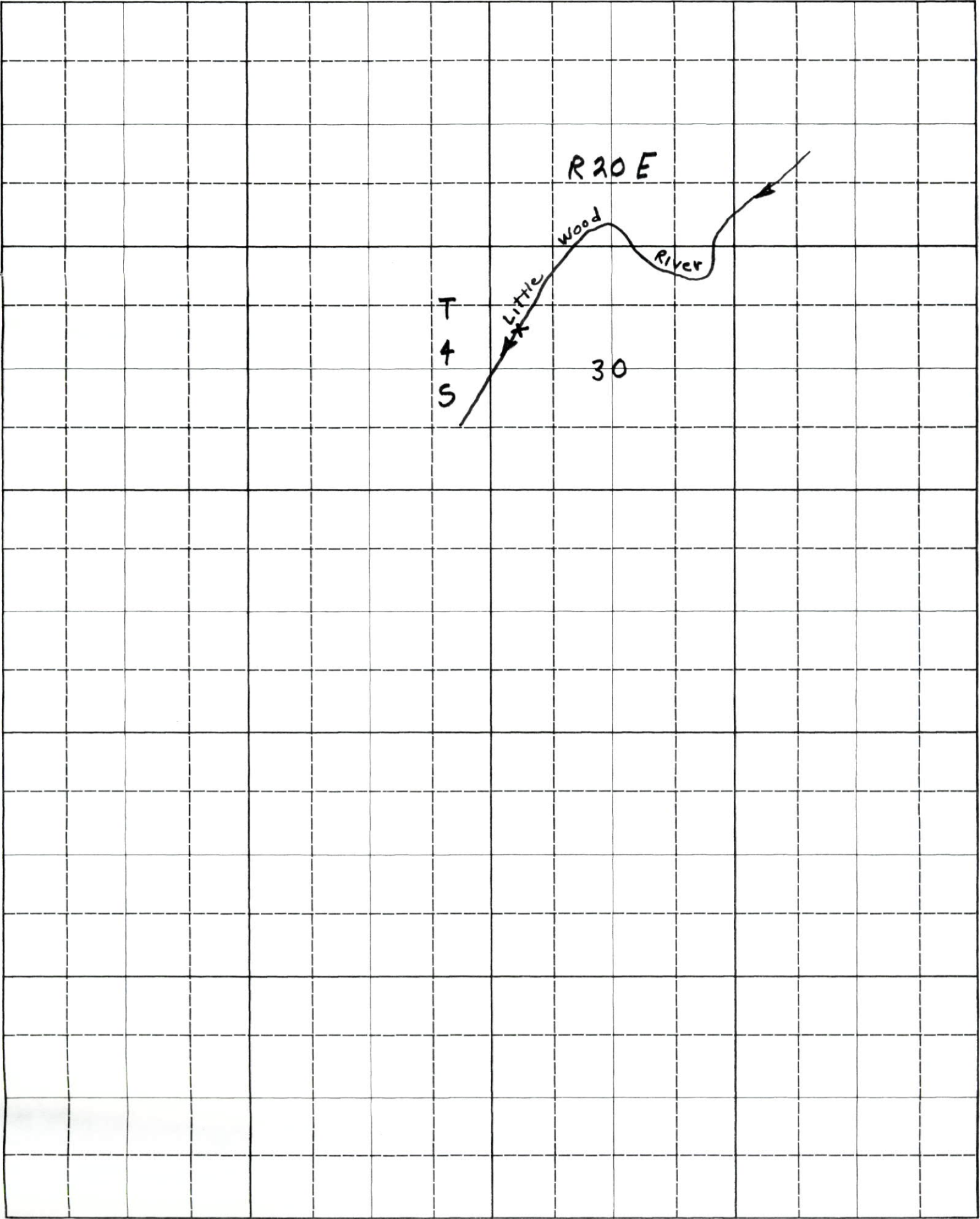


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

IDAHO WATER RESOURCE BOARD

BY:

George H. Foster
(Applicant) CHAIRMAN

**APPLICATION FOR
MINIMUM STREAM FLOW
AND NOTICE OF
HEARING
37-7739**

Notice is hereby given that the Idaho Water Resources Board has on September 29, 1979, submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream-flow from the Little Wood River tributary of Snake River and is further described as follows:

Source: Little Wood tributary of Snake River

Amount: 39 cfs

Season of Use: Jan. 1 to Dec. 31

Point of Diversion: SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 30, T.4S, R.20E, Lincoln County. The proposed location of the point of diversion and use is at gage station No. 13-1510 in Sec. 30, T.4S, R.20E, Lincoln County. Use: Instream flow to maintain trout spawning and rearing from the point of requested flow upstream to Silver Creek.

The Director of the Department of Water Resources will hold a public hearing on the above referenced application at 1:00 p.m., Tuesday, August 5, 1980, in the conference room of the Department of Health & Welfare, 677 Filer Avenue, Twin Falls, 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 formally present their views and comments without the necessity of filing a notice of appearance.

/s/ C. Stephen Allred
Director

Pub: 7-17, 24

**APPLICATION FOR
MINIMUM STREAM FLOW
AND CORRECTED
NOTICE OF HEARING
37-7739**

Notice is hereby given that the Idaho Water Resources Board has on September 29, 1979, submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum stream-flow from the Little Wood River tributary of Snake River and is further described as follows:

Source: Little Wood tributary of Snake River

Amount: 39 cfs

Season of Use: Jan. 1 to Dec. 31

Point of Diversion: SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 30, T.4S, R.20E, Lincoln County. The proposed location of the point of diversion and use is at gage station No. 13-1510 in Sec. 30, T.4S, R.20E, Lincoln County. Use: Instream flow to maintain trout spawning and rearing from the point of requested flow upstream to Silver Creek.

The Director of the Department of Water Resources will hold a public hearing on the above referenced application at 10 a.m., Wednesday, August 6, 1980 in the courtroom of the Lincoln County courthouse, 111 W. "B", Shoshone, 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 evi-

dence 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 formally present their views and comments without the necessity of filing a notice of appearance.

/s/ C. Stephen Allred
Director

Pub: 7-17, 24

EXHIBIT NO. 1. Looking upstream on the Little Wood River at a point immediately below the lower stretches of the Bear Tracks Williams area. Note the riparian vegetation, overhanging banks, and large rocks.



EXHIBIT NO. 2. Looking downstream on the Little Wood River at a point immediately below the lower end of the Bear Tracks Williams area. Note the lush overhanging banks and the deep pool areas behind the large rocks.



Photos taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 3. Looking downstream on the Little Wood River at a point just below the railroad trestle, $\frac{1}{4}$ mile below the Bear tracks Williams area. Note the gravel riffle areas.

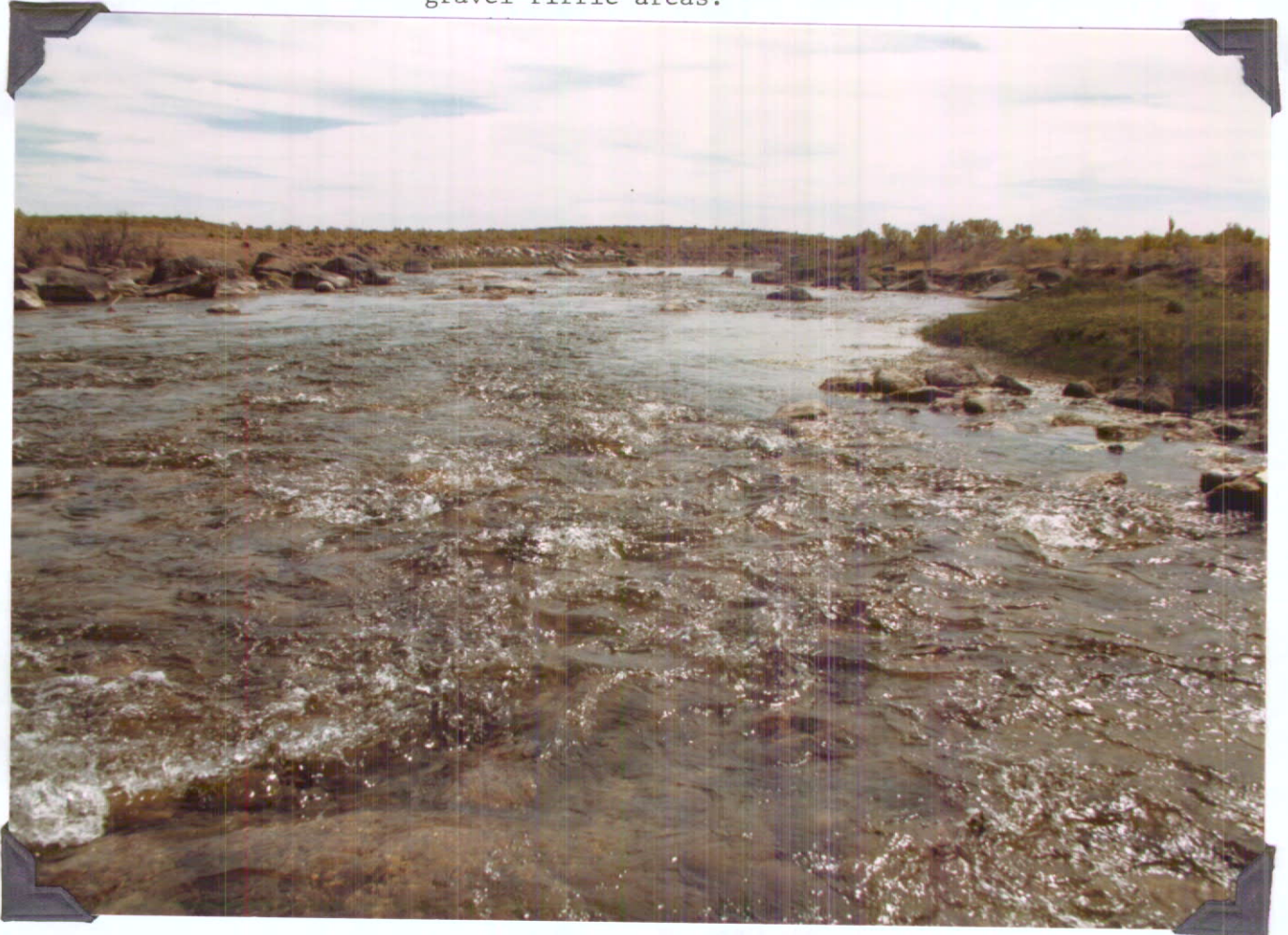


EXHIBIT NO. 4. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game personnel on August 29, 1985.



Photos taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 5. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game personnel on August 29, 1985.



Photo taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 6. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game Personnel on August 29, 1985.



EXHIBIT NO. 7. Young of the year wild brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of fish and Game personnel on August 29, 1985.

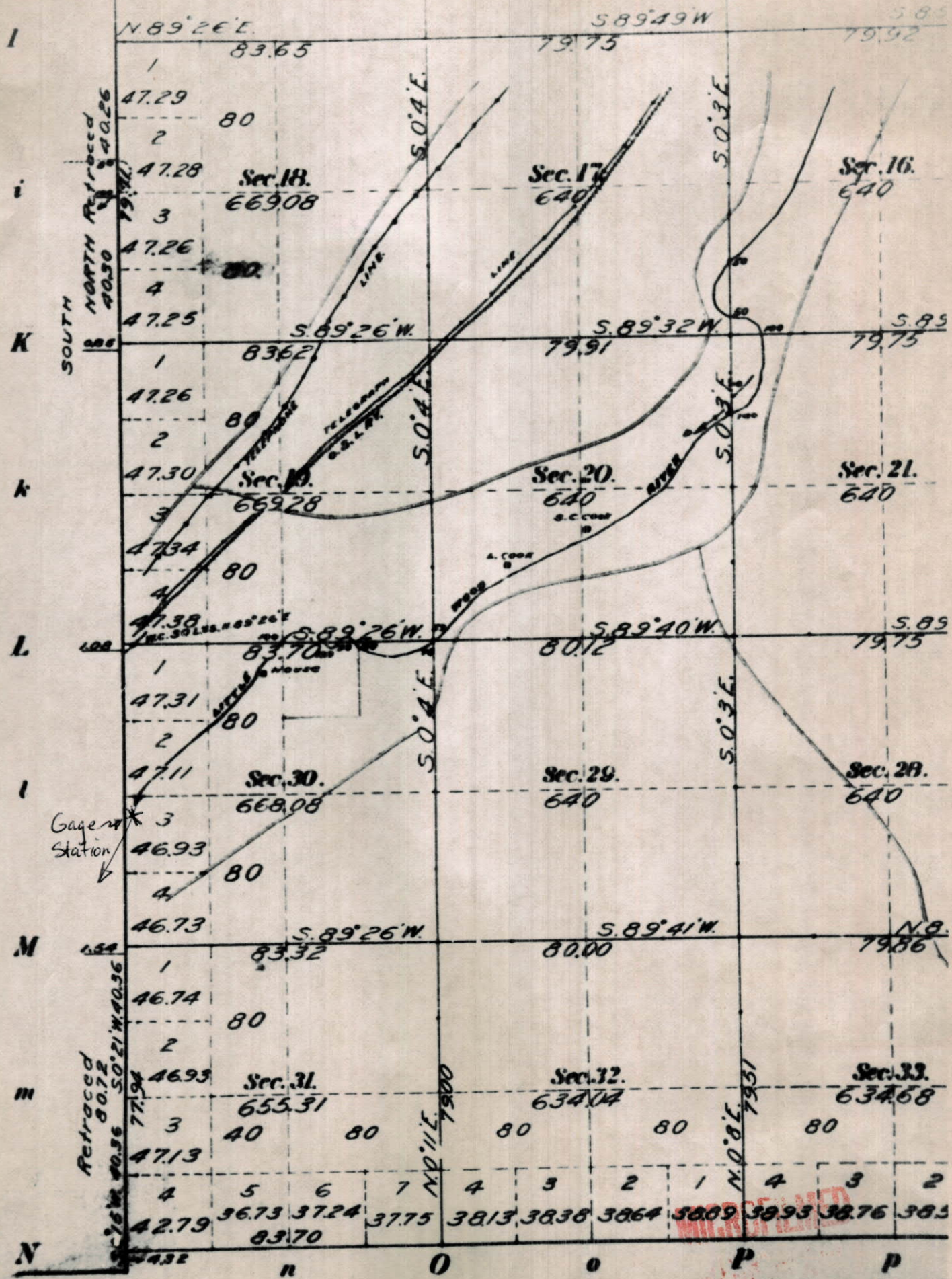


EXHIBIT NO. 8. Adult and juvenile brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of fish and Game personnel on August 29, 1985.

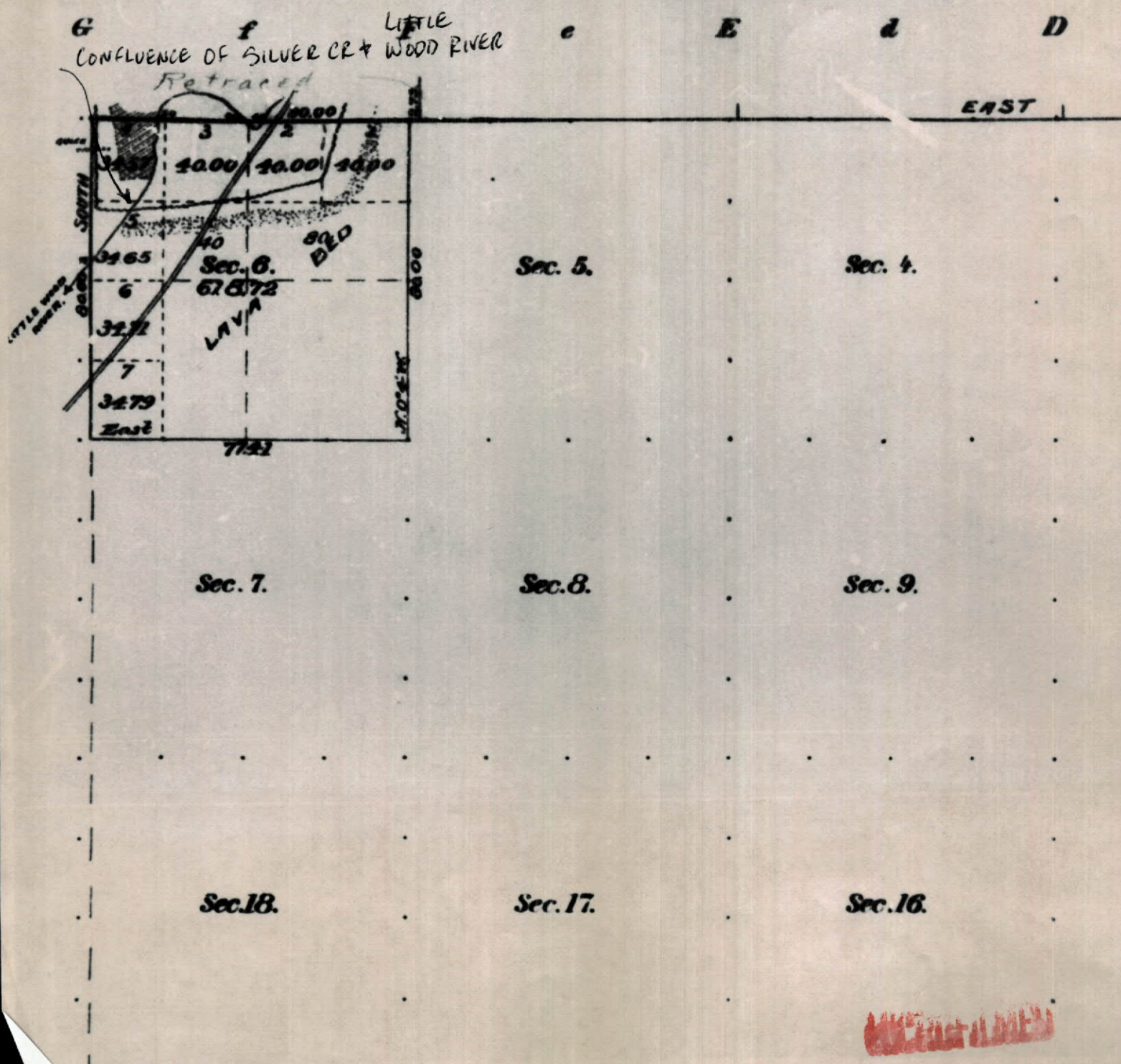


Photo taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

T 45 R 20E



Township N^o 3 South, Range N^o 21 East

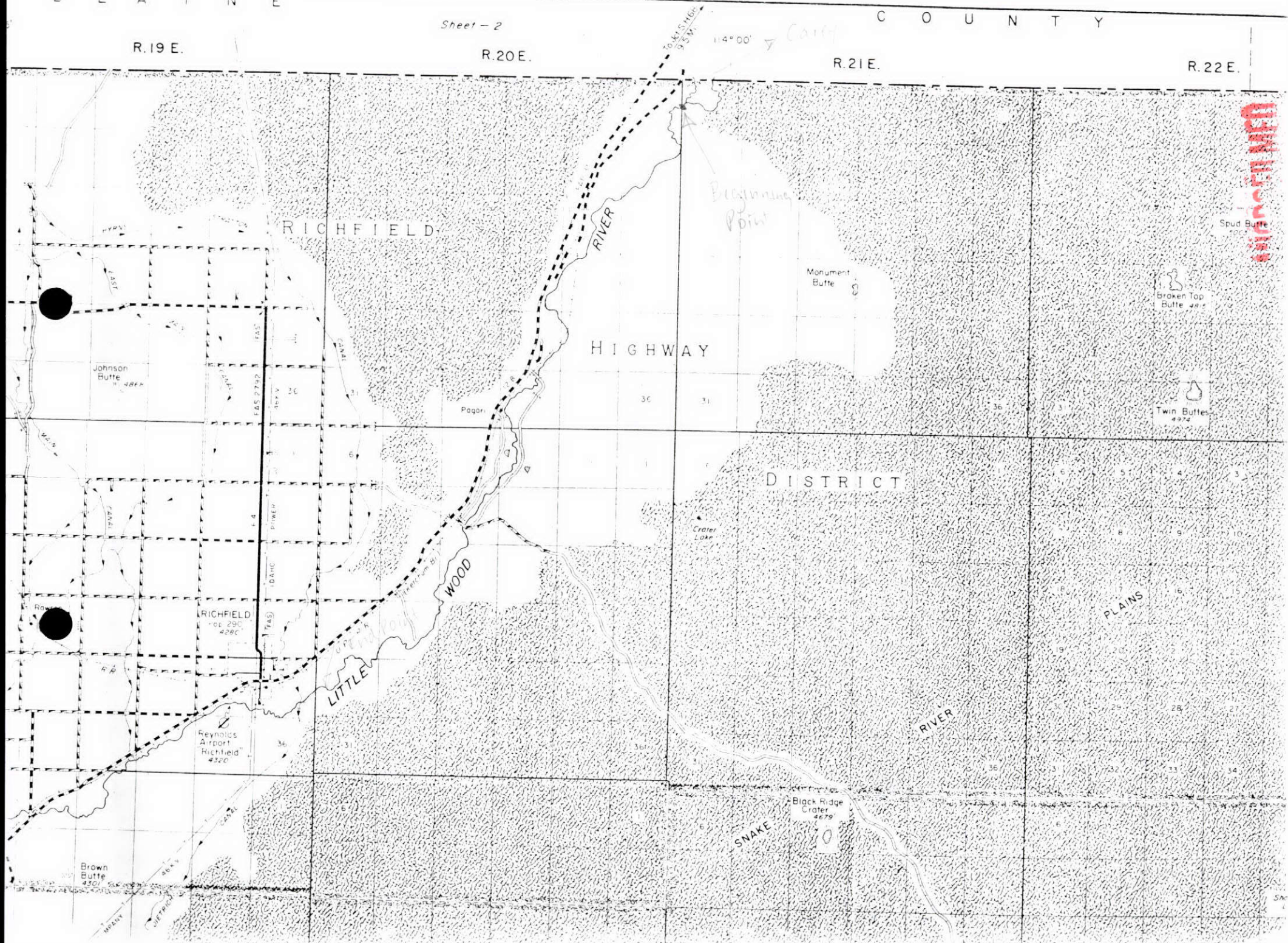


R.19 E.

R.20 E.

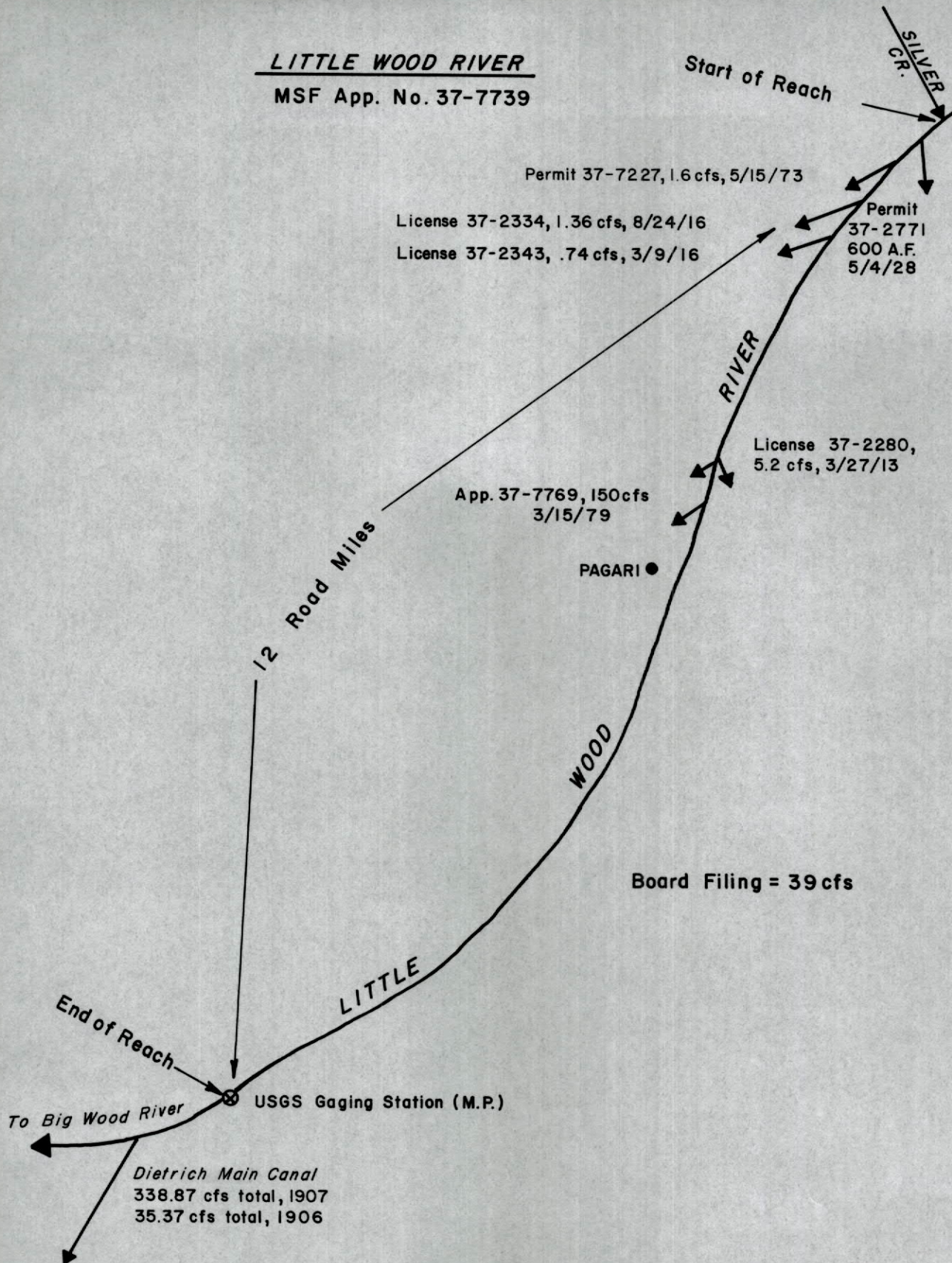
R.21 E.

R.22 E.

