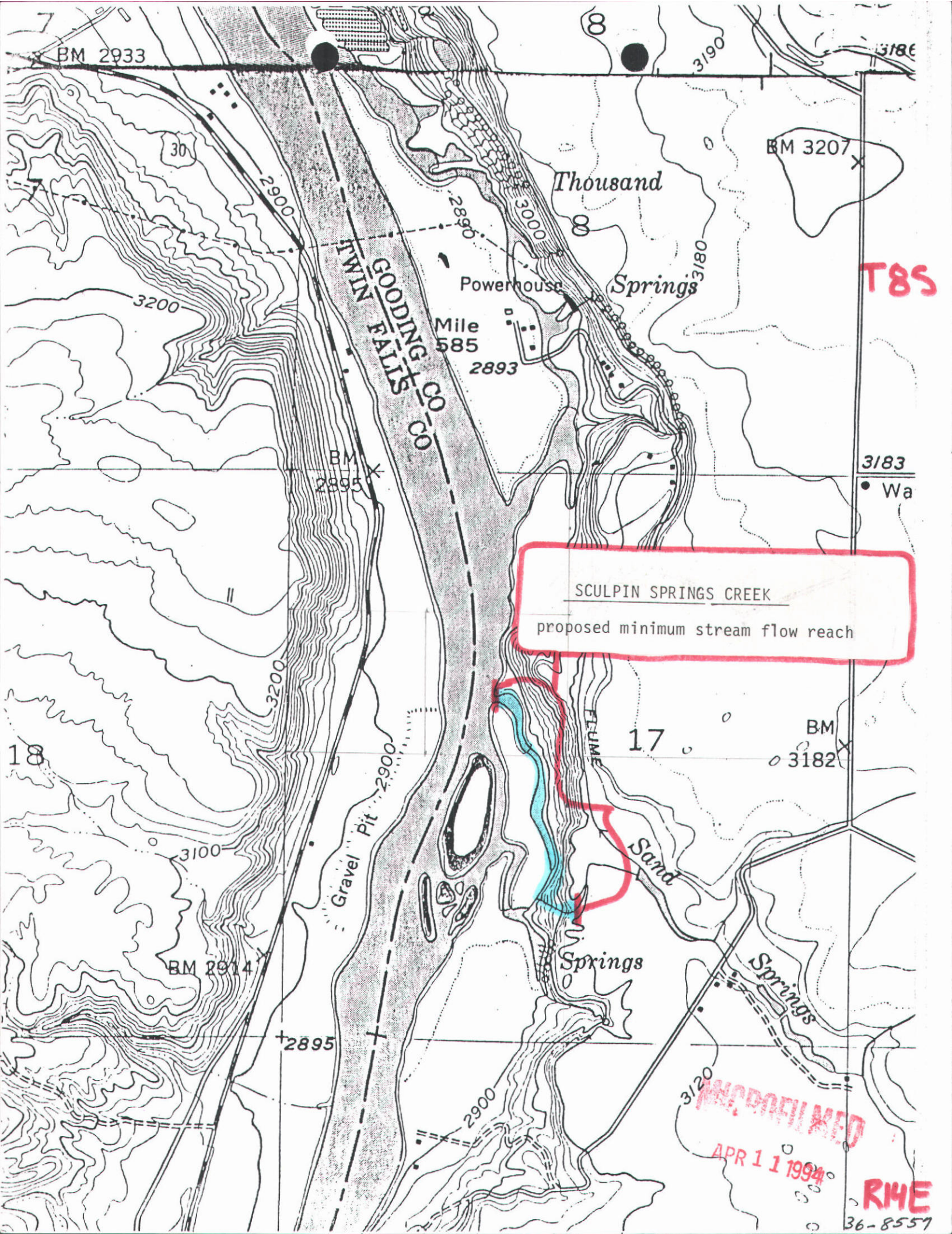




BM 2933

BM 3207

Thousand

Springs

Powerhouse

Mile 585

TWIN FALLS
GOODING CO
CO

BM 2895

3183

Wa

SCULPIN SPRINGS CREEK

proposed minimum stream flow reach

BM

3182

17

Springs

Springs

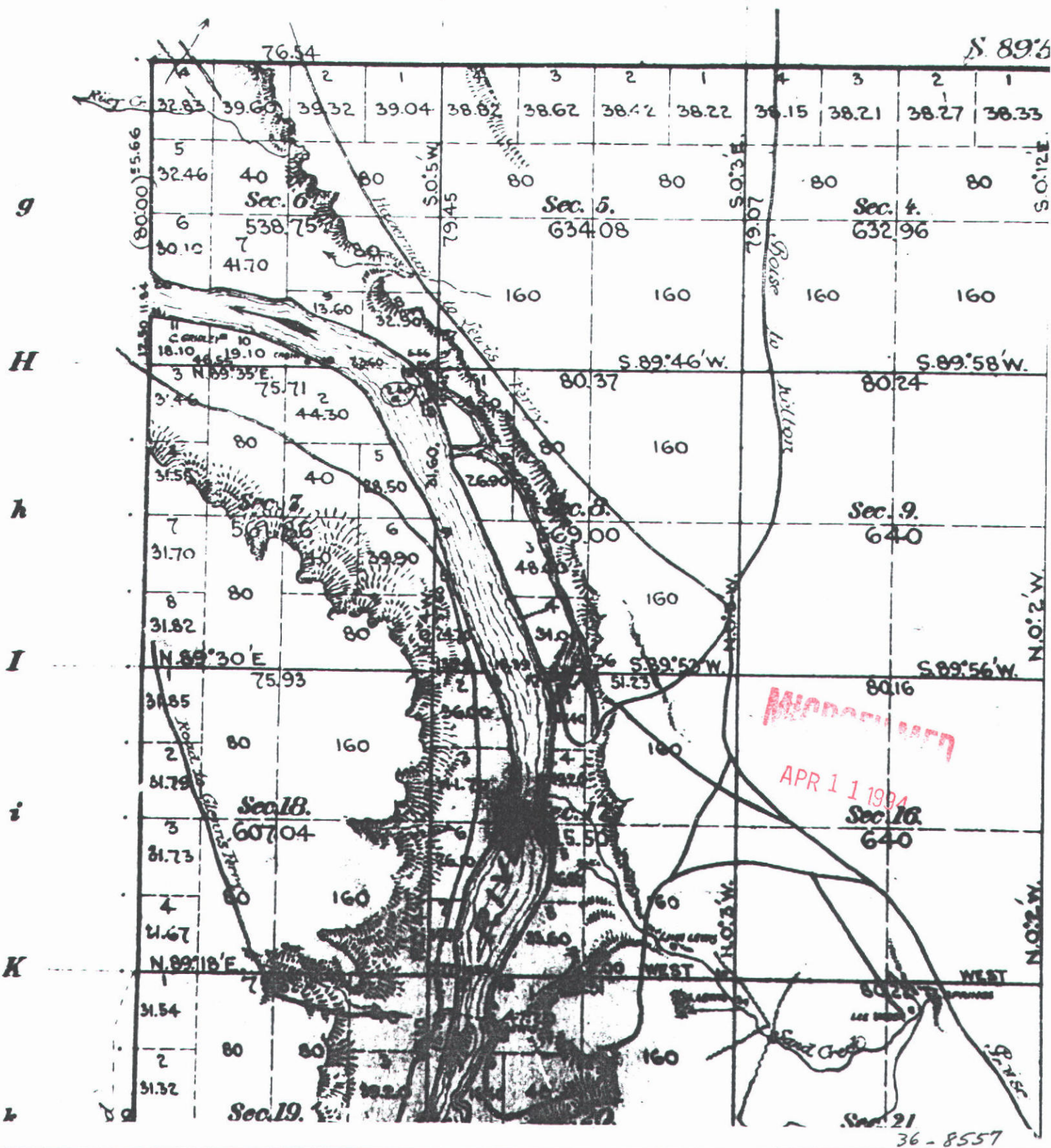
UNRECORDED

APR 11 1994

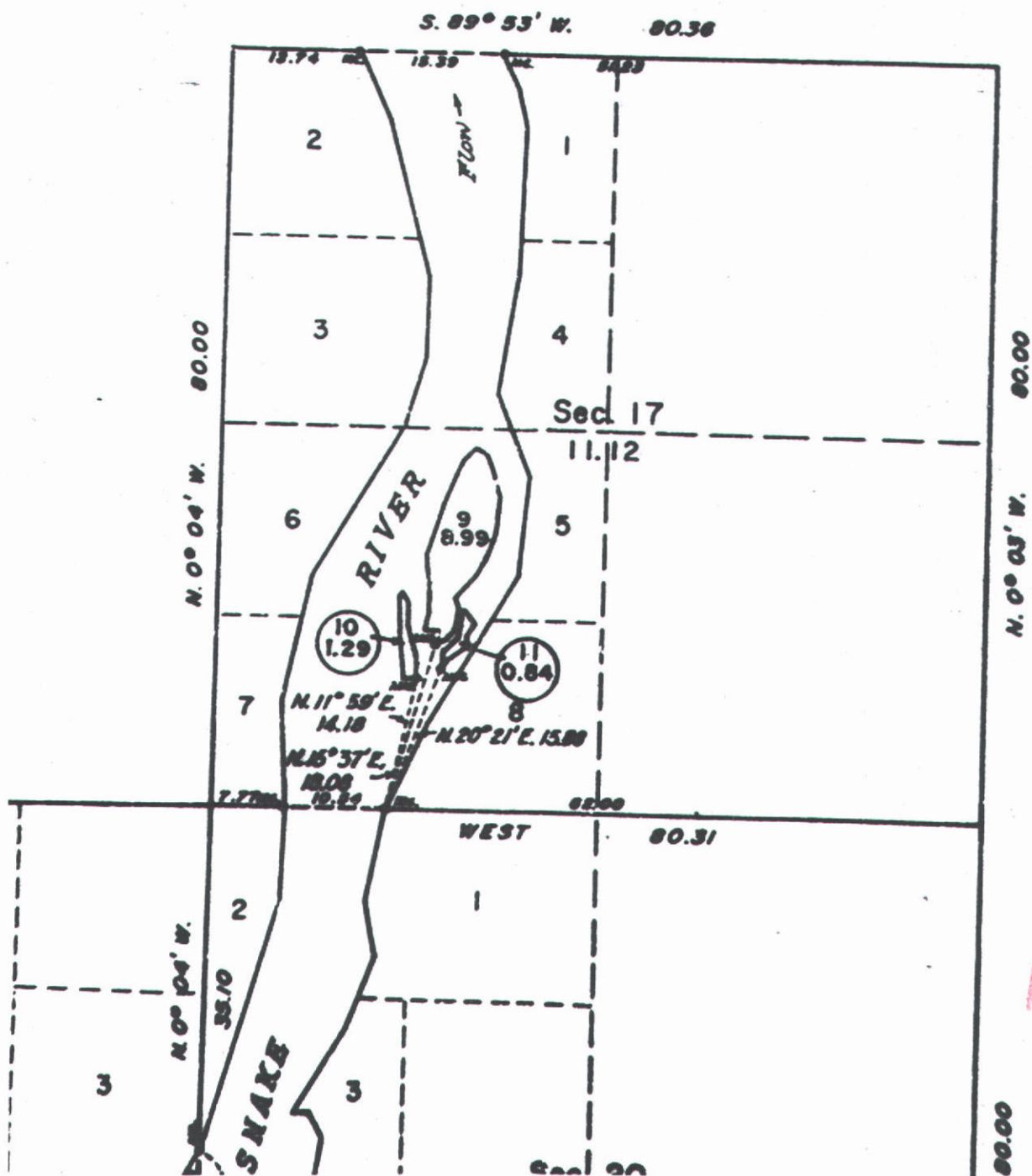
RME

36-8557

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8 SOUTH, RANGE 14 EAST, OF THE ISLAND SURVEYS IN SECTIONS 17, 19, :



APPROVED

APR 11 1994

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

Date 101091 INVOICE No. L00309788
Account No. 446620 THOUSAND
Description 09788NOTIC
Times 2 Lines 60
Tab Lines 120

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT OF WATER RESOURCES
222 SHOSHONE ST EAST
TWIN FALLS
ID 83301

RECEIVED \$ 150.00

OCT 18 1991

Department of Water Resources
Southern Region Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

09788
NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW
Notice is hereby given that the Idaho Water Resource Board submitted applications for permit to appropriate water to the Department of Water Resources on August 3, 1990, proposing to appropriate water for minimum instream flows in several springs and outflow channels in the vicinity of Thousand Springs. The applications are further described as follows:

Source: South Thousand Springs Channel
Application No.: 36-8556
Proposed Priority: August 3, 1990
Amount and Period of Use: 500.0 cfs from January 1, through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat.

Place of Use: Beginning at the Idaho Power Thousand Springs Power Plant, in Government Lot 3 (SE/4NE/4SW/4), Section 8, T8S, R14E, and extending downstream to the confluence with the Snake River, located in Government Lot 1 (NE/4NE/4NW/4), Section 17, T8S, R14E.

Source: Sculpin Springs Creek
Application No.: 36-8557
Proposed Priority: August 3, 1990
Amount and Period of Use: 33.0 cfs from January 1 through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW/4SW/4SE/4, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4 (SE/4SE/4NW/4), Section 17, T8S, R14E, B.M., Gooding County.

Source: Springs and Sand Springs Creek
Application No.: 36-8558
Proposed Priority: August 3, 1990
Amount and Period of Use: 34.0 cfs from January 1 through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW/4SW/4SE/4, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE/4NE/4SW/4), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.

The Director of the Department of Water Resources will hold a public hearing in the Hagerman Senior Citizen's Center, 140 Lake street, Hagerman, Idaho, beginning at 1:30 p.m. on Tuesday October 22, 1991, for the purpose of hearing evidence in regard to the application. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, these permits will be subject to all prior water rights.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

SS.
ce

Heister, being duly sworn,
the Legal Clerk

g Company, a corporation organized and existing
the laws of the State of Idaho, publishers of the
TRIBUNE, a newspaper of general circulation
Nez Perce County, Idaho; That the said Lewiston
established paper and has been published regular-
at least once a day for more than 21 consecutive
preceding the first publication of this notice, and
uninterrupted for said period; that the

HEARING

which is made a part of this affidavit was published in
ning Tribune, 2 time(s). Publication be-

for 2 consecutive WEEKS, or once a

ng on the 100391, and the last pub

on the 101091, and said

HEARING

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

Sue Baumeister

WORN BEFORE ME THIS THE 16

1991.

Sheral M. Lentz

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

APR 11 1994

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 11 1991

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Patty Spence, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterrupted published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of March 19 91, and the date of the last publication was on the 13th day of March, 19 91.

Patty Spence

Subscribed and sworn to before me this 8th day of March, 19 91.
(SEAL)

Vivian J. Anderson
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION
4915

mb
3-26-91

Number of Lines in Notice _____
Number of Insertions 2X

— Lines tabular at _____ 6¢/Pica
— 1040.6 Lines straight at 52.03 5¢/Pica
— Subsequent lines at 41.63 4¢/Pica
TOTAL COST 10.00

cancelled

COPY OF NOTICE (Paste Here)

Not Hearing
TITLE OF NOTICE
Sculpin Springs Cr.
36-8557
Spring + Sand Springs-36-8558
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM STREAMFLOW
Source: Sculpin Springs Creek
Application No.: 36-8557
Proposed Priority: August 3, 1990
Amount and Period of Use: 33.0 cfs
from January 1 through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.
Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW 1/4 SW 1/4 SE 1/4, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4 (SE 1/4 SE 1/4 NW 1/4), Section 17, T8S, R14E, B.M., Gooding County.
Source: Springs and Sand Springs Creek
Application No.: 36-8558
Proposed Priority: August 3, 1990
Amount and Period of Use: 34.0 cfs
from January 1 through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.
Place of Use: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW 1/4 SW 1/4 SE 1/4, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE 1/4 NE 1/4 SW 1/4), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.
The Director of the Department of Water Resources will hold a public hearing to determine whether the application should be approved or rejected. Informal testimony and comments will be taken the evening of Tuesday, March 26, at the hour of 7:00 p.m. in the Hagerman Valley Senior Citizen's Center, 140 East Lake Street, Hagerman, Idaho. The formal hearing will be conducted the next day, Wednesday, March 27, beginning at 1:30 p.m., in the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho. The hearing will be conducted pursuant to the provisions of Section 42-1503, IDAHO CODE.
Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.
If issued, these permits will be subject to all prior water rights.
R. Keith Higginson, Director
Idaho Department of
Water Resources
Published in the Buhl Herald & Gooding Leader on 3/6 & 3/13/91 and in the Idaho Statesman, Post Register, Lewiston Morning Tribune, & Times News on 3/7 & 3/13/91.
Pub: 3-6, 13
G4915

9 omitted

Intro

APR 11 1994

BUHL HERALD, INC.
BOX 312

BUHL, IDAHO 83316
208 543 4335

TERMS: DUE 15TH OF MONTH FOLLOWING
PURCHASE. 1 1/2% FINANCE CHARGE
(ANNUAL RATE OF 18%) ADDED TO PAST
DUE ACCOUNTS. MINIMUM 50C.

10/31/90

7240

STATE OF IDAHO
WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

9/30/90 BALANCE FORWARD
10/03/90 4589 LEGAL ADS
** TOTAL **

.00
109.98
109.98

THANK YOU

36-8556

36-8557

36-8558

OK
mb
11-15-90

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NOV 5 1990

Department of Water Resources
Southern Region Office

BALANCE
DUE
APR 11 1994

CURRENT 30 DAYS 60 DAYS 90 DAYS 120 DAYS

109.98

BALANCE
109.98

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08557

Priority: August 3, 1990

Minimum Instream Flow:

33.00 CFS

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

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 3, 1990; and
has submitted Proof of Beneficial Use on March 2, 1994. A minimum stream flow in

SCULPIN SPRINGS CREEK

tributary to SNAKE RIVER

has been established as follows:

BENEFICIAL USE

MINIMUM INSTREAM FLOW

PERIOD OF USE

01/01 to 12/31

RATE

33.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach

NWSWSE, Sec. 17, Township 08S, Range 14E

End of Stream Flow Reach

Lot 4(SESENW), Sec. 17, Township 08S, Range 14E

GOODING County

CONDITIONS OF APPROVAL AND REMARKS

1. The use of water under this right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. This minimum streamflow is subject to review and cancellation if public access is ever denied.
4. Use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with the priority of water right date earlier than 8/3/90.
5. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Sculpin Springs Creek, such measuring devices shall be permanently installed and maintained as specified by the Department.

