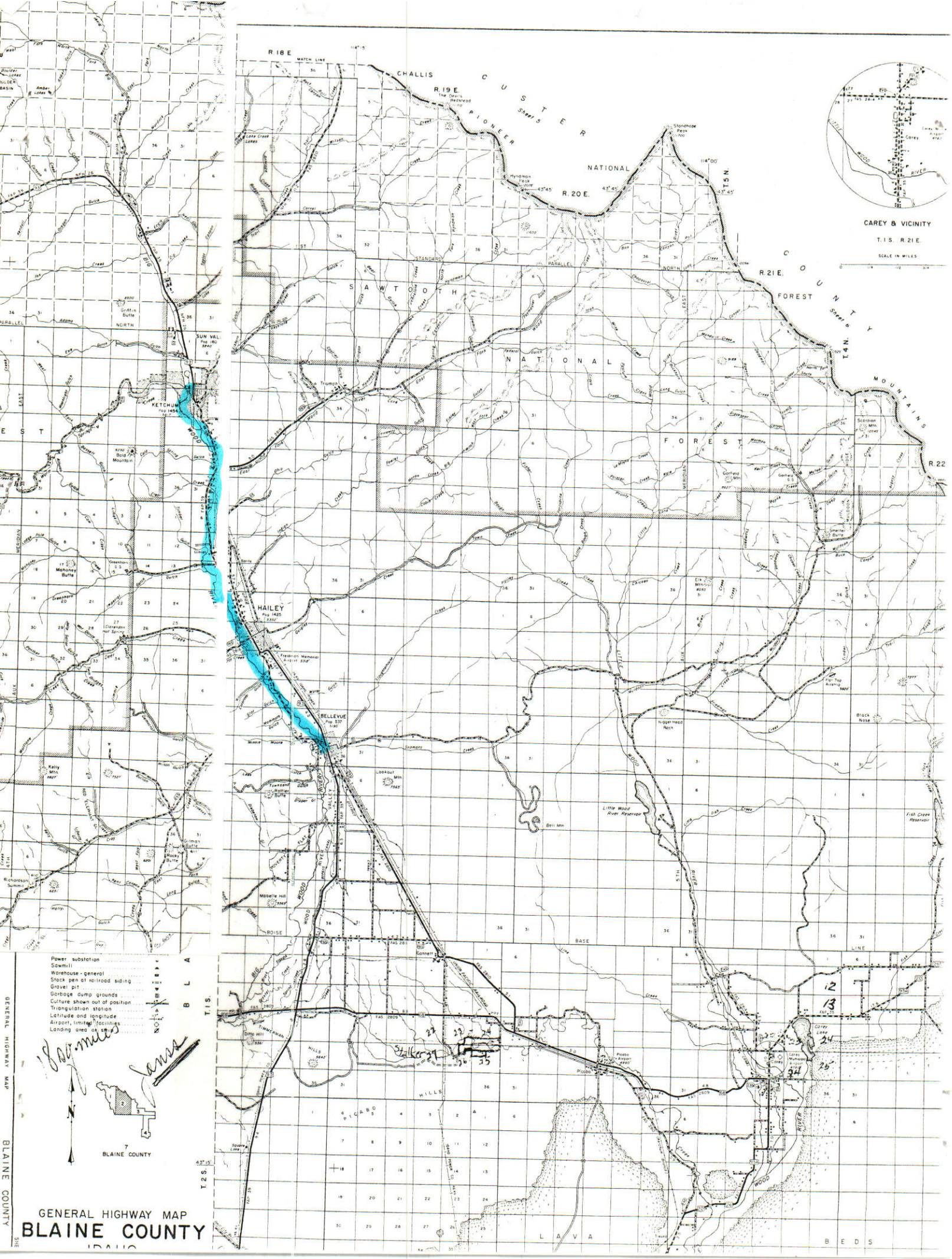

R.18 E.
R.19 E.
R.20 E.
R.21 E.
R.22
T.5 N.
T.4 N.
T.3 S.
T.2 S.
CHALLIS
NATIONAL FOREST
SAWTOOTH
CUSTER COUNTY
PIONEER MOUNTAINS
SUN VALLEY
KETCHUM
HAILEY
BELLEVUE
CAREY & VICINITY
T. 1 S. R. 21 E.
SCALE IN MILES
Power substation
Sawmill
Warehouse - general
Stock pen at railroad siding
Gravel pit
Garbage dump grounds
Culture shown out of position
Triangulation station
Latitude and longitude
Airport, limited facilities
Landing area or strip
7
BLAINE COUNTY
GENERAL HIGHWAY MAP
BLAINE COUNTY
IDAHO
BLAINE COUNTY

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, 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 (2) consecutive weekly insertions beginning with the issue of

October 24, 1985, and ending with the issue of October 31, 1985.

Laura Gay Barnes

Subscribed and sworn to before me this 31st day of October, 1985.

Jeanne M Hawle

Notary Public for Idaho, Residing at Boise, Idaho.

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood River tributary of Snake River and is further described as follows:

APPLICATION NO. 37-7919

Date Filed: June 19, 1981.
Source: Big Wood River tributary of Snake River.
Point of Minimum Streamflow: SWNW, Sec. 36, T2N, R18E, upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R16E, B.M., Blaine County. (See memo dated 12/17/85)
Rate of Flow: 70 cubic feet per second.
Season of Use: January 1 to December 31.
Use: To maintain trout habitat.

The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriff's Office, Corner 1st and Walnut, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of *Sec. 42-1503, Idaho Code.*

If issued, this permit 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 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A. KENNETH DUNN
Director

Pub. Oct. 24, 31, 1985 9364

MICROFILMED

RECEIVED
NOV 4 1985
Department of Water Resources
Northern District Office

Water right app. filed for streamflow

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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Rate of Flow: 70 cubic feet per second

Season of Use: January 1 to December 31

Use: To maintain trout habitat

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A. KENNETH DUNN
Director

Publish: Wood River Journal--October 24 and October 31, 1985.

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 24th day of October, 19 85, last publication having been made on the 31st day of October, 19 85, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

J. Robb Brady

Subscribed and sworn to before me, this 5th day of November, 19 85

Deon Dapen
Notary Public

My commission expires September 30, , 19 88

B10, 1M,

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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Season of Use: January 1 to December 31
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A. KENNETH DUNN
Director

Published: October 24, 31, 1985

See memo dated 12/17/85

MICROFILMED

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

Date 103185 INVOICE No. L00059636

Account No. 44662

Description 59636NOTIC

LEGAL ADVERTISING
INVOICE

Times 2 Lines 53

Tab Lines

SOLD TO:
STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD., NO
TWIN FALLES
ID 83301

$ 46.38

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

59636

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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Date Filed: June 19, 1981
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A. KENNETH DUNN
Director

17 see memo dated 12/17/85

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 8 1985
Department of Water Resources
Southern District Office

STATE OF IDAHO, County of Nez Perce ss.

S. L. Stone, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 102485, or once a week for two consecutive weeks, the first publication thereof being on the 102485, and the last publication thereof being on the 103185, and said NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

S. L. Stone

SUBSCRIBED AND SWORN BEFORE ME THIS THE 31 day of October 1985

Sheral M Lantz

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

MICROFILMED

EXHIBIT NO.



Regional fishery manager, Charles Corsi measuring an adult wild rainbow trout obtained by electrofishing in the Starweather study site on the Big Wood River. Excellent river substrate of clean cobble and gravel in background provides rearing habitat for both aquatic insects and Big Wood River sculpin which supply the feed to maintain a good wild trout fishery. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game on August 28, 1991.

OCT 2 0 1994

EXHIBIT NO.



An angler enjoying a sunny winter day fishing for mountain whitefish on the Big Wood River below Hailey. Anglers fish the river throughout the year except during the April through May season closure. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game in February 1986.

MICROFILMED
OCT 2 0 1994

EXHIBIT NO.



A bucket full of wild rainbow trout obtained while doing fish population estimates in the Starweather site of the Big Wood River on August 28, 1991. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

MICROFILMED
OCT 2 0 1994

EXHIBIT NO.



An adult mountain whitefish in excellent condition obtained by Idaho Department of Fish and Game personnel on August 28, 1991, by electrofishing in the Starweather study site, Big Wood River. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

MICROFILMED
OCT 2 0 1994

EXHIBIT NO.



A 17 inch wild rainbow trout obtained by Idaho Department of Fish and Game personnel on August 28, 1991, by electrofishing in the Starweather study site, Big Wood River. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

OCT 2 0 1994

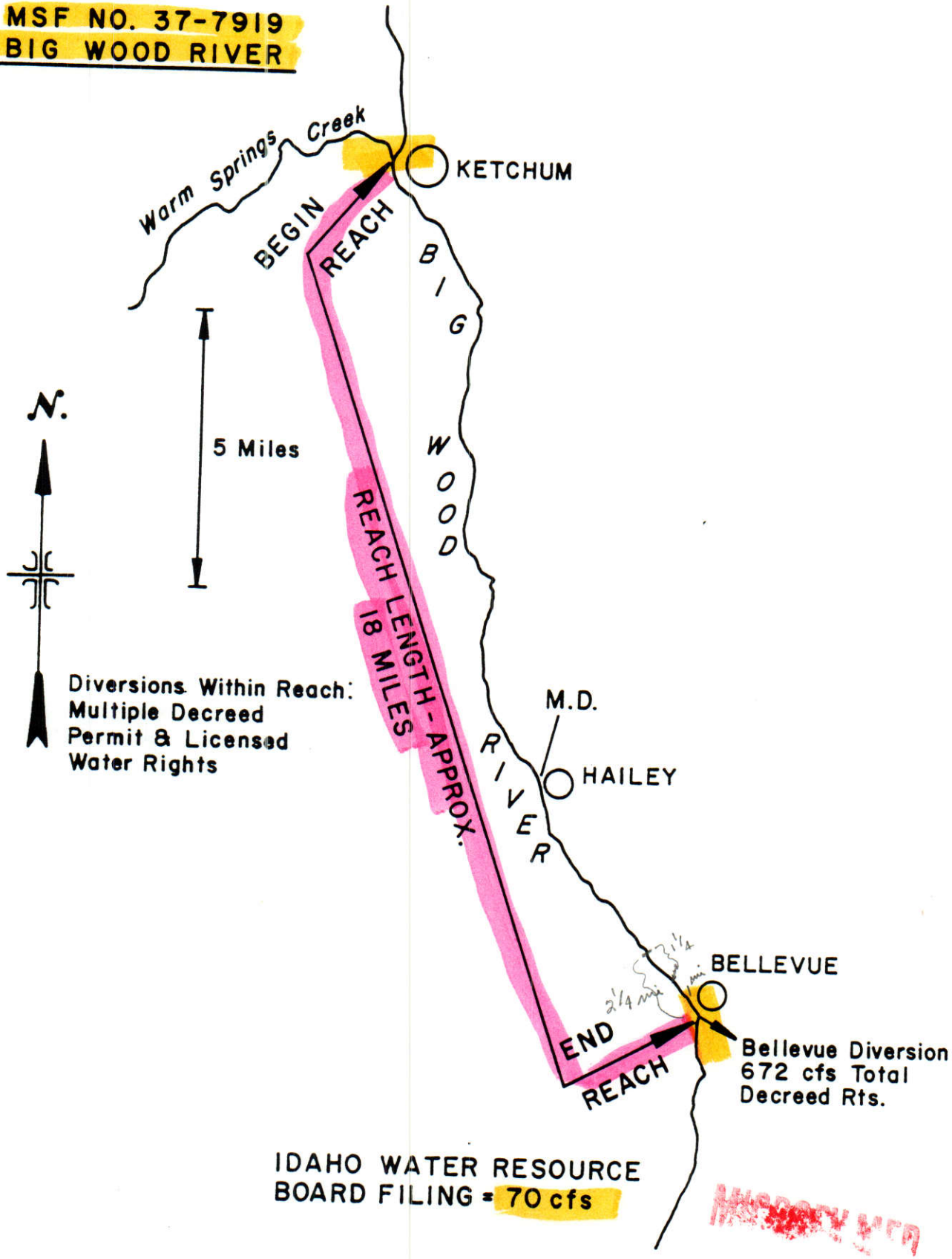
EXHIBIT NO.



A wild rainbow trout obtained by Idaho Department of Fish and Game personnel on August 28, 1991, by electrofishing in the Starweather study site, Big Wood River. Bucket in background contains adult mountain whitefish. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

OCT 2 0 1994

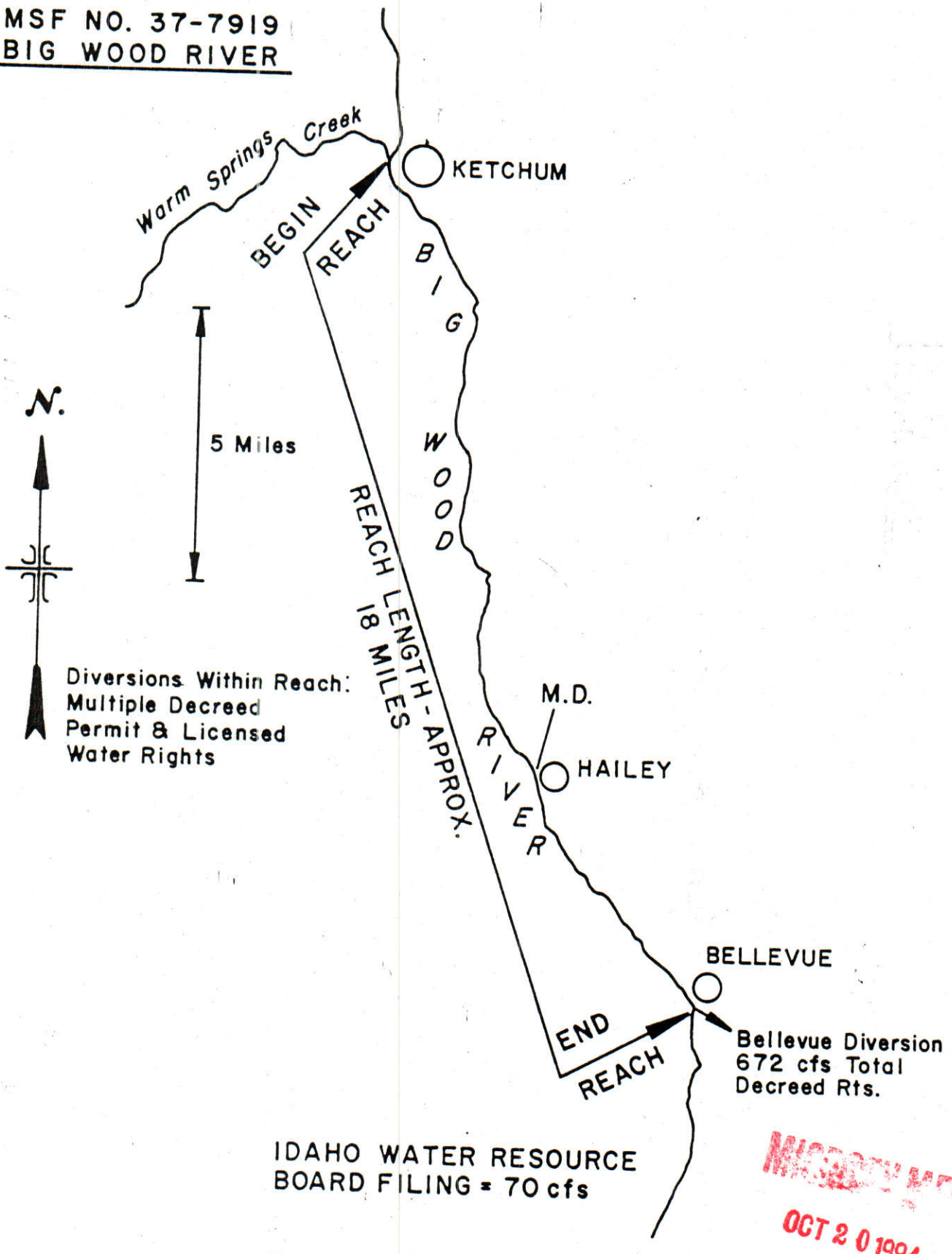
MSF NO. 37-7919
BIG WOOD RIVER



IDAHO WATER RESOURCE
BOARD FILING = 70 cfs

RECEIVED
OCT 20 1994

MSF NO. 37-7919
BIG WOOD RIVER



IDAHO WATER RESOURCE
BOARD FILING = 70 cfs

OCT 20 1994

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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APPLICATION No. 37-7919

Date Filed: June 19, 1981

Source: Big Wood River tributary of Snake River.

Point of Minimum Streamflow: SWNW, Sec. 36, T2N, R18E; upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R18E, B.M., Blaine County.

Rate of Flow: 70 cubic feet per second.

Season of Use: January 1 to December 31.

Use: To maintain trout habitat.

The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriffs' Office, Corner 1st and Walnut, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Sec. 42-1503, IDAHO CODE.

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A KENNETH DUNN
Director

PUBLISH: Thursday, October 24 and 31.

VED
985
r Resources
al Office

RECEIVED
See memo dated 11/7/85
NOV 20 1985
Department of Water Resources
Southern District Office

Affidavit of Publication

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

MICROFILMED

№ 15619

I, Linda Copps McGuire being first duly sworn upon oath, depose and say that I am Pubic 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 Weeks, commencing with the issue dated October 24, 1985, and ending with the issue dated October 31, 1985

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.

Linda Copps McGuire

Subscribed and sworn to before me on this 31 day of October, 1985.

Deanna Thrush

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

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NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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A KENNETH DUNN
Director

PUBLISH: **Thursday,** October 24 and 31.

15113774 0080

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A. KENNETH DUNN
Director

Pub. Oct. 24, 31, 1985 9364

Water right app. filed for streamflow

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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Rate of Flow: 70 cubic feet per second

Season of Use: January 1 to December 31

Use: To maintain trout habitat

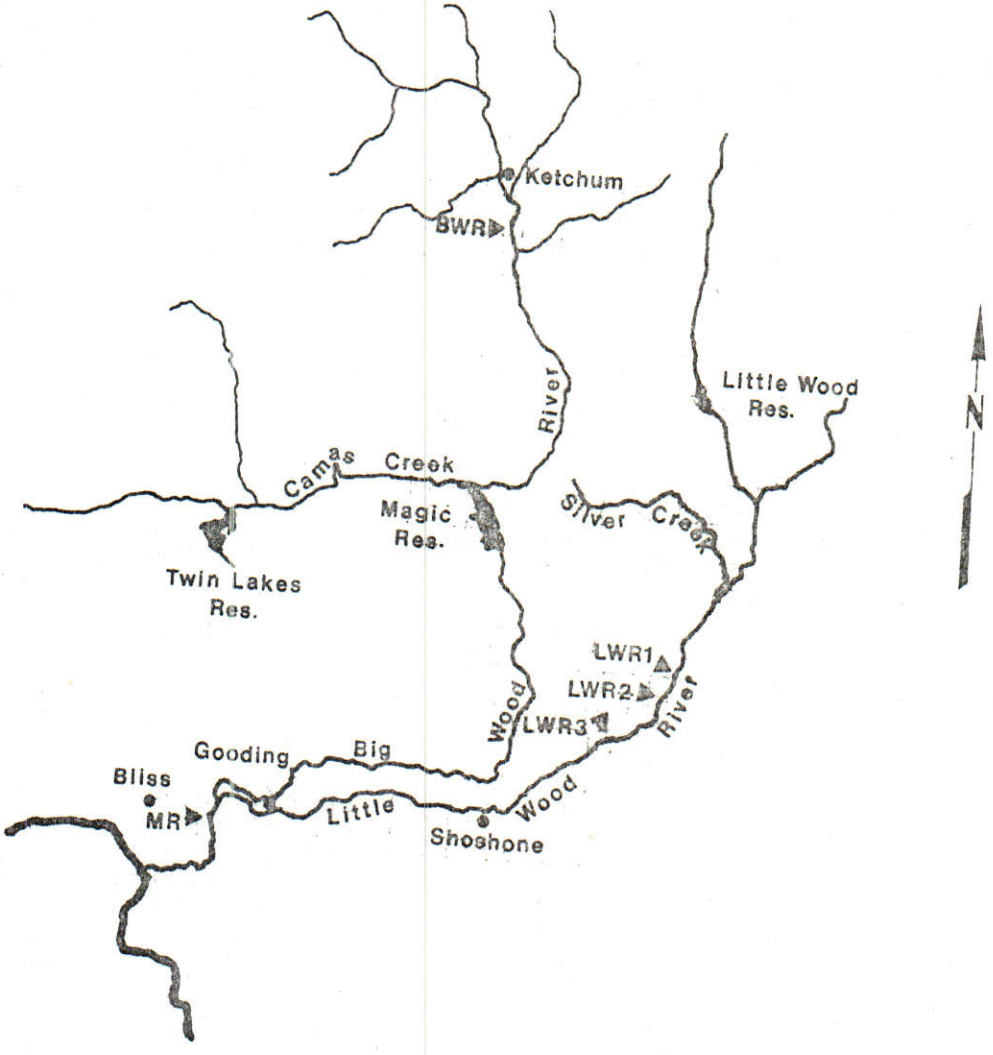
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A. KENNETH DUNN
Director

Publish: Wood River Journal--October 24 and October 31, 1985.

Figure 2. Locations of Malad River, Big Wood River and Little Wood River study sites.



MICROFILMED

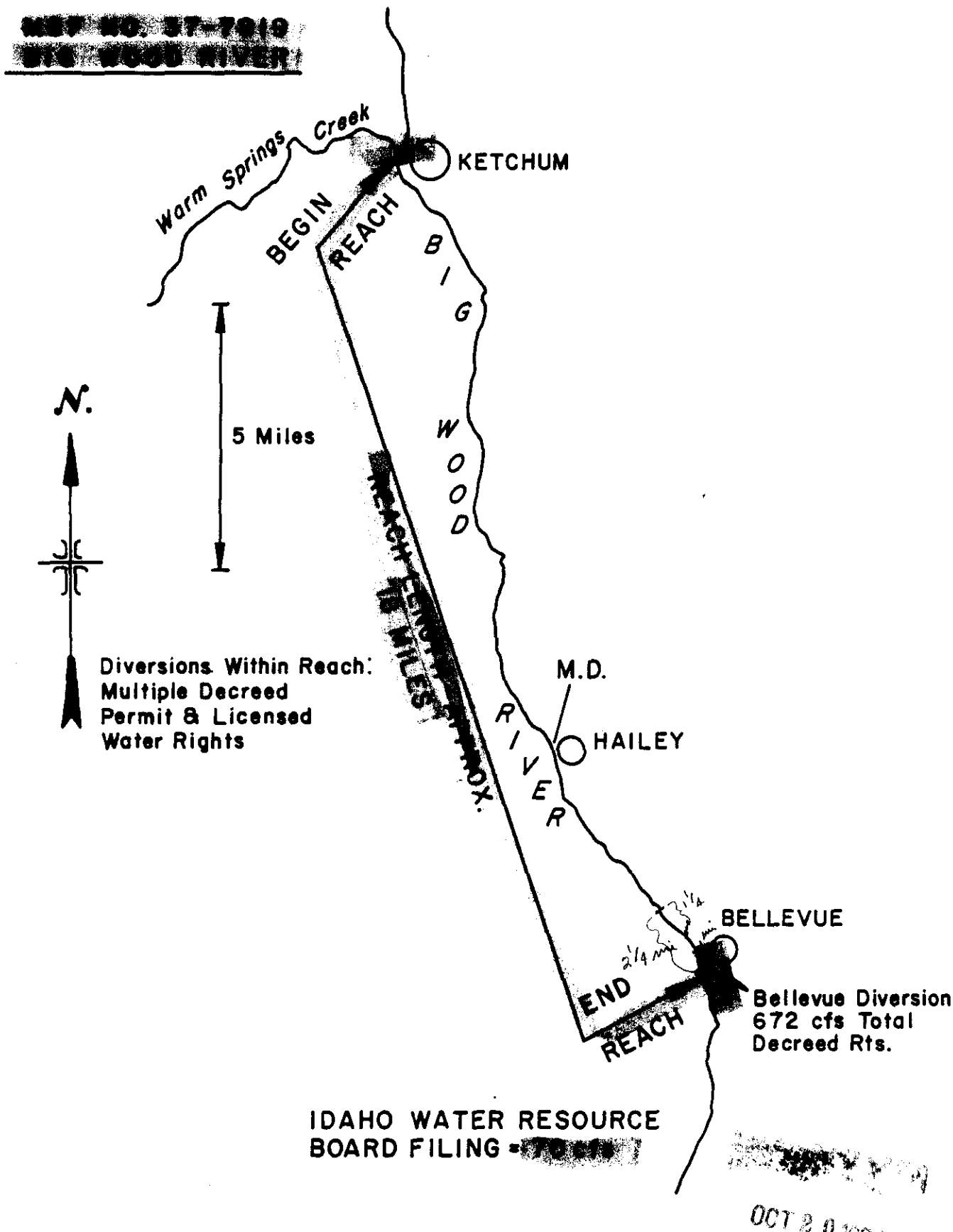

MAP NO. ST-7910
BIG WOOD RIVER
Warm Springs Creek
KETCHUM
BEGIN REACH
BIG WOOD RIVER
N.
5 Miles
Diversions Within Reach:
Multiple Decreed
Permit & Licensed
Water Rights
REACH 18 MILES
M.D.
HAILEY
BELLEVUE
1/4 mi
2 1/4 mi
END REACH
Bellevue Diversion
672 cfs Total
Decreed Rts.
IDAHO WATER RESOURCE
BOARD FILING
OCT 2 0 199

EXHIBIT NO. 1



Looking upstream on the Big Wood River at a point approximately 700 yards below the Ketchum sewage treatment plant. Gravel riffle areas such as those in the above photo are used for salmonid spawning. Photo taken by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

MICROFILMED

EXHIBIT NO. 2



Juvenile whitefish and adult wild rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985, by electrofishing approximately 65 feet of shoreline of the Big Wood River shown in Exhibit No. 1. Totals of 53 whitefish, four wild rainbow and numerous Wood River sculpin were obtained. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 3



Looking downstream on the Big Wood River near Hailey a short distance below the Bullion Street bridge. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 4



Looking upstream on the Big Wood River approximately 0.5 miles downstream from the mouth of the East Fork of the Big Wood River. Area is just above the Highway 75 bridge at milepost 122.19. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 5



Wild rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing approximately 30 feet of shoreline just above the Highway 75 bridge at milepost 122.19. Totals of 34 wild rainbow trout, one brook trout and numerous Wood River sculpin were obtained. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 6



Adult wild rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing just above the Highway 75 bridge at milepost 122.19. Photo taken by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 7



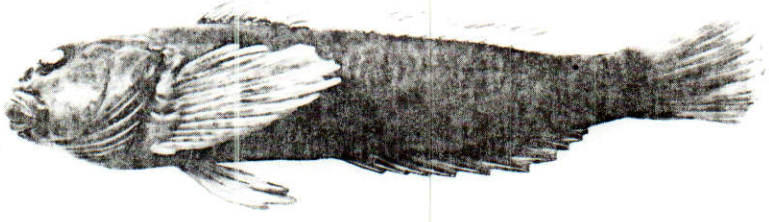
Wild juvenile rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing just above the Highway 75 bridge at milepost 122.19. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 8



Wood River sculpin obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing just along the Highway 75 bridge at milepost 122.19. This species of fish is listed by the Idaho Department of Fish and Game as a species of special concern. Photo taken by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

WOOD RIVER SCULPIN
Cottus leiopomus



Body cottoid in shape; lateral line incomplete; prickles absent. Head moderately large, broad, and oval in shape; preopercular spines absent; palatine teeth absent or poorly developed. Dorsal fin with 7 spines and 18 or 19 rays; pelvic fins with 1 spine and 4 rays; anal fin with 12 or 13 rays. Color grayish olive and mottled with dark brown or black.

The Wood River sculpin was first collected in 1893 from Little Wood River near Shoshone, Idaho. It has since been collected from Big Wood River and tributaries.

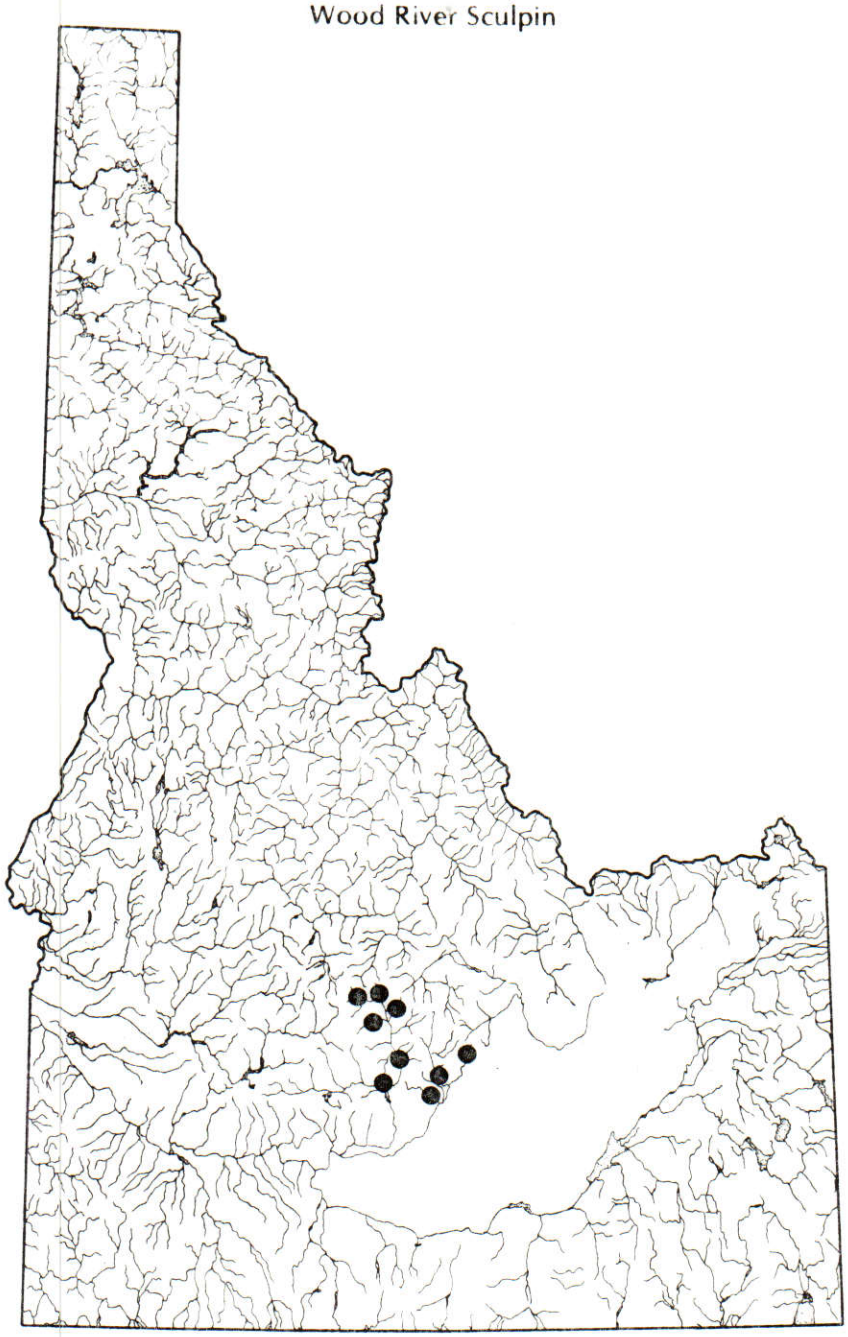
Little is known of its life history, but is assumed that it is similar to that of other sculpins.

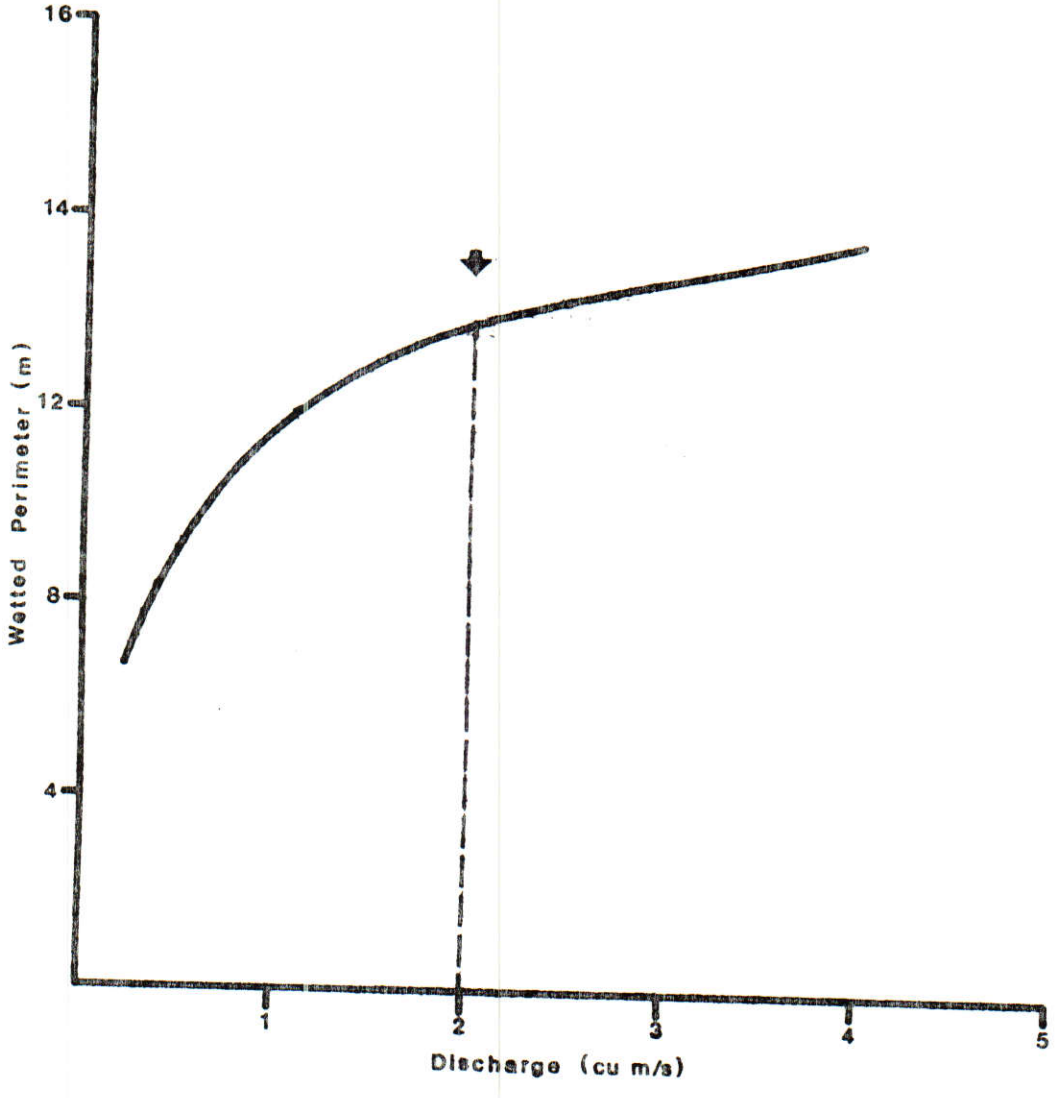
Early natives of the Wood River basin used it for bait when fishing for trout.

This sculpin also faces an uncertain future. It is endemic to the Wood River system. Because of its restricted distribution, the species will be placed in the "special concern" category. Continued land development, water diversion, and poor land management practices, with the resulting degradation of the aquatic habitat and water quality, seem to be the immediate threat to this species. Management agencies should be aware of the potential problems and act accordingly to protect this Idaho endemic.

MICROFILMED

Wood River Sculpin



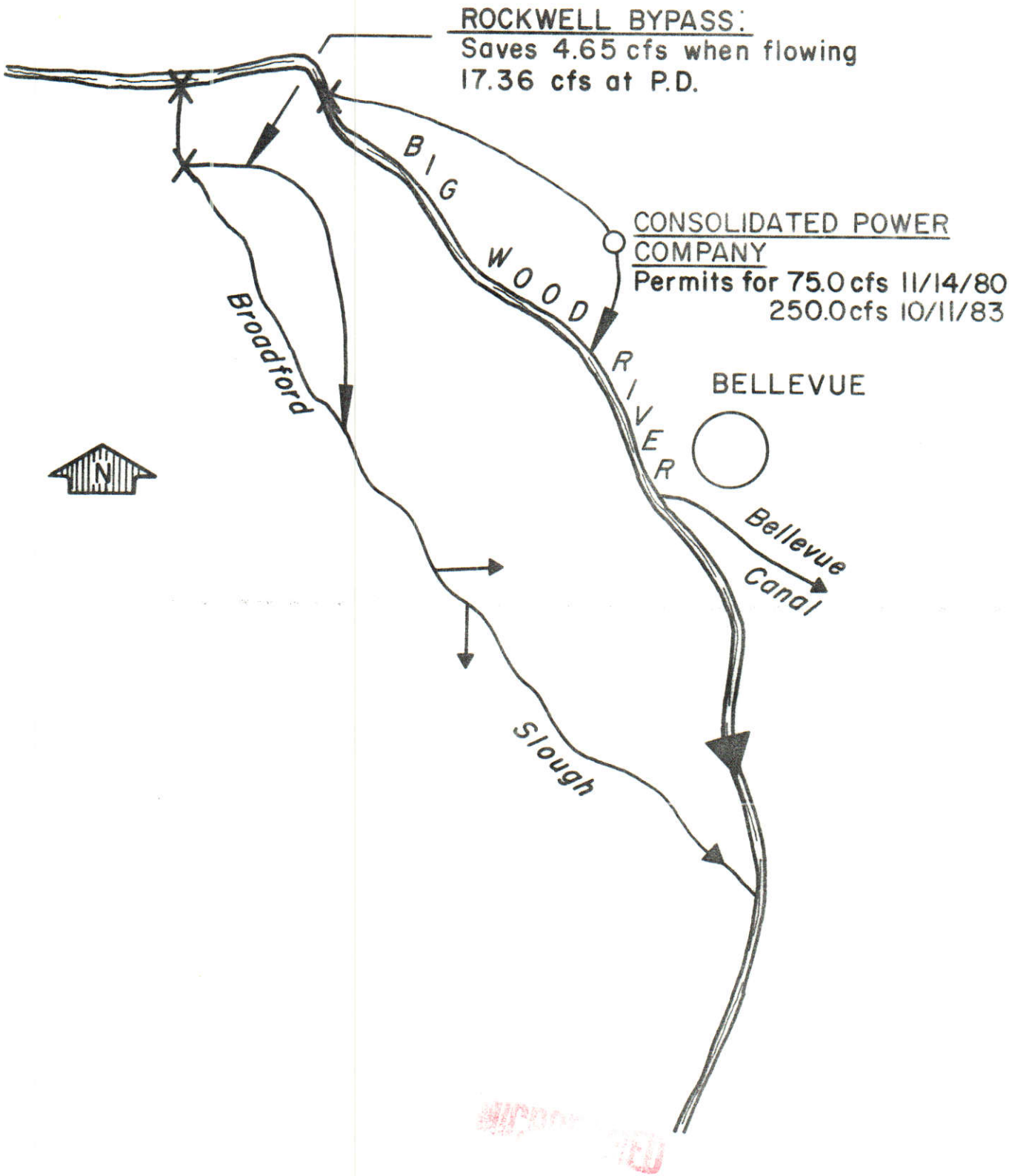


Fish and Game Exhibit 16. Rearing flow curve for Big Wood River above mouth of East Fork Big Wood River.

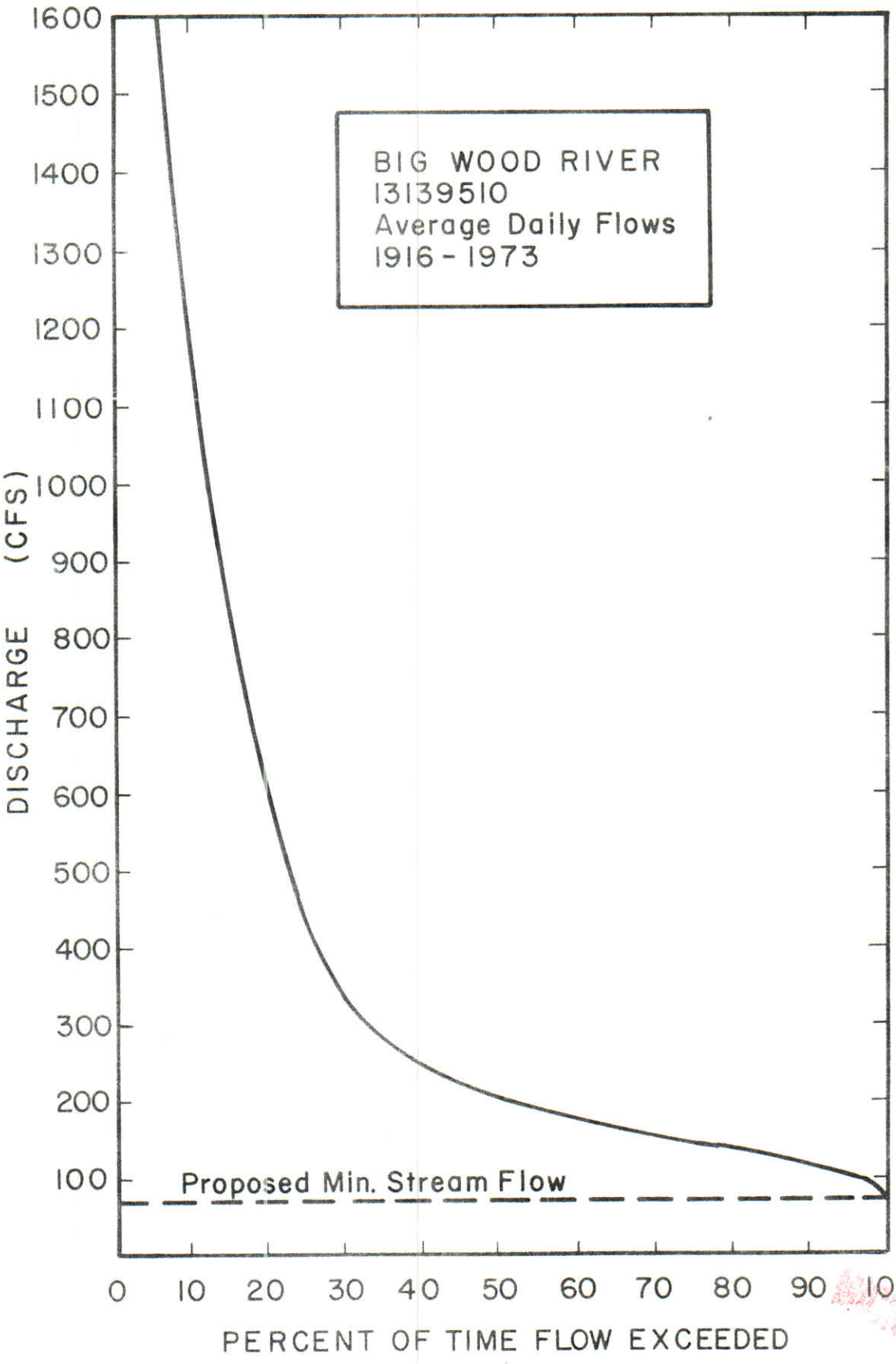
Source: Cochnauer, T. and E. Buettner. 1978.

Stream Flow Investigations-Stream Resource Maintenance Flow Determinations on Idaho Streams. Idaho Department of Fish and Game.

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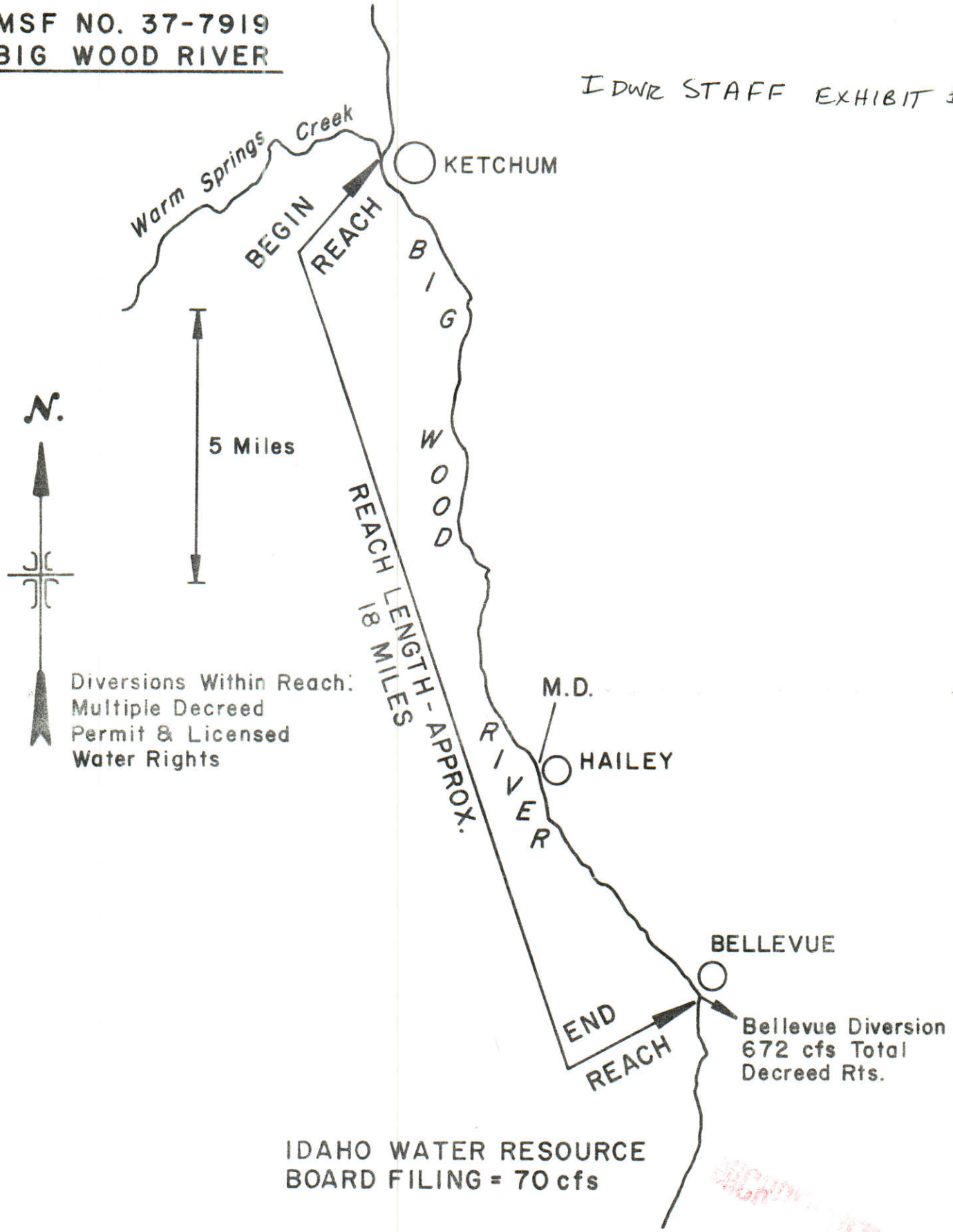
IDWR STAFF EXHIBIT # 4



IDWR STAFF EXHIBIT #2

MSF NO. 37-7919
BIG WOOD RIVER

IDWR STAFF EXHIBIT # 1



Blaine Co Exhibit #8

EDITORIALS

Vote Was for Change

As usual on election night, many Wood River Valley residents spent the evening analyzing the results. The winners celebrated. Supporters of some candidates indulged in numbers games, swearing that if only campaign organizers had played the odds another way, the results would have been different. Others concluded that what could go wrong did go wrong.

Probably the only conclusion to be drawn about the election is that voters the length of the valley cast ballots for change. In the Hailey and Ketchum races, three out of four incumbents were defeated.

Just what those changes will be remains to be seen. Both Hailey and Ketchum have been struggling for some direction over the past two years, with little success. Both communities have been beset by budget problems, and divisive development and economic issues. The newcomers to the city offices definitely have their work cut out for them in trying to forge some new, successful directions for the valley's two largest communities.

Voters and those who actively campaigned for particular candidates in the election also have their work cut out for them. In the two-month interim before the newly elected take office, it will be everyone's job to heal any wounds that may have resulted from the election.

This year saw some of the most hard-fought elections of the decade in Hailey and Ketchum. The local campaign organizations that were formed, the work they did, the intensity of the individual candidates was unparalleled. It's possible the races were the hottest since the valley's mining years.

The process was healthy. Strong feelings on issues were voiced, discussed, debated in every possible forum and medium. However, in the heat of the campaign it was probably inevitable that some words stung, some questions rankled and differences of opinion provoked polarization.

It's time now to leave election residue behind and get on with unifying the valley, to promote hope in the future and cooperate with each other in pursuit of common goals.

The newly elected deserve congratulations. The defeated deserve our thanks for their efforts. The individuals who ran gave the democratic process a good name.

Ambulance Pay Should Comply With the Law

The county's new ambulance service director revealed last week that ambulance employees are being paid less than minimum wage for time spent on call. On-call time is not being considered part of the regular work week for ambulance personnel.

Apparently, this is continuing despite the recent ruling by the U.S. Supreme Court that required state and local governments to be subject to the Fair Labor Standards Act. The ruling became effective April 15. It outlawed the use of compensatory time off in lieu of overtime pay. Overtime pay is required to be one and a half times the normal rate of pay.

The new ambulance director has said that he will consult an attorney on the matter. Good. However, the Blaine County Commissioners are responsible to see to it that the ambulance service complies with the law. Otherwise, the county could be open to lawsuits for double the rate of pay.

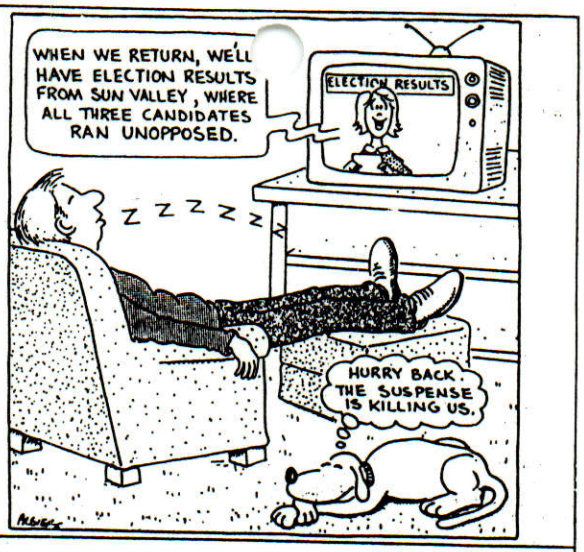
The commissioners should quit ignoring the problem. Otherwise, any penalties will have to be paid by—you guessed it—the poor taxpayer.

EXPRESS PUBLISHING, INC.
P.O. BOX 1013 KETCHUM, ID 83340
(208) 726-8060

Volume 12, Number 45, Nov. 7, 1985

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Rally One More Time for the Big Wood

Over the years, valley residents have been called upon over and over to rise up in support and defense of the Big Wood River. Apparently, a river is never really "saved." Disaster, it seems, is only held at bay until some entrepreneurial mind figures out a new way to "legally" use the valuable public resource for private enrichment.

Once again, the Big Wood River needs help to obtain a minimum stream flow. The flow would help ensure that the minimum amount of water necessary for stream life in the river is protected.

A minimum flow of 70 cubic feet per second was requested for the Big Wood in 1981. The request has been scheduled for hearing before the Idaho Department of Water Resources Nov. 13, 1:30 p.m., at the Blaine County Courthouse.

In essence, Idaho law allows a stream to be awarded a right to the water within its own banks if it is in the public interest. The Idaho law that allows the minimum flows to be awarded is a good law. It was the result of much public concern about threats to Idaho's rivers from power and irrigation development, trout farms and other commercial developments that require diversion of large quantities of water.

The public value of the waters of the Big Wood lies in their recreational uses. The river is one of the attractions essential to the area's tourist industry and to the spiritual well-being of its residents. It is easy to place a dollar value on recreation. It's harder to put a price tag on the latter because it's priceless.

A minimum flow of 70 cfs is really not large enough to adequately ensure the survival of the river's aquatic life. Where the river flows through a broad channel near Bellevue, 70 cfs wouldn't amount to much. However, a minimum flow of that amount would be a start. Although the IDWR is not legally empowered to approve an amount greater than the requested flow, those who testify in the river's favor would be wise to suggest that an additional minimum flow be requested.

It's impossible to forecast what the future threats to Big Wood water might be. However, projects like the micro-hydroelectric project proposed near Bellevue indicate that establishing a minimum stream flow for the Big Wood is necessary if its waters are not to disappear. The 1981 filing date for the minimum flow could help to protect the river from such ravages.

The river can't speak for itself, so residents must. The hearing time is inconvenient for many people, so those concerned may have to arrange for spokesmen to appear. Written testimony will also be accepted as part of the hearing record. Send letters to Department of Water Resources, State House, Boise 83720.

The river needs the recommendation of the IDWR for a minimum stream flow before the Idaho Legislature will give it its blessing.

Residents need to rally one more time for the Big Wood.

ON THE COVER

Sun Valley Company has cranked up its snowmaking guns on Lower Warm Springs ski run to form a reliable base for the expected snowfall of the 1985-86 season.

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Blaine Co Exhibit # 9

FORUM

Go to stream flow hearing next week

Next Wednesday at 1:30 p.m., upstairs in the old County Courthouse, the people of this county have yet another opportunity to attend a public hearing that will affect the future of the Big Wood River.

A minimum stream flow of 70 cubic feet per second between Warm Springs and Bellevue was requested by the Idaho Water Resource Board on June 19, 1981, but the request has never been approved or denied.

If approved, this stream flow would take precedence over any water rights applied for after June 19, 1981, such as Ted Divine's request for water to run a hydroelectric facility. Water rights granted before that date would have precedence over the stream flow.

Blaine County planning director Ed Nigbor says more water is needed in the river than 70 cfs but that it is better than nothing and a good place to start.

He says it should be approved and then the Blaine County Board of Commissioners should apply to the Idaho Department of Water Resources for an additional minimum stream flow to be added onto this one.

Fish and Game regional fisheries manager Bob Bell says 70 cfs probably isn't enough water to maintain the fisheries that currently exist in the Big Wood River. He says a five-year management plan now under review by his department would, if adopted, require Fish and Game officials to push for the optimum stream flow for fish, instead of just the minimum.

For now, however, we agree with Nigbor that the only way to get the optimum is to first approve the minimum and ask that the procedure to approve a second, greater stream flow, be started.

It is important that as many people as possible go to the meeting and tell state officials just how important Blaine County residents think the Big Wood River is.

There are legitimate reasons to divert water from the river; agriculture, for instance has long played an important role in this valley. It is not, however, any more important to the local economy than tourism. For the valley to maintain its position as a mecca for tourists and sportsmen it must maintain and actively work to preserve its natural attractions.

The Big Wood River has already become quite domesticated and it is time Blaine County's residents draw the line.

Besides going to this meeting people can write letters to the Idaho Water Resource Board in support of a higher stream flow. If the letters are sent to Box 149, Hailey, 83333, Nigbor says he will forward them to the state.

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CORRESPONDE

Outrage

Editor:

The Gold Mine was broken into last Saturday night and we are outraged! A light was broken, a window broken, a cash register ruined. A door was taken off the hinges and a volunteer worker was hit in the head when she tried to open it later. And for what? The measly amount of change in the cash register and items which could have been sold in order to help support the Community Library.

The Gold Mine is successful only because of a tremendous community effort, including all the people who generously donate merchandise, the loyal volunteers who donate their time, and our customers who support us. To have one small group of disrespectful and dishonest citizens decide they want for themselves what others are trying to build for the entire community is low beyond words.

Board of Directors
Community Library Association

KRIC

Editor:

Gretchen Guard, in her letter last week, was in error when she said

ques.

National Public Radi
and it is available now
Idaho. The cablevision
could perform a good se
subscribers if it would c
the Wood River Valley.

Milton F. Adam
Sun Valley

Fighting fire

Editor:

On behalf of the Val
Homeowners Associatio
to extend our appreciati
to both the Ketchum Fi
and the Sun Valley Fire
for all their help at our
Their quick response an
handling of the fire min
damage to the building.

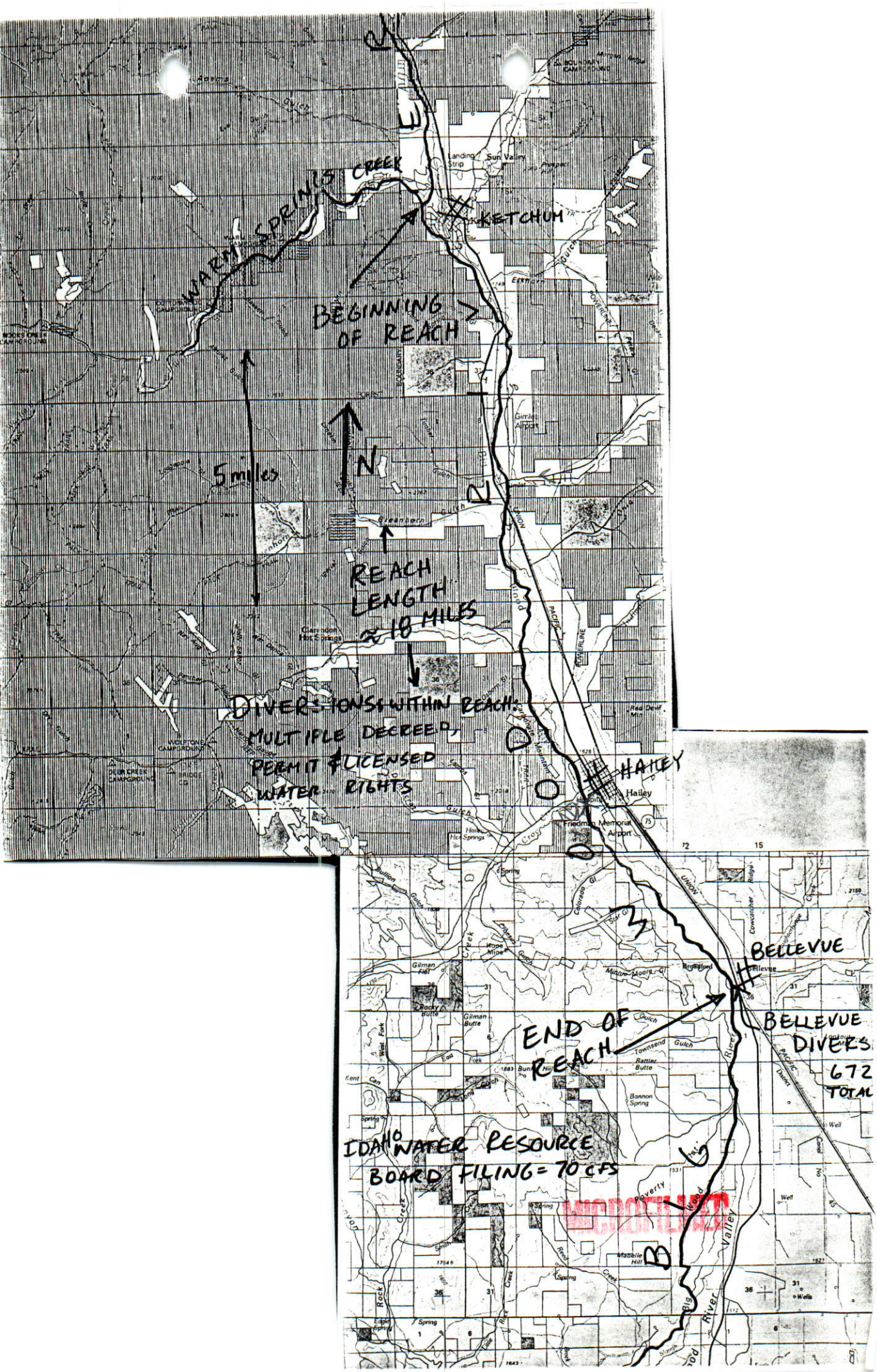
We sincerely thank ev
volved and commend th
well done.

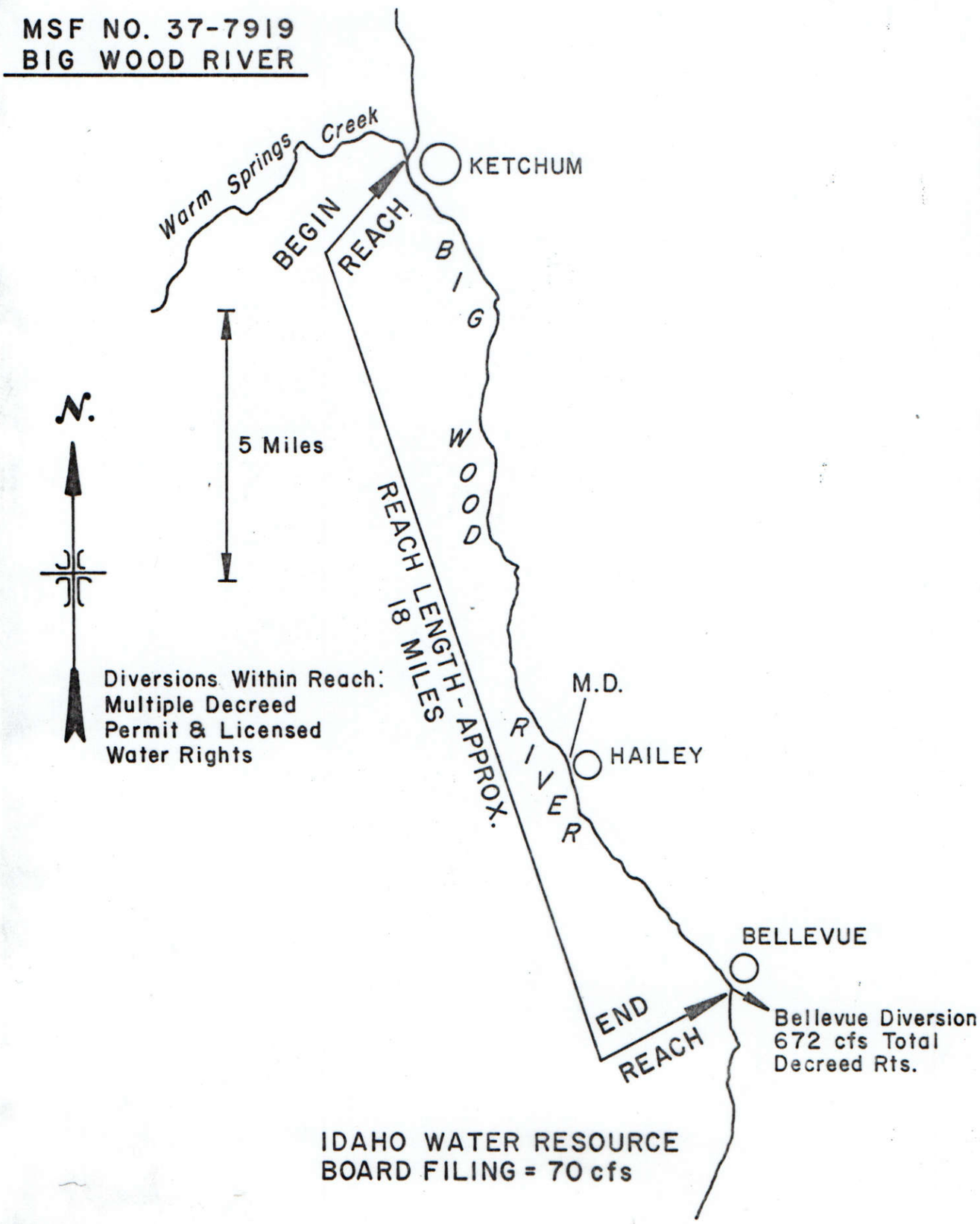
Art Mahood, President
Val d'Sol Homeowners

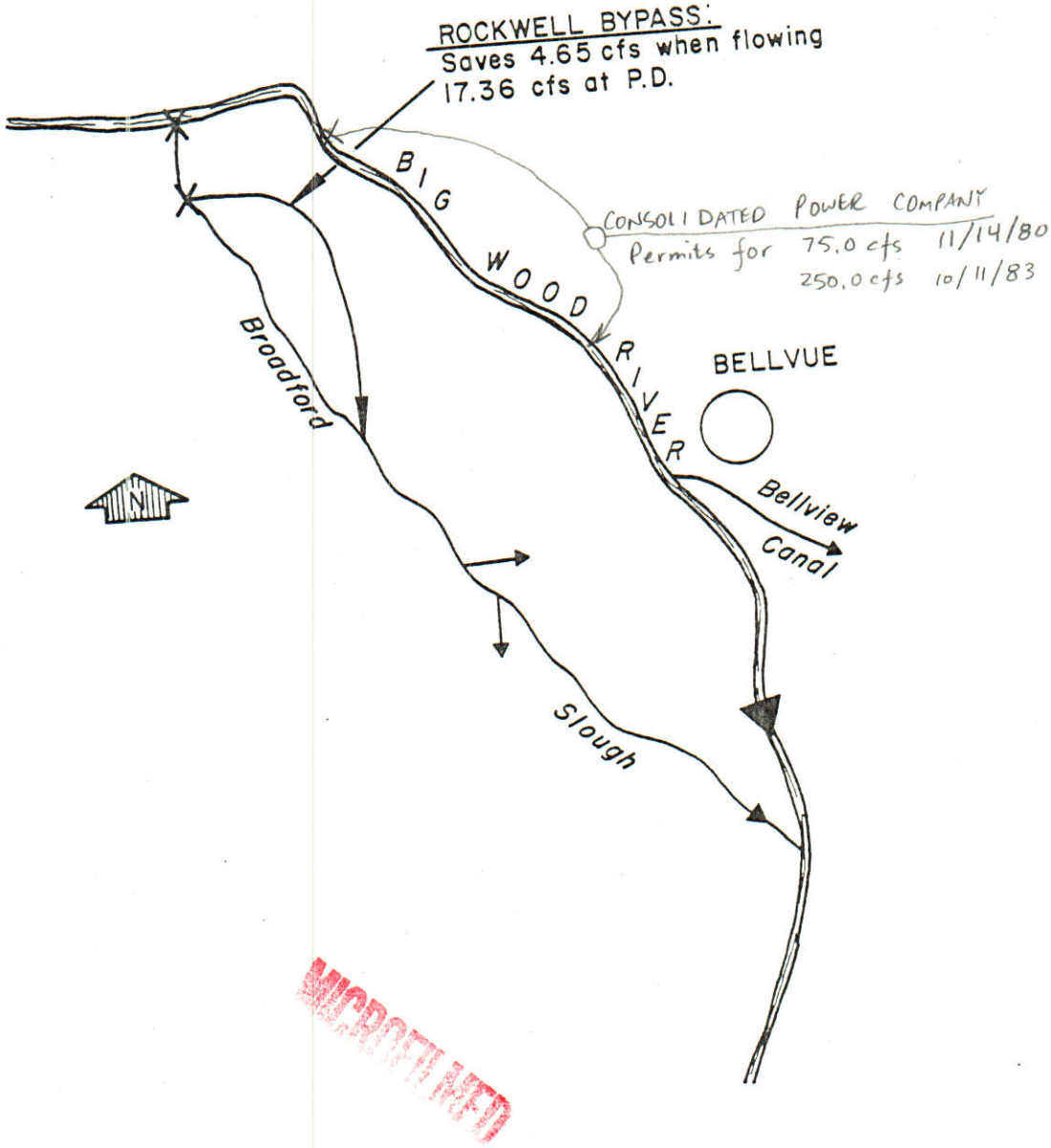
Power of lig

Editor:

Hallelujah Night was
success! Over 100 Christ


WARM SPRINGS CREEK
KETCHUM
BEGINNING OF REACH
5 miles
N
REACH LENGTH ≈ 18 MILES
DIVERSIONS WITHIN REACH: MULTIPLE DECREED, PERMIT & LICENSED WATER RIGHTS
HAILEY
BELLEVUE
END OF REACH
BELLEVUE DIVERS
672
TOTAL
IDAHO WATER RESOURCE BOARD FILING = 70 CFS
Sun Valley
Landing Strip
Hailey
Friedman Memorial Airport
Gimlet Airport
Clarendon Hot Springs
Hailey Hot Springs
Bellevue
Rocky Butte
Gilman Butte
Bannon Spring
Mabbile Hill
Big Wood River
Silver Creek
Broadford Road
Union Pacific
Townsend Gulch
Rattler Butte
Poverty Flat
Wood River Valley


MSF NO. 37-7919
BIG WOOD RIVER
Warm Springs Creek
KETCHUM
BEGIN REACH
BIG WOOD RIVER
N.
5 Miles
REACH LENGTH - APPROX. 18 MILES
Diversions Within Reach:
Multiple Decreed
Permit & Licensed
Water Rights
M.D.
HAILEY
BELLEVUE
END REACH
Bellevue Diversion
672 cfs Total
Decreed Rts.
IDAHO WATER RESOURCE
BOARD FILING = 70 cfs



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Exhibit 2

Exhibit 1

Exhibit 3

INFORMATIONAL SLIDE

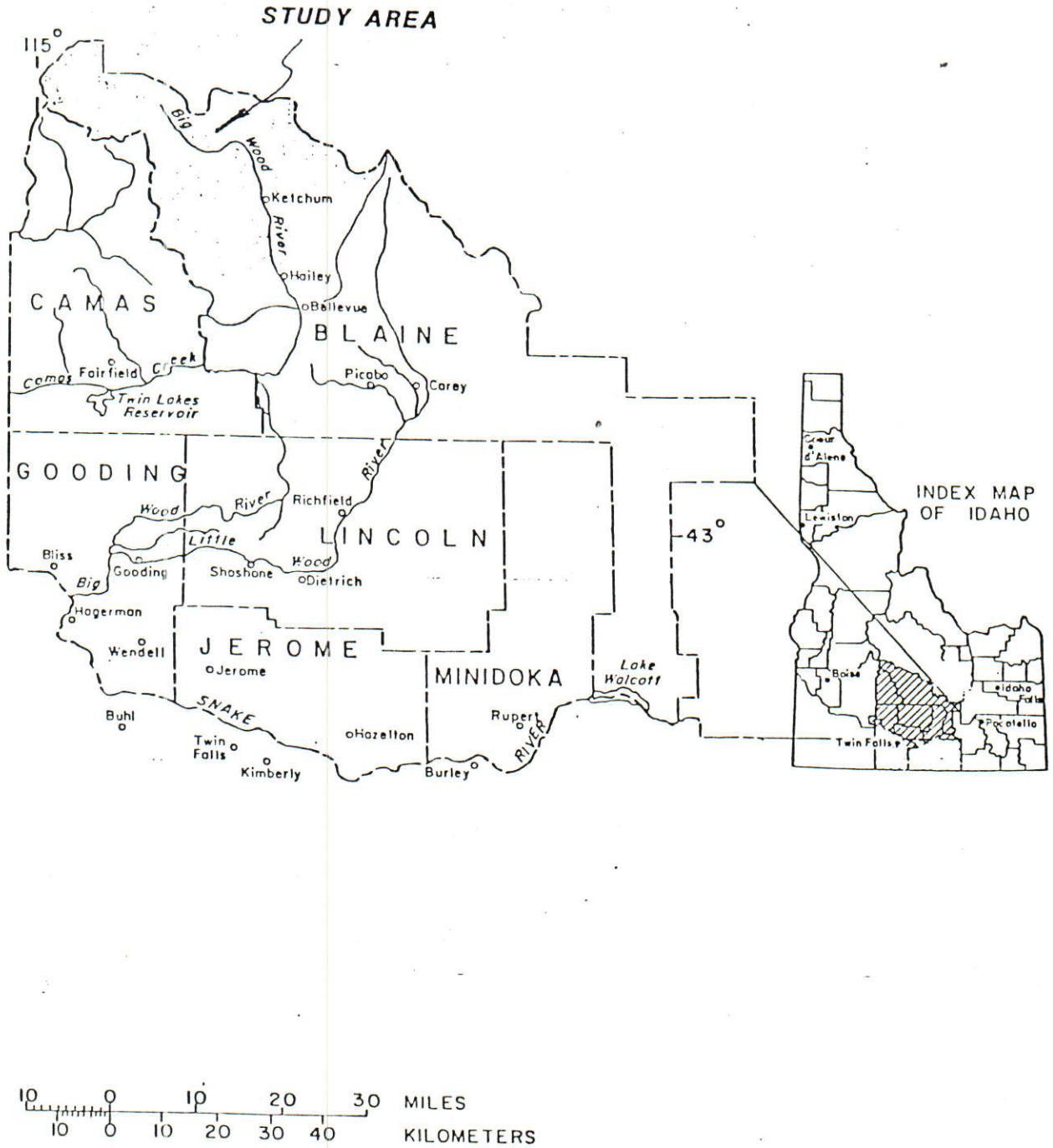


Figure 1. - Location of Study Area

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MAR 20 1987
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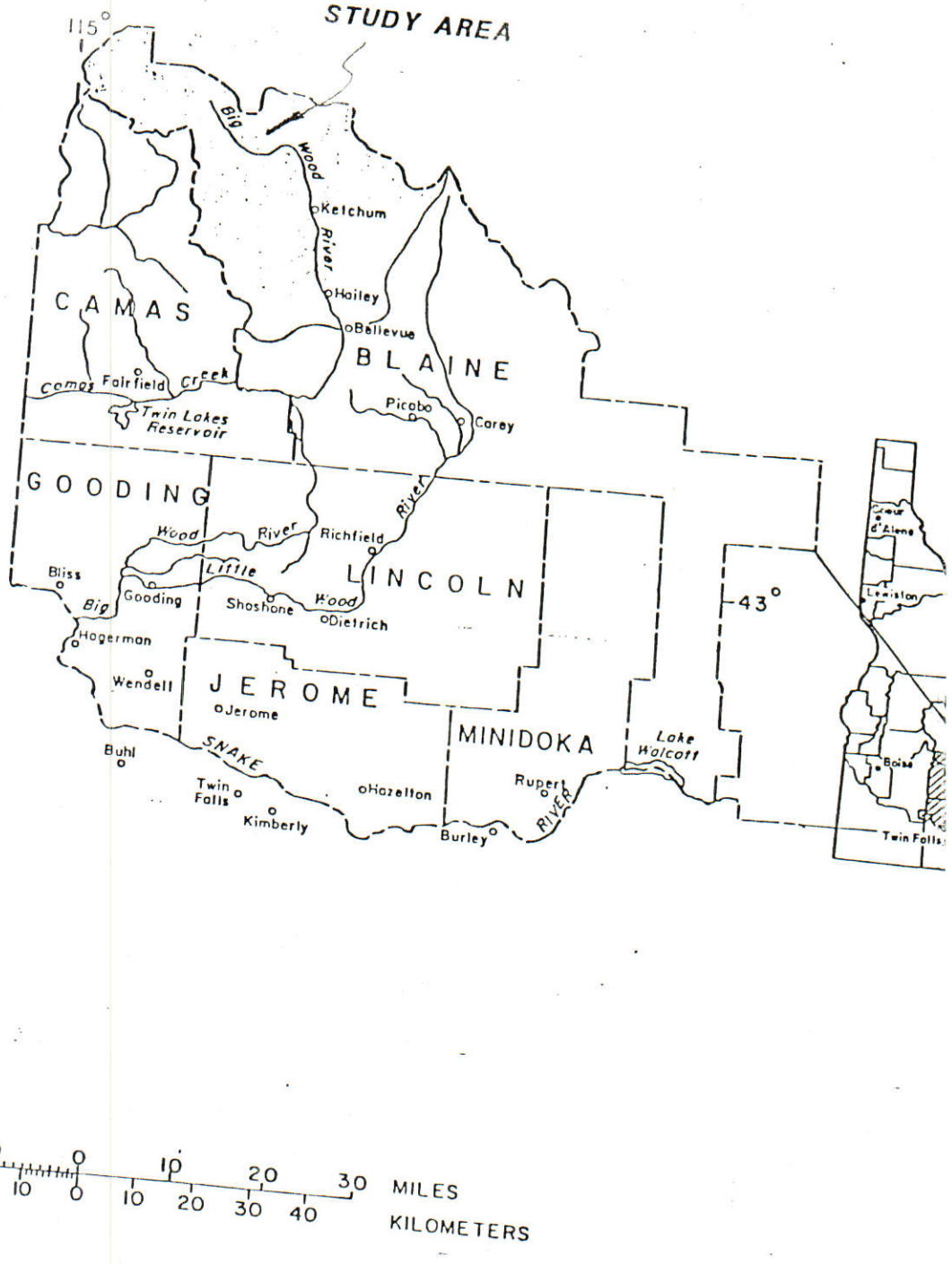
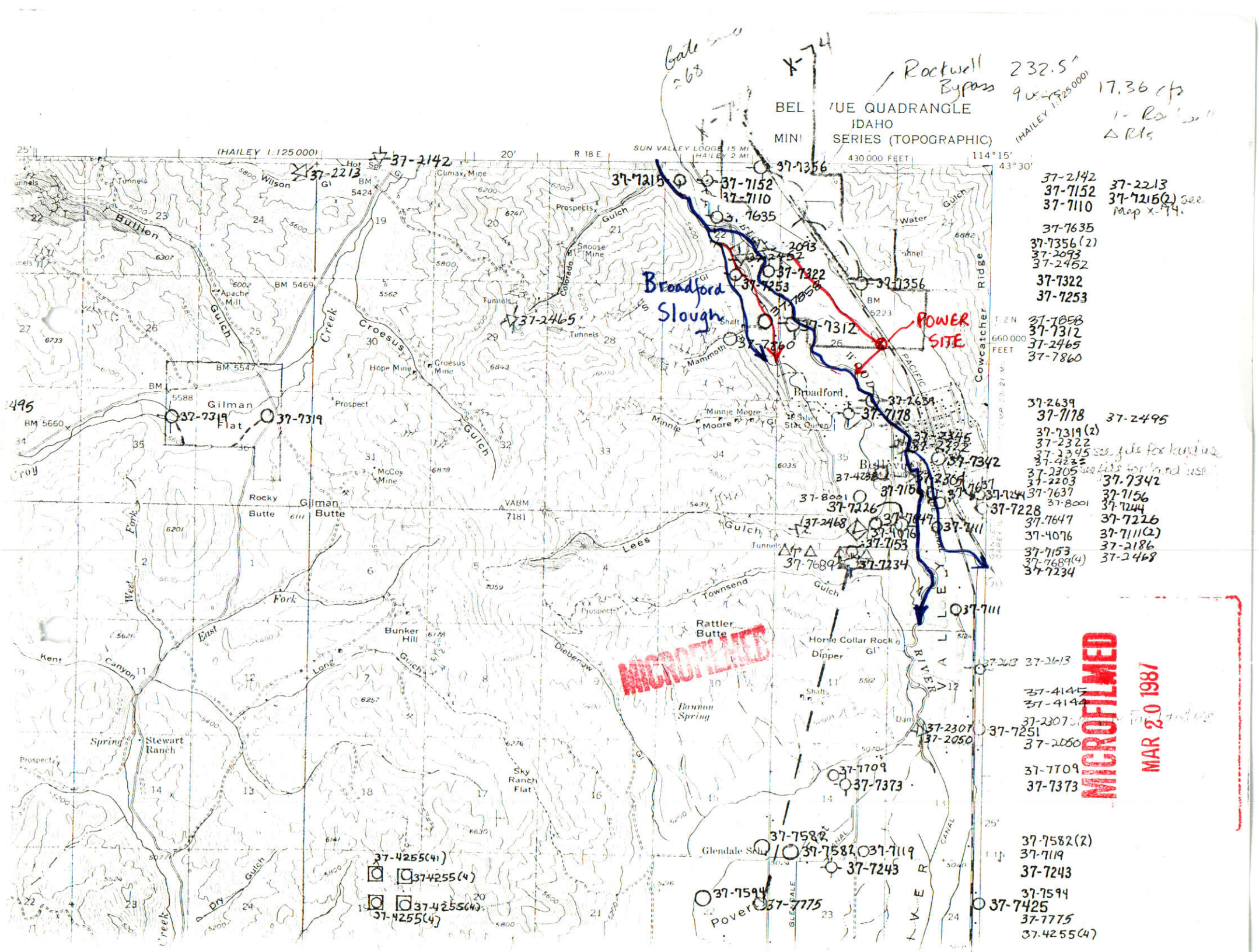
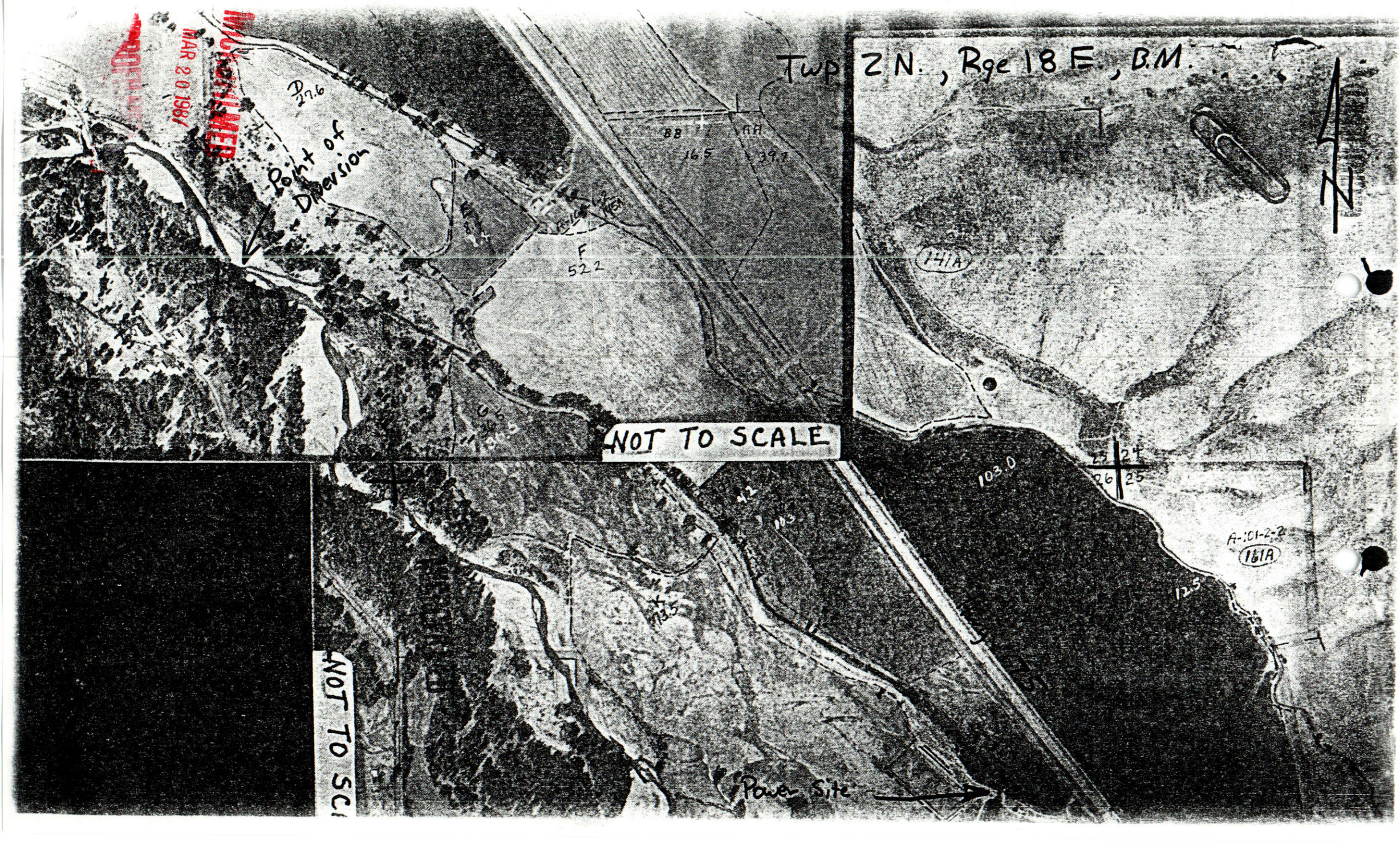


Figure 1. - Location of Study Area

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MAR 20 1987


BEL UE QUADRANGLE
IDAHO
MINI SERIES (TOPOGRAPHIC)
(HAILEY 1:125 000)
Rockwell Bypass 232.5'
17.36 cfs
Broadford Slough
POWER SITE
37-2142
37-2213
37-7215
37-7356
37-7152
37-7110
37-7635
37-2093
37-2452
37-7322
37-7253
37-7858
37-7312
37-7860
37-2465
37-7319
37-2639
37-7178
37-2495
37-2322
37-2345
37-7342
37-2305
37-2203
37-7637
37-7244
37-8001
37-7156
37-7228
37-7226
37-7647
37-4076
37-7153
37-7689(4)
37-7234
37-7111
37-2186
37-2468
37-2613
37-4145
37-4144
37-2307
37-2050
37-7251
37-7709
37-7373
37-7582(2)
37-7119
37-7243
37-7594
37-7775
37-7425
37-4255(4)
Gilman Flat
Rocky Butte
Gilman Butte
Broadford
Rattler Butte
Horse Collar Rock
Dipper
Bunker Hill
Stewart Ranch
Sky Ranch Flat
Glendale South
Power
Bullion
Croesus
Lees
Townsend
Dieberow
Long
Dry
Kent
Canyon
Hope Mine
Climax Mine
Snoose Mine
Apache Mill
Minnie Moore
Mammoth
McCoy Mine
Cowcatcher Ridge
Water
Tunnels
Prospects
Shaft
Gulch
Creek
Fork
Spring
Ranch
Flat
Butte
Hill
Canyon
Ridge
Broadford
Glendale
Power
Canal
RIVER
VALLEY
LOWER
MICROFILMED
MAR 20 1987


Twp 2 N., Rge 18 E., B.M.
Point of Diversion
NOT TO SCALE
Power Site
141A
161A
103.0
12.5
A-101-2-2
522
165
397
MAR 20 1984

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

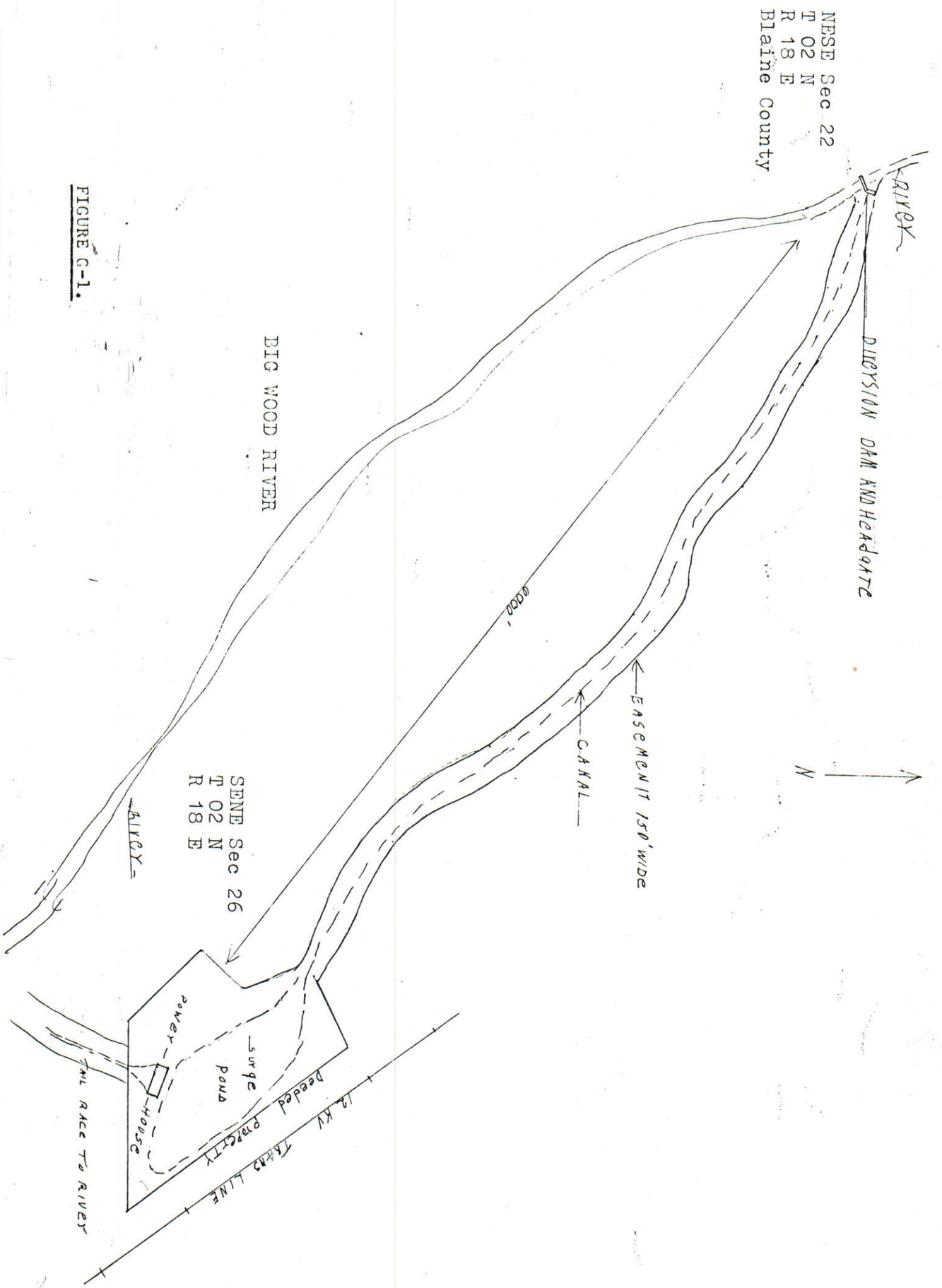


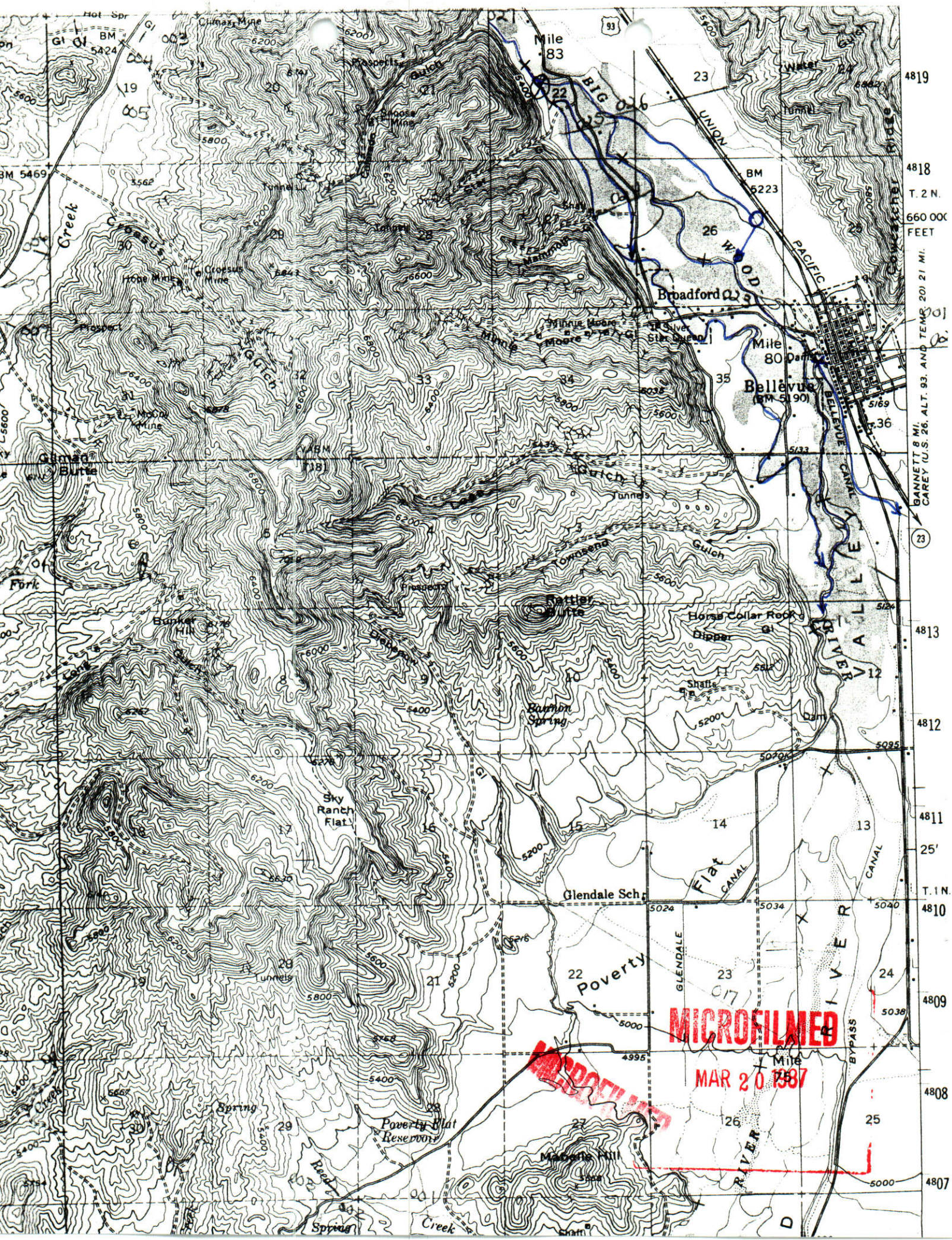
FIGURE C-1.

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.

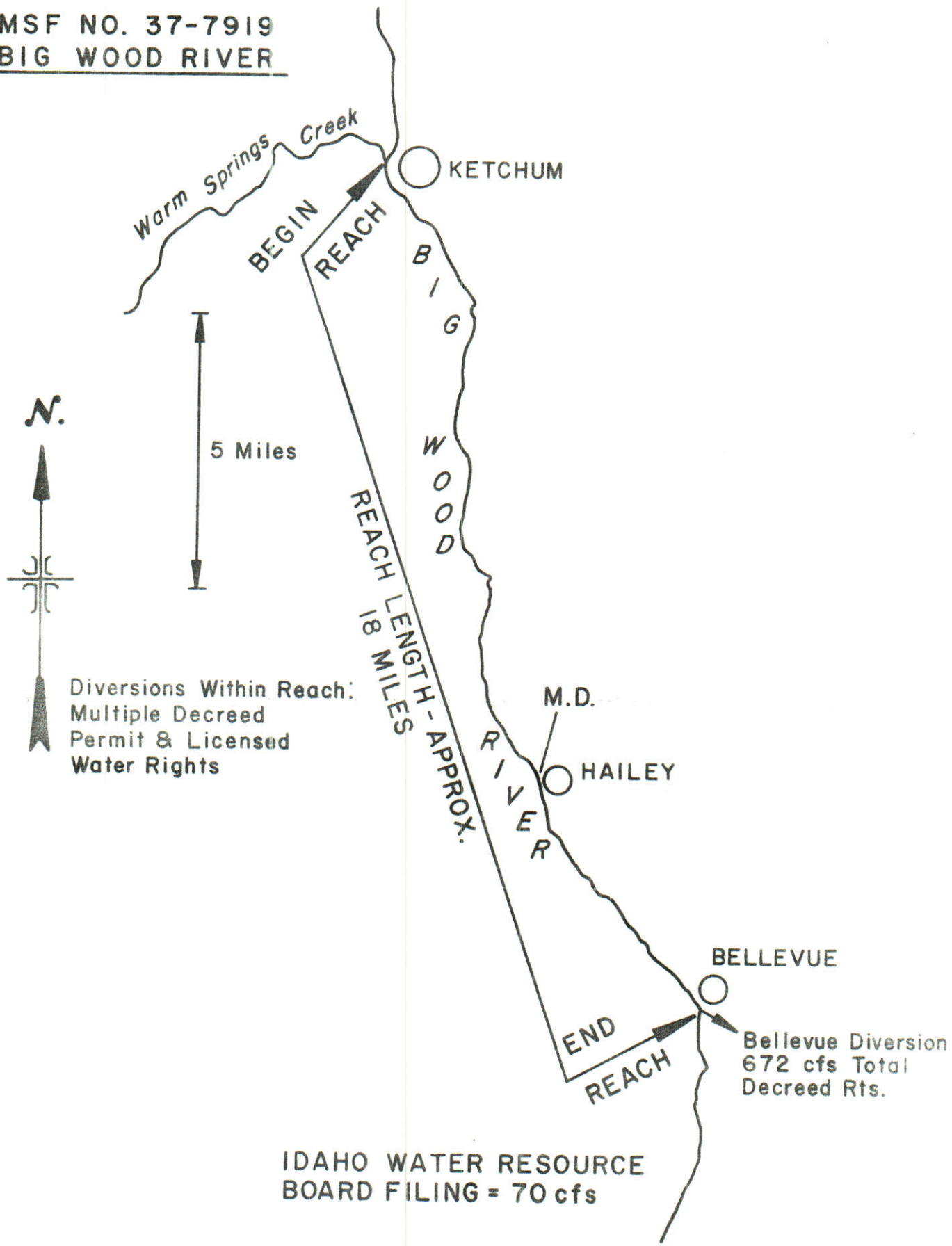
CONSOLIDATED POWER COMPANY
Division Of
ROTOMATIC IRRIGATORS, INC.

