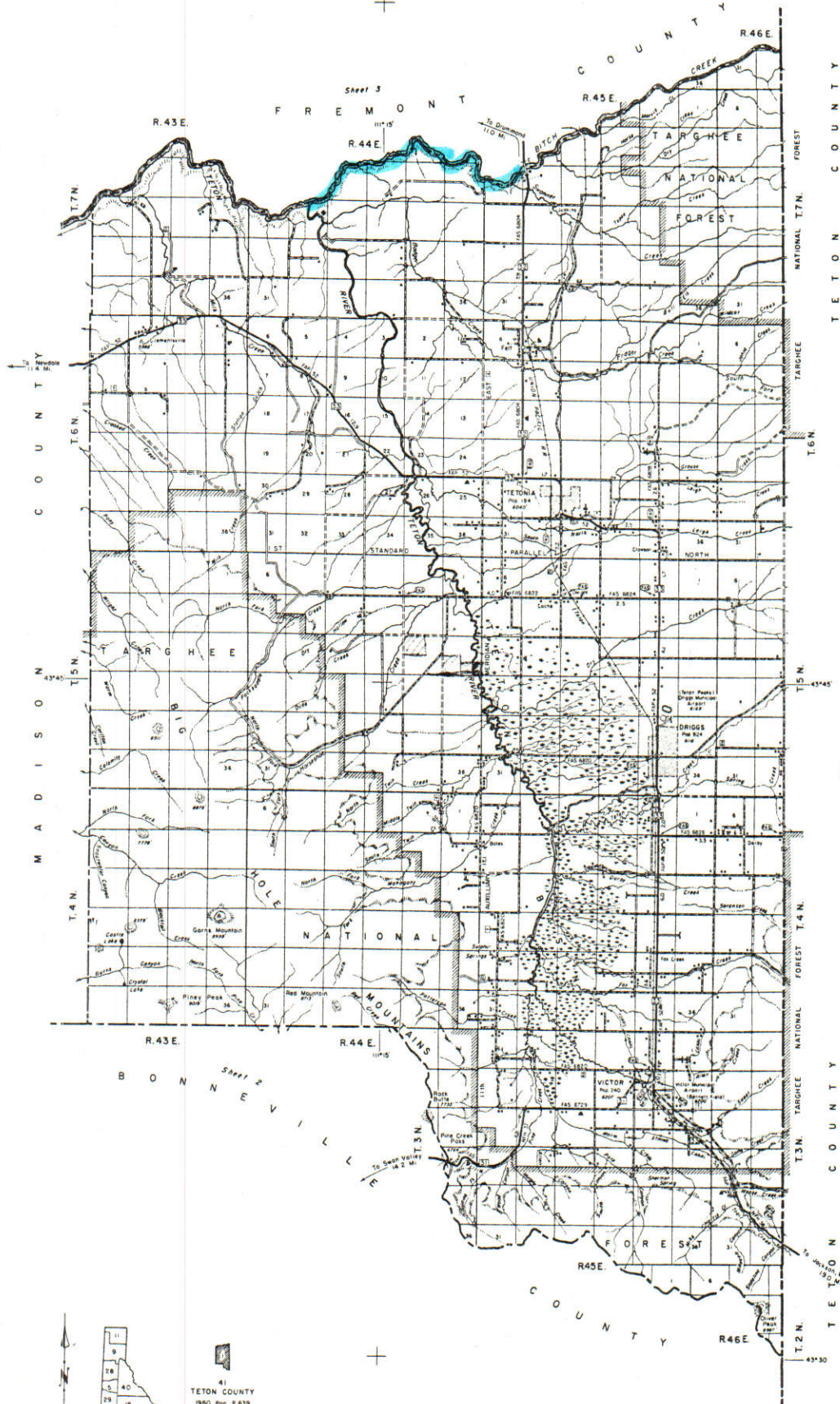


Feature	Symbol
Section	
Range	
Township	

LEGEND

- Primitive road
- Unimproved road
- Graded and drained road
- Gravel road graded and drained
- Bituminous road-low type
- Paved road
- Private road (here shown, etc.)
- Local roads within municipalities
- Federal Aid Primary system
- Federal Aid Secondary system
- National Forest Highway
- State numbered highway
- End of marked route
- End of Federal Aid system
- End of National Forest Highway
- Distance measured between points
- Gate across road
- Railroad
- Railroad station
- Grade crossing
- Railroad bridge
- Intermittent stream
- Narrow stream
- Wide stream
- Lake, reservoir or pond
- Marsh or swamp land
- Springs
- Irrigation canal
- Minor structure (less than 20 ft.)
- General bridge (over 20 ft.)
- Prominent elevation, butte
- Mountains or ridges
- Mountain pass
- Cattle guard
- State line
- County line
- Township line
- Section line
- Forest or reservation boundary line
- County Seat
- Other cities and villages
- Incorporated city or village
- Camp site
- Fair grounds or race track
- Drive-in theater
- Form (in use) (not in use)
- Dwelling (in use) (not in use)
- Group of dwellings
- Dwelling and store
- Dwelling, business & filling station
- Dwelling, business, filling sta & P.O.
- Store or small business
- Church (in use) (not in use)
- Cemetery
- School (in use) (not in use)
- Agricultural experiment station
- Power plant
- Warehouse-general
- Grain elevator
- Gravel pit
- Garbage dump grounds
- Culture shown out of position
- Triangulation station
- Latitude and longitude
- Airport, limited facilities
- Landing area or strip



Red Fx
place
M + W
SE 3/4
summers
on Fx
O
Caryl
& Blaine
Yarrow

AFFIDAVIT OF PUBLICATION

State of Idaho)

) ss

County of Teton)

I, Barbara Jones
being first duly sworn depose and
say that I am the Sec
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
that 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Public Notice

Appl. # 22-7370

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2
consecutive issues thereof; first
publication having been made on
the 13 day of Sept, 1981
and last publication on the 20
day of Sept, 1981.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Barbara Jones

Subscribed in my presence and
sworn to before me this 4th day of
Sept, 1981.

(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

8-7-1982

RECEIVED

SEP 8 1981

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

Notice is hereby given that
the following application has
been submitted for permit to
appropriate the public waters
of the State of Idaho:

**Notice of Application for
Minimum Stream Flow**

Notice is hereby given that
the Idaho Water Resource
Board has on June 19, 1981
submitted application 22-7370
for a permit to the Department
of Water Resources proposing
the appropriation of 28 cubic
feet per second of water within
the NW 1/4 NE 1/4, Sec. 20, Twp.
7N, Rge. 44E, Teton County to
preserve the minimum stream
flow subject to all prior water
