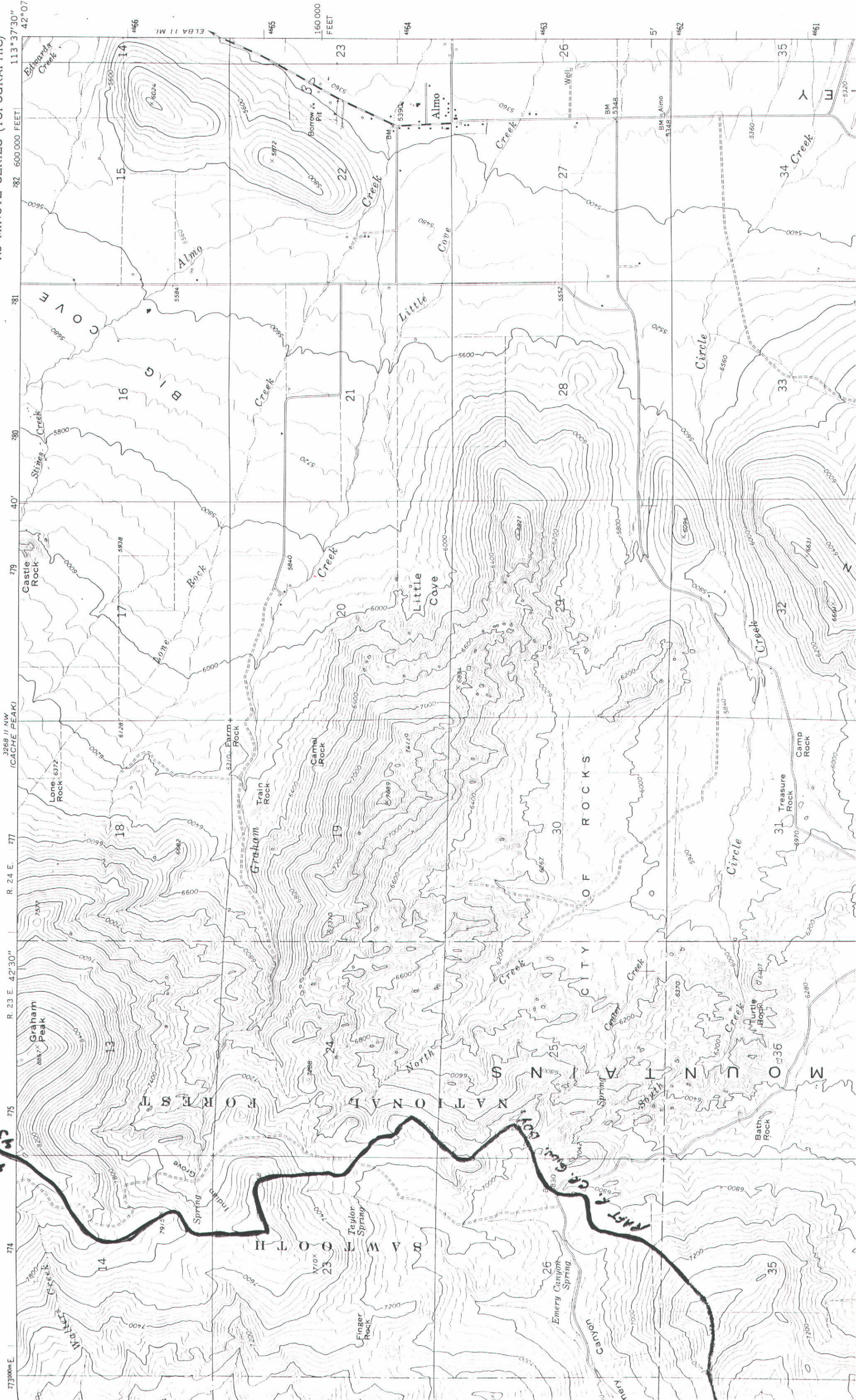
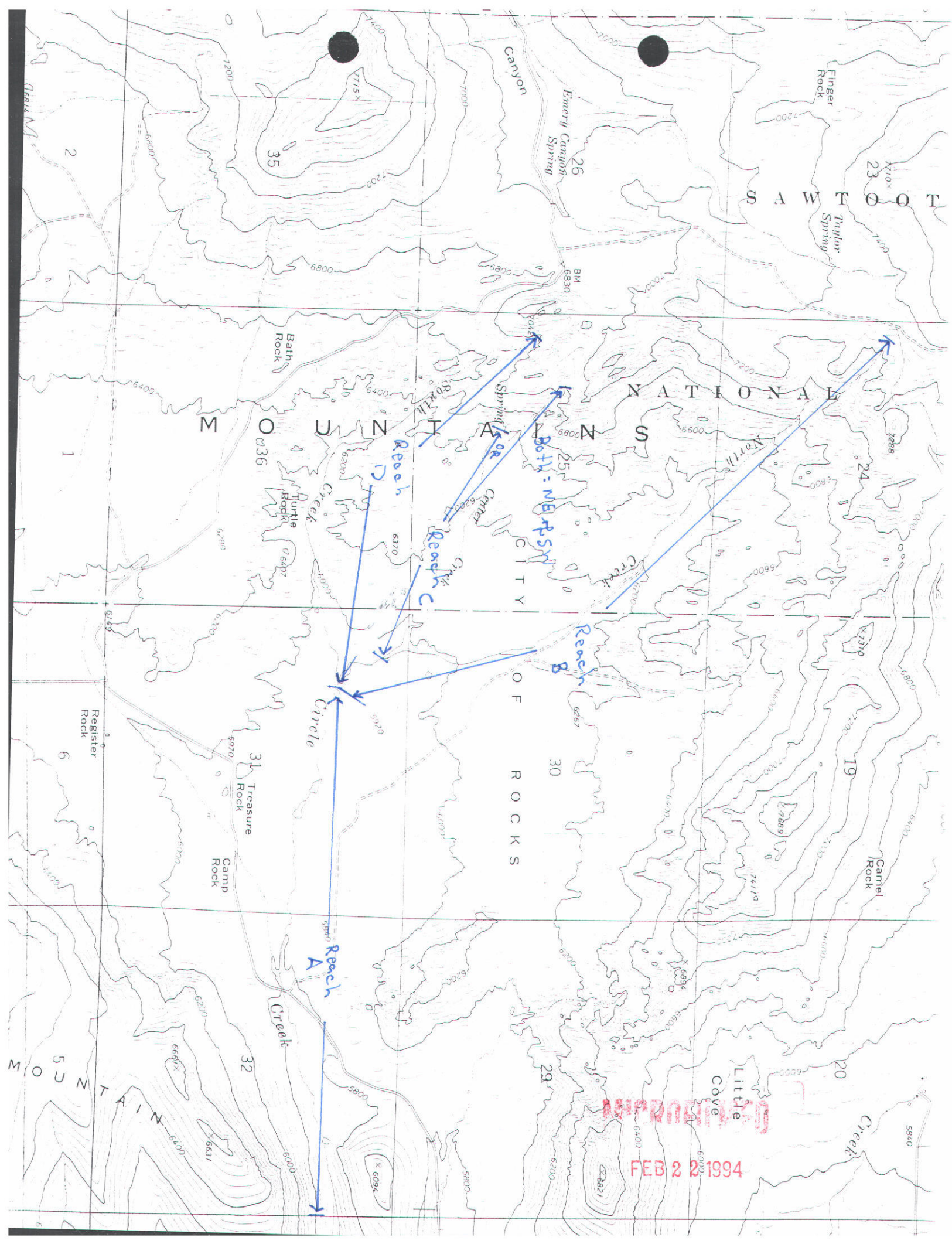






FEB 22 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 43-07295

Priority: July 1, 1988

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

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 1, 1988; and
has submitted Proof of Beneficial Use on January 13, 1994. A minimum stream flow in

CIRCLE CREEK

tributary to RAFT RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	01/01 to 12/31	1.50 CFS Subreach A
MINIMUM INSTREAM FLOW	01/01 to 12/31	0.50 CFS Subreach B
MINIMUM INSTREAM FLOW	01/01 to 12/31	0.50 CFS Subreach C
MINIMUM INSTREAM FLOW	01/01 to 12/31	0.50 CFS Subreach D

LOCATION OF MINIMUM FLOW REACHES:

Beginning of Subreach A	NWNW , Sec. 31, Township 15S, Range 24E
End of Subreach A	SWNE , Sec. 32, Township 15S, Range 24E
Beginning of Subreach B	SWNW , Sec. 24, Township 15S, Range 23E
End of Subreach B	NWNW , Sec. 31, Township 15S, Range 24E
Beginning of Subreach C	SESW , Sec. 25, Township 15S, Range 23E
End of Subreach C	NWNW , Sec. 31, Township 15S, Range 24E
Beginning of Subreach D	NWSW , Sec. 25, Township 15S, Range 23E
End of Subreach D	NWNW , Sec. 31, Township 15S, Range 24E

CASSIA County

CONDITIONS/REMARKS:

1. This right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Circle Creek and its tributaries, such measuring devices shall be permanently installed as specified by the Department.
4. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 07/01/88, the priority of this right.

REGISTERED

OCT 21 1994

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

WATER RIGHT NO. 43-07295

CONDITIONS/REMARKS:

5. The Director retains jurisdiction 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 public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

6. The minimum stream flow reaches and amounts are defined as follows:

Subreach A: The reach encompasses approximately two miles of Circle Creek, beginning in the NWNW, S31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream to the eastern boundary of the SWNE, S32, T15S, R24E. Rate of Flow: 1.5 cfs

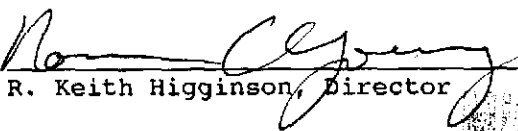
Subreach B: The reach encompasses approximately two miles of North Creek, beginning at the stream's inception, located in the SWNW, S24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach C: The reach encompasses approximately one mile of Center Creek, beginning at the stream's inception, located in the SESW, S25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach D: The reach encompasses approximately one and one-half miles of South Creek, beginning at the stream's inception, located in the NWSW, S25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

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 11TH day of OCTOBER, 1994.

Acting for


R. Keith Higginson, Director

OCT 21 1994

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JAN 13 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

PROOF OF BENEFICIAL USE

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

1. Permit No. 43-07295 Telephone No. 327-7900
2. Name(s) of Permit Holder(s): Idaho Water Resource Board
3. Mailing Address: Statehouse Mail, Boise, ID 83720
4. Source of Water: Circle Creek

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

OPTIONAL:

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

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

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

Irrigation _____ (No. of acres) Other instream flow for recreation and aesthetics

6. Total rate and/or volume for which proof is submitted 1.5 cfs OR _____ acre/feet

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

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

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

8. Fee Enclosed: \$ _____ (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.

Mary Lucachick 208-327-7444
Name Telephone No.

Idaho Dept. of Parks & Recreation, Statehouse Mail, Boise, ID 83720
Address

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

Date

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

FEB 22 1994

CERTIFICATE OF MAILING

I hereby certify that on this 23rd day of January, 1991, I mailed a true and correct copy of the Order Adopting Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

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

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

IDWR - Southern Region


JENNIFER SEIFERT
Clerical Assistant

RECEIVED

JAN 22 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
)
TO APPROPRIATE WATER NO. 43-07295 IN THE)
) AMENDED ORDER
NAME OF THE IDAHO WATER RESOURCE BOARD TO) ADOPTING PROPOSED
) MEMORANDUM DECISION
ESTABLISH A MINIMUM STREAMFLOW IN) AND ORDER
)
CIRCLE CREEK AND TRIBUTARIES)
)

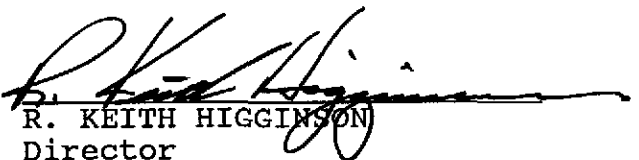
A Proposed Memorandum Decision and Order in the above-captioned matter has been issued and a copy served on the parties;

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 23rd day of January, 1991.


R. KEITH HIGGINSON
Director

RECORDED

FEB 22 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT	)	
	)	
TO APPROPRIATE WATER NO. 43-07295 IN THE	)	
	)	ORDER ADOPTING
NAME OF THE IDAHO WATER RESOURCE BOARD TO	)	PROPOSED MEMORANDUM
	)	DECISION AND ORDER
ESTABLISH A MINIMUM STREAMFLOW IN THE	)	
	)	
BIG WOOD RIVER	)	

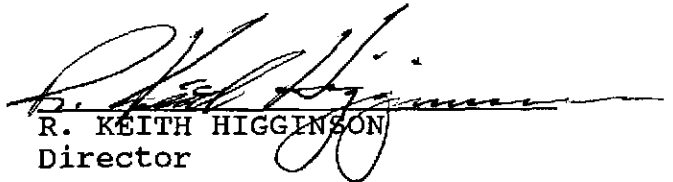
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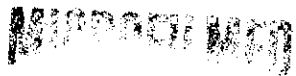
WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 2ND day of January, 1991.


R. KEITH HIGGINSON
Director


FEB 22 1994

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of January, 1991, I mailed a true and correct copy of the Order Adopting Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

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

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

IDWR - Southern Region


JENNIFER SEIFERT
Clerical Assistant

FEB 22 1994

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

IN THE MATTER OF APPLICATION NO. 43-07295
IN THE NAME OF THE IDAHO WATER RESOURCE BOARD
TO ESTABLISH A MINIMUM STREAMFLOW IN CIRCLE
CREEK AND ITS TRIBUTARIES

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.

RECORDED

FEB 22 1934

III.

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

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

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

IV.

CERTIFICATE OF SERVICE

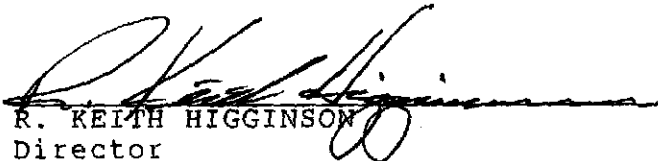
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

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

Dated this 10TH day of December, 19 90.


R. KEITH HIGGINSON
Director



FEB 22 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
TO APPROPRIATE WATER NO. 43-07295 IN THE)
NAME OF THE IDAHO WATER RESOURCE BOARD)
TO ESTABLISH A MINIMUM STREAMFLOW IN)
CIRCLE CREEK AND ITS TRIBUTARIES)

PROPOSED
MEMORANDUM
DECISION AND
ORDER

On July 1, 1988, the Idaho Water Resource Board (Board) filed with the Idaho Department of Water Resources (Department) an application for permit to establish a minimum streamflow in Circle Creek and its tributaries, located in Cassia County, Idaho. The application was filed pursuant to the provisions of Chapter 15, Title 42, Idaho Code.

A public meeting was conducted by the Board in September, 1989, for the purpose of determining whether the public would support the application. Following the local public information meeting, the Board requested that the Director of the Department consider the merits of the application.

Notice describing the proposed application and setting the time and place for the required hearing was published on September 19 and 25, and November 1, 1990. The public hearing was held at the Raft River Rural Electric Coop building in Malta, Idaho, on November 13, 1990.

Parties appearing in a formal capacity included the Board and the Idaho Department of Parks and Recreation (Parks and

FEB 22 1994

Recreation), which requested the application. Michael V. Nicholson, Rupert, Idaho, also filed a notice of appearance, but failed to appear at the hearing.

Based upon the record and information contained in the Department files, and upon his understanding of the law, the hearing officer, as a representative of the Director, proposes the following findings, conclusions, and order:

FINDINGS OF FACT

1. Application for permit to appropriate water no. 43-07295 proposes to appropriate a minimum streamflow in Circle Creek and its tributaries as described below. The flow rates shown represent a reduction requested by the Board after its public meeting. The flow rates set forth in parentheses are the original amounts requested by the application.

Subreach A: The proposed minimum flow reach encompasses approximately two miles of Circle Creek, beginning in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream to the eastern boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T15S, R24E, B.M., Cassia County.

Rate of Flow: 1.5 (9.0) cfs from 01/01 through 12/31.

