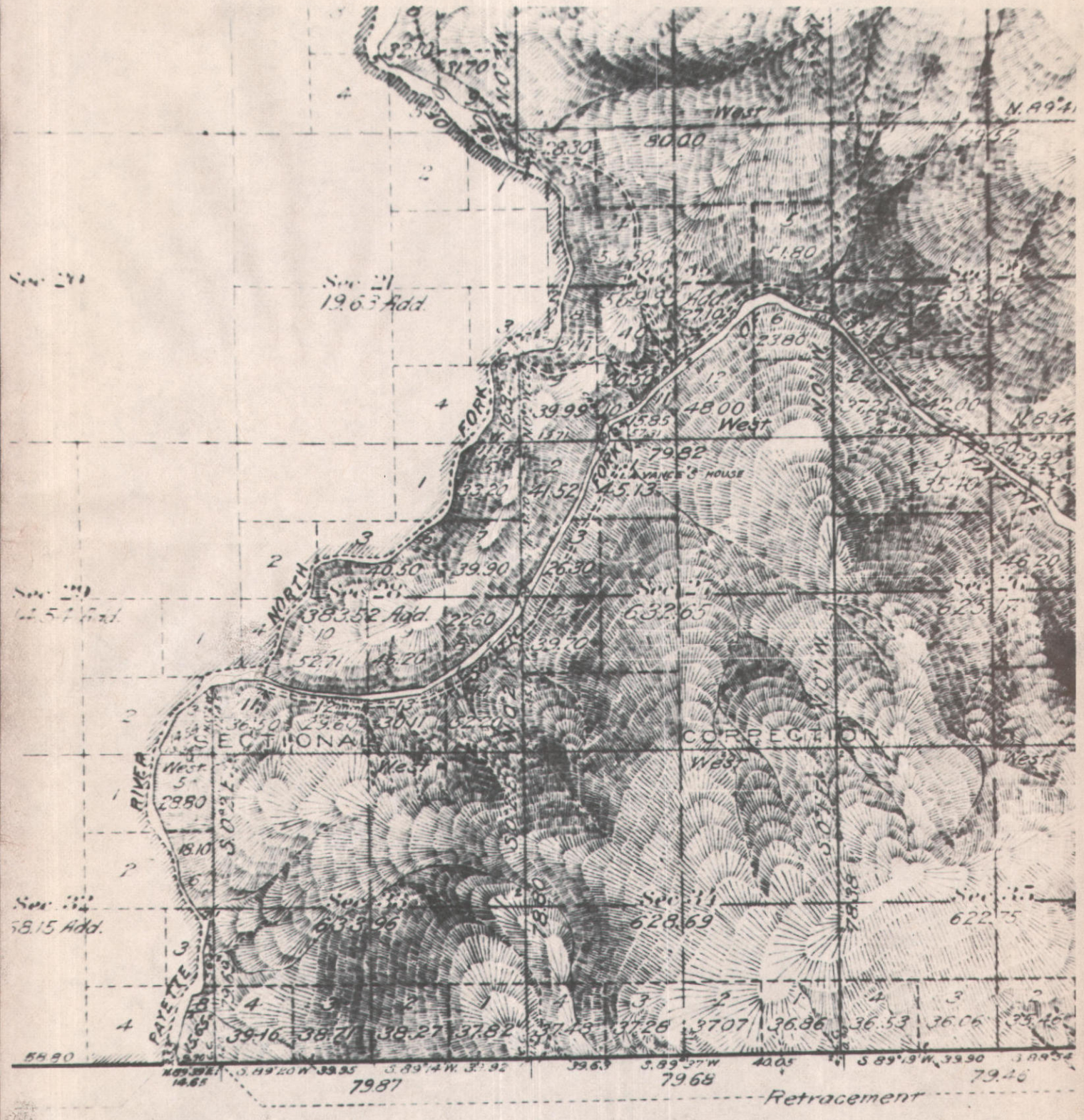
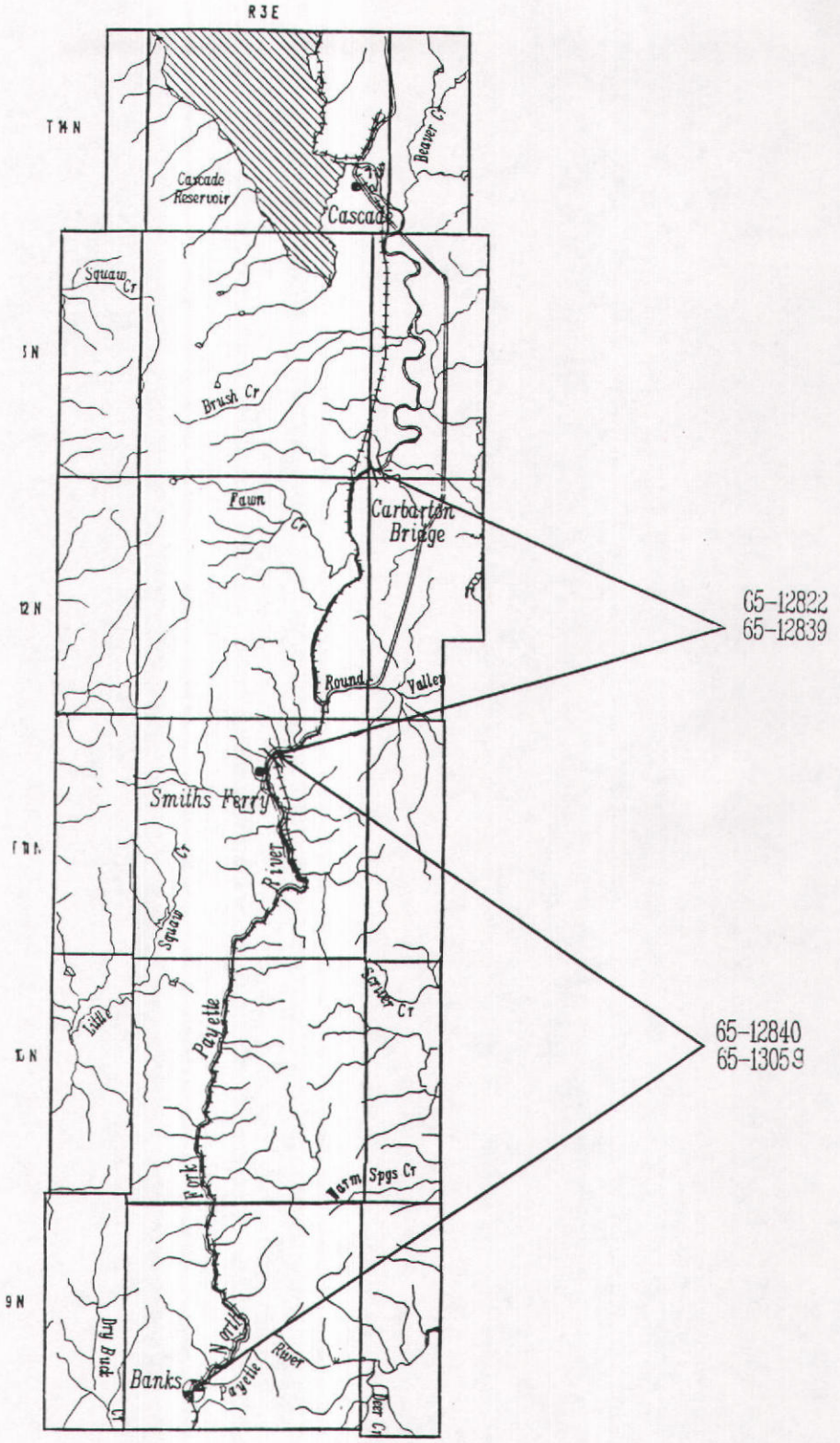


Group		Amount of Surveys			When Surveyed	
No.	Date	Mls.	chs.	lks.	Begun	Completed
53	April 28, 1914	0	23	2	Nov. 8, 1914	Nov. 8, 1914
"	" " "	5	50	32	Oct. 6, "	" 7, "
"	" " "	3	79	20	" 8, "	Oct. 13, "
"	" " "	35	19	66	" 15, "	Nov. 14, "
"	" " "	0	22	58	" 16, "	" " "
"	" " "	16	79	56	" " "	" 7, "
18	March 31, 1911	0	75	22	July 27, 1911	July 27, 1911
"	" " "	2	70	72	Aug. 7, "	Aug. 8, "
	Contract					
255	June 15 1904	1	56	72	May 2, 1905	May 3, 1905

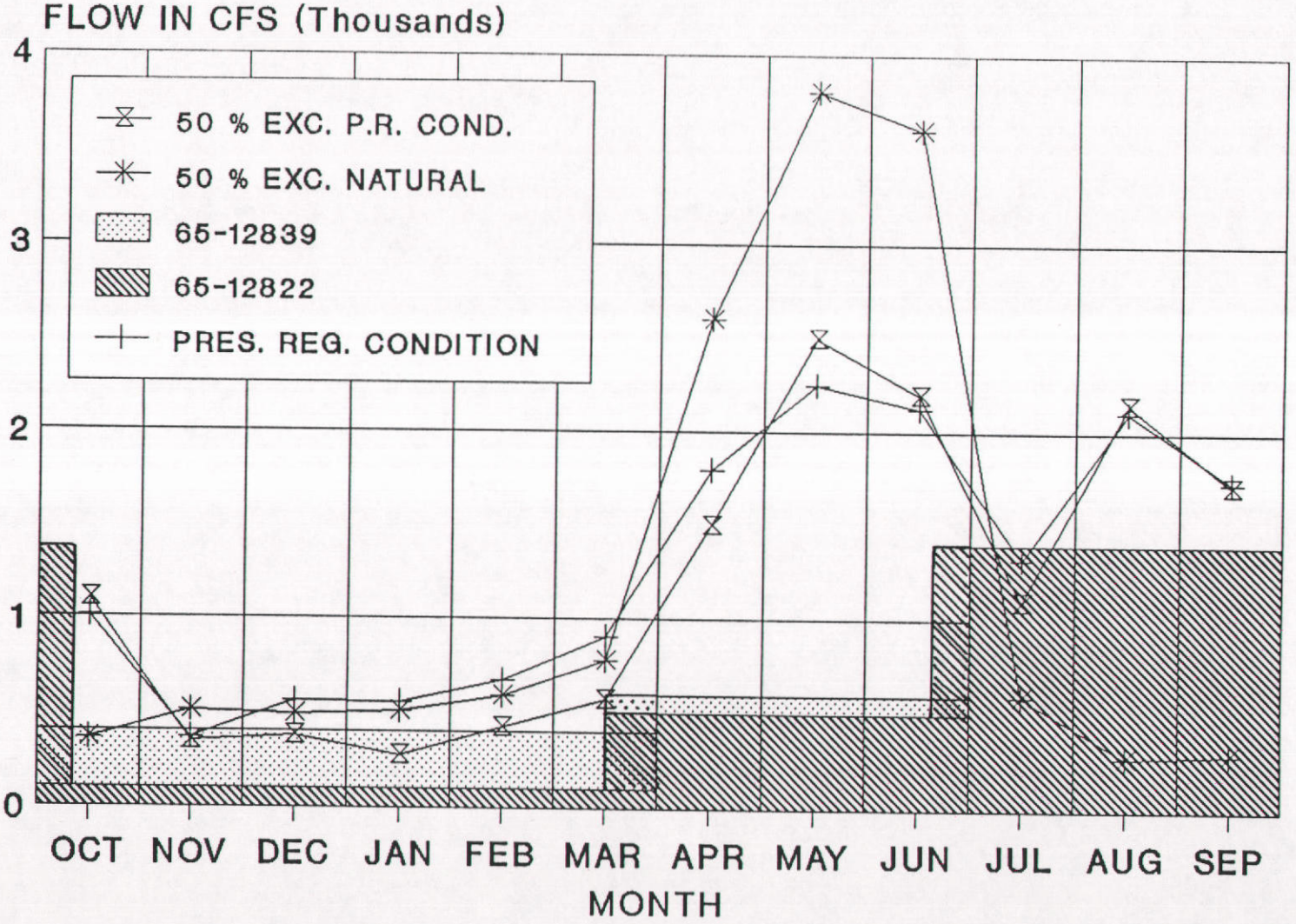
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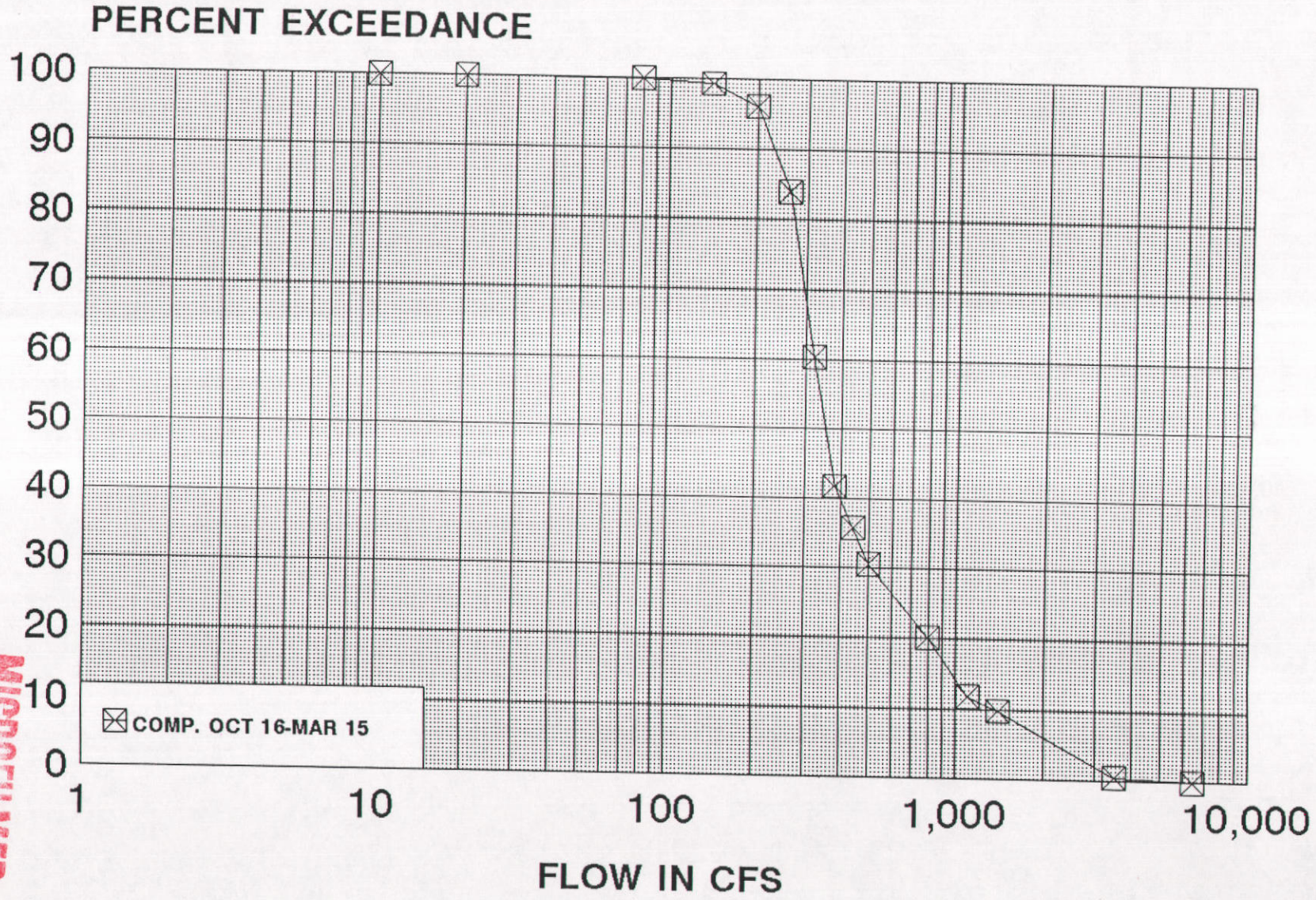
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MONTHLY AVERAGE FLOW
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



JAN 14 1994

FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID

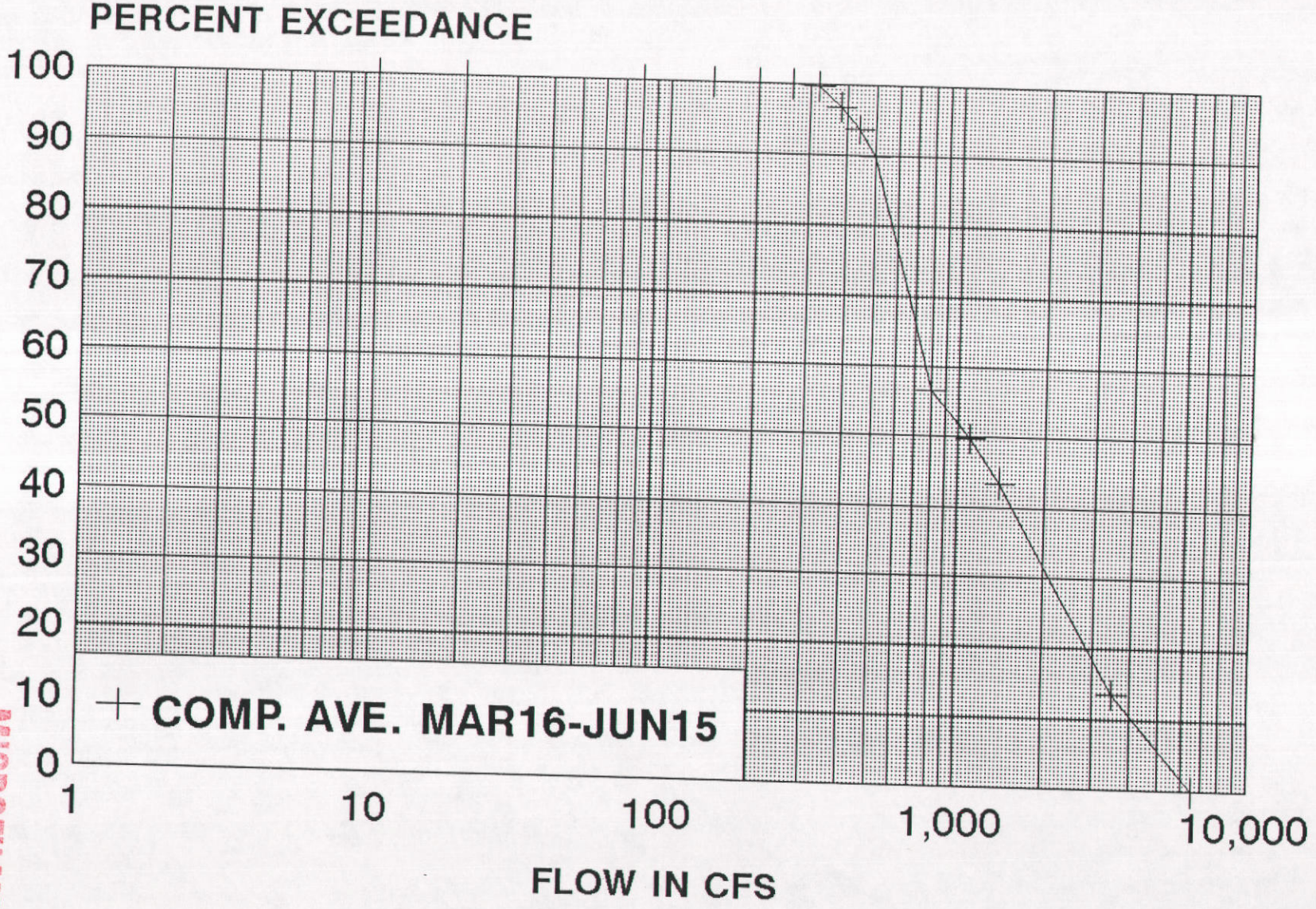


JAN 14 19

NOTE: HISTORIC DAILY FLOWS ARE USED, 1980-1990 WATER-YEARS

FLOW DURATION

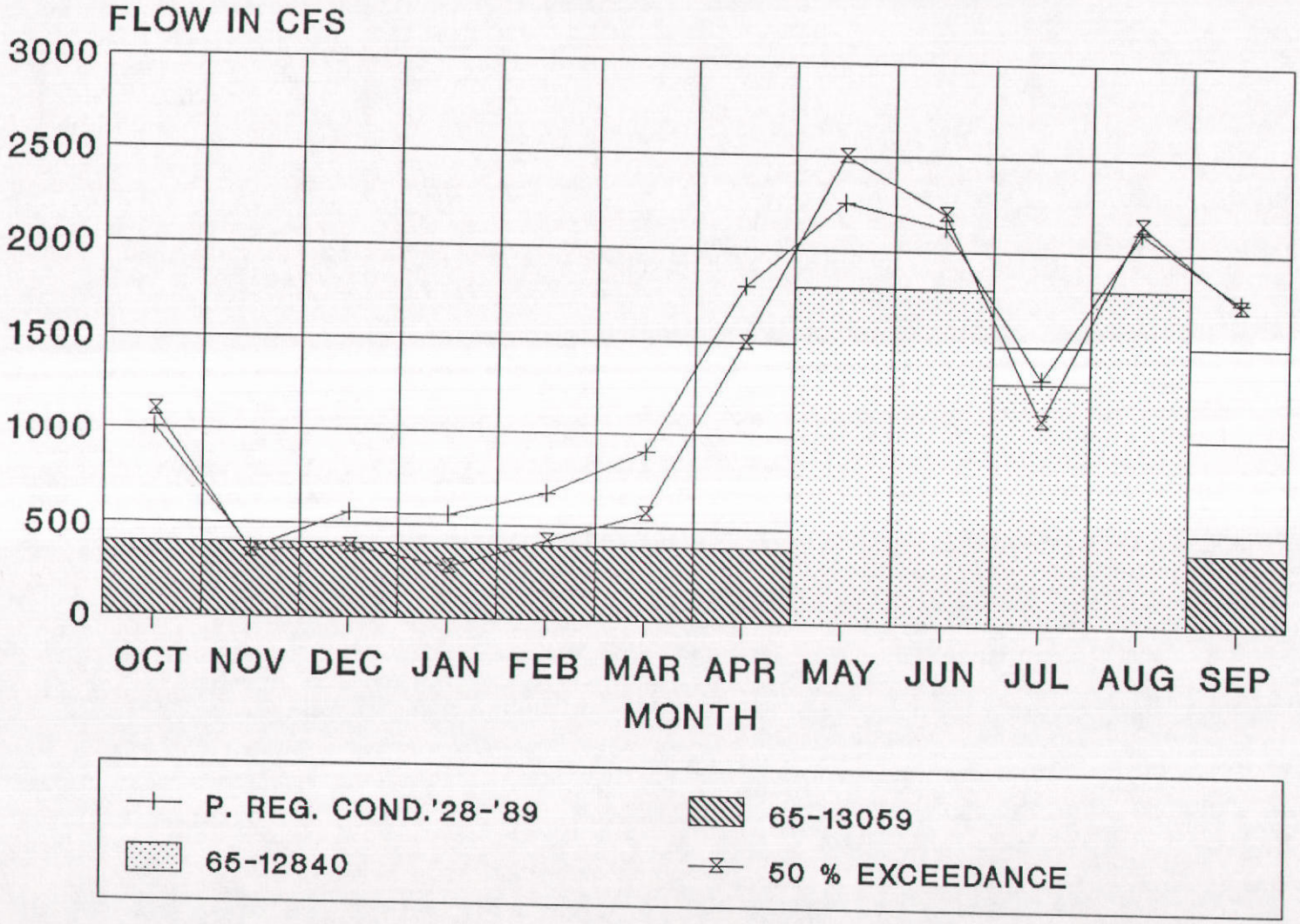
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



JAN 14 1994

NOTE: HISTORIC DAILY FLOWS ARE USED, 1980-1990 WATER-YEARS

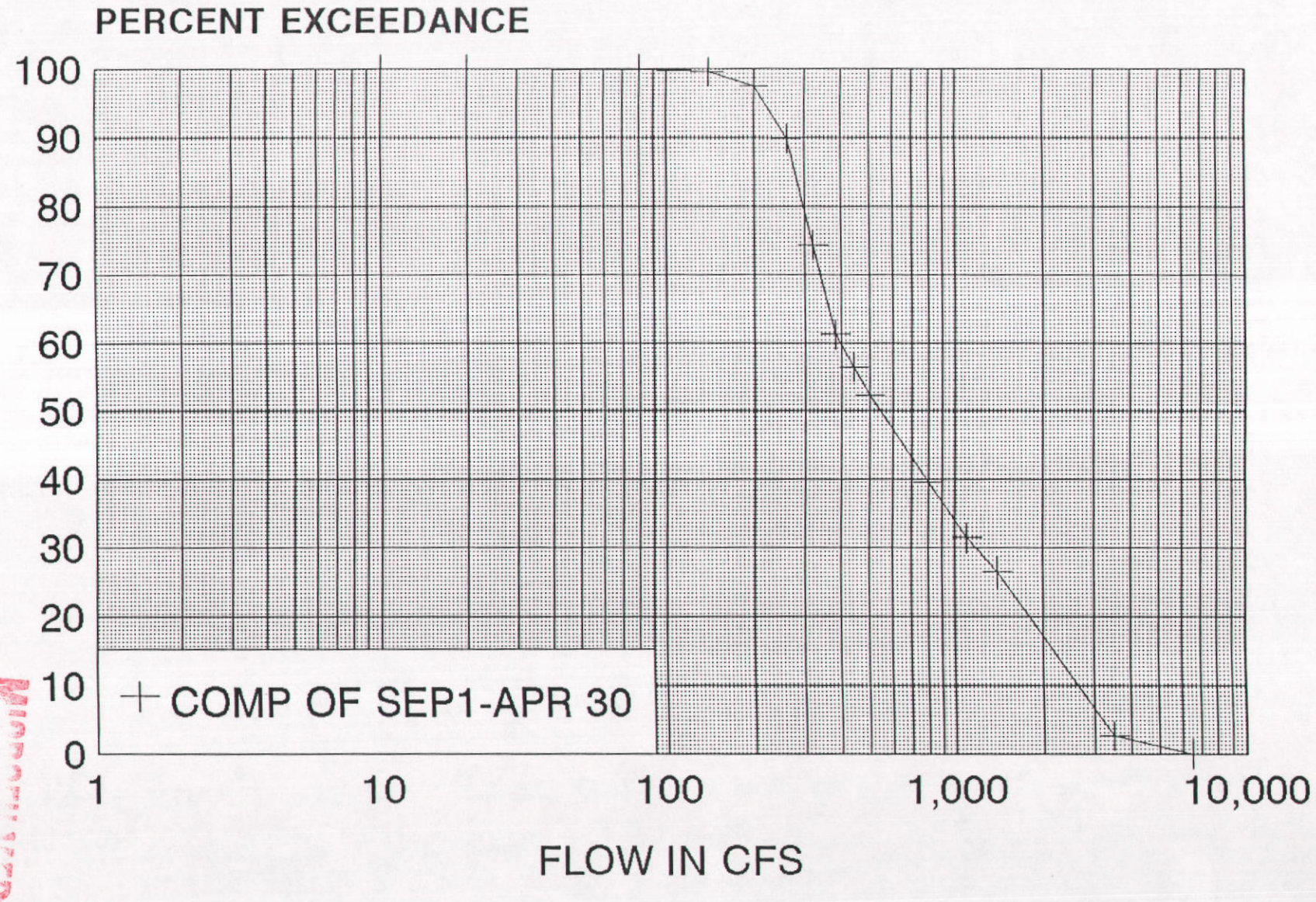
MONTHLY FLOW AVERAGE
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



JAN 14 1994

FLOW DURATION

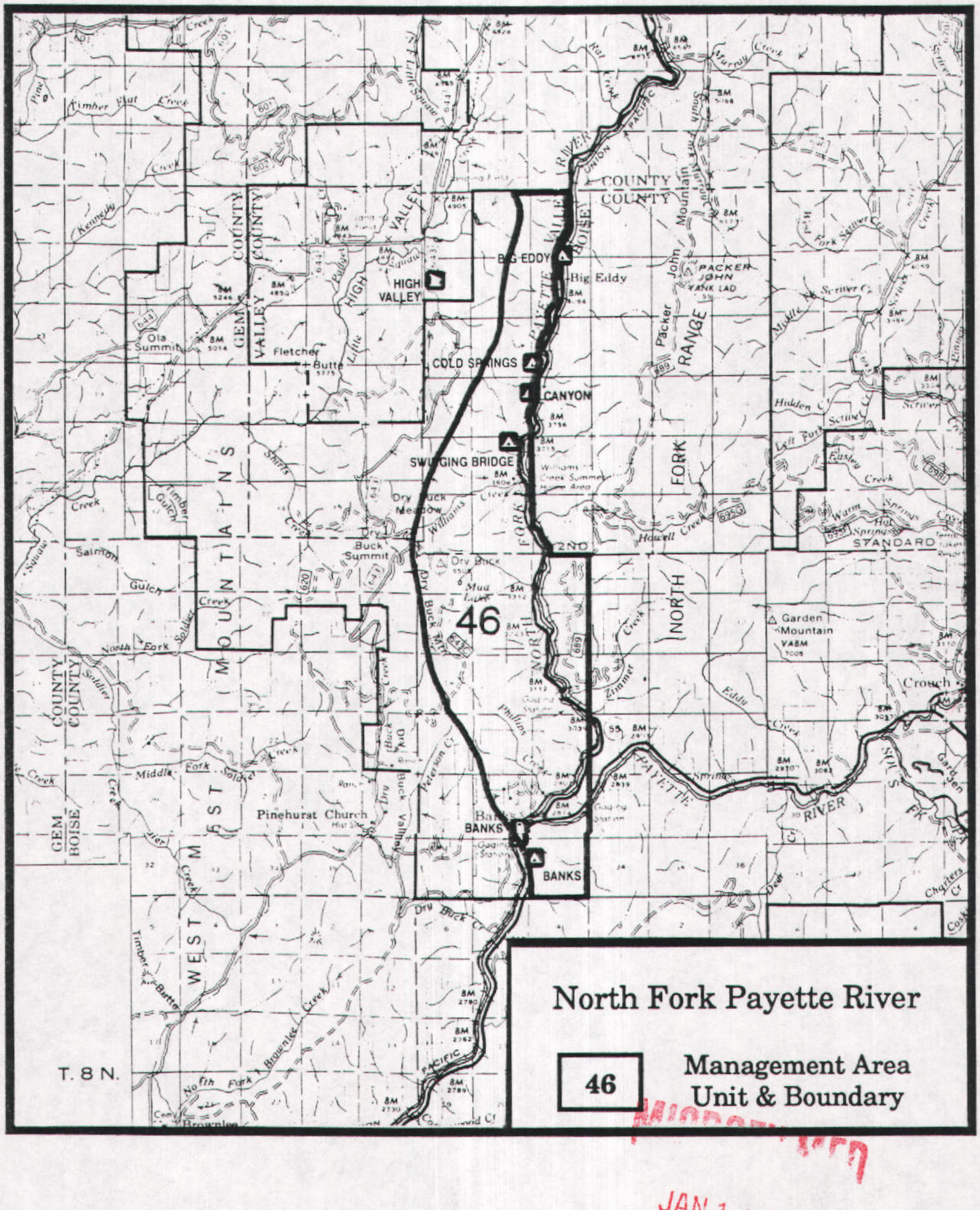
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



JAN 14 1994

NOTE: HISTORIC DAILY FLOWS ARE USED, 1980-1990 WATER-YEARS

WRB 3 ~~BNF 1~~



North Fork Payette River

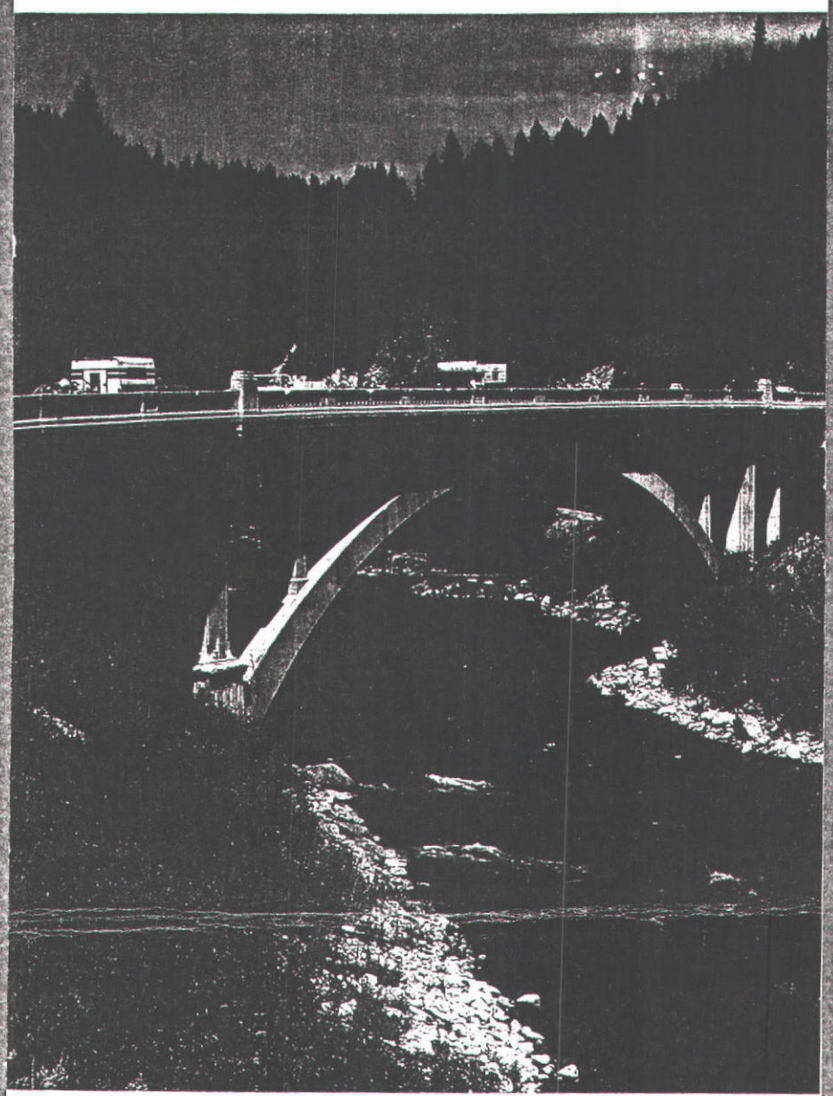
46 Management Area Unit & Boundary

JAN 14 1994

IRL Exh. I

Rainbow Bridge over North Fork

IDAHO CAMPGROUND DIRECTORY



YOUR GUIDE TO IDAHO RV PARKS

- Private
- State
- U.S. Forest Service
- Bureau of Land Management
- Bureau of Reclamation
- Idaho Power Company
- Corps of Engineers

JAN 14 1994

IRU Exh. II

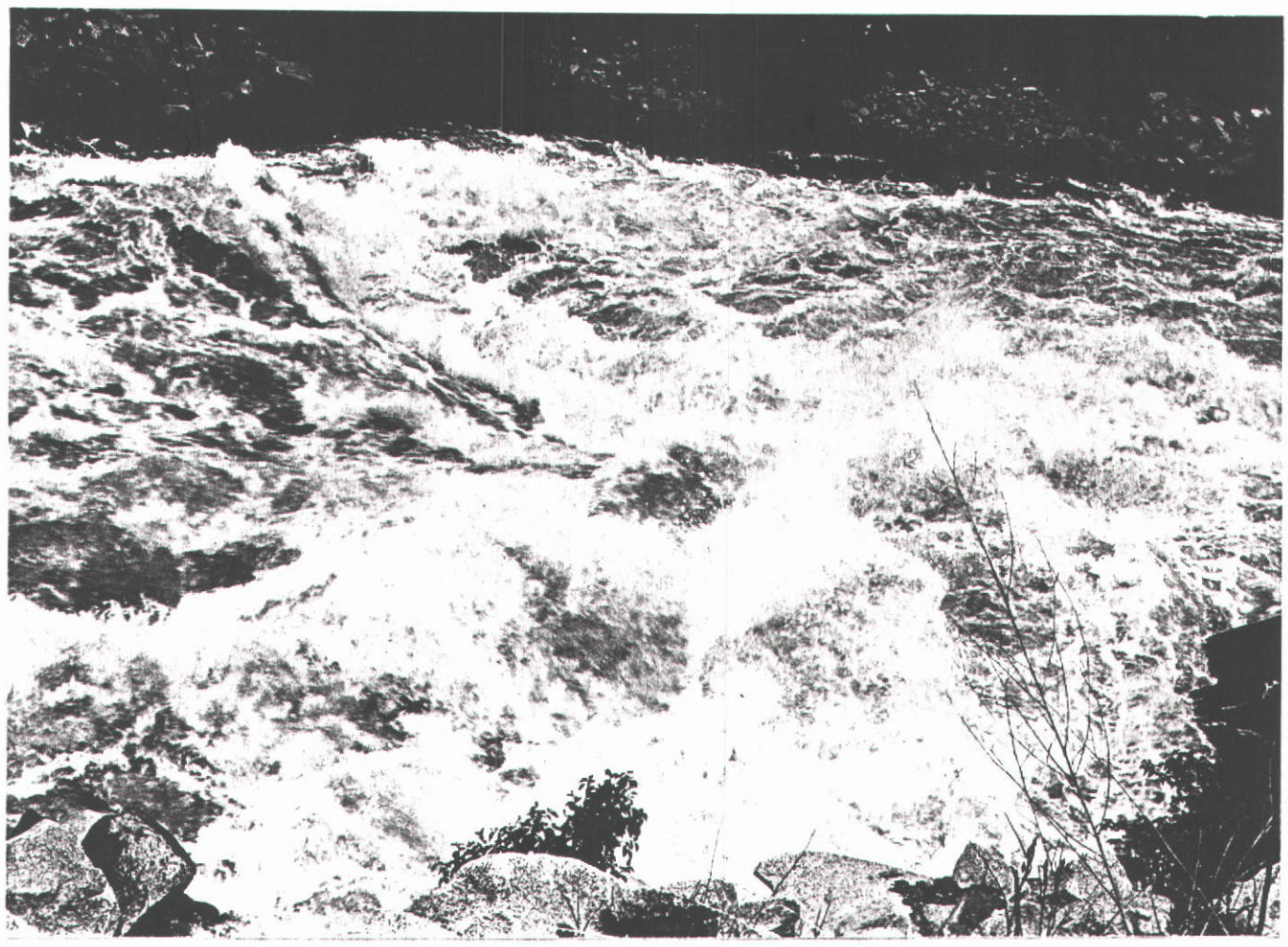


Photo: Rob Lessor

North Fork Payette 4,000 cfs below Smiths Ferry

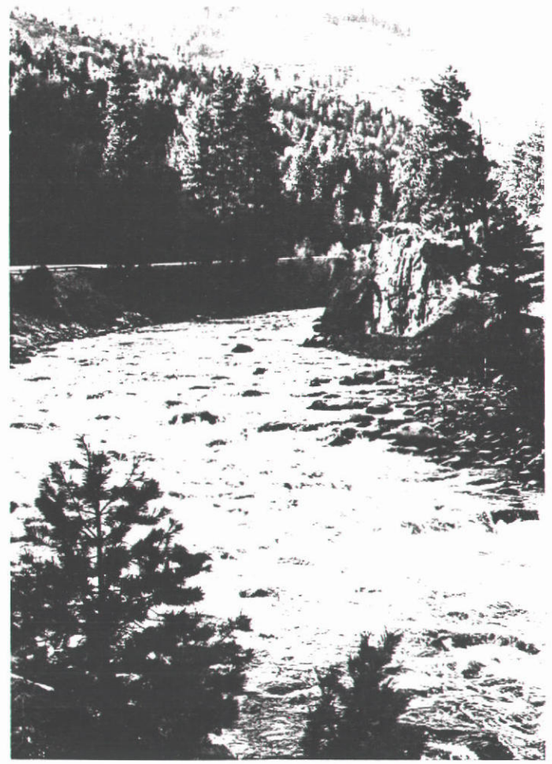


Rob Lessor

JAN 14 1994

IRL Exh. III

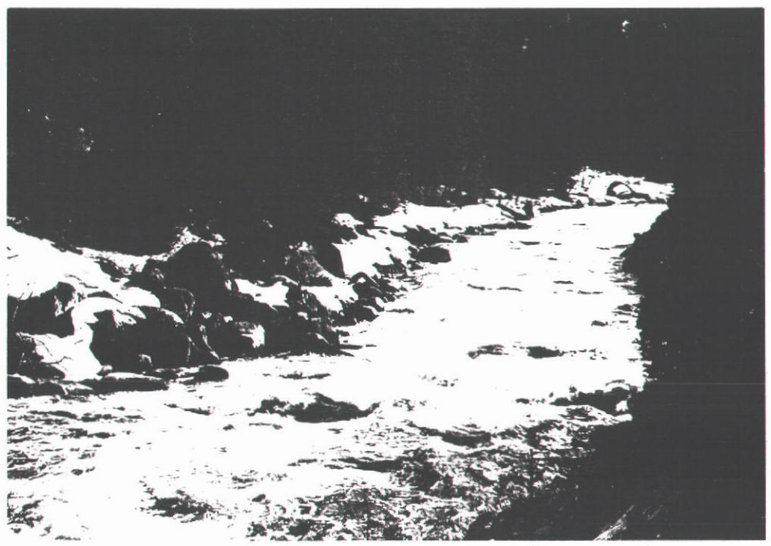




JAN 14 1994

Rainbow Bridge and North Fork Payette at 1100 cfs





photos: Wendy Wilson April 12 '89

IRU Exh IV

North Fork Payette at 200 cfs



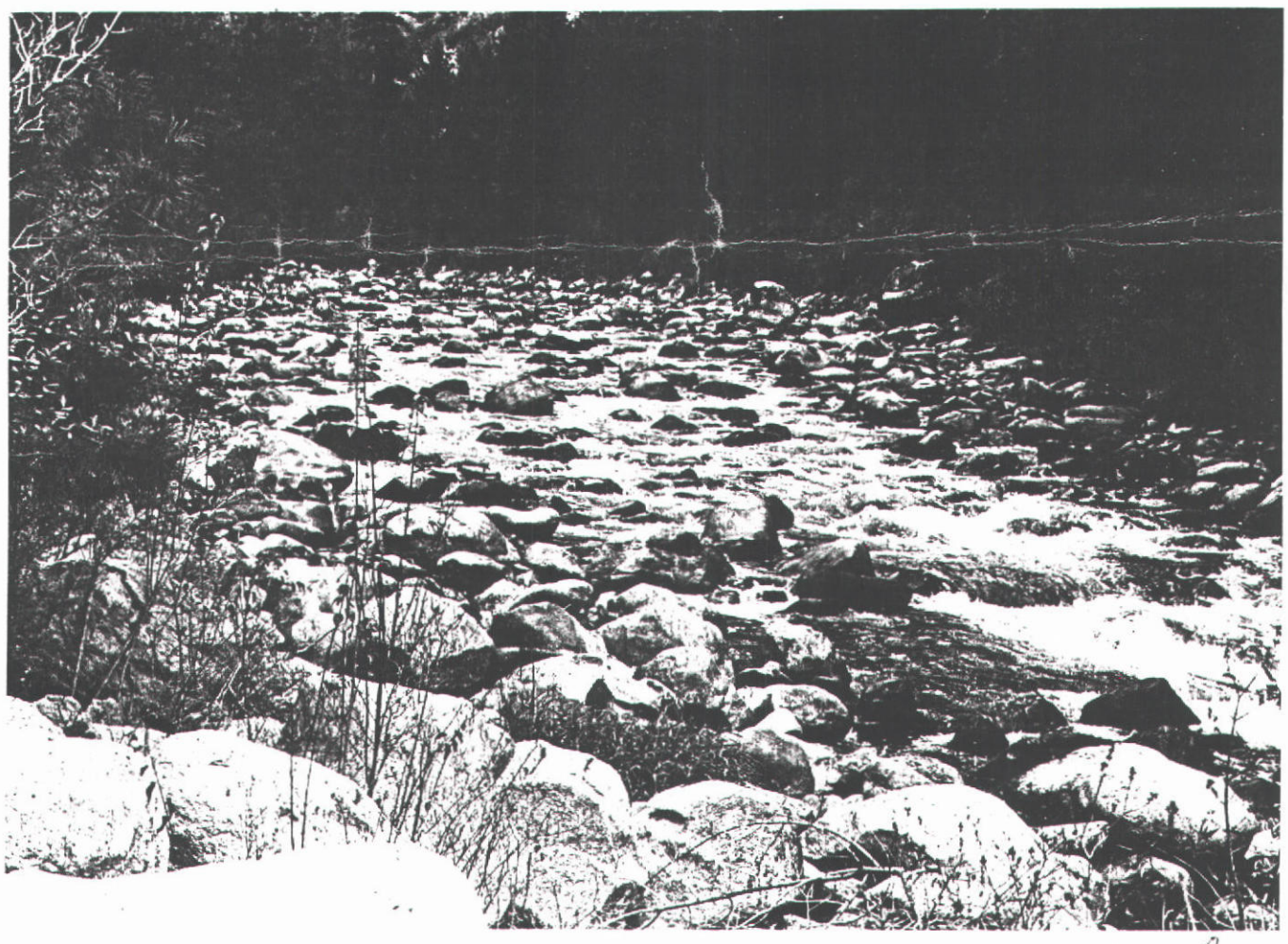
Rob Lesser

MICROFILMED
JAN 1 4 1994

IRN Exh. V



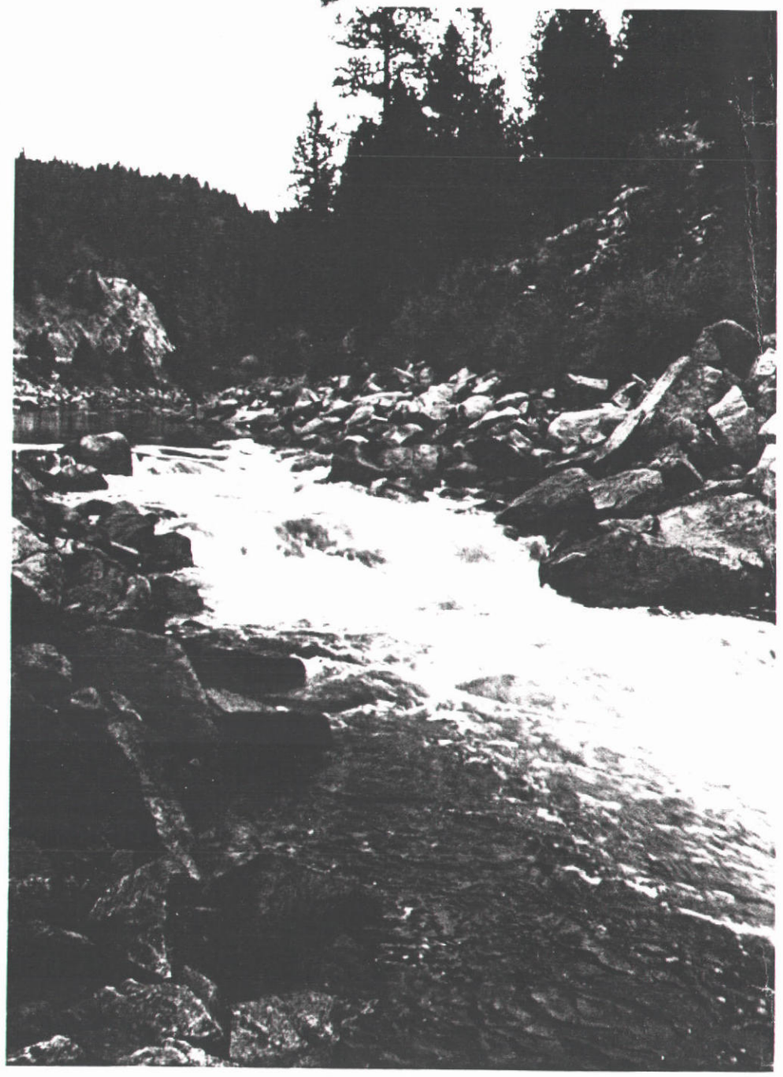
North Fork Payette 200 cfs near Swinging Bridge



Photos: Rob Lessor

JAN 14 1994

IRU Exh. VI



North Fork Payette "Disneyland" at 400 cfs



North Fork Payette "Jacobs Ladder" at 400 cfs

JAN 14 1994

Photos: Rob Lesser

IRU VII



Recreational use of Cabarton Stretch
at 1161 cfs

Photo: Payette Visions

JAN 14 1994

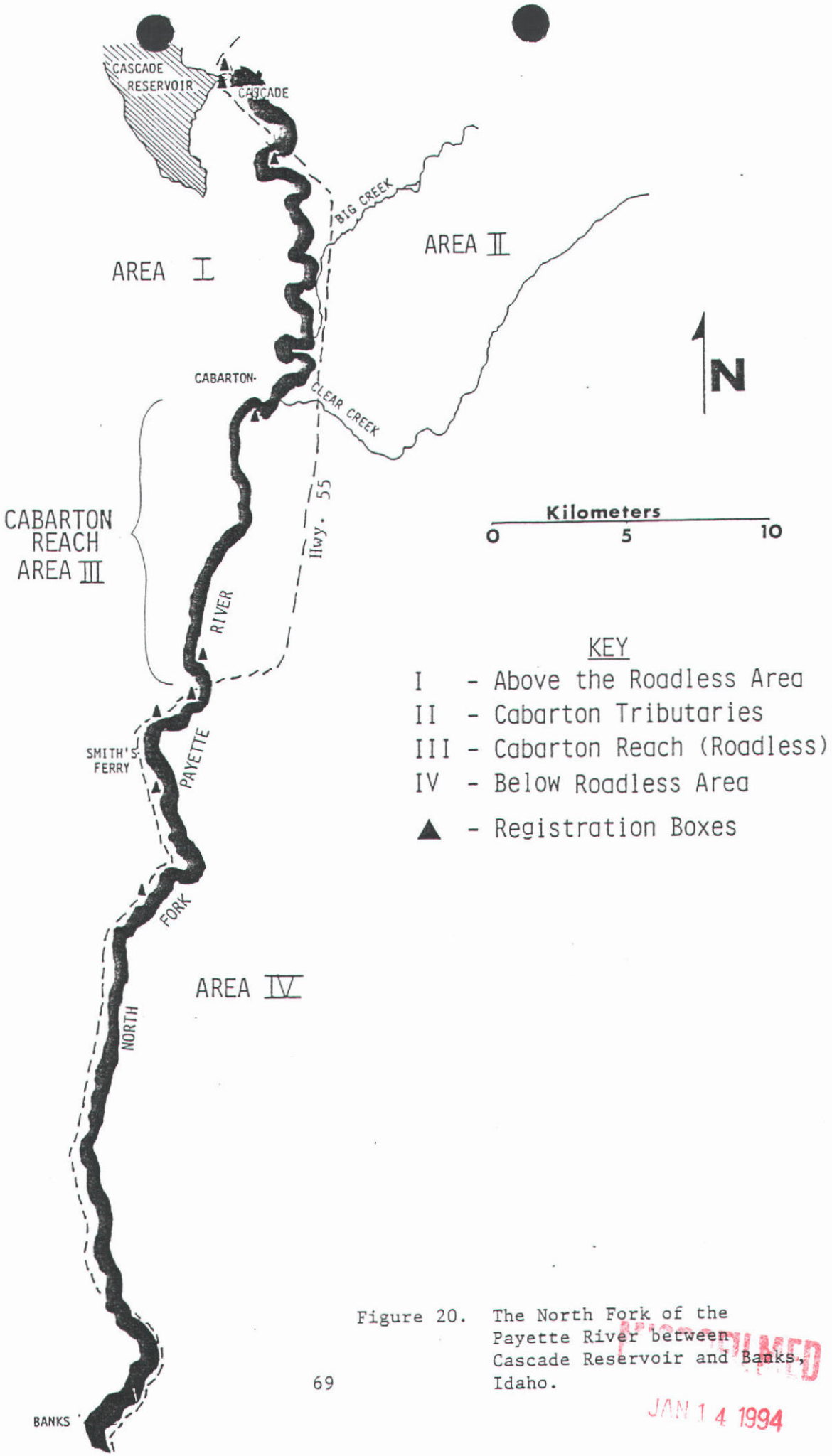
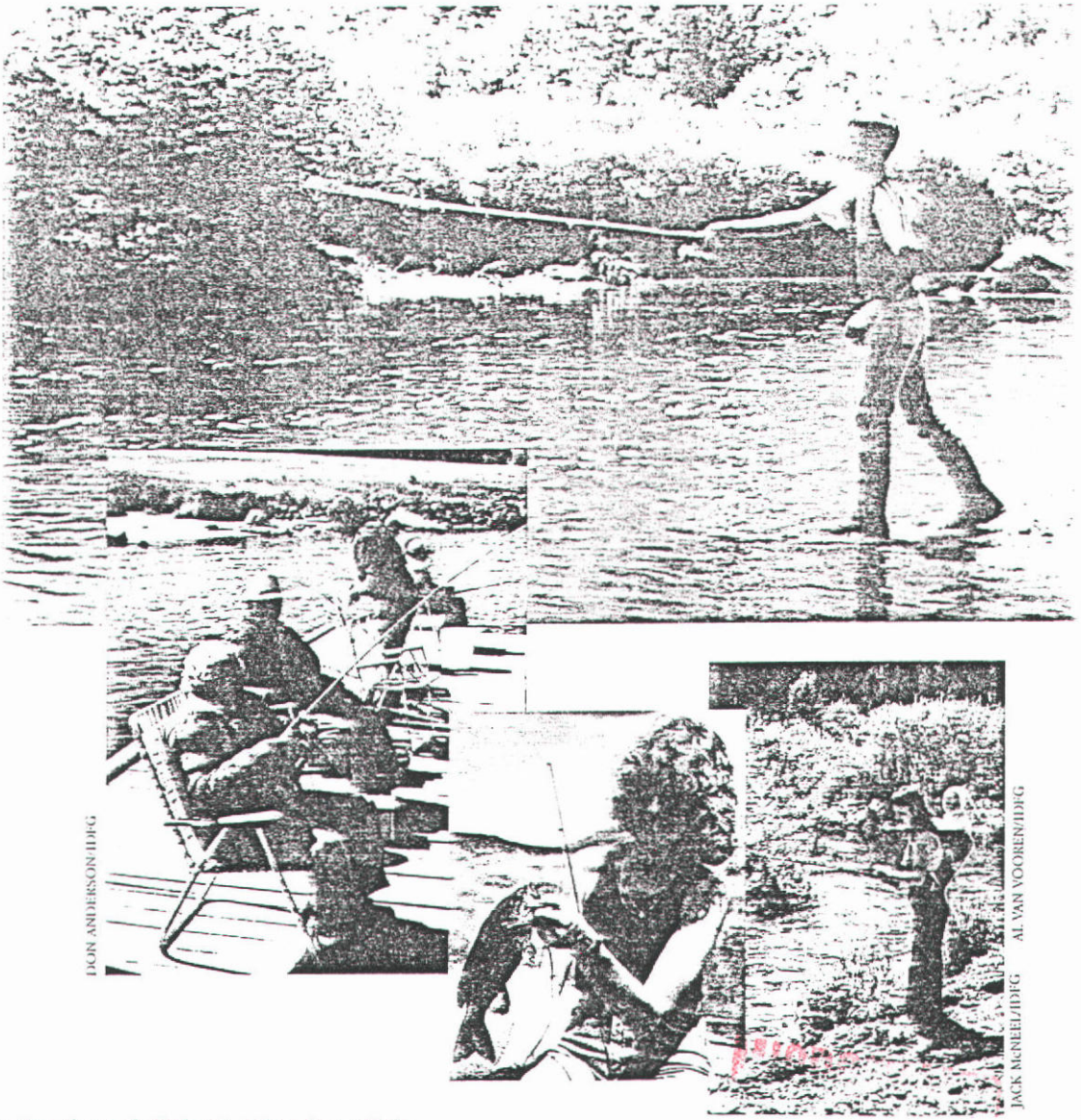


Figure 20. The North Fork of the Payette River between Cascade Reservoir and Banks, Idaho.

UNCLASSIFIED
JAN 14 1994

F+G #6

FISHERIES MANAGEMENT PLAN 1991-1995



CHRIS CHAFFIN/IDFG

DON ANDERSON/IDFG

JACK McNEEL/IDFG

AL VAN VOOREN/IDFG

SPORT FISH RESTORATION

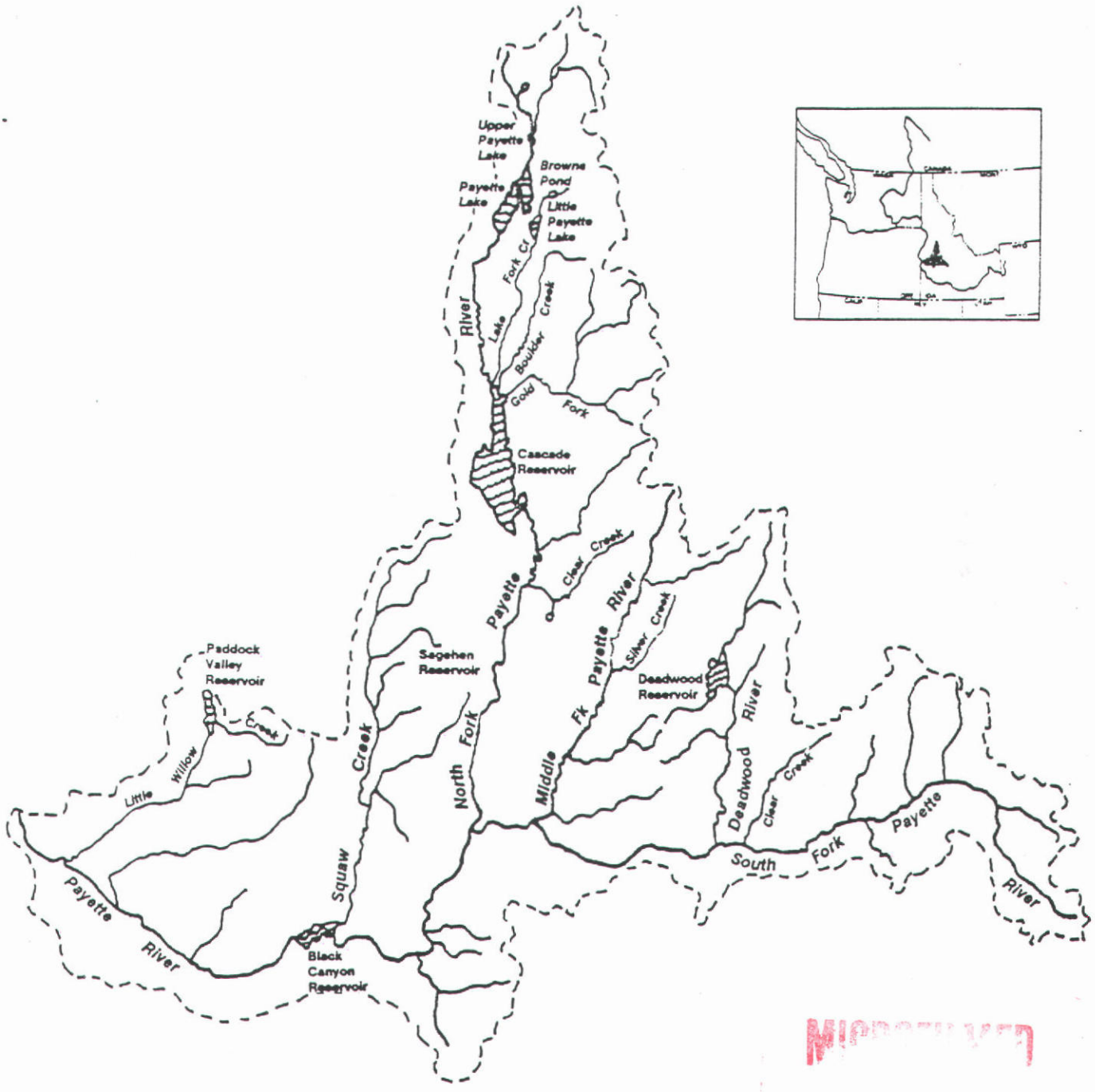
IDAHO FISH & GAME

Partial funding for this publication through Federal Aid in Sport Fish Restoration Program as an educational service.

