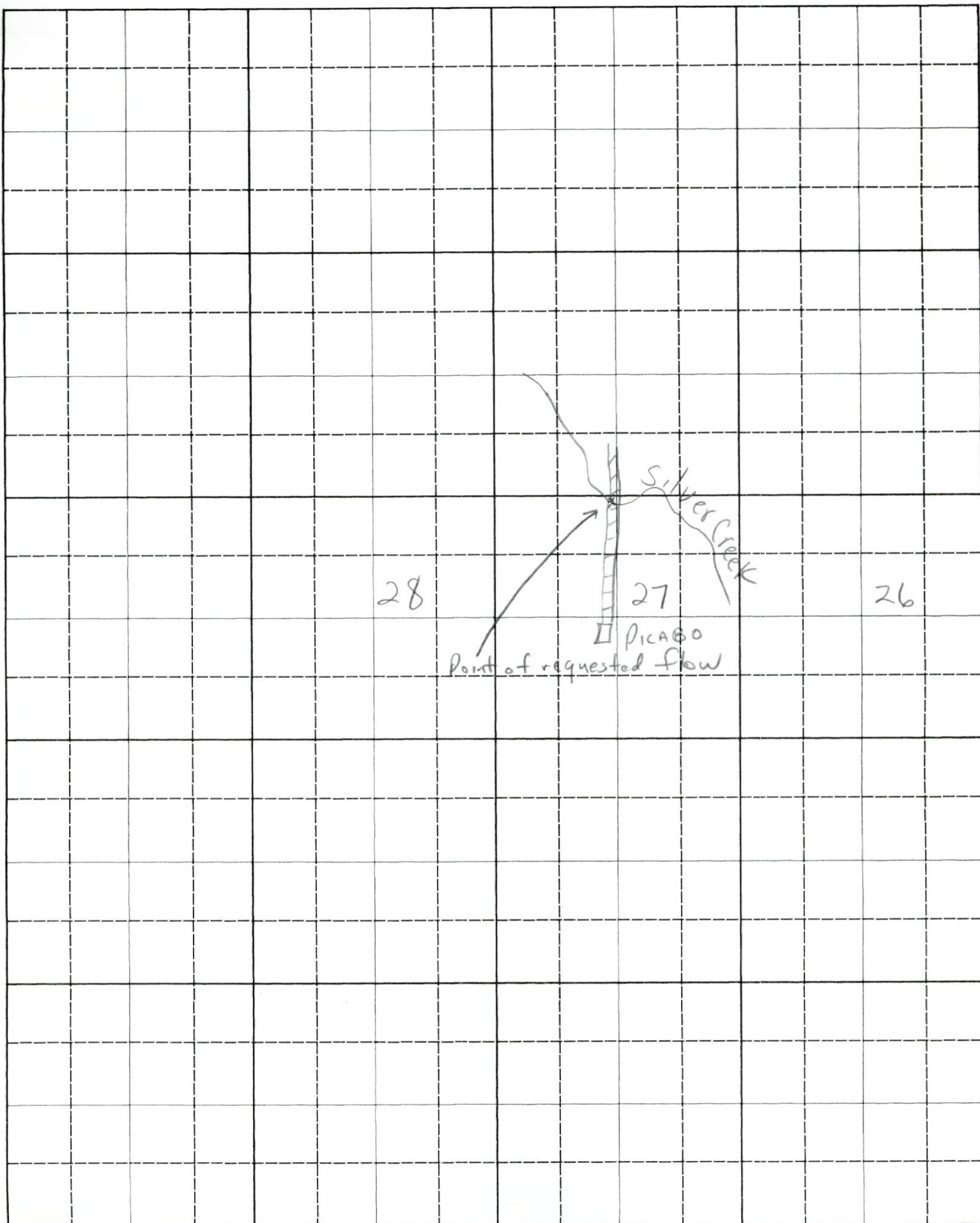


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

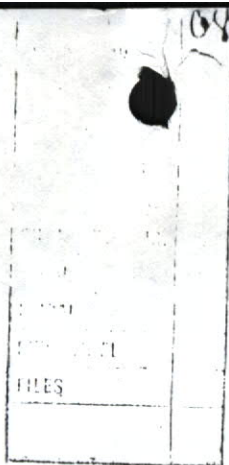


Scale: 2 inches equal 1 mile.

R. 20 E.

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

George A. Root
(Applicant)



Copy to:
Board members
Soldiers - water, yet
Sides

37-7727

American Falls, Idaho
October 24, 1976

RECEIVED

OCT 25 1976

Department of Water Resources

Mr. George Test
Chairman I.S.R.D.
State House
Boise, Idaho 83720

Dear Mr. Test:

I strongly support the application by the
Water Resources Board for the minimum flows for
the following springs and creeks:

- Wingard Creek
- Briggs Springs
- Blind Canyon Springs
- Lower White Springs
- Drabury Springs
- Silver Creek 37-7726
- Silver Creek 37-7727
- Shenroft Springs
- Wolf Lodge Creek
- St. Charles Creek

Your favorable consideration of this matter
will be much appreciated.

Yours very truly

Joe F. Allen, Co-chairman
Water/Power Initiative

MICROFILMED

121 South Mill Street
Boise, Idaho 83720
November 4, 1978

Mr. George Yost, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

11/14/78

RAY G. BYRD

Department of Water Resources

Dear Mr. Yost,

I am delighted to see that the newly legislated opportunity to apply for minimum stream flows in Idaho has been taken up by the Fish and Game Department. Such a request is very much in the public interest for the citizens of this state. If the water for these minimum flow requests is indeed available, I urge affirmative action be taken by the members of the Idaho Water Resource Board. I refer to the following applications for permits: 36-7818 - Vineyard Creek, 36-7819 - Briggs Springs, 36-7820 - Blind Canyon Springs, 36-7821 - Lower Brite Springs, 36-7822 - Baubury Springs, 37-7727 and 37-7728 - Silver Creek, 61-7373 - Bancroft Springs, 95-7874 - Wolf Lodge Creek, 11-7152 - St. Charles Creek.

I do not think we can any longer operate efficiently with a zero-based budgeting concept for the waters of Idaho. To establish minimum flows for those streams where it is still possible is like putting money in a water savings account. The sooner we move ahead with such a program the more everyone will benefit, and I include the agricultural water user as a very direct beneficiary of such a program.

Since the concept of establishing minimum stream flows for Idaho's waters is very long overdue in my estimation, I hope that you can move forward with all possible speed in the granting of these applications.

Sincerely,

Doli Chee
Doli Chee

MICROFILMED

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

FEB 20 1979

Department of Water Resources
Southern District Office

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of January, 1979, and the date of the last publication was on the 1 day of February, 1979.

Subscribed and sworn to before me this 5th

day of February, 1979.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>42</u>	
Number of Insertions	<u>2</u>	
Lines tabular at	39c	
<u>42</u> Lines straight at	26c	<u>10.92</u>
<u>42</u> Subsequent lines at	15c	<u>6.30</u>
TOTAL COST		<u>17.22</u>

CO OF NOTICE

(Paste Here)

Permit 37-7727- 37728
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources
1041 Blue Lake Blvd. NTF
83301

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

IN THE MATTER OF APPLICATIONS
FOR PERMIT NOS. 37-7727 and 37-
7728 IN THE NAME OF THE IDAHO
WATER RESOURCE BOARD.

PROCEDURE REGARDING POST- HEARING SUBMITTAL OF MATERIALS

TO: ATTENDEES OF THE JANUARY 11,
1979, PUBLIC HEARING IN HAILEY,
IDAHO, ON THE ABOVE-NOTED AP-
PLICATIONS FOR A MINIMUM STREAM
FLOW ON SILVER CREEK.

At the hearing on the above-noted applications it was provided that an additional fifteen (15) days be allowed for the submittal of written material for the record. Such material must be received in the state office of the Department of Water Resources by January 26, 1979.

Copies of submitted material will be furnished to persons making written request to the Director, Department of Water Resources, Statehouse, Boise, Idaho 83720.

Persons wishing to rebutt any material so submitted will have fifteen (15) days from January 26, 1979, to file their rebuttals with the Department. Rebuttal material must be received in the state office of the Department of Water Resources by February 12, 1979.

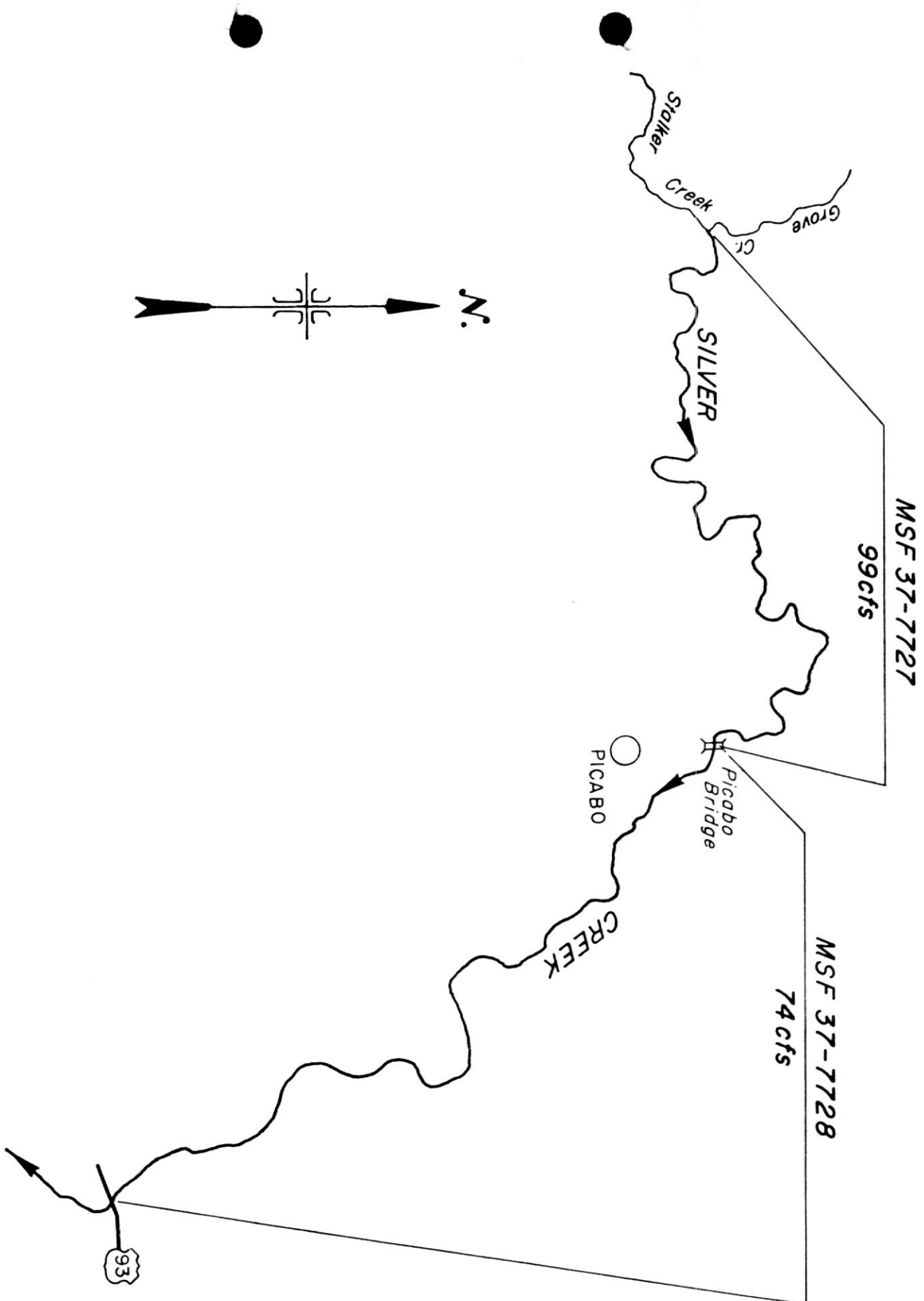
DATED this 15th day of January, 1979.

C. Stephen Allred

Publish: Wood River Journal, January 25, and February 1, 1979.

Nº 0590

MICROFILMED



37-2642
37-2667
37-7633
37-7673

37-7765
37-2553
37-7511
37-7811

37-2695
37-2489
37-2616

37-2598
37-2604
37-2552
37-2576
37-2643
37-7592

37-7810
37-2581

37-2575
37-2599
37-2685
37-2684
37-2600
37-2662
37-7014(2)S
37-2629
37-2641
37-2631
37-7799

37-7853

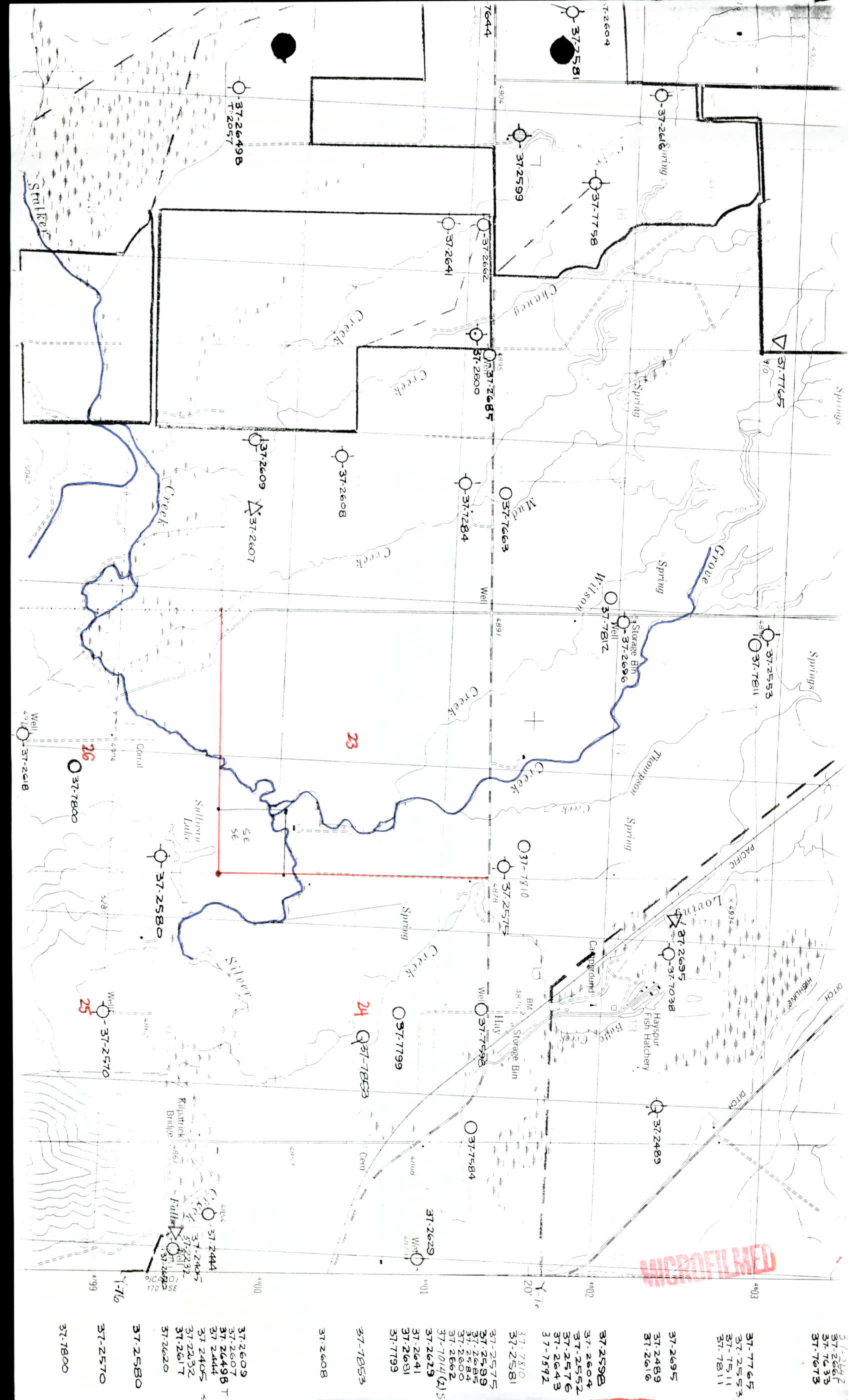
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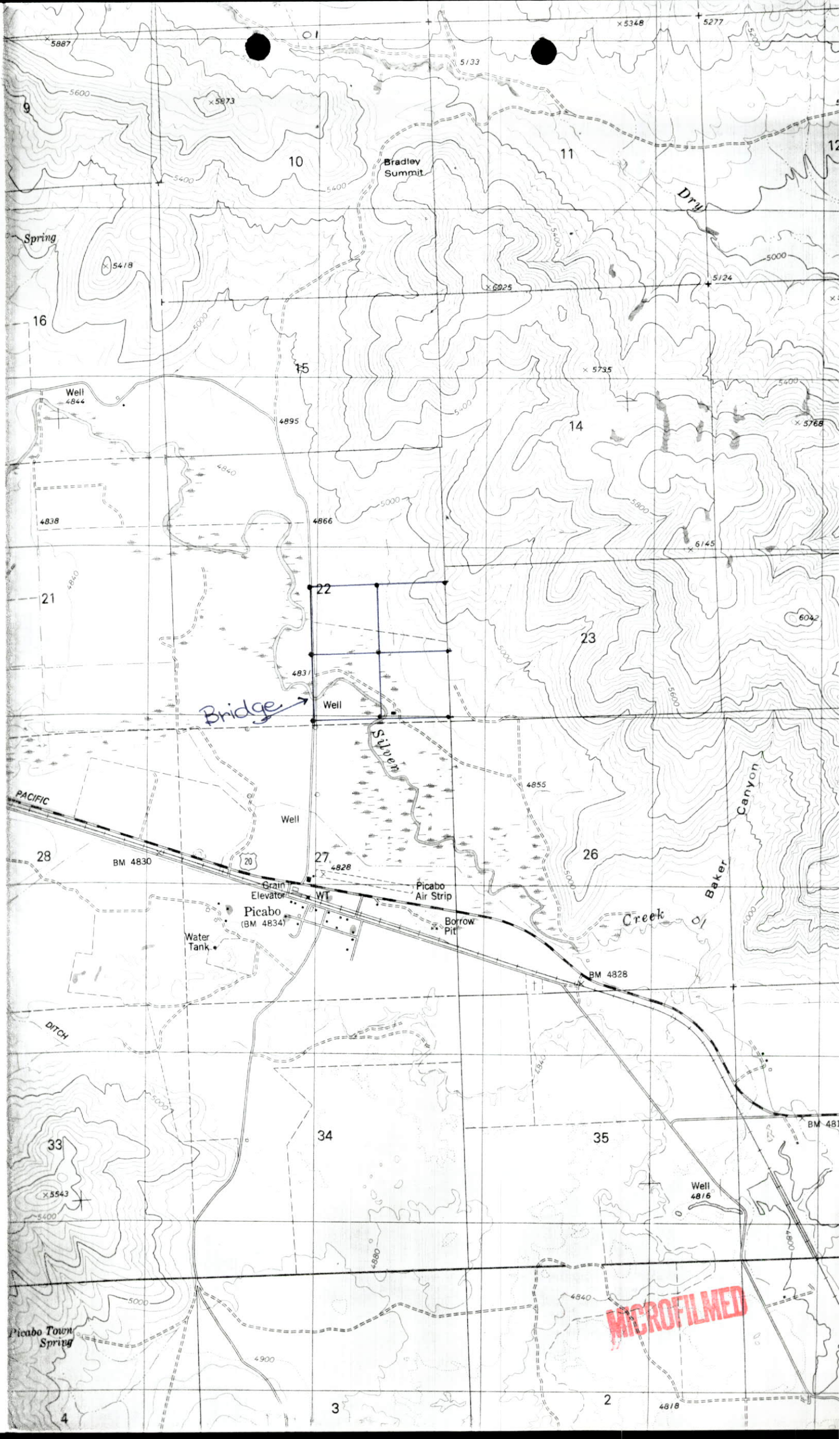
37-2609
37-2607
37-2649B
37-2444
37-2405
37-2232
37-2617
37-2620
37-2580

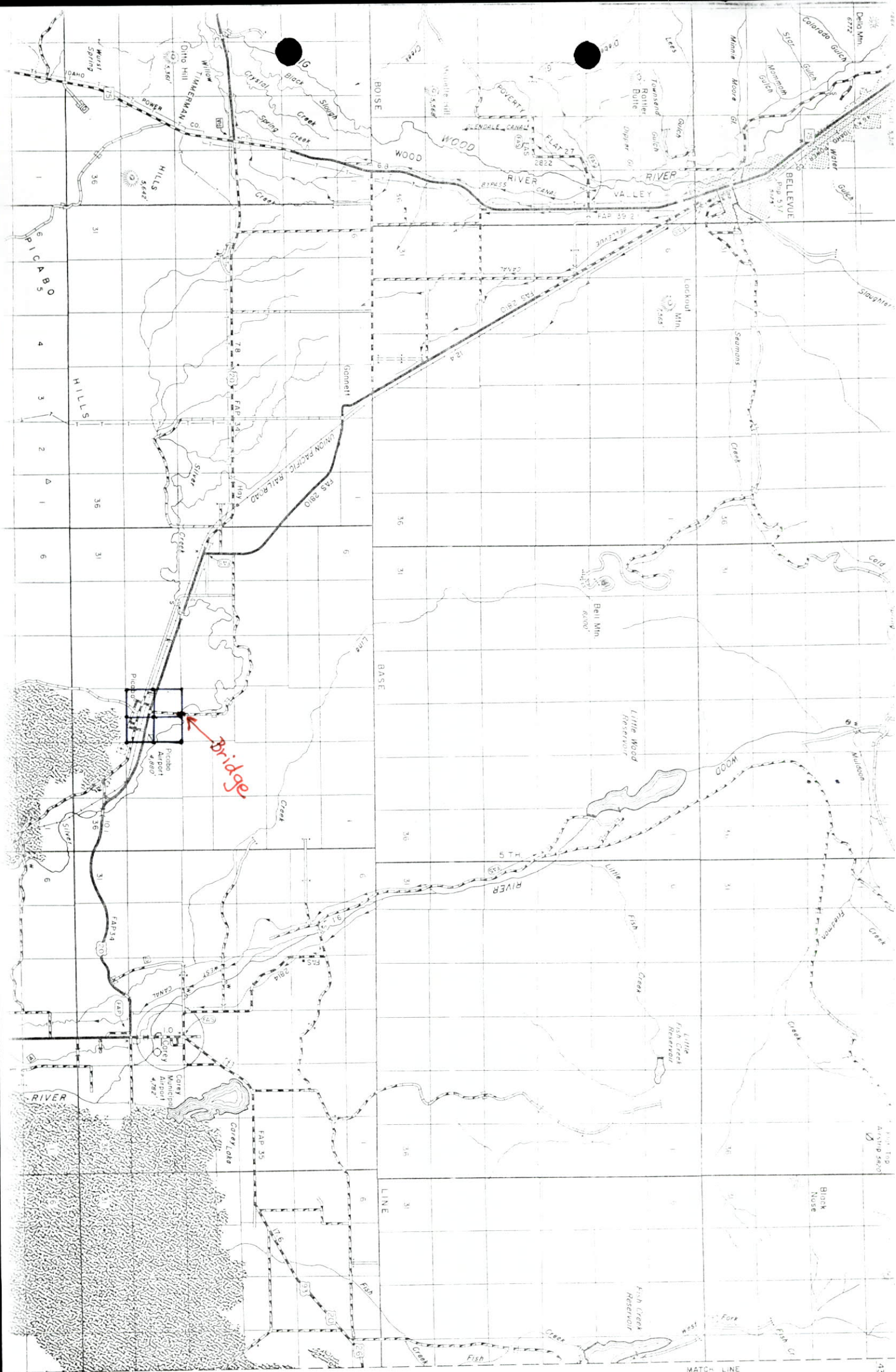
37-2570

37-7800

MICROFILMED







T. 1 S.

T. 1 N.

T. 2 N.

B L A I N E

Sheet-3

MATCH LINE
MICROFILMED

C O U

EXHIBIT NO. 2. Fly fishermen on the Nature Conservancy portion of Silver Creek in July 1981. Photo taken by Tim Crawford, Ketchum, Idaho.



EXHIBIT NO. 3. Fly fishermen on Silver Creek a short distance above the Kilpatrick Bridge in July 1979 on the lower end of the Nature Conservancy property. Photo taken by Tim Crawford of Ketchum, Idaho.



MICROFILMED

EXHIBIT NO. 4. Trout rising to a fly on the Nature Conservancy portion of Silver Creek. Photo taken by Jack Hemingway, Ketchum, ID.



EXHIBIT NO. 5. Trophy-sized brown trout caught in Silver Creek within the upper instream flow section. Photo taken by Jack Hemingway of Ketchum, ID.



