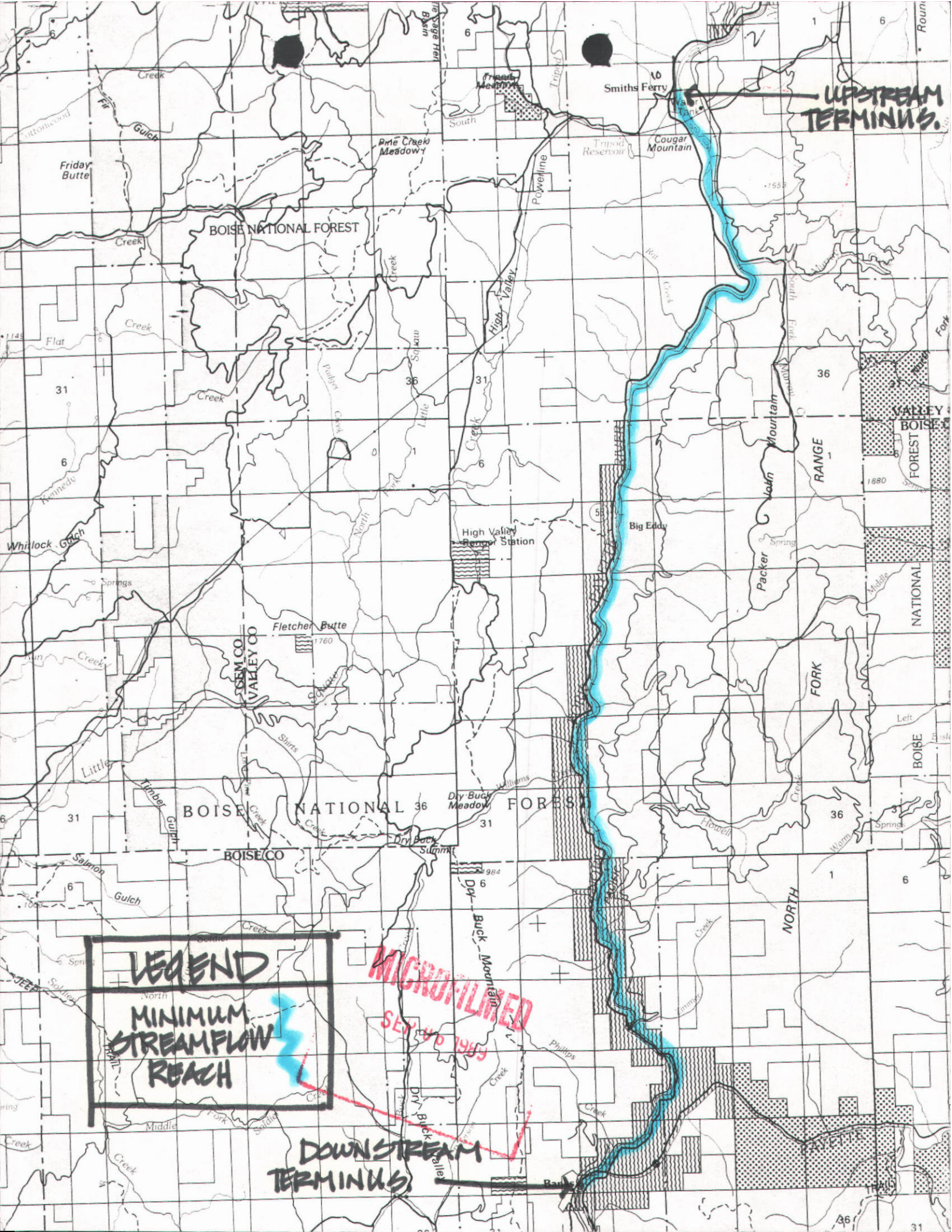




UPSTREAM
TERMINUS

LEGEND
MINIMUM
STREAMFLOW
REACH

MICROFILMED
SEP 1985

DOWNSTREAM
TERMINUS

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12840

Priority: April 5, 1988

Minimum Instream Flow:

1800.00 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 April 5, 1988; and
has submitted Proof of Beneficial Use on November 14, 1991. A minimum stream flow in

PAYETTE RIVER, NORTH FORK

tributary to PAYETTE RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	05/01 to 06/30	1800.00 CFS
MINIMUM INSTREAM FLOW	07/01 to 07/31	1300.00 CFS
MINIMUM INSTREAM FLOW	08/01 to 09/01	1800.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

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

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. This minimum streamflow 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.
3. Use of water under this right 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 date earlier than 4/5/1988.
4. 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.

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

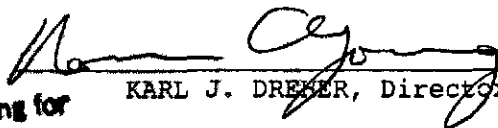
WATER RIGHT NO. 65-12840

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. This minimum stream flow is for recreation and aesthetic uses and fish habitat maintenance.
7. This minimum stream flow begins at Smiths Ferry in the SWNE, S10, T11N, R3E and ends at Banks in the SESE, S29, 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 23RD
day of SEPTEMBER, 1995.

Acting for


KARL J. DREHER, Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR	)	
PERMIT NOS. 65-12822, 65-12839 AND	)	
65-12840 (NORTH FORK, PAYETTE	)	MEMORANDUM DECISION
RIVER) TO ESTABLISH A MINIMUM	)	AND ORDER
STREAMFLOW IN THE NAME OF THE IDAHO	)	
WATER RESOURCE BOARD	)	

On November 30, 1988, the Idaho Department of Water Resources (Department) conducted a hearing on three applications for permit to appropriate water, numbered in the Department records as 65-12822, 65-12839 and 65-12840. The applications seek establishment of minimum streamflows in the North Fork of the Payette River, beginning at the Cabarton Bridge, located in Valley County, and extending downstream to Banks, located in Boise County. The applications were filed by the Idaho Water Resource Board (Board) pursuant to chapter 15, title 42, Idaho Code.

Notice of a hearing for consideration of the proposed minimum streamflows was published statewide on November 3 and November 10, 1988, in the Idaho Statesman, Boise; Times-News, Twin Falls; Post-Register, Idaho Falls; and Lewiston Morning Tribune, Lewiston. Notice was also published on November 2 and 9, 1988, in the Advocate, Cascade, and the Central Idaho Valley Star News, McCall.

Parties appearing in a formal capacity at the hearing included the Board, Idaho Department of Parks and Recreation

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(Parks and Recreation), Idaho Department of Fish and Game (Fish and Game), Noble Ditch Co., Ltd., E.M. Wood, Gem Irrigation District and Western Power Inc. Other individuals and representatives of organizations also appeared and presented their views and comments as public witnesses.

After the close of the hearing, the record remained open until December 9, 1988 for the submittal of additional written comments.

FINDINGS OF FACT

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

Application for permit no. 65-12822

Filing date: December 17, 1987 "

Rate of flow: 1400 cfs from 06/18 through 10/12; 106 cfs from 10/13 through 03/15; 500 cfs from 03/16 through 06/17.

Location: Beginning at the Cabarton Road Bridge in Lot 11 (NE 1/4 SW1/4), Section 31, T13N, R4E, B.M., Valley County, and extending approximately 10 miles downstream to the SW1/4 NE1/4, Section 10, T11N, R3E, B.M., near Smiths Ferry, Valley County.

Purpose: Recreation, aesthetics, and fisheries maintenance, including fish spawning and egg incubation.

Application for permit no. 65-12839

Filing date: April 5, 1988

Rate of flow: 294 cfs from 10/13 through 03/15; 100 cfs from 03/16 through 06/17.

