Accepted b

Sec. 27. 565.28. Sec. 26. 640 Sec. 25. 640

Auxiliary Base Line West

Sec. 34. 125.90 Sec. 35. Sec. 36.

North boundary Coeur d'Alene Indian Res.

CABIN

BISHOP

CANOE FALLS

True Meridian.

RESERVATION

Q q R r S s T

Acres 8730.73.

Surveyed	Mean Declination
Nov. 1-1891	
to 11-1892.	21° 25' E.
" "	
" "	

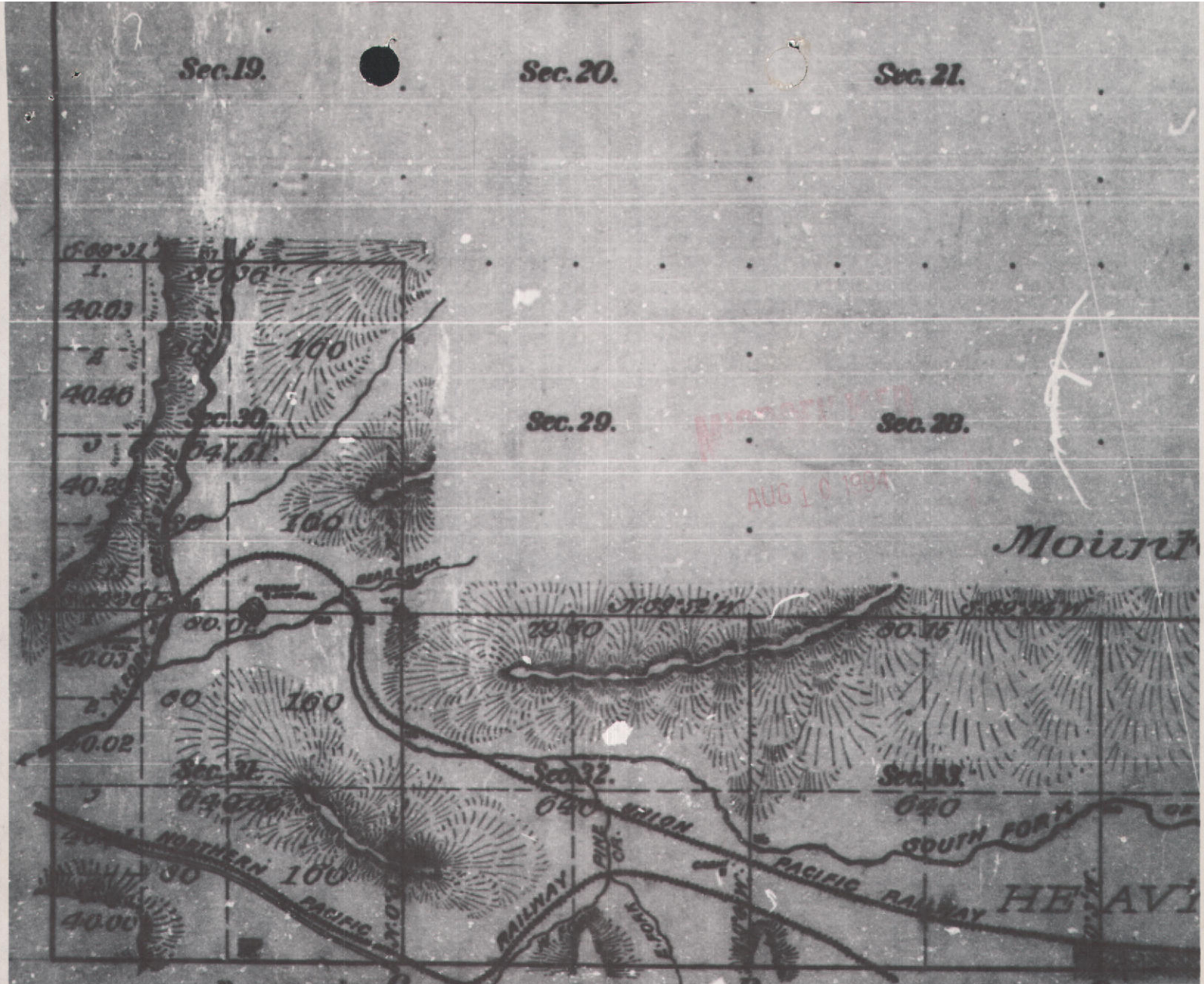
Scale 40 Chains to an Inch.

The above Map of Township No. 48 North, of Range No. 4 E. Boise Meridian. Idaho, is strictly conformable to notes of the survey thereof on file in this Office, which have been examined.

Surveyor Generals Office.
Boise City, Idaho
February 23.-1893.

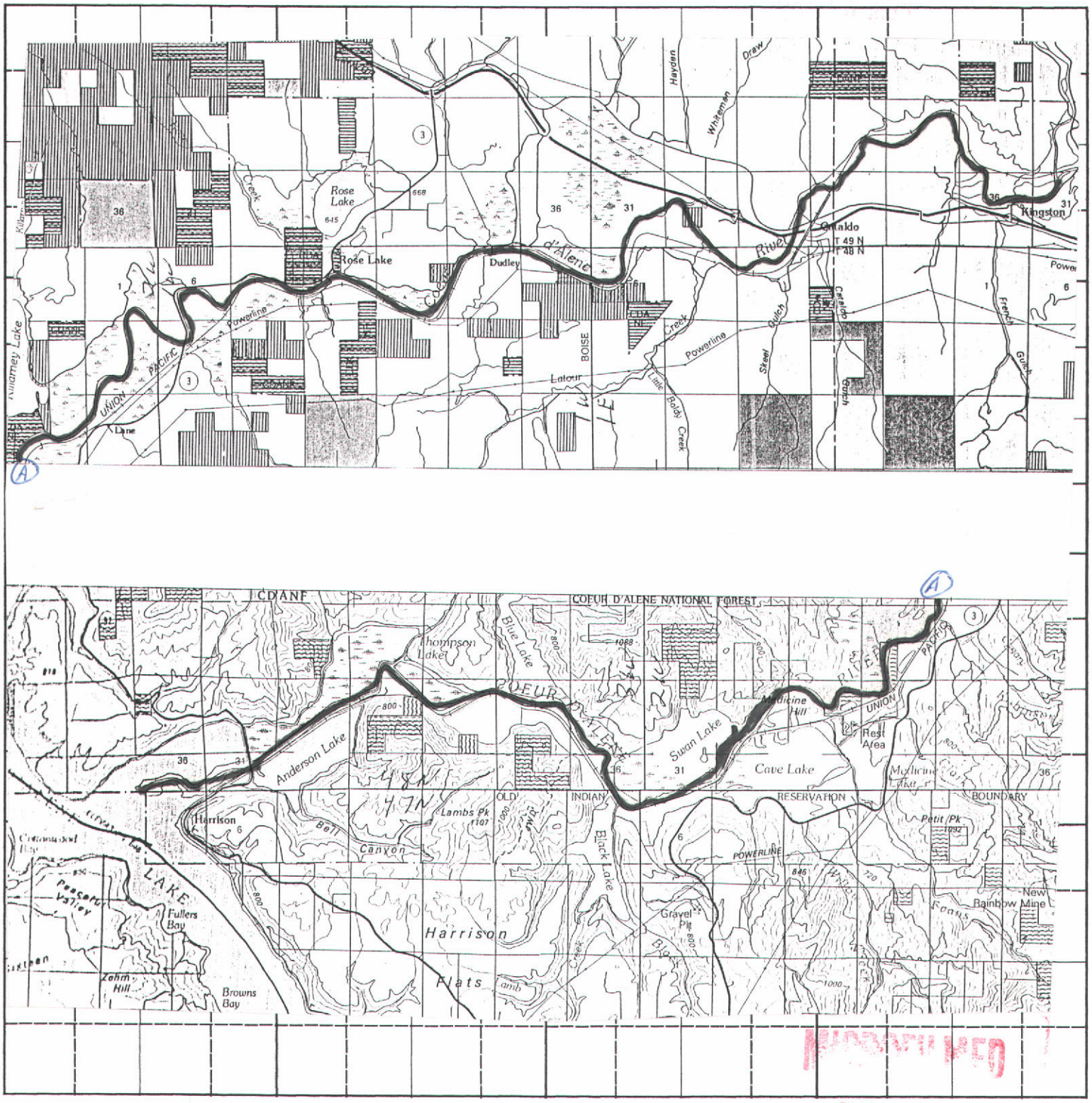
Willis N. G.
Sur. G.

RECEIVED
AUG 10 1994



Designated	By Whom Surveyed	Date of Contract	Amount of Survey M. Ch. Li.	When Surveyed	Mean Re
ship lines	H. Clayton Miller	April 23 - 1891	1. 00 00	May 18-28 - 1891	31°
divisions			13 00 77	June 6-18, July 6-14 1892	

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



RECEIVED

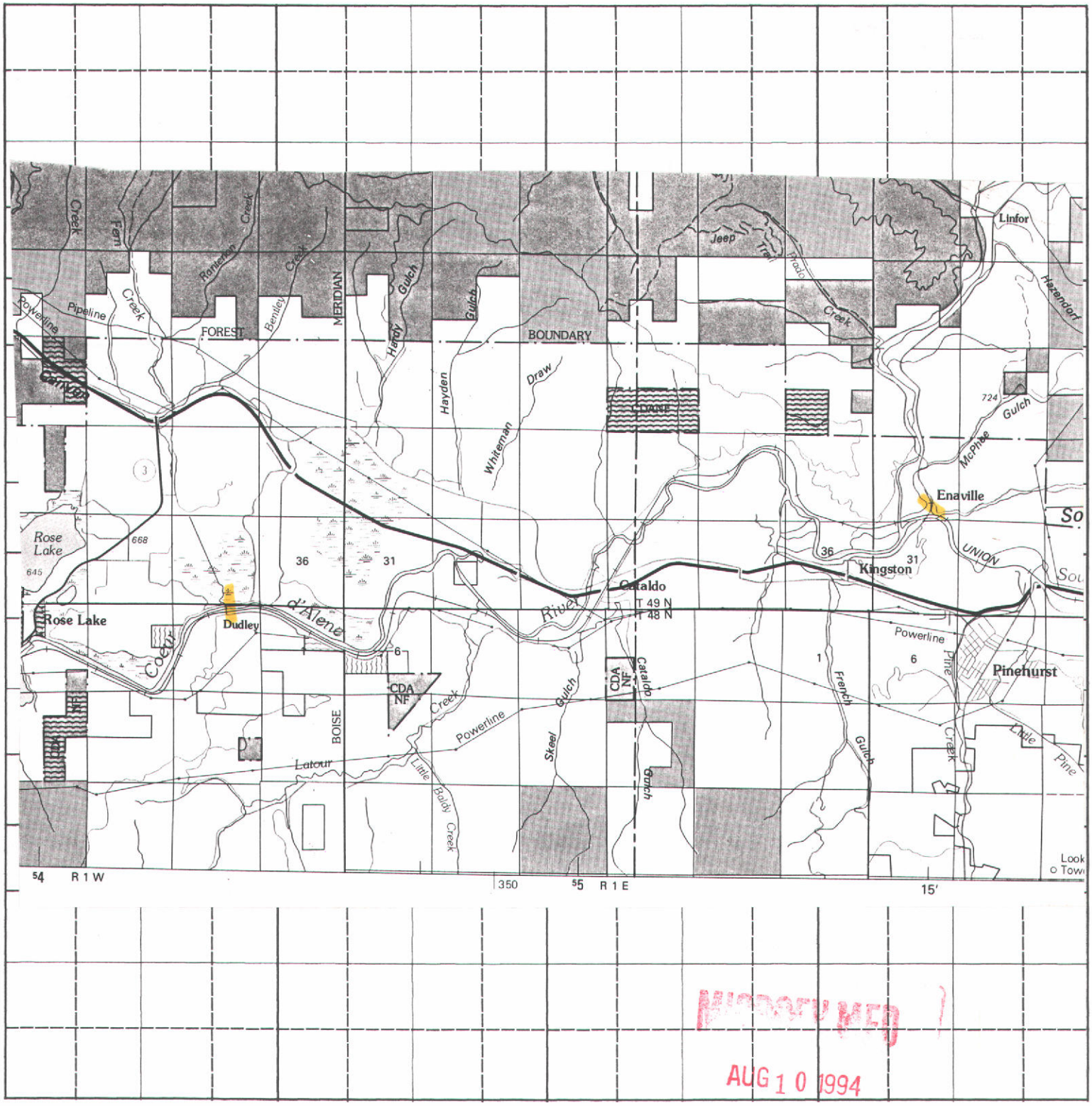
AUG 10 1994

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.

F. Dave Bydalek

(Applicant)

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



MICROFILMED

AUG 10 1994

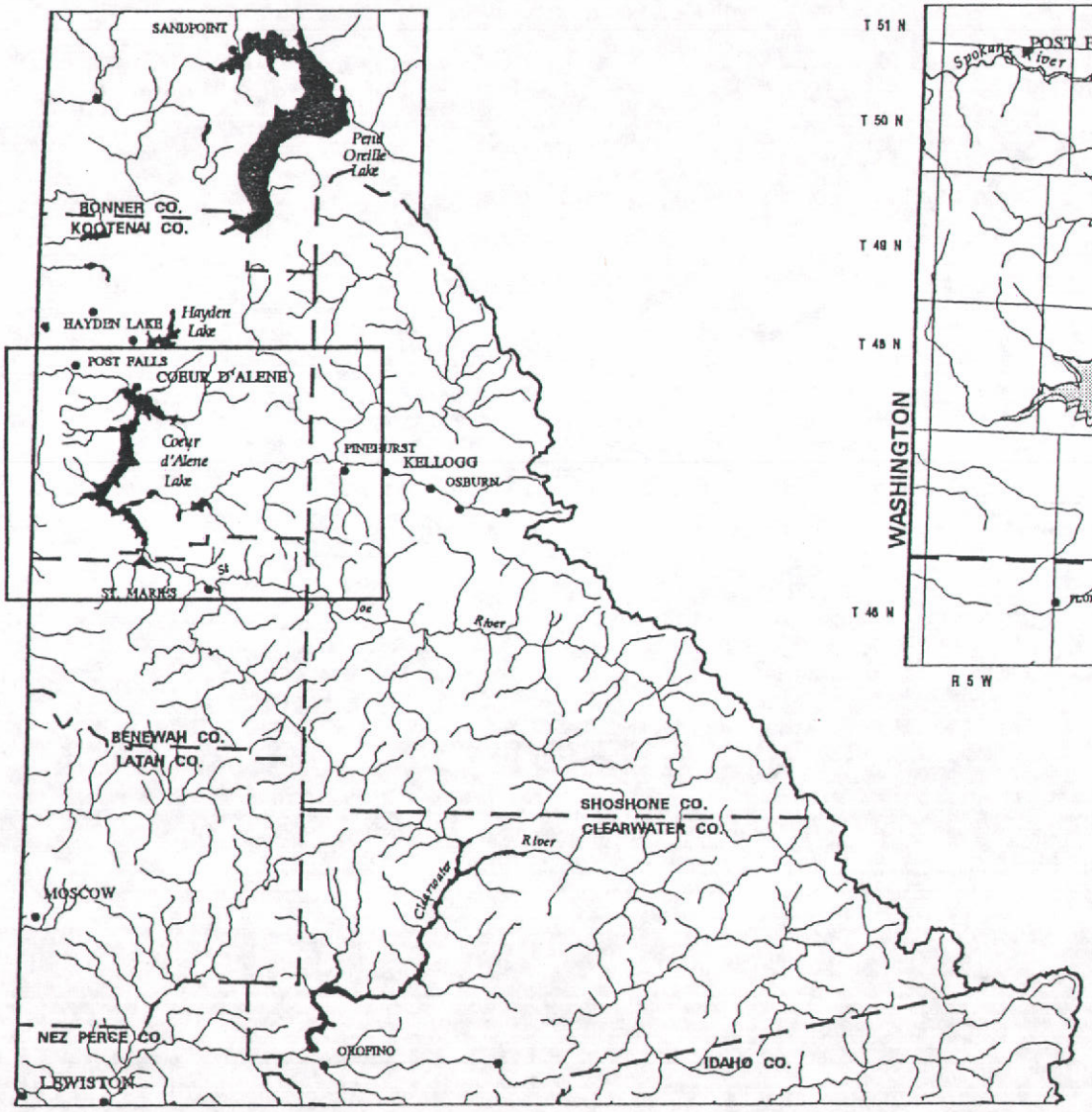
Scale: 2 inches equal 1 mile.

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.

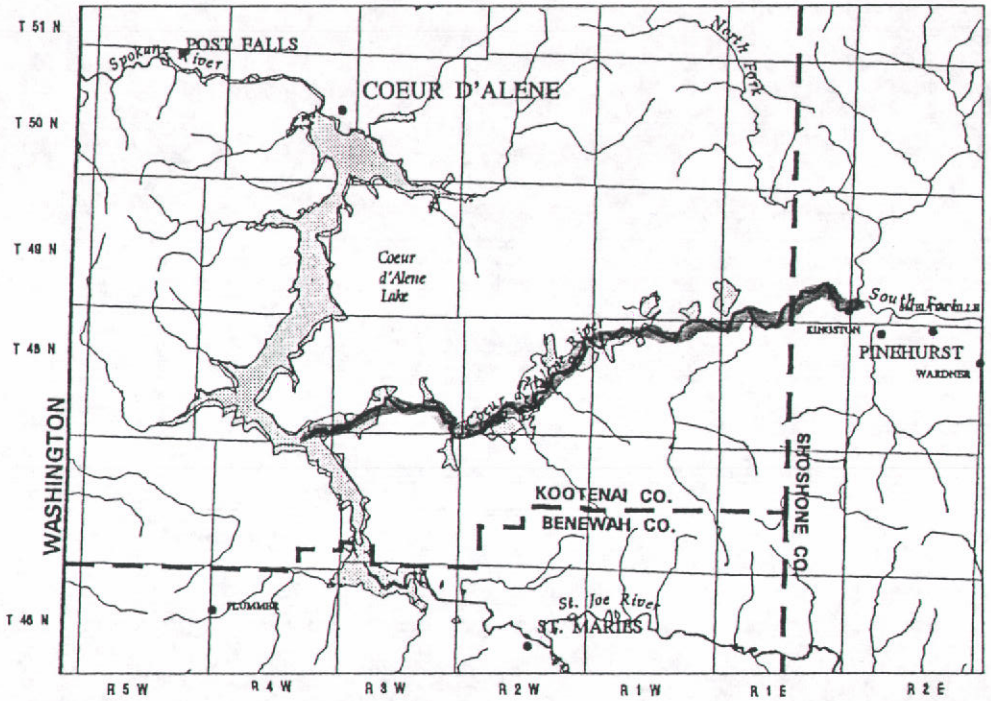
William S Platts

(Applicant)

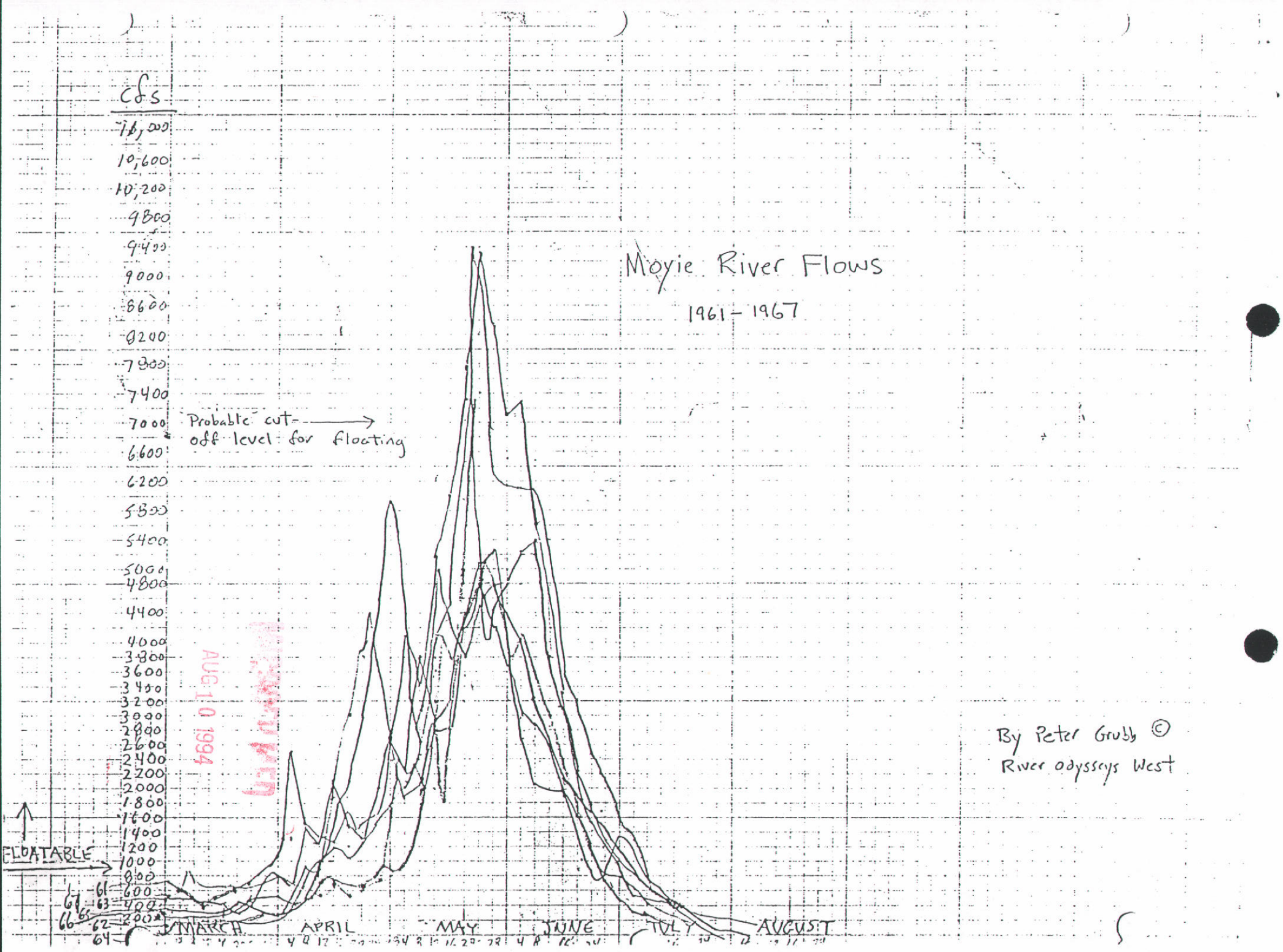
Coeur d'Alene River - Minimum Streamflow



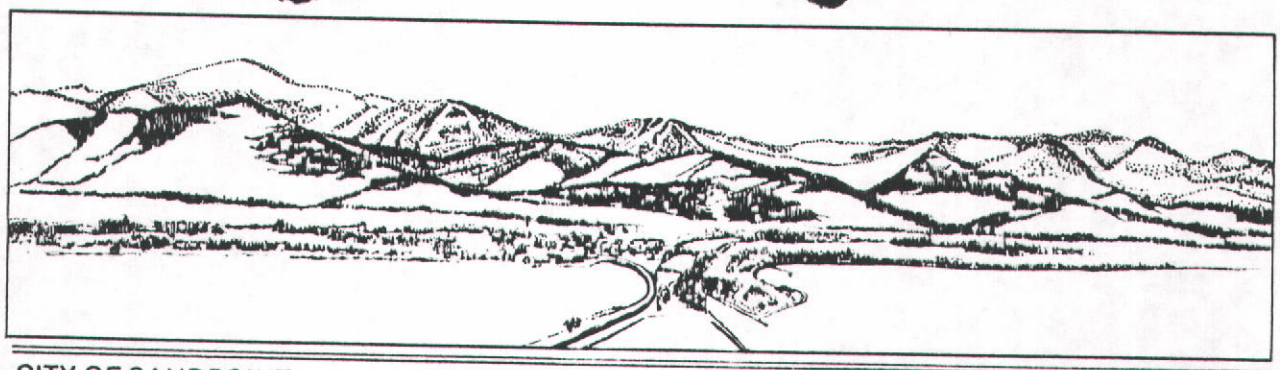
Minimum Streamflow Reach



FWRB2


Moyie River Flows
1961 - 1967
cfs
10,600
10,200
9800
9400
9000
8600
8200
7800
7400
7000
6600
6200
5800
5400
5000
4800
4400
4000
3800
3600
3400
3200
3000
2800
2600
2400
2200
2000
1800
1600
1400
1200
1000
800
600
400
200
Probable cut-off level for floating
FLOATABLE
61
63
67
65
66
62
64
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
By Peter Grubb ©
River odysseys West

AUG 10 1994



CITY OF SANDPOINT • CITY HALL • SANDPOINT, IDAHO 83864 • FAX 208-263-3678

September 2, 1993

Gary Spackman
Idaho Dept of Water Resources
Statehouse
Boise, ID 83720

RECEIVED
SEP 07 1993
NORTHERN REGION
IDWR

RE: Community Hall Reservation - October 13, 1993

Dear Mr. Spackman:

I have reserved Sandpoint Community Hall for your use on October 13, 1993. Your reservations times are from 1:00 - 4:00 PM and 7:00 - 10:00 PM. It is necessary that you complete the highlighted areas of the enclosed use application/agreement form and return the form to my attention along with your rental fee in the amount of $30.00.

Sandpoint Community Hall is located at 204 South 1st Avenue and capacity is limited to 150 persons maximum. You will need to pick up the key for the facility at the City Clerk's office at City Hall, 110 Main Street, Sandpoint. A $50 refundable key and damage deposit will be required at the time the key is picked up.

Additionally, I'm enclosing a copy of the community hall user policy for your information. Should you require any additional information or if I many be of assistance, please let me know.

Very truly yours,

CITY OF SANDPOINT

Gloria Schauwecker

Gloria Schauwecker
Deputy Clerk

gws

Enclosures

cc: Patricia Styga

MICROFILMED
AUG 10 1994

NOTICE OF HEARING FOR THE SPOKANE R
MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Spokane River, a tributary of the Columbia River. The application is further described as follows:

Source: Spokane River
Application No.: 95-08780
Proposed Priority: June 15, 1992
Amount and Period of Use: 2495.0 cfs from November 1 through June 30. 951.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Spokane River, commencing at Post Falls Dam, located in both the SW ¼ NW ¼, and the SE¼ SW ¼, Section 3, T50N, R5W, and extending downstream to the Idaho-Washington State line in the SW¼ NW ¼, Section 12, T50N, R6W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 2:00 p.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

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

R. Keith Higginson, Director
Idaho Department of Water Resources

NOTICE OF HEARING FOR THE COEUR D'ALENE
RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE ¼ NW ¼. Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼ NW ¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

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RECEIVED
OCT 22 1993

№ 25242

Publication

IDAHO
TWIN FALLS } SS.

Carpus McBurney being first duly sworn upon oath, depose
Price Clerk of the TIMES-NEWS, published daily, at
o, and do solemnly swear that a copy of the notice of advertisement, as per
, was published in the regular and entire issue of said newspaper, and not in
thereof, for Two ~~consecutive~~ Publications,
n the issue dated September 16, 1993,
the issue dated September 23, 1993.

er certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho ished theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex- f which newspapers prior to consolidation had been published under said names in said city and and uninterruptedly during a period of more than twelve consecutive months, and said TIMES- onsolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at wspaper began daily publication under said name in said city and county continuously and

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

N FALLS

14 day of October in the year of 1993, before me,
sonally appeared Linda Carpus McBurney,
to me to be the person whose name subscribed to the within instrument, and being by me first
d that the statements therein are true, and acknowledged to me that he executed the same.

Treva R. Fettman
Notary Public for Idaho
Residing at Twin Falls
My commission expires: 5/19/94

MICROFILMED
AUG 10 1994

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Keri Alexander being first duly sworn upon oath deposes and says:

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

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

3. The legal notice

of which the annexed is a printed copy, was published in the regular Thurs. issue of said newspaper for 2 consecutive weeks, commencing on the 16th day of September, 1993, and ending on the 23rd day of September, 1993, and such publication was made as often during said period as said daily newspaper was regularly issued.

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

Keri Alexander

Subscribed and sworn to before me this 23rd day of September, 1993.

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

ROBERTA MANLEY
My commission expires 2-5-99

RECEIVED
SEP 24 1993
NORTHERN REGION
IDWR

OK
10/1/93

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:
Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE1/4NW1/4, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW1/4NW1/4), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

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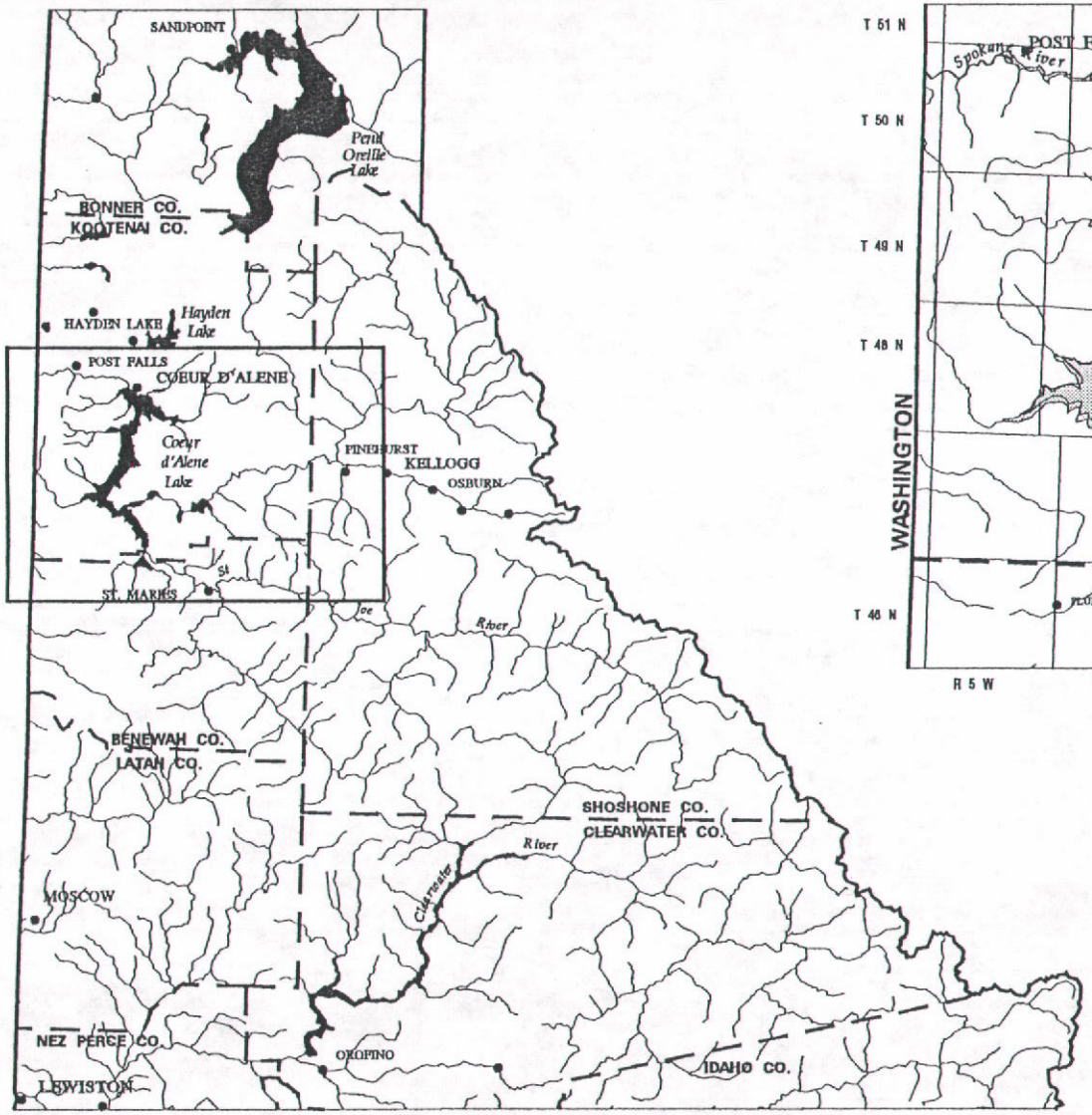
If issued, this permit will be subject to all prior water rights.

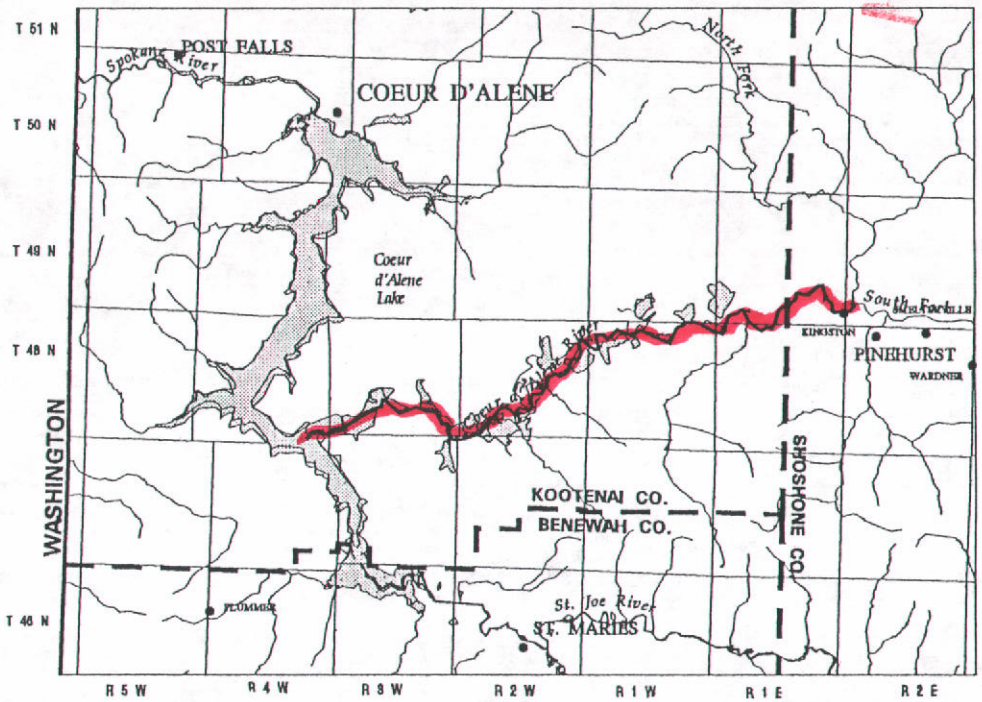
R. Keith Higginson, Director
Idaho Department of Water Resources

AUG 10 1994

Coeur d'Alene River - Minimum Streamflow



Minimum Streamflow Reach



AUG 10 1994

I-R82

Fig. 2

Missouri River below Holter Dam, Montana, showing differences between flows of 3,000 cfs (55% of the average flow) and 2,000 cfs (37% of the average flow). The vertical drop was 7 inches. Flows reduced about midnight will clearly reveal differences in wetted substrate when photographed the next morning (photographic "regression analysis").

MRBS Photo #9000
by Don Tennant 6/10/70

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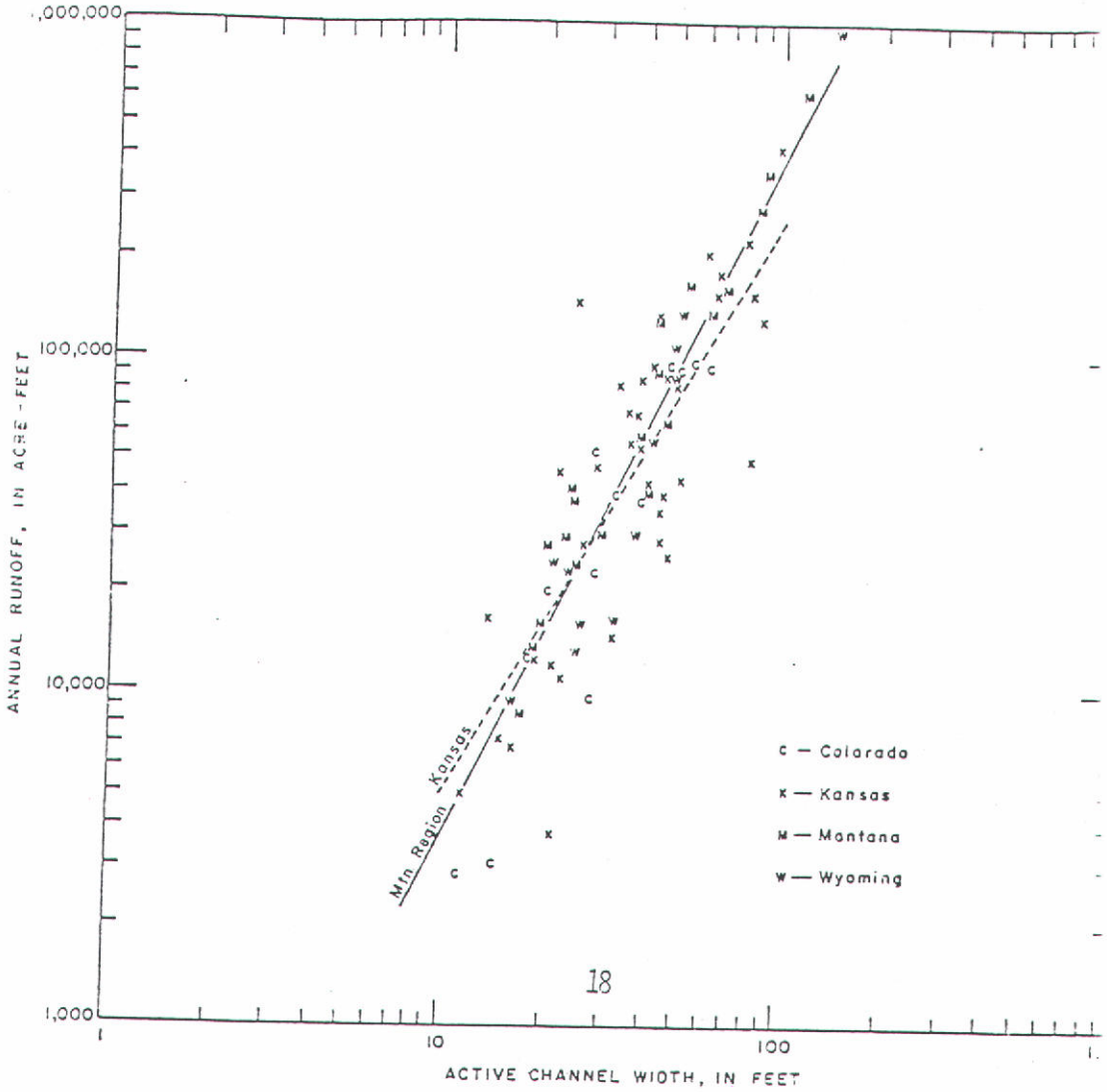
AUG 1 0 1994

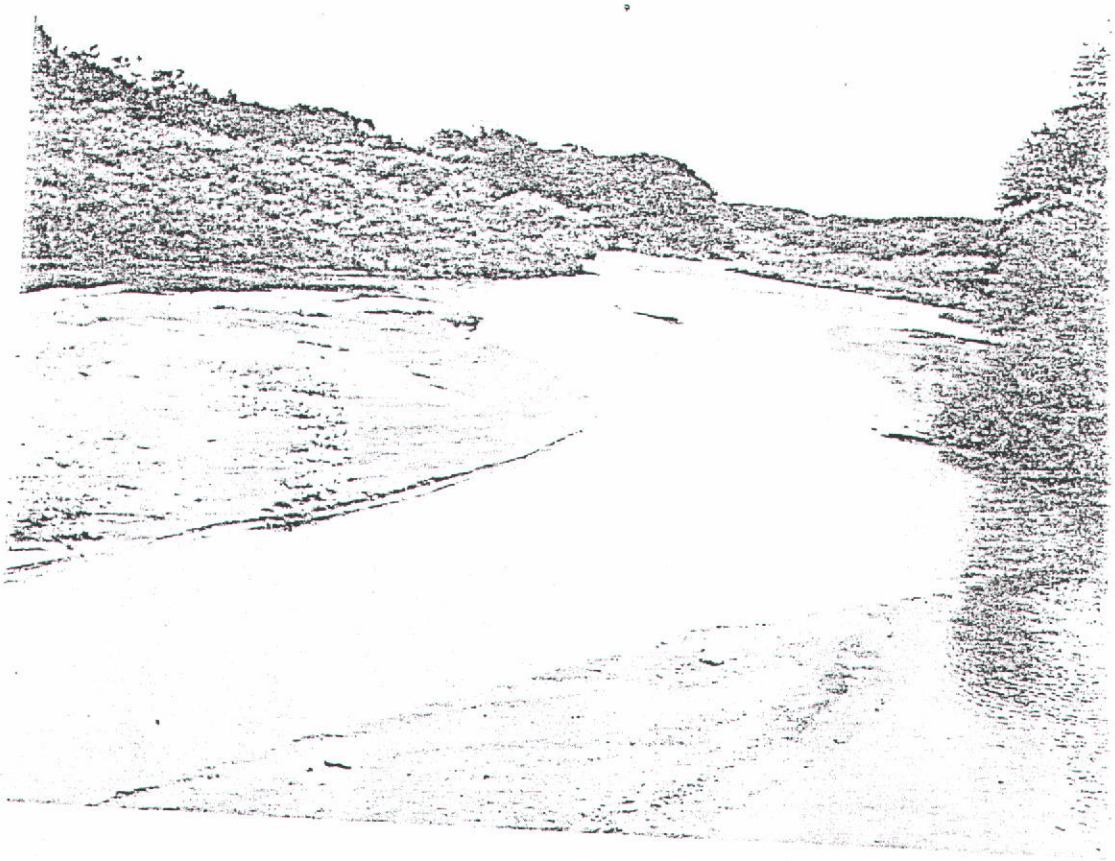
Fig. 3



Correlation between average flow and channel width for streams in the mountain and plains regions of Colorado, Kansas, Montana and Wyoming

AUG 1 0 1994

Fig. 4



Republican River below Hardy Bridge, Nebraska, showing a flow of 42 c
(10% of the average flow). Water depths were adequate to provide som
fish cover, living space, movement and for fishing. Temperatures wer
within tolerable limits. This is a minimum instantaneous flow recomm
to sustain short-term survival habitat for most aquatic life forms.

