by the Federal Energy Regulatory Commission pursuant to previsions of the Federal Power Act, secures licensing priority should a decision be made to develop the site.

Upon obtaining a Preliminary Permit, the Company performs a detailed engineering and economic feasibility study and makes an assessment of environmental and socio-economic impacts associated with development. This detailed study forms the basis for a subsequent application to the Federal Energy Regulatory Commission seeking a license to construct and operate the project.

First level appraisal studies of the Mesa Falls site were performed in 1912, 1923, 1963, 1976, 1980 and 1981.

In September, 1981, The Montana Power Company filed with the Federal Energy Regulatory Commission an application for a Preliminary Permit. This applcation competed with applications filed by Gregory Wilcox and Utah Power and Light Company. The Federal Energy Regulatory Commission's decision to issue the Preliminary Permit to Gregory Wilcox has been appealed by The Montana Power Company. The appeal has not been decided.

On March 15, 1982, The Montana Power Company filed with the Idaho Department of Water Resources an application to appropriate 1400 cfs of the water of Henry's Fork of the Snake River at Upper-Mesa Falls. The proposed use of the water is for hydroelectric generation.

The project The Montana Power Company considered in the 1981 appraisal study and included in the September, 1981 application for a Preliminary Permit consists of a low diversion dam, an intake structure and penstock, a powerhouse, a substation, and 5 3/4 miles of transmission line. Structures planned for construction developing the Upper-Mesa Falls site include:

(1) A diversion dam with a length of 360 feet and a maximum height of 18 feet. The portion within the stream would consist of a spillway 230 feet long with a height of 6 feet above the streambed.

(2) A single, buried penstock 13 feet in diameter, 680 feet long, terminating a bifurcation with two 7 foot diameter penstocks.

(3) A 50 x 72 foot concrete powerhouse containing 2 hydro generating units with a total generating capa-

city of 11,500 kw and a hydraulic capacity of 1400 cfs.

(4) A tailrace 70 feet wide leading back to the river.

These structures would affect only a 900 foot section of the river at Upper-Mesa Falls. Details are shown on the attached drawing titled "Mesa Falls Hydroelectric Development, FERC Project No. 5343, Project Map."

In our 1981 appraisal study, we estimated the amount of hydroelectric power that could be produced at Upper-Mesa Falls to be:

(1) 7500 kW average annual production; and

(2) 6600 kW production during critical water years.

The average annual energy potential by month of the site for the 47 year period from 1929 to 1976 is shown on the attached table titled "Mesa Falls Development, Energy Development w/11.5 MW Plant."

The estimates of power production potential are based upon a regulated flow at Mesa Falls covering a 47 year study period from 1929 through 1976. The regulated flows were developed from the historical records of the USGS gauging stations for Henry's Fork at Warm River and Henry's Fork near Island Park. The regulated flow is shown on the attached table titled "Mesa Falls Hydro Site, Regulated Flow of Henry's Fork at Warm River, Idaho."

We used the period 1929-1976 because it represents a long-term record including the drought years in the 1930's

(July 1934 to July 1938). The drought or critical years are adverse flow years used to determine the firm energy or dependable capability at the site. Over the period 1929-1976, the average annual flow is 1017 cfs while the average annual flow during the critical period is 823 cfs.

The adverse impact of the minimum flow requested in this proceeding results from reduction of the average flow available for power generation. If granted, the minimum flow restriction would reduce the average annual flow from 1017 cfs to 366 cfs and would reduce the flow in the critical years from 823 cfs to 182 cfs. By reducing the amount of water that can be diverted through the penstocks into the powerhouse, the minimum flow restriction would reduce the energy potential at the site from an annual average of 7500 kW to an annual average of 2700 kW for the 47 year period from 1929-1976 and an annual average of 6600 kW to an annual average of 1500 kW in the critical water years. This reduction is shown on the table titled "Mesa Falls Development, Energy Development w/11.5 MW Plant, Adjustment with Idaho Water Resource Board Minimum Stream Flow Application." It is my professional opinion that reducing the average flow available for power generating in this manner will cause the Upper Mesa-Falls site to be useless as a hydroelectric power generation site.

DATED this 1 day of October, 1982.

Robert A Periman

ROBERT A. PERIMAN

STATE OF MONTANA)
:
County of Silver Bow)

On this 1st day of October, 1982, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared ROBERT A. PERIMAN, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Ella C McCarthy
Notary Public in and for the
State of Montana
Residing at Butte
My Commission expires 10/12/84

MEZ10C-R



MESA FALLS HYDRO SITE
Regulated Flow of Henry's Fork At Warm River, Idaho

Water Year	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Year
1929	908	665	477	466	593	660	1,057	1,557	1,404	1,398	1,609	1,281	1,009
1930	813	595	427	416	530	591	945	1,393	1,256	1,250	1,439	1,146	902
1931	682	499	358	349	445	496	793	1,169	1,054	1,049	1,202	962	757
1932	777	569	408	398	489	564	903	1,331	1,200	1,195	1,375	1,095	860
1933	784	574	412	402	512	570	912	1,344	1,211	1,206	1,389	1,106	870
1934	655	479	344	335	427	476	761	1,122	1,012	1,007	1,159	923	727
1935	708	518	372	363	462	514	823	1,213	1,094	1,089	1,254	998	786
1936	731	535	384	374	461	531	850	1,252	1,129	1,124	1,294	1,030	809
1937	745	546	392	382	486	542	867	1,277	1,152	1,147	1,320	1,051	827
1938	854	625	449	438	558	621	994	1,464	1,320	1,314	1,513	1,205	948
1939	799	596	360	354	357	378	666	1,383	926	1,223	1,389	1,125	800
1940	825	599	404	398	655	519	1,017	1,231	1,060	1,769	1,711	1,227	953
1941	834	609	380	365	368	361	493	1,008	975	1,412	1,377	1,116	770
1942	790	570	392	380	455	389	597	1,421	1,340	1,353	1,594	1,010	885
1943	790	616	377	378	682	747	1,431	1,775	1,574	1,008	1,275	1,355	1,001
1944	1,057	708	418	716	875	870	1,067	1,519	1,331	1,337	1,971	1,117	1,084
1945	842	682	410	407	411	728	813	1,494	1,607	1,118	1,454	1,805	983
1946	877	643	439	622	840	516	1,492	1,679	1,222	1,531	1,670	1,067	1,051
1947	936	672	810	410	425	600	1,050	1,756	1,638	1,332	1,452	1,289	1,034
1948	900	657	556	483	759	807	954	1,605	1,343	1,836	1,705	1,267	1,075
1949	879	632	451	386	562	905	1,144	1,471	1,212	1,604	1,778	1,277	1,029
1950	929	660	413	427	431	599	1,063	1,508	1,429	1,160	1,405	1,140	933
1951	933	704	715	754	886	905	1,073	1,526	1,277	1,296	1,173	1,277	1,044
1952	1,100	954	965	958	944	951	1,109	2,308	1,748	1,666	1,710	1,292	1,311
1953	949	694	516	912	899	925	630	1,495	1,559	1,548	1,626	1,476	1,113
1954	928	697	545	393	392	578	1,158	1,534	1,302	1,445	1,516	1,452	1,001
1955	893	650	500	393	406	748	986	1,518	1,364	1,706	1,848	1,347	1,047
1956	756	339	637	431	615	758	866	1,546	1,193	1,438	1,219	925	900
1957	862	1,247	542	459	775	899	1,038	1,872	1,675	1,489	1,677	1,215	1,141
1958	453	536	779	662	643	798	985	1,611	1,442	1,939	1,640	1,311	1,092
1959	555	358	528	393	478	560	851	1,295	1,112	1,935	1,718	1,347	954
1960	892	291	729	393	389	690	1,235	1,277	1,277	2,055	1,583	1,223	1,030
1961	879	614	419	395	392	388	513	1,204	1,424	1,865	1,571	997	900
1962	824	619	536	394	392	387	580	1,860	1,360	1,460	1,468	1,066	915
1963	867	620	563	399	563	815	1,065	1,470	1,362	1,895	1,680	1,016	1,045
1964	912	675	533	436	393	418	924	1,610	1,950	1,501	1,479	1,313	1,011
1965	985	715	510	687	671	696	1,166	2,043	1,666	1,399	1,474	953	1,079
1966	1,211	1,523	919	636	621	734	1,179	1,471	1,374	1,870	1,669	1,297	1,211
1967	309	941	703	391	391	387	607	1,700	2,207	1,476	1,614	1,098	982
1968	978	730	830	804	678	906	529	1,629	1,405	1,507	1,376	953	1,067
1969	926	562	927	986	1,015	1,043	1,427	1,920	1,572	1,811	1,730	1,292	1,294
1970	989	697	551	471	703	911	1,091	1,828	2,184	1,473	1,777	1,238	1,166
1971	1,051	779	642	898	980	740	1,138	2,413	2,284	1,383	1,335	1,245	1,238
1972	1,076	1,534	881	891	828	870	1,146	2,162	1,793	1,253	1,530	1,344	1,260
1973	1,361	1,529	912	842	904	651	834	1,762	1,397	1,369	1,713	1,198	1,198
1974	982	1,123	756	690	715	850	1,543	1,761	1,926	1,317	1,226	1,128	1,155
1975	1,186	1,189	1,036	1,090	777	960	1,430	1,776	1,812	1,413	1,586	1,135	1,281
1976	1,061	1,178	972	1,136	985	1,136	1,091	1,604	1,318	1,564	1,755	1,276	1,265
Total	42,033	34,747	27,609	26,143	29,218	32,688	46,886	75,170	68,471	69,535	73,034	56,906	48,793
Mean	875.69	723.90	575.19	544.65	608.71	681.00	976.79	1,566.04	1,426.48	1,448.65	1,521.54	1,185.54	1,016.52
S. Dev.	180.0686	287.4114	200.6007	225.1204	197.8555	198.6780	255.9645	294.9152	317.9301	268.4526	195.3159	170.8274	152.4661

REFERENCE: Water Years 1929-1938 inclusive: The unregulated monthly mean flows were adjusted to reflect the regulation by Island Park Reservoir. The monthly factors were obtained by averaging data from water years 1941 through 1950 inclusive and represent the percentage of yearly flow occurring during that particular month. October 7.65%, November 5.62%, December 4.02%, January 3.92%, February 4.51%, March 5.56%, April 8.61%, May 13.11%, June 11.44%, July 11.77%, August 13.55%, September 10.44%.

Water Years 1939-1952 : Published data Henry's Fork at Warm River.

Water Years 1953-1976 : Linear correlation between Henry's Fork at Warm River and Henry's Fork at Island Park by months using water years 1939 - 1950.

October	Warm River = Island Park×(1.19) + 295.71	April	Warm River = Island Park×(1.17) + 461.51
November	Warm River = Island Park×(1.57) + 279.63	May	Warm River = Island Park×(1.15) + 476.30
December	Warm River = Island Park×(1.04) + 387.84	June	Warm River = Island Park×(1.20) + 318.01
January	Warm River = Island Park×(1.15) + 381.59	July	Warm River = Island Park×(0.92) + 473.66
February	Warm River = Island Park×(1.06) + 378.38	August	Warm River = Island Park×(0.98) + 407.58
March	Warm River = Island Park×(1.10) + 371.86	September	Warm River = Island Park×(1.08) + 318.42

Year Warm River = Island Park×(1.16) + 344.02

240228

MICROFILMED

MESA FALLS DEVELOPMENT

ENERGY DEVELOPMENT w/11.5 mw PLANT

Average Water

MONTH	AVG FLOW (1) cfs	AVG FLOW THRU TURBINES cfs	AVG GENERATION MW	AVG ENERGY (2) MWhr	PLANT FACTOR	% FLOW USED
Oct	875	875	7.06	5258	.62	100
Nov	724	709	5.67	4085	.49	98
Dec	575	556	4.44	3307	.39	97
Jan	545	518	4.14	3083	.36	95
Feb	609	594	4.75	3192	.41	97
Mar	681	677	5.41	4027	.47	99
Apr	977	956	7.65	5505	.67	98
May	1566	1250	10.00	7441	.87	80
Jun	1426	1238	9.90	7128	.86	87
Jul	1449	1290	10.32	7680	.90	89
Aug	1522	1361	10.89	8099	.95	89
Sep	1186	1182	9.45	6807	.82	99
Year	1017	936	7.5	65612	.65	92

Critical Water

Month	Flow (3) cfs	Energy (2) MWhr
Oct	760	4528
Nov	556	3202
Dec	399	2375
Jan	389	2315
Feb	492	2645
Mar	552	3286
Apr	884	5092
May	1302	7750
Jun	1174	6722
Jul	1092	6500
Aug	1257	7482
Sep	1001	5760
		57657 Avg Gen 6.6 MW

Summary

Capacity	11.5 MW
Avg Gen	7.5 MW
Firm Energy	6.6 MW
Secondary Energy	.9 MW
P.F.	.65

MINIDOKA MEDIA

MESA FALLS DEVELOPMENT

ENERGY DEVELOPMENT w/11.5 mw PLANT

ADJUSTMENT WITH IDAHO WATER RESOURCE BOARD
MINIMUM STREAM FLOW APPLICATION

Average Water

MONTH	AVG FLOW(1) cfs	AVG FLOW THRU TURBINES cfs	AVG GENERATION MW	AVG ENERGY (2) MW hr	Plant FACTOR	% FLOW USED
Oct	575		4.63	3445	.40	
Nov	425		3.32	2390	.29	
Dec	275		2.12	1577	.18	
Jan	245		1.86	1384	.16	
Feb	309		2.41	1620	.21	
Mar	381		3.03	2254	.26	
Apr	0		0	0	0	
May	566		3.61	2686	.31	
Jun	426		2.93	2110	.25	
Jul	449		3.20	2381	.29	
Aug	522		3.73	2775	.32	
Sep	186		1.48	1066	.23	
YEAR	366		2.7	23,688	.23	

Critical Water

Month	Flow (3) cfs	Energy (2) MW hr
Oct	460	2738
Nov	256	1475
Dec	99	589
Jan	89	530
Feb	192	1032
Mar	252	1500
Apr	0	0
May	302	1798
Jun	174	1002
Jul	92	548
Aug	257	1530
Sep	1	0
	182 cfs	12,742 (Avg Gen 1.45 MW)

Summary

Capacity	11.5 MW
Avg Gen	2.7 MW
Firm Energy	1.5 MW
Secondary Energy	1.2 MW
P.F.	.23 MW

RAP/sv/5:6

United States Department of Agriculture
Forest Service
TARGHEE NATIONAL FOREST
P.O. Box 208
St. Anthony, ID 83445

Reply to: 2540

Date: October 1, 1982

RECEIVED
OCT 4 1982
Department of Water Resources

David R. Tuthill
Supervisor, Water Allocation Section
Idaho Department of Water Resources
State House
Boise, ID 83720

Dear Mr. Tuthill:

The Forest Service supports the Idaho Department of Parks and Recreation application for a minimum streamflow in the Henry's Fork River.

The recommended minimum streamflow of 300 cubic feet per second year-round will ensure the historic streamflows required to maintain the fishery, aquatic habitat, and open water during the winter for trumpeter swans.

The recommended 1000 cubic feet per second minimum streamflow will provide the necessary flushing flows to remove sediments from the river channel and maintain the aesthetics.

The adoption of the minimum streamflow application will guarantee the historic streamflows that have produced the excellent water quality, wildlife and fishery habitats, recreational opportunities and aesthetic values.

The Forest Service recognizes any minimum streamflow approved will be junior to the prior water rights of the irrigation users and the need to regulate releases from Island Park Dam.

JOHN E. BURNS
Forest Supervisor

RECEIVED
OCT 1 1982
Department of Water Resources

Mr. Bill Arkoosh
Route #2
Gooding, ID 83330

September 30, 1982

Kenneth Dunn
Director, Dept. of Water Resources
State of Idaho
Boise, ID 83720

Re: Application no. 21-7282, for Minimum Streamflow in the Henry's ~~Fork~~, Tributary to the Snake River, applied for by the Idaho Water Resource Board on behalf of the Idaho Dept. of Parks and Recreation, June 19, 1981

Dear Mr. Dunn:

I'm writing you to comment on the above referenced Minimum Streamflow application, and to request that this letter be made a part of the official record in that matter.

I am one of the applicants in application no. 21-7307, priority date 9/16/82. This application is for the diversion of water from the Henry's Fork River at Sheep Falls for the production of hydro-power. My comments in this letter will be to discuss how application no. 21-7282 effects my hydro-power application, and to recommend some changes, or variances in the minimum streamflow application. The stated purposes of application no. 21-7282 as reflected in the application itself, and the policy statement of the Idaho Water Resource Board, are as follows: the protection of the aesthetic and recreation purposes, protection of the Trumpeter Swam habitat, the protection of fisheries, and protection of the flows over Upper and Lower Mesa Falls.

MICROFILMED

It is my personal feeling that the Sheep Falls hydro-application in no way conflicts with any of these purposes. The Trumpeter Swan habitat is mostly located many miles north of the proposed project. The 300 c.f.s instream flow for fish propagation is not objectionable. The 1,000 c.f.s. to protect the flows of Upper and Lower Mesa Falls would in no way be effected by a hydro project at Sheep Falls. I believe that a

hydro project can be constructed at Sheep Falls that would maintain and preserve the aesthetics and recreational use of the area. Let's fact it. No one boats down or over Sheep Falls, and I don't believe anyone fishes at Sheep Falls.

The only conflict I can see between the two applications is that the 1,000 c.f.s. instream flow begins at the township line between township 10 and township 11. At the hearing on the 23rd of September, it was pointed out that this point was chosen merely as a convenience because it was an identifiable point for gauging the streamflow. There was also some hedging by the Idaho Parks witness on this matter, claiming that this was the point where the nature of the river channel changed into a canyon environment. In any event, if the present minimum streamflow application were amended to where the 1,000 instream flow began below Sheep Falls, or a variance in the application was granted for Sheep Falls the purposes of the minimum streamflow application would in no way be effected.

I would like to quote from the blue manuel handed out at the September 23, 1982 hearing at Saint Anthonys entitled, Minimum Streamflow, as follows:

> "In 1978, the Idaho Legislature recognized the need to preserve flows in some streams for public health, safety and welfare. In addition, the lawmakers wished to keep Idaho's water from being diverted and used out-of-state, either by another state government or by the Federal Government."

I believe that the above suggested amendment to the minimum streamflow application or variance, if you will, dealing with Sheep Falls, conforms to all of the purposes set forth in the above quoted statement. And, more importantly, it conforms to the stated purposes in the application itself, as required by the law. I would like to point out that at no time was the flow over Sheep Falls in any way considered under this minimum streamflow application until that point in time as the proposed hydro project application was filed on Sheep Falls. The Idaho Parks Dept. has tried to back-track on itself and include Sheep Falls in this 1,000 c.f.s. instream flow application, through it's own policy statement. But the law says, and I think you will have to agree with me, that this has to be expressly stated in the application itself.

I hope you will grant the suggested amendment or variance set forth above. It is my understanding that it is your job as director to provide to the highest and best economical use of the resource, and this amendment would certainly do that.

Very truly yours,

Bill Arkoosh

Bill Arkoosh

ba

October 1, 1982

Kenneth Dunn, Director
Idaho Department of Water Resources
450 West State
Boise, Idaho 83720

Re: Minimum Flow Request (#21-7282) Idaho Department
Of Parks and Recreation

Dear Ken:

I was unable to attend the public hearing regarding this very critical request for minimum flow on the Henry's Fork of the Snake River, but do wish to make entry to the record in firm support of granting and establishing the minimum flow requested.

I believe you are aware of the need for such minimum flows (critical trumpeter swan and bald eagle habitat, aesthetics, etc.) and I need not repeat such statistics which have been well documented in other available data and testimony. My wish, therefore, is to affirm this need and to state the Idaho Wildlife Federation respectfully asks the request be granted.

Sincerely,

William R. Meiners, Chairman
Natural Resources Committee

WRM:mjm

cc: Karl Holte, President

Bill Lewell
P.O. Box 2338
Salmon, Ida 83467
9/30/82

Kenneth Dunn
Idaho Dept of Water Resources
Statehouse
Boise, Ida. 83720

RECEIVED
OCT 1982

Dear Sir:

I am writing this letter in support of the Idaho Dept of Parks and Recreation's minimum stream flow application for the Henry's Fork in Island Park.

I feel that the loss of, trout fisheries, habitat for trumpeter swans, and upper & lower Mes. Falls far outweigh any subsequent loss of hydro-power production & irrigation.

This letter is also to inform you that folks as far away as Salmon care about the future of the Henry's Fork.

Thank-you for the opportunity to comment on this important issue.

Sincerely,

Bill Lewell

Dave

RECEIVED
SEP 29 1982
Department of Water Resources

Sept. 26, 1982
Box 0117
Island Park, Id.

Dear Director:

I am writing this letter of Testimony in favor of the Minimum Sream Flow idea of the Snake River, in the Island Park area.

From what I understand of it, it would be for the best interest of the people.

I read the article in the Post Register of Idaho Falls, and am very concerned about the future of this area. The notion of damming Upper Mesa and Lower Mesa Falls, seems almost absurd.

In the article, their were 4or5 individuals in objection to the Minimum Stream Flow idea, because of the need for hydro-electric power, they said that would be in the best interest of the people. I really wonder if any of them have seen the falls or spent any time in this area. Because for the people who live in this area and for those who visit, which is many, their need seems to be a get away from the man-made constructions and populated areas, and to come to places like Island Park and its vast natural wonders which includes the Snake River, and its fishing, and not to forget the Mesa Falls and Sheep Falls, for their aesthetic values, and the wildlife that live around these areas.

You said in the article that you would make your decision on the Minimum Stream Flow effect in 60 to 90 days. I hope you have seen both Upper and Lower Mesa Falls and Sheep Falls or maybe haved fished in this area. If not please try to do so before you make any decision, if at all possible, and then I think you will see the need to keep this area as it is and not obstructed by any man-made constructions.

THANK YOU
FRED PENCE

Fred Pence

MICROFILMED



UPPER MESA FALLS

Located on Henry's Fork of the Snake River between Ashton, Idaho and the West entrance to Yellowstone Park. This beautiful falls is 114 ft. high and a worthwhile trip for the Fisherman, Photographer and Sightseer, with campsites nearby.

Mr. Dunn -

This postcard is being sent to your office in support of minimum stream flow on the Snake River from the Island Park area. As a water resource official, it is your responsibility to consider all facets of the resource - including the aesthetic qualities and recreation - not solely POWER!

Let Montana recruit another power source, please!

Lucy Digi
c/o Ponds Lodge
Island Park

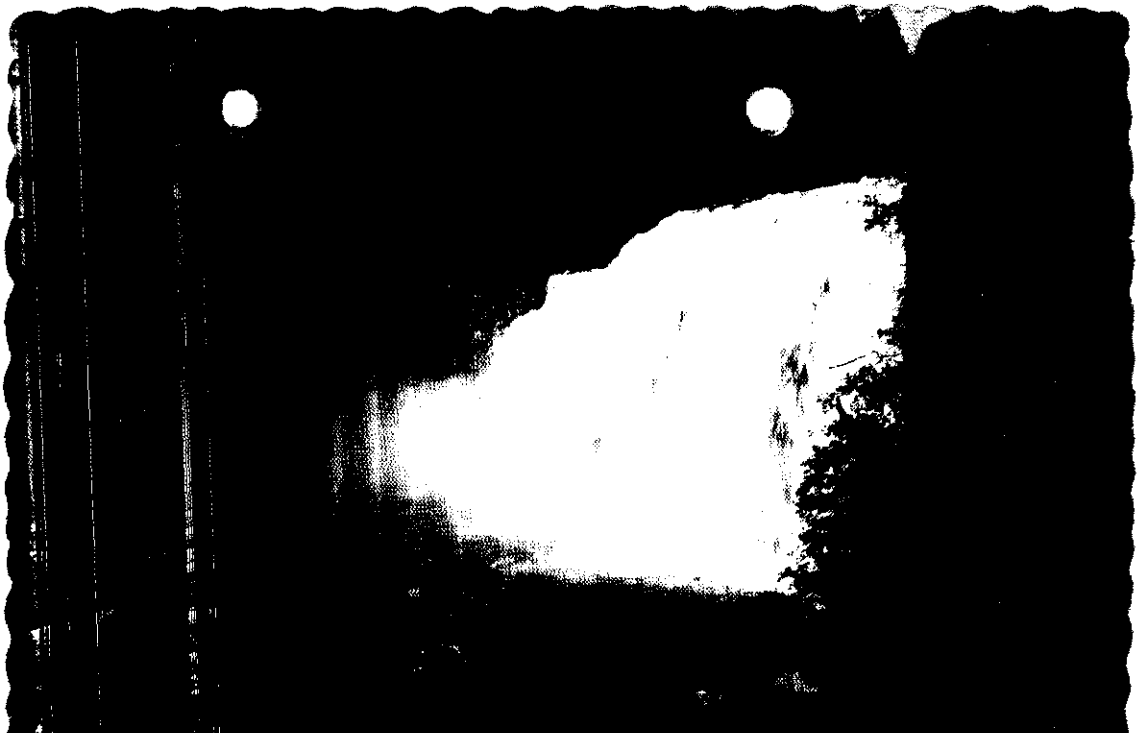


Attn. Kenneth Dunn
Director

Continental Card SEP 29 1982

Department of Water Resources

Idaho Dept. Water Resources
State House
Boise, IDAHO
83720



Upper Mesa Falls

Photo by Dee Whe[illegible]

RECEIVED
OCT 1 1982
Department of Water Resources

Newdale, Idaho
September 30, 1982

A. Kenneth Dunn
Director,
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Dear Ken:

I have studied the operation of Utah Power and Light Company that serves most of our area with power that is brought in from Emery County in Southern Utah. It is expensive source of supply and will get even more expensive as time goes on.

Utah Power and Light Company will consider Hydro development in this area. Any power that is developed by any company in the area can be utilized here.

We are in a brown out now. Any city managers in our area will tell you that they had to conserve beyond what is reasonable.

I am enclosing a copy of U.P.&L Company's irrigation rates showing what we have to do to get a reasonable power rate for pumps.

I am glad you visited the falls to see what is there. I would like to emphasize again the lack of scenic value. People do not visit the sight and get a good view because of the location, inaccessability, lack of directional signs, and other things. If it were developped thousands of people would benefit, where now only very few now see its beauty.

I appreciate our relationship and opportunity to work together for the benefit of the State of Idaho Water Users.

I hope a small majority of the people who haven't experienced what it has taken to develop our resources do not destroy the potential for future development that we may need. I am definitely against minimum stream flows at this time.

I will be willing anytime to help you if I can.

Thanks for your efforts in Water matters.

Yours truly,
J. Leigh Chantrill
Director of Dist. No. I, Idaho Water Users Assoc.

April 1982

70% Load Factor — 30 day — 1000 Watts

Costs without B.P.A.
**Costs with B.P.A.

	Power available at any time	1 days a week shut off 12 hrs	12 hrs a week off anytime during week
5 HP 2520 Kwh, 5KW	$168.55 A. **118.15	$147.13 B. ** 96.73	$112.90 C. ** 62.50
10 HP 5040 Kwh, 10KW	$323.10 A. **222.30	$283.08 B. **182.28	$219.08 C. **118.28
15 HP 7560 Kwh, 15KW	$477.66 A. **326.46	$419.02 B. **267.82	$325.27 C. **174.07
25 HP 12600 Kwh, 25KW	$815.67 A. **563.67	$714.02 B. **462.02	$551.53 C. **299.53
40 HP 20160 Kwh, 40KW	$1279.35 A. **876.15	$1121.85 B. **718.65	$870.09 C. **466.89
60 HP 30240 Kwh, 60KW	$1818.79 A. **1213.99	$1594.88 B. **990.08	$1236.95 C. **632.15
100 HP 50400 Kwh, 100KW	$2752.14 A. **1744.14	$2410.24 B. **1402.24	$1863.74 C. **855.74
200 HP 100,800 Kwh, 200KW	$5085.51 A. **3069.51	$4448.64 B. **2432.64	$3430.72 C. **1414.72
300 HP 151,200 Kwh, 300KW	$7418.89 A. **4394.89	$6487.04 B. **3463.04	$4997.70 C. **1973.70
400 HP 201,600 Kwh, 400 KW	$9752.26 A. **5720.26	$8525.45 B. **4493.45	$6564.68 C. **2532.26
500 HP 252,000 Kwh, 500 KW	$12,085.63 A. **7,645.63	$10,563.85 B. **6,123.85	$8131.66 C. **3691.66
750 HP 378,000 Kwh, 750 KW	$17,919.07 A **13,479.07	$15,659.86 B **11,219.86	$12,049.11 C. **7,609.11
1000 HP 504,000 Kwh, 1000KW	$23,752.50 A **19,312.50	$20,755.87 B **16.315.87	$15,966.56 C **11,526.56

You can see what it has done with availability of B.R.H.
[illegible] has been granted an 17½% increase this week.

RECEIVED
SEP 30 1982
Department of Water Resources

Mr Kenneth Dunn
Director - Dept of water Resources
State of Idaho
Boise, Idaho

Re: Minimum Stream Flows - Henrys Fork

Dear mr Dunn,

I am writing to express my opposition to the minimum stream flow filings on the Henrys Fork as now amended and proposed. It is my feeling that the 300 CFS filing is ample to protect the fisheries, aquatics and the migrating and non-migrating waterfowl for the entire reach of the river.

The upper Mesa Falls is probably owned, by current standards, by the State of Idaho. The ground surrounding the upper Mesa Falls is completely owned by a subsidiary of Montana Power & Light and has been owned since 1914. If the 1000 CFS filing is allowed to stand the public will lose complete access to this area. I believe that Montana Power & Light would be receptive

to a negotiated settlement of allowing the 300 CFS to pass through and fall over the falls and allow public access to the area.

I am one of the principals involved in the filing on Sheep Falls and all of the policy statements prior to our filing indicated that the upper extremity of the 1000 CFS filing by the State of Idaho was done strictly for the purpose of establishing a specific point near an identifiable point ie. Township line between T 10 & T 11. at no time was any concern expressed for maintaining the flow for the <u>beauty</u> of Sheep Falls but instead the Dept. of Parks expressed their concern for maintaining the beauty of upper & lower Mesa Falls. We would have no objection to the 300 CFS minimum flow through our project area as I too am a "quality" fisherman and enjoy fly fishing very much also.

I have lived in the State of Idaho all of my life and enjoyed the multiple use of all public lands. I would hate to see a

"lock up" begin for one specific purpose or another.

Upper & Lower Mesa Falls are extremely beautiful which I will not deny. I believe that if you remember the falls at Idaho Falls prior to the establishment of their power facility as compared to the falls now, you would have to agree that the falls now are far more beautiful than they were before. I'm not saying that this would be the case at Upper Mesa but I do believe that with 300 CFS minimum flow they would or could be extremely beautiful and the public could enjoy them.

I do hope that you will be considerate to the continued multiple use of Idahos lands and resources.

Thank you for your consideration.

Sincerely,
Richard L Graves

RECEIVED
SEP 27 1982
Department of Water Resources

TROUT UNLIMITED
UPPER SNAKE RIVER CHAPTER

September 22, 1982

Mr. Kenneth Dunn, Director IDWR
Statehouse Mall
Boise, Idaho 83720

Dear Mr. Dunn:

The members of the Upper Snake River Chapter of Trout Unlimited (also affiliated with the Federation of Flyfishers) are intimately familiar with the Henry's Fork of the Snake River. The beauty and quality of the fishing is among the finest in the world. Because these qualities must be protected, we vigorously support the request of the Idaho Department of Parks and Recreation for minimum stream flow on the Henry's Fork.

Our chapter has recently completed a three year brown trout stocking program below Lower Mesa Falls. This program has been done with the sanction and support of the Idaho Fish and Game Department. The North Fork fishery must be protected not only to support our efforts, but also to protect the wild fishery. The river is enjoyed by many fishermen for its solitude and beauty and provides extensive recreational opportunities.

This area has achieved a balance among water users. This is a unique situation and should be maintained. Any use of hydropower or any new dams must be strenuously opposed by the people in the Upper Snake River Valley. We have too much to lose and too little to gain from the hydropower dams proposed for Upper and Lower Mesa Falls.

There are many arguments that can be made for supporting the minimum flow requested. I have mentioned only a few.

Please record our support for the Idaho Department of Parks and Recreation minimum stream flow on the Henry's Fork of the Snake River.

Sincerely,

L. D. Goodrich, Jr.
President

LDG/fg

United States Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724 - 0430

RECEIVED
SEP 22 1982
Department of Water Resources

IN REPLY REFER TO: PN 420

870.-

SEP 21 1982

21-7282

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Please be advised that this office wishes to formally appear at the hearing regarding Henry's Fork Minimum Flow on Thursday, September 23, 1982, at the Fremont County Courthouse, St. Anthony, Idaho.

Mr. Donald E. Tracy of our Minidoka Project Office at Burley will represent this agency at that hearing.

Sincerely yours,

L. W. Lloyd

Regional Director

RECEIVED
SEP 24 1982
Department of Water Resources

479 E. 13th St.
IDAHO FALLS, ID 83401

21 SEPTEMBER, 1982

MR. A. KENNETH DUNN, IDWR
STATE HOUSE MAIL
BOISE, ID 83720

Dear Mr. Dunn:

I wish to express my support for the recommended minimum flow rates on the Henry's Fork River of 300 cfs for the entire year and the entire reach of the river and of 1000 cfs from April 1 to September 30.

Respectfully yours,

Stephen B. Brumbach

STEPHEN B. BRUMBACH

RECEIVED
SEP 21 1982
Department of Water Resources

Sept. 19, 1982

Kenneth Dunn, Director
Idaho Dept. of Water Resources
450 West State St.
Boise, Idaho 83720

Henry's Fork Minimum Flow

21-7282

Dear Mr. Dunn;

Please enter this letter into the record of the public hearing to be held in St. Anthony on September 23rd regarding a proposed minimum flow for the Henry's Fork.

I support the request of the Idaho Department of Parks & Recreation to your Department for a minimum flow in the Henry's Fork Snake River. As I understand it, this flow would provide at least 1000 cfs from April through October in an 8 mile stretch from Lookout Butte down to a point about 1 mile below Mesa Falls, and at least 300 cfs in the winter in the 31 mile stretch from Island Park downstream to that same point below Mesa Falls.

The North Fork is a natural treasure. If we allow development or diversion at Mesa Falls, or any other place along this beautiful river, we are acting in a foolish and short-sighted manner.

Please grant the water right for this vital purpose of instream flows, as requested by Parks & Recreation Department. Thank you.

Sincerely,

Jerry Jayne

Jerry Jayne
1568 Lola St.
Idaho Falls, Id. 83402

RECEIVED
SEP 21 1982
Department of Water Resources

392 Moonlite Drive
Idaho Falls, ID 83402

September 19, 1982

Mr. A. Kenneth Dunn
Director, Idaho Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Sir:

At its Sept. 15th meeting, the Council of the Idaho Alpine Club passed a two-part resolution.

(1) The Idaho Alpine Club supports the amended minimum stream flow application (No. 21-7282) requested by the Idaho Dept. of Parks & Recreation for the Henry's Fork between the Buffalo River confluence and one-half mile below lower Mesa Falls.

(2) To further clarify its position, the Idaho Alpine Club strongly opposes any hydropower development at either Upper or Lower Mesa Falls, due to the harm to fish populations and scenic qualities that would inevitably occur.

Please, enter this letter as public testimony in lieu of appearance at the Sept. 23, 1982 hearing at St. Anthony, Idaho.

Thank you for your consideration.

Scott Ploger

Scott Ploger
Conservation Coordinator--
Idaho Alpine Club

MICROFILMED

MSF NOTES

D. Tuthill

Henry's Fork
21-7282

- On June 12, 1981, the Idaho Department of Parks and Recreation submitted a request for a MSF on the Henry's Fork to the IWRB.

- On June 19, 1981, the Board reviewed the request and filed an application for a MSF with the IWRB.

- Copies of the application were sent to the State Dept. of Fish and Game, Health and Welfare, and Parks and Recreation.

- An informal public meeting was held by the IWRB on November 19, 1981, for the purpose of determining local public interest and any additional public input regarding the proposed minimum flow. Notification of this public meeting included a letter to each owner of land adjacent to the river in the proposed reach; a letter to each legislator in this northeastern part of the state; news releases via the media; and a notice in both the Ashton Herald and the St. Anthony Chronicle.

- Based on the results of the meeting, and the information in the file, the IWRB decided to amend the proposed flows in their application. The application was amended on April 20, 1982.

- The hearing that we are gathered for today was advertised in the Ashton Herald on Aug 19, 26 and the St. Anthony Chronicle on ____. Again, a letter regarding the hearing was sent to each owner of property adjacent to the proposed reach; to each pertinent legislator; to each attendee of the informal public meeting held last November. In addition, two separate news releases were distributed to the media.

- ~~In summary~~, the Department has received 10 letters in support of the application and 2 letters against approval. We received notices of appearance from the Idaho Dept. of Parks and Recreation; Richard L. Graves, Bill Arkoosh, and John Arkoosh; and Jerry D. Reynolds, Chairman of the Fremont County Planning and Zoning Commission. & Montana Power Co.

- Present Exhibit No. 1, General description of filing and other water rights.

- Present Exhibit No. 2, Flow duration curve for gage at Island Park Dam.

- Present Exhibit No. 3, Flow duration curve for gage at Henry's Fork just above Warm River.

21-2782
HENRY'S FORK MINIMUM STREAM FLOW

Summary of Events

Date	Action
06/12/1981	Request received from Idaho Department of Parks & Recreation
06/19/1981	Application filed by IWRB
11/19/1981	Informal public meeting held by IWRB

Comments

1. About 100 individuals and companies own property riparian to Henry's Fork along the reach identified by the MSF application.

2. Two water right applications propose diversions within the reach.

   a. Montana Power Company has filed an application for 1400 cfs for a power plant at Upper Mesa Falls.

   b. Richard L. Graves, Bill Arkoosh and John C. Arkoosh have filed an application for 1000 cfs at Sheep Falls, about 3 miles downstream from Lookout Butte.



CARSON M. LEWIS, M.D.
INCORPORATED
PLASTIC AND RECONSTRUCTIVE SURGERY
9900 GENESEE AVENUE, SUITE B
LA JOLLA, CALIFORNIA 92037
TELEPHONE 453-8484

September 10, 1982

Idaho Department of Parks and
Recreation
Statehouse Mail
2177 Warm Springs Ave.
Boise, Idaho 83720

ATTN: A. Kenneth Dunn
Director, IDWR

Re: Minimum flow on Henry's Fork

Dear Mr. Dunn:

In response to your September 2, 1982 letter seeking opinions on the proposed minimum flow controls, I support the minimum flow proposal as outlined in that letter.

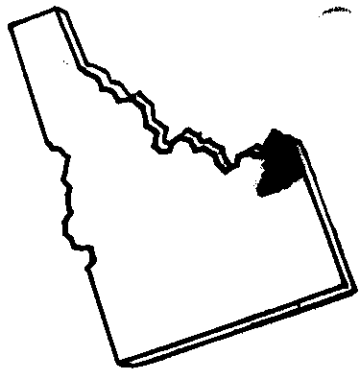
Thank you for seeking my opinion on this matter.

Very truly yours,

CARSON M. LEWIS, M.D.

CML/dn

RECEIVED
SEP 13 1982



FREMONT COUNTY
PLANNING and ZONING COMMISSION
Box 226
St. Anthony, Idaho 83445

DIRECTOR
Idaho Department of Water Resources
State Office
450 West State Street
Boise, Idaho 83720

RE: Minimum Stream Flow Application
Idaho Department of Parks and Recreation

STATEMENT OF FREMONT COUNTY
PLANNING AND ZONING COMMISSION

Fremont County's Planning and Zoning Commission is an advisory body to the Fremont County Board of Commissioners. Its 12 member body consists of citizens from all areas of Fremont County and various vocations and interests. The following statement represents the unanimous opinion of this local planning body adopted at a regular meeting of the Commission, August 30, 1982.

We request that the application for a minimum stream flow right filed by the Idaho Department of Parks and Recreation be denied. We believe that the application raises serious concerns that should be addressed.

We question the propriety of Idaho's Parks & Recreation Department in making such an application, and resent the political philosophy of environmental protection self-assumed by this agency of state government. We suggest that the governing board of Idaho's Parks and Recreation Department immediately reconsider the direction their internal policy is going.

We watched with disappointment as the creation of Harriman State Park led to a drastic curtailment of fishing privileges, not just within the park boundaries itself, but from Island Park Dam clear down to Upper Mesa Falls. Due to outside pressures, the restrictions have now been moved from Mesa Falls upstream to Riverside Campgrounds.

Next came their assault upon Idaho's bird hunters and big game hunters, in the creation of a creature known as the Harriman State Wildlife Refuge, an area now closed to all hunting year round, and consisting of approximately twice the acreage of the original Railroad Ranch.

Hunting and fishing are staple recreation concerns to all Idahoans. We wonder if perhaps the Department's name should be changed to the Department of Parks and Anti-Recreation.

Now represented before this board today is the Parks Department's assault in the important area of private water rights. We urge this board to consider the harmful effects of permitting an agency of State government to appropriate water of the State of Idaho. We suggest it potentially represents a very dangerous precedent. We must resist an effort by a government agency to take away the right of appropriation in futurity. The department self-styles their application as non-consumptive. It must be recognized for its true purpose: anti-consumptive. Please do not permit the Idaho Department of Parks and Anti-Recreation to extend their self-assumed roll of environmental protector into the area of water rights.

In questioning the propriety, or standing, of the Department in this application, we point out the negativism represented: truly this is the

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classic "Dog in the Manger" of Aesop's fables. The possible development of a hydro-electric plant at Upper Mesa Falls would have no effect on the waters of the Snake River actually running through the boundaries of Harriman State Park, not even of Harriman Wildlife Refuge, a much bigger area. Their claim of a "State Park interest" displays environmental bootstrapping of the worst kind. Potentially, they could claim a "State Park interest" in virtually every aspect of tourism and recreation interest in Northern Fremont County.

Yet granting the application would have the effect of depriving at least one private concern of the full use and benefit of its private property. Idaho Parks doesn't want use of the water, it just wants to prevent anyone else from using Idaho water hereafter.

Your department will eventually have to face the difficult issue of the propriety of a hydro-electric plant at Upper Mesa Falls; a separate and distinct issue. Our planning commission has not yet formed a position on this more complex problem.

However, unlike Idaho Parks and Recreation, we are of the opinion that there presently exists an agency of State government presently vested with legal authority to tackle this issue: this Department of Water Resources whom we address. This water board has authority to see that esthetic values are preserved by any developer.

Granting Park's application would strip jurisidiction from the very State agency capable of objectively and knowledgably weighing the priorities in a specific hydro-electric plan at a later date - a plan whose feasibility is yet undetermined, in favor of a permanent denial. Such action would be



unwise; and legally and constitutionally questionable.

The issue of whether Montana power should be permitted to develop Upper Mesa Falls should remain the business of this Water Resources Department. Do not relegate your authority over environmental concerns of Idaho water to the empire-builders within the Idaho Department of Parks and Anti-Recreation. That department should concern itself with the business of running Idaho's State Parks and stay out of the area of Idaho's private water rights. Please deny the application.

August 30, 1982

FREMONT COUNTY PLANNING AND ZONING COMMISSION

BY: Jerry D. Reynolds

Jerry D. Reynolds
Chairman

Fremont County, Idaho

PARK AND RECREATION COMMISSION
219 W. 2nd North
St. Anthony, Idaho 83445

September 15, 1982

Idaho Water Resources
Boise, Idaho

Re: Henry's Fork River

To Whom It May Concern:

At our meeting, Wednesday, September 15, 1982 at the Teton View Cafe in Ashton, Idaho, the following motion was carried concerning minimum stream flow in the Mesa Falls area of the above named river.

We want to protect the falls and would be in favor of a minimum stream flow so long as prior water rights are honored.

Sincerely,

Hal Buster, Chairman

Esther Kafer, Secretary

Board members:
V. Tim Kimble of Island Park
Harold J. Calonge of Ashton
Wayne Jenkins of Ashton
John B. Lee of Island Park
Esther Kafer of St. Anthony
Hal Buster of St. Anthony
Darrell Kirkham of Ashton
H.W. "Red" Davis of Island Park
Randy Gardner of St. Anthony

MICROFILMED

September 23, 1982

Ken Dunn
Director
Department of Water Resources for the State of Idaho

Ken:

I would like to oppose the application submitted by the Department of Parks and Recreation for a water permit for instream flow on the Henrys Fork of the Snake River.

I oppose this application because it uses Historic flows that have occurred since Henrys Lake and Island Park Reservoir have been operated.

I have been informed by our attorney that if the proposed instream right is junior in nature to the rights of Henrys Lake and Island Park Reservoir, it could be declared a senior right in future years by public outcry and the courts. This could affect the capability of these storages to refill in a series of dry years.

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The Department of Parks and Recreation have told me that they are pleased with the operation of the river and are only trying to stop construction

of the power plant on upper Mesa Falls.

I wish they would oppose the F. E. R. C. applications directly and not try to get an instream water right.

Yours truely,

Don Aydelotte

President

North Fork Reservoir Company

September 23, 1982

Gentlemen:

I am Preston A Atchley, a member of the Committee of Nine and a farmer and irrigator in the Ashton area. I have lived in the area all my life, and have a vested interest in both the beauty of our country and the practical use of its resources.

To me the questions which we are addressing have several parts which need to be examined separately.

First is the question of minimum stream flow. I oppose the application of the minimum stream flow principle to the Henry's Fork of the Snake River because once it becomes established, in a dry year it could jeopardize water rights in the Island Park Reservoir. In a dry year, if the springs and snow-melt sources of the Snake were not enough to meet the minimum stream flow, and the flow level dropped below the established standard, water could be diverted from the Island Park Reservoir to supplement the flow. This water could then not be used to irrigate farms in Fremont and Madison; this is a major problem.

A t the same time, I am as interested in saving the beauty of the Upper Snake River as anyone, and I do not want to see a power plant put in at Mesa Falls. It would destroy the beauty of the highest and most spectacular falls in Idaho. I would cite Shoshone Falls near Twin Falls, Idaho, as an example of the great natural beauty of a falls lost to a power plant, and I emphatically oppose that happening to Mesa Falls. The only time the falls would flow would be when the power plant's full capacity could not use all the water from the river, and whatever is left over would constitute the falls. Furthermore, I understand that some damage to fishing below the falls could occur because fish going through the plant could be destroyed.

There are alternatives to a power plant on the Mesa Falls of the Henry's Fork. One plan I think merits consideration is a power plant lower on the Snake where Warm River joins Henry's Fork. A power dam there could answer the need for elec-

tricity, would catch and preserve for irrigation waters released from Island Park Reservoir, and would protect the natural spectacle of the two Mesa Falls. I urge you to consider this possibility before any action is taken regarding the establishment of minimum stream flow on Henry's Fork of the Snake or the building of a power plant at Mesa Falls.

In conclusion, I repeat my opposition to establishing a minimum stream flow as it is currently proposed, and to building a power dam at Mesa Falls. I encourage you to examine carefully the possible alternatives to these proposals. Thank you.

Respectfully submitted,

Preston A. Atchley

BEFORE THE IDAHO WATER RESOURCES BOARD SEPT. 1982

IN THE MATTER OF APPLICATION FOR)
PERMIT 21-7282 TO ESTABLISH AN)
INSTREAM WATER RIGHT ON THE HENRYS)
FORK OF THE SNAKE RIVER)

OBJECTION OF THE
COMMITTEE OF NINE

The Committee of Nine opposes the establishment of the instream flow right proposed in application for permit 21-7282. It is our position that the instream flow is now being guaranteed by current river and reservoir operations. The only possible effect the establishment of this right can have is to force changes in the current reservoir operations which may not be in the best interest of the waterusers of the Snake River.

MICROFILMED

Sept. 23, 1982

These petitions are in response to the Notice of Application for Preliminary Permit for Project No. 3878- Mesa Falls Dam. There are 792 signatures opposing any dams on both upper and lower Mesa Falls.

These signatures were obtained in the Island Park area. They were distributed at local businesses and through individual solicitation.

The petition was out for approxximately one month.

Susan McKenna
Box 55
Mack's Inn, Id.
83433

Fred Prena
BOX0117
Island Park, Id.
83429

792 signatures

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

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AND LOWER IDSA FALLS TO GENERATE POWER. WE [illegible]

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WATER IS MORE IMPORTANT THAN A POWER DAM.

Brigid Terry

1. Tom Hagel

2. [illegible]

[illegible]

[illegible]

Spokane Tribes

L R Miles

Mary Ann Siirl

[illegible]

[illegible]

George Kelly

Don Hagel

[illegible]

A.T. Ferley

Roger L. Shaffer Spokane, Wa.

[illegible] Spokane, Wa.

[illegible]

Tomasi T Carlson

Bates Huffaker, Jr. M.D. San Francisco, CA.

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

Barry Stone

[illegible]

[illegible]

[illegible]

Mark Phillips

Larry Wells

[illegible]

Eugene Fox

Dennis Fox

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1. Sharon J. Sandoval
2. Larry R. Johnson
3. Karen Mahoney Island Park
4. Virginia A. Burns ID Idaho
5. Ken Davis
6. Ron Wagner
7. Jan Reuter
8. Carol C Burns
I LIVE FOR TODAY TOMORROW IS A DREAM
9. Rocky Mountain Power Idaho Falls, Id.
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1. Cheri L. Banda
2. Guy E Robertson
3. William D Maupin
4. Ted Elfert
5. Randall Anderson IP
6. Evgeny Stites
7. Grant Richey Ashton
8. Jeff Eaton IP
9. [illegible]
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11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. Dean Hathaway St a
17. Bret Covington St a?
18. [illegible]
19. [illegible]
20. [illegible]
21. Betty Goodrich
22. Clyde Goodrich
23. [illegible]
24. [illegible]
25. [illegible]
26. [illegible]
27. [illegible]
28. [illegible]
29. [illegible]
30. [illegible]
31. [illegible]
32. [illegible]
33. [illegible]
34. [illegible]

UNCLASSIFIED

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Paul D. Schettler Jr Huntingdon Pa
2. Karen A. Schettler
3. Mark D. Smith
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A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM. YEA GREAT go for it

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MICROFILMED

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TO ANY DAMS ON UPPER OR LOWER TWIN FALLS. [illegible]

LOWER IS MORE IMPORTANT THAN A POWER DAM.

1. Julia M Mary
2. Chris J Wood IP
2. Colleen Spickelmier Bt 47 I.P.
3. Helen Z. Anderson IF
4. Ann K Arkoosh IP - ashton
5. Natalie Wilson IP
6. Blake Stone
7. Bob Daniels
8. Mary V Osborne
9. ~~[illegible]~~ Chris Wood IP
10. Kevin Kulista
11. Carey Wood IP
12. James Stewart
13. Richard Sims
14. Kelly Cameron Salt Lake
15. [illegible]
16. Kenneth Scissors - Box 597 Driggs Id.

#35 Daryl R Skawinski. Hoagland Engineering Is Park
E Lewis Poole
Tina Stark
Linda L. Bird
Lee Tolman
Cordell Glenn
Curt D Baker Box 132 Island Park
Steven M Ehlmed
Robert Tiller
Sharon Henson (Island Park)
Jamie Patterson Boise (~~Island~~ Park)
Jeanette Orgill
P. E Dillon Island Park
Doris Stephens Island Park
Gary A Myers Island Park
Kent Daugh
Rhonda Hawley

Box 717 I.P. Attorney Supply

Wayne Blum

[illegible] BATTLE [illegible] GENERALS AGAIN. [illegible]

[illegible] IS ON UPPER CA LOWER SNAKE RIVER. [illegible]

[illegible] BE MORE IMPORTANT THAN A POWER DAM.

Shawna Harris Ashton
Freedom Pl
Clark A. Lucas
Brock Jones
Brenda K. Jones
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[illegible]
L. O. Thomas
[illegible]
[illegible]
Mark R Slatter
John W Stafford

Susan McKenna Island Pk
[illegible]
Gynda Beasley
Danny Beasley
[illegible]
Tracy Wilding
Cathy Newton
Patti Hall Redbug
Sandy Hall "
Mark Attwood Island Park
[illegible]
Connie Wilson Island Park
[illegible] I.P.
[illegible]
[illegible]
Tina Cox Moscow Id.
Mike Mclean I.P.
Lisa Apostle Isl. Park

Redbug
Wants rails

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4. [illegible]
5. Dora Marcellus
6. Richard W. Marcellus
7. Jackie Dalling
8. Bert Dalling
9. [illegible]
10. [illegible]
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18. [illegible]
19. [illegible]
20. [illegible]
21. David J. Schell
22. Larry D. Davis
23. Doug Williams
24. [illegible]
25. Henry Gallagher Ashton

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Harold E Wilkins

Greg Hayes

Kristi Johnson

Barbara Kuttler

Kat Dwyer

Beth Mahoney I.S. P.E. I P

Jane Darrah

Keith Barney

Ellen Jayson

Dana Beatty

Kristen Kelbaugh

Sara McKelley

Jean Good

Paula McKelley

Douglas E. Mickels

Ed E Moore

Jim Dennis

Diana Moore

Nylene Gonzales Haynes Lake

I P

Penny McKelley

Steve Moore

Todd Dick I P

Julie Hall

David Schwartz

Kim ...

[illegible] IS ASKING FOR PERMISSION TO RAISE [illegible] ON [illegible] AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Mark S Allen Tax
2. Helen M. Howell Island Park
3. Faye Kennedy ~~Island~~ Island Park
Robert Kennedy
4. Robin Jenkins
Paul Mahoney
5. Alma Wilson Island Park
6. Scott Bates
Rudy Kipp I.P.
Wendy Kipp Island Park
Elbert Kipp I.P.
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A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Jim Dorgan
2. Marcene Dyer Ashton Id
3. Fred Swanson Mack-Inn
4. Steve Oberlander
5. Ashton ID
6. Island Park Id
7. Island Park Ashton Ida
8. Doug VanDorn Box 130 + 42 Mack Inn
9. Ashton Ida
10. Linda Ashton Ida
11. Jim Upchurch Yellowstone Park
12. Yellowstone Park
13. Ashton, Idaho
14. [illegible]
15. [illegible]
16. Debra Seglin
17. [illegible]
18. [illegible]
19. J Silva Henry's Lake
20. Lee Ryan " "
21. Ralph R Hall 247 Yellowstone Gateway
22. Bruce Martin Box 398 West Yellowstone MT.
23. [illegible] LAST CHANCE
24. [illegible] - Last Chance
25. Kent Fielder ASHTON
26. Lloyd Rippinger - D.P.
27. Aleana Dericott D.P.
28. Betty VanDorn, Mack Inn
29. Nadene Evans Mack Inn
30. Melinda Johnson Mack Inn
31. Sara K. Cakander Hebgen Lake
32. Nancy Tokaks Island Park
33. Matthew Miller Island Park
34. [illegible]

33 [illegible] Ranger
34 Jamie Hinkley
35 Fyllett Cook

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Jeff Enlow, Big Spring
2. Faye Brett So Fork
3. Barbara Fletcher Macks Inn
4. Clint Johnson Idaho Falls
5. Rick McCord Pocatello, Idaho
6. Judy Taylor Idaho Falls
7. Dick Cook Pocatello
8. [illegible]
9. Mrs Ashton
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. John Stevens Macks Inn
17. Dellie Leith Pocatello
18. Vaughn Ramage Is. Pk
19. Linda Whittaker Idaho Falls
20. Lewis Kunesh Macks Inn Idaho
21. Dellie K. Leith
22. Wally Austin Idaho Falls Idaho
23. Tom Livingston Idaho Falls Idaho
24. [illegible] Idaho Falls Idaho
25. [illegible]
26. [illegible]
27. Terry Thorne Macks Inn
28. Tom McCrossey Macks Inn.
29. Ken Cook Idaho Falls
30. Robert Mooney
31. Henry C. Vothweiler
32. Jenie M Vothweiler Island Park (Bills Island)
33. Mary Lou Kay
34. Roy Richins

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Wanda Gray
2. Lena Gibson
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. [illegible]
17. [illegible]
18. [illegible]
19. [illegible]
20. [illegible]
21. [illegible]
22. [illegible]
23. [illegible]
24. [illegible]
25. [illegible]
26. [illegible]
27. [illegible]
28. [illegible]
29. [illegible]
30. [illegible]
31. [illegible]
32. [illegible]
33. [illegible]
34. [illegible]

MICROFILMED

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. [signature]
2. [signature]
3. Michael D Stuckey
4. Robert L McCreadie
5. [signature]
6. [signature]
7. [signature]
8. [signature]
9. [signature]
10. [signature]
11. [signature]
12. [signature]
13. [signature]
14. [signature]
15. [signature]
16. [signature]
17. [signature]
18. [signature]
19. [signature]
20. [signature]
21. [signature]
22. [signature]
23. [signature]
24. [signature]
25. [signature]
26. [signature]
27. [signature]
28. [signature]
29. [signature]
30. [signature]
31. [signature]
32. [signature]
33. [signature]
34. [signature]
35. [signature]
36. [signature]

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. John Greene JP
2. David Hoy
3. Rob Hunt
4. Lita Hunt
5. Howard Gillett
6. Don Rankin
7. Richard Bronska
8. Tonley Ward Jr.
9. Gail Ward
10. R E Kelly
11. H B GARRISON
12. Garth Fry
13. Will Nuesdle
14. Jay Moody
15. [illegible]
16. [illegible]
17. [illegible]
18. Bill O'Connell
19. Ted Palmer
20. J. F. Moulton
21. [illegible]
22. Cynthia Ann Fox
23. Ed Vaughn
24. Kevin Tarran
25. Rob Van Kirk
26. [illegible]
27. Roy Clifton
28. [illegible]
29. [illegible]
30. Vince Fenton
31. James J. Clark
32. [illegible]
33. [illegible]
34. [illegible]

[illegible]

Joanne Reese

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Shyalee Lawson
2. Jim Flynn
3. Edward Young
4. [illegible]
5. [illegible] IP
6. Bob Jacklin IP
7. [illegible]
8. [illegible]
9. Robert L Palmer
10. [illegible] Ft. Collins, Colo 80524
11. [illegible]
12. Charles Landsbridge
13. [illegible]
14. [illegible]
15. [illegible]
16. [illegible]
17. [illegible]
18. Don Driver
19. David P. Abram
20. Tom DeLorenzo
21. Doug Rock
22. Laurie Clark Fox
23. Frank Wetmore
24. [illegible]
25. [illegible]
26. [illegible]
27. [illegible]
28. [illegible]
29. Jay Thomas
30. Robert L Freeman
31. Hyman H. Casey
32. [illegible]
33. [illegible]
34. Duncan Linn
35. Heath Holland
36. Andrew S. Rammel
37. Debo Rammel

This one looks like it was at Henry's Fork Anglers - they may know addresses

MICROFILMED

... AS BE ARRIVING FOR ...

... FALLS TO GENERATE POWER. WE THE ... ARE OPPOSED ...

... OR LOWER LOWER MESA FALLS. WE FEEL THAT THIS NATURAL ...

... BE MORE IMPORTANT THAN A POWER DAM.

1. H C Hunsaker
2. Ed ...
Bonnie Workman
DOCK H WORKMAN
Ingrid E Egnud
Mami Cloer
Van C Bishop
Grace S. Lewis
Rex Hansen
Ray Nielsen
Don Powell
Jim Copeland
Larry Jones
John O'Neal Jr
Dennis Jones
Jean Wheeler
Avery Cindo

IP
Laurie Barker
IP
Sheila Robertson
Official
Fred A. Clemens
W R Klein
Linda Barker
L. L. Cutler
Bill McAfee
Mrs John C
Mrs John C
Carl Hansen
Bonnie Lewis
D. R. Pettingill
Frank J. Daniels
Official
Official
Eileen M. Nielsen

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. [illegible] Rexburg
2. [illegible] Dayton
3. Kendell Eriksson
4. Charla Webb
5. [illegible]
6. [illegible]
7. [illegible] BEND
8. Joseph Hammack
9. Gary J Buchli
10. Leslie Baker
11. Barbara Baker
12. [illegible] IP
13. [illegible]
14. [illegible] IP-Cal.
15. [illegible]
16. [illegible]
17. [illegible] IP
18. Dee Dee Baldwin
19. [illegible]
20. Chuck Yeagle
21. Sherry [illegible]
22. Bill VanWagenen
23. Betty VanWagenen
24. Elaine Robbins
25. C. Edwards Robbins
26. [illegible]
27. [illegible]
28. [illegible] IP
29. [illegible] IP
30. Nick Anderson
31. Clifton Bruton
32. Dana M. Platts
33. Michael A Paloji
34. [illegible]

RW Bauchman IP?

Laurraine Bybee

[illegible] Bybee

Randy Cy

[illegible]

[illegible]

Millie Kulsch

Sam Goode IP

MICROFILMED

Continued

Petition Against Dams on Upper & Lower Mesa Falls.

	Name	Address
35.	Lita Hanlon	Pinehaven, Idaho
36.	Robin Test	Wilkins Idaho
37	Rhonda Test	Wilkins Idaho
38.	Kurt Seizer	Idaho Falls I.F.
39	Brian (illegible)	Idaho Falls Id.
40	Wesley Gilyard	SONTA FE
41.	Ralph Woodward	Rockland, Idaho
42.	Gordon K Berry	Salt Lake City, Utah
43.	Jeanne Berry	Salt Lake City, Utah
44	MICHAEL BERRY	SALT LAKE CITY, UTAH
45	DAVID MUSGRAVE	Idaho Falls Id.
46.	~~Carie~~ Gordon Tubbs	Hammett, Idaho
47	Darlene Tubbs	Hammett, Idaho
48	Suzanne Andrews	Canyon Village, Yellowstone WY

DEC 13 1983

A CALIFORNIA MAN IS APPLYING FOR PERMISSION TO BUILD DAMS ON BOTH UPPER AND LOWER MESA FALLS TO GENERATE POWER. WE THE UNDERSIGNED ARE OPPOSED TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE FEEL THAT THIS NATURAL WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Willis McBride
2. Kathy Diaz
3. Mick Parker
4. Tom Hall
5. Edward Munster
6. Cathy Conner
7. Ann Marie T.F.
8. Dan Sutton I.P.
9. Doug Sutton
10. Alicia Chorlton
11. Bob Crothers
12. Margaret L. Lucks
13. [illegible]
14. Ernest L. Chorlton
15. Unita M. Shaw
16. [illegible]
17. Jerry Kay Simpson
18. Sidney A. Briggs
19. [illegible]
20. [illegible]
21. Irene R. Bell
22. Tracy Featherstone
23. [illegible]
24. Jeanette B. Rodgers
25. Ronald Mayne
26. [illegible]
27. W. A. Schaffer
28. Lindsay Schaffer
29. [illegible]
30. [illegible]
31. [illegible]
32. [illegible]
33. [illegible]
34. [illegible]
35. Harry Hoyle
36. Timothy Hopkins
37. J. Webb
38. C. Mecham
39. Carol A. Lambert
Rt 2 Box #27 - Pinehaven
Ashton, Id. 83420

MICROFILMED

I [illegible] IS APPLIED [illegible] ON [illegible] ON FOUR MILE
[illegible] MESA FALLS TO GENERATE POWER. WE [illegible] SIGNED ARE OPPOSED
TO ANY DAMS ON UPPER OR LOWER MESA FALLS. WE [illegible] THAT THIS NATURAL
WONDER IS MORE IMPORTANT THAN A POWER DAM.

1. Byron Roy IF
2. [illegible] Rt 1 Box 360 American Falls
3. [illegible] Pocatello
4. Lon L Ham Pocatello
5. Raymon Rivera
6. Joe Kimbro Pocatello
7. Tom Faust IP (HECKMAN)
8. Roger D Hedberg
9. Vina D Parkinson Ashton
10. Frank L Otte IP
11. Wayne D. Parkinson Ashton Idaho
12. Shane Morton Linda St. Anthony
13. Jim Cain - IF
14. Thomas L Cato
15. Paul J. Conlon
16. Patricia Conlon
17. Roy Nelson Island Park
18. Beverly Clarke Island Park
19. [illegible] Henrys Lake, Island Park
20. Pamela Tidler - Parke, ID
21. Lon Terry - Pocatello Ida
22. Gary L Shepherd Pocatello Ida
23. Mackburn
24. Henry's Lake
25. H. L. Parkinson Ashton
26. Mary H. Parkinson Ashton Idaho
27. Linda St. Anthony
28. [illegible]
29. Idaho Falls
30. Idaho Falls, Idaho
31. Idaho Falls Id. 83401

MICROFILMED

A CAREFUL STUDY HAS TO BE MADE FOR EVERY [illegible]
AND LOWER VEGA FALLS TO GENERATE ELECTRICITY
BY ANY DAMS ON UPPER OR LOWER VEGA FALLS.
[illegible] IS ACTUAL
[illegible] IS IMPORTANT THAN A POWER DAM.

1. William Hendrick
2. Margie Johns
3. Betty Nelson
4. Van King
5. R M Jones
6. [illegible]
7. Dorothy Boyer
8. Robert Cox
9. [illegible] Rowland
10. Leonard Byron Jenkins
11. Sonya K Hayes
12. Ken McGhee
13. David McLendon
14. J H Woodward
15. Earl Richards
16. Martha Ann Richards
17. Yvonne Mann
18. Myrtle Harris
19. Martin J. Harris
20. Charla Harris
21. Scott A. Harris
22. Lisa Boyer
23. [illegible]
24. Zeke Campbell
25. [illegible]
26. [illegible]
27. John Cockrell
28. Carrie Daniels
29. Odet Reid
30. Danny White
31. [redacted]
32. Richard Mann
33. Echo Mann

MICROFILMED

[illegible] DAM IS APPLYING FOR RELICENSE [illegible]

[illegible] ER VISA FALLS TO GENERATE POWER. [illegible]

[illegible] DAMS ON UPPER OR LOWER VISA FALLS. [illegible]

[illegible] DEP IS MORE IMPORTANT THAN A POWER DAM.

1. Elaine L Smith
2. Bradley A. Smith
3. Elizabeth J Wood
4. Dave Bowers
5. Sara Beale
6. Roger Robinson
7. T. J. Brennan, Jr.
8. W. D. Wood
9. [illegible]
10. Brian Barlow
11. Melissa Barlow
12. Scott Barlow
13. Laurie Barlow
14. Ed McAtee
15. Kathleen J. Brennan
16. Lon Ross
17. Dylan Wood
18. Stanley Travers
19. Dale Wolfe
20. Teresa Whitaker
21. Derek Wiedensee
22. Dale Freman IP KOA
23. Ed Dean - Carpenter, GA
24. Mike Lawson IP
25. Lewis R. Randolph
26. Cheryl Templin IP
27. Ronald Ing
28. [illegible]
29. Larry Goff IP
30. Irene F. Wodica IP
31. Karen Widener IP
32. Susan L. Davis
33. Bonnie Sicay
34. Chris Lyle

MICROFILMED

From: Jeff Eaton
Star Route Box 33
Ashton, Idaho 83420

Sept. 22, 1982

To: Director
Idaho Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83702

Subject: Minimum stream flow for the Henrys Fork River as applied for by the Idaho Dept. of Parks & Recreation

Dear Director:

I am in support of the minimum stream flow for the Henrys Fork River as ~~Pro~~ applied for by the Idaho Dept. of Parks and Recreation.

The affected stretch of river has too many wildlife and aesthetic values to be reduced to a mere trickle by one or more developments.

Thank You

Jeff Eaton

Sept 23, 1982

TO: Idaho Department of Water Resources
Idaho Water Resource Board
A. Kenneth Dunn, Director

RE: Statement to be added to the hearing record on Application # 21-7282 Amended.

Statement:

I support the Application # 21-7282 to establish a minimum stream flow on the Henry's Fork of the Snake River.

The reasons for my support are simple. I strongly believe that a minimum stream flow is essential for fish and wildlife protection as well as the protection of the scenic qualities of Sheep Falls, Upper and Lower Mesa Falls.

Tourism and recreation is

Statement for Application # 21-7282

so extremely important for the economy of Island Park and any adverse effects on fish, wildlife and scenic qualities would seriously hurt the economy.

I request that you approve the application for minimum Stream flows.

Sincerely,

Ron Watters
1135 East Bonneville
Pocatello, Id. 83201

CONVERSATION MEMORANDUM

DATE 7/21/82

FILE Henry's Fork MSF
21-7282

NAME OF PARTY Larry Schoenike

EMPLOYEE D. Tortz, II

RE:

MR Shoenike expressed his support for the Henry's Fork MSF, as amended.

DRT

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
RED ROCK LAKES NATIONAL WILDLIFE REFUGE
Monida Star Route, Box 15
Lima, Montana 59739

RECEIVED
SEP 20 1982
Department of Water Resources

IN REPLY REFER TO:

8 September 1982

Idaho Dept. of Water Resources
State Office, 450 W. State Street
Boise, Idaho 83720

Dear Mr. Tuthill:

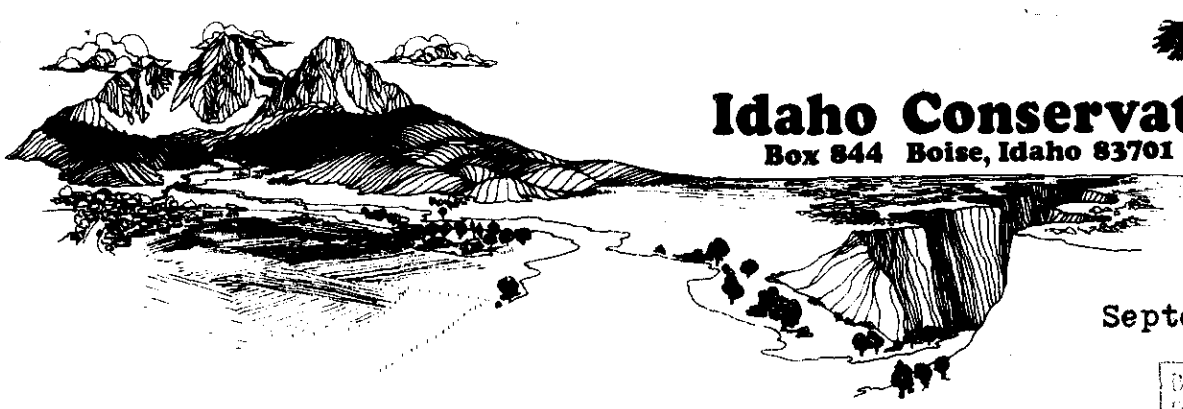
This letter is to inform you of our desire to present a formal statement supporting the Idaho Dept. of Parks and Recreation's request for minimum stream flows in the Henry's Fork at your meeting in St. Anthony on the 23th of September.

Sincerely,

Rees L. Madsen

Rees L. Madsen
Asst. Refuge Manager

SUPPORT



Idaho Conservation League
Box 844 Boise, Idaho 83701 (208) 345-6933

September 10, 1982

RECEIVED
SEP 13 1982
Department of Water Resources

A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Dunn:

As a spokesman for the Idaho Falls chapter of the Idaho Conservation League, I would like to comment on the Idaho Department of Parks and Recreation amended application (No. 21-7282) for minimum stream flow on the Henry's Fork. The Idaho Conservation League fully supports this application for minimum stream flow, realizing that its intent is to protect Upper and Lower Mesa Falls from Hydropower development.

Upper Mesa Falls is recognized as one of the major waterfalls in the world. The entire Henry's Fork drainage is a primary wintering area for trumpeter swans as well as a high quality trout fishery. Public meetings held in St. Anthony voiced little support and some opposition to the hydropower plans for Mesa Falls. In summary, we agree with the Idaho Department of Parks and Recreation that a minimum stream flow is necessary to protect the falls and aquatic habitat on the Henry's Fork. The Northwest is not yet faced with a power crunch that condones drying down a falls the magnitude of Mesa.

Thank you for considering our comments.

Sincerely,
Craig R. Groves

Craig R. Groves
1325 Hoopes Ave. #48
Idaho Falls, Idaho 83401
208-522-5271

cc: Pat Ford
Julia Corbett
Gail Lewis

Supper

100% RECYCLED

Snake

RECEIVED
SEP 13 1982
Department of Water Resources

TO WHOM IT MAY CONCERN:

I would like to express my views in the form of a protest concerning the minimum flows on the Henry's Fork of the Snake River from the Buffalo River to below the Lower Mesa Falls.

I can see no justification for minimum flows on any part of the Henry's Fork of the Snake River now. It is semi-controlled now by the two dams that are on the river, and irrigation water flows that are necessary for distribution of the water downstream.

We are now doing more for the fishery and scenic value and other things than could have been down without the storage facilities we have on the river.

Unless someone can come up with a better reason now or in the future for minimum flows I think it would be very unwise to set minimum flows. The requested stream flows by the parks department are being met most of the time with the present regulations.

Minimum stream flows on the Henry's Fork , Warm River, Fall River, or the Teton River are very unjustified at this time.

Let's have a good reason before we make the mistake of setting minimum stream flows.

J. Leigh Chantrill

J. Leigh Chantrill

Director Dist. No. I Idaho Water Users Association
Past Member of Board of Directors Fremont-Madison Irrigation District

I will be at the hearing on September 23rd in St. Anthony to give an oral testimony.

MICROFILMED

Protest

Sept. 9, 1982

1430 Sunset Road

Pocatello, Idaho 83201

RECEIVED

SEP 13 1982

Department of Water Resources

G. Kenneth Dunn, Director

Idaho Dept. Of Water Resources

State House

Boise, Idaho 83720

Dear Mr. Dunn,

In regard to Henry's Fork (Application No. 21-7282 Amended) concerning two flows of 300 cfs and 1000 cfs — I am opposed. To destroy upper and lower Mesa Falls by stream flow alteration means destruction of two of Idaho's scenic wonders forever, not temporarily, but forever. If need for more electricity exists or will exist in the future, there are other means than by destruction of natural scenic falls. I refer to energy sources such as coal, sun, wind, nuclear, all available. Because potential financial gain enters the picture for those who would destroy nature's wonderland in the guise of necessity does not alter the fact that the destruction is permanent and for private gain. This should not and must not be permitted. If electricity is needed it can be had by other means — let's not forget this point.

P.S. I have been a citizen of Idaho since 1947 and a voter since 1951.

Sincerely Yours,

Frank L. Forbis

SUPPORT

MONTANA POWER COMPANY

GENERAL OFFICES: 40 EAST BROADWAY, BUTTE, MONTANA 59701 • TELEPHONE 406/723-5421

RECEIVED
SEP 20 1982
Department of Water Resources

LEGAL DEPARTMENT

ROBERT E. SULLIVAN
VICE PRESIDENT and GENERAL COUNSEL
JOHN CARL
SENIOR COUNSEL
ROBERT P. GANNON
JAMES F. WALSH
MARY CRUMBAKER - SMITH
R. BLAIR STRONG
MICHAEL E. ZIMMERMAN
PAMELA K. MERRELL
ROBERT T. O'LEARY
EDWARD F. BARTLETT

September 17, 1982

Mr. David R. Tuthill
Department of Water Resources
450 West State Street
Boise, ID 83720

RE: September 23, 1982
Minimum Flow Hearing

Dear Mr. Tuthill:

The purpose of this letter is to provide you notice of The Montana Power Company's intent to appear at the September 23, 1982 hearing in St. Anthony, Idaho, regarding the Idaho Water Resource Board's application for a minimum stream flow restriction on the Henry's Fork above Upper Mesa Falls. We will be represented by Mr. Kent Foster of Holden, Kidwell, Hahn and Crapo, Box 129, Idaho Falls, ID 83401 and are tentatively planning to present testimony. Where necessary, we will cross-examine the witnesses of the other parties.

Yours truly,

Michael E. Zimmerman

MICHAEL E. ZIMMERMAN

MEZ/by/33

cc: Mr. K. W. Foster

FULL PARTY

RECEIVED
SEP 10 1982
Department of Water Resources

1794 Rainier
Idaho Falls, Idaho 83402
September 11, 1982

A. Kenneth Dunn, Director IDWR

Dear Mr. Dunn;

I strongly support the Dept of Parks & Recreation ~~s~~ proposal to provide minimum stream flow on the Henry's Fork as outlined in their application NO. 21-7282 amended. I feel the minimum stream flow is necessary to protect ~~the~~ scenic values of this river and to not protect it is irresponsible.

Please see that my opinion is factored into the September 23, 1982 hearing.

Yours truly
D. W. Hogg

Support

FEDERATION OF WESTERN OUTDOOR CLUBS

Established for Mutual Service and for the Promotion of the Proper Use, Enjoyment and Protection of America's Scenic, Wilderness and Outdoor Recreation Resources

RECEIVED
SEP 20 1982
Department of Water Resources

President: Winchell P. Haywood
208 Willard No., San Francisco, Ca. 94118
Vice President: Florence Baldwin
PO Box 548, Bozeman, Mont. 59715
Secretary: Virginia Danke
E 1103 14th, Spokane, Wa. 99202
Treasurer: Blythe O. Edwards
4549 E. 53rd, Maywood, Ca. 90270

MEMBER CLUBS

Admiralty Audubon Society
Port Townsend, Washington
Alpine Roamers
Wenatchee, Washington
Angora Hiking Club
Astoria, Oregon
Berkeley Hiking Club
Berkeley, California
Boeing Employees Alpine Society
Seattle, Washington
California Alpine Club
San Francisco, California
Cascade Wilderness Club
Bellingham, Washington
Cascadians
Yakima, Washington
Chemeketans
Salem, Oregon
Contra Costa Hills Club
Oakland, California
Crag Rats
Hood River, Oregon
Desomount Club
Los Angeles, California
Hobnailers
Spokane, Washington
Idaho Alpine Club
Idaho Falls, Idaho
Inter-Mountain Alpine Club
Richland, Washington
Klahhane Club
Port Angeles, Washington
McKenzie Guardians
Blue River, Oregon
Montana Wilderness Association
Bozeman, Montana
Mountaineering Club of Alaska
Anchorage, Alaska
Mountaineers
Seattle, Washington
Mt. Baker Club
Bellingham, Washington
Mt. St. Helens Club
Longview, Washington
Obsidians, Inc.
Eugene, Oregon
Olympians, Inc.
Hoquiam, Washington
Olympic Peninsula Audubon Society
Sequim, Washington
Palouse Audubon Society
Moscow, Idaho
Ptarmigans
Vancouver, Washington
Reed College Outing Club
Portland, Oregon
Regional Parks Association
Berkeley, California
Rimrock Mountaineers
Coulee Dam, Washington
Roamer Hiking Club
Inglewood, California
Rocky Mountaineers
Missoula, Montana
Santiam Alpine Club, Inc.
Salem, Oregon
Seattle Audubon Society
Seattle, Washington
Sierra Club
San Francisco, California
Skagit Alpine Club
Mount Vernon, Washington
Snake River Audubon Society
Idaho Falls, Idaho
Southeastern Alaska
Mountaineering Association
Ketchikan, Alaska
Spokane Mountaineers, Inc.
Spokane, Washington
Summit Alpine Club
Tacoma, Washington
Tahoma Audubon Society
Tacoma, Washington
Tamalpais Conservation Club
San Francisco, California
Trail Club of Oregon
Portland, Oregon
Wanderers
Olympia, Washington
Washington Alpine Club
Seattle, Washington
Washington Kayak Club
Seattle, Washington

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Dan Luten, Martin Litton, California
Cyril Slansky, Idaho
Kenneth Baldwin, Bill Bishop, Montana
Amy Mazza, Nevada
Cornelius Lofgren, Oregon
Ken Gersten, Dan Fischer, Washington

Editor: OUTDOORS WEST
Hazel A. Wolf,
512 Boylston Ave. E. #106
Seattle, Wa. 98102

Washington D.C. Representative:
Brock Evans,
330 Pennsylvania Ave. S.E.
Washington, D.C. 20003

Northwest Representative:
Douglas Scott,
4534½ University Way N.E.
Seattle, Wa. 98105

2815 Holly Pl
Idaho Falls, Id 83402
9-16-82

Ken Dunn, Dir.
Idaho Dept. of Water Resources
450 W. State
Boise, Id. 83720

Re; Mesa Falls Water.