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

WATER RIGHT NO. 36-08557

CONDITIONS OF APPROVAL AND REMARKS

6. This minimum streamflow shall be junior and subordinate to all consumptive use rights diverted from groundwater within the Snake River Aquifer tributary to Sculpin Springs Creek, held in trust by the State of Idaho, which may be approved or diverted later in time than the priority of this right. Approval of this minimum streamflow right shall not give rise to any right or claim against any future rights to the consumptive use of groundwater held in trust by the State of Idaho initiated later in time than the priority of this right to the extent that such uses are within the limits established pursuant to the Swan Falls Agreement, the Idaho State Water Plan, and Chapter 2, Title 42, Idaho Code.
7. The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.
8. This minimum stream flow reach begins at a point where the water falls off the Snake River canyon wall in the NWSWSE, S17, T8S, R14E and ends at the confluence of Sculpin Springs Creek with the Snake River in Lot 4 (SESESW), S17, T8S, R14E. This minimum stream flow would include all unappropriated water that discharges to the creek within the reach.
9. This minimum stream flow is for the preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

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 15TH
day of SEPTEMBER, 1995.


Acting for KARL J. DREHER, Director

RECEIVED

MAR 02 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08557 Telephone No. 208-327-7910

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

3. Mailing Address: Statehouse, Boise, ID 83720

4. Source of Water: Sculpin Springs Creek

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

OPTIONAL:

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

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

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

Irrigation _____ (No. of acres) Other Minimum Instream Flow

6. Total rate and/or volume for which proof is submitted 33 cfs OR _____ acre/feet

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

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

OR

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

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

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

Name _____ Telephone No. _____

Address _____

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

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9/28/94 F. Don Bydall Chair I.W.R.B.
Date Signature (and title, if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT	)	
	)	
NOS. 36-8556 (SOUTH THOUSAND SPRINGS	)	
	)	
CHANNEL); 36-8557 (SCULPIN SPRINGS CREEK);	)	
	)	
AND 36-8558 (SPRINGS AND SAND SPRINGS	)	FINAL MEMORANDUM
	)	DECISION AND ORDER
CREEK); SEEKING TO APPROPRIATE MINIMUM	)	
	)	
STREAMFLOWS IN THE NAME OF THE IDAHO WATER	)	
	)	
RESOURCE BOARD	)	
	)	

A hearing officer for the Department conducted a hearing for the above applications on October 22, 1991, and issued a proposed decision. Exceptions were filed by the Nature Conservancy of Idaho (Nature Conservancy), and were endorsed by the Idaho Department of Parks and Recreation (Parks & Recreation).

Nature Conservancy and Parks & Recreation object to condition 5 of the order which states that the "minimum streamflows are subject to review and cancellation if public access is ever denied." The objectors suggest that a condition requiring public access should not be imposed. Despite the suggestion that no public access is necessary, the objections state that public access should be limited to the mean high water level of the streams.

A substantial portion of testimony by representatives of Nature Conservancy and Parks & Recreation addressed public concerns about access. Nature Conservancy portrayed a willingness to allow broad public access except where the values sought to be protected by the Minnie Miller reserve might be jeopardized. Nature Conservancy has allowed public access to the island where the old farm buildings are located only when a tour has been arranged. The purpose of limited access is to protect the island and its buildings from vandalism.

Nature Conservancy does not allow motorized vehicles on most of the reserve, and appears to want to limit boat traffic to motorless craft. These restrictions, if not contrary to law, are

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probably justifiable to protect values of the preserve. Further restriction to public access may shift the factors which are weighed in determining whether the minimum streamflows are being established for the public, or for the private interest. The condition related to retained jurisdiction to insure public access will not be more narrowly defined.

Furthermore, a standard condition providing that the Director retains jurisdiction over this minimum streamflow was not included in the original order. The exclusion was an oversight, and the condition is printed in the order portion of this decision.

Other exceptions were merely corrections and clarifications which have been incorporated into this decision.

FINDINGS OF FACT

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

Application No. 36-8556

Source:	South Thousand Springs Channel
Flow Rate:	500 cfs from January 1 through December 31
Location:	Beginning at the Idaho Power Thousand Springs Power Plant in Government Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E, B.M., and extending downstream to the confluence with the Snake River, located in Government Lot 1, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M. This minimum streamflow would include all unappropriated water that discharges to the South Thousand Springs Channel.
Purpose:	Preservation of aesthetics, recreation, aquatic life, beauty and fish and wildlife habitat.
Priority:	August 3, 1990

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Application No. 36-8557

Source: Sculpin Springs Creek

Flow Rate: 33 cfs from January 1 through December 31

Location: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4, (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach.

Purpose: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Priority: August 3, 1990

Application No. 36-8558

Source: Springs and Sand Springs Creek

Flow Rate: 34 cfs from January 1 through December 31

Location: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5, (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.

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Purpose: Preservation of aesthetics, recreation aquatic life, and fish and wildlife habitat.

Priority: August 3, 1990

2. The flows of South Thousand Springs Channel, Sculpin Springs Creek and Sand Springs Creek were measured with an AA meter in May and June of 1990. The flows were measured by Cindy Lunte, a Nature Conservancy employee. Ms. Lunte has taken several hydrology courses while obtaining a masters degree in limnology, and has been field trained to measure water by USGS personnel.

3. May and June are months when discharge from the springs feeding these channels and creeks are at their lowest flows.

4. The flow within the South Thousand Springs Channel was measured at 500 cubic feet per second.

5. The flow of Sculpin Springs was measured at 33 cfs.

6. Flow of Springs and Sand Springs Creek was measured at 34 cfs.

7. All of the minimum streamflow reaches sought by these applications are either wholly contained within or adjacent to land owned by Nature Conservancy. Nature Conservancy intends to preserve the natural features of the area, which include the unique streamflows from the springs.

8. A prior minimum streamflow, numbered 36-8307 was established to preserve the Minnie Miller Springs which discharge into the north portion of the Thousand Springs channel. It also established a minimum streamflow in the north channel. Application no. 36-8556 proposes protection for the outflow waters from the Idaho Power Plant, which flow south to the Snake River. The flows of Sand Springs and Sculpin Springs Creek discharge into the Snake River directly upstream from the mouth of the South Thousand Springs Channel. Application nos. 36-8557 and 36-8558 seek protection of these tributary springs. All the above applications seek to protect the remaining Thousand Springs in a near natural state.

9. These series of springs, including Minnie Miller, Sand Springs, and Sculpin Springs, and their respective outfall channels, are a remnant of the large springs which once flowed undeveloped to the Snake River.

APPROVED
APR 11 1994

10. The preserved land owned and operated by Nature Conservancy will be referred to as the Minnie Miller Farm reserve. The reserve includes an island which is separated from the east bank of the Snake River by the south and north Thousand Springs Channel.

11. The entire channel is open to the general public by canoe or boat. The banks can also be used by fishermen and hunters.

12. The only area where public access is restricted is the farmstead and higher land on the island. Nature Conservancy restricts general access because of fear about vandalism. Nature Conservancy has arranged with Parks and Recreation to conduct tours of the area. Last year, tours of people visited the site almost weekly.

13. The Thousand Springs Channels, Sand Springs Creek and Sculpin Springs Creek are home to several species of concern, including the Shoshone Sculpin, and three species of mollusks which are currently under review by the U.S. Fish and Wildlife Service for possible listing under the Endangered Species Act. Development of many of the other springs in the area has caused a decline in their numbers, resulting in designation as species of special concern.

14. The South Thousand Springs Channel offers recreational and aesthetic value, as well as fishing opportunity to the general public.

15. There are no new proposals for water diversions from these sources that would affect the minimum streamflows.

16. These springs and channels are fed by the Snake River Plain Aquifer, which emits into the Snake River Canyon as springs.

17. Sand Springs, Sculpin Springs and the respective outfall channels will fluctuate depending on the future withdrawal of ground water from the aquifer, and the volume of surface water diverted onto lands overlying the Snake River Plain Aquifer that might recharge the aquifer.

18. The long term capability of maintenance of the flows directly depends on water use on the lands overlying the Snake River Plain Aquifer.

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CONCLUSIONS OF LAW

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

2. Idaho Code § 42-1503 sets forth the criteria to be considered by the Department in reviewing an application for minimum streamflow:

Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in full, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon the findings that such appropriation of minimum streamflow:

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

3. Any right to be acquired under this application is for instream nonconsumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than the respective filing dates of the applications set forth in the findings of fact.

4. The minimum streamflows are necessary for the preservation of aesthetic enjoyment, recreation, and fish habitat.

FINAL MEMORANDUM DECISION AND ORDER

Page - 6

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5. The minimum streamflows are in the public, as opposed to the private interest. Nature Conservancy has represented that it will continue to allow public access into the area.

6. The minimum streamflows sought are minimum flows and not maximum flows. The reasoning to support this conclusion is that the springs and outflow channels are only a remnant of the springs and channels that once flowed naturally into the Snake River. Any further degradation of these remaining undisturbed springs and channels would be less than minimally acceptable.

7. The minimum streamflows sought are capable of being maintained.

8. The Director of the Department of Water Resources has considerable flexibility to grant appropriations subject to future appropriation for which the public interest may be of greater importance. Shokal v. Dunn, 109 Idaho 330, 337, 707 P.2d 441 (1985). The Director should retain sufficient flexibility that the parameters of a minimum streamflow may be changed to respond to proven public interest.

9. In response to litigation over the depletion of ground water discharge from the Snake River Plain Aquifer initiated by Idaho Power Company to protect its surface water flows in the Snake River, the Idaho Legislature declared in Idaho Code § 42-203B that it was in the public interest to regulate the use of Snake River water for power purposes in order to assure an adequate supply of water in the Snake River Plain Aquifer for all future beneficial uses.

10. The Idaho Legislature specifically ratified an agreement between the State of Idaho and Idaho Power Company in Idaho Code § 42-203B(5) which implements the public interest of supplying water for future beneficial use. The agreement expressly provides for a partial depletion of Snake River surface water flows resulting from development in the Snake River Plain Aquifer.

11. The analysis portion of Policy 5G of the State Water Plan, which has been ratified by the legislature, states:

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain Aquifer may reduce the present flow of springs tributary to the Snake River

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APR 11 1994

12. Policy 5G of the State Water Plan contemplates a reduction in ground water discharge to the Snake River as a result of development in the Snake River Plain Aquifer. Policy 5G implies a determination by the Water Board and the ratifying legislature that a reduction of discharge to the Snake River in exchange for development in the Snake River Plain Aquifer is in the public interest.

13. The spring flows from Sculpin Springs, Sand Springs, and Thousand Springs portion of the ground water discharge flows which the legislature has declared may be partially reduced in favor of the public interest in development of the Snake River Plain Aquifer.

ORDER

IT IS HEREBY ORDERED that applications for permit nos. 36-8556, 36-8557 and 36-8558 are APPROVED subject to the following conditions:

1. The use of water under these permits is subject to all prior water rights.

2. The use of water under these permits shall be nonconsumptive.

3. Use of water under these permits shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with the priority of water right date earlier than August 3, 1990, for these applications for permit.

4. These permits for minimum streamflow shall be junior and subordinate to all consumptive use rights diverted from ground water within the Snake River Aquifer tributary to Thousand Springs, Sculpin Springs Creek and Springs and Sand Springs Creek, held in trust by the State of Idaho, which may be approved or diverted later in time than the priority of these permits. Approval of these minimum streamflow permits shall not give rise to any right or claim against any future rights to the consumptive use of ground water held in trust by the State of Idaho initiated later in time than the proposed priority of these permits and any subsequent license to the extent that such uses are within the limits established pursuant to the Swan Falls

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Agreement, the Idaho State Water Plan, and Chapter 2, Title 42, Idaho Code.

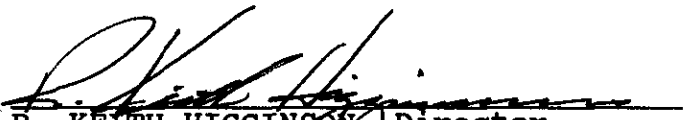
5. These minimum streamflows are subject to review and cancellation if public access is ever denied.

6. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on South Thousand Springs, Sculpin Springs Creek and Springs and Sand Springs Creek and its estuary, such measuring devices shall be permanently installed and maintained as specified by the Department.

7. The Director retains jurisdiction as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the permit or license would be in the public interest.

8. Proof of instream beneficial use of the minimum streamflows appropriated may be submitted to the Department immediately following approval of this permit by the legislature, but not later than five (5) years of the approval of these permits is finally effective.

Dated this 2ND day of January, 1992.


R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

APPROVED

APR 11 1994

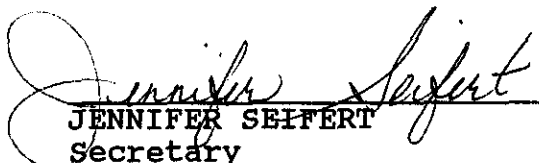
CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of January, 1992, I mailed a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum and Decision, postage prepaid, to the following individuals:

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

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

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


JENNIFER SEIFERT
Secretary

RECORDED

APR 11 1994

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

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS.
36-8556 (SOUTH THOUSAND SPRINGS CHANNEL); 35-8557
(SCULPIN SPRINGS CREEK); AND 36-8558 (SPRINGS AND
SAND SPRINGS CREEK); SEEKING TO APPROPRIATE MINIMUM
STREAMFLOWS IN THE NAME OF THE IDAHO WATER RESOURCE BOARD

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

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

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

I.
EXCEPTIONS

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

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

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

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

II.
BRIEFS

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

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

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III.

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

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

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral 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

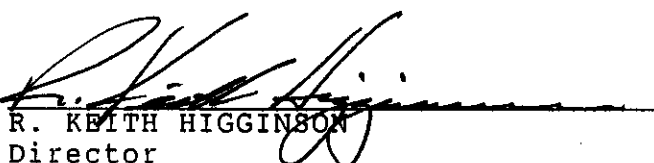
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

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 3RD day of DECEMBER, 19 91.


R. KEITH HIGGINSON
Director

APR 11 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT)
)
NOS. 36-8556 (SOUTH THOUSAND SPRINGS)
)
CHANNEL); 36-8557 (SCULPIN SPRINGS CREEK);)
)
AND 36-8558 (SPRINGS AND SAND SPRINGS) PROPOSED MEMORANDUM
) DECISION AND ORDER
CREEK); SEEKING TO APPROPRIATE MINIMUM)
)
STREAMFLOWS IN THE NAME OF THE IDAHO WATER)
)
RESOURCE BOARD)

On October 22, 1991, a hearing was conducted to determine whether three applications for minimum streamflow, numbered 36-8556, 36-8557 and 36-8558, should be approved or rejected. The Idaho Water Resource Board (Board) and the Idaho Department of Parks and Recreation (Parks & Recreation) appeared as formal parties.

The evidence having been submitted, the hearing officer, as a representative of the Director of the Department of Water Resources (Department), proposes the following findings, conclusions and order:

FINDINGS OF FACT

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

Application No. 35-8556

Source:	South Thousand Springs Channel
Flow Rate:	500 cfs from January 1 through December 31
Location:	Beginning at the Idaho Power Thousand Springs Power Plant in Government Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E, B.M., and extending downstream to the confluence with the Snake River, located

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in Government Lot 1, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$),
Section 17, T8S, R14E, B.M.

Purpose: Preservation of aesthetics, recreation,
aquatic life, beauty and fish and
wildlife habitat.

Priority: August 3, 1990

Application No. 35-8557

Source: Sculpin Springs Creek

Flow Rate: 33 cfs from January 1 through December
31

Location: Beginning at a point where the water
falls off the Snake River canyon wall,
located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17,
T8S, R14E, and extending downstream to
the confluence of Sculpin Springs Creek
and the Snake River, located in
Government Lot 4, (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section
17, T8S, R14E, B.M., Gooding County.

Purpose: Preservation of aesthetics, recreation,
aquatic life, and fish and wildlife
habitat.

Priority: August 3, 1990

Application No. 36-8558

Source: Springs and Sand Springs Creek

Flow Rate: 34 cfs from January 1 through December 31

Location: Beginning at the outflow of the
headwater spring from the Snake River
wall, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section
17, T8S, R14E, and extending downstream
to where Sand Springs Creek discharges
into the Snake River, located in
Government Lot 5, (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section
17, T8S, R14E, B.M., Gooding County.
This minimum streamflow would include
all unappropriated water that discharges
to the creek within the reach, including

PROPOSED MEMORANDUM DECISION AND ORDER

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any springs from their point of origin to their discharge into the creek.

Purpose: Preservation of aesthetics, recreation aquatic life, and fish and wildlife habitat.

Priority: August 3, 1990

2. The flows of South Thousand Springs Channel, Sculpin Springs Creek and Sand Springs Creek were measured with an AA meter in May and June of 1990. The flows were measured by Cindy Lunte, a Nature Conservancy employee. Ms. Lunte has taken several hydrology courses while obtaining a masters degree in liminology, and has been field trained to measure water by USGS personnel.

3. May and June are months when discharge from the springs feeding these channels and creeks are at their lowest flows.

4. The flow within the South Thousand Springs Channel was measured at 500 cubic feet per second.

5. The flow of Sculpin Springs was measured at 33 cfs.

6. Flow of Springs and Sand Springs Creek was measured at 34 cfs.

7. All of the minimum streamflow reaches sought by these applications are either wholly contained within or adjacent to land owned by Nature Conservancy. Nature Conservancy intends to preserve the natural features of the area, which include the unique streamflows from the springs.

8. A prior minimum streamflow, numbered 36-8307 was established to preserve the Minnie Miller Springs which discharge into the north portion of the Thousand Springs channel. It also established a minimum streamflow in the north channel. Application no. 35-8556 proposes protection for the outflow waters from the Idaho Power Plant, which flow south to the Snake River. The flows of Sand Springs and Sculpin Springs Creek are also contributors to the Thousand Springs south outflow channel. Application nos. 36-8557 and 36-8558 seek protection of these tributary springs. All the above applications seek to protect the remaining Thousand Springs in a near natural state.

9. These series of springs, including Minnie Miller, Sand Springs, and Sculpin Springs, and their respective outfall

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channels, are a remnant of the large springs which once flowed undeveloped to the Snake River.

10. The preserved land owned and operated by Nature Conservancy will be referred to as the Minnie Miller Farm complex. The complex includes an island which is separated from the north bank of the Snake River by the south and north Thousand Springs Channel.

11. The entire channel is open to the general public by canoe or boat. The banks can also be used by fishermen and hunters.

12. The only area where public access is restricted is the farmstead and higher land on the island. Nature Conservancy restricts general access because of fear about vandalism. Nature Conservancy has arranged with Parks and Recreation to conduct tours of the area. Last year, tours of people visited the site almost weekly.

13. The Thousand Springs Channels, Sand Springs Creek and Sculpin Springs Creek are home to several species of concern, including the Snake River Sculpin. Development of many of the other springs in the area has caused a decline in their numbers, resulting in designation as species of special concern.

