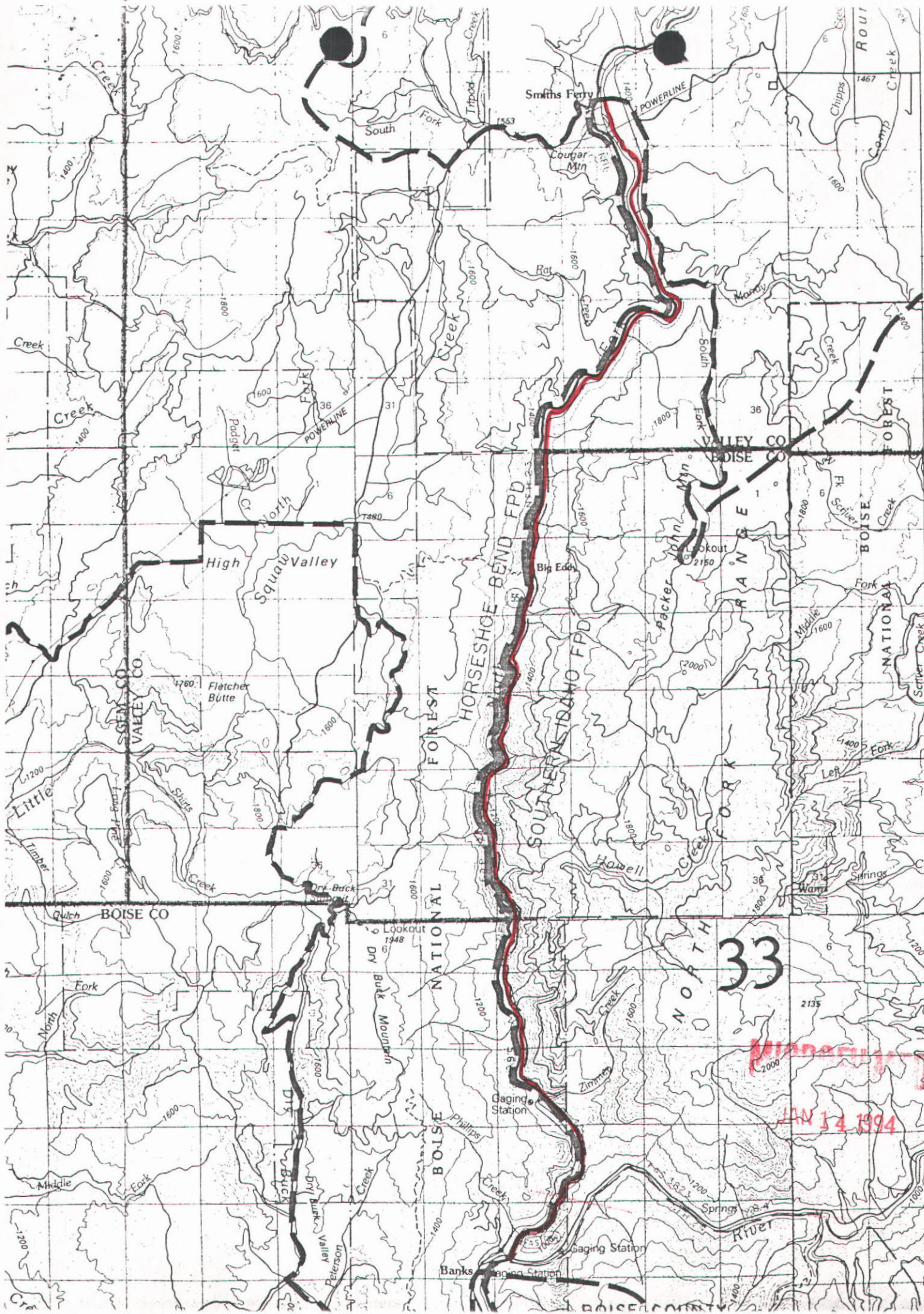


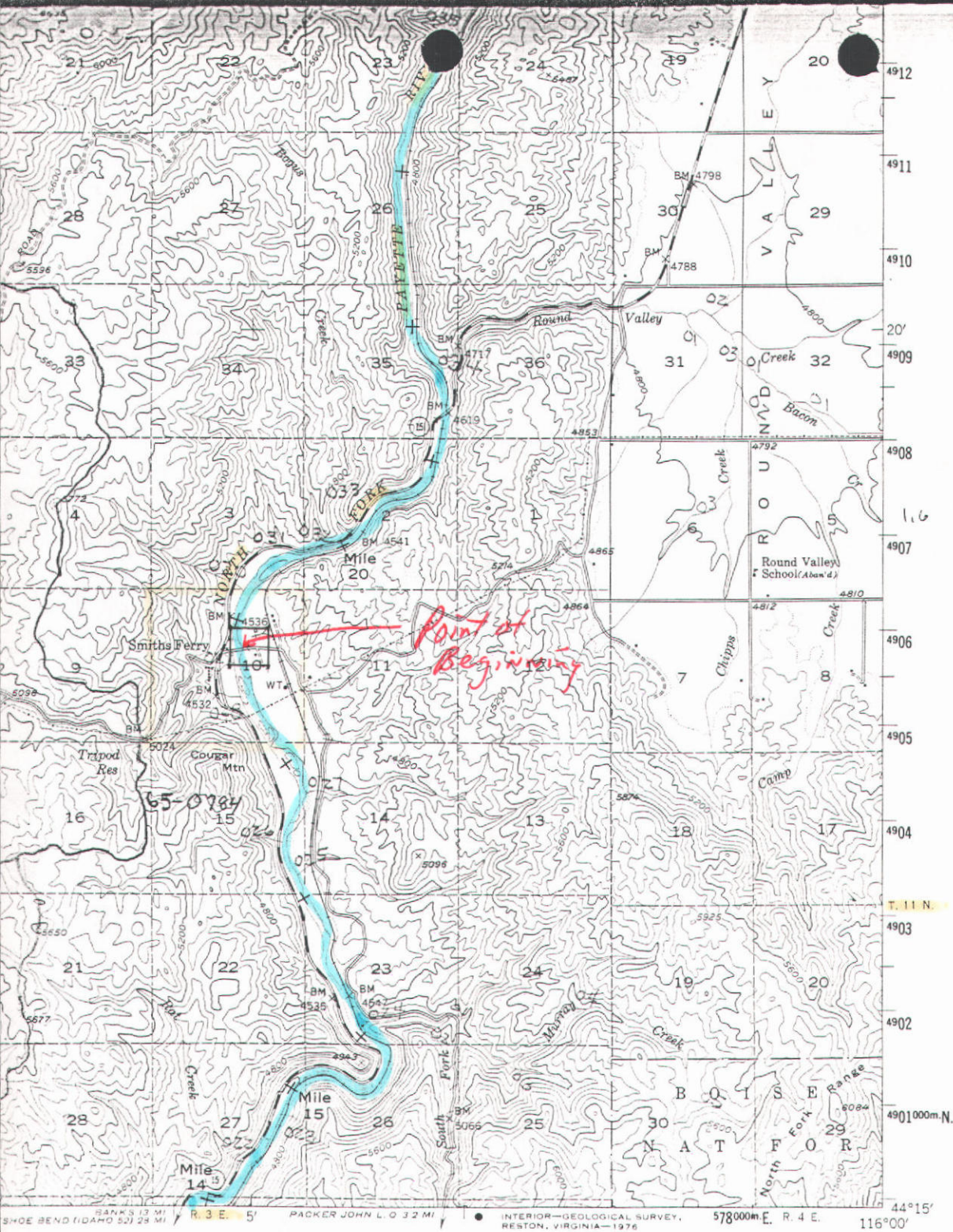


T 11 N
950
975
15'
925
T 10 N
950
489
900
925
T 9 N

33

JAN 14 1994

65-13059
MAPS
Pg. 1 of 3



FEET
VAL. CONTOURS
TUM OF 1929

ACCURACY STANDARDS
O 80225, OR RESTON, VIRGINIA 22092
DLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Heavy duty ——— 4 LANE H LANE Light-duty ———
Medium duty ——— 2 LANE H LANE Unimproved dirt - - - - -
□ U. S. Route ○ State Route

SMITHS FERRY, IDAHO
N4415-W11600/15

1953

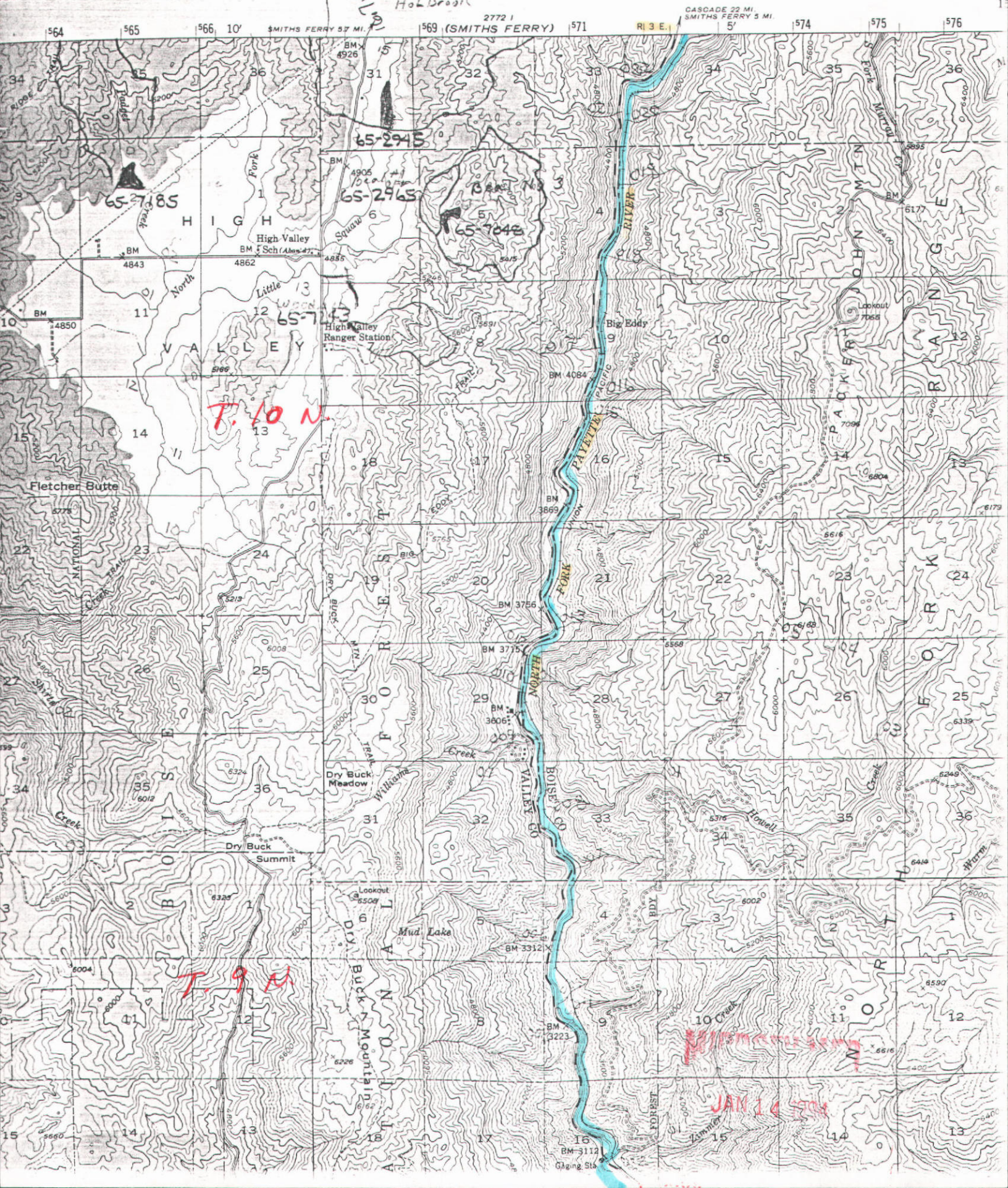
AMS 2772 I-SERIES V793

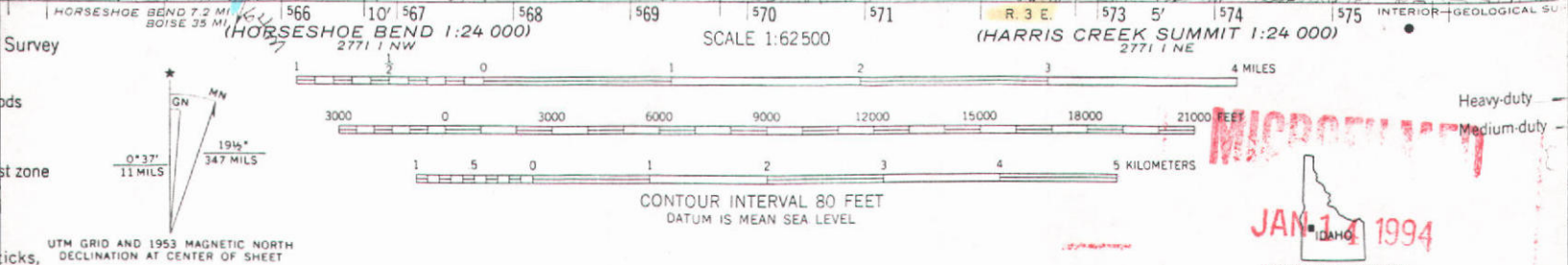
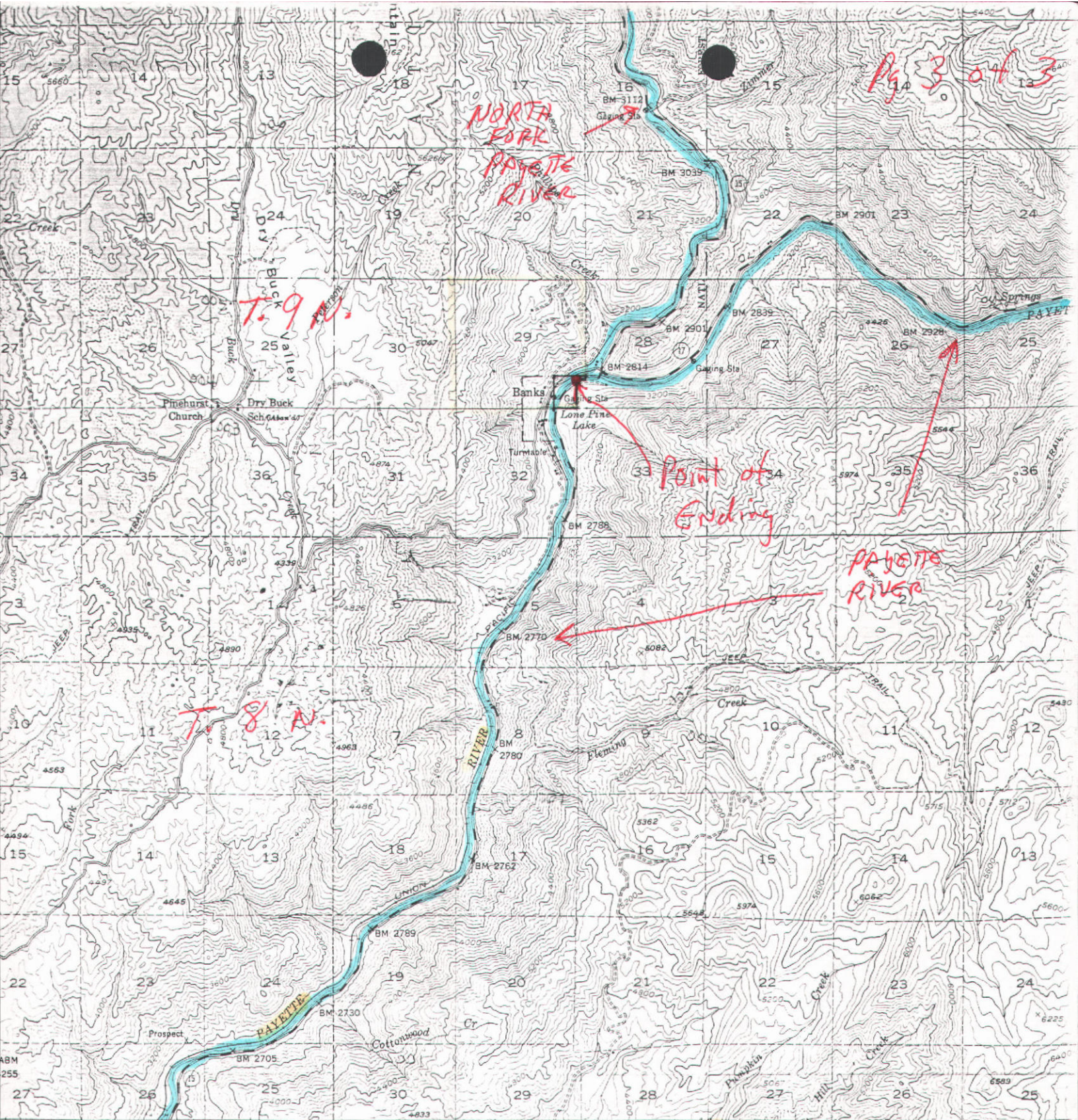
(GARDEN VALLEY)
2872 III

FILE COPY
JAN 14 1954

U-9

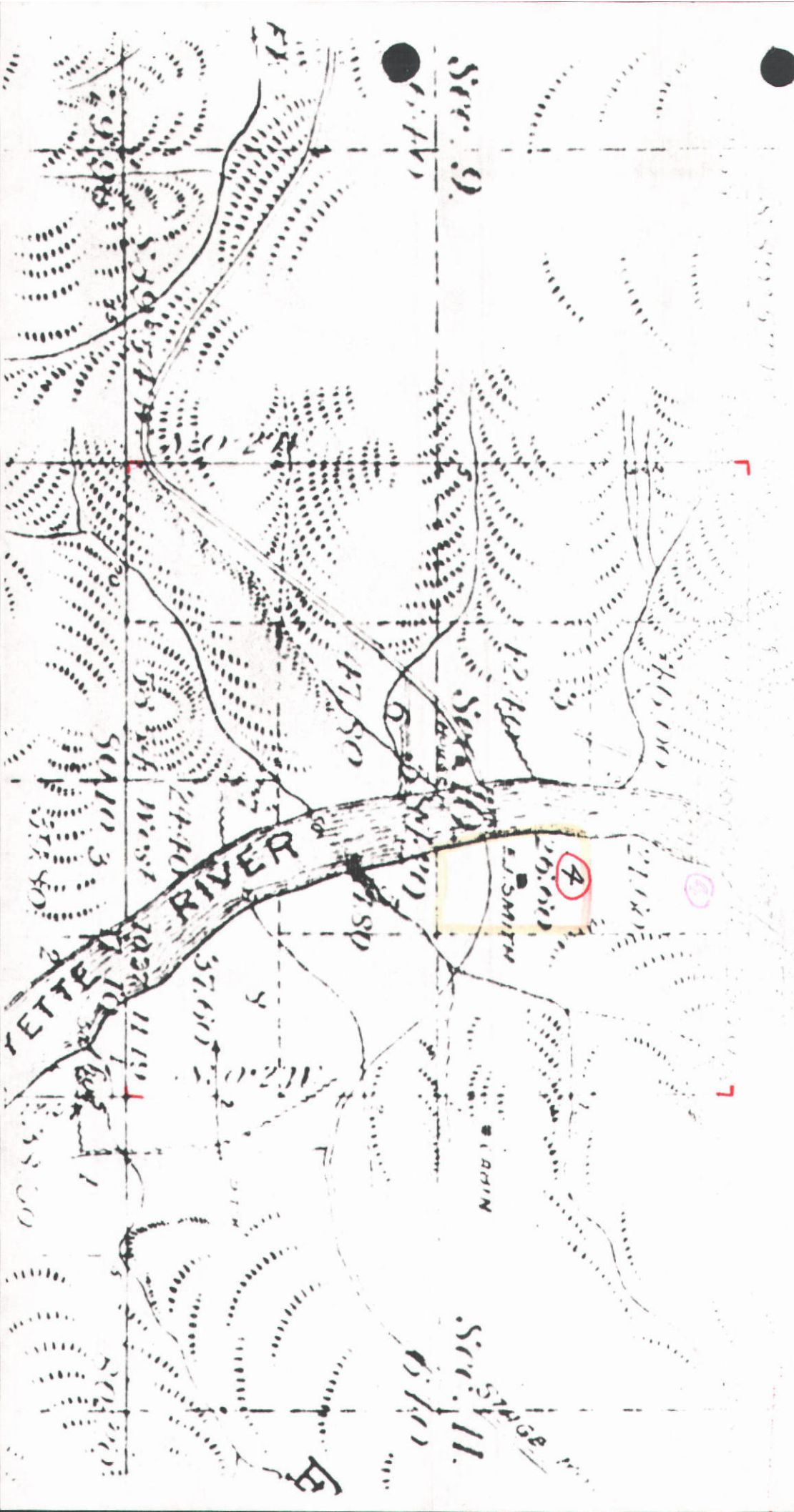
OR





THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

JAN 1 1994
IDAHO
QUADRANGLE LOCATION



Point of
Beginning

T 11 N
R 3 E
S. 10
June 4 4

65-13059

ENCLOSURE

JAN 14 1994

Publisher's Affidavit of Publication

STATE OF IDAHO }
 }.SS
County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF CORRECTION, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive week in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 19, 1989, and ended July 26, 1989.

Maggie Aganew
Subscribed and sworn before me this the 27th day of July, 1989.

STATE OF IDAHO }
COUNTY OF VALLEY

On this 27th day of July, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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.

Tom Grote
Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1993

NOTICE OF CORRECTION

Notice is hereby given that on June 21 and 28, 1989, Application for Permit No. 65-13059 in the name of Idaho Water Resources Board was advertised in error. The place of use was advertised as Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T19N, 3RE, S. 29, Gov't Lot 2 (SESE). WHEREAS, the place of use should have read Commencing at Smith's Ferry Bridge in T11N, R3E, S10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T9N, R3E, S.29, Gov't Lot 2 (SESE). The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before August 7, 1989.
R. Keith Higginson, Dir.
2/7/26

JAN 14 1994

NOTICE OF MINIMUM
INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

APPLICATION NO.

65-13059

SOURCE

PAYETTER RIVER,

North Fork

Proposed Priority

May 1, 1989

Place of Use

Commencing at Smith's Ferry Bridge on T11N, R3E, S. 10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T9N, R3E, S. 29, Gov't Lot 2 (SESE).

Amount and Period of use 400 CFS from September 2, through April 30.

Purpose of Minimum Instream Flow

Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.

65-13060

Source

Payette River, South Fork

Proposed Priority

May 16, 1989

Place of Use

Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S. 32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use 763 cfs Monday-Thursday, April 15, through August 31.

700 cfs Friday-Sunday, April 15, through August 31.

Purpose of Minimum Instream Flow

Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

Gene M. Gray
Chairman

Idaho Water Resource Board

PUBLISH: Thursday,
June 22 and 29, 1989.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

I, Ganda Capps McQuinn being first duly sworn upon oath, depose

and say that I am Pune Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in

any supplement thereof, for Two consecutive Weeks,

commencing with the issue dated June 22, 1989,

and ending with the issue dated June 29, 1989.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

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

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 30 day of June in the year of 1989, before me,

a Notary Public, personally appeared Ganda Capps McQuinn known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Zellman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

JAN 14 1994

STATE OF IDAHO }

County of Boise

Peter A. Wierenga, being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with 6/21, 19 89 and ending with the issue of 6/28, 19 89.

Peter A. Wierenga

STATE OF IDAHO }

County of Boise

On this 28th day of June Not Fatal (Der)
in the year of 1989, before me, a
Notary Public, personally appeared
Peter A. Wierenga

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.

Joan Skierenga
Notary Public for Idaho
Boise, ID

Residing at

My commission expires: 9/14/94

Legal Notices

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application No.
65-13059

Source
Payette River, North Fork

Proposed Priority
May 1, 1989

Place of Use

Commencing at Smith's Ferry Bridge in T11N \$3E, S.10, Gov't lot 4(SWNE), extending to confluence with Payette River in T9N, R3E, S.29, Gov't Lot 2 (SESE).

Amount and Period of Use
400 cfs from September 2, through April 30.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.
65-13060

Source
Payette River, South Fork

Proposed Priority
May 16, 1989

Place of Use

Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S.32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use
763 cfs Monday-Thursday, April 15, through August 31.
700 cfs Friday-Sunday, April 15, through August 31.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

Gene M. Gray, Chairman
Idaho Water Resource Board

Published in the Idaho World, Idaho City, Idaho, June 21 & 28, 1989.

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application No.
65-13059 ✓

Source
Payette River, North Fork

Proposed Priority
May 1, 1989
Place of Use

Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4(SWNE), extending to confluence with Payette River in T9N, R3E, S.29, Gov't Lot 2 (SESE).

Amount and Period of Use
400 cfs from September 2, through April 30.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.
65-13060

Source
Payette River, South Fork
Proposed Priority
May 16, 1989

Place of Use
Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S.32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use
763 cfs Monday - Thursday, April 15, through August 31.
700 cfs Friday - Sunday, April 15, Through August 31.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.
Gene M. Gray
Chairman, Idaho Water Resource Board

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

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

NOTICE OF MINIMUM INSTREAM
attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 062289, or once a DAY for 2 consecutive DAYS, the first publication thereof being on the 062289, and the last publication thereof being on the 063089, and said

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

Sue Baumeister
SUBSCRIBED AND SWORN BEFORE ME THIS THE 30
day of June 1989

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

JAN 14 1994

Affidavit of publication

STATE OF IDAHO

COUNTY OF VALLEY

I, Fred K. O'Brien, being duly sworn deposes and says, I am the Publisher of *The Advocate*, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The Instream Flow, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began:

6-21, 1989

and ended 6-28, 1989

Fred K. O'Brien
Subscribed and sworn before me, this the

29th day of June, 1989

On this 29th day of June, 1989

I, a Notary Public in and for the State of Idaho, state that said person, Fred O'Brien, did in fact present me with this document and I did witness his signature on the document.

Rayola J. Jarvis
Rayola Jarvis, Notary Public residing at Cascade, Idaho

PUBLIC NOTICES

River in T9N, R3E, S.29, Gov't Lot 2 (SESE).

Amount and Period of Use
400 cfs from September 2, through April 30.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.

65-13060

Source

Payette River, South Fork

Proposed Priority

May 16, 1989

Place of Use

Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S.32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use

763 cfs Monday - Thursday, April 15, through August 31.

700 cfs Friday - Sunday, April 15, through August 31.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

Gene M. Gray
Chairman, Idaho Water Resource Board
Pub. 6-21, 6-28, 1989

.....spray

(continued from page 1)

The chemical used will be malathion.

It is recommended that vehicles be covered during this time.

JAN 14 1994

Notice of Minimum Instream Flow

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application No.

65-13059

Source

Payette River North Fork

Proposed Priority

May 1, 1989

Place of Use

Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4 (SWNE), extending to confluence with Payette

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for ... two consecutive weeks, first publication having been made on the 22nd day of June , 19.89 . . , last publication having been made on the 29th day of June , 19.89 . . , and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ..30th .. day of June , 19.89 . .

Richard Hardy

Deon L. Napier

Notary Public

My commission expires . September .30, ... , 19.94 .

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application No. 65-13059 ✓ st

Source

Payette River, North Fork

Proposed Priority

May 1, 1989

Place of Use

Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4(SWNE),

extending to confluence with Payette River in T9N, R3E, S.29, Gov't Lot 2(SESE).

Amount and Period of Use

400 cfs from September 2, through April 30.

Purpose of Minimum Instream Flow

Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.

65-13060

Source

Payette River, South Fork

Proposed Priority

May 16, 1989

Place of Use

Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S.32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use

763 cfs Monday - Thursday, April 15, through August 31.

700 cfs Friday - Sunday, April 15, through August 31.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

Gene M. Gray

Chairman, Idaho Water Resource Board

Published: June 22, 29, 1989

Microfilm

JAN 14 1994

sent to 50.

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

81.72

Account Name Western Region Idaho Department of Water Resources			Account Number #47628	
Address 2735 Airport Way		City/State Boise, ID		Zip 83705
Ordered By Judy Pense	P.O. Number	Rate NT	Run Dates 1989 June 22, 29	
Identification Notice: Minimum Instream Flow			Estimated Inches	Real Inches
Number of Affidavits Requested 1				Legal Number #2936

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application No.
65-13059 ✓

Source
Payette River, North Fork
Proposed Priority
May 1, 1989
Place of Use

Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't. Lot 4 (SWNE), extending to confluence with Payette River in T9N, R3E, S.29, Gov't. Lot 2 (SESE).

Amount and Period of Use
400 cfs from September 2 through April 30.

Purpose of Minimum Instream Flow

Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.
65-13060

Source
Payette River, South Fork
Proposed Priority
May 16, 1989
Place of Use

Commencing at the upstream end of the Oxbow Bend T9N, R7E, S.32, Gov't. Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use
763 cfs Monday-Thursday, April 15, through August 31.
700 cfs Friday-Sunday, April 15 through August 31.

Purpose of Minimum Instream Flow

Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

GENE M. GRAY
Chairman
Idaho Water Resource Board

Pub. June 22, 29, 1989

2936

RECEIVED
JUN 30 1989

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Department of Water Resources
Western Regional Office

Debbie Richards

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of June 22, 1989

and ending with the issue of June 29, 19 89

Debbie Richards

Subscribed and sworn to before me this 29th

day of June 19 89

MICROFILMED

JAN 14 1994

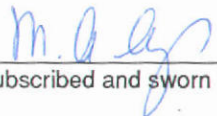
[Signature]

Notary Public for Idaho, Residing at Boise, Idaho

Publisher's Affidavit of Publication

STATE OF IDAHO }
County of Valley } .SS

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF MINIMUM INSTREAM FLOW, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began June 21, 1989, and ended June 28, 1989.