Location: Beginning at the Cabarton Road Bridge, located in Lot 11 (NE1/4 SW1/4) Section 31, T13N, R4E, B.M., and extending approximately 10 miles downstream to the

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SW1/4 NE1/4, 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. 65-12840

Filing date: April 5, 1988

Rate of flow: 1800 cfs from 05/01 through 06/30; 1300 cfs
from 07/01 through 07/31; 1800 cfs from
08/01 through 09/01.

Location: The proposed minimum streamflow reach
begins at the terminus of the minimum
streamflow reaches proposed by application
nos. 65-12822 and 65-12839 in the SW1/4
NE1/4, Section 10, T11N, R3E, B.M., near
Smiths Ferry, Valley County. It extends
approximately 17 miles downstream to the
SE1/4 SE1/4, Section 29, T9N, R3E, B.M.,
near Banks, Boise County.

Purpose: Recreation and aesthetics.

2. Applications nos. 65-12822 and 65-12839 propose a
combined minimum streamflow from Cabarton Bridge to Smiths Ferry
of 400 cfs from October 13 through March 15, 600 cfs from March
16 through June 17, and 1400 cfs from June 18 through October 12.

3. 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.

4. 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

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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 the 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.

5. IDWR Exhibit Nos. I-C and I-E depicts the 50% exceedence curve for flows measured at the Banks gauging station. The requested minimum streamflows are also superimposed on the exhibits.

6. Recorded data from the Banks gauging station show that the combined minimum streamflows sought in the upper reach are available at least 50% of the time except during a brief period in the middle of July.

7. Recorded data from the Banks gauging station shows that the minimum streamflows in the lower reach can be maintained approximately 50% of the time.

8. Modeling of the relationship between streamflows and fish habitat performed by Fish and Game in the upper reach concludes 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 will cause a significant reduction in fish habitat, including spawning and egg incubation.

9. The upper reach is a high quality fishery which produces large wild rainbow trout. In the McCall subregion (the northern

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part of the Fish and Game region number 3) the upper reach is one of the few streams which offers anglers the chance to catch large wild trout with high frequency (1.6 fish per hour).

10. Only limited technical data were submitted regarding the increased minimum streamflow sought by application for permit no. 65-12839 in the upper reach for fish habitat, recreation and aesthetics. Witnesses presented some general information regarding the need for higher flows during the winter time, but further technical studies are necessary for approval of the additional flows sought by application no. 65-12839.

11. Parks and Recreation surveyed users of the North Fork of the Payette River to determine minimum streamflow levels for recreational use, primarily boating.

12. Approximately 20 people were asked to estimate the minimum floatable streamflow on the upper reach for recreation, aesthetics and safety. A flow of 1400 cfs was chosen as an approximate average of the responses.

13. Approximately 6 people were asked to estimate the minimum water level for boating, primarily kayaking, in the lower reach. A flow of 1800 cfs was chosen as an approximate average of the responses.

14. Western Power questioned the adequacy of the surveys and asked that additional studies be conducted to determine the minimum recreational flows.

15. Many public interest witnesses testified about individual boating experience on the North Fork of the River in both the upper and lower reaches. A minimum streamflow of 1985

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of 1400 cfs for the upper reach was standardly confirmed as a bare minimum for floating. Most boaters felt that more than 1400 cfs is necessary for optimum floating conditions.

16. Many public interest witnesses testified that 1800 cfs is a minimum streamflow for safe boating in the lower reach. Flows below 1800 cfs were deemed to be too low and dangerous because of rock exposure. Most floaters were leery about a flow rate of 1300 cfs, but conceded that water in excess of 1300 cfs might not be available at times.

17. The North Fork of the Payette River is used within the minimum streamflow reaches by recreational boaters, fishermen, tourists and campers. The use load on the river and adjacent riparian areas is increasing annually.

18. Highway 55, which parallels all the lower reach, and approximately half the upper reach, has been designated as a scenic highway. The highway was designated as a scenic highway primarily because of its superior aesthetic and scenic qualities.

19. Whitewater in the North Fork of the Payette River is the primary scenic and aesthetic resource that prompted designation of highway 55 as a scenic highway. Reduction of flows below traditional levels, as evidenced by the minimum flow application for recreational and aesthetic use particularly during the summer, when traffic is heaviest, would substantially reduce the aesthetic value of the river.

20. The river is used most heavily by recreationalists and scenic viewers during the summer period when daylight is available for 16-18 hours of the 24 hour day.

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SEP 06 1969

21. The minimum streamflow reaches are floated occasionally at night. In addition, campers, bathers, and waders rely on maintenance of flows after dark for use and aesthetic appreciation.

22. 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 use within the minimum flow reach drainage is in the public interest.

23. Although public sentiment expressed at the hearing generally favored the minimum streamflow, concern was expressed regarding the future use of the water for both small domestic uses and large hydropower production. Applications and permits proposing diversion of water exist within the minimum streamflow reach as well as upstream from the minimum streamflow reaches on the North Fork Payette and in the tributaries. Most of the uses are small domestic, stockwater or irrigation uses. One application, however, filed by Western Power, Inc., proposes the diversion of 2200 cfs from the North Fork of the Payette River downstream from Smiths Ferry where the canyon narrows. The water would be conveyed by pipeline and would discharge 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 is earlier in priority than any of the minimum streamflow filings.

RECORDED

SEP 06 1986

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

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SEP 16 1983

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 application nos. 65-12822 and 65-12840 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. 65-12822 and 65-12840 are in the public, as opposed to the private interest.

7. The variable minimum streamflow sought under applications no. 65-12822 and 65-12840 are minimum flows, and are not the most desirable flows. Evidence does not support, however, that the streamflows sought under application no. 65-12839 are minimum flows.

8. 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).

9. The Director should retain sufficient flexibility so that the parameters of a minimum streamflow may be changed to respond

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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.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 65-12822 and 65-12840 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 December 17, 1987, for application no. 65-12822, and April 5, 1988 for application no. 65-12840.

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

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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. 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 use within the minimum flow watershed.

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IT IS FURTHER ORDERED THAT:

7. Consideration of application for permit no. 65-12839 is continued, and the parties are authorized to conduct further studies to determine whether additional flows are necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17. Studies shall be submitted to the Department by July 1, 1990. The Department will thereafter conduct another hearing to determine whether the minimum streamflow sought under application no. 65-12839 is a true minimum rather than an optimum flow.

Dated this 17th day of July, 1989.


R. KEITH HIGGINSON, Director
Department of Water Resources

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JUL 19 1989

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of July 1989, I mailed a true and correct copy, postage prepaid, of the Memorandum Decision and Order to:

Cecil Hill
Noble Ditch Co.
6877 Custer Rd.
New Plymouth, ID 83665

Mark Auth
Western Power, Inc.
2399 S. Orchard
Boise, ID 83706

Rinda Ray Just
Attorney at Law
Statehouse Mail
Boise, ID 83720

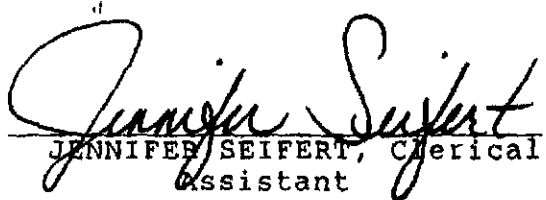
Dept. of Parks and Recreation
Statehouse Mail
Boise, ID 83720

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

Idaho Water Resource Board
c/o Dave Rydalch

Edward M. Wood
HC 71 Box 5000
Cascade, ID 83611

Wendy Wilson
P.O. Box 633
Boise, Idaho 83701


JENNIFER SEIFERT, Clerical
Assistant

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APR 05 1988

Form 702
6/80

Department of Water Resources

Ident No. 65-12840

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 334-7900
Post office address Statehouse Mail, Boise, ID 83720
2. Source of water supply North Fork Payette River which is a tributary of The Payette River
MSF Reach from Smiths Ferry in
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of $\frac{1}{4}$, Govt. Lot
Sec. 10 Township 11N Range 3E B.M. Valley County; additional
To Banks in
~~points of diversion if any:~~ SE 1/4 SE 1/4, Sec. 29, T9N, R3E, Boise County, Idaho
4. Water will be used for the following purposes:
Amount 1800 CFS for Recreation and Aesthetic purposes from May 1 to June 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1300 CFS for Recreation and Aesthetic purposes from July 1 to August 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1800 CFS for Recreation and Aesthetic purposes from Aug. 1 to Sept. 1 (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) and/or (b)
cubic feet per second 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?
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)

