

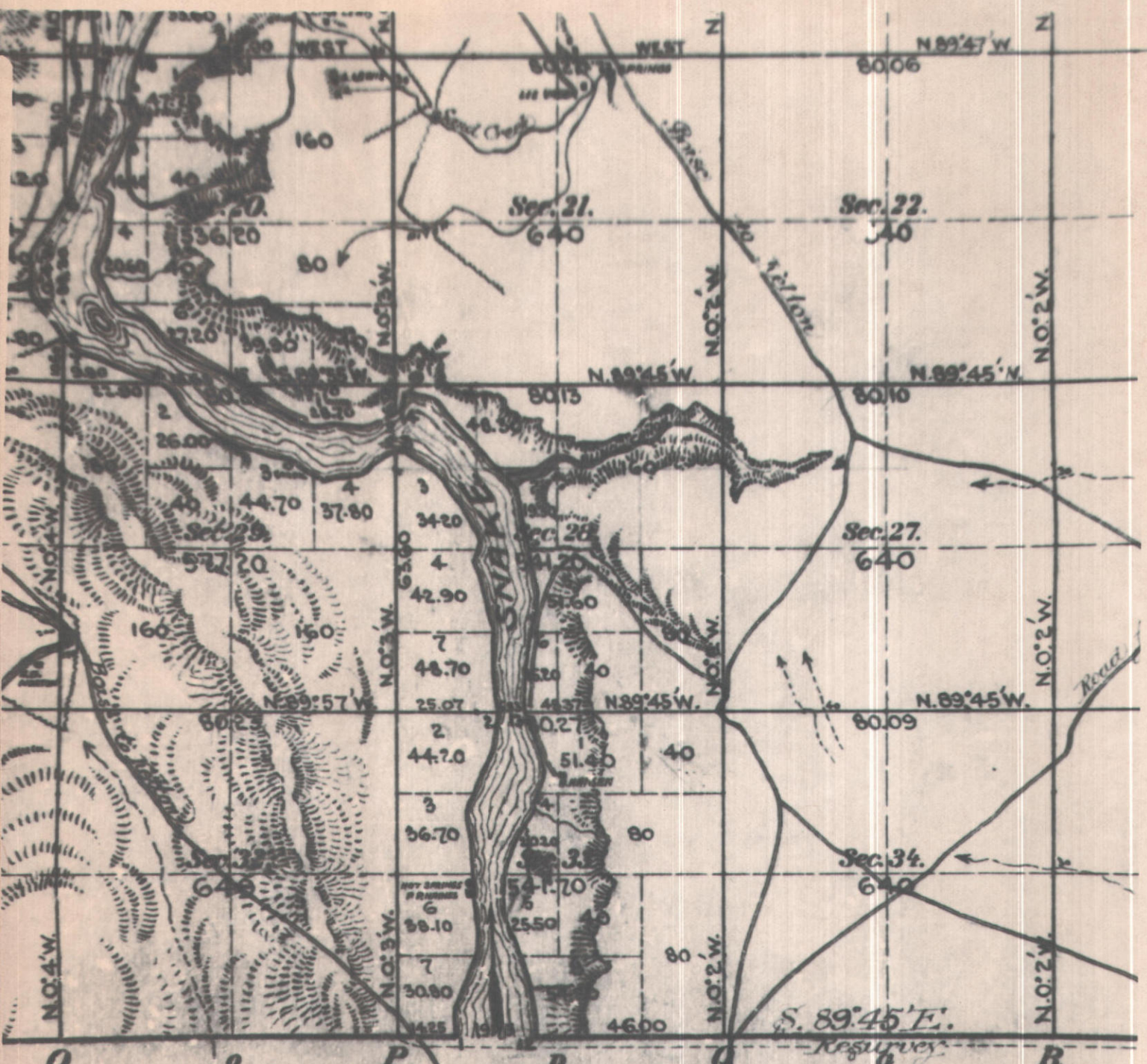
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

IDAHO WATER RESOURCE BOARD

by M. Reed Hansen

Vice-Chairman (Applicant)

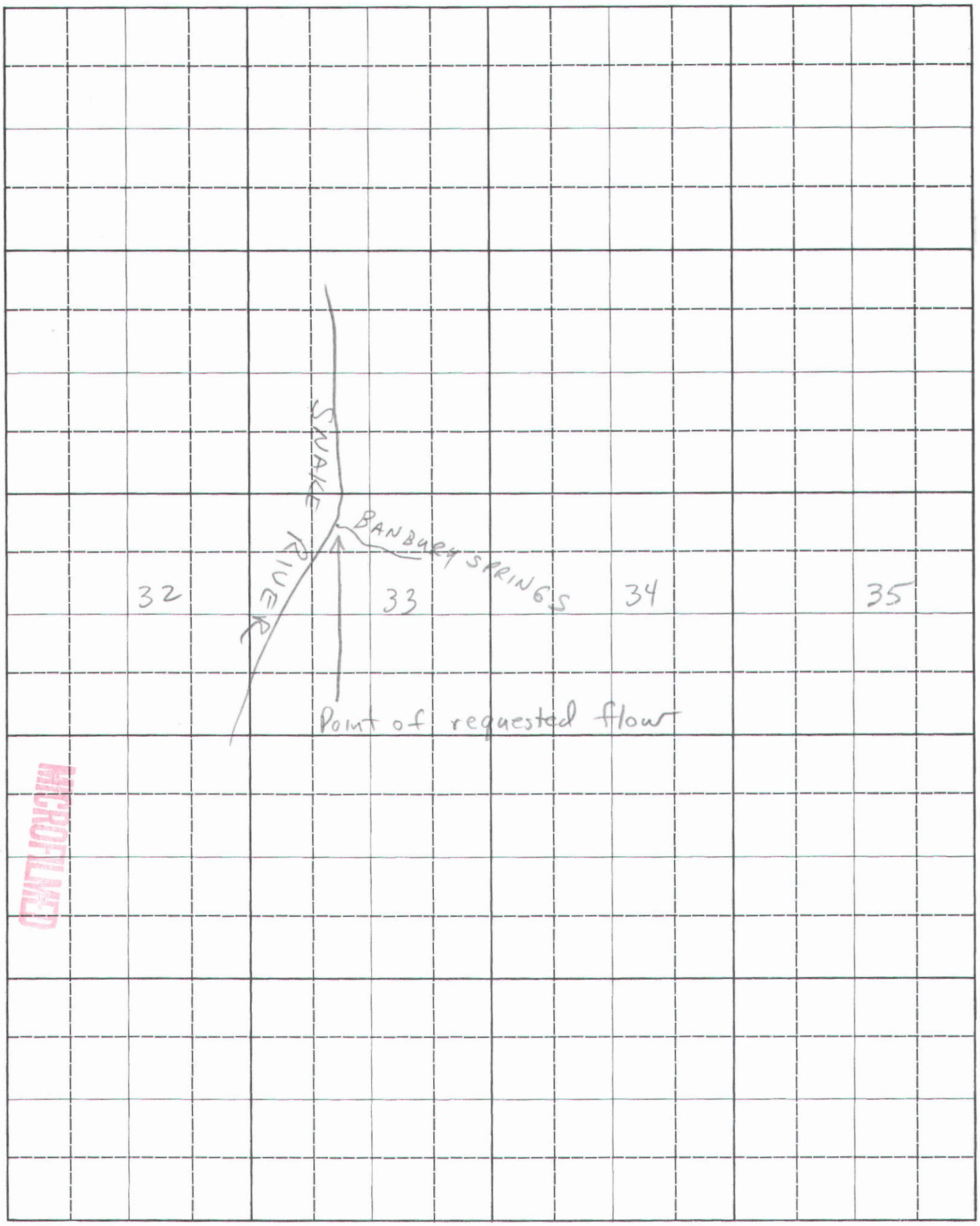
Panbury Springs
T 8S R14E Govt Lot 4
Sec 33



...-of Public Land 22149.77 Acr; Total number of Acres 22829.43

...rvd.	Date of Contract	Amount of Surveys M.	Ch.	Li.	When Surveyd	Mean Declination
...ions & ...ions	May 6. 1893	11	76	54	August 23-24, 1893	
	"	59	60	74	Aug 26-Sept. 3, 1893	18°10' E.
	"	14	05	99	" " "	
	"	4	00	00	August 22. 1893	

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



Scale: 2 inches equal 1 mile.

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

George L. Post
(Applicant)

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION NO. 36-7819
Source: Briggs Springs
Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14 E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

AMENDED APPLICATION NO. 36-7822
Source: Banbury Springs
Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION NO. 36-7820
Source: Blind Canyon Springs
Point of minimum streamflow: Lot 2 (SE¼NW¼), Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations anc aesthetic values

AMENDED APPLICATION NO. 36-7821
Source: Lower White Springs
Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION NO. 37-7734
Source: Bancroft Springs
Point of minimum streamflow: Lot 5, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Rate of flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aestheticss

AMENDED APPLICATION NO. 36-7818
Source: Vinyard Creek
Point of minimum streamflow: Lot 1 (SE¼NE¼), Sec. 4, Twp. 10S, Rge. 18E, B.M., Jerome County
Rate of flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain fish populations and spawning habitat and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m., on Wednesday, April 25, 1979 on Applications 36-7821, 36-7822, and 37-7734 and at 10:00 a.m., on Thursday, April 26, 1979 on Applications 36-7819, 36-7820 and 36-7818 at the Buhl City Hall, 201 Broadway North, Buhl, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. Any party who wishes to formally appear in this proceeding for the prupose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

PUBLISH: Friday, March 23 and 30, 1979.

ok mmp 4/5/79

Affidavit of Publication

RECEIVED APR 5 1979 Department of Water Resources Southern District Office

No. 8126

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

I, Nola L Laughlin being first duly sworn upon oath, depose and say that I am Prin Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Fridays, commencing with the issue dated March 23, 1979, and ending with the issue dated March 30, 1979.

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

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

Nola L Laughlin

Subscribed and sworn to before me on this 2nd day of April, 1979.

Evelyne Jennings

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

AFFIDAVIT of PUBLICATION

RECEIVED

AUG 04 1995

Department of Water Resources
Southern Region

State of Idaho
County of Gooding } ss.

Patty Nance, 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 26 day of July, 1995, and the date of the last publication was on the 2 day of August, 1995.

Patty Nance

Subscribed and sworn to before me this 2nd day of August, 1995.

(SEAL)

Notary Public

NOTARY PUBLIC

#9742/6067

GOODING COUNTY LEADER

Gooding, Idaho

OK MB 8/7/95

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Affidavit fee 2.00

_____ Lines tabular at _____ 6¢/Pica

896.5 Lines straight at 44.83 5¢/Pica

_____ Subsequent lines at 35.86 4¢/Pica

TOTAL COST 82.69

COPY OF NOTICE

(Paste Here)

36-07819
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Idaho Dept. Water Resources
BILL TO

NOTICE OF HEARING FOR MINIMUM STREAM FLOW APPLICATIONS

Notice is hereby given that on September 13, 1978, the Idaho Water Resource Board filed two (2) applications for permit with the Department of Water Resources to preserve minimum streamflows from springs tributary to the Snake River as follows:

Application No. 36-07819
Source:Briggs Springs
Point of minimum flow: Lot 14 (NW1/4SE1/4) Section 4, T9S, R14E, B.M. Gooding County.
Rate of flow:56 cubic feet per second
Season of use:January 1 to December 31
Use:To maintain trout populations

Application No. 36-07822
Source:Banbury Springs
Point of minimum flow: Lot 4 (SE1/4NW1/4 Section 33, T8S, R14E, B.M. Gooding County
Rate of flow:97 cubic feet per second
Season of use:January 1 to December 31
Use:To preserve fish populations, aesthetics and recreational values

On April 25 and 26, 1979, the department conducted a public hearing in Buhl, Idaho concerning the applications but withheld final action on the applications pending the disposition of four (4) prior permits on the springs. Since the disposition of the prior permits is now known, the department can further consider the minimum stream flow applications.

The Department of Water Resources will hold a second public hearing at 10:00 a.m. on August 9, 1995 at the Buhl City Hall, Council Chambers in Buhl for the purpose of hearing additional evidence in regard to the applications. The hearing will be held pursuant to provisions of Section 42-1503, Idaho Code. The presiding officer at the hearing will be L. Glen Saxton.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining of witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, Idaho 83720 five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Informal written views and comments may also be submitted to the Department prior to the hearing.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department at least (10) days prior to the hearing.

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

Karl J. Dreher,Director

Published in Gooding County Leader on 7/26 & 8/2/95

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted five (5) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following springs tributary to the Snake River and are further described as follows:

Application No. 36-7819
Source: Briggs Springs
Point of minimum streamflow: NW¼SE¼, Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

Application No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second.
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7820
Source: Blind Canyon Springs
Point of minimum streamflow: NE¼SW¼, Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetic values

Application No. 36-7821
Source: Lower White Springs
Point of minimum streamflow: NE¼SW¼, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

Application No. 37-7734
Source: Bancroft Springs
Point of minimum streamflow: SE¼NW¼, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Thursday, March 8, 1979, at the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho, 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.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Feb. 8 and 15, 1979.

Affidavit of Publication

RECEIVED
FEB 16 1979
Department of Water Resources
Southern District Office

No. 8009

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

I, Viola L. Laughlin, being first duly sworn upon oath, depose and say that I am Pres. Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays, commencing with the issue dated February 8, 1979, and ending with the issue dated February 15, 1979.

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

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

Viola L. Laughlin

Subscribed and sworn to before me on this 15th day of February, 1979.

Kay L. Maney
Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

PUBLISHED

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Kim R. Crompton, 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 8 day of February 19 79, and the date of the last publication was on the 15 day of February, 19 79.

Kim R. Crompton

Subscribed and sworn to before me this 15 day of February, 19 79.
(SEAL)

Connie Wing
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		12
Number of Insertions		2
Lines tabular at 315c		
Lines straight at 12 21c		2.52
Subsequent lines at 12 15c		1.80
TOTAL COST		4.32

DEPARTMENT COPY

COPY OF NOTICE
(Paste Here)

36-7822
TITLE OF NOTICE
Banbury Springs

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

Application No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

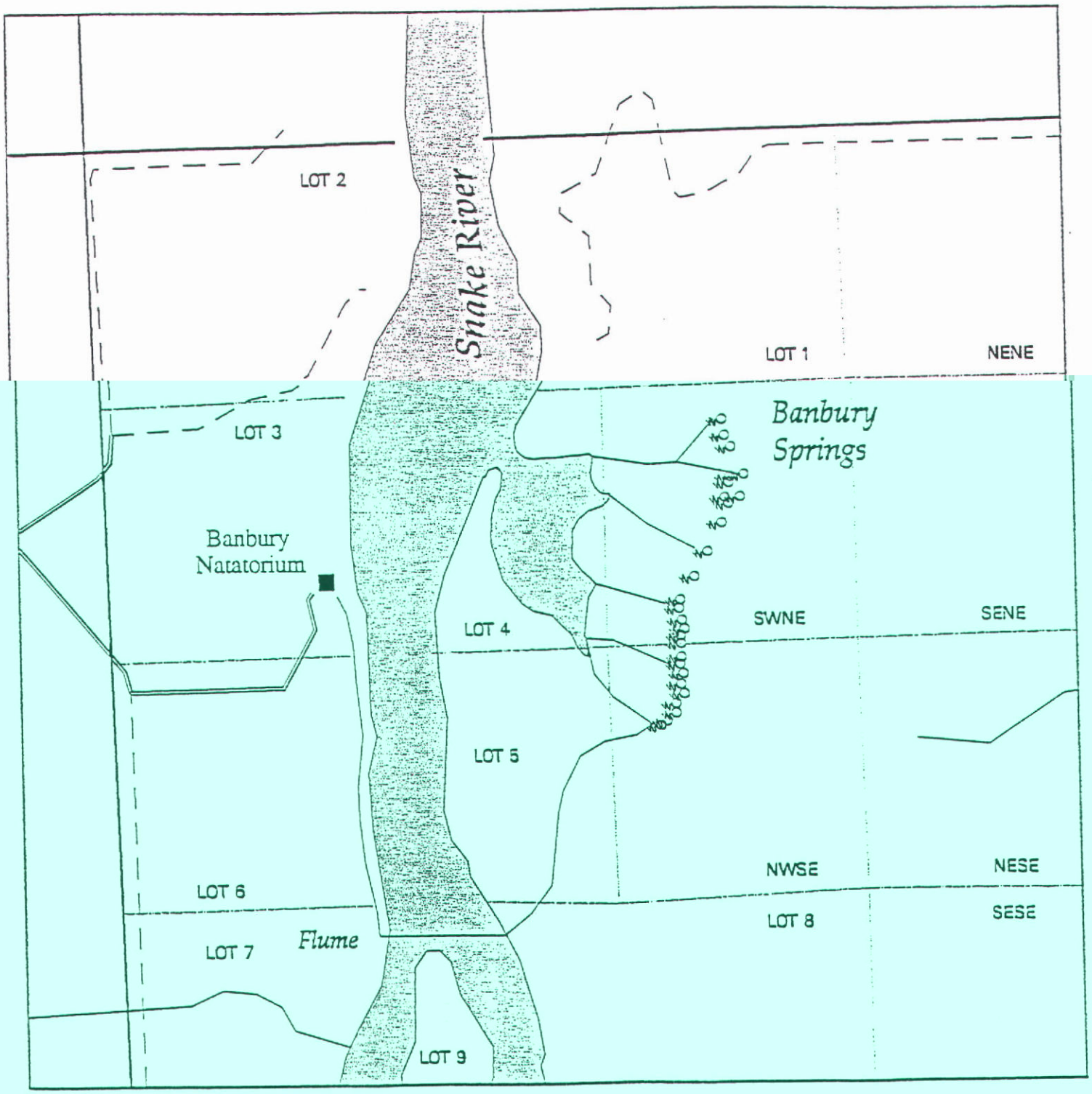
PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
FEB 21 1979
Water Resources
Southern District Office

No. 1995

BANBURY SPRINGS



Township 8S, Range 14E, Section 33

NOV 07 1995

MICROFILMED
OCT 29 1997

admitted
8-9-95
Staff Exhib

AFFIDAVIT of PUBLICATION

RECEIVED
APR 25 1979
Department of Water Resources
State Office

State of Idaho, } SS.
County of Gooding }

Robert Crompton, 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 29 day of March 1979, and the date of the last publication was on the 5 day of April, 1979.

Robert Crompton

Subscribed and sworn to before me this 5 day of April, 1979.
(SEAL)

Carmen Hicks
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		32
Number of Insertions		2
Lines tabular at	315c	
Lines straight at 32	21c	6.72
Subsequent lines at 32	15c	4.80
	TOTAL COST	11.52

MICROFILMED
NOV 07 1995

COPY OF NOTICE

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION NO. 36-7819

Source: Briggs Springs
Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4. Twp. 9S, Rge. 14E, B.M. Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

de
mailed
4/11/79

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

29830

No. 2045

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Jerome }

L. E. LANGDON
ASST. PUBLISHER

_____, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninteruptedly 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 Two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 29th day of March, 1979, and the date of the last publication was on the 5th day of April, 1979

L. E. Langdon

Subscribed and sworn to before me this 9th day of April, 1979.
(SEAL)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice		108
Number of Insertions		Two
_____ Lines tabular at	39c	_____
108 Lines straight at	26c	28.08
108 Subsequent lines at	15c	16.20
TOTAL COST		44.28

MICROFILMED

original in file 36-7818

4

AMENDED APPLICATION
NO. 36-7819
Source: Briggs Spring
Point of minimum streamflow: Lot 4 (NW¼SW¼), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31.
Use: To maintain trout populations

AMENDED APPLICATION
No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: Lot 4 SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M. Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION
NO. 36-7820
Source: Blind Canyon Springs
Point of minimum streamflow: Lot 2 (SE¼NW¼) Sec. 28, Twp. 8S, Rge, 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetic values

AMENDED APPLICATION
NO. 36-7821
Source: Lower White Springs
Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION
NO. 37-7734
Source: Bancroft Springs
Point of minimum streamflow: Lot 5, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Rate of Flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetics

AMENDED APPLICATION
NO. 36-7818
Source: Vinyard Creek
Point of minimum streamflow: Lot 1 (SE¼NE¼), Sec. 4, Twp. 10S, Rge. 18E, B.M., Jerome County
Rate of flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain fish populations and spawning habitat and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Wednesday, April 25, 1979 on Applications 36-7821, 36-7822, and 37-7734 and at 10:00 a.m. on Thursday, April 26, 1979 on Applications 36-7819, 36-7820 and 36-7818 at the Buhl City Hall, 201 Broadway North, Buhl, Idaho for the purpose of hearing evidence in regard to the applications. The hearings will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director
3-29-79c

Southern

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION
NO. 36-7819

Source: Briggs Springs

Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4 Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

AMENDED APPLICATION
NO. 36-7822

Source: Banbury Springs

Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION
NO. 36-7820

Source: Blind Canyon Springs

Point of minimum streamflow: Lot 2 (SE¼NW¼), Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

AMENDED APPLICATION
NO. 36-7821

Source: Lower White Springs

Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION
NO. 36-7818

Source: Unnamed Springs

Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION
NO. 36-7823

Source: Unnamed Springs

Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

All of the above applications are subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

Published in the Mountain Home News March 29 and April 5, 1979.

original 4/10/79 mailed

RECEIVED

AMENDED

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, ... M. Waters ..... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

..... 2 ..... consecutive weeks, the first publication having been made on the .29.... day of ..... March ....., 19.79., and the last publication having been made on the ....5..... day of ..... April ..... 19.79...; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

..... M. Waters .....

Subscribed and sworn to me this ..... 5 .....

original in file 36-7818

Application No. 36-7822

Source: Banbury Springs

Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second.
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7822

Source: Banbury Springs

Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Robert Crompton, 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 29 day of March 19 79, and the date of the last publication was on the 5 day of April, 19 79.

Robert Crompton

Subscribed and sworn to before me this 5 day of April, 19 79.
(SEAL)

Carmen Hess
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		16
Number of Insertions		2
Lines tabular at	315c	
Lines straight at 16	21c	3.36
Subsequent lines at 16	15c	2.40
TOTAL COST		5.76

COPY OF NOTICE
(Paste Here)

36-7822
TITLE OF NOTICE
Banbury Springs
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Right of Water
BILL TO

AMENDED APPLICATION NO. 36-7822
Source: Banbury Springs
Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

29832

No. 2047

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION NO. 36-7819
Source: Briggs Springs
Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14 E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

AMENDED APPLICATION NO. 36-7822
Source: Banbury Springs
Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION NO. 36-7820
Source: Blind Canyon Springs
Point of minimum streamflow: Lot 2 (SE¼NW¼), Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations anc aesthetic values

AMENDED APPLICATION NO. 36-7821
Source: Lower White Springs
Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION NO. 37-7734
Source: Bancroft Springs
Point of minimum streamflow: Lot 5, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Rate of flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aestheticss

AMENDED APPLICATION NO. 36-7818
Source: Vinyard Creek
Point of minimum streamflow: Lot 1 (SE¼NE¼), Sec. 4, Twp. 10S, Rge. 18E, B.M., Jerome County
Rate of flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain fish populations and spawning habitat and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m., on Wednesday, April 25, 1979 on Applications 36-7821, 36-7822, and 37-7734 and at 10:00 a.m., on Thursday, April 26, 1979 on Applications 36-7819, 36-7820 and 36-7818 at the Buhl City Hall, 201 Broadway North, Buhl, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. Any party who wishes to formally appear in this proceeding for the prupose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

PUBLISH: Friday, March 23 and 30, 1979.

ol
mega
4-5-79

Affidavit of Publication

RECEIVED APR 5 1979

No 8123

STATE OF IDAHO,)
COUNTY OF TWIN FALLS) ss.

I, Nola L Laughlin, being first duly sworn upon oath, depose and say that I am Ring Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Fridays, commencing with the issue dated March 23, 19 79, and ending with the issue dated March 30, 19 79.

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

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

Nola L Laughlin

Subscribed and sworn to before me on this 3rd day of April, 19 79.

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

NCY's Notes

4/25/79

NOTES FOR HEARING ON LOWER WHITE SPRING, BANBURY SPRING AND BANCROFT SPRING

LWS - (36-7821) (37-7734 Banbury) (36-7822 Bancroft)

I Explain that this hearing is:

(a) Held pursuant to Sec. 42-1503

(b) Are part of a process of identifying & preserving certain streams & water bodies to "protect the fish & wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality in the public interest (Sec 42-1502) — leads to leg. review if approved by director on basis of record

(c) Under established law in Idaho — read ⁂.

(d) Record will close @ end of hearing unless something to contrary surfaces in the hearing.

(e) Held pursuant to adopted rules of prac & pr

II Type of hearing

(a) Read #4 of Steve's notes

(b) Hearing will therefore provide for those persons or entities who feel they have a vested interest to participate fully — present arguments, evidence, testimony, call witness, cross examine, appeal — etc - Should have filed intent at least 5 days ago Will also allow participation by interested public who wish to make their view known thru a public statement — subject to X-Exam but cannot X-Exam — intervention —

(c) Go off record to update lists

MICROFILMED

III Review factors Director can consider in making decision – 42-1503 (2) thru (5)

IV Review dept proc. of appo
Rec'd on Sept 13, 78
adv. on Feb 8 + 15
hrg postponed
adv on 3/23 + 4/5
3/29

Elmore - Mtn Home
Gooding Co Leader
Twin Falls News Times
Jerome - Northside News

V Judicial notice of dept records printed documents –
To give all interested an opportunity to review this info the staff will make statements to decide with rights & hydrology

VI Order of appearance

VII any matter that need to be discussed b/f we proceed with witness –

VIII call ~~Ken~~ Scott Reed –

IX call Glen –

X call Cecil Thomas

XI call F+G

XII call public witnesses

XIII call Parties
Interest –
Farmer –

MICROFILMED

8.6 L. [redacted] - what [redacted] status [redacted] - celano

Scott REED - IWRB
Bob Stahman - IPCO
FRED FRAHM - IF+G
GARY WRIGHT - SELF
Bob Weaver - Valley Trout - Cal Hard

~~Cecil — Your testimony of a general notice reporter —~~

(Cecil) Make report ← ON Blind Canyon Hearings Flow

① ~~Send~~ a copy of tape of Ken Ellis's testimony of Wednesday to Mike Alsea

Judicial Notice of 36 CFR 806 — map

Do I need some evidence that U.S. Fish ~~Damers~~ has authorized Ellis to represent them ?

What How does public access to Vinyard Creek

— If additional development didn't involve more diversion just more ponds? —

MICROFILMED

Motions — (1) [illegible] record open for several weeks
(2) Receive right [illegible] question on [illegible]
(3) Cecil Thomas - clarification of testimony
(4)

— HEARING — 4/25/79 — (Exhibits)

1 Scott Reed

(2) Glen SAXTON —

accepted Staff Exhibit # 1 — Plot of six Springs
" Staff Exhibit 2 - Bancroft Sp.
" Staff Exhibit 3 - W.R. schematic
" Staff Exhibit 4 - L.W.S map
" Staff Exhibit 5 - W.R. schematic
" Staff Exhibit 6 — Bambury map
" Staff Exhibit 7 - W.R. Schematic

(3) Cecil Thomas —

accepted - USGS - Exhibit 1 - Plot of all springs
accepted USGS - Exhibit 2 - Head of Box Canyon
accepted USGS - Exhibit 3 - Head of Glen Spring

(4) F+G

Bob Bell — 100 ft to Snake River
electrofish 5/2/79 — 14 rainbow 1.25" to 13" wt.
[illegible] to 14½" wt.

Inspect for spawning + redds

F+G Exhibits 1, 2, + 3 — accepted
Bambury " 4, 5, + 6 + 7 .
" 8, 9, + 10 — statements + supporting data —

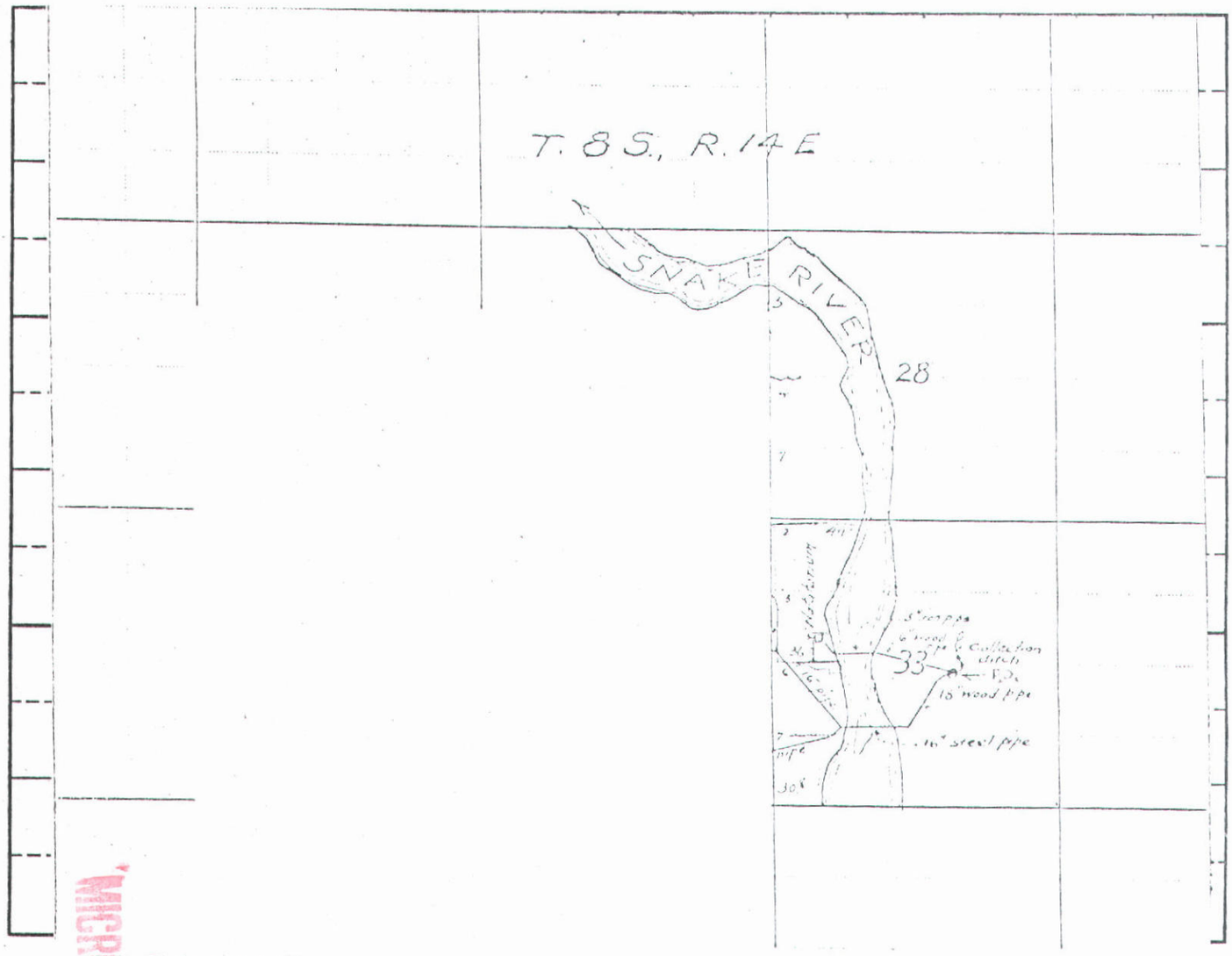
F+G Exh. 6 # 11 — Thurlow's last program
statements

F+G Exh. 5 # 12 — Glenn Saxton's program

MICROFILMED

POOR QUALITY ORIGINAL

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sophie K. Nettleton
(Claimant)

Sworn to before me this 13th day of December 1976

Notary Public

Residing at Twin Falls, Idaho 83301

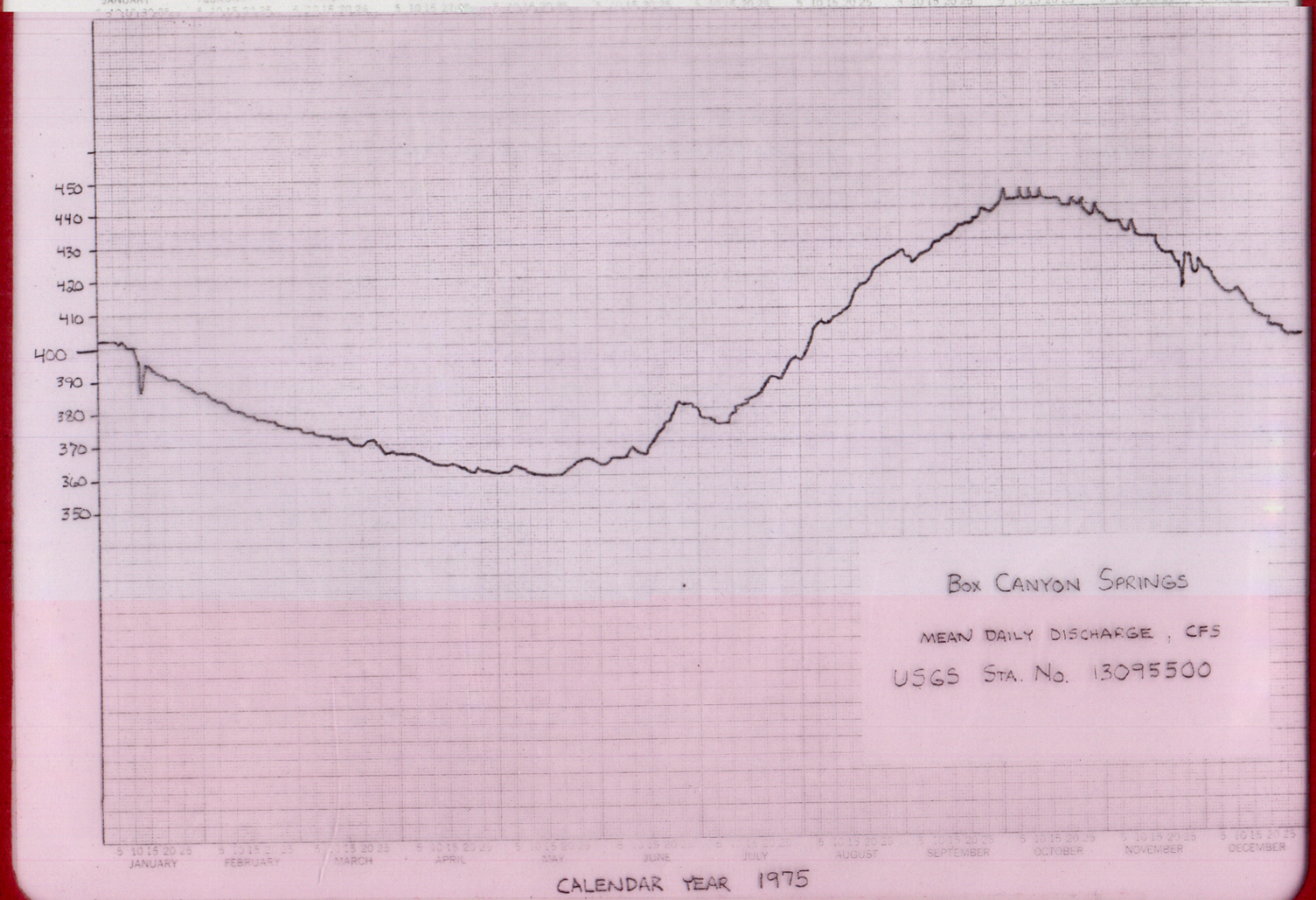
My commission expires Life Term

#22653

For Department Use Only

Received by mls	Date 12-13-76	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by mls	Date 12-13-76			
$10.00 fee received by mls	Date 12-13-76			
Approved for publication by TCoB	12-23-76			
Published in Gooding County Leader				
Dates 12-23-76 & 12-30-76				