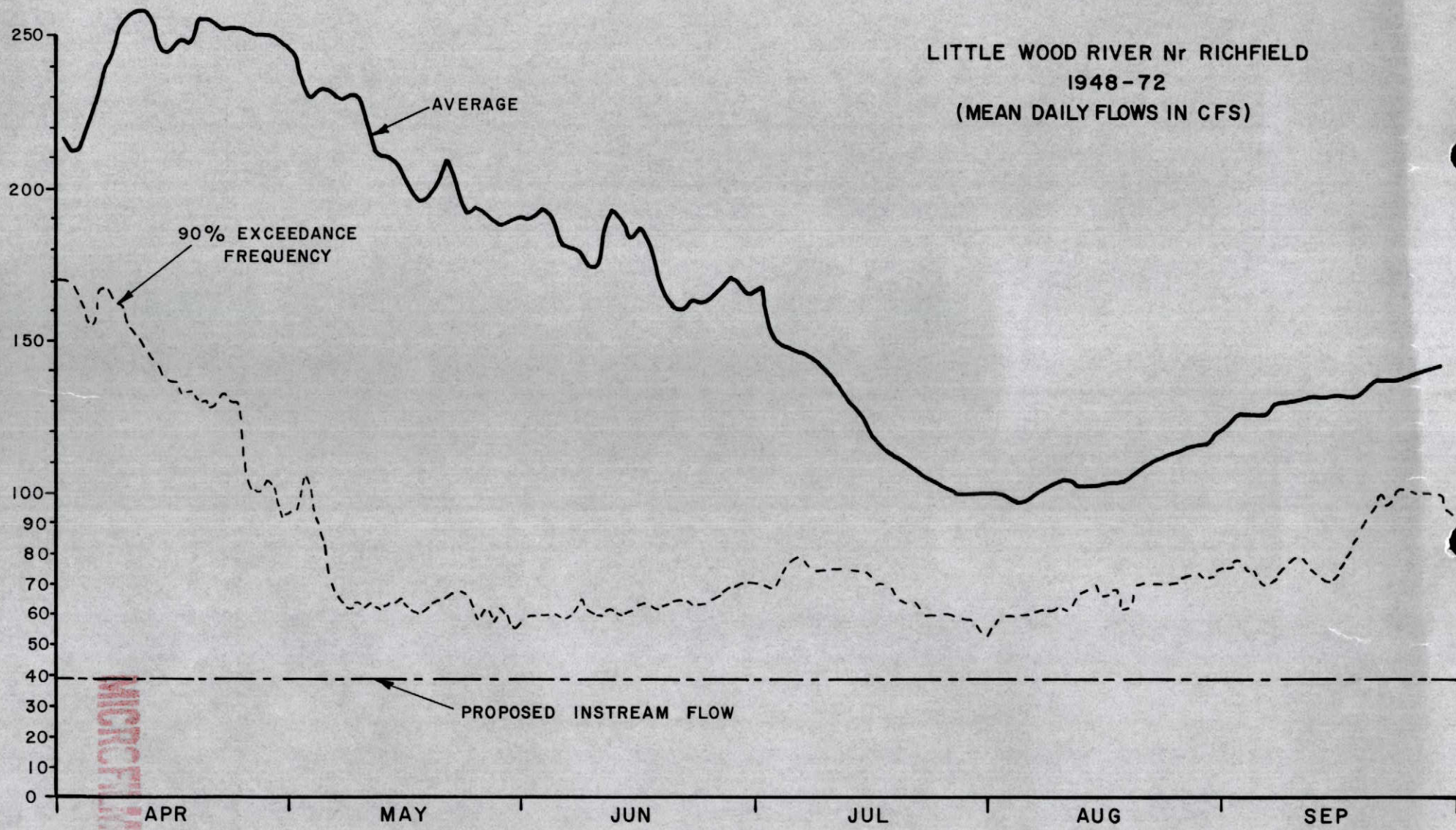


LITTLE WOOD RIVER

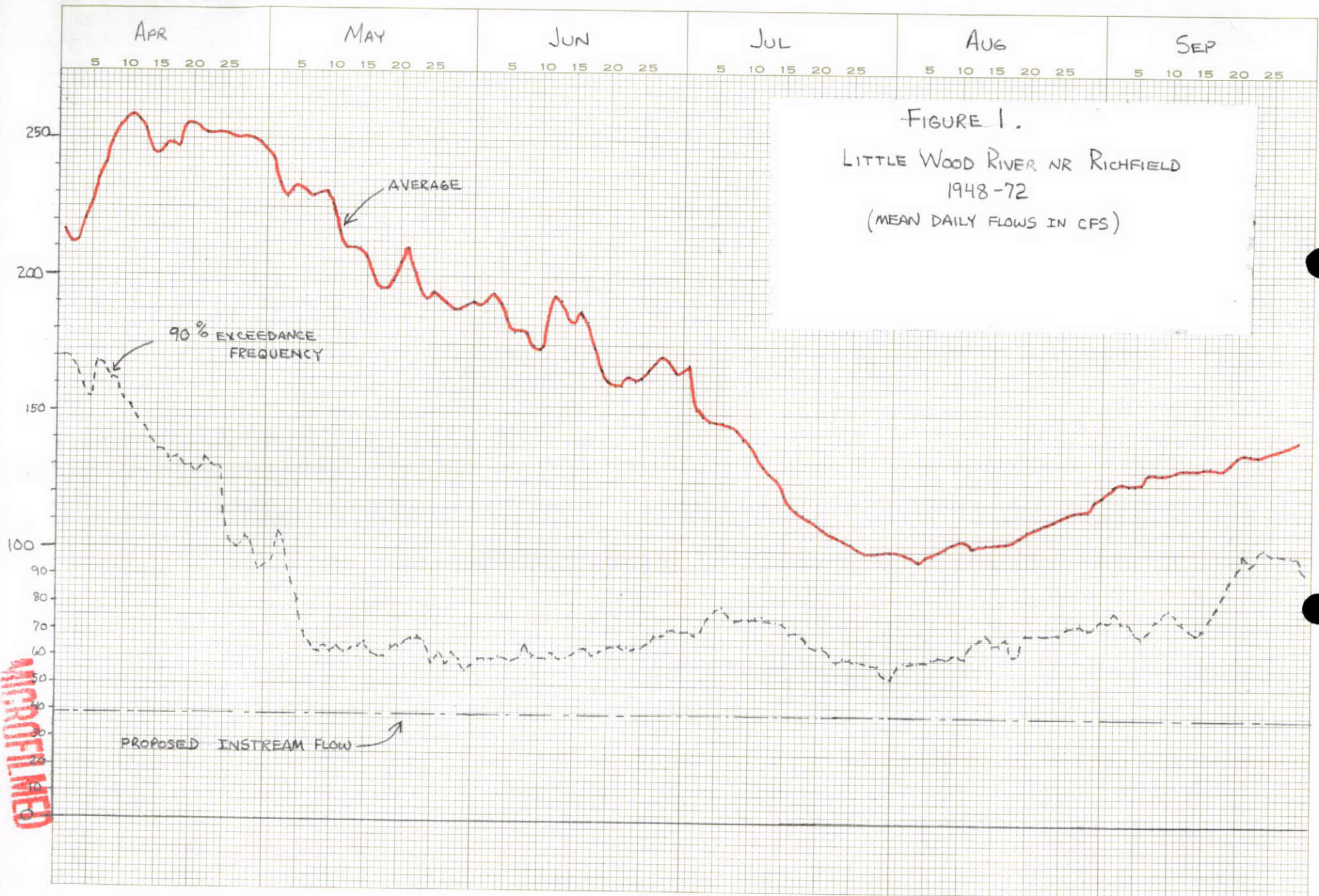
MSF App. No. 37-7739



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NOT RECOMMENDED



1-A. Little Wood River below Bear Tracks Williams property. Photo taken in June 1979 by Stuart Murrell of the Idaho Department of Fish and Game.



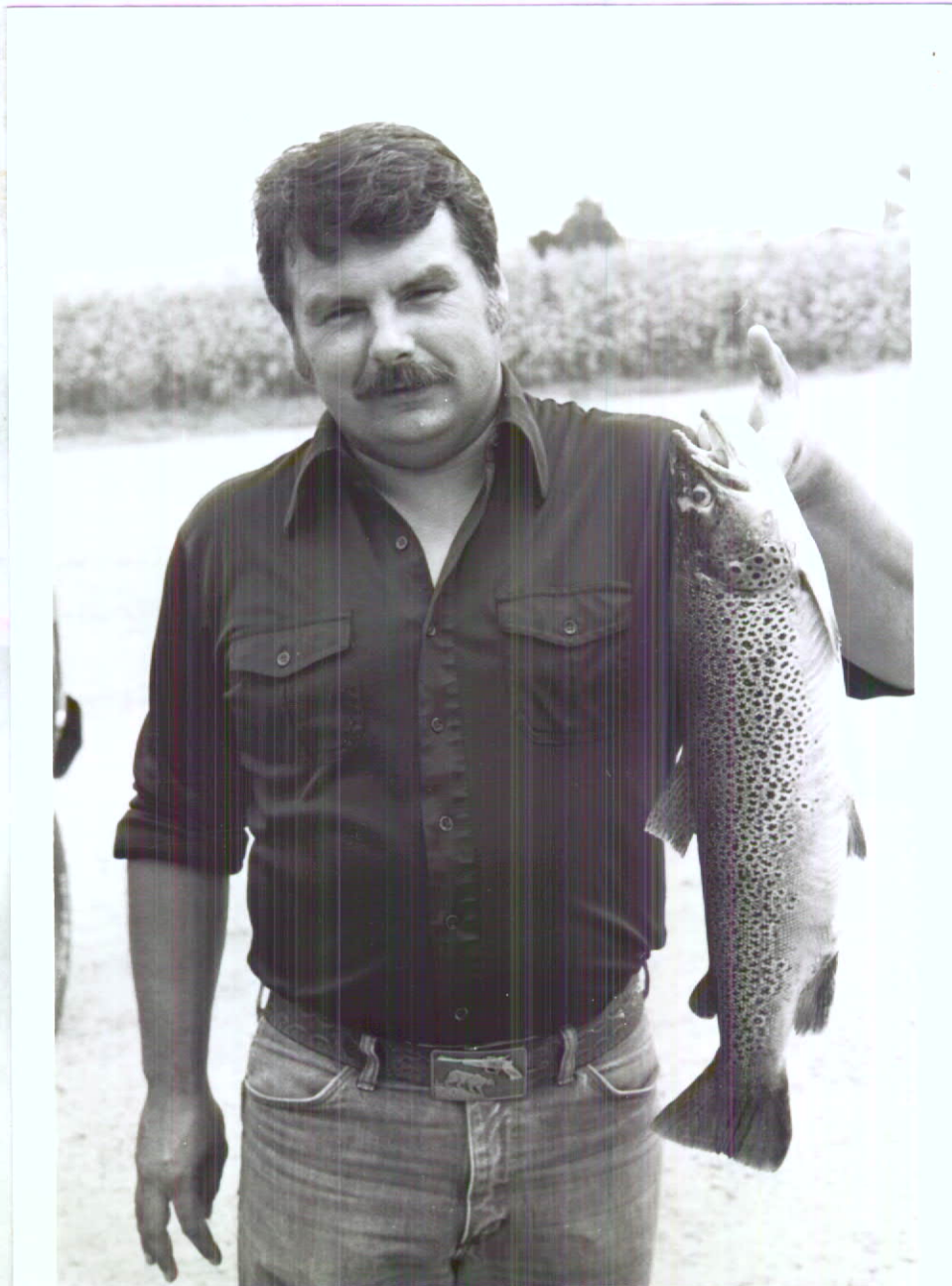
1-B. Brown trout obtained in electrofishing operation conducted by Idaho Department of Fish and Game personnel on the Little Wood River immediately below the Bear Tracks Williams property on August 7, 1979. The fish was twenty inches (508 mm) in total length and weighed approximately four pounds (1.8 kg.). Photo taken by Robert J. Bell of the Idaho Department of Fish and Game.



2-A. Juvenile brown trout obtained in electrofishing operation on the Little Wood River immediately below the Bear Tracks Williams property on August 7, 1979. Photo taken by Robert J. Bell of the Idaho Department of Fish and Game.

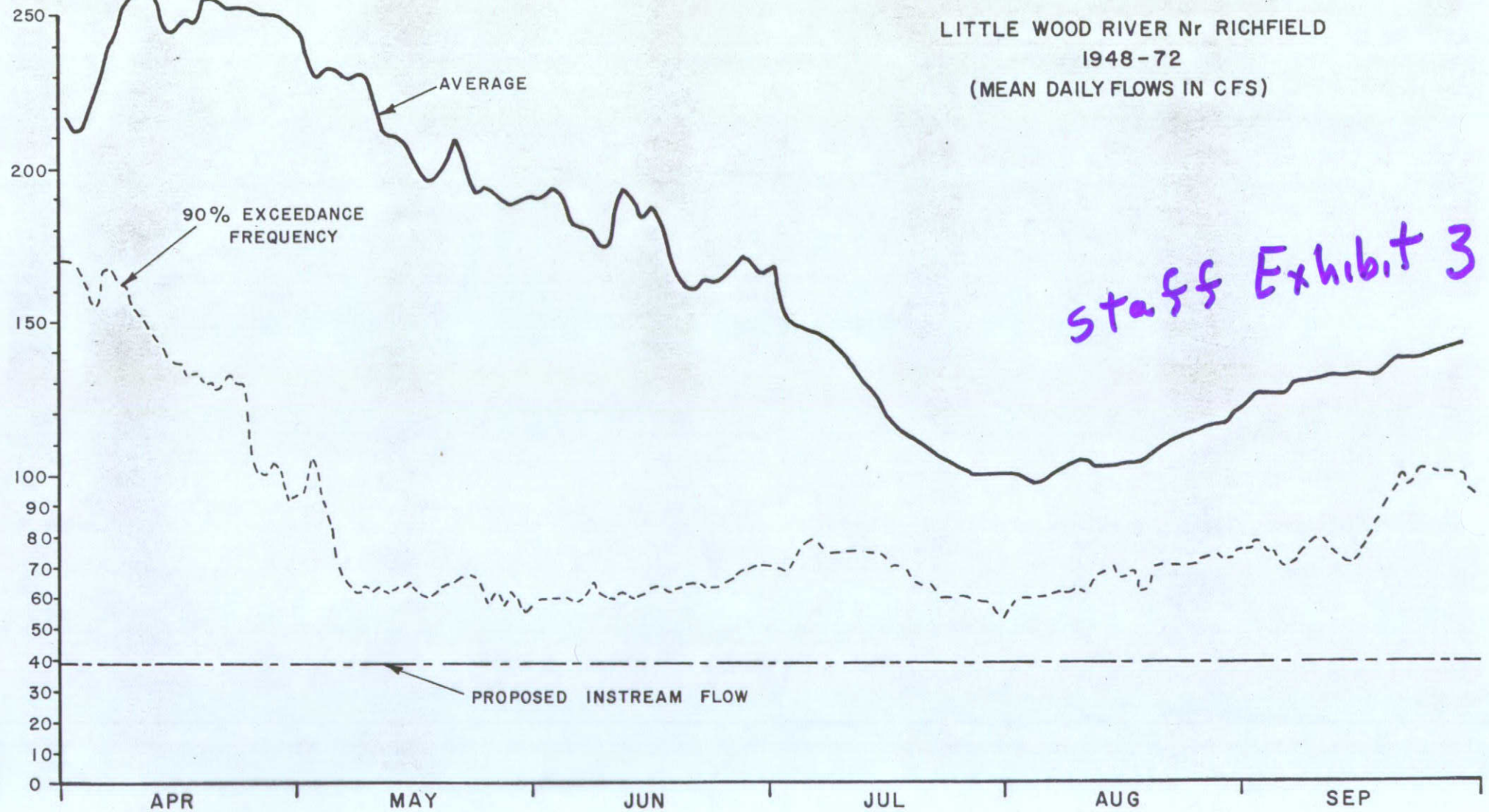


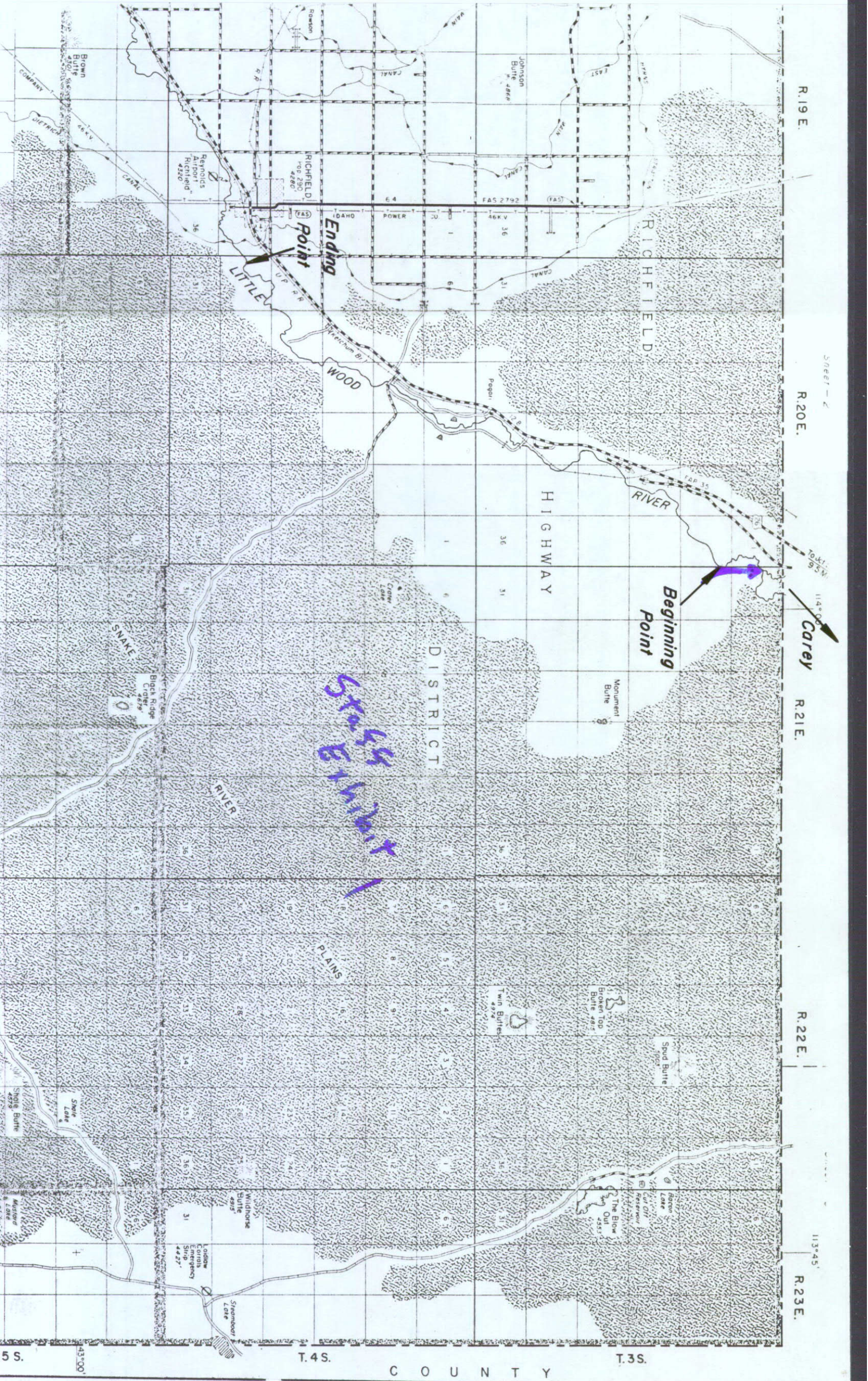
2-B. Brown trout caught by David Hallman of Jerome, Idaho on July 28, 1980 just below the Bear Tracks Williams property. The trout measured 23 inches (584 mm) in total length and weighed approximately 5.25 pounds (2.4 kg). Photo taken by Robert J. Bell of the Idaho Department of Fish and Game.



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R.19 E.

R.20 E.

R.21 E.

R.22 E.

R.23 E.

Sheet - 2

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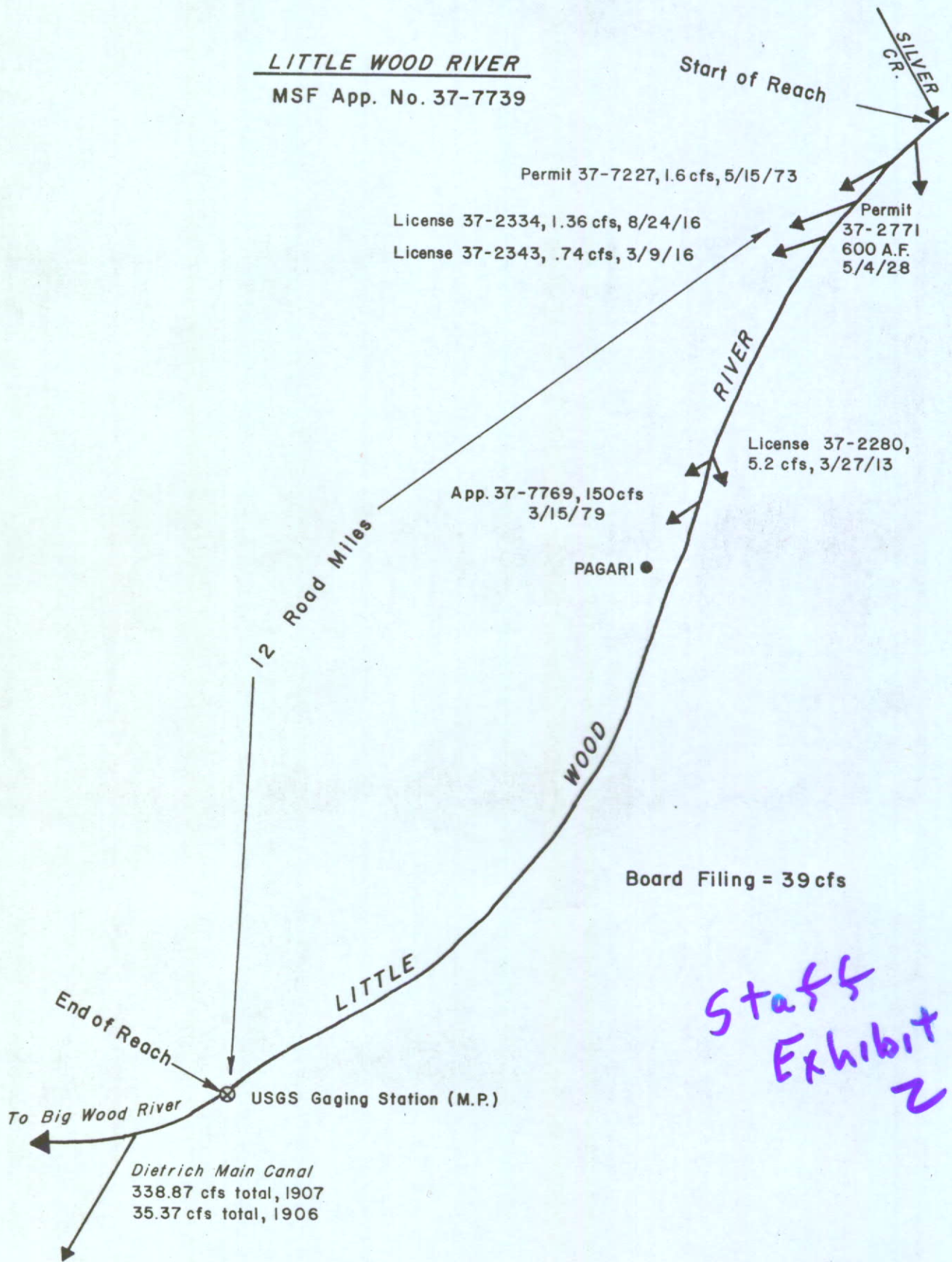
137°50'

137°55'

138°00'

LITTLE WOOD RIVER

MSF App. No. 37-7739



Staff
Exhibit
2

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Idaho Water Resource Board
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 37-7739 issued pursuant to Application for Permit dated September 29, 1978,
and has submitted proof to the Department of Water Resources on September 3, 1985,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of N/A of water from Little Wood River,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than 39.0 cfs of water ~~be diverted at any one time~~ ^{is appropriated} and that the amount of water so ~~diverted~~ ^{appropriated} and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used, said flow is located within the reach from the confluence with Silver Creek in Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6, Twp 3S, Rge 21E, downstream to U.S.G.S. stream gage station No. 13-1510, located in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 30, Twp 4S, Rge 20E, B.M., Lincoln County

Description and location of place of use: As shown above

Total number of acres irrigated _____

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CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

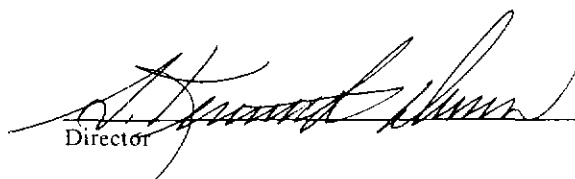
b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Use of water under this license is subject to control by the watermaster of State Water District No. 37M, Little Wood River.

This instream flow water right is subject to all prior water rights.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15TH day of July, 19 86.


Director

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 37-7739 TO ESTABLISH A) O R D E R
MINIMUM STREAM FLOW IN THE LITTLE)
WOOD RIVER IN THE NAME OF THE IDAHO)
WATER RESOURCE BOARD)
_____)

WHEREAS, C. Stephen Allred,, Director of the Department of Water Resources issued an order approving the above-referenced application for permit on October 24, 1980; and

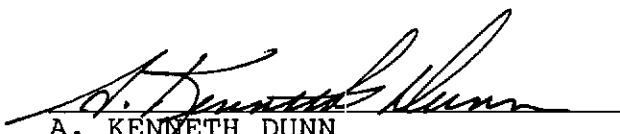
WHEREAS, a copy of the approved application was submitted by the Department to the Forty-Sixth Idaho Legislature by the fifth legislative day of the First Regular Session pursuant to § 42-1503, Idaho Code (Supp. 1980) under cover letters dated January 12, 1981 addressed to the President Protem of the Senate and to the Speaker of the House; and

WHEREAS, § 42-1503, Idaho Code, provides that if the Legislature fails to act on an application prior to the end of the regular session to which it was submitted, the application shall be considered approved; and

WHEREAS, the Final Edition of Daily Data for the Forty-Sixth Idaho Legislature, First Regular Session, January 12, 1981 through March 27, 1981 shows no action taken by the Legislature with respect to Application for Permit No. 37-7739;

IT IS, THEREFORE, HEREBY ORDERED that pursuant to I.C. § 42-1503 Application for Permit 37-7739 be considered finally effective as approved by the Director on October 24, 1980.

DATED this 18th day of May, 1981.


A. KENNETH DUNN
Director

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MAY 19 1981

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 26th day of May, 1981, a true and correct copy of the foregoing ORDER was mailed, postage prepaid, addressed to:

Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

Idaho Department of Fish & Game
Statehouse Mail
Boise, Idaho 83720

U.S. Bureau of Land Management
Shoshone District
112 South Cherry - Box 28
Shoshone, Idaho 83352

Mr. Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Mr. Leon Grieve
Manager of the Big Wood Canal Co.
P.O. Box C
Shoshone, Idaho 83352



RITA I. FLECK
Senior Secretary
Department of Water Resources

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR PERMIT
NO. 37-7739 TO ESTABLISH A MINIMUM STREAM
FLOW IN THE LITTLE WOOD RIVER IN THE NAME
OF THE IDAHO WATER RESOURCE BOARD

ORDER ADOPTING PROPOSED
MEMORANDUM DECISION AND ORDER

WHEREAS, C. Stephen Allred, Director of the Department of Water Resources having issued and served a copy on the parties thereto on September 11, 1980 a Proposed Memorandum Decision and Order in the above-mentioned matter, pursuant to Idaho Code, Section 67-5211; and,

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

WHEREAS, an exception to the Finding of Fact No. 1 in the Proposed Memorandum Decision and Order has been received; and,

WHEREAS, Finding of Fact No. 1 in the Proposed Memorandum Decision and Order states:

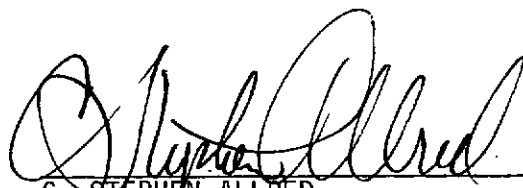
"On September 29, 1980, the Idaho Water Resource Board filed application for permit No. 37-7739 to appropriate a minimum stream flow in the Little Wood River, which is tributary to the Big Wood River, Lincoln County, pursuant to provisions of Chapter 15, Title 42, Idaho Code."; and,

WHEREAS, Finding of Fact No. 1 should be amended to read:

"On September 29, 1978, the Idaho Water Resource Board filed application for permit No. 37-7739 to appropriate a minimum stream flow in the Little Wood River, which is tributary to the Big Wood River, Lincoln County, pursuant to provisions of Chapter 15, Title 42, Idaho Code.";

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order together with amended Finding of Fact No. 1 be adopted as the Final Decision and Order.

Dated this 24 day of October, 1980.


C. STEPHEN ALLRED
Director

NOT FILMED

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

IN THE MATTER OF APPLICATION FOR PERMIT NO. }
37-7739 TO ESTABLISH A MINIMUM STREAM FLOW }
IN THE LITTLE WOOD RIVER IN THE NAME OF THE }
IDAHO WATER RESOURCE BOARD }

PROPOSED
MEMORANDUM DECISION
AND ORDER

On September 29, 1978, the Idaho Water Resource Board filed with the Department of Water Resources for an application for permit to preserve a minimum stream flow in the Little Wood River, tributary to the Big Wood River, in Lincoln County. 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 Lincoln County Journal on July 17, 24, and 31, 1980. A public hearing was held at Shoshone, Idaho on August 6, 1980. L. Glen Saxton of the Department of Water Resources served as hearing officer.

Parties appearing in a formal capacity included the Idaho Water Resource Board; the Idaho Department of Fish and Game; the United States Bureau of Land Management; Mr. Reid J. Newby, Watermaster of Water District 37-M (Silver Creek and Little Wood River); and Mr. Leon Grieve, Manager of the Big Wood Canal Company. No parties appeared for the purpose of presenting views and comments as public witnesses.

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

FINDINGS OF FACT

1) On September 29, ¹⁹⁷⁸1980, the Idaho Water Resource Board filed application for permit No. 37-7739 to appropriate a minimum stream flow in the Little Wood River, which is tributary to the Big Wood River, Lincoln County, pursuant to provisions of Chapter 15, Title 42, Idaho Code.

2) Application for permit No. 37-7739 proposes to appropriate a minimum stream flow in the Little Wood River from the confluence with Silver Creek in Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 6, Twp. 3S, Rge. 21E B.M., downstream to U.S.G.S. stream gage station No. 13-1510, located in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 30, Twp. 4S, Rge. 20E B.M. The proposed rate of flow is 39 cubic feet per second.

3) The purpose of the proposed instream appropriation is to maintain trout

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spawning and rearing throughout the reach defined above.

4) Based upon testimony of the staff of the Department of Water Resources, a finding is made that various water right licenses and permits exist with points of diversion within the designated minimum stream flow reach of the Little Wood River. Water is delivered to these rights when excessive flows are available and since a right prior to all the permits and licenses in the designated reach exists in the amount of 300 cubic feet per second with a date of priority of December 12, 1906, there should always be 39 cubic feet per second of water flowing in the reach of the Little Wood River. The point of diversion for the 300 cubic feet per second is at the head of the Dietrich Main Canal, located about one-half mile downstream from the lower end of the designated minimum stream flow reach of the Little Wood River.

5) All rights acquired under application for permit No. 37-7739 are for instream nonconsumptive uses and will be subject to all vested water rights.

6) Based upon the sworn testimony, documentation, and statements comprising the record in this matter, a finding is made that the minimum stream flow proposed by application No. 37-7739 is necessary to maintain trout spawning and rearing.

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 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 preserve the existing unique characteristics of the stream for the public benefits and is not the ideal or most desirable flow which could be utilized for that purpose.

9) Based upon testimony and evidence submitted concerning available flow measurement data, a finding is made that the minimum stream flow proposed for the Little Wood River is capable of being maintained.

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 September 29, 1978.

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 to maintain trout spawning and rearing.