Subreach B: The proposed minimum flow reach encompasses approximately two miles of North Creek, beginning at the stream's inception, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 0.5 (3.0) cfs from 01/01 through 12/31.

Subreach C: The proposed minimum flow reach encompasses approximately one mile of Center Creek, beginning at the steam's inception, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream

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to its confluence with North Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 0.5 (3.0) cfs from 01/01 through 12/31.

Subreach D: The proposed minimum flow reach encompasses approximately one and one-half miles of South Creek, beginning at the stream's inception, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 0.5 (3.0) cfs from 01/01 through 12/31.

2. The purpose of the minimum streamflow application is to preserve recreational and aesthetic values in the City of Rocks National Reserve.

3. Flows of Circle Creek have been measured sporadically at the lower end of the minimum streamflow reach after all of the tributaries have contributed water to Circle Creek.

4. IWRB Exhibit No. 4 depicts estimates of average flows in Circle Creek near the lower end of the minimum flow reach. The exhibit suggests that an average of 1.5 cfs is maintainable only during the months of April, May and June.

5. A water right claim, numbered by the Department as 43-4173, claims a right to divert 5.46 cfs for irrigation within the minimum flow reach, and above the place where water flows were measured. The withdrawal of irrigation water upstream reduces downstream flows.

6. In the reach of Circle Creek above the diversion for claim no. 43-4173, Circle Creek flows at a higher rate than the rate measured below the diversion.

FEB 22 1994

7. Additional water right filings, claim no. 43-4156 and water license 43-2047, cumulatively authorize the diversion of 6.01 cfs directly below the point where the water flow was measured. These water right filings are later in time than claim no. 43-4173, and water must have been available to these filings during some periods of the year.

8. One of the primary purposes for the designation for the City of Rocks Reserve was for preservation of its interpretive value. It was a well known stopping place for immigrants and pioneers travelling to California. It was mentioned as a place where the travelers could stop to bathe, rest their livestock and repair their equipment. Immigrants also registered their names and messages on the rocks for the benefit of subsequent travelers.

9. Circle Creek and its tributaries are an integral part of the unique features of the area. The riparian zones were part of what made the area pleasing to the immigrants, and are a central focus in the reserve today.

10. Visitor numbers are increasing in the City of Rocks Reserve, which is jointly administered by Parks and Recreation and the National Park Service. Both entities view the riparian habitat along the small streams and the flowing water therein as essential to the recreational value of the area.

11. Any further reduction in the water now flowing in Circle Creek and its tributaries would virtually dry up the streams,

FEB 22 1934

frustrating the purpose of the application, and diminishing the value of the reserve.

CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that streamflow preservation for the protection of aesthetic and recreational uses 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 whole, or in part, or upon conditions for rejecting said application. Approval of any such application must be based on a finding 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 the private interest;

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

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

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

FEB 22 1994

3. Any right to be acquired under this application for instream non-consumptive use is subject to all vested water rights, permits, or water right applications having dates of priority earlier than July 1, 1988.

4. The proposed minimum streamflow appropriation is necessary to preserve aesthetic and recreational uses within the City of Rocks National Reserve.

5. The minimum streamflow is in the interest of the public as opposed to the private interest. Park visitorship by the public is increasing annually.

6. A year round flow of 1.5 cfs in the main stem of Circle Creek, and 0.5 cfs for the North Creek, Center Creek and South Creek, is a true minimum flow, and is not the optimum flow rate for full preservation of aesthetics and recreational use. Any further withdrawal of water would substantially reduce the small flows in Circle Creek and its tributaries and destroy the existing riparian habitat.

7. Although the flow data are somewhat incomplete, the minimum streamflow is capable of being maintained because: (1) Flow has been measured at various times throughout the year at the lower end of the minimum flow reach, (2) A substantial irrigation right diverts water upstream from where flows have been measured, and (3) The existence of water right filings below where water is measured supports a conclusion water has been available to satisfy these downstream rights. Furthermore, the requested flow is so small that further reduction of the minimum

FEB 22 1994

streamflow is unwarranted. Maintenance of the existing riparian area requires the full sustaining flow available to maintain its current condition. The requested flows of 1.5 cfs for the main stem of Circle Creek, and 0.5 cfs for each of the tributaries are capable of being maintained.

8. Existing water rights will not be affected by the minimum streamflow.

ORDER

IT IS HEREBY ORDERED that application for permit no. 43-07295 is APPROVED subject to the following conditions:

1. Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with a priority of the water right dated earlier than July 1, 1988, the priority date of this permit.

2. The use of water under this permit shall be non-consumptive.

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

4. The minimum streamflow amounts and reaches are defined as follows:

Subreach A: The proposed minimum flow reach encompasses approximately two miles of Circle Creek, beginning

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in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream to the eastern boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T15S, R24E, B.M., Cassia County.

Rate of Flow: 1.5 cfs from 01/01 through 12/31.

Subreach B: The proposed minimum flow reach encompasses approximately two miles of North Creek, beginning at the stream's inception, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 0.5 cfs from 01/01 through 12/31.

Subreach C: The proposed minimum flow reach encompasses approximately one mile of Center Creek, beginning at the stream's inception, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 0.5 cfs from 01/01 through 12/31.

Subreach D: The proposed minimum flow reach encompasses approximately one and one-half miles of South Creek, beginning at the stream's inception, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 0.5 cfs from 01/01 through 12/31.

5. Proof of instream beneficial use of the minimum streamflow appropriation may be submitted to the Department immediately following final approval of this permit by the legislature, but in no case shall be submitted after five (5) years following final approval by the Idaho Legislature.

6. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license.

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Any person seeking review and amendment of the permit or license shall file a request with the Board which request shall include the amendment sought, the reasons for the 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 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 public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in 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 amendment of the permit or license would be in the public interest.

Dated this 7th day of December, 1990.


GARY SPACKMAN, Hearing Officer
Department of Water Resources


FEB 22 1994

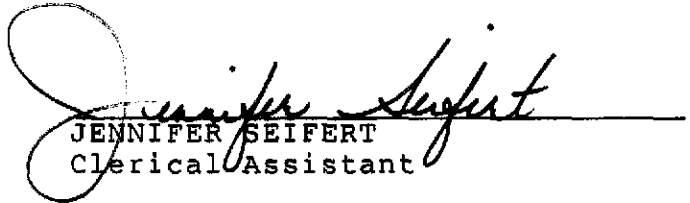
CERTIFICATE OF MAILING

I hereby certify that on this 10th day of December, 1990, I mailed a true and correct copy of the Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

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

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

IDWR- Southern Region


JENNIFER SEIFERT
Clerical Assistant

FEB 22 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

JUL - 1 1988

To appropriate the public waters of the State of Idaho

Department of Water Resources
1. Name of applicant Idaho Water Resource Board Phone 334-7900

Post office address Statehouse Mail, Boise, ID 83270

2. Source of water supply Circle Creek which is a tributary of Raft River
downstream terminus

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot

Sec. 32 Township 15S. Range 24E. B.M. Cassia County; additional
upstream termini are the headwaters of North, Center and South creeks
points of diversion if any: in Sec. 24 & 25, T15S., R23E., Cassia County, Idaho
(see attachment for description of sub-reaches.)

4. Water will be used for the following purposes:

sub-reach A Amount 9 cfs for recreational purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) and aesthetic
sub-reach B Amount 3 cfs for recreational purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) and aesthetic
sub-reach C Amount 3 cfs for recreational purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) and aesthetic
sub-reach D Amount 3 cfs for recreational purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) and aesthetic

5. Total quantity to be appropriated is (a) 9 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. N/A

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

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

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

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

PAID 1/1/88

FEB 2 1988

12. Remarks:

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

downstream terminus

11. a. Who owns the property at the point of diversion? IDPR & USFS at upstream terminus, BIM at

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

Total number of acres to be irrigated.

TWP	RANGE	SEC.	NE¼			NW¼			SW¼			SE¼			SE¼			TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
15S.	23E.	24						X	X	X			X					
15S.	23E.	25	X	X		X				X	X	X	X		X	X	X	
15S.	23E.	36		X	X	X		X										
15S.	24E.	31		X	X	X	X	X										
15S.	24E.	30							X	X								
15S.	24E.	32			X						X							

ponding place of use below. See instructions for standard symbols.

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

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

9. Description of place of use:

1. **Project Name:** [Project Name]

2. **Project Manager:** [Project Manager]

3. **Project Sponsor:** [Project Sponsor]

4. **Project Start Date:** [Project Start Date]

5. **Project End Date:** [Project End Date]

6. **Project Budget:** [Project Budget]

7. **Project Status:** [Project Status]

8. **Project Description:** [Project Description]

9. **Project Objectives:** [Project Objectives]

10. **Project Risks:** [Project Risks]

11. **Project Deliverables:** [Project Deliverables]

12. **Project Stakeholders:** [Project Stakeholders]

13. **Project Communication Plan:** [Project Communication Plan]

14. **Project Change Management Plan:** [Project Change Management Plan]

15. **Project Risk Management Plan:** [Project Risk Management Plan]

16. **Project Quality Management Plan:** [Project Quality Management Plan]

17. **Project Resource Management Plan:** [Project Resource Management Plan]

18. **Project Procurement Management Plan:** [Project Procurement Management Plan]

19. **Project Stakeholder Management Plan:** [Project Stakeholder Management Plan]

20. **Project Management Plan:** [Project Management Plan]

e. Other; describe fully. recreational & aesthetic

d. Domestic; show number of households.

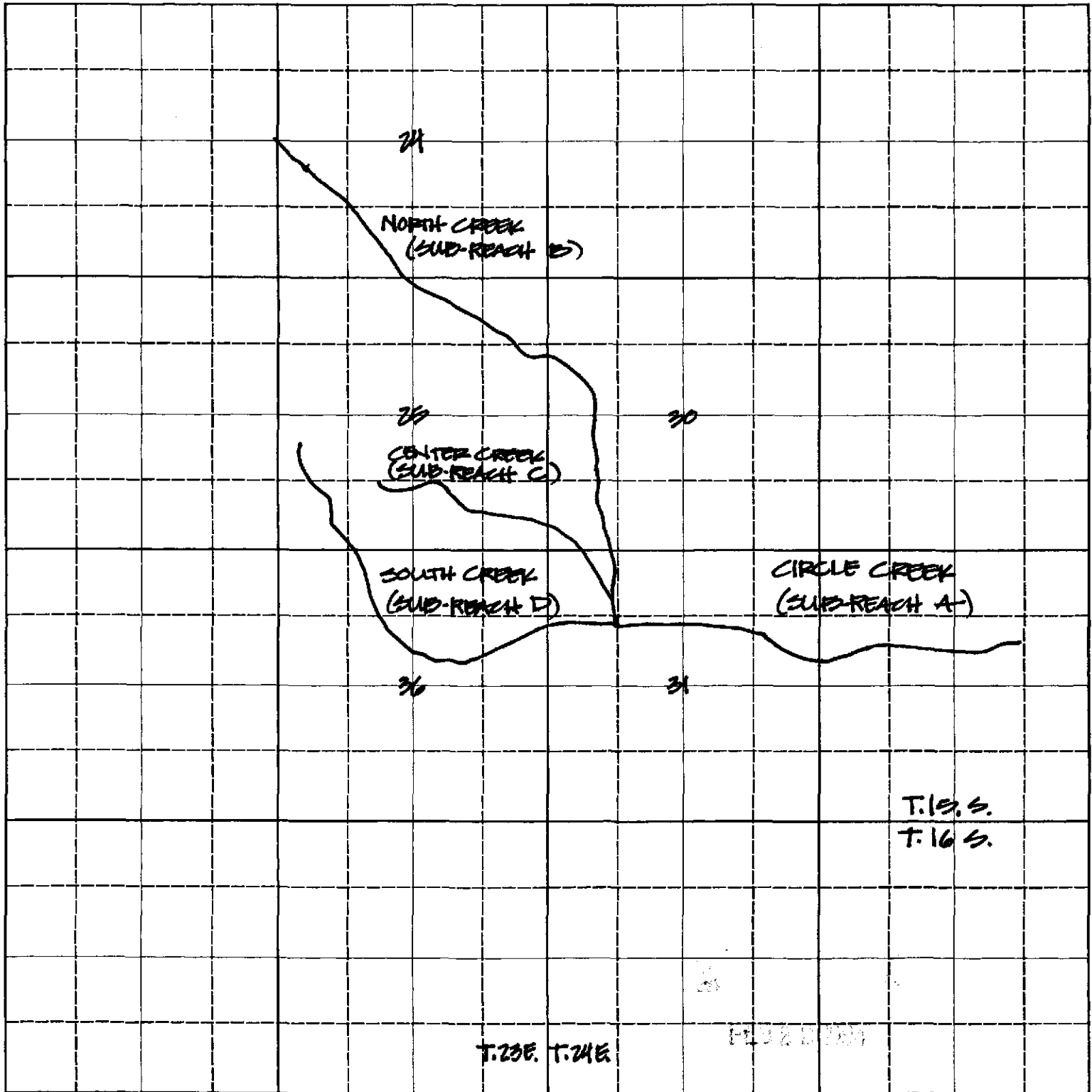
c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

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

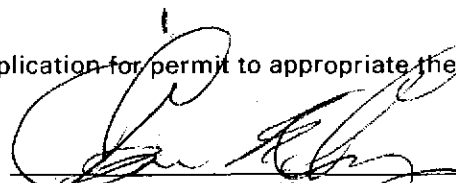
8. Description of proposed uses (if irrigation only, go to item 9):

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.


(Applicant)

RECORDED
FEB 2 1994

e. Other:

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.

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.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by <u>Gay S.</u>	Date <u>7/1/88</u>	Time <u>12:45 PM</u>	Preliminary check by <u>Voile</u>
Fee \$ _____	Received by <u>M. Baldwin</u>	Date <u>5003624</u>	Date <u>11/2/88</u>
Publication prepared by <u>Lee</u>	Date <u>10/10/80</u>	Published in <u>De So River</u>	
Publication approved _____	Date _____		

ATTACHMENT TO PAGE 1, QUESTION #4

- SUB-REACH A - From NE SW NE, Sec. 32, T.15S., R.24E., upstream to SE NW NW, Sec.31, T.15S., R.24E., commonly known as Circle Creek
- SUB-REACH B - From NE NW NW, Sec 31, T.15S., R.24E., upstream to SW SW NW, Sec. 24, T.15S., R.23E., commonly known as North Creek.
- SUB-REACH C - From SW NW NW, Sec. 31, T.15S., R.24E., upstream to SW SE SW, Sec. 25, T.15S., R.23E., commonly known as Center Creek
- SUB-REACH D - From SE NW NW, Sec. 31, T.15S., R.24E., upstream to SE NW SW, Sec 25, T.15S., R.23E., commonly known as South Creek

FEB 22 1994

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 is junior and subject to all prior rights within the
minimum streamflow reach.

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

City of Rocks is a heavily visited recreation site which attracts visitors
from around the country. Legislation is currently pending in the U.S.
Congress to designate it as a national reserve.

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

Circle Creek was the water source for emigrants on the California Trail
who camped at City of Rocks. It's interpretation will be part of the
overall interpretation of the reserve and its history.

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

Circle Creek is a very small stream and sufficient water is being diverted
to leave very little instream flow during the summer months.

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

Only minimal records are available

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

None.

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

No.

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

RECEIVED
FEB 22 1934

FEB 22 1934

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 9003624

Date: 11/07/88
Time: 15:45:12

*Void
MSF
no
fee*

Received

From: IDAHO WATER RESOURCE BRD.