MRBS Photo #7159
by Don Tennant 7/10/64

MICROFILMED
AUG 1 0 1994

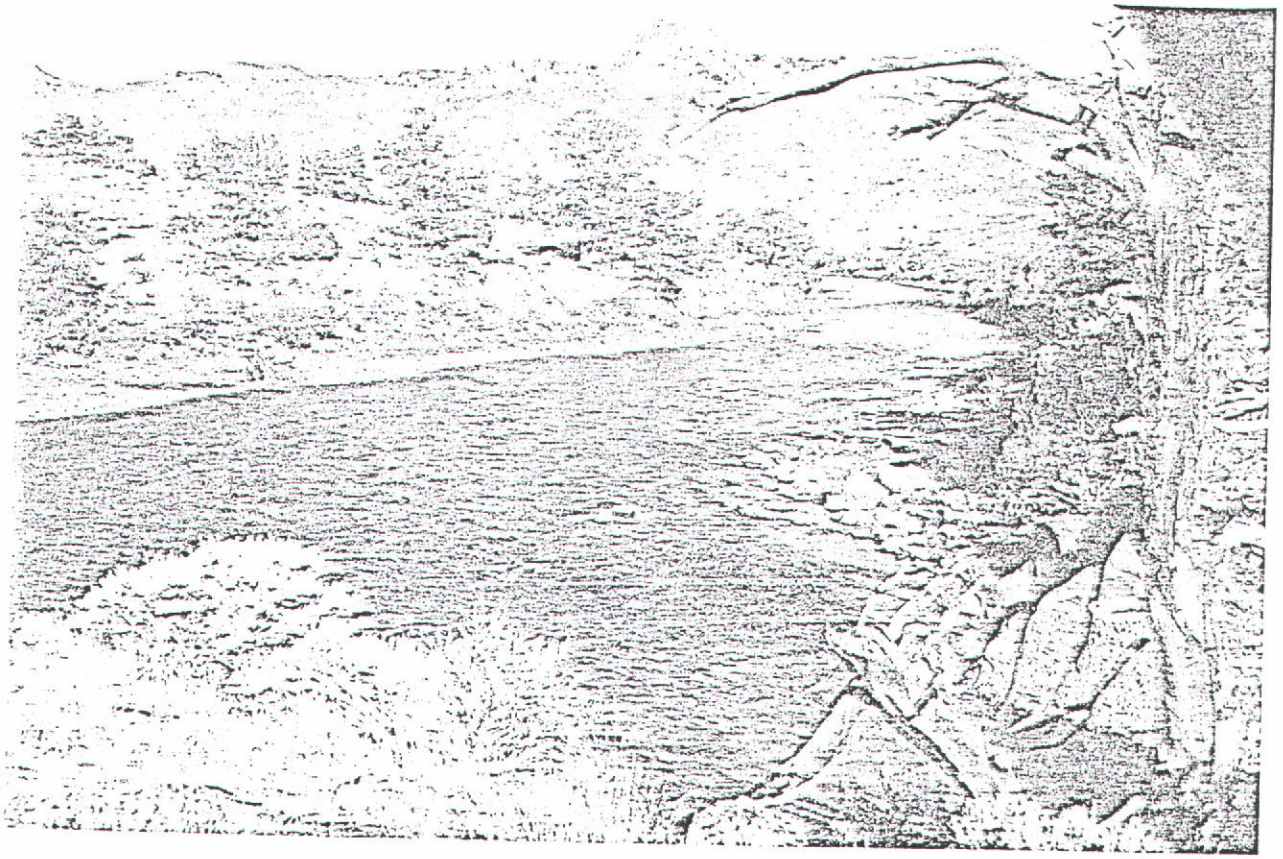
Fig. 5

Bighorn River below Boysen Dam, Wyoming, showing a flow of 400 cfs (30% of the average flow). 'Water depth was adequate for trout movement, spawnin incubation and winter survival in most run and pool areas for a distance of 45 car miles downstream. This is a base flow recommended to sustain good survival habitat for most aquatic life forms.

MRBS Photo #8542-B
by Don Tennant 10/2/68

MICROFILMED
AUG 1 0 1994

Fig. 6



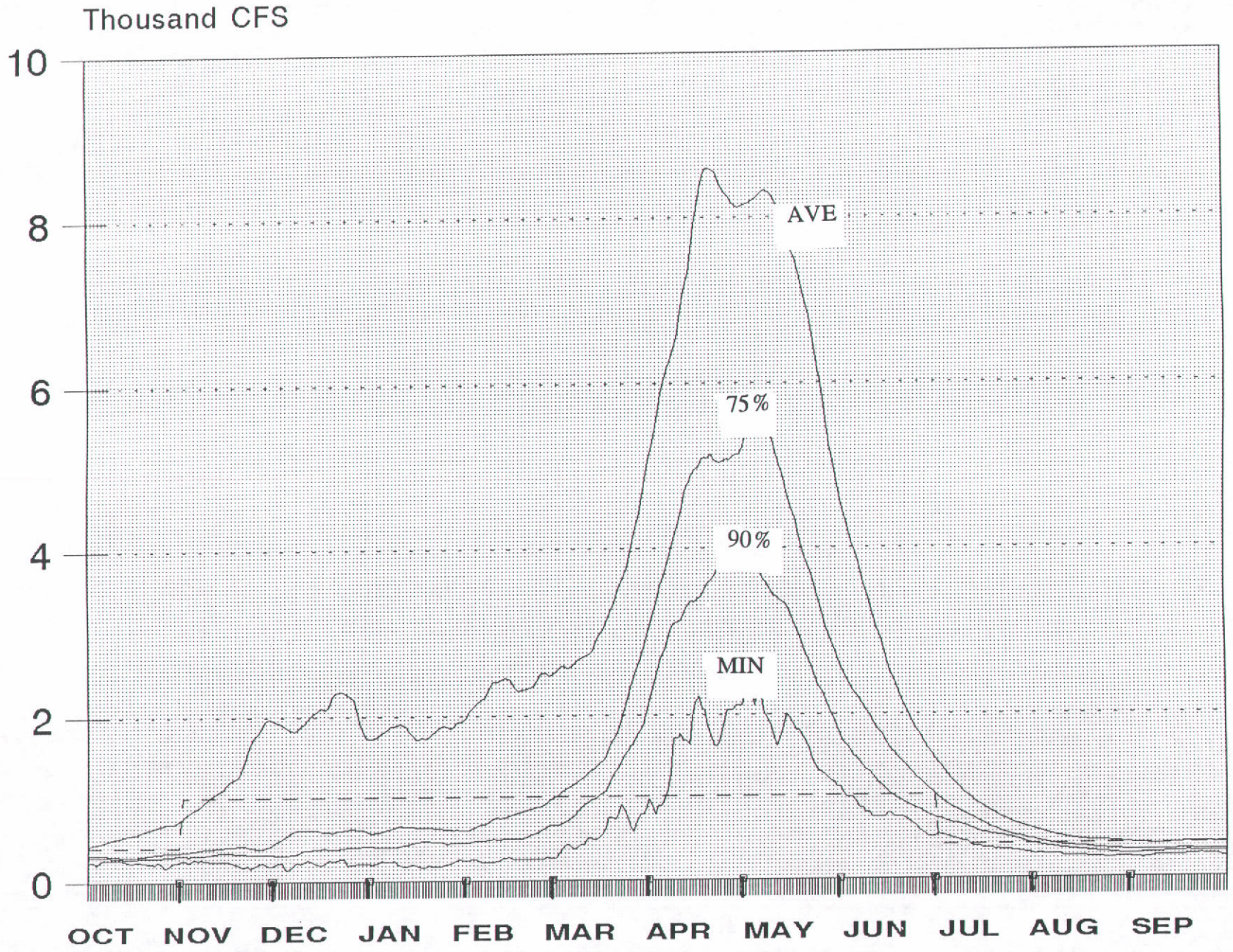
North Fork Shoshone River near Wapiti, Wyoming, showing a flow of 456 cfs (approximately 60% of the average flow). Water widths, depths and velocities very good for fish and fishing in all riffles, runs and pools. This is a base flow recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses.

FWS Photo #6-1-68
by Don Tennant 9/29/72

AUG 1 0 1994

COEUR D'ALENE RIVER AT CATALDO

SUMMARY HYDROGRAPH PERIOD OF RECORD 1921-72,87-90



AUG 10 1994

I uae 89

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 94-07341

Priority: June 15, 1992 Minimum Instream Flow: 1018.00 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 15, 1992; and has submitted Proof of Beneficial Use on June 6, 1994. A minimum stream flow in

COEUR D ALENE RIVER tributary to **COEUR D ALENE LAKE**

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach NENW , Sec. 31, Township 49N, Range 02E
End of Stream Flow Reach Lots 3 & 4 (SWNW), Sec. 36, Township 48N, Range 04W
KOOTENAI County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. This minimum streamflow shall be subject to future municipal and domestic development from the Coeur d'Alene River and its tributaries for use in the basin within and upstream of the minimum streamflow reach. The minimum streamflow will not be subject to water rights established in the future for irrigation uses or other large consumptive purposes even though covered under a municipal or domestic use definition.
3. Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described 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.

NOV 1 6 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 94-07341

CONDITIONS OF APPROVAL AND REMARKS

4. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than 06/15/1992.
5. Upon further finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Coeur d'Alene River, such measuring devices shall be permanently installed and maintained as specified by the Director.
6. This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life and recreational values.
7. This minimum stream flow begins at the confluence of the Coeur d'Alene River and the South Fork Coeur d'Alene River in the NENW, S31, T49N, R2E, Shoshone County and extends downstream approximately 35 miles to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SWNW), S36, T48N, R4W, Kootenai County.

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 OCTOBER, 1995.

Norman C Young
Acting for KARL J. DREHER, Director

NOV 1 3 1995

Form 217
07/90

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

RECEIVED
JUN 0 6 1994
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/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 94-07341 Telephone No. (208) 327-7910

2. Name(s) of Permit Holder(s): IDAHO WATER RESOURCE BOARD

3. Post Office Address: 1301 N Orchard, PO Box 83720, Boise, ID 83720-0098

4. Source of Water: Coeur d'Alene River

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

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

5. Extent of Use:

   Domestic _____ (No. of households) Irrigation _____ (No. of acres)

   Stockwater _____ (No. and type of stock) Other Minimum Stream Flow

6. Total rate and/or volume for which proof is submitted 1018 cfs _____ acre/feet

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

   Measuring device: Required? __Yes X No Installed? __Yes X No

   OR

   Flow Measurement Port: Required? __Yes X No Installed? __Yes X No

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

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

   _____
   Name Telephone No.

   _____
   Address

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

5/31/94 F. Dan Gadabb Chair I.W.R.B.
Date Signature (and title if on behalf of a company or organization)

AUG 1 0 1994

State of Idaho
Department of Water Resources

AMENDED

Permit To Appropriate Water

AMENDED

NO. 94-07341

Proposed Priority: June 15, 1992 Maximum Diversion Rate: 1018.00 CFS

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720
has applied for a permit to appropriate water from:

COEUR D ALENE RIVER tributary of **COEUR D ALENE LAKE**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS
	Totals	1018.00 CFS

LOCATION OF POINT(S) OF DIVERSION:
Beginning of Stream Flow Reach NENW , Sec. 31, Township 49N, Range 02E
End of Stream Flow Reach Lots 3 & 4(SWNW), Sec. 36, Township 48N, Range 04W
KOOTENAI County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

10. See Final Order for conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this
13th day of January, 1994.

R. Keith Higginson, Director

AUG 10 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 94-07341

Proposed Priority: June 15, 1992 Maximum Diversion Rate: 1018.00 CFS

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720
has applied for a permit to appropriate water from:

COEUR D ALENE RIVER tributary of **COEUR D ALENE LAKE**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS
	Totals	1018.00 CFS

LOCATION OF POINT(S) OF DIVERSION:
Beginning of Stream Flow Reach ~~NENENE~~ NENW, Sec. 31, Township 49N, Range 02E
End of Stream Flow Reach Lots 3 & 4 (SWNW), Sec. 36, Township 48N, Range ~~04W~~ 04W
KOOTENAI County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

20TH day of DECEMBER, 1993.

R. Keith Higginson
R. Keith Higginson, Director

AUG 10 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 94-07341 (COEUR D'ALENE RIVER) TO ESTABLISH A MINIMUM STREAMFLOW IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	**ORDER ADOPTING RECOMMENDED ORDER**

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

WHEREAS, more than twenty-one days have passed since the service of the Recommended Order; and,

WHEREAS, no exception to that Recommended Order has been received,

IT IS, THEREFORE, HEREBY ORDERED that said Recommended Order be adopted and issued as the Final Order and proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.

Dated this 20TH day of December, 1993.

R. Keith Higginson

R. KEITH HIGGINSON, Director
Department of Water Resources

AUG 10 1994

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 1993, I mailed a true and correct copy, postage prepaid, of the Order Adopting Recommended Order to the following individuals:

Clarence Parr
Route 2 Box 2128
Heyburn, ID 83336

Cindy Robertson
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Blaunche Kohli
6415 Harbor Drive
Coeur d'Alene, ID 83814

James A. Emerson
2101 Lakewood Drive Suite 225
Coeur d'Alene, ID 83814

Kootenai County Commission
Courthouse
Coeur d'Alene, ID 83814

Gwen Burr
Dept. of Health & Welfare, DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

Larry LaBolle
E. 1411 Mission Avenue
Coeur d'Alene, ID 83814

Senator Mary Lou & Scott Reed
10 Giesa Road
Coeur d'Alene, ID 83814

Ross Walkin
Spokane River Association
W. 7911 E. Riverview
Coeur d'Alene, ID 83814

Robert Nonini
W. 5900 Harbor Drive
Coeur d'Alene, ID 83814

Rep. Marvin G. Vandenberg
6080 Sunrise Terrace
Coeur d'Alene, ID 83814

Shoshone County Commission
Box 1049
Wallace, ID 83873

Mary Lucachick
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Howard Funke
P.O. Box 969
Coeur d'Alene, ID 83814

Jennifer Seifert

JENNIFER SEIFERT, Records Clerk
Department of Water Resources

AUG 10 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 94-07341 (COEUR D'ALENE RIVER) TO ESTABLISH A MINIMUM STREAM FLOW IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	)	**RECOMMENDED ORDER**

On October 27, 1993, the Idaho Department of Water Resources (Department) conducted a hearing to determine whether an application for permit to appropriate water, numbered in the Department records as 94-07341, should be approved or rejected. The application seeks to establish a minimum stream flow in the Coeur d'Alene River, located in Shoshone and Kootenai Counties.

Notice of the hearing was published in the Coeur d'Alene Press, in Kootenai County and the Shoshone County News-Press, in Shoshone County. Statewide notice was given by publication in daily newspapers in Boise, Lewiston, Twin Falls and Idaho Falls. The Idaho Water Resource Board (Board) appeared as the only formal party. Other individuals and representatives of organizations also appeared and presented their views and comments as public witnesses.

The hearing officer left the hearing record open until November 8, 1993 for submission of written public interest comments. The evidence having been taken, and the record having closed, the hearing officer, as a representative of the Director of the Department of Water Resources, proposes the following Findings of Fact, Conclusions of Law, and Order:

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FINDINGS OF FACT

1. Application for minimum stream flow No. 94-07341, as amended on September 13, 1993, proposes the following:

Source:	Coeur d'Alene River
Applicant:	Idaho Water Resource Board
Priority Date:	September 13, 1993
Rate of Flow:	1018 cfs from November 1 through June 30 413 cfs from July 1 through October 31
Place of Use:	Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE 1/4 NW 1/4, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW 1/4 NW 1/4), Section 36, T48N, R4W, B.M., Kootenai County. The requested reach is approximately 35 miles long.
Purpose:	Protection of fish and wildlife habitat, aquatic life and recreational values.

2. The Idaho Water Resource Board asked the Idaho Department of Fish & Game (Fish & Game) about specific data regarding Coeur d'Alene River which could be used to establish a minimum stream flow.

3. While Fish & Game has not specifically studied the Coeur d'Alene River to determine the minimum stream flow, a study conducted by Donald L. Tennant, a fisheries biologist for the U.S. Fish & Wildlife Service, concluded, after analyzing several western streams, that the percentage of the mean flow in the stream is related to the quality of the fish and aquatic habitat and the riparian health of the stream. Tennant's study was submitted as an exhibit, and marked IWRB 5. The study contains a table which lists the

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quality of various percentages of the mean annual flow relates to the stream habitat and environmental resources.

4. The Board's requested flow rate for the November through June period is based upon 40% of the mean annual flow. This flow rate is needed to prevent degrading instream habitat conditions during a critical part of this period. During the remainder of the requested period, the flow rate requested is lower than an optimum flow rate (60% of mean annual flow) as defined by Tennant. The Board determined that a stream flow which could result in stream habitat degradation would be less than the minimum desirable flow rate.

5. Flow data for Coeur d'Alene River was collected at a site near Cataldo, in the upper part of the requested reach, from 1921 through 1972 and 1987 through 1990. The flow data is summarized graphically by the exhibit marked IWRB 6. Forty percent of the mean annual flow is sustainable during the months of November through June. Forty percent of the mean annual flow is not sustainable for the months of July, August, September and October. As a result, the minimum stream flow sought for the four months of July, August, September and October was reduced to 413 cfs, which is the average monthly flow for the month of September, and is the lowest average monthly flow of the four month period.

6. Statistical analysis of the flow data indicates that the 1018 cfs requested flow has been equalled or exceeded 74% of the time during the November through June period and that the 413 cfs requested has been equalled or exceeded 60% of the time during the July through October period.

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7. Coeur d'Alene River is an important fishing and recreation resource. A Fish & Game sponsored survey of the angling use of the reach from Dudley upstream to the confluence with the South Fork (approximately the upper one-third of the requested reach) found that anglers committed over 7,000 hours to fishing from the bank and boats during a 5 week period during May and June 1986 (Fish & Game Exhibit #1). The survey found that over 2400 trout and kokanee salmon were caught during the survey period with cutthroat trout comprising nearly 60 percent of the catch. Catch rates of 0.2 to 0.3 fish per hour were observed. In addition to cutthroat trout, the river supports populations of rainbow trout, brook trout, and bull trout. The lower end of the requested reach up to about Cataldo provides habitat for spawning chinook salmon from Coeur d'Alene Lake.

8. The general public also boats and rafts in the Coeur d'Alene River in the requested reach.

9. Coeur d'Alene River and the associated "lateral lakes" (lakes located along the lower reach of the river from Coeur d'Alene Lake upstream to about Cataldo) provide excellent hunting for migratory birds. The area provides habitat for swans and other water fowl. The area is also heavily used for bird watching activities.

10. Boat launching facilities are available to the general public at a number of locations in and near the requested reach. Fish & Game owns most of the land covered by the lateral lakes and allows public access to the area.

11. The records of the department show four water rights within the minimum stream flow reach authorizing a total withdrawal of 13.85 cfs. All of the rights identified

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have priority dates earlier than September 13, 1993. One application for permit for 0.04 cfs has been filed with a priority date of June 14, 1993.

12. The Department attempted to notify all water right holders with applications or permits pending before the Department of the minimum stream flow hearing. To the extent that applications or permits have been assigned dates of priority earlier than the minimum stream flow, the minimum stream flow must be subject to the rights if approved.

13. The five written comment letters received support establishment of the minimum flow as requested.

14. The eight public witnesses all supported establishment of minimum flows. Several, including representatives of Fish & Game and the Coeur d'Alene and Spokane Tribes encouraged higher flow rates.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that stream flow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality when made pursuant to the minimum stream flow statutes, is in the public interest and is declared to be a beneficial use of such water.

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

> Upon the conclusion of the hearings and completion of any investigation conducted by the Director, he shall enter his findings in writing approving the application in full, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon the findings that such appropriation of minimum stream flow:
>
> (a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt

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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 the private interest;

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

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

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

3. Any right acquired under this application is for instream nonconsumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than the filing date of the application set forth in the findings of fact.

4. Tennant's method is not an exact method for determining a minimum stream flow, but is an estimate of the minimum flow necessary to sustain stream habitat values. As a result, any approval of the minimum stream flow should be flexible enough to allow downward adjustment if further studies show the quantities approved are excessive. The minimum stream flow decision should be conditioned to allow for proper adjustment.

5. Since development is inevitable along the Coeur d'Alene River and some of its tributaries and since portions of the Coeur d'Alene River are already substantially developed, it is not in the public interest to use the Tennant method to establish a minimum stream flow which will preclude future municipal or domestic development in the basin within the requested reach and upstream. The minimum stream flow approval should be

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conditioned to allow future domestic and municipal development of the Coeur d'Alene River and its tributaries within the requested reach and upstream.

6. The minimum stream flow is in the public interest.

7. The flow sought is necessary for the preservation of fish and wildlife habitat, aquatic life, and recreational values.

8. The minimum stream flow sought for both periods of time is the minimum flow and is not the ideal or most desirable flow.

9. The minimum flows sought are capable of being maintained as evidenced by flow records.

ORDER

IT IS HEREBY ORDERED that application for permit No. 94-07341, as amended on September 13, 1993, is APPROVED under the following conditions:

1. This minimum stream flow shall be subject to future municipal and domestic development from the Coeur d'Alene River and its tributaries for use in the basin within and upstream of the minimum stream flow reach. The minimum stream flow will not be subject to water rights established in the future for irrigation uses or other large consumptive purposes even though covered under a municipal or domestic use definition.

2. Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of the public

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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 permit or subsequent license 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 permit or license would be in the public interest.

3. Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than September 13, 1993, for application No. 94-07341.

4. Use of water under this permit shall be nonconsumptive.

5. Upon further finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Coeur d'Alene River, such measuring devices shall be permanently installed and maintained as specified by the Director.

6. Proof of instream beneficial use of the minimum stream flow may be submitted immediately upon legislative approval of the permit, but shall be submitted no later than March 1, 1999.

Dated this 24TH day of November, 1993.

NORMAN C. YOUNG
Hearing Officer

AUG 1 0 1994

CERTIFICATE OF MAILING

I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class with the correct postage affixed thereto on the the 30th day of November, 1993.

Document Served: RECOMMENDED ORDER

Persons Served:

Clarence Parr
Route 2 Box 2128
Heyburn, ID 83336

Cindy Robertson
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Blaunche Kohli
6415 Harbor Drive
Coeur d'Alene, ID 83814

James A. Emerson
2101 Lakewood Drive Suite 225
Coeur d'Alene, ID 83814

Kootenai County Comm
Courthouse
Coeur d'Alene, ID 83814

Gwen Burr
Dept. of Health & Welfare, DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

Larry LaBolle
E. 1411 Mission Avenue
Coeur d'Alene, ID 83814

Senator Mary Lou & Scott Reed
10 Giesa Road
Coeur d'Alene, ID 83814

Ross Walkin
Spokane River Association
W 7911 E Riverview
Coeur d'Alene, ID 83814

Robert Nonini
W 5900 Harbor Drive
Coeur d'Alene, ID 83814

Rep. Marvin G. Vandenberg
6080 Sunrise Terrace
Coeur d'Alene, ID 83814

Shoshone County Comm
Box 1049
Wallace, ID 83873

Mary Luckachick
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Howard Funke
P. O. Box 969
Coeur d'Alene, ID 83814

Rita I. Fleck

RITA I. FLECK, Senior Secretary

AUG 10 1994

RECEIVED
SEP 13 1993
Department of Water Resources

Form 202
10/92

Ident. No. 94-07341

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 327-7910

   Post office address Statehouse Mail, Boise, ID 83720

2. Source of water supply Coeur D'Alene River which is a tributary of Coeur D'Alene Lake
   Instream flow downstream from the confluence with the South Fork of Coeur D'Alene R in

3. ~~Location of point of diversion is~~ _____ ~~¼ of~~ NE ¼ of NW ¼, Govt. Lot _____

   Sec. 31 Township 49N Range 2E B.M. Shoshone County; ~~additional~~
   to the mouth of the Coeur D'Alene River in Lots 3 and 4 (SW¼ NW¼), Sec 36, T48N, R4W, BM, Kootenai Co
   ~~points of diversion if any:~~ _____

4. Water will be used for the following purposes:

   Amount 1018 (cfs or acre-feet per annum) for instream purposes from Nov 1 to June 30 (both dates inclusive)

   Amount 413 (cfs or acre-feet per annum) for instream purposes from July 1 to Oct 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)

5. Total quantity to be appropriated is (a) 1018 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. _____

   None

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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

   d. Is ground water with a temperature of greater than 85°F being sought? _____

   e. If well is already drilled, when? _____; Drilling firm _____;

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   Well was drilled for *(well owner)* _____

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

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. A minimum stream flow for the protection of fish and wildlife habitat, aquatic life, and recreational values.

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

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

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? _____

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

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

12. Remarks: The affected reach is approximately 35 miles long.

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Accepted b

Sec. 27. 565.28.

Sec. 26. 640

Sec. 25. 640

Auxiliary Base Line

West

109.36 chs Sec. 34. 125.90

Sec. 35

Sec. 36.

North Fork Coeur d'Alene River

RESERVATION

Q q R r S s T

Acres 8730.73.

Surveyed	Mean Declination
Nov. 1-1892	
Oct. 11-1892	21° 25' E.

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Scale 40 Chains to an Inch.

The above Map of Township No. 48 North of Range No. 4 E Boise Meridian Idaho, is strictly conformable to notes of the survey thereof on file in this Office, which have been examined.

Surveyor Generals Office.
Boise City, Idaho
February 23-1893.

Willis S. G
Sur. G

TENNANT, D.L., 1975, US FISH & WILDLIFE SERVICE, BILLINGS, MONTANA, 30 p.

Table 1

Instream Flow Regimens for Fish, Wildlife, Recreation and Related Environmental Resources

Narrative Description of Flows[1/]	Fisheries Classification[2/]	Recommended Base Flow Regimens Oct.-Mar.	Apr.-Sept.
Flushing or Maximum	--	200% of the average flow[3/]	
Optimum Range	--	60%-100% of the average flow[4/]	
Outstanding	I	40%	60%
Excellent	II	30%	50%
Good	III	20%	40%
Fair or Degrading	IV	10%	30%
Poor or Minimum	--	10%	10%
Severe Degradation	--	10% of average flow to zero flow	

1/ Most appropriate description of the general condition of the streamflow for all the parameters listed in the title of this paper.

2/ Roman numeral ratings for Fisheries Classification Systems like those developed for the States of Idaho, Montana, West Virginia, Wyoming, and the Delaware River Basin Comprehensive Study by the U.S. Fish and Wildlife Service.[5, 11, 14, 19, 26] The base flow regimens outlined above in columns 3 and 4 to maintain the respective designated classes, are judged to be as reliable and valid as the classification systems themselves. These recommended flows generally apply very well to both cold and warm water streams. Regimens should be reversed or altered to fit different hydrologic cycles, like the Salmonid streams on the West Coast, or to favor species like the fall spawning brown trout. Flows may be refined further by specifically matching them to vital periods of the life cycle of fishes, like migration, spawning, incubation, growth, etc. Use of the Montana Method on spring creeks or streams that have a very uniform flow year-around may provide unprecedented low-flow regimens at the minimum or base flow levels.

3/ The average flow will usually fill the active stream channel approximately 1/3 full or to the line of permanent terrestrial vegetation, while 3 times the average flow will often fill the active channel approximately to the point of spilling out on the first bench of the flood plain.[15] Twice the average flow will produce effective depths and velocities within the stream channel for moving silt, sediment and other bed load material without doing extensive damage to the banks and riparian vegetation. Twice the average flow is a good maximum flow recommendation as well as a good flushing flow (Fig. 1).

4/ Optimum is a nebulous term; however, this flow range covers that definition best for all the parameters of this paper collectively.

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COEUR D'ALENE RIVER AT CATALDO (1921-72,87-90) 12413500

FLOW DURATION TABLE FOR STATION 12413500

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
13650.	1.69	12650.	2.16	11650.	2.78	10650.	3.73	9650.	4.95	8650.	6.34
7650.	8.34	6650.	10.81	5650.	13.95	4650.	17.34	4550.	17.73	4450.	18.11
4350.	18.64	4250.	19.11	4150.	19.49	4050.	20.00	3950.	20.40	3850.	20.96
3750.	21.48	3650.	21.92	3550.	22.53	3450.	23.08	3350.	23.77	3250.	24.31
3150.	25.06	3050.	25.90	2950.	26.79	2850.	27.65	2750.	28.34	2650.	29.06
2550.	29.95	2450.	31.04	2350.	31.94	2250.	32.96	2150.	34.02	2050.	35.17
1950.	36.24	1850.	37.57	1750.	38.87	1650.	40.50	1550.	42.04	1450.	43.65
1350.	45.34	1250.	47.23	1150.	49.41	1050.	51.72	950.	54.01	850.	57.13
750.	60.60	650.	64.74	640.	65.18	630.	65.72	620.	66.12	610.	66.76
600.	67.37	590.	68.03	580.	68.47	570.	68.92	560.	69.64	550.	70.16
540.	70.96	530.	71.67	520.	72.20	510.	73.24	500.	74.04	490.	74.75
480.	75.67	470.	76.40	460.	77.17	450.	78.14	440.	79.17	430.	79.99
420.	80.85	410.	82.10	400.	83.21	390.	84.41	380.	85.48	370.	86.78
360.	87.96	350.	89.20	340.	90.56	330.	91.88	320.	93.19	310.	94.45
300.	95.49	290.	96.48	280.	97.66	270.	98.24	260.	98.80	250.	99.23
240.	99.47	230.	99.64	220.	99.72	210.	99.81	200.	99.86	190.	99.90
180.	99.94	170.	99.99	160.	99.99	150.	100.00				

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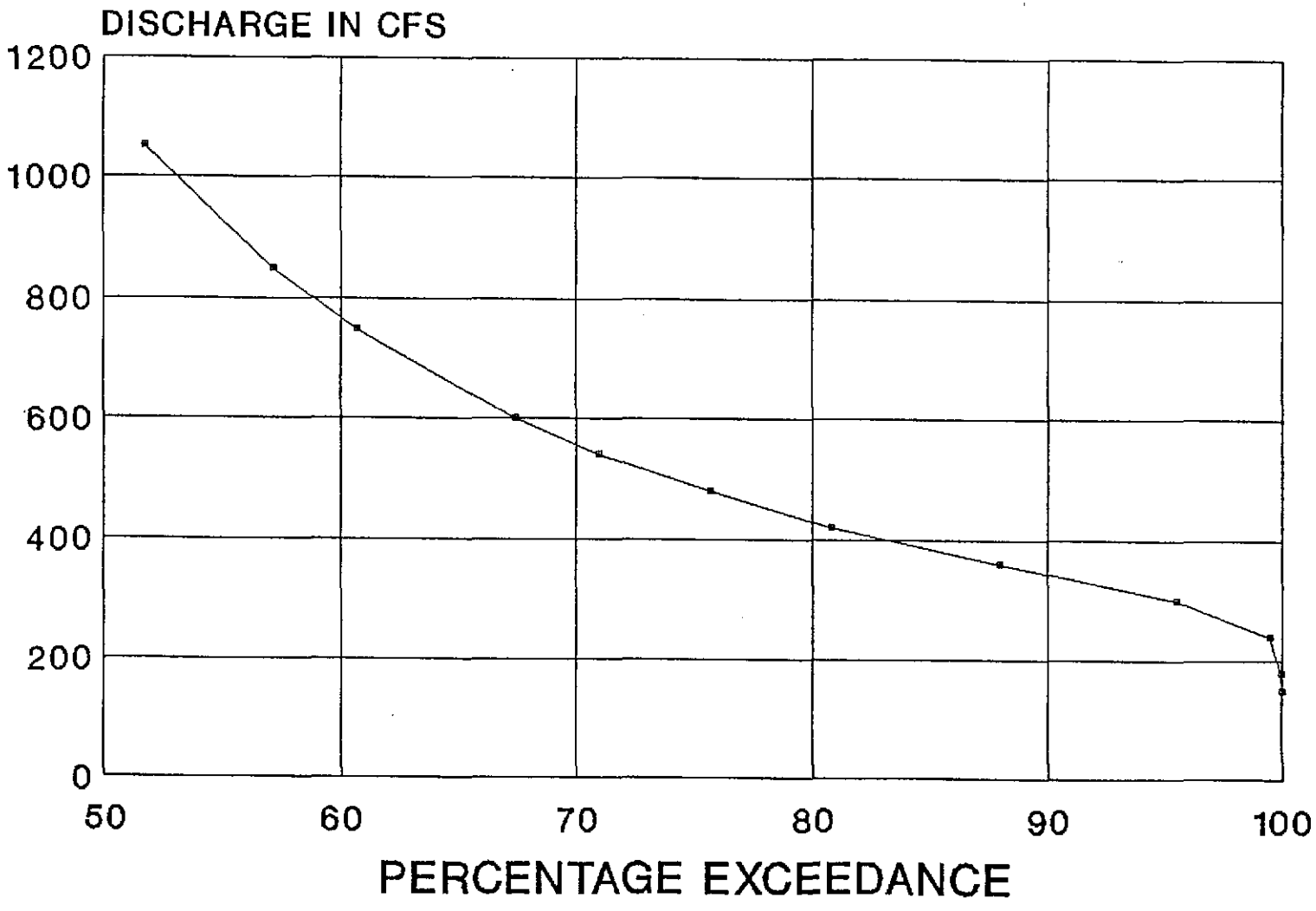
FLOW DURATION CURVE
COEUR D'ALENE RIVER AT CATALDO



PERIOD 1921-72,87-90

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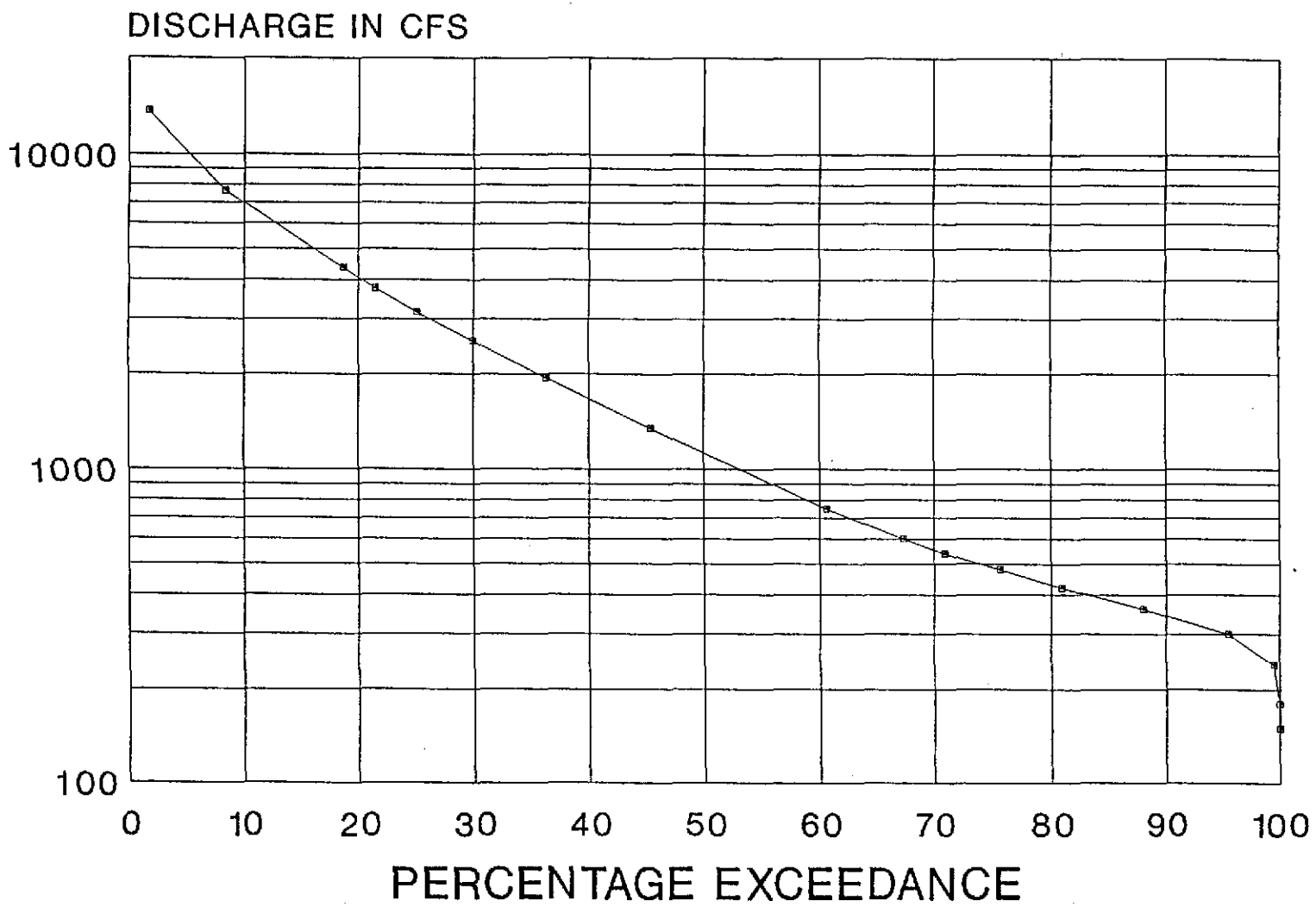
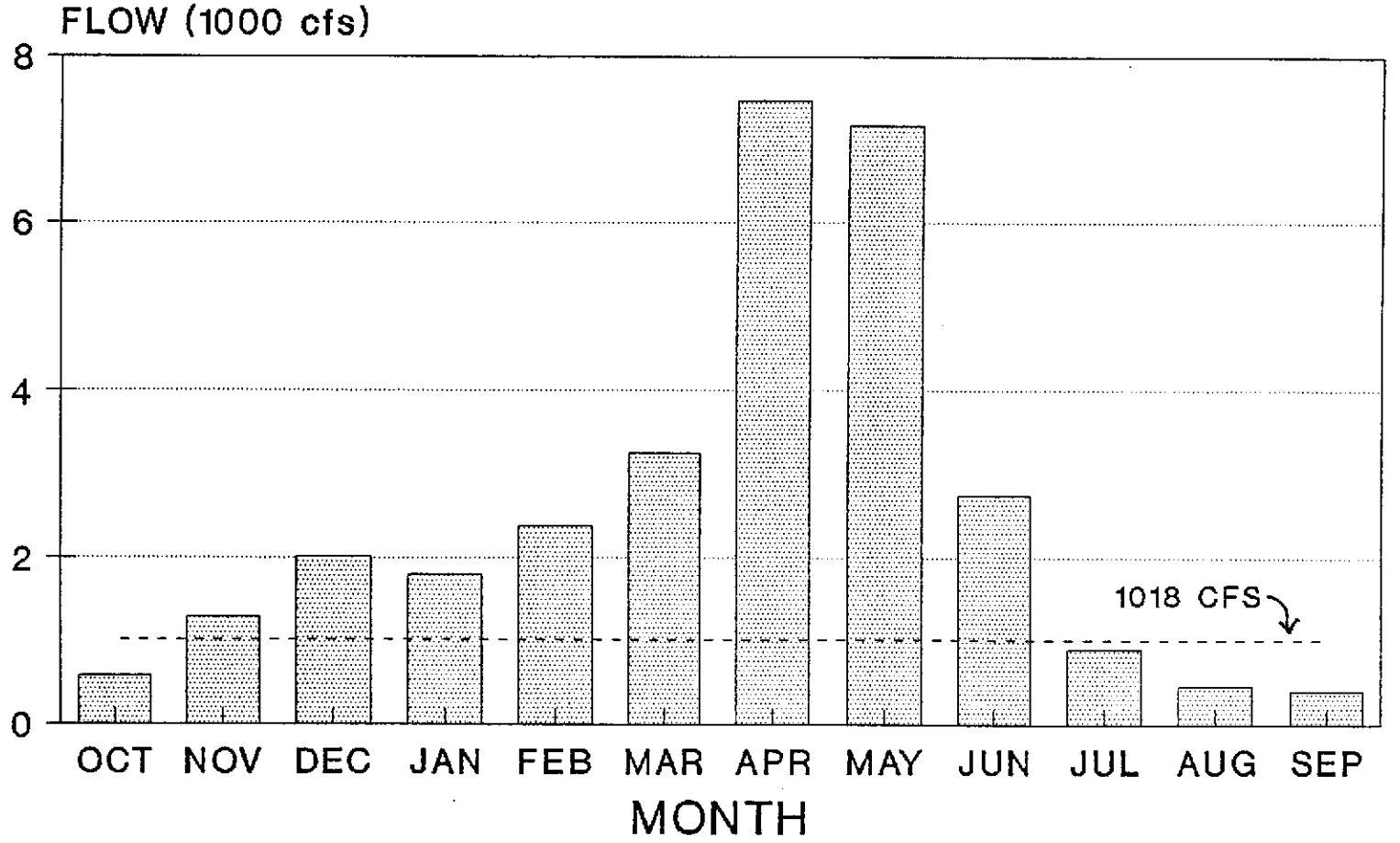
FLOW DURATION CURVE
COEUR D'ALENE RIVER AT CATALDO



PERIOD 1921-72,87-90

AUG 10 1994

COEUR D'ALENE RIVER AT CATALDO



Average Monthly Flow ---- Instream Flow

Average Annual Flow = 2545 CFS

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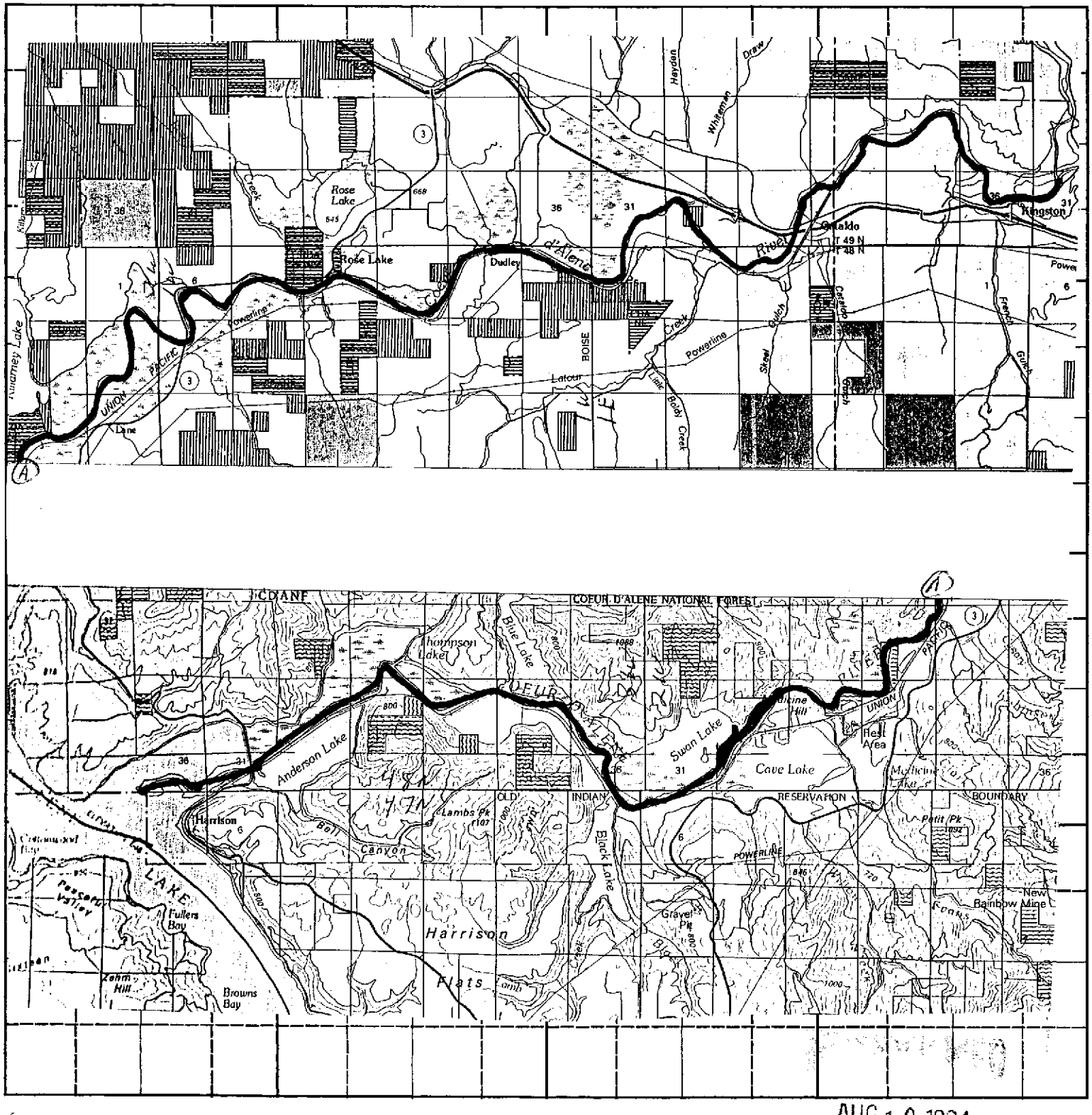
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



AUG 1 0 1994

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.

