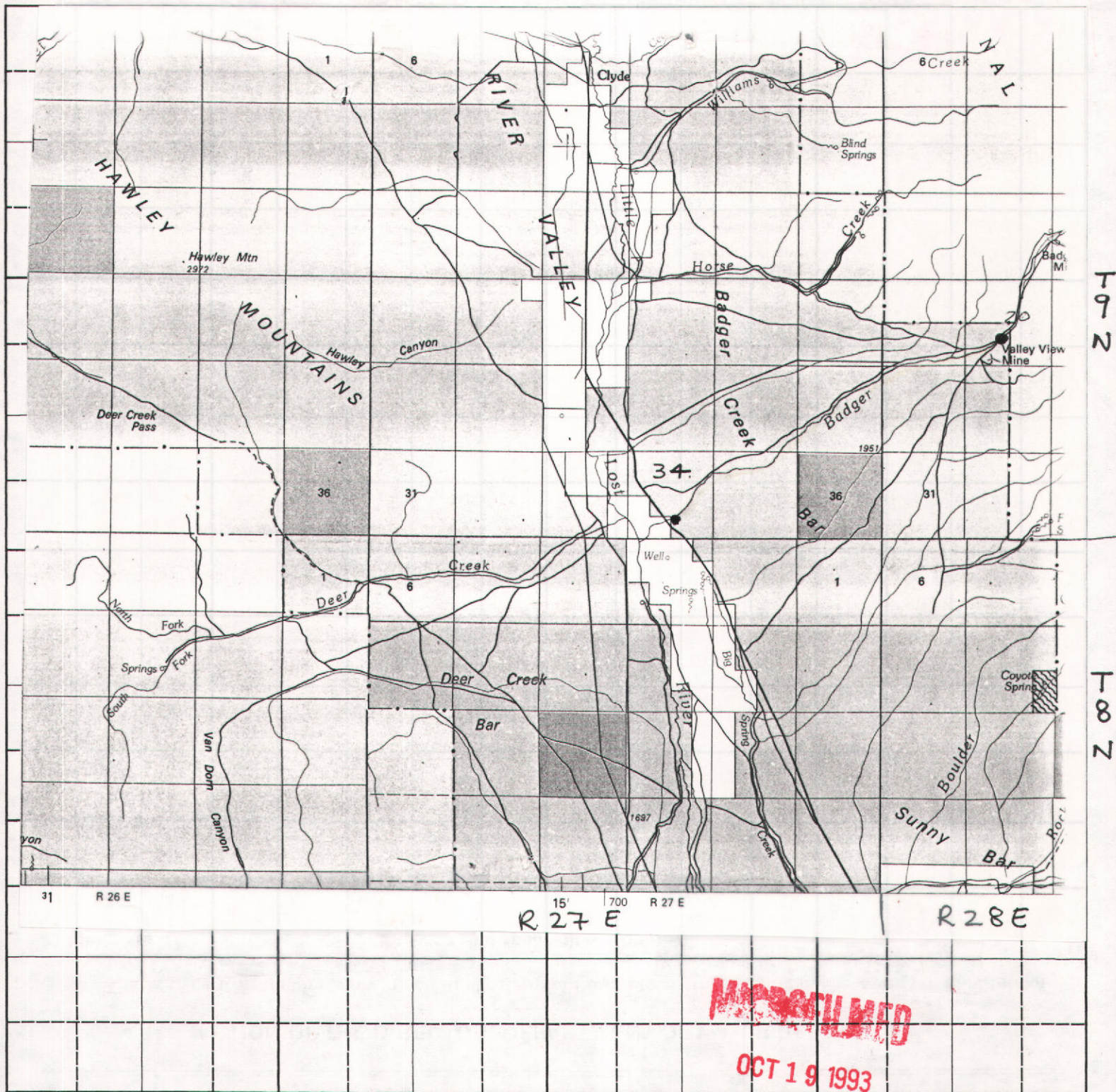


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



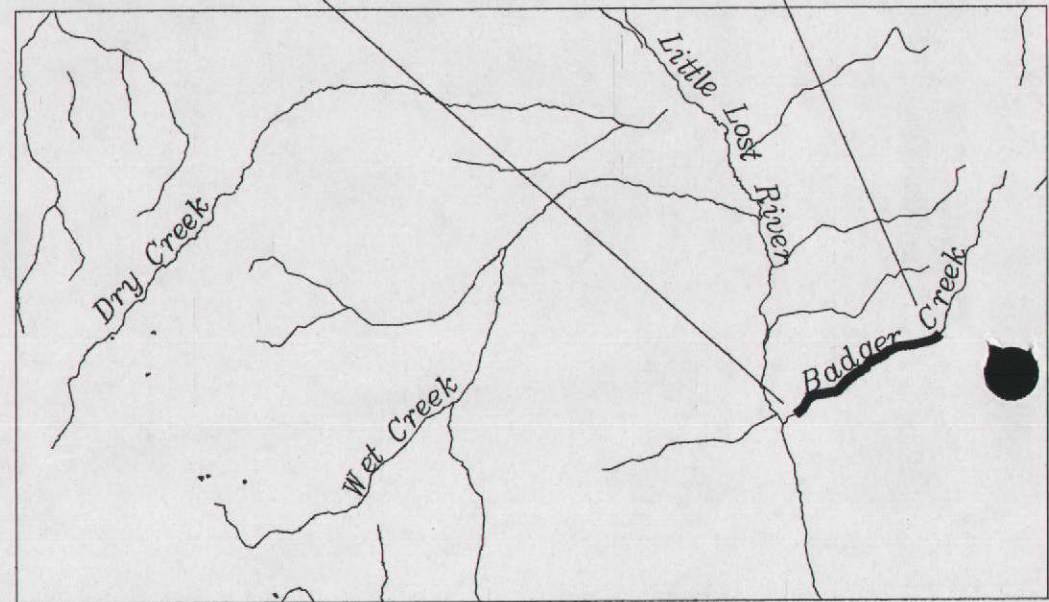
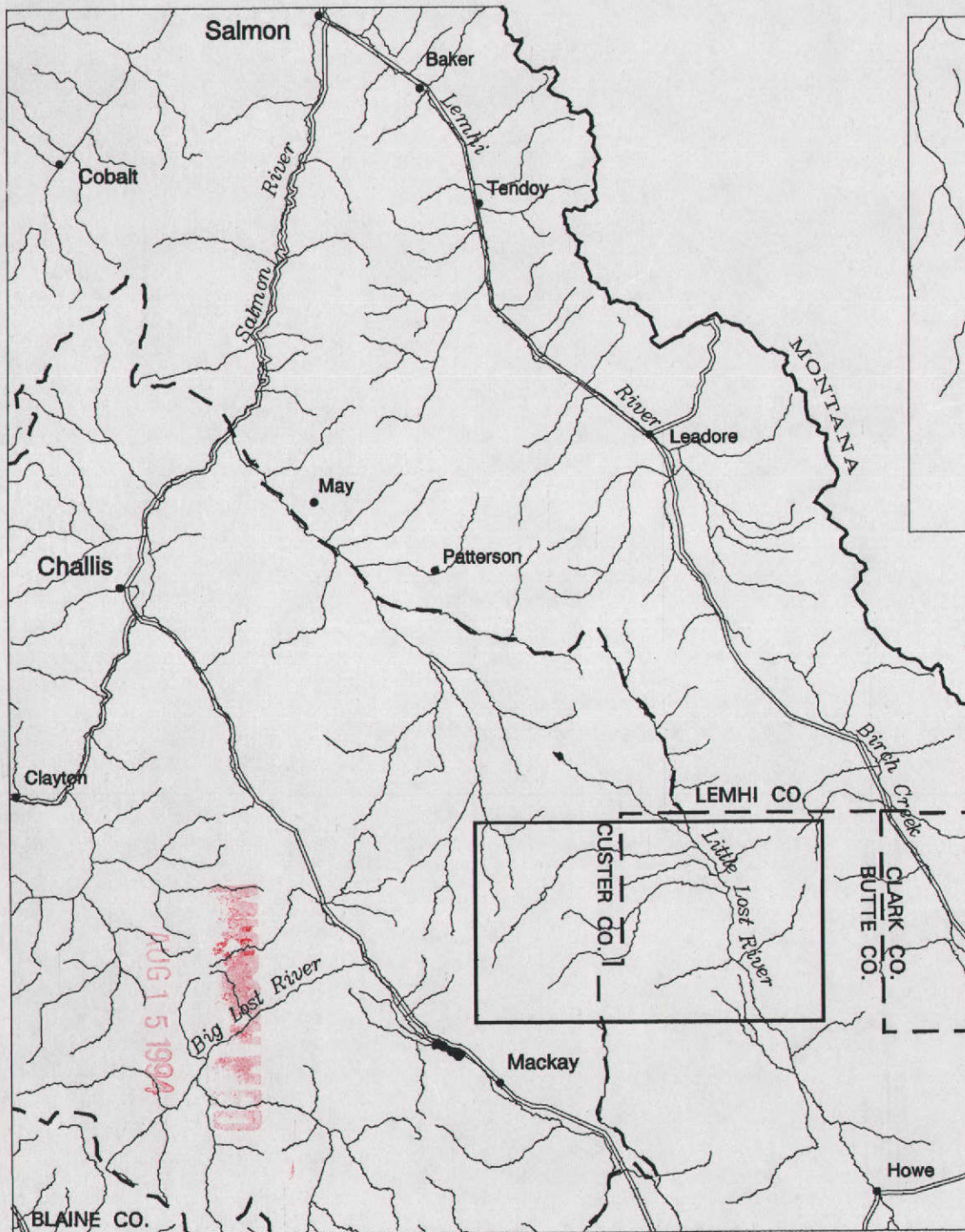
Scale: 2 inches equal 1 mile.

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.