Type of Payment	Program Acct Class	Amount
APP. FOR PERMIT (CIRCLE CREEK)	0640199 1238 6390	\$205.00
Total		\$205.00

OTHER

Idaho Department of Water Resources

Region: Southern

Signature: *Larry O'Hanlon*

RECEIVED
NOV 10 1988
IDAHO DEPARTMENT OF WATER RESOURCES



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

October 12, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

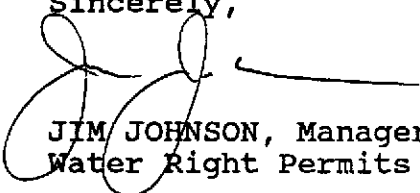
STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

RE: WATER RIGHT NOS. 36-08337/37-08258/37-08307/43-07295/
95-08560 and 97-07308

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits. If you have any questions, please contact me within 10 days of receipt of these licenses.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

SK:dc

Enclosure

RECEIVED
OCT 21 1994

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 43-7295

Proof of beneficial use rec'd 1/13/94

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

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

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

Data Entry for License:

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

Comments/adjustments _____

Printed license hand-edited ✓

SC 8/2/94

WR0749NP
No. L43-07295

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/02/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE MAIL BOISE ID 83720 (208) 327-7900	07/01/1988	MINIMUM INSTREAM FLOW	01-01 12-31	3.00 CFS	
TOTAL DIVERSION:					3.00 CFS	

Water Source: CIRCLE CREEK

Tributary to: RAFT RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 3.00 CFS

Point(s) of Beginning Stream Reach:	T15S R23E S24	S25	S25	SWNW	SESW	CASSIA County
		R24E S31		NWSW		CASSIA County
Point(s) of Ending Stream Reach:	T15S R24E S31	S32		NWNW	NWNW	CASSIA County
				SWNE		CASSIA County

Point of Diversion Name(s):

	Name	Rate	Number
T15S R23E S24	SW NW SUBREACH B		
S25	NW SW SUBREACH D		
S25	SE SW SUBREACH C		
R24E S31	NW NW SUBREACH A		
S31	NW NW SUBREACH B		
S31	NW NW SUBREACH C		
S31	NW NW SUBREACH D		
S32	SW NE SUBREACH A		

Pou County:

Conditions of Approval:

027 - Use of water under this right shall be non-consumptive.

Remarks:

Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Circle Creek and its tributaries, such measuring devices shall be permanently installed as specified by the Department. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 07/01/88, the priority of this right. The Director retains jurisdiction 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 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

Remarks: 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.

The minimum stream flow reaches and amounts are defined as follows:

Subreach A: The reach encompasses approximately two miles of Circle Creek, beginning in the NWNW, S31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream to the eastern boundary of the SWNE, S32, T15S, R24E. Rate of Flow: 1.5 cfs

Subreach B: The reach encompasses approximately two miles of North Creek, beginning at the stream's inception, located in the SWNW, S24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach C: The reach encompasses approximately one mile of Center Creek, beginning at the stream's inception, located in the SESW, S25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach D: The reach encompasses approximately one and one-half miles of South Creek, beginning at the stream's inception, located in the NWSW, S25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Dates: App. Received: 07/01/1988 Priority Date: 07/01/1988
Proof Due Date: 01/01/1996 Proof Made Date: 01/13/1994
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: N (Not Required)

Audit: 08/02/94 SCURTIS 08/02/94 SCURTIS

February 4, 1994

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 43-07295

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 SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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FEB 2 1994



**IDAHO DEPARTMENT
OF
PARKS & RECREATION**

CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

FRANKLIN E. BOTELER, Ph.D.
Deputy Director

**IDAHO PARK AND
RECREATION BOARD**

Robert M. Haakenson
Region One

Thomas L. Neal
Region Two

Sheila Robertson
Region Three

Glenn Shewmaker
Region Four

Ren E. Thomson
Region Five

Monte Q. Latcr
Region Six

**STATEHOUSE MAIL
BOISE, IDAHO 83720-8000
(208) 327-7444
FAX (208) 327-7406
TDD (208) 377-3529**

**Street Address
7800 Fairview Ave.**

Equal Opportunity Employer

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JAN 13 1994

Department of Water Resources

January 11, 1994

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

Re: Circle Creek Permit No. 43-07295

Dear Mr. Spackman:

Attached please find the **Proof of Beneficial Use** form for the instream flow water right at Circle Creek in the City of Rocks National Reserve.

Please let me know if there are any problems.

Sincerely,

Mary Lucachick
Natural Resource Specialist

circle.msf

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FEB 22 1994

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 43-7295 Reviewed by [Signature] Date 2-4-94

GENERAL CONSIDERATIONS

TYPES OF USE

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

Instream 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

MEASURING DEVICE

no Required?
1 Amount Submitted
1 Correct?

☐ 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 1-13-94

MINIMUM STREAMFLOW
Fact Sheet

Water Right No.: 43-07295

Source: Circle Creek and Tributaries

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: July 1, 1988

Place of Use: Those portions of Circle Creek and its tributaries, generally known as North Creek, Center Creek and South Creek, which flow within the City of Rocks National Preserve, located in Sections 24, 25, and 36, Township 15 South, Range 23 East, B.M., and Sections 30, 31, and 32, Township 15 South, Range 24 East, B.M., Cassia County.

Rate of Flow: Circle Creek 1.5 cfs
North Creek 0.5 cfs
Center Creek 0.5 cfs
South Creek 0.5 cfs

Purpose: Recreational and aesthetic purposes.

Unique Facts: Federal legislation creating the preserve did not reserve any federal water rights, but provided that water rights to maintain value of preserve must be perfected pursuant to state law.

Private lands located within the preserve are irrigated with water from Circle Creek and tributaries. Rights to irrigate these lands perfected prior to the minimum streamflow will be protected.

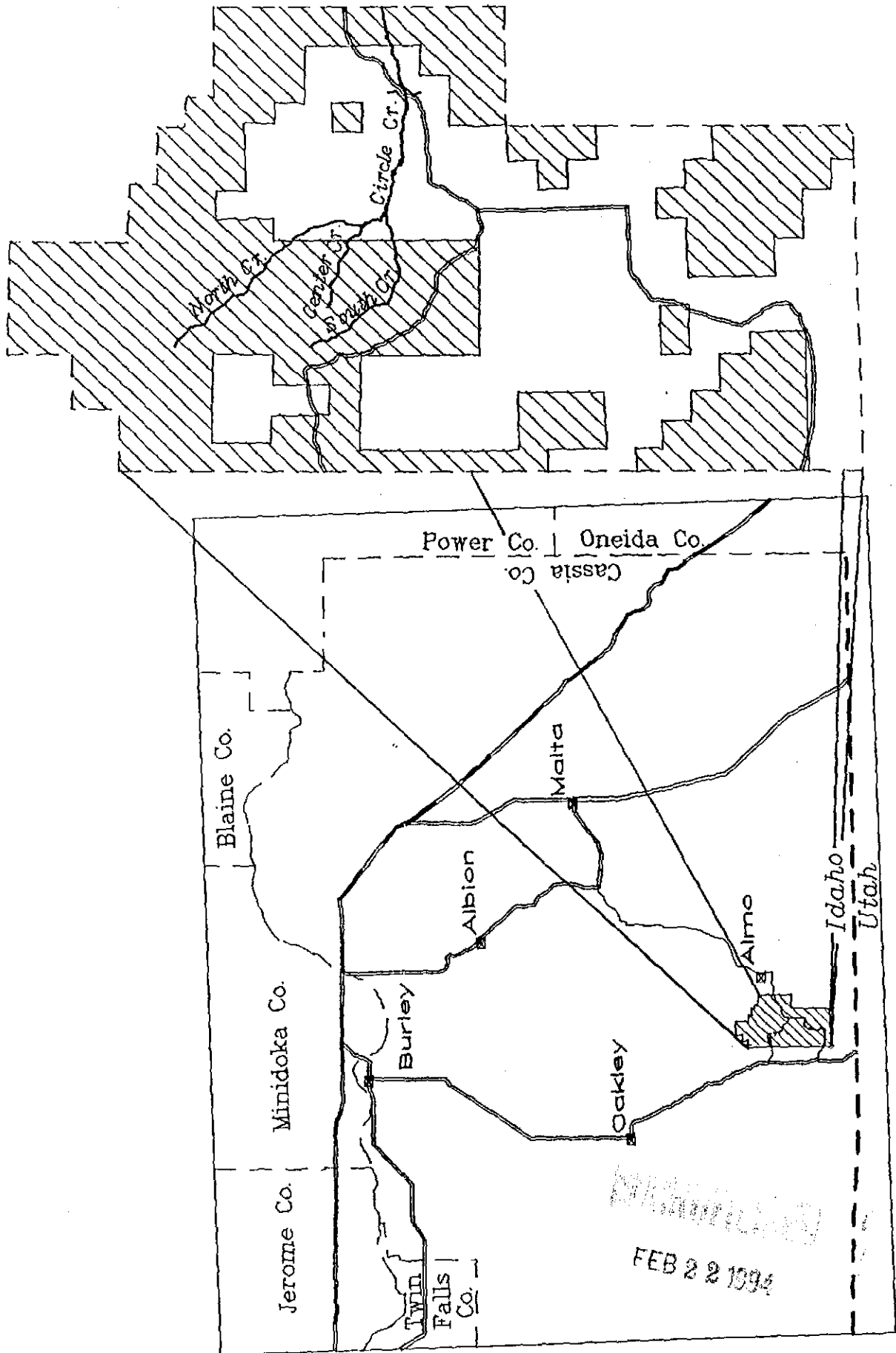
Subject to review by the Director if the public interest changes.

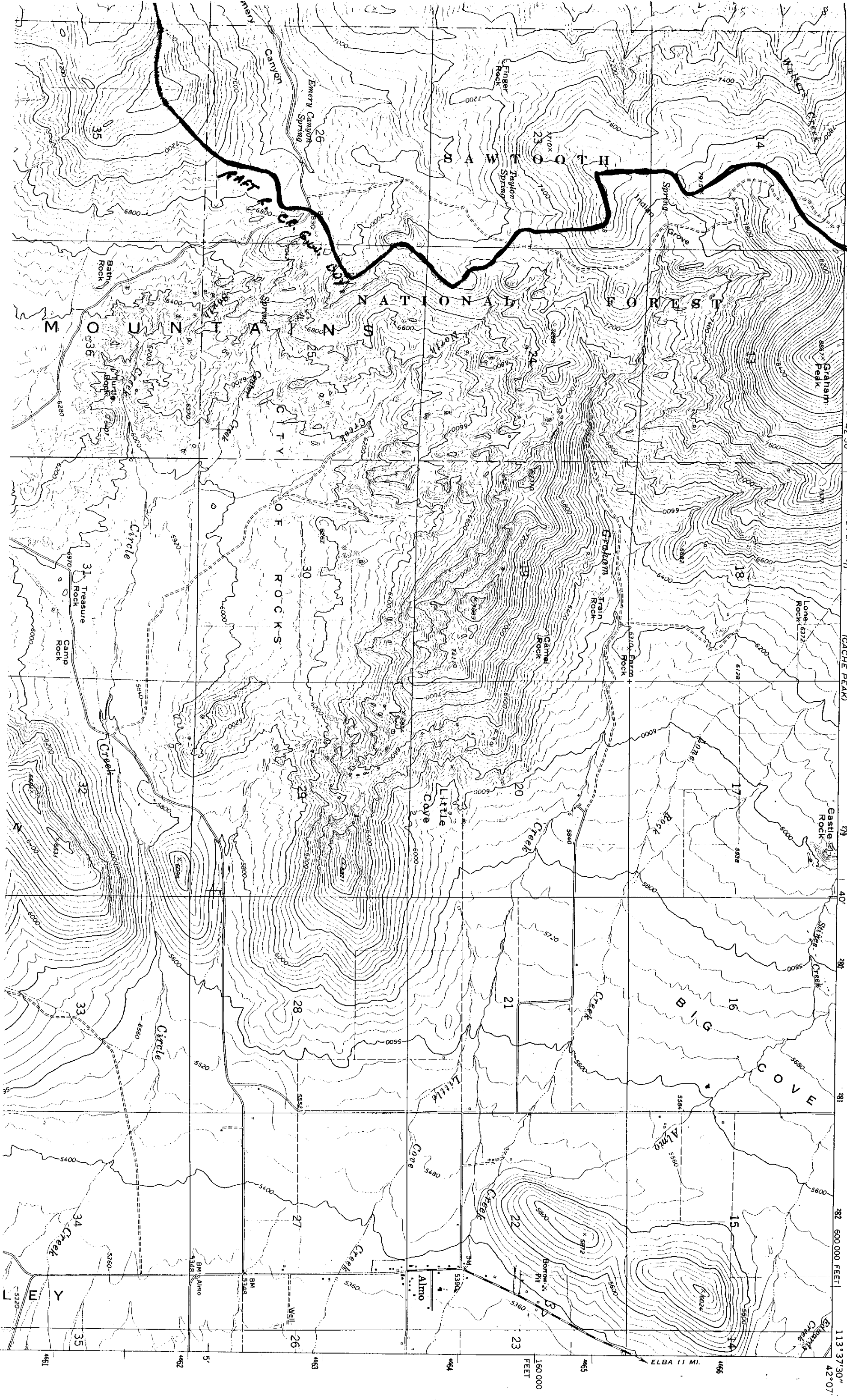
RECORDED

JUL 22 1994

IWRB

2







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

Jul 43-7295

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 21, 1991

Charles L. Twitchell
P.O. Box 464
Elba, ID 83326

RE: Letter Dated March 11, 1991

Dear Mr. Twitchell:

The letter you sent to Keith Higginson on March 11, 1991, was forwarded to me by Mr. Higginson for response. In particular, you inquired about an application for permit to appropriate trustwater no. 43-07294 in the name of Thirza Ottley and Terry Hutchison. If you have correctly represented the dates of advertisement as March 8 and 15, 1991, a formal protest should be filed with our Southern Regional office, 222 Shoshone St. East, Twin Falls, Idaho 83301, on or before March 25, 1991. The protests should object to the application on one of the following grounds: (1) Will it injure other water rights; (2) Is there sufficient water for the purpose sought; (3) Is it filed for purposes of delay or speculation; (4) Does the applicant have sufficient financial resources to complete the project; (5) Is it in the local public interest, and (6) Does it promote the conservation of water within the State of Idaho? Upon proper submittal of your protest, a hearing will ultimately be scheduled to resolve the issues you raised.

In your letter, you referred to a portion of Keith Higginson's letter which summarized the December 7, 1990, Proposed Memorandum Decision. Keith Higginson stated in his letter that a proposed memorandum decision was issued approving a water right for instream flow but reducing the quantity of water sent to those parties present at the hearing. You interpreted his summary to mean that a portion of prior rights had been confiscated. The decision specifically protects earlier in time water rights. The reduction that Keith referred to was a reduction in the instream flow. Originally nine cubic feet per

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FEB 22 1994

Charles Twitchell
March 21, 1991
Page 2

second in the main stem of Circle Creek was sought for appropriation. Because of information such as that you presented us regarding the small trickle of water flowing in Circle Creek, the minimum streamflow was reduced to 1.5 cfs.

Respectively,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region

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2 1994

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MAR 13 1991

Department of Water Resources

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720
Attention: Mr. R. Kieth Higginson

Dear Kieth;

I received you information, and in reading it I am still of the opinion that someone is losing something. That Water resources is aiding and abetting the Park Service to build a bigger bureaucracy in this area for the continued take over of private land and rights.

Case in point- item dated Dec. 7, 1990. Proposed Memorandum Decision approving water right for in stream flow, but, reducing the quantity of water sent to those parties who were present at the hearing. Now, the word, reducing, means less water any way you cut it. And, quantity of water sent to those parties who were present at said hearing. Were those attending this meeting all water users from the Jobe Adams Decree area? What type of vote was taken? Are any records kept of who did vote? I am questioning the validity of this take over by you and your Bureau. And, am planning on continuing this issue.

To finish this problem of our correspondence, I did not say there wasn't any water, what I did say was, there was very little if any water above the Nickerson property that could be diverted. and it was protected under the Jobe Adams Decree.

In 1946 I and my Father bought 1600 acres of land out in the Moulton Valley and I spent four years fencing and plowing that land.

Eventually we did raise a crop of wheat or so and lived out there one summer, so we crossed that stream many times in those years.

A Step-father-in-law lived on the Circle Ranch, and his Father built the stone home and farmed that place. So, it would be remiss for me to make the statement that there wasn't any water there, my Mother taught at the Moulton school for a number of years, and I worked for a Mr. Wallace Ward who ran sheep and cattle out there. The Jobe Adams Decree covers that water out there, also, as it is in Idaho.

There was a Decree before the Jobe Adams Decree and I have a copy of it available which is dated April, 1883 and is almost a duplicate of the Jobe Adams Decree, except for some minor errors.

I am sure you remember the reservoir fiasco of the Sixties in which you were involved and when it finally came to an impasse that the concession was that this was Federal Water.