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock _____
- Municipal; show name of municipality _____
- Domestic; show number of households _____
- Other; describe fully Recreation and Aesthetics

9 Description of place of use: See Attached Map

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

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

Total number of acres to be irrigated _____

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

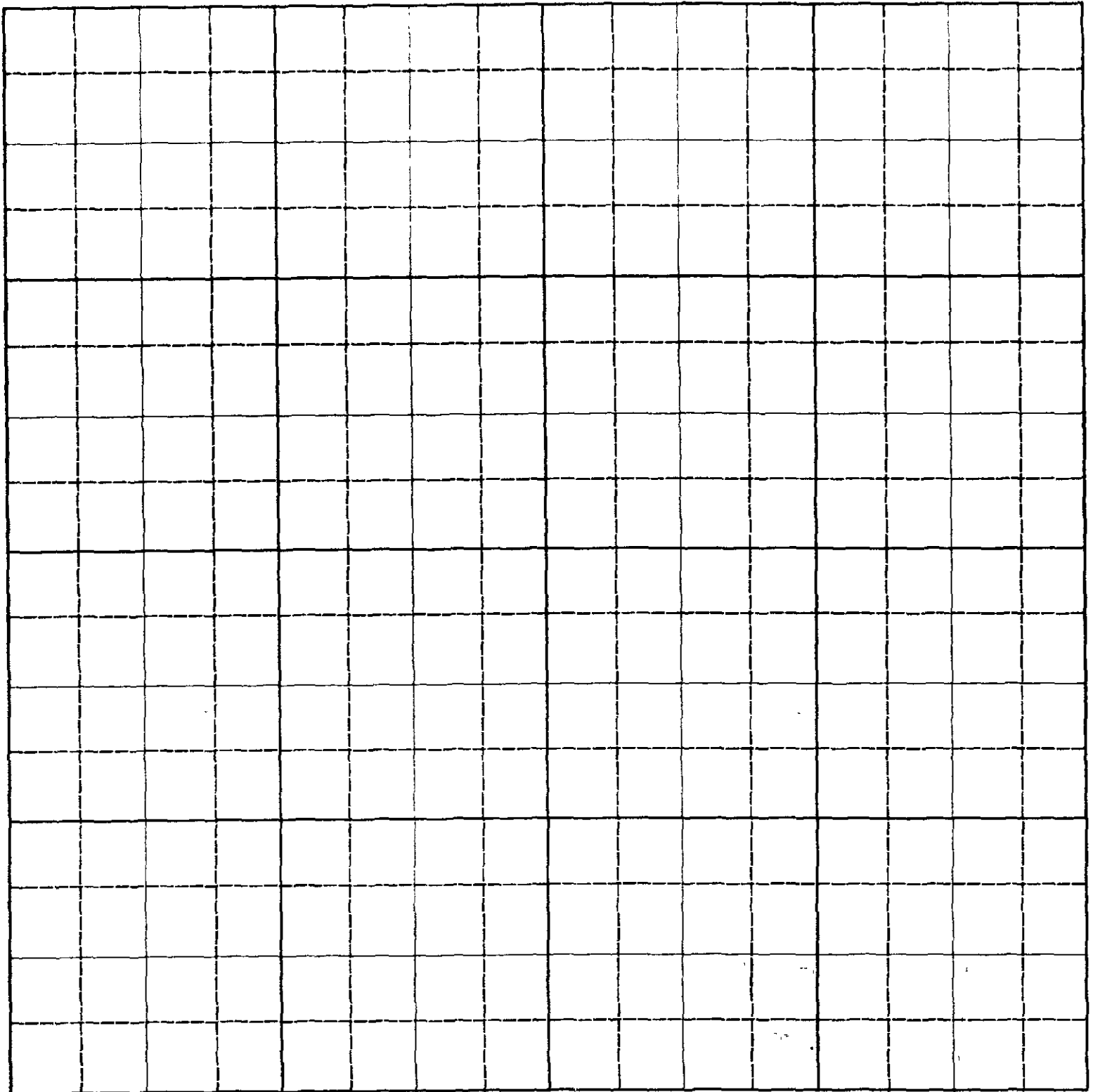
11. a. Who owns the property at the point of diversion? Valley County Road Department

b. Who owns the land to be irrigated or place of use? N/A

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

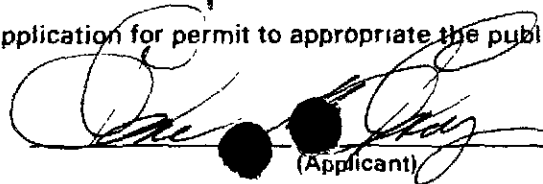
12 Remarks _____

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



Scale 2 inches equal 1 mile

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


(Applicant) 4-5-88

Received by G.L.S. 4-5-88 Time 2:00 P.M. check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12840, and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS

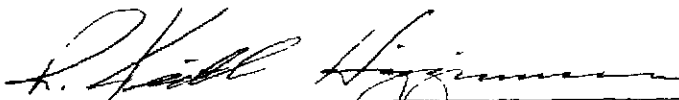
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

May 1, 19 91.

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 Memorandum Decision and Order


R. KEITH HIGGINSON, Director
Department of Water Resources

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 features of Cascade Reservoir by 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 internationally known as a world-class whitewater attraction. It provides much of the aesthetic beauty experienced by travellers using State Highway 55, the "Payette River Scenic Route"

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

Recreational floating and river aesthetics are both dependent upon the 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.

Interviews with recreational boaters indicate that 1800 CFS provides an adequate recreational experience. The requested flows reasonably approximate those which motorists on Highway 55 are accustomed to seeing during the summer months.

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.

These flows are within the range of median flows as shown on the
Banks gage between 1950 and 1983.

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

Banks , #13246000, records available from 1950 to present.

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.