4) The minimum stream flow proposed to be appropriated is the minimum flow required for the purpose cited in Conclusion of Law No. 3 and not the ideal or most

desirable flow.

- 5) The minimum stream flow proposed is capable of being maintained.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 37-7739 is APPROVED subject to the following conditions:

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

- 2) Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department on or before September 1, 1985. The proof submitted shall include at least three years of flow data for the water course. The frequency of the data accumulation must be submitted to the Director for review and approval.

- 3) The minimum stream flows approved under this application are subject to control by the watermaster of Water District 37-M, Little Wood River.

- 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 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 11th day of September, 1980.

L. Glen Saxton

L. GLEN SAXTON

Hearing Officer

Form 202
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-7739

RECEIVED

SEP 29 1978

SEP 30 1978

Department of Water Resources

To appropriate the public waters of the State of Idaho

Department of Water Resources

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

Post office address Statehouse Mail, Boise, Idaho 83720

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

3. Location of point of diversion is * SEE REMARKS
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30 Township 4S

Range 20E B.M. Lincoln County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 39 cfs for instream flow purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 39 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 _____ to _____ inclusive.
(Month/Day) (Month/Day)

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: *SEE REMARKS
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30 Township 4S

Range 20E 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 spawning and rearing from the point of requested flow upstream to Silver Creek

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384-2215

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

[illegible]

Total number of acres to be irrigated

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

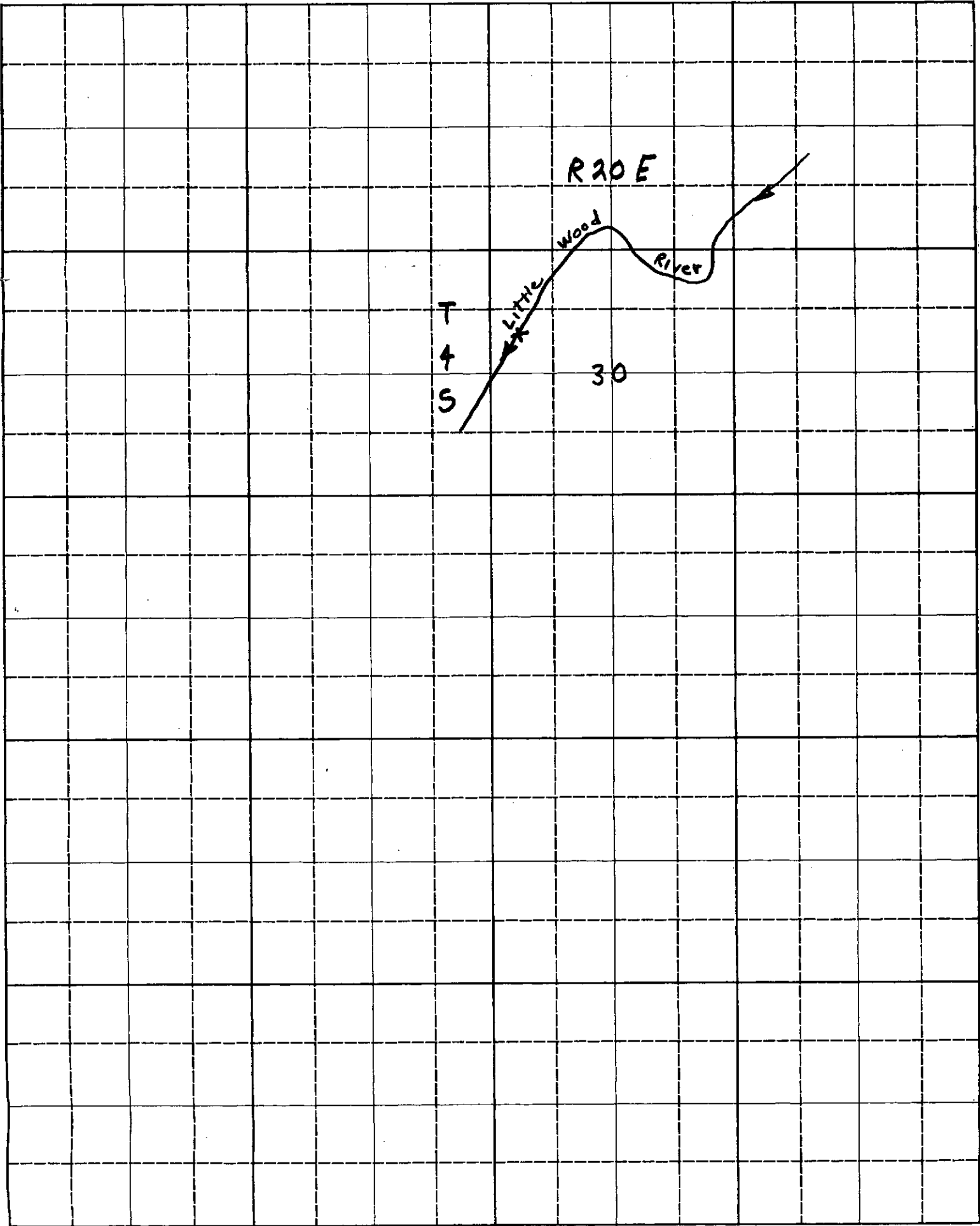
9. a. Who owns the property at the point of diversion _____

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 The proposed location of the point of diversion and use is at gage station
No. 13-1510 in Sec. 30, T4S, R20E, Lincoln County.

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.

IDAHO WATER RESOURCE BOARD

BY: George H. Foster
(Applicant) CHAIRMAN

Received by CH Date 9-29-78 Time 9:45
Preliminary check by C Fee \$ N.A.
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. 37-7739, 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 85.
- 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 PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER ADOPTING
PROPOSED MEMORANDUM DECISION AND ORDER

Witness my hand this 22 day of October, 19 80.

[Signature]
Director

NAME OF STREAM: Little Wood River

LEGAL DESCRIPTION OF THE POINT TO THE STREAM WHERE STREAM FLOW IS REQUESTED:
At gage station, No. 13-1510, Lincoln County, Section 30, T4S, R20E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND: 39 cfs.

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:
To maintain trout spawning and rearing from the point of requested flow upstream to Silver 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 nonconsumptive use and will be subject to all vested water rights, permits or water applications of earlier dates of priority.

EVIDENCE THAT THE APPROPRIATION WOULD BE IN THE PUBLIC INTEREST AS OPPOSED TO PRIVATE INTEREST:

The stretch of Little Wood River from Silver Creek down to Dietrich Diversion is a high quality fishery supported by excellent populations of brown trout and rainbow trout. Sections of this stretch are presently being managed as catch and release quality and trophy fishery for trout.

The requested instream water right will be held in trust for 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 to determine instream flow requirements for fish resources in Little Wood River. Methodologies, techniques and instream flow recommendations are presented in the following publication:

Cochnauer, T. and E. Buettner. 1978. Stream Resource Maintenance Flow Determination on Idaho Streams. Job Performance Report, Project F-69-R-3, Job II. 87 pp. Idaho Department of Fish and Game.

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

The ideal flow would be one which provided bank full discharge or approximately 100 cfs.

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

According to USGS records during the period, 1950-1970, the lowest flow recorded at the above gage station was 38 cfs in July, 1961.

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

One-half mile upstream from Byrns Slough and heading of Dietrich canal.
No. 13-1510, Lincoln County, Section 30, T4S, R20E.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.
37-7739 TO ESTABLISH A MINIMUM STREAM FLOW
IN THE LITTLE WOOD RIVER IN THE NAME OF THE
IDAHO WATER RESOURCE BOARD

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of November, 1980, true and correct copies of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

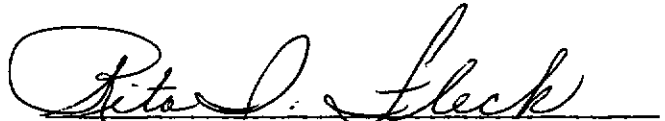
Idaho Water Resource Board
Statehouse Mail
Boise, ID

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

U.S. Bureau of Land Management
Shoshone District
112 South Cherry - Box 28
Shoshone, ID 83352

Mr. Reid J. Newby
Watermaster District 37
Box T
Shoshone, ID 83352

Mr. Leon Grieve
Manager of the Big Wood Canal Co.
P. O. Box C
Shoshone, ID 83352


RITA I. FLECK

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 37-7739 TO ESTABLISH A)
MINIMUM STREAM FLOW IN THE LITTLE)
WOOD RIVER IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD)

ORDER ISSUING
PROPOSAL FOR DECISION
I.C. SECTION 67-5211

C. Stephen Allred, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, L. GLEN SAXTON, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, Section 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on August 6, 1980 of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code Section 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing 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, and

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AUG 10 1980

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

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

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. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

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 exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party shall have the right to present oral arguments in response to the exceptions filed, provided that party files a request with the Director on or before the 15th day following the day the last exceptions by any other party were served upon that party.

C. After all exceptions, briefs and requests for oral arguments have been received by the Director and if oral arguments have been properly requested, the Director will, within a reasonable time, set the case for oral arguments and 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.

CERTIFICATION OF SERVICE

A. 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

A. Following the submission of all exceptions and 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 16 day of September, 1980.


C. STEPHEN ALLRED
Director
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. 37-7739 TO ESTABLISH A)
MINIMUM STREAM FLOW IN THE LITTLE)
WOOD RIVER IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD)
_____)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 22nd day of September, 1980,
true and correct copies of the foregoing ORDER ISSUING PROPOSAL FOR
DECISION and PROPOSED MEMORANDUM DECISION AND ORDER were mailed,
postage prepaid to:

Idaho Water Resource Board
Statehouse Mail
Boise, ID

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

U.S. Bureau of Land Management
Shoshone District
112 South Cherry - Box 28
Shoshone, ID 83352

Mr. Reid J. Newby
Watermaster District 37
Box T
Shoshone, ID 83352

Mr. Leon Grieve
Manager of the Big Wood Canal Co.
P. O. Box C
Shoshone, ID 83352



RITA I. FLECK

1980-09-22
RECEIVED

AFFIDAVIT of PUBLICATION

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State of Idaho, }
County of Lincoln } SS.

AUG 1 1980

Department of Water Resources
Southern District Office

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, 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 (3) consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17 day of July, 1980, and the date of the last publication was on the 24 day of July, 1980. 31 - corrected

Melba Thorne

Subscribed and sworn to before me this 24-31 day of July, 1980. corrected
(SEAL)

Ray Ann Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice

Number of Insertions

Lines tabular at 315c

80 Lines straight at 23.20

160 Subsequent lines at 30.40

TOTAL COST 53.60

COPY OF NOTICE

(Paste Here)

Min Stream Flow
TITLE OF NOTICE

37-7739-Resource Board
PLAINTIFF ATTORNEY

DEFENDANT

AIN

BILL TO

Dept of Water Resources

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

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

Nº 3246

**APPLICATION FOR
MINIMUM STREAM FLOW
AND NOTICE OF
HEARING
37-7739**

Notice is hereby given that the Idaho Water Resources Board has on September 29, 1979, submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Little Wood River tributary of Snake River and is further described as follows:

Source: Little Wood tributary of Snake River

Amount: 39 cfs

Season of Use: Jan. 1 to Dec. 31

Point of Diversion: SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 30, T.4S, R.20E, Lincoln County. The proposed location of the point of diversion and use is at gage station No. 13-1510 in Sec. 30, T.4S, R.20E, Lincoln County.

Use: Instream flow to maintain trout spawning and rearing from the point of requested flow upstream to Silver Creek.

The Director of the Department of Water Resources will hold a public hearing on the above referenced application at 1:00 p.m., Tuesday, August 5, 1980, in the conference room of the Department of Health & Welfare, 677 Filer Avenue, Twin Falls, 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 formally present their views and comments without the necessity of filing a notice of appearance.

/s/ C. Stephen Allred
Director

Pub: 7-17, 24

**APPLICATION FOR
MINIMUM STREAM FLOW
AND CORRECTED
NOTICE OF HEARING
37-7739**

Notice is hereby given that the Idaho Water Resources Board has on September 29, 1979, submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Little Wood River tributary of Snake River and is further described as follows:

Source: Little Wood tributary of Snake River

Amount: 39 cfs

Season of Use: Jan. 1 to Dec. 31

Point of Diversion: SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 30, T.4S, R.20E, Lincoln County. The proposed location of the point of diversion and use is at gage station No. 13-1510 in Sec. 30, T.4S, R.20E, Lincoln County. Use: Instream flow to maintain trout spawning and rearing from the point of requested flow upstream to Silver Creek.

The Director of the Department of Water Resources will hold a public hearing on the above referenced application at 10 a.m., Wednesday, August 6, 1980 in the courtroom of the Lincoln County courthouse, 111 W. "B", Shoshone, 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 formally present their views and comments without the necessity of filing a notice of appearance.

/s/ C. Stephen Allred
Director

Pub: 7-17, 24

APPLICATION FOR MINIMUM STREAM FLOW

AND NOTICE OF HEARING

37-7739

Notice is hereby given that the Idaho Water Resources Board has on September 29, 1979, submitted an application for permit to the Department of Water Resources proposing the appropriation of water to preserve the minimum streamflow from the Little Wood River tributary of Snake River and is further described as follows:

Source: Little Wood River tributary of Snake River

Amount: 39 cfs

Season of Use: Jan. 1 to Dec. 31

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T.4S, R.20E, Lincoln County. The proposed location of the point of diversion and use is at gage station No. 13-1510 in Sec. 30, T.4S, R.20E, Lincoln County.

Use: Instream flow to maintain trout spawning and rearing from the point of requested flow upstream to Silver Creek.

The Director of the Department of Water Resources will hold a public hearing on the above referenced application at 10:00 a.m., Wednesday, August 6, 1980, in the courtroom of the Lincoln County Courthouse, 111 West B, Shoshone, 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 formally present their views and comments without the necessity of filing a notice of appearance.

C. STEPHEN ALLRED
Director

Published in Lincoln County Journal on July 17, 24 and 31, 1980.

MICROFILMED

GEORGE L. YOST

P.O. Box 686

Emmett, Idaho 83617



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SUPPORT

US Postage

Dept of Water Resources
3736 Franklin St

Boise Idaho

83720





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

July 16, 1986

RE: Permit Nos. 11-7152 & 37-7739

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

Dear Mr. Gray:

Enclosed are copies of the water right licenses issued on the above referenced permits.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

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MEMORANDUM

TO: File No. 37-7739
FROM: Kay Walker *KW*
DATE: June 24, 1986
RE: Assessment of Proof of Beneficial Use Data

This assessment is designed to summarize the adequacy of Proof of Beneficial Use Data submitted by the Idaho Department of Fish & Game on behalf of the Idaho Water Resource Board, with respect to two primary considerations, as follows:

- ✓ 1. Has the water been used for the purposes described in the permit?

The Department of Fish & Game has provided evidence that this permit has been put to the beneficial use that was applied for. Exhibits 1 - 9 clearly show that this instream flow has ^{reaches} established a good area for trout spawning and rearing; thus creating excellent fishing opportunities for the benefit of the public.

2. How much water was used for the purposes described in the permit?

The flow data that was submitted by the Department of Fish & Game (for the years of 1974 through 1984) provide evidence that there is enough water ^{flow} in this reach of the Little Wood River to maintain the instream flow of 39.0 cfs. The only months that water was below this amount was in September of 1977 - the year Idaho experienced a drought. *(August and*

The average mean water year (April through September) level, in second feet, for this 11 year period is as follows:

1974 - 166.7 ✓	1979 - 82.2 ✓
1975 - 249.0 ✓	1980 - 180.7 ✓
1976 - 157.2 ✓	1981 - 77.9 ✓
1977 - 50.4 ✓	1982 - 267.5 ✓
1978 - 154.8 ✓	1983 - 427.8 ✓
	1984 - 347.8 ✓

For an overall average, the flow equals 196.5 second feet, thus establishing that the 39.0 cfs requested on this permit is available. *except in SEVERE DROUGHT CONDITIONS.*

In summary, the minimum stream flow has enhanced public enjoyment through maintaining the trout rearing habitat. I recommend licensing of this permit for 39 cfs.

Add to license as a condition the following; This instream flow water right is subject to all prior water rights.

Jim

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STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

December 6, 1985

Virgil Moore
Fish and Game Department
600 S. Walnut
Boise, ID 83707

Re: Instream Flow Permit Nos. 37-7739 and
11-7152 in the name of the Idaho Water
Resource Board

Dear Mr. Moore:

The conditions of approval for the above-referenced instream flow permits required that proof of beneficial use for the instream flows be submitted to the Director, Department of Water Resources, on or before September 1, 1985.

The Idaho Water Resource Board (Board) submitted the supporting data prepared by the Fish and Game Department as part of the required proofs to the Department of Water Resources (DWR). The DWR has advised me that the proof for Permit No. 37-7739 in connection with the Little Wood River is acceptable. The DWR, however, has also advised me that the proof submitted for Permit No. 11-7152 on St. Charles Creek is deficient in its failure to provide at least three (3) years of flow data for the water course. In view of this deficiency, the Board applied for and received from the DWR an extension of time in which to submit proof of beneficial use for Permit No. 11-7152. The proof due date has been extended to September 1, 1986.

I trust that your Department will timely provide me with sufficient data to make an acceptable proof before September 1, 1986, since the Fish and Game Department was the originator of the request to establish a minimum stream flow on St. Charles Creek.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Dave Rydalch".

DAVE RYDALCH
Chairman, Instream Flow Committee
Idaho Water Resource Board

1s cc: Jerry Conley

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP 3 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 37-7739

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

Post Office Address: Statehouse Mail, Boise, ID 83720

Telephone No. 334-4440

Source of Water: Little Wood River

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Establish a Minimum Instream Flow

Indicate the date water was first diverted and beneficially used under this permit: September 29, 1978

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

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

Person to contact to accompany the Department representative during the field examination:

(Name)

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(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date

Signature of Permit Holder (and Title, if appropriate) Chairman

AUGUST 29, 1985

MINIMUM INSTREAM FLOW APPLICATION NO. 37-7739
ON THE LITTLE WOOD RIVER
FOR 39 CFS OF WATER, FROM THE DIETRICH DIVERSION UPSTREAM
TO THE MOUTH OF SILVER CREEK TO PRESERVE AND PROTECT
THAT PORTION OF THE STREAM

RECEIVED

SEP 3 1985

Department of Water Resources

Some of the finest brown trout angling in Idaho is provided by this portion of the Little Wood River. The first introductions of brown trout fry in this stream section were made in the spring of 1970 from eggs which were hatched and reared at the Idaho Department of Fish and Game's Hayspur Hatchery near Gannett. The stockings were highly successful and it was soon obvious natural reproduction was occurring. Supplemental annual stockings of brown trout fry are made to bolster trout numbers resulting from natural production. By the late 1970's it was obvious brown trout populations were being adversely impacted during their fall spawning period so an October 15 angling closure was enacted on the stream.

A trophy brown trout fishery has been developed in this section of the Little Wood River and has been very well received by the angling public. A significant number of browns within the area reach weights exceeding six pounds and fish exceeding nine pounds have been caught. Many brown trout in the two-pound plus range are caught.

Rainbow trout are also present in very good numbers in addition to the excellent brown trout angling. Some of the rainbow reach weights exceeding four pounds.

Approximately 6,080 feet of the stream section of the Little Wood River involved in this instream flow request was sampled by electrofishing by Department of Fish and Game personnel between September 3, 1975 and August 29, 1985. Numerous Department personnel, including Biological aides, participated in the operations. Totals of 246 brown trout ranging in total length from 2.25 to 20 inches and 56 rainbow trout ranging in total length from 3 to 13 inches were obtained. The electrofishing indicates an excellent population of brown trout and a good population of rainbow trout of all age classes and shows good natural reproduction of both species. As indicated in the electrofishing summary table at the end of the report, the totals of fish obtained by electrofishing are only a small sample of the trout present in the stream and in no way reflect total population numbers.

The Department of Fish and Game is currently managing this section as a wild trout stream and all catchable trout stockings were terminated in the early 1970's. The only hatchery trout presently being stocked within the area are the annual stockings of brown trout fry mentioned earlier in the statement.

The Department of Fish and Game feels the requested instream flow of 39 cfs is necessary to maintain adequate resting, rearing, hiding and spawning areas within the stream section involved.

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- EXHIBIT NO. 1. Looking upstream on the Little Wood River at a point immediately below the lower stretches of the Bear Tracks Williams area. Note the riparian vegetation, overhanging banks, and large rocks.



- EXHIBIT NO. 2. Looking downstream on the Little Wood River at a point immediately below the lower end of the Bear Tracks Williams area. Note the lush overhanging banks and the deep pool areas behind the large rocks.

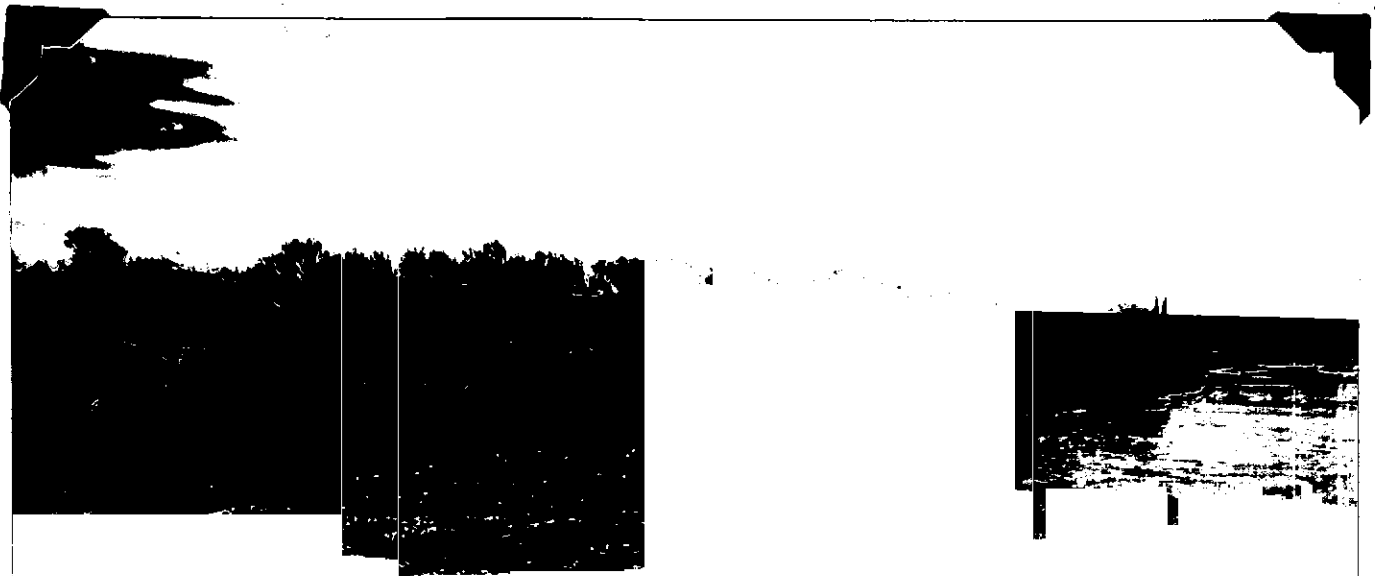


EXHIBIT NO. 3. Looking downstream on the Little Wood River at a point just below the railroad trestle, $\frac{1}{4}$ mile below the Bear tracks Williams area. Note the gravel riffle areas.

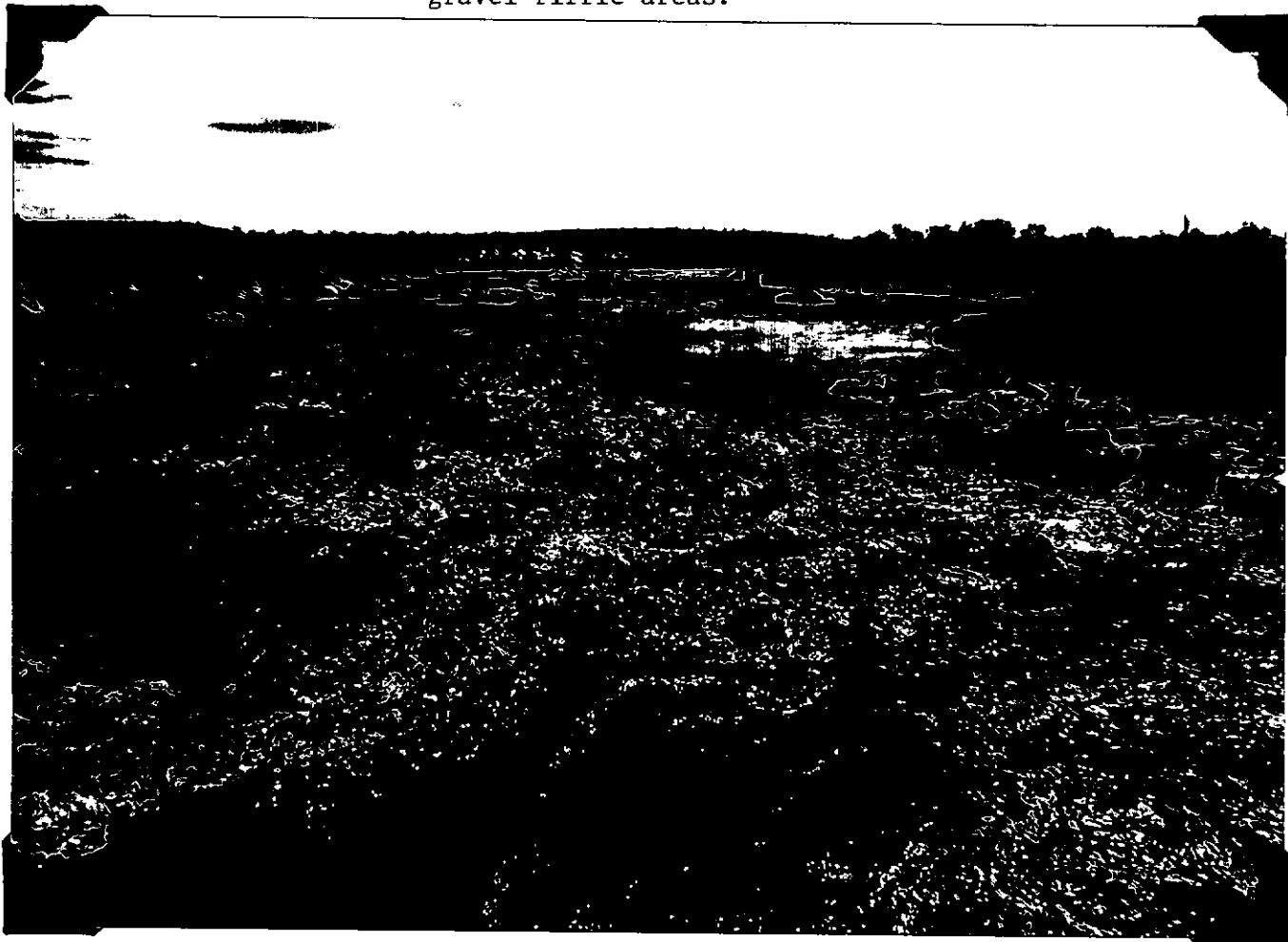


EXHIBIT NO. 4. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game personnel on August 29, 1985.



EXHIBIT NO. 5. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game personnel on August 29, 1985.



EXHIBIT NO. 6. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game Personnel on August 29, 1985.

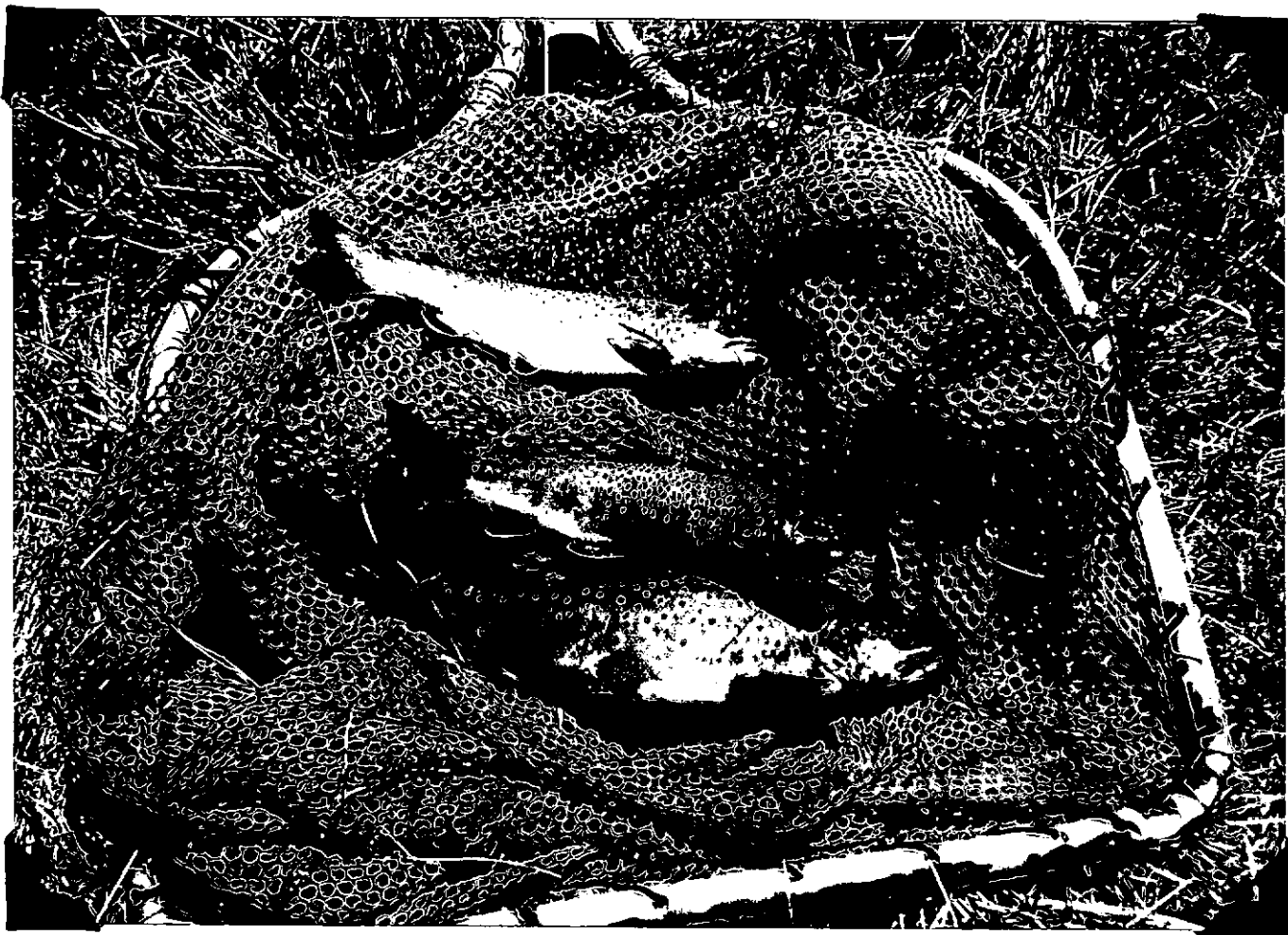


EXHIBIT NO. 7. Young of the year wild brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of fish and Game personnel on August 29, 1985.