Sept 12, 1991 E. Dore Gaddy
(Applicant)

Badger Creek - Minimum Streamflow

Minimum Streamflow Reach





BLM EXHIBIT #4A. Upper Badger Creek



BLM EXHIBIT #4B. Limber Pine



BLM EXHIBIT #4C. Middle Badger Creek



BLM EXHIBIT #4D. Riparian Zone



BLM EXHIBIT #4E. Lower Badger Creek



BLM EXHIBIT #4F. Incised Channel

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 33-07206

Priority: October 3, 1991

Minimum Instream Flow:

5.50 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 October 3, 1991; and
has submitted Proof of Beneficial Use on July 27, 1994. A minimum stream flow in

BADGER CREEK

tributary to LITTLE LOST RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>	
MINIMUM INSTREAM FLOW	01/01 to 12/31	5.50 CFS	Upper End of Reach
MINIMUM INSTREAM FLOW	01/01 to 12/31	3.00 CFS	Lower End of Reach

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach
End of Stream Flow Reach

NESW , Sec. 20, Township 09N, Range 28E
NWSWSE , Sec. 34, Township 09N, Range 27E
BUTTE County

CONDITIONS/REMARKS:

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any 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 October 3, 1991.
3. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Badger Creek, such measuring devices shall be permanently installed and maintained as specified by the Director.
4. 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.

SEP 14 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 33-07206

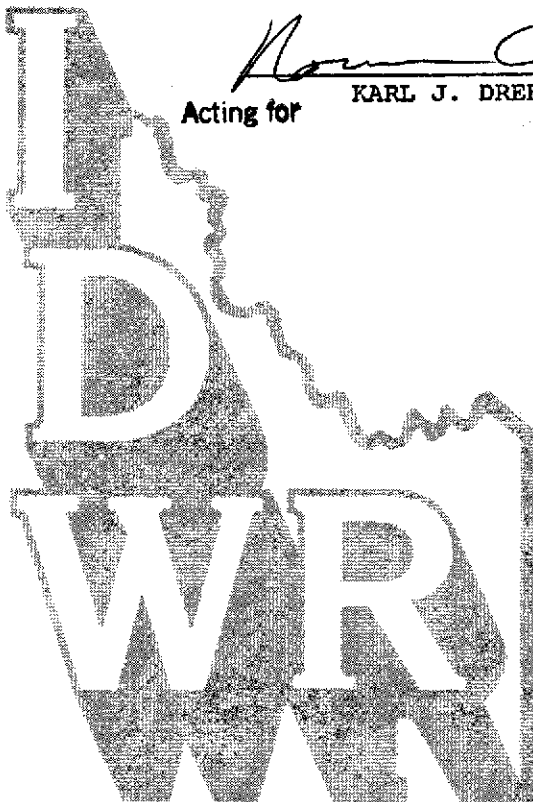
CONDITIONS/REMARKS:

5. This minimum stream flow begins at a point in the NESW, S20, T9N, R28E and ends at a point in the NWSWSE, S34, T9N, R27E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 24TH day of AUGUST, 1995.

Acting for


KARL J. DREHER, Director



SEP 14 1995

RECEIVED

JUL 27 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

PROOF OF BENEFICIAL USE

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

1. Permit No. 33-07206 Telephone No. 208-327-7910
2. Name(s) of Permit Holder(s): IDAHO WATER RESOURCE BOARD
3. Mailing Address: 1301 North Orchard Street, Boise, ID 83706
4. Source of Water: Badger Creek

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

OPTIONAL:

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

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

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

Irrigation _____ (No. of acres) Other Minimum Streamflow
Upper end of Reach 5.5 cfs

6. Total rate and/or volume for which proof is submitted cfs OR _____ acre/feet
Lower end of Reach 3.0 cfs

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

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

OR

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

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

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

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.

July 23/1994
Date

F. Dave Gylach chair I.W.R.B.
Signature (and title, if on behalf of a company or organization)

MAILED
AUG 15 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

AMENDED

NO. 33-07206

AMENDED

Proposed Priority: October 3, 1991

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

has applied for a permit to appropriate water from:

BADGER CREEK

tributary of **LITTLE LOST RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MINIMUM INSTREAM FLOW	01/01 to 12/31	5.50 CFS	Upper End of Reach
MINIMUM INSTREAM FLOW	01/01 to 12/31	3.00 CFS	Lower End of Reach

LOCATION OF STREAM FLOW REACH:

Beginning of Stream Flow Reach
End of Stream Flow Reach

NESW , Sec. 20, Township 09N, Range 28E
NWSWE , Sec. 34, Township 09N, Range 27E
BUTTE County

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1998.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any 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 October 3, 1991, for application no. 33-07206.
4. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Badger Creek, such measuring devices shall be permanently installed and maintained as specified by the Director.

RECEIVED

AUG 15 1994

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

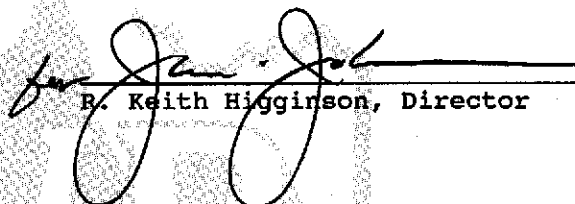
NO. 33-07206

CONDITIONS/REMARKS:

5. 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 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.

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

19th day of July, 1994.


R. Keith Higginson, Director

MAINTAINED

AUG 15 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 33-07206

Proposed Priority: May 14, 1992

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

has applied for a permit to appropriate water from:

BADGER CREEK tributary of **LITTLE LOST RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MINIMUM INSTREAM FLOW	01/01 to 12/31	5.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach
End of Stream Flow Reach

NESW , Sec. 20, Township 09N, Range 28E
NWSWSE , Sec. 34, Township 09N, Range 27E
BUTTE 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

6th day of October, 19 93

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

OCT 19 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 33-07206 FILED IN THE	)	FINAL
NAME OF THE IDAHO WATER RESOURCE	)	ORDER
BOARD TO ESTABLISH A MINIMUM STREAM	)	
FLOW WATER RIGHT ON BADGER CREEK,	)	
TRIBUTARY TO THE LITTLE LOST RIVER	)	

Badger Creek is a small incised high desert stream located in the Little Lost River drainage. The stream flows southwest across an alluvial fan on public lands administered by the United States Forest Service and the Bureau of Land Management (BLM) in Butte County, Idaho. The creek drains a small west slope watershed of the Lemhi mountain range and tends to lose water as it flows westward to the Little Lost River. The unique riparian area along Badger Creek was a primary cause for the filing of a water right application for instream purposes. Chapter 15, Title 42, Idaho Code, provides for the appropriation of waters of the state of Idaho by the Idaho Water Resource Board for instream purposes.

FINDINGS OF FACT

1. On October 3, 1991, the Idaho Water Resource Board applied to the Department of Water Resources to establish a minimum flow on Badger Creek within the reach located between the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 9N, Range 28E and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 9N, Range 27E, Butte County. The application describes the flow requests as follows:

Amount 5.5 cfs from 1/1 to 12/31 at upper end of reach

Amount 3.0 cfs from 1/1 to 12/31 at lower end of reach

2. Notice of this application was published in the Arco Advertiser on March 18 and March 25, 1993.

3. The Department conducted a hearing as required by Idaho Code §42-1503 on May 12, 1993 at the Howe Elementary School in

OCT 18 1993

Howe, Idaho. The parties who requested a formal appearance at the hearing were Daniel J. Kotansky for the United States Bureau of Land Management and Deputy Attorney General Steve Goddard for the Idaho State Department of Fish and Game.

4. Idaho Code §42-1503 requires that the approval of an application for a minimum stream flow must be based upon a finding that such appropriation:

a. will not interfere with any vested water right, permit, or water right application with priority 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.

5. The following parties testified at the hearing:

F. David Rydalch	Chairman, Idaho Water Resource Board
Frank Sherman	Chief, Water Planning Bureau IDWR
Daniel J. Kotanski	Hydrologist, United States BLM
Mark Gamblin	Fisheries Biologist, Region 6, Idaho Department of Fish and Game
Gerald Sehike	Idaho Rivers United
Owen Romrell	Area Farmer

6. The following exhibits were admitted as part of the hearing record:

WATER RESOURCE BOARD EXHIBITS

NOT RECORDED

OCT 19 1993

1. Water Rights on Badger Creek
2. Water Rights on Little Lost River and Tributaries

BUREAU OF LAND MANAGEMENT EXHIBITS

1. Map #1 - Badger Creek Minimum Stream Flow Reach and Points of Measurement
2. Badger Creek Stream Flow Record - Table of Flow Measurements
3. Badger Creek Hydrographs for Years 1987, 1990, 1991 and 1992
4. Badger Creek Photos A. through F.

7. About 5.5 miles of Badger Creek is within the boundaries of public lands managed by the Bureau of Land Management (BLM). Even though the recreational opportunities in the Badger Creek drainage are limited, Badger Creek and its associated riparian area exhibit some unique features which the BLM believes warrant actions to protect the stream flows in the reach located between the national forest boundary and the private lands adjacent to the Little Lost River. The deeply incised channel provides for the establishment of a microclimate that supports a rare Limber Pine community. Limber Pine is normally not found west of the continental divide. Summertime air temperatures within the riparian zone near the creek have been found to be as much as 37 degrees lower than the upper bench areas. Water temperatures in Badger Creek are the lowest in the Little Lost River drainage. At the upper site water temperatures have never been found to be above 55 degrees Fahrenheit. At the lower site water temperatures above 60 degrees Fahrenheit have not been recorded. Water quality in Badger Creek is excellent and provides habitat for populations of native bull trout and rainbow trout. There are few reaches of continuously flowing streams on the west slope of the Lemhi mountains, and consequently Badger Creek is an important water source for wildlife.

8. There are no water rights with a point of diversion either above or within the proposed minimum stream flow reach.

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OCT-10-1993

9. Most of southern Idaho has experienced below normal precipitation during the period 1987 through 1992. During this period measurements made on the upper section of Badger Creek indicated average flows of 6.90 cfs with flows varying from a high of 9.31 cfs to a low of 5.49 cfs. Flows in the lower section ranged from a high of 7.17 cfs to a low of 3.03 cfs with an average for all measurements of 4.30 cfs.

10. Badger Creek supports wild bull trout and rainbow trout populations. Bull trout (*Salvelinus confluentus*) are currently a species of special concern.

CONCLUSIONS OF LAW

1. Approval of application no. 33-07206 will not adversely impact any existing water rights.

2. The riparian and wildlife values on Badger Creek are almost entirely dependent upon continuous flows in Badger Creek. It is in the public interest to protect these flows.

3. The stream flows proposed in this application represent an allowance for losses within the 5.5 miles of the described reach. The proposal envisions that the minimum flow in the middle of the reach would be approximately 4.25 cfs assuming the rate of water loss is constant throughout the reach.