MICROFILMED

EXHIBIT NO. 6. Fly fisherman at Point of Rocks sportsmen's access site. Photo taken by Tim Crawford of Ketchum, Idaho.



37-7727

MICROFILMED

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1	222	192	207	155	160	163	178	151	114	117	117	134
2	218	192	200	155	160	157	174	151	114	120	117	132
3	218	192	198	155	165	155	172	151	115	122	117	132
4	213	192	200	155	170	155	172	143	118	123	115	136
5	209	190	236	155	165	153	174	134	115	128	117	130
6	203	190	209	155	163	153	176	141	114	127	118	130
7	203	192	200	155	163	161	178	141	114	123	122	122
8	203	196	190	160	161	174	176	145	117	123	123	120
9	200	198	181	160	163	170	178	145	115	118	127	118
10	196	198	170	160	161	165	181	149	117	117	130	117
11	194	198	166	161	161	170	185	132	117	117	132	117
12	192	200	170	161	161	176	176	122	122	115	128	116
13	190	200	168	161	172	196	176	115	122	114	136	117
14	190	200	165	161	198	216	172	109	120	111	147	114
15	150	198	163	163	200	238	172	103	123	114	153	115
16	190	196	160	161	181	335	172	96	122	115	153	114
17	196	196	159	159	172	317	172	103	122	114	147	111
18	202	196	157	161	168	275	172	105	123	108	145	111
19	200	203	157	161	168	244	165	108	125	108	149	114
20	200	207	155	161	163	224	163	108	122	109	153	114
21	198	213	155	161	168	233	163	106	120	111	153	113
22	200	216	155	163	163	220	161	103	127	118	145	111
23	198	213	153	165	161	209	165	106	123	130	141	111
24	200	222	155	170	159	207	165	112	118	127	139	116
25	200	205	153	161	159	205	163	114	118	122	141	115
26	200	203	153	159	157	198	161	114	117	120	139	112
27	158	200	151	165	157	198	157	112	130	122	136	114
28	196	200	150	159	159	209	153	109	117	120	134	114
29	194	198	155	165		207	153	109	118	117	134	119
30	187	200	155	160		196	151	112	118	118	132	120
31	187		155	160		185		114			132	
MEAN	200	5996	5303	4963	4658	6264	5076	3764	3577	3666	4172	3559
YEAR	12270	11550	10520	9840	9240	12420	10070	7470	7090	7270	8280	7060
OR PERIOD							157					
ACRE FEET							113,400					

82

Peak
/ 1979

1979

WATER DISTRICTS 37-AB and 37-AC

Daily Discharge in second feet of SILVER CREEK AT SPORTSMAN ACCESS #18 for year ending Sept. 30th 1980												
Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1	119	143	132	136	132	203	157	132	183	141	165	181
2	122	143	132	132	134	205	155	127	194	141	165	178
3	120	143	134	134	134	198	157	127	192	153	161	172
4	124	151	134	134	134	209	157	123	196	153	161	170
5	132	151	134	139	134	236	157	120	200	153	163	161
6	141	151	136	149	134	209	159	120	192	149	163	155
7	144	151	136	141	134	196	157	117	183	151	165	159
8	141	149	136	134	134	185	155	105	181	153	172	155
9	140	139	136	134	134	181	155	105	176	153	178	161
10	138	147	137	137	134	185	153	103	168	151	176	161
11	137	145	136	205	136	200	151	118	159	151	178	181
12	138	145	132	233	132	198	147	128	149	153	178	198
13	136	147	130	194	130	187	147	123	145	153	185	209
14	137	147	130	207	130	187	145	120	145	149	183	227
15	140	145	132	181	134	194	145	117	139	149	185	240
16	154	145	132	165	136	183	143	120	134	151	211	227
17	155	145	132	163	161	178	141	122	125	151	227	220
18	139	147	130	157	286	183	141	118	127	149	222	211
19	165	147	130	149	352	185	139	120	145	151	213	218
20	165	145	132	153	291	190	137	122	153	153	211	213
21	159	145	130	145	275	198	128	120	128	153	203	213
22	153	139	134	151	207	192	141	120	125	145	198	211
23	149	141	134	143	187	187	137	122	125	143	196	200
24	145	143	137	141	176	183	139	132	123	143	196	196
25	145	141	137	141	172	178	157	141	125	147	192	207
26	143	145	130	134	172	174	151	149	120	147	194	207
27	143	147	130	132	183	174	147	157	122	149	187	198
28	143	141	132	132	192	174	139	161	125	155	178	192
29	145	137	134	132	194	170	130	163	130	161	176	185
30	143	134	136	132		168	132	163	134	163	181	185
31	143		136	132		161		170		159	178	
MEAN	4398	4339	4133	4692	4984	5851	4399	3985	4543	4673	5741	5791
OR PERIOD	142	145	133	151	172	189	147	129	151	151	185	193
A.P.	8720	8610	8200	9310	9890	11610	8730	7900	9010	9270	11390	11490
YEAR								157				
ACRE FEET								114,100				

11980

DEMILFOCIN

WATER DISTRICT #37 & #37M

DAILY DISCHARGE IN SECOND FEET OF SPORTSMAN ACCESS #18 FOR YEAR ENDING Sept. 30, 81

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
1	178	230	204	200	176	200	154	118	128	109	124	112
2	172	228	218	200	175	194	156	103	128	106	121	114
3	177	223	231	196	175	193	152	107	131	108	123	113
4	176	222	239	192	174	190	145	109	133	104	124	115
5	172	225	242	190	170	189	143	108	136	101	121	114
6	170	228	229	187	168	187	143	108	136	102	124	115
7	148	120	119	184	168	186	131	106	123	106	117	113
8	152	232	211	182	166	183	137	106	140	99	139	111
9	148	224	206	179	166	180	139	102	149	103	141	110
10	153	222	203	177	170	178	135	99	147	108	143	111
11	154	222	197	176	172	173	132	100	139	106	153	108
12	157	224	194	174	158	171	132	109	129	103	161	109
13	158	223	190	172	157	170	129	110	121	102	161	119
14	168	219	186	172	180	169	130	107	121	99	161	108
15	182	216	187	170	244	163	128	112	120	100	165	106
16	213	211	185	171	209	165	128	113	123	103	161	104
17	210	209	185	170	289	165	127	113	121	99	155	103
18	208	211	185	171	313	161	128	113	120	102	155	101
19	217	208	185	172	258	161	127	114	119	102	154	100
20	210	204	183	173	279	165	178	115	118	104	160	96
21	213	204	183	174	237	172	174	118	113	106	161	98
22	211	211	187	174	214	171	156	116	113	105	167	94
23	211	215	190	176	215	167	144	117	118	106	145	93
24	211	217	190	181	222	159	139	115	118	109	129	97
25	216	212	195	177	229	157	136	119	121	105	125	100
26	224	210	200	176	220	170	133	123	115	98	109	100
27	225	207	207	176	212	184	133	123	113	102	105	104
28	223	207	212	177	205	171	129	124	110	107	104	109
29	223	207	213	177	---	165	127	126	112	105	106	107
30	226	207	205	182	---	162	127	126	112	110	106	107
31	228	---	202	175	---	153	---	127	---	112	105	---
TOTALS	5944	6508	6263	5554	5721	5374	4183	3506	3738	3229	4235	3183
MEAN	192	217	202	179	204	173	139	113	125	104	137	106
ACRE FEET	11790	12910	12420	11020	11350	10660	8300	6950	7410	6400	8400	6310
YEARLY MEAN	157											
YEARLY ACRE FEET	113,900											

(-1.12 SH.)

Max. Disch., 321 cfs at 1345 on Sept. 26 (G.H., 8.64 ft). Max. G.H., ft at on .
Daily
Min. Disch., 105 cfs on Oct 1 (G.H., ft). Min. G.H., on .

* -- Discharge measurement made on this day.

DEC 1 1982
INTERMEDIATE SHEET

STATION NUMBER
LATITUDE 431922

LONGITUDE 114922

STATION NAME
SILVER CREEK AT SPORTSMAN ACCESS VIA PICARD ROAD

WATER AREA
70.00

DATE
1982

STATE
STATE 15

COUNTY
COUNTY 013

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

PROCESS DATE 12-1-82

PROVISIONAL DATA

DISCHARGE IN CUBIC FEET PER SECOND AFTER YEAR OCTOBER 1981 TO SEPTEMBER 1982
YEAR VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT
1	105	134	135	137	142	151	240	170	125	164	205	274
2	105	133	141	135	143	195	231	165	134	175	203	274
3	118	137	141	137	141	213	224	168	134	175	203	274
4	114	130	141	135	139	195	247	165	134	175	203	274
5	123	129	141	134	134	165	227	162	134	213	149	209
6	134	124	141	125	123	195	224	164	135	204	144	213
7	136	127	141	127	117	191	215	164	134	203	175	211
8	147	127	141	117	114	190	209	161	143	199	174	211
9	145	125	141	115	116	194	207	165	147	200	174	212
10	151	125	155	115	114	224	209	159	154	191	194	212
11	152	125	154	125	125	209	249	174	154	191	190	213
12	170	125	154	123	124	271	235	154	167	195	140	215
13	133	124	151	134	124	224	252	154	166	179	132	223
14	170	145	151	134	134	224	231	151	159	174	135	242
15	157	141	*150	141	134	231	213	147	157	174	146	252
16	153	144	159	134	174	227	200	145	154	165	152	242
17	152	152	152	141	194	205	195	134	151	157	153	235
18	145	145	149	134	141	207	140	123	143	145	137	231
19	147	134	154	134	143	213	137	121	144	153	134	232
20	143	134	215	141	170	170	137	123	140	150	135	247
21	135	143	240	141	217	194	137	120	137	145	145	257
22	135	150	175	141	230	195	185	120	*134	143	130	253
23	137	151	154	141	244	185	178	125	130	145	134	255
24	137	155	154	137	*217	155	174	115	142	154	135	255
25	134	160	147	137	131	195	172	113	145	151	174	254
26	141	150	145	140	170	213	170	114	157	150	*174	295
27	*134	147	134	142	174	231	174	115	150	152	135	302
28	134	143	134	141	173	233	*174	121	154	130	135	293
29	134	141	134	138	---	247	170	121	150	215	134	291
30	140	134	139	137	---	233	155	123	150	215	174	241
31	135	---	135	142	---	227	---	124	---	204	210	---
TOTAL	4341	4195	4795	4170	4443	6554	6195	4405	4410	5524	5347	7173
MEAN	140	135	155	135	140	212	207	142	147	175	159	234
MAX	163	155	240	142	250	271	235	174	157	215	190	302
MIN	105	123	135	117	117	161	154	113	125	143	174	205
AC-FT	8590	8320	9210	9270	8710	13010	12230	8740	4750	10750	11500	14240
CAL YR 1981	TOTAL	52094	MEAN 143	MAX 313	MIN 93	AC-FT	103300					
WTR YR 1982	TOTAL	62150	MEAN 170	MAX 302	MIN 105	AC-FT	123300					

1982

1982

MICROFILMED

1982

STATION NUMBER 13150430

SILVER CREEK AT SPORTSMAN ACCESS NR PICARO ID 40

STREAM

SOURCE AGENCY USGS

LATITUDE 431922

LONGITUDE 1140629

DRAINAGE AREA

70.00

DATUM

STATE 16 COUNTY 013

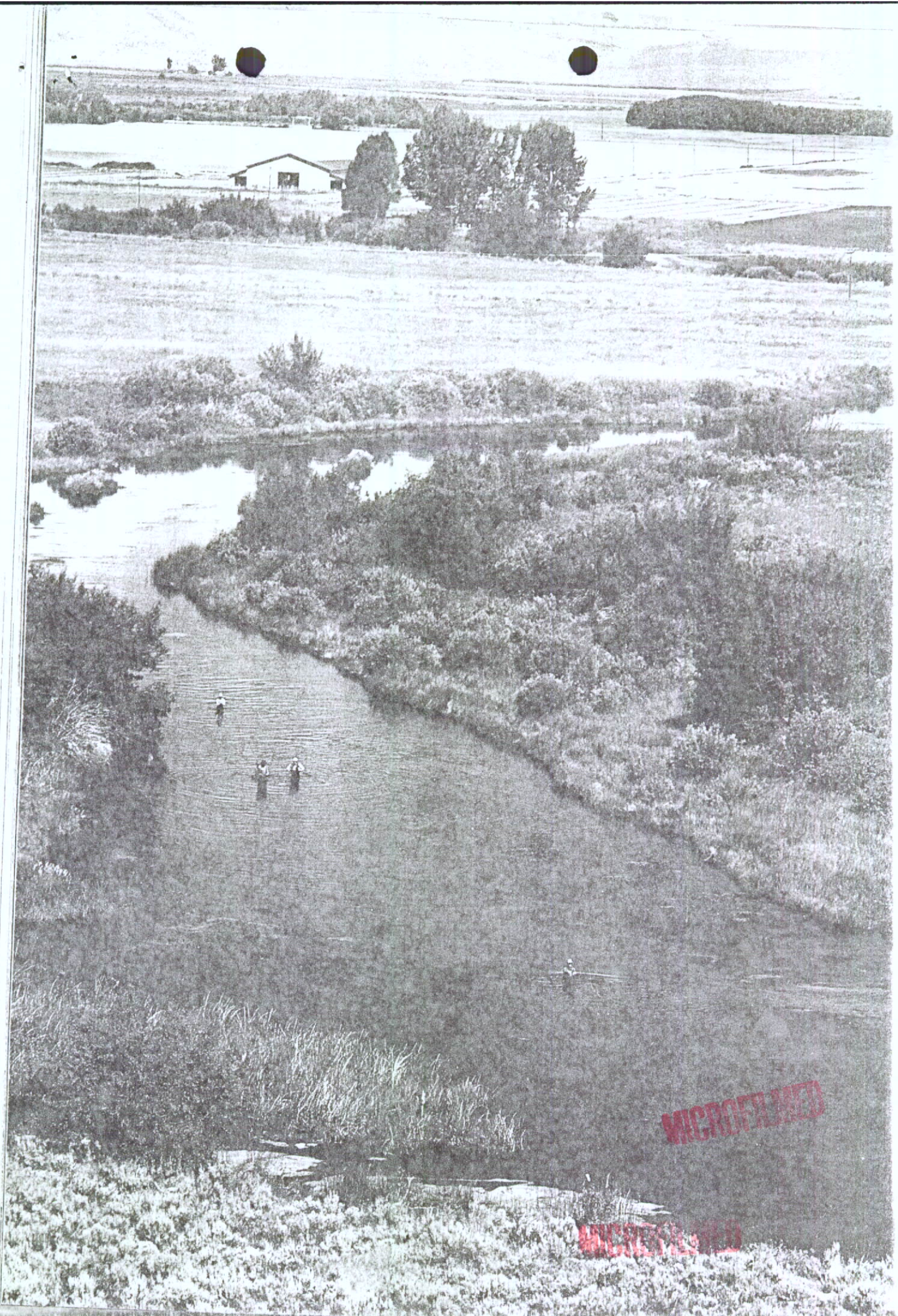
DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1982 TO SEPTEMBER 1983
MEAN VALUES

PROVISIONAL DATA

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	285	263	205	205	181	211	317	220	136	194	174	277
2	301	251	205	196	181	269	288	242	132	213	181	275
3	302	244	206	185	183	341	275	233	145	218	207	273
4	243	237	205	174	163	416	255	222	213	187	194	269
5	246	238	203	174	165	390	242	224	200	174	190	264
6	288	230	213	174	178	363	236	240	187	187	174	260
7	257	225	211	176	172	346	233	224	185	172	178	264
8	280	223	207	178	168	328	229	216	183	151	181	271
9	274	225	210	178	172	321	227	209	196	137	*205	271
10	275	227	200	181	174	350	227	207	196	151	242	269
11	276	225	198	176	170	387	224	209	196	161	216	262
12	272	220	197	178	172	394	222	209	205	161	229	262
13	270	217	197	176	183	387	218	209	200	149	231	258
14	267	214	198	176	145	480	218	203	178	145	233	255
15	263	209	*200	176	185	423	*213	200	172	137	238	249
16	258	207	207	172	187	367	209	198	161	141	253	247
17	257	203	205	174	*185	346	207	200	*170	145	258	251
18	252	225	200	174	185	319	205	194	159	143	258	242
19	237	278	203	176	183	304	203	194	163	139	269	238
20	246	272	203	176	183	286	205	185	168	147	306	236
21	*249	242	224	178	183	273	209	174	181	139	308	238
22	252	227	249	176	185	269	224	176	200	143	312	242
23	255	215	247	176	187	275	218	176	187	161	339	240
24	254	202	227	176	190	280	216	151	178	157	350	247
25	254	196	224	178	198	275	211	151	178	151	335	247
26	270	192	218	181	211	271	207	151	187	145	319	240
27	286	192	216	181	213	271	205	143	194	145	319	249
28	262	195	218	183	213	266	205	136	209	151	317	258
29	256	203	216	183	---	258	205	130	200	155	306	251
30	273	208	231	185	---	277	216	132	194	155	291	271
31	232	---	220	181	---	339	---	132	---	157	284	---
TOTAL	8362	6706	6563	5557	5175	10082	6769	5890	5453	4931	7897	7676
MEAN	270	224	212	179	185	325	226	190	182	159	255	256
MAX	302	278	249	205	213	480	317	242	213	218	350	277
MIN	237	192	197	172	168	211	203	130	132	137	174	236
AC-FT	16590	13300	13020	11020	10250	20000	13430	11680	10820	9780	15660	15230

CAL YR 1982 TOTAL 70416 MEAN 193 MAX 302 MIN 113 AC-FT 139700
 WTR YR 1983 TOTAL 81061 MEAN 222 MAX 480 MIN 130 AC-FT 160800

1983

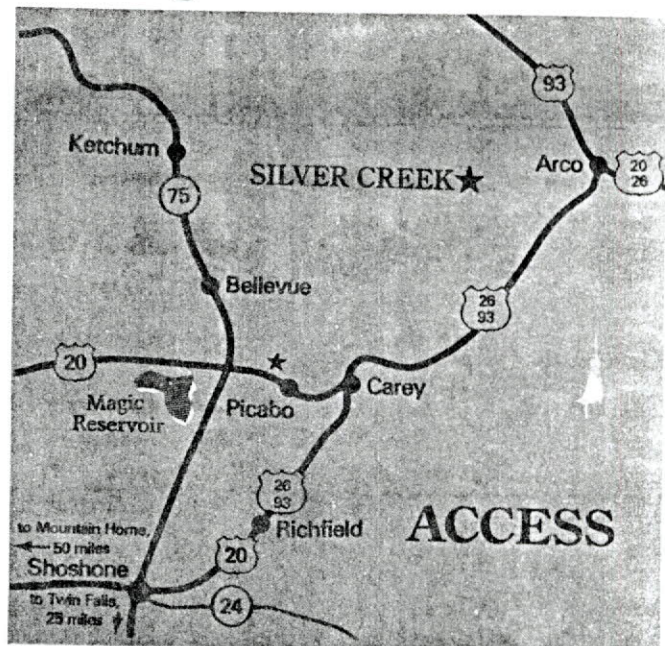


RECEIVED

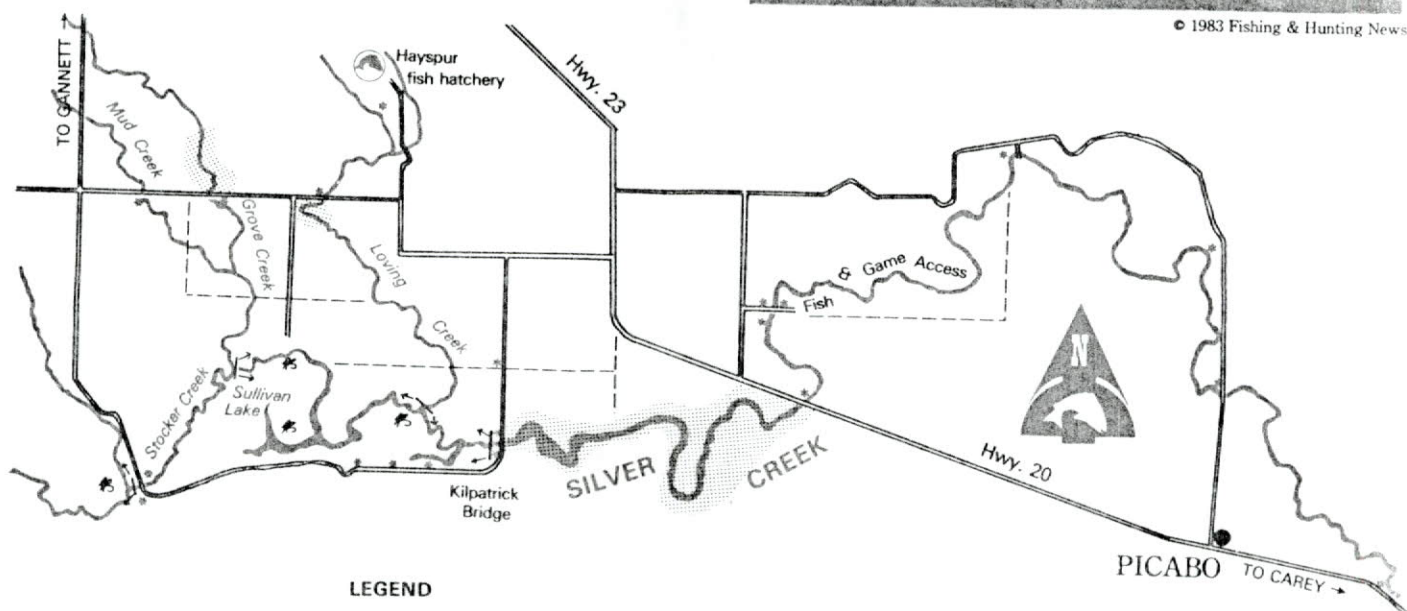
JAN 31 1984

Department of Water Resources

UPPER SILVER CREEK



© 1983 Fishing & Hunting News



LEGEND

ACCESS POINT

CLOSED TO TRESPASS

FLY FISHING ONLY



Twisting and turning its way through green meadows and sage of central Idaho, Silver Creek's reputation as a blue-ribbon trout stream is well-deserved. Browns and rainbows, most of them native fish, range up to 6 and 8 pounds. Of course, by then, they're wily quarry indeed, enough to challenge the best of angling skills.

Floaters and waders both ply the stream, although those not familiar with the stream can find its length deceiving. Between Picabo and the highway 20 bridge is only about a mile of pavement, yet there's close to a dozen miles of stream winding back and forth in the same space—a whole day's float at the slow pace the stream runs.

In the early season preceeding the May and June runoff, baits like worms, hellgrammites and casebearers (saved in the freezer) work well, along with fly patterns like Sandy Mites, black and grey shrimp patterns, Wolly Worms, Wolly Buggers, and the local favorite, the Mackay Special. Coachmen and mayflies are also good early season attractors.

Located 30 miles south of Ketchum, the creek is easily reached via highway 20 from Arco, highway 93 from Twin Falls, and highway 23 from Sun Valley. The store at Picabo has gear, grub and good directions, if you need 'em.

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
 Connty of Blaine } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 7 day of December, 1978, and the date of the last publication was on the 14 day of December, 1978.