F. Dave Rydalch

(Applicant)

Received by Gary S. Date 9/13/93 Time 8:30 am Preliminary check by Gary S.

Fee $ N/A Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

AUG 10 1994

Form 202
Supplemental

ATTACHMENT TO APPLICATION FOR PERMIT

TO APPROPRIATE A MINIMUM STREAM FLOW

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

The appropriation is junior to rights, permits, or applications with earlier dates of priority. As a nonconsumptive, instream use this appropriation can have no impact on any water user downstream except to help insure water availability.

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

The appropriation will be held by the Water Resource Board rather than a private entity. The appropriated water will preserve river values for the benefit and enjoyment of all citizens of the state.

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

The appropriation is for 40% of the mean annual flow for the period of November through June. The request for the rest of the year is for the average monthly flow for September, the lowest month for the period of record. This flow is close to 16% of the mean annual flow. These flows will provide a "good" minimum flow for fish and wildlife habitat, aquatic life, and recreational values for April through June.

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

The requested flows are based on the Montana Method which utilized field studies to identify riverine conditions at varying flow rates. The optimum flow for fish, wildlife, recreation and related environmental resources ranges from 60% to 100% of the mean flow value.

AUG 1 0 1994

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

A flow of 1018 cfs is less than the average monthly flow for the requested period of use. The flow of 413 cfs is the lowest average monthly flow of the year for the period of record.

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

The requested flow is based on records from the Cataldo station which is approximately 4.9 miles downstream of the confluence with the South Fork.

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

No

21. List any additional remarks related to this minimum stream flow application.

The flow request provides a "good" minimum flow for April to June, a "fair to poor" flow for August to September, a "good to fair" flow for October, and an "outstanding" flow for November to March. Following consultation with the Division of Environmental Quality and the Departments of Fish & Game and Parks & Recreation, the Water Resource Board may amend this application to more accurately reflect the necessary minimum flow based on new data provided by the above or other agencies.

AUG 10 1994

Form 202
6/85

RECEIVED
JUN 15 1992
Department of Water Resources

Ident. No. 94-7341

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 327-7910

   Post office address Statehouse Mail, Boise, ID 83720

2. Source of water supply Coeur D'Alene River which is a tributary of Coeur D'Alene Lake
   Instream flow downstream from the confluence with the SouthFork of Coeur D'Alene R in the
3. ~~Location of point of diversion is~~ NE ¼ of NE ¼ of NE ¼, Govt. Lot

   Sec. 31 Township 49N Range 2E B.M. Shoshone County; additional
   ~~points of diversion if any:~~ to the mouth of the Coeur D'Alene River in Sec.2,T48n,R1W,B.M. Kootenai County

4. Water will be used for the following purposes:

   Amount 1018CFS for instream purposes from ~~Nov. 1~~ to ~~June 30~~ (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount 413CFS for instream purposes from July1 to Oct. 31 (both dates inclusive)
   (cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 1018 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc.

   None

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total

   reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:

   _____ to _____ inclusive.

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

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

   5 years (*minimum 1 year*).

SUPERCEDED

AUG 10 1994

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. A minimum stream flow for the protection of fish and wildlife habitat, aquatic life, and recreational values.

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

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

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? _____

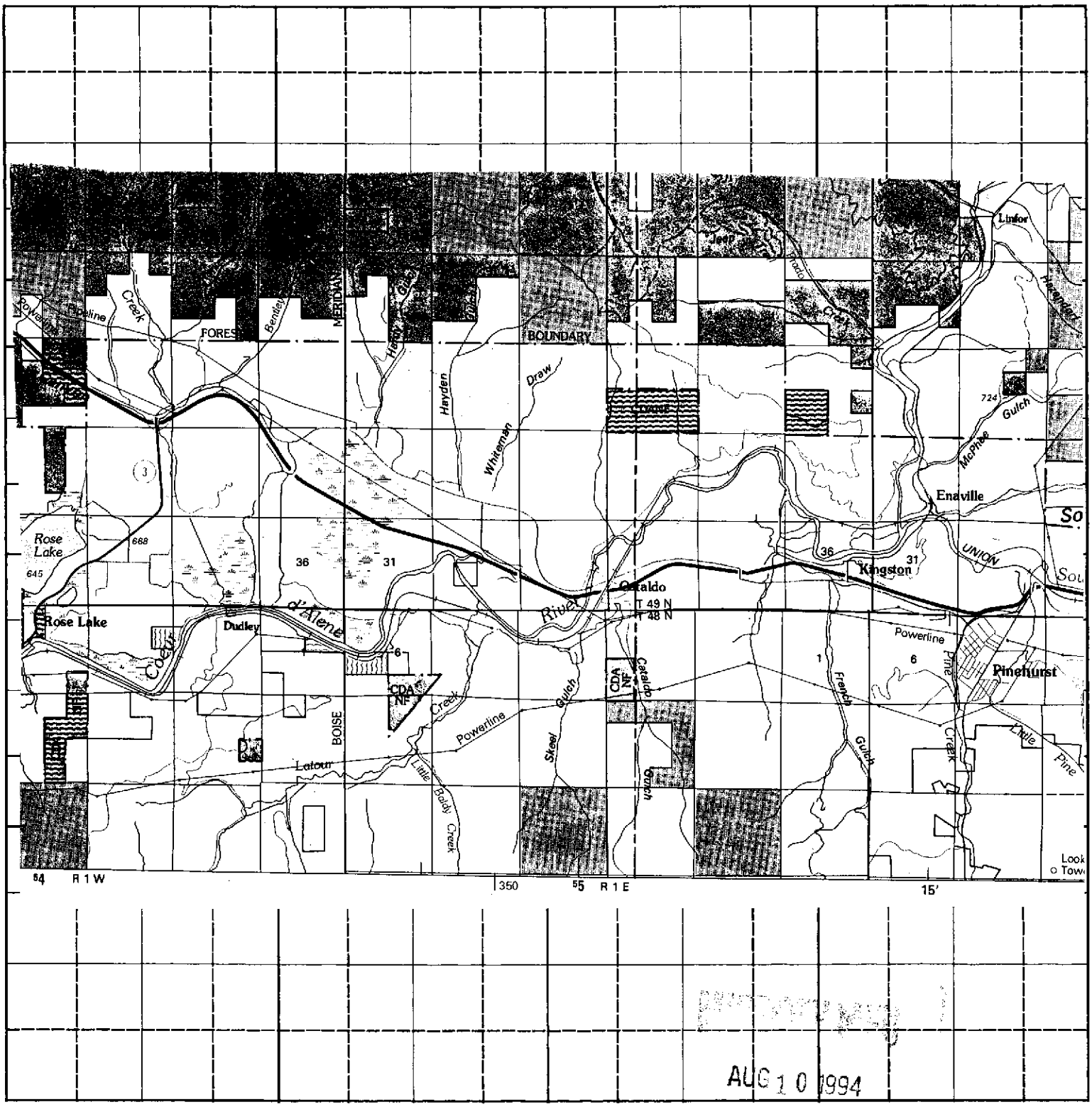
b. Who owns the land to be irrigated or place of use? _____

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

12. Remarks: The affected reach is approximately 11 miles long.

AUG 1 0 1994

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



Scale: 2 inches equal 1 mile.

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

William S Platts
(Applicant)

Received by DB Date 6-15-92 Time 11:45 am Preliminary check by _____

Fee $ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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 _____.

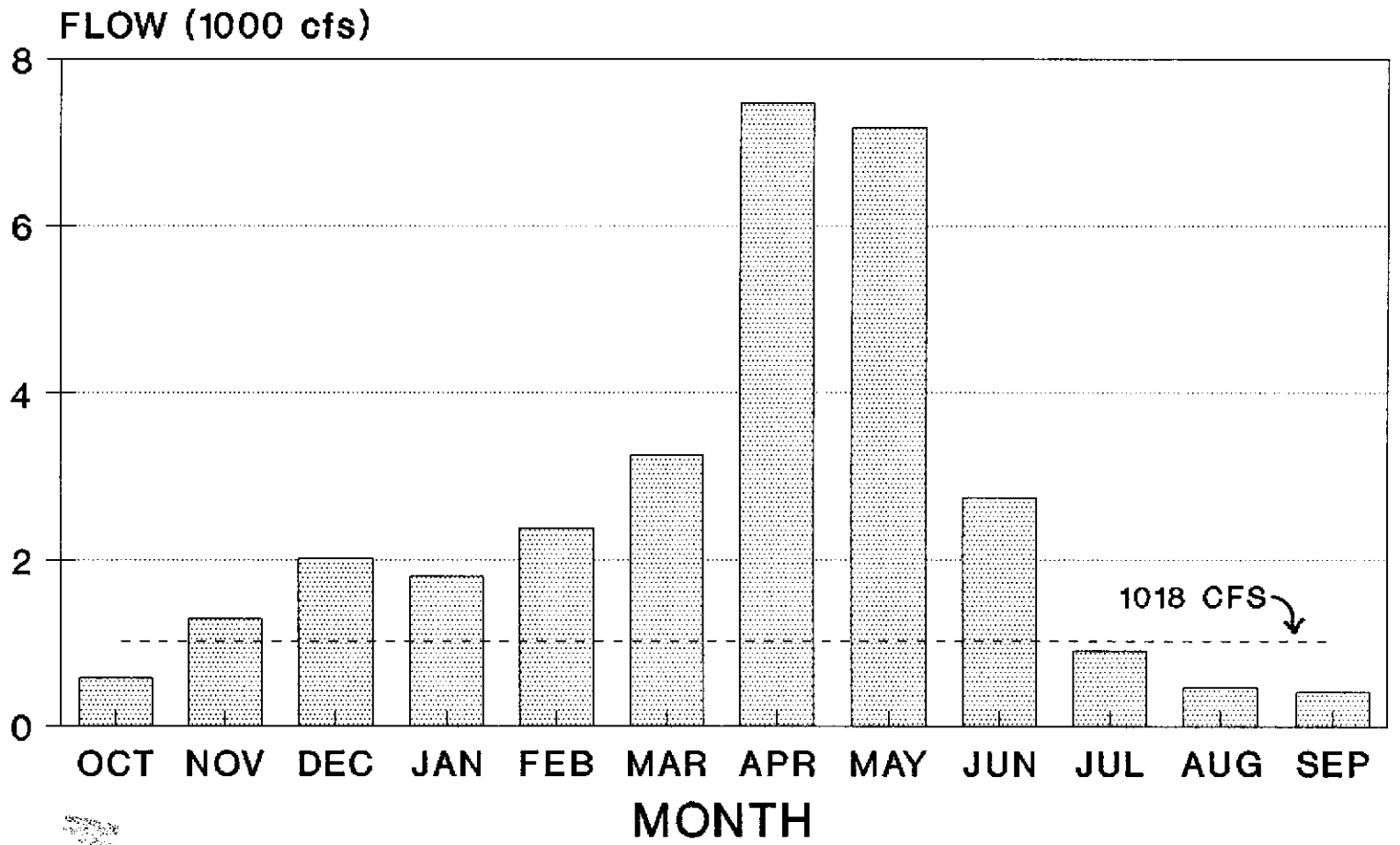
   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

AUG 10 1994

COEUR D'ALENE RIVER AT CATALDO

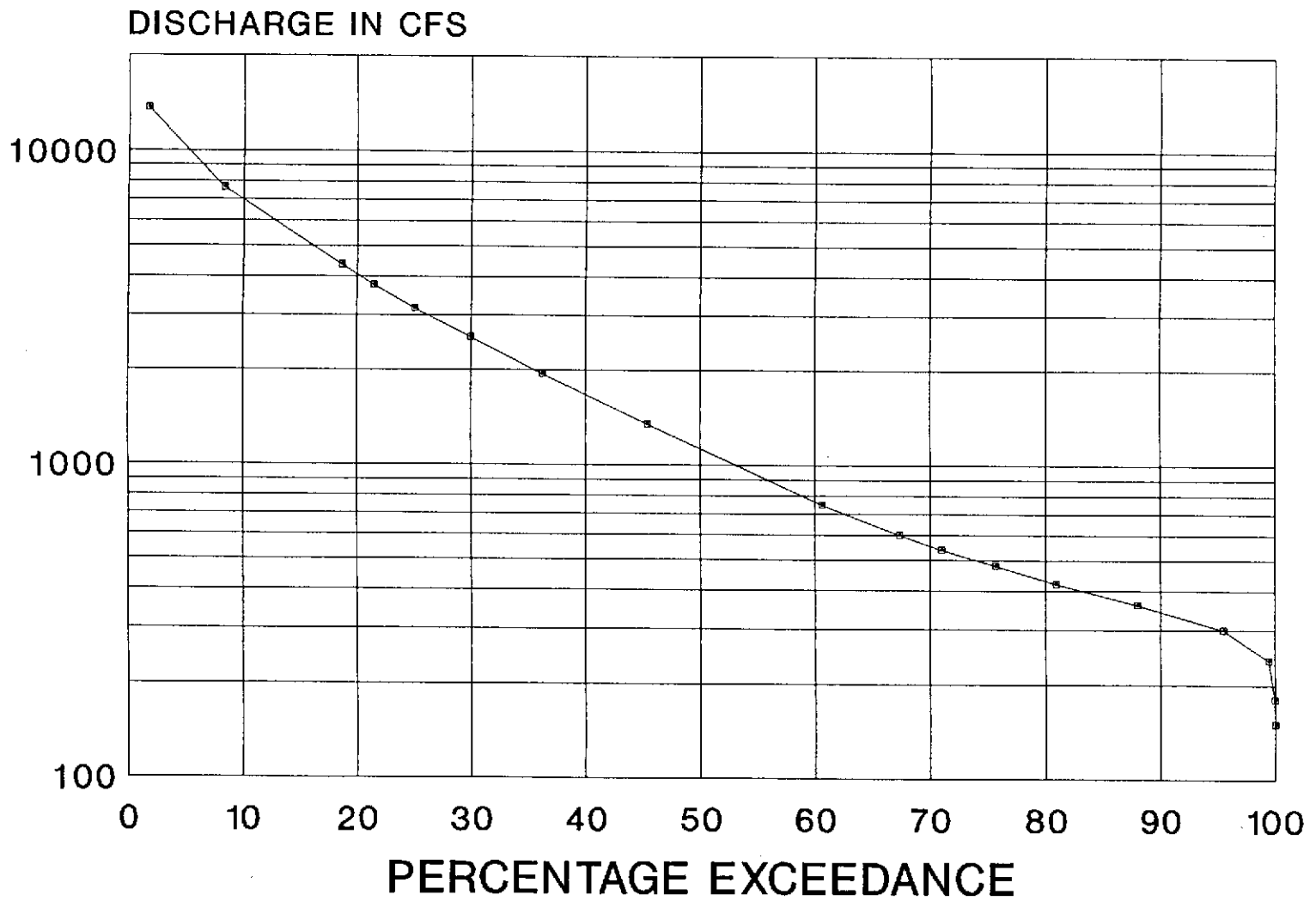


Average Monthly Flow ---- Instream Flow

Average Annual Flow = 2545 CFS

AUG 10 1994

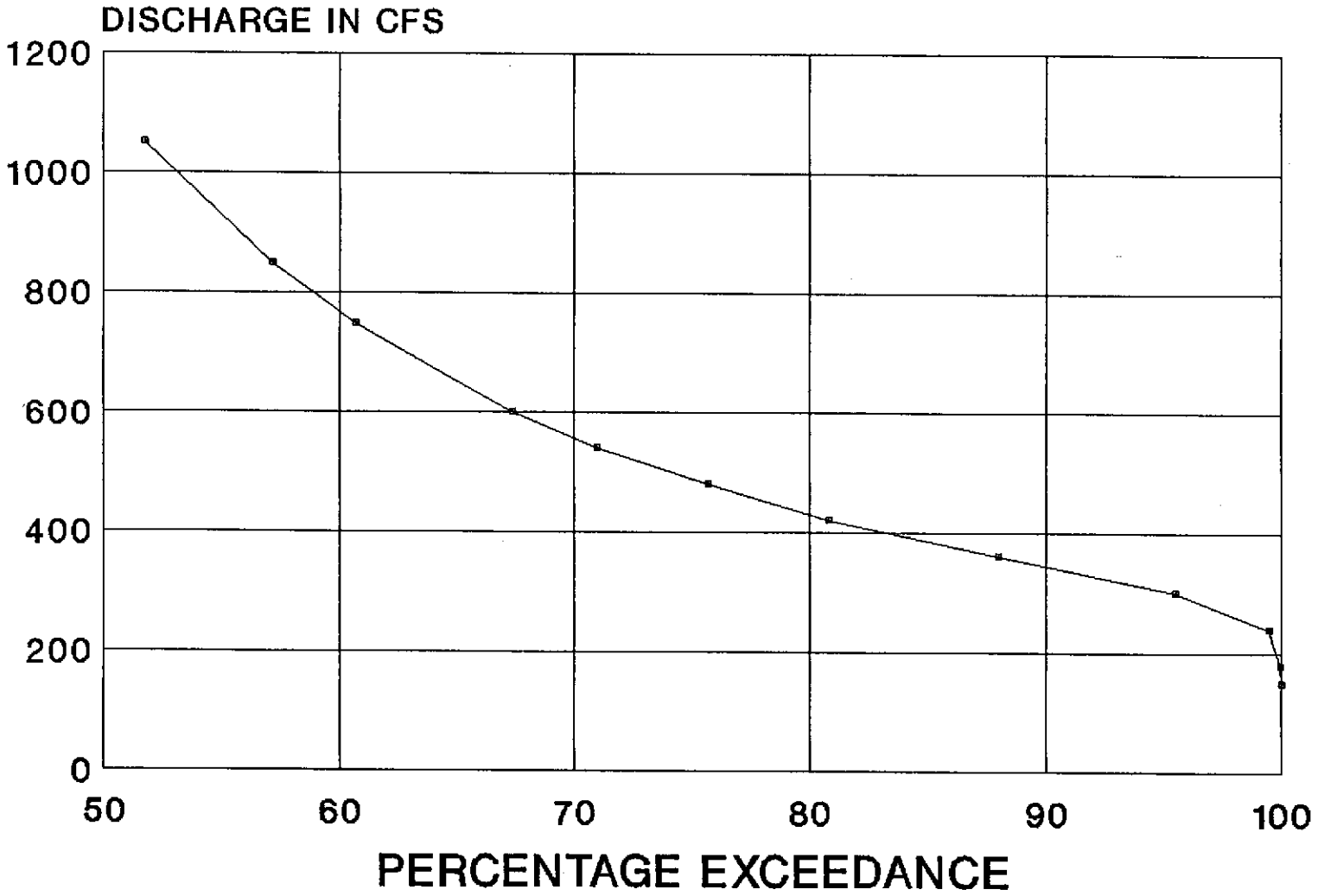
FLOW DURATION CURVE
COEUR D'ALENE RIVER AT CATALDO



PERIOD 1921-72,87-90

AUG 10 1994

FLOW DURATION CURVE
COEUR D'ALENE RIVER AT CATALDO



PERIOD 1921-72,87-90

AUG 10 1994

COEUR D'ALENE RIVER AT CATALDO (1921-72,87-90) 12413500

FLOW DURATION TABLE FOR STATION 12413500

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
13650.	1.69	12650.	2.16	11650.	2.78	10650.	3.73	9650.	4.95	8650.	6.34
7650.	8.34	6650.	10.81	5650.	13.95	4650.	17.34	4550.	17.73	4450.	18.11
4350.	18.64	4250.	19.11	4150.	19.49	4050.	20.00	3950.	20.40	3850.	20.96
3750.	21.48	3650.	21.92	3550.	22.53	3450.	23.08	3350.	23.77	3250.	24.31
3150.	25.06	3050.	25.90	2950.	26.79	2850.	27.65	2750.	28.34	2650.	29.06
2550.	29.95	2450.	31.04	2350.	31.94	2250.	32.96	2150.	34.02	2050.	35.17
1950.	36.24	1850.	37.57	1750.	38.87	1650.	40.50	1550.	42.04	1450.	43.65
1350.	45.34	1250.	47.23	1150.	49.41	1050.	51.72	950.	54.01	850.	57.13
750.	60.60	650.	64.74	640.	65.18	630.	65.72	620.	66.12	610.	66.76
600.	67.37	590.	68.03	580.	68.47	570.	68.92	560.	69.64	550.	70.16
540.	70.96	530.	71.67	520.	72.20	510.	73.24	500.	74.04	490.	74.75
480.	75.67	470.	76.40	460.	77.17	450.	78.14	440.	79.17	430.	79.99
420.	80.85	410.	82.10	400.	83.21	390.	84.41	380.	85.48	370.	86.78
360.	87.96	350.	89.20	340.	90.56	330.	91.88	320.	93.19	310.	94.45
300.	95.49	290.	96.48	280.	97.66	270.	98.24	260.	98.80	250.	99.23
240.	99.47	230.	99.64	220.	99.72	210.	99.81	200.	99.86	190.	99.90
180.	99.94	170.	99.99	160.	99.99	150.	100.00				

AUG 10 1994

TENNANT, D.L., 1975, US FISH & WILDLIFE SERVICE, BILLINGS, MONTANA, 30 p.

Table 1

Instream Flow Regimens for Fish, Wildlife, Recreation and Related Environmental Resources

Narrative Description of Flows[1/]	Fisheries Classification[2/]	Recommended Base Flow Regimens Oct.-Mar.	Apr.-Sept.
Flushing or Maximum	--	200% of the average flow[3/]	
Optimum Range	--	60%-100% of the average flow[4/]	
Outstanding	I	40%	60%
Excellent	II	30%	50%
Good	III	20%	40%
Fair or Degrading	IV	10%	30%
Poor or Minimum	--	10%	10%
Severe Degradation	--	10% of average flow to zero flow	

1/ Most appropriate description of the general condition of the streamflow for all the parameters listed in the title of this paper.

2/ Roman numeral ratings for Fisheries Classification Systems like those developed for the States of Idaho, Montana, West Virginia, Wyoming, and the Delaware River Basin Comprehensive Study by the U.S. Fish and Wildlife Service.[5, 11, 14, 19, 26] The base flow regimens outlined above in columns 3 and 4 to maintain the respective designated classes, are judged to be as reliable and valid as the classification systems themselves. These recommended flows generally apply very well to both cold and warm water streams. Regimens should be reversed or altered to fit different hydrologic cycles, like the Salmonid streams on the West Coast, or to favor species like the fall spawning brown trout. Flows may be refined further by specifically matching them to vital periods of the life cycle of fishes, like migration, spawning, incubation, growth, etc. Use of the Montana Method on spring creeks or streams that have a very uniform flow year-around may provide unprecedented low-flow regimens at the minimum or base flow levels.

3/ The average flow will usually fill the active stream channel approximately 1/3 full or to the line of permanent terrestrial vegetation, while 3 times the average flow will often fill the active channel approximately to the point of spilling out on the first bench of the flood plain.[15] Twice the average flow will produce effective depths and velocities within the stream channel for moving silt, sediment and other bed load material without doing extensive damage to the banks and riparian vegetation. Twice the average flow is a good maximum flow recommendation as well as a good flushing flow (Fig. 1).

4/ Optimum is a nebulous term; however, this flow range covers that definition best for all the parameters of this paper collectively.

AUG 10 1994

Form 202
Supplemental

ATTACHMENT TO APPLICATION FOR PERMIT

TO APPROPRIATE A MINIMUM STREAM FLOW

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

The appropriation is junior to rights, permits, or applications with earlier dates of priority. As a nonconsumptive, instream use this appropriation can have no impact on any water user downstream except to help insure water availability.

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

The appropriation will be held by the Water Resource Board rather than a private entity. The appropriated water will preserve river values for the benefit and enjoyment of all citizens of the state.

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

The appropriation is for 40% of the mean annual flow for the period of November through June. The request for the rest of the year is for the average monthly flow for September, the lowest month for the period of record. This flow is close to 16% of the mean annual flow. These flows will provide a "good" minimum flow for fish and wildlife habitat, aquatic life, and recreational values for April through June.

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

The requested flows are based on the Montana Method which utilized field studies to identify riverine conditions at varying flow rates. The optimum flow for fish, wildlife, recreation and related environmental resources ranges from 60% to 100% of the mean flow value.

AUG 1 0 1994

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

A flow of 1018 cfs is less than the average monthly flow for the requested period of use. The flow of 413 cfs is the lowest average monthly flow of the year for the period of record.

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

The requested flow is based on records from the Cataldo station which is approximately 4.9 miles downstream of the confluence with the South Fork.

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

No

21. List any additional remarks related to this minimum stream flow application.

The flow request provides a "good" minimum flow for April to June, a "fair to poor" flow for August to September, a "good to fair" flow for October, and an "outstanding" flow for November to March. Following consultation with the Division of Environmental Quality and the Departments of Fish & Game and Parks & Recreation, the Water Resource Board may amend this application to more accurately reflect the necessary minimum flow based on new data provided by the above or other agencies.

0 1994

LEGISLATURE OF THE STATE OF IDAHO

Fifty-second Legislature | Second Regular Session — 1994

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 125

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

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

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 94-07341 on December 20, 1993, by adopting a Recommended Order authorizing the appropriation of a minimum streamflow in the Coeur d'Alene River of 1018.0 cfs from November 1 through June 30 and 413.0 cfs from July 1 through October 31. The minimum streamflow commences at the confluence of the Coeur d'Alene River with the South Fork of the Coeur d'Alene River, located in the NE1/4NW1/4, Section 31, T49N, R02E, B.M., Shoshone County, and extends downstream to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SW1/4NW1/4), Section 36, T48N, R04W, B.M., Kootenai County.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Recommended Order, dated November 24, 1993, and adopted by the Director of the Department of Water Resources on December 20, 1993.

MICRO

MINIMUM STREAMFLOW
Fact Sheet

SR 125

Permit To Appropriate Water No. 94-07341

Source: Coeur d'Alene River

Applicant: Idaho Water Resource Board

Requesting Agency: None. The Water Resource Board initiated the application.

Application Filed: June 15, 1992

Rate of Flow: 1018.0 cfs from November 1 through June 30
413.0 cfs from July 1 through October 31

Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R02E, Shoshone County, and extending downstream to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SW¼NW¼), Section 36, T48N, R04W, B.M., Kootenai County.

Purpose: Protection of fish and wildlife habitat, aquatic life and recreational values.

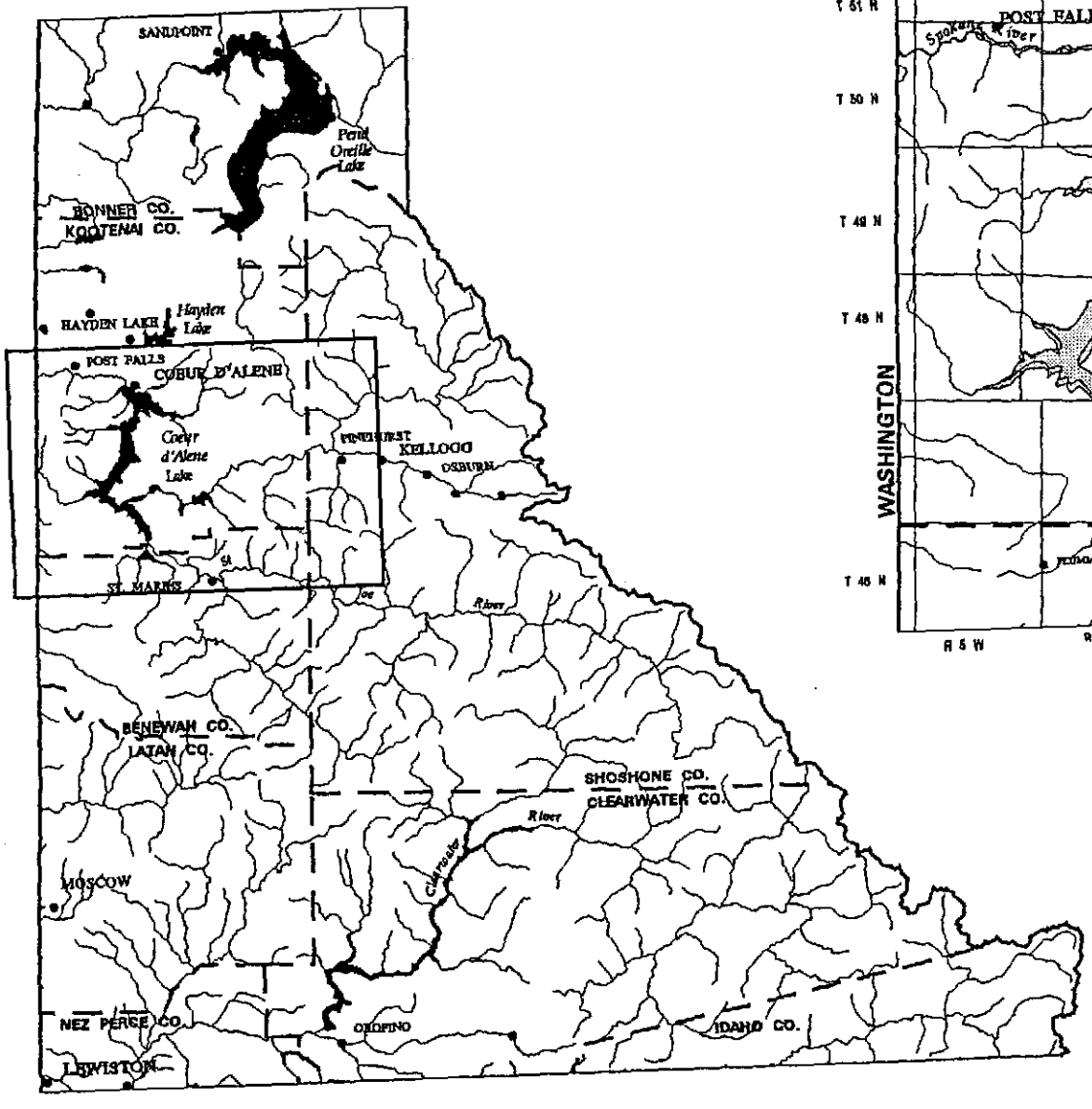
Unique Facts:

- The basis for the rate of the instream flow is 40% of mean annual discharge, when available (Tennant method).

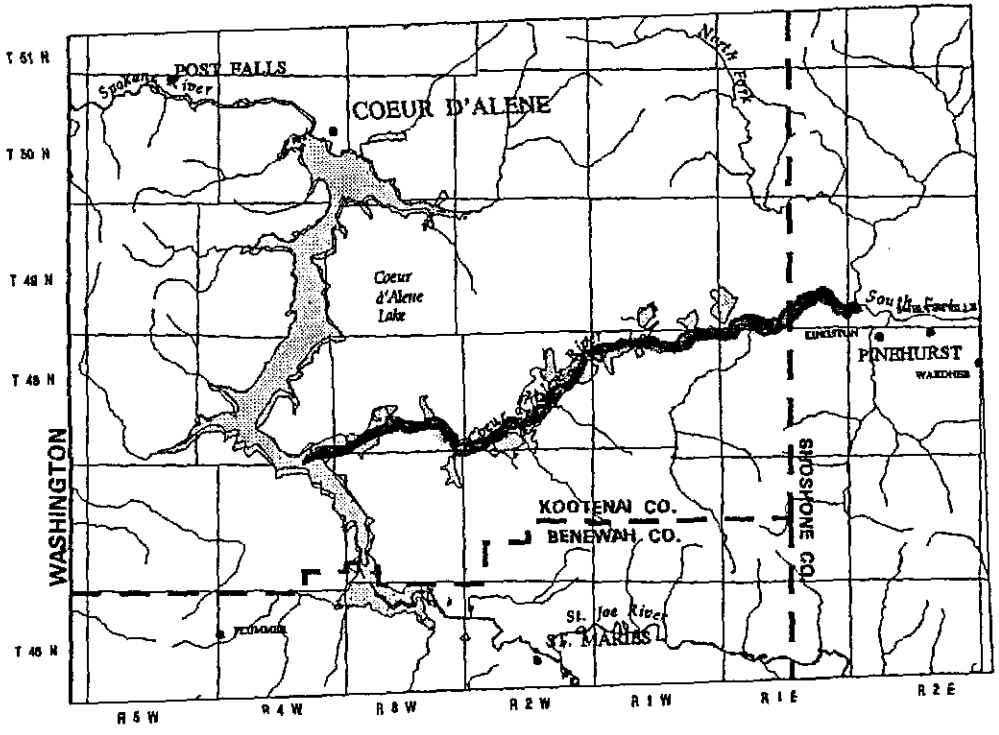
- Jurisdiction is retained to amend the permit if the public interest changes.

- The permit is subordinated to future municipal and domestic development.

Coeur d'Alene River - Minimum Streamflow



Minimum Streamflow Reach



FWR2

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

October 25, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 94-07341

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

NOV 1 6 1995

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 94-07341

Proof of beneficial use rec'd 6/6/94

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

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

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

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 _____

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 94-7341 Reviewed by [illegible] Date 7-5-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

Mini Stream flow

Correct Uses? yes

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

no Required?
Amount Submitted
✓ Correct?

MEASURING DEVICE

Required?
Installed?
✓ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY
New Address

Proof Made 6-6-94

July 5, 1994

IDAHO WATER RESOURCE BOARD
1301 N ORCHARD
P O BOX 83720
BOISE ID 83720-0098

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 94-07341

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

AUG 10 1994

MEMORANDUM

To: Jim Johnson

From: John Beal

Date: May 6, 1994

Re: Minimum Stream Flow, Coeur d'Alene River
94-07341

This water right permit was approved by the Director and is considered approved by the 1994 Idaho Legislature due to the legislatures failing to act on the permit (Idaho Code 42-1503).

The new data has been entered into the database.

The file should be microfilmed and filed in the vault.

If you have any questions give me a call.

Thanks.

6 1995

may determine. Such notice shall specify the time and place for a public hearing to be held concerning the proposed appropriation of minimum stream flow. Such hearing shall be held in accordance with the provisions of section 42-1701A(1) and (2), Idaho Code. The director shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records, and papers as he may desire at the hearing and for that purpose the director may apply to the district court for a subpoena for any witnesses or a supoena [subpoena] duces tecum to compel the production of any books, records, or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect, or refusal occurs, or any judge thereof, on application by the director, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in whole, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon a finding that such appropriation of minimum stream flow:

(a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act;

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

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

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

A copy of the director's findings shall be mailed to the board and to each person or organization who gave testimony in support of or in opposition to the proposed appropriation. The board or any person testifying at a hearing who is aggrieved by a decision of the director shall have the right to have that decision reviewed by the courts pursuant to section 42-1701A(4), Idaho Code. Approved applications shall be submitted to each Legislature by the fifth legislative day of each regular session, and: (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. [I.C., § 42-1503, as added by 1978, ch. 345, § 11, p. 884; am. 1980, ch. 238, § 14, p. 526.]

NOV

Compiler's notes. was repealed. See § 42-1501.

The bracketed word " ond paragraph was inse

For words "this act" § 42-1501.

Sections 13 and 15 of compiled as §§ 42-407 tively.

Section 25 of S.L. 198 provisions of this act ar be severable and if any or the application of su

42-1504. Reque nicipality, county, s board consider the a priated waters of ar the same informatic Idaho Code. The bc after it is filed and r be no right of revie section. If the boar proceed as provided decision and shall § 42-1504, as addec

Compiler's notes. A was repealed. See co § 42-1501.

42-1505. Priorit trol of the distributi provisions of chapter approved application the provisions of this receipt in the office not be deemed to be a diversion of such wat or level of the lake be specified in said appr flow at the locatio § 42-1505, as added

Compiler's notes. A was repealed. See com § 42-1501.

Section 12 of S.L. 1978, c as § 42-1756.

Section 13 of S.L. 1978, c provisions of this act are h

MEMORANDUM

TO: **File 94-07341**

FROM: **Sharla**

DATE: **January 13, 1994**

RE: **Date of Priority**

The original application for permit was received on June 15, 1992. An amended application was received on September 13, 1993 with the only change being in the legal descriptions of the beginning and end of the reach. The original did indicate the beginning at the confluence with the South Fork of Coeur d'Alene River and the end of the reach as being the mouth of the Coeur d'Alene River. However, the tract descriptions were incorrect.

Because the amending of the application did not result in an expansion of use (nor was the physical reach expanded since the defining parameters "confluence with South Fork" and "mouth of Coeur d'Alene River" remained the same), the right should keep the original date of priority - June 15, 1992.

The recommended order identifies September 13, 1993 as the priority date, however, the permit and amended permit both listed June 15, 1992 as the priority in line with the above reasoning. The license should thus also reflect the 6/92 priority when it is issued.

NOV 1 6 1995

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 20, 1993

Re: In the matter of application for permit no. 94-07341 filed in the name of the Idaho Water Resource Board to establish a minimum streamflow water right on Coeur d'Alene River, a tributary of Coeur d'Alene Lake

Dear Interested Party:

The accompanying order is an "order adopting recommended order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in the final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) the petition for reconsideration is disposed of; or
(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

AUG 1 0 1994

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4), Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

AUG 1 0 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 94-07341 (COEUR D'ALENE RIVER) TO ESTABLISH A MINIMUM STREAMFLOW IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	)	**ORDER ADOPTING RECOMMENDED ORDER**

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

WHEREAS, more than twenty-one days have passed since the service of the Recommended Order; and,

WHEREAS, no exception to that Recommended Order has been received,

IT IS, THEREFORE, HEREBY ORDERED that said Recommended Order be adopted and issued as the Final Order and proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.

Dated this 20TH day of December, 1993.

R. Keith Higginson

R. KEITH HIGGINSON, Director
Department of Water Resources

AUG 10 1994

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 1993, I mailed a true and correct copy, postage prepaid, of the Order Adopting Recommended Order to the following individuals:

Clarence Parr
Route 2 Box 2128
Heyburn, ID 83336

Cindy Robertson
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Blaunche Kohli
6415 Harbor Drive
Coeur d'Alene, ID 83814

James A. Emerson
2101 Lakewood Drive Suite 225
Coeur d'Alene, ID 83814

Kootenai County Commission
Courthouse
Coeur d'Alene, ID 83814

Gwen Burr
Dept. of Health & Welfare, DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

Larry LaBolle
E. 1411 Mission Avenue
Coeur d'Alene, ID 83814

Senator Mary Lou & Scott Reed
10 Giesa Road
Coeur d'Alene, ID 83814

Ross Walkin
Spokane River Association
W. 7911 E. Riverview
Coeur d'Alene, ID 83814

Robert Nonini
W. 5900 Harbor Drive
Coeur d'Alene, ID 83814

Rep. Marvin G. Vandenberg
6080 Sunrise Terrace
Coeur d'Alene, ID 83814

Shoshone County Commission
Box 1049
Wallace, ID 83873

Mary Lucachick
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Howard Funke
P.O. Box 969
Coeur d'Alene, ID 83814

Jennifer Seifert
JENNIFER SEIFERT, Records Clerk
Department of Water Resources

AUG 10 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 94-07341

Proposed Priority: June 15, 1992 Maximum Diversion Rate: 1018.00 CFS

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720
has applied for a permit to appropriate water from:

COEUR D ALENE RIVER tributary of **COEUR D ALENE LAKE**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MINIMUM INSTREAM FLOW	11/01 to 06/30	1018.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 10/31	413.00 CFS
	Totals	1018.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach NENENE , Sec. 31, Township 49N, Range 02E
End of Stream Flow Reach SWNW , Sec. 36, Township 48N, Range 01W
KOOTENAI County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

20TH day of DECEMBER, 1993.

R. Keith Higginson, Director

AUG 10 1994

Water Rights on the Coeur D'Alene River From South Fork to Coeur D'Alene Lake
Does not include Applications

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = COEUR D ALENE RIVER						
9407299	COEUR D ALENE RIVER	COEUR D ALENE LAKE	08/08/86	0.020	1.50	L
9404022	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/01/70	0.600	0.00	S
9407133	COEUR D ALENE RIVER	COEUR D ALENE LAKE	02/26/79	0.330	12.00	L
9402213	COEUR D ALENE RIVER	COEUR D ALENE LAKE	09/25/56	12.900	0.00	L
NUMBER OF RIGHTS FOR COEUR D ALENE RIVER = 4				13.850	13.50	
NUMBER OF RIGHTS = 4				13.850	13.50	

Water Rights on the Coeur D'Alene River From South Fork to Coeur D'Alene Lake
Including Applications

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = COEUR D ALENE RIVER						
9407299	COEUR D ALENE RIVER	COEUR D ALENE LAKE	08/08/86	0.020	1.50	L
9407341	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/15/92	1018.000	0.00	A — Minimum SF App.
9404022	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/01/70	0.600	0.00	S
9407346	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/14/93	0.040	0.00	A
9407133	COEUR D ALENE RIVER	COEUR D ALENE LAKE	02/26/79	0.330	12.00	L
9402213	COEUR D ALENE RIVER	COEUR D ALENE LAKE	09/25/56	12.900	0.00	L
NUMBER OF RIGHTS FOR COEUR D ALENE RIVER = 6				1031.890	13.50	
NUMBER OF RIGHTS = 6				1031.890	13.50	

ORDER OF PROCEDURE FOR HEARINGS ON
SPOKANE RIVER AND COEUR D' ALENE RIVER

PRELIMINARY (OFF THE RECORD) MATTERS

Review the following:

(2) Purpose of hearings

Develop record of decision for the application

Only information in official record can be considered

Criteria — ① Not injure (interfere with) any prior right
② In public, not private interest
③ Necessary for preservation of fish, wildlife, etc
④ Is a minimum flow
⑤ Is consistent with comprehensive plan.

(3) Hearing procedures

Full parties/public interest parties

Direct testimony under oath

Opportunity for cross-examination by full parties

Opportunity for public interest statements by non parties

Written record left open until November 8, 1993

Post-Hearing Procedures

Recommended decision entered by hearing officer

Opportunity for exceptions by full parties

Final Decision issued by Director of IDWR

Rehearing can be requested

Appeal to District Court

Review by legislature

Save for closing

(1) Instream flow purpose and effect — Constitutional right to appropriate use with

- Priority system
- Legal for streams in Idaho to be dried up
- Instream flow right can be held by IWRB to protect flow for specific instream uses. (since 1978)
- Takes its place in line based upon priority date
- Cannot injure any prior right
- Can't put water back into stream that has earlier rights

{ 37 applications for 672 miles
{ 49 have been granted for 278 miles

Determine who the full parties are, order of appearance and seating at table

Intervenors(?)

Determine if any public interest parties have time conflicts

PROCEDURE ON THE RECORD

Introduce purpose, time, and place of hearing and IDWR staff

Take appearances — Review notice — Take notice of written comment in record

Opening statements if there appears to be a controversy

Take direct testimony

IWRB (Clarence Parr)

IDWR (John Beal)

F&G (Cindy Robertson)

Others

Allow cross-exam by other parties after each direct statement is completed.