JAN 14 1994

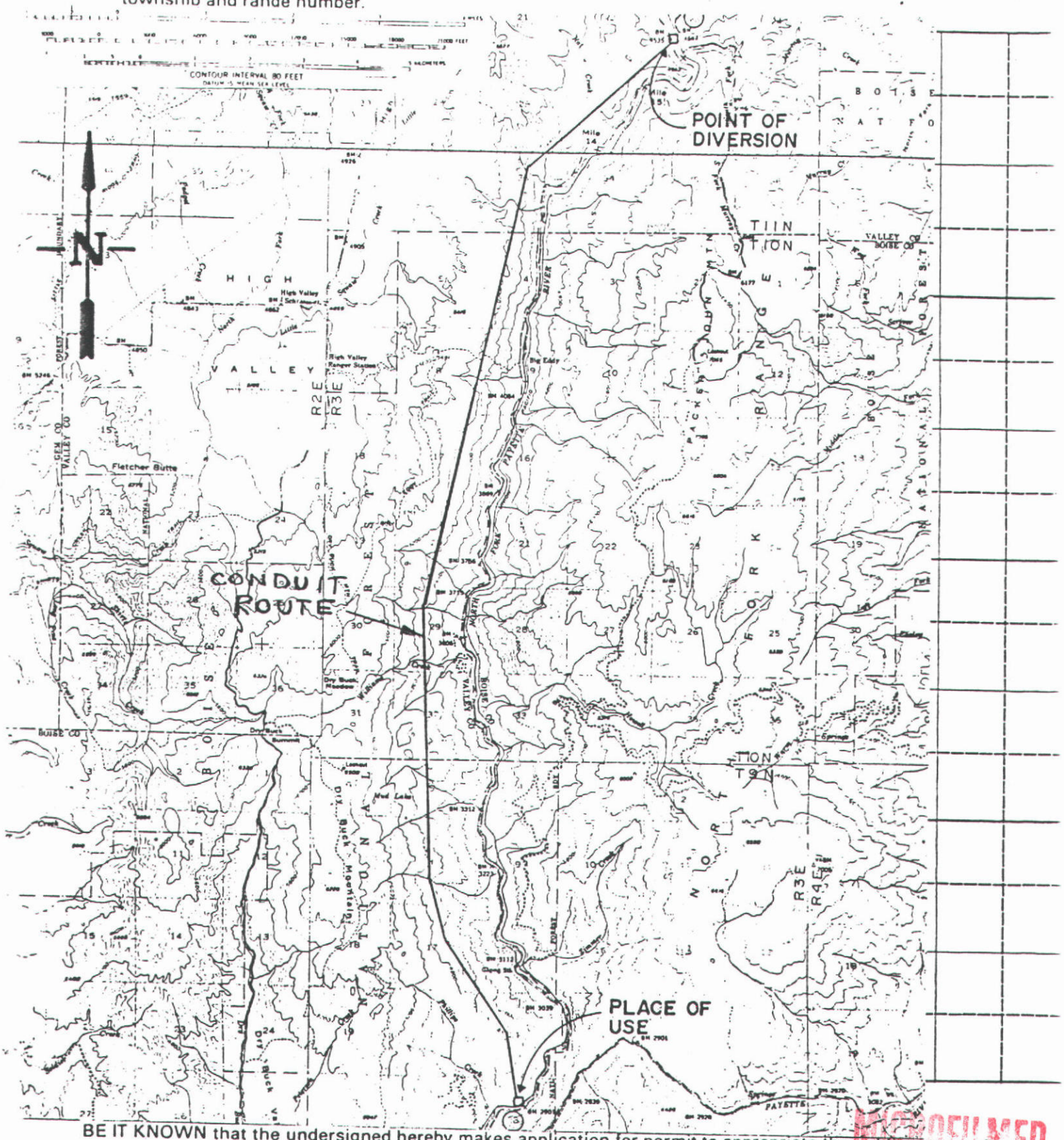
Payette River Drainage





JAN 14 1994

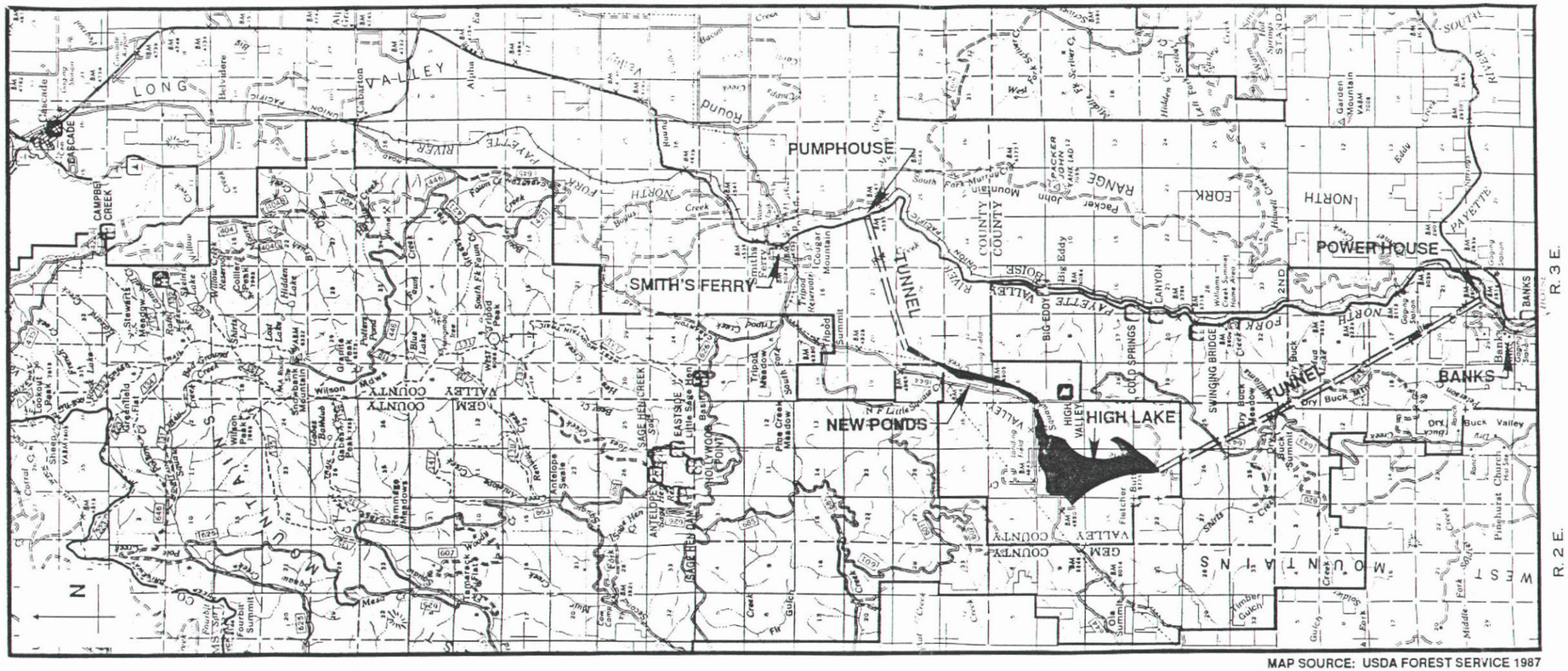
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

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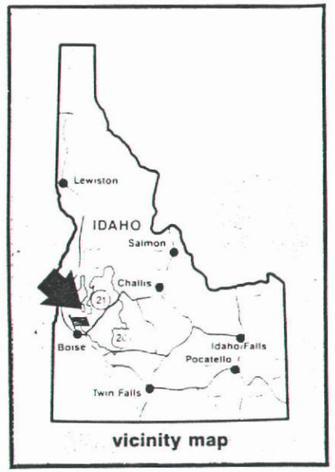
Jay R Jackson Pres
(Applicant)



MAP SOURCE: USDA FOREST SERVICE 1987

PLAN

PROFILE



vicinity map

LEGEND

- Lands Administered by Boise National Forest
- Lands Administered by Other National Forests
- National Recreation Area
- Wild and Scenic River Area
- State Land
- Private Land
- Bureau of Land Management Land
- Military Reservation Land

Scale $^{3}/_{8}$" = 1 Mile

Map No.1

Banks Hydroelectric Project

Project Location Map Plan and Profile

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SAGE HEN RESERVOIR QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SMITHS FERRY QUADRANGLE
IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

BOISE
NATIONAL
FOREST
Sage Hen Reservoir
Sage Hen Basin
Little Sage Hen Basin
Smiths Ferry
Project Boundary
Forebay
Pumphouse
Diversion Weir
Tunnel
New Transmission Line
Weirs
Existing Transmission Line
(To be upgraded)
NORTH FORK PAYETTE RIVER
ROUND VALLEY

PROVISIONAL MAP
Produced from original manuscript drawings. Land boundaries shown are as of date of field check.

SCALE 1:24 000
CONTOUR INTERVAL 40 FEET

ROAD LEGEND
Improved Road
Unimproved Road
Trail
Interstate Route
U.S. Route
State Route

SAGE HEN RESERVOIR, IDAHO
PROVISIONAL EDITION 1985

SMITHS FERRY, IDAHO
PROVISIONAL EDITION 1985

KEY MAP

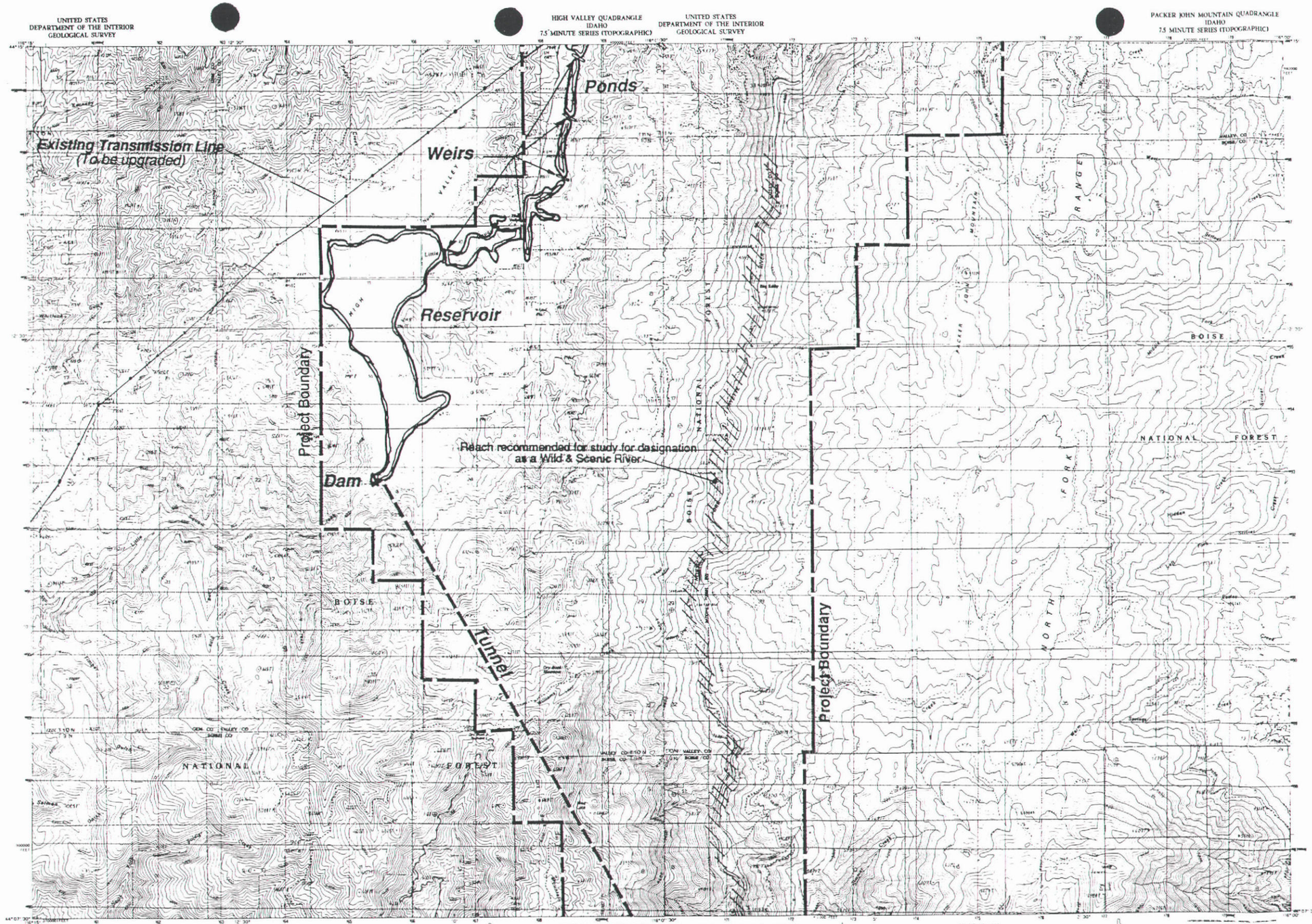
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Map 2
Map 6
Map 3
Map 5
Map 4
Map 7

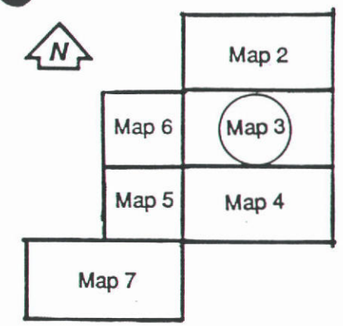
Map No. 2

Banks Hydroelectric Project

Project Layout and Boundary
Smiths Ferry



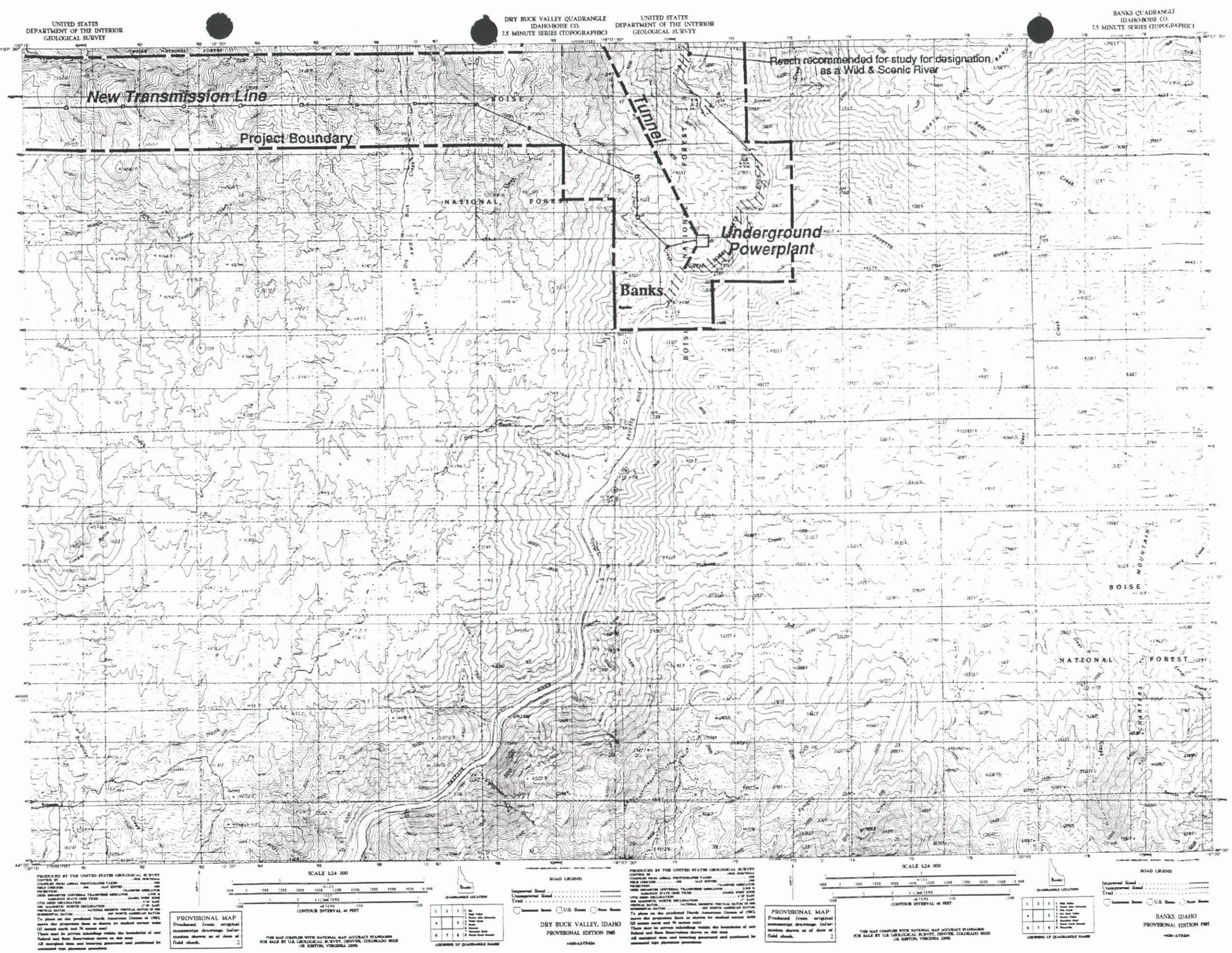
KEY MAP



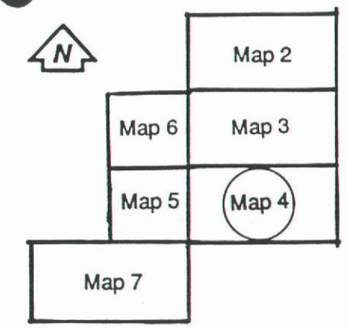
Map No. 3

Banks Hydroelectric Project

Project Layout and Boundary
High Valley



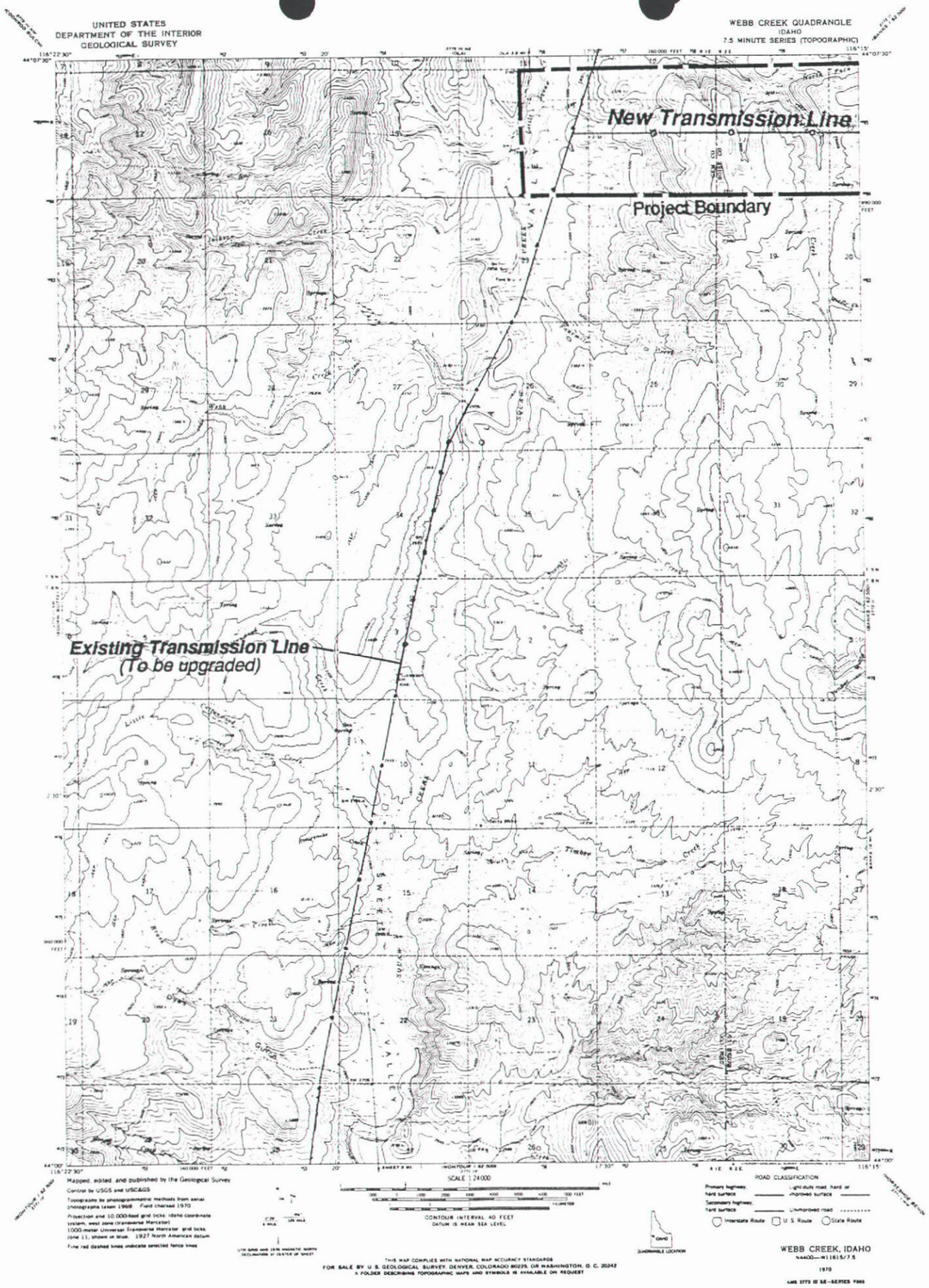
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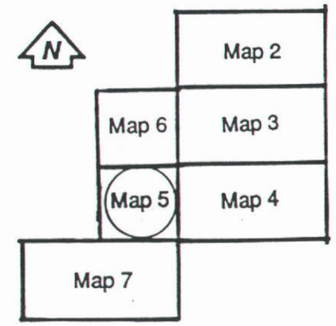
Map No. 4

Banks Hydroelectric Project

Project Layout and Boundary Banks



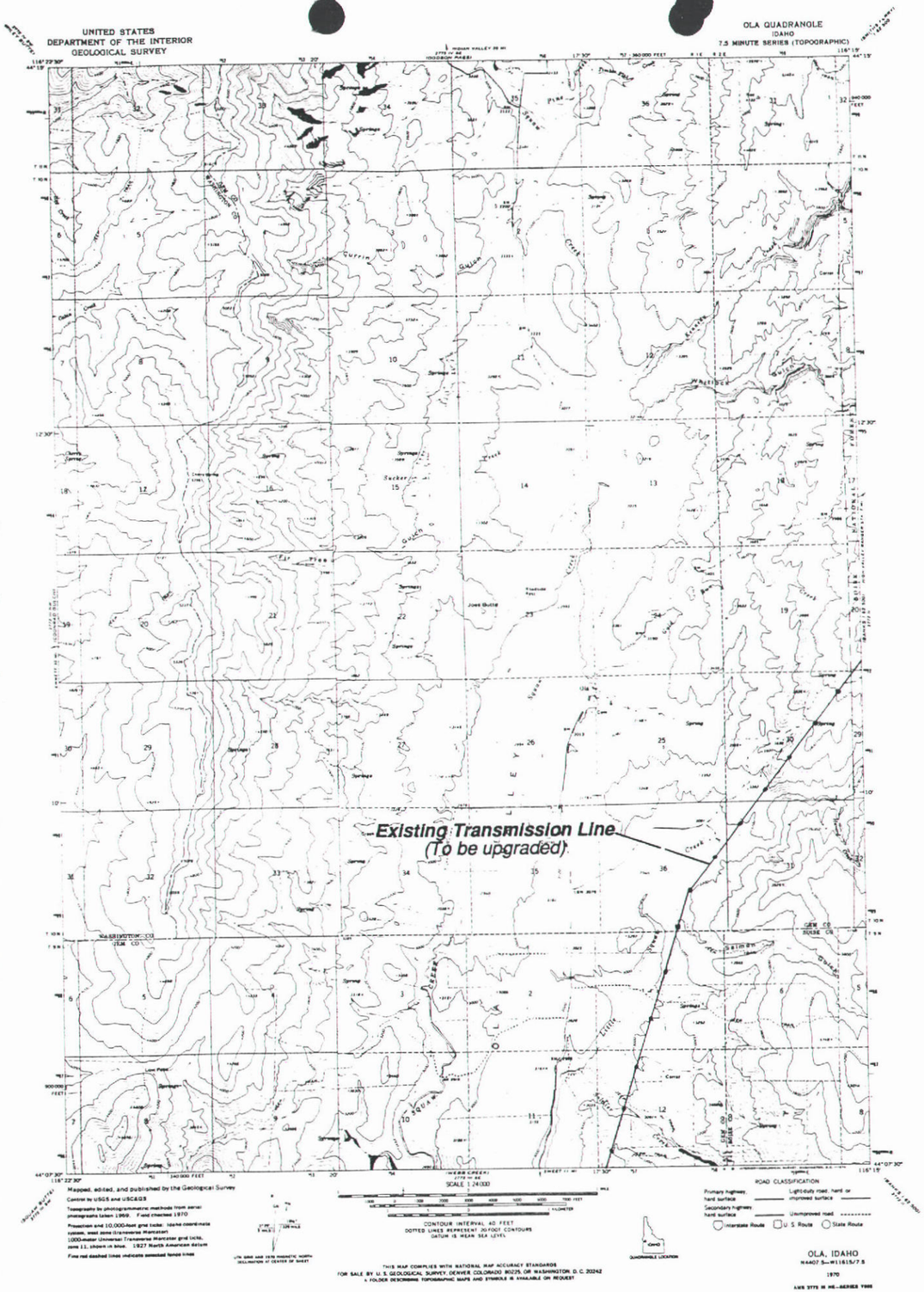
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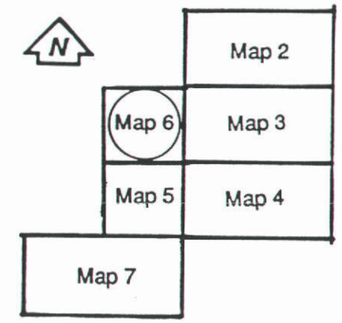
Map No. 5

Banks Hydroelectric Project

Project Layout and Boundary
Ola



KEY MAP



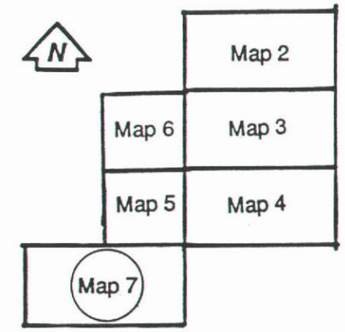
Map No.6

Banks Hydroelectric Project

Project Layout and Boundary
Ola



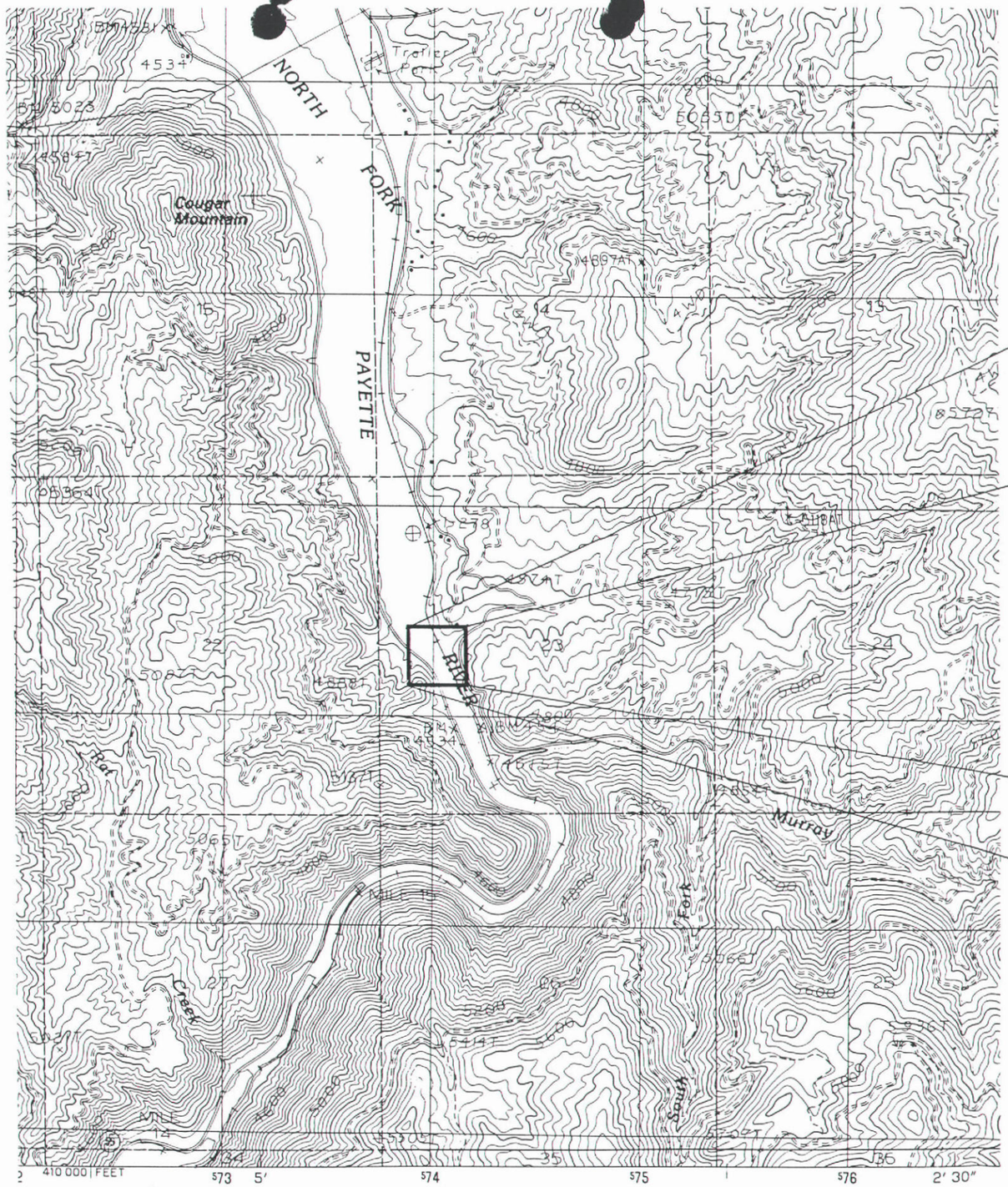
KEY MAP

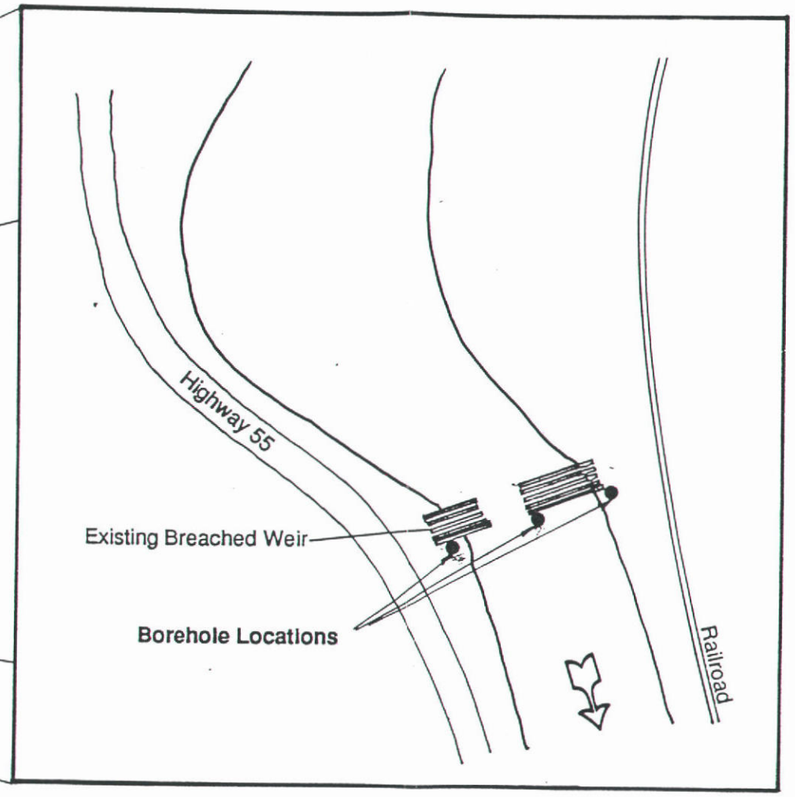


Map No.7

Banks Hydroelectric Project

Project Layout and Boundary
Black Canyon

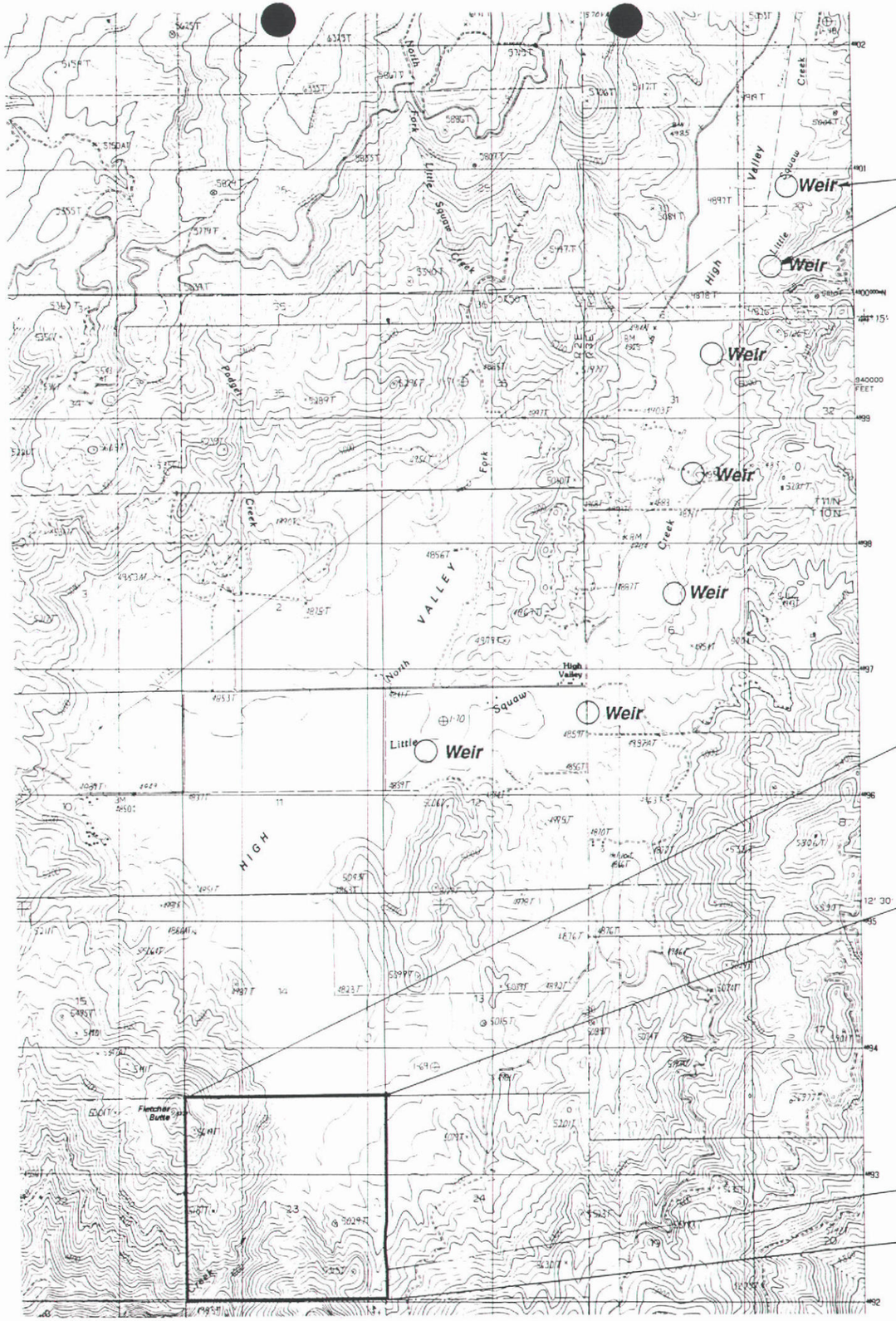




Map No.8

Banks Hydroelectric Project

Proposed Field Investigations
Smiths Ferry Weir



Shallow holes to be drilled on axis of weir sites.

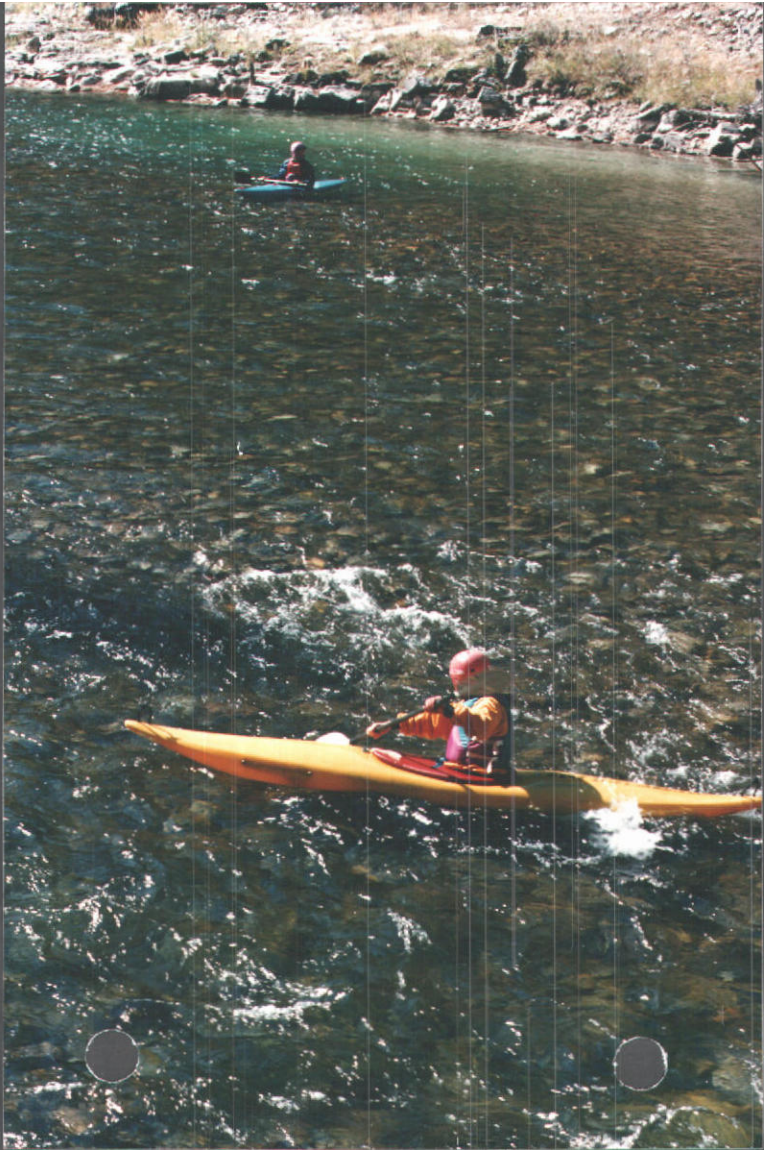
No drilling within the existing channel of Little Squaw Creek is proposed.

Map No.9

Banks Hydroelectric Project

Proposed Field Investigations
High Valley Dam and Weirs











State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12839

Priority: April 5, 1988 Minimum Instream Flow: 294.00 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 March 2, 1994. A minimum stream flow in

PAYETTE RIVER, NORTH FORK tributary to **PAYETTE RIVER**

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE
MINIMUM INSTREAM FLOW	03/16 to 06/17	100.00 CFS
MINIMUM INSTREAM FLOW	10/13 to 03/15	294.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach Lot 11(NESW), Sec. 31, Township 13N, Range 04E
End of Stream Flow Reach SWNE , Sec. 10, Township 11N, Range 03E
VALLEY County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any 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 4/5/1988.
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.
5. The approval of this right should not be used as a basis for acquiring storage water from Cascade Reservoir to enhance minimum stream flows.

OCT 1 6 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12839

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. This minimum stream flow is for aesthetic and recreation purposes and fisheries maintenance, including fish spawning and egg incubation.
8. This minimum stream flow begins at the Cabarton Road Bridge in Lot 11 (NESW), S31, T13N, R4E, extending approximately 10 miles downstream to the Smiths Ferry Bridge, located in the SWNE, S10, T11N, 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, 1995.

Acting for KARL J. DREHER, Director

OCT 6 1995

Form 217
11/91

RECEIVED
MAR 0 2 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $_____
Date _____
Receipt No. _____
Receipt by _____

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. 65-12839 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 294 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.

APR 1 9 1994

2/28/94 F. Dana Skinner Chair I.W.R.B.
Date Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-12839

Proposed Priority: April 5, 1988 Maximum Diversion Rate: 294.00 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:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MINIMUM INSTREAM FLOW	03/16 to 06/17	100.00 CFS
MINIMUM INSTREAM FLOW	10/13 to 03/15	294.00 CFS
	Totals	294.00 CFS

LOCATION OF POINT(S) OF DIVERSION:
Beginning of Stream Flow Reach Lot 11(NESW), Sec. 31, Township 13N, Range 04E
End of Stream Flow Reach SWNE , Sec. 10, Township 11N, Range 03E
VALLEY 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

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 THE NAME OF THE IDAHO WATER RESOURCE BOARD	**FINAL MEMORANDUM 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

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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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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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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

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Location:	Beginning at the Smiths Ferry Bridge, located in the SW¼NE¼, Section 10, T11N, R3E, and extending approximately 17 miles downstream to the confluence of North Fork of the Payette River River with the Main Payette River, located in the SE¼SE¼, 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

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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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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.

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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.

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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

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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

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

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

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

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

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

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

Jennifer Seifert

JENNIFER SEIFERT
Secretary

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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.

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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 agruments 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

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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 THE NAME OF THE IDAHO WATER RESOURCE BOARD	**PROPOSED MEMORANDUM 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).

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, Valley County.

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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 SW¼NE¼, 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 SE¼SE¼, 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

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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.

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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.

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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.

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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.

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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.

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

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

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

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

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

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

Jennifer Seifert

JENNIFER SEIFERT
Secretary

JAN 14 1994

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 RIVER) TO ESTABLISH A MINIMUM STREAMFLOW IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	MEMORANDUM DECISION AND ORDER

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 Middle

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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 Payette River in both the upper and lower reaches. A minimum streamflow

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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 designated 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 may be available for 16-18 hours of the 24 hour day.

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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.

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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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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 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 purposes 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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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

JENNIFER SEIFERT, Clerical Assistant

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Department of Water Resources

Form 202

Ident. No. 65-12839

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 1301 N. Orchard, Statehouse Mail, Boise, ID 83720

2. Source of water supply North Fork, Payette River which is a tributary of Payette River
   minimum stream flow reach from the Cabarton Road Bridge, Lot 11 (NE¼SW¼)

3. ~~Location of point of diversion is xxxxxxxxxxxx of xxxxxxxxxxxx of xxxxxxxxxxxx Govt. Lot xxxxxxxxxx~~
   to the

   Sec. 31 Township 13N Range 4E B.M. Valley County, ~~additional~~

   ~~points of diversion if any~~ SW¼NE¼, Section 10, T11N, R3E, Valley County, Idaho

4. Water will be used for the following purposes.

   Amount 294 (cfs ~~or acre-feet per annum~~) for fisheries maintenance & aesthetics FOR purposes from Oct. 13 to Mar. 15 (both dates inclusive)

   Amount 100 (cfs ~~or acre-feet per annum~~) for fish spawning, egg incubation, aesthetics, & recreation purposes from Mar. 16 to June 17 (both dates inclusive)

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

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

5. Total quantity to be appropriated is (a) 294 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 NA 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 NA inches; proposed depth of well is _____ feet.

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

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

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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 and fish habitat maintenance

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. None

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

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

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

12. Remarks: This filing is supplemental to minimum stream flow Application No. 65-12822. It requests additional flows within the same reach as described in Application No. 65-12822

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Form 202
Supplemental

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 water rights and subject to the existing operational procedures 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, Payette River supports a year-round fishery for rainbow trout and mountain white fish. Aesthetic value is scenic adjacent to state highway 55.

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

Fish habitat maintenance and aesthetics are both dependent upon adequate instream flows. Camping, scenic appreciation and other recreational activities occurring in the river corridor also require 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.

Flow estimates based on testimony received at public information meeting on minimum flow request for upper river reach.

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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.

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

USGS gaging station #13246000 located 2.5 miles north of Banks, Idaho at mile 2.8.

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

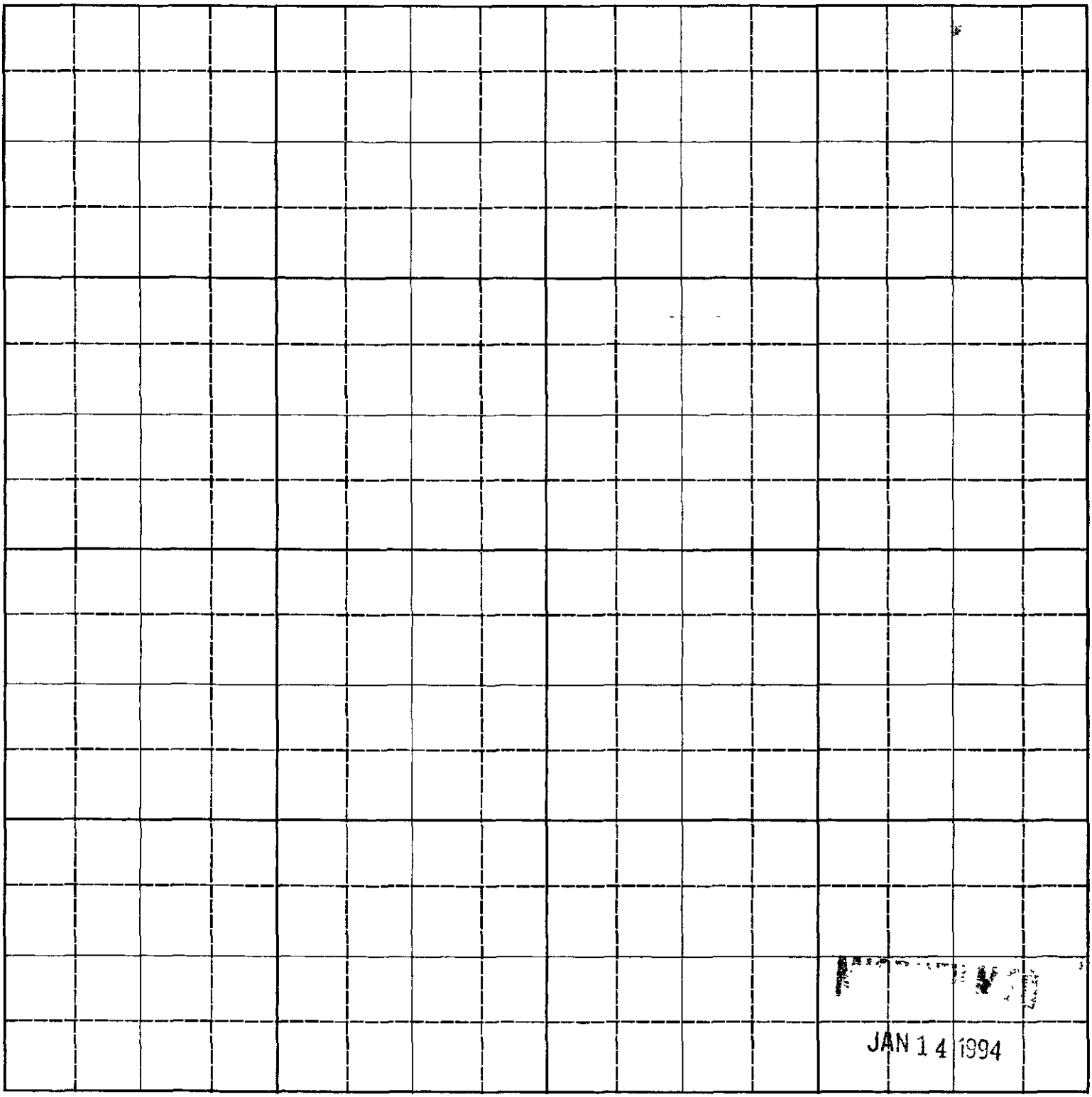
not unless required by IDWR.

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

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



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.

4-5-88

Chairman (Applicant)
Idaho Water Resource Board

Received by G.L.S. Date 4-5-88 Time 2:00 P.M. Preliminary check by _____

Fee $ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12839, 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

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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. 65-12839

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

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OCT 1 6 1995

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 65-12839

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 ✓
- 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. 65-12839 Reviewed by [illegible] 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

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

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. 65-12839

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

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APR 19 1994

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720 (208) 334-7900	04/05/1988	MINIMUM INSTREAM FLOW MINIMUM INSTREAM FLOW	03-16 10-13	06-17 03-15	100.00 CFS 294.00 CFS	
				TOTAL DIVERSION:		294.00 CFS	

Water Source: PAYETTE RIVER, NORTH FORK Tributary to: PAYETTE RIVER Stage: PERMIT

Point(s) of Beginning Stream Reach: T13N R04E S31 Lot 11(NE SW)
Point(s) of Ending Stream Reach: T11N R03E S10 SW NE

Pou County:

Non-Irrigation Uses: RECREATION, AESTHETICS & FISH HABITAT MAINTENANCE

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 April 5, 1988.
Use of water under this permit shall be non-consumptive.
Upon a future finding and order of the Director that guaging 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

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 conditions of approval.

Dates:
App. Received: 04/05/1988 Priority Date: 04/05/1988
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 65-12839 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD; MINIMUM STREAMFLOW FOR THE NORTH FORK PAYETTE RIVER

FROM: GARY SPACKMAN

DATE: JULY 12, 1993

The Department timely submitted permit to appropriate water no. 65-12839 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. 65-12839 was implicitly approved by the legislature because of default.

JAN 14 1994

LEGISLATURE OF THE STATE OF IDAHO

Fifty-first Legislature — Second Regular Session — 1992

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 121

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. 65-12839 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 294.0 cfs from October 13 through March 15 and 100.0 cfs from March 16 through June 17. The minimum streamflow begins at the Cabarton Road Bridge, located in Government Lot 11 (NE1/4SW1/4), Section 31, T13N, R4E, B.M., and extends approximately 10 miles downstream to the Smiths Ferry Bridge, located in Government Lot 4 (SW1/4NE1/4), Section 10, T11N, R3E, B.M., Valley County.

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 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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



Received 1/9/92
Joanne Dick

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

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

4 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

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

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

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

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

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

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

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

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 1994

CONSOLIDATED PUMPED STORAGE, INC.

A Subsidiary of Consolidated Hydro, Inc.

Shirley A. Lindstrom
Regulatory Affairs

Reply to:
1555 Shoreline Dr., #200
Boise, ID 83702
Telephone: (208) 338-2604
Facsimile: (208) 384-1409

RECEIVED
DEC 24 1991
Department of Water Resources

December 20, 1991

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

RE: Idaho Department of Water Resources Proposed Memorandum Decision and Order Approving 400 CFS Wintertime Flow (September 2 through April 30) for Smiths Ferry reach of the North Fork, Payette River.

Dear Mr. Spackman:

I would like the Idaho Department of Water Resources Proposed Memorandum Decision and Order to clarify the record regarding Finding of Fact 16. It states in part, "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." An exception to this finding of fact quotes from the Preliminary Permit Application before FERC which was put in evidence at the hearing. It states in part on page 6, under Project Description, "In the present phase of project planning **both conventional run-of-river** and hybrid pumped storage design configurations are being considered. The generating capabilities, design layouts and modes of operation of these alternatives differ."

I would like to file an exception to Finding of Fact 10 by reiterating my comments filed with you on October 18, 1991.

Application 65-13059 in the name of the Idaho Water Resources Board seeks a minimum streamflow for the Smiths Ferry reach of the North Fork, Payette River, in the amount of 400 cfs from September 2 to April 30. Pursuant to Idaho Code Sec. 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, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;

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JAN 14 1994

(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 mark.

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 and Game pursuant to Idaho Code Sec. 42-1504.

The evidence at the hearing does not support approval of the minimum streamflow application described for the Smiths Ferry reach of the North Fork, Payette River. The Idaho Water Resource Board as the applicant has not met its burden of proof on 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 Smiths Ferry reach. Idaho Code Sec. 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 Sec. 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 and 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 Smiths 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 provided by a 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 Smiths 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.

Sincerely,

Shirley Lindstrom

JAN 14 1991

Post-it™ brand transmittal memo 7671 | # 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) 334-2690

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.~~ The

MICROFILMED
JAN 14 1994

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

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

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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 4, 1991

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

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 4, 1991

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.

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Respectfully,

Gary Spackman

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 4, 1991

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 14 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
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Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 4, 1991

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,

Gary Spackman

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 4, 1991

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN 1

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 4, 1991

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,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

JAN

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 2690

November 12, 1991

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,

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.)

JAN 14 1994

United States Department of Agriculture | Forest Service | Boise National Forest | 1750 Front Street Boise, ID 83702

Reply to: 1570

Date: November 1, 1991

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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 L. McCombs
STEPHEN P. MEALEY
Forest Supervisor

cc:
Emmett RD
Cascade RD
Lowman RD

JAN 14 1994

CONSOLIDATED PUMPED STORAGE, INC.

A Subsidiary of Consolidated Hydro, Inc.

RECEIVED
OCT 0 2 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

Shirley Lindstrom

JAN 14 1994

EXECUTIVE OFFICE • ONE GREENWICH PLAZA • GREENWICH, CT 06830 • TELEPHONE 203/661-4203 • FAX 203/661-4817

MINNESOTA OFFICE • 3009 HOLMES AVENUE SOUTH • MINNEAPOLIS MN 55408 • TELEPHONE 612/823-7656 • FAX 612/827-8916

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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 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

JAN 14 1994

IDAHO DEPARTMENT OF WATER RESOURCES

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

September 30, 1991

Contact: Gerald Grimmett
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 30 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.

CONSOLIDATED PUMPED STORAGE, INC.

A Subsidiary of Consolidated Hydro, Inc.

RECEIVED
OCT 0 2 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

Shirley Lindstrom

EXECUTIVE OFFICE • ONE GREENWICH PLAZA • GREENWICH, CT 06830 • TELEPHONE 203/661-4203 • FAX 203/661-4817

MINNESOTA OFFICE • 3009 HOLMES AVENUE SOUTH • MINNEAPOLIS, MN 55408 • TELEPHONE 612/823-7656 • FAX 612/827-8916

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

EXECUTIVE DIRECTOR
Wendy L. Wilson
Boise

BOARD OF DIRECTORS
Gail Ater
Gooding

Sally Chang
Northwest Dories
Lewiston

Doug Christensen
Ketchum

Bill Davidson
Pocatello

Carol Goble
Moscow

LuVerne Grussing
Cottonwood

Arch Mehrhoff
Boise

Gerald Sehlke
Idaho Falls

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OCT 0 2 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 1 4 1994

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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 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

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 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

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

JENNIFER SEIFERT
Secretary

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
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<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. Willamson
<>

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
<>

returned

<name>John Rosentreter
4220 Libby
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<sal>Mr. Rosentreter
<>

returned

<name>Becky Arnold
4334 Libby
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<sal>Ms. Arnold
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returned

<name>Phil Lansing
1016 E. State
Boise, ID 83712
<sal>Mr. Lansing
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<name>Carl Abercrombie
5424 Hwy 52
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<sal>Mr. Abercrombie
<>

<name>Don Rising
HC 71 Box 2140
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<sal>Mr. Rising
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returned

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

JAN 14 1994

Cascade, ID 83611
<sal>Mr. Davis
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returned

<name>Jock D. MacGregor
P.O. Box 5128
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<sal>Mr. MacGregor
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<name>Matt & Lynn Miracle
~~Box 1368~~
~~McCall, ID 83638~~ 4426 Larch St. #A Mountain Home AFB 83648-1105
<sal>Mr. and Mrs. Miracle
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<name>Marty Gangis
Box 1525
McCall, ID 83638
<sal>Interested Party
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<name>Robert Lokker
Box 847
Cascade, ID 83638
<sal>Mr. Lokker
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HC 71 Box 2005
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<sal>Mr. Davis
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<name>Jeff Hennessy
3409 N. 39th
Boise, ID 83703
<sal>Mr. Hennessy
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<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

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
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<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.

JAN 14 1994

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

<name>Daniel L. Givens
1817 Eastman 2779 Lancaster
Boise, ID 83702
<sal>Mr. Givens
<>

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

returned

<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
<>

returned

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

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

JAN 14 19

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~~ Boise 83714-1145
<sal>Mr. Cloninger
<>

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

returned

<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
<>

returned

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

returned

<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

JAN 14 1994

<sal>Mr. and Mrs. Chisham
<>

<name>Edward Walsh
~~11112 Cartridge St.~~ 212 Bacon Rd.
Boise, ID ~~83704~~ 83712 - 8705
<sal>Mr. Walsh
<>

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

<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

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
<>

returned

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

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

returned

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

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

MIC

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
<>

MICROFILMED
JAN 14 1994

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

returned

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

<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
<>

returned

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

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

JAN 14

<>

<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

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

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.

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

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 Wlefare
Divisionof Environmental Quality
1410 N. Hilton
Boise, ID 83706

- 4 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, (NE¼SW¼), Section 31, T13N, R4E, B.M., and extending downstream to Smiths Ferry Bridge, located in Government Lot 4 (SW¼NE¼), 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 (SW¼NE¼), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE¼SE¼), Section 29, T9N, R3E.

Purpose: Recreation, aesthetics, and fishery maintenance.

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.

JUN 14 1994

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted two 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 (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 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 (SW¼NE¼), Section 10, T11N, R3E, and extending to the confluence with the Payette River in Government Lot 2 (SE¼SE¼), Section 29, T9N, R3E.

Exhibits + hearing notes filed here, after notice & hearing

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

MEMORANDUM

TO: File No. 65-12839
FROM: Gary Spackman
DATE: July 16, 1991

RE: Additional Information Required by Memorandum Decision and Order

On November 30, 1988, the Idaho Department of Water Resources conducted a hearing for three applications for permit to appropriate water, numbered 65-12822, 65-12839 and 65-12840. The Memorandum Decision and Order issued after the hearing approved application no. 65-12822 and 65-12940 but deferred a ruling regarding application for permit no. 65-12839. The Board and other parties were 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. It also stated the studies must be submitted to the Department by July 1, 1990. The order provided that the Department would hold a hearing following submittal of the information.

The Department did not receive the required information by July 1, 1990. I sent letters of inquiry to the parties, and did not receive a response. I discussed the matter with Frank Sherman and Bill Graham, Idaho Water Resource Board support personnel. Through coordination with Fish & Game, a letter was sent by Fish & Game to the Director in November in 1990, discussing the application and methodologies for the study. The letter stated that prior studies would suffice.

I do not feel that the conditions of the order have been complied with. I do think, however, that if the applicant and other proponents of the minimum streamflow can show at another hearing that the minimum streamflow is necessary for preservation of certain values, we should allow the evidence to be presented. Furthermore, we should schedule two other minimum streamflow applications, numbered 65-13059 and 65-13060, for hearing.

JAN 14 1994

E. M. Wood, Ph.D.

FISHERY RESEARCH BIOLOGIST
HC-71, Box 5000
Cascade, ID 83611
(208)382-4828/ 6624

RECEIVED
JAN 18 1991
Department of Water Resources

January 17, 1991

Gary M. Spackman, Manager
Water Right Permit Section
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
STATEHOUSE MAIL
Boise, ID 83720

Re: North Fork Payette River Minimum Stream Flow Request 65-12839

Dear Mr. Spackman:

I strongly support the higher minimum stream flows for the Cabarton Bridge to Smiths Ferry for the same reasons detailed in the November 28, 1990 letter from Jerry M. Conley to Keith Higginson.

The higher stream flows are biologically essential to maintain a viable rainbow trout fishery particularly during the winter months when icing conditions are extreme. The proximity of the North Fork to Boise and the influx of recreationists from that population center justify protecting the asthetic values of this important stream segment.

Sincerely,

Edward M. Wood

cc.: Jerry M. Conley
Frank B. Sherman

JAN 14

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To Bill Graham	From Cindy Robertson
Co Water Resour.	Co Fish & Game
Dept.	Phone # 334-2597
Fax # 327-7900 F. 327-7866	Fax # 334-2114

November 28, 1990

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

Re: North Fork Payette River Minimum Stream Flow Request
65-12889

Dear Keith:

In November 1988, the Department of Water Resources conducted public hearings on proposed minimum stream flows for the Carbarton reach of the North Fork of the Payette River (Carbarton Bridge downstream to Smith's Ferry). At that meeting, the public overwhelmingly requested the Water Resource Board to support higher minimum stream flows than previously requested by the Board. The Board responded by adding 294 cfs to the 106 cfs minimum stream flow request from 10/13 to 3/15 and 100 cfs to the 500 cfs request from 3/16 to 6/17. The 106 cfs and the 500 cfs requests were approved under permit application 65-12822.

The Water Resource Board asked the Department of Fish and Game to provide justification for the requested increased flows. In your order dated July 17, 1989, you asked for justification to be submitted to the Department of Water Resources by July 1, 1990 for the increased minimum stream flows. The Department of Fish and Game was unable to respond by the deadline but asks you now to consider the following justification for the increased flows.

1. The addition of 100 cfs (total of 600 cfs) to the 3/16 to 6/17 time period is easily supported by the recommended minimum stream flow detailed in Cochnauer and Hoyt, 1979. That value was 700 cfs and is maintained greater than 50 percent of the time as indicated by flow records from Cascade Dam for the period of record (50 years, from 1941 to present, gage #13245000).

2. The addition of 294 cfs (total of 400 cfs) to the 10/13 to 3/15 time period is supported peripherally two ways:

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JAN 14 1994

a. The Smith's Ferry to Banks reach minimum stream flow request of 400 cfs (65-18059) is immediately downstream of the Carbarton reach. There is essentially no inflow into the Smith's Ferry to Banks reach that is not present in the Carbarton reach (staff from Water Resources Department presented this supporting information at the public hearing in 1989). Therefore, if the 400 cfs flow can be supported and is accepted as a minimum flow in the Smith's Ferry to Banks reach, it should be accepted for the Carbarton reach.

b. The definition of a minimum stream flow has been interpreted differently in recent years compared to the advent of the program in the mid-1970's. With broader interpretation to include recreation and aesthetic flows (part of the statute, but previously unused), minimum stream flow needs now are more liberally interpreted.

   The 106 cfs minimum stream flow is based on the wetted perimeter methodology in use in 1978 when Cochnauer and Hoyt did their work. It provides enough water to avoid loss of the rainbow trout species, but it is a preservation flow, not one that will sustain a viable, fishable population. At the hearing in 1989, it was pointed out that this flow would not sustain a fishery without harm to the population. Furthermore, it was pointed out that much higher flows would be needed to support recreational opportunities and sustain a fishery and a viable fish population.

A methodology has not been developed to predict a value using computer modeling that will support fishing recreation flows. The same applies to flows for aesthetic purposes. The Department of Fish and Game supports the strong public outcry for recreational and aesthetic flows voiced at the 1989 hearing in Cascade.

We respectfully request you accept these arguments and bring them before the public again to test if the proposed flow is indeed a true minimum flow acceptable to the public.

Sincerely,

Original Signed
Jerry M. Conley
Director

Jerry M. Conley
Director

JMC:CR:tlv

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

January 4, 1991

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

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Ms. Wilson:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

The Department received a request for extension of time from the Idaho Water Resource Board, and additional comments from Jerry M. Conley of the Idaho Department of Fish & Game. I have enclosed copies of the request from the Board and the Fish & Game comments.

The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

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

January 4, 1991

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

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Mr. Rydalch:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

The Department received a request for extension of time from the Idaho Water Resource Board, and additional comments from Jerry M. Conley of the Idaho Department of Fish & Game. I have enclosed copies of the request from the Board and the Fish & Game comments.

The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

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

January 4, 1991

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

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Ms. Just:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

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The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

JAN 14 1991

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 4, 1991

Mark Auth
Western Power, Inc.
P.O. Box 27
Boise, ID 83707

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Mr. Auth:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

The Department received a request for extension of time from the Idaho Water Resource Board, and additional comments from Jerry M. Conley of the Idaho Department of Fish & Game. I have enclosed copies of the request from the Board and the Fish & Game comments.

The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

JAN 14 1991

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 4, 1991

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

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Mr. Wood:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

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The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

1384

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 4, 1991

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

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Mr. Goddard:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

The Department received a request for extension of time from the Idaho Water Resource Board, and additional comments from Jerry M. Conley of the Idaho Department of Fish & Game. I have enclosed copies of the request from the Board and the Fish & Game comments.

The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

JAN 1991

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 4, 1991

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

RE: Order Requiring Additional Study for Minimum Streamflow Application No. 65-12839 in the Cabarton to Smiths Ferry Reach

Dear Mr. Hill:

The Memorandum Decision and Order issued by the Director on July 17, 1989, stated that additional studies should be submitted to the Department to determine whether an additional minimum flow is necessary to maintain fish habitat, recreational, and aesthetic values from October 13 through June 17, in the Cabarton to Smiths Ferry reach. Studies were to have been submitted on or before July 1, 1990. In August, 1990, I corresponded with the parties to determine whether the studies had been complete.

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The Department will grant a thirty (30) day period of time within which to comment. When you comment, please serve the other parties of record. After the expiration of the 30 days, the Department will act on the request by the Board.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Western Region

IDAHO FISH & GAME
600 South Walnut / Box 25
Boise, Idaho 83707

KHA
Norm
Spackman
Sherman

November 28, 1990

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

Re: North Fork Payette River Minimum Stream Flow Request
65-12839

Dear Keith:

In November 1988, the Department of Water Resources conducted public hearings on proposed minimum stream flows for the Carbarton reach of the North Fork of the Payette River (Carbarton Bridge downstream to Smith's Ferry). At that meeting, the public overwhelmingly requested the Water Resource Board to support higher minimum stream flows than previously requested by the Board. The Board responded by adding 294 cfs to the 106 cfs minimum stream flow request from 10/13 to 3/15 and 100 cfs to the 500 cfs request from 3/16 to 6/17. The 106 cfs and the 500 cfs requests were approved under permit application 65-12822.

The Water Resource Board asked the Department of Fish and Game to provide justification for the requested increased flows. In your order dated July 17, 1989, you asked for justification to be submitted to the Department of Water Resources by July 1, 1990 for the increased minimum stream flows. The Department of Fish and Game was unable to respond by the deadline but asks you now to consider the following justification for the increased flows.

1. The addition of 100 cfs (total of 600 cfs) to the 3/16 to 6/17 time period is easily supported by the recommended minimum stream flow detailed in Cochnauer and Hoyt, 1979. That value was 700 cfs and is maintained greater than 50 percent of the time as indicated by flow records from Cascade Dam for the period of record (50 years, from 1941 to present, gage #13245000).

2. The addition of 294 cfs (total of 400 cfs) to the 10/13 to 3/15 time period is supported peripherally two ways:

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

Working for wildlife - since 1938

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a. The Smith's Ferry to Banks reach minimum stream flow request of 400 cfs (65-13059) is immediately downstream of the Carbarton reach. There is essentially no inflow into the Smith's Ferry to Banks reach that is not present in the Carbarton reach (staff from Water Resources Department presented this supporting information at the public hearing in 1989). Therefore, if the 400 cfs flow can be supported and is accepted as a minimum flow in the Smith's Ferry to Banks reach, it should be accepted for the Carbarton reach.

b. The definition of a minimum stream flow has been interpreted differently in recent years compared to the advent of the program in the mid-1970's. With broader interpretation to include recreation and aesthetic flows (part of the statute, but previously unused), minimum stream flow needs now are more liberally interpreted.