Subscribed and sworn to before me this 7th day of March, 1979.
 (SEAL)

Robert M. Kucher
 NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>45</u>	
Number of Insertions	<u>2</u>	
Lines tabular at	39c	
<u>45</u> Lines straight at	26c	<u>11.70</u>
<u>45</u> Subsequent lines at	15c	<u>6.75</u>
TOTAL COST		<u>18.45</u>

MICROFILMED

COPY OF NOTICE

(Paste Here)

Application 37-7727
 TITLE OF NOTICE 37-7728

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
 BILL TO

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted two (2) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve minimum streamflows in Silver Creek, a tributary to the Little Wood River, and are further described as follows:

Application No. 37-7727

Point of minimum streamflow: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 1S., Rge. 20E., B.M., Blaine County

Rate of flow: 99 cubic feet per second
 Season of use: January 1 to December 31

Use: To maintain wild trout rearing habitat

Application No. 37-7728

Point of minimum streamflow: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp. 2S., Rge. 21 E., B.M., Blaine County

Rate of flow: 74 cubic feet per second
 Season of use: January 1 to December 31

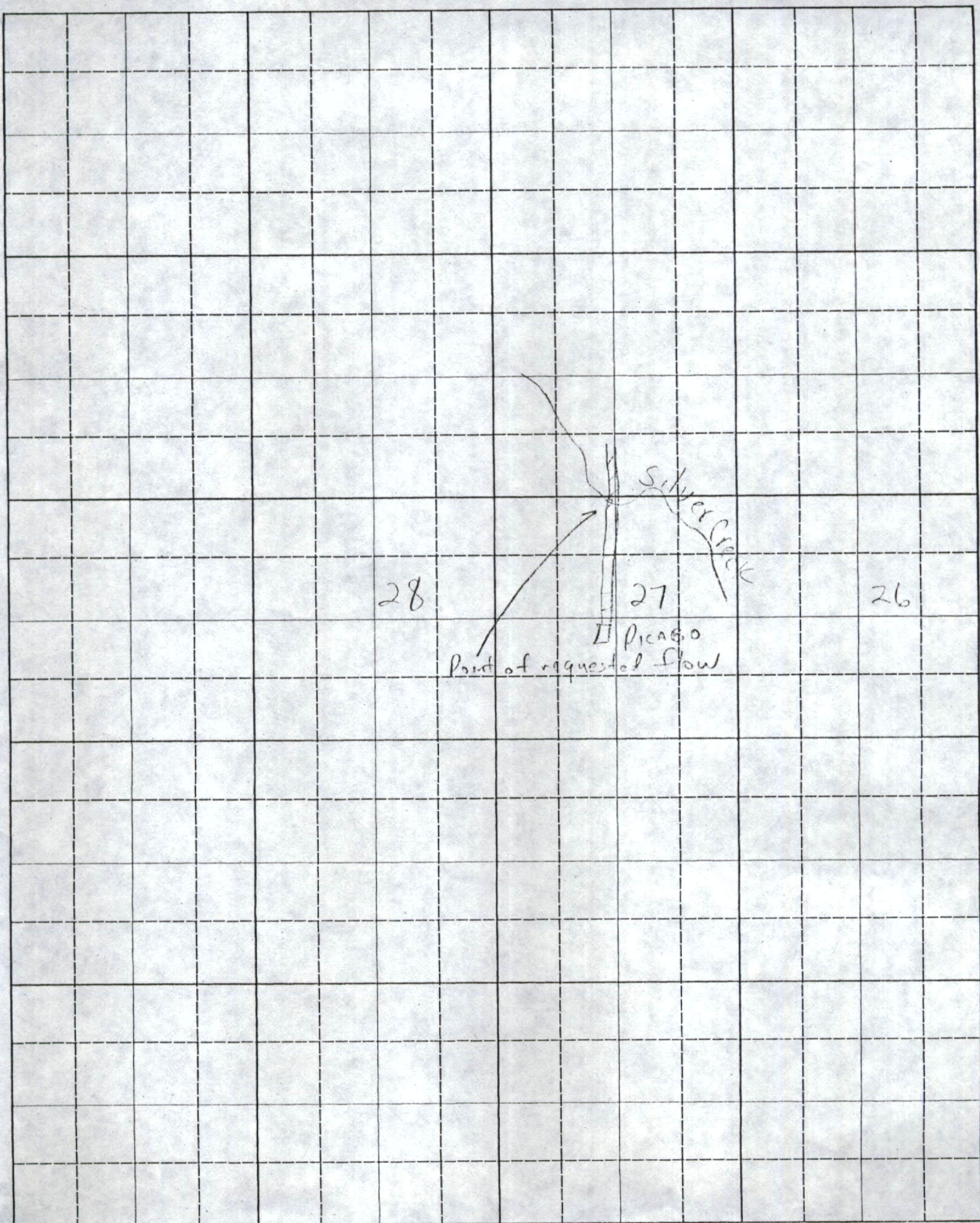
Use: To maintain wild trout rearing
 The Director of the Department of Water Resources will hold a public hearing on the applications at 9:00 a.m. on Thursday, January 11, 1979, at the City Hall, Hailey, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

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

C. Stephen Allred
 Director

Publish: Wood River Journal, December 7 and 14, 1978.

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.

R. 20 E.

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

George A. Neal
(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7727 Priority September 13, 1978 Amount 99.0 cfs

THIS IS TO CERTIFY, that Idaho Water Resource Board
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 37-7727 issued pursuant to Application for Permit dated September 13, 1978,
and has submitted proof to the Department of Water Resources on January 31, 1984,
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 Silver Creek,
tributary to Little Wood River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Instream Flow	from <u>January 1</u> to <u>December 31</u> at <u>99.0</u> cfs and <u>n/a</u>		
	from <u></u> to <u></u> at <u></u> cfs and <u></u>		
	from <u></u> to <u></u> at <u></u> cfs and <u></u>		

(both dates inclusive)

Subject, however, to the condition that no more than 99.0 cfs of water be ~~diverted~~ ^{maintained} at any one time, and
that the amount of water so ~~diverted~~ ^{maintained} 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 waters to
be maintained within the reach from Picabo Bridge, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Twp 1S,
Rge 20E, upstream to the confluence of Grove Creek and Stalker Creek, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Section 23, Twp 1S, Rge 19E, Blaine County.

Description and location of place of use: As shown above.

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated

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

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

MICROFILMED

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26th day of

June, 19 84

[Signature]
Director

STATE OF IDAHO
Licensing
APPLICATION FOR AMENDMENT OF A PERMIT.

To change the point of diversion and/or the place of use.

APPROVED

Comes now Idaho Water Resource Board Phone _____
of (address) Statehouse Mail, Boise, ID 83720, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 37-7727, and requests that the permit and permit map be changed as follows:

1. Location of reach from Picabo Bridge within
1. ~~Point of diversion~~ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 1S, Range 20E, B.M.,
County of Blaine ~~xxxxxx~~ upstream to the confluence
of Grove Creek and Stalker Creek, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 23, Twp. 1S, Rge. 19E, Blaine
County.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
No Change

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? _____
b. Who owns the land to be irrigated or the 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: _____

WILLIAM ALBERT

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at WEISER, ID, this 8 day of JUNE, 19 84.

Donald Kramer
(Signature)
CHAIRMAN, INRB

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 -no fee req'd. Received by _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 37-7727.

Witness my hand this 26th day of June, 19 84.

A. Kenneth Dunn
Director

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.C.R. NO. 42

AMENDMENT TO THE RESOLUTION

1
2 On page 1 of the resolution, in line 17, following "Idaho," insert:
3 "and application for permit number 37-7728, it being an application for
4 permit to appropriate 74 cubic feet per second from Silver Creek, a
5 tributary of the Little Wood River, located on the NE 1/4 of SE 1/4 of
6 Section 20, Township 2S, Range 21E, in Blaine County, Idaho,"; and in line
7 17, following the word "same", delete the word "is" and insert in lieu
8 thereof: "are".

MICROFILMED

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 42
BY RESOURCES AND CONSERVATION COMMITTEE

Amended

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

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

4 WHEREAS, the Water Resource Board may apply for a permit to appropriate
5 unappropriated waters of any stream for minimum stream flow; and,
6 WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit
7 shall become finally effective until affirmatively approved by the
8 Legislature.

9 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
10 Session, Forty-fifth Idaho Legislature, the House of Representatives and
11 the Senate concurring therein, that the application of the Water Resource
12 Board to appropriate the unappropriated waters for minimum stream flow,
13 described in Department of Water Resources application for permit number
14 37-7727, it being an application for a permit to appropriate 99 cubic feet
15 per second from Silver Creek, a tributary of the Little Wood River, located
16 on the NE 1/4 of NW 1/4 of Section 27, Township 1S, Range 20E, in Blaine
17 County, Idaho, be, and the same is hereby approved.

CECILIA J. JONES

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

IN THE MATTER OF APPLICATIONS	)	
FOR PERMIT NOS. 37-7727 and 37-7728	)	MEMORANDUM DECISION
IN THE NAME OF THE IDAHO WATER	)	AND ORDER
RESOURCE BOARD.	)	

On September 13, 1978, the Idaho Water Resource Board Filed with the Department of Water Resources two applications for permit to appropriate water to preserve minimum stream flows on portions of Silver Creek, tributary to the Little Wood River. The applications for minimum stream flow were filed pursuant to Chapter 15, Title 42, Idaho Code.

Application No. 37-7727 proposes the appropriation of a minimum instream flow of 99 cubic feet per second, measured at Picabo Bridge located in the NE 1/4, NW 1/4, Section 27, Township 1 South, Range 20 East, B.M., Blaine County, to protect that portion of Silver Creek from the Picabo Bridge upstream to the confluence of Grove Creek and Stalker Creek.

Application No. 37-7728 proposes the appropriation of a minimum instream flow of 74 cubic feet per second measured at the point where Silver Creek intersects with U.S. Highway 93 in the NE 1/4, SE 1/4, Section 20, Township 2 South, Range 21 East, B.M., Blaine County, to protect that portion of the stream from its intersection with Highway 93 upstream to the Picabo Bridge.

The two applications propose the appropriation of the respective instream flows from January 1 to December 31 inclusive. The principal purpose of the minimum stream flows identified in the applications is to maintain wild trout-rearing habitat. Together the two applications propose a minimum stream flow for all of Silver Creek above the point of its intersection with U.S. Highway 93, a distance of approximately 21 miles.

REPRODUCED

On November 24, 1978, copies of the two applications were forwarded to the departments of fish and game, health and welfare, and parks and recreation. Notice describing the two proposed minimum stream flow appropriations and specifying the time and place for a public hearing was published in the Wood River Journal, Hailey, Blaine County, Idaho on December 7 and 14, 1978.

A public hearing for the purpose of hearing evidence in regard to the applications was conducted by the Director of the Department of Water Resources. The hearing was held at the City Hall, Hailey, Idaho on January 11, 1979. Approximately forty persons attended the hearing. Twelve people submitted sworn testimony and evidence subject to cross-examination. Persons testifying were private individuals and representatives of various agencies and organizations including the Idaho Water Resource Board, the staff of the Department of Water Resources, the Department of Fish and Game, the Idaho Wildlife Federation, Blaine County Planning and Zoning Commission, Magic Valley Fly Fishermens Association, Idaho Conservation League, Watermaster for Water District 37-M (Little Wood River), and the Nature Conservancy.

After the close of the hearing, the record remained open for thirty (30) days to allow for the submission of additional written materials and rebuttal thereof. Approximately fourteen persons submitted written statements for the record during this period.

Based upon the sworn testimony, documentation and statements included in the record and upon his understanding of the facts and 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 13, 1978, the Idaho Water Resource Board filed Applications for Permit Nos. 37-7727 and 37-7728 pursuant to Chapter 15, Title 42, Idaho Code, to appropriate minimum stream flows on Silver Creek, tributary to the Little Wood River, Blaine County.

2) Application for Permit No. 37-7727 proposes a minimum instream flow of 99 cubic feet per second, measured at Picabo Bridge located in the NE 1/4, NW 1/4, Section 27, Township 1 South, Range 20 East, B.M., to protect that portion of Silver Creek from the Picabo Bridge upstream to the confluence of Grove Creek and Stalker Creek. The annual period of use is from January 1 to December 31 inclusive.

3) Application for Permit No. 37-7728 proposes a minimum instream flow of 74 cubic feet per second, measured at the point where Silver Creek intersects with Highway 93, otherwise described as the NE 1/4, SE 1/4, Section 20, Township 2 South, Range 21 East, B.M., to protect that portion of the stream from its intersection with Highway 93 upstream to the Picabo Bridge. The annual period of use is from January 1 to December 31 inclusive.

4) Applications for Permit Nos. 37-7727 and 37-7728 were filed by the Idaho Water Resource Board pursuant to the provisions of Chapter 15, Title 42, Idaho Code, enacted by the 1978 Idaho Legislature. The statute provides that the preservation of the water of the streams of this state for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality, when made pursuant to this statute, is necessary and desirable for all the inhabitants of this state, is in the public interest and is declared to be a beneficial use of such water.

5) All rights acquired under Applications for Permit Nos. 37-7727 and 37-7728 are for instream nonconsumptive use and will be subject to all vested water rights, permits or water applications having dates of priority earlier than the September 13, 1978, priority date of the minimum stream flow applications.

6) The sworn testimony, documentation and statements comprising the record in this matter conclusively support a finding that the proposed minimum stream flows proposed by the applications are necessary for the preservation of a high quality wild trout fishery of worldwide reputation, and the preservation of wildlife

habitat, aquatic life, recreation, aesthetic beauty and the water quality of the stream.

7) The testimony presented at the public hearing supports a finding that the benefits to be derived from the appropriation of a minimum stream flow on Silver Creek by the Water Resource Board will be enjoyed by members of the public as opposed to being limited to private use or enjoyment.

8) The sworn testimony and documentary evidence submitted by the Department of Fish and Game supports a finding that the minimum flows requested by the applications are the minimum flows required and are not the ideal or most desirable flows which could be utilized for that purpose. A post-hearing statement submitted on behalf of Valley Trout Farms, Inc., indicating that a substantially lower minimum flow on portions of the stream would adequately preserve the wild trout habitat of Silver Creek does not overcome the weight of the evidence produced at the hearing.

9) The sworn testimony and documentary evidence submitted by the staff of the Department of Water Resources supports a finding that the minimum stream flows proposed by the application are generally capable of being maintained based upon the data from past flow measurements on Silver Creek during various times of the year.

CONCLUSIONS OF LAW

1) The proposed minimum stream flow appropriations will not interfere with any vested water right, permit, or right under an application having a priority date earlier than September 13, 1978.

2) The proposed minimum stream flow appropriations are in the public, as opposed to private, interest.

3) The proposed minimum stream flow appropriations are necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and the water quality of the stream.

4) The minimum stream flows proposed to be appropriated are the minimum flows required for the purposes cited in Conclusion of Law No. 3 and not the ideal or most desirable flows.

5) The minimum stream flows proposed are capable of being maintained.

ORDER

IT IS THEREFORE ORDERED, That Application for Permit Nos. 37-7727 and 37-7728 are hereby APPROVED subject to the following conditions:

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

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

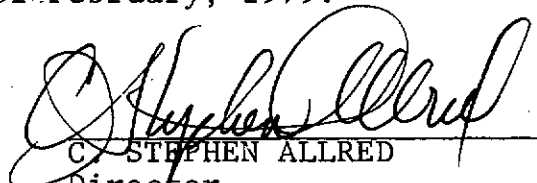
3) Proof of the instream beneficial use of the minimum stream flows appropriated shall be submitted in a manner approved by the Department on or before February 1, 1984.

4) The use of water under these permits shall be non-consumptive.

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

6) The applications 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 28 day of February, 1979.


C. STEPHEN ALLRED
Director

leg. office

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

IN THE MATTER OF APPLICATIONS	)	
FOR PERMIT NOS. 37-7727 and 37-7728	)	PROCEDURE REGARDING
IN THE NAME OF THE IDAHO WATER	)	POST-HEARING SUBMITTAL
RESOURCE BOARD.	)	OF MATERIALS

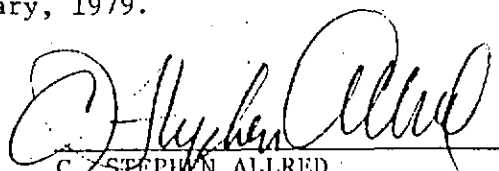
TO: ATTENDEES OF THE JANUARY 11, 1979 PUBLIC HEARING IN HAILEY,
IDAHO, ON THE ABOVE-NOTED APPLICATIONS FOR A MINIMUM STREAM
FLOW ON SILVER CREEK.

At the hearing on the above-noted applications it was provided
that an additional fifteen (15) days be allowed for the submittal of
written material for the record. Such material must be received in
the state office of the Department of Water Resources by January 26,
1979.

Copies of submitted material will be furnished to persons making
written request to the Director, Department of Water Resources,
Statehouse, Boise, Idaho 83720.

Persons wishing to rebutt any material so submitted will have
fifteen (15) days from January 26, 1979 to file their rebuttals with
the Department. Rebuttal material must be received in the state
office of the Department of Water Resources by February 12, 1979.

DATED This 15th day of January, 1979.


C. STEPHEN ALLRED

MICROFILMED

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

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 37-7727 and 37-7728) CERTIFICATE OF MAILING
IN THE NAME OF THE IDAHO WATER)
RESOURCE BOARD.)
_____)

I HEREBY CERTIFY That on the 16th day of January, 1979,
a true and correct copy of the attached PROCEDURE REGARDING POST-HEARING
SUBMITTAL OF MATERIALS was mailed, postage prepaid to:

Don K. Zuck
486 Rose Street No.
Twin Falls, Idaho 83301

Craig Shupy
Hailey, Idaho 83333

Bill Webb
Bob Bell
Stu Murrell
P.O. Box 428
Jerome, Idaho 83338

Stacy Gebhards
600 S. Walnut Street
Boise, Idaho 83706

Leon Grieve
Shoshone, Idaho 83352

Richard Kolbrener
Hailey, Idaho 83333

Reid J. Newby
Shoshone, Idaho 83352

George L. Yost
P.O. Box 686
Emmett, Idaho 83617

Don Kramer
Castleford, Idaho 83321

Janet Berensan
Hailey, Idaho 83333

Scott W. Reed
P.O. Box A
Coeur d'Alene, Idaho 83814

Ted Chu
Ketchum, Idaho 83340

Lee Frost
Hailey, Idaho 83333

G.J. "Whitey" Price
Gooding, Idaho 83330

Jerry Baltazor
P.O. Box 359
Shoshone, Idaho 83352

John A. Harmon
180 8th Avenue
Jerome, Idaho 83338

Tim Cochnauer
509 E. Main
Jerome, Idaho 83338

Russ Thurow,
Box 286,
Soda Springs, Idaho 83276

Harvey Bickett,
Rt. 1
Bellevue, Idaho 83313

Gordon Beebe
P.O. Box 624
Picabo, Idaho 83348

Gary Slette
Box 923
Sun Valley, Idaho 83353

Bud Batchelder
Box 360
Bellevue, Idaho 83313

James H. Shell
Box 1340
Hailey, Idaho 83333

Marilyn Borchers
Box 504
Sun Valley, Idaho 83353

Bud Purdy
Picabo, Idaho 83348

Pam Morris
Box 1013
Ketchum, Idaho 83340

Ronald E. Hicks
486 Buckingham Drive
Twin Falls, Idaho 83301

Fay H. Sherwood
Box 273
Sun Valley, Idaho 83353

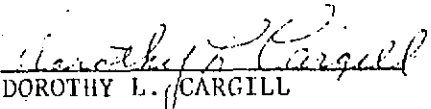
Ken Ellis
Route 3, Box 50
Buhl, Idaho 83316

David Crow
c/o Wood River Journal
112 So. Main
Halley, Idaho 83333

Thomas H. Crawford
Box 1045
Ketchum, Idaho 83340

Jeff Sher
1428 8th Avenue East
Twin Falls, Idaho 83301

Doris F. Couch
Route 3
Buhl, Idaho 83316


DOROTHY L. CARGILL
Administrative Secretary
Idaho Department of Water Resources

SUBSCRIBED AND SWORN To before me this 16th day of

January, 1979.


Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1/14/83

NAME OF STREAM: Silver Creek

LEGAL DESCRIPTION OF THE POINT OF THE STREAM WHERE STREAM FLOW IS REQUESTED:
At Picabo Bridge, Blaine County, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 27, T1S, R20E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND: 99cfs.

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:
To maintain trout rearing from the point of requested flow upstream to the confluence of Grove Creek and Stalker 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 Silver Creek upstream of Picabo Bridge is a high quality fishery of worldwide reputation. During 1977, anglers fished an estimated 24,363 hours to capture 24,831 trout in this stretch of stream.

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

EVIDENCE OR JUSTIFICATION THAT THE APPROPRIATION IS NECESSARY FOR THE PURPOSES SHOWN ABOVE:

During 1975, personnel of the Idaho Department of Fish and Game collected field data for use with instream flow methodologies to determine instream flow requirements for the fishery resource in Silver Creek. Methodologies, techniques and instream flow recommendation are presented in the following publication:

Cochner, Tim. 1976. Stream Resource Maintenance Flow Studies, 1976. Job Performance Report, Project F-66-R-1, Job No. IV. 44 pp. Idaho Department of Fish and Game.

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

The requested flow is the minimum flow for maintaining brown trout habitat. The ideal flow would be bank full stage or approximately 150 cfs.

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

A new gage station was installed on the section of Silver Creek in 1975 and the only flow records are for the water year 1976. During this recording period, the lowest flow recorded was 103 cfs during May, 1976.

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

Gage Station No. 13-1510 located 0.6 mile downstream of State Highway 68 bridge, Blaine County, SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, T1S, R20E, would be sufficient to monitor the requested flow.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED
SEP 13 1978

To appropriate the public waters of the State of Idaho

Department of Water Resources

Phone Southern District Office

1. Name of applicant Idaho Water Resource Board

Post office address Statehouse, Boise, Idaho

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 1S

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

4. Water will be used for the following purposes:

Amount 99 for instream flow purposes from Jan. 1 to Dec. 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. 99 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. None - instream flow

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ 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:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 1S

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 wild trout rearing habitat.

MICROFILMED

78-33-70

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. none

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

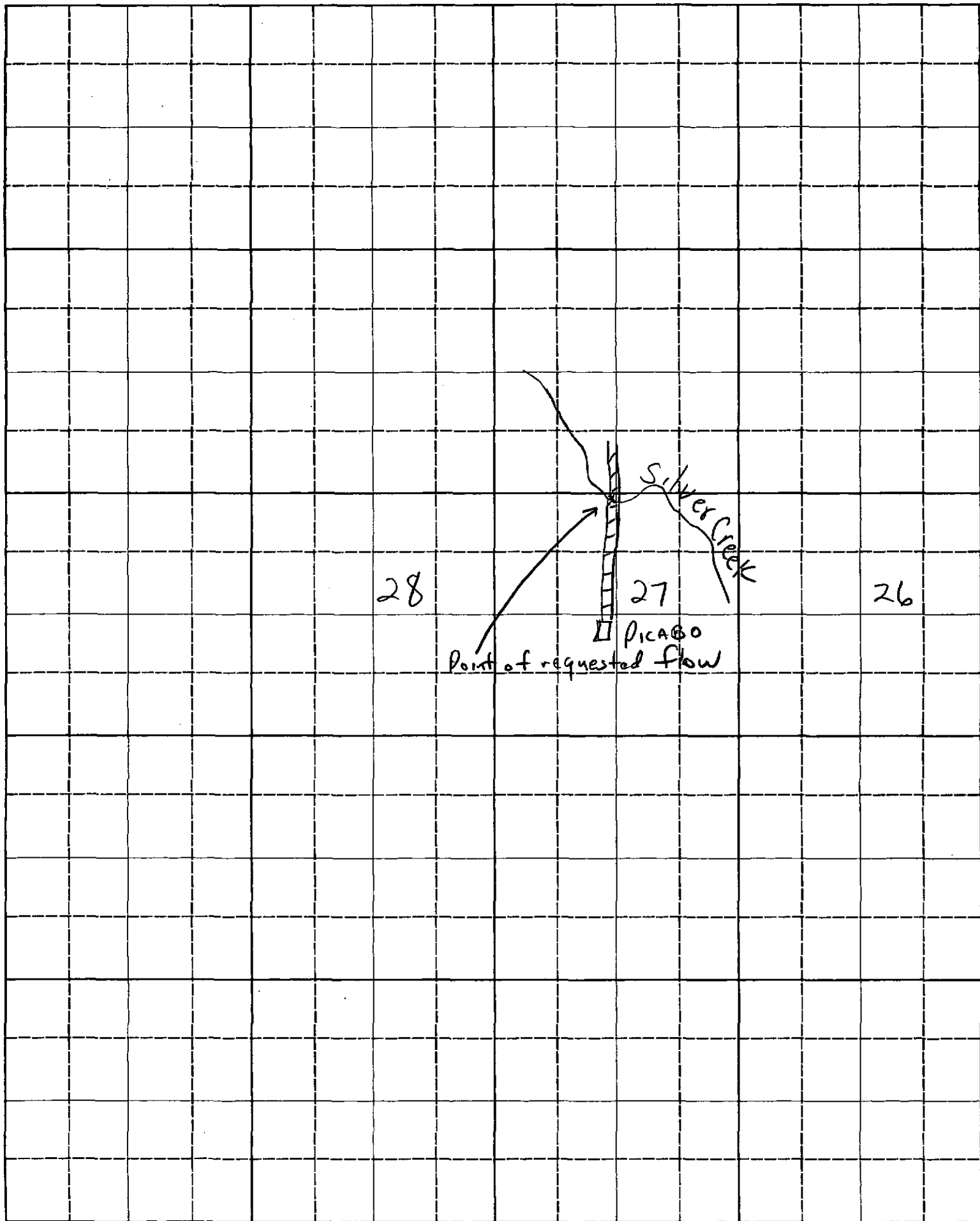
b. Who owns the land to be irrigated or place of use _____

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

10. Remarks See attached sheet

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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.