GO OFF THE RECORD AS NEEDED TO ALLOW AN INTERCHANGE OF QUESTIONS WITH THE AUDIENCE

- Public interest statements (take under oath)
- Allow opportunity for closing argument if a controversy
- Post hearing briefs if a controversy?
- Advise of closing date for written comment 11/8/93
- Continue the oral hearing record until 7:00 pm hearing

PROCEDURE AT PUBLIC INTEREST HEARING

94-07341
95-08780

- Review:
  - Purpose of hearings
  - Purpose of instream flows
  - Priority system
  - Salient information from earlier hearings
    - Have Clarence and John review their testimony
  - Procedure at hearing
- Turn on recorder
  - Swear in first witness
  - Allow cross exam by full parties-limit to questions intended to elucidate testimony, not discredit it
  - Let all wanting to testify do so before allowing repeat testimony
- Review Post-hearing procedures take official notice of IDWR water right files for rights tributary from the ~~EOA~~ Spokane River Basin + other official records + publications as provided by the Rules of Practice & Procedure.
- Close hearing by reminding of dates for written testimony and closing oral part of hearing.

Compiler's notes. Section 24 of S.L. 1986, ch. 220 is compiled as § 42-1777.

CHAPTER 15

MINIMUM STREAM FLOW

SECTION.
42-1501. Legislative purpose — Minimum stream flow declared beneficial use.
42-1502. Definitions.
42-1503. Application to appropriate — Process — Judicial review.
42-1504. Request to file application.
42-1505. Priority date — Administration.

42-1501. Legislative purpose — Minimum stream flow declared beneficial use. — The legislature of the state of Idaho hereby 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 preservation of the water of the streams of this state for such purposes when made pursuant to this act is necessary and desirable for all the inhabitants of this state, is in the public interest and is hereby declared to be a beneficial use of such water. The legislature further declares that minimum stream flow is a beneficial use of water of the streams of this state for the purpose of protecting such waters from interstate diversion to other states or by the federal government for use outside the boundaries of the state of Idaho. Minimum stream flows as established hereunder shall be prior in right to any claims asserted by any other state, government agency, or person for out of state diversion. It is, therefore, necessary that authority be granted to receive, consider, approve or reject applications for permits to appropriate water of the streams of this state to such beneficial uses to preserve such water from subsequent appropriation to other beneficial uses under the provisions of chapter 2, title 42, Idaho Code. [I.C., § 42-1501, as added by 1978, ch. 345, § 11, p. 884.]

Compiler's notes. Former §§ 42-1501—42-1505, which comprised S.L. 1937, ch. 95, §§ 1, 4-6, 8, p. 132, were repealed by S.L. 1969, ch. 469, § 2.

The words "this act" refer to S.L. 1978, ch. 345 compiled herein as §§ 42-241 — 42-247, 42-1501 — 42-1505, 42-1736A, 42-1736B, 42-1756.

Section 10 of S.L. 1978, ch. 345 is compiled as § 42-247.

Sec. to sec. ref. This chapter is referred to in §§ 42-1420, 42-1421 and 42-1734G.

Cited in: Shokal v. Dunn, 109 Idaho 330, 707 P.2d 441 (1985).

42-1502. Definitions. — Whenever used in this act, the terms:

(a) "Appropriate" or "appropriation" mean [means] the identification of a beneficial use and place of in-stream use of the waters of a stream. It shall not be construed to require any kind of physical structure or physical diversion from the stream;

(b) "Board" means the Idaho water resource board;

(c) "Department" means the Idaho department of water resources;

(d) "Director" sources;

(e) "Stream" m ral body of stan under the laws

(f) "Minimum feet per second of required to prote aesthetic beauty, in the public int

(g) "Unappropr sion and use und and application t file or issued by Idaho Code, with for appropriation act. [I.C., § 42-1

Compiler's notes. was repealed. See § 42-1501.

The bracketed word

42-1503. Appl — Whenever the the unappropriate the director. Such the director and

(a) The name stream where the determined;

(b) The minimu

(c) The purpose proposed to be m

(d) The period o tion is proposed;

(e) Such other i the director.

Upon the receip the director shall game, health and tity likely to have shall also prepare mum stream flow two (2) consecutiv county where the there is such new within the county. appropriation in s

(d) "Director" means the director of the Idaho department of water resources;

(e) "Stream" means any lake, spring, creek, stream, river or other natural body of standing or moving water which is subject to appropriation under the laws of the state of Idaho;

(f) "Minimum stream flow" means the minimum flow of water in cubic feet per second of time or minimum lake level in feet above mean sea level required to protect the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of a stream in the public interest;

(g) "Unappropriated water" means water which is not subject to diversion and use under any prior existing water right established by diversion and application to a beneficial use or by application, permit or license on file or issued by the director under the provisions of chapter 2, title 42, Idaho Code, with a priority of water right date earlier than an application for appropriation of minimum stream flow filed under the provisions of this act. [I.C., § 42-1502, as added by 1978, ch. 345, § 11, p. 884.]

Compiler's notes. A former § 42-1502 was repealed. See compiler's notes to § 42-1501.

The bracketed word "means" in paragraph (a) was inserted by the compiler.

For words "this act" see compiler's notes, § 42-1501.

42-1503. Application to appropriate — Process — Judicial review. — Whenever the board desires to appropriate a minimum stream flow of the unappropriated waters of any stream, it shall submit an application to the director. Such application shall be made upon forms to be furnished by the director and shall include:

(a) The name of the stream and legal description of the point on the stream where the minimum stream flow is proposed to be appropriated and determined;

(b) The minimum stream flow proposed;

(c) The purpose for which the minimum stream flow appropriation is proposed to be made;

(d) The period of time or season of the year during which said appropriation is proposed; and

(e) Such other information as shall be required by the form furnished by the director.

Upon the receipt of an application filed under the provisions of this act, the director shall forward a copy thereof to the departments of fish and game, health and welfare, parks and recreation, and any other public entity likely to have an interest or knowledge in the matter. The director shall also prepare a notice describing the proposed appropriation of minimum stream flow and cause said notice to be published once each week in two (2) consecutive weekly issues of a newspaper published within the county where the appropriation of minimum stream flow is proposed, if there is such newspaper, otherwise in a newspaper of general circulation within the county. The director may also give other notice of the proposed appropriation in such manner and to such persons or organizations as he

may determine. Such notice shall specify the time and place for a public hearing to be held concerning the proposed appropriation of minimum stream flow. Such hearing shall be held in accordance with the provisions of section 42-1701A(1) and (2), Idaho Code. The director shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records, and papers as he may desire at the hearing and for that purpose the director may apply to the district court for a subpoena for any witnesses or a supoena [subpoena] duces tecum to compel the production of any books, records, or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect, or refusal occurs, or any judge thereof, on application by the director, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in whole, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon a finding that such appropriation of minimum stream flow:

(a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act;

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

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

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

A copy of the director's findings shall be mailed to the board and to each person or organization who gave testimony in support of or in opposition to the proposed appropriation. The board or any person testifying at a hearing who is aggrieved by a decision of the director shall have the right to have that decision reviewed by the courts pursuant to section 42-1701A(4), Idaho Code. Approved applications shall be submitted to each Legislature by the fifth legislative day of each regular session, and: (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. [I.C., § 42-1503, as added by 1978, ch. 345, § 11, p. 884; am. 1980, ch. 238, § 14, p. 526.]

Compiler's
was repealed.
§ 42-1501.
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Compiler's notes. A former § 42-1503 was repealed. See compiler's notes to § 42-1501.

The bracketed word "subpoena" in the second paragraph was inserted by the compiler.

For words "this act" see compiler's notes, § 42-1501.

Sections 13 and 15 of S.L. 1980, ch. 238 are compiled as §§ 42-407 and 42-1719, respectively.

Section 25 of S.L. 1980, ch. 238 read: "The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act."

Opinions of Attorney General. Despite the presumption in favor of a statute's constitutionality, the provision in this section that purports to authorize the legislature to reject, by concurrent resolution, a minimum stream flow approved by the Director of the state Department of Water Resources contravenes Const., art. 2, § 1, art. 3, §§ 1 and 15, and art. 4, § 10. OAG 87-6.

42-1504. Request to file application. — Any person, association, municipality, county, state or federal agency may, in writing, request that the board consider the appropriation of a minimum stream flow of the unappropriated waters of any stream. Said request shall be in writing and provide the same information required in the form provided for by section 42-1503, Idaho Code. The board shall consider said request within six (6) months after it is filed and may proceed to reject or accept the proposal. There shall be no right of review of any board decision rejecting a request under this section. If the board decides that the request has merit, the board shall proceed as provided in this act. The board may hold hearings in reaching its decision and shall notify the requesting party of its decision. [I.C., § 42-1504, as added by 1978, ch. 345, § 11, p. 884.]

Compiler's notes. A former § 42-1504 was repealed. See compiler's notes to § 42-1501.

42-1505. Priority date — Administration. — In his direction and control of the distribution of water from the streams of this state under the provisions of chapter 6, title 42, Idaho Code, the director shall consider any approved application for appropriation of minimum stream flow filed under the provisions of this act as a water right with priority date as of the date of receipt in the office of the director of a complete application. Water shall not be deemed to be available to fill any water right of later priority date if diversion of such water would result in a decrease in the flow of the stream or level of the lake below the minimum stream flow or minimum lake level specified in said approved application for appropriation of minimum stream flow at the locations described in said approved application. [I.C., § 42-1505, as added by 1978, ch. 345, § 11, p. 884.]

Compiler's notes. A former § 42-1505 was repealed. See compiler's notes to § 42-1501.

Section 12 of S.L. 1978, ch. 345 is compiled as § 42-1756.

Section 13 of S.L. 1978, ch. 345 read: "The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid or unconstitutional for any reason, such declaration shall not affect the validity of remaining portions of this act."

MINIMUM STREAM FLOW SUMMARY

NO.	FILE NO.	SOURCE	REQUESTED BY	PRIORITY DATE	MILES	FLOW (CFS)	HEARING DATE	PROPOSED MEMO. DECISION	APPROVAL BY DIRECTOR	LEG.	REMARKS	No.
1	11-7152	St. Charles Creek	IF&G	13-Sep-78	7	9 - 17	10-Jun-80		13-Nov-80	X*		1
2	36-7818	Vinyard Creek	IF&G	26-Apr-79	0.25	17	26-Apr-79		20-Jul-79	x		2
3	36-7819	Briggs Springs	IF&G	13-Sep-78	0.25	56	26-Apr-79				Held pending outcome of permits 36-7537 (1-Sep-91); 36-7538 (1-Sep-91)	
4	36-7820	Blind Canyon Springs	IF&G	13-Sep-78	0.5	8	26-Apr-79	28-Nov-88	23-Dec-88	X		3
5	36-7821	Lower White Springs	IF&G	13-Sep-78	0.25	11	25-Apr-79				Held pending outcome of field exam	
6	36-7822	Banbury Springs	Magic Valley Fly Fisherman	13-Sep-78	0.25	97	25-Apr-79				Held pending outcome of Application 36-7814 (protested)	
7	37-7727	Silver Creek	IF&G	13-Sep-78	11	99	11-Jan-79		28-Feb-79	X		4
8	37-7728	Silver Creek	IF&G	13-Sep-78	10	74	11-Jan-79		28-Feb-79	X		5
9	37-7734	Bancroft Springs	IF&G	13-Sep-78	0.1	17	25-Apr-79		20-Jul-79	X		6
10	95-7874	Wolf Lodge Creek	IF&G	13-Sep-78	3	30	02-Aug-79		18-Sep-79	X		7
11	37-7739	Little Wood River	IF&G	29-Sep-78	14	39	06-Aug-80			X*		8
12	96-7771	Granite Creek	IF&G	17-Apr-79	0.5	45	02-Aug-79		18-Sep-79	X		9
13	96-7772	Sullivan Springs	IF&G	17-Apr-79	0.1	45	02-Aug-79		18-Sep-79	X		10
14	36-7872	Devils Corral Springs	IF&G	21-Sep-79	0.5	48	05-Aug-80		12-Apr-82	X*		11
15	73-7045	Pahsimeroi River	IF&G	19-Dec-79	7	74 - 127	24-Sep-82	22-Mar-84	22-Mar-84	X*		12
16	41-7046	East Fork of Rock Creek	Power Co. C.	16-Jan-80	3	20	14-Nov-85	20-Apr-87	24-Jun-87	X*		13
17	37-7849	Silver Creek	IF&G	26-Aug-80	13	74	10-Nov-83	21-Jun-81	16-Jan-87	X		14
18	37-7892	Malad River	IP&R	27-Mar-81	0.75	75	09-Nov-83				To be reheard with 37-8333	
19	37-7919	Big Wood River	IF&G	19-Jun-81	18	70	13-Nov-85	24-Jan-81	16-Jan-87	X		15
20	37-7920	Malad (Big Wood) River	IF&G	19-Jun-81	1	39	09-Nov-83	16-Feb-88	16-Jan-87	X	CHECK DATE OF APPROVAL BY Dir.	16
21	22-7370	Bitch Creek	IF&G	19-Jun-81	7.5	28	21-Nov-85	30-Nov-88	23-Dec-88	X		17
22	22-7369	Teton River	IF&G	19-Jun-81	9	106	21-Nov-85	28-Nov-88	01-Dec-89	X*		18
23	21-7283	Warm River	IF&G	19-Jun-81	0.5	141	20-Nov-85	28-Nov-88	23-Dec-88	X		19
24	96-7979	Lightning Creek	IF&G	19-Jun-81	8	49 - 84	16-Nov-83	20-Apr-87	24-Jun-87	X*		20
25	96-7980	Grouse Creek	IF&G	19-Jun-81	5	14 - 85	16-Nov-83	20-Apr-87	24-Jun-87	X*		21
26	21-7282	Henrys Fork	IP&R	19-Jun-81	24	300 - 1000	23-Sep-81	12-May-83	12-May-83	X		22
27	41-7074	East Fork of Rock Creek	IWRB	12-Sep-84	1	11	14-Nov-85	20-Apr-87	24-Jun-87	X*		23
28	21-7355	Warm River	IF&G	27-Sep-84	8	141	20-Nov-85	28-Nov-88	23-Dec-88	X		24
29	65-12733	SF & Main Stem Payette River	IP&R	26-Apr-85	54	212 - 1350	27-Oct-87		13-Jan-87	X*	check dates as shown	25
30	97-7274	Indian Creek	IP&R	26-Apr-85	3	26	21-Oct-87	16-Feb-88	29-Apr-88	X		26
31	97-7275	Lion Creek	IP&R	26-Apr-85	2	22	21-Oct-87	16-Feb-88	29-Apr-88	X		27
32	37-8258	Big Wood River	Blaine Co. P&Z	16-Jan-86	9	200	23-Oct-91	19-Nov-91	30-Dec-91	X*		28
33	36-8307	Minnie Miller Springs	IP&R	19-Mar-86	0.50	200 - 450	19-Mar-87	08-Oct-87	08-Dec-87	X*		29
34	36-8330	Crystal Springs	IF&G	27-Jul-87	0.25	50	26-Oct-88	02-Dec-88	23-Dec-88	X		30
35	95-8560	Hayden Creek	IF&G	16-Oct-87	3	4 - 20	11-Oct-89	30-Nov-89	29-Dec-89	X		31
36	47-8073	Shoshone Creek	IF&G	16-Oct-87	10	5 - 7	22-Mar-88	27-Nov-88	10-Jan-89	X		32
37	36-8337	Box Canyon Creek	BLM	16-Oct-87	0.25	75 - 162	23-Mar-88	28-Nov-88	23-Dec-88	X		33
38	96-8503	Round Lake	IP&R	16-Oct-87	0.25	n/a	11-Oct-89	07-Dec-89	29-Dec-89	X		34
39	37-8307	Big Wood River	IWRB	26-Oct-87		119	23-Oct-91	19-Nov-91	30-Dec-92	X*	Repeated Mileage = 18	35
40	65-12822	North Fork Payette River	IF&G/IP&R	17-Dec-87	10	106 - 1400	30-Nov-88		17-Jul-89	X	Cabarton to Smiths Ferry	36
41	37-8333	Malad River	IP&R	29-Jan-88	1	30 - 400					Hearing with 37-7892:Repeat Mileage=1	
42	36-8347	Niagara Springs Creek	IDWR	29-Jan-88	0.25	45 - 110					From discharge to mouth @ Snake River	
43	65-12839	North Fork Payette River	IWRB	05-Apr-88		100 - 294	07-Oct-91	04-Dec-91	30-Dec-91	X*	Repeated Mileage = 10	37
44	65-12840	North Fork Payette River	IP&R	05-Apr-88	17	1300 - 1800	30-Nov-88		17-Jul-89	X	Smiths Ferry to Banks	38
45	36-8374	Crystal Springs	IP&R	01-Jul-88	0.25	25	26-Oct-88	02-Dec-88	23-Dec-88	X		39

AUG 1 1994

10/12/93

* ABSENCE OF FORMAL ACTION BY LEGISLATURE CONSTITUTES APPROVAL

46	43-7295	Circle Creek	IP&R	01-Jul-88	6	0.5 - 1.5	13-Nov-90	07-Dec-90	02-Jan-91	X		40
47	36-8391	Box Canyon	Gooding Co. C	04-Aug-88	0.25	550					Repeated Mileage=0.25	
48	36-8390	Crystal Springs	Gooding Co. C	24-Oct-88		126	07-Nov-91	25-Nov-91			Application Denied	
49	83-7099	Elk Creek	IP&R	10-Feb-89	1.5	40 - 120	12-Oct-89	05-Dec-89	29-Dec-89	X		41
50	65-13059	North Fork Payette River	IF&G	16-May-89		400	07-Oct-91	04-Dec-91	30-Dec-91	X*	Smiths Ferry to Banks:Repeat Mileage=17	42
51	65-13060	South Fork Payette River	IWRB	16-May-89		700 - 763	08-Oct-91	19-Nov-91	30-Dec-91	X*	Oxbow Reach; Repeated Mileage = 1	43
52	36-8556	S. Thousand Springs Estuary	IP&R	03-Aug-90	0.5	500	22-Oct-91	25-Nov-91	2-Jan-92	X*		44
53	36-8557	Sculpin Springs Creek	IP&R	03-Aug-90	0.5	33	22-Oct-91	25-Nov-91	2-Jan-92	X*		45
54	36-8558	Sand Springs Creek	IP&R	03-Aug-90	0.4	34	22-Oct-91	25-Nov-91	2-Jan-92	X*		46
55	97-7308	North Fork East River	IWRB	09-Nov-90	9.25	18 - 70	22-Apr-91	15-Jul-91	29-Aug-91	X*		47
56	36-8600	Crystal Springs	IP&R	22-Mar-91		59	07-Nov-91	25-Nov-91	1992	X	Repeated Mileage=0.25; SCR 105	48
57	96-8651	Beaver Lake	IF&G	24-Jun-91	0.2	n/a					Application for Min. Lake Level	
58	36-8596	Billingsley Creek	IF&G	24-Jun-91	1	75 - 140						
59	25-7597	Willow Creek	IF&G	24-Jun-91	18	30 - 250	29-Oct-91	5-Sep-92	28-Sep-92	X*		49
60	33-7207	Wet Creek	IF&G/BLM	3-Oct-91	6.5	10	12-May-93	01-Oct-93	06-Oct-93			
61	33-7206	Badger Creek	IF&G/BLM	14-May-92	5.25	5.5	12-May-93	01-Oct-93	06-Oct-93			
62	36-8670	Niagara Springs & Creek	IWRB	24-Apr-92		264						
63	95-8780	Spokane River	IWRB	15-Jun-92	5.7	2495	27-Oct-93					
64	96-8730	Pend Oreille River	IWRB	15-Jun-92	2.4	10655						
65	96-8718	Clark Fork River	IWRB	15-Jun-92	8.4	9335						
66	98-7705	Kootenai River	IWRB	15-Jun-92	18.5	5340	14-Oct-93					
67	97-7730	Priest River	IWRB	15-Jun-92	21.7	698						
68	78-7704	Moyie River	IWRB	15-Jun-92	6.9	149-354	14-Oct-93					
69	96-8717	Pack River	IWRB	15-Jun-92	22	54-129	13-Oct-93					
70	91-7122	St. Joe River	IWRB	15-Jun-92	36	941						
71	92-7200	St. Maries River	IWRB	15-Jun-92	26	141						
72	94-1341	Coeur D'Alene River	IWRB	15-Jun-92	11	1018	27-Oct-93					
73	85-7582	Clearwater River	IWRB	30-Jul-92	15.2	5910						
74	81-7162	Middle Fork - Clearwater	IWRB	30-Jul-92	23	2640						
75	85-7583	Clearwater River	IWRB	30-Jul-92	34	3515						
76	86-7318	Clearwater River	IWRB	30-Jul-92	27	5750						
77	81-7161	Lochsa River	IWRB	30-Jul-92	24	1140						
78	81-7160	Selway River	IWRB	30-Jul-92	19	1500						
79	13-7503	Cub River	IDFG	17-Dec-92	11.5	17-173						
80	11-07406	Bear Lake	B Lake Co.C	13-May-93	n/a	5902 ft	14-Oct-93					
81	63-12033	M Fork - Boise River	IWRB	24-May-92	16.3	230-1000						
82	63-12032	Yuba River	IWRB	24-May-92	2.8	44-200						
83	63-12030	E Fork - Montezuma Creek	IWRB	24-May-92	1.9	0.11						
84	63-12031	Crooked River	IWRB	24-May-92	10.1	34-150						
86	63-12034	North Fork Elk Creek	IWRB	24-May-92	15.4	5						
87	96-08764	Gamble Lake	IWRB		n/a							
	TOTAL MILES; APPLICATIONS, LICENSES AND PERMITS				672.4							
	TOTAL MILES , PERMITS AND LICENSES									297.6		

AUG 10 1994

ABSENCE OF FORMAL ACTION BY LEGISLATURE TITUTES APPROVAL

MINIMUM STREAMFLOW
Fact Sheet

Permit To Appropriate Water No. 94-07341

Source: Coeur d'Alene River

Applicant: Idaho Water Resource Board

Requesting Agency: None. The Water Resource Board initiated the application.

Application Filed: June 15, 1992

Rate of Flow: 1018.0 cfs from November 1 through June 30
413.0 cfs from July 1 through October 31

Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R02E, Shoshone County, and extending downstream to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SW¼NW¼), Section 36, T48N, R04W, B.M., Kootenai County.

Purpose: Protection of fish and wildlife habitat, aquatic life and recreational values.

Unique Facts:

- The basis for the rate of the instream flow is 40% of mean annual discharge, when available (Tennant method).

- Jurisdiction is retained to amend the permit if the public interest changes.

- The permit is subordinated to future municipal and domestic development.

AUG 1 0 1994

THE STATE OF IDAHO

SECOND REGULAR SESSION - 1994

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

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

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 94-07341 on December 20, 1993, by adopting a Recommended Order authorizing the appropriation of a minimum streamflow in the Coeur d'Alene River of 1018.0 cfs from November 1 through June 30 and 413.0 cfs from July 1 through October 31. The minimum streamflow commences at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R02E, Shoshone County, and extends downstream to the mouth of the Coeur d'Alene River in Lots 3 and 4 (SW¼NW¼), Section 36, T48N, R04W, B.M., Kootenai County.

NOW THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the 52nd Idaho State Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Recommended Order, dated November 24, 1993, and adopted by the Director of the Department of Water Resources on December 20, 1993.

AUG 10 1994

THE STATE OF IDAHO

SECOND REGULAR SESSION - 1994

A CONCURRENT RESOLUTION

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MICROFILMED

AUG 1 0 1994

MINIMUM STREAMFLOW
Fact Sheet

Permit To Appropriate Water No. 94-07341

Source: Coeur d'Alene River

Applicant: Idaho Water Resource Board

Requesting Agency: None. The Water Resource Board initiated the application.

Application Filed: June 15, 1992

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Purpose: Protection of fish and wildlife habitat, aquatic life and recreational values.

Unique Facts:

- The basis for the rate of the instream flow is 40% of mean annual discharge, when available (Tennant method).

- Jurisdiction is retained to amend the permit if the public interest changes.

- The permit is subordinated to future municipal and domestic development.

AUG 1 0 1994

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 20, 1993

Re: In the matter of application for permit no. 94-07341 filed in the name of the Idaho Water Resource Board to establish a minimum streamflow water right on Coeur d'Alene River, a tributary of Coeur d'Alene Lake

Dear Interested Party:

The accompanying order is an "order adopting recommended order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in the final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) the petition for reconsideration is disposed of; or
(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

AUG 10 1994

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4), Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

AUG 10 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720 (208) 327-7910	06/15/1992	MINIMUM INSTREAM FLOW	11-01 06-30	1018.00 CFS	
			MINIMUM INSTREAM FLOW	07-01 10-31	413.00 CFS	
				TOTAL DIVERSION:	1018.00 CFS	

Water Source: COEUR D ALENE RIVER Tributary to: COEUR D ALENE LAKE Stage: PERMIT

Point(s) of Beginning Stream Reach: T49N R02E S31 NE NE NE
Point(s) of Ending Stream Reach: T48N R01W S36 SW NW

Pou County:

Remarks: This minimum streamflow shall be subject to future municipal and domestic development from the Coeur d'Alene River and its tributaries for use in the basin within and upstream of the minimum streamflow reach. The minimum streamflow will not be subject to water rights established in the future for irrigation uses or other large consumptive purposes even though covered under a municipal or domestic use definition.
Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit or subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of 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 permit or subsequent license 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 permit or license would be in the public interest.
Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than September 13, 1993, for application No. 94-07341.
Use of water under this permit shall be nonconsumptive.
Upon further finding and order of the Director that guaging stations are required to maintain the approved minimum flows on Coeur d'Alene River, such measuring devices shall be permanently installed and maintained as specified by the Director.
Proof of instream beneficial use of the minimum streamflow may be submitted immediately upon legislative approval of the permit, but shall be submitted no later than March 1, 1999.

Remarks: See Final Order for additional conditions of approval.

Dates: App. Received: 06/15/1992 Priority Date: 06/15/1992
Proof Due Date: 03/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 12/17/93 ZIMMERMA

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 24, 1993

Re: In the matter of Applications for Permit No. 94-07341 the name of Idaho Water Resource Board

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

AUG 10 1994

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,

L. Glen Saxton
Chief, Water Allocation Bureau

Enclosures

AUG 10 1994

RECEIVED
NOV 1 5 1993
Department of Water Resources

HENRY D. COVELLI, M.D., F.C.C.P.
Pulmonary Consultants of Northern Idaho
Maple Tree Professional Center, Suite 201
1800 Lincoln Way • Coeur d'Alene, Idaho 83814
Telephone **(208) 765-1252**

Following letter is in oppossitom to minumum streamflow permit applicatom on Spokane River

Bob N[redacted]

AUG 1 0 1994

November 2, 1993

Spokane River Association
Attention: Bob Nonini
P.O. Box 1737
Post Falls, Idaho 83854

Dear Sirs:

We are in opposition to your altering the current flow pattern of the Spokane River. Enough changes have taken place. We have no fish because of the implementation of some of the recent policies and lack of enforcement of others. Because of the pollution that is allowed to continue from sub-standard sewer systems and the callous dumping of pollutants in to this area; ie: bark, etc., we have seen very unfortunate changes in this beautiful river.

Please, try to help resolve these issues before playing with the minimum stream flow.

Sincerely,

H D Covelli

Henry D. Covelli, M.D.

HDC/ke

AUG 1 0 1994

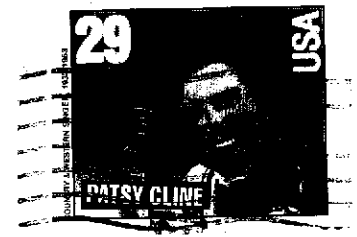
Northwestern Mutual Life® / Baird

ROBERT P. NONINI

Ironwood Parkway, Suite 107
ur d'Alene, ID 83814

**BDI TR2

SPOKANE WA 992
PM
13 NOV
1993



AUG 1 0 1994

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

10/29

To: Norm Young

This fellow asked to receive a copy of your "Proposed Decisions" on the Coeur d'Alene and Spokane.

JB
7992

MICROFILMED

AUG 10 1994

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 29, 1993

Mr. James A. Emerson
2101 Lakewood Drive, Suite 225
Coeur d'Alene, ID 83814

Dear Mr. Emerson:

With this letter are copies of the overheads that I used at the minimum streamflow Hearings for the Spokane and Coeur d'Alene rivers. If you need other specific information, please let me know and I will be happy to send it to you.

If you wish to receive copies of the Hearing Officer's Proposed Decisions and you have not received them by November 30, contact me and I will see that you get copies.

Sincerely,

John E. Beal
Water Planning Bureau

enc

AUG 10 1994

Kootenai Environmental Alliance
P.O. Box 1515 Coeur d'Alene, ID 83814-1515

Idaho Department of Water Resources
Cooperative Extension Office
106 E. Dalton Ave.
Coeur d'Alene, ID. 83814

Coeur d'Alene, ID.
October 27, 1993

RE:Minimum Streamflow
for Coeur d'Alene
River No 98-07705

Att: Gary Spackman:

Dear Sir:

Please be advised that Kootenai Environmental Alliance, PO Box 1515, Coeur d'Alene, Id. 83816, wishes to go on record as supporting the application of the Idaho Water Resource Board for minimum streamflow on a portion of the Coeur d'Alene River as identified above It is time the need be recognized to provide some protection of fish and wildlife habitat, aquatic life and recreational values in our rivers.

Sincerely yours,

KOOTENAI ENVIRONMENTAL ALLIANCE

Art Manley, President

AUG 10 1994

GIVENS, FUNKE & WORK
ATTORNEYS AT LAW
TOP FLOOR - OLD CITY HALL
424 SHERMAN AVE. P.O. BOX 969
COEUR D'ALENE, IDAHO 83816-0969
(208) 667-5486
FAX (208) 667-4695

October 27, 1993

Idaho Water Resource Board
F. David Rydalch, Chairman

Re: Minimum Streamflows - Coeur d'Alene and Spokane Rivers

Dear Dave:

Greetings to you, Gene, Clarence, Kenneth, other members of the Board and IDWR staff.

On behalf of the Coeur d'Alene Tribe, please accept the following comments for the record, presented to the Idaho Water Resource Board, Wednesday, October 27, 1993, at the Minimum Streamflow Hearings, held at the Cooperative Extension Service, 106 E. Dalton Ave., Coeur d'Alene, Idaho.

Initially, the Coeur d'Alene Tribe strongly supports the concept and effort to establish minimum streamflows for the protection of fish, wildlife, habitat and ecosystem values. These critical instream, public interest values are too often sacrificed in pursuit of short-term profits for a relative few.

Preserving riverflows in the South Fork of the Coeur d'Alene River is crucial to the concerted effort by the Coeur d'Alene Tribe and others to establish a long-term restoration plan to clean up and restore the Coeur d'Alene Basin. The South Fork of the Coeur d'Alene River contains extremely elevated levels of toxic heavy metal waste due to over one hundred years of mining, dumping, smelting, milling and other related activities in the basin.

Maintenance of riverflows in the South Fork of the Coeur d'Alene River is essential to strategies being developed by the Tribe and other interested parties to restore this basin and hopefully return it to a healthy state.

In the Spokane River from Lake Coeur d'Alene to the Idaho-Washington stateline, a large volume of sewage is being dumped in the river by a group of municipalities. Large scale residential development is occurring along this reach of river contributing additional

AUG 1 0 1994

nutrient loading and other water quality problems in the river. Maintenance of adequate flows in this reach of the river is necessary for dilution of pollution.

While the Coeur d'Alene Tribe supports the establishment and protection of flows in both rivers, the Tribe has significant claims to both river reaches which predate all present or future state law rights.

The Tribe claims ownership of the beds, banks, and waters of the South Fork of the Coeur d'Alene and the south half of the Spokane River excluding Post Falls within the 1873 Coeur d'Alene Reservation boundary. Federal District Court Judge Harold Ryan held the Tribe did not own this and other watercourses the Tribe claimed in a decision issued in an Order Granting Motion to dismiss on July 20, 1992, Case No. CV-91-437-HCR (Dist. of Idaho). This decision is now the subject of an appeal before the Federal Court of Appeals for the Ninth Circuit. U. S. Court of Appeals Docket No. 92-36703.

Also within the 1873 Reservation boundary, the Tribe claims an aboriginal water right for hunting, fishing and other purposes pursuant to its aboriginal title to these reserved lands and waters.

In addition, the Tribe claims water in the subject reaches of the South Fork of the Coeur d'Alene River and Spokane River, both on and off the Reservation, sufficient to satisfy the purposes of the establishment of the Coeur d'Alene Indian Reservation pursuant to the Winters doctrine. Winters v. United States, 207 U.S. 564 (1908). The reason or purpose for the Tribe and the United States reserving this portion of the Tribe's aboriginal territory was the establishment of a permanent homeland, including hunting and fishing and the attendant right to flows for these purposes.

In any designation of minimum streamflows in these rivers the State of Idaho should give appropriate notice of these prior claims by the Coeur d'Alene Tribe.

HOWARD FUNKE
Tribal Attorney
Coeur d'Alene Tribe

HF.jf

AUG 1 0 1994

Advertised in statewide papers and in both the county papers where the streams are located.

9/15 & 22/1993 and/or 9/16 & 23/1993

Pat 9/8/1993

Shoshone City H.O.-T. ✓
CDA'P. ✓✓
Lewiston ✓
Ad Statesman ✓
Jerome News ✓
* Post Register ✓

AUG 10 1994

Kenneth E Hungerford

2005 Orchard Ave
Moscow, ID 83843

Mike Satterwhite

327 Skyline Drive
Lewiston, ID 83501

Bonner County Comm

215 S First
Sandpoint, ID 83631

Boundary County Comm

Court House
Bonners Ferry, ID 83805

X Kootenai County Comm

Court House
Coeur d'Alene, ID 83814

X Shoshone County Comm

Box 1049
Wallace, ID 83873

Sen Tim Tucker

HCR 60 Box 227
Porthill, ID 83853

Rep Monica Beaudoin

602 Lakeview Blvd
Sandpoint, ID 83864

Rep Jim Stoicheff

615 Lakeview
Sandpoint, ID 83864

Sen Barbara Chamberlain

E 4555 Ohio Match Ave
Post Falls, ID 83854

Rep Hilde Kellogg

PO Box 1479
Post Falls, ID 83854

Rep Wally Wright

PO Box 388
Bayview, ID 83803

Sen Dennis M Davis

816 Sherman Ave
Coeur d'Alene, ID 83814

X Rep Marvin G Vandenberg

6080 Sunrise Terrace
Coeur d'Alene, ID 83814

Rep Janet Jenkins

1627 Boyd
Coeur dAlene ID 83814

X Sen Mary Lou Reed

10 Giesa Road
Coeur d'Alene, ID 83814

Rep Louis J. Horvath

Box 888
Pinehurst, ID 83850

Rep Gino L. White

PO Box 237
Plummer, ID 83851

Dan Picard
Nez Perce Tribe of Idaho
PO Box 365
Lapwai, ID 83540

Chris Hardy
Coeur d'Alene Tribe
Rt 1
Plummer, ID 83851

Kootenai Tribe Idaho

PO Box 1269
BonnersFerry ID 83805

Susan Martin
US Fish & Wildlife Svc
4696 Overland Rd Rm 576
Boise, ID 83705

X Cindy Robertson
Dept of Fish & Game
Statehouse Mail
Boise, ID 83720

X Mary Luckachick
Parks & Recreation
Statehouse Mail
Boise, ID 83720

Marti Bridges
Idaho Rivers United
PO Box 633
Boise, ID 83701

X Gwen Burr
Health & Welfare, DEQ
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

AUG 10 1994

IDAHO DEPARTMENT OF WATER RESOURCES
Minimum Streamflow Hearing

October 27, 1993

Coeur D'Alene, ID
Spokane & Coeur d'Alene Rivers
Evening Meeting

Please Print

Name	Address	Representing	Check If You Wish To Comment
Michael Gagner	S. 355 Singer Rd Rathdrum 83858	CdA Tribe	
MIKE MIHELICH	626 N 18TH ST CDA		
Gordon Anderson	6595 Harbor dr CDA		
Joyce Monroe	6585 " " "		
TOM DUNNIGAN	6575 " " "		
David Hunt	934 Elm, CDA, ID.	CNRG/SELF	✓
Tom Ellen	514 20TH CDA		
Craig Cornelius	8170 West View Dr CDA		✓
Ross Clark	W7911 E River View Dr CdA	SPOKANE RIVER ASSOC + SELF	
GARY Stockinger	E1411 Mission Ave	WWP	
X Larry LaBolle	E " " "	"	
TED Ayer	" " "	NDFT	
X Howard Funke	P.O. 969 424 Sherman Ave Coeur d'Alene, ID 83814	Coeur d'Alene Tribe	✓
Ron W Green	W. 6085 Harbor Dr CDA Id 83814	Harbor Id. Homeowners Assoc.	✓

IDAHO DEPARTMENT OF WATER RESOURCES
Minimum Streamflow Hearing

October 27, 1993

Coeur D'Alene, ID
Spokane River

Please Print

Name	Address	Representing	Check If You Wish To Comment
John Beal	IDWR Boise	IDWR	✓
* Robert Nonini	W. 5900 Harbor Dr. Cda., Id.	SPOKANE RIVER ASSOC.	✓
Mitch Silvers	Rt 1, Box 139, PLUMMER ID 83851	IDPR	✓
Cindy Robertson	P.O. Box 25 Boise, ID 83702	IDFG	✓
James Barry Porath	6385 Harbor Dr., Coeur d'alene, Idaho		
Mimi Vandenberg	6080 Sunrise Terr Cda	SOIP	
John Patrovich	K. 808 Sprague, Spokane	Bovay	
Sprague Summer + Helen	6435 Harbor, CDA		
Jim Anderson	6255 Harbor Dr.	self	
Mike Stevenson	710 Ruby Drive Hayden Lake, ID	BLM	
Debbie Adolphson	1808 N 3rd Cd'A. ID 83814	BLM	
Brian Cochrane	Idaho DEQ 2110 Ironwood Pkwy, CdA	DEQ	
* Blanche Kolli	6415 Harbor Dr CDA	self	*
Scott Reed			
J.A. "SANDY" EMERSON	1615 LOOKOUT DRIVE Coeur d'Alene	Self/Prop. Owner	✓

IDAHO DEPARTMENT OF WATER RESOURCES
Minimum Streamflow Hearing

October 27, 1993

Coeur D'Alene, ID

Page 1 of 1

Please Print

Name	Address	Representing	Check If You Wish To Comment
Cindy Robertson	P.O. Box 25 Boise ID 83702	IDFG	✓
Mitch Silvers	RT. 1, Box 139, PLUMMER, ID 83851	IDPR	✓
John Beal	IDWR Boise	IDWR	✓
MARylon REED	10 GIEBA Rd CDA	Dist 4	✓

Exhibits Microfilmed Here.

10/27/93

CDA Min flow Hearing

Allowed non staff parties to ask questions - no objection

Clarence Parr - read statement

John Beal -

Will not impact jurisdiction on scenic/rec area

hearing -

Downstream point is the lower lake level

Slide on recorded rights in the reach

Result of task force on defense of Idaho water

Application made on behalf of this report

Tennant method (montana method) - FFG

Cooperative but not applicant.

Explanation of tennant method -

40% of ave annual flow - excellent rec

Average monthly flow for lowest month

- 413 cfs sept - 62% of time

Noted differences in month jumping from applic

& Montana method -

Admitted the exhibits -

Cindy Robertson

FFG supports the application

No site specific information - suggested Montana

meth -

offered FFG #1 - Report

Confluence Lake Creek - AUG 10 1994

cutthroat, Brook, Rainbow

Mouth @ Harrison to Cutbank / Chinook

Spawning

Report documents angling -

- use after July is less because of water temp & boat access & fish movement
- Boat fishing I90 down to Dudley -
- Road above south Fork -

X - Exam - Reed -
- any recent improvement
- continue to improve -
- Bass bag limits

Mitch Silvers - P&R - Hayburn State Park
~~Reports~~ Flows -
Recreation uses -
X - EXAM -
Senator Reed -
Access - by boat
- Pleasure Boating -
- Camping -
- Some water skiing
- Chain lakes - Harrison Slough to Cat-Tail

admitted → P+R #1

Senator Reed -
- Represents this district in which stream exists
- Letter from Los Angeles County seeking water
- Task Force / Report / Legislation / Board action
- Thanks to Board
- Future public interest
- No immediate threat but cannot know future threats
- Troubled river - 72M tons of metal dumped

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into River in active mining days
- CDA interagency task force concern for
- Chain lakes are "lateral" lakes
- Cleanup will increase use.
- Future upstream development - little drainage in past, expect little development - little flat land in development - expect some residential & light industrial.
- 1992 survey (recreation) - concern for outlet - state diversion -
- Little controversy

Scott Reed - P.O. Box A -
- Member of board -
- Member of defense team
- Purpose is to create a shield against future diversion
- CDA River -
  - well acquainted with the entire reach by personal visit
  - wildfowl (no geese well) -
    - prime hunting area for migrating fowl -
    - opening day at Pedmont -
    - Fish & Game has sought acquiring land around the lateral lakes - have 80% 90% ownership of the lakes
  - Swan habitat
  - Geese habitat
  - Audobon society - field trips - large variety

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Relationship between lateral lakes -
levees are not solid -
F & G has arranged with WWP to keep level in lateral lakes up thru hunting season -
lateral lakes exist because of WWP dam
abundance of acreage - moved about 10 miles from lateral lakes -
Contamination has perverse positive effect of keeping the area unpopulated -
Future development -
Subdivision is not necessary but won't hurt anything to domestic -
only 3% of Shoshone Co. is level land
North Idaho crop is timber recreation etc

Mr Beal -
- comment on domestic water use -
-

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October 27, 1993
CDA & Spokane Public Utly

Mike Mihelich -
Testify in favor of both reaches

David Hewitt
Testify in support
Kayaked on CDA river
Organization Citizens network for Responsible
- growth
- 18 organizations in
- environmental group
- CDA -

Craig Cornelius
Supports minimum flow
fished Spokane River since 1976
Many users at this time & growing
Wants adequate water for spawning

Howard Funke
Represents CDA & Spokane tribes
Supports minimum flows in both rivers, would prefer "ideal" flows
$100 million dollar cleanup - of toxic mine wastes
Spokane - large volumes of sewage effluent require keeping the minimum flow -
Notice that tribes claim significant water rights in the reaches - outright ownership of Cataldo to mouth -

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On reservation rights under winters doctrine - 1873 winters rights - time immemorial

Off reservation rights - treaty rights - flows sufficient to maintain ecosystem - CDA system from CDA LAKE

Spokane - off reservation claims + ownership rights - lake to state line - State district court in Washington -

X - EXAM (PARR) -

Would tribe appeal if decision does not recognize the fishing rights? No, there jurisdiction in time

Ron Green -

Flow in Spokane is 2000 cfs in some years in June, concern that increased flow could lengthen period during which Hayden would discharge effluent

Have fished below dam + is a good fishery -

David Kohli - Harbor Island Homeowners Assn

- 80 residents - 50 members -
- Be sure that water level elevation doesn't change
- Don't allow Hayden to discharge sewage effluent
  - no testimony that meet -
- Would like CWP on the table to establish

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Mark Pinch N 96 27 Doak Road
99207

- VP. of Jones & Block of Spokane
- Represents fly fishing clubs -
- Endorse the flows especially the winter flows.
- Groups working on projects in Washington that will benefit from the action
  - section of "quality fishing"
  - August 91 - flow @ 100 cfs - fish kill & brown damage
  - August 93 - flow @ 150 cfs - ~~fish kill~~ brown damage -
- Concern for ~~the~~ swimming in the river & the sewage dumped.
- River perched above aquifer above Sullivan Road = gain below the point

Michael Gagnes - CDA tribe
- Supports min flows
- Does not believe Tennant method is adequate
- No flushing no stream maintenance flow
- Two periods per year is inadequate
- Encourage additional studies
- Natural Science degree Lewis & Clark College
- 4 years for a consulting firm using [illegible]

AUG 10 1994

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

To: Norman C. Young

From: R. Keith Higginson

RE: APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410

Date: October 20, 1993

I, R. Keith Higginson, Director of the Idaho Department of Water Resources (department) hereby appoint **NORMAN C. YOUNG** in compliance with department Procedure Rule 410 to act as Hearing Officer on behalf of the department in the following contested matter:

In the Matter of Application for Permit Nos. 94-07341 and 95-08780 for minimum streamflows on the Coeur d'Alene and Spokane Rivers, respectively, both applications having been filed in the name of the Idaho Water Resource Board

The department has scheduled a hearing in the matter as follows:

Date: October 27, 1993

Time: 9:30 a.m. and 2:00 p.m.