Subscribed and sworn before me this the 29th day of June, 1989.

STATE OF IDAHO }
COUNTY OF VALLEY }

On this 29th day of June, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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.


Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1993

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application NO. 65-13059

Source: Payette River, North Fork

Proposed Priority: May 1, 1989

Place of Use: Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T19N, R3E, S.29, Gov't Lot 2 (SESE).

Amount and Period of Use: 400 CFS from September 2, through April 30.

Propose of Minimum Instream Flow: Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No. 65-13060

Source: Payette River, South Fork

Proposed Priority: May 16, 1989

Place of Use: Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S.32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point of T9N, R7E, S 31 Gov't Lots 3 & 9 (NESE).

Amount and Period of Use

763 CFS Monday - Thursday, April 15, through August 31.

700 CFS Friday - Sunday, April 15, Through August 31.

Propose of Minimum Instream Flow

Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold hearing regarding the applications at a future time.

Gene M. Gray, Chairman, Idaho Water Resource Board
2/6/28

JAN 14 1994

NOTICE OF HEARING
FOR APPLICATIONS
FOR MINIMUM
STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted applications for permit to the Department of Water Resources to appropriate water for minimum streamflows in the North Fork of the Payette River. The applications are further described as follows:

Source: North Fork Payette River
Application No.: 65-12839
Proposed Priority: April 5, 1988

Amount and Period of Use: 294 cfs from October 13 through March 15, 100 cfs from March 16 through June 17.

Purpose of Minimum Flow: Recreation, aesthetics and fish habitat.

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T13N, R4E, B.M., and extending downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, B.M., Valley County.

Source: North Fork Payette River
Application No.: 65-13059
Proposed Priority: May 1, 1989

Amount and Period of Use: 400.0 cfs from September 2 through April 30.

Purpose of Minimum Flow: Recreation, aesthetics, and fishery maintenance.

Place of Use: Commencing at Smith's Ferry Bridge in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 29 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 29, T9N, R3E, B.M., Valley County.

The Director of the Department of Water Resources will hold a public hearing in the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, for the purpose of hearing evidence in regard to the applications. The hearing will commence at the hour of 1:30 p.m. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The Director will also receive public testimony regarding the North Fork of the Payette River filing the evening of Tuesday October 8, 1991, at a joint public hearing for both the North Fork and the South Fork Payette Rivers. The hearing will be held at the Horseshoe Bend High School cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at the hour of 7:00 p.m.

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 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

PUBLISH: Thursday, September 19, and 26, 1991.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

I, Linda Coyne McGuire being first duly sworn upon oath, depose and say that I am Grenie Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated September 19, 1991, and ending with the issue dated September 26, 1991.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

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

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27 day of September in the year of 1991, before me, a Notary Public, personally appeared Linda Coyne McGuire, 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.

JAN 14 1994

Greva R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

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

Date 092691 INVOICE No. L00308544
Account No. 964760 -12839
Description 08544NOTIC
Times 2 Lines 42
Tab Lines 84

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT. OF WATER RESOURCES
2735 AIRPORT WAY
BOISE
ID 83705
\$ 47.25

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

08544
NOTICE OF HEARING FOR APPLICATIONS FOR MINIMUM STREAMFLOW
Notice is hereby given that the Idaho Water Resource Board has submitted an application for permit to the Department of Water Resources to appropriate water for minimum streamflows in the North Fork of the Payette River, tributary to the Payette River. The applications are further described as follows:

Source: North Fork of the Payette River ✓
Application No.: 65-12839
Proposed Priority: April 5, 1988
Amount and Period of Use: 294 cfs from October 13 through March 15
100 cfs from March 16 through June 17
Purpose of Minimum Flow: Recreation, aesthetics and fish habitat.
Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE¼SW¼), Section 31, T13N, R4E, B.M., and extending downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW¼NE¼), Section 10, T11N, R3E, B.M., Valley County.

Source: North Fork Payette River
Application No.: 65-13059
Proposed Authority: May 1, 1989
Amount and Period of Use: 400.0 cfs from September 2 through April 30
Purpose of Minimum Flow: Recreation, aesthetics, and fishery maintenance.
Place of Use: Commencing at Smith's Ferry Bridge in Government Lot 4 (SW¼NE¼), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE¼SE¼), Section 29, T9N, R3E, B.M., Valley County.

The Director of the Department of Water Resources will hold a public hearing in the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, for the purpose of hearing evidence in regard to the applications. The hearing will commence at the hour of 1:30 p.m. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The Director will also receive public testimony regarding the North Fork of the Payette River filing the evening of Tuesday October 8, 1991, at a joint public hearing for both the North Fork and South Fork Payette Rivers. The hearing will be held at the Horseshoe Bend High School Cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at the hour of 7:00 p.m.

Any party who wishes to formally appear in the proceeding for the purpose of presenting 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 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

day of September 1991

Sue Baumeister, being duly sworn,

I am the Legal Clerk
Publishing Company, a corporation organized and existing
ue of the laws of the State of Idaho, publishers of the
NING TRIBUNE, a newspaper of general circulation
ston, Nez Perce County, Idaho; That the said Lewiston
s an established paper and has been published regular-
ularly at least once a day for more than 21 consecutive
diately preceding the first publication of this notice, and
shed uninterrupted for said period; that the

OF HEARING
and which is made a part of this affidavit was published in
Morning Tribune, 2 time(s). Publication be-
1991

or once a
for 2 consecutive WEEKS, the first
of being on the 091991, and the last pub-
ing on the 092691, and said

OF HEARING
d in the regular and entire issue of said newspaper and
nent thereof and was so published in every issue and
aid paper, during the period and times of publication as

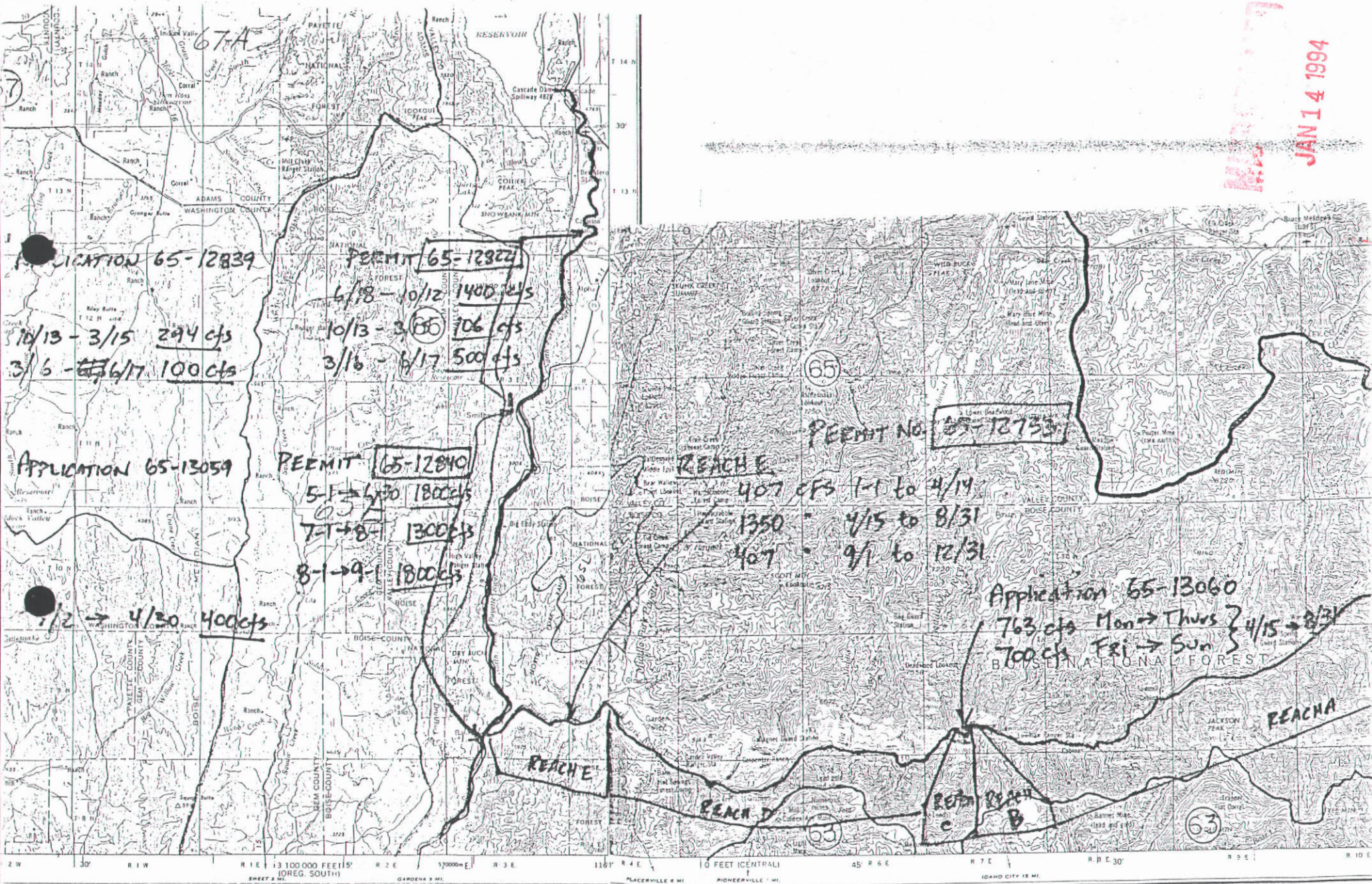
Sue Baumeister

AND SWORN BEFORE ME THIS THE 30

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

JAN 14 1994

JAN 14 1994

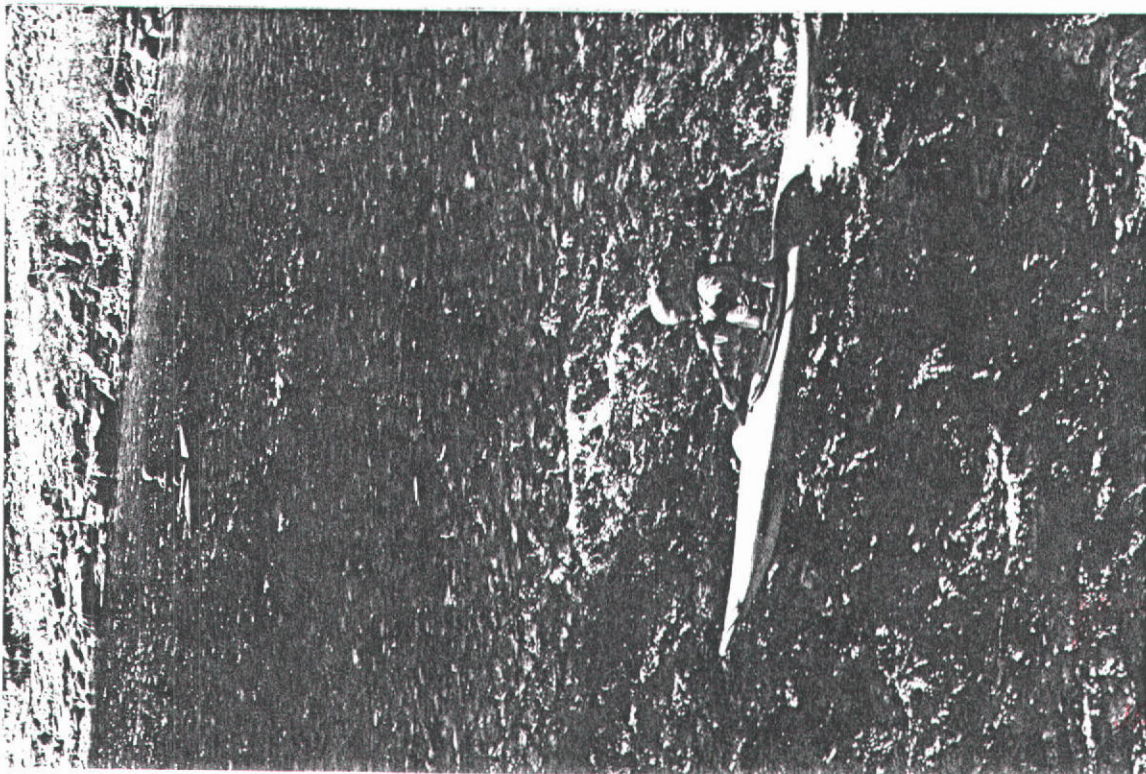
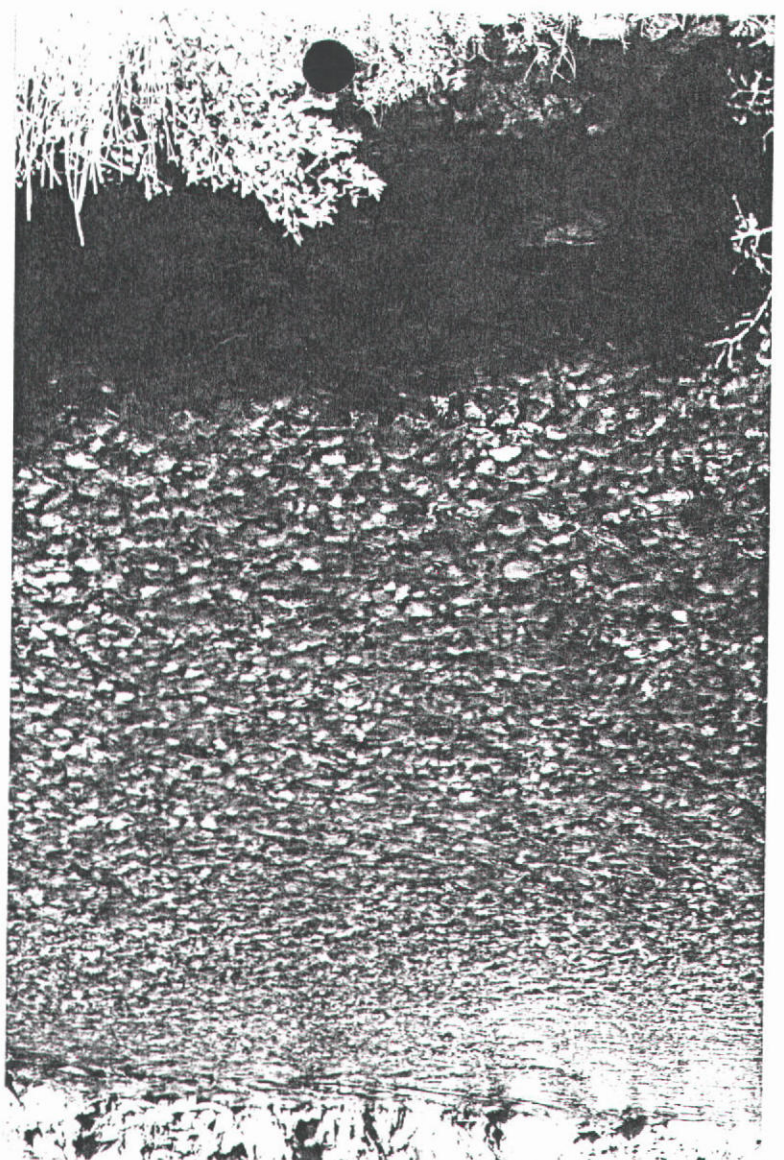


LOCATION DIAGRAM FOR III 11 11

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D.C.

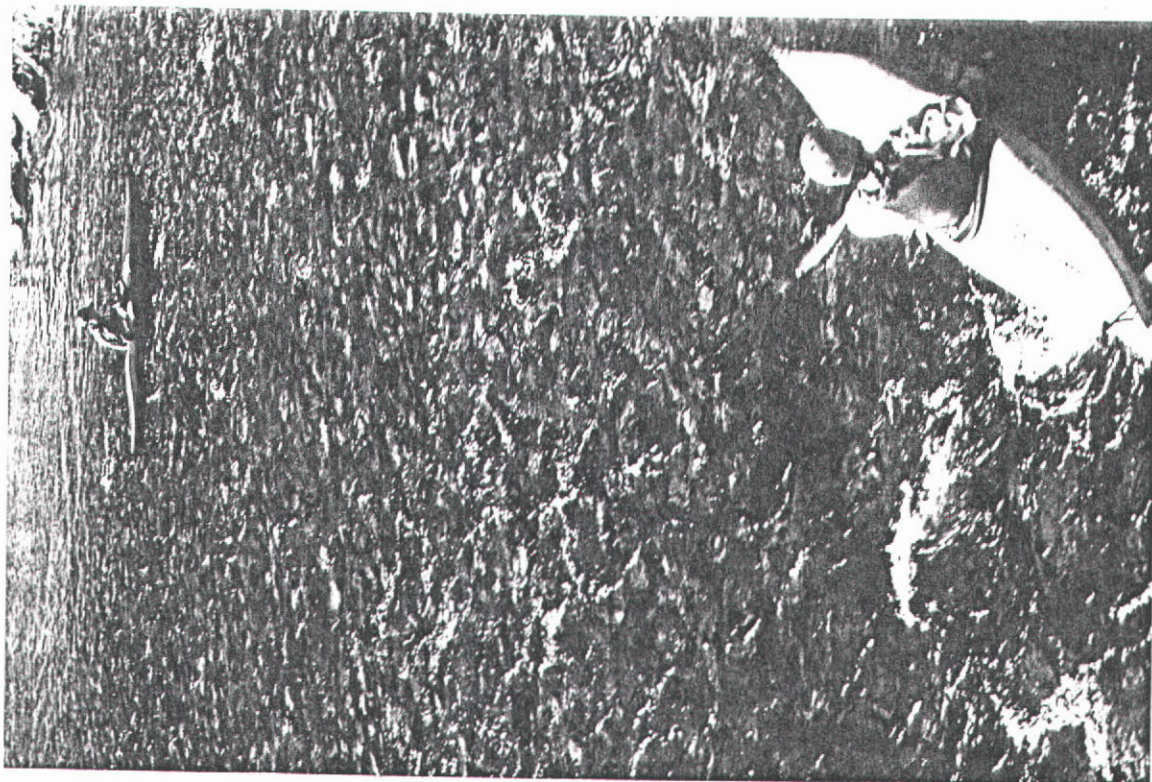
the Army Map Service (CGSK), Corps of Engineers, U.S. Army, D.C.

LEGEND
ROAD DATA 1955 PARTIALLY REVISED 1963
Figures in parentheses denote approximate distances in miles between stars



CONTINUED

JAN 14 1994



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13059

Priority: May 1, 1989

Minimum Instream Flow:

400.00 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 May 1, 1989; and
has submitted Proof of Beneficial Use on March 2, 1994. A minimum stream flow in

PAYETTE RIVER, NORTH FORK

tributary to PAYETTE RIVER

has been established as follows:

BENEFICIAL USE

MINIMUM INSTREAM FLOW

PERIOD OF USE

09/02 to 04/30

RATE

400.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach Lot 4(SWNE), Sec. 10, Township 11N, Range 03E
VALLEY County

End of Stream Flow Reach SWSW, Sec. 28, Township 09N, Range 03E
BOISE County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. 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 May 1, 1989.
3. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on the North Fork of the Payette River, such measuring devices shall be permanently installed and maintained as specified by the Director.
4. This minimum stream flow is subject and subordinate to future appropriations of water from the North Fork of the Payette River and its tributaries for municipal and domestic purposes within the minimum flow watershed.

RECORDED

OCT 16 1995

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

WATER RIGHT NO. 65-13059

CONDITIONS OF APPROVAL AND REMARKS

5. 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.
6. The approval of this right should not be used as a basis for acquiring storage water from Cascade Reservoir to enhance minimum stream flows.
7. This minimum stream flow is for recreation and aesthetic uses, fishery maintenance, spawning and egg incubation.
8. This minimum stream flow begins at Smiths Ferry Bridge in Lot 4 (SWNE), S10, T11N, R3E and ends at the confluence with the Payette River in the SWSW, S28, T9N, R3E.

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 29TH day of SEPTEMBER, 1975.

Acting for

KARL J. DREHER

Director

1975

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Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13059 Telephone No. 208-327-7910

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

3. Mailing Address: Statehouse, Boise, ID 83720

4. Source of Water: Payette River, North Fork

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 Instream Flow

6. Total rate and/or volume for which proof is submitted 400 cfs OR _____ 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 ____ 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.

2/28/94
Date

F. Don Grady Chair I.W.R.B.
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13059

Proposed Priority: May 1, 1989

Maximum Diversion Rate:

400.00 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:

PAYETTE RIVER, NORTH FORK

tributary of **PAYETTE 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	09/02 to 04/30	400.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach	Lot 4(SWNE), Sec. 10, Township 11N, Range 03E
End of Stream Flow Reach	Lot 2(SESE), Sec. 29, Township 09N, Range 03E

BOISE County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. See Final Memorandum Decision and 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

30th day of December, 1991.


R. Keith Higginson, Director

RECORDED

JAN 14 1994

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

**IN THE MATTER OF APPLICATIONS FOR PERMIT NOS.)
65-12839 AND 65-13059 (NORTH FORK PAYETTE)
RIVER) TO ESTABLISH A MINIMUM STREAMFLOW IN) FINAL MEMORANDUM
THE NAME OF THE IDAHO WATER RESOURCE BOARD) DECISION AND ORDER**

On October 7, 1991, the Department of Water Resources (Department) conducted a hearing for two applications for permits to appropriate water to establish a minimum streamflow, numbered in the Department records as 65-12839 and 65-13059. The applications seek establishment of minimum streamflows in the North Fork of the Payette River. Parties appearing in a formal capacity included the Idaho Water Resource Board (Board), Consolidated Pumped Storage, Inc. (Consolidated), and the Idaho Department of Fish and Game (Fish & Game).

A hearing officer conducted a hearing and issued a Proposed Memorandum Decision and Order on December 4, 1991. Consolidated Pumped Storage, Inc., filed exceptions to the proposed decision. The exceptions are summarized as follows:

1. Consolidated alleges that the evidence at the hearing does not support approval of a minimum streamflow. Specifically, Consolidated alleges that there is no evidence to support the assertion that 400 cfs is necessary for the preservation of recreation, aesthetics, fishery maintenance, spawning and egg incubation in the Smiths Ferry reach.

2. Consolidated alleges that the hearing officer misrepresented the present state of the power project proposed by Gem Irrigation District.

Much of Consolidated's exception discounts testimony presented by Will Reid, an employee of Fish & Game. Consolidated's exception implies that Mr. Reid presented insufficient technical data to support his conclusion that 400 cfs is a minimum flow for maintenance of values sought by application for permit no. 65-13059 in the Smiths Ferry to Banks reach.

Absolute data is seldom presented to the Department when the Department must render a decision. Will Reid was qualified as an

JAN 14 1994

expert witness having both general expertise in fishery matters and also intimate knowledge of the North Fork of the Payette River. He has observed the flows of the river on numerous occasions. He testified that flows of between 106 cfs and 150 cfs in the Smiths Ferry to Banks reach would be a "bottom line minimum to sustain a fish." He also stated that the lower minimum streamflow of 106 cfs was "based on the premise that the minimum streamflow can support live fish in the river, and was not based on the premise that the minimum streamflow should continue to support a viable fishery over a long period of time or that it will sustain a harvestable surplus." Mr. Reid also testified that a minimum streamflow of 106 cfs "will be below the bank and will cause a significant displacement." Mr. Reid testified that at 400 cfs, the Payette River "begins to look like a river; the rocks are covered, there is holding water, there are a number of pools and there is insect production." Finally, Mr. Reid stated that a flow rate of as low as 106 cfs would conflict with the plan of Fish & Game to maintain a viable population of trout in the North Fork of the Payette River.

The purpose for an expert witness is to gather data, to review other available data, and to draw a conclusion based on the data. A function of an expert witness is to "extrapolate", based on his knowledge and experience, to establish a credible conclusion. The conclusion drawn by Mr. Reid that 400 cfs is a minimum streamflow to support a viable fishery that will sustain a harvestable surplus in the fall, winter and spring months is a credible conclusion. Furthermore, the sustenance of a minimum streamflow to support a long-term, harvestable fishery is in the public interest. Maintenance of a minimum streamflow to simply support a bare population of fish in a river, while laudable, is not the kind of streamflow the general public of the state of Idaho anticipates.

Furthermore, several other witnesses testified regarding personal knowledge and observation of the stream. Mary Lucachick testified regarding her familiarity with the river and observations at various flow rates, and testified that 400 cfs is a minimum aesthetic flow. She also testified that 400 cfs is the flow at which the action of the water through the rapids begins to represent a whitewater flow.

Karen Wattenmaker testified that she has photographed the North Fork of the Payette River during various seasons and flow rates. She testified that a flow rate of 400 cfs would be worth a trip to photograph the river. A flow rate of 200 cfs would not be worthy of a trip. Other witnesses testified that 400 cfs is a minimum flow for aesthetic and recreational values.

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JAN 14 1994

All of the testimony recited above supports a conclusion that the Water Resource Board satisfied its burden of proof. Without any contrary or rebuttal evidence the decision of the hearing officer will be upheld.

Consolidated, if it continues to pursue its hydropower project, may conduct additional studies which may be coordinated with the Idaho Department of Fish and Game. Consolidated may approach the Director or the Idaho Water Resource Board following the completion of the studies for modification of the minimum streamflow as provided in one of the conditions which will be subsequently discussed. Consolidated will have an opportunity for amendment if data supports the amendment. The burden of proof, however, will be upon Consolidated.

Consolidated argues that the hearing officer incorrectly described the present status of its project. Finding of Fact no. 16 will be modified as follows:

Applications for permit proposed diversion of water within and above the minimum streamflow reaches on the North Fork of the Payette River and its tributaries. Most of the applications propose small domestic, stockwater or irrigation uses. One application, however, now owned by Gem Irrigation District, proposes the diversion of 2200 cfs from the North Fork of the Payette River downstream from Smiths Ferry where the canyon narrows. Consolidated, consultant for Gem Irrigation, stated at the hearing that either a pumped-storage hydro project with storage located in High Valley, or a run of the river plant would be constructed. Both projects would divert water near Smiths Ferry and would discharge the water diverted through a penstock to a hydropower plant located approximately at Banks. The hydropower filing numbered 65-12779, was submitted to the Department on August 11, 1986. Application no. 65-12779 was filed earlier than any of the minimum streamflow filings.

Finally, the Board filed a limited exception asking to clarify a retained jurisdiction condition which has been imposed routinely on past minimum streamflow permits. The exception seeks to clarify the process by which the Director will review a proposal to amend or modify a minimum streamflow water right. After review of the exception, the condition is amended as follows:

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

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JAN 14 1994

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.

With the amendments listed above, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. Vital information regarding the two minimum streamflow applications is summarized below:

Application for Permit No. 65-12839

Filing date:	April 5, 1988
Rate of flow:	294 cfs from October 13 through March 15; 100 cfs from March 16 through June 17.
Location:	Beginning at the Cabarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 31, T13N, R4E, B.M., and extending approximately 10 miles downstream to the Smiths Ferry Bridge, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T11N, R3E, B.M., near Smiths Ferry, Valley County.
Purpose:	Aesthetics, recreation, and fisheries maintenance, including fish spawning and egg incubation.

Application for Permit No. 65-13059

Filing Date:	May 1, 1989
Rate of Flow:	400 cfs from September 2 through April 30

JAN 14 1994

Location: Beginning at the Smiths Ferry Bridge, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T11N, R3E, and extending approximately 17 miles downstream to the confluence of North Fork of the Payette River with the Main Payette River, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T9N, R3E, B.M., Boise County.

Purpose: Recreation, aesthetics, fishery maintenance, spawning and egg incubation.

2. Application no. 65-12839 proposes to add to the minimum streamflow in the Cabarton to Smiths Ferry reach already established by permit no. 65-12822. The application would add 294 cfs to an existing minimum streamflow of 106 cfs for a total of 400 cfs from October 13 through March 15, and would add 100 cfs to an existing minimum streamflow of 500 cfs for a total of 600 cfs from March 16 through June 17.

3. Application no. 65-13059 proposes a new minimum streamflow for the Smiths Ferry to Banks reach from September 2 through April 30.

4. The United States Geological Survey (USGS) maintains a gauging station below Cascade Reservoir and another gauging station approximately three miles upstream from Banks. The Banks gauging station is located within the Smiths Ferry to Banks reach (lower reach). Data gathered at the Banks gauging station is representative of flows in the lower reach.

5. The Cascade gauge is located upstream from the Cabarton to Smiths Ferry reach (upper reach). The Banks gauge is located downstream of the upper reach. A substantial drainage area drains to the North Fork of the Payette River below the Cascade gauge and into the upper reach. In contrast, the drainage area between Smiths Ferry and Banks is smaller and contributes very little additional flow to the North Fork of the Payette. Data gathered at the Banks gauging station more accurately represents flows in the upper reach than the data gathered at the Cascade gauging station.

6. The Bureau of Reclamation is required to release at least 200 cfs at all times of the year to satisfy earlier-in-time rights owned by Idaho Power Co.

7. IDWR Exhibit #1 graphically depicts the availability of flow using the Banks gauge. For the period of October 16 through

Microfilm

JAN 14 1994

March 15, a total flow of 400 cfs is available at least 50% of the time.

8. During the period of March 16, through June 15, a flow rate of 600 cfs is recorded approximately 70% of the time.

9. Modeling of the relationship between streamflows and fish habitat performed by Fish & Game in an earlier study concluded that a flow rate of 106 cfs from October 13 through March 15, and 500 cfs from March 16 through June 17 are the streamflows at which any further incremental reduction of flows will cause a significant reduction in fish habitat, including spawning and egg incubation. These minimum streamflows have already been established by water right permit no. 65-12822.