R. 20 E.

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

George A. Neal
(Applicant)

Received by maeyn Date 7/13/78 Time 8:15am
Preliminary check by _____ Fee \$ NA
Receipted by _____ Date _____
Publication prepared by rf Date 12-4-79
Published in Wood River Journal, Hailey, ID
Publication dates December 7 and 14, 1978
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by CSA Date 1-11-79
Recommended for approval denial by TS

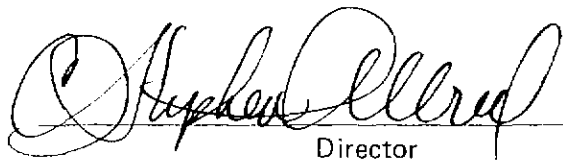
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7727, 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 February 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

Witness my hand this 20 day of February, 19 79.


Director



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

MICROFILMED

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

✓	7/1
✓	10/9
✓	11/1

MICROFILMED

37-7727

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 all 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

MICROFILMED

ED CHANEY • Natural Resources • Idaho • (207) 333-4010

October 24, 1978

RECEIVED

OCT 25 1978

Department of Water Resources

George Yost
Chairman, Idaho Water
Resources Department
Statehouse
Boise, Idaho 83720

George Yost:

It is my understanding that the Idaho Water Resources Board has made application for minimum instream flows on ten Idaho streams subject to availability of unappropriated water.

This application is in accordance with the instream flow protection provisions of the State Water Plan and implementing legislation passed by the 1978 legislature, both of which, in my view, reflect the majority view of Idaho citizens.

The ten applications for permit (listed below) appear to include streams of modest potential controversy. Therefore, they should serve as a comparatively painless test of the department's and legislature's commitment to preserving the public instream flow values of Idaho streams not already fully committed to out-of-stream diversions.

I urge your support of these applications and pledge my support of your efforts to that end.

Sincerely,

Ed Chaney

Ed Chaney

P.S. I would appreciate it if your staff could alert me to the time and place of the board meeting at which these applications will be aired.

36-7818 - Vinyard Creek	37-7728 - Silver Creek
36-7819 - Briggs Springs	<u>37-7727</u> - Silver Creek
36-7820 - Blind Canyon Springs	61-7373 - Bancroft Springs
36-7821 - Lower White Springs	95-7874 - Wolf Lodge Creek
36-7822 - Banbury Springs	11-7152 - St. Charles Creek

104

Mr. George Test	
Chairman I.W.R.D.	
State House	
Little, Idaho 83720	

Copy to:
Board members
Soldiers: water, get
Site

37-7727

Idaho Falls, Idaho
October 24, 1978

RECEIVED

OCT 25 1978
Department of Water Resources

Mr. George Test
Chairman I.W.R.D.
State House
Little, Idaho 83720

Dear Mr. Test:

I strongly support the application by the
Water Resources Board for the minimum flows for
the following springs and creeks:

- Flanagan Creek
- Briggs Springs
- Blind Canyon Springs
- Lower Hills Springs
- Brubury Springs
- Silver Creek 37-7726
- Silver Creek 37-7727
- Cheney Springs
- Wolf Lodge Creek
- St. Charles Creek

Your favorable consideration of this matter
will be much appreciated.

Yours very truly

Joe F. Allen
Joe F. Allen, Co-chairman
Water/Power Initiative

MICROFILMED

211 South Hill Road
Boise, Idaho 83720
November 4, 1970

Mr. George East, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

RECEIVED

NOV 5 1970
Department of Water Resources

Dear Mr. East,

I am delighted to see that the most long anticipated opportunity to apply for minimum stream flows in Idaho has been taken up by the Fish and Game Department. Such a request is very much in the public interest for the citizens of this state. If the water for these minimum flow requests is indeed available, I urge affirmative action be taken by the members of the Idaho Water Resource Board. I refer to the following applications for permits: 36-7818 - Vineyard Creek, 36-7819 - Briggs Springs, 36-7820 - Blind Canyon Springs, 36-7821 - Lower Brite Springs, 36-7822 - Danbury Springs, 37-7727 and 37-7728 - Silver Creek, 61-7373 - Bancroft Springs, 95-7871 - Wolf Lodge Creek, 11-7152 - St. Charles Creek.

I do not think we can any longer operate efficiently with a zero-based budgeting concept for the waters of Idaho. To establish minimum flows for those streams where it is still possible is like putting money in a water savings account. The sooner we move ahead with such a program the more everyone will benefit, and I include the agricultural water user as a very direct beneficiary of such a program.

Since the concept of establishing minimum stream flows for Idaho's waters is very long overdue in my estimation, I hope that you can move forward with all possible speed in the granting of these applications.

Sincerely,

Dale Ghee
Dale Ghee

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AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
 Connty of Blaine } SS.

FEB 20 1979

Department of Water Resources

Southern District Office

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of January 1979, and the date of the last publication was on the 1 day of February 1979.

Subscribed and sworn to before me this 5th day of February 1979.
 (SEAL)

[Signature]
 NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 42
 Number of Insertions 2
 _____ Lines tabular at 39c
42 Lines straight at 26c 10.92
42 Subsequent lines at 15c 6.30
 TOTAL COST 17.22

CO OF NOTICE

(Paste Here)

Permit 37-7727-37728
 TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources
 1041 Blue Lake Blvd. N.T.F.
 83201

BEFORE THE DIRECTOR
 OF THE DEPARTMENT OF
 WATER RESOURCES

OF THE STATE OF IDAHO
 IN THE MATTER OF APPLICATIONS
 FOR PERMIT NOS. 37-7727 and 37-
 7728 IN THE NAME OF THE IDAHO
 WATER RESOURCE BOARD

PROCEDURE REGARDING POST-
 HEARING SUBMITTAL OF MATERIALS

TO ATTENDEES OF THE JANUARY 11,
 1979, PUBLIC HEARING IN HAILEY,
 IDAHO, ON THE ABOVE-NOTED AP-
 PPLICATIONS FOR A MINIMUM STREAM
 FLOW ON SILVER CREEK

At the hearing on the above-noted
 applications it was provided that an
 additional fifteen (15) days be allowed
 for the submittal of written material for
 the record. Such material must be
 received in the state office of the
 Department of Water Resources by
 January 26, 1979.

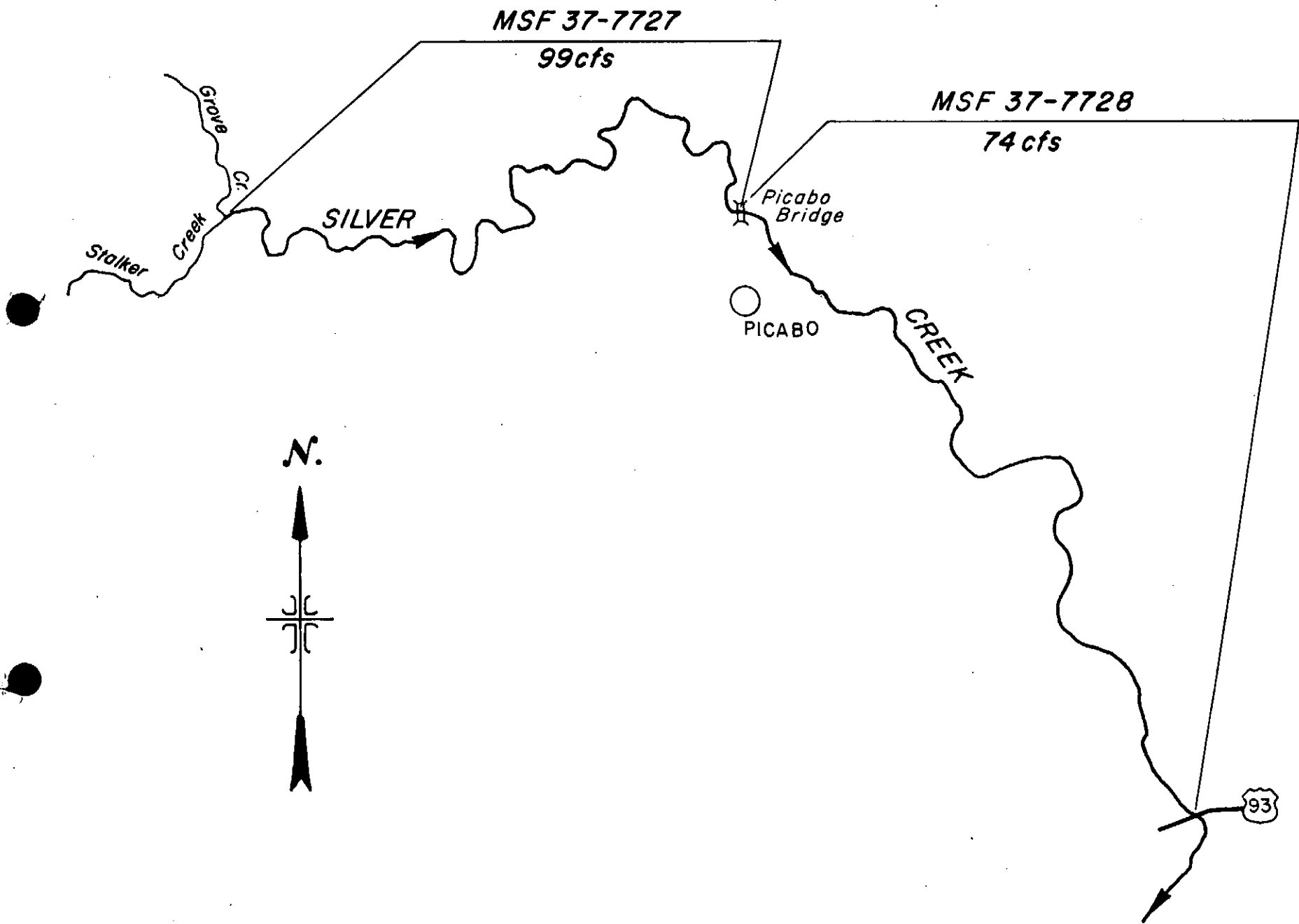
Copies of submitted material will be
 furnished to persons making written
 request to the Director, Department of
 Water Resources, Statehouse, Boise,
 Idaho 83720.

Persons wishing to rebutt any material
 so submitted will have fifteen (15) days
 from January 26, 1979, to file their
 rebuttals with the Department. Rebuttal
 material must be received in the state
 office of the Department of Water
 Resources by February 12, 1979.

DATED this 15th day of January, 1979:
 C. Stephen Allred
 Publish: Wood River Journal, January
 25, and February 1, 1979.

Nº 0590

MICROFILMED



NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate do meet in joint session in the House Chamber at the hour of 10:45 a.m., February 12, 1980, to memorialize the birth of Abraham Lincoln.

BE IT FURTHER RESOLVED that we extend to the Governor of the State of Idaho and the elected officials an invitation to join us in this joint session.

BE IT FURTHER RESOLVED that the committee of the House of Representatives appointed for this purpose meet with the similar committee of the Senate and arrange for a suitable program.

Adopted by the House February 7, 1980.

Adopted by the Senate February 11, 1980.

(H.C.R. No. 42, As Amended)

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 37-7727, it being an application for a permit to appropriate 99 cubic feet per second from Silver Creek, a tributary of the Little Wood River, located on the NE 1/4 of NW 1/4 of Section 27, Township 1S, Range 20E, in Blaine County, Idaho, and application for permit number 37-7728, it being an application for permit to appropriate 74 cubic feet per second from Silver Creek, a tributary of the Little Wood River, located on the NE 1/4 of SE 1/4 of Section 20, Township 2S, Range 21E, in Blaine County, Idaho, be, and the same are hereby approved.

Adopted by the House March 4, 1980.

Adopted by the Senate March 18, 1980.

(H.C.R. No. 43, As Amended)

A CONCURRENT RESOLUTION

AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE, ADOPTED BY THE BOARD OF HEALTH AND WELFARE, PROVIDING

WAT
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1-2280,

1-2280.

Adopted
Adopted

WATER RIGHT NUMBER 37-7727

OWNER LAST NAME - STATE OF IDAHO FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - IDAHO WATER RESOURCE BOARD ADDRESS LINE 2 - STATEHOUSE
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE - 83720
SOURCE - SILVER CREEK TRIBUTARY OF - LITTLE WOOD RIVER
STAGE - LICENSE STATUS - PRIORITY - 09-13-1978 COUNTY - BLAINE TOTAL DIV. RATE - 99.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 37M DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWSE 22 01S 20E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - 01-01 TO - 12-31 USE - MINIMUM INSTREAM FLOW USE DIV. RATE - 99.0000 CFS USE DIV. VOLUME - .00 AFA
USE - PLACE OF USE - TWN RNG SEC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS - THIS INSTREAM FLOW WATER RT. IS SUBJECT TO ALL PRIOR WATER RTS.
SAID WATERS TO BE MAINTAINED WITHIN THE REACH FROM PICABO BRIDGE,
SWSE, S22, T1S, R20E, UPSTREAM TO THE CONFLUENCE OF GROVE CK. AND
STALKER CK., S1/2 SE1/4, S23, T1S, R19E, BLAINE CNTY.
NON IRRIG USE - N/MAINTAIN WILD TROUT REARING HABITAT.
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 02-01-1984 PERMIT/DENIED - 02-28-1979 PROTESTED - HEARING - OLD NO. -
PROOF MADE - P FLD EXAM - COND. OF APPROVAL - 16 R04
DIVERSION MEANS - NONE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
GovernorA. KENNETH DUNN
DirectorMailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 9, 1984

Mr. Virgil Moore
State Fisheries Manager
Idaho Department of Fish and Game
600 S. Walnut St.
Boise, ID 83707

Re: Minimum Stream Flows

Dear Virgil:

Throughout the past four months we have had numerous telephone conversations regarding the Idaho Minimum Stream Flow Program. The purpose of this letter is to document the current status of the various minimum stream flow filings for which your Department is the requesting agency. The letter has been organized into three phases corresponding to the stages of water right processing.

Applications

Currently we have four remaining applications for which no hearings have yet been held by this Department. To confirm our earlier conversation, enclosed is a list of projected dates for public meetings to be held in September. As we discussed, we will mail the individual notifications of the meetings based on copies of plats and other information on riparian ownerships that you supply.

Permits

We have received the letter dated July 25, 1984, from Bruce E. Rieman, the Regional Fishery Manager of Region 1, regarding the minimum stream flow permits on Granite Creek, No. 96-7771; Sullivan Springs, No. 96-7772; and, Wolf Lodge Creek, No. 95-7874. The information includes enough documentation of beneficial use for the three permits. However, as we discussed, more thorough stream flow information will be required before licenses can be issued. For example, the discharge measurements for Sullivan Springs range from a minimum of 5.85 cfs to a maximum of 9.95 cfs. It is unclear how these measurements relate to the 45 cfs identified in the permit. As another example, the discharge measurements on Granite

MICROFILMED

Mr. Virgil Moore
August 9, 1984
Page 2

Creek range from 8.97 cfs to 70.76 cfs. Again, the relationship to the 45 cfs identified in the permit is unclear. For all three permits, a series of gauge readings is needed to augment the staff gauge-discharge relationships that have been developed. The frequency of gauge reading should be a minimum of once every two weeks throughout the year. This office would be happy to entertain a proposal in this regard.

Because proof of beneficial use is due for these three permits on September 1, 1984, extensions of time will be required to maintain the permits in a valid status while the discharge measurements are being collected. We have prepared the three Requests for Extension of Time forms for the signature of Mr. Don Kramer, the chairman of the Idaho Water Resource Board. By separate letter we are mailing the request forms to Mr. Kramer, with the request that they be signed and returned to this office by August 24, 1984. In this way the dates of priority of the minimum stream flow applications will be preserved.

These are the final three minimum stream flow permits for which further documentation will be required this year. Regarding permits with proof due in upcoming years, you may wish to review the conditions of approval to insure that the needed measurements are being made on a current basis to enable timely filing of statements of beneficial use. I would be happy to review the requirements on the permits at your convenience.

Licenses

As you are aware, water right licenses have been issued for both of the upper reaches on Silver Creek. License Nos. 37-7727 and 37-7728 represent the first two licenses issued as a result of the minimum stream flow program. We have received statements of beneficial use for permit Nos. 37-7734, Bancroft Springs, and 36-7818, Vinyard Creek. We are currently reviewing the data on these files and plan to issue licenses in the near future.

This completes the information that I wanted to summarize regarding the water rights based on requests from your agency. In addition, we would like to request that a study of in-stream flow needs be made on the east fork of Rock Creek, tributary to Rock Creek near American Falls. Minimum stream flow application No. 41-7046 was originally filed by the Idaho Water Resource Board based on a request from the Power County Commissioners. The application was held pending the outcome of an existing protested application for permit located upstream on the east fork of Rock Creek. That application has now been withdrawn and further action can be taken on the application. However, the information provided in the original hearing does not provide a sufficient technical basis for a minimum flow. Therefore, it appears that the next step for action regarding the minimum flow is some type of fishery-related study. Enclosed for

MICROFILMED

Mr. Virgil Moore
August 9, 1984
Page 3

your information is a copy of the application. Please advise me regarding the possibilities of an instream flow study on not only the proposed reach, but upstream to the source of the stream as well.

If you wish to clarify or add to any portion of this letter, Virgil, please feel free to give me a call. I will be out of the office until August 27 on military leave, but Jim Johnson of this office should be able to assist you until that date. I look forward to working with you and your staff regarding this program in the future.

Sincerely,

for 

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

DRT:ls

Enclosures

MICROFILMED



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

June 29, 1984

RE: Permit Nos. 37-7727 & 37-7728

Donald R. Kramer, Chairman
Idaho Water Resources Board
Castleford,
Idaho 83321

Dear Mr. Kramer:

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits along with a copy of the approved Application for Amendment of Permit No. 37-7727.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", is written over the typed name.

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosures

cc: Eastern Region - IDWR
Idaho Dept. of Fish & Game

MICROFILMED

May 3, 1984

RE: Permit No. 37-7727

Donald R. Kramer, Chairman
Idaho Water Resource Board
Castelford,
Idaho 83321

Dear Mr. Kramer:

Enclosed is an Application for Amendment of Permit No. 37-7727. For your information, the Department is in the process of licensing two water rights held by the Idaho Water Resource Board for the purpose of establishing minimum stream flows on Silver Creek tributary to Little Wood River.

During this processing, it was found that the legal description of the location of Picabo Bridge (the beginning point for the minimum stream flow under Permit 37-7727) was incorrect.

The enclosed amendment requires your signature and should be returned to this office no later than May 30, 1984. There is no fee required.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MEMORANDUM

TO: Files 37-7727/37-7728

FROM: Jim Johnson *Jim Johnson*

DATE: April 30, 1984

RE: Review of Water Right 37-7727/37-7728

The purpose of this memo is to provide additional summarization of the staff review made for licensing of said permits. See memos of 4/26/84.

1. By virtue of the nature of these rights to establish a minimum stream flow, proof of the extent of beneficial use developed under these rights is difficult to determine. The fish angler day data submitted by Fish & Game serves to support the popularity of the Silver Creek for fishing but it provides little technical data supporting that 99 cfs and 74 cfs were put to beneficial use.

A more meaningful evaluation probably was made by Fish and Game before the applications were originally filed.

Fish and Game submitted with said applications for permit a statement which states, in part, that during 1975 Idaho Dept. of Fish & Game collected field data for use with instream flow methodologies to determine flow requirements for the fishing resource in Silver Creek. (See form with application.)

2. The Department of Water Resources issued a Memorandum Decision and Order dated 2/29/79 stating, in part, under Finding of Fact No. 8 that sworn testimony and documentary evidence submitted by the Dept. of Fish & Game supports a finding that the minimum flows requested under this right are the minimum flows required and are not the ideal or most desirable flows, and under Conclusion of Law No. 3 stating that the proposed minimum flows appropriation is necessary for the preservation of fish and wild life habitat, aquatic life, recreation, aesthetic beauty and water quality while also stating in Conclusion of Law No. 4 that said flows are not the ideal or most desirable.

A review of the historic stream flows in addition to a review of stream flows that were adjusted to reflect present levels of diversion for agriculture show that the Silver Creek flows always have exceeded 99 cfs and 74 cfs in the reaches identified under these rights.

MICROFILMED

TO: 37-7727 & 37-7728
DATE: April 30, 1984
PAGE: 2

In the absence of any conflicting information, I concur with the Assessment of Proof of Beneficial Use data contained in these files and the conclusion reached in the memo dated 4/26/84.

MICROFILMED

MEMORANDUM

TO: File No. 37-7727

FROM: Kay Walker *KW Dkt*

DATE: April 26, 1984

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 and 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 water has been beneficially used as evidenced in the exhibits attached to the proof of beneficial use. In 1983, angler use days totaled 5,523; if calculated this means that 15 persons fished every day of 1983. The aesthetic beauty of the area has been preserved as shown on the photos. The study done by the Dept. of Biology dated October, 1982, evidences Silver Creek as an ideal habitat for the growth of aquatic life. The study of The Nature Conservancy in October, 1981, determined that growth of rainbow trout in Silver Creek is excellent.

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

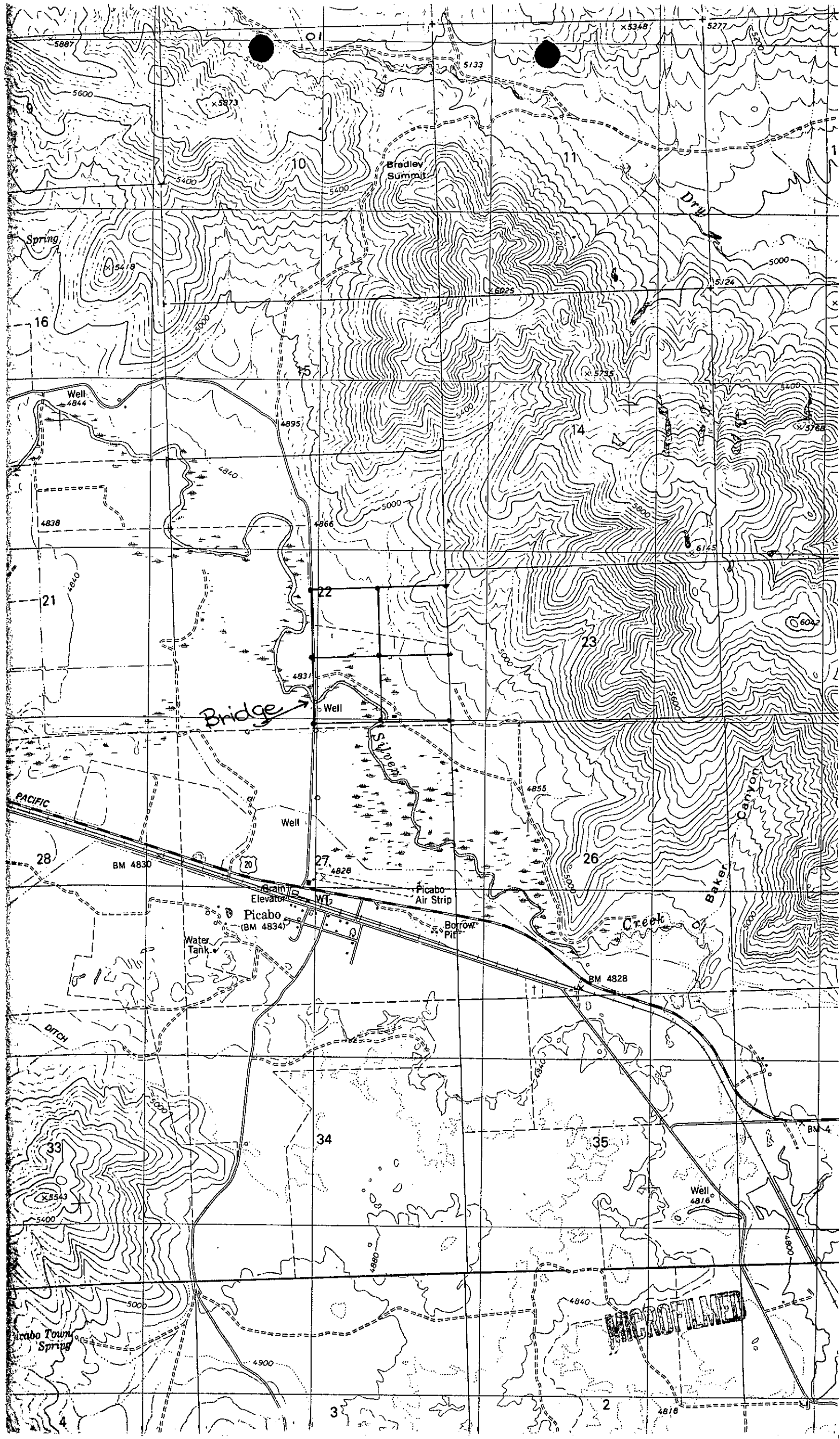
Evidence providing the average mean water year (Oct. - Sept.) level for the past five years as follows:

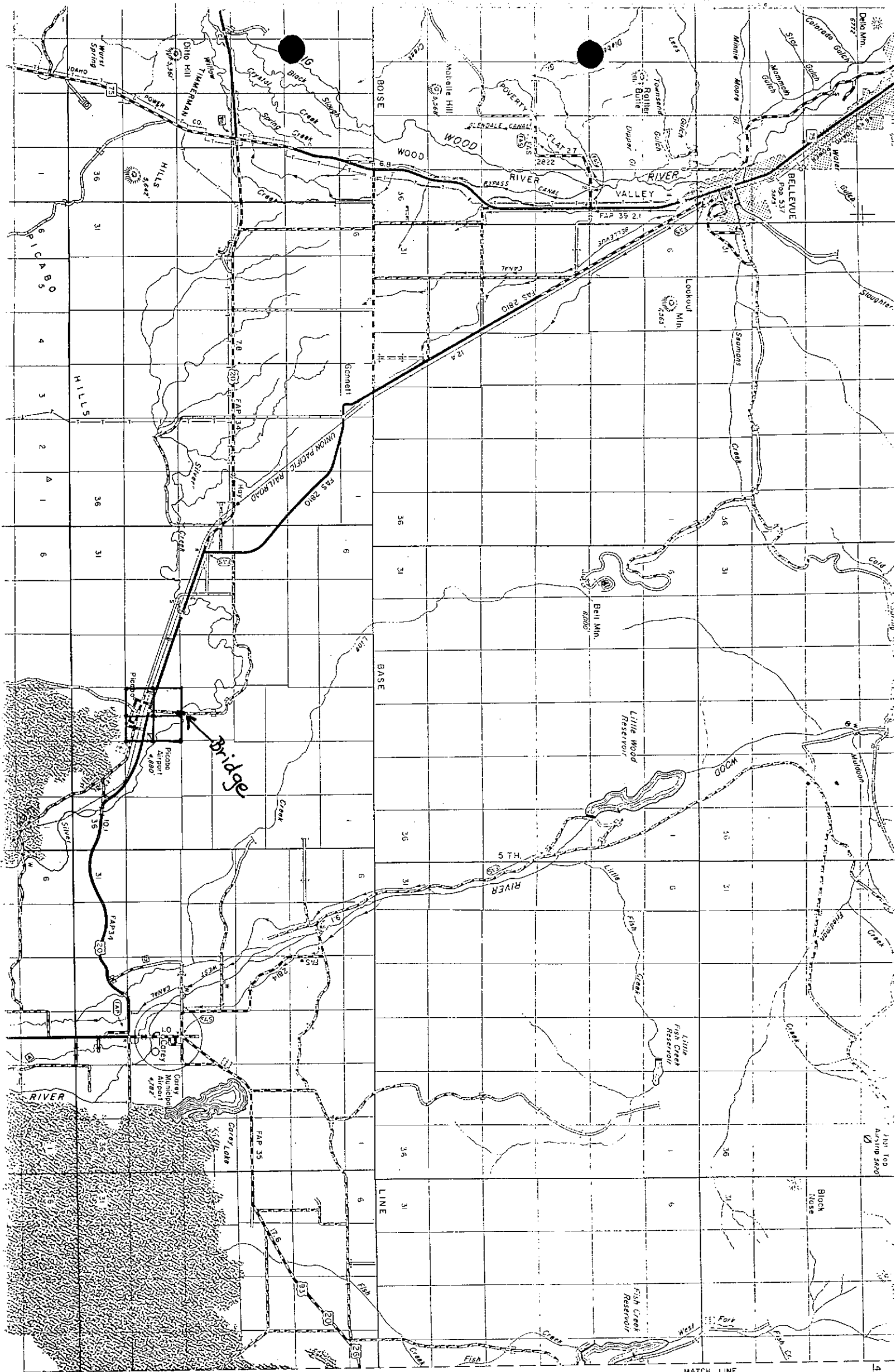
1979 - 157 cfs
1980 - 157 cfs
1981 - 157 cfs
1982 - 170 cfs
1983 - 222 cfs

These amounts average out to 173 cfs per year, thus evidencing plenty of water for the minimum stream flow amount of 99 cfs.

In summary, the minimum stream flow has enhanced public enjoyment through maintaining the trout rearing habitat, aesthetic beauty and recreation. I recommend licensing of this permit for 99 cfs.

MICROFILMED





T. 1 S.

T. 1 N.

T. 2 N.

Sheet-3

MATCH LINE
MICROFILMED

B L A I N E

C O U



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

February 3, 1984

Idaho Water Resource Board
Statehouse Mail
Boise, ID 83720

Gentlemen:

Re: Permit Nos. 37-7727 and 37-7728

This office acknowledges receipt of the statement of beneficial use postcard and supporting data for the above-referenced minimum stream flow permits on Silver Creek.

Department staff will review the submittal for adequacy and a license will be issued describing the water rights.

If you have questions, please contact this office.

Sincerely,

RITA I. FLECK

Secretary/Records Manager

cc: Department of Fish and Game

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 37-7727

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

Post Office Address: Statehouse Mail, Boise, ID

Tel. No. 334-4440

Source of Water: Silver Creek

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☒ Other Minimum Stream Flow

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

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

1-31-1984

Date

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Chairman

Donald Kramer
Signature of Permit Holder

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JAN 31 1984

Department of Water Resources



PLACE
13 CENT
STAMP
HERE

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



RECEIVED
JAN 31 1984
Department of Water Resources

January 30, 1984

Minimum Instream Flow
Application No. 37-7727 on Silver Creek
for 99 cfs of water measured at Picabo
Bridge in the NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 27,
Township 1 South, Range 20 East, B.M.,
Blaine County, to protect that portion
of Silver Creek from the Picabo Bridge
upstream to the confluence of Grove
Creek and Stalker Creek.

Estimated angler use for the sections of Silver Creek involved in this
minimum instream flow application are summarized in the following table:

Exhibit No. 1

ANGLER USE ESTIMATES DURING THE GENERAL FISHING SEASON BETWEEN 1981 AND
1983 ON SILVER CREEK FROM THE PICABO BRIDGE UPSTREAM TO THE CONFLUENCE
OF GROVE AND STALKER CREEKS*

Stream Section	Month	Estimated Total Angler Days Per Year		
		1981	1982	1983
Picabo Bridge upstr. to the Kilpatrick Br.	May	213	213	213
	June	120	120	120
	July	120	120	120
	August	120	120	120
	September	120	120	120
	October	120	120	120
	November	120	120	120
		933	933	933

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Minimum Instream Flow Application No. 37-7727
Silver Creek
1/30/84
page 2

Stream Section	Month	Estimated Total Angler Days Per Year		
		1981	1982	1983
Nature Conservancy Property--from the Kilpatrick Bridge upstream to the confluence of Grove and Stalker Creeks	May-November	<u>3420</u>	<u>3780</u>	<u>4590</u>
GRAND TOTAL ANGLER DAYS		4353	4713	5523

* The angler use estimates for the section of Silver Creek between the Picabo Bridge and the Kilpatrick Bridge were made by Paul Valcarce, local Conservation Officer, and were based on random counts throughout the season. In his estimate angler use remained relatively static during the three-year period.

The angler use estimates made on the Nature Conservancy Property were compiled by Guy Bonnavier, Preserve Manager of the Nature Conservancy Property, and were based on the visitor register on the Silver Creek Preserve where Guy estimates they have better than 95 percent compliance with the signature requirement. He estimates about 90 percent of the anglers using the preserve concentrate on the approximately one stream mile of Silver Creek proper on the lower end of the preserve, and the other 10 percent on stream sections on the preserve other than Silver Creek.

The net value per day of fishing streams in Idaho (updated with the consumer price index) comparable to this section of Silver Creek amounted to approximately \$35.53 in June 1983. Using this figure the estimated annual economic value of this fishery on this section of Silver Creek in 1983 would be approximately \$196,232 ($\$35.53 \times 5,523$).

These associated costs are primarily for expenses involved with transportation to and staying in the fishery area (gas, meals, motel, etc.). Durable costs for permanent items such as fishing or camping gear are not included.

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EXHIBIT NO..2. Fly fishermen on the Nature Conservancy portion of Silver Creek in July 1981. Photo taken by Tim Crawford, Ketchum, Idaho.

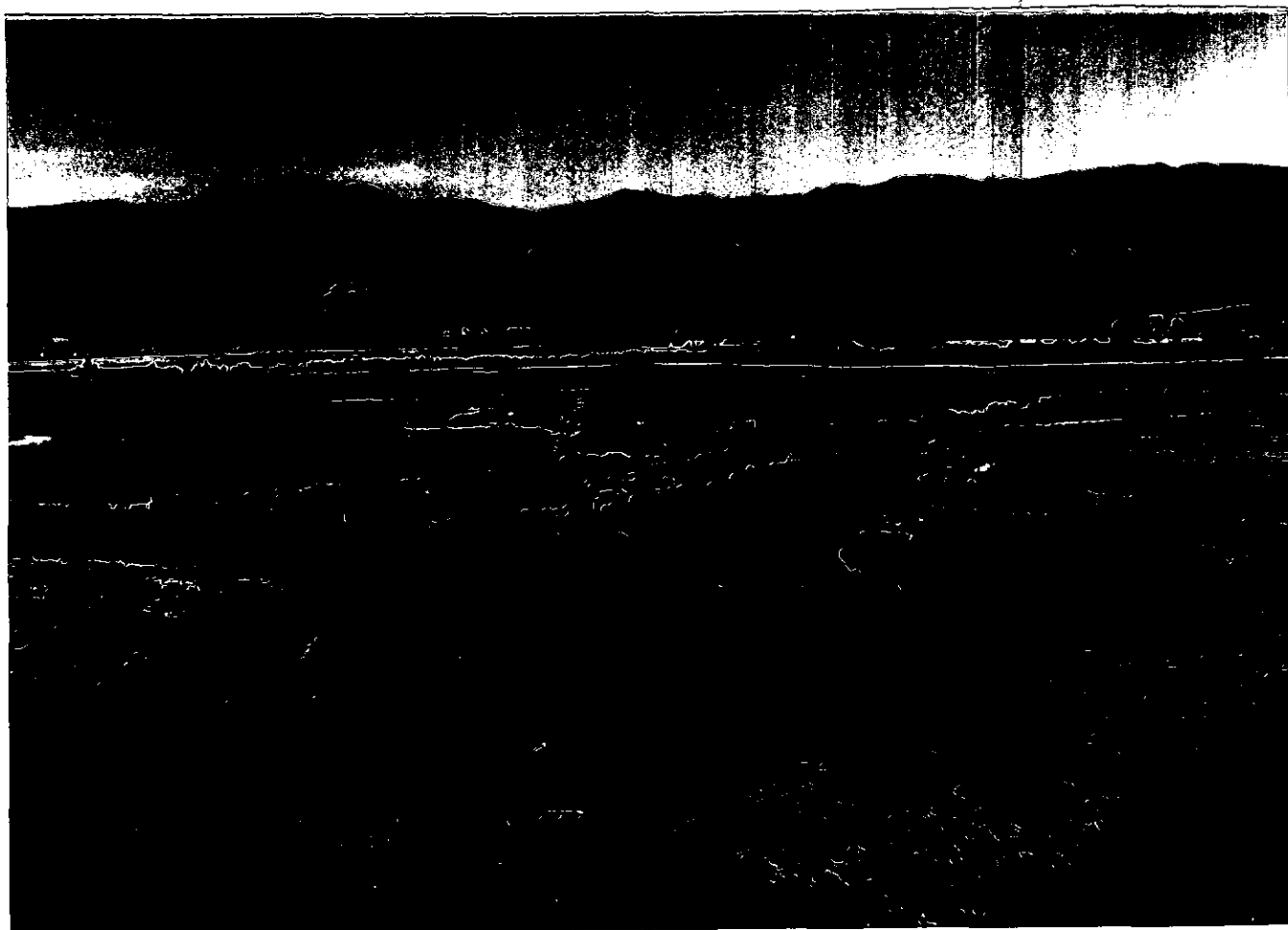


EXHIBIT NO. 3. Fly fishermen on Silver Creek a short distance above the Kilpatrick Bridge in July 1979 on the lower end of the Nature Conservancy property. Photo taken by Tim Crawford of Ketchum, Idaho.



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EXHIBIT NO. 4. Trout rising to a fly on the Nature Conservancy portion of Silver Creek. Photo taken by Jack Hemingway, Ketchum, ID.

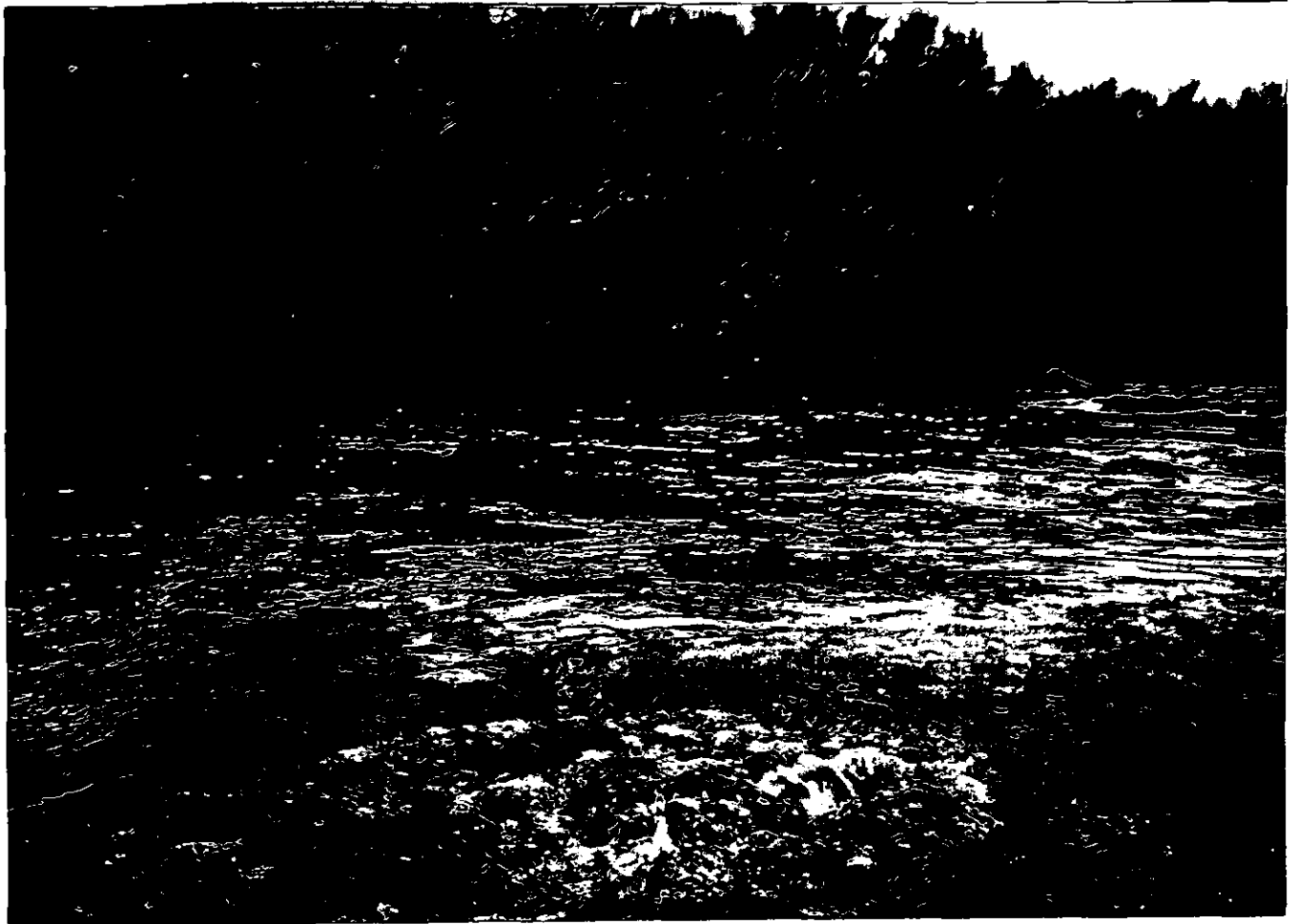


EXHIBIT NO. 5. Trophy-sized brown trout caught in Silver Creek within the upper instream flow section. Photo taken by Jack Hemingway of Ketchum, ID.



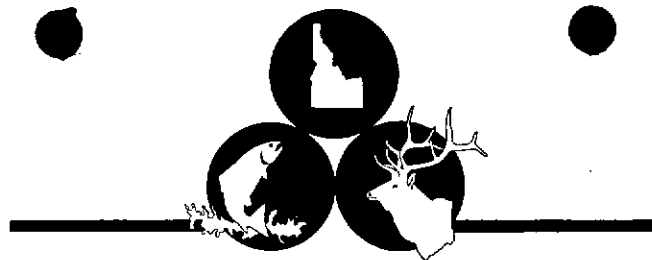
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EXHIBIT NO. 6. Fly fisherman at Point of Rocks sportsmen's access site. Photo taken by Tim Crawford of Ketchum, Idaho.



37-7727

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**IDAHO DEPARTMENT OF FISH AND GAME
REGION 4**

**868 East Main • Box 428
Jerome • Idaho • 83338**

January 30, 1984

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JAN 31 1984

Department of Water Resources

SILVER CREEK STREAMFLOW RECORDS FROM
1979 THROUGH 1983 FOR THE SECTION
INVOLVED WITH MINIMUM INSTREAM FLOW
APPLICATION NO. 37-7227 FOR 99 CFS
OF WATER MEASURED AT THE PICABO BRIDGE
FOR THAT PORTION OF SILVER CREEK FROM
THE PICABO BRIDGE UPSTREAM TO THE
CONFLUENCE OF GROVE AND STALKER CREEKS

These flows should be very close for the above stream section. The gauge
is: Station #1350430, Silver Creek at Sportsmen Access near Picabo.

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Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1	222	192	207	155	160	163	178	151	114	117	117	134
2	218	192	200	155	160	157	174	151	114	120	117	132
3	218	192	198	155	165	155	172	151	115	122	117	132
4	213	192	200	155	170	155	172	143	118	123	115	136
5	209	190	236	155	165	153	174	134	115	128	117	130
6	203	190	209	155	163	153	176	141	114	127	118	130
7	203	192	200	155	163	161	178	141	114	123	122	122
8	203	196	190	160	161	174	176	145	117	123	123	120
9	200	198	181	160	163	170	178	145	115	118	127	118
10	196	198	170	160	161	165	181	149	117	117	130	117
11	194	198	168	161	161	170	185	132	117	117	132	117
12	192	200	170	161	161	176	176	122	122	115	128	116
13	190	200	168	161	172	196	176	115	122	114	136	117
14	190	200	165	161	198	216	172	109	120	111	147	114
15	190	198	163	163	200	238	172	103	123	114	153	115
16	190	196	160	161	181	335	172	96	122	115	153	114
17	196	196	159	159	172	317	172	103	122	114	147	111
18	202	196	157	161	168	275	172	105	123	108	145	111
19	200	203	157	161	168	244	165	108	125	108	149	114
20	200	207	155	161	163	224	163	108	122	109	153	114
21	198	213	155	161	168	233	163	106	120	111	153	113
22	200	216	155	163	163	220	161	103	127	118	145	111
23	198	213	153	165	161	209	165	106	123	130	141	111
24	200	222	155	170	159	207	165	112	118	127	139	116
25	200	205	153	161	159	205	163	114	118	122	141	115
26	200	203	153	159	157	198	161	114	117	120	139	112
27	198	200	151	165	157	198	157	112	130	122	136	114
28	196	200	150	159	159	209	153	109	117	120	134	114
29	194	198	155	165		207	153	109	118	117	134	119
30	187	200	155	160		196	151	112	118	118	132	120
31	187		155	160		185		114		118	132	
	6187	5996	5303	4963	4658	6264	5076	3764	3577	3666	4172	3559
MEAN	200	200	171	160	166	202	169	121	119	118	135	119
A.F.	12270	11690	10520	9840	9240	12420	10070	7470	7090	7270	8280	7060

YEAR	MEAN	157
OR		
PERIOD	ACRE FEET	113.400

82

Reed
/ 1979

1979

WATER DISTRICTS 17-AB and 17-AB

Daily Discharge in second feet of SILVER CREEK AT SPORTSMAN ACCESS #18 for year ending Sept. 30th 1980

Day	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
1	119	143	132	136	132	203	157	132	183	141	165	181
2	122	143	132	132	134	205	155	127	194	141	165	178
3	120	143	134	134	134	198	157	127	192	153	161	172
4	124	151	134	134	134	209	157	123	196	153	161	170
5	132	151	134	139	134	236	157	120	200	153	163	161
6	141	151	136	149	134	209	159	120	192	149	163	155
7	144	151	136	141	134	196	157	117	183	151	165	159
8	141	149	136	134	134	185	155	105	181	153	172	155
9	140	139	136	134	134	181	155	105	176	153	178	161
10	138	147	137	137	134	185	153	103	168	151	176	161
11	137	145	136	205	136	200	151	118	159	151	178	181
12	138	145	132	233	132	198	147	128	149	153	178	198
13	136	147	130	194	130	187	147	123	145	153	185	209
14	137	147	130	207	130	187	145	120	145	149	183	227
15	140	145	132	181	134	194	145	117	139	149	185	240
16	154	145	132	165	136	183	143	120	134	151	211	227
17	155	145	132	163	161	178	141	122	125	151	227	220
18	139	147	130	157	286	183	141	118	127	149	222	211
19	165	147	130	149	352	185	139	120	145	151	213	218
20	165	145	132	153	291	190	137	122	153	153	211	213
21	159	145	130	145	275	198	128	120	128	153	203	213
22	153	139	134	151	207	192	141	120	125	145	198	211
23	149	141	134	143	187	187	137	122	125	143	196	200
24	145	143	137	141	176	183	139	132	123	143	196	196
25	145	141	137	141	172	178	157	141	125	147	192	207
26	143	145	130	134	172	174	151	149	120	147	194	207
27	143	147	130	132	183	174	147	157	122	149	187	198
28	143	141	132	132	192	174	139	161	125	155	178	192
29	145	137	134	132	194	170	130	163	130	161	176	185
30	143	134	136	132		168	132	163	134	163	181	185
31	143		136	132		161		170		159	178	
MEAN	4398	4339	4133	4692	4984	5851	4399	3985	4543	4673	5741	5791
A.F.	8720	8610	8200	9310	9890	11610	8730	7900	9010	9270	11390	11490

YEAR	MEAN	157
OR PERIOD	ACRE FEET	114,100

RECEIVED

WATER DISTRICT #37 & #37M

DAILY DISCHARGE IN SECOND FEET OF SPORTSMAN ACCESS #18 FOR YEAR ENDING
Sept. 30, 81

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
1	178	230	204	200	176	200	154	118	128	109	124	112
2	172	228	218	200	175	194	156	103	128	106	121	114
3	177	223	231	196	175	193	152	107	131	108	123	113
4	176	222	239	192	174	190	145	109	133	104	124	115
5	172	225	242	190	170	189	143	108	136	101	121	114
6	170	228	229	187	168	187	143	108	136	102	124	115
7	148	120	119	184	168	186	131	106	123	106	117	113
8	152	232	211	182	166	183	137	106	140	99	139	111
9	148	224	206	179	166	180	139	102	149	103	141	110
10	153	222	203	177	170	178	135	99	147	108	143	111
11	154	222	197	176	172	173	132	100	139	106	153	108
12	157	224	194	174	158	171	132	109	129	103	161	109
13	158	223	190	172	157	170	129	110	121	102	161	119
14	168	219	186	172	180	169	130	107	121	99	161	108
15	182	216	187	170	244	163	128	112	120	100	165	106
16	213	211	185	171	209	165	128	113	123	103	161	104
17	210	209	185	170	289	165	127	113	121	99	155	103
18	208	211	185	171	313	161	128	113	120	102	155	101
19	217	208	185	172	258	161	127	114	119	102	154	100
20	210	204	183	173	279	165	178	115	118	104	160	96
21	213	204	183	174	237	172	174	118	113	106	161	98
22	211	211	187	174	214	171	156	116	113	105	167	94
23	211	215	190	176	215	167	144	117	118	106	145	93
24	211	217	190	181	222	159	139	115	118	109	129	97
25	216	212	195	177	229	157	136	119	121	105	125	100
26	224	210	200	176	220	170	133	123	115	98	109	100
27	225	207	207	176	212	184	133	123	113	102	105	104
28	223	207	212	177	205	171	129	124	110	107	104	109
29	223	207	213	177	---	165	127	126	112	105	106	107
30	226	207	205	182	---	162	127	126	112	110	106	107
31	228	---	202	175	---	153	---	127	---	112	105	---
TOTALS	5944	6508	6263	5554	5721	5374	4183	3506	3738	3229	4235	3183
MEAN	192	217	202	179	204	173	139	113	125	104	137	106
ACRE FEET	11790	12910	12420	11020	11350	10660	8300	6950	7410	6400	8400	6310

YEARLY MEAN 157
YEARLY ACRE FEET 113,900

1981

DEC 14 1982

WATERMASTER SHOSHONE

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

PROCESS DATE 12-21-82

STATION NUMBER 13150430
LATITUDE 431922

LONGITUDE 1140629

SILVER CREEK AT SPORTSMAN ACCESS NR PICARD 1940
DRAINAGE AREA 70.00

STREAM

SOURCE AGENCY 0545
STATE 15 COUNTY 013DISCHARGE IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1941 TO SEPTEMBER 1942
MEAN VALUES

PROVISIONAL DATA

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
1	105	134	136	137	142	131	240	170	125	164	235
2	104	133	141	135	143	195	231	165	134	174	203
3	118	131	139	137	141	213	224	160	134	191	145
4	114	130	141	135	139	196	247	165	134	145	156
5	123	129	141	134	132	185	227	162	134	213	159
6	134	128	141	125	123	185	224	165	135	209	144
7	136	127	145	125	117	161	215	154	139	203	174
8	147	127	153	117	114	140	209	161	143	199	174
9	145	126	155	118	116	144	207	165	147	200	174
10	151	125	155	118	113	224	209	159	154	191	195
11	165	125	154	122	125	259	249	174	158	191	190
12	170	125	154	123	123	271	295	154	167	188	140
13	133	132	151	134	124	224	252	159	166	179	192
14	170	145	151	139	132	224	231	151	169	179	185
15	157	141	*150	141	134	231	213	147	157	174	196
16	153	144	159	134	179	227	200	145	154	165	192
17	149	152	152	141	194	205	196	134	151	157	193
18	145	145	149	139	141	207	190	123	148	155	197
19	147	134	154	139	143	213	197	121	144	153	194
20	143	134	215	141	150	170	197	123	140	150	195
21	135	143	240	141	207	194	187	120	137	145	195
22	130	165	195	141	250	190	185	120	*134	143	190
23	137	161	155	139	243	185	178	125	130	145	198
24	137	155	154	137	*207	155	174	115	142	154	196
25	139	160	147	137	181	196	172	113	145	151	179
26	141	150	145	140	175	213	170	114	157	150	*179
27	*134	147	134	142	174	231	174	115	150	152	195
28	139	143	134	141	173	233	*174	121	154	140	195
29	134	141	134	138	---	247	170	121	158	216	194
30	140	136	134	137	---	233	158	123	150	215	204
31	135	---	135	142	---	227	---	124	---	204	210
TOTAL	4341	4195	4795	4170	4443	6558	6195	4405	4410	5529	5547
MEAN	141	140	155	135	160	212	207	142	147	178	179
MAX	183	165	240	142	260	271	295	174	169	216	210
MIN	105	123	135	117	117	151	158	113	125	143	174
AC-FT	8590	8320	9510	8270	8410	13010	12290	8740	4750	10950	11500

CAL YR 1981 TOTAL 5209 MEAN 143 MAX 313 MIN 93 AC-FT 103300
 MIN YR 1982 TOTAL 62150 MEAN 170 MAX 302 MIN 105 AC-FT 123300

1982

Boys

1982

WATERMASTER SHOSHONE

Max. Disch., 321 cfs at 1345 on Sept. 26 (G.H., 8.64 ft), Max. G.H., --- on ---
 Min. Disch., 105 cfs on Oct. 1 (G.H., --- ft), Min. G.H., --- on ---

* -- Discharge measurement made on this day.