Place: Cooperative Extension Service Bldg, Coeur d'Alene, Idaho

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OCT 18 1993
Department of Water Resources

Kristin Frish
RR3 Box 181
Cottonwood ID 83522

October 14, 1993

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard
Boise ID 83706

Mr. Spackman:

It is my understanding that your agency is conducting public hearings for minimum instream flows on the Pack, Kootenai, Moyie, Coeur d'Alene and Spokane Rivers. I will not be able to attend any of these hearings in person. Therefore, I would make the following requests:

I ask that you do not compromise the integrity of these streams for any reason.

I ask that you choose minimum streamflows that are consistently adequate for the safety, life, and health of the fish and wildlife connected with these rivers.

I ask that you choose minimum streamflows that will consistently support recreational use, water quality, and aesthetics.

In my opinion, it would demonstrate clear evidence of a lack of ethics if you allow nature's balance in these ecosystems to be destroyed.

For our rivers,

Kristin Frish

Kristin Frish

AUG 10 1994

RECEIVED
OCT 18 1993
Department of Water Resources

Ron Grant
PO Box 75
Cottonwood ID 83522

October 14, 1993

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard
Boise ID 83706

Mr. Spackman:

I understand that your agency is conducting public hearings for minimum instream flows on the Pack, Kootenai, Moyie, Coeur d'Alene and Spokane Rivers. Since I will not be able to attend any of these hearings, I would like to say the following:

PLease do not compromise the integrity of these streams for any reason.

Please choose minimum streamflows that are consistently adequate for the safety, life, and health of the fish and wildlife connected with these rivers.

Please choose minimum streamflows that will consistently support recreational use, water quality, and aesthetics.

Sincerely,

Ron Grant

Ron Grant

RECEIVED
OCT 14 1993
Department of Water Resources

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83701

October 11, 1993

Dear Mr. Spackman:

As an avid flyfisher and sometimes rafter I am eager to see the issue of minimum streamflows addressed. I appreciate the opportunity to comment; I will confine my comments to rivers which I am knowledgeable. I have lived in Idaho for twenty years. I have been a fly tying and fly fishing instructor at North Idaho College for twelve years and I have been a fly fishing guide in Idaho for two years.

In relation to the **Coeur d' Alene River** I support your minimum streamflow requests of 1018 cfs from November 1 to June 30 and 413 cfs from July 1 to October 31. I believe that this will maintain the integrity of the river for both fish habitat needs and recreational uses.

In relation to the **Spokane River** I support the minimum streamflow request of 2495 cfs from November 1 to June 30 and 951 cfs from July 1 to October 31. This will be particularly beneficial to main stem spawning rainbows which are the predominate fish species in this section. Some years early drops in water level have left eggs high and dry. Additionally, the minimum flows in the summer should help reduce the stress the fish experience due to increased water temperature and reduced water oxygen content due to high temperature and slower flows.

In reference to the **Moyie River** I request that you amend your request of 354 cfs from April 1 to July 31 to a flow of 900 cfs from April 15 to June 30 . Your flow request of 149 cfs from August 1 through March 31 is acceptable. The amended request will protect the fabulous whitewater recreational use, and will provide for spawning rainbows, particularly the stream born fish in the canyon section which seem to be making a comeback.

In reference to the **Kootenai River** I support your request for 5340 cfs year round to provide the minimum needed for fish and wildlife values. I am particularly concerned that we be as proactive as is still possible to prevent the need for the sturgeon to become a listed species.

Again, thank you for this opportunity to comment.

Sincerely,

Douglas P. Fagerness

Douglas P. Fagerness
2608 N. 10th Place
Coeur d'Alene, Idaho 83814

IDAHO RIVERS UNITED
PO BOX 633, BOISE, ID 83701
(208) 343-7481

EXECUTIVE DIRECTOR
Wendy L. Wilson
Boise

BOARD OF DIRECTORS
Gail Ater
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Garden Valley

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Boise

Jerry Myers
Salmon

Gerald Sehlke
Idaho Falls

Whale Szczepanowski
Challis

Curtis Webb
Twin Falls

September 27, 1993

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SEP 28 1993
Department of Water Resources

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Dear Mr. Spackman:

Idaho Rivers United wishes to submit the following comments relative to five applications for minimum streamflows in northern Idaho and one minimum lake level application for Bear Lake.

Pack River No. 96-08717 - We support the requested minimum of 129 cfs from November 1 but only until April 15. We recommend the IWRB and IDWR adopt a higher minimum flow of 350 cfs from April 15 to June 30 for recreational whitewater boating. The purpose of the higher minimum is to protect the river for recreational purposes.* We support the request of 129 cfs from July 1 to July 31, and a flow request of 54 cfs from August 1 through October 31. Those flows will provide the minimum needed for fish and wildlife values.

Kootenai River No. 98-07705 - Idaho Rivers United supports the request for 5340 cfs year round to provide the minimum needed for fish and wildlife values, with the following change: From May 15 to July 15 the IWRB and IDWR should adopt a minimum flow of 10,000 cfs to provide the minimum flow for recreational whitewater boating.*

Moyie River No. 98-07704 - We recommend that the IWRB and IDWR amend their request of 354 cfs from April 1 to July 31 to a flow of 900 cfs from April 15 to June 30 to provide the minimum streamflow needed to protect recreational whitewater boating. This flow request is based on information provided by Peter Grubb, River Odysseys West, on the segment from Cooper Creek to Meadow Creek immediately upstream from the segment under consideration. I also have personal experience floating both of these sections as a commercial river guide and private boater and believe the charts Peter Grubb developed accurately reflect the minimum flow needed.* I have enclosed copies of data Peter Grubb provided me on the Moyie. The flow request of 149 cfs from August 1 through March 31 is acceptable.

Coeur d'Alene River No. 98-07705 - I note that the water right number recorded for the Coeur d'Alene and the Kootenai River are the same. I am certain this must be a typographical error by the Department. According to my records, the correct number is 94-07341. We support the minimum streamflow requests of 1018 cfs from November 1 to June 30 and 413 cfs from July 1 to October 31 to protect fish and wildlife values, recreation and aesthetics. I am unable to substantiate the needed minimum for a recreational flow. However, should data or relevant information become available, we will petition the Department and the Board for a higher flow to protect recreational whitewater boating.

Spokane River No. 95-08780 - We support the minimum flow requests of 2495 cfs from November 1 to June 30 and 951 cfs from July 1 to October 31 to protect fish and wildlife values, recreation and aesthetics. We are unable to substantiate the necessary minimum for recreational whitewater boating at this time. If additional information becomes available we will petition the Department and the Board for a higher minimum to protect that use.

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*Amended requests are based on information obtained from "Idaho Whitewater, the complete river guide," by Don McClaran and Greg Moore, 1989, and personal knowledge of the affected stream segments.

Idaho Rivers United also supports the minimum lake level request for Bear Lake. We believe this will aid in protecting the integrity of the lake, its water quality, fishery and recreation.

Many of our members use and enjoy the waters of these stream segments for fishing, whitewater recreation, viewing or to merely see a river in its free flowing state. Historically, southern Idaho rivers have been dammed, diverted, and dewatered for irrigation, mining, hydropower and industrial uses. Our fish are dying, our streams are dry, and our water quality is abysmal in the Snake River basin in many places. Hydropower projects have marred the landscape and visually impaired many of our scenic wonders like Shoshone Falls and Twin Falls.

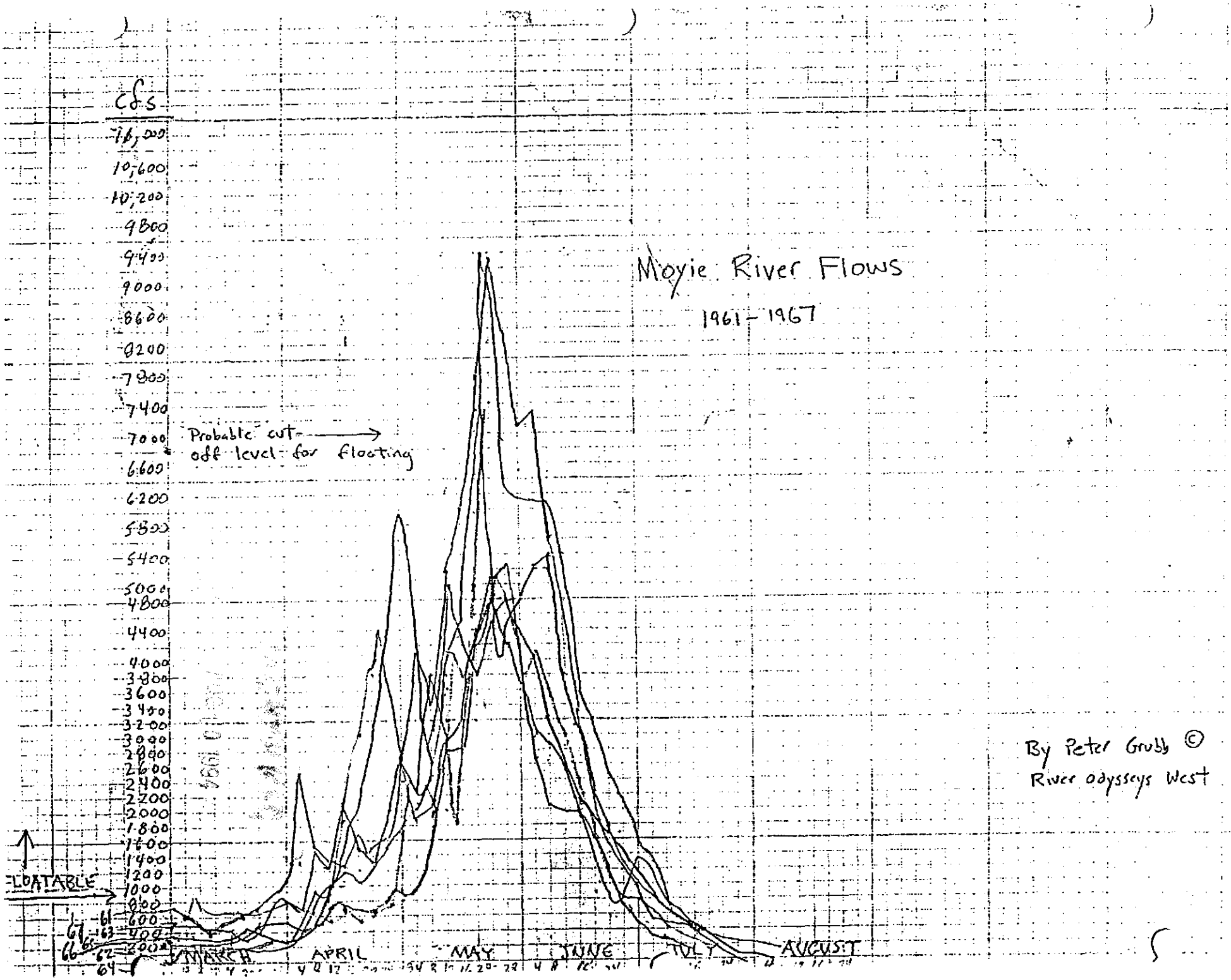
Some opponents of minimum streamflows will attempt to convince the department that these flows will impede their economic development. I'd like to remind the Department that the fish were here first, as were the Native Americans. It is imperative that minimum streamflows are adopted on all streams in the state. This is an opportunity to prevent the decimation of north Idaho streams, unlike what has occurred in much of southern Idaho. Maintaining the integrity of the riverine ecosystem is of utmost importance! We support the efforts of the Board to protect Idaho's river resources.

Sincerely,

Marti L. Bridges

Marti L. Bridges
Water Policy Director

AUG 10 1994


Moyie River Flows
1961 - 1967
cfs
16,000
10,600
10,200
9800
9400
9000
8600
8200
7800
7400
7000
6600
6200
5800
5400
5000
4800
4400
4000
3800
3600
3400
3200
3000
2800
2600
2400
2200
2000
1800
1600
1400
1200
1000
800
600
400
200
Probable cut-off level for floating
FLOATABLE
61
63
66
62
64
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
By Peter Grubb ©
River odysseys West

MOYIE WATER FLOW INFORMATION

(However, on 5/25/92, 9:00 am N. Mertz saw gauge water level was just covering black line marked 2 ft, and the Powerplant told me 2.1)

Power plant reading seems to be generally 3/10ths of a foot lower than yellow gauge stick on Bonners Ferry Municipal Dam. So, if yellow gauge reads 2.3, power plant should tell you 2'. Based on this, if you call power plant and they say river is at 1.7, then it should be runnable. We do know that it is runnable when power plant reading is 2' and gauge reading is 2.25.

Power Plant Gauge Reading	CFS
1'	309
1½	576
2'	899
2½'	1265
3'	1680
3½'	2150
4'	2653
4½'	3198
5'	3781
5½'	4393
6'	5023
6½'	5701
7'	6413
7½'	7119
8'	7852
8½'	

In 1992, we ran it at 2.2 - pretty bony - rocks on river left immed. after Hole in the Wall are easy to get stuck on when boat full of water

From past experience we know that an unrunnable water level is around 7'. No trips should be attempted above 6' without prior scouting. If logs are frequent in river, cancel trip. Danger lies in lack of eddies and possible log jam at the old Eileen Dam.

Prepared by Peter Grubb

AUG 10 1992

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 20, 1993

RE: Minimum Streamflow Application for Coeur d'Alene River No. 98-07705

Dear Interested Party:

The Idaho Department of Water Resources will conduct a hearing on Wednesday, October 27, 1993, to determine whether a minimum streamflow for the Coeur d'Alene River should be approved. The hearing will commence at the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department.

The enclosed fact sheet describes the application. Also enclosed is a brochure which describes the minimum flow procedures.

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

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

Sincerely,

Gary Spackman

Gary Spackman

Enclosures

AUG 10 1994

NOTICE

The Idaho Department of Water Resources will hold a Minimum Stream Flow Public Hearing for the Coeur d'Alene River beginning at 9:30 a.m. October 27, 1993 at the Cooperative Extension Service, 106 East Dalton Ave., Coeur d'Alene.

All interested parties are invited to attend.

AUG 10 1993

For more information, please contact the Department of Water Resources, 1920 Northwest Blvd., 769-1450.

LIST OF MINIMUM STREAM FLOW FILES

81-7160	Selway River
81-7161	Lochsa River
81-7162	Clearwater River, Middle Fork
85-7582	Clearwater River - Potlatch R. to mouth
85-7583	Clearwater River - S. Fk. Clearwater R. and M. Fk. Clearwater R. to N. Fk. Clearwater R.
86-7318	Clearwater River - N. Fk. Clearwater R. to Potlatch R.
91-7122	St. Joe River
92-7200	St. Maries River
94-7341	Coeur d'Alene River
95-8780	Spokane River
96-8651	Beaver Lake
96-8717	Pack River
96-8118	Clark Fork River
96-8730	Pend Oreille River
96-8764	Gamble Lake
97-7330	Priest River
98-7704	Moyie River
98-7705	Kootenai River

October 13, 1993 - Sandpoint

Hearing at Community Hall, 204 S. 1st Ave., Sandpoint, Id. 83864. Reserved room from 1PM to 4PM and from 7:00 PM to 10PM. There is a **$30.00 fee** for the room for these two time periods ($15.00 each). Pick up key at city clerk's office (this is where I made the room reservation) - 110 Main, Sandpoint, Id. 83864, telephone: 263-3310 (Gloria). **There is ALSO a $50.00 damage and lost key fee** that you have to give her before you get the key. She said to give her a $50.00 check and she will return it when the key is returned. If no one is there when you give the key back, the $50.00 check will be returned by mail if you put the key in the drop box located at the City Hall utility entrance which is located in the back of City Hall. You can ALSO drop the key off at the police dispatch office. Double check with someone about this arrangement.

October 14, 1993 - Bonners Ferry

Hearing at Cooperative Extension Service, Courthouse Annex, 317 Kootenai St., Bonners Ferry, Id., (building behind Courthouse), telephone: 267-3435. Reserved Room from 9 AM to 10 PM. Check at desk for key. Key can be returned after 5PM to the Sheriff's Dispatch Office located diagonally across the street. Double check with someone about this arrangement.

October 27, 1993 - Coeur d'Alene

Hearing at Cooperative Extension Service, 106 E. Dalton Ave, Coeur d'Alene, Id., telephone: 667-6426. Reserved room from 9 AM to 10 PM. Check at desk for key and ask if you can just leave the key in the room and lock it when you leave. Bob said this is what he does when he uses it.

AUG 10 1994

State Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~(208) 765-0637 Fax (208) 765-2000~~ Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 2, 1993

Cooperative Extension Service
Courthouse Annex
317 Kootenai St.
Bonners Ferry, Id. 83805

Gentlemen:

This is to confirm reservations made for your conference room in the Courthouse Annex, from 9AM to 10PM on Thursday, October 14, 1993.

We understand that the key can be returned after 5PM to the Sheriff's dispatch office located diagonally across the street.

If any of the above information is inaccurate, please advise as soon as possible. We will be using this information to publish a notice of the hearing in the newspaper, so it must be correct.

Thank you for your cooperation.

Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

AUG 10 1994

State Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 [redacted] Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 2, 1993

Cooperative Extension Service
106 E. Dalton Ave.
Coeur d'Alene, Id. 83814

Gentlemen:

This is to confirm reservations made for your lower level conference room from 9AM to 10PM on Wednesday, October 27, 1993.

We understand that the key can be locked in the room when the meeting is over.

If any of the above information is inaccurate, please advise as soon as possible. We will be using this information to publish a notice of the hearing in the newspaper, so it must be correct.

Thank you for your cooperation.

Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

AUG 10 1994

State Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 [redacted] Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 2, 1993

City Clerk's Office
Attn: Gloria
Sandpoint City Hall
110 Main
Sandpoint, Id. 83814

Gentlemen:

This is to confirm reservations made for your community hall at 204 S. 1st Ave., Sandpoint, Id., from 1PM to 4PM and from 7PM to 10PM, on Wednesday, October 13, 1993. When I called a second time, someone from your office indicated that they would put a note on the reservation calendar indicating that the time slot from 4PM to 7PM should not be given out, so in effect, we would have the hall from 1PM to 10PM.

We understand that there will be a **$30.00** fee for the room and that you will forward all paperwork and bills to Mr. Gary Spackman, Statehouse Mail, Boise, Id. 83720.

We also understand that there will be **$50.00** damage and lost-key deposit and that this deposit will be returned by mail when the key is returned. Someone from our Department will take care of this on the day of the hearing.

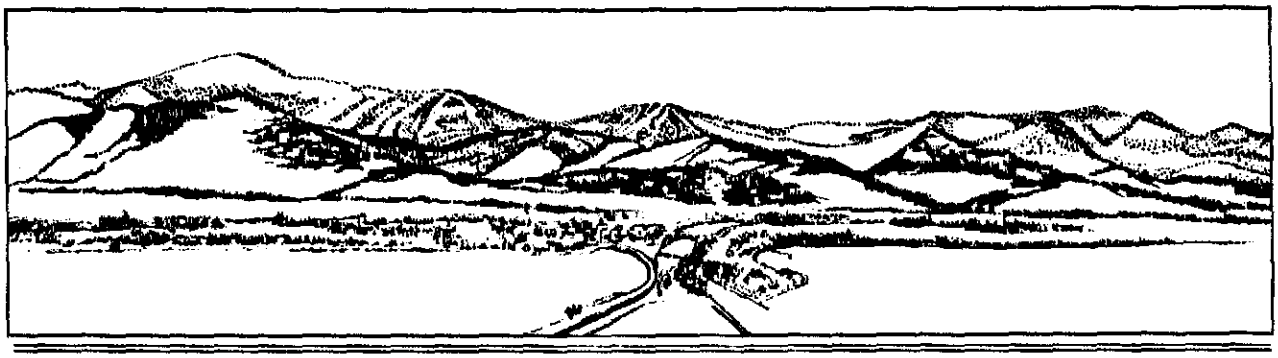
If any of the above information is not correct, please advise as soon as possible. We will be using this information to publish a notice of the hearing in the newspaper, so it must be correct.

Thank you for your cooperation.

Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

AUG 10 1994



CITY OF SANDPOINT • CITY HALL • SANDPOINT, IDAHO 83864 • FAX 208-263-3678

September 2, 1993

RECEIVED
SEP 07 1993
NORTHERN REGION
IDWR

Gary Spackman
Idaho Dept of Water Resources
Statehouse
Boise, ID 83720

RE: Community Hall Reservation - October 13, 1993

Dear Mr. Spackman:

I have reserved Sandpoint Community Hall for your use on October 13, 1993. Your reservations times are from 1:00 - 4:00 PM and 7:00 - 10:00 PM. It is necessary that you complete the highlighted areas of the enclosed use application/agreement form and return the form to my attention along with your rental fee in the amount of $30.00.

Sandpoint Community Hall is located at 204 South 1st Avenue and capacity is limited to 150 persons maximum. You will need to pick up the key for the facility at the City Clerk's office at City Hall, 110 Main Street, Sandpoint. A $50 refundable key and damage deposit will be required at the time the key is picked up.

Additionally, I'm enclosing a copy of the community hall user policy for your information. Should you require any additional information or if I many be of assistance, please let me know.

Very truly yours,

CITY OF SANDPOINT

Gloria Schauwecker

Gloria Schauwecker
Deputy Clerk

gws

Enclosures

AUG 10 1994

NOTICE OF HEARING FOR THE SPOKANE R
MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Spokane River, a tributary of the Columbia River. The application is further described as follows:

Source: Spokane River
Application No.: 95-08780
Proposed Priority: June 15, 1992
Amount and Period of Use: 2495.0 cfs from November 1 through June 30. 951.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Spokane River, commencing at Post Falls Dam, located in both the SW ¼ NW ¼, and the SE¼ SW ¼, Section 3, T50N, R5W, and extending downstream to the Idaho-Washington State line in the SW¼ NW ¼, Section 12, T50N, R6W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 2:00 p.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

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

R. Keith Higginson, Director
Idaho Department of Water Resources

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE ¼ NW ¼, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼ NW ¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be con-

RECEIVED
OCT 22 1993

№ 25242

Publication

HO
WIN FALLS } ss.

Carpy McBurney being first duly sworn upon oath, depose
Boise Clerk of the TIMES-NEWS, published daily, at
o, and do solemnly swear that a copy of the notice of advertisement, as per
, was published in the regular and entire issue of said newspaper, and not in
hereof, for Two ~~consecutive~~ Publications,
the issue dated September 16, 1993,
the issue dated September 23, 1993.

er certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
ished theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
f which newspapers prior to consolidation had been published under said names in said city and
and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
onsolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
wspaper began daily publication under said name in said city and county continuously and

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

N FALLS
14 day of October in the year of 1993, before me,
sonally appeared Linda Carpy McBurney,
to me to be the person whose name subscribed to the within instrument, and being by me first
d that the statements therein are true, and acknowledged to me that he executed the same.

Treva R. Fettman
Notary Public for Idaho
Residing at Twin Falls
My commission expires: 5/19/94

AUG 10 1994

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

Date [illegible] INVOICE No. [illegible]

Account No. [illegible]

Description 81710NOTIC

LEGAL ADVERTISING
INVOICE

Times [illegible] Lines [illegible]

Tab Lines

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

$ 64.50

RECEIVED
SEP 21 1993
NORTHERN REGION
IDWR

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

81710
NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River. The application is further described as follows:

Source:	Coeur d'Alene River
Application No.:	94-07341
Proposed Priority:	September 13, 1993
Amount and Period of Use:	1018.0 cfs from November 1 through June 30. 413.0 cfs from July through October 31.
Purpose of Minimum Flow:	Protection of fish and wildlife habitat, aquatic life and recreational values
Place of Use:	Coeur d'Alenee River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼NW¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avemue, Coeur d'Alene, Idaho beginning at 9:30 a.m., on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director at the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

Karen J. Lewis, being duly sworn, eposes and says, I am the LEGAL CLERK the Tribune Publishing Company, a corporation organized and existing nder and by virtue of the laws of the State of Idaho, publishers of the EWISTON MORNING TRIBUNE, a newspaper of general circulation ublished at Lewiston, Nez Perce County, Idaho; That the said Lewiston orning Tribune is an established paper and has been published regular- and issued regularly at least once a day for more than 21 consecutive ars next immediately preceding the first publication of this notice, and s been so published uninterrupted for said period; that the NOTICE OF HEARING FOR THE tached hereto and which is made a part of this affidavit was published in e said Lewiston Morning Tribune, 1 time(s). Publication be- on [illegible], or once a WEEK for 1 consecutive WEEKS, the first blication thereof being on the [illegible], and the last pub ation thereof being on the [illegible], and said NOTICE OF HEARING FOR THE s so published in the regular and entire issue of said newspaper and l in a supplement thereof and was so published in every issue and mber of the said paper, during the period and times of publication as forth above.

Karen J. Lewis

BSCRIBED AND SWORN BEFORE ME THIS THE 17 day of September 1993

Sherrel M. Lantz

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

AUG 10 1994

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

Date 091693 INVOICE No. L00381710

Account No. 964750 94-07341

Description 81710NOTIC

Times 1 Lines 43

Tab Lines

$ 64.50

LEGAL ADVERTISING
INVOICE

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

RECEIVED
SEP 2 1 1993
NORTHERN REGION
IDWR

tement will be rendered the first of the month.
t Will Refer To Invoice by No. Only.

1993 FORD
TAURUS
RD TAURUS
DEALER INVOICE!
$14,703
SAVE $4,353

AFFIDAVIT OF PUBLICATION

TATE OF IDAHO, ss.
ounty of Nez Perce

Karen J. Lewis, being duly sworn, poses and says, I am the Legal Clerk the Tribune Publishing Company, a corporation organized and existing der and by virtue of the laws of the State of Idaho, publishers of the EWISTON MORNING TRIBUNE, a newspaper of general circulation blished at Lewiston, Nez Perce County, Idaho; That the said Lewiston orning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF SEARING FOR THE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 1 time(s). Publication being on 091693, or once a WEEK for 1 consecutive WEEKS, the first publication thereof being on the 091693, and the last publication thereof being on the 091693, and said NOTICE OF SEARING FOR THE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 17 day of September 1993

Sherrel M. Lantz

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

MICROFILMED
AUG 1 0 1994

NOTICE OF HEARING FOR THE SPOKANE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Spokane River, a tributary of the Columbia River. The application is further described as follows:

Source: Spokane River
Application No.: 95-08780
Proposed Priority: June 15, 1992
Amount and Period of Use: 2495.0 cfs from November 1 through June 30. 951.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Spokane River, commencing at Post Falls Dam, located in both the SW ¼ NW ¼, and the SE¼ SW ¼, Section 3, T50N, R5W, and extending downstream to the Idaho-Washington State line in the SW¼ NW ¼, Section 12, T50N, R6W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 2:00 p.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

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

R. Keith Higginson, Director
Idaho Department of Water Resources

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE ¼ NW ¼. Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼ NW ¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

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

R. Keith Higginson, Director
Idaho Department of Water Resources.

RECEIVED
OCT 22 1993

№ 25242

ublication

HO
WIN FALLS } ss.

Linda Capps McBurney being first duly sworn upon oath, depose
Legal Clerk of the TIMES-NEWS, published daily, at
, and do solemnly swear that a copy of the notice of advertisement, as per
, was published in the regular and entire issue of said newspaper, and not in
hereof, for Two ~~consecutive~~ Publications,
the issue dated September 16, 1993,
he issue dated September 23, 1993.

r certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
shed theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
f which newspapers prior to consolidation had been published under said names in said city and
and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
onsolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
spaper began daily publication under said name in said city and county continuously and

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

N FALLS
14 day of October in the year of 1993, before me,
sonally appeared Linda Capps McBurney,
to me to be the person whose name subscribed to the within instrument, and being by me first
that the statements therein are true, and acknowledged to me that he executed the same.

Freva R. Fettman
Notary Public for Idaho
Residing at Twin Falls
My commission expires: 5/19/94

10/25/93

AUG 10 1994

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source:	Coeur d'Alene River
Application No.:	94-07341
Proposed Priority:	September 13, 1993
Amount and Period of Use:	1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow:	Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use:	Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼NW¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

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

AUG 10 1994

R. Keith Higginson, Director
Idaho Department of Water Resources

PROOF OF PUBLICATION

) Idaho Department of Water Resources
) 1910 Northwest Blvd.
) Coeur d'Alene, ID 83814

s/Daniel C. Drewry, being first duty sworn deposes and says: **SHOSHONE COUNTY NEWS-PRESS**, a daily newspaper of general circulation in said county, published in the city of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of this notice hereinafter described, and that the _____

LEGAL NOTICE

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in supplement thereto, for a period of (2) two consecutive weeks/days, the first publication thereof being in the issue dated 9/16/93 - 9/23/93

STATE OF IDAHO)
)
)
COUNTY OF)
)

On this 30th day of Sep
a Notary Public, personally appeared I
person whose name subscribed to the
declared that the statements therein are t

Notary Public for Idaho
Residing at Kellogg, Idaho
My commission expires: 10/17/94

LEGAL NOTICE

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.

Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE1/4NW1/4, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW1/4NW1/4), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purposes of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

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

R. Keith Higginson, Director
Idaho Department of Water Resources
Legal #SHO 164
2x-9-6/23, 1993

PROOF OF PUBLICATION

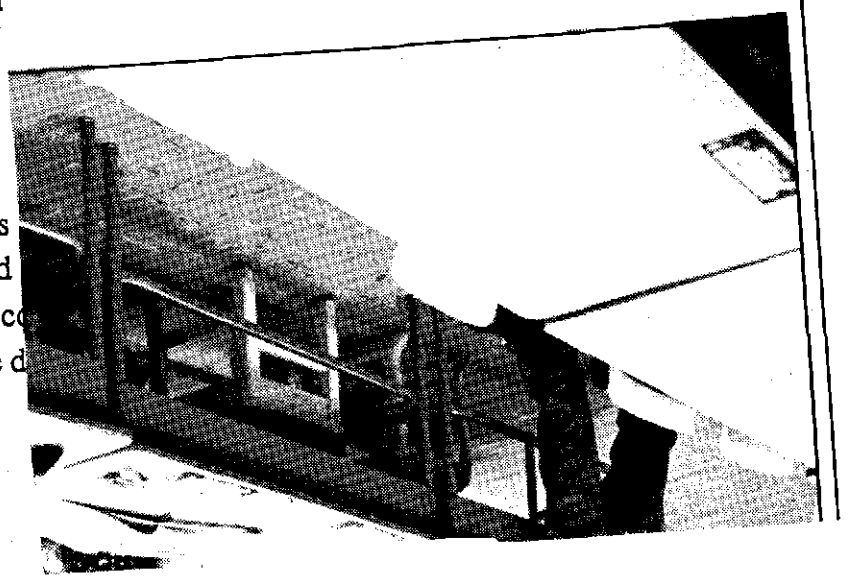
) Idaho Department of Water Resources
) 1910 Northwest Blvd.
) Coeur d'Alene, ID 83814

s/Daniel C. Drewry, being
SHOSHONE COUNTY
circulation in said county,
of Shoshone and the Sta
continuously in said coun
to the publication of this n

Kellogg District r

Open house

Parents of Osburn Elementary School students were back in t
house. Parents had a chance to meet with their children's teach



of which the annexed is
weekly/daily issue of said
a period of (2) two co
thereof being in the issue d

STATE OF IDAHO)
)
)
COUNTY OF)
)

On this 30th day of September in the year of 1993, before me, a Notary Public, personally appeared Daniel C. Drewry known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joann K Binkley

Notary Public for Idaho
Residing at Kellogg, Idaho
My commission expires: 10/17/94

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 16th day of September, 19 93, last publication having been made on the 23rd day of September, 19 93, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

S. Bob Bright

Subscribed and sworn to before me, this 29th day of September, 19 93.

Susan Magnum
Notary Public

My commission expires July 1, 19 97.

B10

RECEIVED
OCT 4 1993
NORTHERN REGION
IDWR

ad on file

AUG 1 5 1994

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protectin of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼NW¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 327-7900.

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

R. Keith Higginson, Director
Idaho Department of Water Resources
Published: Sept. 16, 23, 1993

RECEIVED
OCT 4 1993
NORTHERN REG.CN
IDWR

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due 84.00 99.12

Account Number	Identification
100631	NOTICE OF HERAING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Ordered By	P.O. Number	Rate	Run Dates
Patricia M. Stypa		NT	September 16, 23, 1993

State of Idaho
Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, Idaho 83814
1

Estimated Inches	Real Inches
# Affidavits	Legal Number
1	5800

RECEIVED
OCT 1 1993
NORTHERN REGION
IDWR

LEGAL NOTICE
NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:

Source Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: Sept. 13, 1993
Amount and Period of Use:
1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow:
Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use:
Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE1/4NW1/4, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth

LEGAL NOTICES

of the Coeur d'Alene River in lots 3 and 4 (SW1/4NW1/4), Section 36, R48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

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Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id 83720, telephone (208) 327-7900.

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

R. KEITH HIGGINSON
Director
Idaho Department of Water Resources

Pub. September 16,23, 1993 5800

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 16, 19 93

and ending with the issue of SEPTEMBER 23, 19 93

C. Payne-Culpan

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 23RD day of SEPTEMBER in the year of 1993, before me, a Notary Public, personally appeared CAROL PAYNE-CULPAN, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at BOISE, ID
My commission expires: 11-07-95

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Keri Alexander being first duly sworn upon oath deposes and says:

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

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

3. The legal notice

of which the annexed is a printed copy, was published in the regular Thurs. issue of said newspaper for 2 consecutive weeks, commencing on the 16th day of September, 19 93, and ending on the 23rd day of September, 19 93, and such publication was made as often during said period as said daily newspaper was regularly issued.

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

Keri Alexander

Subscribed and sworn to before me this 23rd day of September, 19 93

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

ROBERTA MANLEY
My commission expires 2-5-99

RECEIVED
SEP 24 1993
NORTHERN REGION
IDWR

OK
10/1/93

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River, a tributary of Coeur d'Alene Lake. The application is further described as follows:
Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July 1 through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values.
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE1/4NW1/4, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW1/4NW1/4), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho, beginning at 9:30 a.m. on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for the purposes of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id. 83720, telephone (208) 827-7900.

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

R. Keith Higginson, Director

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

Date 092393 INVOICE No. L00381710

Account No. 964750 94-07341

Description 81710NOTIC

Times 1 Lines 50

Tab Lines

LEGAL ADVERTISING
INVOICE

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

RECEIVED
SEP 27 1993
NORTHERN REGION
IDWR

$ 75.00

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

OK 10/7/93

81710

NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River. The application is further described as follows:

Source: Coeur d'Alene River
Application No.: 94-07341
Proposed Priority: Subject to CDA Lake September 13, 1993
Amount and Period of Use: 1018.0 cfs from November 1 through June 30. 413.0 cfs from July through October 31.
Purpose of Minimum Flow: Protection of fish and wildlife habitat, aquatic life and recreational values
Place of Use: Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼NW¼), Section 36, T48N, R4W, B.M., Kootenai County.

The Department of Water Resources will hold a public hearing in the Cooperative Extension Service, 106 East Dalton Avenue, Coeur d'Alene, Idaho beginning at 9:30 a.m., on Wednesday, October 27, 1993, for the purpose of hearing evidence pertaining to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony into the record at 7:00 p.m. in the evening and at the same location.

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Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. The hearing will be conducted by Mr. Norman Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720, telephone (208) 327-7960.

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

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
ounty of Nez Perce

Karen J. Lewis, being duly sworn,
poses and says, I am the Legal Clerk
the Tribune Publishing Company, a corporation organized and existing
der and by virtue of the laws of the State of Idaho, publishers of the
WISTON MORNING TRIBUNE, a newspaper of general circulation
blished at Lewiston, Nez Perce County, Idaho; That the said Lewiston
orning Tribune is an established paper and has been published regular-
and issued regularly at least once a day for more than 21 consecutive
ars next immediately preceding the first publication of this notice, and
s been so published uninterrupted for said period; that the

NOTICE OF SEARING FOR THE

ached hereto and which is made a part of this affidavit was published in
said Lewiston Morning Tribune, 1 time(s). Publication be-
on 092393, or once a
WEEK for 1 consecutive WEEKS, the first
blication thereof being on the 092393, and the last pub
ation thereof being on the 092393, and said
NOTICE OF SEARING FOR THE
s so published in the regular and entire issue of said newspaper and
in a supplement thereof and was so published in every issue and
nber of the said paper, during the period and times of publication as
forth above.

Karen J. Lewis

BSCRIBED AND SWORN BEFORE ME THIS THE 23
of September 1993

Ray Reed

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

INVOICE No. L00381710

964750 74-07341

81710NOTIC

Lines 50

Tab Lines

$ 75.00

CEIVED
P 27 1993
WERN REGION
IDWR

atement will be rendered the first of the month.
t Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

TATE OF IDAHO, ss.
ounty of Nez Perce

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

NOTICE OF SEARING FOR THE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 1 time(s). Publication being on 092393, or once a WEEK for 1 consecutive WEEKS, the first publication thereof being on the 092393, and the last publication thereof being on the 092393, and said NOTICE OF SEARING FOR THE

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23 day of September 1993

Ray Reed

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

TRIBUNE PUBLISHING COMPANY, INC.

050 MERCHANDISE

Hanford Health Information Health Consumer? 1-800-793-6113.

DWF 33 yrs., 140 lb. I have 2 children. I like CW music, animals, picnics, boating, movies, motorcycling. Looking for companionship, like to be treated like a person. I don't like playing head-games. Someone in good health and shape, light drinker, smoker OK.

016 COMMON INTEREST

PUBLIC NOTICES

010 ANNOUNCEMENTS

012 FUNERAL NOTICES

BARNHAM, DAVID WAYNE
Our beloved David went to the light on Sunday, Sept. 19, following a sudden ill-

3 lines, 7 days
• Items $1501 to $3500
• Price must be in ad
• Private party only
• 50c each additional line

$5

$4

Real Estate
227 Announcements
228 Commercial Property
229 Condos For Sale
230 Farms/Ranches
231 Income Property

Financial
176 Business Opportunity
181 Investments
187 Money To Lend

164 Utility Trailers
166 Auto Parts/Access.
168 Autos For Sale
170 4-Wheel-Drive
172 Trucks/Pickups
173 Sports/Classic/Antiques
174 Vans

213 Roommate Wanted
214 Rooms For Rent
215 Storage Space
216 Wanted To Rent

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

Date 091693 INVOICE No. L00381710

Account No. 964750 4-07341

Description 81710NOTIC

Times 1 Lines 43

Tab Lines

$ 64.50

LEGAL ADVERTISING
INVOICE

SOLD TO:
ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

RECEIVED
SEP 21 1993
NORTHERN REGION
IDWR

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

Missing
Tributary
name
CDA Lake

10/1/93

81710
NOTICE OF HEARING FOR THE COEUR D'ALENE RIVER MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum streamflow in the Coeur d'Alene River. The application is further described as follows:

Source:	Coeur d'Alene River
Application No.:	94-07341
Proposed Priority:	September 13, 1993
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Purpose of Minimum Flow:	Protection of fish and wildlife habitat, aquatic life and recreational values
Place of Use:	Coeur d'Alene River, commencing at the confluence with the South Fork of the Coeur d'Alene River, located in the NE¼NW¼, Section 31, T49N, R2E, Shoshone County and extending downstream to the mouth of the Coeur d'Alene River in lots 3 and 4 (SW¼NW¼), Section 36, T48N, R4W, B.M., Kootenai County.

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

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

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

NOTICE OF SEARING FOR THE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 1 time(s). Publication began on 091693, or once a WEEK for 1 consecutive WEEKS, the first publication thereof being on the 091693, and the last publication thereof being on the 091693, and said NOTICE OF SEARING FOR THE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 17 day of September 1993

Sheral M. Lantz

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

Missing

10 1994

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

Date 091693 INVOICE No. L00381710

Account No. 964750 4-07341

Description 81710NOTIC

Times 1 Lines 43

Tab Lines

$ 64.50

LEGAL ADVERTISING
INVOICE

SOLD TO:

ID DEPT. OF WATER RESOURC
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

RECEIVED
SEP 21 1993
NORTHERN REGION
IDWR

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

Missing Substance name CDA Lake

10/1/93

81710
NOTICE OF HEARING FOR THE COEUR D'ALENE
MINIMUM STREAMFLOW

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Coeur d'Alene River. The application is further described as fol
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pplication No.: 94-07341
roposed Priority: September 13, 1993
Amount and Period of Use: 1018.0 cfs from N through June 30. 413 July through October 3
Protection of fish and itat, aquatic life and values
Coeur d'Alene River, ing at the confluenc South Fork of the Coe River, located in the Section 31, T49N, R2E County and extending d to the mouth of the Coe River in lots 3 and 4 (S Section 36, T48N, R4W, tenai County.

July missing Missing

The Department of Water Resources will hold a public hear Cooperative Extension Service, 106 East Dalton Avenue, Coeu Idaho beginning at 9:30 a.m., on Wednesday, October 27, 1993, fo ose of hearing evidence pertaining to the application. The heari eld pursuant to the provisions of Section 42-1503, Idaho Code. In the hearing officer will also receive informal testimony into the 7:00 p.m. in the evening and at the same location.

Any party who wishes to formally appear in the proceeding for thi of presenting evidence or cross examining witnesses should file a appearance with the Director at the Department of Water Resourc house Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5) d to the hearing. Other parties may informally present their views ments without filing a notice of appearance. Written informal v comments may also be submitted to the Department of Water R prior to the hearing.