10. Fish & Game witnesses testified that the prior study only established sufficient flows to allow fish to live in the river, but did not establish a minimum streamflow that would maintain a viable, fishable population. Flow rates in excess of those already established are necessary to maintain a fishable population. The prior minimum streamflows also do not account for icing conditions in the river, which would further reduce the habitat at a flow of 106 cfs.

11. The upper reach is a high quality fishery which produces large, wild rainbow trout. The upper reach is one of a few streams in southwestern Idaho which offers anglers the chance to catch large, wild trout with high frequency.

12. The upper reach is used extensively by novice and commercial whitewater boaters. The lower reach is a world class section of whitewater.

13. The lower reach maintains a significant population of trout, and provides angling opportunity for fishermen, particularly after irrigation releases from Cascade are reduced in the fall and winter.

14. U.S. Highway 55 parallels the entire lower reach, and a substantial portion of the upper reach. U.S. Highway 55 has been designated a scenic route in the State of Idaho. Flow rates of at least 400 cfs are minimum flows for continued designation of the scenic highway.

15. Communities and recreational developments within the hydrologic basin draining to the minimum flow reach on the North Fork of the Payette River need a source of water for future municipal and domestic purposes. Reservation of sufficient water from the North Fork of the Payette River and its tributaries for

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future municipal and domestic uses within the minimum flow reach drainage is in the public interest.

16. Applications for permits proposed diversion of water within and above the minimum streamflow reaches on the North Fork of the Payette River and its tributaries. Most of the applications propose small domestic, stockwater or irrigation uses. One application, however, now owned by Gem Irrigation District, proposes the diversion of 2200 cfs from the North Fork of the Payette River downstream from Smiths Ferry where the canyon narrows. Consolidated, consultant for Gem Irrigation, stated at the hearing that either a pumped-storage hydro project with storage located in High Valley, or a run-of-the-river plant would be constructed. Both projects would divert water near Smiths Ferry and would discharge the water diverted through a penstock to a hydropower plant located approximately at Banks. The hydropower filing numbered 65-12779, was submitted to the Department on August 11, 1986. Application no. 65-12779 was filed earlier than any of the minimum streamflow filings.

17. The Idaho Water Resource Board adopted the Payette River Plan, which designates both the upper and lower reaches on the North Fork of the Payette River as recreational rivers. The Payette River Plan expresses an intent to preserve the recreational, aesthetic and fish and wildlife values that are inherent to the North Fork of the Payette River.

18. The Payette River plan specifically states that the benefits of preserving the outstanding scenic recreational, and fish and wildlife uses and value of the Payette River outweigh the potential benefits to be derived from the proposal hydropower developments.

19. One witness, a resident of Cascade, expressed the opinion that storage from Cascade Reservoir might need to be acquired to supply a continuous flow of 400 cfs in the upper reach.

20. Downstream irrigation interest expressed concern that acquisition of Cascade Reservoir storage might jeopardize their storage rights during low water years.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that streamflow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality when made pursuant to the minimum streamflow statutes, is

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JAN 14 1994

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 streamflow:

Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in 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 streamflow:

- (a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum streamflow filed under the provisions of this act;
- (b) is in the public, as opposed to private, interest;
- (c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;
- (d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and
- (e) is capable of being maintained as evidenced by records of streamflows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

3. Any right to be 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 respective filing dates of the applications set forth in the findings of fact.

4. The requested minimum streamflows are capable of being maintained, except to the extent that possible approval of application no. 65-12779 could reduce available flows in the lower reach below the requested minimum streamflow.

5. The proposed minimum streamflow appropriations under applications 65-12839 and 65-13059 are necessary to preserve recreational and aesthetic values, and to protect fish habitat including spawning and egg incubation.

PROPOSED MEMORANDUM DECISION AND ORDER

Page - 8

MISSOURI MED

JAN 14 1994

6. The minimum streamflows proposed by applications nos. 65-12839 and 65-13059 are in the public as opposed to the private interest.

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

8. The Director should retain sufficient flexibility that the parameters of a minimum streamflow may be changed to respond to proven public interest. Municipal or domestic uses within the watershed should not be stifled by a minimum streamflow. The recreational value of the area may be enhanced by communities and recreational property owners along the river. Communities and recreational property owners should have access to an easily available source of water for municipal and domestic use.

9. This minimum streamflow should not be used as a mechanism to acquire storage, the release of which may jeopardize downstream irrigation interests.

ORDER

IT IS HEREBY ORDERED that applications for permit nos. 65-12839 and 65-13059 are APPROVED subject to the following conditions:

1. Use of water under these permits 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 April 5, 1988, for application no. 65-12839, and May 1, 1989, for application no. 65-13059.

2. Use of water under these permits 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 the North Fork of the Payette River, such measuring devices shall be permanently installed and maintained as specified by the Director.

PROPOSED MEMORANDUM DECISION AND ORDER

Page - 9

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JAN 14 1994

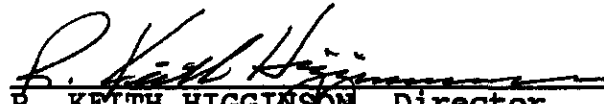
4. The Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth 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 streamflow may be submitted immediately following concurrence by the legislature as required by Idaho Code § 42-1503.

6. The minimum streamflows are subject and subordinate to future appropriations of water from the North Fork of the Payette River and its tributaries for municipal and domestic purposes within the minimum flow watershed.

7. The approval of these applications should not be used as a basis for acquiring storage water from Cascade Reservoir to enhance minimum streamflows.

Dated this 30th day of DECEMBER, 1991.


R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

RECEIVED

JAN 14 1994

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of December, 1991, I mailed a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

Shirley Lindstrom
1555 Shoreline Dr.
Suite 200
Boise, ID 83702

Dept. of Parks and Recreation
Rinda Just
Statehouse Mail
Boise, ID 83720

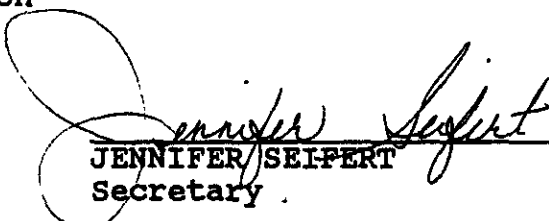
Wendy Wilson
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

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

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

Jo Beeman
Davis, Wright, Tremaine
702 W. Idaho
Boise, ID 83701

Peter R. Anderson
Natural Resources Division
Statehouse Mail
Boise, ID 83720


JENNIFER SEIFERT
Secretary

MICROFILMED

JAN 14 1994

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

IN THE MATTER OF APPLICATIONS FOR PERMIT
NOS. 65-12839 AND 65-13059 (NORTH FORK PAYETTE
RIVER) TO ESTABLISH A MINIMUM STREAMFLOW IN THE
NAME OF THE IDAHO WATER RESOURCE BOARD

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

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

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

I.
EXCEPTIONS

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

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

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

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

NOTED

JAN 14 1994

III.

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

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

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

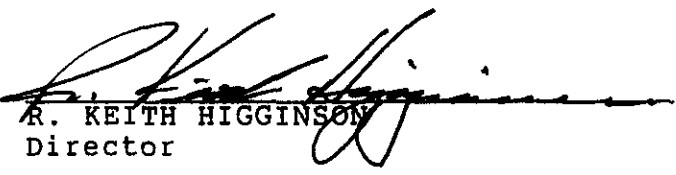
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 4TH day of DECEMBER, 19 91.


R. KEITH HIGGINSON
Director

JAN 14 1994

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

IN THE MATTER OF APPLICATIONS FOR	)	
	)	
PERMIT NOS. 65-12839 AND 65-13059	)	
	)	
(NORTH FORK PAYETTE RIVER) TO	)	PROPOSED MEMORANDUM
	)	DECISION AND ORDER
ESTABLISH A MINIMUM STREAMFLOW IN THE	)	
	)	
NAME OF THE IDAHO WATER RESOURCE BOARD	)	
	)	

On October 7, 1991, the Department of Water Resources (Department) conducted a hearing for two applications for permits to appropriate water to establish a minimum streamflow, numbered in the Department records as 65-12839 and 65-13059. The applications seek establishment of minimum streamflows in the North Fork of the Payette River. Parties appearing in a formal capacity included the Idaho Water Resource Board (Board), Consolidated Pumped Storage, Inc. (Consolidated), and the Idaho Department of Fish and Game (Fish & Game).

The hearing officer, having been appointed by the Director of the Department, and having reviewed all of the evidence, proposes the following findings, conclusions and order:

FINDINGS OF FACT

1. Vital information regarding the two minimum streamflow applications is summarized below:

Application for Permit No. 65-12839

Filing date:	April 5, 1988
Rate of flow:	294 cfs from October 13 through March 15; 100 cfs from March 16 through June 17.
Location:	Beginning at the Cabarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 31, T13N, R4E, B.M., and extending approximately 10 miles downstream to the Smiths Ferry Bridge, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T11N, R3E, B.M., near Smiths Ferry, ~~Blaine~~ Valley County.

JAN 14 1994

Purpose: Aesthetics, recreation, and fisheries maintenance, including fish spawning and egg incubation.

Application for Permit No. 65-13059

Filing date: May 1, 1989

Rate of flow: 400 cfs from September 2 through April 30

Location: Beginning at the Smiths Ferry Bridge, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T11N, R3E, and extending approximately 17 miles downstream to the confluence of North Fork of the Payette River with the Main Payette River, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T9N, R3E, B.M., Boise County.

Purpose: Recreation, aesthetics, fishery maintenance, spawning and egg incubation.

2. Application no. 65-12839 proposes to add to the minimum streamflow in the Cabarton to Smiths Ferry reach already established by permit no. 65-12822. The application would add 294 cfs to an existing minimum streamflow of 106 cfs for a total of 400 cfs from October 13 through March 15, and would add 100 cfs to an existing minimum streamflow of 500 cfs for a total of 600 cfs from March 16 through June 17.

3. Application no. 65-13059 proposes a new minimum streamflow for the Smiths Ferry to Banks reach from September 2 through April 30.

4. The United States Geological Survey (USGS) maintains a gauging station below Cascade Reservoir and another gauging station approximately three miles upstream from Banks. The Banks gauging station is located within the Smiths Ferry to Banks reach (lower reach). Data gathered at the Banks gauging station is representative of flows in the lower reach.

5. The Cascade gauge is located upstream from the Cabarton to Smiths Ferry reach (upper reach). The Banks gauge is located downstream of the upper reach. A substantial drainage area drains to the North Fork of the Payette River below the Cascade gauge and into the upper reach. In contrast, the drainage area between Smiths Ferry and Banks is smaller and contributes very

JAN 14 1994

little additional flow to the North Fork of the Payette. Data gathered at the Banks gauging station more accurately represents flows in the upper reach than the data gathered at the Cascade gauging station.

6. The Bureau of Reclamation is required to release at least 200 cfs at all times of the year to satisfy earlier-in-time rights owned by Idaho Power Co.

7. IDWR Exhibit #1 graphically depicts the availability of flow using the Banks gauge. For the period of October 16 through March 15, a total flow of 400 cfs is available at least 50% of the time.

8. During the period of March 16, through June 15, a flow rate of 600 cfs is recorded approximately 70% of the time.

9. Modeling of the relationship between streamflows and fish habitat performed by Fish & Game in an earlier study concluded that a flow rate of 106 cfs from October 13 through March 15, and 500 cfs from March 16 through June 17 are the streamflows at which any further incremental reduction of flows will cause a significant reduction in fish habitat, including spawning and egg incubation. These minimum streamflows have already been established by water right permit no. 65-12822.

10. Fish & Game witnesses testified that the prior study only established sufficient flows to allow fish to live in the river, but did not establish a minimum streamflow that would maintain a viable, fishable population. Flow rates in excess of those already established are necessary to maintain a fishable population. The prior minimum streamflows also do not account for icing conditions in the river, which would further reduce the habitat at a flow of 106 cfs.

11. The upper reach is a high quality fishery which produces large, wild rainbow trout. The upper reach is one of a few streams in southwestern Idaho which offers anglers the chance to catch large, wild trout with high frequency.

12. The upper reach is used extensively by novice and commercial whitewater boaters. The lower reach is a world class section of whitewater.

13. The lower reach maintains a significant population of trout, and provides angling opportunity for fishermen, particularly after irrigation releases from Cascade are reduced in the fall and winter.

WIPPOWAT

JAN 14 1994

14. U.S. Highway 55 parallels the entire lower reach, and a substantial portion of the upper reach. U.S. Highway 55 has been designated a scenic route in the State of Idaho. Flow rates of at least 400 cfs are minimum flows for continued designation of the scenic highway.

15. Communities and recreational developments within the hydrologic basin draining to the minimum flow reach on the North Fork of the Payette River need a source of water for future municipal and domestic purposes. Reservation of sufficient water from the North Fork of the Payette River and its tributaries for future municipal and domestic uses within the minimum flow reach drainage is in the public interest.

16. Applications for permits proposing diversion of water propose diversion within the minimum streamflow reach as well as upstream from the minimum flow reaches on the North Fork of the Payette River and its tributaries. Most of the applications propose small domestic, stockwater or irrigation uses. One application, however, now owned by Gem Irrigation District, proposes the diversion of 2200 cfs from the North Fork of the Payette River downstream from Smiths Ferry where the canyon narrows. Consolidated, a consultant for Gem Irrigation, stated at the hearing that water would be pumped to a peaking reservoir located in High Valley, and would discharge through a penstock to a hydropower plant located approximately at Banks. The hydropower filing, numbered 65-12779, was submitted to the Department on August 11, 1986. Application no. 65-12779 was filed earlier than any of the minimum streamflow filings.

17. The Idaho Water Resource Board adopted the Payette River Plan, which designates both the upper and lower reaches on the North Fork of the Payette River as recreational rivers. The Payette River Plan expresses an intent to preserve the recreational, aesthetic and fish and wildlife values that are inherent to the North Fork of the Payette River.

18. The Payette River plan specifically states that the benefits of preserving the outstanding scenic recreational, and fish and wildlife uses and value of the Payette River outweigh the potential benefits to be derived from the proposal hydropower developments.

19. One witness, a resident of Cascade, expressed the opinion that storage from Cascade Reservoir might need to be acquired to supply a continuous flow of 400 cfs in the upper reach.

JAN 14 1994

20. Downstream irrigation interest expressed concern that acquisition of Cascade Reservoir storage might jeopardize their storage rights during low water years.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that streamflow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, and water quality when made pursuant to the minimum streamflow 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 streamflow:

Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in 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 streamflow:

- (a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum streamflow filed under the provisions of this act;
- (b) is in the public, as opposed to private, interest;
- (c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;
- (d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and
- (e) is capable of being maintained as evidenced by records of streamflows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

3. Any right to be 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 respective filing dates of the applications set forth in the findings of fact.

JAN 14 1994

4. The requested minimum streamflows are capable of being maintained, except to the extent that possible approval of application no. 65-12779 could reduce available flows in the lower reach below the requested minimum streamflow.

5. The proposed minimum streamflow appropriations under applications 65-12839 and 65-13059 are necessary to preserve recreational and aesthetic values, and to protect fish habitat including spawning and egg incubation.

6. The minimum streamflows proposed by applications nos. 65-12839 and 65-13059 are in the public as opposed to the private interest.

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

8. The Director should retain sufficient flexibility that the parameters of a minimum streamflow may be changed to respond to proven public interest. Municipal or domestic uses within the watershed should not be stifled by a minimum streamflow. The recreational value of the area may be enhanced by communities and recreational property owners along the river. Communities and recreational property owners should have access to an easily available source of water for municipal and domestic use.

9. This minimum streamflow should not be used as a mechanism to acquire storage, the release of which may jeopardize downstream irrigation interests.

ORDER

IT IS HEREBY ORDERED that applications for permit nos. 65-12839 and 65-13059 are APPROVED subject to the following conditions:

1. Use of water under these permits 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 April 5, 1988, for application no. 65-12839, and May 1, 1989, for application no. 65-13059.

JAN 14 1994

2. Use of water under these permits 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 the North Fork of the Payette River, such measuring devices shall be permanently installed and maintained as specified by the Director.

4. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Any person seeking review and amendment of the permit or license shall file a request with the Board, which request shall described the amendment sought, the reasons for the proposed amendment, and a statement of the change in circumstances since the permit or license was issued or last reviewed that merit a review of the permit or license. A copy of the petition shall be served upon the Director of the Department of Water Resources. The Board, 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 person 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 streamflow may be submitted immediately following concurrence by the legislature as required by Idaho Code § 42-1503.

6. The minimum streamflows are subject and subordinate to future appropriations of water from the North Fork of the Payette River and its tributaries for municipal and domestic purposes within the minimum flow watershed.

7. The approval of these applications should not be used as a basis for acquiring storage water from Cascade Reservoir to enhance minimum streamflows.

RECEIVED

JAN 14 1994

Dated this 4th day of December, 1991.

Gary Spackman
GARY SPACKMAN, Hearing Officer
Idaho Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of December, 1991, I mailed a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

Shirley Lindstrom
1555 Shoreline Dr.
Suite 200
Boise, ID 83702

Dept. of Parks and Recreation
Rinda Just
Statehouse Mail
Boise, ID 83720

Wendy Wilson
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

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

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

Jo Beeman
Davis, Wright, Tremaine
702 W. Idaho
Boise, ID 83701

Jennifer Seifert
JENNIFER SEIFERT
Secretary

JAN 14 1992

Ident No 65-13059



MAY 01 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Idaho Water Resource Board Phone 208-327-7900

Post office address Statehouse Mail, Boise, ID 83720

* *Point of Beginning* 2. Source of water supply North Fork Payette River which is a tributary of Payette River
Min. stream flow reach is from Smiths Ferry Bridge
3. *Point of Ending* Location of point of diversion is SW 1/4 of NE 1/4 of Govt. Lot 4

Sec. 10 Township 11N Range 3E B.M. Valley County Boise additional
to confluence with Middle Fork Payette River
Point of Ending points of diversion if any: SE 1/4, SE 1/4, Section 29, T 9N R 3E Boise County, Idaho
Govt. Lot 2

4. Water will be used for the following purposes:

per 5/16/89
* ~~Recreation, aesthetics, fishery maintenance, spawning~~ SEPTEMBER 2
Amount 400 for and egg incubation purposes from October 1 to April 30 (both dates inclusive)
(cfs or acre-feet per annum) Minimum instream flow
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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 400 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. no diversion flow is to be used
instream.

b. Height of storage dam n/a 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 n/a inches; proposed depth of well is _____ feet.

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
n/a years (minimum 1 year).

* *per IDWR format (6/5/89, SL)*
and topo maps.

JAN 14 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. ~~recreation, aesthetics, fishery maintenance, spawning, and egg incubation.~~ Minimum instream flow *

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. n/a

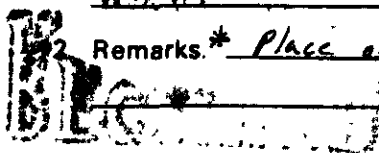
11. a. Who owns the property at the point of diversion? n/a

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

(1605) c. If the property is owned by a person other than the applicant, describe the arrangement entabling the applicant to make this filing. n/a

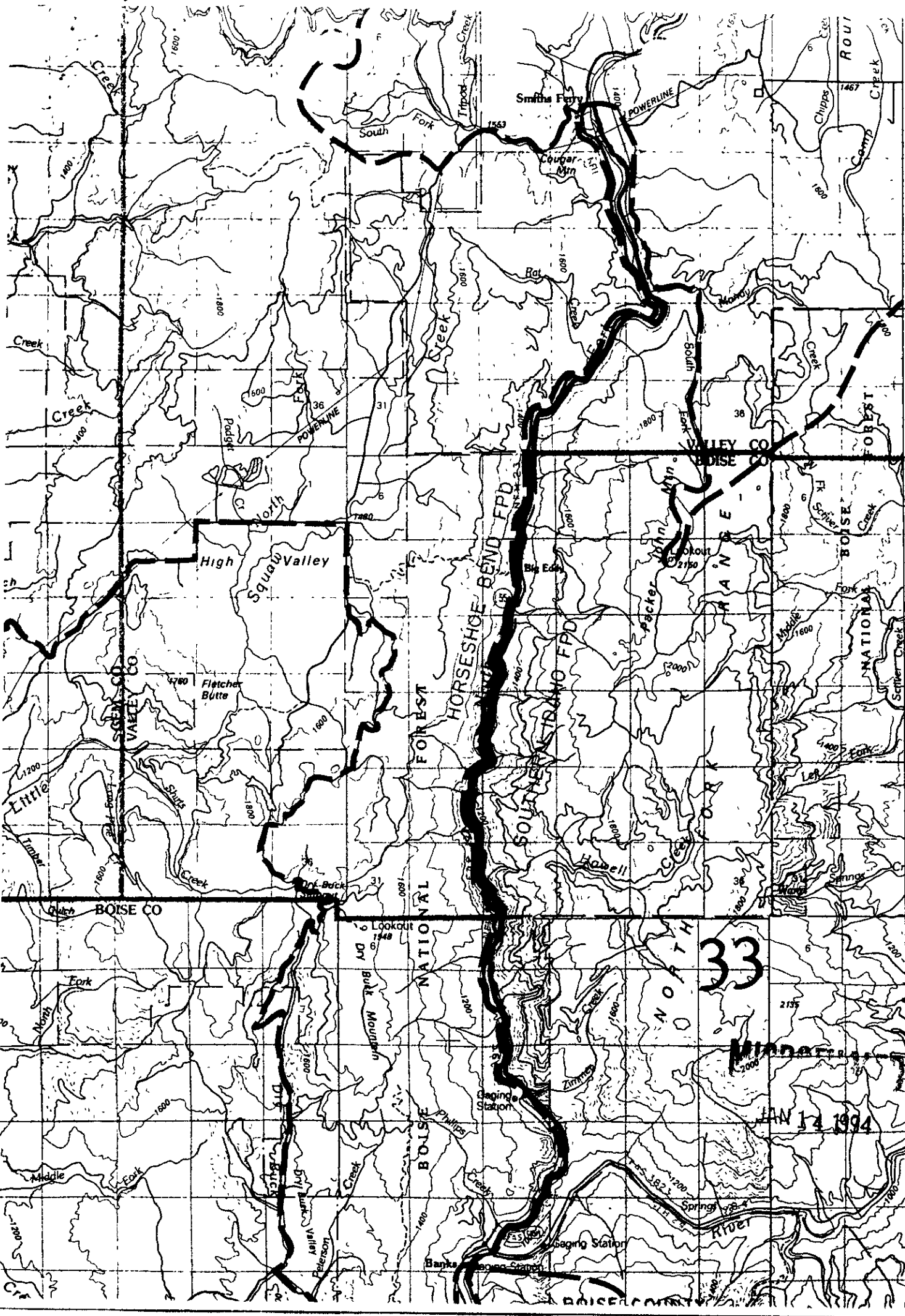
11.11

Remarks: * Place of use includes reach identified in points of diversion.



MINORITIES

* per Iowa format 6/5/89, 82. JAN 14 1994

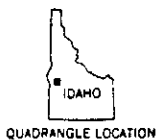
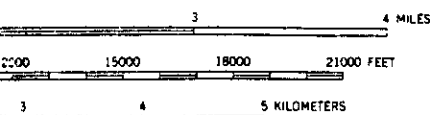
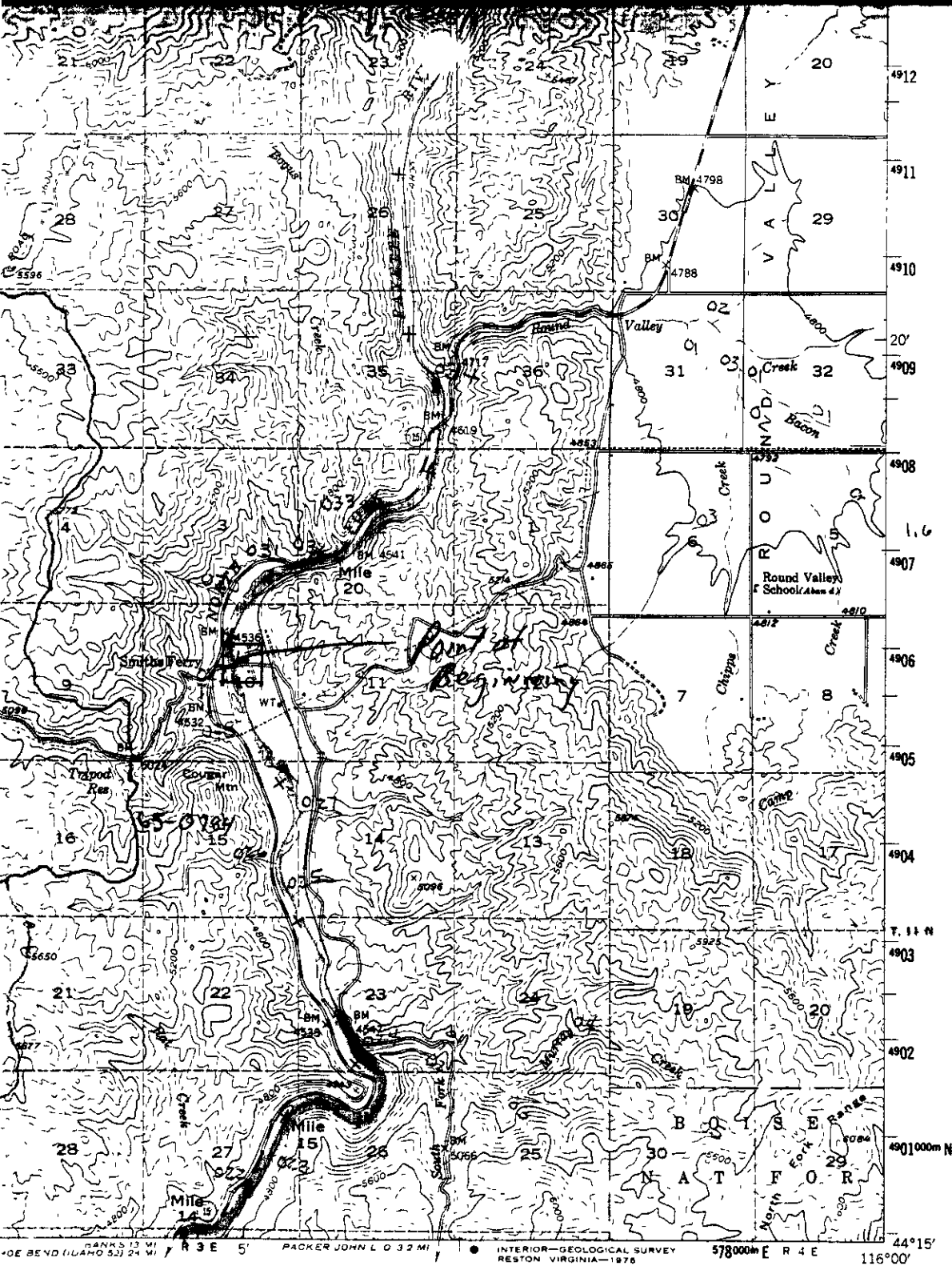


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15'
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900
925
T 9 N