Dear Mr. Dunn:

I am transmitting to you a resolution on Mesa Falls (N. Fk Snake R.) passed unanimously by the Federation of Western Outdoor Clubs at its annual convention Aug 29, 1982. The resolution reads:

"<u>Aesthetic versus Development Values at Mesa Falls, Idaho.</u>

Mesa Falls on the Henry's Fork of the Snake River in eastern Idaho is a unique natural phenomenon, and has economic and aesthetic values in its natural state. The proposed hydroelectric development of the site would severely damage these qualities without adequate compensation in energy production. The Federation of Western Outdoor Clubs recommends that hydroelectric development of Mesa Falls should not be allowed!"

Support

The foregoing resolution is the position of 42 western outdoor clubs which represents a total membership of over 400,000. Three of the clubs are from Idaho. The great majority are expressing out-of-state concern over the future of a well-recognized natural beauty spot. These are the people who know Idaho and who constitute the hard core of the visiting recreationists to Idaho. If hydroelectric development of Mesa Falls is allowed, the impact on the tourist industry will be adverse as indicated by the above resolution.

The FWOC believes that control of the flow of Henry's Fork near Mesa Falls, as proposed by the State Department of Parks and Recreation, will ensure the preservation of Mesa Falls as a unique natural phenomenon for Idahoans and for out-of-state visitors.

Please place this letter in the minutes of the hearing to be held in the St. Anthony courthouse on Sept 23, 1982.

Sincerely,
Cyril M. Slansky
FWOC, Idaho V-P.

RECEIVED

RECEIVED
SEP 16 1982
Department of Water Resources

JOHN C. ARKOOSH
GARY W. SHAW
ATTORNEY AT LAW
P. O. BOX 238
GOODING, IDAHO 83330
Telephone (208) 934-8421

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION)
)
FOR PERMIT NO. 21-7282 IN THE NAME OF) PROTEST
)
THE IDAHO WATER RESOURCE BOARD)
)
)

COMES NOW, protestants, Richard L. Graves, Bill Arkoosh, and John C. Arkoosh, and allege as follows:

I.

Protestants are the holders of application no. 21-7307 dated, the 16TH day of September, 1982, issued by the Department of Water Resources for the appropriation of certain public waters of the State of Idaho.

II.

Application no. 21-7307 is for the diversion of 1,000 CFS water at Sheep Falls on the Henry's Fork, tributary to to the Snake River, for the purposes of hydropower generation.

III.

The Department of Water Resources at the request of the Idaho Department of Parks and Recreation has filed Amended Application no. 21-7282, priority date, June 12, 1981, for minimum stream flows, pursuant to title 42 chapter 15, Idaho Code. Said application is prior in time to protestants and appropriates waters in that reach of the Henry's Fork River covered by protestants application.

IV.

Amended application no. 21-7282 appropriates minimum stream flows as follows:

1. A 300 c.f.s. minimum flow for the entire year in a 31 mile reach of the Henry's Fork River between Harriman State Park and Upper and Lower Mesa Falls.

2. A minimum flow of 1,000 c.f.s. for that period between April 1st and September 30th, in the reach of the river from Lookout Butte downstream to a point one mile below Lower Mesa Falls. This flow is sought for aesthetic and scenic purposes to protect the beauty of Upper and Lower Mesa Falls and to protect aquatic habitat.

V.

Amended application no. 21-7282, was requested by Idaho Department of Parks and Recreation for the following uses:

1. Aesthetic and recreation purposes.

2. Protection of Trumperter Swan habitat.

3. Protection of fisheries(300 c.f.s.)

4. Protection of flows over Upper and Lower Mesa Falls (1,000 c.f.s.)

(Policy statement of Idaho Water Resource Board on Henry's Fork).

VI.

Protestants affirmatively allege that the electrical generation purposed under their application no. _____ is in no way adverse to the uses set forth in paragraph V above for amended application no. 21-7282.

VII.

That to approve amended application no. 21-7282 as it presently stands would cause waste and create certain economic inefficiencies in protestants purpose electrical generation project by requiring the stoppage of the power plant during certain periods of the year.

VIII.

That the above mentioned stoppages would not be necessary if amended application no. 21-7282 were again amended to request a 1,000 c.f.s. (April 1st - September 30th) minimum instream flow from a reach in the river starting from a point below

protestants proposed pen stock and turbin to a point, one mile below Lower Mesa Falls, That the 300 c.f.s. annual instream flow would in no way need to be amended.

WHEREFORE, protestants pray:

1. That in order to prevent waste and economic inefficiency in the use of public waters, that amended application 21-7282 be further amended as follows:

a. That the 1,000 c.f.s.(April 1st-September 30th) minimum stream flow be imposed in that reach of the Henry's Fork River below the proposed pen stock and turbin as set out in protestants application no. _____ to a point one mile below Lower Mesa Falls.

b. That the 300 c.f.s. annual instream flow remain as presently proposed.

2. For such other relief as the Director may deem proper.

DATED this 13th day of September, 1982.

John Clarkson

RECEIVED
SEP 7 1982
Department of Water Resources

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

APPLICATION FOR MINIMUM STREAM FLOW ON HENRY'S FORK OF THE SNAKE RIVER.	APPLICATION NO. 21-7282 NOTICE OF APPEARANCE

TO: Director, Department of Water Resources

PLEASE TAKE NOTICE that the Idaho Department of Parks and Recreation shall appear and participate as a party to the above matter at the hearing regarding the same to be held on September 23, 1982, in St. Anthony, Idaho. The Department of Parks and Recreation shall be represented by Robert L. Meinen, Deputy Director, Department of Parks and Recreation, and Kurt Burkholder, Deputy Attorney General, State of Idaho. The Department of Parks and Recreation requests, pursuant to Rule 5.1 of the Department of Water Resources, that it have the right to introduce evidence, examine and cross-examine witnesses, and otherwise participate in the hearing as the Director deems appropriate.

DATED This 8th day of September, 1982.

Kurt Burkholder
Deputy Attorney General
Natural Resources Division

DEPARTMENT OF WATER RESOURCES

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

FOR IMMEDIATE RELEASE

17 August, 1982

NEWS RELEASE

BOISE---The amended application for a minimum stream flow right on the Henry's Fork of the Snake River will be discussed at a public hearing September 23 at 9 a.m. in the Fremont County Courthouse, St. Anthony, according to A. Kenneth Dunn, director, Idaho Department of Water Resources (IDWR.)

The amended application filed by the Idaho Water Resource Board shows two rates of flow on the reach from the confluence of Buffalo River and the Henry's Fork downstream 24 miles to a point one-half mile south of Lower Mesa Falls, according to Dunn. This includes the flow through Box Canyon and Harriman Ranch State Park, as well as over Upper and Lower Mesa Falls. The flow is intended to protect the beauty and recreation aspects of the falls and the river.

The application requests a 300 cubic feet per second (cfs) flow year-around on that stretch of the river. An additional 700 cfs is sought between April 1 and September 30, on the portion of the river from Lookout Butte eight miles downstream to the lower end of the reach.

MINIDOKA

more

Henry's Fork

add 1-1-1-1-1-1-1-1--1-1

After the original filing was made June 19, 1981, the Water Resource Board conducted a public meeting in November to find out how the local residents felt about the instream flow application. At that time, the application sought a flow of 1,000 cfs in the river from April 1 to September 30, with a 300 cfs flow for the rest of the year. As a result of the November meeting, Dunn said, the board made the changes in its minimum stream flow application.

"This application, if approved, would be junior in time to those previously developed water rights on the Henry's Fork," the director explained. "This is according to Idaho water law, which states that 'first in time is first in right.' Therefore, existing irrigation delivery practices and regulation of Island Park Dam would not be affected by approval of this minimum stream flow application."

The hearing is open to the public.

-30-

Kay Weaver
Information Specialist

MICROFILMED

RECEIVED
AUG 20 1982
Department of Water Resources

St Anthony Idaho
Aug 18 1982.

Dear Sirs.

In regards to your letter of Aug 12, 081 app. 21-7282 cl I would like to advise you that no one can hide behind a state for any more. and if you grant this it could cause an early run of the upper storage. and in a dry year could lead to a shortage in the fall lead to crop damage running into the Millions of dollars which you as a board would be liable for seeing the river has been run in a pleasing manor befor this also applys to squirl creek corn creek and all streams feeding the snake river Dist we have a habit of watching out for the wild life at all times of the year

As Ever
D D Rydalch

CON

IDAHO DEPARTMENT OF WATER RESOURCES

Hearings on Minimum Stream Flow Applications

Henry's Fork (Application No. 21-7282 Amended)

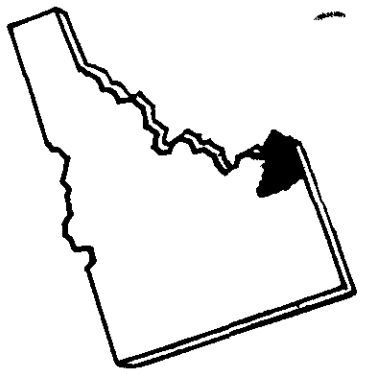
Applicant:	Idaho Water Resource Board
Requesting Agency:	Idaho Dept. of Parks & Recreation
Hearing Officer:	A. Kenneth Dunn, Director, IDWR
Time of Hearing:	9:00 a.m., Thursday, September 23, 1982
Location of Hearing:	Fremont County Courthouse, St. Anthony, Idaho
Location and Amount of Requested Flow:	The application has been amended to show two flows. A year-round flow of 300 cfs is requested for a reach from a point just south of the confluence of the Henry's Fork and the Buffalo River, downstream more than 20 miles to a point about ½ mile below Lower Mesa Falls. A flow of 1000 cfs has been requested for the reach from Lookout Butte downstream to a point about ½ mile below Lower Mesa Falls from April 1 to September 30 each year. The total of the two flows shall not exceed 1000 cfs.

DD Rydalch
4918 3rd South
St Anthony
Idaho
83445





David S. Tuthill Jr
Dept of Water Res.
State Office
450 West State St.
Boise
Idaho
83720



RECEIVED
AUG 19 1982
Department of Water Resources

FREMONT COUNTY
PLANNING and ZONING COMMISSION
Box 226
St. Anthony, Idaho 83445

August 18, 1982

State of Idaho
Department of Water Resources
State Office, 450 W. State Street
Boise, Idaho 83720

NOTICE OF APPEARANCE

To: Director, Department of Water Resources

You are hereby notified that the Fremont County Planning and Zoning Commission, an advisary body to the Board of Commissioners, Fremont County, Idaho, will have its chairman, Jerry D. Reynolds, present at your hearing regarding a minimum streamflow application of Idaho Department of Parks and Recreation, set for Thursday, September 23, 1982, in St. Anthony, as its representative to aid in the development of facts through cross-examination of witnesses, and to present a brief statement as directed in your agenda.

Dated this 18th day of August, 1982.

Jerry D. Reynolds
Chairman

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

August 13, 1982

RE: Hearings on Pahsimeroi River and Henry's Fork
Minimum Stream Flow Applications

Dear Water Resource Board Member:

As you are aware, the next meeting of the Board has been scheduled for September 22, 1982, in Idaho Falls. Per a request from the Board, the Departmental hearings on minimum stream flow applications for the Henry's Fork and for the Pahsimeroi Rivers will be held the two days following the Board meeting, on September 23 and 24, 1982.

Details concerning the two applications and the respective hearings are attached. If you wish to attend the hearings, please schedule travel arrangements with Anita Warntjes.

Sincerely,

David R. Tuthill

David R. Tuthill, Jr.
Supervisor, Water Allocation Section

DRT:dc

enclosure

A copy of this letter was sent to each Board member
DRT 8/17/82

August 12, 1982

RE: Minimum Stream Flows in Idaho

Dear

The Idaho Department of Water Resources has scheduled hearings for two minimum stream flow water right applications in which you may be interested.

The hearing for the Pahsimeroi River application is scheduled for 9:00 a.m. Friday, September 24, 1982, in Challis. The hearing for the Henry's Fork application is scheduled for Thursday, September 23, 1982, in St. Anthony. Details about the hearings are included on the attached page.

On behalf of the Director of the Department of Water Resources, I wish to invite you to attend the hearings.

Sincerely,

David R. Tuthill, Jr.
Supervisor, Water Allocation Section

DRT:dc

enclosure

A copy of this letter was sent to each legislator in Northeastern Idaho DRT 8-17-82. (See list in Public Hrng File)

IDAHO DEPARTMENT OF WATER RESOURCES

Hearings on Minimum Stream Flow Applications

Henry's Fork (Application No. 21-7282 Amended)

Applicant:	Idaho Water Resource Board
Requesting Agency:	Idaho Dept. of Parks & Recreation
Hearing Officer:	A. Kenneth Dunn, Director, IDWR
Time of Hearing:	9:00 a.m., Thursday, September 23, 1982
Location of Hearing:	Fremont County Courthouse, St. Anthony, Idaho
Location and Amount of Requested Flow:	The application has been amended to show two flows. A year-round flow of 300 cfs is requested for a reach from a point just south of the confluence of the Henry's Fork and the Buffalo River, downstream more than 20 miles to a point about ½ mile below Mesa Falls. A flow of 1000 cfs has been requested for the reach from Lookout Butte downstream to a point about ½ mile below Lower Mesa Falls from April 1 to September 30 each year. The total of the two flows shall not exceed 1000 cfs.

Pahsimeroi River (Application No. 73-7045 Amended)

Applicant:	Idaho Water Resource Board
Requestion Agency:	Idaho Dept. of Fish & Game
Hearing Officer:	A. Kenneth Dunn, Director, IDWR
Time of Hearing:	9:00 a.m., Friday, September 24, 1982
Location of Hearing:	American Legion Hall, Challis, ID
Location and Amount of Requested Flow:	The application has been amended to show two reaches. One reach has a flow of 74.0 cfs from the confluence of the Pahsimeroi River with the Salmon River, upstream about 4 miles to the point of injection of Big Springs. The second reach has a flow of 45 cfs from the point of injection of Big Springs upstream about 3 miles to the discharge point of the Idaho Power Company fish rearing and release ponds.

MICROFILMED

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

August 12, 1982

Dear Interested Party:

Your name is listed on the attendance roster for the Preliminary Public Meeting held on November 19, 1981, regarding the Minimum Stream Flow on the Henry's Fork.

The purpose of this letter is to inform you of the hearing to be held by this Department regarding the application on Minimum Stream Flow, which has been amended subsequent to the meeting. The attached page contains details about the application and about the meeting.

Any party who wishes to formally appear at 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, Boise, Idaho, five days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

Please direct any questions about the hearing to this office.

Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr.
Supervisor, Water Allocation Section

DRT:dc

enclosure

A copy of this letter was sent to each party on the attached pages. DRT 8-17-82

MICRO

IDAHO DEPARTMENT OF WATER RESOURCES

Hearings on Minimum Stream Flow Applications

Henry's Fork (Application No. 21-7282 Amended)

Applicant:	Idaho Water Resource Board
Requesting Agency:	Idaho Dept. of Parks & Recreation
Hearing Officer:	A. Kenneth Dunn, Director, IDWR
Time of Hearing:	9:00 a.m., Thursday, September 23, 1982
Location of Hearing:	Fremont County Courthouse, St. Anthony, Idaho
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MICROFILMED

Sunlight Development Co.
40 East Broadway
Butte, MT 59701

Sent
8/17/82

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c/o Idaho Park Foundation
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Idaho Falls, ID 83401

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Mr. Leonard Edington
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Lanham, MD 20801

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Ventura, CA 93003

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Mr. Clyde Lamont Hull
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MICROFILMED

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Wayne E. Tibbitts
Lorenzo Route Box 212
Rigby, ID 83442

Mr. Frank Kuck
c/o T[illegible]eet Lido Enterprises, Inc.
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c/o J.E. Storbel
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Mr. Edwin Strobel
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Larry & Helen Thompson
Island Park, ID 83429

Idaho Dept. of Parks & Rec
Statehouse Mail

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Gary Bliss
1890 Moran
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[redacted]

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V.J. Bagley
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Island Park, ID 83429

Lester H. Gillett
Island Park, ID 83429

Arnold W. Todd
Henry's Lake
Island Park, ID 83429

Donald B. Todd
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Monte Later
Aspen Square
St. Anthony, ID 83445

Harry J. ~~Lewis~~ Lewis
Warm River, ID

John O. Sessions
Driggs, ID 83422

Phil Lee
St. Anthony, ID 83445

Esther Kafer
St. Anthony, ID 83445

George Matejko
St. Anthony, ID 83445

Ann Matejko
St. Anthony, ID 83445

John Ferebauer
c/o U.S. Forest Service
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Leigh Chantrell
Box 6
Newda ID 83436

Cleon Cordon
Box 486
Ashton, ID 83420

Cathy Koon
Kit Circle #6
St. Anthony, ID 83445

Lorin Young
Route 2
St. Anthony, ID 83445

Jerry Reynolds
Box 412
St. Anthony, ID 83445

Mary Smith
Box 427
Rexburg, ID 83440

Robert Meinen
Parks & Rec
Statehouse Mail
Boise, ID 83720

Dick Sjostrom
U.S. Fish & Wildlife Service
Lima, MT

Gail Lewis
1776 Science Center Dr.
Idaho Falls, ID 83401

Donald Rice
Route 1
St. Anthony, ID 83445

Wayne Ward
Route 1
Sugar City, ID 83448

James Moore
Teton City, ID 83451

[redacted]

Dee Blanchard
Chester, ID 83421

Harold A. Olsa
Route 4 Box 242
Rexburg, ID 83440

Garth Meikle
Route 3 Box 440
Rexburg, ID 83440

Muriel C. Thomas
Pinehaven
Ashton, ID 83420

I.A. Thomas
Pinehaven
Ashton, ID 83420

Keith O.J. Robertson
Rexburg, ID 83440

Dale L. Swensen
St. Anthony, ID 83445

Alfred Klein
St. Anthony, ID 83445

Laurence R. Parker
St. Anthony, ID 83445

Mike Lawson
Last Chance
Ashton, ID 83420

Winston Larsen
Route 2
Rexburg, ID 83440

David Flint
Box 473
Lava Hot Springs, ID 83246

Susan McKenna
Box 55
Mack' nn, ID 83433

Helen Howell
Island Park, ID 83429

Vince Ehlert
Last Chance
Island Park, ID 83429

Roy Parker
610 So. 1st E.
St. Anthony, ID 83445

Donald D. Trupp
Box 66
Newdale, ID 83436

[redacted]

File with Pahsimeroi & Henry's Fork IFS

RECEIVED
JAN 14 1982
Department of Water Resources

21-7282

Reed Hansen Chairman
Idaho Water Resource Board

Mr. Hansen:

In respect to recent instream flow applications on the Henry's Fork and the Pahsimeroi Rivers, I have the following comments which I wish to add to the hearing record.

On the Henry's Fork: I urge you to adopt an instream flow of 1000 cfs from April 1 to September 30 and a minimum of 300cfs the remainder of the year on the section from the mouth of the Buffalo to below Lower Mesa Falls. The protection of minimal habitat for Trumpeter Swams and the fishery are primary reasons for these minimum flows.

On the Pahsimeroi River: I support the Fish & Game Department's application for the specified instream flow on the lower 7 miles of the river. Trout and salmon require and deserve these minimum flows.

As the streams and rivers of Idaho belong to its residents, and water rights are actually a privilege granted by representatives of those residents, priority should be given to protecting flows to ensure the continuation of wildlife and scenic quality. Minimal flows in no way represent a 'lock-up' of water resources, as they are in actuality a means of preserving the quality and quantity for all users. Everyone suffers from environmental degredation: even though the effects may not be immediately apparent. Lack of adequate minimal stream flows are one type of environmental degradation.

Sincerely,

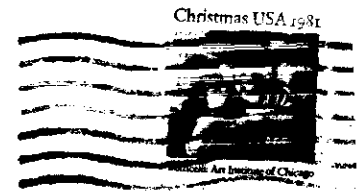
Robert Jones

Robert Jones
1105 South 3rd
Pocatello, Idaho 83201

PRD

1105 South 3rd
Poc. Id. 83201

POCATELLO, ID 83201
PM
JAN
1982



Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

Henry's Fork, Pahsimeroi & Birch Creek ...'s

RECEIVED
JAN 18 1982
Department of Water Resources

January 13, 1982

Mr. Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, ID 83720

21-7282

Dear Mr. Hansen:

I am writing in support of the following protected flows:

Henry's Fork of the Snake River (from the mouth of Buffalo River ~~to one mile~~ below Lower Mesa Falls). I understand that the Idaho Dept. of Parks & Recreation has asked an instream flow of 1,000 cubic feet per second, and 300 cfs the rest of the year; this instream flow would protect the flow over Upper Mesa Falls, protect the stream fishery, and protect habitat for 400 wintering trumpeter swans.

Pahsimeroi River; again, the Idaho Fish/Game is requesting a variable monthly instream flow on the lower seven miles of the Pahsimeroi up to the Idaho Power Co. fish hatchery, in order to protect salmon and steelhead spawning, rearing and migration (the flow in the Pahsimeroi is critical to the future of salmon and steelhead runs in the main Salmon River). The release of young steelhead into the Pahsimeroi is to be doubled, and a large release program for salmon is planned.

Birch Creek; the BLM has requested protection of a flow of 30 cfs on Birch Creek in the Upper Snake area, a "put and take" stream with heavy fishing use.

I obtained (and paraphrased) the above information from THE IDAHO CITIZEN, Vol. 5, No. 2, December, 1981, and felt it necessary to advise you of my support, in view of the opposition to these applications (by Montana Power Co., and negative testimony at a hearing in Challis by Attorney Jim Bennetts). I sincerely hope that my support proves helpful.

Respectfully,

B. Arline Rutledge

B. Arline Rutledge
Rt. 1, Box 76
Arco, ID 83213

PRO

FILMED

Arline Rutledge
Rt. 1 Box 76
Arco, ID 83213

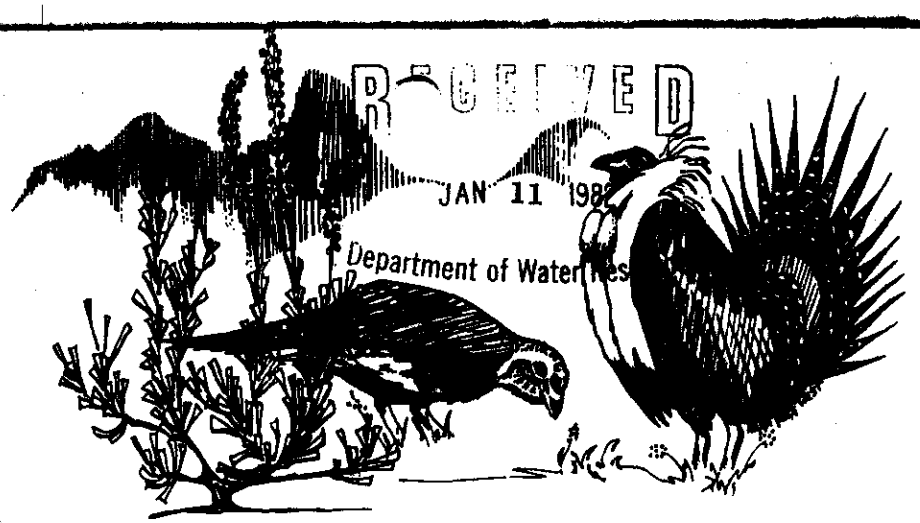
ARCO, ID
JAN 14
1982
83213

Domestic Mail

Mr. Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, ID 83720

Snake River Audubon Society

A Chapter of the National Audubon Society



RECEIVED
JAN 11 198
Department of Water Res

January 4, 1982

Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, ID 83720

21-7288

Dear Mr. Hansen,

The Snake River Audubon Society supports the three recently submitted applications for protection of instream flows on the Henry's Fork of the Snake, the Pahsimeroi River, and Birch Creek.

The minimum flows of 1000 csf and 300 csf (Oct. 1 - March 31) in the Henry's Fork are critical for protection of the fisheries and wintering trumpeter swans. These flows will also assure flow over Upper Mesa Falls.

The flow in the Pahsimeroi River is critical to the future of salmon and steelhead runs in the main Salmon River. The Pahsimeroi is an important part of the spawning, rearing, and migration cycle of these fish species.

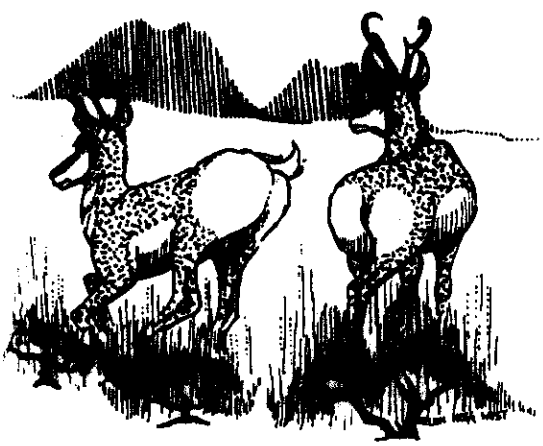
The requested protection of 30 csf on Birch Creek is needed to maintain the heavy fishing usage the stream experiences. The recreational value of this creek surely justifies protection.

We request that you accept the protected flows on the above streams.

MICROFILMED

Sincerely,

Helen I. McCreery
Conservation Chairman
Snake River Audubon Society
1750 Carmel Dr.
Idaho Falls, ID 83401



cc: Bob Turner

PRO

MSF Files

RECEIVED
DEC 14 1981
Department of Water Resources

December 8, 1981

21-7292

Mr. Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

RE: Instream flow applications on the Henry's Fork, Pahsimeroi River, and Birch Creek

Dear Mr. Hansen:

I urge the Idaho Water Resource Board to support the instream flow applications filed by various agencies on the Henry's Fork of the Snake River (1000 cfs from April 1 to September 30, with 300 cfs the rest of the year), Pahsimeroi River (a variable monthly instream flow on the lower seven miles), and Birch Creek (30 cfs). The concept of instream flow is one of public interest and it is critical to the maintenance of our riverine ecologies. This enlightened law does not apply to already appropriated waters; the public interest only can consider unappropriated water and follows the usual priority process. In other words, there is no conflict with existing appropriated water users. Since there is no real conflict with existing use, the true public interest lies in guaranteeing the minimum streamflow needed to maintain our river and stream ecologies. The benefit derived from keeping water in our streambeds is shared by the general public, and represents a much greater beneficial use than private appropriation.

It should be remembered that the premise for private appropriation of the public waters is that the public benefits more from the economic inflow from agriculture or industry than it does from existing unappropriated public uses. The public interest values of water are evaluated on a case-by-case basis in Idaho, and if it is demonstrated that the public benefits more from the water as unappropriated than would be experienced by the public from private appropriation, then the application is denied. In the case of minimum streamflow, the public interest very clearly is defined in the maintenance of that flow for the public benefit. It would be an abdication of public interest responsibility to find otherwise. Another unfortunate fact is that in most cases minimum streamflow has become maximum streamflow - further accentuating the need for instream protection.

Today there is a common misconception that public interest uses of public resources "locks up" resources which private interests consider are somehow theirs before appropriation or should be. As an agency mandated to act in the public interest, this kind of attitude has to be seen through and recognized for what it is - groundless special interest greed. In the case of instream flow in Idaho, the public interest designations have had to pass the same priority tests as any other application; there was no favoritism allowed, despite the fact that the public interest represents a far greater population than any private appropriation. It should also be remembered that these filings are based on data and represent scientifically derived estimates of what is needed to keep a public resource alive. The sites which have been applied for are also at a point where this minimum flow would be the maximum flow - in essence any additional appropriations would probably damage the resource.

I urge the Board to keep the public interest as its guiding light in this issue and to act favorably upon these requests.

Thank you for your consideration.

Sincerely,

Peter Bowler

PRB

Star Rt., Bliss, ID 83314

MICROFILMED

Peter Bowler
Star Route
Bliss, Idaho
83314

SANTA FE, N.M. 87501
P.M.
10 DEC
1981



MEMORANDUM

Mr. Reed Hansen, Chairman
Idaho Water Resources Board
Statehouse
Boise, Idaho 83720

BOISE VALLEY FLY FISHERMEN
OFFICE OF
P. O. BOX 311
BOISE, IDAHO 83701

DEC 3.1 1981
Idaho Dept of Water Resources

December 4, 1981

Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, ID 83720

Dear Mr. Hansen:

It has come to the attention of the Boise Valley Fly Fishermen (BVFF) that applications have been filed by some power utilities to construct generating plants at Upper and/or Lower Mesa Falls. Such facilities would divert Henry's Fork flows above the falls into penstock structures to a power plant then back into the river below. This would have the effect of drying up the historic and scenic natural water falls. We believe that the Idaho Department of Parks and Recreation have filed the minimum flow appication with the Water Board to preserve the flow over these waterfalls. Their minimum flow application would also establish protection of stream flows from Island Park Dam downstream through Box Canyon and the Harriman Ranch State Park which is considered by many anglers to be the best quality fly fishing water in the nation.

I would like to go on record as President of the Boise Valley Fly Fishermen, a conservation organization of 150 members, as supporting the minimum stream flow application filed by the Idaho Department of Parks and Recreation. Even though most of our membership resides primarily in the Boise area, most of us fish the famous Henry's Fork annually, and it is in our interest to preserve the river flows. You are reminded that thousands of fishermen travel to the Henry's Fork country from all over our nation every year to fish its famous waters. These people generate substantial revenue for Idaho's tourist sector.

In closing we feel that establishing a minimum flow right on the Henry's Fork is truly justified and to allow power generating plants to be built at the falls would be pure desecration of one of Idaho's most scenic wonders. **I request that BVFF be notified if a public hearing is scheduled concerning the minimum stream flow application.**

Sincerely yours,

Erich Korte
President, BVFF

Pah., Birch, Henrys Fork
MSF Files

RECEIVED

NOV 30 1981

Department of Water Resources

November 27, 1981

Instream Flows for 3 streams

Reed Hansen, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

Dear Reed;

I support the proposals for instream flows in the Henry's Fork, Birch Creek, and Pahsimeroi River, requested by Parks Department, BLM, and Fish & Game Department, respectively.

It is unfortunate that so much selfish opposition exists. Against it must be balanced the public interest in preservation of aquatic habitat and other natural values.

Given the Legislature's requirement that you consider local interests, and the fact that the hearings were held only in the local areas, it is not too surprising that you saw mostly opposition. Not all of us who support instream flows are wildly enthused about driving to Challis or St. Anthony to support them.

Sincerely,

Jerry Jayne

Jerry Jayne
1568 Lola St.
Idaho Falls, Id.
83402

73-7045
32-7103
21-7282

Route To		Date	Initial
	Director		
	Deputy Dir.		
	Reso. Adm.		
	Reso. Analysis		
	Oper. Bureau		
	Proj. Stud. Bu.		
	Reg. Off. Bu.		
	Tech. Serv. Bu.		
	File:		

PRO

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RECEIVED
NOV 25 1981
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
Statehouse
Boise, Idaho 83720

November 25, 1981

Mr. Reed Hansen, Chairman
Idaho Water Resources Board
Statehouse
Boise, ID 83720

Dear Mr. Hansen:

I am writing to express the support of the Idaho Bureau of Water Quality for the minimum streamflows proposed for the Pahsimeroi River, Henry's Fork of the Snake River, and Birch Creek. We feel the minimum flows being requested are extremely important for the protection of the existing water quality in these streams. In addition, the minimum flows will help protect the aquatic life and recreational resources associated with these waterbodies.

Sincerely,

Al E. Murrey

Al E. Murrey, P.E.
Chief, Water Quality Bureau

AEM/kks

cc: Dr. Lee Stokes
Jerry M. Conley, Fish & Game

MICROFILMED

PRO

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail, 2177 Warm Springs Ave., Boise, Idaho 83720 (208) 334-2154

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director

John V. Evans, Governor

RECEIVED

NOV 24 1981

Department of Water Resources

November 23, 1981

David R. Tuthill
Water Resources
Statehouse Mail
Boise, ID 83720

Dear Dave:

Enclosed are a few more letters we received on Mesa Falls minimum flow.

If you have any questions, please call.

Sincerely,

DALE R. CHRISTIANSEN
DIRECTOR

Robert L. Meinen
Deputy Director

RLM/eh
Encl.

MICROFILMED

Idaho Department of Parks 14 Nov 1981
and Recreation
Attn: Dale R Christiansen, Director

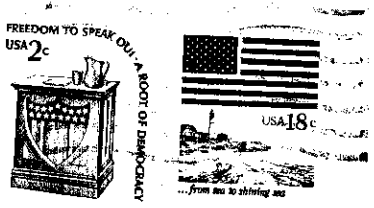
Dear Mr Christiansen:

I am very much concened with recent developments which have the potential of seriously damaging the wonderful fishing found on Henry's Fork. I feel that the mantenance of a minimin stream flow is essential to the recreational and tourist value of the river. As a property owner, I support your effort to establish and mantain the minimum flow in Henry's Fork.

Sincerely Benjamin W Leman

Purchaser Lots 36, 37, 38, 39

R. Wedemeier
612 Tower Bank Rd.
Severna Park, Md.
21146



Idaho Dept. of Parks & Recreation
Statehouse Mail
2177 Warm Springs Ave.
Boise
Idaho 83720

Attn: Dale R. Christiansen, Dir.

Idaho Park Foundation, Inc.

HERITAGE
PRESERVATION RECREATION

1020 West Franklin, Boise, Idaho 83702 (208) 344-7141

DIRECTORS
Hope Kading
Chairman
Boise

Eb Gaines
Vice Chairman
Ketchum

Ron Daly
Sec./Tres.
Boise

Bob Huntley
Pocatello

Larry Leasure
Boise

Shirley Mix
Boise

D. K. Weilmunster
Montour

Monte Later
St. Anthony

James F. Stull
Boise

Dale Blickenstaff
Boise

Phil Batt
Boise

John Brooks
Gooding

Doyal Stiles
Soda Springs

Robb Brady
Idaho Falls

Jayne Brown
McCall

Sharon Hubler
Executive Director

November 18, 1981

Mr. Reed Hansen, Chairman
Idaho Water Resource Board
450 West State Street
Boise, Idaho 83720

Dear Sir:

The Board of Directors of the Idaho Park Foundation is supportive of the recent application before the Water Resources Board to establish a minimum instream flow on the Henry's Fork.

The Park Foundation presently holds title to 1,000 acres known locally as Harriman East which will eventually become part of Harriman State Park. The Henry's Fork winds for two and one-half miles through this area.

Day use has always been permitted and there are a significant number of fishermen that use this resource. During our stewardship we have been highly protective of the value of the fishery.

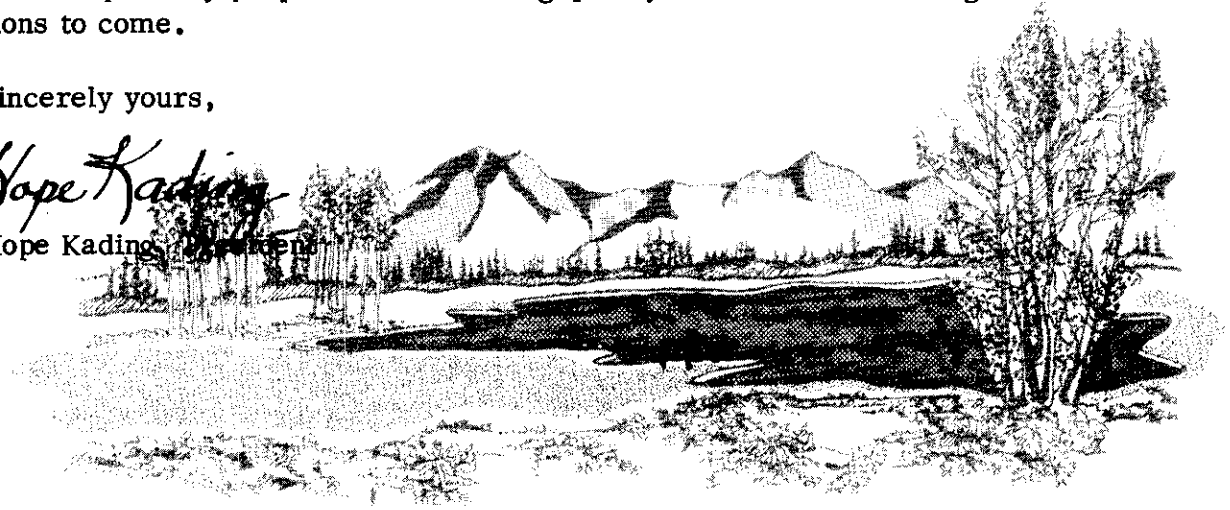
In addition to the potential impact of establishing a minimum stream flow allocation for this purpose, we are equally as concerned about the future of Upper and Lower Mesa Falls. Over a period of seven years, our board has discussed the potential of this area and our conviction is that this is one of the most spectacularly beautiful sights important to a wide spectrum of citizens in Idaho. We would be opposed to any development that would detract from the natural scenic value of this magnificent natural setting.

The application pending before the Water Resources Baord places the intent of the unique recreational potential of the Island Park area before the public with the primary purpose of maintaining quality of this resource for generations to come.

Sincerely yours,

Hope Kading

Hope Kading, President



Newdale, Idaho
Nov. 19, 1981

Idaho Department of Water Resources
and State Water Board
Boise, Idaho

Dear Sirs:

How do you supply minimum stream flows through springs, dams, etc.? Minimum stream flows shouldn't be set any place unless you can prove benaficial use. That doesn't mean something just to look at.

Canyon Creek or Teton River are good examples of streams that are fed to a great extent by flood water and that can not be considered in stream flow unless someone builds a dam to impound the water.

The Idaho Legislature has had bills to consider for the last several years on minimum stream flows. We, as water users on the State Water Users Boards, have reviewed the bills and no one has thought that minimum stream flows should be allowed.

We have more free flowing streams with more total water flow than other states but still have to import much of the electrical power we use.

We have millions of acres of irrigated land in this state which is part of the great American Desert. We must continue to try to keep as much water as we can upstream.

When we get more control of the flows in our state as are done in other western states then we may be able to set up some minimum stream flows.

We would like someone to quarantee us irrigators a minimum stream flow just for the asking as others are doing.

The value of water in some areas of the Fremont-Madison Irrigation District is well over $20.00 per acre foot. That would make water too expensive to use in some other areas.

The high value put on water is the direct result of the very high cost of electrical energy being imported into our area. We are well along toward putting a hydroelectric plant on Island Park Reservoir which has taken years. When that is completed then we weill have to watch our flow regulations on the Snake River more closely than we do now.

We have seen much change of water requirements and that condition will continue.

I definitely am against minimum stream flows at this time.

Yours truly,

J. Leigh Chantrill

J. Leigh Chantrill
Director Fremont-Madison Irrigation District
Director State Water Users Board- Legislative Comm.
Delegate on National Agriculture Water Users Committee

Tuthill (NC4)

RECEIVED
NOV 12 1981
Department of Water Resources

Boise, Idaho
Nov. 10, 1981

Mr. Reed Hansen
Idaho Water Resources Board
Statehouse
Boise, Idaho 83720

Dear Mr. Hansen:

I strongly encourage the Water Resources Board to take actions necessary to assure minimum flows in Henrys Fork as proposed by the Department of Parks and Recreation.

In a competitive water world tradeoffs must be made. However, Henrys Fork, including Upper and Lower Mesa Falls, is a natural treasure that should not be compromised for hydropower development.

Hydropower is a valuable and limited resource. However, there are several projects "ready to go" in Idaho including Idaho Power projects at Cascade and Jacky Peak (if approved) and enlargement of Federal powerplants at Palisades, Pro

MICROFILMED

Minidoka and Anderson Ranch. In addition there are numerous other proposals by Idaho Power and Utah Power and Light, plus potential new powerplants at Arrowrock, Boise Diversion, Black Canyon and Deadwood Dams.

The above hydro potentials would add a significant block of power to Idaho and would certainly delay the need for thermal plants for several years. The relatively few megawatts generated on the Henrys Fork are surely not equivalent to the natural beauty that stands to be compromised.

Your assistance in providing for a minimum flow consistent with the maintenance of the Henrys Fork setting would be appreciated.

Sincerely,

Bob Riley
3639 Rampart
Boise, Ida 83704

RECEIVED
BUREAU OF RECLAMATION

Henry's Fork MSF

RECEIVED
DEC 18 1981
Department of Water Resources

United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
Endangered Species Program
4620 Overland Road, Room 209
Boise, Idaho 83705

December 17, 1981

M. Reed Hanson, Chairman
Idaho Water Resources Board
Statehouse
Boise, Idaho 83720

Dear Mr. Hanson:

This letter addresses the Idaho Department of Parks and Recreation (IDPR) request (#21-7282) for a minimum flow on the Henry's Fork of the Snake River. We understand from the fact sheet provided to us, minimum flows would be bracketed within two time frames during the year, i.e., 10-1 to 03-31 at 300 cfs and 04-1 to 09-30 at 1000 cfs. The minimum flow reach would begin at the confluence of the Buffalo River and extend downstream 31 miles to about one mile below Lower Mesa Falls.

The U.S. Fish and Wildlife Service supports the applicant's request for minimun flows on this reach of the Henry's Fork. Our primary concerns are the international populations of swans and bald eagles in this reach.

From late December through March 250-450 swans may be found utilizing the area from the Buffalo River-Henry's Fork confluence downstream to Hatchery Ford, a distance of about 18 miles (see map). Midwinter surveys conducted from 1977 through 1981 have shown an intensive use by swans originating in the United States and Canada.

Results of Swan Surveys 1977-1981

Year	1977	1978	1979	1980	1981
No. Swans	343	242	290	371	441

Because of the shortage of open water and available aquatic vegetation for wintering swans in eastern Idaho, a guaranteed minimum in-stream water right for the Henry's Fork is important to their survival. With a 300 cfs minimum flow guaranteed from October through March, a significant reduction in the number of winters when total freeze-up might occur along this reach of the river will be achieved.

MICROFILMED

Support

PRO

Our concerns regarding the bald eagle, an endangered species, are similar to those affecting the swans, in that resident U.S. and migratory eagles from Canada utilize this reach for foraging on the fish resource. During the past three years, midwinter counts indicate that from 11-28 bald eagles may be found in the area. A freeze-up will displace these birds into less desirable habitat that may induce mortality and low productivity.

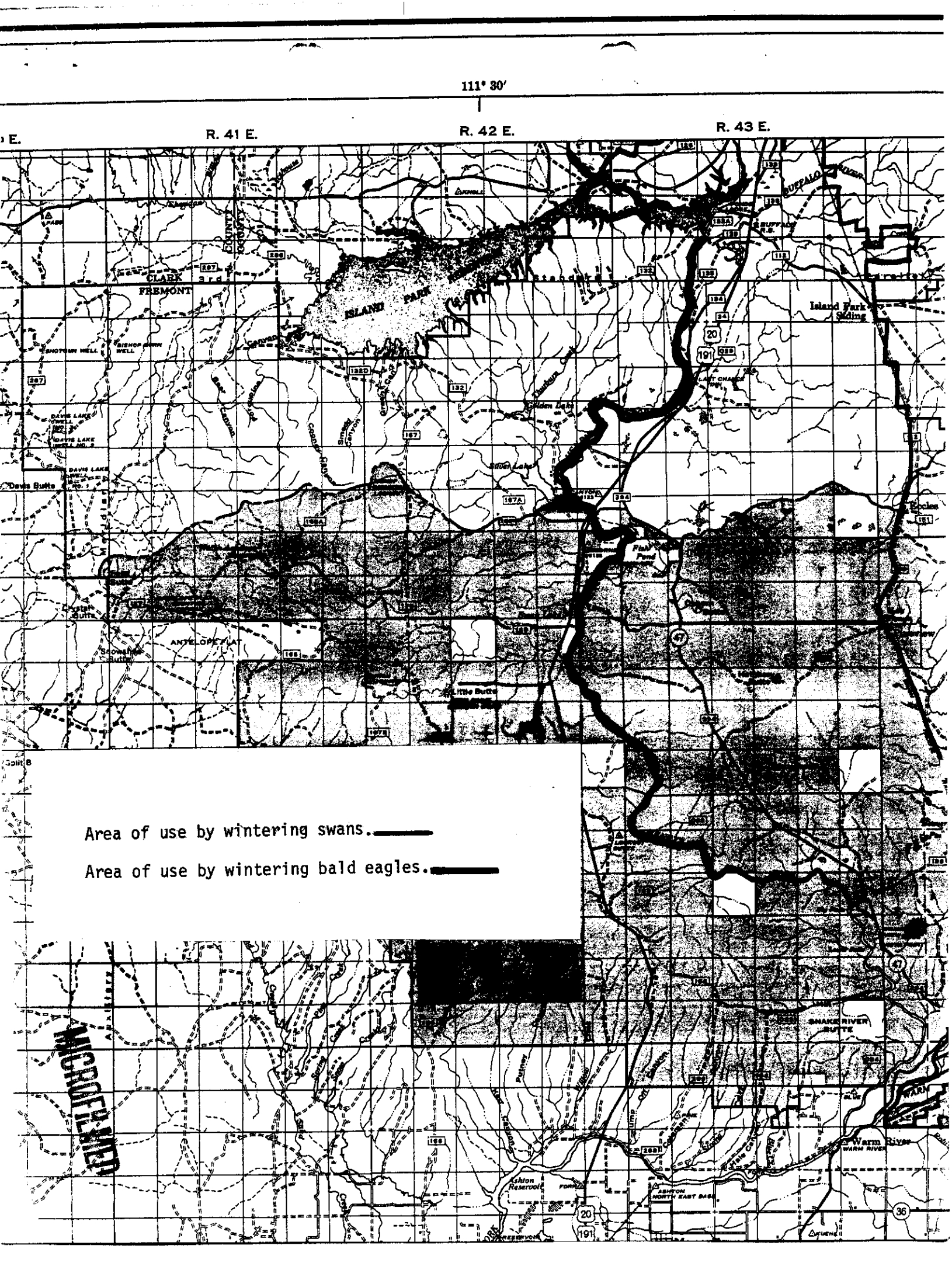
We appreciate the opportunity to comment on the IDPR request and to support their efforts on behalf on the migratory bird resource in the Henry's Fork reach. Should you have any questions, or if additional comments are needed from our Service when evaluating the application, please contact us.

Sincerely yours,

Dennis G. Buechler
Field Supervisor

cc: IDPR, D. Christensen
IDFG, J. Conley
NWR, Red Rock Lakes, R. Sjostrom

MISSOURI LIMED



MICROFILMED

North of MSF Reach

01 Water Right Number - 21-7047 02 Old (D) Number -

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - BOY SCOUTS OF AMERICA	04001 -	05001 - C

06 Add Line 1 - TETON PEAKS COUNCIL 07 Add Line 2 - 574 4TH ST.

08 Add Line 3 - 09 City - IDAHO FALLS 10 State - ID 11 ZIP - 83401

12 Stage - L LICENSE 13 Status -

SOURCE	TRIBUTARY OF
14001 - WARM RIVER	15001 - HENRYS FORK

16 Diversion Means - 17 County - 43 FREMONT

18 Diversion Capacity - .000 19 Total Diversion Rate - 2.000 20 Total Diversion Volume - 100.00

21 Water District - 01

DIVERSION POINTS

Tract	Sec	Twn	Rng	Lot	Rfls	STREAM INDEX FIELDS
22001 - SENE	23001 - 17	24001 - 12N	25001 - 44E	26001 -	27001 -	
				28001 - 0	0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0	

29 Non-Irrigation Use -

PLACE OF USE

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 47 RECREATION STORAGE	31001 - 12N	32001 - 44E	33001 - 17	34001 - SWNE	35001 -	36001 -

Total Acres: 0

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0101	38001 - 1231	39001 - 47 RECREATION STORAGE	40001 - 0.000	41001 - 100.00
37002 - 0601	38002 - 1001	39002 - 55 DIVERSION TO STORAGE	40002 - 2.000	41002 - 0.00

42 Decree Plaintiff Name - 43 Decree Defendant Name -

REMARKS
44001 -

Approval Conditions: 45001 R04

46 Other Rights for Same Use -

DATES		DATES		FLAGS	
47 Priority	- 18-Jun-1974	55 License	- 19-Aug-1985	63 Transfer/Amended	-
48 Proof Due	- 1-Jul-1979	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	- 1-Jan-1900	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied	- 19-Jul-1974	58 Decree	-	66 Flag_2	-
51 Protested	-	59 Start Work	-	67 Flag_3	-
52 Hearing	-	60 Order Show Cause	-		
53 Verified	- 11-Sep-1985	61 Date_1	-		

DATES	DATES	FLAGS
54 Last Update - 11-Sep-1985	62 Date_2	

01 Water Right Number - 21-7283 02 Old (D) Number -

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - STATE OF IDAHO	04001 -	05001 - C

06 Add Line 1 - IDAHO WATER RESOURCE BOARD 07 Add Line 2 - STATEHOUSE

08 Add Line 3 - 09 City - BOISE 10 State - ID 11 ZIP - 83720

12 Stage - A APPLICATION 13 Status -

SOURCE	TRIBUTARY OF
14001 - WARM RIVER	15001 - HENRYS FORK

16 Diversion Means - GAGING STATION. 17 County - 43 FREMONT

18 Diversion Capacity - .000 19 Total Diversion Rate - 141.000 20 Total Diversion Volume - .00

21 Water District - 01

DIVERSION POINTS

Tract	Sec	Twn	Rng	Lot	Rfls	STREAM INDEX FIELDS
22001 - NWNW	23001 - 13	24001 - 09N	25001 - 43E	26001 -	27001 -	
				28001 - 0	0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0	
22002 - SWSE	23002 - 18	24002 - 09N	25002 - 43E	26002 -	27002 -	
				28002 - 0	0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0	

29 Non-Irrigation Use - N/MAINTAIN FISHERY HABITAT.

PLACE OF USE

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 34 MINIMUM INSTEAM FLOW	31001 - 09N	32001 - 43E	33001 - 13	34001 - NWNW	35001 -	36001 -

Total Acres: 0

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0101	38001 - 1231	39001 - 34 MINIMUM INSTEAM FLOW	40001 - 141.000	41001 - 0.00

42 Decree Plaintiff Name - 43 Decree Defendant Name -

REMARKS
44001 - P/D'S ARE LOCATION OF REACH.

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES		DATES		FLAGS	
47 Priority	- 19-Jun-1981	55 License	-	63 Transfer/Amended	-
48 Proof Due	-	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied	-	58 Decree	-	66 Flag_2	-
51 Protested	-	59 Start Work	-	67 Flag_3	-
52 Hearing	-	60 Order Show Cause	-		

DATES			DATES		FLAGS
53	Verified	- 31-Dec-1984	61	Date_1	
54	Last Update	- 31-Dec-1984	62	Date_2	

MSF

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

01 Water Right Number - 21-7355 02 Old (D) Number -

LAST NAME
03001 - IDAHO WATER RESOURCE BOARD

FIRST NAME
04001 -

ORIG. OWNER
05001 - C

06 Add Line 1 - STATEHOUSE

07 Add Line 2 -

08 Add Line 3 -

09 City - BOISE

10 State - ID 11 ZIP - 83720

12 Stage - A APPLICATION

13 Status -

SOURCE
14001 - WARM RIVER

TRIBUTARY OF
15001 - HENRYS FORK

16 Diversion Means -

17 County - 43 FREMONT

18 Diversion Capacity - .000 19 Total Diversion Rate - 141.000 20 Total Diversion Volume - .00

21 Water District - 01

DIVERSION POINTS

Tract	Sec	Twn	Rng	Lot	Rfls	STREAM INDEX FIELDS
22001 -	SWSE 23001 - 12	24001 - 09N	25001 - 43E	26001 -	27001 -	
				28001 - 0	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0	

29 Non-Irrigation Use -

PLACE OF USE

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 34 MINIMUM INSTEAM FLOW	31001 - 09N	32001 - 43E	33001 - 12	34001 - SWSE	35001 -	36001 -
30002 - 34 MINIMUM INSTEAM FLOW	31002 - 10N	32002 - 44E	33002 - 10	34002 - NWSW	35002 -	36002 -

Total Acres: 0

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0101	38001 - 1231	39001 - 34 MINIMUM INSTEAM FLOW	40001 - 141.000	41001 - 0.00

42 Decree Plaintiff Name -

43 Decree Defendant Name -

REMARKS
44001 - COVERS REACH IDENTIFIED WITHIN LEGAL

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES

47 Priority	- 27-Sep-1984	55 License	-	63 Transfer/Amended	-
48 Proof Due	-	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied	-	58 Decree	-	66 Flag_2	-
51 Protested	-	59 Start Work	-	67 Flag_3	-
52 Hearing	-	60 Order Show Cause	-		
53 Verified	-	61 Date_1	-		

DATES		DATES		FLAGS
54	Last Update - 6-Nov-1984	62	Date_2	

WRR100 WITHIN REACH IDAHO DEPARTMENT OF WATER RESOURCES PAGE 1
21-4024 WATER RIGHTS PROOF READING REPORT 18-Nov-1985 12:06:53

01 Water Right Number - 21-4024 02 Old (D) Number -

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - LEWIES	04001 - HARRY J.	05001 - C

06 Add Line 1 - P.O. BOX 593 07 Add Line 2 -

08 Add Line 3 - 09 City - ASHTON 10 State - ID 11 ZIP - 83420

12 Stage - S STATUTORY CLAIM 13 Status -

SOURCE	TRIBUTARY OF
14001 - WARM RIVER	15001 - HENRYS FORK SNAKE RIVER

16 Diversion Means - PUMP TO PRESSURE SYSTEM. 17 County - 43 FREMONT

18 Diversion Capacity - .000 19 Total Diversion Rate - .900 20 Total Diversion Volume - .00

21 Water District - 01

DIVERSION POINTS

Tract	Sec	Twn	Rng	Lot	Rflg	STREAM INDEX FIELDS
22001 - SWSE	23001 - 12	24001 - 09N	25001 - 43E	26001 -	27001 -	
				28001 - 0	0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0	

29 Non-Irrisation Use - 12 CABINS, STORE, LODGE, DOMITORY, SINGLE DOMESTIC HOME.

PLACE OF USE

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 01 IRRIGATION	31001 - 09N	32001 - 43E	33001 - 12	34001 - SWSE	35001 - 15	36001 -
30002 - 01 IRRIGATION	31002 - 09N	32002 - 43E	33002 - 12	34002 - SESE	35002 - 10	36002 -

Total Acres: 25

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION	40001 - 0.500	41001 - 0.00
37002 - 0101	38002 - 1231	39002 - 43 DOMESTIC	40002 - 0.400	41002 - 0.00

42 Decree Plaintiff Name - 43 Decree Defendant Name -

REMARKS
44001 - 2 P/D IN SWSE, S12, T9N, R43E.

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES		DATES		FLAGS	
47 Priority	- 1-Apr-1946	55 License	-	63 Transfer/Amended	-
48 Proof Due	-	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied	-	58 Decree	-	66 Flag_2	-
51 Protested	-	59 Start Work	-	67 Flag_3	-
52 Hearing	-	60 Order Show Cause	-		

DATES			DATES		FLAGS
53	Verified	- 23-Apr-1985	61	Date_1	-
54	Last Update	- 23-Apr-1985	62	Date_2	-

UPSTREAM OF ~~MISSION~~ REACH

01 Water Risht Number - 21-4105 02 Old (D) Number -

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - EKINS	04001 - ERNEST R.	05001 - O
03002 - PETERSON	04002 - THOMAS P.	05002 - C

06 Add Line 1 - 2569 E. WOODLAWN DR. 07 Add Line 2 -

08 Add Line 3 - 09 City - OGDEN 10 State - UT 11 ZIP - 84403

12 Stage - S STATUTORY CLAIM 13 Status -

SOURCE	TRIBUTARY OF
14001 - WARM RIVER	15001 - HENRYS FORK SNAKE RIVER

16 Diversion Means - DIKE 17 County - 43 FREMONT

18 Diversion Capacity - .000 19 Total Diversion Rate - .000 20 Total Diversion Volume - 20.00

21 Water District - 01

DIVERSION POINTS

Tract	Sec	Twn	Rng	Lot	# Rfls	STREAM INDEX FIELDS
22001 - SENE	23001 - 20	24001 - 12N	25001 - 44E	26001 -	27001 -	
				28001 - 0	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0	

29 Non-Irrigation Use - RECREATION.

PLACE OF USE

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 46 RECREATION	31001 - 12N	32001 - 44E	33001 - 20	34001 - SENE	35001 -	36001 -

Total Acres: 0

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0601	38001 - 1030	39001 - 46 RECREATION	40001 - 0.000	41001 - 20.00

42 Decree Plaintiff Name - 43 Decree Defendant Name -

REMARKS
44001 -

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES		DATES		FLAGS	
47 Priority	- 30-Jun-1934	55 License	-	63 Transfer/Amended	-
48 Proof Due	-	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied	-	58 Decree	-	66 Flag_2	-
51 Protested	-	59 Start Work	-	67 Flag_3	-
52 Hearing	-	60 Order Show Cause	-		
53 Verified	- 8-Apr-198[illegible]	61 Date_1	-		

DATES		DATES		FLAGS
54	Last Update - 8-Apr-1985	62	Date_2	

UPSTREAM FROM REACH

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

01 Water Risht Number - 21-2064 02 Old (D) Number - 11428

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - HOPPER	04001 - WILLIAM B.	05001 - C

06 Add Line 1 -

07 Add Line 2 -

08 Add Line 3 -

09 City - REXBURG 10 State - ID 11 ZIP - 83440

12 Stase - L LICENSE

13 Status -

SOURCE	TRIBUTARY OF
14001 - WARM RIVER	15001 - SNAKE RIVER, HENRYS FORK
14002 - SPRINGS	15002 - WARM RIVER

16 Diversion Means -

17 County - 43 FREMONT

18 Diversion Capacity - .000 19 Total Diversion Rate - 1.500 20 Total Diversion Volume - .00

21 Water District - 01

DIVERSION POINTS

Tract	Sec	Twn	Rns	Lot	Rfls	STREAM INDEX FIELDS									
22001 - SESW	23001 - 10	24001 - 12N	25001 - 44E	26001 -	27001 -										
				28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0
22002 - SWNE	23002 - 10	24002 - 12N	25002 - 44E	26002 -	27002 -										
				28002 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0
22003 - NESW	23003 - 10	24003 - 12N	25003 - 44E	26003 -	27003 -										
				28003 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0
22004 - SESW	23004 - 10	24004 - 12N	25004 - 44E	26004 -	27004 -										
				28004 - 0	272.0	489.0	28.0	0.0	0.0	0.0	0	0	0	25.6
22005 - SWNE	23005 - 10	24005 - 12N	25005 - 44E	26005 -	27005 -										
				28005 - 0	272.0	489.0	28.0	0.0	0.0	0.0	0	0	0	25.7
22006 - NESW	23006 - 10	24006 - 12N	25006 - 44E	26006 -	27006 -										
				28006 - 0	272.0	489.0	28.0	0.0	0.0	0.0	0	0	0	25.5

29 Non-Irrisation Use -

PLACE OF USE

Use Code / Use	Twn	Rns	Sec	Tract	Acres	Lot
30001 - 01 IRRIGATION	31001 - 12N	32001 - 44E	33001 - 09	34001 - SWSW	35001 - 05	36001 -
30002 - 01 IRRIGATION	31002 - 12N	32002 - 44E	33002 - 09	34002 - SESW	35002 - 15	36002 -
30003 - 01 IRRIGATION	31003 - 12N	32003 - 44E	33003 - 09	34003 - SWSE	35003 - 25	36003 -
30004 - 01 IRRIGATION	31004 - 12N	32004 - 44E	33004 - 09	34004 - SESE	35004 - 02	36004 -
30005 - 01 IRRIGATION	31005 - 12N	32005 - 44E	33005 - 16	34005 - NENW	35005 - 02	36005 -
30006 - 01 IRRIGATION	31006 - 12N	32006 - 44E	33006 - 16	34006 - NWNE	35006 - 15	36006 -
30007 - 01 IRRIGATION	31007 - 12N	32007 - 44E	33007 - 16	34007 - NENE	35007 - 03	36007 -

Total Acres: 67

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate		Diversion Volume	
37001 -	38001 -	39001 - 01 IRRIGATION	40001 -	1.500	41001 -	0.00
37002 -	38002 -	39002 - 43 DOMESTIC	40002 -	0.000	41002 -	0.00

42 Decree Plaintiff Name -

43 Decree Defendant Name -

REMARKS

44001 -

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES			DATES			FLAGS	
47	Priority -	28-Apr-1915	55	License -		63	Transfer/Amended -
48	Proof Due -		56	Appl Received -		64	DLE/Carey Act -
49	Proof Made -		57	Field Exam Made -		65	Flag_1 -
50	Approve/Denied-		58	Decree -		66	Flag_2 -
51	Protested -		59	Start Work -		67	Flag_3 -
52	Hearing -		60	Order Show Cause -			
53	Verified -	8-Apr-1985	61	Date_1 -			
54	Last Update -	8-Apr-1985	62	Date_2 -			

ATTENDANCE ROSTER

Hearing on Minimum Stream Flow Applications Nos. 21-7355 & 21-7238
Warm River Nov 20, 1985 9:30 am St. Anthony
Hearing Officer: Bob Fleenor Assisted By: Ron Carlson, Dave Tuthill

NAME	ADDRESS	REPRESENTING	Do You Wish To Present Testimony (Yes or No)
J. Leigh Chantrill	Newdale	I.W.U. Ass.	
Steve Goddard	Boise, Idaho	Idaho Fish & Game	
Jody Brostrom	Bozeman, Mt	Idaho Fish & Game	
Herb Pollard	1515 Lincoln Rd, Idaho Falls	IDFG	NO
Steven Elle	1515 Lincoln Rd, Idaho Falls	IDFG	
Harold B. Roberts	1575 Richards Avenue, Idaho Falls	Upper Snake River Trout Unlimited	Yes
RONALD E. HECK	ST. RT. PINEHAVEN ASHTON, ID.	PRIVATE	YES
MICHAEL J. LAWSON	ST. ANTHONY, ID 83445	HENRYS FORK ANGLERS, INC	YES
Bryant L Christensen	420 N Bridge St Anthony	USDA Forest Service	YES
Dale Swensen	P.O. Box 5 St. Anthony	Fremont-Madison Irrig.	
J. Max Mortensen	Rt. #2, Rexburg	" " "	
Norman Hillam	Ashton	" " "	
Lorin B. Kauer	Rt. #4, Rexburg	" " "	
Ed Clark	Ashton	" " "	
Donald Sturm	Rt #1 Box 55	Marysville Irrigation	
Golden C. Linford	Rt 3 Box 433-8 Rexburg	Marysville Irrig. Dist 33	
Sherman Jess	R-3 Ashton	Marysville Irrigation	
Mark G. Ricks	Rt 4 Box 173 Rexburg	Legislature	
Dick Davis	P.O. Box 391 Rexburg	Legislature	
Weldon Reynolds	P.O. Box 235 Ashton	Fremont Co. Comm.	
Jay Sutton	Box 605 "	" "	
Ted S. Sorensen P.E.	550 Linden Idaho Falls	Hydro Dev.	Yes
SUSAN HAWKINS	370 N. MARKET MCOW	LEGISLATURE	
Douglas Gibson	Box 104 Newdale, Ida	3 Rivers Ranch	NO
Don Simmons	Box 593 Ashton, ID	3 Rivers Ranch	NO
James W Larson	Box 661 Ashton ID	Fall River Elec. Co.	
CALVIN H WICKHAM	BOX HE ASHTON ID	FALL RIVER ELECTRIC COOP	
Cathy Koon	St. Anthony Idaho	Post-Register (no)	
Edward W. Stegner	St. Anthony,	Chronicle News	

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JAN 05 1989

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 5, 1985

Leigh Chantrill
Newdale, ID 83436

Re: Minimum Stream Flow Application Nos. 21-7283 and 21-7355, Warm River; 22-7369, Teton River; and 22-7370, Bitch Creek

Dear Leigh:

Thank you for your letters dated November 25, 1985 regarding the above-referenced minimum stream flow applications. They will be included in the respective hearing records.

Regarding your question about an action timetable, the following outline will give you a general idea:

- Hearing Dates: Nov. 20, 21, 1985
- Hearing Records Close: Dec. 5, 6, 1985
- Proposed Decisions Issued By Hearing Officer: Early 1986
- Final Decisions Issued by Me: Depends on Responses to Proposed Decisions
- Applications, if approved, submitted to Idaho Legislature: Earliest Opportunity - January 1987 (unless decisions are appealed to the District Court)

As you can see the procedure is lengthy, to afford a full opportunity for the due legal process. As you are aware, however, the minimum stream flow applications retain the dates of filing as the dates of priority.

Again, thank you for your input in this procedure.

Sincerely,

Ken

A. KENNETH DUNN
Director

ls

RECEIVED
JAN 05 1989

RECEIVED
NOV 29 1985
Department of Water Resources

Newdale, Idaho
Nov. 25, 1985

Mr. Ken Dunn
Department of Water Resources
Boise, Idaho

Dear Ken:

We listened for two hours of testimony by the Fish and Game personnel, and Steve Goddard, the Attorney, who helped present their testimonies. Our crowd got bored and left the court room. That crowd included our Legislators and County Commissioner and others.

That testimony included some of the items listed below.... How discharge rates effect fish habitat.

Tried to point out the difference in wild and hatchery r[illegible] rainbow trout.

Warm River is a medium quality of a fishery as compared to North and South forks of the Snake River.

They do not claim that they can enhance it nor change it in any way.

The fishery will remain just as good a fishery as it is now without any minimum stream designation.

My position is against minimum stream flow, Ken. Let's leave a good natural resource as is until some future time when it is determined that it may be helpful to mankind in some other way consistent with justifiable needs.

Do the will of people rather than the Governor , Fish and Game Department, or the Parks Department.

No minimum stream flow designation in the near future on Warm River.

Please consider these points seriously.
Thank you.

Leigh Chantrill
Leigh Chantrill

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JAN 05 1989

Chronicle-News

Commentary

Letters

Let's keep local control

Dear Editor:

I have recently read news reports concerning the inclusion of the Henry's Fork under the Federal Wild and Scenic River system. A bill has been authored by Representative Stallings to fund a study of the proposed designation. The news reports infer that there is broad-based support for such a designation.

Well, I for one am not in favor of the inclusion or even the study of the inclusion. If the Henry's Fork needs protection lets not do it under legislation at the federal level. I have seen the freedom of the local people taken away when a mandate is set down by the federal government.

For instance, look at the difficult time the people in Salmon are having doing something about the flooding problems in their area. Why? One reason is because the river is part of the Wild and Scenic River system. The people are helpless because the federal government has the control and not the local people.

We, here in Fremont County, are very familiar with the difficulties local ranchers are having in dealing with the grizzly bear problem. Once again, because of a federal law the local people lose their rights to control a local problem.

Another example of unneeded federal interference is the determination of the E.P.A. to impose stricter water quality standards below all dams in the state of Idaho even though the state has its own standards in place and has not experienced any fishery or water quality damage because of the state standard.

Because of these examples and others I am greatly concerned that we here in Fremont County and the surrounding area of the state will lose its ability under a federal system of Wild and Scenic Rivers to do what is necessary on Henry's Fork whether it be for development or preservation.

When repairs are needed at Island Park Dam will they be able to be done without a lot of hassle and needless expense to attend meetings and hearings or even fight a lawsuit because some environmentalist thinks the work does not conform to the Wild and Scenic Rivers Act?

If we have some dry years and it becomes necessary to shut off Island Park Dam in order to refill the reservoir for the next years irrigation needs will we be able to do it without facing meetings, hearings and lawsuits?

Policy 7 in the State Water Plan is a policy that allows for a STATE Natural and Recreational River system. If the Henry's Fork should be protected then let's do it under a state system where the needs and desires of the Idahoans and the local people are recognized and not under a federal system where the views of eastern politicians and inflexible laws make state and local needs impossible to fulfill.

Sincerely yours,
Dale Swensen.

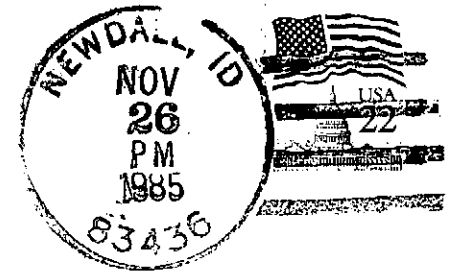
Dale Swensen

Mr. Swensen is Office Manager of Fremont-Madison Irrigation District which represents over 2300 water users in the Upper Snake River Valley.

The Post-Register, Idaho Falls, Idaho, Thursday, October 31, 1985
This letter was published in the Post-Register

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JAN 05 1989

J. Leigh Chantrill
P.O. Box K
Newdale, Ida. 83436



Mr. Ken Dunn
State Dept Water Resources
450 W. State St.
Boise, Idaho 83701

Hearing on MSF Apps Nos. 21-7355 & 21-7238
on Warm River. St Anthony, 9:30 AM, Nov 20, 19
Hearing Officer: Bob Fleenor

- Full Parties are:
  - IWRB - Dave Rydalch
  - IDFG - Steve Goddard, atty, et al
  - Leigh Chantrill

- Preliminary Remarks

Tape 1

- Hearing began @ 9:50

- Presentation by Staff (D. Tuthill) - See notes

- Presentation of a statement by the IWRB - Dave Rydal

- Presentation by IDFG
  - Tim Cochnauer
    - Exhibit 14 (qualifications)
    - Min flow analysis - P. 20 & P. 18 are pertinent (mark
    - Rearing curve on P. 80
  - Jody Brostrom
    - Fisheries Tech, IDFG
      Currently conducting a life history study of Brown trout on Warm R. & Robinson Cr.
    - Enrolled in MS thesis pgrm at Montana St.
    - Slides (Exhibits 4-10) will be admitted into the record
      F&D will make prints of these slides to [illegible] the record

JAN 05 1989

    - Total catch rate at one site is 2.1 fish/hour
      (management goal: 1 fish/hour)

X exam (Rydalch) Cascades hinder, but do not totally stop, migration of fish.
Hatchery fish are planted at the campground.

- Steven Elle - Idaho Falls
  - Regional Fisheries, IDFG Region 6
  - Monitors & Manages fish populations
  - Stream is of medium importance (less than Henry's Fork & more than Falls R.)
  - The fishery is exceeding the catch rate goal of 1 fish
  - The stream is important to the Henry's Fork because much of the Henrys Fork spawning & rearing is conducted in Warm River
  - The bulk of the fishery in Warm R. is supported by natural reproduction
  - The 141 cfs requested is needed for the fishery
  - If flows are reduced in the Cascade area, the aesthetics will be reduced.

Tape 3

- Leigh Chantrill
  - Grew up within 1½ miles of Teton R
  - Currently paying as high as 20 $/af for water
  - Pays as much as 18¢/KWH for Power from Utah Power & Lt
  - There is potential for power as well as a fishery.
  - More people use power than use the fishery.
  - On Fremont-Madison Irr Dist board for the years
  - Opposed to establishment of MSF.

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Public Testimony

Ted S. Sorenson Id Falls
MS in Env. Eng @ UofI
has participated in development of 5 hydropower projects
Read into record his letter in the file
- four transects are inadequate for the 8 mile reac
- Transects need to be conducted at Cascade area
- Fish pop studies have not been conducted in th Cascade area. This needs to be done.

Bryant Christensen St Anthony
- USFS Employee - Targhee Natl Forest
- Warm River has been identified for special urgent
- Possible to include in natl wild & scenic river system
- Interested in 21-7355 (within USFS boundaries)
- Considered to be a high quality fishery
- Warm River campground - 37,000 + visitor days in 198
- See no conflicts with grading the MSF & the natl Forest Service plan.
- Plan to study for wild & scenic river status in 1987

Mike Lawson - St. Anthony
- Personal statement
- Lifetime resident - taught school in St. Anthony for 6 years
- has had a fishing tackle busines for 6 years
- Would like to see the MSF approved
- Believes the stream has economic benefit
- hires 13 people each summer for guiding
- Easy to catch fish on Warm R.
- Possible to catch 4 species on the river (unique)

Tape 4

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Lawson (cont)
- Benefits tackle shop sales - locals use the lower part
- Always fishable because it is spring-fed
- Supports the main Henrys fork in the lower reach
- Browns have improved the fishery
- Saw large Browns spawning in Warm R. (from Henrys Fork)
- Cascade area - very popular area for guides. Use weighted flies & have a lot of success in the deep pools. Believes the trout move back & forth across the cascade.
- Economics would show that the streams are much more valuable for tourism than for power.

Dale Swenson - St. Anthony
- On behalf of Freemont - Madison Irr Dist Represents ~2000 waterusers
- Opposed to min flow app
- Supports Sorenson statement
- No need for MSF with other regs in place

X exam (Rydalch) are you against the whole concept of MSF's? Y
(Goddard) No irrigable land along the [illegible]

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Ronald Heck - Pinehaven
- guides in the area for 9 years
- is an excellent fishery including in the Cascade area

Heck (cont)
- Concerned about nitrogen added to the stream by a power dam

Harold Roberts — Id Falls
- Reps trout unlimited in Id Falls
- 100% behind IDFG
- Guide for 15 years - fishes each year on Warm River
- Beautiful every year - fishes several times each year
- Fished for 15 years on Warm River
- Tourists spend much money to fish here

Record left open for 15 days

Make copy of Exhibits for IDFG

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JAN 05 1989

List of Exhibits

IDWR		Admitted
#1		✓
#2		✓
#3		✓
#4		✓
#5		✓
#6		✓
~~#7~~		~~✓~~

Id Dept of F & G		
#1	Fishery Researcher Job Perf Rpt F-73-R-6	✓
2	Fishery Research Job Perf Rpt F-73-R-7	✓
3	Creel Census on Warm R., 1984	✓
4	Slides of Fall River	✓
5		✓
6		✓
7		✓
8		✓
9		✓
10		✓
11	Slide of Snorkle population results (ag	✓
12	P. 33 of Fishery	
13	P. 34 of	
14	Qualifications of Tim Cochnauer	✓
15	Stream Flow Investigations	✓
16	Rearing Flow Curve for Warm River	✓ (As part of

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Notes - Bob Fleenor, Hearing Officer

Application - Instream Flow
21-7285 - ½ mile
21-7355
Applicant Idaho Water Resource Board - Gene Gray - Chairman - Dave Rydalich - member
Appl Requested be Fish and Game
Steve Goddard - Attorney

Leigh Cantrell - full party - Water Users Board -

June 19, 1981 priority → 21-7285

No water rights are diverted within the lower reach -
Q below minimum flow only 2 day during 21 years of record -

Exhibit Admitted into the record -

Dave Rydalch -
-June 18, 1981 - F&G requested the flow -
-
Minimun

Goddard -
1st Witness Tim Coach
- Principle Fisheries Biologist -
- ~~BS~~ MS / Phd - U of Oak / U of I -
- Member - American Fisheries Society, etc.

F & Game Exhibit No 14 - Admitted -

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F&Game found - Rambow, Brook trout and white fish -
Selected shallow food producing area -
4 Transects established —

F&G Exhibit #15 — Admitted — Warm River Portion marked with
Pages { 2, 4, 5, 6, methodology
20, graph

Rearing Curve -
Page 80 graph — figure 31 —

Exhibit #16 — previously admitted as part of Exhibit 15
CM/sec to CFS = 35.
4 Cm/sec = 141 cfs
Ideal flow would be about 200 cfs opinion —
Determined that 141 is the minimum amount of flow necessary
to protect existing values
X-exam —

F&G 2nd Witness - Jody Brostrom
Bozeman Montana
Snorkaling — Counting — fish on Warm River
BS.. U. of I - Fishery and Wildlife →
→ F&G Exhibit #1 Admitted - Warm River - Pages marked with clips —
Pages
→ Exhibit #2 - Admitted —
Region 6 of Dept F&G
→ Exhibit #3 - Map of Area — Admitted
Number — Sections used in creel census —

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Exhibit #4 — Admitted →

Slides —

4 Warm River Springs —
5 Directly below the springs —
6 ½ mile downstream
7 3 mile downstream
8 Cascade area
9 Downstream of Cascade
10 Pool area
Creel section 1 on Exhibit 3

Resident Fish — Rainbow, Brown, Brook,

F&G Exhibit #11 —
Population — Admitted —
Dept F&G Catch rate goal = 1.0 fish
~~Catch~~ Angler Hours may be low due to road construction —
Other recreation
X-exam →
X-exam →

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3rd Witness — Steve Elle — IF
Region Fisheries Manager Region 6 —
→ May 1984 — began —
B.S. & M.S. — 2 years research on Teton River —
Member → A.F.S.
→ Warm River support intermediate angler effort —
2000 angler hours — in the reach —

Fishery exceeding 1.1 fish per hr. goal —
Brown and Rainbow from Henry's Fork use Warm River for spawning —
150 to 160 Redds ~~per~~ per Kilometer in Warm River —

End of Tape

Access is good for fishing — to lower end — More difficult upper end
Opinion — must have 141 cfs to maintain viable fishery —
Cover is important —
Opinion — " " " " to maintain aquatic life —
" " " " " " " aesthetic beauty —
" " " " " " " water quality

Roll Party

→ Leigh W Chantrill — Idaho Water Users Association Board member —
- Testimony — Statement — Appreciates water —
- Position ? —
- Objects to Min Flow — water may be needed by future generation.
- This is a water short area —
- Fisherman — has fished Warm River some —
- Familiar with the area and water problems —
-

→ Ted Sorenson — ~~BS~~ Civil E M.S. U of I —
- Hydro daveleloper —
- Read letter previously sent to us —
- What is the value of hydro sites —
- Other studies — e.g. Dept Commerce —
- Comments about F&G studies —
Transects are inadequate for 8 miles of stream —

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Fish population —

X-exam

Done ~~none~~ no min flow on Warm River —

" no economic studies —

[redacted]

Byrant-Christensen — U.S Forest Service

Warm River - 21-735I ~~is~~ within USFS bourdry —

Warm River may be included in Wild & Senic River System —

Campground had visitors — testimony

Habitat - Bald Eagles —

See no conflict —

Mike Lawsen - St. Anthony - Resident all life - B.S. education -

Fish ~~Earth~~ Guide

Tackle business since 1977

In favor of minimum flow —

Increases sales of fishing equipment

River is always fishable —

Brown Trout introduced 6 or 7 years ago - Brown trout spawning in Warm River have been observed.

Cascade Area - There are many trout in the pools in the cascade

Questions whether hydro is highest economical use.

Dale Swenson —

Fremont Madison Irrigation Water District

- Opposed to min flow application -

X-exam -

Against concept of minimum flow -

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Ronald Heck –

Guide ~~for~~ fisherman – for 9 years

Fish the cascade area –

~~By~~passing Cascade would decrease oxygen in the stream –

X-exam –

~~People~~

~~Ro~~

Harold Roberts

Trout Unlimited – Idaho Falls Chapter –

– In favor of minimum flow

– Guided on Warm River Twice

– Fishes there personally – Fly fisherman for 56 years

–

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MFS NOTES

- Be Sworn

- Name - David R. Tuthill, Jr.

- Address - 4639 Cochees, Boise, ID

- Employed by the Idaho Department of Water Resources

- The position in which I am now acting is Supervisor, Water Allocation Section. I held this position for 5 years and recently assumed the duties of another position in the Department. I have been employed by the Department for more than 9 years. I am registered as a Professional Engineer in Idaho.

  My statement will include:

  1) A chronology of Department activities to date with respect to the application.

  2) Information on existing water rights and hydrology that the Director may use in his action on the application.

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HEARING NOTES - Water Resource Board Member

- The request for a minimum stream flow in Warm River was submitted to the Idaho Water Resource Board by the Id Dept of Fish and Game.
- On June 19, 1981 the Board reviewed the request, with the intent that any minimum stream flow water right:

    1) Would not interfere with any vested water right, permit, or water right application;

    2) Is in the public, rather than private interest;

    3) Is necessary for the preservation of fish & wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation or water quality of the stream;

    4) Is the minimum flow and not the ideal flow; and,

    5) Is capable of being maintained.