STATION NUMBER 13150430
LATITUDE 431922

LONGITUDE 1140629

SILVER CREEK AT SPORTSMAN ACCESS NR PICARD IDAHO
DRAINAGE AREA 70.00 DATUM

STREAM SOURCE AGENCY USGS
STATE 16 COUNTY 013

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1982 TO SEPTEMBER 1983
MEAN VALUES

PROVISIONAL DATA

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	245	263	205	205	181	211	317	220	136	194	174	277
2	301	251	205	196	181	269	288	242	132	213	181	275
3	302	244	206	185	183	341	275	233	145	218	207	273
4	243	237	205	174	193	416	255	222	213	187	194	269
5	246	238	203	174	185	390	242	224	200	194	190	264
6	288	230	213	174	178	363	236	240	187	187	174	260
7	287	225	211	176	172	346	233	224	185	172	178	264
8	280	223	207	178	168	328	229	216	183	151	181	271
9	274	225	210	178	172	321	227	209	196	137	*205	271
10	275	227	200	181	174	350	227	207	196	151	242	269
11	276	225	198	176	170	387	224	209	196	161	216	262
12	272	220	197	178	172	394	222	209	205	161	229	262
13	270	217	197	176	183	387	218	209	200	149	231	258
14	267	214	198	176	185	480	218	203	178	145	233	255
15	263	209	*200	176	185	423	*213	200	172	137	238	249
16	258	207	207	172	187	367	209	199	161	141	253	247
17	257	203	205	174	*185	346	207	200	*170	145	258	251
18	252	225	200	174	185	319	205	194	159	143	258	242
19	237	278	203	176	183	304	203	194	163	139	269	238
20	246	272	203	176	183	286	205	185	168	147	306	236
21	*249	242	224	178	183	273	209	174	181	139	308	238
22	252	227	249	176	185	269	224	176	200	143	312	242
23	255	215	247	176	187	275	218	176	187	161	339	240
24	254	202	227	176	190	280	216	151	178	157	350	247
25	254	196	224	178	198	275	211	151	178	151	335	247
26	270	192	218	181	211	271	207	151	187	145	314	240
27	286	192	216	181	213	271	205	143	194	145	319	249
28	262	195	216	183	213	266	205	136	209	151	317	258
29	256	203	216	183	---	258	205	130	200	155	306	251
30	273	204	231	185	---	277	216	132	194	155	291	271
31	232	---	220	181	---	339	---	132	---	157	284	---

TOTAL	8362	6705	6563	5557	5175	10082	6769	5890	5453	4931	7897	7676
MEAN	270	220	212	179	185	325	226	190	182	159	255	256
MAX	302	278	249	205	213	480	317	242	213	218	350	277
MIN	237	192	197	172	168	211	203	130	132	137	174	236
AC-FT	16590	13300	13020	11020	10250	20000	13430	11680	10820	9780	15660	15230

CAL YR 1982 TOTAL 70416 MEAN 193 MAX 302 MIN 113 AC-FT 139700
WTR YR 1983 TOTAL 81061 MEAN 222 MAX 480 MIN 130 AC-FT 160800

1983

The Nature Conservancy

Silver Creek Preserve
Post Office Box 624, Picabo, Idaho 83348
(208) 788-4683

January 22, 1984

Mr. Robert Bell
Regional Fishery Biologist
Idaho Department of Fish & Game
Jerome, Idaho

RECEIVED
JAN 31 1984

Department of Water Resources

Dear Bob,

Following, as you requested, are the approximate numbers of fishermen who have signed the visitor register on the Silver Creek Preserve during the years 1981, 82 & 83. Fishermen have been required to sign the register for trespass purposes since the 1981 season.

1981- 3,800 fishermen
1982- 4,200
1983- 5,100

We have better than 95% compliance with the signature requirement. The majority of these fishermen concentrate on the approximately one stream mile of Silver Creek on the lower end of The Conservancys' Silver Creek Preserve.

I attribute the increase in fishing on the Silver Creek Preserve to the following reasons:

1. The tendency for other stream systems in the area to remain "unfishable" due to high water well into the season. After the initial early spring run-off Silver Creek is fed 100% by spring water.
2. Fish & Game regulations (catch and release) on Nature Conservancy waters have resulted in a drastically improved fishery.
3. Combined with the Fish and Game regulations, The Conservancys' work over the past seven years has resulted in over 8 miles of protected stream which enhances both the habitat and the anglers' fishing experience.

If I can provide you with any additional information concerning public or beneficial use of Silver Creek please let me know.

Sincerely,


Guy Bonhivier
Preserve Manager

MICROFILMED

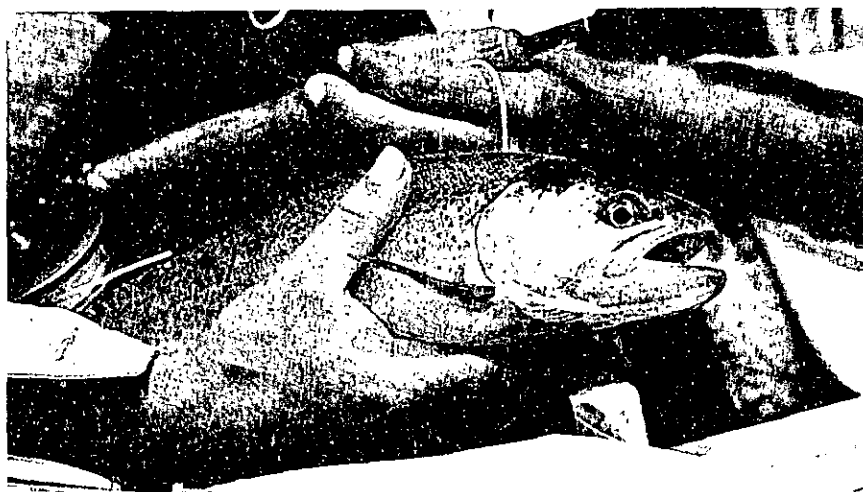


RECEIVED
JAN 31 1984

Department of Water Resources

Island Stream

Once the haunt of Hemingway, Idaho's Silver Creek is a pristine water brimming with big rainbows. by Peter Kaminsky



Photos by Lionel Atwill

Marked by vibrant colors, the McCloud River strain calls Sullivan's Slough home.

I remember my first look at Silver Creek. We drove some 40 miles from the green highlands of Sun Valley, following the course of the Big Wood River, beloved of Ernest Hemingway. We ran the gauntlet of speed traps in Hailey, Bellevue and Gannett, snaking our way through a range of brown hills—in an unforgiving moonscape relieved only by hickets of sage. As we descended, the tumbleweed gave way to fields of ripe barley. A back road brought us over a rise.

Silver Creek lay below. Looking down, I could see that four feeder streams flowed into a wide marsh—Sullivan's Slough. Downstream, to our right, the channel narrowed to admit the water of Loving Creek, east of the 26 miles of Silver Creek's headwaters.

We watched the east arm of the slough. Clear water. White bottom. Like a bonefish

flat. Ever so slowly the shadows, which I took to be rocks, began to move. Even at a distance of 80 yards, I knew they were very big trout.

"The small ones go 20 inches," Prett advised.

Prett is a genial man of few words. He is a master woodworker who ties beautiful flies, quotes philosophers, and fishes the slough because, he says, "I really enjoy it when that knot between the line and the backing zips through the guides."

I followed him down the hill. He hoisted himself atop an old fencepost, stripped out some line, then cast with the hill at his back. The tight loop of an arching steeple cast cleared the cottonwood boughs and tangled brush behind him. Prett has fished here many times before. He knows the obstacles in back of him the way a blind man knows the way around his room.

After three tries without a take, Prett climbed down and motioned me to follow. I dogged his footsteps in the heavy silt, sinking up to my waist in the muck. Every now and again we stopped to cast, and

then, just as abruptly, we moved on. As we forded to the west arm of the slough, I saw a nice trout dart from under an overhanging tree. Prett told me to try for him. No sooner had I cast than I heard a loud splash in back of me.

Alarmed, I turned to see Prett standing there, slack-jawed. We had startled a huge trout. At the shoulders, he was as wide around as a football. He had the look of a bewildered and grumpy man who had just been torn from a pleasant snooze. He swam toward us, looked us over, decided we weren't much of a problem and cruised on back to his quarters. He was well protected in his den of submerged logs shaded by a thick willow. There was no way to present a fly to that trout.

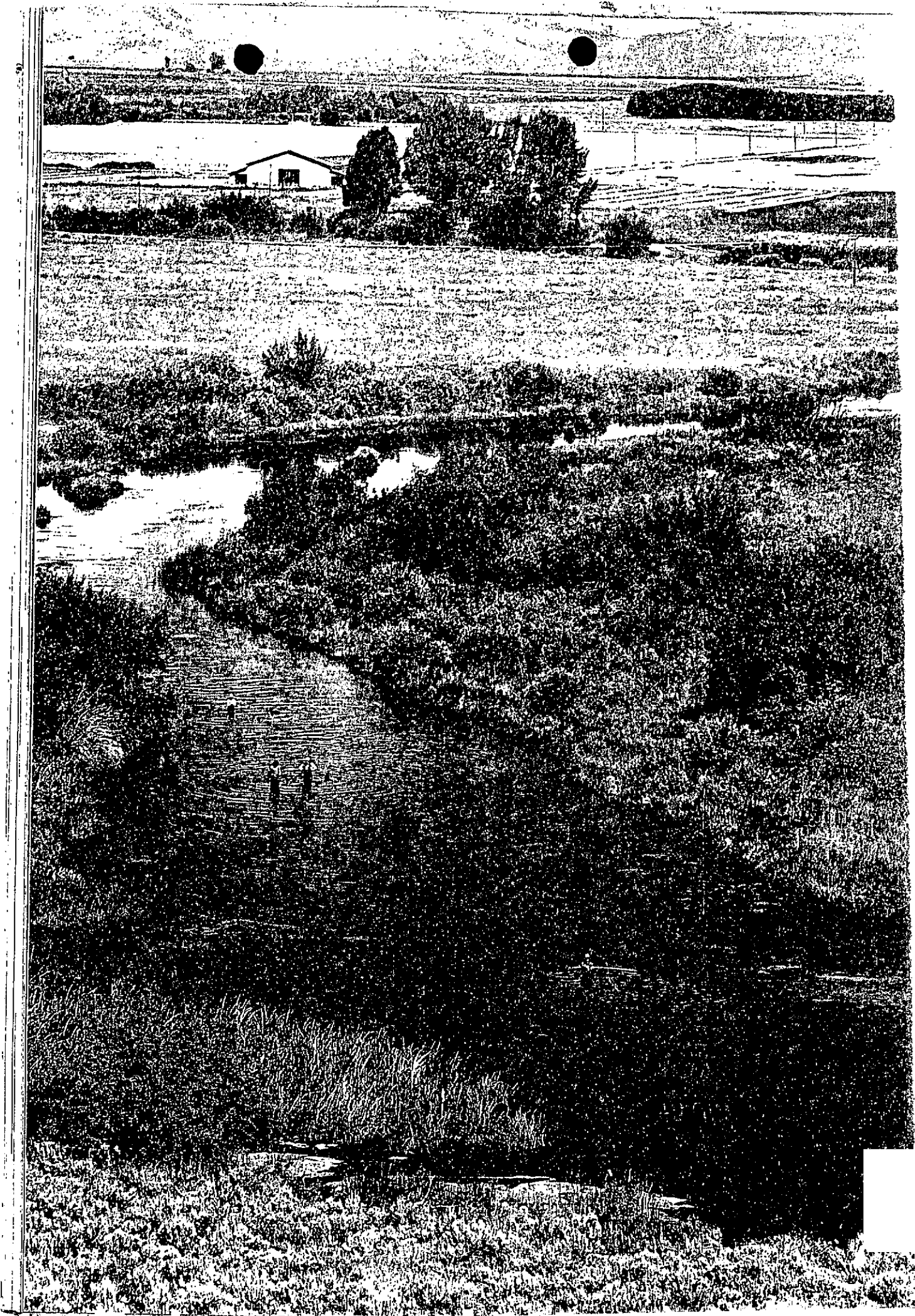
I left Prett there to try. I wasn't ready for those trout. Not yet. But when I return, they'll still be there. Nobody, not even Prett, is going to catch them all.

I met a lot of blue-ribbon anglers in my nine days on Silver Creek. I don't mean anglers who could speak Latin and double-

(Continued on page 102)

Most of Silver Creek is best fished from float tubes, but we were able to wade with relative ease in this stretch.

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Island Stream

(Continued from page 75)

haul 100 feet in the teeth of a gale, but rather sportsmen who appreciate and will fight to preserve a first-rate wild fishery. There were good ol' boys in pickup trucks. There were tweedy eastern doctors. There were Texas oil men with sleek private jets and well-tended girlfriends. There were ski addicts from Sun Valley who had developed a trout habit to get them through the warm months. They were good company when I needed it, and they left me alone when I felt like being alone. Nine days of blue skies and summer sun, of eagles wheeling in the updraft from the sere hills, of bottomland covered with plants that surely were named by poets—panic grass, houndstongue, death camas and pearly everlasting.

After that first day with Prett (he never did get another look at Moby Trout), I rose the next morning at dawn and set off on a solo voyage in my Rent-a-Dent (a much-abused gas guzzler whose twin virtues were good tires and a loud radio). My destination: Point of Rocks, an out-of-the-way public access to the lower reaches of the stream. The tricho spinners were just hitting the water, dense clouds of tiny black mayflies. The fish rose in groups of nine or ten, sipping and swirling. Casting in this situation is similar to shooting into a covey of quail on the rise: you pick one and go for it. Either that or you can blindly aim in the direction of the group and claim that the one you get is the one you tried for.

So insistent are the fish in their feeding that there is no putting them down. Even the sloppy caster is forgiven by the trout of Silver Creek. If the fish sees line, he won't take on that cast; however, he'll take on the next if it's properly presented.

As I entered the water, I could see downstream for 100 yards. Thirty or 40 fish were breaking the surface with regularity. I tied on a Size 22 spinner imitation, with black body, long tail and white wings. I have fished small flies before, but never with confidence. I had done it because you were supposed to, because I had read about it, because some fishermen had recommended it. I had done it unwillingly and without faith. But that was in the East, where the Puritan ethic teaches us that we must suffer for our pleasures. This was the West, though, and the morning was fresh and the world felt new. After a dozen casts I was fast to a fish. I lifted my rod straight over my head, extending both arms as high as I could in order to keep his head up and out of the weeds. I landed him by hand, cradling his belly to quiet him. He unhooked cooperatively, revived quickly and disappeared into the weeds.

By the end of the spinner fall I had covered a quarter mile and taken half-a-dozen fish. I walked through a field of chest-high

barley, sending up battalions of grasshoppers in front of me, a sign of good fishing in the late season. The thermometer had passed 90 and I was drenched in sweat, the kind of sweat that wants a cold beer.

I bought a beer from Mickey, who owns the cafe in Gannet (the locals call it The Country Club). I had time to kill and Mickey likes to shoot the breeze. She makes a prodigious cheeseburger and knows everything that has happened on Silver Creek for the past half century. She remembers the old days when Averill Harriman, Chairman of the Union Pacific Railroad, built the glittering Sun Valley resort.

Harriman was looking for a way to turn all that winter snow into an asset that would attract passengers from the Southern Pacific route. He spent millions. Hollywood and Park Avenue turned out in force. Sun Valley became the place, and a few of that crowd found their way down to Silver Creek to fish and hunt. Gary Cooper and Clark Gable, Jane Russell, John Wayne and, most of all, Ernest Hemingway. I looked at them in old snapshots. They hunted deer, pheasants, partridge, and ducks. They look very happy in those pictures. Their smiles are real, not pasted on. People always smile for real when they have a big bag of game or a good fish.



Mickey reminisced, and the afternoon passed at a relaxed pace. Farm boys walked in and out. Fishermen stopped in to ask directions. Cowboys loped in wearing baseball hats and running shoes. Tourists came through in cowboy hats and boots. Midway through my second Budweiser I was called upon, in my capacity as an author, to settle a dispute.

It seems that Mickey had bought a piano for the beer parlor that adjoined her store. The question revolved around the proper way to pronounce the word piano. Mickey, whose Idaho accent is as thick as mashed potatoes, was sure that you called it a "pie-anna." Her opponent, a rancher's wife from up the road, held out for "pee-annoh." I told Mickey that I had always heard it pronounced the second way, and she shot me a look that patriots reserve for traitors. Then she smiled and I felt at home, reflecting that there is more to a fishing trip than fishing.

If you go to that hill where I looked out that first morning, your vision of Silver Creek will be that of water set in the middle of a land. Where a true island has shore, the stream is garlanded with green cottonwood trees and trees. Beyond that are golden fields, and dry hills. The land and the water separate, unrelated, like two who have never exchanged a glance.

Just below you, Sullivan's Slope, the last of the pure strain of McClure rainbows, introduced at the turn of the century. They replaced the native trout that could not abide the change brought about by the white man that chewed up the low ground and trampled down the river.

Then, just downstream, there is a long meander that cuts through the Nature Conservancy, which is there to create a forever-wild haven on the reaches of the creek.

The Conservancy spills into a sized impoundment that receives fishing pressure, but which still has good trout. There's a dam at the pond, marking the beginning of the Ranch. And the stretch of water below is, to my mind, the best way on the Silver Creek experience. Along in a float tube, you enter the just below the Conservancy. On water, you don't get out for the six hours that it takes to traverse the Ranch. The creek, a navigable waterway, is open to the public. The banks are private and posted. If you hit you will cast to rising fish all day.

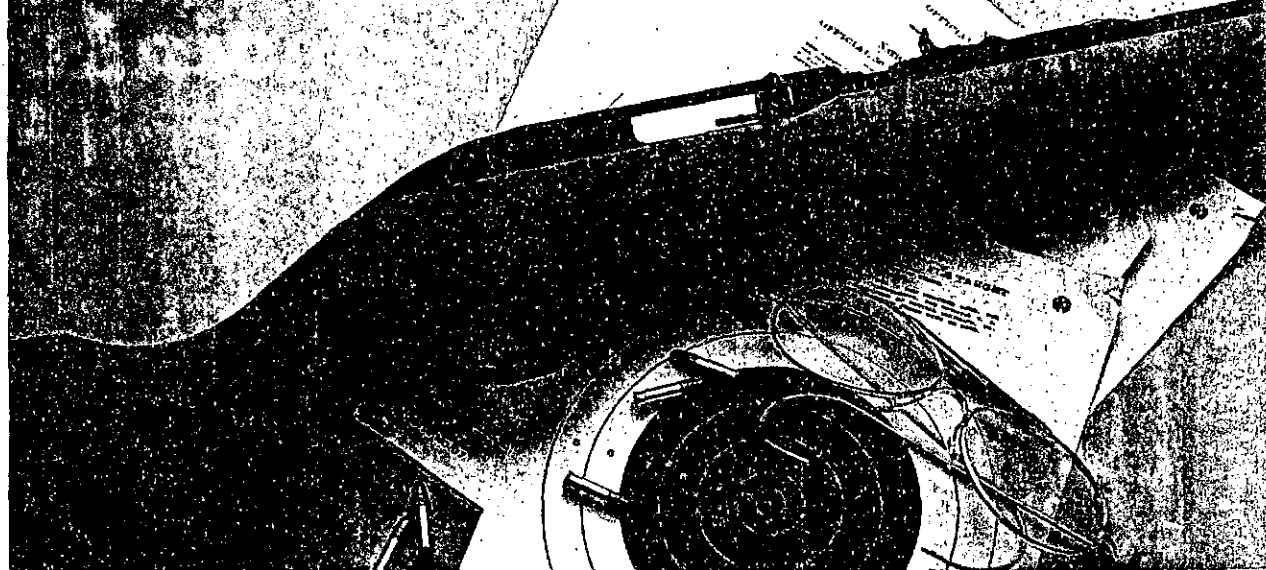
I hit it on such a day. There were us: Clay Carter, Andy Kent and Remade up the Sun Valley contingent dyed-in-the-wool fishermen who probably miss their own funerals if they hatch on; and Tony Atwill, a *Sports Illustrated* contributing editor, who had just

Tony and I arrived at the access, chatted with the other fishermen, and was talk of streams all over the Florida couple had just helicoptered Jackson Hole, where the water was and the hatches late. They planned Silver Creek in the morning, after they were going to West Yellowstone the afternoon. In this fashion they were going to fish their way to Alaska.

In contrast to the well-equipped anglers, two fellows in a beat-up Dodge came from Henry's Fork, having drifted the night. They sported two-day beans and looked as if they were not above beans from a can. They filled us in on conditions at the Railroad Ranch. And each morning you can count on a nationwide fishing report if you hang long enough by the Conservancy. You stand there on the bridge, sip smoke a few butts and ease into the

We finally got geared up and moved 9:30 a.m., a clumsy flotilla of four in float tubes and one shutterbug (At

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an inflatable boat. We eased across the pond and portaged the dam, re-entering the creek at the beginning of the Purdy Ranch. We spread out over 60 or 70 yards, each of us casting to nine or ten risers. Clay hooked one and let go an ear-cracking whoop. Andy stalked a beautiful trout and took it on the 20th cast. Then Ron had one on, then Clay again, then Tony, then me. On and on for three hours.

The spinner fall ended and tiny *Baetis* began to hatch. They covered my hat, my arms, my glasses. The trout never missed a beat. They kept on feeding. We fished. We chatted. We floated. We traded techniques. We swapped flies. We sweated in the sun.