4. The requested flows were based upon the drought period between 1987 and 1992 and are not the ideal or most desirable flows. Flows during more normal years should exceed the minimum requested.

5. The minimum flow is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream.

6. The minimum flow is capable of being maintained.

ORDER

1. Use of water under this permit shall recognize and allow

OCT 19 1993

the continued beneficial diversion of water for irrigation or other purposes 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 October 3, 1991, for application no. 33-07206.

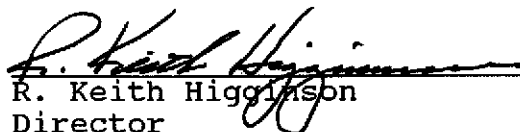
2. Use of water under this permit shall be nonconsumptive.

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

4. 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 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.

5. Proof of instream beneficial use of the minimum stream flow shall be submitted on or before May 1, 1998.

Dated this 1ST day of OCTOBER, 1993.


R. Keith Higginson
Director

RECEIVED

OCT 19 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6th day of October, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

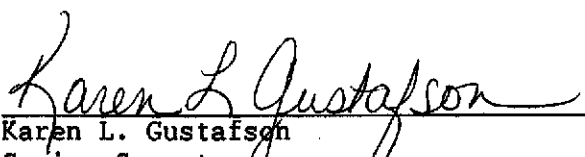
Dave Rydalch
IWRB
5669 W 7000 N
St Anthony, ID 83445

Wayne Haas
IDWR
Statehouse Mail
Boise, ID 83720

Rinda Just
Dept of Parks & Rec
Statehouse Mail
Boise, ID 83720

Stephen Goddard
Dept of Fish and Game
Statehouse Mail
Boise, ID 83720

Dan Kotansky
BLM
940 E Lincoln Rd
Idaho Falls, ID 83401


Karen L. Gustafson
Senior Secretary

RECEIVED

OCT 19 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 33-07206 FILED IN THE	)	RECOMMENDED
NAME OF THE IDAHO WATER RESOURCE	)	ORDER
BOARD TO ESTABLISH A MINIMUM STREAM	)	
FLOW WATER RIGHT ON BADGER CREEK,	)	
TRIBUTARY TO THE LITTLE LOST RIVER	)	

Badger Creek is a small incised high desert stream located in the Lost River drainage. The stream flows southwest across an alluvial fan on public lands administered by the United States Forest Service and the Bureau of Land Management (BLM) in Butte County, Idaho. The creek drains a small west slope watershed of the Lemhi mountain range and tends to lose water as it flows westward to the Little Lost River. The unique riparian area along Badger Creek was a primary cause for the filing of a water right application for instream purposes. Chapter 15, Title 42, Idaho Code, provides for the appropriation of waters of the state of Idaho by the Idaho Water Resource Board for instream purposes.

FINDINGS OF FACT

1. On October 3, 1991, the Idaho Water Resource Board applied to the Department of Water Resources to establish a minimum flow on Badger Creek within the reach located between the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 9N, Range 28E and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 9N, Range 27E, Butte County. The application describes the flow requests as follows:

Amount 5.5 cfs from 1/1 to 12/31 at upper end of reach

Amount 3.0 cfs from 1/1 to 12/31 at lower end of reach

2. Notice of this application was published in the Arco Advertiser on March 18 and March 25, 1993.

3. The Department conducted a hearing as required by Idaho Code §42-1503 on May 12, 1993 at the Howe Elementary School in

OCT 19 1993

Howe, Idaho. The parties who requested a formal appearance at the hearing were Daniel J. Kotansky for the United States Bureau of Land Management and Deputy Attorney General Steve Goddard for the Idaho State Department of Fish and Game.

4. Idaho Code §42-1503 requires that the approval of an application for a minimum stream flow must be based upon a finding that such appropriation:

a. will not interfere with any vested water right, permit, or water right application with priority 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.

5. The following parties testified at the hearing:

F. David Rydalch	Chairman, Idaho Water Resource Board
Frank Sherman	Chief, Water Planning Bureau IDWR
Daniel J. Kotanski	Hydrologist, United States BLM
Mark Gamblin	Fisheries Biologist, Region 6, Idaho Department of Fish and Game
Gerald Sehike	Idaho Rivers United
Owen Romrell	Area Farmer

6. The following exhibits were admitted as part of the hearing record:

WATER RESOURCE BOARD EXHIBITS

RECORDED
OCT 19 1993

1. Water Rights on Badger Creek
2. Water Rights on Little Lost River and Tributaries

BUREAU OF LAND MANAGEMENT EXHIBITS

1. Map #1 - Badger Creek Minimum Stream Flow Reach and Points of Measurement
2. Badger Creek Stream Flow Record - Table of Flow Measurements
3. Badger Creek Hydrographs for Years 1987, 1990, 1991 and 1992
4. Badger Creek Photos A. through F.

7. About 5.5 miles of Badger Creek is within the boundaries of public lands managed by the Bureau of Land Management (BLM). Even though the recreational opportunities in the Badger Creek drainage are limited, Badger Creek and its associated riparian area exhibit some unique features which the BLM believes warrant actions to protect the stream flows in the reach located between the national forest boundary and the private lands adjacent to the Little Lost River. The deeply incised channel provides for the establishment of a microclimate that supports a rare Limber Pine community. Limber Pine is normally not found west of the continental divide. Summertime air temperatures within the riparian zone near the creek have been found to be as much as 37 degrees lower than the upper bench areas. Water temperatures in Badger Creek are the lowest in the Little Lost River drainage. At the upper site water temperatures have never been found to be above 55 degrees Fahrenheit. At the lower site water temperatures above 60 degrees Fahrenheit have not been recorded. Water quality in Badger Creek is excellent and provides habitat for populations of native bull trout and rainbow trout. There are few reaches of continuously flowing streams on the west slope of the Lemhi mountains, and consequently Badger Creek is an important water source for wildlife.

8. There are no water rights with a point of diversion either above or within the proposed minimum stream flow reach. The

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OCT 19 1993

Department is holding, however, protested application for permit no. 33-07163 which seeks to appropriate 6.0 cfs for hydropower production and 6.0 cfs for irrigation with a point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 9N, Range 28E. This proposed diversion point is within the reach near the upstream end. This application was filed May 24, 1984 and predates the priority of this minimum stream flow filing. The applicant applied to the Federal Energy Regulatory Commission (FERC) for a license in 1984 and was granted a preliminary permit which lapsed in January 1990. Any development above the minimum flow reach would require a federal easement.

9. Most of southern Idaho has experienced below normal precipitation during the period 1987 through 1992. During this period measurements made on the upper section of Badger Creek indicated average flows of 6.90 cfs with flows varying from a high of 9.31 cfs to a low of 5.49 cfs. Flows in the lower section ranged from a high of 7.17 cfs to a low of 3.03 cfs with an average for all measurements of 4.30 cfs.

10. Badger Creek supports wild bull trout and rainbow trout populations. Bull trout (*Salvelinus confluentus*) are currently a species of special concern.

CONCLUSIONS OF LAW

1. Approval of application no. 33-07206 will not adversely impact any existing water rights.

2. The riparian and wildlife values on Badger Creek are almost entirely dependent upon continuous flows in Badger Creek. It is in the public interest to protect these flows.

3. The stream flows proposed in this application represent an allowance for losses within the 5.5 miles of the described reach. The proposal envisions that the minimum flow in the middle of the reach would be approximately 4.25 cfs assuming the rate of water loss is constant throughout the reach.

4. The requested flows were based upon the drought period

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OCT 19 1993

between 1987 and 1992 and are not the ideal or most desirable flows. Flows during more normal years should exceed the minimum requested.

5. The minimum flow is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream.

6. The minimum flow is capable of being maintained.

ORDER

1. Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes 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 October 3, 1991, for application no. 33-07206.

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

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

4. 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 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

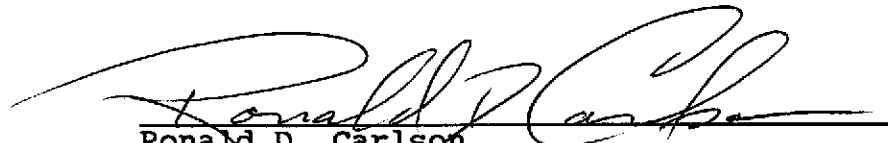
RECORDED

OCT 19 1993

establish that the amendment of the permit or license would be in the public interest.

5. Proof of instream beneficial use of the minimum stream flow shall be submitted on or before May 1, 1998.

Dated this 8th day of September, 1993.



Ronald D. Carlson
Hearing Officer

MAILED

OCT 19 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8th day of September, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Recommended Order to the following:

Dave Rydalch
IWRB
5669 W 7000 N
St Anthony, ID 83445

Wayne Haas
IDWR
Statehouse Mail.
Boise, ID 83720

Rinda Just
Dept of Parks & Rec
Statehouse Mail
Boise, ID 83720

Stephen Goddard
Dept of Fish and Game
Statehouse Mail
Boise, ID 83720

Dan Kotansky
BLM
940 E Lincoln Rd
Idaho Falls, ID 83401


Karen L. Gustafson
Secretary/Records Manager

MICROFILMED

OCT 19 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
OCT 03 1991

To appropriate the public waters of the State of Idaho

- Department of Water Resources
1. Name of applicant Idaho Water Resource Board Phone _____
Post office address Statehouse Mail, Boise, ID. 83720
2. Source of water supply Badger Creek which is a tributary of Little Lost River
3. Location of point of diversion is _____ ¼ of NE ¼ of SW ¼, Govt. Lot _____
Sec. 20 Township 9N Range 28E B.M. Butte County; additional -
~~points of diversion if any:~~ downstream to NW of SW of SE, Sect. 34, T9N R27E, Butte County
4. Water will be used for the following purposes:
- | | | | |
|---|--------------------------|--|--|
| Amount <u>5.5</u> cfs
(cfs or acre-feet per annum) | for <u>Instream flow</u> | purposes from <u>1/1</u> to <u>12/31</u> | <u>At Upper Site</u>
(both dates inclusive) |
| Amount <u>3.0</u> cfs
(cfs or acre-feet per annum) | for <u>Instream flow</u> | purposes from <u>1/1</u> to <u>12/31</u> | <u>At Lower Site</u>
(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) 5.5 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works: No diversion, Instream Flow
- a. Description of ditches, flumes, pumps, headgates, etc. _____

- 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
1 years (minimum 1 year).