33

MINN
JAN 14 1994

65-13059
MAPS
Pg. 1 of 3



ROAD CLASSIFICATION

Heavy duty	4 LANE	Light duty
Med um duty	2 LANE	Unimproved dirt

U S Route State Route

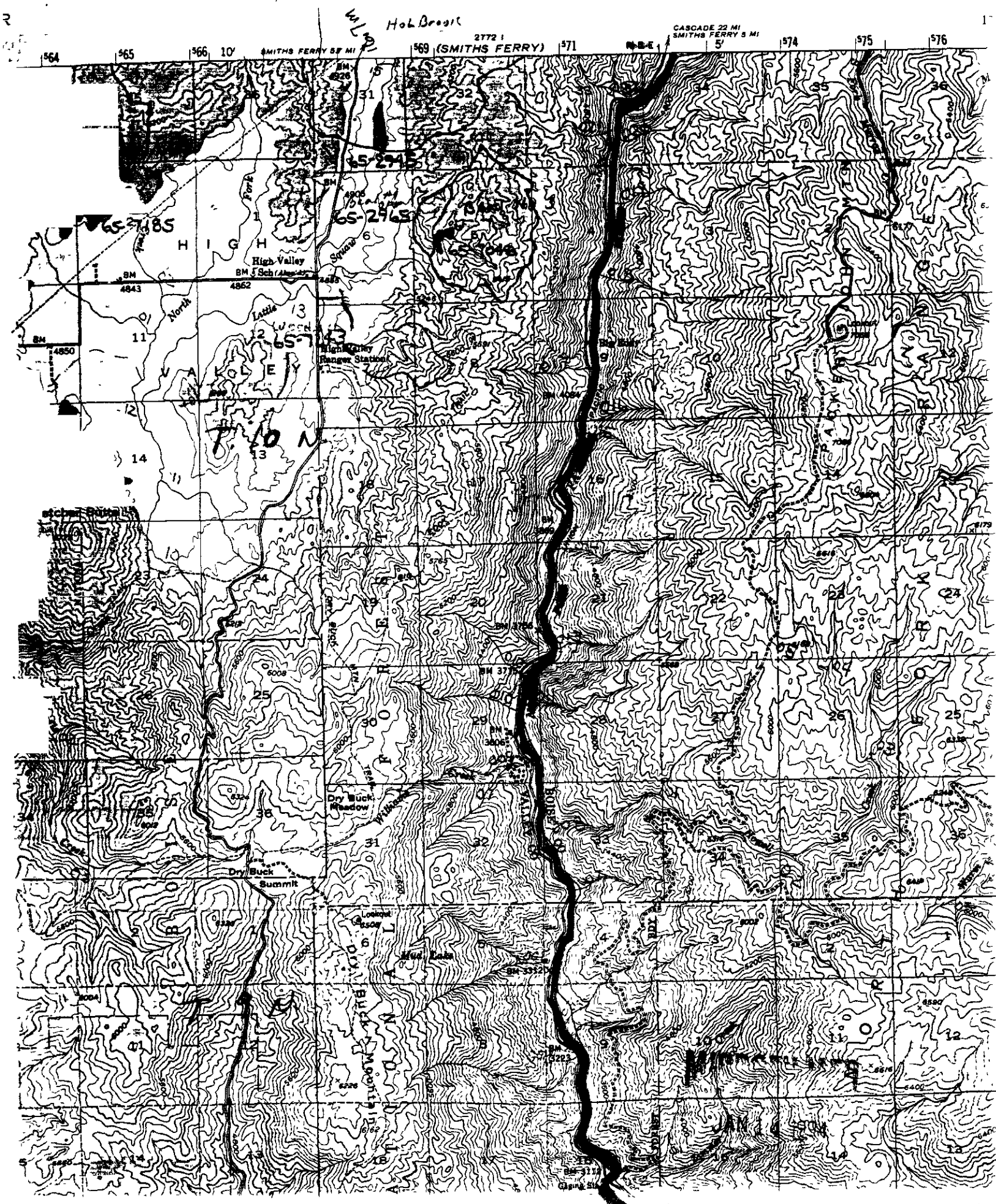
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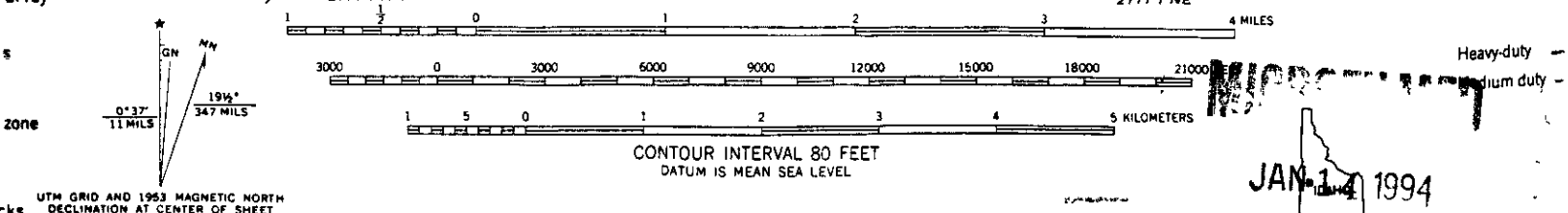
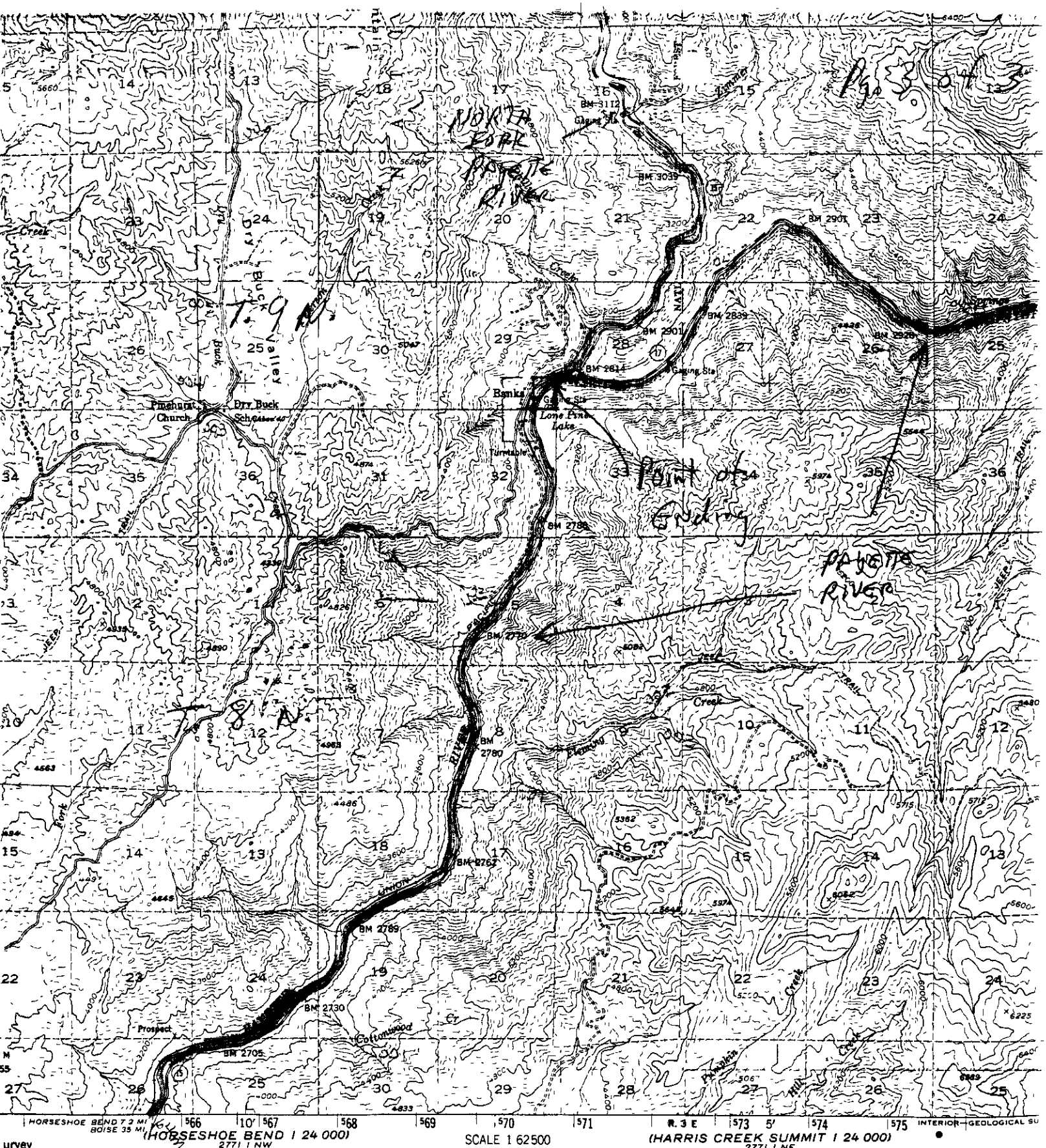
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THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U S GEOLOGICAL SURVEY DENVER, COLORADO 80225 OR WASHINGTON, D C 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

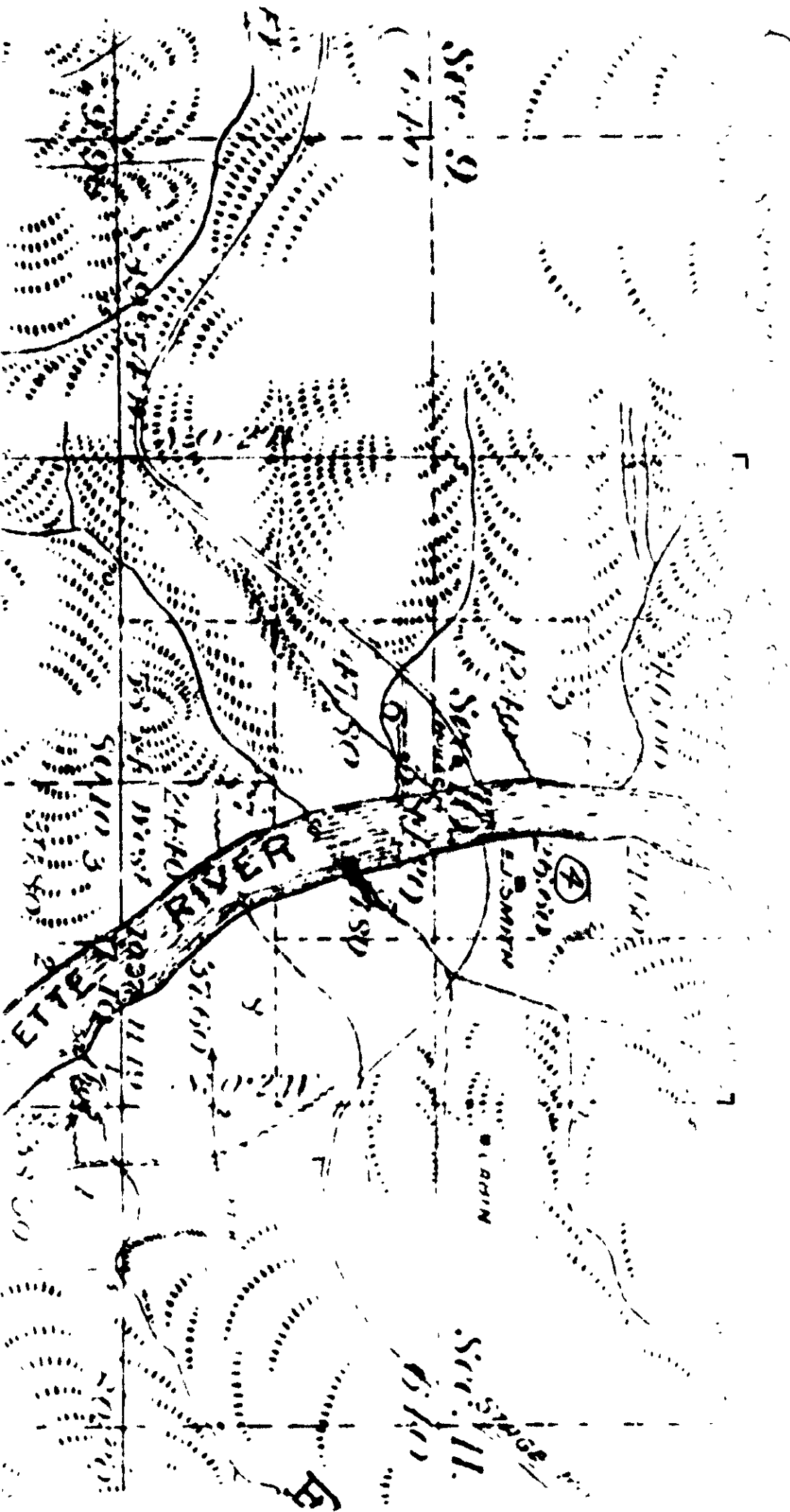
JAN 14 1994
 QUADRANGLE LOCATION

Point of
Beginning

236

June 2-4

JAN 14 1994



65-13059
T9N
R3E
S29
Jesse L.

NO. 9 W

EAST

NORTH

S. 30.50

181.30

181.30

ATTACHMENT TO APPLICATION FOR PERMIT
TO APPROPRIATE A MINIMUM STREAM FLOW

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

This application will be subject to all senior permits and subject to the
existing operational conditions of Cascade Reservoir for the Bureau of
Reclamation.

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

This section of the North Fork is a popular white-water attraction. The greatest
single recreational use is observation of white water from vehicles driving
the state highway 55, which parallels this reach. Rainbow trout and mountain
whitefish provide angling opportunity year round in this river.

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

Recreational floating, white water viewing, and fish populations are
dependant upon maintenance of adequate instream flows.

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

A public hearing, conducted in November 1988, had testimony from approximately
50 people that stated much higher flows than the requested amount were needed
to provide adequate recreational opportunity. Minimum flow for recreational
aesthetics would be approximately 1300 cfs.

Microsoft

JAN 14 1994

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

Mean monthly flow records for the period of record for October through April
show that in all months the requested flow is exceeded. On a daily basis, for
the worst flow month (November), 400 cfs is exceeded 55% of the time.

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

North Fork Payette River gage station near Banks, #13246000, records
available since 1950.

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

No.

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

The North Fork Payette River was designated as an "interim protected river"
by the 1988 Idaho Legislature.

MICROFILMED

JAN 14 1994

See attached maps
74 6/6/89.

MISSOURI
JAN 14 1994

application for permit to appropriate the public waters of _____

 (Applicant)

(Chairman,
Id. WRB)

Received by S.L. Gary S. Young Date 5/24/89 Time 1:15 p.m. Preliminary check by Gary S. Young
5/16/89 2:55 p.m.
Fee \$ N/A Receipted by N/A # N/A Date N/A
Publication prepared by GG Date 6-14-89 Published in Sn TN PR LM ST TA IN EM
Publication approved st Date 6/21 & 6/28/89 6/22 & 6/29/89
9-13-89

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. 65-13059, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

, January 1, 19 97.

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:

PURSUANT TO FINAL MEMORANDUM DECISION AND ORDER.

Dated this 30th day of December, 1991.


R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

MICROFILMED
JAN 14 1994

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF CORRECTION, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive week in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 19, 1989, and ended July 26, 1989.

Maggie Aganew
Subscribed and sworn before me this the 27th day of July, 1989.

STATE OF IDAHO

COUNTY OF VALLEY

On this 27th day of July, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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.

Tom Grote
Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1993

MICROFILMED

JAN 14 1994

Publisher's Affidavit of Publication

STATE OF IDAHO

SS

County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF MINIMUM INSTREAM FLOW, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began June 21, 1989, and ended June 28, 1989.

M. Aganew

Subscribed and sworn before me this the 29th day of June, 1989.

STATE OF IDAHO

COUNTY OF VALLEY

On this 29th day of June, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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.

Tom Grote

JAN 14 1994

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1993

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for minimum instream flow in Payette River, North Fork, a tributary to Payette River. The application is further described as follows:
Application NO. 65-13059
Source: Payette River, North Fork
Place of Use: Commencing at Smith's Ferry Bridge in T11N, R3E, S10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T19N, R3E, S29, Gov't Lot 2 (SESE).
Amount and Period of Use: 400 CFS from September 2, through April 30.
Propose of Minimum Instream Flow: Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No. 65-13060
Source: Payette River, South Fork
Proposed Priority: May 16, 1989
Place of Use: Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S32, Gov't Lots 3 & 3 (SWNW). Extending past the section line common to S. 31 & 32 at a point of T9N, R7E, S. 31 Gov't Lots 3 & 9 (NESE).

Amount and Period of Use
763 CFS Monday - Thursday, April 15, through August 31.
700 CFS Friday - Sunday, April 15, through August 31.
Propose of Minimum Instream Flow

Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a future hearing regarding the applications at a future time.
Gene M. Gray, Chairman, Idaho Water Resource Board
2/6/28

Affida of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 19989

I, Randa Capps McBain being first duly sworn upon oath, depose and say that I am Punk Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks

commencing with the issue dated June 22, 1989

and ending with the issue dated June 29, 1989

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-106 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 30 day of June in the year of 1989, before me,

a Notary Public, personally appeared Randa Capps McBain known or identified to me to be the person whose name subscribed to the within instrument, and who has duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Feltman

Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

RECORDED 177

JAN 14 1994

STATE OF IDAHO

County of Boise

}

Peter A. Wierenga, being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with Feb. 19 89 and ending with the issue of Feb. 19 89.

Peter A. Wierenga

STATE OF IDAHO

County of Boise

}

On this 26th day of June Feb 1989
in the year of 1989, before me, a
Notary Public, personally appeared
Peter A. Wierenga

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.

Peter A. Wierenga
Notary Public for Idaho

Boise, ID

Residing at

My commission expires: 9/14/94

JUN 14 1994

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly 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 MINIMUM INSTREAM
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 062289, or once a
DAY for 2 consecutive DAYS, the first
publication thereof being on the 062289, and the last pub-
lication thereof being on the 063089, and said
NOTICE OF MINIMUM INSTREAM

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

Sue Baumeister
SUBSCRIBED AND SWORN BEFORE ME THIS THE 30
day of June 1989

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

JAN 14 1994

Affidavit of publication

STATE OF IDAHO

COUNTY OF VALLEY

I, Fred K. O'Brien, being duly sworn deposes and says, I am the Publisher of *The Advocate*, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The *Advocate*, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began:

6-21, 1989
and ended 6-28, 1989

22 June 1989
Subscribed and sworn before me, this the
29th day of June, 1989

On this 29th day of June, 1989
I, a Notary Public in and for the State of Idaho, state that said person, Fred O'Brien, did in fact present me with this document and I did witness his signature on the document.

Raymond J. Lawrence
Raymond J. Lawrence, Notary Public residing at Cascade, Idaho

JAN 14 1994

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for ... two ... consecutive weeks, first publication having been made on the 22nd day of June , 19.89 .., last publication having been made on the 29th. day of June. , 19.89 .., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement

Subscribed and sworn to before me, this .. 30th . day of .. June. , 19. 89 .

Richard Hardy
Deon L. Napier
Notary Public

My commission expires . September 30, ..., 19. 94 .

Microfilm
JAN 14 1994

sent to SO.

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

81.72

Account Name Western Region Idaho Department of Water Resources			Account Number #47628		
Address 2735 Airport Way		City/State Boise, ID		Zip 83705	
Ordered By Judy Pense	PO. Number	Rate NT	Run Dates 1989 June 22, 29		
Identification Notice: Minimum Instream Flow			Estimated Inches		Real Inches
1 Number of Affidavits Requested					Legal Number #2936

RECEIVED
JUN 30 1989

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Department of Water Resources
Western Regional Office

Debbie Richards

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of June 22, 1989
and ending with the issue of June 29, 19 89

Debbie Richards

Subscribed and sworn to before me this 29th
day of June 1989

Michelle

JAN 14 1994

[Signature]
Notary Public for Idaho, Residing at Boise, Idaho

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF MINIMUM INSTREAM FLOW, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began June 21, 1989, and ended June 28, 1989.

M. Aganew
Subscribed and sworn before me this the 29th day of June, 1989.

STATE OF IDAHO

COUNTY OF VALLEY

On this 29th day of June, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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.

Tom Grobe
Tom Grobe
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1993

JAN 14 1994

Proof of Publication
The Post-Register

RECEIVED
OCT 8 1991

Department of Water Resources
Western Regional Office

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 19th day of September, 1991, last publication having been made on the 26th day of September, 1991, 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 2nd day of October, 1991.

Susan Nagman
Notary Public

My commission expires July 1st, 1997.

B10

RECEIVED

JAN 14 1994

NOTICE OF HEARING ✓
FOR APPLICATIONS
FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted applications for permit to the Department of Water Resources to appropriate water for minimum streamflows in the North Fork of the Payette River. The applications are further described as follows.

Source: North Fork Payette River
Application No.: 65-12839
Proposed Priority: April 5, 1988
Amount and Period of Use: 294 cfs from October 13 through March 15
100 cfs from March 16 through June 17
Purpose of Minimum Flow: Recreation, aesthetics and fish habitat.

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T13N, R4E, B.M., and extending downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, B.M., Valley County

Source: North Fork Payette River
Application No.: 65-130059
Proposed Priority: May 1, 1989
Amount and Period of Use: 400.0 cfs from September 2 through April 30
Purpose of Minimum Flow: Recreation, aesthetics, and fishery maintenance.

Place of Use: Commencing at Smith's Ferry Bridge in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 29, T9N, R3E, B.M., Valley County

The Director of the Department of Water Resources will hold a public hearing in the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, for the purpose of hearing evidence in regard to the applications. The hearing will commence at the hour of 1:30 p.m. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The Director will also receive public testimony regarding the North Fork of the Payette River filing the evening of Tuesday October 8, 1991, at a joint public hearing for both the North Fork and South Fork Payette Rivers. The hearing will be held at the Horseshoe Bend High school cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at the hour of 7:00 p.m.

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 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: September 19, 26, 1991

FOR MINIMUM
STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted applications for permit to the Department of Water Resources to appropriate water for minimum streamflows in the North Fork of the Payette River. The applications are further described as follows.

Source North Fork Payette River
Application No 65-12839
Proposed Priority April 5, 1988

Amount and Period of Use: 294 cfs from October 13 through March 15 100 cfs from March 16 through June 17.

Purpose of Minimum Flow. Recreation, aesthetics and fish habitat

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T13N, R4E, B.M., and extending downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, B.M. Valley County

Source North Fork Payette River
Application No. 65-13059
Proposed Priority May 1, 1989

Amount and Period of Use: 400.0 cfs from September 2 through April 30

Purpose of Minimum Flow. Recreation, aesthetics, and fishery maintenance

Place of Use Commencing at Smith's Ferry Bridge in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 29, T9N, R3E, B.M., Valley County

The Director of the Department of Water Resources will hold a public hearing in the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, for the purpose of hearing evidence in regard to the applications. The hearing will commence at the hour of 1:30 p.m. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code

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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 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.

KEITH HIGGINSON,
Director

Department of Water Resources

PUBLISH Thursday, September 19, and 26, 1991

And of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } ss.

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Brene Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated September 19, 1991, and ending with the issue dated September 26, 1991.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

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

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27 day of September in the year of 1991, before me,

Linda Capps McGuire personally appeared Linda Capps McGuire who being first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

JAN 14 1994

Notary Public for Idaho

Residing at

My commission expires:

Shirley R. Feltman

Twin Falls County

5/19/94

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date _____ INVOICE No. _____

Account No. _____

Description _____

Times _____ Lines _____

Tab Lines _____ 84 _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

\$ _____

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

I, _____, being duly sworn,

I am the _____ Legal Clerk

_____ Publishing Company, a corporation organized and existing
under the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
in Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly at least once a day for more than 21 consecutive
days immediately preceding the first publication of this notice, and
has been published uninterrupted for said period; that the

_____ OF HEARING

_____ and which is made a part of this affidavit was published in
the _____ Morning Tribune, _____ time(s). Publication be-
ginning on _____ 1991

_____ or once a
_____ for _____ consecutive _____ WEEKS, the first

of being on the _____ 09/19/91, and the last pub

lishing on the _____ 09/26/91, and said

_____ OF HEARING

_____ and in the regular and entire issue of said newspaper and
content thereof and was so published in every issue and
said paper, during the period and times of publication as



AND SWORN BEFORE ME THIS THE _____ 30 _____

day of _____ September _____

JAN 14 1994

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

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

Date 0922051 INVOICE No. L70008544
Account No. 964760 1035
Description 08544NOTICE
Times 2 Lines 42
Tab Lines 84

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
1735 AIRPORT WAY
BOISE
ID 83705

\$ 47.15

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

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

NOTICE OF HEARING
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 091991 or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 091991, and the last pub-
lication thereof being on the 092691, and said

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

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30
day of September 1991

PROCESSED

JAN 14 1994

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



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 2, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 65-13059

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

OCT 16 1995

**LICENSING REVIEW
MINIMUM STREAM FLOW**

RIGHT NO. 65-13059

Proof of beneficial use rec'd 3/2/94

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

Comments/adjustments _____

Printed license hand-edited _____

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13059

Reviewed by [Signature]

Date 3-29-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

min. 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

☐	Required?
☐	Amount Submitted
☐	Correct?

MEASURING DEVICE

☐	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 _____

Proof Made 3-2-94

March 29, 1994

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13059

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 WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

APR 19 1994

WR0749NP
No. P65-13059

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

DATE: 12/02/93
PAGE: 1

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) 327-7900	05/01/1989	MINIMUM INSTREAM FLOW	09-02 04-30	400.00 CFS	
TOTAL DIVERSION:					400.00 CFS	

Water Source: PAYETTE RIVER, NORTH FORK

Tributary to: PAYETTE RIVER

Stage: PERMIT

Point(s) of Beginning Stream Reach: T11N R03E S10 Lot 04(SW NE)
Point(s) of Ending Stream Reach: T09N R03E S29 Lot 02(SE SE)

Pou County:

Non-Irrigation Uses: INSTREAM FLOW INCLUDES RECREATION & OTHER WATER RELATED ITEMS

Other Rights: NONE

Remarks: 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 May 1, 1989.

Use of water under this permit shall be nonconsumptive. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on the North Fork of the Payette River, such measuring devices shall be permanently installed and maintained as specified by the Director.

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.

Proof of instream beneficial use of the minimum streamflow may be submitted immediately following concurrence by the legislature as required by Idaho Code § 42-1503.

The minimum streamflows are subject and subordinate to future appropriations of water from the North Fork of the Payette River and its tributaries for municipal and domestic purposes within

WR0749NP
No. P65-13059

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

DATE: 12/02/93
PAGE: 2

Remarks: the minimum flow watershed.
The approval of this application should not be used as a basis
for acquiring storage water from Cascade Reservoir to enhance
minimum streamflows.
See Final Memorandum Decision and Order for additional conditions
of approval.

Dates: App. Received: 05/01/1989 Priority Date: 05/01/1989
Proof Due Date: 04/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 12/02/93 ZIMMERMA

MEMORANDUM

TO: FILE 65-13059 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD;
MINIMUM STREAMFLOW FOR THE NORTH FORK PAYETTE RIVER

FROM: ^{Gary} GARY SPACKMAN

DATE: JULY 12, 1993

The Department timely submitted permit to appropriate water no. 65-13059 to the legislature as required by Idaho Code. The Senate approved a joint concurrent resolution approving the permit. The joint resolution was forwarded to the House Resources and Conservation Committee, where it was held and not sent to the full floor of the House of Representatives. Attached is a copy of the Senate concurrent resolution which was passed.

Idaho Code States the permit becomes finally effective unless the legislature affirmatively rejects the permit. As a result, permit no. 65-13059 was implicitly approved by the legislature because of default.

MICROFILMED

JAN 14 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 any stream to establish a minimum streamflow; and

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 65-13059 on December 30, 1991, by issuing a Final Memorandum Decision and Order authorizing the appropriation of a minimum streamflow in the North Fork Payette River of 400.0 cfs from September 2 through April 30. The minimum streamflow begins at the Smith Ferry Bridge in Government Lot 4 (SW1/4NE1/4), Section 10, T11N, R3E, and extending approximately 17 miles downstream to the confluence with the Payette River in Government Lot 2 (SE1/4SE1/4), Section 29, T9N, R3E.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first 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 Final Memorandum Decision and Order, dated December 30, 1991.

RECEIVED
JAN 14 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

January 9, 1992

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

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 37-08258 and 37-08307, Big Wood River; 36-8556,
South Thousand Springs Estuary; 36-8557, Sculpin Springs
Creek; 36-8558, Springs and Sand Springs Creek; 65-12839 and
65-13059, North Fork Payette River; 65-13060, South Fork
Payette River; 97-7308, North Fork East River

Dear Senator Crapo:

Enclosed please find copies of the above referenced
Applications for Permit. Enclosed with the applications are the
decisions and orders which conclude the administrative processing
of the applications.

As you are aware, Section 42-1503, Idaho Code, requires that
the applications be reviewed by the legislature. As defined by
statute, each application "(i) shall not become finally effective
until affirmatively acted upon by concurrent resolution of the
Idaho Legislature; or (ii) except that if the legislature fails
to act prior to the end of the regular session to which the
application was submitted, the application shall be considered
approved."

This letter constitutes submittal of the applications to the
legislature for approval. Please advise me if you desire further
information or presentation on the nature of the applications.

Sincerely,

R. KEITH HIGGINSON
Director

GS:RKH:js

Enclosures

cc. Legislative Council



JAN 14 1994

*Received 1/9/92
Joanne Smith*



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

January 9, 1992

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

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 37-08258 and 37-08307, Big Wood River; 36-8556,
South Thousand Springs Estuary; 36-8557, Sculpin Springs
Creek; 36-8558, Springs and Sand Springs Creek; 65-12839 and
65-13059, North Fork Payette River; 65-13060, South Fork
Payette River; 97-7308, North Fork East River

Dear Representative Boyd:

Enclosed please find copies of the above referenced
Applications for Permit. Enclosed with the applications are the
decisions and orders which conclude the administrative processing
of the applications.

As you are aware, Section 42-1503, Idaho Code, requires that
the applications be reviewed by the legislature. As defined by
statute, each application "(i) shall not become finally effective
until affirmatively acted upon by concurrent resolution of the
Idaho Legislature; or (ii) except that if the legislature fails
to act prior to the end of the regular session to which the
application was submitted, the application shall be considered
approved."

This letter constitutes submittal of the applications to the
legislature for approval. Please advise me if you desire further
information or presentation on the nature of the applications.

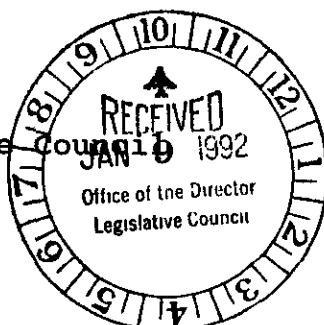
Sincerely,

R. KEITH HIGGINSON
Director

GS:RKH:js

Enclosures

cc. Legislative Council



Reid - Speaker's Office
1/9/92
T. Frank
JAN 14 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 31, 1991

Rinda Just
Dept. of Parks and Recreation
Statehouse Mail
Boise, ID 83720

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Ms. Just:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 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 31, 1991

Steve Goddard
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Mr. Goddard:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECEIVED
JAN 14 1994

JAN 14 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

December 31, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Jo Beeman
Davis, Wright, Tremaine
702 W. Idaho
Boise, ID 83701

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Ms. Beeman:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MAILED

JAN 14 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 31, 1991

Shirley Lindstrom
1555 Shoreline Dr.
Boise, ID 83702

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Ms. Lindstrom:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 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 31, 1991

Wendy Wilson
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Ms. Wilson:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 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 31, 1991

Peter R. Anderson
Natural Resources Division
Statehouse Mail
Boise, ID 83720

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Mr. Anderson:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

FILED
JAN 14 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 31, 1991

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

RE: Applications for Permit Nos. 65-12839 and 65-13059 in the
Name of the Idaho Water Resource Board to Establish Minimum
Streamflows in the North Fork Payette River

Dear Mr. Rydalch:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JAN 14 1994

SENT BY:

2-26-91 ; 9:02AM ;

Atty Gen -IDWR FAX #1

1



Post-It™ brand fax transmittal memo 7871		# of pages > 4
To Gary Spackman	From Peter R. Anderson	
Co.	Co. Natural Resources	
Dept.	Phone # 334-2400	
Fax # 327-7866	Fax # 334-2690	

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL
BOISE 83720-1000

LARRY ECHOHAWK
ATTORNEY GENERAL

TELEPHONE
(208) 334-2400

TELECOPIER
(208) 334-2530

NATURAL RESOURCES
TELECOPIER
(208) 334-2890

December 19, 1991

R. Keith Higginson
Director, Department of Water Resources
Statehouse Mail
1301 North Orchard Street
Boise, ID 83720-9000

Re: Exceptions to Proposed Decision and Order for application
for minimum streamflow nos. 65-12839 and 65-13059

Dear Director Higginson:

The Idaho Water Resource Board files this limited exception to the above-referenced Proposed Decision and Order. The Board's requested changes to paragraph 4 of the proposed Order are shown below in underline/strike format. These changes simply clarify what the Water Resource Board understands to be intent of the Director's original language; that the Department of Water Resources and Water Resource Board retain the respective functions assigned to them under Idaho Code §42-1501 et seq. if amendments are proposed for these minimum streamflow rights.

The Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. Any person seeking review-and-amendment-of-the-permit-or-license-shall file-a-request-with-the-Board,--which-request-shall describe-the-amendment-sought,--the-reasons-for-the proposed-amendment,--and-a-statement-of-the-change-in circumstances-since-the-permit-or-license-was-issued-or last-reviewed-that-merit-a-review-of-the-permit-or license.--A-copy-of-the-petition-shall-be-served-upon the-Director-of-the-Department-of-Water-Resources.

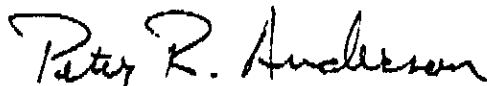
JAN 14 1994

R. Keith Higginson
December 19, 1991
Page 2

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 being the only exception to the Director's decision by the Water Resource Board, the Board hereby waives any opportunity to raise further exceptions during the fifteen (15) day period.

Very truly yours,



PETER R. ANDERSON
Deputy Attorney General
Attorney for the Water
Resources Board

cc: Bill Platts
Steve Goddard
Marc Auth
Rinda Just
Wendy Wilson

pa/msf001

RECEIVED

JAN 14 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

December 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Jo Beeman
Davis, Wright, Tremaine
702 W. Idaho
Boise, ID 83701

Dear Ms. Beeman:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 65-12839 and 65-13059. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on the North Fork of the Payette River.

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

Respectfully,

A handwritten signature in cursive script that reads 'Gary Swackman'.

GARY SWACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

A faint, illegible stamp, possibly a date or reference number.

JAN 14 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

December 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

Dear Mr. Goddard:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 65-12839 and 65-13059. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on the North Fork of the Payette River.

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

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

REC-110

JAN 14 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

December 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dept. of Parks and Recreation
Rinda Just
Statehouse Mail
Boise, ID 83720

Dear Ms. Just:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 65-12839 and 65-13059. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on the North Fork of the Payette River.

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

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 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

December 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Wendy Wilson
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

Dear Ms. Wilson:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 65-12839 and 65-13059. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on the North Fork of the Payette River.

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

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 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

December 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Shirley Lindstrom
1555 Shoreline Dr.
Suite 200
Boise, ID 83702

Dear Ms. Lindstrom:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 65-12839 and 65-13059. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on the North Fork of the Payette River.

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

Respectfully,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14



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

December 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dave Rydalch
Rt. 2 Box 108
St. Anthony, ID 83445

Dear Mr. Rydalch:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 65-12839 and 65-13059. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on the North Fork of the Payette River.

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

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JAN 14 1994



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL
BOISE 83720-1000

LARRY ECHOHAWK
ATTORNEY GENERAL

November 12, 1991

TELEPHONE
(208) 334 2400

TELECOPIER
(208) 334 2530

NATURAL RESOURCES
TELECOPIER
(208) 334 2690

Josephine Beeman
Davis, Wright, Tremaine
702 W. Idaho Street, Ste. 700
Boise, Idaho 83702

Re: Minimum Stream Flow Application No. 65-12839 and
No. 65-13059

Dear Ms. Beeman:

I have enclosed the letter from Stephen Mealey, Forest Supervisor of the Boise National Forest describing the appeal status of the Boise National Forest Plan with respect to the North Fork of the Payette River.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Peter R. Anderson".

Peter R. Anderson
Deputy Attorney General
Natural Resource Division

PRA/pb
Encl.

cc: Gary Spackman, Dept. of Water Resources (w/out encl.)
Steve Goddard, Dept. of Fish and Game (w/encl.)

RECORDED

JAN 14 1994

United States
Department of
Agriculture

Forest
Service

Boise
National
Forest

1750 Front Street
Boise, ID 83702

Reply to: 1570

Date: November 6, 1991

RECEIVED
NOV 06 1991

Department of Water Resources

RECEIVED
NOV - 5 1991
OFFICE OF THE
ATTORNEY GENERAL

Mr. Peter Anderson
Deputy Attorney General
Idaho Statehouse
Room 210
Boise, ID 83720

Dear Mr. Anderson:

This letter documents the current status of the Boise National Forest Appeals of the Land and Resource Management Plan (Forest Plan), and the status of the sections of the Forest Plan that deal with Wild and Scenic Rivers.

The Chief of the Forest Service has reviewed all of the Forest Plan Appeals except four: three timber industry appeals and one appeal by Columbia River Intertribal Fish Commission dealing with anadromous fish habitat issues. The Regional Forester and Forest Supervisor were affirmed on all of the appeals reviewed, including the two appeals that addressed Wild and Scenic Rivers.

The determination of Wild and Scenic River eligibility (Appendix D), and the Management Area Direction for the North Fork of the Payette River (page IV-392), have not been changed as a result of any Forest Plan Appeals. Furthermore, these sections are not under appeal in the four remaining appeals.

I hope this information clarifies our current status regarding Forest Plan Appeals and Management Direction regarding Wild and Scenic Rivers.

Please contact Bob Giles, Forest Appeals Coordinator if you need further information. Thank you for your interest in the management of the Boise National Forest.

Sincerely,

for Allan G. McLamb
STEPHEN P. MEALEY
Forest Supervisor

cc:

Emmett RD
Cascade RD
Lowman RD

JAN 14 1994



Caring for the Land and Serving People

INTER-DEPARTMENT MEMO

TO: file # 65-13839

SUBJECT: _____

FROM: JJ

DATE: 10/18/91

Please refer to file # 65-13839 for
hearing tapes and Exhibits pertaining
to the above referenced file.

RECORDED

JAN 14 1994

() For your information

() Response required

J. J. [Signature]
signature



CONSOLIDATED PUMPED STORAGE, INC.

A Subsidiary of Consolidated Hydro, Inc.

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OCT 02 1991

Department of Water Resources

October 2, 1991

State of Idaho
Department of Water Resources
Attn: R. Keith Higginson - Director
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Minimum Stream Flows on the North Fork of the Payette River.

Dear Mr. Higginson:

This letter will serve as our notice of appearance. Consolidated Pumped Storage, Inc. wants to participate as a party in the Idaho Water Resource Board application for additional minimum stream flow on the North Fork of the Payette River.

Thank you.

Sincerely,

Shirley Lindstrom

MINNESOTA

JAN 14 1994

RECEIVED
OCT 02 1991

LARRY ECHOHAWK
ATTORNEY GENERAL

Stephen V. Goddard
W. Dallas Burkhalter
Deputy Attorneys General

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of the)
Minimum Streamflow)
Applications for the)
North Fork Payette River)
Nos. 65-12839 and 65-13059)
-----)

NOTICE OF APPEARANCE

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 Monday, October 7, 1991, in Cascade, Idaho.

DATED this 2nd day of October, 1991.


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

NOTICE OF APPEARANCE - P. 1

MICROFILMED

JAN 14 1994

RECEIVED
OCT 02 1991

Department of Water Resources

LARRY ECHOHAWK
ATTORNEY GENERAL

Stephen V. Goddard
W. Dallas Burkhalter
Deputy Attorneys General

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of the)
Minimum Streamflow)
Applications for the)
North Fork Payette River)

NOTICE OF APPEARANCE

Nos. 65-12839 and 65-13059)
-----)

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 Monday, October 7, 1991, in Cascade, Idaho.

DATED this 2nd day of October, 1991.


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

NOTICE OF APPEARANCE - P. 1

RECEIVED

JAN 14 1992



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

EXECUTIVE DIRECTOR

Wendy L. Wilson
Boise

BOARD OF DIRECTORS

Gail Ater
Gooding

Sally Chang
Northwest Dones
Lewiston

Doug Christensen
Ketchum

Bill Davidson
Pocatello

Carol Goble
Moscow

LuVerne Grussing
Cottonwood

Arch Mehrhoff
Boise

Gerald Sehlke
Idaho Falls

RECEIVED
OCT 02 1991

Department of Water Resources

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720-9000

October 1, 1991

Dear Mr. Spackman,

Idaho Rivers United respectfully requests to be a full party to the action on streamflow applications 65-13060, 65-13059, and 65-12839. This letter serves as our notice of appearance.

Thank you for your consideration.


Wendy L. Wilson
Executive Director

JAN 14 1994



CONSOLIDATED PUMPED STORAGE, INC.

A Subsidiary of Consolidated Hydro, Inc.

RECEIVED
OCT 02 1991

Department of Water Resources

October 2, 1991

State of Idaho
Department of Water Resources
Attn: R. Keith Higginson - Director
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Minimum Stream Flows on the North Fork of the Payette River.

Dear Mr. Higginson:

This letter will serve as our notice of appearance. Consolidated Pumped Storage, Inc. wants to participate as a party in the Idaho Water Resource Board application for additional minimum stream flow on the North Fork of the Payette River.

Thank you.

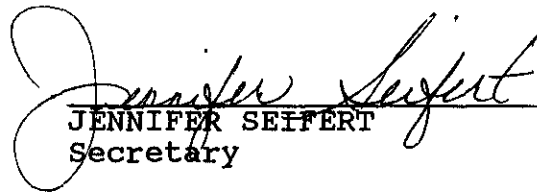
Sincerely,

Shirley Lindstrom

JAN 14 1994

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of September, I mailed a true and correct copy of the following letter, postage prepaid, to the attached list of individuals:


JENNIFER SEIFERT
Secretary

MICROFILMED

JAN 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 14, 1991

<name>

RE: Minimum Streamflow Applications for the North Fork Payette River, Nos. 65-12839 and 65-13059

Dear <sal>:

The Idaho Department of Water Resources will conduct a hearing on Monday October 7, 1991, to determine whether a minimum streamflow in the North Fork of the Payette River should be approved. The hearing will commence at the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, beginning at 1:30 p.m.

The Director will also receive public testimony regarding the North Fork of the Payette River filings on the evening of Tuesday October 8, 1991, at a joint public comment session for filings on both the North Fork and South Fork Payette Rivers. The comment session will be held at the Horseshoe Bend High School cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at 7:00 p.m.

Information describing the application is shown on the enclosed fact sheet. Also, enclosed is a brochure which describes the minimum flow procedure.

A notice of appearance must be filed with the Department at least five days (5) 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 also testify informally without filing a notice of appearance. Written comments may also be filed with the Department prior to the hearing.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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JAN 14 1994

Department of Lands
1215 W. State
Boise, ID 83720-7000

Department of Health and Welfare
450 W. State
Boise, ID 83720

Health and Welfare
Division of Environmental Quality
1410 N. Hilton
Boise, ID 83706

MICROFILMED

JAN 14 1994

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

September 30, 1991

Contact: Gerald Grimmert
327-7900

FOR IMMEDIATE RELEASE:

WATER BOARD TO HEAR TESTIMONY ON NORTH-SOUTH FORK PAYETTE MINIMUM STREAM FLOWS

A series of public hearings on applications by the Idaho Water Resource Board for minimum stream flows on the North and South Forks of the Payette river will be held by the Idaho Department of Water Resources in Valley County beginning Oct. 7. The schedule of hearings is as follows:

North Fork applications 65-12839 and 65-13059 Oct. 7

at the Cascade Senior Citizens Center at 1:30 p.m.

South Fork (65-13060) application Oct. 8 at the

Horseshoe Bend City Hall 1:30 p.m.

North and South Fork (Joint Hearing) Oct. 8

at the Horseshoe Bend High School Cafeteria beginning
at 7:00 p.m.

Applications 65-12839 is for minimum stream flows on the North Fork and include 294 cfs. from Oct. 13 through March 15 and 100 cfs. from March 16 through June 17 for the purposes of recreation, aesthetics and fish habitat. The place of use begins at the Carbarton Road bridge and extends downstream to the Smith's Ferry bridge in Valley County.

Application 65-13059 is for minimum stream flow on the North Fork of 400 cfs. from Sept. 2 through April 3 for the purposes

JAN 14 1994

of recreation, aesthetics and fishery maintenance and would commence at Smith's Ferry bridge and extend to the confluence with the Payette River.

Application 65-13060 is for a minimum stream flow on the South Fork of the Payette River of 763 cfs Monday through Thursday and 700 cfs Friday through Sunday April 15 through August 31 for the purposes of recreation, aesthetics and aquatic habitat. This application would commence beginning at the upstream end of the Oxbow Bend approximately 1,056 yards downstream from the confluence of the Deadwood and South Fork Payette Rivers and extend downstream through the Oxbow approximately 200 yards downstream from the section line between sections 31 and 32.

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 N. Orchard St. Boise, Idaho 83720 five days prior to the hearings. 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 permit are issued they will be subject to all prior water rights. All hearings will be held pursuant to the provisions of Sections 42-1503 Idaho Code.

RECEIVED
JAN 14 1994

MINIMUM STREAMFLOW
Fact Sheet

Water Right No. 65-12839

Source: North Fork Payette River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Water Resource Board

Date Application Filed: April 5, 1988

Rate of Flow: 294.0 cfs from October 13 through March 15
100.0 cfs from March 16 through June 17

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11, (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T13N, R4E, B.M., and extending downstream to Smiths Ferry Bridge, located in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, B.M., Valley County.

Purpose: Recreation, aesthetics and fish habitat

Water Right No.: 65-13059

Source: North Fork Payette River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: May 1, 1989

Place of Use: Commencing at Smith's Ferry Bridge in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 29, T9N, R3E.

Purpose: Recreation, aesthetics, and fishery maintenance.

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JAN 14 1994

Public Hearing for Both Applications:

Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, beginning at 1:30 p.m.

The evening of Tuesday October 8, 1991, a joint public comment session will be held for both the North Fork and the South Fork Payette Rivers. The comment session will be held at the Horseshoe Bend High School cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at 7:00 p.m.

MICROFILMED
JAN 14 1984

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted an application for permit to the Department of Water Resources to appropriate water for a minimum streamflow in the North Fork of the Payette River. The application is further described as follows:

Source: North Fork Payette River

Application No.: 65-12839

Proposed Priority: April 5, 1988

Amount and Period of Use: 294 cfs from October 13 through March 15
100 cfs from March 16 through June 17

Purpose of Minimum Flow: Recreation, aesthetics and fish habitat.

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T13N, R4E, B.M., and extending downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, B.M., Valley County.

Source: North Fork Payette River

Application No.: 65-13059

Proposed Priority: May 1, 1989

Amount and Period of Use: 400.0 cfs from September 2 through April 30

Purpose of Minimum Flow: Recreation, aesthetics, and fishery maintenance.

Place of Use:

Commencing at Smith's Ferry Bridge in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 29, T9N, R3E.

*Public
Comment
file
filmed
here.*

JAN 14 1994

The Director of the Department of Water Resources will hold a public hearing in the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, for the purpose of hearing evidence in regard to the applications. The hearing will commence at the hour of 1:30 p.m. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The Director will also receive public testimony regarding the North Fork of the Payette River filing the evening of Tuesday October 8, 1991, at a joint public hearing for both the North Fork and South Fork Payette Rivers. The hearing will be held at the Horseshoe Bend High School cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at the hour of 7:00 p.m.

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 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.

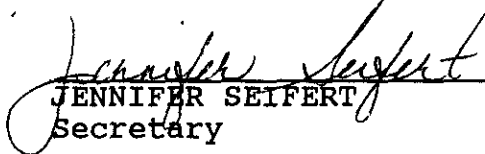
If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

JAN 14 1994

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of September, I mailed a true and correct copy of the following letter, postage prepaid, to the attached list of individuals:


JENNIFER SEIFERT
Secretary


JAN 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 14, 1991

<name>

RE: Minimum Streamflow Applications for the North Fork Payette River, Nos. 65-12839 and 65-13059

Dear <sal>:

The Idaho Department of Water Resources will conduct a hearing on Monday October 7, 1991, to determine whether a minimum streamflow in the North Fork of the Payette River should be approved. The hearing will commence at the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, beginning at 1:30 p.m.

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A notice of appearance must be filed with the Department at least five days (5) 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 also testify informally without filing a notice of appearance. Written comments may also be filed with the Department prior to the hearing.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

JAN 14 1994

<name>Wendy Wilson
P.O. Box 633
Boise, ID 83701
<sal>Ms. Wilson
<>

<name>Dave Rydalch
Idaho Water Resource Board
Rt. 2, Box 108
St. Anthony, ID 83445
<sal>Mr. Rydalch
<>

<name>Bill Platts
Idaho Water Resource Board
1603 Sunrise Rim Rd.
Boise, ID 83705
<sal>Mr. Platts
<>

<name>Rinda Just
Department of Parks and Recreation
Statehouse Mail
Boise, ID 83720
<sal>Ms. Just
<>

<name>Edward M. Wood
HC 71 Box 5000
Cascade, ID 83611
<sal>Mr. Wood
<>

<name>Idaho Dept. of Fish and Game
Steve Goddard
Statehouse Mail
Boise, ID 83720
<sal>Mr. Goddard
<>

<name>Cecil Hill
Noble Ditch Co.
6877 Custer Rd.
New Plymouth, ID 83655
<sal>Mr. Hill
<>

<name>Gem State Irrigation District
P.O. Box 67
Homedale, ID 83628
<sal>Protestant
<>

<name>Idaho Dept. of Fish and Game

JAN 14 1994

Cindy Robertson
Statehouse Mail
Boise, ID 83720
<sal>Ms. Robertson
<>

<name>Mary Lucachick
Dept. of Parks and Recreation
Statehouse Mail
Boise, ID 83720
<sal>Ms. Lucachick
<>

<name>Jo Beeman
Davis Wright Tremaine
702 West Idaho Street
Suite 700
Boise, ID 83702
<sal>Ms. Beeman
<>

<name>Valley County Commissioners
Cascade, ID 83611
<sal>Commissioner
<>

<name>Boise County Commissioners
Horseshoe Bend, ID 83629
<sal>Commissioner
<>

<name>Mr. and Mrs. Hasbrouck
Cascade, ID 83611
<sal>Mr. and Mrs. Hasbrouck
<>

<name>Burton O. Haverfield
P.O. Box 161
Culver, OR 97734
<sal>Mr. Haverfield
<>

<name>Mr. and Mrs. Cole
Star Route
Banks, ID 83602
<sal>Mr. and Mrs. Cole
<>

<name>State of Idaho
Department of Transportation
Division of Highways
P.O. Box 7129
Boise, ID 83720
<sal>Interested Party

JAN 14 1994

<>

<name>Mr. and Mrs. Angeli
HC 71 Box 44
Cascade, ID 83611
<sal>Mr. and Mrs. Angeli
<>

<name>Eltinge Hasbrouck
John Hasbrouck
Cascade, ID 83611
<sal>Gentlemen
<>

<name>Darwin Pancheri
Rt. 1
Melba, ID 83641
<sal>Mr. Pancheri
<>

<name>Frank Bilbao
P.O. Box 49
Cascade, ID 83611
<sal>Mr. Bilbao
<>

<name>MacGregor Land & Livestock Co.
200 Sunrise Rim
Boise, ID 83705
<sal>Gentlemen
<>

<name>Ray Nissula
P.O. Box 329
Cascade, ID 83611
<sal>Mr. Nissula
<>

<name>Boise Cascade Corp.
Timber & Wood Products
1010 Jefferson Street
Boise, ID 83702
<sal>Interested Party
<>

<name>Thomas J. Davis
Cascade, ID 83611
<sal>Mr. Davis
<>

<name>Idaho Power Co.
P.O. Box 70
Boise, ID 83721
<sal>Interested Party

JAN 14 1994

<>

<name>U.S. Dept. of Interior
BLM
424 Box 043
550 West Fort Street
Boise, ID 83724
<sal>Interested Party
<>

<name>Lowell D. Hammond
1230 Hartwood Point Dr.
Pasadena, CA 91107
<sal>Mr. Hammond
<>

<name>James H. Hait
P.O. Box 160
McCall, ID 83638
<sal>Mr. Hait
<>

<name>Lake Reservoir Co.
114 N. 8th St.
Payette, ID 83661
<sal>Interested Party
<>

<name>Delbert E. Colwell
4114 Hill Road
Boise, ID 83703
<sal>Mr. Colwell
<>

<name>Leonard Rowland
Box 809
McCall, ID 93638
<sal>Mr. Rowland
<>

<name>Robert V. Williamson
Box 1032
McCall, ID 93638
<sal>Mr. Williamson
<>

returned

<name>Rio Vista, Inc.
Box R
McCall, ID 83638
<sal>Interested Party
<>

<name>Gerald P. Rodwell
Box 156

RECEIVED

JAN 14 1994

Boise, ID 83701
<sal>Mr. Rodwell
<>

<name>John Rosentreter
4220 Libby
Boise, ID 83705
<sal>Mr. Rosentreter
<>

<name>Becky Arnold
4334 Libby
Boise, ID 83705
<sal>Ms. Arnold
<>

<name>Phil Lansing
1016 E. State
Boise, ID 83712
<sal>Mr. Lansing
<>

<name>Carl Abercrombie
5424 Hwy 52
Emmett, ID 83614
<sal>Mr. Abercrombie
<>

<name>Don Rising
HC 71 Box 2140
Cascade, ID 83611
<sal>Mr. Rising
<>

<name>Michael G. Orr
1316 N. 8th Apt. D
Boise, ID 83702
<sal>Mr. Orr
<>

<name>Jim and Connie Mayfield
P.O. Box 939
Cascade, ID 83611
<sal>Mr. and Mrs. Mayfield
<>

<name>Chuck Gossett
3611 Kipling Rd.
Boise, ID 83706
<sal>Mr. Gossett
<>

<name>Dan Davis
P.O. Box 987

MICROFILMED

JAN 14 1994

Cascade, ID 83611
<sal>Mr. Davis
<>

<name>Jock D. MacGregor
P.O. Box 5128
Boise, ID 83705
<sal>Mr. MacGregor
<>

<name>Matt & Lynn Miracle
~~Box 1368~~
McCall, ID 83638
<sal>Mr. and Mrs. Miracle
<>

<name>Marty Gangis
Box 1525
McCall, ID 83638
<sal>Interested Party
<>

<name>Robert Lokker
Box 847
Cascade, ID 83638
<sal>Mr. Lokker
<>

<name>F. Phillip Davis
HC 71 Box 2005
Cascade, ID 83611
<sal>Mr. Davis
<>

<name>Jeff Hennessy
3409 N. 39th
Boise, ID 83703
<sal>Mr. Hennessy
<>

<name>Dick Lymh
Route 1
Sweet, ID 83670
<sal>Mr. Lymh
<>

<name>Susan Bechdel
P.O. Box 823
McCall, ID 83638
<sal>Ms. Bechdel
<>

<name>Gusti Laidrew
P.O. 1771

returned

*4426 Larch St. #A
Mtn. Home AFB 83648-1105*

MIS

JAN 14 1994

McCall, ID 83638
<sal>Mr. Laidrew
<>

<name>Richard Goetsch
HC 76 Box 2873
Garden Valley, ID 83622
<sal>Mr. Goetsch
<>

<name>Michael Lyons
3747 Stonecreek Way
Boise, ID 83703
<sal>Mr. Lyons
<>

<name>Monette Baldwin
P.O. Box 392
Donnelly, ID 83615
<sal>Ms. Baldwin
<>

<name>Inez Colburn
P.O. Box 283
Donnelly, ID 83615
<sal>Ms. Colburn
<>

<name>Michael J. Johnson
P.O. Box 715
Cascade, ID 83611
<sal>Mr. Johnson
<>

<name>George Guarin
HC 71 Box 2155
Cascade, ID 83611
<sal>Mr. Guarin
<>

<name>Julie Rose
Box 1305
McCall, ID 83638
<sal>Ms. Rose
<>

<name>Don McClaran
Box 1794
McCall, ID 83638
<sal>Mr. McClaran
<>

<name>Roger Hopt
5875 Streamside Pl.

returned
MICROFILMED

JAN 14 1994

Boise, ID 83714
<sal>Mr. Hopt
<>

<name>Daniel L. Givens
~~1817 Eastman~~
Boise, ID 83702
<sal>Mr. Givens
<>

<name>Tony Brennan
1010 Resseguie
Boise, ID 83702
<sal>Mr. Brennan
<>

<name>Duane Vayhan
HC 76 Box 2976
Garden Valley, ID 83622
<sal>Mr. Vayhan
<>

<name>Dale Thuleen
HC 76 Box 4008
Garden Valley, ID 83622
<sal>Mr. Thuleen
<>

<name>Thomas Plehal
P.O. 662
Cascade, ID 83611
<sal>Mr. Plehal
<>

<name>Deborah Baldwin
P.O. Box 32
Garden Valley, ID 83622
<sal>Ms. Baldwin
<>

<name>Jake Putnam
P.O. Box 5407
Boise, ID 83707
<sal>Mr. Putnam
<>

<name>Paul P. King
2507 Chitwood Way
Boise, ID 83704
<sal>Mr. King
<>

<name>Robert R. Martin
P.O. Box 10

MISSING

JAN 14 1994

Smiths Ferry, ID 83668
<sal>Mr. Martin
<>

<name>Patrick Harren
Box 1268
McCall, ID 83638
<sal>Mr. Harren
<>

<name>John Cloninger
~~Box 505~~ *934 Marigold St.*
~~Cascade, ID 83611~~ *Box 83714 - 1145*
<sal>Mr. Cloninger
<>

<name>Bruce Olson
P.O. Box 32
Garden Valley, ID 83622
<sal>Mr. Olson
<>

<name>Larry Lampson
P.O. Box 355
Cascade, ID 83611
<sal>Mr. Lampson
<>

<name>Bill Clark
212 Eiden Drive
Boise, ID 83705
<sal>Mr. Clark
<>

<name>Bob Limbauch
Emmett, ID 83617
<sal>Mr. Limbauch
<>

<name>Dick Weenstra
1990 E. Black Canyon
Emmett, ID 83617
<sal>Mr. Weenstra
<>

<name>Leah Coash
Round Valley
Cascade, ID 83611
<sal>Mr. Coash
<>

<name>Bill and Verla Chisham
P.O. Box 935
Cascade, ID 83611

MISSING

JAN 14 1994

<sal>Mr. and Mrs. Chisham
<>

<name>Edward Walsh
11112 Cartridge St.
Boise, ID 83704
<sal>Mr. Walsh
<>

*212 Bacon Ave
83712 - 8203*

<name>Lynne Bringman
20 Barbara Drive
Middleton, ID 83644
<sal>Mr. Bringman
<>

returned

<name>Clyde McNeal
7103 Brentwood Dr.
Boise, ID 83709
<sal>Mr. McNeal
<>

<name>Keith Standley
5550 W. Blk. Wighway
Emmett, ID 83617
<sal>Mr. Standley
<>

<name>Don Craig
Box 125
Letha, ID 83636
<sal>Mr. Craig
<>

<name>Keith Shaw
4001 E. Main
Emmett, ID 83617
<sal>Mr. Shaw
<>

<name>Mr. and Mrs. Jarvis
Rt. 1, Box 50
McCall, ID 83638
<sal>Mr. and Mrs. Jarvis
<>

<name>Glenn Redmon
Rural Rt.
Cascade, ID 83611
<sal>Mr. Redmon
<>

<name>Ferne and Bob Krumm
P.O. Box 86
Lake Fork, ID 83635

MICROFILMED

JAN 14 1994

<sal>Mr. and Mrs. Krumm
<>

<name>Kathy Vaughan
HC 76 Box 2976
Garden Valley, ID 83622
<sal>Ms. Vaughan
<>

<name>Andy Olavarria
P.O. Box 13
McCall, ID 83638
<sal>Mr. Olavarria
<>

<name>Ron Frye
Box 72
New Meadows, ID 83654
<sal>Mr. Frye
<>

<name>Jeff Pargnett
Box 621
McCall, ID 83638
<sal>Mr. Pargnett
<>

<name>Mel Johnson
847 Gassett Pl.
Boise, ID 83704
<sal>Mr. Johnson
<>

<name>Madonna Lengerich
1418 Sherman
Boise, ID 83702
<sal>Ms. Lengerich
<>

<name>Bill Terry
1405 N. 23rd
Boise, ID 83707
<sal>Mr. Terry
<>

<name>Richard Wilson
4839 Sorrento
Boise, ID 83704
<sal>Mr. Wilson
<>

<name>Scott Montgomery
6947 W. Belhaven
Boise, ID 83703

returned

MICROFILMED

returned

JAN 14 1994

<sal>Mr. Montgomery
<>

<name>Charles M. Pegan
2686 Aster Ave.
Boise, ID 83704
<sal>Mr. Pegan
<>

<name>LaRae and Kevin Deats
10254 Ralph Ct.
Boise, ID 83709

returned

MICROFILMED
JAN 14 1994

<name>Warren E. Mount
HC 71 Box 2065
Cascade, ID 83611
<sal>Mr. Mount
<>

<name>George W. Cole
Box 7
Smiths Ferry, ID 83668
<sal>Mr. Cole
<>

<name>Loren Weston
Box 27
Smiths Ferry, ID 83668
<sal>Mr. Weston
<>

<name>Raymond L. Cooper
Box 61
Cascade, ID 83611
<sal>Mr. Cooper
<>

<name>Tom Menten
3425 Spiceland Drive
Boise, ID 83707
<sal>Mr. Menten
<>

<name>Eric Bechtel
Star News
McCall, ID 83638
<sal>Mr. Bechtel
<>

<name>Clair McMaster
Cascade, ID 83611
<sal>Ms. McMaster
<>

<name>David Simmonds
P.O. Box 1817
McCall, ID 83638
<sal>Mr. Simmonds
<>

<name>Curtis D. Carney
Box 9
Cascade, ID 83611
<sal>Mr. Carney
<>

RECORDED

JAN 14 1994

<name>Jack H. Hansen
214 Broadway USBR
Boise, ID 83703
<sal>Mr. Hansen
<>

<name>Ray Rice
4141 Nez Perce #101
Boise, ID 83705
<sal>Mr. Rice
<>

returned

<name>Larry Beskoon
7515 War Bonnet Dr.
Boise, ID 83709
<sal>Mr. Beskoon
<>

<name>Dick Scully
Box 905
McCall, ID 83638
<sal>Mr. Scully
<>

<name>Roger Smith
10832 Edna St.
Boise, ID 83704
<sal>Mr. Smith
<>

<name>Jim Jensen
12141 Edna Street
Boise, ID 83704
<sal>Mr. Jensen
<>

<name>Meyers Engineering Comapny, P.A.
Carl L. Meyers
750 Warm Springs Ave.
Boise, ID 83712
<sal>Mr. Meyers
<>

<name>Jack A. Weinberg
2056 Colorado
Boise, ID 83706
<sal>Mr. Weinberg
<>

returned

<name>Mark Auth
Intermountain Power
8969 Kiowa
Boise, ID 83709
<sal>Mr. Auth

MICROFILM

JAN 14 1994

<>

<name>Terry A. Haun
619 Haxel Ave.
Emmett, ID 83617
<sal>Senator Haun
<>

<name>Gayle Ann Wilde
P.O. Box 984
McCall, ID 83638
<sal>Representative Wilde
<>

<name>Judi Danielson
P.O. Box 724
Council, ID 83612
<sal>Representative Danielson
<>

<name>George Vance
25913 Jacks Rd.
Parma, ID 83660
<sal>Senator Vance
<>

<name>Lawrence Denney
2227 Denney Rd.
Midvale, ID 83645
<sal>Representative Denney
<>

<name>Bill Taylor
8367 Track Road
Nampa, ID 83686
<sal>Representative Taylor
<>

RECEIVED

JAN 14 1994

NOTICE OF HEARING FOR APPLICATIONS FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted ~~an~~ application for permit to the Department of Water Resources to appropriate water for ~~a~~ minimum streamflow in the North Fork of the Payette River. The applications ~~is~~ further described as follows: ^{are}

Source:	North Fork Payette River
Application No.:	65-12839
Proposed Priority:	April 5, 1988
Amount and Period of Use:	294 cfs from October 13 through March 15 100 cfs from March 16 through June 17
Purpose of Minimum Flow:	Recreation, aesthetics and fish habitat.
Place of Use:	Beginning at the Carbarton Road Bridge, located in Lot 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T13N, R4E, B.M., and extending downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, B.M., Valley County.