Then there were more spinners, this time yellow with purple wings. The morning was endless. Floating, bobbing and casting as the gentle current pulled us along, we were like weightless astronauts, like babes in the womb. Time passed as seamlessly as I can ever recall. It slid by, a peaceful dream punctuated by the lunge of a hooked trout, the whirl of the reel, the click click of the drag.

We stopped to eat and talk and trade lies. We took turns casting to a large bank feeder. We kidded each other, like guys at a county fair trying to ring the bell with a sledghammer. We watched an old man casting the width of the stream. Each time he hooked a fish, his golden retriever jumped and barked. We complimented the

man. He doffed his hat.

It is remarkable, as I think back, how many images I have kept from that day. In some ways those few hours rest fuller in my memory than whole months, even years, spent in the city. Chief among the mental snapshots of that day is the view I had from the pond at nightfall.

We had finished the float at 5 o'clock. We stopped by Mickey's for food and drink. Her "pie-annah" had arrived and she picked out *Heart and Soul* with gusto.

We were on the pond at dusk. The water glassed over as the wind died to a whisper. I had a feeling that a nice trout lay somewhere in the middle of the lake, far from cover. I don't know why I felt it; I just got a tingle. The water seemed to bulge. It looked . . . well . . . it looked pregnant, and I knew the next cast would do the trick.

It did.

I held my breath all through the fight, expelling it as I released the fish. He cut a wake for the far bank. Overhead, the full moon hung above the horizon. It lit up the hills and rained silver on a mare and two colts grazing on the shore. The mist rolled off the hayfields.

Venus sat atop the mountain.

If you go . . .

Like most streams in the continental United States, Silver Creek offers the best

fishing between June and September. Most productive fly patterns are the Morning Dun, Brown Drake, Sofa P Brown Quill, Tricho Spinner, Adan Royal Wulff. Waders are a must for sections of the stream, although the good bank fishing, particularly at Pe Rocks, just off the Picabo-Gannet Road float tube is also mighty handy.

The Sun Valley Fly Fishing Shop, Ketchum, Idaho, is stocked with everything you'll need. Ron Fudge, the proprietor, heads up a first-rate team of guides who can orient you to the finer points of Silver Creek. To make guide reservations or to simply ask for information, call the Sun Valley Fly Fishing Shop, P.O. 1616, Sun Valley, ID 83353, phone 726-9203.

There are campgrounds in the area: motels in Bellevue, Hailey and Sun Valley. The nearest private airstrip is in Hailey while the nearest commercial airports are in Twin Falls and Boise.

If you do go to Silver Creek, make sure to visit the Conservancy near Rt. 68 at Picabo. You must sign in at headquarters if you want to fish the Conservancy waters. Try some other stretches of the stream, too. You'll have more water to your advantage.

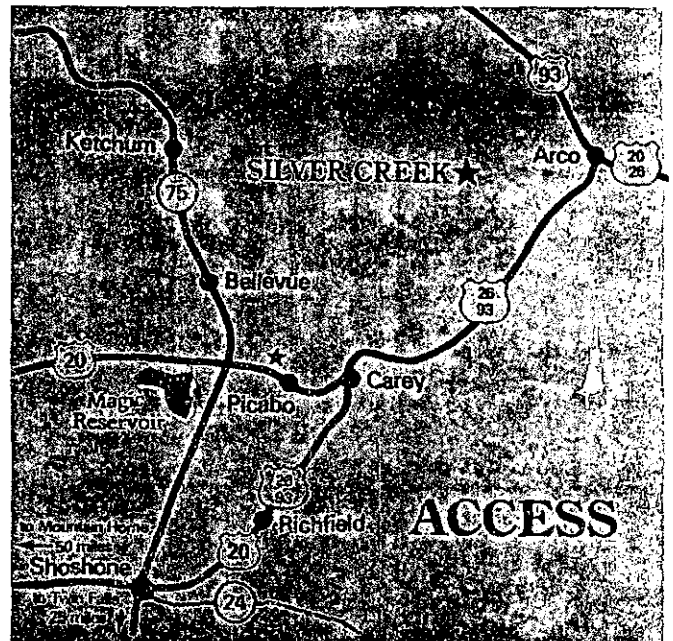
Idaho's fishing season runs from May 1 to November 30. Resident licenses are \$10.50, while nonresident licenses are \$4.50, one-day or \$14.50, seven day.

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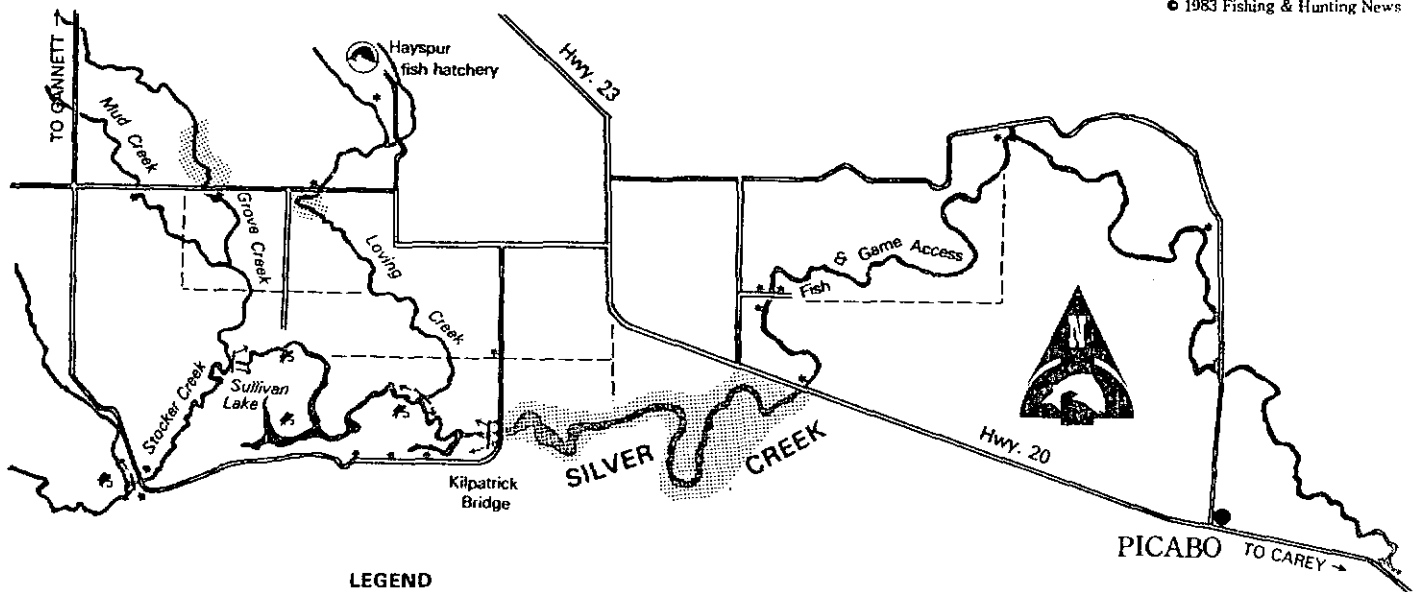
JAN 31 1984

Department of Water Resources

UPPER SILVER CREEK



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LEGEND

ACCESS POINT

CLOSED TO TRESPASS

FLY FISHING ONLY

Twisting and turning its way through green meadows and sage of central Idaho, Silver Creek's reputation as a blue-ribbon trout stream is well-deserved. Browns and rainbows, most of them native fish, range up to 6 and 8 pounds. Of course, by then, they're wily quarry indeed enough to challenge the best of angling skills.

Floaters and waders both ply the stream, although those not familiar with the stream can find its length deceiving. Between Picabo and the highway 20 bridge is only about a mile of pavement, yet there's close to a dozen miles of stream winding back and forth in the same space—a whole day's float at the slow pace the stream runs.

In the early season preceeding the May and June runoff, baits like worms, hellgrammites and casebearers (saved in the freezer) work well, along with fly patterns like Sandy Mites, black and grey shrimp patterns, Wolly Worms, Wolly Buggers, and the local favorite, the Mackay Special. Coachmen and mayflies are also good early season attractors.

Located 30 miles south of Ketchum, the creek is easily reached via highway 20 from Arco, highway 93 from Twin Falls, and highway 23 from Sun Valley. The store at Picabo has gear, grub and good directions, if you need em.

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Sincerely,
Bill Farden
Bill Farden
Publisher

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The Nation's Largest Outdoor Weekly



Dear Idaho Sportsman:

The Upper Silver Creek map at left was one of the most requested of the fifty-two map features we created for Idaho Fishing & Hunting News readers last year. Please accept it with our compliments.

It also serves to demonstrate the kind of detailed, local coverage Idaho sportsmen have come to rely on to help them put more fish in their boat or game on their table.

Because F&H News is written for Idaho sportsmen who want to know where the action is RIGHT NOW...whether it's St. Joe rainbows, Palisades cutthroats, Lochsa elk, Clearwater steelhead, Snake River chukar, or mule deer in the Salmon River basin. From border to border, from below the Snake to Canada, we make it our business to find the remote and well known hot spots and report on them in quick, accurate, weekly forecasts.

In addition, we provide a wealth of special features (like the weekly map feature) that help give our readers a telling advantage in the field or on the water. But that "telling advantage" can only be yours as a regular reader of F&H News...and that's why we're making this special Introductory Offer to prospective subscribers like you:

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Sincerely,

Bill Farden
Bill Farden
Publisher

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JAN 31 1984

Department of Water Resources

A BASELINE STUDY OF THE AQUATIC ECOLOGY OF UPPER SILVER CREEK, 1981-82

- I. Aquatic macrophytes, organic detritus, and deposited sediment
By: C. Yvonne Manuel-Faler
- II. Benthic invertebrates
By: G. Wayne Minshall and C. Yvonne Manuel-Faler
- III. Fish populations
By: J.S. Griffith

DEPARTMENT OF BIOLOGY
Idaho State University
Pocatello, Idaho 83209

Prepared for
THE NATURE CONSERVANCY
October 1982

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Aquatic plants were abundant on the first three sampling dates and were present (but sparse) in May.

Station 6 (Lower Silver Creek) differs from station 5 in that it is only 21.6 m wide (compared to 36.5 at station 5) and is much deeper, with mean water depths ranging from 76 cm in May to 108 cm in August. It is similar to Station 5 in that the amount of deposited sediment was relatively small, ranging in depth from 2 cm in November to 11 cm in May. The increase in May could be due an to influx of sediment from Loving Creek during Spring runoff. The streambed was exposed on all sampling dates (10 - 20%).

Aquatic Macrophytes and Organic Detritus

Silver Creek is an ideal habitat for the growth of aquatic macrophytes: 1) the streambed provides suitable substrate for root attachment, either in deposited sediment or in sandy crevices between small pebbles and rocks, 2) the open canopy permits sufficient light to reach the stream, and 3) the high levels of calcium carbonate and other plant nutrients promote plant growth. Furthermore, during relatively mild winters, such as 1980-81, the water (emerging as springs at about 11 degrees C) remains several degrees above freezing and some of the plants (particularly Chara) over-winter in relatively high abundances.

Taxonomic Richness of Aquatic Plant Community

In this study 13 taxa were identified either at one of the sampling sites or elsewhere in the stream (Table 3). Chara vulgaris occurred at all sampling sites and was the most abundant macrophyte at all stations except Upper Stalker Creek, where

INTRODUCTION

In October of 1981 the fish population of The Nature Conservancy portion of Silver Creek was sampled to assess its status and especially evaluate changes that may have occurred since the implementation of catch-and-release regulations in 1977. Since the size and depth of the stream necessitates elaborate efforts to quantitatively estimate fish abundance, we instead collected trout from throughout the upper stream system to evaluate growth, condition and hook scarring. These data could then be compared with those gathered in 1976-77 to determine if changes have occurred.

DESCRIPTION OF STUDY SITES

Seven study sections on upper Silver Creek (Fig. 1) were utilized to gather fish population data. These were:

1. Stalker Creek - the 50 m portion of Stalker Creek immediately above its confluence with Grove Creek.
2. Confluence - the 50 m portion of Silver Creek immediately below its origin at the confluence of Grove and Stalker Creek.
3. Terens - from lower end of island below McMahan house to Teren footbridge.
4. Wood bridge - 120 m portion of Silver Creek immediately above the wooden bridge located between Terens and mouth of Sullivan Slough.

CONCLUSIONS AND RECOMMENDATIONS

The growth of rainbow trout in upper Silver Creek is excellent, especially during the initial two years. This is in part a function of good growing conditions during the spring and fall of the year. Is the food supply presently limiting the production of trout? It is possible to only speculate at this time, since little information is available on the direct relationship between Silver Creek trout and their sources of food. The predominance of smaller invertebrates, especially Chironomidae, in the benthos should favor the growth of smaller fish. Trout stomachs examined from July - November by Francis and Bjornn (1979) did not indicate this, as fish smaller than 250 mm had essentially the same diet as larger fish. Idaho Fish and Game file data summarized by Pettit provides stomach content data for trout (fish length not recorded) collected from April 1976 through March 1977. Mayflies, mostly Baetis, comprized 64-83% of diet during summer periods. In winter and spring, however, Chironomidae made up 68-70% of the numbers of items eaten.

The incidence of hook scarring is similar or less than that found for other populations of trout subject to intensive catch-and-release fisheries. At the present level of angling effort it is unlikely that angler-caused mortality is having a significant negative impact on trout growth or survival.

A schedule should be established for periodic population estimation in the upper portion of Silver Creek. This will be an elaborate effort, ideally utilizing more than one boat and generator and block nets to isolate each stream section. At the same time, data on growth and incidence of hook scarring should be gathered. This procedure should be systematically repeated at intervals of about five years.

December 20, 1983

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

Attention: Dave Hanson

Gentlemen:

Re: Minimum Stream Flow Permit Nos. 37-7727 and 37-7728 - Silver Creek

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 February 1, 1984.

The Board requests that you provide us the data you have collected within the minimum stream flow reach such as creel counts, fisherman day data, water measurements and any other appropriate data to show that the findings described in Section 42-1503, Idaho Code can be supported and a license of water right can ultimately be issued by the Department. The data you supply the Board will be submitted to the Department as part of the required proof of beneficial use.

The amount of information required to prove beneficial use to the Department likely will vary from permit to permit, depending on the amount of information already in the Department's file, the purpose of the minimum flow, and the conditions of approval of the permit.

If you have specific questions regarding appropriate data, you may wish to contact Dave Tuthill of the Department's staff at phone 334-4104.

Sincerely,

GENE GRAY, Chairman
Minimum Stream Flow Committee

cc: Dave Tuthill

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
BOISE, ID 83701

PROOF DUE NOTICE

NOVEMBER 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7727 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD 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 POSTCARD 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

RECORDED

DOVE SPRINGS AND THE NARROWS WATER DISTRICT

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

November 18, 1983

NOV 28 1983

Dept. of Water Resources

TO: Idaho Power Lawsuit Defendants 01-7021, 02-7128, 02-7138
Water Right Number(s): 36-7872, 36-7818-22, 37-7777+28+34+39,
37-7849 37-7892, 37-7920, 61-7373 22-7369

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

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

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

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

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

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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

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MICHAEL D. CRAPO
JAMES O. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE L. 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 W. HOLDEN (1977-1982)
ROBERT B. HOLDEN (1911-1974)
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

MICROFILMED

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

February 24, 1983

Mr. Dave Hansen
State Fisheries Manager
Idaho Department of Fish and Game
600 S. Walnut St.
Boise, ID 83707

Re: Minimum Stream Flows

Dear Mr. Hansen:

It is my understanding that you have assumed the position as State Fisheries Manager, and as such will have the responsibility of coordinating the Idaho Department of Fish and Game (IDFG) activities relating to minimum stream flow (MSF) water rights. If this responsibility has been delegated to another individual, please forward this letter accordingly.

I am writing on behalf of the Idaho Water Resource Board (IWRB) to identify the status of development of existing MSF permits. As you may be aware, all nine of the MSF permits that have been sanctioned by the state legislature to date were originally requested by the IDFG. Since the IWRB depends on the requesting agency to carry out the development requirements of the permits, these requirements have all been shouldered by the IDFG.

The IDFG has received copies of all of the MSF permits and related memorandum decisions that have been approved to date. The conditions of approval are included in the memorandum decisions, which I have summarized as an attachment to this letter. Note that the summary includes ten permits, the last one of which (Devils Corral Springs) is currently pending approval by the legislature.

The latest update that we received regarding implementation by the IDFG of the conditions of approval (requirements) was a letter from Herb Pollard dated October 20, 1981, a copy of which has been enclosed. Note that although some work has been accomplished, a significant number of requirements have not been met.

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Dave Hansen
February 24, 1983
Page 2

In addition to the requirements on existing permits, the IWRB had requested that the IDFG contact owners of property riparian to the third and lowest segment of Silver Creek (water right No. 37-7849). Herb Pollard's letter indicates that your regional office was preparing a report on these contacts, but we have not received the report to date.

Please review this information, and I invite you to give me a call at 4104 to discuss implementation. I recognize that this is only one of a vast number of programs for which the IDFG is responsible, but a continued effort is needed to develop these permits into licenses, thus completing the statutory filing procedure. I look forward to working with you on this program.

Sincerely,

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

DRT:sc

Enclosures

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SUMMARY OF REQUIREMENTS
for
Approved Minimum Streamflow Permits

<u>Permit No.</u>	<u>Stream/Requirements</u>
11-7152	St. Charles Creek - A measuring device must be installed and maintained or flows through concrete diversion works must be correlated with a gauge installed on the works. - Proof of beneficial use must be submitted by Sept. 1, 1985. - Proof shall include 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.
37-7734 & 36-7818	Bancroft Springs and Vinyard Springs - If found to be required by the Director, gauging stations must be installed. - Proof of beneficial use must be submitted by July 1, 1984.
37-7727 & 37-7728	Silver Creek - If found to be required by the Director, additional gauging stations must be installed. - Proof of beneficial use must be submitted by February 1, 1984.
37-7739	Little Wood River - If found to be required by the Director, additional gauging stations must be installed. - Proof of beneficial use must be submitted by Sept. 1, 1985. - Proof 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.
95-7874, 96-7771, 96-7772	Wolf Lodge Creek, Granite Creek and Sullivan Springs - Measuring devices of a type and at locations approved by the Director shall be installed and maintained to monitor the flow of Wolf Lodge Creek. - Proof of beneficial use shall be submitted by Sept. 1, 1984. - Proof shall include three years of flow data for the water course. The frequency of the flow data accumulation shall be submitted to the Director for review and approval.
36-7872	Devils Corral Springs - If found to be required by the Director, additional gauging stations must be installed. - Proof of beneficial use must be submitted by April 1, 1987.

*3 staff
gauging
installation*

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STATE OF IDAHO

file 37-7727

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

*Roberta -
put in files
January 14, 1980 if not
already done.
NUG*

Dear Legislator:

For the opening of the 1980 legislative session the Idaho Water Resource Board has submitted to the Legislature seven applications for minimum instream flows which have been approved by the Director of the Idaho Department of Water Resources. These applications will become effective under the provisions of I.C. §42-1503 if the legislature passes a concurrent resolution of approval or fails to act at all prior to the end of the regular session.

Recent newspaper stories have reflected considerable misunderstanding and misinformation concerning the minimum flow law which was adopted in 1978 and the action taken by the Idaho Water Resource Board under that act. My purpose in writing to each senator and representative is to try to clarify the law and our actions under that law to date.

Under I.C. §42-1501 the preservation of minimum stream flows for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality is recognized as a beneficial use. The Idaho Water Resource Board is granted the power to apply for a minimum flow right and hold that right if approved. No other agency or individual can either make application or hold a minimum flow water right.

The standards to be used by the Director in determining whether to approve a minimum flow are set forth in I.C. §42-1503. It is very important to note that under the first requirement of that section the Director cannot approve an application for a minimum flow unless he specifically makes a finding that such an appropriation:

Will not interfere with any vested water right, permit, or water application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act.

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Minimum flow applications are treated exactly in this same fashion as any diversionary applications. Any right that is granted is subsequent to and inferior to any prior right. The minimum flow rights are subject to the statutory and constitutional rule in Idaho commonly expressed as "first in time is first in right."

On the sources described by the seven applications which were approved by the Director, there were no other applications pending prior to the date of the Board's application. Prior water rights exist on the sources of three of the approved applications, but the applications are junior in priority to the existing water rights.

The Board did submit four other applications in the Thousand Springs area. The testimony at the hearings and the records of the Department of Water Resources indicated that undeveloped water rights exist on the four sources described by the applications. These existing water rights are recorded in the form of unapproved applications and undeveloped permits. The Director has not approved the four applications submitted by the Board but has deferred action to see if the prior filings are developed within the allowable time limits.

The following applications as approved by the Director have been presented to the Speaker of the House and the President Protem of the Senate for your consideration:

- ✓ Permit No. 37-7727 Silver Creek, tributary to the Little Wood River, Blaine County, 99 c.f.s.
- Permit No. 37-7728 Silver Creek, tributary to the Little Wood River, Blaine County, 74 c.f.s.
- Permit No. 36-7818 Vinyard Creek, tributary to the Snake River, Jerome County, 17 c.f.s.
- Permit No. 37-7734 Bancroft Springs, tributary to the Snake River, Elmore County, 17 c.f.s.
- Permit No. 95-7874 Wolf Lodge Creek, tributary to Coeur d'Alene Lake, Kootenai County, 30 c.f.s.
- Permit No. 96-7771 Granite Creek, tributary to Pend Oreille Lake, Bonner County, 45 c.f.s.
- Permit No. 96-7772 Sullivan Springs, tributary to Pend Oreille Lake, Bonner County, 45 c.f.s.

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January 14, 1980
Page 3

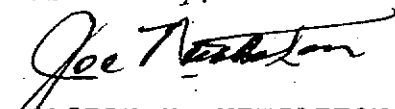
You may be interested in the procedures that were followed. The Department published legal notice of hearings on all applications and in addition news releases concerning the applications were sent to newspapers in the vicinity. The first hearing was on the Silver Creek applications held in the City Hall at Hailey on January 11, 1979. Approximately 40 people attended and twelve testified in support of the applications. There was no opposition at the hearing to either application.

A hearing was held in Buhl on April 25th and 26th on Vinyard Creek and Bancroft Springs along with four other flows in the Thousand Springs area. Approximately 50 people attended the hearing. There was considerable testimony in support of all of the applications with opposition to the request for flows on some of the springs from trout farming interests. There was no testimony in opposition to either Vinyard Creek or Bancroft Springs. Consolidated hearing was held on the three Panhandle applications in Coeur d'Alene on August 2nd. Approximately twenty people attended and all of the testimony was in support of the applications.

Some members of our board were in attendance at each of the hearings. As far as we can determine from the public hearings and the written testimony received by the Department, the applications as approved have very substantial public support and are free from controversy. We believe these seven applications are consistent with the intent of the legislature at the time it unanimously passed the minimum stream flow law as part of its consideration of the State Water Plan.

The approved applications with supporting documentation will be available in the legislative files. If there is any further information that you desire to have, please do not hesitate to call upon us.

Sincerely,


JOSEPH H. NETTLETON
Chairman

JHN:SWR:rh

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WATER RIGHTS WORK SHEET

IDENTIFICATION NUMBER 37-7727

RECORD 01 LAST NAME(40 char.) FIRST NAME(20 char.) ORIG. OWNER

ACTION CODE

RECORD 02 ADDRESS LINE 1(30 char.) LINE 2(30 char.)

<u>C</u>	<u>STATEHOUSE</u>

RECORD 03 ADDRESS LINE 3(30 char.) CITY(23) STATE(2) ZIP(5)

<u>C</u>			<u>83720</u>

RECORD 04 SOURCE OF WATER(30 char.) TRIBUTARY OF(30 char.)

RECORD 05 ACTION CODE

A. STAGE(1 char.) (A,P,L,D,S,J OR BLANK)	<u>C</u>	<u>L</u>
B. STATUS(1 char.) (D,L,R,C,A,I,F OR BLANK)		
C. PRIORITY DATE(8 char.)		
D. COUNTY OF P/D(2 char.)		
E. TOTAL DIVERSION RATE(10 char.)		
F. TOTAL DIVERSION VOLUME(10 char.)		
G. TRANSFER/AMENDMENT(1 char.) (P, T, A OR BLANK)		
H. WATER DISTRICT NUMBER(3 char.)	<u>C</u>	<u>37M</u>
I. DLE/CARFY ACT(1 char.) (D, C OR BLANK)		
J. RIGHT BASIS(1 char.) (for adjudications only A, B, C, D, E, F OR BLANK)		

RECORD 06

ACTION CODE	POINT OF DIVERSION(16 char.)					
	TRACT	SEC.	TWP.	RGE.	GOV'T. LOT	REDIV.
<u>X</u>	<u>NE1/4</u>	<u>27</u>	<u>15</u>	<u>20E</u>		

RECORD 07 PERIOD OF USE(8 char.)