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KW

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. Instream flow to maintain rare limber pine and important riparian wetland communities. To sustain fishery and to provide recreational and scenic opportunities for the public.

9. Description of place of use: At the BLM-USFS boundary on Badger Creek downstream to the end of public land on Badger Creek.

- 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. None.

- 11. a. Who owns the property at the point of diversion? USDI-BLM.
- b. Who owns the land to be irrigated or place of use? NA
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. NA

12. Remarks: _____

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OCT 19 1993

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. Instream flow to maintain rare limber pine and important riparian wetland communities. To sustain fishery and to provide recreational and scenic opportunities for the public.
9. Description of place of use: At the BLM-USFS boundary on Badger Creek downstream to the end of public land on Badger Creek.
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None.
11. a. Who owns the property at the point of diversion? USDI-BLM.
- b. Who owns the land to be irrigated or place of use? NA
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. NA
12. Remarks: This appropriation is not for two "point" flows. Badger Creek loses water as it flows across an alluvial fan making it impractical to specify a continuous flow through the reach. The requested flow should be interpolated from 5.5 to 3.0 cfs along the length of the reach.

1993

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.

As a nonconsumptive, nondiverting use, this appropriation will not
impact water rights of earlier priority.

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

The appropriation is in the name of the Idaho Water Resource Board, a
branch of State government. One of the stated purposes for the
appropriation is to provide recreational and scenic opportunities for
the public.

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

Existing uses have severely impacted the stream, and threaten the fishery
and wetland community. The stream loses water as it flows on an alluvial
fan, additional diversions would nearly "dewater" the stream.

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

Existing uses threaten the fishery and riparian values. Any additional
diversions would have serious negative impacts on public values.

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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.

Miscellaneous measurements (attached) indicate that the 5.5 cfs flow at
the upstream end can be maintained. The 3.0 cfs flow at the lower end
appears to be available most of the time.

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

There are no operating gages that would be useful in administering this
appropriation.

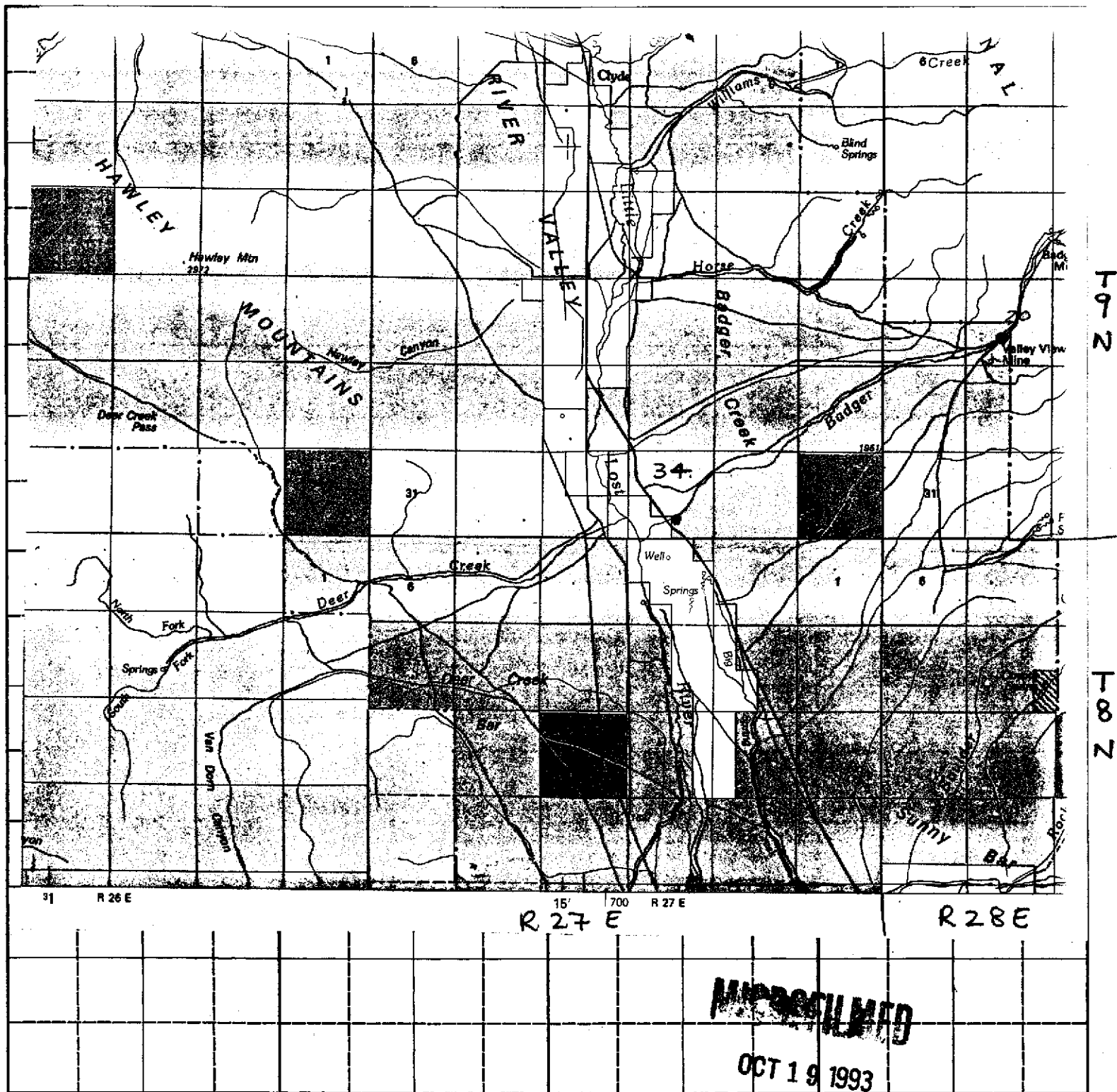
20. Do you intend to install additional gaging stations? Describe the location.

No.

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

Badger Creek is the only perennial stream on the east side of the Little
Lost River Valley for a distance of approximately 25 miles.

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



Scale: 2 inches equal 1 mile.

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

Left 12.14.91 E. Don Galt
(Applicant)

Received by LB 4-20-92 1:15
Gary S. Date 10/3/91 Time 2:00 pm Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Notice of App
Publication prepared by LB Date 5-21-92 Published in Teton Valley News
Notice of Hearing RB 3-18-93 statewide
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:

MICROFILMED

OCT 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1995

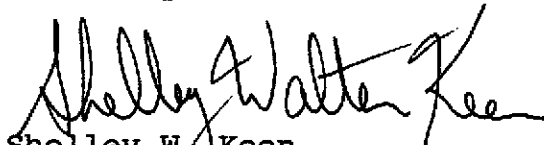
STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 33-07206

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

UNRECORDED

SEP 14 1995

RIGHT NO. 33-07206

Proof of beneficial use rec'd 7/27/94

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

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. 33-7206

Reviewed by Jy

Date 8/10/94

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. Streamflow

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

no Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	-	<u> </u>
Date proof due	<u> </u>	-	<u> </u>
No. of days late	<u> </u>	-	<u> </u>
Priority Date	<u> </u>	+	<u> </u>
New Priority Date	<u> </u>		<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X

Proof Made 7/27/94

August 10, 1994

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07206

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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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AUG 15 1994

MINIMUM STREAMFLOW
Fact Sheet

Permit to Appropriate Water No. 33-07206

Source: Badger Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Bureau of Land Management

Date Application Filed: October 3, 1991

Place of Use: Badger Creek, commencing at the Bureau of Land Management - U.S. Forest Service boundary, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T9N, R28E, and extending downstream to where Badger Creek leaves public land, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T9N, R27E, B.M., Butte County.

Rate of Flow: A gradually diminishing minimum streamflow, interpolated between 5.50 cfs at the beginning point, and 3.00 cfs at the ending point. The minimum streamflow is authorized for the entire year.

Purpose: Preservation of limber pine and riparian communities, fish and wildlife habitat, scenic and recreational values.

Unique Facts:

- Badger Creek is the only perennial stream on the east side of the Little Lost River Valley for a distance of approximately 25 miles.
- Badger Creek supports a rare limber pine community.
- No water right diversions within reach.
- As Badger Creek flows downstream it loses water. Loss of water is the reason for the larger-to-smaller minimum flows.

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AUG 15 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. 33-07206 on October 1, 1993, by issuing a Final Order authorizing the appropriation of a minimum streamflow in Badger Creek of a gradually diminishing minimum streamflow, interpolated between 5.50 cfs at the beginning point, and 3.00 cfs at the ending point. The minimum streamflow is authorized for the entire year. The minimum streamflow commences at the Bureau of Land Management - U.S. Forest Service boundary, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T9N, R28E, and extends downstream to where Badger Creek leaves public land, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T9N, R27E, B.M., Butte County.