14. The South Thousand Springs Channel offers recreational and aesthetic value, as well as fishing opportunity to the general public.

15. There are no new proposals for water diversions from these sources that would affect the minimum streamflows.

16. These springs and channels are fed by the Snake River Plain Aquifer, which emits into the Snake River Canyon as springs.

17. Sand Springs, Sculpin Springs and the respective outfall channels will fluctuate depending on the future withdrawal of ground water from the aquifer, and the volume of surface water diverted onto lands overlying the Snake River Plain Aquifer that might recharge the aquifer.

18. The long term capability of maintenance of the flows is directly dependent on water use on the lands overlying the Snake River Plain Aquifer.

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CONCLUSIONS OF LAW

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

2. Idaho Code § 42-1503 sets forth the criteria to be considered by the Department in reviewing an application for minimum streamflow:

Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in full, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon the findings that such appropriation of minimum streamflow:

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

3. Any right to be acquired under this application is for instream nonconsumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than the respective filing dates of the applications set forth in the findings of fact.

4. The minimum streamflows are necessary for the preservation of aesthetic enjoyment, recreation, and fish habitat.

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5. The minimum streamflows are in the public, as opposed to the private interest. Nature Conservancy has represented that it will continue to allow public access into the area.

6. The minimum streamflows sought are minimum flows and not maximum flows. The reasoning to support this conclusion is that the springs and outflow channels are only a remnant of the springs and channels that once flowed naturally into the Snake River. Any further degradation of these remaining undisturbed springs and channels would be less than minimally acceptable.

7. The minimum streamflows sought are capable of being maintained.

8. In response to litigation over the depletion of ground water discharge from the Snake River Plain Aquifer initiated by Idaho Power Company to protect its surface water flows in the Snake River, the Idaho Legislature declared in Idaho Code § 42-203B that it was in the public interest to regulate the use of Snake River water for power purposes in order to assure an adequate supply of water in the Snake River Plain Aquifer for all future beneficial uses.

9. The Idaho Legislature specifically ratified an agreement between the State of Idaho and Idaho Power Company in Idaho Code § 42-203B(5) which implements the public interest of supplying water for future beneficial use. The agreement expressly provides for a partial depletion of Snake River surface water flows resulting from development in the Snake River Plain Aquifer.

10. The analysis portion of Policy 5G of the State Water Plan, which has been ratified by the legislature, states:

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain Aquifer may reduce the present flow of springs tributary to the Snake River

11. Policy 5G of the State Water Plan contemplates a reduction in ground water discharge to the Snake River as a result of development in the Snake River Plain Aquifer. Policy 5G implies a determination by the Water Board and the ratifying legislature that a reduction of discharge to the Snake River in exchange for development in the Snake River Plain Aquifer is in the public interest.

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12. The spring flows from Sculpin Springs, Sand Springs, and Thousand Springs portion of the ground water discharge flows which the legislature has declared may be partially reduced in favor of the public interest in development of the Snake River Plain Aquifer.

ORDER

IT IS HEREBY ORDERED that applications for permit nos. 36-8556, 36-8557 and 36-8558 are APPROVED subject to the following conditions:

1. The use of water under these permits is subject to all prior water rights.

2. The use of water under these permits shall be nonconsumptive.

3. Use of water under these permits shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with the priority of water right date earlier than August 3, 1990, for these applications for permit.

4. These permits for minimum streamflow shall be junior and subordinate to all consumptive use rights diverted from ground water within the Snake River Aquifer tributary to Thousand Springs, Sculpin Springs Creek and Springs and Sand Springs Creek, held in trust by the State of Idaho, which may be approved or diverted later in time than the priority of these permits. Approval of these minimum streamflow permits shall not give rise to any right or claim against any future rights to the consumptive use of ground water held in trust by the State of Idaho initiated later in time than the proposed priority of these permits and any subsequent license to the extent that such uses are within the limits established pursuant to the Swan Falls Agreement, the Idaho State Water Plan, and Chapter 2, Title 42, Idaho Code.

5. These minimum streamflows are subject to review and cancellation if public access is ever denied.

6. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on South Thousand Springs, Sculpin Springs Creek and Springs and Sand Springs Creek and its estuary, such measuring devices

APPROVED

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shall be permanently installed and maintained as specified by the Department.

7. Proof of instream beneficial use of the minimum streamflows appropriated may be submitted to the Department immediately following approval of this permit by the legislature, but not later than five (5) years of the approval of these permits is finally effective.

Dated this 25th day of November, 1991.



GARY SPACKMAN, Hearing Officer
Idaho Department of Water Resources

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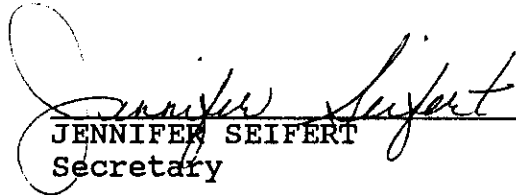
CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of December, 1991, I mailed a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum and Decision, postage prepaid, to the following individuals:

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

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

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


JENNIFER SEIFERT
Secretary

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Form 202
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AUG - 3 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Ident. No.

36-08557

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Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone (208) 327-7900
Post office address Statehouse Mail Boise, ID 83720
2. Source of water supply Sculpin Springs Creek which is a tributary of Snake River
3. Location of ~~point of diversion~~ ^{reach} is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 4
Sec. 17 Township 8S Range 14E B.M. Gooding County; ^{upstream} ~~additional~~
~~point of diversion~~ ^{to} a point where the water falls off of the Snake River Canyon Wall
in NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T8S, R14E.
4. Water will be used for the following purposes:
Amount 33 for Instream Flow purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 33 _{cubic feet per second} and/or (b) _____ _{acre feet per annum}
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. None - Instream Flow
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5* years (minimum 1 year).

* ADDED BY GARY SPACKMAN ON 8/10/90

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. To maintain scenic beauty, significant riparian and wildlife habitat and recreational qualities. Sculpin Spring provides habitat for the endangered Shoshone Sculpin, endemic to the Hagerman Valley.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	14E	17								6L4 JRW	6L5 JRW			6L8			JRW		

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? The Nature Conservancy

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. The Nature Conservancy has formally requested that IDP&R petition for this application.

12. Remarks: The reach proposed for this instream flow is from the confluence of Sculpin Springs Creek with the Snake River, upstream to the point where the water falls off of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

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A grid of graph paper with a date stamp 'APR 1 1994' in the bottom right corner. The grid consists of 20 columns and 20 rows. The date stamp is located in the bottom right corner, with the text 'APR 1 1994' printed in a bold, sans-serif font. The stamp is slightly tilted and has a dark, ink-like appearance. The grid lines are thin and black, forming a uniform pattern across the page. The background is white, and the overall image is in black and white.

F. Dan Gdalky
(Applicant)

Received by CW Date 8-03-90 Time 12:50p Preliminary check by _____
Fee \$ N.A. Receipted by _____ # _____ Date _____
Publication prepared by M. Baldwin Date 9/25/90 ^{9/26/91} Published in Bozeman Herald, Gooding Leader
Publication approved M. Baldwin Date 10/16/90, 11/1/90, 11/15/90, 3/24/91
10-11-91, 10-21-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-8557, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
January 1, 19 97.

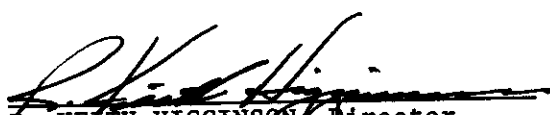
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

e. Other:

PURSUANT TO THE FINAL MEMORANDUM DECISION AND ORDER.

Dated this 2nd day of January, 1992.


R. KEITH HIGGINSON, Director
Department of Water Resources

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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.

We have checked the records, and find that there are no senior water rights. A minimum stream flow, if granted, would be subordinate to all prior existing water rights.

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

The spring water is visible from the Thousand Springs Scenic Route. They provide water for recreational floating, swimming, and hunting and fishing opportunities.

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

There are very few remnants of the Thousand Springs left. It is necessary to obtain an instream flow appropriation at the springs to maintain the recreational and aesthetic qualities for which they are currently enjoyed

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

The amount of instream flow requested is the minimum needed to preserve the springs in their current state.

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.

The flow data was measured in May at which time the flow is at the lowest amount of the year. This low spring level is capable of being maintained year round. Please note The Nature Conservancy memo stating which time of year the lows were taken and the amounts they recorded.

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

There are no permanent gaging stations in place at this time. A temporary gage is placed in the stream and read as needed. It could be measured monthly or bimonthly.

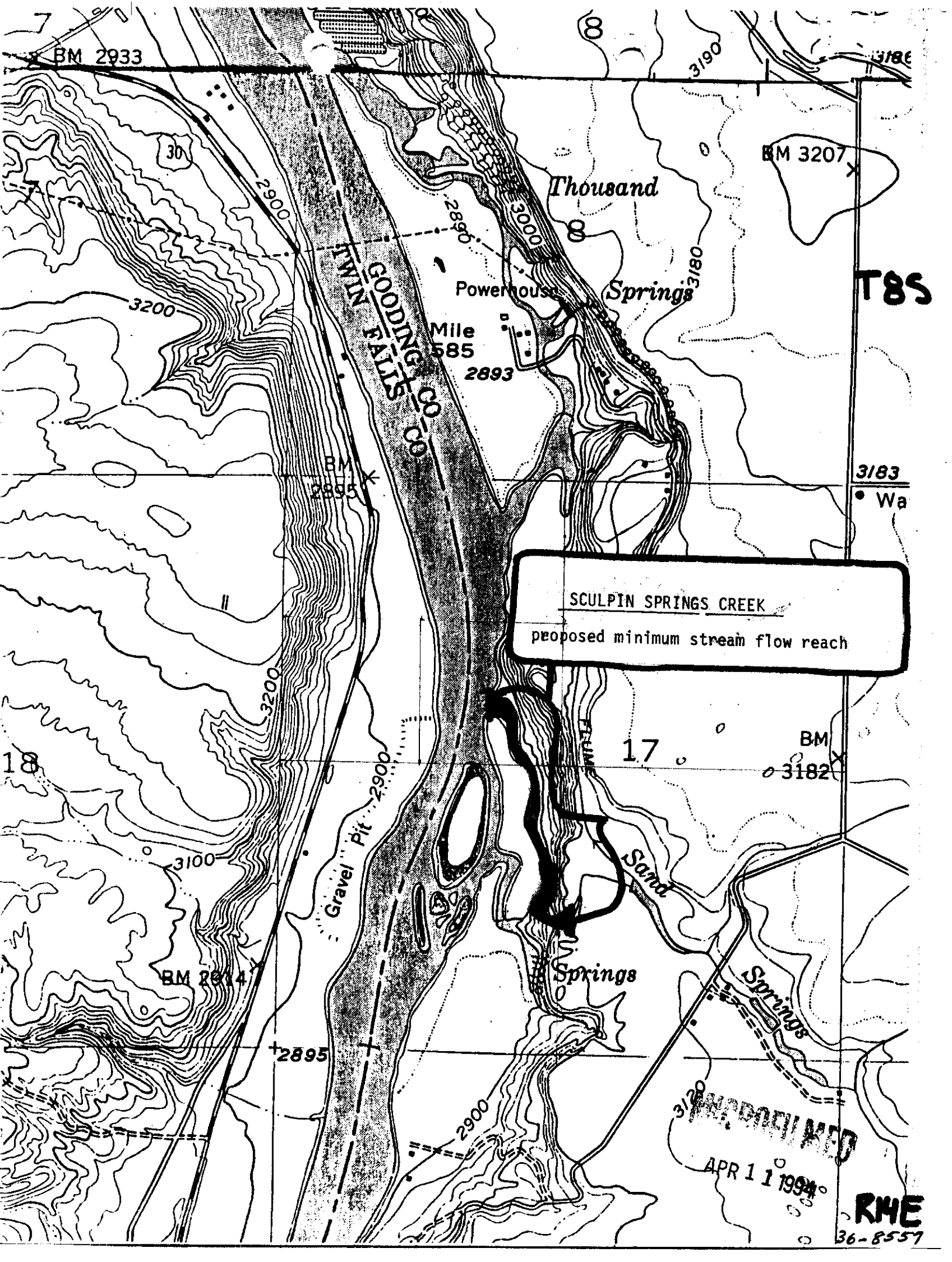
17. Do you intend to install additional gaging stations? Describe the location.

No permanent gaging station will be installed. The temporary stations will be used for the next four years of data gathering.

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

This minimum stream flow is being requested to help protect the Shoshone Sculpin, a candidate threatened species under the Endangered Species Act. The largest know population of the Shoshone Sculpin is found in Sand and Sculpin Springs. The Shoshone Sculpin is only found in the Thousand Springs complex of the Hagerman Valley. These springs also provide habitat and/or nesting for ducks, geese, song birds, raptors, and mule deer.

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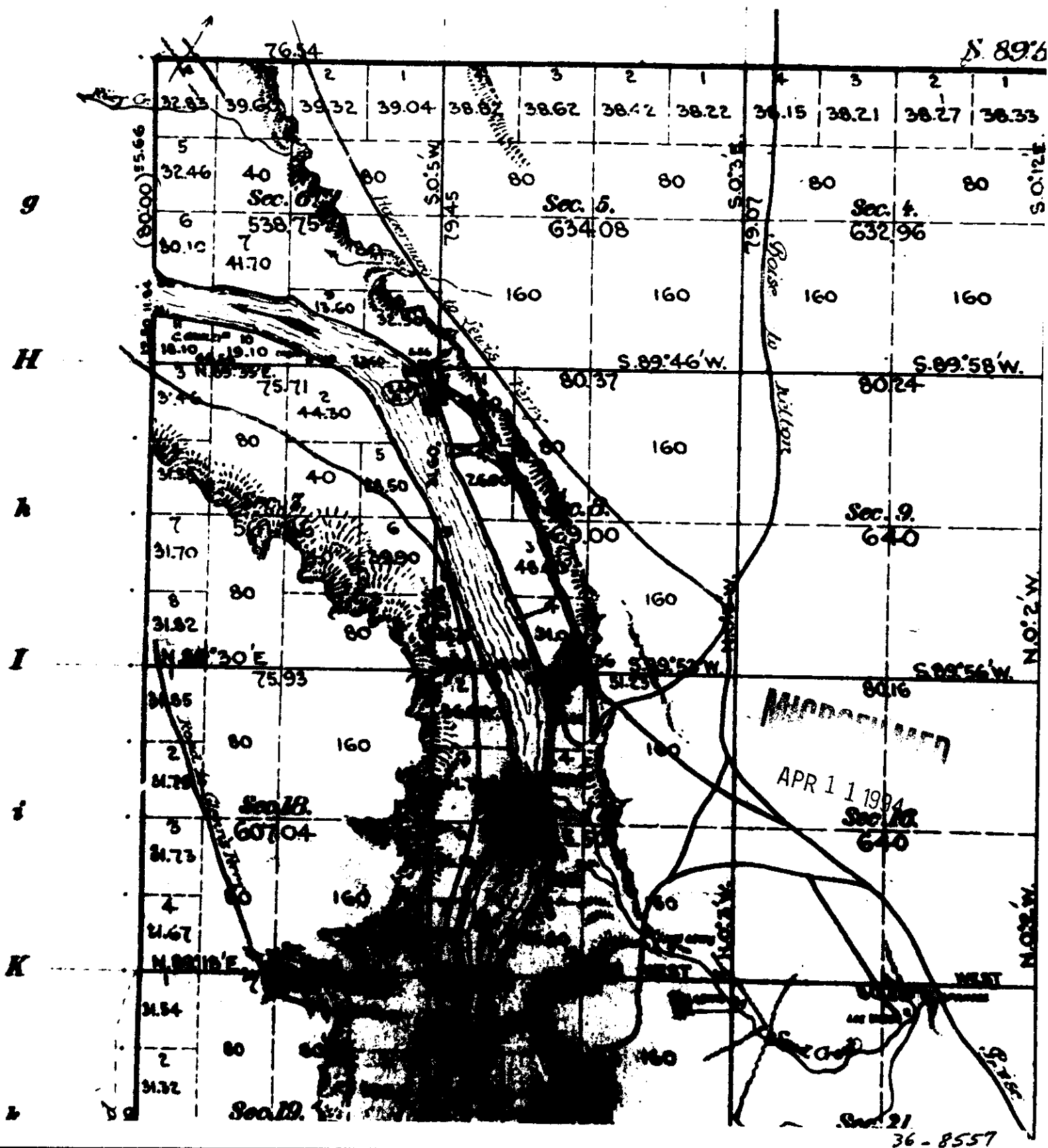
SCULPIN SPRINGS CREEK

proposed minimum stream flow reach

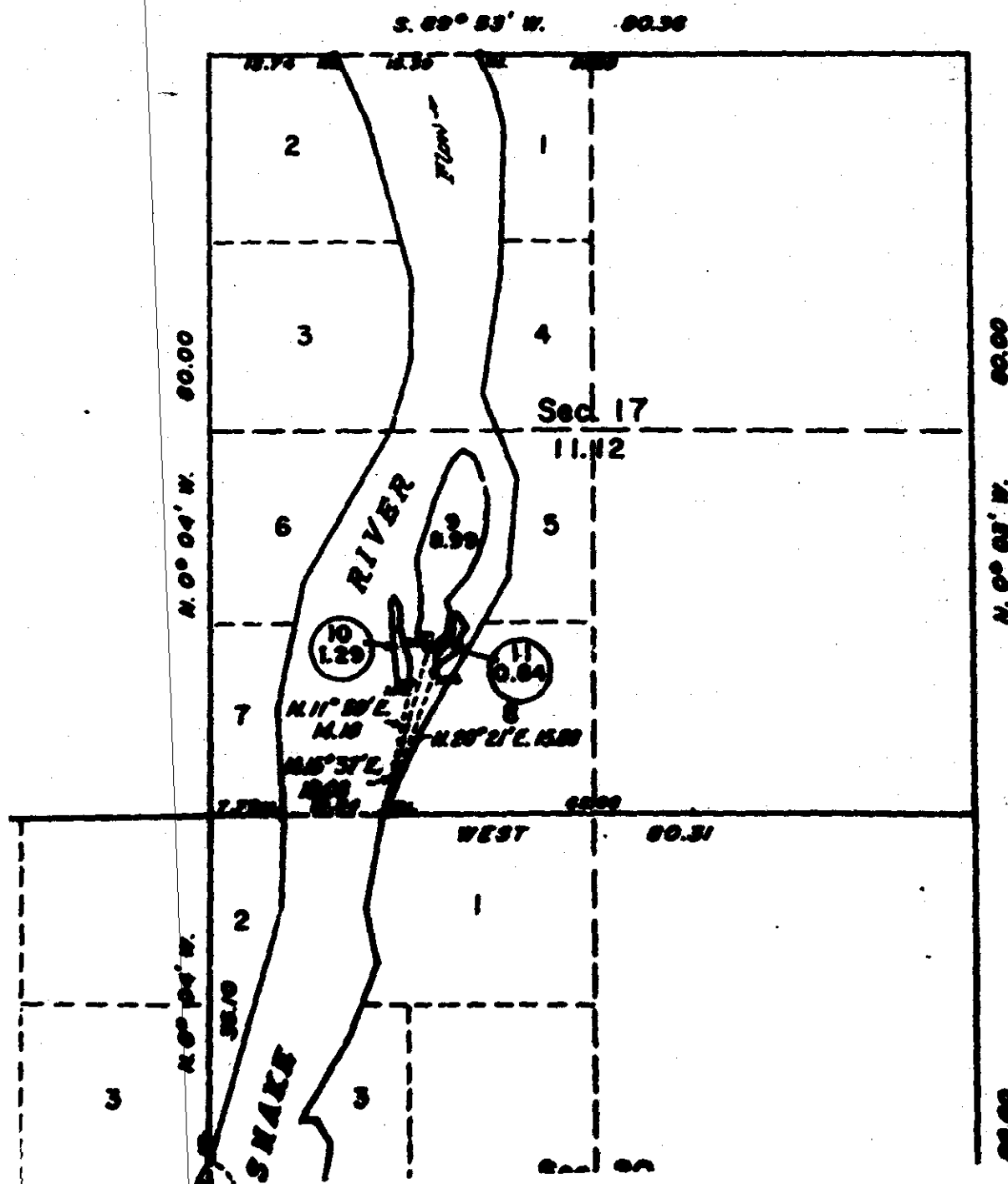
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36-8557

G ***f*** ***F*** ***e*** ***E*** ***d*** ***d***



8 SOUTH, RANGE 14 EAST, OF THE ISLAND SURVEYS IN SECTIONS 17, 19, :



APPROVED

APR 1 1 1994

36-8557

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for ... **Two** ... consecutive weeks, first publication having been made on the ... **3rd** ... day of ... **October 10** ..., 19**91** .., last publication having been made on the ... **10th** ... day of ... **October** ..., 19**91** .., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ... **16th** ... day of ... **October** ..., 19**91** ..