BY: Ted C. Divine
(Applicant)
Ted C. Divine, President

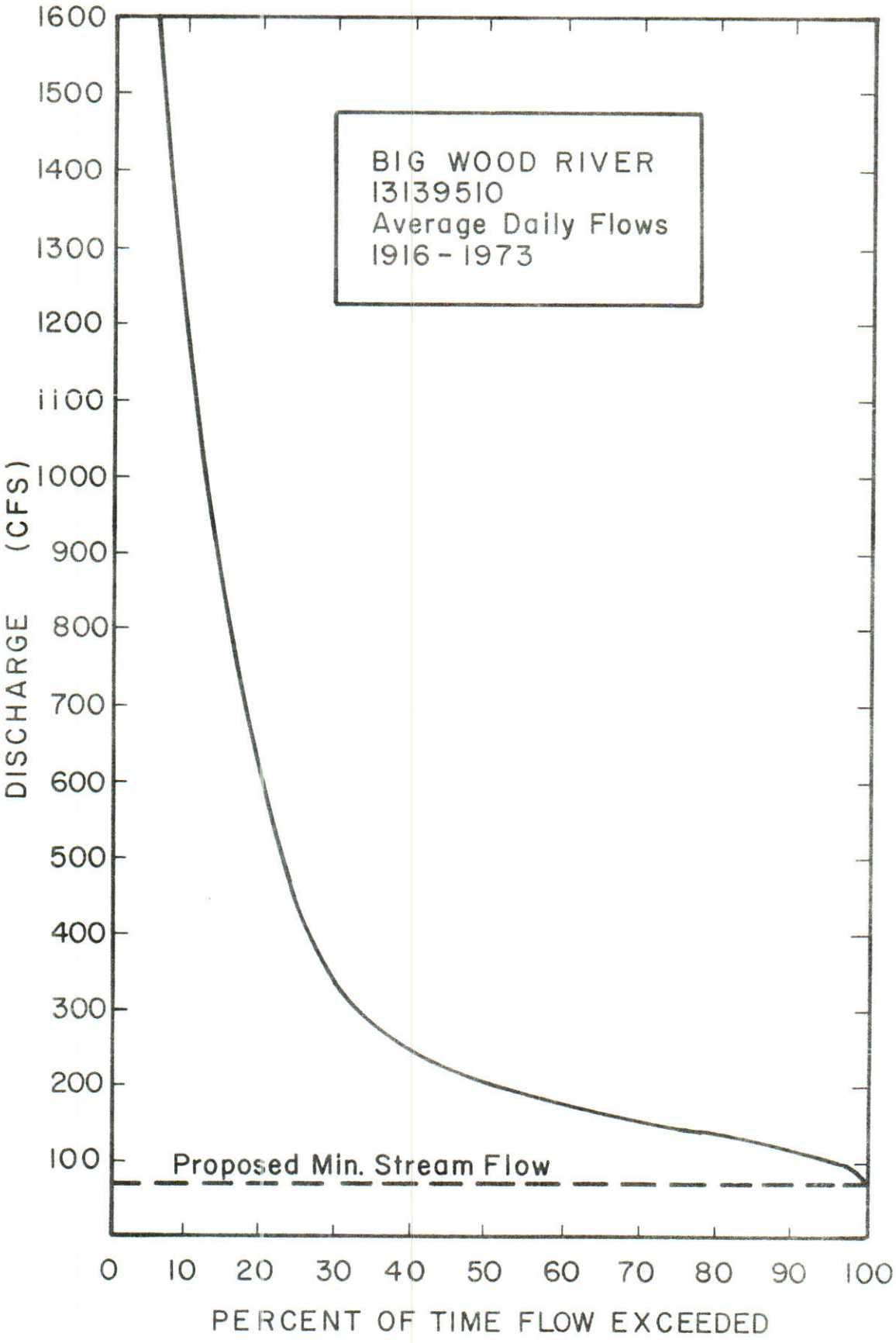
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MICROFILMED


Mile 83
Broadford
Bellevue
(BM 5190)
Mile 80
Dam
Climax Mine
Crocsus Mine
Hope Mine
Mosquito Gulch
Prospect Gulch
Gilman Butte
Fork
Bunker Hill
Sky Ranch Flat
Poverty Flat Reservoir
Spring
Creek
Reed
Glendale Sch
Poverty
Flat
Horse Collar Rock
Dipper
Shaffe
Barton Spring
Tunnels
Tunnel
Gulch
Creek
Fork
Union Pacific
Big Q
Wood
Bellevue Canal
Glendale Canal
Glendale Bypass
Snake River
Gannett 8 mi.
Carey (U.S. 26, Alt. 93, and Temp. 20) 21 mi.
T. 2 N.
T. 1 N.
660 000 FEET
4819
4818
4813
4812
4811
25'
4810
4809
4808
4807
5038
5040
5034
5024
5000
4995
MICROFILMED
MAR 20 1987

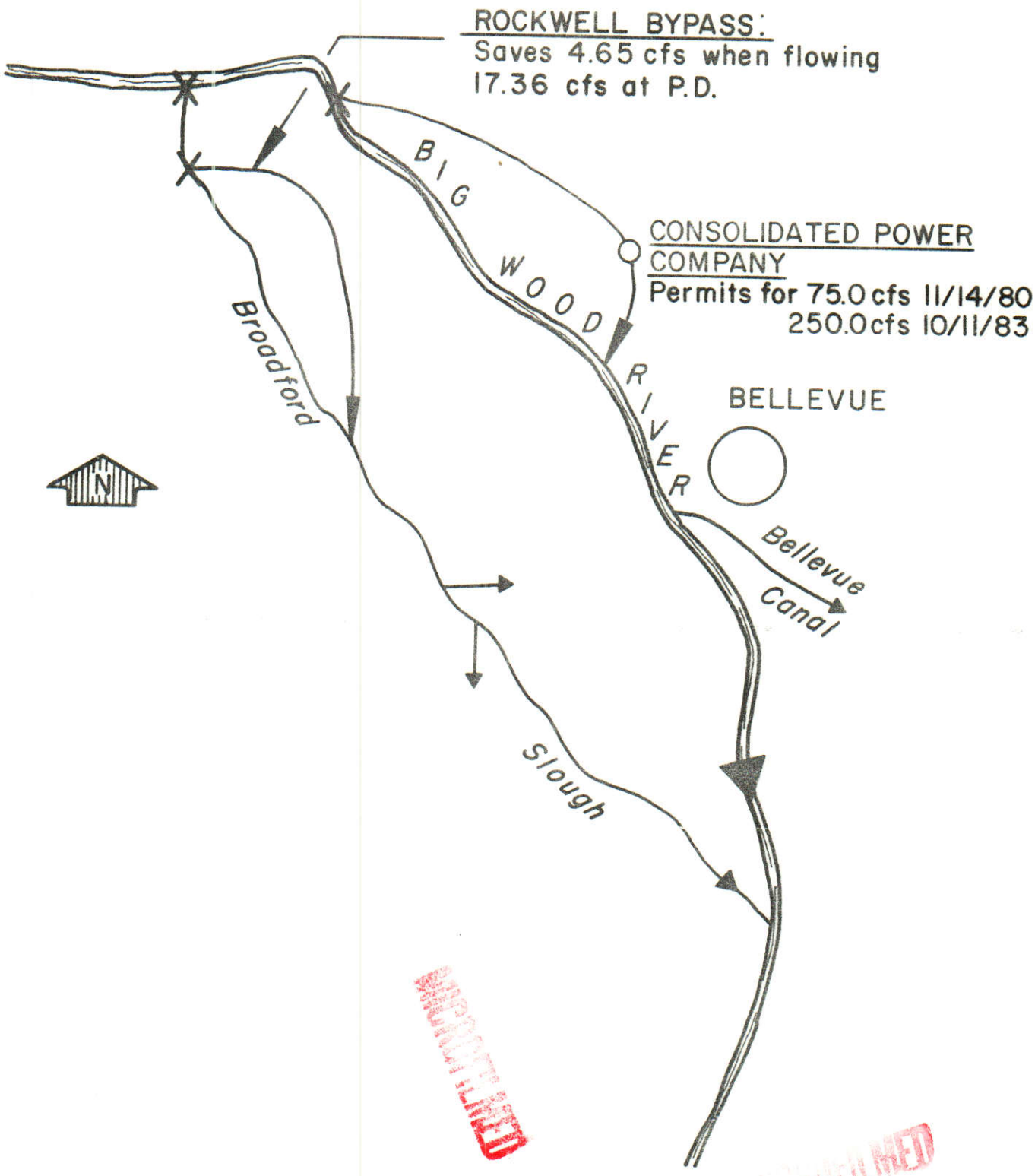
MSF NO. 37-7919
BIG WOOD RIVER



IDAHO WATER RESOURCE
BOARD FILING = 70 cfs



UNCONTROLLED


ROCKWELL BYPASS:
Saves 4.65 cfs when flowing
17.36 cfs at P.D.
BIG WOOD RIVER
CONSOLIDATED POWER COMPANY
Permits for 75.0 cfs 11/14/80
250.0 cfs 10/11/83
BELLEVUE
Broadford
Slough
Bellevue Canal
N

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07919

Priority: June 19, 1981 Minimum Instream Flow: 70.00 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 June 19, 1981; and has submitted Proof of Beneficial Use on January 2, 1992. A minimum stream flow in

BIG WOOD RIVER tributary to **MALAD RIVER**

has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE
MINIMUM INSTREAM FLOW	01/01 to 12/31	70.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach SENW , Sec. 13, Township 04N, Range 17E
End of Stream Flow Reach SWNW , Sec. 36, Township 02N, Range 18E
BLAINE County

CONDITIONS/REMARKS:

1. This right is subject to all prior rights, with the exception of Right No. 37-07866.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. Use of water under this right shall be non-consumptive.
4. This minimum stream flow right shall be considered in the evaluation of applications for permit to appropriate waters from the Big Wood River and tributaries filed after 6/19/81.
5. Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum flow on Big Wood River, such measuring devices shall be permanently installed and maintained as specified by the Department.

SCANNED NOV 13 2003

OCT 20 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07919

CONDITIONS/REMARKS:

6. The Director retains jurisdiction to review and amend any and all parameters of this right. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of the license.
7. Pending a general readjudication of the Big Wood stream system, the use of water under this right shall recognize and allow the continued beneficial diversion, both within and upstream from the minimum flow reach, of water for irrigation and other purposes under any prior existing water right established by diversion and application to a beneficial use or by an application, permit or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the 6/19/81 priority date of this right.
8. This minimum stream flow reach is from the confluence with Warm Springs Creek in the SENW, S13, T4N, R17E downstream approximately 18 miles to the point of diversion of the Bellevue Canal in the SWNW, S36, T2N, R18E.

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 13TH day of OCTOBER, 1994.

Acting for R. Keith Higginson, Director

RECEIVED
OCT 20 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	AMENDED MEMORANDUM DECISION AND ORDER

On October 17, 1986, the Director of the Department of Water Resources (Department) issued a Memorandum Decision and Order approving, subject to conditions, the application of the Idaho Water Resource Board for water right permit No. 37-7919 for a minimum stream flow on the Big Wood River. The decision modified in several respects a proposed memorandum decision and order issued by the hearing officer for the Department on January 24, 1986.

On November 6, 1986, the Idaho Department of Fish and Game (Fish and Game) filed a petition for rehearing before the Department seeking modification of condition No. 3 of the permit which subordinates the minimum stream flow water right to valid beneficial use water rights established by diversion and application to beneficial use prior to May 20, 1971; and condition No. 8 which retains jurisdiction in the director to review the parameters of the permit not earlier than 15 years after issuance of

OCT 2 0 1994

the permit or the subsequent license. The petition for rehearing was denied by order of the director on November 17, 1986.

On December 8, 1986, Fish and Game appealed the director's decision to the District Court for the Fourth Judicial District, Ada Civil No. 89946, seeking removal of conditions Nos. 3 and 8.

After the filing of the appeal, the parties engaged in negotiations to settle the litigation. An Agreement of Parties was executed on January 15, 1987 which specifies the wording of Conclusions of Law 1 and 2, and Conditions 3 and 8. On January 15, 1987, the district court issued an Order Remanding Cause to the Idaho Department of Water Resources for the purpose of permitting the Department to issue this amended memorandum decision and order in a manner consistent with the Agreement of Parties. For clarity, the entire memorandum decision and order is shown hereafter, with modifications to Conclusions of law 1 and 2, and Conditions 3 and 8.

BACKGROUND

On June 16, 1981, the Idaho Water Resource Board (Board) filed with the Idaho Department of Water Resources (Department) an application for permit to preserve a minimum flow in the Big Wood River, tributary to the Snake River, in Blaine County. The application was filed by the Board at the request of the Idaho Department of Fish and Game in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

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A public meeting was held by the Board on September 22, 1983, in Hailey, Idaho, for the purpose of determining public interest with respect to said application. On October 7, 1983, the Board adopted a resolution requesting the director to withhold administrative action on said application pending a more thorough analysis of minimum flows on the Big Wood River. On June 8, 1984, the Board requested that the director proceed with administrative action on the application.

Notice describing the proposed appropriation and setting the time and place for the required hearing was published on October 24 and 31, 1985, in the Wood River Journal, Times News, Idaho Statesman, Lewiston Morning Tribune, and Post Register.

Parties appearing in a formal capacity included members of the Board; representatives of the Idaho Department of Fish and Game; Mr. Ed Nigbor, Blaine County Planning Director; and Mr. Robert Sherwood, Attorney in Fact for Helen M. Fassett.

Based upon sworn testimony, documentation and statements included in the record, and his understanding of the law, the director of the Department makes the following Findings of Fact, Analysis, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On June 19, 1981, the Board filed Application for Permit No. 37-7919 to appropriate a minimum stream flow in the Big Wood River, which is tributary to the Snake River, Blaine County, pursuant to the provisions of Chapter 15, Title 42, Idaho Code.

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2. Application for Permit No. 37-7919 proposes to appropriate a minimum stream flow in the Big Wood River throughout a reach from the point of diversion of the Bellevue Canal located in the SW¼ NW¼, Section 36, Township 2N, Range 18E, upstream approximately eighteen miles to the confluence with Warm Springs Creek in the SE¼ NW¼, Section 13, Township 4N, Range 17E, B.M., Blaine County. The proposed rate of flow is 70 cubic feet per second.

3. The purpose of the proposed instream appropriation is to maintain trout habitat within the reach defined above.

4. Based upon testimony of the staff of the Department, a finding is made that various water rights evidenced by licenses, permits, and decrees exist with points of diversion located within the designated minimum stream flow reach. In addition, approximately 55 recorded beneficial use water rights, and an undetermined number of unrecorded beneficial use water rights, divert water at points within this minimum stream flow reach, or on upstream tributaries. The testimony of the Board specifically provided that the minimum stream flow application is not intended to interfere with any vested water right, permit or water right application.

5. The minimum stream flow reach defined in Application for Permit No. 37-7919 is located within State Water District No. 37, Big Wood River and tributaries.

6. All rights acquired under Application for Permit No. 37-7919 are for instream non-consumptive uses.

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7. Based upon testimony presented at the hearing, a finding is made that the benefits to be derived from the minimum stream flow application will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

8. Based upon the sworn testimony, documentation, and statements comprising the record in this matter, a finding is made that the minimum stream flow application is necessary to maintain trout habitat.

9. Based upon testimony and evidence submitted by the Idaho Department of Fish and Game, a finding is made that the flow requested in the application is the minimum flow required to maintain trout habitat and is not the ideal or most desirable flow which could be utilized for that purpose. A finding is also made that the designated flow of 70 cubic feet per second is not necessarily an adequate flow for recreation, aesthetics and other minimum flow uses, so additional flows on all or portions of the designated reach may be found to be necessary to satisfy these additional uses.

10. Based upon testimony and evidence submitted concerning available flow measurement data, a finding is made that the flow requested is usually capable of being maintained.

11. Water Right Permit No. 37-7866, in the name of Consolidated Power Company, with date of priority November 14, 1980, describes a point of diversion and point of return within the minimum stream flow reach. This permit has been approved for

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a rate of flow of 75 cubic feet per second, with thirteen conditions of approval including condition "M" as follows:

> Diversion of water under this permit is subject to the provisions of minimum stream flow Water Right No. 37-7919, Big Wood River, which may require that as much as 70.0 cubic feet per second be allowed to remain undiverted from the source.

ANALYSIS

There is one primary item of contention that has been raised with respect to this minimum stream flow application. This item is whether the requested 70 cubic feet per second is an adequate rate of flow to be established as a minimum stream flow for the reach in question.

Testimony by the Idaho Department of Fish and Game indicates that for the eighteen mile reach that has been identified, the requested rate of flow of 70 cubic feet per second is the minimum and not the ideal flow to maintain trout habitat. Personnel from the Idaho Department of Fish and Game acknowledged that there are some areas within the defined reach where 70 cubic feet per second would not be adequate to maintain trout habitat. However, 70 cubic feet per second was determined to be the best representative minimum flow for the reach based on instream flow analysis methodologies available in the late 1970's. Idaho Department of Fish and Game personnel indicated that newer instream flow methodologies often result in the determination of higher rates of flow as minimum flows, as compared with results of the methodologies available in the 1970's, but that rates of flow determined by newer methodologies are not significantly

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greater in magnitude than the flows determined by earlier methodologies.

Testimony and documentation in the file indicate that while the 70 cubic feet per second identified in the application may be an adequate instream flow to maintain trout habitat throughout most of the defined reach, some additional flows may be required for other minimum stream flow purposes, such as recreation and aesthetics. The expressed intent of the applicant and most others providing testimony on this matter is that the appropriate means for establishing any flow in excess of 70 cubic feet per second is to first establish a base minimum flow of 70 cubic feet per second as defined in Application No. 37-7919, and to identify any additional minimum stream flow requirements in a subsequent request to the Board.

CONCLUSIONS OF LAW

1. The proposed minimum stream flow appropriation will not interfere with any vested water right, permit or right under an application having priority date earlier than June 19, 1981. An exception is that water right permit No. 37-7866 with date of priority of November 14, 1980 for 75 cfs for hydropower purposes has been subordinated to the proposed minimum stream flow appropriation. Another exception is to the application of Section 42-607, Idaho Code, which requires the watermaster to distribute water only to decreed, permitted or licensed rights in times of scarcity. Distribution of water to prior existing water rights established by diversion and application to a beneficial use may be interfered with in contravention of Section 42-150[illegible] Idaho

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Code, if delivery of water to the minimum stream flow right is not subordinated to such rights.

2. The proposed minimum stream flow should not be allowed to alter historic delivery practices to valid beneficial use water rights in Water District No. 37, Big Wood River.

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

4. The proposed minimum stream flow appropriation is necessary to maintain trout habitat.

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

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

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 37-7919 is APPROVED subject to the following conditions:

1. The use of water under this permit is subject to all prior rights, with the exception of Water Right No. 37-7866.

2. This minimum stream flow permit shall be considered in the evaluation of applications for permit to appropriate waters from the Big Wood River and tributaries filed after June 19, 1981.

3. Pending a general readjudication of the Big Wood stream system, the use of water under this permit shall recognize and allow the continued beneficial diversion, both within and

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upstream from the minimum flow reach, of water for irrigation and other purposes under any prior existing water right established by diversion and application to a beneficial use or by a application, permit or license on file or issued by the director under the provisions of chapter 2, title 42, Idaho Code, with a priority of water right date earlier than the June 16, 1981 priority date of this permit. See I.C. § 42-1502(g) (Supp. 1986).

4. The minimum stream flow approved under this application is subject to control by the watermaster of Water District 37, Big Wood River and tributaries.

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

6. Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum flow on Big Wood River, such measuring devices shall be permanently installed and maintained as specified by the Department.

7. Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department within five years after the permit approval is finally effective as herein provided. The proof submitted shall include at least three years of flow data for the water course. The proposed frequency of the data accumulation must be submitted to the director for review and approval.

8. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Prior to undertaking a review of the water right, the Director

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shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of either the permit or the license.

9. 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.

10. Proof of application of water to beneficial use shall be on or before January 1, 1992.

DATED this 16th day of January, 1987.

A. KENNETH DUNN
Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 37-7919 TO ESTABLISH A MINIMUM)
STREAMFLOW IN THE BIG WOOD RIVER IN THE) CERTIFICATE OF MAILING
NAME OF THE IDAHO WATER RESOURCES BOARD)
)

I HEREBY CERTIFY That on this the 16th day of January, 1987, true and correct copies of the foregoing AMENDED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Gene Gray, Chairman
Idaho Water Resource Board
Route #1, P.O. Box 46-A
Payette, ID 83661

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
P.O. Box 149
Hailey, ID 83333

Virgil Moore
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

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

Reid Newby
Water District 37
P.O. Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
P.O. Box 273
Sun Valley, ID 83353

Jane Fox

JANE FOX
Receptionist/Typist
Idaho Department of Water Resources

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

STATE OF IDAHO, DEPARTMENT OF FISH AND GAME, Petitioner-Appellant, vs. A. KENNETH DUNN, DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES, IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE WATER RESOURCE BOARD, Respondent.	Civil No. 89946 AGREEMENT OF PARTIES

This Agreement is entered into by and between the parties to the above-captioned appeal pending before the district court. The parties include the Idaho Department of Fish and Game (Fish and Game), and the Idaho Department of Water Resources (Water Resources).

RECITALS

1. In response to a request by Fish and Game, the Idaho Water Resource Board on June 16, 1981, filed with Water Resources an application for permit No. 37-7919 to appropriate water to preserve a minimum stream flow in the Big Wood River in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

2. On October 17, 1986, the director of Water Resources

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issued a Memorandum Decision and Order approving permit No. 37-7919 with conditions. The decision modified in several respects a proposed memorandum decision and order issued by the Water Resources' hearing officer on January 24, 1986.

3. On November 6, 1986, Fish and Game filed a timely petition for rehearing which was denied by order of the director of Water Resources on November 17, 1986.

4. On December 8, 1986, Fish and Game appealed from the final administrative decision of Water Resources seeking removal of conditions Nos. 3 and 8 of the approved permit.

5. Since the filing of the appeal, the parties have engaged in negotiations to settle the litigation.

6. The parties desire to enter into the following Agreement to resolve all issues on appeal in this proceeding before the district court.

7. Each party agrees to bear its own costs and attorney fees.

IN CONSIDERATION OF THE PROMISES STATED, THE PARTIES AGREE AS FOLLOWS:

1. The proceeding on appeal to the district court shall be remanded to Water Resources for the purpose of issuance of an Amended Memorandum Decision and Order which shall contain the following provisions:

(a) Conclusion of Law No. 1 shall read as follows:

> 1. The proposed minimum stream flow appropriation will not interfere with any vested water right, permit or right under an application having priority date earlier than June

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19, 1981. An exception is that water right permit No. 37-7866 with date of priority of November 14, 1980 for 75 cfs for hydropower purposes has been subordinated to the proposed minimum stream flow appropriation. Another exception is to the application of Section 42-607, Idaho Code, which requires the watermaster to distribute water only to decreed, permitted or licensed rights in times of scarcity. Distribution of water to prior existing water rights established by diversion and application to a beneficial use may be interfered with in contravention of Section 42-1503, Idaho Code, if delivery of water to the minimum stream flow right is not subordinated to such rights.

(b) Conclusion of Law No. 2 shall read as follows:

2. The proposed minimum stream flow should not be allowed to alter historic delivery practices to valid beneficial use water rights in Water District No. 37, Big Wood River.

(c) Condition No. 3 of the Permit shall read as follows:

3. Pending a general readjudication of the Big Wood stream system, the use of water under this permit shall recognize and allow the continued beneficial diversion, both within and upstream from the minimum flow reach, of water for irrigation and other purposes under any prior existing water right established by diversion and application to a beneficial use or by a application, permit or license on file or issued by the director under the provisions of chapter 2, title 42, Idaho Code, with a priority of water right date earlier than the June 16, 1981 priority date of this permit. See I.C. § 42-1502(g) (Supp. 1986).

(d) Condition No. 8 of the permit shall read as follows:

8. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public.

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generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of either the permit or the license.

2. Entry into this Agreement does not constitute a waiver by any of the parties of any legal right or position they may assert in any proceeding other than this instream flow proceeding involving water right permit No. 37-7919.

3. Immediately upon implementation of this Agreement, the parties shall move to dismiss the appeal pending before the district court in this proceeding.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date following their respective signatures.

IDAHO DEPARTMENT OF FISH AND GAME

BY _____
JERRY M. CONLEY
Director

1-15-87
Date

IDAHO DEPARTMENT OF WATER RESOURCES

BY _____
A. KENNETH DUNN
Director

1-14-87
Date

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	ORDER ON PETITION FOR RECONSIDERATION AND REHEARING

On October 17, 1986, the Director of the Department of Water Resources issued a Memorandum Decision and Order approving Permit No. 37-7919 with conditions. On November 6, 1986, the Idaho Department of Fish and Game filed a timely Petition For Reconsideration and Rehearing. The Director's consideration and disposition of the issues raised by Fish and Game's petition are as follows:

1. Fish and Game argues that it is contrary to law for the Director in his memorandum decision and order to have modified finding of fact no. 4 and conclusion of law no. 1 because no party filed exceptions to these provisions. Fish and Game does not cite any legal authority for its assertion that the Director lacks authority to modify a provision in a hearing officer's proposed decision because it has not been specifically objected to by a party.

Paragraph V of the Director's January 24, 1986 order issuing the proposed memorandum decision provides as follows:

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

In this proceeding Fish and Game filed exceptions to the proposed decision. The Director considered those exceptions and as as a result modified the proposed decision as reflected in his final decision. The Director is not aware of legal authority prohibiting him from modifying provisions of the proposed decision which were not specifically excepted to by a party. Certainly, the opportunity to file a petition for rehearing provides Fish and Game with an opportunity to address the propriety of the Director's modifications and adequately safeguards Fish and Game's right to due process.

Finally, while Fish and Game's exceptions did not specifically call for a modification of finding of fact no. 4 and conclusion of law no. 1, they did address the subject matter contained in those two provisions of the proposed decision. Thus, it is reasonable that Fish and Game could have expected the Director to make modifications to the two provisions in response to its filed exceptions.

Testimony from the hearing, quoted in part in the final decision, supports the modification made to finding of fact no. 4. The modification to conclusion of law no. 1 is consistent with the provisions of the minimum stream flow act. I.C. § 42-1502(g) defines "unappropriated water" as follows:

> (g) "Unappropriated water" means water which is not subject to diversion and use under any prior existing water right established by diversion and application to a beneficial use or by application, permit or license on file or issued by the director under the provisions of chapter 2, title 42, Idaho Code, with a priority of water right date earlier than an application for appropriation of minimum stream flow filed under the provisions of this act."

I.C. § 42-1503 provides ,in part, as follows with respect to the approval of an application for a minimum stream flow permit:

> Approval of any such application must be based upon a finding that such appropriation of minimum stream flow:
> (a) will not interfere with any vested water right, permit, or water right application with priority of right date earlie than the date of receipt in the office of the director of a complete application fo appropriation of minimum stream flow file under the provisions of this act;

The Director believes that the above-quoted provisions of the minimum stream flow act support conclusion of law no. 1 and condition no. 3 to the effect that, notwithstanding I.C. § 42-607, the minimum stream flow permit shall be subordinated for distribution purposes to valid beneficial use water rights which are first documented by the filing of a claim, pursuant to I.C. § 42-243, showing the right to have been initiated prior to May 20, 1971.

Fish and Game asserts that condition no. 3 is clearly erroneous and contrary to Idaho law. In making this argument, Fish and Game focuses completely on I.C. § 42-607 regarding the duties of the watermaster in delivering water rights in time of

shortage and ignores the more specific provisions of the minimum stream flow act.

2. Fish and Game points out an apparent inconsistency between the language used in conclusions of law nos. 1 and 2. Conclusion of law no. 1 uses the terms "recorded" and "unrecorded" in referring to the two classes of water rights described in I.C. § 42-607. The conclusion might more accurately have contained the phrase "adjudicated, decreed, permit or licensed right" in place of the term "recorded", and the phrase "diversions having no adjudicated, decreed, permit or licensed right" in place of the term "unrecorded".

While conclusion of law no. 1 concludes that the minimum stream flow right should be subordinated to "unrecorded" prior rights established by diversion and beneficial use, conclusion of law no. 2 provides that the minimum stream flow right should be subordinated to beneficial use water rights for which a "claim" has been filed pursuant I.C. § 42-243. It is important to note that filing a claim to a beneficial use water right does not result in an "adjudicated, decreed, permit or licensed right." Any confusion which may exist should be adequately resolved by reference to condition 3 of the order which states:

> 3) Pending a general readjudication of the Big Wood stream system, the use of water under this permit shall recognize and allow the continued beneficial diversion, both within and upstream from the minimum flow reach, of water for irrigation and other purposes based on valid recorded and unrecorded beneficial use water rights, provided that unrecorded diversions are first documented by the filing of a claim, pursuant to

Section 42-243 Idaho Code, showing the right to have been initiated prior to May 20, 1971.

3. Fish and Game renews the argument made in its exceptions to the proposed decision that the Director is without authority to impose the future review provision contained in condition no. 8 to the permit. Fish and Game asserts that its argument is supported by the fact the Legislature in 1985 added I.C. § 42-203B to authorize time limits for hydro power permits but remained silent with respect to minimum stream flow permits. Fish and Game further asserts that its position is supported by the fact that the controversy regarding the future review provision was brought to the attention of the 1986 Legislature through the submission of the Pahsimeroi River minimum stream flow permit no. 73-7045 and that the Legislature took no steps to resolve the dispute.

The Director does not find Fish and Game's arguments on the future review provision to be convincing. The fact that the 1985 Legislature passed legislation to assure that the Director had authority to issue term permits for hydro power projects is not conclusive as to whether the Director has authority to condition a minimum stream flow permit with a future review provision. Likewise, the fact that the 1986 Legislature did not address the issue even though the Pahsimeroi River minimum stream flow permit, which contained such a future review provision through stipulation with Fish and Game, was before it does not support Fish and Game's position. If any significance were to be given to the Pahsimeroi permit it should rather weigh in favor of a

lack of need for specific legislation since the Legislature allowed the permit to become final without striking the future review provision.

The Director acknowledges for purposes of responding to the petition for rehearing that past minimum stream flow permits, with the exception of the Pahsimeroi River permit, have not contained future review provisions. The Director, however, declines Fish and Game's request to take official notice of each of these permits since it would unduly add to the record in this proceeding and be inconclusive on the issue raised. The Director's justification for deviation from the past practice may be found in a reading of the Supreme Court's decision in Shokal v. Dunn, 109 Idaho 330 (1985) which makes clear the responsibility of the Director to safeguard the interests of the public not only today but in the future.

4. Fish and Game renews the argument made in its exceptions that finding of fact no. 10 and conclusion of law no. 6, which state "the flow requested is usually capable of being maintained," are inadequate because evidence shows the minimum flow can be maintained 99 percent of the time which is more than "usually". The Director continues to find the objection to be without merit as stated in the memorandum decision and order.

ORDER

Based upon the above reconsideration of the decision in this matter,

IT IS HEREBY ORDERED that the Petition For Rehearing filed by the Department of Fish and Game is hereby denied and that the

decision of the Director remains as set forth in the Memorandum Decision and Order dated October 17, 1986.

DATED this 17th day of November, 1986.

A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-7919 TO)
ESTABLISH A MINIMUM STREAM FLOW)
IN THE BIG WOOD RIVER IN THE NAME) MEMORANDUM DECISION AND ORDER
OF THE IDAHO WATER RESOURCE BOARD)
)

BACKGROUND

On January 24, 1986, a proposed memorandum decision was issued by the Department of Water Resources hearing officer, providing for the approval of the minimum stream flow as requested under conditions to insure compliance with the statutes and to protect the public interest. On February 7, 1986, William Dillon III, counsel representing the Idaho Department of Fish and Game, filed exceptions to the proposed memorandum decision and asked that the memorandum decision be amended and modified. In summary, these exceptions involve the following issues:

(1) The rate of stream flow should be found to be "capable of being maintained" rather than "usually capable of being maintained".

(2) The minimum stream flow should be distributed water in preference to senior unrecorded rights.

(3) The director should not retain jurisdiction to review and amend the minimum stream flow permit 15 years after issuance of the permit or license.

On May 8, 1986, the department mailed to all parties copies of a letter dated April 24, 1986, from Gene M. Gray, Chairman of the Idaho Water Resource Board, and a resolution approved by the Board supporting "an appropriate term review" and "making the minimum stream flow right subject to prior recorded rights and unrecorded rights until the cutoff date of June 30, 1988."

On May 30, 1986, Susan (Stanfield) Mattos filed comments of the Idaho Department of Fish and Game opposing the augmentation of the hearing record with Mr. Gray's April 24, 1986 letter and the Board resolution conveyed by that letter.

On June 23, 1986, the department mailed to all parties a "notice of opportunity to contest matters officially noticed" referencing and conveying Mr. Gray's letter of April 24, 1986. The department also mailed the Board's resolution associated with the letter and Board resolution dated June 6, 1986, "endorsing and approving the inclusion of conditions Nos. 3 and 8 contained in the proposed memorandum decision, and requesting that the agency record be augmented with a copy of the resolution".

On July 9, 1986, Sustan Mattos filed the objections of the Idaho Department of Fish and Game to the augmentation of the record with these materials.

RULING ON MOTION TO AUGMENT

The applicant's request to augment the record is hereby denied. The following documents have not been considered in the decision:

(1) Agenda item No. 9, minimum stream flow application, Big Wood River from the approved minutes of the Idaho Water Resource Board meeting of March 11, 1986, pages 1, 6, 7 & 9.

(2) A letter dated April 24, 1986, from Gene M. Gray, Chairman of the Idaho Water Resource Board to the director summarizing the action taken by the Board at its March 11, 1986 meeting under agenda item No. 9, minimum stream flow application, Big Wood River.

(3) A resolution the Idaho Water Resource Board dated June 6, 1986 endorsing and approving inclusion of conditions nos. 3 and 8 contained in the

proposed memorandum decision and order of the department in the matter of minimum stream flow application No. 37-7919 and requesting that the agency record be augmented with a copy of the resolution.

RULING ON EXCEPTIONS TO PROPOSED DECISION

Historic Delivery Practices

Fish and Game takes exception to proposed conclusion of law No. 2 which states: "The proposed minimum stream flow should not be allowed to alter historic delivery practices of Water District No. 37, Big Wood River." Fish and Game also takes exception to condition No. 3 of the proposed order which states: "The use of water under this permit shall recognize and allow the continued diversion, both within and upstream from the minimum flow reach, of water for irrigation purposes based on valid recorded and unrecorded beneficial use water rights, to the extent that the unrecorded diversions can be verified as having been initiated prior to May 20, 1971."

The Water Resource Board, as applicant, in testimony at the hearing recognized the legal requirement that establishment of the minimum stream flow could not interfere with existing water rights. Board member, F. Dave Rydalch, testified in part as follows: "The Board reviewed the request with the intent that any minimum stream flow right would not interfere with any vested water right, permit or water right application. . .," (emphasis added).

Based upon this testimony finding of fact #4 is hereby amended and adopted as follows:

Finding of Fact 4: Based upon testimony of the staff of the department, a finding is made that various water rights evidenced by licenses, permits, and decrees exist with points of diversion located within the designated minimum stream flow reach. In addition, approximately 55 recorded beneficial use water rights, and an undetermined number of unrecorded beneficial use water rights, divert water at points within this minimum stream flow reach, or on upstream tributaries. The testimony of the Board specifically provided that the minimum stream flow application is not intended to interfere with any vested water right, permit or water right application.

A comparison of the decision criteria required by Section 42-1503 Idaho Code, with the definition of "unappropriated water" in Section 42-1502(g) Idaho Code, confirms that the term "vested water right" includes rights lawfully established by diversion and beneficial use. The evidence documents that numerous undecreed but potentially valid rights established by diversion and beneficial use exist that could be interfered with if water is distributed only to recorded rights as provided by Section 42-607 Idaho Code, if those recorded rights include the minimum stream flow right requested. The choice is thus clear: Either the minimum stream flow must be subordinated for water distribution purposes to the valid prior unrecorded rights or the minimum stream flow must be denied to prevent interference with delivery of these rights. Conclusion of law No. 1 of the proposed memorandum decision and order shall be modified to address this issue to read as follows:

Conclusion of Law #(1) The proposed minimum stream flow appropriation will not interfere with any vested water right, permit or right under an application having priority date earlier than June 19,

1981. An exception is that water right permit No. 37-7866 with date of priority November 14, 1980 for 75 cfs for hydropower purposes has been subordinated to the proposed minimum stream flow appropriation. Another exception is that Section 42-607 Idaho Code, requires the watermaster to distribute water to recorded rights in times of scarcity. Distribution of water to unrecorded prior rights lawfully established by diversion and beneficial use would be interfered with if delivery of water to the minimum stream flow right is not subordiated to such rights.

However, to partially address the concerns of Fish and Game that the minimum stream flow right should not be treated as junior in time to all valid beneficial use water rights initiated prior to May 20, 1971, the following modification shall be made to the proposed memorandum decision and order:

Conclusion of Law No. 2 shall be modified to read:

Conclusion of Law No. (2) The proposed minimum stream flow should not be allowed to alter historic delivery practices to valid beneficial use water rights in Water District No. 37, Big Wood River for which a claim to a water right has been filed with the director of the Department of Water Resources.

Condition No. 3 of the proposed order shall be modified to read:

Condition No. (3) Pending a general readjudication of the Big Wood stream system, the use of water under this permit shall recognize and allow the continued beneficial diversion, both within and upstream from the minimum flow reach, of water for irrigation and other purposes based on valid recorded and unrecorded beneficial use water rights, provided that unrecorded diversions are first documented by the filing

of a claim, pursuant to Section 42-243 Idaho Code, showing the right to have been initiated prior to May 20, 1971.

Retained Jurisdiction

Fish and Game takes exception to condition No. 8 of the proposed order which states:

> Condition No. (8) The director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license upon his determination that the public interest is no longer served by the minimum stream flow as established. The director may review the permit and subsequent license 15 years after issuance of either the permit or the license.

The hearing record documents that other potential uses exist for the water of Big Wood River. The record also demonstrates that the public interest at this time supports establishment of the minimum stream flow.

Minimum stream flows appear to be more permanent than rights requiring diversion from the stream. Minimum stream flows are not likely to be subject to loss by abandonment or forfeiture. The Board, as applicant and right holder, is not given authority to convey a minimum stream flow right to another entity or to change the nature of use of the right. The Director is charged with determining that appropriations of water are and remain in the public interest. The opportunity must be preserved to periodically review whether this minimum stream flow right remains in the public interest. Section 42-1503, Idaho Code, authorizes the director of the Department of Water Resources to approve an application for minimum stream flow in whole or in part or upon conditions. Without the term "review condition" (condition No. 8), a finding could not be

made to find this minimum stream flow in the public interest and approval of the minimum stream flow permit would be denied.

In order to partially address the concern of Fish and Game regarding the retention of jurisdiction by the director, condition No. 8 of the proposed order shall be modified to read as follows:

> Condition No. (8) The director retains jurisdiction to review the permit and subsequent license not earlier than 15 years after issuance of either the permit or license to modify any and all parameters of the permit or license upon a determination that such modifications are in the public interest. The director shall provide notice and opportunity for hearing in accordance with applicable law prior to amending the permit or license due to a change in the public interest.

Other Exceptions

Fish and Game also takes exceptions to those portions of finding of fact No. 10 and conclusion of law No. 6 which state, "the flow requested is usually capable of being maintained". Fish and Game argues that the evidence shows the minimum flow can be maintained 99 percent of the time which is more than "usually". The director determines this exception to be without merit because the stream flow records analyzed are only for a site near Hailey. Department of Water Resources staff exhibit No. 3 states that "flows at upstream end of the reach are not well defined".

ORDER

IT IS HEREBY ORDERED that proposed memorandum decision and order issued herein is adopted as the final decision and order with those modifications to

finding of fact No. 4 and to conclusions of law No. 1 and 2, and conditions No. 3 and 8 as set forth above in this decision.

IT IS FURTHER ORDERED that proof of application of water to beneficial use shall be on or before November 1, 1991.

DATED this 17th day of October, 1986.

A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	PROPOSED MEMORANDUM DECISION AND ORDER

On June 16, 1981, the Idaho Water Resource Board (hereafter Board) filed with the Idaho Department of Water Resources (hereafter Department) an application for permit to preserve a minimum flow in the Big Wood River, tributary to the Snake River, in Blaine County. The application was filed by the Board at the request of the Idaho Department of Fish and Game in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

A public meeting was held by the Board on September 22, 1983, in Hailey, Idaho, for the purpose of determining public interest with respect to said application. On October 7, 1983, the Board adopted a resolution requesting the Director to withhold administrative action on said application pending a more thorough analysis of minimum flows on the Big Wood River. On June 8, 1984, the Board requested that the Director proceed with administrative action on the application.

Notice describing the proposed appropriation and setting the time and place for the required hearing was published on October 24 and 31, 1985, in the Wood River Journal, Times News, Idaho Statesman, Lewiston Morning Tribune, and Post Register.

Parties appearing in a formal capacity included members of the Board; representatives of the Idaho Department of Fish and Game; Mr. Ed Nigbor, Blaine County Planning Director; and Mr. Robert Sherwood, Attorney in Fact for Helen M. Fassett.

Based upon sworn testimony, documentation and statements included in the record, and his understanding of the law, the Hearing Officer as a representative of the Director of the Department proposes the following Findings of Fact, Analysis, Conclusions of Law, and Order.

FINDINGS OF FACT

1) On June 19, 1981, the Board filed Application for Permit No. 37-7919 to appropriate a minimum stream flow in the Big Wood River, which is tributary to the Snake River, Blaine County, pursuant to the provisions of Chapter 15, Title 42, Idaho Code.

2) Application for Permit No. 37-7919 proposes to appropriate a minimum stream flow in the Big Wood River throughout a reach from the point of diversion of the Bellevue Canal located in the SW1/4 NW1/4, Section 36, Township 2N, Range 18E, upstream approximately eighteen miles to the confluence with Warm Springs Creek in the SE1/4 NW1/4, Section 13, Township 4N, Range 17E, B.M., Blaine County. The proposed rate of flow is 70 cubic feet per second.

3) The purpose of the proposed instream appropriation is to maintain trout habitat within the reach defined above.

4) Based upon testimony of the staff of the Department, a finding is made that various water rights evidenced by licenses, permits, and decrees exist with points of diversion located within

the designated minimum stream flow reach. In addition, approximately 55 recorded beneficial use water rights, and an undetermined number of unrecorded beneficial use water rights, divert water at points within this minimum stream flow reach, or on upstream tributaries. The testimony of the Board specifically provided that the minimum stream flow application is not intended to affect the delivery of prior water rights represented by permits, licenses, or decrees.

5) The minimum stream flow reach defined in Application for Permit No. 37-7919 is located within State Water District No. 37, Big Wood River and tributaries.

6) All rights acquired under Application for Permit No. 37-7919 are for instream non-consumptive uses.

7) Based upon testimony presented at the hearing, a finding is made that the benefits to be derived from the minimum stream flow application will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

8) Based upon the sworn testimony, documentation, and statements comprising the record in this matter, a finding is made that the minimum stream flow application is necessary to maintain trout habitat.

9) Based upon testimony and evidence submitted by the Idaho Department of Fish and Game, a finding is made that the flow requested in the application is the minimum flow required to maintain trout habitat and is not the ideal or most desirable flow which could be utilized for that purpose. A finding is also made that the designated

flow of 70 cubic feet per second is not necessarily an adequate flow for recreation, aesthetics and other minimum flow uses, so additional flows on all or portions of the designated reach may be found to be necessary to satisfy these additional uses.

10) Based upon testimony and evidence submitted concerning available flow measurement data, a finding is made that the flow requested is usually capable of being maintained.

11) Water Right Permit No. 37-7866, in the name of Consolidated Power Company, with date of priority November 14, 1980, describes a point of diversion and point of return within the minimum stream flow reach. This permit has been approved for a rate of flow of 75 cubic feet per second, with thirteen conditions of approval including condition "M" as follows:

> Diversion of water under this permit is subject to the provisions of minimum stream flow Water Right No. 37-7919, Big Wood River, which may require that as much as 70.0 cubic feet per second be allowed to remain undiverted from the source.

ANALYSIS

There is one primary item of contention that has been raised with respect to this minimum stream flow application. This item is whether the requested 70 cubic feet per second is an adequate rate of flow to be established as a minimum stream flow for the reach in question.

Testimony by the Idaho Department of Fish and Game indicates that for the eighteen mile reach that has been identified, the requested rate of flow of 70 cubic feet per second is the minimum and not the ideal flow to maintain trout habitat. Personnel from the Idaho Department of Fish and Game acknowledged that there are some areas within the

defined reach where 70 cubic feet per second would not be adequate to maintain trout habitat. However, 70 cubic feet per second was determined to be the best representative minimum flow for the reach based on instream flow analysis methodologies available in the late 1970s. Idaho Department of Fish and Game personnel indicated that newer instream flow methodologies often result in the determination of higher rates of flow as minimum flows, as compared with results of the methodologies available in the 1970's, but that rates of flow determined by newer methodologies are not significantly greater in magnitude than the flows determined by earlier methodologies.

Testimony and documentation in the file indicate that while the 70 cubic feet per second identified in the application may be an adequate instream flow to maintain trout habitat throughout most of the defined reach, some additional flows may be required for other minimum stream flow purposes, such as recreation and aesthetics. The expressed intent of the applicant and most others providing testimony on this matter is that the appropriate means for establishing any flow in excess of 70 cubic feet per second is to first establish a base minimum flow of 70 cubic feet per second as defined in Application No. 37-7919, and to identify any additional minimum stream flow requirements in a subsequent request to the Board.

CONCLUSIONS OF LAW

1) The proposed minimum stream flow appropriation will not interfere with any vested water right, permit, or right under an application having a priority date earlier than June 19, 1981. An exception is that Water Right Permit No. 37-7866 with date of priority

November 14, 1980, for 75 cubic feet per second for hydropower purposes, has been subordinated to the proposed minimum stream flow appropriation.

2) The proposed minimum stream flow should not be allowed to alter historic delivery practices of Water District No. 37, Big Wood River.

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

4) The proposed minimum stream flow appropriation is necessary to maintain trout habitat.

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

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

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 37-7919 is APPROVED subject to the following conditions:

1) The use of water under this permit is subject to all prior rights, with the exception of Water Right No. 37-7866.

2) This minimum stream flow permit shall be considered in the evaluation of Applications for Permit to appropriate waters from the the Big Wood River and tributaries filed after June 19, 1981.

3) The use of water under this permit shall recognize and allow the continued diversion, both within and upstream from the minimum flow reach, of water for irrigation purposes based on valid recorded and unrecorded beneficial use water rights, to the extent

that the unrecorded diversions can be verified as having been initiated prior to May 20, 1971.

4) The minimum stream flow approved under this application is subject to control by the watermaster of Water District 37, Big Wood River and tributaries.

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

6) Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Big Wood River, such measuring devices shall be permanently installed and maintained as specified by the Department.

7) Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department within five years after the permit approval is finally effective as herein provided. The proof submitted shall include at least three years of flow data for the water course. The proposed frequency of the data accumulation must be submitted to the Director for review and approval.

8) The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license upon his determination that the public interest is no longer served by the minimum stream flow as established. The Director may review the permit and subsequent license 15 years after issuance of either the permit or the license.

9) 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.

Dated this 21st day of January, 1986.

Norman C. Young

NORMAN C. YOUNG
Hearing Officer

NAME OF STREAM: Big Wood River, a tributary of Snake River

LEGAL DESCRIPTION OF THE POINT OF THE STREAM WHERE STREAM FLOW IS REQUESTED:

At Bellevue Diversion, Blaine County, SW¼NW¼, Sec. 36, T. 2 N., R. 18 E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND: 70 cfs

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:

To maintain trout habitat from the point of requested flow upstream to Warm Springs Creek.

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 nonconumptive 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:

The Big Wood River supports a high quality and trophy fish fishery and flows through one of the prime recreational areas in Idaho. The requested instream water right 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:

During 1977, personnel of the Idaho Department of Fish and Game collected field data for use with instream flow methodologies in determining flows for fish and wildlife resources. Methodologies, techniques and flow recommendations are presented in the following publication:

> Cochnauer, Tim and Edwin Buettner. 1978. Stream Flow Investigations -- Stream Resource Maintenance Flow Determinations on Idaho Streams. Job Performance Report. Project F-69-R-3, Job II. Idaho Department of Fish and Game. 88 pp.

EVIDENCE THAT THE REQUESTED FLOW IS MINIMUM AND NOT THE IDEAL OR MOST DESIRABLE FLOW: The ideal flow would be bank full discharge or approximately 150 cfs.

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

No flow records are available for this section of Big Wood River.

LOCATION OF EXISTING GAGING STATION THAT CAN BE USED IN THE ADMINISTRATION OF THIS APPROPRIATION: None.

FILED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 20th day of October, 1986, true and correct copies of the foregoing PROPOSED MEMORANDUM DECISION AND ORDER and MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Virgil Moore
Idaho Department of Fish and Game
Statehouse Mail
Boise, ID 83720

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

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Richard W. Wagner
650 21st Avenue
Lewiston, ID 83501

James Shawver
Route 1
Eden, ID 83325

J. D. Williams
P. O. Box 191
Preston, ID 83263

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

William J. Lanting
Route 1
Twin Falls, ID 83301

Mary T. Brooks
982 Strawberry Lane
Boise, ID 83712

Kenneth E. Hungerford
2005 Orchard Avenue
Moscow, ID 83843

Rita I. Fleck

RITA I. FLECK, Secretary/Records Manager
Idaho Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	**ORDER ISSUING PROPOSED MEMORANDUM DECISION**

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, NORMAN C. YOUNG, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, §67-5211.

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

I.
EXCEPTIONS

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

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

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

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

II.
BRIEFS

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

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

III.
ORAL ARGUMENTS

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

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

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

IV.
CERTIFICATE OF SERVICE

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

V.
FINAL DECISION

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

Dated this 24th day of JANUARY, 1986.

A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919)
)
TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD) CERTIFICATE OF MAILING
)
RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD)
)

I HEREBY CERTIFY That on this the 24th day of January, 1986, true and correct copies of the foregoing PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Virgil Moore
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

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

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Linda D. Smith

LINDA D. SMITH
Receptionist
Idaho Department of Water Resources

Form 202
3/78

Ident. No. 37-7919

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

RECEIVED
JUL 6 1981
Department of Water Resources
Southern District Office

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, Boise, Idaho 83720

2. Source of water supply Big Wood River which is a tributary of Snake River

3. Location of reach is from SW ¼ of NW ¼ of Section 36 Township 2N

   Range 18E B.M. Blaine County, upstream approximately 18 miles to the confluence with Warm Springs Creek in SE¼NW¼ Sec 13 T4N ~~R18E~~ R17E DK 6/8/84 B.M. Blaine County

4. Water will be used for the following purposes:

   Amount 70 (cfs or acre-feet per annum) for instream 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. 70 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. _____

   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: SW ¼ of NW ¼ of Section 36 Township 2N

      Range 18E 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 maintain trout habitat from the Bellevue diversion upstream to Warm Springs Creek.

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 _____

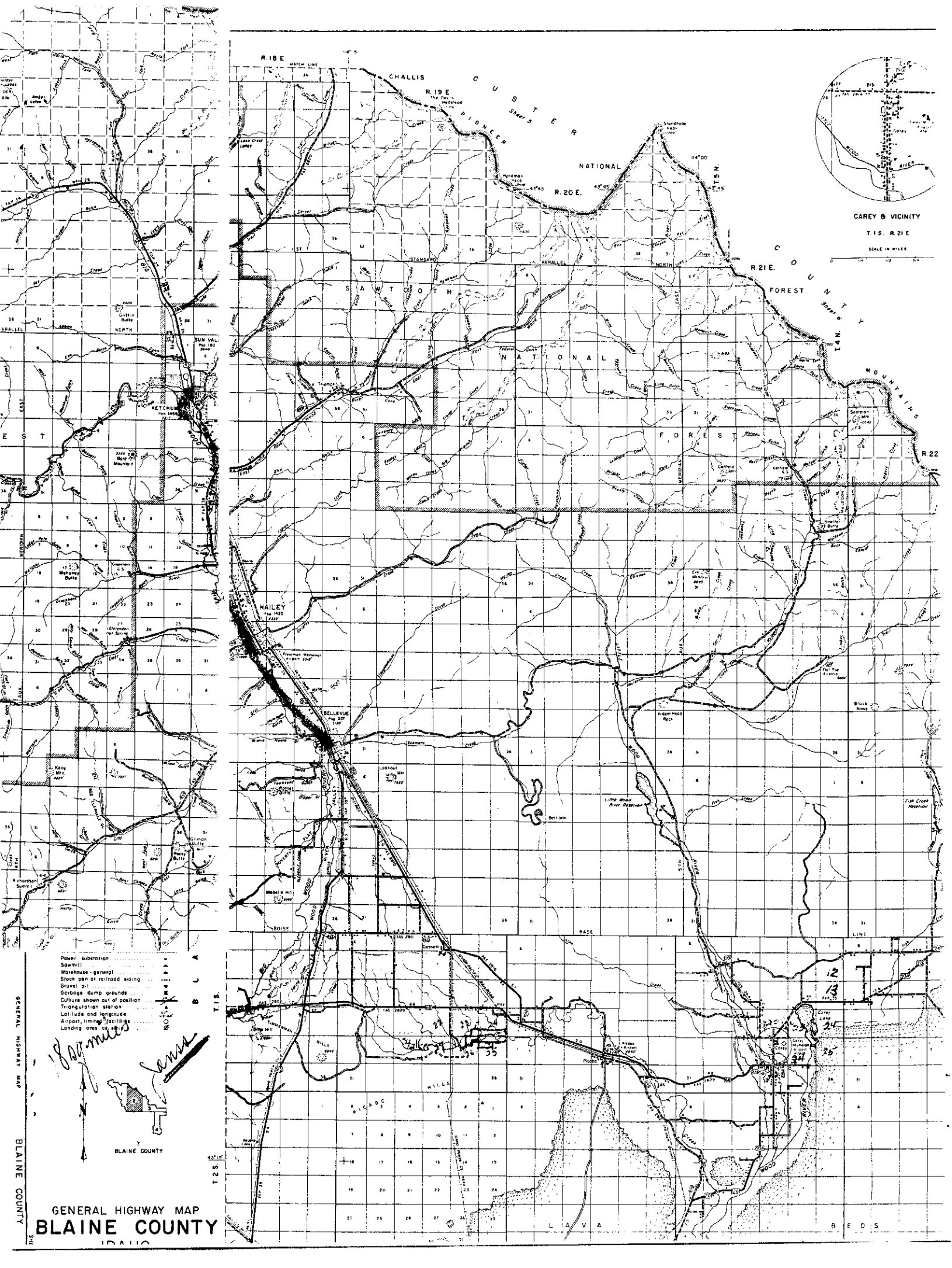
c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion _____

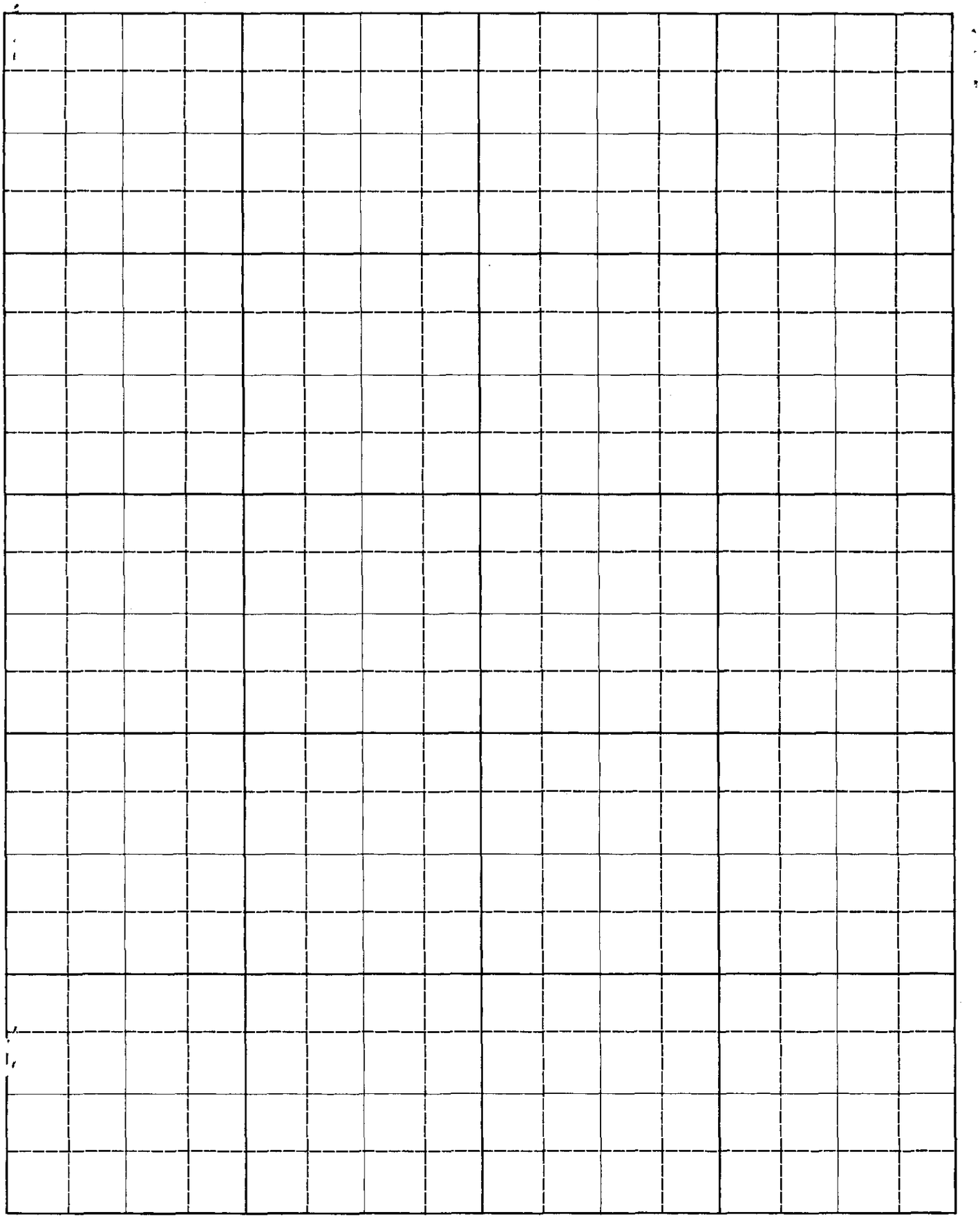
b. Who owns the land to be irrigated or place of use _____

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 _____


GENERAL HIGHWAY MAP
BLAINE COUNTY
IDAHO
CAREY & VICINITY
T.1S. R.21E.
SCALE IN MILES
CHALLIS
R.18E.
R.19E.
R.20E.
R.21E.
R.22
T.5N.
T.4N.
T.3S.
T.2S.
CUSTER COUNTY
BLAINE COUNTY
SAWTOOTH NATIONAL FOREST
PIONEER MOUNTAINS
LAVA BEDS
HAILEY
KETCHUM
SUN VALLEY
BELLEVUE
CAREY
PICABO
CAREY LAKE
Power substation
Sawmill
Warehouse - general
Stock pen at railroad siding
Gravel pit
Garbage dump grounds
Culture shown out of position
Triangulation station
Latitude and longitude
Airport, limited facilities
Landing area at ranch
BLAINE COUNTY
GENERAL HIGHWAY MAP
BLAINE COUNTY
IDAHO

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.

M. Reed Hansen
(Applicant)

Chairman

Idaho Water Resource Board

Received by mcya Date 7-7-81 Time 3:00 pm
YA 6-19-81 1:28 P.

Preliminary check by _____ 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. 37-7919, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1 AKD 1-16-87 92 ~~November 1~~, 19 ~~91~~.

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

d. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER .

Witness my hand this 17th day of October, 19 86.

R. Keith Higginson
Director

THE MEMORANDUM DECISION AND ORDER DATED OCTOBER 17, 1986, HAS BEEN SUPERCEDED BY AN AMENDED MEMORANDUM DECISION AND ORDER DATED JANUARY 16, 1987.

Witness my hand this 16th day of January, 1987.

R. Keith Higginson
Director 1-16-87

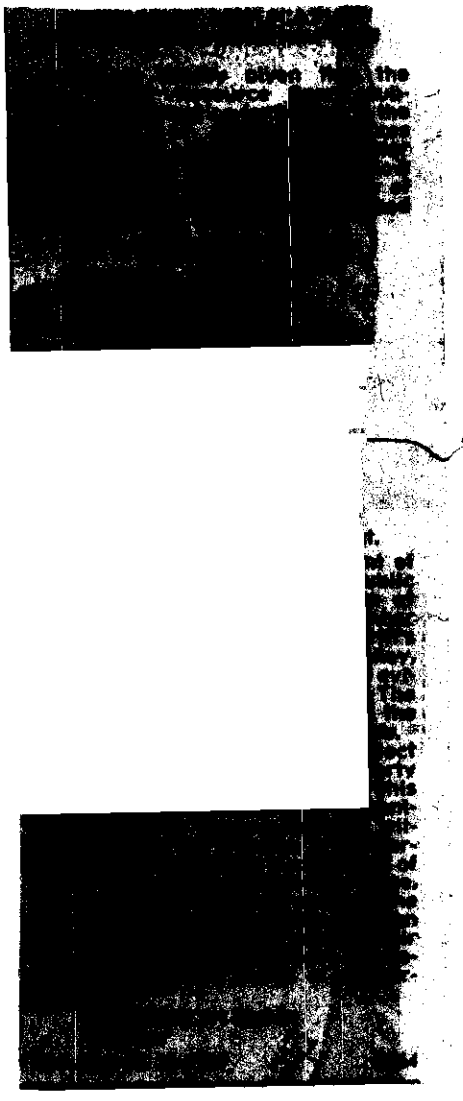
STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, 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 (2) consecutive weekly insertions beginning with the issue of

October 24, 1985, and ending with the issue of October 31, 1985.

Laura Gay Barnes

Subscribed and sworn to before me this 31st day of October, 1985.



See memo dated 12/17/85

Jeanne M Hawke

Notary Public for Idaho, Residing at Boise, Idaho.

RECEIVED
NOV 4 1985
Department of Water Resources
Southern District Office

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Blaine }

CLINT STENNETT, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, 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 24th day of Oct., 1985 and the date of the last publication was on the 31st day of Oct., 1985

Clint Stennett

Subscribed and sworn to before me this 31st day of October, 1985.
(SEAL)

Roberta McFarlen
NOTARY PUBLIC

see notice dated 12/17/85

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line		11	
Number of Lines in Notice		63	
Number of Insertions		2	
	Lines tabular at		5¢/Pica
63	Lines straight at	27.72	4¢/Pica
63	Subsequent lines at	20.79	3¢/Pica
	TOTAL COST	48.51	

COPY OF NOTICE
(Paste Here)

Not. of Application
TITLE OF NOTICE
37-7919

PLAINTIFF ATTORNEY

DEFENDANT

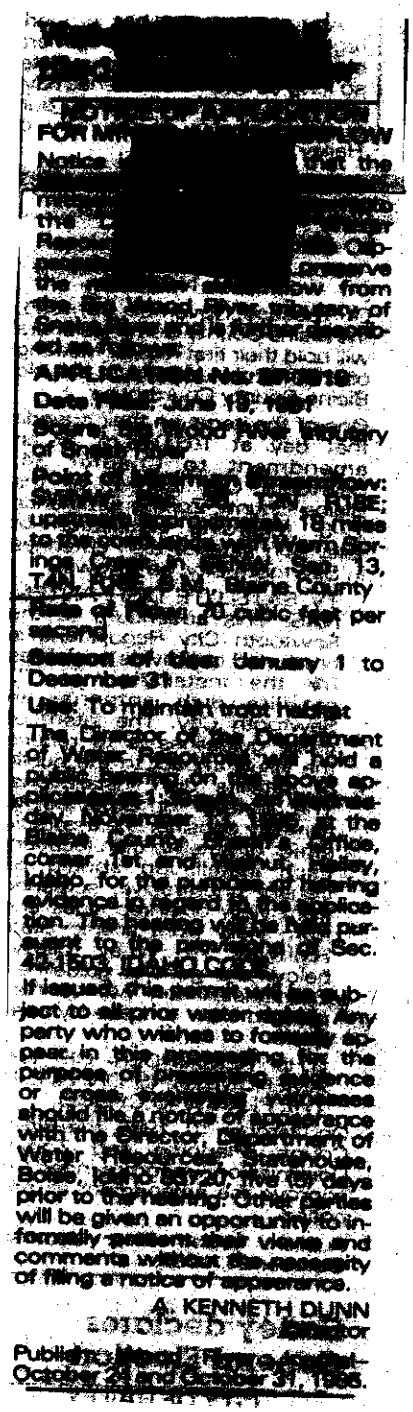
PLAINTIFF

Dept. of Water Res.
BILL TO

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight	4¢/Pica
7-8 pt. per line tabular	5¢/Pica
7-8 pt. per line successive insertions	3¢/Pica

RECEIVED
NOV 4 1985
No 4378
Idaho Dept. of Water Resources
Regional Adjudication Offices



FOR M[redacted] ow
Notice [redacted] that the
[redacted] ob-
[redacted] reserve
the [redacted] ow from
the [redacted] Basin, Director of
[redacted] and is further provid-
ed as follows:
APPLICATION No. [redacted]
Date filed: June 18, 1987
Source: [redacted] tributary
of [redacted]
Point of diversion: [redacted]
Quantity: [redacted] CFS;
up[redacted] 18 miles
to the [redacted]
from [redacted] Sec. 13,
T4N, R3E, B.M., Blaine County
Rate of Diversion: 70 cubic feet per
second
Season of Use: January 1 to
December 31
Use: To maintain water levels
The Director of the Department
of Water Resources will hold a
[redacted]
[redacted]
day, November [redacted] at the
Blaine [redacted] Office,
corner 1st and [redacted]
Idaho, for the purpose of hearing
evidence to support the application. The hearing will be held pursuant to the provisions of Sec. 42-1503, Idaho Code.
If issued, this permit will be subject to all prior water rights. Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross-examining witnesses should file a notice of appearance with the Director, Department of Water Resources, Statehouse, Boise, Idaho 83720 five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.
A. KENNETH DUNN
Director
Published [redacted] Times-Herald
October 24 and October 31, 1988.

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 24th day of October, 19 85, last publication having been made on the 31st day of October, 19 85, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

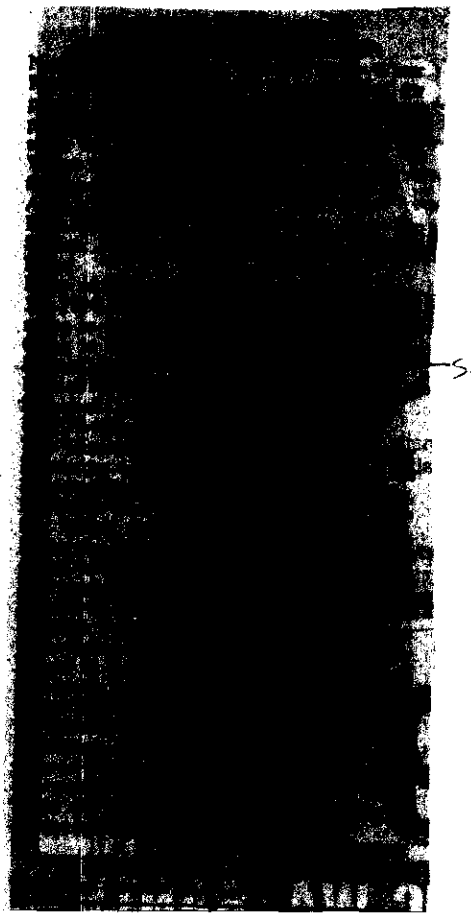
J. Robb Brady

Subscribed and sworn to before me, this 5th day of November, 19 85

Notary Public

My commission expires September 30, 19 88

B10, 1M,



see memo dated 12/17/85

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

Date 103185 INVOICE No. L00059636

Account No. 44662

Description 59636NOTIC

Times 2 Lines 53

Tab Lines

LEGAL ADVERTISING
INVOICE

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD., NO
TWIN FALLS
ID 83301

$ 46.38

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

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 8 1985
Department of Water Resources
Southern Idaho Office

59636

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood River tributary of Snake River and is further described as follows:

APPLICATION No. 37-7919
Date Filed: June 19, 1981
Source: Big Wood River tributary of Snake River
Point of Minimum Streamflow: SWNW, Sec.36, T2N, R18E, upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R18E, B.M., Blaine County
Rate of Flow: 70 cubic feet per second
Season of Use: January 1 to December 31
Use: To maintain trout habitat

The Director of Water Resources will hold a public hearing on the above application at 9:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriff's Office, Corner 1st and Willow, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Sec. 42-1503, IDAHO CODE.

If issued, this permit 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 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A. KENNETH DUNN
Director

17 see memo dated 12/17/85

STATE OF IDAHO, ss.
County of Nez Perce

S. L. Stone, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 102485, or once a week for two consecutive weeks, the first publication thereof being on the 102485, and the last publication thereof being on the 103185, and said NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

S. L. Stone

SUBSCRIBED AND SWORN BEFORE ME THIS THE 31 day of October 1985

Sharon M Lantz

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

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 13, 1994

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 37-07919

Dear Water Right Holder(s):

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

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

MICROFILMED

OCT 2 0 1994

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 37-7919

Proof of beneficial use rec'd 1/2/92

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

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

Data submitted fully complies with permit condition (i.e. # of years of flow data sufficient) 3 yrs ✓

Data Entry for License:

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

Comments/adjustments No changes from original filing

Printed license hand-edited ✓

SC 8/1/94

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	06/19/1981	MINIMUM INSTREAM FLOW	01-01	12-31	70.00 CFS	
				TOTAL DIVERSION:		70.00 CFS	

Water Source: BIG WOOD RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion Capacity: 70.00 CFS

Point(s) of Beginning Stream Reach: T04N R17E S13 SENW BLAINE County
Point(s) of Ending Stream Reach: T02N R18E S36 SWNW BLAINE County

Pou County:

Conditions of Approval:
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37.
027 - Use of water under this right shall be non-consumptive.

Remarks: This right is subject to all prior rights, with the exception of Right No. 37-07866.
This minimum stream flow right shall be considered in the evaluation of applications for permit to appropriate waters from the Big Wood River and tributaries filed after 6/19/81.
The use of water under this right shall recognize and allow the continued beneficial diversion, both within and upstream from the minimum flow reach, of water for irrigation and other purposes under any prior existing water right established by diversion and application to a beneficial use or by an application, permit or license on file issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the 6/19/81 priority date of this right.
Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum flow on Big Wood River, such measuring devices shall be permanently installed and maintained as specified by the Department.
The Director retains jurisdiction to reivew and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.
This minimum stream flow reach is from the confluence with Warm Springs Creek in the SENW, S13, T4N, R17E downstream

Remarks: approximately 18 miles to the point of diverion of the Bellevue Canal in the SWNW, S36, T2N, R18E.

Dates:				
	App. Received:		Priority Date:	06/19/1981
	Proof Due Date:	11/01/1992	Proof Made Date:	01/02/1992
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: Water District Number: 37 Field Exam Fee:

Audit: 07/28/94 SCURTIS 07/28/94 SCURTIS

January 8, 1992

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-07919

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

OCT 2 0 1994

Form 217

RECEIVED
DEC 31 1991
Department of Water Resources

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Changed scrivener's error 1/2/92 Barg S.

1. Permit No. 37-7917 Telephone No. 327-7946

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

3. Mailing Address: 1301 N. Orchard, Statehouse Mail Boise, Idaho 83706

4. Source of Water: Big Wood River

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

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

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

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

   Irrigation _____ (No. of acres) Other Minimum Streamflow

6. Total rate and/or volume for which proof is submitted 70 cfs **OR** _____ acre/feet

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

   Measuring device: Required? ___ Yes X No Installed? ___ Yes ___ No

   OR

   Flow Measurement Port: Required? ___ Yes X No Installed? ___ Yes ___ No

8. Fee Enclosed: $ N/A (See License Fee Schedule on back of Instruction Sheet)

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

   Frank Sherman 327-7900
   Name Telephone No.

   1301 N. Orchard, Boise, Idaho 83706
   Address

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

RECEIVED
OCT 20 1994

Dec 31, 1991 William S. Platt
Date Signature (and title, if on behalf of a company or organization)

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-07919 Reviewed by KLG Date 1/3/92

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

✓ Surface water source
_____ Ground water source
NA Drilling permit required?
_____ Copy in the file? Drilling Permit No. _____
_____ Amount paid for permit _____ Correct?
_____ Well log in the file?

LICENSE EXAMINATION FEE

Exempt Required?
_____ Amount Submitted
_____ Correct?

MEASURING DEVICE

NA Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY
New Address _____ Proof Made _____

RECEIVED
DEC 23 1991
Department of Water Resources

Proof of Beneficial Use For the Big Wood River
Minimum Streamflow 37-7919

The Big Wood River is one of the ten most popular angling waters in the state. It was the third most frequently fished water in Region 4 of the Idaho Department of Fish and Game (Department) according to a recent survey of Idaho anglers (Reid 1989). It is fished by a large number of both resident and non-resident anglers.

High quality spawning and rearing habitat for fish is provided in the section of the Big Wood River identified in the referenced instream flow application. Portions of the river section have undergone extensive channel alterations since 1965, but a considerable amount of high-quality fish and wildlife habitat still remains. Additionally, there are several projects in the reach that are incorporating fish habitat structures into river stabilization projects which will increase the amount of cover available to fish and wildlife.

Excellent populations of rainbow trout and mountain whitefish, and some brook trout, reside within the minimum flow section. Research conducted within the section in 1986-1988 (Thurow 1990) and follow up work in 1991, showed the number of wild trout have increased each year (Table 1). In 1988, researchers found an average of 694 wild rainbow trout (eight inches or larger) per mile of stream in this instream flow reach. Department personnel sampled in 1991 and found an estimated population that was 20 percent higher than it had been in any of the three previous study years (Table 1). During two days of electrofishing on 0.6 mile section of river, we sampled 568 wild rainbow trout, 49 mountain whitefish and 5 brook trout. Numerous Wood River sculpin were observed but not collected. All size groups of rainbow trout were present, indicating a good, naturally reproducing population (Table 2). The number of larger fish in the instream flow reach has been increasing during recent years. Based on the estimated population size structure, 9.8 percent of the rainbow in 1991 were 12 to 20 inches compared to an average of 4.7 percent in 1986-1988 (Table 3). Of the fishable populations (8 inches or larger), 27 percent were greater than 12 inches and 7 percent were greater than 16 inches in 1991.

An angler survey conducted in 1987 estimated that anglers fished 34,400 hours on the instream flow reach (Thurow 1990). Based on a value of $10.50/hour (Sorg et al. 1985), this section of the river accounted for $361,200 into the Idaho economy or 56 percent of the total value of the entire Big Wood River fishery. Monetary values of the Big Wood River fishery were converted to 1991 dollars using the Consumer Price Index. Sorg et al. (1985) determined the Big Wood River fishery had the highest value of any of the 51 selected sites in the State of Idaho ($84.69/trip-1991 dollars).

OCT 2 0 1994

The Big Wood River fishery is extremely important and of major interest to the anglers of Idaho. Based on angler opinion surveys, a majority of anglers supported more restrictive regulations to maintain wild trout and provide more large trout (Thurow 1990). In an effort to provide these improvements in the fishery, the Department held public meetings in 1990 to discuss regulation changes. Over 360 people attended these meetings. Based on public input and the biological potential of the river, the Department selected two different regulation scenarios to improve the quality of the fishery. The upper third of the instream flow reach is regulated for catch-and-release fishing, and the lower portion is regulated as a two-trout limit with no fish allowed between 12 and 16 inches. There are no restrictions on gear type in the lower section, so all types of anglers continue to fish the area. The harvest season for trout begins the end of May and runs through November. Mountain whitefish harvest is allowed from the end of May through the following March along the entire river.

The Wood River sculpin, one of two endemic species of sculpin in Idaho, is found in this section of the Big Wood River. The Department classifies the sculpin as a "species of special concern" because of its restricted distribution range. Habitat should be protected to ensure healthy populations (IDFG 1991).

Flow records from 1982 to 1990, derived from data collected by the U.S. Geological Survey at the Hailey gauge (no. 13139500), indicate the requested flow of 70 cfs should be available on a year-round basis in the minimum flow reach (Table 4).

OCT 2 0 1994

Table 1. Estimated numbers of wild rainbow trout (eight inches and larger) per mile of river in three study sections of the Big Wood River within the minimum flow reach. Estimates conducted in July and August.

Area	1986	1987	1988	1991
Hailey Park	283	438	835	-
Starweather Subdivision	693	368	590	829
Gimlet Subdivision	549	777	656	-
Average	508	528	694	-

OCT 2 0 1994

Table 2. Length-frequency of wild rainbow trout captured by electrofishing in study reaches within the minimum flow reach of the Big Wood River.

Area	Year	Size group (inches) <=3.9	9.0-5.8	5.9-7.8	7.9-9.8	9.9-11.8	11.9-13.7	13.8-15.7	15.8-17.7	17.8-19.6	19.7-21.6	Total
Hailey, Star-weather & Gimlet Combined	1986	13	149	139	137	100	60	36	17	2	0	653
	1987	25	200	105	127	155	73	63	38	4	0	790
	1988	68	1,062	1,012	480	213	73	75	65	4	2	3,054
Star-weather	1991	32	181	136	75	61	21	34	21	7	0	568

OCT 20 1994

Table 3. Length frequency of wild rainbow trout in study reaches in the instream flow reach of the Big Wood River. Sections and years in 1986-1988 are pooled together.

Year	Size (inches)			
	4.0-7.8	7.9-11.8	11.9-15.7	15.8-19.6
1986-1988	78.2%	17.1%	3.6%	1.1%
Starweather 1991	64.1%	26.1%	7.4%	2.4%

OCT 2 0 1994

Table 4. Flow data for Big Wood River minimum flow permit No. 37-7919. The data reflect mean monthly flows (in cfs) as recorded at the USGS gage station (13139500) at Hailey, Idaho for water years beginning October 1982 to September 1990.

	Year								
MONTH	1982	1983	1984	1985	1986	1987	1988	1989	1990
Oct	304	427	283	265	278	125	120	165	
Nov	257	430	259	214	226	131	125	156	
Dec	220	324	224	196	167	121	115	131	
Jan		212	289	216	189	155	119	120	126
Feb		198	275	189	194	152	119	114	121
Mar		273	288	213	475	213	153	149	157
Apr		494	641	712	1178	375	343	644	439
May		2189	1755	1003	1816	725	621	994	464
Jun		3272	1985	749	2410	520	715	954	831
Jul		1550	1112	330	694	284	217	351	359
Aug		683	469	219	344	172	133	174	185
Sep		426	329	383	290	128	116	156	152

OCT 2 0 1994

References

Idaho Department of Fish and Game. 1991. Fisheries Management Plan 1991-1995. 292 pp.

Reid, Will. 1989. A survey of 1987 Idaho anglers opinions and preferences. Federal Aid in Fisheries Restoration, Job Completion Report, F-35-R-13, Idaho Department of Fish and Game. 75 pp.

Sorg, Cindy, John Loomis, Dennis Donnelly, George Peterson, and Louis Nelson. 1985. Net economic value of cold and warm water fishing in Idaho. Resource Bulletin RM-11, Forest Service. 26 pp.

Thurow, Russ. 1990. Wood River Fisheries Investigations. Federal Aid in Fisheries Restoration, Job Completion Report, F-73-R-12, Idaho Department of Fish and Game. 91 pp.

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OCT 2 0 1994

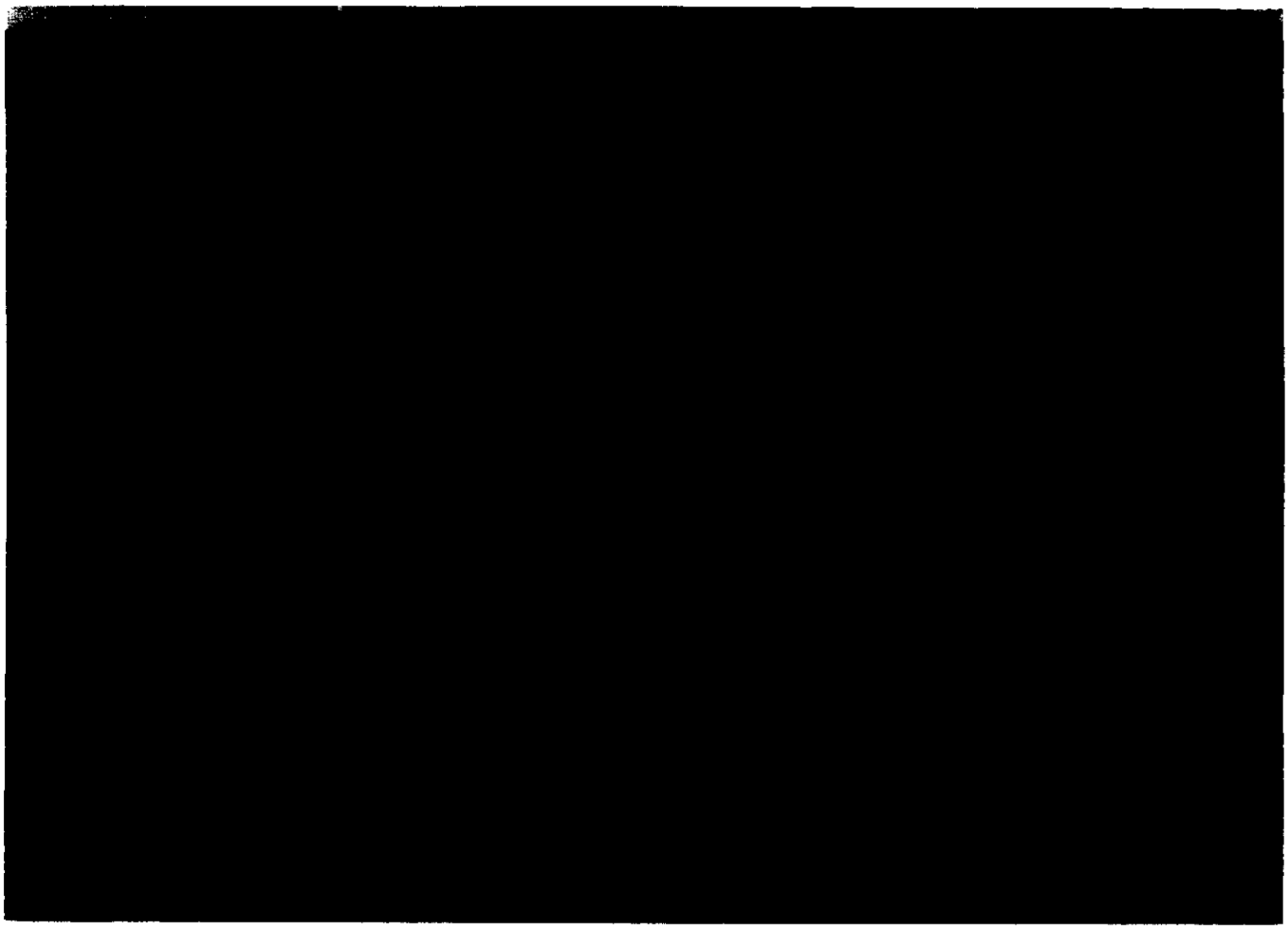
EXHIBIT NO.



Regional fishery manager, Charles Corsi measuring an adult wild rainbow trout obtained by electrofishing in the Starweather study site on the Big Wood River. Excellent river substrate of clean cobble and gravel in background provides rearing habitat for both aquatic insects and Big Wood River sculpin which supply the feed to maintain a good wild trout fishery. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game on August 28, 1991.

OCT 2 0 1994

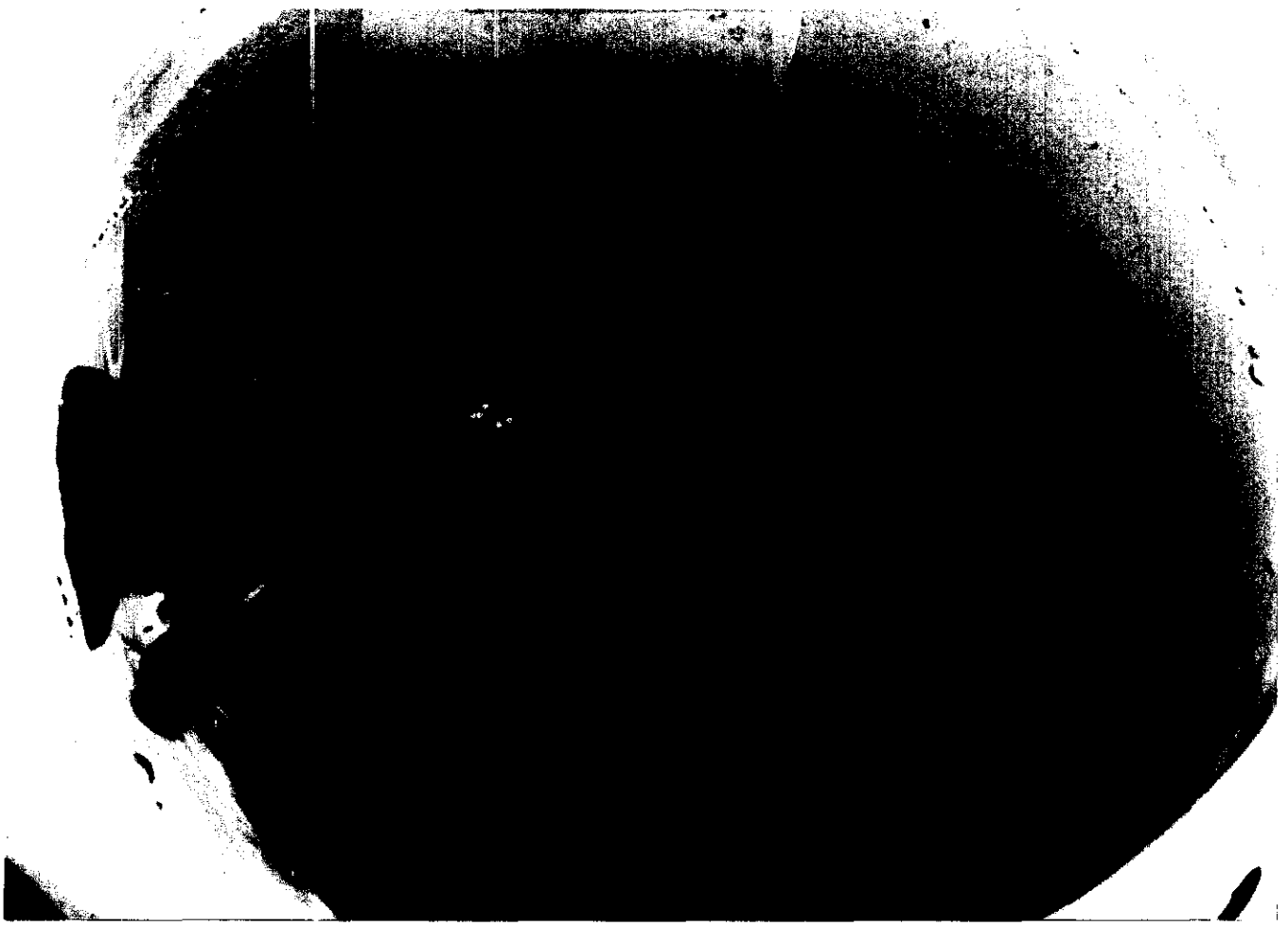
EXHIBIT NO.



An angler enjoying a sunny winter day fishing for mountain whitefish on the Big Wood River below Hailey. Anglers fish the river throughout the year except during the April through May season closure. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game in February 1986.

MICROFILMED
OCT 2 0 1994

EXHIBIT NO.



A bucket full of wild rainbow trout obtained while doing fish population estimates in the Starweather site of the Big Wood River on August 28, 1991. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

MICROFILMED
OCT 2 0 1994

EXHIBIT NO.



An adult mountain whitefish in excellent condition obtained by Idaho Department of Fish and Game personnel on August 28, 1991, by electrofishing in the Starweather study site, Big Wood River. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

OCT 2 0 1994

EXHIBIT NO.



A 17 inch wild rainbow trout obtained by Idaho Department of Fish and Game personnel on August 28, 1991, by electrofishing in the Starweather study site, Big Wood River. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

OCT 2 0 1994

EXHIBIT NO.



A wild rainbow trout obtained by Idaho Department of Fish and Game personnel on August 28, 1991, by electrofishing in the Starweather study site, Big Wood River. Bucket in background contains adult mountain whitefish. Photo taken by Stu Murrell, Regional Conservation Educator, Idaho Department of Fish and Game.

OCT 2 0 1994

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 8

BY RESOURCES AND CONSERVATION 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 Water Resources Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Big Wood River for minimum streamflow purposes, which permit No. 37-7919 was approved by the Director of the Department of Water Resources in an Amended Memorandum Decision and Order dated January 16, 1987, authorizing the appropriation of seventy cubic feet per second on the reach of the Big Wood River from the point of diversion of the Bellevue Canal located in the SW1/4, NW1/4, Section 36, Township 2 North, Range 18 East B.M., upstream approximately eighteen miles to the confluence with Warm Springs Creek in the SE1/4, NW1/4, Section 13, Township 4 North, Range 17 East, B.M., Blaine County, and the same is hereby subject to the conditions and limitations contained in the Amended Memorandum Decision and Order of the Director of the Department of Water Resources dated January 16, 1987.

OCT 2 0 1994

MINIMUM INSTREAM FLOW

[redacted]

37-7919 HCR-8

- Applicant IWRB
- Sponsor: Department of Fish and Game
- Application filed: June 19, 1981
- Rate: 70 cfs thru an 18 mile reach
- Purpose: maintain trout habitat
- Public information meeting conducted by Board on September 22, 1983. 15 people
- October 7, 1983 - Board resolved department should withhold administrative action pending a more thorough analysis of minimum flows on Big Wood River.
- June 8, 1974, Board requested department to proceed with administrative action.
- November 13, 1985 - department conducted public hearing
  - Attended by 63 persons
  - Question was raised whether 70 cfs is enough (But was determined to be the minimum required - not the most ideal)
- Permit ~~was~~ issued January 1986 ~~October 17, 1986~~
- Special Conditions
  - Subject to all prior rights except for 37-7866 (a prior hydropower filing in the amount of 75 cfs)
  - Minimum flow subject to historic diversion and use of certain unrecorded beneficial use rights
  - Term condition to allow review of permit/license 15 years after issuance

[redacted]

OCT 2 0 1994

- On February 7, 1986 - Department of Fish and Game filed exceptions to the approval
  - Objections included:
    - Historic delivery practices
    - Retained jurisdiction
  - On October 17, 1986, the Director issued final decision essentially as proposed
  - On November 6, 1986, Department of Fish and Game petitioned department for reconsideration and rehearing
  - On November 17, 1986, Department denied Fish and Game petition for rehearing
  - On December 8, 1986, Fish and Game appealed the department's decision to district court
  - On January 15, 1987, district court remanded the matter back to department since agreement between department and Fish and Game was executed
* - On January 16, 1987, department issued an amended Memorandum Decision and Order
    - Changes:
      - Historic delivery practices
      - Retained jurisdiction
        - Describes that burden of proof is upon party seeking to change the minimum flow

MURDOCK FIRM
OCT 20 1994

Permit No. 37-7866

Consolidated Power Company

(Ted C. Dwine)

- Application filed: November 14, 1980
- Rate: 75 cfs for power purposes year around
- General proposal: divert water thru Kohler Ditch to a power plant on ditch, then water would be eventually returned to Big Wood River.
- Permit issued August 3, 1984

MINIMUM STREAM FLOW APPLICATION

37-8258

- Filed: January 16, 1986
- Sponsor: Blaine County Board of Commissioners
- Rate: 200 cfs - reach A - upper SNRA boundary downstream to confluence with Warm Springs Creek

  130 cfs - reach B - same reach as prior minimum stream flow permit
- March 19, 1986 - Board public information meeting - Hailey
  - Attended by 22 people

OCT 2 0 1994

868 East Main, Box 428
Jerome, Idaho 83338

TO: Department of Water Resources
Date: March 27, 1987

RE: Outline of Plans to Document Beneficial Use of Minimum Stream Flows in Silver Creek (37-7849) and Big Wood River (37-7919).

A. BIG WOOD RIVER

In 1986, the Idaho Department of Fish and Game initiated a research project on the Big Wood River drainage in order to assist in the development of a comprehensive management plan. Russell F. Thurow, Senior Fishery Research Biologist, is assigned to the project and will be conducting research through the 1988 field season. The specific objectives of the study are:

1. To assess the abundance, distribution and age structure of fish stocks in the Big Wood River and principal tributaries.

2. To characterize movement patterns of the spawning and rearing phases of fish stocks in the Big Wood River.

3. To estimate angler effort and harvest on the Big Wood River.

4. To survey angler opinions and preferences on the Big Wood River.

5. To compare fish populations within special regulation sections with fish populations in general regulation sections of similar habitat.

6. To compare angler effort, catch and angler opinions within special regulation and general regulation stream sections.

7. To evaluate movements of fish stocks between special regulation and general regulation stream sections.

8. To assess the impact of unscreened irrigation diversions on fish populations in the Big Wood River.

9. To evaluate the feasibility of screening diversions if they adversely impact fish populations.

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EQUAL OPPORTUNITY EMPLOYER

10. To evaluate stream reaches in the Big Wood River which have been degraded.

These data will allow the Department of Fish and Game to assess the current status of fish populations and angler effort, and to estimate the annual economic value of the Big Wood River fishery.

B. SILVER CREEK

In 1986, the Idaho Department of Fish and Game entered into a cooperative research project on Silver Creek with the Nature Conservancy and Idaho State University in order to assist in the development of a comprehensive management plan. Graduate students attending Idaho State University involved with the project are Blaine Parker and Michael Riehle. The students will be conducting research through 1988. The specific objectives of the study are:

1. Assess the species composition, size and abundance of trout species in both general regulation and special regulation sections of Silver Creek.

2. Assess angler effort, harvest and opinions on Silver Creek.

3. Quantify rainbow trout activity budgets and habitat utilization in Silver Creek and principal tributaries.

These data will allow the Department of Fish and Game to assess the current status of fish populations and angler effort, and to estimate the annual economic value of the Silver Creek fishery.

Submitted by:

Robert J. Bell, Regional Fishery Manager
Scott A. Grunder, Regional Fishery Biologist

OCT 2 0 1994

(H.C.R. No. 8)

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 Water Resources Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Big Wood River for minimum streamflow purposes, which permit No. 37-7919 was approved by the Director of the Department of Water Resources in an Amended Memorandum Decision and Order dated January 16, 1987, authorizing the appropriation of seventy cubic feet per second on the reach of the Big Wood River from the point of diversion of the Bellevue Canal located in the SW1/4, NW1/4, Section 36, Township 2 North, Range 18 East B.M., upstream approximately eighteen miles to the confluence with Warm Springs Creek in the SE1/4, NW1/4, Section 13, Township 4 North, Range 17 East, B.M., Blaine County, and the same is hereby subject to the conditions and limitations contained in the Amended Memorandum Decision and Order of the Director of the Department of Water Resources dated January 16, 1987.

Adopted by the House March 2, 1987.
Adopted by the Senate March 24, 1987.

(H.C.R. No. 9)

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 Water Resources Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House

OCT 2 0 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 16, 1987

Senator James Risch, President
Senate Pro Tem
Statehouse
Boise, ID 83720

Re: Water Right Application for Permit for Minimum Streamflow No. 37-7919, Big Wood River.

Dear Senator Risch:

Enclosed please find a copy of the above referenced application for permit, including the Amended Memorandum Decision and Order which was issued on January 16, 1987, and a draft legislative resolution approving the application.

As you are aware, Idaho Code § 42-1503 requires that the application must 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 submitted, the application shall be considered approved."

Copies of the Memorandum Decision and Order were mailed to full parties and interested parties on January 16, 1986. Any person aggrieved by the Amended Memorandum Decision and Order is entitled to request rehearing before the Director within twenty (20) days, or to appeal the decision to the district court within thirty (30) days of the date that the decision was made.

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

Sincerely,

A. KENNETH DUNN, Director
Dept. of Water Resources

GS:jf
CC: Legislative Council

OCT 20 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 16, 1987

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

Re: Water Right Application for Permit for Minimum Streamflow No. 37-7919, Big Wood River.

Dear Mr. Speaker:

Enclosed please find a copy of the above referenced application for permit, including the Amended Memorandum Decision and Order which was issued on January 16, 1987, and a draft legislative resolution approving the application.

As you are aware, Idaho Code § 42-1503 requires that the application must 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 submitted, the application shall be considered approved."

Copies of the Memorandum Decision and Order were mailed to full parties and interested parties on January 16, 1986. Any person aggrieved by the Amended Memorandum Decision and Order is entitled to request rehearing before the Director within twenty (20) days, or to appeal the decision to the district court within thirty (30) days of the date that the decision was made.

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

Sincerely,

A. KENNETH DUNN, Director
Dept. of Water Resources

GS:jf
CC: Legislative Council

OCT 2 0 1994

LEGISLATURE OF THE STATE OF IDAHO

Forty-ninth Legislature First Regular Session — 1987

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 8

BY RESOURCES AND CONSERVATION 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 Water Resources Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Big Wood River for minimum streamflow purposes, which permit No. 37-7919 was approved by the Director of the Department of Water Resources in an Amended Memorandum Decision and Order dated January 16, 1987, authorizing the appropriation of seventy cubic feet per second on the reach of the Big Wood River from the point of diversion of the Bellevue Canal located in the SW1/4, NW1/4, Section 36, Township 2 North, Range 18 East B.M., upstream approximately eighteen miles to the confluence with Warm Springs Creek in the SE1/4, NW1/4, Section 13, Township 4 North, Range 17 East, B.M., Blaine County, and the same is hereby subject to the conditions and limitations contained in the Amended Memorandum Decision and Order of the Director of the Department of Water Resources dated January 16, 1987.