- Although full information about these factors was not available at the Board meeting, Warm River appeared to be a worthy MSF candidate on first review. The Board opted to file the application with the IDWR, and to view the matter more closely in a public information meeting. Therefore, the Board filed the application on June 19, 1981.
- An informal public meeting was held on Sept 26, 1984, in St. Anthony. Based on public input received at this meeting ~~and afterward, the Board adopted a resolution on requesting the Director to proceed with administrative actions on the application. In addition, the Board filed a second application~~ the Board decided to file an additional application to provide for a minimum stream flow in the eight mile reach upstream from the original filing. This additional application was filed on September 27, 1984.

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- In a resolution dated November 2, 1984, the Board requested the Director of the IDWR to proceed with ~~administrative~~ processing of both minimum stream flow applications on Warm River, with the stipulation that the minimum flow applications are subordinated to the Warm River dam site as indicated in the State Water Plan.

MSF Hearing on Warm River, 21-7355 & 21-7283

Notes by D. Tuthill

- Minimum stream flow application for permit No. 21-7283 was filed by the Idaho Water Resource Board with the Idaho Department of Water Resources on June 19, 1981. The application was published in the Ashton Herald, and copies of the application were sent to interested State agencies.

- Subsequently the Board conducted a public meeting on Sept 26, 1984.
- In response to the public meeting held by the IWRB ~~on Sept 26, 1984~~ to solicit public response to the application, a total of 9 letters were received, all of which were in favor of the application being approved.

- Based on information received at the public meeting the Board decided at a meeting dated September 27, 1984 to file an additional MSF application on Warm River, to extend the reach by about 8 additional miles. This application was assigned number 21-7355 by the Department and was subsequently distributed to other state agencies and advertised.

Check →

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- A hearing on both MSF applications on Warm River was originally scheduled by the Department to be held in November 1984. However, the Swan Falls issue prompted a series of emergency meetings by the Board so the Board requested that the hearing be delayed.

Notes by D. Fuhrill, cont.

- The hearing scheduled for today was announced in the following ways
  - Formal notice was published in the legal notices of the following newspapers on 10/17 & 10/24
    - Post Register
    - Ashton Herald
    - Fremont Co. Chronicle
    - Idaho Statesman
    - Lewiston Morning Tribune
    - Times-News
  - News release was distributed to the media in Eastern Idaho
  - Letters were sent to
    - Riparian landowners
    - Waterusers that divert within the MSF reach
    - Attendees of public meeting
    - Legislators
    - Any other known interested parties

- Letters in favor were received from
  1. Bruce A. Staples
  2.

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- Letters Opposed were received from:
  1. Ted S. Sorenson
  2.

2) Present seven staff exhibits.

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

September 7, 1984

M E M O

TO: Dave Tuthill, Water Allocation Section

FROM: Bill Ondrechen, Hydrology Section

SUBJECT: Instream Flow Applications
Falls River (21-7281)
Bitch Creek (22-7370)
Teton River (22-7369)
Warm River (21-7283)

Falls River

Streamflows in the reach described in the application are very well defined by the Falls River near Chester gaging station (USGS Number 13049500). The gaging site is located near the lower end of the reach, 0.8 miles upstream from the mouth. Figure 1, a plot of two summary hydrographs, illustrates the flow characteristics at the gaging station. After a period of fairly low and relatively constant flows from October through March, streamflows begins to increase rapidly during April in response to snowmelt. Peak flows generally occur in late May or early June, with a rapid recession leading to a period of low flow in July and early August. During this latter period irrigation diversions have their greatest effect on streamflows. As diversions decline during August and September, streamflows gradually increase to baseflow levels.

Very low flows occur in years of much below average runoff during times when irrigation diversions are high. Dry years like 1961, 1966 and 1977 all produced minimum flows in the 15 to 20 cfs range.

Flows at the gaging station should represent the smallest amount of water present in the reach: As one moves upstream past the Curr, Silkey, Chester, Fall River and Enterprise Canals, the amount of water present in the channel increases considerably. These diversions, totalling about 300 cfs, are all within three to four miles above the gaging station.

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A flow duration analysis for the same period as that used for the plots in Figure 1 reveals that the proposed instream flow of 140 cfs is available about 91 percent of the time on an annual basis. During the months of July and August, the percent of time the 140 cfs is available drops to 66 and 60 percent, respectively.

Bitch Creek

This tributary of the Teton River drains an 80 square mile area in Wyoming and Idaho on the west side of the Teton Range. The USGS gaging station 13054300, located just downstream from the Highway 32 crossing, was in operation during water years 1975, 1976 and 1977. Since only three years of data are available, no summary hydrograph analysis was performed. The measured mean monthly flows for the period of record are listed below:

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1975	44	35	33	30	28	27	32	182	908	665	114	54
1976	51	43	41	37	37	33	64	788	659	336	117	66
1977	50	36	31	29	27	27	84	226	264	47	38	36

Peak flows resulting from snowmelt occur during May and June, with July and August discharges gradually recessing to baseflow conditions. Some small diversions are made above the instream flow reach, but the effect on streamflow is not pronounced. Low flows during the period of record occurred in the months of November and March. The proposed instream flow of 28 cfs closely approximates the late fall and winter baseflow of the stream, with the minimum discharge of record being 24 cfs.

Teton River

The instream flow reach described in the application is from the confluence of Bitch Creek upstream 12 miles to the Highway 33 bridge. Badger Creek, a major tributary, joins the Teton a short distance upstream from the Bitch Creek confluence. Streamflow data for the reach are available at several different sites for varying periods. A gage near the lower end of the reach was operated during water years 1975-77 (Teton R. below Badger Cr. near Lamont, 13054200) and another gage (Teton R. near Tetonia, 13054000) at the upstream end was operated during the period 1941-57. The only gaging station presently in operation on the upper Teton River is the gage above South Leigh Creek near Driggs (13052200), some seven miles upstream from the highway bridge.

A summary hydrograph analysis was performed on the Teton R. near Tetonia streamflow record. This record does not reflect

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present condition flow in the reach during the irrigation season due to the installation of several large pump diversions in recent years. These diversions peak at between 40 and 90 cfs during July, but are considerably less during the other summer months. Figure 2 is a plot of average, and 90 percent exceedance discharges for the Teton River near Tetonia station. A comparison of the proposed instream flow of 106 cfs with the flow regimes in Figure 2 reveals that the winter months are the only time actual flows drop to near the instream flow level. During the 17 year period of record, discharges exceeded 106 cfs over 99.9 percent of the time. The minimum flow of record was 62 cfs in January 1943, most likely due to ice conditions resulting from the extremely low temperatures. This site was also measured twice during 1977, on June 29 and August 18, at which time the discharges were found to be 242 cfs and 159 cfs, respectively. On these same dates the Teton R. below Badger Cr. site recorded 318 cfs and 254 cfs, respectively. Table 2 lists summary hydrograph statistics for the Teton River near Tetonia station.

Warm River

Although no gaging station is presently in operation on Warm River, the record at the Warm River at Warm River gaging site (13044500) for the period 1912-32 is useful for characterizing flows in the reach. This site was located 0.5 miles above mouth of the Warm River and just above Robinson Creek. A summary hydrograph analysis was run on this record and a plot of the average and minimum of record for each day of the year is shown in Figure 3. Streamflows at this site are characterized by a large amount of baseflow, with a peak in May resulting from snowmelt runoff. Since a large proportion of the flow is groundwater discharge, much less variation is present in the daily flows compared to a more typical stream.

Low flows generally occur during the winter months, with very little variation from year to year. The discharge dropped below the 141 cfs proposed instream flow only on two days during the 21 year record. This low flow occurrence was the result of the ice jamming on tributary streams. The stream was also measured several times during 1974-75 and once during 1977. The 1977 measurement, made on June 30, was 232 cfs.

BO:cjk

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TABLE 1.

IDAHO DEPARTMENT OF WATER RESOURCES — SUMMARY HYDROGRAPH DATA

FALLS RIVER NR CHESTER — 13049500

***** MEAN DAILY FLOW BY MONTH *****

MONTH	MAXIMUM	YEAR	DAY	MINIMUM	YEAR	DAY	AVERAGE	COUNT
JAN	720.	1972	21	280.	1979	1	474.	682
FEB	660.	1962	12	334.	1978	16	462.	621
MAR	860.	1963	23	345.	1978	1	472.	682
APR	2830.	1980	30	375.	1967	2	742.	715
MAY	4890.	1976	19	370.	1967	5	2030.	992
JUN	6050.	1981	9	14.	1977	28	2083.	960
JUL	4190.	1975	4	16.	1961	14	548.	992
AUG	970.	1968	22	15.	1960	8	235.	992
SEP	879.	1983	30	30.	1966	1	315.	960
OCT	891.	1983	27	163.	1980	1	436.	682
NOV	828.	1974	13	241.	1964	2	519.	660
DEC	1200.	1965	24	350.	1962	11	519.	682

***** YEARLY FLOW DATA *****

MAXIMUM	YEAR	MINIMUM	YEAR	AVERAGE	COUNT
6050.	1981	14.	1977	785.	9620

***** MEAN MONTHLY FLOW DATA *****

MONTH	MAXIMUM	YEAR	MINIMUM	YEAR
JAN	638.	1975	352.	1962
FEB	581.	1975	357.	1978
MAR	654.	1972	410.	1978
APR	2210.	1952	431.	1967
MAY	3161.	1976	1073.	1977
JUN	3419.	1974	645.	1977
JUL	1971.	1975	28.	1960
AUG	539.	1982	57.	1963
SEP	595.	1972	57.	1960
OCT	767.	1983	240.	1964
NOV	738.	1983	350.	1964
DEC	628.	1975	372.	1962

***** MEAN ANNUAL FLOW DATA *****

MAXIMUM	YEAR	MINIMUM	YEAR
1005.	1983	505.	1977

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TABLE 2.

IDAHO DEPARTMENT OF WATER RESOURCES — SUMMARY HYDROGRAPH DATA

TETON RIVER NR TETONIA — 13054000

***** MEAN DAILY FLOW BY MONTH *****

MONTH	MAXIMUM	YEAR	DAY	MINIMUM	YEAR	DAY	AVERAGE	COUNT
JAN	360.	1946	1	62.	1943	16	211.	496
FEB	790.	1957	27	130.	1950	1	218.	452
MAR	801.	1956	26	105.	1948	5	252.	496
APR	1150.	1943	4	197.	1944	1	429.	480
MAY	1490.	1949	19	227.	1953	5	568.	496
JUN	1870.	1945	28	288.	1955	8	980.	510
JUL	1420.	1950	8	386.	1955	20	670.	496
AUG	1190.	1951	5	292.	1948	31	465.	496
SEP	686.	1945	22	266.	1942	30	367.	480
OCT	535.	1951	1	254.	1943	10	335.	496
NOV	583.	1956	22	160.	1956	16	312.	480
DEC	900.	1942	4	135.	1943	27	249.	496

***** YEARLY FLOW DATA *****

MAXIMUM	YEAR	MINIMUM	YEAR	AVERAGE	COUNT
1870.	1945	62.	1943	416.	5874

***** MEAN MONTHLY FLOW DATA *****

MONTH	MAXIMUM	YEAR	MINIMUM	YEAR
JAN	261.	1953	168.	1943
FEB	278.	1950	189.	1956
MAR	336.	1947	190.	1955
APR	746.	1943	273.	1947
MAY	902.	1949	269.	1955
JUN	1209.	1945	464.	1955
JUL	1097.	1945	424.	1955
AUG	749.	1951	362.	1955
SEP	495.	1945	291.	1953
OCT	425.	1952	266.	1943
NOV	373.	1944	249.	1953
DEC	325.	1947	198.	1945

***** MEAN ANNUAL FLOW DATA *****

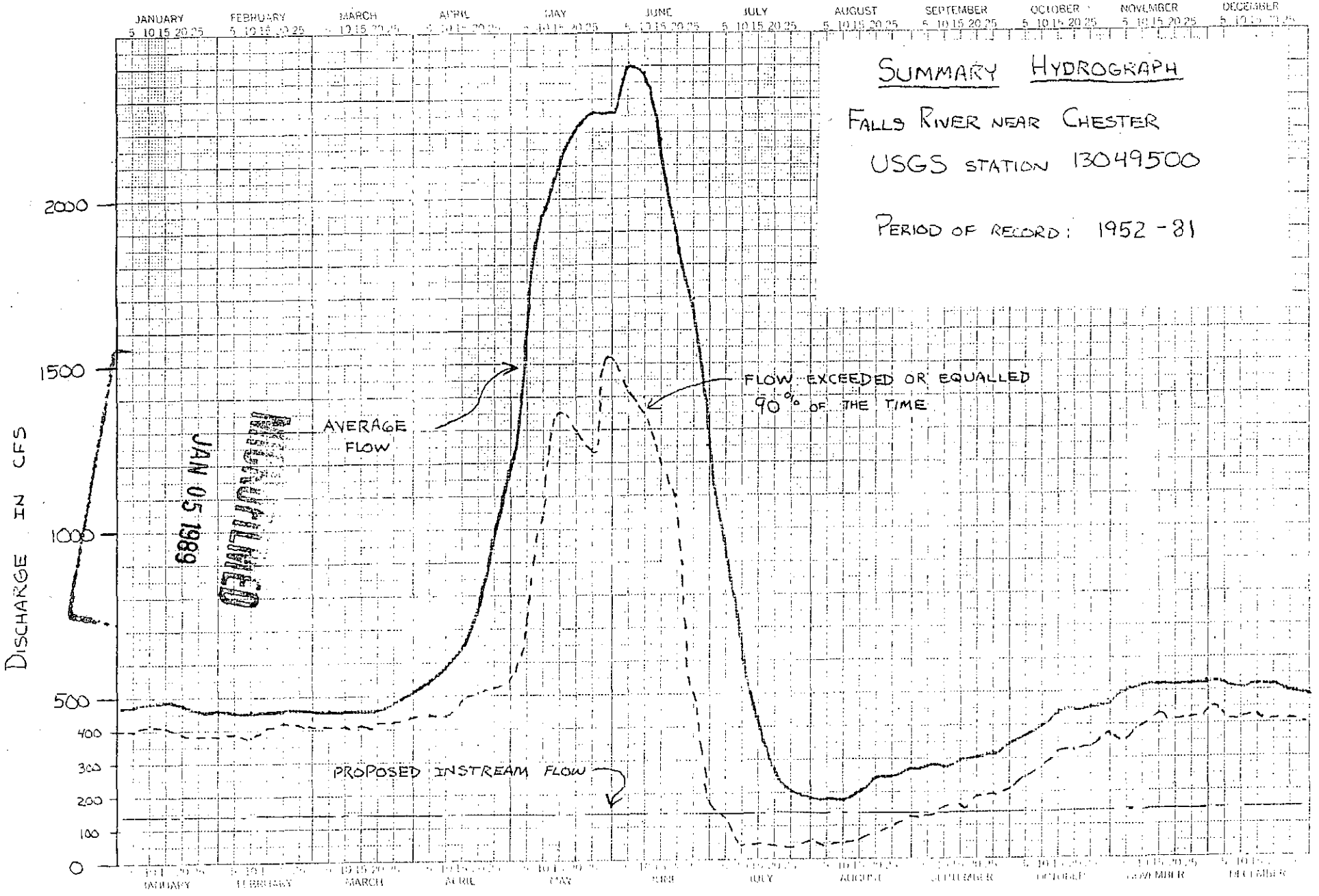
MAXIMUM	YEAR	MINIMUM	YEAR
495.	1943	295.	1955

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

46 2890

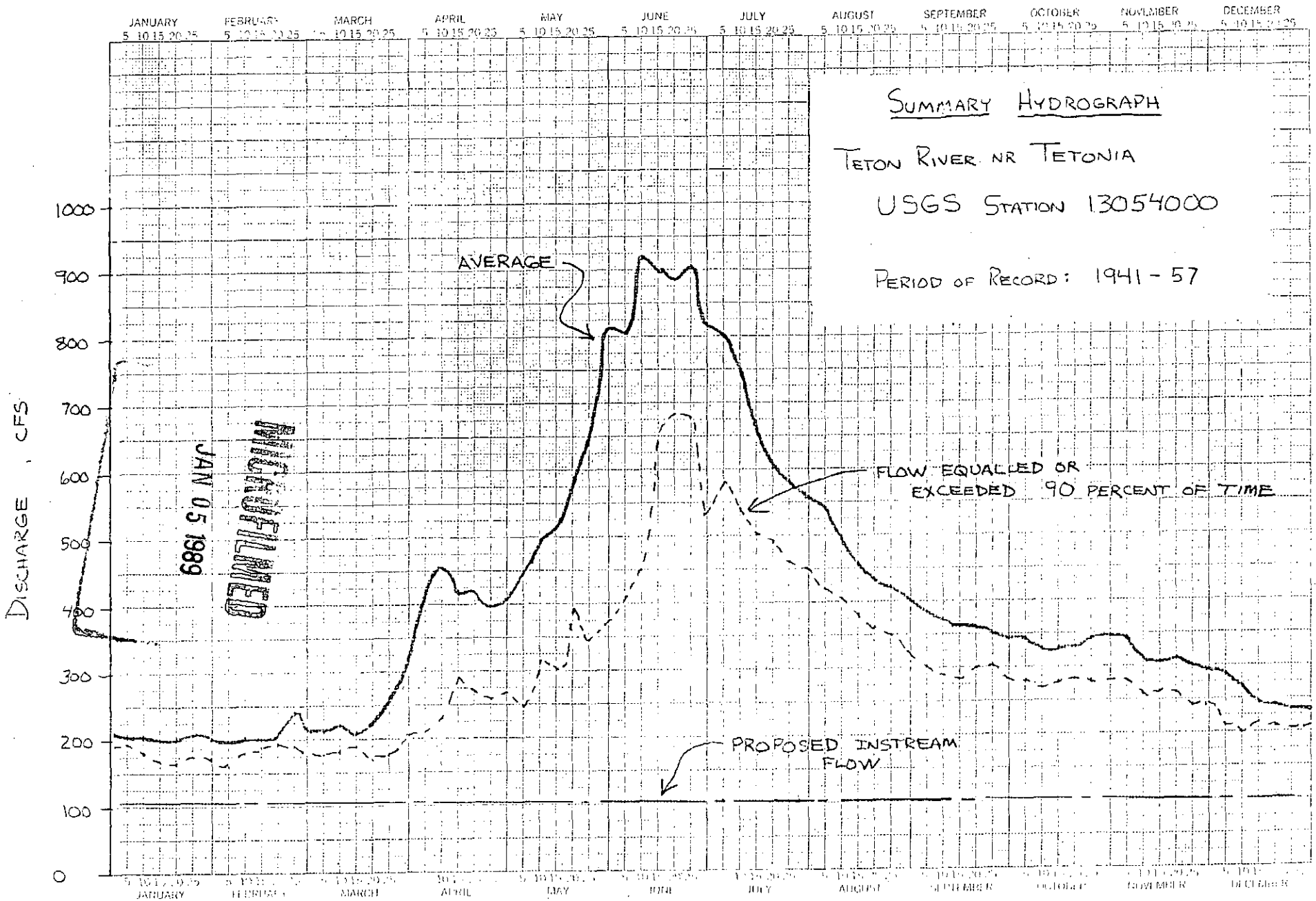
FIGURE 1.



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

46 2890

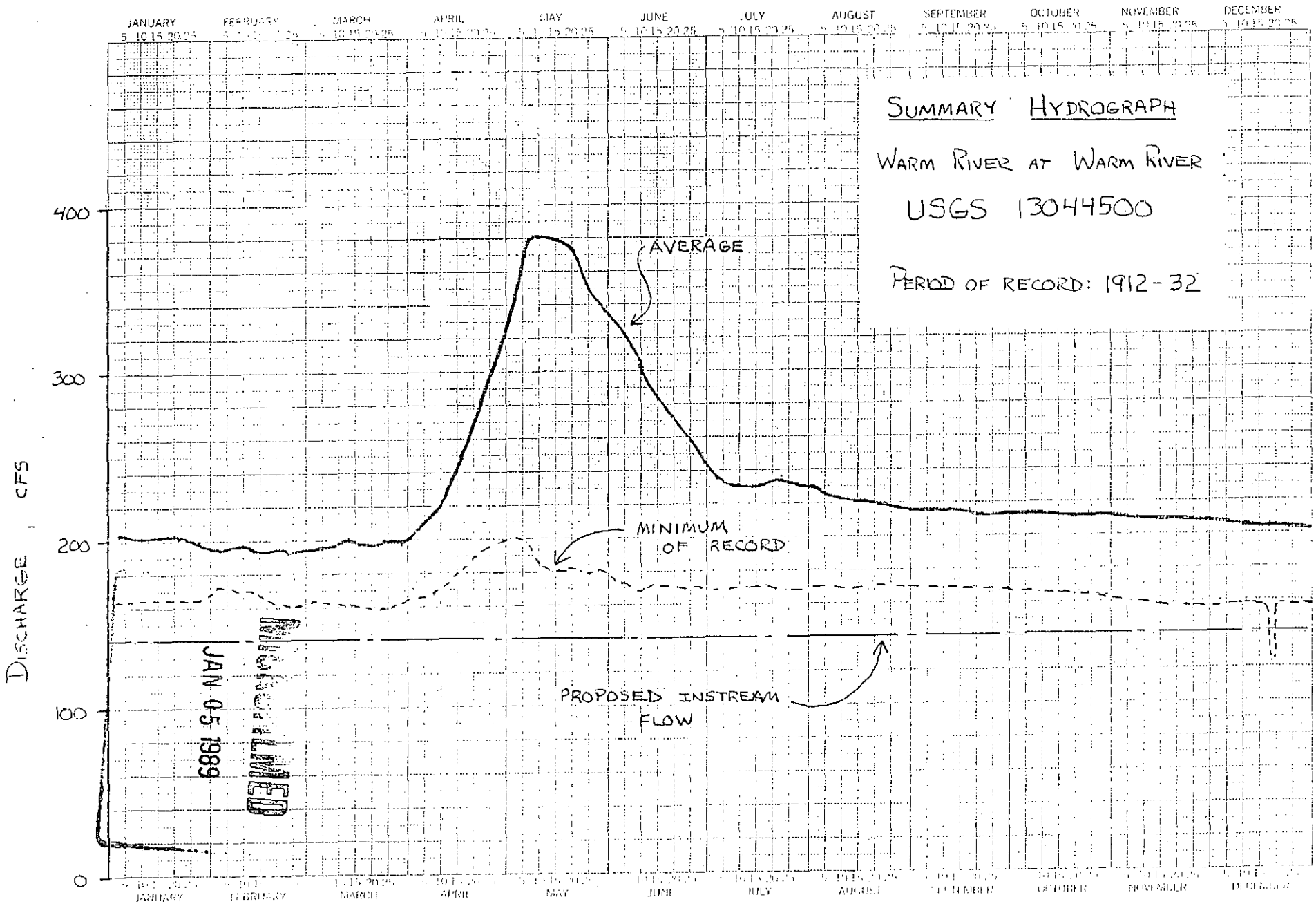
FIGURE 2.



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

46 2890

FIGURE 3.



41-0026	D	1-May-1[illegible]8	SWNE 10 10S 31E	ROCK CREEK, EAST FORK
41-0028	D	15-Jun-1883	SWSW 05 10S 31E	ROCK CREEK, EAST FORK
41-0030	D	1-Oct-1883	NENE 09 10S 31E	ROCK CREEK, EAST FORK
41-0031	D	1-Oct-1883	NENE 09 10S 31E	ROCK CREEK, EAST FORK
41-0032A	D	1-Jun-1882	SESW 05 10S 31E	ROCK CREEK, EAST FORK
41-0032B	D	1-Jun-1882	SESW 05 10S 31E	ROCK CREEK, EAST FORK
41-0033	D	1-Jun-1886	SWSW 05 10S 31E	ROCK CREEK, EAST FORK
41-0034	D	1-May-1885	SWSW 05 10S 31E	ROCK CREEK, EAST FORK
41-0035	D	10-May-1884	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-0036	D	10-May-1884	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-0038	D	10-May-1890	SWSW 04 10S 31E	ROCK CREEK, EAST FORK
41-2001	L	14-Sep-1908	NWSE 11 10S 31E	ROCK CREEK, EAST FORK
41-7059	A	16-Jun-1982	NWSE 11 10S 31E SESW 32 09S 31E	ROCK CREEK, EAST FORK ✓
41-7073	A	21-Mar-1984	NWNE 11 10S 31E NWNE 10 10S 31E	ROCK CREEK, EAST FORK ✓

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

NUMBER	STAGE	DATE	POD	SOURCE
41-7074	A	12-Sep-1984	SWSW 12 10S 31E NWNW 18 10S 32E	EAST FORK ROCK CR[illegible] ✓ MSF

SOURCE SEARCH BY WARM RIVER
PRIORITY DATE GREATER THAN OR EQUAL TO 19-JUN-1981
WITHIN BASIN 21

NUMBER	STAGE	DATE	POD	SOURCE
21-7283	A	19-Jun-1981	NWNW 13 09N 43E SWSE 18 09N 43E	WARM RIVER ✓ MSF
21-7355	A	27-Sep-1984	SWSE 12 09N 43E	WARM RIVER ✓

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SOURCE SEARCH BY TETON RIVER
PRIORITY DATE GREATER THAN OR EQUAL TO 19-JUN-1981
WITHIN BASIN 22

NUMBER	STAGE	DATE	POD	SOURCE
22-7505	A	1-Jul-1985	NWSE 03 06N 44E	TETON RIVER
22-7483	A	27-Sep-1984	SESW 34 07N 44E	TETON RIVER
22-7392	P	22-Mar-1982	SENW 10 06N 44E	TETON RIVER
22-7376	A	30-Apr-1982	SWNW 28 07N 41E	TETON RIVER

SORENSON ENGINEERING P.A.
CONSULTING ENGINEERS
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401
208-522-8069

RECEIVED
NOV 14 1985
Department of Water Resources

November 12, 1985

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83701

SUBJECT: APPLICATION FOR MINIMUM STREAM FLOW #22-7369 Teton River
ALSO APPLICATION #21-7283 Warm River

Dear Sir,

This letter is written pursuant to a notice in the Post Register of an application for minimum stream flow for protection of fishery habitat.

The granting of any water right in the State of Idaho, as I understand, must be pursuant to the public interest. It is my fear that the granting of the minimum stream flow for a fishery habitat without sufficient study would not be in the public interest.

For example:

1) What is the value in the particular reaches of the fishery in terms of e onomic and social values?

2) What is the value of the potential hydro sites within the particular reach in terms of energy produced, jobs created, and additions to the tax base on a long-term basis?

3) In many cases good hydro sites are not good fish habitat sites. Good hydro sites within these reaches studied specifically with respect to fishery habitat and, in fact, a good fishery habitat is not treatened by inclusion of a hydro site on certain reaches.

4) Lastly, and most importantly, by granting a minimum stream flow, are we closing off our options for the future? Some may argue that a minimum flow is needed to protect the stream from unscrupulous hydro developers. This is not true. The process required of a developer to obtain a State Water Right and Federal Energy Regulatory Commission Permit, mandates detailed consideration and compliance with environmental agencies. If the project is not environmentally benign and can not provide ample mitigation, the necessary permits will not be issued.

It is my opinion that just as a hydro site needs to pass the scrutiny of careful study before implementation, so should a minimum stream flow. If the Department wishes to pursue a minimum stream flow, extensive studies should be conducted by the Fish & Game and other interested agencies for presentation to the public for review. I have not seen any studies to the effect to date. I feel and recommend strongly that you do same.

Very truly yours,

Ted S. Sorenson, P.E.

JAN

TSS:lc

cc: Stan Hawkins
Vern Ravenscroft, Consulting Associates

291 Dale Drive
Idaho Falls, ID 83402
November 15, 1985

Mr. David R. Tuthill, Jr.
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Tuthill:

Because I cannot attend the Department of Water Resources hearings on minimum stream flow applications by the Department of Fish and Game for reaches of Bitch Creek (Water Right No. 22-7370), Teton River (Water Right No. 22-7369) and Warm River (Water Right No. 21-7183 and 21-7355) I submit the following written comments to your office.

The reaches of the three streams for which applications have been filed are high quality spawning and rearing habitat for various species of trout, perhaps our states' most important game fish. The existence and continued high quality of cold water fisheries in our state is an increasingly important consideration of public interest as more sportsmen within and from outside our state enjoy this resource. It is thus a far-sighted action to reserve unallocated instream flows to maintain this resource on as broad a scale as possible, particularly when Idaho holds much of the reduced amount of high quality cold water fisheries left in the conterminous United States.

I therefore urge your office to approve these applications as beneficial to people of the state and to submit them as such to the next regular session of the Idaho Legislature.

Very truly yours,

Bruce A. Staples

Bruce A. Staples

BAS:cs

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Department of Water Resources
Western Regional Office

Dave Tuthill

day's Storage 1,823,150 ac. ft.
stem Is 44 % Filled
2/12/80 E.M.C.

m spring runoff. The total system is 44 percent
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Rush in Idaho Falls, is the new Leadership Idaho Agriculture project.

The state will be sponsoring a new statewide leadership program aimed at developing leadership talents of those involved in agriculture.

It will start in December and involve 40 participants over a five-month period. They will attend five three-day seminars, one each month. The workshops and forums will concentrate on agricultural economics, marketing, government and public policy.

The seminars will be held in Moscow, Boise and Idaho Falls.

"The greatest agricultural resource we have in Idaho is mind power," said Rush, at the Idaho Falls news conference.

"If we ignore the tremendous potential of our thinking and leading, then the other abundant resources we have cannot be fully utilized," he said.

Rush said the program is loosely patterned after other training programs, such as those conducted by chambers of commerce. Potential candidates are farmers and ranchers, members of agricultural boards and commissions and people who work in financing, marketing and processing.

Public hearings scheduled on proposed stream flows

BOISE – The Idaho Department of Water Resources has scheduled a public hearing at 9:30 a.m. next Wednesday at the Fremont County Courthouse in St. Anthony to discuss two proposed minimum stream flows on Warm River.

The first proposed minimum stream flow, filed by the Idaho Falls Resource Board on June 19, 1981, at the request of the Idaho Department of Fish and Game, is for 141 cubic feet per second. The reach of the stream involved is from the confluence with the Henry's Fork upstream about half a mile to State Highway 47, a news release from the department says.

The second proposed minimum stream flow on Warm River and filed by the IWRB on Sept. 27, 1984, at the request of the Department of Fish and Game. Also for 141 cfs, the proposed minimum stream flow covers the reach of the river from State Highway 47 upstream to Warm River Springs.

Both were filed to maintain the high quality of the fisheries and the spawning and rearing habitat, according to A. Kenneth Dunn, IDWR director.

The department has also scheduled a hearing on two proposed minimum stream flows on the Teton River and Bitch Creek at 9:30 a.m. on Nov. 21 in the Teton County Courthouse in Driggs.

Filed by the board on June 19, 1981, at the request of the Department of Fish and Game, the proposed minimum stream flow for 106 cubic feet per second on the Teton River would include about nine miles of stream. The reach begins in the NWNE, Section 20, Township 7N, Range 44E, upstream to State Highway 33. The purpose of the filing, is to maintain trout habitat, the news release says.

The second proposed minimum stream flow, 28 cfs in Bitch Creek, was also filed by the water resource board at the request of the Fish and Game Department on June 19, 1981. The reach of the creek involved is from the NWNE of Section 20, Township 7N, Range 44E, upstream about six miles to State Highway 32. Its purpose is to maintain spawning and rearing of game fish.

Anyone wishing to comment on these proposed minimum stream flows is encouraged to attend the hearings.

JAN 05 1989

Michigan woman wins car in 69-hour endurance contest

By The Associated Press

KALAMAZOO, Mich. – Tracy Miller had a long overdue appointment with her bed after staying awake 69 hours in a battle with 13 others for a 1985 Buick that was quite literally up for grabs.

The rules of the contest sponsored by a Coldwater radio station were simple: The last contestant to be awake and keep a hand on the car, without the help of tape or glue, wins the maroon Somerset.

Fourteen contestants chosen by WNWN Radio started the endurance contest on a Friday with smiles and a lot of ribbing. By 11:30 a.m. the following Monday, only Miller and Laura Waltz, 24, of Sturgis, Mich., were still hanging on.

Five hours and eight minutes later, Waltz succumbed. She dozed off and subconsciously scratched her nose, removing her hand from the car.

Miller, 32, of Battle Creek, Mich., says she celebrated with a long nap.

TETON TRAVEL PRESENTS

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

F. N. DAVIS
SENIOR VICE PRESIDENT
ENGINEERING AND CONSTRUCTION
(801) 535-2434

November 18, 1982

DEC 10 1982
Eastern District Office

Idaho Department of Water Resources
450 West State Street
Boise, Idaho 83720

Re: Application 21-7268

Dear Sir or Madam,

Utah Power & Light is hereby withdrawing its above-referenced Application to Appropriate Water for the Warm River hydroelectric project. Thank you for your attention to this matter.

Very truly yours,

Frank N. Davis

FND:JLW:sca

cc: Ernest Carlsen

MICROFILMED
JAN 05 1983

Form 202
3/78

Ident. No. 21 7288

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Utah Power & Light Company Phone (801) 535-2174

Post office address P. O. Box 899, Salt Lake City, Utah 84110

2. Source of water supply Warm River which is a tributary of Henry's Fork

3. Location of point of diversion is SE ¼ of NE ¼ of Section 29 Township 10 N.

Range 44 E. B.M. Fremont County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

Amount 250 cfs (cfs or acre-feet per annum) for power purposes from Jan. 1 to Dec. 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

a. 250 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion dam, intake structure, 5750 feet of 66-inch steel pipeline

b. Height of storage dam 10 feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: concrete and steel

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

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

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

MICROFILMED

JAN 05 1989

8. Description of proposed uses:

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

(1) Give the place of use of water: NW ¼ of SE ¼ of Section 32 Township 10 N.

Range 44 E. B.M.

(2) Amount of power to be generated: 7200 horsepower under 300 feet of head.

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

_____

_____ municipality to be served _____, or number of families to be

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

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion U. S. Forest Service

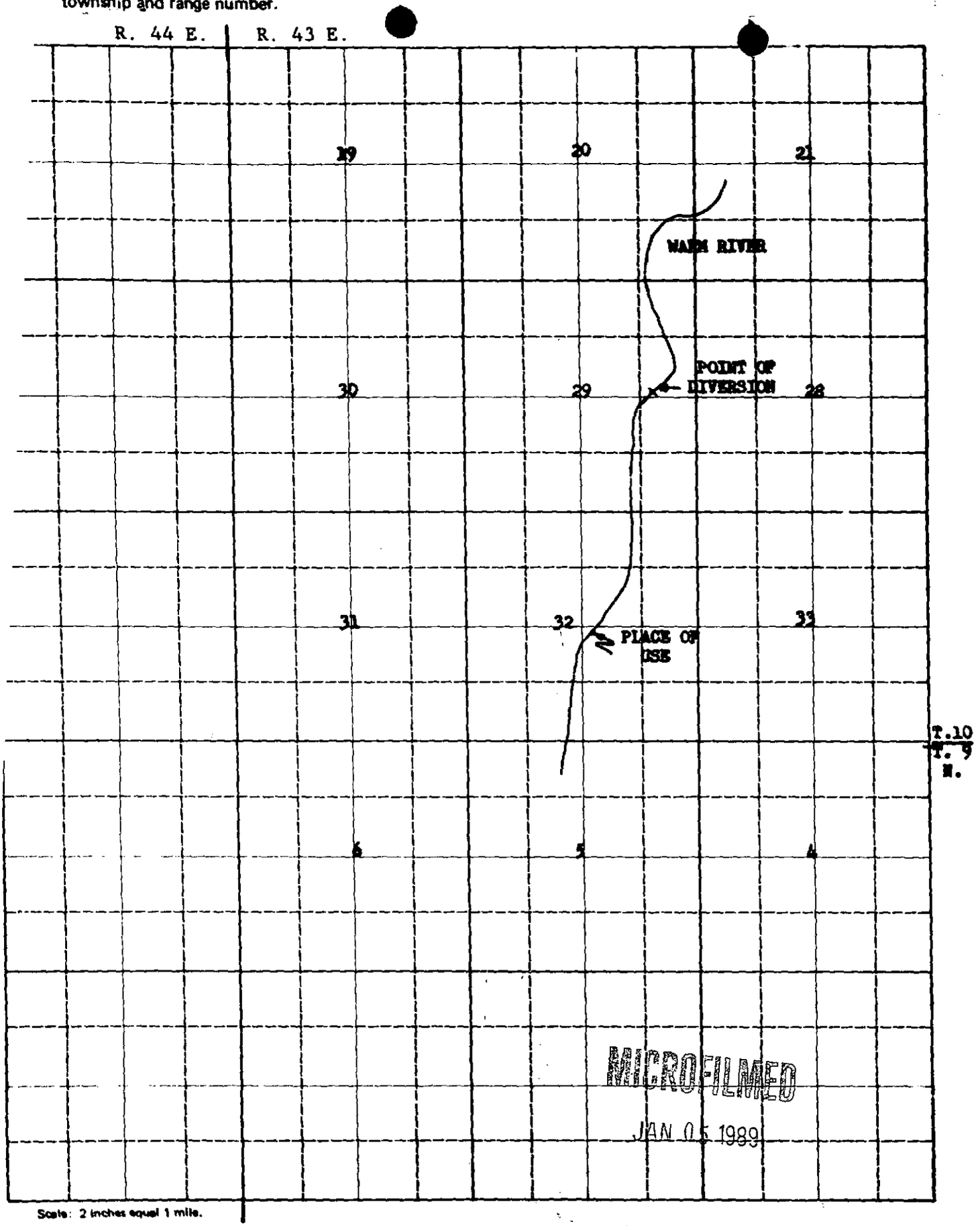
b. Who owns the land to be irrigated or place of use U. S. Forest Service

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

10. Remarks Land for the proposed hydro plant development will be acquired by the applicant pursuant to U. S. Forest Service requirements.

MICROFILMED
JAN 05 1989

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



Scale: 2 inches equal 1 mile.

MICRO-FILMED
JAN 05 1989

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

Received by Le. Date 12-22-81 Time 8:30 A.M.

Preliminary check by [illegible] Fee $ 12.25

Receipted by [illegible] Date 12-23-81 # 21425

Publication prepared by [illegible] Date 1-20-82

Published in Ashton Herald

Publication dates Jan 14 & 21-1982

Publication approved _____ Date _____

Protests filed by: CH_2M Hill for Fall River Rural Electric Coop

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

   d. Other: _____

MICROFILMED
JAN 05 1989

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

FALL RIVER
Rural Electric Cooperative, Inc.

714 MAIN STREET • P. O. BOX AE • ASHTON, IDAHO 83420 • (208) 652-7431

December 11, 1984

RECEIVED
JUN 13 1985
Department of Water Resources
Eastern District Office

Ernest Carlson
Assistant Regional Supervisor
State of Idaho, Department of Water Resources
Idaho Falls, Idaho 83401

Re: Application 21-7277, seeking a permit to appropriate water from Warm River for hydro electric generation.

Dear Ernest:

As indicated in our letter of November 19, 1984, to FERC, Fall River Electric has relinquished its preliminary permit to investigate hydro power production on Warm River.

As a result, we would request that the application for water right #21-7277, filed by Fall River Electric, be withdrawn.

We certainly appreciate your efforts on these issues.

Sincerely yours,

C. L. Dawsey
Assistant Manager

CLD:lb

MICROFILMED
JAN 05 1989

MICROFILMED

6/21/85

Form 202
3/78

Ident. No. 21 7277

Withdrawn
6/13/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Fall River Rural Electric Cooperative, Inc. Phone 208-652-7431

Post office address P.O. Box 617, Ashton Idaho 83420

2. Source of water supply Warm River which is a tributary of Henry's Fork River

3. Location of point of diversion is NE ¼ of SE ¼ of Section 29 Township 10N

Range 44E B.M. Fremont County, additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 300 (cfs or acre-feet per annum) for Power Product purposes from January 1 to December 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

a. 300 c.f.s. cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. SEE ATTACHED DESCRIPTION

b. Height of ~~storage dam~~ Diversion 30 feet, active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet, materials used in storage dam: Concrete

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

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

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

8. Description of proposed uses: SEE ATTACHED DESCRIPTION

a. If water is not for irrigation:

(1) Give the place of use of water: SW ¼ of NE ¼ of Section 32 Township 10N

Range 44E B.M.

(2) Amount of power to be generated: 6012 horsepower under 200 feet of head.

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

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

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

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JAN 05 1989
MICROFILMED

Description of #8: and #6a

The generation project will divert run of river water via a diversion structure located on the Warm River. Further description of the point of diversion is as follows, SW ¼, NE ¼, SE ¼ of Section 29, Township 10N, Range 44E, B.M.

From this point of diversion, the water would be contained in a steel conduit following the abandoned railroad tracks to a point where it will drop to the canyon floor and return to the Warm River through the powerhouse. This point of termination is further described as follows: The NE ¼, SW ¼, NE ¼, Section 32, Township 10N, Range 44E, B.M.

The proposed facility will have a capacity of 4.5 megawatts, operating under a gross head of approximately 200-feet. Annual power production appears to be about 25,000 megawatt hours per year.

Output from this project will be added to the Bonneville Power Pool under the Northwest Public Power Planning and Conservation Act or to the Pool of the Northwest Generating Company to be used by Fall River Rural Electric Cooperative, Inc. upon the Cooperative future needs.

MICROFILMED

JAN 05 1989

MICROFILMED

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

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 NA

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

9. a. Who owns the property at the point of diversion United States Forest Service

b. Who owns the land to be irrigated or place of use United States Forest Service

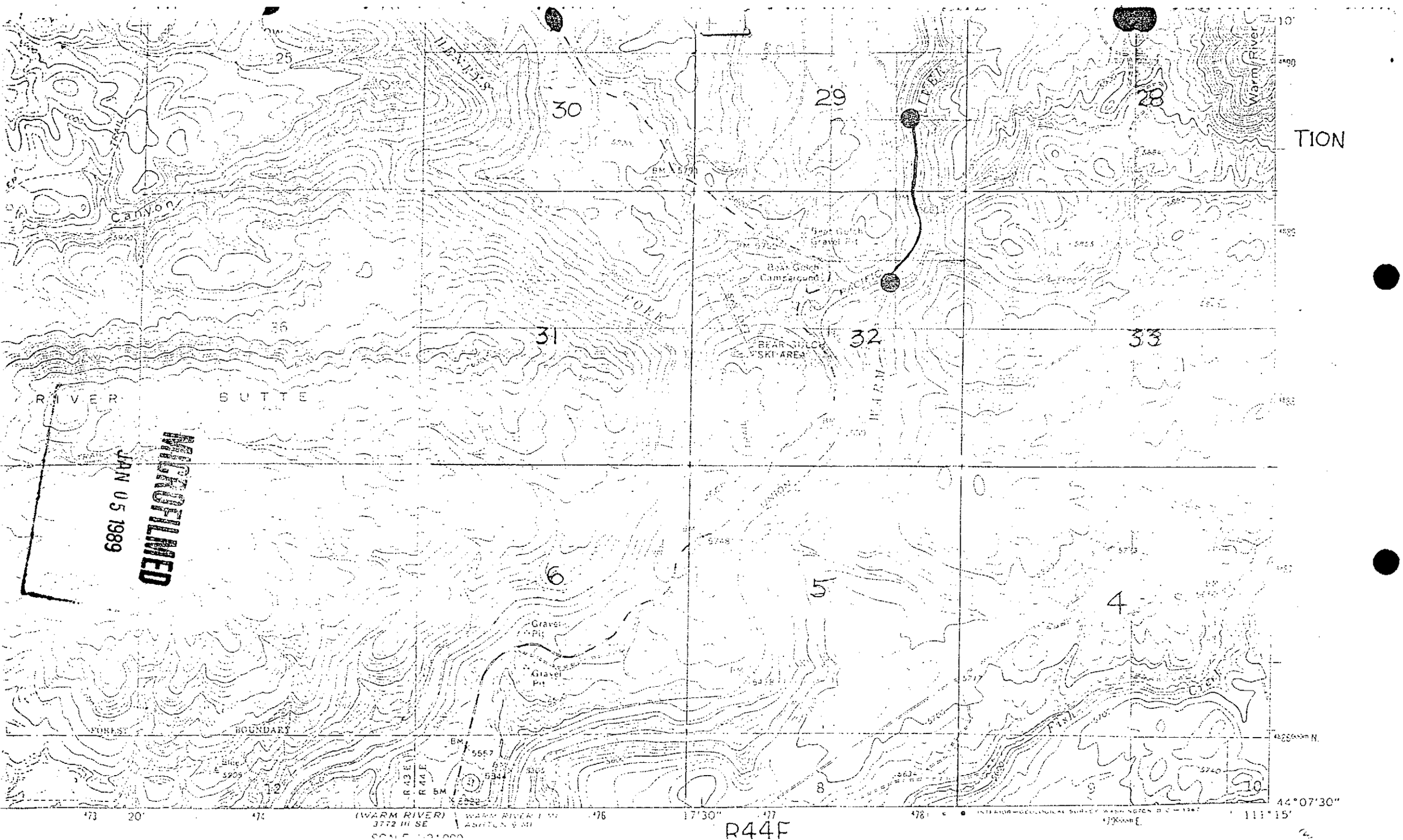
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Fall River Rural Electric Cooperative Inc, is the power supplier to this area. Fall River REC will be making application to the USFS Ashton District, for a "Long term special use permit" to cover project plans upon the proposed ste.

10. Remarks

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JAN 05 1989

MICROFILMED


TION
Canyon
RIVER
BUTTE
FOREST BOUNDARY
Bear Gulch Campground
BEAR GULCH SKI AREA
Gravel Pit
Gravel Pit
Gravel Pit
Warm River
Fish Creek
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WARM RIVER
ASHTON S.W.
SCALE 1:24000
INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.
JAN 05 1989
MAP UPDATED

Received by JK Date 18 MARCH 81 Time 2 PM

Preliminary check by _____ Fee $ $2,225.00

Receipted by kw Date 3/18/1981 #19109

Publication prepared by kw Date 3/27/81

Published in Ashton Herald

Publication dates 4/02 & 4/09/81

Publication approved kw Date 4/20/81

Protests filed by: U.S. Forest Service.
Fish & Game

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

   d. Other:

MICROFILMED

JAN 05 1989

MICROFILMED

RECEIVED
NOV 1 1985
Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
WILLIAM B. DILLON, III
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

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

October 31, 1985

Department of Water Resources
Statehouse
Boise, ID 83720

Re: Minimum Stream Flow Hearings: Big Wood River
East Fork Rock Creek
Warm River
Bitch Creek
Teton River

Gentlemen:

Please be advised that the Idaho Department of Fish and Game wishes to appear, present testimony and cross-examine witnesses at the minimum stream flow hearings set for the above-mentioned streams during the month of November.

Thank you.

Sincerely,

William B. Dillon, III
Deputy Attorney General
Idaho Dept. of Fish and Game

WBD:tlv

cc: Regions 4, 5 and 6

MICROFILMED
JAN 05 1989

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

RECEIVED
NOV 14 1985
Department of Water Resources
Western Regional Office

November 8, 1985

Re: Minimum Stream Flow Applications on Warm River

Dear Interested Party:

The Idaho Department of Water Resources will be holding a hearing on two minimum stream flow applications on reaches of Warm River. According to our records, you have shown an interest in one or both of these minimum stream flow applications.

Information describing the applications and the time and place of the hearing is shown on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum stream flow procedure.

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 14, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

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

ls

Enclosures

MICROFILMED
JAN 05 1989

Dear Sir:

I will appreciate the opportunity to participate at the hearings in St. Anthony + Driggs —

Thanks —

J. Leigh Chantrill

Newdale, Id.

MICROFILMED
JAN 05 1989

On November 8, 1985 copies of the attached letters and materials were sent to the legislators, property owners, waterusers and interested parties identified on the attached mailing labels.

Linda D. Smith

LINDA D. SMITH

MICROFILMED
JAN 05 1989

MINIMUM STREAM FLOW

Fact Sheet

Water Right No.: 21-7283

Source: Warm River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: 141 cfs

Location: NW¼NW¼, Sec. 13, Township 9N, Range 43E, upstream about ½ mile to State Highway 47 in the SW¼SE¼, Sec. 12, Township 9N, Range 43E, B.M., Fremont County

Purpose: To maintain high quality fisheries and spawning and rearing habitat

Hearing: Wednesday, November 20, 1985, in the Fremont County Courthouse in St. Anthony, 9:30 am.

Water Right No.: 21-7355

Source: Warm River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: September 27, 1984

Rate of Flow: 141 cfs

Location: From the SW¼SE¼, Sec. 12, Township 9N, Range 43E, Fremont County, upstream to the NW¼SW¼, Sec. 10, Township 10N, Range 44E, B.M., Fremont County.

Purpose: To maintain high quality fisheries and spawning and rearing habitat within the defined reach, from State Highway 47 upstream to Warm River Springs.

Hearing: Wednesday, November 20, 1985, Fremont County Courthouse in St. Anthony, 9:30 am.

JAN 10 1989

Waterusers - Warm River
MSF - 21-7355 and 21-7283

Harry J. Lewis
Box 593
Ashton, ID 83420

Fall River Rural Electric Coop.
P.O. Box 617
Ashton, ID 83420

MICROFILMED
JAN 05 1989

November 8, 1985

Re: Minimum Stream Flow Applications on Warm River

Dear Wateruser:

The Idaho Department of Water Resources will be holding a hearing on two minimum stream flow applications on reaches of Warm River. According to the records of this Department, you have a water right for which the point of diversion is located in or near one or both of the proposed minimum stream flow reaches.

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 stream flow procedure.

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 14, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr

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

ls

Enclosures

MICROFILMED

JAN 05 1989

November 8, 1985

Re: Minimum Stream Flow Applications on Warm River

Dear Property Owner:

The Idaho Department of Water Resources will be holding a hearing on two minimum stream flow applications on reaches of Warm River. According to the records at the county courthouse, you are one of the owners of property adjacent to one or both of the reaches where the minimum stream flows are proposed.

Information describing the applications and the time and place of the hearing is shown on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum stream flow procedure.

At the hearing you will have an opporutnity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 14, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr

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

ls

Enclosures

MICROFILMED

JAN 05 1989

Property Owners - Warm River
MSF - 21-7355 and 21-7283

Warm River Corp.
Box 593
Ashton, DI 83420

Alice Howe
Box 3242
Estes Park, CO 80517

Elizabeth H. Strange
7180 E. Berry
Englewood, CO 80111

returned

Samuel J. Howe
2 Sassafras Land
W. Helena, MT 59601

Claude A. Malan
1750 E. 29th
Ogden, UT 84403

Stimpson Enterprises
628 E. Craig
N. Las Vegas, NV 89115

Teton Peaks Council
Idaho Falls, ID 83401

Boy Scouts of America
c/o T.P. Peterson
2566 Woodland
Ogden, UT 84403

JAN 15 1969

Re: Public Hearing Regarding Water Rights for Minimum Stream FLows

The Idaho Department of Water Resources has scheduled a public hearing on two minimum stream flow applications for water rights proposed in or near your legislative district.

The hearing for the applications on Warm River will be held in the Fremont County Courthouse, St. Anthony, at 9:30 a.m. on Wednesday, November 20, 1985. Please find the enclosed fact sheet describing the applications and a brochure about the minimum stream flow procedure.

On behalf of the Director of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr

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

ls

Enclosures

RECEIVED
JAN 05 1989

Legislators - Fremont County - Warm River

MSF - 21-7355 and 21-7283

Senator Mark G. Ricks
Route 4, Box 173
Rexburg, ID 83440

Representative R. L. Davis
P.O. Box 391
Rexburg, ID 83440

Representative Cyril O. Burt
Route 2, Box 164-A
St. Anthony, ID 83445

Senator Dane Watkins
2242 S. Boulevard
Idaho Falls, ID 83402

Representative Stan Hawkins
Box 367
Ucon, ID 83454

Representative Golden C. Linford
Route 3, Box 433-8
Rexburg, ID 83440

MICROFILMED

JAN 05 1989

November 8, 1985

Re: Minimum Stream Flow Applications on Warm River

Dear Interested Party:

The Idaho Department of Water Resources will be holding a hearing on two minimum stream flow applications on reaches of Warm River. According to our records, you have shown an interest in one or both of these minimum stream flow applications.

Information describing the applications and the time and place of the hearing is shown on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum stream flow procedure.

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 14, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr

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

ls

Enclosures

MICROFILMED

JAN 05 1989

Interested Parties - Warm River
MSF - 21-7355 and 21-7283

J. Leigh Cantrell
Newdale, ID 83436

Lorin B. Kauer
Rt. #4
Rexburg, ID 83440

Sherman and June Hess
Ashton, ID 83420

Ivan Crouch
Ashton, ID 83420

Joyce Hunter
St. Anthony, ID 83445

Martin Bergman
Ashton, ID 83420

Ralph Moon
Rt. 1 Box 191-3
St. Anthony, ID 83445

Lorin Gainy
Rt. 2 Box 111
St. Anthony, ID 83445

Norman Hillam
Box 208
Ashton, ID 83420

Dale L. Swenson
Box 5
St. Anthony, ID 83445

Reid Brower
County Courthouse
Driggs, Id 83422

Claire Lavendel
Box 591
Driggs, ID 83422

Ralph Maughan
P.O. Box 1173
Pocatello, ID 83204

Hobart and Martha Collins
Box 124
Driggs, ID 83422

Victoria Ruwitch
Rt. 1
Victor, ID 83455

L.D. "Buck" Goodrich
Rt. #2, Box 360
Shelley, ID 83274

Bruce A. Staples
291 Dale Dirve
Idaho Falls, ID 83402

George Wentzel
Conservation Chair
1636 S. Fairway Dr.
Pocatello, ID 83201

Ralph W. Moon
Rt. 1 Box 191-3
St. Anthony, ID 83445

MICROFILMED
JAN 05 1989

Dennis G. Bitton
1387 Cambridge Dr.
Idaho Falls, ID 83401

Ronnie Ard
President - Teton Pipeline Assn.
Star Rt.
Newdale, ID 83436

Glen D. Nelson
Star Rt. Newdale, ID 83436

Rex Ard
274 W. 1S.
Rexburg, ID 83440

John C. Briggs
Box 96
Tetonia, ID 83452

Idaho Department of Land
Statehouse
Boise, ID 83720

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

Mr. Clair Whitlock
State Director - BLM
3380 Americana Terrace
Boise, ID 83706

U.S. Forest Service
Ririe Hwy - Beeches Corner
Idaho Falls, ID 83401

Larry Cooke
County Courthouse
Driggs, ID 83422

Lowell B. Curtis
County Courthouse
Driggs, ID 83422

Kris Blanchard
Chester, ID 83421

Cleon Cordon
Ashton, ID 83420

Earl I. Patler
Chester, ID 83421

R. K. Egbert
Ashton, ID 83420

Doug Hillam
Ashton, ID 83420

Jay Hill
Ashton, ID 83420

Cathy Koon
St. Anthony, ID 83445

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JAN 05 1989

James Siddoway
County Courthouse
St. Anthony, ID 83445

Laurence Parker
County Courthouse
St. Anthony, ID 83445

Robert Reichert
Rt. #2
Fyler, ID 83328

Reed Murdock
Rt. #5, Box 53
Blackfoot, ID 83221

Reid Oldham
Rt. #2, Box 297
Rexburg, ID 83440

Paul Berggren
Rt. #1, Box 231
Blackfoot, ID 83221

Lester Saunders
Hazelton, ID 83335

Preston Alchley
Ashton, ID 83420

Claude Storer
Rt. #8, Box 327
Idaho Falls, ID 83401

Phil Hanks
Rt. #4, Box 455
Burley, ID 83318

J. Max Mo[illegible]son
Rt. 2 Box [illegible]
Rexburg, ID 83440

Ray L. Pocock
Rt. 1
Sugar City, ID 83448

Bryant L. Christensen
420 N. Bridge
St. Anthony, ID 83445

Jay A. Sutton
718 W. 4 No.
St. Anthony, ID 83445

Ralph D. Miller
Box 92
Chester, ID 83421

Delila Henry
Box 172
Ashton, ID 83420

Kenneth Vistereil
St. Anthony, ID 83445

Max E. Ottesen
Rt. 1
Sugar City, ID 83448

James Siddoway
Teton, ID 83451

Norval Birch
St. Anthony, ID 83445

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JAN 05 1989

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

October 18, 1985

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

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

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

Gentlemen:

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

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

Sincerely,

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

ls

Enclosure

MICROFILMED
JAN 05 1989

LEGAL NOTICE

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

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has submitted the following applications for permits to the Department of Water Resources:

On June 19, 1981 application No. 21-7283 proposing the appropriation of 141 cfs of water from Warm River tributary to Henrys Fork Snake River. The location of the reach is the NWNW, Sec. 13, T. 9N, R. 43E, upstream approximately 1/2 mile to State Highway 47 in the SWSE, Sec. 12, T. 9N, R. 43E.

On September 27, 1984, application No. 21-7355 proposing the appropriation of 141 cfs from Warm River tributary to Henrys Fork. The location of the reach is the SWSE, Sec. 12, T. 9N, R. 43E, from State Highway 47 upstream approximately 8 miles to Warm River Springs in the NWSW, Sec. 10, T. 10N, R. 44E, B.M., both in Fremont County.

The applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

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The Director of the Department of Water Resources will hold a public hearing on the applications in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho at 9:30 a.m. November 20, 1985, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provision of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at 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, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

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

A. KENNETH DUNN

Director

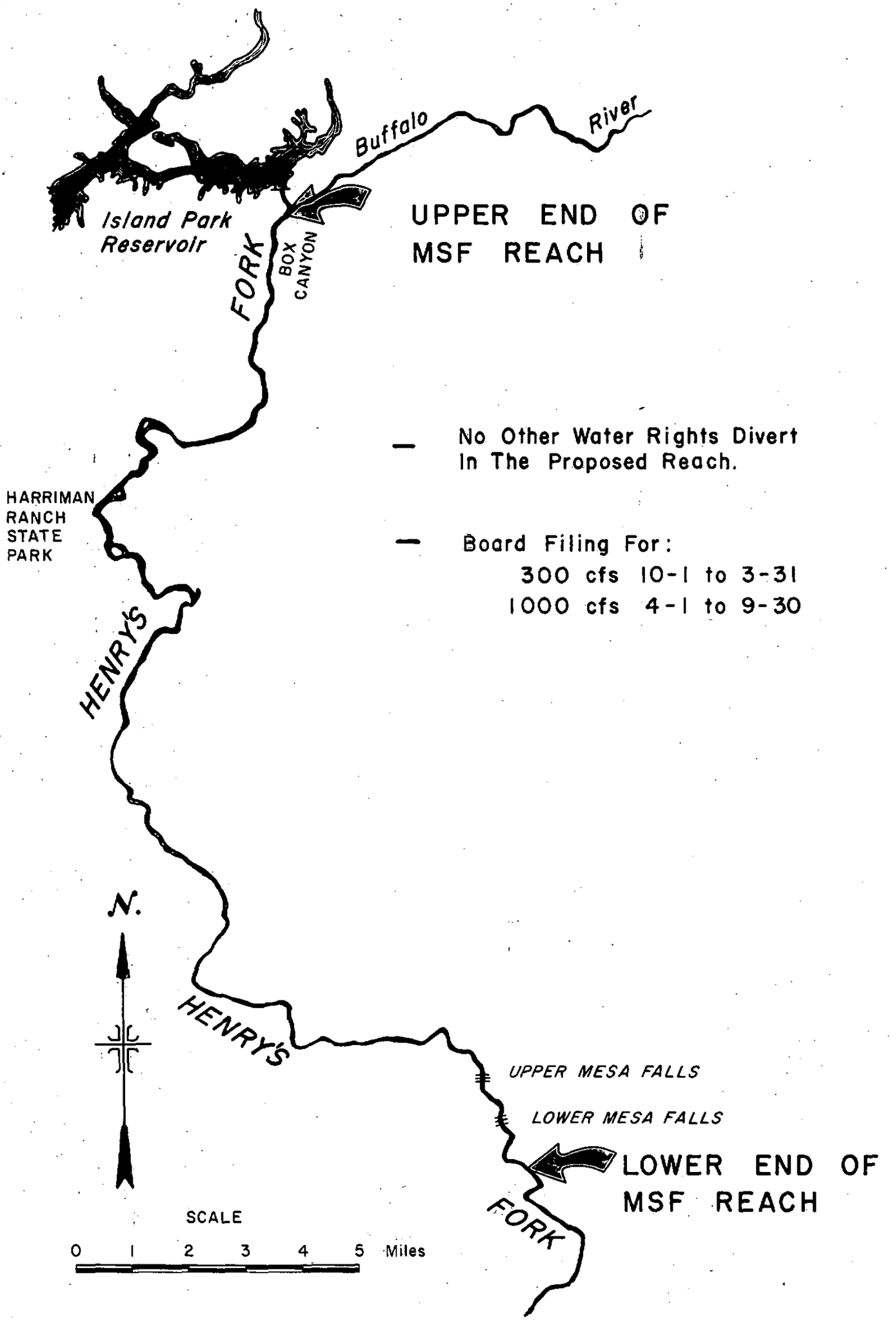
Published in the Post Register, Ashton Herald, Fremont County Chronicle, Idaho Statesman, Lewiston Morning Tribune, and Times News on 10/17 and 10/24/85.

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JAN 05 1989

HENRY'S FORK MSF

App. No. 21-7282

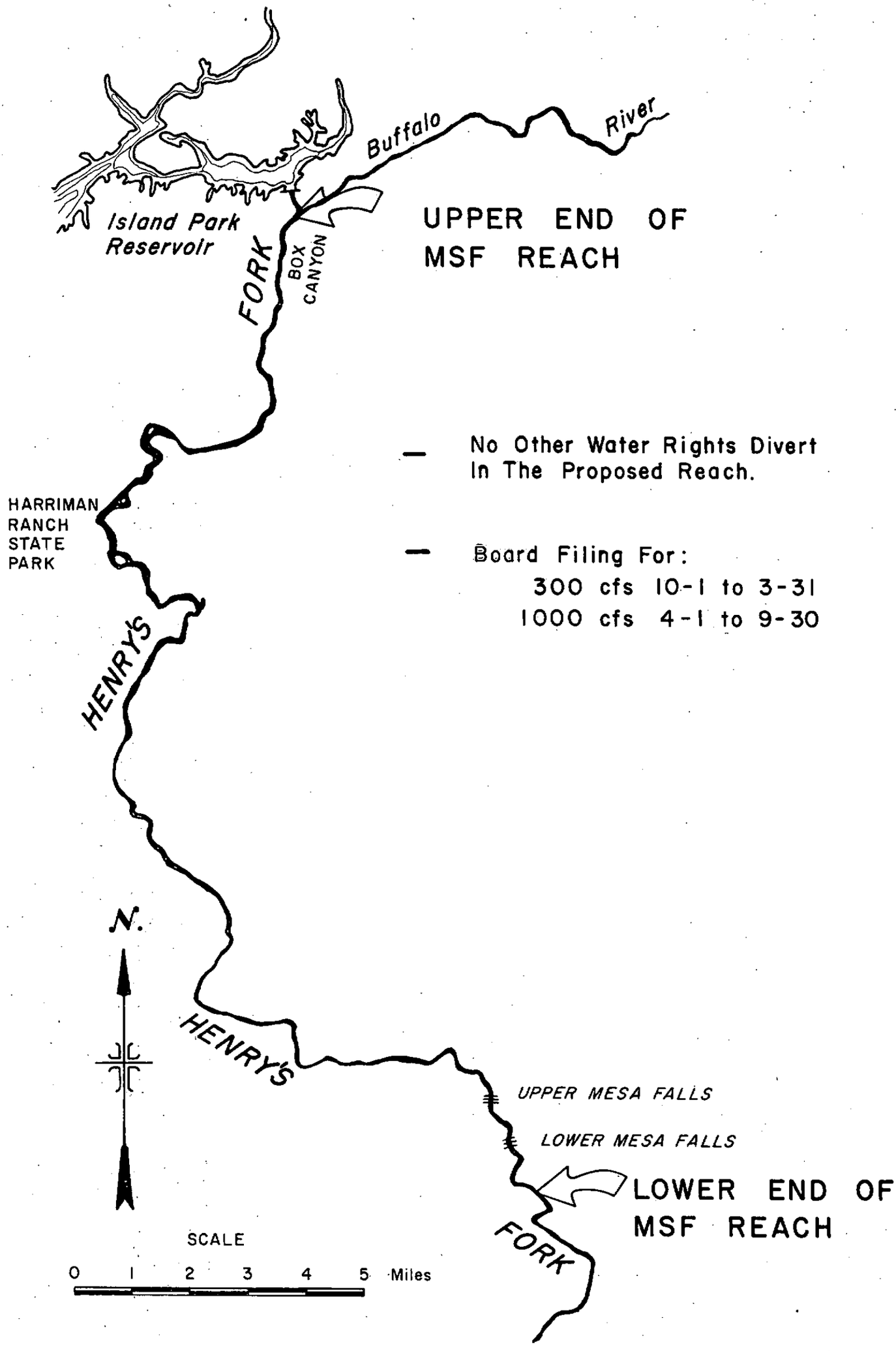


— No Other Water Rights Divert In The Proposed Reach.

— Board Filing For:
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

HENRY'S FORK MSF

App. No. 21-7282

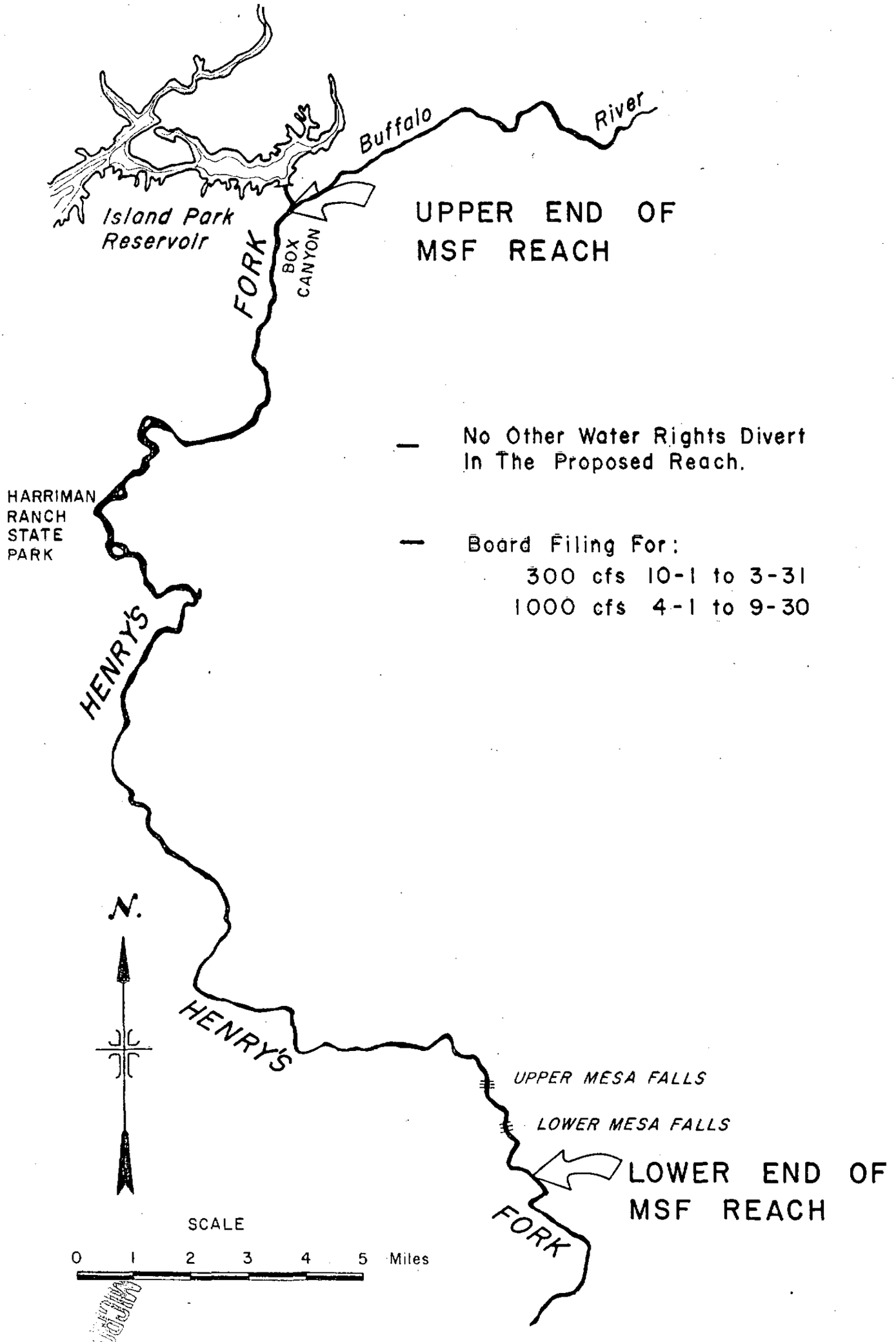


— No Other Water Rights Divert In The Proposed Reach.

— Board Filing For:
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

HENRY'S FORK MSF

App. No. 21-7282



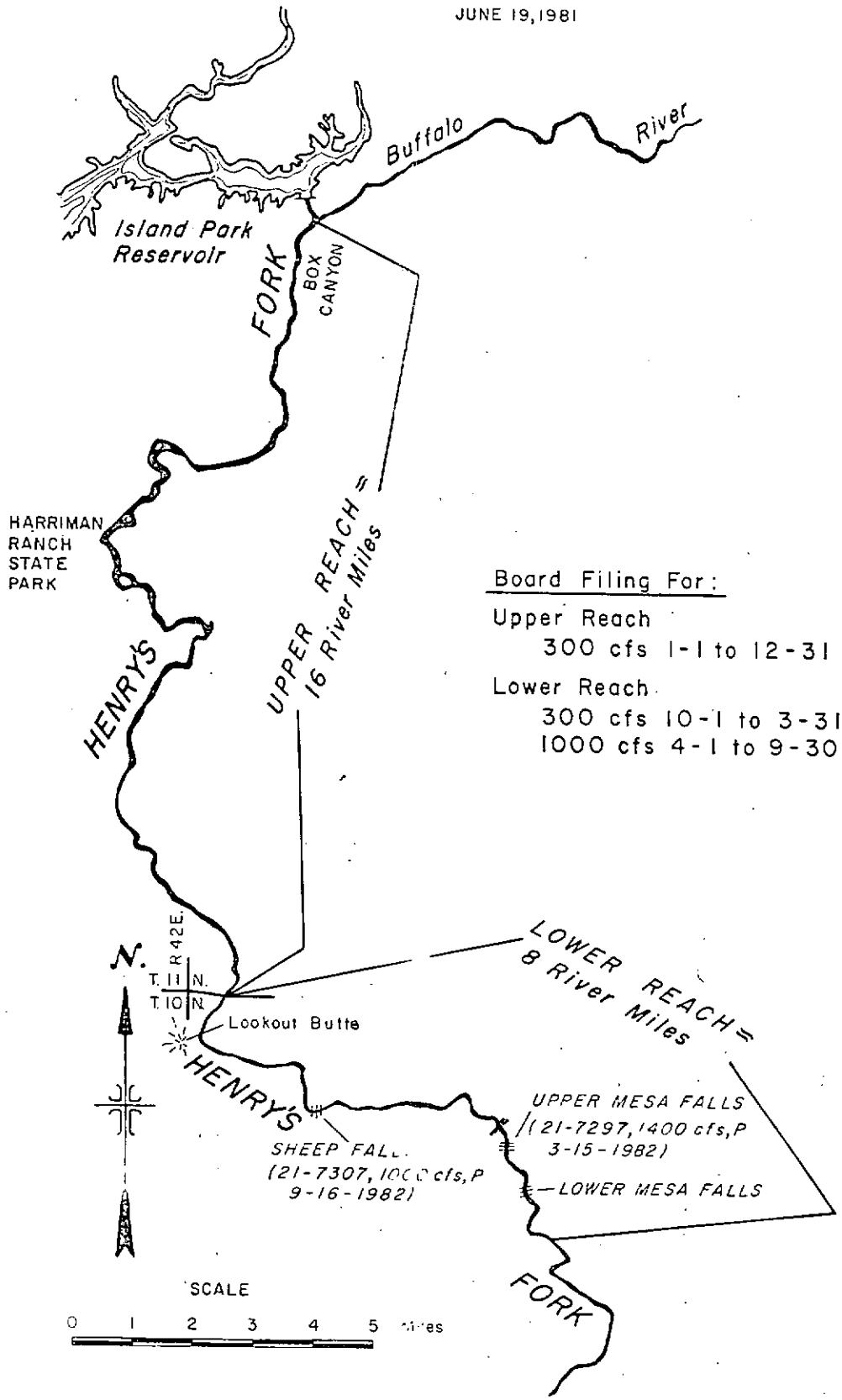
— No Other Water Rights Divert In The Proposed Reach.

— Board Filing For:
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

HENRY'S FORK SF

App. No. 21-7282

JUNE 19, 1981



Board Filing For:

Upper Reach
300 cfs 1-1 to 12-31

Lower Reach
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

IDWR EXHIBIT

United States Department of the Interior
BUREAU OF RECLAMATION
~~WATER AND POWER RESOURCES SERVICE~~
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RECEIVED
NOV 19 1981
Department of Water Resources

IN REPLY
REFER TO: PN 420
511.

NOV 18 1981

Mr. M. Reed Hansen
Chairman
Water Resources Board
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Mr. Hansen:

Subject: Minimum Streamflow Application of Henry's Fork of the Snake River Statement at Public Hearing on November 19, 1981, in St. Anthony, Idaho

The United States of America holds licenses for storage of water (water rights) for Island Park Reservoir issued by the State of Idaho, with priority dates of March 14, 1935, and June 12, 1940. These rights authorize storage of river flows above the reach for which this minimum streamflow application applies, and release of stored waters through this reach to serve various downstream water users. The requested minimum flow quantities are not consistent with past and current operations at Island Park Dam. However, the minimum streamflow filing would not be objectionable as long as the Island Park storage rights are acknowledged to be superior rights to the minimum streamflow filings, and no restrictions are placed upon storage and release operations of Island Park Dam.

Sincerely yours,

John W. Keys, III

Acting Regional Director

(Read at Public mtng on Nov 19 in St. Anthony by rep of B. of. Rec)
DRT 11-24-81

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DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
BOX 043 - FEDERAL BLDG + US COURTHOUSE
550 W. FORT ST. BOISE, IDAHO 83724
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF THE INTERIOR
INT-420

U.S.MAIL

Mr. M. Reed Hansen
Chairman
Water Resources Board
State of Idaho
Statehouse
Boise, ID 83720

42

Michael E Zimmerman
40 E Broadway
Butte MT
59701

STATEMENT OF THE MONTANA POWER COMPANY

The Montana Power Company acquired its Mesa Falls property in 1914. Since that time, the site has been retained for power development purposes. Given the increasing demand for electrical energy, we recently decided to take steps to initiate this development. In taking these steps, we believe we are serving the public interest by developing a renewable energy resource. The Idaho Department of Parks and Recreation, however, has initiated action that will forestall our efforts and deny us the opportunity to realize the value of our site.

In deciding to develop the power potential at Upper Mesa Falls, we used an economic analysis that assumes we will be able to use the river's natural flow. Given the instream allocation proposed by the Department of Parks, this analysis changes significantly. Certain adverse impacts will result.

Our preliminary studies show that the Upper Mesa Falls site has the potential for the installation of an 11.5 MW generator. Using the natural flow of the river, we estimate that the plant will generate 7.5 MW in an average year and 6.6 MW in a critical water year where water flows are at their lowest historical level. These production levels are economic.

The allocation suggested by the Department of Parks, however, will reduce these estimates. The energy production to be expected in an average year will be reduced from 7.5 MW to 2.7 MW. The energy production to be expected in a

critical water year will be reduced from 6.6 MW to 1.5 MW. At this time, these production levels do not appear to be economic.

The result of the allocation, then, is clear. For nearly 70 years we have held this site so that its power potential can be realized. Now, we find that this realization is threatened and a power site valued at nearly $2 million will be taken from us without any suggested compensation for the loss.

The Department of Parks and Recreation has indicated that their intent is to:

> "protect the unique recreational potential of the River from man-made diversions that may affect the fish habitat, wildlife, and scenic character of the river."

The Department, however, has not shown us factually why this minimum flow allocation is necessary to protect fish and wildlife. Our diversion will reduce the natural flow of the river in only a small 900 foot section of the river. Historical water flows available to support the fish and wildlife habitat will continue to be available after our development. We simply do not propose an impoundment that will dry up the river or flood existing habitat.

On the other hand, we recognize that the Upper Mesa Falls site has aesthetic value. We believe the real intention of the instream allocation is to preserve these aesthetics. In this regard, one fact needs to be emphasized. The aesthetic value of Upper Mesa Falls can be enjoyed by the public only through our continued acquiescence in public access across our property. If the State of Idaho determines the public

interest demands preservation of the aesthetic value of this site, and that the aesthetics must be preserved despite the fact that the site is in private ownership, then the State must purchase the property from us. To deny us the ability to develop our property without compensation is a form of confiscation of private property.

In summary, we urge the Idaho Water Resources Department to consider the following facts:

(1) We have retained ownership of the Upper Mesa Falls power site for many years so that its power potential may be realized.

(2) The instream allocation suggested by the Department of Parks will deny us the opportunity to realize this potential.

(3) The denial of the ability to develop our site is a prohibited taking of private property.

(4) If the public interest in the aesthetic value of the site outweighs the public interest in developing its power potential, then the site may be purchased by the State so that they may accomplish legally what they have set out to do illegally.

Thank you for this opportunity to appear and make these comments.

21-2782

HENRY'S FORK MINIMUM STREAM FLOW

SUMMARY OF EVENTS

Date	Action
06/12/1981	Request received from Idaho Department of Parks & Recreation.
06/19/1981	Application filed by IWRB.

COMMENTS

1. About 100 individuals and companies own property riparian to Henry's Fork along the reach identified by the MSF application.

2. No other water rights exist throughout the reach.

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FOR IMMEDIATE RELEASE

November 6, 1981

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: 208- 334-4440

NEWS RELEASE

BOISE----A proposed minimum stream flow on the Henry's Fork of the Snake River will be discussed at a public information meeting at 3 p.m. on November 19 in the Fremont County Courthouse, St. Anthony, according to M. Reed Hansen, chairman of the Idaho Water Resource Board.

The board has filed for a flow right through Box Canyon, Harriman Ranch State Park and over Upper and Lower Mesa Falls, at the request of the Idaho Department of Parks and Recreation. According to Hansen, only the board may file a minimum stream flow application, but it often does so at the request of other government agencies. When this occurs, the board uses the background material provided by the agencies to file the application, thus preserving the date of priority.

In this case, the Idaho Department of Parks and Recreation is seeking a 300 cubic feet per second right from October 1 to March 31, with a 1,000 cfs right sought between April 1 and September 30. Both are for recreation and aesthetics and were filed this summer.

"We want to find out what the people in the area think about the minimum stream flow application on the Henry's Fork," Hansen said. "We want to know if they feel the amounts requested by Parks and Recreation are too great or too small. Depending on the local public interest, the board can amend this

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more

application or even withdraw it totally."

According to David Tuthill, supervisor of the water allocation section, Idaho Department of Water Resources, there are no recorded water rights with diversions in this stretch of the stream. However, much of the water in the area is committed to downstream uses, such as irrigation.

Hansen stressed that a minimum stream flow right on the Henry's Fork, if approved, would be junior in time to any prior, established water rights such as those downstream. "These senior rights will be protected, as required by the Constitution and statutes," he said.