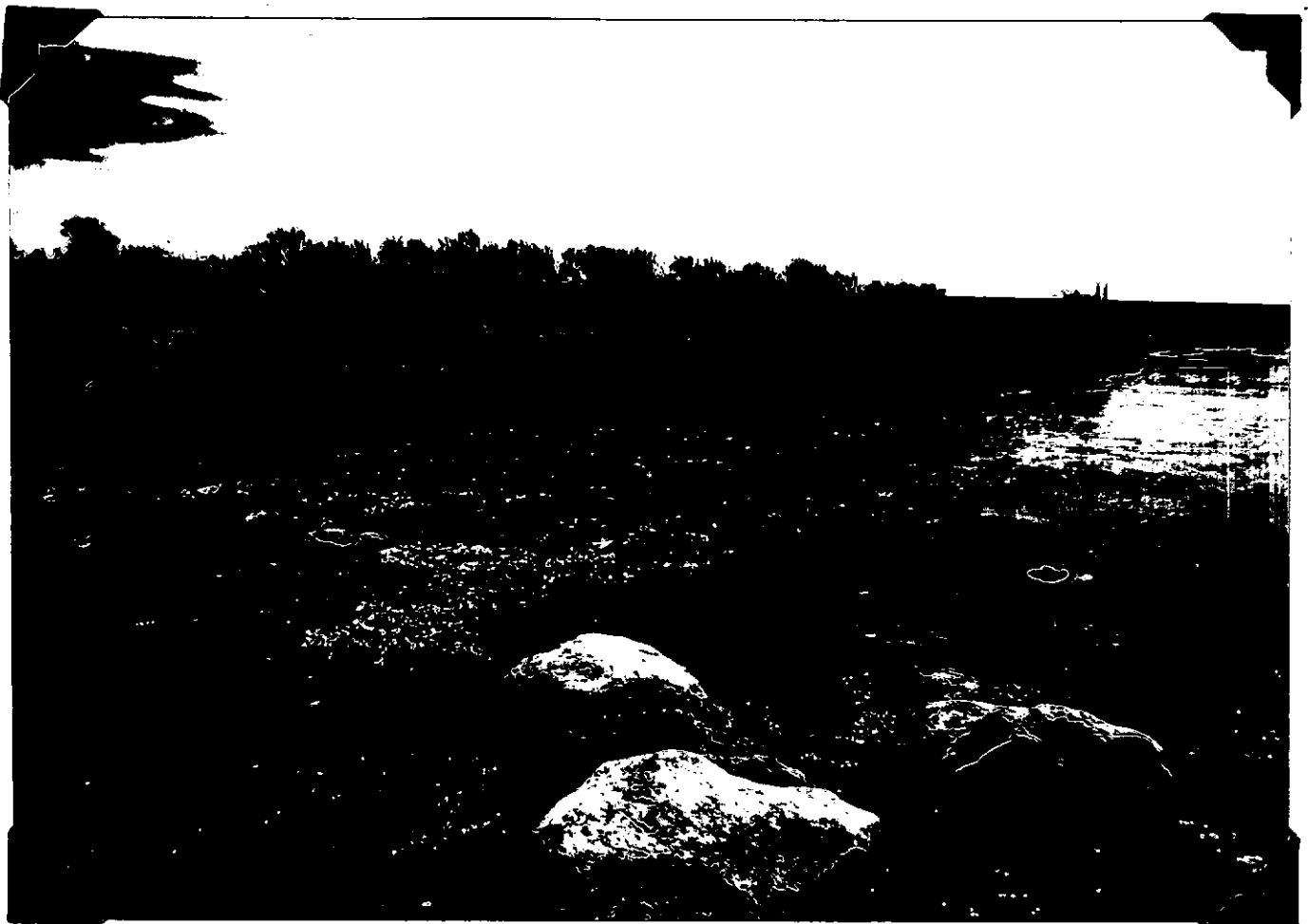
EXHIBIT NO. 8. Adult and juvenile brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of fish and Game personnel on August 29, 1985.



EXHIBIT NO. 1. Looking upstream on the Little Wood River at a point immediately below the lower stretches of the Bear Tracks Williams area. Note the riparian vegetation, overhanging banks, and large rocks.



EXHIBIT NO. 2. Looking downstream on the Little Wood River at a point immediately below the lower end of the Bear Tracks Williams area. Note the lush overhanging banks and the deep pool areas behind the large rocks.



Photos taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 3. Looking downstream on the Little Wood River at a point just below the railroad trestle, $\frac{1}{4}$ mile below the Bear tracks Williams area. Note the gravel riffle areas.

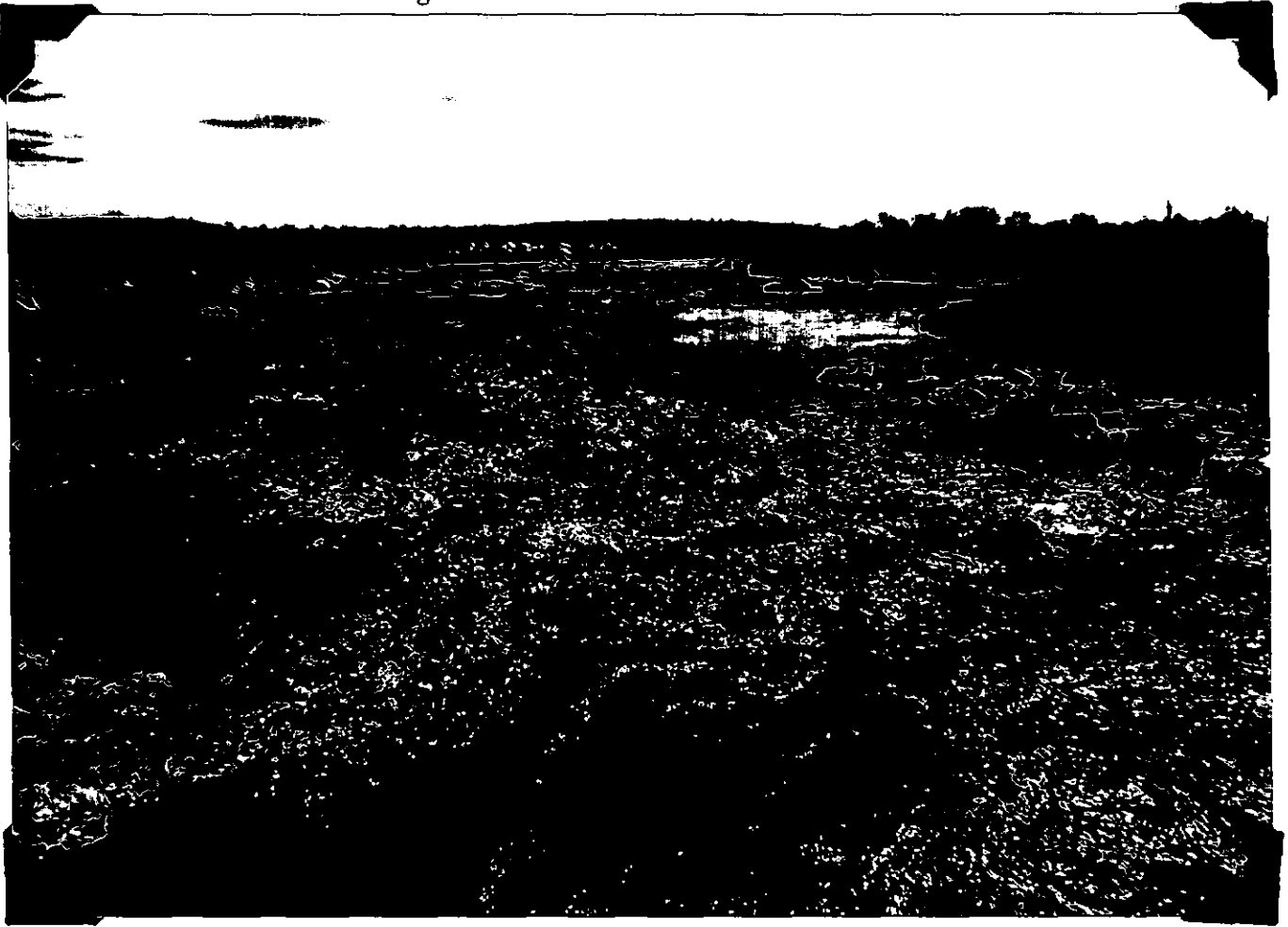
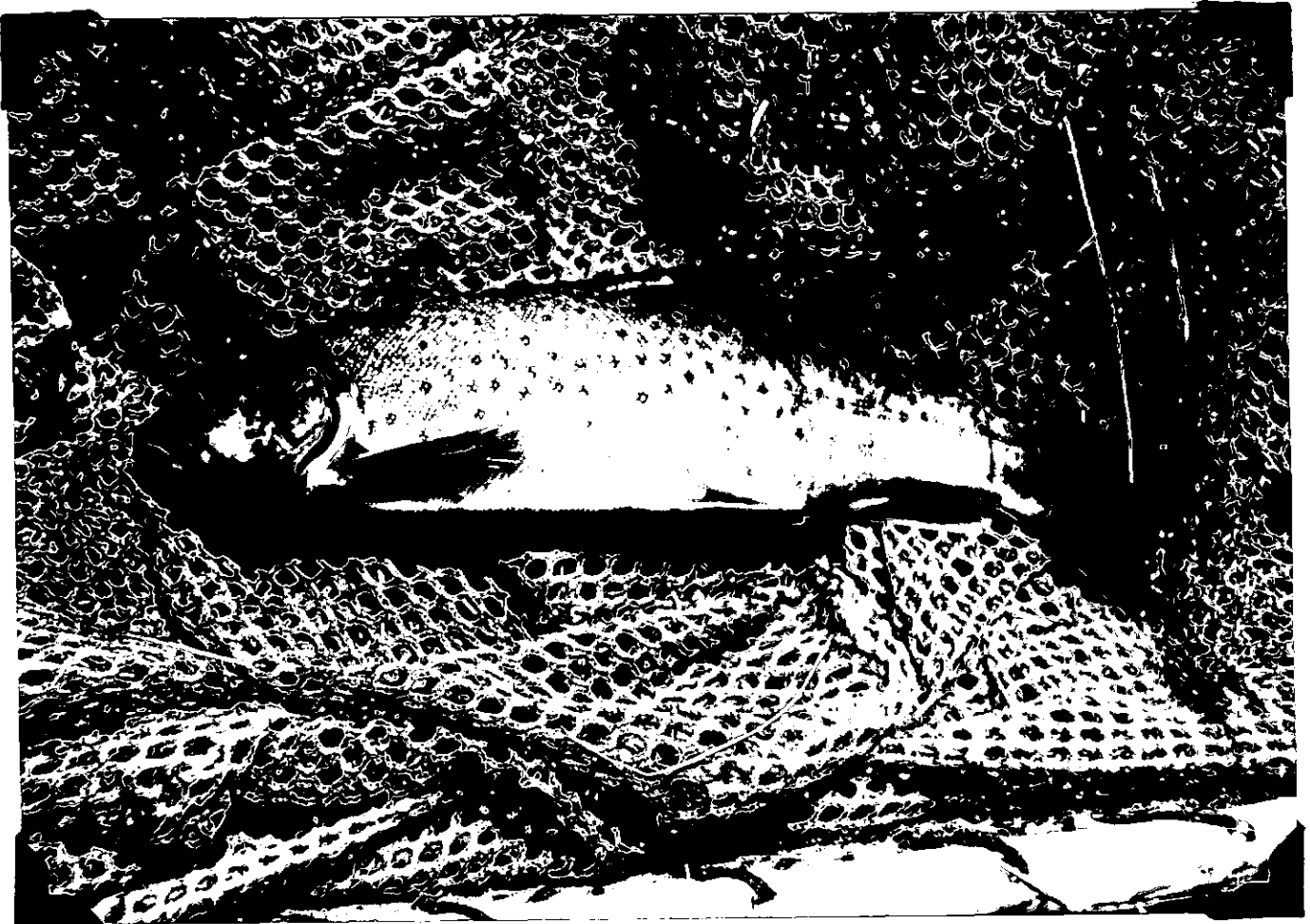


EXHIBIT NO. 4. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game personnel on August 29, 1985.



Photos taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 5. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game personnel on August 29, 1985.

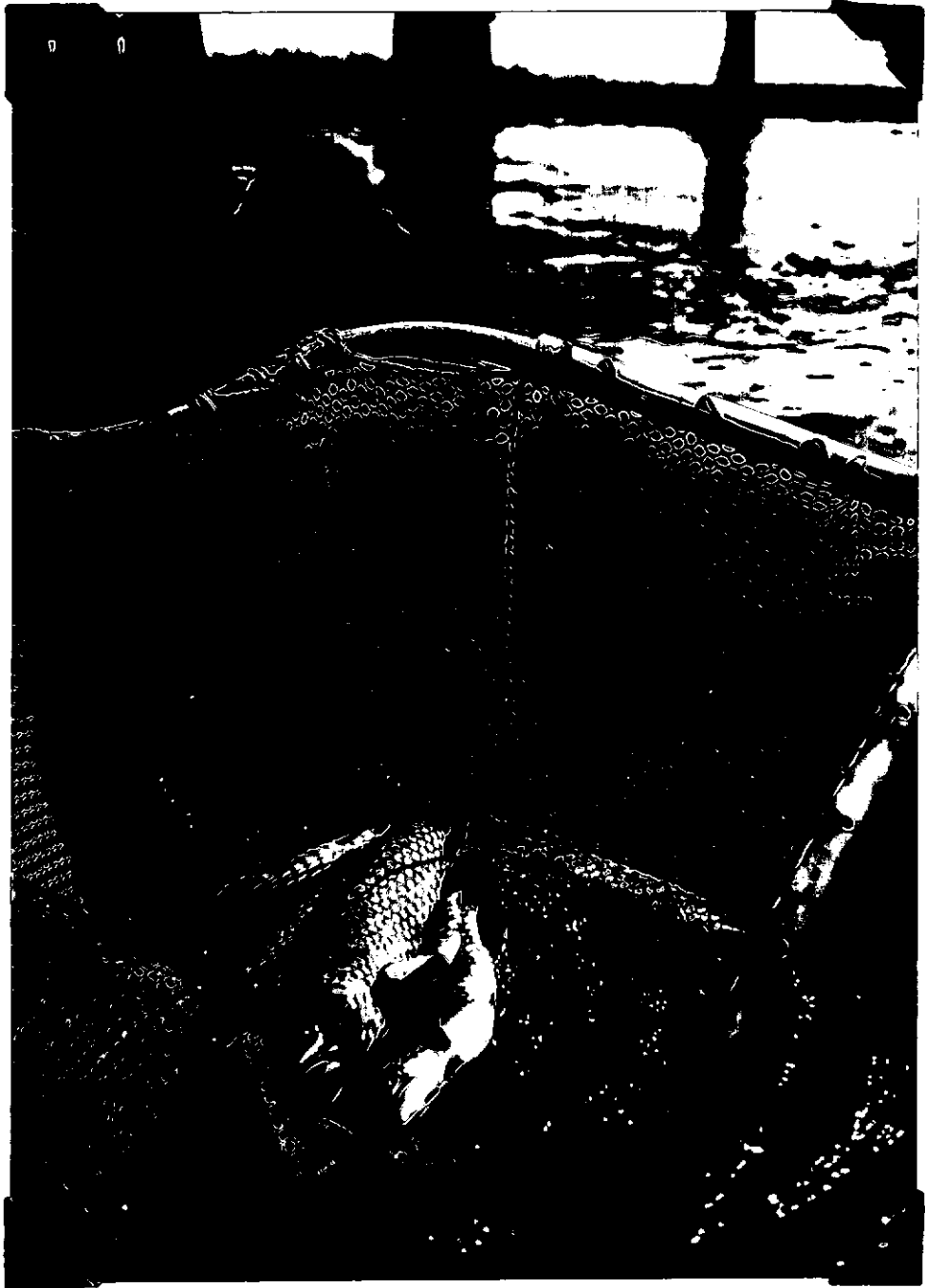


Photo taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 6. Adult brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of Fish and Game Personnel on August 29, 1985.



EXHIBIT NO. 7. Young of the year wild brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of fish and Game personnel on August 29, 1985.



Photos taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

EXHIBIT NO. 8. Adult and juvenile brown trout obtained in the Little Wood River during an electrofishing operation conducted by Idaho Department of fish and Game personnel on August 29, 1985.



Photo taken on August 29, 1985 by Robert A. Olson, Biological Aid, Idaho Department of Fish and Game.

ROUGH ANGLER USE ESTIMATES
ON THE LITTLE WOOD RIVER
BETWEEN THE MOUTH OF SILVER CREEK AND RICHFIELD
DURING 1984

<u>Month</u>	<u>Angler Use</u>	<u>Total Estimated Angler Days</u>
January	0	
February	0	
March	Average 5 per day for last two weeks	75
April	Average 30 per day	900
May	Average 30 per day	930
June	Average 10 per day	300
July	Average 30 per day	930
August	Average 20 per day	620
September	Average 50 per day	1500
October	Average 50 per day (season closes 10/15)	750
		6005

Net value per day of fishing on streams in Idaho, such as the Little Wood River, updated with consumer price index amounted to approximately \$ 36.66 per day in 1984. Using this figure, the estimated annual economic value of the fishery on the section of the Little Wood River involved would be approximately \$ 220,000.00, (\$ 36.66 X 6005).

These costs are primarily for expenses involved with getting to and staying in the fishing area (i.e. gas, meals, motel, etc...). They do not include durable costs for permanent items such as fishing gear, etc... .

MICROFILMED



STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
JUL 9 1985

July 8, 1985

Department of Water Resources

Idaho Department of Fish and Game
Statehouse
Boise, ID 83720

Attention: Virgil Moore

Re: Minimum Stream Flow Permit Nos. 11-7152 (St. Charles Creek)
37-7739 (Little Wood River) ✓

Gentlemen:

One of the conditions of approval for the above-referenced permits was that the Water Resource Board submit proof of the extent of beneficial use to the Department of Water Resources on or before September 1, 1985.

The Board requests that you provide us the data you have collected within the minimum stream flow reach which will support the following stated purposes of the permits:

St. Charles Creek To maintain the present quality of fisheries and fish populations in the stream and to provide adequate spawning and rearing conditions for Bear Lake fish utilizing the stream.

Little Wood River To maintain trout spawning and rearing from the point of requested flow upstream to Silver Creek.

Personnel from the Department have indicated that photographs demonstrating the beneficial uses, creel census data and fisherman use data are especially useful in establishing proof of beneficial use. In addition, as shown on the permit approvals, both of the minimum stream flow permits have conditions of approval requiring that the proof submitted shall have at least three (3) years of flow data for the water courses. Data to demonstrate beneficial use and to satisfy the measurement requirements is needed at the time proof is submitted.

Idaho Department of Fish and Game
July 8, 1985
Page 2

The next Board meeting is scheduled for July 30 in Pocatello. If you could provide the information to me before that date, the Board can review the information and submit the required proof in a timely manner. If you have specific questions regarding appropriate data, you may wish to contact Glen Saxton of the Department's staff at 334-4410. Thank you for your assistance in this matter.

Sincerely,



DAVID RYDALCH, Chairman
Minimum Stream Flow Committee

DR/lrs

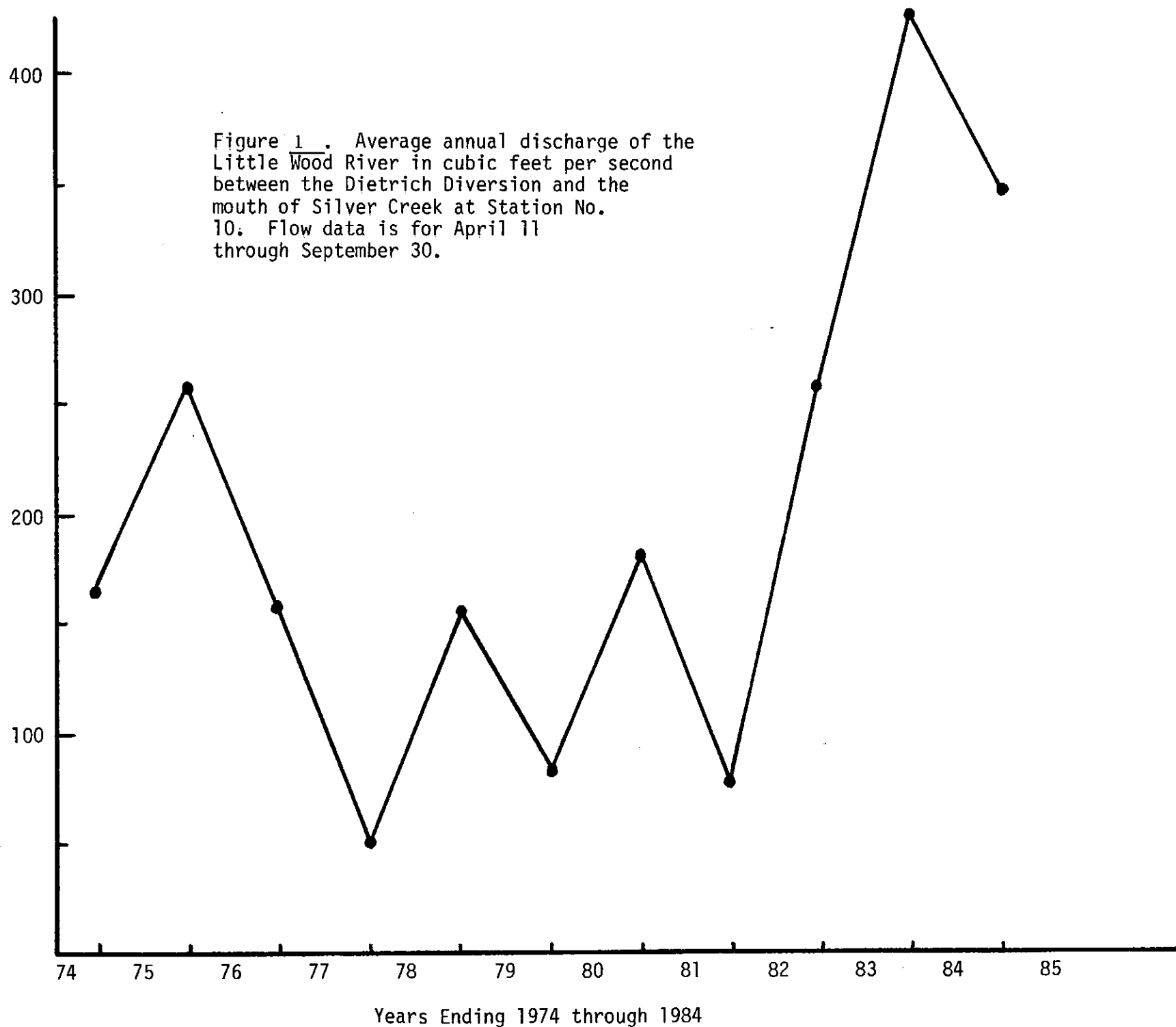
cc: Glen Saxton
Wayne Haas

RECEIVED

EXHIBIT NO. 10. Flow data on the Little Wood River between September 30, 1984 and September 20, 1985. Data is from Little Wood River Station # 10, near Richfield, Idaho. Data furnished by Reid Newby, Watermaster, Water Districts 37 and 37M. See the following 12 pages for flow data.

Mean Annual Discharge in Cubic Feet per Second

Figure 1. Average annual discharge of the Little Wood River in cubic feet per second between the Dietrich Diversion and the mouth of Silver Creek at Station No. 10. Flow data is for April 11 through September 30.



Daily Discharge in second feet of LITTLE WOOD RIVER #10 for year ending Sept. 30th 1947

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1							617	123	128	106	86	82
2							605	120	106	109	86	86
3							590	106	131	110	86	90
4							568	125	149	114	88	89
5							536	98	117	117	90	89
6							502	82	96	118	88	89
7							499	126	85	112	88	86
8							473	168	90	125	88	89
9							407	158	93	128	93	85
10							422	186	96	125	96	86
11							422	170	93	123	102	90
12							413	115	88	130	104	98
13							407	133	106	122	104	99
14							390	139	146	120	89	98
15							64	92	160	117	83	106
16							362	65	177	104	90	110
17							492	63	194	106	89	110
18							583	61	158	106	90	109
19							579	73	154	104	92	114
20							572	68	131	93	93	117
21							568	85	130	93	95	122
22							564	85	115	95	95	122
23							550	75	106	96	89	125
24							508	75	107	92	90	123
25							492	78	106	89	95	123
26							486	81	106	88	95	120
27							437	86	106	85	93	118
28							327	85	109	83	93	118
29							160	88	118	83	89	118
30							112	242	112	86	86	118
								106		85	85	
							14007.0	3447.0	3614.0	3264.0	2852.0	3122.0
MEAN							466.9	111.2	120.5	105.3	92.0	104.3
A.F.							27782.5	6837.0	7166.3	6474.0	5656.9	6200.2

YEAR	MEAN	165.6
OR		
PERIOD	ACRE FEET	60,125.0

WATER DISTRICTS 37-AB and XXXX

37M

Daily Discharge in second feet of LITTLE WOOD RIVER NEAR RICHFIELD #10 for year ending Sept. 30th 1975

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1							350	361	165	148	141	143
2							340	366	127	143	141	145
3							320	368	105	143	136	147
4							325	376	93	143	136	143
5							330	371	120	148	132	141
6							335	361	145	148	129	138
7							335	358	210	152	123	139
8							330	397	249	161	121	138
9							330	407	264	159	118	136
10							380	483	261	171	120	130
11							390	530	203	173	123	145
12							400	553	132	201	123	143
13							450	567	118	210	121	143
14							500	564	127	247	121	143
15							550	567	116	276	118	141
16							522	570	112	271	120	145
17							541	570	114	254	121	139
18							539	573	132	240	112	143
19							547	570	229	210	116	148
20							555	550	216	183	120	157
21							579	426	183	183	123	159
22							561	530	183	181	127	159
23							536	511	181	181	130	156
24							527	491	183	152	130	152
25							471	485	185	152	132	154
26							431	477	183	141	134	157
27							410	457	185	130	132	157
28							402	342	173	127	139	157
29							402	319	157	130	147	156
30							400	276	150	134	147	157
31								188		130	145	
							13088	13964	5001	5431	3978	4142
MEAN							436	450	167	175	128	138
A.P.							25960	27697	9919	10772	7890	8216

YEAR	MEAN	265.6
OR		
PERIOD	ACRE FEET	96404.6
	TOTAL 24/HR CFS	48,604.0

WATER DISTRICTS 37-38 and 39^{37M}

Daily Discharge in second feet of LITTLE WOOD RIVER #10 for year ending Sept. 30th 1976

DAY	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1							157	198	62	110	92	116
2							184	143	65	114	96	114
3							212	141	65	114	94	114
4							242	198	68	108	96	114
5							257	276	75	106	101	112
6							266	295	72	99	97	110
7							272	324	78	94	94	110
8							292	324	81	97	94	105
9							357	327	86	97	96	105
10							425	327	92	103	101	110
11							461	316	96	94	105	126
12							527	298	103	92	112	130
13							538	269	103	92	110	141
14							519	361	99	89	110	143
15							468	374	99	86	103	141
16							432	354	103	86	106	141
17							330	311	108	86	112	148
18							263	230	108	87	114	155
19							189	130	110	87	116	162
20							175	73	110	86	116	170
21							175	60	110	86	116	173
22							170	52	110	87	116	175
23							170	50	112	84	120	173
24							224	51	114	86	116	175
25							311	52	112	84	122	178
26							384	56	112	83	122	178
27							405	57	114	86	120	184
28							384	56	114	86	118	184
29							333	60	116	86	118	171
30							282	60	110	89	116	168
31								60		87	116	
							9404	5879	2907	2872	3365	4336
MEAN							313.9	189	96	92	108	144.
W.E.							18652.6	11660.8	5765.9	5696.5	6674.4	8600.