OCT 2 0 1994

MINIMUM STREAM FLOW

BIG WOOD RIVER

37-7919

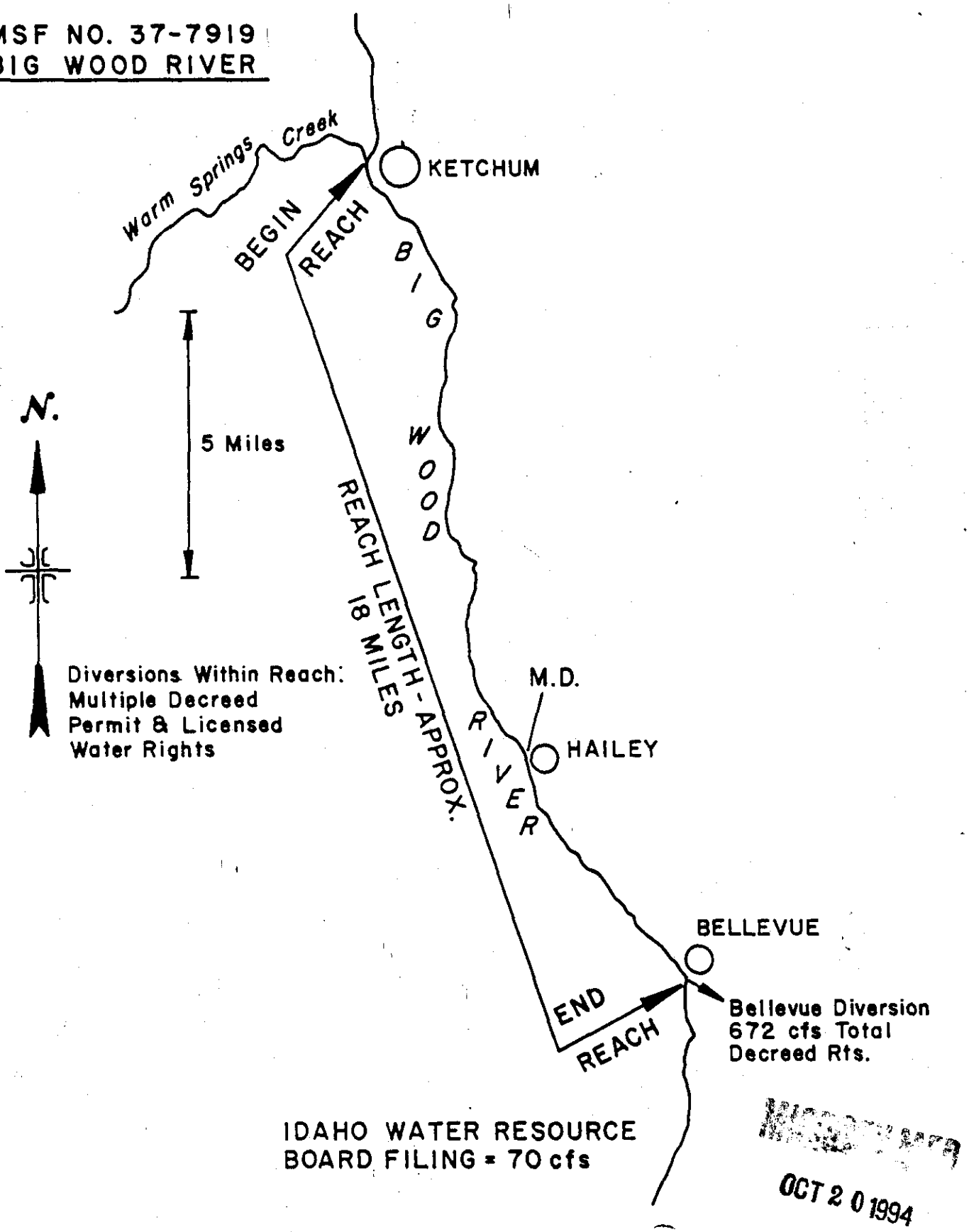
HCR-8

General Notes

- Rate - 70 cfs
- Priority - June 19, 1981
- Reach - from the Bellevue diversion near Bellevue upstream 18 miles to the confluence with Warm Springs Creek near Ketchum
- Applicant - Idaho Water Resource Board
- Sponsor - Idaho Dept. of Fish and Game
- Purpose - maintain trout habitat
- Public information meeting (Board's) - September 22, 1983
  Attended by 16 parties
- Director's hearing - November 13, 1985
  Attended by 63 parties
- Proposed Decision issued - January 21, 1986
- Final Decision issued - October 17, 1986
- Conditions challenged
  - Subject to valid beneficial use rights
  - Term - review after 15 years
- Controversy resolved in agreement signed in January 1987

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MSF NO. 37-7919
BIG WOOD RIVER



IDAHO WATER RESOURCE
BOARD FILING = 70 cfs

OCT 2 0 1994

Gary

WR-NUMBER	CFS RATE	VOLUME
37-4000	0.460	0.00
37-4016	10.000	0.00
37-4035	0.020	0.00
37-4063	0.800	0.00
37-4100	0.780	0.00
37-4106	0.500	0.00
37-4120	0.020	0.00
37-4121	0.015	0.00
37-4122	0.015	0.00
37-4123	0.015	0.00
37-4124	0.020	0.00
37-4125	0.015	0.00
37-4126	0.015	0.00
37-4128	0.040	0.00
37-4129	0.015	0.00
37-4130	0.500	23.00
37-4131	0.040	2.00
37-4138	1.050	0.00
37-4139	0.500	0.00
37-4140	0.150	0.00
37-4150	1.040	0.00
37-4151	1.840	0.00
37-4158	0.020	0.00
37-4164	2.000	0.00
37-4165	0.200	0.00
37-4184	2.000	1.00
37-4217	0.010	0.00
37-4242	6.000	0.00
37-4249	0.200	0.00
37-4250	0.020	0.00

37-4253	0.220	0.00
37-4254	0.330	0.00
37-4262	5.000	0.00
37-4265	4.000	0.00
37-4268	0.040	0.00
37-4269	0.600	0.00
37-4288	0.020	0.00
37-4293	2.000	4.70
37-4294	0.500	0.00
37-4295	0.030	0.00
37-4296	0.030	0.00
37-4311	2.204	0.00
37-4312	0.320	0.00
37-4337	6.000	0.00
37-4368	0.130	0.00
37-4369	0.000	70.00
37-4375	1.200	0.00
37-4378	0.150	0.00
37-4379	0.080	0.00
37-4405	0.040	0.00
37-4410	2.000	0.00
37-4420	0.000	10.00
37-4422	0.860	0.00

TOTAL COUNT WATER RIGHTS: 53
TOTAL-DIVERSION-RATE: 54.054

110.70 ac-ft

All surface

```
DELETE COUNT_CFS;
REDEFINE PROCEDURE COUNT_CFS
DECLARE WR_NUM                PIC X(10).
DECLARE CFS                   PIC X(10).
DECLARE SUM_CFS               PIC X(10).
 DECLARE CNT                   PIC 9(10).
DECLARE HOLD_TOTAL_CFS        PIC X(10).
DECLARE HOLD_CNT              PIC X(10).
WR_NUM = "1"
CNT = 0
SUM_CFS = 0
ON *,"THE FILENAME (TT FOR TERMINAL)"
BEGIN
  PRINT COL 5, "WR-NUMBER",
        COL 25, "CFS RATE",
        COL 45, "VOLUME"
  WHILE WR_NUM NE "0"
  BEGIN
    WR_NUM =*,"the water right number(ZERO TO END)"
    FOR D_RMASTER MEMBER ALL_MASTERS WITH WR_NUMBER = WR_NUM
    BEGIN
      CNT = CNT + 1
      HOLD_CNT = CNT
      CFS = TOTAL_DIVERSION_RATE + HOLD_TOTAL_CFS
      HOLD_TOTAL_CFS = CFS
          PRINT COL 5, ADJUDICATION_FLAG|BASIN|"-"|RIGHT_NUMBER,
                COL 20, TOTAL_DIVERSION_RATE(-),
                COL 40, TOTAL_DIVERSION_VOLUME(-), SKIP 1
    END !for d-rmaster
  END !while
  PRINT COL 5, "TOTAL COUNT WATER RIGHTS: "|HOLD_CNT
  PRINT COL 5, "    TOTAL-DIVERSION-RATE: "|HOLD_TOTAL_CFS
END !on
END-PROCEDURE
```

RECEIVED
NOV 6 P.M.
1986
Department of Water Resources

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SUSAN MATTOS
STEPHEN V. GODDARD
Deputy Attorneys General
Idaho Dept. of Fish and Game
600 South Walnut
P. O. Box 25
Boise, ID 83707
Telephone: (208)334-5081

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 37-7919 To Establish A Minimum Stream Flow In the Big Wood River In the Name of the Idaho Water Resource Board	PETITION FOR RECONSIDERATION AND REHEARING

The Idaho Department of Fish and Game (Fish and Game) petitions the Director of the Department of Water Resources (Director) for a rehearing on the Memorandum Decision and Order dated September 17, 1986 (Decision) on the grounds that the Decision is unreasonable, unlawful, erroneous, not in conformity with the law, confusing, and contradictory in its findings of fact, conclusions of law and the conditions set for approval of the application. The grounds for this petition are as follows:

1. Without notice to the parties, the Director amended findings of fact and conclusions of law to which no party filed exceptions.

MICROFILMED

a. The Director amended Finding of Fact #4. It originally stated:

> Based upon testimony of the staff of the Department,. a finding is made that various water rights evidenced by licenses, permits and decrees exist with points of diversion located within the designated minimum stream flow reach. In addition, approximately 55 recorded beneficial use water rights, and an undetermined number of unrecorded beneficial use water rights, divert water at points within this minimum stream flow reach, or on upstream tributaries. The testimony of the Board specifically provided that the minimum stream flow application is not intended to affect the delivery of prior water rights represented by permits, licenses, or decrees. (Emphasis added.)

The underlined portion of Finding #4 was amended to read:

> The testimony of the Board specifically provided that the minimum stream flow application is not intended to interfere with any vested water right, permit or water right application.

There is nothing in the Decision to justify amending this finding. None of the parties filed exceptions to it, including the Staff of the Department of Water Resources (Water Resources Staff). There was no notice that the Director was considering amending such finding. Therefore, the parties have been given no opportunity to address the propriety of the amendment. This clearly abrogates Fish and Game's right to due process. Such action is clearly erroneous, unreasonable and contrary to law.

b. The Director amended Conclusion of Law #1. It originally read:

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> The proposed minimum stream flow appropriation will not interfere with any vested water right, permit, or right under an application having a priority date earlier than June 19, 1981. An exception is that Water Right Permit No. 376-7866 with date of priority of November 14, 1980, for 75 cubic feet per second for hydropower purposes, has been subordinated to the proposed minimum stream flow appropriation.

This Conclusion was amended to include the underlined language:

> The proposed minimum stream flow appropriation will not interfere with any vested water right, permit, or right under an application having a priority date earlier than June 19, 1981. An exception is that Water Right Permit No. 376-7866 with date of priority of November 14, 1980, for 75 cubic feet per second for hydropower purposes, has been subordinated to the proposed minimum stream flow appropriation. Another exception is that Section 42-607 Idaho Code, requires the watermaster to distribute water to recorded rights in times of scarcity. Distribution of water to unrecorded prior rights lawfully established by diversion and beneficial use would be interfered with if delivery of water to the minimum stream flow rights is not subordinated (sic) to such rights.

As with Finding of Fact #4, the Director amended this Conclusion without notice to the parties and in the absence of exceptions. Further, and most disturbing is the fact that the Director by this amendment has attempted to override the legislature's clear intent that in times of scarcity, unrecorded rights are subordinated to all rights evidenced by permit, license or decree. This amendment is apparently in response to Fish and Game's arguments in its Exceptions and its Comments on Augmentation of the Record (Comments) that Idaho law clearly

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mandates unrecorded rights be subordinated to rights evidenced by permit, license or decree. Therefore, this amendment is unreasonable, arbitrary and contrary to law.

Fish and Game does not intend to offer new or additional evidence because these questions are matters of law. However, Fish and Game takes the position that the Director's action is so clearly contrary to law, that the opportunity to reconsider these amendments should be taken.

2. Condition No. 3 requiring the minimum stream flow be subordinated to unrecorded water "rights" is clearly erroneous and contrary to Idaho law. While there was a suggestion by the Water Resources staff that there is an "undetermined number of unrecorded beneficial use water rights," (Decision at 4) there is no evidence as to the number, type or date of inception by diversion and use of any of these "rights." Therefore, there is no evidence that any such rights even exist much less a determination that they are "valid" or should be "senior" to the minimum stream flow.

3. The Director's assumption regarding subordination or denial of the minimum stream flow is unreasonable, arbitrary, and contrary to Idaho law. He stated:

> Either the minimum stream flow must be subordinated for water distribution purposes to the valid prior unrecorded rights or the minimum stream flow must be denied to prevent interference with delivery of these rights.

As noted in both Fish and Game's Exceptions and its Comments, Idaho statutes and case law mandate that a claim to the right of

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the use of the waters of the state that has not been adjudicated or decreed or is not evidenced by permit or license issued by the Department of Water Resources shall be subsequent to any adjudicated, decreed, permit or licensed right. (See Idaho Code Section 42-607; Nettleton v. Higginson, 98 Idaho 87 (1977).)

Section 42-607 states in relevant part:

> ...any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. (Emphasis added.)

Fish and Game set forth the legislative history of this statute in its Comments and does not reiterate it here. However, it is clear that the legislature decided to subordinate unrecorded, unadjudicated, undecreed rights to those that are evidenced by permit, adjudication or license. The Director has failed to comply with the legislative mandate in reaching the conclusion that the minimum stream flow should be subordinated to unrecorded and undetermined rights.

4. In spite of the attempt to abrogate the legislative mandate by the amendment to Conclusion of Law #1, the Director nonetheless recognized in part Fish and Game's position in this

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amendment to Conclusion of Law #2. However, the amendment results in confusion because it contradicts Conclusion of Law #1.

Conclusion of Law #2 originally read:

> The proposed minimum stream flow should not be allowed to alter historic delivery practices to valid beneficial use water rights in Water District No. 37, Big Wood River.

The Director amended it to include the following underlined language:

> The proposed minimum stream flow should not be allowed to alter historic delivery practices to valid beneficial use water rights in Water District No. 37, Big Wood River <u>for which a claim to a water right has been filed with the director of the Department of Water Resources.</u>

The Director fails to note that if a claim has been filed, it no longer is an <u>unrecorded</u> claim.

In Conclusion of Law #1, the Director stated that distribution of water to <u>unrecorded</u> rights would be interfered with if delivery of water to minimum stream flow right is not subordinated to the <u>unrecorded</u> rights. There is no evidence this in fact would take place since no one knows of the unrecorded rights. However, Conclusion of Law #2 provides that the minimum stream flow should not be allowed in interfere with historic delivery practices to valid beneficial use water rights for which claims have been <u>filed</u>.

Thus, it is impossible to know which Conclusion of Law the Decision rests upon.

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This incongruity and confusion continues with the amendment to Condition #3. It originally read:

> The use of water under this permit shall recognize and allow the continued diversion, both within and upstream from the minimum flow reach, of water for irrigation purposes based on valid recorded and unrecorded beneficial use water rights, to the extent that the unrecorded diversions can be verified as having been initiated prior to May 20, 1971.

It was amended to read:

> Pending a general readjudication of the Big Wood stream system, the use of water under this permit shall recognize and allow the continued diversion, both within and upstream from the minimum flow reach, of water for irrigation purposes based on valid recorded and unrecorded beneficial use water rights, provided that unrecorded diversions are first documented by the filing of a claim, pursuant to Section 42-243 Idaho Code, showing the right to have been initiated prior to May 20, 1971.

Therefore, while the Director states that "vested water rights" include unrecorded diversions and beneficial uses, it appears that Conclusion of Law #2 and Condition #3 recognize at least in part that the minimum stream flow should not be subordinated to unrecorded claims. However, because of the incongruity and confusion engendered by the Decision, Fish and Game submits that the Director should reconsider and rehear the matter so that the Decision clearly and concisely reflects the legislative intent that the minimum stream flow right be recognized as a legally vested right, senior to unrecorded claims.

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5. Without authority and in the face of exceptions filed by Fish and Game, the Director stated that:

> [He] is charged with determining that appropriations of water...remain in the public interest. The opportunity must be preserved to periodically review whether this minimum stream flow right remains in the public interest.

This argument, as with others made by the Director, flies in the face of the stated legislative purpose in Idaho Code Section 42-1501 cited by Fish and Game in its Comments. It provides in relevant part:

> ...the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows....

As noted in Fish and Game's Exceptions and its Comments, there simply is no authority for the Director's action. In fact, the legislature has had the opportunity to consider whether such review periods are appropriate and found that they are appropriate only for hydropower projects. (See Idaho Code Section 42-203B(6).) The difference is obvious. A hydropower project should be reviewed after specific time periods because of the potential effects on the environment and differences in energy demands that may or may not be in the public interest at a particular time.

The legislature has already determined that in general minimum stream flows are in the public interest and should be preserved. Had it wished to relegate such flows to the same status as hydropower permits, it certainly would have done so. The legislature's silence is resounding.

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Idaho Code Section 42-1503 provides authorization for the Director to set conditions. However, the only statute that provides for a review period is that pertaining to hydropower projects. It is unreasonable to claim that:

> ... without the term "review condition", a finding could not be made to find this minimum stream flow in the public interest and approval of the minimum stream flow permit would be denied. (Emphasis added.)

Fish and Game has been involved with twelve minimum stream flow applications (Attachment A), eleven of which have been approved by the Director without such a condition being imposed. Only the minimum stream flow application approved for the Pahsimerol River (Permit No. 73-7045) has such a condition; it was a result of a negotiated settlement that the Director conceded would not constitute a precedent.

The Director is aware that after the Pahsimerol application was submitted to the legislature, Fish and Game submitted a Petition for Rehearing, objecting to precisely the same condition as he has set for the Big Wood. The Pahsimerol application was subsequently withdrawn, apparently based on an Attorney General's opinion that the legislature could not act on the application until all administrative remedies and the appeal time period had been exhausted. (Attachment B.) Fish and Game subsequently filed an appeal in April 1984. In 1985, the legislature added Idaho Code Section 42-203B providing that the Director could set time limits for hydro power permits. In late 1985, the parties in the Pahsimerol proceedings were able to reach a stipulated

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agreement (Attachment C) and the appeal was dismissed. When the application was again submitted to the legislature on January 9, 1986, it included the Amended Decision and Order setting forth the controversy between the Director and Fish and Game. (Attachment D.) Therefore, the legislature was aware of the conflict at that time.

Even though legislation was submitted amending Idaho Code Section 412-203B (allowing the Director to condition hydro power permits), no action was taken amending Idaho Code Section 42-1503 to specify that the conditions that the Director was authorized to set for minimum stream flows included similar review periods. When the legislature adopted amendments to Idaho Code Section 42-403B on March 24, 1986, it could have amended Idaho Code Section 42-1503 to specifically state that the Director could make a review period a specific condition of approval--it did not. Further, the Director could have, but did not, request the legislature to clarify his authority in light of the Pahsimerol controversy. The only logical conclusion is that the legislature did not intend to change the statute and although he had the opportunity to do so, the Director decided not to. The Director should not now inject such language into the statute.

On reconsideration and rehearing, Fish and Game requests the Director to take official notice of the minimum stream flow applications previously approved that do not contain the condition of a review period and justify the deviation from this past practice and the statutory scheme.

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6. The Director has failed to make the necessary finding required by Idaho Code Section 42-1503(e) that the appropriation of minimum stream flow:

> ...is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks. (Emphasis added.)

Finding of Fact #10 and Conclusion of Law #6 set forth the Director's finding that "the flow requested is usually capable of being maintained." (Emphasis added.) Section 42-1503(e) requires a finding that the flow "is capable of being maintained." The evidence set forth in the Department of Water Resources Exhibits Two and Three state that the minimum flow can be maintained 99 percent of the time. The statute does not mandate that there be an absolute guarantee, only that the flow is capable of being maintained. The evidence supports the position of Fish and Game.

CONCLUSION

The Director should reconsider and rehear the application on the points raised in this Petition. Without notice to the parties, he amended findings of fact and conclusions of law to which no party objected. The findings and conclusions so amended are confusing and contradictory, and not in conformity with Idaho law. The conditions set are unreasonable and do not comply with the legislature's intent that minimum stream flows have the same legal status as other vested water rights evidenced by decree, license or permit.

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While most of Fish and Game's arguments center around points of law, Fish and Game submits that all parties would benefit from setting the application for rehearing for argument on the points of law and the few evidentiary questions raised herein.

RESPECTFULLY SUBMITTED this 6th day of November, 1986.

Susan Mattos
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 6th day of November, 1986, true and correct copies of the foregoing PETITION FOR RECONSIDERATION AND REHEARING were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Phil Rassler
Deputy Attorney General
Idaho Dept. of Water Resources
STATEHOUSE
Boise, ID 83720

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

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Robert Sherwood
Rivers' Edge Ranch
Box 273
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ATTACHMENT A

APPROVED PERMITS	SOURCE
11-7152	St. Charles Creek
37-7739	Little Wood River
95-7874	Wolf Lodge Creek
96-7772	Sullivan Springs
96-7771	Granite Creek
36-7872	Devils Corral Springs
21-7282	Henrys Fork
73-7045	Pahsimeroi River

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STATE OF IDAHO

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February 17, 1984

Senator Laird Noh
Idaho Senate
Statehouse

HAND DELIVERY

Re: Legislative Consideration of Minimum Stream Flows

Dear Senator Noh:

Two minimum stream flow applications as approved by the director of the Department of Water Resources have been submitted to the legislature under Idaho Code § 42-1503. Senate Concurrent Resolution No. 112 embodies the director's decision approving a minimum stream flow on the Henry's Fork. That decision is currently on appeal in state district court. Senate Concurrent Resolution No. 113 embodies the director's decision approving a minimum stream flow on the Teheimeroi River. A rehearing has been requested of that decision.

You have asked what effect these pending proceedings have on the legislature's consideration of the minimum stream flows. Our conclusion is that the minimum stream flows should not yet be before the legislature. While, for the sake of responding to your question in a timely manner we have not undertaken the research and analysis appropriate for a full attorney general's opinion on this subject, we think that a common sense reading of Section 42-1503 and a consideration of practical consequences would more than justify reliance upon our conclusion.

Section 42-1503 requires the director of the Department of Water Resources to approve or reject an application for a minimum stream flow. If he approves the minimum stream flow, the approved application "shall be submitted to each Legislature by the fifth legislative day of each regular session . . ." for action by the legislature. I.C. § 42-1503. A strict reading of this provision would be that the director has no choice but to forward the minimum stream flow to the legislature upon his approval of the minimum stream flow. However, Section 42-1503 also provides that persons aggrieved by the director's decision on a minimum stream flow application may seek judicial review in district court under the Administrative Procedures Act. See § 42-1701A(4). Upon review, the district court may affirm,

ATTACHMENT B

reverse, modify, or remand the director's decision. I.C. § 67-5215(g). An obvious result is that the director's decision - i.e., the minimum stream flow as approved by the director--ultimately might be altered significantly from that which he would submit to the legislature absent an appeal.

Similarly, an aggrieved party may petition for a rehearing of the decision of the director, and the substance of the decision might undergo change. Department of Water Resources, Practice and Procedure Rules and Regulations, Rule 11.

A court probably would construe Section 42-1503 to preclude legislative consideration of a minimum stream flow while the director's approval of the minimum stream flow is under appeal or rehearing. Courts generally avoid constructions of statutes which would produce absurd or harsh results, Gavica v. Hanson, 101 Idaho 58, 608 P.2d 861 (1980), or render parts of a statute superfluous. Walker v. Nationwide Financial Corp. of Idaho, 102 Idaho 266, 629 P.2d 662 (1981). If a court were to adopt a strict reading of Section 42-1503--that the director must submit a minimum stream flow to the legislature regardless of pending appeal or rehearing--the section's express provision for judicial review would be rendered superfluous. Moreover, the legislature would be put in the position of having to act upon an agency decision vulnerable to subsequent modification by the courts or by the agency itself. Finally, and perhaps most importantly, if a court were to uphold legislative action upon a minimum stream flow while that minimum stream flow was under appeal or rehearing, the statutory procedural rights of the party appealing the minimum stream flow would be impaired. Such an application of Section 42-1503 probably would violate constitutional guaranties of due process. A court would attempt to avoid a construction of Section 42-1503 which would lead to the section being nullified as unconstitutional. State v. Rawson, 100 Idaho 308, 597 P.2d 31 (1979); Scandrett v. Shoshone County, 63 Idaho 46, 116 P.2d 225 (1941).

In sum, a minimum stream flow probably cannot be submitted to the legislature or be acted upon by the legislature until all administrative and judicial review of the agency decision approving the minimum stream flow is exhausted.

Sincerely,

Patrick J. Kole

Patrick J. Kole
Deputy Attorney General
Chief, Natural Resources

KB:ams

MICROFILMED

COPY

NO. _____

FILED

A.M. _____ P.M. _____

JAN 6 1986

JOHN BASTIDA, Clerk
By DIANA AYRES
DEPUTY

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

STATE OF IDAHO, DEPARTMENT OF FISH AND GAME, Petitioner-Appellant, vs. A. KENNETH DUNN, DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES, IN THE MATTER OF APPLICATION FOR PERMIT NO. 73-7045 TO ESTABLISH A MINIMUM STREAM FLOW IN THE PAHSIMEROI RIVER IN THE NAME OF THE WATER RESOURCE BOARD, Respondent.	Case No. 84991 STIPULATED AGREEMENT

This Agreement is entered into by and among the parties to the above-captioned appeal pending before the district court. The parties include the Idaho Department of Fish and Game (Fish and Game), the Idaho Water Resource Board (Board), the Idaho Department of Water Resources (Water Resources), Water District No. 73 for the Pahsimeroi River, State of Idaho (District), and certain District members in their individual capacities.

RECITALS

1. In response to a request by Fish and Game, the Board on December 12, 1979, filed with Water Resources an application for permit No. 73-7045 to appropriate water to preserve a minimum

ATTACHMENT C

stream flow in the Pahsimeroi River in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

2. On January 4, 1984, Water Resources issued its Memorandum Decision and Order approving permit No. 73-7045, upon conditions, after having held two formal hearings on the application and after the Board had conducted an informal public meeting on the application.

3. On April 18, 1984, Fish and Game appealed from the Memorandum Decision and Order and sought removal of conditions No. 2 and 6 of the approved permit.

4. On April 30, 1984, the District filed its Notice of Cross Appeal, and Cross Petition for Judicial Review with the district court and requested that in the event conditions 2 and 6 of the permit are set aside, that the entire permit be set aside.

5. Since the filing of the appeal and the cross-appeal, the parties have been engaged in negotiations to settle the litigation.

6. The parties desire to enter into the following Agreement to resolve all issues on appeal in this proceeding before the district court.

IN CONSIDERATION OF THE PROMISES STATED, THE PARTIES AGREE AS FOLLOWS:

1. The proceeding on appeal to the district court shall be remanded to Water Resources for the purpose of modifying the Memorandum Decision and Order of January 4, 1984, in the following manner:

(a) Condition No. 2, on page nine of the Memorandum Decision and Order, is modified to read as follows:

> 2. The use of water under this permit shall recognize all reasonable irrigation diversion practices on the Pahsimeroi River and tributaries existing at the time application No. 73-7045 was filed (December 12, 1979). Existing irrigation practices, for the purpose of this condition, are evidenced by the following maps, photographs, data and measurements referenced below and incorporated herein by this reference, as well as by any appropriate additional evidence agreed to by the parties which may be subsequently obtained:
>
> (1) 1980 Landsat satellite data for the Pahsimeroi River Basin registered upon Challis NE, Challis SE, May NW, May SW and May SE 1:24,000 orthophoto quadrangle maps depicting irrigated acreage.
>
> (2) Summary Hydrograph Data for Pahsimeroi River NR May Station 13302000 for the periods from January 1930 through December 1959 and May 1971 through December 1972.
>
> (3) The results of the U.S.G.S. inflow/outflow study of the reach of the Pahsimeroi River from Dowton Lane to Burstedt Lane conducted May 21-24 and June 18-20, 1985, and any subsequent data which may be collected by the U.S.G.S. for the Pahsimeroi River Basin.
>
> (4) Resource scale aerial photographs of the Pahsimeroi River Basin taken by agencies of the United States Government prior to December 12, 1979 depicting the number and location of water diversion structures.
>
> (5) Photos, measurements or other reliable evidence or data depicting the physical features and capacities of the various water diversion structures within the Pahsimeroi River Basin from the mouth of the Pahsimeroi River to the Hooper Lane Bridge collected by a party to this proceeding.
>
> In particular, administration of this permit shall not prevent such existing reasonable diversions of excess waters in addition to recorded rights if all recorded rights, excluding the right under

this permit, are then satisfied. In this regard, the watermaster of Water District 73 is not authorized to control, for the purpose of delivering water to fill the right authorized under this permit, the diversion of water to any land irrigated under a valid water right from Pahsimeroi River and tributaries prior to December 12, 1979.

(b) Condition 6, on page ten of the Memorandum Decision and Order, is modified to read as follows:

> 6. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license upon his determination that the public interest is no longer served by the minimum stream flow as established. The Director may review the permit and subsequent license 15 years after issuance of either the permit or the license.

2. All parties agree not to oppose the minimum stream flow permit upon its presentation to the Idaho Legislature for approval.

3. Entry into this Agreement does not constitute a waiver by any of the parties of any legal right or position they may assert in any proceeding other than this instream flow proceeding involving water right permit No. 73-7045.

4. Upon implementation of this Agreement through modification of permit No. 73-7045 the parties shall move to dismiss any appeal or cross-appeal they have pending before the district court in this proceeding.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date following their respective signatures.

IDAHO DEPARTMENT OF FISH AND GAME

By _____
JERRY M. CONLEY
Director

1-6-86
Date

IDAHO WATER RESOURCE BOARD

By _____
GENE M. GRAY
Chairman

01-03-86
Date

WATER DISTRICT NO. 73 AND CERTAIN DISTRICT MEMBERS IN THEIR INDIVIDUAL CAPACITIES

By _____
R. JOHN INSINGER
Attorney for District and Named Individuals

1/6/86
Date

IDAHO DEPARTMENT OF WATER RESOURCES

By _____
A. KENNETH DUNN
Director

01/06/86
Date

ADDITIONAL SIGNATURES ON FOLLOWING PAGE

IDAHO DEPARTMENT OF FISH AND GAME

By _____
JERRY M. CONLEY
Director

_____
Date

IDAHO WATER RESOURCE BOARD

By _____
GENE M. GRAY
Chairman

_____
Date

WATER DISTRICT NO. 73 AND CERTAIN DISTRICT MEMBERS IN THEIR INDIVIDUAL CAPACITIES

By Preston E. Dyer Jr.
Chairman

By James R. Bennetts
JAMES R. BENNETTS
Attorney for District and Names Individuals

By _____
R. JOHN INSINGER
Attorney for District and Named Individuals

_____
Date

IDAHO DEPARTMENT OF WATER RESOURCES

By _____
A. KENNETH DUNN
Director

_____
Date

COPY

NO. _____
FILED
A.M. _____ P.M.
JAN 6 1986
JOHN BASTIDA, Clerk
By DIANA AYRES
DEPUTY

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

STATE OF IDAHO, DEPARTMENT OF FISH AND GAME, Petitioner-Appellant, vs. A. KENNETH DUNN, DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES, IN THE MATTER OF APPLICATION FOR PERMIT NO. 73-7045 TO ESTABLISH A MINIMUM STREAM FLOW IN THE PAHSIMEROI RIVER IN THE NAME OF THE WATER RESOURCE BOARD, Respondent.	Case No. 84991 ORDER REMANDING CAUSE TO THE IDAHO DEPARTMENT OF WATER RESOURCES

The above cause having been appealed to this Court from the January 4, 1984 Memorandum Decision and Order of the Idaho Department of Water Resources, and the JOINT MOTION OF ALL PARTIES FOR ORDER OF REMAND having this date been filed in this Court and the Court having reviewed the motion and the STIPULATED AGREEMENT in support thereof, and there appearing good cause, it is HEREBY ORDERED:

1. That the cause be and is hereby remanded to the Idaho Department of Water Resources for the purpose of resolving the appeal in the manner agreed to in the STIPULATED AGREEMENT and specifically for the purpose of permitting the Department to

modify and revise Conditions No. 2 and 6 of its MEMORANDUM DECISION AND ORDER of January 4, 1984, in accordance with the STIPULATED AGREEMENT of the parties.

2. That each party to this action shall bear its own costs and attorney fees.

DATED this 10 day of January, 1986.

D. DUFF McKEE

D. Duff McKee
District Judge

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 73-7045 TO ESTABLISH A MINIMUM STREAM FLOW IN THE PAHSIMEROI RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	AMENDED MEMORANDUM DECISION AND ORDER

On January 4, 1984, the Director of the Department of Water Resources (Department) issued a Memorandum Decision and Order approving application for water right permit No. 73-7045, subject to seven (7) specific conditions of approval.

On January 25, 1984, the Idaho Department of Fish and Game (Fish and Game) submitted a Request for Rehearing in the matter, based on objections to Conditions of Approval Nos. 2 and 6 in the Memorandum Decision and Order, which pertain to recognition of existing reasonable irrigation diversion practices, and to establishment of a periodic review of the permit or subsequent license by the Director.

On March 22, 1984, the Director issued an Order which denied the Request for Rehearing. In accordance with Section 42-1701A(4), Idaho Code, on April 18, 1984, Fish and Game appealed the matter to the Fourth Judicial District Court and sought removal of Conditions of Approval Nos. 2 and 6.

On April 30, 1984, Water District No. 73 filed a Notice of Cross Appeal, and Cross Petition for Judicial Review with the District Court and requested that in the event Conditions of Approval Nos. 2 and 6 are set aside, that the entire permit be set aside.

After the filing of the appeal and the cross appeal, the parties

ATTACHMENT D

engaged in negotiations to settle the litigation. A Stipulated Agreement which includes modification of Conditions of Approval Nos. 2 and 6 was signed by all parties during the period January 3, 1986, through January 6, 1986. Consequently, on January 6, 1986, the District Court issued an Order Remanding Cause to the Idaho Department of Water Resources for the purpose of permitting the Department to modify and revise Conditions of Approval Nos. 2 and 6 in accordance with the Stipulated Agreement of the parties. For clarity, the entire modified memorandum decision and order is shown hereinafter, with modifications to Conditions of Approval Nos. 2 and 6 incorporated pursuant to the Stipulated Agreement.

BACKGROUND INFORMATION

On December 12, 1979, the Idaho Water Resource Board (Board) filed with the Department an application for permit to appropriate water to preserve a minimum stream flow in the Pahsimeroi River tributary to the Salmon River. The application was filed in accordance with the provisions of Chapter 15, Title 42, Idaho Code.

Notice describing the proposed appropriation and setting the time and place for the required hearing was published in the Challis Messenger, on June 12 and June 19, 1980.

Parties appearing in a formal capacity included representatives from the Board and Fish and Game, Mr. J. R. Bennetts representing the water users comprising Water District 73, and Mr. L. L. Anderson representing the Central Idaho Mining Association. Testimony was also presented by staff of the Department. Individuals appearing to present views and comments as public witnesses included Mr. Syd Dowton, Mr. Jimmie S. Dowton, Mr. Roy Ellis, Mr. Don O'Neal, Mr. Don Blatz, Mr. James N. Hawkins, and State Representatives Ray Infanger and Wayne E. Tibbitts.

After the hearing the Board requested the Department to withhold further action on the application, pending further investigation of existing water rights and the merits of the application. On November 8, 1980, the Board adopted guidelines to supplement the statutory requirements of the approval procedure. The guidelines provide for an informal public meeting to be conducted by the Board to evaluate the need for establishing a minimum stream flow.

Based on the guidelines, notice of an informal public meeting was advertised in the Challis Messenger and the Recorder Herald (Salmon), and all parties that earlier had shown an interest in the matter were mailed notice of the meeting. The meeting was conducted by the Board in Challis on November 18, 1981, and was attended by about 40 individuals. Board members present were provided with additional information and public comment regarding the proposed minimum stream flow.

On April 20, 1982, the Chairman of the Board amended the application by reducing the requested flow rates and by dividing the seven mile long reach into two sub-reaches. Notice describing this amended application and setting the time and place for another hearing was published in the Challis Messenger on August 19 and August 26, 1982, and in the Salmon Recorder Herald on September 9 and September 16, 1982. The Director of the Department, A. Kenneth Dunn, served as the hearing officer.

All parties that appeared in a formal capacity at the July 9, 1980, hearing were again represented at the September 24, 1982, hearing with the exception of Mr. L. L. Anderson, who did not appear. Formal testimony was again presented by the staff of the Department. Individuals appearing to present views and comments as public witnesses included Mr. Jimmie S. Dowton, Mr. Syd Dowton, Mr. Roy Ellis, and Mr. Larry Wymer, who represented Idaho Power Company.

In addition, Mr. Rance Bare appeared as an expert witness at the request of Mr. Bennetts. The following issues were raised as relevant to this matter:

1. Will the proposed minimum stream flow interfere with other water rights and with existing water uses?

Water users in state Water District No. 73 expressed concern that establishment of a minimum stream flow would limit delivery of existing rights to the rates of diversion recorded in the decree or another water right document. The present practice of using excess flows as they occur during spring runoff was described as being necessary for the present irrigation systems and as having a beneficial effect of temporarily storing water which enhances stream flows during late summer and fall.

Concern was also expressed that all existing rights have not been recorded and cannot be protected if the minimum stream flow must be maintained.

2. Is the proposed minimum stream flow in the public interest as opposed to the private interest?

Concern was expressed that establishment of a minimum stream flow would prevent future development of the Pahsimeroi River and tributaries. Establishment of the minimum stream flow was also said not to be in the public interest because the primary purposes were described as helping a private corporation to meet its obligation to mitigate damage to anadromous fisheries resulting from its hydropower development on other rivers.

3. Is the minimum stream flow needed for the purposes requested and are the requested purposes authorized by the minimum stream flow law?

The requested rate of flow was questioned as being greater than that needed to protect the uses identified in the application. The Water District 73 water users questioned whether a minimum stream flow could be used to "establish" an anadromous fish run because the minimum stream flow statutes require the flow to be necessary for the "protection of fish and wildlife

habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation or water quality". (Section 42-1501, Idaho Code. Emphasis added.)

4. Are the flows requested capable of being maintained?

Concern was expressed that the rates of flow requested exceed those observed in the river, particularly in the upper stream reach.

5. Procedural issues.

Water District 73 water users questioned whether the Board had met its burden of proof in support of the application, and whether the Board had considered the request for filing the application within the time period established by law. Idaho Power Company requested that approval of the minimum stream flow request be subordinated to its two junior applications seeking to divert water for fish propagation purposes. Water District 73 water users objected to the subordination and questioned the Board's authority to grant all or part of a right held on behalf of the public to a private interest.

Based upon sworn testimony, documentation and public statements included in the record from the two hearings, and upon his understanding of the law, the Director of the Department finds the following Findings of Fact, and makes the following Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 11, 1979, Fish and Game requested the Board to apply for a minimum stream flow on the Pahsimeroi River. On December 12, 1979, pursuant to provisions of Chapter 15, Title 42, Idaho Code, the Board filed application for permit No. 73-7045 to appropriate a minimum stream flow in the Pahsimeroi River tributary to the Salmon River.

2. On April 20, 1982, the Board amended application for permit No. 73-7045 and now proposes to appropriate a minimum stream flow for two reaches in the Pahsimeroi River. The rate of flow in the lower reach, which extends

from the confluence with the Salmon River in Lot 3 (SW1/4NW1/4) Sec. 25, Twp. 16N, Rge. 20E, B.M., upstream about 4 miles to the point where Big Springs enters the Pahsimeroi in the NW1/4NW1/4, Sec. 8, Twp. 15N, Rge. 21E, B.M., is 74 cubic feet per second. The rate of flow in the upper reach, which extends from the point where Big Springs enters the river upstream to the discharge outlet of the fish rearing and release ponds, located in the NW1/4NW1/4, Sec. 21, Twp. 15N, Rge. 21E, B.M., is 45 cubic feet per second.

3. Based upon testimony of the staff of the Department, it is found that various water rights are diverted from the Pahsimeroi River and tributaries upstream from and throughout the minimum stream flow reaches. These water rights are identified by permits, licenses, claims and decrees. In addition, unrecorded beneficial use water rights may be diverted upstream from and throughout the minimum stream flow reaches. Procedures are available to claim and have such rights recognized through summary supplemental adjudications.

4. Any right acquired under application for permit No. 73-7045 is for instream nonconsumptive use and will be subject to all vested water rights, permits and water right applications having priority dates earlier than December 12, 1979.

5. Based on the testimony of local water users and documentation in the record, it is found that excess irrigation flows are diverted from the Pahsimeroi River and applied to lands within the Pahsimeroi River Drainage Basin. It is found that in some instances the diversion of excess flows has the effect of providing temporary storage as groundwater which later returns to the river to increase stream flow during late summer and fall.

6. On April 7, 1982, the applicant adopted Policy Statement of Idaho Water Resource Board on Pahsimeroi River which included the following determination: "The historic manner of operation by those holding upstream,

midstream and downstream water rights has been compatible with the high quality native and hatchery fishery."

7. Based upon testimony of Fish and Game and upon public interest testimony presented at the hearings and evidenced by letters officially noticed at the hearings, it is found that the maintenance of an anadromous fishery and a native trout fishery in the Pahsimeroi River is in the public interest.

8. Based upon testimony presented at the hearing, it is found that the benefits to be derived from the minimum stream flow will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

9. Based upon the testimony and exhibits presented at the hearing, including Fish and Game Exhibit 21, it is found that the minimum stream flows proposed by amended application No. 73-7045 are necessary to maintain salmon and steelhead spawning, migration, and rearing habitat in the river.

10. Based upon the testimony, documentation, and public statements comprising the record in this matter, it is found that the minimum instream flows proposed by amended application No. 73-7045 are necessary to maintain the existing trout passage, spawning and incubation habitat of the stream area in the two specified reaches.

11. Based upon testimony and evidence submitted, it is found that the flow requested in the application is the minimum stream flow required to preserve the existing unique characteristics of the stream for the public benefit in the two specified reaches, and is not the ideal or most desirable flow which could be utilized for that purpose.

12. The purpose of the proposed minimum stream flow appropriation is to maintain trout and salmon spawning, migration, and rearing habitat in the river.

13. Based upon testimony and evidence submitted concerning available flow measurement data, it is found that the minimum stream flows proposed for

the Pahsimeroi River are usually, but not at all times, capable of being maintained.

14. Two applications for permit to appropriate waters from the Pahsimeroi River have been filed by the Idaho Power Company with priorities after December 12, 1979. Application No. 73-7051 is for 10.0 cubic feet per second for fish propagation purposes to be used at the fish rearing and release ponds in Sec. 21, Twp. 15N, Rge. 21E, B.M. This rate of flow is intended to be added to the existing 10 cubic feet per second water right for the ponds. Application No. 73-7055 is for 40 cubic feet per second for fish propagation purposes to be used at the fish egg taking facility, located within Sec. 25, Twp. 16N, Rge. 20E, B.M. This rate of flow is requested for the period from December 1 through February 29 annually, and is intended to complement the existing water right for the facility, which is valid from March 1 through November 30, annually.

ANALYSIS

The proposed minimum stream flow would not interfere with any existing water rights. However, the existence of a minimum stream flow could interfere with existing water diversion practices, since many of the irrigation diversions from the river are in excess at some times of the rates provided in the existing water rights of record. Porous soils and the fact that abundant river water supplies have traditionally been available in the vicinity of the minimum stream flow reaches, have combined to encourage water use significantly in excess of amounts allowed by licenses, permits, decrees and beneficial use rights. A significant amount of testimony and information in the record suggests that there are positive effects to the river through recharge of the shallow aquifer that results from application of irrigation water to lands within the Pahsimeroi River Drainage Basin. Due to the geology of the basin, it appears that water

applied to certain lands within the basin in excess of consumptive needs of the crops, is transmitted to the river. The effect of this relationship is that some springs tributary to the river appear to have a greater flow than if no irrigation occurred. Therefore, the amount of water in the river and thus the instream values sought to be maintained by the proposed minimum stream flow are enhanced by irrigation of lands located within the topographic boundary of the Pahsimeroi River Basin.

If water rights on the Pahsimeroi are regulated by a watermaster, existing uses could be affected in two ways. First, diversions based on licenses, permits and decreed rights could be limited to the recorded amounts. Second, beneficial use rights could be shut off if any licenses, permits or decreed rights are not satisfied. Holders of beneficial use rights would be forced to have their rights decreed to allow delivery by the watermaster. Therefore, the existance of a minimum stream flow permit, which did not allow for these existing uses, could cause traditional diversions to be restricted, significantly affecting existing water uses.

The existing irrigation practices appear to enhance the stream values intended to be protected by the minimum stream flow and are in the public interest. Establishment of a minimum stream flow should in this case include conditions to prevent interference with such irrigation practices.

Idaho Power Company has asked that the minimum stream flow rights be subordinated to its two junior filings for fish propagation purposes. A review of the fish propagation filings shows that the filing for the upstream rearing facility would return essentially undiminished any water diverted to a point above the upper minimum stream flow reach. The filing for the downstream egg-taking facility complements an existing right for the same diversion rate by extending the annual period of use to include the entire year. The winter

month period added by the new filing is not normally the annual low flow period (IDWR Exhibit 2). Sufficient water is, therefore, available for the new filing, the minimum stream flow and other existing uses. Therefore, a need does not appear to exist to consider the subordination of the minimum stream flow to the junior filing nor to address the legal questions raised concerning authority to do so.

Evidence was provided at the hearings to demonstrate that the public interest will be served by establishing a minimum stream flow in the Pahsimeroi River. Minimum stream flows are needed to maintain salmon spawning, migration and habitat and to maintain the habitat and spawning areas for resident trout species. In addition, testimony was received that the minimum stream flow provides wildlife habitat and recreation values all of which are uses as defined within Section 42-1501, Idaho Code. The importance of these instream values is merely emphasized by the presence of the Idaho Power Company mitigation program for anadromous fish. While this program is funded by a private company, it exists because of the recognized public interest in maintaining and restoring anadromous fish populations. It is entirely proper to use the minimum stream flow law to protect the natural waterways needed for the mitigation program. For this reason, the purposes of the requested minimum stream flow are found to be within the scope of the minimum stream flow law.

Public interest is a dynamic factor subject to change as the needs and desires of the people in the Pahsimeroi River area and throughout Idaho evolve. A perpetual commitment of a significant amount of water to a use without a workable method of changing the terms of that use could at some future time adversely affect the public interest. Approval of a minimum stream flow for the Pahsimeroi River should provide for a periodic review of the continued public interest.

CONCLUSIONS OF LAW

1. The proposed minimum stream flow appropriation will not interefere with any vested water right, permit, or right under an application, having a priority date erarlier than December 12, 1979.

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

3. The proposed minimum stream flow appropriation is necessary for steelhead and rainbow trout and salmon spawning, migration, and rearing habitat in the river.

4. The proposed minimum stream flow is the minimum flow required for the purposes cited in Conclusion of Law No. 3 and not the ideal or most desirable flow.

5. The proposed minimum stream flow is usually capable of being maintained in the requested reaches of the Pahsimeroi River.

6. Minimum stream flow application No. 73-7045 is senior in priority date to applications for permit Nos. 73-7051 and 73-7055 in the name of Idaho Power Company.

7. The Board's consideration of the minimum stream flow request represented by application No. 73-7045 was within the time period provided by law.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 73-7045 is APPROVED subject to the following conditions:

1. Upon the future finding and order of the Director that additional gauging stations are required to maintain the approved minimum stream flows of the Pahsimeroi River such measuring devices shall be permanently installed and maintained as specified by the Director.

2. The use of water under this permit shall recognize all reasonable irrigation diversion practices on the Pahsimeroi River and tributaries existing at the time application No. 73-7045 was filed (December 12, 1979). Existing irrigation practices, for the purpose of this condition, are evidenced by the following maps, photographs, data and measurements referenced below and incorporated herein by this reference, as well as by any appropriate additional evidence agreed to by the parties which may be subsequently obtained:

(1) 1980 Landsat satellite data for the Pahsimeroi River Basin registered upon Challis NE, Challis SE, May NW, May SW and May SE 1:24,000 orthophoto quadrangle maps depicting irriated acreage.

(2) Summary Hydrograph Data for Pahsimeroi River NR May Station 13302000 for the periods from January 1930 through December 1959 and May 1971 through December 1972.

(3) The results of the U.S.G.S. inflow/outflow study of the reach of the Pahsimeroi River from Dowton Lane to Burstedt Lane conducted May 21-24 and June 18-20, 1985, and any subsequent data which may be collected by the U.S.G.S. for the Pahsimeroi River Basin.

(4) Resource scale aerial photographs of the Pahsimeroi River Basin taken by agencies of the United States Government prior to December 12, 1979 depicting the number and location of water diversion structures.

(5) Photos, measurements or other reliable evidence or data depicting the physical features and capacities of the various water diversion structures within the Pahsimeroi River Basin from the mouth of the Pahsimeroi River to the Hooper Lane Bridge collected by a party to this proceeding.

In particular, administration of this permit shall not prevent such existing reasonable diversions of excess waters in addition to recorded rights

if all recorded rights, excluding the right under this permit, are then satisfied. In this regard, the watermaster of Water District 73 is not authorized to control, for the purpose of delivering water to fill the right authorized under this permit, the diversion of water to any land irrigated under a valid water right from Pahsimeroi River and tributaries prior to December 12, 1979.

3. Proof of instream beneficial use of the minimum stream flow approriated shall be submitted in a manner approved by the Department on or before January 1, 1991. The proof submitted shall include at least three years of flow data for the water course and data to document usage in accordance with the purposes permitted. The frequency of data accumulation must be submitted to the Director for review and approval.

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

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

6. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license upon his determination that the public interest is no longer served by the minimum stream flow as established. The Director may review the permit and subsequent license 15 years after issuance of either the permit or the license.

7. The application hereby approved by the Director shall be submitted to the Idaho Legislature by the fifth day of the current 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.

Dated this 9th day of January, 1986.

A. KENNETH DUNN, Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 20, 1986

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

Dear Mr. Gray:

Re: Application for Permit No. 37-7919

Enclosed is a copy of the Proposed Memorandum Decision and Order and a copy of the Memorandum Decision and Order. Note the conditions of approval indicated in the Memorandum Decision and Order.

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc/enc: Water Resources Board Members
Ed Nigbor
Virgil Moore
Steve Goddard
Reid Newby
Robert Sherwood

RECEIVED
JUL 10 1986
Department of Water Resources

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

SUSAN MATTOS
STEPHEN V. GODDARD
Deputy Attorneys General
Idaho Department of Fish and Game
600 South Walnut
P. O. Box 25
Boise, ID 83707
Telephone: (208)334-5081

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 37-7919 to Establish A Minimum Stream Flow In the Big Wood River In the Name of the Idaho Water Resources Board	NOTICE OF NAME CHANGE

YOU ARE HEREBY NOTIFIED that the name of one of the attornies of record in the above-captioned matter, Susan Stanfield, has been changed to Susan Mattos.

DATED This 9th day of July, 1986 at Boise, Idaho.

Susan Mattos
Susan Mattos
Deputy Attorney General
Idaho Dept. of Fish and Game

RECEIVED
JUL 9 1986
Department of Water Resources

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
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STEPHEN V. GODDARD
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600 South Walnut
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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 37-7919 to Establish A Minimum Stream Flow In the Big Wood River In the Name of the Idaho Water Resources Board	OBJECTIONS OF IDAHO DEPARTMENT OF FISH AND GAME TO AUGMENTATION OF THE RECORD

The Idaho Department of Fish and Game (hereinafter Fish and Game) objects to the addition of those documents listed in the Notice of Opportunity to Contest Matters Officially Noticed dated June 23, 1986 on the following grounds:

1. Fish and Game hereby incorporates its comments previously submitted regarding augmentation of the record dated May 30, 1986 and incorporates them herein as if fully set forth.

2. Rule 9,16 of the Department of Water Resources' Rules of Practice and Procedure provides that the Director and the Board may take official notice subject to the provisions of Section 67-5210(4) of certain designated matters.

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However, the notices issued by the Department of Water Resources were not issued by either the Director or the Board, but rather, by Mr. David R. Tuthill who is the Acting Supervisor of the Water Allocation Section. Therefore, by the Department's own rules, such official notice would be improper.

3. Idaho Code Section 67-5210(4) provides as follows:

> notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. (Emphasis added.)

The hearing on the application was held on November 13, 1985. The proposed order was issued on January 21, 1986. It was not until the letter dated May 8, 1986 from Mr. Tuthill, that the parties were notified that notice was to be taken of these documents. In addition, the official notice itself was not given until June 23, 1986. Therefore, by operation of Idaho Code Section 67-5210(4) allowing these documents to be made part of the record long after the record is officially closed is clearly improper.

4. Idaho Code Section 67-5213 provides that:

> Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall

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

not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law, with any party or his representative except upon notice and opportunity for all parties to participate. . .

There was no notice to Fish and Game as to the party or parties who requested official notice of any of these documents other than letters indicating that official notice was to be taken. The only conclusion that can be drawn is that some member of the agency communicated directly or indirectly pertaining to these matters in contravention of 67-5213, I.C.

5. Section 67-5208(g) provides that:

Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

The proposed order setting forth the proposed findings of fact was issued on January 21, 1986. Therefore, findings of fact in that proposed order logically cannot be based on matters coming into the record more than three months after the proposed order was issued and more than five months after the record was closed.

THEREFORE, any action by the Director to take official notice of any of these documents is prohibited by Idaho law.

Respectfully submitted this 9th day of July, 1986.

Susan Mattos

Susan Mattos
Deputy Attorney General
Idaho Dept. of Fish and Game

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this the 9th day of July, 1986, true and correct copies of the foregoing OBJECTIONS OF IDAHO DEPARTMENT OF FISH AND GAME TO AUGMENTATION OF THE RECORD were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Phil Rassier
Deputy Attorney General
Idaho Dept. of Water Resources
STATEHOUSE
Boise, ID 83720

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Terry L. Vernholm
Terry L. Vernholm
Secretary/Records Manager
Idaho Dept. of Fish and Game

R8AT119TV

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

BIG WOOD RIVER TESTIMONY OF
F. DAVE RYDALCH

RYDALCH: The request for the minimum stream flow in the Big Wood River was submitted to the Idaho Water Resource Board by the Idaho Department of Fish and Game on June 19, 1981. The Board reviewed the request with the intent that any minimum stream flow right would not interfere with any vested water right, permit, or water right application, is in the public rather than private interest, is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation of water quality of the stream, is the minimum flow and not the ideal flow, and is capable of being maintained. Although full information about these factors was not available at the Board meeting, the Big Wood River appeared to be a worthy minimum stream flow candidate on the first review. The Board opted to file the application with the Idaho Department of Water Resources and to view the matter more closely in public information meetings. Therefore, the Board filed the application on June 19, 1981. An informal public meeting was held on September 22, 1983 in Hailey. Based on public input received at this meeting and afterward, the Board adopted a resolution on October 7, 1983 requesting the director to withhold administrative actions on the application pending a more thorough analysis of the minimum flows. On June 8, 1984, the Board further reviewed the application and determined that Mr. Devine had received an exemption from FERC to proceed with the development with a proposed hydropower project, and the Idaho Department of Parks and Recreation had indicated an inability to analyze these flows further due funding limitations. Thus, the Board requested the director to proceed with administrative action on this application.

YOUNG: Thank you Mr. Rydalch. Mr. Dillion, do you have any cross-examination?

DILLION: I have no cross-examination.

CORRECTED COPY

BIG WOOD RIVER TESTIMONY OF
F. DAVE RYDALCH

RYDALCH: The request for the minimum stream flow in the Big Wood River was submitted to the Idaho Water Resource Board by the Idaho Department of Fish and Game on June 19, 1981. The Board reviewed the request with the intent that any minimum stream flow right would not interfere with any vested water right, permit, or water right application, is in the public rather than private interest, is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation of water quality of the stream, is the minimum flow and not the ideal flow, and is capable of being maintained. Although full information about these factors was not available at the Board meeting, the Big Wood River appeared to be a worthy minimum stream flow candidate on the first review. The Board opted to file the application with the Idaho Department of Water Resources and to view the matter more closely in public information meetings. Therefore, the Board filed the application on June 19, 1981. An informal public meeting was held on September 22, 1983 in Hailey. Based on public input received at this meeting and afterward, the Board adopted a resolution on October 7, 1983 requesting the director to withhold administrative actions on the application pending a more thorough analysis of the minimum flows. On June 8, 1984, the Board further reviewed the application and determined that Mr. Devine had received an exemption from FERC to proceed with the development with a proposed hydropower project, and the Idaho Department of Parks and Recreation had indicated an inability to analyze these flows further due funding limitations. Thus, the Board requested the director to proceed with administrative action on this application.

YOUNG: Thank you Mr. Rydalch. Mr. Dillion, do you have any cross-examination?

DILLION: I have no cross-examination.



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD	NOTICE OF OPPORTUNITY TO CONTEST MATTERS OFFICIALLY NOTICED

Pursuant to Section 67-5210(4), Idaho Code, and Rule 9,16 of the Practice and Procedure Rules and Regulations of the Department, notice is hereby given to all parties of the opportunity to contact the inclusion in the record of the following documents consisting of official actions taken by the Application Idaho Water Resource Board, or correspondence from the Applicant to the Director, relating to this water right proceeding:

1. Agenda Item No. 9. Minimum Stream Flow Application - Big Wood River, from the Approved Minutes of the Idaho Water Resource Board Meeting of March 11, 1986, pages 1, 6, 7 and 9.

2. A letter, dated April 24, 1986, from Gene M. Gray, Chairman of the Idaho Water Resource Board, to the Director, summarizing the action taken by the Board at its March 11, 1986 meeting under agenda Item No. 9, Minimum Stream Flow Application - Big Wood River:

3. A resolution of the Idaho Water Resource Board, dated June 6, 1986, endorsing and approving the inclusion of condition Nos. 3 and 8, contained in the Proposed Memorandum Decision and Order of the Department in the Matter of Minimum Stream Flow Application No. 37-7919, and requesting that the agency record be augmented with a copy of the resolution.

Copies of the documents are attached.

This Notice supersedes the Department's letter of May 8, 1986 inviting comments from the parties regarding items one and two above.

Any party desiring to contest the inclusion in the record of the above-referenced documents shall do so in writing on or before July 11, 1986. Any written objection submitted shall indicate whether or not a hearing is requested on the matter.

Dated this 23rd day of June, 1986.

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919 TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 23rd day of June, 1986, true and correct copies of the foregoing notice to the interested parties of Minimum Stream Flow No. 37-7919 and the enclosures it references were mailed, postage paid, to:

Gene Gray, Chairman
Idaho Water Resource Board
Route 2, Box 46-A
Payette, ID 83661

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Virgil Moore
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

Steve Goddard
Susan V. Stanfield
Deputy Attorneys General
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Linda D. Smith

LINDA D. SMITH
Receptionist
Idaho Department of Water Resources

MICROFILMED

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

MINUTES OF MEETING NO. 2-86
IDAHO WATER RESOURCE BOARD
BOISE, IDAHO
MARCH 11, 1986

Meeting No. 2-86 of the Idaho Water Resource Board was called to order by Chairman Gene M. Gray at 9:00 a.m., Tuesday, March 11, 1986 in the Supreme Court Building, Conference Room, (Basement), 451 W. State Street, Boise, Idaho.

Agenda Item No. 1. Roll Call

PRESENT:

Gene M. Gray, Chairman
James Shawver, Secretary
J. D. Williams, Member
F. Dave Rydalch, Member
Mary T. Brooks, Member
Kenneth E. Hungerford, Member

ABSENT:

Richard W. Wagner, Vice Chairman
Wm. J. Lanting, Member

DEPARTMENT OF WATER RESOURCES STAFF PRESENT:

Director: A. Kenneth Dunn
W. Haas, P. Rassier, D. Clapp, D. Shaw, F. Sherman, B. Eastlake, K. Frances, H. Anderson, F. Eisenbarth, G. Grimmett, and A. Warntjes

OTHERS PRESENT:

Glenn V. Turner, Caribou County Commissioner; John C. Smith, Idaho Power Company; Harold C. Miles, Idaho Consumers Affairs and Idaho Wildlife Federation; Steve Frenzel, U.S. Geological Survey; Donald S. Rex, Bear River RC&D; Barbara Porter, Division of Financial Management; William B. Dillon, III, Idaho Dept. of Fish and Game; Donna Parsons; Steve B. Ramsey, East Lizzard Water Corp.; Allen Harrison, Bear Lake Regional Commission; Charles Prentiss, Boise National Forest; and Clive Strong, Attorney General's Office

On March 7, 1986 an application was received from Patrick O'Donnell for Board financing through the mirror bond program for $125,000 to purchase and install a center pivot irrigation system on existing farmlands. The department has prepared for Board consideration Inducement Resolution No. 86-1 to Patrick O'Donnell for $125,000.

F. Dave Rydalch, Member, moved Board adoption of Inducement Resolution No. 86-1 (ATTACHMENT 3) to Patrick O'Donnell for $125,000 to purchase and install a center pivot irrigation system on existing farmlands. J. D. Williams, Member, seconded the motion.

Motion passed by voice vote: 6 Ayes, 0 Nays, 2 Absent.

On March 6, 1986 an application was received from Sterling Craig Barton for Board financing through the mirror bond program for $75,000 to purchase and install a center pivot irrigation system on existing farmlands. The department has prepared for Board consideration Inducement Resolution No. 86-2 to Sterling Craig Barton for $75,000.

Mary T. Brooks, Member, moved Board adoption of Inducement Resolution No. 86-2 (ATTACHMENT 4) to Sterling Craig Barton for $75,000 to purchase and install a center pivot irrigation system on existing farmlands. James Shawver, Secretary, seconded the motion.

Motion passed by voice vote: 6 Ayes, 0 Nays, 2 Absent.

Agenda Item No. 9. Minimum Stream Flow Application - Big Wood River

Wayne T. Haas, Administrator, Resources Analysis Division, indicated Exceptions to the Proposed Memorandum Decision and Order on Application for Permit No. 37-7919, minimum stream flow in the Big Wood River, has been filed by the Department of Fish and Game. Phil Rassier, Deputy Attorney General representing the department, briefed the Board on the circumstances of the Big Wood River permit. The Board made the application at the request of the Department of Fish and Game. In January, the department issued a Proposed Decision approving the minimum stream flow permit as requested by the Board. The Proposed Decision contains two conditions which have been excepted to by the Department of Fish and Game: (1) recognition of existing irrigation practices in the Big Wood River including a recognition of both recorded and unrecorded water rights referred to as constitutional use water rights, and (2) retention of jurisdiction of the Director to review the minimum stream flow permit in the future, specifically 15 years after approval of the permit or license to consider and determine whether or not the minimum stream flow permit as approved is still in the public interest. The term permit provision in the Proposed Decision is taken pursuant to the Director's authority under the public interest as described in the Idaho Code and further described in the Shokal Decision by the Supreme Court. The permit dealing with the constitutional use rights is probably also most easily defended under that concept and also it is not the

intention of the legislature in authorizing minimum stream flow rights to interfere with vested water rights. Mr. Rassier felt it would be appropriate for the Board, since it is the applicant, to go on record before the department as to its position in respect to the two conditions.

William B. Dillon, III, Deputy Attorney General representing Department of Fish and Game, commented the conditions placed on the permit make minimum stream flow rights "second class water rights". Under the Proposed Decision, the minimum stream flow right would be subject to both the recorded constitutional rights and unrecorded constitutional rights. If a constitutional right holder wants the same priority as a minimum stream flow permit or license, he should request the river adjudicated. Until an adjudication, a minimum stream flow right should take precedence over the constitutional rights. As to the 15 year review capability, the only legal authority in the Idaho Code to place a time limit on permits or licenses is for hydropower uses. There is no statutory authority to put a time limit on minimum stream flow water rights. Also, there is no guarantee in the order that at the end of the 15 year period, there would be a hearing for public input on the right. Department of Fish and Game request the Board go on record approving the minimum stream flow right for the Big Wood River, but that the order should be issued to conform with the exceptions written into the record by the Department of Fish and Game.

J. D. Williams, Member, moved the Board go on record supporting the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cut off date of June 30, 1988, and also support an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 6 Ayes, 0 Nays, 2 Absent.

Agenda Item No. 10. Energy Extension Service and State Energy Conservation Program Work Plan for 1986

Kay Frances, department staff, reported on the department's combined work plan of two federal programs: (1) State Energy Conservation Program (SECP) and (2) Energy Extension Service Program (EES). The department is combining the programs to more effectively leverage the dollars allotted the state from Dept. of Energy (DOE). The department will be seeking public comment on the comprehensive work plan for 30 days; it must be submitted to DOE by the end of March. The work plan consists of six major component: (1) Lighting and Thermal Efficiency Standards for energy efficient building design and building standards and codes within the state. Information services and technical assistance to local government, residential and commercial businesses; (2) Communication--the energy hotline, "Currents", publication development and production, and etc.; (3) Resources Analysis--technical assistance response up to pre-feasibility, fiscal impact analysis, etc.; (4) Energy Education and Training--Workshops which

Dam and the city would have to compensate the COE for the lost power. This could cost the city $60,000 a year. Letters have been written to the congressional delegation for help in immediately solving the city's problem. The COE does not have a state water right, and Mr. Dunn's understanding of federal reserved rights, the COE does not have a reserved right. Mr. Dunn plans to discuss the issue at the next Western States Water Council meeting.

The appeal of Montana Power Company on the Henry's Fork minimum stream flow application has been dismissed. Some stipulations, one of which is the anticipation for settlement of Mesa Falls, allowed the dismissal, but there was a glitch in federal law in releasing lands that had been withdrawn. The state is now out of the negotiations on the Mesa Falls land exchange, and Montana Power Company is working with the U.S. Forest Service.

Agenda Item No. 12. Items Board Members May Wish to Present

Gene M. Gray, Chairman, set the date for the next Board meeting for April 29 with a work session the day before in Pocatello.

F. Dave Rydalch, Member, reported Congressman Richard Stallings has introduced an amendment to bill, H.R. 2569, to add the upper 11 miles on Henry's Fork above Island Park Reservoir for study to include in the federal Wild and Scenic Rivers System, and to exempt Island Park Dam from studies of the Federal Energy Regulatory Commission. Mr. Rydalch recommended the Board send a letter (ATTACHMENT 5) of support for H.R. 2569 and not support the amendment.

Meeting adjourned at 11:35 a.m.

James Shawver

JAMES SHAWVER
Secretary

BOARD ACTIONS:

1. Approved 1-86 amended minutes of January 16, 1986 Board meeting. (Page 2)

2. Adopted a letter of agreement referencing contract and technical studies regarding the Indian reserved water rights provided by the Attorney General's Office for the Board. (Pages 4-5)

3. Adopted a resolution to make a $10,000 loan at 9% interest for 10 years to East Lizard Butte Water Corporation to construct a secondary well for domestic purposes. (Page 5)

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

April 24, 1986

A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Ken:

The Idaho Water Resource Board supports the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cutoff date of June 30, 1988. The Board also supports an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. These matters were reviewed and approved by the Board at their March 11, 1986 regular meeting in Boise.

Sincerely,

GENE M. GRAY
Chairman

GMG:alw

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MINIMUM STREAM FLOW APPLICATION NO. 37-7919, BIG WOOD RIVER	RESOLUTION

WHEREAS, pursuant to Chapter 15, Title 42, Idaho Code, the Idaho Water Resource Board (Board) has the authority to appropriate the unappropriated waters of streams in Idaho for the purpose of establishing minimum stream flows; and

WHEREAS, the Board has submitted to the Director of the Department of Water Resources an Application for Permit to appropriate water for a minimum stream flow in the Big Wood River, No. 37-7919; and

WHEREAS, the Proposed Memorandum Decision and Order of the Department Hearing Officer for water right No. 37-7919, dated January 21, 1986, contains condition No. 3 making the minimum stream flow right subject to valid recorded and unrecorded beneficial use water rights; and

WHEREAS, the Proposed Memorandum Decision and Order also contains condition No. 8 retaining jurisdiction in the Director to review the permit and subsequent license 15 years after issuance of either the permit or the license to determine whether the public interest is being served by the minimum stream flow right; and

WHEREAS, the Board at its March 11, 1986 meeting went on record supporting the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cutoff date of June 30, 1988, and also went on record supporting an

appropriate term review to determine whether the public interest is being served by the minimum stream flow right.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board endorses and approves of the inclusion of condition Nos. 3 and 8 contained in the Proposed Memorandum Decision and Order, dated January 21, 1986, regarding minimum stream flow water right No. 37-7919.

IT IS FURTHER RESOLVED that the Board requests the Director to augment the agency record for water right No. 37-7919 with a copy of this resolution.

DATED this 6th day of June, 1986.

GENE M. GRAY, Chairman

ATTEST: JAMES SHAWVER, Secretary

Ken D
Kym K
File

RECEIVED
MAY 30 1986
Department of Water Resources

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

SUSAN STANFIELD
STEPHEN V. GODDARD
Deputy Attorneys General
Idaho Dept. of Fish and Game
600 South Walnut
P. O. Box 25
Boise, ID 83707
Telephone: (208)334-3715

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 37-7919 to Establish A Minimum Stream Flow In the Big Wood River In the Name of the Idaho Water Resources Board	COMMENTS OF IDAHO DEPARTMENT OF FISH AND GAME REGARDING AUGMENTATION OF THE RECORD

The Idaho Department of Fish and Game (hereinafter Fish and Game) submits the following comments regarding the addition of the approved Minutes of the Water Resource Board and the letter dated April 24, 1986 from the Chairman of the Idaho Water Resource Board:

1. Fish and Game objects to the augmentation of the record by the addition of Page 7 of the Approved Minutes of the March 11, 1986 Board Meeting and the letter dated April 24, 1986

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

from Chairman Gray. There was no request by any of the parties for such augmentation. Indeed, there is no request at all to be found in the file according to personnel at the Department of Water Resources. Therefore, inclusion of these documents is without authority. Further, there was no opportunity given to Fish and Game to object or otherwise respond to their inclusion and have a ruling made thereon by the Hearing Examiner. Fish and Game was only provided an opportunity to "comment" on the documents after the fact. Thus, Fish and Game's procedural due process rights have been violated.

2. Without waiving the objections raised above, and assuming arguendo the documents are properly part of the record, Fish and Game nonetheless contends the documents do not lend any authority for the proposed action by the Department.

3. The April 24, 1986 letter from Chairman Gray indicates that the Board supports "the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights. . ." However, whether the Board supports such a concept is irrelevant to the correctness of the decision. As noted in the Exceptions to the Proposed Memorandum Decision and Order and in Mr. Dillon's comments before the Board at its March 11, 1986 Board meeting, there is no authority in Idaho law for such a finding.

4. Page 7 of the March 11, 1986 Minutes serves only to emphasize the Department of Fish and Game's Exceptions to the proposed order.

As noted by Mr. Dillon, taking the position that minimum stream flow rights are subordinated to unrecorded rights would make them "second class water rights." This position flies in the face of the stated legislative purpose in Idaho Code Section 42-1501, wherein the Legislature stated that:

> . . .the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows. . .

As Mr. Dillon also pointed out, there is no legal authority to put a time limit on minimum stream flow water rights either by statute or case law.

5. By statute and case law, Idaho law mandates that a claim to the right of the use of the waters of the state of Idaho that has not been adjudicated or decreed or is not evidenced by permit or license issued by the Department of Water Resources shall be subsequent to any adjudicated, decreed, permit or licensed right. (Idaho Code Section 42-607; Nettleton v. Higginson,. 98 Idaho 87 (1977).

The Legislature itself has emphasized that unrecorded rights are subordinate to permit rights.

Prior to 1969, Section 42-607 read in relevant part:

> . . .provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated right therein, shall, for the purposes of distribution, during the scarcity of water, be held to have a right subsequent to the adjudicated rights in such stream or water supply, and the water master

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> shall close all head gates of ditches having no adjudicated right if necessary to supply adjudicated rights in such stream or water supply; provided that any water right, the priority of which has been decreed, shall be deemed to be adjudicated within the meaning of this section. . . .(Emphasis added)

In 1969, the above-referenced language was deleted from Section 42-607. (See Chapter 305 of the 1969 Session Laws.)

Thereafter, in DeRousse v. Higginson, 95 Idaho 173, the Idaho Supreme Court found that:

> As a result of the 1969 amendment, there is absolutely no reference to unadjudicated water rights in the powers, duties and instructions to the water master of a water district. We therefore find that the amendment shows a clear intention on the part of the Legislature to eliminate any preference of adjudicated water rights over unadjudicated water rights in times of water scarcity and that the water master has no jurisdiction or control over unadjudicated water rights.

That same year, the Legislature responded to the decision of the Supreme Court by amending Section 42-607 again and reinserting language making unrecorded water rights subordinate to other rights. Section 42-607 now reads:

> Provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the Department of Water Resources shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the water master shall close all head gates of ditches or other diversions having no

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Attorney General
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adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply.

The underlined portions indicate additional language to that existing in this section prior to the 1969 amendment.

It is obvious from the Legislature's actions, that it intended that unrecorded water rights shall be subordinated to other rights existing by adjudication, decree, permit or license.

Therefore, making the minimum stream flow right subordinate to an unrecorded right is clearly without legal authority.

6. No legal authority was cited by the hearing officer, Mr. Norman C. Young, the Director of the Water Resources Board, nor indeed, by the Chairman of the Idaho Water Resource Board, that would allow the Idaho Department of Water Resources to place a time limit on a minimum stream flow permit. As noted by Mr. Dillon, the only legal authority in the Idaho Code to impose any time limit on permits or licenses is for hydropower uses. (Idaho Code Section 42-203(B)(7).) Therefore, any such action by the Department of Water Resources is without legal authority.

Respectfully submitted this 27th day of May, 1986.

Susan Stanfield

Susan Stanfield
Deputy Attorney General
Idaho Dept. of Fish and Game

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this the 30th day of May, 1986, true and correct copies of the foregoing COMMENTS OF IDAHO DEPARTMENT OF FISH AND GAME REGARDING AUGMENTATION OF THE RECORD were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Phil Rassier
Deputy Attorney General
Idaho Dept. of Water Resources
STATEHOUSE
Boise, ID 83720

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Terry L. Vernholm
Secretary/Records Manager
Idaho Dept. of Fish and Game

R9AT222TV

JIM JONES
Attorney General
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STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

April 24, 1986

A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Ken:

The Idaho Water Resource Board supports the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cutoff date of June 30, 1988. The Board also supports an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. These matters were reviewed and approved by the Board at their March 11, 1986 regular meeting in Boise.

Sincerely,

GENE M. GRAY
Chairman

GMG:alw

intention of the legislature in authorizing minimum stream flow rights to interfere with vested water rights. Mr. Rassier felt it would be appropriate for the Board, since it is the applicant, to go on record before the department as to its position in respect to the two conditions.

William B. Dillon, III, Deputy Attorney General representing Department of Fish and Game, commented the conditions placed on the permit make minimum stream flow rights "second class water rights". Under the Proposed Decision, the minimum stream flow right would be subject to both the recorded constitutional rights and unrecorded constitutional rights. If a constitutional right holder wants the same priority as a minimum stream flow permit or license, he should request the river adjudicated. Until an adjudication, a minimum stream flow right should take precedence over the constitutional rights. As to the 15 year review capability, the only legal authority in the Idaho Code to place a time limit on permits or licenses is for hydropower uses. There is no statutory authority to put a time limit on minimum stream flow water rights. Also, there is no guarantee in the order that at the end of the 15 year period, there would be a hearing for public input on the right. Department of Fish and Game request the Board go on record approving the minimum stream flow right for the Big Wood River, but that the order should be issued to conform with the exceptions written into the record by the Department of Fish and Game.

J. D. Williams, Member, moved the Board go on record supporting the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cut off date of June 30, 1988, and also support an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 6 Ayes, 0 Nays, 2 Absent.

Agenda Item No. 10. Energy Extension Service and State Energy Conservation Program Work Plan for 1986

Kay Frances, department staff, reported on the department's combined work plan of two federal programs: (1) State Energy Conservation Program (SECP) and (2) Energy Extension Service Program (EES). The department is combining the programs to more effectively leverage the dollars allotted the state from Dept. of Energy (DOE). The department will be seeking public comment on the comprehensive work plan for 30 days; it must be submitted to DOE by the end of March. The work plan consists of six major component: (1) Lighting and Thermal Efficiency Standards for energy efficient building design and building standards and codes within the state. Information services and technical assistance to local government, residential and commercial businesses; (2) Communication--the energy hotline, "Currents", publication development and production, and etc.; (3) Resources Analysis--technical assistance response up to pre-feasibility, fiscal impact analysis, etc.; (4) Energy Education and Training--Workshops which

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 8, 1986

Re: Application for Permit No. 37-7919 for a Minimum Stream Flow on the Big Wood River in the Name of the Idaho Water Resource Board

Dear Interested Party:

The purpose of this letter is to convey to all formal parties in the above-referenced matter copies of:

1) Page 7 of the Approved Minutes of the Idaho Water Resource Board Meeting held March 11, 1986, including a description of Board action on certain issues identified in the "Exceptions to the Proposed Memorandum Decision and Order" submitted by the Idaho Department of Fish and Game on February 7, 1986.

2) A letter dated April 24, 1986 from Gene M. Gray, Chairman of the Idaho Water Resource Board, to A. Kenneth Dunn, Director of the Idaho Department of Water Resources, which summarizes the guidance of the Idaho Water Resource Board with respect to the issues identified in the minutes as described above.

Recipients of this letter are advised that the two above-referenced documents are now a part of the formal record of this proceeding. Comments concerning the documents will be accepted until May 30, 1986.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

ls

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-7919)
)
TO ESTABLISH A MINIMUM STREAM FLOW IN THE BIG WOOD) CERTIFICATE OF MAILING
)
RIVER IN THE NAME OF THE IDAHO WATER RESOURCE BOARD)
)

I HEREBY CERTIFY That on this the 8th day of May, 1986, true and correct copies of the foregoing letter to the interested parties of Minimum Stream Flow 37-7919 and the enclosures it references were mailed, postage paid, to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Virgil Moore
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

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

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Linda D. Smith

LINDA D. SMITH
Receptionist
Idaho Department of Water Resources

intention of the legislature in authorizing minimum stream flow rights to interfere with vested water rights. Mr. Rassier felt it would be appropriate for the Board, since it is the applicant, to go on record before the department as to its position in respect to the two conditions.

William B. Dillon, III, Deputy Attorney General representing Department of Fish and Game, commented the conditions placed on the permit make minimum stream flow rights "second class water rights". Under the Proposed Decision, the minimum stream flow right would be subject to both the recorded constitutional rights and unrecorded constitutional rights. If a constitutional right holder wants the same priority as a minimum stream flow permit or license, he should request the river adjudicated. Until an adjudication, a minimum stream flow right should take precedence over the constitutional rights. As to the 15 year review capability, the only legal authority in the Idaho Code to place a time limit on permits or licenses is for hydropower uses. There is no statutory authority to put a time limit on minimum stream flow water rights. Also, there is no guarantee in the order that at the end of the 15 year period, there would be a hearing for public input on the right. Department of Fish and Game request the Board go on record approving the minimum stream flow right for the Big Wood River, but that the order should be issued to conform with the exceptions written into the record by the Department of Fish and Game.

J. D. Williams, Member, moved the Board go on record supporting the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cut off date of June 30, 1988, and also support an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 6 Ayes, 0 Nays, 2 Absent.

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STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

April 24, 1986

A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Ken:

The Idaho Water Resource Board supports the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cutoff date of June 30, 1988. The Board also supports an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. These matters were reviewed and approved by the Board at their March 11, 1986 regular meeting in Boise.

Sincerely,

GENE M. GRAY
Chairman

GMG:alw

intention of the legislature in authorizing minimum stream flow rights to interfere with vested water rights. Mr. Rassier felt it would be appropriate for the Board, since it is the applicant, to go on record before the department as to its position in respect to the two conditions.

William B. Dillon, III, Deputy Attorney General representing Department of Fish and Game, commented the conditions placed on the permit make minimum stream flow rights "second class water rights". Under the Proposed Decision, the minimum stream flow right would be subject to both the recorded constitutional rights and unrecorded constitutional rights. If a constitutional right holder wants the same priority as a minimum stream flow permit or license, he should request the river adjudicated. Until an adjudication, a minimum stream flow right should take precedence over the constitutional rights. As to the 15 year review capability, the only legal authority in the Idaho Code to place a time limit on permits or licenses is for hydropower uses. There is no statutory authority to put a time limit on minimum stream flow water rights. Also, there is no guarantee in the order that at the end of the 15 year period, there would be a hearing for public input on the right. Department of Fish and Game request the Board go on record approving the minimum stream flow right for the Big Wood River, but that the order should be issued to conform with the exceptions written into the record by the Department of Fish and Game.

J. D. Williams, Member, moved the Board go on record supporting the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights until the cut off date of June 30, 1988, and also support an appropriate term review to determine whether the public interest is being served by the minimum stream flow right. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 6 Ayes, 0 Nays, 2 Absent.

Agenda Item No. 10. Energy Extension Service and State Energy Conservation Program Work Plan for 1986

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RECEIVED
FEB 7 1986
Department of Water Resources

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WILLIAM B. DILLON, III
STEPHEN V. GODDARD
Deputy Attorneys General
Idaho Dept. of Fish and Game
600 South Walnut
P. O. Box 25
Boise, ID 83707
Telephone: (208)334-3715

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 37-7919 to Establish A Minimum Stream Flow in the Big Wood River in the Name of the Idaho Water Resources Board	EXCEPTIONS TO THE PROPOSED MEMORANDUM DECISION AND ORDER

COMES NOW the Idaho Department of Fish and Game, hereafter Fish and Game, which takes exception to the proposed memorandum decision and order in the proceeding referenced above.

EXCEPTIONS

Fish and Game takes exception to Finding of Fact #10 and Conclusion of Law #6 ". . .that the flow requested is usually capable of being maintained." The records of the Idaho Department of Water Resources, hereafter Water Resources,

clearly indicate that the flows are capable of being maintained and not "usually capable of being maintained". See Idaho Department of Water Resources Exhibits Two and Three that state the minimum flow can be maintained 99 percent of the time, which is more than "usually".

Fish and Game takes exception to Conclusion of Law No. 2, as it pertains to water being delivered to satisfy recorded or unrecorded uses. This conclusion is contrary to Idaho law. In Idaho, the law is clear, water rights can only be obtained by following the statutory procedure found in Title 42, Idaho Code. Provisions are available for filing constitutional claims but these claims must be proven or adjudicated to become valid rights entitled to a priority right. A water right for an instream flow has the same legal status or priority as any other water right and cannot be subordinated to any recorded, claimed right and certainly not to a use that has not even been recorded. (See 42-1501, et seq., Idaho Code).

The law in regard to the distribution of water is clearly delineated in Section 42-607, Idaho Code, which states:

> . . .that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed,

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> permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply.

It is undisputed that a minimum stream flow right once approved is a vested right. Therefore, this licensed right cannot be subordinated to uses which are merely claimed or to uses which are not even claimed. If minimum stream flow rights could be subordinated to claimed uses, then so could other adjudicated, decreed, licensed or permit rights. This is contrary to Idaho law and would throw the entire priority system into chaos.

Fish and Game takes exception to condition #3 of the Order which provides:

> The use of water under this permit shall recognize and allow the continued diversion, both within and upstream from the minimum flow reach, of water for irrigation purposes based on valid recorded and unrecorded beneficial use water rights, to the extent that the unrecorded diversions can be verified as having been initiated prior to May 20, 1971. (Emphasis added).

Once the minimum stream flow right has been approved, it is a vested legal right and is superior to recorded and unrecorded beneficial uses (claims), Section 42-1505, I.C. As such, the water must be delivered to and allowed to remain in that reach of the stream having the minimum stream flow right and cannot be subordinated to claims of beneficial uses whether they are recorded or unrecorded. This condition of the permit is unlawful and therefor null and void. Section 42-1503, I.C.,

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provides that approval of the application must be made upon a finding that appropriation of the minimum stream flow will not interfere with any vested water right, permit or application with an earlier date. This finding has appropriately been made. (Proposed Memorandum Decision and Order at 5). Section 42-1503, I.C., does not mention claimed uses. The minimum stream flow right must be accorded the same status as any other adjudicated, decreed, permit or licensed right.

Ordering that the unrecorded (unclaimed) beneficial use rights be recognized allows the watermaster to illegally make a de facto adjudication of the stream's water rights without providing a hearing for affected water users. When the watermaster decides how the water will be diverted, he will be required to make a determination which unrecorded uses "can be verified as having been initiated prior to May 20, 1971." That is not the proper or legal method of adjudicating which, if any, of the unrecorded water uses are valid. The holders of adjudicated, decreed, licensed or permit rights, including the minimum stream flow right, will have no opportunity to defend their rights against the unrecorded uses.

Fish and Game takes exception to condition #8 of the Order which states:

> The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license upon his determination that the public interest is no longer served by the minimum stream flow as established The Director will review the permit and subsequent license 15 years after issuance of either the permit or the license.

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There are several grounds for Fish and Game's exceptions. First, Section 42-1503, I.C., permits the Director to set conditions. It does not empower him to review and amend any and all parameters of this permit or subsequent license upon his determination that the public interest is no longer served. If this is what the legislature had intended, they would have said so and provided guidelines for the Director. Second, the legislature has not nor is Fish and Game aware that the Director is conditioning other permits or applications for water rights in this manner (except for some minimum stream flow permits and hydro power permits). The Director has granted several minimum stream flow permits in the past without this condition. These permits all received approval by the legislature. Section 42-203, I.C., provides that the Director may condition a permit if "it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use." (emphasis added). Fish and Game is not aware of any instance where the Director has conditioned an application for a water right (other than minimum stream flows) so that it may be amended if at any time in the future it conflicts with the public interest. Third, there is no statutory authority for the Director to limit the term of a permit by setting a 15 year time period for review. This condition makes a minimum stream flow water right worthless or, at best, extremely transitory. In essence, this

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condition is contrary to the interest of Idaho voters who approved the minimum stream flow referendum and to the intent of the Idaho legislature. The legislative intent is clearly delineated in Section 42-1501, I.C., which states:

> The legislature of the state of Idaho hereby declares that the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality. The preservation of the water of the streams of this state for such purposes when made pursuant to this act is necessary and desirable for all the inhabitants of this state, is in the public interest and is hereby declared to be a beneficial use of such water.

The only authority that exists allowing the director to limit a license or permit to a specific term is contained in Idaho Code Section 42-203B(6), I.C., and that authority applies only to permits and licenses for power purposes. This statute was enacted in 1985. If the legislature believed the director had the power to limit permits, there would have been no reason to enact Section 42-203B(6), I.C.. Also, because the legislature gave the director the power to limit the term only of water permits and licenses dealing with power purposes, it is obvious that the legislature did not want to give the director that power for other types of permits and licenses.

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Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
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CONCLUSION

For the reasons given above, Fish and Game respectfully requests Water Resources to amend and modify its proposed memorandum decision and order consistent with the exceptions discussed above.

DATED This 7th day of February, 1986.

William B. Dillon, III
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this the 7th day of February, 1986, true and correct copies of the foregoing EXCEPTIONS TO THE PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Phil Rassier
Deputy Attorney General
Idaho Dept. of Water Resources
STATEHOUSE
Boise, ID 83720

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

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Attorney General
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Telephone: (208) 334-2400

INTER-DEPARTMENT MEMO — 1

DATE Feb 10, 1986

FROM Dave Tuthill

TO Bob ~~DDF~~ Glen ~~MS~~ Norm ___ Phil Rassier ___

SUBJECT Big Wood River MSF

Attached are the IDF&G Exceptions to the Proposed MD# 0.

We have seen all of the arguments before, including

(1) An objection to our use of "usually" in the statement that the flows are "usually capable of being maintained". (Our reason for including "usually" is that the measuring device from which the flow data was obtained is located well downstream on the MSF reach — a reach which is gaining via several major tributary inflows throughout the reach.

SIGNATURE

(over)

(2) An objection to our concept that the MSF water right ~~...~~ impact delivery of ~~p~~stream B/U rights (Same as on Silver Cr)

(3) An objection to the review of the right after 15 years (same as on Silver Cr)

At this point ^ resolution of this file appears to be most appropriately pursued by our legal staff.

I would recommend that we ask the IWRB if they want to pursue holding a public information meeting on the new Big Wood ^ River MSF app on March 19 as initially planned, in light of these Exceptions.

Suggest waiting. JAK DRT

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

WILLIAM B. DILLON, III
Deputy Attorney General
Idaho Dept. of Fish and Game

R9AT224TV

Attorney General
State of Idaho
Statehouse, Room 210
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Telephone: (208) 334-2400

Water Rights
with
any Source in Basin 37
and
Township Greater Than or Equal to 02N

✓ = Upstream from minimum stream flow reach, surface water.

WR NUMBER	STAGE	SOURCE	TRACT	LOT	SEC	TWP	RGE
37-4000	S	✓ OREGON GULCH	SESW		10	05N	17E
37-4004	S	GROUNDWATER	NWSE		19	04N	18E
37-4005	S	GROUNDWATER	NWSE		19	04N	18E
37-4013	S	GROUNDWATER	SESW		18	04N	18E
37-4014	S	GROUNDWATER	SENW		12	04N	17E
37-4015	S	GROUNDWATER	NWNW		15	02N	18E
37-4016	S	✓ ELKHORN CREEK	NWSW		20	04N	18E
37-4023	S	GROUNDWATER	SENE		09	02N	18E
37-4024	S	GROUNDWATER	NESW		18	04N	18E
37-4025	S	GROUNDWATER	NWSE		19	04N	18E
37-4026	S	GROUNDWATER	SWSW	06	18	04N	18E
37-4027	S	GROUNDWATER	SESW		18	04N	18E
37-4028	S	GROUNDWATER	NWSE	03	13	04N	17E
37-4030	S	GROUNDWATER	NWSE		19	04N	18E
37-4035	S	✓ SPRING	SWNW		14	05N	17E
37-4036	S	GROUNDWATER	NESW	04	18	04N	18E
37-4038	S	GROUNDWATER	SWNE		19	04N	18E
37-4042	S	GROUNDWATER	NENW		19	04N	18E
37-4045	S	GROUNDWATER	NESW		18	04N	18E
37-4063	S	✓ SPRING CANYON	NESE		21	04N	19E
37-4100	S	✓ SPRING	NENW		34	03N	17E
37-4106	S	✓ SPRING	NESW		32	03N	18E
37-4107	S	GROUNDWATER	NWSE		13	04N	17E
37-4108	S	GROUNDWATER	SWNW		14	04N	17E
37-4116	S	LAVA DRAW	SWNW		30	02N	21E
			NENW		26	02N	20E
37-4116	S	LAVA DRAW	NENW		26	02N	20E
37-4120	S	✓ PIONEER SPRING	NESE		19	02N	14E
37-4121	S	✓ UNNAMED SPRING	NWNE		30	02N	14E
37-4122	S	✓ NEWMAN CREEK	SWSW		17	05N	16E
37-4123	S	✓ COLD SPRING	NENE		26	04N	17E
37-4124	S	✓ UNNAMED SPRING	SESE		14	04N	19E
37-4125	S	✓ PIONEER SPRINGS	SWSW		22	05N	19E
37-4126	S	✓ BRIDGE CREEK	NENW		07	02N	17E
37-4128	S	✓ UNNAMED STREAM	SESW		32	04N	18E
37-4129	S	✓ HEADQUARTERS SPRING	SWNE		04	05N	17E
37-4130	S	✓ SPRINGS	NESW		31	04N	18E
37-4131	S	✓ UNNAMED SPRINGS	NESW		31	04N	18E
37-4138	S	✓ WARM SPRINGS	NWSE		18	02N	18E
37-4139	S	✓ WARM SPRINGS	NWSE		18	02N	18E
37-4140	S	✓ SPRING	NWSW		33	02N	14E
37-4150	S	✓ SPRING	NESE		30	04N	18E
37-4151	S	✓ SPRING	SENW		30	04N	18E
37-4152	S	GROUNDWATER	NENE	01	05	02N	18E
37-4158	S	✓ SPRING	SWSE		17	05N	16E
37-4164	S	✓ WARM SPRINGS CREEK	SENE		06	03N	16E
			NENE	01	06	03N	16E
37-4164	S	WARM SPRINGS CREEK	NENE	01	06	03N	16E
			NWNW	04	05	03N	16E
37-4164	S	WARM SPRINGS CREEK	NWNW	04	05	03N	16E
37-4165	S	✓ SPRINGS	NWNW		08	04N	18E
37-4184	S	✓ UNNAMED STREAM	SENW		22	02N	18E

37-4185	S	UNNAMED STREAM	ENW		22	02N	18E
37-4217	S	SPRING	ENW		32	02N	13E
37-4230	S	GROUNDWATER	SENW		10	05N	17E
37-4236	S	GROUNDWATER	SWNE		19	04N	18E
37-4238	S	GROUNDWATER	NESE		35	02N	18E
37-4239	S	GROUNDWATER	SESW		12	04N	17E
37-4242	S	MINNIE MOORE GULCH (GALENA CR)	NWNW		34	02N	18E
			NENW		34	02N	18E
37-4242	S	MINNIE MOORE GULCH (GALENA CR)	NENW		34	02N	18E
			NWNE		34	02N	18E
37-4242	S	MINNIE MOORE GULCH (GALENA CR)	NWNE		34	02N	18E
			NENE		34	02N	18E
37-4242	S	MINNIE MOORE GULCH (GALENA CR)	NENE		34	02N	18E
			NWNW		35	02N	18E
37-4242	S	MINNIE MOORE GULCH (GALENA CR)	NWNW		35	02N	18E
37-4248	S	GROUNDWATER	SESE		19	04N	18E
37-4249	S	SPRING	SESW		05	05N	16E
37-4250	S	SPRING	NENE		35	02N	18E
37-4253	S	WARM SPRINGS CREEK	NESE		20	04N	17E
37-4254	S	WARM SPRINGS CREEK	NESE		20	04N	17E
37-4258	S	GROUNDWATER	SESW	05	11	04N	17E
37-4262	S	DEER CREEK	NENW		05	02N	17E
37-4264	S	SPRING	SWNE		08	04N	20E
37-4265	S	BIG WOOD RIVER	SENE		30	04N	18E
37-4267	S	GROUNDWATER	NWNE		35	02N	18E
37-4268	S	UNNAMED STREAM	NENW		03	02N	17E
37-4269	S	UNNAMED STREAM	SESE		01	04N	17E
37-4277	S	GROUNDWATER	NWSW		36	02N	18E
37-4288	S	BIG WOOD RIVER, E.FORK,N.FORK	SWNE		22	06N	17E
37-4293	S	VORBERG GULCH	NWNW		08	02N	18E
			SWNW		08	02N	18E
37-4293	S	VORBERG GULCH	SWNW		08	02N	18E
37-4294	S	UNNAMED STREAM	SESW		30	03N	18E
37-4295	S	SPRINGS	NENW		12	02N	17E
			NWNE		12	02N	17E
37-4295	S	SPRINGS	NWNE		12	02N	17E
			NENE		12	02N	17E
37-4295	S	SPRINGS	NENE		12	02N	17E
			SENE		12	02N	17E
37-4295	S	SPRINGS	SENE		12	02N	17E
				02	07	02N	18E
37-4295	S	SPRINGS		02	07	02N	18E
37-4296	S	SPRING	NENE		36	03N	17E
37-4311	S	DECKER GULCH	NESW		35	04N	18E
37-4312	S	SPRINGS	NWNE	02	05	02N	18E
37-4315	S	GROUNDWATER	NESW		09	02N	18E
37-4316	S	GROUNDWATER	SWSE		12	04N	17E
37-4327	S	GROUNDWATER	NENE		15	04N	17E
37-4329	S	GROUNDWATER	SENW		10	05N	17E
37-4332	S	GROUNDWATER	SESE		13	04N	17E
37-4337	S	WARM SPRINGS CREEK	SWSW		12	04N	17E
37-4345	S	GROUNDWATER	SWNE		19	04N	18E
37-4346	S	GROUNDWATER	SWNW		04	02N	18E
37-4356	S	GROUNDWATER	NENE		31	04N	18E
37-4361	S	SPRING	NESW		31	02N	20E
37-4368	S	CLARENDON HOT SPRINGS	SWSE		27	03N	17E
37-4369	S	DEER CREEK	SWSE		27	03N	17E
37-4370	S	GROUNDWATER	SWSE		27	03N	17E
37-4375	S	COLD SPRINGS	NESE		30	04N	18E
37-4377	S	GROUNDWATER	SWSW		26	02N	18E
37-4378	S	GROUNDWATER	SESE		10	05N	16E
			NESE		10	05N	16E
37-4378	S	GROUNDWATER	NESE		10	05N	16E

			SE	10	05N	16E
7-4378	S	✓ SPRING	SE	10	05N	16E
			NESE	10	05N	16E
7-4378	S	✓ SPRING	NESE	10	05N	16E
7-4379	S	✓ EASLEY HOT SPRING	NESW	10	05N	16E
7-4380	S	GROUNDWATER	NWSW	17	03N	18E
7-4392	S	FISH CREEK, MIDDLE FORK	SWNW	33	03N	23E
			NESE	32	03N	23E
7-4392	S	FISH CREEK, MIDDLE FORK	NESE	32	03N	23E
7-4393	S	IRON MINE CREEK	NWSE	32	03N	23E
7-4394	S	UNNAMED STREAM	NWSW	32	03N	23E
7-4397	S	GROUNDWATER	SWNW	13	02N	21E
			SENE	27	02N	21E
7-4397	S	GROUNDWATER	SENE	27	02N	21E
7-4405	S	✓ TITUS CREEK	NWNW	10	06N	15E
7-4406	S	GROUNDWATER	NWNW	10	06N	15E
7-4410	S	✓ SPRINGS	SWSW	29	03N	17E
			SWSW	29	03N	17E
7-4410	S	✓ SPRINGS	SWSW	29	03N	17E
7-4411	S	MULDOON CREEK, SOUTH FORK	SWSE	12	02N	21E
			SENE	14	02N	21E
7-4411	S	MULDOON CREEK, SOUTH FORK	SENE	14	02N	21E
7-4413	S	GROUNDWATER	NESW	07	04N	18E
7-4414	S	GROUNDWATER	NESW	07	04N	18E
7-4415	S	GROUNDWATER	NWNE	13	04N	17E
			SWSE	12	04N	17E
7-4415	S	GROUNDWATER	SWSE	12	04N	17E
7-4416	S	GROUNDWATER	NESE	12	04N	17E
7-4420	S	✓ SPRING	NESE	05	02N	18E
7-4422	S	✓ BIG WOOD RIVER	SWNW	36	02N	18E

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

ok BDF

TO: 37-7919

FROM: Dave Tuthill DMT (Acting Supervisor, Water Allocation Section)

DATE: December 17, 1985

RE: Advertising of Legal Description on Minimum Stream Flow Reach

A discrepancy has been noted regarding the advertised legal description of this water right. The original application showed the upstream point of the reach as being located in Range 18E, whereas it is actually located in Range 17E. The purpose of this memorandum is to explain why in this case readvertisement is not required.

The purpose of advertisement of a legal description is to describe the location of a particular water right. In many situations the legal description is the only means of locating in an advertisement certain points of diversion, for example with groundwater diversions. Section 42-203A, Idaho Code, requires that the advertisement contain "(g) the approximate location of the point of diversion; (h) and the point of use." There is no requirement in the Code that a legal description be used.

In the case of most water right advertisements, an error in the legal description would create a need to republish the notice of application in order to clarify the location. Water Right No. 37-7919 is unique in that the location of the minimum stream flow reach, which substitutes for both point of diversion and place of use, has been identified both correctly and incorrectly in the advertisement. The location of the reach was specified in four ways:

(1) Source: Big Wood River (a well-known and unique source in Idaho)

(2) Point of Minimum Stream Flow: SWNW Sec. 36 T2N R18E upstream approximately 18 miles...

(3) ... to the confluence of the Big Wood River with Warm Springs Creek

(4) SENW Sec. 13 T4N R18E

The fact that item (4) shows the range as 18E rather than the correct value of 17E would not deter a reasonable person from being apprised of the location of the reach via the advertisement. Thus, the advertisement is considered to be adequate to have satisfied the requirements of Section 42-203A, Idaho Code, and neither readvertisement nor notices of correction are required in this specific case.

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood Riber tributary of Snake River and is further described as follows:

APPLICATION No. 37-7919

Date Filed: June 19, 1981

Source: Big Wood River tributary of Snake River.

Point of Minimum Streamflow: SWNW, Sec. 36, T2N, R18E; upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R16E, B.M., Blaine County.

Rate of Flow: 70 cubic feet per second.

Season of Use: January 1 to December 31.

Use: To maintain trout habitat.

The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriffs' Office, Corner 1st and Walnut, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Sec. 42-203, 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 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A KENNETH DUNN
Director

PUBLISH: Thursday, October 24 and 31.

RECEIVED
Resources
Office

RECEIVED
see memo dated 12/17/85
NOV 20 1985
State Office of Water Resources
Boise, Idaho

Affidavit of Publication

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

No 15619

I Linda Copps McGuire being first duly sworn upon oath, depose and say that I am Legal 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 Weeks, commencing with the issue dated October 24, 1985, and ending with the issue dated October 31, 1985

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.

Linda Copps McGuire

Subscribed and sworn to before me on this 31 day of October, 1985.

Donna Kruse

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

Will Davidson
P.O. 2402
Ketchum, ID
83340
(208)726-5746

RECEIVED
NOV 25 1985
Department of Water Resources

Ed Nighbor
Director, Planning & Zoning
Blaine County Courthouse
Hailey, ID 83333

November 21, 1985

Dear Ed:

Thank you for supporting a minimum stream flow of 70 cfs at the recent Idaho Department of Water Resources hearing.

Please let me know if I can help to obtain a future minimum flow of 150 cfs for the same stretch of river, from Warm Springs Creek to Bellevue, as that should guarantee the optimum protection for fish. The next step would be to provide complete protection from man with a "Catch and Release" designation.

Thank you.

Will Davidson

WAD/ss
cc: Norman Young, IDWR

RECEIVED
NOV 25 1985
Department of Water Resources
Western Regional Office

Bellevue, Id.
Nov. 21, 1985

RECEIVED
NOV 25 1985
Department of Water Resources

Dept. of Water Resources
State House
Boise, Id. 83720

Dear Sirs:

At the recent hearing in Hailey I was struck by what seemed to to be a lack of complete orientation by some of the speakers. This probably stems from my 65 years of residence in the area as opposedto the obvious brief residence of some of the speakers. There were many errors and half errors of fact.

The possible damage to the Broadford Slew was cited as a foregone conclusion. The facts are thst a recently constructed rock levee up stream from the Star Bridge has caused the river to cut a channel a few feet deeper thereby affecting the natural diversion into the slew. In spite of this the Broadford area has been designated for above ground evaporative septic sewerage only. This was an action of the Dept. of Health & Welfare.