Banbury Springs
Banbury Natatorium
Banbury Springs
Hot Water Wells
Flume
PIPE LINE
RIVER
Cedar
Briggs Creek
Springs
Kanaka Rapids
Lucerne School
DITCH
Creek
BM 3092
BM 3250
BM 3329
BM 3378
2922
2973
3182
2935
2993
2961
2933
3200
3199
3194
2986
3002
2983
3347
3340
3364
3136
3123
2929
2953
3416
3187
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16
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17
30



U.S.G.S Exhibit #2 Admitted

AMERICAN OFFICE
BUFFALO, N.Y. 14210
CAT 3030

U.S.G.S. Exhibit #3 Adm. Hearing

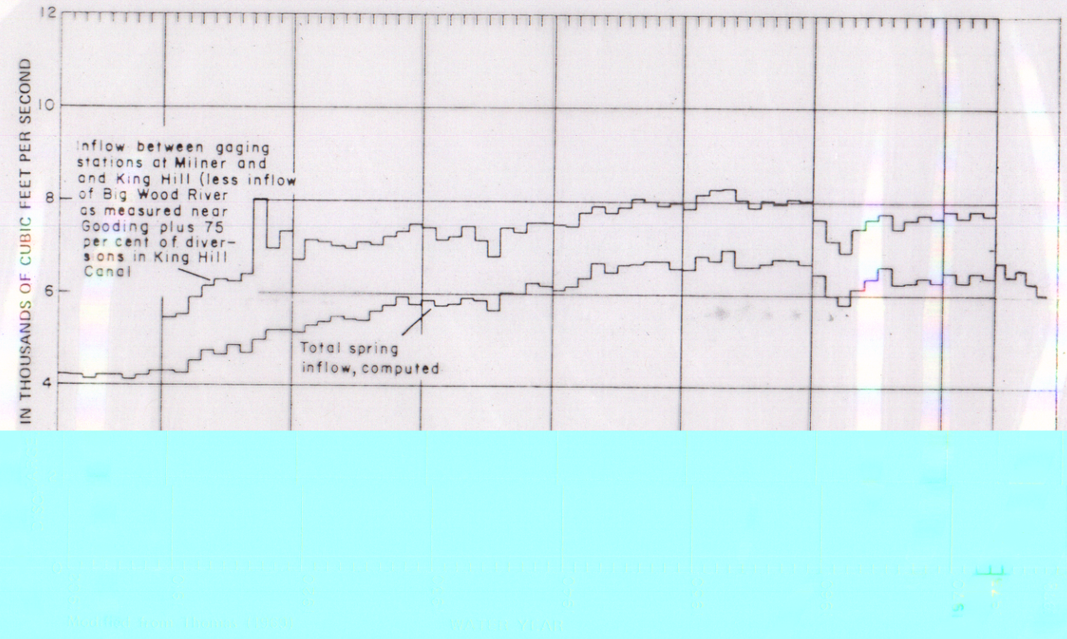
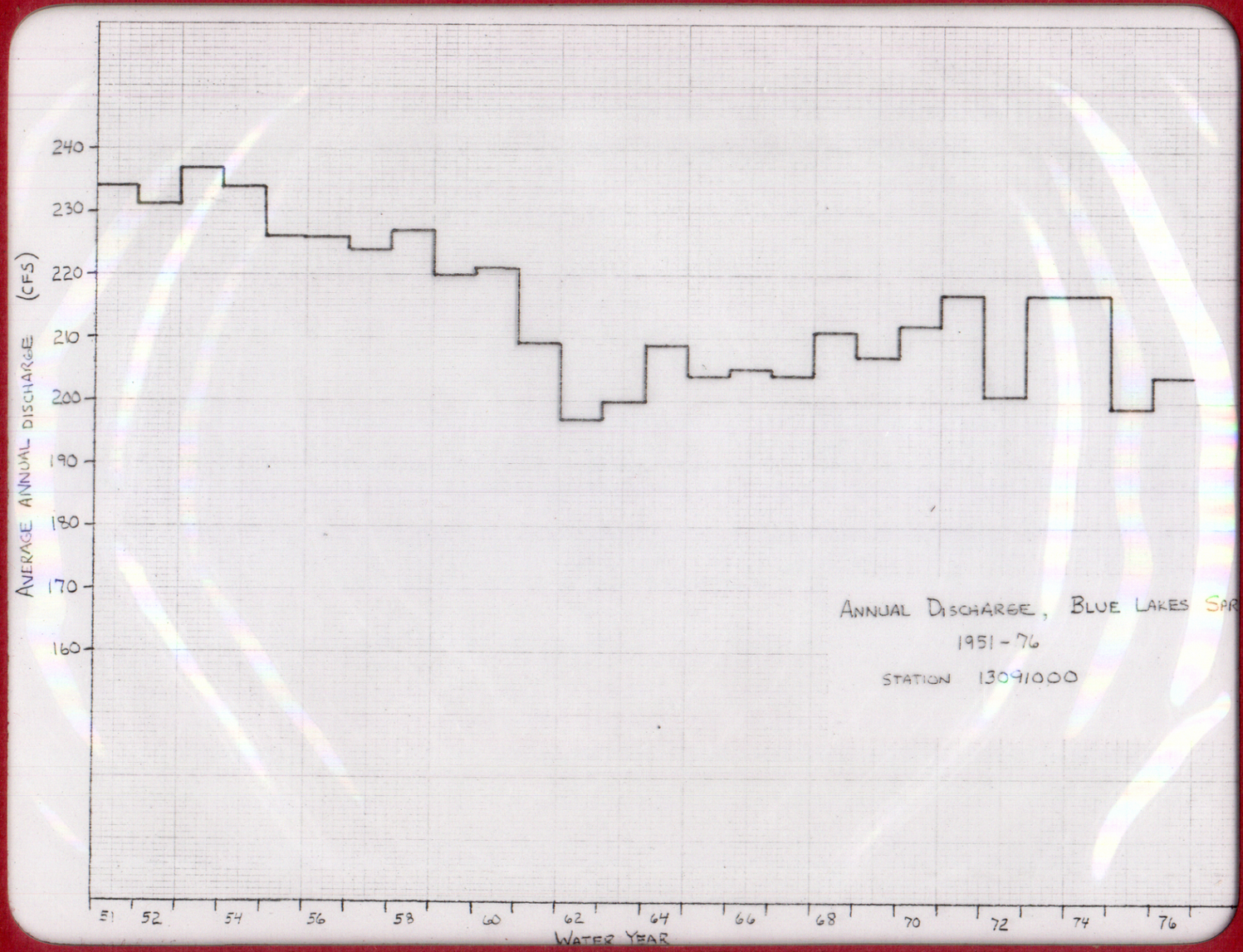


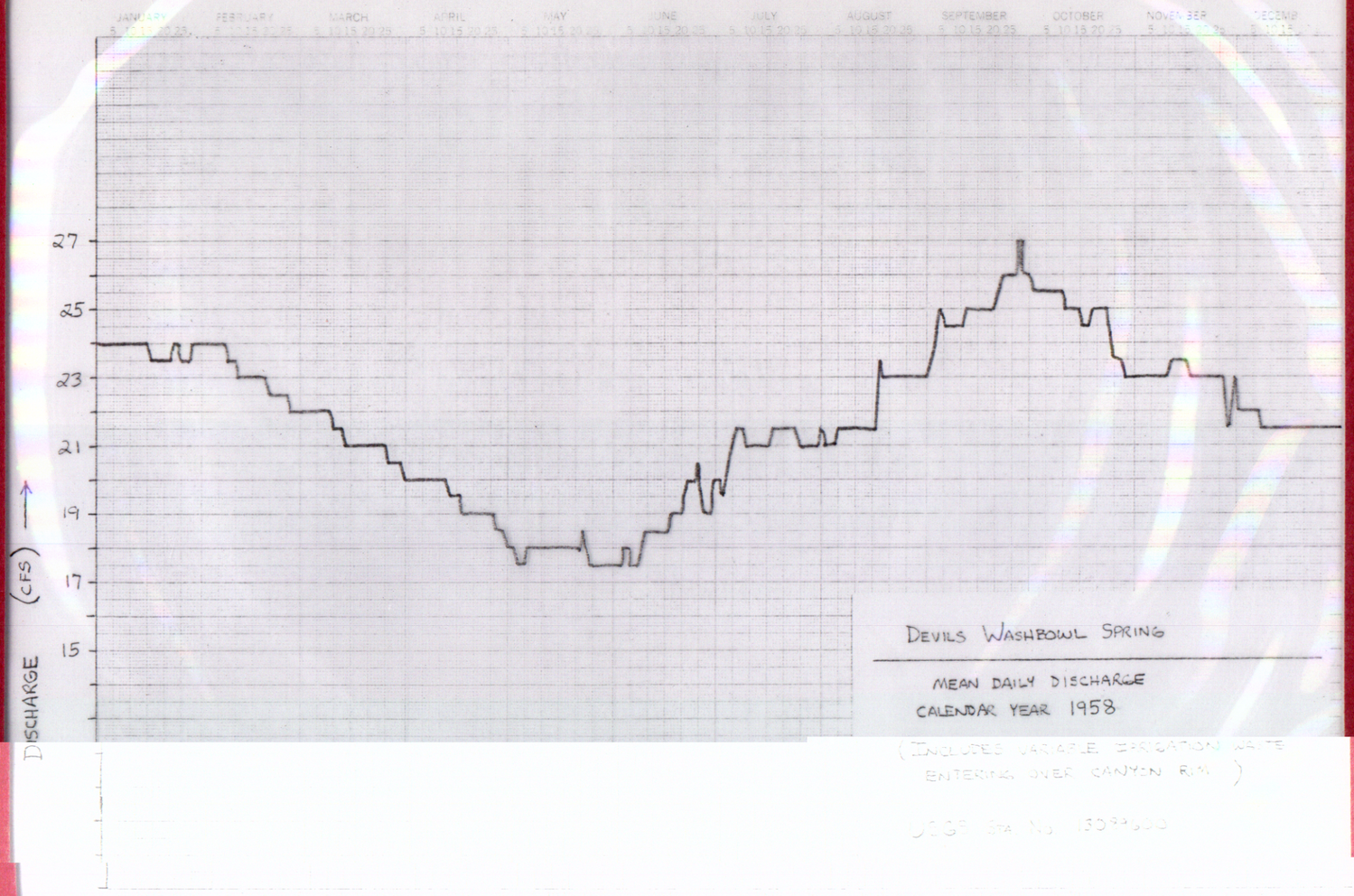
FIGURE 8.—Inflow to Snake River between Milner and King Hill and computed total spring inflow.

SUBJECT TITLE NO.



ANNUAL DISCHARGE, BLUE LAKES SPR
1951-76
STATION 13091000

AMERICAN OPTICAL
BUFFALO, N.Y. 14215
CAT. 3539



DEVILS WASHBOWL SPRING

MEAN DAILY DISCHARGE
CALENDAR YEAR 1958

(INCLUDES VARIABLE IRRIGATION WATER ENTERING OVER CANYON RIM)

USGS STA. NO. 10299500

U.S.G.S. Exh. 64
#1 Adm. Hrd

Exhibits 37-7734, 36-7821
36-7822
Minimum Flow Hearing
4-25-79

April 25, 1979

HEARING Exhibits

MINIMUM FLOW APPLICATIONS

BUHL, IDAHO

NORM YOUNG - HEARING Officer

BANCROFT SP.	37-7734
LOWER WALKER SP	36-7821
BANBURY SP	36-7822

May 17, 1979

Mike Glenn
College of Southern Idaho
Twin Falls, ID 83301

Dear Mr. Glenn:

Pursuant to your request, enclosed are copies of the tapes of the Minimum Stream Flow Hearings held in Buhl, Idaho on April 25 and 26, 1979.

Also enclosed is the billing for the duplication of the tapes. Please send your remittance to the address indicated at the top of the billing sheet.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: Tapes
Billing Sheet

bcc: Ranae
Roberta

HEARING Notes

Apr. 25 - 26, 1979 (Bath)

Applications: (MIN. Flow)

25th
- 37-7734 Bancroft Sp
- 36-7821 Lower White Sp.
- 36-7822 Banbury Sp

26th
- 36-7819 Briggs Sp
- 36-7818 Vineyard Cr.
- 36-7820 Blind Canyon Sp.

HEARING Notes by Phil Rassier
Hearing Off - Norm Young
Appls: 37-7734, 36-7821
36-7822 Banbury

* Intervenors

April 25, 1979
MINIMUM STREAM FLOW HEARINGS
Record held open until May 10th

TAPE #1

ON THE RECORD

NORM - statement of the nature & procedure to be followed in the hearing process.

— — —

APPEARANCES

1.	Scott Reed	Bd
2.	Fred Frahm	F+G Atty
3.	Robert Weaver	Valley Trout Farms & Earl Hardy
4.	Roberts Stahman	ID Power
*5.	Sterling Larsen	Banbury Pipe Co.
*6.	Randal Morgan	" " "
X 7.	Herb Deuel	Banbury Hot Springs

Request by two parties that the record be left open for a period.
1. Bob Weaver
2. Don Kramer
3. ___ Slater

250 - State by Norm describing the applicable provisions of Ch 15, Title 42.

266 Review of Applications
1. Lower White Springs - Fourth Application

2. Bancroft Springs 17 cfs fish population
3. Bamburg Springs 97 cfs fish pop - esthetics
Sept 13, 1978 - Date of Application

314 Judicial Notice of Dept Records

418 Witness Scott Reed — P.O. A COC, ID
Member IWRB

Bd members present: Scott Reed, Reed Hanson, Frank Jones, Don Kramer

544 end Background statement by Scott R.

Bob Stalman - Cross

- Questions concerning the reach of the stream protected

Bob Weaver - Cross
- Confusion as to the points protected

Witness
Glen Saxton

675 1. Glen Saxton — IDWR - Boise
qualifications - 9 yrs w/ Dept - Civil Eng.

APL 2 - Describes proceedings before the Dept
- Applications
- Letters of support
- No written opposition to App.

- Items which will be considered by the Dept.

742- - Staff Exhibit # 1
MAP showing the location of the

805 - Offer Staff Exhibits #2 & #3
#2 — Pasadena Valley Quad Sheets - shows location of
#3 - Schematic showing Average water Rights of BANCROFT

887 #2+3 admitted into Evidence

BANCROFT Springs:
Discussion of Ex #2 & #3

919 Staff Exhibits #4 & #5 offered

#4 - Lower White Springs - MAP
#5 - Lower White Springs - schematic

36-7176 Permit of 40 cfs held by
EARL HARDY - Applicant
- MAY 18, 1971 Priority

977 (675) Staff Exhibits #6 + #7 Admitted into Evidence
#6 - Bandeny Springs MAP
#7 - Bandeny Springs Schematic

024 - testimony from Exhibits
#6 - 97 cfs App by 36
#7 - Existing Rights 220 cfs

57 Existing Rights on BAN bury

36-2038 J.W. BANbury Nov 10, 1922
13.25 cfs IRR.

36-7104 SNAKE R. Canal Dec 10, 1969
0.30 cfs Domest & IRR

36-4052 (Claim) HARRY H+S - Williamson
5.904 cfs 1922 priority
IRR, Natatorium, Recreation,
BANbury Hot Sp. Resort

36-7814 (APP) KEN ELLIS, Colson P. Perish,
LaGrand Nelson
200 cfs, fish propagation
Aug 11, 1978

Hearing on 36-7814 ~~[illegible] Ap~~ was scheduled
for Apr. 23 (Not held)

Cross - Scott Reed

153
Cross - Bob STAHMAN
question concerning the number of points
of Discharge into the SNAKE R.

327 Cross Bob Weaver
- question whether streams are navigable
- how does the Dept handle the prior
TAPE #3 permit for 40 cfs of ELLIS.

001 - CON'T cross by Bob Weaver

018 Cross by Sterling Carlson

042 Question by Bob Weaver - Concerning the authority of the
Dept to grant an overlying to the Ct.

062 Q - by Mr. Beuel
- was there any rq to a power plant in the App.

090 Recess for Lunch until 1:30

091 BACK on the Record 1:35 p.m.

Witness

[redacted] Thomas Cecil 3775 Locust, Meridian

- with U.S Geological Survey

135 U.S. G.S. Exhibit # 1
Fig 3. Inflow to Snake River between Milner & King Hill and computer

156 Exhibit 2 U.S.G.S.
Graph of Box Canyon Springs
Mean Daily Discharge
USGS Sta No. 13095500
Calendar Year 1975

210 Exhibit # 3 U.S. GS,
Annual Discharge Blue Springs
1951-76
Station 13091000
Note Objection by Bob Weaver

325 Testimony from Staff Exhibit #3

(Correction in testimony in volume)

Lower White Springs
- 5 channels

360 Testimony As to STAFF Ex #7
BANBURY Springs

Discharge point at dike
4-5' pipe - high velocity
- High number of discharges into the Lake
- Leakage in the dike makes measurements at the pipe somewhat inaccurate
  - measured at 114 cfs

415 Testimony relating to STAFF Ex #3
BANCRAFT Springs
- Last Large spring entering the Snake R from the Aquifer
- Not easy to measure
- Have measured only a few times at 17 cfs
- Lower end Springs have less change seasonally than those up stream

470 - Correction of testimony on Lower White Springs Staff Ex. 5
- good channel, easily measured
- Have measured several times
- Spring flows in a channel before reaching the river

Cross by Scott Reed

509

- Lower White - channel runs on grade into the River
- BANbury - high velocity discharge into the River - 3ft drop in pipe
- pipes on BANbury Sp. dumping water - some go across the river
- good quality of water on BANcroft but little life observed because water flows over rocks

632 CROSS - Bob STAHMAN

BANcroft - less than 100 ft from spring to river; drop 12-15 ft
- Channel of spring is poorly defined

TAPE II 4 BANbury Springs
- NO Knowledge of channel under lake at BANbury

Fred Frahm - CROSS
Flow at BANbury Springs

630 Sterling Larsen - Cross
- BANbury Pipe Line Co.
- Concern about conflict

060 Bob Weaver - Cross
- Questions concerning VARIATION of Flows in the Springs SEASONALLY
Measurements - end of March and in the Fall

183 FISH + GAME - Fred Frahm

Witness - Bob Bell Rt 1, Box 61, Jerome

Statement Read into the Record
Letter four
BANCROFT SPRINGS
230 MAR 6, 1979 - electric charge in stream
record of fish obtained

FISH + GAME Exhibits #1, #2, #3
MARKED - 3 pictures of Fish produced
from BANCROFT SPRINGS.

301 F+G. Exhibits #1, #2 + #3 admitted

349 Lower White Springs
Statement read by Bell
- Letter to The Dept of Rd.
100 ft of stream electro fished
- rearing and spawning of trout

423 BANbury Springs
- Statement of Bob Bell Read
- heavy use by public including Boy Scouts
- Public values of Lake
470 - Record of fish gillnetted

F+G. Exhibits # 4, 5, 6, 7 MARKED
Photos of Fish

F+G Exhibits # 8, 9, 10 MARKED
606 off Record

the public interest as opposed to battery brook

608 BACK on record
NO objections to F+G same Exhibits 4, 5, 6, 7, 8+9 Adm. Hed into Evidence

635 Scott Reed - Cross of Bob Bell F+G Hatchery at Hagerman

TAPE #5

BANbury Sp. - 12 surface cc

015 outlet Structure
- 11.97 cfs requested is necessary for intend purposes
- Fishery at outflow of the lake
046 - App covers the area from the Spring to the outlet structure

060 Mr. Reed - Cross

094 Bob STAHMAN
- Question to Scott Reed to clarify the point of the stream for which minimum flows are established or applied for.
- App. is for the reach of the stream not just the point of measurement.

138 Cross of Bob Bell by STAHMAN
- question as to the Public benefit at BANbury if ID Power forced the lake

210 Bob Weaver - Cross of Bob Bell
- Effects of hatchery trout escaping into the river
- Question whether wild trout in this area is in the public interest as opposed to hatchery trout

430 Question concerning whether diversion at the outlet structure would affect the min. flow requirements for wild trout.

470 Scott Lead - Cross of Bob Bell

510 Redirect by Fred Frahm

540 RANDAL Morgan - Cross of Bob Bell
effect of hatchery trout on Wild trout pop.

620 WITNESS - TIM Cochnauer F+G.
Statement read into record

TAPE 6 TIM con't Statement

030 FISH + GAME Exhibit # 11 MARKED

070 Fish + Game Exhibit # 12 MARKED
Report - Stream Flow Inve by Tim Cochnauer

187 Exhibits # 11 and # 12 Admitted
Note # 11 will be replaced by original Copy

200 Cross of Tim C. by Reed Scott

242 OFF Record
BACK on Record Public Witnesses

1. Doris F. Couch Rt 3 Ball
PRAIRIE FALCON Audubon Society
- IN support of water quality
- IN Support of Applications

(11)

291 Fred Frahm - Cross
295 Morgan - cross

305 2. HARRY HUTHANUS Bambury Hot Springs
Rt 3 Buhl
- ENVIRONMENTAL IMPACT on water quality
- ECONOMICS
- Public benefit
- Public input should be improved

3. DICK BONAMARTE TWIN FALLS
Pres. Magic Valley Fly Fishermans Assoc.
- Public Interest statements
- Read From letter which had been submitted with the request for the Application

525 Bob Weaver - Cross
Wit

545 4. Michael FENNEN - Thousand Spring Trout Farms
- Opposed to the three Applications
- feels that the Springs are over applied for.

640 Scott Reed - cross
- Not Answered

TAPE 7 Cross by Herb Deuel - Con't

Fred FRAHM - Cross of Michael FENNEN

Bob Weaver - Cross
- Amount of water applied for is more than required to preserve the fishery in Morgan Lake.

Herb Deuel - Cross

5. DON K. ZUCK - Idaho Wildlife Federation
260. Statement in support

Bob Weaver - Cross
- Questions relating to Amendment of ECCIS Application ON BANBURY Sp. to change the P.D. to the outlet pipe from MORGAN CAKE.

BOB STAHMAN - Cross

400 6. Bob Weaver Rt 3, Bucl city
STATEMENT on Water quality

7. ~~OHO~~ LYNN - Bucl ID
works for Valley Trout Farm

TAPE #8 Public Statement
- INTEREST of workers in Fish industry economically
- feel hatchery trout and wild trout can both exist.
- rearing and spawning of fish in an area as small as Lower

Bob Weaver - Cross
40 yrs working with fish
- employed as biologist for Valley Trout Farm

Witness Herb Dead Rt 3 BANBURY ~~Hot Springs~~
STATEMENT as INTERVENOR
- IN Support of applications
- in favor of clean environment - air, water scenic, etc
- wants min flow on Banbury Sp. to protect Morgan Lk.

Scott Reed - Cross
MORGAN LAKE
Bob Weaver
- Question whether he ever considered going into the trout business.

- Bob STAHMAN - Witness
Question whether Dept would

ID POWER Exhibit #1 MARKED & Admitted
MAP of LAND OWNERSHIP around Morgan

- 25 yr lease
Dec 31, 1995
option for additional term

- Witness INTERVENOR 1435 E. Hwy 6 - Twin Falls
Sterling ~~LARSEN~~ - BANBURY Pipe Co.

- flow of BANBURY Sp. of 114 cfs should be reduced by the 6 or 7 cfs taken by the BANBURY Pipe Co. under licensed right
- Statement in support of applications by the Board.

BOB. WORNER

- Smell from hatcheries is not normal
- Smell results from EPA ordered settling pond at the Box Canyon hatchery
  - This will have to be changed

Fish Farms must meet EPA standards
- Other forms of agriculture are not required to meet EPA standards

SNAKE R. [redacted] Council filing on Banbury Springs filed by Ken Ellis.
Amended App. has been suggested

- Not opposed to the minimum St flow application of the Bd.

TAPE 9

Con't testimony of KEN ELLIS

030 Scott Reed - Cross of ELLIS
- Discussion of Boy Scouts (ELLIS) application on Banbury Sp.

80 Fred Frahm - Cross of ELLIS
Economic Impact of Fish FARM Developments

[MAY 10th - time to submit written

128 END OF HEARING

NOTE: testimony of a general nature in this hearing is Applicable Also to the hearing held April 26, 1979 on Apps. 36-7819 (Briggs Sp); 36-7818 (Vineyard Cr.) and 36-7820 (Blind Canyon Sp).

Hearing notes by Phil Rassier
Officer - Norm Young

APRIL 26, 1979

MINIMUM STREAM FLOW HEARINGS

BRIGGS SP	36-7819
VINYARD CR.	36-7818
BLIND CANYON SP.	36-7820

HEARING NOTES - (Phil Rassier)

* General Statements from yesterday will be considered as part of todays record

Appearances of Parties

Scott Reed	IWRB
Robert Stahman	ID Power
FRED FRAHM	F+G
GARY WRIGHT	- self
Robert Weaver	- Valley Trout Farms - Earl Hardy.
KEN ELLIS -	U.S. Trout Farmers Assoc.

065 Publication of Applications

Statement by Scott Reed from yesterday describing the procedure of the Bd's application made a part of todays record

- Statement from Scott Reed distinguishing The IWRB from the IDWR

- Statement by Norm Young describing how a minimin Flow App. is finally approved

120 Witness - GLEN SAXTON

- qualifications of yesterday made part of todays record.

STAFF Exhibits A-F quad maps and schematic drawings of existing rights on the

160 STAFF Exhibit A – F Admitted into evidence

Ex. A Briggs Springs MAP.
Ex-B Briggs Sp Schematic of rights

EXISTING Rights
36-2039 W.B Sheldon 0.47 cfs
1927 IRR + Dom
36-2040 W.B. Sheldon 10.0 cfs
1927 ~~Fish~~ Fish Propagation
36-2607 George Sheldon & Other 60 cfs
1964 Fish Propagation

~~Dom~~
App for permit
36-7537 } Wes + Maral Trousdale
36-7538 } 1975,
proposed uses Irr, Domestic, Fish + power

36-7806 Catherine or Gary Wright
protested 40 cfs
July 26, 1978
hearing held – no decision issued

250 Ex-C Vinyard Cr. Map 10 miles upstream from Trousdale
Ex-D Winyard Cr. Schematic

15 cfs average discharge
No record rights
Bd's App 17 cfs
off record for Monroe to clarify location of Vinyard Cr.
295

Ex E (staff) Blind Canyon Sp MAP
STAFF Ex. F Blind Canyon Schematic
11 cfs average discharge
8 cfs Opp of Board
Existing rights

36-7066 (Permit) Cold Sp Cr
20 cfs 1969 Fish Prop
(Not developed)
April 1, 1980 proof due
37-~~7162~~ 7162 (?) 40 cfs George Lemon
1971, Proof submitted, exam made
proposed license 8.62 cfs

350 Cross Ex Scott Reed
No recorded rights on Vinyard
Briggs average discharge

429 Norm's statement of licensing procedure

455 Witness - Cecil THOMAS U.S.G.S.

Devils Washbowl is same as VINYARD
Reference to staff exhibit D

Discharge data of VINYARD Cr.

530 BRIGGS Sp Measurements 111 cfs average
- flow measured
- they use Spring discharge measurements
- reference to staff exhibits B

611 Blind Canyon
11 cfs is the Spring flow and at the measure at the mouth
- reference to Staff Ex F
- flow of Blind Canyon Sp is commingled with waste waters from Agri irrigation

TAPE #2

CROSS - Scott Reed

014 Additional Exhibits to be submitted by Cecil Thomas - showing measurements of waste water into Blind Canyon
* Provide copies to all parties

041 CROSS - Bob Stadman
quality of drain waters into Blind Canyon
- Waters are murky

130 Cross - Bob Weaver
- Indication that Cedar Bar. as shown on on Staff Ex. E

184 U.S.G.S. 1-3 of 4-25-79 part of todays record

199 Off record for moment to line up testimony

[Public Witnesses]

200 1. Mike Glen - worked at College So. ID Jerome, County
(economist)
- testimony Concerning value to be placed upon natural resources
- suggests moratorium on additional water rights until a system of valuing Nat res. is developed.

264 Cross - Scott Reed
At "threshold" of developing a dollar value on natural resources left in their natural condition or state

340 Fred Frahm - Cross
- generalization of witnesses statements to the trout fishing industry.

500 2. Doris Couch (public witness)
- yesterday's testimony applied to todays record
- ASKs that the 3 applications of the Bd be approved.
- quality of wild trout vs. hatchery trouts
  - wild trouts are superior in her opinion
- interest in taking steps

Cross - by Bob Weaver

TAPE #3 Con't statement by Doris Couch
NO cross

020 3. Don Zuck - ID Wildlife Federation
yesterdays testimony applied to today's record

045 BACK ON the record after lunch
Bob Stahman - Id Power
36-7806 - Briggs Sp.
* ASKs that the ~~hear~~ hearing officer officer take judicial notice of a map submitted in this case.

Bob Weaver - statement regarding the request of

100 * U.S. Trout Farmers Assoc. allowed to intervene as party - represented by Ken Ellis
- Objection by F+G reserved until questions could be asked of Ellis.

Fish + Game Fred Frahm

149 Bob Bell - statement read

Vinyard Cr. - statement read into record
Copy provided for the file
- data on fish produced in the area

215 * Fish + Game Exhibits A + B Admitted
Two photos of fish

220 Blind Canyon Springs
statements read by Bob Bell
- no photos

240 - * - Exhibit of Fish + Game C Admitted

[redacted]

BRIGGS SPRINGS
F+G Exhibit D
Electrofishing Results - Briggs Springs

305 Questions in aid of objection by Gary Wright to Bob Bell concerning Ex D (F+G)
- NO objection to F+G Ex. D.

350 Further testimony by Bell on cutthroat or rainbow in the area.

368 Scott Reed – Cross of Bell

Blind Canyon Cr. – existing rights and applications.
- Would the Bd's application still be worthwhile.
- degradation of water does not make it useless for fish purposes

399 Briggs Spring
existing diversions 70 cfs
Average flow 111 cfs
Bd's app 56 cfs
- intends to apply for whatever water is available (subjects to prior applications)

450 Bob Weaver – Cross
Blind Canyon – surrounding property ownership
AN. NO ownership shown on application.
- Earl Hardy is the owner of the land surrounding the springs
Reason for app.
500 rearing and minimal spawning
- spawning times normally in Spring time
540 Physical access to Blind Canyon
- ~~people~~ probably from the Snake River
- Stream uses relatively light use, especially during periods when runoff occurs
587 - possible that the 3" trouts in the stream could have been spawned in the Snake (or reared)?
624 - Could not distinguish between a 3" hatchery trout and a 3" wild trout

650 - trout must be 7"-8" before hatchery trout can be distinguished from wild trout through fin irregularity

689 Why was this Spring picked
AN. - It was one of springs that was not overappropriated and it did provide sport fishery

TAPE 4 [continuation of Bob Weaver cross of Bell]

029 Cross by KEN ELLIS of Bob Bell
- do wild trout and hatchery trout come from the same stock

050 - Whether hatchery fish have the capacity to regenerate their fins
AN. This is rare if the deformity of the hatchery trout occured prior to the time of escape or planting.

80 Redirect by Fred Frahm of Bob Bell

109 Bob Weaver Cross of Bob Bell
Concerning Briggs Springs

142 - further explanation by Bob Bell that fish deformity may occur in 5" fish if there is heavy density in the hatchery runs

188 - filing rate or assumption water would be available

197 - TIM COCHNAUER F+G Withers

Briggs Springs - Statement read into record

245 Blind Canyon Sp. - Statement read into record

255 Vinyard Springs – statement read into record
- photo offered into evidence
* Fish & Game Ex. E marked

290 Scott Reed – Cross of Tim Cochnauer
- Seasonal and annual variations in Briggs Springs
- discharge 50-60 cfs approx at time of measurements

340 Fish & Game
Exhibit E Admitted photo of Vinyard Cr. area

345 Bob Stadman – Cross of Tim C.
- Measurements made in summer of 1975
- question concerning the benefit derived from the min.

390 * - method used to determine the minimum amounts of water needed to satisfy the purposes for which the min. flow app. is made.

442 Gary Wright
- Comments - that some of the water measured in the stream could have been waste water from irr.

468 Bob Weaver – Cross of Tim C.
- Basis of the 56 cfs request

526 * Request for judicial notice of USGS figures 1950-57 and thereafter on Briggs Spring flows

547 Redirect by Fred Frahm of Tim Cochenour
- application is still valuable even though the full amount of water is not available

598 Bob Stahman - Recross
- Minimum amount of water which would be valuable for fishery purposes
Ans. 1 cfs

TAPE 5 Con't Recross of of Tim C. by Bob Stahman

020 Reed Scott recross of Tim C.
- Concerning quantity of request for min flow.

041 Ken Ellis - Recross
- quantity of request

079 5 minute Break

080 Scott Reed - comments on Idaho Powers position on the applications
- question

100 - Response by Bob Stahman as to the position of the ID Power Co
- They are not adverse at this point to the applications

131 Gary Wright - Witness as Intervenor
Clear Lakes Ranch
east of Briggs Springs
- opposes the min stream flow applications
- has filed 40 cfs app. for fish propagation

- 36-7806 hearing held - no decision made by Dept yet.