Source:	North Fork Payette River
Application No.:	65-13059 ✓
Proposed Priority:	May 1, 1989
Amount and Period of Use:	400.0 cfs from September 2 through April 30
Purpose of Minimum Flow:	Recreation, aesthetics, and fishery maintenance.
Place of Use:	Commencing at Smith's Ferry Bridge in Government Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 29, T9N, R3E, B.M., Valley County.

JAN 14 1994

The Director of the Department of Water Resources will hold a public hearing in the Cascade Senior Citizen's Center, 409 School Street, Cascade, Idaho, on Monday October 7, 1991, for the purpose of hearing evidence in regard to the applications. The hearing will commence at the hour of 1:30 p.m. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The Director will also receive public testimony regarding the North Fork of the Payette River filing the evening of Tuesday October 8, 1991, at a joint public hearing for both the North Fork and South Fork Payette Rivers. The hearing will be held at the Horseshoe Bend High School cafeteria, 160 School Drive, Horseshoe Bend, Idaho, at the hour of 7:00 p.m.

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 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.

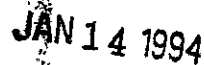
If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

Advertised Statewide:

The advocate on	9/18 & 9/25/1991
The Statesman	9/19 & 9/26/91
The Post Register ✓	"
The Times News ✓	"
The Lewiston Tribune ✓	"

JAN 14 1994





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 2, 1989

Star News
Box 985
McCall, ID 83638

Re: Error in Advertising of Water Rights Nos. 65-13059 and 65-13060 in the
Name of Idaho Water Resources Board

Dear Sir:

Enclosed is a copy of the original notices for the above-referenced applications and the affidavits of publication received by our office. Note that there is a discrepancy in the notices.

We sent a notice of correction for both of these applications and received an affidavit for only application #65-13059. Would you please send us the affidavit for application #65-13060. Also, please deduct \$23.04 that was billed to us for advertisement of the correction.

Thank you for your assistance.

Sincerely,

Sue Taylor
Secretary, Office Coordinator

Encl.

RECEIVED

JAN 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

JUL 24 1989

July 20, 1989

Department of Water Resources

Idaho Water Resource Board
c/o Wayne Haas
Statehouse Mail
Boise, ID 83702

Re: Applications for Permit Nos. 65-13059 & 65-13060

Gentlemen:

Enclosed is a letter from Yvonne Ferrell of the Idaho Department of Parks & Recreation regarding the above referenced Applications for Permit.

If we can assist you further, please let us know.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

CC: Gary Spackman

DRT:st

Encl.

RECEIVED

JAN 14 1994



IDAHO DEPARTMENT
OF
PARKS & RECREATION



CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 334-2154

Street Address
2177 Warm Springs Ave.



RECEIVED *✓ DWR*
RECEIVED
JUL 24 1989
JUL 14 1989

JULY 13, 1989

David R. Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Department of Water Resources
Western Regional Office

Dear Mr. Tuthill:

Permit No. 65-13059
and No. 65-13060

We would like to support the Water Resource Board applications for a minimum stream flow on the South Fork Payette River Oxbow section permit no. 65-13060. This segment of river currently has interim protection under the State Rivers Bill. By increasing the minimum stream flow through that section the South Fork will have a unified minimum stream flow from the Sawtooth Wilderness Boundary to the Main Payette River. A minimum instream flow on the South Fork is very important for maintaining a safe recreational boating experience. Aesthetically, a continuous instream flow is most desirable.

The minimum stream flow application no. 65-13059 for the North Fork Payette from Smiths Ferry to the confluence at Banks for 763 cfs Monday through Friday and 700 cfs Friday through Sunday is highly supported by our Department. The increased flows will help to maintain recreational boating flows during the spring and summer use months, enhance the aesthetic appeal of the persons driving along Payette River Scenic Route, and maintain the fishery and riparian habitat.

We support and appreciate the Water Resource Board's requests.

Sincerely,

Yvonne S. Ferrell
Yvonne S. Ferrell
Director

mjl

JAN 14 1994



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY

BOISE FIELD OFFICE
801 Reserve Street
Boise, Idaho 83712
(208) 334-3823

RECEIVED

JUL 10 1989

Department of Water Resources
Western Regional Office

July 7, 1989

Mr. David R. Tuthill, Manager
Western Regional Office
2735 Airport Way
Boise, Idaho 83705

Re: Appropriation permits 65-13059 & 65-13060

Dear Mr. Tuthill:

We have no objections to the minimum stream flows
recommended in these applications.

Sincerely,

Craig
Craig Shepard
Water Quality Field Supervisor

CS:ae

cc: Susan Martin, DEQ-CO

MICROFILMED

JAN 14 1994

RECEIVED

JUL 05 1989

STANLEY F. HAMILTON
DIRECTORDepartment of Water Resources
Western Regional OfficeBOARD OF LAND
COMMISSIONERSCECIL D. ANDRUS
GovernorPETE T. CENARRUSA
Secretary of StateJIM JONES
Attorney GeneralJOE R. WILLIAMS
State AuditorJERRY L. EVANS
Sup't of Public
Instruction

June 29, 1989

TO: Department of Water Resources
Western Region

FROM: Bryce Taylor
Leasing Specialist
Range Management & Surface Leasing

SUBJECT: Permits No. 65-13059 and 65-13060

These two applications do not involve jurisdiction
of Lands. No permit is necessary from the Department of
Lands.

Bryce
BDT:lr

JAN 14 1994

LAURENCE
JAN 9 0 1989

JAN 14 1994

NEWSPAPERS • CIRCULARS • OFFICE FORMS • LETTERHEADS • BOOKLETS • DIRECT MAIL PIECES
Department of Water Resources

Department of Water Resources

83706
~~Boyd~~
EMMETT, ID 83647

June 28, 1989

515	6/28	Notice of Minimum Flow	10/25	55	188	1074
		(2x) (6.21 & 6.28)				4840

RECEIVED
JUN 30 1989

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Esma Reyes, being first
duly sworn, on his oath deposes and
says that she is the ^{her} ~~printer~~ ^{clerk} of Mes-
senger-Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger-
Index for Two (2x)

consecutive weekly issues thereof,
beginning with the issue of

JUNE 21, 1989,

and ending with the issue of

JUNE 28, 1989

Esma Reyes

Subscribed and sworn to before me
this 28th day of

June, 1989

Notary Public,

Residing at Emmett, Idaho.

My Commission Expires 3-21-95

NOTICE OF MINIMUM
INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further described as follows:

Application No. 65-13059
Source Payette River, North Fork
Proposed Priority: May 1, 1989
Place of Use: Commencing at Smith's Ferry Bridge in T11N, R3E, S10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T9N, R3E, S29, Gov't Lot 2 (SESE).
Amount and Period of Use: 400 cfs from September 2, through April 30.
Purpose of Minimum Instream Flow: Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No. 65-13060
Source Payette River, South Fork
Proposed Priority: May 16, 1989
Place of Use: Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S31, Gov't Lots 3 & 9 (NESE).
Amount and Period of Use: 783 cfs Monday — Thursday, April 15, through August 31.
700 cfs Friday — Sunday, April 15, through August 31.
Purpose of Minimum Instream Flow: Recreation, aesthetic, fishery, and other water dependent benefits.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

Gene M. Gray
Chairman
Idaho Water Resource Board
Pub.: 6-21, 28-89
Legal Notice No. 515
Published in the Messenger Index

Department of Water Resources

RECEIVED
JAN 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1989

Idaho Dept. of Health & Welfare
Division of Environment
Statehouse
Boise, ID 83720

Re: Application for Permit No. 65-13059 and 65-13060 in the name of Idaho
Water Resource Board

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit
which may be of interest to your agency.

The Idaho Water Resource Board will not be holding a public meeting
regarding these applications. Instead, written comments are solicited at this
time. The Idaho Department of Water Resources will hold a hearing regarding
the applications at a future time.

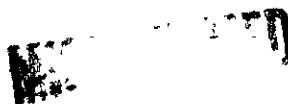
If you have any questions regarding the application, please contact this
office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):



JAN 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1989

State of Idaho
Department of Parks & Recreation
Attn: Jack Howard
Land and Water Conservationist
Statehouse Mail
Boise, ID 83720

Re: Application for Permit No. 65-13059 and 65-13060 in the name of Idaho
Water Resource Board

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to your agency.

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

If you have any questions regarding the applications, please contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

JAN 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1989

Regional Supervisor
Id. Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720

Re: Application for Permit No. 65-13059 and 65-13060 in the name of Idaho
Water Resource Board

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit
which may be of interest to your agency.

The Idaho Water Resource Board will not be holding a public meeting
regarding these applications. Instead, written comments are solicited at this
time. The Idaho Department of Water Resources will hold a hearing regarding
the applications at a future time.

If you have any questions regarding the application, please contact this
office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

JAN 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1989

Idaho Department of Lands
Bureau of Navigable Waters
Statehouse Mail
Boise, ID 83720

Re: Application for Permit No. 65-13059 and 65-13060 in the name of Idaho
Water Resource Board

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit
which may be of interest to your agency.

The Idaho Water Resource Board will not be holding a public meeting
regarding these applications. Instead, written comments are solicited at this
time. The Idaho Department of Water Resources will hold a hearing regarding
the applications at a future time.

If you have any questions regarding the applications, please contact this
office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

JAN 14 1994

MEMORANDUM

TO: Application to appropriate water for a minimum streamflow
no. 65-13059 from Smiths Ferry to Banks, supplemental to
65-12840

FROM: Gary Spackman *Gary*

DATE: June 1, 1989

On April 5, 1988, the Idaho Water Resource Board filed an application for permit to appropriate water seeking to establish a minimum streamflow in North Fork of the Payette River from Smiths Ferry to Banks during the fall, winter, and early spring months. This application was intended to fill up the remainder of the year left open by application no. 65-12840, which only sought a minimum streamflow from May 1 to September 1.

A review of the application revealed that the month of September was left out of both of the minimum streamflow filings.

The Water Resource Board was notified of the deficiency. J.D. Williams, a Board member, visited the offices of the department on May 16, 1989, and amended the period of use for the new application.

As a result of the expanded period of use, under Idaho Code § 42-211 the department must advance the priority to the date of the amended period. The priority of the new application should be advanced to May 16, 1989.

My review of the application also reveals an inconsistent description in the minimum streamflow reach. It states that the minimum streamflow begins at Smiths Ferry, and extends downstream to the confluence of the North Fork with the Middle Fork of the Payette River. I believe the intent of the description is that the proposed minimum streamflow should extend downstream to approximately Banks, where the North Fork of the Payette River and the main stem of the Payette River meet. The actual legal description agrees with this interpretation. I propose that the language regarding the Middle Fork of the Payette River be ignored, and an assumption made that the Board intended the end of the minimum streamflow to be located at the confluence of the North Fork of the Payette River and the main stem of the Payette River.

RECEIVED

JAN 14 1994

FROM

Gary Spackman

DATE

June 27, 1989

TO

Dave Tutthill

Re: 65-13059

SUBJECT

I have been directed by Norm & Wayne to correct the improper description of the downstream terminus of the min. streamflow reach described in the last paragraph of my memo. Will you correct the error? I do not believe a change of priority is necessary.

Gary

SIGNATURE

JAN 14 1994

NOTICE OF CORRECTION

Notice is hereby given that on June 21 and 28, 1989, Application for Permit No. 65-13059 in the name of Idaho Water Resources Board was advertised in error. The place of use was advertised as Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T19N, R3E, S.29, Gov't Lot 2 (SESE). WHEREAS, the place of use should have read Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4 (SWNE), extending to confluence with Payette River in T9N, R3E, S.29, Gov't Lot 2 (SESE).

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before August 7, 1989.

R. Keith Higginson, Dir.

Advertised in the the Star-News on July 19 and 26, 1989.

RECEIVED

JAN 14 1994

file

NOTICE OF MINIMUM INSTREAM FLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an application for permit to the Department of Water Resources proposing to appropriate water for a minimum instream flow in Payette River, North Fork a tributary to Payette River. The application is further decribed as follows:

Application No.
65-13059 ✓

Source
Payette River, North Fork

Proposed Priority
May 1, 1989

Place of Use
Commencing at Smith's Ferry Bridge in T11N, R3E, S.10, Gov't Lot 4(SWNE), extending to confluence with Payette River in T9N, R3E, S.29, Gov't Lot 2 (SESE).

Amount and Period of Use
400 cfs from September 2, through April 30.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery maintenance, and other water dependent benefits.

Application No.
65-13060

Source
Payette River, South Fork

Proposed Priority
May 16, 1989

Place of Use
Commencing at the upstream end of the Oxbow Bend in T9N, R7E, S.32, Gov't Lots 3 & 4 (SWNW). Extending past the section line common to S. 31 & 32 at a point in T9N, R7E, S. 31 Gov't. Lots 3 & 9 (NESE).

Amount and Period of Use
763 cfs Monday - Thursday, April 15, through August 31.
700 cfs Friday - Sunday, April 15, Through August 31.

Purpose of Minimum Instream Flow
Recreation, aesthetic, fishery, and other water dependent benefits.

Received
JAN 14 1989

The Idaho Water Resource Board will not be holding a public meeting regarding these applications. Instead, written comments are solicited at this time. The Idaho Department of Water Resources will hold a hearing regarding the applications at a future time.

Gene M. Gray
Chairman, Idaho Water Resource Board

Published dates 6/22 & 6/29/1989

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 5/31/89 APPLICATION: 65-13059

REQUIRED INFORMATION

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

Gov't. Lots:
Y P/D
Y P/U

ADDITIONAL INFORMATION

YES NO

N/A Overlapping place of use: (Describe source & relationship to present application on the back.)
N/A Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
N/A Critical groundwater area:
N/A Groundwater management area:
N/A Diversion within interim protected river area - no diversion involved
N/A Send dam safety information:
N/A Send power requirement letter:
N/A Send fish farm requirement letter:
N/A Power residency affidavit:
N/A Power efficiency form:
N/A Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
N/A Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)

*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side: _____

PROCESSING

APPLICATION NO. 65-13059

YES NO

☒ ☐
☒ ☐
N/A

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☒ ☐
☒ ☐
☒ ☐
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☒ ☐

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other I.D. DEPT. of Parks and Recreation.

FINAL REGIONAL PROCESSING REVIEW

YES NO

☐ ☐
☐ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐

Publication dates and paper recorded on application:

Protests received. Final date for protest hearing in future scheduled

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

Date

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION

MINIMUM STREAMFLOW REQUEST/APPLICATION
PROCESSING CHECKLIST

	Assigned to	Initials/Date
1. Request received and checklist attached.	Records Chief	<u>rg/5-22-89</u>
2. Request indexed.	Records Chief	<u>rg/5-22-89</u>
3. Preliminary review. Application prepared for signature.	Section Supv.	_____
4. Streamflow information requested from hydrology.	Section Supv.	_____
5. Region advised of request	Section Supv.	_____
6. Acknowledgement letter sent.	Section Supv.	_____
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Section Supv.	_____
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Section Supv.	_____
9. Water Rights researched and abstracted.	Records Chief	_____
10. Request and related data presented to Board.	Requestor	_____
11. Filed or Rejected by Board.	IWRB, Section Supv.	_____
12. Board action indexed.	Records Chief	_____
13. Original application sent to region	Section Supv.	_____
14. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	_____
15. Application advertised <u>w/o</u> hearing date.	Region	_____
16. Notice sent to each water right holder or applicant on MSF reach.	Section Supv.	_____
17. Personal contact made with riparian land owners.	Requestor	_____
18. Visual aid request prepared. (location, water rights, hydrology)	Section Supv.	_____
19. Visual aids reviewed.	Section Supv.	_____
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	_____
21. Informal public meeting advertised in legal notices.	Region	_____

*N/A at this time per
conv with 95 6/13/89
SL*

	<u>Assigned to</u>	<u>Initials/Date</u>
22. Notification of informal public meeting sent to:		
a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV and Radio Stations	Section Supv.	_____
f. Water Right Holders	Requestor	_____
g. Riparian Owners	Requestor	_____
23. Informal public meeting held.	IWRB and Section Supv.	_____
24. Notice of formal hearing advertised in legal notices.	<i>N/A at this time per Region conv. with GS 6/13/89 SR</i>	_____
25. Notification of formal hearing sent to:		
a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV and Radio Stations	Section Supv.	_____
f. Water right holders	Section Supv.	_____
g. Attendees of informal public meetings	Section Supv.	_____
h. Riparian Owners (with data generated by Requestor)	Section Supv.	_____
26. Hearings held (mandatory).	Hearing Officer and Regional Rep.	_____
27. Standard approval procedure for memorandum decision.	Hearing Officer	_____
28. If application is approved, Legislative approval procedure attached.	Records Chief	_____



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707

April 27, 1989

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MAY 01 1989

Department of Water Resources

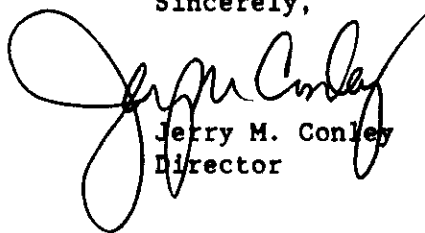
Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83720

Dear Keith:

Enclosed is the application for minimum streamflow for the Smith's Ferry to Banks reach of the North Fork Payette River. This application should dovetail nicely with the application generated by the Department of Parks and Recreation last year for the same reach.

I request that you include this application within the Decision of Memorandum you and your staff will develop for the Carbarton reach and this reach. Public sentiment at the hearing you conducted in November 1988 overwhelmingly supported inclusion of this minimum flow application, which should, I think, preclude the need for additional public meetings.

Sincerely,



Jerry M. Conley
Director

Enclosure

JMC:WDH:blm

Cecil D. Andrus / Governor
Jerry M. Conley / Director



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JAN 14 1994



19 April 1989

Dear Mr. Higgenson,

Department of Water Resources

I live on the South Fork of the Payette river near Garden Valley, however, I can drive to Boise for supplies in about an hour. From another point of view, you, or anyone in Boise can be fishing, rafting, kayaking, or swimming in the Payette an hour from right now. Believe me, no other state capitol has that quality resource that close. If it could be bought, what state government would not jump at the chance to install the Payette River on the outskirts of town?

It's almost unbelievable then, that I'm asking--begging you to save the Payette from private hydro-development. The North, South, Middle and main Forks of the Payette deserve permanent state and federal protection. We deserve it too, it's ours.

The battle is raging right now. I urge you to support minimum stream flows on the North Fork, enforce Idaho's temporary hydro ban on the Payette and most of all--- designate the Payette as a state protected river.

Sincerely,

John Wasson
HC 76 Box 2860
Garden Valley
Idaho 83622



CONSOLIDATED PUMPED STORAGE, INC.

A Subsidiary of Consolidated Hydro, Inc.

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OCT 18 1991

FACSIMILE COVER SHEET

Department of Water Resources

- () HARD COPY TO FOLLOW BY REGULAR MAIL
() HARD COPY TO FOLLOW BY OVERNIGHT DELIVERY
(X) NO HARD COPY WILL FOLLOW

Please deliver the following pages to:

Name: Dept of Water Resources
Firm: Attn: Tracy Spackman
Receiving Equipment Fax Number: _____

From: () Bob Mooney () Bob Looper () Vicky Fredrick
() Debbie Hiatt () Kory Pukash (X) Shirley Lindstrom

Date: 10/18/91 Time: 4:55 p.m.

COMMENTS: _____

We are transmitting 4 pages, including this cover page. If transmission is not complete, please call (208) 338-2604.

MICROFILMED

JAN 14 1994

**CONSOLIDATED PUMPED STORAGE, INC.**

A Subsidiary of Consolidated Hydro, Inc.

RECEIVED
OCT 18 1991Shirley A. Lindstrom
Regulatory Affairs
Department of Water Resources

October 18, 1991

Reply to:

1555 Shoreline Dr., #200

Boise, ID 83702

Telephone: (208) 338-2604

Facsimile: (208) 384-1408

Mr. Gary Spackman
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

Re: In the Matter of the Application by the Idaho Water Resource Board for Minimum Streamflow on the North Fork, Payette River in the Reach From Smith's Ferry to Banks, Idaho -- No. 65-13059

Dear Mr. Spackman:

Please accept these comments on the minimum flow application for the Smiths' Ferry reach North Fork Payette River. The purpose of my comments is to point out to you and to the Board some of the problems that I observed with the application when I attended the hearings. Although I am not an attorney, I have read and think that I understand the requirements of Idaho's minimum flow laws. It just doesn't appear to me that this application meets those requirements. My observations follow:

Application 65-13059 in the name of the Idaho Water Resources Board seeks a minimum streamflow for the Smith's Ferry reach of the North Fork, Payette River, in the amount of 400 cfs from September 2 to April 30. Pursuant to Idaho Code § 42-1503, approval of this application by the Director of the Idaho Department of Water Resources must be based upon a finding that the minimum streamflow:

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

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

(c) is necessary for the preservation of fish and wildlife habitat, aquatic life,

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JAN 14 1994

Gary Spackman
October 18, 1991
Page 2

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 of records of streamflows and water levels and the existing and future establishment of necessary gaging stations and bench marks.

As explained by the hearing officer at the hearing in Cascade, Idaho on October 7, 1991, the applicant has the burden of proof on all five of these statutory elements. However, the burden of going forward on Element (b), public interest, is on the party who has the most information. The request for this minimum streamflow by the Water Board was made by the Idaho Department of Fish & Game pursuant to Idaho Code § 42-1504.

This letter is written for the purpose of advising the Director that the evidence at the hearing does not support approval of the minimum streamflow application described for the Smith's Ferry reach of the North Fork, Payette River. The Idaho Water Resource Board as the applicant has not met its burden of proof on at least two of the elements necessary for the Director to approve the minimum streamflow application. Specifically, there is no evidence to support the assertion that 400 cfs is necessary for the preservation of recreation, aesthetics, fishery maintenance, spawning and egg incubation in the Smith Ferry reach. Idaho Code § 42-1503(c). Nor, is there evidence to support that 400 cfs is the minimum flow, not the ideal or most desirable flow. Idaho Code § 42-1503(d).

The minimum streamflow described in Application 65-13059 was described at the hearing as "winter and spring maintenance flow." Technical data to support the 400 cfs flow came primarily from Will Reid, Fisheries Program Coordinator for the Idaho Department of Fish & Game. From his testimony, we know that an earlier USGS model called the "Step Back Water Surface Profile" was used to support a minimum flow of 106 cfs in the Smith Ferry reach. Mr. Reid explained that was an antiquated method that looked at the wetted perimeter of the stream. Today, that data from the earlier USGS model would be run through a different formula pro-

MAILED
JAN 14 1994

Gary Spackman
October 18, 1991
Page 3

physical habitat simulator, or an in-stream flow instrumental methodology (IFIM). However, the physical habitat simulator is not applicable to winter flows; and although IFIM is state-of-the-art, it can't be used to determine habitat suitability for winter-time flows. Mr. Reid also explained that although a biologist on the ground is the best way to determine suitable flows, there was no data from a biologist on the ground which was used to support a minimum streamflow figure for the winter. The data from spring, summer, and fall were used to extrapolate a flow for the winter.

There is a void in the record of any data to support Mr. Reid's opinion testimony that an optimum flow of 700 cfs is necessary in the winter in the Smith's Ferry reach, or that 400 cfs is the minimum flow necessary for that reach of the river. This directly affects the proof needed to support three of the five stated purposes on Application 65-13059: fishery maintenance, spawning and egg production. It can also be inferred from the record that recreational use, in some form, does not occur during the winter months. Kayaking, a noted interest among the public witnesses at the October 7 hearing, was not tied to the winter months.

The Smith's Ferry reach of the river is also not included in the designation by the Northwest Power Planning Council for fish and wildlife criteria. This was an element of testimony by Bill Graham of the Idaho Department of Water Resources based on the Payette Plan.

Doesn't the record before the Director have to support a finding on all five elements of Idaho Code § 42-1503(a)-(e)? This record simply lacks data that a winter flow of 400 cfs is necessary, and is the minimum flow, for recreation, aesthetics, fishery maintenance, spawning and egg incubation.

Sincerely,

CONSOLIDATED PUMPED STORAGE

Shirley Lindstrom
Regulatory Affairs

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JAN 14 1994

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OCT 11 1991

Department of Water Resources

October 10, 1991

Gary Spackman
Dept of Water Resources
Statehouse Mail
1301 No Orchard
Boise, ID 83720

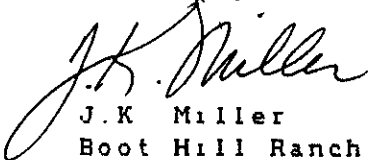
Dear Mr Spackman,

I met you at your October 8 presentation of proposed Payette River minimum flows at Horseshoe Bend. I own property in High Valley and am dedicated to preventing any hydro-power project from marring that lovely valley. Following are my comments on your presentation.

I am concerned that you divided the North Fork into two sections for presentation of minimum flow figures, especially because the dividing point was Smith's Ferry. It appears to me the only reason for doing so would be to cater to hydro-power interests. If this way of specifying minimum flows would make it more difficult to develop hydro-power projects, I'm happy with it, otherwise I believe you should publicize a justification for doing so.

It is my belief that the significant public support of The Payette River Plan was a mandate, not only to our legislatures but also to the Idaho Dept of Water Resources, saying that Idahoans want no further defacement of our rivers by hydro-power projects, especially those that primarily benefit out-of-state interests. I hope you people accept this and adopt minimum flow rates that will preclude further attempts at hydro-power development on the Payette.

Sincerely,



J.K. Miller
Boot Hill Ranch
Middleton, ID 83644
208) 585-3421

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JAN 14 1994

I feel that the minimum streamflow application # 65-13059 and 65-12839 should not be allowed for because of the lack of explanation or information on the following questions:

- (1) The effect on the City of Horseshoe Bend's water supply during the dry Summer months if this extra water is allowed to go down stream in the Winter. This application has the potential to leave the City with out water during this continual drought.
- (2) The effect on existing and future water rights on Cascade and Deadwood Reservoirs.
- (3) Where did the information come from to support this request?
- (4) How does the minimum streamflow request from September to April affect downstream irrigator's storage?
- (5) What will this increased flow during the Winter months affect the wildlife the winters in the river corridor?