Anyone with questions or comments is urged to attend the information meeting. If this is not possible, Hansens asks that written comments be sent to him at the Idaho Water Resource Board, Statehouse, Boise, ID 83720.

After the information meeting, the Director of the Idaho Department of Water Resources will schedule a public hearing in the area to allow further input. Once this is done, the application goes to the Director of the Idaho Department of Water Resources for approval. If approval is granted, the filing is then sent to the Idaho Legislature for review.

-30--

Kay Weaver
Information Specialist

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ATTENDANCE ROSTER

NAME	ADDRESS	REPRESENTING
Michael E Zimmerma	40 E Broadway, Butte MT	The Montana Power Co.
James A Eggert	420 Bob-o-Link, Idaho Falls	BLM
Gary Bliss	1890 Moran Idaho Falls	BLM
Harold E. Jensen	Idaho Fall	BLM
Kipp D Shaw	P.O. BOX 609 ST. ANTHONY	K.I.G.O. RADIO
J Gray Mortensen	Rexburg Rt 2 Box 87	Fremont Madis
Emery Davis	Rt. 1 St Anthony Box 51	Fremont Madi
Clarence Cryell	R. 1 St. Anthony	Jefferson Co.
Douglas Bean	Teton Idaho	Democratic Precinct Committeeman
Dell Raybould	Rt 2 Rexburg Box 293	St. Anthony Union
DAVE RYdalch	RT#2 STA	North Fork Res Co comm'g
AUSTIN A JULIAN	BOX 89 MACKAY IDA	SELF
D L Pollock	491 E 3 North	St Anthony Canal
Verl E Mortensen	R#2 Box 137, Rexburg	Farmers Consolidated Canal
Wayne E Hibbs	Lorenzo Rt Box 212 Rexburg Ida	State Rep Dist 32
Cy Young	R#2 St. Anthony Ida.	East Chance Canal
Eugene Harris	Rexburg Idaho	Consolidated Canal Co
V. J. Bagley	Rexburg #2 Idaho	Salem Union Canal
PRESTON SLEEGER	BOISE IDAHO	BUREAU OF RECLAMATION
Orville A. Jensen	Island Park Id.	Island Park Systems
Lester N. Fuscey	Island Park Id	Island Parks
Donald B Todd	Island Park & Henrys Lake Lodge Inc.	
Arnold H. Todd	Henrys Lake Lodge & Island Park Village	
LaVell Rydalch	#3 St Anthony Ida	St Anthony Union Co
E L Mills	Rt 2 St Anthony	East Chance Canal
Floyd Stoddard	Rt 3 Rexburg	President St anthony Union Canal
Ed Rindlisbacher	R 2 Rexburg	Farmers Consolidated Can
Rick E Crane	Box 32 St. Anthony	State Rep Dist 28
Robert H Crane	Rt #2 Box 52-A - St Anthony	- Egin Canal
Winford W. Cragg	Rt 2 Box 39 St Anthony	Egin Canal
DONALD E. TRACY	1359 Hansen Ave. Burley	U.S. Bureau of Reclamation
MIKE FIELD	1775 SUNNYFORD POCATELLO, ID 83201	U.S.S. Jim McClure

(OVER)

Reed Oldham	Rt 2 Box 297	Rexburg Idaho	Comm of Nat Hymil Creek Irrigation and Canal
Martin Bergman	Box 277	Ashton, Ida	Self
Doug Hillam	RT #1	Ashton, Idaho	
Leon Martindale	RT 2	Ashton Ida	Self
Donald Storm	R 1 2	Ashton Ida	Marysville Canal
Norman Hillam	Box 208	Ashton Idaho	Fremont Madison
J. Lynn Chamberlain	Box No 6	Newdale	11 11
Cleon London	Box 486	Ashton	11 11
Cathy Koon	Rt Circle #4	St. Anthony	Post-Register
Larry Garvey	R# 3	11 11	Fremont Madison
Jerry Reynolds	Box 412	11 11	Fremont County Plann
Mary Smith	Box 427	Rexburg	Fremont Madison
Robert Menem	Statehouse Mail	Boise	State Parks & Recre
Dick Sutton	Livia, MT		U.S. Fish & Wild. Serv.
Gail Lewis	1776 Science Center Dr. Idaho Falls		State Parks & Recreation

ATTENDANCE ROSTER

NAME	ADDRESS	REPRESENTING
Donald Rice	Rt. I St. Anthony	Salem Union
Wayne Ward	Rt #1 Sugar City,	Teton Lake
James Moore	Teton City	TETON LAKE
Jasper Sackmann	Teton City	Fremont Co. Comm.
Lynn Hassett	Ashton, Idaho	Teton Lake
Beck Hennige	646 E. 4th St. Anthony	Myself
Mark L. Ricks	Rt 4 Rexburg	State Senate
Monte Later	Aspen Grove	St. Anthony
Harry J. Lewis	Warm River,	Self
John O. Sessions	Driggs Ida	State Representative
Phil Lee	St Anthony	Targhee Nat'l Forest
Esther Kafer	St Anthony	Bd of Parks & Recreation.
GEORGE MATEJKO	ST ANTHONY	TARGHEE NATIONAL FOREST
Ann Matejko	"	Targhee N. F.
John Forebauer	Idaho Falls	U.S. Forest Service
Dee Blanchard	Chester, Idaho	Sibley Canal
Harold A Olsen	Rt. 4 Box 242 Lexburg	Self
Garth Meikle	RT 3 Box 440 Rexburg	Self
Muriel C. Thomas	Pinehaven - Ashton	Self
J. A. Thomas	"	"
Kirkham Robertson	Rexburg Idaho	Independent canal Co.
Dale L. Swenson	Rt. # St. Anthony	Fremont-Madison Irrig. D
Alfred L. Klein	St. Anthony	Farmers Friend & Wilford
Laurence B. Parker	St. Anthony	County Commissioner Fre
Mike Lawson	Last Chance, Ida	Henry's Fork Anglers, Inc.
Winston Larsen	Route #2 Rexburg	Salem Union
David Flint	BOX 473 LAVA HOT SP.	SELF
Susan McKenna	BOX 55, MACK'S INN	SELF
Glen Lovell	Island Park	Ponds Lodge
Vince Ehlert	Alpenhaus Motel	Last Chance
Roy Parker	610 So. 1st E. - St Anthony Id	SELF
Donald D. Tripp	Box #66, Newdale, Id 83436	North Fork Watermaster Protective a

IDWR
Minimum Stream Flow Informal Public Mtng
21-7282 Henry's Fork
Nov 19, 1981

NOTES-
D. Tuthill

ATTENDANCE ≈ 100

- Opening remarks by Reed Hansen
  Turned the meeting over to Scott Reed

- D. Tuthill - Presented info in Dept's files

- Bob Mienen - Presented Id Dept of Fish & Game info

- Public comments expressed a concern about impact on existing water rights.

- One public comment suggested that a 3 month closing of Island Park Res did not adversely affect the river.

, U.S. Fish & Wildlife

- Don U.S. Bureau of Rec. Read a statement which indicated no problem with the MSF Concept but states that the flows are not consistent with traditional diversions of Island park reservoir. Scott Reed requested a letter outlining the typical release rates

- Mike Zimmerman, Atty W/ Montana Power co./will submit prepared statement
  Acquired site in 1914.
  7.7 ave year megawatts
  6.6 megawatts critical

- After MSF - 2.2 ave year, 1.6 mw in poor year
  Power would go into the Montana Power Grid
  Montana Power is willing to bargain for a land sale or trad

Public is concerned that irr rts will be subordinated to minimum stream flow rts

One individual stood up to say he understood that the MSF would be a plain old 1981 priority right

Virgil Moore - Id F&G supports the MSF

Public has a concern that the MSF would affect the management of the Snake River system. Scott Reed assured that any app would be conditioned to not impact this system.

Another concern was raised that more upstream reservoirs would be needed. These reservoir sites have been examined but have not been filed.

Rep. Tibbits suggested a recharge to the aquifer ??
He thinks that the MSF would be detrimental to irrigation ??
Feels that Parks & Rec have a dog-in-the-manger attitude.

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PERMIT AND LICENSED RIGHTS ON Henrys Fork -- Reach: NW¼NW¼, S.33, T.13N, R.43E to SE¼NE¼, S.25, T.10N, R.43E CO., IDAHO

October 21 19 81 Revised _____ Water District No. _____

LICENSE	PERMIT	NAME	AMT. cfs	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.
					Subdiv.	Sec.	Twp.	Rge.	
	APP. 21-7282	Idaho Water Resource Board	1000.0	06-19-1981	NWNW to SENE	33 25	13N 10N	43E 43E	Minimum streamflow

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

Henrys Fork + Pahsimeroi sent to this list 8/17/82.

November 4, 1981

Representative Linden Bateman
Route 1, Box 442
Idaho Falls, Idaho 83401

RE: Minimum Stream Flows in Eastern Idaho.

Dear Representative Bateman:

The Idaho Water Resource Board has scheduled three informal public meetings in which you may be interested. The purpose of the meetings is to examine applications for minimum stream flows on the Pahsimeroi River, Birch Creek, and Henry's Fork of the Snake River. A schedule of times and locations for the meetings is attached.

The Idaho Water Resource Board is not required by Chapter 15, Title 42, Idaho Code, to conduct a public meeting regarding a minimum stream flow application. However, a number of state legislators have suggested that such a meeting be held by the Board in certain situations. On November 6, 1980, the Board adopted a set of guidelines that included a provision for holding an informal public meeting for each minimum stream flow application that appears to be controversial. The three public meetings have been scheduled pursuant to these guidelines.

The Idaho Department of Water Resources has already held formal hearings on the minimum stream flow applications for the Pahsimeroi River and Birch Creek. However, the Board feels that the controversial nature of these two applications merits an informal public meeting to review some of the many outstanding issues. No meeting has yet been held on the Henry's Fork application.

UNROLLED

NOTE: Originals of this letter were mailed on 11/4/81 to each of the legislators shown on the attached pages. DET 11/4/81

On behalf of the Chairman of the Idaho Water Resource Board, I would like to invite you to attend any or all of the public meetings.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosure

DIGITIZED

Pahsimeroi River (73-7045)

General Location:	From the confluence with the Salmon River upstream about 7 miles.
Applicant:	Idaho Water Resource Board.
Requestor:	Idaho Department of Fish and Game.
Location of Meeting:	Custer County Courthouse, Challis, Idaho.
Time of Meeting:	1:00 P.M., Wednesday, November 18, 1981.
Issues:	Determine local sentiment; review numerous objections raised by opponents; review new data collected by Idaho Department of Fish and Game; consider modification of the application.

Birch Creek (32-7103)

General Location:	From John Day Rest Area downstream about 8 miles.
Applicant:	Idaho Water Resource Board.
Requestor:	U.S. Bureau of Land Management.
Location of Meeting:	Lions Club, Dubois, Idaho.
Time of Meeting:	9:00 A.M., Thursday November 19, 1981.
Issues:	Determine local sentiment; review appropriate boundaries and rates of flow.

Henry's Fork (21-7282)

General Location:	Through Box Canyon and Harriman Ranch State Park and over Upper and Lower Mesa Falls.
Applicant:	Idaho Water Resource Board.
Requestor:	Idaho Department of Parks & Recreation.
Location of Meeting:	Freemont County Courthouse, St. Anthony.
Time of Meeting:	3:00 P.M., Thursday, November 19, 1981.
Issues:	Determine local sentiment and determine the extent of conflict.

MICROFILMED

1. <gender>Senator
<first>Israel
<last>Merrill
<where>581 N. Stout. St.
Blackfoot, Idaho 83221
<>

2. <gender>Representative
<first>Raymond
<last>Parks
<where>Route 4, Box 238
Blackfoot, Idaho 83221
<>

3. <gender>Representative
<first>Darwin
<last>Young
<where>Route 5, Box 115
Blackfoot, Idaho 83221
<>

4. <gender>Senator
<first>Mark
<last>Ricks
<where>Route 4, Box 173
Rexburg, Idaho 83440
<>

5. <gender>Representative
<first>Melvin
<last>Hammond
<where>149 Elm Avenue
Rexburg, Idaho 83440
<>

6. <gender>Representative
<first>Rich
<last>Orme
<where>Box 32
St. Anthony, Idaho 83445
<>

7. <gender>Senator
<first>Marsden
<last>Williams
<where>1950 Carmel Drive
Idaho Falls, Idaho 83401
<>

8. <gender>Representative
<first>Kurt
<last>Johnson
<where>Route 6, Box 407
Idaho Falls, Idaho 83401

<>

9. <gender>Representative
<first>Martin
<last>Trillhasse
<where>Route 4, Box 226
Idaho Falls, Idaho 83401
<>

10. <gender>Senator
<first>Dane
<last>Watkins
<where>2975 Fieldstream Lane
Idaho Falls, Idaho 83401
<>

11. <gender>Representative
<first>Elaine
<last>Kearnes
<where>3040 Gustafson Circle
Idaho Falls, Idaho 83401
<>

12. <gender>Representative
<first>Gary
<last>Paxman
<where>719 E. 16th
Idaho Falls, Idaho 83401
<>

13. <gender>Senator
<first>Walter
<last>Yarbrough
<where>Box 216, Route B
Grand View, Idaho 83624
<>

14. <gender>Representative
<first>Gary
<last>Montgomery
<where>737 N. 7th St.
Boise, Idaho 83702
<>

15. <gender>Representative
<first>Lyman
<last>Winchester
<where>Route 1
Kuna, Idaho 83634
<>

<gender>Senator
<first>Vearl
<last>Crystal

16. <where>Route 6, box 232
Idaho Falls, Idaho 83401
<>

17. <gender>Representative
<first>Ray
<last>Infanger
<where>Route 1, Box 174
Salmon, Idaho 83467
<>

18. <gender>Representative
<first>Wayne
<last>Tibbitts
<where>Lorenzo Route, Box 212
Rigby, Idaho 83442
<>

19. <gender>Senator
<first>John
<last>Peavey
<where>P. O. Box 88
Carey, Idaho 83320
<>

20. <gender>Representative
<first>Steve
<last>Antone
<where>1141 Link Street
Rupert, Idaho 83350
<>

21. <gender>Representative
<first>Mack
<last>Neibaur
<where>Route 1, Box 142
Paul, Idaho 83347
<>

22. <gender>Senator
<first>Wilson
<last>Steen
<where>P. O. Drawer B
Glenns Ferry, Idaho 83623
<>

23. <gender>Representative
<first>Dan
<last>Kelly
<where>930 N. 10th E.
Mtn. Home, Idaho 83647
<>

24. <gender>Senator

24. <first>William
<last>Floyd
<where>6605 Rimrock Dr.
Idaho Falls, Idaho 83401
<>

25. <gender>Representative
<first>Linden
<last>Bateman
<where>Route 1, Box 442
Idaho Falls, Idaho 83401
<>

26. <gender>Representative
<first>John
<last>Sessions
<where>Box 10, 414 N. Main
Driggs, Idaho 83422
<>

27. <gender>Senator
<first>Reed
<last>Budge
<where>231 S. 1st E.
Soda Springs, Idaho 83276
<>

28. <gender>Representative
<first>Robert
<last>Geddes
<where>Route 3, Box 107
Preston, Idaho 83263
<>

29. <gender>Representative
<first>Eugene
<last>Stucki
<where>31 W. 2nd So.
Paris, Idaho 83261
<>

30. <gender>Senator
<first>Bert
<last>Marley
<where>Box 32
McCammon, Idaho 83250
<>

31. <gender>Representative
<first>Myron
<last>Jones
<where>311 N. 300 W.
Malad, Idaho 83252
<>

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32. <gender>Representative
<first>Gene
<last>Edwards
<where>Route 1, Box 188
Malad, Idaho 83252
<>

33. <gender>Senator
<first>Gary
<last>Gould
<where>541 S. 7th
Pocatello, Idaho 83201
<>

34. <gender>Representative
<first>Ralph
<last>Lacy
<where>126 S. 15th
Pocatello, Idaho 83201
<>

35. <gender>Representative
<first>Patricia
<last>McDermott
<where>P. O. Box 3
Pocatello, Idaho 83201
<>

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07282

Priority: June 19, 1981 Minimum Instream Flow: 1000.00 CFS

This is to certify, that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 19, 1981; and has submitted Proof of Beneficial Use on April 28, 1988. A minimum stream flow in

HENRYS FORK tributary to **SNAKE RIVER**

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE
MINIMUM INSTREAM FLOW	01/01 to 12/31	300.00 CFS
MINIMUM INSTREAM FLOW	10/01 to 03/31	300.00 CFS
MINIMUM INSTREAM FLOW	04/01 to 09/30	1000.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach NWNW , Sec. 33, Township 13N, Range 42E
End of Stream Flow Reach SENE , Sec. 25, Township 10N, Range 43E
FREMONT County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
3. The rate of flow under this right for the upper reach during the entire year and the lower reach from 10/01 through 3/31 shall be limited to 300 cfs, or the rate of flow provided by the Buffalo River plus other tributary flows throughout the minimum stream flow reaches, whichever is less.
4. Upon the future finding and order of the Director that gauging stations are required to maintain the minimum flow of the Henrys Fork, such measuring devices shall be permanently installed and maintained as specified by the Department.

RECORDED

SEP 13 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07282

CONDITIONS/REMARKS:

5. The use of water under this right is subject to all prior rights; specifically, the water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir District #2 and the Warren Act Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.
6. The Director retains jurisdiction, as decribed below, 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 the 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.
7. The upper minimum stream flow reach extends from the NWNW, S33, T13N, R43E to the point where Henrys Fork intersects the line between Sec. 13 and Sec. 14, T10N, R43E. The lower reach extends from this point downstream to the SENE, S25, T10N, R43E.

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 24TH day of AUGUST, 1995.

Acting for KARL J. DREHER, Director

SEP 13 1995

RECEIVED
APR 28 1988

Form 217
03/86

For Office Use Only
Fee Received 1/
Date N/A
Receipt # 1/4
Receipt by /
Reviewed by
Sent to region

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 21-7282

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

Post Office Address: Statehouse Mail, Boise, ID 83720

Telephone No. 334-7900

Source of Water: Henry's Fork Snake River

Extent of Use:

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

Irrigation _____ (acres) Other/Remark _____

Minimum Stream Flow -- See attached supporting data

Total rate and/or volume for which proof is submitted 300 - 1000 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: N/A

Measuring Device: Required? __ Yes X No Fee enclosed $ N/A
Installed? __ Yes __ No (See License Examination Fee Schedule)

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

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

(Name) (Telephone Number)

(Address)

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

4-28-88
Date

Signature of Permit Holder (and title, if appropriate)

RECEIVED
SEP 13 1995

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7282 TO ESTABLISH A MINIMUM STREAM FLOW IN THE HENRYS FORK IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	MEMORANDUM DECISION AND ORDER

On June 19, 1981, the Idaho Water Resource Board (IWRB) filed with the Idaho Department of Water Resources (IDWR) an application for permit to preserve a minimum stream flow for aesthetic and recreation purposes in the Henrys Fork, tributary to the Snake River, in Fremont County. The application was filed pursuant to a request received from the Idaho Department of Parks and Recreation (IDPR) in accordance with Chapter 15, Title 42, Idaho Code. Notice of the application was published in The Ashton Herald, St. Anthony, Idaho, on August 13 and 21, 1981.

Pursuant to the IWRB Guidelines on Minimum Stream Flow Applications, the requesting agency, IDPR, determined the identity of owners of real property adjacent to the Henrys Fork along the reach potentially affected by the proposed minimum flow, and mailed notice of the application to those individuals. Based on the variety of response to this notice, the IWRB opted to conduct a public informal meeting to receive public input regarding the application. Notice describing the proposed appropriation and setting the time and place of the meeting was published in The Ashton Herald on November 5 and 12, 1981. In addition, riparian property owners and state legislators were notified of the meeting by mail. The meeting was held at St. Anthony, Idaho, on November 19, 1981, and was conducted by M. Reed Hansen, Chairman of the IWRB.

Based on input received at the public informal meeting, the IWRB amended the application on April 20, 1982, by establishment of an upper reach and a lower reach within the original reach, with different seasons of use.

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Notice describing the amended application and setting the time and place for the required hearing was published in The Ashton Herald and The Chronicle News, on August 19 and 26, 1982. A public hearing was held at St. Anthony, Idaho, on September 23, 1982. The director of the IDWR, A. Kenneth Dunn, served as the hearing officer.

Parties appearing in a formal capacity included the IWRB; the IDPR; Mr. John Arkoosh; Mr. Jerry Reynolds representing the Fremont County Planning and Zoning Commission; and Mr. Kent Foster representing Montana Power Company. In addition to the witnesses called by the parties appearing in a formal capacity, the following individuals appeared for the purpose of presenting views and comments as public witnesses: Mr. Ron Waters; Mr. Reid Oldham representing himself and the Committee of Nine; Mr. Calvin Wickham, manager of Fall River Rural Electric Cooperative; Mr. Leigh Chantrill; Mr. Dennis Bitton and Mr. Charles Dawsey. In addition, some 46 letters have been received from the public regarding the application.

Two principle issues were raised with respect to this application. The first issue concerns the impact of the minimum stream flow water right on the existing water storage and delivery practices on the Henrys Fork. The second issue concerns the length of reach where a minimum stream flow of 1,000 cubic feet per second (cfs) is proposed to be established.

Based upon the testimony presented at the hearing, documentation and statements included in the record, and upon his understanding of the law, the Director of the IDWR makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

(1) On June 19, 1981, the IWRB filed application for permit No. 21-7282 to appropriate a minimum stream flow in the Henrys Fork, which is tributary to the Snake River in Fremont County, pursuant to the provisions of Chapter 15, Title 42, Idaho Code.

(2) Application for permit No. 21-7282 originally proposed to appropriate a minimum stream flow in the Henrys Fork throughout

PHOTOCOPIED

a reach from a point 200 yards downstream from the confluence with the Buffalo River in the NW 1/4 NW 1/4, Section 33, Twp. 13 N, Rge. 43 E, B.M., downstream to the point where the river crosses the section line between Sec. 25, Twp. 10 N, Rge. 43 E, B.M. and Sec. 30, Twp. 10 N, Rge. 44 E, B.M. The proposed rate of flow was 300 cfs from October 1 to March 31, and 1,000 cfs from April 1 to September 30.

(3) On April 20, 1982, the application was amended to identify two reaches within the original reach. The upper reach extends from the original upstream point, downstream to the point where the river crosses the township line between Twp. 10 N, and Twp. 11 N, Rge. 43 E. The lower reach extends from the lower end of the upper reach downstream to the lower point of the original reach. The proposed rate of flow for the upper reach is 300 cfs during the entire year, and for the lower reach is 300 cfs from October 1 to March 31, and 1,000 cfs from April 1 to September 30.

(4) Based upon testimony of the staff of the IDWR, a finding is made that no prior water rights exist with point of diversion within the proposed minimum flow reaches. However, almost all of the water that flows through the reaches is appropriated by downstream users. To clarify the impact of the proposed minimum stream flow on these prior downstream water rights, the IWRB added the following statement to the amended application:

> This minimum stream flow right shall in perpetuity be subject to prior water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir District #2 and the Warren Act Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

(5) Based upon testimony presented at the hearing, a finding is made that the aesthetic and recreation benefits to be derived from the minimum stream flow will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

(6) The stated purposes of the proposed instream appropriation are to protect recreation, aesthetics, fisheries and wildlife uses in and about the Henrys Fork. These uses are all instream and non-consumptive.

MICROFILMED

(7) Based upon the testimony and documentation in the file, a finding is made that the rate of flow of 300 cfs is required to provide for recreation, fisheries and wildlife uses within the upper and lower reaches, and 1,000 cfs is required to provide for aesthetic purposes in the vicinity of Upper and Lower Mesa Falls. These rates of flow are needed to preserve the unique characteristics of the Henrys Fork for public benefit, and are not the ideal or most desirable flows which could be used for the stated purposes.

(8) The original application provided 1,000 cfs for the entire original reach throughout a portion of the year. Amendment of the original application limited the location of the 1,000 cfs rate of flow to the lower reach. This lower reach includes a portion of the Henrys Fork that extends about 7.7 river miles upstream from Upper Mesa Falls.

(9) Based on testimony and evidence submitted concerning available flow measurement data, a finding is made that the minimum stream flows proposed for the Henrys Fork are currently maintained most of the time.

(10) The flows contributed to the Henrys Fork by the Buffalo River have been estimated, based on available data, to exceed 170 cfs some fifty percent of the time. In addition, tributary flows throughout the reaches are contributed from surface sources and from groundwater.

CONCLUSIONS OF LAW

(1) The proposed minimum stream flow appropriations will not interfere with any vested water right, permit, or right under an application having a priority date earlier than June 19, 1981.

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

(3) The proposed minimum stream flows are necessary to preserve recreation, aesthetics, fisheries and wildlife uses within the defined reaches.

(4) The minimum stream flows proposed to be appropriated are the minimum flows desired for the purposes cited in Finding of Fact No. 6 and are not the ideal or most desirable flows.

IDAHO STATE

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

Analysis

The testimony and information in the file provide a basis for analysis of the two principle issues regarding the application. First, there is a grave concern among irrigators that approval of a minimum stream flow will affect water flows within the Henrys Fork, even though the minimum stream flow water right has a later date of priority than the existing downstream irrigation water rights and the Island Park Reservoir storage right. To alleviate this concern, the rate of flow for the upper reach during the entire year, and the rate of flow for the lower reach during the season from October 1 through March 31, will be limited to 300 cfs, or the rate of flow provided by the Buffalo River plus other tributary flows throughout the minimum stream flow reaches, whichever is less.

The second issue regards the location of the lower reach. A representative from Montana Power Company indicated that if a minimum stream flow of 1,000 cfs is established in the vicinity of Upper Mesa Falls, then hydropower development at that location would be infeasible. This concern does not impact this decision on the proposed minimum stream flow application since there is no prior water right associated with hydropower development at the site.

The upper end of the lower reach was identified as a point about 7.7 river miles above Upper Mesa Falls; however, the record fails to provide adequate justification to provide 1,000 cfs throughout the season of April 1 through September 30 for most of this reach. Therefore, the upper end of the lower reach will be redefined as a point about 0.7 miles upstream from Upper Mesa Falls, at the point where the Henrys Fork intersects the line between Sec. 13 and Sec. 14, Twp. 10 N, Rge. 43 E, B.M.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 21-7282 is APPROVED subject to the following conditions:

(1) The rate of flow for the upper reach during the entire year, and for the lower reach during the period from October 1 through

March 31, shall be limited to 300 cfs, or the rate of flow provided by the Buffalo River plus other tributary flows throughout the minimum stream flow reaches, whichever is less.

(2) The boundary between the upper reach and the lower reach is redefined as the point where the Henrys Fork intersects the line between Sec. 13 and Sec. 14, Twp. 10 N, Rge. 43 E, B.M.

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

(4) Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department on or before May 1, 1988. The proof submitted shall include at least three years of flow data for the water course and data on the nature and frequency of use of the resource for aesthetic and recreation purposes. The frequency of the data accumulation must be submitted to the Director for review and approval.

(5) The minimum stream flows approved under this application are subject to control by the watermaster of Water District 01, Upper Snake River.

(6) The use of water under this permit shall be non-consumptive.

(7) The use of water under this permit is subject to all prior rights; specifically, the water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir District #2 and the Warren Act Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

(8) The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the next regular legislative session and the Director's approval shall not become finally effective until approved by the Legislature pursuant to the procedure provided by Section 42-1503, Idaho Code.

Dated this 12th day of May, 1983.

A. KENNETH DUNN
Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7282 TO ESTABLISH A MINIMUM STREAM FLOW IN THE HENRYS FORK IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 13 day of May, 1983, a true and correct copy of the attached MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Donald R. Kramer
Chairman, IWRB
Castleford, ID 83321

Fremont County Planning & Zoning Comm.
Attn: Jerry Reynolds
Box 226
St. Anthony, ID 83445

Kurt Burkholder
Idaho Dept. of Parks & Rec.
Statehouse Mail
Boise, ID 83720

Dale R. Christiansen, Director
Idaho Dept. of Parks & Rec.
Statehouse Mail
Boise, ID 83720

John Arkoosh
601 Nevada St.
Gooding, ID 83330

Montana Power Co.
c/o Kent Foster
40 E. Broadway
Butte, MT 59701

Sharla R. Curtis
SHARLA R. CURTIS
Idaho Department of Water Resources

PHOTOCOPY ONLY

Form 202
3/78

C 21 7282
Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT AMENDED

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 334-4440

   Post office address Statehouse, Boise, ID 83720

2. Source of water supply Henrys Fork which is a tributary of Snake River
   reach is from

3. Location of ~~point of diversion is~~ NW ¼ of NW ¼ of Section 33 Township 13N

   Range 43 E B.M. Fremont County, ~~additional points of diversion if any:~~ to

   SE¼NE¼ Sec. 25 T10N R43E.

4. Water will be used for the following purposes:

   Amount 1000 (cfs or acre-feet per annum) for minimum stream/flow purposes from 4-1 to 9-30 (both dates inclusive)

   Amount 300 (cfs or acre-feet per annum) for minimum stream/flow purposes from ~~10-1~~ 1/1 to ~~3-31~~ 12/31 (both dates inclusive) MRJ 4-20-82

   Based on Montana method of fishery stream flow analysis

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

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

5. Total quantity to be appropriated:

   a. 1000 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Instream flow, including flow through Box Canyon and Harriman Ranch State Park and flows over Upper and Lower Mesa Falls.

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is _____ 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: _____ ¼ of _____ ¼ of Section _____ Township _____

      Range _____ 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: _____

      _____

      _____

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

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

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion State of Idaho ----navigable stream

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

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

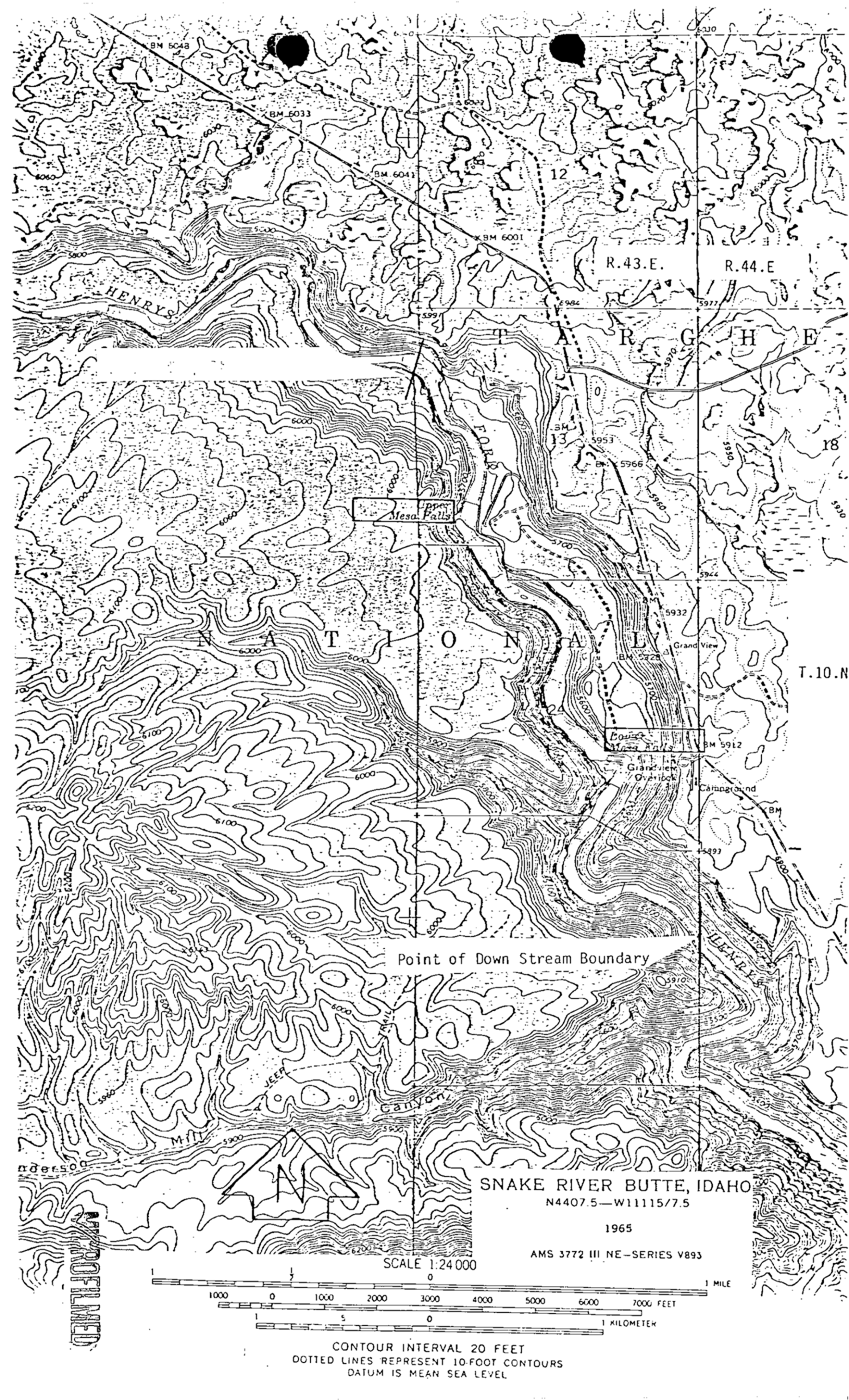
10. Remarks Existing federal and state studies recommend protection of this stretch of river for its natural, significant and recreation values; existing road access for viewing areas have been developed and public (Idahoans) have established a history of active (fishing) and passive (visual and photographic) uses. The areas has been identified in the 1977 Statewide Comprehensive Plan as a significant resource needing protection; Idaho Fish and Game Department lists it as a Class I trout stream and this segment (known as cardiac canyon) is a trophy rainbow fishery. National studies have identified this river for potential addition to the National Wild and Scenic River System (Secretary of Agriculture, Sept. 1970), USFS Management Plan calls for protection and managing this stretch for recreation (attached). Other attachments also support efforts to identify and protect this resource.

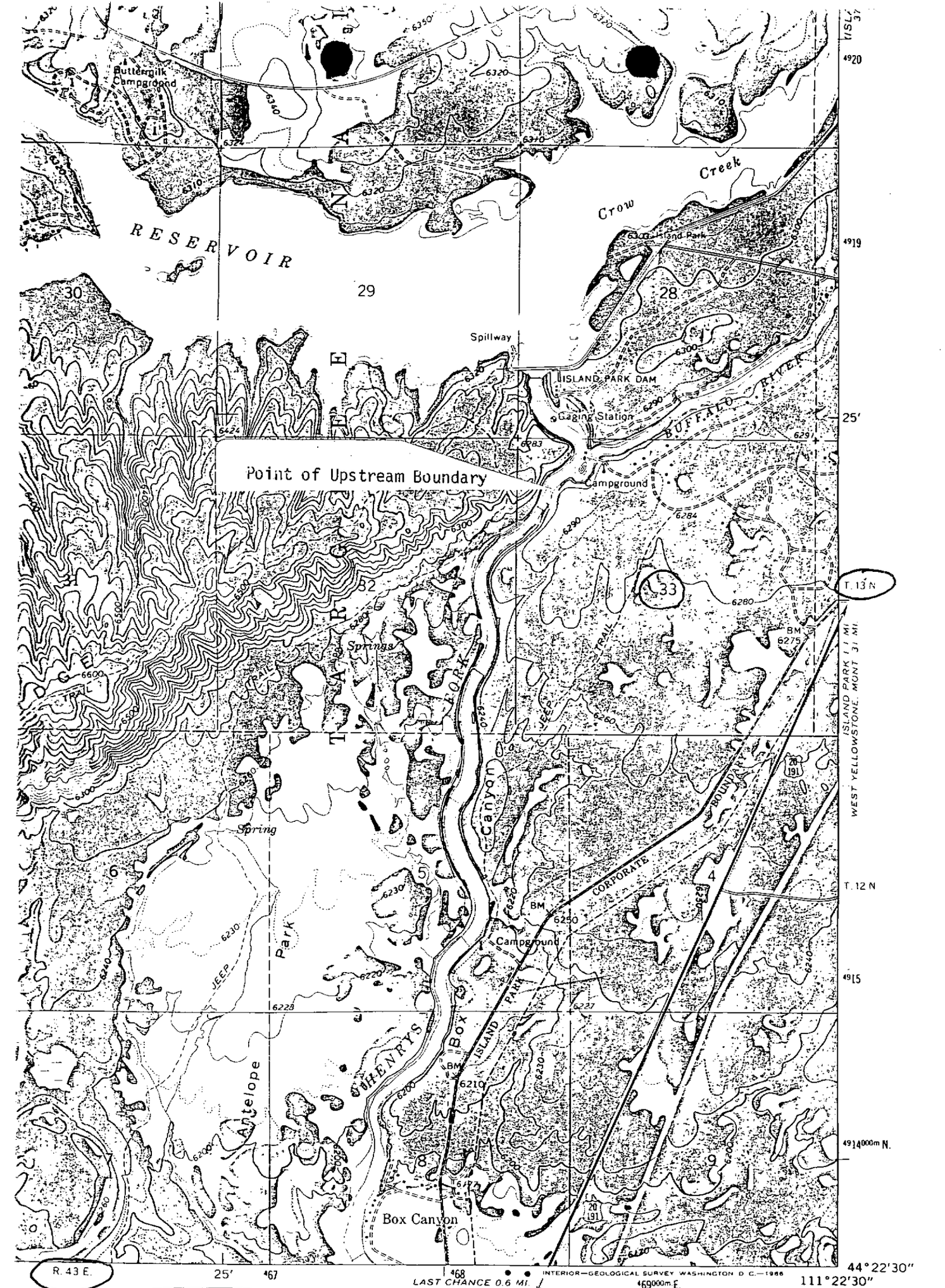
The river segment from the confluence of the Buffalo River through the area known as Box Canyon and the Harriman Ranch State Park of Idaho is one of the most significant recreation resources in the State of Idaho. It is a unique wildlife habitat area renowned internationally for its wildlife and in particular for the trophy fishery that has developed in the stretch below Buffalo River through and including the state park property.

The 1,000 cfs rate of flow is limited to the reach of river from the township line between T. 10N and 11N, R. 43E, to the lower end of the minimum stream flow reach in the SE¼NE¼, Sec. 25, T. 10N, R. 43E.

This minimum stream flow right shall in perpetuity be subject to prior water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir #2 and the Warren Act Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

4/30-82


BM 6048
BM 6033
BM 6041
BM 6001
R.43.E.
R.44.E
T. 10. N.
HENRYS FORK
Upper Mesa Falls
Lower Mesa Falls
Grand View
Grandview Overlook
Campground
Point of Down Stream Boundary
HENRYS FORK
JEEP TRAIL
Canyon
Mill
SNAKE RIVER BUTTE, IDAHO
N4407.5—W11115/7.5
1965
AMS 3772 III NE—SERIES V893
SCALE 1:24 000
1 MILE
7000 FEET
1 KILOMETER
CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL



SCALE 1:24 000

0 1 MILE

0 1000 2000 3000 4000 5000 6000 7000 FEET

0 1 KILOMETER

CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION

Light-duty

Unimproved dirt

U.S. Route

N

ISLAND PARK DAM, IDAHO

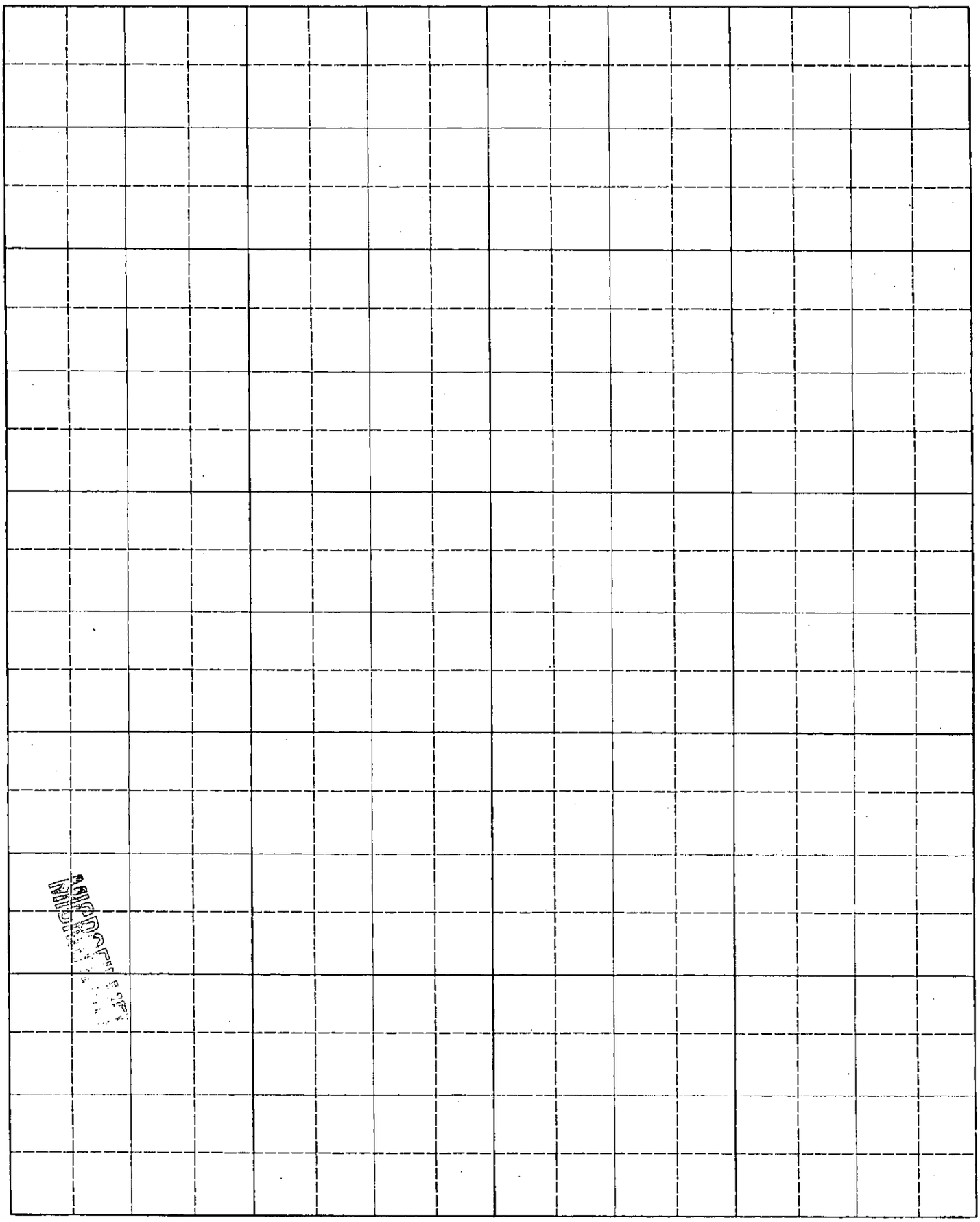
N4422.5—W11122.5/7.5

1964

S MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
LOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
CRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ANY 3772 IV NW—SERIES V893

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.

M. Reed Hansen
(Applicant)

Received by KW Date 6/1/81 Time 10:40 a.m.

Preliminary check by _____ Fee $ N/A

Receipted by _____ Date _____

Publication prepared by KW Date _____

Published in Ashton Herald

Publication dates 8/13 + 8/20/81

Publication approved CW Date 9/08/81

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. 21-7282, and said application is hereby approved.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 88.

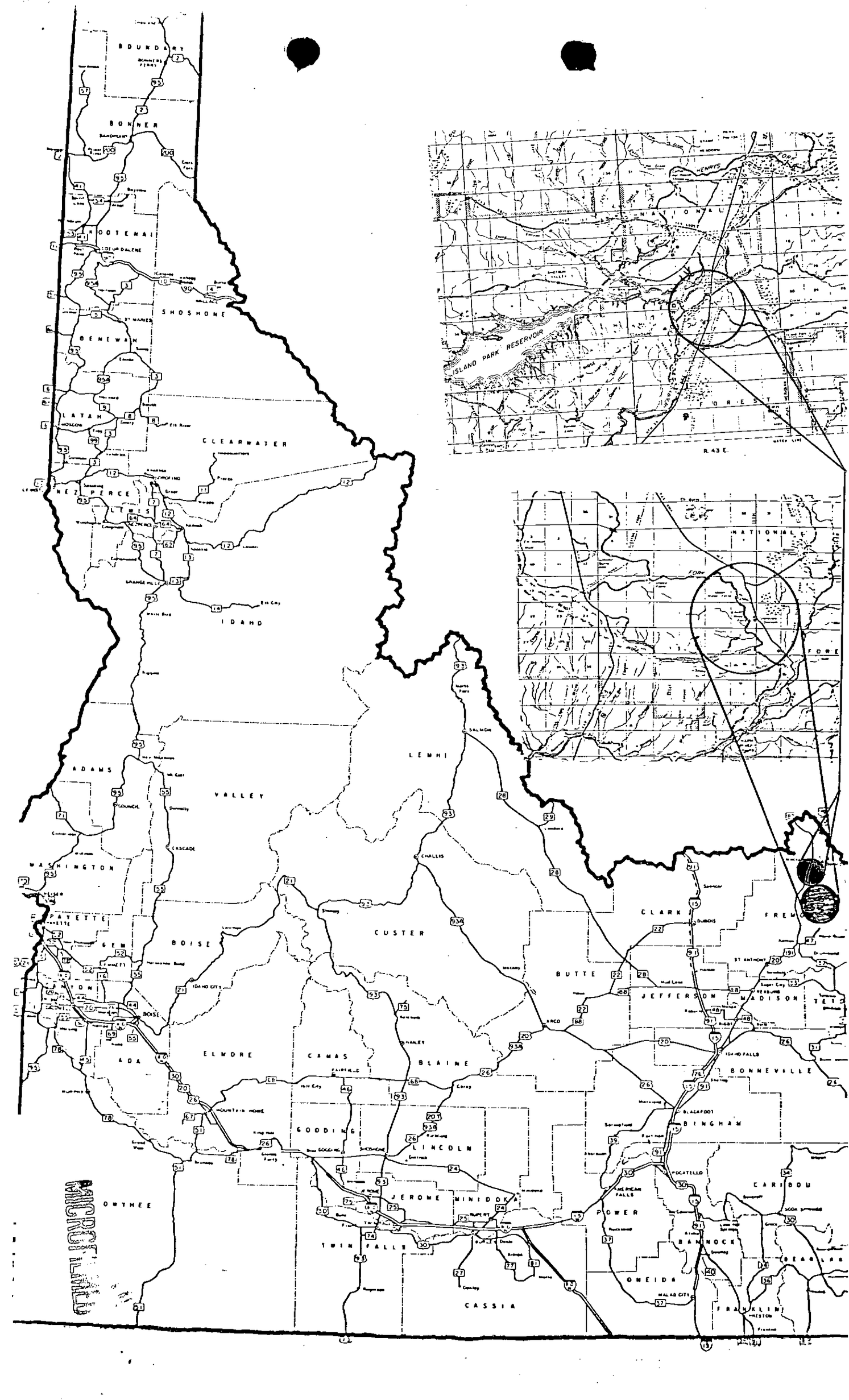
   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: Pursuant to the provisions of MEMORANDUM DECISION AND ORDER dated May 12, 1983.

Witness my hand this 12th day of May, 1983.

A. Dewayne Kenn
Director

MICROFILMED


BOUNDARY
BONNER
KOOTENAI
SHOSHONE
BENEWAH
LATAH
CLEARWATER
NEZ PERCE
LEWIS
IDAHO
ADAMS
WASHINGTON
PAYETTE
GEM
BOISE
ADA
ELMORE
VALLEY
CASCADE
COUNCIL
CUSTER
LEMHI
SALMON
CHALLIS
CAMAS
BLAINE
GOODING
LINCOLN
JEROME
MINIDOKA
TWIN FALLS
OWYHEE
CASSIA
POWER
BUTTE
CLARK
JEFFERSON
MADISON
BONNEVILLE
BINGHAM
CARIBOU
BANNOCK
ONEIDA
FRANKLIN
BEAR LAKE
ISLAND PARK RESERVOIR
R. 43 E.

ATTACHMENT TO APPLICATION FOR PERMIT

TO APPROPRIATE A MINIMUM STREAM FLOW

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

No water right has been filed for diversion within this river stretch; the proposed use of water is strictly for non-consumptive purposes; no downstream user will be adversely effected.

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

The application is made for aesthetics and recreation purposes by a governmental non-profit entity. No development is planned nor are there proposed fees for viewing site., or for fishing the stream.

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

The stretch of river through Box Canyon and the Harriman Ranch State Park are unique recreation tourist attraction both for its vistas and for its trophy fishery. The falls are unique recreation resources references in numerous local tourist guides, forest service management guides, and the Idaho State Outdoor Recreation Plan, etc.

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

Historic flow records show recordings of flow releases at Island Park Dam at over 1900 cfs plus 300 cfs from Buffalo River and 100 cfs from other springs. Attached photographs show the effects of the visual quality desired via maintaining the flow over the falls at 1000 cfs.

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

Flow records from stream gauge below Island Park reservoir, Gauge No. 13042500 are attached. Above 300 cfs contribution from Buffalo River located approximately 200 yds downstream from dam. There are no known diversions between the gauge site and the proposed reach.

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

Gauge 13042500 on Henrys Fork located in SWSW Sec 28, T13N, R43E

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

None needed.

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UPPER MESA FALLS

This is an outline of the significance of Upper Mesa Falls in comparison with other waterfalls.

A waterfall is defined as a perpendicular or very steep descent of a stream of water. When large volumes of water descend the falls it is sometimes termed a "cataract" and low or gentle gradient is termed a "cascade". Turbulent white water areas of still gentler gradient are termed "rapids". There are no exact measures which separate cataracts, cascades, rapids and waterfalls.

Waterfalls are sometimes divided into types based on the process which formed the falls. These include (1) falls produced by a natural discordance in river profiles, (2) falls produced by differential erosion, and (3) falls produced by deposition of barriers or dams. Upper Mesa Falls can be included within the third type. It was formed as the result of the deposition of a lava plateau known as the Island Park Caldara.

In general waterfalls are compared by the height of falls. However, there is a tendency for falls of greater height to have smaller volumes of water flowing over them. The best comparison of waterfalls, therefore, is a combination of height and average discharge.

Upper Mesa Falls is listed as one of the major waterfalls of the world in Water Encyclopedia (1970). The falls is variously listed as 96 to 114 feet in height. A companion falls, named Lower Mesa Falls, is listed at 65 to 70 feet high. The variations is published

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heights may be due to variations in the method of measurement. The pair of falls are situated in a scenic gorge on the Henrys Fork of the Snake River in Fremont County, Idaho. The surrounding area is a forested landscape.

In comparison with other falls within 700 miles of Upper Mesa Falls, five stand out. These include Upper and Lower Yellowstone Falls and Tower Falls in Yellowstone National Park, and Shoshone and Twin Falls on the Snake River near Twin Falls, Idaho. All of the falls were formed by similar processes.

The heights of the falls have been published in the Water Encyclopedia (1970) as

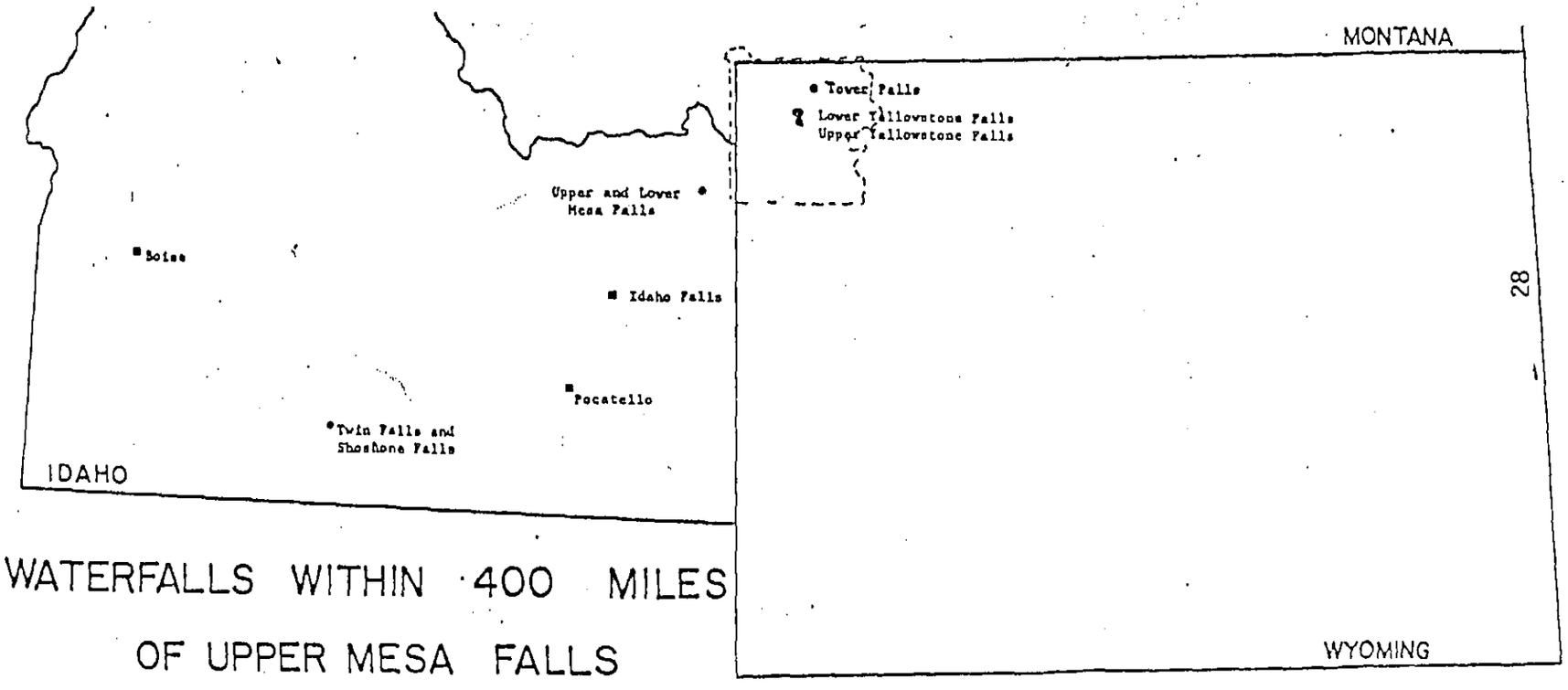
NAME	HEIGHT IN FEET
Lower Yellowstone	308
Shoshone	195
Tower	132
Twin Falls	125
Upper Yellowstone	109
Upper Mesa	96
Lower Mesa	70

This comparison of course does not tell the whole story. Both Shoshone and Twin Falls are either dry or reduced to a trickle of water during the summer with most of the water being diverted for irrigation. The volume of water flowing over Upper and Lower Mesa Falls averages somewhere between 600 and 1500 cubic feet per second. In comparison with other major world waterfalls, Upper

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Mesa Falls is small in terms of volume. In comparison with regional waterfalls, Upper Mesa Falls occupies the middle range of similar visual experiences. While volume figures are not available for Upper and Lower Yellowstone Falls they are clearly greater than Upper Mesa Falls. The volume of Upper Mesa Falls is greater than both Twin Falls and Shoshone Falls, having no up stream irrigation to divert the water supply. It is also greater in volume than Tower Falls which is located on a small tributary of the Yellowstone River.

Upper and Lower Yellowstone Falls, Tower Falls, and Upper and Lower Mesa Falls are situated in a forested environment. Twin Falls and Shoshone Falls are situated in a desert environment. The differences in volume and environment make the scenic experience of Twin Falls and Shoshone Falls distinct from the other falls considered in this outline.



WATERFALLS WITHIN 400 MILES

OF UPPER MESA FALLS

A. Demographic Analysis

1. Population Centers in Primary Service Area

Area	Population
10-25 miles	
Ashton	1,187
26-50 miles	
St. Anthony	2,877
Rexburg	10,376
Driggs	968
51-100 miles	
Rigby	6,102
Jackson	5,410
Idaho Falls	38,073
Blackfoot	17,294
West Yellowstone	756
101-200 miles	
Pocatello	50,200
Livingston	6,883
Bozeman	18,670
Butte	23,368

2. Relative Driving Time to Urban Areas

One Hour	Three Hours	Five Hours
Ashton	Jackson	Bozeman
West Yellowstone	Idaho Falls	Ogden
St. Anthony	Blackfoot	Butte
Driggs	Pocatello	Livingston
Rexburg		
Rigby		

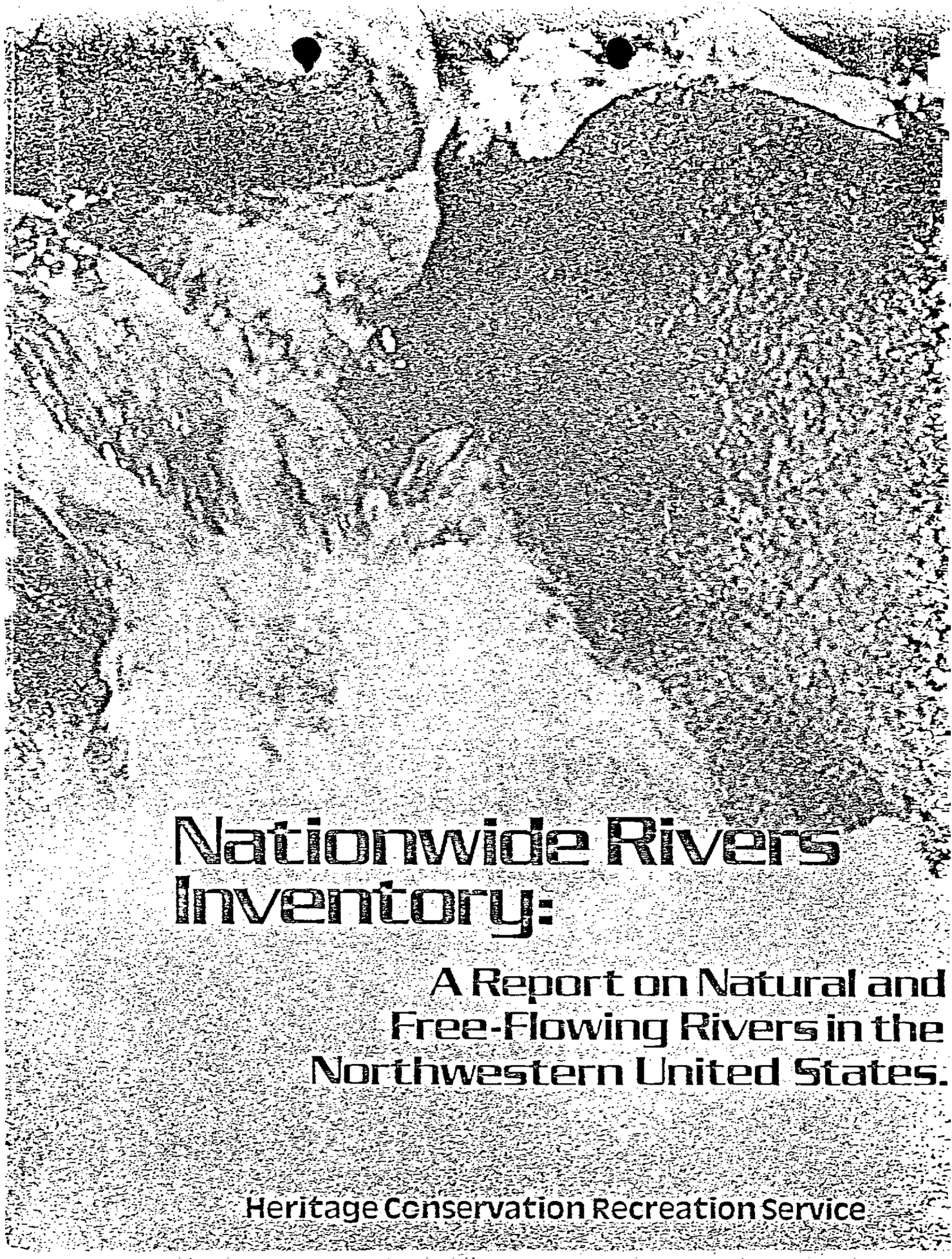
3. Transportation System

The primary transportation route serving Upper Mesa Falls composite is U.S. Highway 191 from the north and south. The immediate access is State Highway 47. The following is a list of daily traffic volumes for each of the highways:

U. S. Highway 191
June to August - 3,433

State Highway 47
June to August - 252
September to October 210

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Nationwide Rivers Inventory:

A Report on Natural and Free-Flowing Rivers in the Northwestern United States.

Heritage Conservation Recreation Service

NOT FOR CIRCULATION

UNITED STATES
DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

NORTHWEST REGION
915 SECOND AVENUE, RM. 990
SEATTLE, WASHINGTON 98174

(206) 442-4706

102-01a(2)
RES 1-1

SEP 16 1980

OPERATION
DEVELOPMENT
REC. ASSIST 1
COMP PLAN 13
FISCAL
FILE

Dale R. Christiansen, Director
Idaho Department of Parks and Recreation
Statehouse
Boise, ID 83720

Dear Dale:

We have completed the first phase of the nationwide rivers inventory in this region and have a report of our findings available for distribution. I'm enclosing an advance copy for your reference. Copies will be sent to federal and state agencies, conservation groups, and individuals in the next week.

In the Northwest more than 700 rivers - over 28,000 river miles - were examined during the first phase of the inventory. Resource data continue to be collected on many of these rivers. The effort has taken nearly two years and encompassed over 280,000 square miles in seven states. Hundreds of people helped and contributed important information in the completion of this study.

The inventory effort has identified 85 rivers or segments of rivers in Idaho, Oregon, Washington, and western Montana as having particularly significant resource values. These rivers, together with their immediate corridor environment, are some of the best riverine resources in the Northwest and can serve to focus our joint efforts toward a system of protected rivers.

I would like to confirm arrangements which have been coordinated with Bill Hagdorn of your staff for a meeting of state and federal agencies and conservation group leaders. We are planning to meet Tuesday, September 30, at 1:30 p.m. in the Department of Fish and Game meeting room, to present the results of the first phase of the inventory and discuss the implications for federal planning. We also plan to talk about the upcoming second phase of the inventory. Bill has agreed to invite the state agencies and the conservation groups. We will contact the appropriate federal agencies.

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Thank you for your continued support and interest in the nationwide rivers inventory. As we continue to work together, we move closer to achieving our goal of conserving some of the Northwest's - and America's - exemplary rivers.

Sincerely,

Maurice H. Lundy
Regional Director

Enclosure

cc: (w/enclosure)
Bill Hagdorn

RECEIVED

Introduction

The Heritage Conservation and Recreation Service (HCRS) has completed the first phase of a two phase effort to examine and inventory the Nation's river resources. This report, prepared by the Northwest Region of HCRS, presents the findings of the first phase of the inventory for the three state area of Washington, Oregon, and Idaho.

The total inventory effort is designed to identify those outstanding rivers and river segments still remaining in a relatively natural, undeveloped condition, which could serve as the principal elements of a nationwide system of protected rivers. These rivers, together with their immediate corridor environment, are some of the best riverine resources found in America.

In the Northwest more than 700 rivers were initially examined during the first phase, to determine the amount of development which had occurred either in or along the waterway. Of these, 85 were selected for further study, including aerial reconnaissance, to see if the overall resource qualities were so significant to warrant consideration of protective measures for conservation. The list of rivers incorporated in this report is the result of the inventory effort in the northwestern United States, and represents the best free flowing, relatively undeveloped stream segments in this region. The methodology used in selecting the stream segments for the list is explained later in this report.

In a broad sense, the nationwide rivers inventory will provide nationally consistent and readily available data on the Nation's free-flowing streams. The inventory, and the ongoing data collection which follows, will supply the Administration, Congress, States, and private interests with basic river data for their use in making informed decisions on a variety of river related issues; including preservation, recreation, zoning, water supply, irrigation, hydroelectric power, and flood control.

Specifically the inventory is intended to:

Provide baseline data on the condition and extent of our free-flowing river resources. The baseline information is necessary for a thorough assessment of the Nation's free-flowing rivers—how many remain, where are they located, and what is their present condition. In addition, the baseline data can be used to measure future losses of natural, free-flowing river resources.

Provide a basis for recommending additional rivers to Congress for full study authorization under the Wild and Scenic Rivers Act. An objective and systematic nomination process would insure that the Nation's best rivers, representing a diversity of river types, are considered for inclusion within the National Rivers System.

Provide a basis for recommending additions to the list of "potential wild and scenic rivers" under section 5(d) of the Act. There have been no changes to the original list of 42 potential rivers since it was prepared in 1970. The inventory provides a logical, objective tool for recommending additional rivers.

Provide rivers information for water resource studies by Federal water development and license issuing agencies. Proponents of water development proposals frequently do not know the environmental or recreational significance of a specific free-flowing river. By highlighting the most significant rivers, the inventory can indicate potential environmental conflicts early in the planning process. The data is also useful in formulating alternative uses of water and related land resources.

Assist State and local agencies and citizen groups in promoting appropriate river protection measures. State agencies may use the inventory list as a first cut in selecting rivers for state river systems or for other state acquisition or protective measures. Local agencies and citizen groups can use the inventory information to bring into perspective the state or national significance of a specific river in their locality. Appropriate Federal or State agencies may wish to provide preservation assistance to local jurisdictions along identified rivers.

Identify those rivers subject to the provisions and policies in the President's 1979 Environmental Message and his subsequent directive to Federal agencies. In his 1979 Environmental Message, President Carter directed that:

> *federal land management agencies shall assess whether rivers located on their lands and identified in the National Inventory prepared by the Heritage Conservation and Recreation Service are suitable for inclusion in the Wild and Scenic Rivers System; if so, these agencies shall take prompt action to protect the rivers—either by preparing recommendations for their designation or by taking immediate action to protect them;*
>
> *all Federal agencies shall avoid or mitigate adverse effects on rivers identified in the National Inventory...*

The Environmental Message directive applies specifically to those rivers listed in Table I of this report. The publishing of this list of natural and free-flowing streams does not preclude the addition or deletion of rivers at a later date. A second phase of the inventory will be directed toward further refinement of the list.

UNCLASSIFIED

AUTHORITY

The Congress, in passing the National Wild and Scenic Rivers Act, directed the Secretaries of Agriculture and Interior to:

> *make specific studies and investigations to determine which additional wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved. (P.L. 90-542, Section 5(d))*

This inventory is intended to in part discharge the responsibilities of the Department of the Interior, in response to the mandate of Congress in the Act.

The inventory is also responsive to President Carter's commitment to completing the inventory, when he stated in his 1977 Environmental Message that:

> *we must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks.*

and in his 1979 Environmental Message that:

> *we need to speed up the process for studying Wild and Scenic Rivers for designation and to consider the protection of rivers or parts of rivers which can protect important natural ecosystems. Moreover, the Federal government should set an example of sound management for state, local and private landowners by taking an aggressive role in protecting possible Wild and Scenic Rivers which flow through our public lands.*

SCOPE

There are two distinct sets of natural resource criteria to be evaluated in an inventory such as this:

- the degree to which the river and corridor remain undeveloped, and
- the outstanding characteristics which make up the riverine environment.

Because there are these two distinct groups, based on degree of naturalness and outstanding features, the nationwide rivers inventory is divided into two phases. The first phase identifies the highest quality free-flowing rivers that are, overall, still in their essentially natural condition. These are rivers that meet the general criteria of the wild and scenic classifications under the National Wild and Scenic Rivers Act. The second phase will place less emphasis on the overall natural quality (undevelopedness) of rivers, but will focus on the singular superlative qualities that make a particular river noteworthy, such as an outstanding fishery or example of a unique geologic feature. Rivers identified as significant during the second phase will meet, at a minimum, the general criteria of the recreational river classification of the national Act.

The first phase of the inventory was completed in the eastern States prior to its beginnings in the West. With some minor exceptions, the western inventory was based on methods developed during the earlier studies.

The western regional inventory, initiated in January, 1979, is based on the physiographic province concept discussed in Methodology. Assignments of regional areas of responsibility are shown in Figure 1. This report discusses those areas inventoried by the Northwest Regional Office and those portions of Oregon and Idaho which were inventoried by other regional offices of HCRS.

Based on the experience of earlier inventories, it is expected that eventually 20-25% of the regions river miles will be identified as particularly significant. The nationwide rivers inventory is an ongoing effort to collect extensive data, including color videotape records, on each of these rivers.



Nationwide Rivers Inventory List

PHASE I

Northwest Region

The attached listing, Table I, shows those rivers or river segments which have been identified as significant resources. The tables are organized according to physiographic province boundaries. Only those rivers located in Idaho and Oregon are included on this list for provinces 18 and 22a. A full listing of rivers in those provinces may be obtained from the regional office responsible for the study in that area (See figure 1). Counties and Federal agency areas through which the rivers flow are indicated. Federal ownership is indicated whenever there are Federal lands along the river. In most cases, ownership along the rivers is a combination of Federal, State, and private. Spatial descriptions are generally indicated from upstream to downstream locations. Where two or more rivers, forks, or segments form a connected system, they are shown as one listing, e.g., Nooksack River, province 23.

Table 2 provides a cross-reference listing of rivers based on State boundaries. A full listing of information on the rivers is found under each physiographic province associated with the river.

NATIONWIDE RIVERS INVENTORY LIST, NATURAL AND FREE-FLOWING RIVERS
NORTHWEST REGION

River Name	Province & Section	State	County(ies)	Land Agency
PROVINCE 19				
Henrys Fork	19 (20d)	ID	Fremont	USFS
Jefferson River	19	MT	Silverbow	—
Kelly Creek	19	ID	Clearwater	USFS
Kettle River	19	WA	Ferry Stevens	USFS
Little North Fork Clearwater River	19	ID	Clearwater Shoshone	USFS BLM
Madison River	19	MT	Gallatin Madison	USFS
North Fork Clearwater River	19	ID	Clearwater Shoshone	USFS
North Fork Coeur d' Alene River	19	ID	Shoshone	USFS
North Fork Payette River	19	ID	Boise	USFS
Payette River and South Fork	19 (20c)	ID	Boise	USFS BLM
Salmon River	19	ID	Custer Lemhi	USFS BLM

PHOTOCOPY

Spatial Description	Mileage	Notable Features
From Henrys Lake downstream to the confluence of the Warm R., except Island Park Reservoir	49	Undeveloped river downcutting through basalt, creating interesting geologic features, including 3 major waterfalls in the lower canyon portion; wildlife habitat; white water boating, primarily canoeing. * Upper & Lower Mesa Falls
From the confluence of Big Hole R. downstream to RM 36	32	
From its source downstream to the confluence with the North Fork Clearwater River	31	Wilderness stream flowing through a variety of terrain, including meadows and small canyons. Clear, swift water; good fish and wildlife habitat. *
Entire Washington portion	54	Gently meandering stream flowing through historical mining region. Good scenic values and sufficient year round flow and grade for premier canoeing and floating opportunities.
From its source downstream to slack water at Dworshak Reservoir	33	Youthful, swift wilderness stream with ample clear water. Exceptional scenic value and interesting geologic outcrops. Native cutthroat/mountain whitefish fishery; wintering area for big game and eagles. *
From Hebgen Dam downstream to the head of Ennis Lake; and from the Madison Powerhouse downstream to the three forks confluence at the Missouri River	87	
From its source downstream to slack water at Dworshak Reservoir	78	Long, clear, high flow, swift river, with little non-road development, considerable recreation use and scenic quality. *
From its source downstream to the confluence with the mainstem	35	Swift, pristine river flowing through heavily forested region; sustains considerable wildlife.
From McCall, ID downstream to slack water at Cascade Reservoir and from Cascade Dam downstream to the confluence with the mainstem	52	Stellar example of continuous white water in a moderately sized canyon; river supplies expert kayaking opportunities as well as considerable scenic qualities. Upper portion meanders through wide flood plain.*
The South Fork from the boundary of the Sawtooth Wilderness Area downstream to the confluence with the Middle Fork; and then the mainstem downstream to the confluence with the North Fork	54	Substantial quantities of recreational boating and fishing; scenic canyons interspersed with wider valley. Rises in Sawtooth Wilderness Area.*
From its source downstream to North Fork, ID, except that part through Salmon, ID	177	Long, high flow river with a variety of topographic settings. Supports recreational boating and fishing.*

* Denotes Idaho River designated jointly by U.S. Fish & Wildlife Service, EPA, and Idaho Fish & Game as "highest-valued fishery resource"

NATIONWIDE RIVERS INVENTORY LIST, BY STATE

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RIVER	PROVINCE/SECTION
Big Creek	19
Blackfoot R.	18, 22a
Boise R. and North Fork	19
East Fork Salmon R.	19
Falls R.	18
Henrys Fork	19, 20d
Kelly Creek	19
Little North Fork Clearwater R.	19
North Fork Clearwater R.	19
North Fork Coeur d' Alene R.	19
North Fork Payette R.	19
Payette R. and South Fork	19, 20c
Salmon R.	19
Snake R.	18
Snake R.	18, 20d
South Fork Boise R.	19
South Fork Salmon R.	19
South Fork Owyhee R.	20c, 22a

MONTANA

RIVER	PROVINCE/SECTION
Beaverhead R.	19
Big Hole R.	19
Blackfoot R.	19
Flathead R.	19
Jefferson R.	19
Madison R.	19
Wise R.	19

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IDAHO

outdoor recreation plan

1988

MAIL ADDRESS: STATEHOUSE
OFFICE: 2200 WARM SPRINGS
PHONE (208) 384-2264
BOISE, ID 83720

NCRC

The combination of high mountain lakes, the major big lakes in north Idaho, numerous man-made lowland lakes and a tremendous network of streams and rivers contributes to a wide variety of fish habitat. Even though development for other uses has resulted in a loss and deterioration of habitat, a significant fishery resource is still available.

During the drought experienced in 1977, fishermen were both delighted that it would mean the largest harvest ever, while at the same time, being saddened because of unavoidable fish kills and other anomalies brought about by the change in climate. The impact the drought has had on the resource won't be fully understood for several seasons.

Principal problems in utilizing the resource for natural reproduction is loss of habitat due to dewatering of streams or fluctuating reservoirs. In recent years, public opinion polls in Idaho demonstrated there is great public concern for maintenance and protection of fish and wildlife resources. Principally, flows are required for fish, however there are some upland game and wildlife that require instream flows to protect their use of stream resources during critical periods in life cycles.

ANADROMOUS FISH

Anadromous fish runs in Idaho have been limited by dam construction to part of the Clearwater River drainage, the Salmon River drainage, and the Snake River up to Hells Canyon Dam. The salmon and steelhead migrating to this area encounter many problems including the passage downstream over dams, the commercial fishery of Oregon and Washington in the Pacific Ocean and lower Columbia River, and the sport fishery in the states of Oregon and Washington. The Snake River once supported a productive sturgeon fishery from Shoshone Falls downstream to its confluence with the Columbia River. Following the construction of major dams throughout the Columbia system, and C.J. Strike, Oxbow, Brownlee, and Hells Canyon dams on the Snake River in the 1960's, the sturgeon population declined drastically since curtailment of its migratory habits seriously affects its reproductive cycle. Today, only a very small population of sturgeon remain land-locked above Hells Canyon Dam, while its last remaining stronghold lies in a stretch of the Snake River below the dam and a portion of the lower Salmon River.

The anadromous fishery resource is important economically and provides an attraction to tourists and fishermen. The Idaho Fish and Game Department closed the sport season to Idaho fishermen for salmon during the 1975 season due principally to the low number of returning adult fish. Biologists are optimistic that a downstream passage problem over dams is near solution, and Idaho can expect larger and more stable return in the near future. Resource maintenance flow estimates for anadromous fish in Idaho are limited to the Snake River and releases from Hells Canyon Dam.

Because of more natural streamflow conditions, the Salmon and Clearwater rivers will probably sustain natural propagation whereas the Middle Snake flows will require artificial propagation. Mitigation of fishery losses on the Lower Snake River were authorized in 1976. The principal features of the mitigation plan are oriented to reestablishing viable anadromous fish runs into Idaho. The plan provides $58 million for 4 new hatcheries to return to Idaho 48,000 spring and summer Chinook Salmon. Also the hatcheries will provide for returning 41,000 summer Steelhead to the Clearwater and Salmon River Basin

STREAM CLASSIFICATION

A 1966 inventory of Idaho fishing waters identified 11,946 miles of streams and rivers as possessing significant fishing values, rating them from Class I (most desirable) through Class IV (least desirable). An additional 3,722 miles of streams were not classified. Of the

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total 15,718 miles, 34 percent (5,227 miles) was rated Class I, approximately 10 percent (1,499 miles) was rated Class II, 21 percent (3,300 miles) was Class III, and 12 percent (1,820 miles) was rated Class IV. The most important streams and rivers are shown on Figure 8.

These four classes of streams were established through the use of rating factors for aesthetics, availability, use, productivity, and size. Special consideration was given to unique or endangered species, anadromous fish, vital spawning areas, stream potentials, and enhancement possibilities. Reclassification of these streams is underway, the results of which shall be made known shortly.

Wildlife

Many big game animals roam Idaho's mountainous back country. Those found here include the Rocky Mountain goat, Rocky Mountain bighorn sheep, California bighorn sheep, moose, elk, western whitetailed deer, mule deer, black bear, grizzly bear, mountain lion, woodland caribou, pronghorn antelope and bison.

Upland game bird species found in Idaho include the ringneck pheasant, Hungarian and chukar partridge, valley bobwhite, Gambel's and mountain quail, blue, ruffled, spruce sage and sharp-tailed grouse, mourning dove and Merriam's wild turkey.

During the fall, migration of ducks and geese provide enjoyment for hunters who prefer waterfowl. Waterfowl found within the state are the Canada, snow and Ross' geese. Puddle ducks include mallard, widgeon, gadwalls, shoveler, green-winged teal, blue-winged teal, cinnamon teal, pintail and wood ducks. Diving ducks include canvasback, redhead, common goldeneye, bufflehead, scamp and ruddy duck. Fish ducks include the common merganser, hooded merganser and redbreasted merganser. Wilson's snipe and American coot are also classed as waterfowl. Both whistling and trumpeter swan are found in Idaho, but not hunted.

Furbearing animals include marten, fisher, mink, otter, beaver and muskrat.

Wildlife habitat, which includes portions of all of the state's water, forest, range, and cropland areas, varies considerably in type, quality, and amount. (See Figure 9.) Although statistics on habitat types are not available, fish and wildlife agencies believe that there are critical shortages of winter range in many areas for deer, elk and other big game.

Non-game species involving fish, birds and animals will benefit from the proper protection of the habitat for game species.

Other kinds of wildlife habitat are more abundant, but in many cases the quality has declined. Fish habitat provided by lakes and reservoirs is ample, although the quality varies. Summer range for deer and elk, the principal big game species, is ample in relation to winter range. Upland game habitat, occurring mostly on farm and range lands, is diminishing, but the supply is not yet critical. The state's many marshes, shallow lakes, and streams provide waterfowl habitat important for wintering nesting, and resting during migrations. Almost all of the lands supporting vegetation provide habitat for some type of wildlife.

During the month of July, 1977, the Idaho Fish and Game Department completed its proposed draft on the "Classification and Protection of Wildlife." After the proposal was ammended, it received official recognition. The results of the new classification can be seen in appendix C.