   The 106 cfs minimum stream flow is based on the wetted perimeter methodology in use in 1978 when Cochnauer and Hoyt did their work. It provides enough water to avoid loss of the rainbow trout species, but it is a preservation flow, not one that will sustain a viable, fishable population. At the hearing in 1989, it was pointed out that this flow would not sustain a fishery without harm to the population. Furthermore, it was pointed out that much higher flows would be needed to support recreational opportunities and sustain a fishery and a viable fish population.

A methodology has not been developed to predict a value using computer modeling that will support fishing recreation flows. The same applies to flows for aesthetic purposes. The Department of Fish and Game supports the strong public outcry for recreational and aesthetic flows voiced at the 1989 hearing in Cascade.

We respectfully request you accept these arguments and bring them before the public again to test if the proposed flow is indeed a true minimum flow acceptable to the public.

Sincerely,

Jerry M. Conley
Director

JMC:CR:tlv

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

November 20, 1990

Mr. Gary Spackman, Manager
Water Right Permit Section
Idaho Dept. of Water Resources
Statehouse
Boise, ID 83720

Dear Mr. Spackman:

The Idaho Water Resource Board has directed me to request an extension of time in order to provide additional data concerning the appropriateness of minimum streamflow application No. 65-12839. In order to document aesthetic values during the period of the application, an extension until July 1, 1991 is necessary.

I hope to be able to work closely with you and the Department of Fish and Game in developing the information identified in the Director's Memorandum Decision and Order dated July 17, 1989.

Sincerely,

Frank B. Sherman

FRANK B. SHERMAN, Chief
Water Planning Bureau

FBS:dc

RECEIVED

JAN 14 1994

MEMORANDUM

TO: File No. 65-12839
FROM: Gary Spackman
DATE: November 6, 1990

RE: Submittal of Studies for Minimum Fish Flows

The Memorandum Decision and Order issued by the Director in 1989, required further studies to confirm that additional flows were needed for the maintenance of fisheries for application no. 65-12839. These studies were to have been submitted to the Department by July 1, 1990. No studies were received.

In August, 1990, I wrote a letter to all of the parties, asking if other studies had been completed, and, if so, why they were not submitted to the Department. I did not receive a response.

On approximately October 15, 1990, I spoke with Cindy Robertson of the Idaho Department of Fish & Game about the studies. She informed me that she had spoken to Bill Horton, and stated that no studies had been completed.

I have spoken to Frank Sherman about this, and he has agreed to take the matter up with the Water Resource Board at their next meeting.

cc: Frank Sherman

RECEIVED
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

August 28, 1990

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

Dear Mr. Hill:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

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

August 28, 1990

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

Dear Mr. Goddard:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

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This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

JAN 14 19[illegible]

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

August 28, 1990

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

Dear Ms. Just:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

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

August 28, 1990

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

Dear Mr. Auth:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

JAN 14 1991

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

August 28, 1990

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

Dear Mr. Wood:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

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

August 28, 1990

Idaho Water Resource Board
c/o Dave Rydalch

Dear Mr. Rydalch:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

JAN 14 1991

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

August 28, 1990

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

Dear Ms. Wilson:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

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

August 28, 1990

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

Dear Protestant:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

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

August 28, 1990

Gem State Irrigation District
P.O. Box 67
Homedale, ID 83628

Dear Protestant:

In a decision issued in 1989, the Director of the Department of Water Resources approved two minimum streamflows for the Payette River. A third minimum streamflow application, numbered 65-12839, proposed an additional minimum streamflow in the upper reach from Cabarton to Smiths Ferry. The Director found that insufficient evidence had been submitted to determine the minimum streamflow necessary to maintain fish habitat, recreational and aesthetic values from October 13 through June 17.

The decision required that studies be conducted and submitted to the Department by July 1, 1990. The Department has not received studies from any of the parties. The decision also stated that another hearing would be held to determine whether the minimum streamflow sought is a true minimum rather than an optimum flow.

This letter is an inquiry about whether studies have been conducted to determine the minimum streamflow, and if so, why they were not submitted to the Department by July 1, 1990.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Western Region

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

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, Chief
Water Allocation Bureau

Enclosures

JAN 14 198

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

JAN 14 1994

MINIM[redacted] STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

		Assigned to	Initials/Date
1.	Request received and checklist attached.	Records Chief	~~ag~~ 5-20-88
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	JP 5/24/88
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	_____

<date>

<address>

RE: Minimum streamflow Application on the North Fork of the Payette River, Application No. 65-12822, 65-[redacted] 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. According to the records of this Department, you have a water right for which the point of diversion is located in or near the proposed minimum streamflow reaches.

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

[illegible]
JAN 14 1994

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

RECEIVED
JAN 14 1994

Water rt. holders

<date>November 8, 1988
<address>Mr. & Mrs. Hasbrouck
Cascade, ID 83611
<sal>Mr. & Mrs. Hasbrouck
<>

<date>November 8, 1988
<address>Burton O. Haverfield
P.O. Box 161
Culver, OR 97734
<sal>Mr. Haverfield
<>

<date>November 8, 1988
<address>Mr. & Mrs. Cole
St. Rt.
Banks, ID 83602
<sal>Mr. & Mrs. Cole
<>

<date>November 8, 1988
<address>State of Idaho
Dept. of Transportation
Division of Highways
P.O. Box 7129
Boise, ID 83720
<sal>Gentlemen
<>

<date>November 8, 1988
<address>State of Idaho
Idaho Water Resource Board
Statehouse
Boise, ID 83720
<sal>Gentlemen
<>

<date>November 8, 1988
<address>Mr. & Mrs. Cole
St. Rt.
Banks, ID 83602
<sal>Mr. & Mrs. Cole
<>

<date>November 8, 1988
<address>Mr. & Mrs. Angeli
HC 71 Box 44
Cascade, ID 83611
<sal>Mr. & Mrs. Angeli
<>

<date>November 8, 1988
<address>Western Power, Inc.
2399 S. Orchard St.

RECEIVED
JAN 14 1994

Boise, ID 83705
<sal>Gentlemen
<>

<date>November 8, 1988
<address>Eltinge Hasbrouck
John Hasbrouck
Cascade, ID 83611
<sal>Gentlemen
<>

JAN 14 1994

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

JAN 14 1994

Water Right Holders

<date>November 10, 1988
<address>Western Power, Inc.
2399 S. Orchard St.
Boise, ID 83705
<sal>Gentlemen
<>

<date>November 10, 1988
<address>Darwin Pancheri
Joan L. Pancheri
Duane Pancheri
Laura Pancheri
Rt. 1
Melba, ID 83641
<sal>Water Rights Holders
<>

<date>November 10, 1988
<address>Frank Bilbao
P.O. Box 49
Cascade, ID 83611
<sal>Mr. Bilbao
<>

<date>November 10, 1988
<address>MacGregor Land & Livestock Co.
200 Sunrise Rim
Boise, ID 83705
<sal>Gentlemen
<>

<date>November 10, 1988
<address>Ray Nissula
Phyllis Nissula
P.O. Box 329
Cascade, ID 83611
<sal>Mr. & Mrs. Nissula
<>

<date>November 10, 1988
<address>Boise Cascade Corp.
Timber & Wood Products Div.
1010 Jefferson Street
Boise, ID 83702
<sal>Gentlemen
<>

<date> November 10, 1988
<address>Thomas J. Davis
Cascade, ID 83611
<sal>Mr. Davis
<>

JAN 14 1994

<date>November 10, 1988

<address>Idaho Power Co.
P.O. Box 70
Boise, ID 83721
<sal>Gentlemen
<>

<date>November 10, 1988
<address>U.S. Dept. of Interior
Bureau of Reclamation
ATTN: 424 Box 043
550 West Fort St.
Boise, ID 83724
<sal>Gentlemen
<>

<date>November 10, 1988
<address>Idaho Power Co.
1220 Idaho St.
Boise, ID 83724
<sal>Gentlemen
<>

<date>November 10, 1988
<address>Boise Cascade Corp.
Timber & Wood Products Div.
1010 Jefferson St.
Boise, ID 83702
<sal>Gentlemen
<>

<date>November 10, 1988
<address>Lowell D. Hammond
1230 Hartwood Point Dr.
Pasadena, CA 91107
<sal>Mr. Hammond
<>

<date>November 10, 1988
<address>James H. Hait
P.O. Box 160
McCall, ID 83638
<sal>Mr. Hait
<>

<date>November 10, 1988
<address>Lake Reservoir Co.
114 N. 8th St.
Payette, ID 83661
<sal>Gentlemen
<>

JAN 14 1994

<date>November 10, 1988
<address>Delbert E. Colwell
4114 Hill Road

Boise, ID 83703
<sal>Mr. Colwell
<>

<date>November 10, 1988
<address>Leonard Rowland
Box 809
McCall, ID 83638
<sal>Mr. Rowland
<>

<date>November 10, 1988
<address>Robert V. Williamson
Janet S. Williamson
Box 1032
McCall, ID 83638
<sal>Mr. & Mrs. Williamson
<>

<date>November 10, 1988
<address>Rio Vista, Inc.
c/o Perc H. Shelton
Box R
McCall, ID 83638
<sal>Mr. Shelton
<>

<date>November 10, 1988
<address>Gerald P. Rodwell
Hazel Rodwell
Box 156
Boise, ID 83701
<sal>Mr. & Mrs. Rodwell
<>

JAN 14 1994

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.

JAN 14 1994

MEMORANDUM

TO: Norm Young

FROM: Wayne

DATE: October 24, 1988

SUBJECT: IDWR Hearing - NF Payette

The issue of whether the department should proceed with the minimum stream flow hearing on the NF Payette was discussed with the board. The board decision was to request that the department proceed to schedule and hold the hearing.

JAN 14 1994

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.

JAN 14 1994

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 dove tail 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.

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

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.

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

DRT:jp

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

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

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

DRT:jp

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

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

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

DRT:jp

Enclosure(s):

JAN 14 1994

MEMORANDUM

TO: North Fork, Payette River Minimum Streamflow File

FROM: Gary Spackman Gary

DATE: January 8, 1987

RE: Errors in legal description

In reviewing this application for minimum streamflow, Roberta Garrett discovered two errors in the legal description of the minimum streamflow reach. The beginning point of the reach, defined as the point where the Cabarton Bridge crosses the North Fork, Payette River, is described as the SW¼ of Sec. 10, T13N, R4E. The correct legal description should be Lot 11 (NE¼SW¼, Sec. 10, T13N, R4E, B.M.).

A second error appears in the description of the ending point of the minimum flow reach. The ending point is described as falling within T11N, R4E. The correct range is actually R3E not R4E.

These corrections have been written on the application. In my assessment of the rules and regulations and Idaho Code § 42-211 governing amendments, it is my opinion that no advancement of priority is necessary. The changes have been indicated on the application, and endorsement thereof will be sought from the chairman of the Idaho Water Resource Board.

JAN 14 1994

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, thess permits will be subject to all prior water rights.

R. KEITH HIGGINSON, Director

Idaho Department Water Resources

JAN 14 1994

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

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

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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.

JAN 14 1994



Group		Amount of Surveys			When Surveyed	
No.	Date	Mls.	chs.	lks.	Begun	Completed
53	April 28, 1914	0	23	2	Nov 6, 1914	Nov 6, 1914
		5	50	38	Oct 6,	7,
		3	79	80	8,	13,
		35	19	80	12,	Nov 14,
			22	50	14,	
			28	50		
18	March 31, 1911	8	58	33	July 29 1911	July 30 1911
		3	30	92	May 7,	May 8,
	Contract					
255	June 15 1904	1	58	70	May 5 1905	May 5 1905

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13246000 NORTH FORK PAYETTE RIVER NEAR BANKS, ID

LOCATION.--Lat 44°06'50", long 116°06'25", in NW1/4 SE1/4 sec.16, T 9 N , R 3 E., Boise County, Hydrologic Unit 17050123, Boise National Forest, on right bank 300 ft downstream from highway bridge, 2.5 mi north of Banks, and at mile 2.8.

DRAINAGE AREA --933 mi^2 Mean elevation, 5,800 ft

PERIOD OF RECORD.--April 1947 to current year

GAGE --Water-stage recorder. Datum of gage is 3,081.13 ft above National Geodetic Vertical Datum of 1929

REMARKS.--Estimated daily discharges: Oct. 23 to Nov. 5, Dec. 18-21, and Sept 6-30 Records good. Flow regulated by Payette Lake (see sta 13238500), Lake Fork Reservoir, and Cascade Reservoir 37.1 mi upstream, beginning November 1947 (see sta 13244500) Diversions above station for irrigation of about 50,800 acres (1966 determination)

AVERAGE DISCHARGE --38 years, 1,389 ft^3/s, 1,008,000 acre-ft/yr

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 8,830 ft^3/s May 11, 1947, gage height, about 13.5 ft, estimated on basis of records for station near Smiths Ferry; minimum recorded, 36 ft^3/s Dec 21, 1947, gage height, 3 01 ft

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 3,330 ft^3/s June 1, gage height, 9 12 ft, minimum, 212 ft^3/s Mar. 3, gage height, 3 86 ft

Rating table (gage height, in feet, and discharge, in cubic feet per second)
(Stage-discharge relation affected by ice Dec 18-21)

4.0	242	7 0	1560
5.0	527	8 0	2310
6 0	960	10 0	4280

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1984 TO SEPTEMBER 1985
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1890	375	327	557	469	312	376	1290	3280	930	1790	2270
2	1860	405	328	557	565	301	412	1410	3240	935	1780	2790
3	1850	535	292	582	556	268	482	1500	2690	935	1800	3060
4	1880	440	332	523	506	306	531	1470	2070	1080	1820	3050
5	1900	370	339	607	536	302	564	1340	1400	1150	1880	2910
6	1890	363	338	584	524	288	644	1280	1310	1150	1910	2820
7	1890	363	343	585	553	296	768	1290	1310	1190	1910	2650
8	1850	348	371	585	514	306	973	1290	1300	1260	1920	2660
9	*1650*	*347*	348	574	*539*	*306*	*1360*	*1270*	*2010*	*1260*	*1990*	*2650*
10	1650	344	355	552	533	314	1660	1220	2410	1310	2010	2380
11	1670	346	328	560	534	312	1900	1170	2380	1310	2090	2120
12	1880	380	332	530	369	312	1930	1120	2330	1320	2100	1920
13	1720	452	336	511	297	314	1960	1080	2010	1320	2110	1920
14	1670	576	331	525	291	323	1990	1120	1200	1310	2050	1880
15	1030	414	347	495	295	330	2120	1200	714	1360	2090	1780
16	817	376	340	562	295	337	2060	1110	598	1490	2100	1800
17	*789*	*361*	*338*	*547*	*281*	*345*	*1840*	*1150*	*556*	*1520*	*2100*	*1800*
18	682	351	340	545	282	353	1650	1190	535	1570	2110	1750
19	670	358	332	491	291	358	1490	1220	517	1560	2100	1580
20	664	361	322	550	292	380	1210	1290	497	1570	2100	1580
21	661	371	312	554	292	411	1040	1270	466	1570	2110	1570
22	657	370	403	541	297	385	968	1310	448	1580	2170	1600
23	661	356	407	556	301	378	931	1780	432	1590	2150	1620
24	665	377	403	557	308	394	928	2290	418	1620	2170	1640
25	665	361	396	523	311	387	1030	2400	445	1610	2170	1660
26	675	337	401	529	304	369	1020	2360	486	1650	2170	1650
27	700	330	453	525	296	373	1020	2310	590	1740	2170	1640
28	685	253	542	558	304	368	1080	2350	759	1750	2170	1670
29	680	327	582	561	---	360	1150	2790	762	1740	2170	1470
30	645	399	559	500	---	361	1220	2950	875	1760	2190	1330
31	500	---	608	508	---	364	---	3280	---	1780	2170	---
TOTAL	37096	11346	11785	16934	10935	10513	36307	50100	38038	43920	63570	61220
MEAN	1197	378	380	546	391	339	1210	1616	1268	1417	2051	2041
MAX	*1900*	*576*	*608*	*607*	565	411	2120	*3290*	*3280*	*1780*	*2190*	*3060*
MIN	500	253	292	491	281	268	375	1080	418	930	1780	1330
AC-FT	73580	22500	23380	33590	21690	20850	72010	99370	75450	87120	126100	121400

CAL YR 1984 TOTAL 642360 MEAN 1755 MAX 5350 MIN 253 AC-FT 1274000
WTR YR 1985 TOTAL 391764 MEAN 1073 MAX 3280 MIN 253 AC-FT 777100

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EXHIBIT 1
WRB

STATEMENT OF IDAHO WATER RESOURCE BOARD
NORTH FORK PAYETTE RIVER
MINIMUM STREAMFLOW APPLICATION
NOS. 65-12839 AND 65-13059

I am Bill Platts and I am here today on behalf of the Idaho Water Resource Board.

The hearing today is a first. For the first time the Department of Water Resources when conducting a minimum instream flow application hearing for the Payette River has the Payette River Comprehensive Plan to guide its decision. In fact, pursuant to Idaho Code § 42-1734B(b) the Department of Water Resources is required to make its decisions regarding these minimum flows consistent with that plan.

On April 5, 1988 the Idaho Water Resource Board made application to the Department of Water Resources to appropriate a minimum streamflow in the North Fork Payette River between Cabarton and Smiths Ferry. That application--No. 65-12839--was requested by the Board for purposes of maintaining fish habitat, aesthetics and recreational values. The Application is based on historic regulated flows and is designed to maintain those flows, natural or regulated, in the designated river reaches whenever available. This application was a response to testimony regarding water permit no. 65-12822 that the requested flows under that permit were inadequate.

Subsequent to the filing of Application 65-12839 the Idaho Water Resources Board adopted the Comprehensive State Water Plan for the Payette River Reaches, and that plan's

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recommendations were subsequently ratified by the legislature. That Plan, and its findings, which will be presented to you today by Bill Graham of the Board's staff, fully supports the purposes and amount of this requested minimum flow. Further, the Board adopts the other testimony that you will hear today in support of this minimum flow.

On June 1, 1989 the Board made application to the Department of Water Resources to appropriate a minimum streamflow in the North Fork Payette River between Smiths Ferry and Banks at the request of the Idaho Department of Fish and Game. This application--No. 65-13059--is for purposes of maintaining fish habitat, aesthetics and recreational values and is consistent with the upstream request for the Cabarton reach. Again, the Comprehensive Plan, and the findings in that plan, support both the purposes and amounts of this minimum flow request. The Water Resource Board joins in support of Fish and Game's request.

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EXHIBIT 2
WRB

NORTH FORK PAYETTE RIVER
MINIMUM STREAMFLOW APPLICATION DATA

WATER RIGHT NUMBER: 65-12839

SOURCE: NORTH FORK PAYETTE RIVER

APPLICANT: IDAHO WATER RESOURCE BOARD

REQUESTED BY:
IDAHO WATER RESOURCE BOARD

DATE FILED: APRIL 5, 1988

MINIMUM STREAMFLOW REACH:

COMMENCES AT THE CABARTON BRIDGE IN LOT 11, SECTION 31, T13N, R4E, AND EXTENDS DOWNSTREAM FOR APPROXIMATELY 9 MILES TO THE SW1/4NE1/4, SECTION 10 (SMITHS FERRY BRIDGE), T11N, R3E, VALLEY COUNTY.

PERIODS OF USE:

OCTOBER 13 - MARCH 15
MARCH 16 - JUNE 17

RATES OF FLOW:
294 CFS - OCTOBER 13 - MARCH 15
100 CFS - MARCH 16 - JUNE 17

PURPOSES:
MAINTAIN FISH HABITAT, AESTHETICS AND RECREATIONAL VALUES.

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NORTH FORK PAYETTE RIVER
MINIMUM STREAMFLOW APPLICATION DATA

WATER RIGHT NUMBER: 65-13059

SOURCE: NORTH FORK PAYETTE RIVER

APPLICANT: IDAHO WATER RESOURCE BOARD

REQUESTING AGENCY:
IDAHO DEPARTMENT OF FISH AND GAME

DATE FILED: JUNE 1, 1989

MINIMUM STREAMFLOW REACH:

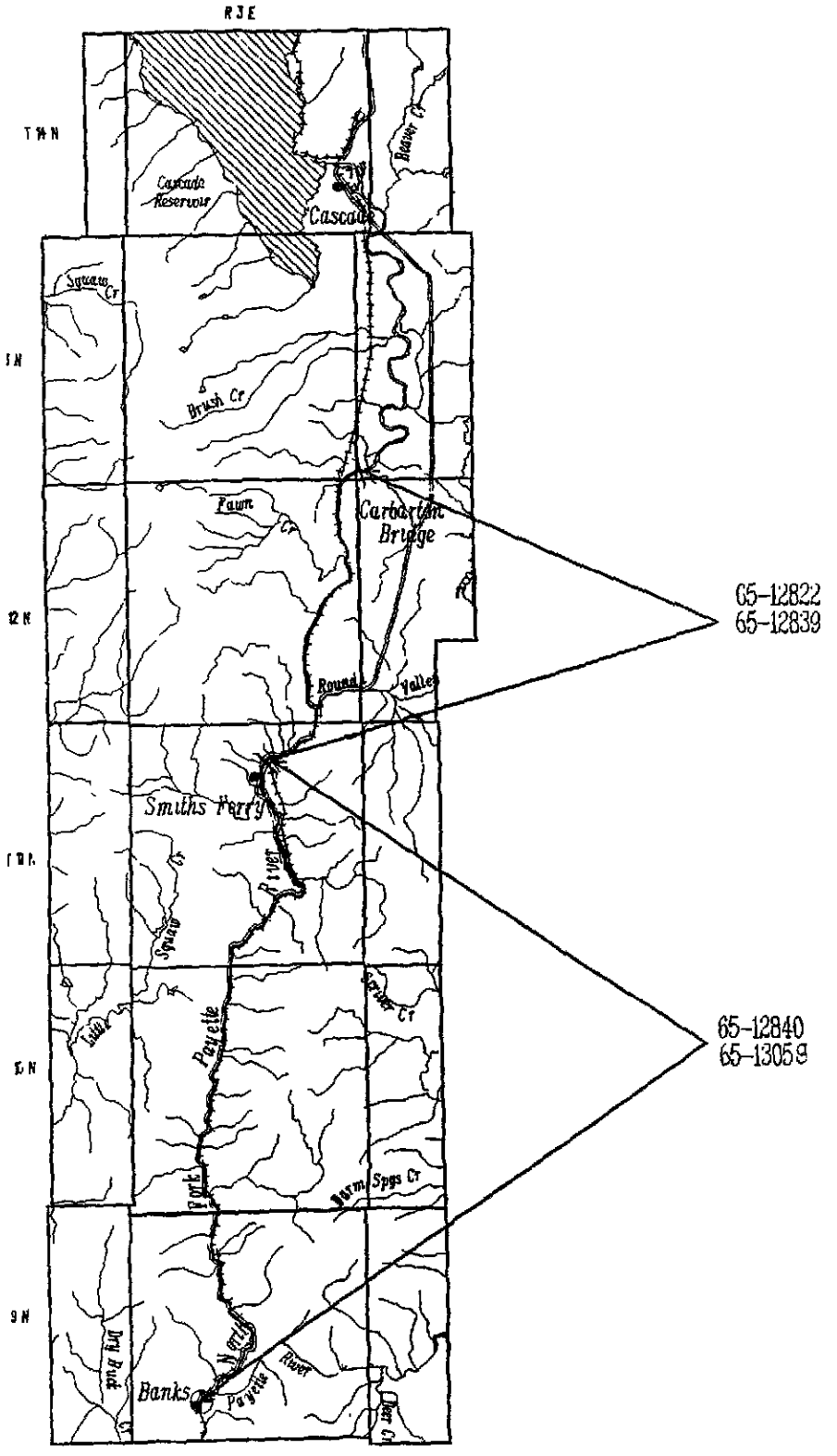
COMMENCES AT THE SMITHS FERRY BRIDGE IN SECTION 10, T11N, R3E, VALLEY COUNTY, AND EXTENDS DOWNSTREAM FOR APPROXIMATELY 18 MILES TO ITS CONFLUENCE WITH THE PAYETTE RIVER IN SECTION 29, T9N, R3E, BOISE COUNTY.

PERIOD OF USE: SEPTEMBER 2 - APRIL 30

RATE OF FLOW: 400 CFS

PURPOSES:
MAINTAIN FISH HABITAT, AESTHETICS AND RECREATIONAL VALUES.

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R3E
T4N
Cascade Reservoir
Cascade
Beaver Cr
Squaw Cr
3N
Brush Cr
Fawn Cr
Cabarton Bridge
2N
Round Valley
Smiths Ferry
1N
Squaw Cr
Payette River
Willow Cr
Indian Cr
1S
Payette River
North Fork
Warm Spgs Cr
2S
Dry Buck Cr
Banks
North Fork Payette River
Dan Cr
65-12822
65-12839
65-12840
65-13059

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NORTH FORK PAYETTE RIVER
CASCADE RESERVOIR TO BANKS
SUMMARY OF WATER RIGHTS

TOTAL NUMBER OF WATER RIGHTS - 149

DECREES - 429.42 CFS and 700,300 AFA

Includes irrigation, irrigation storage, stockwater, domestic, commercial, power, and industrial.

LICENSES - 2004.84 CFS

Includes irrigation, irrigation storage, domestic and power.

PERMITS - 2.54 CFS

Includes domestic and power.

APPLICATION - 2210 CFS

Includes power, commercial, heating and domestic.

MINIMUM STREAMFLOWS

(1) CABARTON TO SMITHS FERRY (65-12822)

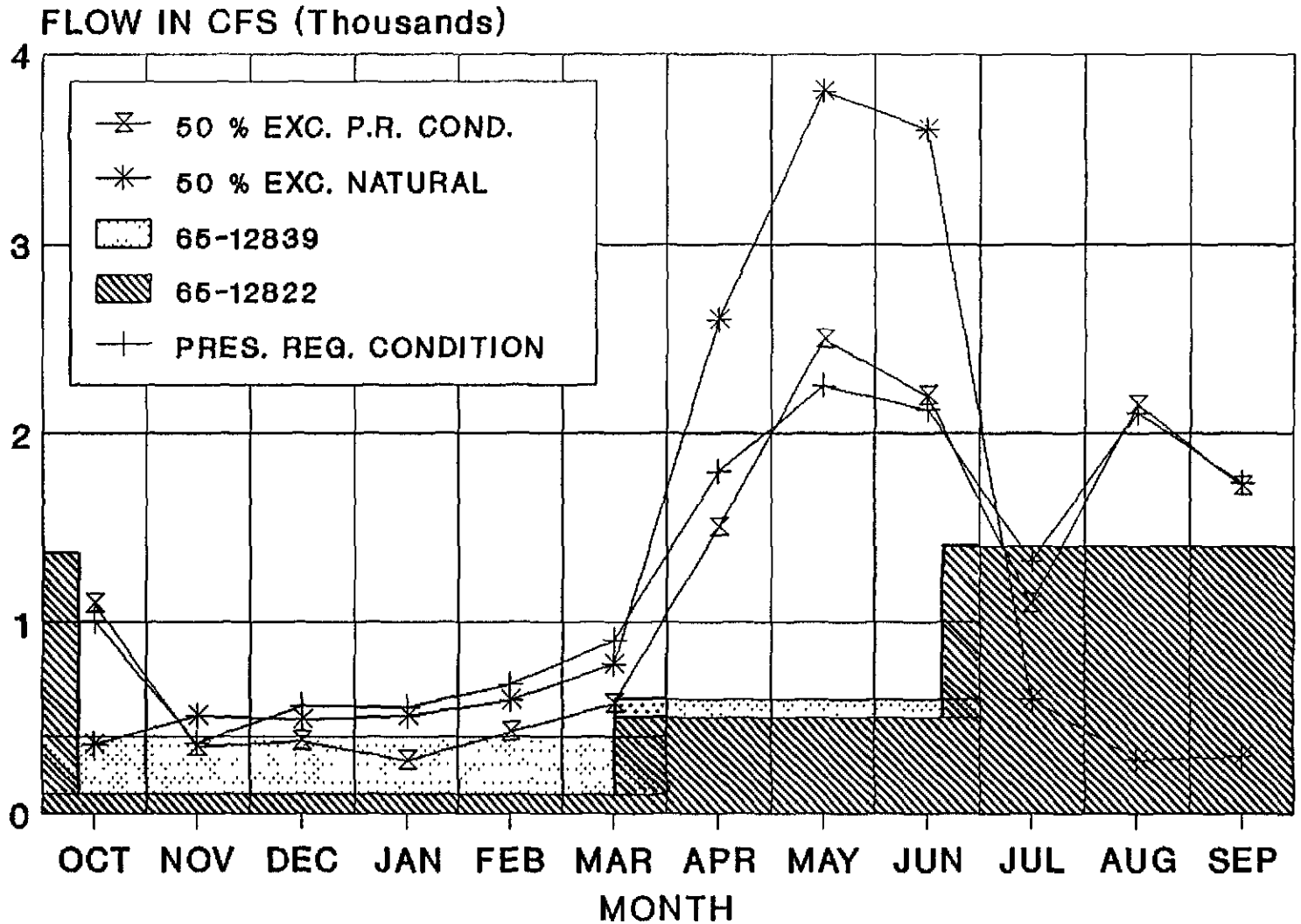
1400 CFS - JUNE 18 TO OCTOBER 12
106 CFS - OCTOBER 13 TO MARCH 15
500 CFS - MARCH 16 TO JUNE 17

(2) SMITHS FERRY TO BANKS (65-12840)

1800 CFS - MAY 1 TO JUNE 30
1300 CFS - JULY 1 TO AUGUST 1
1800 CFS - AUGUST 1 TO SEPTEMBER 1

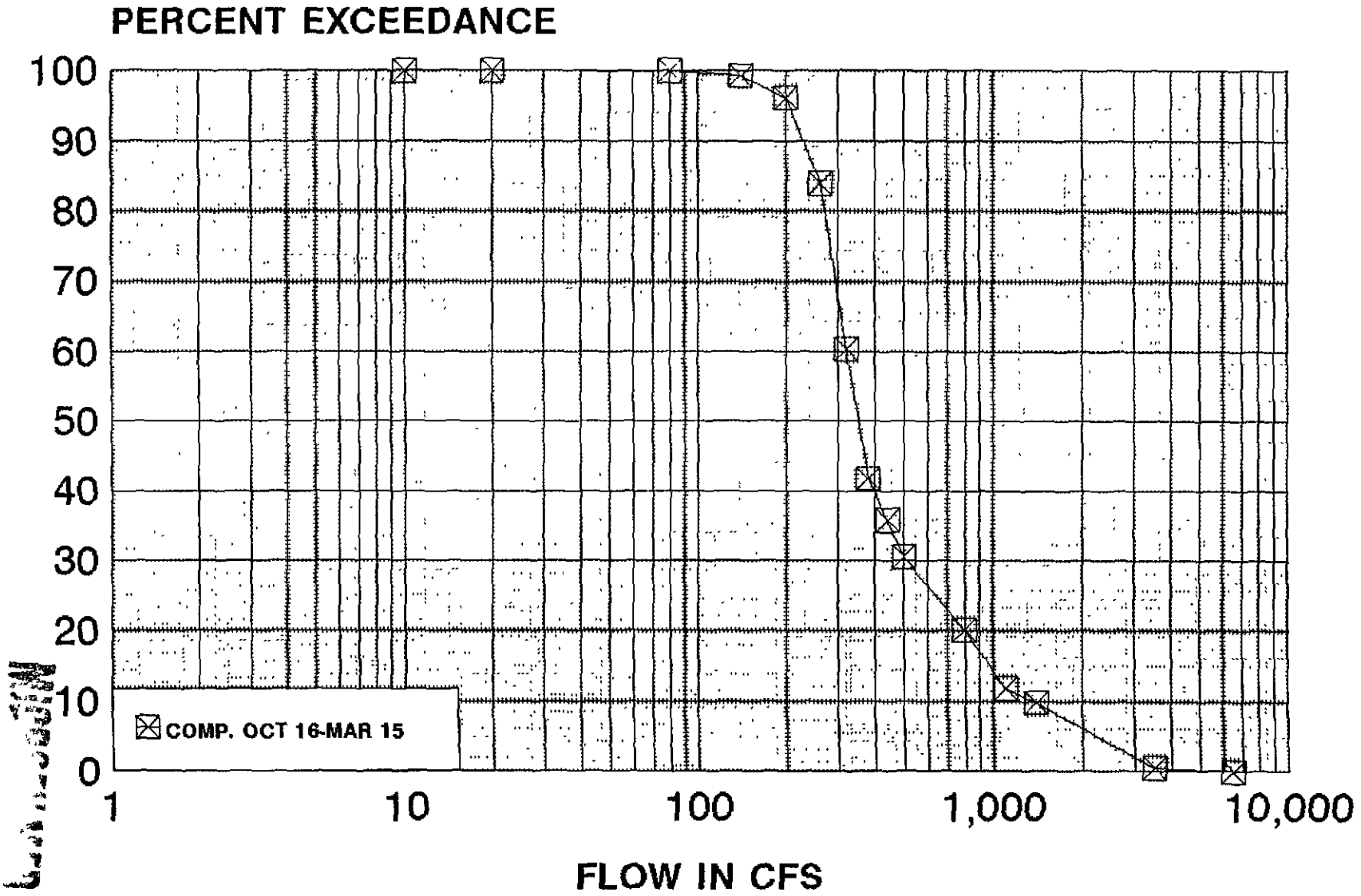
JAN 14 1994

MONTHLY AVERAGE FLOW
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



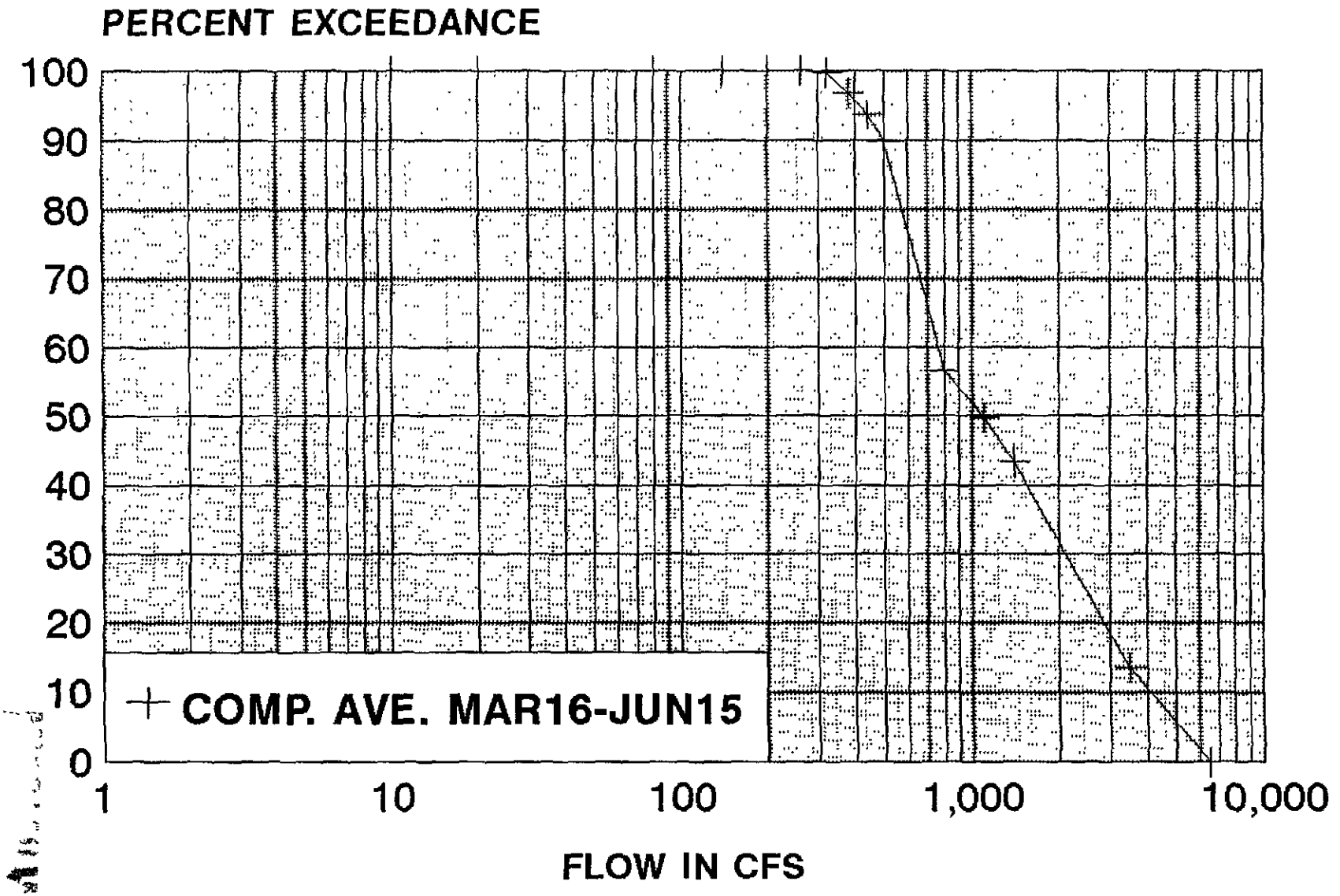
JAN 14 1994

FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



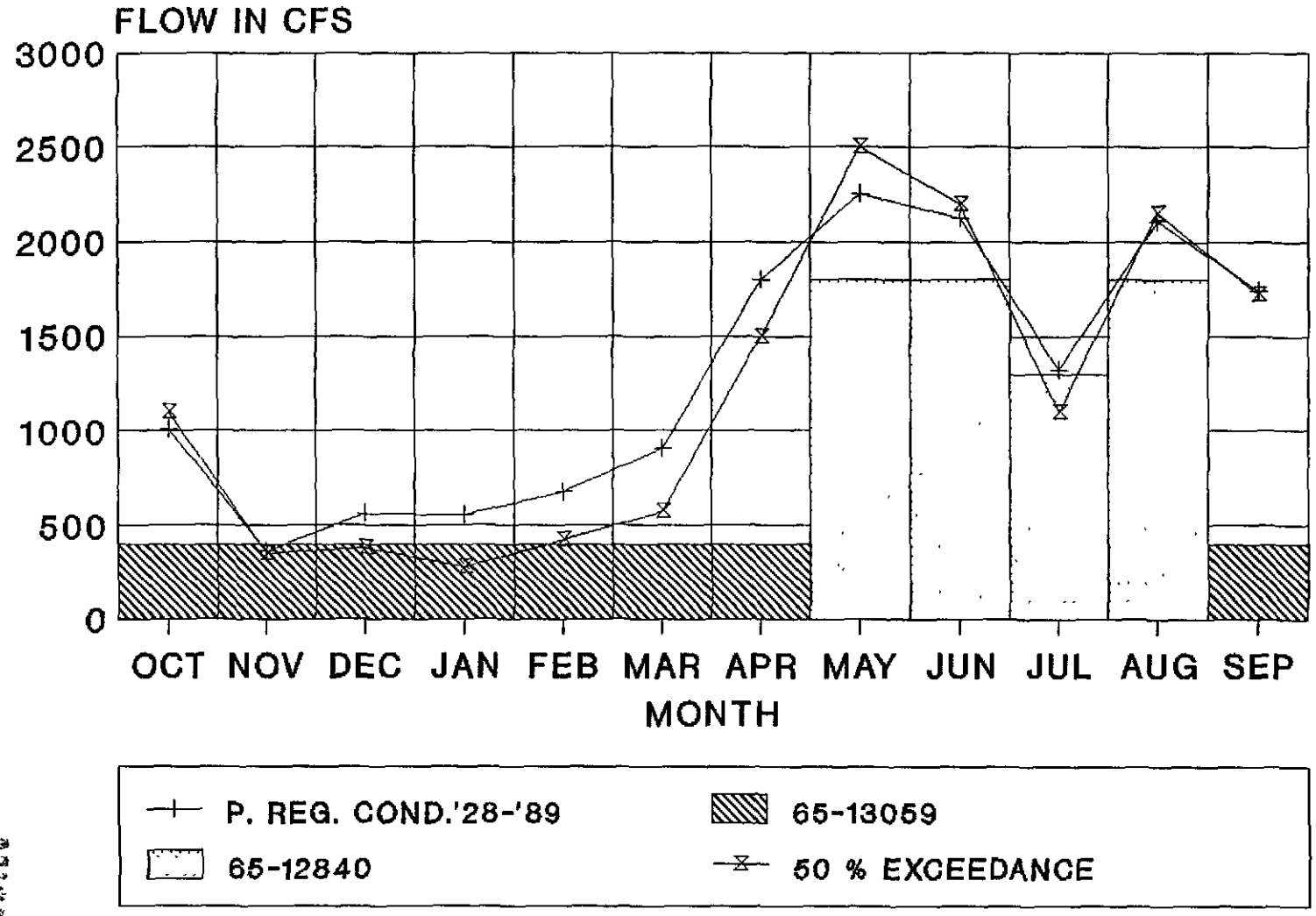
NOTE: HISTORIC DAILY FLOWS ARE USED, 1980-1990 WATER-YEARS

FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



NOTE: HISTORIC DAILY FLOWS ARE USED, 1980-1990 WATER-YEARS

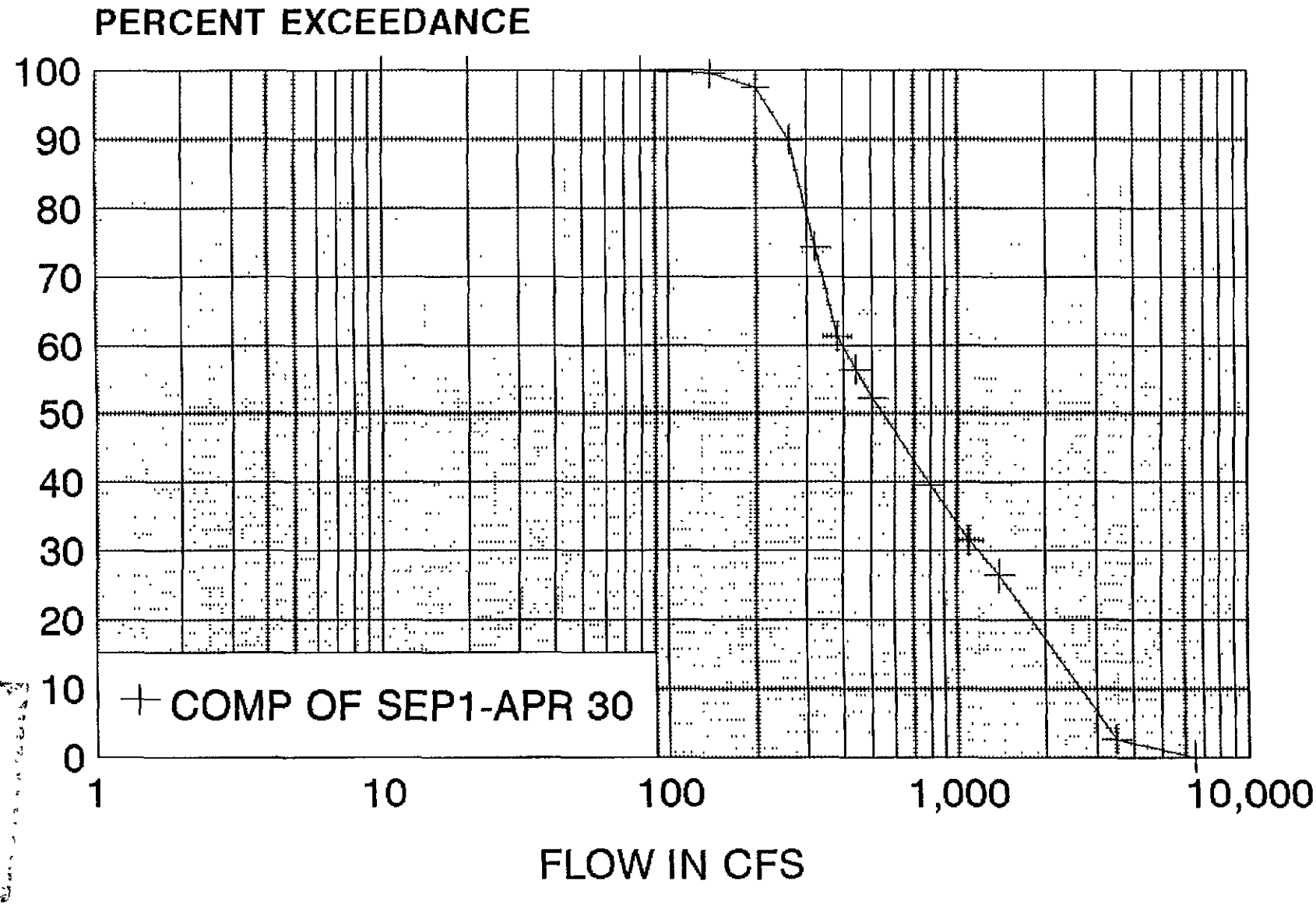
MONTHLY FLOW AVERAGE
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



JAN 14 1994

FLOW DURATION

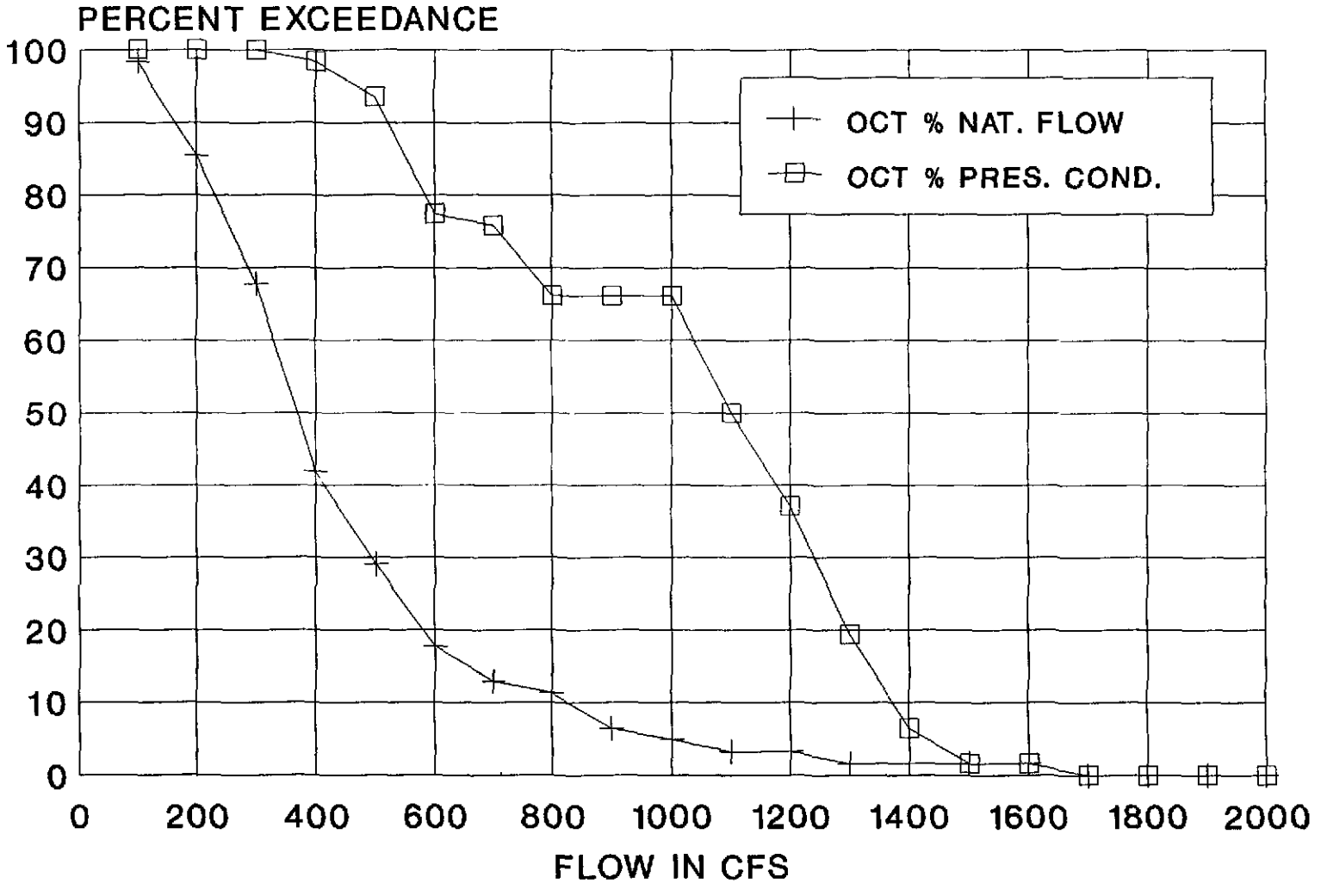
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



JAN 14 1994

NOTE: HISTORIC DAILY FLOWS ARE USED, 1980-1990 WATER-YEARS

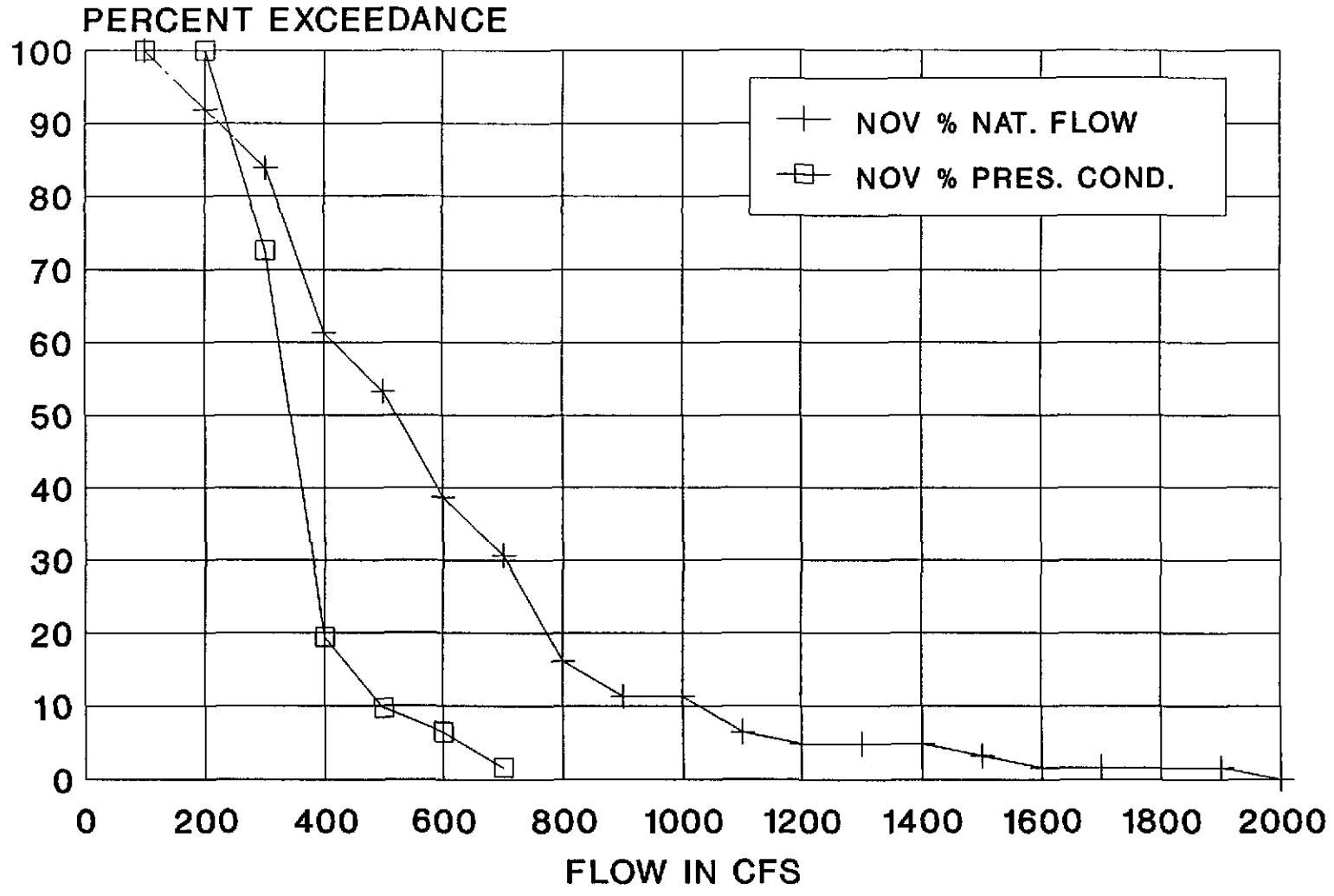
FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



NOTE: MONTHLY FLOW VALUES ARE USED.

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FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID

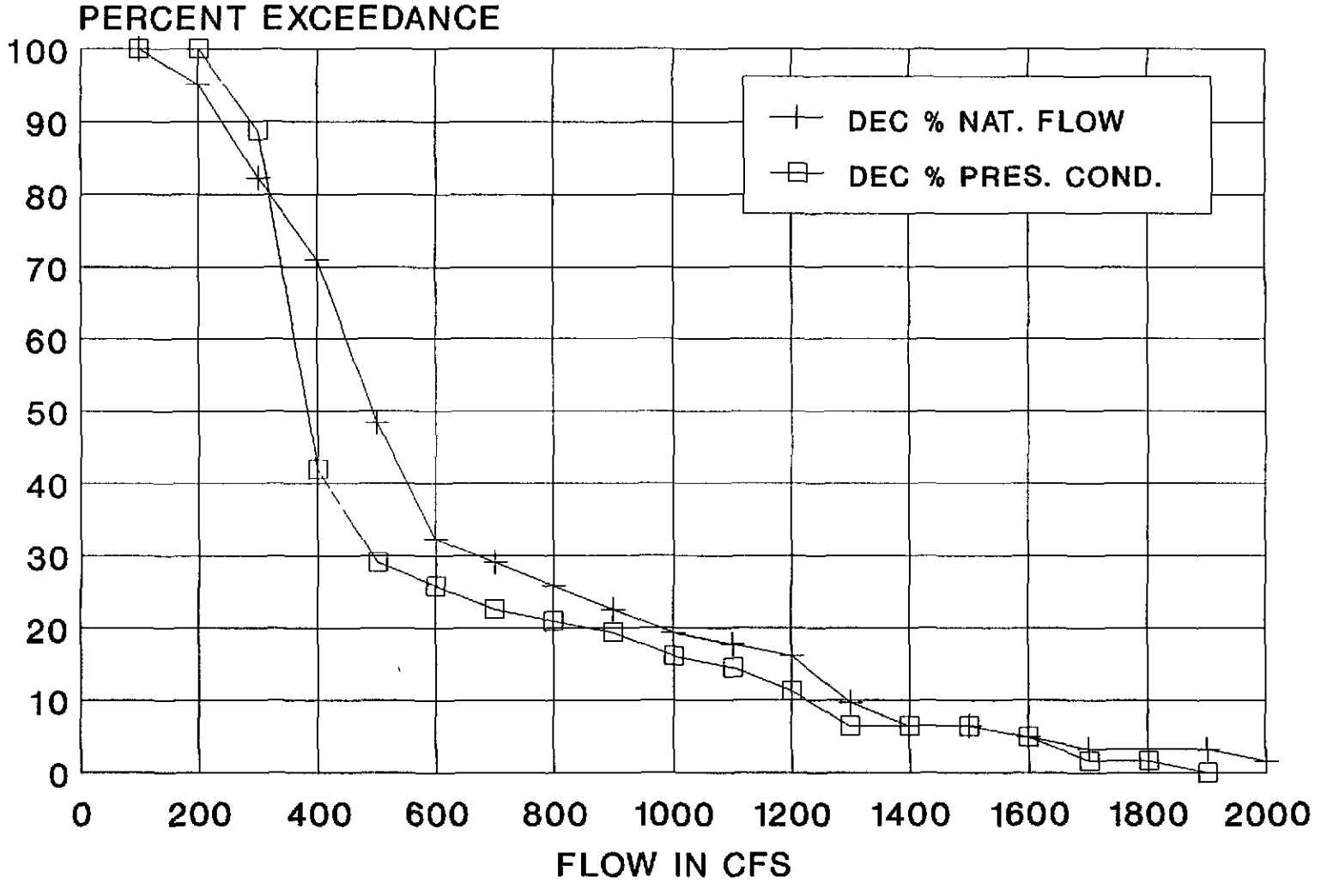


NOTE: MONTHLY FLOW VALUES ARE USED.

JAN 14 1994

FLOW DURATION

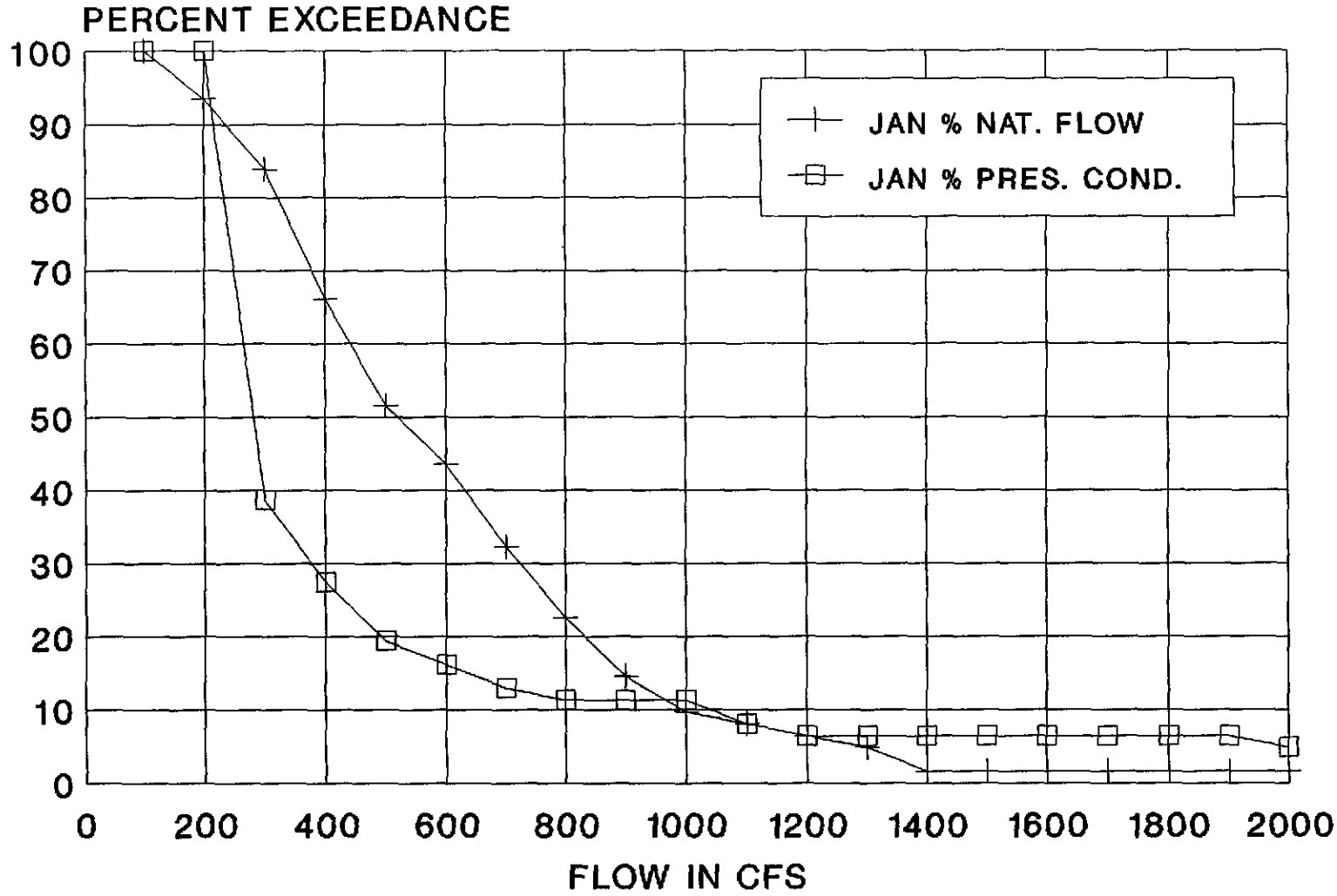
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



NOTE: MONTHLY FLOW VALUES ARE USED.

JAN 14 1994

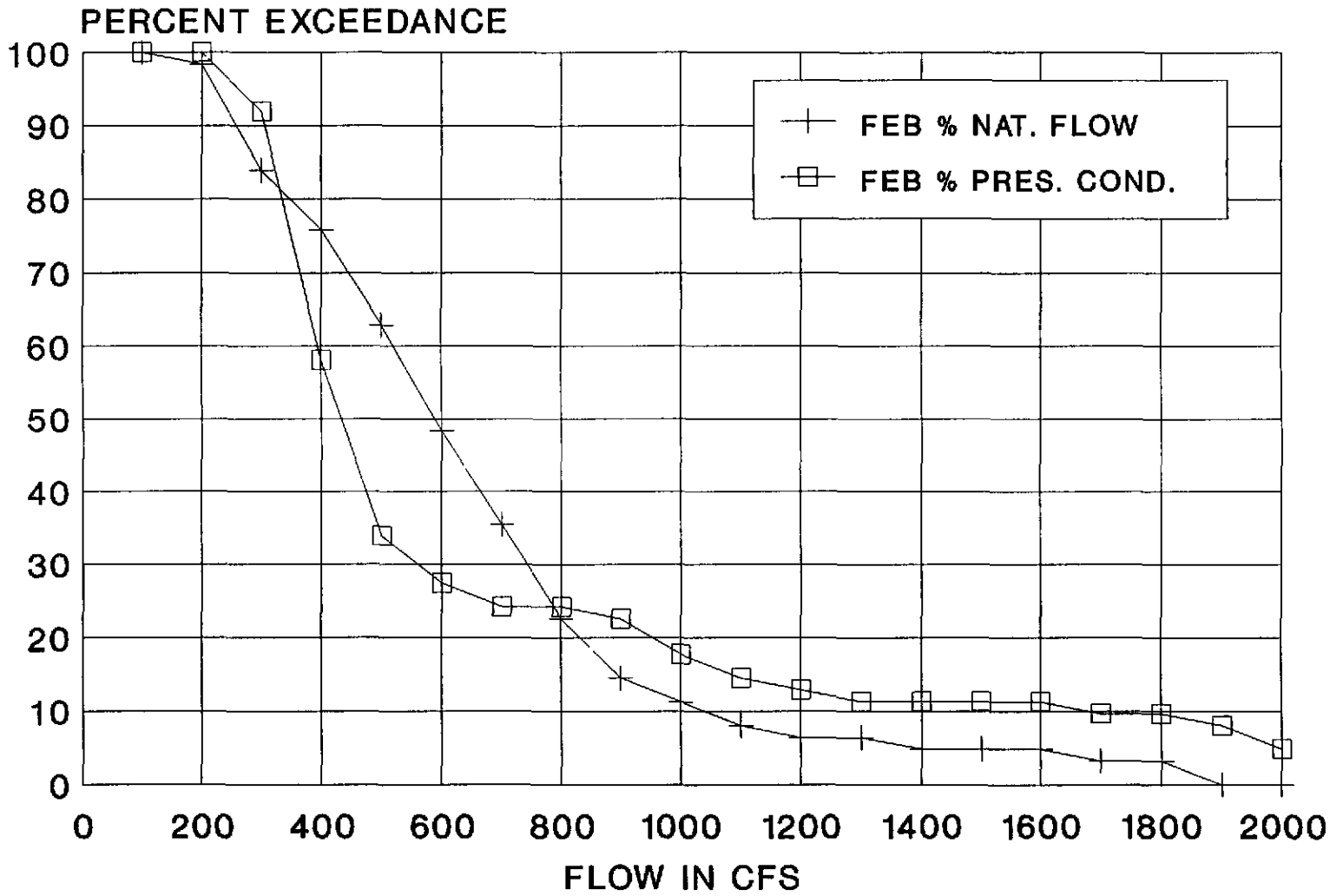
FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



NOTE: MONTHLY FLOW VALUES ARE USED.