188 Norm young - statement assuring

200 Bob Weaver - Cross of Gary Wright
- no interest in other applications other than Briggs Sp

220 Bob Weaver

* Vern Ravenscroft Twin Falls, Idaho
Witness
- familiarity of area in which the Springs are located

244 Blind Canyon
- Never considered a fishery because of the waste water
- H.B. 69 1970 or 72 concerning reservation or protection of certain streams
  - Malad Canyon
  - Thousand
  - Blue Hard Sp
  - Box Canyon
  - Niagra Sp.
- Park Dept authorized to file app.

297 Springs considered as the subject of H.B 69

320 Fred Fisher - question in aid of objection
360 Objection made - overruled but will be considered as to the weight to be

382 Bancroft Sp. was never considered
Briggs + Vinyard were considered right not considered

407 LAND ownership around Blind Canyon
EARL Hardy
George Lemon

420 - Personally favors protection of Vinyard Springs through amendment of existing Parks legislation
- would not favor Briggs Sp and Blind Canyon

438 Scott Reed - Cross of Utah
discussion of the Mill Creek Canyon legislation
- Blue Heart remains in natural state as result of the leg.
- Box Canyon - Hardy is trying to work with BLM on establishing a natural area.
- Nine Mile - under reconsideration for Park Service

[redacted]

- noted differences between the 1978 legislation and the earlier legislation.

605 - Reasons for not including certain Sp. in earlier leg.

TAPE 6 (Ellis Cont'd)

Not opposed to Vinyard Cr.

- Not opposed to those streams which can be reserved out of the area which can be used by the the trout farmers, ie up stream
- opposed to ~~[illegible]~~ minimum flows below discharge of trout farms which would prevents the trout farms from their full development.

057 Scott Reed - Cross of Ellis
Bancroft and Vinyard not developed

094 Fred Frahm - Cross of Ellis

124 Bob Weaver - Cross of Ellis
Min. flows would be bypassed

137 Norm Young - question of Ellis
Clarification of Ellis statement

154 Record left open until May 10 - same as for yesterday's hearing.

158 * Fred Frahm - Motion that the Director view the area's affected before making a decision - with notice to all parties.

184 END - 3:50 p.m Apr. 26, 1979 (PJR)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07822

Priority: September 13, 1978 Minimum Stream Flow: 97.00 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 September 13, 1978; and has submitted Proof of Beneficial Use on September 26, 1997. A minimum stream flow for:

BANBURY SPRINGS tributary to **SNAKE RIVER**

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	MINIMUM STREAM FLOW
MINIMUM STREAM FLOW	01/01 to 12/31	97.00 CFS

LOCATION OF MIMIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach Lot 4(SENW), Sec. 33, Township 08S, Range 14E
End of Stream Flow Reach Lot 4(SENW), Sec. 33, Township 08S, Range 14E
GOODING County

CONDITIONS OF APPROVAL AND REMARKS

1. This right is subject to all prior water rights and is subordinate to Right 36-08141 with a junior priority date.
2. Use of water under this right shall be non-consumptive.
3. Upon further finding and order of the director that gauging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director.
4. 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.

MICROFILMED
OCT 29 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07822

CONDITIONS OF APPROVAL AND REMARKS

5. This minimum stream flow shall be junior and subordinate to all consumptive use rights diverted from groundwater within the Snake River Aquifer tributary to Thousand Springs, 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 stream flow 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.
6. This minimum stream flow begins at Banbury Springs and ends at the confluence of the discharge of the springs from Morgan Lake with the Snake River within Gov. Lot 4 (SENW), Section 33, Township 8S, Range 14E.
7. The purpose of this minimum stream flow is to preserve the high quality fishery, fish populations, aesthetics, and recreation values of the springs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23RD day of OCTOBER, 1997.

Acting for KARL J. DREHER, Director

MICROFILMED

OCT 29 1997

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $:
Receipt No.
Receipt By:
Date Receipted:

RECEIVED
SEP 26 1997
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed 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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-07822 Telephone No. 208-327-7900

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

3. Mailing Address: 1301 North Orchard Street, P.O. Box 83720, Boise, ID 83720-0098

4. Source of Water: Banbury Springs If **GROUNDWATER** (well), Date Drilled: mo._____ / yr._____

   a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____

   b. *OPTIONAL:*
   Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

   Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 97.0 cfs OR _____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
   (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

   Measuring Device: Is a measuring device required? Yes ____ or No ____
   Has the measuring device been installed? Yes ____ or No ____

   Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ____
   Has the measurement port been installed? Yes ____ or No ____

8. Fee Enclosed: $ N/A (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

   Name: _____ Telephone Number: _____

   Address: _____

10. The information given on this form 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.

Signature of permit holder: _____ Date: 9-25-97
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-07822

Proposed Priority: September 13, 1978 Maximum Diversion Rate: 97.00 CFS

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720
has applied for a permit to appropriate water from:
BANBURY SPRINGS tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MINIMUM INSTREAM FLOW	01/01 to 12/31	97.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SENW), Sec. 33, Township 08S, Range 14E
GOODING County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. See Final Order for conditions and limitations for use of water under this approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

11th day of October, 1995.

Karl J. Dreher, Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION) FOR PERMIT NO. 36-07822 IN THE NAME) OF THE IDAHO WATER RESOURCE BOARD TO) ESTABLISH A MINIMUM STREAM FLOW ON) BANBURY SPRINGS)

FINAL ORDER

On September 13, 1978, the Idaho Water Resource Board (Board) filed with the Department of Water Resources (department) an application for permit to appropriate water for a minimum stream flow on Banbury Springs tributary to the Snake River in Gooding County, Idaho. The application was filed pursuant to Chapter 15, Title 42, Idaho Code.

On November 24, 1978, the department sent copies of the application to the Idaho Departments of Fish and Game, Health and Welfare, and Parks and Recreation for comments. Notice describing the proposed appropriation and setting the time and place for hearing was published in the Times News, Twin Falls, Idaho on March 23 and March 30, 1979, and in the Mountain Home News, in the Gooding County Leader and in the North Side News, Jerome, Idaho on March 29 and April 5, 1979.

On April 25 and 26, 1979, the department conducted a public hearing in Buhl, Idaho for the purpose of eliciting testimony regarding the application. During the two days of hearings, testimony was also received concerning five additional applications for minimum stream flows also filed by the Board.

Approximately fifty people attended the two (2) days of hearings. Parties appearing in a formal capacity included the Idaho Water Resource Board; Idaho Department of Fish and Game; Idaho Power Company; Herb Deuel on behalf of Banbury Hot Springs; Sterling Larsen on behalf of Banbury Pipe Company; Robert C. Weaver, attorney for Valley Trout Farms, Inc.; Earl Hardy and Ken Ellis; Gary Wright; and the U.S. Trout Farmers Association. In addition, formal testimony was presented by the staff of the department and by Mr. Cecil Thomas, a hydrologist for the United States Geological Survey. Numerous other individuals and representatives of various organizations, including the Prairie Falcon Audubon Society, the Magic Valley Fly Fishermans Association, Thousand Springs Trout Farms, and the Idaho Wildlife Federation informally appeared to present their views and comments as public witnesses concerning the pending application.

After the close of the hearing, the record remained open for

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fifteen (15) days to allow for the submission of additional written materials and an equal period was allowed for the submission of rebuttal materials. Six (6) individuals or organizations submitted additional written materials for the record which were in turn furnished to the parties. Rebuttal to these additional materials was not received from any of the parties.

The department withheld action on the application pending the disposition of prior Application for Permit No. 36-07814 filed by Idaho Power Company for fish propagation purposes. The disposition of this filing is described in the Findings of Fact below.

On August 9, 1995, the department scheduled an additional public hearing in connection with the pending application, since significant time had passed from the original hearing in 1979 and since the Director wanted to be aware of public interest changes which may have occurred since 1979. Notice of the hearing was published in the Idaho Statesman on July 27 and August 3, 1995 and in the Gooding County Leader on July 26 and August 2, 1995. Approximately fourteen (14) people attended the 1995 hearing including the Idaho Water Resource Board, Idaho Department of Fish and Game, Idaho Rivers United, and Myron and Elena Sheldon who appeared as formal parties. Robert S. Luntey appeared as a public witness on behalf of Magic Valley Fly Fishers.

On September 11, 1995, the department issued a Recommended Order in connection with the application. None of the parties to the matter filed a request for reconsideration or exceptions to the order. Based upon the sworn testimony, documentation and public statements included in the record and upon his understanding of the facts and the law, the Director issues the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT:

1. Pursuant to Chapter 15, Title 42, Idaho Code, on September 13, 1978, the Idaho Water Resource Board filed Application for Permit No. 36-07822 (application) with the department to appropriate a minimum stream flow of 97 cubic feet per second (cfs) of water in Banbury Springs tributary to the Snake River. On March 20, 1979, the Board amended the application to add the appropriate government lot number to the legal descriptions provided on the original applications.

2. The application proposes to appropriate a minimum instream flow in a reach beginning at Banbury Springs and ending at the confluence of the discharge of the springs from Morgan Lake with the Snake River within Government Lot 4, Section 33, Township 8 South, Range 14 East, B.M. The purpose for the proposed minimum stream flow appropriation is to preserve the high quality fishery, fish populations, aesthetics, recreation and social values of the springs. The period of use for the proposed appropriation is from January 1 to December 31, inclusive.

MAP DEPARTMENT

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3. The application was filed by the Board upon request of the Magic Valley Fly Fishermen.

4. On April 7, 1994, Idaho Power Company relinquished Application for Permit No. 36-07814 which the company had filed on August 11, 1978, proposing the diversion of 200 cfs of water from Banbury Springs for fish propagation purposes.

5. The historic discharge of Banbury Springs measured where flow from the springs discharges from Morgan Lake and enters the Snake River has been measured to be 97 cfs or larger in the period of record. Since 1991, the discharge has been between 106 cfs and 116 cfs.

6. All rights acquired under the application is for instream nonconsumptive use and will be subject to all vested water rights, permits or applications for permit having dates of priority earlier than September 13, 1978.

7. Morgan Lake is extensively used by the Boy Scouts of America and others for fishing, recreation, boating and swimming.

8. Morgan Lake is accessible to the public for fishing and recreation purposes.

9. The flow requested in the application is the minimum flow required to preserve the existing unique characteristics of the streams for the public benefit, and is not the ideal or most desirable flow which could be utilized for that purpose.

CONCLUSIONS OF LAW:

1. Chapter 15, Title 42, Idaho Code provides that stream flow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation and water quality, when made pursuant to this statute, is in the public interest and is declared to be a beneficial use of such water.

2. The proposed minimum stream flow will not interfere with any vested water right, permit, or application for permit having a priority date earlier than September 13, 1978.

3. The proposed minimum stream flow is in the public, as opposed to private, interest.

4. The minimum stream flow proposed by the application is necessary to maintain existing trout rearing and spawning habitat, fish populations, aquatic life, and recreational values, and to preserve the unique characteristics of the spring and stream areas.

5. The proposed minimum stream flow is the minimum flow required for the purposes cited in Conclusion of Law No. 4. above and is not the ideal or most desirable flow.

PERFECTED

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6. The proposed minimum stream flow is capable of being maintained.

7. The department should approve the application with certain conditions and limitations.

ORDER:

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 36-07822 in the name of the Idaho Water Resource Board is **APPROVED** subject to the following conditions and limitations:

1. The use of water under this permit is subject to all prior water rights.

2. The use of water under this permit shall be nonconsumptive.

3. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum stream flow, such measuring stations shall be permanently installed and maintained as specified by the department.

4. 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.

5. This minimum stream flow shall be junior and subordinate to all consumptive use rights diverted from groundwater within the Snake River Aquifer tributary to Thousand Springs, 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 stream flow 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.

6. The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the next regular legislative session and the Director's approval shall not become finally effective until approved by the legislature pursuant to the procedure provided by Section 42-1503, Idaho Code.

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7. Proof of instream beneficial use of the minimum flow appropriated shall be submitted in a manner approved by the Department on or before June 1, 2000.

Dated this 11th day of October, 1995.

KARL J. DREHER
Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of October, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

Jerry R. Rigby
Id. Water Resource Board
424 South Fourth East
Rexburg ID 83440

Idaho Dept of Fish & Game
c/o Rinda Just
Statehouse, Room 210
P.O. Box 83720
Boise, ID 83720-0010

Idaho Power Company
c/o Robert Stahman
P.O. Box 70
Boise, ID 83707

Banbury Hot Springs
c/o Herb Deuel
Buhl, ID 83316

Banbury Pipe Co, Inc.
c/o Sterling Larson
1435 E. Heyburn
Twin Falls, ID 83301

Valley Trout Farms, Inc.
c/o Ken Ellis
Rt. 3 Box 50
Buhl, ID 83316

Gary Wright
Rt. 4, Box 228
Buhl, ID 83316

Idaho Conservation League
c/o Marti Bridges
P.O. Box 844
Boise, ID 83701-0844

Myron & Elena Sheldon
P.O. Box 92
Buhl, ID 83316

Evan Robertson
ROSHOLT ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION) FOR PERMIT NO. 36-07822 IN THE NAME) OF THE IDAHO WATER RESOURCE BOARD TO) ESTABLISH A MINIMUM STREAM FLOW ON) BANBURY SPRINGS)

RECOMMENDED ORDER

On September 13, 1978, the Idaho Water Resource Board (Board) filed with the Department of Water Resources (department) an application for permit to appropriate water for a minimum stream flow on Banbury Springs tributary to the Snake River in Gooding County, Idaho. The application was filed pursuant to Chapter 15, Title 42, Idaho Code.

On November 24, 1978, the department sent copies of the application to the Idaho Departments of Fish and Game, Health and Welfare, and Parks and Recreation for comments. Notice describing the proposed appropriation and setting the time and place for hearing was published in the Times News, Twin Falls, Idaho on March 23 and March 30, 1979, and in the Mountain Home News, in the Gooding County Leader and in the North Side News, Jerome, Idaho on March 29 and April 5, 1979.

On April 25 and 26, 1979, the department conducted a public hearing in Buhl, Idaho for the purpose of eliciting testimony regarding the application. During the two days of hearings, testimony was also received concerning five additional applications for minimum stream flows also filed by the Board.

Approximately fifty people attended the two (2) days of hearings. Parties appearing in a formal capacity included the Idaho Water Resource Board; Idaho Department of Fish and Game; Idaho Power Company; Herb Deuel on behalf of Banbury Hot Springs; Sterling Larsen on behalf of Banbury Pipe Company; Robert C. Weaver, attorney for Valley Trout Farms, Inc.; Earl Hardy and Ken Ellis; Gary Wright; and the U.S. Trout Farmers Association. In addition, formal testimony was presented by the staff of the department and by Mr. Cecil Thomas, a hydrologist for the United States Geological Survey. Numerous other individuals and representatives of various organizations, including the Prairie Falcon Audubon Society, the Magic Valley Fly Fishermans Association, Thousand Springs Trout Farms, and the Idaho Wildlife Federation informally appeared to present their views and comments as public witnesses concerning the pending application.

After the close of the hearing, the record remained open for

FILED

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fifteen (15) days to allow for the submission of additional written materials and an equal period was allowed for the submission of rebuttal materials. Six (6) individuals or organizations submitted additional written materials for the record which were in turn furnished to the parties. Rebuttal to these additional materials was not received from any of the parties.

The department withheld action on the application pending the disposition of prior Application for Permit No. 36-07814 filed by Idaho Power Company for fish propagation purposes. The disposition of this filing is described in the Findings of Fact below.

On August 9, 1995, the department scheduled an additional public hearing in connection with the pending application, since significant time had passed from the original hearing in 1979 and since the Director wanted to be aware of public interest changes which may have occurred since 1979. Notice of the hearing was published in the Idaho Statesman on July 27 and August 3, 1995 and in the Gooding County Leader on July 26 and August 2, 1995. Approximately fourteen (14) people attended the 1995 hearing including the Idaho Water Resource Board, Idaho Department of Fish and Game, Idaho Rivers United, and Myron and Elena Sheldon who appeared as formal parties. Robert S. Luntey appeared as a public witness on behalf of Magic Valley Fly Fishers.

Based upon the sworn testimony, documentation and public statements included in the record and upon his understanding of the facts and the law, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT:

1. Pursuant to Chapter 15, Title 42, Idaho Code, on September 13, 1978, the Idaho Water Resource Board filed Application for Permit No. 36-07822 (application) with the department to appropriate a minimum stream flow of 97 cubic feet per second (cfs) of water in Banbury Springs tributary to the Snake River. On March 20, 1979, the Board amended the application to add the appropriate government lot number to the legal descriptions provided on the original applications.

2. The application proposes to appropriate a minimum instream flow in a reach beginning at Banbury Springs and ending at the confluence of the discharge of the springs from Morgan Lake with the Snake River within Government Lot 4, Section 33, Township 8 South, Range 14 East, B.M. The purpose for the proposed minimum stream flow appropriation is to preserve the high quality fishery, fish populations, aesthetics, recreation and social values of the springs. The period of use for the proposed appropriation is from January 1 to December 31, inclusive.

3. The application was filed by the Board upon request of the Magic Valley Fly Fishermen.

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4. On April 7, 1994, Idaho Power Company relinquished Application for Permit No. 36-07814 which the company had filed on August 11, 1978, proposing the diversion of 200 cfs of water from Banbury Springs for fish propagation purposes.

5. The historic discharge of Banbury Springs measured where flow from the springs discharges from Morgan Lake and enters the Snake River has been measured to be 97 cfs or larger in the period of record. Since 1991, the discharge has been between 106 cfs and 116 cfs.

6. All rights acquired under the application is for instream nonconsumptive use and will be subject to all vested water rights, permits or applications for permit having dates of priority earlier than September 13, 1978.

7. Morgan Lake is extensively used by the Boy Scouts of America and others for fishing, recreation, boating and swimming.

8. Morgan Lake is accessible to the public for fishing and recreation purposes.

9. The flow requested in the application is the minimum flow required to preserve the existing unique characteristics of the streams for the public benefit, and is not the ideal or most desirable flow which could be utilized for that purpose.

CONCLUSIONS OF LAW:

1. Chapter 15, Title 42, Idaho Code provides that stream flow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation and water quality, when made pursuant to this statute, is in the public interest and is declared to be a beneficial use of such water.

2. The proposed minimum stream flow will not interfere with any vested water right, permit, or application for permit having a priority date earlier than September 13, 1978.

3. The proposed minimum stream flow is in the public, as opposed to private, interest.

4. The proposed minimum instream flow proposed by the application is necessary to maintain existing trout rearing and spawning habitat, fish populations, aquatic life, and recreational values, and to preserve the unique characteristics of the spring and stream areas.

5. The proposed minimum stream flow is the minimum flow required for the purposes cited in Conclusion of Law No. 4. above and is not the ideal or most desirable flow.

6. The proposed minimum stream flow be capable of being

7. The department should approve the application with certain conditions and limitations.

ORDER:

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 36-07822 in the name of the Idaho Water Resource Board is **APPROVED** subject to the following conditions and limitations:

1. The use of water under this permit is subject to all prior water rights.

2. The use of water under this permit shall be nonconsumptive.

3. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum stream flow, such measuring stations shall be permanently installed and maintained as specified by the department.

4. 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.

5. This minimum streamflow shall be junior and subordinate to all consumptive use rights diverted from groundwater within the Snake River Aquifer tributary to Thousand Springs, 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.

6. The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the next regular legislative session and the Director's approval shall not become finally effective until approved by the legislature pursuant to the procedure provided by Section 42-1503, Idaho Code.

7. Proof of instream beneficial use of the minimum flow appropriated shall be submitted in a manner approved by the

NOV 07 1995

Department on or before June 1, 2000.

Dated this 11th day of September, 1995.

L. GLEN SAXTON
Hearing Officer

RECEIVED

NOV 07 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of September, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **RECOMMENDED ORDER** to the following:

Idaho Water Resource Board
c/o Jerry Rigby
1301 N. Orchard
Boise, ID 83706

Idaho Dept of Fish & Game
c/o Rinda Just
Statehouse, Room 210
P.O. Box 83720
Boise, ID 83720-0010

Idaho Power Company
c/o Robert Stahman
P.O. Box 70
Boise, ID 83707

Banbury Hot Springs
c/o Herb Deuel
Buhl, ID 83316

Banbury Pipe Co, Inc.
c/o Sterling Larson
1435 E. Heyburn
Twin Falls, ID 83301

Valley Trout Farms, Inc.
c/o Ken Ellis
Rt. 3 Box 50
Buhl, ID 83316

Gary Wright
Rt. 4, Box 228
Buhl, ID 83316

Idaho Rivers United
c/o Marti Bridges
413 W. Idaho
Boise, ID 83702

Myron & Elena Sheldon
P.O. Box 92
Buhl, ID 83316

Evan Robertson
ROSHOLT ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

NOV 07 1995

SERVICE LIST

(Includes full parties at 1979 and 1995 hearings)

Application for Permit No. 36-07819 (Briggs Springs)
Application for Permit No. 36-07822 (Banbury Springs)

Idaho Water Resource Board
c/o Jerry Rigby
1301 N. Orchard St.
Boise, ID 83706

Idaho Department of Fish and Game
c/o Rinda Just
Statehouse, Rm 210
P.O. Box 83720
Boise, ID 83720-0010

Idaho Power Company
c/o Robert Stahman
P.O. Box 70
Boise, ID 83707

Banbury Hot Springs
c/o Herb Deuel
Buhl, ID 83316

Banbury Pipe Company, Inc.
c/o Sterling Larson
1435 E. Heyburn
Twin Falls, ID 83301

Valley Trout Farms, Inc.
c/o Ken Ellis
Route 3, Box 50
Buhl, ID 83316

Gary Wright
Route 4, Box 228
Buhl, ID 83316

Idaho Rivers United
c/o Marti Bridges
413 W. Idaho
Boise, ID 83720
02

Myron and Elena Sheldon
P.O. Box 92
Buhl, ID 83316

Evan Robertson
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303

NOV 07 1995

Form 202
3/78

Ident. No. 36-7822

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

· AMENDED

APPLICATION FOR PERMIT

AMENDED

To appropriate the public waters of the State of Idaho

1. Name of applicant IDAHO WATER RESOURCE BOARD Phone 384-2215

   Post office address Statehouse Mail, Boise, ID 83720

2. Source of water supply Banbury Springs which is a tributary of Snake River

3. Location of point of diversion is Government Lot 4 (SENW) ¼ of ____ ¼ of Section 33 Township 8S

   Range 14E B.M. Gooding County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

   Amount 97 (cfs or acre-feet per annum) for Instream flow purposes from 1-1 to 12-31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 97 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 ____ feet, active reservoir capacity ____ acre-feet; total reservoir capacity ____ acre-feet, materials used in storage dam: ____

   Period of year when water will be diverted to storage ____ (Month/Day) to ____ (Month/Day) inclusive.

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

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 – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation: Government Lot 4 (SENW)

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

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

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion Idaho Power Company

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

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

10. Remarks See attached sheet



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

IDAHO WATER RESOURCE BOARD

by M. Reed Hansen

Vice-Chairman (Applicant)

9-13-78

Received by YLS Date 3-20-79 Time 1:00 P

Preliminary check by YLS Fee $ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

   d. Other: _____

   _____

   _____

   _____

   _____

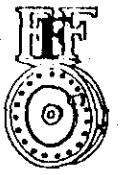
Witness my hand this _____ day of _____ , 19____ .

_____

Director



MAGIC VALLEY FLY FISHERMEN



NAME OF STREAM: Banbury Springs

LEGAL DESCRIPTION OF THE POINT OF THE STREAM WHERE FLOW IS REQUESTED
At its confluence with Snake River, Gooding County, NE¼ NW¼, Section 33, T 8 S, R 14 E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND
97 cfs

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED
To preserve the high quality fishery, fish populations, aesthetics, recreational and social values of Banbury Springs

THE PERIOD OF TIME OR SEASON OF YEAR DURING WHICH APPROPRIATION IS PROPOSED
All year

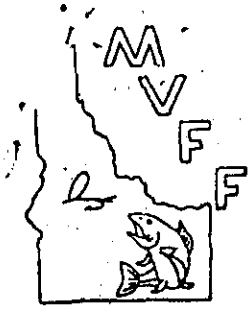
EVIDENCE THAT THE APPROPRIATION WILL NOT INTERFERE WITH ANY VESTED WATER RIGHT, PERMIT, OR WATER APPLICATION OF EARLIER DATE OF PRIORITY
The above requested flow is for instream nonconsumptive use and will be subject to all vested water rights, permits or water applications of earlier dates of priority.

UNCONTROLLED

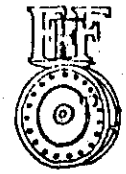
EVIDENCE THAT THE APPROPRIATION WOULD BE IN THE PUBLIC INTEREST AS OPPOSED TO PRIVATE INTEREST
Banbury Springs is a unique spring complex with high aesthetic, recreational and social values, as well as supporting a high quality rainbow and brown trout fishery. The area surrounding Banbury Springs has been developed by the Boy Scouts of America and is extensively used for scouting functions on a year around basis. During the first eight months of 1978 there were approximately 2,760 individuals involved in scouting functions at Camp Roach in the area of Banbury Springs. The lower end of the spring has been developed into a 12 acre lake which provides excellent fishing, not only for scout participants but also local fishermen. An excellent fishery also exists in the Snake River at the point where the springs enter the river.

The requested instream water right for Banbury Springs will be held in trust for the people of Idaho by the Idaho Water Resource Board.

EVIDENCE OR JUSTIFICATION THAT THE APPROPRIATION IS NECESSARY FOR THE PURPOSES SHOWN ABOVE
The high aesthetic, recreational and social values of Banbury Springs and surrounding area are a result of the unique nature of the springs. Any reduction in the spring flow would result in a reduction of the above values. Although the fishery could be maintained on lesser flows than those requested, the other values of the springs would be decreased.



MAGIC VALLEY FLY FISHERMEN



EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL OR MOST DESIRABLE FLOW

Idaho Water Resource Department information indicates that the flow from Banbury Springs does fluctuate from a high of 138 cfs in 1951 to a low of 98 cfs in 1957. The 97 cfs requested flow would preserve the natural state of the area described above.

EVIDENCE THAT THE REQUESTED FLOW IS CAPABLE OF BEING MAINTAINED AS EVIDENCED BY RECORDS OF STREAM FLOWS

Data provided in the following report indicates that the lowest flow, 97.6 cfs, was measured in Banbury Springs during 1957. At the present time no diversions exist on Banbury Srpings.

Idaho Department of Reclamation. 1968. Record of North-side springs and other inflow to Snake River between Milner and King Hill, Idaho 1948-1967. Water Information Bulletin No. 6. August 1968. 65 pp.

LOCATION OF EXISTING GAGING STATION THAT CAN BE USED IN THE ADMINISTRATION OF THIS APPROPRIATION

No gage station is located on Banbury Springs. A device located at the outlet of the lake would be sufficient to monitor the requested flow.

RECEIVED

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION NO. 36-7819

Source: Briggs Springs

Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

AMENDED APPLICATION NO. 36-7822

Source: Banbury Springs

Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION NO. 36-7820

Source: Blind Canyon Springs

Point of minimum streamflow: Lot 2 (SE¼NW¼), Sec. 28, Twp. 8S, Rge. 14E B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

AMENDED APPLICATION NO. 36-7821

Source: Lower White Springs

Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION NO. 37-7734

Source: Bancroft Springs

Point of minimum streamflow: Lot 5, Sec. 4, Twp. 6S, Rge. 11E, B.M. Elmore County

Rate of Flow: 17 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetics

AMENDED APPLICATION NO. 36-7818

Source: Vinyard Creek

Point of minimum streamflow: Lot 1 (SE¼NE¼), Sec. 4, Twp. 10S, Rge. 18E, B.M., Jerome County

Rate of flow: 17 cubic feet per second

Season of use: January 1 to December 31

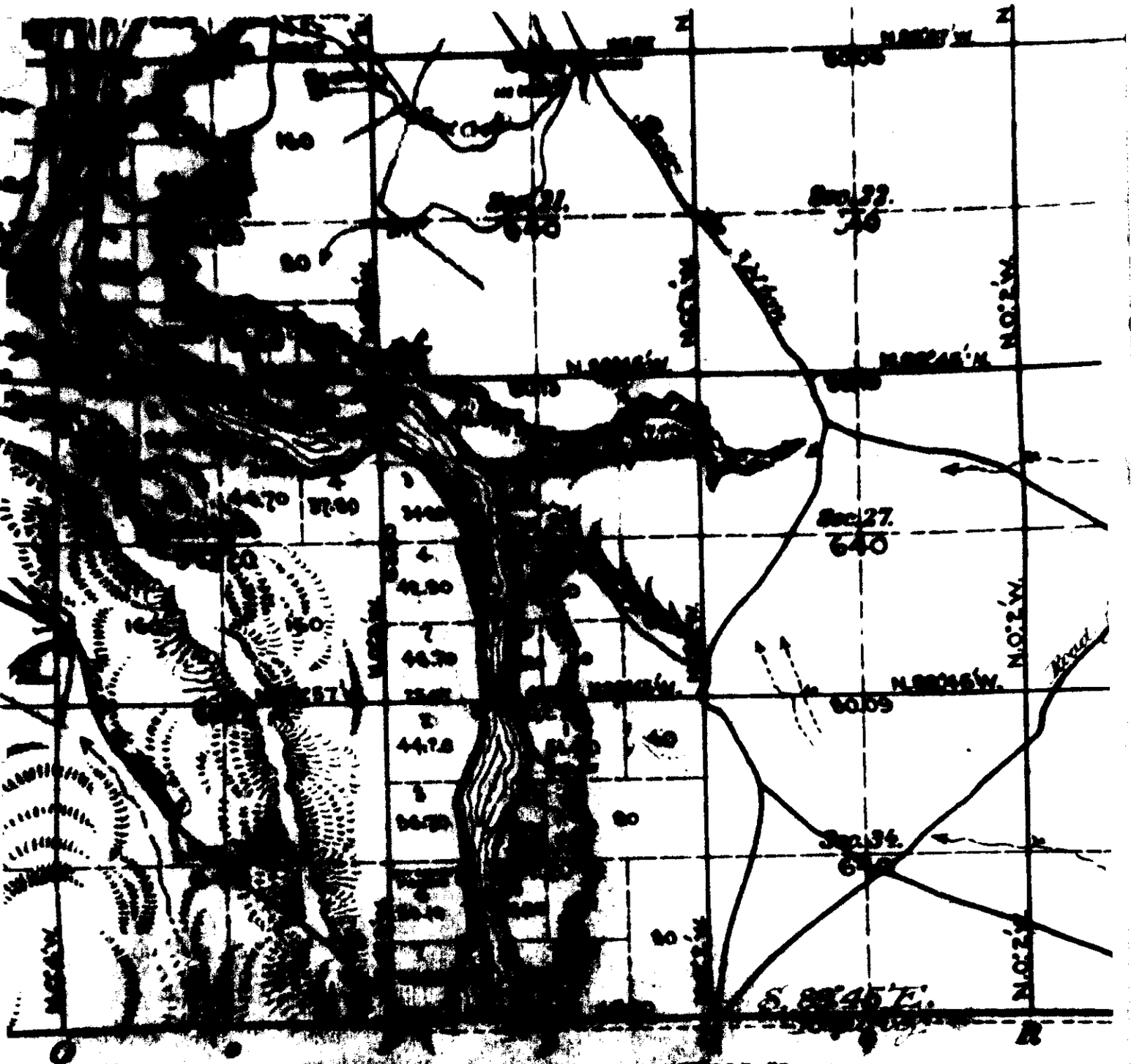
Use: To maintain fish populations and spawning habitat and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m., on Wednesday, April 25, 1979 on Applications 36-7821, 36-7822, and 37-7734 and at 10:00 a.m., on Thursday, April 26, 1979 on Applications 36-7819, 36-7820 and 36-7818 at the Buhl City Hall, 201 Broadway North, Buhl, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

To be published in: Times News - March 23 and March 30
Mountain Home News - March 29 and April 5
Gooding County Leader - March 29 and April 5
North Side News - March 29 and April 5


Sec. 22.
640
Sec. 27.
640
Sec. 34.
640
N.0°2'W.
N.89°56'W.
S.89°45'E.

Form 202
3/78

Ident. No. 36-7822

RECEIVED
SEP 13 1978
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resouce Board Phone 384-2215

   Post office address Statehouse, Boise, Idaho 83720

2. Source of water supply Banbury Springs which is a tributary of Snake River

3. Location of point of diversion is NE ¼ of NW ¼ of Section 33 Township 8 S

   Range 14 E B.M. Gooding County, additional points of diversion if any:

4. Water will be used for the following purposes:

   Amount 97 cfs (cfs or acre-feet per annum) for in stream flow purposes from Jan 1 to Dec 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 97 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 _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

   Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

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

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 – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: NE ¼ of NW ¼ of Section 33 Township 8 S

      Range 14 E B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: To preserve the high quality fishery, fish populations, aesthetics, recreational and social values of Banbury Springs.