We discussed water usage and ground water abuses. I am going to site an abuse that you are fostering in your department and hope that you have a means of correcting before we have more problems in this.

Application of Trust water Right #43-07294, as printed in the S.I.P. dated Mar. 8 and 15, 1991.

No. 1 - the description of the land is not totally correct.
No. 2 land has been sold off and I don't believe they have this much land. No. 3, there is already 60 miner inches of water decreed to this land from Cassia Creek per the Jobe Adams decree.

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FEB 22 1994

Must I write a formal protest to address this legally ?
I appreciate the information that you sent, and as you see, it does
raise more questions .

Thank You , and I hope to hear from you on this application for
ground water .

Thank You , again;

Charles L. Twitchell

Charles L. Twitchell

Box 464.

Elba, Id. 83326

Dated - 3-11-1991

RECEIVED

FEB 22 1994



State of Idaho

DEPARTMENT OF WATER RESOURCE

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 21, 1991

Chuck Twitchell
Box 464
Elba, ID 83326

Dear Mr. Twitchell:

I'm glad we had the chance to visit on the phone recently. Even though we did not agree on everything I at least now understand your concern over the recent action of the Idaho Legislature in approving SCR 102. I indicated that I would provide you with some further information on this matter which I am doing with this letter.

First, some explanation of the Minimum Streamflow law. This law (Chapter 15, Title 42, Idaho Code) was approved by the Legislature in 1978. It provides that the Water Resource Board may apply to appropriate water in-stream to protect the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of a stream in the public interest. When the Board considers applying for such appropriation it will generally first hold a public information meeting in the area to receive comment on the matter. If the public supports the proposal the Department of Water Resources is asked to schedule the matter for a formal public hearing. After considering information received at that hearing a decision is reached to approve or reject the application. If approved, the application is required to be submitted to the Legislature which can approve or reject by Concurrent Resolution. Such resolutions do not have to be forwarded to the Governor for his approval.

In the case of Circle Creek the events were as follows:

<u>Date</u>	<u>Event</u>
July 1, 1988	Application 43-7295 filed by Water Resource Board (The water right to be obtained by the Board would have a priority date of July 1, 1988 - therefor, it is later in time than all rights adjudicated in the Jobe Adams decree)
August 29, 1989	Public Information Meeting - Malta, ID - 20 persons present

FEB 22 1991

Chuck Twitchell
Page 2
February 21, 1991

October 19 and 20, 1990	Notice of Public Hearing published in South Idaho Press, Burley, ID
November 13, 1990	Public Hearing held at Malta, ID to consider application for water right - 16 persons present
December 7, 1990	Proposed Memorandum Decision approving water right for instream flow but reducing the quantity of water sent to those parties who were present at the hearing
January 2, 1991	Order issued adopting Proposed Memorandum Decision
January 10, 1991	Approved Application 43-7295 submitted to Legislature for approval
January 31, 1991	SCR 102 introduced in Legislature to approve minimum stream flow appropriation
February 14, 1991	SCR 102 approved by Legislature

As you can see this appropriation went through a lengthy consideration before it was finally approved by the Board, the Director and the Legislature. There was no secret about it and the state law was followed in every step. The effect of the appropriation is to guarantee that there will be no change in the flow of water in the stream channels within the City of Rocks. You say there is no water but the hearing record contains measurements and estimates which support a flow of up to 1.5 cfs on Circle Creek and lesser amounts on its tributaries. The measurements were made at the bridge in the NW 1/4 of Section 32 T15S R24E.

With regard to your suggestion that the water in the Jobe Adams decree is "federal" water. Such is not the case. The water rights decreed in that case were established under provisions of state law. It is a decree of a federal court only because it addresses rights in more than one state but the rights which it describes were initiated and are subject to administration under the state laws of Utah and Idaho.

The federal bill which created the City of Rocks National Reserve (S. 1335) contains language requiring the federal government to obtain any future water needed for the Reserve under the laws of the state of Idaho. We were able to obtain this condition by demonstrating that there was no unappropriated water available in the area which could be reserved under federal law.

FEB 22 1994

Chuck Twitchell
Page 3
February 21, 1991

I am sending you copies of the following documents:

SCR 102
S. 1335
Copy of USGS Map of area

In summary I will again state that the appropriation recently approved by the Legislature will not and cannot have any effect on the prior rights for irrigation set forth in the Jobe Adams decree. But the instream flow right will protect the streams on the City of Rocks National Reserve against any attempt by someone to establish a new right to divert water within that reserve or upstream.

You indicated that some ground water pumpers in the Raft River basin have increased their use of water and that this ought to be stopped. We are attempting to do this through the Snake Basin Adjudication. Until such time as the rights of the various users are determined by the court we are unable to order cessation of use. We hope that you will assist us in identifying those who have made such expansions and who are not entitled to a decree allowing them to continue to operate.

If this information raises any further questions please don't hesitate to get in touch with me.

Sincerely,


R. KEITH HIGGINSON
Director

RKH:dc

cc: Governor Andrus

2 2 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 23, 1991

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

RE: Permit No. 43-7295; Minimum Streamflow in Circle Creek

Dear Mr. Rydalch:

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

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

Sincerely,


GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure


FEB 22 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 23, 1991

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

RE: Permit No. 43-7295; Minimum Streamflow in Circle Creek

Dear Ms. Just:

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

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

FEB 22 1994

MINIMUM STREAMFLOW
Fact Sheet

Water Right No.: 43-07295

Source: Circle Creek and Tributaries

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: July 1, 1988

Place of Use: Those portions of Circle Creek and its tributaries, generally known as North Creek, Center Creek and South Creek, which flow within the City of Rocks National Preserve, located in Sections 24, 25, and 36, Township 15 South, Range 23 East, B.M., and Sections 30, 31, and 32, Township 15 South, Range 24 East, B.M., Cassia County.

Rate of Flow: Circle Creek 1.5 cfs
North Creek 0.5 cfs
Center Creek 0.5 cfs
South Creek 0.5 cfs

Purpose: Recreational and aesthetic purposes.

Unique Facts: Federal legislation creating the preserve did not reserve any federal water rights, but provided that water rights to maintain value of preserve must be perfected pursuant to state law.

Private lands located within the preserve are irrigated with water from Circle Creek and tributaries. Rights to irrigate these lands perfected prior to the minimum streamflow will be protected.

Subject to review by the Director if the public interest changes.

RECEIVED
FEB 22 1994

FEB 22 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 10, 1991

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

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 43-07295, Circle Creek; 37-08258 and 37-08307, Big
Wood 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
for R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council

[Handwritten signature]
1-10

RECEIVED

JAN 12 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 10, 1991

Senator Michael Crapo
Senate Pro Tem
Statehouse
Boise, ID 83720

RE: Water Right Applications for Permit for Minimum Streamflow
Nos.: 43-07295, Circle Creek; 37-08258 and 37-08307, Big
Wood River

Dear Senator Crapo:

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Sincerely,

For Wayne H. Higinson
R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council

Y 1-10-91

FEB 1 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 10, 1991

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Speaker of the House
Statehouse
Boise, ID 83720

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Sincerely,

R. Keith Higginson
R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council-*Ann Ingram* 1-10-91

RECORDED

FEB 22 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 10, 1991

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

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Sincerely,

R. Keith Higginson
for R. KEITH HIGGINSON
Director

GS:RKH:js
Enclosures

cc. Legislative Council - *Ann Ingram* 1-10-91

FEB 28 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 3, 1991

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

RE: Permit No. 43-7295; Minimum Streamflow in Circle Creek

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,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

238724



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 3, 1991

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

RE: Permit No. 43-7295; Minimum Streamflow in Circle Creek

Dear Mr. Rydalch:

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

*Gary's
Desk*

MEMORANDUM

TO: FILE 43-7295

*bill
pez.*

FROM: KAY WALKER

RE: NOTIFICATION OF HEARING

DATE: 23-DEC-1988

=====

Mr. Olen Ward of 7209 Kingston Drive, Boise, ID, 83704, would like to be informed of any and all public hearings in regard to the above referenced application. Mr. Ward owns alot of property in the Circle Creek area and wants to attend any hearing in regard to Circle Creek.

*Copy - original to
Southern 12/23/88
KW*

FEB 22 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

December 10, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Rinda Just
Idaho Dept. of Parks and Recreation
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 Application for Permit to Appropriate Water No. 43-07295 in the name of the Idaho Water Resource Board to establish a minimum streamflow in Circle Creek and its tributaries.

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

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECORDED

FEB 22 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

December 10, 1990

William Ringert
Attorney at Law
599 W Bannock
Boise, ID 83702

Dear Mr. Ringert:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for Application for Permit to Appropriate Water No. 43-07295 in the name of the Idaho Water Resource Board to establish a minimum streamflow in Circle Creek and its tributaries.

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

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECEIVED
FEB 22 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

December 10, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

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

Dear Dave:

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Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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DEC 11 1990
FBI

Reorder from IDAHO BUSINESS FORMS
(208) 678-3355 • Idaho Water 1-800-632-1458

STATEMENT OF ACCOUNT

DATE
OCTOBER 31, 1990

PAGE
PAGE 1 OF 1

NUMBER

1492

South Idaho Press

230 East Main - P.O. Box 190

Burley, Idaho 83318

Phone: 678-2201

AGING ANALYSIS:

CURRENT	\$95.27
OVER 30 DAYS .	\$89.73
OVER 60 DAYS .	\$3.93
OVER 90 DAYS .	\$91.07
OVER 120 DAYS .	\$85.24

DEPARTMENT OF WATER (TF) (DWATE)

RESOURCES

222 SHOSHONE E ST

TWIN FALLS ID 83301

RECEIVED

NOV 14 1990

Department of Water Resources
Southern Region Office

DATE	RATE	QTY	TYPE	DESCRIPTION	ZONE	AMOUNT	BALANCE
------	------	-----	------	-------------	------	--------	---------

PREVIOUS BALANCE

\$355.71

10/19 Z	84.00	L	CIRCLE CREEK APP 90-421	A		\$0.00	\$355.71
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10/23			90-390	--THANK YOU A		\$29.66-	\$326.05
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10/23			90-373	--THANK YOU A		\$24.26-	\$301.79
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① 10/26 Z	84.00	L	CIRCLE CREEK APP 90-421	A	43-7295	\$90.72	\$392.51
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10/26 Z	0.00	L	NOTARY FEE	A		\$0.50	\$393.01
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10/26 Z	0.00	L	LEGAL WATER RIGHT 90-434	A	43-2409	\$0.00	\$393.01
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10/26 Z	0.00	L	LEGAL #45-7024 90-438	A	45-7031	\$0.00	\$393.01
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10/26 Z	37.00	L	45-04048D 90-449	A	45-7024	\$0.00	\$393.01
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10/31			90-362	--THANK YOU A		\$31.82-	\$361.19
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10/31			Service Charge	A		\$4.05	\$365.24
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Sales tax included above: \$0.00

GARDNER TR
SKAGGS TR

RECEIVED

NOV 23 1990

Department of Water Resources

TERMS: PAYABLE ON RECEIPT \$0.00 DISCOUNT ALLOWED ON CURRENT BALANCE

PLEASE SEND BACK COPY OF BILL WITH YOUR PAYMENT TO BOX 190, BURLEY, IDA.
ZONE CODES A= SOUTH IDAHO PRESS B= MINIDOKA COUNTY NEWS C= COUNTY NEWS
REV1 F=FARMLINES E=WOOD RIVER JOURNAL

FEB 22 1994

STATEMENT OF ACCOUNT

DATE

OCT 31, 1990

PAGE

PAGE 1 OF 1

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1492

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(OWATE)

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10/31				Service Charge	A	\$4.05	\$365.24
				Sales tax included above:		\$0.00	

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SKAGGS TR

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REVIEW F=FARMLINES E=WOOD RIVER JOURNAL

FEB 22 1994

2 1994

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

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NOV 7 1990

Department of Water Resources
Southern Region Office

Lannette Sellers being first
duly sworn, deposes and says that she
is the clerk of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated October 19 1990, and
ending with the issue dated October 26,
1990. Lannette Sellers

STATE OF IDAHO }
COUNTY OF Cassia }

On this 5th day of November in the year of 1990, before me,
a Notary Public, personally appeared Lannette Sellers,
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he executed
the same.

Drene Sanchez
Notary Public for Idaho
Residing at Burley ID
My commission expires: 10/23/96

Cost of Publication: 90.12
Notary Fee: .50
Total Cost: 91.22

FEB 22 1991

90-421

**NOTICE OF HEARING FOR
APPLICANT**

Notice is hereby given that the Idaho Water Resources Board has submitted an application to the Department of Water Resources for a permit to appropriate water for a minimum streamflow in Circle Creek and its tributaries. The application seeks a minimum streamflow for recreation and aesthetics, and is further described as follows:

Application No.: 43-07295

Source: Circle Creek

Proposed Priority: July 1, 1988

Places of Use

Subreach A: The proposed minimum flow reach encompasses approximately one and one-half miles of Circle Creek, beginning in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream through the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T15S, R24E, B.M., Cassia County. Amount & Period of Use: 1.5 cfs from 01/01 through 12/31.

Subreach B: The proposed minimum flow reach encompasses approximately two miles of North Creek, beginning in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Amount & Period of Use: 0.5 cfs from 01/01 through 12/31.

Subreach C: The proposed minimum flow reach encompasses approximately one mile of Center Creek, beginning in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Amount & Period of Use: 0.5 cfs from 01/01 through 12/31.

Subreach D: The proposed minimum flow reach encompasses approximately one and one-half miles of South Creek, beginning in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Amount & Period of Use: 0.5 cfs from 01/01 through 12/31.

The Director of the Department of Water Resources will hold a public hearing in Malta, Idaho, at the Raft River Electric Coop, beginning at 7:00 p.m. on Tuesday, November 13, 1990, for the purpose of gathering evidence regarding the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

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 N. Orchard Street, Boise, Idaho 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON, Director
Idaho Department of

Water Resources

Published by the South Idaho Press on
October 19 and 26, 1990.

LEGAL
STATEMENT

MEMBER OF ASSOCIATED PRESS

PHONE 678-2201

South Idaho Press

ESTABLISHED 1904
230 EAST MAIN BOX 190
BURLEY, IDAHO 83318

PUBLISHED
DAILY
MONDAY
THRU
FRIDAY
AND SUNDAY
MORNINGS

DEPARTMENT OF WATER RESOURCES
222 Shoshone Street E
Twin Falls, Id 83301

TERMS:
ALL ACCOUNTS
DUE AND
PAYABLE ON
20TH OF MONTH
FOLLOWING CHARGE
\$ 91.22

90-421

Please detach this stub and mail with your remittance. Your cancelled check serves as your receipt.

DATE	DESCRIPTION	TIMES RAN	LINES	COST PER LINE	CHARGES	BALANCE
BALANCE FORWARD						
November 5, 1990	90-421 notary	2	84	1.08	90.72 .50	
Circle Creek Application						
						91.22
						THANK YOU
						▲ PAY LAST AMOUNT IN THIS COLUMN

SOUTH IDAHO PRESS
BURLEY, IDAHO

RECEIVED

NOV 7 1990

Department of Water Resources
Southern Region Office

2 2 1994

Duplicate

SOUTH IDAHO S. PRESS

1230 East Main St.

P.O. Box 190

Turley, Idaho 83318

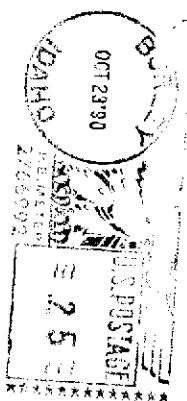
RECEIVED

OCT 24 1990

Department of Water Resources
Southern Region Office

Department of Water Resources
222 Shoshone Street E.
Twin Falls ID

-83301-



IWRB
1

**CIRCLE CREEK
MINIMUM STREAMFLOW APPLICATION DATA**

WATER RIGHT NUMBER: 43-07295

SOURCE: CIRCLE CREEK

APPLICANT: IDAHO WATER RESOURCE BOARD

**REQUESTING AGENCY:
IDAHO DEPARTMENT OF PARKS AND RECREATION**

DATE FILED: JULY 1, 1988

MINIMUM STREAMFLOW REACH:

COMMENCES WITH THE UPSTREAM TERMINI OF NORTH, CENTER AND SOUTH CREEKS IN SECTIONS 24 AND 25, T15S, R23E, AND EXTENDS THROUGH THEIR CONFLUENCE FORMING CIRCLE CREEK FOR APPROXIMATELY 3.5 MILES TO THE NE1/4 OF THE SW1/4 OF THE NE1/4, SECTION 32, T15S, R24E, B.M., CASSIA COUNTY.