JAN 14 1994

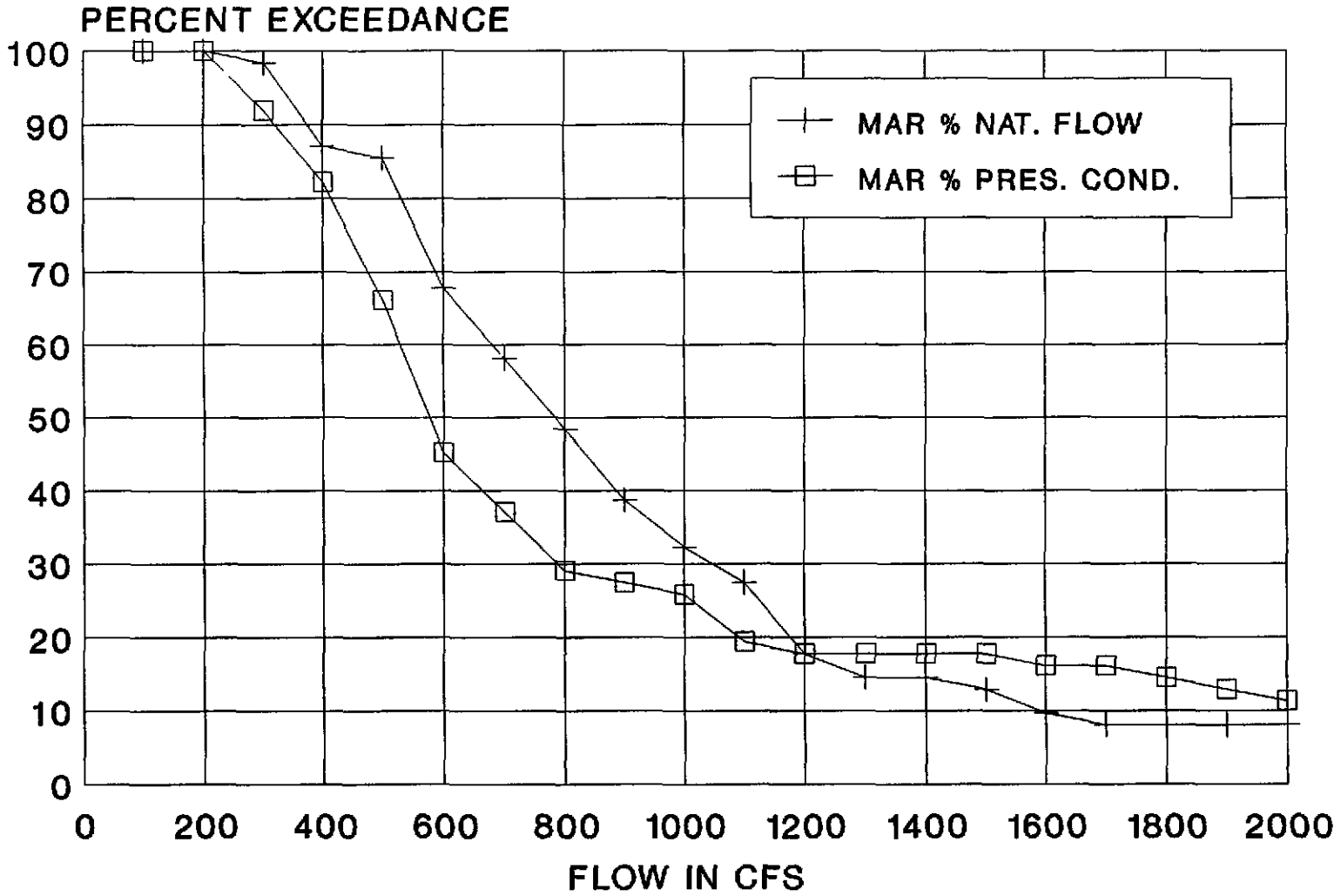
FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



NOTE: MONTHLY FLOW VALUES ARE USED.

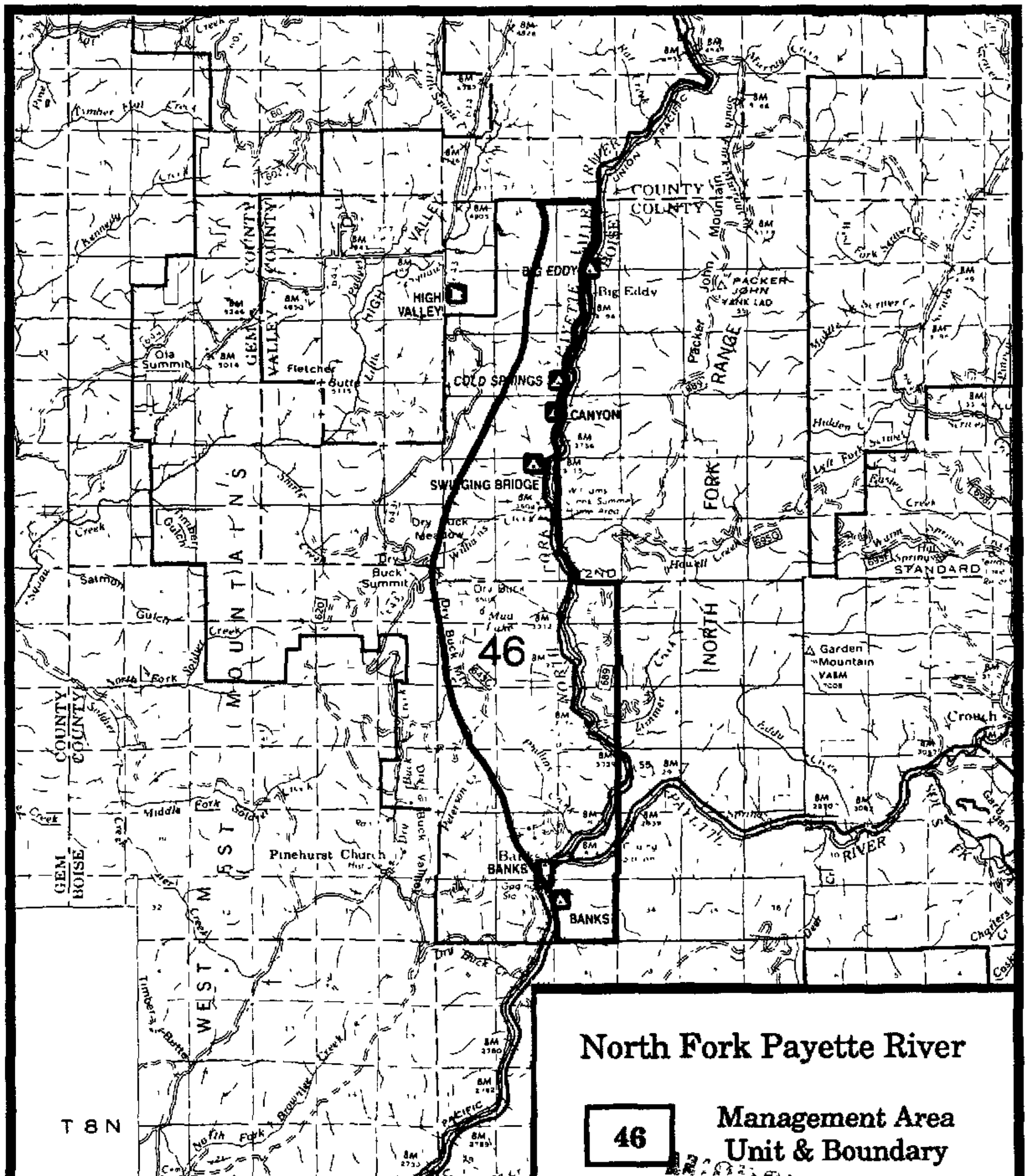
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FLOW DURATION
NORTH FORK PAYETTE RIVER NEAR BANKS, ID



NOTE: MONTHLY FLOW VALUES ARE USED.

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North Fork Payette River
46
Management Area
Unit & Boundary
COUNTY
COUNTY
BIG EDDY
Big Eddy
HIGH VALLEY
COLD SPRINGS
CANYON
SWINGING BRIDGE
BANKS
PACKER JOHN
STANDARD
Garden Mountain
Pinehurst Church
Ola Summit
Fletcher Butte
Dry Buck Summit
WEST MOUNTAINS
GEM
BOISE
VALLEY
NORTH FORK
RANGE
RIVER
T 8 N

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Management Area 46: North Fork Payette River

Description of Area

The North Fork Payette River area, located northwest of Banks along the west bank of the North Fork Payette River, encompasses 11,391 acres of National Forest land, 359 acres of private land, and 47 acres of State of Idaho land. Watershed, soil, timber, recreation, and visual quality are the primary resources and uses.

This area contains 2,630 acres of wildlife winter range, and 1,010 acres of key elk summer range.

About 2,840 acres are suitable rangeland covered predominantly by a coniferous-timber range type.

The area contains five campgrounds: Big Eddy, Cold Springs, Canyon, Swinging Bridge, and Banks, as well as the Williams Creek Summer Home Area. River-oriented recreation activities have expanded dramatically in recent years. Few facilities exist to provide river access.

State Highway 55 is designated as the Payette Scenic Route.

A portion of the North Fork Payette River is eligible for further study as a potential Wild and Scenic River.

Hydroelectric developers have identified the North Fork of the Payette River as a valuable resource.

The proposed 582-acre Dry Buck Research Natural Area, north of Banks along the North Fork Payette River, lies along the southern limit of grand fir in Idaho. Forest-wide Direction for Research Natural Areas, pages IV-54 through IV-56, describes the Desired Future Condition, Goals, Objectives, and Standards common to all RNAs.

Approximately 9,060 acres are physically suited timberland covered primarily with mixed conifer trees.

The Idaho Department of Lands has initial attack wildfire responsibilities.

The area is open to mineral activities and prospecting. Operating plans include appropriate mitigation measures to minimize, mitigate, or hwere practical, eliminate impacts on surface resources. Bonding of activities is commensurate with anticipated site reclamation. The locatable mineral potential is low. The leasable mineral potential for geothermal resources is moderate. The potential for other leasable minerals is low. The potential for common variety mineral materials is moderate.

The land is characterized by moderately steep to steep slopes which are moderately to strongly dissected by streams. Elevations range from 3,100 to 6,500 feet, and the mean annual precipitation varies between 20 and 35 inches. The potential for erosion is moderately high to high

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Desired Future Condition

Management direction is based on Management Prescription L (described on page IV-94) emphasizing protection of the visual resources along the North Fork of the Payette River and State Highway 55. On lands outside of this visually sensitive corridor, management activities improve timber and range forage production. Scenic quality meets the visual quality objectives of retention (at least 40 percent), partial retention (at least 34 percent), and modification (at most 25 percent). Wildlife escape areas are identified and incorporated into management direction. River-oriented recreation activities on or by the North Fork of the Payette are featured with emphasis on public service, safety, resource protection, and private, as well as public sector development. Threats from wildfire to rural developments, public safety, and high investment areas are reduced.

Goals

Improve fish habitat in the North Fork Payette River.

Stream	Riparian Value Class	Fish Habitat Condition Index		
		Current	Desired	Optimum
N.F. Payette River	1	75	85	90

Manage to achieve at least a 40 Elk Habitat Effectiveness rating and provide for security areas during critical periods.

Manage recreation opportunities responsive to public demand, and to resource sensitivity.

Improve the safety and sanitation conditions in the Banks Campground.

Encourage campsite operation by commercial interests to limit sanitation problems, and to relieve pressure on dispersed recreation sites.

Protect the appropriate values of the North Fork Payette River to maintain its eligibility for Wild and Scenic River status.

Manage the suited acres to increase timber growth and yield.

Manage insects and diseases to maintain long term visual quality objectives in visually sensitive areas.

Reduce fuel hazards along National Forest property boundaries that border rural subdivisions and rural developments.

Promote partnership between local subdivisions and cooperating fire protection agencies to develop rural wildfire prevention and hazard reduction programs.

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Objectives

Improve wildlife winter ranges by seeding and planting 25 acres, and by applying prescribed fire to 75 acres by the year 2000. Improve wildlife habitat by constructing two water developments by the year 2000.

Reduce the maximum open road density in each compartment to 2.5 miles per square mile by the year 2000.

Complete vegetation management plans for Banks, Big Eddy, Canyon, Cold Springs, and Swinging Bridge Campgrounds by the year 1995.

Reconstruct portions of the Banks, and Swinging Bridge Campgrounds by the year 1995, Big Eddy CG by the year 2000, and Canyon and Cold Springs CGs by the year 2010, to accommodate larger recreation vehicles, and to provide improved accessibility for physically-challenged people.

Complete a cultural resource inventory on each campground by the year 2005.

Develop a river management plan for the North Fork Payette River by the year 1992.

Complete the Wild and Scenic River Study for all eligible segments of the North Fork Payette River by the year 1995.

Develop a barrier-free recreation facility at Banks for boater access by the year 1995.

Provide visitor orientation and natural resource interpretation of river corridor by construction of a visitor center by 1995.

Initiate timber management activity on approximately 100 acres by the year 2000, using small sales.

Prepare a wildfire pre-attack plan for the Banks and Williams Creek areas, plus other rural developments by the year 1995.

Inventory and analyze natural fuel condition by the year 1995, and then complete fuel management treatment plans by the year 2000.

Standards

Maintain an Elk Habitat Effectiveness Rating of at least 40.

Manage a total of 862 acres as dedicated old growth habitat in compartment 6503 to provide for species diversity.

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Where indicated below, meet the visual quality objectives of Retention (R) or Partial Retention (PR) in the Foreground (Fg) or Middleground (Mg) distance zones as viewed from the following areas/corridors:

	FgR	FgPR	MgR	MgPR
State Highway 55 corridor	X			X

Maintain the Banks, Big Eddy, Swinging Bridge, Canyon, and Cold Springs Campgrounds.

Authorized campsites will be designated in each range allotment management plan.

Plan timber management projects to protect improvements in developed campgrounds, and in the Williams Creek Summer Home Area; and to protect special uses in Phillips Creek.

Coordinate river management along the North Fork Payette River with existing and potential uses.

Maintain the Dry Buck Road, #643, and the Dry Buck Meadows Road, #643E, (FS jurisdiction) for motorized traffic during the snow-free season.

Protect the proposed Dry Buck Research Natural Area to maintain the current characteristics.

Limit logging activities to areas where risk of dislodging surface rock is very low, unless traffic can be halted during falling and yarding operations. On steep slopes overlooking Highway 55, use aerial logging only.

Temporarily close developed recreation sites in the vicinity of logging operations to provide for public safety. Post warning signs in popular dispersed areas. Contact owners of Williams Creek summer homes.

Provide wildfire suppression action that will protect the community of Banks, Williams Creek Summer Home Area, and rural facilities. On the remainder of the area balance suppression cost with the values at risk.

Cooperate with, and provide support to, the Idaho Department of Lands in fire management activities.

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Management Area 46

Recreational Travel Management Direction

MOTORIZED USES	Encourage	Accept	Discourage
Passenger cars on designated roads.			
High clearance vehicles on unrestricted roads.			
Snowmobiles ON designated routes.			
Snowmobiles OFF designated routes.			
ATVs, 3- and 4-wheeled vehicles, ON designated routes.			
ATVs, 3- and 4-wheeled vehicles, OFF designated routes.			
Trail bikes, 2-wheeled vehicles, ON designated trails.			
Trail bikes, 2-wheeled vehicles, OFF designated trails.			

NONMOTORIZED USES	Encourage	Accept	Discourage
Mountain bikes, 2-wheeled mechanized, ON designated trails.			
Mountain bikes, 2-wheeled mechanized, OFF designated trails.			
Pack or saddle animals ON designated trails.			
Pack or saddle animals OFF designated trails.			
Cross country skiing			
Hiking/Backpacking			

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River Management (Eligible Wild and Scenic River Segments)

Desired Future Condition

River segments determined as suitable for inclusion in the National Wild and Scenic River System are managed to retain their free-flowing and outstandingly remarkable characteristics. Protection of river segments is achieved by limiting some consumptive uses and construction activities within river corridors.

Goals

Protect river segments, eligible for potential addition to the National Wild and Scenic Rivers System pending a suitability determination, from activities which could diminish or change the free-flowing character, water quality, or scenic, recreational, cultural, wildlife, or fishery values which make the segments eligible for designation (i.e., potential classification cannot be degraded from wild to scenic nor scenic to recreational). Additionally, this protection shall apply to river segments found suitable for addition to the National Wild and Scenic River system.

Objectives

Within 5 years, complete suitability studies of 32 eligible river segments to determine their suitability for inclusion in the National Wild and Scenic River System. Conduct studies in following priority:

1. Payette River System
2. Boise River System
3. South Fork Salmon River System

Formulate and adopt river management plans, and map boundaries within one year of designation.

Within one year of release from Federal and State consideration for protection, review current management area direction appropriateness. Amend Forest Plan if necessary.

Standards

Coordinate suitability studies with other adjacent Forests and responsible Federal and State agencies and private landowners.

Manage riparian areas of eligible segments as Riparian Value Class I areas (see Riparian Value Class 1, page IV-10).

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Management of segments before being designated or released from consideration for inclusion in the Wild and Scenic River System will be called "interim management". Interim management of eligible river segments pending a suitability determination, and of those rivers determined to be suitable, shall adhere to the following standards based upon classification eligibility, to the extent of Forest Service jurisdiction and authority. These standards apply to resource impacts occurring within the river channel or corridor (approximately one-quarter mile from each bank). Interim management direction was adapted from FSH 1909.12 (Land and Resource Management Planning Handbook) Chapter 8.

Wild Rivers

Timber Production - Cutting of trees is not permitted within one-quarter mile of the river except when needed in association with a primitive recreation experience, or to minimize risks to users, or to protect the environment. Timber within the visual corridor is managed to provide emphasis on visual quality.

Water Supply - All dams and major diversions are prohibited.

Hydroelectric Power - No development of hydroelectric power facilities is permitted.

Flood Control - No flood control dams, levees, or other works are allowed in the channel or river corridor.

Mining - Mineral leases are prohibited within one-quarter mile of the river. Mineral activity must minimize surface disturbance, sedimentation, pollution, and visual impairment.

Road Construction - No roads or other provisions for overland motorized travel are permitted within a narrow, incised river valley or, if the river valley is broad, within one-quarter mile of the river bank.

Agriculture - Existing domestic livestock grazing can continue, consistent with riparian management standards and other grazing standards contained in the Forest Plan.

Recreation Development - Simple comfort or convenience facilities, such as fireplaces or shelters, may be permitted if they harmonize with the surroundings.

Structures - Existing structures may be permitted. New structures are not allowed, except in rare instances to achieve compatible management objectives.

Utilities - New transmission, gas, and water lines are discouraged.

Motorized Travel - Motorized travel on land or water is generally not compatible.

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Visual Quality Objective - Management activities meet a VQO of preservation.

Scenic Rivers

Timber Production - Silvicultural practices may be allowed provided that there is no substantial adverse impact on the river and its immediate environment. Timber within the visual corridor is managed to provide emphasis on visual quality.

Water Supply - All dams and major diversions are prohibited.

Hydroelectric Power - No development of hydroelectric power facilities is permitted.

Flood Control - No flood control dams, levees, or other works are allowed in the channel or river corridor.

Mining - New mining claims, new mineral leases, and existing claims must minimize surface disturbance, sedimentation, pollution, and visual impairment that would affect suitability for designation.

Road Construction - Roads may occasionally bridge the river area and short stretches of screened roads may be permitted.

Agriculture - Domestic livestock grazing is permitted to the extent currently occurring.

Recreation Development - Public use facilities are permitted within the river corridor if screened from the river.

Structures - Short reaches of the river corridor may have concentrations of habitations.

Utilities - New transmission, gas, and water lines are discouraged.

Motorized Travel - Motorized travel on land or water may be permitted, restricted, or prohibited to protect river values.

Visual Quality Objective - Management activities meet a VQO of retention.

Recreational Rivers

Timber Production - Timber harvesting is permitted; the immediate river environment will be protected. Timber within the visual corridor is managed to provide emphasis on visual quality.

Water Supply - Existing minor diversion structures are permitted provided the waterway remains generally natural in appearance. No new structures are permitted.

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Hydroelectric Power - No development of hydroelectric power facilities is permitted.

Flood Control - Existing flood control works may be maintained; no new structures are permitted.

Mining - New mining claims, new mineral leases, and existing claims must minimize surface disturbance, sedimentation, pollution, and visual impairment that may affect suitability for designation.

Road Construction - Paralleling roads may be constructed along the river; there may be several bridge crossings and numerous river access points.

Agriculture - Land may be managed for a full range of agricultural uses, to the extent currently practiced.

Recreation Development - Campgrounds and picnic areas may be established near rivers.
Structures. New or existing structures for habitation or recreation use are permitted.

Utilities - New transmission, gas, and water lines are discouraged.

Motorized Travel - Motorized travel on land or water may be permitted at existing levels, restricted, or prohibited to protect river values.

Visual Quality Objective - Management activities generally meet a VQO of retention.

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APPENDIX D
Wild and Scenic River Eligibility

Introduction

The Wild and Scenic Rivers Act, passed by Congress on October 2, 1968, assures that: "... certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenery, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." [Section 1(b)]

Recommending a river for Wild and Scenic designation requires detailed and extensive evaluation of the river's qualities. Because this evaluation cannot be completed within the timeframe of the Forest Planning process, the Boise National Forest has instead determined which rivers appear to meet the basic characteristics of Wild and Scenic Rivers, and has recommended that these rivers be further studied for possible inclusion in the National Wild and Scenic Rivers System. A more detailed evaluation will be undertaken after the Forest Plan is completed. The Wild and Scenic values of the rivers recommended for study will be protected until the detailed suitability study is completed, and designation or release from consideration for inclusion in the National Wild and Scenic Rivers System occurs.

User's Guide to Appendix D

Section	Page
Introduction	1
Eligibility Criteria	2
Evaluation Process	2
Classification	3
Interim Management and Suitability Studies	4
Evaluated River Segments: Recommended for Further Study	4

Eligibility Criteria

The two screening criteria established by Congress which define a river segment as eligible for inclusion in the National Wild and Scenic River System are:

- it must be free-flowing
- it must possess one or more outstandingly remarkable values

The Draft Forest Plan examined river segments on the Forest and found 118 miles of segments eligible for further study. Public comments on the Draft suggested that this examination may have excluded some eligible segments because:

- the evaluation process went beyond eligibility, and actually addressed the issues of suitability
- then-existing plans for diversion or impoundment on certain segments were considered
- varying degrees of protection already assigned to certain segments under various planning alternatives were considered

Evaluation Process

To address these comments, the Boise National Forest, with the help of an external Steering Group composed of commentors, established a Task Force to re-examine eligible river segments. The process endorsed by the Task Force and Steering Group involved an assessment and application of a combination of river inventories and studies, and written public comments.

One such inventory used by the Task Force was the Nationwide Rivers Inventory. It was undertaken in 1970 by the Heritage Conservation and Recreation Service (HCRS) to examine and inventory the Nation's river resources. This Inventory identified 13 river segments on the Boise National Forest as "outstanding rivers and river segments still remaining in a relatively natural, undeveloped condition, which could serve as the principal elements of a nationwide system of protected rivers."

Another river study utilized by the Task Force was the Pacific Northwest Rivers Study. This Study was undertaken in 1985-86 through a cooperative effort headed by the Idaho State Department of Fish and Game, funded by a grant from the Bonneville Power Administration. The stated purpose of the Study was to identify environmental considerations which might have a bearing on hydropower development in the Northwest. The resource categories assessed included resident fish, wildlife, natural features, cultural features, and recreation. A range of value class rankings were assigned to each segment relative to each of the resource categories. Only the segments assigned a value class rating of "1", corresponding to a "unique" or "outstanding" resource, were considered in this re-examination of eligibility.

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Thirdly, Idaho's Comprehensive State Water Plan (HB-780) designates Interim Protected Rivers. Protected rivers are defined as "waterways which possess outstanding fish and wildlife, recreation, geologic, or aesthetic values..." Rivers designated for interim protection under HB-780 were included in this re-examination of eligibility.

Lastly, written comments received by the Boise National Forest during the public review period of the Draft Forest Plan addressed "outstandingly remarkable" values of specific river segments. These segments were included in this re-examination of eligibility.

The 400 miles of river segments that were found eligible are free-flowing, and possess at least two outstandingly remarkable values, as cited in at least two studies, or referenced by written public comments. Those segments that were found ineligible are not free-flowing or do not exhibit outstandingly remarkable values based on the criteria described above. (A complete discussion of this process is on file in the planning record at the Supervisor's Office.)

Classification

Wild, scenic, and recreational classification reflect a three-tiered description of the degree of existing development. "Wild" means very undeveloped; "Scenic", however does not necessarily mean that the river has outstanding scenery, but that the river segment is more developed than wild, and less developed than "recreational". The exact language of the act (Section 2(b)) is:

- WILD: those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds and shorelines essentially primitive and water unpolluted. They represent vestiges of primitive America.

- SCENIC: those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

- RECREATIONAL: those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines and that may have undergone some impoundment or diversion in the past.

Based on this system, we found:

- 99 miles of segments eligible for Wild classification

- 23 miles of segments eligible for Scenic classification

- 277 miles of segments eligible for Recreational classification

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Interim Management and Suitability Studies

Interim management, occurring after Final Forest Plan approval and prior to designation or release from consideration for inclusion in the National Wild and Scenic Rivers System, *will follow the standards outlined in Forest-wide* Direction, Chapter 4 of the Forest Plan. These standards will apply to resource impacts occurring within the river channel or corridor, approximately one-quarter mile from each bank.

The recommended sequence of suitability studies to be conducted during the next five years is:

- Payette River System
- Boise River System
- South Fork Salmon River System

Evaluated River Segments

The following table summarizes the river segments considered for eligibility, their outstandingly remarkable values, their mileage, and their highest level of potential classification (wild, scenic, or recreational) along the river corridor.

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River Segments	Cited In Nationwide Rivers Inventory	Resources cited in Pacific Northwest River Study *				Comprehensive State Water Plan - Interim Protected River	Public Comments	Mileage	Classification Based On Development
SOUTH FORK SALMON - Headwaters to BNF Boundary	Scenic qualities, landscape diversity, recreation, anadromous fishery, geological features	W	F	N			Fishery	23.5	Recreational
JOHNSON CREEK - Headwaters to East Fork *South Fork Salmon*		W	F				Fishery	34.0	Recreational
BEAR VALLEY CREEK - Fir Cr. CG to Forest Boundary		W	F				Cited as eligible	4.0	Wild
BEAR VALLEY CREEK - Headwaters to Fir Cr. CG		W	F				Cited as eligible	22.1	Recreational
ELK CREEK - Headwaters to Bear Valley Cr.		W	F				Cited as eligible	11.5	Recreational
NORTH FORK PAYETTE - N. Forest boundary to Forest boundary beyond S. Fk. *Confluence*	Recreation, scenery	W		N	R	X	Most continuous stretch of whitewater in world	13.3	Recreational
MIDDLE FORK PAYETTE - Railroad Pass to Boiling Springs		W					Wildness	17.9	Wild
MIDDLE FORK PAYETTE - Boiling Springs to Forest boundary		W					Recreation	14.7	*Recreational*

* W=wildlife F=resident fish N=natural features C=cultural resources R=recreation resources

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River Segments	Cited In Nationwide Rivers Inventory	Resources cited in Pacific Northwest River Study *				Comprehensive State Water Plan - Interim Protected River	Public Comments	Mileage	Classification Based On Development
SOUTH FORK PAYETTE - Forest boundary to Wolf Cr.	Recreation, scenery	W	F	N	R	X	Cited as eligible	6.4	Scenic
SOUTH FORK PAYETTE - Wolf Cr. to Pine Flats Cr.	Recreation, scenery	W	F	N	R	X	Cited as eligibile	27.2	Recreational
SOUTH FORK PAYETTE - Long Gulch to Pine Flats Cr.	Recreation, scenery	W	F	N	R	X	Cited as eligibile	3.5	Scenic
SOUTH FORK PAYETTE - Long Gulch to Forest boundary	Recreation, scenery	W	F	N	R	X	Cited as eligible	13.3	Recreational
DEADWOOD RIVER - Headwaters to Reservoir		W	F				Wildlife	16 0	Recreational
DEADWOOD RIVER - Reservoir to Warm Springs Cr.		W	F	N	R		Wildlife	1.3	Scenic
DEADWOOD RIVER - Warm Springs Cr. to Pine Cr.		W	F	N	R		Wildlife	12.8	Wild
DEADWOOD RIVER - Pine Cr. to S. Fk. Payette		W	F	N	R		Wildlife	8.5	Scenic
CROOKED RIVER - Whoop-Em-Up Cr. to N. Fk. Boise			F				Cited as eligible	9.6	Wild

* W=wildlife F=resident fish N=natural features C=cultural resources R=recreation resources

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River Segments	Cited In Nationwide Rivers Inventory	Resources cited in Pacific Northwest River Study *	Comprehensive State Water Plan - Interim Protected River	Public Comments	Mileage	Classification Based On Development
BEAR RIVER - Headwaters to N. Fk. Boise		W		Cited as eligible	13.3	Wild
NORTH FORK BOISE RIVER - Wilderness boundary to Johnson Cr.	Geologic	W F N R		Scenery, Recreation, Fishery, Wildlife	4.5	Recreational
NORTH FORK BOISE RIVER - Johnson Cr. to Hunter Cr.	Geologic	W F N R		Scenery, Recreation Fishery, Wildlife	8.0	Wild
NORTH FORK BOISE RIVER - Hunter Cr. to Rabbit Cr.	Geologic	W F N R		Scenery, Recreation, Fishery, Wildlife	17.6	Recreational
NORTH FORK BOISE RIVER - Rabbit Cr. to Middle Fk. Boise	Geologic	W F N R		Wildness	8.8	Wild
MIDDLE FORK BOISE RIVER - Forest boundary to Willow Cr.	(North Fork Confluence to Willow Cr.) Geologic	W F N C		Boating	46.7	Recreational
YUBA RIVER - Headwaters to Trail Cr.		F		Cited as eligible	3.5	Wild
YUBA RIVER - Trail Cr. to Middle Fk. Boise		F		Cited as eligible	3.2	Recreational

* W=wildlife F=resident fish N=natural features C=cultural resources R=recreation resources

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River Segments	Cited In Nationwide Rivers Inventory	Resources cited in Pacific Northwest River Study *				Comprehensive State Water Plan - Interim Protected River	Public Comments	Mileage	Classification Based On Development
ROARING RIVER - Headwaters to where river crosses FS Rd 255		W		N			Cited as eligible	5.3	Wild
ROARING RIVER - where river crosses FS Rd 255 to Middle Fk Boise		W		N			Cited as eligible	5.3	Recreational
SOUTH FORK BOISE RIVER - Sawtooth Forest boundary to Boise Forest boundary		W	F	N		X	Fishery	11.2	Recreational
SOUTH FORK BOISE RIVER - Anderson Ranch Dam to Mennecke Cr.	Geologic, wildlife	W	F	N	R	X	Boating, Fishery	13.0	Recreational
SOUTH FORK BOISE RIVER - Mennecke Cr. to Trail Cr.	Geologic, wildlife	W	F	N	R	X	Boating, Fishery	3.2	Scenic
SOUTH FORK BOISE RIVER - Trail Cr. to Crank Cr.	Geologic, wildlife	W	F	N	R	X	Boating, Fishery	12.3	Wild
LIME CREEK - Forest boundary to Anderson Ranch Reservoir		W	F				Fishery, Wildness	7.7	Wild

* W=wildlife F=resident fish N=natural features C=cultural resources R=recreation resources

JAN 14 1994

Boise National Forest
Cascade Ranger District
Box 696
Cascade, Id. 83611

I, Ronnie F. Julian, District Ranger for the Cascade District of the Boise National Forest, do certify that on October 7, 1991, I carefully compared the attached copy of Appendix D, Wild And Scenic River Eligibility of the Appendices of the EIS for the Boise National Forest Plan and a copy of pages 48-51 of Chapter IV of the Land and Resource Management Plan for the Boise National Forest and a copy of pages 392-397 of Chapter IV of the Land and Resource Management Plan for the Boise National Forest with the originals. They are complete and true copies of the original documents.

R. F. Julian

Ronnie F. Julian, District Ranger
Cascade District, Boise National Forest

STate of Idaho)
) ss
County of Valley)

On this 7th day of October, 1991, before me, Ann Young, Notary Public, personally appeared Ronnie F. Julian, known to me to be the person whose name is subscribed to the above instrument as District Ranger of the Cascade District of the Boise National Forest and acknowledged to me that he executed the same as such District Ranger of the Cascade District of the Boise National Forest.

Ann Young

Ann Young, Notary Public for
the STate of Idaho

My commission expires 7-20-97

JAN 14 1994

Rainbow Bridge over North Fork

IDAHO
CAMPGROUND DIRECTORY



YOUR GUIDE TO IDAHO RV PARKS

- Private
- State
- U.S. Forest Service
- Bureau of Land Management
- Bureau of Reclamation
- Idaho Power Company
- Corps of Engineers

JAN 14 1994

IRU Exh. II

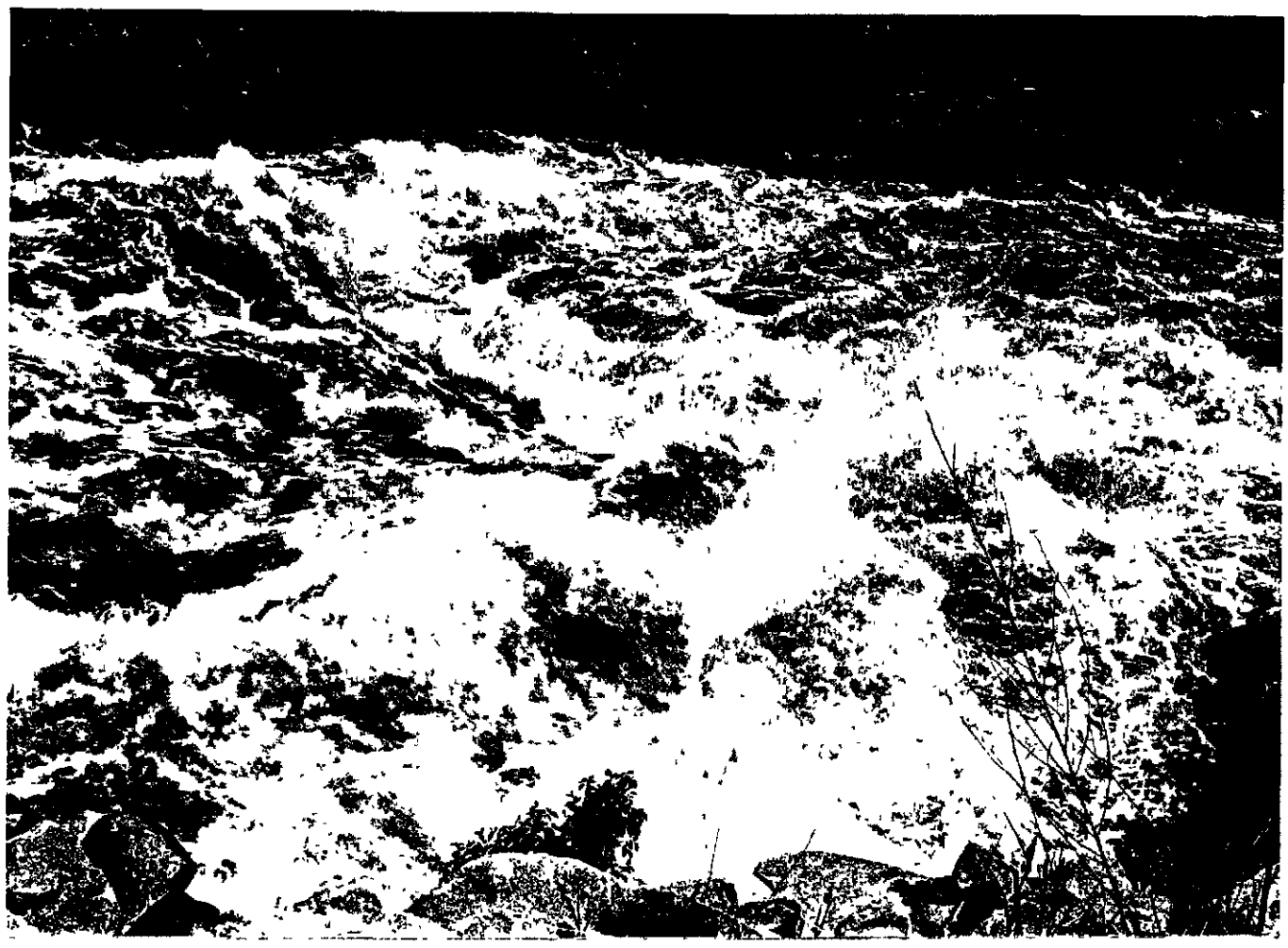


Photo: Rob Lesser

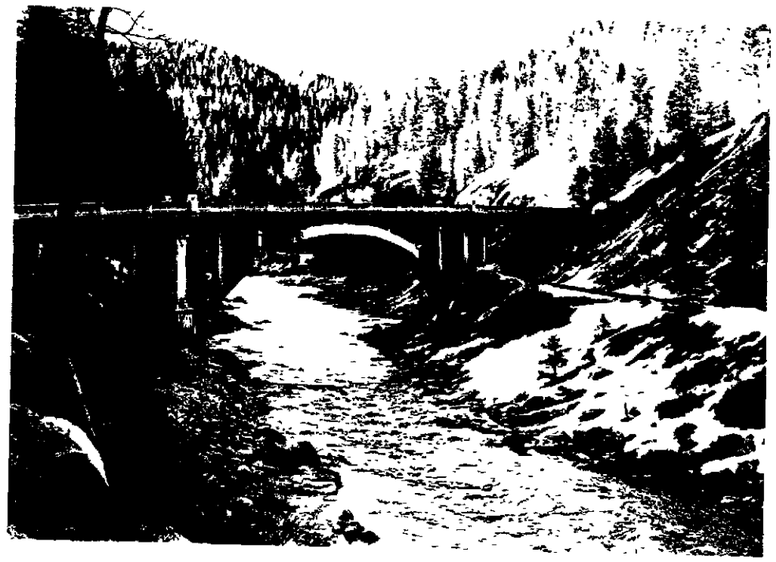
North Fork Payette 4,000 cfs below Smiths Ferry

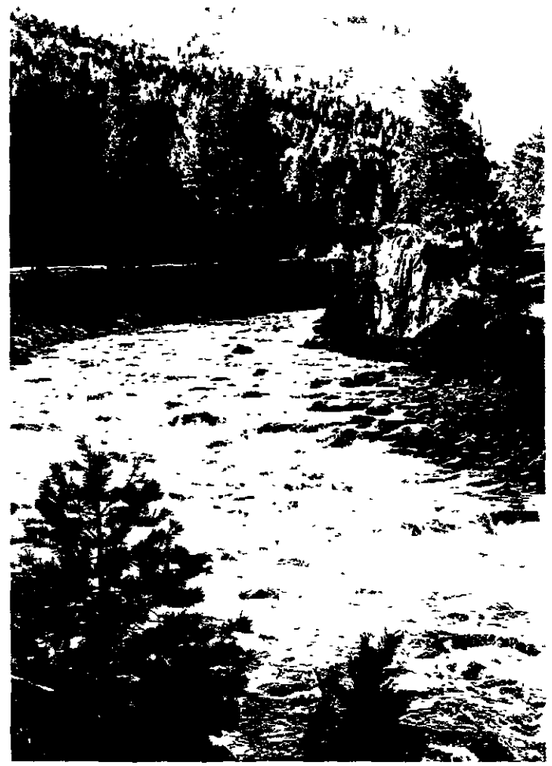


Rob Lesser

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IRL Exh. III





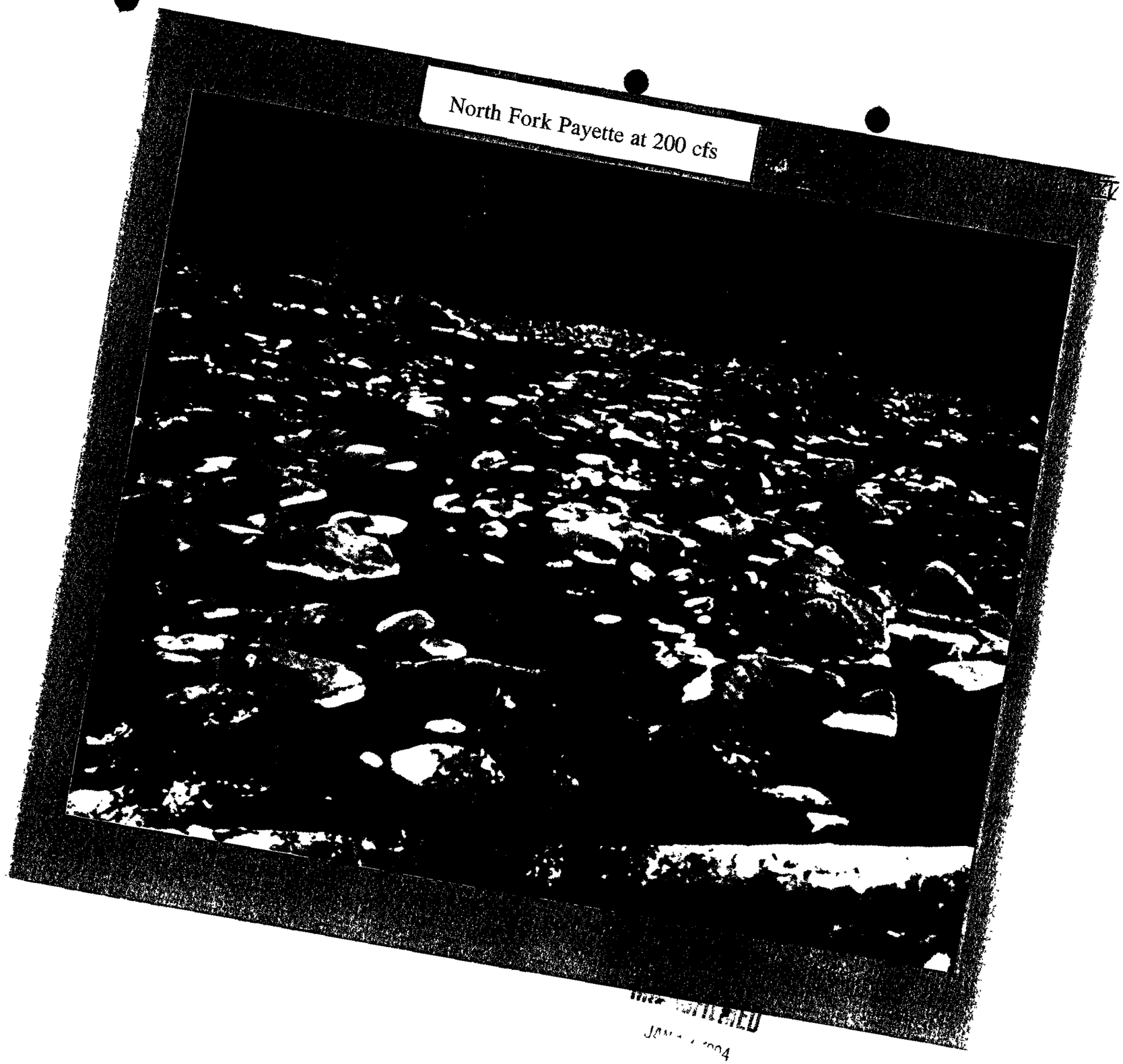
JAN 14 1994

Rainbow Bridge and North Fork Payette at 1100 cfs



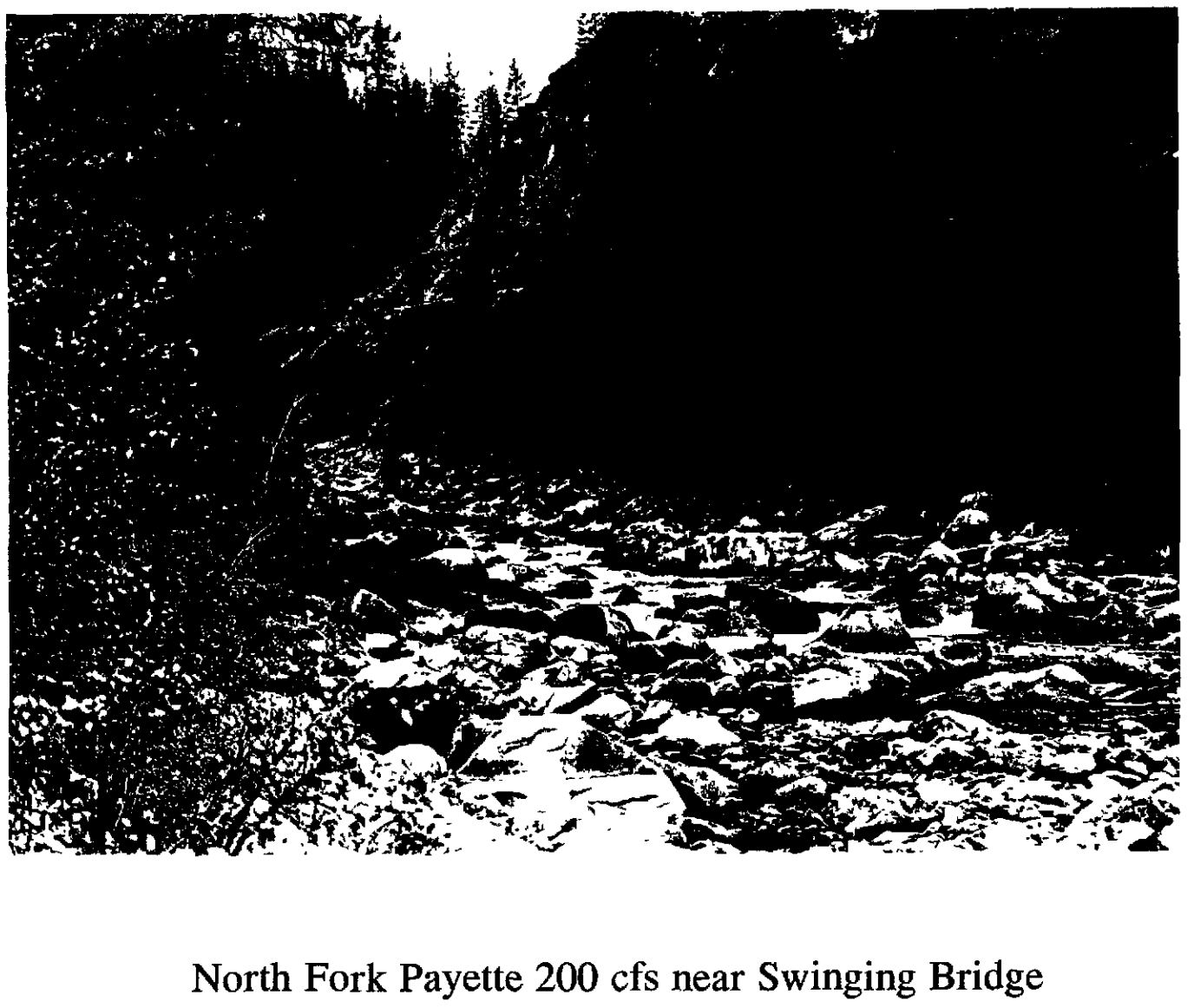


photos' Wendy Wilson April 12 '89



FILED
JAN 2004

IRR Exh. V



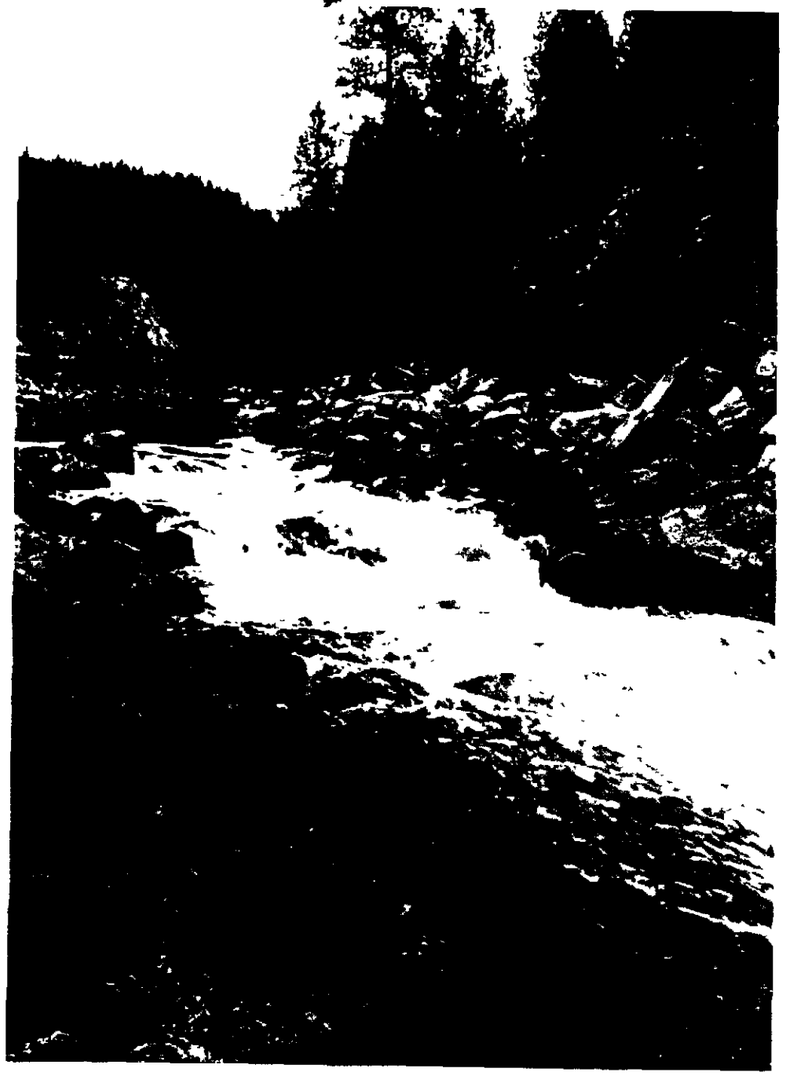
North Fork Payette 200 cfs near Swinging Bridge



Photos: Rob Lesser

JAN 14 1994

IRU Exh. VI



North Fork Payette "Disneyland" at 400 cfs



North Fork Payette "Jacobs Ladder" at 400 cfs

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Photos. Rob Lesser

IRU VII



Recreational use of Cabarton Stretch
at 1161 cfs

Photo: Payette Visions

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North Fork Payette River
Minimum Stream Flow
65-12839 — 4/5/88

65-13059 - 5/1/89
Par:
— Criteria -
— Talk about the prior hearing —
November 30, 1988 - hearing ——
refer to earlier hearing —
See the decision

Record
Consult the following
65-12822, 65-12839, 65-12840 prior filings
65-12779 (Consolidated Pump Storage)

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Bill Platz —

Ron Jullian —

Bill Graham -

65-12839

What is the breakdown of consumptive vs. non consumptive uses —

Natural flow could be exceed but current regulated conditions will control —

Regulated flows - currently released by BOR -

Released flows controlled by -

Has a minimum flow been established by BOR -

Flow duration curves - over the last ten years -

Can be satisfied 40% —

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2-4 plan discusses public input.

28 - recreation -
Carbarton reach -
isolated fishery -
most fishing pressure occurs near /
3.1 % growth in fishing

Minimum streamflows are a part of the comprehensive plan
294 cfs - lists all of these as important reaches -
Goal to provide minimum requirements -
Protect quality and quantity when possible

Weighing benefits of power vs. values
Public values outweigh benefits of power developments

Cabarton to ~~Smiths Ferry~~ - Rainbow Bridge
↑ Recreational river

X Exam Beeman - page 45 of the plan
NWPPC - protection of 120 miles of -

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CPS F - federal register

CPS E - Copy for app. for prelim. permit

A - App. for permit -
B - Letter to Higginson - Hutton
C - copies from 65-12779
D - Letter to Beeman from Tuthill -

→ Letter to Higginson - signed by Beeman

Current status of the file -
Legal or factual -

Exhibit E

BOR attempts to stay above 200 cfs -

Mary Loucachak -
Reading testimony -
Scenic -
Major recreational resource -
~~Dep~~
International recreationists -
46% Idahoans drive for pleasure
Along scenic routes -
Visibles
Viewed Payette at various flows -
Suitable flow to see -
Aesthetic flows cascading effect -

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X Exam Beeman
1980 U of I report -
Did water plan
Difference in use from Smiths Ferry to Banks -

More people able to paddle Cabarton to Smiths Ferry -

More difficult downstream - less use downstream -

80 people in Boise can kayak -
Re-direct by Anderson
Describe 400 vs 200 cfs
400 cfs - much more flow -
Action of water is noticeable
~~200 cfs~~
400 cfs is more aesthetics more water -

3 times as many people can paddle Cabarton -

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Wendy Wilson – Rivers United
– 106 cfs inadequate –
– Cabarton stretch – heavily used –

Exam by Anderson
Track – 200 cfs

X - exam -
What flows - Smiths Ferry to Banks
1600 & 700 -
most comfortable -
World class x-water stretch –
Cabarton not world class water –
Cabarton reach gets more business -
NF use is growing -

statewide signif

John Wasson - Garden Valley -
Knows the section -
Locals support the rivers protection
Kayaked for 21 years -
Has run every river in Idaho -
Been all over internationally

200 cfs extremely rocky - low en[illegible] 1994

Has seen 200 cfs - Looking at rapids - what do they look like? - People

~~Hubble~~ Ray -
Charles

Supports minimum flows -
Fish & Wildlife maintenance -
would like to see higher flows -
Uses river 12 mos./years - Fishes all of the locations year round -
600 cfs - Cabarton -

Cabarton -
See eagles in Cabarton -
More sections frozen - less eagles -
~~South~~
North Fork - convenient fishing - not particularly good
optimum -
Since 1976 - been in Idaho better fishing now - can catch more ~~trout~~ wild trout & steelhead - Not interested in hatchery fish -
Others fish
spring, summer or fall only are only -

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Has seen river otters during the fall →
Shortage of food may be limiting
Any flows identifiable —
600 cfs -

Karen Wattenmaker -
Lived in Garden Valley for 5 years —
Has business - float trip business —
No minimum flows =
400 cfs - appropriate & adequate —

Idaho Scenic route —
name of business:
Payette Visions - photographer - take pictures of boaters coming down the river —
Prof. ~~photographer~~ - 6 years —
Moved from North Carolina -
Payette convinced her to move here
Not running at a ~~flowable~~ floatable level
South Fork - beautiful flowing stream
North Fork - rock jungle

Track winter flows? not really -
Photographs payette in all season
200 cfs flow doesn't warrant a trip to take a photograph —

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James Keating - lives near Cascade
worked for F & G for 31 years —
was chief of fisheries - 58-59 - worked on
Cascade Reservoir — rafted many streams -
Has rafted Cabarton stretch — —
Interested in nesting geese - shot them
throughout the reach -
If flows are down geese will nest
close to the water line -

Bureau releases 200 cfs from the dam
in October — Idaho Power has water
right -
Another 200 cfs - means 400 af/day
60,000 af out of Cascade Reservoir -

North Fork

X-Exam - by Goddard -
Outflow is 200 cfs -

400 cfs would increase perimeter, insect
production etc.

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Will Reid - Fisheries program coordinator

Duties -

Designation - of ~~Utility~~ BPA

Cabarton reach protected

South Fork protected

Smiths Ferry to Banks

Have to get an exemption from BPA to wheel power over their lines -

Fisheries manager for region 3 (past

North Fork within region 3

recommends regulation of harvest

USU - bachelors degree -

Two courses in instream flows -

Families with reaches -

Original methodology for determining minimum flow is antequated -

Step back water methodology - USGS model -

Flow data not related to fish habitat

F&G exhibits 2 & 3

What's problem with technology

New technology - results in higher flow

Higher than 106 cfs -

Maintained

Cabarton reach primarily wild trout fishery

Rainbow Bridge to Banks

this is put & take fishery -

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4, 5, 6 & 7 - admitted
It is a guild fishery -

Anglers prefer wild trout fishery -
Anglers prefer wild trout vs. put & take
Most anglers prefer stream fishing

Smiths Ferry to Banks - fishery at the campgrounds -
Fishing limit to select pools -
Has seen bald eagles & otters on the NF Payette River

106 cfs Would not maintain a viable fishery

106 cfs would cause serious cause
400 cfs would more closely approximate
700 cfs - entire wetted perimeter
→ not an optimum flow -

F&G no. 4 capable of being maintained

106 cfs contary to F&G plans -
400 cfs -

Instream flow incremental methodology
PHabSim also used
physical simulator

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Haven't determined winter suitability nos.

Combine different studies –

Smiths Ferry to Banks - 400 cfs - looks like a riffle –



~~Intuitive~~ judgment –

no open season

At 150 cfs probably would not be a fishery - probably would freeze - 400 cfs - would be OK –

X-Exam by Beeson IFIM - Instream flow incremental methodology Derived by

No studies done for winter flow –

JAN 14 1994

ROSTER OF ATTENDANCE

NORTH FORK PAYETTE RIVER - HEARING

65-12839 & 65-13059 - CASCADE, IDAHO

MONDAY, OCTOBER 7, 1991 - 1:30 p.m.

Name	Address	Representing	TESTIFY? Yes/No
James F Keating	PO Box 743 Cascade	Self	Yes ✓
Ronnie F. Julian	Box 696	USFS	✓
John Wasson	Hc 77 Box 2860 Garden Vly	Self	✓
Jack N Hansen	US Bureau Reclamation	USBR	✓
Curtis D. Carney	US Bureau Reclamation	USBR	✓
Mary Yurchisin	IDPR	IDPR	
Josephine Beeman	Davis Wright Tremaine 702 W. Idaho Boise	Gem I.D.	No
Daniel Steckel	IDWR		no
Wendy Wilson	Idaho Rivers United Box 633 Boise 83701		yes
Peter Anderson	Statehouse, Rm 210 Boise	Water Resource Bd	No
Doyle Wilde	Box 984	Dist 9	No
Dennis Coyle	Pondcrosa S.P.	IDPR	NO
John W. Homan	Statehouse Boise	Atty Gen	No
Charles Ray	P.O. Box 4239 McCall	Self	YES
Burton O Haverfield	Culver Ore Box 409		no
Karen Wattenmaker	P.O Box 148	Garden Valley Self	Yes
Shirley Lindstrom	1555 Shoreline Dr Suite 200 Boise Id 83702	Consolidated Pumped storage Inc.	No

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1017/81

WITNESSES

TAPE 1

Bill Platz - OPENING STMT: ~~295~~ 386 TAPE 1 ~~D.E~~
(IWRB)

D.E.: 295 – 386
C.E: 417 - 490

Ron Julian TAPE 1
(F.S.)

D.E.: 504 – 650
C.E.: 650 ~~700~~ 825

Bill ~~Grent~~ Grehm
IWRB

D.E. 850 ~ 1600
C.E. 1600 ~ 2080

DE: 2080 - 2476
CE: 2490 - 3424

~~SUE~~
MARY ~~[redacted]~~ LUCHICK

IWRB DE: 3445 - 3560
CE: 3562 - 4142

WENDY WILSON
ID RIVER COUNCIL DE: 4270 - 4520

CE 4520 - [redacted] 5302.

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JOHN WASSON
IRC

DE: 5330 - 5685

CE: 5685 - ~~6054~~ 6052

CHARLEY RAY
IRC

DE: 6116 - 6317

CE: 6317 - 6678

KAREN WATENMAKER ~~6770~~
IRC

DE/CE: 6770 - 7340

JAMES KEATING
INDEPENDENT DE: 7380 - 8150

WILL REID
DEPT FISH & WILDLIFE DE: 8170 - End of tape #1

Continued on TAPE 2

49 - ~700

CE: ~700 - ~~END~~ 1138

JAN 14 1994

EXHIBITS

PARTY	EXH. #		
IWRB		WRB1	ADMITTED
STATEMENT OF IWRB APPL.			
IWRB		WRB 3	ADMITTED
OUT FOR COPYING	FOREST SERVICE EIS		
	COPIES TO APPROPRIATE PARTIES NEEDED		
ID FISH & GAME		F&G #4	ADMITTED
HYDROGRAPH DATA			
ID. FISH & GAME		F&G #1	ADMITTED
OUT FOR COPYING	COPIES NEEDED (EXISTING COPY is the only one)		
	SUMMARY HYDROGRAPH DATA 1950 - 1983		
CPS	CPS ~~A-F~~		ADMITTED
	A, B, C, D, E, F		

A: APPLICATION PERMIT

B: LETTER TO: K. HIGGINSON
FROM GEM, CLYDE HUTTON

C: LETTER TO R. K. HIGGINSON
FROM J. BEEMAN

D: LETTER TO J. BEEMAN
FROM D. TUTHILL

E: APPL. FOR PRELIMINARY PERMIT
BANKS HYDRO PROJECT.