rights for maintaining the
present quality of fisheries and
provide adequate spawning
and rearing conditions year
around in Bitch Creek
tributary of Teton River.

Pursuant to Title 42, Chap-
ter 15 of the IDAHO CODE a
legal notice will be published at
a later date setting a time and
place for a hearing during
which opportunity will be
provided for public comment.

A. Kenneth Dunn
Director

Published in the Teton
Valley News August 13 and 20,
1981.

MICROFILMED

MAY 16 1989

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, DeAnn Hatch....
being first duly sworn depose and
say that I am the secretary..
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of Public
meeting

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2....
consecutive issues thereof; first
publication having been made on
the 13... day of Sept....., 1984
and last publication on the 20... day
of Sept....., 1984

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

DeAnn Hatch

Subscribed in my presence and
sworn to before me this 14... day of
Sept....., 1984
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hammer
My Commission expires

9/59 1986

NOTICE OF PUBLIC MEETING
NOTICE IS HEREBY GIVEN,
that an informal public meeting
will be conducted by the Idaho
Water Resource Board on
Wednesday, September 26,
1984 at 7:30 p.m. in the
Courtroom, Fremont County
Courthouse, St. Anthony,
Idaho to receive comments on
minimum streamflow
applications as follows:

No. 21-7281 proposing the
appropriation of 140 cfs of
water from Fall River tributary
to Henry's Fork Snake River.
The location of the reach is the
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 8N, R.
41E, upstream approximately 8
miles to State Highway 32 in
the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 8N,
R. 43E.

No. 21-7283 proposing the
appropriation of 141 cfs from
Warm River tributary to Henry's
Fork Snake River. The location
of the reach is the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 13, T. 9N, R. 43E,
upstream approximately $\frac{1}{2}$
mile to State Highway 47 in the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 9N, R.
43E, B.M., both in Fremont
County.

On Thursday, September 27,
1984 at 7:30p.m. in the
Courtroom, Teton County
Courthouse, Driggs, Idaho an
additional public meeting will
be held to receive comments
on minimum streamflow
applications as follows:

No. 22-7369 proposing the
appropriation of 106 cfs from
the Teton River tributary to
Henry's Fork Snake River. The
location of the reach is the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 7N, R.
44E, upstream approximately 9
miles to State Highway 33 in
the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 6N,
R. 44E.

No. 22-7370 proposing the
appropriation of 28 cfs from
Bitch Creek tributary to Teton
River. The location of the reach
is the NW $\frac{1}{4}$ Ne $\frac{1}{4}$, Sec. 20, T.
7N, R. 44E, upstream
approximately 6 miles to State
Highway 32 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 17, T. 7N, R. 45E, B.M.,
both in Teton County.