RATES OF FLOW:

NORTH CREEK: 0.5 CFS

CENTER CREEK: 0.5 CFS

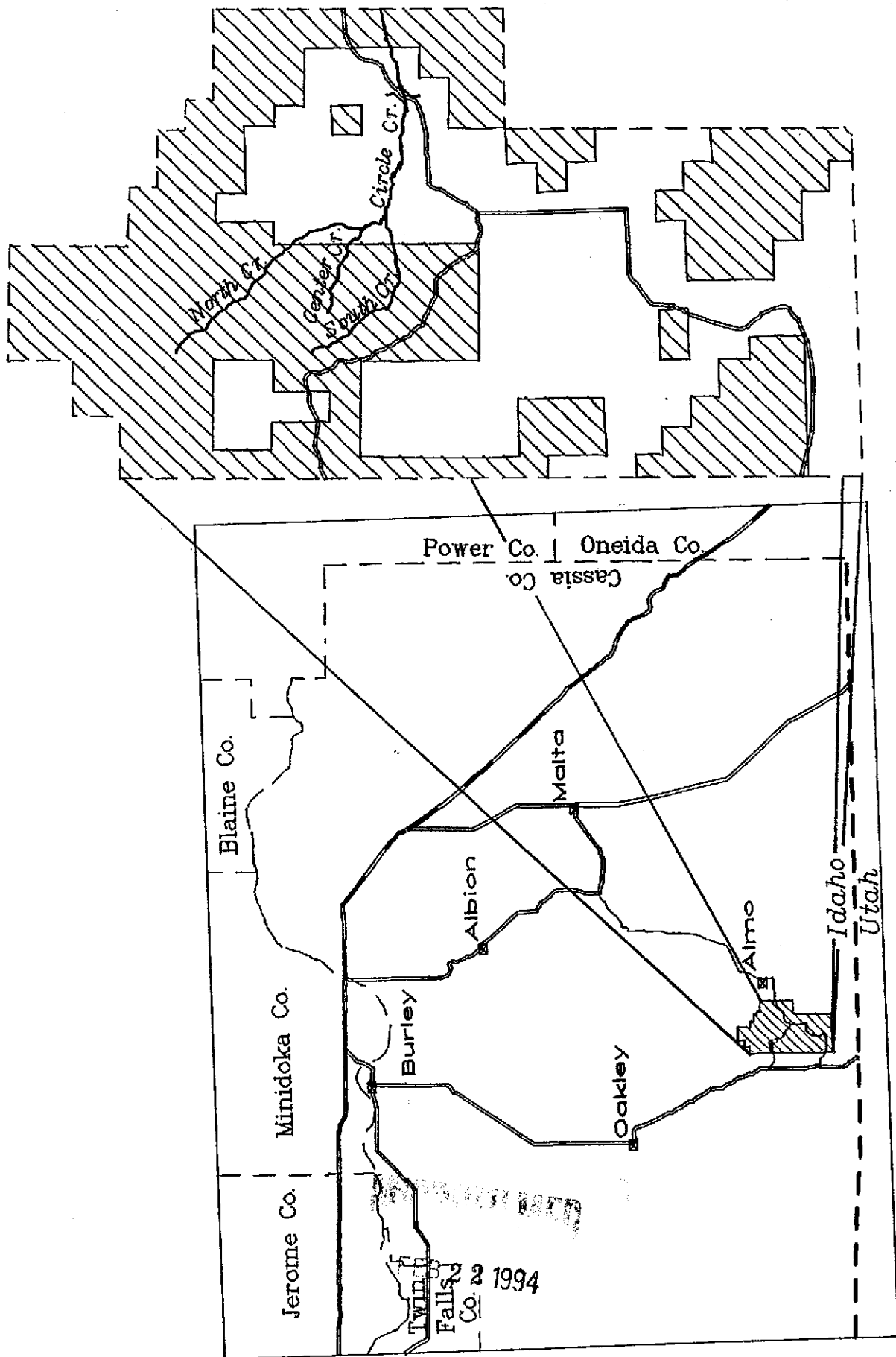
SOUTH CREEK: 0.5 CFS

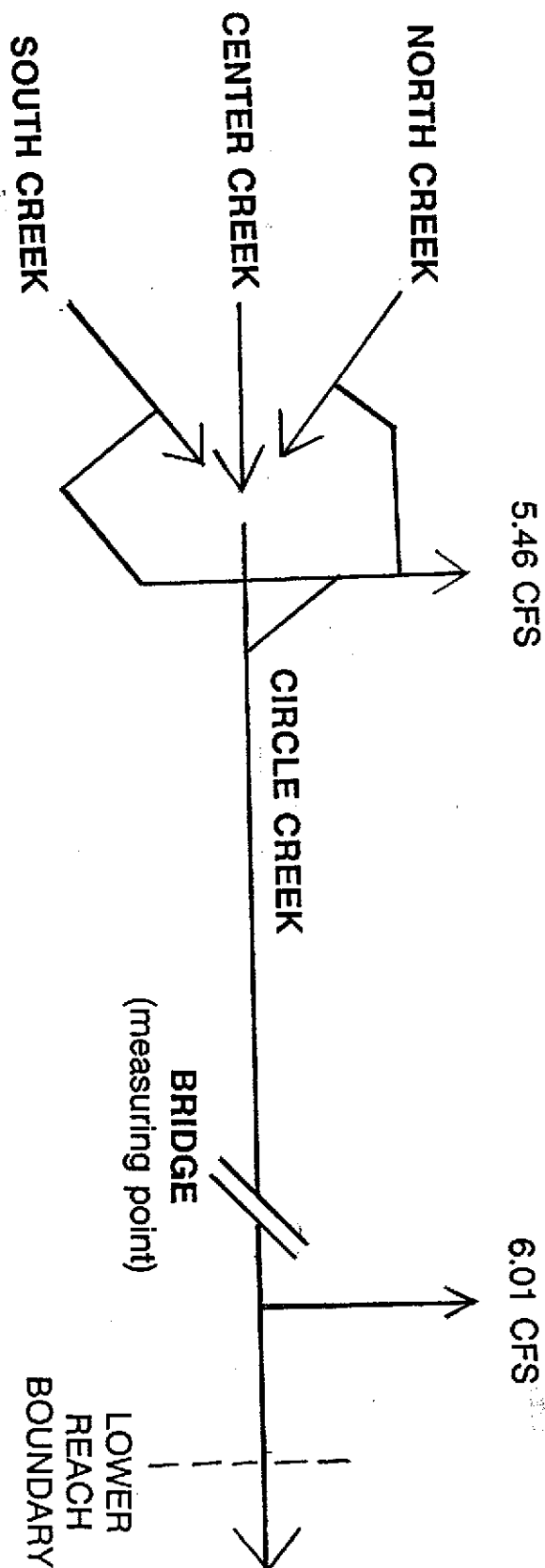
CIRCLE CREEK: 1.5 CFS

PERIOD OF USE: JANUARY 1 - DECEMBER 31

PURPOSES: RECREATIONAL AND AESTHETIC

**RECEIVED
FEB 22 1994**

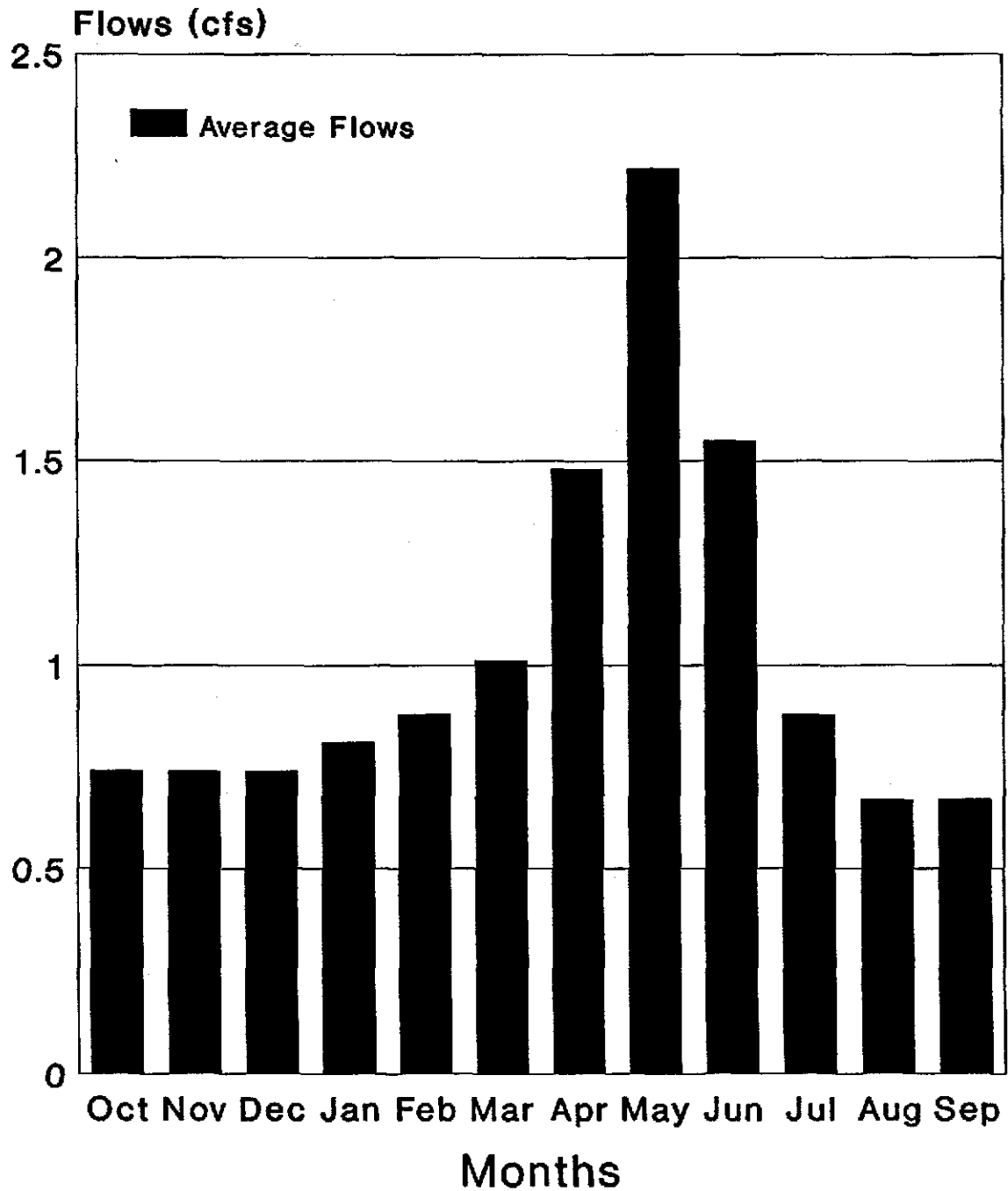




2004 2 2

CIRCLE CREEK NEAR ALMO

(Sec 32, T 15 S, R 24 E)

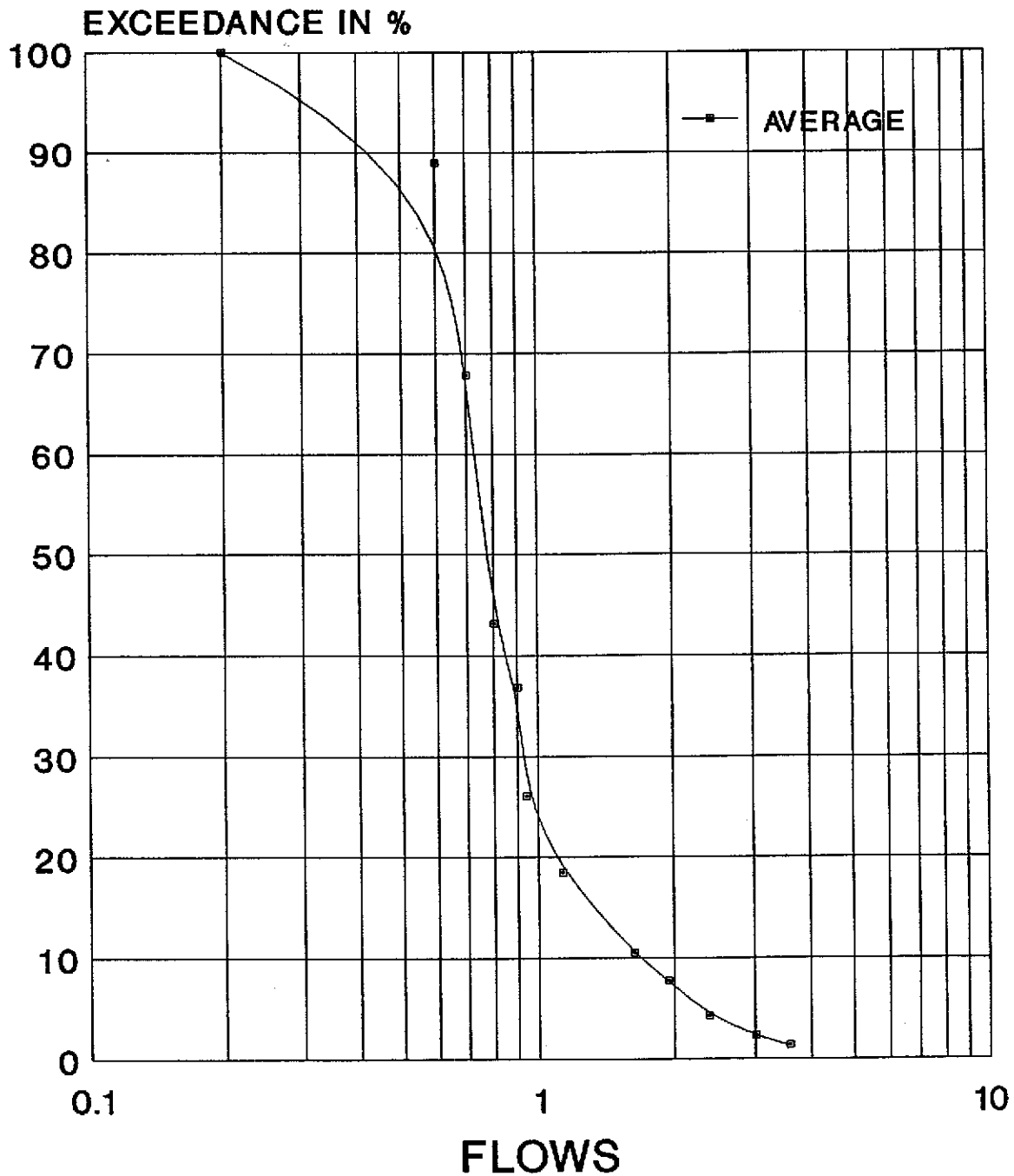


Rough Estimate of Average Flows.

AS PREPARED BY
IWRB

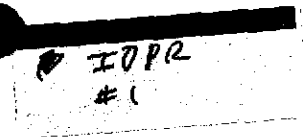
10-2-1994

CIRCLE CREEK AVERAGE DURATION CURVE (1 JAN TO 31 DEC)



BASED ON TRAPPER CREEK FLOW MEASUREMENTS

FEB 2 1994



1989

CERTIFICATION

I certify that I am the custodian of the attendance records of the Idaho Department of Parks and Recreation, and that the attached documents are true and accurate copies of records on file with the department.