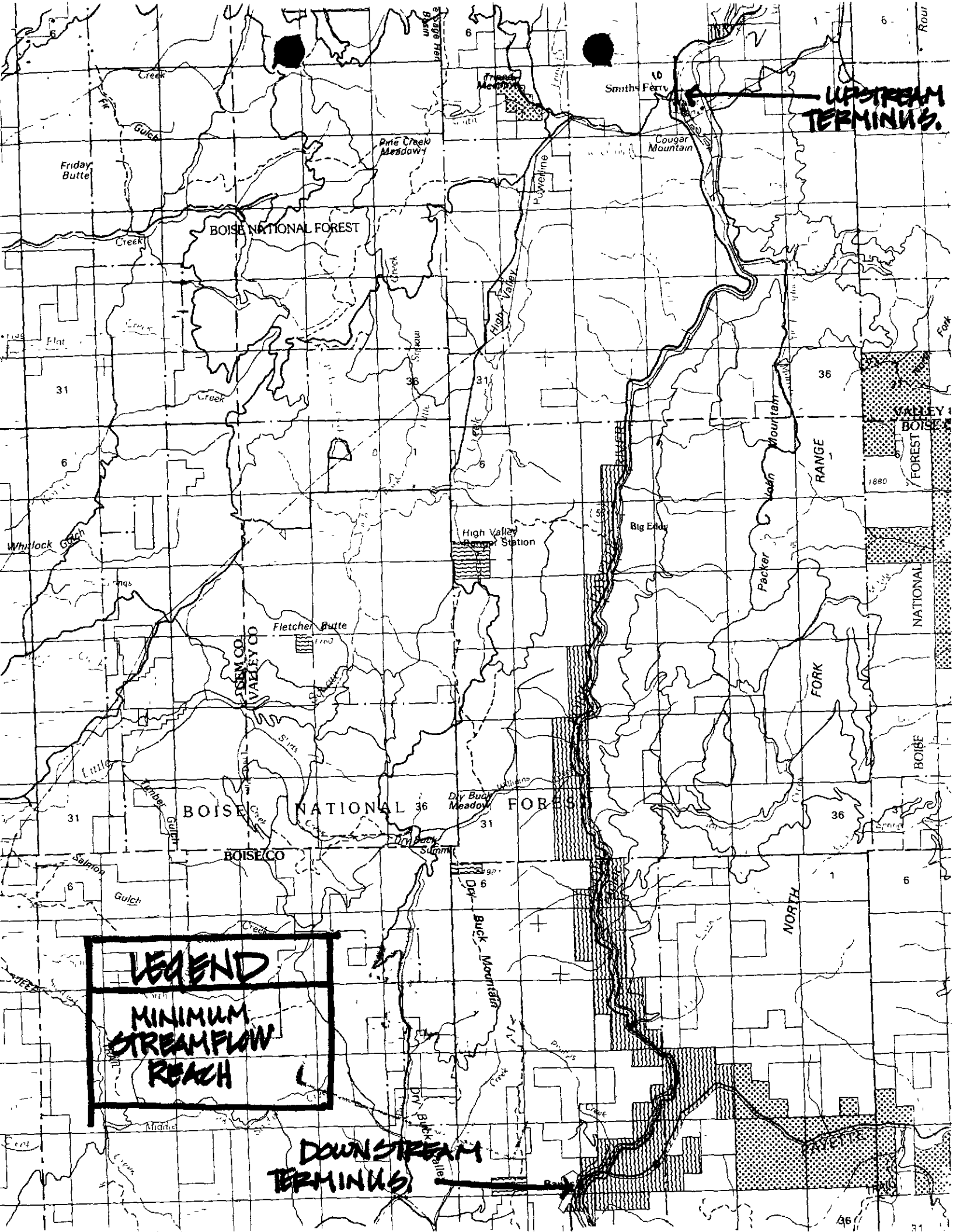
This section of the North Fork Payette was designated as an "Interim

Protected River" by the Idaho Legislature in 1988 (Idaho Code 42-1734 H).

It will be studied for long term protection by the Idaho Department of Water

Resources. This minimum streamflow application will provide the department

with a full range of options in its decision-making process.





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

September 26, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 65-12840

Dear Water Right Holder(s):

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

NOV 1 1995

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. _____

Proof of beneficial use rec'd _____

Was flow data submittal a requirement
with proof submittal? Yes _____ No _____

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

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

Data Entry for License:

Name Standardized

Total cfs & div. capacity listed as highest flow

P/D(s) beginning and ending descriptions listed

Use flows defined for entire year

P/U left blank (description in remarks)

Remarks/non-standard conditions

Non-consumptive

Watermaster control

Jurisdiction retains to amend

Description of reach(es)

All other applicable permit conditions

carried forward

Comments/adjustments _____

Printed license hand-edited _____

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 65-12840

Date 12/4/91

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit? If no, indicate below.
yes Proof timely received? If no, complete priority
advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
NA Drill permit req'd?
✓ Copy in file? Drill permit no. _____
✓ Amt paid for drilling permit? _____ Correct?
✓ Well log in file?

LICENSE EXAMINATION FEE

NA Required?
✓ Amount submitted?
✓ Correct amount?

MEASURING DEVICE

NA Measuring device or access port required?
✓ Installed?
✓ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	_____
Date proof due	<u>✓</u>	- _____
No. of days late	<u>✓</u>	= _____
Priority date	<u>✓</u>	+ _____
NEW PRIORITY DATE	<u>✓</u>	= _____

DATA ENTRY

ADDRESS CHANGE _____

PROOF MADE 12/4/91



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

RECEIVED
DEC 09 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 5, 1991

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720
Department of Water Resources

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-12840

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

DEC 26 1991

December 5, 1991

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-12840

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

07/90

RECEIVED

NOV 14 1991

STATE OF IDAHO

For Office Use Only

Amt. of Fee \$

Date

Receipt No

Received by

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1 Permit No 65-12840 Telephone No. 334-7900

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

3 Post Office Address 1301 N. Orchard Boise, ID 83706

4 Source of Water North Fork Payette River

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

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

5 Extent of Use:

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

Stockwater _____ (No. and type of stock) Other Minimum streamflow for
recreation and aesthetic purposes.

6 Total rate and/or volume for which proof is submitted 1800 cfs _____ acre/feet

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

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

OR

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

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

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

Frank Sherman

Name

327-7900

Telephone No

1301 N. Orchard Boise, ID 83706

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.

Date

Signature (and title if on behalf of a company or organization)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 7, 1991

Idaho Water Resource Board
Statehouse Mail
Boise, ID 83720

PROOF DUE NOTICE

RE: Permit No. 65-12840

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before January 6, 1992. If neither is received, the department will send you a lapse notice. Within sixty days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosures

DEC 26 1991

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 136

BY RESOURCES AND ENVIRONMENT COMMITTEE

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

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

4 WHEREAS, the Idaho Water Resource Board may apply for a permit to appro-
5 priate unappropriated waters of any stream to establish a minimum streamflow;
6 and

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

12 WHEREAS, the Director of the Department of Water Resources approved Appli-
13 cation for Permit No. 65-12840 on July 17, 1989, by issuing a Memorandum Deci-
14 sion and Order authorizing the appropriation of a minimum streamflow in the
15 North Fork, Payette River of 1800 cfs from May 1 through June 30, 1300 cfs
16 from July 1 through July 31, and 1800 cfs from August 1 through September 1.
17 The minimum streamflow begins at the terminus of the minimum streamflow reach
18 proposed by water right filing no. 65-12822, located in the SW1/4NE1/4, Sec-
19 tion 10, T11N, R3E, B.M., near Smiths Ferry, Valley County, and extends
20 approximately seventeen miles downstream to the SE1/4SE1/4, Section 29, T9N,
21 R3E, B.M., near Banks, Boise County.

22 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
23 sion of the Centennial Idaho Legislature, the Senate and the House of Repre-
24 sentatives concurring therein, that the same is hereby approved subject to the
25 conditions and limitations contained in the Final Memorandum Decision and
26 Order, dated July 17, 1989, issued by the Director of the Department of Water
27 Resources.

RECEIVED

JUN 06 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 9, 1990

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

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

Dear Senator Crapo:

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

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

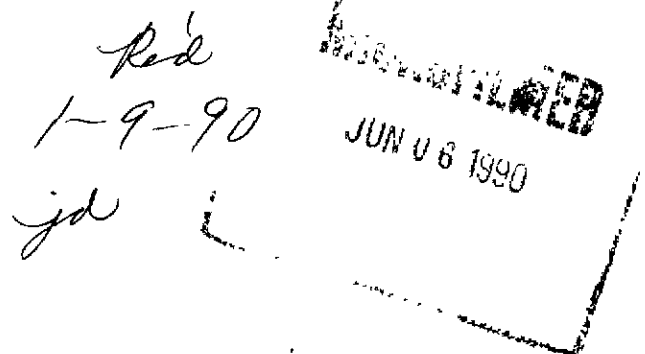
This letter constitutes submittal of the applications to the legislature for approval. Please advise me if you desire further information or presentation on the nature of the applications.