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

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

Total number of acres to be irrigated _____

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

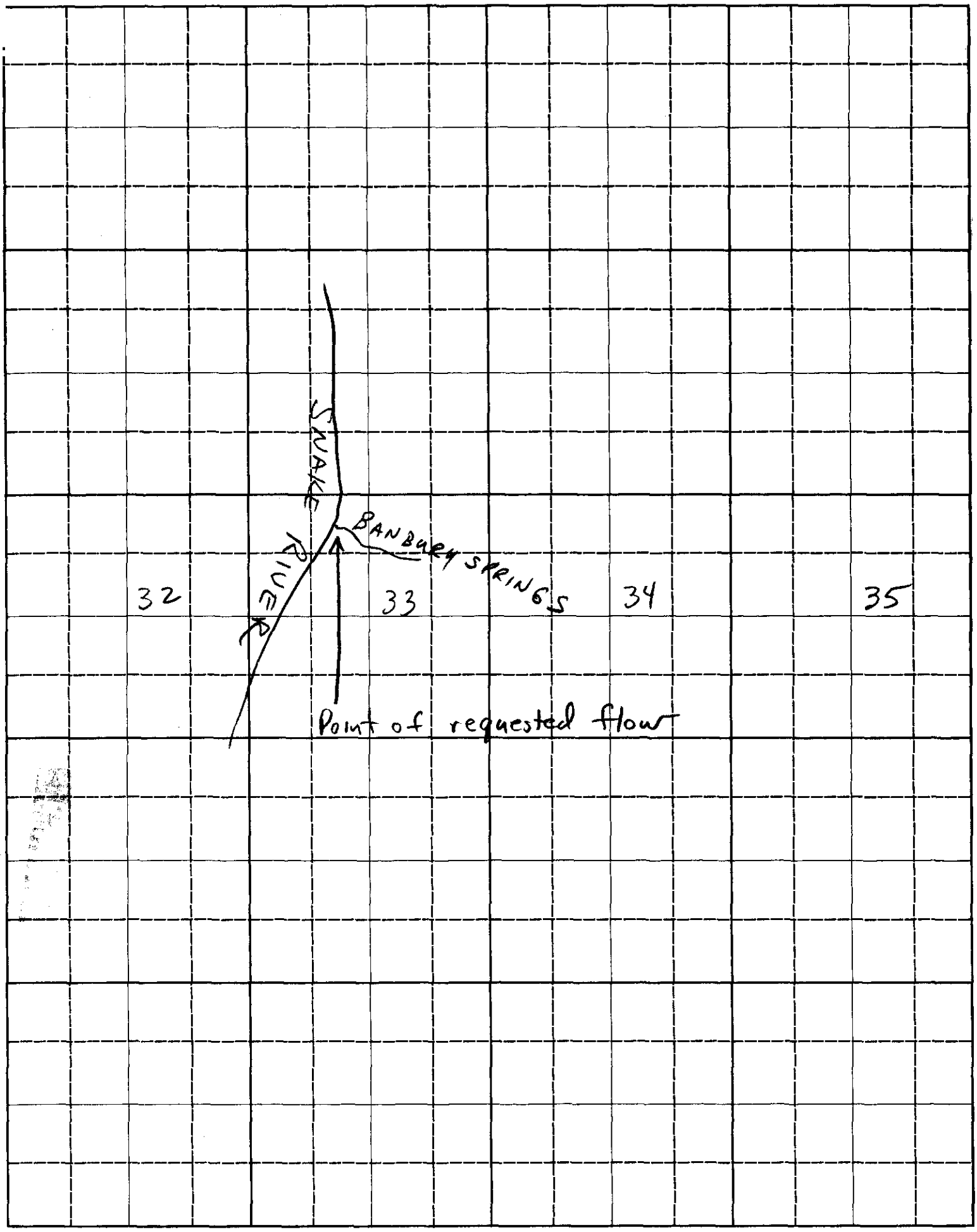
9. a. Who owns the property at the point of diversion Idaho Power Company

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

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

10. Remarks See attached sheet

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



Scale: 2 inches equal 1 mile.

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

George W Goss

(Applicant)

Received by meaya Date 9/13/78 Time 8:15 am

Preliminary check by _____ Fee $ N.A.

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved mhr Date 2-16-79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

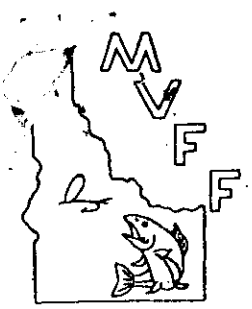
   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: _____

Witness my hand this _____ day of _____ , 19____ .

_____

Director



MAGIC
VALLEY
FLY FISHERMEN



NAME OF STREAM: Banbury Springs

LEGAL DESCRIPTION OF THE POINT OF THE STREAM WHERE FLOW IS REQUESTED
At its confluence with Snake River, Gooding County, NE¼ NW¼, Section 33, T 8 S, R 14 E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND
97 cfs

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED
To preserve the high quality fishery, fish populations, aesthetics, recreational and social values of Banbury Springs

THE PERIOD OF TIME OR SEASON OF YEAR DURING WHICH APPROPRIATION IS PROPOSED
All year

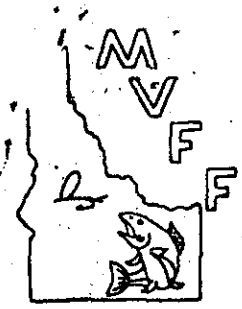
EVIDENCE THAT THE APPROPRIATION WILL NOT INTERFERE WITH ANY VESTED WATER RIGHT, PERMIT, OR WATER APPLICATION OF EARLIER DATE OF PRIORITY
The above requested flow is for instream nonconsumptive use and will be subject to all vested water rights, permits or water applications of earlier dates of priority.

EVIDENCE THAT THE APPROPRIATION WOULD BE IN THE PUBLIC INTEREST AS OPPOSED TO PRIVATE INTEREST
Banbury Springs is a unique spring complex with high aesthetic, recreational and social values, as well as supporting a high quality rainbow and brown trout fishery. The area surrounding Banbury Springs has been developed by the Boy Scouts of America and is extensively used for scouting functions on a year around basis. During the first eight months of 1978 there were approximately 2,760 individuals involved in scouting functions at Camp Roach in the area of Banbury Springs. The lower end of the spring has been developed into a 12 acre lake which provides excellent fishing, not only for scout participants but also local fishermen. An excellent fishery also exists in the Snake River at the point where the springs enter the river.

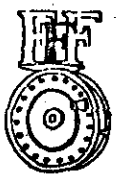
The requested instream water right for Banbury Springs will be held in trust for the people of Idaho by the Idaho Water Resource Board.

EVIDENCE OR JUSTIFICATION THAT THE APPROPRIATION IS NECESSARY FOR THE PURPOSES SHOWN ABOVE
The high aesthetic, recreational and social values of Banbury Springs and surrounding area are a result of the unique nature of the springs. Any reduction in the spring flow would result in a reduction of the above values. Although the fishery could be maintained on lesser flows than those requested, the other values of the springs would be decreased.

MAGIC VALLEY FLY FISHERMEN



MAGIC VALLEY FLY FISHERMEN



EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL OR MOST DESIRABLE FLOW

Idaho Water Resource Department information indicates that the flow from Banbury Springs does fluctuate from a high of 138 cfs in 1951 to a low of 98 cfs in 1957. The 97 cfs requested flow would preserve the natural state of the area described above.

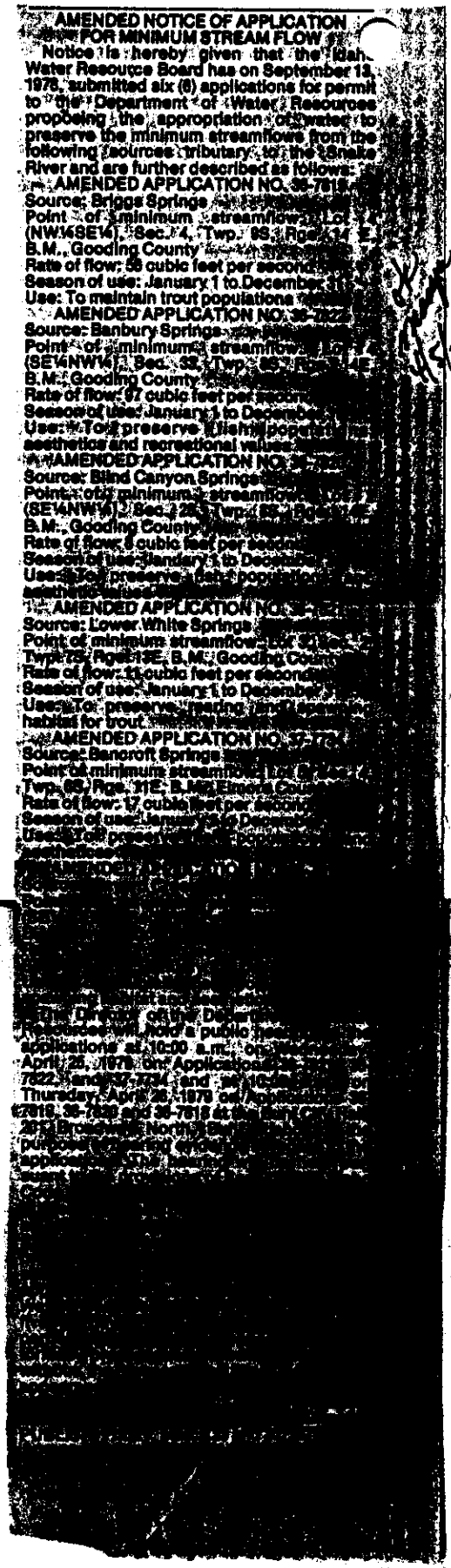
EVIDENCE THAT THE REQUESTED FLOW IS CAPABLE OF BEING MAINTAINED AS EVIDENCED BY RECORDS OF STREAM FLOWS

Data provided in the following report indicates that the lowest flow, 97.6 cfs, was measured in Banbury Springs during 1957. At the present time no diversions exist on Banbury Srpings.

Idaho Department of Reclamation. 1968. Record of North-side springs and other inflow to Snake River between Milner and King Hill, Idaho 1948-1967. Water Information Bulletin No. 6. August 1968. 65 pp.

LOCATION OF EXISTING GAGING STATION THAT CAN BE USED IN THE ADMINISTRATION OF THIS APPROPRIATION

No gage station is located on Banbury Springs. A device located at the outlet of the lake would be sufficient to monitor the requested flow.



AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION NO. 36-7818

Source: Briggs Springs

Point of minimum streamflow: Lot 1 (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 58 cubic feet per second

Season of use: January 1 to December

Use: To maintain trout populations

AMENDED APPLICATION NO. 36-7822

Source: Banbury Springs

Point of minimum streamflow: (SE¼NW¼), Sec. 32, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December

Use: To preserve fishlife population, aesthetics and recreational values

AMENDED APPLICATION NO. 36-7823

Source: Blind Canyon Springs

Point of minimum streamflow: (SE¼NW¼), Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December

Use: To preserve fishlife population, aesthetics and recreational values

AMENDED APPLICATION NO. 36-7824

Source: Lower White Springs

Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December

Use: To preserve, spawning and rearing habitat for trout

AMENDED APPLICATION NO. 36-7825

Source: Bancroft Springs

Point of minimum streamflow: Lot 2, Sec. 2, Twp. 8S, Rge. 11E, B.M., Elmore County

Rate of flow: 17 cubic feet per second

Season of use: January 1 to December

Use: To preserve fishlife population, aesthetics and recreational values

The Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Wednesday, April 25, 1979, on Applications 36-7822, 36-7824 and 36-7825 at the Department's Southern District Office, 2404 Bronco Road, Twin Falls, Idaho, and on Thursday, April 26, 1979 on Applications 36-7818, 36-7823 and 36-7826 at the Department's Northern District Office, 1341 Fillmore Street, Twin Falls, Idaho. Any person interested in these applications may appear at the hearing and present information relevant to the applications.

Affidavit of Publication

RECEIVED No. 8126

APR 5 1979

Department of Water Resources
Southern District Office

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Nola L. Laughlin, being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Fridays, commencing with the issue dated March 23, 19 79, and ending with the issue dated March 30, 19 79.

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

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

Nola L. Laughlin

Subscribed and sworn to before me on this 2nd day of April, 19 79.

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

RECEIVED
JUL 2 5 1995
Department of Water Resources

NOTICE OF HEARING FOR MINIMUM STREAM FLOW APPLICATIONS

Notice is hereby given that on September 13, 1978, the Idaho Water Resource Board filed two (2) applications for permit with the Department of Water Resources to preserve minimum streamflows from springs tributary to the Snake River as follows:

Application No. 36-07819
Source: Briggs Springs
Point of minimum flow: Lot 14 (NW1/4SE1/4) Section 4, T9S, R14E, B.M. Gooding County.
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

Application No. 36-07822
Source: Banbury Springs
Point of minimum flow: Lot 4 (SE1/4NW1/4 Section 33, T8S, R14E, B.M. Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

On April 25 and 26, 1979, the department conducted a public hearing in Buhl, Idaho concerning the applications but withheld final action on the applications pending the disposition of four (4) prior permits on the springs. Since the disposition of the prior permits is now known, the department can further consider the minimum stream flow applications.

The Department of Water Resources will hold a **second public hearing at 10:00 a.m. on August 9, 1995 at the Buhl City Hall, Council Chambers in Buhl** for the purpose of hearing additional evidence in regard to the applications. The hearing will be held pursuant to provisions of Section 42-1503, Idaho Code. The presiding officer at the hearing will be L. Glen Saxton.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining of witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, Idaho 83720 five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Informal written views and comments may also be submitted to the Department prior to the hearing.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department at least (10) days prior to the hearing.

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

Karl J. Dreher,Director

Published in Gooding County Leader on 7/26 & 8/2/95 and in the Idaho Statesman, Post Register, Lewiston Morning Tribune and Times News on 7/27 & 8/3/95.

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978 submitted five (5) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following springs tributary to the Snake River and are further described as follows:

Application No. 36-7819

Source: Briggs Springs
Point of minimum streamflow: NW¼SE¼, Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

Application No. 36-7822

Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7820

Source: Blind Canyon Springs
Point of minimum streamflow: NE¼SW¼, Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetic values

Application No. 36-7821

Source: Lower White Springs
Point of minimum streamflow: NE¼SW¼, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

Application No. 37-7734

Source: Bancroft Springs
Point of minimum streamflow: SE¼NW¼, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Thursday, March 8, 1979 at the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

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

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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

Published in the Mountain Home News Feb. 8 and 15, 1979.

RECEIVED
FEB 21 1979
Department of Water Resources
Southern District Office

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, ... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for ...2..... consecutive weeks, the first publication having been made on the ...8..... day of ...February....., 19.79., and the last publication having been made on the ...15..... day of ...February, 19.79...; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

.....

Subscribed and sworn to me this ...15th.....
day of ...February.....19.79.

.....Martha D. Gates.....
Notary Public

RECEIVED
AUG
Department of Water Resources
Southern Region

The Idaho Statesman
P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
$150.50

Account Number	Identification
10063200	NOTICE OF HEARING FOR MINIMUM STREAM FLOW APPLICATIONS

Ordered By	P.O. Number	Rate	Run Dates
Mary Baldwin		TT	July 27 & Aug. 3, 1995

Mary Baldwin
IDAHO DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

Estimated Inches	Real Inches
# Affidavits	Legal Number
1	2508

LEGAL NOTICE

NOTICE OF HEARING FOR MINIMUM STREAM FLOW APPLICATIONS

Notice is hereby given that on September 13, 1978, the Idaho Water Resource Board filed two (2) applications for permit with the Department of Water Resources to preserve minimum streamflows from springs tributary to the Snake River as follows:

Application No. 36-07819
Source: Briggs Springs
Point of minimum flow: Lot 14 (NW1/4SE1/4) Section 4, T9S, R14E, B.M.Gooding County.
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

Application No. 36-07822
Source: Banbury Springs
Point of minimum flow: Lot 4 (SE1/4NW1/4 Section 33, T8S, R14E, B.M.Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

On April 25 and 26, 1979, the department conducted a public hearing in Buhl, Idaho concerning the applications but withheld final action on the applications pending the disposition of four (4) prior permits on the springs. Since the disposition of the prior permits is now known, the department can further consider the minimum stream flow applications.

The Department of Water Resources will hold a second **public hearing at 10:00 a.m. on August 9, 1995 at the Buhl City Hall, Council Chambers in Buhl** for the purpose of hearing additional evidence in regard to the applications. The hearing will be held pursuant to provisions of Section 42-1503, Idaho Code. The presiding officer at the hearing will be L. Glen Saxton.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining of witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, Idaho 83720 five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Informal written views and comments may also be submitted to the Department prior to the hearing.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department at least (10) days prior to the hearing.

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

Karl J. Dreher,Director

Pub. July 27 and August 3, 1995 2508

OK NB 8/7/95

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of JULY 27, 19 95

and ending with the issue of AUGUST 3, 19 95

Linda Porter

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 3rd day of AUGUST in the year of 1995, before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 11-22-99

AFFIDAVIT of PUBLICATION

RECEIVED

AUG 1995

Department of Water Resources
Southern Region

State of Idaho
County of Gooding } ss.

Patty Manes, 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 26 day of July, 19 95, and the date of the last publication was on the 2 day of August, 19 95.

Patty Manes

Subscribed and sworn to before me this 2nd day of August, 19 95.

(SEAL)

Rosemarie Vea
NOTARY PUBLIC

9742/6067

GOODING COUNTY LEADER

Gooding, Idaho

OK MB 8/7/95

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Affidavit fee 2.00

_____ Lines tabular at _____ 6¢/Pica

896.5 Lines straight at 44.83 5¢/Pica

_____ Subsequent lines at 35.86 4¢/Pica

TOTAL COST 82.69

COPY OF NOTICE

(Paste Here)

36-07819
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Idaho Dept. Water Resources
BILL TO

NOTICE OF [illegible] FOR MINIMUM STREAM FLOW APPLICATIONS

Notice is hereby given that on September 13, 1978, the Idaho Water Resource Board filed two (2) applications [illegible] Department of [illegible] to preserve minimum [illegible] flowing tributary to the Snake River as follows:

Application No. 36-07819
Source:Briggs Springs
Point of minimum flow: Lot 14 (NW1/4SE1/4) Section 4, T9S, R14E, B.M. Gooding County.
Rate of flow:56 cubic feet per second
Season of use:January 1 to December 31
Use:To maintain trout populations

Application No. 36-07822
Source:Banbury Springs
Point of minimum flow: Lot 4 (SE1/4NW1/4 Section 33, T8S, R14E, B.M. Gooding County
Rate of flow:97 cubic feet per second
Season of use:January 1 to December 31
Use:To preserve fish populations, aesthetics and recreational values

On April 25 and 26, 1979, the department conducted a public hearing in Buhl, Idaho concerning the applications but withheld final action on the applications pending the disposition of four (4) prior permits on the springs. Since the disposition of the prior permits is now known, the department can further consider the minimum stream flow applications.

The Department of Water Resources will hold a second public hearing at 10:00 a.m. on August 9, 1995 at the Buhl City Hall, Council Chambers in Buhl for the purpose of hearing additional evidence in regard to the applications. The hearing will be held pursuant to provisions of Section 42-1503, Idaho Code. The presiding officer at the hearing will be L. Glen Saxton.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining of witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, Idaho 83720 five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Informal written views and comments may also be submitted to the Department prior to the hearing.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department at least (10) days prior to the hearing.

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

Karl J. Dreher, Director

Published in Gooding County Leader on 7/26 & 8/2/95

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted five (5) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following springs tributary to the Snake River and are further described as follows:

Application No. 36-7819
Source: Briggs Springs
Point of minimum streamflow: NW¼SE¼, Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain trout populations

Application No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second.
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7820
Source: Blind Canyon Springs
Point of minimum streamflow: NE¼SW¼, Sec. 26, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetic values

Application No. 36-7821
Source: Lower White Springs
Point of minimum streamflow: NE¼SW¼, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

Application No. 37-7734
Source: Bancroft Springs
Point of minimum streamflow: SE¼NW¼, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Thursday, March 8, 1979, at the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho, 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.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Feb. 8 and 15, 1979.

Affidavit of Publication

No. 8009

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

FEB 16 1979

I, Lola L Laughlin, being first duly sworn upon oath, depose and say that I am Rate Clerk of the Southern Idaho Division of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays, commencing with the issue dated February 8, 1979, and ending with the issue dated February 15, 1979.

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

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

Lola L Laughlin

Subscribed and sworn to before me on this 15th day of February 15, 1979

Kay L. Maney

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Kim R. Crompton, 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 8 day of February 19 79, and the date of the last publication was on the 15 day of February, 19 79.

Kim R. Crompton

Subscribed and sworn to before me this 15 day of February, 19 79.
(SEAL)

Carmen Ulrich
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		12
Number of Insertions		2
Lines tabular at	315c	
Lines straight at 12	21c	2.52
Subsequent lines at 12	15c	1.80
TOTAL COST		4.32

COPY OF NOTICE
(Paste Here)

36-7822
TITLE OF NOTICE
Bonbury Springs

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO



PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
29095
FEB 21 1979
Water Resources
Southern District Office

No. 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 36-07822

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED
OCT 29 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

OCT 29 1997

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

Shelley Watte Keen

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

OCT 29 2007

CERTIFICATE OF MAILING

I hereby certify that on the **24th** day of **October, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 36-07822

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

Kari Lynn Townsend
Secretary

RECEIVED
OCT 29 1997

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 36-07822

Proof of beneficial use rec'd 9/26/97

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

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

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

Data Entry for License:

Name Standardized	✓
Total cfs & div. capacity listed as highest flow	✓
P/D(s) beginning and ending descriptions listed	✓
Use flows defined for entire year	✓
P/U left blank (description in remarks)	✓
Remarks/non-standard conditions	
Non-consumptive	027
Watermaster control	~~027~~ ✓ N/A
Jurisdiction retains to amend	✓
Description of reach(es)	
All other applicable permit conditions carried forward	092 ✓

Comments/adjustments To ~~make~~ preserve the high quality fishery, fish population, aesthetics, recreation and social value of the springs.
~~Reach desc.~~

Printed license hand-edited ____

LEGISLATURE OF THE STATE OF IDAHO

Fifty-third Legislature — Second Regular Session – 1996

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 149

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of a stream to establish a minimum streamflow; and

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 36-07822 on October 11, 1995, by issuing a Final Order authorizing the appropriation of a minimum streamflow in Banbury Springs of 97 cfs from January 1 through December 31. The minimum streamflow begins at Banbury Springs and ends at the confluence of the discharge of the springs from Morgan Lake with the Snake River in Government Lot 4 (SE1/4 NW1/4), Section 33, Township 8 South, Range 14 East, Boise Meridian, Gooding County.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Final Order issued by the Director of Water Resources on October 11, 1995, and the Resolution of the Idaho Water Resource Board approved on February 29, 1996.

MICROFILMED
OCT 29 1997

MEMORANDUM

TO: **SENATOR JOHN SANDY**

FROM: **NORM YOUNG**

SUBJECT: **MINIMUM STREAM FLOW - BANBURY SPRINGS**

DATE: **March 8, 1996**

The department's water right records includes one water right from Banbury Springs with a priority date later in time than the Water Resource Board's filing for a minimum stream flow See the attached list of rights listing Banbury and Blind Springs (an earlier name for Banbury Springs) as the source. This right is a license for 1.0 cfs for commercial uses (greenhouses) in the name of Banbury Pipeline Co. A copy of the license is attached. Note that the flow rate on the license is restricted to not exceed 13.25 cfs in combination with an earlier priority license held by the Banbury Pipeline Co. This condition recognizes that the diversion rate from the springs was not increased as the newer license was developed.

The effect of the new license is to allow an additional use of water for the commercial purposes without an increase in authorized diversion rate. Banbury Pipeline Co.'s right to divert under there earlier priority rights will not be effected by the establishment of the minimum instream flow, but the use of the water for the commercial purposes covered under the junior license could be subject to curtailment in times of shortage.

Attached is a bar chart that shows the discharge measured at the mouth of Banbury Springs during the month of March for the years 1968 to 1995. Spring flows are lowest during the spring time. Most years the minimum stream flow rate of 97 cfs is exceeded, but for two of the years of record, the measurement is less than 97 cfs.

I discussed these matters with Clarence Parr, IWRB Chairman. He is willing to ask the Board to request the Director to amend his order adopting the minimum flow to subordinate the minimum flow to Banbury Pipeline Co.'s junior priority license. If this seems appropriate to you, perhaps SCR131 could be amended to approve the director's order when amended to include the subordination.

RECEIVED
MAR 28 1996

SD-0606-2 Source: BANBURY STATE

S E L	Tributary: SNAKE RIVER Water Right No.	Name Last, First	Source	S T G	Priority Date	# Records: Total Diversion	13 Use Code
_	36-04052	HUTTANUS, HARRY H	BLIND SPRINGS	S	06/01/1922	5.900	01
_		HUTTANUS, SOPHIA					46
_							43
_							28
_	36-04160	BANBURY PIPE CO.	BANBURY SPRINGS	S	03/15/1954	0.286	01
_	36-04161	BANBURY PIPE CO.	BANBURY SPRINGS	S	03/15/1932	0.500	01
_	36-04162	BANBURY PIPE CO.	BANBURY SPRINGS	S	03/11/1924	1.000	01
_							43
_	36-04163	BANBURY PIPE CO.	BANBURY SPRINGS	S	09/28/1932	0.060	01
_	36-04164	BANBURY PIPE CO.	BANBURY SPRINGS	S	07/16/1969	0.040	01
_	36-04165	BANBURY PIPE CO.	BANBURY SPRINGS	S	02/28/1968	0.040	01
_							43
_	36-04166	BANBURY PIPE CO.	BANBURY SPRINGS	S	03/15/1971	0.060	01
_	36-04167	BANBURY PIPE CO.	BANBURY SPRINGS	S	04/23/1971	0.040	01
_	36-04168	BANBURY PIPE CO.	BANBURY SPRINGS	S	12/02/1924	1.310	01
_							04

(Enter=Continue) (GOLD 7=This Query) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

SD-0606-2 Source: BANBURY STATE

S E L	Tributary: SNAKE RIVER Water Right No.	Name Last, First	Source	S T G	Priority Date	# Records: Total Diversion	13 Use Code
_	36-04168		BANBURY SPRINGS	S	12/02/1924	1.310	43
_	36-07822	STATE OF IDAHO	BANBURY SPRINGS	A	09/13/1978	97.000	34
_	36-08141	BANBURY PIPE CO	BANBURY SPRINGS	L	01/20/1983	1.000	10
_	P36-07822	STATE OF IDAHO	BANBURY SPRINGS	P	09/13/1978	97.000	34

Sally Hoak - secretary
J. Hoak - 4810 Riverland
- 543-9204

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0606-2 Source: BLIND SPRING STATE

S Tributary: SNAKE RIVER S # Records: 2

SEL	Water Right No.	Name Last, First	Source	STG	Priority Date	Total Diversion	Use Code
_	36-02038	BANBURY, J. W.	BLIND SPRINGS	L	11/10/1922	13.250	01
							43
_	36-04052	HUTTANUS, HARRY H	BLIND SPRINGS	S	06/01/1922	5.900	01
		HUTTANUS, SOPHIA					46
							43
							28

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

SD-0606-2 Source: BANBURY STATE

Tributary: SNAKE RIVER # Records: 1

S E L	Water Right No.	Name Last, First	Source	S T G	Priority Date	Total Diversion	Use Code
_	36-02038	BROWN, PATRICK D	BANBURY SPRINGS	L	11/10/1922	6.290	01
		BANBURY PIPE COMP					04
_	36-04052	HUTTANUS, HARRY H	BANBURY SPRINGS	J	06/01/1922	4.430	01
		HUTTANUS, SOPHIA					46
							43
							28
_	36-10906	BANBURY PIPE COMP	BANBURY SPRINGS	J	03/15/1971	1.450	01
		BROWN, PATRICK D					17
							43
							55
_	A36-02038	BANBURY PIPE COMP	BANBURY SPRINGS	L	11/10/1922	13.250	01
		BROWN, PATRICK D					04
_	A36-04052	HUTTANUS, HARRY H	BLIND SPRINGS	S	06/01/1922	5.900	01
		HUTTANUS, SOPHIA					46
							43
							28

(Enter=Continue) (GOLD 7=This Query) (Menu _____)
Natural 2.1/7V OVR Help available LIB=PRODLIBS Last key was ENTR

SD-0606-2 Source: BANBURY STATE

Tributary: SNAKE RIVER # Records: 1

S E L	Water Right No.	Name Last, First	Source	S T G	Priority Date	Total Diversion	Use Code
_	A36-10906	BANBURY PIPE COMP	BANBURY SPRINGS	J	03/15/1971	1.450	01
		BROWN, PATRICK D					17
							43
							55
_	A47-04168A	BELL, DALE H	BANBURY SPRINGS	S	12/02/1924	0.089	43
		BELL, LILA					01

(Enter=Continue) (GOLD 7=This Query) (Menu _____)
Natural 2.1/7V OVR Help available LIB=PRODLIBS Last key was ENTR

BEFORE THE WATER RESOURCE BOARD

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 36-07822 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD FOR A MINIMUM STREAM FLOW WATER RIGHT ON BANBURY SPRINGS.	)	RESOLUTION

WHEREAS, the Idaho Water Resource Board on September 13, 1978, filed Application for Permit No. 36-07822 pursuant to Chapter 15, Title 42, Idaho Code, to appropriate water for a minimum stream flow on Banbury Springs tributary to the Snake River in Gooding County, Idaho; and

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 36-07822 on October 11, 1995, authorizing the appropriation of a minimum stream flow on Banbury Springs of 97 cfs from January 1 through December 31 with a priority date of September 13, 1978; and

WHEREAS, the stream reach protected by the water right begins at Banbury Springs and ends at the confluence of the discharge of the springs from Morgan Lake with the Snake River within Government Lot 4, Section 33, Township 8 South, Range 14 East, Boise Meridian, Gooding County; and

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

WHEREAS, the Director submitted the approved application for Banbury Springs to the Idaho Legislature on or before the fifth day of the 1996 Second Regular Session of the Fifty-third Idaho Legislature and the application is the subject of pending Senate Concurrent Resolution No. 131 providing for the approval of the application subject to the conditions and limitations contained in the October 11, 1995 Final Order of the Director; and

MICROFILMED

MAR 2 8 1996

WHEREAS, it has come to the attention of the Board that final approval of the Board's Banbury Springs minimum stream flow permit would enjoy priority over water right license no. 36-08141 from Banbury Springs in the amount of 1.0 cfs for commercial greenhouse purposes with a priority date of January 20, 1983; and

WHEREAS, it is the desire of the Board that the Banbury Springs minimum stream flow water right not be administered so as to interfere with the use of water for greenhouse purposes under water right license no. 36-08141.

NOW THEREFORE, BE IT RESOLVED that the Idaho Water Resource Board hereby waives and subordinates its right to the use of water under Banbury Springs minimum stream flow water right no. 36-07822 in favor of the use of water for greenhouse purposes under junior priority water right license no. 36-08141 in the amount of 1.0 cfs.

BE IT FURTHER RESOLVED that the Board does not otherwise waive or subordinate any provision of water right no. 36-07822 to any other junior priority water right.

PASSED AND APPROVED this 29th day of February, 1996.

CLARENCE PARR, Chairman

ATTEST:

J. DAVID ERICKSON, Secretary

MAR 28 1996

LEGISLATURE OF THE STATE OF IDAHO

Fifty-third Legislature — Second Regular Session – 1996

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 131

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of a stream to establish a minimum streamflow; and

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 36-07822 on October 11, 1995, by issuing a Final Order authorizing the appropriation of a minimum streamflow in Banbury Springs of 97 cfs from January 1 through December 31. The minimum streamflow begins at Banbury Springs and ends at the confluence of the discharge of the springs from Morgan Lake with the Snake River in Government Lot 4 (SE1/4 NW1/4), Section 33, Township 8 South, Range 14 East, Boise Meridian, Gooding County.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Final Order issued by the Director of Water Resources on October 11, 1995.

MEMORANDUM

TO: **SENATOR JOHN SANDY**

FROM: **NORM YOUNG** NCY

SUBJECT: **MINIMUM STREAM FLOW - BANBURY SPRINGS**

DATE: **February 8, 1996**

==========

The department's water right records includes one water right from Banbury Springs with a priority date later in time than the Water Resource Board's filing for a minimum stream flow See the attached list of rights listing Banbury and Blind Springs (an earlier name for Banbury Springs) as the source. This right is a license for 1.0 cfs for commercial uses (greenhouses) in the name of Banbury Pipeline Co. A copy of the license is attached. Note that the flow rate on the license is restricted to not exceed 13.25 cfs in combination with an earlier priority license held by the Banbury Pipeline Co. This condition recognizes that the diversion rate from the springs was not increased as the newer license was developed.

The effect of the new license is to allow an additional use of water for the commercial purposes without an increase in authorized diversion rate. Banbury Pipeline Co.'s right to divert under there earlier priority rights will not be effected by the establishment of the minimum instream flow, but the use of the water for the commercial purposes covered under the junior license could be subject to curtailment in times of shortage.

Attached is a bar chart that shows the discharge measured at the mouth of Banbury Springs during the month of March for the years 1968 to 1995. Spring flows are lowest during the spring time. Most years the minimum stream flow rate of 97 cfs is exceeded, but for two of the years of record, the measurement is less than 97 cfs.

I discussed these matters with Clarence Parr, IWRB Chairman. He is willing to ask the Board to request the Director to amend his order adopting the minimum flow to subordinate the minimum flow to Banbury Pipeline Co.'s junior priority license. If this seems appropriate to you, perhaps SCR131 could be amended to approve the director's order when amended to include the subordination.

MAR 2 8 1996

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

1/11/96

January 11, 1996

Senator Jerry Twiggs
Senate Pro Tem
Statehouse Mail
Boise ID 83720

RE: Application for Permit to Appropriate Water for a Minimum Streamflow No. 36-07822, Banbury Springs

Dear Senator Twiggs:

Enclosed for your consideration is a copy of the above referenced application for permit along with the decisions and orders which conclude the administrative processing of the application. As you are aware, Section 42-1503, Idaho Code, requires that the application 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 with its enclosures constitutes submittal of the application to the legislature for approval. Please advise me if you would like further information or presentation on the nature of the application.

Sincerely,

Karl J. Dreher
Director

Enclosures

cc: Legislative Council

RECEIVED
MAR 28 1996

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

January 11, 1996

Representative Michael K. Simpson
Speaker of the House
Statehouse Mail
Boise ID 83720

1/12/96

RE: Application for Permit to Appropriate Water for a Minimum Streamflow No. 36-07822, Banbury Springs

Dear Representative Simpson:

Enclosed for your consideration is a copy of the above referenced application for permit along with the decisions and orders which conclude the administrative processing of the application. As you are aware, Section 42-1503, Idaho Code requires that the application 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 with its enclosures constitutes submittal of the application to the legislature for approval. Please advise me if you would like further information or presentation on the nature of the application.

Sincerely,

Karl J. Dreher
Director

Enclosures

cc: Legislative Council

MAR 28 1996

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

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream to establish a minimum streamflow; and

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

WHEREAS the Director of the Department of Water Resources approved Application for Permit No. 36-07822 on October 11, 1995, by issuing a Final Order authorizing the appropriation of a minimum streamflow in Banbury Springs of 97 cfs from January 1 through December 31. The minimum streamflow begins at Banbury Springs and ends at the confluence of the discharge of the springs from Morgan Lake with the Snake River in Lot 4 (SE1/4NW1/4), Section 33, Township 8 South, Range 14 East, Boise Meridian, Gooding County.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Final Order issued by the Director of the Department of Water Resources on October 11, 1995.