Carol Foster

Carol Foster
South Region Office Coordinator

RECEIVED
FEB 22 1994

ATTENRPT

IDaho STATE PARK ATTENDANCE REPORT

06/08/90

CUMULATIVE TOTALS FROM JANUARY 1989 THROUGH DECEMBER 1989

	C A M P E R S			D A Y U S E R S		
	RES	NON	TOTAL	RES	NON	TOTAL
PRIEST LAKE	7,528	25,377	32,905	3,982	5,570	9,552
ROUND LAKE	4,017	10,232	14,249	41,638	3,914	45,552
FARRAGUT	14,085	31,491	45,576	140,655	136,077	276,732
OLD MISSION	0	0	0	21,024	42,704	63,728
HEWLETT	3,570	8,088	11,658	170,159	93,044	263,203
ALEXANDER MCDOWEL	136	508	644	39,058	25,072	64,130
DMORSHAK	4,297	1,485	5,782	9,650	8,019	17,669
HELLS GATE	10,608	19,407	30,015	150,323	100,214	250,537
WINCHESTER	5,669	2,727	8,396	26,655	13,897	40,552
PONDEROSA	20,333	11,462	31,795	34,095	3,446	37,541
EAGLE ISLAND	0	0	0	35,720	1,519	37,239
VETERANS MEMORIAL	0	0	0	213,030	10,117	223,147
LUCKY PEAK	0	0	0	245,428	12,915	258,343
BRUNEAU DUNES	6,564	2,176	8,740	39,437	21,410	60,847
THREE ISLAND	4,224	9,946	14,170	6,899	4,123	11,022
MALAD GORGE	0	0	0	20,193	13,469	33,662
NIMISHKA	1,833	736	2,569	71,139	8,300	79,439
CITY OF ROCKS	4,122	9,617	13,739	21,230	14,153	35,383
MASSACRE ROCKS	2,072	4,204	6,276	76,928	55,553	132,481
BEAR LAKE	125	110	235	19,333	39,952	59,285
HARRIMAN	1,484	540	2,024	16,025	10,158	26,183
HENRYS LAKE	4,372	1,789	6,161	17,571	5,127	22,698

***CUMULATIVE TOTALS:

95,039

139,895

234,934

1,420,172

628,753

2,048,925

***GRAND TOTAL ATTENDANCE: 2,283,859

FEB 22 1994

IDPR
#2

1990

CERTIFICATION

I certify that I am the custodian of the attendance records of the Idaho Department of Parks and Recreation, and that the attached documents are true and accurate copies of records on file with the department.

Carol Foster

Carol Foster
South Region Office Coordinator

24

CUMULATIVE TOTALS FROM JANUARY 1990 THROUGH OCTOBER 1990

	C A M P E R S		D A Y U S E R S			
	RES	NON	TOTAL	RES	NON	TOTAL
PRIEST LAKE	8,326	27,288	35,614	3,765	5,471	9,236
ROUND LAKE	3,795	11,486	15,281	38,523	3,535	42,058
FARRAGUT	16,933	53,549	70,482	159,219	201,267	360,486
OLD MISSION	0	0	0	24,030	44,829	68,859
HEYBURN	4,109	7,978	12,087	147,899	85,905	233,804
ANDER MCDOWEL	189	690	879	23,491	17,543	41,034
DWORSNAK	11,691	5,694	17,385	12,655	5,150	17,805
HELLS GATE	9,854	21,620	31,474	64,104	40,929	105,033
WINCHESTER	4,648	2,517	7,165	26,730	13,170	39,900
PONDEROSA	21,043	10,389	31,432	20,794	2,936	23,730
EAGLE ISLAND	0	0	0	43,066	2,259	45,325
VETERANS MEMORIAL	0	0	0	348,133	11,144	359,277
LUCKY PEAK	0	0	0	302,981	14,260	317,241
BRUNEAU DUNES	5,512	1,980	7,492	30,155	17,690	47,845
THREE ISLAND	3,546	8,309	11,855	35,344	13,913	49,257
MALAD GORGE	0	0	0	25,176	23,735	48,911
NEENAH	651	382	1,033	40,611	18,976	59,587
CITY OF ROCKS	988	35,760	36,748	21,103	12,874	33,977
MASSACRE ROCKS	2,025	3,247	5,272	55,637	40,282	95,919
BEAR LAKE	845	1,871	2,716	12,882	23,172	36,054
HARRIMAN	1,019	698	1,717	12,010	7,827	19,837
HENRYS LAKE	5,195	5,271	10,466	18,634	5,179	23,813

***CUMULATIVE TOTALS:

100,369

198,729

299,098

1,466,942

612,046

2,078,988

***GRAND TOTAL ATTENDANCE: 2,378,086



FEB 22 1994

withdrew. Mr. Williams advised under the laws of the state of Idaho, the Board can only wholesale power, and that would be all they would do. Revenues from the project will provide an income stream to the Board for water projects which are critically needed within the state.

Agenda Item No. 5. Snake River Basin Adjudication

a. Negotiations Update. Dave Shaw, department staff, indicated the recent negotiation sessions with the Shoshone-Bannock tribes have yielded the framework for an agreement. Department staff will continue to work with the tribes to finalize the agreement.

Mr. Shaw updated the Board on the Snake River Basin Adjudication (SRBA). The SRBA is on schedule and on budget. Counties are being served according to schedule. Claims taking for Ada County has been completed. The department has received 60,000 claims; 300,000 notices have been sent out. Claims taking will be complete in May of next year if it continues on schedule. The department has received approval from the court for a test area to test round two service and investigation.

R. Keith Higginson, Director, expressed his admiration for the department staff involved in the claims-taking process. Mr. Higginson stated the staff was doing an admirable job of greeting and assisting the sometimes angry and frustrated claimants with a smile and competent service.

Agenda Item No. 6. Minimum Stream Flows

a. Devil's Corral Spring - Add to Adjudication. Dave Shaw, department staff, informed the Board the minimum stream flow right held by the Board for Devil's Corral Spring which was previously not required by statute to be filed in the SRBA, is now required to be filed in the SRBA by court order. The \$4,850 filing fee has been included in the Board's budget for this year.

F. Dave Rydalch, Secretary, moved Board adoption of a resolution (ATTACHMENT 2) directing department staff to file a claim in the SRBA for the minimum stream flow water right on Devil's Corral Spring held by the Board. Donald R. Kramer, Member, seconded the motion.

Motion passed by roll call vote: 8 Ayes, 0 Nays: Gray, Aye; Hungerford, Aye; Kramer, Aye; Parr, Aye; Platts, Aye; Rydalch, Aye; Wagner, Aye; and Williams, Aye.

b. Circle Creek Information Meeting Report. Clarence Parr, Member, reported on the meeting and site tour of the City of Rocks area. Mr. Parr cited public law 100-696 which estab-

FEB 22 1994

lished the City of Rocks as a national reserve, "... the state has committed to providing the water necessary to fulfill the purposes of the title." Mr. Parr recommended moving forward with the minimum stream flow application.

Frank Sherman, department staff, pointed out the Board's application requests 3 cfs on each of the three tributaries and 9 cfs as the flow on the mainstem of Circle Creek within the minimum stream flow reach. Mr. Sherman stated the information available suggests that flow is unrealistic.

F. Dave Rydalch, Secretary, moved the Board request the Director to proceed with administrative action on the minimum stream flow application on Circle Creek and its tributaries. Mr. Rydalch requested amounts be reduced to .5 cfs on North Creek, .5 cfs on Center Creek, .5 cfs on South Creek, and 1.5 cfs on Circle Creek. William S. Platts, Member, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

c. Hearings on Round Lake, Hayden Creek and Elk Creek Falls. Frank Sherman, department staff, reported the department hearings on minimum stream flow applications for Round Lake and Hayden Creek had been set for October 11. The Elk Creek hearing will take place on October 12 at the Deary Grange Hall in the Orofino area. F. Dave Rydalch, Secretary and Minimum Stream Flow Chairman, will attend the hearings. Bill Graham, department staff, will attend representing the Board.

Agenda Item No. 7. IWRB Financial Programs

a. Status Report. Frank Sherman, department staff, reported the Water Management Account has uncommitted funds of \$15,000; the Revolving Development Account has a balance of \$2,754.87.

J. D. Williams, Member, requested the format of the report be changed to show how and why the changes are made in the accounts. Frank Sherman agreed to make the requested changes for a more detailed report.

J. D. Williams advised the remaining member of the East Lateral Irrigation District in Oneida County is apparently having severe financial problems, and therefore, may be contacting the Board.

b. Cascade Extension. Frank Sherman discussed the problems the city of Cascade has been having with their water system improvements. The city of Cascade is requesting the Board extend the period of time for completion of the project and use of the loan to December 31, 1989. The city was previously

FEB 22 1994

Re: Application for Minimum Streamflow Water Right - Circle Creek

Place: Malta

Date: 13-Nov-1990

Hearing Officer: GARY SPACKMAN

Assisted by: LOREN HOLMES

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Gary Spackman	473 Mango, Eagle, Id.	IDWR
Clarence Parr	Rt. 2 Box 2178 Heppner	I.W.R.B.
Dwayne Ward	Almo, Id.	me
John W. Taylor	Almo Id.	No.
Ned R. Jackson	Box 169 Almo ID	IDPR
Mike Santini	Elba, ID	self
Stan Lhoyd	Box 1510 Elba Id. 83326	Self And Water District 43-C
Jerry R. Udy	He 72 Box 2014 Malta Id. 83342	Rat River Rural Elect.
David A. Pugh	963 Blue Lake Blk. T.F. 83301	Nat'l Park Service
Mary Lucachick	IDPR, Boise ID	IDPR
Rinda Just	IDPR, Boise ID	IDPR
Ryan Hawke	Box 433 Elba, Id. 83324	Mosier Valley, self
Bill Graham	Boise	IDWR & IWRB
Don Gault	Rt #2 Box 108 SLA	IWRB
Lano Elison	Malta Id.	
Edmo Edison	Malta Idaho	
		FEB 22 1994

Circle Creek.

Application for Permit no. 43-7295
Title 42 chapter 15 Idaho Code
Five criteria -

Advertised Notices were sent to interested parties & legislators

Two parties formally appeared

Idaho Dept. of Parks & Recreation

Is he here - Michael V. Nicholson represented by William F. Ringert -

At close of formal testimony -

Will allow statements by ~~parties~~
~~parties~~

Dave Rydalch -

Bill Graham -

Ned Jackson IDPAR

Manages City of Rocks

Management of the reserve -

43-07295 →

Start in north central area is all within reserve -

Upper end - year round - at lower end - very little running water

Unique geological formations - renowned rock climbing

Historical significance

mentioned in emigrants diaries

Managed jointly

Open to hunting -
Familiar picnicking & camping area
Important registry rocks by emigrants
Exhibit #1

1989

Exhibit #2

1990

Visitor trend is upward -
Has an economic impact in the area
Purpose is to preserve the area as it
once appeared -
Don't want a dry streambed -

W. Low patches and riparian areas are
a different condition than exists anywhere
else.

Will not interfere with prior water rights -
Does not detract from private individuals

The amounts are not an optimum flow
but are a minimum flow - need it -

Dave Pugh - U.S. Park Service

22 years with the Park Service - 2 years
in February supervisor of City of Rocks
& Fossil Beds - Stanford then to Ohio St.

FEB 22 1994

Any private owners inside would supervise -
Important to maintain within the
private lands.

Stream is an important trace of what
the immigrants saw.

City of Rocks was an important resting
point. People liked to linger here.

Healthy stream system contributed to its
ambiance.

Private interests in the reserve are important
Minimum flow accomplishes goal.

The flows

Stan Lloyd - Lives on Elba side
treasures for 43-C - ~~there~~ is rancher & well drilled.
Nothing will be done to disturb what
is happening now.

Elmo Elison

Dwayne Ward ▷

La

Ryan Hawker ▷

Circle Check 1456

136

- Dave R. LaCh

549

- Rinda Just — Ned Jackson

1122

" "

Dave Pugh

1160

Public statements

1410

Stam Lloyd

1584

E/mo Eliason - Question

1686

Duane Watd.

1756

Ned Jackson.

1933

Land Eliason

FEB 22 1994

INTER-DEPARTMENT MEMO--1

DATE November 2, 1990

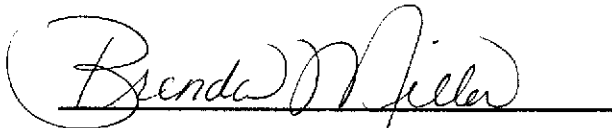
FROM Brenda Miller

TO File (s) 43-07295

SUBJECT Idaho Water Resource Board
Minimum Streamflow Application on Circle Creek

A copy of the Application for Permit was sent to:

W.R. Ringert
Ringert, Clark, Harrington, Reid,
Christenson & Kaufman Lawyers
Chartered
P.O. Box 2773
Boise, ID 83701


Signature

FEB 22 1994

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1988)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701

TELEPHONE (208) 342-4591
FAX (208) 342-4857

November 1, 1990

Mr. Gary Spackman, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
NOV 2 1990
Department of Water Resources

Re: Minimum Streamflow Application on
Circle Creek, No. 43-07295

Dear Mr. Spackman:

Enclosed is a Notice of Appearance by Michael V. Nicholson, which please file in the above mentioned proceeding in your Department.

I would appreciate it if you could send me a copy of the application. After examining the application I will be able to discuss the situation in more detail with Mr. Nicholson, and the determination then will be made as to whether to present written comments or to present evidence at the hearing, or both.

Thank you for your cooperation.

Yours very truly,


W. F. Ringert

WFR:am
Enclosure
cc: Michael V. Nicholson

RECEIVED

FEB 2 2 1994

W. F. Ringert
RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED
599 West Bannock, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Attorneys for Petitioner

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF STREAMFLOW)
APPLICATION ON CIRCLE CREEK,) NOTICE OF APPEARANCE
NO. 43-07295)
_____)

NOTICE IS HEREBY GIVEN that Michael V. Nicholson, 805 Third Street South, Rupert, Idaho 83350, hereby appears in the above entitled proceeding and may file written comments with the Department prior to the hearing scheduled in this matter for November 13, 1990, and may appear at the hearing and call witnesses, cross-examine witnesses, or present other evidence.

Dated November 1, 1990.

RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED

By 
W. F. Ringert, Attorneys for
Michael V. Nicholson

RECORDED

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the within and foregoing Notice of Appearance was mailed, postage prepaid, to each of the following on this 1st day of November, 1990:

Idaho Resource Board
Statehouse
Boise, Idaho 83720

Idaho Department of Parks
and Recreation
Statehouse
Boise, Idaho 83720



William F. Ringert

RECORDED

SEP 22 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

October 11, 1990

<name>

RE: Minimum Streamflow Application on Circle Creek, No. 43-07295

Dear <sal>:

You previously received notice of a hearing for a minimum streamflow on Circle Creek. The hearing has been rescheduled because of flaws in the legal notice. Please disregard the prior notice.