Richard Beyers
Richard Beyers
Horseshoe Bend
City Council

MINORITIZED

JAN 14 1994



7 Oct 1991

GENTLEMEN,

MY NAME IS JOHN WASSON. I'M FROM GARDEN VALLEY AND I'M SPEAKING IN SUPPORT OF THE PROPOSED MINIMUM STREAM FLOW APPLICATIONS.

DURING THE LAST 14 YEARS I HAVE COME TO KNOW THESE REACHES OF THE NORTH FORK OF THE PAYETTE WELL. THEY CONTAIN REMOTE TRANQUIL SECTIONS AWAY FROM THE MAIN HIGHWAY AND SERIOUS RAPIDS THAT ARE THRILLING TO RUN OR TO WATCH BEING RUN.

FROM MY RECENT EXPERIENCE AS A MEMBER OF THE PAYETTE RIVER ADVISORY GROUP I KNOW THAT A MINIMUM OR INSTREAM FLOW IS A WATER RIGHT HELD BY THE STATE. I ALSO KNOW THAT TO OBTAIN A WATER RIGHT THE WATER IN QUESTION MUST BE PUT TO BENEFICIAL USE. IN THE CASE OF THE NORTH FORK OF THE PAYETTE FROM CABARTON BRIDGE TO BANKS THE VALUE OF THE WATER FLOWING IN THE STREAMBED HAS BEEN WELL DOCUMENTED. THE US FOREST SERVICE, IDAHO DEPARTMENT OF FISH AND GAME, IDAHO WATER RESOURCES BOARD, THE STATE LEGISLATURE, THE GOVERNOR AND THOUSANDS OF PEOPLE HAVE IDENTIFIED THE NORTH FORK AS A VALUABLE PUBLIC RESOURCE. PRESERVATION OF THE CURRENT WATER QUALITY, FISH HABITAT, AESTHETIC AND RECREATION OPPORTUNITIES ARE NOW THE LAW OF IDAHO. MAINTAINING APPROPRIATE SEASONAL MINIMUM STREAMFLOWS IS ESSENTIAL IF FUTURE GENERATIONS ARE TO INHERIT THE SAME RESOURCE THAT WE NOW HAVE.

SOME PEOPLE HAVE SAID THAT PROTECTING THE PAYETTE RIVER IS THE AMBITION OF "OUTSIDERS" AND THAT LOCALS ARE NOT BEHIND RIVER PROTECTION EFFORTS. THIS IS UNTRUE. THIS SPRING I SUBMITTED TO THE HOUSE RESOURCES AND CONSERVATION COMMITTEE A PETITION SIGNED BY OVER 100 BOISE COUNTY RESIDENTS SUPPORTING THE PAYETTE RIVER PLAN. I'M GIVING YOU A COPY OF THE PETITION BECAUSE I FEEL THAT THESE PEOPLE WOULD ALSO SUPPORT MINIMUM STREAMFLOWS IF THEY HELPED TO PROTECT THE VALUES IDENTIFIED IN THE PAYETTE PLAN.

MICROFILMED

JAN 14 1994

I THINK THAT IT'S IMPORTANT NOT TO "OVER DEVELOP" THE NORTH FORK. BY THIS I MEAN THAT NEW DEVELOPMENT SHOULD NOT CONFLICT WITH EXISTING USES. MINIMUM STREAMFLOWS ARE, IN EFFECT, THE DEDUCTIBLE IN THE INSURANCE POLICIES THAT PROTECT OUR RIVERS. FUTURE WATER PROJECTS MUST PAY THESE DEDUCTIBLES IF IDAHO'S RIVER LEGACY IS GOING TO MAKE IT INTO THE NEXT CENTURY.

THANK YOU VERY MUCH,

J. Wasson

JOHN WASSON
HC 77 Box 2860
GARDEN VALLEY
IDAHO 83622
208 462-3842

MIDWEST MED

JAN 14 1994



15 MARCH 1991

CHAIRMAN WOOD AND REPRESENTATIVES OF THE RESOURCES AND
CONSERVATION COMMITTEE:

I'VE BEEN ASKED TO GIVE YOU THE ENCLOSED PETITION. THE
SIGNATURES ARE FROM RESIDENTS OF PAYETTE RIVER COMMUNITIES
THAT FIRMLY SUPPORT THE PAYETTE RIVER PLAN (SB 1137).

WE ALL BELIEVE THAT THE STATE OF IDAHO AND THE COMPREHENSIVE
STATE WATER PLAN SHOULD BE PART OF FUTURE PLANNING EFFORTS
FOR THE PAYETTE RIVER.

PLEASE FEEL FREE TO CONTACT ME OR ANY OF THESE CONCERNED
PEOPLE SHOULD YOU HAVE QUESTIONS ABOUT THE PLAN.

SINCERELY,

JOHN WASSON
HC 77 Box 2860
GARDEN VALLEY
IDAHO 83622
462-3842

MIDNIGHT

JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
2/28/91	Steve Jones	Steve Jones	P.O. Box 6, Gr. V. ID.
2/28/91	Jamie A. Anderson	JAMIE A. ANDERSON	HC 76 Box 2464 GV ID
3/1/91	David A. Jerome	David A. Jerome	HC 77 Box 2830 G.V. ID.
3/1/91	Marlo Clauson	Marlo Clauson	HC 76 Box 1110 Banks ID.
3/1/91	Judith Meserth	Judith Meserth	P.O. Box 23 Garden Valley ID 83622-0023
3/1/91	Gretchen Bates	Gretchen Bates	P.O. Box 78 Garden Valley ID 83622
3/1/91	Eleanor Jean Studer	Eleanor Jean Studer	HC 76 Box 1120 Banks, ID 83602
3-1-91	John E. Studer	John E. Studer	HC 76, Box 1120, Banks, ID 83602
3/1-91	Beckand Crane	B. Crane	HC 76 Box 1106 Banks, ID
3-1-91	Wendal L. Coons	Wendal L. Coons	HC 76 - Box 1098 BANKS, ID. 83602

return to: HC 77 Box 2860, Garden Valley, Idaho

RECEIVED

JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
3/10/91	Jayne J Reed	Jayne J Reed	HC 77 Box 2840 Garden Valley, ID 83622
3/10/91	Tim REED	Tim REED	HC 77 Box 2840 GARDEN Valley, ID 83622
3/10/91	JOCELYN WASSON	JOCELYN WASSON	HC 77 BOX 2860 GARDEN VALLEY ID. 83622
3/10/91	Bruce Olson	Bruce Olson	PO Box 32 Garden Valley ID 83622
10 MAR 91	JOHN WASSON	JOHN WASSON	HC 77 Box 2860 GARDEN VALLEY ID 83622
11 MAR 91	Julia M. Uberuaga	Julia M. Uberuaga	HC 77 Box 2869 Garden Valley, ID 83622
11 March 91	Wendy Paul	Wendy Paul	H.C. 77 Box 2870 Garden Valley, Id. 83622
11 March 91	Lorraine Conroy	LORRAINE CONROY	Box 507, Garden Valley, Id. 83622
11 March 91	Kenneth Conroy	KENNETH CONROY	Box 507, GARDEN VALLEY ID 83622
3/12	Deb Baldwin	Deb Baldwin	PO 32 Garden Valley, Id. 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3/1/91	Jenny Ward	JENNY WARD	Box 523 GARDEN VALLEY, ID 83622
3-91	August + Pat Michaels	August + Pat Michaels	Box 105 Garden Valley, Id. 83622
3-91	Mary B Reay	MARY B REAY	Box 2695 Garden Valley, Id. 83622
3-91	David E. Reay	DAVID E. REAY	Box 2695 Garden Valley, Id. 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3-2-91	<i>Linda Sharrard</i>	LINDA SHARRARD	HC76 BOX 2419 GARDEN VALLEY ID 83622
3-10-91	<i>Donald L. Hartley</i>	DONALD L. HARTLEY	HC 76 BOX 4034 G.C. ID. 83622
3/10/91	<i>Louise Van Sickle</i>	LOUISE VAN SICKLE	HC 76 Box 4059 Garden Valley, Id. 83622
3/10/91	<i>Sidney A. Van Sickle</i>		HC 76 Box 4034 Garden Valley, Id. 83622
3/11/91	<i>Bertie Hartley</i>		G.U. ID. 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 836

JAN 14 1994

DATE	SIGNATURE	NAME(print)	ADDRESS
	David S. Seelye, Jr.	David S. Seelye, Jr.	HC 76 PO Box 4056 Gdn, Val. Bldg
	Patricia M. Bell	PATRICIA M. Bell	HC 76 Box 4056 Garden Valley, Id.
	Diana Sue Brutsman	Diana Sue Brutsman	PO Box 13 GARDEN Valley

JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
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5 March 1991	<i>Jean Sorensen</i>	Jean Sorensen	HC 76, Box 2466, Garden Valley
--------------	----------------------	---------------	--------------------------------

5 March 1991	<i>Kathleen Stearns</i>	Kathleen Stearns	HC 76 Box 2470 Garden Valley
--------------	-------------------------	------------------	---------------------------------

5 March 1991	<i>Dean L Sampo</i>	DEAN L SAMP	HC 76 BOX 2470 GARDEN VALLEY
--------------	---------------------	-------------	---------------------------------

5 March 1991	<i>Fred Brandt</i>	Fred Brandt	HC 76 Box 2466 Garden Valley, ID 83622
10 March 1991	<i>Hester Tarnay</i>	Hester Tarnay	Box 2555 Middle Fork Garden Valley ID 83622

	<i>Glen Lee Nichols</i>	Glen Lee Nichols	HC 76 Box 2390 Garden Valley, ID 83622
--	-------------------------	------------------	--

	<i>Gerald R Nichols</i>	Gerald R Nichols	HC 76 Box 2390 Garden Valley, ID 83622
--	-------------------------	------------------	--

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

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JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
4/91	C. Blake Phillips	C. BLAKE PHILLIPS	P.O. Box 51 GARDEN VALLEY ID
4/91	Gloria Ford	GLORIA FORD	P.O. Box 77, Garden Valley Idaho
4/91	Margaret E. Ward	MARGARET E. WARD	HC 76 Box 2280, H.V. ID 83622
4/91	Janna Phillips	Janna D Phillips	P.O. Box 51 G.V. Id 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3/1/91	Elaine Hallstrom	Elaine Hallstrom	Box 142 Garden Valley ID 83622
3/1/91	Robert J. Hallstrom	Robert J. Hallstrom	Box 142 GARDON Valley, Id 83622 HC76
3/1/91	Carol R. Godbout	CAROL R. GODBOUT	Box 1096 BANKS, ID 83602 HC76 Box 1096
3/1/91	Norman L. Godbout	NORMAN L. GODBOUT	BANKS, ID 83602
3/1/91	Lloyd Coors	Lloyd Coors	HC76 Box 1098 BANKS ID 83602
3/1/91	Elaine Baker	ELAINE BAKER	HC76 Box 1114 BANKS, ID 83602
3/1/91	Gary Glauser	GARY GLAUSER	HC76 Box 1110 Banks Id 83602
3/2/91	Chuck Davis	Chuck Davis	P.O. Box #78 Garden Valley Id 83622
3-8-91	Duane Vaughan	DUANE VAUGHAN	HC 77 Box 2825 GARDEN Valley Id 83622
3-8-91	Kathy Vaughan	KATHY VAUGHAN	"

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

MICROFILM

JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3-2-91	<i>Dwayne Sherrard</i>	DWAYNE SHERRARD	HC 76 Box 2419 Garden Valley, ID.
3-2-91	<i>Henrietta Gunn</i>	HENRIETTA GUNN	HC 76 Box 2549 Garden Valley, ID
2-2-91	<i>Brian F. Cox</i>	BRIAN F. COX	HC 76 Box 4058 GARDEN VALLEY, ID
3-2-91	<i>Tiffany Thuleen</i>	TIFFANY THULEEN	HC 76, Box 4008 Garden Vly, ID.
3-5-91	<i>Margie O'Neill</i>	MARGIE O'NEILL	HC 76, Box 2478, G-V. ID.
3-5-91	<i>Werner A. Meserth</i>	WERNER A. MESERTH	P.O. Box 23, Garden Valley ID.
3-5-91	<i>John & Eva Rollins</i>	JOHN & EVA ROLLINS	HC 76 Box 2686, Garden Valley
3-5-91	<i>Lori Arnold</i>	LC 76 Box 4066	Garden Valley
3-5-91	<i>Phil Arnold</i>	" "	" "
3/7/91	<i>William L. Reinig</i>	P.O. Box 33	Garden Valley, ID 83622
3/7/91	<i>Ida M. Reinig</i>	WILLIAM L. REINIG IDA M. REINIG	Box 33, Garden Valley, ID 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

MICROFILMED

JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
3-1-91	Debbie Harrington	Debbie HARRINGTON	HC 76 Box 2404 GARDEN VALLEY, Id 83622
3-1-91	John Harrington	JOHN HARRINGTON	HC 76 Box 2404 GARDEN VALLEY, ID 83622
3-2-91	Beverly J. Bones	BEVERLY BONES	P.O. Box 521 Garden Valley Idaho 83622
3-5-91	Bill Sipple	BILL SIPPLE	HC 76 Box 2464 GARDEN VALLEY, ID
3-5-91	Mary Denton	MARY DENTON	HC 76 Box 4038 GARDEN VALLEY ID 83622 HC 76 BOX 4407
3-5-91	CAROL DANKSKE	CAROL DANKSKE	GARDEN VALLEY, ID 83622
3-6-91	Toni L. Buschne	TONI BUSCHNE	HC 76 BOX 2340 GARDEN VALLEY, ID 83622
3-6-91	Dawn Riedinger	DAWN RIEDINGER	HC 76 Box 2694 GARDEN VALLEY, ID 83622
3-6-91	Cheryl Riedinger	Cheryl Riedinger	HC 76 Box 2694 Garden Valley ID 83622
3-6-91	Mr & Mrs. V. Cadotte	HC 76 Box 2720	GARDEN VALLEY, IDAHO 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
3/9/91	<i>James F O'Neill</i>	James F O'Neill	G.V.
3/14/91	<i>Eleanor Farnham</i>	ELEANOR FARNHAM	G.V.
3/14/91	<i>T.J. Farnham</i>	T.J. Farnham	G.V.
3/14/91	<i>Betty S. Edgerly</i>	Betty S. Edgerly	G.V.
3/14/91	<i>Robert E. Edgerly</i>	ROBERT E. EDGERLY	G.V.
3/14/91	<i>Irene Canfield</i>	Irene Canfield	G.V.
3/14/91	<i>Robert Canfield</i>	Bob Canfield	G.V.

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

RECEIVED
JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3/5/91	<i>Karla C. Groff</i>	Karla C. Groff	PO. Box 407 GARDEN VALLEY, ID. 83622
3/5/91	<i>Steven E. Groff</i>	STEVEN E. GROFF	P.O. Box 407 GARDEN VALLEY, ID 83622
3/10/91	<i>Donna Adams</i>	Donna Adams	HC 76 Box 2308, G.V. 83622
3/10/91	<i>Eugene H. Adams</i>	Eugene H. Adams	HC 76 Box 2308 G.V.
3/12/91	<i>Sandra S. Hutchinson</i>	SANDRA S. HUTCHINSON	HC 76 Box 4015 GARDEN VALLEY, ID
3/12/91	<i>Gordon Hutchinson</i>	Gordon Hutchinson	HC 76 Box 4015 GARDEN VALLEY

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

Microfilm
JAN 14 1994

FEBRUARY 27, 91

Dear Sirs;

I'm currently a resident of garden valley living
along the south Fork of the payette River.

I am 100% in favor of the payette plan
(S.B. 1137) I URGE you to pass it.

Thank you

Sincerely;

1
Lina M. Horen

Hc-77 Box 2871

Garden Valley. IDAHO

83622

RECEIVED
JAN 14 1994

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3-4-91	<i>Arnold J. Thuleen</i>	HC 76 Box 4008	C.V. Idaho
3-6-91	<i>LENN</i>	Dick M. Dowell	HC 76 Box 2191 Garden Valley
3-6-91	<i>Chris (hus) Chris Chesnut</i>	"	" " " "
3-6-91	<i>Paul M. Dowell</i>	Janet M. Dowell	HC 76 Box 2191 Garden Valley
3-6-91	<i>Heidi R. Chesnut</i>	HEIDI R. CHESNUT	HC 76 Box 2191 Garden Valley

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

MICROFILMED
JAN 14 1994

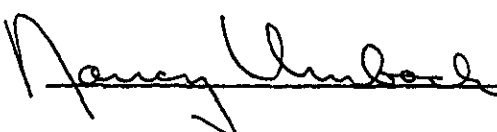
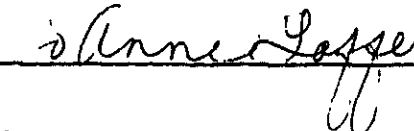
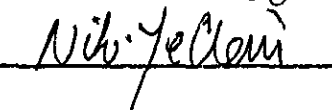
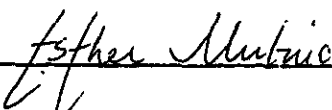
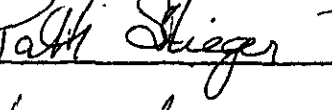
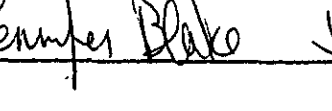
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DATE	SIGNATURE	NAME(print)	ADDRESS
3/4/91	<i>Karen Wattenmaker</i>	Karen Wattenmaker	Box 148 Garden Valley
3/4/91	<i>Hunter F Homos</i>	Hunter F Homos	P.O. Box 1 G.V. ID 83622
3/4/91	<i>Lisa C. Gelczis</i>	Lisa C. Gelczis	P.O. Box 148 Garden Valley ID
3/4/91	<i>Tyler Williams</i>	Tyler Williams	P.O. Box 6 Garden Valley ID 83622
3/5/91	<i>Bill Lennon</i>	Bill Lennon	Box 4161 McCall, ID 83638
3/5/91	<i>Beth O'Reilly</i>	Beth O'Reilly	Box 4161 McCall, ID 83639

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

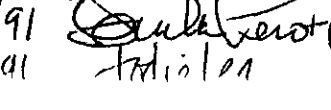
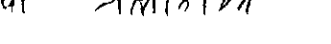
JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
		Nancy Umbach	Box 172 McCall ID 83638
		JOANNE LAFFERTY	Box 1206 McCall 83638
3/5/91		niki leclair	box 874 McCall 83638
3/5/91		Mary Jane Liberty	P.O. BOX 463 McCall ID 83638
3/5/91		ESTHER MULNICK	Box 1795 McCall, Id. 83638
3/5/91		L. Anne Mulnick D.C.	P.O. Box 4309 McCall ID 83638
3/5/91		PAM STIEGER	Box 4027 McCall Id 83638
		FRANCIS X RUSSO	Box 4027 McCall ID 83638
		CLOM POPE	4023 McCall ID 83638
3-6-91		Jennifer Blake	Box 1721 McCall ID 83638

JAN 14 1994

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

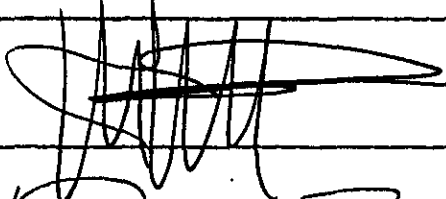
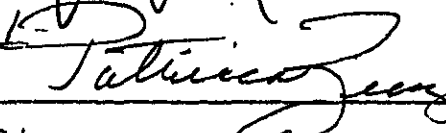
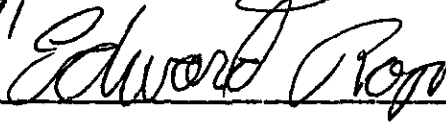
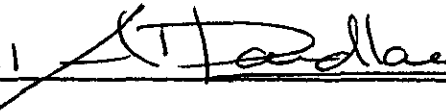
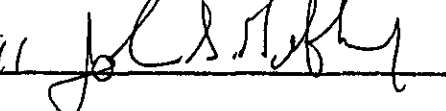
3/6/91		Rob Corsetz	Box 1634 McCall ID 83638
3/6/91		Linda Pust	11 ID 83638
3/11/91		Linda Pust	11 ID 83638

We are residents of Valley and Boise Counties and we firmly believe that the State of Idaho must assume a leadership role in planning the future use and development of the Payette River. We support the Payette River Plan (SB 1137) and urge our Senators and Representatives to do the same. Thank you very much.

DATE	SIGNATURE	NAME(print)	ADDRESS
3-6	<i>Richard Taplin</i>	Richard Taplin	P.O. Box 4370 McCall ID.
3/6	<i>Don McLaran</i>	Don McLARAN	Box 1794 McCall ID.
3/6	<i>Connie McLaran</i>	Connie McLaran	Box 1794 McCall ID.
3/6	<i>Dennis Coyle</i>	Dennis Coyle	Box A McCall, 83638
3/6	<i>Marianne Heltz</i>	MARIANNE HOLTZ	Box 4037 McCall 83638
3/6	<i>Marcia Nelson</i>	Marcia Nelson	Box 4356 McCall 83638
3/6	<i>Jamie Melbo</i>	Jamie Melbo	Box 287 McCall 83638
6 MAR 91	<i>Woody Hesselbarth</i>	Woody HESSELBARTH	P.O. Box 815, McCall, ID 83638-0815
3/6	<i>Doug Mastaler</i>	DOUG MASTALER	PO BOX 1319 McCall ID 83638
3/6	<i>Irwin Mulnick, DC</i>	IRWIN MULNICK	PO Box 4301, McCall, ID 83638 1994

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

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DATE	SIGNATURE	NAME(print)	ADDRESS
3-5-91		JUDSON ZENZIE	P.O. Box 1575 McCall, ID. 83638
3-5-91		Patricia Zenzie	P.O. Box 1575 McCall, ID. 83638
3/5/91		Edward Popper	P.O. Box 251 McCall, ID. 83638
3/5/91		ANDREW LAITLOW	McCall, ID P.O. Box 542
3/5/91		DAVID KAVANGH	" " McCall ID.
3/5/91		John Gebhardt	Box 333 McCall

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

RECEIVED
JAN 14 1994

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
HEARING - NORTH AND SOUTH FORKS PAYETTE RIVER
MINIMUM STREAM FLOW
OCTOBER 8, 1991 - HORSESHOE BEND SCHOOL CAFETERIA

public meeting

TESTIFY?	Name	Address	Representing
NO	~~Shirley Lindstrom~~	1555 Shoulton Dr. Boise, ID 83702	Consolidated Pumped Storage
NO	~~John & Glance~~	214 Broadway	U.S. Bureau Reclamation No Inc.
	Werner + Judith Meserth	P.O. Box 23 ^{partly} B.V.	Resident (self) -
NO	JOHN WASSON	HC77 Box 2860 GARDEN VALLEY	SELF
Yes	Roger Rosenfelter	1423 E. State B. Id. ID 83712	Idaho Water Ass.
	Carey Kachin	5000 Idaho #10 Meridian Id 83612	SELF
NO	Frank & Verita Bowers	H.L. Bower	
NO	no shulley	PAYETTE, IDAHO	
	Ray Maxwell	3252 E BLK Canyon East	East Irrigation
	Keith Stanley	3550 W Blk Hickory Creek	
✓ yes	Jeff Kelly	520 S. Cotterell Boise 83709	Friends of the Payette
✓ yes	Ann Alllyn	6301 Roe St. Boise ID 83703	self
✓ ~~thinking~~	~~James Lee Brown~~	3885 Stacy Dr. Boise Id 83703	self + HIGHWAY
yes	Scott Montgomery	6947 W. Bellvue Boise Id 83703	(self)
NO	Lori McAfee	5010 Wylie Lane Boise ID 83703	-self
	Juda Jenkins	HC77 Box 5000 G.V. Id. 83621	
no-	Jan Rowley	HC77 Box 2720 G.V. Id 83622	
NO-	Rep. ~~John~~ ~~Donelson~~	POB 724 Council	83612
NO	J.K. Miller	BOAT HILL RANCH, MIDDLETON, ID 83644	SELF
no	Jayne Reed	HC 77 Box 2810 Garden Valley ID 83622	self
NO	Jocelyn WASSON	HC77 Box 2860 GARDEN VALLEY ID 83622	Self

MISSING

JAN 14 1994

Scott Montgomery -

Play wave in Oxbow not available at flows below
1100 cfs -

Thinks N. Fork minimum flow for recreation should
be extended to October 1 - This is true recreation
season).

Roger Rosentreter

Montgomery

JAN 14 1994

10/8/91

HORSESHOE BEND

PUBLIC COMMENT

Jeff Kelley
Friends of Payette

3400 - 3480

Scott Montgomery
Ind.

3490 - 3626

Roger Rosenthaler
IRU

3640 - 3917

Susan BROWN

4157 - 4176

RECORDED

JAN 14 1994

Keith Higginson, Dir
Idaho Dept of Water Resources
1301 N. Orchard
Boise, Idaho 83720

OCT 16, 1991

RECEIVED
OCT 17 1991

Department of Water Resources

RE. Water Right No: 65-13060
65-12839
65-13059

Director Higginson and Board Members,

I have been a resident of Garden Valley for 8 years
I am a "Photo Boxer" employed by Payette Visions of Garden
Valley. From mid-May through mid-Sept I photograph
boaters in sections of the North and South Fork of the Payette.

I support the minimum streamflow request in
application # 65-13060, 65-12839, 65-13059. These
minimum stream flows are absolutely necessary to protect
and preserve the aesthetic and recreational value and
aquatic life of the river, which in turn effects Idaho's
economy. Water # 65-13060 on the South Fork is
especially important for continued recreation on that
stretch of river. The current minimum is totally unacceptable
but the addition of 700 cfs. makes a bare minimum.

These new minimums will not interfere with prior
water rights. These flows are in the best public interest
as shown by the overwhelming support given to the
Payette River Plan. For these reasons I support these
three minimum streamflow applications.

I appreciate your time & effort concerning these
matters.

Sincerely,
Deborah J. Baldwin

RECEIVED
JAN 14 1994

Keith Higginson Director
Idaho Dept of Water Resources
1301 North Orchard
Boise Idaho 83720

RE

OCT 17 1991

Department of Water Resources

Regarding Water Rights No.

65 13060

65 12839

65 13059

Dear Director Higginson & Board Members,

I am writing to let you know that I approve of the minimum stream flow requests in applications 65 13060, 65 12839 & 65 13059.

I own a business in Boise that is supported by river recreation. During the past 12 years in Idaho I have seen a large increase in recreations part in Idaho's economy. I believe that these minimum stream flows will help us develop & maintain an economy that profits from the relatively "clean" industry of recreation & tourism.

Although I am not a fisherman, I believe we should do all we can to protect & preserve our fish. I not only believe minimum flows are necessary for recreation & fisheries, but they are equally important to preserve the aesthetics of our beautiful state.

The value of aesthetics may be especially important to application # 65 13059 the Smiths Ferry. **MICROFILMED**

the confluence of the Payettes along highway
55.

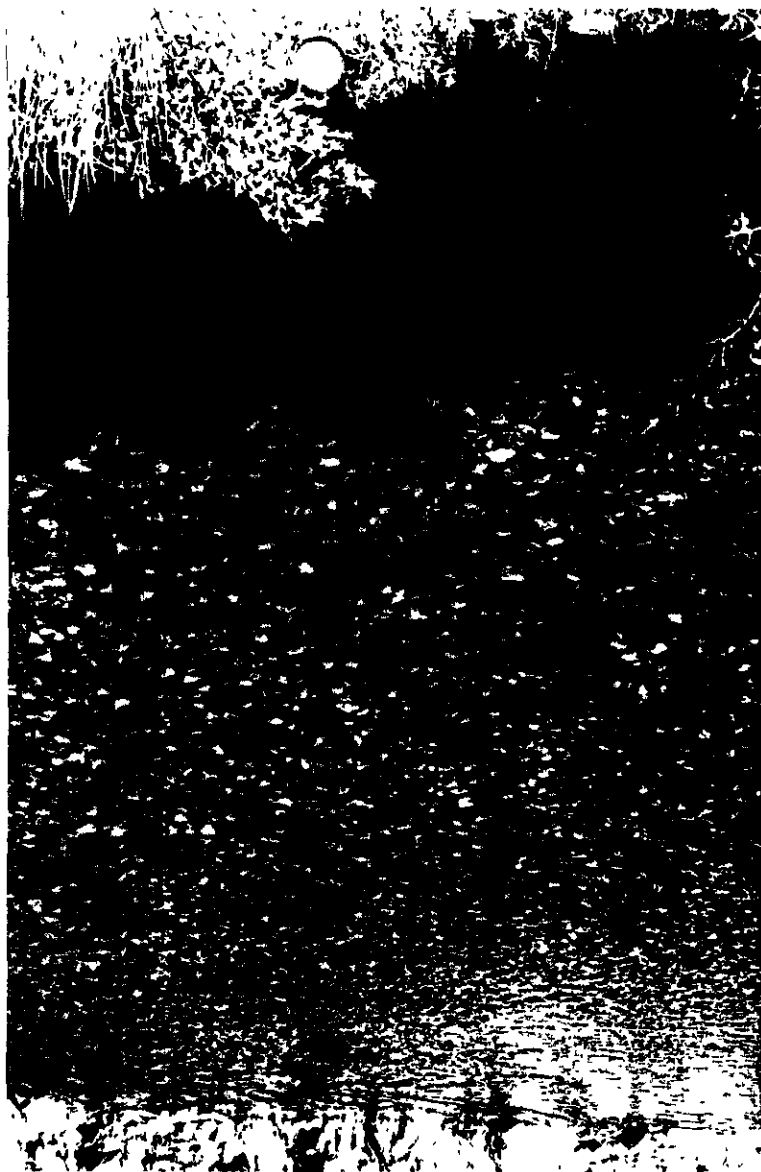
I believe it is vital that we protect
our water rights now! I am in full
support of all three of these minimum
stream flow requests.