MAR 8 8

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 12, 1995

RE: In the Matter of Amended Application for Permit No. 36-07822 in the name of the Idaho Water Resource Board to establish a minimum stream flow on Banbury Springs

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a pa[illegible] has filed

NOV 07 1995

a petition for reconsideration with the agency head, the final order becomes effective when:

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or

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NOV 07 1995

iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

NOV 07 1995

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE BOISE ID 83720	09/13/1978	MINIMUM INSTREAM FLOW	01-01	12-31	97.000 CFS	
				TOTAL DIVERSION:		97.000 CFS	

Water Source: BANBURY SPRINGS Tributary to: SNAKE RIVER Stage: PERMIT

Point(s) of Diversion: T08S R14E S33 Lot 04(SENW) GOODING County

Pou County:

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

Remarks: Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum stream flow, such measuring stations shall be permanently installed and maintained as specified by the department.
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.
This minimum stream flow shall be junior and subordinate to all consumptive use rights diverted from groundwater within the Snake River Aquifer tributary to Thousand Springs, 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 stream flow 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.
The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the next regular legislative session and the Director's approval shall not become finally effective until approved by the legislature pursuant to the procedure provided by Section 42-1503, Idaho Code.
See Final Order for conditions and limitations for use of water

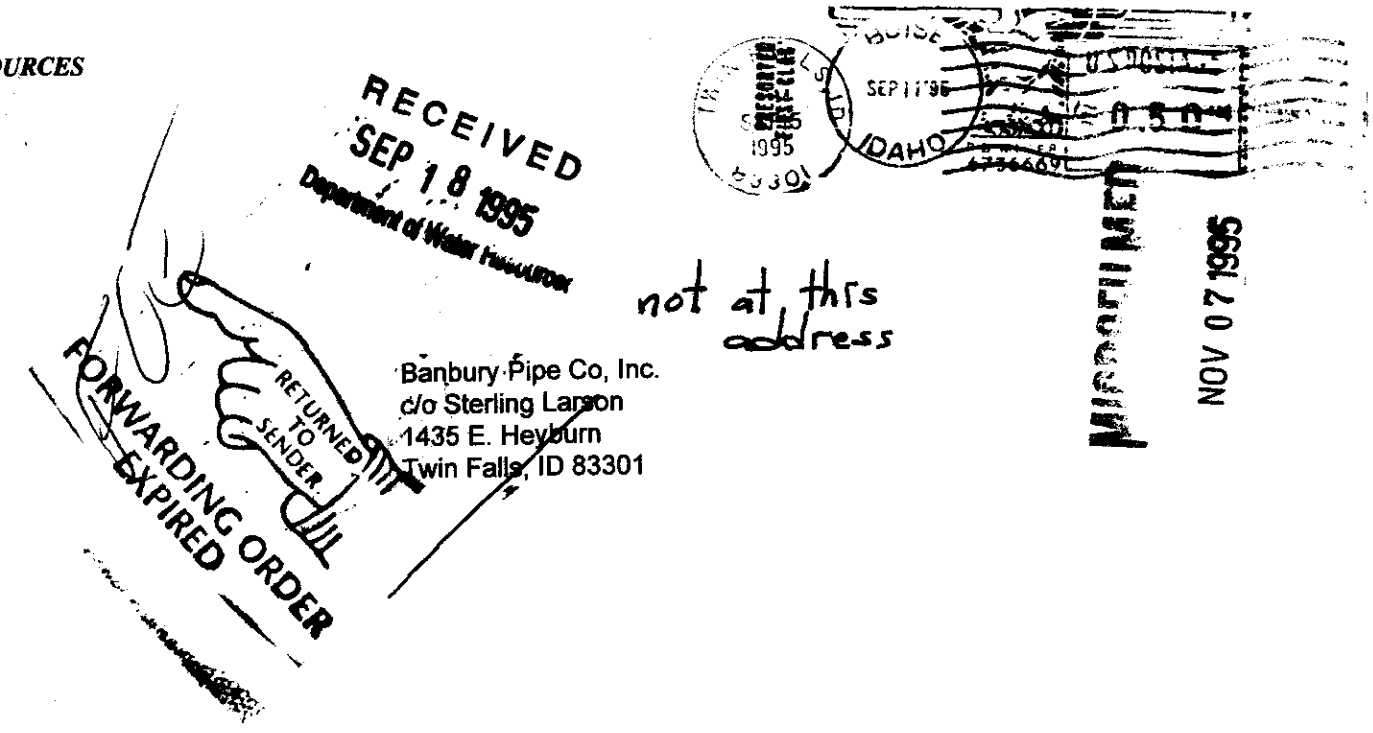
Remarks: under this approval.

Dates:
App. Received: 09/13/1978
Proof Due Date: 06/01/2000
Exam Made Date:
Licensed Date:
Priority Date: 09/13/1978
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:
Field Exam Fee:

Audit: 09/27/95 CZIMMERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1 North Orchard Street
Boise, Idaho 83706-2237



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
[illegible]1 North Orchard Street
[illegible]ise, Idaho 83706-2237

updated
9/13/95

JA

PRESORTED FIRST CLASS

BOISE SEP 11'95 IDAHO

PB METER 6736669

U S POSTAGE 0.50 4

RECEIVED
SEP 13 1995
Department of Water Resources

NOV 07 1995

Idaho Rivers United
c/o Marti Bridges
413 W [illegible]
Boise, [illegible]

IDAH413* 837022017 1994 09/12/95
FORWARDING TIME EXPIRED
: IDAHO CONSERVATION LEAGUE
PO BOX 844
BOISE ID 83701-0844

RETURN TO SENDER

State of Ida
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 11, 1995

RE: In the matter of Application for Permit No. 36-07822 in the name of the Idaho Water Resource Board to establish a minimum stream flow on Banbury Springs

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

NOV 07 1995

IDAHO FISH & GAME
600 South Walnut / Box 25
Boise, Idaho 83707-0025

Phil Batt / Governor
Jerry M. Conley / Director

August 15, 1995

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RE: Instream flow applications no.s 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

Dear Mr. Saxton:

I have attached copies of the statements read into the record by Dave Parrish at the hearing for the above-referenced instream flow applications held in Buhl on August 9, 1995. I have also sent copies of the same to the other parties to the proceeding. Please advise me if any you need any additional information from us. My phone number is 334-2597.

Sincerely,

Cindy Robertson

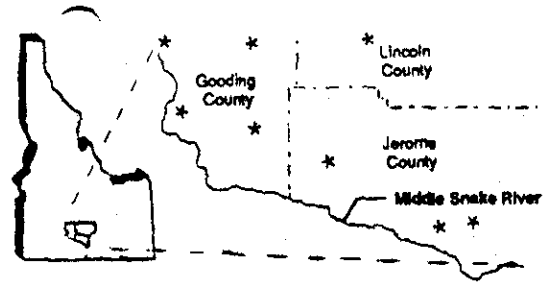
Cindy Robertson
Staff Fishery Biologist

Attachments

NOV 07 1995

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Roxi Reed, Executive Director
208-934-5983
1703 South 2200 East
Gooding, Idaho 83330



Chairman
Bob Muffley

Vice Chairman
Fred Brossy

Committee
Dan Suhr
Rick Thompson
Veronica Lierman
Mack Neibaur

August 12, 1995

RECEIVED
AUG 18 1995
Department of Water Resources

L. Glen Saxton
Idaho Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83702

Re: Minimum Stream Flows for Springs Tributary to the Middle Snake

Dear Mr. Saxton:

Members of this Commission were unable to attend your public hearings for minimum stream flows on certain springs in the Middle Snake Region. We feel, however, that it is important that you understand the positions of Jerome, Lincoln and Gooding Counties regarding this matter.

The three counties adopted a water quality plan in 1992 which recognized the importance of establishing minimum stream flows on all streams and springs which are tributary to the Middle Snake. Item 10 page 5 of the policy statements included in the plan states: "Seek minimum stream flow on streams and springs flowing into the Middle Snake River." The counties recognized the importance of minimum stream flows when originally assessing the poor quality of above ground water resources within the region.

We fully support, therefore, your efforts to establish minimum steam flows on springs and streams tributary to the Middle Snake.

MINIDOKA BASIN

NOV 07 1995

Sincerely,

Bob J. Muffley
Chairman

BJM\rr

Formed by a joint powers agreement between Gooding, Jerome, and Lincoln Counties, Idaho

BANBURY SPRINGS
MINIMUM STREAMFLOW APPLICATION DATA

WATER RIGHT NUMBER: 36-07822

SOURCE: BANBURY SPRINGS

APPLICANT: IDAHO WATER RESOURCE BOARD

REQUESTING AGENCY:
MAGIC VALLEY FLY FISHERMEN

DATE FILED: SEPTEMBER 13, 1978

POINT OF MINIMUM FLOW:
LOT 4 (SE1/4 NW1/4 SECTION 33, T8S, R14E, B.M.
GOODING COUNTY

RATE OF FLOW: 97 CFS

PERIOD OF USE: JANUARY 1 - DECEMBER 31

PURPOSE:
TO PRESERVE FISH POPULATIONS, AESTHETICS
AND RECREATIONAL VALUES

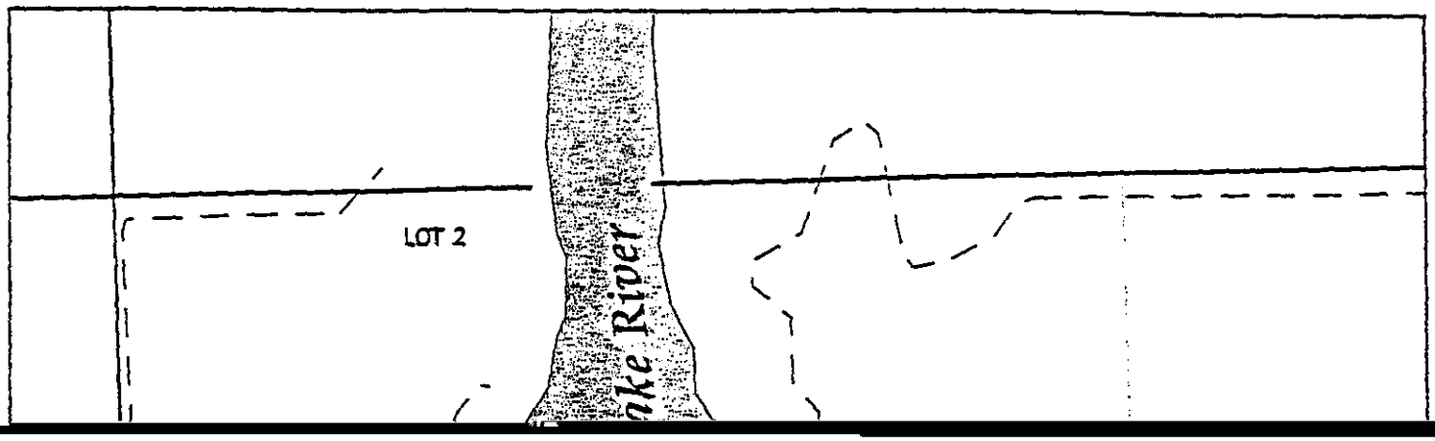
NOV 07 1995

admitted
2-9-95

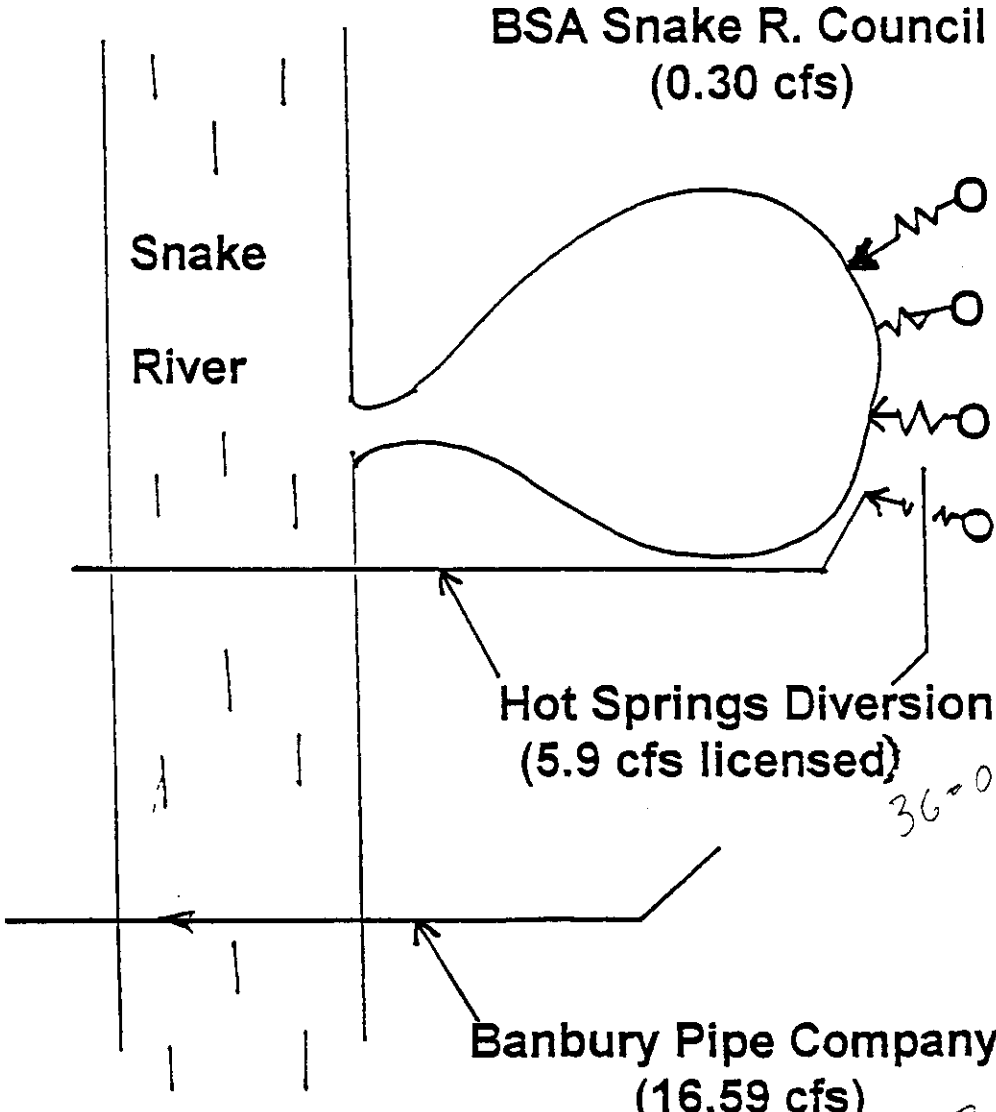
MICROFILMED
OCT 29 1997

Staff Exhib 6

BANBURY SPRINGS



BANBURY SPRINGS



NOV 07 1995

admitted
6-9-95
MM

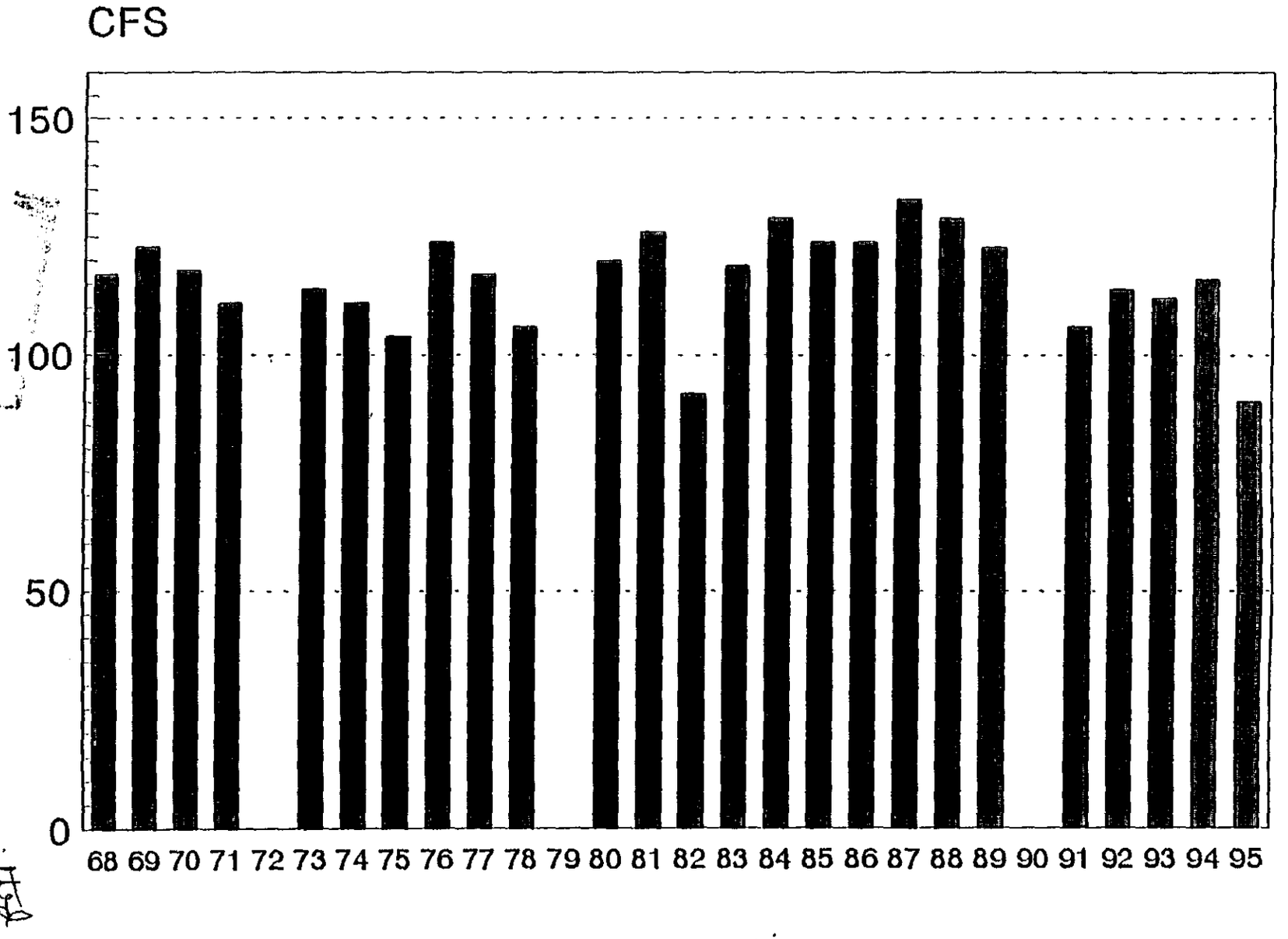
OCT 29 1997

Staff Exhib

BANBURY SPRINGS

ANNUAL MEASUREMENTS MADE IN MARCH

1968-95



NOV 2 7 1995
OCT 2 9 1997

Staff Exhibit
admitted 8-9-95

MAGIC VALLEY FLY FISHERS
P. O. BOX 1037
TWIN FALLS, IDAHO 83301

MAGIC VALLEY FLY FISHERS STATEMENT IN SUPPORT OF MINIMUM STREAM FLOWS AT BRIGGS SPRINGS AND BANBURY SPRINGS
AUGUST 9, 1995

My name is Robert S. Luntey. I live at 4595 River Road, Buhl, Idaho 83316. I am a member of Magic Valley Fly Fishers and at the request of the club President, Mick Hodges, I am representing that organization today in support of minimum stream flows for both Briggs Springs and Banbury Springs.

Magic Valley Fly Fishers strongly support efforts to improve habitat for fish and wildlife at both Briggs and Banbury Springs. The riparian areas, nourished with water from the Springs, provide food and cover for terrestrial wildlife and birds. Aquatic insects and plants flourish in the spring waters and furnish both cover and food for fish and waterfowl. Species of concern and endangered species of plants and animals found in both springs include:

Shoshone Sculpin
Lanx Snail
Bliss Rapids Snail
Anedonta (a bivalve)
Epipactis (an orchid)

Wild trout habitat, which is becoming more limited because of increasing population and development, exists in both Springs along with wild trout populations. Any reduction of water flows could have damaging and possibly disasterous consequences to these two unique spring environments. A guaranteed minimum flow could help to insure their continuance as unique esthetically delightful natural areas.

Magic Valley Fly Fishers strongly support the requested minimum stream flows for Briggs and Banbury Springs which will enable these wild trout and other plant and animal species to continue their enrichment of these two ecosystems.

NOV 07 1995

Robert S. Luntey

Robert S. Luntey

OCT 29 1997

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Snake River Basin Office, Upper Columbia Ecoregion
4696 Overland Road, Room 576
Boise, Idaho 83705

RECEIVED
AUG 10 1995
Department of Water Resources

August 8, 1995

Idaho Department of Water Resources
Attn: L. Glen Saxton, Chief
Water Allocation Bureau
1301 North Orchard Street, Statehouse Mail
Boise, Idaho 83720-9000

Subject: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

Dear Mr. Saxton:

The US Fish and Wildlife Service strongly supports the establishment and maintenance of a minimum streamflow for Banbury and Briggs Springs. Both of these springs occur within the recovery zone of the five listed Snake River snails and constitute habitat for 3 known or suspected species of the listed snails. Permanent protection of Banbury Springs, specifically, as well as other springs, has been assigned as a priority 1 task in the recovery plan for the listed snails.

Many of the springs along the Snake River may support additional colonies of listed snails. Protection of Banbury and Briggs Springs would be meaningless however, without adequate flows that protect and maintain existing habitat. Many agencies and industries have worked together since 1991 to develop a Nutrient Management Plan for the middle Snake River, which includes these springs. Flow augmentation is one action identified by the Idaho Division of Environmental Quality that will address a portion of the degraded water quality conditions in the river. Given the importance placed on incoming clean water, it makes sense to protect and maintain the remaining sources of clean water which enter the middle Snake system, especially at Banbury Springs.

Because water is fully appropriated and diverted above Milner Dam, the middle Snake River is dependent upon adequate flows provided by groundwater springs and other contributing watersheds within this reach of the Snake River. These springs serve to protect existing fish and wildlife habitat, dilute the existing waste load contributed by point and nonpoint sources of pollution and prevent further deterioration of water quality in the vicinity. Without permanent protection placed on minimum flows,

NOV 07 1995

OCT 29 1997

the potential exists for the benefits provided by these springs to be lost. The development of additional uses for these springs has the potential to contribute to continued deterioration of water quality in the middle Snake River. The Service is not opposed to water development for economic purposes, but at this time and with respect to these springs, a greater value will accrue to the area and its interests if these streamflows are protected for the existing instream uses.

Sincerely,

Susan B. Martin

~~Acting~~ Supervisor, Snake River Basin Office

cc: IDFG, Hdqts (Robertson)

NOV 07 1995

OCT 29 1997

STATEMENT OF THE IDAHO DEPARTMENT OF FISH AND GAME, IN REGARDS TO THE INSTREAM FLOW REQUEST FOR BANBURY SPRINGS, APPLICATION NO. 36-07822. HEARING HELD IN BUHL, IDAHO, AUGUST 9,1995.

Banbury Springs is a complex of springs with high quality aesthetic, recreational and social values. The flow of the springs is captured in a twelve acre lake known locally as Morgan Lake. The lake is used by the local public, including heavy use by the Boy Scouts, for fishing, hunting, boating and sight seeing. The land surrounding the springs and the lake is owned by Idaho Power Company and is leased to the Boy Scouts. The area has also been used for environmental teacher workshops and school conservation classes. The current inflow of the springs is necessary to maintain existing public values.

Populations of rainbow trout have been documented in both the inlet springs and the lake. Electrofishing by Idaho Department of Fish and Game (IDFG) personnel in 1979 indicated that natural reproduction was occurring in these inlets. The lake is currently stocked with rainbow trout by the Boy Scouts under a private pond permit. It is considered likely that rainbow trout in the Snake River enter the lake through the outlet culvert at high flows.

Banbury Springs is within the recovery zone for five listed species of Snake River molluscs. Additionally, two candidate species, the Shoshone Sculpin and the California Floater, are believed to exist in the Banbury Springs complex. There is also a significant population of river birch in the springs area, an important riparian species.

Since 1991, the public, industry and government agencies have been working cooperatively to develop and implement a Nutrient Management Plan to address water quality concerns in the middle Snake River. Maintaining clean incoming water from spring sources such as Banbury Springs is important to improving water quality in the reach of the river.

The requested instream flow of 97 cfs at the confluence with the Snake River was recommended in 1978. The recommendation was not based on instream flow methodologies, rather it was the flow believed necessary to protect the natural state of the area. At the time of the hearing in 1979, 97 cfs was the lowest flow recorded by the U.S. Geological Survey (USGS) during the period 1950-1967. These records were published in "Records of North-side Springs and Other Inflow to the Snake River Between Milner and King Hill, Idaho, 1948-1967." Additional miscellaneous data collected by the USGS at the outlet of the lake indicate flows have ranged from 106 to 116 cfs since 1991. These records would indicate that the requested instream flow can be met during a portion of the year. It is not known if these flows are available year-round.

Idaho Department of Fish and Game believes the instream flow request is in the public interest, would not interfere with any vested water rights, is capable of being maintained for at least a portion of the year, is necessary for the stated purposes of protecting aesthetics, recreation, and fish and wildlife species and their habitat, and is the minimum not the ideal flow.

NOV 07 1995

STATEMENT OF THE IDAHO DEPARTMENT OF FISH AND GAME IN REGARDS TO THE INSTREAM FLOW REQUEST FOR BRIGGS SPRINGS, APPLICATION NO. 36-07819. HEARING HELD IN BUHL, IDAHO, AUGUST 9, 1995.

The instream flow in Briggs Springs was requested in 1978 to maintain rainbow trout spawning and rearing for both resident and fluvial fish populations. In 1976, Idaho Department of Fish and Game (IDFG) personnel electrofished the lower end of the stream and collected 7 rainbow trout ranging in length from 2 to 12 inches. Young of the year rainbow were present indicating that natural reproduction was occurring. No new fishery data has been collected on the lower end of Briggs Creek since that time. It is believed that rainbow trout still utilize the spring creek for spawning and rearing. Rainbow trout have been collected by USGS near the head of the springs as recently as 1994. In addition, Shoshone sculpin and mottled sculpin were also collected.

The requested flow of 56 cfs was based on analysis of field data collected by IDFG personnel in 1975. A study site was selected approximately 100 yards upstream of the confluence with the Snake River. Water depths and velocities were measured on a minimum of 20 stations on each of four transects. The measurements were made in accordance with U. S. Geological Survey (USGS) procedures. The flow recommendation was presented in the following publication: Stream Resource Maintenance Flow Determinations on Idaho Streams, Job Performance Report, Project F-66-R-2, Job II. Tim Cochnauer, Idaho Department of Fish and Game, 1977. At the time the recommendation was made, it was believed that approximately 50-55 cfs was available after existing diversions were accounted for to meet the instream flow request based on USGS records. No additional flow studies have been conducted by IDFG since that time. USGS has subsequently established a gaging station on Briggs Spring near the head in April 1989 and have recorded daily flows at the station since that time. The average annual flow for the springs for the water years 1989-1994 is 105 cfs.

Additional diversions of water out of Briggs Springs have been developed since the 1975 study that reduce the flows below the requested rate of 56 cfs. Seventy cfs is diverted out of the spring channel near the head of the springs for fish propagation and power production and return flows do not return to Briggs Creek. The remainder of the spring flow (approximately 35 cfs on average) is diverted for irrigation, domestic, and fish propagation, with most of the flow from the fish propagation facility returning to the creek. The creek and the associated riparian areas provide good habitat for waterfowl, wildlife and fish. The U.S. Fish and Wildlife Service also reports the springs and the creek are also within the recovery zone for five endangered or threatened species of mollusks in the Snake river.

IDFG believes that even though flows in the creek are less than the minimum recommended in 1977, the available flows still provides good habitat for fish and wildlife and should be protected to the extent possible without injuring senior water rights.

NOV 07 1995

MEMORANDUM

TO: **File 36-07822**

FROM: **Sharla**

DATE: **August 10, 1995**

RE: **Hearing Exhibits**

The exhibits from the hearing conducted on August 9, 1995 can be found in file 36-07819.

Further, the exhibits from the previous hearing conducted in 1979 are located in an expando file with Right 36-07818.

MICROFILMED

NOV 17 1995

IDAHO RIVERS UNITED
PO BOX 633
BOISE, ID 83701
(208) 343-7481
FAX (208) 343-8376
EMAIL iru@igc.apc.org

EXECUTIVE DIRECTOR
Wendy L. Wilson
Boise

BOARD OF DIRECTORS
Gail Aler
Gooding

Bill Davidson
Pocatello

Marie Eschan, Ph.D.
Boise

Amy Haak
Boise

Dr. M. Keene Huettle
Pocatello

Bruce Johnstone
Boise

Jerry Myers
Salmon

Dr. Stephen Pauley
Ketchum

Dr. Charles Pezeshki
Troy

Gerald Sahlke
Idaho Falls

Tom Stuart

Whala Szczepanowski

Curtis Webb
Twin Falls

August 7, 1995

Mr. Glen Saxton
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, Id 83706

via fax 208-327-7866

Dear Mr. Saxton:

I wish to participate in the Minimum Streamflow hearings regarding Briggs and Banbury Springs as a full party. The hearings are scheduled on Wednesday August 9 in Buhl. I apologize for the late request. These hearings conflict with pre-conference hearings for another water right matter which Idaho Rivers United is also a party too, hence my late request.

Idaho Rivers United and its 1300 members have a substantial interest in the protection and preservation of these springs. I will be representing our members interests and concerns without my legal counsel, who will be at the IDWR pre-conference hearing regarding the Bureau of Reclamation's transfer request for 427,000 acre feet of water for instream flows and anadromous fisheries.

I appreciate your consideration of my late, but timely request, prior to the hearing.

Sincerely,

Marti L. Bridges

Marti L. Bridges
Water Policy Director

RECEIVED
NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

AUG 0 1 1995

Department of Water Resources

IN THE MATTER OF APPLICATION FOR MINIMUM INSTREAM FLOW ON BRIGGS CREEK BY IWRB	NOTICE OF APPEARANCE AND INTENTION TO PARTICIPATE IN HEARING

Now comes Myron and Elena Sheldon whose address is PO Box 92, Buhl, ID 83316 and do hereby give notice that they wish to participate in the scheduled hearing on August 9th at Buhl Idaho. We wish to participate as full parties in this matter and will be represented by the law firm Rosholt, Robertson & Tucker of Twin Falls Idaho.

July 31, 1995

Myron Sheldon

July 31, 1995

Elena Sheldon

RECEIVED

JUL 3 1 1995

Department of Water Resources
Southern Region

RECEIVED

NOV 07 1995

Post-it® Fax Note 7671		Date	# of pages ▶ 1
To Glen Sexton		From Allen Merritt	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

RECEIVED
JUL 19 1995
Department of Water...

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

RINDA JUST
Deputy Attorney General
Natural Resources Division
Statehouse, Room 210
PO Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-4120

Attorneys for the Idaho Department of Fish and Game

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 Banbury Springs Application No. 36-07822	)	**NOTICE OF APPEARANCE**

Rinda Just, Deputy Attorney General, hereby enters an appearance as attorney of record for the Idaho Department of Fish and Game for the hearing to be held in this matter on August 9, 1995 in Rupert

AFFIDAVIT of PUBLICATION

RECEIVED

COPY OF NOTICE



State of Idano
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

July 19, 1995

Idaho Dept. of Health & Welfare
South Central Regional Office
601 Poleline Rd, Suite 2
Twin Falls, ID 83301

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

To Whom It May Concern:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

NOV 07 1995

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

July 19, 1995

Idaho Dept. of Parks & Recreation
5657 Warm Springs Ave.
Boise, ID 83712-8752

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

To Whom It May Concern:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

NOV 07 1995

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

July 19, 1995

Idaho Dept. of Fish & Game
Southeast Region
1345 Barton Rd.
Pocatello, ID 83204-1819

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

To Whom It May Concern:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

RECEIVED
NOV 07 1995

State of Idano
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

July 19, 1995

U.S. Fish & Wildlife Service
4696 Overland Rd.
Boise, ID 83705

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

To Whom It May Concern:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

NOV

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

July 19, 1995

Idaho Power Company
Attn: Robert Stahman
1221 W Idaho
Boise, ID 83702

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

Dear Mr. Stahman:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

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

July 19, 1995

Idaho Rivers United
Attn: Marti Bridges
413 W Idaho
Boise, ID 83702

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

Dear Ms. Bridges:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

NOV 07 1995

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

July 19, 1995

Jerry Rigby
424 S 4th E
Rexburg, ID 83440

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

Dear Mr. Rigby:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

RECEIVED
NOV 07 1995

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

July 19, 1995

Clarence Parr
Rt. 2 Box 2128
Heyburn, ID 83336

RE: Applications for Minimum Stream Flow 36-07819 (Briggs Springs) and 36-07822 (Banbury Springs)

Dear Mr. Parr:

Enclosed is a copy of a legal notice which announces a planned public hearing in connection with the above referenced applications for minimum stream flow. Hopefully the notice is self explanatory and will provide sufficient information for you, but of not, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

RECEIVED
NOV 07 1995

MEMORANDUM

To: Files 36-07819 and 36-07822

From: L. Glen Saxton

RE: **BOARD MEETING ON JUNE 2, 1995**

Date: June 5, 1995

At the regularly scheduled Idaho Water Resource Board (Board) meeting held in Twin Falls on June 2, 1995, the Board decided that they would like to hold hearings in addition to the hearings held in 1979 concerning the applications since so much time had passed.

MICROFILMED
NOV 07 1995

MEMORANDUM

TO: Idaho Water Resource Board

FROM: Gary Spackman

THRU: Wayne Haas, Norm Young

DATE: November 5, 1987

RE: Summary of Minimum Flow Applications Held Because of Earlier Water Right Filings

Five applications for minimum streamflow have been held pending finalization of either development on previous permits or resolution of protested applications earlier in time than the minimum flow filings. The minimum flow filings with their respective numbers are: Briggs Springs No. 36-7819; Blind Canyon Springs, No. 36-7820; Lower White Springs, No. 36-7821; Banbury Springs, No. 36-7822, and; Malad River, No. 37-7920.

BRIGGS SPRINGS, WATER RIGHT NO. 36-7819

This application is being held pending the outcome of existing permits Nos. 36-7537 and 36-7538 issued to Wes Trownson for irrigation, fish propagation, domestic and recreation purposes. Attached is a letter sent to Dave Rydalch in the spring of 1986 explaining the status of the permits. The status has not changed since the letter, and no action can be taken on the minimum flow until 1989.

BLIND CANYON SPRINGS, WATER RIGHT NO. 36-7820

This application was held pending fish propagation development under Permit No. 36-7066 in the name of George Lemmon. Mr. Lemmon filed proof in the spring of 1987, and Department personnel has examined the place of use. The examination is being prepared in the southern regional office in Twin Falls.