YEAR	MEAN	157.2
OR		
PERIOD	ACRE FEET	57,050.5

WATER DISTRICTS 37-33 and 33-33

Daily Discharge in second feet of LITTLE WOOD RIVER AT RICHFIELD NO.10 for year ending Sept. 30th 1977

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1							160	46	47	38	35	37
2							158	48	43	40	34	38
3							161	51	46	41	34	38
4							154	53	46	43	35	38
5							156	53	45	44	33	44
6							150	55	45	44	33	39
7							148	59	44	43	34	39
8							140	59	42	43	36	36
9							127	61	43	43	34	36
10							120	55	43	42	32	38
11							112	50	45	43	32	38
12							82	46	44	38	32	38
13							76	44	44	41	32	40
14							74	41	43	40	32	39
15							74	40	42	39	32	40
16							70	39	44	38	32	40
17							68	44	43	38	33	42
18							67	50	44	36	33	44
19							65	57	46	37	33	44
20							51	60	47	39	33	43
21							50	55	47	36	34	43
22							49	52	50	37	34	44
23							50	51	50	40	33	44
24							51	50	40	43	32	42
25							51	54	43	44	33	41
26							50	57	43	46	36	40
27							50	60	43	45	36	40
28							51	58	41	44	36	40
29							47	58	42	41	38	44
30							48	57	40	38	40	47
31								51		36	40	
							2710.0	1614.0	1330.0	1261.0	1056.0	1216
MEAN							90.3	52.1	44.3	41.2	34.1	40.5
A.P.							5375.2	3201.3	2638.0	2501.2	2094.6	2411.

YEAR	MEAN	50.2
OR PERIOD	ACRE FEET	18,222.3

WATER DISTRICTS 37-38 and 39-40

Discharge in second foot of Little Wood River #10 for year ending Sept. 30, 1978

OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
						185	520	47	65	62	79
						174	524	45	66	60	78
						161	506	46	68	61	79
						159	495	45	69	61	81
						159	528	46	73	62	85
						161	549	46	74	58	93
						157	560	42	77	59	94
						213	560	41	79	60	107
						398	517	40	74	60	112
						401	366	42	74	59	113
						315	532	43	75	60	115
						342	435	44	83	62	119
						499	438	43	70	60	123
						535	394	45	70	61	123
						463	470	45	70	66	124
						456	42	47	79	72	123
						506	428	56	66	75	131
						391	404	56	66	79	134
						223	318	51	69	79	134
						226	220	52	69	79	134
						288	104	52	69	83	134
						208	44	50	70	88	134
						174	57	53	70	88	134
						163	52	56	69	86	131
						159	73	57	68	85	133
						189	131	60	66	84	133
						336	89	61	64	85	140
						499	57	66	62	83	138
						484	47	66	64	81	142
						456	50	65	62	81	143
							50		62	79	
						9080.0	9829.0	1484.0	2140.0	2218.0	2543.0
						302.7	317.1	49.5	69.0	71.6	118.1
						18009.9	19495.5	2943.5	4244.6	4399.3	7027.4

YEAR	1978
OR	
PERIOD	ADRE FEET 56120.3

TOTAL 24/HR C.F.S. 68,294.0

13

MICROFILMED

1979

DAY	LITTLE WOOD RIVER #10						DIETRICH CANAL #11						DAY
	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	
1	190	117	63	80	57	58	52	100	213	200	185	161	1
2	186	117	62	80	56	56	52	117	213	200	190	152	2
3	181	111	62	75	54	62	52	128	213	201	200	152	3
4	181	106	62	75	55	58	52	125	212	201	191	157	4
5	176	99	63	74	53	62	52	154	210	198	190	159	5
6	176	85	62	73	52	60	52	173	210	203	195	149	6
7	174	89	70	74	52	60	52	184	210	215	189	140	7
8	176	90	71	73	54	58	52	191	218	218	189	138	8
9	176	92	72	73	57	56	52	198	220	215	190	142	9
10	176	93	67	72	54	56	52	192	219	221	206	150	10
11	179	88	64	68	56	55	52	176	219	220	206	151	11
12	179	79	60	67	55	56	52	148	219	220	198	149	12
13	172	73	62	68	56	58	52	170	218	221	194	154	13
14	170	66	64	68	60	58	52	177	218	221	195	150	14
15	166	64	71	66	64	58	52	172	222	215	197	151	15
16	181	62	70	65	63	58	52	170	222	215	154	71	16
17	200	54	70	62	63	57	52	179	220	212	139	7	17
18	172	59	72	59	61	58	52	206	224	212	139	23	18
19	164	61	74	61	59	61	61	207	225	213	143	23	19
20	149	58	80	59	60	60	61	207	226	213	144	23	20
21	135	59	81	63	59	66	61	207	225	218	142	23	21
22	126	60	79	68	60	67	61	206	221	224	149	23	22
23	122	58	82	70	59	66	60	208	216	222	151	23	23
24	126	61	74	72	55	68	66	207	219	209	150	23	24
25	142	66	72	74	54	68	85	216	214	207	150	23	25
26	139	66	73	70	56	66	84	218	215	200	151	23	26
27	128	64	76	68	56	65	101	215	219	196	160	23	27
28	124	62	81	68	58	66	104	215	218	192	124	23	28
29	121	63	80	66	57	65	103	218	218	188	164	23	29
30	117	67	77	63	57	66	101	216	216	184	164	23	30
31		64		59	59			215		186	166		31
T	4804	2353	2116	2133	1761	1828	1884	5715	6532	6460	5345	2632	T

$\bar{x} =$ 160.1 75.9 70.5 68.8 56.8 60.9

yearly $\bar{x} = 82.2$

37M
WATER DISTRICTS 37-25 and XXXXR

Daily Discharge in second feet of LITTLE WOOD RIVER #10 for year ending Sept. 30th 1980

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1							137	539	374	65	67	71
2							135	371	371	68	68	71
3							133	461	432	74	71	73
4							135	539	442	85	72	73
5							135	416	494	99	75	70
6							137	329	474	106	75	67
7							137	315	445	86	74	68
8							133	321	442	76	72	71
9							131	318	363	73	72	68
10							135	279	335	75	74	76
11							142	233	353	74	73	79
12							142	335	338	72	72	80
13							142	335	326	72	73	85
14							144	260	254	71	74	92
15							128	172	200	70	72	99
16							114	157	170	73	74	105
17							117	215	121	73	76	106
18							262	226	83	73	80	108
19							491	231	70	73	85	108
20							505	228	68	73	82	108
21							480	188	117	74	82	121
22							363	257	139	72	81	135
23							307	394	170	68	79	128
24							335	435	166	64	75	131
25							438	445	139	63	77	133
26							516	426	128	62	77	135
27							547	323	124	63	76	135
28							484	332	90	65	75	135
29							413	335	80	63	73	131
30							451	346	71	74	69	131
31								371		67	71	
MEAN							7869	10172	7369	2256	2376	2993
A.P.							262	328	246	73	75	100
							15608	20176	14616	4475	4594	5937

YEAR	MEAN
OR	180.0
PERIOD	ACRE FEET 65,405.0

MICROFILMED

MUNICIPAL

WATER DISTRICT #37 & 37M
DAILY DISCHARGE IN SECOND FEET OF LITTLE WOOD RIVER #10 FOR YEAR ENDING SEPT. 30, 1981

DAY	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
1	124	305	54	65	54	52
2	122	155	54	66	53	51
3	122	172	53	67	55	52
4	117	144	55	68	56	54
5	114	85	53	71	58	53
6	112	51	50	70	60	52
7	111	39	51	68	58	52
8	111	38	53	70	56	52
9	110	39	57	65	55	52
10	108	37	60	65	57	50
11	106	33	61	67	58	50
12	105	36	58	65	58	50
13	100	49	59	65	61	49
14	93	55	57	64	62	49
15	90	58	57	63	64	51
16	88	59	54	63	63	51
17	85	59	55	62	63	52
18	82	60	54	60	64	54
19	86	62	59	58	65	55
20	157	62	58	60	64	55
21	426	60	60	60	62	56
22	402	59	62	59	70	54
23	324	57	65	60	59	56
24	265	55	68	59	59	53
25	265	56	64	53	57	54
26	290	58	68	51	57	56
27	273	58	66	50	53	57
28	249	58	65	50	50	58
29	202	57	65	50	50	60
30	183	57	64	52	51	60
31		56		52	52	
24 HR C.F.S. 5022		2134	1759	1898	1794	1600
MEAN	167.4	68.8	58.6	61.2	57.9	53.3
A.F.	9961.0	4232.7	3488.9	3764.6	3558.4	3173.6
			YEARLY MEAN		77.6	
			YEARLY ACRE FEET		28,179.2	

WATER DISTRICT #37 & 37M
DISCHARGE IN SECOND FEET FOR THE LITTLE WOOD RIVER AT RICHFIELD STATION NO.10 FOR YEAR ENDING
SEPT. 30, 1982

DAY	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
1		875	205	329	117	100
2		875	215	326	121	99
3		863	231	338	121	98
4		803	233	321	117	104
5		761	241	324	112	104
6		767	249	329	108	104
7		755	262	310	105	102
8		738	265	282	104	102
9		732	207	254	100	104
10		715	179	179	99	105
11		661	172	130	102	104
12		438	161	116	102	105
13	607	396	135	111	100	106
14	594	380	105	110	98	108
15	470	374	98	106	98	117
16	505	340	96	106	98	133
17	650	343	228	105	98	128
18	656	343	318	99	98	130
19	626	408	357	100	97	126
20	603	458	360	100	93	128
21	568	474	360	99	96	133
22	622	467	301	92	94	146
23	636	491	276	88	92	151
24	656	528	293	87	92	146
25	687	520	310	90	92	142
26	726	438	320	92	93	155
27	661	432	321	93	93	168
28	477	426	324	98	93	166
29	857	354	332	104	94	166
30	863	326	338	116	98	166
31		202		119	100	
24 HR CFS	7852	16336	7501	5153	3122	3746
MEAN	436	527	250	166	101	125
ACRE FEET	15574	32402	14878	10221	6192	7430
YEARLY MEAN					256.0	

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711

WATER DISTRICT #37 & 37M
DISCHARGE IN SECOND FEET FOR THE LWR at RICHFIELD #10 FOR YEAR ENDING SEPT. 30, 1983

DAY	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
1	492	834	726	549	112	175
2	500	838	726	568	116	175
3	486	850	707	661	122	169
4	464	850	707	665	126	157
5	447	846	730	556	124	155
6	447	858	722	520	121	157
7	450	854	722	506	120	151
8	450	846	722	503	124	151
9	461	838	701	496	127	151
10	458	822	737	492	126	153
11	458	822	745	486	126	161
12	496	826	776	385	124	159
13	510	815	737	298	122	161
14	409	803	734	234	126	163
15	510	768	623	234	127	163
16	524	753	556	251	138	173
17	594	696	447	215	132	165
18	677	639	422	179	163	173
19	749	608	429	144	161	169
20	780	590	461	144	161	175
21	803	564	486	138	183	179
22	819	582	479	126	203	183
23	858	665	482	129	203	190
24	912	661	440	142	201	190
25	819	616	388	146	222	179
26	795	627	458	137	231	183
27	803	627	475	124	217	181
28	799	594	542	116	194	188
29	799	582	579	115	192	192
30	815	605	571	115	175	192
31		680		114	183	
24 HR CFS	18225	22559	18040	9488	4802	5113
MEAN	607	728	601	306	155	170
ACRE FEET	36149	44745	35782	18819	9525	10141
		YEARLY MEAN		428		
		YEARLY ACRE FEET		155,161		

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DAILY DISCHARGE IN SECOND FEET OF LITTLE WOOD #10 FOR THE YEAR ENDING SEPT. 30, 1984

DAY	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
1	842	633	289	242	145	172
2	842	643	281	199	139	182
3	842	638	206	182	134	190
4	842	588	158	170	131	192
5	842	593	192	166	138	201
6	842	568	254	158	141	196
7	842	431	413	154	134	204
8	842	289	388	162	124	220
9	842	278	381	182	121	220
10	842	262	374	154	118	184
11	842	250	413	134	115	196
12	842	237	505	110	118	184
13	842	371	521	107	126	174
14	542	473	569	95	138	178
15	842	741	493	89	152	178
16	842	777	477	86	148	182
17	842	822	469	87	145	180
18	842	802	409	90	139	168
19	842	746	391	89	139	156
20	842	701	335	91	143	156
21	842	555	384	91	148	166
22	842	485	344	92	147	190
23	842	473	283	96	143	208
24	829	454	228	105	145	225
25	912	357	204	105	154	240
26	883	208	147	105	158	242
27	824	156	166	105	158	252
28	829	164	206	120	152	260
29	829	211	250	136	154	250
30	228	211	240	150	156	244
31		180		138	166	
24 HR CFS	24705	14308	9970	3990	4363	5990
MEAN	823	462	332	129	141	200
ACRE FEET	49002	28380	19775	7914	8654	11881
TOTAL 24 Hr. C.F.S		63,326		YEARLY MEAN	346	
				YEARLY ACRE FEET	125,605.0	

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EXHIBIT NO. 11.
SUMMARY OF ELECTROFISHING DONE BY
IDAHO DEPARTMENT OF FISH & GAME PERSONNEL
ON THE LITTLE WOOD RIVER WITHIN THE REQUESTED INSTREAM FLOW SECTION
BETWEEN SEPTEMBER 3, 1975 and AUGUST 29, 1985*

Date	Location of Electrofishing	Length of Stream Sect. Electrofished	Total Number Brown Trout	Total Number Rainbow Trout	Total Length Ranges ^a		Idaho Department Of Fish & Game Pers. Doing Electrofishing
					Brown	Rainbow	
9-3-75	Lower end of Bear Tracks Williams area	600 feet	25	0	3-14	--	Bob Bell, Rex Spackman, Don Wright
8-77	Lower End of Bear Tracks Williams Area	600 feet	38	4	1.7-14.0	7-10	Bob Bell, Tim Cochnauer, Jerry Baltazor
7-13-77	Short Distance Below Pigari Crossing	100 feet	1	1	2.4	11	Bob Bell, Tim Cochnauer, Jerry Baltazor
7-21-77	At Large Trees (Approx. 5 mi. above Richfield)	100 feet	2	3	8.4-14.4	7.2-10.8	Tim Cochnauer, Lance Nelson
5-30-78	4 Miles Above Trees Approx. 9 miles Above Richfield	1,200 feet	18	8	3-19.0	3-10	Tim Cochnauer, Neil Hoyt, Will Kendra
5-31-78	Lower End of Bear Tracks & Immed. Below	1,200 feet	44	3	1-17	3-11	Tim Cochnauer, Neil Hoyt, Will Kendra
6-1-78	6 Mi. Above Large Trees Approx. 11 mi. Above Richfield	1,200 feet	21	34	3-17	4-13	Neil Hoyt, Will Kendra

EXHIBIT NO. 11

EXHIBIT NO. 11.
SUMMARY OF ELECTROFISHING DONE BY
IDAHO DEPARTMENT OF FISH & GAME PERSONNEL
ON THE LITTLE WOOD RIVER WITHIN THE REQUESTED INSTREAM FLOW SECTION
BETWEEN SEPTEMBER 3, 1975 and AUGUST 29, 1985*

Date	Location of Electrofishing	Length of Stream Sect. Electrofished	Total Number Brown Trout	Total Number Rainbow Trout	Total Length Ranges ^a		Idaho Department Of Fish & Game Pers. Doing Electrofishing
					Brown	Rainbow	
8-7-79	Immed. Below Bear Tracks & Center of Faulkner Prop.	800 feet	53	3	2.25-20	6-8.1	Bob Bell, Ted Chu, Darold Morgan
8-19-85	Center of Bear Tracks Williams area.	100 feet	26	0	4.50-16.50		Robert Olson, Dave Southwick
8-19-85	Immediately below Preacher Bridge.	130 feet	9	0	4.00-10.00		Robert Olson, Dave Southwick
8-29-85	Immediately below Bear Tracks Williams area.	50 feet	9	0	4.00-14.00		Robert Olson, Todd Vierya
	TOTALS	6,080 feet	246	56	2.25-20.00	3.00-13.00	

* Totals of fish obtained in the electrofishing are only a small sample of the fish present in the stream and in no way reflect the total population of the stream sections involved.

a Figures designated in inches.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
HAND DELIVERED

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

PROOF DUE NOTICE

JUNE 30, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7739 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED

1. [unclear] 2. [unclear] 3. [unclear]
DOVE SPRINGS AND THE NARROWS WATER DISTRICT

Telephone (208) 324-5110
Route 4, Box 4634
Jerome, ID 83338

November 18, 1983

Department of Water Resources

TO: Idaho Power Lawsuit Defendants 01-7021, 02-7128, 02-7138
Water Right Number(s): 36-7872, 36-7818-22, 37-7727+28+34+39,
37-7549 37-7892, 37-7920, 61-7373 22-7369

We are writing this letter to request that you join with us in a matter of great importance to our area as well as the State of Idaho. You have by now heard of the "Swan Falls decision" and you are probably aware that the Idaho Department of Water Resources has declared a moratorium on further processing of water rights, either surface or underground, in the entire Snake River Drainage, including your area.

You may not be aware that last March, Idaho Power Company filed a lawsuit against 7500 water right holders. Idaho Power is seeking damages and an injunction against further use of all our water rights with priority dates later than January 17, 1900. Only one water user defendant has been served so far. It appears that Idaho Power desires to keep publicity at a minimum until it can implement legislation which will prevent any future water development in the Snake River Drainage Basin, upstream from Swan Falls.

We feel the Governor responded correctly to the action challenging the constitutionality of Senate Bill 1180 by refusing to sign the contract until the litigation is concluded. This makes it imperative that we move as soon as possible to protect ourselves and our water rights in the litigation brought against all of us by Idaho Power.

You and we have both been named as defendants in the lawsuit. We have asked Kent W. Foster of Holden, Kidwell, Hahn & Crapo and R. W. Rigby of Rigby, Thatcher, Anderson & Barton to defend our interests in the litigation. We are enclosing a copy of an opinion letter we obtained from Mr. Foster which explains the issues and the background.

We are convinced that a unified effort to defend this litigation is essential. We have a great deal more impact together than individually, and if we all participate, we stand a better chance of being able to bear the economic burden of defending a lawsuit brought by an organization with the resources of the Idaho Power Company.

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Swan Falls Lawsuit
November 18, 1983
Page 2

We are suggesting that we informally organize a group of the named defendants and other interested individuals to help fund our lawsuit defense. There are other groups and individuals throughout the Snake River Valley doing the same thing. I have arranged for meetings to be held at the following time and places:

November 28, Monday, Idaho Falls, West Bank, 7:30 PM
November 29, Tuesday, Twin Falls, Holiday Inn, 7:30 PM
November 30, Wednesday, Boise, Airport Holiday Inn, 7:30 PM

Kent Foster has agreed to be there to discuss the legal issues and help answer questions.

If you have received more than one letter, feel that Idaho Power has listed your water right--right number shown at the top of this letter--incorrectly, or that you should not be a defendant in this case, please call (208) 324-5110 so that we may correct our records.

In summary, what has happened leaves it up to us to protect our existing rights and future opportunities. We will look forward to seeing you at the meeting.

Yours very truly,

DOVE SPRINGS

Elaine Martin

Elaine Martin

Thomas K. Schafer, Manager
Canyonview Irrigation Co.

Terry G. Martin, President
The Narrows Water District

G. Keith Munsee

William J. Lanting

Enclosure

MICROFILMED

WILLIAM D. HOLDEN
P. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNHAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. HEIKLE
CURT R. THOMSEN
RANDALL H. BARTON
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORPENSEN
DONALD L. HARRIS
BRUCE T. SMITH

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402
TELEPHONE 523-0620
AREA CODE 208

ARTHUR A. HOLDEN (1977-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

November 5, 1983

Mrs. Elaine Martin
Dove Springs Irrigation
Route 4, Box 4634
Jerome, ID 83338

RE: Swan Falls Issue

Dear Elaine:

We are writing this letter at your request for a brief statement of the problem and our views in the Swan Falls matter. Although the letter may seem lengthy, it really covers only the bare bones of the matter. The issues, background and history are so complex that it would take a very lengthy letter indeed to fully address all facets of the problem, how it developed, and what we think can and should be done with regard to it. We trust the following will be both understandable and sufficiently brief to be helpful.

In 1977 a group of rate payers filed a complaint with Idaho Public Utilities Commission alleging that Idaho Power Company had failed to protect its water rights at its Swan Falls Power Plant and that Idaho Power's rate payers had been over charged. Idaho Power Company responded by filing suit in the Ada County District Court seeking a declaratory judgment, among other things, that its Swan Falls rights were not subject to up stream depletion. On motions for summary judgment, the District Court found that because of a clause in Idaho Power Company's Hell's Canyon Federal Power License, all of Idaho Power Company's water rights were subordinated to future up stream depletion by use of water from Snake River and its tributaries for out of stream consumptive uses. On November 19, 1982, the Supreme Court of Idaho reversed the decision of the District Court and decided that because there was no "subordination clause" in either the State of Idaho water rights documents relating to the Swan Falls plant or the Federal Power License for that plant, the Swan Falls rights were not subordinated.

The case was remanded by the Supreme Court to the District Court for a decision on certain other issues concerning the Swan Falls rights, such as abandonment, forfeiture, adverse possession, estoppel, waiver and laches. However, no further action has yet been taken on the remand.

Upon the filing of the Supreme Court decision, the Idaho Department of Water Resources stopped processing all applications for permits for ground or surface water up stream from Swan Falls in the entire Snake River Water Shed. The Department's concern is that if the Swan Falls rights are not subordinated, all rights to the use of surface or ground waters which are tributary to the Snake River flows at Swan Falls, subsequent in priority to the Swan Falls priorities, (the earliest of which may be January 17, 1900) are in jeopardy and may have to be cut to supply required flows at Swan Falls. Since flows at Swan Falls typically fall below 8400 cubic feet per second, the amount of Idaho Power rights during much of each summer, it appears there is no supply of water available for any future appropriations, except for non-consumptive uses.

Legislation was introduced in the 1983 legislature which would have subordinated all water rights for power production to out of stream consumptive uses such as irrigation. Idaho Power Company was able (by a margin of one vote in the Senate) to defeat this legislation. On the other hand, Idaho Power Company was successful in getting its own bill, S.B. 1180, passed.

On March 30, 1983, Idaho Power Company filed suit against some 7500 holders of water rights above its Swan Falls, Bliss, Lower Salmon Falls, and Upper Salmon Falls power plants. Although the water user defendants have not been served in this suit, the suit seeks damages from them and an injunction against further use of their water rights. S.B. 1180 was then introduced which, among other things, permits the governor to enter into a contract with Idaho Power Company under the terms of which Idaho Power Company is to agree to dismiss its law suit against a number of the named defendants in exchange for a

MICROFILM

Mr. Elaine Martin
November 5, 1983

provision which deprives the Idaho Public Utilities Commission of jurisdiction to grant Idaho Power Company rate payers any relief in their pending action or any similar action.

The proposed contract would amount to an agreement by Idaho Power that certain water rights holders who have a decree or license a pending permit or application for permit, or have either beneficially used water or have a substantial investment in a well and irrigation equipment prior to November 19, 1982, become the holders of water rights to which Idaho Power's Swan Falls rights are subordinated. The number of those who might fit into this category is said to be about 5,000. We have discovered that no decreed rights or statutory claims, or even very many licenses, with priorities subsequent to 1900 were listed in the "7500" law suit. This statutory-contractual scheme does not appear to help the 2,000 to 2500 named defendants in the law suit who will not be dismissed, any of the numerous water rights holders who were not named, or those who have used water for many years, but have no permit or recorded evidence of their rights.

The major problem with this statutory-contractual approach is that it leaves the state in an untenable position; there can be no further development which is dependent upon a so called consumptive use of either surface or underground water in any of the Snake River water shed or plain up stream from Swan Falls. That area comprises most of the State of Idaho which is or can be developed for irrigated agriculture. From the date of the execution of the contract, any further water use in this area of the State for irrigation or other agricultural uses, municipal or industrial uses would depend upon whether Idaho Power Company was willing to part with a portion of its water rights, and if so, whether the proposed water use would be economically feasible in light of the price.

Whether there should or should not be any further development of surface or ground water in the major portion of this state where it is still possible, is a policy issue of such significance that it ought not to be decided in this manner. Certain of our clients have already instructed us to take the necessary action on their behalf to challenge the constitutionality of S.B. 1180. Their position is basically that past water development has resulted in increased power production at Swan Falls because of increased low flows so that there is no detriment to Idaho Power Company; that continued future development in a manner similar to what has occurred in the past is part of the Idaho State Water Plan; that such development is unlikely to significantly deplete Snake River flows at Swan Falls in the foreseeable future; and that in any event, the value of the benefits to the State of Idaho which will result from such future development far exceeds the monetary value of any detriments which Idaho Power Company might experience as a result.

Regardless of what the legislature may do with respect to S.B. 1180 or any proposed subordination bill in the coming session, we think it is essential that the pending litigation, that is, the remand of the Supreme Court decision and the Idaho Power law suit against some 7500 water users, should proceed to its conclusion. There appears to be a substantial argument that all of Idaho Power's water rights are subordinated to future appropriations from the Snake River and its tributaries for irrigation and other so called consumptive out of stream uses, on grounds other than those upon which the November 19, 1982 decision is based. This argument in favor of subordination certainly seems consistent with a long course of conduct on the part of water rights appropriators, the State of Idaho, and even Idaho Power Company itself, which not only acquiesced in the continued development since 1900, but has encouraged much of the ground water pumping development.

Those who legally can and should pursue this litigation to its proper conclusion include not only the named defendants in the two pending law suits, but all water rights holders similarly situated who are holders of a decree, license, permit, application for permit or statutory claim for, or who, although there is no document of record, nevertheless claim a right to the use of surface or underground water within the Snake River water shed or plain up stream from Swan Falls, and whose priority date may be later than January 17, 1900.

We would be pleased to discuss this matter in greater depth with you at your convenience.

Yours very truly,


Kent W. Foster

MICROFILMED

May 26, 1981

Mr. M. Reed Hansen
Idaho Water Resource Board
Statehouse Mail
Boise, ID 83720

Dear Mr. Hansen:

Re: Permit No. 37-7739 -- Minimum Stream Flow -- Little Wood River

Enclosed for your information is an order confirming the Director's approval of October 24, 1980. The order has been prepared and issued as a followup to provisions in Section 42-1503 since the Legislature failed to act on the instream flow application prior to the end of the session.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosure

cc: Idaho Department of Fish and Game
U.S. Bureau of Land Management
Mr. Reid J. Newby
Mr. Leon Grieve

January 12, 1981

The Honorable Reed Budge
President Protem of the Senate
State House
Boise, Idaho 83720

Dear Senator Budge:

Enclosed please find copies of the two applications for permit to appropriate water for minimum streamflow purposes that have been approved by this Department during calendar year 1980. Application Nos. 11-7152 and 37-7739 pertain to minimum streamflows in St. Charles Creek and Little Wood River, respectively.

As you are aware, Section 42-1503, Idaho Code requires that these applications must be reviewed by the legislature. As defined by the statute, each application "(1) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho legislature; or (11) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted the application shall be considered approved."

Please advise me if you desire either further information or a presentation on the nature of the applications.

Sincerely,

C. STEPHEN ALLRED
Director

CSA:DRT:jg

Enclosure

MICROFILMED

January 12, 1981

The Honorable Ralph Olmstead
Speaker of the House
State House
Boise, Idaho 83720

Dear Mr. Speaker:

Enclosed please find copies of the two applications for permit to appropriate water for minimum streamflow purposes that have been approved by this Department during calendar year 1980. Application Nos. 11-7152 and 37-7739 pertain to minimum streamflows in St. Charles Creek and Little Wood River, respectively.

As you are aware, Section 42-1503, Idaho Code requires that these applications must be reviewed by the legislature. As defined by the statute, each application "(1) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho legislature; or (11) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted the application shall be considered approved."

Please advise me if you desire either further information or a presentation on the nature of the applications.

Sincerely,

C. STEPHEN ALLRED
Director

CSA:DRT:jgr

Enclosure

RECEIVED
JAN 15 1981
FBI - BOISE

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

Legislative Approval Procedure
(For use after a MSF application is approved by the Director)

	<u>ASSIGNED TO</u>	<u>INITIALS/DATE</u>
1. Fact Sheet prepared.	Section Supervisor	<u>DRT / 12/12/1980</u>
2. Copy of application sent to Speaker of the House and President Protem of the Senate.	Section Supervisor	<u>Prepared for Sig 12/22/80</u>
3. Approval/Denial legislation placed in file.	Records Chief	<u> </u>
4. Applicant notified of legisla- tive Approval/Denial.	Records Chief	<u> </u>

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DEC 22 1980

FACT SHEET #1

General Information

Source: Little Wood River

Tributary to: Big Wood River

Requestor: Idaho Department of Fish and Game

Quantity: 39 cubic feet per second

Length of Reach: 12 Road Miles

Purpose: To maintain trout spawning and rearing in the defined reach.