F: FEDERAL REGISTER

JAN 14 1994

IWRB #2 IWRB #2 ADMITTED

MINIMUM STREAMFLOW APPL. DATA

OUT FOR COPYING

IDAHO RIVER COUNCIL IRU I - VII ADMITTED

PHOTOGRAPHS

IDF&G F&G #2 ADMITTED

F&G #3 ADMITTED

Wetted Perimeter vs Discharge plots

IDF&G F&G #5 ADMITTED

#6 ADMITTED

#7 ADMITTED

#5: Regional Fish. Manag. Investigations

#6: Fisheries Management Plan 1991 - 1995

#7: TITLE PAGE No. Payette fisheries Investigations

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NORTH FORK PAYETTE RIVER NR BANKS 13246000

PERIOD OF RECORD 1950-83

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***** MEAN DAILY FLOW BY MONTH *****

MONTH	MAXIMUM	YEAR	DAY	MINIMUM	YEAR	DAY	AVERAGE	COUNT
JAN	2360.	1983	8	158.	1959	3	793.	1054
FEB	4390.	1982	22	172.	1962	26	928.	960
MAR	4960.	1971	19	163.	1953	2	1179.	1054
APR	4960.	1952	27	218.	1977	2	1779.	1020
MAY	6350.	1957	24	307.	1977	29	2008.	1054
JUN	7990.	1971	29	229.	1977	5	2437.	1020
JUL	7100.	1974	1	265.	1962	8	1629.	1054
AUG	2940.	1957	19	332.	1951	31	1830.	1054
SEP	3020.	1959	14	216.	1977	24	1732.	1020
OCT	2620.	1976	7	82.	1959	24	942.	1054
NOV	2200.	1951	12	78.	1980	15	587.	1020
DEC	5410.	1965	23	104.	1980	25	764.	1054

***** YEARLY FLOW DATA *****

MAXIMUM	YEAR	MINIMUM	YEAR	AVERAGE	COUNT
7990.	1971	78.	1980	1385.	12418

***** MEAN MONTHLY FLOW DATA *****

MONTH	MAXIMUM	YEAR	MINIMUM	YEAR
JAN	1861.	1983	284.	1952
FEB	3371.	1965	290.	1952
MAR	3545.	1974	223.	1977
APR	3759.	1971	566.	1955
MAY	4303.	1952	727.	1973
JUN	5286.	1953	558.	1968
JUL	2948.	1982	1031.	1959
AUG	2559.	1957	616.	1951
SEP	2521.	1969	692.	1951
OCT	1435.	1955	194.	1978
NOV	1256.	1951	178.	1980
DEC	1711.	1983	201.	1980

***** MEAN ANNUAL FLOW DATA *****

MAXIMUM	YEAR	MINIMUM	YEAR
2039.	1974	793.	1977

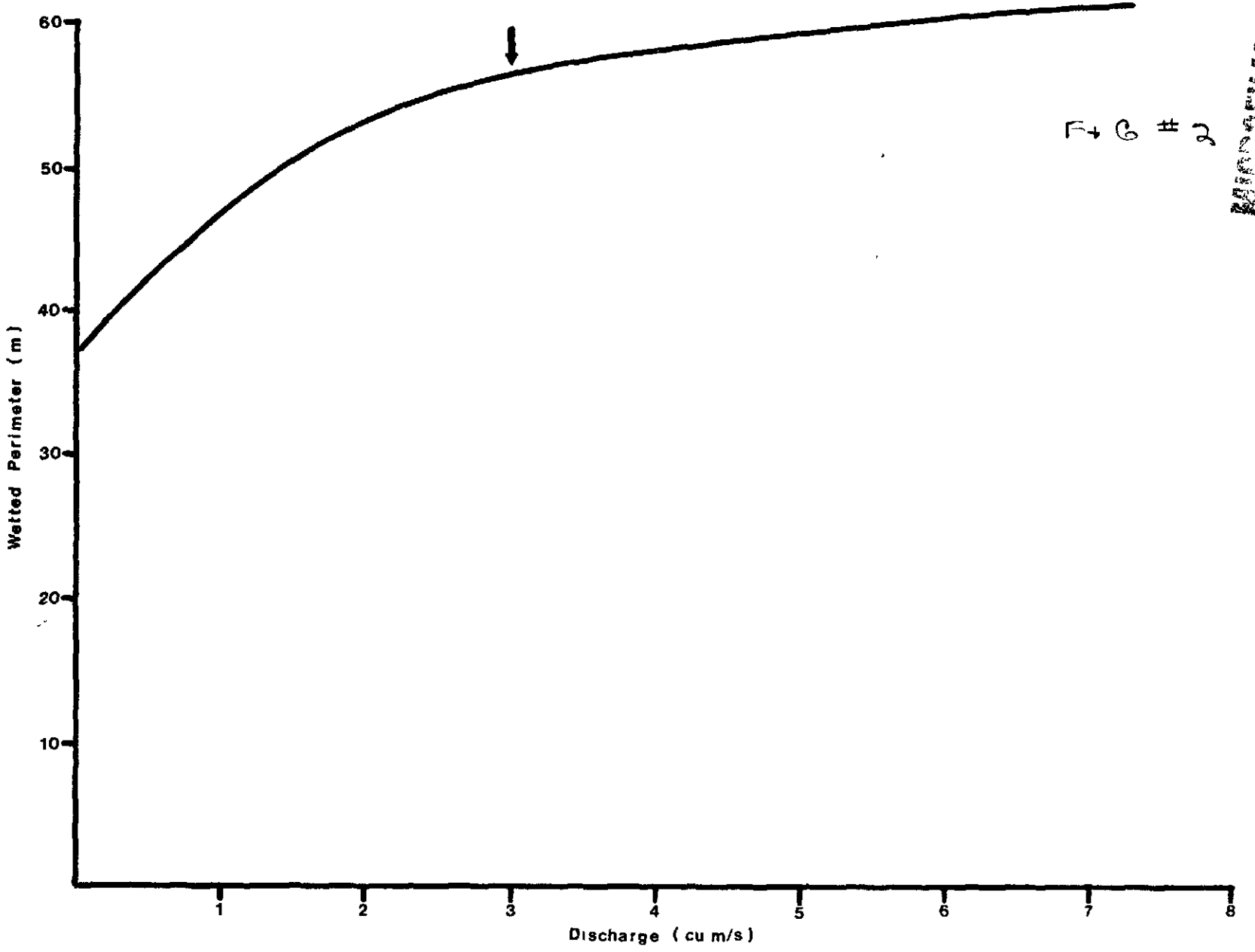


Figure 1. Rearing flow curve for North Fork Payette River at Cabarton bridge study site (NFCB).

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...bation bridge study site (NFCB)
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Fig #3

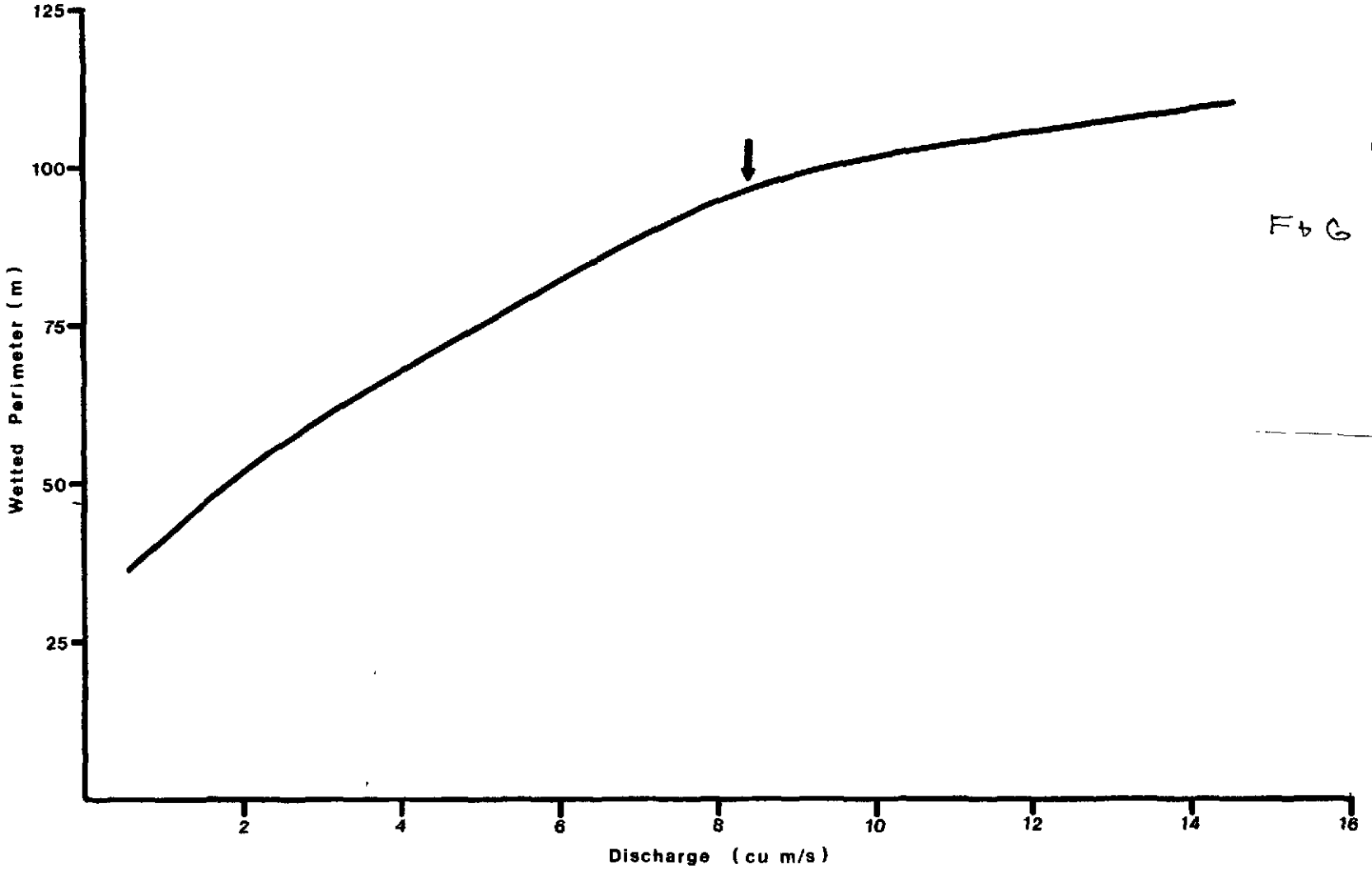


Figure 2. Rearing flow curve for North Fork Payette River at Smiths Ferry study site (NFSF).

F + G #4

IDAHO DEPARTMENT OF WATER RESOURCES — SUMMARY HYDROGRAPH DATA — PAGE 12

NORTH FORK PAYETTE RIVER NR BANKS — 13246000

FLOW DURATION TABLE FOR STATION 13246000 FROM 1 JAN TO 31 JAN

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.0	4600.	0.0	4400.	0.0	4200.	0.0	4000.	0.0
3800.	0.0	3600.	0.0	3400.	0.0	3200.	0.0	3000.	0.0	2900.	0.0
2800.	0.0	2700.	0.0	2600.	0.0	2500.	0.0	2400.	0.0	2300.	0.09
2200.	0.47	2100.	0.57	2000.	1.33	1900.	3.13	1800.	4.27	1700.	7.12
1600.	9.20	1500.	10.34	1400.	13.28	1300.	15.75	1200.	18.22	1100.	20.86
1000.	28.69	900.	37.57	800.	42.88	700.	49.72	600.	55.12	500.	62.52
400.	74.67	300.	87.48	200.	99.43	100.	100.00				

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400 CFS EQUALLED OR EXCEEDED 74.67 % OF THE TIME

NORTH FORK PAYETTE RIVER NR PANKS 13246000

FLOW DURATION TABLE FOR STATION 13246000 FROM 1 FEB TO 28 FEB

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.0	4600.	0.0	4400.	0.0	4200.	0.10	4000.	0.21
3800.	0.52	3600.	1.98	3400.	2.19	3200.	4.27	3000.	4.69	2900.	4.69
2800.	4.69	2700.	4.90	2600.	5.52	2500.	5.63	2400.	6.25	2300.	[illegible]0
2200.	8.65	2100.	9.69	2000.	10.83	1900.	10.94	1800.	11.77	1700.	15.21
1600.	17.08	1500.	19.06	1400.	19.69	1300.	20.31	1200.	21.35	1100.	22.60
1000.	24.79	900.	31.56	800.	39.06	700.	46.46	600.	53.33	500.	64.69
400.	77.92	300.	89.90	200.	99.90	100.	100.00				

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FLOW DURATION TABLE FOR STATION 13246000 FROM 1 MAR TO 31 MAR

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.28	4600.	0.47	4400.	0.66	4200.	0.95	4000.	1.33
3800.	2.18	3600.	3.13	3400.	5.12	3200.	8.16	3000.	10.82	2900.	11.29
2800.	12.05	2700.	12.33	2600.	13.19	2500.	13.95	2400.	15.18	2300.	18.51
2200.	19.35	2100.	20.87	2000.	21.16	1900.	21.35	1800.	22.11	1700.	25.52
1600.	26.85	1500.	26.94	1400.	27.70	1300.	29.51	1200.	31.69	1100.	35.10
1000.	37.00	900.	39.56	800.	43.93	700.	50.38	600.	57.87	500.	67.74
400.	79.79	300.	90.61	200.	99.91	100.	100.00				

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FLOW DURATION TABLE FOR STATION 13246000 FROM 1 APR TO 30 APR

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.29	4600.	0.69	4400.	1.27	4200.	2.16	4000.	3.82
3800.	6.37	3600.	9.61	3400.	12.84	3200.	14.31	3000.	18.53	2900.	21.47
2800.	22.55	2700.	24.02	2600.	26.27	2500.	28.14	2400.	29.41	2300.	30.78
2200.	31.76	2100.	33.33	2000.	35.88	1900.	38.43	1800.	41.27	1700.	45.10
1600.	47.16	1500.	50.00	1400.	53.33	1300.	56.27	1200.	59.41	1100.	63.14
1000.	66.96	900.	71.76	800.	75.69	700.	78.33	600.	83.33	500.	91.57
400.	97.16	300.	99.61	200.	100.00	100.	100.00				

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FLOW DURATION TABLE FOR STATION 13246000 FROM 1 SEP TO 30 SEP

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.0	4600.	0.0	4400.	0.0	4200.	0.0	4000.	0.0
3800.	0.0	3600.	0.0	3400.	0.0	3200.	0.0	3000.	0.10	2900.	0.78
2800.	1.47	2700.	3.24	2600.	6.67	2500.	9.12	2400.	12.55	2300.	16.96
2200.	23.24	2100.	27.35	2000.	34.31	1900.	40.69	1800.	48.33	1700.	55.78
1600.	62.84	1500.	70.10	1400.	74.80	1300.	78.73	1200.	82.75	1100.	84.61
1000.	88.63	900.	91.67	800.	92.84	700.	93.43	600.	95.39	500.	95.88
400.	96.27	300.	97.94	200.	100.00	100.	100.00				

JAN 14 1994

FLOW DURATION TABLE FOR STATION 13246000 FROM 1 OCT TO 31 OCT

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.0	4600.	0.0	4400.	0.0	4200.	0.0	4000.	0.0
3800.	0.0	3600.	0.0	3400.	0.0	3200.	0.0	3000.	0.0	2900.	0.0
2800.	0.0	2700.	0.0	2600.	0.09	2500.	0.09	2400.	0.09	2300.	0.57
2200.	3.32	2100.	5.41	2000.	6.64	1900.	11.76	1800.	14.71	1700.	18.79
1600.	23.24	1500.	27.51	1400.	28.75	1300.	30.83	1200.	32.92	1100.	35.67
1000.	40.23	900.	46.02	800.	50.09	700.	56.36	600.	59.11	500.	62.52
400.	67.46	300.	79.13	200.	94.88	100.	99.81				

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FLOW DURATION TABLE FOR STATION 13246000 FROM 1 NOV TO 30 NOV

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.0	5200.	0.0
5000.	0.0	4800.	0.0	4600.	0.0	4400.	0.0	4200.	0.0	4000.	0.0
3800.	0.0	3600.	0.0	3400.	0.0	3200.	0.0	3000.	0.0	2900.	0.0
2800.	0.0	2700.	0.0	2600.	0.0	2500.	0.0	2400.	0.0	2300.	0.0
2200.	0.10	2100.	0.29	2000.	0.98	1900.	1.37	1800.	1.37	1700.	1.57
1600.	1.86	1500.	1.96	1400.	1.96	1300.	2.55	1200.	4.31	1100.	5.02
1000.	14.71	900.	21.37	800.	30.10	700.	35.69	600.	41.27	500.	47.06
400.	55.10	300.	71.37	200.	94.41	100.	99.71				

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NORTH FORK PAYETTE RIVER NR BANKS 13246000

FLOW DURATION TABLE FOR STATION 13246000 FROM 1 DEC TO 31 DEC

FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +	FLOW	PERCENT = / +
8000.	0.0	7500.	0.0	7000.	0.0	6800.	0.0	6600.	0.0	6400.	0.0
6200.	0.0	6000.	0.0	5800.	0.0	5600.	0.0	5400.	0.09	5200.	0.09
5000.	0.09	4800.	0.09	4600.	0.09	4400.	0.09	4200.	0.09	4000.	0.09
3800.	0.19	3600.	0.19	3400.	0.28	3200.	0.38	3000.	0.47	2900.	0.47
2800.	0.47	2700.	0.47	2600.	0.57	2500.	0.57	2400.	0.57	2300.	0.57
2200.	0.85	2100.	1.23	2000.	1.52	1900.	1.71	1800.	2.47	1700.	3.04
1600.	4.55	1500.	5.12	1400.	6.83	1300.	8.63	1200.	11.29	1100.	18.41
1000.	28.56	900.	35.10	800.	43.64	700.	50.66	600.	59.01	500.	67.08
400.	74.00	300.	86.43	200.	97.72	100.	100.00				

FC #5

State of: Idaho

Project No.: F-71-R-11

Job No.: 3(MC)-c

Name: REGIONAL FISHERY MANAGEMENT INVESTIGATIONS

Title: McCall Subregion River and Stream Investigations

Period Covered: July 1, 1986 to June 30, 1987

ABSTRACT

The fishery in the Cabarton Reach of the North Fork Payette River was thought to have special characteristics which would warrent quality trout regulations. The fishery was evaluated as to catch rate, fishing intensity, percent of population that was wild rainbow trout, size structure of the wild rainbow trout population, distribution of trout inhabiting the Cabarton Reach, rate of exploitation and growth rate. Catch rate was variable, in large part dependent on the discharge regime of Cascade Reservoir. High water, which generally occurred most of the summer (irrigation season), resulted in reduced catch rate and corresponding reduced fishing effort. Most rainbow trout in the Cabarton Reach were wild. There was good recruitment of yearling trout, and a significant part of the catch was quality-size, i.e., 35 to 45 cm long. There was no evidence, based on tag returns, that Cabarton trout move outside that river reach. Rate of exploitation was estimated to be 0.29, much lower than in the river section between Cascade Reservoir and the Cabarton Bridge. Rainbow trout in the Cabarton Reach grew to near 42 cm by age four. Although the Cabarton rainbow trout population certainly warrants special protection, the discharge regimes and difficult access results in low exploitation of these fish. Heaviest harvest probably occurs in early spring prior to the runoff and irrigation seasons. A change from year-round fishing to general season should be the first step toward limiting harvest, when necessary.

Twenty transects of the South Fork Salmon River and tributaries and 11 transects of the Middle Fork Salmon River tributaries were snorkel surveyed in July and August 1986 to estimate juvenile salmonid densities. This project, carried out in anadromous fish waters of the McCall Subregion, is part of a statewide evaluation of anadromous fish rearing habitat. Transects were selected in 1984 and 1985, and annual snorkel monitoring was begun. These sites will be monitored for several years to document changes in juvenile fish densities in response to state, federal and international programs designed to improve conditions for anadromous fish stocks. Density of both juvenile chinook salmon and steelhead trout appears to have increased in 1986.

Author:

Dick Scully
Regional Fisheries Biologist

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R9R8DJ

INTRODUCTION

Rainbow Trout Fishery in the Cabarton Reach of the North Fork Payette River, 1986

The Cabarton Reach of the North Fork of the Payette River (NFPR) begins seven miles south of the town of Cascade at Cabarton Bridge and ends six miles downriver at its passage under Idaho Highway 55, north of Smiths Ferry. This river stretch runs through a heavily forested wild canyon, contains several Class 3 rapids, and is one of the few free-flowing stretches of the NFPR that has not been paralleled by a highway (Fig. 20). The National Park Service has listed this river reach as a potential study river for inclusion in the National Wild and Scenic River system. This river reach also was jointly designated by the U.S. Fish and Wildlife Service, the Environmental Protection Agency and the Idaho Department of Fish and Game as a "highest-valued fishery resource" (McLaughlin and Feldman, 1983).

The river below the Cabarton Reach runs parallel to Highway 55 and is very steep with many Class 5 rapids, while the 10 mile river section between Cascade and the Cabarton Bridge is flat, with a sand and gravel bed in most areas. In contrast, the Cabarton reach has an intermediate gradient, and benefits from the shading provided by steep banks. Additionally, the river benefits from the nutrient-enriched water released from Cascade Reservoir. Access to the Cabarton reach is limited to foot traffic adjacent to the Union Pacific railroad track which parallels the NFPR, rubber rafts, kayaks and at intermediate flows, river dorys. Because of the special characteristics of the Cabarton reach and reports from anglers, it has been thought to possess a quality population of wild rainbow trout.

Snorkel Monitoring of Juvenile Salmonid Densities

This project, carried out in anadromous fish waters of the Idaho Department of Fish and Game's McCall Subregion, is part of a statewide evaluation of anadromous fish rearing habitat. Annual monitoring of juvenile salmonid density in fixed stream sections will provide density trends in response to changes in adult survival and/or habitat quality. Projects are underway to improve both these parameters, and presmolt density monitoring is a means of evaluating these projects' results.

OBJECTIVES

1. To evaluate the Cabarton fishery for quality trout management.
2. To determine if an exceptional trout population exists in the Cabarton Reach of the North Fork of the Payette River which should be protected from excessive harvest.

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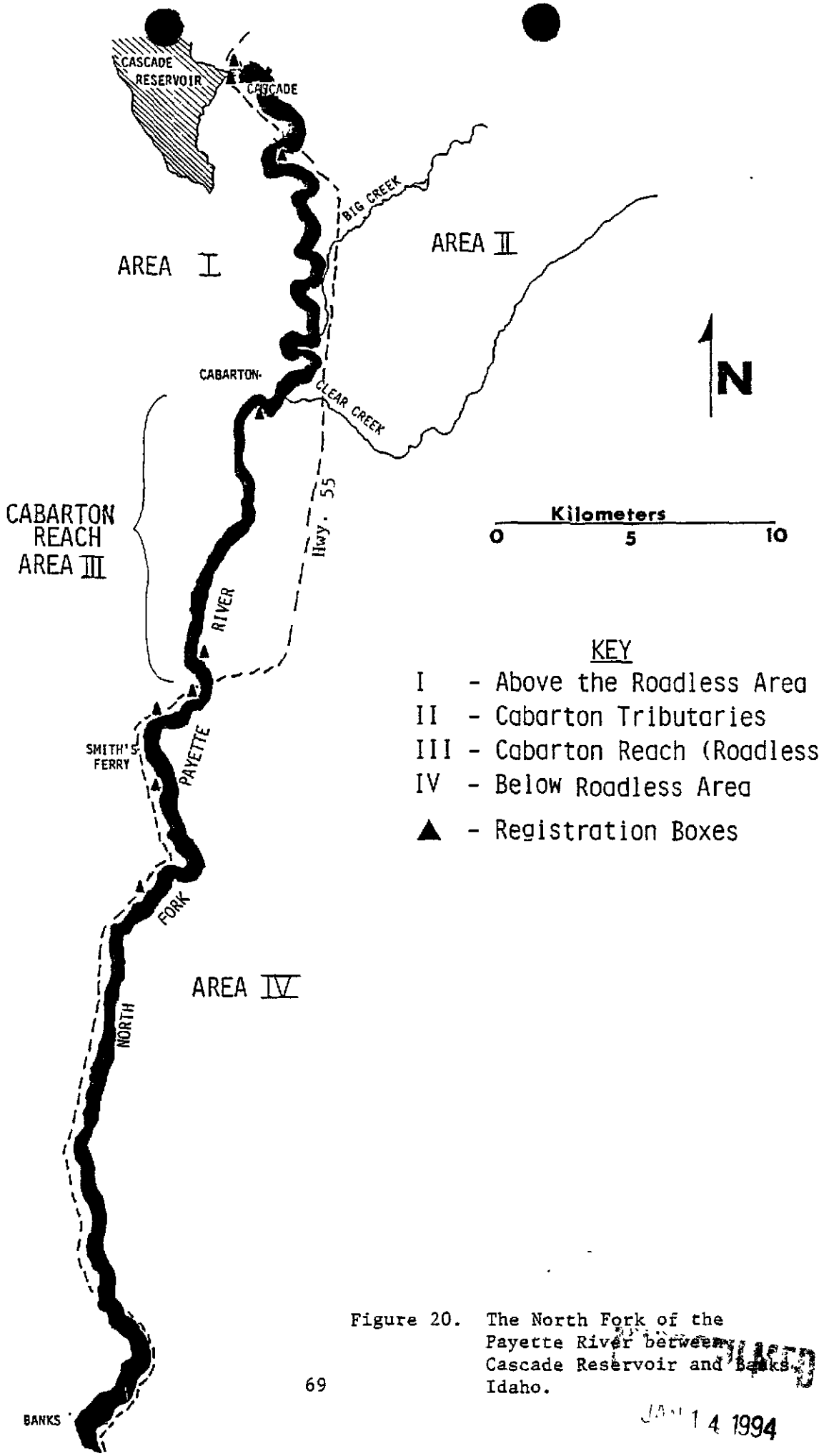


Figure 20. The North Fork of the Payette River between Cascade Reservoir and Banks, Idaho.

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3. To determine if the existing trout population in the Cabarton Reach would benefit in terms of numbers and age structure from quality trout management.

4. To determine if the trout population of the Cabarton reach is isolated geographically or if the fish migrate out of the reach into more accessible areas.

5. To determine where rainbow trout in the Cabarton Reach spawn.

6. To monitor annual juvenile salmonid densities in fixed stream sections within the McCall Subregion to provide trend information for evaluating changes in adult survival and habitat quality.

RECOMMENDATIONS

1. Continue present management scenario of year-long season and a bag limit of 6 trout and/or landlocked salmon, combined take only 2 over 16" in the Cabarton Reach of the North Fork Payette River.

2. Monitor changes in angling use patterns, harvest rates and size distribution by repeating incidental angler interviews and rod-and-reel sampling at three-year intervals in the Cabarton Reach.

3. Protect productivity and fishing quality attributes from future land and water developments in the Cabarton Reach.

4. Maintain the option for future quality management to meet the increasing demand for stream fishing opportunity in the Cabarton Reach.

5. Continue annual snorkel monitoring of juvenile anadromous salmonids in established stream sections.

TECHNIQUES USED

We sampled trout in the North Fork Payette River (NFPR) between Cascade Dam and Cabarton Bridge (Area 1), in tributaries entering the studied river sections (Area 2), in the roadless Cabarton Reach between the Cabarton and Rainbow Bridges (Area 3) and downstream from the Rainbow Bridge to highway mile marker 85, south of Smiths Ferry (Area 4). We sampled trout with rod and reel and both battery- and generator-powered electrofishing units. In Clear Creek, the tributary which appeared to have the most spawning potential, we established a picket weir during the spawning season to sample migrating trout. Captured rainbow trout were identified as to either hatchery or wild origin, anesthetized with MS-222, then measured and tagged if 250 mm or longer. Scale samples were removed before the fish were released. Four colors of plastic floy tags were used, one for each area. Returned tags were intended to show fish movement patterns and rates of exploitation. Scales were used to determine age, growth and mortality rates.

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Incidental creel survey information was obtained from anglers observed during sampling trips to determine catch rates and size distribution in the sport catch. Angler registration boxes were established at each end of the Cabarton Reach as well as at sites above and below each of the communities of Cascade and Smiths Ferry to obtain further information on catch rates and angler intensity.

In 1986, Department personnel snorkel counted juvenile salmonids in 34 stream transects of the McCall Subregion from July 22 to August 15. Twenty transects were in the South Fork Salmon River (SFSR) and Johnson Creek, Lick Creek and East Fork of the SFSR, tributaries to the SFSR; eight were in Big Creek, Marble Creek and Monumental Creek, tributaries to the Middle Fork Salmon River; three were in Chamberlain Creek, tributary to the main Salmon River; and three were in Hazard Creek and Rapid River, tributaries to the Little Salmon River (Anderson et al. 1987). Transect lengths were near 100 m or longer.

Persons equipped with wet suits, masks, snorkels, waterproof writing pads and pencils entered the water at the downstream end of each transect and slowly crawled upstream through the transect, while identifying fish to species and counting them. The lower nine transects on the SFSR were deep and swift, thus they were snorkeled from the top to the bottom of the transect, as snorkeling upstream was not possible. Individual fish in each age class were counted and recorded separately for chinook salmon, steelhead and cutthroat trout. We recorded lengths for individual bull and brook trout and numbers of small (<10") and large (≥10") whitefish.

After the fish were counted, we calculated transect surface area by measuring the transect length and widths at 10-meter intervals along the transect length in all areas except for SFSR transects, where we used average dimensions calculated from 1984 and 1985 data by Thurow (1987). At each point where we measured a width, we recorded the type of habitat which was on each side and in the middle of the stream. Habitat categories were pool, riffle, pocket, run and backwater. Detailed drawings of each transect and documentary photographs were available from previous years for snorkel-transect personnel to use to locate transects. An example drawing and photograph of Big Creek, Section #1, were shown in the McCall Subregion's 1985 annual report (Anderson et al. 1987) as were drawings of all MFSR tributaries, Chamberlain Creek, Hazard Creek and Rapid River transects. South Fork Salmon River transect drawings are in Appendix 1 of the present report.

FINDINGS

Rainbow Trout Fishery in the Cabarton Reach of the North Fork Payette River, 1986

We measured and took scales from 152 rainbow trout from April 8 to July 18, 1986. Eighty-two were tagged and seventy were either too small to tag, observed in anglers' creels, or were wounded either in a fish

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trap or by a fishing hook. Most tagged fish (53) were captured in Area 3, the Cabarton Reach, with 12, 14, and 3 trout tagged in Areas 1, 2 and 4, respectively.

We sampled with a battery-powered electrofisher in the tributaries of Clear Creek and Big Creek (Area 2) and used a generator-powered unit in Areas 1 and 3, both during the day and at night. No trout were electrofished in the tributaries, and only four were captured in the river. We believe that low conductivity (20 to 30 ohms/cm) renders electrofishing ineffective for trout in the NFPR system. Fourteen trout were captured in May at the Clear Creek weir, six of which were spawners from 317 and 417 mm long (Table 20). Most of the sampled fish were captured by standard rod-and-reel fishing.

Catch Statistics

We obtained information on catch rate and average length of rainbow trout by three different methods (Table 21). The relative ranking of these two parameters differed by survey method. Lowest catch rate in all three surveys was in Area 1, above the Cabarton reach. Areas 3 and 4 had similar catch rates of about 1.3 trout/hour.

Average size of sampled trout was greatest in Area 1 (340 m) probably because this area is a poor juvenile rearing area, i.e., 18 to 22 cm recruits were not in the catch. Average size of trout was similar between Areas 3 and 4, i.e., 26 to 27 cm. The mean length of creeled trout in Area 3 was larger (33 cm) than in Area 4, possibly because anglers walking into this section were more selective than those fishing along Highway 55.

Most fishing by the public was done within one mile of Cascade Reservoir in Area 1, in the upper and lower one-half mile of Area 3 and throughout Area 4. No fishing effort was observed in Area 2. Angler catches in Areas 3 and 4 were 91% and 97% rainbow trout, with the remainder being mountain whitefish (Table 22). Catch in Area 1, which is greatly affected by fish leaving Cascade Reservoir, is 65% perch, 25% trout and 10% whitefish.

Tagged Fish

No tags were returned from fish released in tributary streams or from the river below Rainbow Bridge. I have no explanation for why the exploitation rate is low in tributaries, but with only three fish tagged below Rainbow Bridge, the chance of a tag being returned there was very small.

Eleven percent and twenty-five percent of tags were returned from Areas 3 and 1, respectively (Table 23). Most of the fish tagged in Area 1 were released near the town of Cascade, the area which appears to have the greatest fishing pressure in the study area.

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Table 20. Rainbow trout length, direction of movement and whether or not it was tagged at the Clear Creek trap in 1986. Whether or not the fish was recovered from the trap alive and whether it was of hatchery or wild origin is also noted.

Date	Length	Up or Down	Tagged	Mortality	Hatchery or wild
4/29	172	Down	--	--	W
5/01	267	Down	X	--	W
5/02	234	Down	--	X	W
5/02	417	Down	X	--	W
5/02	226	Down	--	X	H
5/03	317	Down	X	--	W
5/03	234	Down	--	X	H
5/03	345	Up	X	--	W
5/12	290	Down	X	--	W
5/13	390	Up	X	--	W
5/14	352	Up	X	--	W
5/14	349	Up	X	--	W
5/14	228	Down	X	--	W
5/16	168	Down	--	X	W
			9		

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Table 21. Relative fishing effort, catch rate and mean rainbow trout length obtained by three survey methods.

	IDFG tagging crew	Incidental sportsman interviews	Registration forms
Cascade Dam to Cabarton Bridge (Area 1)			
Hours fished	12	35	30
Trout per hour	0.8	0.3	0.3
Mean trout length	34 cm*	--	--
Cabarton Reach (Area 3)			
Hours fished	72	100	36
Trout per hour	1.2	0.8	1.6
Mean trout length	27 cm	33 cm	--
Rainbow Bridge to Banks (Area 4)			
Hours fished	12	48	46
Trout per hour	0.9	1.8	1.5
Mean trout length	26 cm	27 cm	--

*No juveniles

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Table 22. Incidental creel survey statistics from the North Fork Payette River fishery, 1986.

Location	Number anglers	Total hours fished	Fish caught			Catch rate	
			RBT*	MWF*	Perch	Total	RBT
Cascade Dam to Cabarton Bridge	24	34.5	10	4	26	1.16	0.3
Cabarton to Rainbow Bridge	24	99.5	82	8	0	0.90	0.8
Below Rainbow Bridge	17	47.5	84	3	0	1.83	1.8

*RBT=rainbow trout, MWF=mountain whitefish.

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Table 23. Rates of exploitation as determined by tag return in two areas of the North Fork Payette River study area.

	Number tagged	Tags returned	Rate of exploitation	Adjusted* rates
Tributaries	14	0	0	--
Cabarton	53	6	0.11	0.29
Cascade to Cabarton	12	3	0.25	0.64
Down from Rainbow Bridge	3	0	--	--
Total	82			

*Based on assumed return rate of recaptured tags of 39%.

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The tagging program was explained to the fishing public by placing signs in sport shops in Cascade and Smiths Ferry as well as at six registration boxes at access points along the river. The news media was not advised of the study since we did not want to artificially increase fishing effort by exposing this area to the general public. No reward was offered for tag returns. In a study of return rate of tags (Weaver and England 1986), the authors found that anglers returned only 39% of recovered reward tags. Assuming that this is a maximum return rate for the North Fork Payette River (NFPR) study, where no reward was offered, adjusted exploitation rates for Areas 1 and 3 would be 0.64 and 0.29, respectively. Area 3 receives trout, coho and perch recruitment from Cascade Reservoir and can probably withstand the higher exploitation rate.

We aged 137 wild rainbow trout mostly from Area 3 and found 26%, 58%, 12% and 4% to be from Age Classes 1+, 2+, 3+ and 4+. Using a catch curve analysis (Everhart et al. 1975) on Age 2+, 3+ and 4+ frequencies, we calculated a force of total mortality of 1.29, and thus an annual survival rate of 0.28. The force of total mortality in Area 3 is attributable to a force of fishing mortality of 0.67 and a force of natural mortality of 0.62. Assuming the same survival rate in Area 3, the force of fishing mortality is 1.15 and that of natural mortality, 0.14. Recruitment from Cascade Reservoir probably alters this latter relationship.

Average sizes of Age 1+, 2+, 3+ and 4+ wild rainbow trout were 210, 292, 353 and 424 mm, respectively (Table 24).

We regressed total length in mm (TL) on anterior scale radius (ASR) for 55 wild rainbow trout, 5 from each 2 cm length interval (where available). The relationship (Fig. 21) is:

$$TL = 87.6 + 4.2\ ASR$$
$$r^2 = 0.78$$

Back-calculated lengths at the time of annuli formation were 180, 251 and 372 mm for Age 1, 2 and 3 fish. Values for Ages 1 and 2 correspond well with those from Table 24. However, the value for Age 3 appears too large; some fish believed to be three year old were probably older, since identification of annuli on scales was more difficult on older fish.

Of the nine returned tags, none were recovered outside the area where they were tagged. Although this is a small sample, we will assume that there is very little movement of trout between areas. Areas 2 and 4 receive hatchery catchables and Area 1 receives hatchery catchables which move down from Cascade Reservoir. Hatchery catchables in Area 3 must move in from other river reaches, since this area is not stocked. Samples of rainbow trout from the four areas indicate that there is little movement of hatchery catchables into Area 3, since 98% of trout sampled there were wild compared with 57%, 89% and 83% from Areas 1, 2 and 4, respectively (Table 25). Reid (1980) reported that 56% of 1,400 trout seen in angler's creels in Area 4 and down to the mouth of the NFPR were wild in 1980. The rainbow trout population in Ar[illegible]

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Table 24. Sample size, length, standard deviation of length and growth in mm of wild rainbow trout from ages 1+ to 4+ in the North Fork Payette River below Cascade Dam during spring and early summer, 1986.

Age	Sample size	Mean length	Standard deviation	Growth
1+	35	210	33	
				82
2+	79	292	41	
				61
3+	17	353	40	
				71
4+	6	424	60	--

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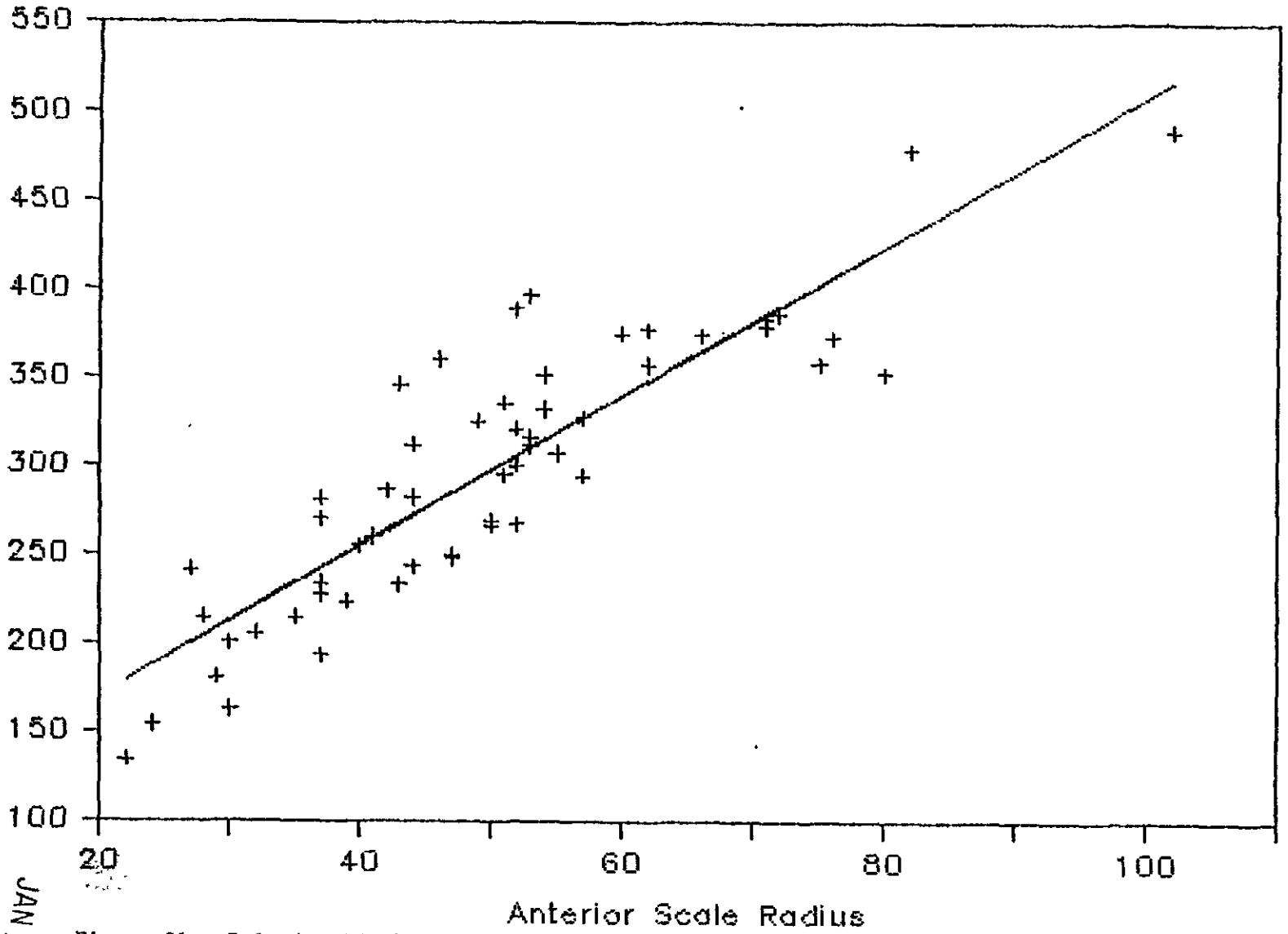


Figure 21. Relationship between total length and anterior scale radius of wild rainbow trout in the North Fork Payette River between Cascade Reservoir and Banks, Idaho.

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Table 25. Percent wild rainbow trout observed in the four studied areas of the North Fork Payette River system, 1986.

Area		% wild	N
1	Cascade to Clear Creek	57	14
2	Tributaries (Big & Clear creeks)	89	19
3	Cabarton Reach	98	127
4	Below Rainbow Bridge	83	12

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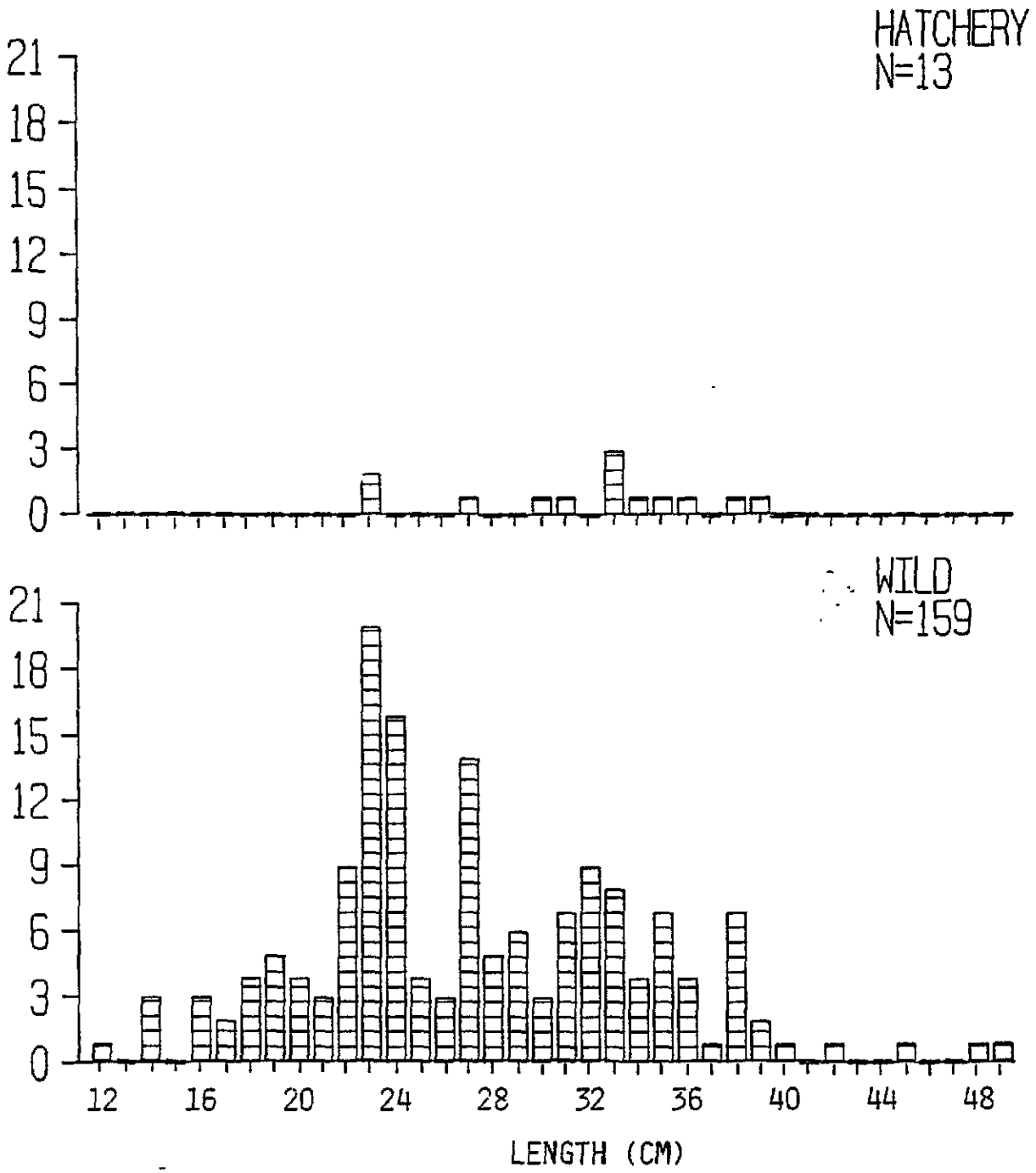


Figure 22. Length frequency distribution of hatchery-reared and wild rainbow trout from the North Fork Payette River between Cascade Reservoir and Banks, Idaho.

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mainly wild and discrete. One third of the fish sampled in Area 3 were juveniles, i.e., this area is good for rearing as well as for adult holding. Only 7% of the trout caught in Area 1 were juveniles. Most of this area is flat and sandy bottomed, not good rainbow trout juvenile rearing habitat.

Ninety-two percent of all fish captured in the study were wild. Mean length of wild trout was 28 cm, and mean length of hatchery trout was 32 cm (Fig. 22). The main reason for the size difference is that hatchery trout were planted at catchable size, i.e., longer than 20 cm.

Snorkel Monitoring of Juvenile Salmonid Densities

Densities of each salmonid species are presented in Tables 26 and 27 for the SFSR and other streams, respectively. Trends in densities of chinook salmon and steelhead trout are of interest statewide since various programs are in effect to restore anadromous fish numbers after Idaho's anadromous fish runs dropped to dangerously low numbers in the mid-1970's. Trends in cutthroat trout numbers in the SFSR are also of interest since catch-and-release regulations for cutthroat trout were established in the drainage in 1986 as a means to increase cutthroat survival. A comparison of densities of these three species in the SFSR is presented in Table 28. Both steelhead and chinook rebounded in 1986 above 1984 levels after dropping down in 1985. Chinook made the most significant increase, more than doubling the 1984 density. Cutthroat densities remained unchanged. Table 28 also demonstrates the distribution pattern of the three species where Transect 5 is the upper most transect near Stolle Meadows and Transect 28 is the lowest transect near the SFSR mouth. Steelhead densities showed no obvious trend throughout the system, but chinook were denser in the upper transects and cutthroat denser in the lower transects.

Data is available from 1984 through 1986 for SFSR transects and from 1985 through 1986 in all other transects (Table 29). In the latter transects, densities of both steelhead and chinook juveniles increased significantly from 1985 to 1986. The only exception was a decrease in chinook density at one Rapid River transect. Both transects at Marble Creek and one at Rapid River had no chinook juveniles in either 1985 or 1986.

DISCUSSION

Rainbow Trout Fishery in the Cabarton Reach of the North Fork Payette River, 1986

The Cabarton reach is unique in the west-central Idaho area in that it provides an isolated walk-in stream fishery for wild rainbow trout that is close to both the Boise and McCall areas. Catch rate is generally in excess of one fish per hour and the population contains a

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significant portion of trophy-size fish. Fishing pressure is low, perhaps due to the walk-in requirement, but also of significance is the discharge regime. The river is high during most of the summer season, since this area of the NFPR is a conduit for Emmett valley's irrigation water which is stored in Cascade Reservoir (Fig. 23). The result is marginal summer fishing conditions, but enhanced summer survival because of low fishing mortality and an artificially expanded environment. Most recreational use in the Cabarton Reach is by raft and kayak floaters, only a small percent (5%) of which fish during their trips (McLaughlin and Feldman 1983).

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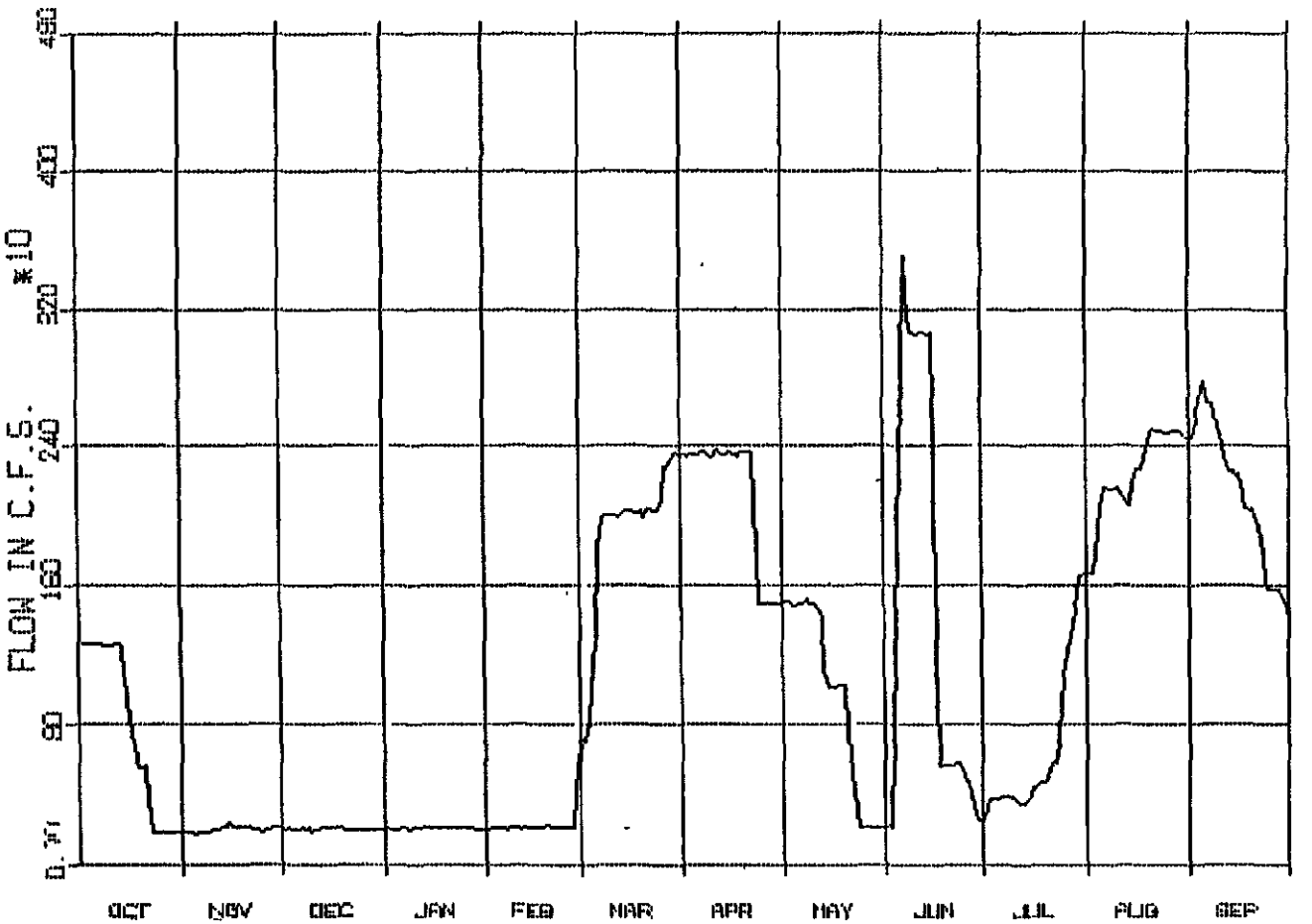


Figure 23. Discharge in cubic feet per second from Cascade Reservoir, October 1985 through September 1986. Figure provided by the U.S. Bureau of Reclamation.

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Weaver, O.R., and R.H. England. 1986. Return of tags with different rewards in Lake Lanier, Georgia. North American Journal of Fisheries Management 6:132-133.

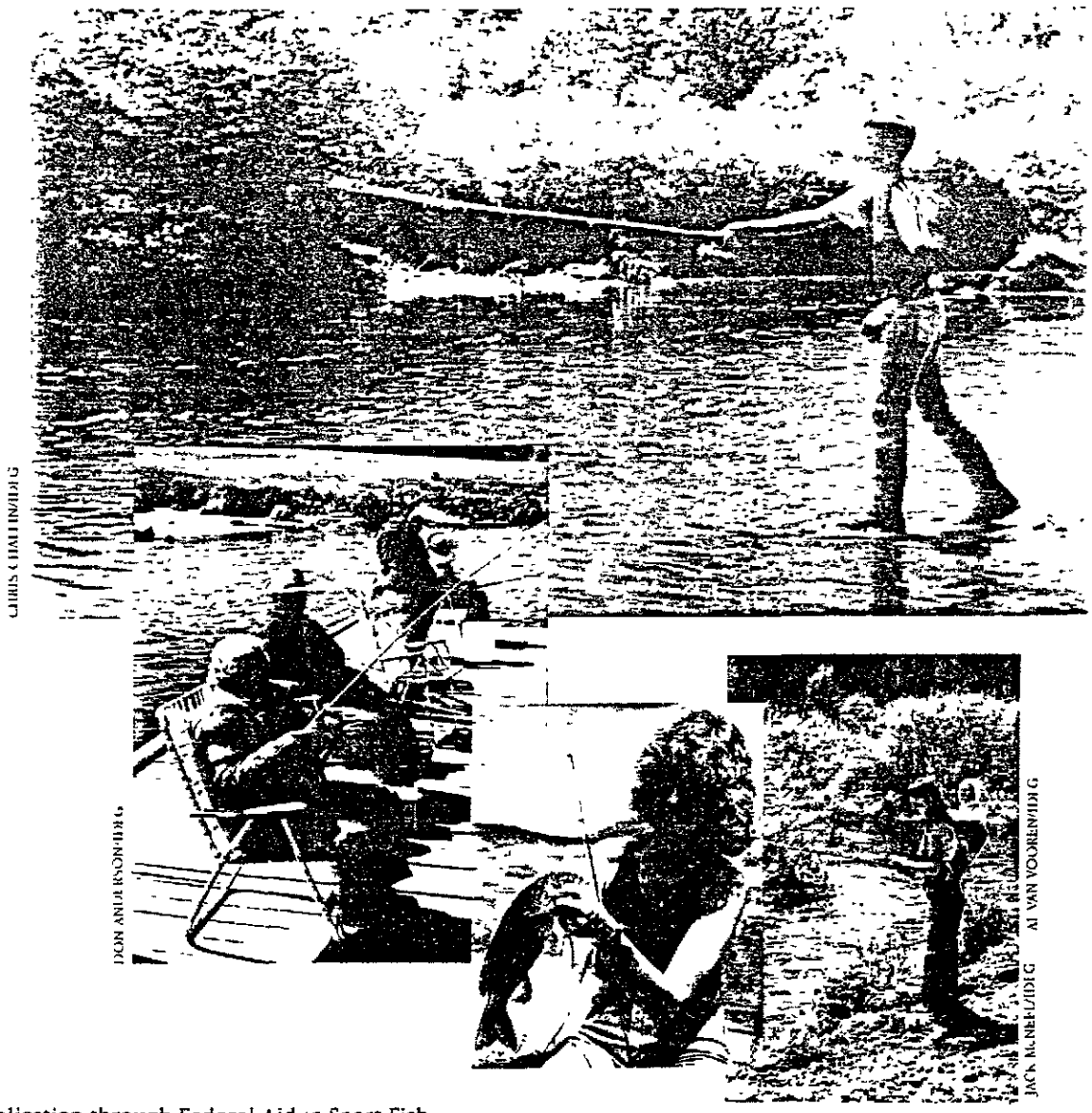
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Thurow, R. 1987. Evaluation of the South Fork Salmon River steelhead trout fishery restoration program. U.S. Department of Interior, Fish and Wildlife Service. Lower Snake River Fish and Wildlife Compensation Plan. Contract No. 14-16-0001-86505.

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F+G #6

FISHERIES MANAGEMENT PLAN 1991-1995



CHRIS CHALLINOR

DON ANDERSON

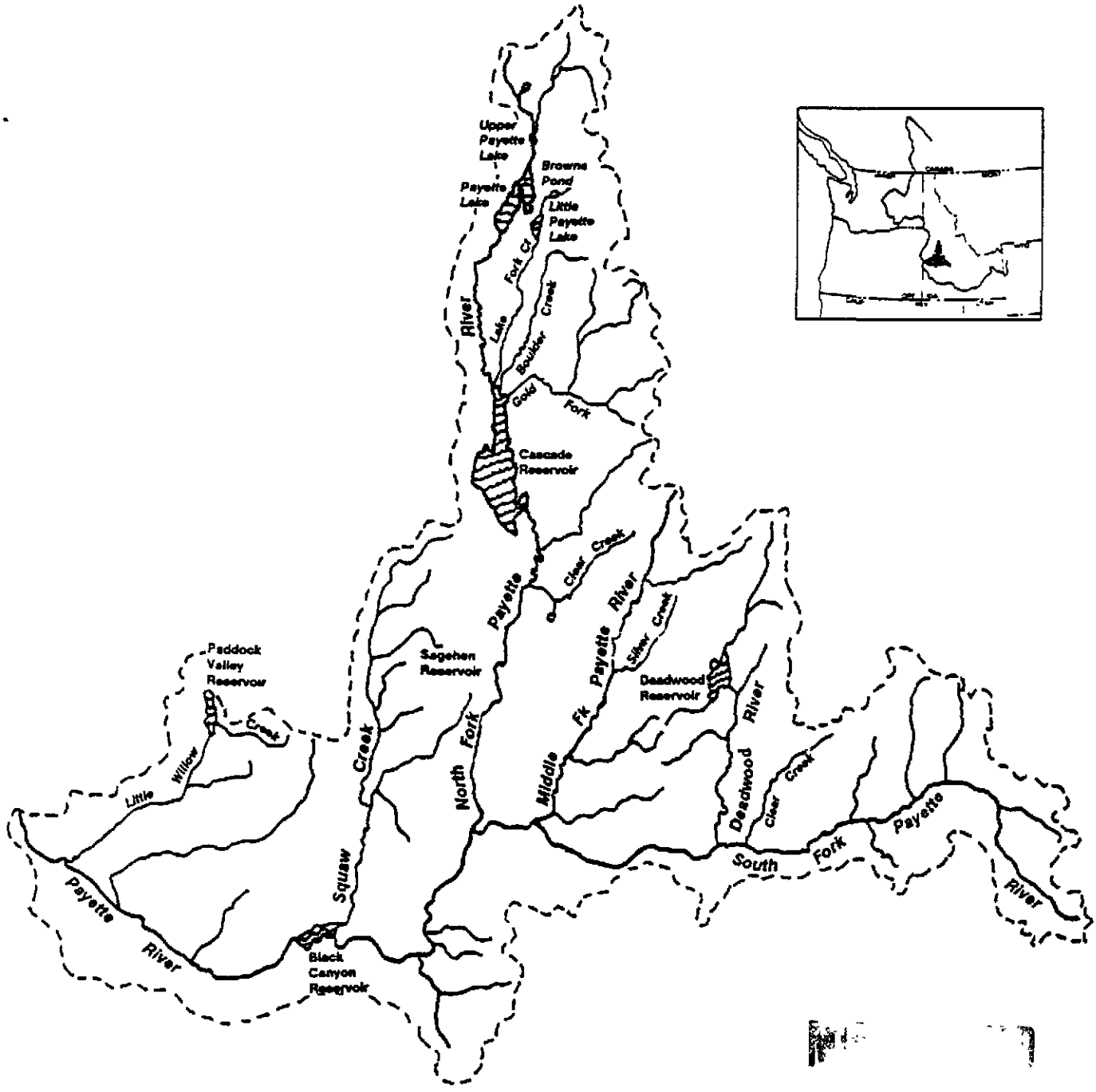
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JACK MCNEELIDIG

Partial funding for this publication through Federal Aid in Sport Fish Restoration Program as an educational service.

JAN 14 1994

Payette River Drainage



JAN 14 1994

A. Overview

The Payette River Basin lies in southwestern Idaho. Its headwaters originate in the Sawtooth and Salmon River mountains at elevations over 10,000 feet. The drainage flows in a southwesterly direction for over 175 miles where it empties into the Snake River near Payette at an elevation of 2,125 feet. The Payette River Basin comprises about 3,240 square miles.

Principal tributaries are the North and South Forks of the Payette River. The North Fork drains about 950 square miles and the South Fork about 1,200 square miles. The Payette River has an average annual discharge into the Snake River of 2,192,000 acre-feet of water. Historically, the drainage has had ample water to meet demands. Irrigation accounts for the largest water use, with about 160,000 acres of irrigated farmland. This system also provides water for recreation, hydroelectric generation, mining, and logging. The drainage is comprised of primarily granitic soils which are highly erosive.

Due to the wide range in elevation, the Payette River has a variety of fish and fish habitats. Salmon and steelhead were eliminated in the drainage by Black Canyon Dam. From its mouth upstream to Black Canyon Dam, the river supports a mixed fishery for coldwater and warmwater species. Mountain whitefish make up the bulk of game fish in this section of river, with smallmouth bass, largemouth bass, channel catfish, black crappie, rainbow trout, and brown trout making significant contributions. Upstream from Black Canyon Dam, the gradient of the river increases with coldwater species increasing in abundance. The South Fork of the Payette River supports excellent populations of wild rainbow trout and is one of the more popular recreation rivers in the region. The North Fork of the Payette River has been severely altered by railroad and highway construction and provides only a marginal fishery for salmonids. However, in unaltered sections such as the Cabarton reach, the North Fork is very productive for salmonids.

There are five major impoundments in the Payette basin, Black Canyon, Sagehen, Paddock, Cascade, and Deadwood, and several small impoundments and natural lakes with increased storage, such as big Payette Lake. Impoundments in the Payette basin primarily serve irrigation needs with flood control and recreation providing additional benefits. Black Canyon, on the main stem, provides only marginal fish habitat. Sand from upstream land disturbances has covered most habitat. Paddock Reservoir, on Big Willow Creek, has one of the better populations of black crappie in the state and a good fishery for largemouth bass. Cascade Reservoir on the North Fork is one of the most heavily fished waters in the state. Anglers fishing Cascade have the opportunity to harvest an abundance of yellow perch, coho salmon, and rainbow trout. Deadwood Reservoir provides a popular fishery for kokanee and cutthroat trout.

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Alpine lakes within the Payette River drainage provide anglers with a variety of fishing opportunity. Rainbow trout, cutthroat trout, rainbow x cutthroat hybrids, golden trout, and arctic grayling are all stocked in alpine lakes within the drainage. Brook trout are also present in a number of lakes, but in many cases have stunted and alternative management may be warrented. There are a total of 178 alpine lakes in the Payette drainage. Many of these lakes are too small to support a fishery. The Department presently stocks 90 of the alpine lakes in the Payette River system. A number of alpine lakes in the Payette River drainage have self-sustaining populations.

B. Objectives and Programs

1. Objective: Provide a diversity of fishing opportunities within the Payette River drainage.

   Program: Zone the stream areas to concentrate hatchery catchable stocking in locations where the highest return-to-creel will occur.

   Program: Manage for wild trout where habitat and fish populations will sustain an acceptable fishery.

   Program: Manage for increased catch rates and size in selected stream reaches using quality trout regulations.

   Program: Stock appropriate strains of trout in natural production areas to better utilize the rearing capacity and provide larger and more desirable fish.

   Program: Stock adult steelhead directly downstream from Black Canyon Dam as these fish are available.

   Program: Increase warm water angling by acquiring access or title to ponds in the Lower Payette River drainage. Gain access to private ponds for rearing warmwater fish to stock into state waters.

   Program: Improve land-use management through working with federal, state, and private land owners on proper land uses to increase soil stability in the drainage.

2. Objective: Assess the potential for securing stream maintenance flows to protect fisheries on the North Fork Payette River, Lake Fork Creek, and other tributaries.

   Program: Gather needed biological and economic information for the Idaho Water Resources Board to justify pursuing stream maintenance flows for fish and wildlife protection.

JAN 14 1994

F+G #7

IDAHO
DEPARTMENT OF FISH & GAME

Jerry M. Conley, Director

Completion Report

Prepared for Idaho Power Company

by

The Idaho Department of Fish and Game

North Fork Payette River Fisheries Investigations

24 May - 10 October 1980

by

Will Reid
Regional Fishery Manager

December 1980

JAN 14 1994

ABSTRACT

Recreationists on the North Fork of the Payette River, from Highway 55 mile post 96 to mile post 74, expended a total of 45,926 hours of use. Fishermen use made up 3,500 hours; white-water boating use, 2,483 hours; and "other" recreationists, 39,863. Anglers fishing the North Fork harvested an estimated 1,537 game fish.

On the South Fork of the Payette River anglers expended 3,574 hours and white-water boaters 1,224 hours. We did not estimate "other" use from the South Fork. Anglers fishing the South Fork harvested an estimated 2,379 game fish.

Author:

Will Reid
Regional Fishery Manager

JAN 14 1994

CPS A

65-12779

Ident No _____

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AUG 11 1986

Department of Water Resources
Water Resources Regional Office

1. Name of applicant Western Power, Inc. Phone (208) 336-300

   Post office address 2399 South Orchard Street, Boise, Idaho 83705

2. Source of water supply N. Fork Payette River which is a tributary of Payette River

3. Location of point of diversion is SE ¼ of NW ¼ of SW ¼, Govt. Lot 4 & 5

   Sec. 23 Township 11N Range 3E B.M. Valley County; additional

   points of diversion if any: None

4. *Water will be used for the following purposes:*

   Amount 2200 (cfs or acre-feet per annum) for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated is (a) 2200 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Diversion dam about 30 feet high above stream bed, control gates, bypass gates, and concrete lined tunnel to power house

   b. Height of storage dam 30 feet feet; active reservoir capacity negligible acre-feet; total reservoir capacity negligible acre-feet; period of year when water will be diverted to storage: n/a to n/a inclusive.

   c. Proposed well diameter is n/a inches; proposed depth of well is n/a 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 5 years (*minimum 1 year*).