All of the above applications
were filed to protect the quality
of the fisheries habitat within
the specified reach on each
stream.

A. Kenneth Dunn, Director.
Published in the Teton Valley
News on September 13 and
20, 1984.

RECEIVED

SEP 24 1984

Department of Water Resources
Eastern District Office

MICROFILMED

MAY 16 1989

Proof of Publication
The Post-Register

RECEIVED

SEP 24 1984

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss.

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 13th day of September, 1984, last publication having been made on the 20th day of September, 1984, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of September, 1984.

[Signature]
Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF PUBLIC MEETING

Notice is hereby given that an informal public meeting will be conducted by the Idaho Water Resource Board on Wednesday, September 26, 1984 at 7:30 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho to receive comments on minimum streamflow applications as follows:

No. 21-7281 proposing the appropriation of 140 cfs of water from Fall River tributary to Henry's Fork Snake River. The location of the reach is the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 8N, R. 41E, upstream approximately 8 miles to State Highway 32 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 8N, R. 43E.

No. 21-7283 proposing the appropriation of 141 cfs from Warm Rivrer tributary to Henry's Fork Snake River. The location of the reach is the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T. 9N, R. 43E, upstream approximately $\frac{1}{2}$ mile to State Highway 47 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 9N, R. 43E, B.M., both in Fremont County.

On Thursday, September 27, 1984 at 7:30 p.m. in the Courtroom, Teton County Courthouse, Driggs, Idaho an additional public meeting will be held to receive comments on minimum streamflow applications as follows:

No. 22-7369 proposing the appropriation of 106 cfs from the Teton River tributary to Henry's Fork Snake River. The location of the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appropriation of 28 cfs from Bitch Creek tributary to Teton River. The location of the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 7N, R. 45E, B.M., both in Teton County.

All of the above applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

A. KENNETH DUNN
Director

Published: September 13, 20, 1984

MICROFILMED

MAY 16 1989

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

Carol Bessey

being first duly sworn, upon his
oath, deposes and says:

That she is the *editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of Public.....
Meeting.....

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for*2*..... consecutive
issues thereof; first publication

having been made on the *13th*.....
day of *September* 19*.84*,
and the last publication on the
20th day of *September*
19*.84*.

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this *25th*.....
day of *September*,
19*.84*

Linda Sheldon

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Wishian

RECEIVED

SEP 27 1984

Department of Water Resources
Eastern District Office

NOTICE OF PUBLIC MEETING

Notice is hereby given that an informal
public meeting will be conducted by the
Idaho Water Resource Board on Wed-
nesday, Sept. 26, 1984, at 7:30 p.m. in the
Courtroom, Fremont County Courthouse, St.
Anthony, Idaho to receive comments on
minimum streamflow applications as follows:

No. 21-7281 proposing the appropriation
of 140 cfs of water from Fall River tributary to
Henry's Fork Snake River. The location of
the reach is the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 8N,
R. 41E, upstream approximately 8 miles to
State Highway 32 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
18, T. 8N, R. 43E.

No. 21-7283 proposing the appropriation
of 141 cfs from Warm River tributary to
Henry's Fork Snake River. The location of
the reach is the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T. 9N,
R. 43E, upstream approximately $\frac{1}{2}$ mile to
State Highway 47 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12,
T. 9N, R. 43E, B.M. both in Fremont County.

On Thursday, September 27, 1984 at
7:30 p.m. in the Courtroom, Teton County
Courthouse, Driggs, Idaho and additional
public meeting will be held to receive
comments on minimum streamflow ap-
plications as follows:

No. 22-7369 proposing the appropriation
of 106 cfs from the Teton River tributary to
Henry's Fork Snake River. The location of
the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 7N,
R. 44E, upstream approximately 9 miles to
State Highway 33 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23,
T. 6N, R. 44E.

No. 22-7370 proposing the appropriation
of 28 cfs from Bitch Creek tributary to Teton
River. The location of the reach is the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 7N, R. 44E, up-
stream approximately 6 miles to State
Highway 32 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T.
7N, R. 45E, B.M., both in Teton County.

All of the above applications were filed to
protect the quality of the fisheries habitat
within the specified reach on each stream.