Date Received: 09/29/1978

Date Hearing Held: 08/06/1980

Date Approved by Director: 10/24/1980

Other Rights: A variety of recorded water rights have points of diversion
within the MSF reach. However, just downstream from the reach
is a decreed right for 338.87 cfs that is senior to any right
that diverts within the reach. This downstream right protects
the reach from diversions for consumptive use.

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FACT SHEET # 2

HEARING

Filings Examined at Hearing 37-7739Date Hearing Held 08/06/1980Location of Hearing Lincoln County Courthouse, ShoshoneHearing Officer L. Glen SaxtonNo. of Persons at Hearing 15Roster of Attendance

<u>Name</u>	<u>Organization</u>
Reid J. Newby.....	Water master of Water District 37-M (Little Wood River).
Leon Grieve.....	Big Wood Canal Company & American Falls Reservoir District #2.
Ervin Cowley.....	B.L.M.
Reed Hansen, Franklin Jones.....	Idaho Water Resource Board
Bob Bell, Bill Webb, Tim Cochnauer, Jerry Baltzor, Steve Goddard.....	Idaho Department of Fish and Game
Bruce Hammond.....	Twin Falls Times-News
A. Floyd Silva.....	None Stated
Loren Holmes, Dave Tuthill, Glen Saxton.....	Idaho Department of Water Resources

Related Correspondence

<u>Name</u>	<u>Organization</u>
Joe Wyllie.....	Ex-President of Boise Valley Fly Fishermen
Dale Christiansen.....	Director, Department of Parks & Recreation
Pete Cole.....	President of Portneuf Valley Audobon Society
Bob Juola.....	President of Boise Valley Fly Fishermen

All of the above letters were in favor.

No letters in opposition were received.

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INTER-DEPARTMENT MEMO — 1

FROM Glen Saxton

DATE

TO File 37-7739

SUBJECT Notice of Hearing

Advise Matt Mulaney of hearing notices.

MICROFILMED

SIGNATURE

November 6, 1980

Joseph H. Nettleton
Idaho Water Resource Board
Statehouse Mail
Boise, ID 83720

Dear Mr. Nettleton:

Re: Application for Permit No. 37-7739
Little Wood River

Enclosed is a copy of your approved Application for Permit No. 37-7739 along with a copy of the Order Adopting Proposed Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Proposed 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 sixty (60) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosure

MICROFILMED

July 23, 1980

FROM: Loren O. Holmes - Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd North
Twin Falls, Idaho 83301

TO: Times News
Buhl Herald
Gooding County Leader
Gooding County Enterprise
Wood River Journal
Mountain Express
Lincoln County Journal
North Side News

NEWS RELEASE

The Idaho Department of Water Resources has scheduled public hearings on two applications to appropriate water for instream flow filed by the Idaho Water Resource Board.

The two applications propose to establish instream flow water rights on a part of the Little Wood River between Richfield and Carey and on Devil's Corral Springs in the Snake River Canyon near Shoshone Falls.

The Little Wood River application, filed in September, 1978, seeks to establish a flow of 39 cubic feet per second for the protection of trout spawning and rearing habitat in a reach of the stream between the mouth of Siver Creek and the USGS Gaging Station near Richfield.

The hearing on that application is scheduled to be held on Wednesday, August 6, 1980, at 10:00 a.m., in the courtroom of the Lincoln County Courthouse in Shoshone.

The Devil's Corral application seeks to establish a flow of 48 cubic feet per second to maintain a high quality trout fishery and preserve the unique qualities of the Spring area. The springs are located in the north side of the Snake River canyon between the Twin Falls and Shoshone Falls on the river.

The application was filed in September, 1979.

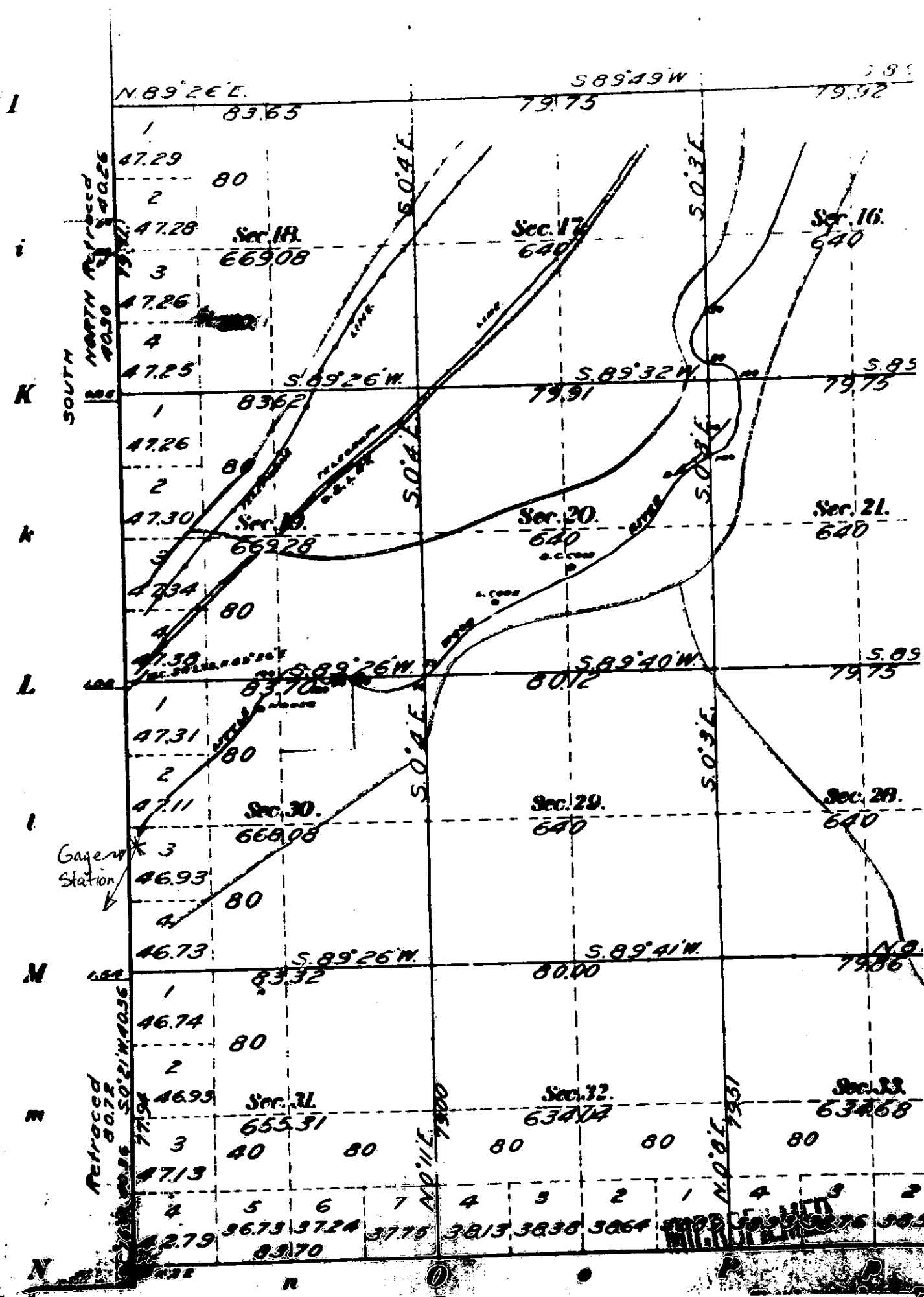
The hearing is scheduled to be held in Twin Falls on August 5, 1980, at 1:00 p.m., in the conference room of the Department of Health & Welfare located in the Campus Commons Center, 677 Filer Ave.

The public is invited to attend the hearings to present its views and comments. Persons wishing to present formal evidence and testimony in support of, or opposition to the applications are requested to file a notice of appearance with the Department of Water Resources, Statehouse, Boise, Idaho 83720 five days prior to the hearing.

Persons appearing informally to make comments do not need to file notices of appearance

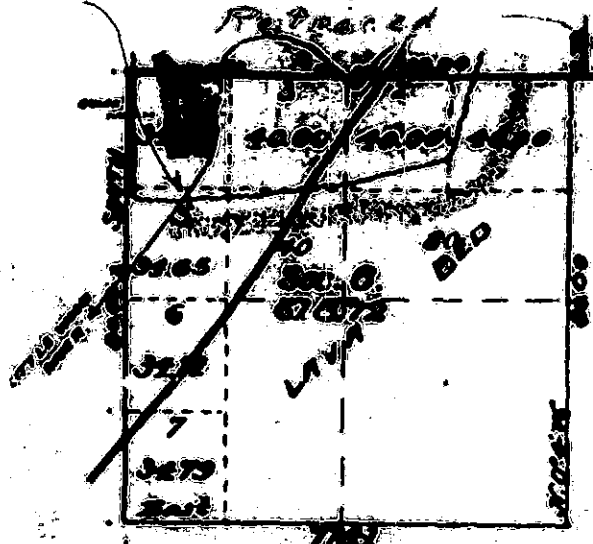
APPS - FILMED

T 45 R 20E



Township No 3 South, Range No 21 East

CONFLUENCE OF SILVER CR & WOOD RIVER



Sec. 6.

Sec. 4.

Sec. 7.

Sec. 8.

Sec. 9.

Sec. 18.

Sec. 17.

Sec. 16.

INTER-DEPARTMENT MEMO — 1

FROM

Dave Tuthill

DATE 08/04/80

TO

37-7739 & 36-7872

SUBJECT

Bill Hagdorn requests record to remain open until August 8, 1980 for letter regarding Idaho Department of Parks & Recreation's position.

MICROFILMED

SIGNATURE

Minimum stream flow hearings set

TWIN FALLS — Minimum stream flows have been proposed for a section of the Little Wood River and for Devil's Corral Springs.

The Idaho Department of Water Resources has scheduled public hearings next week on the two applications, filed by the Idaho Water Resources board, according to Loren Holmes, DWR southern region supervisor.

The application for the Little Wood River, filed September, 1978, seeks to establish a flow of 39 cubic feet per second (cfs) for the protection of trout spawning and rearing habitat in a reach of the stream between the mouth of Silver Creek and USGS Gaging Station near Richfield.

The hearing on this application will be Aug. 6 at 10 a.m. in the courtroom of the Lincoln County Courthouse in Shoshone.

A minimum instream flow of 48 cfs is also being sought for the Devil's Corral area by the IWRB. The goal of

this September 1979 application, according to Holmes, is to maintain a high quality trout fishery and preserve unique qualities of the spring area. These springs are located on the north side of the Snake River Canyon between the Twin Falls and Shoshone Falls.

The hearing on the Devil's Corral application will be in Twin Falls on Aug. 5 at 1 p.m. in the conference room of the Department of Health and Welfare located in the Campus Commons Center, 677 Filer Ave.

The public is invited to attend the hearings to present views and comments. Persons wishing to present formal evidence and testimony in support of or against the applications are requested to file a notice of appearance with the DWR, Statehouse, Boise, 83720, five days prior to the hearing.

Persons appearing informally to make comments do not need to file notices of appearance.

BOISE VALLEY FLY FISHERMEN

OFFICE OF
President

P. O. BOX 311

BOISE, IDAHO 83701

August 2, 1980

C. Steven Allred, Director
Department of Water Resources
450 W. State
Boise, Idaho 83720

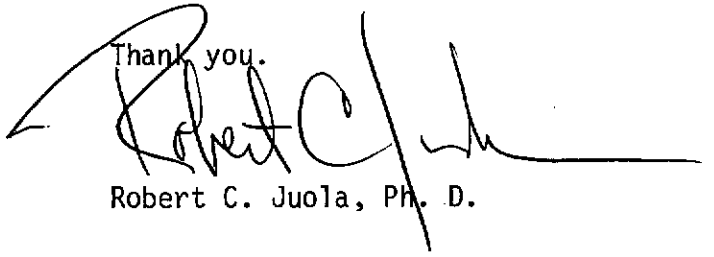
Dear Director Allred:

Our club strongly supports the application of the Water Resources Board for a minimum instream flow of 39 cfs. in the Little Wood River from the confluence of Silver Creek to near the town of Richfield (SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T.4S, R.20E Lincoln County). We are unable to have a representative at the meeting in Shoshone on 8/6/80.

The above mentioned section of the Little Wood has become a very fine fishery with a self-sustaining trout population, both brown and rainbow. It flows through a high desert lava flow terrain and is subject to great temperature stress, particularly with the summer diversion of the Little Wood approximately 5 miles above the town of Carey. The survival of this fishery is dependent on an instream flow to maintain a water temperature below the levels which are harmful to trout.

This stretch of stream contains the Beartrack Williams State Park and the loss or deterioration of this fishery would destroy much of the value of this state-owned recreational area.

Thank you.


Robert C. Juola, Ph. D.

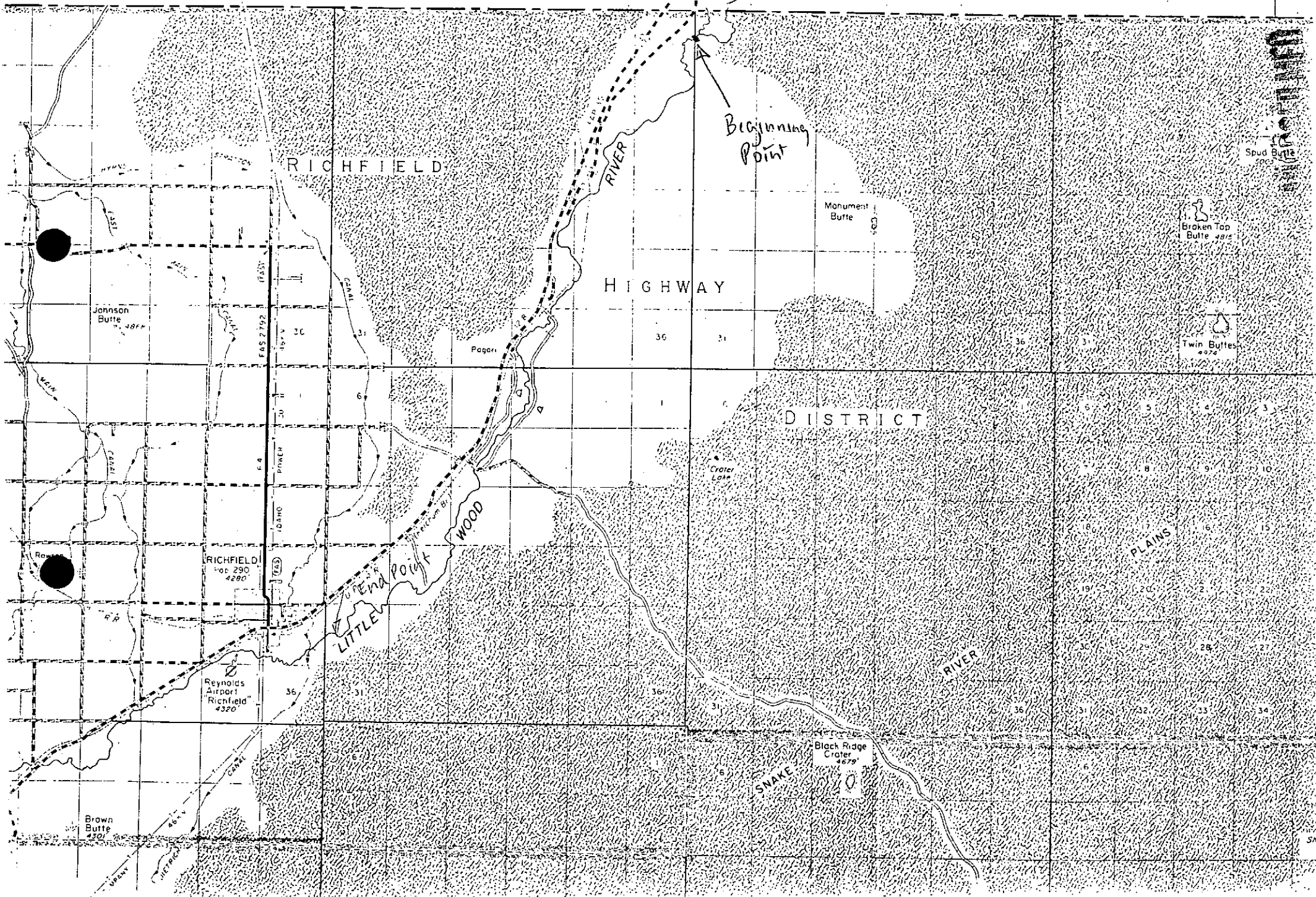
MICROFILMED

R.19 E.

R.20 E.

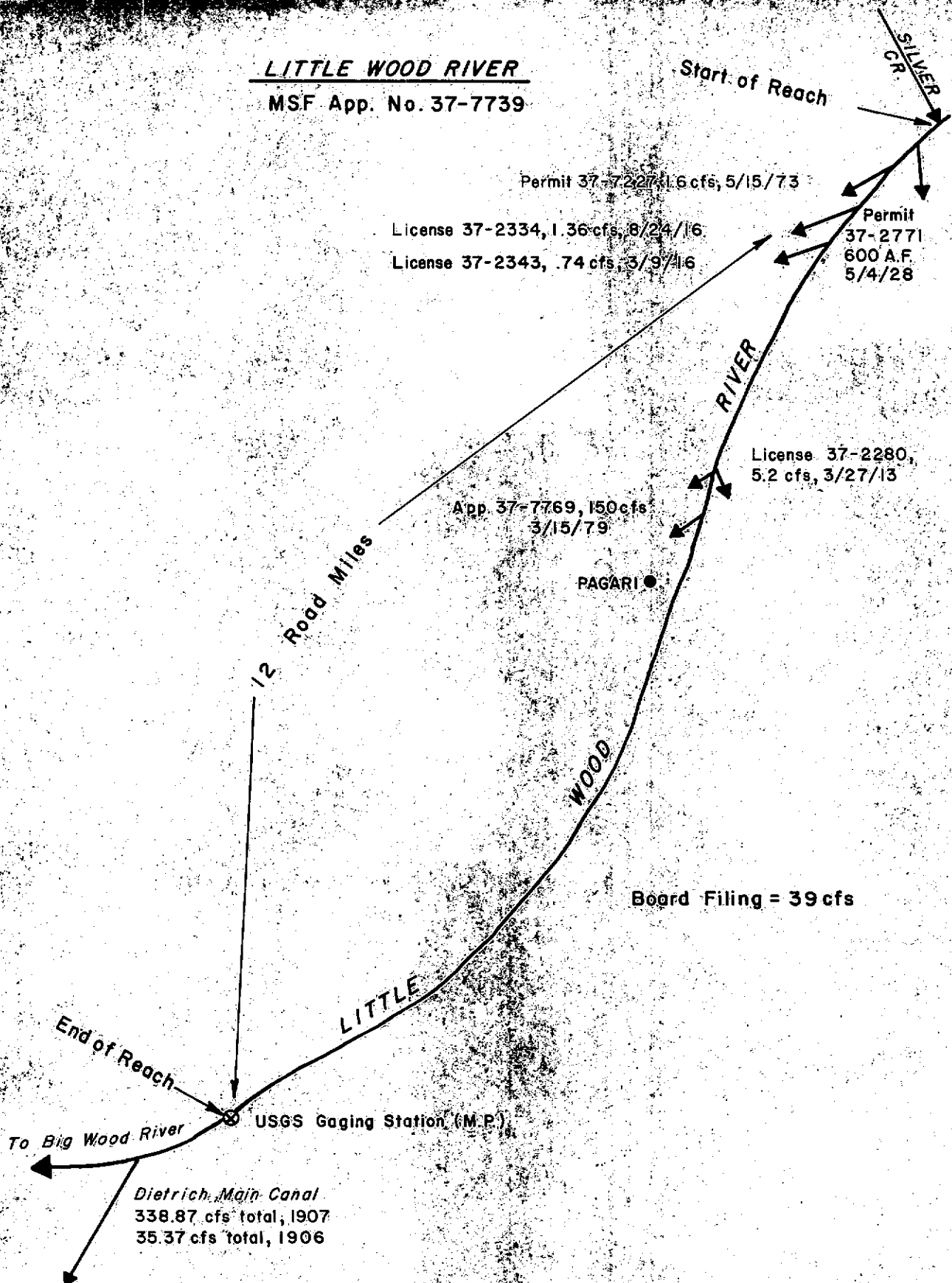
R.21 E.

R.22 E.



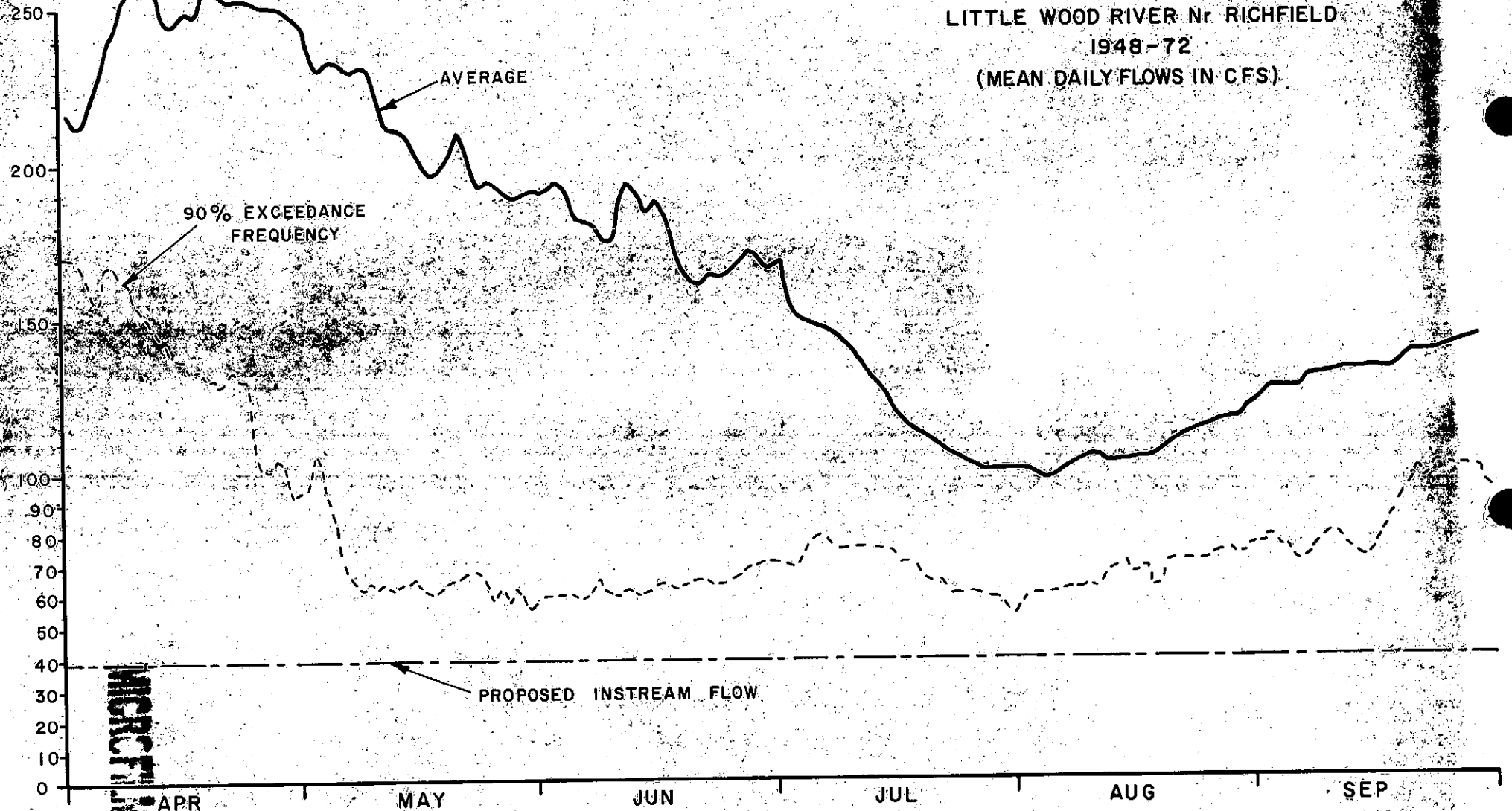
LITTLE WOOD RIVER

MSF App. No. 37-7739



MICROFILMED

LITTLE WOOD RIVER Nr RICHFIELD
1948-72
(MEAN DAILY FLOWS IN CFS)



ROUTING SLIP		
DATE <u>7/23</u>	TIME <u> </u>	
TO: <u>James L. Hill</u>	REF. No. (if any) <u> </u>	
FROM: (show title) <u>Southman</u>	<u> </u>	
FOR YOUR:	REVIEW AND:	PER:
☒ Information	☐ Call Me ☐ See Me	☐ Our Conversation
☐ Approval	☐ Comment & Return	☐ Your Request
☐ Signature	☐ Take Proper Action	☐ Boss's Request
	☐ Draft a Reply for Me	

Place notice indicating
RECEIVED
 Correction in the
 JUL 25 1980

Department of Water Resources
 Courthouse.

Reid will come per
 telecon 7/25/80
MICROFILMED

TO _____

WHILE YOU WERE OUT

DATE _____ TIME _____

M _____

OF _____

PHONE: _____
AREA CODE NUMBER EXT.

- ☐ Telephoned ☐ Returned Your Call ☐ Will Call Again
☐ Please Call ☐ Called to See You

July 23, 1980

FROM: Loren O. Holmes - Southern Region Supervisor
TO: Dave Tuthill
Subject: Notice of Hearing #37-7739
#36-7872

Notice of hearing sent to:

Department of Lands
Statehouse
Boise, Idaho 83720

Idaho Department of Fish & Game
Region #4
P. O. Box 428
Jerome, Idaho 83338

Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Department of Fish & Game
600 S. Walnut Street
P. O. Box 25
Boise, Idaho 83707
Attn: Steve Goddard

Reid Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Faulkner Land & Livestock, Inc.
Route 2
Gooding, Idaho 83330

Gary L. Kissler
Box 134
Shoshone, Idaho 83352

U. S. Bureau of Land Management
Shoshone District
112 South Cherry - Box 2B
Shoshone, Idaho 83352

Copies Also Sent to:

Scott Reed (DER) 7/25/80
Matt Mullaney (DER)

Joe Wyllie, Boise Valley Fly Fishermen (DER) 7/29/80
Faulkner Land & Livestock (DER)

MICROFILMED

July 22, 1980

Mr. Reed Hansen
Route #5 Box 213
Idaho Falls, Idaho 83401

Dear Reed:

As we discussed yesterday, the final two pending water right hearings are now scheduled.

The hearing for the little Wood River is to be held on Tuesday, August 5 at 1:00 P.M., in the Lincoln County Courthouse in Shoshone. The hearing for Devils Corral Springs will be on Wednesday, August 6 at 10:00 A.M. in the Department of Health and Welfare Conference room in Twin Falls. Enclosed please find copies of the applications and hearing notices.

We will reserve a room for you in Twin Falls. Since these applications are in southern region, no Department personnel will be attending from Idaho Falls, so we will plan to meet you at the courthouse in Shoshone.

Sincerely,

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

DRT:jg

Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Roberta Garrett

DATE 5-29-80

TO File #37-7739

SUBJECT Research of Water Rights

No recorded rights were located along the specified reach within portions of sections 19, 20, 30, T. 4 S., R. 20 E.

There are several decrees with numerous decreed rights along the Little Wood River with a majority of rights being decreed in the case of S. C. Frost, et al., vs. Alturas Water Co., et al.

Other sections in reach described on ~~the~~ app have water rights on attached abstract.