All species of wildlife, including nongame as well as game species, contribute to public interest in our state because they provide opportunity for wildlife

CHALLENGE

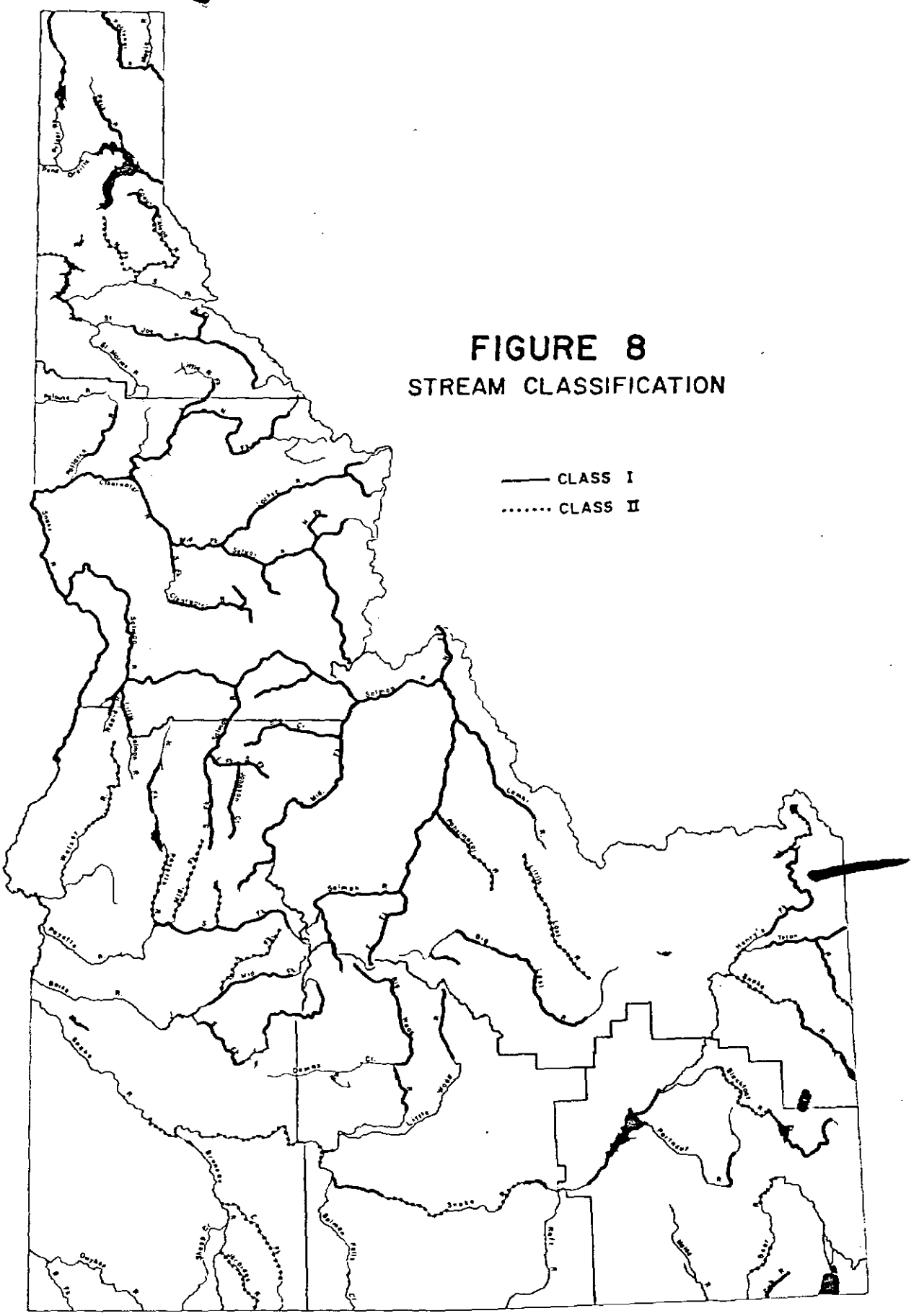


FIGURE 8
STREAM CLASSIFICATION

—— CLASS I

..... CLASS II

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BIRDS OF PREY

Although not a designated recreation area, the Snake River Birds of Prey Natural Area has attracted the gaze of an international audience.

Established in 1971 by the Secretary of the Interior, this natural area protects eagles, hawks, falcons, owls, ospreys, and vultures, collectively known as raptors, or birds of prey.

A myriad of rocky ledges and pinnacles annually attract more nesting raptors than any other known location of similar size in North America. Fourteen different species of these aerial hunters have been sighted in the Natural Area, golden eagles and prairie falcons being the most abundant. An estimated six to ten percent of North America's total known nesting population of prairie falcons is found in or adjacent to the Natural Area.

WILDERNESS AND PRIMITIVE AREAS

Wilderness, as defined in the 1964 National Wilderness Act, is recognized as an area where ...the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." An area of wilderness is further defined to mean in this Act an area of undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acreas of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic or historic value..."

As a part of the 1964 legislation, two wilderness and two primitive areas were established in our national forests in the State of Idaho. Both the Sawtooth and the Selway-Bitteroot Wilderness Areas were created and at the same time the Idaho and the Salmon River Breaks Primitive Areas were designated. Only recently, the Hells Canyon National Wilderness Area was established which has increased the number of wilderness experiences available to recreationists. (See Figure 12). These areas have had a significant impact on Idaho's recreation patterns and economy. Their recognition the world over as a beautifully unspoiled wilderness environment challenges man to enjoy nature on nature's terms.

In addition to those areas already designated, all federal land managing agencies are reviewing their roadless lands and potential wilderness areas for future land management proposals. The Forest Service has termed this study RARE I (Roadless Area Review and Evaluation) and are currently preparing another study, RARE II, which will be coming out for public review in the near future. A summary of the RARE I study can be seen on Table 3-11, and their geographical location within the state in Figure 13 . The actual figures are subject to correction pending the RARE II inventory.

WILD, SCENIC, AND RECREATION RIVERS

There are a myriad of recreational experiences awaiting those who float the internationally known rivers in the State of Idaho. The unique and natural features which surround these waterways reward recreationists with the sounds of nature, wildlife in its natural condition, vegetation of differing associations and the wonder of mountain rivers.

In recent years, impoundments and diversions of water have increased the number of surface water and decreased the number of free-flowing waterways. These waters are being utilized for irrigation, municipal and industrial use. For these reasons, it is of utmost importance that

studies, inventories, and analysis be undertaken to identify the roles of specific waterways.

In a national effort to evaluate free flowing streams and rivers, Congress enacted the Wild and Scenic Rivers Act (PL-542) in 1968 which set aside rivers that possess outstanding scenic, recreation, historic, cultural, or other similar values in their natural free flowing condition. The Act further provided for the classification of streams and rivers taking into account physical and aesthetic characteristics of the water body. (See Figure 14)

River Classification Systems

Wild Rivers

Those rivers or sections of rivers free of impoundment and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and water unpolluted.

Scenic Rivers

Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreation Rivers

Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

These classifications are intended to help states assure protection of lands adjoining the rivers. Based upon the natural or man-made qualities that are inherent in the river's classification in one of the categories, intrusion of contradictory land uses would be avoided. The federal legislation also envisioned statewide river protection systems that would complement the nationwide system.

The Wild and Scenic River Act of 1968 designated eight rivers around the country as being Wild and Scenic Rivers. Significantly, two of those original eight are here in Idaho. The Middle Fork of the Clearwater and the Middle Fork of the Salmon are now official Wild and Scenic Rivers. In 1975, the entire Rapid River and the Snake from Hells Canyon Dam to a point near the Washington, Oregon, Idaho border, also received the designation.

Along with these rivers, others were designated as study rivers. Those cited are the Bruneau, Moyie, Priest, St. Joe, Salmon, Owyhee, and the Snake up to the Oregon border.

The Henry's Fork of the Snake from Big Springs to its confluence with Warm River is as a potential study river and may or may not be included into the National system.

In the interest both of protecting the river resources, and providing recreation opportunities for the public of the state, the following rivers are being recommended for potential study: the South Fork of the Snake, Big Creek, Little North Fork of the Clearwater, North Fork of the Coeur d' Alene, South Fork of the Boise, and the North Fork of the Payette.

Although the State of Idaho has not designated any waterways under a state classification, the following rivers are recommended for study by appropriate state agencies. Through the efforts of such a study, a statewide waterways classification system may become a reality. (Fig. 15)

Big Lost
Boise (main, North and Middle Forks)
Big Wood
Little Wood
Kootenai
Palouse
St. Joe (North Fork)
St. Maries
Coeur d' Alene (main)
Salmon (Little Salmon, Lemhi, North Fork, main from North Fork to head-

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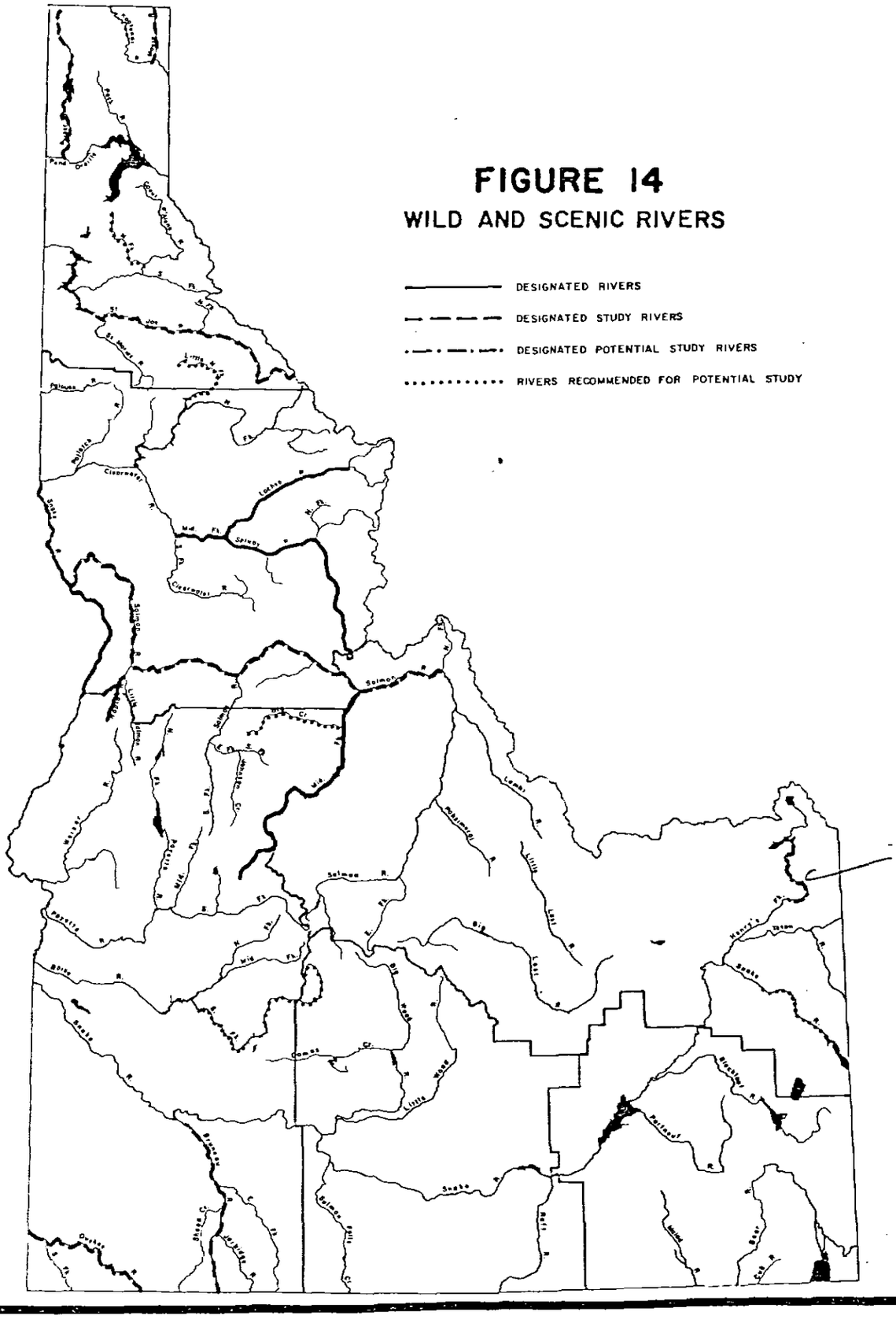
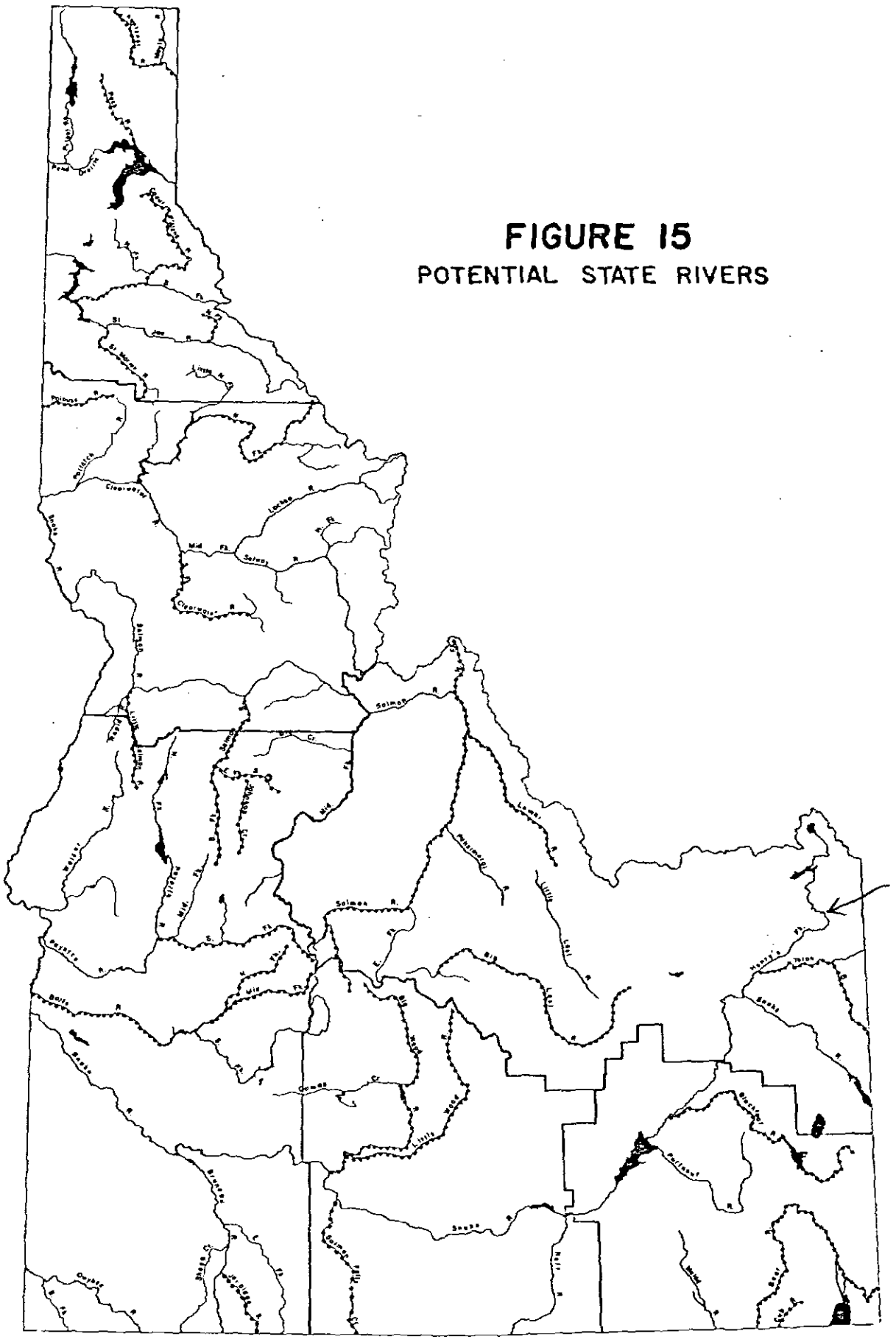


FIGURE 14
WILD AND SCENIC RIVERS

DRAFT

FIGURE 15
POTENTIAL STATE RIVERS



MICRO

TABLE 5-4
Continued

Resources	County	Agency Responsibility	Action
IV. SPRINGS REGION			
Devils Corral & Vineyard Lakes	Twin Falls	BLM	Environmental Protection & Natural Area
1,000 Springs, Box Canyon, Crystal & Banbury Springs	Gooding	BLM/IDPR/NPS	Environmental Protection & Natural Area
Salmon Falls	Twin Falls	BLM	Designate Natural Area
Hagerman Horse Quarry	Gooding	NPS	National Monument
Silver Creek	Blaine	F & G/Private	Environmental Protection
Great National Rift	Power	NPS/BLM	Environmental Protection
City of Rocks & Granite Pass	Cassia	NPS	National Monument
Twin Falls/Rogerson/Wells R.R. Abandonment	Twin Falls	County	Multiple Use Recreation Trail
Shoshone Ice Caves	Lincoln	BLM	Natural Area
Ketchum/Richfield/Shoshone R.R. Abandonment	Blaine, Lincoln	Counties	Multiple Use Recreation Trail
V. HIGH PLAINS			
Blackfoot River	Bingham	BLM/USFS	Wild and Scenic River
Blackfoot/Iona R.R. Abandonment	Bingham (Bonneville)	Counties	Linear Recreation Trail
VI. LOST RIVERS			
Snake River (S. Fork)	Bonneville	USFS	Wild & Scenic River
Henry's Fork of the Snake	Fremont	USFS	Wild & Scenic River
Upper/Lower Mesa Falls	Fremont	USFS	Environmental Protection & Natural Area
White Clouds/Boulder & Pioneer Areas	Blaine, Custer	USFS	Environmental Protection & Wilderness Study
St. Anthony Sand Dunes	Fremont	BLM	Environmental Protection, Title VI
Menan/Rexburg R.R. Abandonment	Madison	County	Linear Recreation Trail
Ashton/Island Park/West Yellowston R.R. Abandonment	Fremont	IPRD/USFS	Linear Recreation Trail
MULTI-REGION			
Oregon Trail (Segments)	Canyon, Ada, Elmore Twin Falls, Owyhee, Cassia, Power, Bingham, Bannock, Caribou, Bear Lake	BLM/IPRD/County	Environmental Protection
Lewis & Clark Trail (Segments)	Nez Perce, Clearwater Idaho, Lemhi	USFS	National Historical Trail
Nee-me-poo Trail	Idaho, Clearwater, Lemhi, Clark, Jefferson, Fremont, Cassia	USFS	National Historical/Recreational Trail
California Trail	Cassia	BLM	National Historical Trail
Desert Trail (proposed)	Owyhee, Twin Falls, Gooding, Lincoln, Blaine, Butte, Clark	BLM	National Recreational Trail
Nez Perce Trail	Idaho, Lemhi	USFS/BLM	National Recreational Trail
Salmon River	Custer, Lemhi, Idaho	USFS/BLM	Wild & Scenic River
Snake River Greenway	Adjacent river Counties	Fed/State/Local	Environmental Protection & Management
Back Country (roadless & essentially roadless areas)	Random Counties	Fed/State	Co-ordination

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SEP 15 1982
Department of Water Resources
Eastern District Office

THE CHRONICLE-NEWS
ST. ANTHONY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Raymond F. Nash, being first duly sworn, depose and say, that I am the printer of THE CHRONICLE-NEWS, a weekly newspaper printed and published weekly at St. Anthony, Fremont County, Idaho; and I do solemnly swear that the

Notice of amended application

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on Aug. 19, 1982 and the last publication having been made on Aug. 26, 1982.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Raymond F. Nash

Subscribed to and sworn to before me this Aug. 27, 1982

Geri Garner
Notary Public.

(SEAL)

My commission expires Lifetime

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR PERMIT OF MINIMUM STREAMFLOW

Notice is hereby given that application for permit No. 21-7282 in the name of Idaho Water Resource Board was filed for the appropriation of 1,000 c.f.s. of water from Apr. 1 to Sep. 30 and 300 c.f.s. of water from Oct. 1 to Mar. 31 within the reach of river starting in the NW¼NW¼, Sec. 33, T. 13N, R. 43E, below the confluence of the Buffalo River and the Henry's Fork and ending in the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls, all within Fremont County.

The applicant now proposes to amend application No. 21-7282 proposing the appropriation of 300 c.f.s. of water from Jan. 1 to Dec. 31 from below the confluence of the Buffalo River on the Henry's Fork within the NW¼NW¼, Sec. 33, T. 13N, R. 43E to the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls; and 1,000 c.f.s. of water from Apr. 1 to Sep. 30, limited to the river reach between township line 10N and 11N, R. 43E, to the lower end of the reach described above, all within Fremont County; to be used for aesthetics and recreational purposes on the Henry's Fork tributary to the Snake River.

The Department of Water Resources will hold a public hearing on the application in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho, at 9:00 a.m. on September 23, 1982; for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross-examinating witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

If issued this permit will be subject to all prior water rights, and the practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts, American Falls Reservoir #2 and the Warren Act Contractors; nor shall it be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

A. KENNETH DUNN
Director

Publ. Aug. 19 and 26, 1982CN

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss.
County of Fremont)

Carol Bessey, her being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the Ashton of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of amended application for permit for minimum stream flow

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 19 day of August, 1982, and the last publication on the 26 day of August 1982.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of August, 1982.

Linda Sheldon

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho.
Ashton

NOTICE OF AMENDED APPLICATION FOR PERMIT FOR MINIMUM STREAMFLOW

Notice is hereby given that application for permit No. 21-7282 in the name of Idaho Water Resource Board was filed for the appropriation of 1,000 c.f.s. of water from Apr. 1 to Sep. 30 and 300 c.f.s. of water from Oct. 1 to Mar. 31 within the reach of river starting in the NW¼NW¼, Sec. 33, T. 13N, R. 43E, below the confluence of the Buffalo River and the Henry's Fork and ending in the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls, all within Fremont County.

The applicant now proposes to amend application No. 21-7282 proposing the appropriation of 300 c.f.s. of water from Jan. 1 to Dec. 31 from below the confluence of the Buffalo River on the Henry's Fork within the NW¼NW¼, Sec. 33, T. 13N, R. 43E to the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls; and 1,000 c.f.s. of water from Apr. 1 to Sep. 30, limited to the river reach between township line 10N and 11N, R. 43E, to the lower end of the reach described above, all within Fremont County; to be used for aesthetics and recreational purposes on the Henry's Fork tributary to the Snake River.

The Department of Water Resources will hold a public hearing on the application in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho, at 9:00 a.m. on September 23, 1982; for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross-examinating witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

If issued this permit will be subject to all prior water rights, and the practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts, American Falls Reservoir #2 and the Warren Act Contractors; nor shall it be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

A. KENNETH DUNN
Director

Publ. Aug. 19 and 26, 1982AH

Bill submitted 9-1-82 cw

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AUG 31 1982
Department of Water Resources
Eastern District Office

MICROFILMED

AFFIDAVIT OF

PUBLICATION

State of Idaho }
County of Fremont } ss.

Raymond F. Nash

being first duly sworn, upon his oath, deposes and says:

That he is the Editor of The Chronicle-News, a newspaper as defined by Idaho Codes Annotated, section 58-108, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of :

Notice of Public meeting

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for two consecutive issues thereof; first publication having been made on the 5th day of November, 1981, and the last publication on the 12 day of November 1981.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Raymond F. Nash

Subscribed in my presence and sworn to before me this 13th day of November, 1981

Notary Public for the State of Idaho, residing at Rexburg and post office address St. Anthony.

NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board plans to hold an informal meeting to obtain public input concerning a minimum stream flow application No. 21-7282 on the Henry's Fork tributary to Snake River.

The meeting will be held on Thursday, November 19, 1981, at 3:00 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho.

Any person interested in this application is invited to appear and provide comments.

A KENNETH DUNN
Director

Publ. Nov. 5 and 12, 1981 CN AH

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NOV 23 1981
Department of Water Resources
Eastern District Office

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AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Beasley, her

being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Public Meeting for Minimum Stream Flow

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 5 day of November, 19 81, and the last publication on the 12 day of November 19 81.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Beasley

Subscribed in my presence and sworn to before me this 17 day of November, 19 81

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

RECEIVED
NOV 19 1981
Department of Water Resources
Eastern District Office

NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board plans to hold an informal meeting to obtain public input concerning a minimum stream flow application No. 21-7282 on the Henry's Fork tributary to Snake River.

The meeting will be held on Thursday, November 19, 1981, at 3:00 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho.

Any person interested in this application is invited to appear and provide comments.

A KENNETH DUNN
Director

Publ. Nov. 5 and 12, 1981CN AH

RECEIVED
NOV 19 1981
Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That ~~he~~ she is the ~~Editor~~ ..... of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of Application for Minimum Stream Flow #21-7282

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for ....2..... consecutive issues thereof; first publication having been made on the ...13.....
day of August..., 19.81,
and the last publication on the
20...day of...August...
19.81.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey
Subscribed in my presence and sworn to before me this ...1st.....
day of .....Sept....., 19.81.

Linda Shelton

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho.
Ashton

RECEIVED
SEP 3 1981
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

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

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted application 21-7282 for a permit to the Department of Water Resources proposing the appropriation of 300 cubic feet per second from October 1 to March 31 or 1000 cubic feet per second from April 1 to September 30 of water within the NW¼NW¼, Sec. 33, Twp. 13N, Rge. 43E, Fremont County to preserve the minimum stream flow subject to all prior water rights for aesthetics and recreation purposes in Henry's Fork of Snake River.

Pursuant to Title 42, Chapter 15 of the Idaho Code a legal notice will be published at a later date setting a time and place for a hearing during which opportunity will be provided for public comment.

A. KENNETH DUNN
Director

Publ. Aug. 13 and 20, 1981AH

MICROFILMED

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 21-07282

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
SEP 13 1995

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 21-07282

Proof of beneficial use rec'd 4/28/88

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

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

Data submitted fully complies with permit condition (i.e. # of years of flow data sufficient) 3 yrs Reqd 5 yrs. Submitted

Data Entry for License:

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

Comments/adjustments _____

_____

_____

_____

Printed license hand-edited _____

IDAHO DEPARTMENT of PARKS & RECREATION

Cecil D. Andrus, Governor

Yvonne S. Ferrell, Director

RECEIVED
APR 27 1988
Department of Water Resources

April 26, 1988

Mr. Glenn Saxton
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Glenn:

Attached, as per former Director Dunn's order granting permit 21-7282 (Henrys Fork minimum streamflow), is information on the use of Henrys Fork of the Snake River for recreational and aesthetic purposes as well as three years of flow date. We are providing this information for purposes of licensing this permit.

From our telephone conversation of earlier today, it is my understand that by May 1 you will:

1. Complete and attach a proof of claim form to this information;

2. Obtain a signature from the Water Resource Board.

I appreciate your assistance in helping us complete the licensing procedure. Thank you very much.

Sincerely,

Todd Graeff
Resource Staff Specialist

enclosure

nh/3828E

SEP 13 1995

TODD,

ENCLOSED ARE DISCHARGE DATA FOR THE HENRYS FORK NR ISLAND PARK FOR 1983-87, A MISCELLANEOUS MEASUREMENT MADE ON BUFFALO RIVER 9-17-85 AND THE MONTHLY MEASUREMENTS OF BUFF. RIVER MADE IN 1974-75. SINCE BUFFALO RIVER WAS ONLY MEASURED ONCE IN THE LAST 5 YEARS, ONE CAN'T SAY EXACTLY HOW MUCH WATER WAS THERE, BUT BASED ON 74-75 DATA BUFFALO RIVER FLOWS ARE VERY CONSISTENT (200-240 CFS) AND DON'T VARY MUCH EXCEPT FOR A BRIEF FRESHET PERIOD IN MAY OR JUNE. THE TRIBUTARY INFLOW AND GROUNDWATER GAIN IN THE REACH BELOW BUFFALO R. ARENT KNOWN, BUT PROBABLY ARE SUFFICIENT TO MAKE THE TOTAL INFLOW (INCL. BUFF. R.) NEAR 390 CFS.

BILL

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APR 13 1995

Seven outfitters operate on the minimum streamflow reaches of Henrys Fork.

TABLE 3
Outfitted Use of Henrys Fork

These figures were compiled by the Outfitters and Guides Licensing Board.

YEAR	NO# OF CUSTOMERS
1985	665
1986	686
1987	465*

In addition to trout fishermen and outfitted visitors, many other people use Henrys Fork for recreational purposes. The U.S. Forest Service estimates that in 1987, 35,400 visitors used the minimum stream flow reaches for some form of recreational activity or for aesthetic appreciation. Also in 1987, 25,207 people visited Harriman State Park. Henrys Fork is the key feature of the park and aesthetic appreciation of it is central to the visitors' experience.

FLOW DATA

The following flow data was provided by the Idaho Department of Water Resources. 300 cfs was normally available in the minimum streamflow reaches between October 1 and March 31 and 1,000 cfs was normally available between April 1 and September 30. Since Buffalo River is measured very infrequently (see attached flow data and explanation from Mr. Bill Ondrechan of IDWR), it is difficult to draw conclusions as to which is less, 300 cfs or the flow of the Buffalo River and all other tributaries within the minimum streamflow reaches. They appear to be about equal.

*All outfitters haven't yet reported their 1987 figures. This is only a partial count.

bw/3989d

SEP 19 1995

Water Right Permit 21-7282
Minimum Streamflow on
Henrys Fork of the Snake
River
in
Fremont County, Idaho

USE OF HENRYS FORK FOR RECREATIONAL AND AESTHETIC PURPOSES

The following estimates of fishing use are based upon user surveys and creel census conducted by the Idaho Department of Parks and Recreation and the Idaho Department of Fish and Game between 1976 and 1984.

TABLE 1
Fishing Use Estimates

Key to Segments:
A. -Island Park Dam-North Boundary of Harriman State Park
B. -Harriman State Park
C. -South boundary of Harriman State Park-Riverside Campground
D. -Riverside Campground-Warm River

SEGMENT	USER DAYS	WADING	FLOATING
A	8,450	7,774	676
B	10,800	9,808	992
C	813	772	41
D	1,514	1,438	76
	21,577	19,792	1,785

The Idaho Department of Fish and Game estimates that 115,000 hours of annual fishing efforts are expended on Henrys Fork between Island Park Dam and Lower Mesa Falls. This is largely in response to the blue ribbon rainbow trout fishery which exists in the minimum streamflow reach.

TABLE 2
Rainbow Trout Populations

These figures were compiled by Idaho State University and the Idaho Department of Fish and Game between May and September 1987. Adult rainbow trout per mile is the unit of measurement.

SEGMENT	FISH/MILE
Box Canyon 1.	8,600
Harriman State Park 2.	4,016
Pine Haven 3.	3,782
Riverside Campground-Hatchery Ford 4.	5,736

1. Corresponds to Segment A in Table 1
2. Corresponds to Segment B in Table 1
3. Corresponds to Segment C in Table 1
4. Corresponds to Segment D in Table 1

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SEP 19 1995

HENRYS FORK BASIN

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi downstream from Island Park Dam, 0.2 mi upstream from Buffalo River, 1 mi southwest of Island Park Post Office, and at mile 91.5.

DRAINAGE AREA.--481 mi^2. Mean altitude, 7,080 ft.

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft, from river-profile map. Prior to May 15, 1935, nonrecording gage at site about 0.8 mi upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft downstream at different datum.

REMARKS.--Records fair. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir. Diversions above station for irrigation of about 15,500 acres, 1966 determination, a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--50 years (1933-83), 606 ft^3/s, 439,000 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 2,770 ft^3/s Apr. 26, 1946, gage height, 6.15 ft; minimum daily, 1 ft^3/s Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 2,580 ft^3/s Aug. 26, gage height, 5.85 ft; minimum daily discharge, 232 ft^3/s Oct. 1-18.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1982 TO SEPTEMBER 1983
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	232	533	704	490	558	575	562	658	1810	1150	1850	2190
2	232	530	704	490	558	577	562	662	1680	1180	1850	1790
3	232	528	577	494	562	579	562	842	1520	1190	2000	1660
4	232	528	488	495	562	579	562	843	1640	1170	2100	1610
5	232	528	485	495	544	579	562	972	2010	1150	2100	1410
6	232	528	485	501	529	575	562	1260	2040	1140	2100	1250
7	232	528	485	501	553	575	562	1380	1930	1140	2090	1250
8	232	528	485	501	553	575	562	1440	1860	1130	2100	1230
9	232	528	490	501	553	575	565	1670	1810	1140	2100	1230
10	232	524	490	506	558	575	566	1850	1780	1210	2100	1230
11	232	523	490	506	570	570	566	1830	1870	1230	2100	1230
12	232	523	490	506	577	570	566	1800	2030	1230	2120	1230
13	232	523	494	506	577	570	566	1620	2080	1200	2130	1200
14	232	523	495	510	577	570	566	1530	1980	1170	2140	1110
15	232	529	495	510	579	566	566	1410	1860	1200	2160	902
16	232	472	495	510	581	566	566	1350	1770	1200	2150	853
17	232	577	488	510	583	566	566	1350	1690	1180	2140	799
18	232	665	485	515	583	566	566	1360	1640	1150	2140	775
19	436	714	485	515	582	566	566	1360	1150	967	2000	748
20	547	720	485	525	583	562	566	1350	928	902	2130	708
21	547	720	485	539	583	565	566	1350	1050	1050	2130	706
22	547	720	485	544	583	566	566	1370	1500	1200	2220	706
23	547	714	485	544	583	566	566	1460	1630	1240	2280	711
24	545	714	485	544	579	566	568	1600	1520	1190	2270	707
25	541	714	485	544	579	562	605	1660	1460	1230	2260	706
26	537	714	485	548	579	562	629	1700	1390	1370	2460	705
27	537	714	490	548	579	562	630	1740	1340	1530	2540	697
28	537	714	490	553	579	562	640	1350	1180	1680	2510	702
29	535	714	490	553	---	562	648	1280	1110	1670	2490	701
30	533	580	490	558	---	557	652	1540	1130	1900	2460	697
31	533	---	490	558	---	561	---	1740	---	1840	2450	---
TOTAL	11098	18070	15655	16120	15966	17627	17357	43327	48388	38929	67670	31443
MEAN	358	602	505	520	570	569	579	1398	1613	1256	2183	1048
MAX	547	720	704	558	583	579	652	1850	2080	1900	2540	2190
MIN	232	472	485	490	529	557	562	658	928	902	1850	697
AC-FT	22010	35840	31050	31970	31670	34960	34430	85940	95980	77220	134200	62370

CAL YR 1982 TOTAL 263708 MEAN 722 MAX 2640 MIN 135 AC-FT 523100
WTR YR 1983 TOTAL 341650 MEAN 936 MAX 2540 MIN 232 AC-FT 677700

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13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW1/4 SW1/4 sec.26, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi downstream from Island Park Dam, 0.2 mi upstream from Buffalo River, 1 mi southwest of Island Park Post Office, and at mile 91.5.

DRAINAGE AREA.--481 mi2. Mean altitude, 7,080 ft.

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft, from river-profile map. Prior to May 15, 1935, nonrecording gage at site about 0.8 mi upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft downstream at different datum.

REMARKS.--Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir. Diversions above station for irrigation of about 15,500 acres, 1966 determination, a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--51 years (1933-84), 614 ft3/s, 444,800 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 3,030 ft3/s May 23, 1934, gage height, 6.06 ft; minimum daily, 1 ft3/s Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 3,030 ft3/s May 23, gage height, 6.06 ft; minimum daily discharge, 220 ft3/s Oct. 4-14.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1983 TO SEPTEMBER 1984
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	697	293	436	682	698	645	640	895	2120	1480	2650	1110
2	549	293	436	682	698	645	640	895	2160	1460	2660	1140
3	76	297	436	687	698	645	640	895	2090	1500	2720	1130
4	2.0	297	440	687	698	645	640	895	2070	1520	2730	1090
5	2.0	297	455	697	698	650	640	895	2110	1460	2670	1090
6	2.0	297	481	687	698	501	640	902	2280	1520	2680	1093
7	2.0	301	481	697	692	278	640	902	2570	1690	2680	1080
8	2.0	301	509	687	682	278	640	902	2760	1620	2590	1080
9	2.0	353	562	692	665	278	640	902	2760	1730	2570	1070
10	2.0	421	566	692	650	278	640	967	2650	1980	2550	1110
11	2.0	421	566	692	650	278	640	1040	2640	2030	2420	988
12	2.0	421	566	692	650	357	640	1040	2540	2040	2560	928
13	2.0	421	566	692	650	640	640	1040	2530	2060	2630	934
14	2.0	421	568	692	650	640	640	1060	2370	2060	2570	853
15	5.0	421	570	692	650	640	640	1180	2270	2070	2550	650
16	204	421	575	687	650	640	640	1700	2200	2140	2540	601
17	267	421	575	687	650	640	640	2110	2220	2220	2510	581
18	270	421	579	687	650	640	640	2310	2170	2300	2460	562
19	278	430	579	687	645	640	640	2540	2150	2370	2410	553
20	285	430	579	687	645	640	640	2760	2100	2390	2560	534
21	285	425	579	687	645	640	640	2900	2060	2340	1850	525
22	289	425	583	692	645	640	640	2990	1930	2320	1110	506
23	289	425	583	692	645	640	640	2930	1820	2300	1070	495
24	289	425	593	687	645	640	640	2720	1760	2290	1080	482
25	289	430	583	687	645	640	670	2630	1700	2330	1070	472
26	293	430	583	687	645	640	698	2530	1670	2380	1060	448
27	293	430	620	687	645	640	698	2460	1620	2380	1120	506
28	293	434	682	687	645	640	359	2350	1580	2420	1180	525
29	293	434	682	687	645	640	895	1740	1570	2520	1180	520
30	297	434	682	687	---	640	895	2060	1510	2600	1150	520
31	293	---	682	687	---	640	---	2100	---	2640	1120	---
TOTAL	5856.0	11670	17367	21332	19172	17638	20075	53240	63950	64160	64670	23179
MEAN	189	389	560	688	661	569	669	1717	2132	2070	2086	773
MAX	697	434	682	692	698	650	895	2990	2760	2640	2730	1140
MIN	2.0	293	436	682	645	278	640	895	1510	1460	1060	448
AC-FT	11620	23150	34450	42310	38030	34980	39820	105600	126800	127300	128300	45980

CAL YR 1983	TOTAL	331720.0	MEAN	909	MAX	2540	MIN	2.0	AC-FT	658000
WTR YR 1984	TOTAL	382309.0	MEAN	1045	MAX	2990	MIN	2.0	AC-FT	758300

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HENRYS FORK BASIN

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW1/4 SW1/4 sec.28, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi downstream from Island Park Dam, 0.2 mi upstream from Buffalo River, 1 mi southwest of Island Park Post Office, and at mile 91.5.

DRAINAGE AREA.--481 mi^2. Mean elevation, 7,080 ft.

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Elevation of gage is 6,225 ft, from river-profile map. Prior to May 15, 1935, nonrecording gage at site about 0.8 mi upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft downstream at different datum.

REMARKS.--Estimated daily discharges: February 9-10. Records good except for period of no gage-height record, Feb. 9-10, which are fair. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir. Diversions above station for irrigation of about 15,500 acres, (1966 determination), a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--52 years (1933-85), 617 ft^3/s, 447,000 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 3,030 ft^3/s May 23, 1984, gage height, 6.06 ft; minimum daily, 1 ft^3/s Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 2,090 ft^3/s May 13, gage height, 5.03 ft; minimum discharge, 27 ft^3/s Nov. 2.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1984 TO SEPTEMBER 1985
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	510	491	89	539	544	482	319	1030	1340	974	1530	859
2	510	240	80	539	544	482	312	1380	1260	1210	1520	859
3	507	282	78	539	544	482	312	1600	1190	1510	1530	847
4	504	293	102	539	544	482	301	1770	1190	1750	1530	859
5	504	251	159	539	548	482	301	1890	1190	1840	1250	859
6	504	182	213	539	548	482	301	1960	1170	1840	953	835
7	497	173	323	539	548	482	301	1980	1150	1840	960	841
8	496	162	372	539	548	482	301	1980	1060	1840	960	841
9	496	150	391	539	548	482	301	1940	954	1830	967	841
10	496	145	417	537	548	482	301	1080	934	1720	995	841
11	496	140	430	537	548	482	345	544	940	1770	1000	731
12	496	130	463	539	548	482	391	805	947	1800	1000	645
13	506	123	472	539	548	482	391	1600	947	1810	1000	645
14	529	118	472	539	548	395	395	1920	954	1740	1000	635
15	534	109	477	539	548	331	410	1750	1000	1600	1010	640
16	539	109	477	539	548	331	417	1640	995	1520	995	640
17	529	102	477	539	548	331	417	1380	947	1520	895	557
18	529	100	477	539	548	331	417	1160	908	1520	895	414
19	529	107	482	539	548	331	463	995	908	1520	895	412
20	529	109	501	539	548	331	510	1000	934	1530	902	410
21	529	100	525	539	548	331	524	1090	947	1530	902	410
22	572	109	529	539	548	331	544	1280	988	1520	902	405
23	620	100	529	539	548	331	555	1340	988	1520	902	402
24	635	100	534	539	548	331	553	1330	934	1520	902	403
25	676	100	534	539	548	331	650	1340	902	1520	902	366
26	682	98	534	539	548	327	736	1370	954	1520	902	348
27	687	100	534	539	548	319	742	1450	1120	1520	902	348
28	687	100	539	539	506	319	736	1480	1120	1520	908	348
29	692	98	539	539	---	319	731	1430	1060	1530	902	348
30	692	93	539	539	---	319	805	1360	1000	1530	895	348
31	698	---	539	539	---	319	---	1340	---	1520	865	---
TOTAL	17410	4514	12827	16705	15286	12224	13782	44214	30931	49434	31671	17937
MEAN	562	150	414	539	546	394	459	1426	1031	1595	1022	598
MAX	698	491	539	539	548	482	805	1980	1340	1840	1530	859
MIN	496	93	78	537	506	319	301	544	902	974	865	348
AC-FT	34530	8950	25440	33130	30320	24250	27340	87700	61350	98050	62820	35580

CAL YR 1984 TOTAL 382157 MEAN 1044 MAX 2990 MIN 78 AC-FT 758000
WTR YR 1985 TOTAL 266935 MEAN 731 MAX 1980 MIN 78 AC-FT 529500

SEP 13 1995

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T. 13 N., R. 43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi downstream from Island Park Dam, 0.2 mi upstream from Buffalo River, 1 mi southwest of Island Park Post Office, and at mile 91.5.

DRAINAGE AREA.--481 mi^2. Mean elevation, 7,080 ft.

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Elevation of gage is 6,225 ft, from river-profile map. Prior to May 15, 1935, nonrecording gage at site about 0.8 mi upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft downstream at different datum.

REMARKS.--No estimated daily discharges. Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir. Diversions above station for irrigation of about 15,500 acres (1966 determination), a considerable part of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--53 years (1933-86), 619 ft^3/s, 448,500 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 3,030 ft^3/s May 23, 1984, gage height, 6.06 ft; minimum daily, 1 ft^3/s Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 2,350 ft^3/s May 7, gage height, 5.30 ft; minimum, 19 ft^3/s Oct. 21, 22, gage height, 1.49 ft.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1985 TO SEPTEMBER 1986
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	349	462	467	496	481	448	486	1270	1750	797	1260	661
2	349	462	467	496	481	448	439	1280	1860	782	1230	658
3	349	462	467	496	481	448	349	1320	1910	885	1230	650
4	349	442	467	496	481	448	349	1630	1960	973	1210	648
5	349	473	467	496	481	448	349	1980	1960	801	1170	656
6	349	557	467	496	481	448	349	2240	1960	842	1170	658
7	349	557	467	500	476	448	349	2270	1920	936	1170	621
8	349	557	467	501	467	448	349	2140	1800	949	1170	591
9	342	557	467	501	467	448	349	1820	1780	1290	1170	569
10	374	557	463	501	467	448	349	1700	1750	1430	1180	567
11	375	557	462	501	467	448	376	1670	1660	1490	1130	545
12	375	557	462	501	463	448	444	1640	1440	1770	1050	443
13	376	557	464	503	453	451	453	1510	1150	1780	1030	417
14	379	557	467	505	453	453	453	1370	1220	1770	1020	414
15	379	557	467	505	453	458	581	1260	1520	1780	1020	462
16	379	557	467	505	453	458	918	1200	1560	1800	1020	486
17	383	557	467	498	453	459	921	1220	1310	1660	1020	483
18	383	557	467	496	453	462	921	1240	1200	1340	945	503
19	383	557	468	498	453	463	921	1260	1130	1360	878	536
20	385	557	472	501	451	467	921	1300	1090	1340	873	536
21	144	557	472	501	448	471	921	1370	1050	1370	865	531
22	19	557	472	500	448	472	921	1430	1050	1410	859	523
23	254	557	472	496	448	475	955	1460	1040	1380	849	539
24	462	557	473	496	448	479	1040	1510	957	1270	847	551
25	462	557	478	496	448	481	1130	1470	827	1270	835	552
26	458	557	486	496	448	481	1220	1460	746	1280	850	533
27	462	557	486	496	448	481	1250	1460	778	1270	784	496
28	462	557	490	496	448	485	1270	1460	791	1270	714	489
29	462	530	491	492	---	486	1270	1530	821	1300	691	491
30	462	467	491	481	---	486	1260	1690	803	1350	669	156
31	462	---	491	481	---	486	---	1700	---	1270	665	---
TOTAL	11414	16109	14631	15423	12899	14330	21863	47860	40793	40215	30574	15965
MEAN	368	537	472	498	461	462	729	1544	1360	1297	986	532
MAX	462	557	491	505	481	486	1270	2270	1960	1800	1260	661
MIN	19	442	462	481	448	448	349	1200	746	782	665	156
AC-FT	22640	31950	29020	30590	25590	28420	43370	94930	80910	79770	60640	31670

CAL YR 1985 TOTAL 274338 MEAN 752 MAX 1980 MIN 19 AC-FT 544100
WTR YR 1986 TOTAL 282076 MEAN 773 MAX 2270 MIN 19 AC-FT 559500

SEP 13 1995

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 02/05/88

STATION NUMBER 13042500 HENRYS FORK NEAR ISLAND PARK, ID STREAM SOURCE AGENCY USGS
LATITUDE 442459 LONGITUDE 1112341 DRAINAGE AREA 481.00 DATUM 6225.00 STATE 16 COUNTY 043
PROVISIONAL DATA SUBJECT TO REVISION

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1986 TO SEPTEMBER 1987
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	5.8	591	742	560	348	218	448	711	708	1470	1220	731
2	11	609	741	552	349	220	447	743	687	1400	1220	720
3	11	605	736	508	349	228	448	735	668	1270	1220	742
4	87	599	738	499	349	233	451	720	e665	1230	1220	769
5	259	597	734	509	323	239	455	699	e655	1230	1220	769
6	258	640	715	501	270	243	455	652	e645	1230	1220	742
7	368	677	714	501	270	248	464	645	e650	1230	1220	742
8	670	664	691	501	270	255	484	646	e650	1340	1210	742
9	692	663	640	429	270	255	500	641	e645	1410	1220	731
10	690	704	652	213	266	235	511	640	e650	1410	1140	539
11	681	736	661	479	236	239	525	634	656	1410	1070	645
12	678	742	659	517	208	257	529	637	637	1400	1070	770
13	483	731	660	509	208	273	527	621	624	1320	1050	805
14	230	731	660	509	208	315	537	609	604	1160	1040	817
15	231	731	661	510	207	345	551	605	598	1290	1050	720
16	230	726	642	514	209	363	603	613	649	1390	1040	620
17	286	720	592	483	208	373	659	646	712	1400	1040	625
18	379	714	587	507	209	364	742	661	660	1400	1040	586
19	375	720	589	523	210	379	835	669	669	1400	1040	525
20	375	717	580	274	210	398	867	671	717	1270	1040	525
21	375	719	586	556	213	415	e965	673	814	1040	1070	515
22	371	719	586	467	216	425	e1080	668	877	826	1050	505
23	368	715	576	563	216	434	1160	660	856	723	1030	469
24	368	717	576	568	216	439	1040	656	857	695	1000	467
25	369	716	576	576	216	439	863	664	910	657	1020	434
26	367	708	576	576	218	446	799	681	992	715	967	413
27	428	742	576	444	218	447	735	700	1300	1010	908	413
28	513	742	565	356	218	449	694	711	1370	1220	869	354
29	515	736	560	356	---	449	701	715	1400	1220	742	304
30	515	737	557	337	---	437	707	715	1470	1220	742	304
31	539	---	560	336	---	442	---	717	---	1220	731	---
TOTAL	11726.8	20868	19687	14733	6908	10502	19782	20758	23995	37206	32739	18043
MEAN	378	696	635	475	247	339	659	670	800	1200	1056	601
MAX	692	742	742	576	349	449	1160	743	1470	1470	1220	817
MIN	5.8	591	557	213	207	218	447	605	598	657	731	304
AC-FT	23260	41390	39050	29220	13700	20830	39240	41170	47590	73800	64940	35790

CAL YR 1986 TOTAL 292203.7 MEAN 801 MAX 2270 MIN 5.8 AC-FT 579600
WTR YR 1987 TOTAL 236947.8 MEAN 649 MAX 1470 MIN 5.8 AC-FT 470000

e Estimated

SEP 19 1988

Discharge measurements made at miscellaneous sites during water year 1985

Stream	Tributary to	Location	Drainage area (mi^2)	Measured previously (water year)	Measurements Date	Measurements Discharge (ft^3/s)
		Bear Creek basin				
Bear Creek 13032000	Snake River	Lat 43°17'00", long 111°13'17", in SE¼SE¼ sec.31, T.1S., R.45 E., Bonneville County, 0.5 mi downstream from Elk Creek, 0.2 mi upstream from maximum flow line of Palisades Reservoir, and 6.4 mi south of Irwin.	77.1	1917-18†c, 1934-36c, 1953-71†, 1973, 1975-78, 1980	9-17-85	31.4
		Snake River basin				
Anderson Canal Waste 13037506	Snake River	NE¼SE¼ sec.1, T.2 N., R.37 E., Bonneville County, 30 ft upstream from bridge.	--	----	5- 2-85 5-29-85 6-25-85 7-24-85 8-20-85 9-10-85	.65 334 26.2 12.8 4.39 15.0
Burgess Drain 13038111	.....do.....	NW¼SE¼ sec.1, T.3 N., R.37 E., Bonneville County, 45 ft downstream from headgates.	--	----	5- 2-85 8-20-85 9-10-85	0 0 8.94
		Henrys Fork basin				
Targhee Creek 13038900	Henrys Fork	Lat 44°38'50", long 111°20'30", in NW¼NE¼, sec.11, T.15 N., R.43 E., Fremont County, at State Highway 87 crossing, 1.5 mi west of State Highway 87 and U.S. Highway 191 Junction, and 10.4 mi north of Macks Inn.	20.8	1904, 1924, 1929-34, 1962-71c, 1973-80c, 1981	9-16-85	11.3
Big Springs 13040500	.....do.....	Lat 44°29'52", long 111°15'33", in NE¼ sec. 33, T.14 N., R.44 E., Fremont County, 0.2 mi downstream from road bridge at Big Springs.	--	1922, 1924-25†, 1926-28, 1946-50, 1959-65, 1967-69, 1974, 1983-84	9-16-85	198
Buffalo River 13043000	.....do.....	Lat 44°25'25", long 111°22'15", in NW¼NE¼SW¼, sec.27, T.13 N., R.43 E., Fremont County, at highway crossing 0.2 mi north of Island Park Ranger Station.	59.1	1935-41†, 1974-75, 1977	9-17-85	235
Warm River 13044500	.....do.....	Lat 44°06'52", long 111°19'26", in SE¼SW¼SE¼, sec. 12, T.9 N., R.43 E., Fremont County, 0.2 mi upstream from Robinson Creek, 0.5 mi upstream from mouth, and 0.5 mi northeast of former Warm River Railroad Station.	145	1903, 1912-15, 1918-32, 1974-75, 1977	9-17-85	283
Robinson Creek 13045500	Warm River	Lat 44°06'57", long 111°19'09", in NE¼NE¼NW¼,sec.13, T.9 N., R.43 E., Fremont County, at mouth, at State Highway 47 crossing and 0.2 downstream from Warm River.	125	1912-15†, 1918-32†, 1974-75 1977	10- 2-84 9-17-85	123 108
Henrys Fork 13045796	Snake River	Lat 44°06'38", long 111°26'38", in NW¼SW¼NE¼ sec.13, T.9N., R.42E., Fremont County, 0.2 mi upstream from State Highway 20 and U.S. Highway 191 crossing 2.5 mi north of Ashton.	--	1975	9-18-85	1,260
Boundary Creek Tributary 10 13046655	Boundary Creek	Lat 44°15'59", long 111°01'26", T.50 N., R.118 W., Teton County, Yellowstone National Park, 600 ft downstream from Boundary Creek tributary 9, and also known as a main thermal spring from the Silver Scarf thermal area.	--	1984	5-17-85	12.9
Moose Creek 13050800	Teton River	Lat 43°33'48", long 11°04'00", in NE¼ sec.30, T.3 N., R.46 E., Teton County, at old highway bridge, 3.7 mi south of Victor.	21.4	1963-71c, 1973-78, 1980-81	9-16-85	30.4
Bitch Creek 13054300	Teton River	Lat 43°56'17", long 111°10'43", in sec.17, T.7 N., R.45 E., Teton County, 1/8 mi downstream from Highway 32 bridge crossing, 2.8 mi southeast of Lamont.	80.8	1974-77, 1980	9-16-85	63.0

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Basic-Data Table C *(continued)*

Date	Discharge (ft^3/s)	Specific conductance (μmhos)	pH	Temperature (°C) Water	Air
Buffalo River at Island Park (13043000)					
05-21-74	460	90	7.6	10.0	7.0
06-11-74	340[a]	92	7.8	16.5	18.0
06-28-74	275	94	7.2	14.0	23.0
07-21-74	290[a]	96	8.1	20.5	25.5
07-29-74	248	--	--	14.0	29.0
08-18-74	242	--	--	--	--
09-11-74	219	--	--	12.0	13.5
09-12-74	230[a]	100	8.1	10.0	9.0
10-21-74	280	--	--	8.0	33.0
12-02-74	225	34	7.4	7.0	3.5
12-04-74	220[a]	108	8.0	7.5	3.0
01-21-75	210[a]	118	8.0	4.5	-6.0
03-03-75	226	116	--	7.0	-0.5
04-10-75	200	110	8.0	10.0	--
05-21-75	350	99	7.6	5.5	--
06-05-75	504	87	7.3	14.0	20.0
06-10-75	380	--	--	--	--
06-26-75	307	95	7.8	10.5	11.5
07-02-75	262	--	--	--	--
07-22-75	250	94	7.7	18.0	20.0
07-23-75	250	115	7.3	16.5	24.0
08-12-75	235	--	--	--	--
08-20-75	252	105	6.9	12.0	18.0
09-15-75	220	125	8.2	12.0	14.5
09-16-75	220	--	--	--	--
10-02-75	220	--	--	--	--
10-23-75	230	--	--	--	--
11-04-75	230	--	--	--	--
11-05-75	230	116	8.0	10.0	11.5
Henrys Fork at DeWiner's Ranch near Island Park (13043500)					
08-20-75	1,500[a]	134	--	15.2	16.8
11-04-75	427	166	8.4	5.5	11.0
Blue Spring Creek near Island Park (13043510)					
08-20-75	7.66	148	7.4	11.0	20.0
11-05-75	5.0[a]	156	7.8	--	--

SEP 1 9 1995

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

HAND DELIVERED
February 29, 1988

PROOF DUE NOTICE

RE: PERMIT NO. 21-7282 - Henry's Fork Minimum Stream Flow

Dear Permit Holder:

Proof of beneficial use in connection with the above referenced permit is due on or before May 1, 1988. Either the proof of beneficial use or an acceptable request for extension of time must be received by the department on or before the above described date or the permit will no longer be of any force nor effect.

A review of the file shows that the application was originally filed at the request of the Idaho Department of Parks and Recreation (Parks). You may want to contact Parks and request that they provide supporting information to you for submittal with the proof. Supporting information should include at least three years of flow data for the water course and data on the nature and frequency of use of the resources for aesthetic and recreation purposes.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECEIVED
SEP 13 1995

LEGISLATURE OF THE STATE OF IDAHO

Forty-ninth Legislature — First Regular Session — 1987

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 114

BY STATE AFFAIRS 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 Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

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

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Henrys Fork River for minimum streamflow purposes, which Permit No. 21-7282 was approved by the Director of the Department of Water Resources in a Memorandum Decision and Order dated May 12, 1983, authorizing the appropriation of a minimum flow divided into two reaches:

(1) Upper Reach - The reach of the Henrys Fork River beginning 200 yards downstream from the confluence of the Henrys Fork River with the Buffalo River in the NW1/4NW1/4, Section 33, Township 13 North, Range 43 East, Boise Meridian, and ending where the Henrys Fork River intersects the section line between Section 13 and Section 14, Township 10 North, Range 43 East, Boise Meridian, authorizing the appropriation from January 1 through December 31, the lesser of 300 cubic feet per second or the flow from the Buffalo River and other tributary flows throughout the upper reach; and (2) Lower Reach - The reach of the Henrys Fork River beginning at the section line between Section 13 and Section 14, Township 10 North, Range 43 East, Boise Meridian, and ending in the SE1/4NE1/4, Section 25, Township 10 North, Range 43 East, Boise Meridian, authorizing the appropriation of the lesser of 300 cubic feet per second or the flow from the Buffalo River and other tributary flows throughout the minimum streamflow reaches from October 1 through March 31, increasing to 1,000 cubic feet per second from April 1 through September 30; all of which is located within the confines of Fremont County, Idaho; and

The same is hereby approved subject to the conditions and limitations contained in the Memorandum Decision and Order of the Director of the Department of Water Resources dated May 12, 1983.

RECEIVED
SEP 13 1995

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 7, 1987

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

Re: Water Right Application For Permit For Minimum Stream Flow, No. 21-7282, Henry's Fork.

Dear Mr. Speaker:

Enclosed please find a copy of the above referenced Application for Permit. Enclosed with the application is the Memorandum Decision and Order of the Department of Water Resources, an Order Affirming Administrative Decision rendered by Judge Young of the 7th Judicial District, a Stipulation for Dismissal, Order Dismissing the Appeal, and Remittitur to the District Court. The documents enclosed conclude the administrative processing of the application. The judicial appeals affirm the enclosed Memorandum Decision and Order rendered by the Director on May 12, 1983.

As you are aware, Section 42-1503, Idaho Code, requires that this application must 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 application to the legislature for approval. Please advise me if you desire further information or presentation on the nature of the application.

Sincerely,

A. KENNETH DUNN
Director

GS:AKD:jf
Enclosures

CC: Legislative Council

SEP 13 1995

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 7, 1987

Senator James Risch, President
Senate Pro Tem
Statehouse
Boise, ID 83720

Re: Water Right Application For Permit For Minimum Stream Flow, No. 21-7282, Henry's Fork.

Dear Senator Risch:

Enclosed please find a copy of the above referenced Application for Permit. Enclosed with the application is the Memorandum Decision and Order of the Department of Water Resources, an Order Affirming Administrative Decision rendered by Judge Young of the 7th Judicial District, a Stipulation for Dismissal, Order Dismissing the Appeal, and Remittitur to the District Court. The documents enclosed conclude the administrative processing of the application. The judicial appeals affirm the enclosed Memorandum Decision and Order rendered by the Director on May 12, 1983.

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This letter constitutes submittal of the application to the legislature for approval. Please advise me if you desire further information or presentation on the nature of the application.

Sincerely,

A. KENNETH DUNN
Director

GS:AKD:jf
Enclosures

CC: Legislative Council

SEP 13 1995

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO.
BY RESOURCES & ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION FOR MINIMUM STREAM FLOW

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the members of the regular session of the 49th Idaho Legislature, the Senate and House of Representatives concurring therein, that the approved application for permit of the Water Resource Board to appropriate the unappropriated waters of the Henry's Fork River for minimum stream flow purposes, which Permit No. 21-7282 was approved by the Director of the Department of Water Resources in an amended Memorandum Decision and Order dated May 12, 1983, authorizing the appropriation of a minimum flow divided into two reaches: (1) The reach of the Henry's Fork River beginning 200 yards downstream from the confluence of the Henry's Fork with the Buffalo River in the NW¼NW¼ Sec. 33, T13N, R43E, Boise Meridian, and ending where the Henry's Fork intersects the section lines between Sec. 13 and Sec. 14, T10N, R43E, Boise Meridian, authorizing the appropriation of 300 cfs from April 1 through September 30, and the lesser of 300 cfs or the flow from the Buffalo River plus other tributary flows throughout the first minimum stream flow reach; and (2) The reach of the Henry's Fork River beginning at the section line between Sec. 13 and Sec. 14, T10N, R43E, Boise Meridian, and ending in the SE¼NE¼ Sec. 25, T10N, R43E, Boise Meridian authorizing the appropriation of 300 cfs from October 1 through March 31, and 1,000 cfs from April 1 through September 30; all of which is located within the confines of Fremont County, Idaho, and the same is hereby approved subject to the conditions and limitations contained in the Memorandum Decision and Order of the Director of the Department of Water Resources dated May 12, 1983.

SEP 13 1995

In the Supreme Court of the State of Idaho

RECEIVED
MAR 5 1986
Department of Water Resources

IN THE MATTER OF THE APPLICATION FOR PERMIT NO. 21-7282 TO ESTABLISH A MINIMUM STREAM FLOW IN THE HENRY'S FORK IN THE NAME OF THE IDAHO WATER RESOURCES BOARD.

MONTANA POWER COMPANY, a foreign corporation,

Petitioner-Appellant,

v.

A. KENNETH DUNN, Director of the Idaho Department of Water Resources, IDAHO WATER RESOURCES BOARD, IDAHO DEPARTMENT OF PARKS AND RECREATION, JOHN C. ARKOOSH, AND FREMONT COUNTY PLANNING AND ZONING COMMISSION,

Respondents.

NO. 15660

REMITTITUR

TO: SEVENTH JUDICIAL DISTRICT COURT, COUNTY OF FREMONT.

The Court having entered an order dismissing this appeal on February 28, 1986; therefore,

IT IS HEREBY ORDERED that the appeal herein from the Judgment of the District Court be, and is hereby dismissed, no costs taxed.

DATED this 28th day of February, 1986.

Clerk of the Supreme Court
STATE OF IDAHO

RECEIVED
SEP 13 1995

Frederick C. Lyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Remittitur entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 2-28-86

FREDERICK C. LYON Clerk

By: Deputy

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, Idaho 83402
Telephone: (208) 523-0620

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7282 TO ESTABLISH A MINIMUM STREAM FLOW IN THE HENRY'S FORK IN THE NAME OF THE IDAHO WATER RESOURCES BOARD. MONTANA POWER COMPANY, Appellant, vs. A. KENNETH DUNN, Director of the Idaho Department of Water Resources Board, Idaho Department of Parks and Recreation, John C. Arkoosh, and Fremont County Planning and Zoning Commission, Respondents.	Docket No. 15660 STIPULATION FOR DISMISSAL OF APPEAL

FILED - ORIGINAL
FEB 28 1986
Supreme Court Court of Appeals
Entered on ATS by

THE PARTIES HERETO, by and through their respective attorneys of record, hereby stipulate and agree that the above entitled appeal may be dismissed with prejudice for the reason that the matters in dispute have been compromised and settled and all legal and factual issues are now moot. Each party shall bear its own costs and fees.

SEP 13 1995

DATED this 23rd day of Jan., 1986.

Kent W. Foster, Esq.
Holden, Kidwell, Hahn and Crapo
for Appellant Montana Power Company

DATED this 8th day of Feb., 1986.

Clive J. Strong, Esq.
Chief, Natural Resources Division
Office of the Attorney General
for Idaho Department of Parks and Recreation

DATED this 10th day of Feb., 1986.

Phillip J. Rassier, Esq.
Deputy Attorney General
for Idaho Department of Water Resources

DATED this 12th day of Feb, 1986.

Phillip M. Barber, Esq.
Hawley, Troxell, Ennis & Hawley
for Idaho Water Resources Board

DATED this 14th day of Feb, 1986.

John C. Arkoosh, Esq.

DATED this 24 day of Feb, 1986.

Penny J. Stanford, Esq.
for Fremont County Planning and Zoning Commission

4888d/cl

MICROFILMED
SEP 13 1995

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, Idaho 83402
Telephone: (208) 523-0620

Attorneys for Appellant

RECEIVED
MAR 7 1986
Department of Water Resources

CASE NUMBER 7729
DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
County of Fremont, State of Idaho
FILED 3-6-86 11:02 am
BETTY J. HILL, CLERK
BY Madge A. Bischoff
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7282 TO ESTABLISH A MINIMUM STREAM FLOW IN THE HENRY'S FORK IN THE NAME OF THE IDAHO WATER RESOURCES BOARD.	Docket No. 15660 ORDER DISMISSING APPEAL
MONTANA POWER COMPANY, Appellant, vs. A. KENNETH DUNN, Director of the Idaho Department of Water Resources Board, Idaho Department of Parks and Recreation, John C. Arkoosh, and Fremont County Planning and Zoning Commission, Respondents.	

UPON THE FILING of these Stipulation for Dismissal of Appeal, signed by the attorneys for all parties herein, and good cause appearing therefore:

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SEP 13 1995

IT IS HEREBY ORDERED, that the Appeal in the above entitled matter be, and the same is, hereby dismissed. Each party shall bear its own costs and fees.

DATED this 28th day of ~~March~~ February, 1986.

For the Supreme Court

Juliette Lyon

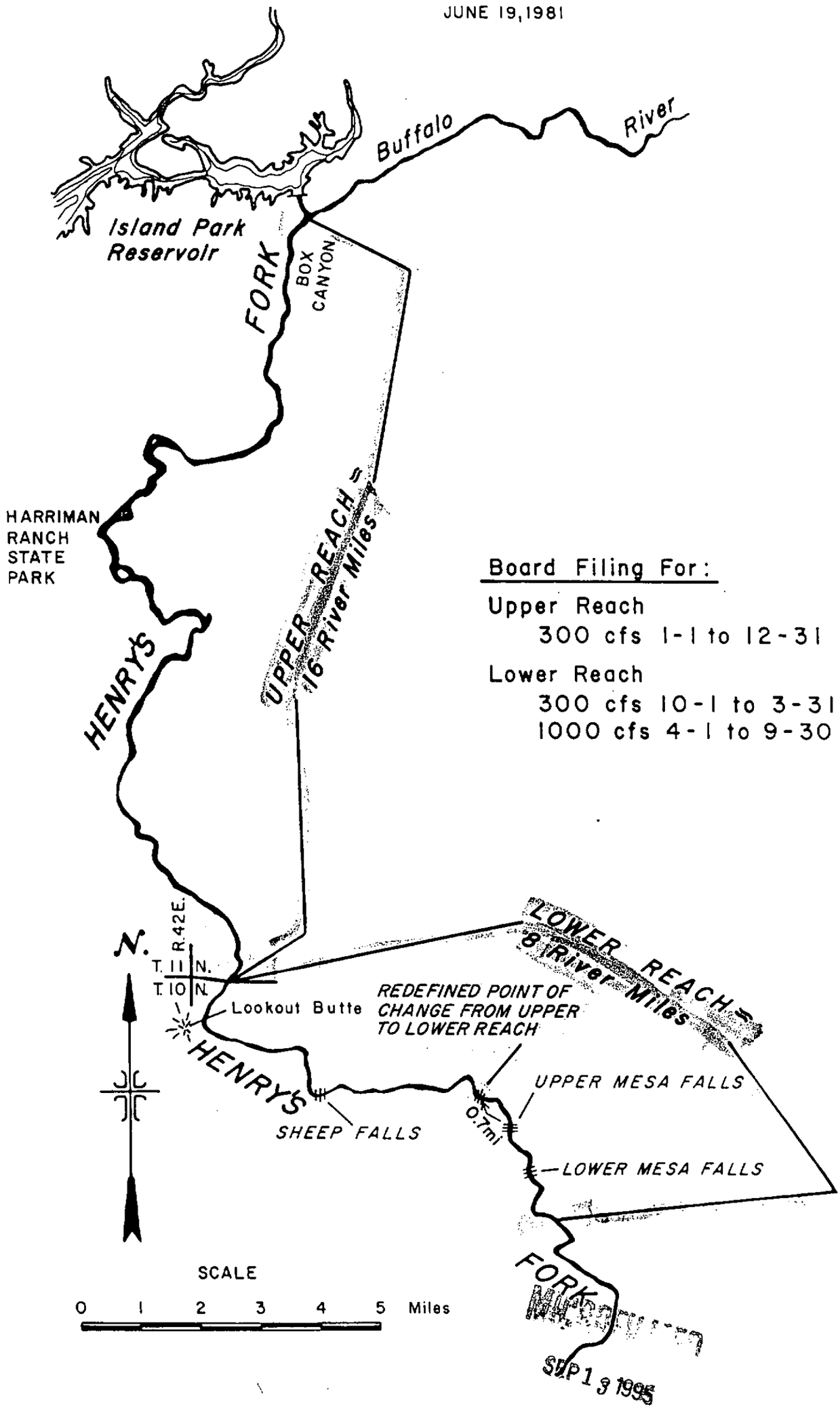
Clerk of the Supreme Court

SEP 13 1995

HENRY'S FORK MSF

App. No. 21-7282

JUNE 19, 1981



Board Filing For:

Upper Reach
300 cfs 1-1 to 12-31

Lower Reach
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

SEP 13 1995

(S.C.R. No. 114)

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 Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

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

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Henrys Fork River for minimum streamflow purposes, which Permit No. 21-7282 was approved by the Director of the Department of Water Resources in a Memorandum Decision and Order dated May 12, 1983, authorizing the appropriation of a minimum flow divided into two reaches:

(1) Upper Reach - The reach of the Henrys Fork River beginning 200 yards downstream from the confluence of the Henrys Fork River with the Buffalo River in the NW1/4NW1/4, Section 33, Township 13 North, Range 43 East, Boise Meridian, and ending where the Henrys Fork River intersects the section line between Section 13 and Section 14, Township 10 North, Range 43 East, Boise Meridian, authorizing the appropriation from January 1 through December 31, the lesser of 300 cubic feet per second or the flow from the Buffalo River and other tributary flows throughout the upper reach; and (2) Lower Reach - The reach of the Henrys Fork River beginning at the section line between Section 13 and Section 14, Township 10 North, Range 43 East, Boise Meridian, and ending in the SE1/4NE1/4, Section 25, Township 10 North, Range 43 East, Boise Meridian, authorizing the appropriation of the lesser of 300 cubic feet per second or the flow from the Buffalo River and other tributary flows throughout the minimum streamflow reaches from October 1 through March 31, increasing to 1,000 cubic feet per second from April 1 through September 30; all of which is located within the confines of Fremont County, Idaho; and

The same is hereby approved subject to the conditions and limitations contained in the Memorandum Decision and Order of the Director of the Department of Water Resources dated May 12, 1983.

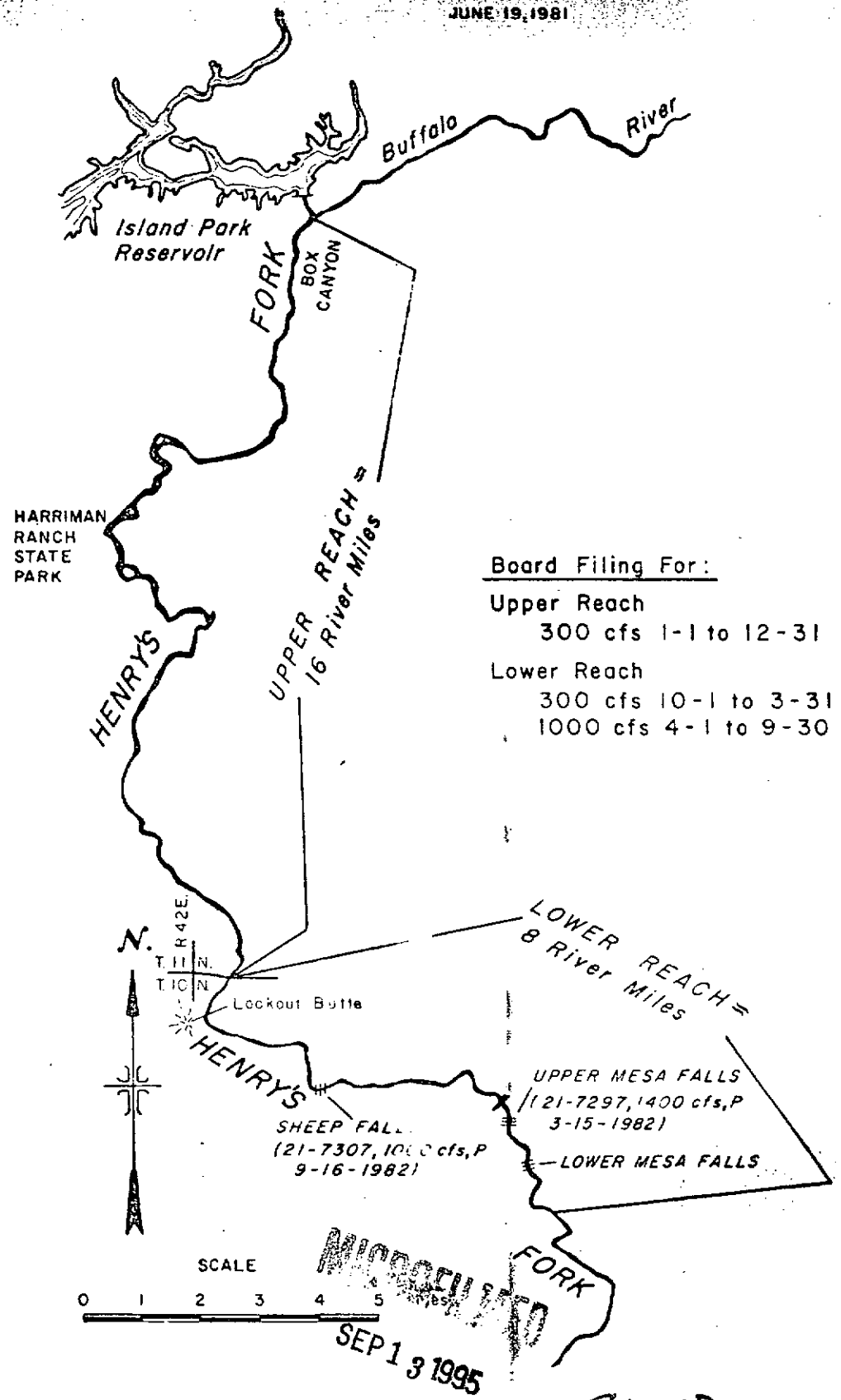
Adopted by the Senate March 4, 1987.
Adopted by the House March 23, 1987.

SEP 13 1995

HENRY'S FORK ...SF

A.p. No. 21-7282

JUNE 19, 1981



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SEP 13 1995

IDWR EXHIBIT

INTER-DEPARTMENT MEMO — 1

DATE 2/12/86

FROM

TO 21-7282

SUBJECT

HEARING TAPES FOR NSF @ ST. ANTHONY ON HENRY'S FORK, SEPT. 23, 1982, ARE LOCATED IN THE VAULT. (TAPE DRAWERS ON FILE CABINETS.)

SEP 19 1995

SIGNATURE

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

> 42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
> (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED
SEP 13 1995

INTER-DEPARTMENT MEMO — 1

DATE 4/23/85

FROM Dave Tuthill

TO Henry's Fork MSF File

SUBJECT

Ned Jackson of IDP&R picked up the original app for corrections to legal descriptions, and did not return the app because, he said, the Dept is reconsidering whether to file.

RECEIVED
SEP 13 1995

DRT

SIGNATURE

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

MEMORANDUM

TO: Dave Tuthill DRT DATE: April 23, 1985

FROM: Bill Ondrechen WTO

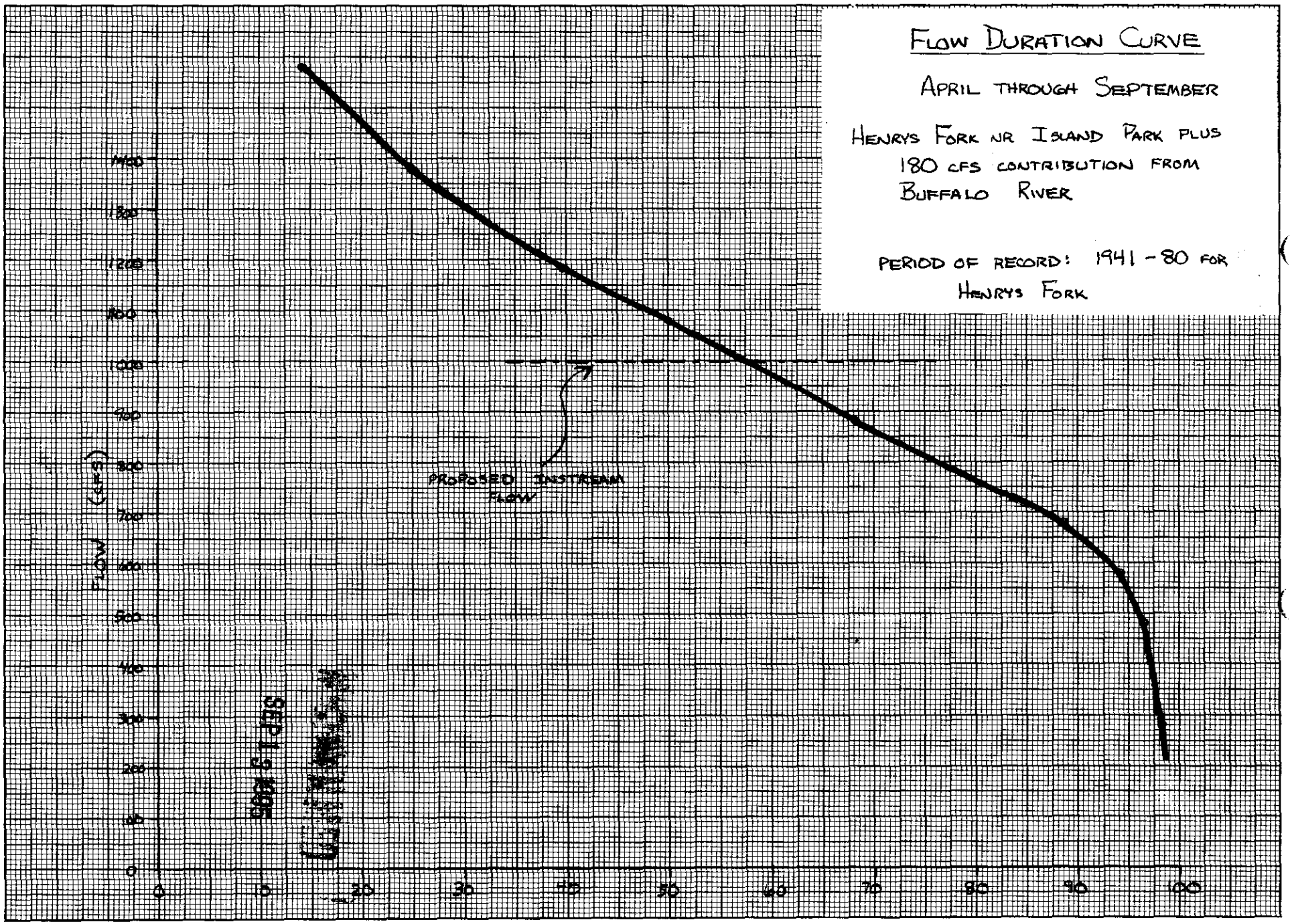
SUBJECT: FLOW DURATION CURVE FOR HENRYS FORK BELOW CONFLUENCE OF BUFFALO RIVER

An approximate flow duration curve for the April through September period was prepared for the Henrys Fork below its confluence with the Buffalo River. The curve was constructed with the assumption of a constant 180 cfs discharge from the Buffalo River. Using this constant discharge results in a conservative analysis of the situation, since flows probably exceed 180 cfs a large percentage of the time. A completely accurate treatment of this situation would require a longer streamflow record for the Buffalo River (only 6 years of daily data are available).

From the curve, it appears that the proposed instream flow of 1000 cfs is equalled or exceeded between 55 and 60 percent of the time.

BO:cjk

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SEP 13 1995



CITADEL® NO. 641 - SCIENCE - 10 SQUARES TO CENTIMETER

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE 4/19/85

TO Bill Ondrechen

SUBJECT

Per our discussion, please prepare a flow duration curve of Henry's Fork at Island Park + Buffalo River, for the period 4-1 thru 9-30.