I believe it is appropriate to comment about the present condition of the river. As is well known various developers are building as close and thick as they can to the river banks. If the present trend continues the river will be lined with 40 plus miles of black lava rock levees. This action along with in-stream Dozer work and tree snagging has left most reaches of the river a bleak scene in comparison to pre 1950.

All the above activities have multiplied the flood control problems. Thereis however a solution to the flood control problem-Flood control dams and lakes. There are about a half dozen sites for facilities of this kind. Any of these sites could be as useful for recreation and fishing as the Magic Lake.

Another problem but not the least is the problem of polution from sewerage treatment plants and possibly faulty installation of septic tanks outside sewer districts. Every farmer in the lower valley who still irrigates by gravity has experienced greasy sludge or worse remaining after water application.

Next Page

RECEIVED
NOV 25 1985
Department of Water Resources

There is also the taste during low water of chlorine in the water if you are so unlucky as to accidently get a mouthful. This substance is possibly responsible for the observed scarcity of stream bed organisms and plant life as compared to a decade or two ago.

I am convinced that the hydropower facility will harm the fish and wildlife ecology to only a verysmall degree. It could conceivably enhance accesability for our local kids and senior citizens. Again I would point out my sixty five years of observation of the Big Wood River, the hydro plant simply did not impact the area. The last twenty years of operation of the pioneer plant I was privilaged to observe first hand so I can make this assertion without fear of contradiction.

Very respectfully yours;

Ted C. Divine

Ted C. Divine

c:5

NOV 25 1985
Department of Water Resources
Western Regional Office
RECEIVED
NOV 25 1985
Department of Water Resources

Dear Norm

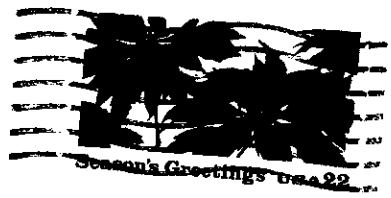
I would like to thank you for desiring to protect our Wood River and for enabling the public to express their concerns. Unfortunately I was unable to speak at this hearing because of time constraints so I'm writing this letter to you now.

I feel Cochmauer's 40 hour study was superficial and flawed. O_2 content, aquafier charging characteristics among other important biological factors were not considered. The study should have been done in the winter when the water is at its lowest level. The site picked did not represent and could not represent 18 miles of the Wood River. The site studied should

be "the bottom line" do n in the wider, less steep areas of the Wood River. As it is, even by Cochmaan's own admission, 70cfs is not enough flow to protect these lower areas from becoming stagnant pools. I live along these lower stretches just north of Hailey + can guarantee the trout fishing is fabulous + that many happy fishermen + fisherwomen fish along our banks. I feel 70cfs is an injustice to the Wood River + that this figure puts a $433,000 a year industry in our valley in jeopardy. Perhaps another study (with more inclusive biological factors included) should be done in these lower reaches. There are many local folks qualified + willing to do these studies. Thank you for your concern. Sincerely Lee Whiting
Box 1093 Ketchum 83340

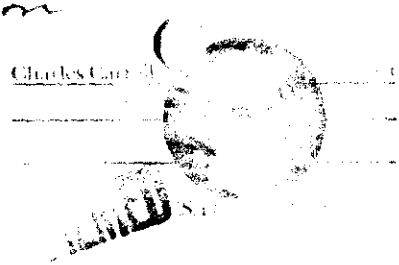
Writing
Box 1073
Ketchum 83340

TWIN FALLS, ID 833
1 PM
22 NOV
1985



Norm Young
Dept of Water Resources
Statehouse
Boise, Idaho
83720

Idaho Dept.
Water Res. Information
Rm 208
Natl. Reclam.
83540





State of Idaho
Department of Water
Resources
State office
450 W. State St.
Boise, Idaho 83720.

To: Dave Tatchell —

Many thanks for sending copies of the hearing —

Please use my testimony as recorded on tape for evaluation of the 70 CFR. Thanks for a well conducted hearing. Regards,

Ed Reed

COLDWELL BANKER

533 FREMONT AVENUE
LOS ANGELES, CALIFORNIA 90071
(213) 613-3360

November 19, 1985

EDWARD R. DALE, JR.
Senior Vice President
National Accounts

RECEIVED
NOV 25 1985
Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES
State of Idaho
Statehouse
Boise, Idaho 83720

Gentlemen:

I am the owner of a 37-acre parcel of land South of and adjacent to the proposed Diversion Dam contemplated for the Big Wood River between Hailey and Bellview. I purchased this property two years ago with the intent of eventually selling a portion and building a home on the remaining land. I selected this site over many others in the Big Wood River Valley because of the River and because the natural beauty of this area represented to me the beauty of the entire Valley. Without the River, the area would lose all of its appeal for me.

I have envisioned providing home sites for 2 to 3 others in addition to myself, and I am certain that these parcels without the River amenity would be worth considerably less than I paid for the property. Should the Diversion Dam be installed, I would undoubtedly suffer extreme financial loss and would be unable to sell these parcels, and the value would fall below the mortgage that I have on the land.

Aside from my problem, I cannot comprehend that the people of the Wood River Valley would allow one of the most beautiful sections of the River in the Valley to be ruined. This stretch of the Big Wood River has some of the finest trout fishing in the Valley, probably in the entire state. Last summer in a low water year, it was obvious that further removal or diversion of the water could lower the River level to a perilous state. To run the risk of ruining this River would be a travesty to all the people of Idaho. As

a Californian who has witnessed the results of disregard for nature in his own state, I strongly urge you to consider the potential disaster of this enterprise. I hope to move to Sun Valley some day. Please do not allow the Valley to be changed any more than it has been already or than is good for all the people who would live and work there.

I believe that the minimum stream flow of the Big Wood in this section should be 150 CFS, and I strongly encourage you to deny access to this River to anyone who would disrupt it.

Sincerely yours,

Edward R. Dale

ERD:ss

A MEMBER OF THE SEARS FINANCIAL NETWORK

COLDWELL BANKER

DALE, 10th Floor

533 FREMONT AVENUE
LOS ANGELES, CALIFORNIA 90071



DEPARTMENT OF WATER RESOURCES
State of Idaho
Statehouse
Boise, Idaho 83720

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

	ASSIGNED TO	INITIALS/DATE
1. Request received and checklist attached.	Receptionist	Rg 6-29-81
2. Request indexed.	Records Chief	Rg 6-29-81
3. Preliminary review. Application prepared for signature.	Section Supv.	JJ 6-10-81
4. Streamflow information requested from hydrology.	Section Supv.	DNR 9-1-83
5. Region advised of request.	Section Supv.	J-J 6-10-81
6. Acknowledgment letter sent.	Section Supv.	Rec'd in Person
7. Copy of request routed to: Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.	Records Chief	Rg 6-29-81
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Records Chief	Rg 6-29-81
9. Water Rights researched & abstracted.	Records Chief	Rg 9-1-83
10. Visual aid request prepared.	Section Supv.	RH 9.15.83
11. Visual aid reviewed.	Section Supv.	DNR 9-20-83
12. Request and related data presented to Board.	Administrator, Res. Admin. Div.	✓
13. Filed or Rejected by Board.	Sec. Supv. et.al.	✓
14. Board action indexed.	Records Chief	Rg 6-29-81
15. Original application sent to region.	Records Chief	Rg 6-29-81
16. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)	Region	
17. Notice sent to each water right holder or applicant on MSF reach.	Sec. Supv.	DNR
18. Application advertised w/o hearing date.	Region	
19. Personal contact made with riparian land owners.	Requestor	Per / Ltr 9 - 83
20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24.	Both Administrators & IWRB	8-15-83
21. Informal public meeting advertised in legal notices.	Region	Reg
22. Notification of informal public meeting sent to:		
a. IWRB members	Section Supv.	DNR 9-1-83
b. Local Legislators	Section Supv.	DNR 9 - 83
c. Watermaster	Section Supv.	DNR 9-1-83
d. Department Personnel	Section Supv.	DNR 9-1-83

e. Local TV & Radio Stations	Section Supv.	DNR (KW) 9-10-83
f. Water Right Holders	Requestor	DNR 9-14-83
g. Riparian Owners	Requestor	DNR 9-14-83
23. Information provided to IWRB for decision to proceed, modify, or abondon.	Section Supv.	DNR 10/83
24. Notice of formal hearing advertised in legal notices.	Region	✓ Southern
25. Notification of formal hearing sent to:		
a. IWRB members	Section Supv.	DNR 10/85
b. Local Legislators	Section Supv.	DNR 10/85
c. Watermaster	Section Supv.	DNR 10/85
d. Department Personnel	Section Supv.	DNR 10/85
e. Local TV & Radio Stations	Section Supv.	DNR 10/85
f. Water right holders	Section Supv.	DNR 10/85
g. Attendees of informal public meetings.	Section Supv.	DNR 10/85
h. Riparian Owners	Requestor	DNR 10/85
26. Hearing held (mandatory).	Hearing Officer & Regional Rep.	
27. Standard approval procedure for memorandum decision.	Hearing Officer	
28. If application is approved, Legislative approval procedure attached.	Records Chief	

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 20, 1983

MEMO

TO: Dave Tuthill, Water Allocation Section

FROM: William Ondrechen, Hydrology Section WTO

SUBJECT: HYDROLOGY OF SILVER CREEK FROM HIGHWAY U.S. 20 TO CONFLUENCE WITH LITTLE WOOD RIVER AND BIG WOOD RIVER FROM WARM SPRINGS CREEK TO HAILEY

Silver Creek

The flow of Silver Creek is influenced primarily by groundwater discharge from springs, with snowmelt runoff being a secondary factor. The average flow hydrograph for Silver Creek near Picabo in Figure 1 shows a pattern of low flows in May and June. Discharge begins to increase in June and gradually rises to a maximum in November as a result of recharge of the groundwater system by irrigation. Through the winter the groundwater discharge gradually declines until the next irrigation season. Snowmelt runoff in late March or early April causes the hydrograph to rise abruptly. These snowmelt peaks are of short duration and the streamflow rapidly declines to seasonal (low) levels. Groundwater storage causes a lag of several months between the times of maximum or minimum recharge and the flows of Silver Creek.

Streamflow in the reach of Silver Creek downstream from the U.S. 20 highway bridge to its confluence with the Little Wood River is represented fairly well by the Silver Creek near Picabo gage. This station operated until 1963, at which time it was discontinued. The present gaging station, Silver Creek at Sportsman's Access, is about 6 miles upstream. Based on streamflow measurements made by the USGS (Ground Water - Surface Water Relations in the Silver Creek Area, Water Info. Bull. No. 45), the stream gains or loses (depending on season) below the Sportsman's Access site to the old gaging station. Below the old gaging station, the stream is believed to be perched above the regional water table and gains or losses are minor.

Big Wood River

The discharge of the Big Wood River is primarily influenced by snowmelt in the mountainous portion of the basin. The months of April through July yield about 70 percent of the annual runoff, with the peak flow usually occurring in May or June. Low flows generally occur in the December through February period.

The discharge at the lower end of the indicated reach is well defined by the Big Wood River at Hailey gaging station. A flow duration analysis of this record for the period 1916-73 indicates that a flow of 70 cfs is equaled or exceeded about 97 percent of the time. Flows at the upstream end of the reach, that is just below Warm Springs Creek, are not as well defined due to lack of a continuous record. Tributary streams below Warm Springs Creek include Trail Creek, East Fork of the Wood River, and Deer Creek. Miscellaneous streamflow measurements made at various points of interest are listed in the attached table.

99.7 per flow data Dick

Based on these limited data, it appears that flows can be as low as 70 cfs occasionally during the winter months.

Big Wood R. bl Warm Sprgs. Cr.

9-14-72	185 cfs
4-9-73	152
7-10-73	197
9-18-73	128
12-19-73	67.4
2-6-74	90.2
8-16-77	114
10-25-77	86.3

Big Wood R. bl East Fork

(Estimated from Big Wood bl Sewage Plant + East Fork)

9-14-72	247 cfs
4-9-73	206
7-10-73	270
9-18-73	155

WO:mb

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood River tributary of Snake River and is further described as follows:

APPLICATION No. 37-7919

Date Filed: June 19, 1981

Source: Big Wood River tributary of Snake River

Point of Minimum Streamflow: SWNW, Sec.36, T2N, R18E; upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R18E, B.M., Blaine County

Rate of Flow: 70 cubic feet per second

Season of Use: January 1 to December 31

Use: To maintain trout habitat

The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriffs'Office, Corner 1st and Walnut, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Sec. 42-1503, IDAHO CODE.

If issued, this permit 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 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A.KENNETH DUNN
Director

Published in	Wood River Journal	October 24 and October 31, 1985
	Times News	October 24 and October 31, 1985
	Idaho Statesman	October 24 and October 31, 1985
	Lewiston Morning Tribune	October 24 and October 31, 1985
	Post Register	October 24 and October 31, 1985

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NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood Riber tributary of Snake River and is further described as follows:

APPLICATION No. 37-7919

Date Filed: June 19, 1981

Source: Big Wood River tributary of Snake River.

Point of Minimum Streamflow: SWNW, Sec. 36, T2N, R18E; upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R16E, B.M., Blaine County.

Rate of Flow: 70 cubic feet per second.

Season of Use: January 1 to December 31.

Use: To maintain trout habitat.

The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriffs' Office, Corner 1st and Walnut, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. 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 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

A KENNETH DUNN
Director

PUBLISH: **Thursday**, October 24 and 31.

ok 10/15

ok 10/15 Wateriver

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A. KENNETH DUNN
Director

Pub. Oct. 24, 31, 1985 9364

ok 10/15/85

Water right app. filed for streamflow

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

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[illegible] 7919
[illegible] 1981
[illegible] River tributary
[illegible]

The Director of the Departmen[illegible]

[illegible] Office, [illegible] Hailey, [illegible] purpose of hearing evidence in regard to the applica[illegible]

[illegible]

Boise, [illegible] 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.

A. KENNETH DUNN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1985

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333E

Re: Notice of Application for Minimum Streamflow No. 37-7919

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.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1985

Lewiston Morning Tribune
505 C Street
Lewiston, Idaho 83501

Re: Notice of Applications for Minimum Streamflow No. 41-7046 - 41-7074, 37-7919

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.

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Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1985

Post Register
P. O. Box 1800
Idaho Falls, Idaho 83402

Re:Notice of Applications for Minimum Streamflow No. 41-7046 - 41-7074, 37-7919

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.

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Mary A. Newby
Sec/Office Coord.

Encl:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1985

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: Notice of Applications for Minimum Streamflow No. 41-7046 - 41-7074, 37-7919

Gentlemen:

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Mary A. Newby
Sec/Office Coord.

Encl:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1985

Idaho Statesman
Box 40
Boise, Idaho 83707

Re: Notice of Applications for Minimum Streamflow No. 41-7046 - 41-7074, 37-7919

Gentlemen:

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Sec/Office Coord.

Encl:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1985

Dennis Haynes -
Blaine County Sheriff
Corner 1st & Walnut
Hailey, Idaho 83333

Dear Sheriff Haynes:

This is to confirm the use of your conference room for a conference and/or hearing to be held by this office on Wednesday, November 13, 1985, at 1:30 p.m.

Thank you very much for your cooperation.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for perr to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood River tributary of Snake River and is further described as follows:

Application for Permit No. 37-7919

Date Filed: June 19, 1981

Source: Big Wood River tributary of Snake River

Point of Minimum Streamflow: SW¼NW¼, Sec. 36, T2N, R18E; Upstream approximately 18 miles to the confluence with Warm Springs Creek in SE¼NW¼, Sec. 13, T4N, R18E, B.M., Blaine Count

Rate of Flow: 70 cubic feet per second

Season of Use: January 1 to December 31

Use: To maintain trout habitat

The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., Wednesday, October 24, 1984, at the Blaine County Planning and Zoning Office, top floor of the Old County Courthouse, Hailey, 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.

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A. Kenneth Dunn - Director

Published in Wood River Journal on October 4 and October 11, 1984.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 26, 1984

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Notice of Application for Minimum Streamflow

Gentlemen:

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Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

NOTICE OF PUBLIC MEETING

APPLICATIONS FOR INSTREAM WATER RIGHTS

No. 37-7849 - 37-7919

Notice is hereby given that the Idaho Water Resource Board will conduct a public meeting on Thursday, September 22, 1983, at 7:30 p.m., in the Hailey High School, Fox Acre Road, Hailey, Idaho.

The meeting will held to present information and receive public comment on applications for permit to appropriate water for instream flows in the Big Wood River between Ketchum and Bellevue and in Silver Creek between Highway 93 and the confluence with Little Wood River.

Published in Wood River Journal - September 15 and September 22, 1983

Published in Lincoln County Journal - September 15 and September 22, 1983

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

July 9, 1981

Mr. Reid Newby
Watermaster District #37
Box T
Shoshone, Idaho 83352

Re: Application for Permit No. 37-7919

Dear Mr. Newby:

Enclosed is a copy of the above referenced Application for Permit for your information and files.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

3/79

IDENT. NO. 37-7212

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
maaya	7/9/81	Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Keypunched by State Office

Form No. 202a
3/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

Idaho Water Resource Board

INITIAL REVIEW BY: T.G. Blau APPLICATION NUMBER: 37-7919

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Quantity of water and period of use.
- ☐ Description of diverting works. NA
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☐ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☑ Yes ☐ No Field check required.
- ☐ Yes ☑ No Critical groundwater area.
- ☐ Yes ☑ No Request dam safety information. Sent by: _____ Date: _____
- ☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Should place of use include entire reach of stream applied for

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☑ Other Reid Newby — mailed — 7/9/81

PROCESSING:

- ☐ Yes ☑ No Platted by: _____ Map No. Y-23, X-24, X-74
- ☐ Yes ☑ No Other rights on same place of use. _____
- ☑ Yes ☐ No* In form for advertising.
  Final date for protests: _____
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
- ☐ Application published correctly. If not, record action taken: _____
- ☐ Fee amount, receipt date & number, recorded on application.
- ☐ Publication dates and paper, recorded on application.
- ☐ Protests, dates, withdrawal, etc., recorded on application.
- ☐ Recommendation & initial, recorded on application.
- ☐ Yes ☐ No Measuring device required.
- ☐ Yes ☐ No Access port required.
- ☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
  _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: _____ Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

RECEIVED
OCT 9 1984
Department of Water Resources
Southern District Office

RECEIVED
OCT 4 1984
Department of Water Resources

September 26, 1984

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Notice of Application for Minimum Streamflow

Gentlemen:

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Sec/Office Coord.

Encl:

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A. Kenneth Dunn - Director

Published in Wood River Journal on October 4 and October 11, 1984.

September 9, 1981

Bruce R. Boccard
Committee for Idaho's High Desert
P. O. Box 463
Boise, ID 83701

Dear Mr. Broccard:

RE: Minimum Streamflow Request

I have received and reviewed your letter of September 1, 1981 to the Chairman of the Idaho Water Resource Board requesting consideration of a minimum streamflow application on the Big Wood River.

At the regular board meeting on June 19, 1981, the Chairman of the board did submit such an application to the Director of the Department of Water Resources. I will file a copy of your letter together with the application and will consider your letter in support of the application.

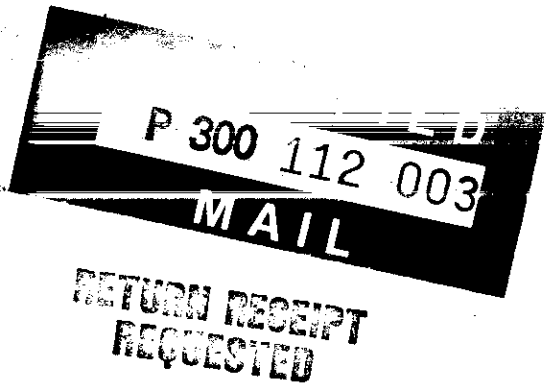
Thank you for your interest in this matter.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

CIHD
P.O. Box 463
Boise, ID 83701



Idaho Water Resource Board
Statehouse
Boise, Idaho 83720



COMMITTEE FOR IDAHO'S
HIGH DESERT
P.O. BOX 463 BOISE, IDAHO 83701

RECEIVED
SEP 3 1981
Department of Water Resources

September 1, 1981

Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

Attention: Mr. George Yost

RE: Request to the Idaho Water Resource Board to submit this application to the Director, Department of Water Rsources for water rights allowing minimum streamflow on the Big Wood River at the Bellevue Diversion.

Dear Mr. Yost:

In accordance with the regulations of July 1, 1978, Title 42, Chapter 15 of the Idaho Code, we are requesting that the Idaho Water Resource Board submit this application for minimum streamflow water rights to the Director, Department of Water Resources. We have attached all of the information required for this action. Reference material and data cited includes:

Cochnauer, Tim and Edwin Buettner. 1978. Stream Flow Investigations - Stream Resource Maintenance Flow Determinations on Idaho Streams. Job Performance Report. Project F-69-R-3, Job II. Idaho Department of Fish and Game. 88 pp.

The Committee for Idaho's High Desert is a non-profit organization incorporated in the State of Idaho for scientific, educational, and charitable purposes; the Committee is acting in the public interest in submitting this written request to the Idaho Water Resource Board to consider the appropriation of minimum streamflow at this site, as allowed by State law. It is our understanding that minimum streamflow is a beneficial use of water in the State of Idaho and that such an appropriation does not require a physical structure or physical diversion from the stream as do other appropriations of water in the State. Idaho Code Section 42-1501 recognizes the importance of minimum instream flows as a beneficial use of water "for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality."

Name of River: Big Wood River (a tributary of the Snake)

Legal Description of the Site where Instream Flow is Requested: At the Bellevue Diversion, Blaine County, SW 1/4 NW 1/4, Sec. 36, T. 2 N., R. 18 E.

The Proposed Instream Flow in Cubic Feet per Second: 70 cfs

The Purpose for which Minimum Streamflow is Proposed: Instream flow is required at this site to maintain high-quality trout habitat (including spawning and rearing areas) from the Bellevue Diversion upstream to Warm Springs Creek.

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 minimum streamflow requested for this site is for nonconsumptive use and will be subject to all vested water rights, permits, or water applications of earlier priority.

Evidence that this Appropriation would be in the Public Interest as Opposed to Private Interest: The Big Wood River is a very high quality trout fishery which is located in one of Idaho's most heavily used recreation areas. The reach from Warm Springs Creek to the Bellevue Diversion provides excellent habitat for resident trout, supporting a trophy fish fishery. As in all instream flow applications, the requested minimum streamflow would 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 Intended: This appropriation is necessary to protect the trout fishery described above, based on data collected by the Idaho Department of Fish and Game (see Cochnauer, 1978, referenced above). Calculations of instream flow required for the maintenance of wild trout populations were accomplished using the methodologies and techniques described on the basis of field work and data collected in 1977 (Cochnauer, 1978).

Evidence that the Requested Flow is Minimum and not the Ideal or Most Desireable Flow: According to the Department of Fish and Game report cited above, the optimal instream flow for maintaining trout populations would be full bank discharge, about 150 cfs. However, minimum streamflow requirements were estimated as being lower than that, at 70 cfs.

Evidence that the Requested Flow is Capable of Being Maintained as Evidenced by Records of Stream Flows: No flow records have been maintained for this section of the Big Wood River.

Location of Existing Guaging Stations that Could be Used in the Administration of the Appropriation: None.

There can be no doubt that the minimum streamflow identified at this site is in the public interest, as the need

for the request is clearly documented in the publication cited above. It is our hope that this request will lead to the instream flow necessary to protect this beautiful and productive River.

Thank you for your consideration. We are looking foreward to your action on this request.

COMMITTEE FOR IDAHO'S HIGH DESERT, INC.

by Bruce R. Boccard
Bruce R. Boccard,
Chairman

ROUTING SLIP

DATE 6-29-81 TIME

TO: Southern

REF. No. (if any)

FROM: (show title) Roberta Garrett

FOR YOUR:
- ☐ Information
- ☐ Approval
- ☐ Signature

REVIEW AND:
- ☐ Call Me
- ☐ See Me
- ☐ Comment & Return
- ☐ Take Proper Action
- ☐ Draft a Reply for Me

PER:
- ☐ Our Conversation
- ☐ Your Request
- ☐ Boss's Request

Minimum Streamflow filings:

Big Wood R.
Malad R. (Big Wood)

DO NOT ADVERTISE UNTIL NOTIFIED BY STATE OFFICE.

Please assign basin number and notify me of the application number assigned.

Thanks.



IDAHO
DEPARTMENT OF FISH & GAME

Joseph C. Greenley, Director

FEDERAL AID TO FISH AND WILDLIFE RESTORATION

Job Performance Report

Project F-69-R-3

STREAM FLOW INVESTIGATIONS

Job II. Stream Resource Maintenance Flow Determinations on Idaho Streams

Period Covered: 1 July 1977 to 28 February 1978

by

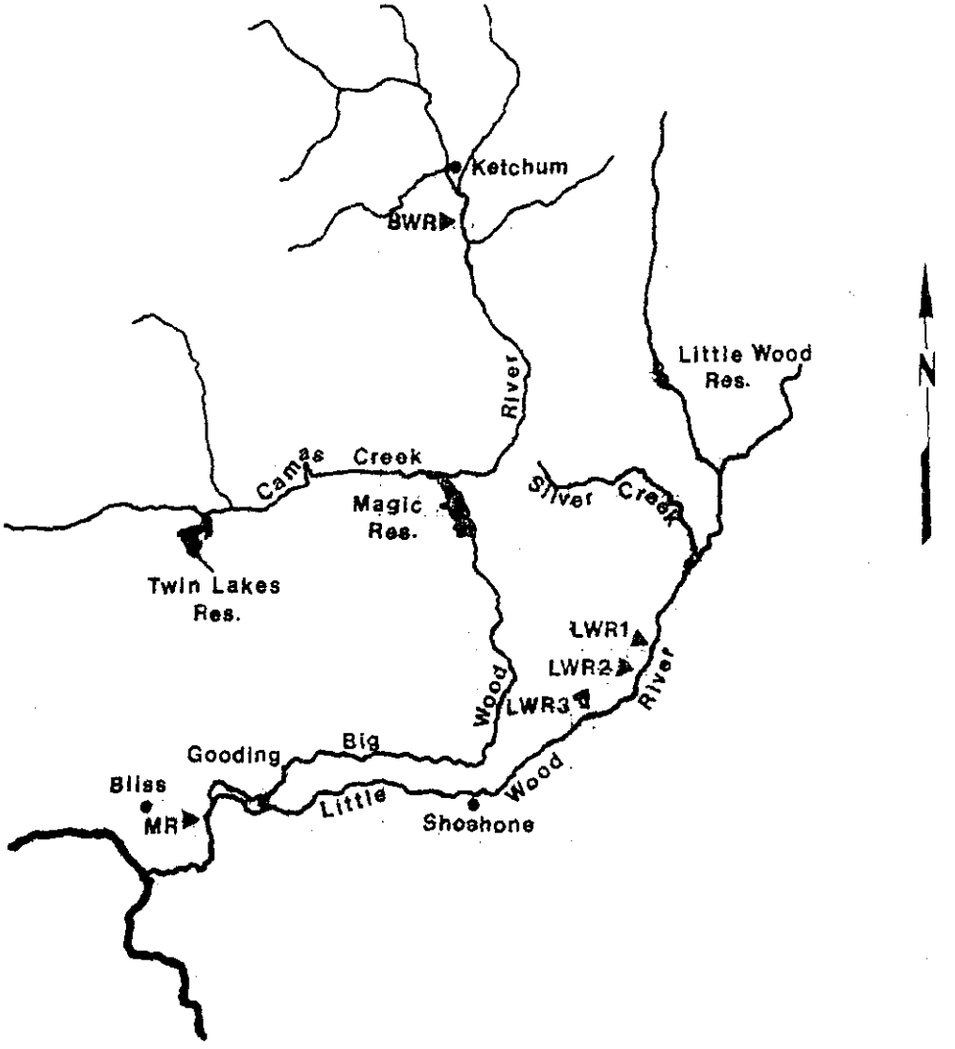
Tim Cochnauer
Senior Fishery Research Biologist

and

Edwin Buettner
Biological Aide

June, 1978

Figure 2. Locations of Malad River, Big Wood River and Little Wood River study sites.



Station BWR is located on representative food production habitat above the mouth of East Fork Big Wood River (Fig. 2). Stream resource maintenance flows are recommended for the stream section between the mouth of Warm Springs Creek to Bellevue diversion.

Game fish populations include rainbow trout, brook trout, brown trout, and mountain whitefish. A variety of waterfowl (mallard ducks and Canada geese) utilize the big Wood River drainage. Furbearing species include beaver, mink and muskrat.

Stream resource maintenance flows, based on fish food habitat are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Min. cu m/s	2.0	2.0	2.0	2.0	2.0	2.0
Min. cfs	70	70	70	70	70	70
	July	Aug.	Sept.	Oct.	Nov.	Dec.
Min. cu m/s	2.0	2.0	2.0	2.0	2.0	2.0
Min. cfs	70	70	70	70	70	70

Malad River

Malad River is formed by the confluence of Big Wood River and Little Wood River 8 km (5 mi) west of Gooding, Idaho. It then flows approximately 18 km (11 mi) to its confluence with Snake River near Hagerman (Fig. 2). Station MR is located on representative fish food production habitat 400 m (437 yd) below Highway 20 bridge, southwest of Gooding (Fig. 2).

Game fish populations include rainbow trout and smallmouth bass.

Stream resource maintenance flows, based on food production habitat, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Min. cu m/s	1.7	1.7	1.7	1.7	1.7	1.7
Min. cfs	60	60	60	60	60	60
	July	Aug.	Sept.	Oct.	Nov.	Dec.
Min. cu m/s	1.7	1.7	1.7	1.7	1.7	1.7
Min. cfs	60	60	60	60	60	60

Lemhi River

Lemhi River originates in the Salmon National Forest west of Leadore and flows 97 km (60 mi) northwest into the Salmon River near Salmon (Fig. 3). Lemhi River tributaries receive runoff water from the Lemhi and Beaverhead mountain ranges.

Stream resource maintenance flows are recommended for stream sections from Leadore to Big Springs Creek and from Tendoy to the mouth. Station LBC is located above the mouth of Big Springs Creek and Station LR is located

IDAHO WATER RESOURCE BOARD

STATEHOUSE, BOISE, ID 83720

Source: BIG WOOD RIVER tributary to SNAKE RIVER

Date Filed: 06/19/1981

Amount: 70.00 CFS

Diversion Point: SWNW Sec 36 T 02N R 18E SENW Sec 13 T 4N R 13E
BLAINE Co.

Use: MINIMUM INSTREAM FLOW (70.00 CFS) from 01/01 to 12/31

Place of Use: SWNW Sec 36 T 02N R 18E

Diversion Means: NONE

Moore Business Forms, Inc. Pord f

List of Exhibits

		Admitted
IDFG		
# 14 -	Resumé of Tim ~~Eta~~ Cochnauer	✓
# 16 -	Rearing flow curve for Big Wood R.	✓
# 1	Photo on Big Wood R.	✓
2	Photo of Whitefish	✓
3	Photo on Big Wood R	✓
4	Photo on Big Wood R	✓
5	Photo of Wild Rainbow Trout	✓
6	Photo of Adult Wild Rainbow Trout	✓
7	Photo of wild juvenile trout	✓
8	Photo of Wood River Sculpin	✓
9	IDFG Goals, obj, Policies 1975 - 1990	✓ Vol / Select Ppg.
10	IDFG Fishes of Id select Ppg.	✓
11	Current Angler Use estimates	✓
12	Summary of electrofishing	✓
13	Statement by Bob Bell	✓
Numbering	error — no ~~Exhibit~~ 15	

IDWR		
#1	Schematic of Min Flow reach	✓
#2	Flow Duration Curve	✓
#3	Stream Flow info	✓
#4	Lower Reach	✓

List of Exhibits, Cont.

Blaine Co. Exhibit

# 1	Position Letter
2	Land Used for Rec Purposes
3	Income, etc. in Blaine Co.
4	Letter from Bill Short
5	Letter from the Nature Conservancy
6	Letter from Silver Creek outfitters
7	Letter from Bruce Livm
8	Article from
9	Article in Wood River Journal
10	Socio- economic comments on hydroelectric project
# 11	Copy of Petition re: the Divine Project

EXHIBIT NO. 1



Looking upstream on the Big Wood River at a point approximately 700 yards below the Ketchum sewage treatment plant. Gravel riffle areas such as those in the above photo are used for salmonid spawning. Photo taken by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 2



Juvenile whitefish and adult wild rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985, by electrofishing approximately 65 feet of shoreline of the Big Wood River shown in Exhibit No. 1. Totals of 53 whitefish, four wild rainbow and numerous Wood River sculpin were obtained. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 3



Looking downstream on the Big Wood River near Hailey a short distance below the Bullion Street bridge. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 4



Looking upstream on the Big Wood River approximately 0.5 miles downstream from the mouth of the East Fork of the Big Wood River. Area is just above the Highway 75 bridge at milepost 122.19. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 5



Wild rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing approximately 30 feet of shoreline just above the Highway 75 bridge at milepost 122.19. Totals of 34 wild rainbow trout, one brook trout and numerous Wood River sculpin were obtained. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 6



Adult wild rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing just above the Highway 75 bridge at milepost 122.19. Photo taken by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 7



Wild juvenile rainbow trout obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing just above the Highway 75 bridge at milepost 122.19. Photo taken on November 5, 1985 by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 8



Wood River sculpin obtained by Idaho Department of Fish and Game personnel on November 5, 1985 by electrofishing just along the Highway 75 bridge at milepost 122.19. This species of fish is listed by the Idaho Department of Fish and Game as a species of special concern. Photo taken by Robert J. Bell, Regional Fishery Manager, Idaho Department of Fish and Game.

EXHIBIT NO. 9

A PLAN FOR THE FUTURE MANAGEMENT OF IDAHO'S FISH AND WILDLIFE RESOURCES

VOLUME I

GOALS, OBJECTIVES AND POLICIES 1975 — 1990

IDAHO DEPARTMENT OF FISH AND GAME

BOISE, IDAHO

SPECIES OF SPECIAL CONCERN

Species of special concern are those whose restricted range, specific habitat requirements and/or low population numbers make them vulnerable to elimination from the State if adverse impacts on habitat or populations occur. A total of 15 fish species or races and 2 amphibian species in Idaho are classified as meriting special concern at this time. Additional species or races may be included in this classification or other revisions made as further knowledge becomes available.

This classification will be developed as a basis for preparing, in conjunction with other state and federal wildlife agencies, a state list of endangered and threatened species.

FISH

SALMON AND STEELHEAD

Runs of all species and races of salmon and summer steelhead in Idaho are currently at a low level. There is concern that if these runs remain at this level for many more years, reproductive capability could be lost and the runs eliminated from the State.

Adverse fish passage conditions at dams and reservoirs in the lower Columbia and Snake rivers is the primary cause of presently reduced salmon and steelhead runs into Idaho. Means are now available to improve passage conditions and replace remaining losses. The question of maintaining salmon and steelhead runs into Idaho revolves around the timeliness with which these corrective and mitigative measures are implemented.

Of particular concern are summer chinook populations which are at very low levels throughout their range. There are also three species of salmon in the State which have limited distribution and could be eliminated by local adverse effects on populations or habitat. Sockeye salmon are found only in Redfish Lake in central Idaho. Status is not definitely known and may be approaching elimination. Fall chinook and coho are limited to the main Snake River below Hells Canyon Dam. Fall chinook numbers are dangerously low and only a remnant coho population is present.

RECOMMENDATIONS

Implementation of available measures to improve fish passage for salmon and steelhead and to replace losses should commence at once. Special emphasis should be given to maintaining, protecting and enhancing habitat supporting anadromous fish in Idaho.

RED-BANDED TROUT

This unique fish has just recently been discovered in some desert streams of southwestern Idaho. Taxonomic classification has not been finalized as yet but it appears to be related to the California golden trout. Its restricted distribution and vulnerability of its desert stream habitat make it susceptible to elimination from state waters.

RECOMMENDATIONS

Work with land and water management agencies or other interests which control or can affect red-banded trout habitat to preserve this habitat. Protect populations from overharvest, as necessary.

WHITE STURGEON

Adverse impacts from impoundment, water diversion and regulation on the relatively restricted remaining sturgeon habitat in the Snake and Kootenai rivers could result in elimination of this species from the State.

RECOMMENDATION

Water planning and programs should give full consideration to maintain existing sturgeon habitat.

SCULPINS

There are two endemic species of sculpins in Idaho — the Wood River sculpin which is present in the Big Wood River and the Shoshone sculpin which is found in Riley and Billingsly creeks in the Hagerman Valley. The Bear Lake sculpin is present in both Idaho and Utah but is found only in Bear Lake. The restricted ranges of these sculpin makes them vulnerable to extinction if there should be adverse impacts on populations or habitat.

RECOMMENDATION

Habitat should be protected to insure the survival of these species.

FINE-SPOTTED CUTTHROAT TROUT

The range for this race of Snake River cutthroat is confined to its native waters of the South Fork Snake River drainage and Blackfoot Reservoir into which it has been introduced. Hybridization with other Snake River cutthroat races and deteriorating habitat could eliminate it from Idaho waters unless special measures are taken.

RECOMMENDATIONS

Remaining fine-spotted cutthroat trout habitat should be protected and enhanced where possible. Certain waters should be set aside and managed to preserve racial characteristics of this fish.

LING

The Kootenai River is the only Idaho water in which ling are found. This restricted distribution makes the ling vulnerable to elimination from the State if there should be adverse impacts on its limited habitat.

RECOMMENDATION

Ling habitat in the Kootenai River should be protected.

WHITEFISH

There are three endemic species of whitefish in Bear Lake — the Bear Lake whitefish, Bonneville whitefish and Bonneville cisco. Cisco are presently harvested by anglers and populations are stable. The restricted range of all three of these whitefish, however, makes them vulnerable to extinction if there should be adverse impacts on populations or their habitat.

RECOMMENDATIONS

In coordination with the Utah Fish and Game Department, populations should be protected, as necessary. Habitat in Bear Lake should be maintained to insure the survival of these species.

EXHIBIT NO. 10

FISHES OF IDAHO

by

JAMES C. SIMPSON

Chief of Fisheries (Ret.)
Idaho Department of Fish and Game

and

RICHARD L. WALLACE

Department of Biological Sciences
University of Idaho



A NORTHWEST NATURALIST BOOK
The University Press of Idaho
A Division of
The Idaho Research Foundation, Inc.
Moscow
1978

WOOD RIVER SCULPIN
Cottus leiopomus



Body cottoid in shape; lateral line incomplete; prickles absent. Head moderately large, broad, and oval in shape; preopercular spines absent; palatine teeth absent or poorly developed. Dorsal fin with 7 spines and 18 or 19 rays; pelvic fins with 1 spine and 4 rays; anal fin with 12 or 13 rays. Color grayish olive and mottled with dark brown or black.

The Wood River sculpin was first collected in 1893 from Little Wood River near Shoshone, Idaho. It has since been collected from Big Wood River and tributaries.

Little is known of its life history, but is assumed that it is similar to that of other sculpins.

Early natives of the Wood River basin used it for bait when fishing for trout.

This sculpin also faces an uncertain future. It is endemic to the Wood River system. Because of its restricted distribution, the species will be placed in the "special concern" category. Continued land development, water diversion, and poor land management practices, with the resulting degradation of the aquatic habitat and water quality, seem to be the immediate threat to this species. Management agencies should be aware of the potential problems and act accordingly to protect this Idaho endemic.

Wood River Sculpin

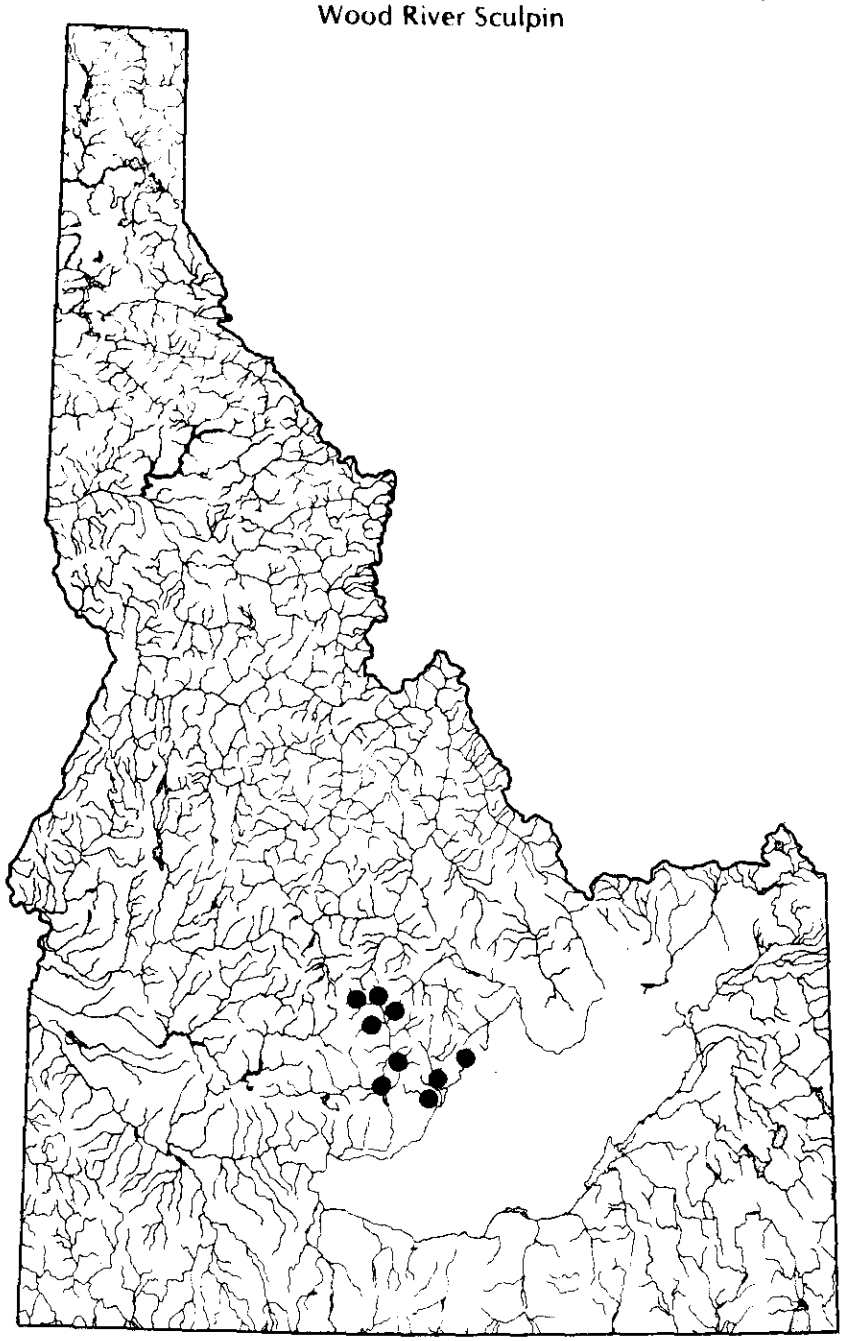


EXHIBIT NO. 11

DEPARTMENT OF FISH AND GAME ROUGH
CURRENT ANGLER USE ESTIMATES
ON THE BIG WOOD RIVER
BETWEEN THE BELLEVUE DIVERSION AND THE MOUTH OF WARM SPRINGS CREEK

Month	Estimated Current Average Angler Use	Total Estimated Angler Days
January	4/day	124
February	4/day	112
March	4/day	124
May	50/day (from opening day to end of month)	200
June	55/day	1,650
July	100/day	3,100
August	100/day	3,100
September	60/day	1,800
October	25/day	775
November	10/day	300
December	4/day	124
		11,285

* Season closed from April until opening day in late May to protect spawning Rainbow trout

The net value per day of fishing in streams in Idaho (updated with the consumer price index) comparable to this section of the Big Wood River amounted to approximately $38.47 in July of 1985. Applying this figure, the annual estimated economic value of the fishery on this portion of the Big Wood River would be approximately $433,133 ($38.47 x 11,285).

It should be noted these associated fishing costs are primarily for expenses involved with transportation to and staying in the fishing area (gas, meals, motel, etc.). Durable costs for permanent items such as fishing or camping gear are not included.

Extremely high runoff years, such as 1983, greatly lower angler use from opening day until after the high flow periods subside. The estimated figures above are for a relatively normal year.

EXHIBIT NO. 12

SUMMARY OF ELECTROFISHING DONE BY
IDAHO DEPARTMENT OF FISH AND GAME PERSONNEL
ON THE BIG WOOD RIVER WITHIN THE REQUESTED INSTREAM FLOW SECTION
BETWEEN MARCH 23, 1971 AND NOVEMBER 5, 1985

Date	Location of electrofishing	Approx. length of stream sect. electrofished	Brook Trout	Whitefish	Wild Rainbow Trout	Total length Ranges Whitefish	Total length Ranges Rainbow	Idaho Department of Fish and Game personnel doing electrofishing
3-23-71	Just above Bellevue Bridge	200 ft. immediately along one shoreline		3				
3-23-71	100 yds above Bellevue Bridge	125 ft. immediately along one shoreline		4	1			
3-23-71	250 yds. above Bellevue Bridge	250 ft. immediately along one shoreline		12	4			
11-5-85*	700 yds. below Ketchum sewage treatment plant H_2O Temp. = 42°F.	65 ft. immediately along one shoreline		53	4	4-5.5"	2.6-10"	Bob Bell, Scott Grunder, Robert Olson
11-5-85*	Approx. 0.5 miles below mouth of E. Fork of Big Wood River H_2O Temp. = 43°F.	30 ft. immediately along one shoreline	1		34		2.2-10.9"	Bob Bell, Scott Grunder, Robert Olson
Totals		670 feet	1	72	43			

* Denotes sites where numerous Wood River Sculpin were captured.

EXHIBIT NO. 12

SUMMARY OF ELECTROFISHING DONE BY
IDAHO DEPARTMENT OF FISH AND GAME PERSONNEL
ON THE BIG WOOD RIVER WITHIN THE REQUESTED INSTREAM FLOW SECTION
BETWEEN MARCH 23, 1971 AND NOVEMBER 5, 1985

Date	Location of electrofishing	Approx. length of stream sect. electrofished	Brook Trout	Whitefish	Wild Rainbow Trout	Total length Ranges Whitefish	Rainbow	Idaho Department of Fish and Game personnel doing electrofishing
3-23-71	Just above Bellevue Bridge	200 ft. immediately along one shoreline		3				
3-23-71	100 yds above Bellevue Bridge	125 ft. immediately along one shoreline		4	1			
3-23-71	250 yds. above Bellevue Bridge	250 ft. immediately along one shoreline		12	4			
11-5-85*	700 yds. below Ketchum sewage treatment plant H_2O Temp. = 42°F.	65 ft. immediately along one shoreline		53	4	4-5.5"	2.6-10"	Bob Bell, Scott Grunder, Robert Olson
11-5-85*	Approx. 0.5 miles below mouth of E. Fork of Big Wood River H_2O Temp. = 43°F.	30 ft. immediately along one shoreline	1		34		2.2-10.9"	Bob Bell, Scott Grunder, Robert Olson
Totals		670 feet	1	72	43			

* Denotes sites where numerous Wood River Sculpin were captured.

Region 4
868 E. Main, P.O. Box 428
Jerome, Idaho 83338
Telephone: (208) 324-4350

STATEMENT OF ROBERT J. BELL, REGIONAL FISHERY MANAGER

Idaho Department of Fish and Game,

Instream Water Right Application for the Big Wood River

To: Idaho Water Resource Board

Date: November 13, 1985
Hailey, ID

The Big Wood River is one of the most popular angling waters in the Magic Valley area. It is among the top five waters in Region 4 of the Department of Fish and Game in total estimated angler use and is utilized by large numbers of resident and non-resident anglers.

High quality spawning and rearing habitat is provided in the section of the Big Wood River involved in this instream flow application. Portions of the river section have undergone extensive channel alterations--mainly since 1965--but a considerable amount of high-quality fisheries and wildlife habitat still remains.

Excellent populations of rainbow trout, good populations of brook trout and some brown trout are present within the stream section. A creel census I conducted in 1968 indicated approximately 91 percent of the trout caught were rainbow of which approximately 28 percent were wild and about 63 percent hatchery catchables. Catchable trout stockings have been decreased since 1968 and the percentage of wild rainbow in the creel is currently higher. Brook trout made up about nine percent of the catch during the 1968 study. Good whitefish populations are present in this section of the Big Wood River and are caught mainly during the winter months. Brown trout were not present in the stream in 1968, but have since become well-established and are steadily increasing in numbers.

This portion of the Big Wood River is now open to angling in all months except April and most of May, when it is closed to protect spawning rainbow trout. No other special regulations are in effect and the stream section is utilized by all types of anglers--fly, bait and lure.

Wild trout populations in the river reach are supplemented by annual stockings of approximately 15,000 catchable rainbow (3,000 pounds) from the Hayspur State Fish Hatchery. These stockings are adjusted for stream runoff conditions but are normally made from about mid-May throughout most of the summer.

The Wood River sculpin -- one of the two endemic species of sculpin in Idaho -- is found in this section of the Big Wood River (Exhibit 8). This species is listed in Volume I of the Idaho Department of Fish and Game's Goals, Objectives and Policies, 1975-1990 (Exhibit 9) and in Fishes of Idaho (Exhibit 10) as a

Exhibit 13

species of special concern. The Department of Fish and Game's plan states "The restricted ranges of these sculpin makes them vulnerable to extinction if there should be adverse impacts on populations or habitat" and further states "Habitat should be protected to insure the survival of these species."

Current rough angler use estimates made by Department of Fish and Game personnel for this section of the Big Wood River (Exhibit 11) indicates the area receives an estimated 11,285 angler days of use annually and the estimated economic value of the resource would be approximately $433,000.

The Department of Fish and Game feels the requested minimum instream flow of 70 cfs is the absolute minimum flow necessary to protect fisheries and wildlife habitat in the stream section involved. The Department also feels the fisheries and wildlife resources would be much more adequately protected under the optimum instream flow of 150 cfs.

Tim Cochnauer
Principal Fishery Research Biologist
Idaho Department of Fish and Game
Lewiston, Idaho 83501

Education:

Bachelor of Science, University of Oklahoma, Norman, Oklahoma
Master of Scence, University of Oklahoma, Norman, Oklahoma
Doctorate Fishery Resources, University of Idaho, Moscow, Idaho

Instream Flow Experience

Idaho Department of Fish and Game: Project Leader, Instream Flow Investigations, 1974-79. Identified flow needs for fish and wildlife resources on approximately 100 streams or stream reaches in Idaho.

Idaho Department of Fish and Game: Project Supervisor, U.S. Bureau of Land Management Instream Flow Investigations. 1979-83. A four year study to determine instream flow needs on 60 streams located on BLM lands throughout Idaho.

Intragovernmental Personnel Assignment to U.S. Fish and Wildlife Cooperative Instream Flow Group, 1977. Assisted in development of new methodologies for determining instream needs for fish and wildlife.

Exhibit 14

Conferences, Workshops, and Seminar Participation:

American Fisheries Society Instream Flow Needs Conference, 1976, Boise, ID

Pacific Fishery Biologists Instream Flow Session, 1976, Ocean Shores, WA

U.S. Fish and Wildlife Service Instream Flow State-of-the-Art Workshop 1975, Logan, UT

Idaho Water Resource Research Institute Instream Flow Seminar, 1978, Moscow, ID

U.S. Fish and Wildlife Service Instream Flow Conference, 1977, Boise, ID

U.S. Fish and Wildlife Service Instream Flow Computer Programs Workshop, 1977, Salt Lake City, UT

U.S. Fish and Wildlife Service Water Law Short Course, 1977, Fort Collins, CO

American Fisheries Society, Nevada Chapter, Instream Flow Seminar, 1977, Las Vegas, NV

Idaho Department of Fish and Game Instream Flow Training Workshop, 1981, Lewiston, ID

U.S. Fish and Wildlife Service Instream Flow Strategies and Applications Workshop, 1982, Portland, OR

U.S. Fish and Wildlife Service Instream Flow Group Training Session on Use of the Computer Based Physical Habitat Simulation System, 1984, Fort Collins, Co

U.S. Fish and Wildlife Service Training Workshop on Habitat Evaluation Procedures, 1985, Boise, ID

Publications and Articles

Bovee, K.D. and T. Cochnauer. 1977. Development and evaluation of weighted criteria, probability of use curves for instream flow assessments; fisheries. Instream Flow Information Paper No. 3. Cooperative Instream Flow Service Group, U.S. Fish and Wildlife Service. Fort Collins, CO.

Cochnauer, T. 1976. Idaho Department of Fish and Game instream flow program status. In: Instream Flow Needs and Competing Uses for Water. Proceedings of a Joint Water Resources Seminar of the University of Idaho and Washington State University.

_____. 1976. Stream resource maintenance flow studies, 1976. Job Performance Report. Idaho Department of Fish and Game.

_____. 1976. Instream flow techniques for large rivers. Instream Flow Needs, Vol. II, American Fisheries Society, 1976.

_____. 1977. Snake River stream resource maintenance flow studies, 1975-76. A report with recommendations to the U.S. Bureau of Reclamation, Boise Office. Idaho Department of Fish and Game.

_____. 1977. Stream resource maintenance flow studies, 1977. Job Performance Report. Idaho Department of Fish and Game.

_____. 1977. Stream resource maintenance flow determinations for Box Canyon Springs. Idaho Department of Fish and Game.

_____. 1977. Snake River (American Falls Dam to Lake Walcott) stream flow study, 29 October - 10 November 1977. Idaho Department of Fish and Game.

_____. 1980. Stream flow investigations. Job Completion Report. Idaho Department of Fish and Game.

_____ and E. Buettner. 1978. Stream flow investigations--stream resource maintenance flow determinations on Idaho streams. Job Performance Report, Project F-69-R-3, Job No. II. Idaho Department of Fish and Game.

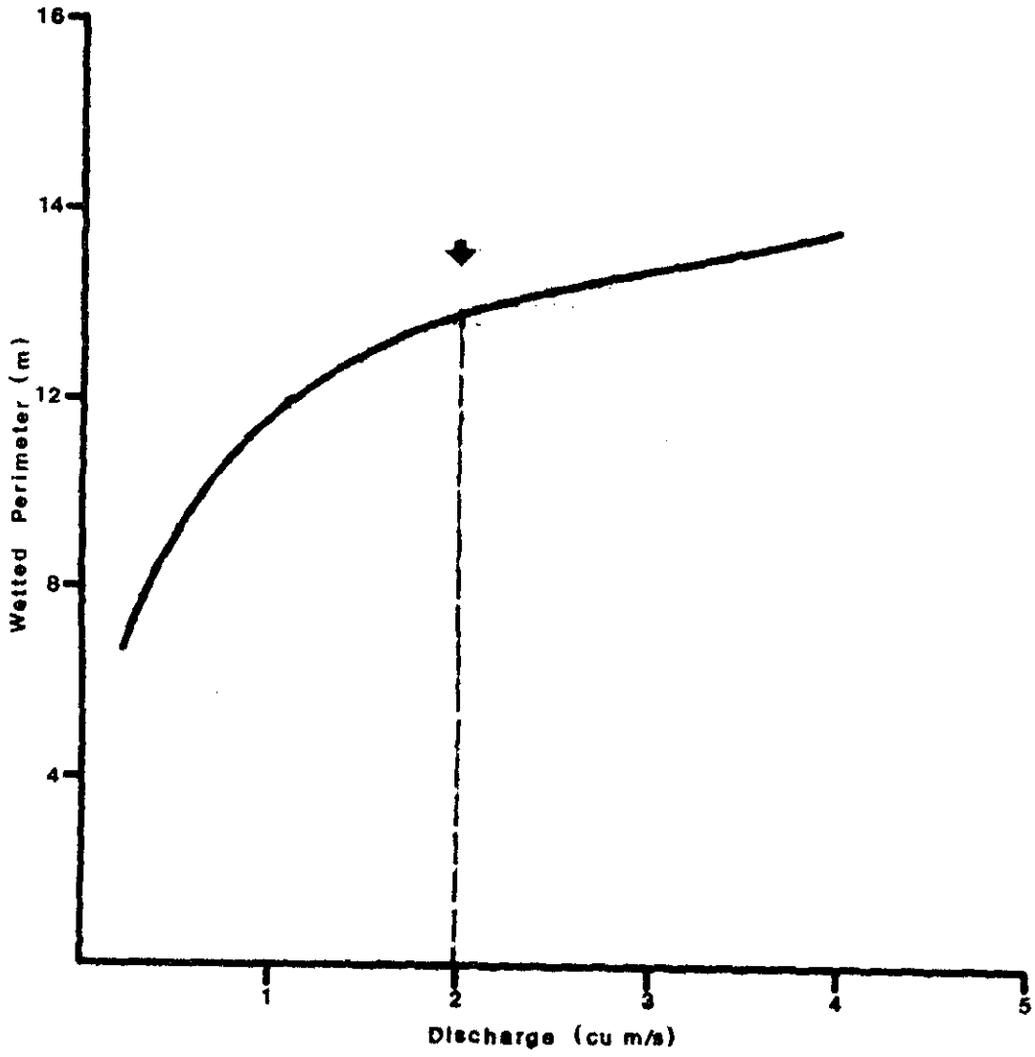
_____ and W.D. Horton. 1981. A reference workbook for determining instream flow needs in Idaho. Idaho Department of Fish and Game.

_____ and N.R. Hoyt. 1979. Stream flow investigations--stream resource maintenance flow determinations on Idaho streams. Job Performance Report, Project F-73-R-1. Idaho Department of Fish and Game.

Cochnauer, T. and L.B. Mabbott. 1981. Instream flow study, Bureau of Land Management. Annual Report, April 1981. Idaho Department of Fish and Game.

_____ and R.G. White. 1975. Stream resource maintenance flow studies, 1975. A Cooperative Study; Idaho Department of Water Resources, Idaho Department of Fish and Game and Idaho Cooperative Fishery Research Unit.

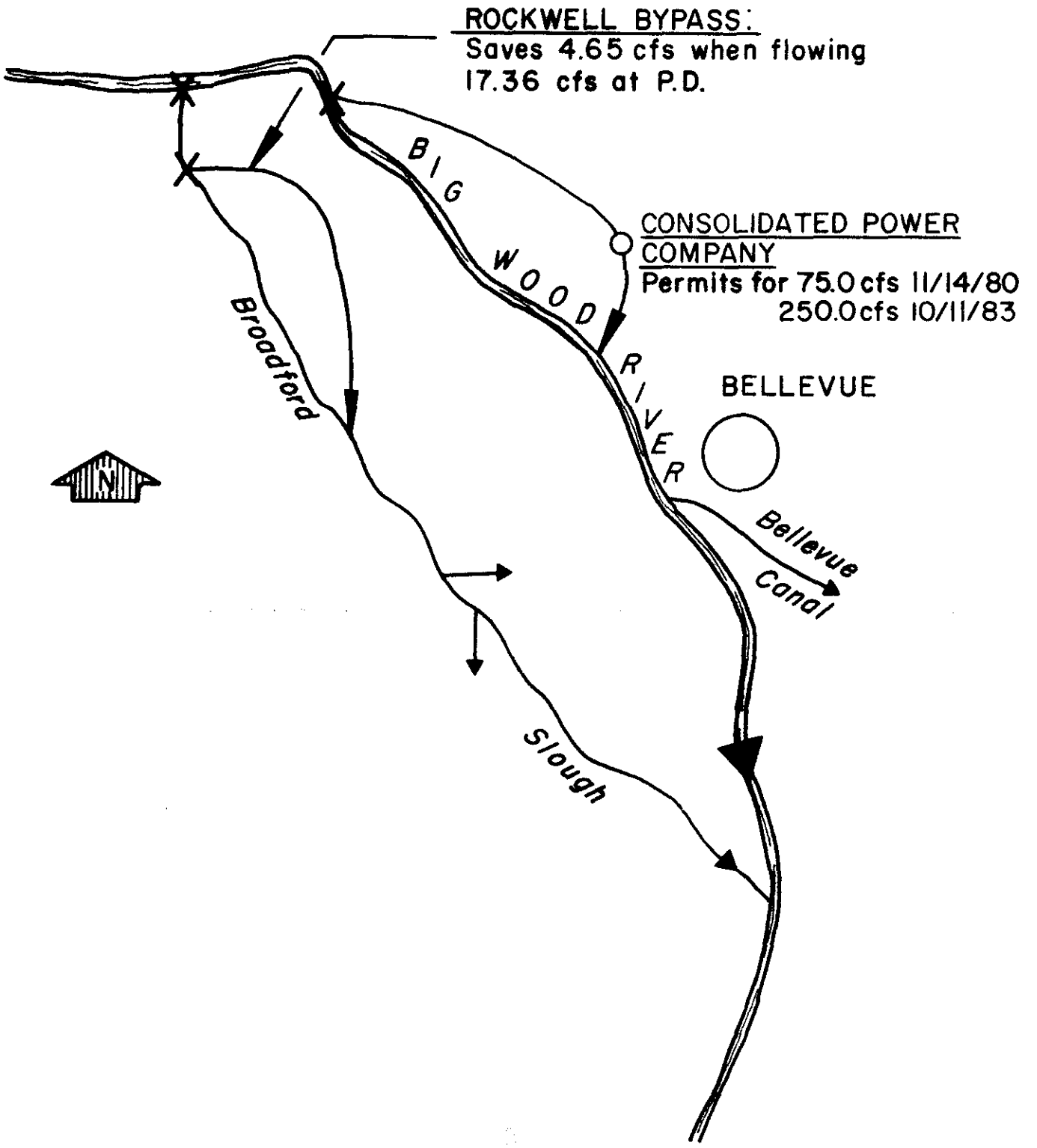
Horton, W.D. and T. Cochnauer. 1979. Instream flow methodology evaluation, biological criteria determination, and water quality needs for selected Idaho streams. Stream Evaluation Project, Western Water Allocation Project, Contract No. 14-16-0001-77090. U.S. Fish and Wildlife Service.



Fish and Game Exhibit 16. Rearing flow curve for Big Wood River above mouth of East Fork Big Wood River.

Source: Cochnauer, T. and E. Buettner. 1978.

Stream Flow Investigations-Stream Resource Maintenance Flow Determinations on Idaho Streams. Idaho Department of Fish and Game.



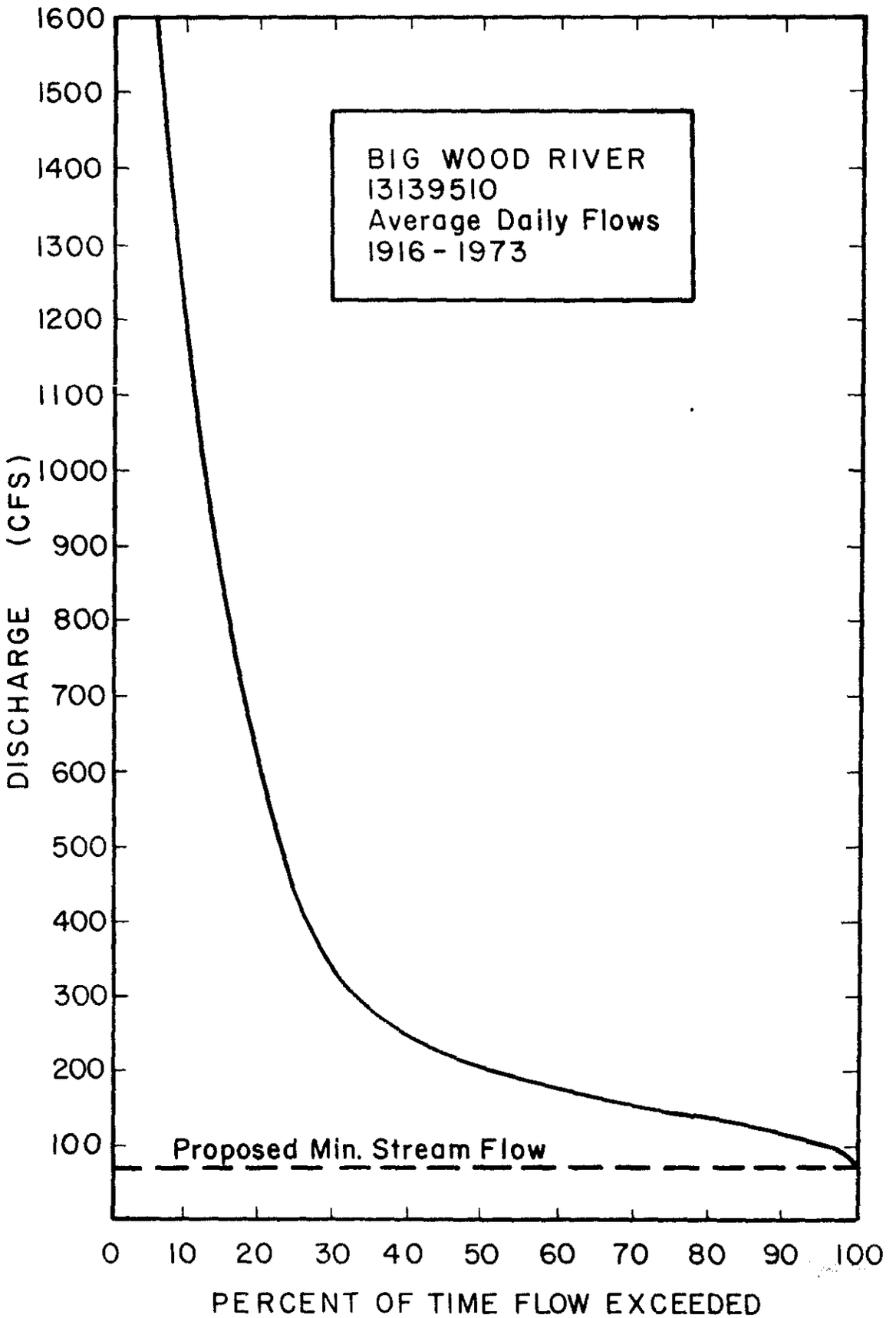
IDWR STAFF EXHIBIT # 4

STREAM FLOW INFORMATION

BIG WOOD RIVER FROM KETCHUM TO BELLEVUE

- Discharge primarily provided by snowmelt.
- Months of April through July yield 70% of annual runoff.
- Low flows generally in the December thru February period.
- Flow duration curve developed at M.D. near Hailey using 1916-1973 data shows that 70 cfs is exceeded 99% of the time.
- Flows at upstream end of the reach are not well defined.

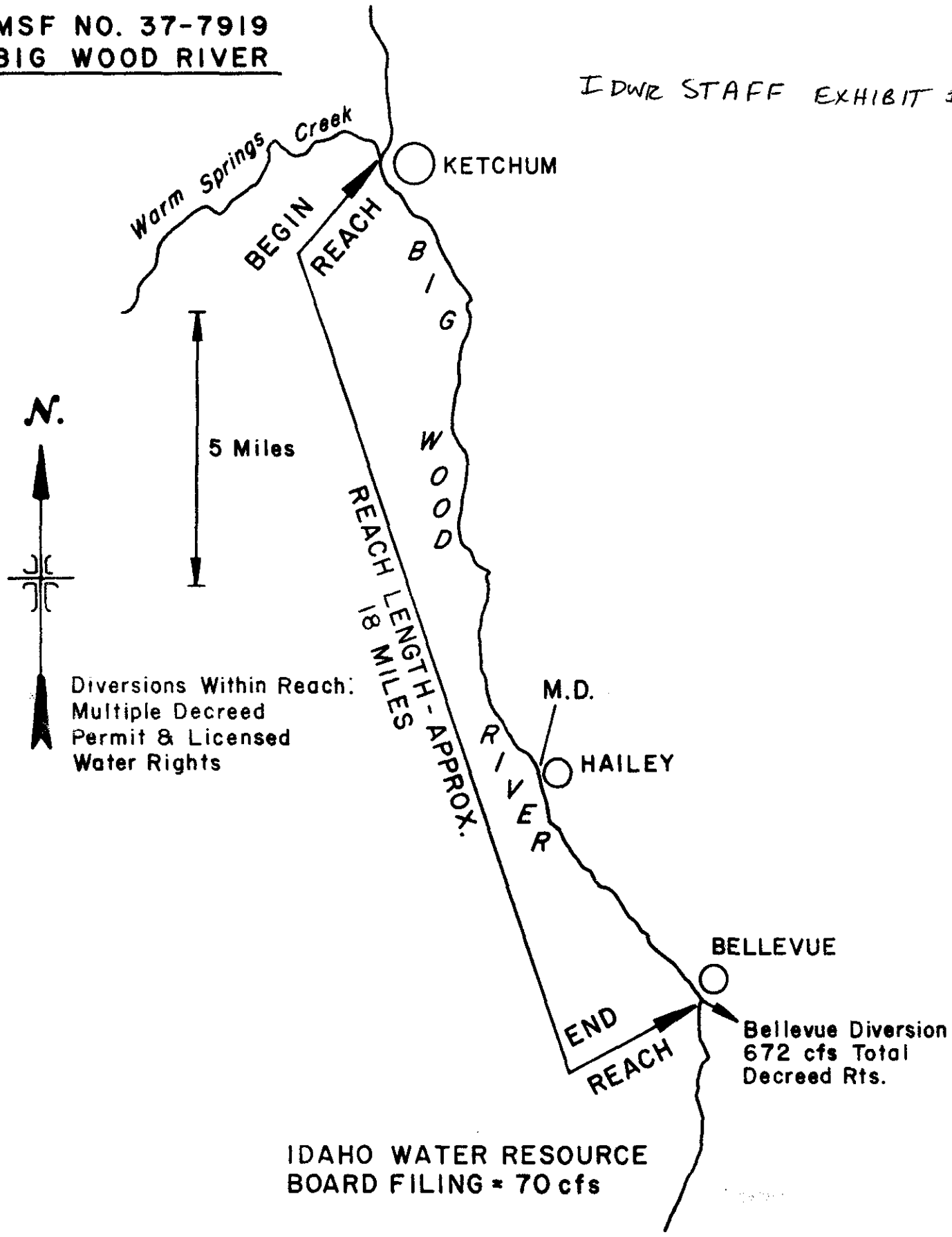
IDWR STAFF EXHIBIT # 3



IDWR STAFF EXHIBIT #2

MSF NO. 37-7919
BIG WOOD RIVER

IDWR STAFF EXHIBIT # 1



IDAHO WATER RESOURCE
BOARD FILING = 70 cfs

Blaine Co Exhibit #1

Blaine County Planning & Zoning Commission

Box 149, Hailey, Idaho 83333
(208) 788-4665

DATE: November 1, 1985

TO: Department of Water Resource Board

FROM: Ed Nigbor
Blaine County Planning Director

RE: MINIMUM STREAM FLOW HEARING
NOVEMBER 13, 1985

I am here to speak as the representative of the Blaine County Board of County Commissioners. This application for a minimum stream flow of 70 c.f.s. has been discussed with a number of state government officials.

Blaine County's officials and citizens are very concerned with the protection and preservation of the Big Wood River. This public interest includes its value as a recreation resource for locals and tourists alike, its fish and game habitat, the maintenance of water quality, its aesthetic qualities, and finally, for the economic base it helps to create.

We realize that we must work within the confines of the law, and that the Board's application follows the prescribed course. Therefore, we request that you work towards approval of this minimum stream flow of 70 c.f.s. This can be the foundation for protection of the Big Wood River.

From my comments and those of others that you will hear this afternoon, you will conclude that Blaine County feels strongly that 70 c.f.s. is not adequate for protecting the different facets of public interest. Therefore, I am here, in part, to ask of the Board and Administrators what we can do to increase minimum stream flows. One way, I have been told, is for the Blaine County Commissioners to request the Board to approve an additional minimum stream flow. What is the procedure to accomplish this? How must we establish the actual minimum stream flow? If this is not possible, then what other alternatives are there?

Ed Nigbor

Blaine County Exhibit #4
Rcvd
6-1-85

(5)

LKHORN
RESORT
of Sun Valley

May 29, 1985

Ed Nigbor
P.O. Box 2189
Hailey, ID 83333

Good morning Ed,

Sorry for taking so long in getting this note off to you with regard to our recent conversation. I am writing this letter to you as a major hotel and tourist entity in the Wood River Valley. I cannot express how important we perceive the need to be for the Wood River Valley water resources to be protected ecology-wise and scenic-wise. There are untold visitors that come to our area for the specific purposes of a) fishing, b) photography, c) scenic value and d) just to sit by a stream.

If these natural resources are not protected, there is no doubt in my mind that serious financial implications would arise in the areas of a) collection of taxes via tourism, b) Wood River Valley merchants having lower daily and yearly revenues due to lack of tourists and c) potential Wood River Valley property tax decrease based upon lifestyle change.

We perceive this to be a year round responsibility in that people come to the Wood River Valley at all different times of the year for a variety of reasons; the waterways are truly a major part of our overall guest experience, and this includes homeowners.

Thank you for your call of a few days ago.

Sincerely,

Bill Short,
General Manager

WHS:pb

P.O. Box 1067
Sun Valley, Idaho 83353
(208) 622-4511

Blaine County
Exhibit #7

BRUCE LIUM, Ph.D.
CONSULTANT
RIVER ECOLOGY & MANAGEMENT

P.O. BOX 2679
KETCHUM, IDAHO 83340

208-726-4834
or
622-5262

June 4, 1985

(13)

Ed Nigbor
Blaine County Planning & Zoning
Box 149
Hailey, ID 83333

Dear Ed:

At your request I'm writing concerning the June hearing for the hydro power plant. It is my understanding that if this project were allowed, the Big Wood River from the vicinity of the Star Bridge to the Glendale Bridge would experience a basic flow of 75 c.f.s. while the plant is in operation.

Unnatural sustained low flow conditions in a river reach can potentially affect the ecological balance in a variety of ways. The subtle affects could be vast, but for purposes of this letter I will relate some of the most important ecological considerations.

In low flow periods the stream could experience higher temperatures which can cause shifts in the types of algae populations which in turn causes changes in aquatic insect populations and these changes can have an effect on sport fisheries.

Also, under low flow conditions, concentrations of chemical constituents can be at their highest levels. Over a prolonged period the higher chemical concentrations can cause other kinds of shifts in the biological populations. Usually, as with higher temperatures, these shifts are undesirable.

If low flow conditions persist, the stream does not have a chance to cleanse itself of debris around the rocks where the flora and fauna live. High flows clean these niches so biological population can remain in a good diversity and natural proper balance.

If you need more detailed information, please let me know.

Sincerely,

Bruce

Dr. Bruce Lium

BWL:pm

rcvd 6/10/85

Blaine County
Exhibit # 6

(11)

SILVER CREEK
OUTFITTERS

June 7, 1985

Mr. Ed Nigbor
Planning Director
Blaine County Planning & Zoning Commission
Post Office Box 149
Hailey, Idaho 83333

Dear Mr. Nigbor:

In response to the proposed stream alteration permit submitted by Ted Devine, I would like to be recorded as being adamantly opposed. Mr. Devines proposal seams selfish in view of the overall community economic base. Tourism is the base industry that supports the Wood River Valley. Tourism is presently the third largest industry within the State of Idaho.

* The summer tourist trade has become a very significant part of our local economy. Of the variety of activities available to our guests in the summer and fall season's, fishing is the number one draw.

The Wood River is an excellent fishing stream which dissects the valley offering easy access and a quality angling experience. The quality must be preserved to ensure economic survivaliam of the community.

The quality of all recreation within Idaho is a precious asset we must protect. The more protective we are of our environment, the higher the quality will evolve. As other areas fall prey to special interests of developers, Idaho by contrast, can become nothing but better; provided we guard against unnecessary development such as Mr. Devines.

Your help in denying the permit is greatly needed and appreciated.

Sincerely,

Terry W. Ring

TWR:nge

Ship: 507 North Main Street • Ketchum, Idaho 83340
Mail: Box 418 • Sun Valley, Idaho 83353 • 208-726-5282/8348

Blaine County Exhibit # 5 rcvd 6/11/85

23

The Nature Conservancy

Silver Creek Preserve
Post Office Box 624, Picabo, Idaho 83348
(208) 788-4683

June 10, 1985

Blaine County
Board of Commissioners
Hailey, Idaho 83333

Dear Sirs,

I am writing you regarding the difficult decision which you are faced with over the proposed hydro power plant on the Big Wood River. The Nature Conservancy almost always refrains from commenting on issues which do not directly relate to matters on our own property. However, in this case, I have been asked to comment on one area of the issue where we are extremely qualified.

I know of no other organization, Fish and Game or otherwise, that has maintained accurate records pertaining to public demand for trout fishing in the area. 1985 marks our 6th consecutive year of record-keeping on Silver Creek. While the Wood River is not Silver Creek, I think it is safe to say that our records do, in fact, accurately reflect certain trends in the area. You would only have to check with local outfitters to verify this statement.

Between 1979 and 1984, our portion of Silver Creek has seen an increase of nearly 300% in public fishing use. The figures have continued to climb annually to the point where over 6,000 people per season fish on our Preserve. We will be faced with some difficult decisions ourselves should these trends continue at present levels.

I suggest that you seriously consider the demand and public benefits which relate to our area's free-flowing stream and rivers. While we may be talking about de-watering only 1 1/2 miles of the Wood, the ultimate decision should be based upon the interest of the public, the resource and the trends which we visualize for the years ahead.

I hope these few comments will assist you in arriving at your decision.

Sincerely,

Guy Bonnivier

Guy Bonnivier
Idaho Field Representative

GB/jaw

Western Regional Office
156 Second Street, 5th Floor, San Francisco, California 94105
(415) 777-0541

National Office
1800 North Kent Street, Arlington, Virginia 22209
(703) 841-5300

Blaine County Exhibit #2

LAND IN BLAINE COUNTY USED FOR RECREATIONAL PURPOSES

LAND USE AND OWNERSHIP

The federal government owns 1,297,336 of Blaine County's 1,695,360 acres of land area, comprising 76 percent of the total.[1] Another 4.6 percent, 79,533 acres is owned by the state.[2]

Of the county's 54,062 acres designated as cropland, 39,280 acres, 72 percent are presently irrigated. Pasture and rangelands occupy 312,858 acres and forests cover another 16,078 acres. The remainder of the county's land consists of 6,967 acres of urban area and 1,056 acres of streams and lakes.

Land used for all types of recreation accounts for 690,577 acres in Blaine County, including 10 acres of municipal, 3,417 acres of private, and 687,150 acres of federal land. The following acres and classes of lands are used for recreational purposes in Blaine County:[3]

10 acres Class I land – Municipal ownership
18 acres Class I land – Private ownership
1,476 acres Class II land – Federal ownership
21,213 acres Class II land – Private ownership
685,634 acres Class III land – Federal ownership
3,186 acres Class III land – Private ownership
40 acres Class VI land – Federal ownership

The Recreational Land Classification is defined as follows:

Class I Lands – High density use lands – games, bicycling, sports events, concerts, and swimming pools.
Class II Lands – General outdoor recreation – camping and picnicking.
Class III Lands – Natural environment areas – water sports, fishing and hunting.
Class IV Lands – Outstanding natural areas – sightseeing and nature study.
Class V Lands – Primitive areas – back country camping and sightseeing.
Class VI Lands – Historic and cultural areas – scenes of national and state history.

[1] Source: U.S. Soil Conservation Service, State Land Use Inventory, 1967.
[2] Source: Thirty-eighth Biennial Report, Leasing Status of State Lands by County, 1970.
[3] Source: Outdoor Recreation Plan Summary, Recreation Lands by County, 1970.

Blaine County Exhibit #3

CONSTRUCTION REPORTS BASED ON VALUE:

Ketchum -- 1985

June	=	$1,493,195
July	=	1,118,695
Aug	=	1,211,538
Sept	=	252,414

Sun Valley -- 1985

June	=	$471,000
July	=	961,500
Aug	=	68,700
Sept	=	357,500

Blaine County -- 1985

June	=	$ 771,300
July	=	1,179,100
Aug	=	565,280
Sept	=	762,000

Hailey -- 1985

June	=	$227,732
July	=	66,340
Aug	=	254,500
Sept	=	417,550

Total County and Cities

January through September:

$ 24,267,965
267 permits

REAL ESTATE SALES, YEAR-TO-DATE =

$ 23,963,923

VOLUME OF SALES IN BLAINE COUNTY:
(fiscal year ending 6-30-85)

Total Sales	$	200,143,786
Exempt Sales	-	77,660,253
Subject to Use Tax	+	1,071,165
NET TAXABLE SALES	=	123,554,699
TAXES GENERATED	=	5,068,345

1980 CENSUS:

County	= 9,825
Ketchum	= 2,197
Hailey	= 2,107
Bellevue	= 2,015
Sun Valley	= 550

SNRA -- NUMBER OF TOURISTS
(Cars with 3.5 persons/car)

June	=	51,000
July	=	63,000
Aug	=	62,000

FOREST SERVICE -- # OF TOURISTS
(Visitors to Ketchum office)

June	=	645
July	=	1,531
Aug	=	1,666
Sept	=	1,076

FISHING LICENSES ISSUED IN BLAINE COUNTY -- 1984:

Resident combo	2,490
Resident fishing	2,060
Senior combo	141
Junior combo	103
Junior fishing	131
Non-resident fishing . . .	1,004
Non-resident 7-day	3,763
Non-resident 1-day	5,284
TOTAL . . .	14,977

Blaine Co Exhibit #8

EDITORIALS

Vote Was for Change

As usual on election night, many Wood River Valley residents spent the evening analyzing the results. The winners celebrated. Supporters of some candidates indulged in numbers games, swearing that if only campaign organizers had played the odds another way, the results would have been different. Others concluded that what could go wrong did go wrong.

Probably the only conclusion to be drawn about the election is that voters the length of the valley cast ballots for change. In the Hailey and Ketchum races, three out of four incumbents were defeated.

Just what those changes will be remains to be seen. Both Hailey and Ketchum have been struggling for some direction over the past two years, with little success. Both communities have been beset by budget problems, and divisive development and economic issues. The newcomers to the city offices definitely have their work cut out for them in trying to forge some new, successful directions for the valley's two largest communities.

Voters and those who actively campaigned for particular candidates in the election also have their work cut out for them. In the two-month interim before the newly elected take office, it will be everyone's job to heal any wounds that may have resulted from the election.

This year saw some of the most hard-fought elections of the decade in Hailey and Ketchum. The local campaign organizations that were formed, the work they did, the intensity of the individual candidates was unparalleled. It's possible the races were the hottest since the valley's mining years.

The process was healthy. Strong feelings on issues were voiced, discussed, debated in every possible forum and medium. However, in the heat of the campaign it was probably inevitable that some words stung, some questions rankled and differences of opinion provoked polarization.

It's time now to leave election results behind and get on with unifying the valley, to promote hope in the future and cooperate with each other in pursuit of common goals.

The newly elected deserve congratulations. The defeated deserve our thanks for their efforts. The individuals who ran gave the democratic process a good name.

Ambulance Pay Should Comply With the Law

The county's new ambulance service director revealed last week that ambulance employees are being paid less than minimum wage for time spent on call. On-call time is not being considered part of the regular work week for ambulance personnel.

Apparently, this is continuing despite the recent ruling by the U.S. Supreme Court that required state and local governments to be subject to the Fair Labor Standards Act. The ruling became effective April 15. It outlawed the use of compensatory time off in lieu of overtime pay. Overtime pay is required to be one and a half times the normal rate of pay.

The new ambulance director has said that he will consult an attorney on the matter. Good. However, the Blaine County Commissioners are responsible to see to it that the ambulance service complies with the law. Otherwise, the county could be open to lawsuits for double the rate of pay.

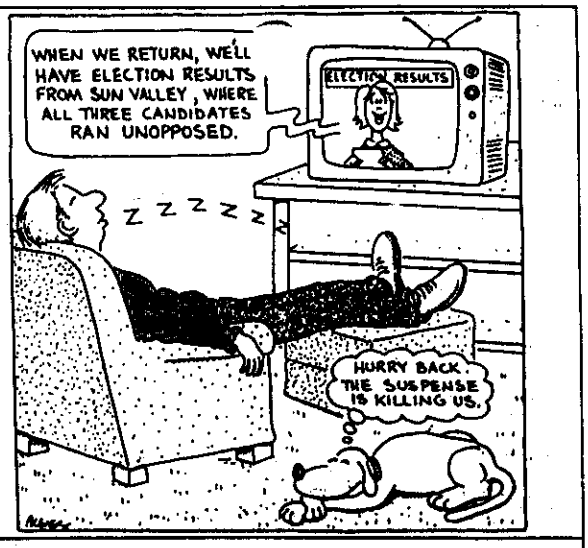
The commissioners should quit ignoring the problem. Otherwise, any penalties will have to be paid by—you guessed it—the poor taxpayer.

EXPRESS PUBLISHING, INC.
P.O. BOX 1013 KETCHUM, ID 83340
(208) 726-8069

Volume 12, Number 46, Nov. 7, 1985

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Rally One More Time for the Big Wood

Over the years, valley residents have been called upon over and over to rise up in support and defense of the Big Wood River. Apparently, a river is never really "saved." Disaster, it seems, is only held at bay until some entrepreneurial mind figures out a new way to "legally" use the valuable public resource for private enrichment.

Once again, the Big Wood River needs help to obtain a minimum stream flow. The flow would help ensure that the minimum amount of water necessary for stream life in the river is protected.

A minimum flow of 70 cubic feet per second was requested for the Big Wood in 1981. The request has been scheduled for hearing before the Idaho Department of Water Resources Nov. 13, 1:30 p.m., at the Blaine County Courthouse.

In essence, Idaho law allows a stream to be awarded a right to the water within its own banks if it is in the public interest. The Idaho law that allows the minimum flows to be awarded is a good law. It was the result of much public concern about threats to Idaho's rivers from power and irrigation development, trout farms and other commercial developments that require diversion of large quantities of water.

The public value of the waters of the Big Wood lies in their recreational uses. The river is one of the attractions essential to the area's tourist industry and to the spiritual well-being of its residents. It is easy to place a dollar value on recreation. It's harder to put a price tag on the latter because it's priceless.

A minimum flow of 70 cfs is really not large enough to adequately ensure the survival of the river's aquatic life. Where the river flows through a broad channel near Bellevue, 70 cfs wouldn't amount to much. However, a minimum flow of that amount would be a start. Although the IDWR is not legally empowered to approve an amount greater than the requested flow, those who testify in the river's favor would be wise to suggest that an additional minimum flow be requested.

It's impossible to forecast what the future threats to Big Wood water might be. However, projects like the micro-hydroelectric project proposed near Bellevue indicate that establishing a minimum stream flow for the Big Wood is necessary if its waters are not to disappear. The 1981 filing date for the minimum flow could help to protect the river from such ravages.

The river can't speak for itself, so residents must. The hearing time is inconvenient for many people, so those concerned may have to arrange for spokesmen to appear. Written testimony will also be accepted as part of the hearing record. Send letters to Department of Water Resources, State House, Boise 83720.

The river needs the recommendation of the IDWR for a minimum stream flow before the Idaho Legislature will give it its blessing.

Residents need to rally one more time for the Big Wood.

ON THE COVER

Sun Valley Company has cranked up its snowmaking guns on Lower Warm Springs ski run to form a reliable base for the expected snowfall of the 1985-86 season.

Blaine Co Exhibit # 9.

FORUM

Go to stream flow hearing next week

Next Wednesday at 1:30 p.m., upstairs in the old County Courthouse, the people of this county have yet another opportunity to attend a public hearing that will affect the future of the Big Wood River.

A minimum stream flow of 70 cubic feet per second between Warm Springs and Bellevue was requested by the Idaho Water Resource Board on June 19, 1981, but the request has never been approved or denied.

If approved, this stream flow would take precedence over any water rights applied for after June 19, 1981, such as Ted Divine's request for water to run a hydroelectric facility. Water rights granted before that date would have precedence over the stream flow.

Blaine County planning director Ed Nigbor says more water is needed in the river than 70 cfs but that it is better than nothing and a good place to start.

He says it should be approved and then the Blaine County Board of Commissioners should apply to the Idaho Department of Water Resources for an additional minimum stream flow to be added onto this one.

Fish and Game regional fisheries manager Bob Bell says 70 cfs probably isn't enough water to maintain the fisheries that currently exist in the Big Wood River. He says a five-year management plan now under review by his department would, if adopted, require Fish and Game officials to push for the optimum stream flow for fish, instead of just the minimum.

For now, however, we agree with Nigbor that the only way to get the optimum is to first approve the minimum and ask that the procedure to approve a second, greater stream flow, be started.

It is important that as many people as possible go to the meeting and tell state officials just how important Blaine County residents think the Big Wood River is.

There are legitimate reasons to divert water from the river; agriculture, for instance has long played an important role in this valley. It is not, however, any more important to the local economy than tourism. For the valley to maintain its position as a mecca for tourists and sportsmen it must maintain and actively work to preserve its natural attractions.

The Big Wood River has already become quite domesticated and it is time Blaine County's residents draw the line.

Besides going to this meeting people can write letters to the Idaho Water Resource Board in support of a higher stream flow. If the letters are sent to Box 149, Hailey, 83333, Nigbor says he will forward them to the state.



CORRESPONDE

Outrage

Editor:

The Gold Mine was broken into last Saturday night and we are outraged! A light was broken, a window broken, a cash register ruined. A door was taken off the hinges and a volunteer worker was hit in the head when she tried to open it later. And for what? The measly amount of change in the cash register and items which could have been sold in order to help support the Community Library.

The Gold Mine is successful only because of a tremendous community effort, including all the people who generously donate merchandise, the loyal volunteers who donate their time, and our customers who support us. To have one small group of disrespectful and dishonest citizens decide they want for themselves what others are trying to build for the entire community is low beyond words.

Board of Directors
Community Library Association

KRIC

Editor:

Gretchen Guard, in her letter last week, was in error when she said

ques.

National Public Radi
and it is available now
Idaho. The cablevision
could perform a good se
subscribers if it would c
the Wood River Valley.

Milton F. Adam
Sun Valley

Fighting fire

Editor:

On behalf of the Val
Homeowners Associatio
to extend our appreciati
to both the Ketchum Fi
and the Sun Valley Fire
for all their help at our
Their quick response an
handling of the fire min
damage to the building.

We sincerely thank ev
volved and commend th
well done.

Art Mahood, President
Val d'Sol Homeowners

Power of lig

Editor:

Hallelujah Night was
success! Over 100 Christ

Blaine Co Exhibit #10

(i) Historical and Archaeological Resources. No known historical or archeological resources exist on the site except for the former power plant itself. Consultation was initiated with the State Historic Preservation Officer (SHPO) by letter on April 19, 1982 (EXHIBIT E-9). Letter contact was also made with the National Park Service (NPS) the same date (EXHIBIT E-7). Guidelines were received from the NPS by letter on May 27, 1982 (EXHIBIT E-7a);

Follow-up telephone contact and a personal visit to the offices of the SHPO in Boise were made during the summer of 1982 but due to extended out-of-country travel by the SHPO during that time, further consultation has been delayed. A response was received from the office of the SHPO dated April 26, 1983 (EXHIBIT E-9a) stating no known archaeological resources exist at the site.

The original power project was built in 1911 and underwent changes of ownership as outlined in the description of the project in EXHIBIT A (page A-1). The power plant played an important role in operation and development of local mines (silver and lead) in the vicinity of Bellevue, Idaho and in early electrification of the City of Bellevue.

The Applicant's name, Consolidated Power Company Ltd., has been chosen in part to memorialize the original owner-developer of the project in the early part of this century. Refer to EXHIBIT A. In addition, the Applicant has selected the name "Kirtley-York Hydroelectric Project" as the name of this redevelopment to memorialize the names of two families associated with early pioneer development of the City of Bellevue and associated mining activities in the surrounding area. Principals of the Applicant are direct descendants of the Kirtley and York families.

The Applicant plans to prepare a history of the original project during the on-going redevelopment. The history will be coordinated with the SHPO and will be presented to an appropriate organization such as the Idaho Historical Society upon its completion. Coordination will continue with the SHPO to effect the applicable guidelines noted for redevelopment of the Project in the letter from the NPS.

(j) Public Safety. Redevelopment of the project at the site will aid the irrigation association in upgrading and maintaining the site and canal facilities. This renovation will also provide for a safer facility. Certain portions of the spillway are in a state of disrepair that represents a potential hazard or unsafe condition. Control of public access to these areas will be considered in site development and operation and these areas enclosed in security fencing designed to protect the public safety.