..... *S. Bob Bright*
..... *Susan Hagman*
Notary Public

My commission expires ... **July 1st** ..., 19**97** ..

B10

OK
MB
10-21-91

RECEIVED

OCT 21 1991

Department of Water Resources
Southern Region Office

APR 11 1994

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

Notice is hereby given that the Idaho Water Resource Board submitted applications for permit to appropriate water to the Department of Water Resources on August 3, 1990, proposing to appropriate water for minimum instream flows in several springs and outflow channels in the vicinity of Thousand Springs. The applications are further described as follows:

Source: South Thousand Springs Channel
Application No.: 36-8556

Proposed Priority: August 3, 1990
Amount and Period of Use: 500.0 cfs from January 1, through December 31

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat.

Place of Use: Beginning at the Idaho Power Thousand Springs Power Plant, in Government Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E, and extending downstream to the confluence with the Snake River, located in Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E.

Source: Sculpin Springs Creek
Application No.: 36-8557

Proposed Priority: August 3, 1990
Amount and Period of Use: 33.0 cfs from January 1 through December 31

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County.

Source: Springs and Sand Springs Creek
Application No.: 36-8558

Proposed Priority: August 3, 1990
Amount and Period of Use: 34.0 cfs from January 1 through December 31

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their

discharge into the creek.

The Director of the Department of Water Resources will hold a public hearing in the Hagerman Senior Citizen's Center, 140 Lake street, Hagerman, Idaho, beginning at 1:30 p.m. on Tuesday October 22, 1991, for the purpose of hearing evidence in regard to the application. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, these permits will be subject to all prior water rights.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources
Published: October 3, 10, 1991

*to determine whether
the application should
be approved or rejected.*
OK
MB
10-21-91

RECORDED

APR 11 1994

The Post-Register

EAST IDAHO'S HOME PAPER

333 NORTHGATE MILE

IDAHO FALLS, IDAHO

DIAL 522-1800

83401

RECEIVED

OCT 21 1991

6570

Idaho State of
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Federal ID #82-0220642

TEAR OFF THIS SLIP AND ENCLOSE WITH CHECK TO ASSURE PROPER CREDIT BEING GIVEN.
YOUR CANCELLED CHECK WHEN RETURNED BY YOUR BANK IS A VALID RECEIPT.

\$

DATE	INCHES - LINES	WORDS	DAYS	CHARGES	✓	CREDITS	BALANCE
October 3, 1991				BALANCE FORWARD			
		Legal notice: Notice of Hearing for application for minimum streamflow South Thousand Springs Channel 36-8556, Sculpin 36-8557 ect. ~~36-8558~~					
		Published October 3, 10, 1991					
				\$108.86			\$108.86
I hereby certify that the foregoing account is correct and just, that the services were actually rendered as charged, and I/we have not received payment thereof.							
THE POST REGISTER							
<i>Susan Magnan</i>							
Susan Magnan Accounting Clerk							
OK MB 10-21-91							

EXPLANATION OF SYMBOLS:

DS DISPLAY ADV.
EC ENGRAVED CUTS

CL CLASSIFIED ADV.
CS CASH

LG LEGAL ADV.
AJ ADJUSTMENT

SP SPECIAL ADV.
RE RE-ORDER (CLASSIFIED ADV.)

DIAL 522-1800

333 NORTHGATE MILE

The Post-Register

IDAHO FALLS, IDAHO

APR 11 1994

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

OCT 10 1991

Patty Hanner, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2nd day of Oct, 1991, and the date of the last publication was on the 9th day of Oct, 1991.

Subscribed and sworn to before me this 9th day of Oct, 1991.

(SEAL)

#10050
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 6¢/Pica

1321.8 Lines straight at 66.09 5¢/Pica

Subsequent lines at 52.88 4¢/Pica

TOTAL COST 118.97

COPY OF NOTICE

(Paste Here)

36-8556
36-8557
Not. of Ad. 36-8558
TITLE OF NOTICE 36-8558 and Sect

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IO. Dept water resource
BILL TO

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted applications for permit to appropriate water to the Department of Water Resources on August 3, 1990, proposing to appropriate water for minimum instream flows in several springs and outflow channels in the vicinity of Thousand Springs. The applications are further described as follows:

Source: South Thousand Springs Channel.

Application No.: 36-8556.

Proposed Priority: August 3, 1990.

Amount and Period of Use: 500.0 cfs from January 1 through December 31.

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat.

Place of Use: Beginning at the Idaho Power Thousand Springs Power Plant, in Government Lot 3 (SE 1/4 NE 1/4 SW 1/4), Section 8, T8S, R14E, and extending downstream to the confluence with the Snake River, located in Government Lot 1 (NE 1/4 NE 1/4 NW 1/4), Section 17, T8S, R14E.

Source: Souplin Springs Creek

Application No.: 36-8557.

Proposed Priority: August 3, 1990.

Amount and Period of Use: 33.0 cfs from January 1 through December 31.

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW 1/4 SW 1/4 SE 1/4, Section 17, T8S, R14E, and extending downstream to the confluence of Souplin Springs Creek and the Snake River, located in Government Lot 4 (SE 1/4 SE 1/4 NW 1/4), Section 17, T8S, R14E, S.M., Gooding County.

Source: Springs and Sand Springs Creek

Application No.: 36-8558.

Proposed Priority: August 3, 1990.

Amount and Period of Use: 34.0 cfs from January 1 through December 31.

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW 1/4 SW 1/4 SE 1/4, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE 1/4 NE 1/4 SW 1/4), Section 17, T8S, R14E, S.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.

The Director of the Department of Water Resources will hold a public hearing in the Hagerman Senior Citizen's Center, 140 Lake Street, Hagerman, Idaho, beginning at 1:30 p.m. on Tuesday, October 22, 1991, for the purpose of hearing evidence in regard to the application. The hearing will be conducted pursuant to the provisions of Section 42-1503, IDAHO CODE.

The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, these permits will be subject to all prior water rights.

-R. Keith Higginson
Director
Idaho Department
of Water Resources
G10050

Pub: 10-2, 9

RECEIVED

APR 11 1994

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 11 1991

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Sculpin Springs, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of March 19 91, and the date of the last publication was on the 13th day of March, 19 91.

Sculpin Springs

Subscribed and sworn to before me this 8th day of March, 19 91.
(SEAL)

Vivian J. Anderson
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

4915

mb
3-26-91

Number of Lines in Notice _____

Number of Insertions 2 X

APR 1 1991

— Lines tabular at _____ 6¢/Pica
— 1040.6 Lines straight at 22.03 5¢/Pica
— Subsequent lines at 41.63 4¢/Pica
TOTAL COST 12-0

cancelled

COPY OF NOTICE (Paste Here)

1st Hearing
TITLE OF NOTICE
Sculpin Springs CR.
36-1557
Spring + Sand Springs-36-1558
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Snake River
Application No.: 36-8557
Proposed Priority: August 3, 1990
Amount and Period of Use: 33.0 cfs from January 1 through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.
Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW 1/4 SW 1/4 SE 1/4, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4 (SE 1/4 SE 1/4 NW 1/4), Section 17, T8S, R14E, B.M., Gooding County.

Source: Springs and Sand Springs Creek
Application No.: 36-8558
Proposed Priority: August 3, 1990
Amount and Period of Use: 34.0 cfs from January 1 through December 31
Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.
Place of Use: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW 1/4 SW 1/4 SE 1/4, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE 1/4 NE 1/4 SW 1/4), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach including any springs from their point of origin to their discharge into the creek.

The Director of the Department of Water Resources will hold a public hearing to determine whether the application should be approved or rejected. Informal testimony and comments will be taken the evening of Tuesday, March 26, at the hour of 7:00 p.m. in the Hagerman Valley Senior Citizen's Center, 140 East Lake Street, Hagerman, Idaho. The formal hearing will be conducted the next day, Wednesday, March 27, beginning at 1:30 p.m., in the Gooding City Hall, 306 5th Avenue West, Gooding, Idaho. The hearing will be conducted pursuant to the provisions of Section 42-1503, IDAHO CODE.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing. If issued, these permits will be subject to all prior water rights.

B. Keith Hoggins, Director
Idaho Department of
Water Resources

Published in the Buhl Herald & Gooding Leader on 3/8 & 3/11/91 and in the Idaho Statesman, Post Register, Lewiston Morning Tribune, & Times News on 3/7 & 3/8/91.

7 minutes

Affidavit of Publication

Minimum streamflow hearing set by water board

NOTICE OF PUBLIC MEETING

MINIMUM STREAMFLOW APPLICATIONS

Notice is hereby given that the IDAHO WATER RESOURCE BOARD will hold a public meeting at 7:30 P.M. on October 17, 1990 at the Hagerman Valley Senior Citizens Center, 140 E. Lake Street, Hagerman, ID 83332. Staff will discuss the Board's applications to appropriate water for minimum streamflows in the South Thousand Springs Estuary, Sculpin Springs Creek and Sand Springs Creek. The applications are further described as follows:

Application No: 36-08556

Source: South Thousand Spring Estuary tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description -- The reach for this instream flow is from the confluence of South Thousand Springs Estuary with the Snake River, upstream to the point where the water exits Idaho Power Company's Thousand Springs Power Plant. It includes all water that joins the Estuary upstream of the confluence with The Snake and downstream of the power plant.

Beginning at the outflow station of the Idaho Power Thousand Springs Plant in Govt. Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, T8S, R14E B.M.

Amount & Period of Use: 500 cfs from 1/1 to 12/31

Application No: 36-08557

Source: Sculpin Springs Creek tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description -- The reach proposed for this instream flow is from the confluence of Sculpin Springs Creek with the Snake River, upstream to the point where the water falls off of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at the point where water falls over the Snake River Canyon wall in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M.

Amount & Period of Use: 33 cfs from 1/1 to 12/31.

Application No: 36-08558

Source: Springs and Sand Springs Creek tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description -- The reach proposed for this instream flow is from the confluence of Sand Springs Creek with the Snake River, upstream to the outflow of the unnamed springs at the base of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at its headwater spring located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, T8S, R14E B.M.

Amount & Period of Use: 34 cfs from 1/1 to 12/31

Purpose of Minimum Instream Flows: Flows to be maintained for the local public interest: Scenic enjoyment and recreation, aesthetic beauty, and fish and wildlife habitat.

If approved, these applications will be junior to all existing rights within the minimum streamflow reaches.

The applications are on file and may be reviewed at the Southern Region Office of the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301. GENE M. GRAY, CHAIRMAN
IDAHO WATER RESOURCE BOARD
Published 10/3 & 10/10/90 in Buhl Herald, Gooding County Leader.
Published 10/4 & 10/11/90 in Times News. (4212)

State of Idaho

County of Twin Falls

ss.

I, Robert M. Bailey, do solemnly swear that I am the publisher of The Buhl Herald, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper

October 3 & 10, 1990

that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in Buhl, Twin Falls County, Idaho, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert M. Bailey, Publisher

Subscribed and sworn to before me this

29th day of Oct., 1990

Tamra Burton, Notary Public.

Residing at Buhl, Idaho

My Commission Expires

October 1, 1992

4589

APR 11 1994

BILL
BY
BU
208 35
TERMS
PURCHASE
ANNUAL
DUE ACCOUNTS

STATE OF IDAHO
WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

9/30/90	BALANCE FORWARD
10/03/90	4589 LEGAL ADS
	** TOTAL **

36-8556
36-8557
36-8558

.00
109.98
109.98 .00

THANK YOU

OK
MB
11-15-90

RECEIVED

NOV 5 1990

Department of Water Resources
Southern Region Office

BALANCE
DUE

APR 1 1994

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	BALANCE
109.98					109.98

124 South Broadway - Box 312
Buhl, Idaho 83316
Phone (208) 543-4335

[illegible]

All claims and returned goods MUST be accompanied by this bill.

GS-201-3

APR 1 1 1994

MEETING MINIMUM
STREAMFLOW
APPLICATIONS
Notice is hereby given to
the IDAHO WATER
SOURCE BOARD
to hold a public meeting
7:30 P. M. on October 17,
1990 at the Hagerman
Valley Senior Citizens
Center, 140 E. Lake
Street, Hagerman, ID
83331. Staff will discuss
the Board's applications to
appropriate water for mini-
mum streamflows in the
South Thousand Springs
Estuary, Sculpin Springs
Creek and Sand Springs
Creek. The applications
are further described as
follows:

Application No: 36-08554
Source: South Thou-
sand Spring Estuary
tributary to Snake
River

Proposed Priority: 8/3/
1990

Stream Reach Description

The reach for this in-
stream flow is from the
confluence of South Thou-
sand Springs Estuary with
the Snake River, upstream
to the point where the wa-
ter exits Idaho Power
Company's Thousand
Springs Power Plant. It in-
cludes all water that joins
the Estuary upstream of
the confluence with the
Snake and downstream of
the power plant.

Beginning at the outflow
station of the Idaho Power
Thousand Springs Plant in
Govt. Lot 8 (SE 1/4 NE 1/
4 SW 1/4), Section 8, T8S,
R14E, B.M., Gooding
County, and extending
downstream to its conflu-
ence with the Snake River
in Govt. Lot 1 (NE 1/
4 NE 1/4 NW 1/4) of Section
17, T8S, R14E B.M.

Amount & Period of Use:
500 cfs from 1/1 to 12/31

Application No: 36-08557

Source: Sculpin
Springs Creek tributary
to Snake River

Proposed Priority: 8/3/
1990

Stream Reach Description

The reach proposed for
this instream flow is from
the confluence of Sculpin
Springs Creek with the
Snake River, upstream to
the point where the water
falls off of the Snake River
Canyon Wall. It also in-
cludes all unappropriated
water that joins the creek
throughout this reach.

Beginning at the point
where water falls over the
Snake River Canyon wall
in the NW 1/4 SW 1/4 SE 1/
4, Section 17, T8S, R14E
B.M., Gooding County,
and extending down-
stream to its confluence
with the Snake River in
Govt. Lot 4 (SE 1/4 SE 1/
4 NW 1/4), Section 17, T8S,
R14E B.M.

Amount & Period of Use:
33 cfs from 1/1 to 12/31

Application No: 36-08558

Source: Springs and
Sand Springs Creek
tributary to Snake
River

Proposed Priority: 8/3/1990

Stream Reach Description

The reach proposed
for this instream flow is
from the confluence of
Sand Springs Creek with
the Snake River, up-
stream to the outflow of
the unnamed springs at
the base of the Snake
River Canyon Wall. It also
includes all unappropri-
ated water that joins the
creek throughout this
reach.

Beginning at its headwater
spring located in the
SW 1/4 SW 1/4 SE 1/4, Sec-
tion 17, T8S, R14E B.M.,
Gooding County and ex-
tending downstream to its
confluence with the Snake
River in Govt. 5 (SE 1/
4 NE 1/4 SW 1/4), Section
17, T8S, R14E B.M.

Amount & Period of Use:
34 cfs from 1/1 to 12/31

Purpose of Minimum In-
stream Flows: Flows to be
maintained for the local
public interest. Scenic en-
joyment and recreation,
aesthetic beauty, and fish
and wildlife habitat.

If approved, these applica-
tions will be junior to all
existing rights within the
minimum streamflow
reaches.

The applications are on
file and may be reviewed
at the Southern Region
Office of the Department
of Water Resources, 222
Shoshone Street East,
Twin Falls, ID 83301.
GENE M. GRAY,
CHAIRMAN
IDAHO WATER
RESOURCE BOARD
PUBLISH: Thursday, Oc-
tober 4 and 11, 1990.

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } ss.

RECEIVED 21629

NOV 1990

I, Gunda Capps McBrine, being first duly sworn upon oath, depose
and say that I am Gunda Capps McBrine Department of Water Resources, and
do solemnly swear that a copy of the foregoing advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated October 4, 1990,
and ending with the issue dated October 11, 1990.

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

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

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 11 day of October in the year of 1990, before me,

a Notary Public, personally appeared Gunda Capps McBrine
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.

Martha J. Smith
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 8/8/96

RECEIVED

APR 11 1994



The Times-News

P.O. Box 548, Twin Falls, Idaho 83303-0548

(208) 733-0931

Oct. 31, 1990

Idaho Water Resources
222 Shoshone St East
Twin Falls ID 83301

RECEIVED

NOV 1 1990

Department of Water Resources
Southern Region Office

36-8557
36-8558

CLAIM #36-08556 ET AL

Two Times

Oct. 4, 1990, 148 lines @ .40- - \$59.20

Oct. 11, 1990, 148 lines @ .32- - \$47.36

Affidavit \$ 3.00

TOTAL DUE \$109.56

OK
MB
11-1-90

INVOICE
21629

AGE PTO.