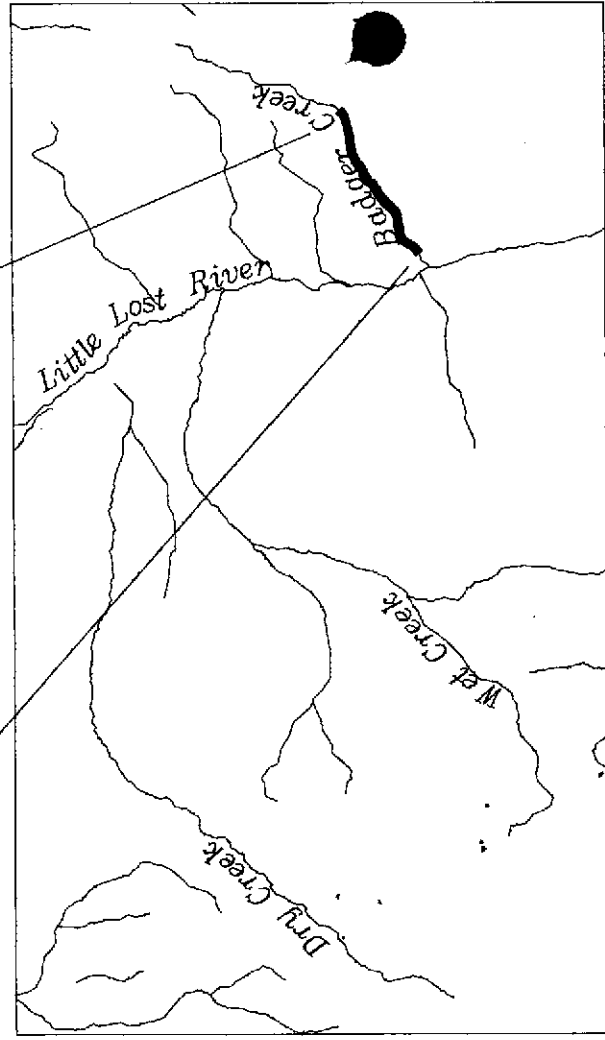
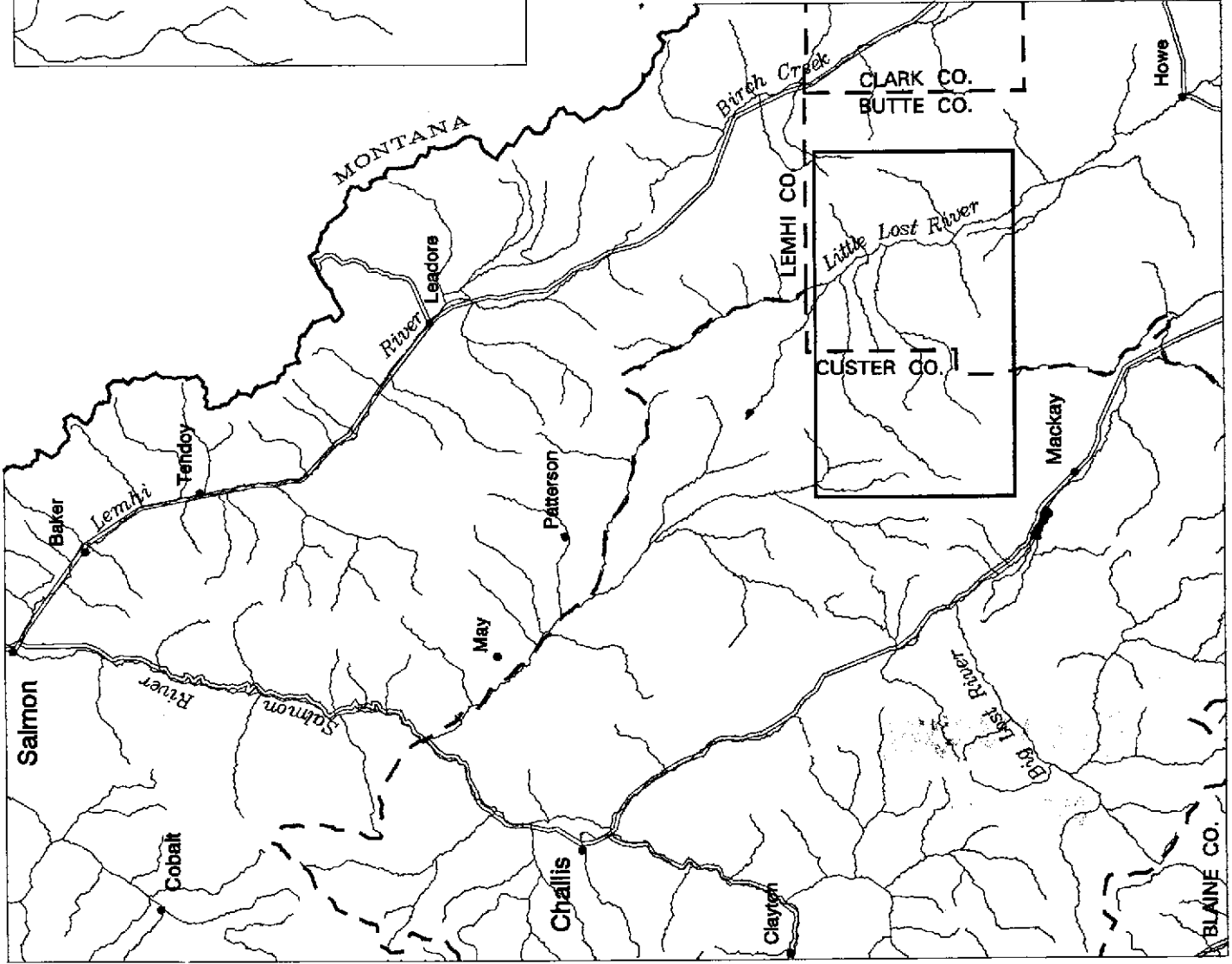
NOW THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the 52nd Idaho State Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Final Order, dated October 1, 1993.

MISSOURI MFD

AUG 15 1994

Badger Creek - Minimum Streamflow

Minimum Streamflow Reach





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, 6, 1993

Re: In the matter of application for permit no. 33-07206 filed in the name of the Idaho Water Resource Board to establish a minimum stream flow water right on Badger Creek, tributary to the Little Lost River

Dear Interested Party:

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

OCT 10 1993

(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 nonparty 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 the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(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
Chief, Water Allocation Bureau

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OCT 19 1993



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 8, 1993

Re: In the matter of Application for Permit No. 33-07206 filed in the name of the Idaho Water Resource Board to establish a minimum stream flow water right on Badger Creek, Tributary to the Little Lost River

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.

ORAL ARGUMENT

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OCT 19 1993

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

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OCT 19 1993

May 21, 1993

RECEIVED

MAY 24 1993

Department of Water Resources
900 N. Skyline
Falls, ID 83401

Department of Water Resources
Eastern District Office

Dear Dept. of Water Resources:

This letter is to indicate for the record our support for the reservation of a water right (application no. 33-07206) for fish and wildlife for Badger Cr. in the amount of 5.5 cfs at the upper site and 3.0 cfs at the lower site.

Badger Creek is a unique creek because of its low temperature sufficient to allow a riparian corridor of limber pine to grow in a site otherwise totally inhospitable to limber pine. It is also the only creek that still flows undiverted from the Lemhi Mountains to the Little Lost River between Howe and Sawmill Canyon. As such, it is an importance source of water for the wildlife that inhabit the alluvial fans that spill from the Lemhi Mountains into the Little Lost River Valley. The creek is an oasis in a vast high desert valley.

Were any water to be diverted from Badger Creek (even if returned after a non-consumptive use), it is likely that the limber pine riparian corridor would decline and eventually die due to the decreased chilling effect of the stream.

Badger Creek is also scenically superb, a band of greenness on the huge alluvial fan (Badger Creek Bar) beneath Idaho's third highest mountain, Diamond Peak, 12,197 feet, lord of the Lemhi Range.

Finally, Badger Creek has a population of Bull Trout. We note that the Bull trout is just now being considered for classification as a threatened or endangered species by the U.S. Fish and Wildlife Service. Maintenance of flow in Badger Cr. may serve in a small way to conserve this game fish and perhaps keep it from being classified as a threatened or an endangered species.

Sincerely,

Ralph Maughan

Ralph Maughan, group chair
Eastern Idaho Group
Northern Rockies Chapter
Sierra Club
P. O. Box 1173
Pocatello, Idaho 83204

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OCT 19 1993

MAY 12, 1993

BADGER CREEK MINIMUM STREAM FLOW
HEARING ROSTER

NAME	REPRESENTING
Frank B. Sherman	IDWR - Boise
Leo Perry	VA FARCH
Mark Storzer	BLM
Pat Koelsch	BLM
Ralph Maughan	Sierra Club
DA Water Master #33	Dist #33
John A. McDonald	Blaine County Canal

INDEXED

OCT 19 1993



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District Office
940 Lincoln Road
Idaho Falls, Idaho 83401

TAKE
PRIDE IN
AMERICA
IN REPLY REFER TO:
7250

May 5, 1993

R. Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

RECEIVED
MAY 06 1993
Department of Water Resources

Dear Mr. Higginson:

Attached are Notices of Appearance for Dan Kotansky, our District Hydrologist to appear in the Minimum Streamflow Hearings for Badger Creek (Application No. 33-07206) and Wet Creek (Application No. 33-07207). If you have any questions please call Dan or myself at this office.

Sincerely,

Lloyd H Ferguson
District Manager

cc: Ron Carlson, Idaho Department of Water Resources, Eastern Region

Stephen Goddard, Deputy Attorney General, Attorney for Idaho Department of Fish and Game

RECEIVED

AUG 15 1994

Daniel J. Kotansky
District Hydrologist
BLM- Idaho Falls District
Telephone (208) 524-7529
FAX (208) 524-7505

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE MINIMUM)
STREAMFLOW APPLICATION FOR)
BADGER CREEK, A TRIBUTARY)
OF THE LITTLE LOST RIVER)

NOTICE OF APPEARANCE

APPLICATION NO. 33-07206

Daniel J. Kotansky, District Hydrologist, hereby enters an appearance for the Bureau of Land Management for the hearing to be held in this matter on May 12, 1993, at the Howe Elementary School building at 7 p.m.

DATED this 5th day of May 1993.

Daniel J. Kotansky
Daniel J. Kotansky
District Hydrologist
Bureau of Land Management
Idaho Falls District

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AUG 15 1994

*Mailing List -
Wet Cr. & Badger Cr. MIF 4/93*

33-00035
LITTLE LOST RIVER LAND & LIVESTOCK CO.

33-00089
ROY PECK

33-00114
LESLIE A. SERMON

33-07163
FRANK A. HARTMANN
HOWE, ID 83244

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706
33-02143
33-02144
33-07077
33-07078
33-07092

US DEPT OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG
324 25TH ST
OGDEN, UT 84401
33-04004
33-04008
33-07077
33-07083
33-07084
33-07049

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OCT 19 1993

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MAY 06 1993

Department of Water Resources

LARRY ECHOHAWK
ATTORNEY GENERAL

Stephen V. Goddard
W. Dallas Burkhalter
Deputy Attorneys General
Telephone (208) 334-3715
FAX (208) 334-2114

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE MINIMUM)
STREAMFLOW APPLICATION FOR)
BADGER CREEK, A TRIBUTARY)
OF THE LITTLE LOST RIVER)

NOTICE OF APPEARANCE

APPLICATION NO. 33-07206

Stephen V. Goddard, Deputy Attorney General, hereby enters an appearance as attorney of record for the Idaho Department of Fish and Game for the hearing to be held in this matter on May 12, 1993, at the Howe Elementary School building at 7 p.m.