(k) Socioeconomic. The Project site is located just north of the City of Bellevue, Idaho with a population of approximately 1,100. The City of Hailey lies to the north about 4 miles and has a population of approximately 3,500. Construction of the Project is expected to create only temporary employment of a minor nature. A limited amount of maintenance labor is expected to be required on an intermittent basis once the plant begins operation. Power output of the plant as a revitalized power resource for the region was noted in Exhibit A. *

PROJECT

1985 Excerpt from the Hydro-Electric project (DIVINE) Application submitted for the license from FERC

Copy of Petition
+ Dixine Project
1985
for
DWR hearing
Minimom Stream Flow
Nov. 13, 1985

Blaine Co. Exhibit #11

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Dan A. Waddell	432 3rd W. Bellevue	788-4247
Nancy Haefer	213 Broadford Highlands	788-3157
Vicki Smith	202 3rd Ave N Hailey	788-3711
Scott Stewart	516 South River Hailey	788 4347
W H Stribling	P.O. 435 Hailey	788-2175
Jamie W. Dunn	P.O. Box 2098 HAILEY	788-2409
[illegible]	Box 211 Hailey	788-41755
Robert J. Glenn	Box 1814 Hailey	788-3254
Cindy M. Glenn	"	"
Elliott McClure	561 Lower Eagle Hailey	788-2609
Mary Jo Coleman	Box 1392 - Hailey	788-4609
David Bartelle	Box 2246, Hailey	788-3635
Janet Vaughan	Box 50 Bellevue	788-3205
Bruce Smart	Box 1310 S.V.	788-9755
Jill Sullivan	2529 So. Bellevue ID	208-928-2263
Doug Meyer	Box 3152 Ketchum	788-2612
Cindy Anderson	Willow Cr Hailey	678-2686
Robert Berg	Po Box 2590 Hailey	788-4654
Jim Walker	PO Box S.V. 83357	788-4833
Chris McMann	P.O Box 2654	788 3643
Alicia Pedersen	Box 57 Hailey 83333	788-2496
Mary Jo McCormick	Box 1771 Hailey 83333	788-2756
John Hall	Box 2925 K 8344	———
Wanda Rogers	Box 1123 Hailey	788-9592
John Tuma	Box 2178 Ketchum	788—

MICROFILMED

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Larry C. Barnes	Box 375	788-4043
Linda L Humbers	Box 375	
Yoan Lema	Box 494 Ketchum	
Vicki Robinson	Box 326	
Beverly Stockard	Box 2191	4754
Chris Mallanee	Box 1407 Hailey	788-9435
Steve Richards	Box 636 Hailey	788-4294
Mike Williams	RT 1 Box 45 Bellevue	788-4213
Dennis McGonigal	Box 127 Hailey	788-4732
STAN DEARR	Box 511 Hailey	788-9418
Bobbie Davidson	Box 353 Hailey	788-9461
Scott Nelson	Box 2149 Hailey	788-9692
Vicki Lloyd	Box 42 Hailey	788-3715
John Hamill	Box 1142 Ketchum	788-3837
Mike Breen	Box 2082 Hailey	788-2709
Angela McCracken	Box 267 Hailey	726-4007
Dan BARNES	Box 848 HAILEY	788-2508
Joy Thornton	Box 2116	722-2665
Dan Cain	Box 125 Hailey	7883462
Lesse Cullen	Box 125 Hailey	788-3462
Tom Jones	Box 2020 Ketchum	7884657
Ray Jones	Box 2020 Ketchum	788-4657
Julie F. Sanders		
Pamela Cuddle	Box 20 Bellevue	788-3268
Dave Winter	Box 1256 Sun Valley	726-5420

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Richard Gerard	P.O. Box 582 K	788-4836
Mike Scheffler	Box 1234 Hailey	788-2353
Morton Embry	Box 1672 Ketchum	726-4589
Jim Turner	Box 1753 Hailey	788-3467
Pat Rose	Box 24 Ketchum	788 3209
Peggy Burns	Box 843 Hailey	788-3265
Isabel Lee Berge	Box 681 Ketchum	788-4362
Phyllis Diehl	Box 1351 Ketchum	788 4240
Juliette Berges	PO Box 354 Ketchum	788-4306
Marsha Myers	Box 3152 Ketchum	788 2642
Scott Myers	Box 3152 Ketchum	788-2642
Dale Adams	Box 2688 Ketchum	NA
[illegible]	Rt 1 Box 450 Bellevue Id.	None
Pam Gerard	P.O. Box 235 Hailey	788-2446
Ron Burns	PO Box 2507 Hailey	788-2403
Wm Dunfield	PO Box 2507 Hailey	788 2403
[illegible]	PO Box 38 Stanley	No Phone
Constance McCamant	Box 434 Bellevue	788 4842
Ingrid Bergman	Box 1975 Hailey	726-3523
Sandie Bodenstein	Box 2288	726-8227

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	1500 42 DVE E	3234965
[illegible]	Box 1061	
[illegible]	1807 S. Park, SLC UT	801 487-5226
[illegible]	Box 1621, Ketchum	208 726 4162
[illegible]	Box 1591, Sun Valley	208 726 3898
Ken Johnston	Basketback Ranch Star Rt Ketchum	726-2217
Tom Bowman	Box 3853 KETCHUM	726-8172
R. Dean Fuller	P.O Box 1159 Sun Valley	
[illegible]	PO Box 107	208 622 5245
[illegible]	Box 605	726-8920
[illegible]	1302 Valley Heights CT	362-3194
[illegible]	13220 NE 4 Bellevue	883 3902
[illegible]	2035 NE 37th Way Redmond WA	868-6382
[illegible]	9840 SE 61st Pl, MI, WA	453-1115
[illegible]	P.O. Box 3540	726-4065
[illegible]	PO Box 15 Hailey	788-3207
[illegible]	P.O. Box 1932	726-8532
[illegible]	P.O. Box 1307	788-4943
[illegible]	PO Box 1419	788 4943

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
D. Hofstatt	Box 2317 Hailey	—
Dr. Buckets	Box 1275 S.V	788-3101
Carmella Sullivan	Box 1998 S.V.	788-2901
Kathleen Threepartner	4823 Palo Verde, INGLEWOOD CA.	213-678-8X
Mary Carson	Box 2567, Hailey	788-3086
Wm Lloyd Hayes	Box 1840 Hailey	788-3577
[illegible]	Box 7722 Ketchum	726-4307
[illegible]	Box 518 Hailey	788-3513
Mike Sullivan	PO Box 254, Hailey	788-2984
[illegible]	[illegible]	[illegible]
[illegible]	2406 Sun Valley	726-5135
[illegible]	PO Box 43 Hailey	788-9577
[illegible]	Box 795 Bellevue	726-5578
[illegible]	Box 1353 Hailey	788-3274
[illegible]	Box 865 Hailey	6-3226
[illegible]	Box 1588 Hailey	788-4403
Bill Robertson	Box 501 Hailey	788-9415
[illegible]	Box 1933 Hailey	788-9417
[illegible]	Box [illegible]	788-[illegible]
Mike Burrell	Box 447 Bellevue	788-4188
Dave Wells	Box 1920 Hailey	—
[illegible]	Box 2567 Hailey	—
[illegible]	PO 1515 Ketchum	—
Bobbi Gallon	PO Box 40 Bellevue	788-2767
Chuck Hellwig	PO 135 Ketchum	726-3395
Theresa A Carlson	P.O. Box 2817 KETCHUM	788-9419
[illegible]	PO Box 1801 Hailey	—
Stephanie Hayward	PO Box 1401 Hailey	788-2680
Tom Ellingson	Box 461 Hailey	—

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	Box 3042 Ketchum	726-3284
[illegible]	Bx 814 Ketchum	622-5371
[illegible]	Box 2596 Hailey	788-4515
[illegible]	Box 242 Hailey	726-8087
[illegible]	Box 1267 Ketchum	none
[illegible]	120 SV	
[illegible]	PO Box 602 SV	788-4520
[illegible]	Box 862 Hailey	788-2001
[illegible]	[illegible]	
[illegible]	27041 K, ID	726-5514
[illegible]	Box 1018 Sun Valley, ID	726-5332 788-3037
Connie Johnston	Box 1883 Hailey	83-333
[illegible]	Box 1906 K	788-[illegible]
[illegible]	PO Box 302 K	726-3887
[illegible]	Box 142 K	726-9066
[illegible]	Box 272 K	726-4020
Michael Congdon	Box 458 Hailey	788-2346
[illegible]	Box 1257 Ketchum	726-4911
[illegible]	Box 4038 Ketch.	726-8603
[illegible]	Box 383 Bellevue	788-3757
[illegible]	Box 1958 Ketchum	726-5986
[illegible]	Box 348 Ket.	726-4299
[illegible]	Box 774, Ketchum	726-9233
[illegible]	P.O. Box 2214 Sun Valley	726-7275
Phil Scanavino	P.O. Box 312 Ketchum	726-8489
[illegible]	P.O. Box 1780 Ketchum	622-9014
Mary Bullock	P.O. Box 2831 Ketchum	726 2035
Cam Daigle	PO Box 333 Ketchum	Idaho
[illegible]	P.O. Box 394 Sun Valley	Id

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	Box 1306 K	622-3208
KEN GEER	BX 2812 SV	622-4111 EX 2302
Penney Brown	BX 1074 S.V.	788-4289
[illegible]	BX 240 Bellevue	788-3441
[illegible]	Rocky Bar Stage-Mtn Home	
[illegible]	Box 888 S.V.	622-3888
[illegible]	1994 SV	788-2421
[illegible]	Box 4132 Ket.	726-0744
[illegible]	Box 3780 Ketch	
[illegible]	Box 781 Sun Valley	
[illegible]	Box 2142 Hailey	788-4735
[illegible]	BX 1590 SV	726-5111
[illegible]	Box 62 Hailey	788-4610
[illegible]	Box 3851 Ketchum	788-2669
[illegible]	Box 2924 Ketchum	788-2462
[illegible]	Box 807 S.V.	622-5009
[illegible]	Box 2215 S.V.	2268563
Charlene Nutes	Box 1272 Ketchum	726-5905
Jim Nutes	Box 814 Sun Valley	726-5905
[illegible]	1001 Muyaka	726-8212
David Huff	PO Box 1679 SunValley	622-4216
Gary E. Howard	Box 1081 Sun Valley	726-9743
[illegible]	2753 K	
[illegible]	P.O. 2474 Ketchum	788-2339
[illegible]	PO 3203 Ketchum	788-3455
[illegible]	PO 3868 Ketchum	726-4617
George R. Huff	Huntree Hollow Ketchum	726-3579
[illegible]	Ketchum	

MINI-HAGET
#1

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine. 800

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Kevin J Lamm	BOX 2333	726-8515
Gary Sobolik	RR#4 Twin Falls, Ida.	734-3132
Raymond F. Sobolik	BOX 2134 HAILEY	NONE
Frank Adamson	Star Rt. 7 #12 Ketchum	774-3388
Tana Dean	Box 443 Ketchum	726-4659
Gail Zemke	P.O. Box 613 Hailey	
Sharon Parker	Box 418 Bellevue	788-4739
Jim Hicks	Box 831 Ketchum	788-2657
Irene Edwin Norris	Post box 2576 S.V.	788-3739
Robyn Wilkes	P.O. Box 904 Hailey	788-4537
Herb Erickson	Box [illegible] Hailey	788-4537
Susan A. Sligh	Box 1365 Ketchum	726-8145
Charles W. Short	Box 4438 Ketchum	726 7479
[illegible]	P.O. BOX 1571 Ketchum	788-3662
Colleen Williams	P.O. Box 487 Ketchum	788-2247
M-RO Mondazes	Box 1754 Ket	788-3220
Badger Rapp	BOX 2457 Hailey	— —
Robert E. Dawson	Box 2001 Hailey	
Ben Barnes	Box 3858 Ketchum	726-8512
Frank Cuttle	Box 548 Hailey	788-4078
Chris Thompson	Box 2448 Hailey	788-2828
Don Wilson	Box 2002 Ketchum	—
Kirk Bradley	Box 771 Hailey, Idaho	788-2088
[illegible]	box 32 Hailey ID	788-3238
Sue Steele	Box 302, Hailey	788-2298

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Steve Carlisle	Box 422	788-2123
Cindy Schmidt	Bx 2563 Hailey	788-3604
[illegible]	Box 3363 Ketchum	726-8003
Freda McBoyle	Box 1384 Hailey	788-4238
Jane Watson	Box 121 Bellevue	788-3740
Dennis Cannon	" Box 121 Bellevue	"788-3740"
[illegible]	Box 405 Bellevue	788-3895
Leilani Eckbreman	Box 405 Bellevue	788-3895
Randy Kalash	Rt 1 Box 4 Bellevue	788-2145
Kathy Jones	Box 218 Bellevue	788-2280
[illegible]	Box 538 Bellevue	788-9458
[illegible]	[illegible]	788-4390
[illegible]	Bellevue, Id	788-4367
[illegible]	Box 415 Bellevue	788 7670
Tony Bowler	RT 1 Box 84 83332	837-4444
[illegible]	Rt 1 Box 125 Bellevue	788-3323
William Zumwalt	400 Simonds Bellevue	———
Carley Kunkel	Box 422 Hailey	788-2123
[illegible]	Box 514	788-2560
[illegible]	Box 1342 Hailey	788-4670
[illegible]	property Holders	no phone
Lena Howard	19.5 Acres between	—
[illegible]	Poplar & broadford-Bellevue	—
Joyce Speegle	Box 1054 Hailey	7088427
Dave Painer	Box 512 RT. #1 Gannett	7883330

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We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Neff	Box 735 Hailey	7882575
	Box 182	
	Box 20 Bellevue	788-3216
	Box 2909 Ketchum	726-9398
	Box 2575 S.V.	622-7211
	Box 1754 Ketchum	
	Box 3308 Ketchum, ID.	726-7726
	PO Box 18 Hailey	788-2502
	Box 209 Hailey	788-2648
	fo 426	6-8816
	Box 1299 Ketchum ID	726-8047
	Box 1770 Ketchum ID	726-7458.
	Box 203 HAILEY	
	Po. Box 1882 Hailey	
	P.O Box 1776 Hailey	788-2456
	PO Box 1411 Ketchum	2268431
	Box 44 402 S main Hailey	788-4449
	Box 44 402 S Main Hailey	788-4479
	BOX 4383 K	
	PO 642 HAILEY	788 4579
	POB 1803 "	[redacted]
	POB 254 Hailey	
	Box 1657 Hailey	
	Box 1475 Hailey	
	Box 272 Hailey	788-2655

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	Box 2419 Hailey	788-4566
[illegible]	Box 2254	726-3441
Roberta Zimmerman	Box 45 Sun Valley	726-5137
[illegible]	Box 97 Ketchum	788-4499
Hal Tretsen	Box 1215	788-9637
Laura Reiss	Box 690 Sun Valley	622-4171
Barry Caldwell	Box 4275 Ketchum	726-8522
[illegible]	Box 1441 Hailey	788-4975
[illegible]	Box 1816 Hailey	788-2227
[illegible]	Box 1172 Hailey	788-3051
Betsy Allmon	" " "	"
Robert Gilmore	Box 7083 Hailey	788-3550
Mary Taylor	Box 703 Hailey	788-3550
Bob Cimmino	Box 1458 Hailey	788-2319
[illegible]	Box 711 Hailey	788-2692
Jim Doreen Byron	Box 2561 Hailey	788-3648
Debra L. Winslet	Box 934 Hailey	788-4473
Lynn Tonder	Box 131 Hailey	788-4556
Bill Clayton	Box 158 Hailey, Ida	788-4233
Gary Van Roekel	Box 3490 Ketchum	788-9802
[illegible]	Box 1266 Hailey	788-3559
[illegible]	Box 432 Hailey	788-4278
Diane Reimers	Box 432 Hailey	788-4278
[illegible]	Box 746 Ketchum	788-3686
Sharon Brisky Grosvenor	Box 238 Hailey	788-4101

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[signature]	Box 549, HAILEY	788-3057
[signature]	Bx 1423 Hailey	788-4392
[signature]	Box 742 Hailey	788-3107
[signature]	Box 1326 Hailey	788-4578
[signature]	Box 1755 Hailey	788-4447
[signature]	Box 1675 Hailey	788-3197
[signature]	Box 585 Hai	788-3065
[signature]	Box 243 Hailey	788-3304
[signature]	Box 635 Hailey	788-7501
[signature]	Box 453 Hailey	788-3811
[signature]	Box 1444 Hailey	788-4538
[signature]	Box 39x Hailey	788-4722
[signature]	Box 820 Hailey	788-2853
[signature]	Box 921 Hailey	788-4037
[signature]	Box 1319 Ket.	726-7019
[signature]	Box 479 Bellevue	788-2753
[signature]	Box 116 Bellevue	788-4347
[signature]	Box 230 Bellevue	788-4980
[signature]	Box 1918 Hailey	788-44462
[signature]	Box 2214 Hailey	788-9267
[signature]	Box 228 Hailey	788-9401
[signature]	Box 1665 Hailey	788-2604
[signature]	Box 2478 Hailey	788-4111
[signature]	Box 75 Hailey	788-4028
[signature]	Box 1902 Hailey	788-3691

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	Box 1508 Sun Valley	788-4797
[illegible]	Box 777 Sun Valley	726-7351
[illegible]	Box 2405 Ketchum ID.	788-9709
[illegible]	Box 5660 KETCHUM	726-9552
[illegible]	Box 1248 Ketchum	
[illegible]	Box 3516 Ketchum	726-5683
[illegible]	Box 131 KETCHUM	726-5078
[illegible]	Box 2003 Ketchum	726-7598
[illegible]	Box 1599 Ketchum	726-9103
[illegible]	Box 3662 Ketchum	726-1360
[illegible]	1815 KETCHUM	2263553
[illegible]	205 Garnet St Ketchum	726-4466
[illegible]	Box 1412 Ketchum,	788-2475
[illegible]	Box 656 Sun Valley	
[illegible]	2240 Wyoming, Boise	345-3052
[illegible]	Box 604 Hailey, ID	788-3456
[illegible]	P.O. Box 2866 Hailey	788-3325
[illegible]	PO Box 4011 Ketchum	726-7487
[illegible]	P.O. Box 911 Ketchum	726-3497
[illegible]	Box 1270 Ketchum	788-3708
[illegible]	Box 75 KETCHUM ID.	788-5525
[illegible]	Box 1560 K	726-4533
[illegible]	Box 893 SV	2-5061
[illegible]	Box 905 K	7265723
[illegible]	203 Highland View Dr. Boise	345-8804

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Paul Hurley	Box 1553 SV Id	726 8521
Steve Hansen	Box 2414 Hailey	788-3260
Barbara Keller	P.O. 669 - Ketchum	788-4382
Joan M. Haywood	Box 3401, Ketch	726 4915
Richard [illegible]	Box 492 SV.	726-4320
Paula Brown	Jerome	
[illegible]	Box 2088 Hailey	
Susan Wilkins	250 S Hurlburt Dr. NV. Hailey	687-3546
Roselie Bowen	7130 River Heath	788-4042
Nancy Crossen	617 2nd Ave So., Hailey	788-3662
Russell T. Brown	304 N River St. Hailey	
Jami Adrian Box 208	2330 Shenandoah - Hailey	788-3622
[illegible]	Box 73 SV. ID	
Lloyd Moore	Box 385 Ballenne	788-2703
Jacques Bordeaux	Box. 3810 KETCHUM	726-9241
[illegible]	Box 37 Ketchum	788-5903
[illegible]	Box 546 Ballenne	788-9487
Bud Fogley	" "	788-9492
[illegible]	Po Box 3550 Ketchum	622-4313
Diane Riggs	Box 2003 Hailey	788-3386
Lizzie Linnell	Box 702 Hailey	788-3397
Wendy Rooney		
Heather Watson	Hotsteller Ranch Road	788-2873
Caroline Goff	Box 2435 Hailey	
Bill Forbes	P.O. 1975 Ketchum	726-1234

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	Box 274	
[illegible]	Box 1607 Ketchum	788-2105
[illegible]	Box 1383 Hailey	788-2201
[redacted]		
[illegible]	Box 1191 Hailey	788-9739
[illegible]	Box 2164 Hailey	788-9739
[illegible]	Box 1499 - Hailey	788-2534
[illegible]	Box 1351 Hailey	788-3628
[illegible]	Bx 1190 Ketchum	788-3479
[illegible]	P.O. Box 1613 Hailey	788-2090
JAMES E Hopkins	P.O. Box 1455	788-2357
Mary McDonald	P.O. Box 239 Bellevue	788-2436
[illegible]	P.O. Box 181 Bellevue	788-4643
[illegible]	P.O. Box 2018 Ketchum	788-3093
[illegible]	Box 67	788-3178
[illegible]		
[illegible]	Box 565	788-4451
[illegible]	Box 777 Bellevue	788-3069
[redacted]		
[illegible]		
[illegible]	Box 1112 Sun Valley	788-3775
[illegible]	Box 1243 Hailey	788-3422

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Jim Paisley	P.O. Box 2393 Salmon	756-3107
Mary Paisley	Box 2348 Hailey	788-9454
Scott McILHENNY	Box 510 Bellevue	788-7131
[illegible]	Box 76 Bellevue	788-7396
Douglas Colbert	Rt. 1 Box 58 Bellevue	788-2543
Ernest W. Woody	Box 1602 Ketchum	726-8089
[illegible]	Box 253 Bellevue	788-4156
JAMES RILEY	Box 359 BELLEVUE	788-4812
Phil Rocke	Box 293 Ket.	788-3279
Peter Dahl	Box 599 Hailey	788-9450
Randall Luff	Box 534 BELL.	788-4333
Pam Wheeler	Box 432 Bell	788-3259
Bill Duggan	Box 345 Bellevue	788-2365
Colleen Duggan	Box 345 Bell.	788-2365
James C. Nuss	Box 811 Hailey	788-4680
[illegible]	Box 725 Hailey	7889465
[illegible]	Box 1146	726-5940
Charles V. Mabry	Box 2523 Hailey	788-3784
[illegible]	Box 248 Bellevue	788-2046
[illegible]	Box 340 Bellevue	788-4708
Nan Riley	Box 359 Bellevue	788 4812
Mary Brady	Box 173 Bellevue	788-9388
Hugh Tindall	Box 453 Hailey	788-3871
Dallas Barnes	Box 882 Hailey	788-4324
Rodger L. Paulsen	Box 327 Bellevue	788-2041
[illegible]	Box 1483 Hailey	788 9534

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

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Name	Address	Phone
Victoria Moore	Box 1321 Hailey	788-2386
Nancy K Camp	Box 734 Hailey	788-4371
Jean Johnson	Box 893, Hailey	788-2429
Deanne Thompson	Box 1330 Hailey	788-3756
Nancy Foulke	Box 2455 Ketchum	788-3444
Patricia R. Healey	Box 238, Bellevue	788-2764
Jean Morrison	PO Box 3234 Ketchum	726-5430
Virginia Winkler	B. 2118 Hailey	788-3464
Tiffany Chapman	Box 1483 Hailey	788-3141
Kim Kaye	BOX 1898 Hailey	788-9423
Mark Murphy	PO Box 1379 KETCHUM	788-3128
Richard Rieser	P.O. Box 1385 Hailey	788-4162
William R. Gourley	P.O. Box 1933 HAILEY	788-3767
JD Hazlett	PO Box 243 Ketchum	788 2999
Mary Pelgrosa	PO BOX 4046 Ketchum	726-4845
Thomas Fiar	PO Box 495 Bellevue	788-2615
Charles DH Lathe Jr	P.O. Box 586 Bellevue	788-9650
Deneal Thompson	P.O. Box 1075 KET.	726-5506
James Hamilton	P.O. Box 101 SV	622-8012
Tom Bleed	PO Box 742 SV	622-3392
Judy Harvey	P.O. Box 855, SV.	622-3392
[illegible]	Box 439 K	726 7301
Nancy J. Cameron	Box 865 K.	726-4480
Peggy Hatch	Box 3533 SV	726-9119
[illegible]	Box 1210 H	788-2334

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Name	Address	Phone
Linda Johnston	Box 1024 S.V.	622-8342
Burke Johnston	Box 1024 SV	788-3475
Martha E. Burke	Box 1113, Hailey	788-3144
John P. Dilce	1859 Fishing for Modesto Ca	209 522 2037
John A. Siple	Box 368	788-2024
Charles Mayers	Box 292 Wesser Id	549-1467
[illegible]	6830-51st E. Tacoma, WA	206 627-4664
Regina Hurwitz	Box 4324 Ketchum	726-8610
Ben Smith	Box 785 Hailey	788-4538
Jeri Kearns	Box 1262 Hailey	788-2001
Helena S. McNeal	POB 730 Hailey	788 3175
Carol Chalgren	P.O. 798 Ck.	788-3745
[illegible]	Box 730 Hailey	788-3175
[illegible]	Box 774 Hailey	788-3745
[illegible]	Box 675 Hailey	788 3852
Jonathan Marvel	Box 1602 Hailey	788-2290
Bruce Malone	Box 962 Hailey	288-3426
Charlene B. Malone	Box 962 H. D	788.3426
T. H. McNeal	Box 730 Hailey	788 3185
Kirby Pearson	Box 418 Bellevue	788-3759
Ben Scheyer	Box 43 Hailey	788-3842
Idem [illegible]	Box 543 Hailey	788 3842
E. Richard Hart	Box 1224 Hailey	788-3160
Lynette N. Hart	Box 1224 Hailey	788-3760
Brian Sabin	Box 1662 Hailey	788-9495

HAILEY COURTHOUSE JUNE 11th 10 AM

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
JENNIFER V JONES-BROOKS	P.O. Box 2526, HAILEY	788-2517
Jon Baker	PO Box 1508 HAILEY	788-4626
[illegible]	P.O. 76 BOX 761 Hailey	788-4849
[illegible]	Wheaton Ill	
[illegible]	P.O. Box 2526, Hailey	788-2571
Dan Decker	Box 3472, Ketchum	726-5545
[illegible]	PO. BOX 703 HAILEY	788-3550
Bob Jost		
[illegible]	P.O. Box 1483 Sun Valley, ID	726-3969
[illegible]	Box 1872 Hailey ID	788-3883
Thom E. Wolf	Box 1125 Sun Valley	726-9479
[illegible]	Box 2223 Ketchum	726-7471
[illegible]	BOX 676 Picabo	788-4307
[illegible]	Box 1196 S.V.	726-8633
[illegible]	Box 2014 Ketchum	788-3675
[illegible]	Box 1155 Bellevue Id.	788-3635
[illegible]	" 1941 Hailey	" 3380
[illegible]	" 1279 "	87832
[illegible]	P.O. Box 696 Hailey ID	788-2244
[illegible]	Star Rt. Box 51 Hailey Ketchum	619 245-7880
[illegible]	P.O. 765 Lucerne Valley CA.	619 247-7150
[illegible]	P.O. Box 2554 Ketchum	(208) 622-9802
[illegible]	P.O. Box 554, Bellevue	788-4841
[illegible]	P. O. Box 2637, Ket	726-9522
[illegible]	P.O. Box 61 S.V.	788-3888

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Frank Vickerman	P.O Box 50 Bellevue	788-3205
Scott T. O'Neil	P.O Box 580 Hailey	788-4510
Willard Dana	P.O. Box 797 S.V.	622-5042
Tom Rice	P.O.B. 1124 Hailey	788-3733
Bill Green	Box 2557 S.V.	788-3033
Chris Pamitz	Box 531 Bellevue	788-9624
Matthew Wells	Box 802 Hailey	788-4797
Kenneth Orcutt	Box 635 Ketchum	726-5281
Dick Barker	Box 882 Hailey	788-4324
Dave Wells	Box 1920 Hailey	788
Julie Sarrett	Box 1920 Hailey	
Jeff West	Box 2373 Hailey	N/A
Sheila Kellam	PO Box 1332 Hailey	788-3880
Bob Merle & family	376 W. 700 N. Blackfoot, ID	785-6777
D. Kaye Curtis	Box 1542 Hailey	788-3335
Donna Scarbrough	Box 4052 Ketchum	726-4590
L. Hall	Box 1799 Hailey	788-3839
Jon R. Burke	732 1st Ave. P.O Box 2234 Ketchum	726-3051
Joyce Bryan	P.O. Box 2256, HAILEY, ID.	788-9367
Augustine Steinbrueck	Box 4867 Ketchum	726-5136
Wilbur E. Crosby	Box 1381 Hailey, ID	788-2363
Lucretia Reed	POB 1084 Hailey, ID	788-4802
Melvin Wright	POB 457 Hailey, Id	788 2198
Lyle Wright	POB 457 HAILEY, ID	788-4531
Lynn K. Marcroft	P.O.B. 1092 Hailey ID	788-4941

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Name	Address	Phone
Richard Koelbner	102 S. 4TH Ave. Hailey	788-3057
Scott Schnebly	315 E. Carbonate Hailey	788-3107
DOUG BREAREY	#14 2 INC Spur	788-3621
CHARLES ANDERSON	BOX 1010 S.V.	726-8360
CJ LOTTER	4271 E MOOR	702-451-1170
Jerry Tarkanian	2905 JUSTICE LANE	702 8702700
[illegible] Burke	3460 S600 GLEN	702-364-7367
Jim Watson	BOX 1499, HAILEY	788-3475
Amy Lesher	Box 1582, Sun Valley	622-3006
Robert Hart	Box 1583 Ketchum	726-8880
Frank Bonano	3629 FRONTIER WY BOISE	375-9428
Marie Bonano	3624 Frontier Way Boise	375-9428
J.M. COLLINS	301 BIRD DR. KETCH	726-8561
Patricia Beadle	Box 1004, SV	622-4013
Susan M. Briggs	2221 Calle Alvarado Santa Fe N.M.	505 988-1974
[illegible]	[illegible]	208 336-0687
Jamy Bellen	POB 2362 SV	726-8508
Tom Simpson	Box 265 HAILEY	7884521
Don Stuart	5229 VERDI WY STKP	(209) 478-2497
John Collett	519 Fairway Dr. S.V. 83267 Id	622-8459
Charles A. Davis	Box 2521 Sun Valley Id	726-5627
Mark W. DeBree	Bx 3461 Ketchum	no phone
Brian Dwyer	Sun Valley Co.	NO PHONE
Greg Abbott	Box 100 Bellevue	788-2009
Jack Kramer	P.O. Box 798 SV	726-5193

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
MICHAEL RIEDEL	P.O. Box 2950	726-9666
Morgan Thomas	Box 1251 KETCHUM	788-2648
[illegible]	Box 859 Sun Valley	622-5024
[illegible]	Box 2592 Ketchum	726-9449
[illegible]	Box 303 Sun Valley	622-5819
[illegible]	11 #2723 Ketchum	726-4206
[illegible]	Gen Del Ketchum	622-5273
[illegible]	Box 3518 Ketchum	788-4378
[illegible]	P.O. Box 206 Ketchum	726-9311
[illegible]	Box 2606 Hailey	726-7365
[illegible]	Box 2696 Ketchum	726-7365
[illegible]	Box 416 Ketchum	726-9549
[illegible]	Box 1328 Ketchum	726-7356
[illegible]	Hayden ID #157/412 N. 2nd, Boise	336-2128
[illegible]	Box 14 Ketchum	726-7523
[illegible]	412 N 2, Boise, ID 83702	336-2128
[illegible]	P.O. Box 1581 Salmon ID	756-6219
[illegible]	259 Serena Dr. Palm Desert	568-9712
[illegible]	39740 Kirkwood Ct. Rancho Mirage, Ca.	(619) 328-3871
[illegible]	PO Box 1922 SV. ID	788-9382
[illegible]	PO Box 1922 S.V. ID	788-9382
[illegible]	719 E San Miguel Co 81435	(303) 656-2870
[illegible]	P.O. Box 551 Sun Valley	622-5050
[illegible]	1615 SE 33 Portland	(503) 253-1252
[illegible]	2657 SO TAYLOR Portland, OR.	235-6667

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Peter B Crow	Pa 2741 KETCHUM	726-8139
[illegible] S. Bailey	PO Box 3947 Ketchum	726-7353
Andrew Kent	Box 536 Sun Valley	726-8970
Jerry Eder	Box 282c Hailey	788-9706
[illegible] S. Cleek	Box 1776 SV.	622-5181
Jim WEBB	Box 100 Ketchum	726-5309
[illegible] Crawford	Box 1045 Ketchum	726-8475
Ken Cullen	Box 2401 SV	
Carolyn Knox	Box 832 Ketchum	726-4243
Jim HUTCHER	Box 1432 S.V.	622-3668
C.W. Perry	Box 1765 Ketchum	726-4366
Rogers Lloyd	Box 755 Hailey	788 4674
[illegible]	Box 1246 Sun Valley	788-4775
[illegible]	Box 3579 Ketchum	726-5580
[illegible]	PO Box 70 Cottonwood Az	(602) 646-6868
Norman R Ferguson	419 to Garfield Modesto Ca	582 2994
Kristine Steele	P.O. Box 70, Cottonwood Az	(602) 646-6268
BILL BISHOP	BOX 508 SUN VALLEY	726-4069
[illegible]	P.O. Box 1096 SV	726-5282
[illegible]	Box 2287, Ketchum	726-5282
Donna Koch	Box 968 Ketchum	726-5035
[illegible]	Box 3395 Ketchum	726-5363
Mickie [illegible]	Box 1794 KETCHUM	788-2332
[illegible]	Box 4302 Ketchum	726-5430
MIKE STEFFEN	Box 984 Ketchum	726-4227

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Name	Address	Phone
Phil Loth	Box 968 Ketchum	726-5035
Joanne Russell	Box 12 Ketchum	726-4092
Tom Hammaker	Box 146 Challis Id	
BILL SCHAFER	8601 Panorama Bozeman MT	587 9377
Robin Schafer	8601 Panorama B'z MT (406)	587-9377
Kathy Rawings	P.O. Box 209 S.V.	788-9995
Rich Bacon	P.O. Box 2504 S.V.	None
James Thibedeau	13 Walnut St Fordora MN	345-7008
Glenda Yack	Box 1641 Ketchum Id	788-4967
Kathleen Elan	Box 2820 Hailey	788-9206
J R Lyles	Boyden CA	621 7945
Tom Warn	140 W 4th Ketchum	
Dan Bower	3850 PO Box KETCHUM	
Paul Miller	Box 1050 Ketchum	788 4016
Sara Miller	Box 1119 Ketchum	788 4016
Kathy Nick	Box 2020 Hailey	
Richard Dunlap	Box 3578 KETCHUM	
Richard Skidmore	2655 Enterprise Reno NV	702-789-0488
James E Stone	309 Lombard St. Salmon	208 756-3605
Andy Kerr	Box 751 Ketchum	726-4968
[illegible]	PO. 3883 KETCHUM	726-5613
[illegible]	P.O. 1501 Sun Valley	622-4304
Amy Warner	Box 2973 Ketchum	726-7476
Jay Gibson	Box 4017 Ketchum	726-8746
Ken Shiba	BP 3116 Ketchum	726 8746

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Paul Paul	Box 312 Ketchum	726 8489
L Lanahan	P.O. 4051 Ketchum	726-8186
P. Hoyer	P.O. 4172 K.E.	726-4166
J. Plummer	P.O. 900 SV	726-9122
Jack D. Bell	Box 1630 Ketchum	726 5183
Jim Jenssen	Box 685 S.V.	726-8207
Dick Thomson	Box 1275 Ket	726-9723
Donna Doke	Box 1649 Ket	726-9461
Betty Carter	Box 2899 Ket	788-4198
Robert Hollyland	Box 1971 Ketchum	726-4318
Anne H. Hollyhead	P.O. Box 3082 Ketchum	726-7197
Ronald Rudolph	Box 1658 SV	726-7761
Nancy Humphrey	Box 373 SV	622-4376
Joseph Humphrey	Box 373 S.V	622-4376
Harold Hockey	Box 373 SV	622-4376
Stephanie Webb	Box 539 Ketchum	788-3094
Ronald Reagan	1600 Pennsylvania Ave	602-281-3021
Randy Hess	W 15th, P.C. P.O. Box 2733 Ketchum	726-4331
Phil Segarnes	P.O. Box 311 Ketchum	726 8489
Mary Lou Larsen	PO Box 2024 S.V	726-7185
Tom Paden	P.O. Box 903 Ketchum	726-3016
Frank Carter	P.O. Box 2899 Ketchum	788-4198
Michael A Capt.	Box 852 SV	726 8157
Barbara J Nelson	Box 1120 Ketchum	
Paul Randolph	P.O.B 1247 S.V	726 4734

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Ralph Lown	Box 2646 Ketchum	726 9398
Joe Kolen	Box 4153 IC.	726 9267
Jerry Smith	Box 57 Stanford CT 06921	742-273
WHIT ATKINSON	Box 190 KETCHUM	788-2556
W. David Hyde	BOX 233 Ketchum	622-9000
Glenn Rhodes	Box 3414 Ketchum	726-4296
J.B. Dawn	2365 BATTEN RD, FLA.	799-1427
Jim Cunningham	Box 63 Island Park, Id	558 7505
Barbara A Barker	2171 BLUEBIRD DR. Boise	3839555
Joyce Ellwood	BOX 1082 Hailey, ID	788-9714
John DeBono	Box 81 Ketchum	788-4046
Maria Maricich	Box 161 S.V.	726-5486
Ryce Wagner	Box 3818 Ktown	726-5486
Gordon McCallum	Box 391 Sun Valley	726-3237
John L Hendricks	750 Harcourt Boise	343-7339
Shirley S. Hendricks	750 Harcourt Boise	343-7339
Mark Hart	215 Baldwin Rd. Ketchum	726-1528
Ken H Hart	"	"
Lorna Hart	"	"
Bob Hart	"	"
Cathy Walker	Box 30 Ketchum	726 8088
Jan Sargent	Box 1773 Sun Valley	726-5346
Gordon K	223 DOXEY DR. PARK RIDGE N.J.	201 573-8177
Margaret Gay	223 Doxey Dr. Park Ridge	
Michael Lamb	566 AUGUSTA ST LOS ALAMOS CA	805 344-3785

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Name	Address	Phone
[illegible]	Box 275 Ketchum	726-8059
Linda Montano	Box 472 Ket	788-4871
[illegible]	Box 957	726-8404
Liz Montague	Box 3557	726-5141
Margaretta Dasko	P.O. 1709 Ketchum Id	726-4006
[illegible]	PO Box 3125 Ketchum ID	726-3857
[illegible]	Box 715 K.	726-3837
R. Winkler	Box 1246 Sun Valley	788-4775
M. Shmid	Box 4426 Ketchum	726-9449
Lee Anderson	Box 978 Ketchum	726-8367
Stewart Farmer	Box 2197 Ketchum	788-4073
Lorraine Wilcox	Box 2382 S.V.	726-4397
[illegible]	Box 1312 Sd.	726-5268
Doris Bennett	PO 105 Sun Valley	726-3298
Don Bennett	Box 105 SV	726-3298
Nancy Sorensky	P.O. Box 293 Hailey	788-3645
Marguerite Sorensky	Box 293 Hailey	788-3645
Grace Hayes	Box 3102 Ketchum	788-3666
Jim Britton	Box 2323 Ketchum	726-7262
George Tackles	Box 769 S.V.	726-5220
[illegible] Quersley	Box 883 Ketchum	726-5454
Joan B. Mortimer	Box 1560 S.V.	726-3384
Denise C Riley	Box 675 Hailey	788-3852
[illegible]	Box 3126 K. Id	
[illegible]	Box 190 K	788-2556

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
JOEL REINEMANN	Box 1426 SUN VALLEY	726-5704
Sharon Steiger	Box 275 Ketchum	726-8089
Tom Bottcher	Box 48 Ketchum	788-2126
Bryan Stone	Box 704 "	726-9214
[illegible]	Box AAA · KETCHUM	622-3027
[illegible]	Box 2666 Ketchum	726-9433
Duffy Witmer	Box 129 Ketchum	7264314
Sheila Witmer	Box 129 Ketchum	7264314
[illegible]	Box 704 Ketchum	726-9214
[illegible] Hemingway	Box 387 Sun Valley	726-5562
Phil Carney	Box 1831 Ketch.	788-9400
Colleen Delaney	Box 31 S.V. Id.	
Barbara L. Winslow	Box 2153	622-5176
Susan Autry	Box 1617	726-5128
Barbara Winkler	Box 3212 Ket.	726-5477
[illegible] Beeson	Box 354 - Ket	726-5218
[illegible] WILLIAMS	1944 SV	8716
[illegible]	Box 1528 Ketchum	726-7850
Jennifer Ballenger	Box 936 Ketchum	726-4823
Don Leonard	Box 1092, KETCHUM	788-3877
Helena Payne	PO Box 3937 Ketchum	726-3724
Terry Meek	Box 2438 S.V.	622-5721

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Mike Jaques	408 S. 6th St Bellevue	788-4468
Jerry Wagner	405 S 6th St Bellevue	788-4465
Bob Portillo	504 S 5th Bellevue	788 3137
Guy Bonnin	Box 624 Picabo	788-4683
Terry Templeton	Box 79 Shoshone	886-2702
DAVE Ferrie	3771 Grey Oak, MPLS, MN	
[illegible]	227 Elephant Butte [illegible]	775-4459
[illegible]	[illegible]	
SC TAYLOR MD	2703 Thousand Pl	466-0151
Mark [illegible]	Boise ID	
[illegible]	731 Richmond Ct Gooding	
ROBERT D. LAMB	1665 GREEN, SE. COUE (1/3)	928-3648
[illegible]	4165 Lyn Inverness	787-2059
[illegible]	2561 Beechwood Ave	(845) 642 6631
LeGrand Bishop	12202 3900 So SLC	(801) 523-7752
[illegible]	[illegible]	83353
Glen Olson	Box 1366 Ketchum	726-8230
Eileen Thuesen	1411 E. Hays St Boise	345-3369
Ralph Heun	Box 535 Hailey 8333	788 9362

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Marilyn Teipe	P.O. 2363 Hailey	788 9785
Dan Stegner	P.O. 84 Bellevue	788 4711
Debbie Commons	Box 1408 Hailey	788 4687
Beverly H. McNeal	Box 122 Hailey	788-3185
Shelley Wegner	Box 79 Bellevue	788 9795
Ronica Fleming	Box 2395 Hailey	788-3215
Carol Mapa	P.O. Box 928	788-2324
Murray Olson	P.O. Box 2143 Hailey	788-3186
Linda Kudelka	Box 3546 Ketchum	622-5252
Bill Hall	Box 2244 Hailey	788-3585
Jan Gavin	P.O. Bx 501 Bellevue	788-2619
Linda Stauffer	Box 2700 Hailey	788-9042
Deanne Dennis	Box 5207 Ketchum	725-2607
Ann Hoene	Box 101 Hailey	788-3893
Pam Rugo	Box 2406 Hailey	788-3010
Peter Buckley	Box 1565 Hailey	788-3851
Jeff Cook	Box 730 Ketchum	726-3854
Ben Fuhrman	P.O. Box 7077	788-4106
Bryan Lippmann	P.O. Box 2052	726-2432
Tom Hamill	PO 2554 HAILEY	788-3499
Bob Bare	PO 2041 Hailey	788-2748
Anne Patterson	P.O. Box 2 Hailey	788-2652

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We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Leah Sorkes	Hailey	788-4324

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Bruce Barrett	12 Council Ct Ketchum	208-934-8557

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Stacy Gilden	Box 970 Ketchum	726-5940
Carrie Bashaw	Box 2734 SV	622 8152
ROBERT TOMMBE	BOX 703 HAILEY	788-3550
Jeff Lotti	Box 4275 Ketchum	

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Mike Kiser	PO BOX 37 HAILEY	788 9488
Mike Pengelly	PO BOX 195 Hailey	788-3686
Bob Nejezchleba	PO 3765 Ketchum	
Earl Tyree	400 11th Ave N. Buhl	543-8372
Rich Berry	Box 2621 Hailey	788-2733
Andy Kerkhey	BOX 1068 HAILEY	788-3371
Allen Schuly	Box 1524 Ketchum	788-9644
Kim Johnson	Box 3213 Ketchum	726-9385
Michael B. Quirk	P.O. 1581 HAILEY	788-4646
	Box 2563 Ketchum	788-2693
	PO Box Ketchum	726-[illegible]
Jonesy Grubby	PO Box 1911 Hailey	788-2361
Darrell Gray	PO Box 767 Ketchum	726-5399
Dan Byerly	Box 2343 Hailey	788-3635

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Jeff Dunn	Box 2125 Hailey	788-3490
[illegible]	Box 2389 SV	726-5411
[illegible]	[illegible]	788-3180
[illegible]	Box 433	788 2315
[illegible]	Box 52 Hailey	

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Joan Westfall	3216 NE 111th Circle Vancouver, WA	2065736366
Fred Conley	Box 62 Sun Valley	726-3278
Kathryn Rust	Box 1805 Ketchum	726-3898
[illegible]	Box 1817 Hailey	788-3495
Lynne Pynchecz	Box 1791 Sun Valley	622-8112
Bill Mason	Box 963 S.V.	622-9305
Dick Mahyew	Box 2469 Hailey	7882570

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asse maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	Hailey	788-3148
Bill Mapplethorpe	Box 895 Hailey	788 4463
Kelly Aikens	Box 1914 Hailey	788-4967
[illegible]	Box 2028 Ketchum	726-8497
[illegible]	Box 2028 Ketchum	726-8497
[illegible]	Box 961 Hailey	788-4210
James Coogan	Box 1206 Hailey	788 9316
[illegible] Johnson	Box 2372 SV	788-4264
[illegible]	Box 1117 Ketchum	788-2719

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Doris J Bennett	PO 105 Sun Valley	726-3598
Doug Bennett	"	"
Della Neff	PO Box 4606 Ketchum	788-2613

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state/or improved to support a quality fishery rather than industrialize its waters and banks. Tell Him To Put up a Wind mill South of Bellvue

Name	Address	Phone
PM Gratton	Po Box Bellevue	788-2429
Bill Trumbull	STRT Box 8001 Ketch	726-8920
[illegible]	[illegible]	[illegible]
[illegible]	Box 4142 Ketch	720-918[illegible]
[illegible]	BOX 730 K 83340	
michelle moe	PO BOX 2665 K 83340	726-4249
DAVE HURD	Box 257K K 83340	
Maryelaine [illegible]	Box 2329 K. 83340	726-3043
[illegible]	Box 3947 K 83340	726-4970
Kelly Bird	Box 2910 Ketchum	726-3834

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Carol Fisher	Box 548 Ketchum	726-839
Nancy Beer	Box 3126 Hailey	788-3504
Gilchrist Farm	Box 230 Bellevue	788-4450
Susan Durand	Box 2114 Hailey	788-4990
Peter Mey	Box 1525 Ketchum	726-9671
Dave Ruhlen	Box 366 Hailey	788-3619
Deanne Zondlowsky	Box 153 Carey	none
Cynthia Wright Ross	Box 2ace, Hailey	788-3619

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Greg Thomas	PO Box 3594 Ketchum	726-4743
Gary Carlson	Box 2780 Hailey	788-2744
Brian W Webb	Box 1330 K	—
T.P. Furber	PoBox 673 Ket	—
CORY RICKBEIL	STAR RT. HAILEY	788-4925
Indy Berman	Box 2895 Ket.	—
Godby Jessup	BOX 4365 Ket	726-4420

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	[illegible]	
[illegible]	[illegible]	
[illegible]	[illegible]	
[illegible]	[illegible]	
[illegible]	[illegible]	
[illegible]	[illegible]	
[illegible]	[illegible]	788 2386

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Ray D Bowser	Box 1061 Hailey	788-9734
Rebecca Retzier	Box 1721 Hailey	788-2120
Marcia Butler	Box 2436 Hailey	7889416

Will pick up 10th 11th

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
[illegible]	PO #426 Ketchum	
Sharon Winkler	P.O #426 Bellevue	
Jim Lisson	#25 Arrow R, Bellevue	
Harry & Ruby	Box 546 Bellevue	7889492
Fred & Penny	Box 404 Hailey	

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Karen Currey	Box 1913 Ketchum Id	727-1823
Charles E. Smith	108 W. Highland View Dr	Boise 336-0687
Bryan Keirsey	510 Crestline Dr	Boise 343-9068
Christine Cooper	Box 329 Sun Valley	726-4467
Mark Jacki	Box 327 Sun Valley	" "
Mark Martinsen	Box 628 Sun Valley Idaho	726-8235
Andrew Cooper	Box 2314 SV	7269746
Tina Woodcock	Box 2142 Ketchum	—
Barbe Wilmore	Box 2036, Sun Valley	622-5261
Liza Paschall	Box 1319 Sun Valley	726-3321

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
P A Batchelder	Box 1323 Ketchum	726-5179
Judy Webb	Box 892 Sun Valley	726-9614
P Mateer	Box 765, Hailey	788-4816
Vicki Riedel	Box 3909 Ketchum	7264724

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Pierre Spivers	106 S. V.	
Ellen Allison	3932 Ketchum	726-7553
Linda McGinley	Box 1813	726-4589
Blake McNamee	Box 2564	788-2024
Mickey Garcia	Box 916	Challis-879-4375
Cody Walker	Box 20	726-8288
Julie Jones	Box 3980	726-3988
Tracy Myhre	Box 2153 Hailey	788-9327
Matthew Myhre	Box 2153 Hailey	788-9327
James Funk	Box 1644 K.	726-3772
Will Dawidson	Box 2402 K	726-5746
Jim Coyle	Box 947 K	622-7722
Mike Anderson	PO Box 769 Palm Desert	568-2611
Josephine Kenlove		
Diane Nelson	Box 1018 S. V. Id 83353	726-9338
Dick Kornfeld	Box 1868 Ketchum Ida	788-3064
Richard Hawley	1615 Benbrook Lake Cr. Ft. Worth	639-7540
Tim Mott	Box 825 S.V.	788-4882

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Name	Address	Phone
Richard D. Bray	Box 1259 S.V.	788-3206
Kathy Burtis	P.O Box 816 SV	726-7220
Karen Freeman	P.O. Box 729 K	726-3416
Jim Fitzpatrick	Box 875 SV	726-5299
M.J. Fitzpatrick	Box 875 SV	726-5299
[illegible]	Box 1369 SV	726-[illegible]
Dennis Cahill-Hayes	Box 1310 Ketchum	622-4111 x225-3
Mikel Wade	Box 1896, Ketchum	726-3927
Mary D Butterfield	Box 152. Sun Valley	622-3288
Pam Moir	Box 3453 Ketchum	726-4177
Nina Peck	Box 152 S.V	622-3268

We, the undersigned, are opposed to the siting of a diversion dam and the diversion of water to power the hydro-electric plant proposed by Ted Divine.

We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

Name	Address	Phone
Roberta Lawyer	P.O. Box 3556 Ket	726 3608
Rowena Todd	[illegible]	726-2403
Hazel Lou Brown	P.O. Box 3143 SV	726-1532
Wayne C. Baker	P.O. Box 1290 S.V.	622-3456
Mary Whittier	Po Box 991 Ket	
Brian Barker III	P.O. Box 1278	788-3101
Kim Abrahamson	P.O. Box 3333	726-3023
Lynn Myers	P.O Box 4192	726-3523
Sandy Burgan	P.O Box 1975	726-3523
Walter L. Burgan	P.O. Box 2315	726-9726
Dean Clement	P.O Box 1328 Hailey	788-4147

Rene M. Rees	Box 3241	Ketchum
Jon C. Wiley	Box 3241	
Craig Lawton	Box 763	KETCHUM
Jane Moulton	Box 1769	Hailey
Kevin Barham	Box 1184	Sun Valley
Rolf Thomas	P.O. 34	Ket.

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Name	Address	Phone
Brent Bush	Box 2132	726-7236
Chris Mason	PO Box 742 Ketchum CA	415 663 1817

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We feel the Big Wood River is a more valuable asset maintained in its current state or improved to support a quality fishery rather than industrialize its waters and banks.

PLEASE SIGN

Name	Address	Phone
Jody Weidecker	Box 994 SV	726-4599
Jon Turgian	Box 1010 SV	726-3404
William E Horn	Box 143 SV	788-3730
Sandie Anderson	Box 3782	726-5401
Stephanie Bourgette	Box 1424 K	726 8056
Jeana Tiebo	Box 2585 K	1022-3285
Penny Harper	Box 131 Ket	726-5078
Bill Thompson	Box 1406 S.V	726-1201
J. Vanzant	Box 3637 Ket	726-5339
Janice Corkery	Box 1063 Ket.	726-5456
Lynn Leeming	Box 2776 S.V.	622-5278
Maggie Burbridge	Box 1988 Ket	726-8336
Robert Ahrens	Box 788 SV	726 4985
Peter T. Ahrens	Box 1231 K.	726-4985
Terry Mangola	Box 839 S.V.	726 4723
Carolyn Bader	Box 772 Hailey	788-4486
Thomas Leeming	Box 2776 S.V.	622-5278
Susan Gabby	Box 281 S.V	726-4373
DEBBIE BURNS	Box 3179 Ket.	726-3962
Leslie Andrason	PO Box 852 K	726-5365
Lynn Zwettel	P.O. Box 1164 K	788-3818
Ann Pachner	Box 240 - K	788.2264
Suzanne Rousseau	PO. 708 - S.V.	726-9418
Bob Whiting	Box 1093 K	788-9341
Linda Hoard	Box 1142 K	7883837

file 37-7419

INDICATES TOTAL — SOURCE: BIG WOOD RIVER — TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0005	ADAMS, HENRY W. ARBOOSH, CORJIA PACKARD, JOHN Q. MILLER, HENRY	03-10-1883	IRRIGATION	-	-	3.00 CFS	NESE S22 T02N R18E	LT02 (NWNW)(33) S36 T02N R18E NESE(40) SESE(40) S26 T02N R18E LT03 (SWSW)(34) S25 T02N R18E * 147 ACRES*	DECREE
	REMARKS: P/U INCOMPLETE. SEE FILE.								
37-0024	ALBREITHSON, MARTIN	03-23-1883	IRRIGATION	-	-	3.20 CFS	SWNW S20 T03N R18E	NENW(40) S10 T02N R18E NESE(40) SESE(40) S04 T02N R18E SWSW(40) SESW(40) S03 T02N R18E * 200 ACRES*	DECREE
37-0004	ABBOTT, WILLIAM G.	03-24-1883	IRRIGATION	-	-	2.10 CFS	SWNW S20 T03N R18E	NWNW(40) SWNW(40) NESW(40) S10 T02N R18E * 120 ACRES*	DECREE
37-0028	ALTURAS WATER CO.	03-24-1883	IRRIGATION	-	-	2.00 CFS	SWNW S20 T03N R18E		DECREE

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0554	PURDUM, A. M.	- -	COMMERCIAL STORAGE	12-01	01-01		SESW S20 T03N R18E		DECREE
	OTHER USES: CS/ICE POND. REMARKS: NO PRIORITY OR DIVERSION RATE DECREED; P/D & P/U BY W.M.								
37-0555	PURDUM, A. M.	- -	RECREATION FROM STOR	-	-		SESW S20 T03N R18E		DECREE
	OTHER USES: RS/FISH POND. REMARKS: NO PRIORITY OR DIVERSION RATE DECREED; P/D & P/U BY W.M.								
37-0713A	WRENCHER, JAMES A	06-10-1880	IRRIGATION	-	-	1.00 CFS	SENW S22 T02N R18E	SWNE NWSE SWSE S35 T02N R18E	DECREE
	REMARKS: INCORRECTLY DESCRIBED P/U AS S35, T1N, R18E.								
Bellview Div X 37-0713B	WRENCHER, JAMES A.	06-10-1880	IRRIGATION	-	-	3.00 CFS	SWNW S36 T02N R18E	SWNW NWSW SWSW SESW S34 T01N R19E NENW NWNW SWNW SENW S33 T01N R19E SWSW SESW S28 T01N R19E	DECREE
			DOMESTIC	-	-			SAME AS OTHER USE	
				*	---*AFA				
				*	3.00*CFS				
37-0657	TROEGER, ANNA B. HIBBARD, GARY J. HIBBARD, DONNA P.O. BOX 414 SHOSHONE ID 83352	05-01-1881	IRRIGATION	04-01	11-01	3.20 CFS	SESW S20 T03N R18E NWSE S29 T03N R18E	SWNE(40) SENE(40) SENW(40) NESW(40) SESW(40) NESE(40) NWSE(40) S29 T03N R18E * 280 ACRES*	DECREE
37-0158A	CRAMER, E.	07-01-1881	IRRIGATION	-	-	1.60 CFS	NWNW S09 T02N R18E		DECREE
	REMARKS: TRANS. 2036.								
						1.60 CFS		SAME AS OTHER USE	
37-0158B	CRAMER, E.	07-01-1881	IRRIGATION	-	-		NESE S16	NESW(03) SESW(02)	DECREE

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0158B	WATTS, W. R. WATTS, ANNA LEE P.O. BOX 172 BELLEUVE ID 83313					.40 CFS	T02N R18E	LT01 (SESE)(11) S25 T02N R18E	
						*		* 16 ACRES*	
37-0310A	HEWETT, HENRY	03-24-1883	IRRIGATION	-	-	.40 CFS	SWNW S20 T03N R18E	SWNW NWSW S10 T02N R18E	DECREE
	REMARKS: P/U IS BLK. 107 IN HAILEY TOWNSITE.								
37-0310B	HEWETT, HENRY	03-24-1883	IRRIGATION	-	-	.40 CFS	NWNE S06 T03N R18E	NWNE(20) S06 T03N R18E	DECREE
	REMARKS: TRANS. 1888.								
						*		* 20 ACRES*	
37-0363A	JUSTUS, O. S.	04-12-1883	IRRIGATION	-	-	1.04 CFS	SWNW S09 T02N R18E	SWNW NENE NWNE SWNE SENE S15 T02N R18E	DECREE
37-0862	WARR, A. W.	05-01-1883	IRRIGATION	-	-	3.20 CFS	SESW S20 T03N R18E	NESE SESE S05 T02N R18E NWSW SWSW S04 T02N R18E	DECREE
	REMARKS: DIVERSION THRU PURDUM SLOUGH. WATERMASTER STATES NOT USED FOR AT LEAST 17 YEARS.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	3.20*CFS			
37-0705	WILSON, SAMUEL S.	05-31-1883	IRRIGATION	-	-	2.00 CFS	NESE S16 T02N R18E		DECREE
	REMARKS: TRANS. 1086. P/U: T01N R18E S01 LT01 (NENE) LT02 (NWNE) SENE P/U: T01N R19E S06 LT04 (NWNW) LT05 (SWNW) SENW								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	2.00*CFS			
37-0885	DRAGER, JOHN A.	07-01-1883	IRRIGATION	-	-		NWSE S26	NWSE	DECREE

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0885						1.40 CFS	T02N R18E S26 T02N R18E		
37-0578	ROBERTS, ELIZABETH	05-02-1884	IRRIGATION	-	-	1.00 CFS	NESW S22 NWNE T02N R18E S35 T02N R18E		DECREE
37-0557	PURDUM, ROSE L.	05-15-1884	IRRIGATION	-	-	1.00 CFS	SESW S20 T03N R18E		DECREE
	REMARKS: P/D SHOWN ON U.S.G.S. MAP. P/U: T02N R18E S05 LT01 (NENE) LT02 (NWNE) SWNE SENE P/U: T03N R18E S32 SESW SWSE								
37-0886B	KINKADE, RAYMOND KINKADE, ELVA	06-01-1884	IRRIGATION	04-01	10-15	.18 CFS	NESE S16 NWNE T02N R18E S36 T02N R18E		DECREE
	REMARKS: TRANS. 2100. P/U BLK. 74 & LOTS 11 & 12, BLK. 73, CITY OF BELLEVUE.								
37-0886C	SCHARFFET.AL., W. D.	06-01-1884	IRRIGATION	-	-	1.70 CFS	SENE S26 NWNE NENW T02N R18E S36 T02N R18E		DECREE
	REMARKS: P/U INCOMPLETE. SEE FILE. TRANS. 2101.								
			DOMESTIC	-	-			SAME AS OTHER USE	
						* ---*AFA * 1.70*CFS			
37-0886D	DUDLEY, DUANE DUDLEY, MARGARET	06-01-1884	IRRIGATION	04-01	10-15	.11 CFS	NESE S16 NWNE T02N R18E S36 T02N R18E		DECREE
	REMARKS: TRANS. 2101. P/U LOTS 3-10, BLK. 73, CITY OF BELLEVUE.								
37-0334D	FULD,AGENT, JOSEPH W. CLARK, WAYNE UT	06-30-1884	IRRIGATION	-	-	2.00 CFS	SWNW S20 T03N R18E	LT03 (NENW)(19) LT04 (NWNW)(33) SWNW(17) SENW(31) NESW(40) SESW(39) S04 T02N R18E * 179 ACRES*	DECREE
	REMARKS: TRANS. 721.								
			DOMESTIC	-	-			SAME AS OTHER USE	
						* ---*AFA * 2.00*CFS			
Bellview D.W. X 37-0316A	HOAKS, HENRY	10-15-1884	IRRIGATION	-	-		SWNW S36	NWNE(40)	DECREE

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0316A	WOOD RIVER RANCH COMPANY, INC. BELLEVUE ID 83313					.40 CFS	T02N R18E	S13 T01N R18E NWSE(40) S12 T01N R18E * 80 ACRES*	
37-0315	HINESLEY, J. F.	06-01-1885	IRRIGATION	-	-	2.00 CFS	NESW S22 T02N R18E	NESE S35 T02N R18E SESE	DECREE
Bellview DV X 37-0501A	MORGAN, W. Y.	05-01-1886	IRRIGATION	-	-	6.00 CFS	SWNW S36 T02N R18E		DECREE
	P/U: T01S R19E S05 NWSE P/U: T01N R19E S32 NESW	SWSW NWSW		SWSW		SESW			
" X 37-0501B	MORGAN, W. Y.	05-01-1886	IRRIGATION	-	-	1.60 CFS	SWNW S36 T02N R18E	NESE S05 T01S R19E SESE	DECREE
" X 37-0501C	MORGAN, W. Y.	05-01-1886	IRRIGATION	-	-	.40 CFS	SWNW S36 T02N R18E	NENE S08 T01S R19E NWNE	DECREE
" X 37-0597A	SAMS, A. H.	05-01-1886	IRRIGATION	-	-	1.60 CFS	SWNW S36 T02N R18E	SWSE S32 T01N R19E SESE	DECREE
Bellview Dv X 37-0597B	SAMS, A. H.	05-01-1886	IRRIGATION	-	-	.70 CFS	SWNW S36 T02N R18E	NENE S08 T01S R19E NWNE	DECREE
	REMARKS: SEE TRANS. 568 FOR P/D & P/U.								
			DOMESTIC	-	-			SAME AS OTHER USE	
				*	---*AFA				
				*	.70*CFS				
37-0558	PURDUM, ROSE L.	06-01-1886	IRRIGATION	-	-	2.00 CFS	SESW S20 T03N R18E		DECREE
	P/U: T02N R18E S05 LT01 (NENE) P/U: T03N R18E S32 SESW	LT02 (NWNE) SWSE		SWNE		SENE			
37-0402	LAKES, HAROLD LAKES,JR., ARTHUR	11-26-1886	IRRIGATION	-	-	4.00 CFS	SWNW S20 T03N R18E	SESE S29 T03N R18E NWNW SWNW S33 T03N R18E SWSW S28 T03N R18E	DECREE
	REMARKS: P/U IN SESE, S29, T3N, R18E. AC. IRR.=5.								
37-0154A	COMSTOCK, M. A.	12-13-1887	IRRIGATION	-	-		SWSW S29		

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37-0154A						9.56 CFS	T04N R18E		
	REMARKS: SEE TRANS. 1735.								
	P/U: T03N R18E S18 NENE(40)	NWNE(40)	SWNE(40)			SENE(40)	NENW(40)	SENW(40)	
	S17 NWNW(40)								
	S07 NENE	NWNE(40)	SWNE(40)			SENE	SESW(40)	NWSE(40)	
	SESE(40)	SWSE(40)							
							* 520 ACRES*		
37-0154B	COMSTOCK, M. A.	12-13-1887	IRRIGATION	-	-		NWNE S06	NENE SENE	DECREE
	RINKER, HARVY S.					.44 CFS	T03N R18E	S07 T03N R18E	
	BOX 672								
	KETCHUM ID 83340								
	REMARKS: TRANS. 1735.								
37-0183	DITTOE, PHILLIP S.	05-01-1888	IRRIGATION	-	-		SWNW S20	LT03 (NENW)(19)	DECREE
	CLARK, WAYNE					4.20 CFS	T03N R18E	LT04 (NWNW)(33)	
	GANNETT ID							SWNW(17) SENW(31)	
								NESW(40) SESW(39)	
								S04 T02N R18E	
	REMARKS: TRANS. 721.								
							* 179 ACRES*		
			DOMESTIC	-	-			SAME AS OTHER USE	
						* ---*AFA			
						* 4.20*CFS			
37-0559	PURDUM, ROSE L.	06-01-1888	IRRIGATION	-	-		SESW S20		DECREE
						3.60 CFS	T03N R18E		
	P/U: T02N R18E S05 LT01 (NENE)	LT02 (NWNE)	SWNE			SENE			
	P/U: T03N R18E S32 SESW	SWSE							
37-0648	SUTHERLAND, MARGARET	04-30-1889	IRRIGATION	-	-		SENE S19		DECREE
	WEBER, PETER					17.14 CFS	T03N R18E		
	REMARKS: P/U INCOMPLETE. SEE FILE. AC. IRR.=38.								
	TRANS. 164 & 165.								
	P/U: T02N R18E S23 NENW	NWNW	SWNW			SENW			
	S15 NWNE	SWNE	SENE			NESE	NWSE	SWSE	
	SESE								
	S14 NWSW	SWSW							
37-0648A	SUTHERLAND, MARGARET	04-30-1889	IRRIGATION	-	-		SENE S19	NWNE SWNE	DECREE
	WEBER, PETER					8.58 CFS	T03N R18E	SENE NWSE	
								S15 T02N R18E	

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	TO		MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0648A									NWSW S14 T02N R18E	
	REMARKS: TRANS. 165.									
37-0648B	SUTHERLAND, MARGARET WEBER, PETER	04-30-1889	IRRIGATION	-	-		8.56 CFS	SENE S19 T03N R18E	SWSW S14 T02N R18E NWSE SWSE SESE S15 T02N R18E NENW NWNW SWNW SENW S23 T02N R18E	DECREE
37-0658	TROEGER, ANNA B. HIBBARD, GARY J. HIBBARD, DONNA P.O. BOX 414 SHOSHONE ID 83352	06-15-1891	IRRIGATION	04-01	11-01		4.00 CFS	SESW S20 T03N R18E SWNE(40) SENE(40) SENW(40) NESW(40) NWSE S29 T03N R18E SESW(40) NESE(40) NWSE(40)	S29 T03N R18E * 280 ACRES*	DECREE
Bellview Div X 37-0881	BALDWIN, ALBERT	05-01-1901	IRRIGATION	-	-		3.60 CFS	SWNW S36 T02N R18E	SWSE SESE S36 T02N R18E	DECREE
	REMARKS: P/U INCOMPLETE. SEE FILE. TRANS. 526.									
			DOMESTIC	-	-				SAME AS OTHER USE	
Bellview Div X 37-2345	CAHOON, GEORGE E. CAHOON, JOHN BOYD GANNETT ID	02-12-1917	IRRIGATION	-	-		12.52 CFS	SWNW S36 T02N R18E	NENW(40) NWNW(40) S19 T01N R19E NENE(28) NWNE(38) SWNE(40) SENE(40) NENW(40) NWNW(40) SWNW(40) SENW(40) S18 T01N R19E * 386 ACRES*	LICENSE
			DOMESTIC	-	-				SAME AS OTHER USE	
37-4265	FASSETT, HELEN M.	01-01-1939	WILDLIFE	01-01	12-31			SENE S30 T03N R18E	SENE	STATRY CLM

* ---*AFA
* 3.60*CFS

* ---*AFA
* 12.52*CFS

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO		MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-4265	BOX 273 SUN VALLEY ID 83353						4.00 CFS	T04N R18E S30	T04N R18E	
37-0896	BROWN, ROBERT	04-01-1940	IRRIGATION	-	-		.07 CFS	SWNW S20 T03N R18E	SESE S32 T03N R18E	DECREE
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.07*CFS			
37-0897	BUSHNELL, A. B.	04-01-1940	IRRIGATION	-	-		.02 CFS	SWNW S20 T03N R18E	NENE S16 T02N R18E	DECREE
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.02*CFS			
37-0898	BUTTRAM, R. F.	04-01-1940	IRRIGATION	-	-		2.90 CFS	SWNW S20 T03N R18E		DECREE
	P/U: T03N R18E S32 NWNE		SWNE		NESW		SESW		NWSE	
	S28 SENE		NESE		SESE					
	S27 NWNW		SWNW							
	P/U: T02N R18E S04 LT02 (NWNE)		SWNE		LT03 (NENW)		SENW			
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	2.90*CFS			
37-0899	CHAPMAN, DOROTHY	04-01-1940	IRRIGATION	-	-		.99 CFS	SWNW S20 T03N R18E	NENE SENE S32 T03N R18E	DECREE
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.99*CFS			
37-0900	CLARK, WAYNE	04-01-1940	IRRIGATION	-	-		2.98 CFS	SWNW S20 T03N R18E		DECREE
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	2.98*CFS			

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37-0901	CROCKER, G. F.	04-01-1940	IRRIGATION	-	-	.72 CFS	SWNW S20 T03N R18E	NWSW SWSW S10 T02N R18E NESE SESE S09 T02N R18E	DECREE
	REMARKS: P/U IS BLOCKS 101, 102, 103, 106-111, 114, 116, 119, 120, 121 IN CITY OF HAILEY.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.72*CFS			
37-0902	DAVIS, VERN	04-01-1940	IRRIGATION	-	-	.58 CFS	SWNW S20 T03N R18E	NWSW S10 T02N R18E NESE S09 T02N R18E	DECREE
	REMARKS: P/U IS BLOCKS 82-87, 90, 91, 92, 94 IN CITY OF HAILEY.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.58*CFS			
37-0903	DECKARD, IRA	04-01-1940	IRRIGATION	-	-	.06 CFS	SWNW S20 T03N R18E	NENE S16 T02N R18E NWNW S15 T02N R18E	DECREE
	REMARKS: CORRECTLY DESCRIBED BY BLAINE ACOUNTY ASSESSOR.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.06*CFS			
37-0904	DREXLER, JOHN	04-01-1940	IRRIGATION	-	-	2.17 CFS	SWNW S20 T03N R18E	NWNE S09 T02N R18E NESE NWSE SESE SWSE S04 T02N R18E SWSW SESW S03 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 3, 5 & 110 IN S4, TAX LOT 1149 IN S9.								
			DOMESTIC	-	-			SAME AS OTHER USE	

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0904									
						* ---*AFA			
						* 2.17*CFS			
37-0905	FOX, E. W.	04-01-1940	IRRIGATION	-	-	9.79 CFS	SWNW S20 T03N R18E		DECREE
	REMARKS: P/U INCOMPLETE. SEE FILE.								
	P/U: T02N R18E S02 SESW								
	S10 SWNE SWSE	SENE	NWNW	SWNW		SESW		NWSE	
	S25 NWNW	SWNW							
	S26 NENE	NWNE	SENE						
	S23 SESW	NWSE	SWSE						
	S15 NWNE SESE	SWNE	NENW	SENW		NESE		NWSE	
	S14 NWSW	SWSW							
			DOMESTIC	-	-			SAME AS OTHER USE	
						* ---*AFA			
						* 9.79*CFS			
37-0906	CITY OF HAILEY	04-01-1940	IRRIGATION	-	-	1.03 CFS	SWNW S20 T03N R18E	NENW NWNW SWNW SENW NESW NWSE SESE SWSE S15 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 41, 1122, 2164 & 2162.								
			DOMESTIC	-	-			SAME AS OTHER USE	
						* ---*AFA			
						* 1.03*CFS			
37-0907	HURST, FRED	04-01-1940	IRRIGATION	-	-	.95 CFS	SWNW S20 T03N R18E	NENE S09 T02N R18E NWNW SWNW S10 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 6 IN S9, TAX LOT 29 & 2271 IN S10.								
			DOMESTIC	-	-			SAME AS OTHER USE	
						* ---*AFA			
						* .95*CFS			

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO		MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0908	HURST, MADALINE	04-01-1940	IRRIGATION	-	-		.03 CFS	SWNW S20 T03N R18E	NENE S05 T02N R18E NWNW S04 T02N R18E	DECREE
	REMARKS: CORRECTLY DESCRIBED BY BLAINE ACOUNTY ASSESSOR.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.03*CFS			
37-0909	JOHNSON, FLOYD	04-01-1940	IRRIGATION	-	-		.18 CFS	SWNW S20 T03N R18E	SWSE S04 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 1424.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.18*CFS			
37-0910	MCCURRY, ETTA B.	04-01-1940	IRRIGATION	-	-		4.64 CFS	SWNW S20 T03N R18E	SWSE S20 T03N R18E NENE SWNE SENE SENW NESE NWSE S29 T03N R18E	DECREE
	REMARKS: P/U IS TAX LOT 1961 IN S20, TAX LOT 1561, 2062, 2063, 1558, & 1559 IN S29.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	4.64*CFS			
37-0911	MCATEE, W. V.	04-01-1940	IRRIGATION	-	-		.43 CFS	SWNW S20 T03N R18E	NWNW S15 T02N R18E NENE S16 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 1534.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.43*CFS			

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO		MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0912	MIZER, DALE	04-01-1940	IRRIGATION	-	-		1.45 CFS	SWNW S20 T03N R18E	NWNW SWNW SWSW S28 T03N R18E	DECREE
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	1.45*CFS			
37-0913	POOL, JACK	04-01-1940	IRRIGATION	-	-		.26 CFS	SWNW S20 T03N R18E	NWSW SWSW S33 T03N R18E NESE SESE S32 T03N R18E	DECREE
	REMARKS: P/U IS TAX LOT 1546 & 1548 IN S32, TAX LOT 677 & 678 IN S33.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.26*CFS			
37-0914	POVEY, FREDERICK	04-01-1940	IRRIGATION	-	-		.11 CFS	SWNW S20 T03N R18E	NENE S16 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 2275.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.11*CFS			
37-0915	SHARP, ARTHUR	04-01-1940	IRRIGATION	-	-		.32 CFS	SWNW S20 T03N R18E	NWSW SWSW S04 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 1539 & 2166.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.32*CFS			
37-0916	SHARP, JOHN	04-01-1940	IRRIGATION	-	-		.03 CFS	SWNW S20 T03N R18E	NESE S09 T02N R18E	DECREE
	REMARKS: P/U IS WEST HALF OF BLK. 94 IN CITY OF HAILEY.									
			DOMESTIC	-	-				SAME AS OTHER USE	
						*	---*AFA			
						*	.03*CFS			

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0917	SPENCER, DON	04-01-1940	IRRIGATION	-	-	2.54 CFS	SWNW S20 T03N R18E		DECREE
	REMARKS: P/U TAX LOT 1529, 1530 IN S15, TAX LOT 1527 IN S22, TAX LOT 1524 1525, 1526, 76, 1423, 79, 1315, 1519, 1520 & 1521 IN S23.								
	P/U: T02N R18E S23 NENE NWNE SENE NENW NWNW SWNW								
	NWSW SWSW								
	S22 NENE NWNE SENE								
	S15 SWSE SESE								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	2.54*CFS			
37-0918	STRANATHAN, CLAUDINE	04-01-1940	IRRIGATION	-	-	.09 CFS	SWNW S20 T03N R18E	NWNW SWNW S04 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 2347 & 2349.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.09*CFS			
37-0919	SIMPLOT, JACK	04-01-1940	IRRIGATION	-	-	.54 CFS	SWNW S20 T03N R18E	SESE S29 T03N R18E	DECREE
	REMARKS: P/U IS TAX LOT 2424.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.54*CFS			
37-0920	WILSON, FLOYD	04-01-1940	IRRIGATION	-	-	.07 CFS	SWNW S20 T03N R18E	NENE SENE S26 T02N R18E NWNW SWNW S15 T02N R18E	DECREE
	REMARKS: P/U IS TAX LOT 2134.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.07*CFS			
37-0921	YOUNG, MARTIN	04-01-1940	IRRIGATION	-	-		SWNW S20	SWNW NESW	DECREE

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: MALAD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-0921						.75 CFS	T03N R18E NWSW	S10 T02N R18E	
	REMARKS: P/U IS TAX LOT 33, 34, 1810 & 2270.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.75*CFS			
37-0922	YOUNG, ROBERT	04-01-1940	IRRIGATION	-	-	.75 CFS	SWNW S20 T03N R18E	NENW S10 T02N R18E SENW	DECREE
	REMARKS: P/U IS TAX LOT 30 & 31.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.75*CFS			
37-0923	YOUNG, W. A.	04-01-1940	IRRIGATION	-	-	.21 CFS	SWNW S20 T03N R18E	NWSW S10 T02N R18E NESE S09 T02N R18E	DECREE
	REMARKS: P/U IS BLK. 93, 95, 99 & 100 IN THE CITY OF HAILEY.								
			DOMESTIC	-	-			SAME AS OTHER USE	
					*	---*AFA			
					*	.21*CFS			
37-7733	CASTLE, GEORGE C. BARNES, JOSEPH B. P.O. BOX 1310A KETCHUM ID 83340 OTHER USES: R/FISH POND.	09-07-1978	RECREATION	01-01	12-31	.40 CFS	NWNE S30 T04N R18E	SWNE S30 T04N R18E	PERMIT
37-7791	FAIRFIELD, RICHARD W. P.O. BOX 1356 HAILEY ID 83333	07-19-1979	IRRIGATION	04-01	11-01	3.00 AFA .02 CFS	SESW S20 T03N R18E	SESW(01) S20 T03N R18E	LICENSE
								* 1 ACRES*	
37-7866	DIVINE, T. C. BOX 133 BELLEVUE ID 83313	11-14-1980	POWER	01-01	12-31	75.00 CFS	NESE S22 T02N R18E	SENE S26 T02N R18E	APPLICATION

INDICATES TOTAL SOURCE: BIG WOOD RIVER TRIBUTARY TO: SNAKE RIVER

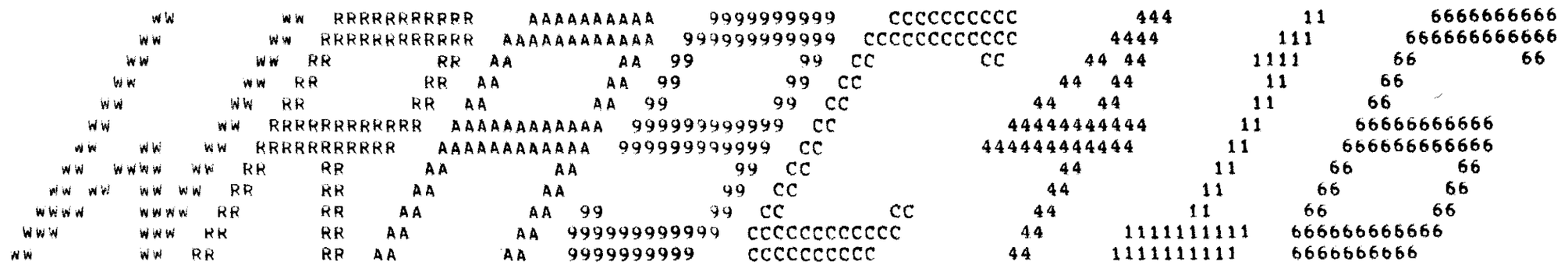
RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-7196	LEWIS, W. A. 503 7TH AVE. S. NAMPA ID 83651	01-17-1973	IRRIGATION	03-15	11-15	1.50 AFA .02 CFS	NWSW S09 T02N R18E	NWSW(01) S09 T02N R18E * 1 ACRES*	LICENSE
37-7822	WOOD RIVER PROPERTIES INC. P.O. BOX 7250 NEWPORT BEACH CA 92663	03-25-1980	RECREATION	01-01	12-31	20.00 CFS	NESE S06 T03N R18E SWSE S06 T03N R18E	NENE SENE S07 T03N R18E NESE SESE S06 T03N R18E	PERMIT
			AESTHETICS	01-01	12-31	20.00 CFS		SAME AS OTHER USE	
					*	---*AFA			
					*	20.00*CFS			
37-7836	GIMLET PROPERTY OWNERS ASSOCIA P.O. BOX 985 SUN VALLEY ID 83353	06-04-1980	RECREATION	01-01	12-31	10.00 CFS	SWNW S32 T04N R18E	SESE S31 T04N R18E SWNW NWSW S32 T04N R18E	PERMIT
			AESTHETICS	01-01	12-31			SAME AS OTHER USE	
			AESTHETICS	01-01	12-31			SAME AS OTHER USE	
					*	---*AFA			
					*	10.00*CFS			
37-7919	STATE OF IDAHO IDAHO WATER RESOURCE BOARD STATEHOUSE MAIL BOISE ID 83720 REMARKS: P/U = REACH BETWEEN PDS	06-19-1981	MINIMUM IN STREAM FLO	01-01	12-31	70.00 CFS	SWNW S36 T02N R18E SENW S13 T04N R18E	SWNW S36 T02N R18E	APPLICATION

INDICATES TOTAL SOURCE: BIG WOOD RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
37-2093	IDAHO CONSOLIDATED MINES CO. L ROCKWELL-WHITE POWER CO. BELLEVUE ID	11-26-1907	POWER	-	-	220.00 CFS	NESE S22 T02N R18E	SENE S26 T02N R18E	LICENSE
37-2133	BONNING,JR., JAMES KETCHUM ID	04-28-1909	IRRIGATION	-	-	.40 CFS	NESW S19 T04N R18E	SWSW(10) S20 T04N R18E NWNW(10) S29 T04N R18E * 20 ACRES*	LICENSE
			DOMESTIC	-	-			SAME AS OTHER USE	
				*	---*AFA				
				*	.40*CFS				
37-2305	SAMMS, A. H. GANNETT ID	01-20-1915	IRRIGATION	-	-	.64 CFS	NESW S36 T02N R18E	LT01 (SENE)(16) LT02 (SWNE)(16) LT03 (SENW)(17) LT04 (SWNW)(17) S04 T01S R19E LT04 (SWNW)(16) S03 T01S R19E * 82 ACRES*	LICENSE
			DOMESTIC	-	-			SAME AS OTHER USE	
				*	---*AFA				
				*	.64*CFS				
37-2784	FOX, JOHN C. HAILEY ID REMARKS: SOURCES ARE BIG WOOD RIVER; TRIB. SNAKE RIVER QUIGLEY CREEK; TRIB. BIG WOOD RIVER SOURCES ARE BIG WOOD RIVER; TRIB. SNAKE RIVER QUIGLEY CREEK; TRIB. BIG WOOD RIVER	01-03-1967	IRRIGATION STORAGE	04-01	11-01	16.00 AFA	SWNE S10 T02N R18E		LICENSE
			IRRIGATION FROM STOR	04-01	11-01	16.00 AFA		SAME AS OTHER USE	

INDICATES TOTAL SOURCE: QUIGLEY CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
			IRRIGATION STORAGE	04-01	11-01	16.00 AFA		SAME AS OTHER USE	
			IRRIGATION FROM STOR	04-01	11-01	16.00 AFA		SAME AS OTHER USE	
					*	16.00*AFA			
					*	---*CFS			

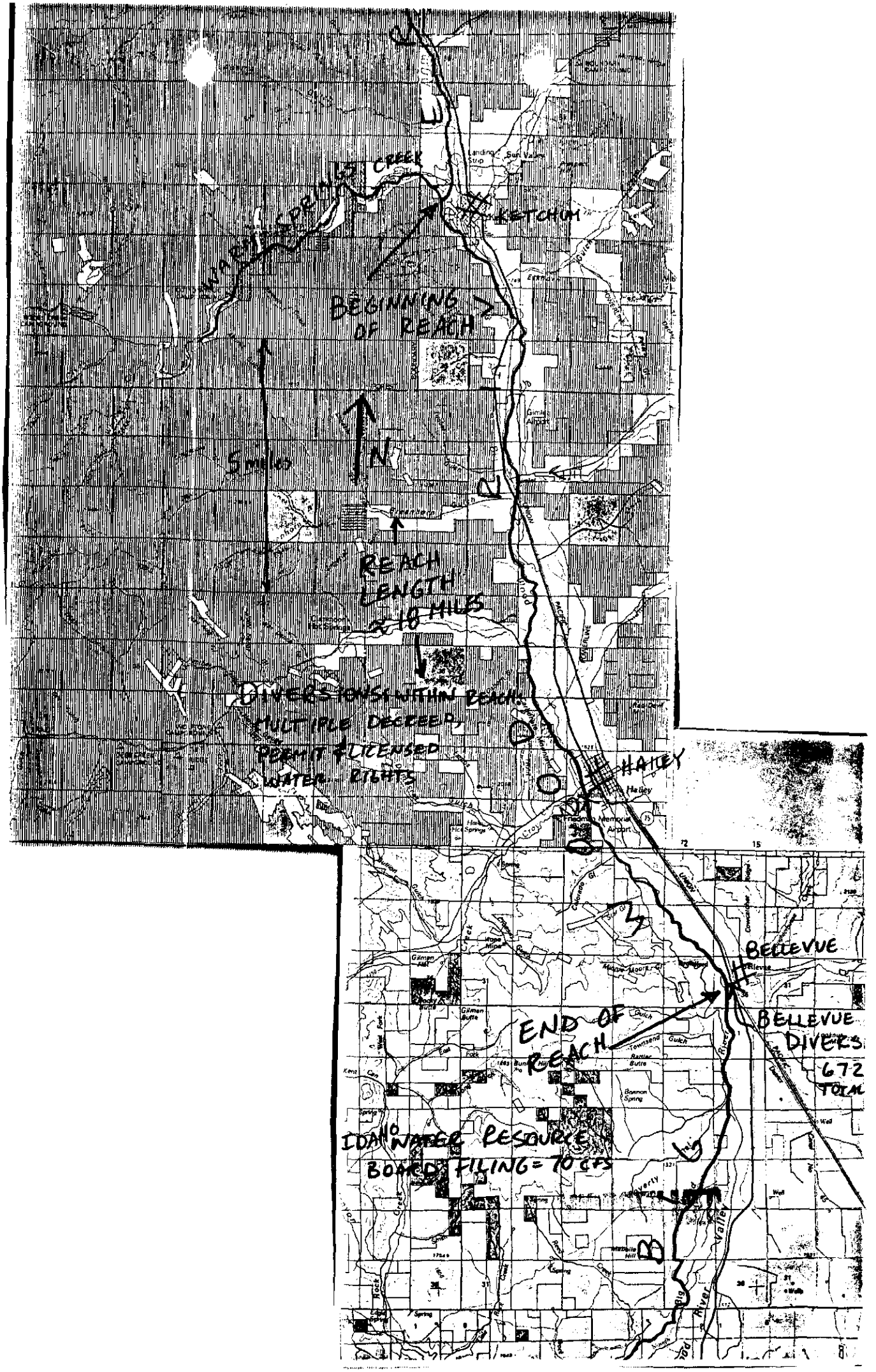


T END JOB 860 WRA9C416 0001 0001 R0001 ALLOCATIONS.DAVE ROOM 3.26.40 PM 14 SEP 83 R1.PR1 SYS 033N END T

ATTENDANCE ROSTER

Public Meeting - Thursday, Sept. 22, 1983, at 7:30 p.m. at Wood River High School
Fox Acre Rd., Hailey for water rights numbers 37-7849 and 37-7919

NAME	ADDRESS	REPRESENTING
Karen J. Crowell	Ketchum P.O. 1013	The Mountain Express
Dave Lewis	Hailey	Times-News
Garey Stivers	"	KSKI
Robert Shackelford	SV PO 273	Private Consultant for Hailey Forest
Ted Dennis	Bellevue.	
DUTCH HARPER	Box 895 Sun Valley	Sun Valley Mfg Fisheries
MACK NEIBAUR	Rt 1 Box 1478	Paul, Ida
EDNA "	" "	" "
Florence Blanchard	Box 225 Bellevue	
Dick Oncida	Shoshone, Id. 83352	Big Wood Cons.
Reid J Newby	Shoshone, Idaho	Water Dist - 37&37M
Norm Young	Boise Idaho	IDWR
A.W. Molyneaux	Bellevue Idaho	Box 400
Harold Dimond	Bellevue Idaho	Box 66
RICHARD GOULEY	BOX 1051, HAILEY	LOWER BROADFORD RD
MILAN LEXA	Box 292 Bellevue	


CREEK
KETCHUM
BEGINNING OF REACH
5 miles
N
REACH LENGTH ≈ 10 MILES
DIVERSIONS WITHIN REACH:
MULTIPLE DECREED, PERMIT & LICENSED WATER RIGHTS
HAILEY
BELLEVUE
END OF REACH
BELLEVUE DIVERS
672
TOTAL
IDAHO WATER RESOURCE BOARD FILING = 70 CFS

On September 14, 1983 copies of the attached materials were sent to the property owners and waterusers identified on the attached mailing labels.

Sharla Curtis

SHARLA CURTIS

MINIMUM STREAM FLOW
Fact Sheet

Water Right No.: 37-7849

Source: Silver Creek tributary to the Little Wood River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: August 26, 1980

Rate of Flow: 74 cubic feet per second year around

Location of Reach: From the point where Silver Creek is crossed by the Highway 93 bridge within the NW¼SE¼ Section 20, Township 2 South, Range 21 East, downstream about 3 miles to the confluence with the Little Wood River within Lot 5, Section 6, Township 3 South, Range 21 East.

Purpose: To maintain wild trout rearing, spawning and migration within the described reach.

Public Meeting: Thursday, September 22, 1983, at 7:30 p.m. at Wood River High School, Fox Acre Road, Hailey.

Water Right No.: 37-7919

Source: Big Wood River tributary to the Snake River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: 70 cubic feet per second year around

Location of Reach: From the Bellevue diversion within the SW¼NW¼ Section 36, Township 2 North, Range 18 East upstream to the confluence with Warm Springs Creek in the SE¼NW¼ Section 13, Township 4 North, Range 17 East.

Purpose: To maintain trout habitat

Public Meeting: Thursday, September 22, 1983, at 7:30 p.m. at Wood River High School, Fox Acre Road, Hailey.

MINIMUM STREAM FLOW
Fact Sheet

Water Right No.: 37-7849

Source: Silver Creek tributary to the Little Wood River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: August 26, 1980

Rate of Flow: 74 cubic feet per second year around

Location of Reach: From the point where Silver Creek is crossed by the Highway 93 bridge within the NW¼SE¼ Section 20, Township 2 South, Range 21 East, downstream about 3 miles to the confluence with the Little Wood River within Lot 5, Section 6, Township 3 South, Range 21 East.

Purpose: To maintain wild trout rearing, spawning and migration within the described reach.

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Water Right No.: 37-7919

Source: Big Wood River tributary to the Snake River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

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Purpose: To maintain trout habitat

Public Meeting: Thursday, September 22, 1983, at 7:30 p.m. at Wood River High School, Fox Acre Road, Hailey.

...LED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Re: Minimum Stream Flow Application on the Big Wood River

Dear Wateruser:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of the Big Wood River. According to the records of this Department, you have a water right for which the point of diversion is located in or near the proposed minimum streamflow reach.

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

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Re: Minimum Stream Flow Application on the Big Wood River

Dear Property Owner:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of the Big Wood River. According to the records at the county courthouse, you are one of the owners of property adjacent to the reach where the minimum streamflow is proposed.

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

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Rep. Dan Kelly
9930 N. 10th E.
Mtn. Home, ID 83647

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Representative Kelly:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Rep. Mack W. Neibaur
Rt. 1, Box 1478
Paul, ID 83347

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Representative Neibaur:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Rep. Gordon R. Hollifield
Rt. 6
Jerome, ID 83338

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Representative Hollifield:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Senator Wes Trounson
Rt. 2, Box 108
Wendell, ID 83355

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Senator Trounson:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Rep. John H. Brooks
Rt. 2, Box 233
Gooding, ID 83330

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Representative Brooks:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Senator John Peavey
Box 88
Carey, ID 83320

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Senator Peavey:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Rep. Steve Antone
1141 Link St.
Rupert, ID 83350

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Representative Antone:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Rep. Mark A. Larson
525 Samarra Dr.
Mtn. Home, ID 83647

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Representative Larson:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 14, 1983

Senator Claire Wetherell
360 E. 15th N.
Mtn. Home, ID 83647

RE: Public Meetings Regarding Water Rights for Minimum Stream Flows

Dear Senator Wetherell:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Two applications on the Malad River will be reviewed at a meeting at the Gooding High School at 7:30 p.m. on Wednesday, September 21. One application on the Big Wood River near Hailey and one application on Silver Creek near Carey will be discussed at a meeting at the Wood River High School in Hailey on Thursday, September 22, also at 7:30 p.m. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

Lois H. Hurtig
Box 185
Sun Valley, ID 83353

Property Owners
37-7919

Northwood Assoc.
Box 1440
Sun Valley, ID 83353

William J. Spath
315 Bell Bldg.
Toledo, OH 43624

Richard & Teresa Ensch
1880 Glennmeyre
Laguna Beach, CA 92651

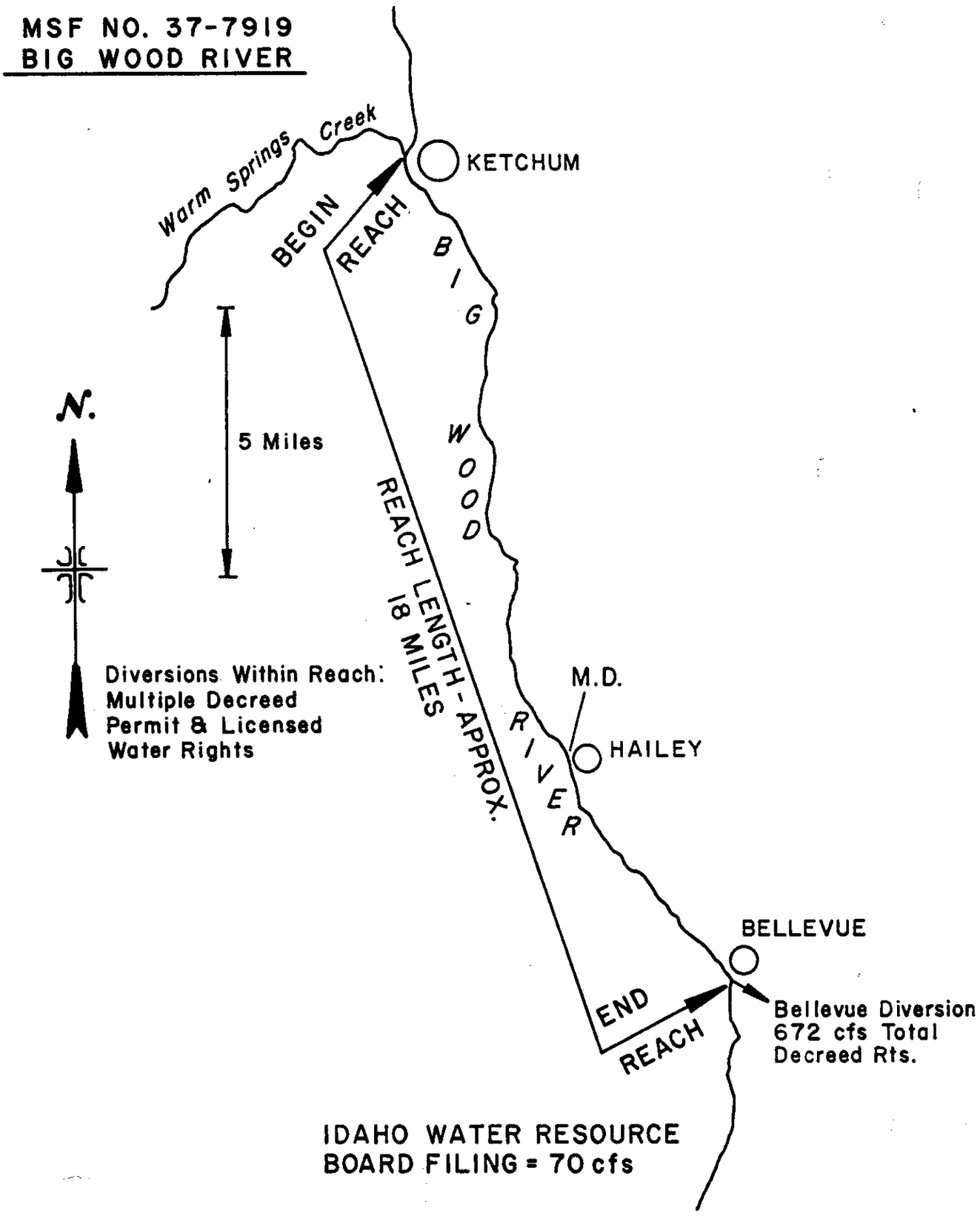
Jack P. Miller
100 E. Hackberry
McAllen, TX 98501

Presbyterian Church Inc.
Box 473
Ketchum, ID 83340

STREAM FLOW INFORMATION

BIG WOOD RIVER FROM KETCHUM TO BELLVUE

- Discharge primarily provided by snowmelt.
- Months of April through July yield 70% of annual runoff.
- Low flows generally in the December thru February period.
- Flow duration curve developed at M.D. near Hailey using 1916-1973 data shows that 70 cfs is exceeded 97% of the time.
- Flows at upstream end of the reach are not well defined.


MSF NO. 37-7919
BIG WOOD RIVER
Warm Springs Creek
KETCHUM
BEGIN REACH
BIG WOOD RIVER
N.
5 Miles
REACH LENGTH - APPROX. 18 MILES
Diversions Within Reach:
Multiple Decreed
Permit & Licensed
Water Rights
M.D.
HAILEY
BELLEVUE
END REACH
Bellevue Diversion
672 cfs Total
Decreed Rts.
IDAHO WATER RESOURCE
BOARD FILING = 70 cfs

Sidney B. Cook
1545 Wilshire Blvd.
Los Angeles, CA 90017

Vance Hanawalt
Box 1572
Hailey, ID 83333

Robert A. Green
Box 946
Hailey, ID 83333

Brian J. Barsotti
Box 2133
Ketchum, ID 83340

McDonough Partners Ltd.
21150 N. Park Dr.
Fairview Park, OH 44126

Michael D. McCann
Box 1252
Ketchum, ID 83340

Joel M. Kanter
145 Laurel Grove Ave.
Kentfield, CA 94904

D. L. Brandenburger
1355 Brandt Rd.
Hillsborough, CA 94010

Dal J. Carracq
960 Los Molinos
Sacramento, CA 95825

Peter H, Zischke
515 Miner Rd.
Orinda, CA 94563

Patrick & Michael Dingman
Box 162
Hailey, ID 83333

Joseph Thielen
650 S. Grand Ave.
Los Angeles, CA 90017

Willard C. Bronson
Box 14,
Sun Valley, ID 83353

Ruth Jeffries
603 Warm Springs
Boise, ID 83702

Charles Rouse
1745 Blue Heron Drive
Lake Oswego, OR 97034

Larry B. Plott
8551 Marigold
Boise, ID 83704

Lynn B. Moore
Rt. 1, Box 35
Bellevue, ID 83313

Victor L. Warr
Box 175
Hailey, ID 83333

Milton D. Fife
Box 322
Hailey, ID 83333

Maxine Hazen
Box 94
Bellevue, ID 83313

Assembly of God
Southern Idaho Dist.
Box 308
Nampa, ID 83651

William E. Norris
Box 146
Sun Valley, ID 83353

Deer Creek Ranch Inc.
Box 206
Hailey, ID 83333

Dorothy & John Chapman
Box 2898
Boise, ID 83701

Scott M. & Kandi S. Kamerman
Box 991
Sun Valley, ID 83353

Christoper D. Cromwell
4631 Tescadaro St.
San Diego, CA 92107

Linda Basset
Box 1776
Ketchum, ID 83340

Jeffrey Nee
Box 1721
Ketchum, ID 83340

Samuel Palumbo
4614 Trail Crest Circle
Austin, TX 78735

John Slade
c/o John Bernard
Pan Am Worldport
Jamica, NY 11430

Kenneth Moore
3500 Buchanan #146
Riverside, CA 92503

John K. Pettit
Box 607
Ketchum, ID 83340

William P. Hunter not deliverable
Box 1050
Ketchum, ID 83340

Robert E. Rosso
Box 911
Ketchum, ID 83340

Leroy E. Golding, Jr.
Box 1078
Ketchum, ID 83340

Thomas Ziegler
Box 625A
Ketchum, ID 83340

Richard W. Fairfield
Box [illegible]
Hailey, ID 83333

Henry Schwake
Box 318
Ketchum, ID 83340

Devann H. & Karen A. Kryder
Box 1138
Ketchum, ID 83340

Paul & Judith Verge
Box 681
Ketchum, ID 83340

Robert Feldman
4368 Fairway Dr.
Lakewood, CA 90712

James E. Hopkins
Box 1485
Hailey, ID 83333

Mark C. Brown
495 Wainee St.
Lahaina, Maui HI 96761

Jack W. Maxwell
1500 San Remo Dr.
Pacific Palisades, CA 90272

Lois J. Collins
5898 Bannock Hwy.
Pocatello, ID 83201

Michael D. Burkey
Box 1268
Hailey, ID 83333

Seymour Alban
Box 1126
Hailey, ID 83333

[illegible] MED

Peter Cetera
c/o Kaufman & Eisenburg
9301 Wilshire Blvd. Suite 212
Beverly Hills, CA 90210

Wood River Properties, Inc.
Box 7250
Newport Beach, CA 92663

McGuinness & Associates
Stonemill Business Park
2915 Red Hill Ave., Suite C 108
Costa Mesa, CA 92626

Micheal J. Farrell
489 Alta Vista Way
Laguna Beach, CA 92651

Cremin Huxley
Star Rt.
Hailey, ID 83333

Clayton Carter
Box 1341
Ketchum, ID 83340

Bernard L. Krielkamp
Star Rt.
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Richard E. Johnson
1151 Dove #275
Newport Beach, CA 92660

Robert Boughton
Box 1284
Sun Valley, ID 83353

Micheal C. Badell
Box 390
Sun Valley, ID 83353

Glenn Dale Ranches Inc.
5629 Dona Way
Sacramento, CA 95822

James J. Coughlin
401 Summit Ridge Rd.
Boise, ID 83702

Richard Miller
Box 191
Sun Valley, ID 83353

Kathle~ Dawson
Box 14.
Hailey, ID 83333

Donald Roberts
Box 2892
Aspen, CO 81611 .

Jay Frank Mannino
46-285 Manitou Dr.
Indian Wells, CA 92260

James F. & Linda Acarregui
Jordan Valley, OR 97910

Sun Valley Water & Sewer Dist.
Sun Valley City Hall
Sun Valley, ID 83353

Roger Leroy Miller
13123 SW 64th Ct.
Miami, FL 33156

Lane Ranch
Box 326
Sun Valley, ID 83353

Jill P. Bradburn
2445 Hidden Valley Rd.
La Jolla, CA 92037

Samuel M. Grossman
1903 W. Bethany Home Rd.
Phoenix, AZ 85015

Returned
no such no.