I appreciate your time & effort
concerning these important matters.

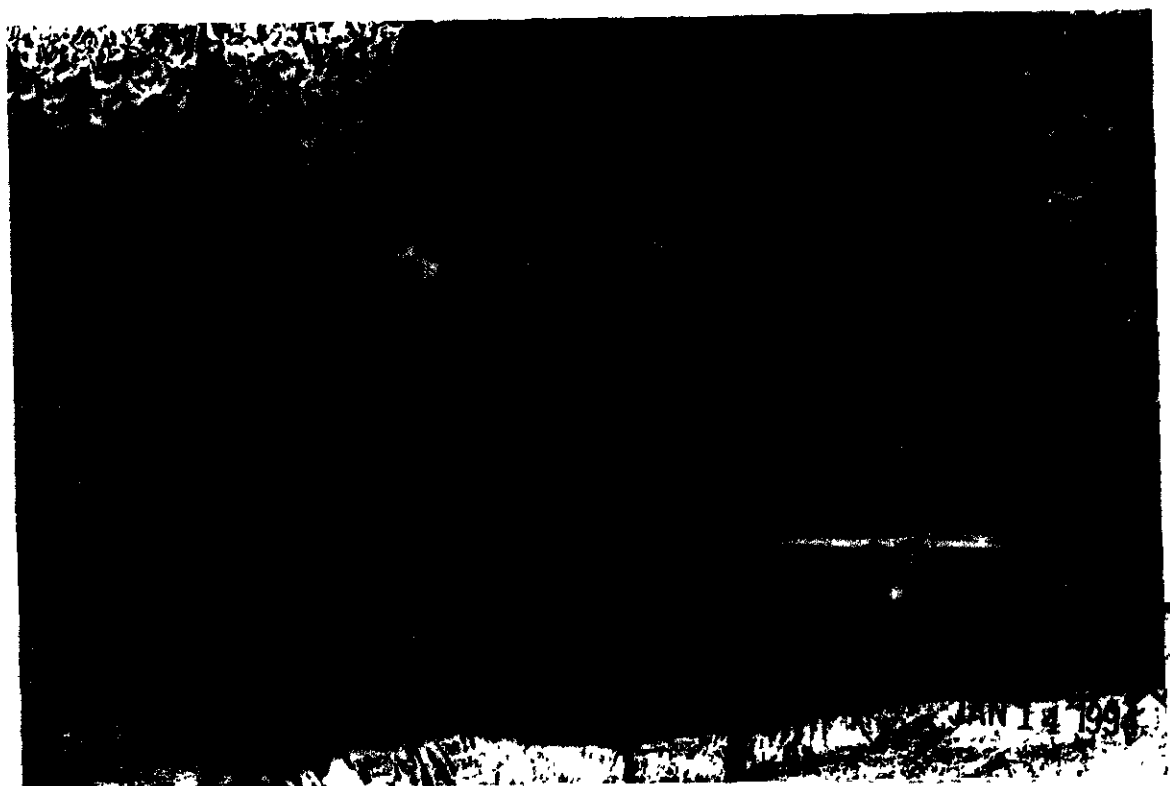
Sincerely
Jo B. Cassin
Jo B Cassin

RECEIVED

JAN 14 1994



ED
N 14 1994



RECEIVED
OCT 18 1991

Department of Water Resources

BOISE COUNTY COALITION INC.
P.O. BOX 39
GARDEN VALLEY, IDAHO
83622

RE

OCT 18 1991

Department of Water Resources

October 15, 1991

Mr. Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, Id. 83706

Dear Mr. Hearing Officer:

I represent the Boise County Coalition Inc. which at present time has approximately 500 paid members. The BCC opposes all three permit applications on the Payette (#65-13059, 65-12839 and 65-13060).

It is my understanding that at this time the only water released from reservoir headgates is that amount required to satisfy existing downstream water rights (irrigation, municipal, minimum stream flow etc.) Our primary concern is reduced storage water in our reservoirs. In light of the fact that we have no way of knowing what future run-offs will be, it is far too risky to use up our storage water. Once the water has been released there is no way to get it back if we should need it the following years.

The following questions still remain unanswered:

- (1) What data was used to support the decision to request 400 cfs on the North Fork for fish habitat?
- (2) Is releasing 400 cfs on the North Fork during winter months in conflict with the Northwest Power Planning Council's request to store water in winter months for release in spring and summer months for fish flush?
- (3) Since Fish & Game didn't find that there was sufficient fish and wildlife values to be recommended that the North fork (from Cabarton to Banks) be included in the Northwest Power Planning Council's protected area, why would there be sufficient fish value to request 400 cfs on the North Fork in winter months?

I would like to thank you Gary for taking the time to discuss this issue after the water hearing in Horseshoe Bend

Sincerely,



Steve Dobson
President

MINUTEMAN

JAN 14 1994

RECEIVED
OCT 17 1991

DEAR MR SPACKMAN:

Department of Water Resources

I AM VERY MUCH IN FAVOR OF
ESTABLISHING THE PROPOSED MINIMUM
STREAM FLOWS PROPOSED FOR THE
PAYETTE RIVER. WATER RIGHT #'S
65-12839, 65-12059 AND 65-13060.

I FEEL THAT MAINTAINING
RECREATION, AESTHETICS AND
FISH HABITAT IS QUITE IMPORTANT.
ALSO, IT IS OBVIOUS TO ALL BUT
THE PROponents THAT PROPOSED
PROJECTS BY CONS. PUMP AND
GEM IRRIGATION WOULD BE
IRREPARABLY RUINous TO THE
RIVERS.

Philip DeAngelis
Box 44
Smiths Ferry, ID

RECEIVED

JAN 14 1994

RECEIVED
OCT 17 1991

Department of Water Resources

HC/6, Box 1110
Banks, Idaho 83602

Oct 16, 1991

Forth Higginson
Statehouse Mail
Idaho Department of Water Resources
1701 No. Orchard
Boise, Idaho 83720

Dear Sir:

I would like to express my support for minimum stream flow for the North Fork and South Fork of the Payette River. I

live here in Garden Valley and I am a Real Estate salesman in this area. It is vital to recreation and wildlife in this area. The river is what draws people here for fishing as well as boating.

I have floated down the Oxbow section many times, and that section that goes away from the road is special. I have floated down the North Fork as well and I can't express how unique and dear to my heart that run is to me.

This area needs protection. Boise County depends upon adequate stream flow to preserve what is here and insure the unique qualities of Boise County.

Sincerely,



Gary Glauser

REC'D

JAN 14 1994

RECEIVED
OCT 17 1991

Department of Water Resources

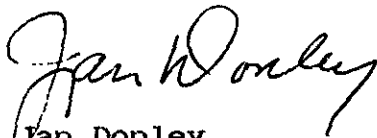
October 14, 1991

Gary Spackman
1301 N. Orchard
Boise, Id.

Dear Gary,

It is ludicrous to even consider allowing water to go down stream for recreation. This could interfere with irrigation water rights. I am opposed to all three water permit applications being presented (65-13059, 65-12839 and 65-13060) on the Payette River. There is no way to predict what our future weather will be, therefore we can't let water out of the reservoirs for recreation when we may need it the following year to satisfy prior water rights. Before Cascade dam was built the stream flow would get down to as low as 68 cfs. This indicates how important our storage water is.

Respectfully,



Jan Donley
HC77 Box 2770
Garden Valley, Id.
83622

A

JAN 14 1994

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OCT 17 1991

Department of Water Resources

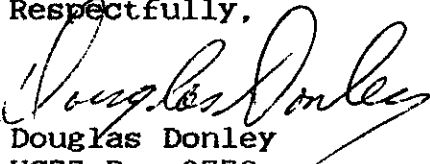
October 14, 1991

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, Id. 82706

Dear Gary,

I feel like all these new demands on our water such as the fish flush and recreation are steps toward changing original water rights. I believe that all of these steps are just taking us closer to the final plan. I am opposed to all three applications on the Payette, #65-13059, 65-12839 and 65-13060. If these water issues were put on the ballot so they were brought to the attention of the general public they would be defeated overwhelmingly. As it is--- organized and financed special interest groups are controlling our water plans.

Respectfully,


Douglas Donley
HC77 Box 2770
Garden Valley, Id. 83622

JAN 14 1994

EMMETT IRRIGATION DISTRICT

222 East Park Street
Emmett, Idaho 83617
(208) 365-4582

RECEIVED
OCT 16 1991

October 11, 1991

Department of Water Resources

Department of Water Resources
410 W. Orchard, Suite 144
Boise, Idaho 83705

Att: Payette River Minimum Stream Flow Hearing Officers

Having attended the meeting in Horseshoe Bend on the evening of the 8th of October, 1991; we were informed that written comments would be taken until the 18th of October, 1991. Therefore, I would like to submit this letter as my comment.

As was stated at the beginning of the meeting, minimum stream flow is just that. Not the ideal or desired amount. I feel that application No. 65-13060 especially represents a desired amount.

There is currently a minimum flow above and below Oxbow Bend. I feel the only reason this application was filed, was to prohibit future development of Hydro-power at this location. Therefore, I submit to you, that there is no need, but a desire to have a minimum flow at this location-which doesn't constitute setting a minimum flow according to your own guide lines. Furthermore, at some point in time, there may arise a problem with this section of the South Fork; at which time would be the appropriate time for hearings and possible minimum flows to be set.

As far as water right No. 65-12839 and No. 65-13059, I also have a problem with these filings. I feel that these filings are also a desired amount, which doesn't necessitate an appropriation. At this time and as far as I know for some time to come these waters will be in these sections of the North Fork. Therefore, up until there is a proposed threat, we shouldn't do anything until we really have something to discuss as to it's impact.

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JAN 14 1994

One other point I would like to make perfectly clear, is that if at some point in time, there is ever a release made to augment in-stream flow to meet minimum flow requirements from our reservoirs, any space holder in the reservoir will be inadvertently impacted due to our refill rates; which would likely cause problems for the entity releasing these waters.

Therefore, I submit to you that none of the above proposed minimums should be put in place at this time.

Thank you,



Roy C. Maxwell
Water Manager

cc: Judy Danielson
Jim Yost

100-107

JAN 14 1994

October 8, 1991

Keith Higginson
Idaho Department of Water Resources
Statehouse Mail
Boise, Id.
83622

Dear Mr. Higginson:

I am opposed to water permit applications # 65-13059, 65-12839 and 65-13060. Where is supporting data showing that 400 cfs on the North Fork is the amount required for fish habitat? Who is going to pay for the increased water release? If in the future the Garden Valley area needs water from the South Fork for a municipal water system--will it be available?

I believe that all these small steps that individuals and government agencies are taking concerning our water are one BIG step to changing western water law. I don't believe it is in the best interest of the people of Idaho to make recreation a priority over agriculture. All the massive boat traffic on various reaches of the Payette River is having devastating effects on the fish and wildlife.

Sincerely,

Linda Jenkins

Linda Jenkins
HC77 Box 5000
Garden Valley, Id.
83622

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JAN 14 1994

Ann and Mike Allyn
6301 Roe St.
Boise, ID 83703
10-8-91

Gary Spackman
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Spackman:

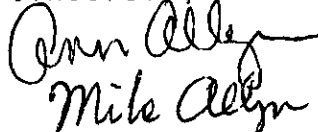
We support an increase in minimum stream flows for the South and North Forks of the Payette. We are concerned about safe and aesthetic recreational experiences on these rivers, and we are also concerned about the welfare of the river ecosystem. Increasing the minimum stream flows would improve the river environment for both people and the aquatic life.

We enjoy boating these stretches of rivers during the times the water is available. When the flows drop, it becomes too rocky to safely float in either a kayak or raft. The many exposed rocks increase the risk of being pinned on a rock, damaging equipment, or, if someone falls out from the impact, getting injured. We prefer high water flows, which, unless excessive, are actually safer.

No doubt the fish and other aquatic life will benefit from increase flows which are more like their natural habitat. Fishing is very popular on these stretches. Improving the fish habitat would improve the fish population, and provide more fishing opportunities.

As government agencies and public conservation organizations work to maintain or improve the integrity of western waterways, minimum stream flows gain a new importance. We are learning about the many values of leaving water in rivers. At the very least, rivers look better with water.

Sincerely,

Handwritten signatures of Ann Allyn and Mike Allyn. The signature of Ann Allyn is written over the signature of Mike Allyn.

Ann and Mike Allyn

MICROFILMED

JAN 14 1994

John & Debbie Harrington
HC 76 Box 2404
Garden Valley, ID 83622

Oct. 8, 1991

Keith Higginson, Dir.
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, Id 83720

Dear Mr. Higginson,

We are writing in response to the applications for increased minimum flow on the North Fork of the Payette (#65-12839 & #65-13059) and on the South Fork of the Payette (#65-13060). We are definitely in favor of granting these water rights. We feel they are essential in maintaining the visual, recreational and aquatic values that now exist on the entire Payette River system.

Sincerely,

Mr. & Mrs. John Harrington

Mr. & Mrs. John Harrington

MICROFILMED

JAN 14 1994

HC 76, Box 2419
Garden Valley, Idaho 83622
October 8, 1991

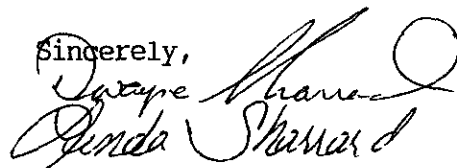
Mr. Keith Higgenson
Director of Water Resources
1301 N. Orchard
Boise, Idaho 83720

Dear Mr. Higgenson,

As residents of Garden Valley we are keenly interested in the future of the Payette River and its recreational, agricultural and ecological preservation. We have noted in the Idaho World the petition for water rights for minimum flow to provide adequate water flow for aquatic life and recreational use. We would like to state our agreement for passage of minimum flow applications #65-12839 and #65-13059 on the North Fork of the Payette River and #65-13060 on the South Fork.

Thank you for your attention to this letter. We look forward to your favorable action on this petition.

Sincerely,



Dwayne and Linda Sharrard

MICROFILMED

JAN 14 1994

OCTOBER 8 1991

TO:

MEMBERS OF THE WATER RESOURCE BOARD

My name is Jocelyn WASSON, I am a
resident of Garden Valley, IDAHO.

I am writing in support of the proposed
minimum in stream flows for both
the North & South Forks of the Payette River.

We need to continue to exercise intelligent
Stewardship of our Rivers, as well as all
of our Natural Resources.

The River is part of a whole live eco-system.
It can not be treated like a piece of inert inventory
and be expected to survive. The river is most
valuable to us all if it is healthy and alive.
Maintaining minimum in stream flows & keeping
it free flowing is a good start.

Thank you for this opportunity to comment.

Jocelyn Wasson

JOCELYN WASSON
HC 77 BOX 2860
GARDEN VALLEY
IDAHO 83622
208-462-3842

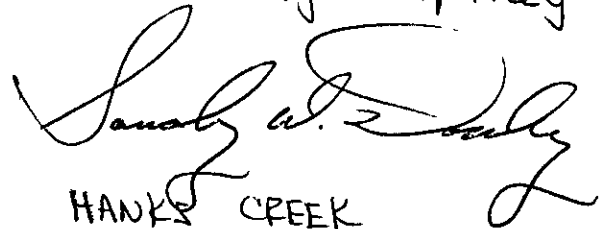
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JAN 14 1994

Oct. 8-91

Keith Higginson
Idaho Dept. of Water Resources
Statehouse Mail
Bowe - Id. 83720

I AM opposed to water permit Applications 65-13059, 65-12839 and 65-13060. Will Reid, Regional Fishery Manager, states figures on how many hours people spend fishing and boating on various reaches of the Payette. Please send me data to back up MR. Reid's claims. Where is data to support 400 cfs on the North Fork for fish habitat? How can you justify letting all this water out during winter months? There is NO storage capacity at Black Canyon.



HANKS CREEK
GARDEN VALLEY
Id 83622

RECEIVED

JAN 14 1994

RECEIVED
OCT 15 1991

Department of Water Resources

October 8, 1991

Keith Higginson, Director
Idaho Dept. of Water Resources
Statehouse Mail
Boise, Id. 83622

Dear Mr. Higginson,

I am opposed to water permit applications # 65-13059, 65-12839 and 65-13060. It isn't in the best interest of anyone to waste our water in this manner. Where is supporting data which states that the fishery needs 400 cfs? Water needs to be stored in the winter to assure our farmers the water they need during their growing season.

Sincerely,



Susan Encinas
HC77 Box 2772
Garden Valley, Id.
83622

RECEIVED

JAN 14 1994

RECEIVED
OCT 15 1991

Department of Water Resources

October 8, 1991

Keith Higginson
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Keith,

I am opposed to all three water permit applications which are being considered today on the Payette River. #65-13059, 65-12839 and 65-13060. It is ridiculous to even consider letting our irrigation water go to waste for a bunch of river floaters to play in. We are in a drought and there is no storage capacity in Black Canyon. We need to replace employees of Idaho Department of Water Resources and the Fish and Game with honest people with some common sense!

Sincerely,



Richard L. Jenkins
HC77 Box 5000
Garden Valley, Idaho
83622

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JAN 14 1994

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Department of Water Resources

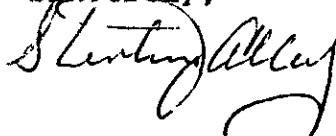
October 8, 1991

Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Higginson:

I am opposed to the three water permit applications on the Payette River which are being reviewed at the public hearing in Horseshoe Bend on October 8th. We cannot allow our agriculture water to be wasted in this manner just so a few can play. There is no storage for this water in Black Canyon Reservoir.

Sincerely,



Sterling Alley
HC76 Box 2670
Garden Valley, Id.
83622

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OCT 16 1991

October 8, 1991

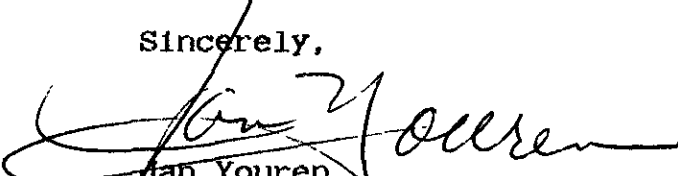
Department of Water Resources

Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse Mail
Boise, Id. 83720

Dear Mr. Higginson:

I am opposed to the three following applications: 65-13059, 65-12839 and 65-13060 for various reasons. The time will come when Garden Valley and Crouch need a municipal water system and the South Fork of the Payette could fill that need. It isn't in the best interest of the people of Boise County or of the state of Idaho to be so irresponsible with our irrigation water. This water cannot be stored at Black Canyon so what happens if the farmers need water that you have already released from Cascade and Deadwood Dams. How do you propose to get the water back?

Sincerely,


Jan Youren
HC76 Box 2690
Garden Valley, Idaho
83622

NOT RECORDED

JAN 14 1994

RECEIVED
OCT 15 1991

Department of Water Resources

October 8, 1991

Mr. Keith Higginson, Director
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Higginson,

I am opposed to all three water applications being considered and reviewed at the public hearing in Horseshoe Bend on October 8, 1991. I believe that these water applications could be of great danger to existing and future water rights.

Sincerely,



M. Hileman
HC76 Box 2682
Garden Valley, Id.
83622

RECEIVED

JAN 14 1994

RECEIVED
OCT 16 1991

Department of Water Resources

October 8, 1991

Mr. Keith Higginson, Director
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Higginson:

I am opposed to water permit application numbers 65-13059, 65-2839 and 65-13060. Why make the minimum stream flow on the North Fork 400 cfs during winter months? The Fish and Game didn't recommend that the North Fork be included in the Northwest Power Planning Council's protected area. We all know that the North Fork isn't used for floating during winter months. This is just one more manipulative tactic being used to stop any hydropower development on the North Fork. I thought I'd seen and heard every dirty, underhanded trick concerning this Payette River ordeal but now you can chalk another one up!!

Sincerely,



Ty Edmondson
HC77 Box 2690
Garden Valley, Id.
83622

RECEIVED

JAN 14 1994

October 8, 1991

Keith Higginson, Director
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Higginson,

I am opposed to water permit applications 65-13059, 65-12839 and 65-13060. What logic have you used in releasing 400 cfs on the North Fork during winter months? You are in conflict with the Northwest Power Planning Council.

Sincerely,

Judy Severance

Judy Severance
HC76 Box 2673
Garden Valley, Id.
83622

RECEIVED
OCT 18 1991

Department of Water Resources

MIST

JAN 14 1994

RECEIVED
OCT 18 1991

Department of Water Resources

October 8, 1991

Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Keith,

I am opposed to water permit applications on the Payette River which are being reviewed in Horseshoe Bend today. Application numbers 65-13059, 65-12839 and 65-13060. I have not seen information to confirm the fact that the fish flush requires 400 cfs on the North Fork. I believe that the fish flush is just another manipulative tool which is being used by river users which assures them water to play in. Who is going to pay for the water?

Sincerely,

Jolene M. Yensen
Jolene Yensen
HC76 Box 2612
Gaeden Valley, Id.
83622

JAN 14 1994

October 8, 1991

Mr. Keith Higginson, Director
Idaho Department of Water Resources
Statehouse Mall
Boise, Idaho 83720

RECEIVED
OCT 18 1991
Department of Water Resources

Dear Mr. Higginson,

I am opposed to water permit applications 65-13059, 65-12839 and 65-13060. Making the minimum stream flow in the North fork 400 cfs in the winter is a little ridiculous. We are in a drought situation and you are willing to waste all this water just to prevent hydropower on the North Fork. Who is going to pay for this water and what is going to happen to agriculture?

Sincerely,

Dawnita Fry

Dawnita Fry
HC77 Box 2940
Garden Valley, Id.
83622

RECEIVED

JAN 14 1994

October 8, 1991

Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse Mail
Boise, Id. 83720

Dear Mr. Higginson:

I am opposed to the following water permit applications: 65-13059, 65-12839 and 65-13060. Water is the backbone of agriculture and agriculture is the backbone of Idaho. We need to use our water for agriculture.

Sincerely,

Jo Ann Alley

J. Alley
HC 76 Box 2670
Garden Valley
Idaho, 83622

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OCT 18 1991

Department of Water Resources

RECEIVED

JAN 14 1994

Oct 1, 1991

11/11 -

We support the applications for
increased minimum stream flows on the
Payette River - specifically water right
applications # 65-12839
65-13059
65-13060.

We believe minimum stream flows are
a way to secure water rights for all
of Idaho's citizens - so we may
secure for future generations the quality
of life we enjoy.

Sincerely

Werner & Judith Meyer

JAN 14 1994

PO Box 23

Garden Valley ID 83622-0023

October 6, 1991

Mr. Keith Higginson, Director
Idaho Department of Water Resource
Statehouse Mail
Boise, ID 83720

Dear Mr. Higginson:

This refers to the water board proposal to increase minimum streamflow in the North and South forks of the Payette River.

I have the following concerns and ask that they be entered into the record:

- (1) The Garden Valley area future need for domestic water by way of a municipal system should have water reserved in the Deadwood Reservoir with a priority second to contracted irrigation water. This has not been considered.
- (2) We have consistently been told that economic benefit would accrue to the county government for support of the infrastructure to support increased activity in the county. Moreover, we are also told in the Payette River Plan that there is a "willingness to pay" on the part of users and the public. We have not seen this "willingness to pay" translated into cash transferred to the county coffers. Who will pay for this water release?

The Comprehensive Plan adopted in SB 1137 has a supporting statement, "The component plan forecloses hydropower development on the reaches of river having significant potential for such development. The impact on the State as a whole is minimal however, as the local taxes foregone will be offset by increased recreation and tourism revenues." (emphasis added) If it is not the outright intent of your minimum streamflow request to prevent even further discussion on hydro, this proposal certainly has that effect. Once again the local community has uninvited activity forced upon it and the impact is unfunded. I here again ask-how can the county infrastructure support increased activity?

I have examined state sales tax collections for 1991 and find they dropped from \$7,609,279,358 in 1990 to \$7,526,746,564 in 1991- an actual drop of \$82.5 million. Boise county's share has not increased but our taxes on property have! We have raised property

JAN 14 1994

taxes 35%. How can state agencies and the Legislature continue to neglect our most serious economic problems by imposing activity burdens on the county?

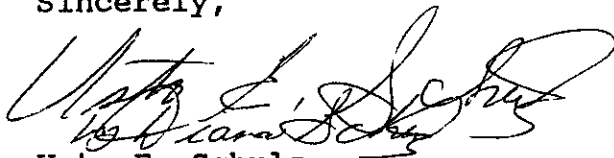
- (3) I am extremely concerned that irrigation can be adversely affected and if correct, and if this attitude continues nationwide, we can become a country that cannot feed itself-much less contribute to exports. Irrigation is the backbone of agriculture in our state and agriculture is the backbone of our economy (see University of Idaho Study on Idaho's economy).

I would like to see how minimum streamflows here proposed will affect the irrigators and future irrigated land development if these flows are approved.

- (4) If demands are placed on these reservoirs by the plan for salvation of the salmon, how will this affect minimum streamflow, irrigation and potential Garden Valley domestic water that may be needed in the future, particularly in times when the reservoir has not been replenished by snowpack?

I would like these concerns addressed in a manner that will allow me to properly convey to the Legislature an input on these subjects.

Sincerely,



Usto E. Schulz
Boise County Commissioner, District II

JAN 14 1994

Scott M. Montgomery

6947 West Belhaven Drive * Boise, Idaho 83703 * (208) 853-7938

October 6, 1991

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Comments on Minimum Streamflow applications:

- 65-12839 Cabarton Bridge to Smith's Ferry on North Fork of the Payette River;
- 65-13059 Smith's Ferry to Banks on North Fork of the Payette river;
- 65-13060 Oxbow section on the South Fork of the Payette River.

Dear Sirs:

Thanks for this opportunity to comment on the above minimum streamflow applications. I strongly support all of the applications and would only comment that if given the opportunity I would argue for higher flows on both of the North Fork applications.

I will base my comments on the Department of Water Resources criteria for "Conditions the proposed instream flow right must meet before the Director approves the application."

North Fork of the Payette

- 1) 65-12839 Cabarton Bridge to Smith's Ferry on North Fork of the Payette River
- 2) 65-13059 Smith's Ferry to Banks on North Fork of the Payette river

This drainage has sufficient qualities of unappropriated water. Cascade Reservoir has less than 50% of its usable storage allocated. This fact shows there are surely flows available to maintain both North Fork applications.

These minimum streamflow applications both call for less than what I would call the minimum to obtain the stated goal for recreation and aesthetics. It should be noted during the unscheduled release last winter by the Emmett Irrigation District (selling excess water during a DROUGHT!) to Idaho Power, many recreationists were floating the North Fork of the Payette. This shows that the year around minimum flow for the North Fork is closer to 1300 CFS. Also, the 1800CFS minimum flow should be extended though the middle of October. This is the regular floating season of the North Fork.

JAN 14 1994

The recreational visitor days are growing on an exponential rate on both these sections of the North Fork. The touring public is also increasing. A person only has to spend a few minutes of any day on the Scenic Highway 55 to witness the number of citizens enjoying the World-Class whitewater from their cars.

Many of the earlier applications for minimum streamflows called for only enough flow to support the fishery. These flows were only sufficient for minimal support of the species NOT to support habitat for a harvestable surplus. These applications both contain the flows required for a harvestable surplus.

South Fork of the Payette

3) 65-13060 Oxbow section on the South Fork of the Payette River

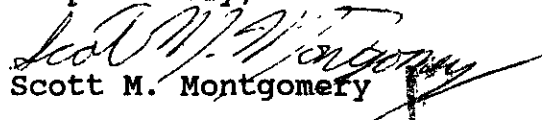
This drainage has already be proven to have sufficient flows of unappropriated water that can be maintained. The evidence is the approved minimum streamflows above and below the Oxbow (1100 CFS). The last developer of the Oxbow hydroelectric project holds a water application for 50 CFS. This is the only water appropriated in this section

The Oxbow section of the South Fork of the Payette has a couple of very outstanding characteristics. This is the only section of the South Fork that is entirely away from the road. This section also has the best playwave for kayakers on the "Canyon Run"(the most popular of all South Fork runs). This playwave is nonexistent at levels below 1,000 CFS. The old minimum streamflow level was far below this level. This shows the old level was not high enough to support its stated goal for recreation.

The same fisheries argument that was made above on the North Fork applications can be made for the South Fork. The public desires the levels that maintain a harvestable surplus not just enough for the species to survive.

In closing, I once again call for the approval of these applications. The public interest is best served by giving the public a water right for their activities. The Idaho State Constitution says. "The right to appropriate any unappropriated water for beneficial use will never be denied" This statue MUST be applied to public as well as private developers.

Respectfully,


Scott M. Montgomery

JAN 14 1994

E. M. Wood, Ph.D.

FISHERY RESEARCH BIOLOGIST
HC-71, Box 5000
Cascade, ID 83611
(208)382-4828

October 3, 1991

GARY SPACKMAN, Manager
Water Right Permits Section
DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

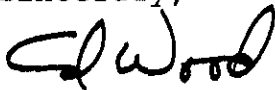
Dear Gary:

Thanks for the notification of the minimum stream
flow hearings on the North Fork of the Payette.

I will be out of State on the dates of the hearings
but I would like to make these comments:

I am highly supportive of all three applications
assuming they are additive to current minimums
on the specified reaches. All are consistent
with and in the best interest of good fishery
management and that stream certainly deserves
it.

Sincerely,



E. M. Wood

JAN 14 1994