The Idaho Department of Water Resources will conduct a hearing on Tuesday, November 13, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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

RECEIVED
FEB 2 2 1991

<name>Health and Welfare
Division of Environmental Quality
Statehouse Mail
Boise, ID 83720
<sal>Interested Party
<>

<name>Dennis Cole
Dept. of Parks and Recreation
Rt. 1 Box 358
Hagerman, ID 83332
<sal>Mr. Cole
<>

<name>Doug Stephens
Dept. of Parks and Recreation
Rt. 1 Box 358
Hagerman, ID 83332
<sal>Mr. Stephens
<>

<name>Dean Crane
HC 61 Box 1170
Malta, ID 83342
<sal>Mr. Crane
<>

<name>Cleo Durfee
Almo, ID 83312
<sal>Mr. Durfee
<>

<name>Dave Pugh
2647 Kimberly Rd. East
Twin Falls, ID 83301
<sal>Mr. Pugh
<>

<name>Steve Goddard, Attorney at Law
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720
<sal>Mr. Goddard
<>

<name>Rinda Just, Attorney at Law
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720
<sal>Ms. Just
<>

<name>Larry Edwards
Almo, ID 83312

FEB 22 1984

<sal>Mr. Edwards
<>

<name>Dale Wetenkamp
1505 Evan St.
Carson City, Nevada 89701
<sal>Mr. Wetenkamp
<>

<name>Rel Erickson
6348 Clarice
Las Vegas, Nevada 89107
<sal>Rel Erickson
<>

<name>Stan Lloyd
Elba, ID 83326
<sal>Mr. Lloyd
<>

<name>Kathleen Durfee
Almo, ID 83312
<sal>Ms. Durfee
<>

<name>Curtis Durfee
Almo, ID 83312
<sal>Mr. Durfee
<>

<name>Jean Elwell
936 Chatelain Rd.
Ogden, UT 84403
<sal>Jean Elwell
<>

<name>Bill Jones
Almo, ID 83312
<sal>Mr. Jones
<>

<name>Bill Tracy
Almo, ID 83312
<sal>Mr. Tracy
<>

<name>Dwayne Ward
Almo, ID 83312
<sal>Mr. Ward
<>

<name>John Hedges
Almo, ID 83312
<sal>Mr. Hedges

RECEIVED
FEB 22 1994

<>

<name>Robert and Helen Eck
Rt. 1 Box 6
Declo, ID 83323
<sal>Mr. and Mrs. Eck
<>

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

<name>Laird Noh
3442 Addison Avenue E.
Kimberly, ID 83341
<sal>Senator Noh
<>

<name>Steve Antone
1141 Link St.
Rupert, ID 83350
<sal>Representative Antone
<>

<name>Maxine T. Bell
194 S. 300 E.
Jerome, ID 83338
<sal>Representative Bell
<>

<name>Ernest A. Hale
725 E. 16th
Burley, ID 83318
<sal>Representative Hale
<>

<name>Denton Darrington
Route 1
Declo, ID 83323
<sal>Senator Darrington
<>

<name>Bruce Newcomb
1626 Monroe
Burley, ID 83318
<sal>Representative Newcomb
<>

<name>Lynn S. Tominaga
Route 5, Box 184
Rupert, ID 83350

RECORDED

FEB 22 1964

<sal>Senator Tominaga
<>

<name>Larrey Anderson
Route 1
Eden, ID 83325
<sal>Senator Anderson
<>

<name>Gary Robbins
1421 Poplar
Twin Falls, ID 83301
<sal>Representative Robbins
<>

<name>Ralph B. Peters
601 E. Avenue A
Jerome, ID 83338
<sal>Representative Peters
<>

<name>Michael Nicholson
805 3rd Street
Rupert, ID 83350
<sal>Mr. Nicholson
<>

MICROFILMED

FEB 22 1994

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, ID 83720
Telephone: (208) 334-2400

RINDA JUST
Deputy Attorney General
Idaho Department of Parks and Recreation
Statehouse Mail
Boise, ID 83720
Telephone: (208) 334-2154

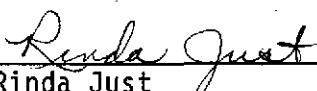
Attorney for the Idaho Department of Parks and Recreation

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

In the Matter of the	)	
Application for a	)	
Minimum Streamflow on	)	NOTICE OF APPEARANCE
Circle Creek	)	
	)	
Application No. 43-07295	)	
	)	

Rinda Just, Deputy Attorney General, hereby enters an appearance as attorney of record for the Idaho Department of Parks and Recreation for the hearing to be held in this matter on October 15, 1990, in Malta, Idaho.

DATED this first day of October, 1990.



Rinda Just
Deputy Attorney General
Idaho Department of Parks and Recreation

0281R


FEB 22 1994

CERTIFICATE OF MAILING

I hereby certify that I served true and correct copies of the following document on the persons listed below by mailing in the U.S. mail, first class, with correct postage affixed thereto on this 1st day of October, 1990.

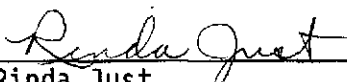
DOCUMENT SERVED: NOTICE OF APPEARANCE

PERSONS SERVED:

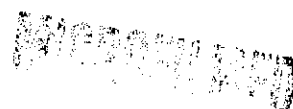
Mr. David Rydalch
Minimum Streamflow Chairman
Idaho Water Resource Board
Statehouse Mail
Boise, ID 83720

Mr. Gene M. Gray, Chairman
Idaho Water Resource Board
Route 1, Box 46-A
Payette, ID 83661

Mr. Gary Spackman, Manager
Water Right Permits Section
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720



Rinda Just
Deputy Attorney General
Idaho Department of Parks and
Recreation



FEB 22 1994

MEMORANDUM

To: Wayne Haas, Norm Young, Glen Saxton & Frank Sherman
From: Gary Spackman *Gary*
Date: September 7, 1990
Re: Minimum Streamflow Hearings: Fall, 1990

Two minimum streamflow hearings have been scheduled for the fall of 1990.

A hearing for the Circle Creek application, no. 43-07295, will be conducted on October 15, 1990 at 7:00 p.m. in the Raft River Electric Coop, Malta, Idaho.

A hearing for two Big Wood River applications, nos. 37-8258 and 37-8307, will be conducted on October 16, 1990. An afternoon session for formal testimony has been scheduled at 1:30 p.m. in the Blaine Co. Courthouse, 2nd Floor Conference Room, Hailey, Idaho. An evening session for informal comment has been scheduled for the Ketchum City Hall conference room at 7:00 p.m.

Attached are copies of the legal notices that have been prepared for publication.

Because of the large number of landowners adjoining the Big Wood River, we have decided to saturate the press rather than send individual notice to landowners.

RECEIVED
FEB 22 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 28, 1990

Health and Welfare
Division of Environmental Quality
Statehouse Mail
Boise, ID 83720

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Interested Party:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

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

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Dennis Cole
Dept. of Parks and Recreation
Rt. 1 Box 358
Hagerman, ID 83332

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Cole:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

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

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Doug Stephens
Dept. of Parks and Recreation
Rt. 1 Box 358
Hagerman, ID 83332

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Stephens:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

RECEIVED
FEB 22 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Dean Crane
HC 61 Box 1170
Malta, ID 83342

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Crane:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPECKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Cleo Durfee
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Durfee:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Dave Pugh
2647 Kimberly Rd. East
Twin Falls, ID 83301

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Pugh:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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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 28, 1990

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

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Goddard:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Rinda Just, Attorney at Law
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Ms. Just:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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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 28, 1990

Larry Edwards
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Edwards:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Dale Wetenkamp
1505 Evan St.
Carson City, Nevada 89701

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Wetenkamp:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Rel Erickson
6348 Clarice
Las Vegas, Nevada 89107

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Rel Erickson:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

MICROFILMED

FEB 22 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 28, 1990

Stan Lloyd
Elba, ID 83326

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Lloyd:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

ENCLOSURE

FEB 22 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 28, 1990

Kathleen Durfee
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Ms. Durfee:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Curtis Durfee
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Durfee:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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SEP 28 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Jean Elwell
936 Chatelain Rd.
Ogden, UT 84403

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Jean Elwell:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

Gary Spackman
GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Bill Jones
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Jones:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Bill Tracy
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Tracy:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

RECEIVED

FEB 22 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Dwayne Ward
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Ward:

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

RECORDED

SEP 2 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

John Hedges
Almo, ID 83312

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Hedges:

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Robert and Helen Eck
Rt 1 Box 6
Declo, ID 83323

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. and Mrs. Eck:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPECKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

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

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Ms. Lucachick:

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Laird Noh
3442 Addison Avenue E.
Kimberly, ID 83341

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Senator Noh:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Steve Antone
1141 Link St.
Rupert, ID 83350

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Representative Antone:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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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 28, 1990

Maxine T. Bell
194 S. 300 E.
Jerome, ID 83338

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Representative Bell:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

SEP 22 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 28, 1990

Ernest A. Hale
725 E. 16th
Burley, ID 83318

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Representative Hale:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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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 28, 1990

Denton Darrington
Route 1
Declo, ID 83323

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Senator Darrington:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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

RECEIVED
OCT 2 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Lynn S. Tominaga
Route 5, Box 184
Rupert, ID 83350

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Senator Tominaga:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

NOT RECORDED
SEP 22 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 28, 1990

Larrey Anderson
Route 1
Eden, ID 83325

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Senator Anderson:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 28, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Gary Robbins
1421 Poplar
Twin Falls, ID 83301

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Representative Robbins:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

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

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

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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

September 28, 1990

Ralph B. Peters
601 E. Avenue A
Jerome, ID 83338

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Representative Peters:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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FEB 22 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 28, 1990

Michael Nicholson
805 3rd Street
Rupert, ID 83350

RE: Minimum Streamflow Application on Circle Creek, No.
43-07295

Dear Mr. Nicholson:

The Idaho Department of Water Resources will conduct a hearing on Monday, October 15, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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
GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

100221394

MINIMUM STREAMFLOW
Fact Sheet

Water Right No.: 43-07295

Source: Circle Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: July 1, 1988

Places of Use

Subreach A: The proposed minimum flow reach encompasses approximately one and one-half miles of Circle Creek, beginning in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream through the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T15S, R24E, B.M., Cassia County.

Rate of Flow: 9.0 cfs from 01/01 through 12/31.

Subreach B: The proposed minimum flow reach encompasses approximately two miles of North Creek, beginning in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 3.0 cfs from 01/01 through 12/31.

Subreach C: The proposed minimum flow reach encompasses approximately one mile of Center Creek, beginning in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 3.0 cfs from 01/01 through 12/31.

Subreach D: The proposed minimum flow reach encompasses approximately one and one-half miles of South Creek, beginning in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.

Rate of Flow: 3.0 cfs from 01/01 through 12/31.

Purpose: Recreational and aesthetic purposes.

Hearing: Raft River Electric Coop, Malta, Idaho. Beginning at 7:00 p.m. on Tuesday, November 13, 1990.

APPROVED

FEB 22 1994

withdrew. Mr. Williams advised under the laws of the state of Idaho, the Board can only wholesale power, and that would be all they would do. Revenues from the project will provide an income stream to the Board for water projects which are critically needed within the state.

Agenda Item No. 5. Snake River Basin Adjudication

a. Negotiations Update. Dave Shaw, department staff, indicated the recent negotiation sessions with the Shoshone-Bannock tribes have yielded the framework for an agreement. Department staff will continue to work with the tribes to finalize the agreement.

Mr. Shaw updated the Board on the Snake River Basin Adjudication (SRBA). The SRBA is on schedule and on budget. Counties are being served according to schedule. Claims taking for Ada County has been completed. The department has received 60,000 claims; 300,000 notices have been sent out. Claims taking will be complete in May of next year if it continues on schedule. The department has received approval from the court for a test area to test round two service and investigation.

R. Keith Higginson, Director, expressed his admiration for the department staff involved in the claims-taking process. Mr. Higginson stated the staff was doing an admirable job of greeting and assisting the sometimes angry and frustrated claimants with a smile and competent service.

Agenda Item No. 6. Minimum Stream Flows

a. Devil's Corral Spring - Add to Adjudication. Dave Shaw, department staff, informed the Board the minimum stream flow right held by the Board for Devil's Corral Spring which was previously not required by statute to be filed in the SRBA, is now required to be filed in the SRBA by court order. The \$4,850 filing fee has been included in the Board's budget for this year.

F. Dave Rydalch, Secretary, moved Board adoption of a resolution (ATTACHMENT 2) directing department staff to file a claim in the SRBA for the minimum stream flow water right on Devil's Corral Spring held by the Board. Donald R. Kramer, Member, seconded the motion.

Motion passed by roll call vote: 8 Ayes, 0 Nays: Gray, Aye; Hungerford, Aye; Kramer, Aye; Parr, Aye; Platts, Aye; Rydalch, Aye; Wagner, Aye; and Williams, Aye.

b. Circle Creek Information Meeting Report. Clarence Parr, Member, reported on the meeting and site tour of the City of Rocks area. Mr. Parr cited public law 100-696 which estab-

FEB 22 1994

lished the City of Rocks as a national reserve, "... the state has committed to providing the water necessary to fulfill the purposes of the title." Mr. Parr recommended moving forward with the minimum stream flow application.

Frank Sherman, department staff, pointed out the Board's application requests 3 cfs on each of the three tributaries and 9 cfs as the flow on the mainstem of Circle Creek within the minimum stream flow reach. Mr. Sherman stated the information available suggests that flow is unrealistic.

F. Dave Rydalch, Secretary, moved the Board request the Director to proceed with administrative action on the minimum stream flow application on Circle Creek and its tributaries. Mr. Rydalch requested amounts be reduced to .5 cfs on North Creek, .5 cfs on Center Creek, .5 cfs on South Creek, and 1.5 cfs on Circle Creek. William S. Platts, Member, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

c. Hearings on Round Lake, Hayden Creek and Elk Creek Falls. Frank Sherman, department staff, reported the department hearings on minimum stream flow applications for Round Lake and Hayden Creek had been set for October 11. The Elk Creek hearing will take place on October 12 at the Deary Grange Hall in the Orofino area. F. Dave Rydalch, Secretary and Minimum Stream Flow Chairman, will attend the hearings. Bill Graham, department staff, will attend representing the Board.

Agenda Item No. 7. IWRB Financial Programs

a. Status Report. Frank Sherman, department staff, reported the Water Management Account has uncommitted funds of \$15,000; the Revolving Development Account has a balance of \$2,754.87.

J. D. Williams, Member, requested the format of the report be changed to show how and why the changes are made in the accounts. Frank Sherman agreed to make the requested changes for a more detailed report.

J. D. Williams advised the remaining member of the East Lateral Irrigation District in Oneida County is apparently having severe financial problems, and therefore, may be contacting the Board.

b. Cascade Extension. Frank Sherman discussed the problems the city of Cascade has been having with their water system improvements. The city of Cascade is requesting the Board extend the period of time for completion of the project and use of the loan to December 31, 1989. The city was previously

Attendance

Water Resource Board - Public Meeting
Circle Creek Minimum Stream Flow
Malta, ID 8/29/89

Name	Organization/Address	Phone #
Mary Lucachick	IDPR Boise	334-2154
Dennis Cayle	IDPR Hagerman	837-4505
Robert & Helen Eck	RT1 Box 6 Declb Idaho	654-2711
John Hedges	Almo Idaho	824 5549
Bill Jones	Almo, Id.	824-5527
Bill Tracy	" "	824-5571
Arway M. Ward	" "	
John Vance	He 61 Box 1170 Malta	
Sam Edwards	" "	824-5583
Clara Dwyer	" "	824-5541
Bel Erickson	6348 Clarice Las Vegas New 89107	702-878-3116
Dale Wetenkamp	1505 Evan St. Carson City, Nev. 89701	702-883-0358
Doug Stephens	IDPR City of Rocks	837-4505
Michael V. Tipton	805 3 rd Rupert, Idaho	436-3862
A E Nicholson		
Jean Edwell	936 Chatelain Rd, Ogden, UT 84403	(801)392-7858
DAVE Pugh	2047 Kimberley Rd. East	733-8398
Curtis Dwyer	Almo Idaho	824 5579
Kathleen Dwyer	Almo Idaho	"
Stan Lloyd	Elba, Idaho 83326	638-5543