DATED this 29th day of April 1993.



Stephen V. Goddard
Deputy Attorney General
Attorney for the
Idaho Department of Fish and Game

RECORDED

OCT 19 1993

NOTICE OF APPEARANCE

LARRY ECHOHAWK
ATTORNEY GENERAL

Stephen V. Goddard
W. Dallas Burkhalter
Deputy Attorneys General
Telephone (208) 334-3715
FAX (208) 334-2114

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE MINIMUM)
STREAMFLOW APPLICATION FOR)
WET CREEK, COMMENCING AT THE)
PASS CREEK ROAD BRIDGE DOWN-)
STREAM TO THE CONFLUENCE OF)
WET CREEK AND LITTLE LOST)
RIVER)

NOTICE OF APPEARANCE

APPLICATION NO. 33-07207

Stephen V. Goddard, Deputy Attorney General, hereby enters an appearance as attorney of record for the Idaho Department of Fish and Game for the hearing to be held in this matter on May 12, 1993, at the Howe Elementary School building at 7 p.m.

DATED this 29th day of April 1993.



Stephen V. Goddard
Deputy Attorney General
Attorney for the
Idaho Department of Fish and Game

FILED
APR 29 1993

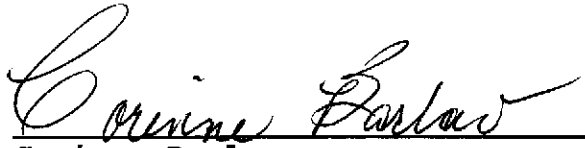
NOTICE OF APPEARANCE

CERTIFICATE OF MAILING

I hereby certify that on the 29th of April, 1993, I mailed a true and correct copy of the Notice of Appearance, postage prepaid to the following individuals.

Ron Carlson
900 N. Skyline Drive
Idaho Falls, ID 83402

Dan Kotansky
940 East Lincoln Road
Idaho Falls, ID 83401



Corinne Barlow
Secretary

RECORDED

OCT 19 1993

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

Release 93-45

BADGER, WET CREEKS
MINIMUM FLOW HEARINGS SET

For Immediate Release
Boise, Idaho - April 23, 1993

For More Information:
Dick Larsen, 327-7933

A special public hearing to take testimony about proposed minimum stream flows on Badger and Wet Creeks will be held May 12 at 7 p.m. in Howe, the Idaho Department of Water Resources said today.

The hearing is scheduled to be held at the Howe Elementary School. It had originally been scheduled for April 14 but was canceled.

The proposed minimum stream flows for Badger Creek would range from 3 to 5.5 cubic feet per second (CFS) depending on the location.

On Wet Creek the proposed minimum flows would range from 4 CFS up to 15 CFS depending on the time of year.

Both sets of proposed minimum stream flows are designed to protect bull and rainbow trout fisheries and to ensure recreational and scenic opportunities for citizens.

-more-more-

IDAHO DEPT OF WATER RESOURCES

AUG 15 1994

Minimum stream flows are ones in which water is not diverted and used but must remain in the creek channel. Minimum stream flow applications apply to unappropriated water, water not used by an established water right. Existing prior water rights or permits with an earlier priority date must be satisfied before minimum stream flows are honored.

Citizens who want to attend the meeting and who may need special accommodations due to a disability should contact Frank Sherman, 327-7985, at least five days in advance so arrangements can be made.

-30-30-30-

MAILED

AUG 15 1994

AFFIDAVIT OF PUBLICATION

I, COLLEEN BABCOCK
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated APRIL 22, 1993
and ending with the issue dated

APRIL 29, 1993
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 4 day of May
in the year of 1993, before me, a Notary Public,
personally appeared

Colleen Babcock
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.

Thomas D. Lamm
Notary Public for Idaho

Residing at Arco, Id.

My commission expires: 12-30-97

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM STREAMFLOW

Notice is hereby given that the Idaho
Water Resource Board submitted an ap-
plication for permit to appropriate water
to the Department of Water Resources,
proposing to appropriate water for a
minimum streamflow in Badger Creek, a
tributary of the Little Lost River. The
application is further described as fol-
lows:

Source: Badger Creek

Application No.: 33-07206

Proposed Priority: October 3, 1991

Amount & Period of Use: 5.50 cfs from
January 1 to December 31 at upper site,
3.00 cfs from January 1 to December 31
at lower site

Purpose of Minimum Flow: Preserva-
tion of fish & wildlife habitat, aquatic life
and water quality.

Place of Use: Badger Creek, com-
mencing at the Bureau of Land Manage-
ment - U.S. Forest Service boundary on
Badger Creek downstream to the end of
public land on Badger Creek.

The Director of the Department of
Water Resources will hold a public hear-
ing in the Howe Elementary School
building, at 7:00 p.m., on Wednesday,
May 12, 1993, for the purpose of hear-
ing evidence in regard to the application.
The hearing will be held pursuant to the
paragraphs of Section 42-1503, Idaho
Code.

Any party who wishes to formally ap-
pear in the proceeding for the purpose of
presenting evidence or cross examining
witnesses should file a notice of appear-
ance with the Director of the Depart-
ment of Water Resources, Statehouse
Mail, 1301 North Orchard Street, Boise,
ID 83720, five (5) days prior to the hear-
ing. Other parties will be given an op-
portunity to informally present their
views and comments without the neces-
sity of filing a notice of appearance.
Written informal views and comments
may also be submitted to the Depart-
ment of Water Resources prior to the
hearing. If issued, this permit will be
subject to all prior water rights.

R. KEITH HIGGINSON

Idaho Department of Water
Resources

Published in The Arco Advertiser on
April 22 & 29, 1993.

RECEIVED

MAY 10 1993

Department of Water Resources

RECORDED

OCT 19 1993

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I, COLLEEN BABCOCK
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
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this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated MAR. 18, 1993
and ending with the issue dated MAR. 25, 1993

Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 29 day of March
in the year of 1993, before me, a Notary Public,
personally appeared

Colleen Babcock
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.

Thomas O. Lamm
Notary Public for Idaho

Residing at Arco, ID

My commission expires: 12-30-97

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

Notice is hereby given that the Idaho
Water Resource Board submitted an ap-
plication for permit to appropriate water
to the Department of Water Resources,
proposing to appropriate water for a mini-
mum streamflow in Badger Creek, a tribu-
tary of the Little Lost River. The applica-
tion is further described as follows:

Source: Badger Creek

Application No.: 33-07206

Proposed Priority: October 3, 1991

Amount & Period of Use: 5.50 cfs from
January 1 to December 31 at upper
site; 3.00 cfs from January 1 to Decem-
ber 31 at lower site

Purpose of Minimum Flow: Preservation
of fish & wildlife habitat, aquatic life
and water quality.

Place of Use: Badger Creek, commencing
at the Bureau of Land Management -
U.S. Forest Service boundary on Bad-
ger Creek downstream to the end of
public land on Badger Creek.

The Director of the Department of Water
Resources will hold a public hearing in
the Howe Elementary School building, at
7:00 p.m., on Wednesday, April 14, 1993,
for the purpose of hearing evidence in
regard to the application. The hearing
will be held pursuant to the paragraphs
of Section 42-1503, Idaho Code.

Any party who wishes to formally ap-
pear in the proceeding for the purpose of
presenting evidence or cross examining
witnesses should file a notice of appear-
ance with the Director of the Department
of Water Resources, Statehouse Mall,
1301 North Orchard Street, Boise, ID
83720, five (5) days prior to the hearing.
Other parties will be given an opportunity
to informally present their views and
comments without the necessity of filing
a notice of appearance. Written informal
views and comments may also be submit-
ted 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 Department of
Water Resources

Published in The Arco Advertiser on
March 18 & 25, 1993.

OCT 19 1993

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

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

Source:	Badger Creek
Application No.:	33-07206
Proposed Priority:	October 3, 1991
Amount & Period of Use:	5.50 cfs from January 1 to December 31 at upper site 3.00 cfs from January 1 to December 31 at lower site
Purpose of Minimum Flow:	Preservation of fish & wildlife habitat, aquatic life and water quality.
Place of Use:	Badger Creek, commencing at the Bureau of Land Management - U.S. Forest Service boundary on Badger Creek downstream to the end of public land on Badger Creek.

The Director of the Department of Water Resources will hold a public hearing in the Howe Elementary School building, at 7:00 p.m., on Wednesday, April 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the paragraphs of Section 42-1503, Idaho Code.

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, ID, 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing. If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

PUBLISHED IN THE ARCO ADVERTISER ON MARCH 18 & 25, 1993

RECORDED

OCT 19 1993

AFFIDAVIT OF PUBLICATION

I, COLLEEN BABCOCK
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated MAY 21, 1992
and ending with the issue dated

MAY 28, 1992
Colleen Babcock

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

**NOTICE OF APPLICATION
FOR MINIMUM STREAM FLOW**

Notice is hereby given that the Idaho Water Resource Board has on October 3, 1991, submitted application 33-7206 for a permit to the Department of Water Resources proposing the appropriation of 5.5 cfs within the NESW SEC 20 T09N R28E, (beginning of reach) and 3.0 cfs within the NWSWSE SEC 34 T09N R27E, (end of reach), Butte County, from January 1 to December 31 to preserve the minimum flow subject to all prior water rights for aesthetic and recreation purposes in Badger Creek tributary to the Little Lost River.

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

R. Keith Higginson
Director

Published in the Arco Advertiser on
May 21 & 28, 1992

STATE OF IDAHO }
COUNTY OF BUTTE }

On this 29 day of May
in the year of 1992, before me, a Notary Public,

personally appeared
Colleen Babcock
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.

Thomas D. Lamm
Notary Public for Idaho

Residing at Arco, Id

My commission expires: 12-30-97

MICROFILMED

OCT 19 1993

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

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on October 3, 1991, submitted application 33-7206 for a permit to the Department of Water Resources proposing the appropriation of water for 5.5 cfs within the NESW SEC 20 T09N R28E, (beginning of reach) and 3.0 cfs within the NWSWSE SEC 34 T09N R27E, (end of reach), Butte County, from January 1 to December 31 to preserve the minimum flow subject to all prior water rights for aesthetic and recreation purposes in Badger Creek tributary to the Little Lost River.