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

R. Keith Higginson,
IDAHO DEPT OF WATER RESO

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0 1994

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

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

NOTICE OF SEARING FOR THE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 1 time(s). Publication being on 091693, or once a WEEK for 1 consecutive WEEKS, the first publication thereof being on the 091693, and the last publication thereof being on the 091693, and said NOTICE OF SEARING FOR THE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 17 day of September 1993

Sheral M Lantz

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

Water Right Number - 94-07341 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - - - - - Last Name - - - - - - + + - First Name - - + + - - - - - - - - - - Address - - - - - - - - - - - - - - - - +

*** C - CURRENT OWNER ***
Idaho Water Resource Board

1 - Statehouse
2 -
3 -
City- Boise State- ID Zip- 83720
Phone - 208-327-7910

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/15/1992 18 NORTHERN A - APPLICATION

+ - - - - - - - - Source - - - - - - - - - - - - - - + + - - - - - - - - - Tributary - - - - - - - - - - - - - - - - - - +
COEUR D ALENE RIVER COEUR D ALENE LAKE

+ - Point of Diversion - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
49N	02E	31	NE NE NE		B	(79) SHOSHONE	
48N	01W	2			E	(55) KOOTENAI	

+ - Water Use - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
34	MINIMUM INSTREAM FLOW	11/01	06/30	1018.000	
34	MINIMUM INSTREAM FLOW	07/01	10/31	413.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1018.000

+ - Place of Use - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - Remarks - +

The affected reach is approximately 11 miles long.
Minimum instream flow use is for the protection of fish and
wildlife habitat, aquatic life, and recreational values.
Point of diversion is from the confluence with the S. Fk. of
the Coeur d Alene R. in the NENENE, S31, T49N, R2E, to the mouth
of the Coeur d Alene R. in S2, T48N, R1W.

+ - Old Water Right Numbers - +
No Old Water Right Numbers found.

Water right number - 94-07341 Prefix Translation: WATER RIGHT

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ -Comments- +

No Comments Found

+ - - Audit Fields - 12/04/92 STYPA 12/08/92 STYPA

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/15/1992	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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VOL. 67 #4

FISHERY RESEARCH

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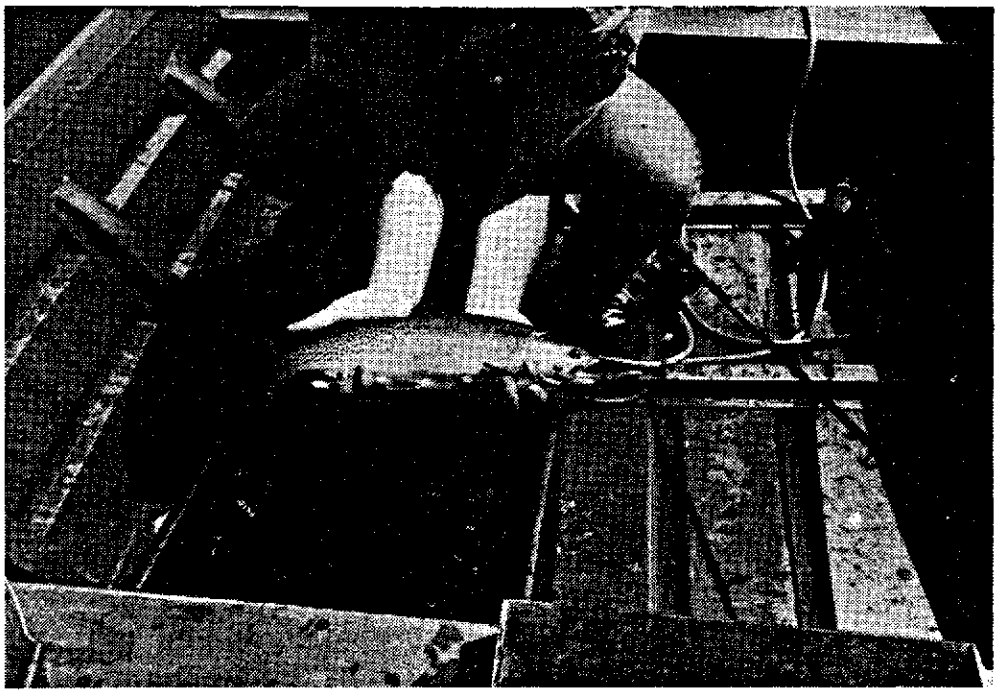
Study Completion Report, Project F-73-R-10
Subproject IV: RIVERS AND STREAMS INVESTIGATIONS
Study IV: North Idaho Streams Fishery Research
Job 1: Fish Population Inventory
Job 2: Fish Habitat Description
Job 3: Fish Species and Stock Evaluation



By

Kimberly A. Apperson, Fishery Research Biologist
Michael Mahan, Fishery Technician
William D. Horton, Fishery Staff Biologist

And

St. Joe and St. Maries Rivers Limnology Update - 1987

By

C. Michael Falter, Professor, Fishery Resources
University of Idaho, Moscow

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July 1988

JOB COMPLETION REPORT

State of: Idaho

Name: RIVER AND STREAM INVESTIGATIONS

Project No.: F-73-R-10

Title: North Idaho Streams Fishery Research

Subproject No.: IV

Study No.: IV

Job No.: 1. Fish Population Inventory

Period Covered: March 1, 1987 to February 29, 1988

ABSTRACT

Random stratified creel surveys were conducted on the Coeur d'Alene River in 1986, and on the St. Joe and St. Maries rivers in 1987, during the first five weeks of the fishing season (May 24 through June 30, 1986 and May 24 through June 26, 1987). Twenty-two percent of cutthroat trout harvested from the Coeur d'Alene River were longer than 350 mm (mean length of trapped spawning cutthroat trout was 353 mm). Cutthroat trout comprised 55% and kokanee 23% of the overall harvest. Eleven percent of cutthroat trout harvested from the St. Joe River were longer than 350 mm. Cutthroat trout comprised 66% and rainbow trout 25% of the harvest. Nine percent of cutthroat trout harvested from St. Maries River were longer than 350 mm. Rainbow trout comprised 71% and cutthroat trout 25% of the harvest. Seventy, 78, and 63% of the cutthroat trout harvested from the Coeur d'Alene, St. Joe, and St. Maries rivers, respectively, were taken during the first two weeks of the season.

The lower St. Joe and St. Maries rivers do not support trout fisheries through summer because of high water temperatures; however, lower reaches of cooler tributaries were used by adult trout during summer. The lower Coeur d'Alene River does not experience severe summer temperatures and does support a trout fishery throughout the season. Mountain whitefish are the dominate salmonid in all three rivers. Northern squawfish were found throughout the study sections of the St. Joe and St. Maries rivers.

A tagging study was used to document movement of cutthroat, rainbow, and cutthroat-rainbow hybrid trout. The majority of cutthroat trout tagged in the lower Coeur d'Alene River remained there. Cutthroat trout in the St. Joe River tended to be downstream in the fall through spring and upstream in the summer.

Coeur d'Alene River tributaries support populations of cutthroat, rainbow, cutthroat-rainbow hybrid, and brook trout. Natural rainbow trout and hybrids are more scarce in the St. Joe River drainage and rare in the St. Maries River system. Trout densities in the lower Coeur d'Alene River

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tributaries are comparable to those in Pend Oreille and Priest river drainages. The lower St. Joe and St. Maries river tributaries have generally depressed densities of trout.

Authors:

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Fishery Research Biologist

Michael Mahan
Fishery Technician

William D. Horton
Fishery Staff Biologist

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RESULTS

Harvest and Exploitation

Coeur d'Alene River: Unstratified Creel Survey

Unstratified creel surveys showed cutthroat trout represented 57% (1984) and 53% (1985) of the total catch from Dudley to Shoshone Creek, which included the North Fork upstream to Laverne Creek. Rainbow trout comprised 40% and 41% of the catch in 1984 and 1985, respectively. Brook Salvelinus fontinalis, bull, and cutthroat-rainbow hybrid trout represented less than 5% of the total catch.

Partitioning the river into sections showed a considerable difference in species composition. Cutthroat trout represented 91% (1984) and 73% (1985) of the total catch from Dudley to the South Fork and only 45% (1984) and 23% (1985) from the South Fork to Shoshone Creek. Rainbow trout dominated the catch at 52% (1984) and 61% (1985) from the South Fork to Shoshone Creek. From Dudley to the South Fork, rainbow trout were caught in relatively low numbers and represented 5% (1984) and 20% (1985) of the total catch. The North Fork catch was dominated by rainbow trout at 68% (1984) and 77% (1985) followed by cutthroat trout at 28% (1984) and 20% (1985).

Catch rates of cutthroat trout ranged from 0.06 fish/h (1984) and 0.17 fish/h (1985) in the North Fork to 0.20/h (1984) and 0.47 fish/h (1985) between Dudley and the South Fork. Overall trout catch rates for the entire section surveyed were 0.27 trout/h (1984) and 0.53 trout/h (1985).

Coeur d'Alene River: Stratified Creel Survey

Angler effort estimated for all sections during the survey was 10,662 h (Table 2). Section 3 (Figure 1) received the most angling effort followed by sections 1 and 2, respectively. Boat angling in Section 3 accounted for 77% of total boat effort. Distribution of shore effort was relatively even among sections. Interval 1 received the most angling effort (56%), which progressively decreased in all sections during intervals 2 and 3. The most dramatic change occurred in Section 3 where 68% of the total boat effort occurred during Interval 1 and decreased twofold each remaining interval.

Total harvest estimated for cutthroat trout was 1,767 fish, of which 1,131 (64%) were harvested in Section 3 (Table 2). Of those cutthroat trout harvested in Section 3, 924 (81%) were caught by boat anglers. The majority (82%) of the cutthroat trout harvest in Section 3 occurred during Interval 1 (Appendix C). Hatchery and natural rainbow trout caught in Section 1 accounted for 83% of the total rainbow harvest for all sections.

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Table 2. Estimated effort (h), harvest (number of fish), and catch rates (fish/h) by river section and interval for boat and shore anglers from the Coeur d'Alene River creel survey, May 24 through June 30, 1986.

		Effort									
		Section 1			Section 2			Section 3			
Date	Interval	Boat	Shore	Combined	Boat	Shore	Combined	Boat	Shore	Combined	Total
5/24-6/06	1	241	1,390	1,631	98	969	1,067	1,782	1,510	3,292	5,990
6/07-6/20	2	111	1,060	1,171	142	648	790	772	678	1,450	3,411
6/21-6/30	3	149	310	459	43	331	374	54	374	428	1,261
Total		501	2,760	3,261	283	1,948	2,231	2,608	2,562	5,170	10,662

		Harvest							
		Cutthroat trout	CTT-RBT hybrid trout	Natural rainbow trout	Hatchery rainbow trout	Brook trout	Kokanee salmon	Bull trout	Total
Section 1	boat	53	5	10	51	0	0	0	119
	shore	283	28	48	306	0	0	0	665
Section 2	boat	18	10	0	0	9	78	0	115
	shore	282	55	0	0	26	202	0	565
Section 3	boat	924	18	11	11	18	214	0	1,196
	shore	207	15	32	32	15	251	0	552
Total	boat	995	33	21	62	27	292	0	1,430
	shore	772	98	80	338	41	453	0	1,782

		Catch rate (harvest rate)							
Time period		5/24-6/06 Interval 1		6/07-6/20 Interval 2		6/21-6/30 Interval 3		Total of intervals	
Section 1	trout[a]	0.43	(0.27)	0.23	(0.18)	0.30	(0.25)	0.34	(0.23)
	cutthroat	0.26	(0.14)	0.10	(0.07)	0.15	(0.10)	0.18	(0.11)
Section 2	trout	0.22	(0.12)	0.29	(0.27)	0.13	(0.09)	0.23	(0.17)
	cutthroat	0.22	(0.12)	0.26	(0.24)	0.04	(0.04)	0.21	(0.15)
Section 3	trout	0.36	(0.33)	0.12	(0.12)	0.17	(0.17)	0.29	(0.25)
	cutthroat	0.35	(0.32)	0.12	(0.12)	0.06	(0.06)	0.28	(0.27)
Total of sections	trout	0.35	(0.29)	0.19	(0.17)	0.20	(0.17)	0.29	(0.24)
	cutthroat	0.32	(0.25)	0.14	(0.13)	0.08	(0.07)	0.25	(0.20)

[a]Trout includes cutthroat, cutthroat-rainbow hybrid, rainbow, brook, and bull trout.

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Hybrids of cutthroat and rainbow trout were caught in all three sections in relatively low numbers. Kokanee salmon Oncorhynchus nerka was the second most abundant species harvested in sections 2 and 3. Brook trout were caught in sections 2 and 3 and represented a small portion of the total harvest. Bullhead Ictalurus sp. and yellow perch Perca flavescens were caught within the slackwater portion of Section 3, but estimates were not calculated because they were a minor part of the total harvest. No bull trout were harvested during the survey. Total trout harvest during the survey was 2,467 trout.

Cutthroat trout harvest rates were highest in Section 3, followed by sections 2 and 1, respectively (Table 2). Section 3 harvest rates decreased dramatically during the survey. Harvest rates for cutthroat trout in Section 1 decreased slightly during the survey, but trout harvest rates remained relatively constant. Section 2 harvest rates increased during Interval 2, but plummeted during Interval 3. A comparison of catch rates versus harvest rates showed most trout caught in Section 3 were harvested; conversely, 60% of the trout caught in Section 1 were released.

Harvested cutthroat trout ranged from 160 mm to 400 mm, with a mean length of 317 mm (Figure 5). Of the cutthroat trout harvested, 22% were larger that 350 mm. The two largest fish measured during the survey were a 465 mm brook trout and a 446 mm cutthroat-rainbow hybrid trout. Relative species abundance in the overall harvest for all sections was: 55% cutthroat trout, 15% rainbow trout, 4% cutthroat-rainbow hybrid trout, 2% brook trout, and 23% kokanee salmon.

St. Joe River: Stratified Creel Survey

Estimated angler effort for all sections of the St. Joe River during the survey was 7,511 h. Section 1 (Figure 1) received the most angling effort followed by sections 3 and 2, respectively (Table 3). Although considerably shorter than the other river sections, Section 2 supported angler effort comparable to Section 3. Shore effort in Section 3 increased during the survey. Boat angler effort represented a small portion (9%) of the total effort in sections 1 and 2; therefore, boat and shore angler estimates were combined.

Total harvest estimated for cutthroat trout for all river sections was 1,673 fish, of which 1,311 (78%) were harvested during Interval 1 (Table 3; Appendix D). Distribution of cutthroat trout harvest was relatively even among river sections. In Section 3, 42% of the cutthroat trout harvest occurred in the slackwater portion. Cutthroat-rainbow trout hybrids were harvested in sections 1 and 2 in relatively low numbers. Rainbow trout were harvested in all sections with 80% of the harvest occurring in Section 1. Bull trout were harvested in all three river sections. Bullhead, yellow perch, and pumpkinseeds Lepomis gibbosus were harvested in the slackwater portion of Section 3 in small numbers. For the duration of the survey, total estimated trout harvest for all sections was 2,496 fish.

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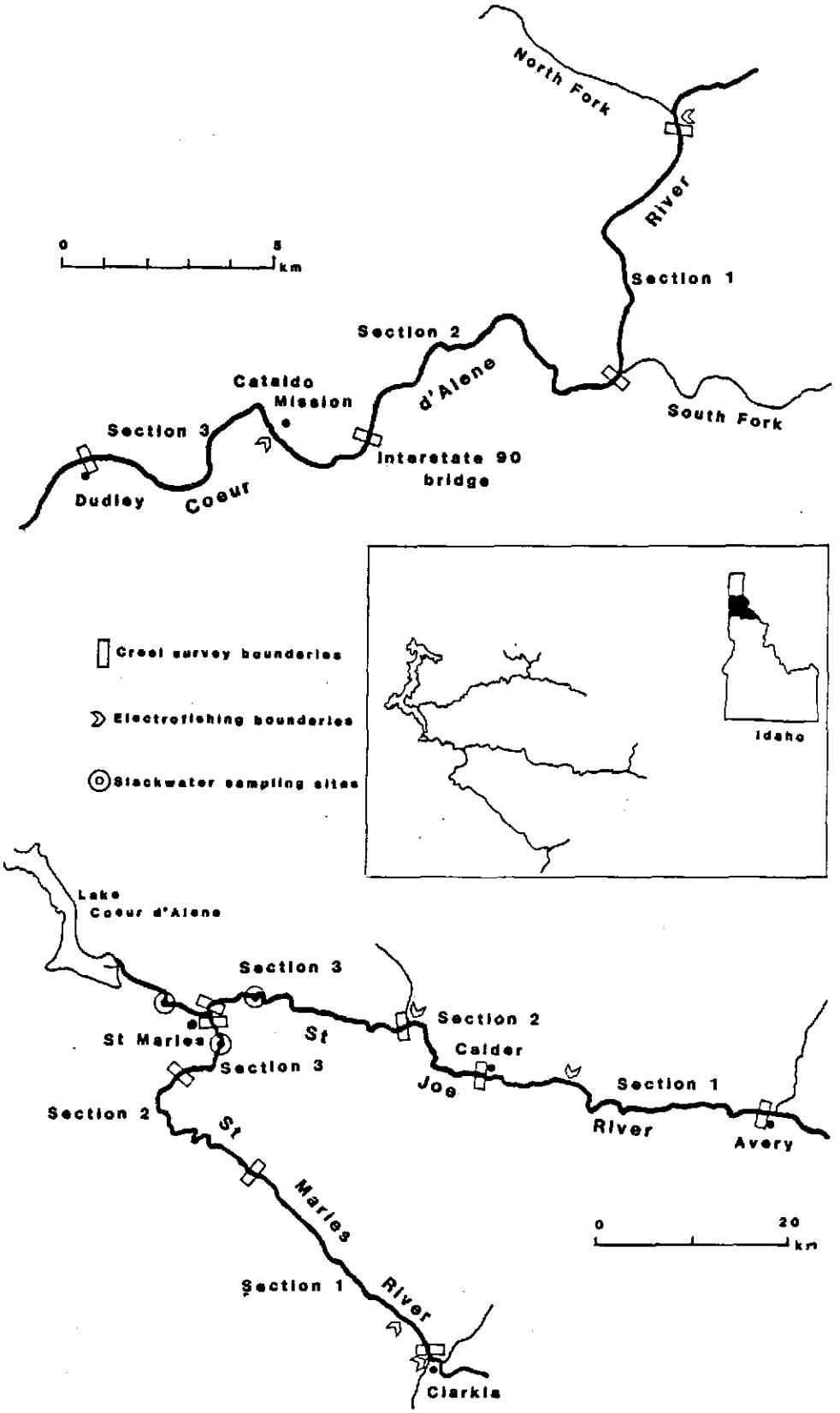

Figure 1. Location of creel survey and fish sampling areas in the Coeur d'Alene, St. Joe, and St. Maries rivers, 1984 through 1987.

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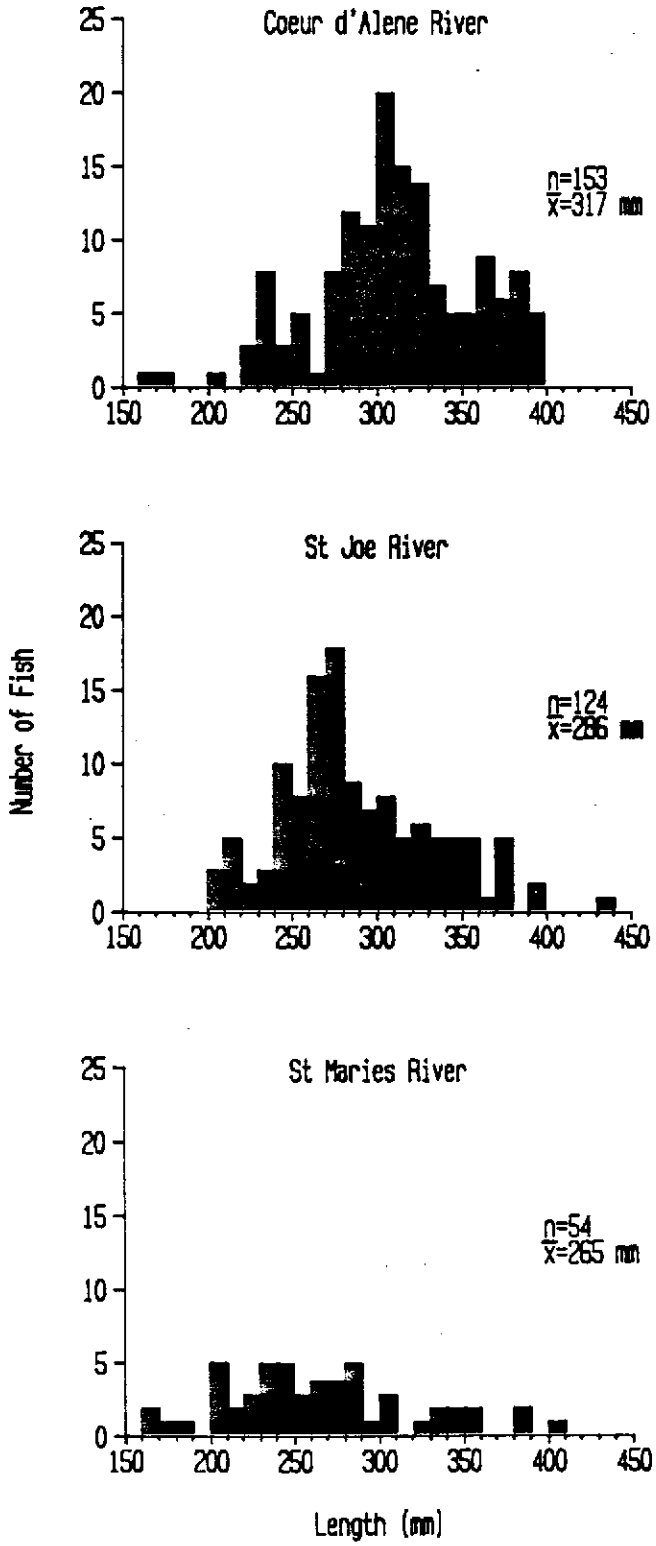

Figure 5. Length frequencies of cutthroat trout harvested by anglers from the lower Coeur d'Alene River (1986), the lower St. Joe River (1987), and the St. Maries River (1987).

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Coeur d'Alene River: Angler Opinion Survey

Ninety-eight percent of the anglers interviewed supported the implementation of a drainagewide management program to improve cutthroat trout fishing. Five different restrictive regulations were developed and presented to anglers willing to participate in the questionnaire (Figure 7). Most anglers favored reducing the bag limit for cutthroat trout. Most anglers favored closing some tributaries important for cutthroat trout spawning and rearing. Anglers generally opposed a shortened fishing season for cutthroat trout or drainagewide catch-and-release regulations. Anglers were evenly split over the implementation of a minimum size restriction for cutthroat trout. The majority of the anglers interviewed were local residents.

Exploitation

Voluntary tag return noncompliance was estimated to be 72% for the Coeur d'Alene River drainage, 31% for the St. Joe River drainage, and 78% for the St. Maries River drainage.

Trout were tagged in the Coeur d'Alene River during 1985 and 1986. Four cutthroat trout were tagged in 1984, but none of those have been recovered. Estimated exploitation of all trout was 26% in 1985 and 19% in 1986. Cutthroat trout exploitation was 29% in 1985 and 33% in 1986. Few tags from the St. Joe River were returned each year of the study. Trout were tagged in the St. Maries River and tributaries during 1986 and 1987, but returns were reported in 1987 only. Accurate exploitation estimates for populations in both rivers were unreliable because of unknown natural mortality and the bias of migration. Also, trout were tagged prior to and during the fishing season, violating the assumption that all tagged fish are equally vulnerable to angling. Exploitation was probably between 25 and 50% in the St. Joe River and higher than 50% in the St. Maries River.

Fish Distribution and Abundance

Main River Sampling

Coeur d'Alene River electrofishing. Mountain whitefish *Prosopium williamsoni* was the dominant game fish captured in the electrofishing sample from the Coeur d'Alene River in 1986. Kokanee salmon was the next most abundant salmonid caught, appearing in both electrofished sections of the river from June through October (Figure 1; Appendix F). Cutthroat trout were the most abundant of all trout sampled, followed by brook trout, rainbow trout, and cutthroat-rainbow trout hybrids. Cutthroat trout, rainbow trout, cutthroat-rainbow trout hybrids, and mountain whitefish were caught in both sections of the river on all sampling dates. Brook trout were not found in the river between the North Fork and the South Fork.

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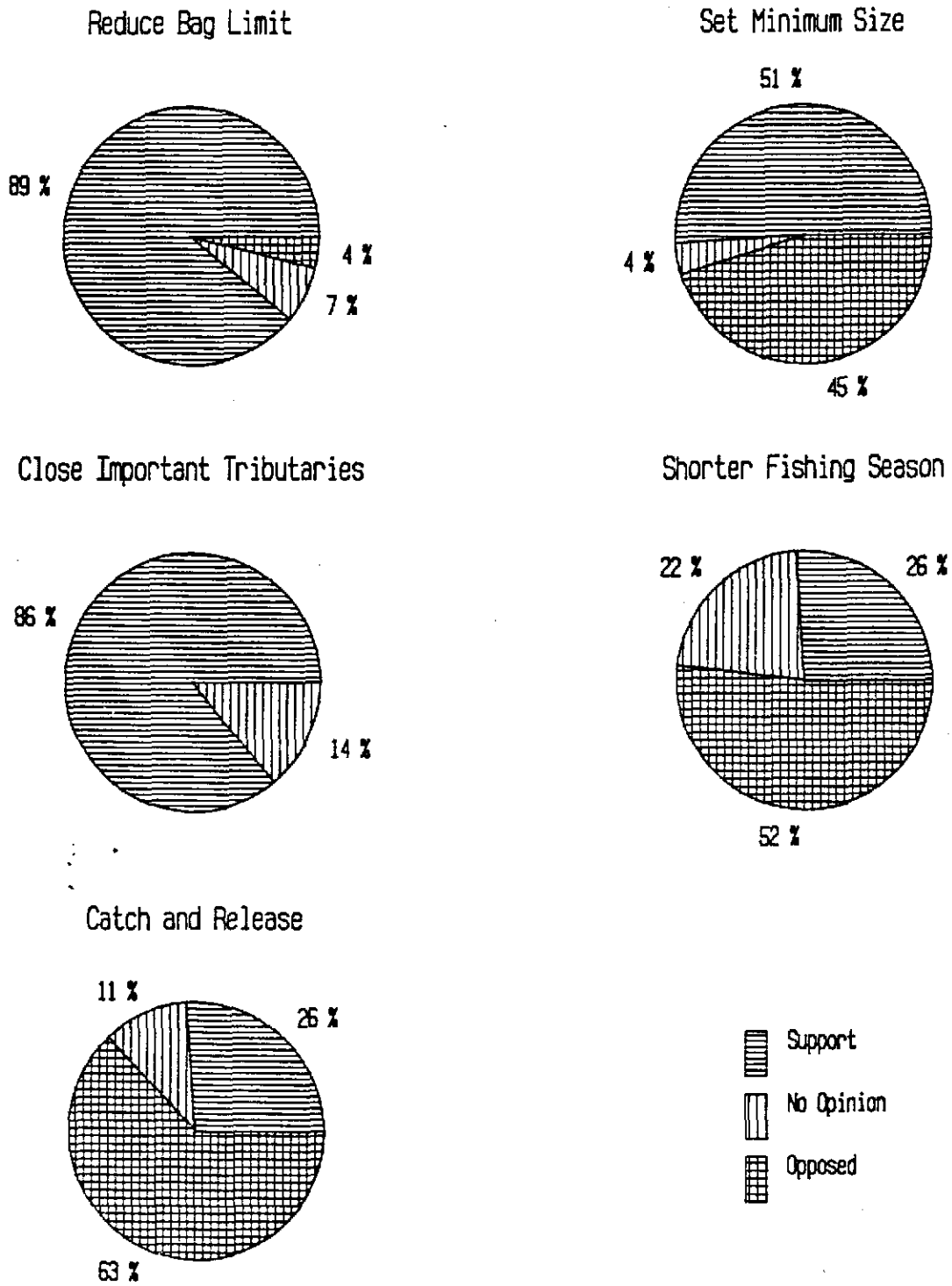

Figure 7. Support of management options by anglers interviewed during the Coeur d'Alene River creel survey, 1986.

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Cutthroat trout were evenly distributed in length, ranging from 100 to 469 mm with a mean length of 273 mm (Figure 8). Twenty-four percent of cutthroat trout sampled were larger than 350 mm. Annual mortality of 58% was estimated for cutthroat trout ages III, IV, and V from a electrofishing catch curve. Lengths of rainbow trout ranged from 100 to 529 mm, with a mean length of 262 mm. Brook trout and cutthroat-rainbow trout hybrids were generally smaller, with mean lengths of 205 and 211 mm, respectively.

Lake Merwin trapping. Bullhead and tench *Tinca tinca* dominated the Lake Merwin trap catch in 1984 and 1985 in the lower Coeur d'Alene River (Appendix G). Pumpkinseeds, kokanee salmon, northern squawfish, yellow perch, black crappie *Pomoxis nigromaculatus*, suckers *Catostomus* sp., largemouth bass, redside shiners *Richardsonius balteatus*, and northern pike *Esox lucius* were caught in smaller numbers.

St. Joe River electrofishing. Mountain whitefish was the dominant game fish captured in the electrofishing sample from the St. Joe River in 1986 and was caught in both river sections on all sampling dates (Appendix F). No cutthroat trout and only three rainbow trout were caught during August sampling when water temperatures exceeded 20°C in both sections (Figure 1). Cutthroat trout and rainbow trout were caught in both sections in October. Two adult bull trout were also caught in the lower section in October. Lengths of cutthroat trout ranged from 223 to 385 mm, with a mean length of 308 mm (Figure 8). The catch of cutthroat trout was not sufficient to estimate annual mortality. Lengths of rainbow trout ranged from 213 to 429 mm, with a mean length of 319 mm.

St. Maries River electrofishing. Mountain whitefish was the dominant game fish captured in the electrofishing samples from the St. Maries River in 1987. Other salmonids captured were cutthroat trout, rainbow trout, and cutthroat-rainbow trout hybrids. Cutthroat trout lengths ranged from 137 to 345 mm, with a mean length of 230 mm (Figure 8; Appendix F). Annual mortality of 50% was estimated for cutthroat trout ages II, III, and IV from a catch curve. Rainbow trout lengths ranged from 147 to 270 mm, with a mean length of 218 mm. Lengths of cutthroat-rainbow trout hybrids ranged from 106 to 198 mm, with a mean length of 166 mm.

Suckers dominated electrofishing samples from all the rivers on all sampling dates.

Slackwater Sampling

Gillnetting. No trout were collected with gill nets from the slackwater reaches of the St. Joe and St. Maries rivers. Suckers, northern squawfish, and bullheads were the dominant species collected and comprised 36%, 30%, and 25%, respectively, of the total sample (Figure 9; Appendix H). No bullheads, however, were collected in the December sample. Mountain whitefish, yellow perch, largemouth bass, black crappie, pumpkinseeds, tench, and sculpins *Cottus* sp. were collected in small numbers from both rivers.

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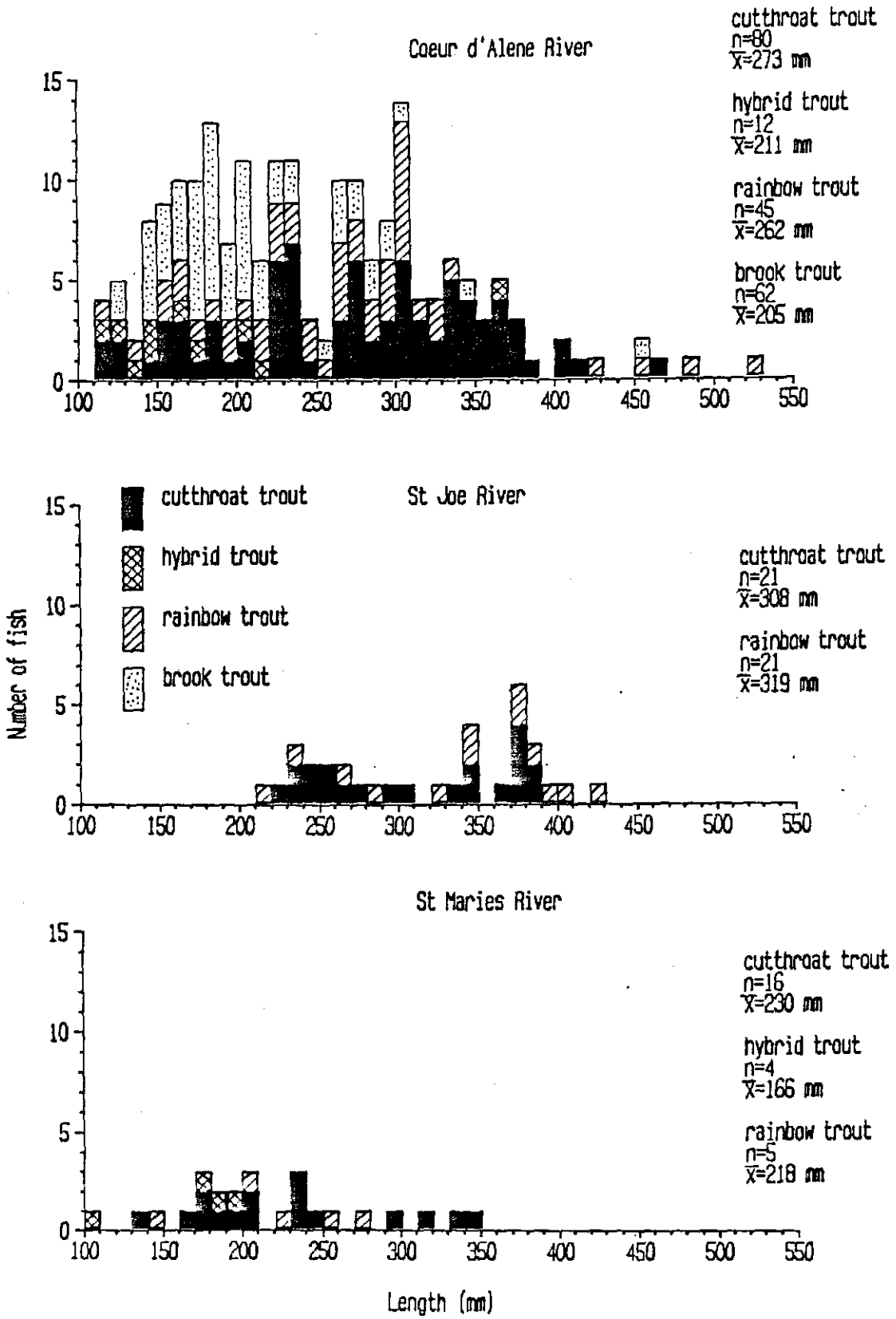

Figure 8. Length frequencies of trout sampled from the lower Coeur d'Alene, lower St. Joe, and St. Maries rivers with electrofishing gear, 1986 through 1987.

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St. Maries River. Rainbow and cutthroat-rainbow hybrid trout were only present in Middle Fork St. Maries River and Merry Creek, respectively. Brook trout were observed in the West Fork Merry and Olson creeks. Bull trout were not observed.

Fish Movement

Coeur d'Alene Lake

Browns Bay was the only sampled location in the lake where cutthroat trout were caught with the purse seine. Two of the 39 cutthroat trout tagged in the lake with reward tags were later caught in the lower rivers: one in the St. Joe River and one in the Coeur d'Alene River (Table 7). Four of the tagged fish have been recovered within the main lake.

Coeur d'Alene River

Anglers returned 34 of the 201 cutthroat trout jaw tags from the Coeur d'Alene River drainage. Most (26) of the tagged fish were recovered within 10 km of their tagging location (Table 8). Thirteen of the 14 returns from cutthroat trout tagged at French Gulch were recovered within 7 to 11 km downstream (in the Cataldo and Cataldo Mission area) within 3 months. The one exception was found 1 km upstream from French Gulch two months after being tagged. All recovered cutthroat trout that were tagged in the Cataldo, Cataldo Mission, and Dudley areas were harvested in those general locations from one to 17 months after being tagged. Three cutthroat trout tagged in the Cataldo area in May and July were recaptured with electrofishing gear in the summer and fall at the same locations. One adult cutthroat-rainbow trout hybrid was tagged in the Cataldo area in July 1985 and recovered with electrofishing gear in July 1986 in the same location. That fish grew from 322 mm to 425 mm in one year. One rainbow trout was recaptured in July at Cataldo after being tagged there in May. Only two of the 1,139 cutthroat trout that were tagged with Floy FTF-69 fingerling tags were recaptured by anglers. One fish was caught at Cataldo Mission, 32 km upstream from where it had been tagged in Willow Creek 1 year earlier. The other fish was caught two weeks after being tagged within the same tributary. A juvenile cutthroat-rainbow trout hybrid that was tagged in Steamboat Creek traveled downstream 13 km to Freeman Eddy over a 10-month period (August to June). Another hybrid that was tagged as a juvenile in Lost Creek was recovered 16 km downstream, near Browns Creek, the following spring.

St. Joe River

Jaw tags were put on 63 cutthroat trout throughout the St. Joe River study area, and 10 were recaptured by anglers (Table 9). One fish, caught the year after tagging, had not moved. Four fish moved downstream and four moved upstream before being caught by anglers. The furthest movement recorded was for a cutthroat trout that swam upstream from Big Eddy to Bluff Creek (64 km) over a 10-month period from October to August. The

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fastest movement documented was for a cutthroat trout tagged in the river at Hugus Creek in April and recovered 42 km upstream 6 weeks later. Two cutthroat trout tagged in Benewah Creek in April were recovered in Chatcolet Lake and in the thoroughfare between Chatcolet and Coeur d'Alene lakes four and six weeks later. One cutthroat-rainbow trout hybrid, tagged during the summer in Mica Creek, was recovered the following May in the river near Falls Creek, 14 km downstream. Floy FTF-69 fingerling tags were put on 540 juvenile cutthroat trout throughout the drainage. One Floy-tagged fish was recovered the next year in the same tributary.

St. Maries River

Jaw tags were put on 34 cutthroat trout in the St. Maries River drainage and 6 have been recovered by anglers (Table 10). Two of the fish had not moved from their tagging location and were caught one and five months after being tagged. Four fish had moved between six and 32 km downstream and were caught within five weeks of tagging. Floy tags were put on 407 juvenile cutthroat trout and one was recaptured 10 months after being tagged in the same tributary.

Use of Tributaries

Adult cutthroat trout were found moving into several tributaries prior to spawning and/or out of tributaries after spawning (Table 11). Adult cutthroat trout were found entering French Gulch late March through early May. Spawned adults emigrated from French Gulch throughout May. Adults emigrated from Skeel Gulch at the end of April. One adult was trapped entering Cougar Gulch on April 29. General adult emigration from tributaries was during high spring flows. Mean length of spawning cutthroat trout was 353 mm in the Coeur d'Alene River drainage (Figure 12). Several lower river tributaries were used by adult trout during summer, presumably avoiding high temperatures in the main rivers. Juvenile cutthroat trout emigrated from tributaries during high spring flows (Figure 13). Migratory cutthroat trout were trapped in French Gulch, Hunt Gulch, Cougar Gulch, Skeel Gulch, and Scott Creek in the Coeur d'Alene River drainage; in Benewah Creek, Cherry Creek, Mica Creek, Reeds Gulch, Street Creek, Thomas Creek, and Trout Creek in the St. Joe River drainage; and in Thorn Creek, Merry Creek, and the West and Middle forks of the St. Maries River drainage.

DISCUSSION

A viable trout fishery currently exists below the South Fork of the Coeur d'Alene River. This fishery exemplifies the resiliency of a system which has suffered severe perturbations. Unstratified weekend creel surveys conducted in 1984 and 1985 indicated the majority of angling effort occurred before the July Fourth holiday. This high-use, short-term fishery in the lower Coeur d'Alene River prompted a random stratified creel survey which had never been conducted prior to our evaluation.

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A trend similar to 1984 and 1985 was observed in 1986 when most of the angling effort during the survey occurred during Interval 1. The dramatic decline in angler effort and cutthroat trout harvest as the survey progressed was probably a function of overexploitation, movement of migratory stocks, and reduced water levels. Section 3 showed the most illustrated example of a high-yield, short-term fishery. This section was extremely popular with boat anglers who accounted for 52% of the total cutthroat trout harvest for all sections, but the bulk of boat effort (60%) and cutthroat trout harvest (90%) occurred during Interval 1. Cutthroat trout were particularly vulnerable to boat angling, especially when drifting bait. Shore anglers, with comparable effort, harvested only 19% of the cutthroat trout from Section 3.

A comparison of age-length frequencies of harvested and spawning cutthroat trout in the Coeur d'Alene River showed most of the harvested fish were sexually immature (Figure 14). Our data supports the suggestion by Lewynsky and Bjornn (1983) that the 330 mm minimum size restriction, established in the upper St. Joe River, would not protect faster growing Coeur d'Alene River cutthroat trout through one spawning period. Lewynsky (1986) indicated that only one-third to half of the cutthroat trout in his samples from the Coeur d'Alene River had actually spawned before reaching 330 mm. Overharvest of sexually immature cutthroat trout needs to be addressed in future management to ensure the viability of the fishery. We recommend implementation of a minimum length restriction on cutthroat trout in the Coeur d'Alene River to allow cutthroat trout to spawn once before they are harvested. The majority of first-time spawning cutthroat trout (age IV or less) in the Coeur d'Alene River drainage were smaller than 380 mm, and the mean length of spawning fish was 353 mm. A minimum length restriction of at least 355 mm should be implemented on the Coeur d'Alene River. However, a minimum length restriction of less than 400 mm may select against fish that initially spawn at age V. A minimum length restriction will result in catch and release of many undersized fish. Average cutthroat trout mortality from drift fishing with bait will be 40% (Hunsaker et al. 1970). We recommend a bag limit of one cutthroat trout to reduce mortality on immature fish and also allow a consumptive fishery.

Our sampling efforts coupled with the creel survey information indicate that Section 3 is an extremely important holding area for adult cutthroat trout. The high-yield, short-term nature of this fishery poses both social and biological problems. Anglers supported the implementation of a drainagewide management program involving more restrictive regulations to improve cutthroat trout fishing. Though a shortened fishing season was not supported by most anglers, a delayed season opening of July 1 would eliminate the large harvest of cutthroat trout in the lower Coeur d'Alene River during May and June. This action should provide angling opportunity for a longer duration for more anglers throughout the season.