Dave

SIGNATURE

MICROFILMED

SEP 13 1995

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

July 13, 1981

MEMO

TO: Dave Tuthill

FROM: Alan Robertson

SUBJECT: FLOW OF HENRYS FORK AT LOCATION OF IN-STREAM WATER RIGHT REQUEST (below Buffalo Fork to below Lower Mesa Falls)

Requested flows are 300 cfs from October to March and 1000 cfs from April through September. Flows in the reach include Island Park ouflow, Buffalo River and groundwater gain which accrues throughout the reach. At the upper end of the reach it appears that the requested flows will be present most of the time, but exceptions occur during dry years when Island Park outflows are reduced to try to fill the reservoir. Buffalo Fork generally contributes 150 to 200 cfs in the fall and winter and somehwat more after April 1. Data are inadequate to determine frequencies of occurrence of the requested flow below Buffalo Fork but it is probably on the order of 70 to 80% of the time.

At the lower end of the reach, the groundwater gain is sufficient to ensure that the requested flows are present at virtually all times.

AR:mb

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CITADEL® NO. 641 - SCIENCE - SQUARES TO CENTIMETER

FLOW DURATION CURVE

HENRYS FORK NR ISLAND PARK + BUFFALO RIVER

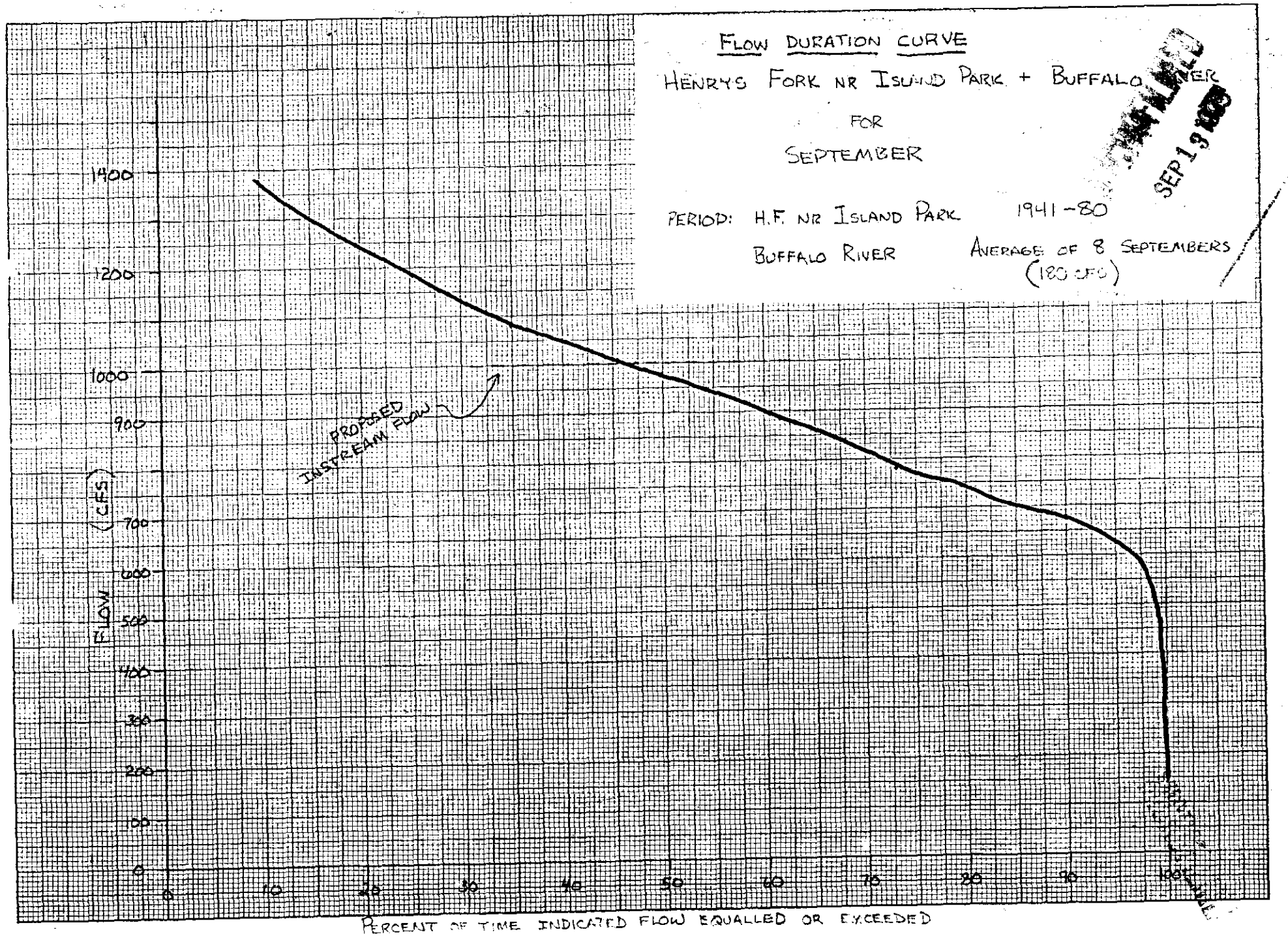
FOR

SEPTEMBER

SEP 19 1983

PERIOD: H.F. NR ISLAND PARK 1941-80

BUFFALO RIVER AVERAGE OF 8 SEPTEMBERS (180 CFS)



Henry's Fork

1. General Location
2. Schematic of Water Rights
3. Henry's Fork Hydrographic Info
4. Flow duration curve - Henry's Fork at Warm River
5. Flow duration curve - Henry's Fork Near Island Park

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Henry's Fork Hydrographic Information

- The Henry's Fork ~~between~~ throughout the requested reach is "gaining".

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

November 2, 1982

MEMO

TO: Dave Tuthill DAT, Water Allocation Section

FROM: Bill Ondrechen WTO, Hydrology Section

SUBJECT: FLOW DURATION ESTIMATES FOR BUFFALO RIVER AT ISLAND PARK

Developing a flow duration relationship for the Buffalo River at Island Park (USGS Station 13043000) is difficult. The available data are inadequate to allow the relationship to be defined except in a general sense.

The USGS steamflow record at the site for the period 1936-40 is only somewhat helpful because it is reported that underground leakage from Island Park Reservoir (storage began November 1938) enters the Buffalo River above the gage. The monthly measurements made by the USGS in 1974 and 1975 are helpful, but since both these years were well above average with respect to runoff, they may not be very representative.

A flow duration relation may be estimated by correlating monthly measurements made during 1974-75 with measurements made at the Warm River at Warm River (13044500) station ($R^2 = 0.8$), for which an 18 year flow record exists. Both these streams have discharges of the same magnitude and their flows are primarily the result of spring discharges. This estimated flow frequency relationship is displayed in the following table:

Exceedance Frequency	Discharge, Buffalo R. at Island Park
90%	150 cfs
50%	170 cfs
10%	200 cfs

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The fact this estimated relationship may be subject to considerable error is illustrated by the fact that in August of 1977 the discharge in the Buffalo River was measured at 201 cfs, about equal to a 10% exceedance flow. Obviously, the two streams are not related closely enough to allow the estimation of low flow characteristics.

Perhaps the most useful data is the mean discharge for the 1975 water year of 250 cfs and also the August 1977 observed flow of 201 cfs. The 1974-75 monthly measurements are attached.

WO:mb

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Basic-Data Table C *(continued)*

Date	Discharge (ft^3/s)	Specific conductance ($\mu mhos$)	pH	Temperature (°C) Water	Air
Buffalo River at Island Park (13043000)					
05-21-74	460	90	7.6	10.0	7.0
06-11-74	340[a]	92	7.8	16.5	18.0
06-28-74	275	94	7.2	14.0	23.0
07-21-74	290[a]	96	8.1	20.5	25.5
07-29-74	248	--	--	14.0	29.0
08-18-74	242	--	--	--	--
09-11-74	219	--	--	12.0	13.5
09-12-74	230[a]	100	8.1	10.0	9.0
10-21-74	280	--	--	8.0	33.0
12-02-74	225	34	7.4	7.0	3.5
12-04-74	220[a]	108	8.0	7.5	3.0
01-21-75	210[a]	118	8.0	4.5	-6.0
03-03-75	226	116	--	7.0	-0.5
04-10-75	200	110	8.0	10.0	--
05-21-75	350	99	7.6	5.5	--
06-05-75	504	87	7.3	14.0	20.0
06-10-75	380	--	--	--	--
06-26-75	307	95	7.8	10.5	11.5
07-02-75	262	--	--	--	--
07-22-75	250	94	7.7	18.0	20.0
07-23-75	250	115	7.3	16.5	24.0
08-12-75	235	--	--	--	--
08-20-75	252	105	6.9	12.0	18.0
09-15-75	220	125	8.2	12.0	14.5
09-16-75	220	--	--	--	--
10-02-75	220	--	--	--	--
10-23-75	230	--	--	--	--
11-04-75	230	--	--	--	--
11-05-75	230	116	8.0	10.0	11.5
Henrys Fork at DeWiner's Ranch near Island Park (13043500)					
08-20-75	1,500[a]	134	--	15.2	16.8
11-04-75	427	166	8.4	5.5	11.0
Blue Spring Creek near Island Park (13043510)					
08-20-75	7.66	148	7.4	11.0	20.0
11-05-75	5.0[a]	156	7.8	--	--

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a - ESTIMATED FROM GAGE HEIGHT

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

February 14, 1983

MEMO

TO: Dave Tuthill, Water Allocation Section

FROM: Bill Ondrechen WTO, Hydrology Section

SUBJECT: GROUNDWATER GAIN TO THE HENRYS FORK IN THE BUFFALO RIVER TO WARM RIVER REACH

As part of a water resource study of the Upper Henrys Fork Basin, the U.S. Geological Survey made a series of discharge measurements to quantify groundwater gains and/or losses in various reaches of the river. These measurements, made in the fall of 1975, included adjustments for surface inflows and diversions: Thus, the gains or losses represent an interaction of the stream with the groundwater system.

Table 6 from the report (IDWR Water Info. Bull. No. 46) shows that the Henrys Fork had a net gain of 237 cfs in entire reach from the Buffalo River downstream to the confluence with Warm River. A significant portion of this gain (112 cfs) occurred in the 25 mile reach between Osborne Bridge and Warm River. The balance of the gain occurred in the 10 mile long reach upstream from Osborne Bridge.

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Gains and Losses

Discharge-measurement runs were made along segments of Henrys Fork and Warm River in the fall of 1975, during baseflow conditions, to determine if certain reaches were either gaining or losing by way of interchange with ground water. Several runs, some of which overlapped, were necessary to complete the determinations. In general, the series of measurements indicate that neither stream loses significant flow to the ground. However, substantial gains were observed along certain reaches of both streams (tables 6 and 7).

TABLE 6

GAINS AND LOSSES IN HENRYS FORK, FALL 1975

(Discharge in cubic feet per second)

Site no.	Site name	Date of measurement	Discharge	Inflow (+) or outflow (-)	Gain (+) or loss (-)	Specific conductance (µmhos)
13039500	Henrys Fork near Lake	8-19-75	118			235
13039525	Henrys Fork at highway near Valley View	-do-	122		+4	227
13040000	Henrys Fork near Big Springs	-do-	204		+82	184
13040500	Big Springs Creek at Big Springs	-do-		+233		98
13040600	Thirsty Creek at Big Springs	-do-		+4.7		67
13040800	Moose Creek near Big Springs	-do-		+71.2		111
13041010	Henrys Fork at Coffee Pot Lodge	-do-	528		+15	136
13042500	Henrys Fork near Island Park	11-04-75	146			187
13043000	Buffalo River at Island Park	-do-		+230		116
13043500	Henrys Fork at DeWiners Ranch	-do-	427		+51	166
13043510	Blue Springs Creek near Island Park	-do-		+5.0		156
13043520	Island Park Land & Livestock Company Canal	-do-		-1.0		--
13043600	Henrys Fork near Osborne Bridge	-do-	428		-3	170
13043780	Silver Lake Outlet near Island Park	-do-		+22.7		187
13043800	Henrys Fork at Osborne Bridge	-do-	538		+77	180
13044000	Henrys Fork at Warm River	11-05-75	650		+112	--
13045510	Warm River at mouth of Warm River	-do-		+390		--
13045600	Henrys Fork below mouth of Warm River	-do-	1,040		0	132
13045796	Henrys Fork above Ashton Reservoir	-do-	1,070		+30	138
13046000	Henrys Fork near Ashton	-do-	1,030[1]			

NET GAIN 237 CFS

[1] From daily mean gage heights.

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FLOW DURATION CURVE

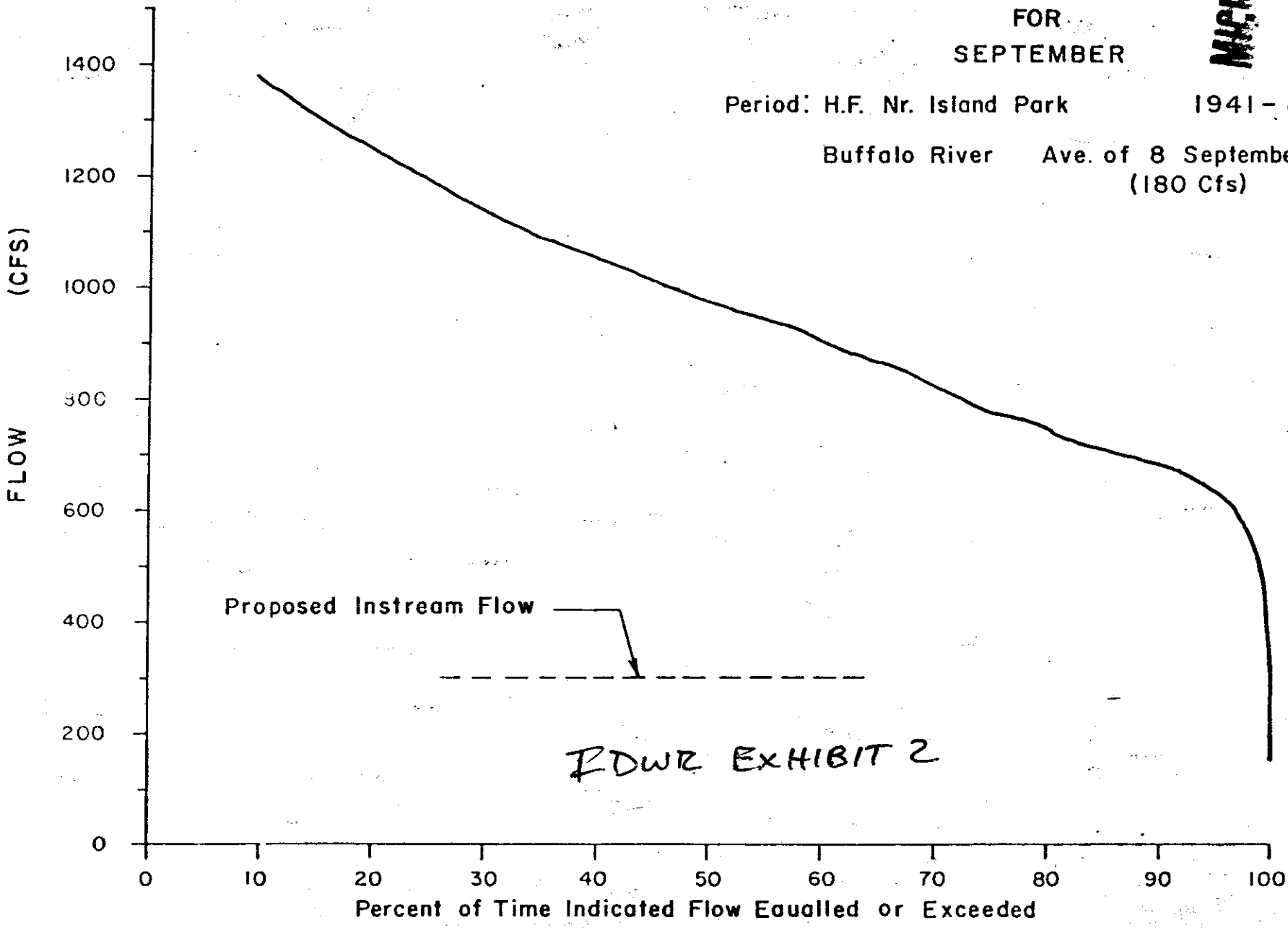
HENRY'S FORK NR ISLAND PARK/BUFFALO RIVER

FOR

SEPTEMBER

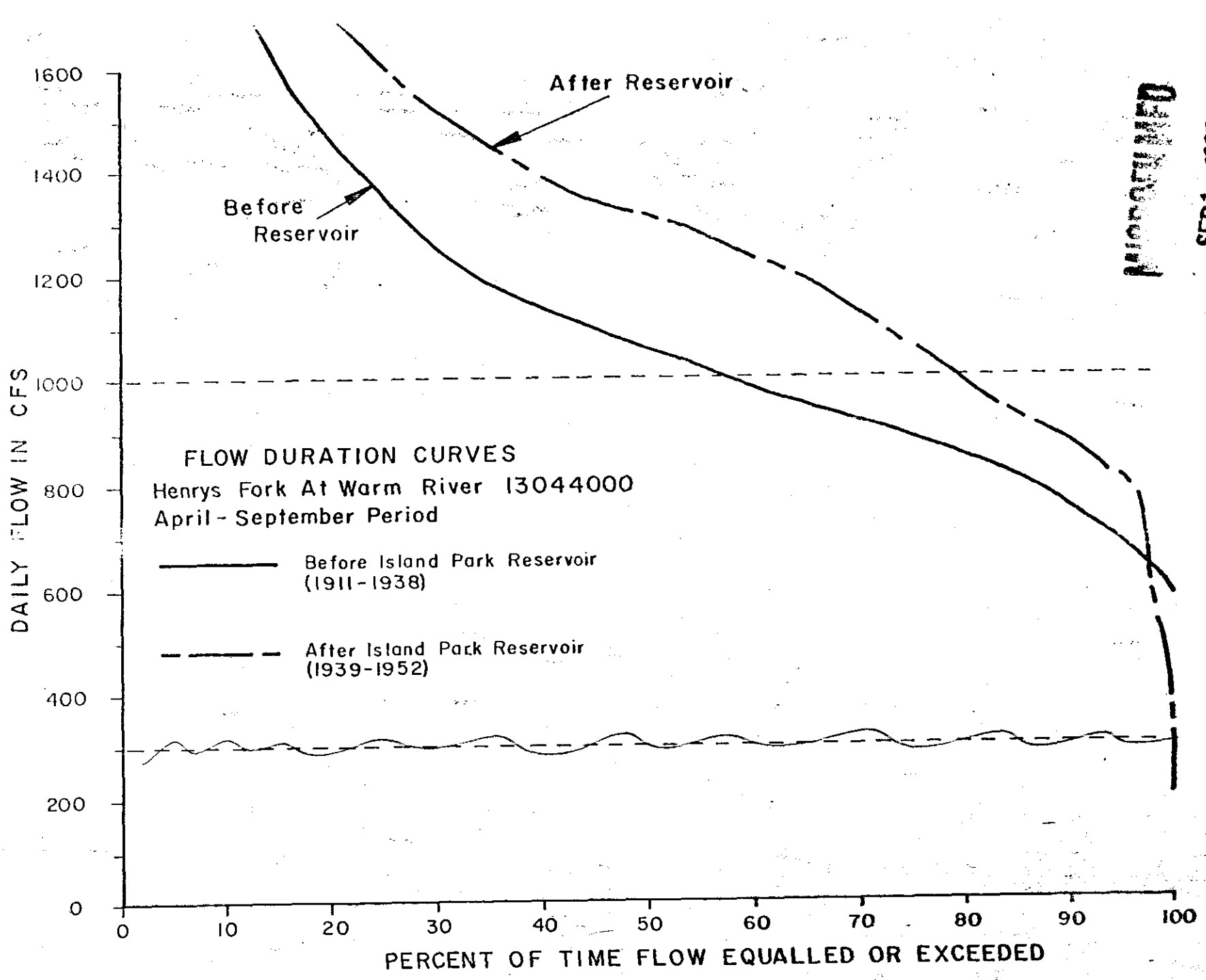
Period: H.F. Nr. Island Park 1941-80

Buffalo River Ave. of 8 Septembers
(180 Cfs)



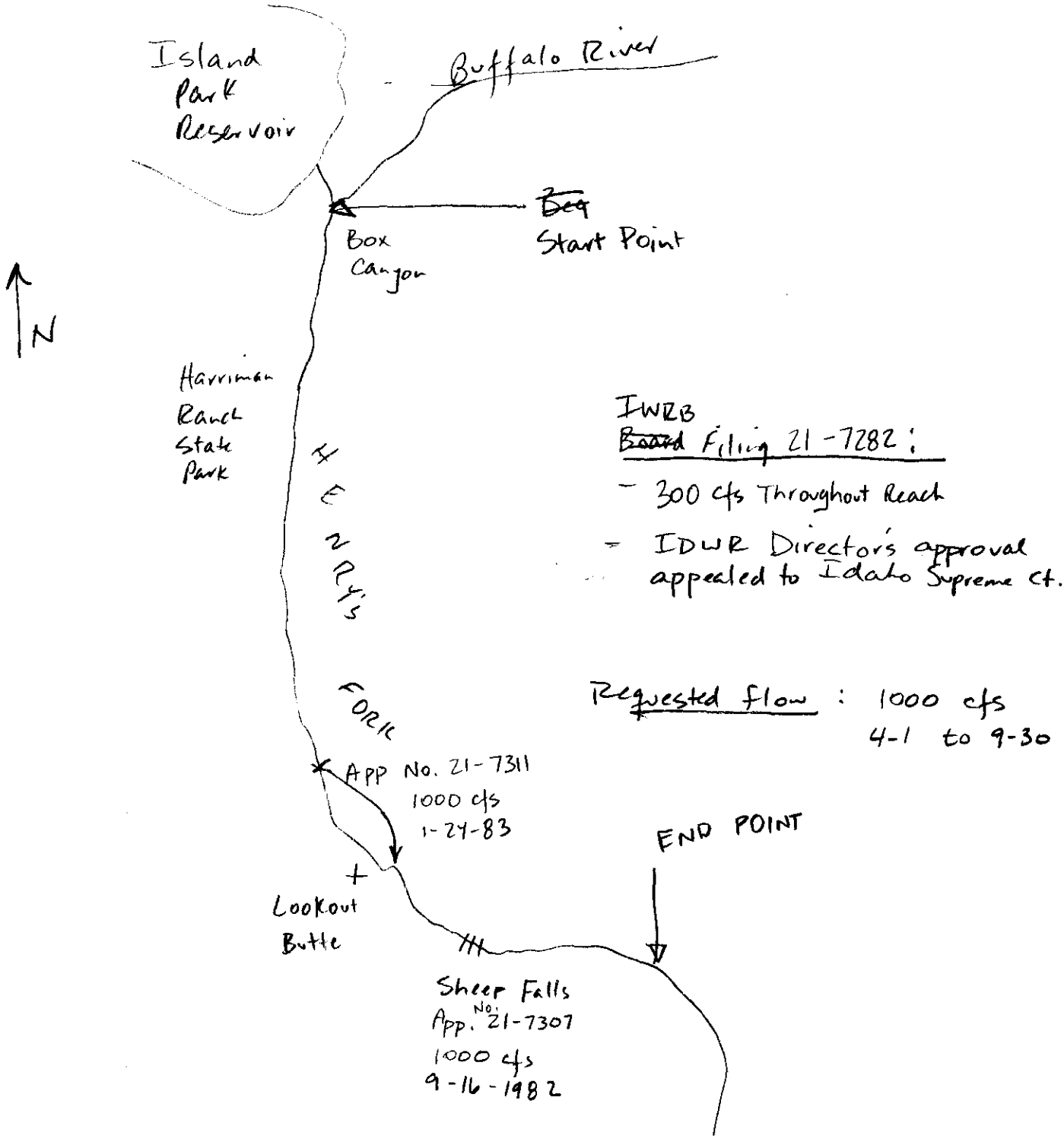
IDWR EXHIBIT 2

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IDWR Exhibit # 3

Henry's Fork ~~MSF~~ Minimum Stream Flow



IWRB
~~Board~~ Filing 21-7282:

- 300 cfs Throughout Reach
- IDWR Director's approval appealed to Idaho Supreme Ct.

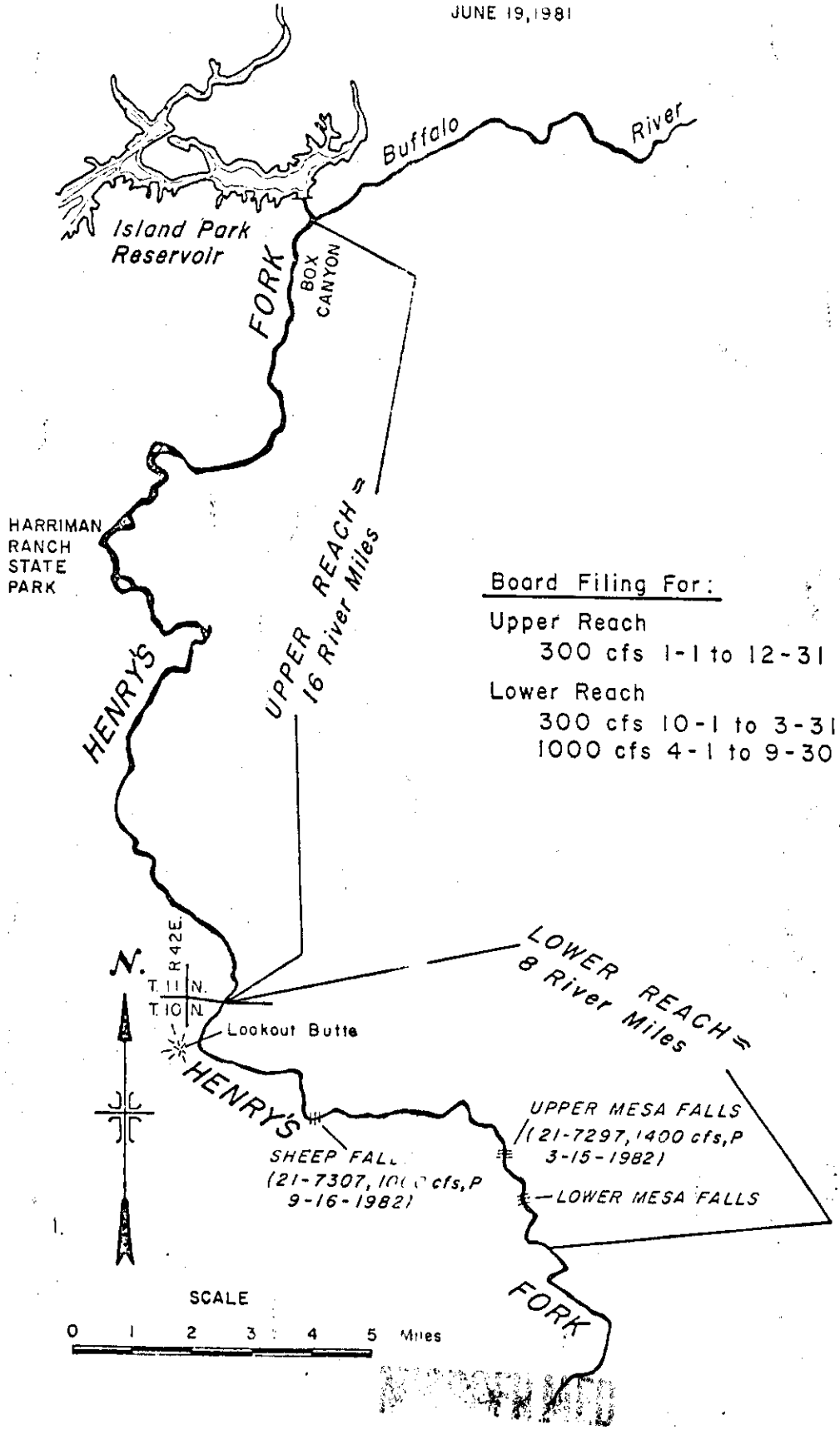
Requested flow: 1000 cfs
4-1 to 9-30

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HENRY'S FORK ...SF

App. No. 21-7282

JUNE 19, 1981



Board Filing For:

Upper Reach
300 cfs 1-1 to 12-31

Lower Reach
300 cfs 10-1 to 3-31
1000 cfs 4-1 to 9-30

SEP 13 1995

IDWR EXHIBIT:

PHOTOGRAPHED

PERMIT AND LICENSED RIGHTS ON Reach of Henrys Fork -- T10N R43E S.13 thru T13N R43E S.33 CO., IDAHO

April 19 19 85 Revised _____ Water District No. _____

LICENSE	PERMIT	NAME	AMT.	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.
					Subdiv.	Sec.	Twp.	Rge.	
	App 21-7297	(DOWNSTREAM) Henrys Fork Montana Power Co.	1400.0	03-15-1982	SWSW	13	10N	43E	Power
	App 21-7307	Richard L. Graves Henrys Fork Bill Arkoosh, John C. Arkoosh	1000.0	09-16-1982	NWNW	16	10N	43E	Power
	App 21-7311	Henrys Fork Michael A. Arkoosh	1000.0	01-24-1983	NWSW	24	11N	42E	Power

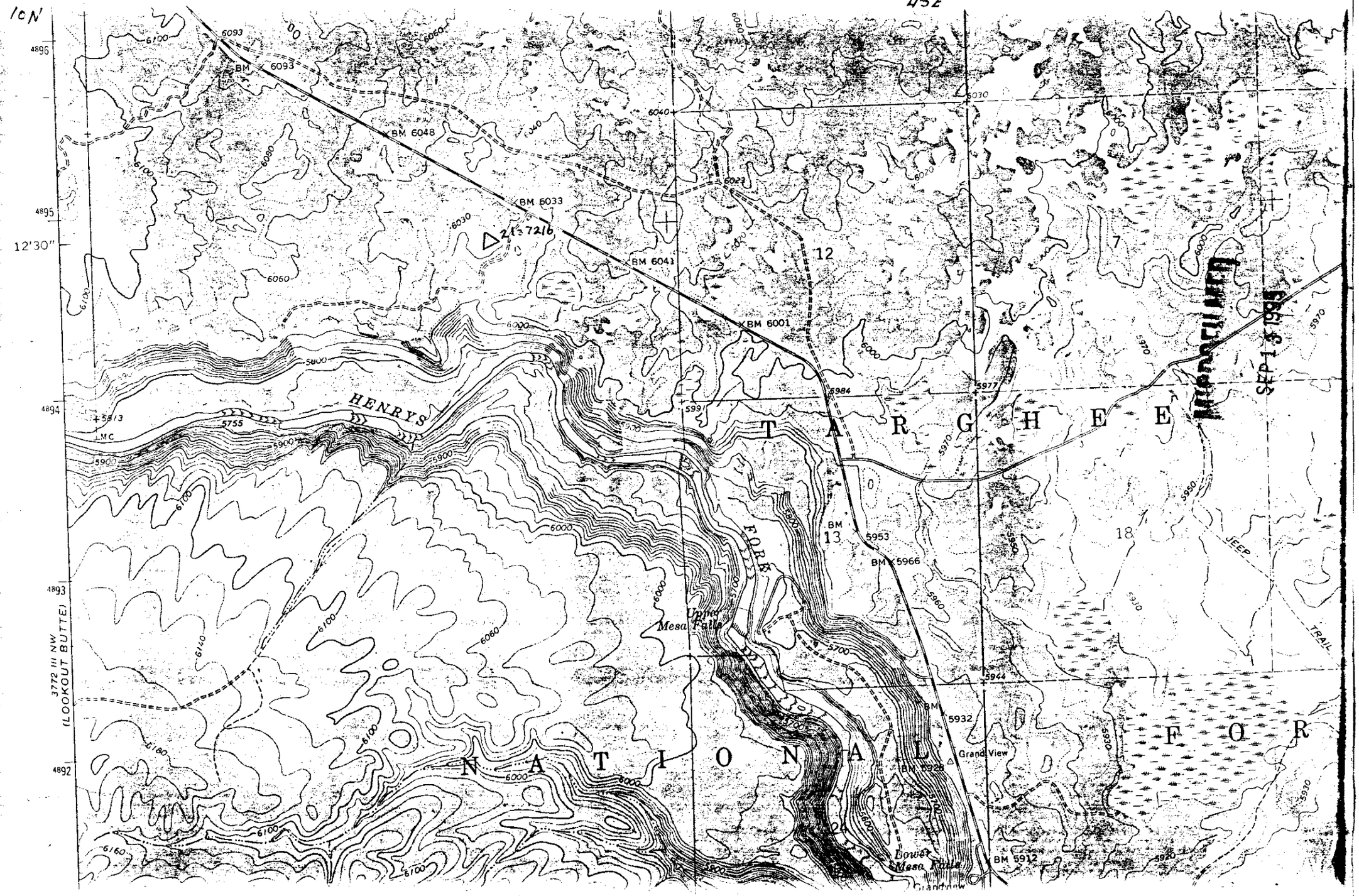
SEP 1 8 1995

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

	ASSIGNED TO	INITIALS/DATE
1. Request received and checklist attached.	Receptionist	_____
2. Request indexed.	Records Chief	dg 4-19-85
3. Preliminary review. Application prepared for signature.	Section Supv.	_____
4. Streamflow information requested from hydrology.	Section Supv.	_____
5. Region advised of request.	Section Supv.	_____
6. Acknowledgment letter sent.	Section Supv.	_____
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Records Chief	_____
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Records Chief	_____
9. Water Rights researched & abstracted.	Records Chief	dg 4-19-85
10. Visual aid request prepared.	Section Supv.	_____
11. Visual aid reviewed.	Section Supv.	_____
12. Request and related data presented to Board.	Administrator, Res. Admin. Div.	_____
13. Filed or Rejected by Board.	Sec. Supv. et.al.	_____
14. Board action indexed.	Records Chief	_____
15. Original application sent to region.	Records Chief	_____
16. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	_____
17. Notice sent to each water right holder or applicant on MSF reach.	Sec. Supv.	_____
18. Application advertised w/o hearing date.	Region	_____
19. Personal contact made with riparian land owners.	Requestor	_____
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	_____
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 & Radio Stations	Section Supv.	_____
f. Water Right Holders	Requestor	_____
g. Riparian Owners	Requestor	_____
23. Information provided to IWRB for decision to proceed, modify, or abondon.	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 & Radio Stations	Section Supv.	_____
f. Water right holders	Section Supv.	_____
g. Attendees of informal public meetings.	Section Supv.	_____
h. Riparian Owners	Requestor	_____
26. Hearing held (mandatory).	Hearing Officer & Regional Rep.	_____
27. Standard approval procedure for memorandum decision.	Hearing Officer	_____
28. If application is approved, Legislative approval procedure attached.	Records Chief	_____


BM 6093
BM 6048
BM 6033
BM 6041
BM 6001
HENRYS
FORK
Upper Mesa Falls
Lower Mesa Falls
Grand View
BM 5953
BM 5966
BM 5932
BM 5928
BM 5912
JEEP TRAIL
T A R G H E E
N A T I O N A L F O R
12
13
18
24
7
12'30"
3772 III NW (LOOKOUT BUTTE)

IDAHO DEPARTMENT of PARKS & RECREATION

2177 Warm Springs Ave., Statehouse Mail, Boise, Idaho 83720 (208) 334-2154

Robert L. Meinen, Director

John V. Evans, Governor

RECEIVED
APR 10 1985
Department of Water Resources

April 9, 1985

Mr. Dave Tuthill
Idaho Dept. of Water Resources
450 W State
Boise, ID 83720

Dear Dave:

Enclosed is the application for permit to appropriate the public waters of the State of Idaho on Henrys Fork of the Snake River.

If possible, we would like to present it to the Water Resources Board at their next scheduled meeting on April 26, 1985.

Thank you for your help.

Sincerely,

Robert L. Meinen
Director

NJ/973E

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SEP 13 1995

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

MEMORANDUM

TO: Robert L. Meinen
Acting Director
Department of Parks & Recreation

DATE: October 31, 1984

FROM: Bill Ondrechen & Alan Robertson
Hydrology Section, IDWR

SUBJECT: Mesa Falls Hydroelectric Project

As a result of your letter to Dave Tuthill we have reviewed the hydrology and operation studies sections of Ebasco's June 1984 report. The streamflow data used in their operation study, listed in Table 2 of the report, are of primary importance. In the 48 year period, historic flows of the Henrys Fork at Warm River station were used for the 1939-52 portion, with data prior to 1939 and after 1952 estimated. Data for years prior to 1939 utilized historic flows adjusted to account for the regulation effect of Island Park Reservoir. The method used to adjust these flows, each month having been assigned a fixed percentage of the annual flow, is not completely accurate except in years of near average conditions, but the inaccuracy is minor in this case. If Island Park Reservoir were larger relative to annual flows at the project, the inaccuracy would be greater.

Data for water years 1953-76 were estimated by correlation with flows of the Henrys Fork at Island Park. This is a standard technique and should yield excellent results.

Computer calculations of hydropower generation and annual energy production were performed using historic flows for the 1940-52 period. Monthly averages for this period compare quite closely to averages for the 48 year study period. Runs were made for both powerplant configurations described in the report: 8,000 kw and 11,5000 kw. Average capacity and average energy values calculated were very close to those in the report, as illustrated below:

Average Energy Production (GWH)	IDWR	EBASCO
8,000 kw plant	56.3	56.1
11,500 kw plant	65.3	65.6

In summary, the streamflow data used in the project evaluation seem reasonable. Errors in estimated flows for the pre-reservoir period 1929-38 are minor.

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RECEIVED
JUL 10 1984
Department of Water Resources

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

APPLICATION FOR PERMIT NO. 21-7282 TO ESTABLISH A MINIMUM STREAM FLOW IN THE HENRY'S FORK IN THE NAME OF THE IDAHO WATER RESOURCES BOARD.

MONTANA POWER COMPANY, a foreign corporation,

Petitioner-Appellant,

vs.

A. KENNETH DUNN, Director of the Idaho Department of Water Resources,

Respondent,

and

IDAHO WATER RESOURCES BOARD,

Respondent,

and

IDAHO DEPARTMENT OF PARKS AND RECREATION,

Respondent,

and

JOHN C. ARKOOSH,

Respondent,

and

FREMONT COUNTY PLANNING AND ZONING COMMISSION,

Respondent.

Case No. 7729

ORDER AFFIRMING ADMINISTRATIVE DECISION

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Montana Power Company is the owner of 160 acres of land surrounding Upper Mesa Falls on the Henry's Fork of the Snake River, Fremont County, Idaho. Montana Power appeals from a Memorandum Decision and Order of A. Kenneth Dunn, Director of the Idaho Department of Water Resources, dated May 12, 1983, granting Permit No. 21-7282 to the Idaho Water Resource Board to appropriate a minimum stream flow of Henry's Fork for aesthetic and recreation purposes pursuant to the provisions of Title 42, Chapter 15 of the Idaho Code.

Two areas of Henry's Fork are affected by the order. The upper reach extends from a point 200 yards downstream from the confluence of the Henry's Fork and Buffalo River to a point downstream where the river crosses the township line between Township 10 North and Township 11 North, Range 43 E.B.M.

The lower reach commences at a point 0.7 miles upstream from Upper Mesa Falls, at the point where the Henry's Fork intersects the line between Section 13 and Section 14, Township 10 North, Range 43 E.B.M. downstream to the section line between Section 25, Township 10 North, Range 43 E.B.M. and Section 30, Township 10 North, Range 44 E.B.M. The lower reach encompasses Sheep Falls, Upper Mesa Falls and Lower Mesa Falls.

The order provided for a minimum stream flow of 300 cfs in the upper reach and lower reach to "provide for recreation, fisheries and wildlife uses" and a minimum stream flow of 1000 cfs in the

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vicinity of Upper and Lower Mesa Falls.

The effect of the order may be summarized as follows:

1. The Idaho Water Resource Board, hereinafter Board, was granted a permit to appropriate a minimum stream flow of the unappropriated waters of Henry's Fork of the Snake River.

2. The appropriation was a minimum stream flow for a non-consumptive, in-stream use. No physical diversion was required.

3. The beneficial use was to preserve recreation, aesthetics, fisheries and wildlife within the defined reaches. Such uses are specifically defined as beneficial uses in I.C. 42-1501.

4. The proposed appropriation was for the public, as opposed to a private, interest.

5. The appropriation will not interfere with any vested water right, permit or right under an application having a priority date earlier than June 19, 1981, the date of the Board's original application.

6. The appropriation is limited to the specific geographical locations defined in the upper and lower reaches mentioned supra. The appropriation will not reduce the amount of water subject to appropriation by a private person after the water has flowed through the defined geographical area.

On March 15, 1982, Montana Power Company filed with the Department of Water Resources, hereinafter Department, an application for Permit No. 21-7297 to appropriate unappropriated waters of the

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amount of 1,400 cfs from Henry's Fork. This application was filed under the provisions of Title 42, Chapter 2 of the Idaho Code. Under a Chapter application, the applicant must take physical control of the water in order to establish a beneficial use of the water. The beneficial use contemplated by the application was the development of a hydropower plant on Appellant's property at Upper Mesa Falls. Such a diversion and beneficial use would dewater the Upper Mesa Falls.

Montana Power Company, John C. Arkoosh, Fremont County Planning and Zoning Commission and Idaho Department of Parks and Recreation appeared in a formal capacity at the public hearing which was held pursuant to statute at St. Anthony, Idaho, on September 23, 1982. The director of the Department, A. Kenneth Dunn, served as the hearing officer.

Montana Power asserts that this court must reverse the order because (1) the statutory scheme (Minimum Stream Flow Act as set forth in Title 42, Chapter 15, Idaho Code) under which the order was made is unconstitutional, and (2) the findings of fact and conclusions of law upon which the order is based are not supported by substantial, competent evidence.

The appellant's contentions shall be discussed in the order mentioned.

I.

CONSTITUTIONALITY OF TITLE 42, CHAPTER 15, IDAHO CODE

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The appellant's assertion that the Chapter 15 statutory scheme is unconstitutional is bottomed on its contention that the statute is in violation of Article 15, Section 3 of the Idaho Constitution which provides in part as follows:

> The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied, except that the state may regulate and limit the use thereof for power purposes. Priority of appropriations shall give the better right as between those using the water . . . .

The appellant reasons that a Chapter 15 appropriation is a legislative attempt to monopolize or withdraw from appropriation "the unappropriated waters of any natural stream to beneficial uses" and that the quoted portion of Article 15 Section 3, supra, expressly provides against such action by saying that this right "shall never be denied."

A brief history of the events leading up to the enactment of Chapter 15 of Title 42 will be helpful in discussing the constitutional issue.

The Legislature adopted Article 15, Section 7 of the Idaho Constitution on the recommendation of concerned leaders and public officials in reaction to a perceived threat of exportation of water from Idaho to the Pacific Southwest. Idaho Power Co. v. State, 104 Idaho 570, 661 P.2d 736 (1983).

This constitutional amendment was ratified by the voters on November 5, 1964. It reads as follows:

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> There shall be constituted a Water Resource Agency, composed as the Legislature may now or hereafter prescribe, which shall have power to formulate and implement a state water plan for optimum development of water resources in the public interest; to construct and operate water projects; to issue bonds, without state obligation, to be repaid from revenues of projects; to generate and wholesale hydroelectric power at the site of production; to acquire, transfer, and encumber title to real property for water projects and to have control and administrative authority over state lands required for water projects; all under such laws as may be prescribed by the Legislature.

In 1965 the Idaho Legislature created an agency call the Idaho Water Resource Board with the powers listed in the above-quoted amendment.

In 1974 the landmark case of State Department of Parks v. Idaho Department of Water Administration, 96 Idaho 440, 530 P.2d 924 (1974), hereinafter referred to as Malad Canyon, was decided by the Idaho Supreme Court. This case construed the constitutionality of I.C. 67-4307 wherein the Department of Parks of the State of Idaho was directed to appropriate in trust for the people of Idaho certain unappropriated waters of the Malad Canyon in Gooding County, Idaho. The statute specifically designated the geographical area encompassed by the minimum stream flow. It declared that scenic beauty and recreational purposes were a beneficial use of the water. It provided for an in-stream, non-consumptive use. No physical diversion was required for the appropriation. The express purpose of the statute was to use and preserve the unappropriated waters in "its present condition as a recreational site for the

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people of Idaho." Protests were filed by interested water users. The following questions were stipulated to and submitted for a decision by the Department of Water Administration (now the Department of Water Resources):

1. Is it constitutional for an Idaho State agency to appropriate without express constitutional authorization, the waters of a natural stream, thereby obtaining a water right having priority over water rights on the same stream which may be subsequently appropriated by private parties?

2. Are the uses described in I.C. §67-4307 (scenic beauty and recreational purposes) "beneficial uses" which support a water appropriation under the Idaho Constitution?

3. Can there be created in Idaho a valid appropriative water right without an actual physical reduction to possession of the claimed water through an actual diversion of the water from, or artificial control of the water in, the water's natural locus or condition?

The Department of Water Administration ruled in favor of the Department of Parks on questions one and two but denied the permit upon determining that no actual physical diversion was to be made. Finding that "a valid appropriation can be effected without actual physical diversion," the district court reversed the agency determination and ordered the permit to be issued.

The Supreme Court of Idaho, with two justices dissenting, affirmed the district court's opinion.

The following important constitutional issues were ruled on:

1. It was determined that a state agency could, pursuant to

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to the statutory authority granted by I.C. 67-4307, authorize the appropriation of the unappropriated waters of a stream without constitutional authorization and that the Malad Canyon statute did not violate Article 15, Section 3 of the Idaho Constitution. In making this ruling Justice Shepard noted that the statute:

> only authorizes the Department of Parks to appropriate, in trust for the public, certain clearly designated waters for nonconsumptive use . . . [and] [o]nly in a geographical sense can there be said to be any interference with a future private appropriative right since the legislatively authorized use in nonconsumptive and once the waters have left the area delineated by the statute they are and will be subject to routine private appropriation.

530 P.2d at 927.

Welsh, In-Stream Appropriation for Recreation and Scenic Beauty, 12 Idaho L. Rev. 263-275 (1975), hereinafter Welsh, in his analysis of this issue of Malad Canyon, stated:

> The Malad Canyon statute appears to be consistent with the general rule that "[i]t is within the province of the legislature to declare generally that the state or its agencies may appropriate water." Several states have enacted statutes authorizing the appropriation of water by the state or a state agency. Also, in the face of language similar to article 15, section 3, of the Idaho constitution, the Colorado legislature has changed the definition of "beneficial" to read in pertinent part,
>
> > For the benefit and enjoyment of present and future generations, "beneficial use" shall also include the appropriation by the state of Colorado in the manner prescribed by law of such minimum flows between specific points or levels for and on natural streams and lakes as are required to preserve the natural environment to a reasonable degree.

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2. The Supreme Court determined that a legislative declaration that scenic beauty and recreation was a beneficial use was not unconstitutional in the face of the water user's contention that the uses enumerated in Article 15, Section 3 were the exclusive beneficial uses. Justice Shepard stated, "While it is well established in western water law that an appropriation of water must be for a 'beneficial use,' nevertheless, in Idaho at least the generic term 'beneficial use' has never been judicially or statutorily defined." 530 P.2d at 927.

Welsh, at pages 269 and 270 of his analysis of Malad Canyon, discussed the following cases that recognized recreation as a beneficial use: State ex rel. State Game Commission v. Red River Valley Co., 182 P.2d 421 (N.M. 1945); Brasher v. Gibson, 406 P.2d 441 (Ariz. 1965); Osnes Livestock Co. v. Warren, 62 P.2d 206 (Mont. 1936). He then discussed statutes in California, Colorado, Oregon, Texas and Washington declaring recreation to be a beneficial use of water and the fact that several states have enacted statutes similar to the Malad Canyon statute. He concluded:

> A review of these jurisdictions leads to the conclusion that the recognition of recreation and scenic beauty as beneficial uses is now the rule rather than the exception. With the possible exception of Montana, though, it seems that no jurisdiction intends to recognize a private appropriation for recreation or scenic beauty. These uses are beneficial, but apparently only "public" appropriations can be made for these purposes.

3. Finally, the Supreme Court determined that a valid appro-

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priation of water can be made in Idaho without an actual physical diversion or ortificial control of the water. An actual diversion is not constitutionally required and it is not an essential element of the appropriation doctrine. The decision leaves it to the Legislature to determine when a diversion should be required. See Welsh, cited supra, at page 273.

The Idaho State Water Plan contemplated by Article 15, Section 7 was completed by the Board in December of 1976. See Idaho Power Co. v. State, cited supra, for a summary of the chronological history of the Board's action in formulating a state water plan.

Thereafter, the Legislature implemented portions of the state water plan by enacting Title 42, Chapter 15 of the Idaho Code, known as the Minimum Stream Flow Act, in 1978.

The only major distinction between appropriation authorized by statute in Chapter 15 and the Malad Canyon statute is that the Malad Canyon statute described a limited area of a particular waterway while Chapter 15 provides for appropriation of the "unappropriated waters of any stream." This unlimited statutory geographical application in Chapter 15 is circumscribed by the necessity of complying with specific legislative requirements and by the further right of the Legislature to veto any permit that is granted. In both statutes the legislative control is clearly set forth. In Malad Canyon, the Supreme Court expressly recognized that this assertion of legislative control was appropriate.

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Furthermore, the result of the application of the Chapter 15 appropriation statute with regard to the waters of Henry's Fork, under the facts before the court, has been to limit the application of the statute to a specific geographical area in a similar manner as was approved in Malad Canyon.

The appellant further asserts that the language in Article 15, Section 7 of the Idaho Constitution that the Water Resource Agency was to formulate and implement a state water plan "for optimum development of water resources" (emphasis added) is consistent with Article 15, Section 3 and that this language reinforces the concept that the type of appropriation contemplated is that which permits development and insures growth and economic productivity.

The language of Article 15, Section 7, the Idaho Water Plan as set forth in the 1978 Idaho Session Laws, pages 1003 to 1013, and the Minimum Stream Flow Act as set forth in Chapter 15, Title 42 of the Idaho Code, makes it clear that the term "optimum development of water resources in the public interest" encompasses more than the self interest of the profit motivated intending appropriator. The self interest motivation of the private individual or corporate entity gives no guarantee that the water right sought will serve the public as well as the private interest. It is clear that the public has an interest in seeing to it that the water that remains unappropriated is put to an optimum use that will serve the public interest as well as the private interest.

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The court finds that the provisions of Title 42, Chapter 15 of the Idaho Code are not in violation of Article 15, Section 3 of the Idaho Constitution and that said statute is a constitutional exercise of the Legislature's authority.

The reasons for this ruling in favor of the constitutionality of the Minimum Stream Flow Act may be summarized as follows:

1. The rationale of Malad Canyon supports the constitutionality of Chapter 15, Title 42, Idaho Code.

2. Article 15, Section 7 which provides, in part, for a constitutional mandate for the "optimum development of water resources in the public interest" is not in conflict with Article 15, Section 3. An appropriation of water for the benefit of the public is not inconsistent with the term "beneficial use" as used in Article 15, Section 3 since "beneficial use" has never been constitutionally defined as being limited to a private as distinguished from a public use.

3. The Legislature has the authority, subject to judicial review, to define the term "beneficial use." The provisions of Title 42, Chapter 15 simply provide for a beneficial use for the benefit of the public under the strict limitations provided therein. Such a definition of a beneficial use is consistent with Article 15, Section 3 and Section 7.

4. Legislative action which provides for an in-stream minimum stream flow appropriation for the benefit of the public of unappro-

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priated waters by a public agency does not violate Article 15, Section 3 where the public agency has to stand in line like any other appropriator, and the approved permit is subject to review and veto by the legislature as well as judicial review.

5. The "optimum development of water resources in the public interest" set forth in Article 15, Section 7 makes it clear that it is appropriate for the Legislature to provide for an appropriation of waters to beneficial use for the benefit of the public as provided by Title 42, Chapter 15, Idaho Code.

6. The specific application of the Chapter 15 appropriation statute has resulted in the limitation of the application of the statute to a specific geographical area of the Henry's Fork of the Snake River. This is consistent with the result in Malad Canyon.

II

MUST THE MAY 12th, 1983 ORDER OF THE DEPARTMENT OF WATER RESOURCES BE REVERSED FOR THE REASON THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW THEREIN ARE NOT SUPPORTED BY SUBSTANTIAL, COMPETENT EVIDENCE?

In order to approve an application for a minimum stream flow, the Director of the Department of Water Resources must find that the appropriation of the minimum stream flow:

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

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

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(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportaion, 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 stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

See I.C. 42-1503.

Idaho Code §67-5215(g) (Supp. 1983) sets forth the standard for the district court's review of the decision of an administrative agency in a contested proceeding as follows:

> The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
> * * *
> (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record;
> * * *

(Emphasis added). See also Van Orden v. State Dept. of Health and Welfare, 102 Idaho 663 (1981); Grindstone Butte Etc. v. Idaho, P.U.C., 102 Idaho 175 (1981).

It is clear from these authorities that the standard of review of the order of the Department is whether the order is supported by substantial and competent evidence.

The appellant does not seriously argue that the findings (a),

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(b), (d) and (e), required under I.C. 42-1503, as quoted supra, are supported by substantial evidence. There is, in fact, substantial evidence that the minimum stream flow will not interfere with any senior vested water right. I.C. 42-1503(a). (Tr. p. 5, ls. 7-9; p. 24, ls 10-11, 18-19; p. 10, ls. 10-13, p. 18, ls. 1-14, p. 92, ls. 17-23).

There is substantial evidence that the minimum stream flow is in the public interest. I.C. 42-1503(b). The minimum stream flow would assure the continued enjoyment of the public in the aesthetic, fish, wildlife, recreation and economic values (as reflected in the tourist industry in Fremont County) existing in the present use of Henry's Fork of the Snake River. (Tr. p. 99, ls. 21-25, p. 103, ls. 15-18; Tr. references, supra, pp. 4-7). This is also evidenced by the public support of the minimum stream flow (Tr. p. 105, ls. 17-18, p. 172 ls. 6-9; Letters in Support, chrono. index, pp. 50, 55, 64-75, 97, 101, 102, 106, 110, 114, 115, 117, 119, 158-161; Petition, chrono. index, p. 123).

There is substantial evidence that the flow under Permit No. 21-7282 is the minimum and not the ideal or most desirable flow. I.C. 42-1503(d). The original application requested a minimum stream flow of 1,000 cfs for the entire 24-mile stretch covered by the application. The 1,000 cfs flow was then reduced by the Water Resources Roard to an eight-mile stretch from Lookout Butte to below Lower Mesa Falls, in deference to historic flow data and the

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determination of the Idaho Department of Fish and Game that a 300 cfs flow is the minimum necessary for maintenance of the fishery above Lookout Butte (Tr. p. 23, ls. 24-25; p. 24, l.1; p. 25, ls. 8-25; p. 26, ls. 1-2). The director's decision again reduced the 1,000 cfs stretch, by about seven miles. The 300 cfs flow imposed in place of the 1,000 cfs flow for the remainder of the Henry's Fork thus is not the ideal or most desirable flow. The 1,000 cfs flow still imposed on the lower stretch of the Henry's Fork is the minimum necessary to maintain the scenic character of Upper and Lower Mesa Falls (Tr. p. 24, ls. 19-21; p. 40, ls. 12-17; p. 61, ls. 19-21; p. 109, ls. 22-25; p. 65 ls. 5-15; p. 110, ls. 1-2).

There is substantial evidence that the minimum stream flow is capable of being maintained. I.C. 42-1503(e). Releases from Island Park Dam, discharges from Buffalo River, and natural inflows along the Henry's Fork historically have combined to maintain both the 300 cfs flow and the 1,000 cfs flow in their respective stretches most of the time (Tr. p. 6, ls. 15-16, 22-25; p. 7, ls. 1-3; p. 9, ls. 1-4; Water Resources Ex. Nos. 2 and 3).

There remains a determination of whether there is substantial evidence that the minimum stream flow is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation and aesthetics as required by I.C. 42-1503(c).

The appellant chose to focus on Findings of Fact Numbers 5 and 6 which follow and claimed that these were not supported by sub-

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stantial and competent evidence:

(5) Based upon testimony presented at the hearing, a finding is made that the aesthetic and recreation benefits to be derived from the minimum stream flow will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

(6) The stated purposes of the proposed instream appropriation are to protect recreation, aesthetics, fisheries and wildlife uses in and about the Henry's Fork. These uses are all instream and non-consumptive.

One reason Appellant gave was that the Upper Mesa Falls was not accessible or visible without trespassing on Montana Power Company's land. This assertion is not supported by the record (Tr. p. 83, ls. 1-6; p. 84, ls. 9-25; p. 110, ls. 18-23).

Upper Mesa Falls is listed as one of the mojor waterfalls in the world in Water Encyclopedia (1970). It is variously listed as 96 to 114 feet in height. A companion falls is variously listed as 65 to 70 feet high. These falls are situated in a scenic gorge on the Henry's Fork. (Water Board Exhibit 1, p. 1).

The Henry's Fork in the identified stretch has many other resource values. The Harriman Ranch State Park fronts approximately six miles of the Henry's Fork. (Tr. Vo. I, p. 52, ls. 15-16). The Henry's Fork is one of the top trout streams in the world and is managed as a wild trout fishery because the stream has the capacity to produce a large number of large fish. (Tr. Vo. I, p. 53, ls. 13-14; p. 113, ls. 20-23; p. 118, ls. 12-18). This productive fishery supports about 250,000 angler hours of use each year. (Tr. Vol. I, p. 113, ls 25; p. 114, ls. 1-2).

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The unique scenic beauty of the area in question, along with its renowned trout fishing, has resulted in a heavy recreational use of the area. The area is also a major tourist attraction with resulting economic benefits to the State of Idaho and particularly Eastern Idaho and Fremont County.

The minimum stream flow simply assures the perpetuation of the unique values and use of the area in the present manner in which it is being enjoyed.

The court is not required to speculate on how an altered use of the area in question could result in a preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportaion, or water quality. It is sufficient for the court to determine that there is substantial and competent evidence that the minimum stream flow is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, and aesthetics in its present form.

In summary, the record contains substantial and competent evidence supporting the decision of the director approving the application for Permit No. 21-7282.

The court having determined that the provisions of Chapter 15, Title 42, Idaho Code, the Minimum Stream Flow Act, are constitutional and that the challenged Findings of Fact are supported by substantial and competent evidence;

IT IS HEREBY ORDERED that the Order of the Director of the

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Department of Water Resources granting Permit No. 21-7282 shall be and the same is hereby affirmed.

Dated this 22nd day of May, 1984.

Grant L. Young
Judge of the District Court

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

MEMORANDUM

TO: Donald Kramer, Chairman
Idaho Water Resource Board

FROM: David J. Barber, Deputy Attorney General

DATE: April 13, 1984

SUBJ: Status of Henry's Fork Minimum Stream Flow Application For Permit No. 21-7282

The purpose of this memorandum is to provide the Idaho Water Resource Board a status report on the Henry's Fork minimum stream flow Application for Permit No. 21-7282 and to obtain approval for submitting a letter to a District Court.

On June 10, 1983, Montana Power Company filed a petition for judicial review of the Director of the Idaho Department of Water Resources' Memorandum Decision and Order approving Application For Permit No. 21-7282.

Montana Power Company filed its Brief in Support of Petition for Judicial Review on February 1, 1984. Montana Power Company in its Brief made two arguments for a reversal of the order of the Director. First, Montana Power Company alleged that the Minimum Stream Flow Act, Chapter 15, Title 42, Idaho Code, was unconstitutional because it was inconsistent with Idaho Constitution, Article XV, Section 3. The appellant in its argument relied principally on the case entitled State Water Conservation Board v. Enking, 56 Idaho 722 (1936), which has been overruled by the cases entitled State Department of Parks v. Idaho Department of Water Administration, 96 Idaho 440 (1974) and Idaho Water Resource Board v. Kramer, 97 Idaho 535 (1976). Second, Montana Power Company alleged that the order of the Director must be reversed for the reason that the findings of fact and conclusions of law upon which the order is based are not supported by substantial, competent evidence. The alleged basis for this allegation is that it is necessary to trespass on property belonging to Montana Power Company to view Upper Mesa Falls and that, therefore, the approval of the minimum stream flow as it concerns Upper Mesa Falls will not be enjoyed by members of the public.

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The Idaho Department of Parks and Recreation and Idaho Department of Water Resources filed a response brief on March 9, 1984 and on March 15, 1984, respectively. Collectively, these briefs pointed out that the rationale of the Enking case does not apply to the present case, that the Enking case has been overruled twice, and that Chapter 15, Title 42, Idaho Code, implements Idaho Constitution, Article XV, Section 7 and the State Water Plan. In addition, both briefs argued that the findings of fact of the Director are supported by substantial, competent evidence.

The Idaho Water Resource Board is a party to the above action and under the rules of court may file a brief on its own behalf. Since the Department of Water Resources and Department of Parks and Recreation filed a brief in opposition to the Montana Power Company's petition and since no conflicts of interest were perceived, the Department did not recommend that the Idaho Water Resource Board secure separate legal counsel to prepare and submit a brief on its own behalf. The Department proposes to represent in a letter to the District Court that the Idaho Water Resource Board does not intend to file a brief on its own behalf and that the Idaho Water Resource Board joins in the briefs filed by the Department of Water Resources and by the Department of Parks and Recreation.

This case demonstrates that the Board should make an early review of legal actions challenging the approval of minimum stream flow applications to determine the extent of Board participation. In future cases the Department staff will prepare an issue paper for the Board once the legal basis for an appeal of a minimum stream flow permit has become clear. The Board may then determine in a regular business meeting, or in executive session if desired, how it wishes to proceed with the litigation.

DAVID J. BARBER

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INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 2-22-84

TO Henry's Fork Minimum Instream Flow Application - 21-7282

SUBJECT Visual Aids

The visual aids for presentation are located in Ron Howerton's file.

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SIGNATURE

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

February 2, 1984

Dear Interested Party:

Re: Minimum Instream Flow Applications for Permits
21-7282 -- Henry's Fork
73-7045 -- Pahsimeroi River

Attached is a copy of the letter indicating that the above-referenced minimum instream flow applications for permit have been approved by the Department and forwarded to the Legislature for their consideration this session.

This is forwarded in an effort to keep you appraised of current activity relative to the permits.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Attachment

Copies sent to:
Syd Dowton
Ralph Hatch
Jimmie L. Dowton
Roy Ellis
Dow O'Neal
John Buggenkamp
Vaughn Higbee
Louie Demrest
Fremont County Plan. & Zon. Commission
Montana Power Co.
Bob Moore
Mel Reingold
Larry Wymer (IPCo)
Rance Bare
Duane Moen
Ray Infanger
Don Blatz
Fidele Amar
Kent Ball (F&G)
Worth Boggeman
L. L. Anderson
Nadine Chaffee
Jim Bob Inganger
John Arkoosh
D. Christiansen (P&R)
Kurt Burholder (P&R)
Wayne Tibbitts
T. Reinecker (F&G)
Dave Hansen (F&G)
John White
G. W. Welch (F&G)
Steve Goddard (F&G)
Charles Kesl
J. R. Bennetts
James N. Hawkins
Ray Horn

ENCLOSURE

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 10, 1984

Senator James Risch
Pres. Protem of the Senate
Statehouse
Boise, ID 83720

Dear Mr. President Protem:

Enclosed please find copies of the two applications for permit to appropriate water for minimum stream flow purposes that were approved by this Department during the past year.

Application No. 21-7282, for which the source is the Henrys Fork, was approved on May 12, 1983. The approval was subsequently appealed to the District Court of the Seventh Judicial District by one of the full parties in the action, Montana Power Company. Currently the Court is awaiting a brief from the appellant in this case.

Application No. 73-7045, for which the source is the Pahsimeroi River, was approved on January 4, 1984. Full parties may request a rehearing until January 25, 1984, or may appeal directly to the District Court until February 4, 1984.

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

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

Sincerely,

A. KENNETH DUNN
Director

AKD:DRT:sc

Enclosures

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INTER-DEPARTMENT MEMO — 1

FROM Glen Saxton

DATE 2-23-84

TO File 21-7282

SUBJECT — The attached A.G.'s opinion dated Feb 17, 1984 suggests the Dept should resubmit the permit to the legislature after all admin't judicial review of the appr. has been completed.

— The legislature may take some action this session declaring the submittal needs to be redone at some future date.

GS SIGNATURE

STATE OF IDAHO

OFFICE OF ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL

BOISE 83720

TELEPHONE
(208) 334-2400

POOR QUALITY ORIGINAL

February 17, 1984

Senator Laird Noh
Idaho Senate
Statehouse

HAND DELIVERY

Re: Legislative Consideration of Minimum Stream Flows

Dear Senator Noh:

Two minimum stream flow applications as approved by the director of the Department of Water Resources have been submitted to the legislature under Idaho Code § 42-1503. Senate Concurrent Resolution No. 112 embodies the director's decision approving a minimum stream flow on the Henry's Fork. That decision is currently on appeal in state district court. Senate Concurrent Resolution No. 113 embodies the director's decision approving a minimum stream flow on the Pahsimeroi River. A rehearing has been requested of that decision.

You have asked what effect these pending proceedings have on the legislature's consideration of the minimum stream flows. Our conclusion is that [redacted] while, for the sake of responding to your question in a timely manner we have not undertaken the research and analysis appropriate for a full attorney general's opinion on this subject, we think that a common sense reading of Section 42-1503 and a consideration of practical consequences would more than justify reliance upon our conclusion.

Section 42-1503 requires the director of the Department of Water Resources to approve or reject an application for a minimum stream flow. If he approves the minimum stream flow, the approved application "shall be submitted to each Legislature by the fifth legislative day of each regular session . . ." for action by the legislature. I.C. § 42-1503. A strict reading of this provision would be that the director has no choice but to forward the minimum stream flow to the legislature upon his approval of the minimum stream flow. However, Section 42-1503 also provides that persons aggrieved by the director's decision on a minimum stream flow application may seek judicial review in district court under the Administrative Procedures Act. See § 42-1701A(4). Upon review, the district court may affirm,

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POOR QUALITY ORIGINAL

reverse, modify, or remand the director's decision. I.C. § 67-5215(g). An obvious result is that the director's decision - i.e., the minimum stream flow as approved by the director--ultimately might be altered significantly from that which he would submit to the legislature absent an appeal.

Similarly, an aggrieved party may petition for a rehearing of the decision of the director, and the substance of the decision might undergo change. Department of Water Resources, Practice and Procedure Rules and Regulations, Rule 11.

A court probably would construe Section 42-1503 to preclude legislative consideration of a minimum stream flow while the director's approval of the minimum stream flow is under appeal or rehearing. Courts generally avoid constructions of statutes which would produce absurd or harsh results, Gavica v. Hanson, 101 Idaho 58, 608 P.2d 861 (1980), or render parts of a statute superfluous. Walker v. Nationwide Financial Corp. of Idaho, 102 Idaho 266, 629 P.2d 662 (1981). If a court were to adopt a strict reading of Section 42-1503--that the director must submit a minimum stream flow to the legislature regardless of pending appeal or rehearing--the section's express provision for judicial review would be rendered superfluous. Moreover, the legislature would be put in the position of having to act upon an agency decision vulnerable to subsequent modification by the courts or by the agency itself. Finally, and perhaps most importantly, if a court were to uphold legislative action upon a minimum stream flow while that minimum stream flow was under appeal or rehearing, the statutory procedural rights of the party appealing the minimum stream flow would be impaired. Such an application of Section 42-1503 probably would violate constitutional guaranties of due process. A court would attempt to avoid a construction of Section 42-1503 which would lead to the section being nullified as unconstitutional. State v. Rawson, 100 Idaho 308, 597 P.2d 31 (1979); Scandrett v. Shoshone County, 63 Idaho 46, 116 P.2d 225 (1941).

In sum, a minimum stream flow probably cannot be submitted to the legislature or be acted upon by the legislature until administrative and judicial review of the agency decision approving the minimum stream flow is exhausted.

Sincerely,

Patrick J. Kole
Deputy Attorney General
Chief, Natural Resources

KB:ams

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR PERMIT NO. 21-7282 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD.	))))	ORDER DETERMINING OBJECTIONS TO TRANSCRIPT

The Idaho Department of Water Resources (Department) held a hearing on September 23, 1982 in the above-entitled matter. The Department prepared a transcript of this proceeding and gave notice to the parties that on October 4, 1983 the transcript had been lodged with the Director.

On October 21, 1983 the Department received objection to this transcript filed on behalf of the Idaho Department of Parks and Recreation. These objections were served on all other parties. These parties had ten (10) days to file a response or reply brief to the objection. I.R.C.P. 83(t) (1980). The ten day period lapsed on October 31, 1983. No responses or reply briefs were filed with the Department.

In addition, the Department received objections on October 25, 1983 to this transcript filed on behalf of the appellant, the Montana Power Company. These objections were served on all other parties. The ten day period for the filing of a response or of a reply brief lapsed on November 3, 1983. No responses or reply briefs were filed with the Department.

The Director has reviewed the objections of the parties and the electronic tape recording of the proceedings. The Director concludes that some of the objections are valid, that the remainder of the objections do not accurately reflect the statements made at the hearing, and that the transcript should be modified as set forth in the following order.

IT IS HEREBY ORDERED that the TRANSCRIPT OF THE HEARING

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BEFORE THE DEPARTMENT OF WATER RESOURCES for the hearing held on September 23, 1982 be amended as follows:

1. Page 18, line 5: Delete the word "effect" and add the word "affect" immediately following the phrase "in my opinion, would not".

2. Page 32, line 3: Delete the words "MR. BURKHOLDER" and designate the speaker as "MR. ARKOOSH".

3. Page 32, line 14: Delete the words "MR. BURKHOLDER" and designate the speaker as "MR. ARKOOSH".

4. Page 145, line 1: The word "detailed" should be inserted between the words "more" and "feasibility".

5. Page 148, line 21: The word "low" should be deleted and the word "load" should be added immediately before the word "resource".

6. Page 152, line 21: Delete the words "a (inaudible)" and add the phrase "an annual value of the power" immediately after the word "as".

7. Page 153, line 2: Delete the word "(inaudible)" and add immediately following the word "within" the phrase "those constraints".

8. Page 153, Line 24: Add the word "all" immediately prior to the word "over".

9. Page 155, line 6: Delete the word "Brian" and add the word "Ryan", after the phrase "Great Falls,".

10. Page 155, line 7: Delete the phrase "Murley, Compton, there's Curr". Add the phrase "Morony, Cochrane, there's Kerr" immediately prior to the word "Dam".

11. Page 167, line 14: Delete the word "Hepburn" and add the word "Hebgen" immediately prior to the word "Lake".

12. Page 167, line 18: Delete the word "Hepburn" and add the word "Hebgen" immediately following the word "creating".

IT IS HEREBY FURTHER ORDERED that all other objections to the transcript are denied.

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DATED this 7th day of November, 1983.

A. KENNETH DUNN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of November, 1983, I served a true and correct copy of the ORDER DETERMINING OBJECTIONS TO TRANSCRIPT on each of the following persons by placing a true and correct copy thereof in the United States mail, first class, postage prepaid, or Statehouse mail and addressed as follows:

Kent W. Foster
HOLDER, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83402

Mr. John C. Arkoosh
P.O. Box 32
Gooding, Idaho 83330

Penny J. Stanford
Fremont County Courthouse
P.O. Box 42
St. Anthony, Idaho 83445

Kurt Burkholder
Deputy Attorney General
Office of the Attorney General
Statehouse Mail

Idaho Water Resource Board
Statehouse Mail

DAVID J. BARBER
Deputy Attorney General
Department of Water Resources

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR PERMIT NO. 21-7282 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD.	AGENCY'S CERTIFICATE OF RECORD AND EXHIBITS

STATE OF IDAHO)
) ss
County of Ada)

I, A. KENNETH DUNN, Director of the Idaho Department of Water Resources, do hereby certify that the above and foregoing record in the above-entitled matter was compiled and bound under my direction, and is a true and correct record of the pleadings, papers and proceedings therein contained and that said record contains true and correct copies of the papers and pleadings as shown in the index to this record.

I further certify that the following exhibits, namely: Idaho Department of Water Resources' exhibits marked IDWR Exhibits 1 through 3; Idaho Water Resources Board exhibits marked IWRB Exhibits 1 through 3, and Idaho Department of Parks & Recreation exhibits marked Parks Exhibits 1 through 14 are all of the exhibits which were marked for identification, and used or considered at the hearing of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Department of Water Resources at Boise, Idaho, this 17th day of November, 1983.

A. KENNETH DUNN
Director

MICROFILMED

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 20th day of October, 1983, I mailed true and correct copies of the within and foregoing OBJECTION TO TRANSCRIPT by placing same in the United States mail, postage prepaid,or Statehouse mail, and addressed to:

Kent W. Foster
Holden, Kidwell, Hahn and Crapo
P.O. Box 129
Idaho Falls, ID 83402

Mr. John C. Arkoosh
P.O. Box 32
Gooding, ID 83330

Penny J. Stanford
Fremont County Courthouse
P.O. Box 42
St. Anthony, ID 83445

Phillip J. Rassier
David J. Barber
Idaho Department of Water Resources
STATEHOUSE MAIL

Idaho Water Resources Board
Department of Water Resources
STATEHOUSE MAIL

Kurt Burkholder

MICROFILMED

RECEIVED
OCT 21 1983
Department of Water Resources

JIM JONES
ATTORNEY GENERAL
State of Idaho
Room 210, Statehouse
Boise, ID 83720
(208) 334-2400

PATRICK J. KOLE
Deputy Attorney General
Chief, Natural Resources Division

KURT BURKHOLDER
Deputy Attorney General
Natural Resources Division

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR PERMIT NO. 21-7282 IN THE NAME OF IDAHO WATER RESOURCE BOARD.	OBJECTION TO THE TRANSCRIPT

Respondent Idaho Department of Parks and Recreation requests that the transcript of the September 23, 1983, hearing be corrected as follows:

1. That, in line 5, page 18, the word "effect" be replaced with "affect."

2. That, in lines 3 and 14, page 32, the denominated speaker "MR. BURKHOLDER" be replaced with "MR. ARKOOSH."

This objection is based upon review of the tape recording of September 23, 1983, hearing.

DATED This 20th day of October, 1983.

Kurt Burkholder
Deputy Attorney General

MICROFILMED

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the persons listed below by hand delivering or by mailing, with the correct postage thereon, a true and correct copy thereof on this 24th day of October, 1983.

DOCUMENT SERVED: OBJECTION TO TRANSCRIPT

PERSONS SERVED:

Mr. John C. Arkoosh
P. 0. Box 32 (MAIL)
Gooding, Idaho 83330

Penny J. Stanford
Fremont County Courthouse (MAIL)
P. 0. Box 42
St. Anthony, Idaho 83445

Phillip J. Rassier
David J. Barber (MAIL)
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Idaho Water Resources Board
Department of Water Resources (MAIL)
Statehouse Mail
Boise, Idaho 83720

Mr. Kurt Burkholder
Natural Resources Division
Statehouse
Boise, Idaho 83720

Kent W. Foster, Esq.

MICROFILMED

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, Idaho 83402
Telephone: (208) 523-0620

RECEIVED
OCT 25 1983

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR PERMIT NO. 21-7282 IN THE NAME OF IDAHO WATER RESOURCE BOARD.) OBJECTION TO TRANSCRIPT

Appellant, Montana Power Company, has reviewed the transcript of the hearing held September 23, 1983, and hereby requests that the same be corrected as follows:

1. Page 142, line 19 - the figure 11,500 cfs should be 11,500 kilowatts or 11.5 megawatts.

2. Page 145, line 1 - the word "detailed" should be inserted between the words and "more" and "feasibility".

3. Page 148, line 21 - the word "low" should be "load".

4. Page 149, line 2 - the word "scheduling" should be inserted between the words "power" and "division".

5. Page 150, line 19 - strike the word "and" and substitute the word "against"; strike the "s" in the word "economics" and insert the word "conditions" immediately thereafter; strike the comma and insert a period; immediately following the period insert the words "we study the", before the word "economic".

6. Page 152, line 21 - in place of the term "inaudible" in parenthesis, insert the following words "annual value of the power output".

7. Page 153 - line 1 - strike the words "making a" and the comma and substitute the word "economically"; line 2 -

MICROFILMED

insert the word "a" between "developing and hydro"; and in place of the term "inaudible" in parenthesis, insert the words "those constraints"; in line 24 - strike the words "over with" and substitute the word "decided".

8. Page 155, lines 6, 7 and 8 - the names of the plants instead of "Brian, Murley, Compton and Curr", should be spelled "Ryan, Morony, Cochrane and Kerr".

9. Page 156, lines 14 and 15 - strike the words "reduce the, for 20 or 30 percent of the time, we could not"; in place of the term "inaudible" in parenthesis, insert the words "all of the water"; in line 22 - in place of the term "inaudible" in parenthesis, insert the words "all the water in the stream".

10. Page 167 - Lines 14 and 18 - the word "Hepburn" should be "Hebgen".

The above comments and requests are based upon a review of the Transcript of Hearing in the above entitled matter, dated October 4, 1983.

DATED this 24th day of October, 1983.

HOLDEN, KIDWELL, HAHN & CRAPO
by Kent W. Foster, a member of the firm

MICROFILMED

STATE OF IDAHO

Department of Water Resources

No 32749

Boise, Idaho, Oct. 26, 1983

RECEIVED FROM Holden, Kidwell of Idaho Falls $ 18 99/100

Eighteen and 99/100 DOLLARS

CK A22751 92-42/241

FOR		
transcript	$	
re: 21-7282	$	
	$	
	$	
TOTAL - - -	$ 18	90

Roberta Gassett

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83402
TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

October 24, 1983

Mr. Phillip J. Rassier
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

RE: Application for Permit No. 21-7282

Dear Phil:

We are enclosing our check in the amount of $18.90 for the additional copy of the transcript.

Thank you for your kind assistance.

Yours very truly,

Kent

Kent W. Foster

KWF:sb
9699R

Enclosure

MICROFILMED

STATE OF IDAHO

Department of Water Resources

No 32739

Boise, Idaho, Oct. 20, 1983

RECEIVED FROM Sheep Falls Hydro of Gooding $ 18 99/100

Eighteen and 99/100 DOLLARS

Ck 1008 92-77/1241

FOR		
Transcript	$	
of hearing	$	
Re: 21-7282	$	
	$	
TOTAL - - -	$	18 99

Roberta Gassett

MICROFILMED

JOHN C. ARKOOSH
Attorney at Law
P. O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8401

October 18, 1983

Mr. Phillip J. Rassier
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for Permit No. 21-7282 in the Name of the Idaho Water Resource Board

Dear Phil:

Please find enclosed my check for $18.90 written on the Sheep Falls Hydro account, First Security Bank of Idaho, Gooding branch, No. 1008, as payment for my copy of the transcript of the water hearing in the above entitled matter.

If there are any questions or problems concerning this, please feel free to contact me.

Sincerely yours,

John C. Arkoosh

JOHN C. ARKOOSH

Enc.
JCA:gmc

MICROFILMED

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

October 14, 1983

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83402

RE: Application for Permit No. 21-7282 in the Name of the Idaho Water Resource Board

Dear Mr. Foster:

Enclosed is the additional copy of the transcript in the above matter requested in your letter of October 7, 1983. A charge of $18.90 is owing for this additional copy of the transcript.

Also enclosed are your receipts from the Department for your earlier payment of $350.00 for the estimated cost of the transcript and $28.00 not covered by the estimated payment.

Very truly yours,

Phil Rassier

Phillip J. Rassier
Deputy Attorney General

PJR:jh
Encls.