Nicholas Vanoff
910 N. Foothill Rd.
Beverly Hills, CA 90213

State of Idaho
Division of Highways
3311 W. State St.
Boise, ID 83703

Helen Fassett
Box 273
Sun Valley, ID 83353

William Power
1300 Quail St.
New Port Beach, CA 92660

William F. & Shirley M. Power
2861 S. Pullman
Santa Anna, CA 92705

Lurlime Menzies
3412 Washington St.
San Francisco, CA 94118

Allen & Ruscitto Brooks
Box 1637
Boise, ID 83701

Daniel Alban
Box 1131
Ketchum, ID 83340

Leslie Ann Rolles
2004 S. Williams St.
Denver, CO 80210

Bender & Cox Huffman
Box 612
Sun Valley, ID 83353

David H. Knott
Box 1242
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Kathryn & Mary Ellen Allred
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Serena R. Stewart
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Peter R. Ward
Indian Chase Dr.
Greenwich, CT 06830

Walter R. Wright, Jr.
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Sun Valley, ID 83353

Prudence S. Warde
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Sun Valley, ID 83353

Borden W. Stevenson
Box 909
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Fabiano, Walsworth & Taylor
Box 1493
Ketchum, ID 83340

Gimlet Land Devel. Corp.
Box 658
Sun Valley, ID 83353

Dorothy V. Teren
200 E. Carrillo St.
Santa Barbara, CA 93102

H. F. Richards
Box 224
Sun Valley, ID 83353

Richard Bertea
173 Shore Cliff
Corona Del Mar, CA 92605

John Stevenson
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Bellevue, ID 83313

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Box 7205
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1740 Palisades Dr.
Pacific Palisades, CA 90272

John Harker
Box 1153
Sun Valley, ID 83353

George E. Wise
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Bellevue, ID 83313

Spencer Eecles
4371 Adonis Dr.
Salt Lake City, UT 84117

John McNees
336 Buchanan
Twin Falls, ID 83301

Candida Forstmann
Box 1041
Hailey, ID 83333

Wallace Young
Box 583
Hailey, ID 83333

Warren Teeney
598 Madison Ave.
New York, NY 10022

W. J. Gunville
Box 338
Hailey, ID 83333

Idaho Power Co.
Attn: L. R. Bruner
Box 70
Boise, ID 83707

Geove Bever
1880 Riviera Circle
Idaho Falls, ID 83401

Blain County Tax Deed
Blaine County Courthouse
Hailey, ID 83333

James A. Hogg
Star Rt.
Hailey, ID 83333

Clay Carter
Box 1341
Ketchum, ID 83340

Gary Hibbard
Box 414
Shoshone, ID 83352

Craig & Gina Bass
Box 520
Hailey, ID 83333

Board Mill & Sunset Ranch Inc.
Box 910
Ketchum, ID 83340

Gann FCI Ltd.
Box 183
Ketchum, ID 83340

Glenn Dale Ranches Inc.
Star Rt.
Buhl, ID 83316

Alexander D. Murray
Box 68
Ketchum, ID 83340

Jack Basolo
Box 495
Hailey, ID 83333

Rex & Josephine Garner
Box 1897
Sun Valley, ID 83353

Robert & Bruce Bacon
2536 E. Campus Dr.
Salt Lake City, UT 84121

Anna O'Donnell
Box 267
Bellevue, ID 83313

William D. Eittrein
Box 1661
Sun Valley, ID 83353

Devere & Marion Barker
Box 517-A
Ketchum, ID 83340

Sun Valley Resorts
Sun Valley, ID 83353

Grace Wayland
1602 Harrison Blvd.
Boise, ID 83702

Willard Shillington
Rt. 1, Box 81
Paul, ID 83347

W. H. & Edith Shillington
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Rupert, ID 83350

Mary Pichon
Box 3060
Ketchum, ID 83340

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503 Jones Rd.
Oceanside, CA 92054

Fred Watson
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Daniel
T. Cullen

Daniel T. Cullen
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Hillsborough, CA 94010

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Joan M. Dick
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San Marino, CA 91108

Charles R. Boge
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Idaho Falls, ID 83401

Gret n Guard
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Douglas Campbell
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Buckhorn Investment Co.
9061 Santa Monica Blvd.
Los Angeles, CA 90069

Walter L. Beeis
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Portland, OR 97208

John & Norma Farmer
914 W. Ocean Front
Balvou, CA 92661

George Bund
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Christiana Massey
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Chicago, IL 60611

Dale Robinette
Box 505
Topanga, CA 90290

Manfred Jakober
Box 2596
Ketchum, ID 83340

Sheryl K. Harmer
Box 56
Hagerman, ID 83332

Idaho Park Foundation Inc.
1020 W. Franklin
Boise, ID 83702

Carl R. Pothier
Box 611
Ketchum, ID 83340

Ted Devine
Box 133
Bellevue, ID 83313

Cliff Noxen
Bellevue, ID 83313

37-7919

Larry McKenzie
Box 80[illegible]
Hailey, ID 83333

Raymond Kincaid
Bellevue, ID 83313

Richard Welch, Jr.
Box 813
Ketchum, ID 83340

W. R. Watts
Bellevue, ID 83313

Stanley Steele
Box 1021
Hailey, ID 83333

Jack Parker
Box 418
Bellevue, ID 83313

Broadford Polo Ltd.
Box 476
Bellevue, ID 83313

Glen Rains
Box 497
Bellevue, ID 83313

Cal-Pacifico
Rt. 1, Box 40
Bellevue, ID 83313

Ellen Scofield
Box 302
Bellevue, ID 83313

Jim Eakin
Box 296
Hailey, ID 83333

Steve Crandall
Box 402
Ketchum, ID 83340

37-7919

Water uses

Tom Shanklin
Box 217
Hailey, ID 83333

Aspen Lakes Ltd.
Box 2040
Sun Valley, ID 83353

Dan Ramsland
Box 235
Hailey, ID 83333

Don Justus
1024 Ranch Rd.
Boise, ID 83702

John J. Campagna, Jr.
Box 1608
Hailey, ID 83333

Robert Vernon
Rt. 5
Caldwell, ID 83605

Warren A. Lewis
503 7th Ave. S.
Nampa, ID 83651

Derris Head
Bellevue, ID 83313

Western Outfitters Trust
550 Tacoma Savings Center
820 "A" St.
Tacoma, WA 984-2

Ed Van Every
Box 2044
Sun Valley, ID 83353

Francis Friestad Estate
Box 251
Bellevue, ID 83313

Gerald W. Dauby
Box 438
Bellevue, ID 83313

Dale & Mary Mizer
Box 728
Hailey, ID 83333

Michael McGraw
Box 1225
Hailey, ID 83333

Pacesetter Dev.
4540 Campus Dr.
Newport Beach, CA 92660

Quigley Land Co.
Box 1197
Ketchum, ID 83340

Robert Logan
Hailey, ID 83333

Returned
insuff. address

Craig William Johnson
Box 1288
Ketchum, ID 83340

Rostan, Inc.
2600 Reynolds Rd. N.
Toledo, OH 43615

Sprenger, Grubb & Assoc.
Box 1570H
Hailey, ID 83333

Tom Richmond
Box 1105
Hailey, ID 83333

Dorothy Chapman
615 Fillmore
Twin Falls, ID 83301

J. H. Poppy
139 Toyna Rd.
Atherton, CA 94025

Edward Downe
c/o Evan Robertson
Box 1906
Twin Falls, ID 83301

Gimlet Properties Assoc. Inc.
c/o Wally Wright
Box 985
Sun Valley, ID 83353

Glendale Ranches
c/o Gould Bros.
Rt. 4
Buhl, ID 83316

John McDonald
Box 1
Ketchum, ID 83340

Robert Bloomfield
Box 746
Ketchum, ID 83340

Fredrick Blechman
Box 184
Sun Valley, ID 83353

Heatherlands Homeowners Assoc.
Box 3901
Ketchum, ID 83340

Elizabeth Cook
Box 1869
Ketchum, ID 83340

Wayne Gann
Box 1920
Sun Valley, ID 83353

Anton Bodner
Box 268
Hailey, ID 83333

Arthur Richards
Box 636
Hailey, ID 83333

City of Hailey
Hailey, ID 83333

David Anderson
Box 449
Hailey, ID 83333

Dick Wright
Box 457
Hailey, ID 83333

Hiawatha Canal Co.
Hailey, ID 83333

Returned
insuff. address

J. R. Simplot
c/o Ron Graves
Box 27
Boise, ID 83701

James Gorman
Box 1184
Hailey, ID 83333

Janet Lee
Box 841
Hailey, ID 83333

Jim Savaria
Box 751
Hailey, ID 83333

John Basovsky
Box 914
Hailey, ID 83333

John Drexler
Box 396
Hailey, ID 83333

Burr Smith
Box 783
Hailey, ID 83333

Lenier Smith
Box 274
Sun Valley, ID 83353

J. R. McNeal
Box 730
Hailey, ID 83333

Robert R. Dargatz
Box 1042
Hailey, ID 83333

Bruce Steiner
Box 819
Hailey, ID 83333

Jeff Fagerholm
Box 651
Ketchum, ID 83340

R. L. Teasley
610 Sunrise Blvd. N.
Twin Falls, ID 83301

Connie L. Rouse
Box 1701
Sun Valley, ID 83353

Michael Faherty
20000 Sherman Way
Conoga Park, CA 91306

Douglas R. Fitch
Box 1076
Ketchum, ID 83340

David & Blaine Cropper
Box 516
Hailey, ID 83333

Betty June Zehring
2817 La Mesa Dr.
Henderson, NV 89015

Gary L. Brutsch
3112 Hermosa Ave.
Hermosa Beach, CA 90254

Michael B. Sexton
2510 Navarro Unit 502
Carlsbad, CA 92008

Gimlet Prop. Owners Ass
Box 985
Sun Valley, ID 83353

Cramer Electric Co
Hailey, ID 83333

Returned
insuff - address

R. T. Blakely Est.
Hailey, ID 83333

Returned
insuff. address

Bend of the River Ranch
Box 818
Hailey, ID 83333

Denzel R. & Mary S. Rowland
box 1176
Hailey, ID 83333

Wood River Valley Irr. Dist.
Bellevue, ID

Rockwell-White Power Co.
Bellevue, ID

Returned
insuff. address

A. H. Samms
Garrett, ID

Returned
addressee
unknown

I. K. Rockwell
Bellevue, ID

Returned
addressee
unknown

James Bonning Jr.
Ketch[illegible] ID 83340

George C. Castle & Joseph B. Barnes
Box 1310A
Ketchum, ID 83340

Richard W. Fairfield
Box 1356
Hailey, ID 83333

Gene M. Gray, Vice Chairman, moved Board adoption of Rescission Resolution No. 83-5 to Blair Calloway (ATTACHMENT 26); No. 83-10 to National Hydro Corp/ Lost River Electric Cooperative, Inc. (ATTACHMENT 27); No. 83-13 to Marsh Valley Hydro Electric Company (ATTACHMENT 28); No. 83-21 to Big Wood Canal Company (ATTACHMENT 29); No. 84-14 to Ryan Neibaur (ATTACHMENT 30); and No. 84-31 to Richard A. Egbert (ATTACHMENT 31). Richard W. Wagner, Member, seconded the motion.

Motion passed by voice vote: 7 Ayes, 1 Absent.

Donald R. Kramer, Chairman, requested staff review the amount of the Board's upfront nonrefundable deposit of project sponsors for the Board's bond program; requested staff prepare for the Board's consideration a graduated rate scale to charge the project sponsors as a deposit to help defray processing costs of bond applications.

C. Underwriter and Bond Counsel for IWRB Financing Programs. Wayne T. Haas, Administrator, Resources Analysis Division, reminded the Board it was time to review its investment banker and bond counsel in accordance with the document adopted last year entitled, "Selection of Investment Banker and Bond Counsel." Donald R. Kramer, Chairman, appointed a committee of Gene M. Gray, chairman, J. D. Williams and James Shawver, to review the Board's investment banker and bond counsel and make a recommendation back to the Board.

Agenda Item No. 11. SJR 117aa - State Water Plan, Amendment to Section 7, Article XV, Idaho Constitution
Arguments Against SJR 117aa Sent to the Legislative Council

Wayne T. Haas, Administrator, Resources Analysis Division, explained that A. Kenneth Dunn, Director, sent a memo (ATTACHMENT 32) to the Legislative Council's staff providing them the statement of the Board against SJR 117aa for the November ballot. The department with the help of Gene M. Gray, Vice Chairman, prepared the statement from the rough draft presented to the Board at its last meeting and comments that had been received from the Board.

Agenda Item No. 12. Status Report on Minimum Stream Flow Applications
A. Application No. 37-7919 - Big Wood River
B. Other Applications

A. Application No. 37-7919 - Big Wood River. Norman C. Young, Administrator, Resource Administration Division, reviewed the background of the Board's minimum stream flow application No. 37-7919 on the Big Wood River. The application was filed by the Board at Dept. of Fish and Game's request in June, 1981. The application requests 70 cfs for maintenance of trout habitat over 18 miles of the Big Wood River from Warm Springs Creek to Bellevue Diversion. The Board held an information meeting in Hailey on the application. Two concerns were raised: (1) Mr. Devine has a proposed power project for 75 cfs with a water right that has a prior filing date to the Board's application and another application for 250 cfs with a junior water right to the Board, and (2) Dept.

of Parks and Recreation requested the Board delay action on the application while its staff reviewed a higher minimum flow for rafting, boating, aesthetics, and etc. The Board at its October, 1983 meeting requested staff to delay action on the application until Mr. Devine's FERC application had been acted upon by FERC. Mr. Devine has now received an exemption from FERC and is interested in moving rapidly forward with his project. Dept. of Parks and Recreation is still interested in a higher minimum flow in that reach of the river, but it does not have the capacity or staff to study the flow rate. Mr. Young does not believe the Dept. of Parks and Recreation are asking the Board to delay its application further. Alternatives in handling this application include: (1) amend the application, (2) withdraw the application, or (3) continue with the application requesting the Director of the Department of Water Resources to hold its hearing. If the Board chooses to continue with its application, it would require Dept. of Fish and Game to make a presentation at the hearing on a reasonable flow rate in the river for the department to set under state law. It would be inline for Dept. of Fish and Game to request the amount set by the department for FERC's permit.

Ted Devine explained he had talked to the Board at its hearing on the Big Wood River and followed it up with a letter, requesting the Board consider modifying its application to stop at the diversion one and half miles north of the proposed ending of the minimum flow. Mr. Devine considers his project a redevelopment since a hydropower project was used at the site in 1911 and abandoned in the 1940's. Mr. Devine would like to work with the Board in establishing a minimum stream flow in the lower reach of the river in context with his overall hydropower project and the river. He requested the Board direct staff to grant his initial application for 75 cfs and grant his 250 cfs application subject to a joint resolution between the Board and his company. Historically the hydropower facilities have enhanced the fishing resources in that stretch of the river. Redevelopment of the project would provide for better use of fisheries and public access to the river.

Gene M. Gray, Vice Chairman, moved the Board request the Director of the Department of Water Resources to proceed with the department hearing on the Board's application No. 37-7919 on the Big Wood River. Franklin Jones, Secretary, seconded the motion.

Motion passed by voice vote: 7 Ayes, 1 Absent.

B. Other Applications. Norman C. Young, Administrator, Resource Administration Division, discussed with the Board a status report (ATTACHMENT 33) of minimum stream flow water rights. Proof of Beneficial Use cards are ready for the Board's signature and submission to the department for licenses on Vinyard Creek and Bancroft Springs. Application No. 37-7727 on Silver Creek is ready for licensing as soon as the Board Chairman signs an amendment to change the description of the point of diversion. Currently, flow and use data are being collected for applications on Wolf Lodge Creek, Little Wood River, Granite Creek, Sullivan Springs and Devils Corral Springs.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MINIMUM STREAM FLOW)
) A RESOLUTION
APPLICATION NO. 37-7919)

WHEREAS, pursuant to Chapter 15, Title 42, Idaho Code, the Idaho Water Resource Board (Board) has the authority to appropriate the unappropriated waters of streams in Idaho for the purpose of establishing minimum stream flows; and,

WHEREAS, the Board has submitted to the Director of the Idaho Department of Water Resources (Director) an Application for Permit to appropriate water for a minimum stream flow, No. 37-7919; and,

WHEREAS, in accordance with the adopted guidelines, the Board has conducted an informal public meeting to determine local public interest with respect to the application; and,

WHEREAS, the Board has reviewed the public comments and has determined that the requested flow may be too low to satisfy the intents of the minimum stream flow;

NOW, THEREFORE, BE IT Resolved that the Board request the Director to withhold administrative action on said application pending a more thorough analysis of minimum flows on the Big Wood River.

Dated this 7 day of October, 1983.

GENE GRAY
Chairman, Minimum Stream
Flows Committee

DON KRAMER
Chairman, IWRB

Attest:
FRANKLIN JONES
Secretary, IWRB

IDAHO DEPARTMENT of PARKS & RECREATION
Statehouse Mail, 2177 Warm Springs Ave., Boise, Idaho 83720 (208) 334-2154

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director

John V. Evans, Governor

October 6, 1983

Gene Gray, Board Member
Water Resources Board
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

RE: Minimum Flows, and the Big Wood River

Dear Gene:

As a Water Resources Board member, you are in an opportune position, concerning minimum stream flows in Idaho. Our agency is very concerned about the rivers of the state and the future uses of the water in them.

Obviously, speaking up for outdoor recreationists is our primary concern. Fishing, white water sports, and aesthetics of rivers are important to the recreationist and tourist of Idaho.

The issue of the 70 C.F.S. minimum flow on the Big Wood River is a case in point. Our agency did not have prior notice that the Big Wood consideration was pending. Some type of interagency communication needs to be established to ensure all aspects of river management are considered.

Our agency, as most state agencies, has very limited staff resources for reviews and studies. However, we feel with adequate time, we could contribute valid input to your Board concerning minimum flows.

We have questions about the Big Wood flow that we do not have time to evaluate adequately. We have not done a detailed analysis of this river segment but we question if 70 C.F.S. is enough for recreation and aesthetic purposes.

We ask the following questions:

At 70 C.F.S.:

1. Can boating or float tube access to the fishery be made? If not the Water Board should consider more flow.

2. What about the aesthetic values of the river? Our estimates indicate there would be a lot of exposed gravel bars and vegetative downfall.

In order to officially petition the Water Board for more flow on the Big Wood, we must take such a request to our Administrative Board. We have not done that. Also, we have not made adequate evaluation of the Big Wood to recommend an increased flow that would have good credibility.

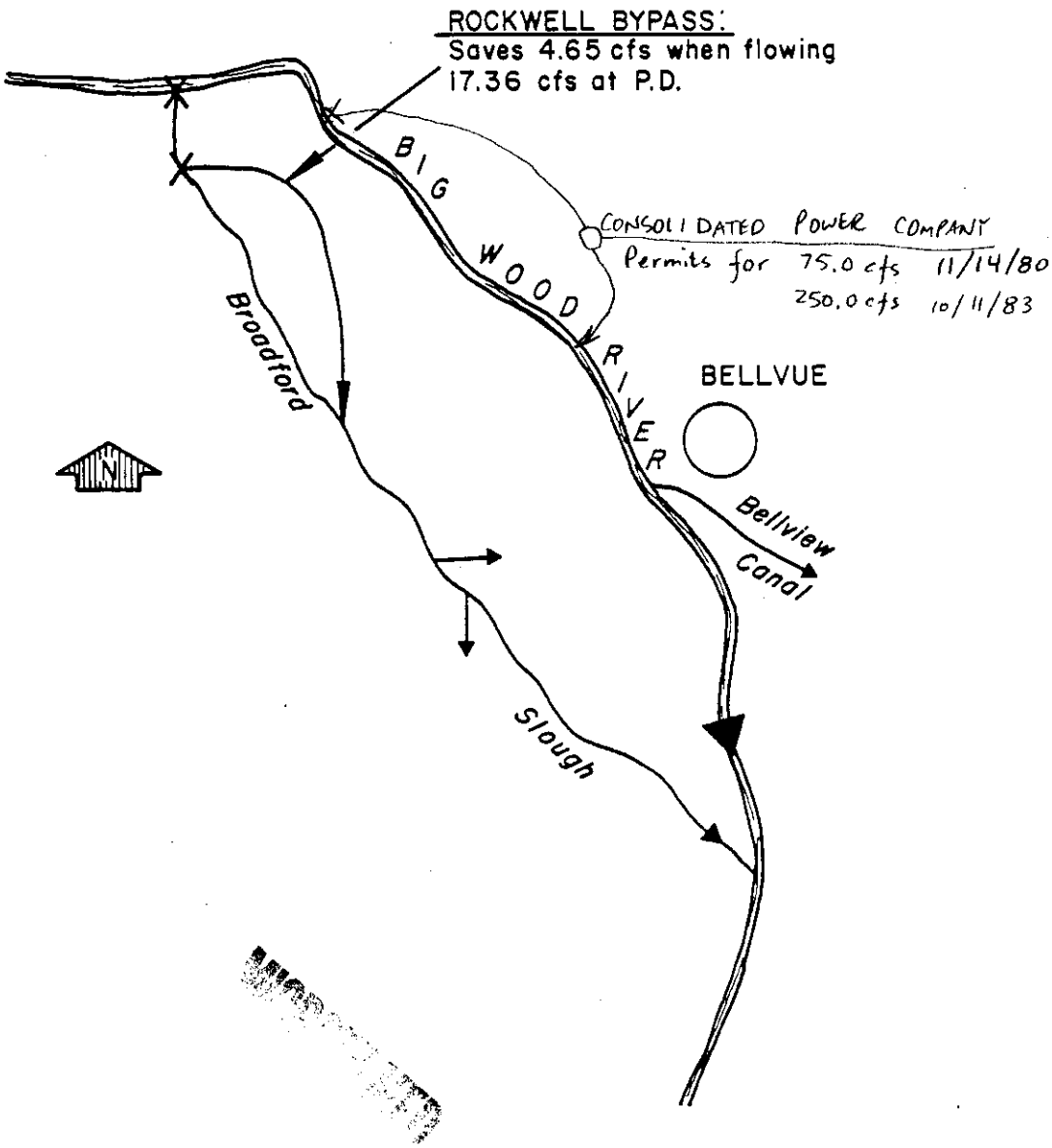
We feel the Water Board should ask some of the questions we have. We suggest some discussion on a forum for an information exchange be set up. You would find our agency an active participant.

Sincerely,

DALE R. CHRISTIANSEN
DIRECTOR

Robert L. Meinen
Deputy Director

mm-0196M


ROCKWELL BYPASS:
Saves 4.65 cfs when flowing
17.36 cfs at P.D.
BIG WOOD RIVER
CONSOLIDATED POWER COMPANY
Permits for 75.0 cfs 11/14/80
250.0 cfs 10/11/83
BELLVUE
Broadford
Bellview Canal
Slough
N

CONVERSATION MEMORANDUM

DATE 10-4-83

FILE 37-7919 Minimum Stream

NAME OF PARTY Bob Bell H+G

EMPLOYEE Roberta to Dave T.

RE: Your letter of 9-27-83

Reid Newby indicated to Bob Bell that the Rockwell Bypass, about 3 miles upstream from Billedeaux Div. has approximately 17-22 cfs diverted over the bypass to Broadford Slough.

Two rights were mentioned; 1) 17.36 cfs, 2) 232.5" (4.7 cfs 4.65 cfs). Mr. Bell also spoke of fisheries and said the water did not return to the river. He wanted to be sure we were aware of the rights and that the msf filing didn't create a detrimental effect on the last 3 miles.

Reid indicated to Bob Bell that the MSF filing would not be a particular problem.

If more info needed, Mr. Bell suggests you talk with Reid. Also feel free to contact Bob Bell.

37-0833 (232.5" at 4.65 cfs)

37-2050 (0.8 cfs)

? (17.36 cfs)

37-0834 (0.2 cfs)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE. 37-B-1

(3)

JOE WERRY, JR.,

Plaintiff,

vs.

WARREN G. SWENDSEN, Commissioner of Reclamation, and S. H. CHAPMAN, Water Master,

Defendants.

DECREE

RECEIVED
NOV 29 1935
DEPARTMENT OF RECLAMATION

This cause having heretofore come on regularly for hearing in open court, the plaintiff being represented by his attorney, W. A. Brodhead, and the said defendants having heretofore appeared and demurred to the complaint of plaintiff, being represented by Roy L. Black Attorney-General of the State of Idaho; and said demurrer having been over-ruled; and said defendants having failed to answer the complaint of plaintiff within the time allowed therefor; and the default of the defendants and each of them having been duly entered; and the Court having heard the testimony in behalf of plaintiff, and being fully advised:

T#2554 37 0834 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the plaintiff and his predecessors in interest have been at all times since about the year 1883, in possession of and entitled to the possession of Lots 37 and 39 in Block 21 of the Townsite of Broadford, County of Blaine, State of Idaho; that said land is dry and arid in character and requires the artificial application of water thereon in order to produce profitable crops; that on or about the 1st of June, 1883, the predecessors in interest of this plaintiff appropriated, and by means of dams and ditches of sufficient capacity, diverted and used upon said lands 0.2 second feet of the waters of what is known as the Broadford Slough, a tributary of Big Wood River, in Blaine County, State of Idaho; and that plaintiff and his predecessors in interest have since the said date, continuously, during the irrigation season of each and every year, diverted and used said amount of water for the irrigation of said lands; that plaintiff is entitled to the right to the use of said 0.2 second feet of said waters upon said land with date of

TITLE OF CASE: Irvin E. Rockwell vs. Mans H. Coffin, Watermaster

SOURCE: Big Wood R. - Broadford Slough - Rockwell | PAGE:
WATER DIST.: | COUNTY: Blaine
JUDICAL DIST.: | JUDGE: L. E. Glennon
DATE OF DECREE: 7-29-1949 | RECORDED IN BOOK NO. ___ AT PAGE NO. ___ | FILE NO. 37-B-1

P.N.	D.N.	DECREED OWNER / NAME / PRESENT OWNER	AMT. INCHES / SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		T. 1606, T. 1655, T. 1749	2.95		Broadford Slough				See Decree (37-B-1) Findings of Fact	
37-	0833	Irvin E. Rockwell	(4.65)	11-12-1936	Rockwell By-Pass					
			0						Lots 5 & 6, Fr. SESE, Sec. 36, T. 2 N., R.18E;	
		Trans. 1606 - Earl F. Detmer	(1.5)	11-12-1936	NESE	16	2N	18E	SWNE, Lot 2, SENW, Fr. Lots 3 & 4, Lot 5,	
									Sec. 31, T. 2 N, R.19E.	
		Trans. 1655 - Donald B. & Joan H.								
		Anderson	.20	11-12-1936	NWSE	12	4N	17E	NWSE, Sec. 12, T.4N, R.17E.	
		Trans. 1749 - E. V. & Majorie McHan	1.5	11-12-1936	SWSW	29	4N	18E	SWNE, Sec. 6, T.3N., R.18E.	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

37-B-1

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 27, 1983

Idaho Department of Fish and Game
Mr. Dave Hanson
Statehouse
Boise Id 83720

Re: Mimimum Stream Flow on the Big Wood River, Application No. 37-7919

Dear Dave:

The purpose of this letter is to confirm for the file our September 26, 1983, telephone conversation, in which I requested that one of the IDFG field personnel, perhaps Mr. Bob Bell, examine the impact of the Rockwell bypass on the above-referenced proposed minimum flow.

As I indicated, the watermaster Mr. Reid Newby of Shoshone would be able to provide background information and a description of the location of the bypass, which is considered in a water delivery sense to be a part of the Big Wood River. We hope to receive a recommendation from your field person regarding the fishery impact of the bypass prior to the Idaho Water Resource Board meeting to be held October 6 and 7.

Thank you again for your assistance in this matter.

Sincerely,

Dave

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:jvv

cc: Gene Grey IWRB
Franklin Jones IWRB
Reid Newby Watermaster Water District 37

Roberta

these are in Regards
to
Permit # 37- 7919

(Provided by Reid Newby,
Watermaster)

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 11, 1983

Robert L. Meinen, Deputy Director
Idaho Dept. of Parks and Recreation
Statehouse Mail
Boise, ID 83720

RE: Minimum Stream Flows

Dear Bob:

The purpose of this letter is to apprise you of the current status of minimum stream flow applications for permit pending action this fall.

As you are aware, one of the items on the agenda of the Idaho Water Resource board meeting on October 7, 1983, was minimum stream flows. The Board reviewed the status of the six minimum stream flow applications currently pending action. Discussion and information presented for five of the applications resulted in the adoption of a resolution calling for the Director of the Idaho Dept. of Water Resources to proceed with administrative actions on each of the applications. A copy of this resolution, which describes the water right numbers and the respective streams, is enclosed for your information. Note that Application No. 37-7892 on the Malad River, for which your agency was the requesting agency, is included in this group.

Discussion and information presented for Application No. 37-7919, Big Wood River, included the reading into the record of your letter dated October 6, 1983. Also, Mr. Ted Divine briefly presented his proposal to develop a hydropower site with a point of diversion about 1½ miles upstream from the lower end of the proposed minimum stream flow reach. Based on this information as well as the public input at the informal public meeting in Hailey on September 22, the Board resolved to hold this application pending further investigation (copy of resolution enclosed). I anticipate that Mr. Gray will be contacting you to explore the possibility of further studies on this stream.

In your letter dated October 6, 1983, you indicated that your agency was not advised of the minimum stream flow filing on the Big Wood River. Our standard processing checklist for a minimum stream flow

application calls for our regional office to send your agency a copy of any minimum stream flow application as soon as it is received. I checked on this one in particular and found that in fact it had not been so distributed. In the future we will insure that this distribution is accomplished.

The next administrative action for each of the five applications on which we have been requested to proceed is a hearing by the Director or his representative. These hearings have been tentatively scheduled as follows:

App. No.	Source	Date	Time	Location
37-7892	Malad River	Nov. 9	1:30 pm	Gooding
37-7920	"	"	"	"
37-7849	Silver Creek	Nov. 10	9:00 am	Hailey
37-7979	Lightning Cr.	Nov. 17	9:00 am	Sandpoint
37-7980	Grouse Creek	"	"	"

I will notify you when the details of these hearings have been confirmed.

Sincerely,

Dave

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

cc: Gene Gray

Board responded by visiting the Owsley on Nov 10, 1983 for a tour of the proposed site (Franklin Jones & Gene Gray) DNR

ROTOMATIC IRRIGATORS, INC.

P. O. BOX 133
BELLEVUE, IDAHO 83313

October 8, 1983

Donald R. Kramer
Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

SUBJECT: WATER PERMIT APPLICATION NO. 37-7919 BY THE IDAHO WATER RESOURCE BOARD FOR THE IDAHO DEPARTMENT OF FISH AND GAME

Dear Mr. Kramer:

Thank you for providing an opportunity for us to speak to the matter of the subject minimum stream flow permit application during the afternoon session of your Board meeting in Boise this past Friday, October 7, 1983. This letter documents and clarifies our oral comments presented to the Board on this matter. I request that this letter therefore be made a part of the record of that meeting.

BACKGROUND

To re-introduce myself and clarify our interest in the water permit application review process, let me re-state the particulars.

Our family farm company, ROTOMATIC IRRIGATORS, INC., is re-developing the pioneer small hydroelectric power plant located just north of Bellevue, Blaine County, Idaho. The original plant was built about 1911 and had a rated capacity of 600 KW. The plant was abandoned in the late 1940's and the equipment removed. The civil works and irrigation canals and reservoir were left in place and ownership transferred to the Kohler (43-44) Lateral Ditch Water User's Association, a co-user of the original facility. The Association has continued to operate and maintain the diversion dam on Big Wood River, the feeder and return flow canal system and the reservoir for the benefit of its members since that time. Operation of the system has been conducted in the same manner since inception of the original power project in 1911. The power project and irrigation works parallel Big Wood River for only about a mile, just north of the Bellevue irrigation diversion.

In re-developing the Project to the original power capacity we will not be changing the way in which Wood River has traditionally been managed since the early 1900's. We wish to emphasize this very important point.

By the same token, the Board's action to establish a minimum stream flow of 70 CFS at this lower point on the river will establish entirely new and disruptive conditions on the river that will impact not only the traditional operation of the Kohler irrigation system but prevent the full and beneficial economic development of the small pioneer hydro plant that was a vital part of the original development of Wood River Valley.

OUR UNDERSTANDING OF THE PERMIT APPLICATION

We understand that the water permit application for a minimum stream flow on Big Wood River is for 70 CFS with a priority filing date of June 19, 1981. We further understand that the reach of the River over which this would apply extends for approximately 18 miles starting at Big Wood's confluence with Warm Springs Creek at Ketchum, running over the 18 mile distance south to the main Diversion for the main irrigation works at Bellevue.

IDF&G JUSTIFICATION FOR THE PERMIT

During remarks made at the public information meeting held in Hailey on Thursday, September 22, 1983, we understand the Idaho Department of Fish and Game (IDF&G) claims the annual value of this 18 mile fishery to the local communities to be $396,550.

Our concern is only with the last 1-1/2 miles of this part of the River, specifically, the portion of the river from the Kohler diversion to the Kohler return flow inlet to the River, just north of Bellevue.

On a pro-rata basis, this last mile and one-half would have a fishery economic value to the communities of only $33,046. It's doubtful whether this amount could be substantiated upon closer examination. As a practical matter, this last mile and one-half is probably of lesser value because it is nearly inaccessable to sportsmen.

VALUE TO THE COMMUNITY OF THE SMALL HYDRO RE-DEVELOPMENT PROJECT

The economic value to the local communities of the small hydro re-development project far exceeds the questionable economic value of the fishery over that short, last distance on the river. Consider these factors:

(1) The jobs creating, capital investment required to re-develop the site to its original capacity will probably be between $1 million and $1-1/2 million.

(2) The resulting plant and equipment will provide a much needed additional tax base to the community, in addition to payment of state power generation taxes, once in operation.

(3) The annual value of revenues generated by the project will likely be between $200,000 and $300,000, exceeding the annual economic value of the fishery to the local communities by an order of magnitude.

On a direct economic value basis, we feel very strongly that the Idaho Water Resource Board will be derelict in its public responsibilities if it takes action at this time that would preclude future full re-development of this small hydro project to its original pioneer capacity. I cannot emphasize that point strongly enough.

ENVIRONMENTAL ENHANCEMENT RESULTING FROM THE SMALL HYDRO PROJECT

Full re-development of the small hydro project will result in a better fish habitat on this last mile and one-half of Big Wood River than would occur from imposition of the proposed 70 CFS minimum stream flow over this tail end distance. Let us explain why.

During sub-normal or low water years, substantially all flow in the river is diverted through the Kohler diversion feeder canal, reservoir, and return-flow canal. All flow not serving irrigation water rights is returned to the river. This occurs for only a few weeks during August and has been the historical and traditional method of operation of that short distance of the river since inception of the power project and irrigation works in 1911. There are no adverse effects on fish habitat since the return flow canal provides for fish maintenance. There is some evidence that this operation conserves water that would otherwise be lost to evaporation and seepage over the broad and shallow river bed over the mile or so between the Kohler diversion and the return flow canal inlet.

In effect, the Kohler canals and reservoir are operated in a very complementary manner to the main channel of the river over that short distance.

We believe it can be shown, also, that re-development of the small hydro project can result in a water management system that will actually improve fish habitat and recreation use of this last short section on Big Wood River. This matter was addressed in our application for exemption from licensing for small hydro projects now before the Federal Energy Regulatory Commission (FERC), of which the Idaho Department of Water Resources has a copy and is participating in the normal review process.

A PROPOSAL AND REQUEST TO THE BOARD

With this situation in mind we are asking the Board to:

(1) Delay approval of the application for a minimum stream flow of 70 CFS until such time as the Board has obtained a full and complete understanding of the relevant details on this lower short section of Big Wood River.

(2) Modify the effective reach for any minimum stream flow permit to use the Kohler diversion as the ending point instead of the Bellevue diversion. To repeat the key point: This would affect only the last 1-1/2 miles of the total 18 miles being requested by the Idaho Department of Fish & Game.

(3) Work in concert with us to enhance re-development of this historically significant and economically viable small hydro project--to everyone's benefit.

SUPPLEMENTAL SUGGESTION

We are prepared to work with the Board and the Idaho Department of Fish and Game to develop a plan for use of the Kohler facilities for recreational use and fisheries enhancement, including use of the Kohler reservoir for a trout rearing facility. Any such plans would require approval of all parties concerned, of course, including the Kohler (43-44) Lateral Ditch Water User's Association. However, we feel the effort expended would be beneficial to all parties concerned and lead to a substantially better fishery habitat and recreation environment than has ever existed on that short stretch of the river.

We also urge each of the Board members to visit this site, review in detail the proposed small hydro re-development project and the short distance of the river which parallels the project, and allow us to provide a tour and fact-finding discussion concerning this minimum stream flow situation. We do not believe that the Board can act properly without this type of first-hand knowledge. I will be happy to conduct such a tour of the site and the river at any time, either for the Board as a whole or at your individual convenience.

We look forward to working with you and other members of the Board on this matter to achieve the best possible benefits to every one concerned.

Thank you once again for providing an opportunity for our concerns to be expressed at the meeting in Boise and by this follow-up letter.

Sincerely,

Ted C. Divine

Ted C. Divine
President

cc: GM Gray
F Jones
RM Hansen
J Shawver
RW Wagner
SL Cupan
JD Williams
KA Dunn DNR
JA Rosholt
TE Divine

Minimum flows ought to be set

The Idaho Water Resource Board, at the urging of the Fish and Game Department, is considering setting minimum stream flows on sections of the Malad and Big Wood rivers and Silver Creek.

That action is crucial to protecting some key recreational resources in our area. The Water Board should proceed rapidly to set the minimum flows.

Last week's hearings on the subject underscored the urgency for immediate action. Dave Tuthill, supervisor of water allocations for the Department of Water Rescources, said the real threat to maintaining the flows in the streams comes from hydroelectric development. Under state law, water diverted for irrigation — a consumptive use — does not threaten minimum flow because of downstream rights. Irrigators must leave enough water in the rivers to satisfy the needs of downstream water users.

But the situation changes for hydroelectric diversions — non-consumptive uses. A hydro project can divert water as long as it eventually returns it to the river to satisfy later consumptive uses. Meanwhile, the stretch of river from which the water is diverted can fall below minimum flow levels.

Add to this situation the current boom of small hydro projects in the state and the nature of the threat becomes clear.

This is not to say that development of hydro projects should not be allowed to proceed. Such projects provide a sound contribution to our economy with relatively little environmental damage.

But development must be balanced against protection of the recreational value of our streams.

For instance, the stretch of the Big Wood under consideration provides 11,160 "angler days" of fishing each season, which translates to $396,550 pumped into our economy. That figure understates the river's contribution to our quality of life.

The Water Resource Board should recognize the value of those streams to the residents of the area and act to protect our resource when it addresses the issue next month.

TIMES–NEWS
Twin Falls, Idaho
SEP 27 1983

May 14, 1985

Sharon Mahoney
Lawson and Peebles
P. O. Box 297
Ketchum, ID 83340

Dear Ms. Mahoney:

Re: Permit Nos. 37-7866 and 37-8159 -- Consolidated Power Co.
Application for Permit No. 37-7919 -- Idaho Water Resource Board

Pursuant to your request, enclosed are copies of the above referenced water right files. Specifically, enclosed are copies of:

- the Idaho Water Resource Board's Application for Permit No. 37-7919 to establish a minimum stream flow on the Big Wood River,

- a Resolution adopted by the Idaho Resource Board delaying action on the Board's Application for Permit No. 37-7919,

- Permit No. 37-7866 filed by T. C. Divine and later assigned to Consolidated Power Co.,

- Permit No. 37-8159 filed by Consolidated Power Co.,

- a letter dated May 30, 1984 from David R. Tuthill to Gene Gray who at that time was vice-chairman of the Idaho Water Resource Board, and

- a letter from L. Glen Saxton of the department to Consolidated Power Co. dated May 6, 1985.

Please remit $4.50 to this office to cover the cost of the coping.

If we can be of further assistance, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

bcc: Roberta Garrett

WATER DISTRICT #37

CANAL NAME AND NO.			OWNERS NAME & ADDRESS
~~P-1~~	~~Candy~~		Walter W. Candy Box 136 Ketchum, Idaho 83340
~~P-2~~	~~Gus~~		Dr. Ivan Gustafsen Box 165 Sun Valley, Idaho 83353
~~P-3~~	~~Tommy~~		River Rock Ltd Box 452 Twin Falls, Idaho 83301
1 2 P-5	Lewis Ketchum		~~Sun Valley Corporation~~ ~~% Kenney Zimmerman~~ ~~Sun Valley, Idaho 83353~~
~~3~~	~~McCoy~~		1. Pete Reinheimer % Merl Bowcutt Box 214 Ketchum, Idaho 83340 2. Weyyakin Partners P.O. Box 2560 Sun Valley, Idaho 83353 Or: Attention: Mike Casey 223 Sansome St. Suite 601 San Francisco, Calif. 94104
~~5~~ ~~6~~	~~Rhodes~~ ~~Farnlum~~	Permit 37-7919	~~Owen Simpson~~ Warm Springs Ranch Box 523 Ketchum, Idaho 83340
7	Lane	state WR Number 37-0081	Mr. Edward Downe, Jr. % Evan J. Robertson, Attorney Box 1906 Twin Falls, Idaho 83301
9	Gimlet	37-7638	Gimlet Properties Assoc., Inc. % Wally Wright 726-3276 P.O. Box 985 Sun Valley, Idaho 83353
~~P-4~~	~~Don~~		~~Don Anderson~~ ~~Box 121~~ ~~Sun Valley, Idaho 83353~~
10	Comstock	37-0154 37-0459	1. Glendale Ranches % Gould Brothers Route 4 Buhl, Idaho 83316
		37-0048	2. John McDonald Box 1 Ketchum, Idaho 83340

Watermasters

WORKING UNIT

PAGE 2

CANAL NAME & NO		State Div. #	OWNERS NAME & ADDRESS
10	Comstock	37-0048	3. Red Top Cabins S Effa Allred Box 386 Ketchum, Idaho 83340
		37-0048	4. Robert Bloomfield Box 746 Ketchum, Idaho 83340
11	Rinker	37-0154	1. Harry S. Rinker Box 7250 Newport Beach, Calif. 92663
		37-0310	2. Richard Bertea 173 Shorecliff Road Corona Del Mar, Calif. 92625
		37-0158	3. Dr. Robert Smith Box 672 Ketchum, Idaho 83340
		37-8722	4. Wood River Properties, Inc. P.O. Box 7250 Newport Beach, CAlif. 92663
13	Cramer East fork of Big Wood River	37-0159	Fredrick Blechman Box 184 Sun VAlley, Idaho 83353
		37-0159	Heatherlands Homeowners Assoc. Inc. % Ann Williams Ph: 726-0110 P.O. Box 3901 Ketchum, Idaho 83340
[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]

East fork of Big Wood River

MICROFILMED

CANAL NAME & NO			OWNERS NAME & ADDRESS
[redacted]	[redacted]ers		1. [redacted] Ph: [redacted] [redacted] Hailey, Idaho 83333 2. [redacted] P.O. Box 1126 Sun Valley, [redacted]
East Fork of Big Wood River			
[redacted]	Knight		1. [redacted] Ph: [redacted] Box 285 [redacted], Idaho 83313 2. [redacted] Ph: [redacted] 3869 [redacted] Drive Los Angeles, [redacted] 3. [redacted] P.O. Box [redacted] Ketchum, [redacted] 83340
[redacted]	[redacted]		[redacted] Estate % [redacted] 726-5397 P.O. Box 1526 Sun Valley, [redacted]
20	Mizer	37-0577 320494 37-0495	1. Buckhorn Investments Ph: 1-213-278-1830 9061 Santa Monica Blvd. Los Angeles, CAlif. 90069
			2. Fredrick Blechman Box 184 Ketchum, Idaho 83340
		37-0496	3. Elizabeth Cook Box 1869 Ph: 788-2355 Ketchum, Idaho 83340
		37-0496 37-0497	4. Wayne Gann P.O. Box 1920 Sun Valley, Idaho 83353
21	Moore	320577	Kenneth L. Moore 3500 Buchanan #146 Riverside, CAlif. 92503

CANAL NO. & NAME		State Use Number	OWNERS NAME AND ADDRESS
22	Hiawatha	37-0577	1. Anton A. Bodner P.O. Box 268 Hailey, Idaho 83333
		37-0028 0297	2. Arthur Richards Box 636 Hailey, Idaho 83333
		37-0577	3. Buckhorn Invetments (address above)
		37-0577	4. City of Hailey Hailey, Idaho 83333
		37-0028 37-0297	5. David Anderson Box 449 Hailey, Idaho 83333
		37-0577	6. David L. Cropper 788-4498 P.O. Box 516 Hailey, Idaho 83333
		37-0028 -0297	7. Dick Wright Box 457 Hailey, Idaho 83333
		37-0057 0577 0059 0451	8. Gary J. Hibbard Box 414 Shoshone, Idaho 83352
		37-0577	9. Peter Cetera P.O. Box 326 Malibu, Calif. 90265
		37-0577	10. Walt Branhun NBCO No Address Yet
		37-0577	11. Hiawatha Canal Company % Hazel Barber Hailey, Idaho 83333
		37-0028 0297	12. Hilton McCabe Route 2 Box 147A Gooding, Idaho 83330
		37-0522 0523	13. J.R. Simplot % Ron Graves P.O. Box 27 Boise, Idaho 83701
		37-0577	14. James Gorman Box 1184 or Box 132 Hailey,Ida. Butte, Montana 83333 59701

CANAL NO. & NAME		State 42R	OWNERS NAME & ADDRESS
22	Hiawatha	37-0004	15. Janet Lee Box 841 Hailey, Idho 83333
		37-0577	16. Jim Savaria Box 751 Hailey, Idaho 83333
		37-0028	17. John Basovsky Box 914 Hailey, Idaho 83333
		37-0577 0024 0004	18. John Drexler Box 396 Hailey, Idho 83333 or: Box 494 Colan Springs, Arizona 86441
		37-0028 0297	19. K.R. Buttram Box 487 Hailey, Idaho 83333
		37-0577	20. Burr Smith Box 783 Hailey, Idaho 83333
		37-0577	21. Lenier Smith P.O. Box 274 Sun Valley, Idaho 83353
			22. [redacted] ?
		37-0577	23. Mary Mizer % Dale Mizer Box 728 Hailey, Idaho 83333
		37-0004	24. Michael McGraw Box 1225 Hailey, Idaho 83333
		37-0028 0297	25. Michael Sheffer Box 1234 Hailey, Idaho 83333
		37-0577	26. Maxine Fox (Fox Acres) Box 116 Hailey, Idaho 83333
		37-0334 0298 0183	27. Northridge Properties % Mr. Robert Newson 517 East Bayshore Redwood City, Calif. 94063

CANAL NO. & NAME	State #		OWNERS NAME AND ADDRESS
22 Hiawatha	37-0577	28.	Pacesetter Development 4540 Campus Drive Newport Beach, CAlif. 92660
	37-0577 0648	29.	Quigley Canyon Co. % John Burke Ph: 788-3144 Box 1113 H Hailey, Idaho 83333
	37-0577	30.	Quigley Land Company % Tom Hickey Box 1197 Ketchum, Idaho 83340
	37-0577	31.	Robert Logan Hailey, Idaho 83333
	37-0028 0297	32.	Craig William Johnson Box 1288 Ketchum, Idaho 83340
	37-0577 0310	33.	Rostan, Inc. % Stanley K. Levison 2600 Reynolds Road North Toledo, Ohio 43615
	37-0577	34.	S.F. Eccles P.O. Box 30006 Salt Lake City, Utah 84125
	37-0577 0191 0648 0483	35.	Sprenger, Grubb & Assoc.Inc. % C.H. Grubb P.O. Box 1570 H Hailey, Idaho 83333
	37-0483	36.	State of Idaho % Dale Mizer Hailey, Idaho 83333
	37-0577	37.	Tom Richmond P.O. Box 1105 Hailey, Idaho 83333

CANAL NO & NAME		State WR #	OWNERS NAME ADDRESS
24	Osborn	37-0521 0522 0523	1. Anton Bodner P.O. Box 268 Hailey, Idaho 83333
		37-0521 0522 0523	2. Dorothy Chapman Manager: Com Daggett 615 Fillmore Twin Falls, Idaho 83301
		37-0521 0522	3. J.H. Poppy 139 Toyan Road Atherton, CAlif. 94025
			~~4. Ed [illegible] 788-4017 Box 1327 Bellevue, Idaho 83313~~
		37-0523	5. Tom Shanklin Box 217 Hailey, Idaho 83333
25	Purdum	37-0557 0558 0559	1. Aspen Lakes Ltd. % Wayne Roth Box 2040 Sun Valley, Idaho 83353
		37-0521 0522 0523	2. Bill Gehrke Box 1327 Hailey, Idaho 83333
		37-0521 0522 0523	3. Dorothy Chapman Manager; Com Daggett 615 Fillmore Twin Falls, Idaho 83301
26-P	Mac	37-0577	William Norris Box 146 Sun Valley, Idaho 83353
32	Justus	37-0562	1. Craig Stewart Box 262 Hailey, Idaho 83333
		37-0363	2. Dan Ramsland Ph: 788-4401 Box 235 Hailey, Idaho 83333
		37-0056	3. Don Justus 1024 Ranch Road Boise, Idaho 83702
		37-0645	4. James Stewart Box 61 Hailey, Idaho 83333
		37-0562	5. John J. Campagna, Jr. Box 1608 Hailey, Idaho 83333

CANAL NO & NAME		St & P NO.	OWNERS NAME & ADDRESS
32	Justus	37-0363 0364	6. Pauline Bird 128 Blair Drive Twin Falls, Idaho 83301
		37-0363 0364	7. Richard Thompson % Mrs. Joe Arrate Route 1 Box 170 Shoshone, Idaho 83352
		37-0363 0364	8. Robert Vernon Route 5 Caldwell, Idaho 83605
32-P	Lewis	37-7196	Warren A. Lewis 503 7th Ave. So. Nampa, Idaho 83651
33	Cove	37-0113	1. Derris Head Bellevue, Idaho 83313
		37-0155	2. Don Justus 1024 Ranch Road Boise, Idaho 83702
		37-0886	3. Duane Dudley Bellevue, Idaho 83313
		37-0705 0113 0482	4. Western Outfitters Trust % Earl Mann, Attorney-At-Law 550 Tacoma Savings Center 820 "A" Street Tacoma, Washington 98402
			5. Ed Van Every P.O. Box 2044 Sun Valley, Idaho 83353
		37-0113	6. Francis Friestad Estate Box 251 Bellevue, Idaho 83313
		37-0705 0482	7. Fredrick Blechman Box 184 Sun Valley, Idaho 83353
		37-0577	8. Gerald W. Dauby Box 438 Bellevue, Idaho 83313
			9. Larry McKenzie Box 805 Hailey, Idaho 83333
		37-0886	10. Raymond Kincaid Bellevue, Idaho 83313

CANAL NO. & NAME		4 GP NB	OWNERS NAME AND ADDRESS
33	Cove	37-[redacted] 0705 0113 0482	11. Richard Welch, Jr. P.O. Box 813 Ph: 726-5136 Ketchum, Idaho 83340
		37-0481 0482 0483	12. S.F. Eccles Box 30006 Salt Lake City, Utah 84125
		37-0158 0577	13. W.R. Watts Bellevue, Idaho 83313
			14. Bend of River Ranch % Nels Sisiam Box 818 Hailey, Idaho 83333
34	Flemming	37-0707 0882	Bend of River Ranch (address above)
35	Peterline	37-0537 0538	Candida Forstmann Box 1041 Hailey, Idaho 83333
35A	Drager	37-0885	1. Dr. John McNees P.O. Box 2996 Ketchum, Idaho 83340
		37-0885	2. Gregory A. Moore Box 1321 Hailey, Idaho 83333
37	Kline	37-0311	1. LeRoy Lewis Route 3 Box 318 Idaho Falls, Idaho 83401
		37-0579	2. George E. Wise Ph: 788-3832 Box 164 Bellevue, Idaho 83313
38	Werry	37-0689	Stanley Steele Box 1021 Hailey, Idaho 83333
38P	Park	37-0689	Jack Parker Box 418 Bellevue, Idaho 83313

CANAL NAME & NO		SW WR No.	OWNERS NAME & ADDRESS
39	Wrencher	37-0578 0688	1. Bill Evans P.O. Box 2404 Sun Valley, Idaho 83353
		37-0196	2. Diana Huxford Ph: 788-2372 Route 1 Box 41 Bellevue, Idaho 83313
		37-0578 0686	3. John Borton Ph: 788-3042 Box 1275 Hailey, Idaho 83333
		37-0578 0688	4. Joyce Pearson Ph: 788-3093 Box 449 Bellevue, Idaho 83313
40	Rockwell	37-0332	1. Assembly of God Church % L.I. Lamance Box 308 Nampa, Idaho 83651
		37-0687	2. Broadford Polo Ltd. % Robert Bouttier Box 476 Bellevue, Idaho 83313
		37-0033	3. Glen Rains Ph: 788-4717 Box 497 Bellevue, Idaho 83313
41	Hinsley	37-0315	1. Thomas Peck Route 1 Box 36 Bellevue, Idaho 83313
42	Hinsley	37-0315	Lou Kreiger - Wood Stream Ranch Route 1 Box 37 Bellevue, Idaho 83313
42-P1			
42-P2	Hinsley	37-0713	Cal-Pacifico % Ralph Girton Route 1 Box 40 Bellevue, Idaho 83313
42-P3	Scofield	37-0834	Ellen Scofield Box 302 Bellevue, Idaho 83313

CANAL NAME & NO			OWNERS NAME & ADDRESS
44	Kohler	37-0113 0488 0703	1. Lyle Scofield Bellevue, Idaho 83313
		37-0577 0419 0703	2. Roseberry Estate ?
		37-0005	3. Maxine Hazen Box 94 Bellevue, Idaho 83313
		37-0886 0418	4. Jim Eakin Box 296 Hailey, Idaho 83333
		37-0418	5. Steve Crandall Box 402 Ketchum, Idaho 83340
		37-0886 0703 0704	6. Ted Devine Box 133 Bellevue, Idaho 83313
		37-0886 0418	7. Cliff Noxen (Castle) Bellevue, Idaho 83313

These Water Rights All
divert from River in
SW NW, Sec. 36, T 2 N., R 18. E.

These water rights are diverted through Bellevue Canal, which diverts at the lower end of the MSF reach, and which is totally unaffected by the MSF. Therefore letters will not be sent to these water users DRT

CANAL NO & NAME		State WR NO.	OWNERS NAME & ADDRESS
$$	District	37-0480	1. Ann Beverstock Box 1371 Ketchum, Idaho 83340
		37-0480	2. Ann Sweet Star Route Cascade, Idaho 83611
		37-0577 0665 0666 0667	3. Barney Beresford Route 1 Bellevue, Idaho 83313
		37-0577 0298 0667	4. Bellevue Farms, Inc. % George Brown, Sr. Box 247 Bellevue, Idaho 83313 or: George Brown & Assoc. 2706 Haryard Ave. East Seattle, Washington 98103
		[redacted] 37-0509	5. Bruce Armstrong Route 1 Box 58 Bellevue, Idaho 83313
		37-0577 0664 0665 0114	6. Charlie Browning Route 1 Bellevue, Idaho 83313
		37-0415 0114	7. Clyde Baldwin Box 740 Bellevue, Idaho 83313
		37-0667 0881	8. Columbine Partners P.O. Box 2500 % Michael Engel Sun Valley, Idaho 83353
		37-0577 0482 0483	9. Curt Barker 122 Ranch Bellevue, Idaho 83313
		37-0235	10. Dan Manning Route 1 Box 125 Bellevue, Idaho 83313
		37-0590 0115	11. David H. Knott P.O. Box 1242 Sun VAlley, Idaho 83353
		37-0316	12. Grace Eakin Wood River Irrigation Company Box 296 Bellevue, Idaho 83313
		37-0577	13. Don L. Nisson Route 1 Bellevue, Ida. 83313

CANAL NO & NAME	St. WR No	OWNERS NAME & ADDRESS
45 District	37-0666 0353 0418	14. Ed Stricker Route 1 Box 130 Bellevue, Idaho 83313
	37-0481 0482 0483	15. G. Chapman Peterson Springwood Lane Barrington Hills, Illinois 60010
	37-0665	16. Gary Gutches Box 705 Hailey, Idaho 83333
	37-0666 0667	17. Gene Drussel Box 650 Bellevue, Idaho 83313
	37-0353	18. Gus Chek Box 1225 Sun VAlley, Idaho 83353
	37-0353	19. Harry L. Oppenheimer Box 2613 Sun Valley, Idaho 83353
	37-0235 0234 0308	20. Heath & Marshall Box 1210 Pocatello, Idaho 83204
	37-0577	21. Holbrook Maslen P.O. Box 1723 Sun Valley, Idaho 83353
	37-0501	22. J.J. Palmer Route 1 Box 660 Bellevue, Idaho 83313
	37-0111 0475 0112 0476	23. Jim Eakin Box 296 Bellevue, Idaho 83313
	37-0665 0353	24. Jim L. Nisson Ph: 788-4516 Route 1 Box 620 Bellevue, Idaho 83313
	37-0353	25. John Peterson Bellevue, Idaho 83313
	37-0158 0886 0117	26. John Steveson Route 1 Box 310 Bellevue, Idaho 83313
	37-0577 0113	27. Kerr Land & Livestock % Mr. Muirhead Ph: 543-4091 Buhl, Idaho 83316

CANAL NO. & NAME	St COR NO	OWNERS NAME & ADDRESS
45 District	37-0590 0501 0597 0115	28. Roy D. Levanthal Levanthal Farm Associates P.O. Box 2398 Sun Valley, Idaho 83353
	37-0480	29. Lloyd C. Moore Route 1 Box 825 Bellevue, Idaho 83313
	37-0685	30. Gregory Mann Box 269 Bellevue, Idaho 83313
	37-0665 0666	31. Margaret Struthers 158 Los Logos Rt. 4 Twin Falls, Idaho 83301 Bill: William Struthers Box 610 Hailey, Idaho 83333
	37-0480	32. Mark Henery Ph: 72609750 Box 828 Route 1 Bellevue, Idaho 83313
	37-0577	33. Mary Brown Box 80 Bellevue, Idaho 83313
	37-0685 0510	34. McWinlan Farms 235 Montgomery Street Suite 2100 San Francisco, Calif. 94104
	37-0113 0480	35. Melvin Swanson Box 207 Bellevue, Idaho 83313
	37-0114	36. Michael Harris Box 295 Bellevue, Idaho 83313
	37-0886	37. Otis Disbennett Bellevue, Idaho 83313
	37-0665 0353	38. Robert Fosnot Ph: 726-8304 P.O. Box 290 Bellevue, Idaho 83313
	37-0666 0353 0418 0419 0667	39. Robert Gardner Gannett Route Bellevue, Idaho 83313

CANAL NO, & NAME	St. WR #	OWNERS NAME & ADDRESS
45 District	37-0353	40. Robert L. Keirstead 719-A Chicksaw Bartlesville, Oklahoma 74003 Ph: 918-336-3563 Bill: Don Ramsey Hailey, Idaho 83333
	37-0481 0482 0665 0666 0667	41. Nancy Spalding Trust % Trust Dept. 1st Sec. Bank P.O. Box 2618 Boise, Idaho 83701 Ph: 385-6752
	37-0665	42. Stewart Buttery 2020 Manzanita Drive Oakland, California 94611
	37-0664 665 0501 0117	43. James Phillip Conger Triangle Ranch P.O. Box 146 Sun Valley, Idaho 83353
	37-0666 0418	44. Walter Gann P.O. Box 1920 Sun Valley, Idaho 83353
	37-0113 0480 0664 0482	45. Wood River Ranches #2 % Charles Ferries P.O. Box 2030 Sun Valley, Idaho 83353

~~49 Barnton~~

~~1. Dan Hardee~~
Hardee Construction
6477 Fairview
~~Boise, Idaho~~ 83704

2. Dominic A. Mannino
PH. 714-345-3606
~~46-285 Manitou~~ Drive
Palm Desert, Calif. 92262
Bill: P.O. Box 1186
Sun Valley, Ida. 83353

3. Harry LeMoyne
LeMoyne ~~Realty~~
1418 Blue Lakes Blvd. No.
Twin Falls, Idaho 83301

4. John Brown, Inc.
Route 1 Box 100
Bellevue, Idaho 83313

5. Mary Katt
Bellevue, Idaho 83313

List of Riparian Ownerships / 37-1919
Prepared by Bob Bell / Bob Spivey
Assessed Land Id F&G
Owners

RECEIVED
SEP 12 1983
Department of Water Resources

Rouse, Charles L ETUX — 20, 41
~~1234~~ 1745 Blue Heron Drive
Lake Oswego, Or 97034

Plott, Larry B ETUX — 12
8551 Marigold
Boise, Id 83704

Moore, Lynn B — 20, 41
Rt 1, Box 35
Bellevue, Id 83313

Warr, Victor L ETUX — 12
Box 195
Hailey, Id 83333

Fife, ~~Mel~~ Milton O ETUX — 12, 19, 40, 34, 36
Box 322
Hailey, Id 83333

Hazen, Maxine — 20, 1
Box 94
Bellevue, Id 83313

Assembly of God — 81
Southern Idaho Dist.
La Mance, L I
Box 309
Nampa, Id 83651

MICROFILMED

Norris, William E — 1, 10, 31, 32
Box 146
Sun Valley, Id 83353

Deer Creek Ranch Inc. — 5
Box 206
Hailey, Id 83333

Chapman [redacted] Dorothy & Chapman, John S — 1
Box 2598
Boise, Id 83701

Hibbard, Cary J ETUX — 1
Box 414
Shoshone, Id 83352

Bass, Craig B Dr. & Gina — 12, 34
Box 520
Hailey, Id 83333

Board Mill & Sunset Ranch Inc. — 20
Box 910
Ketchum, Id 83340

Glenn ICI Ltd. — 18
Box 183
Ketchum, Id 83340

Glenn Dale Ranches Inc — 1
c/o Gould, Glenn
Route
Bahl, Idaho 83316

Murray, Alexander O — 20, 41
Box 68
Ketchum, Id 83340

MICROFILMED

Basolo, Jack — 20
Box 495
Hailey, Id 83333

Garner, Rex + Josephine — 15 / 40
Box 1987
Sun Valley, Id 83353

Bacon, Robert C + Bacon Bruce R — 5
2536 E Campus Dr.
Salt Lake City, Ut 84121

O'Donnell, Anna Faye ETal — 1 / 12 / 34
Box 267
Bellevue, Id 83313

Eiffreim, William D ETUX — 12 / 34
Box 1661
Sun Valley, Id 83353

Barker, Deverc & Marion — 17 / 40
Box 517-A
Ketchum, Id 83340

Wise, George E ETUX — 12 / 34
Box 164
Bellevue, Id 83313

Eccles, Spencer F — 1 / 5
4371 Adonis Drive
Salt Lake City, Ut 84117

MICROFILMED

Mc Nees, John II ETUX 1
336 Buchanan
Twin Falls, Id 83301

Forstmann, Candida C 1, 2, 3, 4
Box 1041
Hailey, Id 83333

Young, Wallace ETUX 5, 2, 34
Box 583
Hailey, Id 83333

Tierney, Warren S 1
598 Madison Ave.
New York, Ny 10022

Gunville, W J ETUX 1
Box 338
Hailey, Id 83333

Idaho Power Co. 18
Attn: L.R. Brunner
Box 70
Boise, Id 83707

Beaver, George J 18
1880 Riviera Circle
Idaho Falls, Id 83401

Blaine County Tax Deed 18
Blaine County Court House
Hailey, Id 83333

Hagg, James A ETUX — 18, 40
Star Route
Hailey, Id 83333

Carter, Clay — 18, 40
Box 1341
Ketchum, Id 83340

Guard, Gretchen B. + Ballard, Eaton W + Brooks — 18, 40
Box 1687
Sun Valley, Id 83353

Campbell, Douglas — 18, 40
1150 Brooklawn Drive
Los Angeles, Ca. 90024

Rinker, Harry S — 18
Box 7250
Newport Beach, Ca. 92663

Buckhorn Investment Co — 18
9061 Santa Monica Blvd.
Los Angeles, Ca. 90069

Bruis, Walter L — 18, 40
Box 3737
Portland, Or 97208

Farmer, John S + Norma O — 18, 40
914 West Ocean Front
Balboa, Ca. 92661

Treen, Nelson — 18
Box 658
Sun Valley 83353

Gund, George III Trustee — 20, 41
1821 Union Street
San Francisco, Ca. 94123

Massey, Christiana — 18
c/o Miami Corp.
410 North Michigan Avenue
Chicago, IL 60611

Robinette, Dale — 18
Box 505
Topanga, Ca. 90290

Jakober, Manfred — 18
Box 2596
Ketchum, Id [redacted] 83340

Blaine County — 81
Box
Hailey, Id 83333

Allred, Mary Ellen + Kathryn — 18
Route #1
Bellevue, Id 83313

Harmer, Sheryl K — 18, 40
Box 56
Hagerman, Id 83332

Idaho Park Foundation Inc. 1
1020 W Franklin 5
Boise, Id 83702

Pothier, Carl R ETUX 18
Box 611
Ketchum, Id 83340

Sun Valley Resorts 20
Box
Sun Valley, Id 83353

Shrum, Shrum + Christopherson 20
41
Drawer C
Glenns Ferry, Id 83623

Wayland, Grace A 20
41
1602 Harrison Blvd.
Boise, Id 83702

Shillington, Willard F 1
19
C/o Patterson Farms
Rt. 1 Box 81
Paul, Id 83347

Shillington, W H + Edith 20
Box 535
Rupert, Id 83350

Pichoni, Mary 21
42
PO Box 3060
Ketchum, Id 83340

Blackburn, William W ETUX 20
Kovas, Ronald A ETUX
503 Jones Road
Oceanside, Ca. 92054

Watson, Fred R ETUX 20 41
Box 396
Ketchum, Id 83340

Cullen, Daniel T ETUX 20 41
530 Chelmsford
Hillsborough, Ca. 94010

Benjamin, Willis B 20 41
Box 424
Ketchum, Id 83340

Dick, Joan M 20 41
1606 Virginia Rd.
San Marino, Ca. 91108

Boge, Charles R ETUX 20 41
1452 3 Fountains Dr.
Idaho Falls, Id. 83401

Marini, Mary Jane 18 40
Box 545
Ketchum, Id 83340

Mc Collum, Bruce D 20 41
6720 Smoke Lane
Pocatello, Id 83204

Ensch, Richard G + Teresa — 20 41
1180 Glenmeyre
Laguna Beach, Ca. 92651

Miller, Jack P — 12 34
100 East Hackberry
Mcallen, Tx 78501

Sprenger, Grubb + Assoc
Box 1570
Hailey, Id 83333

Presbyterian Church Inc. — 81
Box 493
Ketchum, Id 83340

Spath, William J — 21
315 Bell Bldg
Toledo, OH 43624

Hurtig, Lois H. Trustee — 20 41
Box 185
Sun Valley, Id 83353

Northwood Assoc — 18
Box 1440
Sun Valley, Id ~~83340~~ 83353

~~Section 29~~

~~Section 24~~

Drashner, Mary Ellen Alford 18
Gardner, Kathryn Alford
Route #1
Bellevue, Id 83313

Ped Cl. #7
Eddleris Green?

* — Developed [redacted]

RECEIVED
SEP 12 1983
Department of Water Resources

McNeilly Ranch Sub. (4 Lots)

Lot 1 Power, William F-TRST-Power TS *
1300 Quail St.
New Port Beach, Ca. 92660

Lot 2 Power, William F + Shirley M
2861 South Pullman
Santa Anna, Ca. 92705

Lot 3 Menzies, Lurline
3412 Washington St.
San Francisco, Ca. 94118

Lot 4 Menzies, Lurline
3412 Washington St.
San Francisco, Ca. 94118

Starlite Sub

Common Area — Brooks, Allen, Ruscitto
Box 1637
Boise, ID 83701

Aspen Grove Sub

Lot 6 — Albam, Daniel *
Box 1131
Ketchum, Id. 833 40

Lot 7 — Rollcs, Leslie Ann *
2004 So Williams St
Denver, Co 80210

Huffman Bender Cox Sub

Common Area — Huffman, Bender + Cox
Box 612
Sun Valley, ID 83353

Solitude Sub

Lot 2B Knott, David H
Consolidated to 2
Box 1242
Sun Valley 83353

Lot 3 Allred, Kathryn ~~Gardner~~ Gardner
Allred, Mary Ellen Orashner
Route #1
Bellevue, ID 83313

Lot 4 Allred, Kathryn Gardner
Allred, Mary Ellen Orashner
Route #1
Bellevue, ID 83313

Gimlet Sub No. 9

Lot 1 Stewart, Serena R
Box 45
Sun Valley, ID 83353

Lot 2 Stewart, Serena R

Gimlet Sub No. 9

Lot 3 Ward, Peter R
Indian Chase Dr.
Greenwich, CT 06830

Lot 4 Wright, Walter R Jr
Box 485
Sun Valley, ID 83353

Lot 5 Warde, Prudence S
Warde. Trust
Box 2440
Sun Valley, ID 83353

Lot 6 Stevenson, Borden W
Box 909
Hailey, ID 83333

Lot 7 Fabiano, Walsworth, Taylor
Box 1493
Ketchum, ID 83340

Gimlet Sub No 9

Lot 10 Gimlet Land Coop Corp
Box 658
Sun Valley, ID 83353

Gimlet Sub No. 10

Lot 16 Teren, Dorothy V
Faletti & Roberts %
200 E Carrillo St
Santa Barbara, Ca 93102

Lot 17 Wright, Walter R Jr
Box 485
Sun Valley, ID 83353

Lot 18 Wright, Walter R Jr
Box 485
Sun Valley, ID 83353

Lot 19 Curran, James J ETux
Box 446

Gimlet Sub No. 10

Lot 20 Richards, H F *

Box 224

Sun Valley, Id 83353

Gimlet Sub No. 1

Lot 5 Bertea, Richard E Tux

173 Shore Cliff

Coronia Del Mar, Ca 92625

Lots 6+7 Bertea, Richard E Tux

173 Shore Cliff Road *

Coronia Del Mar, Ca 92625

Gimlet Sub 8A

Green Belt Stevenson, John Fell

Route 1 Box 310

Bellevue, ID 83313

Gimlet Sub No. 11

Lot 19 Rinker, Harry S - Trustee
Box 7205
Newport Beach, Ca. 92660

Lot 20 Rinker, Harry S - Trustee
Box 7205
Newport Beach, Ca 92660

Lot 21 Henderson, A Dean
Mc Niff, Georgette
1740 Palisades Dr.
Pacific Palisades, Ca 90272

Lot 22 Harker, John R ETUX
Box 1153
Sun Valley, ID 83353

Lot 23 Rinker, Harry S, Trustee
Box 7250
New Port Beach, Ca. 92663

Cimlet Sub No. 11

Lot 24 Rinker, Harry S Trustee
Box 7250
Newport Beach, Ca 92663

Lot 25 Wood River Properties Inc
% Rinker, Harry S
Box 7250
Newport Beach, Ca 92663

Lot 26 Mc Guinness & Associates
Stonemill Business Park
2915 Red Hill Ave, Suite C 108
Costa Mesa, Ca 92626

Lots 27 Treen, Nelson F &
28 Rinker, Harry S
29 Box 2480
Newport Beach, Ca. 92663

~~Lot 29 Treen~~

Gimlet Sub No. 11

Lot 30 Wood River Properties Inc.
Box 7250
New Port Beach, Ca. 92663

Lot 31 Farrell, Michael J
489 Alta Vista Way
Laguna Beach, Ca. 92651

Little Makawao

Lot 1 Huxley, Cormin *
Star Route
Hailey, Id 83333

Lot 2 Carter, Clayton
Box 1341
Ketchum, Id 83340

Lot 3 Carney Trust, Frank L
Union National Bank, Trustee *

Glenn Dale Acres Sub

~~Fridlines Green~~

Lot 1 Kriel Kamp, Bernard L ETUX
Star Route
Hailey, ID 83333

Lot 2 Kriel Kamp, Bernard L
Star Route
Hailey, ID 83333 *

Lot 2 Johnson, Richard E
1151 Dove #275
New Port Beach, Ca 92660

Lots 3+4 Boughton, Robert ETUX
Boughton, R M Trustee
Box 1284
Sun Valley, Id 83353 *

Lot 5 Bardell, Michael C
Box 390
Sun Valley, Id 83353

Glenn Dale Acres Sub

Lot 6 — Glenn Dale Ranches Inc.
% Nopp, Jack D *
5629 Dana Way
Sacramento, Ca 95822

Lots 7+8 — Coughlin, James J ETUX
401 Summit Ridge Road
Boise, Id 83702

Lot 9 — Miller, Richard *
Box 191
Sun Valley, Id 83353

Lot 10 — Dawson, Kathleen Oshiro *
Box 1479
Hailey, Id 83333

Lot 11 — Roberts, Donald ETUX
Box 2892
Aspen, Co 81611

Glenn Dale Acres Sub.

Lot 12 — Monnino, Jay Frank ETUX ETAL *
46-285 Manitou Drive
Indian Wells, Ca. 92260

B.J. Wood River Ranch

Lot 1 — Red Cliff Sub. ?

½ Lots 2+3 — Mc Neilly Ranch Sub ?

Lot 4 — Starlite Sub. ?

Lot 5 — Aspen Grove Sub. ?

Lot 6 — Hoffmann Bender-Cox Sub. ?

Lots Owned by Other Subdivisions

Lot 7 — Acarregui, James F + Linda
Jordan Valley, Or 97910

Lane Ranch I

Lots 1 & 2 — Sun Valley Water + Sewer Distr — 81
Sun Valley City Hall
Sun Valley, ID 83353

Lot 3 — Miller, Roger Leroy
13123 SW 64th Court
Miami, FL 33156

Lots 4, 6, 7, +8 — Lane Ranch Sub #1
Lane Ranch Partnership
Box 326
Sun Valley, ID 83353

Lot 5 — Bradburn Trust, Jill P
2445 Hidden Valley Road
LA Jolla, Ca 92037

Lot 9 — Grossman, Samuel M
1903 W Bethany Home Rd.
~~Phoenix~~ Phoenix, Az 85015

Lane Ranch I

Lot 10 Grossman Lane Ranch Corp
c/o Carlies, Charles
1703 W Bethany Home Road
Phoenix, Az. 85015

Lot 11 Vanoff, Nicholas ETUX
910 No Foothill Road
Beverly Hills, Ca. 90213

Rivers Edge Ranch

Lot A State of Idaho 81
Division of Hiways
3311 West State St.
Boise, Id 83703

Lot 1 Fassett, Helen
Box 273
Sun Valley, Id 83353

Rivers Edge Ranch

Lots 2,3,4 Fassett, Helen
Box 273
Sun Valley, ID 83353

Lots 5+6 Fassett, Helen
Box 273
Sun Valley, Id 83353 *

Lot 7 Fassett, Helen
Box 273
SunValley, Id 83353

Red Cliff Sub.

Lot 6 Mendics, Lurline C
Box 2789
SUN Valley, Id 83353 *

Rivers Bend Sub

Lot 12 Palumbo, Samuel R
4614 Trail Crest Circle
Austin, Tx 78735

Lot 13 Slade, John O ETUX
% Bernard, John O
Crew mail Berlin
Pan Am ~~Wor~~ Worldport
Jamica, Ny 11430

Lot 14 Bernard, John O
% Crew mail Berlin
Pan Am World Port
Jamica, Ny 11430

Lot 15 Moore, Kenneth L ETUX
3500 Buchanan #146
Riverside, Ca. 92503

Lot 16 Moore, Kenneth L ETUX
3500 Buchanan #146

Fiddlers Green

Lot 2 Kertzman, Scott M & Kandi S
Box 991
Sun Valley, Id. [redacted] 83353

Rivers Bend Sub.

Lots 3 & 4 Cromwell, Christopher D
4631 Tescadaro St.
San Diego, Ca 92107

Lot 9 Basset, Linda
Box 1976
Ketchum, Idaho 83340

Lot 10 MEE, Jeffery F
Box 1721
Ketchum, Id 83340

Lot 11 Copsom, Pamela
Box 749
Ketchum, Id 83340

Hidden Hollow

Lot 1 Cromwell, Christopher D
Box 2618
Ketchum, Id 83340 *

Lot 2 Pettit, John K Jr
Box 609
~~Ketchum~~ Ketchum, Id 83340 *

Lot 3 Hunter, William P ETUX
% McIntire, Patrick + Colwell, Sara *
Box 1050
Ketchum, Id 83340

Lot 4 Rosso, Robert E
Box 911
Ketchum, Id 83340 *

Lot 5 Golding, Leroy E Jr ETUX *
Box 1078
Ketchum, Id 83340

Hidden Hollow

Lot 6 Ziegler, Thomas
Box 625 A
Ketchum, Id 83340

Zinc Spur No. 3 Sub

Lot 2 Fairfield, Richard W Trustee
Box 1356
Hailey, ID 83333

Lot 3 Schwake, Henry
Box 318
Ketchum, Id 83340

Lot 4 Kryder, Devaunn A + Karen A
Box 1138
Ketchum, Id 83340

Lot 5 Verga, Paul A + Judith L
Box 681

Zinc Spur Sub. No. 2

Lot 24 Collins, Lois J
Lot 27 5898 Bannock Hyw
Pocatello, Id 83201

Lot 25 Burke, Micheal O ETUX
Box 1268 *
Hailey, Id. 83333

Lot 26 Alban, Seymour L ETUX
Alban, Harry ETUX
Box 1126 *
Hailey, Id 83333

Zinc Spur Sub No. 4

Lot 1 Cetera, Peter
Blk 2 c/o Kaufman & Eisenberg
9301 Wilshire Blvd Suite 212
Beverly Hills, Ca. 90210

Lot 2 Hibbard, Gary
Blk 2

Zinc Spur No. 3 Sub

~~Hidden Hollow~~

Lot 6 Feldman, Robert J Joan
4368 Fairway Dr.
Lakewood, Ca. 90712

Zinc Spur Sub No. 2.

Lot 20 Hopkins, James E
Box 1485
Hailey, Id 83333 *

Lot 21 Browne, Mark C
495 Wainee St.
Lahaina, Maui, Hi 96761 *

Lot 22 Maxwell, Jack W
Lot 27 1500 San Remo Drive
Pacific Palisades, Ca 90272

Lot 23 Kinder, Gary
1/3 Lot 27 Box 423
[illegible]

Shady Nook Sub

Lot 1 Cook, Sidney B
1545 Wilshire Blvd
Los Angeles, Ca 90017

Lot 2 Hanawalt, Vance
Box 1572
Hailey, Id 83333 *

Lot 3 Green, Robert A
P O Box 946
Hailey, Id 83333 *

Flying Heart Sub. No. 2

Lot 22 Barsotti, ~~[redacted]~~ Brian J + Brent C Miams,
William C + Elizabeth
Box 2133
Ketchum, Id 83340

Lot 23 Miams, William C + Elizabeth

Flying Heart Sub No. 1

Lot 2 Jane Trust
Dumke, Edmund W Trustee
Box 569
Sun Valley, Id 83353

Lot 3 CF Investment Co
Wadsworth, Robert F ETUX
Box 355
Ketchum, Id 83340

Lot 4 Aspens Lakes
Box 2040
Sun Valley, Id 83353

Lot 5 Meisel, Jacqueline Beth
530 East 72nd, APT 15E
New York, Ny 10021

Flying Heart Sub No. 2

Lot 24 Mc Donough Partners Ltd.
21150 North Park Dr.
Fairview Park, OH 44126

Lot 25 McCann, Michael D ETUX
Box 1252
Ketchum, Id 83340

Lot 26 Mirams, William C + Elizabeth
PO Box 961
Ketchum, Id 83340

Lot 27 Kanter, Joel M
Morrissey, Ann C
145 Laurel Grove Ave
Kentfield, Ca. 94904

Lot 28 Mc Donough Partners Ltd
21150 North Park Dr.
Fairview Park, OH 44126

Flying Heart Sub No. 2

Lot 29 Brandenburger, D L ETUX
Zischke, P H ETUX
Darrarq, D J ETUX
1355 Brandt Road
Hillsborough, Ca. 94010

Lot 30 Darracq, Dal J ETUX
960 Los Molinos
Sacramento, Ca. 95825

Lot 31 Zischke, Peter H ETUX
515 Miner Road
Orinda, Ca. 94563

Lot 32 Brandenburger, Don L ETUX
1355 Brandt Road
Hillsborough, Ca. 94101

River Grove Ranch

Lot 1 Roger Trust
J O Mack Trust
C/O Valley Bank of Nevada
Box 15427, Prince Plaza
Las Vegas, Nv 89107

*

Lots 9 +10 Davidson, Ralph P
C/O Time Inc
Rockefeller Center
New York, Ny 10020

Lot 11 Johnson, Dean C
2305 Five Mtn Dr.
Oceanside, Ca. 92054

Lot 12 Walton, Douglas C
Box 1093
Ketchum, Id 83340

Mountain View Sub.

Lot 2
Blk 2

Dingman, Patrick D
Dingman, Michael B
Box 162
Hailey, ID 83333

Trails End Sub

Lot 1

Thielen, Joseph E
650 S Grand Avenue
Los ~~Angles~~ Angeles, Ca. 90017

Lot 2

Mc Neal, J R ETUX
Box 730
Hailey, Id 83333

*

Lot 3

Dargatz, Robert R ETUX
Box 1042
Hailey, Id 83333

Lot 4

Dargatz, Robert R ETUX
Box 1042
Hailey, Id 83333

*

Lot 5

Ball, James W ETUX
Box 54
Hailey, Id 83333

[redacted]

*

Trails End Sub

Lot 6 Steiner, Bruce Pattie ETUX
Box 819
Hailey, ID 83333

Lot 7 Fagerholm, Jeff L
Box 651
Ketchum, Id 83340

Lot 8 Teasley, R L ETUX
610 Sunrise Blvd N
Twin Falls, Id 83301

Lot 8 (In City) Teasley, R L ETUX
610 Sunrise Blvd N
Twin Falls, Id 83301
20
41

Lot 9 Rouse, Connie L
Smart, Joseph D II
Box 1701
Sun Valley, Id 83353

Lot 9 In City Rouse, Connie L
Smart, Joseph D II
Box 1701
Sun Valley, ID 83353
20
41

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Trails End Sub.

Lot 10 — Faherty, Micheal
20000 Sherman Way
Canoga Park, Ca 91306

Lot 10 — Faherty, Micheal — 20
In City — 8000 Sherman Way
Canoga Park, Ca 91306

Lot 11 — Fitch, Douglas R — 20
Box 1076
Ketchum, Id 83340

Lot 12 — Copper, David + Cropper, Blaine ETUX — 20
Box 516
Hailey, Id 83333

Lot 13 — Zehring, Betty June
2817 La Mesa Dr.
Henderson, Nv 89015

Lot 13 — Zehring, Betty June — 20
in City — 2817 La Mesa Dr
Henderson, Nv 89015

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Trails End Sub.

Lot 14 Brutsch, ~~Gary~~ Gary L ETUX
3112 Hermosa Avenue
Hermosa Beach, Ca 90254

Lot 14 Brutsch, Gary L ETUX 20
In City 3112 Hermosa Avenue
Hermosa Beach, Ca. 90254

Lot 15 Sexton, Michael B
2510 Navarro
Unit 502
Carls Baad, Ca 92008

Lot 15 Sexton, Michael B 20
In City 2510 Navarro
Box 502
Carlsbaad, Ca. 92008

Lot 16 Bronson, Willard G
Box 1471
Sun Valley, Id 83353

Lot 16 Bronson, Willard G 20
In City Box 1471
Sun Valley, Id 83353

Trails End Sub

Lot 17 Jeffries, Ruth
Smith, Jeannine T
603 Warm Springs
Boise, Id 83702

Lot 18 Jeffries, Joseph A ETUX
603 Warm Springs Ave
Boise, Id 83702

Dave T.

FOR IMMEDIATE RELEASE

September 9, 1983

State of Idaho, Statehouse, Boise, Idaho 83720
Phone: (208) 334-4440

NEWS RELEASE

BOISE--Two proposed minimum stream flow applications, one on Silver Creek and the other on the Big Wood River, both in Blaine County, will be discussed at a public meeting, Thursday, September 22 at 7:30 p.m. Gene M. Gray, vice chairman, Idaho Water Resource Board (IWRB) will conduct the meeting at Wood River High School, Fox Acre Road, Hailey.

The Silver Creek application, #37-7849, seeks a 74 cubic feet per second (cfs) flow all year-round from the point where Silver Creek flows under the Highway 93 bridge downstream to the confluence with the Little Wood River. This reach is downstream from the two approved minimum stream flow water right permits on Silver Creek.

The flow would maintain wild trout rearing, spawning and migration, according to Gray.

The second application, #37-7919, seeks a 70 cfs instream flow on the Big Wood River from the confluence with Warm Springs Creek downstream about 18 miles to the Bellvue diversion.

The application, Gray said, seeks to maintain the trout habitat in that particular reach of the river. Both applications were filed by the Idaho Water Resource Board at the request of the Idaho Department of Fish and Game and officials from that agency will attend the meeting to answer questions and discuss the applications.

Gray encourages anyone to wishes to comment on either the Silver Creek or

more

Big Wood River applications to attend the meeting, since the board has the option of amending, withdrawing or proceeding with its applications, based on public comment.

As required by law, the Idaho Department of Water Resources will conduct public hearings on the two applications later in the year, perhaps in November. After the hearings, the applications will be reviewed by the director, Idaho Department of Water Resources, for approval or denial. If approved, the applications must then be sent to the Idaho Legislature, which may approve or reject them.

Gray stressed that the minimum stream flow rights are junior to older, established water rights with earlier priority dates.

-30-

Kay Weaver
Information Specialist

ATTENDANCE ROSTER

Hearing on Big Wood River Min Stream Flow App No 37-7919
Nov 14, 1985 1:30 Hailey.

NAME	ADDRESS	REPRESENTING	Present Testimony? (Yes or No)
Kay Lium	Bx 1447 S.V. Id.		no
DR. Bruce Lium	Box 2679, Ketchum, Id.		Yes
TOM BLANCHARD	Bx 225, Bellevue		yes
ROBERT H. SHERWOOD	River's Edge Ranch,		
BOTH IN FACT FOR HELEN FASSETT	Bx 973 Sun Valley		YES.
LON TEGGS	#2217 Elizabeth TWIN FALLS	KMVT-TV	
Loren Holmes	Twin Falls	IDWR	
James Shawver	Eden	Wm Tu Rexroad	
Richard M. Oneida	Shoshone	Bigwood Canal Co	
Reid J. Newby	Box N Shoshone, Ida 83352	Water Dist 37-Big Wood	
Ralph H. Naser	Bx 910 Ketchum, Id	Board's Sunset	
Frances Board Naser	" "	Ranches, Inc.	
Loretta B. Williams	Bx 181 SV	Public	Yes
Candida C. Forstmann	P.O. Box 404 Hailey.	Public	
John (Sonny) Burke	Box 326, Sun Valley	yes-public	
Ted Divine	Box 133 Bellevue	Self	
JERRY W. DANLEY	Box 438 BELLEVUE	SELF	
GORDON FLADE	Box 149 Hailey, IDAHO	BLAINE County Bldg. Dept.	
Roberta S. Reed	Box 149 " "	" "	
Kristin Fletcher	Box 2018 Ketchum	self	
SARTH MCCLURE	BOX 2315 KETCHUM	CITY OF KETCHUM	
Barbara Alderman	Box 1087 S.V.	Chapman Clowerly Ranch	
Dick Johnson	Box 2372 S.V.	Self Sierra Club	— YES —
Patsy Stivers (KSKI Radio)	POB 1340 Hailey 83333		
Jim McPherson	Woodriver Journal		
Victoria Moore	Box 1321 Hailey	Greg & Victoria Moore	Yes
Scot Kersgaard	Box 988 Hailey	Wood River Journal	No
PETER STEPHENSON	Box 75 KETCHUM	STEPHENSON ROD CO.	NO
Rupert Hawke	308 East Fork Rd Hailey	Blaine Co Commission	
Jim W. Koonce	Box 665 Ketchum, Ida.	County Engineer	NO
Wallace Young	Box 582 Hailey Idaho		NO
JAMES I. EALIN	Box 296, Bellevue Id	UBWR. WATER USERS ASSN (Director) W R Valley IRRIG Dist # 45 (Director)	

ATTENDANCE ROSTER

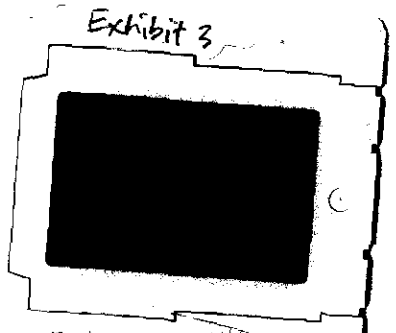
Hearing on Big Wood River MSF App No. 37-7919

NAME	ADDRESS	REPRESENTING (Present Testimony?)
Harold R Trussell	Bellevue	Bar Lazy Co. Ranch
Mike Tolis	Bellevue	Self.
Bend of the River Ranch	Hailey	c/o Melea A Swenson
Dan Brown	Bellevue	John Brown, Inc.
Don Nesson	Bellevue	
Jim Nesson	Bellevue	
Carl W Browning	Bellevue	
Roger A. Olson	Hailey	Id. F+Game
Al Van Vooren	Boise	ID. Fish & Game
Scott A. Grunder	Jerome	ID. Fish & Game
Alex Ridland	Bellevue	
Ridley Pearson	"	
Colleen Daly Pearson	Bellevue	
Curtis Kerbel	Eastfork	
Cory Rickbeil	STAR RT. HAILEY	
Dale Mazer	Hailey	Hailey Canal.
Barbara Keller	Hailey	
Wm. B. Hale	Sun Valley	Edward R. Hale
Jed Gray	Ketchum	public no
PETER GRAY	BOX 2122 KETCHUM.	PUBLIC - NO
Douglas WALTON	Box 1093 Ketchum	self
Dave Lewis	Box 831 Sun Valley	Times-News, T.F.
Ted Chyz	Box 814 Ketchum	Id. Dept. Fish & Game
Bob Bell	816 16TH AVE. East Jerome	ID. DEPT. OF FISH & GAME
Charley Fiala	P.O. Box 3878 Ketchum	ID 83340 WISHES TO BE PRESENT
Joyce Pearson	Box 449, Bellevue	self
Lee Moore	Box 324, Ketchum	Mountain Express
John Adams	Box 2008, Hailey	
Les Campbell	Box 326 Bellevue	My Family
Tim Crawford	P.O.B. 1045 Ketchum	City of Ketchum.
Alan Reynolds	B 1474 Ketchum	Blaine County Commis.

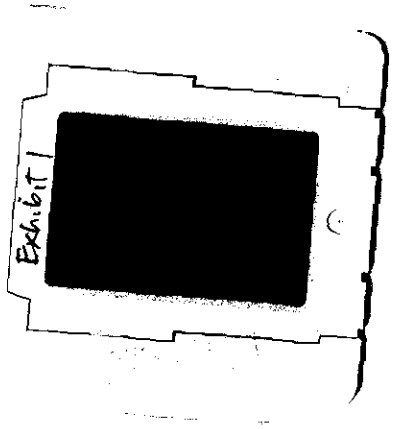
INFORMATIONAL SLIDE

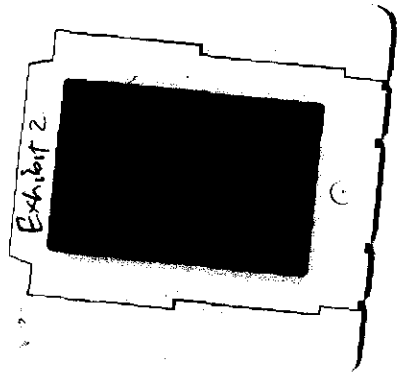


Exhibit 3



EX4





INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE 7/3/86

TO Phil Rassier

SUBJECT Attached

As I prepared to do some work on Minimum Stream Flow filings I realized that the attached is an original, and that perhaps you have not seen it... Do you still have the original file? If not pls return. Either way, let's discuss the timetable for the decision on this one.

Dave

SIGNATURE

RECEIVED
MAY 30 1986
Hand delivered
Department of Water Resources

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

RECEIVED
MAY 30 1986
Department of Water Resources
Western Regional Office

SUSAN STANFIELD
STEPHEN V. GODDARD
Deputy Attorneys General
Idaho Dept. of Fish and Game
600 South Walnut
P. O. Box 25
Boise, ID 83707
Telephone: (208)334-3715

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 37-7919 to Establish A Minimum Stream Flow In the Big Wood River in the Name of the Idaho Water Resources Board	COMMENTS OF IDAHO DEPARTMENT OF FISH AND GAME REGARDING AUGMENTATION OF THE RECORD

The Idaho Department of Fish and Game (hereinafter Fish and Game) submits the following comments regarding the addition of the approved Minutes of the Water Resource Board and the letter dated April 24, 1986 from the Chairman of the Idaho Water Resource Board:

1. Fish and Game objects to the augmentation of the record by the addition of Page 7 of the Approved Minutes of the March 11, 1986 Board Meeting and the letter dated April 24, 1986

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from Chairman Gray. There was no request by any of the parties for such augmentation. Indeed, there is no request at all to be found in the file according to personnel at the Department of Water Resources. Therefore, inclusion of these documents is without authority. Further, there was no opportunity given to Fish and Game to object or otherwise respond to their inclusion and have a ruling made thereon by the Hearing Examiner. Fish and Game was only provided an opportunity to "comment" on the documents after the fact. Thus, Fish and Game's procedural due process rights have been violated.

2. Without waiving the objections raised above, and assuming arguendo the documents are properly part of the record, Fish and Game nonetheless contends the documents do not lend any authority for the proposed action by the Department.

3. The April 24, 1986 letter from Chairman Gray indicates that the Board supports "the concept of making a minimum stream flow right subject to prior recorded rights and unrecorded water rights. . ." However, whether the Board supports such a concept is irrelevant to the correctness of the decision. As noted in the Exceptions to the Proposed Memorandum Decision and Order and in Mr. Dillon's comments before the Board at its March 11, 1986 Board meeting, there is no authority in Idaho law for such a finding.

4. Page 7 of the March 11, 1986 Minutes serves only to emphasize the Department of Fish and Game's Exceptions to the proposed order.

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

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MAR 20 1987

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As noted by Mr. Dillon, taking the position that minimum stream flow rights are subordinated to unrecorded rights would make them "second class water rights." This position flies in the face of the stated legislative purpose in Idaho Code Section 42-1501, wherein the Legislature stated that:

> . . .the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows. . .

As Mr. Dillon also pointed out, there is no legal authority to put a time limit on minimum stream flow water rights either by statute or case law.

5. By statute and case law, Idaho law mandates that a claim to the right of the use of the waters of the state of Idaho that has not been adjudicated or decreed or is not evidenced by permit or license issued by the Department of Water Resources shall be subsequent to any adjudicated, decreed, permit or licensed right. (Idaho Code Section 42-607; Nettleton v. Higginson,. 98 Idaho 87 (1977).

The Legislature itself has emphasized that unrecorded rights are subordinate to permit rights.

Prior to 1969, Section 42-607 read in relevant part:

> . . .provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated right therein, shall, for the purposes of distribution, during the scarcity of water, be held to have a right subsequent to the adjudicated rights to such stream or water supply, and the water master

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State of Idaho
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Boise, Idaho 83720
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MAR 20 1987

shall close all head gates of ditches having no adjudicated right if necessary to supply adjudicated rights in such stream or water supply; provided that any water right, the priority of which has been decreed, shall be deemed to be adjudicated within the meaning of this section. . . .(Emphasis added)

In 1969, the above-referenced language was deleted from Section 42-607. (See Chapter 305 of the 1969 Session Laws.)

Thereafter, in DeRousse v. Higginson, 95 Idaho 173, the Idaho Supreme Court found that:

> As a result of the 1969 amendment, there is absolutely no reference to unadjudicated water rights in the powers, duties and instructions to the water master of a water district. We therefore find that the amendment shows a clear intention on the part of the Legislature to eliminate any preference of adjudicated water rights over unadjudicated water rights in times of water scarcity and that the water master has no jurisdiction or control over unadjudicated water rights.

That same year, the Legislature responded to the decision of the Supreme Court by amending Section 42-607 again and reinserting language making unrecorded water rights subordinate to other rights. Section 42-607 now reads:

> Provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the Department of Water Resources shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the water master shall close all head gates of ditches or other diversions having no

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State of Idaho
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Boise, Idaho 83720
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MAR 20 1981

adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply.

The underlined portions indicate additional language to that existing in this section prior to the 1969 amendment.

It is obvious from the Legislature's actions, that it intended that unrecorded water rights shall be subordinated to other rights existing by adjudication, decree, permit or license.

Therefore, making the minimum stream flow right subordinate to an unrecorded right is clearly without legal authority.

6. No legal authority was cited by the hearing officer, Mr. Norman C. Young, the Director of the Water Resources Board, nor indeed, by the Chairman of the Idaho Water Resource Board, that would allow the Idaho Department of Water Resources to place a time limit on a minimum stream flow permit. As noted by Mr. Dillon, the only legal authority in the Idaho Code to impose any time limit on permits or licenses is for hydropower uses. (Idaho Code Section 42-203(B)(7).) Therefore, any such action by the Department of Water Resources is without legal authority.

Respectfully submitted this 27th day of May, 1986.

MICROFILMED
MAR 20 1987

Susan Stanfield
Deputy Attorney General
Idaho Dept. of Fish and Game

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this the 30th day of May, 1986, true and correct copies of the foregoing COMMENTS OF IDAHO DEPARTMENT OF FISH AND GAME REGARDING AUGMENTATION OF THE RECORD were mailed, postage prepaid to:

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

Ed Nigbor, Planning Director
Blaine County Planning and
Zoning Commission
Box 149
Hailey, ID 83333

Phil Rassier
Deputy Attorney General
Idaho Dept. of Water Resources
STATEHOUSE
Boise, ID 83720

Reid Newby
Water District 37
Box H
Shoshone, ID 83352

Robert Sherwood
River's Edge Ranch
Box 273
Sun Valley, ID 83353

Terry L. Vernholm
Secretary/Records Manager
Idaho Dept. of Fish and Game

R9AT222TV

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MAR 20 1987

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

Proposed Priority 11/14/80

Received by ADM Date 11/14/80 Time 2:30 p.m.

Preliminary check by _____ Fee $ 975.00 #16675

Receipted by marya Date 11/14/80

Publication prepared by marya Date 11/19/80

Published in Wood River Journal

Publication dates 12/4 & 12/11/80

Publication approved marya Date 12/18/80

Protests filed by: None

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. 37-7866, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1989

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:
Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

e. Use of water under this permit shall be non-consumptive.

f. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

g. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

h. Use of water under this permit is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

i. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty (30) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

j. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

k. Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

l. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this [illegible] t, 1984.

SEE ATTACHED SHEET FOR CONDITION m.

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Administrater

ATTACHMENT

To Conditions of Approval for Permit 37-7866

m. Diversion of water under this permit is subject to the provisions of minimum stream flow water right No. 37-7919, Big Wood River, which may require that as much at 70.0 cfs be allowed to remain undiverted from the source.

Witness my hand this 3rd day of August, 1984.

Administrator

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FOR IMMEDIATE RELEASE

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

NEWS RELEASE

4 November, 1985

Contact: Dave Tuthill
334-2190

BOISE---The Idaho Department of Water Resources (IDWR) has scheduled a public hearing Nov. 13 at 1:30 p.m. in the sheriff's office conference room, First and Walnut, Hailey, to discuss the proposed minimum stream flow on the Big Wood River.

According to A. Kenneth Dunn, IDWR director, the Idaho Water Resource Board (IWRB) filed an application for 70 cubic feet per second (CFS) of water at the request of the Idaho Department of Fish and Game. The proposed minimum stream flow sought extends from the Bellevue diversion upstream about 18 miles to the confluence with Warm Springs Creek in Blaine County. Its purpose is to maintain the trout habitat from the Bellevue diversion upstream to Warm Springs Creek.

Anyone with comments on the proposed minimum stream flow is encouraged to attend and express either a written or oral opinion.

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-30-

Kay Weaver

Information Specialist

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Department of Water Resources
Western Regional Office

Bruce Bowler
LAWYER
1111 Shaw Mountain Rd. Boise, Idaho 83712 (208) 342-0352

RECEIVED
NOV 15 1985
Department of Water Resources

November 13, 1985

A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application No. 37-7919
Big Wood River Minimum Stream Flow

Dear Director Dunn:

Pursuant to your Notice of Application for Minimum Stream Flow for the Big Wood River in Blaine County publicized in "The Idaho Statesman" on October 31, 1985, with opportunity to informally present comments without necessity of filing Notice of Appearance, I recommend that the application for 70 cubic feet per second annual minimum stream flow be granted.

Being familiar with this reach of the Big Wood River, there is no doubt that the minimum stream flow is the highest and best use of the public waters of the State consistent with the public trust of your department to administer the use of this water in the public interest.

The Idaho Water Resources Board is commended for their application and wise recognition of their public trust responsibility.

Thank you very kindly.

Respectfully yours,

Bruce Bowler

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BB/kmk

cc: Idaho Water Resources Board

HEARING NOTES - Water Resource Board Member

- The request for a minimum stream flow in the Big Wood River was submitted to the Idaho Water Resource Board by the ~~Id Dept of~~ Fish & Game
- On June 19, 1981 the Board reviewed the request, with the intent that any minimum stream flow water right:

    1) Would not interfere with any vested water right, permit, or water right application;

    2) Is in the public, rather than private interest;

    3) Is necessary for the preservation of fish & wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation or water quality of the stream;

    4) Is the minimum flow and not the ideal flow; and,

    5) Is capable of being maintained.

- Although full information about these factors was not available at the Board meeting, the Big Wood River appeared to be a worthy MSF candidate on first review. The Board opted to file the application with the IDWR, and to view the matter more closely in a public information meeting. Therefore, the Board filed the application on June 19, 1981.
- An informal public meeting was held on Sept 22, 1983, in Hailey. Based on public input received at this meeting and afterward, the Board adopted a resolution on October 7, 1983, requesting the Director to withhold administrative actions on the application, pending a more thorough analysis of the minimum flows.

- On June 8, 1984 the Board further reviewed the application and determined that:
    1) Mr. Devine had received an Exemption from FERC to proceed with development with a proposed hydropower project, and
    2) The Idaho Department of Parks and Recreation had indicated an inability to analyze flows further due to funding limitations.

Thus, the Board requested that the Director proceed with administrative action on this application.

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FOR IMMEDIATE RELEASE

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

NEWS RELEASE

4 November, 1985

Contact: Dave Tuthill
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-30-

Kay Weaver

Information Specialist

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MFS NOTES

- Be Sworn

- Name - David R. Tuthill, Jr.