Hatchery rainbow trout improved the trout catch rates in Section 1, the only release site within the study area. Using our estimated harvest and the known number of rainbow trout stocked, we calculated a 60% return to the angler during the survey. Movement was minimal because hatchery rainbow trout were rarely caught in the other two sections. Catchable rainbow trout should be distributed evenly throughout the lower Coeur d'Alene River to offset restrictions on cutthroat trout harvest. Kokanee

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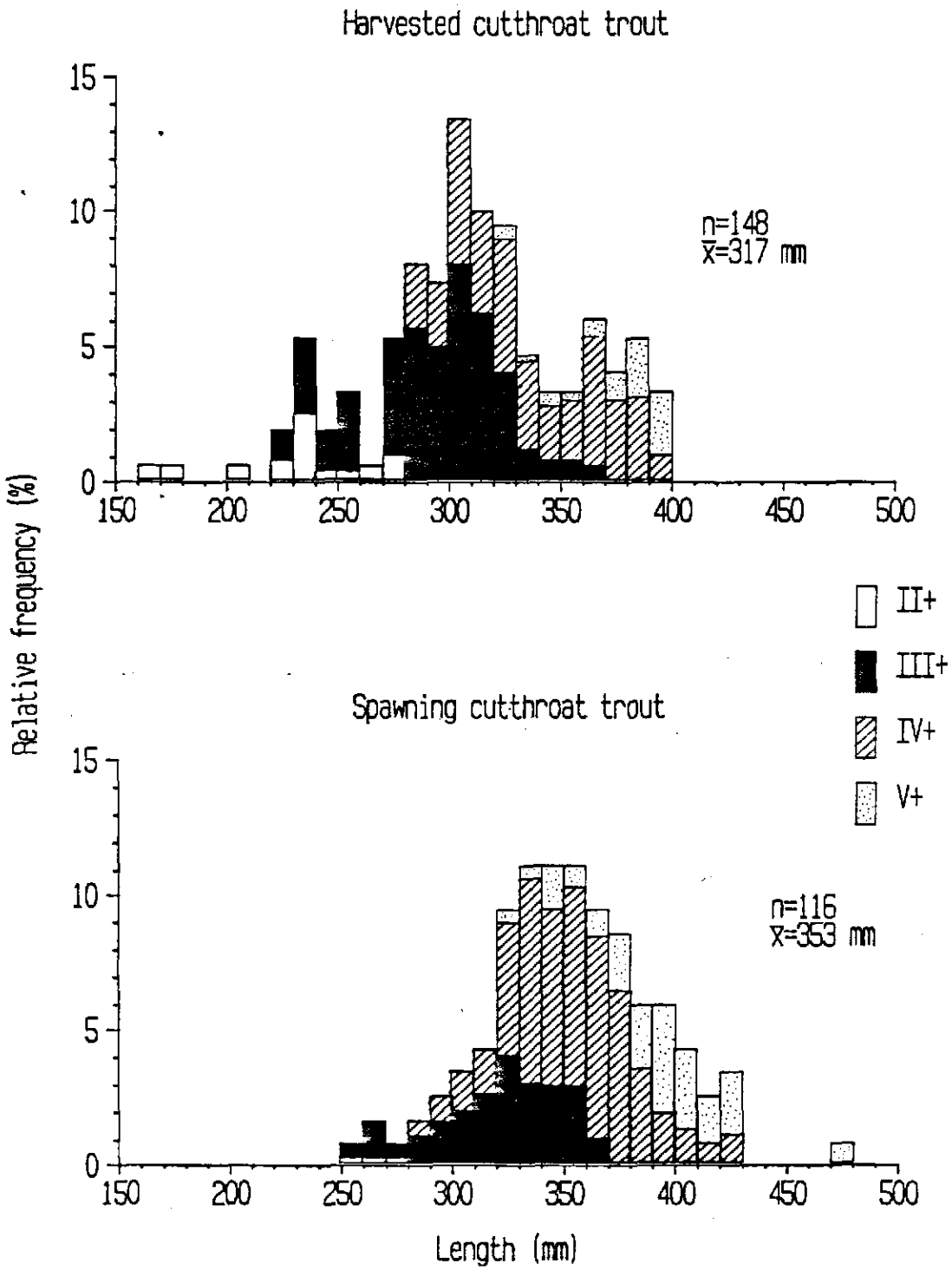

Figure 14. Age and length frequencies of harvested and spawning cutthroat trout in the Coeur d'Alene River, 1986.

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salmon was the second most abundant species caught in sections 2 and 3, but anglers indicated that numbers have decreased dramatically in recent years. No quantitative data are available, but the decline may be associated with introductions of chinook salmon into Coeur d'Alene Lake (Horner et al. 1987).

Declining cutthroat trout populations in the St. Joe River prompted numerous past investigations. Rankel (1971) stated that unless mortality rates were reduced, it seemed likely that the stock would become economically if not biologically extinct. This led to implementation of special regulations (three trout ≥13", 1973 through 1987) in the upper St. Joe River above Prospector Creek and tributary closures. The upper river has been a successful example of wild cutthroat trout management. From 1968 to 1975, cutthroat trout catch rates increased from 0.2 fish/h to 2.5 fish/h, and the percentage of fish in the catch longer than 250 mm increased from 2.5% to 18% (Mallet 1968; Thurow and Bjornn 1978).

Angler effort, catch rates, and harvest of westslope cutthroat trout on the lower river, under general regulations (six trout, only two ≥16"), have increased since 1967 (Figure 15). The peak in harvest occurred in 1973, followed by a dramatic decrease in 1975 which Walch and Mauser (1976) attributed to late spring runoff, unfavorable weather conditions, and increased cost of fishing licenses.

Angler effort remained relatively constant in all sections throughout our survey on the lower river, though cutthroat trout catch and harvest rates declined dramatically. Anglers continued fishing in sections 2 and 3 despite declining catch rates. A small proportion of anglers, mostly families, continued to fish the slackwater reach in pursuit of species other than trout. By the end of the survey, cutthroat trout catch rates in Section 1 were also lower, but trout catch rates remained high relative to the other sections. Harvest of rainbow trout, stocked only in Section 1 and upstream, was responsible for the elevated catch rates. We estimated return to the creel of catchable rainbow trout was 50% for the St. Joe River in 1987.

The majority of the cutthroat trout harvest (78%) in all three sections of the St. Joe River occurred during Interval 1. The short-term nature of this fishery is a result of overexploitation and is influenced by movement of trout into and out of the upper river (governed by special regulations). Our tag recoveries and earlier work (Thurow and Bjornn 1978) indicate a distinct trend of cutthroat trout migration to the upper river (special regulation zone) during the spring to early summer and downstream migration in the fall. Consequently, the general regulation area below Avery is serving as a migrational corridor. Utilization of this area by cutthroat trout is limited by overharvest, lack of habitat (including high water temperatures), and the migratory nature of this stock. Jeppson (1960) found few "desirable game fish present in the lower St. Joe River during the summer months." His dynamite sampling from Avery downstream to St. Joe City during July produced no trout. Excluding catchable rainbow trout, trout and char comprised less than 1% of his sample in August and September.

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River. They also observed resident stocks of cutthroat trout in these streams. All that can be concluded about cutthroat trout populations in the St. Maries River drainage from our tagging data is that fluvial stocks exist. Thurow and Bjornn (1978) found that 89% of the cutthroat trout that migrated from tributaries to the river were tagged in the lower 5 km of the tributary. Johnson and Bjornn (1978) observed very little movement by cutthroat trout in the upper St. Joe River drainage after they established summer feeding stations. Our data suggest that the majority of cutthroat trout production in the St. Joe and St. Maries river drainages occurs further than 5 km upstream in tributaries. Adults were observed far upstream in several tributaries.

Lewynsky (1986) observed cutthroat trout aggregated in large pools in the Coeur d'Alene River during winter. This information, along with our evidence that cutthroat trout remain in the area between Cataldo and Dudley for substantial lengths of time, suggests that a large fluvial stock of cutthroat trout exists in the Coeur d'Alene River. Bauer (1975) cited the presence of spawning runs of cutthroat trout in Fourth of July Creek and in tributaries to Cave and Medicine lakes as evidence for adfluvial trout in the lower river system.

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IWRB 1

COEUR D'ALENE RIVER

WATER RIGHT NUMBER 94-07341

SOURCE: COEUR D'ALENE RIVER

APPLICANT: IDAHO WATER RESOURCE BOARD

DATE FILED: JUNE 15, 1992
DATE AMENDED: SEPTEMBER 13, 1993

MINIMUM STREAMFLOW REACH (AS AMENDED):
BEGINNING AT THE CONFLUENCE WITH THE SOUTH FORK OF THE COEUR D'ALENE RIVER IN SECTION 31, T49N, R02E, SHOSHONE CO, AND EXTENDING DOWNSTREAM APPROXIMATELY 35 MILES TO THE MOUTH OF THE COEUR D'ALENE RIVER IN SECTION 36, T48N, R04W, KOOTENAI CO.

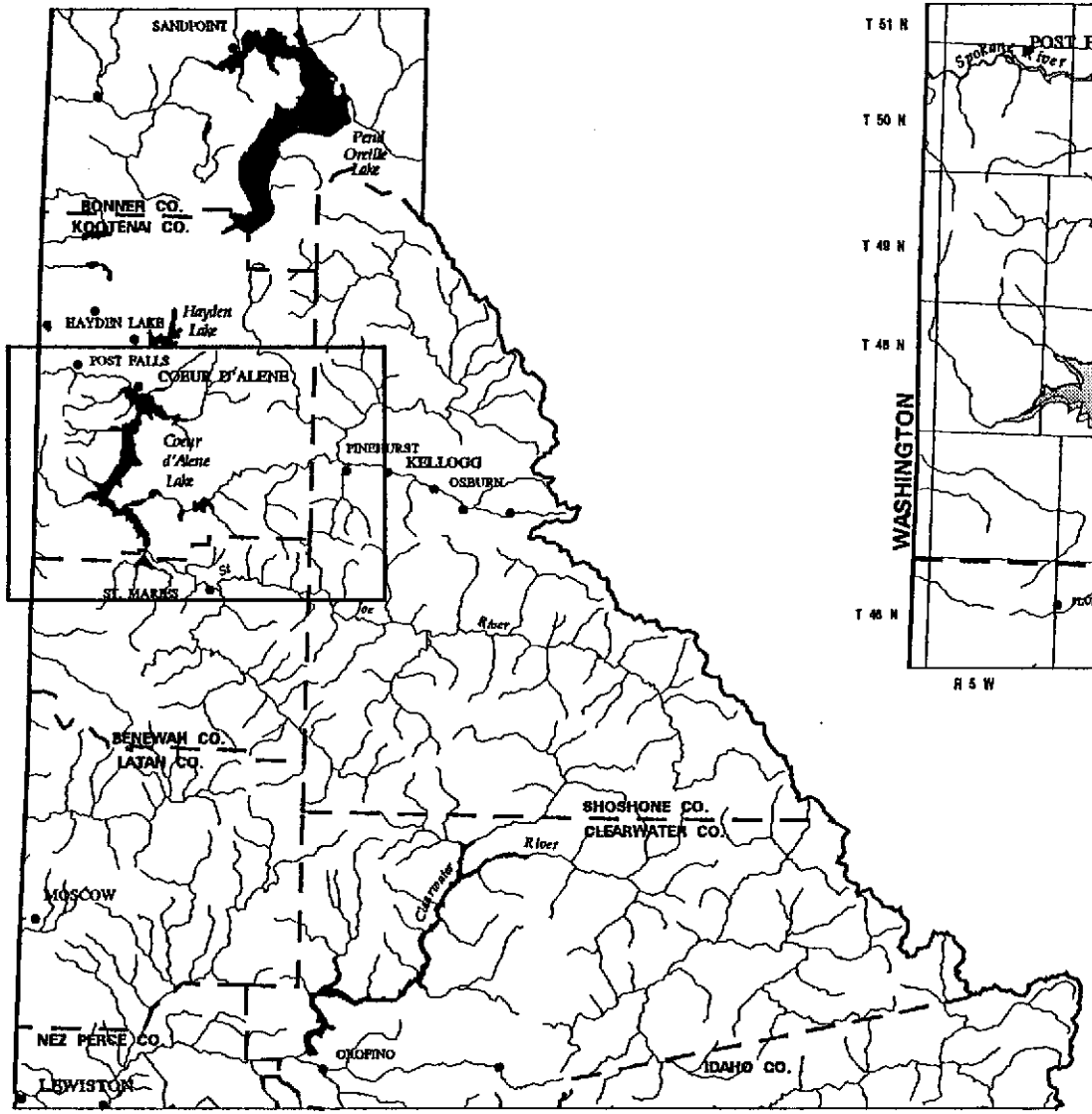
PERIOD OF USE: RATE OF FLOW
NOVEMBER 1 TO JUNE 30: 1,018 CFS
JULY 1 TO OCTOBER 31: 413 CFS

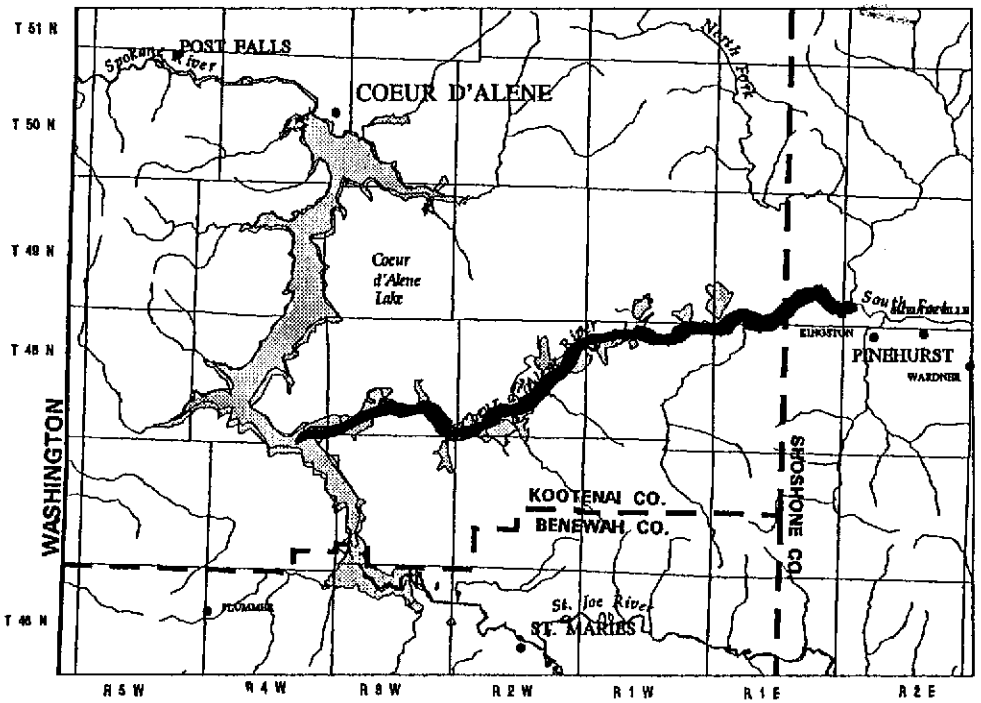
PURPOSE:
INSTREAM FLOW FOR THE PROTECTION OF FISH AND WILDLIFE HABITAT, AQUATIC LIFE, AND RECREATIONAL VALUES.

AUG 10 1994

Coeur d'Alene River - Minimum Streamflow

Minimum Streamflow Reach





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I-1282

IWRB 3

WATER RIGHT SUMMARY

SOURCE LISTED AS COEUR D'ALENE RIVER IN MINIMUM STREAMFLOW REACH

ESTABLISHED RIGHTS

13.85 CFS 4 RIGHTS

APPLICATIONS

.04 CFS 1

PRIORITY DATE (6/14/93)

AUG 1 0 1994

Water Rights on the Coeur D'Alene River From South Fork to Coeur D'Alene Lake
Including Applications

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = COEUR D ALENE RIVER						
9407299	COEUR D ALENE RIVER	COEUR D ALENE LAKE	08/08/86	0.020	1.50	L
9407341	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/15/92	1018.000	0.00	A
9404022	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/01/70	0.600	0.00	S
9407346	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/14/93	0.040	0.00	A
9407133	COEUR D ALENE RIVER	COEUR D ALENE LAKE	02/26/79	0.330	12.00	L
9402213	COEUR D ALENE RIVER	COEUR D ALENE LAKE	09/25/56	12.900	0.00	L
NUMBER OF RIGHTS FOR COEUR D ALENE RIVER = 6				1031.890	13.50	
NUMBER OF RIGHTS = 6				1031.890	13.50	

— Minimum S.F. Flow

AUG 10 1994

Water Rights on the Coeur D'Alene River From South Fork to Coeur D'Alene Lake
Does not include Applications

WR NUMBER	SOURCE	TRIBUTARY TO	PRIORITY DATE	DIVERSION RATE - CFS	DIVERSION VOLUME- AFA	STAGE
SOURCE = COEUR D ALENE RIVER						
9407299	COEUR D ALENE RIVER	COEUR D ALENE LAKE	08/08/86	0.020	1.50	L
9404022	COEUR D ALENE RIVER	COEUR D ALENE LAKE	06/01/70	0.600	0.00	S
9407133	COEUR D ALENE RIVER	COEUR D ALENE LAKE	02/26/79	0.330	12.00	L
9402213	COEUR D ALENE RIVER	COEUR D ALENE LAKE	09/25/56	12.900	0.00	L
NUMBER OF RIGHTS FOR COEUR D ALENE RIVER = 4				13.850	13.50	
NUMBER OF RIGHTS = 4				13.850	13.50	

AUG 10 1994

Water Right Number - 94-02213 Prefix Translation: WATER RIGHT Old (D) Number - 26562

+ - - - - - - - - Last Name - - - - - + + - First Name - - + + - - - - - - - - - - Address - - - - - - - - - - - - - - - - +

*** C - CURRENT OWNER ***
BUNKER HILL CO.

1 -
2 -
3 -
City- KELLOGG State- ID Zip- 83837
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
09/25/1956 18 NORTHERN L - LICENSE

+ - - - - - - - - Source - - - - - - - - - - - - - - + + - - - - - - - - - Tributary - - - - - - - - - - - - - - - - - - +
COEUR D ALENE RIVER COEUR D ALENE LAKE

+ - Point of Diversion - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
49N	02E	31	NE NW			(79) SHOSHONE			

+ - Water Use - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
07	INDUSTRIAL			12.900	
43	DOMESTIC				

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
12.900

+ - Place of Use - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
48N	02E	2	NE NE			07	INDUSTRIAL	(79) SHOSHONE
48N	02E	2	NW NE			07	INDUSTRIAL	(79) SHOSHONE
48N	02E	2	SW NE			07	INDUSTRIAL	(79) SHOSHONE
48N	02E	2	SE NE			07	INDUSTRIAL	(79) SHOSHONE

+ - - Diversion Means -

+ - - Non-Irrigation Use - I/MILLING & METALLURGY.

+ - - Other Rights for Same Use -

+ - Remarks - +
LICENSE LISTS SOURCE AS COEUR D ALENE RIVER, N. FORK

+ - Old Water Right Numbers - +
No Old Water Right Numbers found.

+ - Conditions of Approval - +
No Conditions of Approval found.

AUG 10 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water right number - 94-02213   Prefix Translation: WATER RIGHT

+ - - - - Decree Plaintiff - - - +   + - - - - Decree Defendant - - - +   + - Decree Date - +
00/00/0000

+ -Comments- +
No Comments Found

+ - - Audit Fields - 01/17/86 05/14/88 CONVERT

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 01/17/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 10/02/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

AUG 10 1994

IWRB4

IN DEFENSE OF IDAHO'S WATER

A Report to Governor Cecil D. Andrus

September 1991

AUG 10 1994

IN DEFENSE OF IDAHO'S WATER

A Report to Governor Cecil D. Andrus

Prepared by

Ray Rigby
John Rosholt
Scott Reed
A. Kenneth Dunn
Brian Donesley
Reed Hansen
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J. D. Williams
R. Keith Higginson

September 1991

AUG 1 0 1994

Recommendations

1) The Group recommends that the state continue to participate in discussions of the issue of potential endangered species listing for salmon with other entities in the Northwest. Our effort should be geared toward reaching the goal of fishable salmon in Idaho while protecting the ability of the state to utilize its water resources for multiple purposes. It is noted that the legislature approved some funding through the Governor's office to allow the various state agencies to participate in these regional water and fishery discussions. Idaho needs to aggressively assert its position that the problem of survival of the salmon in the Snake River basin will not be resolved by placing the burden upon the state of Idaho and its citizens.

2) The state needs a coordinated effort through the Governor's office to respond to the other activities in the region which will impact on Idaho's water resources. These include those items listed in the early part of this section. It will particularly be important that the state influence the decisions made in relicensing the power projects of the Idaho Power Company in Hells Canyon and elsewhere along the Snake River to assure that the benefits gained from prior license conditions and the Swan Falls Agreement are not lost.

Summary

The Water Defense Group has been pleased to respond to Governor Andrus' request that it consider and make recommendations of actions which need to be taken to protect Idaho's valuable water resources. We hope that this paper which has discussed the issues originally presently to the Group by the Governor will be helpful to officials of the state whose responsibility it is to represent Idaho and her interests.

We have recommended the following:

1) Idaho should place a great deal more emphasis and effort (financial and staff) into comprehensive water resources planning which considers the present and potential future uses of Idaho's water. This would demonstrate the need of conserving the resource for future use within the state. It should be Idaho's goal to have in place a completed and approved comprehensive water plan for at least two-thirds of the state's river basins by the year 2000. Particular attention and priority should be given to those streams which potentially could be threatened for water export. Under Section 10 of the FPA, FERC is required to consider state comprehensive water plans in its licensing decisions. Since FERC does little or no comprehensive planning, a well-crafted state water plan should provide the record necessary for the state to successfully argue for water uses consistent with the state long term needs. Additionally, under section 210 of the Public Utility Regulatory Policies Act of 1978, PURPA benefits cannot be extended by FERC to a hydroelectric project on

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any segment of a natural watercourse designated by the state as a natural or recreational river.

2) The Governor should consider recommending to the Legislature the appropriation in trust of a portion of the unappropriated waters of streams in north Idaho to preserve the flows required to protect instream values. The Departments of Water Resources, Fish and Game and Parks and Recreation should be asked to study these northern streams and recommend the quantities to be preserved in this manner to protect these uses.

3) The Water Defense Group recommends that the State of Idaho support the legislation drafted by the Idaho Department of Water Resources and the Idaho Attorney General's Office and introduced in the House of Representatives by Rep. Richard Stallings and Rep. Larry LaRocco as H.R. 649 and in the Senate by Senator Craig and Senator Symms as S. 106 to correct the Supreme Court's misinterpretation of the FPA. The bill clarifies that the FPA is not intended to preempt state authority to regulate the use of water by hydropower facilities.

4) There should be a central clearing house for state agency comments to the FERC. Although state agencies have attempted to some extent to coordinate their comments in FERC proceedings, a formal process for participation in the process would enhance the state's ability to influence the FERC decision-making process and to avoid conflicting state positions.

5) Minimum flow water rights should be established for all river reaches in Idaho as expeditiously as practical. These minimum flows will serve as a means of ensuring that FERC-established conditions recognize and protect other state interests.

6) The state should continue to discuss with other entities in the Northwest the issues of listing salmon stocks as endangered species. It will also be important for the state to continue participating in efforts to recover declining salmon stocks to insure that the state's interests in both its anadromous fisheries and water resources are protected.

7) The state needs a coordinated effort through the Governor's office to respond to all activities in the region and state which will impact on Idaho's water resources. For example, it will particularly be important for the state to participate in the FERC relicensing process for hydropower projects along the Snake River to assure that the state's right to regulate its water resources is protected.

AUG 1 0 1994

The foregoing report and recommendations are respectfully submitted to Governor Cecil D. Andrus by the members of his appointed Water Defense Group.

RAY RIGBY, ESQ.

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GENE GRAY

BRIAN DONESLEY

REED HANSEN

KEN DUNN

J.D. WILLIAMS

JOHN ROSHOLT

R. KEITH HIGGINSON

AUG 10 1994

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Ten.

IWRB-5

RECEIVED
JUL 1 1975
Department of Water Resources

INSTREAM FLOW REGIMENS
FOR
FISH, WILDLIFE, RECREATION
AND
RELATED ENVIRONMENTAL RESOURCES

BY

DONALD L. TENNANT
U.S. FISH AND WILDLIFE SERVICE
711 CENTRAL AVENUE
BILLINGS, MONTANA 59102

1975

ST. WATER PLG. BUREAU
Snake River
Bear
Panhandle
RBPU
File:
AUG 10 1994

ACKNOWLEDGEMENT

Dedicated to all the scientists who helped develop the "Montana Method" for prescribing instream flows to protect our natural, free-flowing aquatic environment.

May this work serve them and their colleagues well in future efforts to preserve and enhance this vital resource.

D. L. Tennant

AUG 1 0 1994

ABSTRACT

Describes the "Montana Method," a quick, easy methodology for determining flows to protect the aquatic resources in both warmwater and coldwater streams based on their average flow. With this method, biologists do their analysis with the aid of hydrological data provided by the U.S. Geological Survey. Detailed field studies were conducted on 11 streams in 3 states between 1964 and 1974, testing the "Montana Method." This work involved physical, chemical, and biological analyses of 38 different flows at 58 cross-sections on 196 stream-miles, affecting both coldwater and warmwater fisheries. Reports or publications on 6 study streams are available. Numerous black and white photos and 35 mm. slides were taken of all the flow stages studied at each cross-section. The studies were all planned, conducted, and analyzed with the help of state fisheries biologists. Results reveal that the condition of the aquatic habitat is remarkably similar on most of the streams carrying the same portion of the average flow. Similar analyses of hundreds of additional flow regimens near U.S.G.S. gages in 21 different states during the past 17 years substantiated this correlation on a wide variety of streams. Running waters studied ranged from small precipitous brooks high in the Rocky Mountains to large, low-gradient rivers and streams out on the prairies of mid-America or along the coastal plains. Results are consistent from stream to stream or state to state, and it is impossible to get a zero flow recommendation using this method. Ten percent (10%) of the average flow is a minimum instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms. Thirty percent (30%) of the average flow is recommended as a base flow to sustain good survival habitat for most aquatic life forms. Sixty percent (60%) of the average flow is recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses. Thirty pages illustrated with tables, graphs, and photos.

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INTRODUCTION

Natural, free-flowing streams are one of the world's most beautiful and valuable resources. Before the coming of Christ, the Roman Emperor Justinian said: "By the law of nature certain things are common property; for example, the air, running water, and the sea." America's late Senator Norris said: "The streams that are flowing downhill were given us by a creator. They do not belong to any special interest or to any individual. They belong to the people and ought to be utilized for the benefit of all of them."

Few streams in the United States have escaped degradation from altered flows by some kind of man-made, "water development" project. Some recognition is finally being given to instream flow regimens to protect the natural environment. Scientists from many disciplines are seeking reliable, practical methods for determining streamflow requirements to protect fishes, waterfowl, furbearers, reptiles, amphibians, mollusks, aquatic invertebrates, and related life forms from all the various people competing for our Nation's water.

With the help of several hydrologists and many state and federal biologists, I have developed a quick, easy method for determining flows to protect the aquatic resources, in both warmwater and cold-water streams. This methodology evolved over the past 17 years from my work on hundreds of streams in the states north of the Mason-Dixon Line between the Atlantic Ocean and the Rocky Mountains. My work has been cited in a score of publications and is best known as the "Montana Method."

METHOD

The Montana Method is so brief it can be typed on a 3" x 5" card. It can be applied rapidly to many segments of thousands of streams by referring to Table 1 of this paper and surface water records of the U.S. Geological Survey (U.S.G.S.). 1/

The following intensive use of this method will produce a factual, conclusive, streamflow study on any stream. First, determine the average annual flow of the stream at the location(s) of interest (listed as AVERAGE DISCHARGE by U.S.G.S. and hereinafter called average flow). If the average flow isn't published by the U.S.G.S., they can quickly calculate it for you. Visit the stream and observe, photograph, sample, and study flow regimens approximating 10%, 30%, and 60% of the average flow. Other flows can be studied, but these three regimens will cover a flow range from about the minimum to near the maximum that can normally be justified and recommended to protect the natural environment on most streams (fig. 1).

If the flow is not controlled, study U.S.G.S. records for flow patterns, then go to the field and check their gage(s) until you can view and study natural flows approximating 10%, 30%, and 60% of the average flow.

If flows are controlled, begin by having the highest flow you wish to study released first, then regulate so that each succeeding lower flow will begin the following midnight. Photos taken early the next morning

1/ Water Resources Data for (name of state), Part 1. Surface Water Records, United States Department of the Interior, Geological Survey.

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Table 1

Instream Flow Regimens for Fish, Wildlife, Recreation and Related Environmental Resources

Narrative Description of Flows[1]	Fisheries Classification[2]	Recommended Base Flow Regimens Oct.-Mar.	Apr.-Sept.
Flushing or Maximum	--	200% of the average flow[3]	
Optimum Range	--	60%-100% of the average flow[4]	
Outstanding	I	40%	60%
Excellent	II	30%	50%
Good	III	20%	40%
Fair or Degrading	IV	10%	30%
Poor or Minimum	--	10%	10%
Severe Degradation	--	10% of average flow to zero flow	

[1]Most appropriate description of the general condition of the streamflow for all the parameters listed in the title of this paper.

[2]Roman numeral ratings for Fisheries Classification Systems like those developed for the States of Idaho, Montana, West Virginia, Wyoming, and the Delaware River Basin Comprehensive Study by the U.S. Fish and Wildlife Service.[5, 11, 14, 19, 26] The base flow regimens outlined above in columns 3 and 4 to maintain the respective designated classes, are judged to be as reliable and valid as the classification systems themselves. These recommended flows generally apply very well to both cold and warm water streams. Regimens should be reversed or altered to fit different hydrologic cycles, like the Salmonid streams on the West Coast, or to favor species like the fall spawning brown trout. Flows may be refined further by specifically matching them to vital periods of the life cycle of fishes, like migration, spawning, incubation, growth, etc. Use of the Montana Method on spring creeks or streams that have a very uniform flow year-around may provide unprecedented low-flow regimens at the minimum or base flow levels.

[3]The average flow will usually fill the active stream channel approximately 1/3 full or to the line of permanent terrestrial vegetation, while 3 times the average flow will often fill the active channel approximately to the point of spilling out on the first bench of the flood plain.[15] Twice the average flow will produce effective depths and velocities within the stream channel for moving silt, sediment and other bed load material without doing extensive damage to the banks and riparian vegetation. Twice the average flow is a good maximum flow recommendation as well as a good flushing flow (Fig. 1).

[4]Optimum is a nebulous term; however, this flow range covers that definition best for all the parameters of this paper collectively.

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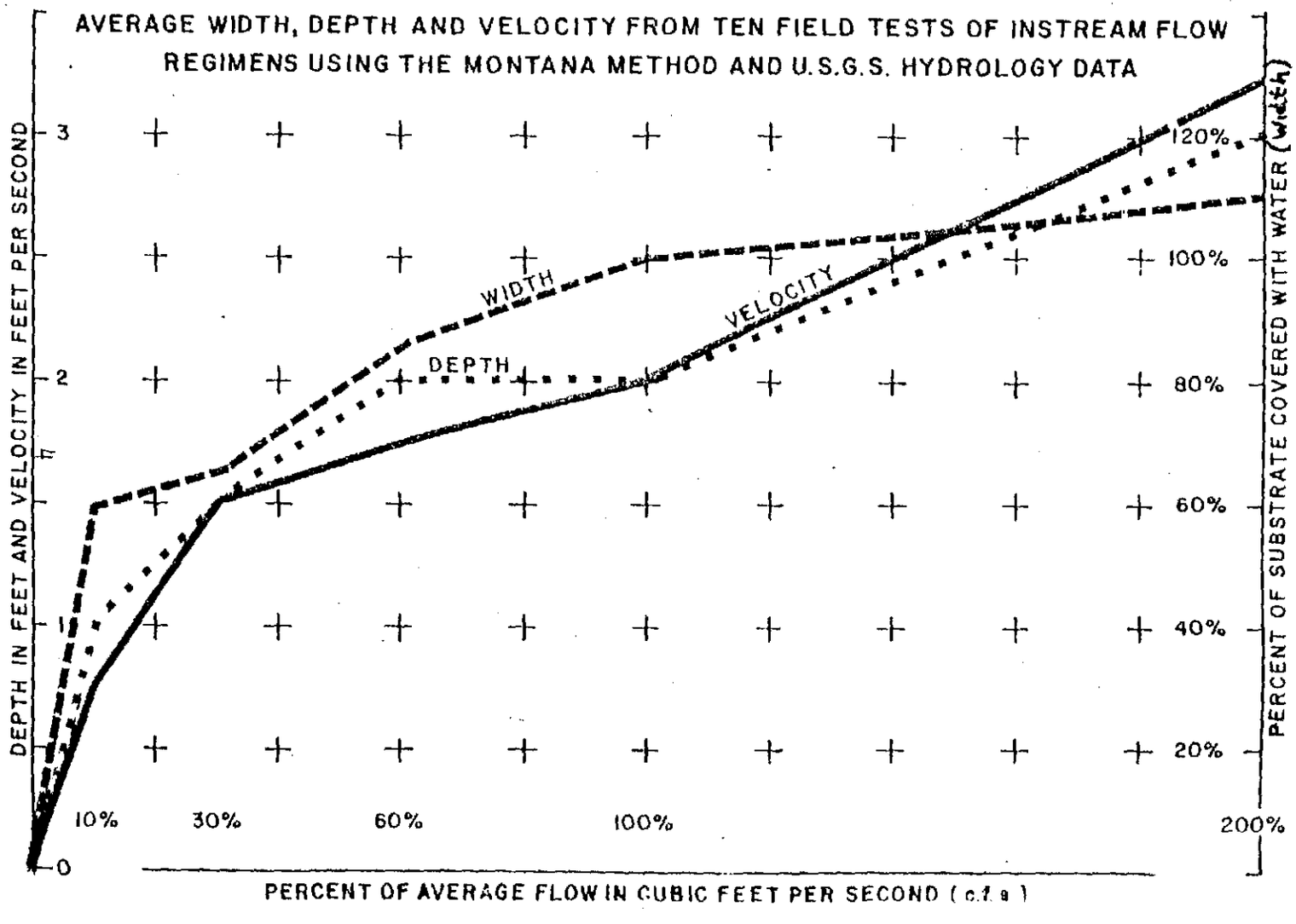
FIG. 1

AVERAGE WIDTH, DEPTH AND VELOCITY FROM TEN FIELD TESTS OF INSTREAM FLOW REGIMENS USING THE MONTANA METHOD AND U.S.G.S. HYDROLOGY DATA



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will reveal the difference in exposed substrate or wetted perimeter (fig. 2). This is photographic "regression analysis." An 8 - 10 hour interval will normally be sufficient to negate any appreciable differences in flow levels due to bank storage.

Pictures may be the best data you will collect for selling your recommendations to the general public, administrators of construction agencies managing water development projects, and judges or juries adjudicating water laws. Black and white photographs and 35 mm. slides of key habitat types (e.g., riffles, runs, pools, islands and bars) from elevated vantage points like bridges and high stream banks will give results superior to ground level shots or photos from aircraft high above the stream. Record appropriate, vital information on all photographs and slides as soon as they are received.

U.S.G.S. monthly measurements cover a variety of flows at most of their stream gage or cable crossings. Obtain cross-sectional data on width, depth, and velocity measurements from the local U.S.G.S. field office for flow regimens under study. Use this information to plot and compare water widths, depths, and velocities to known requirements for aquatic resources. U.S.G.S. will make specific cross-sectional measurements of width, depth, and velocity at any point on a stream for a reasonable fee. With the proper experience, equipment, and plenty of time, others can make the necessary cross-sectional measurements. Study both the average daily streamflow regimen tables and previous historic low-flow data published by U.S.G.S. to learn the base flow patterns of the climatic year and help determine and justify your final recommendations.

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Fig. 2

Missouri River below Holter Dam, Montana, showing differences between flows of 3,000 cfs (55% of the average flow) and 2,000 cfs (37% of the average flow). The vertical drop was 7 inches. Flows reduced about midnight will clearly reveal differences in wetted substrate when photographed the next morning (photographic "regression analysis").

MRBS Photo #9000
by Don Tennant 6/10/70

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Recommend the most appropriate and reasonable flow(s) that can be justified to provide protection and habitat for all aquatic resources.

RESULTS

Detailed field studies were conducted on 11 streams in 3 states between 1964 and 1974 testing the Montana Method (Table 2). This work involved physical, chemical, and biological analyses of 38 different flows at 58 cross-sections on 196 stream miles, affecting both coldwater and warmwater fisheries. Reports or publications on 6 study streams are available as indicated in Table 2. Numerous black and white photos and 35 mm. slides were taken of all the flow stages studied at each cross-section. The studies were all planned, conducted, and analyzed with the help of state fisheries biologists. These studies reveal that the condition of the aquatic habitat is remarkably similar on most streams carrying the same portion of the average flow.

Width, depth, and velocity are physical instream flow parameters vital to the well-being of aquatic organisms and their habitat. Sixteen-hundred measurements of these parameters for 48 different flows on 10 of the streams cited in Table 2 show that they all increase with flow and that changes are much greater at the lower levels of flow (fig.1). Width, depth, and velocity all changed more rapidly from no flow to a flow of 10% of the average, than at any point thereafter. Ten percent (10%) of the average flow covered 60% of the substrates, depths averaged 1 foot, and velocities averaged 3/4 foot per second. Studies show that these are critical points or the lower limits for

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Table 2

DETAILED STUDIES OF INSTREAM FLOW REGIMENS USING THE MONTANA METHOD

Name of Stream	State	Date	Miles Studied	Number of Stations	Different Flows	Parameters Studied (1)	Type of Fishery (2)	Reference
Republican R.	Nebraska	1964	40	3	4	W,D,V,S,B,C,T,F	WW	25
Wind-Bighorn R.	Wyoming	1968	50	10	3	W,D,S,B,C,T,F	CW & WW	24
Marias R.	Montana	1968	67	9	3	W,D,V,S,B,C,T,F	CW & WW	
Missouri R.	Montana	1970	15	8	4	W,D,V,S,B,C,I,F	CW & WW	
Blacks Fork R.	Wyoming	1971	16	4	3	W,D,V,S,C,I	CW	31
Shoshone Creek	Wyoming	1971	1	2	9	W,D,V,S,B,C,F	CW	
Ruby R.	Montana	1971	1	4	3	W,D,V,S,B,C,F	CW	10
W. Fk. Bitterroot	Montana	1971	1	5	3	W,D,V,S,B,C,F	CW	10
W. Rosebud R.	Montana	1971	3	3	4	W,D,V,S,B,C,F	CW	10
N. Platte R.	Wyoming	1974	2	10	2	W,D,V,S,B,C,F	CW & WW	
Totals			196	58	38			

(1) Parameters Studied -- W=Width, D=Depth, V=Velocity, S=Substrate & Sidechannels, B=Bars & Islands, C=Cover M=Migration, T=Temperature, I=Invertebrates, F=Fishing & Floating, E=Esthetics & Natural Beauty

(2) Type Fishery -- WW=Warmwater, CW=Coldwater

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the well-being of many aquatic organisms, particularly fishes. This substantiates the conclusion that this is the area of most severe degradation or that 10% is a minimum short-term survival flow at best. Flows from 30% to 100% of average result in a gain of 40% for wetted substrate, average depth increases from 1½ to 2 feet, and average velocities rise from 1½ to 2 feet per second. These are within good to optimum ranges for aquatic organisms, however, it requires 3 to 10 times the amount of water needed for a short-term minimum or good base flow, and gains or benefit-cost ratios may become questionable. Increasing flow from 100% of average to 200% of average (doubled) only increases average wetted substrate by 10%, average depth increases from 2 to 3 feet, and average velocity rises from 2 to 3½ feet per second. Velocities averaging 3½ feet per second are probably too high for the general well-being of most aquatic organisms but good for moving sediment, bedload, and white water boating. In all 11 field tests of the Montana Method, water depth appeared adequate for aquatic organisms whenever velocities were satisfactory.

Analyses of hundreds of additional flow regimens near U.S.G.S. gages in 21 different states during the past 17 years substantiate these correlations between similar flows on a wide variety of streams. Running waters studied ranged from small precipitous brooks high in the Rocky Mountains, to large, low-gradient rivers out on the prairies of mid-America and streams along the coastal plains. This phenomenon of nature is documented with hundreds of black and white photographs and 35 mm. slides that are registered and filed with the U.S. Fish and Wildlife Service (FWS) in Billings, Montana; Grand Island, Nebraska; and Denver, Colorado.

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The average flow of a stream (or any given portion or percent of th average flow) is a composite manifestation of the size of the drain area, geomorphology, climate, vegetation, and land use. These rela ships have also been evaluated and reported by other biologists and hydrologists. [8, 13, 15, 16, 18, 29, 31]

Use of the Montana Method has produced over 100 separate streamflow recommendations to protect fish, wildlife, and environmental resour in more than 70 reports issued by the FWS.[20] The recommendations we made with the aid of district fishery biologists from 11 different states, endorsed by both the Directors of their state Fish and Game Departments and the Director of the FWS and generally accepted by various construction agencies. This work occurred on at least 30 warmwater streams and 70 coldwater streams.

Many of our recommendations were not adopted, since providing stream flow for fish, wildlife, and environmental preservation or enhanceme is not a legal beneficial use of water in most of the country, especially the 17 western states.[9] Administrators managing water development projects have generally been willing to regulate flow regimens for instream flow studies and provide minimum flows necessar to protect these resources when there is plenty of water. However, these resources are the first to suffer when water is short. [6, 9, 24, 25, 27]

In 1970, the project managers of the U.S. Bureau of Reclamation, U.S. Corps of Engineers, and the Montana Power Company were requested to identify the minimum flows that they recognized solely for the

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protection of fish, wildlife, and the aquatic environment, downstream from dams under their jurisdiction.[21] These agencies control the operation of 23 major dams in Montana and Wyoming. Table 3 compares their replies to previous FWS recommendations and mean and minimum flows of record.

The agencies reported minimum flows for fish, wildlife, and environmental protection which ranged from zero (four instances) to 38% of the average flow. The 38% flow was the result of fish and wildlife interests getting 500 cubic feet per second (cfs) released below Kortes Dam on the North Platte River in Wyoming. Congress reauthorized the operation of that project, which took about 10 years and is the only known accomplishment of its kind in the U.S.A.

Twelve of the 21 flows accepted by the agencies were less than 10% of the average flow of record, which is inadequate to sustain the normal life cycles of either warmwater or salmonid fishes.

Federal and state biologists analyzed flows and made flow recommendations on 12 of the streams involved. However, flows accepted by the agencies agreed with these recommendations in only 3 instances.

In 10 of 20 cases, the minimum natural inflow of record to the regulating reservoir exceeded their recognized release for the conservation of fish, wildlife, and the aquatic environment downstream below the dams. All flow recommendations should stipulate that outflow from dams should at least equal inflow when managing agencies cannot release the flow regimens requested to protect the environment. Project

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Table 3
Minimum Instantaneous Flows for Fish, Wildlife, and Aquatic Environment Below Dams
in the Missouri River Basin in Montana and Wyoming - 1970

Dam & Agency	Minimum Flow for Fish Recognized by Construction Agency	% of Mean Flow	Mean Flow of Record	FWS Recommended Min. Flow	% of Mean Flow	Minimum Reservoir Inflow or Natural Flow of Record
Seminoe[1] (BR)	---		1279 cfs			70 cfs
Kortes (BR)	500 cfs	38%	1300 cfs	500 cfs	38%	70 cfs
Pathfinder (BR)	0 cfs	0%	1423 cfs			70 cfs
Alcova[2] (BR)	---		1500 cfs			70 cfs
Gray Reef (BR)	330 cfs	22%	1500 cfs	330 cfs	22%	70 cfs
Glendo (BR)	0 cfs	0%	1680 cfs			170 cfs
Guernsey (BR)	0 cfs	0%	1710 cfs			170 cfs
Boysen (BR)	100 cfs	7%	1350 cfs	250-400 cfs	19-30%	42 cfs
Buffalo Bill (BR)	15 cfs	1%	1256 cfs	350 cfs	28%	41 cfs
Heart Mountain (BR)	200 cfs	16%	1256 cfs	350 cfs	28%	41 cfs
Yellowtail (BR)	1000 cfs	29%	3500 cfs	1000 cfs	29%	179 cfs
Clark Canyon (BR)	25 cfs	8%	324 cfs	250 cfs	77%	69 cfs
Barretts Div. (BR)	25 cfs	6%	405 cfs	200 cfs	29%	69 cfs
Hebgen (MP)	50 cfs	5%	969 cfs	400 cfs	41%	200 cfs
Ennis (MP)	200 cfs	12%	1675 cfs			275 cfs
Holter (MP)	1000 Cfs	19%	5289 cfs	2000 cfs	38%	747 cfs
Moroney (MP)	1500 cfs	20%	7362 cfs			1760 cfs
Ft. Peck (CE)	3000 cfs	32%	9292 cfs			1120 cfs
Gibson (BR)	50 cfs	6%	850 cfs	270 cfs	32%	60 cfs
Sun River Div. (BR)	100 cfs	12%	852 cfs	270 cfs	32%	47 cfs
Sherburne (BR)	0 cfs	0%	200 cfs			0 cfs
St. Mary's Div.[3] (BR)	25 cfs	3%	790 cfs			16 cfs
Fresno (BR)	25 cfs	6%	430 cfs			0 cfs
Tiber (BR)	100 cfs	11%	880 cfs	250 cfs	28%	10 cfs

[1] Outflow directly into Kortes
[2] Outflow directly into Gray Reef
[3] A Canal to Milk River - Canada

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managers often reminded us that there were no legal requirements for providing any water specifically for the conservation or enhancement of fish, wildlife, and environmental resources. Water agencies "sell" their projects by declaring that their operation will moderate the extreme high and low flows that occur naturally. Just the opposite was true on ½ of these projects. Our analysis did not include scores of existing, smaller projects under the programs of the U.S. Forest Service and the U.S. Soil Conservation Service, most of which did not recognize or provide any minimum flows for fish, wildlife, or the environment.