MICROFILMED

STATE OF IDAHO
Department of Water Resources

No 32634

Boise, Idaho, Aug. 30, 1983

RECEIVED FROM The Montana Power Co. of Butte $350.00
Three hundred fifty and no/100 DOLLARS
CK 81732 93-3/921

FOR		
Transcript	$	
Case # 7729	$	
	$	
I-7282	$	
TOTAL - - -	$ 350	—

Roberta Garrett

STATE OF IDAHO
Department of Water Resources

No 32720

Boise, Idaho, Oct. 12, 1983

RECEIVED FROM Holden, Kidwell, Hahn & Crapo of Idaho Falls $28.00
Twenty-eight and no/100 DOLLARS
CK A22599 92-42/1241

FOR		
Notice of Lodging	$	
of Transcripts	$	
	$	
	$	
TOTAL - - -	$ 28	—

Roberta Garrett

MICROFILMED

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

October 13, 1983

John C. Arkoosh
Attorney at Law
P.O. Box 32
Gooding, ID 83330

RE: Application for Permit No. 21-7282 in the Name of the Idaho Water Resource Board

Dear Mr. Arkoosh:

The Department is in receipt of your letter dated October 11, 1983 in the above matter requesting a copy of the transcript of hearing.

A copy of the transcript is enclosed as requested. A charge of $18.90 is owing to the Department for this copy of the transcript.

Your check No. 1007 in the amount of $28.00 for payment of the additional cost of preparation of the transcript is enclosed. This amount has already been paid to the Department by Mr. Foster on behalf of his client. Your check is being returned to avoid the difficulty of issuing a refund to you for the difference between your check and the amount owing for the copy of the transcript.

Sincerely,

Phillip J. Rassier
Deputy Attorney General

MICROFILMED

PJR:dc

enclosure

SHEEP FALLS HYDRO
P. O. BOX 32 934-8111
GOODING, IDAHO 83330

1007

92-77/1241

Oct 12 19 83

Pay to the order of Idaho Dept of Water Res $ 28.00

Twenty Right + no/100 Dollars

GOODING OFFICE
First Security Bank of Idaho
NATIONAL ASSOCIATION
FIFTH & MAIN STREETS • GOODING, IDAHO 83330

For transcript $2.00 @ page - R21-7282

⑈001007⑈ ⑆124000776⑆013 00050 44⑈

[redacted]

ER
Resources

MICROFILMED

RECEIVED
OCT 12 1983
Department of Water Resources

[redacted]

RECEIVED
OCT 13 1983
Department of Water Resources

JOHN C. ARKOOSH
Attorney at Law
P. O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8401

October 11, 1983

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: In The Matter Of Amended Application for Permit No. 21-7282 In The Name Of The Idaho Water Resource Board
Notice Of Lodging Of Transcript

Dear Sir:

Please find enclosed a check in the amount of $28.00 representing payment for $2.00 per page for an additional 14 pages not covered by the estimated payment of costs in the preparation of the transcript in the above-entitled matter.

I have not received a copy of this transcript, and request that one be mailed to Post Office Box 32, Gooding, Idaho 83330.

If there is any other cost involved other than the above $28.00, please let me know and the Department shall be reimbursed. A copy of this transcript is required so that timely objections, if any, may be made.

MICROFILMED

I wish to thank you for your time and attention to this matter. If there are any questions or problems, please feel free to contact this office.

Sincerely yours,

JOHN C. ARKOOSH

Enc.
cc: Scott Reed, Esq.
Kent W. Foster, Esq.
Penny Stanford
Mary Smith
Kurt Burkholder
JCA:gmc

MICROFILMED

RECEIVED
OCT 11
Department of Water Resources

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH

ARTHUR W. HOLDEN (1872-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

October 7, 1983

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

We are in receipt of the Notice of Lodging of Transcript indicating that another $2.00 per page for an additional fourteen pages not covered by the estimated payment of costs is due. We are enclosing our check in the amount of $28.00.

Since we have furnished the copy of the transcript we received to our clients for their review in order to be timely with any objections which might be filed, we would appreciate it if you would furnish us with an additional copy of the transcript for our file. If there is any additional charge, please advise us and we will be happy to send our check.

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster

Kent W. Foster

KWF:sb
9699R

Enclosure

cc: Scott Reed, Esq.
John Arkoosh, Esq.
Penny Stanford
Mary Smith
Kurt Burkholder

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH

ARTHUR W. HOLDEN (1877-1967)
ROBERT E. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

RECEIVED
AUG 29 1983
Department of Water Resources

August 26, 1983

Idaho Department of Water Resources
450 W. State Street
Boise, Idaho 83700

RE: Case No. 7729 - in the matter of application for Permit No. 1-7282, etc.

Gentlemen:

We are enclosing with this letter the check of our client, Montana Power Company, in the amount of $350.00 for estimated costs of preparation of the transcript.

The check apparently came in while I was on a 50-mile hike with a group of Boy Scouts, so I apologize for the delay in sending it.

Yours very truly,

Kent W. Foster

KWF:sb
9699R

Enclosure

MICROFILMED

VOUCHER NO.

THE MONTANA POWER COMPANY

CHECK NO. № 81732

PAYABLE AT
First Bank Butte

GENERAL OFFICE BUTTE, MONTANA August 19, 1983

93-3
921

Three Hundred Fifty and 00 cts $ 350.00

PAY TO THE ORDER OF

Idaho Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720

AUTHORIZED SIGNATURE

COUNTERSIGNATURE REQUIRED ON CHECKS OVER $25,000

⑈ 81732 ⑈ ⑆092100031⑆ ⑈562100008⑈

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR PERMIT NO. 21-7282 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD.	NOTICE OF LODGING OF TRANSCRIPT

TO: All parties and their counsel.

YOU ARE HEREBY NOTIFIED, pursuant to I.R.C.P. 83(o), that the transcript of the testimony and proceedings of the September 23, 1982 hearing before the Department of Water Resources in this matter has been lodged with the Department in accordance with I.R.C.P. 83(k)(1).

YOU ARE FURTHER NOTIFIED, that upon payment of the preparation fee by the appellant at the rate of $2.00 per page for the remaining 14 pages not covered by the estimated payment of costs, the parties may pick up a copy of the transcript from the Department or request that one be mailed to them;

THAT the parties have twenty (20) days from the date of this notice in which to file any objection to the transcription;

THAT any objections to the transcript shall be made in writing to the Idaho Department of Water Resources and shall be determined thereby;

THAT upon failure of the parties to file any objection within such twenty (20) day period, the transcript shall be deemed settled;

THAT within five (5) days of the settlement of the tran-

MICROFILMED

script, the Department shall file with the district court to which appeal has been made the original of the transcript together with a copy of the agency record and all exhibits offered or admitted in the proceeding.

DATED this 4th day of October, 1983.

for A. KENNETH DUNN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 1983, I mailed a true and correct copy of the foregoing NOTICE OF LODGING OF TRANSCRIPT by placing it in the United States mail, first class, postage prepaid, addressed to the following:

Kent W. Foster
HOLDEN, KIDWELL, HAHN &
CRAPO
P.O. Box 129
Idaho Falls, Idaho 83402

John Arkoosh, Esq.
P.O. Box 238
Gooding, Idaho 83330

Mr. Jerry D. Reynolds
Fremont County Courthouse
P.O. Box 42
St. Anthony, Idaho 83445

I FURTHER CERTIFY that on this 4th day of October, 1983, I mailed a true and correct copy of the foregoing NOTICE OF LODGING OF TRANSCRIPT by placing it in the Statehouse Mail, addressed to: Mr. Kurt Burkholder, Deputy Attorney General, Room 210, Statehouse Mail, Boise, Idaho 83720.

DAVID J. BARBER
Deputy Attorney General
Department of Water Resources

MICROFILMED

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

KURT BURKHOLDER
Deputy Attorney General
Division of Natural Resources

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT

IN THE MATTER OF Application for Permit No. 21-7282 to establish a minimum stream flow in the Henry's Fork in the name of the Idaho Water Resources Board.	Case No. 7729 O R D E R

Montana Power Company, a foreign corporation,

Appellant,

vs.

A. KENNETH DUNN, Director of the Idaho Department of Water Resources,

Respondent,

and

IDAHO WATER RESOURCES BOARD,

Respondent,

and

IDAHO DEPARTMENT OF PARKS AND RECREATION,

Respondent,

CASE NUMBER 7729
DISTRICT COURT
SEVENTH JUDICIAL
County of Fremont
FILED 3-9-83 9:10 a.m.
Betty J. Hill
BY Janet Ivie

MICROFILMED

KURT FROM DAVE B.

-. ARKOOSH,

Respondent,

and

FREMONT COUNTY PLANNING AND ZONING COMMISSION,

Respondent.

Respondent Idaho Department of Parks and Recreation's MOTION FOR DETERMINATION OF METHOD OF APPEAL having come on for hearing on August 1, 1983, and Kent W. Foster having appeared for appellant, Kurt Burkholder having appeared for respondent Idaho Department of Parks and Recreation, Penny J. Stanford having appeared for respondent Fremont County Planning and Zoning Commission, John C. Arkoosh having appeared for himself, respondent A. Kenneth Dunn not having appeared but having submitted a response not opposing the motion, and respondent Idaho Water Resources Board not having appeared, and this Court having considered the motion, and good cause appearing therefore,

IT IS HEREBY ORDERED That,

1. Within fourteen (14) days of this order, appellant Montana Power Company shall pay to the Department of Water Resources (Department) estimated transcript fees in accordance with I.R.C.P. 83(k).

2. Within thirty-five (35) days of payment of the estimated transcript fees, the Department shall prepare and lodge a transcript of the testimony and proceedings in this matter in accordance with

I.R.C.P. 83(k). The Department shall mail notice of lodging of the transcript to all parties of record and the parties shall have twenty (20) days from the date of such notice to review the transcript or copies of the transcript and to object to the content of the transcript. In accordance with I.R.C.P. 83(o), any objections shall be made to and determined by the Department. Within five (5) days of settlement of the transcript, the Department shall file the transcript with this court.

3. Determination of this appeal shall be made without a jury and be confined to the transcript, record, and briefs, unless a party moves to augment the record under I.R.C.P. 33(q). The standard of review shall be that set forth in Idaho Code § 67-5215(g).

4. Within thirty-five (35) days of notice of filing of the transcript, appellant Montana Power Company shall file its appellant brief. Respondents' briefs shall be filed within twenty-eight (28) days of service of appellant's brief. Any reply brief shall be filed within twenty-one (21) days of service of respondents' briefs.

DATED This 1 day of August, 1983.

Grant L. Young
District Judge

MICROFILMED

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

AUG 3 1983
Department of Water Resources

PATRICK J. KOLE
Deputy Attorney General
Chief, Natural Resources Division

PHILLIP J. RASSIER
DAVID J. BARBER
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7282 to establish a minimum stream flow in the Henrys Fork in the name of the Idaho Water Resource Board.	Case No. 7729
MONTANA POWER COMPANY, a foreign Corporation, Petitioner-Appellant vs. A. KENNETH DUNN, Director of the Idaho Department of Water Resources, Defendant-Respondent.	RESPONSE TO MOTION FOR DETERMINATION OF METHOD OF APPEAL

COMES NOW the defendant-respondent, A. Kenneth Dunn, Director of the Idaho Department of Water Resources by and through the undersigned deputy attorney general, and responds to

Filed 8-1-83 11:00am

the MOTION FOR DETERMINATION OF METHOD OF APPEAL on file herein as follows:

1. The defendant-respondent does not object to entry of an order determining the method of appeal in accordance with the provisions of I.R.C.P. 83(k) (Supp. 1983).

2. The above-entitled proceeding included one day of hearing and 7 cassette tapes were recorded during said proceeding. The defendant-respondent estimates that the transcript of the proceeding will be about 175 pages in length and that, therefore, the estimated cost of the transcript is $350.00.

3. The defendant-respondent will commence preparation of the transcript upon receipt of the order of the court and upon payment of the estimated transcript fees in accordance with the provisions of I.R.C.P. 83(k)(1) (Supp. 1983).

4. Since the defendant-respondent does not oppose the present motion, the defendant-respondent will not appear at the hearing scheduled on August 1, 1983.

DATED this 28th day of July, 1983.

RESPECTFULLY SUBMITTED

JIM JONES
Attorney General
State of Idaho

COPY ORIGINAL SIGNED BY DAVID J. BARBER

DAVID J. BARBER
Deputy Attorney General
Department of Water Resources

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 1983, I served a true and correct copy of this RESPONSE TO MOTION FOR DETERMINATION OF METHOD OF APPEAL by mailing a true and correct copy thereof in the United States mail, first class, postage pre-paid, to the following persons at the following listed addresses:

Penny J. Stanford
Fremont County Courthouse
P.O. Box 42
St. Anthony, Idaho 83445

John Arkoosh, Esq.
P.O. Box 238
Gooding, Idaho 83330

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83402

I HEREBY FURTHER CERTIFY that on this 28th day of July, 1983, I served a true and correct copy of this RESPONSE TO MOTION FOR DETERMINATION OF METHOD OF APPEAL by mailing a true and correct copy thereof in the Statehouse Mail to the following persons at the following listed addresses:

Idaho Water Resource Board
Statehouse Mail
Boise, Idaho 83720

Mr. Kurt Burkholder
Deputy Attorney General
Office of the Attorney General
Statehouse Mail
Boise, Idaho 83720

COPY ORIGINAL SIGNED BY DAVID J. BARBER

DAVID J. BARBER
Deputy Attorney General
Department of Water Resources

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

MICROFILMED

File 21-7282

RECEIVED

JUN 13 1983

Department of Water Resources

Filed 6-13-83
Time - 3:30 P.M.
By - LO

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, Idaho 83402
Telephone: (208) 523-0620

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7282 to establish a minimum stream flow in the Henrys Fork in the name of the Idaho Water Resource Board.	Case No. 7729 PETITION 3 Fee: $41.00

COMES NOW the petitioner, Montana Power Company, and as and for its Petition for judicial review, hereby respectfully alleges:

I

That on or about June 19, 1981, at the request of the Idaho Department of Parks and Recreation, the Idaho Water Resource Board filed with the Idaho Department of Water Resources an Application, No. 21-7282, for a permit to preserve a minimum stream flow for aesthetic and recreation purposes in the Henry's Fork, tributary to the Snake River, in Fremont County, Idaho; that said Application was subsequently amended on or about April 20, 1982; that a public hearing was held in the Fremont County Courthouse in St. Anthony, Idaho, on September 23, 1982; and that the Idaho Water Resource Board, Idaho Department of Parks and Recreation, Mr. John Arkoosh, Fremont County Planning and Zoning Commission, and Montana

MICROFILMED

Power Company appeared as formal parties at said hearing.

II

That a "Memorandum Decision and Order" approving said Application was issued by the Director of the Idaho Department of Water Resources, dated May 12, 1983, which was served upon the petitioner herein on or about the 25th day of May, 1983.

III

That petitioner is "aggrieved" within the meaning of Idaho Code, Sections 42-1503, 42-1701(A)(4) and 67-5215, on the grounds and for the reasons that the Director's decision is contrary to law and clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; and that petitioner has exhausted all administrative remedies.

WHEREFORE, petitioner prays the judgment, order and decree of this court as follows:

1. For an order reversing said decision of the Director of the Idaho Department of Water Resources;

2. For costs of suit incurred herein;

3. For such other and further relief as the court may deem just and equitable.

DATED this 8th day of June, 1983.

HOLDEN, KIDWELL, HAHN & CRAPO

By: _____
Kent W. Foster, Esq.,
A Member of the Firm
Attorneys for Montana Power Company

MICROFILMED

CLERK'S CERTIFICATE OF MAILING

I certify that I am the duly elected and qualified Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Fremont; that I mailed a copy of the foregoing Petition to the following attorneys this _____ day of June, 1983.

Parties Served: A. Kenneth Dunn, Director
IDAHO DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

IDAHO WATER RESOURCE BOARD
373 W. Franklin
Boise, Idaho 83720

Mr. Kurt Burkholder
Assistant Attorney General
Attorney for the Idaho Department
of Parks and Recreation
Room 210
Statehouse
Boise, Idaho 83720

Mr. Jerry D. Reynolds
Attorney for Fremont County Planning
and Zoning Commission
Fremont County Courthouse
P. O. Box 42
St. Anthony, Idaho 83445

John Arkoosh, Esq.
P. O. Box 238
Gooding, Idaho 83330

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, Idaho 83402

MICROFILM

_____
Clerk of the District Court

21-7282 Mesa Falls Instream Flow File

RECEIVED
JUN 13 1983
Idaho Department of Water Resources

June 9, 1983

Department of Water Resources
Statehouse
Boise, ID 83720

Att: Ken Dunn, Director

Dear Mr. Dunn:

I am writing to urge you to approve the application for a protected flow for Henry's Fork of the Snake River above Mesa Falls.

I have been studying pertinent literature that concerns diversion of water from the river for power generation, and then returning it, and have concluded the reduction in flow over Mesa and lower Mesa Falls would have serious adverse consequences. And, quite frankly, I'm very concerned that the mad rush to "energize" is blind (or indifferent) to the loss of free-flowing streams via soil disturbance which adds sediment to water channels -- which results in loss of fisheries, impoundment of many miles of flowing rivers, and elimination of white water stretches used and enjoyed by floaters.

Sincerely yours,

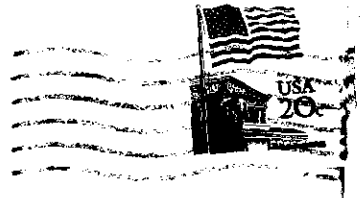
B. Arline Rutledge

B. Arline Rutledge
Rt. 1, Box 76
Arco, ID 83213

MAILING LABEL

Arline Rutledge
Rt. 1, Box 76
Arco, ID 83213

ARCO, ID
JUN 10
PM
1983
83213



Dept. of Water Resources
Statehouse
Boise, ID 83720

IT IS, THEREFORE, HEREBY ORDERED that application for permit No. 21-7282 is APPROVED subject to the following conditions:

(1) The rate of flow for the upper reach during the entire year, and for the lower reach during the period from October 1 through March 31, shall be limited to 300 cfs, or the rate of flow provided by the Buffalo River plus other tributary flows throughout the minimum stream flow reaches, whichever is less.

(2) The boundary between the upper reach and the lower reach is redefined as the point where the Henrys Fork intersects the line between Sec. 13 and Sec. 24, Twp. 10 N., Rge. 43 E., B.M.

(3) Upon the future finding and order of the Director that gaging stations are required to maintain the minimum flow of the Henrys Fork, such measuring devices shall be permanently installed and maincained as specified by the Department.

(4) Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department on or before May 1, 1988. The proof submitted shall include at least three years of flow data for the water course and data on the nature and frequency of use of the resource for aesthetic and recreation purposes. The frequency of the data accumulation submitted to the Director for review and approval.

MICROFILMED

(5) The minimum stream flows approved under this application are subject to control by the watermaster of Water District 01, Upper Snake River.

(6) The use of water under this permit shall be non consumptive.

(7) The use of water under this permit is subject to all prior rights; specifically, the water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir District #2 and the Warren Act Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

(8) The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the next regular legislative session and the Director's approval shall not become finally effective until approved by the Legislature pursuant to the procedure provided by Section 42-1503, Idaho Code.

Dated this 12th day of May, 1983.

A. [redacted]
Director

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 25, 1983

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

Dear Mr. Kramer:

Re: Application for Permit No. 21-7282 To Establish a Minimum Stream Flow - Henry's Fork

On May 13, 1983, the Department of Water Resources sent you a copy of the Memorandum Decision and Order on the above-referenced matter without providing you with a copy of the application and a cover letter. This letter and a copy of the order and application are enclosed for your information.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date of this letter.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc w/o enc: Fremont County Planning & Zoning Commission
Kurt Burkholder, Idaho Department of Parks & Recreation
Dale R. Christiansen, Dept. of Parks & Recreation
John Arkoosh
Montana Power Co.

MICROFILMED

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

February 14, 1983

MEMO

TO: Dave Tuthill, Water Allocation Section

FROM: Bill Ondrechen WTO, Hydrology Section

SUBJECT: GROUNDWATER GAIN TO THE HENRYS FORK IN THE BUFFALO RIVER TO WARM RIVER REACH

As part of a water resource study of the Upper Henrys Fork Basin, the U.S. Geological Survey made a series of discharge measurements to quantify groundwater gains and/or losses in various reaches of the river. These measurements, made in the fall of 1975, included adjustments for surface inflows and diversions: Thus, the gains or losses represent an interaction of the stream with the groundwater system.

Table 6 from the report (IDWR Water Info. Bull. No. 46) shows that the Henrys Fork had a net gain of 237 cfs in entire reach from the Buffalo River downstream to the confluence with Warm River. A significant portion of this gain (112 cfs) occurred in the 25 mile reach between Osborne Bridge and Warm River. The balance of the gain occurred in the 10 mile long reach upstream from Osborne Bridge.

WO:mb

Gains and Losses

Discharge-measurement runs were made along segments of Henrys Fork and Warm River in the fall of 1975, during baseflow conditions, to determine if certain reaches were either gaining or losing by way of interchange with ground water. Several runs, some of which overlapped, were necessary to complete the determinations. In general, the series of measurements indicate that neither stream loses significant flow to the ground. However, substantial gains were observed along certain reaches of both streams (tables 6 and 7).

TABLE 6

GAINS AND LOSSES IN HENRYS FORK, FALL 1975

(Discharge in cubic feet per second)

Site no.	Site name	Date of measurement	Discharge	Inflow (+) or outflow (-)	Gain (+) or loss (-)	Specific conductance (μmhos)
13039500	Henrys Fork near Lake	8-19-75	118			235
13039525	Henrys Fork at highway near Valley View	-do-	122		+4	227
13040000	Henrys Fork near Big Springs	-do-	204		+82	184
13040500	Big Springs Creek at Big Springs	-do-		+233		98
13040600	Thirsty Creek at Big Springs	-do-		+4.7		67
13040800	Moose Creek near Big Springs	-do-		+71.2		111
13041010	Henrys Fork at Coffee Pot Lodge	-do-	528		+15	136
13042500	Henrys Fork near Island Park	11-04-75	146			187
13043000	Buffalo River at Island Park	-do-		+230		116
13043500	Henrys Fork at DeWiners Ranch	-do-	427		+51	166
13043510	Blue Springs Creek near Island Park	-do-		+5.0		156
13043520	Island Park Land & Livestock Company Canal	-do-		-1.0		--
13043600	Henrys Fork near Osborne Bridge	-do-	428		-3	170
13043780	Silver Lake Outlet near Island Park	-do-		+22.7		187
13043800	Henrys Fork at Osborne Bridge	-do-	538		+77	180
13044000	Henrys Fork at Warm River	11-05-75	650		+112	--
13045510	Warm River at mouth of Warm River	-do-		+390		--
13045600	Henrys Fork below mouth of Warm River	-do-	1,040		0	132
13045796	Henrys Fork above Ashton Reservoir	-do-	1,070		+30	138
13046000	Henrys Fork near Ashton	-do-	1,030[1]			--

NET GAIN 237 CFS

[1] From daily mean gage heights.

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

November 2, 1982

MEMO

TO: Dave Tuthill, Water Allocation Section

FROM: Bill Ondrechen, Hydrology Section

SUBJECT: FLOW DURATION ESTIMATES FOR BUFFALO RIVER AT ISLAND PARK

Developing a flow duration relationship for the Buffalo River at Island Park (USGS Station 13043000) is difficult. The available data are inadequate to allow the relationship to be defined except in a general sense.

The USGS steamflow record at the site for the period 1936-40 is only somewhat helpful because it is reported that underground leakage from Island Park Reservoir (storage began November 1938) enters the Buffalo River above the gage. The monthly measurements made by the USGS in 1974 and 1975 are helpful, but since both these years were well above average with respect to runoff, they may not be very representative.

A flow duration relation may be estimated by correlating monthly measurements made during 1974-75 with measurements made at the Warm River at Warm River (13044500) station ($R^2 = 0.8$), for which an 18 year flow record exists. Both these streams have discharges of the same magnitude and their flows are primarily the result of spring discharges. This estimated flow frequency relationship is displayed in the following table:

Exceedance Frequency	Discharge, Buffalo R. at Island Park
90%	150 cfs
50%	170 cfs
10%	200 cfs

The fact this estimated relationship may be subject to considerable error is illustrated by the fact that in August of 1977 the discharge in the Buffalo River was measured at 201 cfs, about equal to a 10% exceedance flow. Obviously, the two streams are not related closely enough to allow the estimation of low flow characteristics.

Perhaps the most useful data is the mean discharge for the 1975 water year of 250 cfs and also the August 1977 observed flow of 201 cfs. The 1974-75 monthly measurements are attached.

WO:mb

ENCLOSURE

Basic-Data Table C *(continued)*

Date	Discharge (ft^3/s)	Specific conductance (μmhos)	pH	Temperature (°C) Water	Air
Buffalo River at Island Park (13043000)					
05-21-74	460	90	7.6	10.0	7.0
06-11-74	340[a]	92	7.8	16.5	18.0
06-28-74	275	94	7.2	14.0	23.0
07-21-74	290[a]	96	8.1	20.5	25.5
07-29-74	248	--	--	14.0	29.0
08-18-74	242	--	--	--	--
09-11-74	219	--	--	12.0	13.5
09-12-74	230[a]	100	8.1	10.0	9.0
10-21-74	280	--	--	8.0	33.0
12-02-74	225	34	7.4	7.0	3.5
12-04-74	220[a]	108	8.0	7.5	3.0
01-21-75	210[a]	118	8.0	4.5	-6.0
03-03-75	226	116	--	7.0	-0.5
04-10-75	200	110	8.0	10.0	--
05-21-75	350	99	7.6	5.5	--
06-05-75	504	87	7.3	14.0	20.0
06-10-75	380	--	--	--	--
06-26-75	307	95	7.8	10.5	11.5
07-02-75	262	--	--	--	--
07-22-75	250	94	7.7	18.0	20.0
07-23-75	250	115	7.3	16.5	24.0
08-12-75	235	--	--	--	--
08-20-75	252	105	6.9	12.0	18.0
09-15-75	220	125	8.2	12.0	14.5
09-16-75	220	--	--	--	--
10-02-75	220	--	--	--	--
10-23-75	230	--	--	--	--
11-04-75	230	--	--	--	--
11-05-75	230	116	8.0	10.0	11.5
Henrys Fork at DeWiner's Ranch near Island Park (13043500)					
08-20-75	1,500[a]	134	--	15.2	16.8
11-04-75	427	166	8.4	5.5	11.0
Blue Spring Creek near Island Park (13043510)					
08-20-75	7.66	148	7.4	11.0	20.0
11-05-75	5.0[a]	156	7.8	--	--

2 - ESTIMATED FROM GAGE HEIGHT

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

	ASSIGNED TO	INITIALS/DATE
1. Request received and checklist attached.	Receptionist	✓
2. Request indexed.	Records Chief	✓
3. Preliminary review. Application prepared for signature.	Section Supv.	JJ
4. Streamflow information requested from hydrology.	Section Supv.	
5. Region advised of request.	Section Supv.	✓
6. Acknowledgment letter sent.	Section Supv.	Verbal
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Records Chief	✓
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Records Chief	✓
9. Water Rights researched & abstracted.	Records Chief	RG 11-1-81
10. Visual aid request prepared.	Section Supv.	DRT
11. Visual aid reviewed.	Section Supv.	DRT
12. Request and related data presented to Board.	Administrator, Res. Admin. Div.	✓
13. Filed or Rejected by Board.	Sec. Supv. et.al.	✓
14. Board action indexed.	Records Chief	✓
15. Original application sent to region.	Records Chief	✓
16. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	
17. Notice sent to each water right holder or applicant on MSF reach.	Sec. Supv.	NONE
18. Application advertised w/o hearing date.	Region	✓
19. Personal contact made with riparian land owners.	Requestor	Done w/major owners
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	YES
21. Informal public meeting advertised in legal notices.	Region	EMC
22. Notification of informal public meeting sent to:		
a. IWRB members	Section Supv.	DRT 11-2-81
b. Local Legislators	Section Supv.	DRT 11-3-81
c. Watermaster	Section Supv.	01 - Notified
d. Department Personnel	Section Supv.	DRT 10-28-81

e. Local TV & Radio Stations	Section Supv.	KW 11-6-81
f. Water Right Holders	Requestor	None
g. Riparian Owners	Requestor	Requestor sent letters
23. Information provided to IWRB for decision to proceed, modify, or abondon.	Section Supv.	DRR
24. Notice of formal hearing advertised in legal notices.	Region	EC
25. Notification of formal hearing sent to:		
a. IWRB members	Section Supv. ✓	DRR
b. Local Legislators	Section Supv. ✓	DRR
c. Watermaster	Section Supv. ✓	DRR
d. Department Personnel	Section Supv. ✓	DRR
e. Local TV & Radio Stations	Section Supv.	DRR
f. Water right holders	Section Supv. ✓	DRR
g. Attendees of informal public meetings.	Section Supv. ✓	DRR
h. Riparian Owners (93)	Section Supv. ~~Requestor~~	DRR
26. Hearing held (mandatory).	Hearing Officer & Regional Rep.	
27. Standard approval procedure for memorandum decision.	Hearing Officer	
28. If application is approved, Legislative approval procedure attached.	Records Chief	

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 16, 1982

M. Reed Hansen, Chairman
Idaho Water Resource Board
Route 5, Box 213
Idaho Falls, ID 83401

RE: Minimum Stream Flows on the Pahsimeroi River and Henry's Fork, Application Nos. 73-7045 and 21-7282

Dear Reed:

We are in the process of updating the above-referenced applications pursuant to the resolutions passed by the Board last week.

Due to the extensive changes on the Pahsimeroi River application, we have prepared the enclosed amended application for your signature. Note that the rate of flow on the lower reach is 74 cfs rather than 75 cfs to correspond with the previous minimum monthly flow, so the date of priority on the application can be maintained. Please review and sign it, and return it to our Eastern Regional Office. Norm Young is making some telephone contacts in an effort to determine a good hearing date in Challis.

One question remains on the Henry's Fork application. The resolution states that the upper point of the 1,000 cfs reach is "Lookout Butte". Mr. Bob Meinen of the Idaho Department of Parks and Recreation has indicated that he would like to define this point as the township line between T. 10N and T. 11N, R. 43E, shown as line 1 on the enclosed map. Another logical location is directly east of Lookout Butte at the Hatchery Ford site, shown on line 2. The location of this upper point could conceivably affect the construction of a dam at the Hatchery Ford site, so we want to have your input before describing this point on the application.

The other minor changes that were suggested for the Henry's Fork filing are being applied to the original application by personnel in the Eastern Regional Office. Would you please stop by the office next week to initial and date the changes, and to indicate the location of the upper end of the reach? Norm is also working on setting a date for the hearing on this one.

Kay Weaver is preparing news releases for the Pahsimeroi, Henry's Fork and Birch Creek. They should be sent to the media next week.

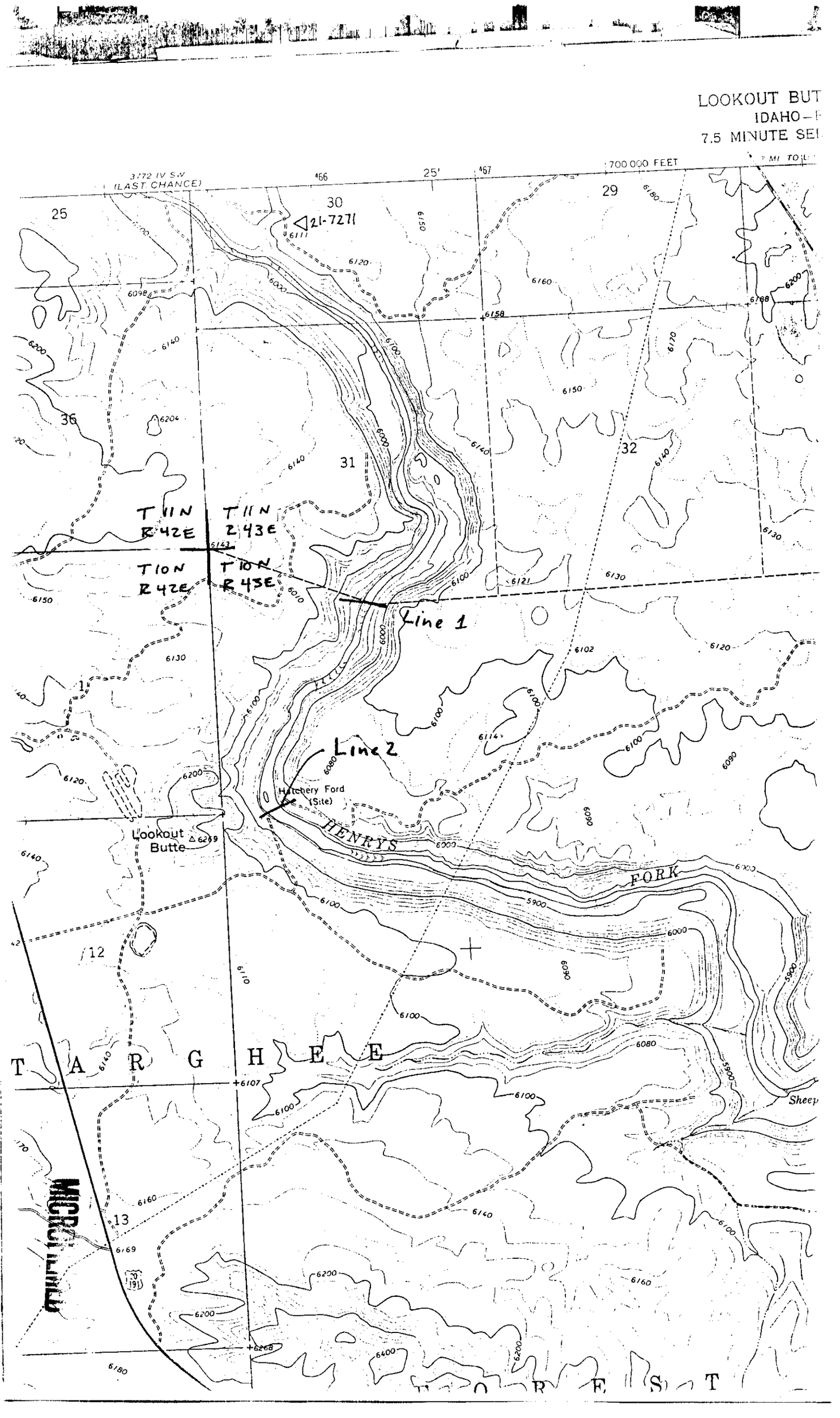
MICROFILMED

Thank you for your assistance with this processing. I am looking forward to attending the hearings with you this summer.

Sincerely,

DAVID R. TUTHILL, Jr.
Supervisor
Water Allocations Section

DRT:alw
Encls.


LOOKOUT BUT
IDAHO–
7.5 MINUTE SE
700 000 FEET
3772 IV S.W.
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1
12
13
21-7271
T 11N R 42E
T 11N R 43E
T 10N R 42E
T 10N R 43E
Line 1
Line 2
Hatchery Ford
(Site)
Lookout Butte
△6269
HENRYS
FORK
T A R G H E E
Sheep
MICRO CLIMATE
191

FOR IMMEDIATE RELEASE

17 August, 1982

RECEIVED
AUG 25 1982
Department of Water Resources
Eastern District Office

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

NEWS RELEASE

BOISE---The amended application for a minimum stream flow right on the Henry's Fork of the Snake River will be discussed at a public hearing September 23 at 9 a.m. in the Fremont County Courthouse, St. Anthony, according to A. Kenneth Dunn, director, Idaho Department of Water Resources (IDWR.)

The amended application filed by the Idaho Water Resource Board shows two rates of flow on the reach from the confluence of Buffalo River and the Henry's Fork downstream 24 miles to a point one-half mile south of Lower Mesa Falls, according to Dunn. This includes the flow through Box Canyon and Harriman Ranch State Park, as well as over Upper and Lower Mesa Falls. The flow is intended to protect the beauty and recreation aspects of the falls and the river.

The application requests a 300 cubic feet per second (cfs) flow year-around on that stretch of the river. An additional 700 cfs is sought between April 1 and September 30, on the portion of the river from Lookout Butte eight miles downstream to the lower end of the reach.

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more

Henry's Fork

add 1-1-1-1-1-1-1-1--1-1

After the original filing was made June 19, 1981, the Water Resource Board conducted a public meeting in November to find out how the local residents felt about the instream flow application. At that time, the application sought a flow of 1,000 cfs in the river from April 1 to September 30, with a 300 cfs flow for the rest of the year. As a result of the November meeting, Dunn said, the board made the changes in its minimum stream flow application.

"This application, if approved, would be junior in time to those previously developed water rights on the Henry's Fork," the director explained. "This is according to Idaho water law, which states that 'first in time is first in right.' Therefore, existing irrigation delivery practices and regulation of Island Park Dam would not be affected by approval of this minimum stream flow application."

The hearing is open to the public.

-30-

Kay Weaver
Information Specialist

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 8/11/82

TO Eastern Region (Colleen)

SUBJECT

RECEIVED
AUG 16 1982
Department of Water R
Eastern District Offi

Would you Please send to

Mr Dick Graves
RT 2
Gooding Id 83330

Sent 8-18-82 cw

a copy of the Amended MSF app on Henry's Fork (21-7288)?

Thanks, Dave

SIGNATURE

MICROFILMED

August 12, 1982

RE: NOTICE OF HEARING FOR MINIMUM STREAMFLOW APPLICATION

Fremont County Chronicle
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Enclosure: Legal Notice

August 12, 1982

RE: NOTICE OF HEARING FOR MINIMUM STREAMFLOW APPLICATION

Ashton Herald
Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Enclosure: Legal Notice

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR PERMIT FOR
MINIMUM STREAMFLOW

Notice is hereby given that application for permit No. 21-7282 in the name of Idaho Water Resource Board was filed for the appropriation of 1,000 c.f.s. of water from Apr. 1 to Sep. 30 and 300 c.f.s. of water from Oct. 1 to Mar. 31 within the reach of river starting in the NW¼NW¼, Sec. 33, T. 13N, R. 43E, below the confluence of the Buffalo River and the Henry's Fork and ending in the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls, all within Fremont County.

The applicant now proposes to amend application No. 21-7282 proposing the appropriation of 300 c.f.s. of water from Jan. 1 to Dec. 31 from below the confluence of the Buffalo River on the Henry's Fork within the NW¼NW¼, Sec. 33, T. 13N, R. 43E to the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls; and 1,000 c.f.s. of water from Apr. 1 to Sep. 30, limited to the river reach between township line 10N and 11N, R. 43E, to the lower end of the reach described above, all within Fremont County; to be used for aesthetics and recreational purposes on the Henry's Fork tributary to the Snake River.

The Department of Water Resources will hold a public hearing on the application in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho, at 9:00 a.m. on September 23, 1982; for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross-examinating witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

If issued this permit will be subject to all prior water rights, and the practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts, American Falls Reservoir #2 and the Warren Act Contractors; nor shall it be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

A. KENNETH DUNN
Director

Published in the Fremont County Chronicle and Ashton Herald, August 19 & 26, 1982.

NOTICE OF AMENDED APPLICATION FOR PERMIT FOR MINIMUM STREAM FLOW

Notice is hereby given that application for permit No. 21-7282 in the name of Idaho Water Resource Board was filed for the appropriation of 1,000 c.f.s. of water from Apr. 1 to Sep. 30 and 300 c.f.s. of water from Oct. 1 to Mar. 31 within the reach of river starting in the NW¼NW¼, Sec. 33, T. 13N, R. 43E below the confluence of the Buffalo River and the Henry's Fork and ending in the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Messa Falls, all within Fremont County.

The applicant now proposes to amend application No. 21-7282 proposing the appropriation of 300 c.f.s of water from Jan. 1 to Dec. 31 from below the confluence of the Buffalo River on the Henry's Fork within the NW¼NW¼, Sec. 33, T. 13N, R. 43E to the SE¼NE¼, Sec. 25, T. 10N, R. 43E, approximately three-fourths mile below Lower Mesa Falls; and 1,000 c.f.s of water from Apr. 1 to Sep. 30, limited to the river reach between township line 10N and 11N, R. 43E, to the lower end of the reach described above, all within Fremont County; to be used for aesthetics and recreational purposes on the Henry's Fork tributary to the Snake River.

The Department of Water Resources will hold a public hearing on the application in the St. Anthony High School Auditorium, St. Anthony, Idaho, at 9:00 a.m. on June 16, 1982; for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at 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, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

If issued this permit will be subject to all prior water rights, and the practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts, American Falls Reservoir #2 and the Warren Act Contractors; nor shall it be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

A. KENNETH DUNN
Director

Published in the Fremont County Chronicle and Ashton Herald, May 13 and 20, 1982.

UNOFFICIAL DOCUMENT

MINIMUM STREAM FLOWS

The Idaho State Water Plan, completed in 1976, provided a variety of recommendations designed to better manage the long-term use of water throughout the State. One of these recommendations suggested that in certain cases water rights should be granted for instream flow purposes.

In 1978 the Idaho Legislature passed a law that established a procedure for recording minimum stream flows. This law, recorded as Chapter 15, Title 42, Idaho Code, declares that "the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." The law provides that a minimum stream flow water right can be established by following a certain procedure; however it clearly states that existing water rights on the stream are not to be injured by a minimum stream flow water right.

The procedure for establishing a minimum stream flow begins when a request is submitted to the Idaho Water Resource Board (Board) by a public agency. The request is reviewed by the Board, and if there appears to be a need for preservation of a minimum flow, the Board submits an Application For Permit based on the request to the Idaho Department of Water Resources (Department). Under Idaho law, "First in time is first in right". Therefore it is important for the Board to act promptly upon receiving the minimum flow request. The Board reserves the option to modify or abandon the application if further information shows the application is incorrect or not in the public interest.

Under the new Board guidelines the requesting agency then presents the application to local property owners. The Board may hold an informal public meeting to learn about the local public interest. The purpose of this meeting is to provide the Board with information needed to decide on any possible modifications to the application.

The next step is for the Director of the Department to hold a formal hearing on the application. The purpose of the hearing is to determine if the minimum stream flow:

(a) will not interfere with any vested water right, permit, or water right application with priority of right earlier than the date of receipt of a complete application for appropriation of the minimum stream flow;

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

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

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

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

Based on the information provided at the hearing the Director may approve, approve in part, or deny the application. The Board or any party who is aggrieved by the decision of the Director has the right to have that decision reviewed by the District Court. Approved applications are submitted to the Legislature and are not finally effective until affirmatively acted upon by concurrent resolution, except that if the Legislature fails to act on a properly submitted application by the end of the regular session to which the application was submitted, the application shall be considered approved.

MICROFILMED

Flow 1

Michael Zimmerman – Atty

Montana Power Company owns Upper Nasa falls,

11.5 MW generato

7.5mw Avg

6.6. mW Critical/year

Has owned sight for ~70 years.

Power would go into montana Power grid.

There are Presently 3 applicatio—s

MICROFILMED

MINIMUM STREAM FLOW APPLICATION

FACT SHEET

APPLICATION NO: 21-7282

SOURCE: Henry's Fork

TRIBUTARY TO: Snake River

REQUESTOR: Idaho Department of Parks and Recreation

APPLICANT: Idaho Water Resource Board

DATE APPLICATION FILED: June 19, 1981

QUANTITY: 300 cubic feet per second 10-01 to 03-31
1000 cubic feet per second 04-1 to 09-30

DESCRIPTION OF REACH: A point just downstream of the confluence with Buffalo River downstream to about a mile below Lower Mesa Falls.

PURPOSE: Recreation and aesthetics.

OTHER: No other recorded water rights exist within the proposed reach.

~ 20 miles

November 17, 1981

RE: NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Ashton Herald
Box 258
Ashton, Idaho 83420

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on November 5 and 12, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

November 17, 1981

RE: NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Fremont County Chronicle
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on November 5 and 12, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

October 29, 1981

Ashton Herald
Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. If you can not publish the notice on the proposed cates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Enclosure: Legal Notice

October 29, 1981

Fremont County Chronicle News
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. If you can not publish the notice on the proposed cates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Enclosure: Legal Notice

NOTICE OF PUBLIC MEETING FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board plans to hold an informal meeting to obtain public input concerning a minimum stream flow application No. 21-7282 on the Henry's Fork tributary to Snake River.

The meeting will be held on Thursday, November 19, 1981, at 3:00 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho.

Any person interested in this application is invited to appear and provide comments.

A. KENNETH DUNN
Director

Published in the Ashton Herald and Fremont County Chronicle, November 5 and 12, 1981.

*INDICATES DIRECT

RIGHT NUMBER	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
21-7281	06-19-1981	MINIMUM IN STREAM FLO	01-01	12-31	140.00 CFS	NESE S14 T08N R41E SENW S18 T08N R43E	NESE S14 T08N R41E	APPLICATION

IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

SOURCE: SNAKE RIVER TRIBUTARY: SNAKE RIVER, HENRYS FORK
OTHER USES: *MAINTAIN FISHERY HABITAT.
REMARKS: *SEE MAP FOR LOCATION OF REACH.

21-7282	06-19-1981	MINIMUM IN STREAM FLO	04-01	09-30	1000.00 CFS	NWNW S33 T13N R43E SENE S25 T10N R43E	NWNW S33 T13N R43E	APPLICATION

IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

SOURCE: HENRYS FORK TRIBUTARY: SNAKE RIVER
REMARKS: *SEE MAP FOR LOCATION OF REACH.

					300.00 CFS		NWNW S33 T13N R43E	
21-7283	06-19-1981	MINIMUM IN STREAM FLO	01-01	12-31	141.00 CFS	SWNW S13 T09N R43E SESE S12 T09N R43E	SWNW S13 T09N R43E	APPLICATION

IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

SOURCE: SNAKE RIVER TRIBUTARY: SNAKE RIVER, HENRYS FORK
OTHER USES: *MAINTAIN FISHERY HABITAT.
REMARKS: *SEE MAP FOR LOCATION OF REACH.

Yours as appe advertised as you suggested but hearing will be scheduled during next odd yr of the same appl.

RECEIVED
AUG 5 1981
Department of Water Resources
Eastern District Office

MICROFILMED

Form No. 202a
3/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest APPLICATION NUMBER: 21 7282

21-7282

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.	Copies sent by: kw	Date: 7-10
☐ Idaho Fish and Game Department.		
☑ Idaho Department of Lands.	kw	7-10
☐ U.S. Bureau of Land Management.		
☐ U.S. Forest Service.		
☐ Other _____		

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: 8/31
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: 9-3-81
- ☐ 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: _____

MICROFILMED

3/79

IDENT. NO. 21 7282

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
KW	7/8/81	Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Keypunched by State Office

September 2, 1981

RE: Application for Permit No. 21-7281, 21-7282, 21-7283

IDAHO WATER RESOURCE BOARD

Ashton Herald
P.O. Box 258
Ashton, ID 83420

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 13 and 20, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

11 August 1981

Ernest Carlsen, Asst. Rgnl. Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Applications #21-7281-82-83
#22-7369-70

Dear Mr. Carlsen:

We have reviewed the following applications for permits to appropriate the public waters of the State of Idaho, submitted by the Idaho Water Resource Board, Boise.

#21-7281 - Source Fall River (Fremont County)

#21-7282 - Source Henry's Fork (Fremont County)

#21-7283 - Source Warm River (Fremont County)

#22-7369 - Source Teton River (Teton County)

#22-7370 - Source Bitch Creek (Teton County)

Permit #22-7370, Bitch Creek is an unclassified tributary to the Teton River and is appropriate for maintenance of spawning. All the streams, with the exception of Bitch Creek, are special resource waters designated for cold water biota and salmonid spawning, and are appropriate for the maintenance of a quality fishery.

We concur with any comments provided by the Department of Fish and Game concerning necessary water volumes.

If we can be of further assistance, please contact this office at #236-6160.

Sincerely,

Craig Shepard

Craig W. Shepard
Sr. Environmental Specialist

CWS/md
CC: Gordon Hopson

EQUAL OPPORTUNITY EMPLOYER

Notice is hereby given that the following application has been submitted for permit to appropirate the public waters of the State of Idaho:

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted application 21-7282 for a permit to the Department of Water Resources proposing the appropriation of 300 cubic feet per second from October 1 to March 31 or 1000 cubic feet per second from April 1 to September 30 of water within the NW¼NW¼, Sec. 33, Twp. 13N, Rge. 43E, Fremont County to preserve the minimum stream flow subject to all prior water rights for aesthetics and recreation purposes in Henry's Fork of Snake River.

Pursuant to Title 42, Chapter 15 of the Idaho Code a legal notice will be published at a later date setting a time and place for a hearing during which opportunity will be provided for public comment.

A. KENNETH DUNN

Director

Published in the Ashton Herald 8/13 & 8/20/81.

July 10, 1981

RE: Applications for Permits No. 21-7281, 21-7282, 21-7283
21-7369, 22-7370

IDAHO WATER RESOURCE BOARD

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Tom:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw:kw

Enclosures

July 10, 1981

RE: Applications for Permits No. 21-7281, 21-7282, 21-7283
21-7369, 22-7370

IDAHO WATER RESOURCE BOARD

Elmer W. Smith, P.E.
Environmental Engineer
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Smith:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw:kw

Enclosures

MICROFILMED

21-7282

IDAHO WATER RESOURCE BOARD

STATEHOUSE MAIL, BOISE, ID 83720

Source: HENRYS FORK tributary to SNAKE RIVER

Date Filed: 06/19/1981

Amount: 1000.00 CFS

Diversion Point: NWNW Sec 33 T 13N R 43E SENE Sec 25 T 10N R 43E,
FREMONT Co.

Use: MINIMUM INSTREAM FLOW (1000.00 CFS) from 04/01 to 09/30
MINIMUM INSTREAM FLOW (300.00 CFS) from 10/01 to 03/31

Place of Use: NWNW Sec 33 T 13N R 43E

Diversion Means: GAGING STATION.

MICROFILMED

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail, 2177 Warm Springs Ave., Boise, Idaho 83720 (208) 334-2154

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director

John V. Evans, Governor

April 16, 1982

Henrys Fork sent to Land-Owners on this list 8/17/82

RECEIVED
APR 19 1982
Department of Water Resources

Mr. Dave Tuthill DWR
Department of Water Resources
Statehouse Mail
Boise, ID 83720

RE: Henrys Fork Minimum Flow

Dear Dave:

Attached is a sample of the letter we sent to all riparian property owners. Also enclosed is a copy of the list of all the adjacent land owners that we researched from Fremont County property files.

If you have any questions or problems, please give me a call.

Sincerely,

DALE R. CHRISTIANSEN
DIRECTOR

Robert L. Meinen
Deputy Director

cjv

enc.

United States Department of Agriculture
Forest Service
TARGHEE NATIONAL FOREST
St. Anthony, Idaho 83445

RECEIVED
MAR 1 1982
Department of Water Resources

Reply to: 2540

Date: February 25, 1982

Scott Reed
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Reed:

As Supervisor of the Targhee National Forest, I support the State of Idaho Parks and Recreation Board recommendation for a minimum in-stream flow of 300 cubic feet per second (cfs) for the Henry's Fork of the Snake River from Island Park Reservoir to the confluence with Warm River.

The minimum flow will ensure favorable water flows to maintain the river channel's ability to pass flood flow discharges by preventing bank erosion and vegetation encroachment. The minimum flow will also help maintain the river's aquatic and wildlife habitats.

Sincerely,

JOHN E. BURNS
Forest Supervisor

FOREST SUPERVISOR
TARGHEE NATIONAL FOREST
420 NORTH BRIDGE STREET
ST. ANTHONY, IDAHO 83445

RECEIVED
FEB 8 1982
Department of Water Resources

Dear Reed Hansen,

I'm writing to you as a concerned citizen. I moved to Idaho from a sprawling city mess. An area developed by men of greed with little concern for the future populace. After all, if I can be on the inside of turning land that's just an orchard now (just an orchard!) into high rise land worth $10,000.00 a square foot, I'll become rich, my sire will be rich, who gives a damn about anybody else.

I support protected flows. Please ponder carefully the fate of Henry's fork, Palsimeroi River, and Birch Creek.

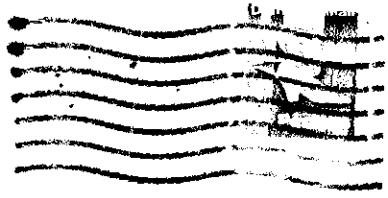
After all they're just water flows (just living water flows!)

Sincerely yours,
Donald R Braun

P.S. Our problems can be solved. With a little Fatherly masterfulness in terms of defending what is right, eventually good men will produce a positive solution.

DONALD R. BRAUN
2623 A LINDA VISTA
BOISE, IDA.
83704





Reed Hansen, chairman
Idaho Water Resource Board
Statehouse
Boise, Id. 83720

RECEIVED
FEB 5 1982
Department of Water Resources

Newdale, Idaho
Feb. 3, 1982

Mr. Ken Dunn
Director of Department of Water Resources
State House
Boise, Idaho 83720

Dear Mr. Dunn:

I am expressing my concern as to a minimum stream flow on the Henry's Fork of the Snake River from Island Park Dam down stream past Mesa Falls.

I have contacted many people in our area, including the Fremont-Madison Irrigation District Board, and Mr. Ron Carlson of the Water office, and Mr. Monte Later of the State Parks Board. There seems to be the same opinions that we heard at the large hearing in the St. Anthony meeting last fall. Things are quite satisfactory with present conditions, and the way the river has to be regulated for irrigation use from the two reservoirs in that area.

We checked discharges from Island Park Reservoir for the last 80 days and found that diversions averaged less than 200 CFS discharge. The minimum stream flow calls for 1000 CFS. I have attended many state and national meetings discussing hydro-electric power sights and have come to the conclusion that very few sights are going to be developed.

We have worked to get a power plant on Island Park Dam for 3 years. We have a good feasibility report from H^2 C.M. Hill Engineering firm and still aren't getting that installation built.

Mr. Bill Lloyd, Regional Director of Bureau of Reclamation said it is a good sight. Other regional directors have said the same thing. It is better to not set minimum stream flows anywhere that there isn't really good justification, than to set them and find later that someone made a mistake.

We have already given away more of Idaho for wilderness area than any other state except Alaska. Let's not be so liberal with our other natural resources. We should give future generations an opportunity to plan some of the destiny of this great state.

I am sending copies of this letter to many people who are interested and involved in policy making pertaining to our great resources and this particular issue of minimum stream flow.

Respectfully yours,

J. Leigh Chantrill

J. Leigh Chantrill
Director for District I Idaho Water Users Association

Jerry Wegman
119 N. Blaine
Moscow, ID. 83843

1 - 19 - 82

RECEIVED
JAN 22 1982
Department of Water Resources

Reed Hansen, chairman
Id. Wate Resources Bd.
State house
Boise, ID. 83720

Re: Henry's Fork instream flow

Dear Mr. Hansen,

As a fisherman, I have enjoyed the HENY'S FORK of the Snake on numerous occassions. It is a unique and valuable fishery and I urge you to approve instream flow protection for it, as requested by Idaho Fish & Game Dept.

thank you.

Yours truly,

Jerry

J. Wegman
119 N. Blaine
Moscow, ID. 83843

SPOKANE, WA 992
PM
20 JAN
1982

Domestic Mail
US Postage

Mr. Reed Hansen, Chairman
Idaho Water Resources Bd.
Statehouse
Boise, ID. 83720

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail, 2177 Warm Springs Ave., Boise, Idaho 83720 (208) 334-2154

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director

John V. Evans, Governor

October 29, 1981

ALSO SENT TO THOSE ON THE ATTACHED LIST.

E. R. & W. A. Harriman
c/o Idaho Park Foundation
Attn: Sharon Hubler
1020 W. Franklin
Boise, ID 83702

RE: T 11 N, R 43 E, Sec. 6, NE^4; Lots 1,2,3 & 4; SE^4NW^4; NE^4SE^4
T 11 N, R 42 E, Sec. 1 - Lots 1, 3,6,7,10,11; S^2NE^4; NE^4SW^4
T 12 N, R 42 E, Sec. 36, Lots 4-9 inclusive
T 12 N, R 43 E, Sec. 31, Lots 7, 8,9.

Dear Sharon:

We are writing you in reference to your recorded ownership of property in the Island Park, Idaho area adjacent to the Henrys Fork of the Snake River. The Department of Parks and Recreation has requested a minimum stream flow allocation be made on the Henrys Fork. As a part of this process, we are required to notify you that we have requested the Idaho Water Resource Board to submit a water rights application. We hope you will support our efforts to protect this portion of the Snake River - one of the last unobstructed areas on the Snake.

The Department of Parks and Recreation has requested the Water Resources Board to consider establishing a minimum instream flow on the river of 300 cubic feet/second from October 1 to March 31 and 1000 cubic feet/second the balance of the year, annually in perpetuity. The area of consideration is from the confluence of the Buffalo River with the Henrys Fork of the Snake to approximately one mile below Lower Mesa Falls. This would be a nonconsumptive water right for stream protection.

The intent of the Department of Parks and Recreation is to protect the unique recreational potential of the River from man-made diversions that may affect the fish habitat, wildlife, and scenic character of the river. Our feeling is that with minimum flows established, the fish and wildlife will be protected. Also, by protecting the scenic value of the river and Upper and Lower Mesa Falls, the tourism business that is attracted to the Island Park area can be maintained and possibly enhanced.

The Water Resource Board will be sponsoring a public meeting to gather public comment on this application on November 19, 1981 at 3:00 p.m. The meeting will be held at the Fremont County Courthouse, 127 W. 1st N.,

RECEIVED

in St. Anthony. Please plan to attend if you want to voice an opinion. If you can not attend, please write either the Department of Water Resources or this Department.

Thank you for your time.

Sincerely,

Dale R. Christiansen
Director

RLM/cjv

MICROFILMED

UPPER AND LOWER MESA FALLS
Adjacent Landowners

Sent separate letter →

Sunlight Development Co.
40 East Broadway
Butte, MT 59701

RE: T 10 N, R 43 E, Sec. 13 - S^2SW^4, Sec. 24 - E^2NW^4

E. R. & W. A. Harriman
c/o Idaho Park Foundation
Attn: Sharon Hubler
1020 W. Franklin
Boise, ID 83702

RE: T 11 N, R 43 E, Sec. 6, NE^4; Lots 1,2,3 & 4; SE^4NW^4; NE^4SE^4
T 11 N, R 42 E, Sec. 1 - Lots 1, 3,6,7,10,11; S^2NE^4; NE^4SW^4
T 12 N, R 42 E, Sec. 36, Lots 4-9 inclusive
T 12 N, R 43 E, Sec. 31, Lots 7, 8,9.

North Fork Development Corp.
c/o Jay Hammond
Box 577
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 11 - E^2SE^4 E of highway less river and tax numbers and lots sold. Plus Tax 1 & 2. Sec. 12 - Lot 2 less tax 15 & 19; Lot 3 less So. 66' Lot 6 (includes Tax 1 & 2) (North Fork Development Corp. Subdivision)

North Pinehaven Development Corp.
c/o Jay Hammond
Box 577
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Tax 18 (lot 16, blk 14)

Mr. Calvin L. Houston
Box 786
Ojai, CA 93023

RE: T 11 N, R 42 E, Tax 19

Ms. Janice Hammond
Rt. 3, Box 297A
South Holmes Rd.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Subdivision #1, Blk. 14, Lot 23, 27. Also Sub. #2, Blk. 14 - Lot 18. Also Pinehaven Sub. #3, Blk. 11, Lots 2,3.



M-25

Mr. Jay B. Hammond
P.O. Box 577
2835 Westmoreland
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #1, Blk. 14, Lot 24.
Also Sub. #2, Blk. 14, Lot 19.

Mr. Roy C. Thorell
2641 Stanford Ln.
Salt Lake City, UT 84117

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #1, Blk. 14, Lot 25.

Mr. Del C. Garst
1191 Moreno Dr.
Ojai, CA 93023

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #1, Blk. 14, Lot 26.

Mr. Malcolm W. Wilding
601 Brentwood Circle
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #1, Blk. 14, Lot 28.
Also Sub. #3, Blk. 14, Lot 12.

Mr. Blaine E. Hendricks
Route #1
Rexburg, ID 83440

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #1, Blk. 14, Lot 29.

E. L. Mont Robinson
2554 S. Fairway
Pocatello, ID 83201

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #2, Blk. 14, Lot 16.

Mr. Boyd R. Thomas
P.O. Box 891
719 E. 16th
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #2, Blk. 14,

Mr. Keith G. Condie
Route #1, Box 235
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #2, Blk. 14, Lot 20.

Dr. Roger Brunt
2340 Virlow Dr.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #2, Blk. 14, Lot 21.

Mr. Burt A. Wackerli
265 Barlow Dr.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #2, Blk. 14, Lot 22.

MICROFILMED

Mr. Leonard Edington
Rt. #3, Box 641
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 1 - N^2

Mr. William R. Manbue
370 Chestnut St.
Lynnfield, MA 01940

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 1 - N^2

Donald C. & James W. Hodge
Profit Sharing Plan & Trust
7400 Chippewa Road
Brecksville, OH 44141

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 2

Rao H. Lindsay
6910 Heidelberg Rd.
Lanham, MD 20801

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 3

Mr. William F. Bradford
102 Pollock Lane
Ventura, CA 93003

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 4

Mr. Calvin L. Houston
Box 786
Ojai, CA 93023

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 5

Mr. James R. A. Rehfus
2110 Windward Shore Dr. #4
Virginia Beach, VA 23451

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 6

Mr. Wayne S. Landon
Rt. 5, Box 373
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 7

Mr. John P. Longwell
22 Fallen St.
Cambridge, MA 02138

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lots 8, 9.

Edward Burton & Rita Burkhard Webb
c/o E. B. Webb
17050 107th Ave.
Sun City, AZ 85374

RE: T 11 N, R 42 E, Sec. 12 -
Sub. #3, Blk. 14, Lot 10

Ms. Eileen P. Brunt
2295 Ross Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Sub. #3, Blk. 14, Lot 11. Also Pinehaven Sub. #3, Blk. 11, Lots 4, 5 - N^2

Mr. G. William Hogg
1794 Rainier St.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Sub. #3, Blk. 14, Lot 13

Mr. Wendell Machen
Rt. 5, Box 256
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Sub. #3, Blk. 14, Lot 14

Mr. Don C. Archiball
153 E. Main
Box 16
Rigby, ID 83442

RE: T 11 N, R 42 E, Sec. 12 - Sub. #3, Blk. 14, Lot 15

Mr. Milton A. Romrell
428 Lomax
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #1&2, Blk. 1, Lots 12, 13

Mr. Rheim B. Jones
275 Marjacq Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #1&2, Blk. 1, Lots 14, 15, 16, 17

Ms. Lois Collins
4932 Mohawk
Pocatello, ID 83201

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #1 & 2, Blk. 1, Lots 18, 19

A. W. Brunt, Jr.
c/o Amelia Brunt
1560 Idaho Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #1 & 2, Blk. 1, Lots 20, 21. Also Sec. 13, 14 N^2 - Tract C

Mr. Dean F. Pfast
160 N. Wabash Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #1 & 2, Blk. 1, Lots 22, 23

Mr. Wayne J. Peterson
16 East Main
Rexburg, ID 83440

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #1 & 2, Blk. 1,
Lots 24, 25

Mr. Donald C. Hodge, Inc.
7400 Chippawa
Brecksville, OH 44141

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #1 & 2, Blk. 1,
Lots 26, 27

Dr. Rulon D. Robinson
2147 S. Ross Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #3, Blk. 1,
Lots 28, 29

Robinson & Kindred Pension Trust
c/o Rulon D. Robinson
2065 E. 17th St.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #3, Blk. 1,
Lots 30, 31

Mr. Jack Arnold Thomas
Pinehaven
Star Route, Box 25
Ashton, ID 83420

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #3, Blk. 1,
Lots 32, 33, 34, 35

Mr. Benjamin Widmann
612 Tower Band Rd.
Severna Park, MD 21146

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #3, Blk. 1,
Lots 36, 37, 38, 39

Mr. Monte W. Scott
Rt. 3, Box 68
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #3, Blk. 1,
Lots 40, 41

North Fork Development Co.
c/o Jess Croft
175 Marjacq Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 -
Pinehaven Sub. #3, Blk. 1,
Lots 42, 43

LaVaun S. Merrill
c/o Fred Kuarfordt
3520 East 17th St.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #3, Blk. 1, Lots 44, 45. Also Sec. 13 & 14 - Tract D

Mr. Wayne C. Hammond
Box 577
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #3, Blk. 11, Lot 1

Mr. Charles J. Morris
1010 Walker
Blackfoot, ID 83221

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #3, Blk. 11, Lot 5, S^2

Mr. Clark S. Carlile
1430 Sunset Rd.
Pocatello, ID 83201

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #4, Blk. 11, Lots 7, 8

Ms. Janet Rock
Village Green Trailer Court #22
Rexburg, ID 83440

RE: T 11 N, R 42 E, Sec. 12 - Pinehaven Sub. #4, Blk. 11, Lots 9, 10

Mr. Albert L. Strong
160 Coburn Ave.
Sierra Madre, CA 91204

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract A

Mr. George B. Brunt
2010 N. Canyon Dr.
Lahabra Heights, CA 90631

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract B

Carson M Lewis, M.D., Inc.
9900 Genesee Ave., Suite B
LaJolla, CA 92037

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract C - S^2

Mr. Robert A. Griffith
3360 Handly St.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract E (W 100' of T-1)

Mr. Charles M. Griffith
4336 Joslin Court
Riverside, CA 92505

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract E (W 100' of T-1)

Mr. Richard Belnap Miskin
193 S. 9th E.
Ucon, ID 83454

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract F

Ms. Eleanor G. Hester
c/o Barry Treasure
c/o Gordon Luke
1543 West San Madele
Fresno, CA 93711

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract G

Mr. John L. Griffith
3360 Handly Ave.
Idaho Falls, ID 83401

RE: T 11 N, R 42 E, Sec. 13 and 14, Tract E, E 158' of tax 1

Mr. Elliot K. Robbins
c/o First Security Bank of Utah
2404 Washington Blvd.
Ogden, UT 84404

RE: T 12 N, R 43 E, Sec. 8, Lots 5, 8, W^2SW^4, West of Highway. Also T 11 N, R 42 E, Sec. 13 and 14, Lot 20

Hollis D. Clements
250 West 1st South
Rigby, ID 83442

RE: T 12 N, R 43 E, Sec. 8, Lots 1, 2

Mr., Ferrin B. Kinghorn
P.O. Box 215
Rigby, ID 83442

RE: T 12 N, R 43 E, Sec. 8, Lots 3, 4, 5, 6, 7

Mr. Grant L. Alder
204 E. 1st N.
P.O. Box 359
Midway, UT 84049

RE: T 12 N, R 43 E, Sec. 8, Lot 8

Mr. Howard C. Thacks
P.O. Box 19112
Las Vegas, NV 89119

RE: T 12 N, R 43 E, Sec. 8, Lot 9

Mr. Lyman H. Cook
2125 N. 4650 W.
Ogden, UT 84404

RE: T 12 N, R 43 E, Sec. 8, Lot 10

Mr. Robert B. Burnham
2671 N. 200 E.
Ogden, UT 84404

RE: T 12 N, R 43 E, Sec. 8, Lot 11

Mr. Elliot K. Robbins
1234 E. 3100 N.
Ogden, UT 84404

RE: T 12 N, R 43 E, Sec. 8, Lot 12

Mr. Frank T. Tanner
Rt. 2
St. Anthony, ID 83445 — RE: T 12 N, R 43 E, Sec. 8, Lot 13

Mr. Arthur F. Campbell
2722 N. 550 E.
North Ogden, UT 84404 — RE: T 12 N, R 43 E, Sec. 8, Lot 14

Ms. Julia T. LeCheminant
9515 N. Tetum
Scottsdale, AZ 85253 — RE: T 12 N, R 43 E, Sec. 8, Lot 15

Mr. R. Duncan Wallace
1062 Douglas St.
Salt Lake City, UT 84105 — RE: T 12 N, R 43 E, Sec. 8, Lot 16

Mr. Don G. Hull
806 E. 1700 N.
North Ogden, UT 84404 — RE: T 12 N, R 43 E, Sec. 8, Lot 17

Mr. Clyde Lamont Hull
731 Kokomo Place
Honolulu, HI 96825 — RE: T 12 N, R 43 E, Sec. 8, Lot 18

Mr. William DeBloois
c/o Michael L. DeBloois
1436 E. 3400 N.
Logan, UT 84321 — RE: T 12 N, R 43 E, Sec. 8, Lot 19

Mr. Emmett Halliday Cameron
1950 Yale Ave.
Salt Lake City, UT 84108 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lots 1, 2

Mr. David C. Miller
376 South 19th
Pocatello, ID 83201 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lots 3, 4 - N^2

Mr. David R. Westergard
912 Riverside Dr.
Idaho Falls, ID 83402 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lots 4 - S^2, 5

Mr. Donald J. Mackay
2820 Westmoreland
Idaho Falls, ID 83401 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lot 6

Dr. Bland W. Sutton
P.O. Box 1075
Pocatello, ID 83201 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lot 7

Mr. Richard Winward
3875 N. 491 E.
Ogden, UT 84404 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lots 8, 9

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Mr. Frank Kuck
c/o Threet Lido Enterprises, Inc.
C. E. Threet
Last Chance
Ashton, ID 83420 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lot 9 less

Mark A. Shurtleff & Blanches Johnson
c/o Mrs. W. O. Shurtleff
373 Filmore
Pocatello, ID 83201 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lot 10. Also, Mark Shurtleff only - Lot 12.

Mr. Warren A. Shurtleff
1357 Kensington Ave.
Salt Lake City, UT 84105 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lot 11

Mr. Robert J. Buehler
c/o Last Chance Texaco
Asthon, ID 83420 — RE: T 12 N, R 43 E, Sec. 8, Stewart Homesites, Lots 13, 14

Ms. Ina Bischoff
1349 Lake Ave.
Idaho Falls, ID 83401 — RE: T 12 N, R 43 E, Sec. 17, Sub. 4, Lot 1

Mr. Frank E. Rydalch
650 E. 4th N.
St. Anthony, ID 83445 — RE: T 12 N, R 43 E, Sec. 17, Sub. #4, Lot 2 less

Larry Ray & Garry Gene Schocnike Bro.
1620 Dixie Drive
Waukesha, WI 53153 — RE: T 12 N, R 43 E, Sec. 17, Sub. #4, Lot 2 - N4

Mr. Rex Price
c/o J. E. Strobel
360 A Street
Idaho Falls, ID 83401 — RE: T 12 N, R 43 E, Sec. 17, Sub. #4, Lots 3, 4, 5

M-27

M-28

Mr. Edwin Strobel
360 A Street
Idaho Falls, ID 83401 — RE: T 12 N, R 43 E, Sec. 17, Sub. #4, Lots 6, 7, 8, 9

Larry & Helen Thompson
Island Park, ID 83429 — RE: T 12 N, R 43 E, Sec. 17, Sub. #4, Lots 10, 11, 12, 13, 14, 15, 16

Government Agencies

Idaho Dept. of Parks & Recreation	T 12 N, R 42 E, Sec. 13, SE^4, SW^4; S^2, SE^4. Sec. 14 Sec. 25, N^2 less river; NW^4, SW^4 Sec. 26, all less river Sec. 35, N^2 less river; N^2 SE^4; NE^4 SW^4 Sec. 36, NW^4 less river; W^2 SW^4 less highway. T 12 N, R 43 E, Sec. 19, Lots 1-9; 11 to 14.
U.S. Forest Service	

No State Lands Dept. land or BLM land.

RECEIVED

BOARD ACTIONS
2-82 IDAHO WATER RESOURCE BOARD MEETING
APRIL 7 & 8, 1982

1. Approval of 1-82 Idaho Water Resource Board meeting held on Jaunary 19, 1982.

2. Requested staff to present to the Board a plan estimating the costs for providing a technical analysis and the sources of funding available to do comprehensive hydrologic, economic and environmental studies of possible sources of Snake River fish flows to assist in implementing the Anadromous Fishery Policy of the Idaho State Water Plan and as a suggested principle to be included in the overall fishery program of the Northwest Power Council's Fish and Wildlife Program.

3. Requested staff and the Attorney General's Office to advise the Board at its next meeting if it would be appropriate for the Board to adopt, substitute or incorporate the Energy Plan into the Water Plan as a combined Water and Energy Plan.

4. Adopted a resolution to terminate and withdraw the application for a minimum stream flow on Birch Creek without prejudice from the department.

5. Adopted a resolution to amend the application for minimum stream flow on the Pahsimeroi River to a fixed minimum year around flow of 75 c.f.s. from the confluence with the Salmon River upstream to Big Springs and 45 c.f.s. from Big Springs upstream to the discharge point of the fish rearing and release ponds.

6. Adopted a resolution to amend the application for minimum stream flow on Henry's Fork River to: (a) 300 cfs minimum flow for the entire year for the entire reach of Henry's Fork, (b) 1,000 cfs minimum flow from April 1 to September 30 in the reach of the river from Lookout Butte downstream to a point one mile below Lower Mesa Falls, and (c) right to be subordinate to existing water rights filed with department.

7. Withdrew the Carey Act application on Indian Hills project.

8. Withdrew the Grindstone Butte Dam and Reservoir site from the list contained in Policy 21 of the State Water Plan and to inform the U.S. Bureau of Reclamation of the Board's intent not to consider the site for future development.

9. Adopted the resolution authorizing the director of the department to affect a review of the rules, regulations and minimum standards for: Well construction standards, water well driller's license, drilling for geothermal resources, waste disposal and injection wells, safety of dams, mine tailing impoundment structures, stream channel alterations and practice and procedures.

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21-7282

POLICY STATEMENT OF THE IDAHO WATER RESOURCE BOARD ON HENRY'S FORK RIVER

At the request of the Idaho Department of Parks and Recreation, the Idaho Water Resource Board on June 12, 1981 filed an application for a minimum stream flow on Henry's Fork River in Fremont County. The application was for 300 cubic feet per second from October 1st through March 31st and for 1,000 c.f.s. between April 1st and September 30th for 31 miles of river through Box Canyon, Harriman Ranch State Park and over Upper and Lower Mesa Falls.

Pursuant to guidelines adopted in November of 1980, the Board held a public meeting in St. Anthony on November 19,1981. Approximately 90 people attended including farmers holding prior water rights, several attorneys and legislators, representatives of irrigation districts, Montana Power Company, Idaho Department of Parks and Recreation, U.S.Fish and Wildlife Service, Idaho Fish and Game Department and the United States Bureau of Reclamation. A full, frank and candid informal discussion followed. After the meeting the Board received additional information from the Bureau of Reclamation, Idaho Fish and Game Department and Idaho Department of Parks and Recreation. In addition the Board was supplied with eight letters from property owners along the river supporting the application.

From the information obtained at the public meeting and thereafter the following facts can be derived:

1. The Henry's Fork River throughout the area covered by the application qualifies for protection under the minimum stream flow law. Upper Mesa Falls, which is between 96 and 114 feet in height, has been listed as one of the major water falls in the world. Lower Mesa Falls, which is between 65 and 70 feet in height, is equally scenic. Both falls have been recognized as deserving of protection in the Idaho Outdoor Recreation Plan. The Idaho Department of Parks and Recreation has a direct interest in protection of the falls in its capacity as management agency for Harriman State Park.

2. Maintenance of minimum flows in the river is essential for protection of the Trumpeter Swan which winters in the Harriman Park area. The open waters of the Henry's Fork drainage are the primary wintering areas for all Trumpeter Swans including both migrant and resident populations through working agreements in effect since 1968 made with Utah Power and Light Company, the Upper Snake River District, the Idaho Department of Fish and Game and the Bureau of Reclamation. Releases from Island Park Reservoir have been coordinated and modified to provide flows to protect the wintering habitat of the Trumpeter Swans.

April 1st and September 30th. The Idaho Department of Parks and Recreation has indicated a willingness to modify its original request to limit the 1,000 c.f.s. for the designated time period to an eight mile stretch of the river from Lookout Butte downstream to one mile below Lower Mesa Falls.

Based upon the foregoing facts the Board resolves as follows:

1. The Director of the Department of Water Resources is requested to amend the application for minimum flow as filed by the Board on June 12, 1981 to the following:

A. A 300 c.f.s. minimum flow for the entire year is requested for the entire reach of Henry's Fork River as originally requested.

B. A minimum flow of 1,000 c.f.s. is requested for the time period from April 1st through September 30th in the reach of the river from Lookout Butte downstream to a point one mile below Lower Mesa Falls. The minimum flow is sought for aesthetic and scenic purposes to protect the beauty of Upper and Lower Mesa Falls and to protect aquatic habitat.

C. The minimum flow as requested is recognized as being subordinate to and subject to all existing water rights as filed with the Department of Water Resources. The Board recognizes that the flows in the Henry's Fork River are entirely dependent upon releases from the Island Park Dam as operated under the direction of the Minidoka Project Office of the Bureau of Reclamation. The Board asks that the Director write and explicitly note any minimum flow permit issued pursuant to this application that the minimum flow right shall in perpetuity be subject to prior water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir District No. 2 and the Warren Act Contractors. Nothing in the minimum flow application or permit shall be deemed to impose any conditions or requirements upon the operation of the Island Park Dam.

2. The Director is requested to set another public hearing as provided under the minimum flow law for St. Anthony with full public notice to all interested parties to take testimony, receive letters or statements in support or opposition and to determine whether the minimum flow should be granted.

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3. The Henry's Fork River is a high quality trout fishery with heavy recreational utilization by Idaho fishermen and visitors. A flow of 300 c.f.s. is deemed to be the minimum advisable by the Idaho Fish and Game Department to maintain the fishery at the present level.

4. The historic manner of operation of those holding upstream and downstream water rights has been compatible with maintaining the high flows in the falls, the winter water for the Trumpeter Swans and the high quality trout fishery. A high degree of cooperation exists between the irrigation agencies and the fish and game agencies. The flows as sought through the 31 miles of Henry's Fork River are committed for downstream irrigation use under prior recognized water rights.

4. There is no apparent demand for any diversion for agricultural purposes at any point along the 31 miles of river. The major threat which precipitated the request for minimum flow by the Idaho Department of Parks and Recreation is the possibility of hydroelectric development on Upper and Lower Mesa Falls. Applications for hydropower plants have been filed with the Federal Energy Regulatory Commission by three different potential developers, the Western Hydro Consortium, Montana Power Company and Utah Power and Light Company. None of these entities has yet made application for a water right. If constructed, a power plant at either site would effectively destroy the aesthetic and scenic beauty of the falls.

5. At the public meeting in St. Anthony the representative of Montana Power Company, which owns property at Upper Mesa Falls, stated that any power generated from any facility constructed by it would go to Montana customers. Although there was considerable concern expressed at the St. Anthony meeting about the effect on existing water rights of granting a minimum flow to a state agency, there was little support for any of the hydropower projects and some vocal opposition. The Idaho Department of Parks and Recreation has intervened in the Federal Energy Regulatory Commission proceedings to protest granting of any hydropower licenses.

6. Flow data provided to the Board by the Idaho Department of Parks and Recreation and verified by the Idaho Department of Water Resources indicates that the historic and average annual flows are substantially in excess of the 1,000 c.f.s sought at the Falls between

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INTER-DEPARTMENT MEMO — 1

FROM BILL O.

DATE 11/16/81

TO DAVE TUTHILL

SUBJECT ATTACHED IS A FLOW DURATION CURVE FOR ISLAND PARK OUTFLOW + 180 CFS (AVG. OF 8 SEPTEMBERS FOR BUFFALO RIVER). SEPTEMBER IS THE MOST CRITICAL MONTH, AS RESERVOIR OUTFLOWS ARE REDUCED SOMEWHAT FROM OTHER SUMMER MONTHS, AND THE INSTREAM FLOW IS STILL 1000 CFS. IN OCTOBER, RESERVOIR RELEASES ARE LESS, BUT THE REQUESTED FLOW DROPS TO 300 CFS.