Sincerely,


R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

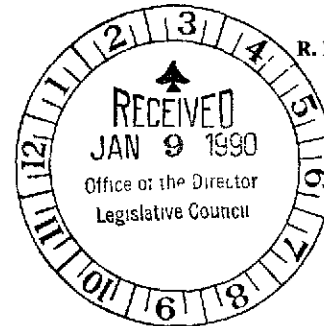
CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 9, 1990



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

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

Dear Representative Boyd:

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."

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Sincerely,


R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council

RECEIVED
JUN 9 6 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 9, 1990

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

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

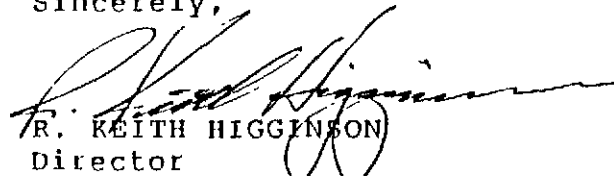
Dear Representative Boyd:

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

CB 1/9/90
JAN 11 1990

JUN 06 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 20, 1989

Dear Interested Party:

RE: Application for Permit Nos. 65-12822, 65-12839 and 65-12840

Enclosed is a copy of the approved Application for Permit Nos. 65-12822 and 65-12840 along with a copy of the Final Memorandum Decision and Order. Also enclosed is a copy of the Application for Permit No. 65-12839. Please note the conditions of approval as set forth in the Final Memorandum Decision and Order.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

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SEP 1 1989

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

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

Application No.: 65-12822
Source: Payette River, North Fork
Proposed Priority: December 17, 1987
Amount & Period of Use: 1400 cfs from 06/18 through 10/12
106 cfs from 10/13 through 03/15
500 cfs from 03/16 through 06/17

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE1/4SW1/4), Section 31, Township 13 North Range 4 East, B.M., and extending downstream to Smiths Ferry, located in the SW1/4NE1/4, Section 10, Township 11 North, Range 3 East, B.M., Valley County.

Application No: 65-12839
Source: Payette River, North Fork
Proposed Priority: April 5, 1988
Amount & Period of Use: 294 cfs from 10/13 through 03/15
100 cfs from 03/16 through 06/17
Purpose of Minimum Flow: Recreation, aesthetics and water quality.

Place of Use: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE1/4SW1/4), Section 31, Township 13 North Range 4 East, B.M., and extending downstream to Smiths Ferry, located in the SW1/4NE1/4, Section 10, Township 11 North, Range 3 East, B.M., Valley County.

Application No. 65-12840
Source: Payette River, North Fork
Proposed Priority: April 5, 1988
Amount & Period of Use: 1800 cfs from 05/01 through 06/30
1300 cfs from 07/01 through 07/31
1800 cfs from 08/01 through 09/01

SEP 06 1988

Place of Use: Beginning at Smiths Ferry, located in the SW1/4NE1/4, Section 10, Township 11 North, Range 3 East, B.M., Valley County, and extending downstream to Banks, located in the SE1/4SE1/4, Section 29, Township 9 North, Range 3 East, B.M., Boise County.

The Director of the Department of Water Resources will hold a prehearing conference and public hearing in Cascade, Idaho, at the Cascade Senior Citizens Center, 409 School Street, Cascade, Idaho, beginning at 2:00 p.m. on Wednesday, November 30, 1988, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of informal public testimony.

Any party who wishes to formally appear in this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83720, five (5) days prior to the hearing. A formal party must appear at the outset of the afternoon session. 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, these permits will be subject to all prior water rights.

R. KEITH HIGGINSON, Director

Idaho Department Water Resources

PAYETTE RIVER
MINIMUM FLOW
FACT SHEET

Application No.: 65-12822

Date Application Filed: December 17, 1987

Rate of Flow: 1400 cfs from 06/18 through 10/12
106 cfs from 10/13 through 03/15
500 cfs from 03/16 through 06/17

Location: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE1/4SW1/4), Section 31, Township 13 North Range 4 East, B.M., and extending downstream to Smiths Ferry, located in the SW1/4NE1/4, Section 10, Township 11 North, Range 3 East, B.M., Valley County.

Application No.: 65-12839

Date Application Filed: April 5, 1988

Rate of Flow: 294 cfs from 10/13 through 03/15
100 cfs from 03/16 through 06/17

Location: Beginning at the Carbarton Road Bridge, located in Lot 11 (NE1/4SW1/4), Section 31, Township 13 North Range 4 East, B.M., and extending downstream to Smiths Ferry, located in the SW1/4NE1/4, Section 10, Township 11 North, Range 3 East, B.M., Valley County.

Purpose: Recreation, aesthetics and water quality

Application No.: 65-12840

Date Application Filed: April 5, 1988

Rate of Flow: 1800 cfs from 05/01 through 06/30
1300 cfs from 07/01 through 07/31
1800 cfs from 08/01 through 09/01

Location: Beginning at Smiths Ferry, located in the SW1/4NE1/4, Section 10, Township 11 North, Range 3 East, B.M., Valley County, and extending downstream to Banks, located in the SE1/4SE1/4, Section 29, Township 9 North, Range 3 East, B.M., Boise County.

Source: Payette River, North Fork

Applicant: Idaho Water Resource Board

SEP 11 1988

Requesting Agency: Idaho Department of Parks and Recreation and
Idaho Department of Fish and Game

Public Hearing: Wednesday November 30, 1988, at 2.00 P.M. at
the Cascade Senior Citizens Center, 409 School
Street, Cascade, Idaho.

<date>

<address>

RE: Minimum streamflow Application on the North Fork of the
Payette River, Application Nos. 65-12822, 65-12839 and
65-12840

Dear <sal>:

The Idaho Department of Water Resources will be conducting a public hearing regarding a proposed minimum streamflow water right on the North Fork of the Payette River.

Information describing the application and the time and place of the public hearing is summarized on the enclosed fact sheet. Also enclosed is a brochure which describes the minimum streamflow procedure.

If you desire to appear formally as a party, and call witnesses and cross examine, you must file a notice of appearance with the Department at least five days prior to the hearing. You may also testify informally once formal testimony has closed without pre-notifying the Department.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:ds

Enclosures

MICROFILMED

SEP 16 1969

CERTIFICATE OF MAILING

I certify that on the 9th day of November, I mailed a true and correct copy of the following letter, postage prepaid, to the following individuals:

Diana Schuett
DIANA SCHUETT, Clerical
Assistant

RECORDED

SEP 06 1969

<date>November 8, 1988
<address>John Rosentreter
4220 Libby
Boise, ID 83705
<sal>Mr. Rosentreter
<>

<date>November 8, 1988
<address>Becky Arnold
4334 Libby
Boise, ID 83705
<sal>Ms. Arnold
<>

<date>November 8, 1988
<address>Wendy Wilson
1016 E. State
Boise, ID 83712
<sal>Ms. Wilson
<>

<date>November 8, 1988
<address>Phil Lansing
1016 E. State
Boise, ID 83712
<sal>Mr. Lansing
<>

<date>November 8, 1988
<address>Carl Abercrombie
5424 Hwy 52
Emmett, ID 83614
<sal>Mr. Abercrombie
<>

<date>November 8, 1988
<address>Don Rising
HC 71 Box 2140
Cascade, ID 83611
<sal>Mr. Rising
<>

<date>November 8, 1988
<address>Michael C. Orr
1316 N. 8th Apt. D
Boise, ID 83702
<sal>Mr. Orr
<>

<date>November 8, 1988
<address>Jim and Connie Mayfield
P.O. Box 939
Cascade, ID 83611
<sal>Mr. and Mrs. Mayfield

SEP 06 1989

<>

<date>November 8, 1988
<address>Chuck Gossett
3611 Kipling Rd.
Boise, ID 83706
<sal>Mr. Gossett
<>

<date>November 8, 1988
<address>Dan Davis
P.O. Box 987
Cascade, ID 83611
<sal>Mr. Davis
<>

<date>November 8, 1988
<address>Jock D. MacGregor
P.O. Box 5128
Boise, ID 83705
<sal>Mr. MacGregor
<>

<date>November 8, 1988
<address>Matt & Lynn Miracle
Box 1368
McCall, ID 83638
<sal>Mr. and Mrs. Miracle
<>

<date>November 8, 1988
<address>Marty Gangis
Box 1525
McCall, ID 83638
<sal>Interested Party
<>

<date>November 8, 1988
<address>Robert Lokker
Box 847
Cascade, ID 83638
<sal>Mr. Lokker
<>

<date>November 8, 1988
<address>F. Phillip Davis
HC 71 Box 2005
Cascade, ID 83611
<sal>Mr. Davis
<>

<date>November 8, 1988
<address>Cecil E. Hill
6877 Custer Rd.