A. KENNETH DUNN
Director

Publ. Sept. 13 and 20, 1984AH

MICROFILMED

MAY 16 1989

THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Terry Weatherston,
being first duly sworn, depose and say, that I am
the printer of THE CHRONICLE-NEWS, a weekly
newspaper printed and published weekly at St.
Anthony, Fremont County, Idaho; and I do
solemnly swear that the

Notice Of Public Meeting

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on September 13, 1984
and the last publication having been made

on September 20, 1984.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston

~~~~~

Subscribed to and sworn to before me  
this September 21, 1984

*Dore Garner*  
Notary Public.

(SEAL)

My commission expires life

### NOTICE OF PUBLIC MEETING

Notice is hereby given that an informal  
public meeting will be conducted by the  
Idaho Water Resource Board on Wed-  
nesday, September 26, 1984 at 7:30 p.m.  
in the Courtroom, Fremont County Cour-  
thouse, St. Anthony, Idaho to receive  
comments on minimum streamflow ap-  
plications as follows:

No. 21-7281 proposing the appropriation  
of 140 cfs of water from Fall River tributary to  
Henry's Fork Snake River. The location of  
the reach is the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 14, T. 8N,  
R. 41E, upstream approximately 8 miles to  
State Highway 32 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec.  
18, T. 8N, R. 43E.

No. 21-7283 proposing the appropriation  
of 141 cfs from Warm River tributary to  
Henry's Fork Snake River. The location of  
the reach is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 13, T. 9N,  
R. 43E, upstream approximately 1/2 mile to  
State Highway 47 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12,  
T. 9N, R. 43E, B.M., both in Fremont  
County.

On Thursday, September 27, 1984 at  
7:30 p.m. in the Courtroom, Teton County  
Courthouse, Driggs, Idaho an additional  
public meeting will be held to receive  
comments on minimum streamflow ap-  
plications as follows:

No. 22-7369 proposing the appropriation  
of 106 cfs from Teton River tributary to  
Henry's Fork Snake River. The location of  
the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T. 7N,  
R. 44E, upstream approximately 9 miles to  
State Highway 33 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 23,  
T. 6N, R. 44E.

No. 22-7370 proposing the appropriation  
of 28 cfs from the Blitch Creek tributary to  
Teton River. The location of the reach is the  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T. 7N, R. 44E, up-  
stream approximately 6 miles to State  
Highway 32 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, T.  
7N, R. 45E, B.M., both in Teton County.

All of the above applications were filed to  
protect the quality of the fisheries habitat  
within the specified reach on each stream.

A. KENNETH DUNN  
Director

Publ. Sept. 13 and 20, 1984CN

RECEIVED

OCT 4 1984

Department of Water Resources  
Eastern District Office

MICROFILMED

MAY 16 1989

**TRIBUNE PUBLISHING COMPANY, INC.**

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

**LEGAL ADVERTISING****INVOICE**Date 102485 INVOICE No. 100059744Account No. 44660Description 59744LEGALTimes 2 Lines 59

Tab Lines \_\_\_\_\_

SOLD TO:

DEPT. OF WATER RESOURCES  
150 SHOUP AVE. SUITE 15  
TWIN FALLS  
ID 83402\$ 51.63**RECEIVED**

OCT 29 1985

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

**AFFIDAVIT OF PUBLICATION**STATE OF IDAHO, ss.  
County of Nez PerceS. L. Stone, being duly sworn,

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

LEGAL NOTICE Notice is hereby given

attached hereto and which is made a part of this affidavit was published in  
the said Lewiston Morning Tribune, 2 time(s). Publication be-  
ing on 101785, or once a

week for two consecutive weeks, the first  
publication thereof being on the 101785, and the last pub-  
lication thereof being on the 102485, and said

LEGAL NOTICE Notice is hereby given

was so published in the regular and entire issue of said newspaper and  
not in a supplement thereof and was so published in every issue and  
number of the said paper, during the period and times of publication as  
set forth above.

S. L. Stone

**MICROFILMED** SUBSCRIBED AND SWORN BEFORE ME THIS THE 25  
day of October 1985

MAY 16 1989

Sheral M. Lantz

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

**LEGAL NOTICE**

Notice is hereby given that the fol-  
lowing applications have been sub-  
mitted for permit to appropriate the  
public waters of the State of Idaho:

**NOTICE OF APPLICATION FOR  
MINIMUM STREAM FLOW.**

Notice is hereby given that the  
Idaho Water Resource Board has on  
June 19, 1981, submitted the follow-  
ing applications for permits to the  
Department of Water Resources:

No. 22-7369 proposing the appro-  
priation of 106 cfs of water from the  
Teton River tributary to Henrys  
Fork Snake River. The location of  
the reach is the NWNE, Sec. 20, T.  
7N, R. 44E, upstream approximately  