SIGNATURE

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

July 13, 1981

MEMO

TO: Dave Tuthill

FROM: Alan Robertson

SUBJECT: FLOW OF HENRYS FORK AT LOCATION OF IN-STREAM WATER RIGHT REQUEST (below Buffalo Fork to below Lower Mesa Falls)

Requested flows are 300 cfs from October to March and 1000 cfs from April through September. Flows in the reach include Island Park ouflow, Buffalo River and groundwater gain which accrues throughout the reach. At the upper end of the reach it appears that the requested flows will be present most of the time, but exceptions occur during dry years when Island Park outflows are reduced to try to fill the reservoir. Buffalo Fork generally contributes 150 to 200 cfs in the fall and winter and somehwat more after April 1. Data are inadequate to determine frequencies of occurrence of the requested flow below Buffalo Fork but it is probably on the order of 70 to 80% of the time.

At the lower end of the reach, the groundwater gain is sufficient to ensure that the requested flows are present at virtually all times.

AR:mb

CITADEL® NO. 641 - SCIENCE - QUARES TO CENTIMETER

FLOW DURATION CURVE

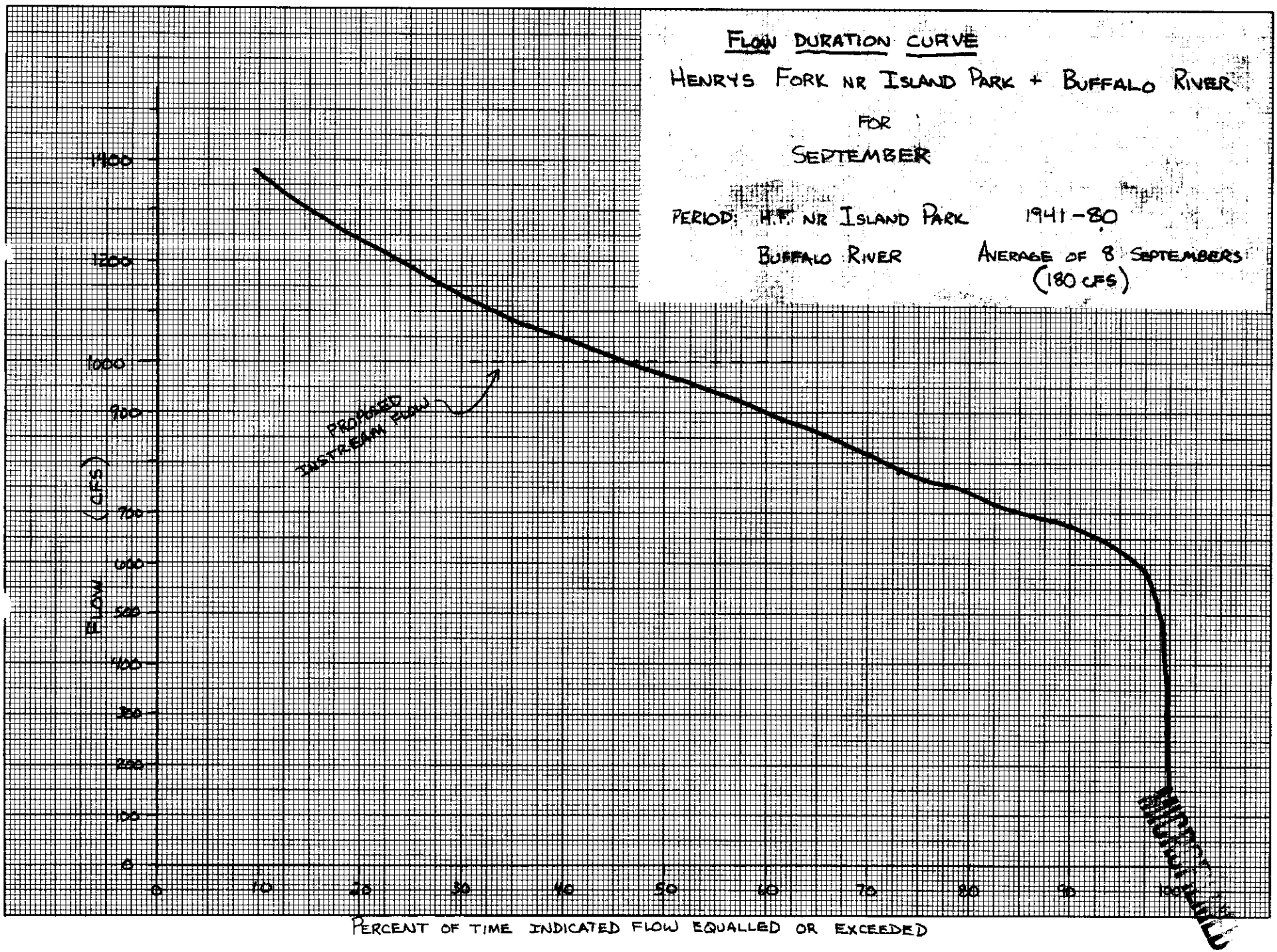
HENRYS FORK NR ISLAND PARK + BUFFALO RIVER

FOR

SEPTEMBER

PERIOD: H.F. NR ISLAND PARK 1941-80

BUFFALO RIVER AVERAGE OF 8 SEPTEMBERS (180 CFS)



October 9, 1981

Department of Parks & Recreation
Statehouse Mail
Boise, Idaho 83720
Attn: Mr. Bob Mainen

Dear Bob:

Pursuant to our telephone conversation please find enclosed a copy of the Idaho Water Resource Board Guidelines on Minimum Stream Flow Applications.

No firm dates have been established for the next meeting of the Board, but it will probably be late in October or early November. It is my understanding that you will attempt to contact the riparian land owners prior to that time and present the results at the meeting.

As we discussed, this Department will make every effort to expedite the processing of this application.

Sincerely,

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

DRT:jg

Enclosure

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi (0.3 km) downstream from Island Park Dam, 0.2 mi (0.3 km) upstream from Buffalo River, 1 mi (1.6 km) southwest of Island Park Post Office, and at mile 91.5 (147.2 km).

DRAINAGE AREA.--481 mi² (1,246 km²). Mean altitude, 7,080 ft (2,160 m).

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft (1,897 m) from river-profile map. Prior to May 15, 1935, nonrecording gage at site about 0.8 mi (1.3 km) upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft (305 m) downstream at different datum.

REMARKS.--Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir (see sta 1304200). Diversions above station for irrigation of about 15,500 acres (6,270 hm²), 1966 determination; a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--46 years, 597 ft³/s (16.91 m³/s), 432,500 acre-ft/yr (534 hm³/yr).

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 2,770 ft³/s (78.4 m³/s) Apr. 26, 1946, gage height, 6.15 ft (1.875 m); minimum daily, 1 ft³/s (0.028 m³/s) Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 1,990 ft³/s (56.4 m³/s) July 19-20, gage height, 5.32 ft (1.622 m); minimum, 1.3 ft³/s (0.037 m³/s) July 18, gage height, 1.23 ft (0.375 m).

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1978 TO SEPTEMBER 1979
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	275	219	506	625	568	476	491	599	341	1430	1320	1510
2	277	222	491	606	607	476	486	599	342	1430	1300	1620
3	278	226	491	604	593	476	491	599	342	1430	1370	1590
4	275	218	496	626	610	476	486	654	347	1430	1450	1570
5	272	216	506	607	597	476	486	746	491	1490	1450	1560
6	268	217	501	624	614	486	486	751	695	1530	1450	1520
7	268	229	496	588	605	486	481	755	658	1540	1450	1480
8	271	227	500	586	607	488	476	808	560	1540	1440	1430
9	269	223	500	578	564	491	501	590	352	1540	1380	1360
10	267	226	500	596	508	495	570	837	347	1550	1250	1140
11	264	225	635	591	509	497	609	860	347	1690	1240	1060
12	259	211	635	588	528	493	609	878	356	1790	1250	991
13	251	210	636	620	505	496	609	878	460	1780	1110	877
14	251	208	630	701	496	501	609	884	531	1780	1040	907
15	251	207	640	651	501	501	609	884	531	1770	961	807
16	251	253	654	588	492	503	609	884	529	1640	959	913
17	248	450	673	588	471	502	609	884	526	1630	955	786
18	244	433	673	601	469	506	609	813	526	384	960	604
19	245	427	673	614	466	506	609	762	526	1890	961	506
20	246	432	673	617	466	507	609	756	526	1890	961	508
21	243	437	670	606	471	513	612	745	531	1570	955	498
22	240	432	668	600	471	506	599	678	531	1480	995	496
23	237	437	668	594	471	506	599	684	526	1420	1140	489
24	233	452	668	583	471	506	599	684	530	1370	1350	482
25	230	466	662	588	471	501	599	684	618	1210	1340	492
26	230	466	662	582	471	501	599	621	789	1590	1340	506
27	219	486	653	596	471	501	599	578	924	1210	1330	501
28	219	486	638	587	476	496	599	578	1140	1260	1310	557
29	219	476	615	595	---	496	599	573	1340	1310	1320	570
30	216	501	601	565	---	491	599	457	1410	1320	1480	556
31	216	---	606	562	---	491	---	338	---	1320	1510	---
TOTAL	7725	9918	18620	18657	14549	15346	17047	22041	17672	46219	38327	27886
MEAN	249	331	601	602	520	495	568	711	589	1491	1236	930
MAX	278	501	673	701	614	513	612	884	1410	1890	1510	1620
MIN	216	207	491	562	466	476	476	338	341	389	955	482
AC-FT	15320	19670	36930	37010	28860	30440	33810	43720	35050	91680	76020	55310

CAL YR 1978 TOTAL 187000 MEAN 512 MAX 1350 MIN 70 AC-FT 370900
WTR YR 1979 TOTAL 254007 MEAN 696 MAX 1890 MIN 207 AC-FT 503800

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi (0.3 km) downstream from Island Park Dam, 0.2 mi (0.3 km) upstream from Buffalo River, 1 mi (1.6 km) southwest of Island Park Post Office, and at mile 91.5 (147.2 km).

DRAINAGE AREA.--481 mi² (1,246 km²). Mean altitude, 7,080 ft (2,160 m).

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft (1,897 m) from river-profile map. Prior to May 15, 1935, nonrecording gage at site about 0.8 mi (1.3 km) upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft (305 m) downstream at different datum.

REMARKS.--Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir (see sta 1304200). Diversions above station for irrigation of about 15,500 acres (6,270 hm²), 1966 determination; a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--45 years, 595 ft³/s (16.85 m³/s), 431,100 acre-ft/yr (532 hm³/yr).

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 2,770 ft³/s (78.4 m³/s) Apr. 26, 1946, gage height, 6.15 ft (1.875 m); minimum daily, 1 ft³/s (0.028 m³/s) Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 1,350 ft³/s (38.2 m³/s) Aug. 5-7, gage height, 4.36 ft (1.329 m); minimum daily, 7.5 ft³/s (0.212 m³/s) Dec. 8, 9, 12, 16, 17.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1977 TO SEPTEMBER 1978
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	403	18	7.9	70	152	252	265	868	379	662	1320	696
2	298	7.9	7.9	70	149	252	267	876	388	658	1320	693
3	297	7.9	7.9	70	149	247	263	907	393	654	1330	700
4	300	7.9	7.9	70	149	242	263	969	393	662	1330	706
5	297	7.9	8.3	73	149	251	364	967	398	639	1340	705
6	233	7.9	8.3	73	146	252	442	1030	432	657	1350	708
7	156	7.9	8.3	70	146	252	442	1100	437	636	1330	714
8	156	7.9	7.5	73	146	252	443	1150	412	635	1240	713
9	159	7.9	7.5	112	146	252	451	1180	432	621	1240	611
10	159	7.9	8.3	139	146	248	497	1190	511	622	1230	534
11	159	7.9	8.3	139	146	248	539	1200	625	611	1220	490
12	166	7.9	7.5	136	146	248	547	1200	662	575	1230	456
13	162	7.9	8.3	139	146	244	547	1210	701	553	1210	298
14	139	7.9	9.4	143	150	244	556	1200	729	541	1160	228
15	124	7.9	8.3	143	152	244	568	1190	768	540	1150	190
16	124	7.9	7.5	139	152	245	578	1200	756	554	1150	189
17	130	7.9	7.5	139	149	248	589	1200	779	654	1150	194
18	136	7.9	8.3	143	149	251	612	1200	785	833	1150	193
19	130	7.9	49	143	149	253	636	1200	740	832	1140	193
20	133	7.9	67	143	149	255	636	1160	695	811	1140	191
21	139	7.9	103	139	149	256	636	1090	723	770	1110	262
22	136	7.9	115	139	149	255	636	973	712	804	996	304
23	130	7.9	139	143	149	255	641	773	668	1050	956	311
24	130	7.9	166	146	152	259	646	609	657	1160	808	302
25	124	7.9	162	143	156	255	646	531	673	1180	751	219
26	89	7.9	169	143	159	255	780	447	646	1140	752	283
27	78	7.9	127	143	224	257	866	412	652	1140	724	280
28	75	7.9	97	143	255	259	872	374	673	1140	698	279
29	75	7.9	92	143	---	259	872	374	674	1270	699	274
30	75	7.9	75	146	---	259	868	370	668	1350	695	275
31	67	---	67	150	---	263	---	374	---	1350	696	---
TOTAL	4975	247.1	1572.9	3805	4359	7812	16968	28526	18161	25304	33615	12187
MEAN	160	8.24	50.7	123	156	252	566	920	605	816	1084	406
MAX	403	18	169	150	255	263	872	1210	785	1350	1350	714
MIN	63	7.9	7.5	70	146	242	263	370	379	540	695	189
AC-FT	9870	490	3120	7550	8650	15500	33660	56580	36020	50190	66680	24170

CAL YR 1977 TOTAL 207075.0 MEAN 567 MAX 2170 MIN 7.5 AC-FT 410700
WTR YR 1978 TOTAL 157532.0 MEAN 432 MAX 1350 MIN 7.5 AC-FT 312500

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank 0.2 mi (0.3 km) downstream from Island Park Dam, 0.2 mi (0.3 km) upstream from Buffalo River, 1 mi (1.6 km) southwest of Island Park Post Office, and at mile 91.5 (147.2 km).

DRAINAGE AREA.--481 mi² (1,246 km²). Mean altitude, 7,080 ft (2,160 m).

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft or 1,897 m (from river-profile map). Prior to May 15, 1935, nonrecording gage at site about 0.8 mi (1.3 km) upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft (305 m) downstream at different datum.

REMARKS.--Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir (see sta 13042000). Diversions above station for irrigation of about 15,500 acres or 6,270 hm² (1966 determination); a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--44 years, 599 ft³/s (16.96 m³/s), 434,000 acre-ft/yr (535 hm³/yr).

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 2,770 ft³/s (78.4 m³/s) Apr. 26, 1946 (gage height, 6.15 ft or 1.875 m); minimum daily, 1 ft³/s (0.028 m³/s) Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 2,170 ft³/s (61.5 m³/s) Aug. 5 (gage height, 5.61 ft or 1.710 m); minimum, 7.5 ft³/s (0.212 m³/s) Oct. 9, Nov. 4, 5, 6 (gage height, 1.44 ft or 0.439 m).

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1976 TO SEPTEMBER 1977
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	650	9.4	517	417	293	177	438	524	705	1560	1560	739
2	657	8.3	520	413	280	176	437	531	677	1580	1720	728
3	657	8.3	518	401	280	176	435	528	671	1580	1900	732
4	652	7.8	516	398	280	176	433	523	660	1580	2090	803
5	495	7.5	509	398	284	176	435	510	643	1580	2170	921
6	248	7.5	516	398	280	172	444	530	669	1570	2160	937
7	37	8.3	513	398	280	172	461	584	675	1570	2130	920
8	9.0	9.1	514	398	280	172	502	580	667	1560	2110	887
9	13	8.8	511	398	280	176	578	566	651	1560	2100	833
10	16	9.4	511	399	275	187	631	556	655	1560	1950	776
11	15	135	511	407	275	172	630	623	653	1550	1850	756
12	16	459	516	380	275	182	617	625	655	1550	1710	740
13	16	518	459	335	276	214	619	591	648	1550	1520	733
14	16	509	426	338	252	252	670	566	633	1550	1510	730
15	15	506	427	343	233	282	687	554	648	1550	1500	651
16	15	501	427	347	211	306	681	546	702	1550	1480	546
17	17	499	427	342	197	309	707	566	913	1550	1330	500
18	15	496	425	342	193	276	696	571	1000	1550	1150	497
19	14	495	422	342	193	292	662	574	1000	1550	1010	504
20	13	488	422	342	193	319	628	595	1050	1530	894	509
21	12	481	427	342	193	340	602	591	1090	1550	904	515
22	11	476	425	347	190	359	582	577	1160	1540	939	518
23	11	493	422	347	190	375	570	586	1200	1540	932	539
24	11	506	422	347	190	393	560	631	1210	1550	926	511
25	11	507	422	347	181	410	557	656	1220	1540	948	489
26	9.4	503	416	329	172	408	557	688	1220	1530	831	497
27	9.4	499	417	319	172	416	548	768	1280	1540	824	498
28	9.4	496	417	319	174	425	546	740	1410	1530	971	491
29	8.3	494	415	315	---	425	538	688	1440	1480	967	496
30	8.8	513	412	313	---	412	526	656	1490	1220	957	518
31	9.4	---	412	315	---	415	---	712	---	1460	762	---
TOTAL	3696.7	9658.4	14214	11179	6572	8742	16977	18536	27295	47660	43805	19514
MEAN	119	322	459	361	235	282	566	598	910	1537	1413	650
MAX	657	518	520	417	293	425	707	768	1490	1580	2170	937
MIN	8.3	7.5	412	313	172	172	433	510	633	1220	762	489
AC-FT	7330	19160	28190	22170	13040	17340	33670	36770	54140	94530	86890	38710

CAL YR 1976 TOTAL 263744.1 MEAN 721 MAX 1920 MIN 7.5 AC-FT 523100
WTR YR 1977 TOTAL 227849.1 MEAN 624 MAX 2170 MIN 7.5 AC-FT 451900

13042500 HENRYS FORK NEAR ISLAND PARK, ID

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T.13 N., R.43 E., Fremont County, Hydrologic Unit 17040202, Targhee National Forest, on left bank, 0.2 mi (0.3 km) downstream from Island Park Dam, 0.2 mi (0.3 km) upstream from Buffalo River, 1 mi (1.6 km) southwest of Island Park Post Office, and at mile 92.9 (149.5 km).

DRAINAGE AREA.--481 mi² (1,246 km²). Mean altitude, 7,080 ft (2,160 m).

PERIOD OF RECORD.--January 1933 to current year.

REVISED RECORDS.--WSP 1217: Drainage area.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft or 1,897 m (from river-profile map). Prior to May 15, 1935, nonrecording gage at site about 0.8 mi (1.3 km) upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft (305 m) downstream at different datum.

REMARKS.--Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir (see sta 1304200). Diversions above station for irrigation of about 15,500 acres or 6,270 hm² (1966 determination); a considerable portion of which consists of partly subirrigated meadows.

AVERAGE DISCHARGE.--43 years, 598 ft³/s (16.94 m³/s), 433,300 acre-ft/yr (534 hm³/yr).

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 2,770 ft³/s (78.4 m³/s) Apr. 26, 1946 (gage height, 6.15 ft or 1.875 m); minimum daily, 1 ft³/s (0.028 m³/s) Nov. 16 to Dec. 7, 1938.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 1,940 ft³/s (55.9 m³/s) Aug. 1 (gage height, 5.35 ft or 1.631 m); minimum discharge, 1.3 ft³/s (0.037 m³/s) Aug. 5 (gage height, 1.33 ft or 0.405 m).

Rating table (gage height, in feet, and discharge, in cubic feet per second)
(Shifting-control method used May 16 to Sept. 30)

2.0	146	4.0	1,170
2.5	338	5.0	1,890
3.0	583	6.0	2,690

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1975 TO SEPTEMBER 1976
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	690	625	604	532	573	573	557	516	825	758	1660	985
2	690	625	604	528	578	662	557	516	862	750	1920	981
3	690	376	594	532	578	712	552	516	895	732	1920	985
4	684	162	588	528	584	701	552	512	928	726	1900	979
5	684	204	588	646	584	701	552	508	622	709	1190	975
6	682	505	583	680	583	701	552	506	313	699	1910	980
7	641	599	588	600	578	695	551	512	456	741	1530	888
8	641	609	578	642	578	695	547	483	559	739	1330	825
9	641	609	573	669	573	695	544	356	642	671	1330	825
10	641	614	568	669	578	690	542	310	693	642	1330	825
11	641	620	568	675	573	690	537	403	768	644	1370	821
12	646	620	568	675	573	690	536	452	859	647	1450	831
13	641	620	568	680	573	690	535	751	976	754	1470	898
14	641	620	568	676	573	690	536	926	1020	930	1460	938
15	641	620	552	680	574	688	536	1070	1030	1040	1460	932
16	641	614	552	680	573	692	531	1160	992	1100	1460	926
17	641	620	552	685	573	693	531	1170	1010	1360	1460	926
18	646	620	548	686	573	690	531	1290	1020	1500	1450	920
19	646	620	548	691	568	690	531	1540	997	1600	1450	914
20	641	614	553	691	562	690	529	1540	967	1640	1450	914
21	641	614	552	696	562	694	578	1540	955	1640	1440	908
22	646	614	553	696	562	698	538	1530	926	1640	1430	908
23	641	609	550	702	562	809	531	1540	940	1640	1130	896
24	497	609	553	702	562	866	526	1540	912	1650	1000	896
25	636	604	546	705	562	862	526	1540	875	1640	996	896
26	636	604	541	700	573	866	526	1540	825	1640	1000	896
27	636	604	538	702	578	755	526	1510	805	1640	992	890
28	636	599	543	702	573	576	521	1500	794	1630	981	740
29	630	599	543	707	573	568	521	1500	782	1720	988	662
30	636	599	542	617	---	562	516	1030	770	1780	987	662
31	625	---	533	574	---	562	---	880	---	1760	991	---
TOTAL	19949	17171	17439	20348	16609	21546	16148	30487	25018	36762	42635	26622
MEAN	643	572	562	656	572	695	538	983	833	1185	1375	887
MAX	690	625	604	707	584	866	578	1540	1030	1780	1920	985
MIN	497	162	533	528	562	562	516	310	313	642	981	662
AC-FT	39570	34060	34590	40360	32940	42740	32030	60470	49620	72920	84570	52800

CAL YR 1975 TOTAL 289576 MEAN 793 MAX 1660 MIN 162 AC-FT 574400
WTR YR 1976 TOTAL 290734 MEAN 794 MAX 1920 MIN 162 AC-FT 576700

13042500 Henrys Fork near Island Park, Idaho

LOCATION.--Lat 44°24'59", long 111°23'41", in SW¼SW¼ sec.28, T.13 N., R.43 E., Fremont County, Targhee National Forest, on left bank 0.2 mi (0.3 km) downstream from Island Park Dam, 0.2 mi (0.3 km) upstream from Buffalo River, 1 mi (1.6 km) southwest of Island Park Post Office, and at mile 92.9 (149.5 km).

DRAINAGE AREA.--481 sq mi (1,246 sq km). Mean altitude, 7,080 ft (2,160 m).

PERIOD OF RECORD.--January 1933 to current year.

GAGE.--Water-stage recorder. Altitude of gage is 6,225 ft (1,897 m) (from river-profile map). Prior to May 15, 1935, nonrecording gage at site about 0.8 mi (1.3 km) upstream at different datum. May 15 to Nov. 30, 1935, water-stage recorder at site 1,000 ft (305 m) downstream at different datum.

AVERAGE DISCHARGE.--41 years, 589 cfs (16.68 cu m/s), 426,700 acre-ft/yr (526 cu hm/yr); 15-year base period (1952-67), 590 cfs (16.71 cu m/s).

EXTREMES.--Current year: Maximum discharge, 1,750 cfs (49.6 cu m/s) June 7 (gage height, 4.71 ft or 1.436 m); minimum discharge, 33 cfs (0.935 cu m/s) Sept. 27 (gage height, 1.95 ft or 0.594 m).
Period of record: Maximum discharge, 2,770 cfs (78.4 cu m/s) Apr. 26, 1946 (gage height, 6.15 ft or 1.875 m); minimum daily, 1 cfs (0.028 cu m/s) Nov. 16 to Dec. 7, 1938.

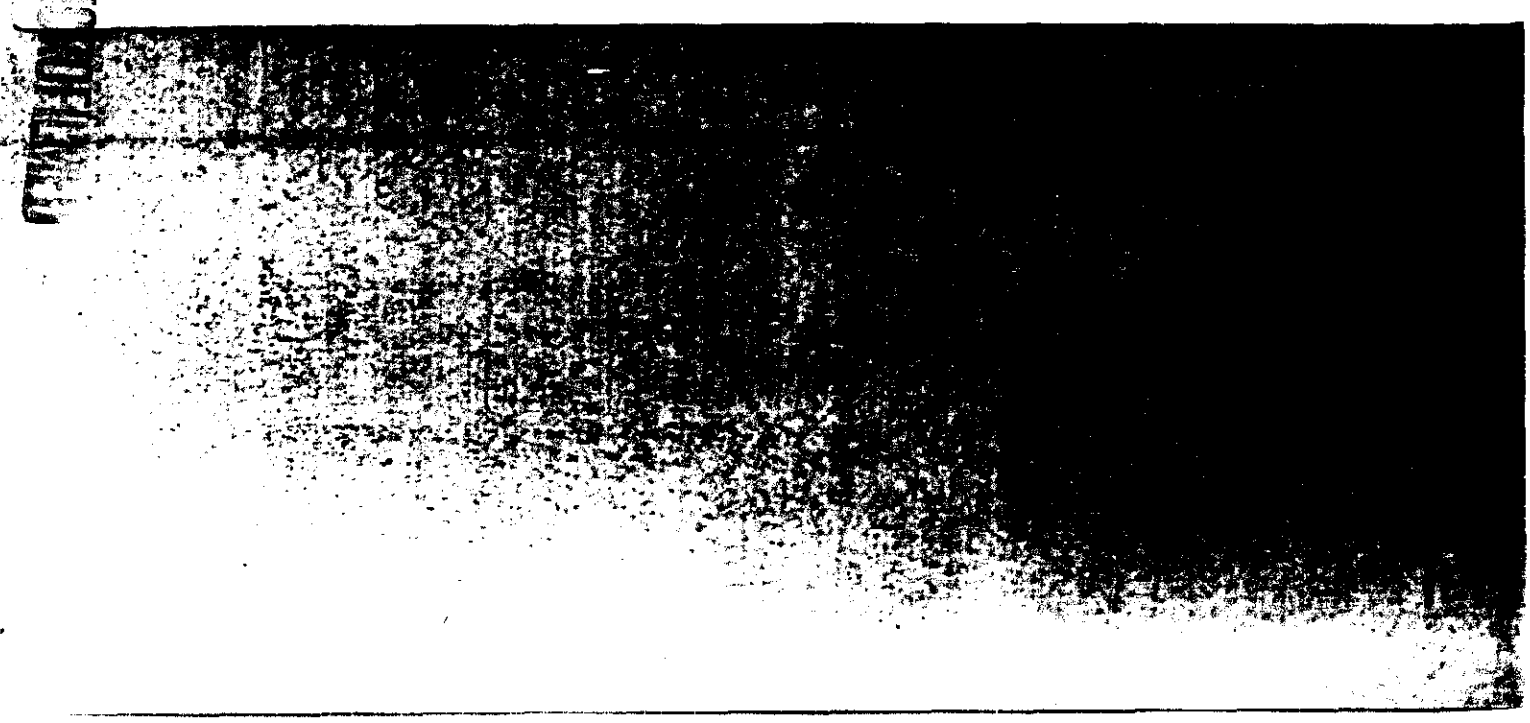
REMARKS.--Records good. Flow regulated by Henrys Lake (see sta 13039000) and Island Park Reservoir (see sta 13042000). Diversions above station for irrigation of about 15,500 acres or 6,270 sq hm (1966 determination); a considerable portion of which consists of partly subirrigated meadows.

REVISIONS.--WSP 1217: Drainage area.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1973 TO SEPTEMBER 1974

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	690	574	452	343	255	355	505	906	1,460	1,020	1,040	789
2	693	575	403	341	255	331	426	908	1,470	1,020	1,040	791
3	690	571	408	338	254	333	511	843	1,490	1,000	1,030	791
4	656	572	365	329	254	333	511	819	1,530	983	1,030	789
5	572	570	342	329	249	333	508	831	1,590	950	1,030	789
6	556	583	342	328	248	398	502	831	1,630	911	966	788
7	568	583	347	288	247	462	507	896	1,660	871	873	787
8	568	578	342	245	244	510	639	932	1,650	852	866	784
9	573	573	347	244	244	511	1,010	932	1,590	828	791	782
10	573	573	342	243	244	512	1,160	985	1,340	802	752	775
11	578	562	342	241	244	459	1,160	1,110	1,240	784	755	768
12	583	562	342	240	244	426	1,160	1,420	1,080	763	758	773
13	526	496	347	240	240	430	1,150	1,600	971	751	762	779
14	542	573	342	238	275	432	1,150	1,170	1,040	737	769	785
15	547	557	347	244	315	435	1,150	802	1,150	735	777	785
16	547	452	342	244	315	437	1,150	997	1,260	726	778	785
17	547	298	347	248	315	438	1,150	1,100	1,350	721	781	790
18	547	295	347	248	315	347	1,110	1,130	1,410	789	783	790
19	542	372	347	252	409	440	1,130	1,160	1,430	977	784	785
20	573	422	351	252	522	442	1,130	1,260	1,420	990	788	785
21	573	538	350	255	444	442	1,130	1,280	1,380	980	789	790
22	578	646	348	255	393	444	919	1,240	1,340	978	792	790
23	578	646	347	256	394	445	821	1,210	1,300	971	794	790
24	552	562	344	258	395	447	829	1,190	1,290	983	796	796
25	557	568	347	259	395	447	1,020	1,200	1,280	1,020	796	790
26	557	562	351	259	398	447	1,120	1,230	1,250	1,050	796	609
27	552	568	348	259	398	446	1,120	1,290	1,220	1,060	794	374
28	547	562	350	255	397	470	1,120	1,180	1,170	1,060	795	620
29	547	568	346	255	------	500	994	1,290	1,130	1,050	794	620
30	568	562	347	255	------	507	920	1,430	1,070	1,040	795	625
31	579	------	342	255	------	505	------	1,460	------	1,040	794	------
TOTAL	17,879	16,123	10,969	8,296	8,902	13,484	27,712	34,632	40,191	28,442	25,888	22,494
MEAN	577	537	354	268	318	435	924	1,117	1,340	917	835	750
MAX	693	646	452	343	522	512	1,160	1,600	1,660	1,060	1,040	796
MIN	526	295	342	238	240	331	426	802	971	721	752	374
AC-FT	35,460	31,980	21,760	16,460	17,660	26,750	54,970	68,690	79,720	56,410	51,350	44,620

CAL YR 1973 TOTAL 246,188 MEAN 674 MAX 1,520 MIN 86 AC-FT 488,300
WTR YR 1974 TOTAL 255,012 MEAN 699 MAX 1,660 MIN 238 AC-FT 505,800



UPPER MESA FALLS

This is an outline of the significance of Upper Mesa Falls in comparison with other waterfalls.

A waterfall is defined as a perpendicular or very steep descent of a stream of water. When large volumes of water descend the falls it is sometimes termed a "cataract" and low or gentle gradient is termed a "cascade". Turbulent white water areas of still gentler gradient are termed "rapids". There are no exact measures which separate cataracts, cascades, rapids and waterfalls.

Waterfalls are sometimes divided into types based on the process which formed the falls. These include (1) falls produced by a natural discordance in river profiles, (2) falls produced by differential erosion, and (3) falls produced by deposition of barriers or dams. Upper Mesa Falls can be included within the third type. It was formed as the result of the deposition of a lava plateau known as the Island Park Caldara.

In general waterfalls are compared by the height of falls. However, there is a tendency for falls of greater height to have smaller volumes of water flowing over them. The best comparison of waterfalls, therefore, is a combination of height and average discharge.

Upper Mesa Falls is listed as one of the major waterfalls of the world in Water Encyclopedia (1970). The falls is variously listed as 96 to 114 feetin height. A companion falls, named Lower Mesa Falls, is listed at 65 to 70 feet high. The variations is published

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heights may be due to variations in the method of measurement. The pair of falls are situated in a scenic gorge on the Henrys Fork of the Snake River in Fremont County, Idaho. The surrounding area is a forested landscape.

In comparison with other falls within 700 miles of Upper Mesa Falls, five stand out. These include Upper and Lower Yellowstone Falls and Tower Falls in Yellowstone National Park, and Shoshone and Twin Falls on the Snake River near Twin Falls, Idaho. All of the falls were formed by similar processes.

The heights of the falls have been published in the Water Encyclopedia (1970) as

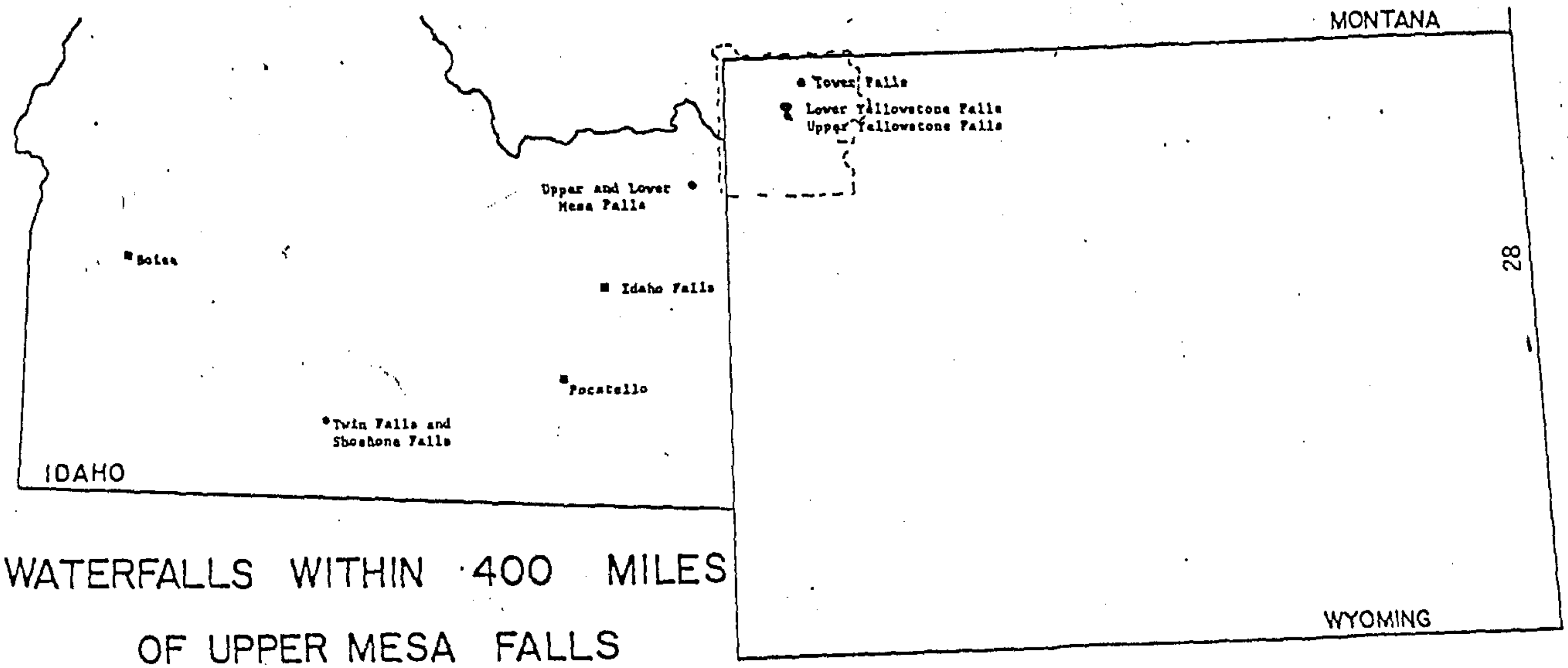
NAME	HEIGHT IN FEET
Lower Yellowstone	308
Shoshone	195
Tower	132
Twin Falls	125
Upper Yellowstone	109
Upper Mesa	96
Lower Mesa	70

This comparison of course does not tell the whole story. Both Shoshone and Twin Falls are either dry or reduced to a trickle of water during the summer with most of the water being diverted for irrigation. The volume of water flowing over Upper and Lower Mesa Falls averages somewhere between 600 and 1500 cubic feet per second. In comparison with other major world waterfalls, Upper

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Mesa Falls is small in terms of volume. In comparison with regional waterfalls, Upper Mesa Falls occupies the middle range of similar visual experiences. While volume figures are not available for Upper and Lower Yellowstone Falls they are clearly greater than Upper Mesa Falls. The volume of Upper Mesa Falls is greater than both Twin Falls and Shoshone Falls, having no up stream irrigation to divert the water supply. It is also greater in volume than Tower Falls which is located on a small tributary of the Yellowstone River.

Upper and Lower Yellowstone Falls, Tower Falls, and Upper and Lower Mesa Falls are situated in a forested environment. Twin Falls and Shoshone Falls are situated in a desert environment. The differences in volume and environment make the scenic experience of Twin Falls and Shoshone Falls distinct from the other falls considered in this outline.



WATERFALLS WITHIN 400 MILES
OF UPPER MESA FALLS

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A. Demographic Analysis

1. Population Centers in Primary Service Area

Area	Population
10-25 miles	
Ashton	1,187
26-50 miles	
St. Anthony	2,877
Rexburg	10,376
Driggs	968
51-100 miles	
Rigby	6,102
Jackson	5,410
Idaho Falls	38,073
Blackfoot	17,294
West Yellowstone	756
101-200 miles	
Pocatello	50,200
Livingston	6,883
Bozeman	18,670
Butte	23,368

2. Relative Driving Time to Urban Areas

One Hour	Three Hours	Five Hours
Ashton	Jackson	Bozeman
West Yellowstone	Idaho Falls	Ogden
St. Anthony	Blackfoot	Butte
Driggs	Pocatello	Livingston
Rexburg		
Rigby		

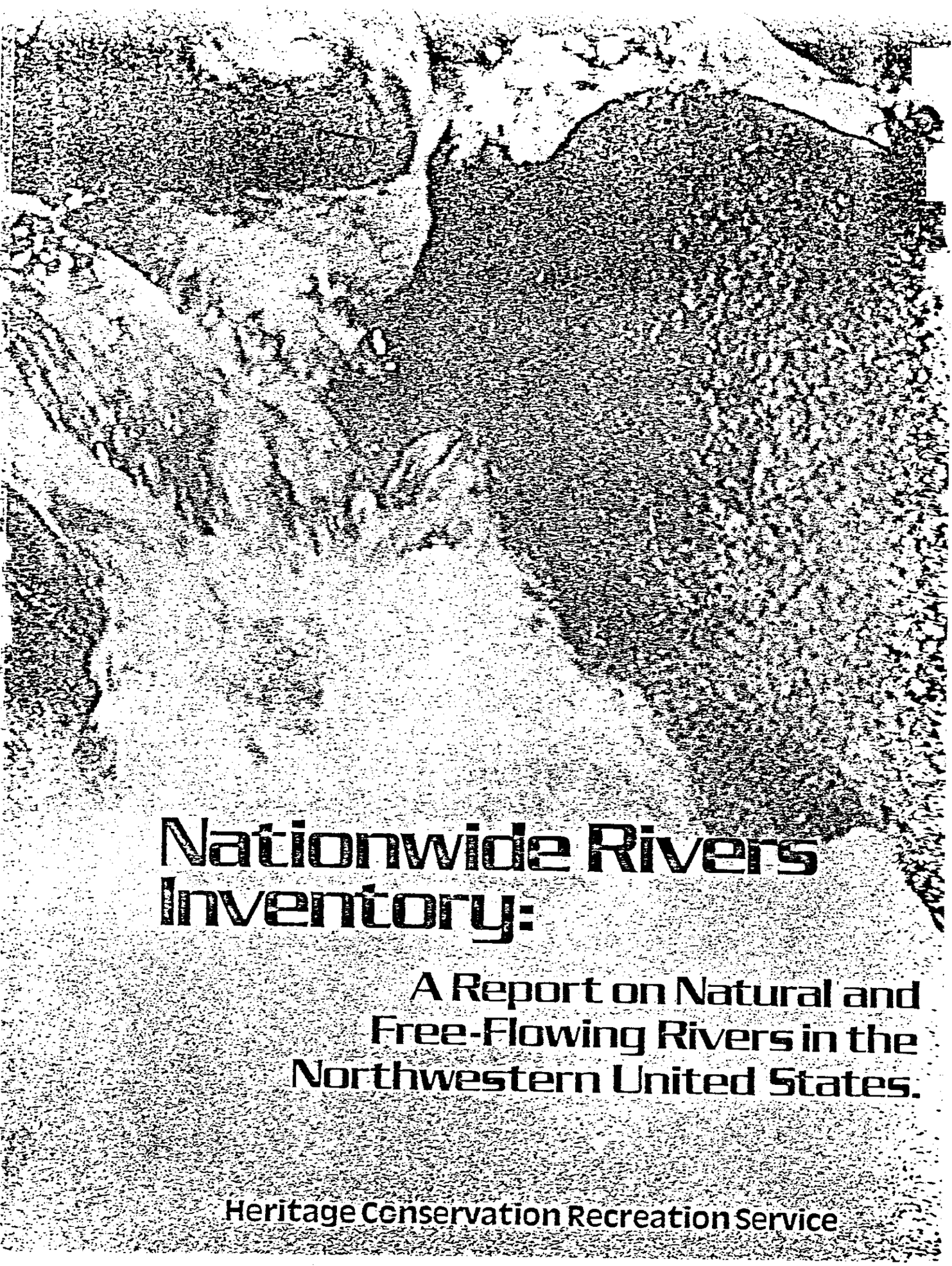
3. Transportation System

The primary transportation route serving Upper Mesa Falls composite is U.S. Highway 191 from the north and south. The immediate access is State Highway 47. The following is a list of daily traffic volumes for each of the highways:

U. S. Highway 191
June to August - 3,433

State Highway 47
June to August - 252
September to October 210

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Nationwide Rivers Inventory:

A Report on Natural and Free-Flowing Rivers in the Northwestern United States.

Heritage Conservation Recreation Service

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UNITED STATES
DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE
NORTHWEST REGION
915 SECOND AVENUE, RM. 990
SEATTLE, WASHINGTON 98174

(206) 442-4706

102-01a(2)
RES 1-1

SEP 16 1980

OPERATION
DEVELOPMENT
REC. ASSIST
COMP PLAN 13
FISCAL
FILE

Dale R. Christiansen, Director
Idaho Department of Parks and Recreation
Statehouse
Boise, ID 83720

Dear Dale:

We have completed the first phase of the nationwide rivers inventory in this region and have a report of our findings available for distribution. I'm enclosing an advance copy for your reference. Copies will be sent to federal and state agencies, conservation groups, and individuals in the next week.

In the Northwest more than 700 rivers - over 28,000 river miles - were examined during the first phase of the inventory. Resource data continue to be collected on many of these rivers. The effort has taken nearly two years and encompassed over 280,000 square miles in seven states. Hundreds of people helped and contributed important information in the completion of this study.

The inventory effort has identified 85 rivers or segments of rivers in Idaho, Oregon, Washington, and western Montana as having particularly significant resource values. These rivers, together with their immediate corridor environment, are some of the best riverine resources in the Northwest and can serve to focus our joint efforts toward a system of protected rivers.

I would like to confirm arrangements which have been coordinated with Bill Hagdorn of your staff for a meeting of state and federal agencies and conservation group leaders. We are planning to meet Tuesday, September 30, at 1:30 p.m. in the Department of Fish and Game meeting room, to present the results of the first phase of the inventory and discuss the implications for federal planning. We also plan to talk about the upcoming second phase of the inventory. Bill has agreed to invite the state agencies and the conservation groups. We will contact the appropriate federal agencies.

Thank you for your continued support and interest in the nationwide rivers inventory. As we continue to work together, we move closer to achieving our goal of conserving some of the Northwest's - and America's - exemplary rivers.

Sincerely,

Maurice H. Lundy
Regional Director

Enclosure

cc: (w/enclosure)
Bill Hagdorn

Introduction

The Heritage Conservation and Recreation Service (HCRS) has completed the first phase of a two phase effort to examine and inventory the Nation's river resources. This report, prepared by the Northwest Region of HCRS, presents the findings of the first phase of the inventory for the three state area of Washington, Oregon, and Idaho.

The total inventory effort is designed to identify those outstanding rivers and river segments still remaining in a relatively natural, undeveloped condition, which could serve as the principal elements of a nationwide system of protected rivers. These rivers, together with their immediate corridor environment, are some of the best riverine resources found in America.

In the Northwest more than 700 rivers were initially examined during the first phase, to determine the amount of development which had occurred either in or along the waterway. Of these, 85 were selected for further study, including aerial reconnaissance, to see if the overall resource qualities were so significant to warrant consideration of protective measures for conservation. The list of rivers incorporated in this report is the result of the inventory effort in the northwestern United States, and represents the best free flowing, relatively undeveloped stream segments in this region. The methodology used in selecting the stream segments for the list is explained later in this report.

In a broad sense, the nationwide rivers inventory will provide nationally consistent and readily available data on the Nation's free-flowing streams. The inventory, and the ongoing data collection which follows, will supply the Administration, Congress, States, and private interests with basic river data for their use in making informed decisions on a variety of river related issues; including preservation, recreation, zoning, water supply, irrigation, hydroelectric power, and flood control.

Specifically the inventory is intended to:

Provide baseline data on the condition and extent of our free-flowing river resources. The baseline information is necessary for a thorough assessment of the Nation's free-flowing rivers—how many remain, where are they located, and what is their present condition. In addition, the baseline data can be used to measure future losses of natural, free-flowing river resources.

Provide a basis for recommending additional rivers to Congress for full study authorization under the Wild and Scenic Rivers Act. An objective and systematic nomination process would insure that the Nation's best rivers, representing a diversity of river types, are considered for inclusion within the National Rivers System.

Provide a basis for recommending additions to the list of "potential wild and scenic rivers" under section 5(d) of the Act. There have been no changes to the original list of 42 potential rivers since it was prepared in 1970. The inventory provides a logical, objective tool for recommending additional rivers.

Provide rivers information for water resource studies by Federal water development and license issuing agencies. Proponents of water development proposals frequently do not know the environmental or recreational significance of a specific free-flowing river. By highlighting the most significant rivers, the inventory can indicate potential environmental conflicts early in the planning process. The data is also useful in formulating alternative uses of water and related land resources.

Assist State and local agencies and citizen groups in promoting appropriate river protection measures. State agencies may use the inventory list as a first cut in selecting rivers for state river systems or for other state acquisition or protective measures. Local agencies and citizen groups can use the inventory information to bring into perspective the state or national significance of a specific river in their locality. Appropriate Federal or State agencies may wish to provide preservation assistance to local jurisdictions along identified rivers.

Identify those rivers subject to the provisions and policies in the President's 1979 Environmental Message and his subsequent directive to Federal agencies. In his 1979 Environmental Message, President Carter directed that:

> *federal land management agencies shall assess whether rivers located on their lands and identified in the National Inventory prepared by the Heritage Conservation and Recreation Service are suitable for inclusion in the Wild and Scenic Rivers System; if so, these agencies shall take prompt action to protect the rivers—either by preparing recommendations for their designation or by taking immediate action to protect them;*
>
> *all Federal agencies shall avoid or mitigate adverse effects on rivers identified in the National Inventory...*

The Environmental Message directive applies specifically to those rivers listed in Table I of this report. The publishing of this list of natural and free-flowing streams does not preclude the addition or deletion of rivers at a later date. A second phase of the inventory will be directed toward further refinement of the list.

AUTHORITY

The Congress, in passing the National Wild and Scenic Rivers Act, directed the Secretaries of Agriculture and Interior to:

> *make specific studies and investigations to determine which additional wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved. (P.L. 90-542, Section 5(d))*

This inventory is intended to in part discharge the responsibilities of the Department of the Interior, in response to the mandate of Congress in the Act.

The inventory is also responsive to President Carter's commitment to completing the inventory, when he stated in his 1977 Environmental Message that:

> *we must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks.*

and in his 1979 Environmental Message that:

> *we need to speed up the process for studying Wild and Scenic Rivers for designation and to consider the protection of rivers or parts of rivers which can protect important natural ecosystems. Moreover, the Federal government should set an example of sound management for state, local and private landowners by taking an aggressive role in protecting possible Wild and Scenic Rivers which flow through our public lands.*

SCOPE

There are two distinct sets of natural resource criteria to be evaluated in an inventory such as this:

- the degree to which the river and corridor remain undeveloped, and
- the outstanding characteristics which make up the riverine environment.

Because there are these two distinct groups, based on degree of naturalness and outstanding features, the nationwide rivers inventory is divided into two phases. The first phase identifies the highest quality free-flowing rivers that are, overall, still in their essentially natural condition. These are rivers that meet the general criteria of the wild and scenic classifications under the National Wild and Scenic Rivers Act. The second phase will place less emphasis on the overall natural quality (undevelopedness) of rivers, but will focus on the singular superlative qualities that make a particular river noteworthy, such as an outstanding fishery or example of a unique geologic feature. Rivers identified as significant during the second phase will meet, at a minimum, the general criteria of the recreational river classification of the national Act.

The first phase of the inventory was completed in the eastern States prior to its beginnings in the West. With some minor exceptions, the western inventory was based on methods developed during the earlier studies.

The western regional inventory, initiated in January, 1979, is based on the physiographic province concept discussed in Methodology. Assignments of regional areas of responsibility are shown in Figure 1. This report discusses those areas inventoried by the Northwest Regional Office and those portions of Oregon and Idaho which were inventoried by other regional offices of HCRS.

Based on the experience of earlier inventories, it is expected that eventually 20-25% of the regions river miles will be identified as particularly significant. The nationwide rivers inventory is an ongoing effort to collect extensive data, including color videotape records, on each of these rivers.

Nationwide Rivers Inventory List

PHASE I

Northwest Region

The attached listing, Table I, shows those rivers or river segments which have been identified as significant resources. The tables are organized according to physiographic province boundaries. Only those rivers located in Idaho and Oregon are included on this list for provinces 18 and 22a. A full listing of rivers in those provinces may be obtained from the regional office responsible for the study in that area (See figure 1). Counties and Federal agency areas through which the rivers flow are indicated. Federal ownership is indicated whenever there are Federal lands along the river. In most cases, ownership along the rivers is a combination of Federal, State, and private. Spatial descriptions are generally indicated from upstream to downstream locations. Where two or more rivers, forks, or segments form a connected system, they are shown as one listing, e.g., Nooksack River, province 23.

Table 2 provides a cross-reference listing of rivers based on State boundaries. A full listing of information on the rivers is found under each physiographic province associated with the river.

UNIVERSITY OF IDAHO

NATIONWIDE RIVERS INVENTORY LIST, NATURAL AND FREE-FLOWING RIVERS NORTHWEST REGION

River Name	Province & Section	State	County(ies)	Land Agency
PROVINCE 19				
Henrys Fork	19 (20d)	ID	Fremont	USFS
Jefferson River	19	MT	Silverbow	—
Kelly Creek	19	ID	Clearwater	USFS
Kettle River	19	WA	Ferry Stevens	USFS
Little North Fork Clearwater River	19	ID	Clearwater Shoshone	USFS BLM
Madison River	19	MT	Gallatin Madison	USFS
North Fork Clearwater River	19	ID	Clearwater Shoshone	USFS
North Fork Coeur d' Alene River	19	ID	Shoshone	USFS
North Fork Payette River	19	ID	Boise	USFS
Payette River and South Fork	19 (20c)	ID	Boise	USFS BLM
Salmon River	19	ID	Custer Lemhi	USFS BLM

Spatial Description	Mileage	Notable Features
From Henrys Lake downstream to the confluence of the Warm R., except Island Park Reservoir	49	Undeveloped river downcutting through basalt, creating interesting geologic features, including 3 major waterfalls in the lower canyon portion; wildlife habitat; white water boating, primarily canoeing. * Upper & Lower Mesa Falls
From the confluence of Big Hole R. downstream to RM 36	32	
From its source downstream to the confluence with the North Fork Clearwater River	31	Wilderness stream flowing through a variety of terrain, including meadows and small canyons. Clear, swift water; good fish and wildlife habitat. *
Entire Washington portion	54	Gently meandering stream flowing through historical mining region. Good scenic values and sufficient year round flow and grade for premier canoeing and floating opportunities.
From its source downstream to slack water at Dworshak Reservoir	33	Youthful, swift wilderness stream with ample clear water. Exceptional scenic value and interesting geologic outcrops. Native cutthroat/mountain whitefish fishery; wintering area for big game and eagles. *
From Hebgen Dam downstream to the head of Ennis Lake; and from the Madison Powerhouse downstream to the three forks confluence at the Missouri River	87	
From its source downstream to slack water at Dworshak Reservoir	78	Long, clear, high flow, swift river, with little non-road development, considerable recreation use and scenic quality. *
From its source downstream to the confluence with the mainstem	35	Swift, pristine river flowing through heavily forested region, sustains considerable wildlife.
From McCall, ID downstream to slack water at Cascade Reservoir and from Cascade Dam downstream to the confluence with the mainstem	52	Stellar example of continuous white water in a moderately sized canyon, river supplies expert kayaking opportunities as well as considerable scenic qualities. Upper portion meanders through wide flood plain.*
The South Fork from the boundary of the Sawtooth Wilderness Area downstream to the confluence with the Middle Fork; and then the mainstem downstream to the confluence with the North Fork	54	Substantial quantities of recreational boating and fishing; scenic canyons interspersed with wider valley. Rises in Sawtooth Wilderness Area.*
From its source downstream to North Fork, ID, except that part through Salmon, ID	177	Long, high flow river with a variety of topographic settings. Supports recreational boating and fishing.*

* Denotes Idaho River designated jointly by U.S. Fish & Wildlife Service, EPA, and Idaho Fish & Game as "highest-valued fishery resource"

NATIONWIDE RIVERS INVENTORY LIST, BY STATE

IDAHO

RIVER	PROVINCE/SECTION
Big Creek	19
Blackfoot R.	18, 22a
Boise R. and North Fork	19
East Fork Salmon R.	19
Falls R.	18
Henrys Fork	19, 20d
Kelly Creek	19
Little North Fork Clearwater R.	19
North Fork Clearwater R.	19
North Fork Coeur d' Alene R.	19
North Fork Payette R.	19
Payette R. and South Fork	19, 20c
Salmon R.	19
Snake R.	18
Snake R.	18, 20d
South Fork Boise R.	19
South Fork Salmon R.	19
South Fork Owyhee R.	20c, 22a

MONTANA

RIVER	PROVINCE/SECTION
Beaverhead R.	19
Big Hole R.	19
Blackfoot R.	19
Flathead R.	19
Jefferson R.	19
Madison R.	19
Wise R.	19

IDAHO

outdoor recreation plan

1982



MAIL ADDRESS: STATEHOUSE
OFFICE: 2200 WARM SPRINGS
PHONE (208) 384-2264
BOISE, ID 83720

Fisheries

The combination of high mountain lakes, the major big lakes in north Idaho, numerous man-made lowland lakes and a tremendous network of streams and rivers contributes to a wide variety of fish habitat. Even though development for other uses has resulted in a loss and deterioration of habitat, a significant fishery resource is still available.

During the drought experienced in 1977, fishermen were both delighted that it would mean the largest harvest ever, while at the same time, being saddened because of unavoidable fish kills and other anomalies brought about by the change in climate. The impact the drought has had on the resource won't be fully understood for several seasons.

Principal problems in utilizing the resource for natural reproduction is loss of habitat due to dewatering of streams or fluctuating reservoirs. In recent years, public opinion polls in Idaho demonstrated there is great public concern for maintenance and protection of fish and wildlife resources. Principally, flows are required for fish, however there are some upland game and wildlife that require instream flows to protect their use of stream resources during critical periods in life cycles.

ANADROMOUS FISH

Anadromous fish runs in Idaho have been limited by dam construction to part of the Clearwater River drainage, the Salmon River drainage, and the Snake River up to Hells Canyon Dam. The salmon and steelhead migrating to this area encounter many problems including the passage downstream over dams, the commercial fishery of Oregon and Washington in the Pacific Ocean and lower Columbia River, and the sport fishery in the states of Oregon and Washington. The Snake River once supported a productive sturgeon fishery from Shoshone Falls downstream to its confluence with the Columbia River. Following the construction of major dams throughout the Columbia system, and C.J. Strike, Oxbow, Brownlee, and Hells Canyon dams on the Snake River in the 1960's, the sturgeon population declined drastically since curtailment of its migratory habits seriously affects its reproductive cycle. Today, only a very small population of sturgeon remain land-locked above Hells Canyon Dam, while its last remaining stronghold lies in a stretch of the Snake River below the dam and a portion of the lower Salmon River.

The anadromous fishery resource is important economically and provides an attraction to tourists and fishermen. The Idaho Fish and Game Department closed the sport season to Idaho fishermen for salmon during the 1975 season due principally to the low number of returning adult fish. Biologists are optimistic that a downstream passage problem over dams is near solution, and Idaho can expect larger and more stable return in the near future. Resource maintenance flow estimates for anadromous fish in Idaho are limited to the Snake River and releases from Hells Canyon Dam.

Because of more natural streamflow conditions, the Salmon and Clearwater rivers will probably sustain natural propagation whereas the Middle Snake flows will require artificial propagation. Mitigation of fishery losses on the Lower Snake River were authorized in 1976. The principal features of the mitigation plan are oriented to reestablishing viable anadromous fish runs into Idaho. The plan provides $58 million for 4 new hatcheries to return to Idaho 48,000 spring and summer Chinook Salmon. Also the hatcheries will provide for returning 41,000 summer Steelhead to the Clearwater and Salmon River Basin

STREAM CLASSIFICATION

A 1966 inventory of Idaho fishing waters identified 11,946 miles of streams and rivers as possessing significant fishing values, rating them from Class I (most desirable) through Class IV (least desirable). An additional 3,722 miles of streams were not classified. Of the

total 15,718 miles, 34 percent (5,227 miles) was rated Class I, approximately 10 percent (1,499 miles) was rated Class II, 21 percent (3,300 miles) was Class III, and 12 percent (1,820 miles) was rated Class IV. The most important streams and rivers are shown on Figure 8.

These four classes of streams were established through the use of rating factors for aesthetics, availability, use, productivity, and size. Special consideration was given to unique or endangered species, anadromous fish, vital spawning areas, stream potentials, and enhancement possibilities. Reclassification of these streams is underway, the results of which shall be made known shortly.

Wildlife

Many big game animals roam Idaho's mountainous back country. Those found here include the Rocky Mountain goat, Rocky Mountain bighorn sheep, California bighorn sheep, moose, elk, western whitetailed deer, mule deer, black bear, grizzly bear, mountain lion, woodland caribou, pronghorn antelope and bison.

Upland game bird species found in Idaho include the ringneck pheasant, Hungarian and chukar partridge, valley bobwhite, Gambel's and mountain quail, blue, ruffled, spruce sage and sharp-tailed grouse, mourning dove and Merriam's wild turkey.

During the fall, migration of ducks and geese provide enjoyment for hunters who prefer waterfowl. Waterfowl found within the state are the Canada, snow and Ross' geese. Puddle ducks include mallard, widgeon, gadwalls, shoveler, green-winged teal, blue-winged teal, cinnamon teal, pintail and wood ducks. Diving ducks include canvasback, redhead, common goldeneye, bufflehead, scamp and ruddy duck. Fish ducks include the common merganser, hooded merganser and redbreasted merganser. Wilson's snipe and American coot are also classed as waterfowl. Both whistling and trumpeter swan are found in Idaho, but not hunted.

Furbearing animals include marten, fisher, mink, otter, beaver and muskrat.

Wildlife habitat, which includes portions of all of the state's water, forest, range, and cropland areas, varies considerably in type, quality, and amount. (See Figure 9.) Although statistics on habitat types are not available, fish and wildlife agencies believe that there are critical shortages of winter range in many areas for deer, elk and other big game.

Non-game species involving fish, birds and animals will benefit from the proper protection of the habitat for game species.

Other kinds of wildlife habitat are more abundant, but in many cases the quality has declined. Fish habitat provided by lakes and reservoirs is ample, although the quality varies. Summer range for deer and elk, the principal big game species, is ample in relation to winter range. Upland game habitat, occurring mostly on farm and range lands, is diminishing, but the supply is not yet critical. The state's many marshes, shallow lakes, and streams provide waterfowl habitat important for wintering nesting, and resting during migrations. Almost all of the lands supporting vegetation provide habitat for some type of wildlife.

During the month of July, 1977, the Idaho Fish and Game Department completed its proposed draft on the "Classification and Protection of Wildlife." After the proposal was ammended, it received official recognition. The results of the new classification can be seen in appendix C.

All species of wildlife, including nongame as well as game species, contribute to public interest in our state because they provide opportunity for wildlife

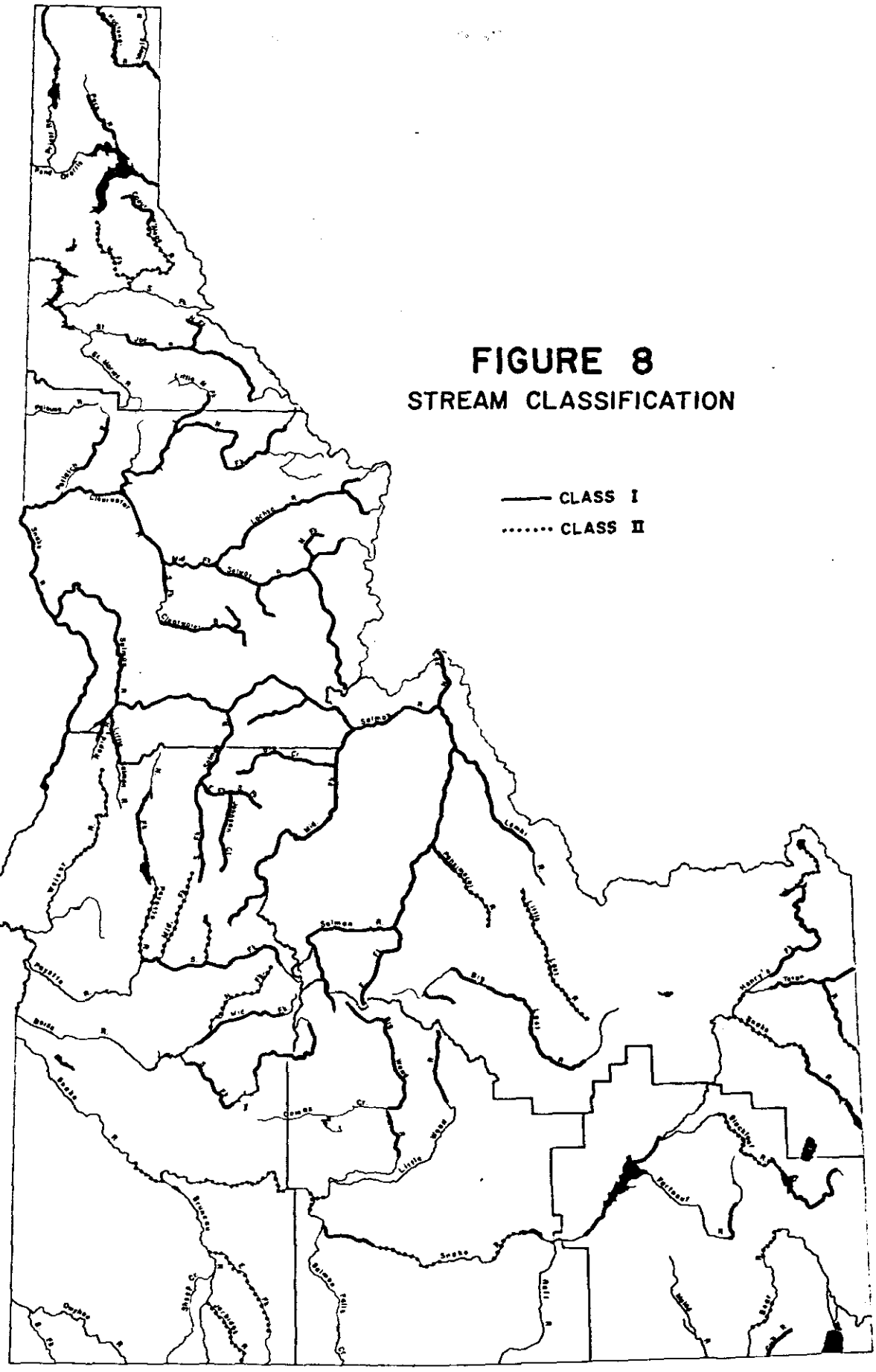


FIGURE 8
STREAM CLASSIFICATION

—— CLASS I

····· CLASS II

BIRDS OF PREY

Although not a designated recreation area, the Snake River Birds of Prey Natural Area has attracted the gaze of an international audience.

Established in 1971 by the Secretary of the Interior, this natural area protects eagles, hawks, falcons, owls, ospreys, and vultures, collectively known as raptors, or birds of prey.

A myriad of rocky ledges and pinnacles annually attract more nesting raptors than any other known location of similar size in North America. Fourteen different species of these aerial hunters have been sighted in the Natural Area, golden eagles and prairie falcons being the most abundant. An estimated six to ten percent of North America's total known nesting population of prairie falcons is found in or adjacent to the Natural Area.

WILDERNESS AND PRIMITIVE AREAS

Wilderness, as defined in the 1964 National Wilderness Act, is recognized as an area where ...the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." An area of wilderness is further defined to mean in this Act an area of undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acreas of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic or historic value..."

As a part of the 1964 legislation, two wilderness and two primitive areas were established in our national forests in the State of Idaho. Both the Sawtooth and the Selway-Bitteroot Wilderness Areas were created and at the same time the Idaho and the Salmon River Breaks Primitive Areas were designated. Only recently, the Hells Canyon National Wilderness Area was established which has increased the number of wilderness experiences available to recreationists. (See Figure 12). These areas have had a significant impact on Idaho's recreation patterns and economy. Their recognition the world over as a beautifully unspoiled wilderness environment challenges man to enjoy nature on nature's terms.

In addition to those areas already designated, all federal land managing agencies are reviewing their roadless lands and potential wilderness areas for future land management proposals. The Forest Service has termed this study RARE I (Roadless Area Review and Evaluation) and are currently preparing another study, RARE II, which will be coming out for public review in the near future. A summary of the RARE I study can be seen on Table 3-11, and their geographical location within the state in Figure 13 . The actual figures are subject to correction pending the RARE II inventory.

WILD, SCENIC, AND RECREATION RIVERS

There are a myriad of recreational experiences awaiting those who float the internationally known rivers in the State of Idaho. The unique and natural features which surround these waterways reward recreationists with the sounds of nature, wildlife in its natural condition, vegetation of differing associations and the wonder of mountain rivers.

In recent years, impoundments and diversions of water have increased the number of surface water and decreased the number of free-flowing waterways. These waters are being utilized for irrigation, municipal and industrial use. For these reasons, it is of utmost importance that

studies, inventories, and analysis be undertaken to identify the roles of specific waterways.

In a national effort to evaluate free flowing streams and rivers, Congress enacted the Wild and Scenic Rivers Act (PL-542) in 1968 which set aside rivers that possess outstanding scenic, recreation, historic, cultural, or other similar values in their natural free flowing condition. The Act further provided for the classification of streams and rivers taking into account physical and aesthetic characteristics of the water body. (See Figure 14)

River Classification Systems

Wild Rivers

Those rivers or sections of rivers free of impoundment and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and water unpolluted.

Scenic Rivers

Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreation Rivers

Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

These classifications are intended to help states assure protection of lands adjoining the rivers. Based upon the natural or man-made qualities that are inherent in the river's classification in one of the categories, intrusion of contradictory land uses would be avoided. The federal legislation also envisioned statewide river protection systems that would complement the nationwide system.

The Wild and Scenic River Act of 1968 designated eight rivers around the country as being Wild and Scenic Rivers. Significantly, two of those original eight are here in Idaho. The Middle Fork of the Clearwater and the Middle Fork of the Salmon are now official Wild and Scenic Rivers. In 1975, the entire Rapid River and the Snake from Hells Canyon Dam to a point near the Washington, Oregon, Idaho border, also received the designation.

Along with these rivers, others were designated as study rivers. Those cited are the Bruneau, Moyie, Priest, St. Joe, Salmon, Owyhee, and the Snake up to the Oregon border.

The Henry's Fork of the Snake from Big Springs to its confluence with Warm River is as a potential study river and may or may not be included into the National system.

In the interest both of protecting the river resources, and providing recreation opportunities for the public of the state, the following rivers are being recommended for potential study: the South Fork of the Snake, Big Creek, Little North Fork of the Clearwater, North Fork of the Coeur d' Alene, South Fork of the Boise, and the North Fork of the Payette.

Although the State of Idaho has not designated any waterways under a state classification, the following rivers are recommended for study by appropriate state agencies. Through the efforts of such a study, a statewide waterways classification system may become a reality. (Fig. 15)

Big Lost
Boise (main, North and Middle Forks)
Big Wood
Little Wood
Kootenai
Palouse
St. Joe (North Fork)
St. Maries
Coeur d' Alene (main)
Salmon (Little Salmon, Lemhi, North Fork, main from North Fork to head-

FIGURE 14

WILD AND SCENIC RIVERS

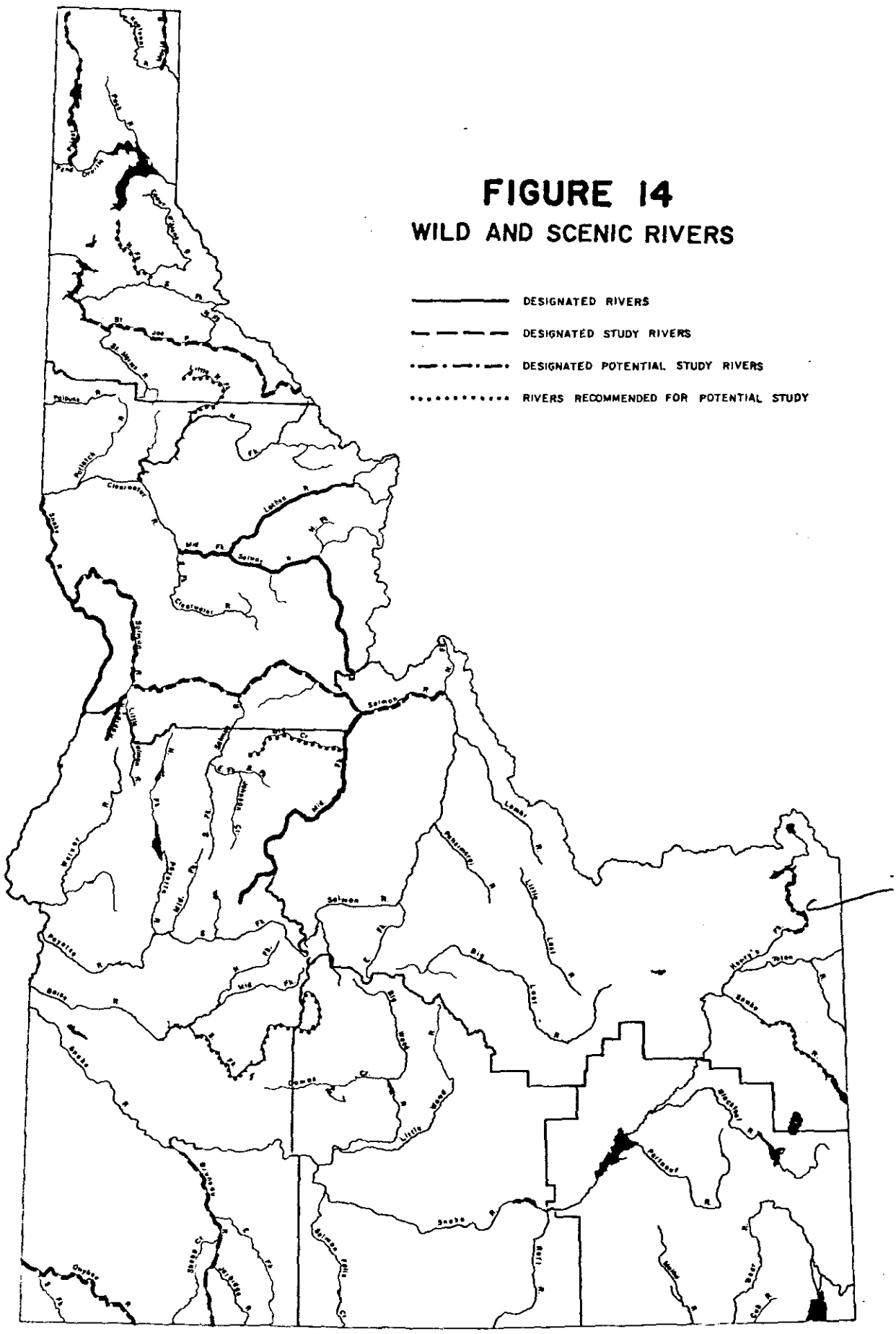


FIGURE 15
POTENTIAL STATE RIVERS

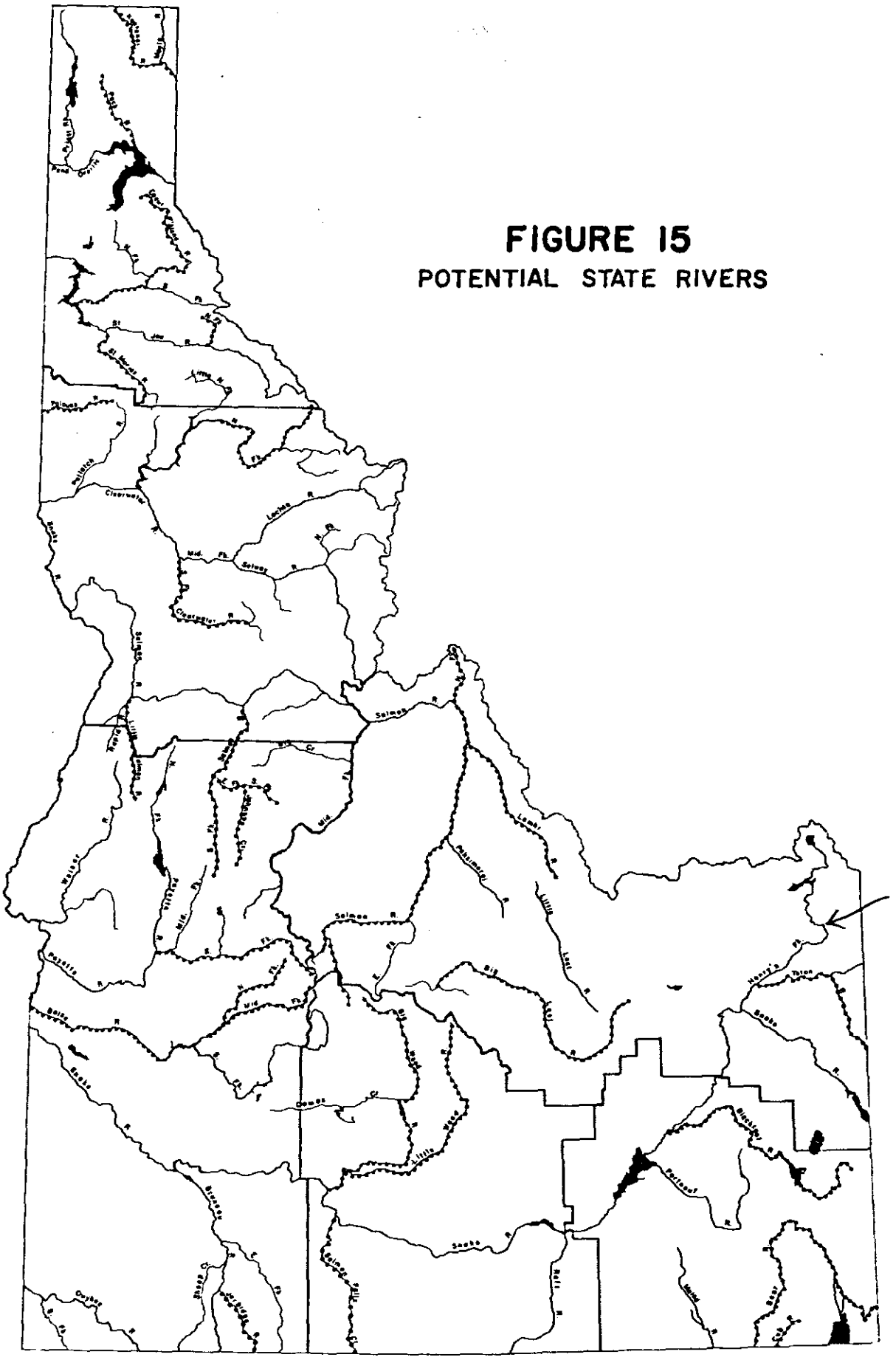


TABLE 5-4
Continued

Resources	County	Agency Responsibility	Action
IV. SPRINGS REGION			
Devils Corral & Vineyard Lakes	Twin Falls	BLM	Environmental Protection & Natural Area
1,000 Springs, Box Canyon, Crystal & Banbury Springs	Gooding	BLM/IDPR/NPS	Environmental Protection & Natural Area
Salmon Falls	Twin Falls	BLM	Designate Natural Area
Hagerman Horse Quarry	Gooding	NPS	National Monument
Silver Creek	Blaine	F & G/Private	Environmental Protection
Great National Rift	Power	NPS/BLM	Environmental Protection
City of Rocks & Granite Pass	Cassia	NPS	National Monument
Twin Falls/Rogerson/Wells R.R. Abandonment	Twin Falls	County	Multiple Use Recreation Trail
Shoshone Ice Caves	Lincoln	BLM	Natural Area
Ketchum/Richfield/Shoshone R.R. Abandonment	Blaine, Lincoln	Counties	Multiple Use Recreation Trail
V. HIGH PLAINS			
Blackfoot River	Bingham	BLM/USFS	Wild and Scenic River
Blackfoot/Iona R.R. Abandonment	Bingham (Bonneville)	Counties	Linear Recreation Trail
VI. LOST RIVERS			
Snake River (S. Fork)	Bonneville	USFS	Wild & Scenic River
Henry's Fork of the Snake	Fremont	USFS	Wild & Scenic River
Upper/Lower Mesa Falls	Fremont	USFS	Environmental Protection & Natural Area
White Clouds/Boulder & Pioneer Areas	Blaine, Custer	USFS	Environmental Protection & Wilderness Study
St. Anthony Sand Dunes	Fremont	BLM	Environmental Protection, Title VI
Menan/Rexburg R.R. Abandonment	Madison	County	Linear Recreation Trail
Ashton/Island Park/West Yellowston R.R. Abandonment	Fremont	IPRD/USFS	Linear Recreation Trail
MULTI-REGION			
Oregon Trail (Segments)	Canyon, Ada, Elmore Twin Falls, Owyhee, Cassia, Power, Bingham, Bannock, Caribou, Bear Lake	BLM/IPRD/County	Environmental Protection
Lewis & Clark Trail (Segments)	Nez Perce, Clearwater Idaho, Lemhi	USFS	National Historical Trail
Nee-me-poo Trail	Idaho, Clearwater, Lemhi, Clark, Jefferson, Fremont, Cassia	USFS	National Historical/Recreational Trail
California Trail	Cassia	BLM	National Historical Trail
Desert Trail (proposed)	Owyhee, Twin Falls, Gooding, Lincoln, Blaine, Butte, Clark	BLM	National Recreational Trail
Nez Perce Trail	Idaho, Lemhi	USFS/BLM	National Recreational Trail
Salmon River	Custer, Lemhi, Idaho	USFS/BLM	Wild & Scenic River
Snake River Greenway	Adjacent river Counties	Fed/State/Local	Environmental Protection & Management
Back Country (roadless & essentially roadless areas)	Random Counties	Fed/State	Co-ordination