10356 21629 10356
TWIN FALLS
222 SHOSHONE ST EAST
IDAHO WATER RESOURCES

THIS SPACE FOR ADDRESS ONLY

Department of Water Resources
RETURN THIS PORTION WITH YOUR REMITTANCE

NOV 1 1990

RECEIVED

APR 11 1994

INVOICE NO.		21629		INDEXING TERM		36-8557, 36-8558	
CLASS		343		START DATE		10/11/90	
BILLING DATE		10/11/90		TELEPHONE NO.		734-5578	
GROSS AMOUNT		106.56		NET AMOUNT		106.56	
RATE		2		TIMES		148	
AFFIDAVIT		3.00		GROSS AMOUNT		109.56	
PAY THIS AMOUNT		109.56		GROSS AMT DUE AFTER 10/25		109.56	

Forwarding & address correction requested

TWIN FALLS TIMES NEWS
132 3RD ST N.
P.O. BOX 548
TWIN FALLS ID 83303

CLASSIFIED ADVERTISING INVOICE

MEMORANDUM

TO: Mark

FROM: Lou

DATE: June 8, 1990

RE: Description of reaches & flows for in stream rights application at Thousand Springs.

Sand Springs:

Flow measured May 9, 1990 to be 34 CFS (see map for location of measurement transect).

Stream Reach description - Beginning at the outflow of the unnamed springs from the Snake River canyon wall, located in E1/2E1/2SE1/4SW1/4 and SW1/4SW1/4SE1/4 Sec 17 T8S R14E, and that portion of the water that falls off the Snake River Canyon wall in the NW most corner of NW1/4SW1/4SE1/4 Sec 17 T8S R14E and flows south into the stream channel, to a point where the stream discharges into the Snake River in the NW1/4SE1/4NE1/4SW1/4.

Sculpin Springs:

Flow measured May 9, 1990 to be 33 CFS (see map for location of measurement transect).

Stream Reach Description - beginning at a point where the water falls off the Snake River Canyon wall in the NW most corner of NW1/4SW1/4SE1/4 Sec 17 T8S R14E and flows north in the stream channel to a point where the stream discharges into the Snake River in the NW1/4SE1/4SE1/4NW1/4.

South Channel - Thousand Springs Power Plant

Flow measured June 7, 1990 to be 500 CFS (see map for location of measurement transect).

Stream Reach Description - beginning at the Idaho Power Thousand Springs Power Plant, in SE1/4SE1/4NE1/4SW1/4 Sec 8 T8S R14E, and headed south to a point where the stream discharges into the Snake River in the N1/2NE1/4NE1/4NW1/4 Sec 17 T8S R14E.

PURPOSE: Flows to be maintained for the local public interest: Scenic enjoyment and recreation, aesthetic beauty, and fish and wildlife habitat.

APR 11 1994

36-8557

AFFIDAVIT PUBLICATION

RECEIVED

OCT 11 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Patty Manner being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once
each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 3rd day of Oct
19 90, and the date of the last publication was on the 10th
day of Oct, 19 90.

Subscribed and sworn to before me this 10th
day of Oct, 19 90.
(SEAL)

Victor J. Gonsky
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

#1674

Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
12345 Lines straight at 61.00 5¢/Pica
Subsequent lines at 49.50 4¢/Pica
TOTAL COST 111.30

COPY OF NOTICE
(Pas -e)

Not. Pub. Nts.
TITLE OF NOTICE
Streamflow Appels

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Water Res.
BILL TO

NOTICE OF PUBLIC MEETING MINIMUM STREAMFLOW APPLICATIONS

Notice is hereby given that the IDAHO
WATER RESOURCE BOARD will hold a
public meeting at 7:30 P.M. on October
17, 1990 at the Hagerman Valley Senior
Citizens, 140 E. Lake Street, Hagerman,
ID 83332. Staff will discuss the Board's
applications to appropriate water for
minimum streamflows in the South Thou-
sand Springs Estuary, Sculpin Springs
Creek and Sand Springs Creek. The ap-
plications are further described as
follows:

Application No: 38-08556
Source: South Thousand Spring
Estuary
tributary to Snake River

Proposed Priority: 8/3/1990
Stream Reach Description - The reach
for this instream flow is from the con-
fluence of South Thousand Springs
Estuary with the Snake River, upstream
to the point where the water exits Idaho
Power Company's Thousand Springs
Power Plant. It includes all water that
joins the Estuary upstream of the con-
fluence with The Snake and downstream
of the power plant.

Beginning at the outflowstation of the
Idaho Power Thousand Springs Plant in
Govt. Lot 3 (SE1/4NE1/4SW1/4), Section
5, T8S, R14E S.M., Gooding County, and
extending downstream to its confluence
with the Snake River in Govt. Lot 1
(NE1/4NE1/4NW1/4) of Section 17, T8S,
R14E S.M.

Amount & Period of Use: 500 cfs from
1/1 to 12/31

Application No: 38-08557
Source: Sculpin Springs Creek
tributary to Snake River

Proposed Priority: 8/3/1990
Stream Reach Description - The reach
proposed for this instream flow is from
the confluence of Sculpin Springs Creek
with the Snake River, upstream to the
point where the water falls off of the
Snake River Canyon Wall. It also in-
cludes all unappropriated water that
joins the creek throughout this reach.

Beginning at the point where water
falls over the Snake River Canyon wall in
the NW1/4SW1/4SE1/4, Section 17, T8S,
R14E S.M., Gooding County, and exten-
ding downstream to its confluence with
the Snake River in Govt. Lot 4
(SE1/4SE1/4NW1/4), Section 17, T8S,
R14E S.M.

Amount & Period of Use: 33 cfs from
1/1 to 12/31

Application No: 38-08558
Source: Springs and Sand Springs
Creek tributary to Snake River

Proposed Priority: 8/3/1990
Stream Reach Description - The reach
proposed for this instream flow is from
the confluence of Sand Springs Creek
with The Snake River, upstream to the
outflow of the unnamed springs at the
base of the Snake River Canyon Wall. It
also includes all unappropriated water
that joins the creek throughout this
reach.

Beginning at its headwater spring
located in the SW1/4SW1/4SE1/4, Sec-
tion 17, T8S, R14E S.M., Gooding County,
and extending downstream to its con-
fluence with the Snake River in Govt. 5
(SE1/4NE1/4SW1/4), Section 17, T8S,
R14E S.M.

Amount & Period of Use: 34 cfs from
1/1 to 12/31

Purpose of Minimum Instream Flows:
Flows to be maintained for the local
public interest: Scenic enjoyment and
recreation, aesthetic beauty, and fish
and wildlife habitat.

If approved, these applications will be
junior to all existing rights within the
minimum streamflow reaches.

The applications are on file and may
be reviewed at the Southern Region Of-
fice of the Department of Water
Resources, 222 Shoshone Street East,
Twin Falls, ID 83301.

-s- Gene M. Gray, Chairman
Idaho Water Resource Board
Pub: 10-3, 10

G1874

APPROVED

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 36-08557

Dear Water Right Holder(s):

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

OCT 03 1995

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08557 Reviewed by [Signature] Date 3-25-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

mil. Stream flow
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

☐ Required?
☐ Amount Submitted
☐ Correct?

MEASURING DEVICE

☐ Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 3-2-94

March 25, 1994

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08557

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

APR 11 1994

MEMORANDUM

TO: FILE 36-08557 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD;
MINIMUM STREAMFLOW FOR THE SCULPIN SPRINGS CREEK

FROM: *Gary*
GARY SPACKMAN

DATE: JULY 12, 1993

The Department timely submitted permit to appropriate water no. 36-08557 to the legislature as required by Idaho Code. The Senate approved a joint concurrent resolution approving the permit. The joint resolution was forwarded to the House Resources and Conservation Committee, where it was held and not sent to the full floor of the House of Representatives. Attached is a copy of the Senate concurrent resolution which was passed.

Idaho Code States the permit becomes finally effective unless the legislature affirmatively rejects the permit. As a result, permit no. 36-08557 was implicitly approved by the legislature because of default.

RECEIVED

APR 11 1994

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 124

BY RESOURCES AND ENVIRONMENT COMMITTEE

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

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

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

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

12 WHEREAS, the Director of the Department of Water Resources approved Appli-
13 cation for Permit No. 36-8557 on January 2, 1992, by issuing a Final Memorand-
14 um Decision and Order authorizing the appropriation of a minimum streamflow
15 in Sculpin Springs Creek of 33.0 cfs from January 1 through December 31. The
16 minimum streamflow begins at a point where the water falls off the Snake River
17 canyon wall, located in the NW1/4SW1/4SE1/4, Section 17, T8S, R14E, and
18 extending downstream to the confluence of Sculpin Springs Creek and the Snake
19 River, located in Government Lot 4 (SE1/4SE1/4NW1/4), Section 17, T8S, R14E,
20 B.M., Gooding County.

21 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
22 sion of the Fifty-first Idaho Legislature, the Senate and the House of Repre-
23 sentatives concurring therein, that the same is hereby approved subject to the
24 conditions and limitations contained in the Final Memorandum Decision and
25 Order, dated January 2, 1992.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 9, 1992

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

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

Dear Senator Crapo:

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

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

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

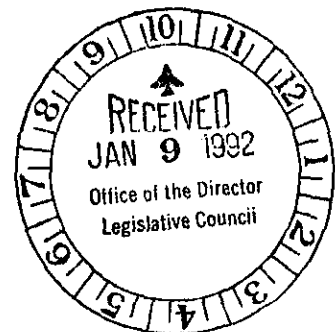
Sincerely,

R. KEITH HIGGINSON
Director

GS:RKH:js

Enclosures

cc. Legislative Council



Received 1/9/92 APR 11 1994
Joanne Dick

INTER-DEPARTMENT MEMO

TO: File # 36-8557

SUBJECT: _____

FROM: J. Seibert

DATE: 1/8/92

For hearing notice, hearing tapes,
and Exhibits regarding the above
referenced file, please refer to
file # 36-8556.

Thank you.

() For your information

() Response required

APR 11 1994

J. Seibert
signature



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 3, 1992

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

RE: Applications for Permit Nos. 36-8556, South Thousand
Springs; 36-8557, Sculpin Springs Creek; 36-8558, Springs
and Sand Springs Creek

Dear Mr. Rydalch:

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

Any person who does not agree with the decision of the
Department may request a rehearing before the Director within
twenty (20) days, or may appeal directly to the district court
within thirty (30) days of service of this decision. Department
rules state that service is complete upon mailing of the
document.

Respectfully

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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APR 11 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 3, 1992

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

RE: Applications for Permit Nos. 36-8556, South Thousand
Springs; 36-8557, Sculpin Springs Creek; 36-8558, Springs
and Sand Springs Creek

Dear Mr. Goddard:

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

Any person who does not agree with the decision of the
Department may request a rehearing before the Director within
twenty (20) days, or may appeal directly to the district court
within thirty (30) days of service of this decision. Department
rules state that service is complete upon mailing of the
document.

Respectfully,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

A faint, rectangular stamp, possibly a 'RECEIVED' or 'FILED' stamp, with illegible text inside.

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 3, 1992

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

RE: Applications for Permit Nos. 36-8556, South Thousand
Springs; 36-8557, Sculpin Springs Creek; 36-8558, Springs
and Sand Springs Creek

Dear Ms. Just:

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

Any person who does not agree with the decision of the
Department may request a rehearing before the Director within
twenty (20) days, or may appeal directly to the district court
within thirty (30) days of service of this decision. Department
rules state that service is complete upon mailing of the
document.

Respectfully,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

APR 11 1994



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LARRY ECHOHAWK
ATTORNEY GENERAL

RINDA JUST
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF PARKS & RECREATION
STATEHOUSE MAIL
BOISE, IDAHO 83720
TELEPHONE: (208) 327-7444

December 17, 1991

Gary Spackman, Manager
Water Right Permits Section
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

RE: Proposed Memorandum Decision and Order, Permit Nos. 36-8556, 36-8557,
and 36-8558

Dear Gary:

The Idaho Department of Parks and Recreation has reviewed the December 13, 1991 letter from Cindy Lunte which seeks to correct several factual errors in the proposed decision, and includes one exception to Condition 5 of the proposed order. The department concurs with Ms. Lunte, and adopts the December 13, 1991 letter in its entirety, and submits the same to you pursuant to your Order Issuing Proposed Memorandum Decision.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Rinda".

Rinda Just
Deputy Attorney General
Idaho Department of Parks and Recreation

cc: Steve V. Goddard, IDFG
Dave Rydalch, IWRB
Keith Higginson, IDWR

rrj/0696R



APR 11 1992

THE NATURE CONSERVANCY of Idaho

December 13, 1991

RECEIVED
DEC 18 1991

Gary Spackman
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

Department of Water Resources

Dear Mr. Spackman,

We would like to submit the following corrections and exception to the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 36-8556, 36-8557 and 36-8558 establishing minimum stream flows on South Thousand Springs Channel, Sculpin Springs Creek and Springs and Sand Springs Creek:

Corrections:

1. Page 3, #2: limnology is incorrectly spelled.
2. Page 3, #8: The flows from Sand Springs and Sculpin Springs creek do not contribute directly to the Thousand Springs outflow channel. This statement should be corrected to state: The flows of Sand Springs and Sculpin Springs Creek also flow into the Snake River, upriver of the Thousand Springs outflow channel.
3. Page 4, #10: The Snake River flows from south to north through this stretch so the last sentence should read: The complex includes an island which is separated from the east bank of the Snake River by the south and north Thousand Springs Channel.
4. Page 4, #13: We would suggest changing the first sentence to the following: The Thousand Springs Channel, Sands Springs Creek and Sculpin Springs Creek are home to several species of concern, including the Shoshone sculpin and three species of molluscs which are currently under review by the U.S. Fish and Wildlife Service for possible listing under the Endangered Species Act.
5. Page 2, under Location for Applications Nos. 35-8556 and 35-8557 the proposed Order does not mention the inclusion of unappropriated water discharging into the channel or creek in these stretches, even though both applications did explicitly

P.O. Box 165, Sun Valley, Idaho 83353 (208) 726-3007
Telecopier (208) 726-1258

APR 11 1994

mention this. Moreover, under Location for Application No. #36-8558 on pages 2 to 3, the Proposed Order provides: This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek. Similar such inflows should be included in the Location for Application Nos. 35-8556 and 35-8557, to be consistent with the Location for Application #36-8558 and to track the applications as filed.

Exceptions:

The Conservancy takes exception to Condition Number 5 of the Order found on page 7. This condition is totally open ended and subject to various interpretations as currently written. It could unduly restrict The Nature Conservancy's ability to manage its property for the protection of the fish, wildlife and historic resources found on it. We propose the condition be changed to the following: These minimum streamflows may be reviewed and may be subject to cancellation if public access within the Thousand Springs Channel, Springs and Sand Springs Creek, and Sculpin Springs Creek or within the mean high water marks on their banks is ever denied. But while the Conservancy will accept this more specific condition for these applications, we do not agree that a minimum streamflow appropriation is necessarily private and not in the public interest where there is no public access to the stream. The statute providing for such appropriations does not require public access and the public interest can be served by the preservation of fish and wildlife habitat, aquatic life, aesthetic beauty, and water quality without public occupancy of the stream itself.

Thank you for your consideration and attention to these matters.

Sincerely,



Cindy Lunte
Idaho Land Steward
The Nature Conservancy

Copies of this letter have been sent to the following persons:

Dave Rydalch, Idaho Water Resource Board
Steve Goddard, Dept. of Fish and Game
Rinda Just, Department of Parks and Recreation

RECEIVED
APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 3, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

Dear Mr. Rydalch:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 36-8556, 36-8557 and 36-8558. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on South Thousand Springs Channel, Sculpin Springs Creek and Springs and Sand Springs Creek, respectively.

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



APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 3, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

Dear Mr. Goddard:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 36-8556, 36-8557 and 36-8558. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on South Thousand Springs Channel, Sculpin Springs Creek and Springs and Sand Springs Creek, respectively.

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

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 3, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

Dear Ms. Just:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for applications for permit nos. 36-8556, 36-8557 and 36-8558. The applications, in the name of the Idaho Water Resource Board, establish minimum streamflows on South Thousand Springs Channel, Sculpin Springs Creek and Springs and Sand Springs Creek, respectively.

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

Respectfully,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

APR 11 1994

Oct 17 91
RECEIVED
OCT 21 1991

Department of Water Resources

State of Idaho
Dept of Water Resources
1309 North Orchard St, Statehouse Mail
Boise Idaho 83720-9000
Mr. Gary Spackman Manager

Dear Mr. Spackman:

Please enter my name to be a full
party at the meetings in Hagerman on Oct 22 1991
concerning minimum stream flows of water right

Nos 36-8390
36-8556
36-8557
36-8558

Thank you

Yours Truly
Edward C. Shokal
963 Pioneer Rd.
Hagerman Idaho
83332

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 15, 1991

Peggy Johnson
Hagerman Valley Senior Citizen's Center
140 Lake Street
Hagerman, ID 83332

I would like to confirm reservations for the Senior Center
on the following dates.

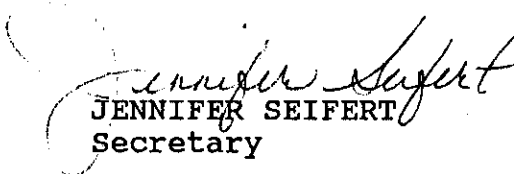
October 22, 1991 1:00 - 10:00 p.m.

November 7, 1991 1:00 - 10:00 p.m.

If we discover any conflicts with these dates, we will
notify you before the hearing. If you have any problems, please
contact us immediately.

If you have any questions, please call me at 327-7907.
Thank you for your cooperation.

Sincerely,


JENNIFER SEIFERT
Secretary

APR 11 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 8, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Don Kramer
Rt. 1
Castleford, ID 83321

RE: Minimum Streamflow Applications for Channels in the Vicinity
of the Thousand Springs

Dear Mr. Kramer:

The Idaho Department of Water Resources will conduct a hearing on Tuesday October 22, 1991, to determine whether a minimum streamflow on South Thousand Springs Channel, Sculpin Springs Creek, and Springs and Sand Springs Creek should be approved. The hearing will commence at the Hagerman Valley Senior Citizen's Center, 140 Lake Street, Hagerman, Idaho, beginning at 1:30 p.m.

The Director will also receive public testimony regarding the minimum streamflow applications on the evening of Tuesday October 22, 1991, at a public comment session, beginning at 7:00 p.m.

Information describing the applications are shown on the enclosed fact sheets. Also, enclosed is a brochure which describes the minimum flow procedure.