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

a Hydropower, show total feet of head and proposed capacity in KW 1600 static, 210,000 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. _____

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.

WP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
N	3E	28								L 3 P									

Total number of acres to be irrigated _____

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

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

b. Who owns the land to be irrigated or place of use? U. S. Government

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicant will file a license application with the Federal Energy Regulatory Commission and acquire necessary R/W after license is granted.

12. Remarks: _____

JAN 14 1994

Received by [illegible] Date 8/11/1986 Time 2:45 pm Preliminary check by [illegible]

Fee $ 4925- Receipted by [illegible] # 40536 Date 8/11/1986

Publication prepared by ip Date 9/10/86 Published in The Star News 9/17 & 9/24/86 Statesman & Times News Post Register & Lewiston Morning Trib.

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

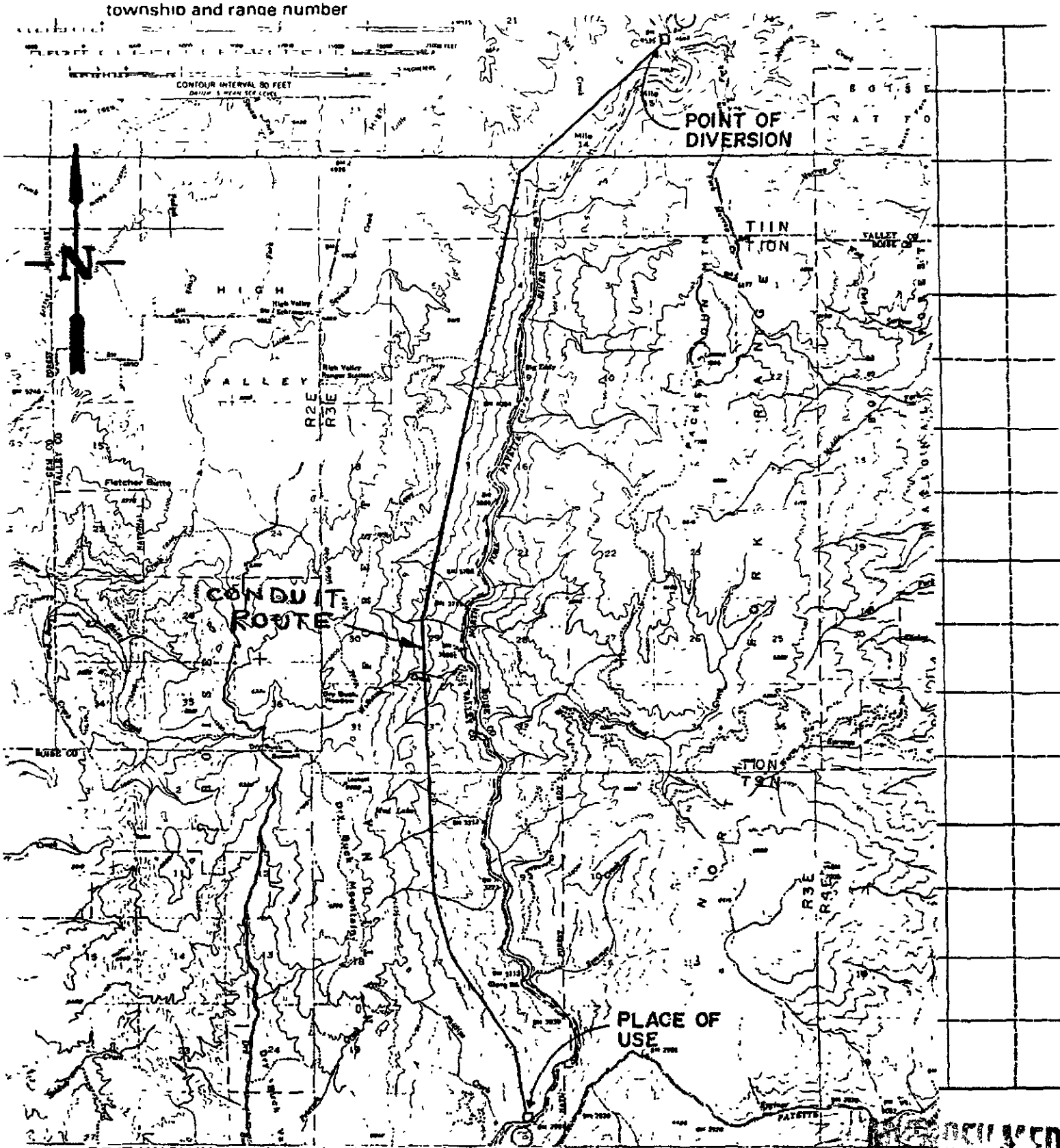
   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim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

   e. Other:

[illegible]

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



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.

JAN 14 1994

(Applicant)

CBS B

Gem Irrigation

FILE

Ridgeview Irrigation District

South Board of Control, Owyhee Project

P.O. Box 67
Homedale, Idaho 83628
Phone 337-3760

February 1, 1991

Mr. Keith Higginson
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720

Dear Keith:

In response to your questions about our pending water right application, we are currently considering two project configurations:

(1) the run-of-river alternative with a diversion downstream of Smith's Ferry and a power house at Banks; and

(2) the pumped storage alternative which includes a storage reservoir in High Valley.

Prior to initiating Phase II consultation required by the Federal Energy Regulatory Commission, one of these options will be selected. At that time we will make any required amendments to our water right permit application.

Thank you.

Sincerely,

GEM IRRIGATION DISTRICT

Clyde Hutton
Manager

CH/np

RECEIVED
JAN 14 1994

CPS C

DAVIS WRIGHT TREMAINE

LAW OFFICES

JEFFERSON PLACE · 350 N. 9TH, SUITE 400 · BOISE, IDAHO 83702
(208) 336-8844

Josephine P. Beeman

February 22, 1991

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

Re: Water Right Application 65-12779 in the Name of Western Power for the Development of a Hydropower Project on the North Fork of the Payette River

Dear Keith:

As indicated in my letter of January 28, 1991, and the letter from Gem Irrigation District (Gem) on February 1, 1991, the North Fork Hydropower Project has two configurations under consideration:

1. a run of river configuration, and

2. a pumped storage configuration.

When a single project configuration is selected at the end of agency environmental consultations, we would see one of two courses of action regarding the project's water rights.

If the final configuration is a run of river project as described in Water Right Application 65-12779, then the pending assignment of that application to Gem, as well as a hearing to determine whether a permit should issue, are outstanding matters. On January 30, 1991, I offered to augment the record for the assignment, and was informed by David Tuthill that there was already sufficient information in Water Resources' files. We understand that the assignment may no longer be an issue and that a letter regarding the assignment is forthcoming.

4 1994

FAX: (208) 336-8833

ANCHORAGE, ALASKA · BELLEVUE, WASHINGTON · LOS ANGELES, CALIFORNIA
PORTLAND, OREGON · RICHLAND, WASHINGTON · SEATTLE, WASHINGTON · WASHINGTON, D.C.

If the final configuration is a pumped storage project, then the suitability of Water Right Application 65-12779 in its present form will need to be assessed. Whether an amendment of Application 65-12779 would be appropriate or whether a new application would be necessary will depend upon our assessment of the necessary water right for the final project configuration. We will certainly be talking with you about this as the present consultative phase proceeds.

Carol Cunningham, Gem's consultant for the North Fork Hydropower Project, discussed with you her objectives regarding the current consultative phase of project development. If the project were to be seen as economically infeasible as a result of information known from this process, she would not hesitate to recommend abandonment.

As you and I and Water Resources' legal staff have discussed, the question of Gem's ownership of a hydropower project outside its district boundaries is an issue known to this firm, CPS and Gem. Idaho Code § 43-2301(b), which you suggested I review, applies to hydropower projects built in connection with the reconstruction, rehabilitation, replacement, modification, or improvement of existing irrigation structures. After looking at this statute, we are not certain of its application to the proposed North Fork Hydropower Project. There are no existing irrigation district works which would be modified for the North Fork Project. We will get back to you on this issue.

My personal efforts over the next six months will be directed to preparation for the hearing we anticipate on the water right application at the conclusion of the phase one consultative process.

RECEIVED
JAN 14 1994

My best regards to you and the staff at my "home" for many years.

Very truly yours,

DAVIS WRIGHT TREMAINE

Josephine P. Beeman

JPB/np

cc: Dave Tuthill, Western Region, IDWR
Jack Trublood, Director of Northwest Hydropower Action Center
Stacy Gebhards, Regional Supervisor, Idaho Dept. of Fish & Game
J.S. Tixier, Regional Forester, U.S. Department of Agriculture, Forest Service
Roger Rosentreter, PhD, Idaho Whitewater Association
Rinda Just, Deputy Attorney General, Idaho Department of Parks & Recreation
Wendy Wilson, Friends of the Payette
Yvonne S. Ferrell, Idaho Department of Parks & Recreation
Idaho Public Utilities Commission
Carol Cunningham, Consolidated Pumped Storage, Inc.
Clyde Hutton, Gem Irrigation District

JAN 14 1994

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

RECEIVED
MAR 29 1991
DAVIS WRIGHT TREMAINE

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 27, 1991

Josephine P. Beeman
Davis, Wright, Tremaine
350 N. 9th, Suite 400
Boise, ID 83702

RE: Assignment of Water Right Application No. 65-12779 for the Development of a Hydropower Project on the North Fork of the Payette River from Western Power, Inc., to Gem Irrigation District

Dear Jo:

The Department has reviewed the Request for Assignment of Permit from Western Power, Inc. to Gem Irrigation District, in conjunction with the materials and documentation received relative to the project during the past year. We find that the documentation received now satisfies the request for further information in this regard solicited in my letter dated August 20. 1987. The assignment of the application to Gem Irrigation District is hereby approved.

The application remains protested by the five organizations identified below. In addition, Friends of the Payette and the Idaho Department of Parks and Recreation remain as petitioners to intervene. We will continue to hold these petitions for intervention without action until Gem Irrigation District identifies the project for which it intends to seek development approval. In accordance with our previous discussions as documented in your letter dated February 22, 1991, we will await Gem's timely selection of either the run of river configuration or the pumped storage configuration before taking further action on the application.

Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

JAN 14 1994

cf: Clyde Hutton, Gem Irrigation District
Carol Cunningham, Consolidated Pumped Storage, Inc.
Norman C. Young
R. Keith Higginson

Protestants
Jack Trueblood, Director of Northwest Action Center
Stacy Gebhards, Regional Supervisor, Idaho Department of Fish and Game
J.S. Tixier, Regional Forester, U.S. Forest Service
Roger Rosentreter, President, Idaho Whitewater Associatio
Idaho Public Utilities Commission

Petitioners for Intervention
Yvonne S. Ferrell, Director, Idaho Department of Parks an Recreation
Pat Costello, Friends of the Payette

JAN 14 1994

CPS-F

turbines having a total installed capacity of 950 kilowatts.

The proposed project would develop additional capacity at the exempted Seneca Hydroelectric Project No. 4296, operated by the Seneca Hydroelectric Company, and would consist of: (a) a new gated intake structure to control flow to the powerhouse, (b) a proposed 25-foot-wide and 55-foot-long powerhouse addition to be located adjacent to the east wall of the existing powerhouse, (c) one trubine/generator unit having an installed capacity of 300 kilowatts, (d) a proposed enhancement of the existing tailrace of Project No. 4296 involving widening the tailrace to a maximum width of 85 feet, (e) a proposed addition to the current switchyard for Project No. 4296, (f) use of either 4.8-kilovolt (kV) or 13.2-kV transmission lines, and (g) 6-inch flashboards; and (h) appurtenant facilities. The dam is onwed by the New York State Department of Transportation. The average annual generation would be 1.20 gigawatthours. The applicant estimates that the cost of the studies would be $150,000.00.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, & D2.

8. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11104–000.

c. *Date filed:* March 14, 1991.

d. *Applicant:* City of Oswego, New York.

e. *Name of Project:* Spier Falls.

f. *Location:* Hudson River, Warren & Saratoga Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Paul V. Nolan, 6219 North 19th Street, Arlington, VA 22205, (703) 534–5509.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Competing Application:* Project No. 10641–000, Date Filed: 8/10/88.

k. *Comment Date:* September 20, 1991.

l. *Description of Project:* Applicant proposes to study the feasibility of installing additional generating units to use water resources in excess of 7,600 cfs at the Spier Falls development of Niagara Mohawk Power Corporation's Project No. 2482. The proposed project would consist of: (1) a new intake/forebay/gate structure at the south end of the dam; (2) a new powerhouse with an installed capacity of 21 MW; (3) a new tailrace and; (4) appurtenant facilities. The estimated annual generation is 130 GWh and the cost of the studies under the permit would be $125,000. Power would be sold to a local utility.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B & C.

9. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11105–000.

c. *Date filed:* March 14, 1991.

d. *Applicant:* City of Oswego, New York.

e. *Name of Project:* Fulton.

f. *Location:* Oswego River, Oswego County, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Paul V. Nolan, 6219 North 19th Street, Arlington, VA 22205, (703) 534–5509.

i. *FERC Contact:* Paul Bell (202) 219–2806.

j. *Competing Application:* Project No. 10637–000, Date Filed: 8/10/88.

k. *Comment Date:* September 20, 1991.

l. *Description of Project:* Applicant proposes to study developing excess water resources capacity at the Fulton development of Niagara Mohawk Power Corporation's Project No. 2474. The proposed project would consist of: (1) a new forebay gate structure west of the dam, (2) a new powerhouse with an installed capacity of 1.44 MW; (3) a new tailrace and; (4) appurtenant facilities. The estimated annual generation is 3.285 GWh. The dam is owned by the New York State Department of Transportation. The cost of the studies under the permit is estimated to be $125,000. Power would be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B & C.

10. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11106–000.

c. *Date filed:* March 14, 1991.

d. *Applicant:* City of Oswego, New York.

e. *Name of Project:* Sherman Island.

f. *Location:* On Hudson River, Warren & Saratoga Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Paul V. Nolan, 6219 North 19th Street, Arlington, VA 22205, (703) 534–5509.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Competing Application:* Project No. 10638–000, Date Filed: 8/10/88.

k. *Comment Date:* September 20, 1991.

l. *Description of Project:* Applicant proposes to study the feasibility of installing additional capacity using excess water resources at the Sherman Island development of Niagara Mohawk Power Corporation's (NIMO) Project No. 2482. The proposed project would consist of: (1) a new intake; (2) a new power canal west of the existing NIMO facilities; (3) a new powerhouse with an installed capacity of 1.7 MW; (4) a new tailrace; and (5) appurtenant facilities. The estimated average energy generation is 70 GwH. The cost of the studies under the permit is $125,000. Power would be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B & C.

11 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11117–000.

c. *Date filed:* March 29, 1991.

d. *Applicant:* Town of Moreau, New York.

e. *Name of Project:* Spier Falls.

f. *Location:* Hudson River, Warren and Saratoga Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contact:* Mr. Richard M. Wagner, National Energy Resource Corp., 91 Stratton Forest Way, Simsbury, CT 06070, (203) 651–0576.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Competing Application:* Project No. 10641–000, Date Filed: 8/10/88.

k. *Comment Date:* September 20, 1991.

l. *Description of Project:* Applicant proposes to study the feasibility of installing additional generating units to use water resources in excess of that developed at the Spier Falls development of Niagara Mohawk Power Corporation's Project No. 2482, which is 7,600 cfs. The proposed project would consist of: (1) an intake; (2) a new powerhouse on an existing foundation housing two generating units rated at 40.25 MW installed capacity; and (3) appurtenant facilities. The estimated annual energy generation is 124,000 MWh. The cost of the studies under the permit would be $200,000. The power would be sold to Niagara Mohawk Power Corp.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B & C.

12 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11137–000.

c. *Date filed:* May 1, 1991.

d. *Applicant:* Gem Irrigation District.

e. *Name of Project:* Banks Hydroelectric Project.

f. *Location:* Partially on lands administered by the Bureau of Land Management and Forest Service on the North Fork of the Payette River and Little Squaw Creek in Valley, Boise, and Gem Counties, Idaho: T11N, R3E; T10N, R3E; T10N, R2E; T9N, R3E; and T9N, R2E.

JAN 14 1994

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)—825(r).

h. *Applicant Contact:* E. Robert Mooney, A.B. Energy, 1555 Shoreline Boulevard, Suite 200, Boise, ID 83702, (208) 338–2804.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* October 24, 1991.

k. *Description of Project:* The proposed project would consist of: (1) a diversion structure on the North Fork of the Payette River 2.3 miles downstream of Smith's Ferry which would raise the present river level approximately six feet creating a 100-acre impoundment; (2) a pumphouse; (3) a 2.6-mile-long buried pipeline and tunnel connecting the pumphouse to the headwaters of Little Squaw Creek in High Valley; (4) a 4.2-mile-long weir system on the Little Squaw Creek creating seven impoundments with a combined surface area of 300 acres; (5) a 45-foot-high dam immediately downstream of the weir system forming a 900-acre reservoir; (6) an intake structure in the reservoir; (7) an 8-mile-long tunnel leading through Dry Buck Mountain to an underground powerhouse in Banks; (8) a powerhouse containing four 125–MW generators; (9) a 2000-foot tailrace returning water from the powerhouse to the North Fork of the Payette River; (10) a 10-mile-long, 230–kV transmission line interconnecting with an existing 69–kV Emmett-Stibnite transmission line; and (11) appurtenant facilities.

l. *This notice also consists of the following standard paragraphs:*

13 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11158–000.

c. *Date Filed:* June 5, 1991.

d. *Applicant:* Shoshone Irrigation District.

e. *Name of Project:* Iron Creek Power Project

f. *Location:* On an unnamed tributary of the Shoshone River in Park County, Wyoming. T54N, R100W in sections 5, 6, 7, 8, 17, 18, and 20. T55N, R100W in sections 21, 28, 32, and 33.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Clarence A. Colyn, Tudor Engineering Company, 165 South Union Blvd., Suite 802, Lakewood, CO 80228, (303) 986–8017.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* October 11, 1991.

k. *Description of Project:* The proposed project would utilize the flows from the existing Bureau of Reclamation's Corbett reservoir, downstream of its tunnel exit on an unnamed tributary of the Shoshone River, and would consist of: (1) an intake structure; (2) two eight-foot-diameter, 350-foot-long penstocks; (3) a powerhouse containing two, 2-MW generators; (4) a tailrace returning water to the Shoshone River; (5) an 8-mile-long, 34.5 kV transmission line interconnecting with the existing Western Area Power Administration Ralston Substation; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies under the permit would be $100,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

14 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11159–000.

c. *Date Filed:* June 10, 1991.

d. *Applicant:* Pondera County Canal & Reservoir Company.

e. *Name of Project:* Swift Dam Hydroelectric Project.

f. *Location:* Partially on Bureau of Land Management property on Birch Creek in Pondera County, Montana. T26N, R10W in sections 22, 23, 27, 28, 33, and 34.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* William S. Fowler, Project Manager, Sigma Consultants, Inc., 74 Bent Road, Sudbury, MA 01776, (508) 443–5550.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* October 15, 1991.

k. *Description of Project:* The proposed project would consist of: (1) the existing 205-foot-high Swift dam and 506-acre Swift Reservoir currently owned by the applicant; (2) two 4-foot-diameter, 20-foot-long penstocks; (3) a powerhouse containing two 1.41-MW generators; (4) a 150-foot-long transmission line interconnecting with an existing 14.4/24.9–kV Glacier Electric Cooperative transmission line; and (5) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies under the permit would be $65,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D 2.

15 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11162–000.

c. *Date Filed:* June 28, 1991.

d. *Applicant:* Wisconsin Power and Light Company.

e. *Name of Project:* Prairie du Sac Hydroelectric Project.

f. *Location:* On the Wisconsin River, Columbia and Sauk Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Norman E. Boys, Wisconsin Power & Light Company, P.O. Box 192, 222 West Washington Avenue, Madison, WI 53701–0192, (608) 252–3088.

i. *FERC Contact:* Mary Golato (tag) (202) 219–2804.

j. *Comment Date:* September 23, 1991.

k. *Description of Project:* The proposed project would consist of the following facilities: (1) An existing 1,775-foot-long earth dike; (2) an existing reservoir with a surface area of 9,000 acres, a normal storage capacity of 119,950 acre-feet, and a normal surface elevation of approximately 774 feet NGVD; (3) an existing 1,010-foot-long concrete spillway with 41 tainter gates; (4) a navigation lock; (5) an existing concrete and masonry powerhouse with integral intake; (6) an existing short earth dike; (7) four 69-kilovolt transmission lines; and (8) appurtenant facilities. The powerhouse would contain eight generating units having a combined installed capacity of 30 megawatts. The dam is owned by the Wisconsin Power & Light Company. The average annual generation would be 147,683 megawatthours. The applicant estimates that the cost of the studies under permit would range from $400,000 to $200,000.

l. This notice also consists of the following standard paragraphs: A3, A5, A7, A9, A10, B, C, and D2.

Standard paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of

JAN 14 1994

CPS-E

BEFORE
THE
FEDERAL ENERGY REGULATORY COMMISSION

APPLICATION
FOR
PRELIMINARY PERMIT

BANKS HYDROELECTRIC PROJECT

Gem Irrigation District
Homedale
Idaho

Entire Book

JAN 14 1994

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Gem Irrigation District

BEFORE THE FEDERAL ENERGY
REGULATORY COMMISSION

Application for Preliminary Permit

Banks Hydroelectric Project

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BEFORE THE FEDERAL ENERGY
REGULATORY COMMISSION

Application for Preliminary Permit

Banks Hydroelectric Project

Initial Statement

1. The Gem Irrigation District applies to the Federal Energy Regulatory Commission for a preliminary permit for the proposed Banks Hydroelectric Project, as described in the attached exhibits. This application is made in order that the Applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license.

2(a). The location of the proposed project is:

State:	Idaho
Counties:	Valley, Boise, and Gem (Idaho)
Nearby Towns:	Banks and Cascade (Idaho)
Stream:	North Fork Payette River

2(b). The names and addresses of the County Government Offices are as follows:

Boise County
P.O. Box 157
Idaho City, Idaho 83631

Gem County
415 Last Main
Emmett, Idaho 83617

Valley County
P.O. Box 737
Cascade, Idaho 83611

2(c). There are no cities within a 15 mile radius of the proposed project area which have a population of over 5,000.

2(d). The Black Canyon and Emmett Irrigation Districts divert water for Irrigation at Black Canyon Dam located about 30

miles downstream of the proposed Banks Powerhouse. The names and addresses of the Districts' offices are as follows:

Black Canyon Irrigation District
P.O. Box 226
Notus ID 83656

Emmett Irrigation District
222 East Park Street
Emmet ID 83617

3(a). The exact name and business address of the Applicant is:

Gem Irrigation District
Owyhee Project
P.O. Box 67
Homedale, ID 83628
Telephone: (208) 337-3760

3(b). The exact name and business address of the person authorized to act as agent for the Applicant in this application and to whom correspondence and communication with regard to this application are to be addressed is:

E. Robert Mooney
A.B. Energy
1555 Shoreline Boulevard, Suite 200
Boise, Idaho 83702

4. The Gem Irrigation District, organized and operating under the laws of the State of Idaho, is a municipality and is claiming preference under section 7(a) of the Federal Power Act.

See Exhibit 5 for documentation of Gem Irrigation District's municipal status which includes a copy of applicable Idaho code, and a copy of the State Charter.

5. The proposed term of the requested permit is 36 months.

6. The proposed project will not use any existing dam or other project facility.

Cascade Reservoir, operated by the Bureau of Reclamation, is located about 20 miles upstream from the proposed point of diversion. This reservoir regulates the North Fork Payette River for irrigation in the lower Payette River Valley. A hydroelectric plant of 12.4 mw capacity, owned and operated by Idaho Power

Company, is located at Cascade Dam. Operation of the reservoir and power plant will not be affected by the proposed project.

Black Canyon Dam & Reservoir, also operated by the Bureau of Reclamation is located on the Payette River, about 30 miles downstream from the proposed Banks power plant. If daily peaking operation is adopted, reservoir operation may be affected by induced fluctuations of flow. Measures to prevent or offset losses of irrigation water or power generation will be explored as a part of the project studies.

Dated this _____

Respectfully submitted,

Attest:_____
Secretary

By:_____
Chairman
Board of Directors
Gem Irrigation District

VERIFICATION OF APPLICATION

State of Idaho

ss:

County of Ada

I, E. Robert Mooney, being first duly sworn, state that I am the agent for the applicant in this application of Preliminary Permit; that I have read the contents herein; that the same are true to the best of my knowledge, except such matters as are alleged upon information and belief, and as to such matters believe them to be true.

_____
E. Robert Mooney

Sworn to and subscribed before me, a Notary Public in and for said county and State, this day of , 19 .

_____
Notary Public

My commission expires:

_____

EXHIBIT 1

PROJECT DESCRIPTION

1.1 SITE LOCATION

The Banks Project site is located in western Idaho on the North Fork of the Payette River between the communities of Smiths Ferry and Banks. The location of the project site is shown on maps in Exhibit 4 of this document.

The proposed water intake will be located about two and one half river miles downstream of Smiths Ferry. Water used to generate hydropower will flow through tunnels and surface reservoirs on the west side of the river. The proposed powerplant will be located 15 miles downstream of the intake near Banks.

The proposed power transmission line will be routed southwest from the powerhouse location to interconnect with existing Idaho Power transmission lines near Ola.

The main project area (ie. excluding transmission lines) lies entirely within Valley and Boise Counties and will occupy or underlie private, State and Federal lands. The proposed transmission line will cross parts of Boise and Gem Counties.

Highway access is via State Highway 55 due north from Boise to join the Payette River near Horseshoe Bend. The North and South Forks of the river meet at Banks and at this point Highway 55 ascends the North Fork, passing through Smiths Ferry, Cascade and on to McCall. Road access to High Valley is via a gravel road which heads west from Smiths Ferry to Ola.

1.2 PROJECT DESCRIPTION

In the present phase of project planning both conventional run-of-river and hybrid pumped storage design configurations are being considered. The generating capacities, design layouts and modes of operation of these alternatives differ. The pumped storage configuration is used as the basis for this application because it has the larger installed capacity and requires a greater project area. The project boundary in the application encompasses the area required for either project configuration.

In the pumped storage configuration, water will be pumped from the river to impoundments in High Valley where it can be stored before flowing through a tunnel and powerhouse and back into the river. The capability to store a certain amount of water in High Valley overnight for power generation during the day will enable

the project to vary its electricity production to follow electrical load requirements.

The pumped storage configuration of the project is comprised of the following features:

- Smiths Ferry Pumphouse, which will be located on the west (right) side of the river approximately 2.3 miles downstream of Smiths' Ferry;
- A 2.6 mile long buried pipeline and tunnel connecting the pumphouse to the headwaters of Little Squaw Creek in High Valley;
- A 4.2 mile long cascade of seven ponds on Little Squaw Creek;
- High Lake, a new 900 acre water reservoir in High Valley;
- An intake and 8 mile long tunnel to carry water from High Valley under Dry Buck Mountain to Banks;
- Banks Powerhouse, a 500 megawatt underground hydroelectric powerhouse to be located one mile northwest of Banks;
- Power transmission lines from the pumphouse and powerhouse heading west from the river to the vicinity of an existing transmission right-of-way from Emmett to Cascade.

Key project data are summarized on Table 1-1. An overall plan and profile of the project is shown on Map 1 in Exhibit 4 of this document. Maps 2, 3, 4 and 5 show the project layout and project boundary for the purposes of the preliminary permit. The following sections describe the main project features:

1.2.1 Smiths Ferry Intake, Pumphouse, and Weir

The intake and pumphouse, (shown on Map 1) will lift water from the North Fork Payette River to Little Squaw Creek in High Valley. The proposed facility is sited on the west bank of the river about 2.3 miles downstream of Smiths Ferry and just upstream of an existing breached log weir.

Care has been taken in the planning of the pumphouse and associated stream diversion works to minimize potential impacts on boating, fish passage, and scenic values. The weir will be restored as a part of the project to provide a stable pond for the pumphouse. Boaters and fish will be able to by-pass the weir via a continuously flowing white water channel to be provided along the east bank of the river. A floating boom will span the

river upstream of the Pumphouse to guide boaters into the channel. The weir will also have an inflatable overflow section which can be deflated to allow periodic releases of flows for downstream whitewater recreation and for passing spring runoff. Water levels in the Smiths Ferry reach of the river will be controlled by the weir and no inundation of riverside land in the Smiths Ferry reach is planned.

The intake on the west bank of the river will be a series of concrete box culverts with stop logs and trashracks on the river side. Highway 55 will cross the completed structure and a small service road will be provided along the river side of the structure to provide access for operation and maintenance. To minimize visibility from Highway 55, the pumphouse will be set back about 200 feet from the river bank at the end of a short highway and screened with earth berms and trees.

The pumphouse will be constructed over a two year period. Site excavation and concrete work would be carried out during the first construction season. Interior work and installation of pumps, motors, and auxiliary equipment would carry on through the winter and into the following year.

The intake structure would be built during the summer months by constructing a cofferdam on the east side of the existing highway and temporarily diverting traffic along the top of the cofferdam embankment while the intake structure is built. At the same time, excavation of the intake channel to the pumping plant would be completed and any required concrete lining would be laid. When the intake is complete, the traffic will be redirected across the top of the new intake structure and the cofferdam will be removed.

Reconstruction of the weir will be carried out during low flow periods in mid-summer and late fall. A cofferdam will be constructed around the western half of the river channel to permit construction of the overflow crest of the weir. The cofferdam will then be removed to allow the river to flow through the completed inflatable weir while white water channel and eastern half of the weir are being constructed.

1.2.2 Waterways

Water pumped from the North Fork Payette River will flow west through a 2.6 mile long pipeline and tunnel to the headwaters of Little Squaw Creek at the northern end of High Valley. It will then flow down Little Squaw Creek through a series of seven new cascading ponds and a new reservoir. At the south end of the reservoir it will enter another 8 mile long tunnel leading to the Banks Powerhouse and the point of return to the River.

The tunnels, shown on Maps 1, 2, 3 and 4 will be excavated by a tunnel boring machine which carves a smooth hole through rock.

Excavated rock will be transported by rail within the tunnel to the entrance, where it will be loaded into trucks to be hauled to approved fill sites on private or National Forest lands. The material will also be made available for use as aggregate for building and maintaining local roads.

1.2.3 High Valley Ponds and Reservoir

The proposed ponds and reservoir in High Valley are shown on Maps 2 and 3. The ponds will cover approximately 300 acres and will be created by constructing seven low weirs (each about 10 feet high) across Little Squaw Creek, to form ponds which are similar in character to two existing impoundments on the upper reach of the creek. Water levels on these ponds will be fairly stable so there is the potential to develop new wetland and riparian areas around the shoreline. Existing ponds on the creek are used for recreation and this use would be maintained.

The new reservoir, which will be used to store water for power generation, will be created on Little Squaw Creek at the south end of High Valley. The reservoir, called High Lake, will have a surface area of approximately 900 acres and will be created by a 45-foot-high dam to be constructed across Little Squaw Creek at the point where it exits High Valley. The reservoir site lies entirely on the south side of the existing road across High Valley. At present, the area is used for grazing livestock, and there are no known inhabited buildings in the area to be flooded. Use of the reservoir as a recreational lake will be encouraged by providing sheltered beach areas, a boat ramp, and a parking area. Camping facilities could also be provided, if desired.

Private lands within the project area in High Valley will be purchased as a part of the project. Prior water rights to use, store, or divert water in Little Squaw Creek will be provided for by instream flow releases downstream of the reservoir.

Construction of the ponds and reservoir will mainly be carried out in the summer months during two construction seasons. During construction, Little Squaw Creek will be temporarily diverted around construction sites to maintain flow and protect water quality.

1.2.4 Banks Powerhouse

Electricity will be generated at a 500 megawatt underground powerplant to be constructed about one mile northeast of Banks near Phillips Creek. The plant, shown on Map 4, will be sited about 2,000 feet north of the river and about 1000 feet below ground level. Water will flow from High Lake through a tunnel to the Banks Powerhouse. After passing through the turbines, the water will be returned to the North Fork Payette River through a

tailrace channel that rejoins the river about one-third of a mile upstream of Banks.

The underground power plant will house four 125 MW Pelton turbines and generators with associated control systems and auxiliaries. Each unit will have a maximum flow capacity of about 900 cfs at maximum load and 100 cfs at minimum load. With the powerplant at full output, the total flow through the powerplant to the river will be 3510 cfs.

Road access will be from Banks via a new road following the railway track on the west side of the river. The road will cross Phillips Creek and enter an access tunnel leading down to the powerplant.

Construction of the Banks Powerhouse will span the full four year period. Most of the work will be underground; however, a temporary construction lay-down area with maintenance facilities will be sited on the river terrace north of the present highway maintenance yard at Banks. When work is completed, this area would be regraded and could be used for overflow public parking for whitewater boaters.

1.2.5 Powerline

The power transmission line from Banks Powerhouse will head west away from the river valley to join an existing transmission line right-of-way that presently serves Cascade and McCall. The proposed alignment is shown on Maps 2, 3, 4, and 5.

Electricity from generators in the Banks Powerhouse will be stepped up to transmission voltage in an adjacent underground transformer hall and carried via insulated cables to an outdoor switchyard to be located out of sight of the North Fork Payette River on the east side of Phillips Creek. From the switchyard an overhead transmission line will head west (ie. away from the river) up Phillips Creek Valley to intersect Idaho Power's existing Emmett-Stibnite transmission line some 10 miles due west. From this point the new line will be constructed along the existing transmission line corridor by constructing double circuit towers and making one circuit 230-kV for project power and the other circuit 69-kV for local supply. The new line will terminate at a new switching station to be constructed adjacent to Idaho Power's existing Brownlee-Boise 230-kV double circuit line 5 miles northeast of Emmett.

The electric power supply to the Smiths Ferry Pumphouse will be via a new or upgraded line following the existing Emmett-Stibnite Corridor. A new switching station will be constructed at the point where the new Banks line joins the Emmett-Stibnite line. The interconnection to the pumphouse will be constructed as a separate circuit on new towers in the transmission line right-of-way across the north side of High Valley to Little Squaw Creek

and then three miles of new line on new right-of-way will be constructed due east to the pumphouse.

TABLE 1-1
Banks Hydroelectric Project

SUMMARY OF PROJECT DATA

INTAKE WEIR		
Length of restored weir (ft)	.....	200(+/-)
Height above existing water level(ft	.....	6(+/-)
SMITH'S FERRY PUMPING PLANT		
Inlet Elevation (ft)	.....	4520
Outlet Elevation (ft)	.....	4900
Dynamic Head (ft)	.....	391
Design Flow (cfs)	.....	2200
Installed Capacity (MW)	.....	83
PUMP RISER TUNNEL		
Length (ft)	.....	14000
Diameter (ft)	.....	20
Capacity (cfs)	.....	2200
HIGH VALLEY PONDS & RESERVOIR		
Area of Ponds (Ac)	.....	210(+/-)
Area of Reservoir (Ac)	.....	900(+/-)
Reservoir Full Supply Level (ft)	.....	4835(+/-)
Reservoir Operating Drawdown (ft)	.....	5
Active Water Storage (Ac-Ft)	.....	4000
POWER TUNNEL		
Length (ft)	.....	40000
Diameter (ft)	.....	20
Capacity (cfs)	.....	3510
TAILRACE TUNNEL		
Length (ft)	.....	1500
Diameter (ft)	.....	20
Capacity (cfs)	.....	3510
BANKS POWERPLANT		
Headwater Elevation (ft)	.....	4833
Runner Centerline Elevation (ft)	.....	2860
Gross Head (ft)	.....	1973
Net Head (ft)	.....	1914
Design Flow (cfs)	.....	3510
Installed Capacity (MW)	.....	500
ESTIMATED GENERATION DATA		
Average Annual Pumping Energy (GWh)	.....	327
Average Annual Generation (GWh)	.....	1239
Net Annual Energy (GWh)	.....	912

Table 1-2
(Revision 2 - July 30,1991)

Banks Hydroelectric Project
UNITED STATES LANDS WITHIN PROJECT BOUNDARY

Land Description				Subdivisions	Proposed Facilities	Land Ownership
Township	Range	Section	Subsection			
11N	R3E	30	SE1/4		Pond	FS/Private
10N	R3E	4	All	LOTS 2, 3, 4, 5, 6, 9, 10, 11, 12 & 15, N1/2SW1/4, SW1/4SW1/4	Tunnel	FS/State
10N	R3E	5	All		Tunnel	Forest Service
10N	R3E	7	All	LOT 4, S1/2SE1/4	Tunnel	FS/Private
10N	R3E	8	All		Tunnel	Forest Service
10N	R3E	9	All	LOTS 2, 3, 6, and 7, W1/2W1/2	Tunnel	FS/State
10N	R3E	18	All		Tunnel	Forest Service
10N	R3E	16	All	LOTS 2, 3, 6, and 7	Tunnel	FS/State
10N	R3E	17	All		Tunnel	Forest Service
10N	R3E	19	All		Tunnel	Forest Service
10N	R3E	20	All		Tunnel	Forest Service
10N	R3E	21	All	LOTS 2, 3, and 6	Tunnel	FS/State
10N	R2E	26	NE1/4		Tunnel	Forest Service
10N	R2E	25	All		Tunnel	Forest Service
10N	R3E	30	All		Tunnel	Forest Service
10N	R3E	29	All		Tunnel	Forest Service
10N	R2E	36	N1/2, SE1/4		Tunnel	Forest Service
10N	R3E	31	All		Tunnel	Forest Service
10N	R3E	32	All		Tunnel	Forest Service
10N	R3E	33	All	LOT 2.	Tunnel	FS/State
9N	R3E	6	All		Tunnel	Forest Service
9N	R3E	4	All	LOTS 1,2,3 and 5	Tunnel	FS/State
9N	R3E	5	All		Tunnel	Forest Service
9N	R3E	7	E1/2		Tunnel	Forest Service
9N	R3E	8	All		Tunnel	Forest Service
9N	R3E	9	All	LOTS 1-4 inclusive	Tunnel	FS/State
9N	R3E	16	All	LOTS 1-5 inclusive and W1/2SW1/2	Tunnel	FS/State
9N	R3E	17	All		Tunnel	Forest Service
9N	R3E	18	All		Powerline	Forest Service
9N	R3E	20	N1/2, SE1/4	N1/2NE1/4, N1/2NW1/4, SE1/4SE1/4	Powerline/Tunnel	FS/Private
9N	R3E	21	All	LOTS 1,2,3,4 AND 6, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SW1/4, S1/2SW1/4, NW1/4SE1/4	Powerhouse	FS/Private
9N	R3E	22	W1/2	All except LOTS 11 &12	Powerhouse	BLM/Private
9N	R3E	29	E1/2	LOTS 1 and 3, E1/2NE1/4, NE1/4NW1/4NW1/4,	Powerhouse	Forest Service

Table 1-2
(Revision 2 - July 30,1991)

Banks Hydroelectric Project
UNITED STATES LANDS WITHIN PROJECT BOUNDARY

Land Description				Subdivisions	Proposed Facilities	Land Ownership
Township	Range	Section	Subsection			
9N	R3E	28	N1/2, SW1/4	SE1/4NW1/4NW1/4NW1/4, E1/2SW1/4NW1/4NW1/4, SE1/4NW1/4NW1/4, E1/2W1/2SW1/4NW1/4, E1/2SW1/4NW1/4, SE1/4NW1/4, SW1/4 less survey 2951 A & B, LOTS 1-14 inclusive, N1/2NW1/4	Powerhouse	Forest Service
9N	R3E	27	NW1/4	LOT 2, NW1/4SE1/4	Powerhouse	BLM/Private
9N	R2E	13	All	NE1/4, E1/2NW1/4, N1/2SE1/4	New Powerline	FS/Private

EXHIBIT 2

STUDY PLAN

This section describes proposed engineering and environmental studies of the project area to be carried out by the applicant. Study findings will be documented in the license application to be submitted to resource agencies for review and comment prior to submission to the Federal Energy Regulatory Commission. The scope of the studies is as follows:

2.1 ENGINEERING STUDIES

The purpose of engineering studies will be to gather site data, develop the preferred project configuration, and determine key project data including operations data, energy generation data, construction cost, and development schedule.

2.1.1 Topographic Mapping

Basic horizontal ground control and elevation benchmarks will be established in the project area and detailed topographic maps will be prepared of project areas, including Smiths Ferry intake and pumphouse, High Valley, Banks powerhouse and tailrace, and tunnel adit locations.

2.1.2 Hydrology

Streamflow data will be analyzed to determine the seasonal variability of flow and quantities of water available at Smiths Ferry for power generation. Flow data from the mainstem Payette will also be analyzed to determine flows downstream of the project, and serve as a basis for analyzing potential impacts of the project on streamflow and water use.

Accretion flows between Smiths Ferry and Banks will also be estimated, as they may affect the results of instream flow studies in this reach of river. Streamflow in the Payette River system is modified by reservoir operations at Deadwood and Cascade Reservoirs. These effects will be taken into account when analyzing streamflow patterns.

Seasonal streamflow patterns in Little Squaw Creek will also be studied. Evaporation conditions in High Valley will be determined from climatic data to assess any water losses from new ponds and reservoirs.

Hydraulic rating curves will be determined for the North Fork adjacent to proposed intake and powerhouse sites. Flood flows and water levels will also be determined for use in the design of intake structures and temporary river diversion works.

2.1.3 Geotechnical

Existing data on regional geology and seismicity will be reviewed. Supplementary geologic mapping of the project area will be carried out using aerial photographs and by field inspection of surface features.

Subsoil investigations including geophysical surveys and limited core drilling will be carried out at key sites including the Smiths Ferry weir axis, pumphouse site, High Valley dam and intake site, and Banks powerhouse site.

Preliminary geotechnical design criteria for major structures will be determined. These criteria will include seismic loading criteria for structures and probable conditions for excavation and support of tunnels and underground structures.

2.1.4 Project Design Studies

Optimization studies will be carried out to finalize the proposed project configuration and installed generation capacity. A conventional run-of-river configuration will be compared with a pumped-storage configuration, to determine which is best in terms of economics, environmental impacts, and optimum use of the water resource.

Preliminary engineering designs and layouts will be prepared for principal project features including Smiths Ferry intake, water carrying and road access tunnels, High Valley ponds and reservoir, High Valley dam and intake, Banks powerhouse, and power transmission facilities. The number, type and capacity of pumping and generating equipment will be selected and incorporated into the preliminary designs of the pumphouse and powerhouse. Access roads, temporary construction laydown areas, tunnel spoil disposal sites and land purchase requirements will also be defined.

The resulting drawings will be used as a basis for environmental impact assessments and Exhibit F of the FERC License Application.

2.1.5 Operation and Energy Studies

Energy and dependable capacity of the proposed project will be estimated by simulating project operations over a period of at least 50 years. Historic flow data for the Payette River modified by USBR operations of Cascade and Deadwood Reservoirs will be used as a basis for this study. Allowances will be made for instream flows releases below Smiths Ferry, hydraulic head losses in water conduits, evaporation losses in reservoirs, losses to groundwater, and efficiencies of pumps, electric

motors, hydraulic turbines, generators and power transmission facilities.

2.1.6 Construction Planning and Scheduling

Construction access requirements and seasonal constraints to operations will be identified. Preliminary construction methods and plans will be studied and an overall schedule for construction operations will be prepared.

Work force requirements during construction will be estimated and preliminary plans for off-site housing and daily transportation of the work force will be prepared.

2.1.7 Cost Estimates

Preliminary quantity estimates for major work items will be prepared as the basis for estimating construction costs. Budget quotations for major equipment items will be secured from vendors, and the cost of major items such as tunnelling will be reviewed with underground construction specialists. An estimate of direct construction cost will be compiled incorporating major cost items, and allowances for smaller cost items based on experience data from previous projects.

In addition to construction costs, estimates will be made of indirect costs including engineering fees, legal and financing costs, and project administration.

Annual costs of operating and maintaining the project will be estimated using data from similar hydropower projects.

2.1.8 Economics

The economic viability of the project will be determined by comparing long term development and operating costs with those of alternative power sources, such as fossil fuel fired thermal electric power plants, or other similar hydropower resources.

2.2 ENVIRONMENTAL STUDIES

The proposed scope of environmental studies follows FERC requirements for Exhibit E of a hydropower project license application. Study elements are as follows:

2.2.1 Project Location and Setting

The regional setting of the project area will be studied and described. The location of the project site will be identified

on regional maps showing land descriptions and proximity to highways, railway lines, reservoirs, lakes, rivers, parks, forests, farming areas, communities and major commercial centers.

2.2.2 Water Use and Quality

The potential impact of the project on streamflow, water use patterns and water quality of the Payette River will be studied.

Basic climatic and hydrologic data for the project area will be compiled. Existing water rights and uses on the North Fork of the Payette River, mainstem Payette from Banks to Black Canyon Dam and Little Squaw Creek will be researched. Seasonal water requirements for downstream water users, fish habitat, recreation and stream maintenance will be identified and instream flow modelling studies will be carried out.

Potential impacts of the project on water use, water quality including sediment transport, water temperature, turbidity, nutrients, dissolved gases and photosynthesis levels will be identified and mitigation measures will be proposed.

Existing groundwater conditions in the project area will be studied including springs and recharge areas. Potential impacts on the quantity or quality of groundwater sources will be evaluated.

2.2.3 Fish, Wildlife and Plants

Potential impacts of the project on fish, wildlife and plants will be identified and addressed. Fish habitat in the North Fork Payette River as well as the mainstem Payette and Little Squaw Creek will be studied. Fish populations will be sampled at sites selected with the help of resource agency staff and estimates will be made of the population and size distribution of each major species. Transects of the stream will also be selected to provide the basis for hydraulic modelling of physical fish habitat in the stream under instream flow conditions proposed as a part of the project.

Potential impacts of the project on fish will be studied as well as potential impacts on fishing on the river. In addition the potential for establishing new fish habitat ion High Valley and for enhancing fish habitat in Little Squaw Creek will be addressed.

An inventory will be made of wildlife habitat and populations in the project area. Maps will be prepared indicating locations of habitats and migration patterns of wildlife. Special care will be taken to identify federally listed threatened or endangered species.

Potential direct impacts of the project on wildlife during the construction and operation phases will be identified and addressed. The need for mitigation land parcels to replace land inundated by the High Valley Reservoir will also be considered and land with suitable habitat types will be identified. The potential for creation of new wetland habitat in High Valley as a part of the project will be investigated as part of the project studies.

Botanical characteristics of the project area will also be documented by describing the communities, families, and species of plants present. Maps of the project area will be prepared to show the extent of plant communities and their location relative to project features. A search will also be made for federally listed threatened or endangered plant species. A mitigation plan for replacement of vegetation affected by the project will be prepared and discussed with resource agencies.

2.2.4 Historic and Archaeological Resources

The State Historic Preservation Officer and U.S. Park Service will be consulted about potential historic or cultural resources in the project area and to determine the need for additional surveys and testing work.

Research into the history of the project area will be carried out and documented. Where necessary, selected project sites will be surveyed for indications of archaeological or cultural resources. An inventory of sites will be compiled in accordance with agency requests. Maps showing the relation of archaeological sites to project features will be prepared.

Resource agencies will be consulted regarding the inventory finding and plans to avoid, protect, or mitigate potential impacts to the resource will be developed in consultation with the agencies.

2.2.5 Socio-economics

Socio-economic studies will be used as a basis to identify the potential positive and negative impact of the project on local citizens, nearby communities, employment opportunities, property taxes, and supply and demand for public services.

Basic demographic data for the project area and surrounding region will be compiled from existing data sources, including information on population, employment, per capita income, housing, schools, community services, local government jurisdiction, and budgets.

Estimates of construction labor needs by month and job category will be developed. Plans will be formulated for off-site

housing of construction workers and daily transportation to the site. Impacts of the project on land ownership, access, public services, property values, and tax revenues will be assessed. Local county governments will be consulted to determine their concerns about the project.

2.2.6 Geology and Soils

Geologic and soil conditions in the project area will be studied to determine their potential interaction with the project.

A geologic history of the project area will be compiled from existing regional data, previous site investigations, and field reconnaissance. A geologic map of the project area will be prepared showing major physiographic units, rock types, locations of active faults, shear zones and landslides. The seismicity of the project area will be assessed to determine horizontal acceleration to be used in design of structures.

Potential impacts of the project on geology, soils, and mineral resources will be identified. The stability and permeability of the reservoir banks will also be assessed. A preliminary erosion and sediment control plan will be formulated for protecting excavation areas, spoil disposal areas and construction work areas.

2.2.7 Recreation Resources

The objective of the recreation study will be to document existing and future recreational use and capacity, determine potential impacts, and identify potential future recreation opportunities. The applicant will consult with the Forest Service and the Idaho Parks and Recreation Departments to identify existing recreation facilities, use volume and patterns, and management objectives.

An inventory of recreational opportunities within the project area will be prepared using the Forest Service's Recreational Opportunity Spectrum (ROS) guidelines. The inventory will be expanded to encompass state and private lands, as well as review already inventoried national forest lands. The inventory will predominantly focus on recreational opportunities and use along the North Fork Payette between Smiths Ferry and Banks, and in High Valley.

The potential designation of the North Fork Payette as a State recreational river and a Federal Wild and Scenic River will be discussed. The possibility of coordinating project environmental studies with the suitability analyses for these designations will be explored.

The recreational impact assessment will document potential impacts and benefits from the proposed project. specifically, the assessment will determine potential changes in the recreational setting and its effect on recreational activities such as boating, fishing, camping, swimming, hiking and sightseeing. Provision of additional recreational opportunities will also be examined. Potential impacts to ROS classification and management of national forest lands will be documented and assessed.

Mitigation will be developed to minimize impacts to existing recreational use. In addition, measures will be proposed to provide future recreational opportunities. Suggested measures may include provision of additional support facilities in the project area, if needed.

2.2.8 Aesthetics

The objective of the aesthetics studies will be to identify and minimize visual impacts of the project. Visual characteristics of the project area have been documented on Forest Service lands during an inventory conducted in 1981. This inventory data will be reviewed and updated for site specific project conditions. Private and state lands will be inventoried using the Forest Service Visual Management System to obtain a consistent level of data for the entire project area. The inventory will include documentation of scenic quality, key sensitive viewpoints (residences, recreation areas, and major travel routes), and visibility from these viewpoints for both private and public lands through the use of color photography and maps.

Impact assessment will include determination of potential visual contrast from the project through use of guidelines established in the Forest Service's Visual Absorption Capability (VAC) and Existing Visual Conditions (EVC) procedures. Visual impacts will be quantified in terms of aesthetic values and sensitive viewpoints. Particular attention will be paid to views of project features from residences, and views of the North Fork from State Highway 55 under different flow conditions. Predicted visual change will be contrasted with the designated Visual Quality Objectives (VQO) on national forest lands.

Mitigation measures to minimize or eliminate visual impacts will be recommended. These recommendations will include suggested colors and materials for project features and location of facilities to minimize visibility and contrasts.

2.2.9 Land Use Studies

Land use studies will document existing, planned, and officially designated land uses within and adjacent to the project area. Land uses will be determined through identification of land

ownership, review of agency land management plans, and field reconnaissance. The land use inventory will be mapped. Mapped information will include land jurisdiction, existing and future land uses, and agency special management areas. Types of land uses identified will include residences, commercial and industrial facilities, designated recreation areas, utility and transportation facilities, agricultural range improvements, and suitable timberlands.

Physical displacement or alteration of land uses will be identified with a focus on impacts to residences, recreation, timber, agricultural, range and transportation facilities.

Mitigation plans will be proposed to minimize impacts or if possible to restore these land uses.

2.2.10 Evaluation of Energy and Project Alternatives

Alternative project configurations will be studied as part of the process in defining the recommended project alternative. Issues to be addressed include conventional versus pumped storage project configurations, locations of intakes, tunnels, reservoirs, power plants, and transmission facilities as well as selection of installed capacity of the project.

Energy conservation options will be identified. Those options which are alternative courses of action to the project will be compared to the project in environmental and economic terms. Alternative sources of power generation, such as fossil fuel fired power plants, or other renewable energy technologies will also be studied to show the likely environmental consequences of not developing the hydropower resources of the North Fork Payette River.

2.3 WORK PLAN FOR NEW DAM CONSTRUCTION

The proposed pumped storage project configuration envisages reconstruction of a weir on the North Fork Payette River ; construction of seven overflow weirs on Little Squaw Creek to create a series of ponds; and construction of a 45 feet high dam on Little Squaw Creek to impound a new reservoir in the bottomlands at the southern end of High Valley. The following subsections describe plans for site investigations.

2.3.1 Smiths Ferry Diversion Weir

The site of the weir is at the axis of an existing breached timber crib log dam structure about 2.3 miles downstream of the existing road bridge at Smiths Ferry. The site location is shown on Maps 1 and 2.

Geotechnical investigations at this site will comprise a series of four to six shallow borings to bedrock drilled from a small track-mounted drill rig. All holes will be drilled in the dry on the banks of the river and on the remains of the existing structure. Drilling will take place in October at the end of the irrigation season when regulated river flows are at their lowest.

Access will be from State Highway 55 on the west side of the river and from an existing road on the east side. No new access roads are planned for the site investigation program.

Care will be taken to avoid contamination of the river with oil or drilling fluids. Drilling fluids will be circulated in a closed system and a sump will be provided to catch any escaping liquid. At completion of the investigation program the drilling equipment will be removed, the site will be restored to its original surface contour and reseeded with native grasses and riparian plants. Where necessary a capped casing will be installed at boreholes to allow future monitoring of groundwater levels.

2.3.2 Weirs on Little Squaw Creek

Sites for six low weir structures on Little Squaw Creek will also be investigated as a part of the project studies program. The locations of these sites are shown on Maps 2 and 3.

Shallow borings will be taken at proposed axes of the structures to determine the type, permeability and strength of foundation soils. Drilling will be carried out in the dry on the banks of Little Squaw Creek and on the adjacent valley bottomlands. No drilling is planned in the stream channel or in existing riparian vegetation and wetland areas.

The drilling program will be carried out in late summer when the ground is dry and streamflow in Little Squaw Creek is low. Access will be from existing public and private roads in the bottom of the valley. The bottom of the valley is mainly open grasslands therefore no removal of trees or other large vegetation is anticipated to reach the sites.

On completion of the investigations, drill sites will be cleaned up and resown with native grasses.

2.3.3 Little Squaw Creek Dam

The proposed dam site on Little Squaw Creek is located on logged-off land on the banks of Little Squaw Creek just south of the point where the creek exits High Valley. The site location is shown on Map 3.

Surface geologic conditions in the vicinity of the dam including overburden and rock types and structure will be mapped from aerial photography and field checked by geologists on foot. Subsurface conditions for construction of a dam will be investigated by drilling a series of boreholes at the site on and near the axis of the proposed dam. Core samples will be taken from the holes and foundation permeability tests will be carried out. No drilling in the stream channel, or within any riparian or wetland areas is planned.

Road access to the site vicinity will be by an existing logging road on the east side of Little Squaw Creek. A helicopter may be used to lift the drill rig and supplies from the road into the dam site.

Care will be taken to prevent contamination of Little Squaw Creek with petroleum products or drilling fluids. Drilling fluids will be circulated in a closed system and a sump will be provided to catch any escaping oil or drilling fluid. At completion of the investigation program the drilling equipment will be removed, the site will be cleaned up, restored to its original surface contour and reseeded with native plants. Where necessary a capped casing will be installed at boreholes to allow future monitoring of groundwater levels.

2.3.4 Proposed Schedule

The proposed study schedule for site investigation work is shown on Figure 2-1. It is anticipated that site investigation work at weir and dam sites will be carried out during summer. Work on Little Squaw Creek would be undertaken during mid summer when flows are low and the ground is dry. Investigation work on the North Fork Payette River would be carried out in late summer when streamflows decrease at the end of irrigation season.

FIGURE 2-1
Banks Hydroelectric Project
WORK PLAN FOR INVESTIGATIONS OF WEIR AND DAM SITES

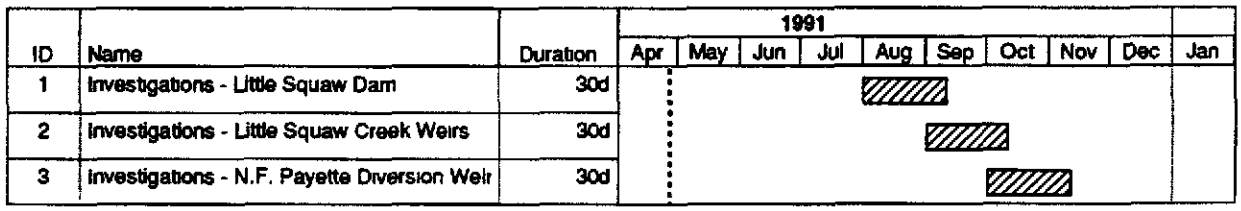


EXHIBIT 3

COSTS AND FINANCING

The estimated cost of engineering, environmental, legal and administrative support services to prepare the license application is one million dollars. Funding will come from the Applicant's own resources.

Gem Irrigation District, is a qualified preference applicant under the Federal Power Act and under Idaho law. The District is authorized to develop and sell electric power. The applicant plans to sell power from the project to an electric utility company. Discussions have been held with several potential power purchasers but as yet no firm power sales committments have been made. It is presently estimated by the Pacific Northwest Utilities Coordinating Committee that between now and the year 2000, when the Banks Project is scheduled to commence operation, the Pacific Northwest will require additional generating capacity with the ability to supply 1778 average MW of energy. Likewise over that same period, utilities that serve Idaho will require additional generating capacity that can supply 631 average MW of energy and 2182 MW of capacity. The project is a renewable energy resource which can be developed to meet a part of these needs.

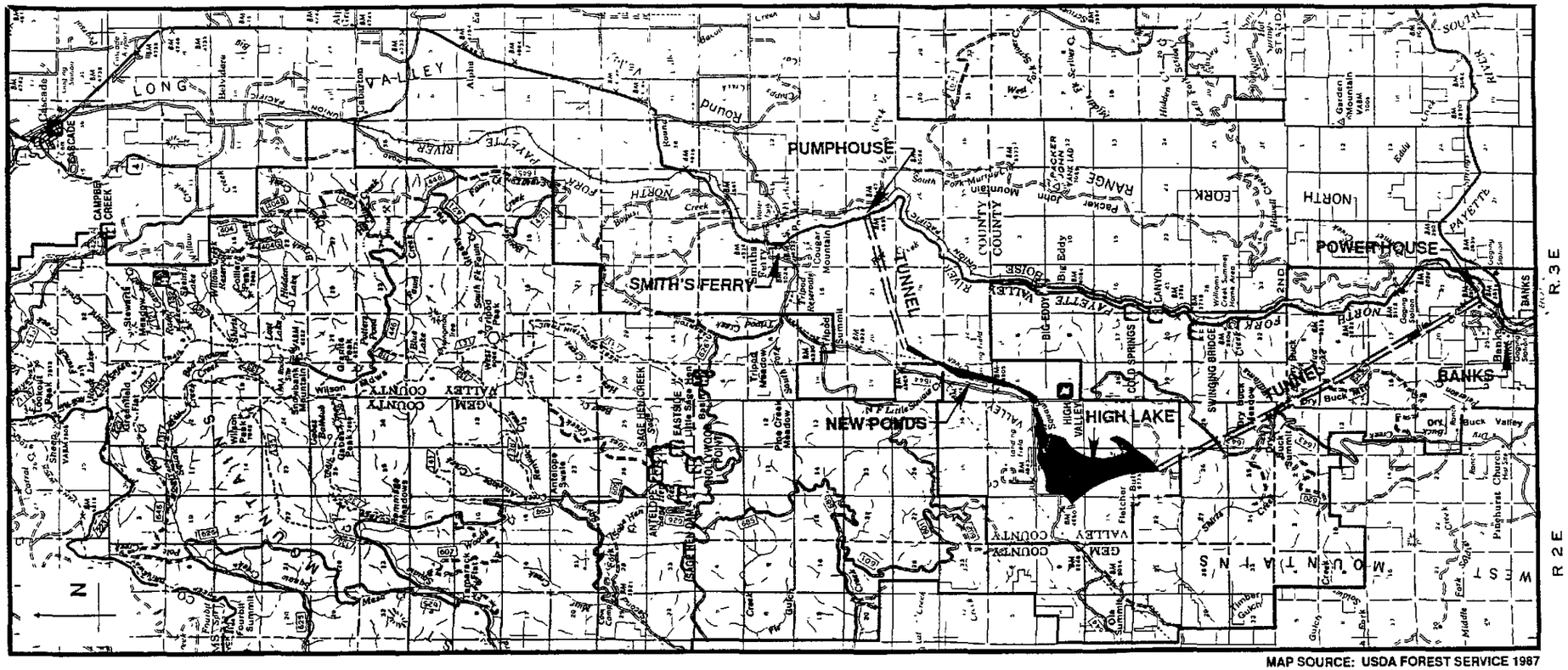
EXHIBIT 4

PROJECT MAPS

The location of project features and the proposed project boundary is shown on Maps 1 through 5. The proposed project boundary is a preliminary boundary of the project area for study purposes, taking into account the land requirements of a number of possible project configurations. The license application for the proposed project will include a proposed definite project boundary for the purpose of defining the project lands to be delineated in the license.

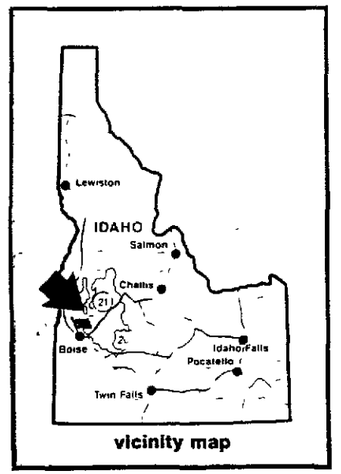
The North Fork Payette River from the Boise National Forest Boundary to the Main Payette River has been found eligible for study for inclusion in the National Wild and Scenic Rivers System. (USDA-Boise National Forest 1990). This reach is shaded on Maps 3 and 4.

No areas within or in the vicinity of the proposed project boundary are designated, recommended, or designated for study as wilderness areas.