LOWER WHITE SPRINGS, WATER RIGHT NO. 36-7821

The attached copy of a letter from Glen Saxton to Dave Rydalch states that Permit No. 36-7176, issued to Earl Hardy, is prior in time to the minimum flow application on Lower White Springs, and that proof is not due for Permit No. 36-7176 until March, 1989. The application for minimum streamflow is being

Microfilmed
NOV 07 1995

held until the extent of beneficial use is determined under Permit No. 36-7176.

BANBURY SPRINGS, WATER RIGHT NO. 36-7822

The application for minimum streamflow on Banbury Springs is being held because of a prior application No. 36-7814 in the name of Idaho Power for fish progation. Several conferences have been conducted, and Idaho Power has recently requested to delay action on the application. The protestants will probably be advised of Idaho Powers request.

MALAD RIVER, WATER RIGHT NO. 37-7920

Prior in time Application No. 37-7774 in the name of Idaho Power prevented the processing of this minimum flow application. In August, 1987, however, Idaho Power withdrew its application, and Application No. 37-7920 can now be processed by the Department.

RECEIVED
NOV 07 1995

DOVE SPRINGS AND THE NARROWS WATER DISTRICT

Telephone (208) 324-5110
Route 4, Box 4634
Jerome, ID 83338

November 18, 1983

TO: Idaho Power Lawsuit Defendants 01-7021, 02-7128, 02-7138
Water Right Number(s): 36-7822, 36-7818-22, 37-7727+28+34+39, 37-7849 37-7892, 37-7920, 61-7373 22-7369

We are writing this letter to request that you join with us in a matter of great importance to our area as well as the State of Idaho. You have by now heard of the "Swan Falls decision" and you are probably aware that the Idaho Department of Water Resources has declared a moratorium on further processing of water rights, either surface or underground, in the entire Snake River Drainage, including your area.

You may not be aware that last March, Idaho Power Company filed a lawsuit against 7500 water right holders. Idaho Power is seeking damages and an injunction against further use of all our water rights with priority dates later than January 17, 1900. Only one water user defendant has been served so far. It appears that Idaho Power desires to keep publicity at a minimum until it can implement legislation which will prevent any future water development in the Snake River Drainage Basin, upstream from Swan Falls.

We feel the Governor responded correctly to the action challenging the constitutionality of Senate Bill 1180 by refusing to sign the contract until the litigation is concluded. This makes it imperative that we move as soon as possible to protect ourselves and our water rights in the litigation brought against all of us by Idaho Power.

You and we have both been named as defendants in the lawsuit. We have asked Kent W. Foster of Holden, Kidwell, Hahn & Crapo and R. W. Rigby of Rigby, Thatcher, Anderson & Barton to defend our interests in the litigation. We are enclosing a copy of an opinion letter we obtained from Mr. Foster which explains the issues and the background.

We are convinced that a unified effort to defend this litigation is essential. We have a great deal more impact together than individually, and if we all participate, we stand a better chance of being able to bear the economic burden of defending a lawsuit brought by an organization with the resources of the Idaho Power Company.

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We are suggesting that we informally organize a group of the named defendants and other interested individuals to help fund our lawsuit defense. There are other groups and individuals throughout the Snake River Valley doing the same thing. I have arranged for meetings to be held at the following time and places:

November 28, Monday, Idaho Falls, West Bank, 7:30 PM
November 29, Tuesday, Twin Falls, Holiday Inn, 7:30 PM
November 30, Wednesday, Boise, Airport Holiday Inn, 7:30 PM

Kent Foster has agreed to be there to discuss the legal issues and help answer questions.

If you have received more than one letter, feel that Idaho Power has listed your water right--right number shown at the top of this letter--incorrectly, or that you should not be a defendant in this case, please call (208) 324-5110 so that we may correct our records.

In summary, what has happened leaves it up to us to protect our existing rights and future opportunities. We will look forward to seeing you at the meeting.

Yours very truly,

DOVE SPRINGS

Elaine Martin

Elaine Martin

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Thomas K. Schafer, Manager
Canyonview Irrigation Co.

Terry G. Martin, President
The Narrows Water District

G. Keith Munsee

William J. Lanting

Enclosure

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAN
WILLIAM D. FALER, P.A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL R. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1835
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

November 5, 1983

Mrs. Elaine Martin
Dove Springs Irrigation
Route 4, Box 4634
Jerome, ID 83338

RE: Swan Falls Issue

Dear Elaine:

We are writing this letter at your request for a brief statement of the problem and our views in the Swan Falls matter. Although the letter may seem lengthy, it really covers only the bare bones of the matter. The issues, background and history are so complex that it would take a very lengthy letter indeed to fully address all facets of the problem, how it developed, and what we think can and should be done with regard to it. We trust the following will be both understandable and sufficiently brief to be helpful.

In 1977 a group of rate payers filed a complaint with Idaho Public Utilities Commission alleging that Idaho Power Company had failed to protect its water rights at its Swan Falls Power Plant and that Idaho Power's rate payers had been over charged. Idaho Power Company responded by filing suit in the Ada County District Court seeking a declaratory judgment, among other things, that its Swan Falls rights were not subject to up stream depletion. On motions for summary judgment, the District Court found that because of a clause in Idaho Power Company's Hell's Canyon Federal Power License, all of Idaho Power Company's water rights were subordinated to future up stream depletion by use of water from Snake River and its tributaries for out of stream consumptive uses. On November 19, 1982, the Supreme Court of Idaho reversed the decision of the District Court and decided that because there was no "subordination clause" in either the State of Idaho water rights documents relating to the Swan Falls plant or the Federal Power License for that plant, the Swan Falls rights were not subordinated.

The case was remanded by the Supreme Court to the District Court for a decision on certain other issues concerning the Swan Falls rights, such as abandonment, forfeiture, adverse possession, estoppel, waiver and laches. However, no further action has yet been taken on the remand.

Upon the filing of the Supreme Court decision, the Idaho Department of Water Resources stopped processing all applications for permits for ground or surface water up stream from Swan Falls in the entire Snake River Water Shed. The Department's concern is that if the Swan Falls rights are not subordinated, all rights to the use of surface or ground waters which are tributary to the Snake River flows at Swan Falls, subsequent in priority to the Swan Falls priorities, (the earliest of which may be January 17, 1900) are in jeopardy and may have to be cut to supply required flows at Swan Falls. Since flows at Swan Falls typically fall below 8400 cubic feet per second, the amount of Idaho Power rights during much of each summer, it appears there is no supply of water available for any future appropriations, except for non-consumptive uses.

Legislation was introduced in the 1983 legislature which would have subordinated all water rights for power production to out of stream consumptive uses such as irrigation. Idaho Power Company was able (by a margin of one vote in the Senate) to defeat this legislation. On the other hand, Idaho Power Company was successful in getting its own bill, S.B. 1180, passed.

On March 30, 1983, Idaho Power Company filed suit against some 7500 holders of water rights above its Swan Falls, Bliss, Lower Salmon Falls, and Upper Salmon Falls power plants. Although the water user defendants have not been served in this suit, the suit seeks damages from them and an injunction against further use of their water rights. S.B. 1180 was then introduced which, among other things, permits the governor to enter into a contract with Idaho Power Company under the terms of which Idaho Power Company is to agree to dismiss its law suit against a number of the named defendants in exchange for a

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provision which deprives the Idaho Public Utilities Commission of jurisdiction to grant Idaho Power Company rate payers any relief in their pending action or any similar action.

The proposed contract would amount to an agreement by Idaho Power that certain water rights holders who have a decree or license a pending permit or application for permit, or have either beneficially used water or have a substantial investment in a well and irrigation equipment prior to November 19, 1982, become the holders of water rights to which Idaho Power's Swan Falls rights are subordinated. The number of those who might fit into this category is said to be about 5,000. We have discovered that no decreed rights or statutory claims, or even very many licenses, with priorities subsequent to 1900 were listed in the "7500" law suit. This statutory-contractual scheme does not appear to help the 2,000 to 2500 named defendants in the law suit who will not be dismissed, any of the numerous water rights holders who were not named, or those who have used water for many years, but have no permit or recorded evidence of their rights.

The major problem with this statutory-contractual approach is that it leaves the state in an untenable position; there can be no further development which is dependent upon a so called consumptive use of either surface or underground water in any of the Snake River water shed or plain up stream from Swan Falls. That area comprises most of the State of Idaho which is or can be developed for irrigated agriculture. From the date of the execution of the contract, any further water use in this area of the State for irrigation or other agricultural uses, municipal or industrial uses would depend upon whether Idaho Power Company was willing to part with a portion of its water rights, and if so, whether the proposed water use would be economically feasible in light of the price.

Whether there should or should not be any further development of surface or ground water in the major portion of this state where it is still possible, is a policy issue of such significance that it ought not to be decided in this manner. Certain of our clients have already instructed us to take the necessary action on their behalf to challenge the constitutionality of S.B. 1180. Their position is basically that past water development has resulted in increased power production at Swan Falls because of increased low flows so that there is no detriment to Idaho Power Company; that continued future development in a manner similar to what has occurred in the past is part of the Idaho State Water Plan; that such development is unlikely to significantly deplete Snake River flows at Swan Falls in the forseeable future; and that in any event, the value of the benefits to the State of Idaho which will result from such future development far exceeds the monetary value of any detriments which Idaho Power Company might experience as a result.

Regardless of what the legislature may do with respect to S.B. 1180 or any proposed subordination bill in the coming session, we think it is essential that the pending litigation, that is, the remand of the Supreme Court decision and the Idaho Power law suit against some 7500 water users, should proceed to its conclusion. There appears to be a substantial argument that all of Idaho Power's water rights are subordinated to future appropriations from the Snake River and its tributaries for irrigation and other so called consumptive out of stream uses, on grounds other than those upon which the November 19, 1982 decision is based.. This argument in favor of subordination certainly seems consistent with a long course of conduct on the part of water rights appropriators, the State of Idaho, and even Idaho Power Company itself, which not only acquiesced in the continued development since 1900, but has encouraged much of the ground water pumping development.

Those who legally can and should pursue this litigation to its proper conclusion include not only the named defendants in the two pending law suits, but all water rights holders similarly situated who are holders of a decree, license, permit, application for permit or statutory claim for, or who, although there is no document of record, nevertheless claim a right to the use of surface or underground water within the Snake River water shed or plain up stream from Swan Falls, and whose priority date may be later than January 17, 1900.

We would be pleased to discuss this matter in greater depth with you at your convenience.

Yours very truly,

Kent W. Foster

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APR 6 1982
Department of Water Resources
APR 0 2 1982

Director, Office Environmental Project
Review, Department of the Interior, Washington, D.C.

Area Manager, FWS, Idaho/Nevada Area, Boise, ID

Review of Draft Environmental Impact Statement for the A. J. Wiley Project, FERC #2845, Twin Falls and Gooding Counties, Idaho (ER 82/413)

In compliance with the directive from our Office of Environmental Coordination, dated March 4, 1982, we have completed the subject review and are sending our comments directly to you.

The Fish and Wildlife Service (FWS) and the Idaho Department of Fish and Game (IDFG), while not opposed to this project, have had reservations concerning the mitigation plan for fish, wildlife, and vegetative resources as presented in Idaho Power Company's (IPCo) license application. As a result and at the request of the FERC, the FWS and IDFG jointly submitted a general mitigation plan which provides more equitable compensation for the natural resource losses. We

(2) We reiterate the need for in-kind replacement of riparian and wetland vegetation. If the replacement amount cannot be met on-site, IPCo should improve other IPCo project areas off-site. Improving habitat along either Upper or Lower Salmon Falls Reservoir has been recommended by the FWS and IDFG.

(3) Loss of Shoshone sculpin, a candidate species for listing as threatened or endangered, and its habitat should be compensated. We recommend the FERC investigate the preservation of Banbury Springs by the applicant as compensation for the Shoshone sculpin and as partial mitigation for the loss of existing natural values at the proposed project site. The FWS requests that actions for preservation by IPCo be finalized prior to issuance of the license.

(4) The FWS assumes that daily water level fluctuations will range from two to five feet. Establishment of like-quality riparian and wetland vegetation on-site will not be achieved due to these fluctuations unless mitigation measures include the use of irrigation systems and subimpoundments.

Specific Comments

P. 1-21, Section 1.3.2 Hydroelectric Alternatives

The information contained in this section is incomplete. Several major and minor projects are not listed in the table on page 1-22. Since October 1, 1981 the Boise Ecological Services Office has reviewed 27 preliminary permit applications, 2 license applications, 12 license exemption applications, and 22 pre-license exemption consultations for the State of Idaho. The rate of hydroelectric project applications continues to increase, especially for small hydroelectric applications.

In the general vicinity of the A. J. Wiley Project (Gooding, Jerome, and Twin Falls Counties) approximately 15 hydroelectric exemption applications and 10 preliminary permits have been filed with the FERC. Most of these are on tributaries and springs of the Snake River in the Thousand Springs area. Small hydroelectric projects in this area should be cumulatively assessed as an alternative to any major project on the Snake River between Milner Dam and Glenns Ferry.

p. 4-9, last paragraph

This paragraph needs correction. The Wiley Reach does not currently have 3 foot daily water level fluctuations. The term "run-of-the-river" reservoir allows the applicant to operate the pool with a daily water level fluctuation up to but not exceeding five feet. A degree of daily peaking therefore is possible. In IPCo's preliminary permit for this project (1978) it states, "An approximate 5-foot drawdown will be utilized for daily and weekly regulation of power output and peaking operations." In the license application (1980) it states, "IPCo intends to operate Lower Salmon, Wiley, and Bliss Power Plants for some degree of daily peaking." This information is inconsistent with that which is reported in the DEIS. If there is daily peaking, then the water level will probably fluctuate between two and five feet.

The FWS has asked IPCo about the peaking operation schedule with no firm response. Since the mode of operation is so important in establishing riparian and wetland vegetation within the project area, the FWS assumes that a 2-5 foot daily water level fluctuation will occur.

p. 4-16, Section 4.1.5.3 Unavoidable Adverse Impacts
Please add: (4) loss of 8 miles of white sturgeon rearing habitat.

p. 4-20, 2nd paragraph.
Please refer to comments for p. 4-9, last paragraph and correct this statement.

p. 4-25, 1st paragraph.
Dr. J.S. Griffith, Idaho State University, surveyed for Shoshone sculpin in the Wiley Reach during July and August 1981. He found eight populations ranging from a few dozen to several hundred. His analysis of project impact was that these eight separate populations would not be expected to survive (Griffith 1981).

p. 4-25 last paragraph, last sentence.
Please delete this sentence. The quality of waterfowl hunting is typically lower in reservoir situations than on free-flowing portions of the Snake River.

p. 4-57
Insert 86 acres of woody riparian habitat under Vegetation - Proposed Action, A.J. Wiley Project. What is the acreage of wetlands lost for Alternative 1, Bliss Bridge Site?

p. 5-3, Section 5.1.2.
The FWS prefers this construction alternative for the reasons explained in (1).

p. 5-4, Section 5.1.3.
This alternative should be more fully explored if it would eliminate or reduce future major projects inundating free flowing water, especially riffle areas, on the Snake and other rivers in the state. This should be done in coordination with Idaho Public Utilities Commission.

P. 5-5, Section 5.1.4, last impact assessment.
The FERC should inventory small hydroelectric development in Gooding, Twin Falls, and Jerome Counties. The small hydroelectric development should be cumulatively assessed as an alternative to major new project developments on the Snake River between Milner Dam and Glenns Ferry.

p. 5-6 Section 5.2.1.1 Vegetation
FERC recommendation:
(1) FWS agrees with this recommendation.
(2) FWS agrees with this recommendation.

(3) FWS considers an in-kind replacement rate of 1.25 acres replaced for every acre lost as adequate mitigation for riparian and wetland habitat.

(4) We agree that strip riparian vegetation replacement would be more beneficial to wildlife than a block design, provided the strips are of sufficient breadth. Where possible on-site, linear re-establishment of woody riparian habitat should be pursued. In view of water level fluctuations, planted riparian areas should be irrigated either using a pump system or gravity flow from incoming springs or streams. The

large island with several nesting pairs of Canada geese and other waterfowl will not be affected by the project. We agree with IPCo (refer to their letter to FERC concerning IDFG/FWS mitigation plan) that the primary emphasis of their waterfowl mitigation plan should be to establish "quality waterfowl habitat." However, IDFG frequently will stock areas with wildlife species in order to advance the establishment rate. The FWS feels that the applicant has the responsibility to attempt this also on their project lands as partial mitigation for the loss of resident waterfowl and the hunting recreation associated with them.

(2) The FWS agrees with this suggestion.

(3) The FWS agrees with this suggestion.

(4) The FWS agrees with this suggestion. The FERC and the applicant should be aware that such a survey will have to encompass more than one season. A survey of breeding birds and other wildlife should be conducted as well as a winter survey of upland game birds and waterfowl.

(5) The FWS agrees with this suggestion. Reports on the success of various mitigation measures should be written on an annual basis.

(6) The FWS agrees with this suggestion.

(7) The FWS agrees with this suggestion.

(8) The FWS agrees with this suggestion, however, if the applicant agrees to a 1.25:1 replacement loss ratio of riparian habitat and manages (irrigation, fencing) the mitigation areas to improve habitat quality, then loss of upland game species and their habitat will be satisfactorily mitigated.

(9) The FWS agrees with this suggestion. We would like to see such a time schedule agreed upon among resource agencies and the applicant prior to project construction. The time table should be a part of the comprehensive mitigation plan.

(10) The FWS agrees with this suggestion.

p. 5-10, Section 5.2.1.3 Fisheries.

The FWS agrees with the recommendations made by the FERC staff. We also agree with IPCo that a working definition of a "self-sustaining fishery" is needed. This problem can be handled through negotiations with IPCo.

Shoshone sculpin habitat is under increasing adverse pressure due to hydroelectric and aquaculture development in its restricted range. FWS Endangered Species staff have met with IPCo to discuss FWS concerns and possible mitigation measures that could be implemented to safeguard key Shoshone sculpin populations.

There are three important Shoshone sculpin habitat sites on which minimum stream flow applications have been filed by the State of Idaho. They are Box Canyon, Banbury Springs, and Briggs Springs. There are also water right filings for hydropower and aquaculture development in these areas. IPCo owns the lands around the Banbury Springs site and currently rents it to the Boy Scouts of America. A controversial water right application involving the Boy Scouts was submitted to the Idaho Department of Water Resources (IDWR) for

the development of aquaculture facilities using the waters of Banbury Springs (Table 1). Immediately after that filing the IDFG petitioned the Idaho Water Resources Board for a minimum stream flow of 97 cfs for fish, wildlife, and aesthetics. Then, in 1981 IPCo filed two water rights for the water for hydroelectric power and aquaculture development.

Table 1. Water right applications for Banbury Springs. The 10 year average annual flow for the springs is 113 cfs. Two parties already have licensed water rights totaling 19 cfs.

Applicant	Priority Date	Flows Requested (cfs)	Water Use
Ellis-Parrish	8/78	200	Fish Hatchery
State of Idaho	9/13/78	97	Minimum Stream Flows*
Idaho Power Co.	5/5/81	130	Hydroelectric Power
Idaho Power Co.	6/29/81	50	Fish Hatchery
Banbury Pipe Co.	11/12/81	41	Hydroelectric Power

* IDFG applied for minimum stream flows "to preserve the high quality fishery, fish populations, aesthetics, recreational, and social values of Banbury Springs."

The first water right, which was filled by Ken Ellis and a member of the Boy Scouts council, had to be amended; a hearing has yet to be held to decide if they will lose their priority date. IPCo has entered into this water right supplying Mr. Ellis with legal and engineering counsel. If the amended application loses its priority date, then the minimum stream flow application of the State has priority over all others.

The FWS requests that the FERC investigate preservation of Banbury Springs. If IPCo will (1) withdraw its support of the Ellis water right application, (2) support in writing the filing made by the State of Idaho for fish, wildlife, and aesthetic use of the waters in Banbury Springs, (3) withdraw its water rights applications, and (4) guarantee in writing that the lands IPCo owns around the springs will continue to be leased to the Boy Scouts with minimal development occurring (only for the the domestic need of the Scouts), then the FWS would consider these actions as mitigation for the loss of Shoshone sculpin habitat and as partial mitigation for the loss of existing natural values at the proposed project. We request that these actions occur prior to issuance of the license.

p. 5-10, Section 5.2.1.4 Water Quality.

The FWS agrees with FERC staff recommendations. However, the IPCo probably does not have the means to protect the Malad Canyon or Box Canyon. We do feel that IPCo can and should protect Banbury Springs from future hydroelectric, aquaculture, or any other development that would degrade fish and wildlife habitat and the aesthetic beauty of the area.

p. 5-11, 3nd paragraph.
Please refer to our comments concerning Banbury Springs.

p. 5-14, Section 5.3 Unmitigatable environmental impacts. Please add the statement that 8 miles of white sturgeon rearing habitat will be lost.

Concluding Remarks

The document is well written and adequately describes existing natural resources and the projected impacts to these resources for the construction alternatives. We agree with most of the recommendations made by the FERC staff. It is clear that they recognized the value of riparian and wetland communities along the Snake River. In-kind compensation is needed for the loss of these natural resources.

The FWS is willing to meet with the applicant and other resource agencies at any time to develop a comprehensive mitigation plan for the wildlife, fishery, and vegetative resources. We request that the plan be developed and agreed to among all parties before project construction begins. IPCo has the capability to preserve Banbury Springs as mitigation for the loss of Shoshone sculpin and its habitat and partial mitigation for the loss of the natural values of the Wiley Reach. We request that the FERC investigate this option. If the FERC agrees with this recommendation then the FWS requests that the necessary actions be taken by IPCo before issuance of the project license.

L. A. Mehrhoff

cc: IDFG, Boise
IDFG, Jerome
IDPR, Boise Attn: John Barns
BLM, Shoshone District
BLM, Boise Office
ES, Boise
RO, Portland, OR (LWO)

SBlair:taf

References

Griffith, J. S. 1981. Letter to Endangered Species Office concerning status of Shoshone sculpin in the Wiley Reach.

Idaho Power Company. 1978. Preliminary permit for the A. J. Wiley Project, FERC No. 2845.

Idaho Power Company. 1980. License application for the A. J. Wiley Project, FERC No. 2845.

36-7828

Oct. 7, 1981

RECEIVED
OCT 9 1981
Department of Water Resources

Mr. Kenneth A Dunn

Boise, Idaho 83720

I was very disturbed when I read these two enclosed articles about Ken Ellis wanting to use this Banbury Area to put in some more fish ponds.

This man has got to be stopped, or we will no longer have a Beautiful Thousand Springs in Hagerman.

He was allowed to put in fish ponds directly above the Thousand Springs in Hagerman, and promised to conform with the natural beauty of the canyon. He has not complied with this promise, and put unsightly buildings and ponds along the canyon, and there is a terrible smell that comes from these ponds when the wind is just right.

Please do not take our word for this, drive down and see for yourself what he is doing to this beautiful canyon. It belongs to the people of Idaho. He should not be allowed to ruin it for us.

I cannot sign my name to this letter, as Mr. Ellis would take advantage of this and make trouble for me.

Some One in Hagerman

WHO KNOWS

You might want to show this to Mr. Cecil Andras. He will know what we are talking about.

...itor, Times-News:

The announcement (Times-News, Sept) that Buhl fish hatchery developer, Ken Ellis, may have overcharged the government as much as $2.4 million for his Crystal Springs operation brings into question the propriety of the Snake River Boy Scout Council's partnership with Mr. Ellis to build fish hatcheries at Banbury Springs.

Banbury Springs is the last of the major Thousand Springs still in its natural state. Mr. Ellis and two representatives of the Scout Council are co-applicants for the right to build a huge hatchery complex at the springs. Idaho Power Co. is a third participant with plans for a hydroelectric plant and a hatchery of its own.

The Boy Scouts may share in the profits of the proposed development, but the cost to the public and to future generations is high: According to plans on file with the Department of Water Resources, the beauty of the springs will be obscured by concrete ponds, roads, and powerhouses. What is now a clear lake at the base of the springs may become a catch basin for effluent from waste settling ponds; and habitat for deer, small mammals, and waterfowl will be eliminated. Conservative estimates suggest that the development could dump 4,000 tons of untreated fish wastes into the Snake River every year.

The questionable ethics of Mr. Ellis' Crystal Springs sale, together with his well-known attempts to spoil scenic Silver Creek with fish hatcheries, should remind the Boy Scouts that their Banbury Springs venture is not in keeping with Scout ideals, regardless of the short-term profit it promises.

As an Eagle Scout, the father of a Scout, and a supporter of the Scout program, I urge the Scout Council to withdraw from its partnership with Mr. Ellis and to take a strong stand opposing his and Idaho Power's plans to ruin Banbury Springs.

RANDALL MORGAN
Buhl

PHOTOCOPYING

Another viewpoint on Banbury Spring

Editor, Times-News:

Your editorial, "Agreement Serves All" (Aug. 3) is inaccurate in its appraisal of Ken Ellis' proposal to develop Banbury Spring. We who know Banbury Spring and the issue would appreciate your setting the record straight.

1 Ken Ellis first proposed to put fish hatcheries on Banbury Spring in 1978. He was and still is vigorously opposed by local farmers and ranchers whose irrigation system is threatened by the development. After failing in his attempt to build hatcheries on scenic Silver Creek, Mr. Ellis has come back to Banbury Springs — this time with Idaho Power in tow.

2 Idaho Power owns the land around Banbury Spring, but the company has never bothered to acquire a water right there. Local residents have applied to generate power with the spring water that has flowed through their irrigation pipeline since 1924. If their plant is built (across the river and out of sight), Idaho Power is required by law to purchase its electricity. The utility can sidestep the locals and build a large plant right on the spring if it teams up with Mr. Ellis. Idaho Power would also build its own hatchery for steelhead below the spring.

3 Mr. Ellis and Idaho Power will drastically transform the natural landscape of the spring and the water quality in the river nearby, if their plans are approved. Flumes, penstocks, raceways, buildings, and roads will be built around the spring. Conservative estimates indicate that Mr. Ellis' hatcheries could dump 22,000 pounds of untreated fish wastes into the Snake — every day. This amounts to an incredible 4,000 tons of raw sewage per year.

The Banbury Spring issue puts the Boy Scouts between a rock and a hard place. Land for the scout camp at the spring was donated by Idaho Power with the company insisting that the Scouts keep it in as near a natural state as possible. Now Idaho Power wants to change the landscape, and there is nothing the Scouts can do about it. Idaho Power and Mr. Ellis hope to buy public support for their project by allowing the scout camp to remain at the spring (sandwiched in between two fish hatcheries and a hydroelectric plant), and by paying the Scout Council a sizable yearly sum from the profits of the Banbury venture. Two prominent Scouters are co-applicants with Mr. Ellis for the Banbury Spring water right, but others question the ethics of making the Boy Scouts partners to resource exploitation and water pollution.

5 The public at large is the loser if Mr. Ellis and Idaho Power are allowed to cover Banbury Spring with concrete and fish manure. The next water right application in line behind Mr. Ellis is for a minimum stream flow that would keep Banbury Spring waters running clean and clear. Citizens concerned about Banbury Spring should express their opinions in writing, as soon as possible, to: Mr. Kenneth A. Dunn, Director, Idaho Department of Water Resources, 450 W. State Street. Boise, Idaho 83720.

HERB DEUEL, RANDALL MORGAN, LELAND FOSTER, VANO FOSTER, SUE MILLER, BESSIE L. TEETER, SOPHIA R. HUTTANUS, JOHNNIE KUEST, DAVID H. GLAUS, MIKE HUTTANUS.

Twin Falls.

The Times-News welcomes letters to the editor but will reject those it considers libelous or in bad taste. Each letter must be signed and should include the writer's mailing address. Letters of more than 400 words may be edited for length.



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STEVEN G. HALL
Route 3, Box 3684
Nampa, ID 83651

RECEIVED
MAR 4 1982
Department of Water Resources

March 2, 1982

Mr. Ken Dunn, Director
Department of Water Resources
Boise, ID 83720

RE: Thousand Springs

Dear Mr. Dunn:

We are opposed to further development of the Banbury springs and other remaining natural springs in the area. We as people have raped the springs and area enough over the years. I remember as a child seeing and enjoying the area for its natural beauty. We have stolen most of the beauty of the area already. It makes my heart sick to think of the complete loss of all natural beauties of the area disappearing completely. At least at this point in time we can tell our children that we are trying to keep some of the beauty for them to enjoy. What do we tell our children when the beauty is gone?

Very truly yours,

STEVEN G. HALL

SHARON HALL

SGH:s

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File 36-7822

LAW OFFICES
SKINNER, DONNELLY, FAWCETT & MAUK

RICHARD A. SKINNER
MICHAEL E. DONNELLY
CHARLES W. FAWCETT
WILLIAM LLOYD MAUK

603 WEST FRANKLIN STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701

TELEPHONE 345-2654
AREA CODE 208

December 28, 1981

sent 1-19-82

Mr. Loren Holmes
Dept. of Water Resources, Southern Region
1041 Blue Lakes Blvd.
Twin Falls, ID 83301

re: In the Matter of Application #36-7822 by the Water Resources Board for the State of Idaho, for minimum Stream Flow at Banbury Springs

Dear Mr. Holmes:

I am interested in obtaining a complete copy of the file in the Water Resources Board's application for minimum stream flow at Banbury Springs. I understand that this application was considered in 1979, and that the file may be in your office in Twin Falls.

If you do not have a copy of the file, I would appreciate your forwarding this request to the central office in Boise, thereby facilitating a reply. Please bill my office directly

[redacted]

Very truly yours,

SKINNER, DONNELLY, FAWCETT & MAUK

AFFIDAVIT of PUBLICATION

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APR 30
Depar... Water ... Sec...

State of Idaho, } SS.
County of Jerome }

L. L. LANGDON
ASST. PUBLISHER

being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninteruptedly 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 Two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 29th day of March, 1979 and the date of the last publication was on the 5th day of April, 1979

L. L. Langdon

Subscribed and sworn to before me this 9th day of April, 1979.
(SEAL.)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice		108
Number of Insertions		Two
Lines tabular at	39c	
108 Lines straight at	26c	28.08
108 Subsequent lines at	15c	16.20
TOTAL COST		44.28

MICROFILMED

original in file 36-7818

4

APPLICATIONS FOR MINIMUM STREAMFLOWS

Notice is hereby given that the Idaho Water Resources Board on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to perserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION
NO. 36-7819

Source: Briggs Spring
Point of minimum streamflow: Lot (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County
Rate of flow: 56 cubic feet per second
Season of use: January 1 to December 31.
Use: To maintain trout populations

AMENDED APPLICATION
No. 36-7822

Source: Banbury Springs
Point of minimum streamflow: Lot 4 SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M. Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION
NO. 36-7820

Source: Blind Canyon Springs
Point of minimum streamflow: Lot 2 (SE¼NW¼) Sec. 28, Twp. 8S, Rge, 14E, B.M., Gooding County
Rate of flow: 8 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetic values

AMENDED APPLICATION
NO. 36-7821

Source: Lower White Springs
Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County
Rate of flow: 11 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION
NO. 37-7734

Source: Bancroft Springs
Point of minimum streamflow: Lot 5, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County
Rate of Flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations and aesthetics

AMENDED APPLICATION
NO. 36-7818

Source: Vinyard Creek
Point of minimum streamflow: Lot 1 (SE¼NE¼), Sec. 4, Twp. 10S, Rge. 18E, B.M., Jerome County
Rate of flow: 17 cubic feet per second
Season of use: January 1 to December 31
Use: To maintain fish populations and spawning habitat and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Wednesday, April 25, 1979 on Applications 36-7821, 36-7822, and 37-7734 and at 10:00 a.m. on Thursday, April 26, 1979 on Applications 36-7819, 36-7820 and 36-7818 at the Buhl City Hall, 201 Broadway North, Buhl, Idaho for the purpose of hearing evidence in regard to the applications. The hearings will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

3 29 21c

Southern

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION
NO. 36-7819

Source: Briggs Springs

Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4 Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

AMENDED APPLICATION
NO. 36-7822

Source: Banbury Springs

Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION
NO. 36-7820

Source: Blind Canyon Springs

Point of minimum streamflow: Lot 2 (SE¼NW¼), Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

AMENDED APPLICATION
NO. 36-7821

Source: Lower White Springs

Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION
NO. 36-7818

Source: Unnamed Spring

Point of minimum streamflow: Lot 4 (NW¼SE¼), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 10 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

These applications are subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

Published in the Mountain Home News March 29 and April 5, 1979.

assistant billing manager

RECEIVED

MICROFILMED

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, ...M. Waters... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

...2... consecutive weeks, the first publication having been made on the ..29... day of ...March..., 19..79., and the last publication having been made on the ...5... day of ...April... 19..79...; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

...M. Waters...