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

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 8, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Clarence Parr
810 South River Rd.
Heyburn, ID 83336

RE: Minimum Streamflow Applications for Channels in the Vicinity
of the Thousand Springs

Dear Mr. Parr:

The Idaho Department of Water Resources will conduct a hearing on Tuesday October 22, 1991, to determine whether a minimum streamflow on South Thousand Springs Channel, Sculpin Springs Creek, and Springs and Sand Springs Creek should be approved. The hearing will commence at the Hagerman Valley Senior Citizen's Center, 140 Lake Street, Hagerman, Idaho, beginning at 1:30 p.m.

The Director will also receive public testimony regarding the minimum streamflow applications on the evening of Tuesday October 22, 1991, at a public comment session, beginning at 7:00 p.m.

Information describing the applications are shown on the enclosed fact sheets. Also, enclosed is a brochure which describes the minimum flow procedure.

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

APR 1 1992

LARRY ECHOHAWK
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 83720-8000
Telephone: (208) 327-7444

Attorney for the Idaho Department of Parks and Recreation

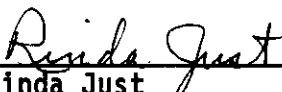
BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of the Application)
For A Minimum Streamflow On)
Sculpin Springs Creek)
Application No. 36-8557)

NOTICE OF APPEARANCE

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 22, 1991, in Hagerman, Idaho.

DATED this 8th day of October, 1991.



Rinda Just
Deputy Attorney General
Idaho Department of Parks and Recreation

0628R

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OCT 11 1991

APR 1 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 8, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Margie Jacobs
1476 Shenandoah
Boise, ID 83712

RE: Minimum Streamflow Applications for Crystal Springs and
Channels in the Vicinity of the Thousand Springs

Dear Ms. Jacobs:

The Idaho Department of Water Resources will conduct a hearing on Tuesday October 22, 1991, to determine whether a minimum streamflow on Crystal Springs should be approved. The hearing will commence at the Hagerman Valley Senior Citizen's Center, 140 Lake Street, Hagerman, Idaho, beginning at 9:30 a.m.

The Department will conduct a hearing to determine whether a minimum streamflow on South Thousand Springs Channel, Sculpin Springs Creek, and Springs and Sand Springs Creek, at the same location stated above, beginning at 1:30 p.m.

The Director will also receive public testimony regarding the minimum streamflow applications on the evening of Tuesday October 22, 1991, at a joint public comment session, beginning at 7:00 p.m.

Information describing the applications are shown on the enclosed fact sheets. Also, enclosed is a brochure which describes the minimum flow procedure.

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

APR 1 1992

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

SOUTHERN: 10-4
BOISE: 10-14

October 4, 1991

Contact: Gerald Grimmett
327-7900

FOR IMMEDIATE RELEASE:

WATER BOARD TO TAKE COMMENT ON SPRINGS-CREEK MINIMUM FLOWS

The Idaho Department of Water Resources will take formal public comment on applications for minimum stream flows on Crystal Springs, South Thousand Springs Channel, Sculpin Springs Creek, and Spring and Sand Springs Creek in the Twin Falls, Hagerman area of southern Idaho.

The applications are as follows:

Crystal Springs-126 cfs from Jan. 1 through Dec. 31 for the purpose of recreation, aesthetics, fish and wildlife habitat, and water quality with a proposed priority date of August 3, 1990. The place of use is Crystal Springs contained within Govt. lots 11 and 12, Section 12, T9S, R15E.

South Thousand Springs Channel-500 cfs from Jan. 1 through Dec. 31 for the purpose of preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat with a proposed priority date of August 3, 1990. The place of use is beginning at the Idaho Power Thousand Springs Power Plant and extending downstream to the confluence with the Snake River.

Sculpin Springs Creek-33 cfs from Jan. 1 through Dec. 31 for the purposes of aesthetics, recreation, aquatic life, and fish and wildlife habitat with a proposed priority date of August 3,

UNRECORDED

APR 11 1994

1990. The proposed place of use begins at a point where the water falls off the Snake River canyon wall and extending downstream to the confluence of Sculpin Springs Creek and the Snake River in Gooding County.

Springs and Sand Springs Creek-34 cfs from Jan. 1 through Dec. 31 with a proposed priority date of August 3, 1990. The proposed place of use is beginning at the outflow of the headwater spring from the Snake River Wall and extending downstream to where Sand Springs Creek discharges into the Snake River. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.

If issued, these permits will be subject to all prior water rights.

The Director of the Department of Water Resources will hold a public hearing on the Crystal Springs application in the Hagerman Senior Citizen's Center Tuesday Oct. 22 beginning at 9:30 a.m. and will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The hearing will recess at the close of formal testimony but will reconvene at 7:00 p.m. for the taking of public testimony.

The hearings for the South Thousand Springs, Sculpin Springs Creek, Springs and Sand Springs Creek will be held at the Hagerman Senior Citizen's Center beginning at 1:30 p.m. The hearing will recess and reconvene at 7:00 p.m. for the taking of public testimony.

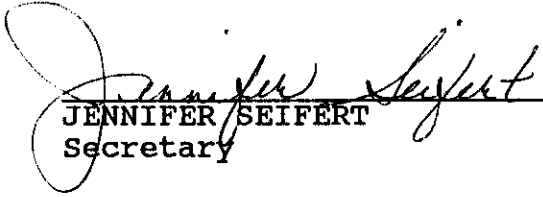
APR 11 1994

Any party wishing to formally appear in the hearing to present evidence or cross examine witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 N. Orchard St., Boise, ID 83720 at least five 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 prior to the hearing.

APR 11 1994

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of October, I mailed a true and correct copy of the following letter, postage prepaid, to the attached list of individuals:


JENNIFER SEIFERT
Secretary

RECEIVED

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 4, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

<name>

RE: Minimum Streamflow Applications for Crystal Springs and
Channels in the Vicinity of the Thousand Springs

Dear <sal>:

The Idaho Department of Water Resources will conduct a hearing on Tuesday October 22, 1991, to determine whether a minimum streamflow on Crystal Springs should be approved. The hearing will commence at the Hagerman Valley Senior Citizen's Center, 140 Lake Street, Hagerman, Idaho, beginning at 9:30 a.m.

The Department will conduct a hearing to determine whether a minimum streamflow on South Thousand Springs Channel, Sculpin Springs Creek, and Springs and Sand Springs Creek, at the same location stated above, beginning at 1:30 p.m.

The Director will also receive public testimony regarding the minimum streamflow applications on the evening of Tuesday October 22, 1991, at a joint public comment session, beginning at 7:00 p.m.

Information describing the applications are shown on the enclosed fact sheets. Also, enclosed is a brochure which describes the minimum flow procedure.

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

Microfilm

APR 11 1994

<name>Corps of Engineers
Building 602
City-County Airport
Walla Walla, WA 99362
<sal>Interested Party
<>

<name>Clear Springs Trout Co.
P.O. Box 548
Buhl, ID 83316
<sal>Interested Party
<>

<name>Crystal Springs Ranch
Dave Millard
P.O. Box 109
Buhl, ID 83316
<sal>Mr. Millard
<>

returned

<name>Dave Rydalch
Rt. 2 Box 108
St. Anthony, ID 83345
<sal>Mr. Rydalch
<>

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

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

<name>Cindy Robertson
Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720
<sal>Ms. Robertson
<>

<name>Kimberley Ryan
1100 Blue Lakes Blvd. N.
Twin Falls, ID 83301
<sal>Ms. Ryan
<>

<name>Bob Muffley
Gooding County Commissioners

[Stamp]

APR 11 1994

Gooding, ID 83330
<sal>Mr. Muffley
<>

<name>Bob Burks
Box 298
Wendell, ID 83355
<sal>Mr. Burks
<>

<name>Steve Thompson
616 Blue Lakes #147
Twin Falls, ID 83301
<sal>Mr. Thompson
<>

<name>Nancy Ritter
3379 A. Honeycut Rd.
Salt Lake City, UT 84106
<sal>Ms. Ritter
<>

<name>Jill Joseph
RR 1 #79
Hagerman, ID 83332
<sal>Ms. Joseph
<>

<name>Kevin Lynott
Rt. 1, Box 358
Hagerman, ID 83332
<sal>Mr. Lynott
<>

<name>Marne Mercer
919 Justice Grade
Hagerman, ID 83332
<sal>M. Mercer
<>

<name>Bell Stinimates
Box 115
Hagerman, ID 83332
<sal>Mr. Stinimates
<>

<name>George Lemmon
Box 218
Hagerman, ID 83332
<sal>Mr. Lemmon
<>

<name>Alice Wilson
RR 1 #79

RECORDED

APR 11 1994

Hagerman, ID 83332
<sal>Ms. Wilson
<>

<name>The Nature Conservancy
ATTN: Mark
Box 04
Sun Valley, ID 83353
<sal>Mark
<>

<name>Guy Bonnivier
Box 64
Sun Valley, ID 83353
<sal>Mr. Bonnivier
<>

<name>Jeff Fereday
Box 2720
Boise, ID 83701
<sal>Mr. Fereday
<>

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

<name>Idaho Power Co.
Box 70
Boise, ID 83707
<sal>Interested Party
<>

<name>David Meyers
Box 70
Boise, ID 83707
<sal>Mr. Meyers
<>

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

<name>Scott A. Grunder
Dept. of Fish and Game
P.O. Box 428
Jerome, ID 83338
<sal>Mr. Grunder

APR 11 1994

<>

<name>Henry Whiting
P.O. Box 101
Bliss, ID 83314
<sal>Mr. Whiting
<>

<name>Aldrich Bowler
HC 60 Box 1110
Bliss, ID 83314
<sal>Mr. Bowler
<>

<name>John A. McDaniel
1008 Gridley Dr.
Hagerman, ID 83332
<sal>Mr. McDaniel
<>

returned

<name>Gretchen Uppiano
929 Justice Grade Rd.
Hagerman, ID 83332
<sal>Ms. Uppiano
<>

<name>Kathryn Dahlgren
Box 325
Hagerman, ID 83332
<sal>Ms. Dahlgren
<>

<name>Mary Elizabeth Joseph
Rt. 1, Box 254
Hagerman, ID 83332
<sal>Ms. Joseph
<>

<name>Billie L. Reid
P.O. Box 416
Hagerman, ID 83332
<sal>Mr. Reid
<>

<name>Jamie G. Marten
P.O. Box 356
Hagerman, ID 83332
<sal>Jamie
<>

<name>Burt Holmes
Route 1
Hagerman, ID 83332
<sal>Mr. Holmes

APR 11 1997

<>

<name>Alice Holmes
Box 111
Hagerman, ID 83332
<sal>Ms. Holmes
<>

returned

<name>Irene Adolf
~~1171 E. 2800 S.~~ *1801 Poplar St*
Hagerman, ID 83332 *Buhl 83316-1728*
<sal>Ms. Adolf
<>

<name>Dick Struckland
Box 484
Gooding, ID 83330
<sal>Mr. Struckland
<>

<name>C.J. Stopp
Box 476
Gooding, ID 83330
<sal>Mr. Stopp
<>

<name>Edward C. Shokal
Rt. 1, Box 410
Hagerman, ID 83332
<sal>Mr. Shokal
<>

<name>Stephen B. Loop
9637 Kampton Dr.
Boise, ID 83704
<sal>Mr. Loop
<>

<name>Norman and Sue Thompson
400 State St.
Hagerman, ID 83332
<sal>Mr. and Mrs. Thompson
<>

returned

<name>Ralph Crowley
~~Rt. 1, Box 231~~ *Garden Creek Ranch*
Wendell, ID 83355 *Lewiston 83501*
<sal>Mr. Crowley
<>

<name>S.G. Carleton
P.O. Box 32
Hagerman, ID 83332
<sal>Mr. Carleton

RECEIVED

APR 11 1994

<>

<name>Pisces Investments Co.
P.O. Box 701
Twin Falls, ID 83301
<sal>Interested Party
<>

<name>John T. Peavey
P.O. Box 88
Carey, ID 83320
<sal>Senator Peavey
<>

<name>W. Clinton Stennett
P.O. Box 475
Ketchum, ID 83340
<sal>Representative Stennett
<>

<name>Pattie Nafziger
1787 East 3100 South
Wendell, ID 83355
<sal>Representative Nafziger
<>

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

<name>B. Joyce McRoberts
342 Monroe Place
Twin Falls, ID 83301
<sal>Senator McRoberts
<>

<name>Ronald L. Black
240 N. Locust
Twin Falls, ID 83301
<sal>Representative Black
<>

<name>Celia R. Gould
Route 4 Box 113
Buhl, ID 83316
<sal>Representative Gould
<>

<name>Lee Barnes
4604 Clear Lake Grade
Buhl, ID 83316
<sal>Representative Barnes

APR 11 1994

<>

<name>Douglas R. Jones
Route 2
Filer, ID 83328
<sal>Representative Jones
<>

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

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

<name>Jim D. Kempton
Star Rt. Box 28
Albion, ID 83311
<sal>Representative Kempton
<>

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

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

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

<name>Russell W. Newcomb, M.D.
666 Shoshone St.
Twin Falls, ID 83301
<sal>Senator Newcomb
<>

<name>Mark D. Stubbs
2030 Bitterroot Dr.
Twin Falls, ID 83301
<sal>Representative Stubbs

APR 11 1971

<>

<name>Ralph B. Peters
601 E. Avenue A
Jerome, ID 833380
<sal>Representative Peters
<>

<name>Scott Jacobs
312 5th St. South
Nampa, ID 83651
<sal>Mr. Jacobs
<>

<name>Robert Johnson
1624 Harmon Park
Twin Falls, ID 83301
<sal>Mr. Johnson
<>

<name>Bud Ainsworth
Route 1
Filer, ID 83328
<sal>Mr. Ainsworth
<>

<name>Verle S. Sullivan
412 E. Main
Jerome, ID 83338
<sal>Mr. Sullivan
<>

<name>Arlyne Thompson
553 Sparks St.
Twin Falls, ID 83301
<sal>Mr. Thompson
<>

<name>Bob Berentz
530 Prospector Drive
Jerome, ID 83338
<sal>Mr. Berentz
<>

<name>Lloyd Trimner
738 Utah St.
Gooding, ID 83330
<sal>Mr. Trimner
<>

<name>Glenn Shewmaker
Rt. 2
Kimberly, ID 83341
<sal>Mr. Shewmaker

1896

<>

<name>Harold Ramsey

~~1650 E. 2800 S.~~

2122 Meadowlark Ln

~~Wendell, ID 83355~~

Big Arm MT 59910 - 9106

<sal>Mr. Ramsey

<>

<name>Janet OCrowley

P.O. Box 705

Picabo, ID 83348

<sal>Ms. OCrowley

<>

<name>Robert S. Luntley

Rt. 3, Box 240

Buhl, ID 83316

<sal>Mr. Luntley

<>

APR 11 1994

MINIMUM STREAMFLOW
Fact Sheet

Water right No. 36-8556

Source: South Thousand Springs Channel

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: August 3, 1990

Rate of Flow: 500.0 cfs from January 1 through December 31

Place of Use: Beginning at the Idaho Power Thousand Springs Power Plant, in Government Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E, and extending downstream to the confluence with the Snake River, located in Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E.

Purpose: Preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat.

Water Right No. 36-8557

Source: Sculpin Springs Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: August 3, 1990

Rate of Flow: 33.0 cfs from January 1 through December 31

Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County.

Purpose: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

APR 11 1994

Water Right No. 36-8558

Source: Springs and Sand Springs Creek

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Parks and Recreation

Date Application Filed: August 3, 1990

Rate of flow: 34.0 cfs from January 1 through December 31

Place of Use: Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.

Purpose: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Hearing Location for the Three Water Rights

Hagerman Valley Senior Citizen's Center, 140 Lake Street, Hagerman, Idaho, beginning at 1:30 p.m. on Tuesday October 22, 1991.

A public comment session will be held the evening of Tuesday October 22, 1991, at 7:00 p.m.

RECEIVED

APR 11 1991

Post-It™ brand fax transmittal memo 7671

of pages >

To	Jeffrey M. Hammon	From	Southern B
Co.	State Office	Co.	Quincy
Dept.	WR Permits	Phone #	786 3037
Fax #		Fax #	

Thursday, October 3, 1991

Times-News, Twin Falls, Idaho C-3

Legals-Announcements-F

LEGAL NOTICE

College,
Jeffrey M. Hammon
Assistant Dean of Finance
PUBLISH: Thursday, Oc-
tober 3 and 10, 1991.

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM STREAMFLOW

Notice is hereby given
that the Idaho Water Re-
source Board submitted
applications for permit to
appropriate water to the
Department of Water Re-
sources on August 3,
1990, proposing to ap-
propriate water for minimum
instream flows in several
springs and outflow chan-
nels in the vicinity of Thou-
sand Springs. The applica-
tions are further described
as follows:

Source: South Thousand
Springs Channel
Application No.: 36-8558
Proposed Priority: August
3, 1990

Amount and Period of
Use: 500.0 cfs from Janu-
ary 1 through December
31

Purpose of Minimum Flow:
Preservation of aesthetics,
recreation, aquatic life,
beauty, and fish and wild-
life habitat.

Place of Use: Beginning at
the Idaho Power Thou-
sand Springs Power Plant,
in Government Lot 3 (SE-
1/4NE1/4SW1/4), Section 8,
T8S, R14E, and extending
downstream to the conflu-
ence with the Snake Riv-
er, located in Government
Lot 1 (NE1/4NE1/4NW1/4),
Section 17, T8S, R14E.

Source: Scouplin Springs
Creek

Application No.: 36-8557
Proposed Priority: August
3, 1990

Amount and Period of
Use: 33.0 cfs from Janu-
ary 1 through December
31

Purpose of Minimum Flow:
Preservation of aesthetics,
recreation, aquatic life,
and fish and wildlife habi-
tat.

Place of Use: Beginning at
a point where the water
falls off the Snake River
canyon wall, located in the
NW1/4SW1/4SE1/4, Section
17, T8S, R14E, and ex-
tending downstream to the
confluence of Scouplin
Springs Creek and the
Snake River, located in
Government Lot 4 (SE1/4-
SE1/4NW1/4), Section 17,
T8S, R14E, B.M., Gooding
County.

Source: Springs and Sand
Springs Creek
Application No.: 36-8558
Proposed Priority: August
3, 1990

Amount and Period of
Use: 34.0 cfs from Janu-
ary 1 through December
31

Purpose of Minimum Flow:
Preservation of aesthetics,
recreation, aquatic life, and
fish and wildlife habitat.

Place of Use: Beginning at
the outflow of the headwa-
ter spring from the Snake
River wall, located in the
SW1/4SW1/4SE1/4, Section
17, T8S, R14E, and ex-
tending downstream to
where Sand Springs
Creek discharges into the
Snake River, located in
Government Lot 8 (SE1/4N-
E1/4SW1/4), Section 17,
T8S, R14E, B.M., Gooding
County. This minimum
streamflow would include
all unappropriated water
that discharges to the
creek within the reach, in-
cluding any springs from
their point of origin to their
discharge into the creek.