INDEXED

SEP 06 1988

New Plymouth, ID 83665
<sal>Mr. Hill
<>

<date>November 8, 1988
<address>Jeff Hennessy
3409 N. 39th
Boise, ID 83703
<sal>Mr. Hennessy
<>

<date>November 8, 1988
<address>Dick Lymh
Route 1
Sweet, ID 83670
<sal>Mr. Lymh
<>

<date>November 8, 1988
<address>Susan Bechdel
P.O. Box 823
McCall, ID 83638
<sal>Ms. Bechdel
<>

<date>November 8, 1988
<address>Gusti Laidrew
P.O. 1771
McCall, ID 83638
<sal>Mr. Laidrew
<>

<date>November 8, 1988
<address>Richard Goetsch
HC 76 Box 2873
Garden Valley, ID 83622
<sal>Mr. Goetsch
<>

<date>November 8, 1988
<address>Michael Lyons
3747 Stonecreek Way
Boise, ID 83703
<sal>Mr. Lyons
<>

<date>November 8, 1988
<address>Monette Baldwin
P.O. Box 392
Donnelly, ID 83615
<sal>Ms. Baldwin
<>

<date>November 8, 1988

MICROFILMED

SEP 10 1989

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

<date>November 8, 1988
<address>Michael J. Johnson
P.O. Box 715
Cascade, ID 83611
<sal>Mr Johnson
<>

<date>November 8, 1988
<address>George Guarin
HC 71 Box 2155
Cascade, ID 83611
<sal>Mr. Guarin
<>

<date>November 8, 1988
<address>Julie Rose
Box 1305
McCall, ID 83638
<sal>Ms. Rose
<>

<date>November 8, 1988
<address>Don McClaran
Box 1794
McCall, ID 83638
<sal>Mr. McClaran
<>

<date>November 8, 1988
<address>John H. Hasbrouck
Box 2090
Cascade, Id 83611
<sal>Mr. Hosbrouck
<>

<date>November 8, 1988
<address>Roger Hopt
5875 Streamside Pl.
Bosie, ID 83714
<sal>Mr. Hopt
<>

<date>November 8, 1988
<address>John Hopt
5875 Streamside Pl.
Boise, ID 83714
<sal>Mr. Hopt
<>

INDEXED

SEP 06 1989

<date>November 8, 1988
<address>Lori Hosbrouch
HC 71 P.O. 2090
Cascade, ID 83611
<sal>Ms. Hosbrouch
<>

<date>November 8, 1988
<address>Daniel L. Givens
1817 Eastman
Boise, ID 83702
<sal>Mr. Givens
<>

<date>November 8, 1988
<address>Tony Brennan
1010 Resseguie
Boise, ID 83702
<sal>Mr. Brennan
<>

<date>November 8, 1988
<address>Duane Vayhan
HC 76 Box 2976
Garden Valley, ID 83622
<sal>Mr. Vayhan
<>

<date>November 8, 1988
<address>Dale Thuleen
HC 76 Box 4008
Garden Valley, ID 83622
<sal>Mr. Thuleen
<>

<date>November 8, 1988
<address>Thomas Plehal
P.O. 662
Cascade, ID 83611
<sal>Mr. Plehal
<>

<date>November 8, 1988
<address>Deborah Baldwin
P.O. 32
Garden Valley, ID 83622
<sal>Ms. Baldwin
<>

<date>November 8, 1988
<address>Jake Putnam
P.O. 5407
Boise, ID 83707

RECEIVED

SEP 25 1988

<sal>Mr. Putnam
<>

<date>November 8, 1988
<address>Paul P. King
2507 Chitwood Way
Boise, ID 83704
<sal>Mr. King
<>

<date>November 8, 1988
<address>Robert R. Martin
P.O. 10
Smith Ferry, ID 83668
<sal>Mr. Martin
<>

<date>November 8, 1988
<address>Patrick Harren
Box 1268
McCall, ID 83638
<sal>Mr. Harren
<>

<date>November 8, 1988
<address>John Cloninger
Box 505
Cascade, ID 83611
<sal>Mr. Cloninger
<>

<date>November 8, 1988
<address>Ken Eklund
P.O. Box 1498
McCall, ID 83638
<sal>Mr. Eklund
<>

<date>November 8, 1988
<address>Bruce Olson
P.O. 32
Garden Valley, ID 83622
<sal>Mr. Olson
<>

<date>November 8, 1988
<address>Larry Lampson
P.O. Box 355
Cascade, ID 83611
<sal>Mr. Lampson
<>

<date>November 8, 1988
<address>Pepper Lampson

RECEIVED

SEP 06 1988

P.O. Box 355
Cascade, ID 83611
<sal>Ms. Lampson
<>

<date>November 8, 1988
<address>Bill Clark
212 Eiden Drive
Boise, ID 83705
<sal>Mr. Clark
<>

<date>November 8, 1988
<address>Bob Limbauch
Emmett, ID 83617
<sal>Mr. Limbauch
<>

<date>November 8, 1988
<address>Dick Weenstra
1990 E. Black Canyon
Emmett, ID 83617
<sal>Mr. Weenstra
<>

<date>November 8, 1988
<address>Leah Coash
Round Valley
Cascade, ID 83611
<sal>Mr. Coash
<>

<date>November 8, 1988
<address>Bill & Verla Chisham
P.O. Box 935
Cascade, ID 83611
<sal>Mr. & Mrs. Chisham
<>

<date>November 8, 1988
<address>Edward Walsh
11112 Cartridge St.
Boise, ID 83704
<sal>Mr. Walsh
<>

<date>November 8, 1988
<address>Lynne Bringman
20 Barbara Dr.
Middleton, ID 83644
<sal>Mr. Bringman
<>

<date>November 8, 1988

RECEIVED

SEP 11 1988

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

<date>November 8, 1988
<address>Keith Standley
5550 W. Blk. Highway
Emmett, ID 83617
<sal>Mr. Standley
<>

<date>November 8, 1988
<address>Don Craig
Box 125
Letha, ID. 83636
<sal>Mr. Craig
<>

<date>November 8, 1988
<address>Keith Shaw
4001 E. Main
Emmett, ID 83617
<sal>Mr. Shaw
<>

<date>November 8, 1988
<address>Mr. & Mrs. Jarvis
Rt. 1 Box 50
McCall, ID 83638
<sal>Mr. & Mrs. Jarvis
<>

<date>November 8, 1988
<address>Glenn Redmon
Rutral Rt.
Cascade, ID 83611
<sal>Mr. Redmon
<>

<date>November 8, 1988
<address>Ferne & Bob Krumm
P.O. Box 86
Lake Fork, ID 83635
<sal>Mr. & Mrs. Krumm
<>

<date>November 8, 1988
<address>Kathy Vaughan
HC 76 Box 2976
Garden Valley, ID 83622
<sal>Ms. Vaughan
<>

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SEP 11 1988

<date>November 8, 1988
<address>Tiffany Thuleen
HC 76 Box 4008
Garden Valley, ID 83622
<sal>Ms. Thuleen
<>