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

R. Keith Higginson
Director

Published in the Arco Advertiser on May 21 & 28, 1992

RECEIVED

OCT 19 1993

Dist. for staffing: 22-Apr-1992
Submitted for advertising: 5-11-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY EC Wilson DATE 11 May 92 APPLICATION NO. 33-7206
APPLICANT NAME: IDAHO WATER RESOURCE BOARD

REQUIRED INFORMATION

☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
JUN 24 1992

Department of Water Resources

<u>SEND COPIES TO</u>	<u>Idaho Dept. of Health & Welfare</u>	<u>U.S. BLM</u>
	<u>Idaho Dept. of Fish & Game</u>	<u>U.S. Forest Service</u>
	<u>Idaho Dept. of Lands</u>	<u>Water District</u>
	<u>Adjudication Bureau Unit</u>	<u>Other</u>

✓ Yes No Affidavit of publication received
✓ Yes No Application published correctly. If not, record action taken.

☒	Yes	☐	No	Publication dates & paper, recorded on application
☐	Yes	☒	No	Protests received
				Final date for protest _____
☐	Yes	☐	No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐	No	Recommendations, attached
☐	Yes	☐	No	Measuring device required
☐	Yes	☐	No	Access port required
☒	Yes	☐	No	Will water be delivered by watermaster? If yes, what Dist. <u>33</u>
☐	Yes	☐	No	Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 10-03-1991
By HWT Date 6-16-92

See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

<u>SEND COPIES TO</u>	<u>Idaho Dept. of Health & Welfare</u>	<u>~~X~~ U.S. BLM</u>
	<u>~~X~~ Idaho Dept. of Fish & Game</u>	<u>~~X~~ U.S. Forest Service</u>
	<u>~~X~~ Idaho Dept. of Lands</u>	<u>~~X~~ Water District</u>
	<u>Adjudication Bureau Unit</u>	<u>Other</u>

✓ Yes ___ No Affidavit of publication received
✓ Yes ___ No Application published correctly. If not, record action taken.

☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations, attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☒ Yes	☐ No	Will water be delivered by watermaster? If yes, what Dist. <u>33</u>
☐ Yes	☐ No	Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 10-03-1991

By HWT Date 6-16-92

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

Badger

10/3/1991

BLM/USFS boundary d/s to beginning of private ground

5.5 cts interpolated to 3.0 cts

existing uses threaten fishing and riparian values

miscellaneous measurements at canyon mouth

1911, 1959, 1960, 1961, 1962 more than 5.5 cts

at lower end sometimes 8/3/66 3.0

5/16/68 2.6

WFR
Exhibit 2

1 major right holder - diverted from Badger on
below MSF reach from Little Lost Panchari
PANKARI

decree for Little Lost hand & Cattle

application in name of Hartmann for power filing

WFRB

in adjudication

BLM entered claim for
this reach → cardboard boxes

stock water BLM representative

per statehood

RECEIVED

AUG 15 1994

1984

1991

BLM EXHIBITS
BADGER CREEK
APPLICATION NO. 33-0720

OCT 19 1993

BLM EXHIBIT LIST

BADGER CREEK APPLICATION NO. 33-07206

<u>Number</u>	<u>Title</u>	<u>Marked</u>	<u>Offered</u> <u>Admitted</u>
1.	Map #1. Badger Creek Minimum Streamflow Reach and Points of Measurement		
2.	Badger Creek Streamflow Record-Table of Flow Measurements		
3.	Badger Creek Hydrographs for Years 1987, 1990, 1991 and 1992		
4.	Badger Creek Photographs		
	A. Upper Badger Creek		
	B. Limber Pine		
	C. Middle Badger Creek		
	D. Riparian Zone		
	E. Lower Badger Creek		
	F. Incised Channel		

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OCT 19 1993

1987 Badger Creek Flow Measurements

Date	Upper Section (cfs)	Lower Section (cfs)	Flow Loss (cfs)	Percent of Loss (%)
05/04	7.16	4.99	2.17	30
05/11	6.70	4.80	1.90	28
05/18	7.30	5.80	1.50	21
05/26	7.30	5.30	2.00	27
06/01	6.92	5.38	1.54	22
06/09	6.72	4.96	1.76	26
07/20	7.50	5.80	1.70	23
11/04	7.18	4.28	2.90	40

BLM EXHIBIT #2. Badger Creek Streamflow
Record- Table of Flow
Measurements

1990 Badger Creek Flow Measurements

Date	Upper Section (cfs)	Lower Section (cfs)	Flow Loss (cfs)	Percent of Loss (%)
04/04	7.16	4.88	2.28	32
05/07	6.63	4.11	2.52	38
06/06	6.72	3.76	2.96	44
07/02	7.04	3.03	4.01	57
08/13	6.39	3.85	2.54	40
09/11	7.39	3.51	3.88	53
10/22	6.45	3.81	2.64	41

1991 Badger Creek Flow Measurements

Date	Upper Section (cfs)	Lower Section (cfs)	Flow Loss (cfs)	Percent of Loss (%)
03/21	6.12	3.74	2.38	39
04/23	6.43	3.77	2.66	41
05/21	7.40	4.26	3.14	42
06/11	9.31	7.17	2.14	23
07/09	7.48	3.30	4.18	56
08/26	6.89	3.34	3.55	52

1992 Badger Creek Flow Measurements

Date	Upper Section (cfs)	Lower Section (cfs)	Flow Loss (cfs)	Percent of Loss (%)
03/19	6.37	3.76	2.61	41
04/22	5.99	4.13	1.86	31
05/28	5.49	3.41	2.08	38
06/19	7.82	3.91	3.91	50
07/16	6.43	3.76	2.67	42
08/19	7.07	3.98	3.09	44
09/21	6.76	3.69	3.07	45
10/20	6.09	4.12	1.97	32