The Director of the De-
partment of Water Re-
sources will hold a public
hearing in the Hagerman
Senior Citizen's Center,
140 Lake Street, Hager-
man, Idaho, beginning at
1:30 p.m. on Tuesday, Oc-
tober 22, 1991, for the
purpose of hearing evi-
dence in regard to the ap-
plication. The hearing will
be conducted pursuant to
the provisions of Section
42-1503, Idaho Code.

The hearing will recess at
the close of formal testi-
mony but will reconvene at

Any party who wishes to
formally appear in the pro-
ceeding for the purpose of
presenting evidence or
cross examining witnesses
should file a notice of ap-
pearance with the Director
of the Department of Wa-
ter Resources, 222 Shee-
phone Dr. East, Twin Falls,
Idaho 83301, five (5) days
prior to the hearing. Other
parties will be given an op-
portunity to informally
present their views and
comments without filing a
notice of appearance. Written
informal views and
comments may also be
submitted to the Depart-
ment of Water Resources
prior to the hearing.

If issued, these permits
will be subject to all prior
water rights.

R. KEITH HIGGINSON
Director
Idaho Department of Wa-
ter Resources
PUBLISH: Thursday, Oc-
tober 3 and 10, 1991.

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM STREAMFLOW

Notice is hereby given
that the Idaho Water Re-
source Board submitted
an application for permit to
appropriate water to the
Department of Water Re-
sources, proposing to ap-
propriate water for a mini-
mum streamflow in Willow
Creek, a tributary of the
Snake River. The applica-
tion is further described as
follows:

Source: Willow Creek
Application No.: 25-7587
Proposed Priority: June
24, 1991

Amount and Period of

continued

APR 1 1994

page 2 44 Saifert

LEGAL NOTICE

continued

Use: 30.0 cfs from December 1 to March 31
250.0 cfs from April 1 to May 31

100.0 cfs from June 1 to July 15, 1991

30.0 cfs from July 16 to September 30

40.0 cfs from October 1 to November 30

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

Place of Use: Willow Creek, commencing at the confluence of Grays Lake Outlet in the SE 1/4 of the NW 1/4, Section 33, T4N, R40E, and extending downstream to the backwaters of Farris Reservoir in the NW 1/4 of the SE 1/4, Section 27, T4N, R40E, B.M., Blaine County.

The Director of the Department of Water Resources will hold a public hearing in the State Office Building, 2nd Floor Conference Room, 180 Shoup Avenue, Idaho Falls, Idaho, beginning at 1:30 p.m. on Tuesday, October 29, 1991, for the purpose of hearing evidence in regard to 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 the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

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

R. KEITH HIGGINSON,
Director

Idaho Department of Water Resources.
PUBLISH: Thursday, October 3 & 10, 1991

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

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

Source: Big Wood River
Application No.: 37-8258
Proposed Priority: January 16, 1986

Amount and Period of Use: 200.0 cfs from January 1 through December 31, 1991

Purpose of Minimum Flow: Fish and wildlife habitat, water quality, aesthetics and recreation.

Place of Use: Beginning at the intersection of the Big Wood River with the Sawtooth National Recreational Area Boundary, located in the SE 1/4 NW 1/4, Section 20, T5N, R17E, B.M., and extending downstream approximately 3 miles to the confluence of the Big Wood River, and Warm Springs Creek, located in the SE 1/4 NW 1/4, Section 18, T4N, R17E, B.M., Blaine County.

Source: Big Wood River
Application No.: 37-8307
Proposed Priority: October 16, 1987

Amount and Period of Use: 119.23 cfs from January 1 through December 31, 1991

Purpose of Minimum Flow: Fish and wildlife habitat, water quality, aesthetics and recreation.

Place of Use: Beginning at the confluence of the Big Wood River and Warm Springs Creek, located in the SE 1/4 NW 1/4, Section 12, T4N, R17E, B.M., and extending downstream about 16 miles to the Bellevue diversion located in the SW 1/4 NW 1/4, Section 36, T2N, R18E, B.M., Blaine County.

The Director of the Department of Water Resources will hold a public hearing in the Blaine County Courthouse, 101 2nd Avenue South, Hailey, Idaho, beginning at 1:30 p.m. on Wednesday, October 23, 1991, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony. The evening meeting will be held in the Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho.

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 granted an opportunity to informally present their views and comments without the necessity of filing a notice of appearance. Written informal views and comments

may also be submitted to the Department of Water Resources prior to the hearing.

If issued, these permits will be subject to all prior water rights.

R. KEITH HIGGINSON,
Director

Idaho Department of Water Resources.
PUBLISH: Thursday, October 3 and 10, 1991.

APR 1 1992

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted applications for permit to appropriate water to the Department of Water Resources on August 3, 1990, proposing to appropriate water for minimum instream flows in several springs and outflow channels in the vicinity of Thousand Springs. The applications are further described as follows:

Source:	South Thousand Springs Channel
Application No.:	36-8556
Proposed Priority:	August 3, 1990
Amount and Period of Use:	500.0 cfs from January 1, through December 31
Purpose of Minimum Flow:	Preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat.
Place of Use:	Beginning at the Idaho Power Thousand Springs Power Plant, in Government Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E, and extending downstream to the confluence with the Snake River, located in Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E.

Source:	Sculpin Springs Creek
Application No.:	36-8557
Proposed Priority:	August 3, 1990
Amount and Period of Use:	33.0 cfs from January 1 through December 31
Purpose of Minimum Flow:	Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.
Place of Use:	Beginning at a point where the water falls off the Snake River canyon wall, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17,

APR 11 1994

T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County.

Source:	Springs and Sand Springs Creek
Application No.:	36-8558
Proposed Priority:	August 3, 1990
Amount and Period of Use:	34.0 cfs from January 1 through December 31
Purpose of Minimum Flow:	Preservation of aesthetics, recreation aquatic life, and fish and wildlife habitat.
Place of Use:	Beginning at the outflow of the headwater spring from the Snake River wall, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E, and extending downstream to where Sand Springs Creek discharges into the Snake River, located in Government Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, T8S, R14E, B.M., Gooding County. This minimum streamflow would include all unappropriated water that discharges to the creek within the reach, including any springs from their point of origin to their discharge into the creek.

The Director of the Department of Water Resources will hold a public hearing in the Hagerman Senior Citizen's Center, 140 Lake street, Hagerman, Idaho, beginning at 1:30 p.m. on Tuesday October 22, 1991, for the purpose of hearing evidence in regard to the application. The hearing will be conducted pursuant to the provisions of Section 42-1503, Idaho Code.

The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

APR 11 1994

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, these permits will be subject to all prior water rights.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

Published 10/2 & 10/9/91 in Gooding County Leader

Published 10/3 & 10/10/91 in Times News, Post Register, Lewiston Tribune, Statesman

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

26-Sep-1991

R. KEITH HIGGINSON
Director

GOODING COUNTY LEADER
PO BOX 56
GOODING ID 83330

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

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APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

26-Sep-1991

R. KEITH HIGGINSON
Director

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

Gentlemen:

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

26-Sep-1991

R. KEITH HIGGINSON
Director

LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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SEP 27 1991

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS

Governor

TIMES NEWS

PO BOX 548

TWIN FALLS ID 83301

26-Sep-1991

R. KEITH HIGGINSON

Director

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.

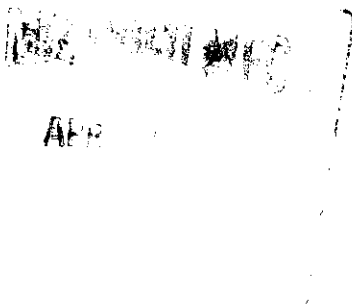
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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

26-Sep-1991

R. KEITH HIGGINSON
Director

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

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.

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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APR 11 1994

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

March 15, 1991

Contact: Gerald Grimmett
327-7900

FOR IMMEDIATE RELEASE:

MINIMUM STREAMFLOW HEARINGS CANCELED

Deficiencies in the legal notice requirements has caused the cancellation of minimum streamflow hearings on Sculpin Springs, Sand Springs, the South Thousand Springs Channel, and the Malad River originally scheduled for March 26-27.

The hearing will be rescheduled later this year, according to Gary Spackman, Idaho Department of Water Resources spokesman.

APR 11 1991

MEMORANDUM

TO: FILES 36-8556, 36-8557, 36-8558
 FROM: Mary Baldwin
 DATE: 01-Mar-1991

SUBJECT: Cancel of advertising of notice of hearing
 Gary Spackman, State Office, asked that the publication
 scheduled for 3/6 & 3/13 for Buhl Herald & Gooding County
 Leader and 3/7 & 3/14 for Idaho Statesman, Post Register,
 Lewiston Morning Tribune, Times News be cancelled.

Telephone calls were made at 4:40 p.m. to:

OK Tamara-Buhl Herald (Bob Bailey)
 mess Mary Ann Hagan-Gooding County Leader (Linda Esterbrook)
 OK Iris-Idaho Statesman
 OK Shelley-Post Register
 OK Sue-Lewiston Tribune
 OK Karen-Times News

3/5/91
 GL - Linda Esterbrook - 36-8556 (only) canceled
 for 3/6 but entire legal pulled for
 3/13/91.

3/5/91
 Via telephone from Gary Spackman, publ
 all ads on
 36 - 8556 only one cancelled GL ✓ - Linda
 - 8557 } already printed LT ✓ - Sue
 - 8558 } when ad for IS ✓ - Iris
 all cancelled. PR ✓ - Kathy
 37 - 7892 BH ✓ Bob Bailey
 37 - 8333

scheduled for 3/6 + 3/13
 3/7 + 3/14

APR 11 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IWRB

APPLICATION FOR PERMIT ANALYSIS SHEET

Sculpin Spr. Creek.

INITIAL REVIEW BY JA DATE 9/11/90 APPLICATION NUMBER 3C-08557

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 8/3/1990

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

SEND COPIES TO

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

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

_____ See below for additional information

Date of priority recommended _____

By _____ Date _____

By _____ See below for additional information
Date _____

[illegible]

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

MINIMUM STREAMFLOW REQUEST/APPLICATION
PROCESSING CHECKLIST

Idaho Water Resource Board ^{JS}

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

36-08557

	<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	_____

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted applications for permit to appropriate water to the Department of Water Resources on August 3, 1990, proposing to appropriate water for minimum instream flows in several springs and outflow channels in the vicinity of Thousand Springs. The applications are further described as follows:

Source: South Thousand Springs Channel

Application No.: 36-8556

Proposed Priority: August 3, 1990

Amount and Period of Use: 500.0 cfs from January 1 through December 31

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, beauty, and fish and wildlife habitat.

Place of Use: Beginning at the Idaho Power Thousand Springs Power Plant, in Government Lot 3 (SE1/4NE1/4SW1/4), Section 8, T8S, R14E, and extending downstream to the confluence with the Snake River, located in Government Lot 1 (NE1/4NE1/4NW1/4), Section 17, T8S, R14E.

Source: Sculpin Springs Creek

Application No.: 36-8557

Proposed Priority: August 3, 1990

Amount and Period of Use: 33.0 cfs from January 1 through December 31

Purpose of Minimum Flow: Preservation of aesthetics, recreation, aquatic life, and fish and wildlife habitat.

Place of Use: Beginning at a point where the water falls off the Snake River canyon wall, located in the NW1/4SW1/4SE1/4, Section 17, T8S, R14E, and extending downstream to the confluence of Sculpin Springs Creek and the Snake River, located in Government Lot 4

APR 11 1994

(SE1/4SE1/4NW1/4), Section 17, T8S,
R14E, B.M., Gooding County.

Source: Springs and Sand Springs Creek

Application No.: 36-8558

Proposed Priority: August 3, 1990

Amount and Period of Use: 34.0 cfs from January 1 through
December 31

Purpose of Minimum Flow: Preservation of aesthetics,
recreation, aquatic life, and fish
and wildlife habitat.

Place of Use: Beginning at the outflow of the
headwater spring from the Snake
River wall, located in the
SW1/4SW1/4SE1/4, Section 17, T8S,
R14E, and extending downstream to
where Sand Springs Creek
discharges into the Snake River,
located in Government Lot 5
(SE1/4NE1/4SW1/4), Section 17,
T8S, R14E, B.M., Gooding County.
This minimum streamflow would
include all unappropriated water
that discharges to the creek
within the reach, including any
springs from their point of origin
to their discharge into the creek.

The Director of the Department of Water Resources will hold a public hearing to determine whether the application should be approved or rejected. Informal testimony and comments will be taken the evening of Tuesday, March 26, at the hour of 7:00 p.m. in the Hagerman Valley Senior Citizen's Center, 140 East Lake Street, Hagerman, Idaho. The formal hearing will be conducted the next day, Wednesday, March 27, beginning at 1:30 p.m., in the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho. The hearing will be conducted pursuant to the provisions of Section 42-1503. Idaho Code.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without filing a notice of appearance. Written informal views and comments

APR 11 1994

may also be submitted to the Department of Water Resources prior to the hearing.

If issued, these permits will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

Published in the Buhl Herald & Gooding Leader on 3/6 & 3/13/91 and in the Idaho Statesman, Post Register, Lewiston Morning Tribune, & Times News on 3/7 & 3/14/91.

APR 11 1994

27-Feb-1991

GOODING COUNTY LEADER
PO BOX 56
GOODING ID 83330

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

MICROFILMED

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

28-Feb-1991

R. KEITH HIGGINSON
Director

BUHL HERALD
PO BOX 312
BUHL ID 83316

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.

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

[Handwritten signature]

APR 11 1994

27-Feb-1991

LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

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.

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

APR 11 1994

27-Feb-1991

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

1994

27-Feb-1991

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

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.

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Mary Baldwin
Secretary/Office Coordinator

Enclosure

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APR 11 1994

27-Feb-1991

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

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Secretary/Office Coordinator

Enclosure

APR 11 1994



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

RECEIVED
OCT 15 1990
Department of Water Resources
Southern Region Office

October 12, 1990

Idaho Department of Water Resources
ATTN: Loren Holmes
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Applications 36-08556, 36-08557, 36-08558

Dear Loren:

Thank you for the opportunity to comment on these applications for stream flows. Because of the high rate of development of the Thousand Springs area in recent years, a considerable amount of fish and wildlife habitat has been lost. Maintenance of existing habitat in this area is critical for Shoshone sculpin, as well as for providing spawning areas for rainbow trout. Terrestrial and avian wildlife will also benefit from the maintenance of undeveloped spring areas.

We strongly support the proposed applications and encourage their approval. If we can be of any assistance, please do not hesitate to call.

Sincerely,

Carl H. Nellis
Regional Supervisor

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



Working for wildlife since 1928

APR 11 1994

THURSDAY
4-Oct-90
The Times News
RANGE 1 TAKE 1
CLASSES 501-501
COLUMNS: LINE

Legal Notice

IN THE DISTRICT
COURT OF THE FIFTH
JUDICIAL DISTRICT OF
THE STATE OF IDAHO,
IN AND FOR THE
COUNTY OF
TWIN FALLS
MAGISTRATE DIVISION
Case No. SP-90-574
NOTICE TO CREDITORS
In the Matter of the Estate
ALFRED PETERS

Deceased
NOTICE TO CREDITORS
Estate of Alfred Peters,
Deceased

Probate No. SP-90-574
NOTICE IS HEREBY
GIVEN that Johna Mae
Peters has been ap-
pointed personal repre-
sentative of the above-
named decedent. All per-
sons having claims
against the decedent or
his estate are required to
present their claims within
four (4) months after the
date of the first publication
of this notice or said
claims will be forever
barred. Claims must either
be presented to the under-
signed at the address indi-
cated, or filed with the
Clerk of the Court.
STEPHAN, KVANVIG,
GREENWOOD, STONE &
TRAINOR
Russell Kvanvig
Attorneys for Personal
Representative
P.O. Box 83
Twin Falls, Idaho 83303-
0083
Telephone: 208-733-
2721
PUBLISH: Thursday,
September 20, 27 and Oc-
tober 4, 1990.

IN THE DISTRICT
COURT OF THE FIFTH
JUDICIAL DISTRICT OF
THE STATE OF IDAHO,
IN AND FOR THE
COUNTY OF
TWIN FALLS
MAGISTRATE DIVISION
Case No. SP-90-598
NOTICE TO CREDITORS
In the Matter of the Estate
of
WILLARD R. NUTTING

Dec. sed
NOTICE IS HEREBY
GIVEN that the under-
signed has been ap-
pointed personal repre-
sentative to the above-
named decedent. All per-
sons having claims
against the decedent or
his estate are required to
present their claims within
four (4) months after the
date of the first publication
of this notice or said
claims will be forever
barred. Claims must either
be presented to the under-
signed at the address indi-
cated, or filed with the
Clerk of the Court.
s/Mary B. Nutting
1221 Spruce Ave
Twin Falls, ID 83301
PUBLISH: September 15,
20, 27 and October 4,
1990.

IN THE DISTRICT
COURT OF THE FIFTH
JUDICIAL DISTRICT OF
THE STATE OF IDAHO,
IN AND FOR THE
COUNTY OF TWIN
FALLS
MAGISTRATE DIVISION
Case No. SP-90-576
NOTICE TO CREDITORS
In the Matter of the Estate
WALTER HICKS,
Deceased.

NOTICE IS HEREBY
GIVEN That the under-
signed have been ap-
pointed Co-Personal Rep-
resentatives of the above-
named estate. All persons
having claims against the
said decedent are re-
quired to present their
claims within four (4)
months after the date of
the first publication of this
notice or said claims will
be forever barred. Claims
must either be presented
to Clarence Hicks and Ella
McBride, Co-personal
Representatives, whose
address is PO Box 66,
Twin Falls, ID 83303-
0066, or filed with this
Court.
/s/CLARENCE HICKS
/s/ELLA MCBRIDE
Publish: Thursday, Sep-
tember 27, and October 4,
and 11, 1990.

IN THE DISTRICT
COURT OF THE FIFTH
JUDICIAL DISTRICT OF
THE STATE OF IDAHO,
IN AND FOR
THE COUNTY OF

TWIN FALLS
Case No. CV 90-02707-3
AMENDED SUMMONS
YELDA FREDRICKS,
Plaintiff,
vs
KYLE FREDRICKS,
Defendant.

THE STATE OF IDAHO
sends greetings to the
above-named defend-
ant, KYLE
FREDRICKS:2
YOU ARE HEREBY NO-
TIFIED that a Complaint
has been filed against you
in the District Court of the
Fifth Judicial District of the
State of Idaho, in and for
the County of Twin Falls,
by the above-named plain-
tiff, and you are hereby di-
rected to file a written An-
swer or written Motion in
defense to said Complaint
within twenty (20) days of
the service of this
Amended Summons, and
you are further notified
that unless you do so
within the time herein
specified, the plaintiff will
take judgement against
you as prayed in said
Complaint.