Subscribed and sworn to me this .....

original in file 36-7818

AMENDED NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted six (6) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following sources tributary to the Snake River and are further described as follows:

AMENDED APPLICATION NO. 36-7819

Source: Briggs Springs

Point of minimum streamflow: Lot 4 ($NW\frac{1}{4}SE\frac{1}{4}$), Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

AMENDED APPLICATION NO 36-7822

Source: Banbury Springs

Point of minimum streamflow: Lot 4 ($SE\frac{1}{4}NW\frac{1}{4}$), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

AMENDED APPLICATION NO. 36-7820

Source: Blind Canyon Springs

Point of minimum streamflow: Lot 2 ($SE\frac{1}{4}NW\frac{1}{4}$), Sec. 28, Twp. 8S, Rge. 14E B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

AMENDED APPLICATION NO. 36-7821

Source: Lower White Springs

Point of minimum streamflow: Lot 3, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve rearing and spawning habitat for trout

AMENDED APPLICATION NO. 37-7734

Source: Bancroft Springs

Point of minimum streamflow: Lot 5, Sec. 4, Twp. 6S, Rge. 11E, B.M. Elmore County

Rate of Flow: 17 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetics

AMENDED APPLICATION NO. 36-7818

Source: Vinyard Creek

Point of minimum streamflow: Lot 1 ($SE\frac{1}{4}NE\frac{1}{4}$), Sec. 4, Twp. 10S, Rge. 18E, B.M., Jerome County

Rate of flow: 17 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain fish populations and spawning habitat and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m., on Wednesday, April 25, 1979 on Applications 36-7821, 36-7822, and 37-7734 and at 10:00 a.m., on Thursday, April 26, 1979 on Applications 36-7819, 36-7820 and 36-7818 at the Buhl City Hall, 201 Broadway North, Buhl, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED
Director

To be published in: Times News - March 23 and March 30
Mountain Home News - March 29 and April 5
Gooding County Leader - March 29 and April 5
North Side News - March 29 and April 5

MICROFILMED

dlw mwp 3/23/79

AMENDED APPLICATION
NO. 36-7822
Source: Banbury Springs
Point of minimum streamflow: Lot 4 (SE¼NW¼), Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

dlw mwp 3/23/79

AMENDED APPLICATION
No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: Lot 4 SE¼NW¼), Sec. 33, Twp., 8S, Rge, 14E, B.M. Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 30, 1979

Times News
Box 548
Twin Falls, Idaho 83301

Re: Notice of Application for Minimum Stream Flow No. 36-7819, 36-7822
No. 36-7820, 36-7821 and No. 37-7734

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 publication dates allowing ample time for you to submit us 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.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:
Letters and copies to: Gooding County Leader
Mountain HOme News

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978 submitted five (5) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following springs tributary to the Snake River and are further described as follows:

Application No. 36-7819

Source: Briggs Springs

Point of minimum streamflow: NW¼SE¼, Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

Application No. 36-7822

Source: Banbury Springs

Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7820

Source: Blind Canyon Springs

Point of minimum streamflow: NE¼SW¼, Sec. 28, Twp. 8S, Rge. 14E B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

Application No. 36-7821

Source: Lower White Springs

Point of minimum streamflow: NE¼SW¼, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve rearing and spawning habitat for trout

Application No. 37-7734

Source: Bancroft Springs

Point of minimum streamflow: SE¼NW¼, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Thursday, March 8, 1979 at the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED

Director

To be published in Times News - February 8 and 15, 1979
Mountain Home News - February 8 and 15, 1979
Gooding County Leader February 8, and 15, 1979

Application No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values



Application No. 36-7822
Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values



Application No. 36-7822

Source: Banbury Springs
Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County
Rate of flow: 97 cubic feet per second
Season of use: January 1 to December 31
Use: To preserve fish populations, aesthetics and recreational values

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Robert Crompton, 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 29 day of March 19 79, and the date of the last publication was on the 5 day of April, 19 79.

Robert Crompton

Subscribed and sworn to before me this 5

COPY OF NOTICE
(Paste Here)

36-7822
TITLE OF NOTICE
Bonbury Springs
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

[redacted]

Affidavit of Publication

RECEIVED APR 5 1979

No. 8123

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Nola L Laughlin being first duly sworn upon oath, depose and say that I am Bond Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Fridays, commencing with the issue dated March 23, 19 79, and ending with the issue dated March 30, 19 79.

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

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

Nola L Laughlin

Subscribed and sworn to before me on this 2nd day of April, 19 79.

Evelyne Jennings

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 21, 1979

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Amended Notice of Application for Minimum Stream Flow
36-7819, 36-7822, 36-7820, 36-7821, 37-7734, 36-7818

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 publication dates allowing ample time for you to submit us 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.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Letters and copies to: Gooding County Leader
Mountain Home News
North Side News

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 21, 1979

Mountain Home News
P. O. Drawer 0
Mountain Home, Idaho 83647

Re: Amended Notice of Application for Minimum Stream Flow
36-7819, 36-7822, 36-7820, 36-7821, 37-7734, 36-7818

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 publication dates allowing ample time for you to submit us 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.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Letters and copies to: Gooding County Leader
Mountain Home News
North Side News

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 21, 1979

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: Amended Notice of Application for Minimum Stream Flow
36-7819, 36-7822, 36-7820, 36-7821, 37-7734, 36-7818

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 publication dates allowing ample time for you to submit us 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.

Sincerely,

mary a. hill

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Letters and copies to: Gooding County Leader
Mountain Home News
North Side News

INTER-DEPARTMENT MEMO — 1

DATE 4/15/82

FROM Dave Tuthill

TO 36-7198, 36-7822, 36-7819

SUBJECT

The U.S. Fish and Wildlife Service has shown an interest in the above-referenced applications. Please notify them at the following address if any significant activities occur (e.g., hearing scheduled, protests resolved, etc.)

U.S. Department of Interior
Fish and Wildlife Service
4620 Overland Rd. - Rm 238
Boise, Idaho 83705
ATTN: Mr. L.A. Mehrhoff

SIGNATURE

HOGUE & SPECK, P.A.
ATTORNEYS-AT-LAW
P. O. BOX 987
KETCHUM, IDAHO 83340 -0987

Ken Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

MICROFILMED

36-7822

Dist 1st

RECEIVED

NOV 18 1981

Department of Water Resources

HOGUE & SPECK, P.A.
ATTORNEYS
220 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
THOMAS J. SCHNEBECK

HAILEY OFFICE:
120 N. MAIN STREET
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

November 17, 1981

Ken Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Banbury Springs and Malad River Springs

Dear Mr. Dunn:

I am writing this letter to urge you to approve the applications of the Idaho Fish and Game Department for minimum stream flows at the Banbury Springs and Malad River Springs. I believe that the applications of Ken Ellis and Idaho Power Company at Banbury Springs and Idaho Power Company at the Malad River Springs will conflict with the "local public interest" as defined by Section 42-203, Idaho Code. Furthermore, minimum stream flows in these areas would serve to preserve the recreational and esthetic attributes of these waters and would serve the "local public interest". It is time for your Department to assert strong leadership in protecting one of our State's most valuable assets.

Thank you for your anticipated consideration of my input as a citizen of the State of Idaho.

Sincerely yours,

James P. Speck

James P. Speck

JPS/ty

SCANNED

NCY's Notes

4/25/79

NOTES FOR HEARING ON LOWER WHITE SPRING, BANBURY SPRING AND BANCROFT SPRING

LWS – (36-7821) (37-7734) Banbury (36-7822) Banbury

I Explain that this hearing is:

(a) Held pursuant to Sec. 42-1503

(b) Are part of a process of identifying & preserving certain streams & water bodies to "protect the fish & wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality in the public interest (Sec 42-1502) – leads to leg. review if appl'd by director on basis of record

(c) Under established law in Idaho – read ~~&~~

(d) Record will close @ end of hearing unless something to contrary surfaces in the hearing.

(e) Held pursuant to adopted rules of prac & pr

II Type of hearing

(a) Read #4 of Steve's notes

(b) Hearing will therefore provide for those persons or entities who feel they have a vested interest to participate fully – present arguments, evidence, testimony, call witness, cross examine, appeal – etc – Should have filed intent at least 5 days ago Will also allow participation by interested public who wish to make ~~their views known~~ [redacted] public testimony subject to X-exam but cannot X-exam

(c) See a record to create [redacted]

III Review factors Director can consider in making decision – 42-1503 (2) Other (2)

IV Review dept proc. of appn
Rec'd on Sept 13, 78
adv. on Feb 8 + 15
hrg postponed
adv on 3/23 + 4/5
3/21

Elmore - Mtn Home
Gooding Co Leader
Twin Falls News Times
Jerome - Northside News

V Judicial notice of dept records printed documents –
To give all interested an opportunity to review this info to the staff will make a statement to decide with rights & hydrology

VI Order of appearance

VII any matter that need to be discussed before we proceed with witness –

VIII call Scott Reed –

IX call Olen –

X Call Carl Thomas

XI call F + G

XII call public witnesses

XIII call Petitioner

8.6a L. – what status – celan

Scott REED – IWRB
Bob Stahman – IPCO
FRED FRAHM – IF+G
GARY WRIGHT – SELF
Bob Weaver – Valley Trout – Coal Hard

~~Cecil – Your testimony of a general~~
~~notice restriction~~ –

(Cecil) Make report ← ON Blind Canyon
~~Hearing~~ Flow

(1) ~~Send~~ a copy of tape of
Ken Ellis testimony of
Wednesday to Mike Alkire

Judicial Notice of 36a7806 – map

Do I get some evidence that
U.S. Fish ~~Service~~ has authorized
Ellis to represent them ?

What ~~has~~ has public access to Vineyard Creek

~~– If additional development does occur~~
~~upon diversion point more protest?~~

Motion — (2) Reading right: ... question ... [illegible]
(3) Coal Thomas — Comment ... [illegible]
(4)
— Hearing — 4/25/79 — (Exhibits)

(1) Sam Allread
(2) Glen Saxton —

Accepted Staff Exhibit 1 — Plat of six [illegible]
" Staff Exhibit 2 — Buckhorn Sp.
" Staff Exhibit 3 — W.R. schematic
" Staff Exhibit 4 — L.W.S map
" Staff Exhibit 5 — W.R. schematic
" Staff Exhibit 6 — Buckhorn map
" Staff Exhibit 7 — W.R. Schematic

(3) Cecil Thomas —
Accepted — USGS — Exhibit 1 — Plat of all springs
accepted USGS — Exhibit 2 — Head of Box Canyon
accepted USGS — Exhibit 3 — Head of Glen Spr...

(4) F+G
Bob Bell — 100 ft to Sugar River
electrofish 5/2/79 — 14 rainbow 7.5" to 13" wt. [illegible]
[illegible]

F+G Exhibits 1, 2, + 3 — accepted
Buckhorn " 4, 5, + 6 + 7 "
" " 8, 9, + 10 — statements + supporting data —

F+G Exhibit 11 — Three [illegible]
[illegible]
occ. F+G Exhibit 12 — [illegible]

Pg 2

Notes — 4/26/79

Bull Moose Lodge

36-7818 Vinyard Creek
36-7820 Blind Canyon sp.
36-7819 Briggs Springs

I Explain that hearing is:
(1) Held pursuant to Sec 42-1503
(2) Leads to rejk review 42-1502
(3) Must be a "due process"
(4) Proc & Sroc

II Type of hearing
(1) Need for both "due process" & public input
(2) Two types of participants
(3) Intervention

III Factors Director can consider. 42-1503
1) Not interfere with other rights
2) Public not private interest
3) Necessary for preservation of fish & wildlife etc
4) Min. not ideal
5) Capable of being maintained.

IV Rec. dept proc of app
1) Rec'd 9/13/78
2) Adv. 2/8 + 15 for hrg in Gooding
3) Adv. 3/23 & 3/29 — 4/5
Elmore — Mtn Home News
Gooding Co. Leader
Twin Falls News Times
Jerome-Northside News

V Take appearances — order of appearance

VI Judicial Notice

VII ANY OTHER Matters

VIII Call Scott Reed — Glen — Cec
Public Witness — Parties

Banbury — applicant wanted to amend
① take water between lake & river
② use on land near Blind Canyon
owned by Hardy — Have agreement
~~Same~~ side of river —
F&G not to concerned — high
velocity —

No Hearing held —

Will amend & be readvertised

May be different injection
motion flow

Preserves like & spring

3091

36-2038

S T A T E O F I D A H O

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 15650

Water District No. 63

Amount 13-1/4 sec. feet

Priority 11-10-1922.

THIS IS TO CERTIFY that J. W. Banbury, of Wendell, County of Gooding, State of Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 10, 1922; that Permit No. 15650 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 13-1/4 second feet, was issued thereunder on October 18, 1923, showing that said works were completed on the 31st day of January, 1923, and that on the 31st day of January, 1923, J. W. Banbury, of Wendell, County of Gooding, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of the State of Idaho, of a right to the use of the waters of Blind Springs, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 15650, of the Commissioner of Reclamation of the State of Idaho, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the

MICROFILMED

Commissioner of Reclamation of the State of Idaho and entered of record in Volume 6 of Licenses, at page 3091, on the 18th day of October, 1923;

The right hereby confirmed dates from November 10, 1922;

The point of diversion is located in the SW¼ of NE¼ Sec. 33, Twp. 8 S., R. 14 E., B. L., Gooding County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 13-1/4 cubic feet per second.

Description and location of use:

Twp.	Rge.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	14 E.	28	Lot 3	34.9	34.9
			Lot 4	42.9	42.9
			Lot 7	48.7	48.7
		29	NE¼SE¼	30.0	30.0
			SE¼SE¼	20.0	20.0
		32	NE¼NE¼	20.0	20.0
			NW¼NE¼	20.0	20.0
			SW¼NE¼	35.0	35.0
			SE¼NE¼	35.0	35.0
			NE¼NW¼	30.0	30.0
			SE¼NW¼	35.0	35.0
			NE¼SW¼	10.0	10.0
			NE¼SE¼	40.0	40.0
			NW¼SE¼	35.0	35.0
			SE¼SE¼	35.0	35.0

36 2028

RECORDED

Twp.	Rge.	Sec.	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8	S.	14 E.	33 Lot 2	44.2	44.2
			Lot 3	36.7	36.7
			Lot 6	38.1	38.1
			Lot 7	30.8	30.8

Water is also to be used at the Banbury Natatorium, located in Lot 3, Sec. 33, Twp. 8 S., R. 14 E., B. M.

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 18th day of October, 1923.

W. G. SWENDSEN,

(SEAL)

Commissioner of Reclamation.

36 2[illegible]

[illegible]

RECEIVED

DEC 13 1976

Department of Water Resources
Southern District Office

Claim No. 36-4052

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Harry H. and/or Sophia R. Huttanus (name of claimant)

of Banbury Hot Springs, Rt. #3, Buhl, Idaho 83316 (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Blind Springs, Banbury Springs, tributary to, Snake River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	Amount (cfs, gpm or a/f)	Use (dom., irri., stock, etc.)	Period of Use	From	To
	1.5 cfs	Natatorium flow thru		Jan. 1	Dec. 31
	.2 cfs	Irrigation		Mar. 15	Nov. 15
	.07 cfs	Natatorium & hot bath sanitation		Jan. 1	Dec. 31
	4.0 cfs	Power Source		Jan. 1	Dec. 31
	.01 cfs	Camp.	Period of Use:	Jan. 1	Dec. 31
	.004 cfs	Multifamily Apts.	Period of Use:	Jan. 1	Dec. 31
	.12 cfs	Picnic Ground	Period of Use:	Jan. 1	Dec. 31

(both dates inclusive)

(3) Total quantity of water claimed: 5.904 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1922 or prior

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

NW ¼ SE ¼, Sec. 33 Twp. 8S Rge. 14E, B. M. County of Gooding

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pipeline - 10" diameter steel pipe 2400 ft. long crossing overground to Snake River, under Snake River to Banbury Natatorium.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

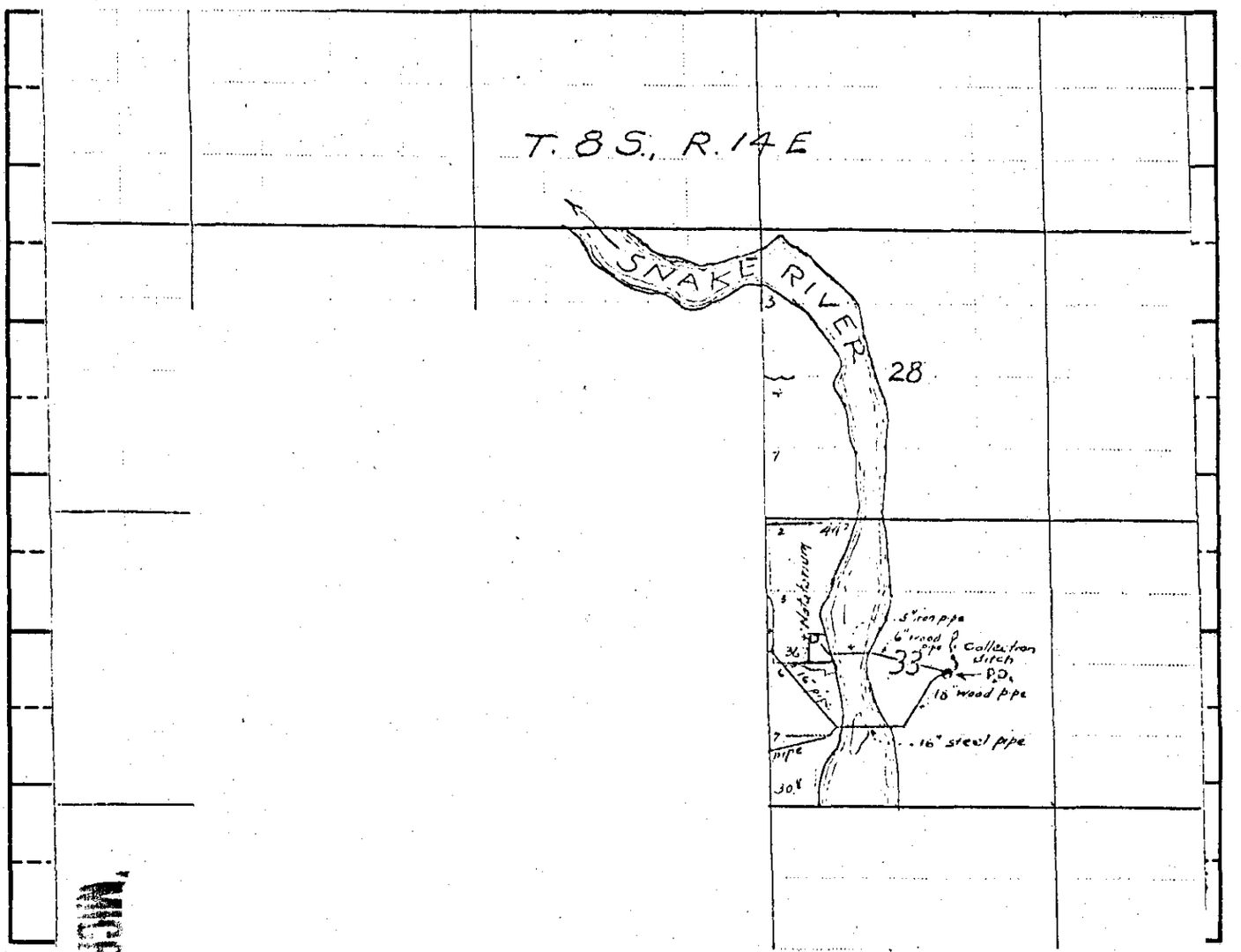
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	14E	33							10										10

Total No. of acres 10

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: For operation of Banbury Hot Springs Resort, Natatorium flowthru, Natatorium & hot bath sanitation, Power source, Camp, Multifamily apartments, Picnic ground.

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Hans H. Nettleton
Sophie R. Nettleton
(Claimant)

Sworn to before me this 13th day of December, 1976

Michael L. Steele
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires Life Term

#2265

For Department Use Only

Received by mls	Date 12-13-76	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by mls	Date 12-13-76			
$10.00 fee received by mls	Date 12.20.76			
Approved for publication by TLoB	12-23-76			
Published in Gooding County Leader				
Dates 12-23-76 & 12-30-76				

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 36-7104 Priority Dec. 10, 1969 Amount 0.30 cfs

THIS IS TO CERTIFY, that Snake River Area Council, Inc.

of Twin Falls, Idaho, has complied with the terms and conditions of Permit No. 36-7104 issued pursuant to Application for Permit dated October 27, 1969, and has submitted proof to the Department of Water Administration on September 14, 1973 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.30 cfs of water from unnamed springs, tributary to the Snake River, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Domestic	from Jan. 1	to Dec. 31	at 0.04 cfs and		1.2 acre feet
Irrigation	from Feb. 1	to Oct. 31	at 0.30 cfs and		80 acre feet or
	from	to	at cfs and		4.0 af per acre

(both dates inclusive)

Subject, however, to the condition that no more than 0.30 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 81.2 acre feet per year, said waters to be diverted within Lot # 1 of Sec. 33, Twp. 8 S, Rge. 14 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Domestic Use:																			
8 S	14 E	33	Lots 1 & 4																
Irrigation Use:																			
8 S	14 E	33	Lot 1																20

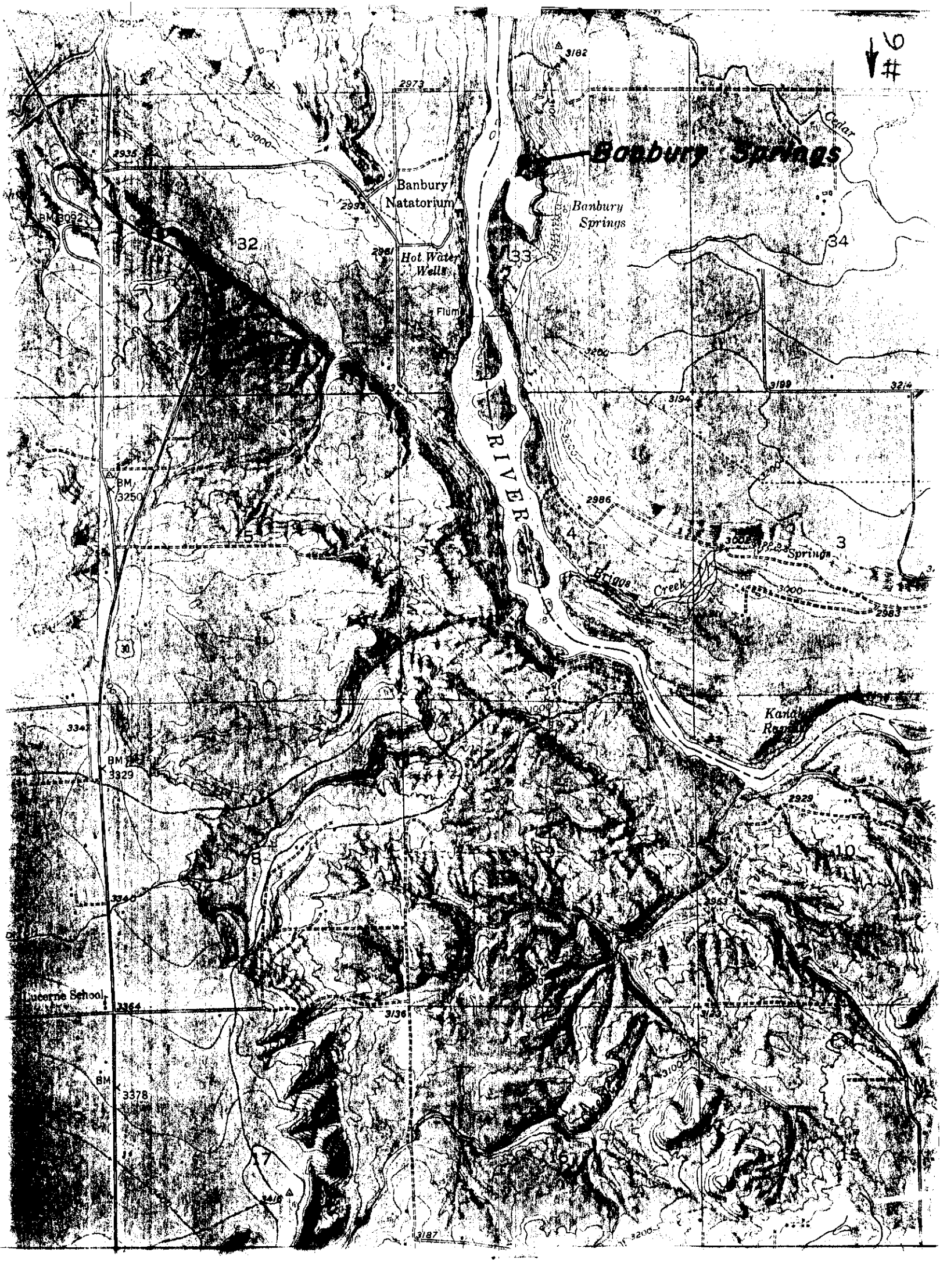
Total number of acres irrigated 20

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

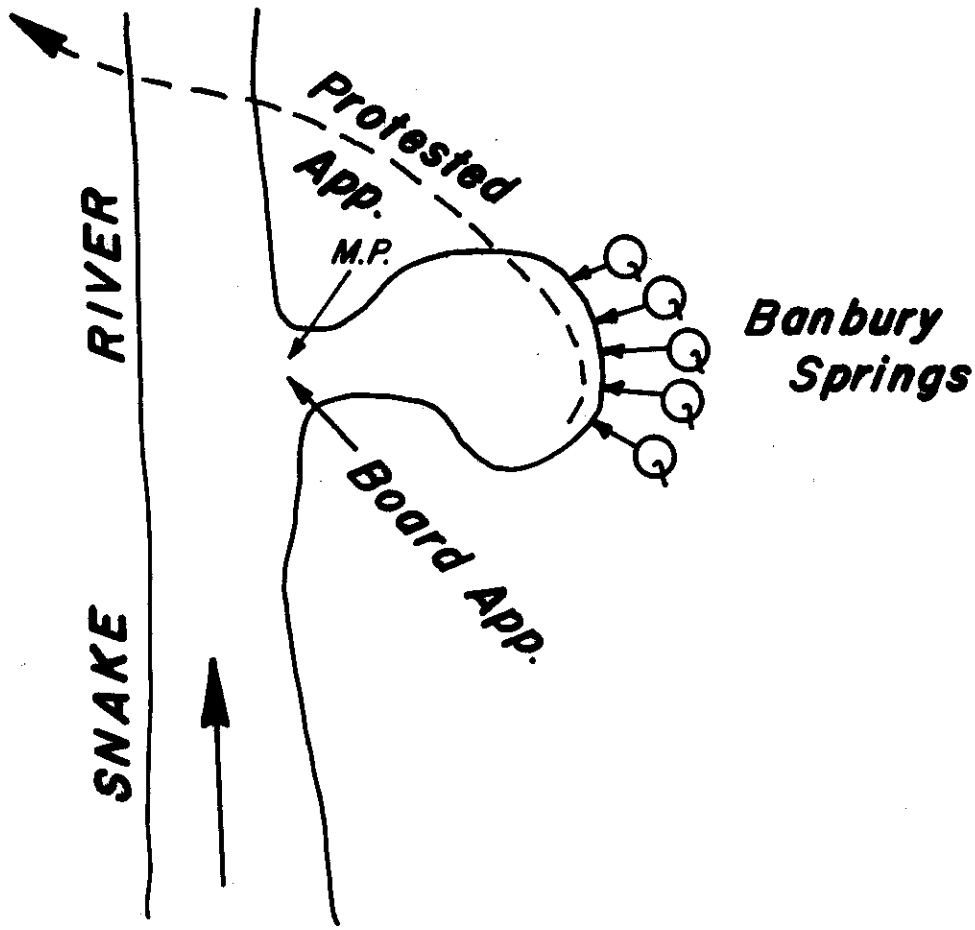
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of December, 19 73.

Deputy Director


Banbury Springs
Banbury Natatorium
Banbury Springs
Hot Water Wells
Flume
RIVER
Briggs Creek
Springs
Cedar
Lucerne School
BM 3250
BM 3329
BM 3378
BM 3082
3182
2973
2935
2993
2981
2986
2929
2963
3364
3136
3187
3189
3194
3214
3383
3340
3100
3200
32
33
34
5
4
3
8
10
6
7
15
30

#7



114 cfs - Avg. Disch.

220 — 20 cfs - Claim & Lic.
200 cfs - Prot. App.

97 cfs - Bd. App.

File in
36-1822

May 2, 1979

Scott W. Reed
Attorney at Law
P. O. Box A
Coeur d'Alene, ID 83814

Dear Mr. Reed:

Pursuant to your letter of April 27, 1979, enclosed is the last statement the Department received from the Department of Health and Welfare on the minimum stream flows.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: 1

ENCLOSURE

SCOTT W. REED, Attorney at Law/P. O. Box A/Coeur d'Alene, Idaho 83814



Mr. Glen Saxton
Idaho Water Resource Department
Statehouse
Boise, Idaho 83701

SCOTT W. REED, Attorney at Law/P. O. Box A/Coeur d'Alene, Idaho/MOhawk 4-2161

April 27, 1979

RECEIVED
APR 30 1979
Department of Water Resources

Mr. Glen Saxton
Idaho Water Resource Department
Statehouse
Boise, Idaho 83701

Dear Mr. Saxton:

Would you please send to me the Department of Health and Welfare's last statement on the minimum stream flow. Thank you.

Yours truly,

Scott W. Reed

SWR:gs

PERMIT AND LICENSED RIGHTS ON Banbury Springs Gooding CO., IDAHO

February 12, 1979 19____ Revised _____ Water District No. _____

LICENSE	PERMIT	NAME	AMT.	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.
					Subdiv.	Sec.	Twp.	Rge.	
36-2038		Blind Springs Banbury, J. W.	13.25	11-10-1922	SWNE	33	8S	14E	Irr: Lots 3, 4, 7, Sec. 28; NESE, SESE, Sec. 29; NE¼, E½NW, NESW, N½SE, SESE, Sec. 32; Lots 2, 3, 6, 7, Sec. 33, T.8S., R.14E.
36-7104		Unnamed Springs Snake River Council, Inc.	.30	12-10-1969	Lot 1	33	8S	14E	Dom: Lot 1, 4; Irr: Lot 1, T.8S., R.14E.
App.	36-7814	Protested Banbury Springs Ellis, Kenneth &/or Coulson P. Parrish &/or LeGrande Nelson	200.0	08-11-1978	SWNE NWSE	33 33	8S 8S	14E 14E	Fish propagation: Lots 2, 3, Sec. 33, T. 8S., R.14E.
laim 36-4052		Blind Springs, Banbury Springs Huttanus, Harry H. &/or Sophia R.	5.904	1922 or prior	NWSE	33	8S	14E	Irr: SWNW, Sec. 33, T.8S., R.14E; Banbury Hot Springs Resort, Natatorium flowthrough, Natatorium & hot bath sanitation, Power source, camp, multifamily apts., picnic ground.
		SEE ATTACHMENT for additional filings.							

RECEIVED

PERMIT AND LICENSED RIGHTS ON Banbury Springs - Attachment

July 22 19 81 Revised

LICENSE	PERMIT	NAME	AMT.	Date of Filing or Priority	Point o	
					Subdiv.	S
CLAIM 47-4065		Banbury Hot Springs Huttanus, Harry H.	1.02	06-01-1922	Lt. 6	3
	App. 36-7822	Banbury Springs Idaho Water Resource Board	97.00	(Lt. 4 09-13-1978	SENW) SWNW NWSW	3 2 2
	App. 36-7955	Banbury Springs Banbury Pipe Co., Inc.	41.0	01-12-1981	Lt 5 (NESW)	3
	App. 36-7984	Idaho Power Co.	130.0	05-05-1981	Lt. 4 (SEN NWNE NWSE SWNE	3

Department of Water Resources, Boise, Idaho

RECEIVED
APR 17 1979
Department of Water Resources

DAVID H. LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

W. HUGH O'RIORDAN
Deputy Attorney General
Chief, Natural Resources Division

FREDERICK J. FRAHM
Deputy Attorney General
Department of Fish and Game
P. O. Box 25, 600 South Walnut
Boise, Idaho 83707
TELEPHONE: (208) 384-3715

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Amended Applications for Minimum Stream Flow: #36-7818, Vinyard Creek; #36-7819, Briggs Springs; 36-7820, Blind Canyon Springs; #36-7821, Lower White Springs; #36-7822, Banbury Springs; and #37-7734, Bancroft Springs.	NOTICE OF APPEARANCE

TO: DIRECTOR, DEPARTMENT OF WATER RESOURCES.

YOU ARE HEREBY NOTIFIED THAT FREDERICK J. FRAHM, Deputy Attorney General for the State of Idaho, hereby enters appearance as attorney of record for, and on behalf of the State of Idaho, Department of Fish and Game, for the purpose of presenting evidence or cross examining witnesses in a hearing on the above captioned matters.

DATED This 17th day of April, 1979.

DAVID H. LEROY
Attorney General for Idaho

FREDERICK J. FRAHM
Deputy Attorney General
Idaho Department of Fish and Game

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 17th day of April, 1979, I mailed a true and correct copy of the above and foregoing Notice of Appearance to:

Stephen Allred
Director, Department of Water Resources
373 W. Franklin Street
Boise, Idaho 83720

FREDERICK J. FRAHM

App. No. _____

FACT SHEET

Source: _____

Tributary to: _____

Requestor: _____

Quantity: _____

Length of Reach: _____

Purpose: _____

_____

Date Received: _____

Date Hearing Held: _____

Date Approved by Director: _____

Other Rights: _____

_____

_____

REMARKS: _____

_____

_____

FACT SHEET # 2

HEARING

Filings Examined at Hearing _____

Date Hearing Held _____

Location of Hearing _____

Hearing Officer _____

No. of Persons at Hearing _____

Roster of Attendance

Name	Organization
See Attached	

Related Correspondence

Name	Organization

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

	ASSIGNED TO	INITIALS/DATE
1. Request recieved and checklist attached.	Receptionist	
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. Acknowledgment letter sent.	Section Supv.	
7. Copy of request routed to: Reg. Off. Bur. Ch.; Oper. Bur. Ch.; Admin.; Asst. Dir.; Dir.	Records Chief	
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Records Chief	
9. Water Rights researched and abstracted.	Records Chief	
10. Visual aid request prepared.	Section Supv.	
11. Visual aid reviewed.	Section Supv.	
12. Request and related data presented to Board.	Admin., Res. Admin. Div.	
13. Filed or Rejected by Board.	Sec. Sup. et.al.	
14. Board action indexed.	Records Chief	
15. Original app. sent to region.	Records Chief	
16. Copy of app. sent to F&G, H&W, Parks & Rec. (mandatory)	Region	
17. App. advertised after a suitable hearing date determined by S.O.	Region	
18. Hearing held (mandatory).	Hearing Off. &	

[redacted]

19. Decision prepared for Director's signature.	Attorneys	
20. Approval/Denial of app. indexed.	Records Chief	
21. Copy of Approval/Denial sent to parties formally appearing at Hearing.	Records Chief	
22. Copy of signed app. submitted to the legislature for approval.	Section Supv.	

36-7822

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail 2177 Warm Springs Ave. Boise Idaho 83720 (208) 384 - 2154

Dale R. Christiansen, Director
R. P. Peterson, Deputy Director

John V. Evans, Governor

March 5, 1979

DIRECTOR	
DEPUTY DIR.	

RECEIVED
MAR 7 1979
Department of Water Resources

Mr. Stephen Allred, Director
Department of Water Resources
Statehouse Mail
Boise, ID 83720

RE: Hearing - Fish and Game Department
1,000 Springs Area Application

Dear Mr. Allred:

We have been notified by the Idaho Fish and Game Department of an upcoming hearing on Fish and Game's application for spring flows in the 1,000 Springs area.

Of the five springs (Banbury, Blind, Bancroft, Briggs and Lower White) to be discussed at the hearing, the Idaho Parks and Recreation Department has studied three springs (Banbury, Blind and Bancroft) for possible application for water rights. In 1978 the Department submitted several bills to the legislature for authorization to submit application for water rights on selected springs. Among those bills was a bill for appropriation of water for Banbury Springs. Although no action was taken on those springs, the Department feels that minimum flows for fish, wildlife, recreation and environmental purposes should be established for the entire 1,000 Springs complex.