FEB 22 1994

POOR QUALITY

MESSAGE CONFIRMATION

SEP-26-'90 WED 12:26

TERM ID: IDWR FAX #1

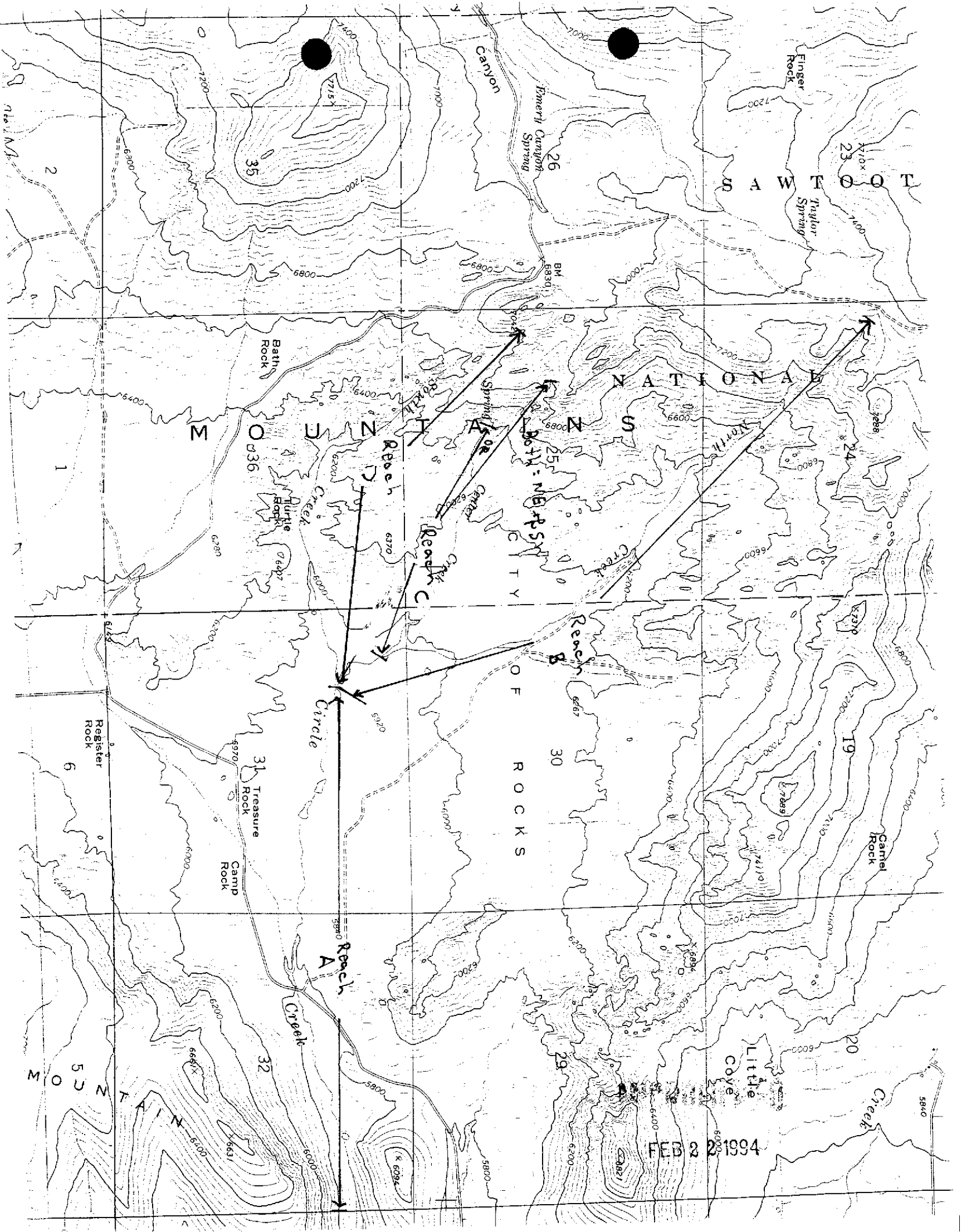
P-9999

TEL NO: 208 334 7866

NO.	DATE	ST. TIME	TOTAL TIME	ID	DEPT CODE	OK	NG
948	09-26	12:25	00:01:28	2083343812		02	00

UNRECORDED

FEB 22 1994



MEMORANDUM

TO: File on Requested Minimum Streamflow on Circle Creek
FROM: Gary Spackman
DATE: June 20, 1988
RE: Deficiencies in Application

The request proposing a minimum streamflow in Circle Creek and upstream tributaries is deficient as follows:

1. The request seeks to appropriate all unappropriated flow. Applied for flows must be quantified in the application.
2. The request seeks minimum flows in three upstream tributaries of Circle Creek, without quantification of the flows sought in each tributary.
3. Item 15 in the addendum states that no flow records are available. The stream has been measured periodically, however.

RECEIVED
FEB 22 1994

**MID-UM STREAMFLOW REQUEST/APPLICATION
PROCESSING CHECKLIST**

	<u>Assigned to</u>	<u>Initials/Date</u>
1. Request received and checklist attached.	Records Chief	<i>sf:hm</i> / 7-11-88
2. Request indexed.	Records Chief	<i>sf:hm</i> / 7-11-88
3. Preliminary review. Application prepared for signature.	Section Supv.	_____
4. Streamflow information requested from hydrology.	Section Supv.	_____
5. Region advised of request	Section Supv.	_____
6. Acknowledgement letter sent.	Section Supv.	_____
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Section Supv.	_____
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Section Supv.	_____
9. Water Rights researched and abstracted.	Records Chief	_____
10. Request and related data presented to Board.	Requestor	_____
11. Filed or Rejected by Board.	IWRB, Section Supv.	_____
12. Board action indexed.	Records Chief	_____
13. Original application sent to region	Section Supv.	_____
14. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	_____
15. Application advertised 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	_____

RECEIVED

JUL 13 1988

Department of Water Resources
Southern Region Office

MSF Request/Application
Processing Checklist
Page 2

	<u>Assigned to</u>	<u>Initials/Date</u>
22. Notification of informal public meeting sent to:		
a. IWRB members	Section Supv.	_____
b. Local Legislators	Section Supv.	_____
c. Watermaster	Section Supv.	_____
d. Department Personnel	Section Supv.	_____
e. Local TV and Radio Stations	Section Supv.	_____
f. Water Right Holders	Requestor	_____
g. Riparian Owners	Requestor	_____
23. Informal public meeting held.	IWRB and Section Supv.	_____
24. Notice of formal hearing advertised in legal notices.	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	_____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

OCT 15 1990

Department of Water Resources
Southern Region Office

October 11, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

<name>

RE: Minimum Streamflow Application on Circle Creek, No. 43-07295

Dear <sal>:

You previously received notice of a hearing for a minimum streamflow on Circle Creek. The hearing has been rescheduled because of flaws in the legal notice. Please disregard the prior notice.

The Idaho Department of Water Resources will conduct a hearing on Tuesday, November 13, 1990, to determine whether a minimum streamflow on Circle Creek should be approved. The hearing will commence at the Raft River Electric Coop, Malta, Idaho, beginning at 7:00 p.m.

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

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become a 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

RECORDED

FEB 22 1994

<name>Health and Welfare
Division of Environmental Quality
Statehouse Mail
Boise, ID 83720
<sal>Interested Party
<>

<name>Dennis Cole
Dept. of Parks and Recreation
Rt. 1 Box 358
Hagerman, ID 83332
<sal>Mr. Cole
<>

<name>Doug Stephens
Dept. of Parks and Recreation
Rt. 1 Box 358
Hagerman, ID 83332
<sal>Mr. Stephens
<>

<name>Dean Crane
HC 61 Box 1170
Malta, ID 83342
<sal>Mr. Crane
<>

<name>Cleo Durfee
Almo, ID 83312
<sal>Mr. Durfee
<>

<name>Dave Pugh
2647 Kimberly Rd. East
Twin Falls, ID 83301
<sal>Mr. Pugh
<>

<name>Steve Goddard, Attorney at Law
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720
<sal>Mr. Goddard
<>

<name>Rinda Just, Attorney at Law
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720
<sal>Ms. Just
<>

<name>Larry Edwards
Almo, ID 83312

8/22/94 10:10 AM

SEP 22 1994

<sal>Mr. Edwards
<>

<name>Dale Wetenkamp
1505 Evan St.
Carson City, Nevada 89701
<sal>Mr. Wetenkamp
<>

<name>Rel Erickson
6348 Clarice
Las Vegas, Nevada 89107
<sal>Rel Erickson
<>

<name>Stan Lloyd
Elba, ID 83326
<sal>Mr. Lloyd
<>

<name>Kathleen Durfee
Almo, ID 83312
<sal>Ms. Durfee
<>

<name>Curtis Durfee
Almo, ID 83312
<sal>Mr. Durfee
<>

<name>Jean Elwell
936 Chatelain Rd.
Ogden, UT 84403
<sal>Jean Elwell
<>

<name>Bill Jones
Almo, ID 83312
<sal>Mr. Jones
<>

<name>Bill Tracy
Almo, ID 83312
<sal>Mr. Tracy
<>

<name>Dwayne Ward
Almo, ID 83312
<sal>Mr. Ward
<>

<name>John Hedges
Almo, ID 83312
<sal>Mr. Hedges

FEB 22 1994

<>

<name>Robert and Helen Eck
Rt. 1 Box 6
Declo, ID 83323
<sal>Mr. and Mrs. Eck
<>

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

<name>Laird Noh
3442 Addison Avenue E.
Kimberly, ID 83341
<sal>Senator Noh
<>

<name>Steve Antone
1141 Link St.
Rupert, ID 83350
<sal>Representative Antone
<>

<name>Maxine T. Bell
194 S. 300 E.
Jerome, ID 83338
<sal>Representative Bell
<>

<name>Ernest A. Hale
725 E. 16th
Burley, ID 83318
<sal>Representative Hale
<>

<name>Denton Darrington
Route 1
Declo, ID 83323
<sal>Senator Darrington
<>

<name>Bruce Newcomb
1626 Monroe
Burley, ID 83318
<sal>Representative Newcomb
<>

<name>Lynn S. Tominaga
Route 5, Box 184
Rupert, ID 83350

FEB 22 1994

<sal>Senator Tominaga
<>

<name>Larrey Anderson
Route 1
Eden, ID 83325
<sal>Senator Anderson
<>

<name>Gary Robbins
1421 Poplar
Twin Falls, ID 83301
<sal>Representative Robbins
<>

<name>Ralph B. Peters
601 E. Avenue A
Jerome, ID 83338
<sal>Representative Peters
<>

<name>Michael Nicholson
805 3rd Street
Rupert, ID 83350
<sal>Mr. Nicholson
<>

RECORDED

FEB 22 1994

NOTICE OF HEARING FOR
APPLICATION FOR MINIMUM
STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has submitted an application to the Department of Water Resources for a permit to appropriate water for a minimum streamflow in Circle Creek and its tributaries. The application seeks a minimum streamflow for recreation and aesthetics, and is further described as follows:

Application No.: 43-07295

Source: Circle Creek

Proposed Priority: July 1, 1988

Places of Use

Subreach A: The proposed minimum flow reach encompasses approximately one and one-half miles of Circle Creek, beginning in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream through the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T15S, R24E, B.M., Cassia County.
Amount & Period of Use: 1.5 cfs from 01/01 through 12/31.

Subreach B: The proposed minimum flow reach encompasses approximately two miles of North Creek, beginning in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.
Amount & Period of Use: 0.5 cfs from 01/01 through 12/31.

Subreach C: The proposed minimum flow reach encompasses approximately one mile of Center Creek, beginning in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.
Amount & Period of Use: 0.5 cfs from 01/01 through 12/31.

Subreach D: The proposed minimum flow reach encompasses approximately one and one-half miles of South Creek, beginning in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T15S, R24E, B.M., Cassia County.
Amount & Period of Use: 0.5 cfs from 01/01 through 12/31.

The Director of the Department of Water Resources will hold a public hearing in Malta, Idaho, at the Raft River Electric Coop, beginning at 7:00 p.m. on Tuesday, November 13, 1990, for

the purpose of gathering evidence regarding the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

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 N. Orchard Street, Boise, Idaho, 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to ~~to the hearing~~ informally present their views and comments without the necessity of filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

Published 10/25 & 11/01/90

*Was published
10/19 for first time*

10-Oct-1990

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

FILED 285

RECEIVED

DEC 28 1988

Department of Water Resource
Southern Region Office

MEMORANDUM

*TO: FILE 43-7295

FROM: KAY WALKER

RE: NOTIFICATION OF HEARING

DATE: 23-DEC-1988

=====

Mr. Olen Ward of 7209 Kingston Drive, Boise, ID, 83704, would like to be informed of any and all public hearings in regard to the above referenced application. Mr. Ward owns alot of property in the Circle Creek area and wants to attend any hearing in regard to Circle Creek.

RECEIVED

FEB 22 1994

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the IDAHO WATER RESOURCE BOARD has submitted an Application for Permit to the Department of Water Resources proposing to appropriate water for a minimum streamflow in Circle Creek, tributary to Raft River. The application is further described as follows:

Application No: 43-07295

Source: Circle Creek

Proposed Priority: 7/1/1988

Place of Use: Subreach A: From NESWNE, Sec. 32, T15S, R24E., upstream to SENWNW, Sec. 31, T15S, R24E., commonly known as Circle Creek.

Subreach B: From NENWNW, Sec. 31, T15S, R24E., upstream to SWSWNW, Sec. 24, T15S, R23E., commonly known as North Creek.

Subreach C: From SWNWNW, Sec. 31, T15S, R24E., upstream to SWSESW, Sec. 25, T15S, R23E., commonly known as Center Creek.

Subreach D: From SENWNW, Sec. 31, T15S, R24E., upstream to SENWSW, Sec. 25, T15S, R23E., commonly known as South Creek.

Amount & Period of Use:

Subreach A: 9 cfs from 01/01 to 12/31

Subreach B: 3 cfs from 01/01 to 12/31

Subreach C: 3 cfs from 01/01 to 12/31

Subreach D: 3 cfs from 01/01 to 12/31

Purpose of Minimum Instream Flow: recreation and aesthetic

The application is on file and may be reviewed at the Southern Region Office of the Department of Water Resources, 2148 4th Ave. East, Twin Falls, ID 83301. To be published countywide and statewide on 12/15 & 12/22/88.

R. Keith Higginson
Director, Idaho Department of Water Resources

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File -

I called Galt Spectman &
he wants to check with
the Board to see if they
are planning public meetings
before we advertise.

FEB 22 1994

LFH

IDENT. NO. 43-07295

IDENT. NO. 43-07295

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

Initials

Date _____

Item

mb

11/7/88

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

20-Jun-1988

Circle Creek

WR-NUMBER: 43-2047
CURRENT OWNER: CLARA CAMPBELL BANFORD
ALMO, ID

PRIORITY DATE: 19-Apr-1909

STAGE: LICENSE

COUNTY: CASSIA
SOURCE: CIRCLE CREEK, SOUTH FORK
WATER USE: IRRIGATION
DOMESTIC

DIVERSION-RATE:
0.360 CFS
0.000 CFS
TOTAL RATE: 0.360 CFS

DIVERSION-VOLUME:
0.00 AF
0.00 AF
TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION: T155 R24E S32 SENE
T155 R24E S32 SWNW
PLACE OF USE: T155 R24E S32 SENW AC 10
T155 R24E S32 NMSW AC 08
TOTAL ACRES: 18

WR-NUMBER: 43-4156
CURRENT OWNER: J.E. TRACY INC.
ALMO, ID 83312

PRIORITY DATE: 1-Apr-1885

STAGE: STATUTORY CLAIM

COUNTY: CASSIA
SOURCE: CIRCLE CREEK
WATER USE: IRRIGATION
STOCKWATER

DIVERSION-RATE:
5.600 CFS
0.050 CFS
TOTAL RATE: 5.650 CFS

DIVERSION-VOLUME:
0.00 AF
0.00 AF
TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION: T155 R24E S32 NENE
T155 R24E S34 SWNW
T155 R24E S33 NWNE
PLACE OF USE: T155 R24E S32 NENE
T155 R24E S33 NWNE
T155 R24E S33 NWNE
T155 R24E S33 NWNE
T155 R24E S33 NWNE
T155 R24E S33 NWNE
T155 R24E S34 NWNE
T155 R24E S34 NWNE
T155 R24E S34 NWNE
T155 R24E S34 NWNE
T155 R24E S34 NWNE
TOTAL ACRES: 280

WR-NUMBER: 43-4173
CURRENT OWNER: A.E. NICHOLSON
805 3RD ST.
RUPERT, ID 83350

PRIORITY DATE: 30-Apr-1879

STAGE: STATUTORY CLAIM

COUNTY: CASSIA
SOURCE: NORTH CREEK
SOUTH CREEK
CIRCLE CREEK

TRIBUTARY: CIRCLE CREEK
CIRCLE CREEK
RAFT RIVER

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WATER USE:
IRRIGATION
STOCKWATER

DIVERSION-RATE:
5.460 CFS
0.040 CFS
TOTAL RATE: 5.460 CFS

DIVERSION-VOLUME:
0.00 AF
0.00 AF
TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION:

T15S R24E S31 NWNW
T15S R24E S31 SWNW
T15S R24E S31 NENW
T15S R24E S31 SWNE

PLACE OF USE:

T15S R24E S31 NENE AC 25
T15S R24E S31 NWNE AC 30
T15S R24E S31 SWNE AC 40
T15S R24E S31 SENE AC 38
T15S R24E S31 NENW AC 35
T15S R24E S31 NWNW AC 20
T15S R24E S31 SWNW AC 25
T15S R24E S31 SENW AC 25
T15S R24E S31 NESE AC 03
T15S R24E S32 NWNW AC 15
T15S R24E S32 SWNW AC 22
TOTAL ACRES: 273

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FEB 22 1994