The nature of the claim
against you is for a De-
cree of Divorce based
upon the grounds of irrec-
oncilable differences.

WITNESS MY HAND and
the seal of said District
Court, this 19 day of Sep-
tember, 1990.
RICHARD A. PENCE
CLERK OF THE
DISTRICT COURT
BY Camille Jones
Deputy Clerk
PUBLISH: Sunday, Sep-
tember 30 and Thursday,
October 4, 11 and Satur-
day, 20, 1990.

IN THE DISTRICT
COURT OF THE FIFTH
JUDICIAL DISTRICT OF
THE STATE OF IDAHO,
IN AND FOR THE
COUNTY OF
TWIN FALLS
Case No. CV 90-02525 D
SUMMONS
JAMES D. SOLOMON &
JOAN SOLOMON,
husband and wife,
Plaintiffs,

vs
DARLENE FRAZIER, a
widow, INDIANA LUM-
BERMENS MUTUAL IN-
SURANCE COMPANY,
ELTA R. PULSIPHER,

DAVID N. A. TIN &
JOAN E. MARTIN, hus-
band and wife, WILBUR
W. WINKLE, and KIM-
BERLY SOLOMON, a mi-
nor child,

Defendants.
THE STATE OF IDAHO
Sends greetings to the
above named defendants:
YOU ARE HEREBY NO-
TIFIED that a Complaint
has been filed against you
in the District Court of the
Fifth Judicial District of the
State of Idaho, in and for
the County of Twin Falls,
by the above-named plain-
tiffs, and you are hereby
directed to file a written
Answer or written Motion
in defense to said Com-
plaint within twenty days
of the service of this Sum-
mons, and you are further
notified that unless you do
so within the time herein
specified, the plaintiffs will
take judgement against
you as prayed in said
complaint.

The nature of this claim
against you is for a quiet
title action.

WITNESS MY HAND
and the Seal of said Dis-
trict Court, this 30 day of
August, 1990.

RICHARD A. PENCE
By Camille Jones
Deputy Clerk
PUBLISH: Thursday, Oc-
tober 4, 11, 18 and 25,
1990.

NOTICE OF
APPLICATION
78-7211

Notice is hereby given that
application No. 78-7211 in
the name of Osborn
Ranch, Inc. was filed on
4/8/1982 for the diversion
of 20. cfs from Six Mile
Creek with a point of di-
version within the NESE,
SWSE Sec 30 T20N R2E,
Adams County to be used
for Power purposes from
1/1 to 12/31 within por-
tions of the SESW Sec 30
T20N R2E.

The applicant now pro-
poses to amend the appli-
cation by changing the
point of diversion to the
SWNE and NWSE Sec
T20N R2E Adams County.
Any protest against the
approval of the proposed
amendment must be filed
with the Department of
Water Resources, West-

ern Region, 2735 Airport
Way, Boise, ID 83705 on
or before October 22,
1990.

R.Keith Higginson
Director
PUBLISH: Thursday, Oc-
tober 4 and 11, 1990.

NOTICE OF PUBLIC
MEETING MINIMUM
STREAMFLOW
APPLICATIONS

Notice is hereby given that
the IDAHO WATER RE-
SOURCE BOARD will
hold a public meeting at
7:30 P. M. on October 17,
1990 at the Hagerman
Valley Senior Citizens
Center, 140 E. Lake
Street, Hagerman, ID
83332. Staff will discuss
the Board's applications to
appropriate water for mini-
mum streamflows in the
South Thousand Springs
Estuary, Sculpin Springs
Creek and Sand Springs
Creek. The applications
are further described as
follows:

Application No: 36-08556
Source: South Thou-
sand Spring Estuary
tributary to Snake
River

Proposed Priority: 8/3/
1990

Stream Reach Description
- The reach for this in-
stream flow is from the
confluence of South Thou-
sand Springs Estuary with
the Snake River, upstream
to the point where the wa-
ter exits Idaho Power
Company's Thousand
Springs Power Plant. It in-
cludes all water that joins
the Estuary upstream of
the confluence with The
Snake and downstream of
the power plant.

Beginning at the outflow
station of the Idaho Power
Thousand Springs Plant in
Govt. Lot 3 (SE1/4NE1/
4SW1/4), Section 8, T8S,
R14E B.M., Gooding
County, and extending
downstream to its conflu-
ence with the Snake River
in Govt. Lot 1 (NE1/
4NE1/4NW1/4) of Section
17, T8S, R14E B.M.

Amount & Period of Use:
500 cfs from 1/1 to 12/31

Application No: 36-08557
Source: Sculpin
Springs Creek tributary
to Snake River

Proposed Priority: 8/3/

RECEIVED

OCT - 1 1990

Department of Water Resources
Southern Region Office

APR 1 1 1994

1990
Stream Reach Description
The reach proposed for this instream flow is from the confluence of Sculpin Springs Creek with the Snake River, upstream to the point where the water falls off of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach. Beginning at the point where water falls over the Snake River Canyon wall in the NW1/4SW1/4SE1/4, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. Lot 4 (SE1/4SE1/4NW1/4), Section 17, T8S, R14E B.M.

Amount & Period of Use: 33 cfs from 1/1 to 12/31.

Application No: 36-08558

Source: Springs and Sand Springs Creek tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description - The reach proposed for this instream flow is from the confluence of Sand Springs Creek with The Snake River, upstream to the outflow of the unnamed springs at the base of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at its headwater spring located in the SW1/4SW1/4SE1/4, Section 17, T8S, R14E B.M., Gooding County and extending downstream to its confluence with the Snake River in Govt. 5 (SE1/4NE1/4SW1/4), Section 17, T8S, R14E B.M.

Amount & Period of Use: 34 cfs from 1/1 to 12/31

Purpose of Minimum Instream Flows: Flows to be maintained for the local public interest: Scenic enjoyment and recreation, aesthetic beauty, and fish and wildlife habitat.

If approved, these applications will be junior to all existing rights within the minimum streamflow reaches.

The applications are on file and may be reviewed

at the Southern Region Office of the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301. GENE M. GRAY, CHAIRMAN, IDAHO WATER RESOURCE BOARD. PUBLISH: Thursday, October 4 and 11, 1990.

NOTICE OF TRUSTEE'S SALE

On the 9th day of January, 1991 at the hour of 10:00 o'clock A.M., of said day, in the lobby of the Office of First American Title Company, 1616 Addison Avenue East, Twin Falls, in, County of Twin Falls, State of Idaho, First American Title Company of Idaho, Inc., an Idaho Corporation, as successor trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Twin Falls, State of Idaho, and described as follows, to-wit:

Lot 17 in Block 2 of KINGSGATE SUBDIVISION NO. 1, Twin Falls County, Idaho, according to the plat thereof recorded in Volume 10 of Plats, Page 6, records of said County.

The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113 Idaho Code, the Trustee has been informed that the address of 429 Nottingham Drive, Twin Falls, Idaho is sometimes associated with said real property.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the deed of trust executed by GREGORY EDWARD BROWER AND MARGARET A. BROWER, husband and wife grantor, to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., an Idaho corporation,

as successor/trustee, for the benefit and security of Sherwood & Roberts Inc., recorded November 1, 1978 as Instrument No. 747018 and assigned to Idaho Housing Agency, by assignment recorded December 15, 1978 as Instrument No. 749635 and re-recorded January 17, 1979 as Instrument No. 751431. Mortgage Records of Twin Falls County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506 (4)(a), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION. The default for which this sale is to be made is the failure to pay when due, under Deed of Trust Note dated October 18, 1978 the monthly payments for Principal, Interest and Impounds of \$348.00 per month for the months of May through August, 1990 and all subsequent payments until the date of sale or reinstatement, with a standard late fee of \$13.74, uncollected late fees of \$10.00, the current interest rate being 6.875 and the principal balance owing as of this date on the obligation secured by said Deed of Trust is \$31,349.53, plus accruing interest. All delinquent payments are now due, together with unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, costs and advances made to protect the security associated with this foreclosure. The beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

DATED August 27, 1990
PUBLISH: Thursday, September 13, 20 and 27 and October 4, 1990.

NOTICE OF TRUSTEE'S SALE

On the 15th day of January, 1991 at the hour of 9:30 o'clock A. M., of said day, in the lobby of the Office of First American Title Company, 1616 Addison Avenue East, Twin Falls,

in County of Twin Falls, State of Idaho, First American Title Company of Idaho, Inc., an Idaho Corporation, as trustee/successor, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Twin Falls, State of Idaho, and described as follows, to wit:

Lot 2 in Block 1 of OHARROW - BAILEY - GIBSON SUBDIVISION, Twin Falls County, Idaho according to the plat thereof, recorded in Book 7 of Plats, page 37, records of said County.

The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113 Idaho Code, the Trustee has been informed that the address of 960 Morningside Drive, Twin Falls, Idaho is sometimes associated with said real property.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the deed of trust executed by CHARLENE CRANER, a single woman grantor, to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., and Idaho corporation, as trustee/successor, for the benefit and security of Forrest D. Brewster and Ruby E. Brewster, husband and wife as beneficiary, recorded February 5, 1985 as Instrument No. 875325 and assigned to Western United Life Assurance Company, by assignment recorded March 1, 1988 as Instrument No. 935696, Mortgage Records of Twin Falls County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506 (4) (a), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY

ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION. The default for which this sale is to be made is the failure to pay when due, under Deed of Trust Note dated February 4, 1985 the monthly payments for principal, Interest and Impounds of \$245.72 per month for the months of April through July, 1990 and all subsequent payments until the date of sale or reinstatement, with a current interest rate of 10% and the principal balance owing as of this date on the obligation secured by said Deed of Trust is \$27,214.59, plus accruing interest. All delinquent payments are now due, together with unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, costs and advances made to protect the security associated with foreclosure. The beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

DATED September 4, 1990.

First American Title Company of Idaho, Inc., Trustee

By Monine Cole, Trustee Officer

PUBLISH: Thursday, September 13, 20, 27 and October 4, 1990.

NOTICE OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that on Tuesday, the 15th day of January, 1991, at the hour of 11:30 a.m. of said day, at Twin Falls County Courthouse, 425 Shoshone St. North, Twin Falls, Idaho, LAND TITLE AND ESCROW, INC., as Trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the City of Twin Falls, County of Twin Falls, State of Idaho, and described as follows, to wit:

Lot 10 in Block 3 of SOUTH BLUE LAKES VISTA SUBDIVISION, Twin Falls County, Idaho.

RECEIVED

OCT - 1 1990

Department of Water Resources
Southern Region Office

OK
10/1/90

APPROVED

APR 11 1994

**Minimum streamflow hearing
set by water board**

**NOTICE OF PUBLIC HEARING
MINIMUM STREAMFLOW APPLICATIONS**

Notice is hereby given that the IDAHO WATER RESOURCE BOARD will hold a public meeting at 7:30 P.M. on October 17, 1990 at the Hagerman Valley Senior Citizens Center, 140 E. Lake Street, Hagerman, ID 83332. Staff will discuss the Board's applications to appropriate water for minimum streamflows in the South Thousand Springs Estuary, Sculpin Springs Creek and Sand Springs Creek. The applications are further described as follows:

Application No: 36-08556

Source: South Thousand Spring Estuary tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description — The reach for this instream flow is from the confluence of South Thousand Springs Estuary with the Snake River, upstream to the point where the water exits Idaho Power Company's Thousand Springs Power Plant. It includes all water that joins the Estuary upstream of the confluence with The Snake and downstream of the power plant.

Beginning at the outflow station of the Idaho Power Thousand Springs Plant in Govt. Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 8, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, T8S, R14E B.M.

Amount & Period of Use: 500 cfs from 1/1 to 12/31

Application No: 36-08557

Source: Sculpin Springs Creek tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description — The reach proposed for this instream flow is from the confluence of Sculpin Springs Creek with the Snake River, upstream to the point where the water falls off of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at the point where water falls over the Snake River Canyon wall in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, T8S, R14E, B.M.

Amount & Period of Use: 33 cfs from 1/1 to 12/31.

Application No: 36-08558

Source: Springs and Sand Springs Creek tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description — The reach proposed for this instream flow is from the confluence of Sand Springs Creek with the Snake River, upstream to the outflow of the unnamed springs at the base of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at its headwater spring located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 17, T8S, R14E B.M.

Amount & Period of Use: 34 cfs from 1/1 to 12/31

Purpose of Minimum Instream Flows: Flows to be maintained for the local public interest: Scenic enjoyment and recreation, aesthetic beauty, and fish and wildlife habitat.

If approved, these applications will be junior to all existing rights within the minimum streamflow reaches.

The applications are on file and may be reviewed at the Southern Region Office of the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301. GENE M. GRAY, CHAIRMAN
IDAHO WATER RESOURCE BOARD
Published 10/3 & 10/10/90 in Buhl Herald, Gooding County Leader.
Published 10/4 & 10/11/90 in Times News.

(4212)

PROOF

Buhl Herald
124 South Broadway
P. O. Box 312
Buhl, Idaho 83316

OK
mb
9/28/90

RECEIVED

SEP 28 1990

Department of Water Resources
Southern Region Office

APR 11 1994

NOTICE OF PUBLIC MEETING
MINIMUM STREAMFLOW APPLICATIONS

Notice is hereby given that the IDAHO WATER RESOURCE BOARD will hold a public meeting at 7:30 P.M. on October 17, 1990 at the Hagerman Valley Senior Citizens Center, 140 E. Lake Street, Hagerman, ID 83332. Staff will discuss the Board's applications to appropriate water for minimum streamflows in the South Thousand Springs Estuary, Sculpin Springs Creek and Sand Springs Creek. The applications are further described as follows:

Application No: 36-08556

Source: South Thousand Spring Estuary
tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description - The reach for this instream flow is from the confluence of South Thousand Springs Estuary with the Snake River, upstream to the point where the water exits Idaho Power Company's Thousand Springs Power Plant. It includes all water that joins the Estuary upstream of the confluence with The Snake and downstream of the power plant.

Beginning at the outflow station of the Idaho Power Thousand Springs Plant in Govt. Lot 3 (SE1/4NE1/4SW1/4), Section 8, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. Lot 1 (NE1/4NE1/4NW1/4) of Section 17, T8S, R14E B.M.

Amount & Period of Use: 500 cfs from 1/1 to 12/31

Application No: 36-08557

Source: Sculpin Springs Creek tributary to
Snake River

Proposed Priority: 8/3/1990

Stream Reach Description - The reach proposed for this instream flow is from the confluence of Sculpin Springs Creek with the Snake River, upstream to the point where the water falls off of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at the point where water falls over the Snake River Canyon wall in the NW1/4SW1/4SE1/4, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its

APR 11 1994

confluence with the Snake River in Govt. Lot 4
(SE1/4SE1/4NW1/4), Section 17, T8S, R14E B.M.

Amount & Period of Use: 33 cfs from 1/1 to 12/31.

Application No: 36-08558

Source: Springs and Sand Springs Creek
tributary to Snake River

Proposed Priority: 8/3/1990

Stream Reach Description - The reach proposed for this instream flow is from the confluence of Sand Springs Creek with The Snake River, upstream to the outflow of the unnamed springs at the base of the Snake River Canyon Wall. It also includes all unappropriated water that joins the creek throughout this reach.

Beginning at its headwater spring located in the SW1/4SW1/4SE1/4, Section 17, T8S, R14E B.M., Gooding County, and extending downstream to its confluence with the Snake River in Govt. 5 (SE1/4NE1/4SW1/4), Section 17, T8S, R14E B.M.

Amount & Period of Use: 34 cfs from 1/1 to 12/31

Purpose of Minimum Instream Flows: Flows to be maintained for the local public interest: Scenic enjoyment and recreation, aesthetic beauty, and fish and wildlife habitat.

If approved, these applications will be junior to all existing rights within the minimum streamflow reaches.

The applications are on file and may be reviewed at the Southern Region Office of the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301.

GENE M. GRAY, CHAIRMAN
IDAHO WATER RESOURCE BOARD

Published 10/3 & 10/10/90 in Buhl Herald, Gooding County
Leader. ✓ *aff. Rec.*

Published 10/4 & 10/11/90 in Times News.

Minors

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

25-Sep-1990

R. KEITH HIGGINSON
Director

BUHL HERALD
PO BOX 312
BUHL ID 83316

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

MAILED 107

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

25-Sep-1990

R. KEITH HIGGINSON
Director

GOODING COUNTY LEADER
PO BOX 56
GOODING ID 83330

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

Handwritten signature

APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

25-Sep-1990

R. KEITH HIGGINSON
Director

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

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

RECEIVED

APR 11 1994

26-Sep-1990

Idaho Dept. of Health & Welfare
P.O. Box 1626
Twin Falls, ID 83303-1626

Re: Application(s) for Permit

Gentlemen:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure(s)

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APR 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

26-Sep-1990

R. KEITH HIGGINSON
Director

IDAHO DEPT OF PARKS & REC
STATE HOUSE
BOISE ID 83701

Re: Application(s) for Permit

Gentlemen:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

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IDAHO DEPT OF FISH & GAME
PO BOX 428
JEROME ID 83338

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MEMORANDUM

TO: Minimum Streamflow File for Sculpin Springs Creek
FROM: Gary Spackman *Gary*
DATE: August 10, 1990

RE: Completeness of Application for Permit

The Idaho Water Resource Board filed an application for minimum streamflow for the Sculpin Springs Creek on August 3, 1990. I have reviewed the application for completeness, and find the following deficiencies:

1. A time for completion of works and application of water to proposed beneficial use was not typed on the application. I added a five year time period, assuming that, without further information, the applicant would want five years.

2. The designations of the place of use did not include government lots, and there were also some portions of the minimum flow reach that fell outside of the described 40 acre tracts in the place of use. The Department has considered the description of the reach in the point of diversion portion of the application, and the map as the controlling description, however. I did not think it was important enough to change the place of use on the application.

[Faint, illegible stamp]

THE
NATURE
CONSERVANCY of Idaho

FAX COVER SHEET

DATE: 7/31/90

TO:

Mary Luca Chick
Idaho Parks & Rec.

FAX PHONE #:

334-3812

BUSINESS PHONE #:

334-2154

NUMBER OF PAGES (including cover sheet):

2

SPECIAL INSTRUCTIONS:

Mary - Here's the memo indicating
the flow data taken at Thousand Springs
this past spring. Please contact me if
you need any additional information for
the applications

FROM:

Mark Elsbree

PLEASE CALL IF ALL PAGES ARE NOT RECEIVED

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APR 11 1991

P.O. Box 64, Sun Valley, Idaho 83353 (208) 726-3007
Telecopier (208) 726-1258

36-8557

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DATA ENTRY LOG

[illegible]