ACTION CODE	FROM	TO	USE CODE	CFS	AFA
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECORD 08 PLACE OF USE

ACTION CODE	USE CODE	TWP.	RGE.	SEC.	TRACT	LOT	ACRES
<u>X</u>	<u>N</u>	<u>15</u>	<u>20E</u>	<u>27</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

RECORD 09 NAME(60 char.) DECREE DATE(3 char)

RECORD 10 REMARKS(65 char.)

X

(This deletes all remarks.)

- A. THIS INSTREAM FLOW WATER RT. IS SUBJECT TO ALL PRICE WATER RTS.
- B. SAID WATERS TO BE MAINTAINED (see
- C. LICENSE)
- D. _____
- E. _____

RECORD 11, 12 or 14 11 OTHER USES(65 char.)
 12 OTHER RIGHTS(65 char.)
 14 DIVERSION MEANS(65 char.)

RECORD ACTION CODE

RECORD 13

ACTION CODE

A. PROOF DUE DATE(8 char.)	_____	_____
B. PERMIT/DENIED DATE(8 char.)	_____	_____
C. PROTESTED DATE(8 char.)	_____	_____
C. HEARING DATE(8 char.)	_____	_____
E. OLD NUMBER(5 char.)	_____	_____
F. PROOF MADE(1 char.)	_____	_____
G. FIELD EXAM MADE(1 char.) (P, R, F OR BLANK)	_____	_____
H. CONDITIONS OF APPROVAL(3 char.) (8 CONDITIONS)	_____	_____

IDENT. NO. 37-7727

I D 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]



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

January 7, 1980

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

Dear Senator Budge:

Enclosed please find copies of the applications for permit to appropriate water for minimum streamflow purposes that have been approved by this Department during calendar year 1979. They are numbered 37-7734, 37-7728, 36-7818, 37-7727, 95-7874, 96-7772, and 96-7771.

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

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

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

January 7, 1980

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

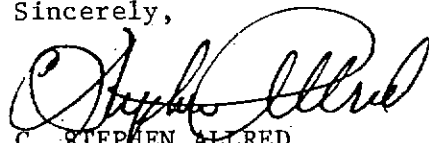
Dear Mr. Speaker:

Enclosed please find copies of the applications for permit to appropriate water for minimum streamflow purposes that have been approved by this Department during calendar year 1979. They are numbered 37-7734, 37-7728, 36-7818, 37-7727, 95-7874, 96-7772, and 96-7771.

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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

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AFFIDAVIT of PUBLICATION

State of Idaho, }
 County of Blaine } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 7 day of December

19 78, and the date of the last publication was on the 14

day of December, 19 78

Gordon J. Laumast
 Subscribed and sworn to before me this 7

day of March, 19 79

(SEAL) Robert M. Kersch
 NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 45

Number of Insertions 2

Lines tabular at 39c

45 Lines straight at 26c 11.70

45 Subsequent lines at 15c 6.75

TOTAL COST 18.45

COPY OF NOTICE

(Paste Here)

Applications 37-7727
 TITLE OF NOTICE 37-7728

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resource
 BILL TO

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted two (2) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve minimum streamflows in Silver Creek, a tributary to the Little Wood River, and are further described as follows:

Application No. 37-7727

Point of minimum streamflow: NE 1/4 NW 1/4, Sec. 27, Twp. 1S, Rge. 20E, B.M., Blaine County

Rate of flow: 99 cubic feet per second
 Season of use: January 1 to December 31

Use: To maintain wild trout rearing habitat

Application No. 37-7728

Point of minimum streamflow: NE 1/4 SE 1/4, Sec. 20, Twp. 2S, Rge. 21 E, B.M., Blaine County

Rate of flow: 74 cubic feet per second
 Season of use: January 1 to December 31

Use: To maintain wild trout rearing
 The Director of the Department of Water Resources will hold a public hearing on the applications at 9:00 a.m. on Thursday, January 11, 1979, at the City Hall, Hailey, Idaho, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

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

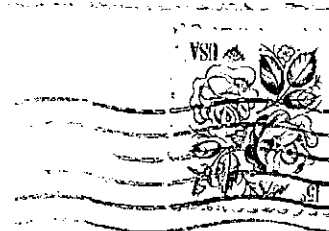
C. Stephen Allred
 Director

Publish: Wood River Journal, December 7 and 14, 1978.

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WOOD RIVER JOURNAL

P.O. BOX 988
HAILEY, IDAHO 83333



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Attn: Rita Fleck

Department of Water Resources

373 West Ranklin

Boi se, Idaho 83702



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

March 1, 1979

George Yost, Chairman
Idaho Water Resource Board
P. O. Box 686
Emmett, ID 83617

Dear Mr. Yost:

Re: Applications for Permit Nos. 37-7727 and 37-7728

Enclosed are copies of your approved Applications for Permit Nos. 37-7727 and 37-7728 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

Be sure to note the condition that the approval of these applications by the Director does not become finally effective until approved by the legislature pursuant to Section 42-1503, Idaho Code.

Any person who testified at the hearing on these applications before the Department and who is aggrieved by the decision of the Director may request a rehearing before the Director within 20 days, or may appeal the decision to the district court in the manner provided in Sections 67-5215 and 67-5216, Idaho Code.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: Apps. for Permit
Mem. Dec. & Order

cc: See attached Certificate of Mailing ✓
(Mem. Dec. & Order only)

MICROFILMED

March 1, 1979

George Yost, Chairman
Idaho Water Resource Board
P. O. Box 686
Emmett, ID 83617

Dear Mr. Yost:

Re: Applications for Permit Nos. 37-7727 and 37-7728

Enclosed are copies of your approved Applications for Permit Nos. 37-7727 and 37-7728 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

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Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: Apps. for Permit
Mem. Dec. & Order

cc: See attached Certificate of Mailing
(Mem. Dec. & Order only)

MICROFILMED

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

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 37-7727 and 37-7728)
IN THE NAME OF THE IDAHO WATER)
RESOURCE BOARD)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 1st day of March, 1979,
a true and correct copy of the attached MEMORANDUM DECISION AND ORDER
was mailed, postage prepaid to:

George Yost
P. O. Box 686
Emmett, ID 83617

Stacy Gebhards
600 S. Walnut Street
Boise, ID 83706

Russ Thurow
Box 286
Soda Springs, ID 83276

Tim Cochmauer
509 E. Main
Jerome, ID 83338

Don K. Zuck
486 Rose Street No.
Twin Falls, ID 83301

Gary Slette
Box 923
Sun Valley, ID 83353

Ronald E. Hicks
486 Buckingham Drive
Twin Falls, ID 83301

Fay H. Sherwood
Box 273
Sun Valley, ID 83301

Doris F. Couch
Route 3
Buhl, ID 83316

Reid J. Newby
Shoshone, ID 83352

Gordon Beebe
P. O. Box 624
Picabo, ID 83348

Harvey Bickett
Route 1
Bellevue, ID 83313

Ken Ellis
Route 3, Box 50
Buhl, ID 83316

Bud Purdy
Picabo, ID 83348

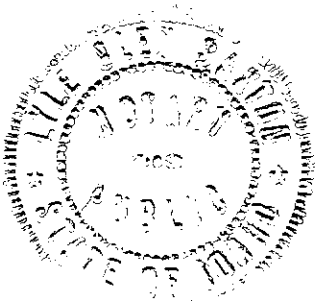
Don Kramer
Castleford, ID 83321

Scott W. Reed
P. O. Box A
Coeur d'Alene, ID 83814


RITA FLECK
Senior Secretary
Idaho Department of Water Resources

SUBSCRIBED AND SWORN To before me this 1st day of March, 1979.


Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 11-25-82







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

January 15, 1979

Mr. Ken Ellis
Route 3, Box 50
Buhl, Idaho 83316

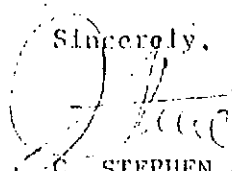
RE: Minimum Stream Flow Application Nos. 37-7727 and 37-7728 --
Idaho Water Resource Board

Dear Mr. Ellis:

The public hearing on the above applications for minimum stream flow on Silver Creek was held on January 11, 1979 in Hailey, Idaho. Before the hearing started you telephoned me to say that you were not able to attend the hearing because of the serious flooding conditions in your area. This letter confirms Norman Young's telephone conversation with you on January 12, 1979 regarding additional time to submit written testimony for the record.

At the hearing I provided an additional fifteen (15) days for the submittal of written material for the record. Such material must be received in the state office of the Department of Water Resources by January 26, 1979. Copies of submitted material will be furnished to persons making request to me in writing. Persons wishing to rebutt any material so submitted will have fifteen (15) days from January 26, 1979, or until February 12, 1979, to file their rebuttals with the Department.

Sincerely,


C. STEPHEN ALLRED
Director

CSA:PJR:dle

cc: Southern Regional Office ✓

MICROFILMED

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	1/11
	1/11	1/11
✓	1/11	1/11

MICROFILMED

SILVER CREEK HYDROLOGY

The flow of Silver Creek is influenced primarily by groundwater discharge from springs, with snowmelt runoff being a secondary factor. The average flow hydrograph for Silver Creek near Picabo in Figure 1 shows a pattern of low flows in May and June. Discharge begins to increase in June and gradually rises to a maximum in November as a result of recharge of the groundwater system by irrigation. Through the winter the groundwater discharge gradually declines until the next irrigation season. Snowmelt runoff in late March or early April causes the hydrograph to rise abruptly. These snowmelt peaks are of short duration and the streamflow rapidly declines to seasonal (low) levels. Groundwater storage causes a lag of several months between the times of maximum or minimum recharge and the flows of Silver Creek.

The minimum line in Figure 1 is that formed by plotting the minimum observed flow of record for each day of the year, and as such does not represent any one water year. The likelihood of flows on any single day less than these amounts is roughly 1 in 150.

The hydrograph of water year 1977 shown in Figure 1 is that measured at the new gaging site referred to as "Silver Creek at Sportsman Access." Data indicate that flow at the new site is generally greater than that at the Silver Creek near Picabo (old) site. Thus these two records are not equivalent. In fact, the flow at the Sportsman Access site is felt to be a maximum on the creek: Upstream flows are less, and downstream, flows are also generally less, although there is some seasonal variation of gaining and losing reaches.

MICROFILMED

DIRECTOR	
DEPUTY DIR.	
DEPT. ADMIN.	
DEPT. FINANCE	
DEPT. HEALTH	
TECH. SERV. DIV.	
PLANNING DIV.	
LEGAL	
RECORDS	
PERSONNEL	
FILES	

Idaho Falls, Idaho 83401

RECEIVED

JAN 9 1979

Department of Water Resources

Dear Norman Young:

This landmark decision is one which will set the stage for future protection of all Idaho streams without conflicting with other beneficial water uses. We consider its fate to be one of greatest importance since it represents much more than an isolated case affecting one fine (but declining) fishery.

Setting a minimum stream flow on Silver Creek is one positive action the state of Idaho can take in making Idaho a "land for all seasons and uses." It will aid in preventing the further degradation of this nationally-prominent fishery.

Sincerely,

cc. Sen. Mardsen Williams, chairman, senate resources and environment comm.
Rep. Vard Chatburn, chairman, house resources comm.
Scott Reed, Idaho Water Resources Board

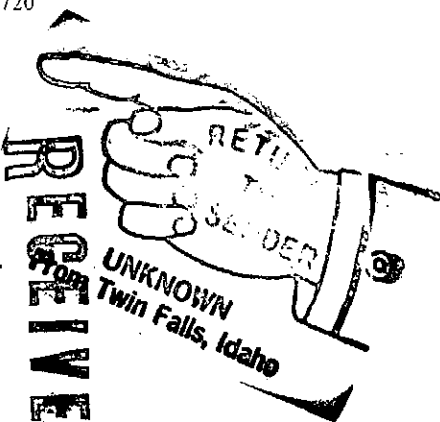
MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Department of Water Resources

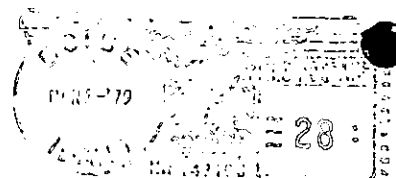
RECEIVED

MAILED
JUN 28 1979



Ronald E. Hicks
486 Buckingham Drive
Twin Falls, ID 83301

Return to sender
No one HERE by that Name!



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

To appropriate the public waters of the State of Idaho

SEP 13 1978

Department of Water Resources

Phone South 841-2215 District Office

1. Name of applicant Idaho Water Resource Board

Post office address Statehouse, Boise, Idaho

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 1S

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

4. Water will be used for the following purposes:

Amount 99 for instream flow purposes from Jan. 1 to Dec. 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. 99 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. None - instream flow

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ 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:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 1S

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 wild trout rearing habitat.

WATER RESOURCES
DIVISION

80

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. none

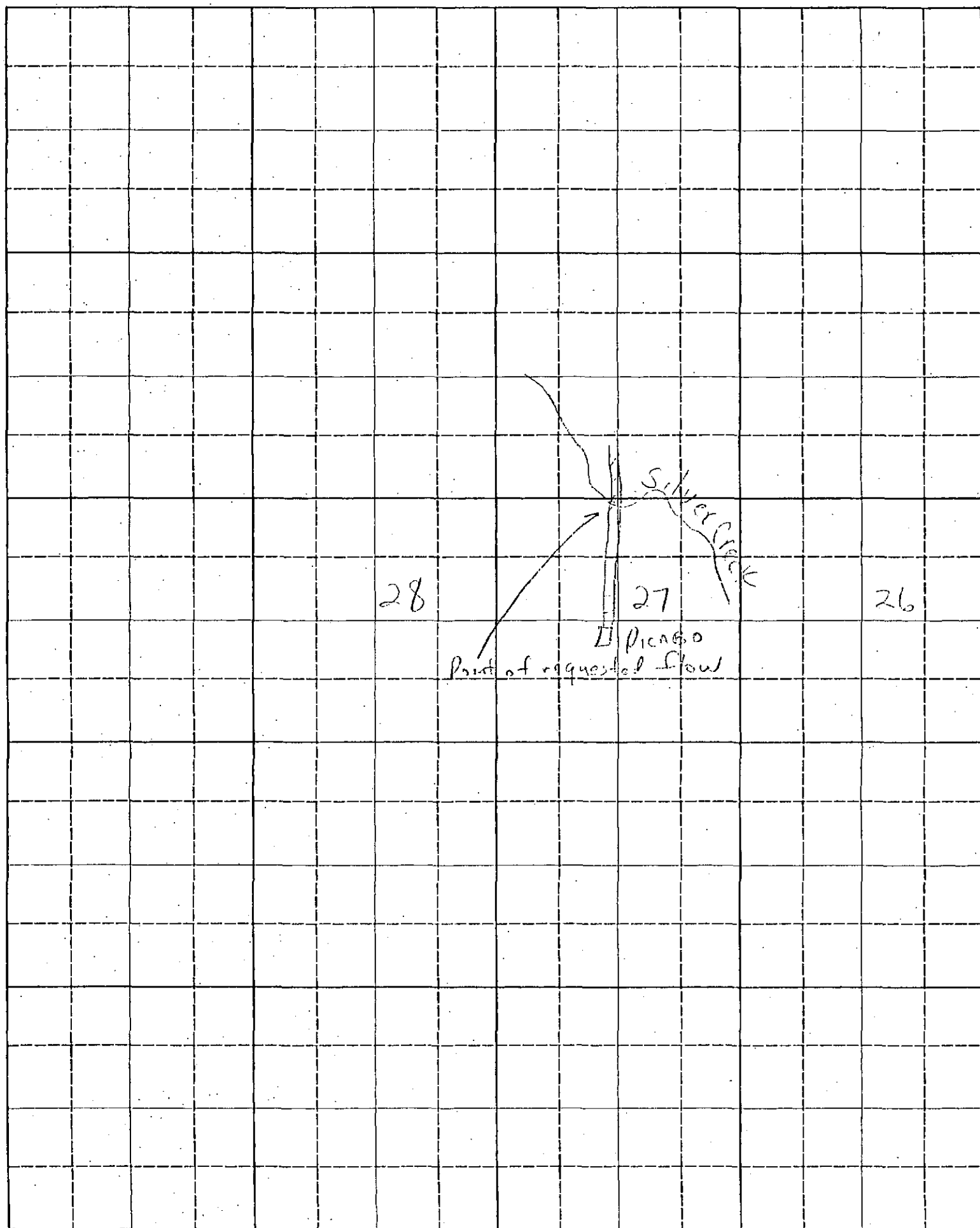
9. a. Who owns the property at the point of diversion

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

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

10. Remarks See attached sheet

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



Scale: 2 inches equal 1 mile.

R. 20 E.

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

George A. [Signature]
(Applicant)

Received by mauga Date 7/13/78 Time 8:15am

Preliminary check by _____ 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. _____, and said application is hereby _____

- 1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: _____

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

Director

The foregoing is a true and certified copy of the document on file at the department of Water Resources
Signed this 16 day of Jan, 19 79
A. Glen Saylor

Copy to

George Yost
Chairman, Idaho Water
Resources Department
Statehouse
Boise, Idaho 83720

DIRECTOR	
DEPUTY DIR.	
ASST. COMM.	
IDENT. DIVISION	
TRAINING DIV.	
TECHNICAL BUREAU	
RECORDS MGMT. BUREAU	
LEGAL COUNSEL	
PERSONNEL	
FILES	

RECEIVED

Department of Water Resources

It is my understanding that the Idaho Water Resources Board has made application for minimum instream flows on ten Idaho streams subject to availability of unappropriated water.

This application is in accordance with the instream flow protection provisions of the State Water Plan and implementing legislation passed by the 1978 legislature, both of which, in my view, reflect the majority view of Idaho citizens.

The ten applications for permit (listed below) appear to include streams of modest potential controversy. Therefore, they should serve as a comparatively painless test of the department's and legislature's commitment to preserving the public instream flow values of Idaho streams not already fully committed to out-of-stream diversions.

I urge your support of these applications and pledge my support of your efforts to that end.

Sincerely,

Ed Cheney

Ed Chaney

P.S. I would appreciate it if your staff could alert me to the time and place of the board meeting at which these applications will be aired.

36-7818 - Vinyard Creek	37-7728 - Silver Creek
36-7819 - Briggs Springs	✓ 37-7727 - Silver Creek
36-7820 - Blind Canyon Springs	61-7373 - Bancroft Springs
36-7821 - Lower White Springs	95-7874 - Wolf Lodge Creek
36-7822 - Banbury Springs	11-7152 - St. Charles Creek

CHIEF	
DEPUTY DIR.	
DEPT. ADMIN.	
DEPT. CHIEF OF DIV.	
DEPT. CHIEF OF BUREAU	
TECH. SER. DIR.	
PLANNING & DEV. DIR.	
LEGAL	
FISCAL	
PERSONNEL	
FILES	

Copy to:
Board members
Soldiers: water right
Sue

Copy in file
37-7727

American Falls, Idaho
October 24, 1978

RECEIVED

OCT 25 1978

Department of Water Resources

Mr. George Yost
Chairman I.W.R.D.
State House
Boise, Idaho 83720

Dear Mr. Yost:

I strongly support the application by the
Water Resources Board for the minimum flows for
the following springs and creeks:

Vinyard Creek
Briggs Springs
Blind Canyon Springs
Lower White Springs
Banbury Springs
Silver Creek 37-7728
Silver Creek 37-7727
Bancroft Springs
Wolf Lodge Creek
St. Charles Creek

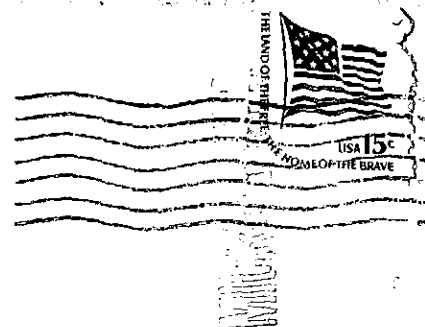
Your favorable consideration of this matter
will be much appreciated.

Yours very truly

Joe F. Allen

Joe F. Allen, Co-chairman
Water/Power Initiative

Joe F. Allen, Co-chairman
Water/Power Initiative
Route 1 Box 45
American Falls, Idaho 83211



Mr. George Yost
Chairman I.W.R.D.
State House
Boise, Idaho 83720

~~51~~ OTHER RIGHTS -- Silver Creek

~~Source Book~~

Many decreed rts on Silver Cr.

MICROFILMED

January 4, 1979

Mr. Scott Reed
P. O. Box A
Coeur d'Alene, ID 83814

Dear Mr. Reed:

Enclosed are copies of the application files 37-7727 and 37-7728 which include correspondence of the minimum streamflow filings by the Board.

If there is anything more we can do for you, please let us know.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosures



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

RECEIVED

December 4, 1978

Wood River Journal
P. O. Box 988
Lewiston, ID 83233

Gentlemen:

Re: Applications 37-7727 and 37-7728 -- Idaho Water Resource Board

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

Please send the affidavit of publication and publication billing to this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: 1

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on September 13, 1978, submitted two (2) applications for permit to the Department of Water Resources proposing the appropriation of water to preserve minimum streamflows in Silver Creek, tributary to the Little Wood River, and are further described as follows:

Application No. 37-7727

Point of minimum streamflow: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 1S., Rge.

20E., B.M., Blaine County

Rate of flow: 99 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain wild trout rearing habitat

Application No. 37-7728

Point of minimum streamflow: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp. 2S., Rge.

21E., B.M., Blaine County.

Rate of flow: 74 cubic feet per second

Season of use: January 1 to December 31

Use: To maintain wild trout rearing

The Director of the Department of Water Resources will hold a public hearing on the applications at 9:00 a.m. on Thursday, January 11, 1979, at the City Hall, Hailey, Idaho for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code.

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

C. STEPHEN ALLRED
Director

Published in the Wood River Journal, Hailey, Idaho on December 7 and 14, 1978.

UNRECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

November 24, 1978

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

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

Gentlemen:

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

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

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 11

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:
Storehouse
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

RECEIVED
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, 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

MICROFILMED

IDAHO DEPARTMENT OF PARKS & RECREATION

Statehouse Mail

2117 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.

EQUAL OPPORTUNITY EMPLOYER

MINUTEMAN

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

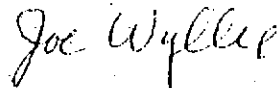
November 16, 1978

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
President, BVFF

JW:jl

MICROFILMED

329 South Phillipi
Boise, Idaho 83705
November 4, 1978

Mr. George Yost, Chairman
Idaho Water Resource Board
Statehouse
Boise, Idaho 83720

RECEIVED

NOV 7 1978

Department of Water Resources

Dear Mr. Yost,

I am delighted to see that the newly legislated opportunity to apply for minimum stream flows in Idaho has been taken up by the Fish and Game Department. Such a request is very much in the public interest for the citizens of this state. If the water for these minimum flow requests is indeed available, I urge affirmative action be taken by the members of the Idaho Water Resource Board. I refer to the following applications for permits: 36-7818 - Vinyard Creek, 36-7819 - Briggs Springs, 36-7820 - Blind Canyon Springs, 36-7821 - Lower White Springs, 36-7822 - Banbury Springs, 37-7727 and 37-7728 - Silver Creek, 61-7373 - Bancroft Springs, 95-7874 - Wolf Lodge Creek, 11-7152 - St. Charles Creek.

I do not think we can any longer operate efficiently with a zero-based budgeting concept for the waters of Idaho. To establish minimum flows for those streams where it is still possible is like putting money in a water savings account. The sooner we move ahead with such a program the more everyone will benefit, and I include the agricultural water user as a very direct beneficiary of such a program.

Since the concept of establishing minimum stream flows for Idaho's waters is very long overdue in my estimation, I hope that you can move forward with all possible speed in the granting of these applications.

Sincerely,

Doli Obee

Doli Obee

WATER



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 13, 1978

MEMO:

FROM: Loren O. Holmes, Southern Region Supervisor

TO: Steve Allred, Director

SUBJECT: Application for Permit - Idaho Water Resource Board

Attached herewith are 10 applications for instream flows from
the Idaho Water Resource Board which were received in this office

on September 13, 1978 at 8:15 a.m.

Southern Region

- Application for Permit #36-7818 - Vinyard Creek
- Application for Permit #36-7819 - Briggs Springs
- Application for Permit #36-7820 - Blind Canyon Springs
- Application for Permit #36-7821 - Lower White Springs
- Application for Permit #36-7822 - Banbury Springs
- Application for Permit #37-7728 - Silver Creek
- Application for Permit #37-7727 - Silver Creek

Western Region

- Application for Permit ~~#61-7373~~ - Bancroft Springs
#37-7734

Northern Region

- Application for Permit #95-7874 - Wolf Lodge Creek

Eastern Region

- Application for Permit #11-7152 - St. Charles Creek

UNRECORDED