MAP SOURCE: USDA FOREST SERVICE 1987

PLAN

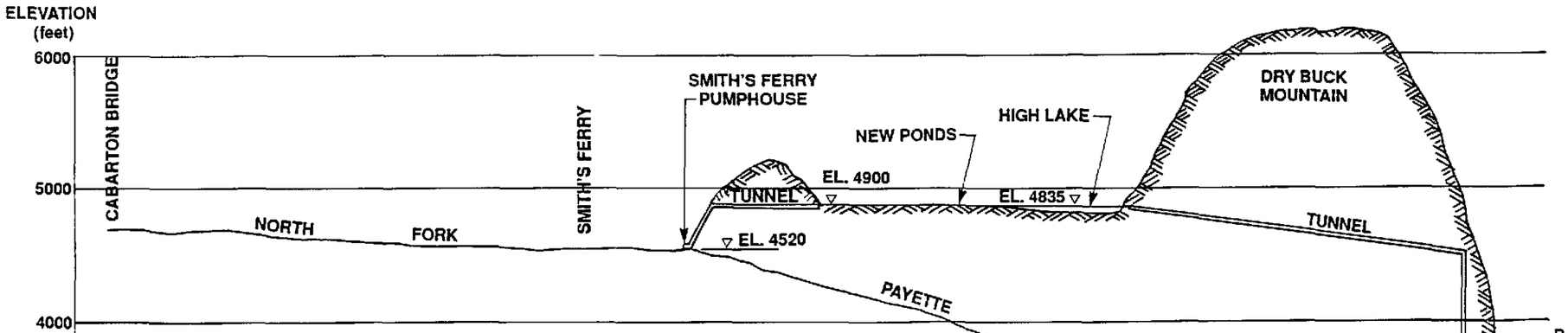


vicinity map

LEGEND

- Lands Administered by Boise National Forest
- Lands Administered by Other National Forests
- *National Recreation Area*
- Wild and Scenic River Area
- State Land
- Private Land
- Bureau of Land Management Land
- Military Reservation Land

Scale 3/8 " = 1 Mile

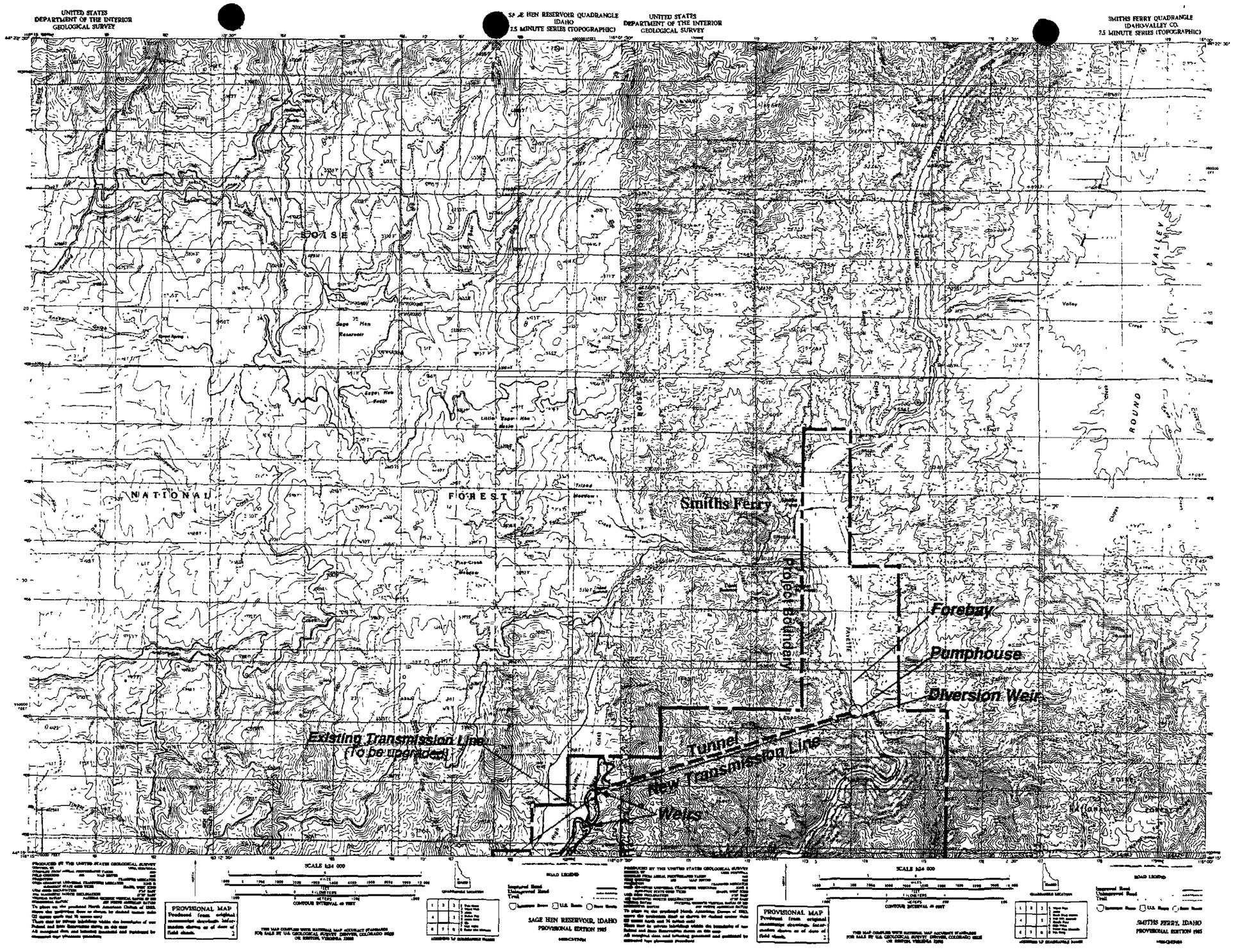


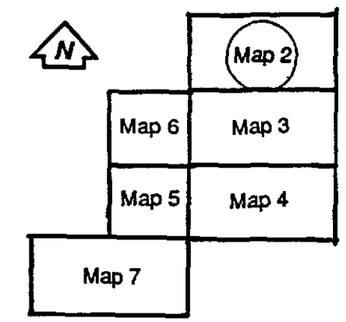
PROFILE

Map No.1

Banks Hydroelectric Project

Project Location Map
Plan and Profile

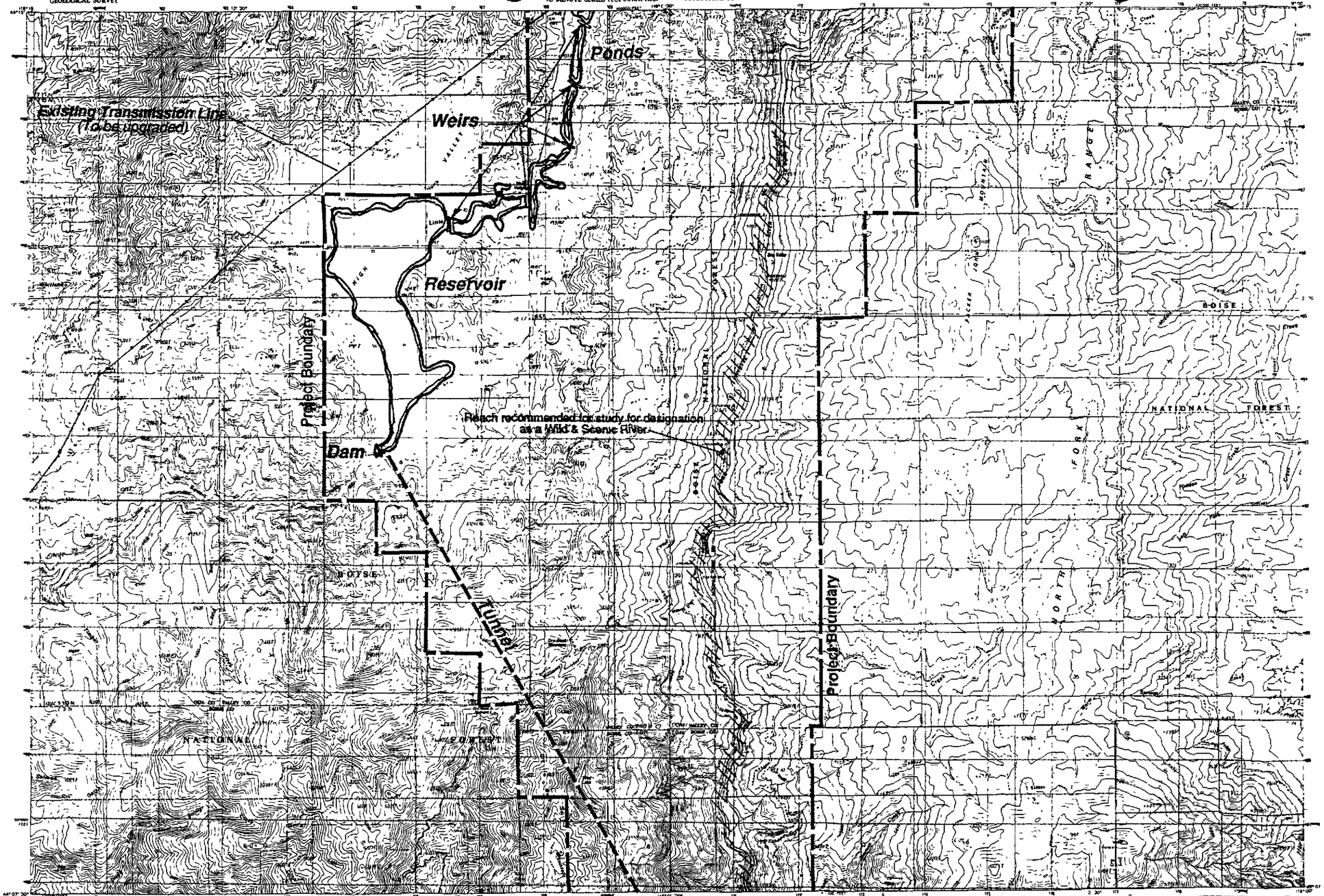




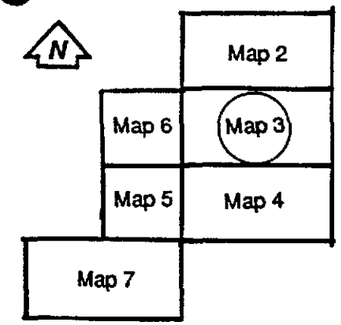
Map No. 2

Banks Hydroelectric Project

Project Layout and Boundary
Smiths Ferry



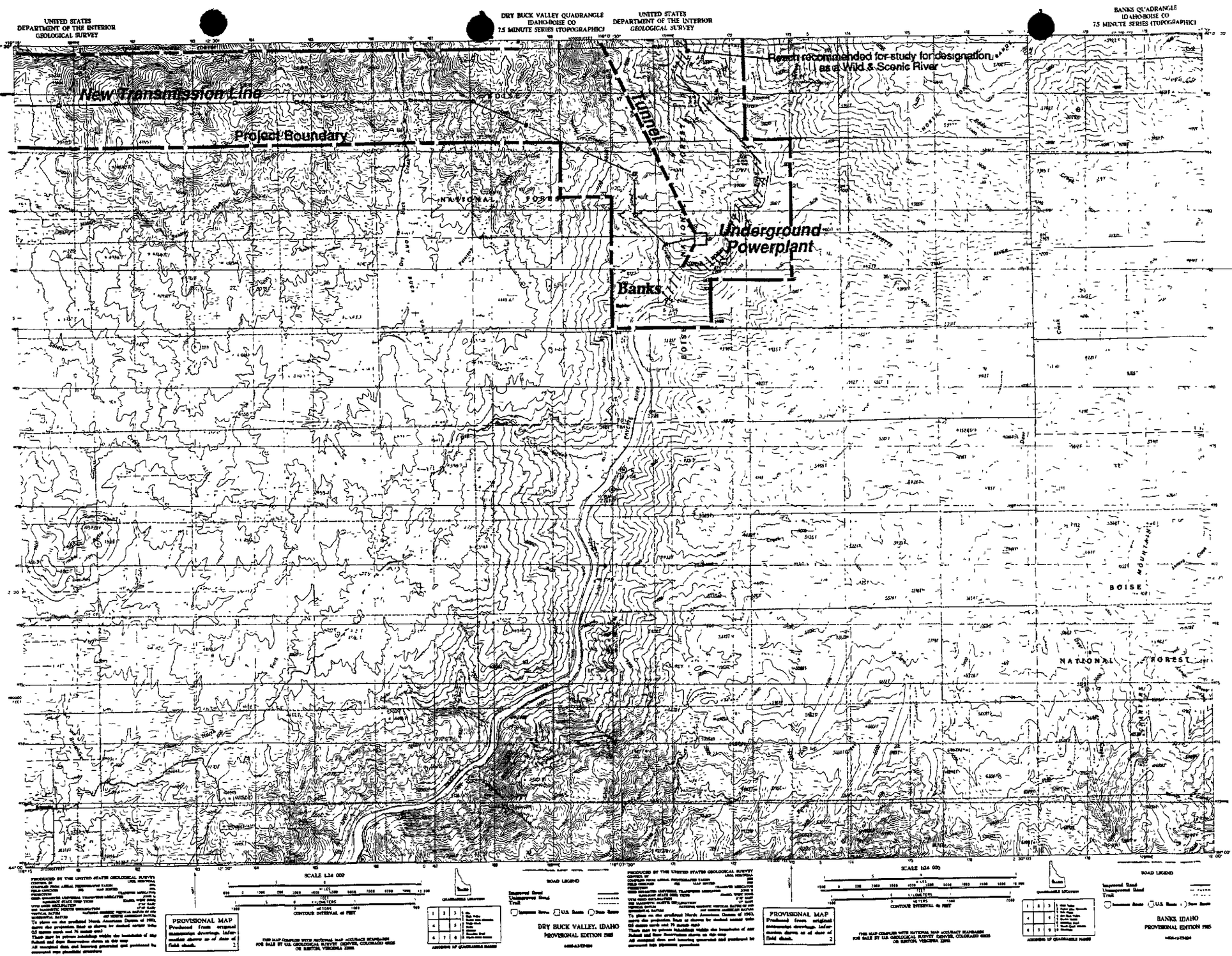
KEY MAP



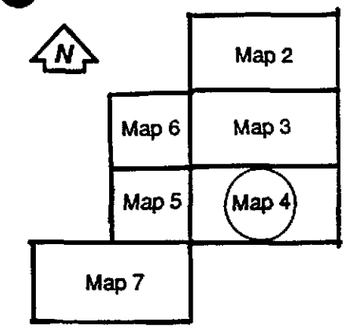
Map No. 3

Banks Hydroelectric Project

Project Layout and Boundary
High Valley



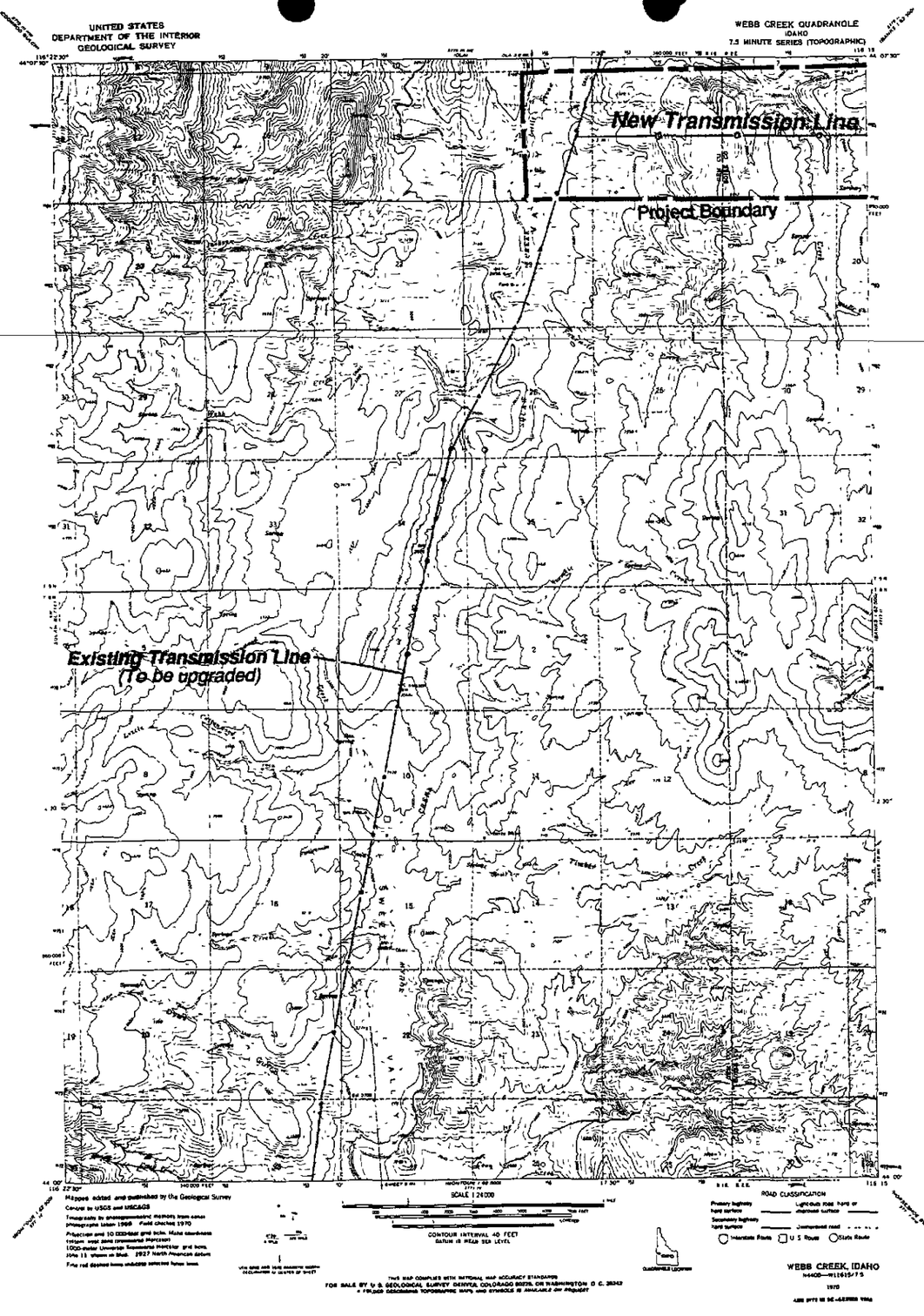
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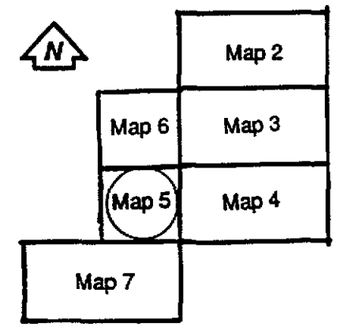
Map No. 4

Banks Hydroelectric Project

Project Layout and Boundary Banks



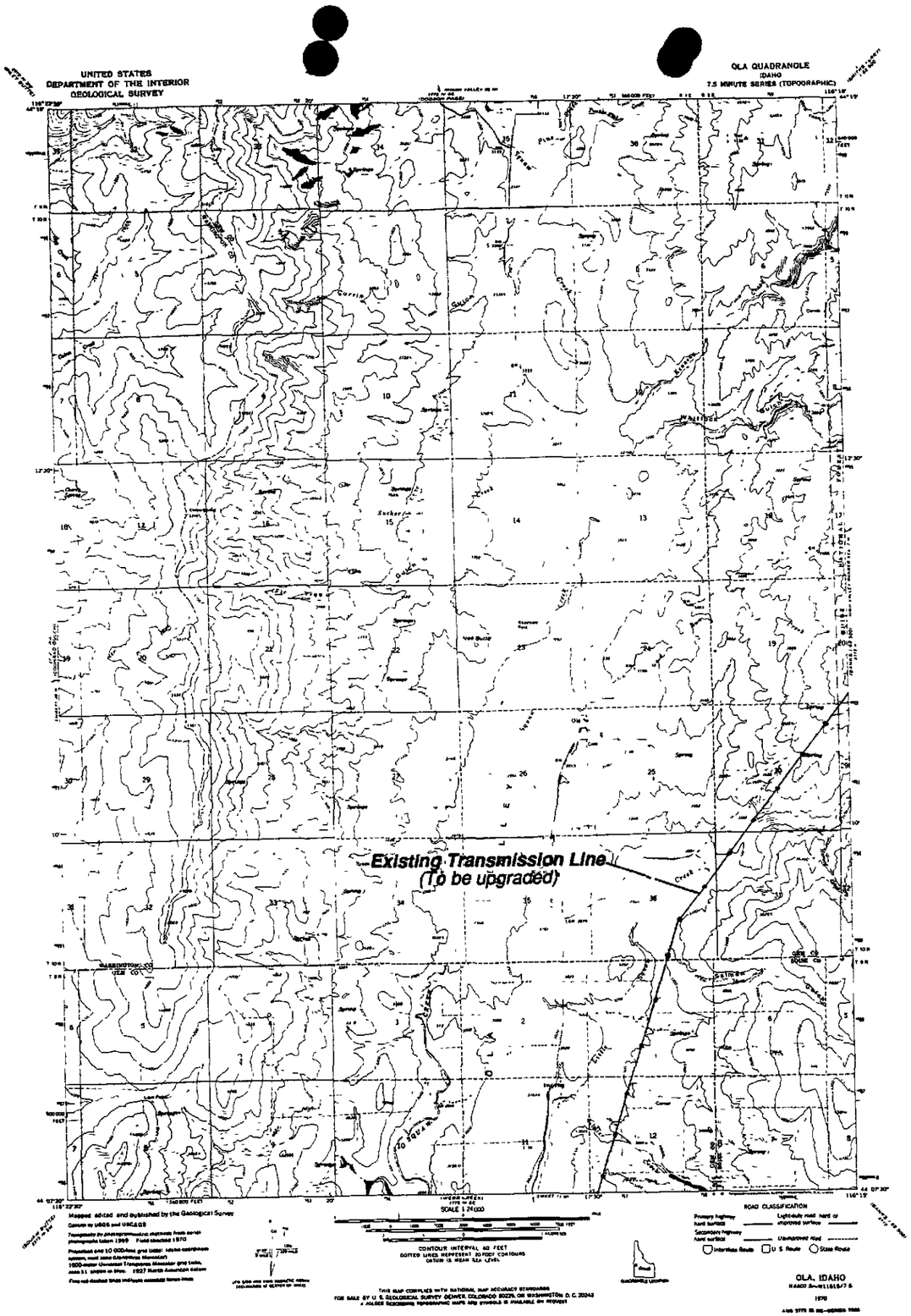
KEY MAP



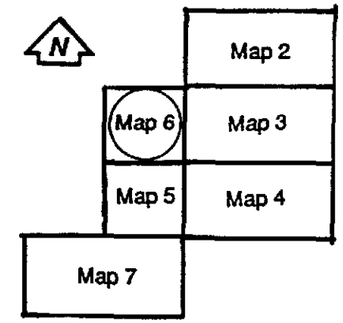
Map No. 5

Banks Hydroelectric Project

Project Layout and Boundary
Ola



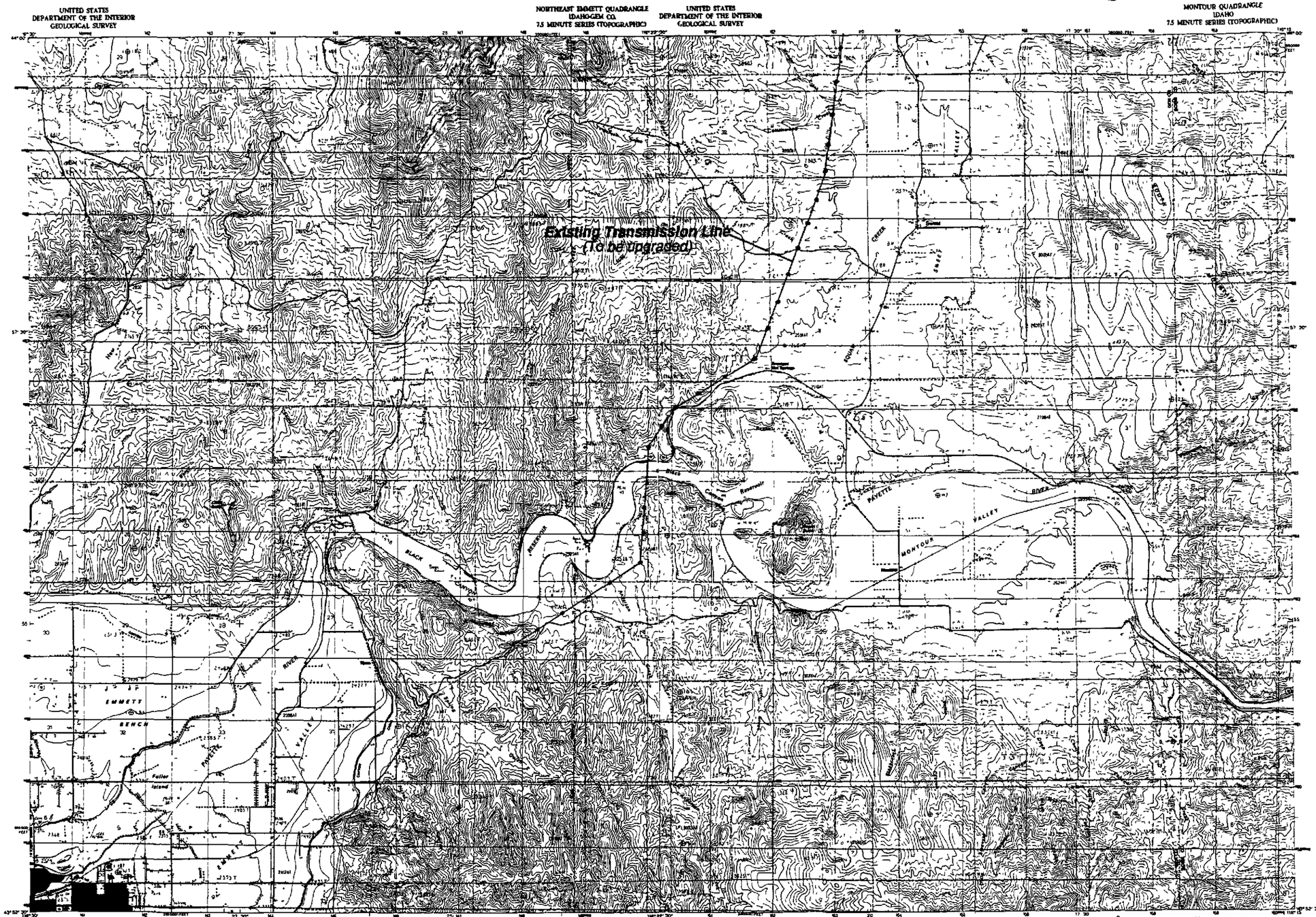
KEY MAP



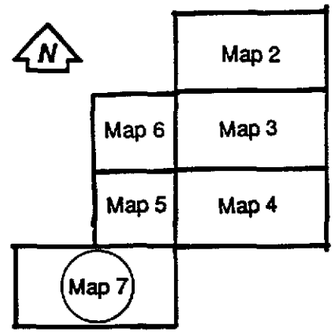
Map No.6

Banks Hydroelectric Project

Project Layout and Boundary
Ola



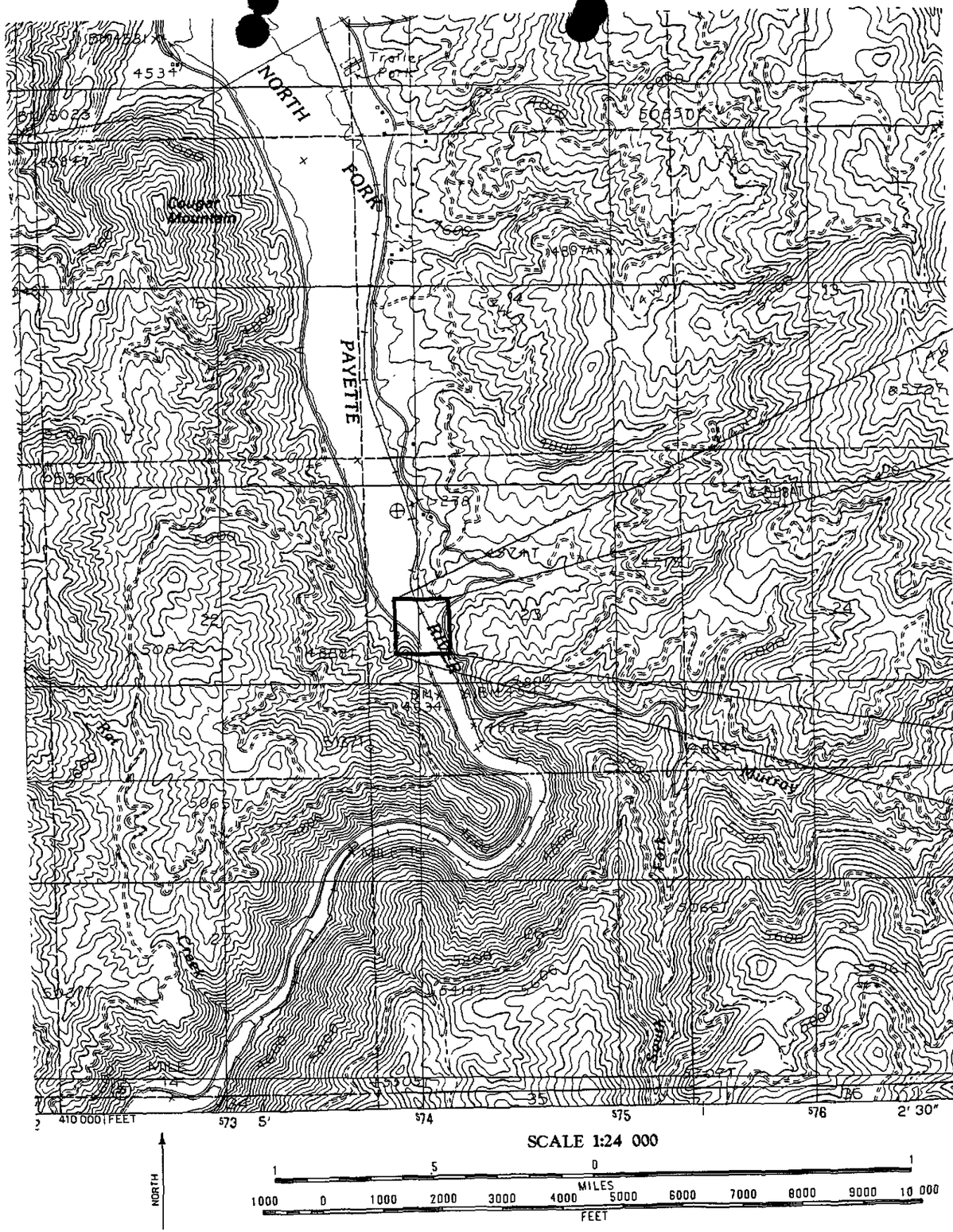
KEY MAP

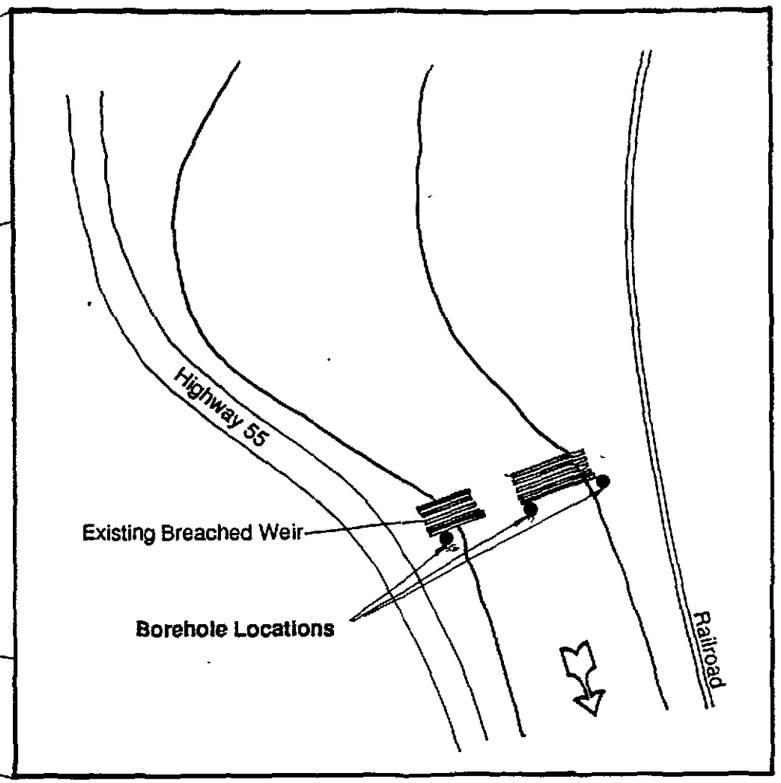


Map No.7

Banks Hydroelectric Project

Project Layout and Boundary
Black Canyon

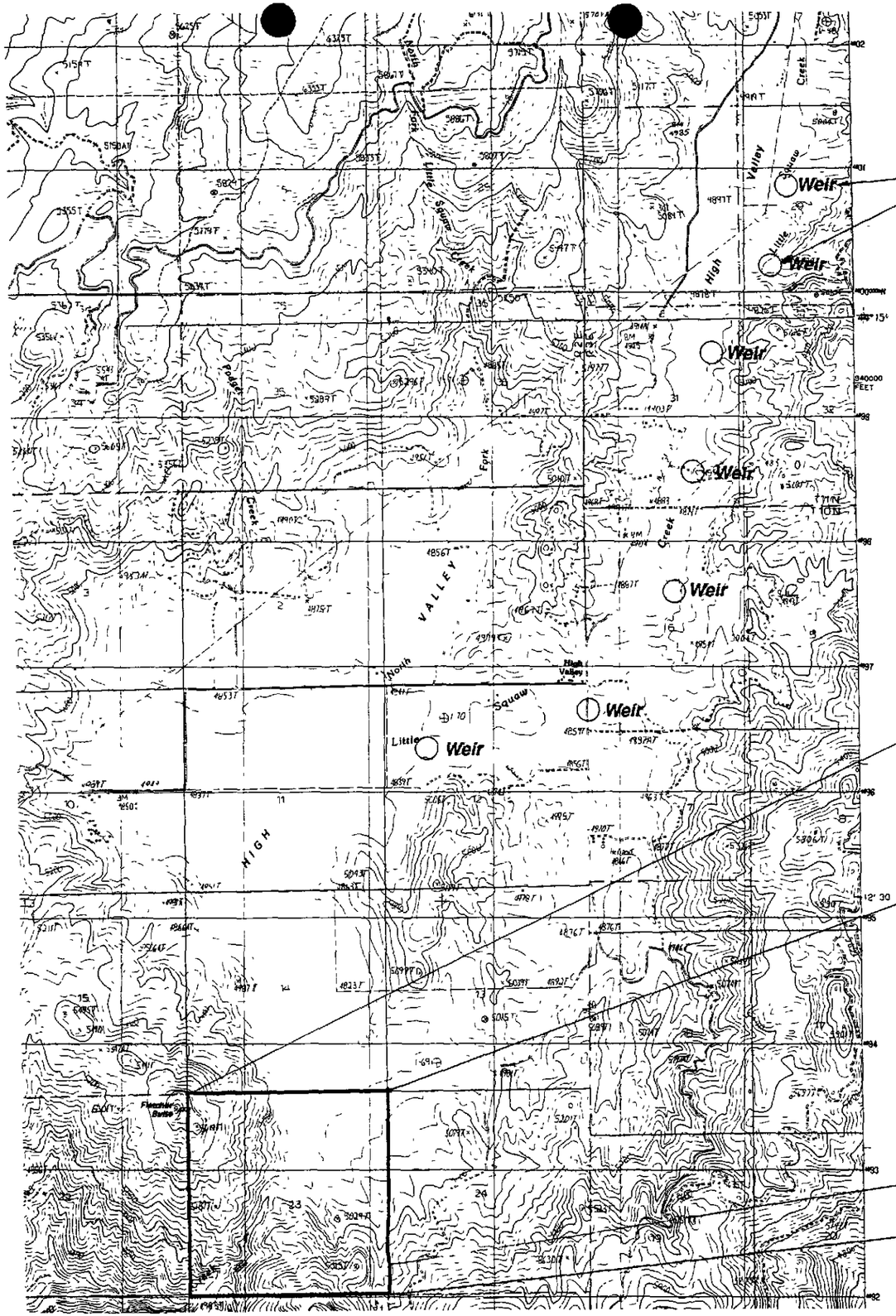




Map No.8

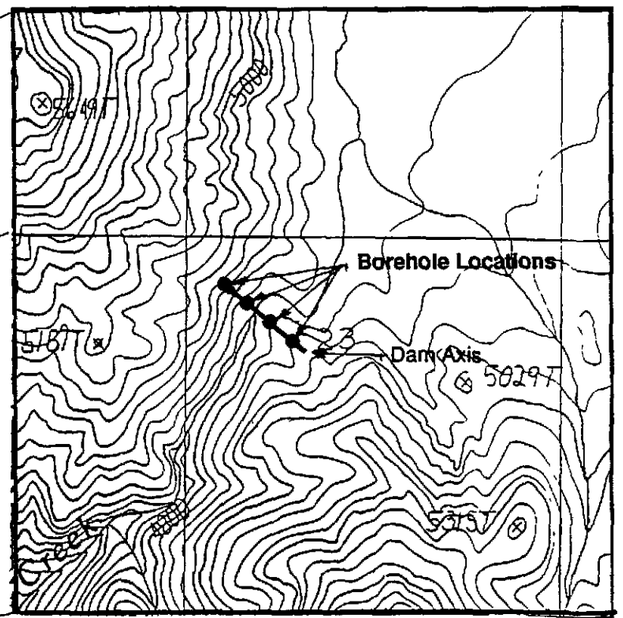
Banks Hydroelectric Project

Proposed Field Investigations
Smiths Ferry Weir



Shallow holes to be drilled on axis of weir sites.

No drilling within the existing channel of Little Squaw Creek is proposed.



Map No.9

Banks Hydroelectric Project

Proposed Field Investigations
High Valley Dam and Weirs

EXHIBIT 5

INFORMATION REGARDING THE APPLICANT

Attachments

Title 43 - Irrigation Districts

Gem Irrigation District's State Charter

TITLE 43

IRRIGATION DISTRICTS

CHAPTER.

1. Organization of District, §§ 43-101 — 43-118.
2. Election of Directors, §§ 43-201 — 43-213.
3. Powers and Duties of Board of Directors, §§ 43-301 — 43-327.
4. Bonds — Issuance, Confirmation, and Sale, §§ 43-401 — 43-413.
5. Secondary Bonds to Pay Interest, §§ 43-501 — 43-504.
6. Refunding Bonds, §§ 43-601 — 43-617.
7. Levy and Collection of Assessments, §§ 43-701 — 43-731.
8. Repossession of Water Rights upon Issuance of Tax Deed, §§ 43-801 — 43-806.
9. Construction Work and Acquirement of Property, §§ 43-901 — 43-908.
10. Annexation of Lands to District, §§ 43-1001 — 43-1011.
11. Exclusion of Lands from District, §§ 43-1101 — 43-1106.
12. Annexation and Exclusion of State Lands, § 43-1201.
13. Dissolution and Modification of Districts, §§ 43-1301 — 43-1313.
14. Consolidation of Districts, §§ 43-1401 — 43-1407.
15. Miscellaneous Provisions of District Law, §§ 43-1501 — 43-1509.
16. Purchase of State Lands by Irrigation Districts, §§ 43-1601 — 43-1607.
17. Cooperation with State under Carey Act, §§ 43-1701 — 43-1712.
18. Cooperation with Federal Government, §§ 43-1801 — 43-1834.
19. Domestic Water Systems — Contracts with United States, §§ 43-1901 — 43-1905.
20. Provisions Applicable to Irrigation Districts and Drainage Districts, §§ 43-2001 — 43-2007.
21. Debt Readjustment Plans for Irrigation Districts, Drainage Districts, and Highway Districts, §§ 43-2101 — 43-2112.
22. Reconstruction, Rehabilitation, Replacement and Improvement of Dams by Irrigation Districts — Financial and Other Arrangements, §§ 43-2201 — 43-2207.

CHAPTER 1

ORGANIZATION OF DISTRICT

SECTION.

43-101. Who may propose organization.
43-102. Petition for organization.
43-103. Maps and water supply data.
43-104. Bond.
43-105. Notice of presentation to commissioners.
43-106. Notice of hearing.
43-107. Examination by department of water resources — Report to county commissioners — Amendment of plan.
43-108. Order of board.
43-109. Divisions of district for election of directors.
43-110. Notice of election.
43-111. Qualifications of voters.
43-112. Conduct of elections.
43-113. Registration not required.
43-114. Canvass of votes — Completion of organization.
43-115. Limitation on proceedings affecting validity.
43-116. Organization meeting of board.
43-117. Treasurer's official bonds.
43-118. Districts including lands under existing canals — Decree of confirmation — Rights of landowners — Powers of districts.

43-101. Who may propose organization. — Whenever fifty (50), or a majority, of the holders of title, or evidence of title, to lands susceptible of one or more modes of irrigation from the same or different sources and by the same or different systems of works, desire to provide for the irrigation of the same, or when for other reasons they desire to organize the proposed territory into one district, they may propose the organization of an irrigation district under this title: provided, said formation into one (1) district meets

incorrectly counted. [1903, p. 150, § 8; reen. R. C. & C. L., § 2382; C. S., § 4340; I. C. A., § 42-211.]

Compiler's notes. The words inclosed in parentheses so appeared in the act.

Recount.

The board of directors may adopt any reasonable and appropriate method for conducting a recount of ballots. Tiegs v. Patterson (1959), 81 Idaho 46, 336 P.2d 687.

43-212. Informalities disregarded — Postponement of canvass. — No list, tally paper or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. If, at the time of the meeting, the returns of each precinct in which polls have been opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six (6) postponements have been had. The canvass must be made in public and by opening the returns and counting the vote of the district for each person voted for and declaring the result thereof. [1903, p. 150, § 9; am. R. C. & C. L., § 2383; C. S., § 4341; I. C. A., § 42-212.]

43-213. Statement of result. — The secretary of the board of directors must, as soon as the result is declared, enter on the records of such board a statement of such result, which statement must show:

1. The whole number of votes cast in the district and in each voting precinct thereof.
2. The names of the person or persons voted for.
3. The office to fill which each person was voted for.
4. The number of votes given in each precinct to such person or persons.
5. The number of votes given in the district for such person or persons.

The board of directors must declare elected the person or persons having the highest number of votes given for each office. [1903, p. 150, § 10; am. R. C. & C. L., § 2384; C. S., § 4342; I. C. A., § 42-213.]

CHAPTER 3

POWERS AND DUTIES OF BOARD OF DIRECTORS

SECTION.

43-301. Election of officers.
43-302. Office of board.
43-303. Meetings of board.
43-304. General powers of board — By-laws — Right of entry — Acquisition of property.
43-305. Drainage of lands — Payment of cost — Apportionment of cost when payment deferred.
43-306. Levy authorized for purpose of draining lands within district.
43-307. Authority to exercise functions of drainage districts.
43-308. Authority to exercise functions of drainage districts — Petition and resolution.
43-309. Notice of hearing of petition.
43-310. Hearing — Objections — Findings.
43-311. Decree granting petition — Vesting of powers and authority in district.
43-312. Appeals.
43-313. Electric power plants — Construction and operation.
43-314. Electrical power plants — Sale of surplus power — Ratification of contract.
43-315. Assessment for extermination of rodents.
43-316. Legal title to property.
43-317. Conveyance of property — Actions.
43-318. Sale of personal or real property — Procedure.

SECTION.
43-319. Compensation of directors and officers.
43-320. Officers must not be interested in contracts.
43-321. Special assessments — Elections — Collection of assessments — Delinquent list.
43-322. Power to incur debts — Warrants.
43-323. Report to department of water resources.
43-324. Statement of financial condition.
43-325. County commissioners to have access to books.
43-326. Power to maintain parks.
43-327. Delinquent assessments — Shutting off of water.
43-328. Petition to construct improvements for irrigation — Assent of petitioners to assessment of cost of improvement.
43-329. Elections to determine question as to construction of improvement — Resolution of directors.
SECTION.
43-330. Majority of votes as determinative — Construction of improvement — Cost — Apportionment — Assessment.
43-331. Directors may construct or maintain improvements, levy assessments.
43-332. Apportionment of water to tracts — Employment of person to distribute water — Assessment of cost — Lien on land.
43-333. Resolution for water distribution works or services — Hearing of objections — Construction, repair or maintenance of improvement — Apportionment of costs — Assessment.
43-334. Procedure for levy and collection of special assessment — Appeal.

43-301. Election of officers. — On the first Tuesday of January next following their election, the board of directors shall meet and organize as a board, elect a president from their number and appoint a secretary and treasurer, who shall each hold office during the pleasure of the board. At any regular or special meeting the board of directors may appoint an assistant secretary or an assistant treasurer, or both, and fix the duties, the length of term, and the amount of bond, of each of them. [1903, p. 150, part of § 12; am. 1907, p. 484, § 1, part of subd. 12; reen. R. C., § 2385; am. 1911, ch. 154, § 7, p. 461; am. 1915; ch. 86, § 1, p. 203; reen. C. L., § 2385; C. S., § 4343; I. C. A., § 42-301; am. 1933, ch. 33, § 1, p. 44.]

Comp. leg. Cal. Deering's Gen. Laws 1937, Act 3854, §§ 13-16.

Treasurer.

Irrigation district is a public corporation, its treasurer is a public officer, and moneys of such district, received by him as treasurer, are public moneys, subject to § 18-3203. In re Bank of Nampa (1916), 29 Idaho 166, 157 P. 1117.

Collateral References.

45 Am. Jur. 2d, Irrigation, § 62.

43-302. Office of board. — On the organization of the first board of directors of any such district they shall designate some place within the district as the office of said board: provided, that the board of directors may establish the office of the district temporarily outside of the boundary of the district, but within the county in which the same or some portion thereof is situated, in cases where the business of the district may be more conveniently transacted thereby; and if such temporary location be approved by a majority of the electors of the district voting at any regular election at which such question may be submitted then such temporary location may be fixed as the location of the office of the district for such period of years as may be designated on their ballots by the majority of such electors at such election. [1903, p. 150, § 12; am. 1907, p. 484, § 1; reen. R.

C., § 2385; am. 1911, ch. 154, § 7, p. 461; am. 1915, ch. 86, § 1, parts of subd. 2385, p. 203; reen. C. L., § 2385a; C. S., § 4344; I. C. A., § 42-302.]

Compiler's notes. The act of 1911, ch. 154, p. 461, was held unconstitutional in part by Pioneer Irr. Dist. v. Walker (1911), 20 Idaho 605, 119 P. 304; Bissett v. Pioneer Irr. Dist. (1912), 21 Idaho 98, 120 P. 461, but the amendment of this section does not appear to have been involved.

43-303. Meetings of board. — The board of directors shall hold a regular monthly meeting in their office on the first Tuesday in every month or such date each month as it shall fix by resolution and such special meetings as may be required for the proper transaction of business.

All special meetings shall be ordered by the president or a majority of the board, the order must be entered of record and the secretary must give each member not joining in the order five (5) days' notice of such special meetings. The order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted: provided, that whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted.

All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business; but on all questions requiring a vote there shall be a concurrence of at least a majority of the members of the board. All records of the board shall be open to the inspection of any elector during business hours. [1903, p. 150, part of § 12; am. 1907, p. 484, § 1; reen. R. C., § 2385; am. 1911, ch. 154, § 7, p. 461; am. 1915, ch. 86, § 1, p. 203; compiled and reen. C. L., § 2385b; C. S., § 4345; I. C. A., § 42-303; am. 1965, ch. 38, § 1, p. 62.]

43-304. General powers of board — By-laws — Right of entry — Acquisition of property. — Said board shall have the power to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required and prescribe their duties, to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of such land, as may be necessary and just to secure the just and proper distribution of the same, which said by-laws, among other things, shall establish a fiscal year, and in case the by-laws do not provide for the establishment of a fiscal year, the fiscal year shall commence the first day of November and end the thirty-first day of October of each and every year. Said by-laws, rules and regulations must be printed in convenient form for distribution throughout the district.

The board and its agents and employees shall have the right to enter upon any land and to make surveys, and may locate the necessary irrigation works and the line of any canal or canals, and the necessary branches for the same on any lands which may be deemed best for such location.

Said board shall also have the right to acquire, either by purchase, condemnation or other legal means, all lands and water rights, and other property necessary for the construction, use and supply, maintenance, repair and improvement of said canal or canals and works, including canals

and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district hereinafter provided for may be used to their par value in payment. Said board may also construct the necessary dams, reservoirs and works for the collection of water for said district, and do any and every lawful act necessary to be done that sufficient water may be furnished to each landowner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of this title, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this title, is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

The board of directors of an irrigation district organized under the laws of the state of Idaho may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done that sufficient water may be furnished to the lands in the district for irrigation purposes. [1903, p. 150, § 12a, as added by 1907, p. 484, § 1, subd. 12a; reen. R. C., § 2386; am. 1911, ch. 71, § 1, p. 194; am. 1911, ch. 154, § 5, p. 461; am. 1915, ch. 143, § 4, p. 308; reen. C. L., § 2386; am. 1919, ch. 15, § 1, p. 78; C. S., § 4346; I. C. A., § 42-304.]

Compiler's notes. The amendatory matter in the 1911 and 1915 amendments relating to operation of irrigation districts under the Carey Act was transferred to ch. 166 (ch. 17 of this title), and the material relating to cooperation with the federal reclamation service was transferred to ch. 167 (ch. 18 of this title).

ANALYSIS

District liable in tort.
Drainage.
Personal liability.
Powers limited.
Ultra vires acts.
Void contracts.

District Liable in Tort.

Irrigation district was liable in damages for negligent construction and operation of its canal system, notwithstanding it was a quasi public corporation and possessed some governmental powers and exercised some governmental functions. Stephenson v. Pioneer Irr. Dist. (1930), 49 Idaho 189, 288 P. 421.

Drainage.

Under this section, irrigation district has power to issue bonds for the purpose of collecting drainage, waste, and seepage water and storing the same for irrigation of land within such district. Bissett v. Pioneer Irr. Dist. (1912), 21 Idaho 98, 120 P. 461.

Personal Liability.

A person, though president of board of directors, was not personally liable for maintenance and operation of canals and reservoirs of district nor for seepage occurring therefrom. Verheyen v. Dewey (1915), 27 Idaho 1, 146 P. 1116; Doran v. Dewey (1915), 27 Idaho 25, 146 P. 1124.

Powers Limited.

Powers of directors or other officers of irrigation district are limited, and any act done in excess of express or implied provisions of statute is ultra vires. Yaden v. Gem Irr. Dist. (1923), 37 Idaho 300, 216 P. 250.

Under this and cognate sections, the power of directors, or other officers, of an irrigation district is limited and any act done in excess of the express or implied provisions of the statutes by such directors, or other officers, is ultra vires. Lewiston Orchards Irr. Dist. v. Gilmore (1933), 53 Idaho 377, 23 P.2d 720.

Ultra Vires Acts.

Delivery of water by irrigation officers to exterior land was ultra vires, except in such cases where district acquired system burdened with such duty or in case of surplus water. Yaden v. Gem Irr. Dist. (1923), 37 Idaho 300, 216 P. 250.

A contract to construct and operate necessary works to provide increased water, which contract delegated the management of the system to a board of control, entered into between an irrigation district and the United States, was not ultra vires. Board of Directors of Wilder Irr. Dist. v. Jorgensen (1943), 64 Idaho 538, 136 P.2d 461.

Contract of district to make available to property owners adjacent to outside of district

"seepage and waste" waters was not ultra vires, since district did not agree to make available to property owners any water or water rights held in trust by district for benefit of district. Jensen v. Boise-Kuna Irr. Dist. (1954), 75 Idaho 133, 269 P.2d 755.

District could not be estopped to deny that waters contracted to be furnished outside property owners were dedicated waters since a contract to furnish dedicated waters to property owners outside district is ultra vires. Jensen v. Boise-Kuna Irr. Dist. (1954), 75 Idaho 133, 269 P.2d 755.

Void Contracts.

Contract entered into by board of directors of irrigation district giving to a stranger the management and control of reservoir, dam and main canal, and taking that management and control out of district was ultra vires and void. Colburn v. Wilson (1913), 23 Idaho 337, 130 P. 381.

Agreement by directors in advance of assessment that it would be made in violation of terms of statute was a violation of law governing irrigation districts. In re King Hill Irr. Dist. (1923), 37 Idaho 89, 221 P. 839.

Officers of irrigation district are public officers and contract made with them in excess of powers, as provided by statute, is void so far as it departs from or exceeds terms of law. Yaden v. Gem Irr. Dist. (1923), 37 Idaho 300, 216 P. 250.

Collateral References.

94 C.J.S., Waters, § 363.

Duty of mutual association, nonprofit organization, or cooperative to distribute irrigation waters. 56 A.L.R. 2d 418.

Effect of combination of public and private purposes in exercise of eminent domain for irrigation purposes. 53 A.L.R. 9.

Liability of irrigation district for negligent construction or operation of ditches or canals. 69 A.L.R. 1231; 160 A.L.R. 1165.

43-305. Drainage of lands — Payment of cost — Apportionment of cost when payment deferred. — Any irrigation district heretofore organized or hereafter to be organized, may, whenever it appears necessary, proper or beneficial to drain any of the lands within said district, whether for the benefit of the land actually requiring drainage or for the protection of other lands within said district, whether the irrigation works have been actually acquired or constructed or not, cause drainage canals and works to be constructed and to this end such district shall in all respects have the same power and authority as is now conferred or may hereafter be conferred respecting irrigation, and all the powers conferred upon irrigation districts under the laws of this state with respect to irrigation shall be construed to include drainage.

Any irrigation district now, or which may hereafter be organized under the laws of the state of Idaho, shall have the authority to construct drainage works for the purpose of draining any land or lands within such irrigation district, and such authority shall be exercised by the board of directors in its discretion. The cost of any such drainage works may be paid for out of the maintenance, operation charges, tolls, or assessments, or out of either or all of such funds which are not otherwise necessary for the purposes for which such funds were created; that not to exceed twenty per cent (20%) of the total amount of such maintenance, operation charges, tolls and assessments for any year shall be expended for drainage.

In all cases where the construction of drainage works requires the issuance of bonds or such works are constructed by the United States under a contract by which the payments therefor are deferred, the board of directors of such irrigation district shall apportion the cost of such drainage works to each tract of land in said district according to benefits. In determining the amount to be apportioned to each tract of benefits under this section, the board of directors may consider benefits to each tract

drained; the damage done to the low land from seepage and saturation from irrigation water from high land, and the necessity for carrying off waste water, and such high land may be considered as being benefited to the extent and in the amount that such lands are responsible for damage to low lands from seepage and saturation by irrigation water; the board may also consider any advantage to the lands of the district and each tract thereof, growing out of the construction of such drainage works. In lieu of issuing bonds or contracting with the United States for the construction of drainage works, the board of directors may consider such drainage works as a part of the irrigation system and may make levies to pay for the same upon the same basis as assessments for the construction of the irrigation works by which the lands of the district are irrigated. In all cases where the cost of drainage works shall be apportioned to all the tracts of lands of the district as herein provided, all the provisions of this title applicable to procedure and the confirmation of the apportionment by the court, including the right of appeal, shall be applicable to the apportionment of benefit[s] under this section. [1917, ch. 31, § 2, p. 74; compiled and reen. C. L., § 2386n; C. S., § 4347; am. 1925, ch. 139, § 1, p. 245; am. 1927, ch. 207, § 1, p. 290; am. 1929, ch. 112, § 1, p. 180; I. C. A., § 42-305.]

Compiler's notes. The bracketed letter "s" in the last paragraph was inserted by the compiler.

Cross ref. Confirmation of apportionment, § 43-406 — 43-408.

Right of joint interstate districts to drain lands, § 43-1407.

Cited in: Oregon Short Line R. Co. v. Minidoka Irr. Dist. (1929), 48 Idaho 584, 283 P. 614.

ANALYSIS

Pro rata assessment.
Quasi public corporation.
Seepage and waste waters.

Pro Rata Assessment.

An irrigation district assessed costs against the land involved in proportion to benefits previously adjudicated and determined. Hale v. McCammon Ditch Co. (1951), 72 Idaho 478, 244 P.2d 151.

Quasi Public Corporation.

An irrigation district is a quasi public corporation, but no stock assessments are made, since no stock is issued. Hale v. McCammon Ditch Co. (1951), 72 Idaho 478, 244 P.2d 151.

Seepage and Waste Waters.

Contract of district to make available to property owners adjacent to outside of district "seepage and waste" waters was not ultra vires, since district did not agree to make available to property owners any water or water rights held in trust by district for benefit of district. Jensen v. Boise-Kuna Irr. Dist. (1954), 75 Idaho 133, 269 P.2d 755.

DECISIONS UNDER PRIOR LAWS

Irrigation district may provide for drainage and reclamation of lands within districts which have been flooded or water-logged by reason of overflow, percolation, or seepage from its irrigation works, and accomplishment of such purpose is one of the necessarily implied duties of district equally as incumbent on district as irrigation of its dry and arid lands. Pioneer Irr. Dist. v. Stone (1913), 23 Idaho 344, 130 P. 382.

District was not liable for rise of water table under land, unless clearly shown that its works were so defective as to be proximate cause. Verheyen v. Dewey (1915), 27 Idaho 1, 146 P. 1116; Doran v. Dewey (1915), 27 Idaho 25, 146 P. 1124.

43-306. Levy authorized for purpose of draining lands within district. — Any irrigation district now organized, or which may hereafter be organized, under the laws of the state of Idaho, shall have authority to construct drainage works for the purpose of draining, or reclaiming, any

land, or lands, within such irrigation district, which authority shall be exercised by the board of directors in its discretion.

The board of directors before levy as hereinafter provided, shall determine by resolution spread on the minutes thereof if any of the lands within an irrigation district are in need of drainage, and should be drained to protect said land or other lands within said district from damage from seepage or other waters, subterranean or otherwise, then the board of directors of such district shall have the power and authority, at the time provided by law for levying assessments for the operation and maintenance of said irrigation district in addition to such assessments, also [to] levy an assessment against the lands of said irrigation district for drainage purposes, said levy not to exceed in any one (1) year forty per cent (40%) of the total amount levied for operation and maintenance purposes. Such assessment for drainage shall in all respects be levied and collected at the same time and in the same manner as assessments for operation and maintenance.

All funds collected for drainage purposes under the provisions hereof shall be kept in a separate fund to be known as "Drainage Fund" of said irrigation district, and the moneys in said "Drainage Fund" from time to time may be expended by the board of directors of said irrigation district. [I. C. A., § 42-305A, as added by 1945, ch. 17, § 1, p. 25; am. 1951, ch. 48, § 1, p. 65.]

Compiler's notes. The bracketed word "to" in the second paragraph was inserted by the compiler.

Section 2 of S.L. 1951, ch. 48 declared an emergency. Approved February 22, 1951.

Quasi Public Corporation.

An irrigation district is a quasi public corporation, but no stock assessments are made, since no stock is issued. Hale v. McCammon Ditch Co. (1951), 72 Idaho 478, 244 P.2d 151.

43-307. Authority to exercise functions of drainage districts. — Any irrigation district heretofore or hereafter organized under the laws of this state desiring so to do, and having received the petition required by and complied with the provisions of section 43-308 as amended, and sections 43-309, 43-310, 43-311, 43-312, may exercise, and it is hereby given, all the functions, powers and authority of a drainage district and of its board of commissioners under the laws of this state relating to drainage districts. The functions, powers and authority granted by this act shall be exercised by such irrigation district through its board of directors and, so far as may be, in the manner provided in the drainage district laws of the state. [1931, ch. 163, § 1, p. 277; I. C. A., § 42-306; am. 1945, ch. 4, § 1, p. 5.]

Compiler's notes. The words "this act" refer to S.L. 1931, ch. 163 compiled herein as §§ 43-307, 43-308, and probably §§ 43-309 — 43-312 which were added by the 1945 amendment.

Cross ref. Drainage districts, § 42-2901 — 42-2980.

43-308. Authority to exercise functions of drainage districts — Petition and resolution. — After receiving a petition signed by the holders of title or evidence of title to one fifth (1/5) of the lands within the district praying it shall do so, any irrigation district desiring to accept the provisions of this act shall so declare by resolution adopted by majority vote of its directors and spread upon its minutes, and thereupon said district shall cause to be

filed with the clerk of the district court of the county in which a greater portion of the lands of said irrigation district are located, its petition praying that the court shall set a day for hearing said petition and on and after said hearing make and enter its order and decree authorizing such irrigation district to perform all of the functions of a drainage district under the laws of the state of Idaho, and that there are lands within said district which need drainage: that there shall be attached to said petition so filed with the clerk of said court a true and correct copy of the petition of the said landowners in this section provided, together with a copy of said resolution of the board of directors of said district. [1931, ch. 163, § 2, p. 277; I. C. A., § 42-307; am. 1945, ch. 4, § 2, p. 5.]

Compiler's notes. The words "this act" refer to S.L. 1931, ch. 163 compiled herein as §§ 43-307, 43-308, and probably §§ 43-309 — 43-312 which were added by the 1945 amendment.

Cited in: Chandler v. Drainage Dist. No. 2 (1947), 68 Idaho 42, 187 P.2d 971.

43-309. Notice of hearing of petition. — After the filing of said petition the judge of said court shall fix the time for hearing said petition by order by him made, which order shall provide that said petition shall be published for at least three (3) successive weeks in some newspaper or newspapers printed and published in said county or counties in which the lands are situated, or in case no such paper is published in said county, then in some paper of general circulation therein; together with a notice of the time and place when said judge shall consider said petition. [I. C. A., § 42-307a, as added by 1945, ch. 4, § 3, p. 5.]

Sec. to sec. ref. This section is referred to in § 43-307.

43-310. Hearing — Objections — Findings. — Upon the day fixed for the hearing of said petition, any person or corporation interest [interested] therein, may appear before said court and make objections in writing to the granting of said petition but said objections shall be limited to determining whether or not the granting of authority to said irrigation district to perform the duties and functions of a drainage district and as such perform such functions is a proper and advantageous method of accomplishing the reclamation and protection of swamped, bogged or water-logged lands and lands subject to overflow therein, and whether or not there is a reasonable probability that the object sought by granting such powers to said irrigation district may be accomplished, and whether or not the drainage of lands in said district will be conducive either to the public health, welfare or convenience or increase the public revenue; and at the hearing the court shall hear and consider such evidence only as may be presented for or against the petition or objections thereto. Thereupon the court shall make its findings upon the facts alleged in the petition and objections and any other facts necessary and proper for the determination of the propriety of granting such powers to said irrigation district; and if such petition be granted the judge of said court shall make findings of fact setting forth the

facts found by the said judge upon the hearing of said petition. [I. C. A., § 42-307b, as added by 1945, ch. 4, § 3, p. 5.]

Compiler's notes. The bracketed word "interested" was inserted by the compiler.

Sec. to sec. ref. This section is referred to in § 43-307.

43-311. Decree granting petition — Vesting of powers and authority in district. — Upon the filing of the findings of fact at the final hearing of said petition, as set forth in the last preceding section, said judge, if he finds that the granting of said petition and the drainage of the lands in said irrigation district will be conducive either to the public health, welfare or convenience, or will increase the public revenue, or will be of special benefit to the majority of the acreage of the lands in said irrigation district, shall enter the decree of said court granting said petition. Thereupon a certified copy of same shall be filed in the office of the secretary of state: and from and after the date of said filing of said decree, said irrigation district shall be vested with all of such functions, powers and authority of a drainage district and its board of commissioners under the laws of this state relating to drainage districts. The function, powers and authority granted by this act shall be exercised by such irrigation district through its board of directors and so far as may be in the manner provided by the drainage district laws of this state. [I. C. A., § 42-307c, as added by 1945, ch. 4, § 3, p. 5.]

Compiler's notes. For sections in which "this act" is compiled see compiler's note, § 43-308.

Sec. to sec. ref. This section is referred to in § 43-307.

43-312. Appeals. — Appeal may be taken by any interested person from said decree of the district court to the Supreme Court by serving a written notice of such appeal upon the secretary of said board of the irrigation district, within thirty (30) days after the rendition of said decree by said court. [I. C. A., § 42-307d, as added by 1945, ch. 4, § 3, p. 5.]

Sec. to sec. ref. This section is referred to in § 43-307.

43-313. Electric power plants — Construction and operation. — The board of directors of any irrigation district, organized under the laws of the state of Idaho, shall have the power to construct and operate, or to contract for the construction and operation, of electric power plants, power transmission lines, and all other works in connection therewith necessary or proper for generating and transmitting electric power, and for pumping water for irrigation and domestic use; and to contract to sell surplus power generated at such power plants. [1915, ch. 50, § 1, p. 137; reen. C. L., § 2386p; C. S., § 4348; am. 1923, ch. 27, § 1, p. 29; am. 1931, ch. 22, § 1, p. 49; I. C. A., § 42-308; am. 1973, ch. 183, § 1, p. 427.]

43-314. Electrical power plants — Sale of surplus power — Ratification of contract. — The question of the ratification of contracts for the sale of surplus power as provided in the preceding section shall be submitted in the same manner, and shall be governed by the same limitations and provisions as questions creating indebtedness: provided, that the form for the notices,

and the form upon the prepared ballots, and the form for the returns, shall be so changed as to conform to the purposes of this and the preceding section. [1915, ch. 50, § 2, p. 138; reen. C. L., § 2386o; C. S., § 4349; I. C. A., § 42-309.]