<date>November 8, 1988
<address>Andy Olavarria
P.O. Box 13
McCall, ID 83638
<sal>Mr. Olavarria
<>

<date>November 8, 1988
<address>Ron Frye
Box 72
New Meadows, ID 83654
<sal>Mr. Frye
<>

<date>November 8, 1988
<address>Jeff Pargnett
Box 621
McCall, ID 83638
<sal>Mr. Pargnett
<>

<date>November 8, 1988
<address>E.M. Wood
HC 71 Box 5000
Cascade, ID 83611
<sal>Mr. Wood
<>

<date>November 8, 1988
<address>Mel Johnson
847 Gassett Pl.
Boise, ID 83704
<sal>Mr. Johnson
<>

<date>November 8, 1988
<address>Madonna Lengerich
1418 Sherman
Boise, ID 83702
<sal>Ms. Lengerich
<>

<date>November 8, 1988
<address>Michael Orr
1316 N. 8th Apt. D
Boise, ID 83702

FILED

SEP 11 1989

<sal>Mr. Orr
<>

<date>November 8, 1988
<address>Bill Terry
1405 N. 23rd
Boise, ID 83707
<sal>Mr. Terry
<>

<date>November 8, 1988
<address>Richard Wilson
4839 Sorrento
Boise, ID 83704
<sal>Mr. Wilson
<>

<date>November 8, 1988
<address>Scott Montgomery
6947 W. Belhaven
Boise, ID 83703
<sal>Mr. Montgomery
<>

<date>November 8, 1988
<address>Charles M. Pegan
2686 Aster Ave.
Boise, ID 83704
<sal>Mr. Pegan
<>

<date>November 8, 1988
<address>LaRae & Kevin Deats
10254 Ralph Ct.
Boise, ID 83709
<sal>Mr. & Mrs. Deats
<>

<date>November 8, 1988
<address>Warren E. Mount
HC 71 Box 2065
Cascade, ID 83611
<sal>Mr. Mount
<>

<date>November 8, 1988
<address>George W. Cole
Box 7
Smiths Ferry, ID 83668
<sal>Mr. Cole
<>

<date>November 8, 1988
<address>Loren Weston

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FBI - BOISE

SEP 9 1988

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

<date>November 8, 1988
<address>Raymond L. Cooper
Box 61
Cascade, ID 83611
<sal>Mr. Cooper
<>

<date>November 8, 1988
<address>Tom Menten
3425 Spiceland Dr.
Boise, ID 83707
<sal>Mr. Menten
<>

<date>November 8, 1988
<address>Eric Bechtel
Star News
McCall, ID 83638
<sal>Mr. Bechtel
<>

<date>November 8, 1988
<address>Clair McMaster
Cascade, ID 83611
<sal>Ms. McMaster
<>

<date>November 8, 1988
<address>David Simmonds
P.O. Box 1817
McCall, ID 83638
<sal>Mr. Simmonds
<>

<date>November 8, 1988
<address>Curtis D. Carney
Box 9
Cascade, ID 83611
<sal>Mr. Carney
<>

<date>November 8, 1988
<address>Jack H. Hansen
214 Broadway USBR
Boise, ID 83703
<sal>Mr. Hansen
<>

<date>November 8, 1988

MICROFILMED

SEP 9 1988

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

<date>November 8, 1988
<address>Larry Beskoon
7515 War Bonnet Dr.
Boise, ID 83709
<sal>Mr. Beskoon
<>

<date>November 8, 1988
<address>Dick Scully
Box 905
McCall, ID 83638
<sal>Mr. Scully
<>

<date>November 8, 1988
<address>Roger Smith
10832 Edna St.
Boise, ID 83704
<sal>Mr. Smith
<>

<date>November 8, 1988
<address>Jim Jensen
12141 Edna St.
Boise, ID 83704
<sal>Mr. Jensen
<>

<date>November 8, 1988
<address>Norris J. Hyde
P.O. Box 730
Emmett, ID 83617
<sal>Senator Hyde
<>

<date>November 8, 1988
<address>Gayle Ann Wilde
P.O. Box 984
McCall, ID 83638
<sal>Representative Wilde
<>

<date>November 8, 1988
<address>Robert Fry
P.O. Box 58
Horseshoe Bend, ID 83629
<sal>Representative Fry
<>

RECEIVED
SEP 14 1989

<date>November 8, 1988
<address>Philip E. Batt
P.O. Box 428
Wilder, ID 83676
<sal>Senator Batt
<>

<date>November 8, 1988
<address>Donna Jones
333 S. 9th St.
Payette, ID 83661
<sal>Representative Jones
<>

<date>November 8, 1988
<address>W.O. Bill Taylor
1914 Primrose Dr.
Nampa, ID 83651
<sal>Representative Taylor
<>

<date>November 8, 1988
<address>Herb Carlson
1812 Hill Road
Eagle, ID 83616
<sal>Senator Carlson
<>

<date>November 8, 1988
<address>Gary L. Montgomery
737 N. 7th St.
Boise, ID 83702
<sal>Representative Montgomery
<>

<date>November 8, 1988
<address>Jerry Deckard
P.O. Box 441
Eagle, ID 83616
<sal>Representative Deckard
<>

<date>November 8, 1988
<address>Rod Beck
4257 Tattenham Way
Boise, ID 83704
<sal>Senator Beck
<>

<date>November 8, 1988
<address>Don C. Loveland
4624 Berkshire Dr.
Boise, ID 83704

11/11/88
SEN. J. BECK

<sal>Representative Loveland
<>

<date>November 8, 1988
<address>Phil Childers
3440 Quail Place
Boise, ID 83704
<sal>Representative Childers
<>

<date>November 8, 1988
<address>Wm. F. Ringert
4210 Mountain View Dr.
Boise, ID 83704
<sal>Senator Ringert
<>

<date>November 8, 1988
<address>Emerson Smock
3917 Mountain View Dr.
Boise, ID 83704
<sal>Representative Smock
<>

<date>November 8, 1988
<address>Christopher R. Hooper
3616 Cabarton Lane
Boise, ID 83704
<sal>Representative Hooper
<>

<date>November 8, 1988
<address>Rachel S. Gilbert
1111 Marshall
Boise, ID 83706
<sal>Senator Gilbert
<>

<date>November 8, 1988
<address>Ron Slater
3708 Camas
Boise, ID 83705
<sal>Representative Slater
<>

<date>November 8, 1988
<address>
<sal>Ruby R. Stone
6604 Holiday Dr.
Boise, ID 83709
<>Representative Stone

<date>November 8, 1988
<address>Jerry J. Hanson

RECEIVED

SEP 14 1989

10935 Camas St.
Boise, ID 83709
<sal>Senator Hanson
<>

<date>November 8, 1988
<address>Herm Steger
11513 W. Amity Rd.
Boise, ID 83709
<sal>Representative Steger
<>

<date>November 8, 1988
<address>Brent Brocksome
277 N. 6th St. Suite 200
Boise, ID 83702
<sal>Representative Brocksome
<>

<date>November 8, 1988
<address>Gail Etheridge Bray
P.O. Box 1825
Boise, ID 83701
<sal>Senator Bray
<>

<date>November 8, 1988
<address>Kathleen W. Gurnsey
1111 W. Highland View Dr.
Boise, ID 83702
<sal>Representative Gurnsey
<>

<date>November 8, 1988
<address>Kenneth L. Robison
1119 N. 12th Street
Boise, ID 83702
<sal>Representative Robison
<>

<date>November 8, 1988
<address>Karl B. Brooks
157 E. Williams St.
Boise, ID 83706
<sal>Senator Brooks
<>

<date>November 8, 1988
<address>Pamela I. Bengson
1925 Teal
Boise, ID 83706
<sal>Representataive Bengson
<>