The Department believes that preservation of minimum flow for each spring in the 1,000 Springs complex would be in the best long-term interests of Idaho. The Springs are a unique feature of Idaho's natural heritage and as such should receive maximum resource protection possible. The Springs, at present, are both of aesthetic and economic importance. The 1,000 Springs area, communities from Bliss to Kimberly including Twin Falls, benefit economically from tourists who visit the area because of its unique natural geologic/hydrologic features. For the Idaho resident in that area, the Springs offer a number of recreation opportunitites from fishing, picnicking to photography, as well as environmental for the area's elementary and secondary schools.

Because of these features, the Parks and Recreation Department encourages favorable action on the Department of Fish and Game's request for minimum flows for these Springs.

Sincerely,

Dale R. Christiansen
Director

rvk

EQUAL OPPORTUNITY EMPLOYER

cc: Joseph Greenley, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 21, 1979

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Amended Notice of Application for Minimum Stream Flow
36-7819, 36-7822, 36-7820, 36-7821, 37-7734, 36-7818

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 publication dates allowing ample time for you to submit us 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.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Letters and copies to: Gooding County Leader
Mountain Home News
North Side News

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 21, 1979

Francis McAuthur - City Clerk
Buhl City Hall
201 Broadway North
Buhl, Idaho 83316

Dear Ms. McAuthur:

This is to confirm the use of the basement room of the City Hall for hearings to be held by this Department on Wednesday, April 25, 1979 at 10:00 a.m., and Thursday, April 26, 1979 at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

Mary A. Hill
Secretary

March 7, 1979

Robert C. Weaver
130 Broadway North
Buhl, ID 83316

Dear Mr. Weaver:

Re: Applications for Permit Nos. 36-7819, 36-7822, 36-7820, 36-7821, and 37-7734 -- Idaho Water Resource Board

This letter is to confirm that the hearing on the five (5) instream flow applications which has been scheduled for March 8, 1979 at 10:00 a.m. in the Gooding City Hall, Gooding, Idaho has been cancelled at the request of the Idaho Water Resource Board.

This office will notify you of the time and place for hearing when the matter is rescheduled.

I hope this delay has not caused you any inconvenience.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Earl Hardy
Ken Ellis

March 7, 1979

Robert W. Stahman, Attorney
Idaho Power Company
P. O. Box 70
Boise, ID 83707

Dear Mr. Stahman:

Re: Applications for Permit Nos. 36-7819, 36-7822, 36-7820, 36-7821, and 37-7734 -- Idaho Water Resource Board

This letter is to confirm that the hearing on the five (5) instream flow applications which has been scheduled for March 8, 1978 at 10:00 a.m. in the Gooding City Hall, Gooding, Idaho has been cancelled at the request of the Idaho Water Resource Board.

This office will notify you of the time and place for hearing when the matter is rescheduled.

I hope this delay has not caused you any inconvenience.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

March 7, 1979

Catherine B. Wright
Route 4, Box 228
Buhl, ID 83316

Dear Ms. Wright:

Re: Applications for Permit Nos. 36-7819, 36-7822, 36-7820, 36-7821, and 37-7734 -- Idaho Water Resource Board

This letter is to confirm that the hearing on the five (5) instream flow applications which has been scheduled for March 8, 1979 at 10:00 a.m. in the Gooding City Hall, Gooding, Idaho has been cancelled at the request of the Idaho Water Resource Board.

This office will notify you of the time and place for hearing when the matter is rescheduled.

I hope this delay has not caused you any inconvenience.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS;rf

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of the Five (5) Applications submitted by the Idaho Water Resources Board on September 13, 1978, proposing appropriation of water to preserve the minimum stream flows on Briggs Springs, Banbury Springs, Blind Canyon Springs, Lower White Springs and Bancroft Springs, and Public Hearings to be held thereon at 10:00 am on Thursday, March 8, 1979, at the Gooding City Hall.....	NOTICE OF APPEARANCE

Pursuant to Notice published under the provisions of Section 42-1503, Idaho Code, you will please take notice that I will appear for and on behalf of Idaho Power Company in the above-entitled action.

Robt W. Stahl

Robert W Stahman
Attorney
Idaho Power Company

RECEIVED

INTER-DEPARTMENT MEMO — 1

DATE

FROM Glen Saxton

TO File 36-7822

SUBJECT Notice of Hearing

Advise Matt Mulaney of hearing notices.

Ed Chaney

SIGNATURE

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978 submitted five (5) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflows from the following springs tributary to the Snake River and are further described as follows:

Application No. 36-7819

Source: Briggs Springs

Point of minimum streamflow: NW¼SE¼, Sec. 4, Twp. 9S, Rge. 14E, B.M., Gooding County

Rate of flow: 56 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain trout populations

Application No. 36-7822

Source: Banbury Springs

Point of minimum streamflow: NE¼NW¼, Sec. 33, Twp. 8S, Rge. 14E, B.M., Gooding County

Rate of flow: 97 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations, aesthetics and recreational values

Application No. 36-7820

Source: Blind Canyon Springs

Point of minimum streamflow: NE¼SW¼, Sec. 28, Twp. 8S, Rge. 14E B.M., Gooding County

Rate of flow: 8 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetic values

Application No. 36-7821

Source: Lower White Springs

Point of minimum streamflow: NE¼SW¼, Sec. 2, Twp. 7S, Rge. 13E, B.M., Gooding County

Rate of flow: 11 cubic feet per second

Season of use: January 1 to December 31

Use: To preserve rearing and spawning habitat for trout

Application No. 37-7734

Source: Bancroft Springs

Point of minimum streamflow: SE¼NW¼, Sec. 4, Twp. 6S, Rge. 11E, B.M., Elmore County

Season of use: January 1 to December 31

Use: To preserve fish populations and aesthetics

The Director of the Department of Water Resources will hold a public hearing on the applications at 10:00 a.m. on Thursday, March 8, 1979 at the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.

If issued, these permits will be subject to all prior water rights. 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, Department of Water Resources, Statehouse, Boise, Idaho 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.

C. STEPHEN ALLRED

Director

Portneuf Valley Audubon Society



January 5, 1979

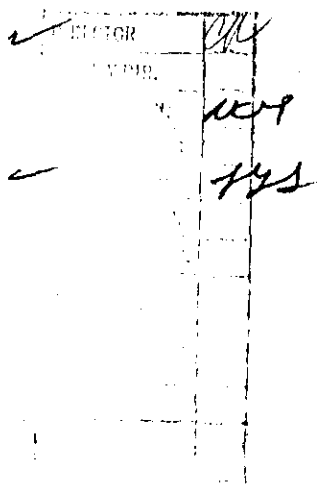
Norman Young
Dept. Of Water Resources
State House
Boise, Idaho 83720

The Portneuf Valley Audubon Society wishes to lend its support for the approval of the 11 instream flow water rights applications as submitted by Idaho Fish and Game. In particular, this chapter notes the ecological importance of Silver Creek and recommends that the minimum flows of 99 CFS near Picabo and 74 CFS near U.S. Highway 93 between Richfield and Carey be approved.

Respectfully,

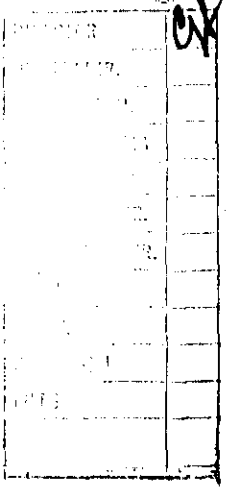
Pete

Pete Cole
President of the Portneuf Valley
Audubon Society



— Copy to

ED CHANEY • Rural Route 1 • Eagle, Idaho 83616 • (208) 939-0714



October 24, 1978

RECEIVED

OCT 25 1978

Department of Water Resources

George Yost
Chairman, Idaho Water
Resources Department
Statehouse
Boise, Idaho 83720

George Yost:

It is my understanding that the Idaho Water Resources Board has made application for minimum instream flows on ten Idaho streams subject to availability of unappropriated water.

This application is in accordance with the instream flow protection provisions of the State Water Plan and implementing legislation passed by the 1978 legislature, both of which, in my view, reflect the majority view of Idaho citizens.

The ten applications for permit (listed below) appear to include streams of modest potential controversy. Therefore, they should serve as a comparatively painless test of the department's and legislature's commitment to preserving the public instream flow values of Idaho streams not already fully committed to out-of-stream diversions.

I urge your support of these applications and pledge my support of your efforts to that end.

Sincerely,

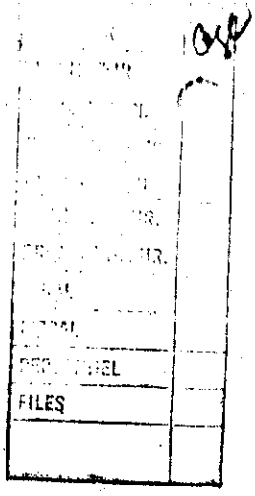
Ed Chaney

Ed Chaney

P.S. I would appreciate it if your staff could alert me to the time and place of the board meeting at which these applications will be aired.

36-7818 - Vinyard Creek	37-7728 - Silver Creek
36-7819 - Briggs Springs	37-7727 - Silver Creek
36-7820 - Blind Canyon Springs	61-7373 - Bancroft Springs
36-7821 - Lower White Springs	95-7874 - Wolf Lodge Creek
✓36-7822 - Banbury Springs	11-7152 - St. Charles Creek

36-7822



Copy to:
Board members
Soldano
: water file

American Falls, Idaho
October 24, 1978

RECEIVED
OCT 25 1978
Department of Water Resources

Mr. George Yost
Chairman I.W.R.B.
State House
Boise, Idaho 83720

Dear Mr. Yost:

I strongly support the application by the Water Resources Board for the minimum flows for the following springs and creeks:

Vinyard Creek
Briggs Springs
Blind Canyon Springs
Lower White Springs
Banbury Springs
Silver Creek 37-7728
Silver Creek 37-7727
Bancroft Springs
Wolf Lodge Creek
St. Charles Creek

Your favorable consideration of this matter will be much appreciated.

Yours very truly

Joe F. Allen, Co-chairman
Water/Power Initiative

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
Statehouse
Boise, Idaho 83720

801 Reserve Street

December 8, 1978

RECEIVED
DEC 11 1978
Department of Water Resources

Mr. L. Glen Saxton
Chief, Operations Bureau
Department of Water Resources
373 W. Franklin Street
Boise, Idaho
Statehouse Mail

RE: Applications for Water Rights No.'s 36-7821
36-7822
37-7727
37-7728
37-7734
37-7739
95-7874
11-7152
36-7818
36-7819
36-7820

Dear Mr. Saxton:

This office has no comments or objections about these applications.

Sincerely,

Jon Wroten
Senior Environmental Quality Specialist

JW/ap

cc: David Sanders

EQUAL OPPORTUNITY EMPLOYER

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 24, 1978

Re: Applications for Water Right No's 36-7821, 36-7822, 37-7727, 37-7728, 37-7734, 37-7739, 95-7874, 11-7152, 36-7818, 36-7819, 36-7820

Department of Health and Welfare
State Office Building
700 W. State
Boise, Idaho 83720

Gentlemen:

Pursuant to the provisions of Section 42-1503, Idaho Code, enclosed are copies of the above referenced applications for water right. The applications have been submitted by the Idaho Water Resource Board to the Department and propose to appropriate minimum stream flows as described on the applications.

The applications will be advertised in the form of a legal notice one a week for two consecutive weeks. The notice will specify a time and place for a public hearing to be held concerning the proposed appropriation. To date, the hearing schedule has not yet been set.

Please submit any comments you may have within twenty (20) days or contact this office if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 24, 1978

Re: Applications for Water Right No.'s 36-7821, 37-7822, 37-7727, 37-7728, 37-7734, 37-7739, 95-7874, 11-7152, 36-7818, 36-7819, 36-7820

Department of Parks and Recreation
2177 Warm Springs Avenue
Boise, Idaho 83720

Gentlemen:

Pursuant to the provisions of Section 42-1503, Idaho Code, enclosed are copies of the above referenced applications for water right. The applications have been submitted by the Idaho Water Resource Board to the Department and propose to appropriate minimum stream flows as described on the applications.

The applications will be advertised in the form of a legal notice one a week for two consecutive weeks. The notice will specify a time and place for a public hearing to be held concerning the proposed appropriation. To date, the hearing schedule has not yet been set.

Please submit any comments you may have within twenty (20) days or contact this office if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 11

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 24, 1978

Re: Applications for Water Right No.'s 36-7821, 36-7822, 37-7727, 37-7728, 37-7734, 37-7739, 95-7874, 11-7152, 36-7818, 36-7819, 36-7820

Department of Fish and Game
600 S. Walnut Street
Boise, Idaho 83706

Gentlemen:

Pursuant to the provisions of Section 42-1503, Idaho Code, enclosed are copies of the above referenced applications for water right. The applications have been submitted by the Idaho Water Resource Board to the Department and propose to appropriate minimum stream flows as described on the applications.

The applications will be advertised in the form of a legal notice one a week for two consecutive weeks. The notice will specify a time and place for a public hearing to be held concerning the proposed appropriation. To date, the hearing schedule has not yet been set.

Please submit any comments you may have within twenty (20) days or contact this office if you have questions.

Sincerely,

L Glen Saxton

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail 2177 Warm Springs Ave. Boise Idaho 83720 (208) 384-2154

Dale R. Christiansen, Director
R. P. Peterson, Deputy Director

John V. Evans, Governor

STATEMENT OF DALE CHRISTIANSEN, DIRECTOR
IDAHO STATE PARKS & RECREATION DEPT.
SUPPORTING APPLICATION FOR MINIMUM FLOWS FOR
ELEVEN APPLICATIONS SUBMITTED BY FISH & GAME DEPT.

TO: Idaho Water Resource Board

DATE: November 16, 1978
Boise, Idaho

Mr. Chairman, our department, through our Statewide Outdoor Recreation Plan has identified a need to establish minimum flows as a very high priority for the preservation of certain recreation activities throughout Idaho. Among those activities that rely heavily on Idaho's flowing waters include stream fishing, white water boating, kayaking, and also visual enjoyment. Although, by many standards Idaho has an abundance of flowing waters at certain times, Idaho is also experiencing a rapid decline in the availability of flowing waters for recreation needs. We believe that the establishment of minimum flows for not only fish and wildlife purposes but also for other recreation purposes, is a need that has long been overlooked in the State of Idaho. As a general statement, we support the establishment of maintenance as well as minimum flows for many of Idaho's flowing waters for fish & wildlife purposes as well as for other recreational use of our free flowing waters.

In specifics, we are very supportive of having the Water Resources Board leave intact the application for minimum flows by the Idaho Department of Fish & Game to establish minimum flows for selected springs in the Hagerman Valley (Blind Canyon, Malad River, and Vineyard Creek) which I understand are a part of the applications being studied at this time.

Several of these sections relate to a direct interest our department has via our state park program. Several years ago we started work on the Malad Gorge State Park outside of Bliss, Idaho on the Malad River. We are nearing completion of our Development Phase and expect to have the park opened for use within the next year to year and a half. One of the key and major features of the Malad Gorge State Park is the gorge and the river that runs through it. Much of the water flow in this particular stretch arises from the springs located on state park property at the foot of the gorge. These springs help to improve the quality of the water that runs through the Malad Gorge and also makes

The Department has also been supportive of the efforts made by other public agencies, notably the Bureau of Land Management, in efforts to establish Vineyard Creek and Devils Corral Area as a recreation area. This area was being looked at as a potential state park but the concept has been set aside as the BLM is working to establish the area as a BLM recreation site. We have been cooperatively working with the BLM over the past year on this project. We feel that Vineyard Creek possesses some unique features that should be preserved for posterity. The establishment of minimum flows would ensure this preservation.

The Department further supports the establishment of minimum flows for Silver Creek as this is one of the finest trout streams in Idaho and a treasure with international recognition. Any request to reduce the quality or quantity of this area should be studied very closely. Although not mentioned in the application under review, we also encourage the Department of Water Resources to investigate setting minimum flows for Devils Corral, Crystal, and Niagra Springs which are located in the Hagerman Valley near Blind, Bancroft, and Vineyard Springs.

We appreciate the Water Resource Board giving us the opportunity to make a statement concerning the pending application for minimum flows. If our department can provide the Board or the Department of Water Resources with any further information, we would be happy to do so.

Thank you.

Dale R. Christiansen
Director

cc: Herm McDevitt
Merle Allison
Joe Greenley

BOISE VALLEY FLY FISHERMEN

OFFICE OF
Joe Wyllie

P. O. BOX 311

BOISE, IDAHO 83702

November 16, 1978

Water Resource Board
373 W. Franklin Street
Boise, Idaho 83720

Dear Sirs:

The members of the Boise Valley Fly Fishermen are in complete favor of the action taken by the Idaho Fish and Game Department to gain water rights for minimum flows on 11 streams or portions of streams in Idaho. We sincerely hope that you will take action and approve the request.

Sincerely,

Joe Wyllie

Joe Wyllie
President, BVFF

JW:jl

329 South Phillippi
Boise, Idaho 83705
November 4, 1978

RECEIVED
NOV 7 1978
Department of Water Resources

Mr. George Yost, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

Dear Mr. Yost,

I am delighted to see that the newly legislated opportunity to apply for minimum stream flows in Idaho has been taken up by the Fish and Game Department. Such a request is very much in the public interest for the citizens of this state. If the water for these minimum flow requests is indeed available, I urge affirmative action be taken by the members of the Idaho Water Resource Board. I refer to the following applications for permits: 36-7818 - Vinyard Creek, 36-7819 - Briggs Springs, 36-7820 - Blind Canyon Springs, 36-7821 - Lower White Springs, 36-7822 - Banbury Springs, 37-7727 and 37-7728 - Silver Creek, 61-7373 - Bancroft Springs, 95-7874 - Wolf Lodge Creek, 11-7152 - St. Charles Creek.

I do not think we can any longer operate efficiently with a zero-based budgeting concept for the waters of Idaho. To establish minimum flows for those streams where it is still possible is like putting money in a water savings account. The sooner we move ahead with such a program the more everyone will benefit, and I include the agricultural water user as a very direct beneficiary of such a program.

Since the concept of establishing minimum stream flows for Idaho's waters is very long overdue in my estimation, I hope that you can move forward with all possible speed in the granting of these applications.

Sincerely,

Doli Obee

Doli Obee

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 13, 1978

MEMO:

FROM: Loren O. Holmes, Southern Region Supervisor

TO: Steve Allred, Director

SUBJECT: Application for Permit - Idaho Water Resource Board

Attached herewith are 10 applications for instream flows from the Idaho Water Resource Board which were received in this office on September 13, 1978 at 8:15 a.m.

Southern Region

Application for Permit #36-7818 - Vinyard Creek
Application for Permit #36-7819 - Briggs Springs
Application for Permit #36-7820 - Blind Canyon Springs
Application for Permit #36-7821 - Lower White Springs
Application for Permit #36-7822 - Banbury Springs
Application for Permit #37-7728 - Silver Creek
Application for Permit #37-7727 - Silver Creek

Western Region

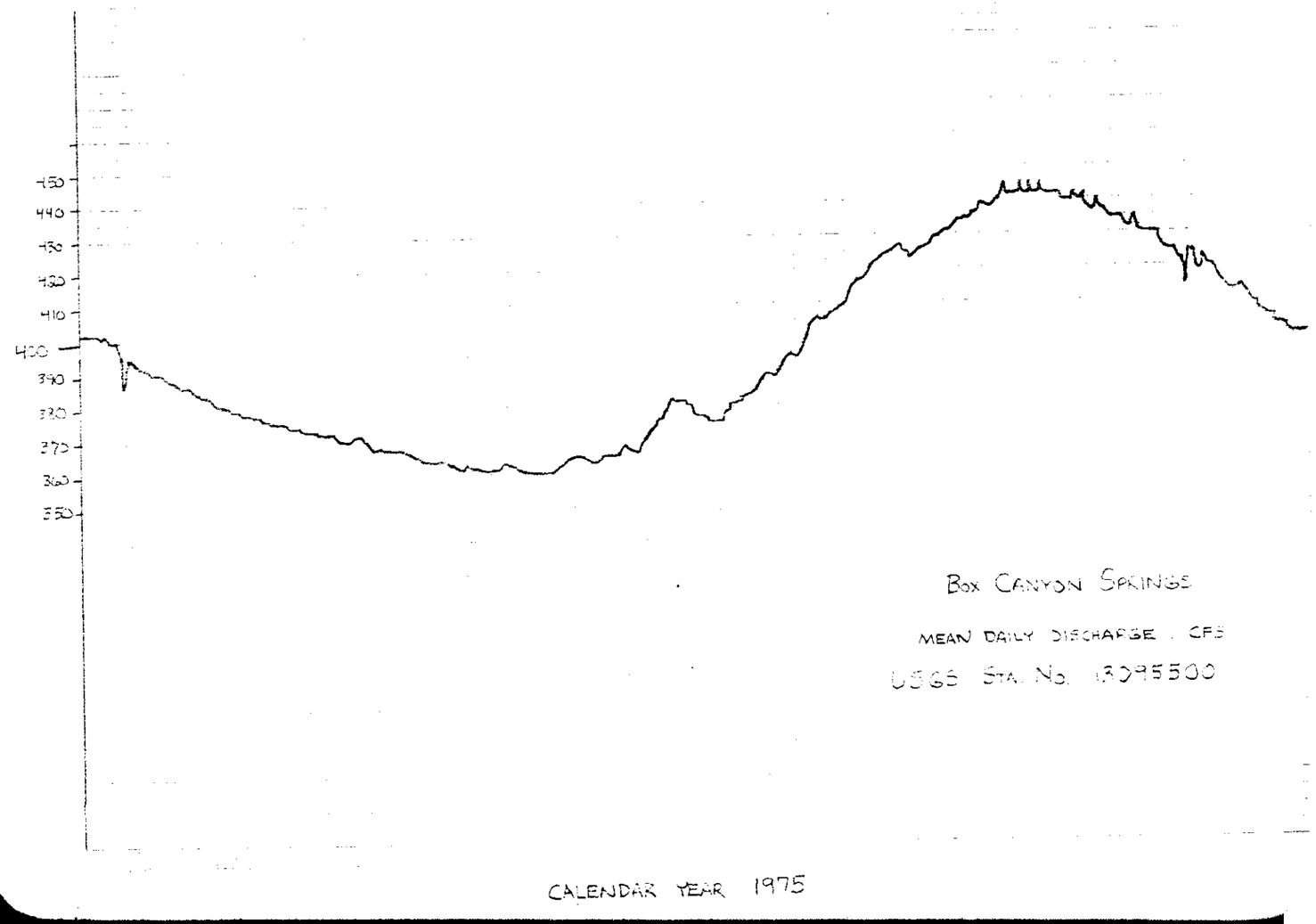
Application for Permit ~~#61-7373~~ #37-7737 - Bancroft Springs

Northern Region

Application for Permit #95-7874 - Wolf Lodge Creek

Eastern Region

Application for Permit #11-7152 - St. Charles Creek

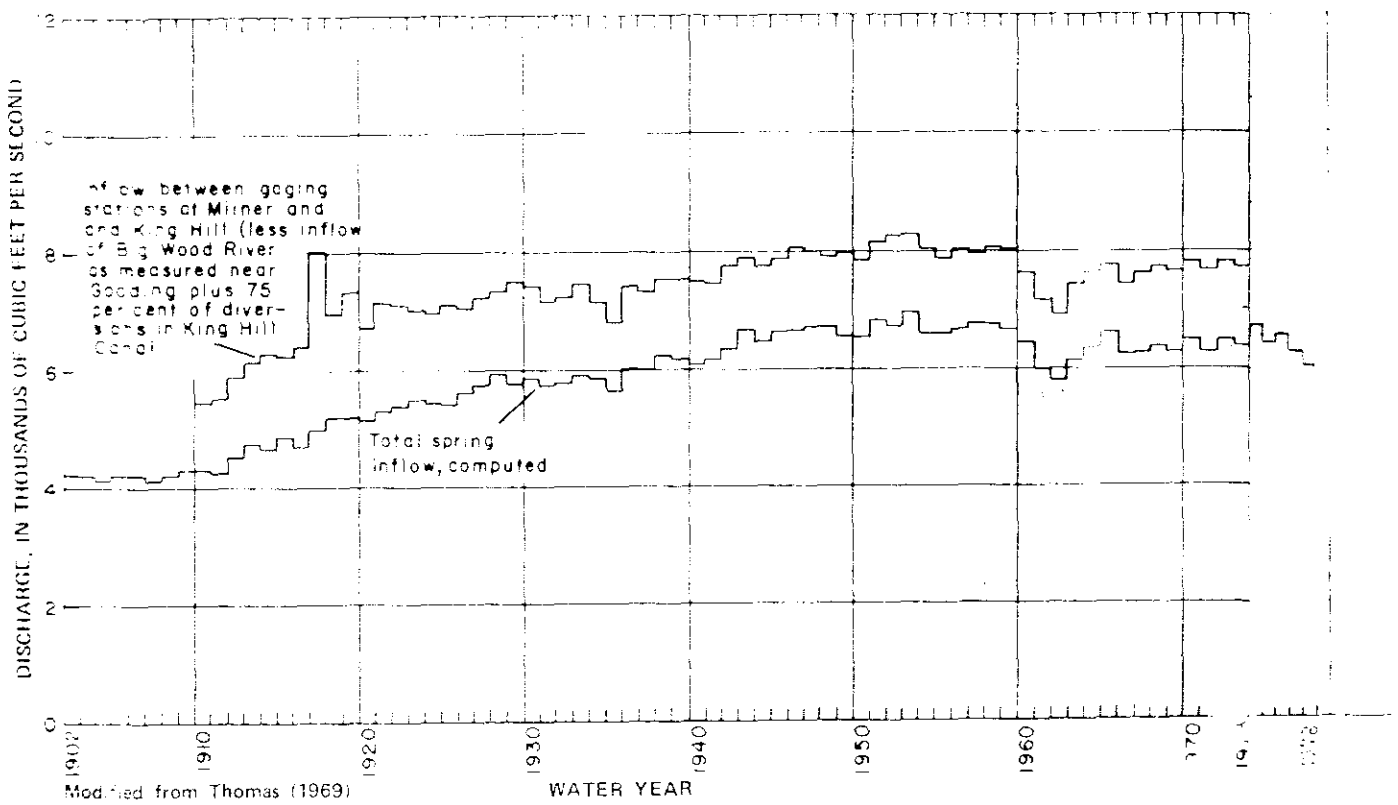


Box Canyon Springs

MEAN DAILY DISCHARGE - CFS

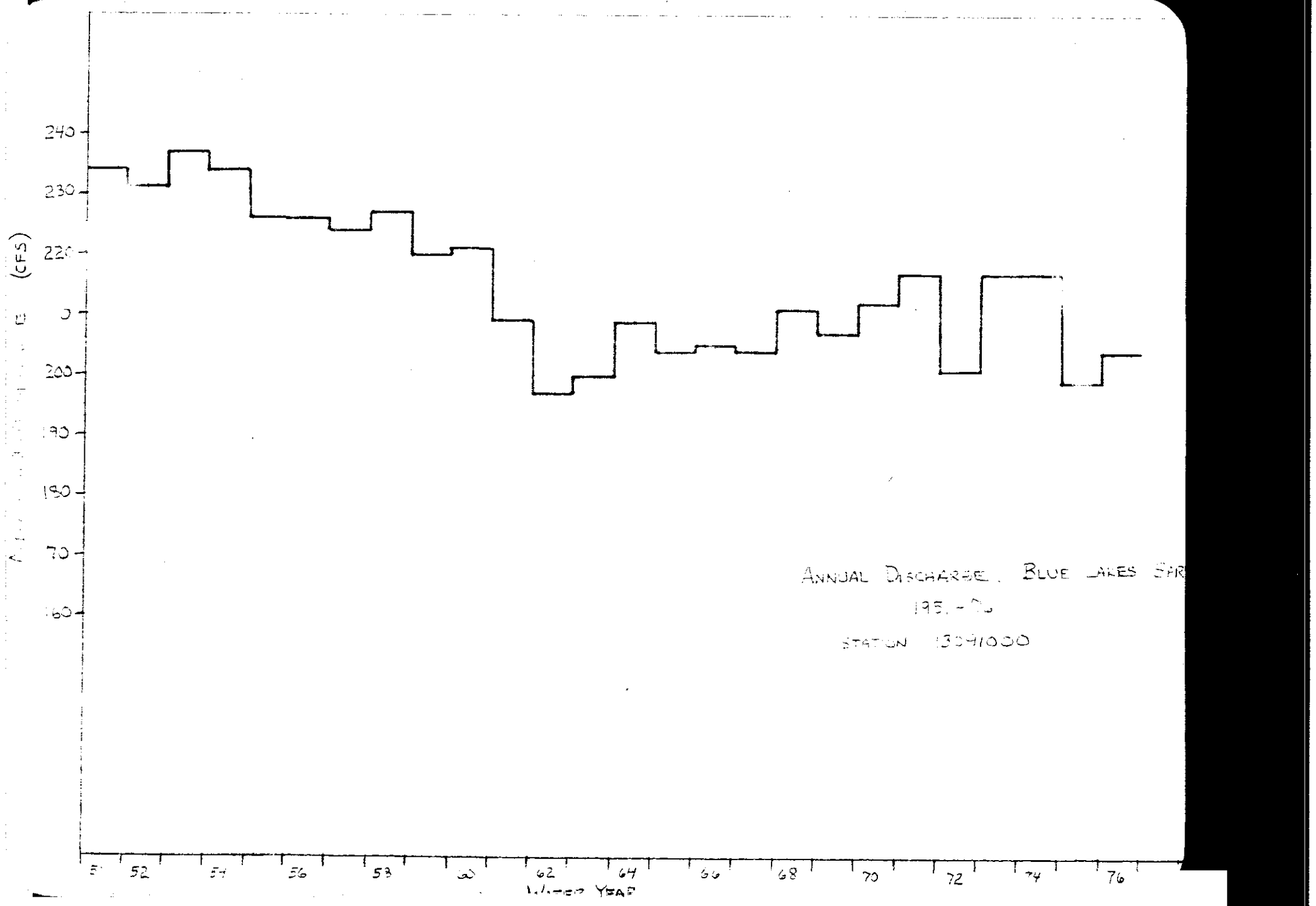
USGS Sta. No. 13095500

CALENDAR YEAR 1975



Modified from Thomas (1969)

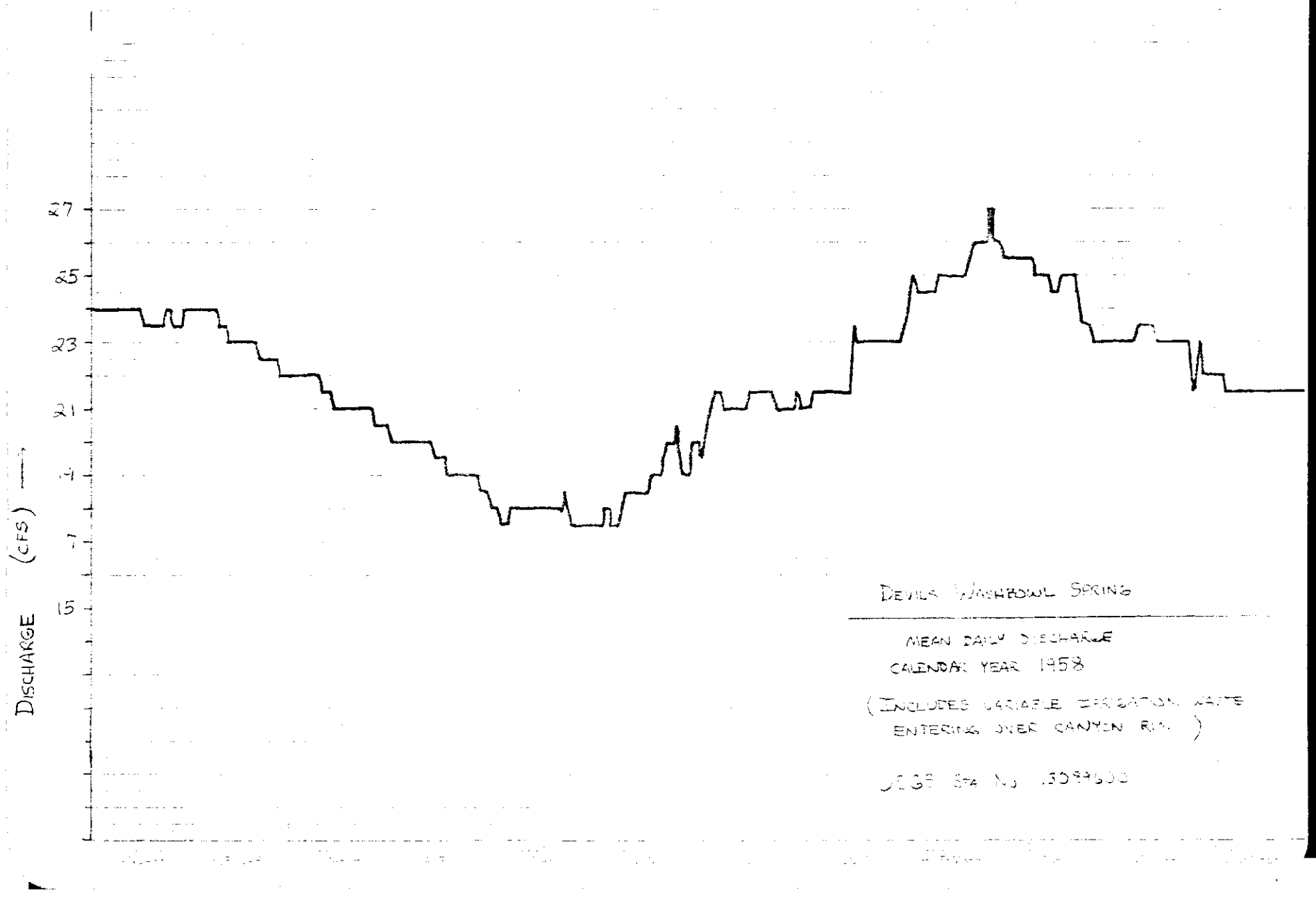
FIGURE 3. Inflow to Snake River between Milner and King Hill and computed total spring inflow.



ANNUAL DISCHARGE, BLUE LAKES SPR

19[illegible]

STATION 11341000



DEVILS WASHBOWL SPRING

MEAN DAILY DISCHARGE
CALENDAR YEAR 1958

(INCLUDES VARIABLE IRRIGATION WATER ENTERING INTER CANYON RM.)

USGS STA NO. 10299500