- Address - 4639 Cochees, Boise, ID

- Employed by the Idaho Department of Water Resources

- The position in which I am now acting is Supervisor, Water Allocation Section. I held this position for 5 years and recently assumed the duties of another position in the Department. I have been employed by the Department for more than 9 years. I am registered as a Professional Engineer in Idaho.

My statement will include:

1) A chronology of Department activities to date with respect to the application.

2) Information on existing water rights and hydrology that the Director may use in his action on the application.

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NOTES ON THE BIG WOOD RIVER MINIMUM STREAM
FLOW APPLICATION, 37-7919

D. Tuthill
Nov 11, 1985

(1) Chronology of Events with Respect to App. No. 37-7919

- On June 19, 1981 the Idaho Department of Fish and Game presented to the Idaho Water Resource Board a request to establish a minimum Stream Flow on the Big Wood River for 70 cubic feet per second for the purpose of maintaining trout habitat from the Bellevue diversion upstream to Warm Springs Creek.

- This request was considered by the Board and on that date the Board filed an application with the Idaho Department of Water Resources based on the request.

~~- A copy of the application was advertised in the _____.~~

- On September 22, 1983 the Board held a public meeting for the purpose of determining public interest with respect to the application. To advertise this public meeting a news release was distributed to the media; notice was published in the legal notices section of the Wood River Journal; and letters describing the meeting were distributed to all owners of record of properly riparian to the proposed minimum flow reach, waterusers of record that divert within the reach, local legislators, and other known interested parties.

- The public meeting was held at the appointed time and members of the Board discussed the application with the public in attendance. Consequently, on

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October 7, 1983 the Board requested the Director to withhold administrative action on the application.

- Subsequently, as described by Mr. Rydalch, on June 8, 1984 the Board requested the Director to resume administrative processing of the application.
- A hearing was scheduled for the fall of 1984. This hearing was ~~cancelled~~ delayed when the IWRB began a series of emergency hearings to solicit public input on the Swan Falls matter.
- The hearing set for today, November 13, 1985, was announced in the following ways:
  - A news release was distributed to the media.
  - Formal publication in legal notices was conducted on October 24 and October 31, 1985 in:

    Wood River Journal

    Times News

    Idaho Statesman

    Lewiston Morning Tribune

    Post Register
  - Letters were sent to attendees of the public meeting, waterusers of record that divert within the reach, local legislators, owners of record of property riparian to the reach, and the Depts of Fish and Game & Parks and Rec. Letters in Support of the Application have been received from:

    1. Committee for Idaho's High Desert
    2.
    3.

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Letters in opposition to the application have been received from:

1. No parties
2.
3.

Requests to become full parties in this matter were received from:

1. Ed Nigbor, Planning Director, Blaine County Planning and Zoning Commission.
2. Idaho Department of Fish and Game
3. Robert H. Sherwood, Atty-in-fact for Helen M. Fassett

Notification of a desire to present testimony was received from:

1. Bruce Lium of Water Resources Foundation, Inc. (Also provided information regarding the Foundation)
2. Ted Divine

(2) At this time I will present information on existing water rights.

Present Slides and hydrology.

- Slide #1 depicts facts from the application.
- Slide #3 depicts a schematic diagram of the MSF reach. This is IDWR Staff Exhibit #1.
- Slide #3 depicts a flow duration curve for the measuring device at Hailey. This is IDWR Staff Exhibit #2.
- Slide #4 depicts stream flow information about the Big Wood River. This is IDWR Staff Exhibit #3.
- Slide #5 depicts the Rockwell bypass and other locations on the lower portion of the reach. This is IDWR Staff Exhibit #4.

Note that only one (1) application has been filed on the MSF reach since the Board Application.

1) Consolidated Power Co. 250 cfs for Power (See Exhibit #4)

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This concludes my remarks.

Minimum Stream Flow Hearing

Big Wood River 37-7919
Hearing Held on Wednesday, Nov 14, 1985
Hearing Officer: Norman C. Young
Other Dept Personnel in Attendance: Loren Holmes, Dave Tuthill

- Preliminary Remarks by NCY
- Explains the filing and MSF Procedure

Tape 1 - On the record at 1:45

- Opening remarks by NCY
- Statement by IWRB Min Streamflow Chairman, Dave Rydalch

Cochnauer, Tim, PhD in Fisheries from U of I
Lewiston Id, IDFG
- Studied a transect in the upper end of the MSF reach.
- Ideal flow is bank full discharge
- Minimum flow is 70 cfs
- Reviewed 150 to 200 stream sections from 1974-1980

X Exam - The 70 cfs was a representative site? Yes, for the minimum flow reach.
- It is probably not a sufficient flow for certain reaches in flood plain sectors.
- Probably spent ≈ 40 hours developing the MSF information
- Did not make a study of foods, O_2 levels, lack of manpower

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- If the work to determine MSF's could be redone, based on today's technology

→ Question on opening the record.
The record will be left open for add'l letters, for the public interest aspect, until Nov 23.
Send Copies to

- Bob Bell IDFG Regional Fisheries Mgr for 20+ years.
Manages fishery for South Central part of State.
Published 18-20 pubs from his studies.

- Read statement into record.
Tape 2 - Big Wood R. is one of top 3 fisheries in the Magic Valley area
- High productivity for rainbow fishery
- Extremely high angler pressure
X Exam - No. of catchable trout has decreased through the years - mainly due to a decrease of ~~etc~~ catchable stockers.
- Rainbow trout are found throughout the reach

Ted Chu, IDFG, Ketchum, Id
Regional Wildlife Biologist for 1 year
Prior was a dist Conservation officer throughout the Big Wood River reach (supervised 6 C.O.'s)

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- Ted Chu cont
  Big Wood R. is a very good fishery.
  Fishing pressure varies from very high
  Valuable fishery for non-drivers (children)
  Access varies throughout - in some cases
  Good riparian access.
  Much recreational use
  Fishing quality is better than S.F. Boise R. (good fishing strm)
  70 cfs is absolute necessity (less would be a disaster).
X exam Good access to the bottom mile - and a half of the reach

e #3 — D. Tuthill testimony - see notes in file.

- Mr. Ed Nigbor
  - See Exhibits + Letters to the file for Pub interest
X exam - Not sure about required min flow.
  - Would like to see 70 cfs approved

- Mr Robert ~~Ed~~ Sherwood - Resident for 40+ years
  - Has seen a change in the River over the years.
  - Earlier, the river was cared for by waterusers. Recently
  - the removal of Snags has not been allowed, causing problems with the river.
  - Shallow wells are going dry (for 5-6 years)
  - IDFG studies are very brief and not complete enough.

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Mr. Sherwood, cont.

- Hailey now has elevated levels of E Coli in summer.
- 70 cfs is not a good representative number (or flow) throughout the reach.
- We need additional studies, and we need to find additional water sources for the Big Wood River system.
- It would be best to declare the present level of the river as the minimum
- Questions the value of a 70 cfs min flow rt
- Does not support the 70 cfs min flow

Public Statements

- Bruce Lium - Director of Water Resources Foundation, Inc.
→ the Foundation would like copies of the info in the record for their records
- Would like public health to be added as a MSF evaluation criterion
- Why is the 18 mile reach selected.
- Additional study is needed on the Big Wood R.
- Concerned about parameters used to develop min flows
- feels that temp & O_2 considerations are needed for establishment of minimum flows.

Tom Blanchard Bellevue

- Blaine Co Area for 9 years.
- Public access always available on lower reach of river
- 70 cfs is too low.

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Loretta Williams U of I Ag Experiment Sta, College of Ag ←
Cites Bulletin 613 "The Economic Structure of Blaine Co, 1979"-
70 cfs should be an absolute min Now
150 cfs is an absolute min

John Burke
- The river is very valuable & should be considered to be of primary importance.
- Water rts within the reach are not being used because of subdivision development. (Change in (and use).
- In favor of app, however more water is needed
- Recommends that this app be evaluated & held, and that no other rts be granted in the meantime.

Rick Johnson - Hailey
Represents 1,700 members of Sierra Club.
Feels mislead by news release unhappy about 3 hour delay for presenting testimony
Diversions would harm the Big Wood.
Public support has been demonstrated.
Support 70 cfs as rock-bottom minimum.
Suggests a min flow = historical low flow (natural).

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Victoria Moore - (left)

Harold Drussel - Bellevue
Who's going to pay the ~~watermaster~~?
Who's going to provide the measuring devices.
Doesn't support the min flow

- Peter Stevenson, Box 175 Ketchum - Been here 12 yrs
  - Concerned about having a "public hearing" while the public is working.
  - 70 cfs is OK if it increases the flow later — should shoot for a higher number.

Record open for 10 more days.

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11/13/80

Re: 37-7919

Kay's notes

Hrg procedure minimum streamflow on Big Wood River Re. 37-7919

Pre-hearing

Describe reason for hearing

@ Briefly review the process

① Minimum streamflow request only by board

② Board has only seen filing of the request of other public agencies.

③ A minimum stream flow established by this process is similar to other water rights

ⓐ Takes its place in the priority list

ⓑ application can only be appld for the amount applied for or less

ⓒ Doesn't require a diversion and must meet somewhat different criteria for approval review 42-1503

① will not interfere w prior right

② public as appl to private water

③ nec to preservation of fish & wildlife habitats, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the ~~stream~~

ⓑ min flows, not ideal

ⓒ capable of being maintained

ⓑ Briefly describe the application

Filed by water Res. Board Re 37-7919

at request of fish & game — 6/19/81

70 cfs Trout habitat from Silver Creek confluence upstream approx 18 miles

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ⓒ Processing once filed - Director must give notice to interested agencies - advertise for 2 weeks in County Requires a public hearing —

Directors discussion –
Court appeal ⇒ leg. review –

Describe hearing procedure –
Two types of parties –
Seat full parties @ table
Testimony under oath – cross examination
Hearing record will close @ end of
Hearing unless ~~otherwise~~ specially left open
Order of appearance

(1) Dave Rydalch –
Reviewed Boards finding that the application meets the requirements of the statute
Review Boards processing of request

(2) Fish & Game
Cochrane –
Gave expert witness background & familiarity with the stream –

Exhibit 14 – ADMITTED
Described reasons for making applications
Collected & analyzed Big Wood Fishery Data in 1977
Described process for evaluating the stream
Primary species of concern is
Rainbow trout
Critical habitat is riffle areas –
Evaluated riffle area for velocity & depth @ transects over range of flow
Looked also @ wetted perimeter
Study site was upstream from west fork of Big Wood River 1/4 to 1/2 mile

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Computer std program used to evaluate habitat value WUA - wetted perimeter depth & velocity -

Exhibit - 15 - Admitted

Note inflection pt - Min. stream flow, indicated @ 2 m³/sec or 70 cfs

Ideal or optimum flow would be beneficial or 150 cfs -

70 cfs reqd to protect fish values in the requested reach.

X-Exam (Hardoon)

Site measured is not representative of the downstream area that is eroded

Ans. Downstream area is not representative of the river upstream -

X-Exam (Clement)

40 hrs spent on the stream data collection

No plant or animal life specimens taken -

No other food supply evaluated why only Rainbow & not Brook Trout Rainbow most abundant -

Temperature not used as criteria is insect hatch dependent upon temp? Yes

was D.O. considered? No, because computer program did not include D.O. as a parameter -

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Left word open for public interest testimony for 10 days thru 11/23/85

Would have been evaluated under the new system —

Redirect —

New methodology would they compute same min flow — No

Bob Ball — 816 16th Ave E Jerome

admitted { Describe educ. & experience —
Read his statement — #13
No exhibit —
Went thru exhibits 1 thru 12 photos

— Wild Rainbow trout indicate reproduction of species —

Significant numbers of fish landed electrofishing —

Extremely important fishery — in top 5 perhaps 3 of total anglers use in Magic Valley Region

Very high on production fishery (fishing pressure & fishing quality) do 20cfs needed —

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X-Exam Sherwood

① 1 day of electrofishing in 1775 — yes but provides a good sample because it compares to cool seasons such as 1768 —

② Has fishing improved? Higher percent wild fish but lower catch rate because of fewer stocking

③ Fight character of fish — no change

Value of angler day — determined by 1968 U of I study — updated for common price index — include transportation, lodging, + food cost not fishing equipment cost — a multiplier? — no

Ted Chen — Box 814 Cataldo

Cons. Officer in area
Ed. + Experience reviewed

Swift flowing — cold water, high quality — gravel bottom,
Very good fishing — wild trout + hatchery stocked —
Very high fishing @ easy access sections — moderate in some area
Walking distance of many residents —
Public access —

Public roads — up + down within the stream bed
Some public adjacent land
Some private land easements negotiated —
Good access to the entire stream —

Good riparian wildlife habitat
water fowl, game, fur bearers — bald eagle
valuable for watching +.
Broad riparian zone —
Man effort needed to maintain riparian zone —

Often popular for aesthetics, hiking, photography, floating —

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Stream is as good as S.F. Power or better

TU/P is an absolute necessity.

~~X-Exam~~ —

DAVE Tuthill — TOUR

Reviewed his written statement

Dept exhibit #1 — admitted
Dept exhibit #2 — admitted
Dept exhibit #3 — admitted

X-Exam —

— Consolidate Power held up — Tuthill not aware —

El Wigbor —

TU/P is not adequate

ask Board + administration to file an additional application.

Reinforces F+G description of value of fishery.

1,500,000 total days in Blaine Co.
600,000 used for recreation
10,000 permanent residents — produces $200 Million total sales 6/30/85
$ 400
$20,000 per capita spending — obviously must include substantial tourist season spending.

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Fishing licenses issued in 1984 — 12,000
9,000 non-resident
84 steelhead tags allocated

5000 visitors signed in @ Ketchum USFS office*

60,000 people/month travel into SNRA — Recreation is the economic base for the county

Timber uses — No further potential use for ag. — no additional lands

Hydro — Continental power — awaits from FERC application — temporary & non-permanent employment

Income to county could be property tax etc —

Robert Sherwood —

— Observed river for over 40 years —
River has changed considerably in that time
- Earlier ranchers took care of the river resource now
- Statutes prevent maintaining river channel
Questions whether 70 cfs is a useful figure
Studies too short & far apart
Wells are going dry @ 2 miles south of Ketchum —
Springs on Baldy are disappearing that feed river
Wells go dry in summer in Bellevue
Too much water coming from the aquifer —
Big Wood is 125 miles long —
— Concerned that g.w. users (Junior) are affecting senior river right holders —
70 cfs @ Hailey would be less than that upstream —
Need a study to fully evaluate water supplies

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Need more scientific facts to make major decisions

Declare present low level as the min.

Enhance U.S.G.S. & water res. foundation studies

Prevent further major diversions

Rather use eminent domain to stop

Dr. Bruce Linn — Potlatch, Idaho

Water resource foundation — would like copies of the documents submitted

Neutral position on accepting 70 cfs min flow

Would like public health consideration to be evaluated & included

Not sure why stream above & below was not included?

Was the study of the East fork tributary to the ~~Clear~~ Big Wood River? Should have been on the ~~main~~ actual river.

Must understand that each pool & riffle system will be different as the entire reach is reviewed. Need a statistical sample. Criteria used were inadequate.

No one to grind — only want the best for the river

Need 137 to 164 cfs to meet water fishery guidelines — RECEIVED

River allows flows MAR 20 1991 than 70 cfs — River should not be limited to just that value.

low flows would allow buildup of detrital material —

Would like to know how the proposed flow std affects spawning & migration

Concerned about water quality @ low flows

Concerned that monitoring — would have to be impracable.

Need to

Tom Blanchard — 225 Bellevue —

Use the river often — However had an access problem —

70 cfs is not adequate

Loretta Williams —

Bulletin #613 of

#265 m. total — 1979 —

#17 m. ag

#248 m — mainly tourists —

22 m Hotel & motel

John Burke — Box 326 Sun Valley

since 1970 resident Broadford Road

Ranch needs Hailey — uses surface water from the river

Wood river has significant recreational value —

Drug rights have been converted to subdivision — it should not have an impact on the stream —

Need at least 70 cfs —

Lean dog open to allow more

Hold approval of any sub

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Richard Johnson — Valley —

Represent northern Rockies Sierra Club
— structure of hearing prevents public testimony — news release should describe procedure —

Don't allow any drop in water flow because I inject on water table, riparian areas, etc —

Support 70cfs but want more — such a historic low flow

Harold Dressel — Arlee

— Who will pay for the delivery —
— Who will pay for measuring device —

Ritter Stephenson —

Recreates on river —

Feels hearing should have been in the evening — when public could be involved —

If accepting 70cfs now will injure chances of getting more —

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To: Water Resource Board, Dept of W.R.

From: Alan Reynolds, Blaine County Commissioner

Please enter this statement in record for the Big Wood River minimum stream flow hearing, November 13, 1985.

As a 15 year resident of Blaine County I am glad to hear that minimum instream flows are being protected by the State of Idaho. Our economy depends on a good vacation experience being had by tourists. The river is a major recreational and scenic attribute to that experience. It is also a much used recreational feature by a large segment of the local population. As a realtor I am very aware of the value added to homes that are next to or viewing the river.

The 70 C.F.S. number does not seem adiquate for the lower stretches of the river. (Hailey + Bellevue). What we need now is to get the 70 CFS number now and find a way to increase the minimum instream flow for the lower reaches and get the reach between Bellevue + the bypass canal diversion protected also. There are no competing uses for these water except for possible low-head hydro projects which are not appropriate in this valley where the river is such a natural attribute. This river is much more than a mere water canal. I am gratified to see this concept being accepted by the State.

Alan Reynolds

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Gary Carlson
Box 2780
Hailey, ID
83333

Water Resource Board Members:

As a concerned citizen of this county I wish to go on record with this letter to request an approval of the 70 C.f.s. minimum stream flow on the Bigwood River.

Since I feel that 70 C.f.s. is inadequate to preserve the fish and game habitat and the aesthetic quality of the Bigwood River I strongly request that you consider measures to increase the minimum stream flow.

Respectfully,
Gary Carlson

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MAR 20 1981

ED-

WORK REQUIREMENT.
REQUEST MY PRESENCE
ELSEWHERE.

PLEASE INTRODUCE
THIS LETTER FOR
ME.

Thank You

Scott

NOV. 13 1985
BOX 442
HAILEY, ID.

MEMBERS OF THE DEPARTMENT OF WATER RESOURCES BOARD:

I URGE YOU TO ESTABLISH A MINIMUM STREAM FLOW OF 70 CFS ON THE BIG WOOD RIVER. I WOULD ALSO URGE YOU TO CONSIDER AN OPTIMUM STREAM FLOW AS RECOMMENDED BY THE DEPT. OF FISH AND GAME. I WOULD PERSONALLY LIKE TO SEE SUFFICIENT FLOW BELOW THE GLENDALE BRIDGE TO MAGIC RESERVOIR MAINTAINED SO AS NOT TO INTERRUPT THE MIGRATION & SPAWNING OF TROUT IN THE LOWER BIG WOOD AREA. IT IS DIFFICULT TO WATCH THE BIG WOOD RIVER BECOME A DEAD-END, LAND LOCKED STREAM DURING THE MONTHS OF JULY, AUGUST, AND SEPTEMBER. THIS LOSS OF FLOW BELOW GLENDALE BRIDGE IS A BIOLOGICAL DISASTER.

AS MANAGER OF THE SNUG FLY-FISHING GUIDES I HAVE AN EXTREMELY STRONG INTEREST IN THE HEALTH OF THE BIG WOOD RIVER, WE LICENSE TWELVE GUIDES FOR THE FISHING SEASON. I PERSONALLY GUIDED FOURTY-SEVEN PARTIES ON THE BIGWOOD RIVER. THE HEALTHY POPULATION OF TROUT IN THAT STREAM IS A VERY IMPORTANT ECONOMIC AS WELL AS RECREATIONAL ASSET TO [redacted] COMMUNITY. THANK-YOU FOR YOUR ATTENTION.

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MAR 2 1 1987

SINCERELY,
SCOTT SCHWEBY

Rec'd
11-13-85

DR. JOHN F. McNEES
OPTOMETRIST

Ed Nigbor
Blaine County Planning Director

To whom it may concern:

As a previous owner of Wood River acerage and stream front property I would like to make a comment on any proposal to restrict stream flow.

The primary value of the land and of primary importance in the sale price of that land was the stream itself. The aesthetic quality, the recreational value and fishing and wildlife habitat were of prime consideration. The value, as established by its market value is of direct concern to the Blaine County Tax payers. Anything that reduces land value is costly to the schools and all other services. My point is that 70 c.f.s. is in fact a very minimal stream flow. I have seen the natural flow close to this level several times in dry years. If this were the constant stream flow it would dramatically reduce the value of the land.

Divine Project

I also have a deep mistrust of the individuals involved and would not accept their spoken word with respect to preservation of the environment unless it served a selfish motive.

I am opposed to the stream alteration permit. I am opposed to the magnitude and scope of the actual proposed dam and diversion and I am opposed to one selfish individual profiting at the expense of the rest of us taxpayers and residents.

Sincerely,

Dr. John F. McNees

Dr. John F. McNees
Optometrist

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313 Washington Avenue N. P. O. Box 2996 Ketchum, ID 83340 208/726-5306

13 November 1985

Sirs

Again, it seems the residents of the Wood River Valley must come to the support of the Big Wood River.

I believe it is extremely important to establish Minimum Streamflow Standards to protect fish and wildlife habitats. After doing some reading, I believe the proposed standard of 70 cfs does not meet the condition of being maintainable, especially in a low water or drought year. As more and more people move into the Valley pressures will mount for water resources. Every possibility exists for a lowering of the water table either through our increased use of well water for our cities or because of the river channelization process, brought about in part by rip rapping river banks, a process aptly described by water hydrologist, Dr Bruce Lindner. And then

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point to consider is that most irrigation water is taken out of the river at points below which measurements were made for establishing minimum stream flow standards. This could very effectively dry up the river for long stretches over long periods of time.

While I feel strongly about having minimum stream flow standards, I strongly urge you to consider a higher flow than 70 cubic ~~foot~~ feet per second.

Sincerely,

Kristin Fletcher
Box 2018
Ketchum, Idaho
83340

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MAR 20 1987

11-13-85

Water Resources Board
Boise, Idaho

Re: Big Wood River Minimum Stream Flow Hearing

Dear Sirs:

I would like to go on record as supporting the request for a minimum stream flow of 70 c.f.s. for the above mentioned stream and also indicate that I feel 150 c.f.s. would be more appropriate in order to preserve the fisheries, water quality, aesthetic qualities and the economic base of our beautiful county.

Please help us achieve the higher stream flow by whatever mechanisms are now available.

Respectfully,

Jim W. Koonce

Jim W. Koonce, P.E.

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T.C. letter

11-13-'85

Idaho Water Resources Board
Boise Idaho

Dear Sirs,

I am writing in support of the minimum stream flow in the Big Wood River of 70 C.F.S. As a Ketchum city Councilman, I can attest to the economic importance of a healthy fishery in the Wood River. As a part fishing guide in this area I question the adaquacy of the 70 C.F.S. minimum stream flow. I believe the resource and our economy would

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TF.
Letter

be better protected by a minimum flow of 150 C.F.S.

I urge you to approve the current application for 70 C.F.S. with the option open for a further application increasing the minimum flow in the future. Recreational uses for our water resources are increasing and promise economic stability in the future if we can maintain the quality of those resources.

RECEIVED
MAR 26 1971

TC. Letter

I will not further belabor you with my views. Thank you for this opportunity to go on the public record for the city of Ketchum and hopefully for the benefit of all the Wood River residents and our guests.

Tim Crawford

Tim Crawford
Ketchum City Councilman
Box 1045, Ketchum
Id. 83340

From Robert Sherwood
Atty in Ket for Helen Fassett
Property: River's Edge Ranch
2 mi South on Ketchum Center

May 13 '85
Re: Minimum Stream Flow Hearing

(1)

IT IS QUESTIONABLE THAT 70 CU FT A SECOND MINIMUM FLOW IS A USEFUL FIGURE.
OBJECT TO A 40 YR STUDY NO OR NOTED RESULTS.

This water was diverted to canals.

~~We Know That This Year~~ THE RIVER IS ~~Dry at~~ Gimlet Bridge.

~~We Know That~~ Magic Dam Failed to ~~Provide~~ Stored water in August

Shallow Wells went Dry 2 miles South of Ketchum Center. The same is true of Springs coming off Baldy and appearing on the Fassett Property

Major Springs above East Fork also went Dry — the Froelich-Engle properties

We have become used to the fact that wells go Dry in the Hailey-Bellevue area in July.

Worse — We have become hardened to elevated E. Coli levels during the Summer in Hailey-Bellevue Drainage area.

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During the Past 40 years the water table has dropped in the Flood Plain, 2 miles South of Ketchum, From 5 Ft to less than 9 Ft

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The inference is that we are

TAKING- MORE WATER OUT OF THE SURFACE AQUIFER THAN WIC SHOWS AND THAT MAJOR WITHDRAWALS AND DIVERSION OF WATER WILL STARVE GROUND WATER SUPPLIES IN THE HAILEY BELLEVUE REGION.

BIG WOOD RIVER A 125 MILE LONG (DRAINING 2900 SQ MILES.) CHANNEL IS THE MAJOR CONDUIT FOR SURFACE WATER AND THE PRINCIPAL SOURCE OF SURFACE AQUIFER RE-CHARGE.

THIS YEAR 2 MILES SOUTH OF CARTHUM, THE COMSTOCK CANAL AT HEADGATE #10 WAS CLOSED DOWN DENYING WATER FOR IRRIGATION TO THE GOULD RANCH RED TOP MEADOWS, AND SEVERAL OTHER USERS. THEIR WATER RIGHTS DATE FROM 1887 - TOTAL USAGE DENIED WAS LESS THAN 15 CU FT/SECOND. A SMALL FIGURE COMPARED TO HEAVY WITHDRAWALS MADE BY THE SUN VALLEY / KETCHUM PUMPED WELLS, A MILE TO THE NORTH OF COMSTOCK #10.

IF HISTORICAL RECORDS SHOW THAT THERE IS SUFFICIENT FLOW (70 CU FT/SEC) AT HAILEY WE OUGHT TO REMEMBER THAT THE FLOW IS THERE BECAUSE IRRIGATORS HAVE BEEN CLOSED DOWN NORTH OF HAILEY.

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IT WOULD SEEM PRUDENT, TO GUARANTEE FUTURE VALLEY DEVELOPMENT WITH SUFFICIENT SUPPLIES OF POTABLE WATER, THAT WE OUGHT TO PROVE THROUGH STUDY JUST HOW MUCH WATER WE HAVE - AND HOW MUCH WE ARE USING NOW.

I'M SURE IT WILL INDICATE THAT WE HAVE OVERSTRESSED THE BIG WOOD RIVER. THE INFERENCE IS THAT WE NEED TO FIND ADDITIONAL WATER SOURCES IN DEEPER AQUIFERS ~~AND~~ BELOW THE RECHARGE LEVEL OF THE BIG WOOD RIVER.

WE MUST DO THIS FOR THE SURVIVAL ~~OF~~ OF THE FISH, ~~RECREATION~~, THE WATERFOWL, AND THE ANIMAL POPULATION

WORSE ——

WE ARE RISKING THE PUBLIC HEALTH AND WELFARE OF THE AREA IN BLINDLY CONTINUING ON OUR PRESENT COURSE OF MAKING DECISIONS ABOUT THE RIVER WITHOUT SCIENTIFIC FACTS.

WE ARE JEOPARDIZING OUR TOURIST INDUSTRY - AGRICULTURE - THE SAFETY, AND QUALITY OF OUR LIVES.

IT WOULD BE BEST TO DECLARE THE PRESENT FLOW LEVEL OF THE RIVER TO BE THE MINIMUM. NOT 70 C.F.S/SEC - NOT 140 —

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EMBRACE THE PLANNING STUDY BY THE WATER RESOURCES FOUNDATION AND THE U.S. GEOLOGICAL SURVEY. (WE'VE BEEN TALKING ABOUT DOING A STUDY FOR OVER 12 YEARS.)

FOLLOWING THAT STUDY, WE MUST FIND MORE POTABLE WATER TO SUPPORT FUTURE GROWTH PLANS.

IN THIS MEETING ~~AGREE~~ TO WE CAN NOT SUPPORT A MINIMUM STREAM FLOW OF 70 CU FT/SEC AT THIS TIME. WE URGE THE STATE IN THE INTEREST OF PUBLIC HEALTH AND WELFARE TO PREVENT FURTHER MAJOR DIVERSION AND WITHDRAWAL OF WATER FROM BIG WOOD RIVER. THE CURRENT FLOW LEVEL IS INADEQUATE FOR OUR NEEDS.

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11/12/85

Department of Water Resource Board,

It should be obvious to anyone that knows how much water 70 C.F.S. actually is, that twice the amount would begin to approach the volume necessary to support a healthy riparian environment.

Because 70 C.F.S. is the minimum stream flow that can be approved at this time, we recomend that 70 C.F.S. be approved.

Further, efforts should be made to double or triple this rate as soon as it becomes possible or the word Big could no longer be used to discribe the Wood River.

Sincerely,

Benjamin Schepps
Idaho Stone

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P.O. Box 2315
KETCHUM, IDAHO 83340
(208)726-3841

MAYOR
GERALD N. SEIFFERT

COUNCILMEN
JACK C. CORROCK
TIM CRAWFORD
THOMAS F. HELD
SUSAN H. WOLFORD

CLERK
BETTY A. COLES

November 7, 1985

Idaho Department of
Water Resources Board
State Office
Boise, Idaho 83720

Re: Public Hearing - Minimum Stream Flow of 70 cfs for the Big Wood River

Dear Sir:

The City of Ketchum would like to express its concern that the Big Wood River continue to afford recreation use and aesthetic quality at a level which exists today.

The minimum stream flow of 70 cfs is a first step in the preservation of the Big Wood River. However, this level of flow is not sufficient to provide for the existing natural habitat and the continuation of the many recreational uses this river has to offer, which is essential for the social and economic well being of our community.

We strongly suggest the minimum stream flow of 70 cfs be increased to a level sufficient to protect the river's natural ecosystem including all existing fish and game habitat, water quality and native flora and fauna, thereby preserving the river's recreation, scenic and economic value.

Preserving and protecting the Big Wood River as a natural resource for both scenic and recreation purposes is in the best interest of the people of Ketchum.

Your consideration of our concerns is appreciated.

Respectfully submitted,

Gerald N. Seiffert
Mayor

GNS:jj

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November 12, 1985

To: State of Idaho
Department of Water Resources
Water Resource Board

Re: Minimum Stream Flow Application on the Big Wood River, in Blaine County, Idaho

To Whom it may Concern:

Our family resides, owns Real Estate and is a water user in Blaine Co. We are extremly concerned about the future development of the Big Wood River.

We feel that a minimum stream flow is essential on the Big Wood River. Because of the huge amount of money generated by tourism in this Valley the recreational and aesthetic quality of the Big Wood River must be preserved.

We urge the Board not only to implement a minimum flow of 70 cfs, but to consider an additional minimum stream flow application. Optimum Stream flow for the Big Wood River determined

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by the Idaho Department of Fish and Game, is 150 cfs. We feel that 150 cfs is the absolute minimum amount of water that should be left in the Big Wood River.

We would like this letter entered as a matter of record.

Sincerely,

Greg & Victoria Moore

11258 SE Hwy 75
Blaine Co, Id

P.O. Box 1321
Hailey, Idaho

Copy,
Blaine Co Commissioners

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WATER RESOURCES FOUNDATION, INC.
P. O. Box 2679
Ketchum, Idaho 83340
(208) 726-4834

We encourage you to take a few minutes to read about our Foundation and the current water resources project it is engaged in. The project is a water resource budget inventory in cooperation with the U.S. Geological Survey.

We know the benefits to the people will provide an accurate and thorough assessment of the upper Big Wood River Basin. Study results will be used now for planned urban or rural development. The Foundation is concerned about future growth and how much more development, at current rate of use, can the water resource tolerate before a certain level of available water supply is met.

The Big Wood River flows through the beautiful resort area of Sun Valley, Ketchum and Elkhorn, Idaho. The area has been known world wide for its skiing, fishing, hiking, camping, tennis, golf and lovers of nature who respect the still pristine environment.

However, the river has been subjected to resistance in flooding because of increased urbanization, ripraping, and building of dikes and levees. Flood plains are important because they absorb water, reduce runoff and recharge aquifers. Some twenty-five percent of this river has been subjected to artificial stream alteration practices.

The following information describes other potential river and water supply problems and the proposed study offers solutions to these hydrological conditions.

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WATER RESOURCES FOUNDATION, INC.

The Foundation is a natural awareness, non-profit organization which was established in Blaine County, Idaho. It promotes scientific research and continued studies in water quality and quantity evaluation. The Foundation strives to provide information for the best management possible of the water resource. The Foundation will be seeking a continual base of information so there is a knowledge of how much water is available for various uses and of what quality it is. Along with the surface water quantity, there is a vast underground source of water. Sometimes the ground water can be the only sustained and dependable source in a drainage basin. Therefore, the widespread use of ground water results not only from its availability, but also from economic and public health considerations. From the standpoint of economics, ground water is commonly available at the point of need and is usually of good quality, normally free from suspended sediment and pollution. It is also generally free from bacteria and other disease causing organisms and thus does not require extensive treatment prior to use. These characteristics are an important benefit to health. The interaction between surface water and ground water aquifers will be a major concern of the Foundation. The purpose is to conduct studies and dissemination of information on hydrology and ecology of areas of concern in Idaho and nationally. Primary responsibilities of the Foundation are to assess water quantity and quality and to develop the understanding necessary to estimate environmental consequences and alternative means for developing water resources. Projects undertaken for these responsibilities will address response of resource system to both natural and man-made stresses. The results of the studies will be reports in published form, written and oral responses and presentations at public meetings. There will be an attempt for any given assessment project to continue it on monitoring basis so that changes in the future can be observed and possible application of trend analysis.

OBJECTIVES:

(1) Develop information base and bibliography of data available in Idaho and adjacent areas.

(2) Provide information to interested public and government entities.

(3) Assist in interpretation of data and potential impacts.

(4) Develop public awareness of Water Resources Foundation.

(5) Develop funding projects for Water Resources Foundation.

(6) Water Budget inventories.

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(7) Ecological inventories.

(8) Chemical quality inventories.

(9) Seek relationships between hydrological, biological and chemical data.

GOALS:

(1) To develop the Foundation as a recognized source of scientific data and unbiased interpretations and reports on water resources.

(2) To build a staff and a base of information on water quality and quantity to serve the public, business and governmental units.

(3) To promote scientific research and studies of water quality and quantity.

(4) To assist in the funding of solutions to complex problems of water quality and quantity.

(5) To develop alternative/additional sources of funding for research and report writing on specific studies.

(6) Assist agencies of government in obtaining funding for hydrological/ecologic studies.

(7) Assist in those studies where possible (6).

(8) Identification of potential and/or problem areas in a given drainage basin.

(9) Develop funding base for basic functions of Water Resources Foundation.

For further information on how we can serve you, the public, business and governmental units, please contact:

Dr. Bruce Lium, Director
Water Resources Foundation
P. O. Box 2679
Ketchum, Idaho 83340
(208) 726-4834

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WATER RESOURCES FOUNDATION
BOARD OF DIRECTORS

GUY BONNIVIER
Nature Conservancy -
Silver Creek Preserve
West of Picabo, ID 83348
Home: 788-3544
Office: 788-4683/2203
#343-42-4518

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198 Muldoon Rd.
Muldoon Canyon
E. E. DHA
Home: 788-4445

or

Suite E. 74-133 El Paso
Palm Desert, CA 92260
(619) 340-1929
#550-12-6404

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The following study proposal was written at the request of the Sun Valley Water and Sewer District and the Water Resources Foundation. It was written by Mr. Jerry L. Hughes, District Chief, and Mr. Robert E. Lewis, Hydrologist, U.S. Geological Survey, Water Resources Division, Boise, Idaho (230 Collins Road, 334-1750).

The proposal has received national merit interest by the U.S. Geological Survey.

WATER RESOURCES OF THE BIG WOOD RIVER VALLEY, BLAINE COUNTY, IDAHO

A Project Proposal

INTRODUCTION

The upper Big Wood River Valley is a topographic and structural basin located north of Twin Falls, Idaho in the Northern Rocky Mountain province. The nearly triangular, flat valley floor is defined by steep mountains with altitudes that exceed 11,000 feet above sea level. The basin is bounded on the south by the Picabo Hills, on the northeast by the Pioneer Mountains and on the west by unnamed mountains. Principal towns in the valley are Sun Valley, Ketchum, Hailey and Bellevue (figure 1).

Along most if its length, the valley floor is narrow, and probably averages less than one mile across above Hailey. Between Hailey and Glendale Bridge, the valley widens to an average of nearly two miles; below the bridge in the vicinity of Poverty Flat, the valley is about five miles wide. Some irrigation occurs on the flood plain of the Big Wood River and along the bottoms of several large tributary valleys. Above Hailey, water is diverted to irrigate about 10,000 acres; between Hailey and Bellevue, water is diverted to irrigate an additional 11,800 acres (U.S.G.S., 1984). The drainage area of the Big Wood River is about 824 square miles above the community of Bellevue.

Geology of the basin consists of thin alluvial and fluvioglacial deposits of unconsolidated sand, gravel, and clay overlying pre-Tertiary consolidated sediments intruded by igneous rocks, and younger Tertiary volcanic rocks (Smith, 1959). Thickness of the unconsolidated material in wells in the Ketchum area is about 50 - 60 feet (Castelin and Winter, 1975); in the vicinity of Hailey, the average thickness probably is about 50 feet (Smith, 1959). Most of the ground water for irrigation and domestic use is from aquifers in the unconsolidated material. Availability of water in the deeper, consolidated rocks is uncertain.

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Climate of the area is characterized by moderately cold winters and warm, dry summers. At Sun Valley, mean minimum

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temperatures of -1.2 degrees Fahrenheit occur in January; mean maximum temperatures of 82.4 degrees Fahrenheit occur in July. Average annual precipitation at Sun Valley is 17.35 inches; at Hailey, average annual precipitation is 15.33 inches. About 50 percent of the precipitation occurs as snow from November to February.

Between 1970 - 1980, population in Idaho increased about 32 percent. During that same period, however, full time residents in the upper Big Wood River Valley increased about twice that much, and in 1980 amounted to 5,870 in the four principal towns. Although this increase has been impressive and could impact available water supplies, the greatest stress to the hydrologic system comes from the thousands of tourists who annually visit the area to engage in the many winter and summer recreational activities offered. The Sun Valley-Ketchum area is serviced by a sewer system and central treatment facility, however, the other towns and remainder of the valley residents utilize individual septic-tank systems and may pose a potential contamination problem. Continued residential development in the larger tributary canyons and the implementation of a planned ore-processing facility for the cyanide extraction of gold from ore near Hailey could ultimately impact the quality of water resources in the basin.

For the period of record 1915 - 1983, mean annual discharge in the Big Wood River at Hailey was about 331,100 acre-feet or about 457 cubic feet/second. Five miles downstream at Bellevue, mean annual discharge for the period 1911 - 1983 was 228,900 acre-feet or about 316 cubic feet/second. This change in streamflow indicates a considerable volume of water is being recharged to the ground-water system between the two gages particularly since the gage at Bellevue monitors runoff from an additional 184 square miles of the basin. Smith (1959) estimated ground water underflow in the vicinity of Hailey was about 34,000 acre feet/year (47 cubic feet/second). Using these figures, total yield from the Big Wood River basin above Hailey is about 365,000 acre feet/year or about 500 cubic feet/second. Although no estimates of underflow in the vicinity of Bellevue are available, yield from the large drainage above Bellevue must be proportionally greater.

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NEED FOR THE STUDY

A detailed, comprehensive, hydrologic investigation in the upper Big Wood River Valley above Bellevue is needed to: (1) determine basin yield which is the product of inflow minus outflow plus change in storage of both ground- and surface-water sources, (2) evaluate any apparent impact to the quality and quantity of the water resources in the area from recreational and domestic development, and (3) establish a competent data base to monitor the effects of future changes on the water resources of the area. Results of the study would aid the Sun Valley Water

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and Sewer District and other municipalities in the basin, Blaine County Commissioners, and the Blaine County Planning and Zoning Commission in evaluating their present water-use policy and in future water-management decisions.

OBJECTIVE AND APPROACH

The primary objective of the investigation is to determine the quantity of the ground- and surface-water supplies in the upper Big Wood River Valley and the suitability of the water for present and anticipated uses.

The approach of the investigation will include:

(1) Collection and tabulation of all available geologic, hydrologic, water chemistry, and water use data (water use defined herein as that volume of ground or surface water which is pumped or diverted for use and is totally consumed). Continuous surface-water discharge records are available for the Big Wood River from the gage at Hailey since 1915 and the gage at Bellevue since 1911; some miscellaneous measurements (mostly base flow near Ketchum) are available from Trail Creek and Warm Springs Creek. Well-construction and water-use data are available from the U.S.G.S. and State files; other water-use data will be estimated.

(2) Inventory existing wells in the study area. A table of well information will be included in the final report giving well location and depth, perforated interval, depth to water, and specific use. During the inventory, depth to water will be measured when possible and specific conductance of the water will be determined to aid in selection of sites for water-chemistry sampling. Water levels in wells will be measured during the spring and fall, 1985 to evaluate effects of seasonal streamflow and pumpage on the ground-water system. Additional measurements will be performed at select well locations during the winter months, 1985 and in 1986 to verify previous conclusions. A map showing altitude of the water surface in wells will be provided and will assist in evaluating rate and direction of ground-water movement. Specific yield of valley-fill materials will be estimated from driller's logs.

(3) Obtain water samples from selected wells and streams for chemical analyses. Ground-water sampling sites will be selected to give broad but definitive areal coverage of the basin and, if possible, vertical distribution through the aquifer(s). Selected ground- and surface-water sites will be sampled more than once to determine the seasonal variation of chemical constituents. Surface-water sampling sites will be located above and below areas having potential impact to the stream and along reaches identified as having

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a significant ground-water contribution. Field determinations will be made at each site for temperature, pH, specific conductance, and dissolved oxygen (surface-water sites only). Water samples will be obtained for analyses of principal anions and cations; other selected sites will be samples and analyzed for bacteria, dissolved metals, nutrients, and periphyton (attached algae). If technology becomes available during the study, water samples would be obtained from selected surface-water sites and analyzed for Giardia.

(4) Geophysical studies. Seismic refraction techniques using 12- and 24 geophone arrays will be used to determine thickness of the unconsolidated deposits and underlying consolidated rocks along a line of profile across the lower end of the basin near Bellevue. Subsurface cross sections constructed using results of the seismic interpretation will be used along with the hydraulic gradient and estimates of hydraulic conductivity to determine ground-water underflow from the basin.

(5) Determination of contribution of Trail Creek, Warm Springs Creek, and East Fork Big Wood River to total basin yield. Estimates will be made using available miscellaneous measurements and indirect methods. If these data are insufficient, gaging stations will be established and continuous recorders installed.

(6) Evaluation of the stream-aquifer system. Gains or losses in streamflow in the Big Wood River and their effect on water levels in the ground-water system will be determined. Hydraulic characteristics of the valley fill will be estimated from specific-capacity data (or aquifer tests) to define response of ground-water system to changes in water use.

(7) Determination of a water budget for the upper Big Wood River Valley above Bellevue. The budget will define inflow and outflow to the basin and include, insofar as possible, contributions from principal tributaries, ground-water underflow, volume of ground water in storage, evapotranspiration, and water used for irrigation, municipal, and rural-domestic purposes.

(8) Completion of a final report describing the results of the study. The report will be completed by December, 1986 and will include a compilation of the available data and tables and graphs to depict the hydrologic conditions in the upper Big Wood River Valley. Sites for continued monitoring of the ground- and surface-water resources will be suggested.

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MANPOWER

A project chief has been assigned full time to the study for the first year and about three-quarter time during the second year. A hydrologic technician will be assigned part time during the first year to assist in the data collection phase of the study. If required, additional technical support is available as needed from specialists in the Idaho-Nevada District office, Western Region in Menlo Park, California, and from local consulting firms. The Idaho Department of Health and Welfare and local water districts will provide assistance in locating wells, tabulating water-use data, and analyzing water samples. Personnel necessary to successfully complete this study are currently available in the Idaho Office to the Idaho-Nevada District.

BENEFITS

The water resources in the Big Wood River basin upstream from Bellevue, are particularly vulnerable because of the potential for long-term growth and extreme seasonal demands for water in a restricted watershed. Under these conditions, any changes in water use or water quality are exaggerated. For example, water consumption necessary for continued urban development near the headwaters of such a basin could reduce natural streamflow and the net volume of water returned to the hydrologic system after use. This temporarily increases ground-water discharge required to support minimum streamflow concurrent with increased pumpage. Eventually, if the ground-water system is sufficiently depleted, intermittent streamflow can occur. These problems are intensified in downstream areas that continue withdrawals from an already depleted system.

The potential for serious chemical degradation of both ground- and surface-water is increased when greater input of nutrients and other dissolved material is introduced into a system with reduced assimilative capacity. This undesirable situation can be anticipated and preventative measures adopted by establishing a competent hydrologic data base and acquiring a complete knowledge of the hydraulic characteristics of the system. This also will provide the foundation for development of mathematical models of the basin should they become necessary for making sound water-resource management decisions. When constructed, predictive model(s) can be used to simulate changes in surface water flows, ground-water levels, and water-quality to any imposed stress; such as new wells, change in water use (either municipal, agricultural, or rural), and increased or decreased natural recharge.

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The proposed investigation will provide an accurate and thorough assessment of the water resources of the upper Big Wood River basin. Included are a complete summary of all historic and current hydrologic and water-quality data, volumes of ground-water in storage, interaction between the surface- and ground-water systems, inventory of water use, areal and vertical

definition of the geologic units in the basin, and aquifer hydraulic characteristics. The study results can be used immediately in water-rights adjudication, planned urban (or rural) development, and hydrologic modeling.

FUNDING

	FY 1986	FY 1987
*Sun Valley Water & Sewer District	$39,350	$20,700
Direct Svc. Credit	7,500	5,000
U.S. Geol. Survey	46,850	25,700
TOTAL	$93,700	$51,400

*These funds are raised by Water Resources Foundation.

Direct Services Credits

1. Consulting services of staff engineers and other personnel.
2. Provision of historic ground- and surface-water data.
3. Assistance of field personnel in obtaining water samples.
4. Assistance of water-quality laboratory in sample analysis.
5. Technical review of report.

REFERENCES

Costelin, P.M., and Winner, J.E., 1975, Effects on Urbanization on the Water Resources of the Sun Valley-Ketchum Area, Blaine County, Idaho: Idaho Department of Water Resources Water Information Bulletin 40, 86 pages.

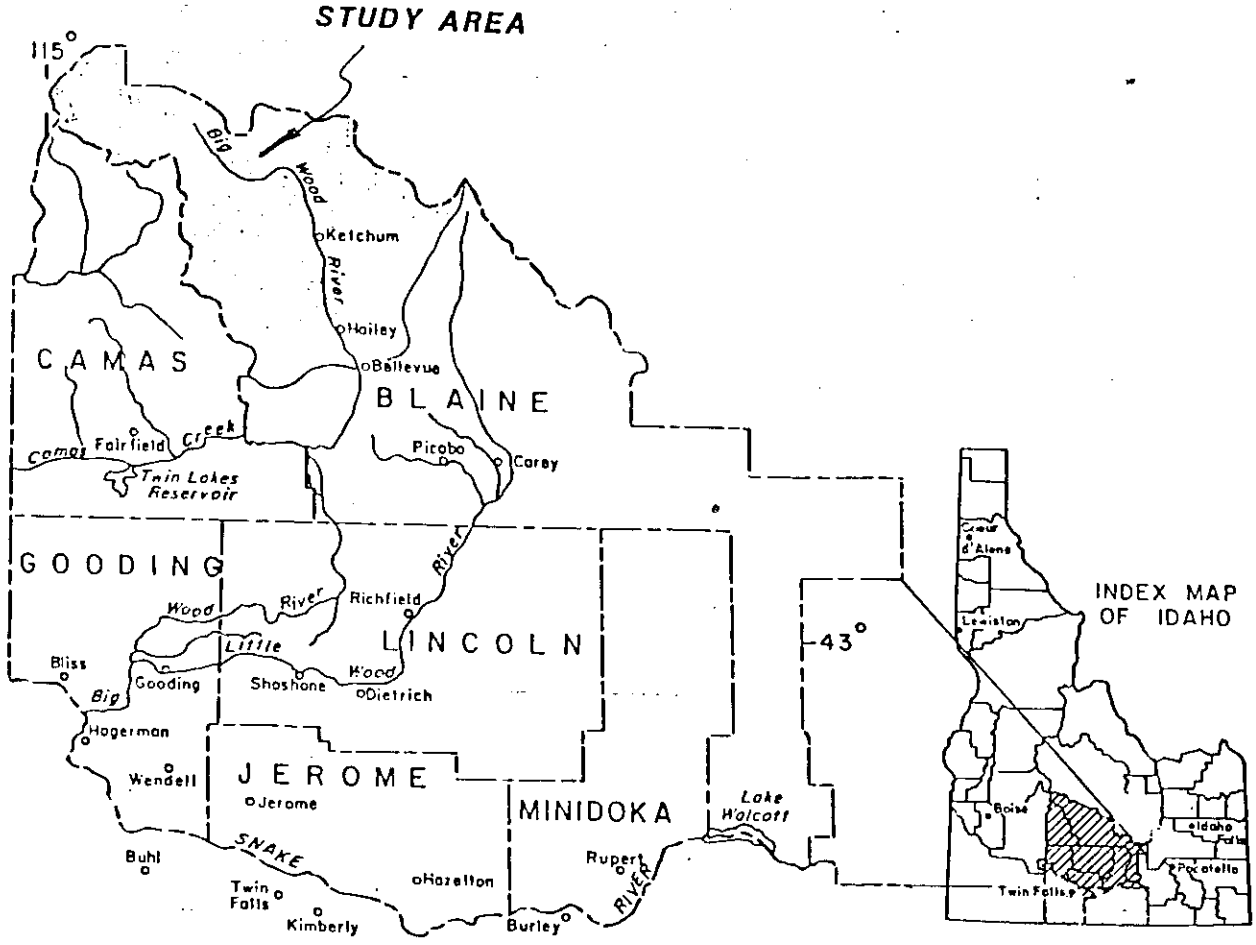
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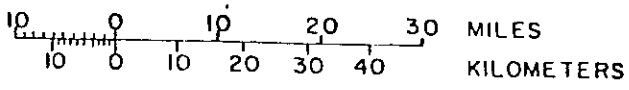
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U.S. Geological Survey, 1984, Water Resources Data for Idaho, Water Year 1983: U.S. Geological Survey Water-Data Report ID-83-1, 515 pages.

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Figure 1. - Location of Study Area

This letter is in support of the U.S. Geological Survey Proposal. Dr. Brockway is a research hydrologist.

WATER RESOURCES RESEARCH INSTITUTE
[illegible] Moscow, Idaho 83843 (208) 885-6429

Research and Extension Center
Route 1
Kimberly, Idaho 83341

July 15, 1985

Mr. Bruce Lium
P. O. Box 2679
Ketchum, Idaho 83340

RE: Water Resources Foundation meeting

Dear Bruce:

I will be unable to attend the special meeting on July 17th, since I will be out of town. I would like to comment on the need for the proposed study which Jerry Hughes of the USGS will be outlining.

First of all, this is an opportunity for the people of the Wood River Valley to evaluate the water resource needs and potential conflicts before problems become acute. In most cases, studies are required to obtain solutions to problems which already exist and, of course, the alternatives for solution are always limited under emergency situations. As you know, we have been pursuing funding for a thorough water resource inventory and evaluation for many years. Although there have been small studies addressing specific aspects of water resources, no comprehensive evaluation has been undertaken. I hope this potential study can come to fruition.

Specifically, the study, as outlined previously by the USGS, addresses the determination of basic water budget parameters for the stream aquifer system in Wood River. Of primary importance is the development of an adequate stream discharge and groundwater data base and provision for long-term maintenance of a monitoring program. Observation wells developed during previous studies by the University should be used wherever possible to extend the period of record on those wells both for ground-water levels and water table elevations.

Stream-aquifer relationships are vitally important since these relationships govern the potential for pollutant exchange as well as site specific water supply problems. Thorough and accurate water table and river water surface elevations are required, as well as reach-gain information. Specific water supply problems or potential problems could be addressed in the study, particularly the potential for shortage in the City of Sun Valley wells on Wood River during drought, and perhaps some attention given to the City of Hailey water supply problems.

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I would recommend additional effort in determining the configuration of the gravel aquifer at various cross-sections along the valley. This information, along with pump test data, allows more accurate determination of ground-water flow and total yield along the river. Geophysical procedures, although expensive, should be considered. Future conflicts will result because of excess demand over available supply. It is therefore important to address not only the available ground-water and surface water supplies, but to project future demands for domestic, industrial, and agricultural water use. These projections, including trends in changes in type of water use, have not been adequately addressed in any previous studies. Optimization of the resource requires evaluation of changes from agricultural to domestic use, or from agricultural to recreation or aesthetics.

Since the agreement between the State of Idaho and Idaho Power Company precipitated the adjudication of the Snake River and all tributaries, it may be possible that documentation of water rights in the Wood River Valley could be performed by the Idaho Department of Water Resources in conjunction with this study. This documentation, along with the resource inventory, would provide an excellent base for evaluation of current and potential conflicts, and future planning.

Sorry I cannot be with you. Have a good meeting.

Sincerely,

C. E. Brockway, P.E.

CEB:af

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SUN VALLEY Mountain Express

Sun Valley to Help Fund Water Study

Sept, 19, 1985

by Greg Moore

The Sun Valley Water and Sewer District Board of Trustees Monday agreed to place $5,000 in an escrow account to go toward a study of the Wood River Valley's water resources.

Fundraising for the study has been organized by the Water Resources Foundation, a local non-profit group headed by Bruce Lium. The study will be conducted by the U.S. Geological Survey.

The two-year study will cost $156,000, slightly more than half of which will be paid for by matching federal funds. The foundation will need to collect $39,350 for the first year's work, Lium told the County Commissioners last week.

Joe Humphrey, president of the Water and Sewer District, said in an interview that the district has committed the money only on the condition that the rest of the $39,350 is collected by December.

"The onus is still on the Water Resources Foundation to bring us the commitments from the other cities (in the Wood River Valley)," Humphrey said.

On Monday night, the Ketchum City Council expressed interest in the study. The council suggested that all Wood River Valley cities and the county government commit money toward the study based on the number of dwelling units in each.

The city of Hailey has already budgeted $5,000 toward the study.

The Water Resources Foundation is also accepting private contributions. For information, contact Bruce Lium at 726-4834.

Mountain Express

MORE FUNDS NEEDED

Dear Editor:

The Water Resouces Foundation in cooperation with the U.S. Geological Survey, the Sun Valley Water and Sewer District and governmental entities has raised approx mately one half the needed funding for the Water Budget Inventory Study. We need a total of $39,350 for this first year of the study.

Further donations are urgently needed to support this project which is now underway by t e field people of the U.S. Geological Survey, and it is our opinion that this now presents an opportunity for local businesses and residents to contribute their share. The study will present information to maintain our pristine environment which we all hold dear and design a sound water management procedures.

Expansion without knowing our exact water resources could be a hardship to us all. How can we continue expansion not knowing the quality and availability of our water resource.

We must choose now and show our best judgement in support of this vital information which the study will provide.

To show your concern and awareness send donations to Dr. Bruce Lium, Director Water Resources Foundation, Inc. Box 2679, Ketchum, Idaho, 83340. 726-4834

Sincerely,
Bruce Lium
Ketchum

9/26/85

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BRUCE W. LIUM, Ph.D.
Post Office Box 2679
Ketchum, ID 83340

WORK EXPERIENCE

1980 - 1985 *River Ecology, Management and Assessment of Water Resources. Founder & Director, Water Resources Foundation, Sun Valley-Ketchum,ID. Member, Stream Alteration Committee, Blaine County, ID, Planning-Zoning.*

1978 - 1980 *Chief, Lake Lanier Project, Atlanta - Toxic Organic Compounds.*

1973 - 1978 *Chief, Hydrobiological Section of the Atlanta Central Water Quality Laboratory. I administered and supervised the analysis of aquatic biological samples. Also, as Research Project Chief for Biological Methods Development, I carried out research on interrelationships of aquatic organisms and properties of water.*

1969 - 1973 *Chief, Chester County Stream Evaluation Project, a cooperative program between the U.S.G.S. and Chester County Water Resources Authority.*

1966 - 1969 *Chief of a project to determine how density of aquatic insects differed between rocks of various sizes and to illustrate how stream conditions could be expressed in a systematic fashion.*

PROFESSIONAL CONSULTING

City of Sun Valley Water & Sewer District, Sun Valley, Idaho, and private landowners, Big Wood River Basin.

District Water Quality activities for Texas, Connecticut, California, Florida, Pennsylvania, Maryland, Georgia, Maine, Nevada, Montana and Wyoming.

U.S.G.S. Alabama Coal Hydrology Project; U.S.G.S. Chatahoochee River Project; U.S.G.S. Willamette River Project.

HONORS

Outstanding Conservation Award in Water Quality Studies in Chester County.

"The Bruce W. Lium Limnology Laboratory" - West Chester State College (named for me because of my service to the county.)

INSTRUCTING

Blaine County Continuing Education Program; "River Ecology: Big Wood River System:
Lake Limnology Workshops, U.S.G.S.
Stream Biology Workshops, U.S.G.S.

EDUCATION

1969, PhD., University of Utah Graduate School, Major: Environmental Biology
Dissertation: The Distribution of Aquatic Insects in Stream Provinces as Determined by Chemical, Physical and Hydrological Factors
Supplemental Courses: Behavioral Mathematics, Organic Chemistry, Advanced Limnology.

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EDUCATION - cont'd

Honors: Phi Kappa Phi (National Honorary Academic Society)
Sigma Xi (National Honorary Research Society)

1967, M.S., University of Utah Graduate School; Major: Aquatic Biology
Thesis: Toxicity of Insecticides to Two Species of Stone Flies
Supplemental Courses: Sanitation Engineering, Bacteriology, Toxicology, Limnology.
Honors: Phi Sigma (National Honorary Biological Society).

PROFESSIONAL MEMBERSHIPS

American Society of Limnology and Oceanography
American Society for Testing and Materials
American Water Resources Association

PUBLICATIONS

(Several publications have received international recognition)

Lium, B.W., 1967, Toxicity of insecticides to two species of stone flies: M.S. thesis, University of Utah, 68 p.

Lium, B.W., 1969, The distribution of aquatic insects in stream provinces as determined by chemical, physical and hydrological factors: Ph.D. dissertation, University of Utah, 83 p.

Lium, B.W., 1974, Some aspects of aquatic insect populations of pools and riffles in gravel bed streams in Western United States: U.S. Geol. Survey Journ. Research, V.2, No. 3, p.379-384.

Lium, B.W., 1975, Redesigned samling device for collecting benthic invertebrates from streambed gravels: WRD Bulletin, U.S. Geol, Survey, Oct.-Dec. p.15-18.

Lium, B.W., 1976, Limnology data for the major streams in Chester County, Penn: U.S. Geol. Survey Open File Report, 219 p.

Shoaf, W.T. and B.W. Lium, 1976, The measurement of adenosine triphosphate in pure algal cultures and natural aquatic samples: Jour. Research U.S. Geol. Survey 4(2):241-245.

Shoaf, W.T. and B.W. Lium, 1976, An evaluation of methods for measuring algal growth: Jour. Research U.S. Geol. Survey 4(4):497-504.

Shoaf, W.T. and B.W. Lium, 1976, Improved extraction of chlorophyll a and b from algae using dimethyl sulfoxide. LI Vol. Oceanogr 21 (6):926-928.

Shoaf, W.T. and B.W. Lium, 1977, The quantitative determination of chlorophylls a and b from freshwater algae without interference from degradation products. Jour. Research U.S. Geol. Survey 5(2):263-264.

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PUBLICATIONS - cont'd

Greeson, P.E., Ehlke, T.A., Lium, B.W., Inwin, G.A. and Slack, K.V., 1977, Methods for collection and analysis of aquatic biological and microbiological samples: U.S Geol. Survey Techniques Water-Resources Inv.,Book 5, Chap.A4, 332 p.

Lium, B.W., 1977, Recommended practice of modified hester - dendy multiplate sampler: ASTM Publication.

Lium, B.W., 1977, Limnology studies of the major streams in Chester County, PA: U.S. Geol. Survey Open File Report, 37 p.

Lium, B.W. and W.T. Shoaf, 1978, The use of magnesium carbonate in chlorophyll determinations: Water Resources Bulletin, Vol.14, No.(1): pp. 190-194.

Lium, B.W., Stamer, J.K., Ehlke, T.A., Faye, R.E. and Cherry, R.N., 1979, The biological and microbilogical assessment of the Upper Chattahoochee River Basin, GA:
U.S Geol. Circular, p. 796.

Ferreria, R., Averett, R., Lium, B.W. and Slack, R.V., 1979, The evaluation of multiplate artificial substrates for large rivers: Administrative Report.

Cherry, R.N., Lium, B.W., Shoaf, W.T., Stamer, J.K. and Faye, R.E., 1978, Effects of nutrients on algal qrowth in West Point Lake, Georgia:
U.S. Geol. Survey Open File Report, 27 p.

Lium, B.W. and Shoaf, W.T., 1979, Effect of filtration pressure on chlorophyll recovery. Limnology and Oceanography Notes.

Lium, B.W., 1979, An assessment of the phytoplankton data from the National Stream Quality Accounting Network - Ohio River Drainage Basin: Administrative Report.

Lium, B.W., 1985, Water Resources Foundation, Articles and news media reports.

* * *

November 1,1985

Dr. Bruce Lium
Water Resources Foundation
Box 2679
Ketchum, Id., 83340

Dear Dr. Lium,

I am against any recommendations that specify a minimum flow for the Big Wood River at the present time. My reasons are as follows:

1. The proposed 70 cu/ft per second flow will cause a severe shrinkage of water in the river channel with the attendant loss of plant and animal life which support the economically valuable fish and water fowl population .

2. There will be a diminished recharge of the surface water aquifer to the detriment of all water users . Domestic water supply, and water for irrigational purposes will be curtailed.

3. Waste water resulting from leach field treatment will have less pure water for dilution before entering the potable water aquifer. This is a threat to public health and safety.

4. Cyclic historic water flow during the winter has proved to be insufficient in the past to hold nitrate and phosphate contamination to biologically safe levels. Excessive growth of algae and increased concentration of the index bacteria E. coli as well as lowered oxygen levelsare all signs of a stressed ecosystem.

5. If diversion of water for the purposes of generation of electric power is planned then the result will be an increase in the cost of all power. Idaho Power can buy large amounts of power from Utah, Washington , Oregon, at less than $ .02/ kw hr. If it buys power from small producers on Wood River it must pay in excess of $ .04/ kw hr. . The uneconomic cost difference will be borne by the consumer.

I am for :

1. A study of current water usage - How much enters the aquifer - how much is taken out.

2. I am particularly interested in historic data in periods of lowered water flow- the fall and winter months. With this data we canmake an informed choice on minimum stream flow.

Sincerely yours,

River's Edge Ranch
Box 273
Sun Valley, Idaho

Robert H. Sherwood

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THE NATURE CONSERVANCY

IDAHO FIELD OFFICE
P.O. Box 2960 Hailey, Idaho 83333 (208) 788-4683

November 7, 1985

Dr. Bruce Lium
Water Resources Foundation
Box 2679
Ketchum, ID 83340

Dear Bruce,

Thanks for notifying me of the upcoming hearing on minimum flow for the Big Wood. Please consider the following points when making your statements at the hearing:

°Not enough is known regarding the biological make-up of the river to arbitrarily set a 70 CFS figure.

°Both the USGS and Fish & Game plan to implement major research projects in the near future that relate to the Big Wood.

°Establishing minimum flow now, no matter what the CFS, seems premature considering that the above mentioned studies will provide us with sound unbiased information that could and should be used in such a decision making process.

°It might be more productive for DWR to work in concert with these other organizations if they are indeed assigned the task of protecting the interest of the public.

Sincerely,

Guy

Guy Bonnivier
Idaho Field Representative

GB/tt

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MAR 20 1986

Western Regional Office • 785 Market St. S.F., CA 94103
National Office 1800 N. Kent St., Arlington, VA 22209

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Guy

Guy Bonnivier
Idaho Field Representative

GB/tt

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National Office 1800 N. Kent St., Arlington, VA 22209

10-31-85

Bruce,

This quote was taken from—Evolution and Application of Instream Flow Methodologies to Small Hydropower Developments: An Overview of the Issues by E. Woody Trihey and Clair B. Stalnaker In Proceedings, Symposium on Small Hydropower and Fisheries, May 1-3, 1985 Pub. by American Fisheries Society

"Trout populations in the intermountain west have been shown to remain healthy and viable when minimum flows during the summer low flow months are in the range of 30 to 60% of the mean annual flow (Elser 1972; Wesche and Rechard, 1973; Stalnaker and Arnette, 1976), keeping in mind that flows are well above these minimums during most of the remainder of the year."

Steve

Elser, A.A., 1972. A partial evaluation and application of the Montana method of determining streamflow requirements. pp. 3-8. In Proc. Instream Flow Requirement Workshop. Pacific NW River Basins Comm., Portland, OR

Stalnaker, C.B., and Arnette, J.L., 1976. Methodologies for the determination of stream resource flow requirements: An assessment. USDI Fish and Wildlife Service. FWS/OBS-76/03. 199pp.

Wesche, T.A., and Rechard, P.A., 1973. Parameters influencing minimum streamflow. Hydraulic Eng. pp 21-30

MSF NO. 37-7919
BIG WOOD RIVER

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22-7412	P	3-Oct-1	SWNE 29 07N 44E	TET	RIVER
			SWNE 29 07N 44E		
22-7487	P	25-Feb-1985	SWNE 29 07N 44E	TETON RIVER	
			SWNE 29 07N 44E		
22-7490	A	10-Apr-1985	SENE 30 07N 42E	TETON RIVER	
22-7369	A	19-Jun-1981	NWSE 20 07N 44E	TETON RIVER	
			SESW 23 06N 44E		

SOURCE SEARCH BY BITCH CREEK
PRIORITY DATE GREATER THAN OR EQUAL TO 19-JUN-1981
WITHIN BASIN 22

NUMBER	STAGE	DATE	POD	SOURCE
22-7370	A	19-Jun-1981	NWNE 20 07N 44E	BITCH CREEK
			NWNW 17 07N 45E	
22-7425	A	29-Mar-1983	NENE 18 07N 45E	BITCH CREEK

SOURCE SEARCH BY BIG WOOD RIVER
PRIORITY DATE GREATER THAN OR EQUAL TO 19-JUN-1981
WITHIN BASIN 37

NUMBER	STAGE	DATE	POD	SOURCE	
37-8094	A	28-Apr-1983	NWNW 13 05S 15E	BIG WOOD RIVER	Joe Arkoosh (Downstream Out of Area)
37-8159	P	11-Oct-1983	NESE 22 02N 18E	BIG WOOD RIVER	Consolidated Power Co.
37-8248	A	20-Sep-1985	SWNE 12 04N 17E	BIG WOOD RIVER	Olmstead (Out of Area Upstream)
37-7919	A	19-Jun-1981	SWNW 36 02N 18E	BIG WOOD RIVER	Min Flow
			SENW 13 04N 18E		
37-8178	A	2-Jul-1984	NENE 18 02S 18E	BIG WOOD RIVER	Magic Dam (Out of Area) Downstream

WRSARRETT Job terminated at 5-NOV-1985 12:30:46.68

Accounting information:

Buffered I/O count:	127	Peak working set size:	1662
Direct I/O count:	2323	Peak page file size:	2184
Page faults:	2971	Mounted volumes:	0
Elapsed CPU time:	0 00:04:36.45	Elapsed time:	0 00:08:47.50

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01 Water Right Number - 37-8159 02 Old (D) Number -

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - CONSOLIDATED POWER CO.	04001 -	05001 - C

06 Add Line 1 - DIVISION ROTOMATIC IRRIG.,INC. 07 Add Line 2 - P.O. BOX 133

08 Add Line 3 - 09 City - BELLEVUE 10 State - ID 11 ZIP - 83313

12 Stage - P PERMIT 13 Status -

SOURCE	TRIBUTARY OF
14001 - BIG WOOD RIVER	15001 - MALAD RIVER

16 Diversion Means - FEEDER CANAL, SURGE POND 17 County - 13 BLAINE

18 Diversion Capacity - .000 19 Total Diversion Rate - 250.000 20 Total Diversion Volume - .00

21 Water District -

DIVERSION POINTS

Tract	Sec	Twn	Rns	Lot	Rfls
22001 - NESE	23001 - 22	24001 - 02N	25001 - 18E	26001 -	27001 -
				28001 - 0	0.0

STREAM INDEX FIELDS

0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0

29 Non-Irrigation Use -

PLACE OF USE

Use Code / Use	Twn	Rns	Sec	Tract	Acres	Lot
30001 - 28 POWER	31001 - 02N	32001 - 18E	33001 - 26	34001 - SENE	35001 -	36001 -

Total Acres: 0

WATER USE

Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0101	38001 - 1231	39001 - 28 POWER	40001 - 250.000	41001 - 0.00

42 Decree Plaintiff Name - 43 Decree Defendant Name -

REMARKS
44001 - FEET OF HEAD = 32.6 HORSEPOWER = 460

Approval Conditions: 45001 -

46 Other Rights for Same Use - PERMIT 37-7866

DATES		DATES		FLAGS	
47 Priority	- 11-Oct-1983	55 License	-	63 Transfer/Amended	-
48 Proof Due	- 1-Sep-1989	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied	- 3-Aug-1984	58 Decree	-	66 Flag_2	-
51 Protested	-	59 Start Work	-	67 Flag_3	-
52 Hearing	-	60 Order Show Cause	-		
53 Verified	-	61 Date_1	-		
54 Last Update	- 28-Aug-1984	62 Date_2	-		

Dear Folks -
Please continue
that I would like for present
testimony + letter at Nov 13th. Heal vg - MIN. FLOW -
Big Wood River
Thanks.
Bruce.

WATER RESOURCES FOUNDATION, INC.

The Foundation is a natural awareness, non-profit organization which was established in Blaine County, Idaho. It promotes scientific research and continued studies in water quality and quantity evaluation. The Foundation strives to provide information for the best management possible of the water resource. The Foundation will be seeking a continual base of information so there is a knowledge of how much water is available for various uses and of what quality it is.

The following quotes are from the study proposal which was written at the request of the Sun Valley Water and Sewer District and the Water Resources Foundation. The quoted sections describe specific needs and benefits of the proposal. The proposal was written by Mr. Jerry L. Hughes, District Chief, Mr. Robert E. Lewis, Hydrologist, and revisions by Steve Frenzel, Project Chief-Hydrologist, U.S Geological Survey, Boise, Idaho (230 Collins Road, 334-1750). The proposal has received national merit interest by the U.S Geological Survey. It is available upon request.

"A detailed, comprehensive, hydrologic investigation in the upper Big Wood River Valley above Bellevue is needed to: (1) determine basin yield which is the product of inflow minus outflow plus change in storage of both ground- and surface-water sources, (2) evaluate any apparent impact to the quality and quantity of the water resources in the area from recreational and domestic development, and (3) establish a competent data base to monitor the effects of future changes on the water resources of the area. Results of the study would aid the Sun Valley Water and Sewer District and other municipalities in the basin, Blaine County Commissioners, and the Blaine County Planning and Zoning Commission in evaluating their present water-use policy and in future water-management decisions.

The water resources in the Big Wood River basin upstream from Bellevue, are particularly vulnerable because of the potential for long-term growth and extreme seasonal demands for water in a restricted watershed. Under these conditions, any changes in water use or water quality are exaggerated. For example, water consumption necessary for continued urban development near the headwater of such a basin could reduce natural streamflow and the net volume of water returned to the hydrologic system after use. This temporarily increases ground-water discharge required to support minimum streamflow concurrent with increased pumpage. Eventually, if the ground-water system is sufficiently depleted, intermittent streamflow can occur. These problems are intensified in downstream areas that continue withdrawals from an already depleted system.

The potential for serious chemical degradation of both ground- and surface-water is increased when greater input of nutrients and other dissolved material is introduced into a

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Department of Water Resources
Western Regional Office

system with reduced assimilative capacity. This undesirable situation can be anticipated and preventative measures adopted by establishing a competent hydrologic data base and acquiring a complete knowledge of the hydraulic characteristics of the system. This also will provide the foundation for development of mathematical models of the basin should they become necessary for making sound water-resource management decisions. When constructed, predictive model(s) can be used to simulate changes in surface water flows, ground-water levels, and water-quality to any imposed stress; such as new wells, change in water use (either municipal, agricultural, or rural), and increased or decreased natural recharge.

The proposed investigation will provide an accurate and thorough assessment of the water resources of the upper Big Wood River basin. Inculded are a complete summary of all historic and current hydrologic and water-quality data, volumes of groundwater in storage, interaction between the surface- and groundwater systems, inventory of water use, areal and vertical definition of the geologic units in the basin, and aquifer hydraulic characteristics. The study results can be used immediately in water-rights adjudication, planned urban (or rural) development, and hydrologic modeling."

The study results offer the people of the Wood River Valley a golden opportunity that simply cannot afford to be passed by for saving our water treasures. The choice to do it now will be a tremendous savings compared to costs if the valley faced critical alternatives of supplying water if expansion surpassed available water and of proper quality.

The Foundation will greatly appreciate your support in our funding activities. Checks may be sent to:

Dr. Bruce Lium, Director
Water Resources Foundation
P.O. Box 2679
Ketchum, ID 83340
(208) 726-4834

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Two years ago I had the idea of creating a Foundation for the protection and restoration of the Big Wood River. The original idea expanded to include the concept of developing a base of information on the river inclusive of hydrology, water quality, ecological conditions and water availability. (See U.S.G.S. proposal).

During the progress of the Foundation, I have been the principal person to:

A. Organize the Board of Directors;
B. Seek legal assistance for incorporation status and writing of by-laws;
C. Write and gather proper information for tax free status with I.R.S.;
D. Provide consultation with people along the river on their individual problems;
E. Instruct classes in river ecology;
F. Organize seminars and river walk and and talk sessions;
G. Provide liaison for initiation and completion of cooperative study with U.S. Geological Survey (U.S.G.S. proposal); and
H. Conduct all fund raising activities.

I now have the assistance of Kay Lium who carries out public relations and conducts necessary office work.

I plan to continue present efforts with the willingness to sacrifice projected salary and operating costs for the Foundation for a reasonable period of time until funds are received through local contributions, state and federal support and grant funds. Any limitation in salary or operating costs will not be added to the next year's budget.

In the future, I plan to head and conduct studies in line with goals and objectives of the Foundation. Primary interests are the conduct of ecological studies and seeking relationships between hydrological, biological and chemical quality relationships. Necessary field data would be analyzed and compiled into reports for scientific publication. I will also be assisting in field work and report for current U.S. Geological Survey project.

L. Bruce Lium

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MAR 20 1987

PROJECTED BUDGET AND OPERATING COSTS

Director	$32,400/year (based on $30.00/hour 1,080 hours/year
Office Space	$2,400/year
Office Furniture	$500 - 1st year
Office Supplies	$200 - year
Telephone	$100/month; $1,200/year
Stationery	$250/year
Postage	$400/year; 5 letters/day
Answering Machine	OK
Typing - Smith	$1,000/year
Field Equipment	$10,000 - 1st year
Travel and Insurance	$5,000/year
	$53,050
(1st year expenses):	10,500
	$42,550

Project Expenditures:

Man Hours: Technical Assistant

Each - $5.00 - $10.00 per hour =
$20,800/year; $10,400/1/2 year
$5,200/1/4 year (3 months)

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MAR 20 1987

BRUCE W. LIUM, Ph.D.
Post Office Box 2679
Ketchum, ID 83340

WORK EXPERIENCE

1980 - 1985 *River Ecology, Management and Assessment of Water Resources. Founder & Director, Water Resources Foundation, Sun Valley-Ketchum,ID. Member, Stream Alteration Committee, Blaine County, ID, Planning-Zoning.*

1978 - 1980 *Chief, Lake Lanier Project, Atlanta - Toxic Organic Compounds.*

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1966 - 1969 *Chief of a project to determine how density of aquatic insects differed between rocks of various sizes and to illustrate how stream conditions could be expressed in a systematic fashion.*

PROFESSIONAL CONSULTING

City of Sun Valley Water & Sewer District, Sun Valley, Idaho, and private landowners, Big Wood River Basin.

District Water Quality activities for Texas, Connecticut, California, Florida, Pennsylvania, Maryland, Georgia, Maine, Nevada, Montana and Wyoming.

U.S.G.S. Alabama Coal Hydrology Project; U.S.G.S. Chatahoochee River Project; U.S.G.S. Willamette River Project.

HONORS

Outstanding Conservation Award in Water Quality Studies in Chester County.

"The Bruce W. Lium Limnology Laboratory" - West Chester State College (named for me because of my service to the county.)

INSTRUCTING

Blaine County Continuing Education Program; "River Ecology: Big Wood River System:
Lake Limnology Workshops, U.S.G.S.
Stream Biology Workshops, U.S.G.S.

EDUCATION

1969, PhD., University of Utah Graduate School, Major: Environmental Biology
Dissertation: The Distribution of Aquatic Insects in Stream Provinces as Determined by Chemical, Physical and Hydrological Factors
Supplemental Courses: Behavioral Mathematics, Organic Chemistry, Advanced Limnology.

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EDUCATION - cont'd

Honors: Phi Kappa Phi (National Honorary Academic Society)
Sigma Xi (National Honorary Research Society)

1967, M.S., University of Utah Graduate School; Major: Aquatic Biology
Thesis: Toxicity of Insecticides to Two Species of Stone Flies
Supplemental Courses: Sanitation Engineering, Bacteriology, Toxicology, Limnology.
Honors: Phi Sigma (National Honorary Biological Society).

PROFESSIONAL MEMBERSHIPS

American Society of Limnology and Oceanography
American Society for Testing and Materials
American Water Resources Association

PUBLICATIONS

(Several publications have received international recognition)

Lium, B.W., 1967, Toxicity of insecticides to two species of stone flies: M.S. thesis, University of Utah, 68 p.

Lium, B.W., 1969, The distribution of aquatic insects in stream provinces as determined by chemical, physical and hydrological factors: Ph.D. dissertation, University of Utah, 83 p.

Lium, B.W., 1974, Some aspects of aquatic insect populations of pools and riffles in gravel bed streams in Western United States: U.S. Geol. Survey Journ. Research, V.2, No. 3, p.379-384.

Lium, B.W., 1975, Redesigned samling device for collecting benthic invertebrates from streambed gravels: WRD Bulletin, U.S. Geol, Survey, Oct.-Dec. p.15-18.

Lium, B.W., 1976, Limnology data for the major streams in Chester County, Penn: U.S. Geol. Survey Open File Report, 219 p.

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PUBLICATIONS - cont'd

Greeson, P.E., Ehlke, T.A., Lium, B.W., Inwin, G.A. and Slack, K.V., 1977, Methods for collection and analysis of aquatic biological and microbiological samples: U.S Geol. Survey Techniques Water-Resources Inv.,Book 5, Chap.A4, 332 p.

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Lium, B.W., 1977, Limnology studies of the major streams in Chester County, PA: U.S. Geol. Survey Open File Report, 37 p.

Lium, B.W. and W.T. Shoaf, 1978, The use of magnesium carbonate in chlorophyll determinations: Water Resources Bulletin, Vol.14, No.(1): pp. 190-194.

Lium, B.W., Stamer, J.K., Ehlke, T.A., Faye, R.E. and Cherry, R.N., 1979, The biological and microbilogical assessment of the Upper Chattahoochee River Basin, GA:
U.S Geol. Circular, p. 796.

Ferreria, R., Averett, R., Lium, B.W. and Slack, R.V., 1979, The evaluation of multiplate artificial substrates for large rivers: Administrative Report.

Cherry, R.N., Lium, B.W., Shoaf, W.T., Stamer, J.K. and Faye, R.E., 1978, Effects of nutrients on algal growth in West Point Lake, Georgia:
U.S. Geol. Survey Open File Report, 27 p.

Lium, B.W. and Shoaf, W.T., 1979, Effect of filtration pressure on chlorophyll recovery. Limnology and Oceanography Notes.

Lium, B.W., 1979, An assessment of the phytoplankton data from the National Stream Quality Accounting Network - Ohio River Drainage Basin: Administrative Report.

Lium, B.W., 1985, Water Resources Foundation, Articles and news media reports.

* * *

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WATER RESOURCES FOUNDATION, INC.
P. O. Box 2679
Ketchum, Idaho 83340
(208) 726-4834

We encourage you to take a few minutes to read about our Foundation and the current water resources project it is engaged in. The project is a water resource budget inventory in cooperation with the U.S. Geological Survey.

We know the benefits to the people will provide an accurate and thorough assessment of the upper Big Wood River Basin. Study results will be used now for planned urban or rural development. The Foundation is concerned about future growth and how much more development, at current rate of use, can the water resource tolerate before a certain level of available water supply is met.

The Big Wood River flows through the beautiful resort area of Sun Valley, Ketchum and Elkhorn, Idaho. The area has been known world wide for its skiing, fishing, hiking, camping, tennis, golf and lovers of nature who respect the still pristine environment.

However, the river has been subjected to resistance in flooding because of increased urbanization, ripraping, and building of dikes and levees. Flood plains are important because they absorb water, reduce runoff and recharge aquifers. Some twenty-five percent of this river has been subjected to artificial stream alteration practices.

The following information describes other potential river and water supply problems and the proposed study offers solutions to these hydrological conditions.

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WATER RESOURCES FOUNDATION, INC.

The Foundation is a natural awareness, non-profit organization which was established in Blaine County, Idaho. It promotes scientific research and continued studies in water quality and quantity evaluation. The Foundation strives to provide information for the best management possible of the water resource. The Foundation will be seeking a continual base of information so there is a knowledge of how much water is available for various uses and of what quality it is. Along with the surface water quantity, there is a vast underground source of water. Sometimes the ground water can be the only sustained and dependable source in a drainage basin. Therefore, the widespread use of ground water results not only from its availability, but also from economic and public health considerations. From the standpoint of economics, ground water is commonly available at the point of need and is usually of good quality, normally free from suspended sediment and pollution. It is also generally free from bacteria and other disease causing organisms and thus does not require extensive treatment prior to use. These characteristics are an important benefit to health. The interaction between surface water and ground water aquifers will be a major concern of the Foundation. The purpose is to conduct studies and dissemination of information on hydrology and ecology of areas of concern in Idaho and nationally. Primary responsibilities of the Foundation are to assess water quantity and quality and to develop the understanding necessary to estimate environmental consequences and alternative means for developing water resources. Projects undertaken for these responsibilities will address response of resource system to both natural and man-made stresses. The results of the studies will be reports in published form, written and oral responses and presentations at public meetings. There will be an attempt for any given assessment project to continue it on monitoring basis so that changes in the future can be observed and possible application of trend analysis.

OBJECTIVES:

(1) Develop information base and bibliography of data available in Idaho and adjacent areas.

(2) Provide information to interested public and government entities.

(3) Assist in interpretation of data and potential impacts.

(4) Develop public awareness of Water Resources Foundation.

(5) Develop funding projects for Water Resources Foundation.

(6) Water Budget inventories.

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(7) Ecological inventories.

(8) Chemical quality inventories.

(9) Seek relationships between hydrological, biological and chemical data.

GOALS:

(1) To develop the Foundation as a recognized source of scientific data and unbiased interpretations and reports on water resources.

(2) To build a staff and a base of information on water quality and quantity to serve the public, business and governmental units.

(3) To promote scientific research and studies of water quality and quantity.

(4) To assist in the funding of solutions to complex problems of water quality and quantity.

(5) To develop alternative/additional sources of funding for research and report writing on specific studies.

(6) Assist agencies of government in obtaining funding for hydrological/ecologic studies.

(7) Assist in those studies where possible (6).

(8) Identification of potential and/or problem areas in a given drainage basin.

(9) Develop funding base for basic functions of Water Resources Foundation.

For further information on how we can serve you, the public, business and governmental units, please contact:

Dr. Bruce Lium, Director
Water Resources Foundation
P. O. Box 2679
Ketchum, Idaho 83340
(208) 726-4834

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WATER RESOURCES FOUNDATION
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E. E. DHA
Home: 788-4445

or

Suite E. 74-133 El Paso
Palm Desert, CA 92260
(619) 340-1929
#550-12-6404

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The following study proposal was written at the request of the Sun Valley Water and Sewer District and the Water Resources Foundation. It was written by Mr. Jerry L. Hughes, District Chief, and Mr. Robert E. Lewis, Hydrologist, U.S. Geological Survey, Water Resources Division, Boise, Idaho (230 Collins Road, 334-1750).

The proposal has received national merit interest by the U.S. Geological Survey.

WATER RESOURCES OF THE BIG WOOD RIVER VALLEY, BLAINE COUNTY, IDAHO

A Project Proposal

INTRODUCTION

The upper Big Wood River Valley is a topographic and structural basin located north of Twin Falls, Idaho in the Northern Rocky Mountain province. The nearly triangular, flat valley floor is defined by steep mountains with altitudes that exceed 11,000 feet above sea level. The basin is bounded on the south by the Picabo Hills, on the northeast by the Pioneer Mountains and on the west by unnamed mountains. Principal towns in the valley are Sun Valley, Ketchum, Hailey and Bellevue (figure 1).

Along most if its length, the valley floor is narrow, and probably averages less than one mile across above Hailey. Between Hailey and Glendale Bridge, the valley widens to an average of nearly two miles; below the bridge in the vicinity of Poverty Flat, the valley is about five miles wide. Some irrigation occurs on the flood plain of the Big Wood River and along the bottoms of several large tributary valleys. Above Hailey, water is diverted to irrigate about 10,000 acres; between Hailey and Bellevue, water is diverted to irrigate an additional 11,800 acres (U.S.G.S., 1984). The drainage area of the Big Wood River is about 824 square miles above the community of Bellevue.

Geology of the basin consists of thin alluvial and fluvioglacial deposits of unconsolidated sand, gravel, and clay overlying pre-Tertiary consolidated sediments intruded by igneous rocks, and younger Tertiary volcanic rocks (Smith, 1959). Thickness of the unconsolidated material in wells in the Ketchum area is about 50 - 60 feet (Castelin and Winter, 1975); in the vicinity of Hailey, the average thickness probably is about 50 feet (Smith, 1959). Most of the ground water for irrigation and domestic use is from aquifers in the unconsolidated material. Availability of water in the deeper, consolidated rocks is uncertain.

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Climate of the area is characterized by moderately cold winters and warm, dry summers. At Sun Valley, mean minimum

temperatures of -1.2 degrees Fahrenheit occur in January; mean maximum temperatures of 82.4 degrees Fahrenheit occur in July. Average annual precipitation at Sun Valley is 17.35 inches; at Hailey, average annual precipitation is 15.33 inches. About 50 percent of the precipitation occurs as snow from November to February.

Between 1970 - 1980, population in Idaho increased about 32 percent. During that same period, however, full time residents in the upper Big Wood River Valley increased about twice that much, and in 1980 amounted to 5,870 in the four principal towns. Although this increase has been impressive and could impact available water supplies, the greatest stress to the hydrologic system comes from the thousands of tourists who annually visit the area to engage in the many winter and summer recreational activities offered. The Sun Valley-Ketchum area is serviced by a sewer system and central treatment facility, however, the other towns and remainder of the valley residents utilize individual septic-tank systems and may pose a potential contamination problem. Continued residential development in the larger tributary canyons and the implementation of a planned ore-processing facility for the cyanide extraction of gold from ore near Hailey could ultimately impact the quality of water resources in the basin.

For the period of record 1915 - 1983, mean annual discharge in the Big Wood River at Hailey was about 331,100 acre-feet or about 457 cubic feet/second. Five miles downstream at Bellevue, mean annual discharge for the period 1911 - 1983 was 228,900 acre-feet or about 316 cubic feet/second. This change in streamflow indicates a considerable volume of water is being recharged to the ground-water system between the two gages particularly since the gage at Bellevue monitors runoff from an additional 184 square miles of the basin. Smith (1959) estimated ground water underflow in the vicinity of Hailey was about 34,000 acre feet/year (47 cubic feet/second). Using these figures, total yield from the Big Wood River basin above Hailey is about 365,000 acre feet/year or about 500 cubic feet/second. Although no estimates of underflow in the vicinity of Bellevue are available, yield from the large drainage above Bellevue must be proportionally greater.

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NEED FOR THE STUDY

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A detailed, comprehensive, hydrologic investigation in the upper Big Wood River Valley above Bellevue is needed to: (1) determine basin yield which is the product of inflow minus outflow plus change in storage of both ground- ~~and surface-water~~ sources, (2) evaluate any apparent impact to the quality and quantity of the water resources in the area from recreational and domestic development, and (3) establish a competent data base to monitor the effects of future changes on the water resources of the area. Results of the study would aid the Sun Valley Water

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and Sewer District and other municipalities in the basin, Blaine County Commissioners, and the Blaine County Planning and Zoning Commission in evaluating their present water-use policy and in future water-management decisions.

OBJECTIVE AND APPROACH

The primary objective of the investigation is to determine the quantity of the ground- and surface-water supplies in the upper Big Wood River Valley and the suitability of the water for present and anticipated uses.

The approach of the investigation will include:

(1) Collection and tabulation of all available geologic, hydrologic, water chemistry, and water use data (water use defined herein as that volume of ground or surface water which is pumped or diverted for use and is totally consumed). Continuous surface-water discharge records are available for the Big Wood River from the gage at Hailey since 1915 and the gage at Bellevue since 1911; some miscellaneous measurements (mostly base flow near Ketchum) are available from Trail Creek and Warm Springs Creek. Well-construction and water-use data are available from the U.S.G.S. and State files; other water-use data will be estimated.

(2) Inventory existing wells in the study area. A table of well information will be included in the final report giving well location and depth, perforated interval, depth to water, and specific use. During the inventory, depth to water will be measured when possible and specific conductance of the water will be determined to aid in selection of sites for water-chemistry sampling. Water levels in wells will be measured during the spring and fall, 1985 to evaluate effects of seasonal streamflow and pumpage on the ground-water system. Additional measurements will be performed at select well locations during the winter months, 1985 and in 1986 to verify previous conclusions. A map showing altitude of the water surface in wells will be provided and will assist in evaluating rate and direction of ground-water movement. Specific yield of valley-fill materials will be estimated from driller's logs.

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(3) Obtain water samples from selected wells and streams for chemical analyses. Ground-water sampling sites will be selected to give broad but definitive areal coverage of the basin and, if possible, vertical distribution through the aquifer(s). Selected ground- and surface-water sites will be sampled more than once to determine the seasonal variation of chemical constituents. Surface-water sampling sites will be located above and below areas having potential impact to the stream and along reaches identified as having

a significant ground-water contribution. Field determinations will be made at each site for temperature, pH, specific conductance, and dissolved oxygen (surface-water sites only). Water samples will be obtained for analyses of principal anions and cations; other selected sites will be samples and analyzed for bacteria, dissolved metals, nutrients, and periphyton (attached algae). If technology becomes available during the study, water samples would be obtained from selected surface-water sites and analyzed for Giardia.

(4) Geophysical studies. Seismic refraction techniques using 12- and 24 geophone arrays will be used to determine thickness of the unconsolidated deposits and underlying consolidated rocks along a line of profile across the lower end of the basin near Bellevue. Subsurface cross sections constructed using results of the seismic interpretation will be used along with the hydraulic gradient and estimates of hydraulic conductivity to determine ground-water underflow from the basin.

(5) Determination of contribution of Trail Creek, Warm Springs Creek, and East Fork Big Wood River to total basin yield. Estimates will be made using available miscellaneous measurements and indirect methods. If these data are insufficient, gaging stations will be established and continuous recorders installed.

(6) Evaluation of the stream-aquifer system. Gains or losses in streamflow in the Big Wood River and their effect on water levels in the ground-water system will be determined. Hydraulic characteristics of the valley fill will be estimated from specific-capacity data (or aquifer tests) to define response of ground-water system to changes in water use.

(7) Determination of a water budget for the upper Big Wood River Valley above Bellevue. The budget will define inflow and outflow to the basin and include, insofar as possible, contributions from principal tributaries, ground-water underflow, volume of ground water in storage, evapotranspiration, and water used for irrigation, municipal, and rural-domestic purposes.

(8) Completion of a final report describing the results of the study. The report will be completed by December, 1986 and will include a compilation of the available data and tables and graphs to depict the hydrologic conditions in the upper Big Wood River Valley. Sites for continued monitoring of the ground- and surface-water resources will be suggested.

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MANPOWER

A project chief has been assigned full time to the study for the first year and about three-quarter time during the second year. A hydrologic technician will be assigned part time during the first year to assist in the data collection phase of the study. If required, additional technical support is available as needed from specialists in the Idaho-Nevada District office, Western Region in Menlo Park, California, and from local consulting firms. The Idaho Department of Health and Welfare and local water districts will provide assistance in locating wells, tabulating water-use data, and analyzing water samples. Personnel necessary to successfully complete this study are currently available in the Idaho Office to the Idaho-Nevada District.

BENEFITS

The water resources in the Big Wood River basin upstream from Bellevue, are particularly vulnerable because of the potential for long-term growth and extreme seasonal demands for water in a restricted watershed. Under these conditions, any changes in water use or water quality are exaggerated. For example, water consumption necessary for continued urban development near the headwaters of such a basin could reduce natural streamflow and the net volume of water returned to the hydrologic system after use. This temporarily increases ground-water discharge required to support minimum streamflow concurrent with increased pumpage. Eventually, if the ground-water system is sufficiently depleted, intermittent streamflow can occur. These problems are intensified in downstream areas that continue withdrawals from an already depleted system.

The potential for serious chemical degradation of both ground- and surface-water is increased when greater input of nutrients and other dissolved material is introduced into a system with reduced assimilative capacity. This undesirable situation can be anticipated and preventative measures adopted by establishing a competent hydrologic data base and acquiring a complete knowledge of the hydraulic characteristics of the system. This also will provide the foundation for development of mathematical models of the basin should they become necessary for making sound water-resource management decisions. When constructed, predictive model(s) can be used to simulate changes in surface water flows, ground-water levels, and water-quality to any imposed stress; such as new wells, change in water use (either municipal, agricultural, or rural), and increased or decreased natural recharge.

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The proposed investigation will provide an accurate and thorough assessment of the water resources of the upper Big Wood River basin. Included are a complete summary of all historic and current hydrologic and water-quality data, volumes of ground-water in storage, interaction between the surface- and ground-water systems, inventory of water use, areal and vertical

definition of the geologic units in the basin, and aquifer hydraulic characteristics. The study results can be used immediately in water-rights adjudication, planned urban (or rural) development, and hydrologic modeling.

FUNDING

	FY 1986	FY 1987
*Sun Valley Water & Sewer District	$39,350	$20,700
Direct Svc. Credit	7,500	5,000
U.S. Geol. Survey	46,850	25,700
TOTAL	$93,700	$51,400

*These funds are raised by Water Resources Foundation.

Direct Services Credits

1. Consulting services of staff engineers and other personnel.
2. Provision of historic ground- and surface-water data.
3. Assistance of field personnel in obtaining water samples.
4. Assistance of water-quality laboratory in sample analysis.
5. Technical review of report.

REFERENCES

Costelin, P.M., and Winner, J.E., 1975, Effects on Urbanization on the Water Resources of the Sun Valley-Ketchum Area, Blaine County, Idaho: Idaho Department of Water Resources Water Information Bulletin 40, 86 pages.

Luttrell, S.P., and Brockway, C.E., 1982, Impacts of individual on-site sewage disposal facilities on mountain valleys - phase 1: Research Technical Completion Report A-084-IDA, University of Idaho, Moscow, ID, 52 p.

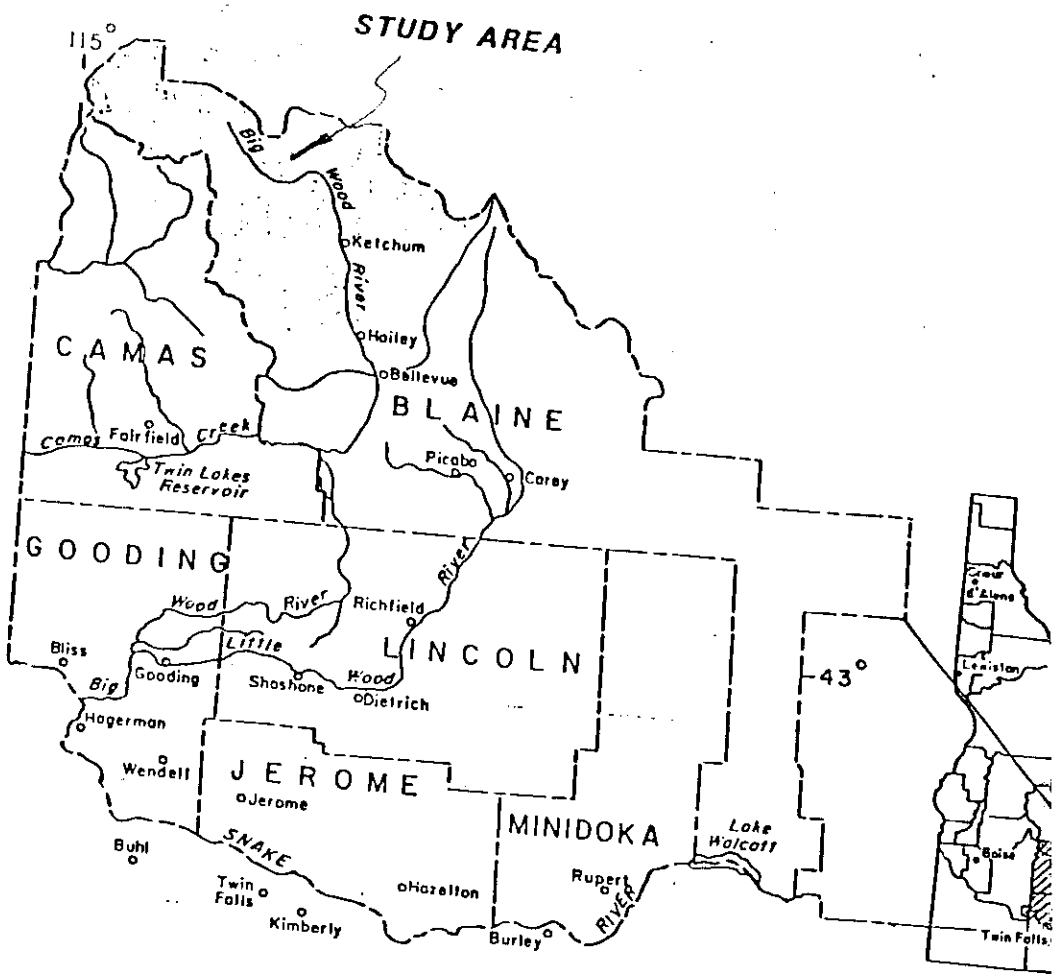
_____, 1984, Impacts of individual on-site sewage disposal facilities on mountain valleys - phase II - water quality considerations: Research Technical Completion Report WRIP/371403, University of Idaho, Moscow, ID, 74 p.

Smith, R.O., 1959, Ground-Water Resources of the Middle Big Wood River - - Silver Creek Area Blaine County, Idaho: U.S. Geological Survey Water Supply Paper 1478, 64 pages.

U.S. Geological Survey, 1984, Water Resources Data for Idaho, Water Year 1983: U.S. Geological Survey Water-Data Report ID-83-1, 515 pages.