43-315. Assessment for extermination of rodents. — The board of directors of an irrigation district may levy an assessment upon the lands within the district, not to exceed ten (10) cents per acre for the purpose of raising funds to be used for the extermination of gophers and other rodents. Said assessment shall be levied at the same time and in the same manner and with a like effect, as assessments levied for maintaining and operating the property of the district. Said assessments shall constitute a lien upon the property assessed and shall be collected, in like manner as assessments for maintenance and operation.

The funds realized from such assessment shall be used for the extermination of gophers and other rodents within the irrigation district, in such manner and by such means as the said board of directors may direct. [1927, ch. 42, § 1, p. 57; I. C. A., § 42-310.]

43-316. Legal title to property. — The legal title to all property acquired under the provisions of this title shall immediately and by operation of law vest in such irrigation district, and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this title. Said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided. [1903, p. 150, § 13; reen. R. C., § 2387; am. 1915, ch. 143, § 3, p. 304; reen. C. L., § 2387; C. S., § 4350; I. C. A., § 42-311.]

Compiler's notes. Amendatory matter of 1915 transferred to § 43-1814 herein, relating to cooperation with federal reclamation service.

Cited in: Colburn v. Wilson (1913), 23 Idaho 337, 130 P. 381; Yaden v. Gem Irr. Dist. (1923), 37 Idaho 300, 216 P. 250; Lewiston Orchards Irr. Dist. v. Gilmore (1933), 53 Idaho 377, 23 P.2d 720.

ANALYSIS

In general.
Dedicated waters.

In General.

The irrigation district law regards the irrigation district as a unit, and as a legal entity, holding title to its property and water rights in trust for the uses and purposes set forth in that law. Bradshaw v. Milner Low Lift Irr. Dist. (1963), 85 Idaho 528, 381 P.2d 440.

Dedicated Waters.

District cannot be estopped to deny that waters contracted to be furnished outside property owners were dedicated waters since a contract to furnish dedicated waters to property owners outside district is ultra vires. Jensen v. Boise-Kuna Irr. Dist. (1954), 75 Idaho 133, 269 P.2d 755.

Contract of district to make available to property owners adjacent to outside of district "seepage and waste" waters was not ultra vires, since district did not agree to make available to property owners any water or water rights held in trust by district for benefit of district. Jensen v. Boise-Kuna Irr. Dist. (1954), 75 Idaho 133, 269 P.2d 755.

43-317. Conveyance of property — Actions. — The said board is hereby authorized and empowered to take conveyance or other assurances for all property acquired by it under the uses and provisions of this title, in the name of such irrigation district, to and for the purposes herein expressed; and to institute and maintain any and all actions and proceedings, suits at law and in equity, necessary or proper in order to fully carry out the

provisions of this title, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this title, or acquired in pursuance thereof. In all courts, actions, suits or proceedings the said board may sue, appear and defend, in person or by attorneys, and in the name of such irrigation district. [1903, p. 150, § 14; reen. R. C. & C. L., § 2388; C. S., § 4351; I. C. A., § 42-312.]

Title Vesting in District.

The legal title to all property acquired by an irrigation district by operation of law vests immediately in the district and is held in trust and dedicated to and set apart to the use and purposes provided by law. Lewiston Orchards Irr. Dist. v. Gilmore (1933), 53 Idaho 377, 23 P.2d 720.

43-318. Sale of personal or real property — Procedure. — Personal or real property of an irrigation district may be sold by its board of directors whenever the board finds and by resolution declares that the district no longer has use therefor. This procedure shall not be applicable to sales of real property acquired in compliance with the provisions of chapter 7, title 43, Idaho Code, because of the failure to pay irrigation district assessments.

1. If, in the opinion of the board, such property does not exceed five hundred dollars ($500) in value, it may sell the same without independent appraisal, notice or competitive bids.

2. Personal or real property exceeding five hundred dollars ($500) in value shall first be appraised by three (3) disinterested freeholders of the district, who shall be selected by the board. It may then be sold at public or private sale to the highest bidder for cash at not less than its appraised value, after due notice.

3. Notice of sale shall describe the property, the appraised value thereof (by separate items, if so appraised), and the time, place and condition of sale.

4. If the appraised value does not exceed one thousand dollars ($1,000), notice of sale shall be posted in three (3) public places in each of the election precincts in the district (one of which shall be the office of the board) at least ten (10) days before the date of sale.

5. If the appraised value of the property exceeds one thousand dollars ($1,000), notice shall be posted as set forth in subdivision 4 above and in addition shall be published in a weekly newspaper, published or having a general circulation in the district, once each week during the four (4) weeks preceding the date of sale. [1921, ch. 242, § 1, p. 533; I. C. A., § 42-313; am. 1949, ch. 206, § 1, p. 432; am. 1967, ch. 76, § 1, p. 175; am. 1974, ch. 84, § 1, p. 1175.]

Compiler's notes. The words inclosed in parentheses so appeared in the act.

Section 2 of S.L. 1949, ch. 206 declared an emergency. Approved March 14, 1949.

Section 2 of S.L. 1974, ch. 84 provided that this act take effect on and after July 1, 1974.

43-319. Compensation of directors and officers. — The members of the board of directors shall each receive not more than twenty-five dollars ($25.00) nor less than five dollars ($5.00) per day for each day spent attending the meetings, or while engaged in official business under the order of the board and actual and necessary expenses. The term "actual and necessary expenses," shall be deemed to include all traveling expenses and hotel

expenses necessarily incurred by any director when absent from his residence in the performance of the duties of his office. The board shall fix the compensation to be paid to the other officers named in this title, to be paid out of the treasury of the district: provided, that such board shall, upon the petition of fifty (50) or a majority of the freeholders within such district, submit to the electors, at any general election, a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the board twenty (20) days prior to a general election, and the result of the election shall be determined and declared in all respects as other elections are determined and declared under this title. [1903, p. 150, § 38; reen. R. C. & C. L., § 2389; C. S., § 4352; am. 1921, ch. 166, § 1, p. 361; am. 1923, ch. 73, § 1, p. 81; I. C. A., § 42-314; am. 1951, ch. 11, § 1, p. 20; am. 1969, ch. 32, § 1, p. 57.]

Compiler's notes. Section 2 of S.L. 1923, ch. 73 declared an emergency. Approved March 5, 1923.

43-320. Officers must not be interested in contracts. — No director or any other officer named in this title shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision such officers shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding $500, or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment. [1903, p. 150, § 39; reen. R. C. & C. L., § 2390; C. S., § 4353; I. C. A., § 42-315.]

43-321. Special assessments — Elections — Collection of assessments — Delinquent list. — The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this title, and shall, at the same time, fix a date upon which such assessment shall become delinquent, which date shall be not less than sixty (60) days nor more than ninety (90) days from the date of said meeting of said board. Such election must be called upon the notice prescribed, and the same shall be held, and the result thereof determined and declared, in all respects in conformity with the provisions of section 43-401. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment _____ yes" or "Assessment _____ no." If two thirds ($^2/_3$) or more of the votes cast are "Assessment _____ yes," the board shall immediately levy an assessment sufficient to raise the amount voted.

The assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and within ten (10) days after such assessment, the secretary must deliver the assessment book to the treasurer of the district who shall, within ten (10) days after receipt of such book,

publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at six o'clock p.m. of the day fixed by the board of directors, naming such day and date, and also the times and places at which the payment of the assessment may be made; which notice shall be published for a period of two (2) weeks.

The treasurer must attend at the times and places specified in the notice to receive assessments which must be paid in lawful money of the United States. Within fifteen (15) days after the delinquent date as fixed by the board of directors, said treasurer shall begin the preparation of the delinquent list, which delinquent list shall contain a description of all the tracts of land upon which such special assessments are delinquent, and the amount of such assessment against each of the said tracts, and the name of the owner as shown on the assessment book. And on or before thirty (30) days thereafter, the treasurer shall complete said delinquent list, shall properly certify the same, and prepare a duplicate thereof; and deliver the delinquent list to the secretary of the district. At the same time the treasurer must commence to publish the delinquent list and publication shall continue three (3) weeks and must contain the names of the owners, a description of the property delinquent at that time, the amount of assessments and penalties and the costs due, opposite each name and description. After said publication shall have been made for the first time the treasurer shall collect twenty-five (25) cents in addition to the assessment and penalties on each description of lands published. The treasurer must append and publish with the delinquent list a notice that unless the assessments delinquent, together with penalties and costs, are paid, the real property upon which said assessments are made will be sold at public auction on the first Tuesday in September following date of notice. The publication must be made in some newspaper published in the district, if it can be so published, and if it cannot be so published, then in some newspaper published in the county in which the office of the board of directors is situated; and if it cannot be so published, then by posting in not less than three (3) places in said district, one (1) of which shall be at the door of the office of said board of directors.

The place of such sale shall be at the office of said board of directors. The treasurer, as soon as he has made the publication required, must file with the secretary proof of such publication by affidavit, or like proof of posting in case such notice was posted as herein required. Such sales and all proceedings thereafter shall be in accordance with the provisions of sections 4392 to 4401, both inclusive, or Idaho Compiled Statutes, where not in conflict herewith.

When collected such assessments shall be paid into the district treasury for the purposes provided in the notice of such special election. [1903, p. 150, § 40; reen. R. C. & C. L., § 2391; C. S., § 4354; am. 1921, ch. 234, § 1, p. 524; I. C. A., § 42-316.]

Compiler's notes. Sections 4392-4401 of Compiled Statutes referred to in this section, except for § 4399 (§ 43-721 herein), are printed in this code as notes under § 43-723. Said § 43-723 provides that the enumerated sections of Compiled Statutes shall not apply to assessments levied in 1925 and subsequent years, but shall be continued in force with respect to assessments levied prior to 1925. See also § 43-722.

Sec. to sec. ref. This section is referred to in § 43-409.

Cited in: *Nampa v. Nampa & Meridian Irr. Dist.* (1911), 19 Idaho 779, 115 P. 979, writ of error dismissed 238 U.S. 643, 59 L. ed. 1502, 35 Sup. Ct. 602.

Apportionment of Special Assessments.

Special assessment is to be listed in assessment books in same proportions as assessment of benefits for cost of works. *Holland v. Avondale Irr. Dist.* (1917), 30 Idaho 479, 166 P. 259.

Collateral References.

Inclusion of amount to cover delinquencies in assessment for public improvement as contrary to constitutional guaranties. 40 A.L.R. 1352; 42 A.L.R. 1185.

Right of governmental unit, or officers thereof, other than irrigation district, to compensation for collecting assessments levied by, or owed to, an irrigation district. 114 A.L.R. 1098.

43-322. Power to incur debts — Warrants. — The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this section; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void: provided, that for the purpose of organization, or for any of the purposes of this title, the board of directors may, before the collection of the first assessment, incur indebtedness and cause warrants of the district to issue therefor according to the following limitations: Districts embracing 50,000 acres, or more, of irrigable land, not in excess of $15,000 of warrants; districts embracing 40,000 acres, or more, and less than 50,000 acres of irrigable land, up to $12,000 of warrants; districts embracing 30,000 acres, or more, and less than 40,000 acres of irrigable land, up to $9,000 of warrants; districts embracing 20,000, or more, and less than 30,000 acres of irrigable land, up to $6,000 of warrants; districts embracing 10,000 acres, or more, and less than 20,000 acres of irrigable land, up to $4,000 of warrants; districts embracing more than 2,000 acres, or more, and less than 10,000 acres of irrigable land up to $3,000 of warrants, and districts embracing less than 2,000 acres of irrigable land up to $2,000 of warrants.

Provided, further, that for the purpose of defraying the expenses in the care, operation, repair and improvement of such portion of the irrigation works of the district as are completed and in use, including salaries of officers and employees, the board of directors of an irrigation district may at any time issue warrants of such district in payment of claims of indebtedness against the district, not to exceed the district's anticipated revenue.

The warrants herein authorized shall be in form and substance the same as county warrants or as near the same as may be practicable and shall be signed by the chairman and attested by the secretary of said board. All such warrants shall be presented by the holder thereof to the transfer [treasurer] of the district for payment who shall indorse thereon the day of presentation for payment with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds, and such warrants shall draw interest at seven per cent (7%) per annum from the date of their presentation to the treasurer for payment as aforesaid until such warrants are paid. No warrants shall be issued in payment of any indebtedness of such district for less than face or par value. It shall be the duty of the treasurer from time to time when he has sufficient funds in his hands for that purpose to advertise in some newspaper in the county in which the district is situated

requiring the presentation to him for payment of as many of the outstanding warrants as he may be able to pay. Ten (10) days after the first publication of said notice by the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two (2) weeks consecutively and said warrants shall be called in and paid in the order of their indorsement.

Provided, further, after an irrigation district has organized and has no warrants outstanding, the district may maintain its operation on a cash basis and pay by check the expenses of operation and maintenance, repair, improvement, obligations on contractual or bonded indebtedness, and all other general necessary expenses incurred by the district.

The board of directors, or other officers of the district, may incur debt by contracting indebtedness with a money-lending institution, subject to the election requirements contained in section 43-401, Idaho Code, but the term of such indebtedness shall not exceed twenty (20) years. [1903, § 41, p. 150; reen. R. C. & C. L., § 2392; C. S., § 4355; am. 1923, ch. 61, § 1, p. 69; am. 1925, ch. 134, § 1, p. 236; I. C. A., § 42-317; am. 1967, ch. 211, § 1, p. 641; am. 1976, ch. 251, § 2, p. 857.]

Compiler's notes. Section 1 of S.L. 1976, ch. 251, is compiled herein as § 43-401.

Section 2 of S.L. 1925, ch. 134 declared an emergency. Approved March 5, 1925.

Section 3 of S.L. 1976, ch. 251, declared an emergency. Approved March 30, 1976.

Cross ref. County warrants, §§ 31-2301 — 31-2305.

Nonpayment of warrants for want of funds, indorsement, interest rate, §§ 31-2124, 31-2125.

Cited in: Colburn v. Wilson (1913), 23 Idaho 337, 130 P. 381.

ANALYSIS

Seepage and waste waters contract.
Ultra vires acts.

Seepage and Waste Waters Contract.

Contract of district to furnish "seepage and waste" waters to property owners outside of district did not violate this section on the ground that warrants for such a purpose were not authorized where no showing was made that expense imposed on district would be greater than anticipated revenues. Jensen v. Boise-Kuna Irr. Dist. (1954), 75 Idaho 133, 269 P.2d 755.

Ultra Vires Acts.

Power of directors or other officers of irrigation district is limited, and any act done in excess of the express provisions of statute by such directors or officers is ultra vires. Yaden v. Gem Irr. Dist. (1923), 37 Idaho 300, 216 P. 250; Lewiston Orchards Irr. Dist. v. Gilmore (1933), 53 Idaho 377, 23 P.2d 720.

43-323. Report to department of water resources. — At least as often as once a year after organization, the board of directors shall make a report to the department of water resources of the condition of the work of construction, as to capacity, stability and permanency, and whether or not the plan of irrigation formulated under the provisions of this title is being successfully carried out, and whether or not in the opinion of the board the funds available will complete the proposed works. Upon the receipt of such report by the department, it shall make such suggestions and recommendations to such board of directors as it may deem advisable for the best interest of the district. [1903, p. 150, § 37; reen. R. C. & C. L., § 2393; C. S., § 4356; I. C. A., § 42-318.]

Compiler's notes. The name of the department of water administration (formerly the department of reclamation) has been changed to the department of water resources on the authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).

43-324. Statement of financial condition. — On or before the second Tuesday of February of each year the board of directors of each irrigation district organized under this title shall publish in at least one (1) issue of some newspaper published in the county or counties in which such district is situated, a full, true and correct statement of the financial condition of said district, at the end of the last preceding fiscal year, giving all liabilities and assets of the said district, in a form to be prescribed by the bureau of public accounts of the state of Idaho and shall file a certified copy of such financial statement with the department of water resources of the state of Idaho. [1903, p. 150, § 57; reen. R. C. & C. L., § 2394; C. S., § 4357; am. 1927, ch. 115, § 1, p. 160; am. 1931, ch. 126, § 1, p. 222; I. C. A., § 42-319; am. 1941, ch. 170, § 1, p. 341.]

Compiler's notes. The name of the department of water administration (formerly the department of reclamation) has been changed to the department of water resources on the authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).

43-325. County commissioners to have access to books. — Any board of directors of any such irrigation district, or the secretary thereof, shall at any time allow any member of the board of county commissioners, when acting under the order of such board, to have access to all books, records and vouchers of the district which are in possession or control of said board of directors or said secretary of said board. [1903, p. 150, § 58; reen. R. C. & C. L., § 2395; C. S., § 4358; I. C. A., § 42-320.]

43-326. Power to maintain parks. — The board of directors of any irrigation district shall have the power to maintain public parks and recreation grounds for the benefit of the people of the district and may set aside for this purpose, land belonging to the district, including land acquired by the district from sale for delinquent water assessments. The district shall have the power to purchase land, or to acquire land by lease, within the district for public parks and recreation ground. In the maintenance of said grounds, the board of directors may construct buildings and provide facilities for recreation purposes and may receive gifts and donations of either real or personal property for the purposes hereinbefore enumerated. [I. C. A., § 42-322, as added by 1935, ch. 11, § 1, p. 26; am. 1959, ch. 7, § 1, p. 21:]

Compiler's notes. Section 2 of S.L. 1959, ch. 7 declared an emergency. Approved February 9, 1959.

43-327. Delinquent assessments — Shutting off of water. — The board of directors of any irrigation district shall have the power to refuse to deliver water for the use on any lands upon which any assessments, tolls or charges levied, assessed or charged against said lands or the owner, lessee, occupant or contract purchaser thereof, under any section of this title, whether for

irrigation or domestic water service, are unpaid for more than ninety (90) days after delinquency until such assessments, tolls or charges, together with any lawful penalties and additional charges are paid.

Provided, that, in irrigation districts having a contract with the United States under the provisions of this title, for the construction, or operation, or maintenance of a domestic water system or for the repayment to the United States of a loan for any such purpose, the board of directors of such district may, by resolution, from time to time, fix a date or dates after which any or all tolls and/or charges of the district, including without limitation domestic water tolls and charges, and excepting only assessments provided for in this title against real property within the district, shall be deemed delinquent. Such district shall have the right, in addition to and supplemental to all other legal rights now in effect, or hereafter acquired for the collection of any such sums, to cease delivery of domestic and irrigation water to all lands in connection with which such tolls or charges have been incurred and, at the district's option, also to all other lands within the district belonging to the person or persons, firm, corporation or other legal entity incurring any such tolls or charges. Such delivery may be ceased at any time after the tenth day following the date any such sums become delinquent, and until all such sums together with any lawful penalties, additional charges and/or interest at the legal rate are paid. [I. C. A., § 42-323, as added by 1939, ch. 269, § 1, p. 668; am. 1959, ch. 14, § 1, p. 34; am. 1965, ch. 25, § 1, p. 38.]

Compiler's notes. The following note appeared in the published acts: "This bill became a law on March 15, 1939, not having been signed by the governor, or filed, together with his objections, in the office of the secretary of state within ten days after the adjournment of the legislature."

Section 2 of S.L. 1959, ch. 14 declared an emergency. Approved February 12, 1959.

Section 2 of S.L. 1965, ch. 25 declared an emergency. Approved February 17, 1965.

43-328. Petition to construct improvements for irrigation — Assent of petitioners to assessment of cost of improvement. — The holders of title, or evidence of title, representing a majority of the acreage of any body of land within any irrigation district, may file with the board of directors of the district a petition in writing, praying for the construction of any improvement necessary or expedient for the efficient irrigation of the lands. The petition shall in a general way describe the proposed improvement and shall describe the tracts, or body of land, owned by the petitioners, and shall contain a description of the exterior boundaries of the land for which the proposed improvement is to be constructed, and describing therein any lands that are to be excepted from the benefit or use of the proposed improvement. The petition shall also contain an agreement on the part of the petitioners that the cost of construction of the improvement shall constitute a lien upon the lands within the exterior boundaries of the land described in the petition, except the lands that are therein excepted from the benefit or use of the proposed improvement, and that the lands shall be assessed for and pay the cost of the improvement. The petition shall be deemed to give assent of the petitioners to construction of the improvement and shall authorize

the assessment of the cost of such improvement upon and against the lands described in the petition and not specifically therein excepted. The petition shall be acknowledged in the same manner that conveyances of land are required to be acknowledged. [I.C., § 43-328, as added by 1973, ch. 64, § 1, p. 105.]

43-329. Elections to determine question as to construction of improvement — Resolution of directors. — (1) The board of directors, if they deem it for the best interest of the district that the proposed improvement be constructed, may by resolution call an election to be held within the boundaries of the land described in the petition for the purpose of submitting the question as to whether or not the proposed improvement shall be constructed. The board shall in the resolution fix the time and place of holding the election, and specify the polling place, and shall also appoint three (3) judges who shall constitute a board of election. The resolution shall also contain the ballot title to be used at the election, which title shall contain such information as in the judgment of the board will advise the owners of the land to be charged with the cost of the proposed improvement as to the general nature of the improvement and the estimated cost.

(2) The board at the time of calling the election within the land described in the petition shall also by resolution call an election to be held within the district at large for the purpose of submitting the question as to whether or not the proposed improvement shall be constructed. This resolution shall contain provisions identical with those provided for in subsection (1) of this section. The election in the district at large shall be held on the same day that the election within the territory described in the petition is held. The election shall be conducted, as nearly as practicable, in accordance with the general election laws of the state applicable to irrigation districts. [I.C., § 43-329, as added by 1973, ch. 64, § 2, p. 105.]

43-330. Majority of votes as determinative — Construction of improvement — Cost — Apportionment — Assessment. — If a majority of the votes cast by the electors within the boundaries of the land described in the petition are "Improvement — Yes," and if a majority of the votes cast by the electors in the district at large are "Improvement — Yes," then, but not otherwise, the board shall construct the improvement. The cost of construction shall be apportioned by the board to the lands within the boundaries described in the petition, so that each acre of irrigable land therein shall be assessed and required to pay the same amount. In all other respects the assessment and its levy and collection shall be, as nearly as practicable, in accordance with the assessment, levy and collection of other assessments and taxes levied upon lands within the district. [I.C., § 43-330, as added by 1973, ch. 64, § 3, p. 105.]

43-331. Directors may construct or maintain improvements, levy assessments. — (1) This section applies: (a) When a parcel of land lying within an irrigation district is subdivided into tracts of four (4) acres or less, and the owner has made no provision which in the opinion of the board of

directors is adequate for the proper distribution of water thereto; or (b) When improvements for the distribution or delivery of water to any tract of land are not owned by the district and the owner or person in control of the improvement fails to maintain, repair or replace the improvement as required for the proper and efficient distribution or delivery of water to any tract.

(2) Whenever the interest or convenience of such tracts requires the construction, repair or maintenance of any ditch, flume, dike, aqueduct or other improvement, the board may construct, repair or maintain such improvement, and levy and collect an assessment upon all tracts specially benefited thereby, to defray the whole or any portion of the cost and expense thereof. The board may determine what lands are specially benefited by such construction, repair or maintenance, and the amount to which each tract is benefited. [I.C., § 43-331, as added by 1973, ch. 64, § 4, p. 105.]

Sec. to sec. ref. This section is referred to in §§ 43-333, 43-334.

43-332. Apportionment of water to tracts — Employment of person to distribute water — Assessment of cost — Lien on land. — Whenever a parcel of land lying within an irrigation district is subdivided into tracts of four (4) acres or less, and plats of such subdivision are filed as provided by law, and the owners fail to properly apportion the water to their various tracts in the subdivision, the board of directors may employ some competent person to distribute and apportion water for such tracts. The reasonable cost of such services shall be apportioned each year by the board to such tracts. The cost of such services shall be assessed by the board as a special charge to the tracts in the same manner as other assessments are made by the board. The assessment so levied and apportioned shall be a lien upon the tracts, and shall be collected in the same manner as all other assessments are levied and collected by the board. [I.C., § 43-332, as added by 1973, ch. 64, § 5, p. 105.]

Sec. to sec. ref. This section is referred to in § 43-334.

43-333. Resolution for water distribution works or services — Hearing of objections — Construction, repair or maintenance of improvement — Apportionment of costs — Assessment. — (1) Whenever the board of directors shall deem it expedient or necessary to construct, repair or maintain ditches, flumes, dikes, aqueducts or other improvements as provided in section 43-331, Idaho Code, or to employ the services of some competent person to distribute and apportion water for any subdivision, as provided in section 43-332, Idaho Code, it shall declare such necessity by resolution:

(2) A resolution shall be posted in three (3) public places in the subdivision for five (5) days. Within ten (10) days from the date when the resolution is posted, the owner of any property within the tract may file with the secretary a written remonstrance against the proposed improvement or employment. The board hearing such remonstrances may, in its discretion,

overrule any remonstrance and by a resolution order construction, repair or maintenance of the improvements. The board may either enter into a contract to complete the improvement or, in its discretion, complete the improvement under its own supervision. After the work on the improvement is completed the board shall, by resolution, apportion the costs and shall declare an assessment upon each tract benefited, which assessments shall be final and conclusive. [I.C., § 43-333, as added by 1973, ch. 64, § 6, p. 105.]

43-334. Procedure for levy and collection of special assessment — Appeal. — Whenever the board of directors levies a special assessment against the various tracts of land as provided in section 43-331 and section 43-332, Idaho Code, it shall be extended against the tracts of land in the same manner as other assessments are levied and extended upon the assessment rolls of the irrigation district or county. The assessments shall be collected in the same manner as other assessments are collected. An appeal may be taken from the action of the board to the district court of the county in which the land is situated. The appeal shall be taken, perfected and prosecuted in the same manner and within the same period of time as an appeal from the board of county commissioners. [I.C., § 43-334, as added by 1973, ch. 64, § 7, p. 105.]

Compiler's notes. Section 8 of S.L. 1973, ch. 64, declared an emergency. Approved March 2, 1973.

CHAPTER 4

BONDS — ISSUANCE, CONFIRMATION AND SALE

SECTION.
43-401. Plan of construction — Issuance of bonds — Indebtedness — Election.
43-401A. Rehabilitation of irrigation structures.
43-402. Form of bonds.
43-403. Form of bonds — Statements enhancing security of bonds.
43-404. Apportionment of benefits.
43-404A. Contracts of payment for rehabilitation.
43-405. Apportionment of benefits — Notice and hearing — Appeal.
43-406. Confirmation of proceedings.
43-407. Confirmation of proceedings — Notice — Rules of procedure.
43-408. Confirmation of proceedings — Hearing and order.
43-409. Sale of bonds — Assessments in lieu of bonds canceled.
43-410. Payment of contractor with bonds.
43-411. Payment of bonds and interest.
43-412. Redemption of bonds.
43-413. Safety fund for payment of bonds and contract obligations.

43-401. Plan of construction — Issuance of bonds — Indebtedness — Election. — As soon as practicable after the organization of any such district the board of directors shall, by a resolution entered on its records, formulate a general plan of its proposed operations, in which it shall state what constructed works or other property it proposes to purchase and the cost of purchasing the same; and further what construction work it proposes to do and how it proposes to raise the funds for carrying out said plan. For the purpose of ascertaining the cost of any such construction work, said board shall cause such surveys, examinations and plans to be made as shall de-

...ver City, Idaho,

Monday, May 14th, 1900.

The Board of County Commissioners of Owyhee County, Idaho, met in special session at the office of the Clerk thereof, in Silver City, the county seat of said county, at ten o'clock A. M., to canvass the votes cast at an election to be held on Tuesday, May 4th, 1900, to determine whether or not the lands included within the boundaries of the proposed Gem Irrigation District shall be duly organized as an irrigation district, and if, upon such canvass, it appears that two-thirds of the votes cast are "Irrigation---Yes", the Board shall by order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving the highest number of votes for directors of said proposed district to be duly elected to such offices.

Present: C. H. Grete, Chairman, J. W. McDowell and A. J. Harlow, Commissioners, and J. S. St Clair, Clerk.

The following proceedings were had, to-wit:

Whereupon, the Board proceeded to canvass the returns of the special election held May 4th, 1900, for the purpose of voting on the question of organizing the Gem Irrigation District.

ABSTRACT OF VOTES POLLED.

IRRIGATION DISTRICT . Yes 48 No 1

The number of votes cast for officers for the said Gem Irrigation District are as follows:

	For Directors:	No. Votes:
Division # 1	George Hunrickhouse	Forty
Division # 1	Charles H. Taber	[illegible]
Division # 2	Chas. H. Talbot	Forty Six
Division # 2	Frank Tyler	Two
Division # 3	J. W. McDowell	Twenty Six
Division # 3	F. E. Tracy	Twenty Four

Whereupon, the following order is made: On this 14th day of May, 1900, came on regularly to be canvassed the election returns of a special election heretofore ordered to be held on Tuesday, May 4, 1900, for the purpose of organizing the "Gem Irrigation District", and electing officers thereof. From the Canvass it appearing that two thirds of all the votes cast at said election were irrigation district yes, it is hereby ordered that the territory heretofore designated by order of the Board made and entered on the 16th day of March, 1900, be and the same is hereby duly organized as an irrigation district under the name and style of "Gem Irrigation District", the boundaries of the said Gem Irrigation District are declared to be as heretofore fixed, and are declared to be as follows, to-wit:

Beginning at a point on the South bank of the Snake River, where the boundary line between the States of Idaho and Oregon crosses said river on the Westerly boundary line of Section 14, Township 4 North, of Range 6 West, of Boise Meridian; thence south on

STATE OF IDAHO } ss.
County of Owyhee }

I hereby certify that the foregoing [illegible]

said boundary line 148[illegible] feet to the Northwest corner of Section 2[illegible], T. 4 [illegible], R. [illegible]; thence East [illegible] feet; South 1[illegible]2 feet; East 1[illegible]2 feet; South 1[illegible]20 feet; East [illegible]60 feet; South [illegible]2[illegible] feet; East 1[illegible]2[illegible] feet to the Southwest corner of said Section 19; thence South one mile to the Southeast corner of Section [illegible]; thence East 2[illegible]0 feet to the Southeast corner of the Southwest quarter of Section 2[illegible], Township, and Range aforesaid; thence South one mile to the Southeast corner of the Southwest quarter of Section 36, Township and Range aforesaid; thence East two miles to the Southeast corner of the Southwest quarter of Section 32, in Township 4 North, of Range 5 West of Boise Meridian; thence South 2640 feet to the Southeast corner of the Northwest quarter of Section 5, Township 3 North, of Range 5 West, of Boise Meridian; thence East 1320 feet; thence South 3960 feet; thence West 3960 feet; thence South 1320 feet to the Southwest corner of the Northwest quarter of Section 8, in Township 3 aforesaid; thence west 2640 feet; South 660 feet; west 660 feet; South 660 feet; West 3960 feet; South 660 feet; west 660 feet; South 660 feet to the Southeast corner of the Southwest quarter of Section 12, in Township 3 North of Range 6 west, Boise Meridian; thence west 5010 feet to the said boundary line between the States of Idaho and Oregon; thence South on the said boundary line 2640 feet to the Southwest corner of the Northwest quarter of Section 14, in said Township 3 North; thence East on the quarter section line through Sections 14 and 13 to the quarter corner on the west side of Section 18, in Township 3 North of Range 5 West, Boise Meridian; thence South 2640 feet to the Southwest corner of said Section 31; thence East 2640 feet to the quarter corner on the South line of said Section 18; thence South 1980 feet; thence East 2640 feet; thence North 1980 feet to the Southeast corner of said Section 18; thence East 2640 feet to the quarter corner on the South line of Section 17; thence South 1320 feet; thence East 1320 feet; thence South 3960 feet; thence East 1320 feet to the Southeast corner of Section 20, in Township 3 North, of Range 5 West; thence South 1 7/8 miles to a point 660 feet North of the Southeast corner of Section 32, in said last mentioned township; thence East 2640 feet; thence South 660 feet to the quarter corner on the South line of Section 33, of the last mentioned township; thence East 1320 feet to the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 33; thence North 660 feet; East 1320 feet; South 5940 feet to the Southeast corner of Section 4, in Township 2 North, of Range 5 West, of Boise Meridian; thence East 660 feet; South 660 feet; East 1320 feet; South 660 feet; East 660 feet; South 660 feet; East 730 feet; thence North 1980 feet; thence West 990 feet; thence North 2640 feet; thence west 330 feet; thence North 3960 feet; thence East 1980 feet to the center of the Southwest quarter of Section 35, in Township 3 North, of Range 5 West, Boise Meridian; South 660 feet; East 1320 feet; South 660 feet to the Southeast corner of the Southwest quarter of Section 35, in Township 3 North, of Range 5 West, of Boise Meridian; thence East 1320 feet; South 1320 feet; East 1320 feet; South 660 feet; East 660 feet; South 660 feet; East 1320 feet; South 660 feet; East 660 feet; South 660 feet; East 1650 feet; South 660 feet; East 990 feet; South 660 feet to the Southeast corner of Section 1, in Township 2 North, of Range 5 West, of Boise Meridian; thence East 1320 feet; South 2640 feet; East 660 feet to the Southeast corner of the Northwest quarter of Section 6.

Township 2 North, of Range 4 west, of Boise Meridian; thence North 660 feet; thence East 7920 feet; North 1320 feet; East 2640 feet; South 660 feet; East 1980 feet; South 660 feet; East 660 feet; South 2310 feet; thence East to the South bank of Snake River; (the said point on the South bank of Snake River being in Section 11, in Township 2 North, of Range 4 west of Boise Meridian); thence Northwesterly on and along the South bank of said Snake River, with its meanderings to the Southeast corner of Lot 4, of Section 10, in Township 2 North, of Range 4 West, Boise Meridian; thence West to the Northwest corner of Lot 3, of said Section 10; thence South 2640 feet; thence East 1320 feet; thence South 1320 feet to the quarter corner on the East line of Section 15, of the last mentioned township; thence East 2640 feet to the center of section 14, of said township; thence South 2640 feet to the quarter corner on the South line of said section 14; thence west 1 7/4 miles to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 16, said township and range; thence North one mile to the Northwest corner of the northeast quarter of the Northeast quarter of said Section 16; thence East three-fourths of a mile to the quarter corner on the North boundary of Section 15; thence North one-half mile to the center of Section 10, said township and range; thence East to the South bank of Snake River; thence Northwesterly on and along the South bank of Snake River, with its meanderings, to the place of beginning, containing the following lands, situated in Owyhee County, State of Idaho, to-wit:

In Township 2 North of Range 4 West:

Lot 1 of Sec. 2; Lots 1, 2, 3, 4 and 5, the S 1/2 of the NW 1/4, the SW 1/4; the W 1/2 of the SE 1/4, and the SE 1/4 of the SE 1/4, of Sec. 3; all of Sec. 4; All of Sec. 5; all of Sec. 6; the E 1/2 of the NW 1/4, and the NE 1/4 of Sec. 7; the NW 1/4, the N 1/2 of the NE 1/4 and the N 1/2 of the N 1/2 of the S 1/2 of the NE 1/4 of Sec. 8; the N 1/2 of the N 1/2 and the N 1/2 of the N 1/2 of the S 1/2 of the N 1/2 of Sec. 9; the W 1/2 of the W 1/2 of the N 1/2 of the NW 1/4, the N 1/2 of the N 1/2 of the NE 1/4, the N 1/2 of the S 1/2 of the N 1/2 of the NE 1/4, the S 1/2 of the SE 1/4 of of the NE 1/4 of the NE 1/4, and the W 1/2 of the NE 1/4 of the SE 1/4 of the NE 1/4 of Sec. 10; Lots 1, 2 and 3, the W 1/2 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Sec. 11.

In Township 2 North of Range 5 West, of Boise Meridian:

Lots 1, 2, 3 and 4, the N 1/2 of the NW 1/4 of the NW 1/4, the SE 1/4 of the NW 1/4 of the NW 1/4, the E 1/4 of the NW 1/4, the S 1/2 of the NE 1/4, the NE 1/4 of the NE 1/4 of the SW 1/4, the N 1/2 of the SE 1/4, the NE 1/4 of the SW 1/4 of the SE 1/4, and the E 1/2 of the NW 1/4 of the SE 1/4 of the SE 1/4 of Sec. 1; Lot 1 of Sec. 2; the W 1/2 of Lot 1, Lots 2, 3, and 4, the S 1/2 of the NW 1/4, the NW 1/4 of the NE 1/4, the E 1/2 of the SE 1/4 of the NE 1/4, the SW 1/4, the W 1/2 of the SE 1/4; the W 1/4 of E 1/2 of the SE 1/4 of Sec. 7; the N 1/2 of the NE 1/4, the N 1/2 of the S 1/2 of the NE 1/4, the E 1/2 of the NE 1/4 of the NW 1/4, the NW 1/4 of the NE 1/4 of the NW 1/4, and the NE 1/4 of the NW 1/4 of the NW 1/4 of Sec. 10; the W 1/2 of the NW 1/4 of the NW 1/4, and the NW 1/4 of the SW 1/4 of the NW 1/4 of Sec. 11.

In Township 3 North of Range 4 west, Boise Meridian:

Lots 4 and 5 of Sec. 17; Lots 6, 7, 8 and 9 of Sec. 18; all of Sec. 19; all of Sec. 20; Lots 5 and 6 and the SW 1/4 of the SW 1/4 of Sec. 21; Lots 5, 6 and 7 of Sec. 27; all of Sec. 28; all of Sec. 29; all of Sec. 30; all of Sec. 31; all of Sec. 32; all of Sec. 33; Lots 5, 6, 7 and 8, and the W 1/2 of the W 1/2 of Sec. 34.

In Township 3 North, of Range 5 West, Boise Meridian:

Lot 2 of Sec. 3; Lots 3, 4, 5 and 6, the S 1/2 of the SE 1/4, the SW 1/4, and the SW 1/4 of the NW 1/4 of Sec. 4; the NW 1/4, and the E 1/2 of the SE 1/4 of Sec. 5; the S 1/2 of the S 1/2, the W 1/2 of the SE 1/4, and the SE 1/4 of the NE 1/4 of the SW 1/4 of Sec. 7; the S 1/2, the S 1/2 of the W 1/2 and the NE 1/4 of the NE 1/4 of Sec. 8; all of Sec. 9; Lots 3, 5 & 6, the W 1/2 of the SW 1/4, the SE 1/4 of the NW 1/4 and the SW 1/4 of Sec. 11; Lots 5, 6, 7 and 8, and the S 1/2 of the SW 1/4, Sec. 13; Lots 3, 4, 5 and 6, the S 1/2 of the SE 1/4 and the SW 1/4 of the SE 1/4 of Sec. 14; Lot 1 of Section 15; the W 1/2, and the W 1/2 of the E 1/2 of Sec. 16; all of Sec. 17; all of Sec. 18; the W 1/2 of the NE 1/4, and the N 1/2 of the S 1/2 of the NE 1/4 of Sec. 19; the W 1/2 of the NW 1/4, the SE 1/4 of the NE 1/4, and the E 1/2 of the SE 1/4 of Sec. 20; all of Sec. 21; all of Sec. 22; all of Sec. 23; all of Sec. 24; all of Sec. 25; all of Sec. 26; all of Sec. 27; all of Sec. 28; the N 1/2, the N 1/2 of the S 1/2, the N 1/2 of the S 1/2 of the SW 1/4, the SW 1/4 of the SE 1/4, and the N 1/2 of the SE 1/4 of the SE 1/4 of Sec. 33; the N 1/2, the SW 1/4, the W 1/2 of the SE 1/4, the NW 1/4 of the SE 1/4, and the W 1/2 of the SE 1/4 of the SE 1/4 of Sec. 34; the N 1/2, the N 1/2 of the S 1/2, the E 1/2 of the SE 1/4, and the N 1/2 of the SE 1/4 of the SW 1/4 of Sec. 35; all of Sec. 36;

In Township 3 North, Range 6 West, Boise Meridian:

The SE 1/4 of the SE 1/4, the E 1/2 of the SW 1/4 of the SE 1/4 and the SW 1/4 of the SW 1/4 of the SE 1/4 of Sec. 12; the N 1/2 of Sec. 13; the N 1/2 of Sec. 14;

In Township 4 North, Range 5 West, Boise Meridian:

Lots 5, 6, 7 and 8 and the E 1/2 of Sec. 19; Lots 3 and 4 of Sec. 20; Lots 5, 6, 7 and 8 of Sec. 29; all of Sec. 30; all of Sec. 31; Lots 4, 5, 6 and 7 and the W 1/2 of the NW 1/4, the SW 1/4, and the SW 1/4 of the SE 1/4 of Sec. 32; all that portion of Sec. 33 lying west and South of Snake River.

In Township 4 North, Range 6 West, Boise Meridian:

Lots 1 and 2, the NE 1/4 of the NW 1/4, the S 1/2 of the NE 1/4, the E 1/2 of the SE 1/4 and the E 1/2 of the W 1/2 of the SE 1/4 of Sec. 23; all that portion of Sec. 14 lying South and West of Snake River; Lots 4, 5, 6 and 7 and the E 1/2 of Sec. 24; all of Sec. 25; the E 1/2 of Sec. 36.

It is further ordered that the divisions of said district be described as follows, to-wit:

Division No. 1

shall consist of all that portion of said district lying east of the range line between Range 4 west and Range 5 west, of the Boise Meridian.

Division No. 2

shall consist of all that portion of the district lying between the range line between

Ranges 4 East and 5 West and a line described as beginning at the boundary line of the district at the Southwest corner of Sec. 21, T. 7 N., R. 5 W., and running thence East 1320 feet to the Southeast corner of the S½ of the SW 1/4 of said Sec. 21; running thence due North to Snake River.

Division No. 2

shall consist of all that portion of the district lying West of line last above described.

It is further declared that the following persons received the highest number of votes for the respective offices named and therefore elected to same:

George Hamrickhouse, Director, Division No. 1.

Chas. S. Faurot, Director, Division No. 2.

J. A. McDowell, Director, Division No. 3.

It is hereby ordered that a certified copy of the order organizing the Sam Irrigation District be filed and recorded in the office of the County Recorder of Owyhee County, Idaho.

Whereupon, it is ordered that this Board do now adjourn sine die.

Attest: Chas. H. Grete,

J. S. St Clair, Chairman.

Clerk.

State of Idaho, :
:—ss.
County of Owyhee. :

I, J. S. St Clair, Clerk of the Board of County Commissioners of Owyhee County, State of Idaho, do hereby certify that the foregoing eight sheets contain a true and correct transcript of the proceedings of said Board held on Monday, the 10th day of May, 1909, in the Matter of the Organization of the Sam Irrigation District, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board, this 17th day of May, 1909.

J. S. St Clair, Clerk.

(Seal) By J. S. Dickens, Deputy.

Filed May 19th, 1909, at 4:30 o'clock P. M., at request of C. H. Grete, Chairman.

J. S. St Clair
Ex-Officio Recorder.

By J. S. Dickens Deputy.

RECEIVED
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

J K Miller
Boot Hill Ranch
Middleton, ID 83644
208) 585-3421

JAN 14 1994

I recd that the minimum stream flow application # on list are all should not be allowed w/o [illegible] of the cost of evaluation of impact on the Trinity River."

(1) the effect on the City of Horseshoe Bend's water supply during the drought period with at this out a water is allowed to go down stream in the water. This application has the potential to leave the City with out water during this criteria, drought.

(2) the effect on existing and future water rights on Lake and normal pool elevation.

(3) When did the information come into to support this request"

(4) How does the Horseshoe Bend request relate to the to the Trinity River Authority of Texas "Trinity Storage"

(5) What will this proposed action during the below months affect the water in the river corridor"

Richard Bezner
Horseshoe Bend
City Council

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.

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

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

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, G.V. I.D.
2/28/91	Jamie Anderson	JAMIE A. ANDERSON	HC 76 Box 2464 GV ID
3/1/91	David A. Jerome	David A. Jerome	HC77 Box 2830 G.V. Id.
3/1/91	Mollo Glauser	Mollo Glauser	HC76 Box 1110 Banks Id
3/1/91	Judith Meserth	Judith Meserth	PO Box 23 Garden Valley ID 83622-0023
3/1/91	Gretchen Bates	Gretchen Bates	PO 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	HC76, Box 1120, Banks, ID 83602
3/1-91	Richard Crane	R. Crane	Hc. 76 Box 1106 Banks Ida
3-1-91	Wenda L. Coons	Wenda L. Coons	HC 76 - Box 1098 BANKS, Id. 83602

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

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 2860 GARDEN VALLEY, ID 83622
3/10/91	Jocelyn Wasson	JOCELYN WASSON	HC 77 BOX 286C 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 83622
11 March 91	Julia M. Liberuaga	Julia M. Liberuaga	HC 77 Box 2869 Garden Valley 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	Ken 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 [illegible] 94

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
3/1-91	August & Pat Michaelis	August & Pat Michaelis	Box 105 Garden Valley Id. 83622
3/2-91	Mary B Reay	MARY B REAY	Box 2695 Garden Valley, Id. 83622
3/2-91	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	Linda Sharrard	LINDA SHARRARD	HC76 BOX 2419 GARDEN VALLEY, ID 83622
3-10-91	Donald L. Hartley	DONALD L HARTLEY	H.C. 76 Box 4034 G.V. ID. 83622
3/10/91	Louise Van Sickle	LOUISE VAN SICKLE	H C 76 Box 4059 Garden Valley, Id. 83622
3/10/91	Sidney A. Van Sickle		H.C. 76 Box 4059 Garden Valley Id 83622
3/11/91	Bertha Hartley		HC 76 Box 4034 G.V. ID. 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
	David S. Seelye, Jr.	David S. Seelye, Jr.	HC 76 PO Box 4056 Gdn Vly Ida
	Patricia M. Bell	PATRICIA M. Bell	HC76 Box 4056 Garden Vly Id
	Diana Sue Brutsman	Diana Sue Brutsman	PO Box 13 Garden Valley

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
5 March 1991	Jean Sorensen	Jean Sorensen	HC 76, Box 2466, Garden Valley
5 March 1991	Kathleen M. Stearns	Kathleen Stearns	HC 76 Box 2470 Garden Valley
5 March 1991	Dean L Sampo	DEAN L SAMPO	HC 76 BOX 2470 GARDEN VALLEY
5 March 1991	Fred Brandt	Fred Brandt	HC 76 Box 2466 Garden Valley, ID 83622
10 March 1991	Hester Tarry	Box 2556 Middle Fork	Garden Valley ID 83622
	Glenalee Nichols	Glenalee Nichols	HC 76 Box 2390 Garden Valley, Id 83622
	Gerald R Nichols	Gerald R Nichols	HC 76 Box 2390 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
3/4/91	C. Blake Phillips	C. BLAKE PHILLIPS	P.O. BOX 51 GARDEN VALLEY ID
3/4/91	Gloria Ford	GLORIA FORD	P.O. Box 77, Garden Valley Idaho
3/4/91	Margaret E. Ward	MARGARET F. WARD	HC76 BOX2280, M.V. ID 83622
3/4/91	Janna D. Phillips	Janna D Phillips	P.O. Box 51 G.V. Id 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 199

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 Garden Valley, Id 83622 HC76
3/1/91	Carol R. Godbout	CAROL R. GODBOUT	Box 1096 BANKS, ID 83602
3/1/91	Norman L. Godbout	NORMAN L. GODBOUT	HC 76 Box 1096 BANKS, ID 83602
3/1/91	Lloyd Cooks	Lloyd Cooks	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	PO Box #76 Garden Valley ID 83622
3-8-91	Duane Vaughan	DUANE VAUGHAN	HC 77 Box 2825 Garden Valley Ida 83622
3-8-91	Kathy Vaughan	KATHY VAUGHAN	"

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	Dwayne Sharrard	Dwayne Sharrard	HC 76 Box 2419 Garden Valley, ID.
3-2-91	Henrietta Gunn	Henrietta Gunn	HC 76 Box 2549 Garden Valley, ID
2-2-91	Brian Cox	BRIAN F. COX	HC 76 Box 4058 GARDEN VALLEY, ID
3-2-91	Tiffany Thuleen	TIFFANY THULEEN	HC 76, Box 4008 Garden Vly, ID.
3-5-91	Margie O'Neill	Margie O'Neill	HC 76, Box 24-78, G.V. ID.
3-5-91	Werner A. Meserth	Werner A. Meserth	P.O. Box 23, Garden Valley ID.
3-5-91	John & Ora Rollins		HC 76 Box 2686, Garden Valley
3-5-91	Lou Arnold		HC 76 Box 4066 Garden Valley
3-5-91	Phil Arnold		" " "
3/7/91	William L. Reinig	WILLIAM L. REINIG	P.O. Box 33 Garden Valley, Id 83622
3/7/91	Ida M. Reinig	IDA M. REINIG	Box 39, Garden Valley, Id 83622

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14 1994

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DATE	SIGNATURE	NAME(print)	ADDRESS
3-1-91	Debbie Harrington	Debbie HARRINGTON	HC 76 Box 2409 Garden Valley, Id 83622
3-1-91	John Harrington	JOHN HARRINGTON	HC 76 Box 2409 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	HC76 Box 2464 Garden Valley, ID
3-5-91	Mary Denton	MARY Denton	HC 76 Box 4638 Garden Valley Id 83622
3-5-91	Carol Dansak	CAROL DANSAK	HC 76 Box 4407 Garden Valley Id 8362
3-6-91	Toni L. Buschine	TONI BUSCHINE	HC 76 Box 2340 Garden Valley, ID 83622
3-6-91	Dan. Riedinger		HC76 Box 2694 Garden Valley ID 83622
3-6-91	Cheryl Riedinger	Cheryl Riedinger	HC76 Box 2694 Garden Valley Id 836
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

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
3/9/91	James F O'Neill	James F O'Neill	G.V.
3/14/91	Eleanor Farnham	Eleanor Farnham	G.V.
3/14/91	T.J. Farnham	T.J. Farnham	G.V.
3/14/91	Betty S. Edgerly	Betty S. Edgerly	G.V.
3/14/91	Robert E. Edgerly	ROBERT E. EDGERLY	G.V.
3/14/91	Irene Canfield	Irene Canfield	G.V.
3/14/91	Robert Canfield	Bob Canfield	G.V.

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
3/5/91	Karla C. Groff	Karla C. Groff	PO Box 407 GARDEN Valley, ID, 83622
3/5/91	Steven E Groff	STEVEN E. GROFF	P.O. Box 407 GARDEN VALLEY, ID 83622
3/10/91	Donna Adams	Donna Adams	HC 76 Box 2308, G.V. 83622
3/10/91	Eugene A. Adams	Eugene A. Adams	HC 76 Box 2308 GV
3/12/91	Sandra S. Hutchinson	SANDRA S. HUTCHINSON	GARDEN VALLEY, ID. HC 76 BOX 4015
3/12/91	Gordon Hutchinson	Gordon Hutchinson	Garden Valley HC76 Box 4015

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

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;

Tina M. Honea

HC-77 Box 2871
Garden Valley. IDAHO
83622

JAN 14

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	Arnold O. Thuleen		HC 76 Box 1408 C.V. Idaho
3-6-91		Dick McDowell	HC 76 Box 2191 Garden Valley
3-6-91	Chris Chesnut	"	" "
3-6-91		James L. McDowell	HC 76 Box 2191 Garden Valley
3-6-91	Heidi R. Chesnut	HEIDI R. CHESNUT	HC 76 Box 2191 Garden Valley

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
3/4/91	Karen Wattenmaker	Karen Wattenmaker	Box 148 Garden Valley
3/4/91	Hunter F Homes	Hunter F Homes	P.O Box 1 G.V. ID 83622
3/4/91	Lisa C. Gelezis	Lisa C. Gelezis	P.O. Box 148 Garden Valley, ID
3/4/91	Tyler Williams	Tyler Williams	P.O. Box 6 Garden Valley ID 83622
3/5/91	Bill Lennon	Bill Lennon	Box 4161 McCall, Id 83638
3/5/91	Beth O'Reilly	Beth O'Reilly	Box 4161 McCall, Id 83639

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

JAN 14

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
	Nancy Umbach	Nancy Umbach	Box 172 McCall ID 83638
	Anne Lafferty	JOANNE LAFFERTY	BOX 1206 McCall 83638
3/5/91	Niki LeClair	niki leclair	box 874 mccall 83638
3/5/91	MaryJane Liberty	MaryJane Liberty	P.O. BOX 1463 McCall 83638
3/5/91	Esther Mulnick	ESTHER MULNICK	BOX 1795 McCall, Id. 83638
3/5/91	Luma Mulnick DC	L. Luma Mulnick DC	PO Box 4309 McCall Id 83638
3/5/91	Patti Stieger	PATTI 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	Jennifer Blake	Box 721 McCall ID 83638

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

3/6/91		Rob Corbitz	Box 1639 McCall ID 83638
3/6/91		Cathy & Linda Pearson	" " ID 8638
3/6/91			McCall 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	Richard Taplin	Richard Taplin	P.O. Box 4370 McCall ID.
3/6	Don McClaran	Don McClaran	Box 1794 McCall ID.
3/6	Connie McClaran	Connie McClaran	Box 1794 McCall Id
3/6	Dennis McCoy Jr	Dennis Coyle	Box A McCall, [redacted] 83638
3/6	Marianne Holtz	MARIANNE HOLTZ	Box 4037 McCALL 83638
3/6	Marcia Nelson	Marcia Nelson	Box 4356 McCall 83638
3/6	Jamie Melbo	Jamie Melbo	Box 287 McCall 83638
6MAR91	Woody Hesselbarth	WOODY HESSELBARTH	P.O. Box 815, McCall, ID 83638-0815
3/6	Doug Mastaler	DOUG MASTALER	PO Box 1319 McCALL ID 83638
3/6	Irwin Mulnick, DC	IRWIN MULNICK	PO Box 4307 McCall, ID 83638

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

14284

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		JUDSON ZENZIC	P.O. BOX 1575 McCALL, ID. 83638
3-5-91	Patricia Zenzic	Patricia Zenzic	P.O. Box 1575 McCall, ID. 83638
3/5/91	Edward Roper	Edward Roper	P.O Box 251 McCall, Id. 83638
3/5/91		ANDREW LAIDLAW	McCALL, ID
3/5/91	DAVID KAUANGE	"	P.O. BOX 1242 McCALL ID.
3/5/91	John Gebhards	John Gebhards	Box 333 McCall

return to: HC 77 Box 2860, Garden Valley, Idaho 83622

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	Kirtley Lindstrom	1555 Shoreline Dr. Boise, Id 83702	Consolidated Pumped Storage, Inc
NO	Josh Hansen	214 Broadway	US Bureau Reclamation
NO	Werner + Judith Meserth	P.O. Box 233 Garden Valley	S.V. Resident (self)
NO	JOHN WASSON	HC77 Box 2860 GARDEN VALLEY	SELF
Yes	Roger Rosentreter	1423 E. State Boise, ID 83712	Idaho Whitewater Assn.
	Casey Kaelin	5000 Idaho #D Meridian Id 83642	Self
NO	Frank & Venita Bowers	H. L. Bend	
NO	mo Shelley	PAYETTE, IDAHO	
	Roy Maxwell	3252 E BLK Canyon Ranch	Ranch + Irrigation
	Keith Standley	3550 W Blk Hwy Emmett	
yes	Jeff Kelly	520 S. Cotterell Boise 83709	Friends of the Payette
yes	Ann Allyn	6301 Roe St. Boise ID 83703	self
yes	Susan Lee Brown	3885 Stacy Dr. Boise Id 83703	self + High Valley
Yes	Scott Montgomery	6947 N. Bellwether Boise Id 83703	(self)
No	Lori McAfee	5010 Wylie Lane Boise ID 83703	-self
	Linda Jenkins	HC77 Box 7000 G.V. Id. 83622	
NO	Jan Donley	HC77 Box 2220 GV Id 83622	
No	Rep. Judy Doneler	POB 724 Council 83612	
NO	J.K. Miller,	Boot 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

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 Rosentretter

RECEIVED
JAN 14 1994

R O S T E R O F A T T E N D A N C E

IDAHO DEPARTMENT OF WATER RESOURCES
HEARING - SOUTH FORK PAYETTE RIVER
MINIMUM STREAM FLOW
OCTOBER 8, 1991 - HORSESHOE BEND CITY HALL

Name	Address	Representing

10/8/91

HORSESHOE BEND PUBLIC COMMENT

Jeff Kelley Friends of Payette	3400 — 3480
Scott Montgomery Ind.	3490 - 3626
Roger Rosenbaeder IRU	3640 — 3917
Susan BROWN	4157 - 4176

JAN 14 1994

Keith Higginson Director
Idaho Dept of Water Resources
1301 North Orchard
Boise Idaho 83720

RECEIVED
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, 6512839 & 6513059.

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 minimun stream flows will help us develope & 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 minimun flows are necessary for recreation & fisheries, but they are equally important to preserve the aesthetics of our beautiful state.

JAN 14 1994

The value of aesthetics may be especially importat to applicaton # 65 13059 the smiths ferry to

the confluence of the Payettes along hiway 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

Oct 16, 1991

Keith Higginson, Director
Idaho Dept of Water Resources
1301 N. Orchard
Boise, Idaho 83720

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 Boater" 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 streamflows 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 Idahos 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.

JAN 14 1994

Sincerely
Deborah G Baldwin

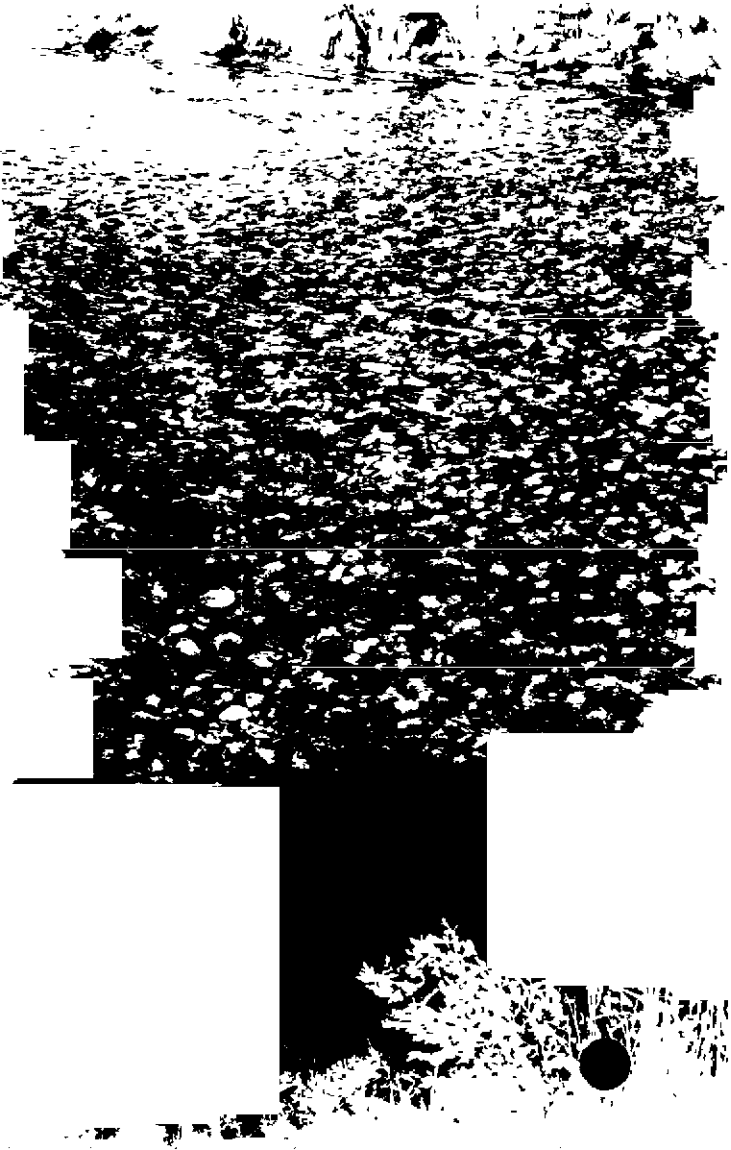
Ex. 12

10/5/91
351 CFS
OXBOW BEND
S. FORK PAYETTE RIVER



10/5/91
351 CFS
OXBOW BEND
S. FORK Payette River

ex 3



10/5/91
381 CFS
OX BOW BEND
S. FORK PAYETTE RIVER



10/5/91
351 CFS
OXBOW BEND
S. FORK PAYETTE RIVER



10/5/91

351 CFS

ORBOW BEND

S. FORK Payette River

Ex. 4

Oct 7, 1991

Sir -

We support the applications for increased minimum stream flows on the Payette River - specifically water right applications # 65-12839
65-13059
65-13060.

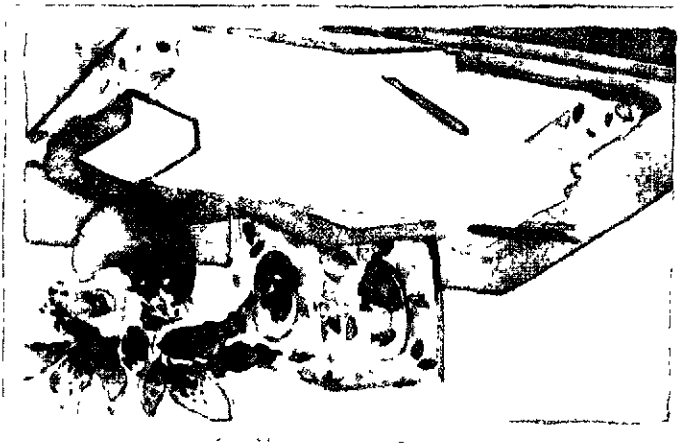
We believe minimum stream flows are a way to secure water rights for <u>all Idaho's citizens</u> - so we may secure for future generations the quality of life we enjoy.

Sincerely

JUN 14 1994

Werner & Judith Meserth

PO Box 23
Garden Valley ID 83622-0023



Sangamon

60505

© SANGAMON, I
MADE IN U.S.A.

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

MICROFILMED
JAN 14 1994

RECEIVED
OCT 17 1991
Department of Water Resources

DEAR MR SPACKMAN:

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 DeAngeli
BOX 44
SMITHS FERRY, ID

RECEIVED
JAN 14 1994

RECEIVED
OCT 17 1991
Department of Water Resources

HC76 Box 1110
Banks Idaho 83602

Oct 16, 1991

Keith Higginson
Statehouse Mail
Idaho Department of Water Resources
1301 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 O'bow 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

Gary Glauser

RECEIVED
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

Jan Donley
HC77 Box 2770
Garden Valley, Id.
83622

JAN 14 1994

RECEIVED
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 pubic they would be defeated overwhelmingly. As it is--- organized and financed special interest groups are controlling our water plans.

Respectfully,

Douglas Donley

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
Department of Water Resources

October 11, 1991

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 lkie 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. Futhermore, 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 agument 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

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

JUN 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,

Ann Allyn
Mike Allyn

Ann and Mike Allyn

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

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

JAN 14 1994

Oct. 8-91

Keith Higginson
Idaho Dept. of Water Resources
Statehouse Mail
Boise - 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 water 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

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

Richard L. Jenkins
HC77 Box 5000
Garden Valley, Idaho
83622

JAN 14 1994

RECEIVED
OCT 15 1991
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

Sterling Alley
HC76 Box 2670
Garden Valley, Id.
83622

JAN 14

RECEIVED
OCT 16 1991
Department of Water Resources

October 8, 1991

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,

Dan Youren
HC76 Box 2690
Garden Valley, Idaho
83622

MICROFILMED
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

Ty Edmondson
HC77 Box 2690
Garden Valley, Id.
83622

RECEIVED
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

M. Hileman
HC76 Box 2682
Garden Valley, Id.
83622

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 1 8 1991
Department of Water Resources

JAN 1 4 1994

RECEIVED
OCT 1 8 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 1 4 1994

RECEIVED
OCT 18 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 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

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

RECEIVED
OCT 18 1991
Department of Water Resources

RECEIVED
JAN 14 1994

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 <u>increased recreation and tourism revenues.</u>" (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 that 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 where 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