The Montana Method has been used by the FWS while conducting major comprehensive type studies that required quick, consistent streamflow recommendations for fish, wildlife, and the aquatic environment on numerous streams, covering extensive geographic areas.[1, 2, 3, 4, 28] It has also been very useful for prescribing streamflows on large rivers where data are difficult to obtain using other procedures.

The Montana Method has virtues other than being quick and easy to use. It assures consistency from stream to stream or state to state. You always know the portion of the total streamflow requested and will never get a zero flow recommendation like some other methods produce (e.g., use of 7-day or 3-day minimum or historic minimum flow criteria). In 1970, I evaluated 7-day minimum flow criteria input for the Upper Missouri, Yellowstone, Kansas, and Platte-Niobrara Sub-Basins of the Missouri River Basin Comprehensive Study. I found that these criteria resulted in zero flow in 86 of 305 instances, or about 28% of the time.[22]

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In 236 of 305 cases (77%), the 7-day minimum flow was less than 10 of the average flow, which I consider in the range of severe degra for most elements of the aquatic environment. Criteria for 3-day minimum flows would be worse yet, and recommending the meager, alltime, historic minimum flow would be unthinkable. That would be like prescribing a person's alltime worst health condition as a rec ommended level for a portion of his future well-being.

Avoid recommending vacillating flow regimens specifically for fishe coincidental with monthly (m.a.f.) or daily (d.a.f.) average flows because there are too many unknown, degrading effects on the life cycles of many other organisms in the aquatic environment and other uses of water to justify frequent ebb and flow changes in most strea Quarterly variations in flow regimens might approximate climatic hydrology and be appropriate. The Montana Method can easily be modified to suit the individual convictions of any biologist or the monthly or daily hydrological variations of any given stream. I usually recommend variation in flow regimens for 6-month periods (e.g., columns 3 and 4 of Table 1) that mimic nature and coincide most naturally with the so-called climatic year used by the U.S.G.S. and the U.S. National Weather Service. This offers the following distinct advantages:[12] a) Stages of ground water are more nearly uniform on October 1 in most inland sections of the United States than on any other date, leading in general to fairly reliable comparisons of annual rainfall-runoff relations because of the relatively small errors due to annual differences in the ground-water table on that date; b) In the arid and semi-arid parts of the country, Septembe 30 usually marks the end of the irrigation season and in humid regions

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it approximates the end of the growing season; c) There is a minimum probable error due to the effect of ice in the records of winter flow if the discharge for the winter period (November to April) is computed together at one time; d) The winter or base flow period coincides with reduced metabolic functions and decreased demands for vital life elements by most aquatic organisms (e.g., oxygen, food, removal of waste products, and increased tolerance to pollution); e) A low flow winter period matches the downstream migration habits of many fishes (warmwater and coldwater), when they travel to deeper more permanent water to spend the winter. This is also the spawning and incubation season for most salmonids, when they naturally seek less water by moving into headwater or tributary streams and onto redds in shoal or shallow riffle areas; and f) Higher summer flow regimens provided by this method coincide with the frost-free, recreation season and the major growth period for most aquatic plants and animals, when their requirements for dissolved gases, space, food, and removal of septic waste products are naturally higher (the attendant increased width, depth, and velocities in the stream all serve to enhance the availability of elements vital to these recreation uses and critical life functions). These phenomena may be seasonally reversed for anadromous fishes using the coastal streams of Alaska, the Canadian Provinces, and our west coast states and flow regimens should be adjusted accordingly.

Using the Montana Method, it is easy to adjust to above or below normal water years and maintain stream flows that are appropriate portions of monthly, quarterly, or annual instream supplies of water. This helps fish, wildlife, and aquatic resources share surpluses and

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shortages of water equitably with other users.

With the Montana Method, U.S.G.S measures the hydraulic characteri tics of the stream and biologists interpret the biological respons This saves considerable precious time that biologists can use on a more complete ecological analysis of streamflow needs. U.S.G.S. i recognized nationwide for its expertise in making reliable streamf measurements, and their results are less apt to be questioned by water resource development agencies and more likely to withstand t scrutinty of adversaries in a court of law.[12] This method is appl to hundreds of thousands of streamflow records that have been publ by U.S.G.S. since 1888 on most of the perennial streams in America. In 1972 alone, there were nearly 24,000 active, surfacewater gaging stations in the United States.[17] U.S.G.S. employs more than 2,000 professional hydrologists, working out of 220 different locations t measure streamflow parameters on our Nation's lotic waters.[12] Thes scientists maintain and use several million dollars worth of specia ized supplies and equipment specifically for this purpose.[7]

There is significant hydrological and biological evidence that the Montana Method can also be used successfully on streams throughout the world. [6, 8, 10, 13, 15, 16, 18, 23, 24, 25, 27, 29, 30, 31]

U.S.G.S. is considering the revision of streamflow data programs for most of the states.[23] The majority of existing gages may be discontinued under its future program. Techniques like measuring chann geometry, interpolation from a known flow to an unknown flow, and correlations with adjacent streams will be used to provide streamfl

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information at any point on any stream. Simple channel geometry measurements have produced average flow data as accurate as 10 years of continuous gage records.[13] The standard errors were lowest for mountain regions and in competition with 5 to 10 years of gaged records for the plains region. There is very little variation when results are compared between channel width and average flow (fig.3). Mean annual discharge is one of the few criteria that will be routinely provided by this future program. Therefore, the Montana Method can still be used with this new program, since it is based primarily on knowledge of the mean annual discharge or average flow. The ability to provide the average flow at any point on any stream would actually facilitate the use of the Montana Method in the future.

Adopting the metric system would not require conversion tables or other problems since this method is based on percentages of the average flow however it is expressed.

CONCLUSIONS

The following conclusions on flows are the result of frequent observations and detailed analyses of flows from a wide variety of streams over a large geographical area of the United States

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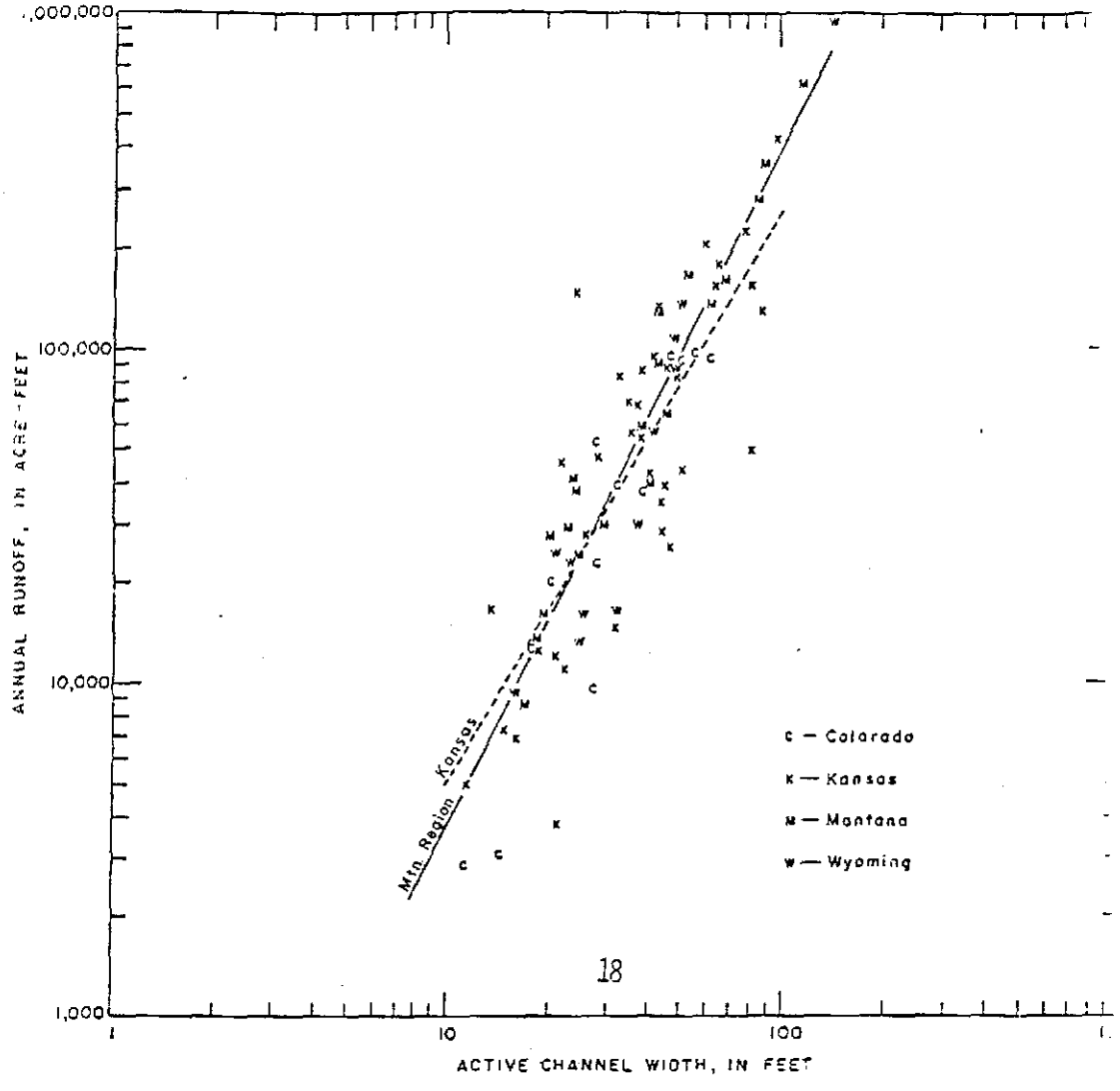
Fig. 3



Correlation between average flow and channel width for streams in the mountain and plains regions of Colorado, Kansas, Montana and Wyoming

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Ten percent (10%) of the average flow (fig. 4): This is a minimum instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms. Channel widths, depths, and velocities will all be significantly reduced and the aquatic habitat degraded (fig. 1). The stream substrate or wetted perimeter may be about ½ exposed, except in wide, shallow riffle or shoal areas where exposure could be higher. Most side channels will be severely or totally dewatered. Most gravel bars will be substantially dewatered, and islands will usually no longer function as wildlife nesting, denning, nursery, and refuge habitat. Streambank cover for fish and fur animal denning habitat will be severely diminished. Many wetted areas will be so shallow they no longer will serve as cover, and fish will generally be crowded into the deepest pools. Riparian vegetation may suffer from lack of water. Large fish may have difficulty migrating upstream over many riffle areas. Water temperature may become a limiting factor, especially in the lower reaches of the stream in July and August. Invertebrate life will be severely reduced. Fishing will often be very good in the deeper pools and runs since fish will be concentrated. Many fishermen prefer this level of flow! However, fish may be vulnerable to overharvest. Floating is usually difficult even in a canoe or rubber raft (stream with an average flow of more than 100 cfs). Natural beauty and stream esthetics are badly degraded. Most streams carry less than 10% of the average flow at times, so even this low level of flow will occasionally provide some enhancement over a natural flow regimen.

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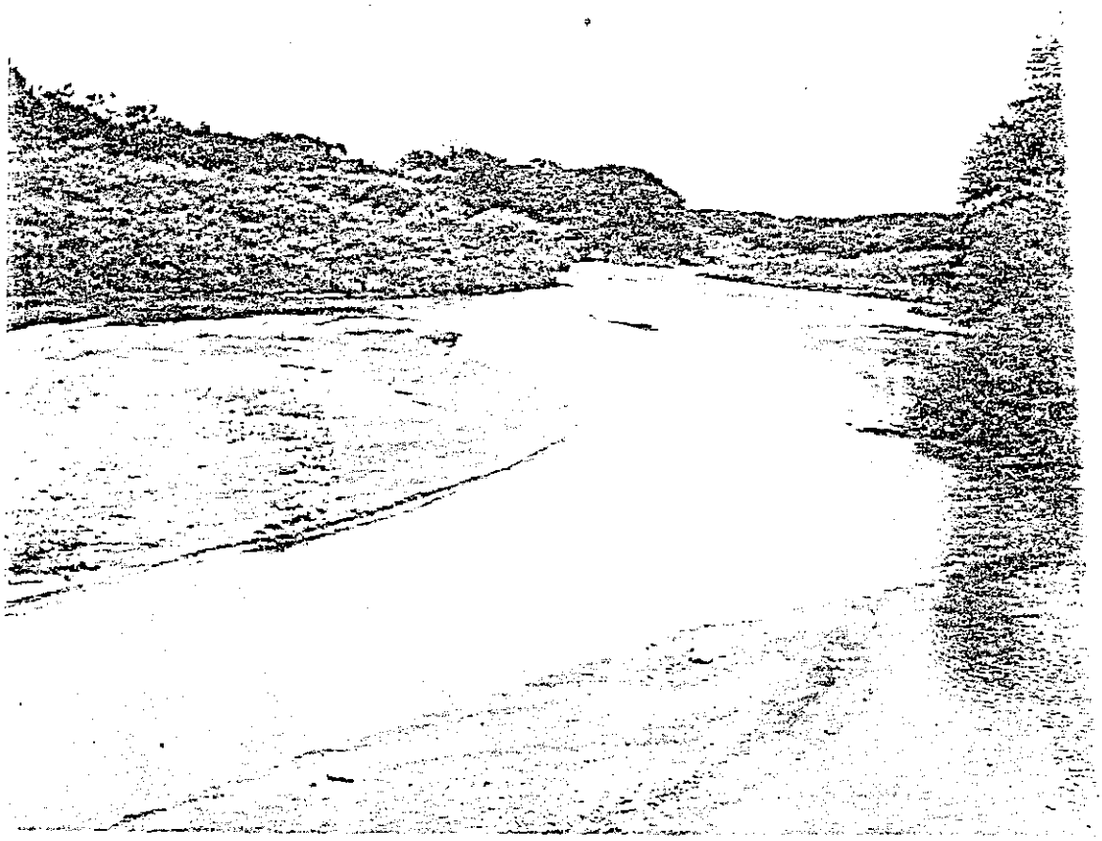
Fig. 4



Republican River below Hardy Bridge, Nebraska, showing a flow of 42 c (10% of the average flow). Water depths were adequate to provide som fish cover, living space, movement and for fishing. Temperatures wer within tolerable limits. This is a minimum instantaneous flow recomm to sustain short-term survival habitat for most aquatic life forms.

MRBS Photo #7159
by Don Tennant 7/10/64

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Thirty percent (30%) of the average flow (fig. 5): This is a base flow recommended to sustain good survival habitat for most aquatic life forms. Widths, depths, and velocities will generally be satisfactory (fig. 1). The majority of the substrate will be covered with water, except for very wide, shallow riffle or shoal areas. Most side channels will carry some water. Most gravel bars will be partially covered with water and many islands will provide wildlife nesting, denning, nursery, and refuge habitat. Streambanks will provide cover for fish and wildlife denning habitat in many reaches. Many runs and most pools will be deep enough to serve as cover for fishes. Riparian vegetation should not suffer from lack of water. Large fish should have no trouble moving over most riffle areas. Water temperatures are not expected to become limiting in most stream segments. Invertebrate life is reduced but not expected to become a limiting factor in fish production. Water quality and quantity should be good for fishing, floating, and general recreation, especially with canoes, rubber rafts, and smaller shallow draft boats (streams with an average flow of more than 100 cfs). Stream esthetics and natural beauty will generally be satisfactory.

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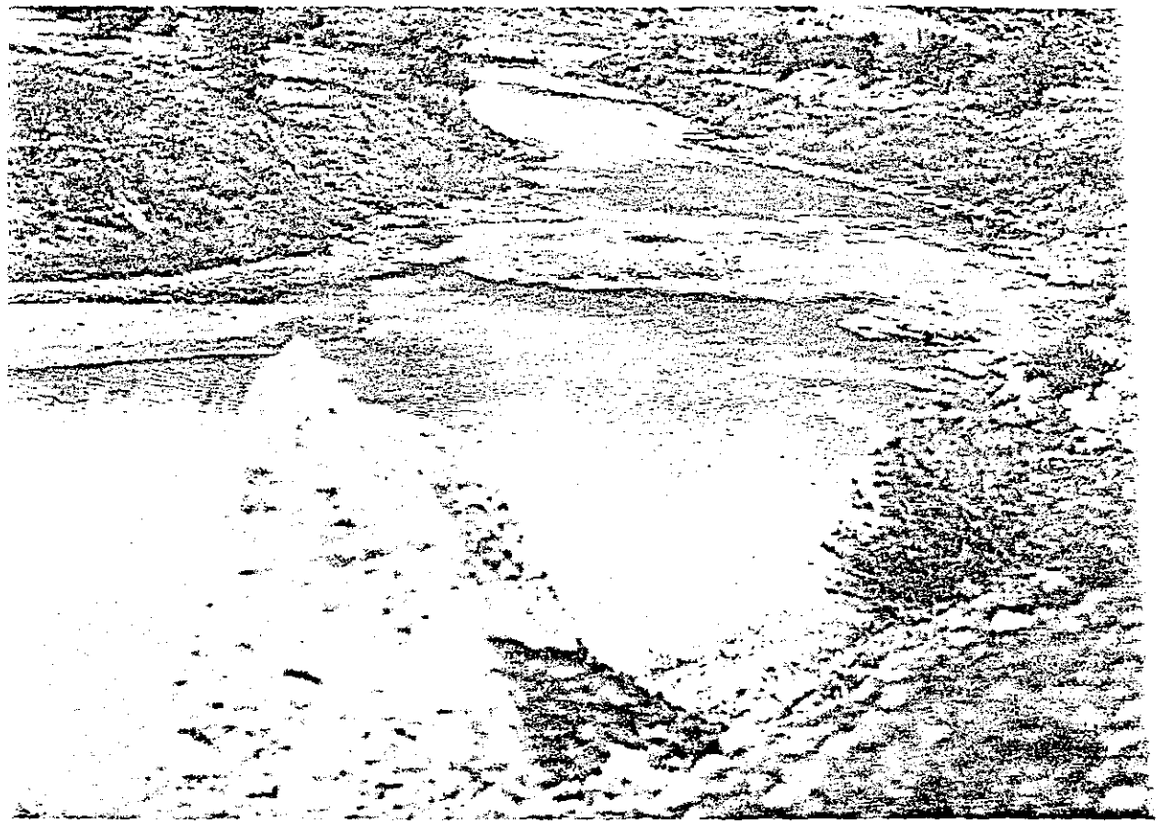
Fig. 5



Bighorn River below Boysen Dam, Wyoming, showing a flow of 400 cfs (30% of the average flow). Water depth was adequate for trout movement, spawnin incubation and winter survival in most run and pool areas for a distance of 45 car miles downstream. This is a base flow recommended to sustain good survival habitat for most aquatic life forms.

MRBS Photo #8542-B
by Don Tennant 10/2/68

Sixty percent (60%) of the average flow (fig. 6): This is a base flow recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses. Channel widths, depths, and velocities will provide excellent aquatic habitat (fig. 1). Most of the normal channel substrate will be covered with water, including many shallow riffle and shoal areas. Side channels that normally carry water will have adequate flows. Few gravel bars will be exposed, and the majority of islands will serve as wildlife nesting, denning, nursery, and refuge habitat. The majority of streambanks will provide cover for fish and safe denning areas for wildlife. Most pools, runs, and riffles will be adequately covered with water and provide excellent feeding and nursery habitat for fishes. Riparian vegetation will have plenty of water. Fish migration is no problem in any riffle areas. Water temperatures are not expected to become limiting in any reach of the stream. Invertebrate life forms should be varied and abundant. Water quality and quantity should be excellent for fishing and floating canoes, rafts, and larger boats, and general recreation (stream with an average flow in excess of 100 cfs). Stream esthetics and natural beauty will be excellent to outstanding.

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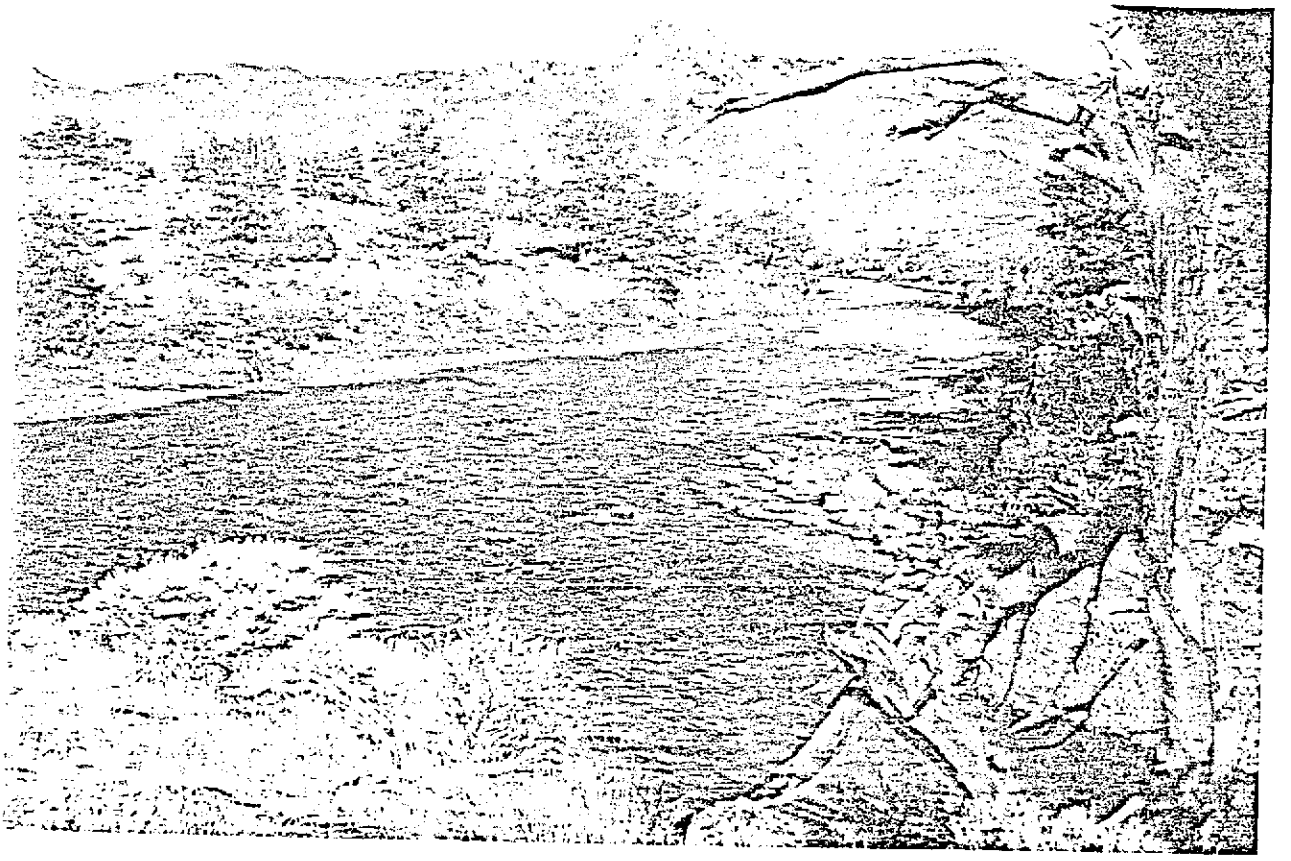
Fig. 6



North Fork Shoshone River near Wapiti, Wyoming, showing a flow of 456 cfs (approximately 60% of the average flow). Water widths, depths and velocities very good for fish and fishing in all riffles, runs and pools. This is a base flow recommended to provide excellent to outstanding habitat for most aquatic life forms during their primary periods of growth and for the majority of recreational uses.

FWS Photo #6-1-68
by Don Tennant 9/29/72

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A flow of 2 to 3 times the average flow is often best for kayaks and whitewater canoeing. A flow of this magnitude is also preferable for larger boats with inboard or outboard motors, like those many people use on the annual Missouri and Yellowstone River floats held in June and July in Montana.

RECOMMENDATIONS

1. Request "instantaneous flows" to prevent flow releases from dams and diversion structures that are averaged over a day, month, or year, which permits erratic releases or even no flow at times.

2. Recommend that dual or multiple outlets to all dams be designed and constructed so that minimum flows of an appropriate temperature and quality to protect the aquatic environment can be by-passed at all times, including drawdowns for safety inspections and emergency repairs.

3. Insist that costs for providing of instream flows to protect the aquatic environment downstream below dams be project costs, including costs for unforeseen emergency repairs and routine maintenance over the life of the project.

4. Justify only that portion of a stream flow required to fulfill specific instream needs. If fish need a flow of 100 cfs in a segment of stream where there are already legal requirements of 25 cfs for municipal water, 15 cfs for irrigation water transport, and 10 cfs for a U.S. Environmental Protection Agency water quality requirement, you logically and legally should only have to justify a flow of 50 cfs

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(the additional increment necessary to provide 100 cfs). Planners of water development projects may ask you to justify and apply cost/benefit ratios for fish to the 100 cfs flow because this makes their "project purpose" look more favorable on a comparable cost/benefit basis.

5. Stipulate that the downstream flow will not be less than the inflow to impoundments, whenever operators of water development projects cannot provide specific flow requirements. Make this an integral part of every flow regimen recommendation, preferably part of the same sentence.

6. Reduced releases to a stream should not exceed a vertical drop of 6 inches in 6 hours (equal to 2 feet in 24 hours). Fluctuations greater than this may significantly degrade aquatic resources.

7. Request that maximum flows released from dams not exceed twice the average flow. Prolonged releases of clear water greater than this will cause severe bank erosion and degrade the downstream aquatic environment.

8. Use "undepleted" U.S.G.S. hydrology data for flow recommendations that relate to the stream in its pristine conditions (e.g., before dams, diversions, pumps, etc.). Otherwise, recommendations from the Montana Method may relate to depleted stream conditions and result in less than ideal flows.

9. Avoid recommending minimum instantaneous stream flow regimens less than 10% of the average flow since they will result in catastrophic degradation to fish and wildlife resources and harm both the aquatic

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and riparian environments (fig. 1). Encourage lawmakers to pass legislation that would prevent diversions or regulation at dams, whenever it would reduce streamflow below this level. If water development projects cannot make it on 90% of the water carried by a stream, use of the remaining 10% probably won't justify their projects. Philosophically, it is a crime against nature to rob a stream of that last portion of water so vital to the life forms of the aquatic environment that developed there over eons of time.

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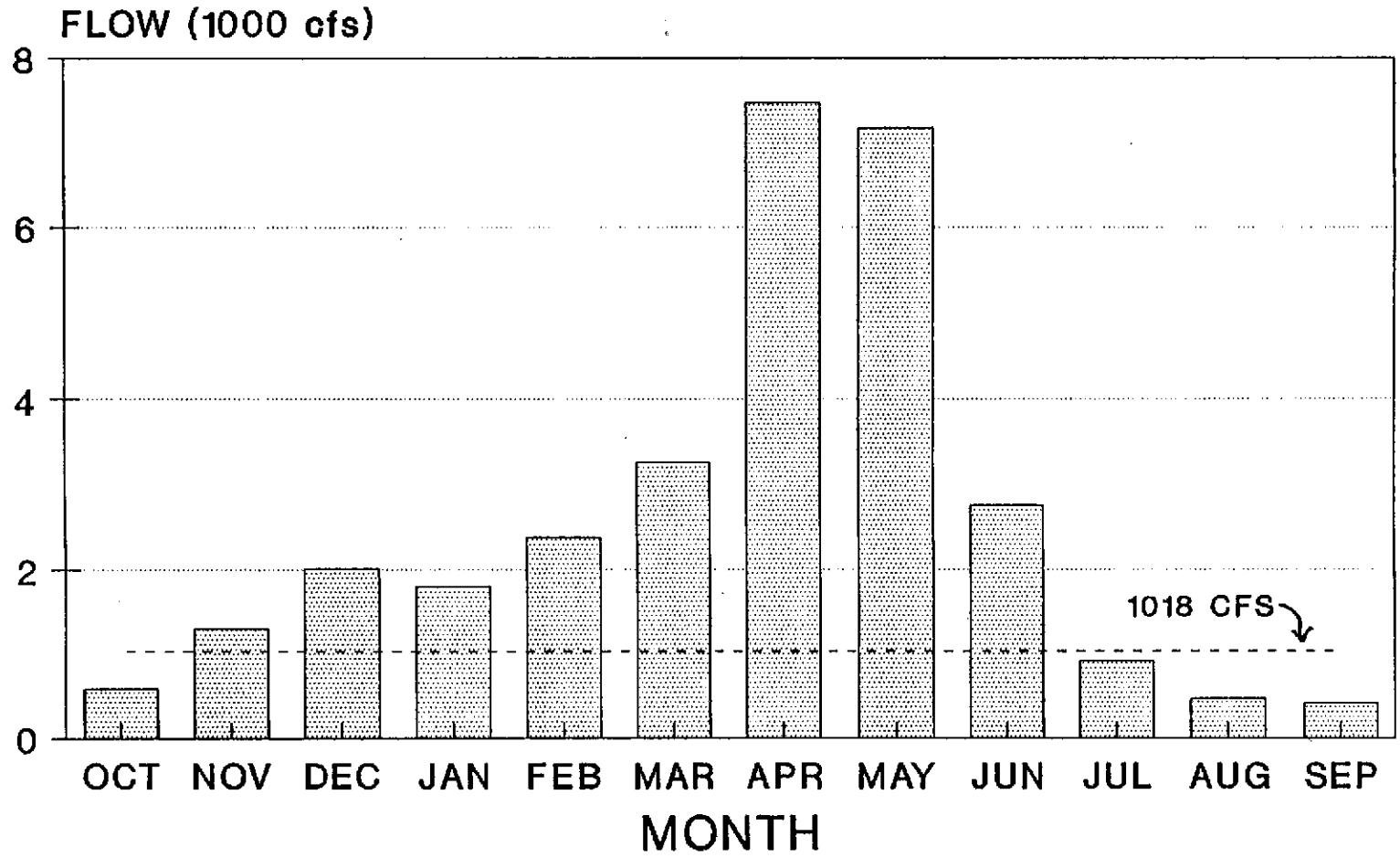
COEUR D'ALENE RIVER AT CATALDO



Average Monthly Flow ---- Instream Flow

Average Annual Flow = 2545 CFS

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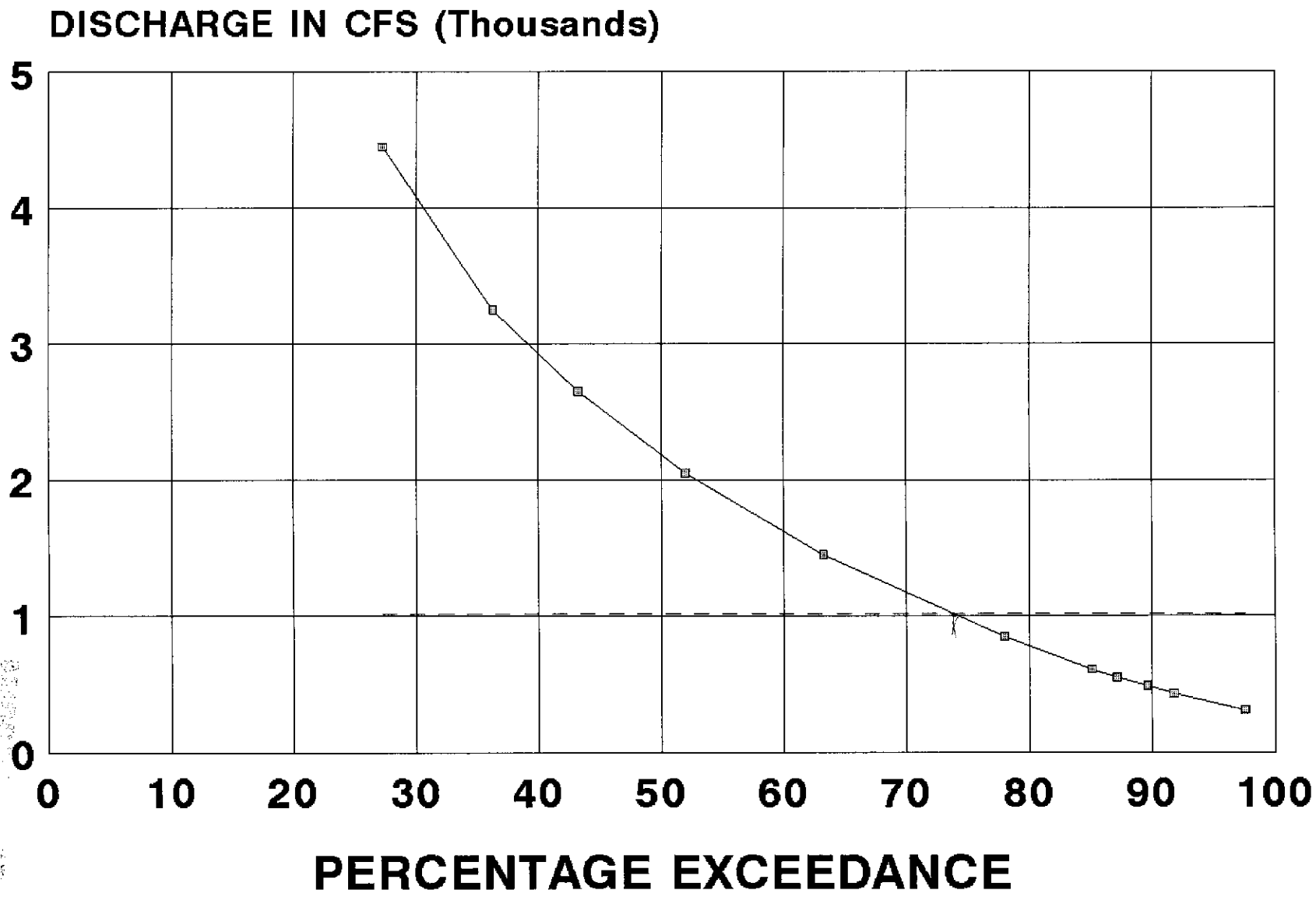
IVB-6

FLOW DURATION CURVE, NOV-JUN
COEUR D'ALENE RIVER AT CATALDO



PERIOD 1921-72,87-90

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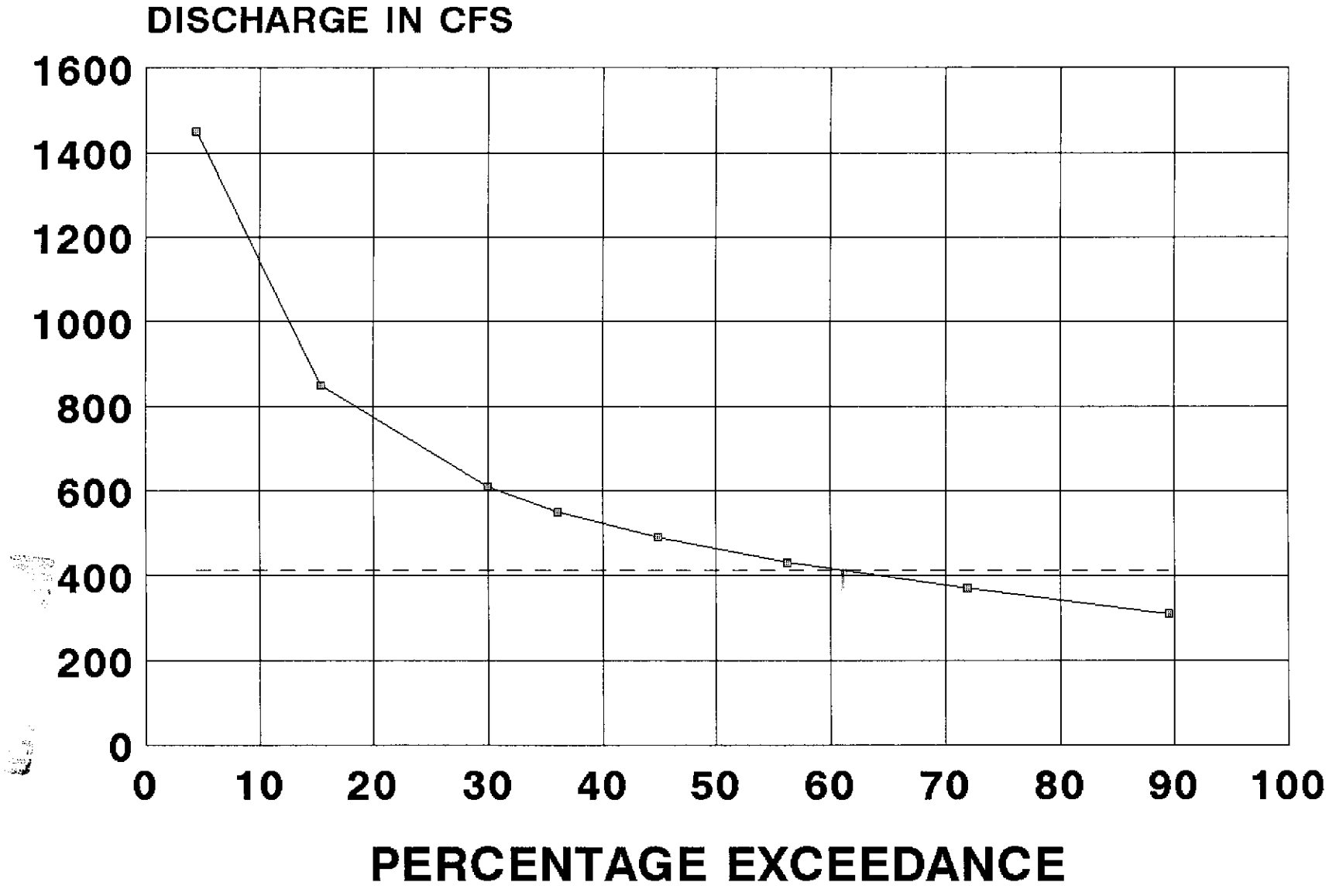
Figure B-7

FLOW DURATION CURVE, JUL-OCT
COEUR D'ALENE RIVER AT CATALDO



PERIOD 1921-72,87-90

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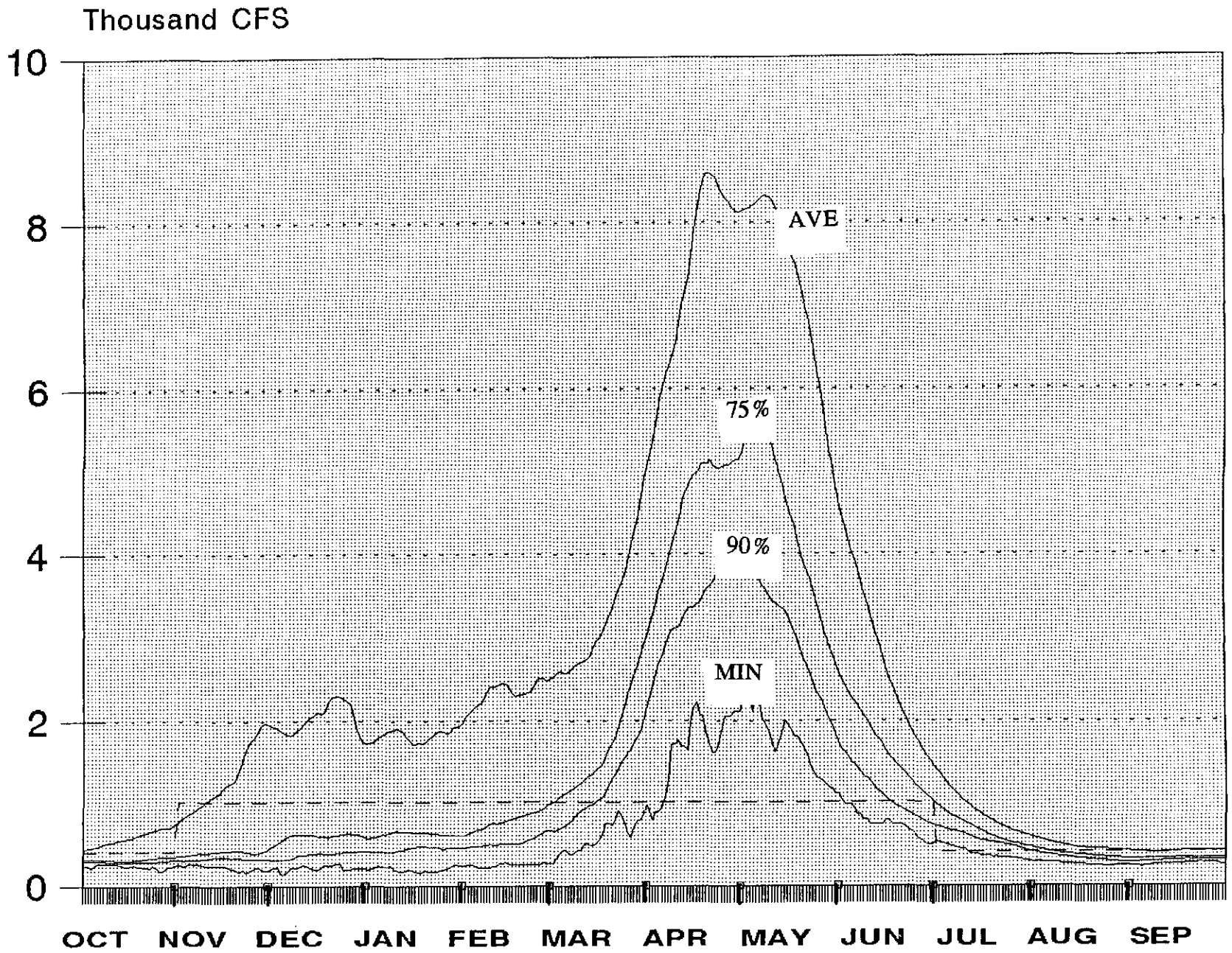
COEUR D'ALENE RIVER AT CATALDO

SUMMARY HYDROGRAPH PERIOD OF RECORD 1921-72,87-90



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