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Figure 1. - Location of Study Area

This letter is in support of the U.S. Geological Survey Proposal. Dr. Brockway is a research hydrologist.

IDAHO WATER RESOURCES RESEARCH INSTITUTE
Morrill Hall, University of Idaho, Moscow, Idaho 83843 (208) 885-6429

Research and Extension Center
Route 1
Kimberly, Idaho 83341

July 15, 1985

Mr. Bruce Lium
P. O. Box 2679
Ketchum, Idaho 83340

RE: Water Resources Foundation meeting

Dear Bruce:

I will be unable to attend the special meeting on July 17th, since I will be out of town. I would like to comment on the need for the proposed study which Jerry Hughes of the USGS will be outlining.

First of all, this is an opportunity for the people of the Wood River Valley to evaluate the water resource needs and potential conflicts before problems become acute. In most cases, studies are required to obtain solutions to problems which already exist and, of course, the alternatives for solution are always limited under emergency situations. As you know, we have been pursuing funding for a thorough water resource inventory and evaluation for many years. Although there have been small studies addressing specific aspects of water resources, no comprehensive evaluation has been undertaken. I hope this potential study can come to fruition.

Specifically, the study, as outlined previously by the USGS, addresses the determination of basic water budget parameters for the stream aquifer system in Wood River. Of primary importance is the development of an adequate stream discharge and groundwater data base and provision for long-term maintenance of a monitoring program. Observation wells developed during previous studies by the University should be used wherever possible to extend the period of record on those wells both for ground-water levels and water table elevations.

Stream-aquifer relationships are vitally important since these relationships govern the potential for pollutant exchange as well as site specific water supply problems. Thorough and accurate water table and river water surface elevations are required, as well as reach-gain information. Specific water supply problems or potential problems could be addressed in the study, particularly the potential for shortage in the City of Sun Valley wells on Wood River during drought, and perhaps some attention given to the City of Hailey water supply problems.

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The University of Idaho is an equal opportunity/affirmative action employer and educational institution.

I would recommend additional effort in determining the configuration of the gravel aquifer at various cross-sections along the valley. This information, along with pump test data, allows more accurate determination of ground-water flow and total yield along the river. Geophysical procedures, although expensive, should be considered. Future conflicts will result because of excess demand over available supply. It is therefore important to address not only the available ground-water and surface water supplies, but to project future demands for domestic, industrial, and agricultural water use. These projections, including trends in changes in type of water use, have not been adequately addressed in any previous studies. Optimization of the resource requires evaluation of changes from agricultural to domestic use, or from agricultural to recreation or aesthetics.

Since the agreement between the State of Idaho and Idaho Power Company precipitated the adjudication of the Snake River and all tributaries, it may be possible that documentation of water rights in the Wood River Valley could be performed by the Idaho Department of Water Resources in conjunction with this study. This documentation, along with the resource inventory, would provide an excellent base for evaluation of current and potential conflicts, and future planning.

Sorry I cannot be with you. Have a good meeting.

Sincerely,

C. E. Brockway, P.E.

CEB:af

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SUN VALLEY Mountain Express

Sun Valley to Help Fund Water Study

Sept, 19, 1985

by Greg Moore

The Sun Valley Water and Sewer District Board of Trustees Monday agreed to place $5,000 in an escrow account to go toward a study of the Wood River Valley's water resources.

Fundraising for the study has been organized by the Water Resources Foundation, a local non-profit group headed by Bruce Lium. The study will be conducted by the U.S. Geological Survey.

The two-year study will cost $156,000, slightly more than half of which will be paid for by matching federal funds. The foundation will need to collect $39,350 for the first year's work, Lium told the County Commissioners last week.

Joe Humphrey, president of the Water and Sewer District, said in an interview that the district has committed the money only on the condition that the rest of the $39,350 is collected by December.

"The onus is still on the Water Resources Foundation to bring us the commitments from the other cities (in the Wood River Valley)," Humphrey said.

On Monday night, the Ketchum City Council expressed interest in the study. The council suggested that all Wood River Valley cities and the county government commit money toward the study based on the number of dwelling units in each.

The city of Hailey has already budgeted $5,000 toward the study.

The Water Resources Foundation is also accepting private contributions. For information, contact Bruce Lium at 726-4834.

Mountain Express

MORE FUNDS NEEDED

Dear Editor:

The Water Resouces Foundation in cooperation with the U.S. Geological Survey, the Sun Valley Water and Sewer District and governmental entities has raised approximately one half the needed funding for the Water Budget Inventory Study. We need a total of $39,350 for this first year of the study.

Further donations are urgently needed to support this project which is now underway by the field people of the U.S. Geological Survey, and it is our opinion that this now presents an opportunity for local businesses and residents to contribute their share. The study will present information to maintain our pristine environment which we all hold dear and design a sound water management procedures.

Expansion without knowing our exact water resources could be a hardship to us all. How can we continue expansion not knowing the quality and availability of our water resource.

We must choose now and show our best judgement in support of this vital information which the study will provide.

To show your concern and awareness send donations to: Dr. Bruce Lium, Director Water Resources Foundation, Inc., Box 2679, Ketchum, Idaho, 83340. 726-4834

Sincerely,

Bruce Lium

Ketchum

9/26/85

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Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
WILLIAM B. DILLON, III
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

600 S. WALNUT ST.
P.O. BOX 25
BOISE, IDAHO 83707
(208) 334-3715

October 31, 1985

Department of Water Resources
Statehouse
Boise, ID 83720

Re: Minimum Stream Flow Hearings: Big Wood River
East Fork Rock Creek
Warm River
Bitch Creek
Teton River

Gentlemen:

Please be advised that the Idaho Department of Fish and Game wishes to appear, present testimony and cross-examine witnesses at the minimum stream flow hearings set for the above-mentioned streams during the month of November.

Thank you.

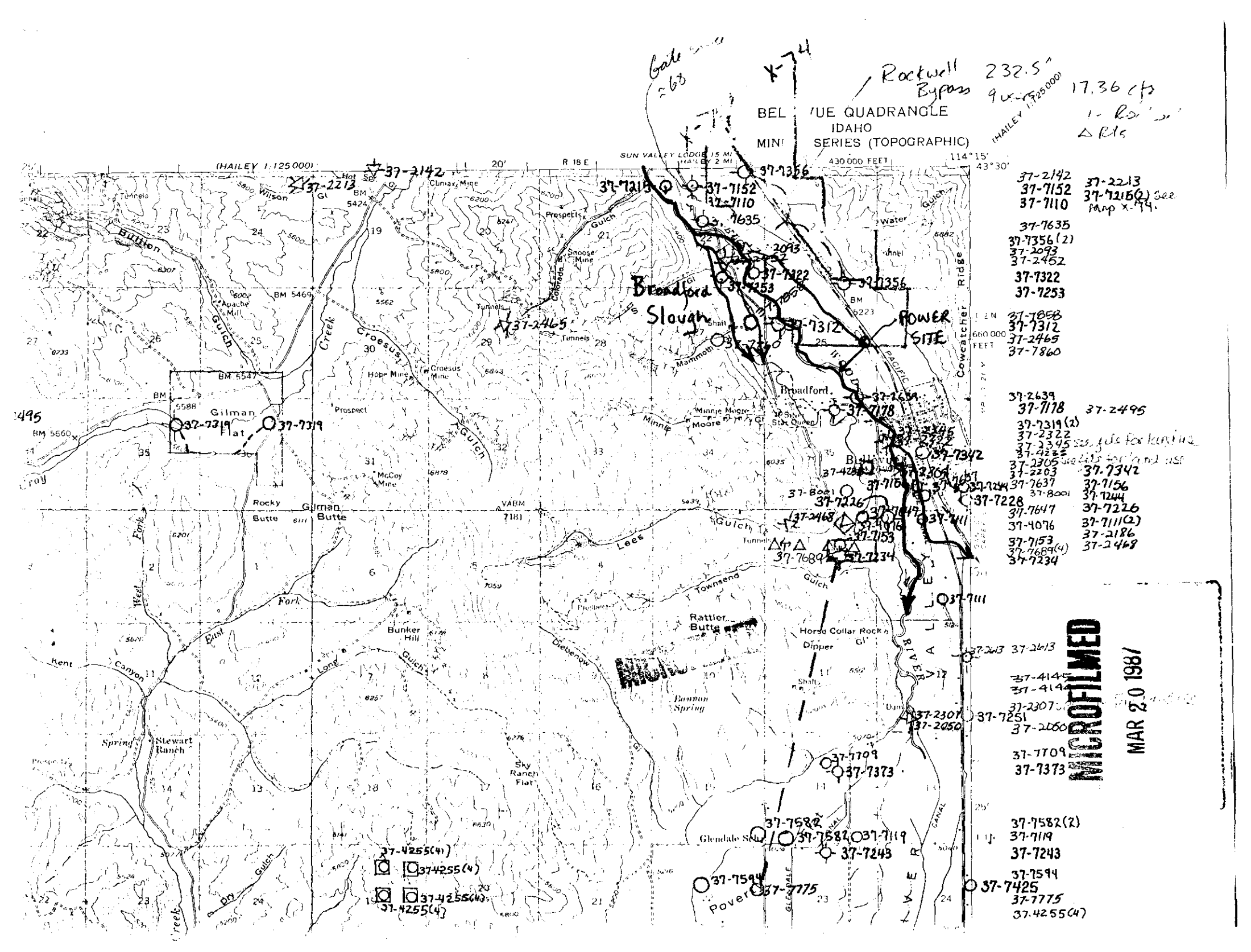
Sincerely,

William B. Dillon, III
Deputy Attorney General
Idaho Dept. of Fish and Game

WBD:tlv

cc: Regions 4, 5 and 6

FILMED
MAR 20 1987



Gale ~63

X-74

Rockwell Bypass 232.5' 9 ac-ft 17.36 cfs

(HAILEY 1:125000)

1 - Rd's
△ Rds

37-2142
37-2213
37-7152
37-7110(2) See Map X-74.
37-7635
37-7356(2)
37-2093
37-2462
37-7322
37-7253
37-7858
37-7312
37-2465
37-7860
37-2639
37-7178
37-2495
37-7319(2)
37-2322
37-2345 see refs for land use
37-2342
37-2305
37-2203
37-7342
37-7637
37-7156
37-8001
37-7244
37-7228
37-7647
37-7226
37-4076
37-7111(2)
37-7153
37-2186
37-7689(4)
37-2468
37-7234
37-7111
37-2613
37-4145
37-4144
37-2307
37-7251
37-2050
37-2060
37-7709
37-7373
37-7582(2)
37-7119
37-7243
37-7594
37-7425
37-7775
37-4255(4)

MICROFILMED
MAR 20 1987

Blaine County Planning & Zoning Commission

Box 149, Hailey, Idaho 83333
(208) 788-4665

October 21, 1985

David R. Tuthill Jr., P.E.
Western Region Manager
Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Blaine County requests that they be a formal participant at your minimum stream flow hearing here in Hailey on November 13.

The County's representative will either be one of the Board of County Commissioners or myself.

Sincerely,

Ed Nigbor

Ed Nigbor
Planning Director

EN:rr

MICROFILMED
MAR 20 1987

RECEIVED
OCT 2 1 1985
Department of Water Resources
Western Regional Office

Dear

RECEIVED
NOV 4 1985
Department of Water Resources

Nov. 1, 1985

Department of Water Resource
Statehouse
Boise Idaho 83720

Dear Sirs:

I wish to become a full party in the hearing on minimum stream flow application on the Big Wood River requested by the Idaho Dept. of Fish and Game.

I will attend the hearing scheduled for Nov. 13, 1985 in Hailey at the Sheriff's Office at 1:30 P.M.

Thank you for this opportunity to participate.

Sincerely yours,

Robert H. Sherwood

Attorney in Fact for

Helen M. Fassett Property Owner

River's Edge Ranch
Box 273
Sun Valley, Idaho 83353

726-3300

MICROFILMED
MAR 20 1987

RECEIVED
NOV 4 1985
Department of Water Resources
Western Region

CONVERSATION MEMORANDUM

DATE 11/11

FILE 37-7919

NAME OF PARTY Ted Divine

EMPLOYEE D. Tuthill

RE: Wishes to present testimony at the hearing tomorrow.

✓ Done

Form 202
3/78

Ident. No. 37-7866

10/24/1983
ASSIGNED TO:
Consolidated Power Company
Div. of Rotomatic Irrigators, Inc.
P.O. Box 133
Bellevue, ID 83313

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APPROVED

1. Name of applicant T. C. Divine Phone 788-2785

Post office address Box 133, Bellevue, Idaho, 83313

2. Source of water supply Big Wood River which is a tributary of Malad River*

*kw 5/1/8

3. Location of point of diversion is NE ¼ of SE ¼ of Section 22 Township 2N

Range 18E B.M. Blaine County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

Amount 75.0 (cfs or acre-feet per annum) for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

a. 75.0 cubic feet per second and/or b. ____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete structure will divert to Kohler ditch Assoc. ditch which is in existance today. Powerplant will be located on this ditch. Water will be returned to Big Wood River.

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: SE ¼ of NE ¼ of Section 26 Township 2N Range 18E B.M.

      (2) Amount of power to be generated: 100 horsepower under 25 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: ____

FILMED
MAR 20 1984

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. _____

Site is old Idaho Power Co. site which has been abandoned around 1949

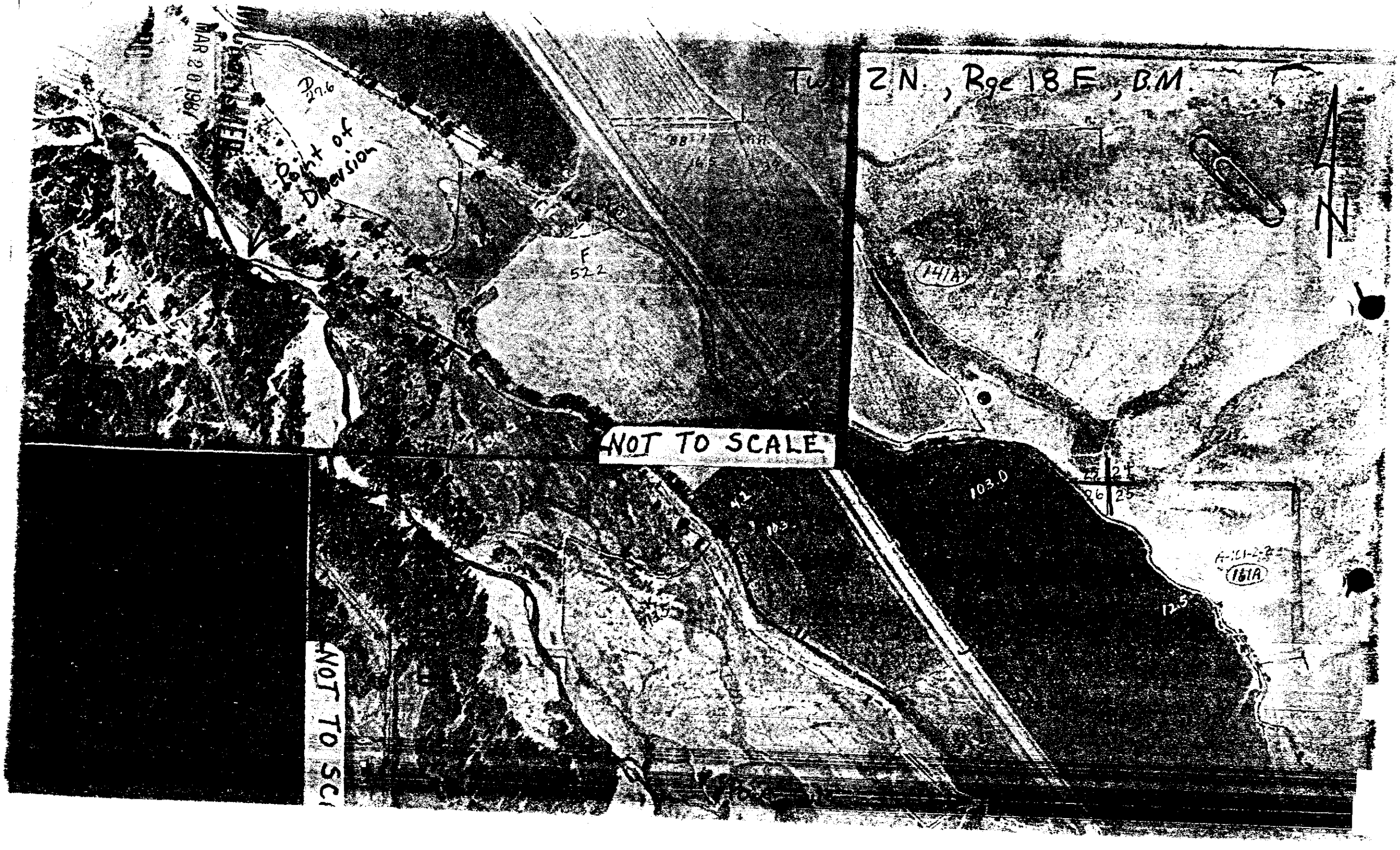
9. a. Who owns the property at the point of diversion Spencer Eccles or Wallace Young

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Existing easement for Irrigation ditch which will be used to deliver the water to power site.

10. Remarks

MICROFILMED
MAR 20 1987


Point of Diversion
NOT TO SCALE
Two
2N., Rge 18E., B.M.
NOT TO SCALE

Proposed Priority 11/14/80

Received by ADM Date 11/14/80 Time 2:30 p.m.

Preliminary check by JA Fee $ 975.00 #16675

Receipted by macya Date 11/14/80

Publication prepared by macya Date 11/19/80

Published in Wood River Journal

Publication dates 12/4 & 12/11/80

Publication approved macya Date 12/18/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by EK RK

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. 37-7866, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1989

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:
Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

e. Use of water under this permit shall be non-consumptive.

f. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

g. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

h. Use of water under this permit is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

i. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty (30) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

j. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

k. Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

l. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 3rd day of August, 1984.

SEE ATTACHED SHEET FOR CONDITION m.

Norman C. Young
Administrater

MICROFILMED MAR 20 1981

ATTACHMENT

To Conditions of Approval for Permit 37-7866

m. Diversion of water under this permit is subject to the provisions of minimum stream flow water right No. 37-7919, Big Wood River, which may require that as much at 70.0 cfs be allowed to remain undiverted from the source.

Witness my hand this 3RD day of August, 1984.

Norman C Young
Administrator

MICROFILMED
MAR 20 1987

MICROFILMED

Form 202
3/78

Ident. No. 37-8159

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho APPROVED

1. Name of applicant CONSOLIDATED POWER COMPANY Division Of ROTOMATIC IRRIGATORS, INC. Phone (208) 788-2785

Post office address P. O. BOX 133, BELLEVUE, IDAHO 83313

2. Source of water supply BIG WOOD RIVER which is a tributary of MALAD RIVER

3. Location of point of diversion is NE ¼ of SE ¼ of Section 22 Township 02N

Range 18E B.M. BLAINE County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

Amount 250 CFS (cfs ~~or acre-feet per annum~~) for POWER purposes from 01/01 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. 250 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. EXISTING DIVERSION ON BIG WOOD RIVER, FEEDER CANAL, SURGE POND, AND RETURN FLOW CANAL OF THE KOHLER (43-44) LATERAL DITCH WATER USER'S ASSOCIATION LOCATED JUST NORTH OF BELLEVUE, IDAHO.

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: SE ¼ of NE ¼ of Section 26 Township 02N Range 18E B.M.

      (2) Amount of power to be generated: 460 Kw ~~horsepower~~ under 32.6 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: _____

MICROFILMED MAR 20 1981

MICROFILMED

b. If water is for irrigation, inuicate 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. _____

Permit No. 37-7866 (75.00 CFS)

9. a. Who owns the property at the point of diversion Kohler (43-44) Lateral Ditch Water User's Association Right-of-Way

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

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

10. Remarks Please refer to the APPLICATION FOR EXEMPTION OF SMALL HYDROELECTRIC PROJECT FROM LICENSING FOR THE KIRTLEY-YORK HYDROELECTRIC PROJECT forwarded to the Idaho Department of Water Resources by cover letter April 11, 1983

MICROFILMED
MAR 20 1987

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

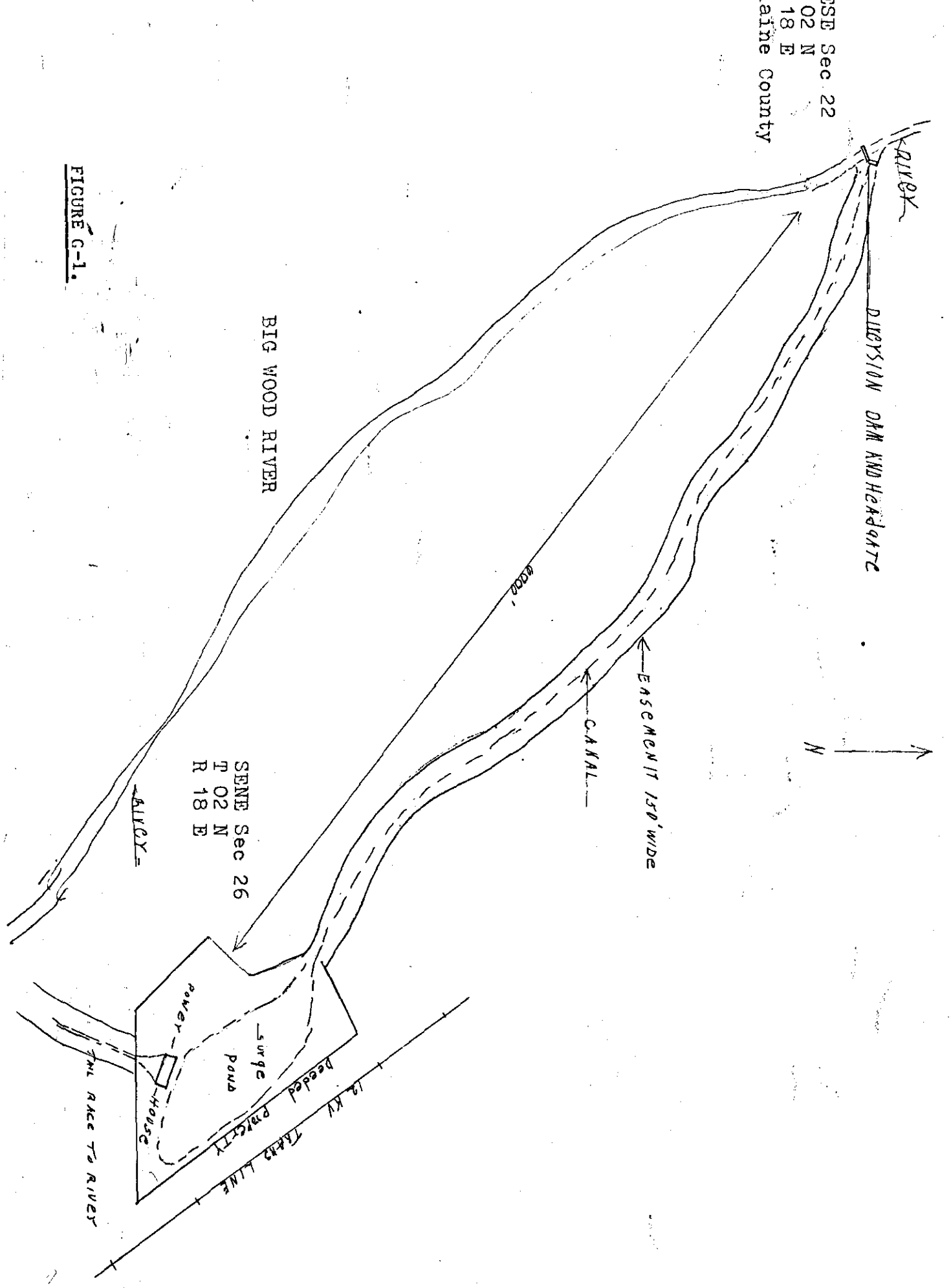


FIGURE G-1.

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.

CONSOLIDATED POWER COMPANY
Division Of
ROTOMATIC IRRIGATORS, INC.

BY: Ted C Divine
(Applicant)
Ted C. Divine, President

MICROFILMED
MAR 20 1987

MICROFILMED

MICROFILMED

Proposed Priority 10/11/83

Received by KK Date 10/11/83 Time 11:20 AM

Preliminary check by KF Fee $ 1975.00 #32900

Receipted by KK Date 10/11/83

Publication prepared by mcye Date 11/16/83

Published in wood river journal

Publication dates 11/24/83 & 12/1/83

Publication approved mcye Date 12/6/83

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by ADR KW

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. 37-8159, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 89.

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:
Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

e. Use of water under this permit shall be non-consumptive.

f. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

g. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

h. Use of water under this permit is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

i. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty (30) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

j. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

k. Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

See attached sheet for conditions l and m.

MICROFILMED
MAR 20 1987

Witness my hand this 30th day of August, 1984.

Norman C. Young
Administrator
DRT

ATTACHMENT

To Conditions of Approval for Permit 37-8159

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

m. Diversion of water under this permit is subject to the provisions of minimum stream flow water right No. 37-7919, Big Wood River, which may require that as much as 70.0 cfs be allowed to remain undiverted from the source.

Witness my hand this 2nd day of August, 1984.

Norman C Young

Administrator

MICROFILMED
MAR 20 1987

MICROFILMED

CONVERSATION MEMORANDUM

DATE 10/28/85

FILE 39-7919

NAME OF PARTY Ed Nigbor (See Attached Letter dated 10/24/85)

EMPLOYEE Dave Tuthill

RE: Attached Letter

I called Mr Nigbor to clarify a few items with respect to his letter, as follows:

1. Difference between IDWR & IWRB
2. IWRB has been assigned by the legislature as the trustee, not IDWR
3. Flow of 70 cfs was originally requested by IDFG.
4. At issue is 70 cfs - does he really want to show why this is "not in the public interest"?

Mr. Nigbor is interested in protecting more than 70 cfs in the river.

(Discussed with Norm on 10/29/85 DRT)

EGB

Blaine County Planning & Zoning Commission

Box 149, Hailey, Idaho 83333
(208) 788-4665

RECEIVED
OCT 28 1985
Department of Water Resources
Western Regional Office

October 24, 1985

IMPORTANT -- PLEASE READ!!

Notice of public hearing by the Department of Water Resources Board to establish a minimum stream flow of 70 cfs for the Big Wood River from Warm Springs Creek and south 18 miles (to the Bellevue area). The purpose they have given is "trout propogation." Hearing will be held at 1:30 p.m. on Wednesday, November 13 at the Old County Courthouse.

You are receiving this letter because you were involved in the Blaine County Commissioners hearing last June on the Ted Divine hydro-electric project. Obviously, you are concerned with the protection of the Big Wood River. If this minimum stream flow is established, it could mean that other projects could be permitted and be allowed to take out all but 70 cfs -- this flow does not a river make.

Once again, public support and opinion must be raised to protect the Big Wood River. It must be shown that the river's recreation uses, fish and game habitat, aesthetices, water quality and economic values must be preserved. That is in the public interest of the people of Idaho, for whom the Department of Water Resources is the trustee.

The Department of Fish and Gime will state that 70 cfs is not adequate for maintaining fish habitat. Those of you who plan on testifying or sending in a letter need to give sound, objective reasons why 70 cfs minimum stream flow is not in the public interest. You may speak to subjects such as stream environment, fish and wildlife habitat, aesthetics, recreation, economic activities, harmful impacts to the public and to individuals, aquatic life and water quality. Be as factual as you can -- numbers make an impression.

Feel free to call me at the office at 788-4665, or home at 788-2639 if you have any questions. The local newspapers will also be covering the story.

REMEMBER -- WEDNESDAY, NOVEMBER 13 AT 1:30 P.M. UPSTAIRS IN THE OLD COUNTY COURTHOUSE

MICROFILMED
MAR 20 1987

Ed Nigbor
Planning Director

MICROFILMED

PREPARED ON
11/11/85 BY ROBERTA GARRETT

SOURCE SEARCH BY BIG WOOD RIVER
POD WITHIN REACH OF 02N OR GREATER

NUMBER	DATE	FLOW RATE	USE	TRACT	SEC	TWP	RGE
37-0509	1-Jun-1884	4.000	01	SWNW	36	02N	18E
37-0510	15-Oct-1884	2.800	01	SWNW	36	02N	18E
37-0494	1-May-1886	2.000	01	NENE	18	03N	18E
37-0495	1-Jul-1892	2.800	01	NENE	18	03N	18E
37-0496	1-Jul-1883	4.000	01	NENE	18	03N	18E
37-0497	1-Jul-1892	2.000	01	NENE	18	03N	18E
37-0004	24-Mar-1883	2.100	01	SWNW	20	03N	18E
37-0005	10-Mar-1883	3.000	01	NESE	22	02N	18E
			01	SENE	26	02N	18E
37-0024	24-Mar-1883	3.200	01	SWNW	20	03N	18E
37-0028	24-Mar-1883	2.000	40	SWNW	20	03N	18E
37-0033	1-Jul-1887	0.840	01	NWSE	26	02N	18E
37-0048	1-May-1887	4.000	01	NWSW	29	04N	18E
37-0081	1-Jun-1884	4.000	01	SENW	19	04N	18E
37-0102A	1-Jun-1887	1.200	01	SWNW	36	02N	18E
37-0102B	1-Jun-1887	6.800	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0103	1-Aug-1884	3.200	01	SWNW	36	02N	18E
37-0111	17-Apr-1883	0.060	01	SWNW	36	02N	18E
37-0112	20-Jun-1884	0.640	01	SWNW	36	02N	18E
37-0113A	10-Jul-1884	0.600	01	NWSE	16	02N	18E
37-0113B	10-Jul-1884	8.000	01	NWSE	16	02N	18E
37-0113D	10-Jul-1884	3.000	01	NWSE	16	02N	18E
37-0113E	10-Jul-1884	1.000	01	NWSE	16	02N	18E
37-0113F	10-Jul-1884	1.160	01	NWSE	16	02N	18E
37-0113H	10-Jul-1884	0.240	01	NWSE	16	02N	18E
37-0113J	10-Jul-1884	0.240	01	NWSE	16	02N	18E
37-0113K	10-Jul-1884	0.660	01	NWSE	16	02N	18E
37-0114	1-May-1886	15.000	01	SWNW	36	02N	18E
37-0115B	12-Jun-1886	3.200	01	SWNW	36	02N	18E
37-0115C	12-Jun-1886	3.000	01	SWNW	36	02N	18E
37-0115D	12-Jun-1886	3.200	01	SWNW	36	02N	18E
37-0115E	12-Jun-1886	5.600	01	SWNW	36	02N	18E
37-0116	2-Jun-1890	0.140	01	SWNW	36	02N	18E
37-0117	1-May-1902	6.000	01	SWNW	36	02N	18E
37-0154A	13-Dec-1887	9.560	01	NWSW	29	04N	18E
37-0154B	13-Dec-1887	0.440	01	SESE	06	03N	18E
37-0155	12-Apr-1883	1.600	01	SWNE	16	02N	18E
37-0156	1-May-1887	0.800	01	SENW	09	02N	18E
37-0158B	1-Jul-1881	0.400	01	SWNE	16	02N	18E
37-0158C	1-Jul-1881	0.600	01	NWNE	12	04N	17E
37-0158D	1-Jul-1881	1.000	01	SWNW	36	02N	18E
37-0183	1-May-1888	4.200	01	SWNW	20	03N	18E
			01	SWNW	20	03N	18E
37-0191	30-Apr-1889	2.860	01	SWNW	20	03N	18E
37-0234A	15-Jun-1884	0.400	01	SWNW	36	02N	18E
37-0234B	15-Jun-1884	1.600	01	SWNW	36	02N	18E
37-0235A	15-Jun-1883	1.000	01	SWNW	36	02N	18E
37-0235B	15-Jun-1883	1.000	01	SWNW	36	02N	18E
37-0236	15-Jun-1884	4.000	01	SWNW	36	02N	18E
37-0274	1-Jun-1885	0.800	01	NWSE	01	04N	17E
37-0276B	1-Jun-1885	3.200	01	NWSE	01	04N	17E
37-0276D	1-Jun-1885	0.040	01	NENE	15	05N	17E
37-0276F	1-Jun-1885	0.140	01	NWNW	14	05N	17E
37-0276H	1-Jun-1885	0.100	01	NWNW	14	05N	17E

MICROFILMED
MAR 20 1987

37-0298A	18-Sep-1885	1.000	01	SWNW	20	03N	18E
			43	SWNW	20	03N	18E
37-0298B	18-Sep-1885	3.000	01	SWNW	36	02N	18E
37-0308	14-May-1886	1.600	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0310A	24-Mar-1883	0.400	01	SWNW	20	03N	18E
37-0310B	24-Mar-1883	0.400	01	SESE	06	03N	18E
37-0316A	15-Oct-1884	0.320	01	SWNW	36	02N	18E
37-0332	1-Jul-1887	1.000	01	SWSE	26	02N	18E
37-0334D	30-Jun-1884	2.000	01	SWNW	20	03N	18E
			43	SWNW	20	03N	18E
37-0353A	12-Jun-1886	6.000	01	SWNW	36	02N	18E
37-0353B	12-Jun-1886	0.400	01	SWNW	36	02N	18E
37-0363A	12-Apr-1883	1.040	01	SENW	09	02N	18E
37-0364A	1-May-1887	0.000	01	SENW	09	02N	18E
37-0402	26-Nov-1886	4.000	01	SWNW	20	03N	18E
37-0418A	23-Jun-1883	3.400	01	SWNW	36	02N	18E
37-0418B	23-Jun-1883	0.600	43	NESE	22	02N	18E
			43	SENE	26	02N	18E
			01	NESE	22	02N	18E
			01	SENE	26	02N	18E
37-0419A	2-Aug-1889	1.800	01	SWNW	36	02N	18E
37-0419B	2-Aug-1889	0.180	01	NESE	22	02N	18E
			01	SENE	26	02N	18E
37-0451	15-Aug-1889	2.400	01	SWNW	20	03N	18E
37-0459	1-Jun-1900	1.200	01	NWSW	29	04N	18E
37-0475	17-Apr-1883	0.440	01	SWNW	36	02N	18E
37-0476	20-Jun-1884	3.860	01	SWNW	36	02N	18E
37-0477	2-Jun-1890	0.860	01	SWNW	36	02N	18E
37-0480	15-Jun-1891	20.000	01	SWNW	36	02N	18E
37-0481	1-Aug-1882	20.000	01	SWNE	16	02N	18E
			01	SWNW	36	02N	18E
37-0482A	1-Aug-1884	18.500	01	SWNE	16	02N	18E
			01	SWNW	36	02N	18E
37-0483	1-Aug-1902	100.000	01	SWNW	20	03N	18E
			01	SWNE	16	02N	18E
			01	SWNW	36	02N	18E
37-0501A	1-May-1886	4.800	01	SWNW	36	02N	18E
37-0501B	1-May-1886	0.400	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0501C	1-May-1886	2.000	01	SWNW	36	02N	18E
37-0501D	1-May-1886	0.800	01	SWNW	36	02N	18E
37-0521B	1-Jun-1886	3.200	01	SWNE	29	03N	18E
			01	NWNE	32	03N	18E
37-0521C	1-Jun-1886	3.800	01	SWNE	29	03N	18E
			01	NWNE	32	03N	18E
37-0522A	4-May-1889	4.200	01	SWNW	20	03N	18E
			01	SWNE	29	03N	18E
			01	NWNE	32	03N	18E
37-0522B	4-May-1889	2.800	01	SWNW	20	03N	18E
			01	SWNE	29	03N	18E
			01	NWNE	32	03N	18E
37-0523A	21-May-1890	3.600	01	SWNW	20	03N	18E
			01	SWNE	29	03N	18E
			01	NWNE	32	03N	18E
37-0523B	21-May-1890	2.400	01	SWNW	20	03N	18E
			01	SWNE	29	03N	18E
			01	NWNE	32	03N	18E
37-0537	15-May-1882	0.400	01	NWSW	22	02N	18E
			01	NENE	27	02N	18E
37-0538	15-May-1891	3.600	01	NWSW	22	02N	18E
			01	NENE	27	02N	18E
37-0554		0.000	11	SESW	20	03N	18E

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37-0555		0.000	47	SESW	20	03N	18E
37-0557	15-May-1884	1.000	01	NWNE	32	03N	18E
37-0558	1-Jun-1886	2.000	01	NWNE	32	03N	18E
37-0559	1-Jun-1888	3.600	01	NWNE	32	03N	18E
37-0562A	10-May-1887	2.363	01	SENW	09	02N	18E
37-0562B	10-May-1887	2.038	01	SENW	09	02N	18E
37-0577AC	24-Mar-1883	2.400	01	NWNW	36	02N	18E
			43	NWNW	36	02N	18E
37-0577AE	24-Mar-1883	1.006	01	SWNW	20	03N	18E
			43	SWNW	20	03N	18E
37-0577AH	24-Mar-1883	1.580	19	NENE	18	03N	18E
			46	NENE	18	03N	18E
			52	NENE	18	03N	18E
37-0577AK	24-Mar-1883	0.200	01	NENW	32	03N	18E
37-0577AP	24-Mar-1883	1.430	01	SWNW	36	02N	18E
37-0577AQ	24-Mar-1883	0.400	01	SWNE	16	02N	18E
37-0577AT	24-Mar-1883	0.350	01	SWNE	16	02N	18E
37-0577AX	24-Mar-1883	0.100	01	SWNW	20	03N	18E
37-0577BA	24-Mar-1883	12.516	01	SWNW	20	03N	18E
37-0577H	24-Mar-1883	6.000	01	SWNW	20	03N	18E
37-0577K	24-Mar-1883	2.000	01	SWNW	36	02N	18E
37-0577M	24-Mar-1883	1.600	01	SWNW	36	02N	18E
37-0577P	24-Mar-1883	4.000	01	SWNW	36	02N	18E
37-0577R	24-Mar-1883	5.000	01	NENW	16	02N	18E
37-0577T	24-Mar-1883	1.000	01	NENE	18	03N	18E
			43	NENE	18	03N	18E
37-0577V	24-Mar-1883	1.000	01	NENE	18	03N	18E
			43	NENE	18	03N	18E
37-0577X	24-Mar-1883	1.000	01	SWNW	20	03N	18E
			43	SWNW	20	03N	18E
37-0577Y	24-Mar-1883	2.800	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0578B	2-May-1884	0.200	01	NENW	35	02N	18E
37-0578C	2-May-1884	0.100	01	NENW	35	02N	18E
37-0578D	2-May-1884	0.700	01	NENW	35	02N	18E
37-0579	2-Jun-1888	0.500	01	NWSW	26	02N	18E
			01	SWSE	26	02N	18E
37-0590A	1-May-1886	4.000	01	SWNW	36	02N	18E
37-0590B	1-May-1886	1.000	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0597A	1-May-1886	1.600	01	SWNW	36	02N	18E
37-0597B	1-May-1886	0.700	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0645	10-May-1887	2.000	01	SENW	09	02N	18E
37-0648A	30-Apr-1889	9.580	01	SWNW	20	03N	18E
37-0648B	30-Apr-1889	8.560	01	SWNW	20	03N	18E
37-0657	1-May-1881	3.200	01	SESW	20	03N	18E
			01	NWSE	29	03N	18E
			01	SWNW	20	03N	18E
37-0658	15-Jun-1891	4.000	01	SESW	20	03N	18E
			01	NWSE	29	03N	18E
			01	SWNW	20	03N	18E
37-0659	15-Jul-1889	1.800	01	SWNW	20	03N	18E
37-0664	10-Jul-1884	4.400	01	SWNW	36	02N	18E
37-0665B	15-Oct-1884	0.360	01	SWNW	36	02N	18E
37-0665C	15-Oct-1884	24.640	01	SWNW	36	02N	18E
37-0665D	15-Oct-1884	1.000	01	SWNW	36	02N	18E
37-0666A	12-Jun-1886	17.660	01	SWNW	36	02N	18E
37-0666B	12-Jun-1886	0.340	01	SWNW	36	02N	18E
37-0667B	15-Jun-1891	4.800	01	SWNW	36	02N	18E
37-0667C	15-Jun-1891	3.200	01	SWNW	36	02N	18E
37-0667D	15-Jun-1891	6.400	01	SWNW	36	02N	18E
37-0667E	15-Jun-1891	20.900	01	SWNW	36	02N	18E

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37-0685	15-Oct-1884	6.400	01	SWNW	36	02N	18E
37-0689A	15-Jul-1885	0.400	01	SENW	22	02N	18E
37-0705	31-May-1883	2.000	01	NESE	16	02N	18E
			43	NESE	16	02N	18E
37-0713A	10-Jun-1880	1.000	01	SENW	22	02N	18E
37-0713B	10-Jun-1880	3.000	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0833D	12-Nov-1936	0.200	01	NWSE	12	04N	17E
37-0833E	12-Nov-1936	0.200	01	SWSW	29	04N	18E
37-0833F	12-Nov-1936	1.300	01	SWNW	36	02N	18E
37-0833J	12-Nov-1936	1.660	01	SWNE	16	02N	18E
37-0833K	12-Nov-1936	0.750	01	NENE	18	03N	18E
37-0862	1-May-1883	3.200	01	SESW	20	03N	18E
			43	SESW	20	03N	18E
37-0881	1-May-1901	3.600	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-0885	1-Jul-1883	1.400	01	NWSE	26	02N	18E
37-0886B	1-Jun-1884	0.112	01	NESE	16	02N	18E
37-0886D	1-Jun-1884	0.128	01	SWNW	36	02N	18E
37-0886E	1-Jun-1884	1.160	01	NESE	22	02N	18E
37-0886F	1-Jun-1884	0.600	01	SWNW	36	02N	18E
37-0892B	1-Sep-1920	3.184	01	NWSE	01	04N	17E
37-0896	1-Apr-1940	0.073	01	SWNW	20	03N	18E
37-0897	1-Apr-1940	0.029	01	SWNW	20	03N	18E
37-0898	1-Apr-1940	2.907	01	SWNW	20	03N	18E
37-0899	1-Apr-1940	0.996	01	SWNW	20	03N	18E
37-0900	1-Apr-1940	2.980	01	SWNW	20	03N	18E
37-0901	1-Apr-1940	0.727	01	SWNW	20	03N	18E
37-0902	1-Apr-1940	0.582	01	SWNW	20	03N	18E
37-0903	1-Apr-1940	0.065	01	SWNW	20	03N	18E
37-0904	1-Apr-1940	2.176	01	SWNW	20	03N	18E
37-0905	1-Apr-1940	5.799	01	SWNW	20	03N	18E
37-0906	1-Apr-1940	1.039	01	SWNW	20	03N	18E
37-0907	1-Apr-1940	0.959	01	SWNW	20	03N	18E
37-0908	1-Apr-1940	0.040	01	SWNW	20	03N	18E
37-0909	1-Apr-1940	0.182	01	SWNW	20	03N	18E
37-0910	1-Apr-1940	4.645	01	SWNW	20	03N	18E
37-0911	1-Apr-1940	0.436	01	SWNW	20	03N	18E
37-0912	1-Apr-1940	1.454	01	SWNW	20	03N	18E
37-0913	1-Apr-1940	0.264	01	SWNW	20	03N	18E
37-0914	1-Apr-1940	0.116	01	SWNW	20	03N	18E
37-0915	1-Apr-1940	0.327	01	SWNW	20	03N	18E
37-0916	1-Apr-1940	0.036	01	SWNW	20	03N	18E
37-0917	1-Apr-1940	2.544	01	SWNW	20	03N	18E
37-0918	1-Apr-1940	0.095	01	SWNW	20	03N	18E
37-0919	1-Apr-1940	0.545	01	SWNW	20	03N	18E
37-0920	1-Apr-1940	0.023	01	SWNW	20	03N	18E
37-0921	1-Apr-1940	0.2	01	SWNW	20	03N	18E
37-0922	1-Apr-1940	0.756	01	SWNW	20	03N	18E
37-0923	1-Apr-1940	0.218	01	SWNW	20	03N	18E
37-1193	1-Apr-1940	0.182	01	SWNW	20	03N	18E
37-2450	17-Jun-1935	0.400	10	SESW	36	05N	17E
			43	SESW	36	05N	17E
37-4265	1-Jan-1939	4.000	16	SENE	30	04N	18E
37-4422	10-Jun-1880	0.860	01	SWNW	36	02N	18E
37-7733	7-Sep-1978	0.400	44	NWNE	30	04N	18E
37-7791	19-Jul-1979	0.020	01	SESW	20	03N	18E
37-7866	14-Nov-1980	75.000	28	NESE	22	02N	18E
37-8159	11-Oct-1983	250.0	28	NESE	22	02N	18E
37-8248	20-Sep-1985	10.000	46	SWNE	12	04N	17E
37-0577BC	24-Mar-1883	15.404	01	SWNW	20	03N	18E
37-2011	12-Dec-1904	150.000	28	NESE	05	02N	18E
37-2093	26-Nov-1907	220.000	28	NESE	22	02N	18E

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37-2133	28-Apr-1962	0.400	01	NESW	19	03N	18E
			43	NESW	19	04N	18E
37-2238	10-Jun-1912	1.600	01	SENE	15	03N	17E
			43	SENE	15	03N	17E
37-2305	20-Jan-1915	0.640	01	NESW	36	02N	18E
			43	NESW	36	02N	18E
37-2322	1-Nov-1915	0.400	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-2345	12-Feb-1917	12.520	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-2483	10-Apr-1947	244.000	01	SWNW	36	02N	18E
			43	SWNW	36	02N	18E
37-2784	3-Jan-1967	0.000	02	SWNE	10	02N	18E
			03	SWNE	10	02N	18E
37-7196	17-Jan-1973	0.020	01	NWSW	09	02N	18E
37-7822	25-Mar-1980	20.000	46	NESE	06	03N	18E
			46	SWSE	06	03N	18E
			52	NESE	06	03N	18E
			52	SWSE	06	03N	18E
37-7836	4-Jun-1980	10.000	46	SWNW	32	04N	18E
			52	SWNW	32	04N	18E
37-7919	19-Jun-198[illegible]	70.000	34	SWNW	36	02N	18E
			34	SENW	13	04N	18E

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```
$!  ----------WAT  GHTS USER LOGIN COMMAND F  E----------                    P6RM
$!                    JSER: WRUSERS.WRSTATE.WRGARRETT
$!
$!  set user-requested default protection--
$       SET PROT=(S:RWED,O:RWED,G:RWE,W)/DEFAULT
$!
$!  check mode - exit if not interactive--
$       MODE = F$MODE()
$       IF MODE .NES. "INTERACTIVE" THEN EXIT
$!  THIS COM FILE IS USED TO SUBMIT BATCH DTR PROCEDURES
$!
$!
$!
$SET DEFAULT WATERA:[WRUSERS.WRSTATE.WRGARRETT]
$ ASSIGN "CDD$TOP.WATERA.WRUSERS.WRSTATE.WRGARRETT" CDD$DEFAULT
$MCR DTR32
VAX Datatrieve V3.1
DEC Query and Report System
Type HELP for help
PROCEDURE SOURCE_TWP
DECLARE SRCE                PIC X(25).
DECLARE HOLD_RIGHT          PIC X(7).
DECLARE FLOW_RATE           PIC X(10).
DECLARE TWP                 PIC XXX.
DECLARE TWN_NBR             PIC XXX.
DECLARE DIRECTION           PIC X.
ON *,"the filename (TT for screen display)"
BEGIN
SRCE = *,"The source"
TWP = *," The township"
TWN_NBR = FN$STR_EXTRACT(TWP,1,2)
DIRECTION = FN$STR_EXTRACT(TWP,3,1)
    PRINT SKIP 3, COL 18: "SOURCE SEARCH BY " | SRCE,
          SKIP, COL 17, "POD WITHIN REACH OF "|TWP|" OR GREATER",
          SKIP 2, COL 2, "NUMBER", COL 19, "DATE", COL 30, "FLOW RATE",
                  COL 49, "USE",
                  COL 55: "TRACT", COL 63, "SEC", COL 68, "TWP",
                  COL 73: "RGE", SKIP 1
  FOR D_RSOURTRIB MEMBER ALL_SOURTRIB WITH WR_SOURCE = SRCE
  BEGIN
    FOR D_JSOURTRIB MEMBER SSOU_MAS
    BEGIN
      FOR D_RMASTER OWNER SMAS_SOU
      BEGIN
        FOR D_JWATERUSE MEMBER SMAS_WAT
        BEGIN
          FOR D_RWATERUSE OWNER SWAT_MAS
          BEGIN
            FOR D_JPOD MEMBER SMAS_POD
            BEGIN
              FOR D_RPOD OWNER SPOD_MAS
              BEGIN
                IF FN$STR_EXTRACT(POD_TOWNSHIP,3,1) EQ DIRECTION THEN
                BEGIN
                  IF FN$STR_EXTRACT(POD_TOWNSHIP,1,2) GE TWN_NBR THEN
                  BEGIN
                   IF HOLD_RIGHT = RIGHT_NUMBER THEN
                   PRINT COL 50, WATER_USE_CODE(-),
                         COL 54, POD_TRACT (-),
                         COL 63, POD_SECTION(-),
                         COL 68, POD_TOWNSHIP (-),
                         COL 73, POD_RANGE (-) ELSE
                   PRINT COL 1, BASIN (-), COL 3, "-", COL 4, RIGHT_NUMBER (-),
```

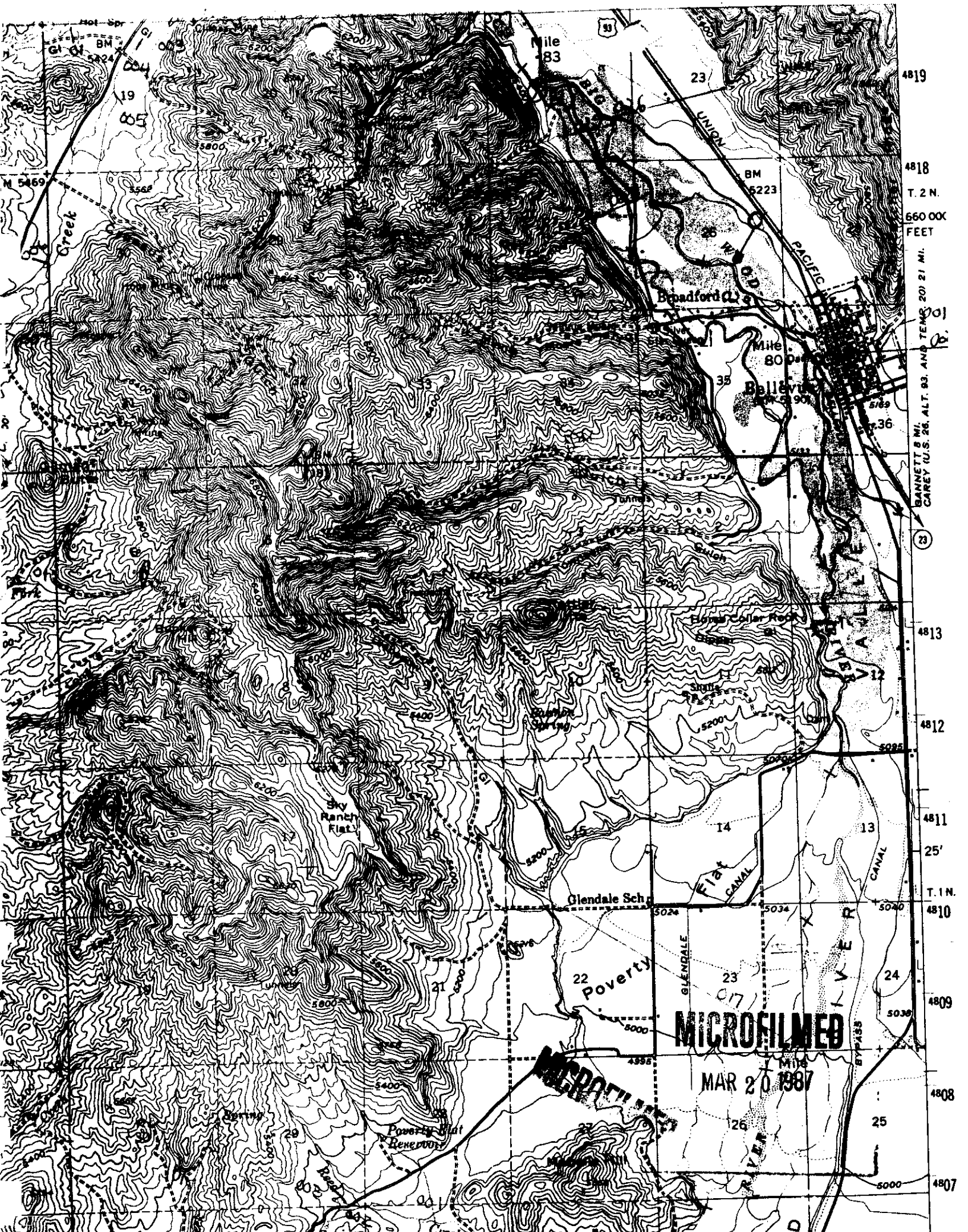
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```
                        COL 15, PRIORITY_DATE (-),
                        COL 28, TOTAL_DIVERSION_RATE ),
                        COL 50, WATER_USE_CODE (-),
                        COL 54, POD_TRACT (-),
                        COL 63, POD_SECTION (-),
                        COL 68, POD_TOWNSHIP (-),
                        COL 73, POD_RANGE (-)
                    END
                     HOLD_RIGHT = RIGHT_NUMBER
                  END
                END
              END
            END
          END
        END
      END
    END
  END
END
END_PROCEDURE

  WRGARRETT     Job terminated at 12-NOV-1985 10:28:46.20

  Accounting information:
  Buffered I/O count:              92       Peak working set size:    723
  Direct I/O count:                80       Peak page file size:      665
  Page faults:                    616       Mounted volumes:            0
  Elapsed CPU time:      0 00:00:05.40       Elapsed time:      0 00:14:55.74
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Mile 183
Broadford
Mile 80
Bellevue
Sky Ranch Flat
Glendale Sch
Poverty Flat
Glendale
Flat Canal
Canal
Union Pacific
BM 5223
T. 2 N.
T. 1 N.
660 000 FEET
BANNETT 8 MI.
CAREY (U.S. 26, ALT. 93, AND TEMP. 20) 21 MI.
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MAR 20 1987

On October 25, 1985 copies of the attached materials were sent to the property owners, waterusers, interested parties and legislators identified on the attached mailing labels.

Linda D. Smith

LINDA D. SMITH

Note: Copies of the attached materials were sent to Consolidated Power Co., Bellevue, ID and Dan Olmstead, Newport Beach, CA on November 8, 1985

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MAR 20 1987

MINIMUM STREAM FLOW

Fact Sheet

Water Right No.: 37-7919

Source: Big Wood River

Applicant: Idaho Water Resource Board

Requesting Agency: Idaho Department of Fish and Game

Date Application Filed: June 19, 1981

Rate of Flow: 70 cfs

Location: From the Bellevue diversion in the SW¼NW¼ of Section 36, Township 2N, Range 18E, upstream approximately 18 miles to the confluence with Warm Springs Creek in the SE¼NW¼, Section 13, Township 4N, Range 17E, Blaine County.

Purpose: To maintain trout habitat from the Bellevue diversion upstream to Warm Springs Creek

Hearing: Wednesday, November 13, 1985, in Hailey in the Sheriff's conference room, corner of 1st and Walnut, 1:30 pm.

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MAR 20 1987

October 25, 1985

Re: Minimum Stream Flow Application on Big Wood River

Dear Wateruser:

The Idaho Department of Water Resources will be holding a hearing on a minimum stream flow application on a reach of Big Wood River. According to the records of this Department, you have a water right for which the point of diversion is located in or near the proposed minimum stream flow reach.

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

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 8, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

ls

Enclosures

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MAR 20 1987

RECEIVED
NOV 25 1985
Department of Water Resources

27 Sep 85

Gentlemen/Ladies:

Please change ~~my~~ our address from:

Old: ~~P.O. Box 373~~ → ~~FPO N.Y. 09560~~ → P.O. Box 1184
HAILEY, IDAHO 83333

To

New: DEH Box 912
APO N.Y. 09019

Thanks.

JAMES A. GORMAN & DONNA F.
DEH Box 912
APO N.Y. 09019
SSN 164-20-4672

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MAR 20 1987

Waterusers - Big Wood River
Minimum Stream Flow - 37-7.

Mr. Edward Downe, Jr.
c/o Evan J. Robertson, Attorney
Box 1906
Twin Falls, Id 83301

Gimlet Properties Assoc., Inc.
c/o Wally Wright
P.O. Box 985
Sun Valley, ID 83353

Glendale Ranches
c/o Gould Brothers
Route 4
Buhl, ID 83316

John McDonald
Box 1
Ketchum, ID 83340

Red Top Cabins
S. Effa Allred
Box 386
Ketchum, ID 83340

Robert Bloomfield
Box 746
Ketchum, ID 83340

Harry S. Rinker
Box 7250
Newport Beach, CA 92663

Richard Bertea
173 Shorecliff Road
Corona Del Mar, CA 92625

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MAR 20 1987

Dr. Robert Smith
Box 672
Ketchum, ID 83340

Wood River Properties, Inc.
P.O. Box 7250
Newport Beach, CA 92663

Fredrick Blechman
Box 184
SunValley, ID 83353

Heatherlands Homeowners Assoc. Inc.
c/o Ann Williams
P.O. Box 3901
Ketchum, ID 83340

Buckhorn Investments
9061 Santa Monica Blvd.
Los Angeles, CA 90069

Fredrick Blechmen
Box 184
Ketchum, ID 83340
returned

Elizabeth Cook
Box 1869
Ketchum, ID 83340

Wayne Gann
P.O. Box 1920
Sun Valley, ID 83353

Kenneth L. Moore
3500 Buchanan #146
Riverside, CA 92503

Anton A. Bodner
P.O. Box 268
Hailey, ID 83333

Arthur Richards
Box 636
Hailey, ID 83333

City of Hailey
Hailey, ID 83333

David Anderson
Box 449
Hailey, ID 83333

David L. Cropper
P.O. Box 516
Hailey, ID 83333

Dick Wright
Box 457
Hailey, ID 83333

Gary J. Hibbard
Box 414
Shoshone, ID 83352

Peter Cetera
P.O. Box 326
Malibu, CA 90265

Hiawatha Canal Compnay
c/o Hazel Barber
Hailey, ID 83333

Hilton McCabe
Route 2, Box 147A
Gooding, ID 83330

returned
10-29-85

J.R. Simplot
c/o Ron Graves
P.O. Box 27
Boise, ID 83701

James Gorman
Box 1184
Hailey, ID 83333

change of address
DEH Box 912
APO, NY 09019

Janet Lee
Box 841
Hailey, ID 83333

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MAR 20 1987

Jim Sav[illegible]a
Box 751
Hailey, ID 83333

John Basovsky
Box 914
Hailey, ID 83333

John Drexler
Box 396
Hailey, ID 83333

K.R. Buttram
Box 487
Hailey, ID 83333

Burr Smith
Box 783
Hailey, ID 83333

Lenier Smith
P.O. Box 274
Sun Valley, ID 83353

Mary Mizer and Dale Mizer
Box 728
Hailey, ID 83333

Michael McGraw
Box 1225
Hailey, ID 83333

Michael Sheffer
Box 1234
Hailey, ID 83333

Maxine Fox
Fox Acres
Box 116
Hailey, ID 83333

Northridge Properties
c/o Mr. Robert Newson
517 East Bayshore
Redwood City, CA 94063

Pacesetter Development
4540 Campus Dirve
Newport Beach, CA 92660

Quigley Canyon Co.
c/o John Burke
Box 1113 H
Hailey, ID 83333

Quigley Land Company
c/o Tom Hickey
Box 1197
Ketchum, ID 83340

Robert Logan
Hailey, ID 83333

Craig William Johnson
Box 1288
Ketchum, ID 83340

Rostan, Inc.
c/o Stanley K. Levison
2600 Reynolds Road North
Toledo, OH 43615

S.F. Eccles
P.O. Box 30006
Salt Lake City, UT 84125

Sprenger, Grubb & Assoc., Inc.
c/o C.H. Grubb
P.O. Box 1570H
Hailey, Id 83333

State of Idaho
c/o Dale Mizer
Hailey, ID 83333

Tom [illegible]hmond
P.O. Box 1105
Hailey, ID 83333

Anton Bodner
P.O. Box 268
Hailey, Id 83333

Dorothy Chapman
Manager: Com Daggett
615 Fillmore
Twin Falls, ID 83301

J.H. Poppy
139 Toyan Road
Atherton, CA 94025

Tom Shanklin
Box 217
Hailey, ID 83333

Aspen Lakes Ltd.
c/o Wayne Roth
Box 2040
Sun Valley, ID 83353

Bill Gehrke
Box 1327
Hailey, Id 83333

~~Dorothy Chapman~~
Manager

William Norris
Box 146
Sun Valley, ID 83353

Craig Stewart
Box 262
Hailey, ID 83333

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Dan Ramsland
Box 235
Hailey, ID 83333

Duane Dudley
Bellevue, ID 83313

Don Justus
1024 Ranch Road
Boise, ID 83702

Western Outfitters Trust
c/o Earl Mann, Attorney-at-law
550 Tacoma Savings Center
820 A Street
Tacoma, WA 98402

James Stewart
Box 61
Hailey, ID 83333

Ed Van Every
P.O. Box 2044
Sun Valley, ID 83353

John J. Campagna, Jr.
Box 1608
Hailey, ID 83333

Francis Friestad Estate
Box 251
Bellevue, ID 83313

Pauline Bird
128 Blair Dirve
Twin Falls, ID 83301

Fredrick Blechman
Box 184
Sun Valley, ID 83353

Richard Thompson
c/o Mrs. Joe Arrate
Route 1, Box 170
Shoshone, ID 83352

Gerald W. Dauby
Box 438
Bellevue, ID 83313

Robert Vernon
Route 5
Caldwell, ID 83605

Larry McKenzie
Box 805
Hailey, ID 83333

Warren A. Lewis
503 7th Ave. So.
Nampa, ID 83651

Raymond Kincaid
Bellevue, ID 83313

Derris Head
Bellevue, ID 83313

Richard Welch, Jr.
P.O. Box 813
Ketchum, ID 83340

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MAR 20 1981

Don Justus
1024 Ranch Road
Boise, ID ~~83702~~

S. F. Eccles
Box 30006
Salt Lake City, UT 84125

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W.R. Watts
Bellevue, ID 83313

Bend or River Ranch
c/o Nels Sisiam
Box 818
Hailey, ID 83333

Candida Forstmann
Box 1041
Hailey, ID 83333

Dr. John McNees
P.O. Box 2996
Ketchum, ID 83340

Gregory A. Moore
Box 1321
Hailey, ID 83333

LeRoy Lewis
Route 3 Box 318
Idaho Falls, ID 83401

George E. Wise
Box 164
Bellevue, ID 83313

Stanley Steele
Box 1021
Hailey, ID 83333

Jack Parker
Box 418
Bellevue, ID 83313

Bill Evans
P.O. Box 2404
Sun Valley, ID 83353

Diana Huxford
Route 1 Box 41
Bellevue, ID 83313

John Borton
Box 1275
Hailey, ID 83333

Joyce Pearson
Box 449
Bellevue, ID 83313

Assembly of God Church
c/o L.I, Lamance Box 308
Nampa, ID 83651

Broadford Polo Ltd.
c/o Robert Bouttier
Box 476
Bellevue, ID 83313

Returned

Glen Rains
Box 497
Bellevue, ID 83313

Thomas Peck
Route 1, Box 36
Bellevue, ID 83313

Lou Kreiger - Wood Stream Ranch
Route 1 Box 37
Bellevue, ID 83313

Cal Pacifico
c/o Ralph Girton
Route 1, Box 40
Bellevue, ID 83313

Ellen Scofield
Box 302
Bellevue, ID 83313

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Lyle Scofield
Bellevue, ID 83313

Maxine Hazen
Box 94
Bellevue, ID 83313

Jim Eakin
Box 296
Hailey, ID 83333

Steve Crandall
Box 402
Ketchum, ID 83340
returned

Ted Devine
Box 133
Bellevue, ID 83313

Cliff Noxen
Bellevue, ID 83313

Troeger, Anna B. and
Hibbard, Gary J. and Donna
P.O. Box 414
Shoshone, ID 83352

Watts, W.R. and Anna Lee
P.O. Box 172
Bellevue, ID 83313

Wood River Ranch Company, Inc.
Bellevue, ID 83313

Coms[illegible] M.A.
Rinker, Harvey S.
Box 672
Ketchum, ID 83340
returned

Dittoe, Phillip S.
Clark, Wayne
Gannett, ID 83329
returned

Fassett, Helen M.
Box 273
Sun Valley, ID 83353

Castle, George C.
Barnes, Joseph B.
P.O. Box 1310A
Ketchum, ID 83340

Fairfield, Richard W.
P.O. Box 1356
Hailey, ID 83333

Lewis, W.A.
503 7th Ave. S.
Nampa, ID 83651

Wood River Properties Inc.
P.O. Box 7250
Newport Beach, CA 92663

Gimlet Property Owners Assoc.
P.O. Box 985
Sun Valley, ID 83353

Idaho Consolidated Mines Co.
Rockwell-White Power Co.
Bellevue, ID 83313
returned

Fox, John
Hailey, ID 83333

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Consolidated Power Co.
Division Rotomatic Irrig., Inc.
P.O. Box 133
Bellevue, ID 83313

Dan Olmstead
4621 Teller Ave. Suite 130
Newport Beach, CA 92660

MICROFILMED
MAR 20 1987

October 25, 1985

Re: Minimum Stream Flow Application on Big Wood River

Dear Property Owner:

The Idaho Department of Water Resources will be holding a hearing on a minimum stream flow application on a reach of Big Wood River. According to the records at the county courthouse, you are one of the owners of property adjacent to the reach where the minimum stream flow is proposed.

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

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 8, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

ls

Enclosures

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MAR 20 1987

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Landowners - Big Wood River
Minimum Stream Flow 37-7919

Rouse, Charles L
1945 Blue Heron Dirve
Lake Oswego, OR 97034

Plott. Larry B.
8551 Marigold
Boise, ID 83704

Moore, Lynn B.
Rt. 1, Box 35
Bellevue, ID 83313

Warr, Victor L.
Box 175
Hailey, ID 83333

Fife, Milton D.
Box 322
Hailey, ID 83333

Hazen, Maxine
Box 94
Bellevue, ID 83313

Fitch Douglas R.
Box 1076
Ketchum, ID 83340

Cropper, David
Box 516
Hailey, ID 83333

Zehring, Betty June
2817 La Mesa Dr.
Henderson, NV 89015

Brutsch, Gary L.
3112 Hermosa Avenue
Hermosa Beach, CA 90254

Returned

Sexton, Micheal B.
2510 Navarro
Unit 502
Carlsbad, CA 92008

Bronson, Willard G.
Box 1471
Sun Valley, ID 83353

Jeffries, Ruth
Smith, Jeannine T.
603 Warm Springs
Boise, ID 83702

Dingman, Patrick D.
and Michael B.
Box 162
Hailey, ID 83333

Darracq[illegible]al J.
960 Los [illegible]lines
Sacramento, CA 95825

Thielen, Joseph E.
650 S. Grand Avenue
Los Angeles, CA 90017

Zischke, Peter H.
515 Miner Road
Orinda, CA 94563

McNeal, J.R.
Box 730
Hailey, ID 83333

Jane Trust
Dumke, Edmund W.
Box 569
Sun Valley, ID 83353

Dargatz, Robert R.
Box 1042
Hailey, ID 83333

C.F. Investments Co.
Wadsworth, Robert F.
Box 355
Ketchum, ID 83340

Ball, James W.
Box 54
Hailey, ID 83333

Aspen Lakes
Box 2040
Sun Valley, ID 83353

Steiner, Bruce
Box 819
Hailey, ID 83333

Meisel, Jacquiline Beth
530 East 72nd, Apt 15E
New York, NY 10021

Returned

Fagerholm, Jeff L.
Box 651
Ketchum, ID 83340

Roger Trust
J.D. Mack
c/o Valley Bank of Nevada
Box 15427, Prince Plaza
Las Vegas, NV 89107

Teasely, R.L.
610 Sunrise Blvd N.
Twin Falls, ID 83301

Davidson, Ralph P.
c/o Time Inc.
Rockefeller Center
New York, NY 10020

Rouse, Connie L
Smart, Joseph D.
Box 1701
Sun Valley, ID 83353

Johnson, Dean C.
2308 Fire Mtn. Dr.
Oceanside, CA 92054

Faherty, Micheal
20000 Sherman Way
Conoga Park, CA 91306

Walton, Douglas, C.
Box 1093
Ketchum, ID 83340

Kryder, Devanne H. and Karen A.
Box 1138
Ketchum, ID 83340

Verge, Paul A. and Judith L.
Box 681
Ketchum, ID 83340

Feldman, Robert J.
4368 Fairway Dr.
Lakewood, CA 90712

Hopkins, James E.
Box 1485
Hailey, ID 83333

Brown, Mark C.
495 Wainee St.
Lahaina, Maui, HI 96761
returned

Maxwell, Jack W.
1500 San Remo Dr.
Pacific Palisades, CA 90272
returned

Kinder, Gary
Box 423
Sun Valley, ID 83353

Collins, Lois J.
5898 Bannock Hwy.
Pocatello, ID 83201

Burke, Micheal D.
Box 1268
Hailey, ID 83333

Alban, Seymour L
Alban, Harry
Box 1126
Hailey, ID 83333

Cetera, Peter
c/o Kaufman and Eisenburg
9301 Wilshire Blvd. Suite 212
Beverly Hills, CA 90210

Cook, Sidney B.
1545 Wilshire Blvd.
Los Angeles, CA 90017

Hanawatt, Vance
Box 1572
Hailey, ID 83333

Green, Robert A.
P.O. Box 946
Hailey, ID 83333

Barsott, Brian J. and Mirams, Grent G.
Box 2133
Ketchum, ID 83340

McDonough Partnership
21150 North Park Dr.
Fairview Park. OH 44126

McCann, Michael D.
Box 1252
Ketchum, ID 83340

Mirams, William C. and Elizabeth
P.O. Box 961
Ketchum, ID 83340

Kaneter, Joel M.
Morrissey, Ann C.
145 Laurel Grove Ave.
Kentfield, CA 94904
returned

Brandenburger, D.L. & Zischke, P.H.
& Darracq , D.J.
1355 Brandt Road
Hillsborough, CA 94010

Palumbo, Samuel R.
4614 Trail Crest Circle
Austin, TX 78735

returned

Slade, John D.
c/o Bernard, John O.
Crew Mail Berlin
Pan Am Worldport
Jamica, NY 11430

Moore, Kenneth L.
3500 Buchanan #146
Riverside, CA 92503

Pettit, John K.
Box 607
Ketchum, ID 83340

Hunter, William P.
c/o McIntire, Patrick and Colwell, Sara
Box 1050
Ketchum, ID 83340

Rosso, Robert E.
Box 911
Ketchum, ID 83340

Golding, Leroy E. Jr.
Box 1078
Ketchum, ID 83340

Ziegler, Thomas
Box 625A
Ketchum, ID 83340

Fairfield, Richard W.
Box 1356
Hailey, ID 83333

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Schwake, Henry
Box 318
Ketchum, ID 83340

Grossman Lone Ranch Corp.
c/o Carlies, Charles
1703 W. Bethany Home Road
Phoenix, AZ 85015

Vanoff, Nicholas
910 N. Foothill Road
Beverly Hills, CA 90213

State of Idaho
Division of Hiways
3311 West State St.
Boise, ID 83703

Fassett, Helen
Box 273
Sun Valley, ID 83353

Menzies, Lurline
Box 2789
Sun Valley, ID 83353

returned

Kerterman, Scott M. and Kandi S.
Box 971
Sun Valley, ID 83353

Cromwell, Christopher D.
4631 Tescadaro St.
San Diego, CA 92107

Basset, Linda
Box 1976
Ketchum, ID 83340

returned

Nee, Jeffrey F.
Box 1721
Ketchum, Id 83340

Copson, Pamela
Box 749
Ketchum, ID 83340

Miller, Richard
Box 191
Sun Valley, ID 83353

Dawson, Kathleen
Box 1479
Hailey, ID 83333

Roberts, Donald
Box 2892
Aspen, CO 81611

Mannino, Jay Frank
46-285 Manitou Dr.
Indian Wells, CA 92260

Acarregui, James F. and Linda
Jordan Valley, OR 97910

Sun Valley Water and Sewer Distr.
Sun Valley City Hall
Sun Valley, ID 83353

Miller, Roger Leroy
13123 SW 64th Court
Miami, FL 33156

Lane Ranch Sub. #1
Lane Ranch Partnership
Box 326
Sun Valley, ID 83353

Bradburn, Jill P.
2445 Hidden Valley Road
La Jolla, CA 92037

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Grossman, Samuel M
1703 W. Bethany Home Rd.
Phoenix, AZ 85015

Teren, Nelson F. &
Rinker, Harry S.
Box 2480
NewPort Beach, CA 92663

Farrell, Michael J.
489 Alta Vista Way
Lagune Beach, CA 92651

returned

Huxley, Cremim
Star Route
Hailey, ID 83333

Carter, Clayton
Box 1341
Ketchum, ID 83340

Krielkamp, Bernard L.
Star Route
Hailey, ID 83333

returned

Johnson, Richard E.
1151 Dove #275
Newport Beach, CA 92660

returned

Boughton, Robert
Box 1284
Sun Valley, ID 83353

Badell, Michael C.
Box 390
Sun Valley, ID 83353

Glenn Dale Ranches, Inc.
c/o Nopp, Jack D.
5629 Dana Way
Sacramento, CA 95822

Coughlin, James J.
401 Summit Ridge Road
Boise, ID 83702

Assembly of God
Southern Idaho Dist.
Box 309
Nampa, ID 83651

Norris, William E.
Box 146
Sun Valley, ID 83353

Deer Creek Ranch Inc
Box 206
Hailey, ID 83333

Chapman, Dorothy and John S.
Box 2898
Boise, ID 83701

Hibbard, Gary J.
Box 414
Shoshone, ID 83352

Bass, Craig B.
Box 520
Hailey, ID 83333

Board Mill and Sunset Ranch Inc.
Box 910
Ketchum, ID 83340

Gann FCI Ltd.
Box 183
Ketchum, ID 83340

Glenn Dale Ranches Inc.
c/o Gould, Glenn
Buhl, ID 83316

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Murray, Alexander D.
Box 68
Ketchum, ID 83340

Basolo, Jack
Box 475
Hailey, ID 83333

Garner, Rex and Josephine
Box 1987
Sun Valley, ID 83353

Bacon, Robert C. and Bruce R.
2536 E. Campus Dr.
Salt Lake CIty, UT 84121

O'Donnell, Anna Faye
Box 267
Bellevue, ID 83313

Eittreim, William D.
Box 1661
Sun Valley, ID 83353

Barker, Devere and Marion
Box 517-A
Ketchum, ID 83340
Returned

Wise, George E.
Box 164
Bellevue, ID 83313

Eccles, Spencer
4371 Adonis Drive
Salt Lake City, UT 84117

McNees, John
336 Buchanan
Twin Falls, ID 83301

Forstmann, Candida
Box 1041
Hailey, ID 83333

Young, Wallace
Box 583
Hailey, ID 83333

Tenney, Warren S.
598 Madison Ave.
New York, NY 10022

Gunville, W.J.
Box 338
Hailey, ID 83333

Idaho Power Company
Attn: L.R. Bruwer
Box 70
Boise, ID 83707

Bever, George J.
1880 Riviera Circle
Idaho Falls, ID 83401

Blaine County Tax Deed
Blaine County Court House
Hailey, ID 83333

Hogg, James A.
Star Route
Hailey, ID 83333

Carter, Clay
Box 1341
Ketchum, ID 83340

Guard, Gretchen B
Ballard, Eaton W. and Beverly
Box 1687
Sun Valley, ID 83353

Campbell, Douglas
1150 Brooklayn Dr.
Los Angeles, CA 90024

Ri. er, Harry S.
Box 7250
Newport Beach, CA 92663

Buckhorn Investment Co.
9061 Santa MOnica Blvd.
Los Angeles, CA 90069

Beers, Walter L
Box 3737
Portland, OR 97208

Farmer, John S. and Norma
914 West Ocean Front
Belvou, CA 92661

Terene, Nelson
Box 658
Sun Valley, ID 83353

Gund, George
1821 Union Street
San Francisco, CA 94123

Massey, Christiana
c/o Miami Corp.
410 North Michigan Ave.
Chicago, IL 60611

Robinette, Dale
Box 505
Topanga, CA 90290

Jakober, Manfred
Box 2596
Ketchum, ID 83340

Blaine County
Hailey, ID 83333

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Allred, Mary Ellen & Kathryn
Route #1
Bellevue, ID 83313

Harmer, Sheryl K
Box 56
Hagerman, ID 83332

Idaho Park Foundation Inc.
1020 W. Franklin
Boise, ID 83702

Pothier, Carl R.
Box 611
Ketchum, ID 83340

Sun Valley Resorts
Sun Valley, ID 83353

Shrum, Shrum & Christopherson
Drawer C
Glenns Ferry, ID 83623

Wayland, Grace A.
1602 Harrison Blvd.
Boise, ID 83702

Shillington, Willard F.
c/o Patterson Farms
Rt. 1 Box 81
Paul, ID 83347

Shillington, W.H. and Edith
Box 535
Rupert, ID 83350

Pichone, Mary
P.O. Box 3060
Ketchum, ID 83340

Blackburn, William W.
Kovas, Ronald A.
503 Bones Road
Oceanside, CA 92054

Watson, Rred R.
Box 396
Ketchum, ID 83340

Cullen, Daniel T.
530 Chelmsford
Hillsborough, CA 94010

Benjamin, Willis B.
Box 424
Ketchum, ID 83390

Dick, Joan M
1606 Virginia Rd.
San Marino, CA 91108

Boge, Charles R.
1452 3 Fountains Dr.
Idaho Falls, ID 83401

Marim, Mary Jane
Box 545
Ketchum, ID 83340

McCollum, Ben
6720 Smile Lane
Pocatello, ID 83204

Ensch, Richard G. and Teresa
1980 Glenmeyre
Laguna Beach, CA 92651

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MAR 20 1987

Miller, Jack P.
100 East Hackberry
McAllen, TX 98501

Returned

Sprenger, Grubb and Assoc.
Box 1570
Hailey, ID 83333

Presbyterian Church Inc.
Box 473
Ketchum, ID 83340

Spath, William J.
315 Bell Bldg.
Toledo, OH 43624

Hurtig, Lois H.
Box 185
Sun Valley, ID 83353

Northwood Assoc.
Box 1440
Sun Valley, ID 83353

Drashner, Mary Ellen Allfred
Gardner, Kathryn Allfred
Route #1
Bellevue, ID 83313

Power, William
1300 Quail St.
NewPort Beach, CA 92660

Power, William F. and Shirley M
2861 South Pullman
Santa Anna, CA 92705
returned

Menzies, Lurline
3412 Washington St.
San Francisco, CA 94118

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MAR 20 1987

Brooks, Allen
Box 1637
Boise, ID 83701

Alban, niel
Box 1131
Ketchum, Id 83340

Rolles, Leslie Ann
2004 S. Williams St.
Denver, CO 80210
returned

Huffman, Bender and Cox
Box 612
Sun Valley, ID 83353

Knott, David H.
Box 1242
Sun Valley, ID 83353

Allred, Kathryn Garnder
Allred, Mary Ellen Drashner
Route #1
Bellevue, ID 83313

Stewart, Serena R.
Box 45
Sun Valley, ID 83353

Ward, Peter R.
Indian Cahse Dr.
Greenwich, CT 06830

Wright, Walter R. Jr.
Box 485
Sun Valley, ID 83353

Warden Prudence S.
Box 2440
Sun Valley, ID 83353

Stevenson, Borden
Box 909
Hailey, ID 83333

Fabiano, Walsworth, Taylor
Box 1493
Ketchum, ID 83340

Gimlet Land Devop. Corp.
Box 658
Sun Valley, ID 83353

Teren, Dorothy V.
Faletti and Roberts
200 E. Corrillo St.
Santa Barbara, CA 93102

Wright, Walter R. Jr.
Box 485
Sun Valley, ID 83353

Richards, H.F.
Box 224
Sun Valley, ID 83353

Bertea, Richard
173 Shore Cliff
Corona Del Mar, CA 92605

Stevenson, John Fell
Route 1, Box 310
Bellevue, ID 83313

Hendson, A. Dean
McNiff, Georgette
2740 Palisades Dr.
Pacific Palisades, CA 90272

returned

Harker, John R.
Box 1153
Sun Valley, ID 83353

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MAR 20 1987

McGuinness and Associates
Stonemill Business Park
2915 Red Hill Ave., Suite C 108
Costa Mesa, CA 92626

returned
Marion Jay Frank Dr.
46-265 Monterey CA
Indian Wells, CA 92260

Re: Public Hearing Regarding Water Rights for Minimum Stream Flow

The Idaho Department of Water Resources has scheduled a public hearing on one minimum stream flow application for water rights proposed in or near your legislative district. Based on input from the public meeting held on this minimum stream flow application, the Board requested this Department to proceed with processing of the application.

The hearing for the application on Big Wood River will be held in the Sheriff's conference room, corner of 1st and Walnut, Hailey, at 1:30 pm on Wednesday, November 13, 1985. Please find the enclosed fact sheet describing the application and a brochure about the minimum stream flow procedure.

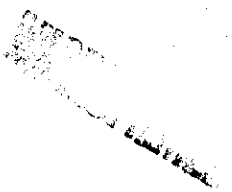
On behalf of the Director of the Idaho Department of Water Resources, you are cordially invited to attend.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

ls

Enclosures



Legislators for Blaine County - Big Wood River MSF
37-7919

Representative Mack W. Neibaur
Rt. 1, Box 1478
Paul, ID 83347

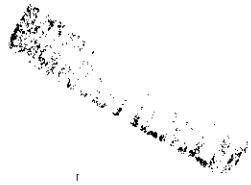
Senator Larrey Anderson
2639 Eastgate Dr.
Twin Falls, ID 83301

Senator John I. Peavey
Box 88
Carey, ID 83320

Representative Gary Robbins
Rt. 2, Box 2265
Dietrich, ID 83324

Representative Jerry Callen
Rt. 2, Box 2722
Jerome, ID 83338

Representative Jeff Stoker
P.O. Box 1597
Twin Falls, ID 83303



October 25, 1985

Re: Minimum Stream Flow Application on Big Wood River

Dear Interested Party:

The Idaho Department of Water Resources will be holding a hearing on a minimum stream flow application on a reach of Big Wood River. According to our records, you have shown an interest in this minimum stream flow application.

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

At the hearing you will have an opportunity to provide testimony. If you wish to become a full party with the opportunity to cross-examine witnesses, please advise this office on or before November 8, 1985. On behalf of the Idaho Department of Water Resources, you are cordially invited to attend.

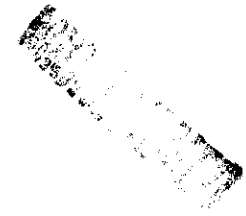
Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

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Enclosures



Interested Parties for - Big Wood River
37-7919

Sharon Mahoney
Lawson and Peebles
P.O. Box 297
Ketchum, ID 83340

Milan Lexa
Box 292
Bellevue, ID 83313

Blaine County Planning and Zoning
Attn: Ed Nigbor
P.O. Box 149
Hailey, ID 83333

Bruce R. Boccard
Commi[illegible]e for Idaho's High Desert
P.O. [illegible] 463
Boise, ID 83701

Karen L. Crowell
P.O. Box 1013
Ketchum, ID 83340

Dave Lewis
Times-News
132 3 St. W.
Twin Falls, ID 83301

Gary Stivers
KSKI Radio Station
Hailey, ID 83333

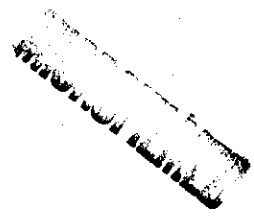
Butch Harper
Box 895
Sun Valley, ID 83353

Florence Blanchard
Box 225
Bellevue, ID 83313

Dick Oneida
Big Wood Canal Co.
112 S. Apple
Shoshone, ID 83352

Reid J. Newby
116 S. Apple
Shoshone, ID 83352

A.W. Molyneux
Bellevue, ID 83313



Harold Drussel
Bellevue, ID 83313

Richard Goulby
Box 1051
Hailey, ID 83333

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 18, 1985

Bob Meinen, Director
Idaho Department of Parks and Recreation
Statehouse
Boise, ID 83720

Virgil Moore
Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

Re: Schedule of Minimum Stream Flow Public Meetings
and Hearings, November, 1985

Gentlemen:

The purpose of this letter is to follow up on our earlier telephone conversations by providing you with a copy of the above-referenced schedule.

Per our discussion, the requesting agency will be invited to present information relative to the applications for both the public meetings and the hearings, as we have done in the past.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Acting Supervisor, Water Allocation Section

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Enclosure

SCHEDULE FOR MINIMUM STREAM FLOW PUBLIC MEETINGS AND HEARINGS

November 1985

Water Right No.	Stream	County	Date	Time	Location	Type of Meeting
97-7274 97-7275	Indian Creek Lion Creek	Bonner	Wed, Nov. 6	7:30 p	Sandpoint District Courtroom #1 215 S. 1st St.	Public Meeting Held by IWRB
37-7919	Big Wood River	Blaine	Wed, Nov. 13	1:30 p	Hailey Sherrif's office conf. room Corner of 1st and Walnut	Hearing Held by IDWR
41-7046 41-7074	East Fork Rock Cr. East Fork Rock Cr.	Power	Thurs, Nov. 14	9:30 a	American Falls County Commissioner's conf. room, 543 Bannock Power County Courthouse	Hearing Held by IDWR
21-7283 21-7355	Warm River Warm River	Fremont	Wed, Nov. 20	9:30 a	St. Anthony Fremont Co. Courthouse	Hearing Held by IDWR
22-7369 22-7370	Teton River Bitch Creek	Teton	Thurs, Nov. 21	9:30 a	Driggs Teton County Courthouse	Hearing Held by IDWR

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Big Wood River tributary of Snake River and is further described as follows:

APPLICATION No. 37-7919

Date Filed: June 19, 1981

Source: Big Wood River tributary of Snake River

Point of Minimum Streamflow: SWNW, Sec.36, T2N, R18E; upstream approximately 18 miles to the confluence with Warm Springs Creek in SENW, Sec. 13, T4N, R18E, B.M., Blaine County

Rate of Flow: 70 cubic feet per second

Season of Use: January 1 to December 31

Use: To maintain trout habitat

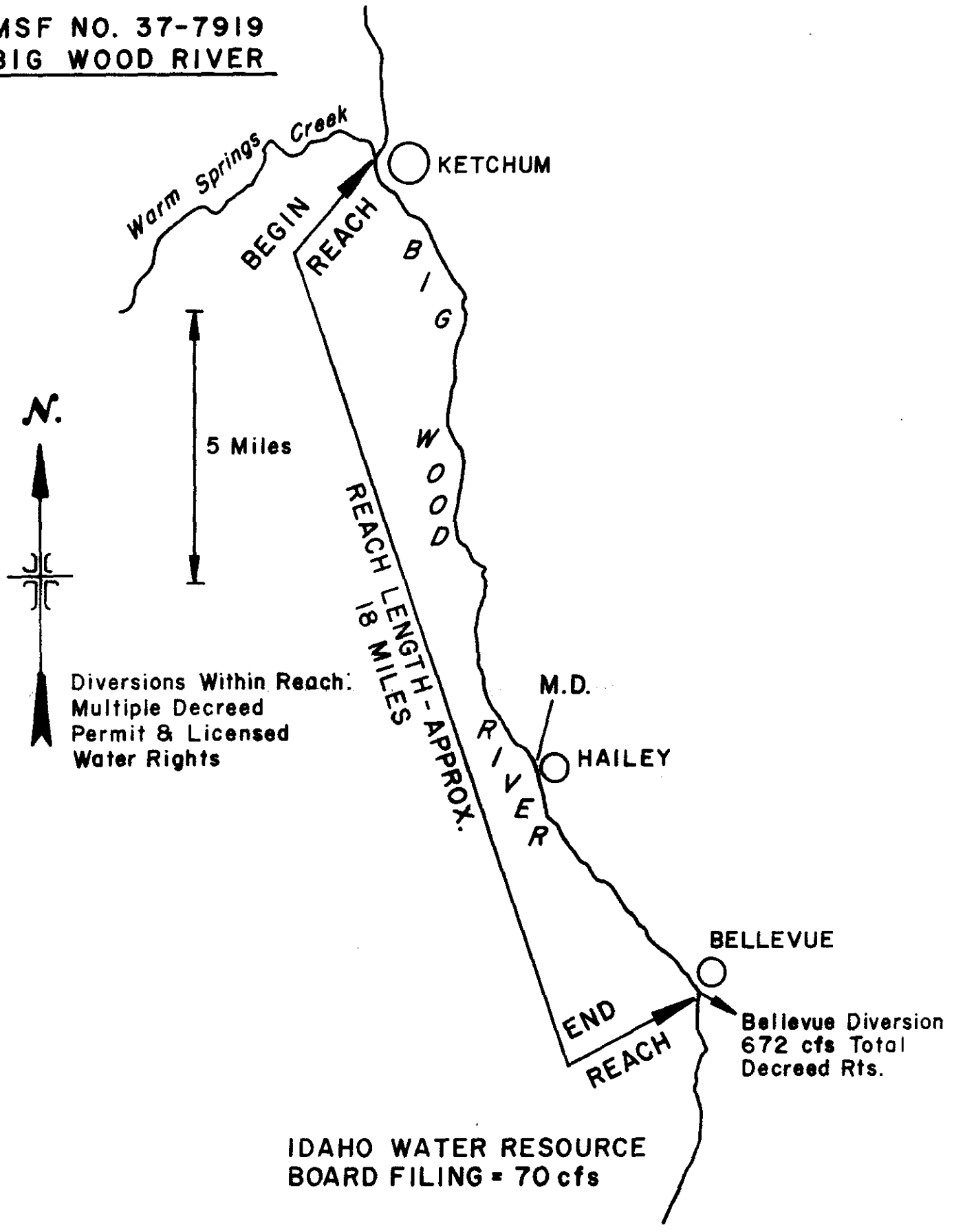
The Director of the Department of Water Resources will hold a public hearing on the above application at 1:30 p.m., on Wednesday, November 13, 1985, at the Blaine County Sheriffs'Office, Corner 1st and Walnut, Hailey, Idaho, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Sec. 42-1503, IDAHO CODE.

If issued, this permit 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 83720, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

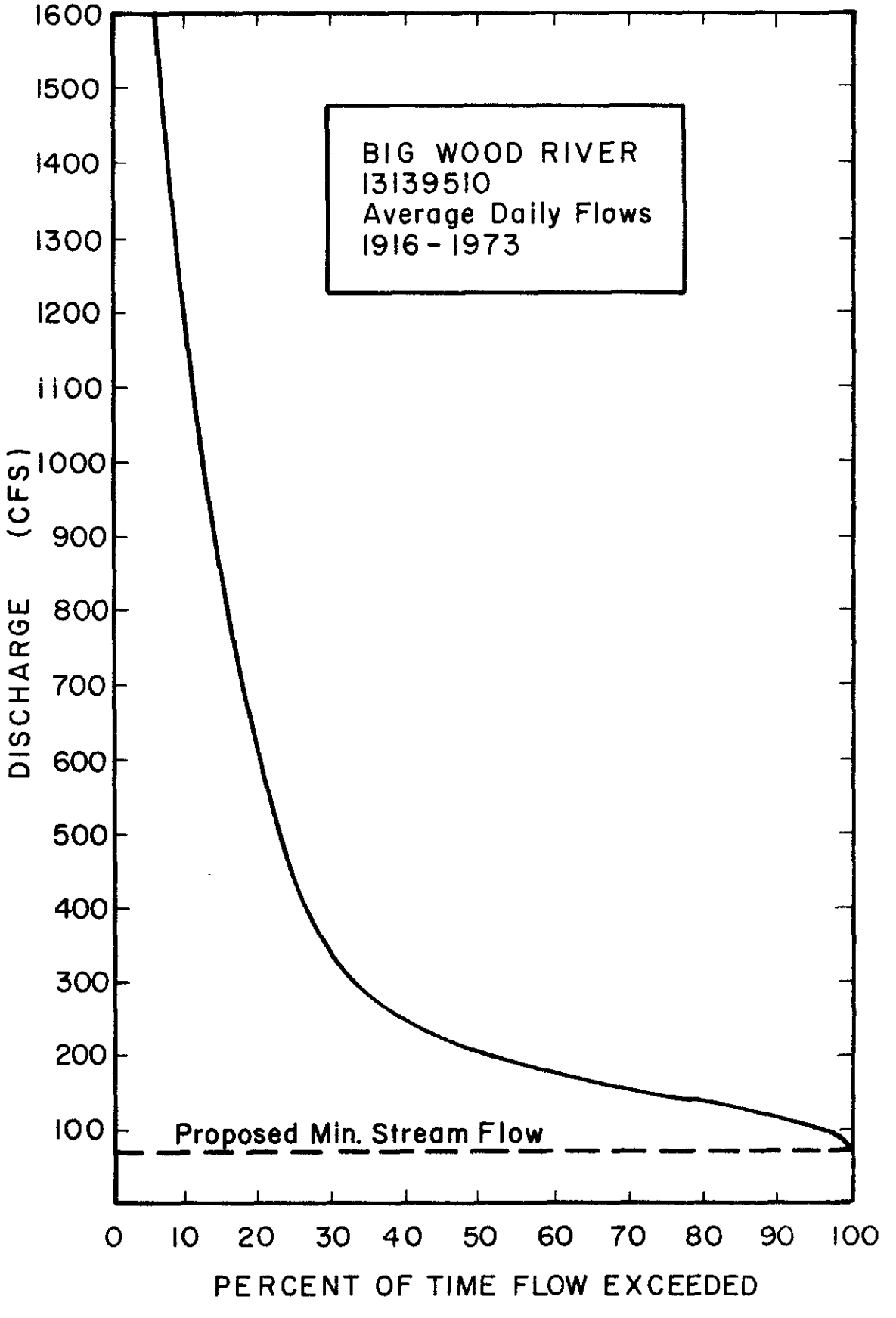
A.KENNETH DUNN
Director

Published in	Wood River Journal	October 24 and October 31, 1985
	Times News	October 24 and October 31, 1985
	Idaho Statesman	October 24 and October 31, 1985
	Lewiston Morning Tribune	October 24 and October 31, 1985
	Post Register	October 24 and October 31, 1985

MSF NO. 37-7919
BIG WOOD RIVER



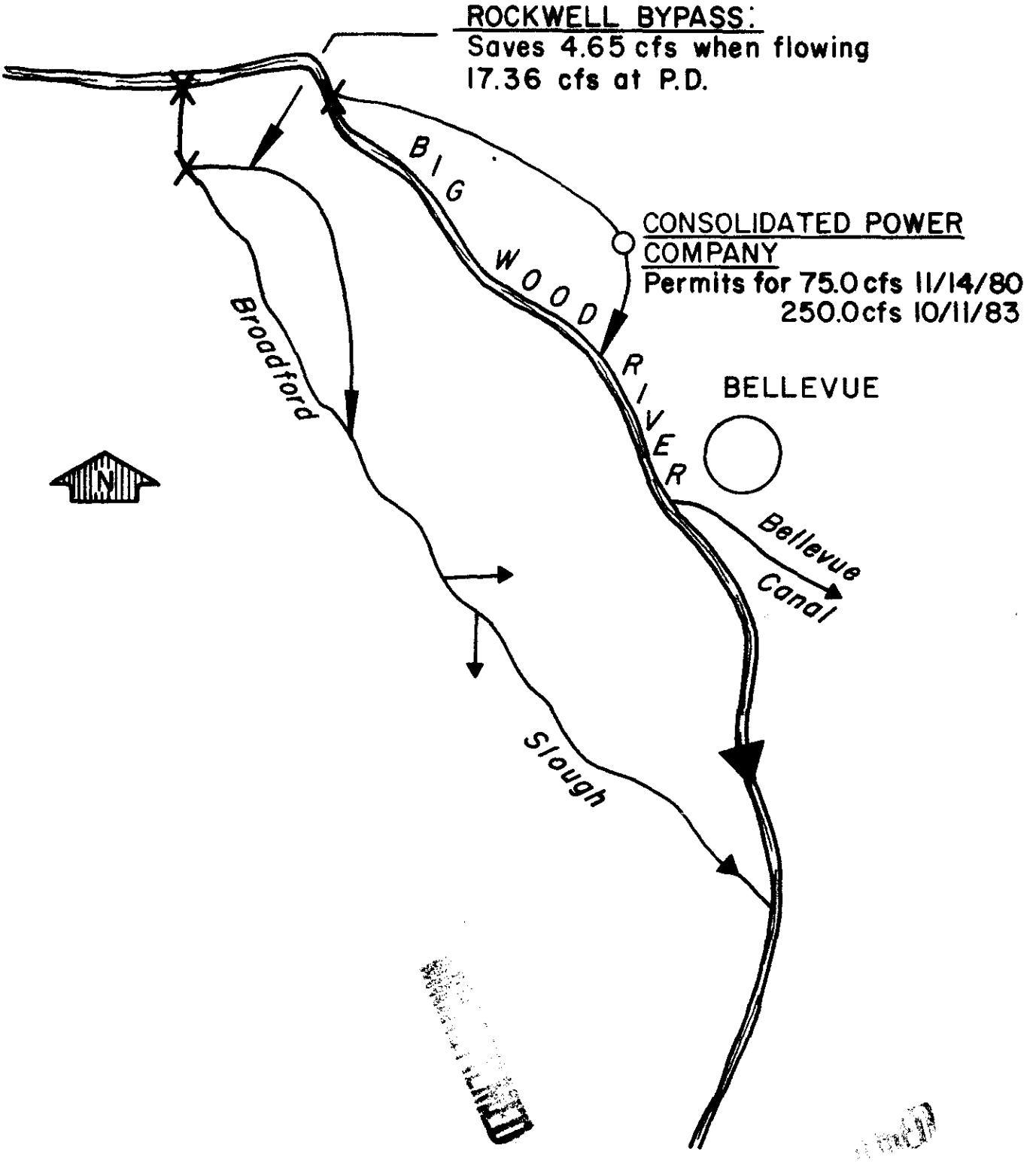
IDAHO WATER RESOURCE
BOARD FILING = 70 cfs


BIG WOOD RIVER
13139510
Average Daily Flows
1916 - 1973
DISCHARGE (CFS)
1600
1500
1400
1300
1200
1100
1000
900
800
700
600
500
400
300
200
100
Proposed Min. Stream Flow
0
10
20
30
40
50
60
70
80
90
100
PERCENT OF TIME FLOW EXCEEDED

STREAM FLOW INFORMATION

BIG WOOD RIVER FROM KETCHUM TO BELLEVUE

- Discharge primarily provided by snowmelt.
- Months of April through July yield 70% of annual runoff.
- Low flows generally in the December thru February period.
- Flow duration curve developed at M.D. near Hailey using 1916-1973 data shows that 70 cfs is exceeded 99 % of the time.
- Flows at upstream end of the reach are not well defined.


ROCKWELL BYPASS:
Saves 4.65 cfs when flowing
17.36 cfs at P.D.
BIG WOOD RIVER
CONSOLIDATED POWER COMPANY
Permits for 75.0 cfs 11/14/80
250.0 cfs 10/11/83
BELLEVUE
Broadford
Slough
Bellevue Canal
N