REMOVED

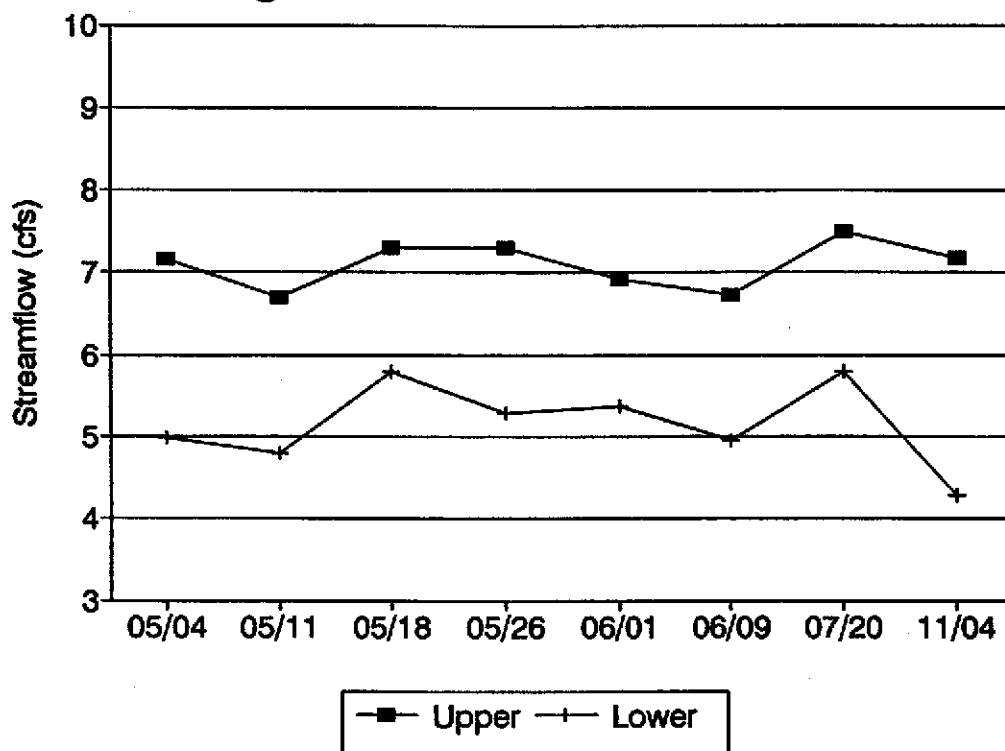
OCT 19 1993

BLM EXHIBIT #3. Badger Creek Hydrographs for
Years 1987, 1990, 1991 and
1992

1993

OCT 19 1993

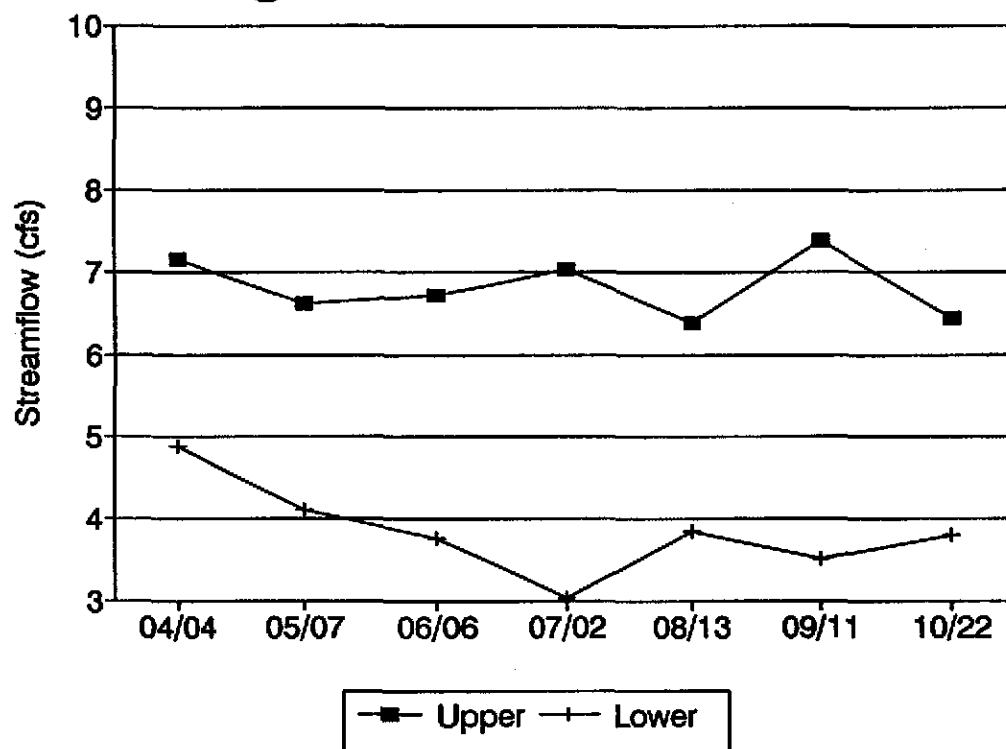
1987 Badger Creek Flow Measurements



RECEIVED

OCT 19 1993

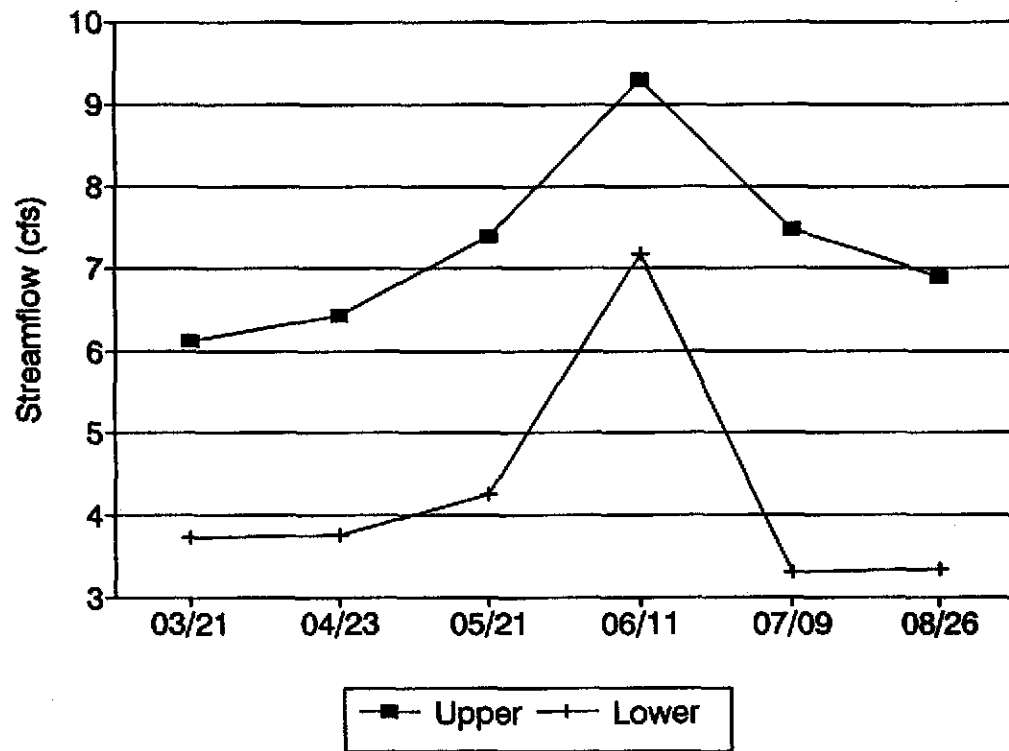
1990 Badger Creek Flow Measurements



10-19-93

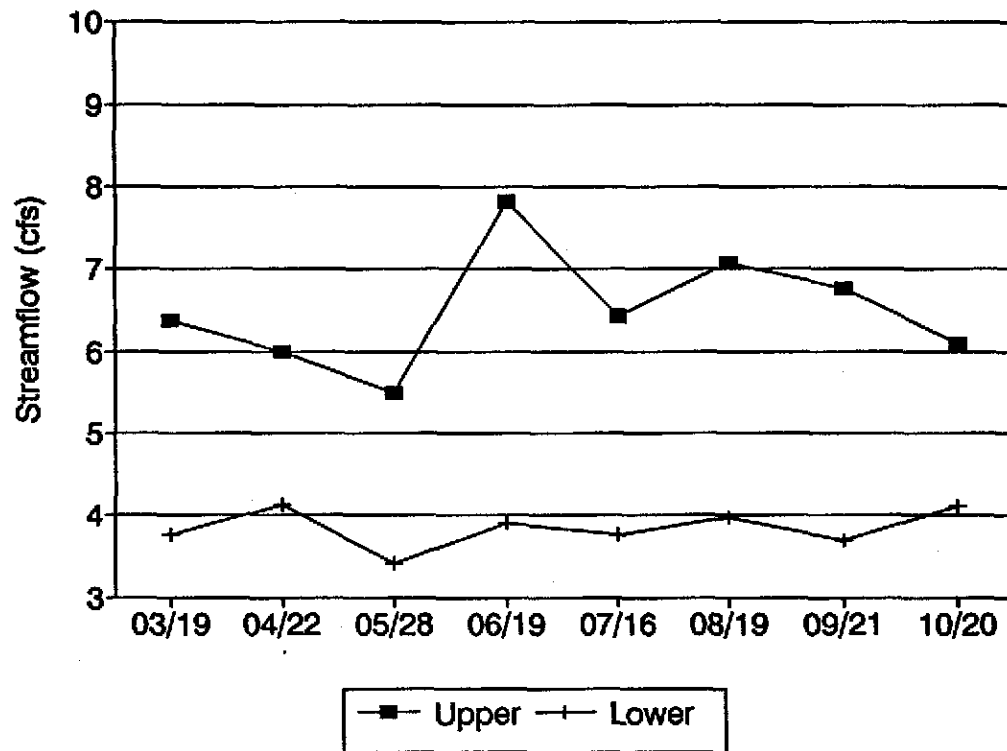
OCT 19 1993

1991 Badger Creek Flow Measurements



OCT 19 1993

1992 Badger Creek Flow Measurements



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OCT 19 1993

BLM EXHIBIT #4. BADGER CREEK PHOTOGRAPHS

NOT RECORDED

OCT 19 1993



BLM EXHIBIT #4A. Upper Badger Creek

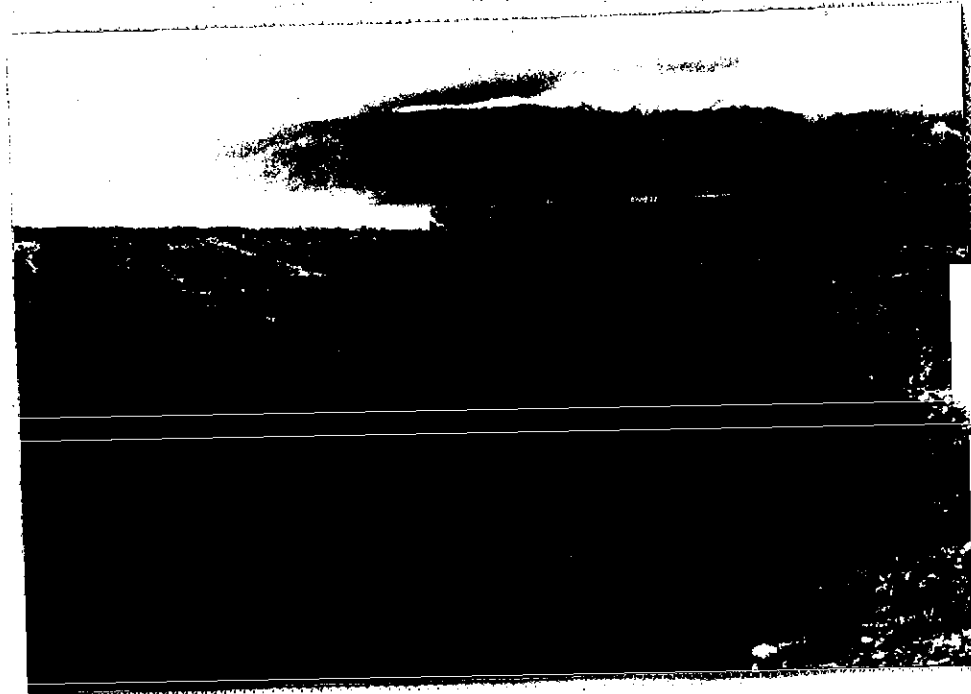


BLM EXHIBIT #4B. Limber Pine

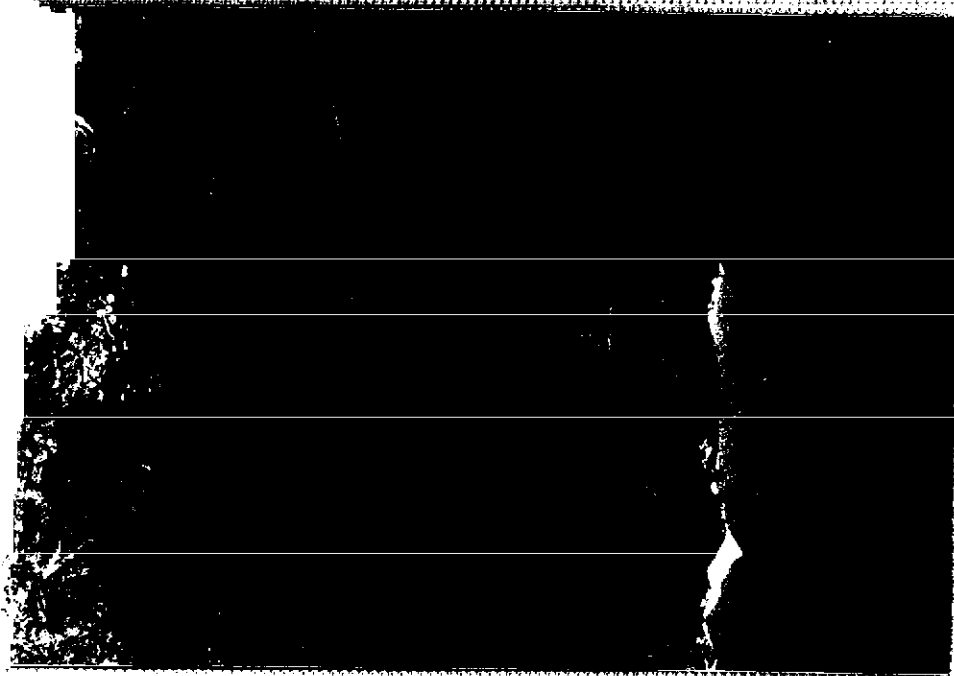
007 19 1993



BLM EXHIBIT #4C. Middle Badger Creek



BLM EXHIBIT #4D. Riparian Zone



BLM EXHIBIT #4E. Lower Badger Creek



BLM EXHIBIT #4F. Incised Channel