MICROFILMED

SIGNATURE

19 _____ Revised _____

Water District No. _____

LICENSE	PERMIT	NAME	AMT.	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.
					Subdiv.	Sec.	Twp.	Rge.	
37-2280		Little Wood Fender, Henry M., Laurence Earl Fender & Margaret Pence	5.2	03-27-1913	NWNW NESE	26 27	03S	20E	T.3S, R.20E, Sec. 26: SWNW, NWSW 27: SE 35: W2NW 34: NWNE, NENW
		Silver Creek & Strunck-Mickelwait Res. Little Wood							
37-2334		Strunck, D. C. & Lydia E. Mickelwait	1.36	08-24-1916	SWNW	06	03S	21E	T.3S, R.21E, Sec. 06: SWNE, SENW T.3S, R.20E, Sec. 01: N2NE, E2NW
37-2343		Little Wood Womack, Asa L.	0.74	03-09-1915	NESE	01	03S	20E	T.3S, R.20E, Sec. 01: SESE 12: NENE
	37-2771	Little Wood Wagner, Franklin D.	600afa	05-04-1928	NWNW	32	02S	21E	T.3S, R.21E, Sec. 18: NWNE, NW 07: S2SE, W2NE, NWSW T.3S, R.20E, Sec. 01: N2SE, SWSE 12: E2NE, NESE Direct water from Little Wood River to Lower Little Wood River and use an equivalent amount from Lower Little Wood R. and Silver Creek.
	37-7227	Little Wood Reed, F. W.	1.6	05-15-1973	SESE	01	03S	20E	T.3S, R.20E, Sec. 01: SESE 12: NENE
	APP. 37-7739	Min. Instream flow Little Wood Idaho Water Resource Board	39.0	09-29-1978	SWNW	30	04S	20E	T.4S, R.20E, Sec. 30: SWNW min. instream flow
Protested APP. 37-7769		Little Wood Faulkner Land & Livestock, Inc.	150.0	03-15-1979	NWNE	34	03S	20E	T.3S, R.20E, Sec. 34: NWNE fish propagation

MINIMUM STREAMFLOW REQUEST/APPLICATION

PROCESSING CHECKLIST

	<u>ASSIGNED TO</u>	<u>INITIALS/DATE</u>
1. Request recieved and checklist attached.	Receptionist	✓
2. Request indexed.	Records Chief	✓
3. Preliminary review. Application prepared for signature.	Section Supv.	✓
4. Streamflow information requested from hydrology.	Section Supv.	✓
5. Region advised of request.	Section Supv.	✓
6. Acknowledgment letter sent.	Section Supv.	✓
7. Copy of request routed to: Reg. Off. Bur. Ch.; Oper. Bur. Ch.; Admin.; Asst. Dir.; Dir.	Records Chief	✓
8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda.	Records Chief	✓
9. Water Rights researched and abstracted.	Records Chief	✓ NOT DONE
10. Visual aid request prepared.	Section Supv.	✓
11. Visual aid reviewed.	Section Supv.	✓
12. Request and related data presented to Board.	Admin., Res. Admin. Div.	✓
13. Filed or Rejected by Board.	Sec. Sup. et.al.	✓
14. Board action indexed.	Records Chief	✓
15. Original app. sent to region.	Records Chief	✓
16. Copy of app. sent to F&G, H&W, Parks & Rec. (mandatory)	Region	✓
17. App. advertised after a suitable hearing date determined by S.O.	Region	✓
18. Hearing held (mandatory).	Hearing Off. & Regional Rep.	
19. Decision prepared for Director's signature.	Attorneys	
20. Approval/Denial of app. indexed.	Records Chief	
21. Copy of Approval/Denial sent to parties formally appearing at Hearing.	Records Chief	
22. Copy of signed app. submitted to the legislature for approval.	Section Supv.	
23. Copy of legislative action placed in file. If no overt approval is made, memo placed in file.	Section Supv.	

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMORANDUM

TO: Glen Saxton

DATE: September 20, 1979

FROM: Bill Ondrechen, Hydrology Section WTO

SUBJECT: Analysis of Instream flow applications 37-7789 and
11-7152 (Little Wood River and St. Charles Creek)

ST. CHARLES CREEK

There appears to be some confusion as to the name of the stream described in the application. According to the names on the USGS 7½ minute maps, the stream that enters Bear Lake in SE¼SE¼, Section 13, Township 15 South, Range 43 East is called Little Creek. St. Charles Creek flows in a well defined channel until about the middle of Section 14, at which point the channel forks (see map). The north fork, called both Big Creek and St. Charles Creek, flows northward to become tributary to Spring Creek, and ultimately the swamp west of Mud Lake. The south fork, Little Creek, flows into Bear Lake and is the stream to which application has been made, according to the legal description.

Streamflow records are available for St. Charles Creek at a point above all diversions (about 4½ miles upstream from the mouth of Little Creek) for the period 1962-66. Also, a record for the 1945 irrigation season is available for St. Charles Creek (Big Creek) about a mile below the point where it forks. There are no measurements available (to my knowledge) of Little Creek. There are several diversions made from both St. Charles and Little creeks.

The following table lists the average monthly flows in cubic feet per second for the St. Charles Creek above the diversion site (drainage area 17.4 sq. mi.), for the 1962-66 period.

<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>
36	33	30	27	27	26	57	149	150	69	48	41

Since nothing is known about the channel at the forks, there is not sufficient information to determine water availability for the proposed instream flow.

MICROFILMED

September 20, 1979

LITTLE WOOD RIVER

The section of stream specified in the application is that portion of the Little Wood River from its confluence with Silver Creek downstream to the Dietrich Canal Diversion. The Little Wood River from Carey to the confluence of Silver Creek is normally dry during the summer due to irrigation diversions and channel losses. During most irrigation seasons, Silver Creek provides the only inflow to the lower reach.

There are good streamflow records for the Little Wood River near Richfield site, which is at the lower end of the specified reach. There are records for the April - September period for the years 1911 to 1972. In addition, the years 1955-72 have data for the non-irrigation season as well. An analysis of data for the period 1948-72 was made using the summary hydrograph program. Figure 1 illustrates average daily, 90 percent exceedance (the daily flows equalled or exceeded 90 percent of the time), and the proposed instream flow for the months of April through September. Table 1 illustrates other summary hydrograph data for the Little Wood River near Richfield site. This gaging station was discontinued by the USGS in 1972. It is still operated during the irrigation season by Water District No. 37. Table 2 illustrates the flow for the 1977 irrigation season.

It can be seen from these data that there generally is sufficient water present for the instream flow. The 1977 season was very dry: Flows were slightly less than 39 cfs most of the month of August, with a few days in July and September having less than 39 cfs as well.

WTO:cjs

Attachments

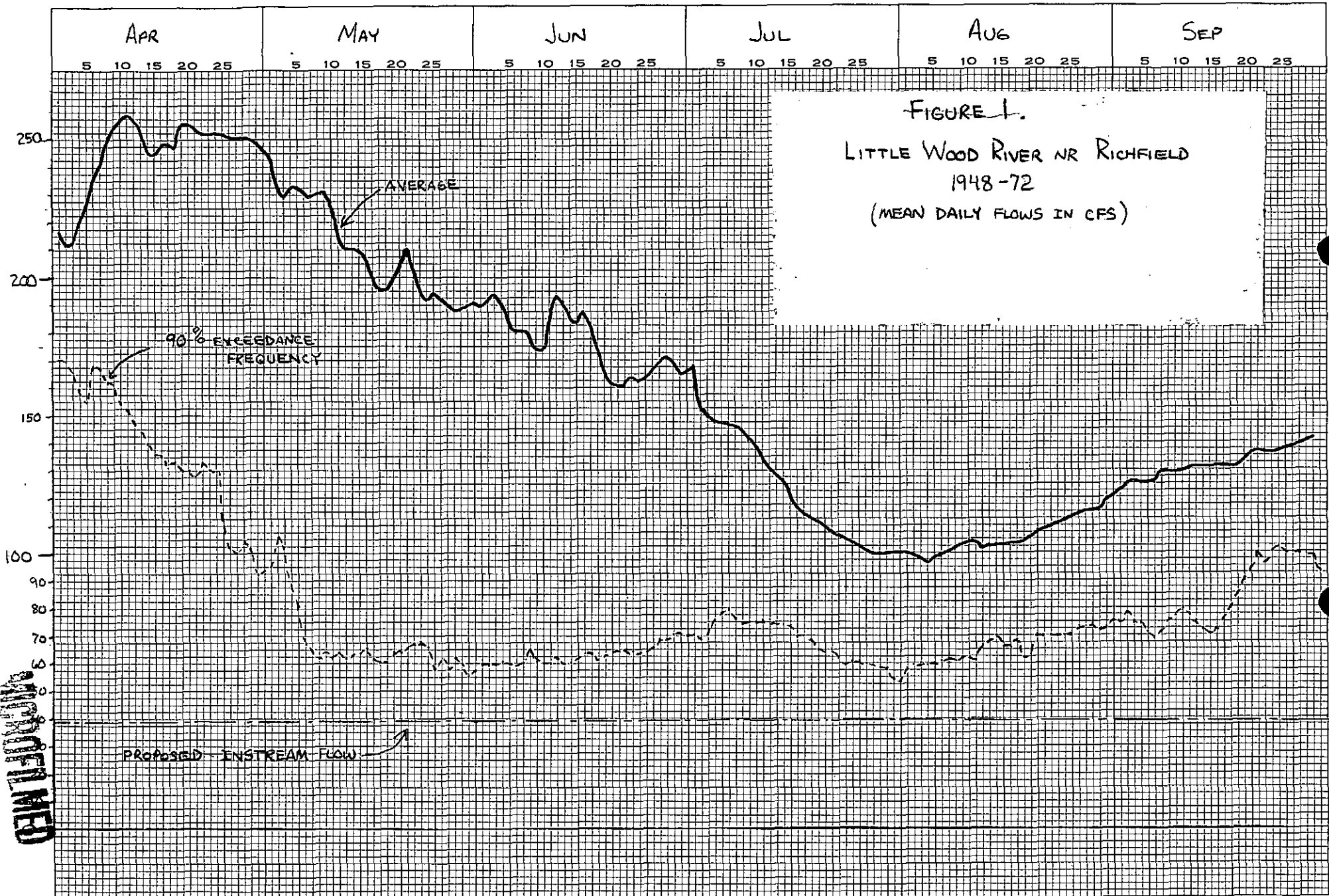


TABLE 1.

IDAHO DEPARTMENT OF WATER RESOURCES

SUMMARY HYDROGRAPH DATA

LITTLE WOOD RIVER NR RICHFIELD

13151000

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

MONTH	MAXIMUM	YEAR	DAY	MINIMUM	YEAR	DAY	AVERAGE	COUNT
OCT	252.	1966	23	53.	1961	1	157.	795
NOV	292.	1959	11	60.	1956	16	167.	750
DEC	455.	1965	25	75.	1962	11	159.	572
JAN	230.	1965	4	35.	1962	22	144.	558
FEB	405.	1957	27	80.	1962	27	152.	510
MAR	545.	1971	31	90.	1960	1	183.	630
APR	829.	1969	14	50.	1961	29	245.	720
MAY	816.	1969	1	41.	1961	29	210.	744
JUN	626.	1967	16	45.	1961	24	176.	720
JUL	436.	1965	3	38.	1961	24	122.	744
AUG	265.	1965	23	41.	1961	4	106.	744
SEP	234.	1971	8	49.	1960	22	132.	720

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

MAXIMUM	YEAR	MINIMUM	YEAR	AVERAGE	COUNT
829.	1969	35.	1962	163.	8207

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

MONTH	MAXIMUM	YEAR	MINIMUM	YEAR
OCT	223.	1966	95.	1967
NOV	212.	1971	120.	1962
DEC	217.	1965	102.	1962
JAN	192.	1965	82.	1962
FEB	201.	1963	108.	1962
MAR	291.	1971	117.	1961
APR	745.	1969	90.	1961
MAY	637.	1969	47.	1961
JUN	500.	1967	49.	1961
JUL	256.	1965	45.	1961
AUG	198.	1965	46.	1961
SEP	209.	1965	57.	1966

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

MAXIMUM	YEAR	MINIMUM	YEAR
268.	1969	89.	1961

MICROFILMED

TABLE 2.

WATER DISTRICTS 37-AR and 37M
XXAR

Daily Discharge in second feet of LITTLE WOOD RIVER AT RICHFIELD NO.10 for year ending Sept. 30th 1978

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1							160	46	47	38	35	37
2							158	48	48	40	34	38
3							161	51	46	41	34	38
4							154	53	46	43	35	38
5							156	53	45	44	33	44
6							150	55	45	44	33	39
7							148	59	44	43	34	39
8							140	59	42	43	36	36
9							127	61	43	43	34	36
10							120	55	43	43	32	38
11							112	50	45	43	32	38
12							82	46	44	38	32	38
13							76	44	44	41	32	40
14							74	41	43	40	32	39
15							74	40	42	39	32	40
16							70	39	44	38	32	40
17							68	44	43	38	33	42
18							67	50	44	36	33	44
19							65	57	46	37	33	44
20							51	60	47	39	33	43
21							50	55	47	36	34	43
22							49	52	50	37	34	44
23							50	51	50	40	33	44
24							51	50	40	43	32	42
25							51	54	43	44	33	41
26							50	57	43	46	36	40
27							50	60	43	45	36	40
28							51	58	41	44	36	40
29							47	58	42	41	38	41
30							48	57	40	38	40	47
31								51		36	40	
							2710.0	1614.0	1330.0	1261.0	1056.0	1216.0
							90.3	52.1	44.3	41.2	34.1	40.5
							5375.2	3201.3	2638.0	2501.2	2094.6	2411.9

YEAR	MEAN	50.2
OR PERIOD	ACRE FEET	18,222.3

Portneuf Valley Audubon Society



January 5, 1979

Norman Young
Dept. Of Water Resources
State House
Boise, Idaho 83720

The Portneuf Valley Audubon Society wishes to lend its support for the approval of the 11 instream flow water rights applications as submitted by Idaho Fish and Game. In particular, this chapter notes the ecological importance of Silver Creek and recommends that the minimum flows of 99 CFS near Picabo and 74 CFS near U.S. Highway 93 between Richfield and Carey be approved.

Respectfully,

PETE

Pete Cole
President of the Portneuf Valley
Audubon Society

✓	RECEIVED	OK
	STATE OF IDAHO	
	DEPT. OF WATER RESOURCES	
		WY
✓		74

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENT
Statehouse
Boise, Idaho 83720

801 Reserve Street

December 8, 1978

Mr. L. Glen Saxton
Chief, Operations Bureau
Department of Water Resources
373 W. Franklin Street
Boise, Idaho
Statehouse Mail

RECEIVED
DEC 11 1978
Department of Water Resources

RE: Applications for Water Rights No.'s 36-7821
36-7822
37-7727
37-7728
37-7734
37-7739 ✓
95-7874
11-7152
36-7818
36-7819
36-7820

Dear Mr. Saxton:

This office has no comments or objections about these applications.

Sincerely,

Jon Wroten
Senior Environmental Quality Specialist

JW/ap

cc: David Sanders



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Storehouse

Boise, Idaho 83720

(208) 384-2215

November 24, 1978

Re: Applications for Water Right No.'s 36-7821, 36-7822, 37-7727, 37-7728, 37-7734, 37-7739, 95-7874, 11-7152, 36-7818, 36-7819, 36-7820

Department of Health and Welfare
State Office Building
700 W. State
Boise, Idaho 83720

Gentlemen:

Pursuant to the provisions of Section 42-1503, Idaho Code, enclosed are copies of the above referenced applications for water right. The applications have been submitted by the Idaho Water Resource Board to the Department and propose to appropriate minimum stream flows as described on the applications.

The applications will be advertised in the form of a legal notice one a week for two consecutive weeks. The notice will specify a time and place for a public hearing to be held concerning the proposed appropriation. To date, the hearing schedule has not yet been set.

Please submit any comments you may have within twenty (20) days or contact this office if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 11

NOV 27 1978



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

November 24, 1978

Re: Applications for Water Right No.'s 36-7821, 37-7822, 37-7727, 37-7728, 37-7734, 37-7739, 95-7874, 11-7152, 36-7818, 36-7819, 36-7820

Department of Parks and Recreation
2177 Warm Springs Avenue
Boise, Idaho 83720

Gentlemen:

Pursuant to the provisions of Section 42-1503, Idaho Code, enclosed are copies of the above referenced applications for water right. The applications have been submitted by the Idaho Water Resource Board to the Department and propose to appropriate minimum stream flows as described on the applications.

The applications will be advertised in the form of a legal notice one a week for two consecutive weeks. The notice will specify a time and place for a public hearing to be held concerning the proposed appropriation. To date, the hearing schedule has not yet been set.

Please submit any comments you may have within twenty (20) days or contact this office if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 11

MAILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 24, 1978

Re: Applications for Water Right No.'s 36-7821, 36-7822, 37-7727, 37-7728,
37-7734, 37-7739, 95-7874, 11-7152, 36-7818, 36-7819, 36-7820

Department of Fish and Game
600 S. Walnut Street
Boise, Idaho 83706

Gentlemen:

Pursuant to the provisions of Section 42-1503, Idaho Code, enclosed are copies of the above referenced applications for water right. The applications have been submitted by the Idaho Water Resource Board to the Department and propose to appropriate minimum stream flows as described on the applications.

The applications will be advertised in the form of a legal notice one a week for two consecutive weeks. The notice will specify a time and place for a public hearing to be held concerning the proposed appropriation. To date, the hearing schedule has not yet been set.

Please submit any comments you may have within twenty (20) days or contact this office if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 11

REC-11

IDAHO DEPARTMENT of PARKS & RECREATION

Statehouse Mail

2177 Warm Springs Ave.

Boise

Idaho

83720

(208) 384-2154

Dale R. Christiansen, Director
R. P. Peterson, Deputy Director



John V. Evans, Governor

STATEMENT OF DALE CHRISTIANSEN, DIRECTOR
IDAHO STATE PARKS & RECREATION DEPT.
SUPPORTING APPLICATION FOR MINIMUM FLOWS FOR
ELEVEN APPLICATIONS SUBMITTED BY FISH & GAME DEPT.

TO: Idaho Water Resource Board

DATE: November 16, 1978
Boise, Idaho

Mr. Chairman, our department, through our Statewide Outdoor Recreation Plan, has identified a need to establish minimum flows as a very high priority for the preservation of certain recreation activities throughout Idaho. Among those activities that rely heavily on Idaho's flowing waters include stream fishing, white water boating, kayaking, and also visual enjoyment. Although, by many standards Idaho has an abundance of flowing waters at certain times, Idaho is also experiencing a rapid decline in the availability of flowing waters for recreation needs. We believe that the establishment of minimum flows for not only fish and wildlife purposes but also for other recreation purposes, is a need that has long been overlooked in the State of Idaho. As a general statement, we support the establishment of maintenance as well as minimum flows for many of Idaho's flowing waters for fish & wildlife purposes as well as for other recreational use of our free flowing waters.

In specifics, we are very supportive of having the Water Resources Board leave intact the application for minimum flows by the Idaho Department of Fish & Game to establish minimum flows for selected springs in the Hagerman Valley (Blind Canyon, Malad River, and Vineyard Creek) which I understand are a part of the applications being studied at this time.

Several of these sections relate to a direct interest our department has via our state park program. Several years ago we started work on the Malad Gorge State Park outside of Bliss, Idaho on the Malad River. We are nearing completion of our Development Phase and expect to have the park opened for use within the next year to year and a half. One of the key and major features of the Malad Gorge State Park is the gorge and the river that runs through it. Much of the water flow in this particular stretch arises from the springs located on state park property at the foot of the gorge. These springs help to improve the quality of the water that runs through the Malad Gorge and also makes it a significant trout fishery. The water is of high quality and is one of the key attractions of the state park. For these reasons, we feel that any depletion of the quality or quantity of the spring waters in the Malad River would have a detrimental effect on our state park program.

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EQUAL OPPORTUNITY EMPLOYER

The Department has also been supportive of the efforts made by other public agencies, notably the Bureau of Land Management, in efforts to establish Vineyard Creek and Devils Corral Area as a recreation area. This area was being looked at as a potential state park but the concept has been set aside as the BLM is working to establish the area as a BLM recreation site. We have been cooperatively working with the BLM over the past year on this project. We feel that Vineyard Creek possesses some unique features that should be preserved for posterity. The establishment of minimum flows would ensure this preservation.

The Department further supports the establishment of minimum flows for Silver Creek as this is one of the finest trout streams in Idaho and a treasure with international recognition. Any request to reduce the quality or quantity of this area should be studied very closely. Although not mentioned in the application under review, we also encourage the Department of Water Resources to investigate setting minimum flows for Devils Corral, Crystal, and Niagra Springs which are located in the Hagerman Valley near Blind, Bancroft, and Vineyard Springs.

We appreciate the Water Resource Board giving us the opportunity to make a statement concerning the pending application for minimum flows. If our department can provide the Board or the Department of Water Resources with any further information, we would be happy to do so.

Thank you.

Dale R. Christiansen
Director

cc: Herm McDevitt
Merle Allison
Joe Greenley

BOISE VALLEY FLY FISHERMEN

OFFICE OF
Joe Wyllie

P. O. BOX 311

BOISE, IDAHO 83702

November 16, 1978

Water Resource Board
373 W. Franklin Street
Boise, Idaho 83720

Dear Sirs:

The members of the Boise Valley Fly Fishermen are in complete favor of the action taken by the Idaho Fish and Game Department to gain water rights for minimum flows on 11 streams or portions of streams in Idaho. We sincerely hope that you will take action and approve the request.

Sincerely,

Joe Wyllie

Joe Wyllie
President, BVFF

JW:jl

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~~SEE~~ OTHER RIGHTS -- Little Wood River

~~Source Book~~

many decreed rts on L. Wood R.

100% MICROFILMED

3/79

IDENT. NO. 37-7739

ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

1-A. Little Wood River below Bear Tracks Williams property. Photo taken in June 1979 by Stuart Murrell of the Idaho Department of Fish and Game.



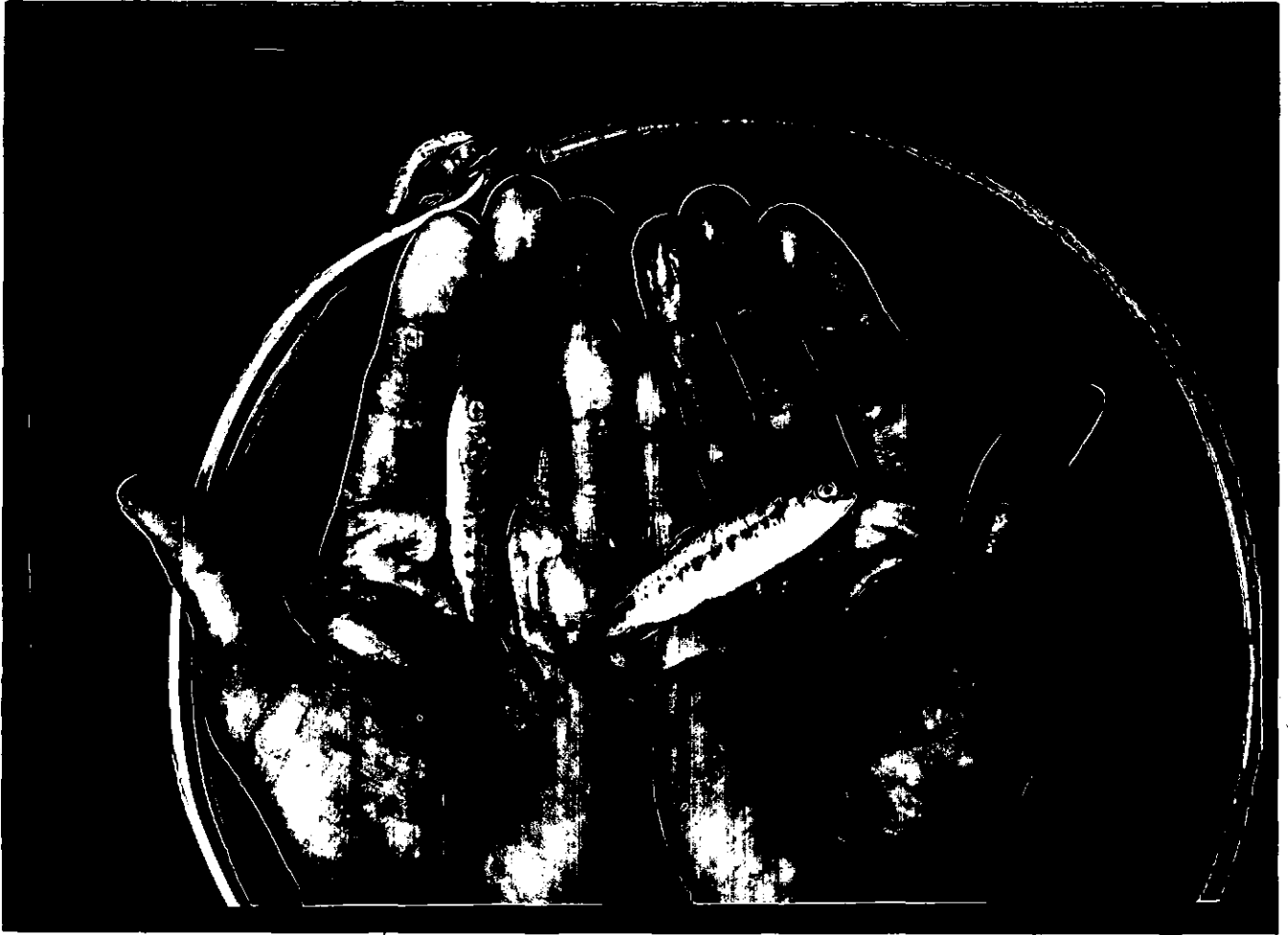
1-B. Brown trout obtained in electrofishing operation conducted by Idaho Department of Fish and Game personnel on the Little Wood River immediately below the Bear Tracks Williams property on August 7, 1979. The fish was twenty inches (508 mm) in total length and weighed approximately four pounds (1.8 kg.). Photo taken by Robert J. Bell of the Idaho Department of Fish and Game.



UNRECORDED

UNRECORDED

- 2-A. Juvenile brown trout obtained in electrofishing operation on the Little Wood River immediately below the Bear Tracks Williams property on August 7, 1979. Photo taken by Robert J. Bell of the Idaho Department of Fish and Game.



- 2-B. Brown trout caught by David Hallman of Jerome, Idaho on July 28, 1980 just below the Bear Tracks Williams property. The trout measured 23 inches (584 mm) in total length and weighed approximately 5.25 pounds (2.4 kg). Photo taken by Robert J. Bell of the Idaho Department of Fish and Game.



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SUMMARY OF ELECTROFISHING DONE BY
IDAHO DEPARTMENT OF FISH & GAME PERSONNEL
ON THE LITTLE WOOD RIVER WITHIN THE REQUESTED INSTREAM FLOW SECTION
BETWEEN SEPTEMBER 3, 1975 and AUGUST 7, 1979*

Date	Location of Electrofishing	Length of Stream Sect. Electrofished	Total Number Brown Trout	Total Number Rainbow Trout	Total Length Ranges ^a		Idaho Department Of Fish & Game Pers. Doing Electrofishing
					Brown	Rainbow	
9-3-75	Lower end of Bear Tracks Williams area	600 feet	25	0	3-14	--	Bob Bell, Rex Spackman, Don Wright
7-13-77	Lower End of Bear Tracks Williams Area	600 feet	38	4	1.7-14.0	7-10	Bob Bell, Tim Cochnauer, Jerry Baltazor
7-13-77	Short Distance Below Pigari Crossing	100 feet	1	1	2.4	11	Bob Bell, Tim Cochnauer, Jerry Baltazor
7-21-77	At Large Trees (Approx. 5 mi. above Richfield)	100 feet	2	3	8.4-14.4	7.2-10.8	Tim Cochnauer, Lance Nelson
5-30-78	4 Miles Above Trees Approx. 9 miles Above Richfield	1,200 feet	18	8	3-19.0	3-10	Tim Cochnauer, Neil Hoyt, Will Kendra
5-31-78	Lower End of Bear Tracks & Immed. Below	1,200 feet	44	3	1-17	3-11	Tim Cochnauer, Neil Hoyt, Will Kendra
6-1-78	6 Mi. Above Large Trees Approx. 11 mi. Above Richfield	1,200 feet	21	34	3-17	4-13	Neil Hoyt, Will Kendra

SUMMARY OF ELECTROFISHING DONE BY
IDAHO DEPARTMENT OF FISH & GAME PERSONNEL
ON THE LITTLE WOOD RIVER WITHIN THE REQUESTED INSTREAM FLOW SECTION
BETWEEN SEPTEMBER 3, 1975 and AUGUST 7, 1979*

Date	Location of Electrofishing	Length of Stream Sect. Electrofished	Total Number Brown Trout	Total Number Rainbow Trout	Total Length Ranges ^a		Idaho Department Of Fish & Game Pers. Doing Electrofishing
					Brown	Rainbow	
8-7-79	Immed. Below Bear Tracks & Center of Faulkner Prop.	800 feet	53	3	2.25-20	6-8.1	Bob Bell, Ted Chu, Darold Morgan
	TOTALS	5,800 feet	202	56	1-20	3-13	

* Totals of fish obtained in the electrofishing are only a small sample of the fish present in the stream and in no way reflect the total population of the stream sections involved.

a Figures designated in inches.

ROUGH ANGLER USE ESTIMATES
ON THE LITTLE WOOD RIVER
BETWEEN THE MOUTH OF SILVER CREEK AND RICHFIELD
DURING 1979

<u>Month</u>	<u>Angler Use</u>	<u>Total Estimated Angler Days</u>
January	0	
February	0	
March	Av. 5/day for last 2 weeks	75
April	Av. 30/day	900
May	Av. 30/day	930
June	Av. 10/day	300
July	Av. 30/day	930
Aug.	Av. 20/day	620
Sept.	Av. 50/day	1,500
Oct.	Av. 50/day (season closes 10/15)	<u>750</u>
		6,005

Net value per day of fishing on streams in Idaho such as the Little Wood River updated with consumer price index amounted to approximately \$25.91/day in 1979. Using this figure, the estimated annual economic value of the fishery on the section of Little Wood River involved would be approximately \$155,589. (25.91×6005).

These costs are primarily for expenses involved with getting to and staying in the fishing area (gas, meals, motel etc.). They do not include durable costs for permanent items such as fishing gear, etc.