RECEIVED
SEP 11 1989

SEP 06 1989

<date>November 8, 1988
<address>Jack C. Kennevik
1 Mesa Dr.
Boise, ID 83705
<sal>Representative Kennevik
<>

<date>November 8, 1988
<address>James E. Risch
5400 S. Cole Road
Boise, ID 83709
<sal>Senator Risch
<>

<date>November 8, 1988
<address>Boyd Hill
1035 E. McMillan Road
Meridian, ID 83642
<sal>Representative Hill
<>

<date>November 8, 1988
<address>Sheila Sorensen
5197 Redbridge Rd.
Boise, ID 83703
<sal>Representative Sorensen
<>

<date>November 8, 1988
<address>Idaho Department of Parks & Rec.
Statehouse Mail
Boise, ID 83720
<sal>Gentlemen
<>

<date>November 8, 1988
<address>Idaho Department of Fish & Game
600 South Walnut
Boise, ID 83707
<sal>Gentlemen
<>

RECEIVED
SEP 11 1988

CERTIFICATE OF MAILING

I certify that on the 10th day of November, I mailed, a true and correct copy of the following letter, postage prepaid, to the following individuals:

Diana Schuett
DIANA SCHUETT, Clerical
Assistant

RECEIVED
NOV 10 1964
FBI - NEW YORK

Inter Med
Letters

<date>November 10, 1988
<address>Meyers Engineering Company, P.A.
ATTN: Carl L. Meyers, P.E.
750 Warm Springs Avenue
Boise, ID 83712
<sal>Mr. Meyers
<>

<date>November 10, 1988
<address>Jack A. Weinberg
2056 Colorado
Boise, ID 83706
<sal>Mr. Weinberg
<>

RECEIVED

SEP 10 1989

MEMORANDUM

TO: North Fork Payette River Files
65-12822, 65-12840, and 65-12839

FROM: Gary Spackman

DATE: November 2, 1988

On November 1, 1988, Dave Tuthill called me and informed me that he had contacted Valley County for information regarding landowners along the North Fork Payette River in minimum streamflow reach between Smiths Ferry and Banks. A Valley County employee named Candy informed Dave that she would perform the research for a fee of approximately \$10.00 plus copying costs. Candy's number is 382-4295.

NOV 11 1988
NOV 11 1988

SEP 06 03
11:00 AM

The issue of whether the deposit limit should be moved into the minimum salary range for housing on the NF Payset to be discussed with the board. The board decision was to request that the deposit limit be moved to schedule and hold the hearing.

=====

SUBJECT: Public Hearing - JLF Payset

DATE: October 24, 1988

FROM: [Signature]
TO: [Signature]

MEMORANDUM

MEMORANDUM

TO: Norman C. Young
FROM: Gary Spackman *Gary*
DATE: October 6, 1988
RE: Department of Hearing for North Fork of Payette River
minimum stream flows.

Three minimum stream flow applications are pending for the North Fork of the Payette River. Application for permit no. 65-12822 proposes a variable flow of 106 cfs in the winter time to 1400 cfs during recreational periods from the Carbarton Bridge down to Smiths Ferry. Application no. 65-12839 propose an additional 100 to 294 cfs in the upper reach previously described from October 13 through June 17. Finally application no. 65-12840 proposes a minimum flow of 1300 to 1800 cfs in the reach from Smiths Ferry to Banks from May 1 through September 1.

A public information meeting was conducted in the spring of 1988 for application no. 65-12822. Public support for the application was overwhelming. The two subsequent applications were filed in response to comments presented at the public information meeting.

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A hearing could be conducted by the department this fall, and a decision issued. The designation of the North Fork of the Payette River as a protected river in the comprehensive river planning bill must dovetail into the department's minimum stream flow process, however. Should the planning process be implemented prior to the establishment of a minimum stream flow under Title 42, Chapter 15, or, would a hearing, and establishment of a minimum stream flow under the water appropriation process facilitate comprehensive river planning? These questions should be answered by the Idaho Water Resource Board, as both the applicant under the minimum stream flow, and also the entity which is charged with responsibility of comprehensive river planning.

Time is of the essence if a hearing is to be conducted this fall and the minimum stream flows applications are to be submitted to the 1989 Legislature. If the board wants the department to submit the applications to the Legislature for approval this fall, the board probably must determine at its next board meeting whether the director should conduct the official hearing on the minimum stream flow applications.



IDAHO FISH & GAME

REGION 3
109 West 44th Street
Boise, ID 83714
(208) 334-3725

June 14, 1988

Mr. David Tuthill
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Application for water right permits #65-12839 and #65-12840; North Fork Payette Instream Flows.

Dear Mr. Tuthill:

We reviewed the above referenced applications and we do not object to issuance of these permits.

Thank you for the opportunity to comments on these applications.

Sincerely,

Stacy Gebhards
Regional Supervisor
Region 3/Boise

SG:DA:jrw
c: Program Coordination
Fisheries Bureau

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



MICROFILMED

SEP 06 1989



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

May 24, 1988

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

Re: Applicatins for Permit Nos. 65-12839 and 65-12840 in the Name of the
Idaho Water Resource Board

Dear Mr. Howard:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have. Your agency will be contacted regarding future public meetings or hearings related to the applications.

Sincerely,

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

DRT:jp

Enclosure(s):

RECEIVED

JUN 1 1988



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

May 24, 1988

Stacy Gebhards
Regional Supervisor
Idaho Department of Fish & Game
Region 3/Statehouse
Boise, ID 83720

Re: Applications for Permit Nos. 65-12839 and 65-12840 in the Name of the
Idaho Water Resource Board

Dear Mr. Gebhards:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have. Your agency will be contacted regarding future public meetings or hearings related to the applications.

Sincerely,

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

DRT:jp

Enclosure(s):

RECEIVED

MAY 26 1988



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

May 24, 1988

Idaho Dept. of Health & Welfare
Division of Environment
Attn: Patricia Klahr
Statehouse Mail
Boise, ID 83720

Re: Applications for Permit Nos. 65-12839 and 65-12840 in the Name of
the Idaho Water Resource Board

Dear Ms. Klahr:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have. Your agency will be contacted regarding future public meetings or hearings related to the applications.

Sincerely,

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

DRT:jp

Enclosure(s):

RECORDED

MINIMUM STREAMFLOW REQUEST/APPLICATION
PROCESSING CHECKLIST

	<u>Assigned to</u>	<u>Initials/Date</u>
1. Request received and checklist attached.	Records Chief	<u>sg/5-20-88</u>
2. Request indexed.	Records Chief	_____
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	<u>dp 5/24/88</u>
15. Application advertised w/o hearing date.	Region	_____
16. Notice sent to each water right holder or applicant on MSF reach.	Section Supv.	_____
17. Personal contact made with riparian land owners.	Requestor	_____
18. Visual aid request prepared. (location, water rights, hydrology)	Section Supv.	_____
19. Visual aids reviewed.	Section Supv.	_____
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	_____
21. Informal public meeting advertised in legal notices.	Region	_____

Assigned to Initials/Date

22. Notification of informal public meeting sent to:

a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV and Radio Stations	Section Supv.	_____
f. Water Right Holders	Requestor	_____
g. Riparian Owners	Requestor	_____

23. Informal public meeting held.

IWRB and
Section Supv. _____

24. Notice of formal hearing advertised in
legal notices.

Region _____

25. Notification of formal hearing sent to:

a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV and Radio Stations	Section Supv.	_____
f. Water right holders	Section Supv.	_____
g. Attendees of informal public meetings	Section Supv.	_____
h. Riparian Owners (with data generated by Requestor)	Section Supv.	_____

26. Hearings held (mandatory).

Hearing Officer
and Regional Rep. _____

27. Standard approval procedure for
memorandum decision.

Hearing Officer _____

28. If application is approved, Legislative
approval procedure attached.

Records Chief _____