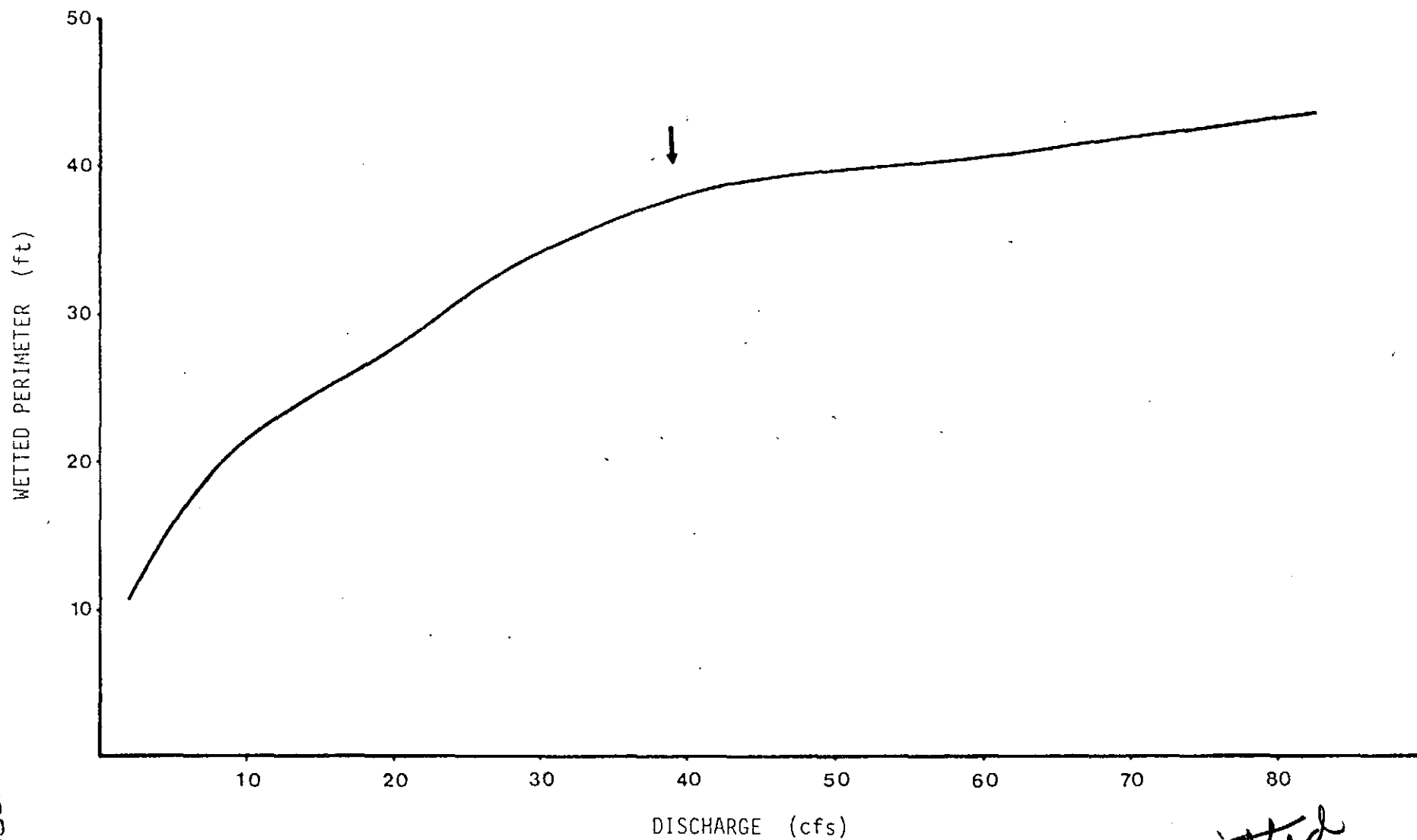
Richfield

Publications of Tim Cochnauer,
Senior Fishery Research Biologist,
Idaho Department of Fish and Game

- Cochnauer, Tim and Robert 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. 136 p.
- _____. 1976. Stream Resource Maintenance Flow Studies, 1976.. Job Performance Report, F-69-R-1, Job II, Idaho Department of Fish and Game. 44 p.
- _____. 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. 14 p.
- _____. 1977. Stream Resource Maintenance Flow Studies, 1977. Job Performance Report, F-69-R-2, Job II, Idaho Department of Fish and Game. 85 p.
- _____. 1977. Stream Resource Maintenance Flow Determinations for Box Canyon Springs. Idaho Department of Fish and Game. 10 p.
- _____. 1977. Snake River (American Falls Dam to Lake Walcott) Stream Flow Study, 29 October - 10 November 1977. Idaho Department of Fish and Game. 31 p.
- _____ and Edwin 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. 88 p.
- _____ and Neil 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. 50 p.
- _____. 1980. Stream Flow Investigations. Job Completion Report. Idaho Department of Fish and Game. 16 p.
- Horton, William D. and Tim Cochnauer. 1979. Instream Flow Methodology Evaluation, Biological Criteria Determination, and Water Quality Needs for Selected Idaho Streams. Stream Evaluation Project -- Phase II, BOS, Western Water Allocation Project, Contract No. 14-16-0001-77090. In Press.

MICROFILMED

EXHIBIT NO. 6



Rearing flow curve for Little Wood River above Richfield
(Tim Cochnauer, Idaho Department of Fish and Game)

admitted
8-6-80

RECEIVED

ADJUSTED TO
FLOW YEA.

STREAM FLOW

LOCATION:
RIVER MILE:

GAUGE NUMBER: 1510
RIVER MILE :

HISTORY:

YEAR	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
1927				265	285	171	85.8	92.6	124			
max				347	353	238	95	113	134			
min				230	157	82	73	86	115			
1928			239	169	89.6	100	104	86.7	105			
max			248	222	126	121	115	97	113			
min			283	134	63	84	97	79	97			
1929			151	133	91.9	71.9	74.5	74.3	90.8			
max			153	146	132	84	81	88	105			
min				121	59	61	65	68	81			
1930				146	93.6	73.5	75.7	79.7	92.1			
max				200	128	85	91	94	97			
min				77	68	64	65	70	89			
1931				112	70.9	58.1	50.0	47.1	57.7			
max				148	97	64	58	52	74			
min				89	58	46	42	40	46			
1932				172	188	123	88.9	88.7	138			
max				231	263	228	105	113	156			
min				123	42	50	65	72	117			
1933				188	146	33.2	63.1	87.0	89.0			
max				205	210	65	88	127	123			
min				175	41	14	30	64	72			
1934				66.9	66.2	65.5	51.9	49.4	47.9			
max				75	80	80	61	52	60			
min				60	58	58	46	47	40			
1935				125	76	75.8	63.6	69.2	85.1	92.9		
max				161	109	142	72	74	91	113		
min				84	50	33	46	65	76	72		
1936				246	126	87.7	80.5	75.2	91.2	101	115	
max				354	247	142	89	83	105	111	121	
min				113	58	67	70	68	74	91	111	
1937			154	160	96.0	75.2	75.5	65.4	77.6	89.5	113	
max			170	194	156	84	88	74	86	111	127	
min			138	119	56	68	59	56	70	72	102	
1938				383	505	254	225	120	146	167	172	
max				816	830	404	430	146	154	195	198	
min				127	353	148	97	101	138	134	146	
1939			419	214	73.3	83.7	86.4	69.4	77.9	110	122	
max			437	404	108	95	105	80	84	120	125	
min			398	112	53	71	74	58	71	84	118	
1940			203	254	110	71.0	67.8	63.9	78.6	97.9	112	
max			303	328	229	80	76	71	97	101	117	
min			150	205	57	61	57	54	65	97	101	
1941				160	82.9	79.7	95.4	113	132	142	146	
max				218	122	101	106	133	140	148	152	
min				120	58	69	82	84	125	133	140	
1942				289	193	97.5	96.1	101	124	137	161	
max				363	264	167	108	115	127	146	176	
min				185	105	44	84	90	118	122	150	

1524 1383 1297 1554 944 941

STREAM FLOW

LOCATION:

RIVER MILE:

GAUGE NUMBER: 1510

RIVER MILE:

HISTORY:

YEAR		Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
1943	$\bar{x}$				487	356	333	204	153	172	194	209	
	max				567	522	440	279	158	178	224	227	
	min				382	192	221	152	148	162	169	182	
	$\bar{x}$				187	174	262	143	131	162	168	190	
1944	max				221	238	398	178	142	180	176	210	
	min				160	80	86	125	124	131	165	173	
	$\bar{x}$			171	181	138	159	114	111	132	150	168	
1945	max			218	282	213	267	124	122	146	160	178	
	min			143	142	93	105	101	103	118	142	156	
	$\bar{x}$				239	165	145	122	118	147	169	173	
1946	max				359	294	276	148	144	154	178	192	
	min				182	108	98	98	103	140	156	167	
	$\bar{x}$			175	200	100	120	103	116	135	154	166	
1947	max			241	255	148	160	118	134	148	160	180	
	min			136	134	43	86	86	84	124	138	160	
	$\bar{x}$			155	153	105	87.3	98.4	105	111	133	140	
1948	max			173	178	127	113	113	113	136	136	150	
	min			146	129	69	71	84	98	95	129	130	
	$\bar{x}$				164	108	122	106	108	111	132	138	
1949	max				196	171	150	129	134	118	136	150	
	min				117	71	101	76	80	100	124	133	
	$\bar{x}$			170	236	153	93.7	129	127	149	171	193	191
1950	max			185	347	241	131	156	144	166	190	216	195
	min			160	171	80	69	112	110	127	162	185	188
	$\bar{x}$			205	251	221	103	134	152	166	194	193	
1951	max			220	343	367	125	158	176	173	214	200	
	min			176	203	87	72	114	123	158	165	185	
	$\bar{x}$				391	486	293	216	135	173	187	182	
1952	max				706	724	425	404	148	181	197	208	
	min				189	260	173	127	125	160	173	85	
	$\bar{x}$			191	195	123	192	126	136	150	175	186	
1953	max			254	302	266	346	176	153	168	189	206	
	min			158	150	62	87	96	118	136	158	176	
	$\bar{x}$				152	71.1	107	127	110	117	145	169	144
1954	max				183	106	163	170	141	136	161	198	170
	min				89	54	76	99	86	94	114	154	110
	$\bar{x}$	122	122	138	175	98.3	65	77.3	73.4	86.9	114	128	165
1955	max	150	130	211	241	145	71	86	80	102	122	170	300
	min	100	110	120	132	64	60	69	69	70	99	60	100
	$\bar{x}$	148	134	181	333	233	192	122	106	129	161	172	157
1956	max	174	155	317	428	496	464	159	126	139	189	191	190
	min	80	85	135	230	63	99	100	90	116	138	162	130
	$\bar{x}$	118	191	191	168	364	157	104	90.8	126	148	175	164
1957	max	145	405	344	183	645	431	132	126	152	167	189	174
	min	80	140	160	154	174	80	92	80	108	111	165	138
	$\bar{x}$	145	158	172	259	421	203	120	114	128	168	202	176
1958	max	155	262	224	457	608	297	160	136	144	185	292	190
	min	135	147	142	180	326	149	99	102	113	149	174	164

2674 2005 1896 2145 2513 2764 997

Adjusted

STREAM FLOW

LOCATION:
RIVER MILE:

GAGE NUMBER: 1510
RIVER MILE:

HISTORY:

YEAR		Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
1959	$\bar{x}$	152	140	160	134	71.0	63.6	72.4	69.6	97.5	131	127	123
	max	200	157	178	222	84	77	80	76	128	136	132	145
	min	125	134	144	67	62	57	64	62	68	124	124	100
	$\bar{x}$	122	126	154	163	74.5	54.9	59.8	54	59.0	95.9	130	114
1960	$\bar{x}$	122	126	154	163	74.5	54.9	59.8	54	59.0	95.9	130	114
	max	150	135	212	218	133	61	76	71	78	113	140	131
	min	85	90	90	132	54	48	45	43	44	53	115	95
	$\bar{x}$	162	120	117	90.1	46.8	49.0	45.5	45.5	69.1	111	126	102
1961	$\bar{x}$	162	120	117	90.1	46.8	49.0	45.5	45.5	69.1	111	126	102
	max	110	156	148	116	55	55	59	51	88	124	126	124
	min	88	108	105	50	41	45	38	41	51	95	116	75
	$\bar{x}$	71	102	108	130	106	71	124	101	121	118	163	161
~~1962~~													
1962	$\bar{x}$	81.6	168	130	190	171	124	101	101	126	148	163	161
	max	110	125	176	250	280	230	221	133	133	159	182	180
	min	35	80	100	125	76	80	93	81	118	136	157	130
	$\bar{x}$	133	201	144	139	124	245	117	107	142	153	182	148
1963	$\bar{x}$	133	201	144	139	124	245	117	107	142	153	182	148
	max	160	400	154	162	160	347	140	115	159	168	196	174
	min	140	149	138	128	53	71	102	100	121	133	168	
	$\bar{x}$	158	150	151	230	125	154	108	162	134	160	173	217
1964	$\bar{x}$	158	150	151	230	125	154	108	162	134	160	173	217
	max				284	185	257	123	118	150	175	188	455
	min				157	58	80	91	93	122	148	164	100
	$\bar{x}$	192	179	238	349	431	349	256	198	209	223	171	161
1965	$\bar{x}$	192	179	238	349	431	349	256	198	209	223	171	161
	max	230	240	341	531	579	505	436	265	225	252	269	178
	min	156	160	173	180	216	230	137	139	190	186	149	140
	$\bar{x}$	150	146	177	270	65.9	73.1	67.4	52.3	56.6	94.7	125	139
1966	$\bar{x}$	150	146	177	270	65.9	73.1	67.4	52.3	56.6	94.7	125	139
	max	160	155	234	446	151	85	81	66	67	111	135	163
	min	140	138	149	137	49	58	53	52	50	66	111	105
	$\bar{x}$	143	137	166	208	235	506	165	95.1	129	169	181	178
1967	$\bar{x}$	143	137	166	208	235	506	165	95.1	129	169	181	178
	max	170	157	203	296	365	626	277	105	155	184	217	190
	min	130	132	138	128	121	260	107	79	98	151	174	160
	$\bar{x}$	158	168	169	126	71.0	94.3	66.1	165	144	155	167	157
1968	$\bar{x}$	158	168	169	126	71.0	94.3	66.1	165	144	155	167	157
	max	168	228	208	175	88	161	75	175	158	162	174	165
	min	152	144	136	82	56	59	53	50	124	146	155	150
	$\bar{x}$	161	162	174	245	637	369	183	103	150	178	174	165
1969	$\bar{x}$	161	162	174	245	637	369	183	103	150	178	174	165
	max	180	174	408	829	816	430	313	121	195	188	183	184
	min	150	150	155	422	508	242	120	93	103	165	165	110
	$\bar{x}$	149	159	189	160	132	98.6	138	94.4	150			
1970	$\bar{x}$	149	159	189	160	132	98.6	138	94.4	150			
	max	188	183	231	186	217	142	183	120	181			
	min	125	150	158	145	51	147	113	79	101			
	$\bar{x}$	139	147	184	232	195	149	101	97	120	146	160	154
1971-1970	$\bar{x}$	139	147	184	232	195	149	101	97	120	146	160	154
	max												
	min	115	128	137	153	123	107	86	79	100	127	149	121
	$\bar{x}$												
	$\bar{x}$												
	max												
	min												
	$\bar{x}$												
	$\bar{x}$												
	max												
	min												
	$\bar{x}$												

2225 1390 1132 1467 1419 1713 1615

112

Attendance Roster

Little Wood River Min Stream Flow App

Aug 6, 1980

NAME	ADDRESS	REPRESENTING	FULL PARTY	PUB STATEMENT
Leon Grieve	Shoshone	BWCC & AFRD #2	1	
Reed Hansen	Idaho Falls	IWRB	1	
Reid J Newby	Shoshone, Ida.	Water Dist. 37 & 37M	1	
Bob Bell	P 16 11 th Ave. Jerome	Idaho Fish & Game	1	
Dill Webb	Box 428 Jerome, Ida	Ida. F&G	1	
Ervin Cowley	Shoshone, Id.	BLM	1	
Tim Cahnauer	Jerome Id	IDAHO FISH & GAME	1	
Gray Baiter	Shoshone	" " "	1	
Bruce Hammond	Twist Falls	Times-News		
STEVE GODDARD	Boise, Idaho	IDAHO FISH AND GAME	✓	
H. Floyd Selan	Shoshone	very self.		
DAVE TUTTILL		IDWR		
LOREN HOLMES		"		
FRANKLIN JONES		IWRB		
GLEN SAXTON		IDWR		

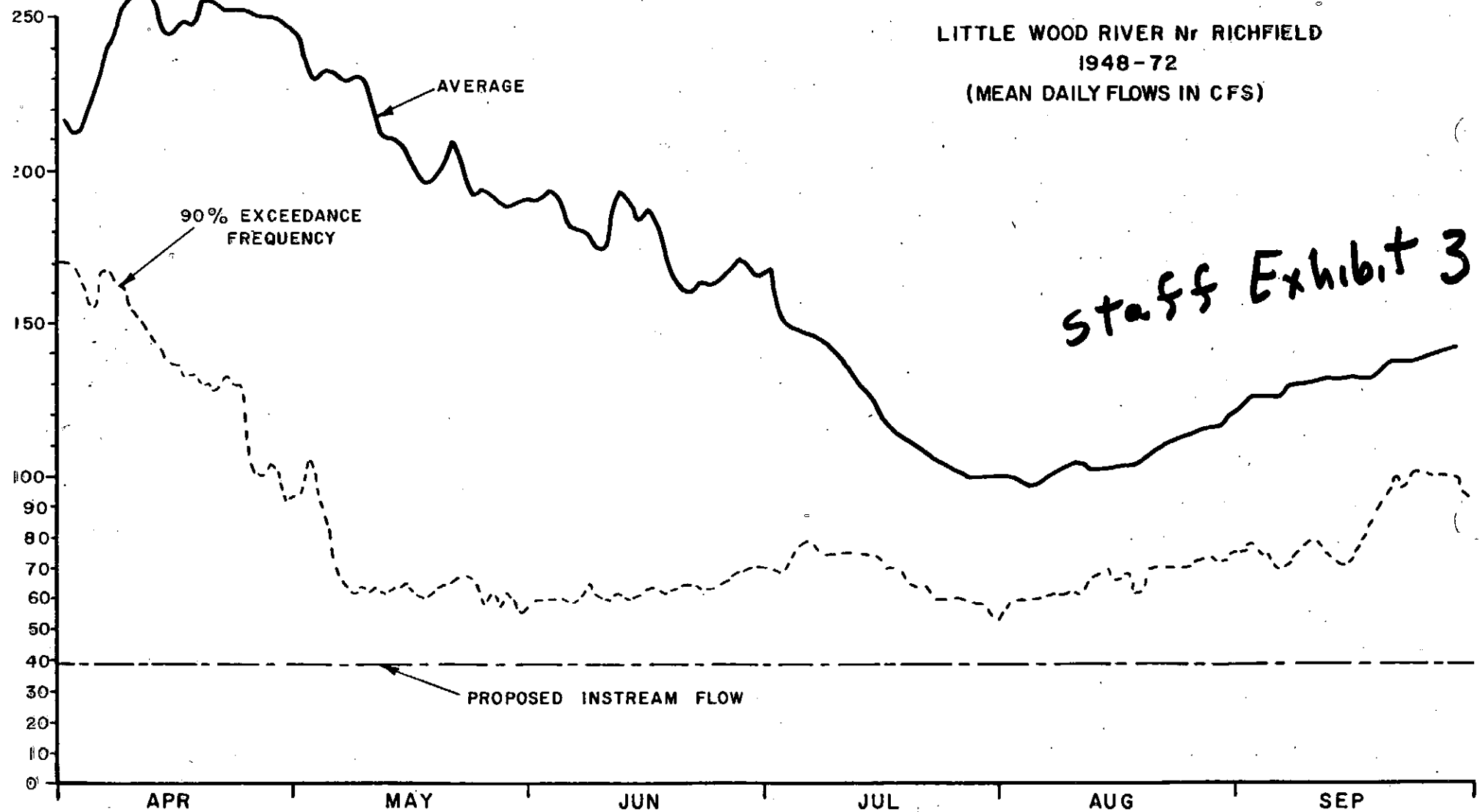
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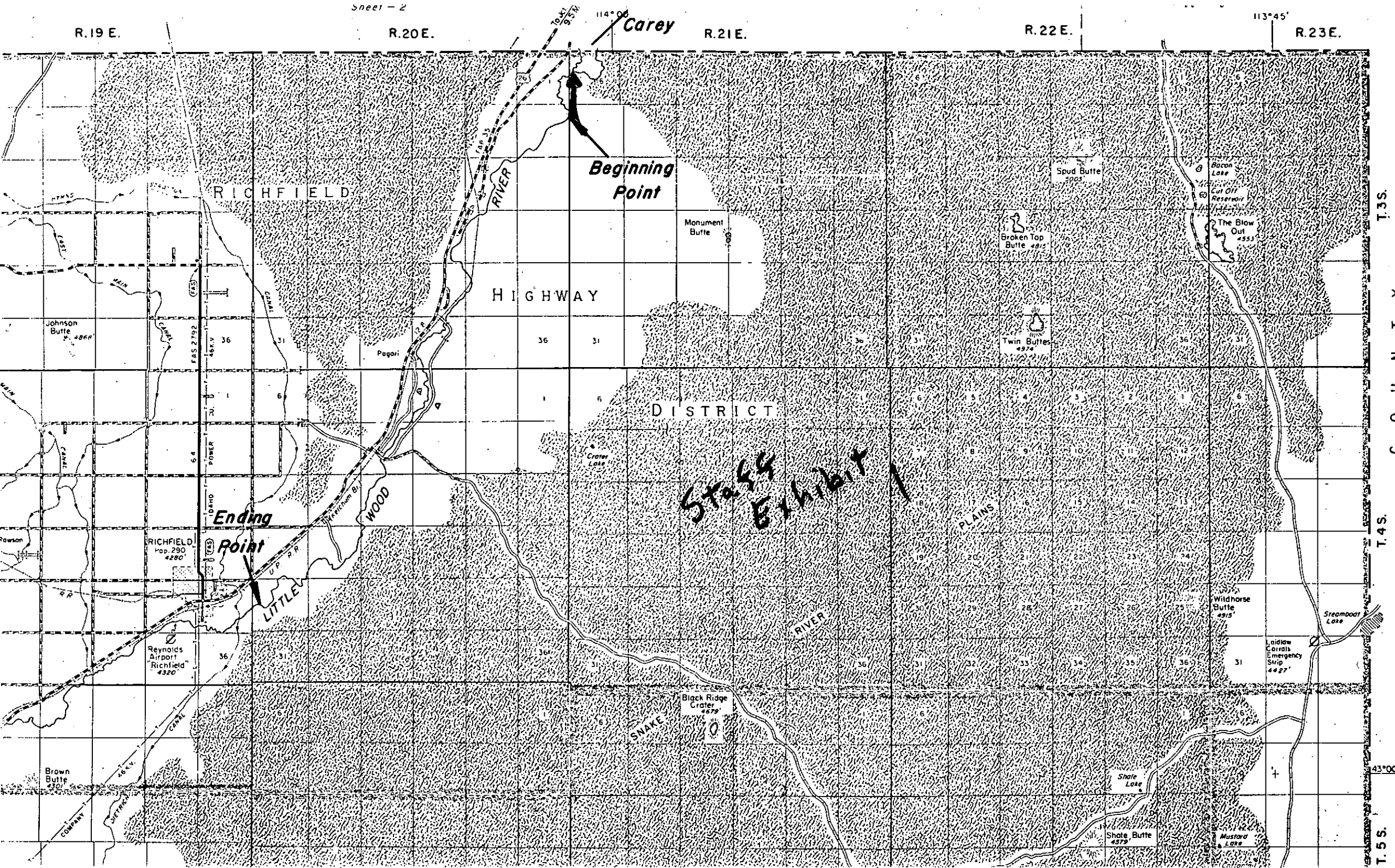
LITTLE WOOD RIVER MSF, 37-7739

Notes: Dave Tuthill

- On August 28, 1978 the Idaho Water Resource Board (IWRB) received a request for a minimum streamflow on Little Wood River tributary to Big Wood River, located in Lincoln County.
- This request was considered by the IWRB on September 11, 1978, and on Sept. 29, 1978, the Board filed an application with the IDWR.
- Copies of the application were sent to the State Departments of Health & Welfare, Fish & Game, and Parks & Recreation.
- A public notice of the application was advertised in the Lincoln County Journal on July 17, 24 and 31, 1980. The notice included information about this hearing. A copy of this public notice was sent to all interested parties noted in the file.
- Letters in support of the requestor application were received from the following:
 1. Joe Wyllie, President of Boise Valley Fly Fishermen
 2. Dale Christiansen, Director, Dept. of Parks & Recreation
 3. Pete Cole, President of Portneuf Valley Audubon Society
 4. Bob Juola President of Boise Valley Fly Fishermen
 5. ~~Parks & Rec requested~~
- Letters in opposition were received from:
 1. None rec'd.
 - 2.
 - 3.
- Present Staff Exhibit 1 which depicts the location of the reach of stream in question.
- Present Staff Exhibit 2 showing a schematic of existing water rights and distances.
- Present Staff Exhibit 3 which is a summary hydrograph of the flows at the gaging station.

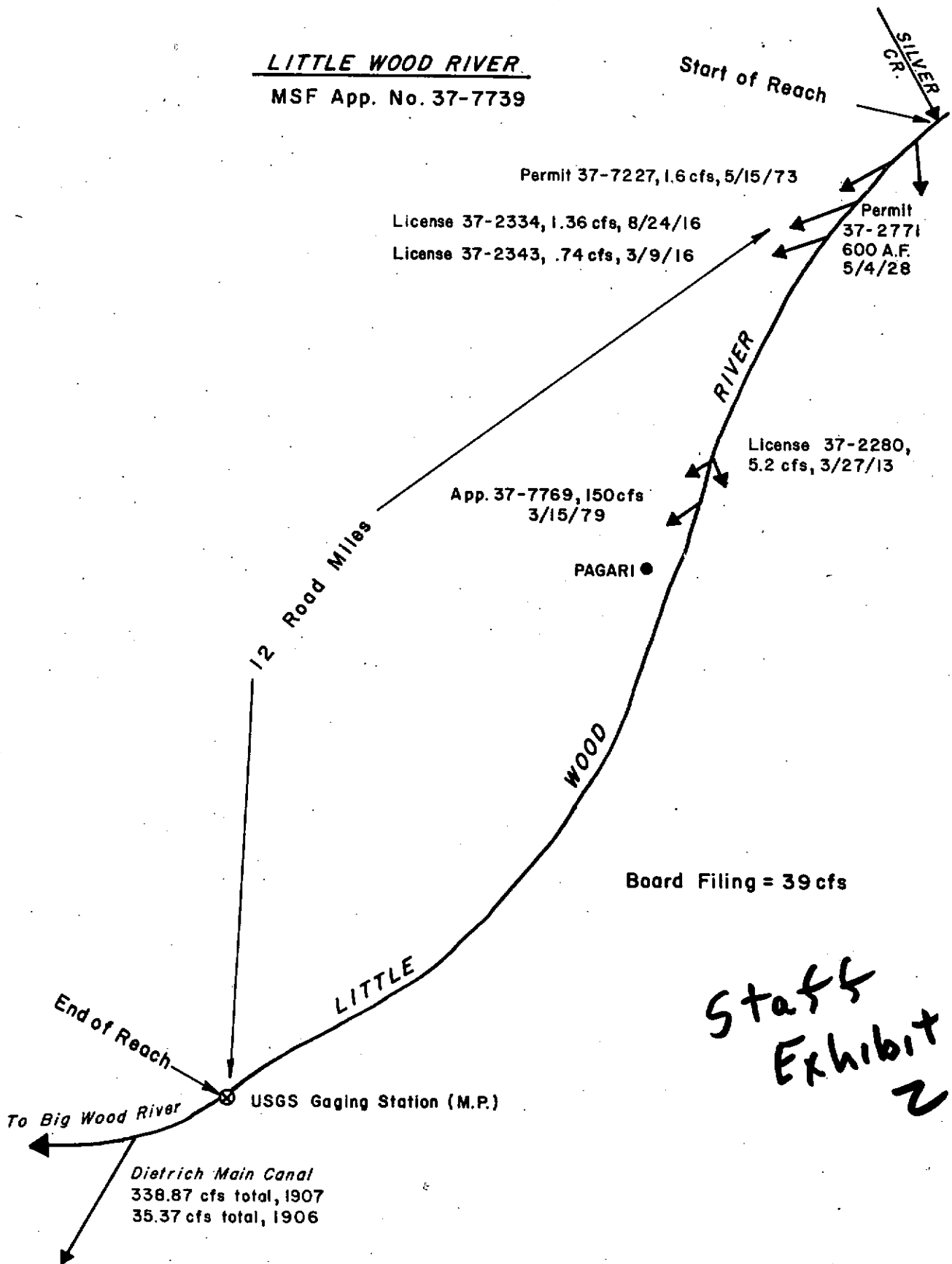
ORIGINAL FILED





LINCOLN

LITTLE WOOD RIVER
MSF App. No. 37-7739



Staff
Exhibit
2