9 miles to State Highway 33 in the  
SESW, Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appro-  
priation of 28 cfs from Bitch Creek  
tributary to Teton River. The loca-  
tion of the reach is th NWNE, Sec.  
20, T. 7N, R. 44E, upstream approxi-  
mately 6 miles to State Highway 32  
in the NWNW, Sec. 17, T. 7N, R. 45E,  
B.M., both in Teton County.

The applications were filed to pro-  
tect the quality of the fisheries habi-  
tat within the specified reach on  
each stream.

The director of the Department of  
Water Resources will hold a public  
hearing on the applications in the  
Courtroom, Teton County Court-  
house, Driggs, Idaho at 9:30 a.m.  
November 21, 1985, for the purpose  
of hearing evidence in regard to the  
applications. The hearing will be  
held pursuant to the provision of Sec-  
tion 42-1503, Idaho Code.

Any party who wishes to formally  
appear at this proceeding for the  
purpose of presenting evidence or  
cross-examining witnesses should  
file a notice of appearance with the  
Director of the Department of Water  
Resources, Statehouse, Boise, Idaho,  
five (5) days prior to the hearing.  
Other parties will be given an oppor-  
tunity to informally present their  
views and comments without the ne-  
cessity of filing a notice of appear-  
ance.

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

A. KENNETH DUNN  
Director

# AFFIDAVIT OF PUBLICATION

State of Idaho )  
) ss

County of Teton )

Kristi Atkinson  
being first duly sworn depose and  
say that I am the secretary  
of the Teton Valley News, a  
newspaper as defined by Idaho  
Codes Annotated, Section 58-106,  
as amended, and that said  
newspaper is a weekly newspaper  
printed and published at Driggs, in  
Teton County, Idaho, having a  
general circulation in said county,  
and that said newspaper has been  
printed in said county for more  
than 78 consecutive weeks prior to  
the first publication of the attached  
notice, advertisement or publica-  
tion of

Notice of app.  
for min. flow.

And affiant further says that said  
attached notice, advertisement or  
publication, as per clipping  
attached, was published in said  
newspaper, in the regular and  
entire issue thereof, and not in any  
supplement issue thereof, for 2...  
consecutive issues thereof, first  
publication having been made on  
the 17 day of Oct, 1985  
and last publication on the 24 day  
of Oct, 1985

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at least  
eight pages of at least five columns  
each, printed from type matter, of  
at least sixteen inches deep

Kristi Atkinson

Subscribed in my presence and  
sworn to before me this 24 day of  
Oct, 1985  
(SEAL) Notary Public for the state  
of Idaho, residence and postoffice  
address, Driggs, Idaho.

Em Anne  
My Commission expires

C. E. 19....

## LEGAL NOTICE

Notice is hereby given that the  
following applications have been  
submitted for permit to ap-  
propriate the public waters of the  
State of Idaho:

### NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the  
Idaho Water Resource Board has  
on June 19, 1981 submitted the  
following applications for permits  
to the Department of Water  
Resources:

No. 22-7369 proposing the  
appropriation of 106 cfs of water  
from the Teton River tributary to  
Henrys Fork Snake River. The  
location of the reach is the  
NWNE, Sec. 20, T. 7N, R. 44E,  
upstream approximately 9 miles  
to State Highway 33 in the SESW  
Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the  
appropriation of 28 cfs from Bit-  
ch Creek tributary to Teton  
River. The location of the reach  
is the NWNE, Sec. 20, T. 7N, R.  
44E, upstream approximately 6  
miles to State Highway 32 in the  
NWNW, Sec. 17, T. 7N, R. 45E,  
B.M., both in Teton County.

The applications were filed to  
protect the quality of the fisheries  
habitat within the specified reach  
on each stream.

The Director of the Depart-  
ment of Water Resources will  
hold a public hearing on the ap-  
plications in the Courtroom,  
Teton County Courthouse,  
Driggs, Idaho at 9:30 a.m.  
November 21, 1985, for the pur-  
pose of hearing evidence in  
regard to the applications. The  
hearing will be held pursuant  
to the provision of Section 42-  
1503, Idaho Code.

Any party who wishes to for-  
mally appear at this proceeding  
for the purpose of presenting  
evidence or cross examining  
witnesses should file a notice of  
appearance with the Director of

the Department of Water  
Resources, Statehouse, Boise,  
Idaho, five (5) days prior to the  
hearing. Other parties will be  
given an opportunity to infor-  
mally present their views and  
comments without the necessity  
of filing a notice of appearance.  
If issued the permit will be  
subject to all prior water rights.

**A. KENNETH DUNN**  
Director

Published in the Teton Valley  
News on Oct. 17 and 24, 1985.

MICROFILMED

MAY 16 1989

RECEIVED  
OCT 25 1985  
Department of Water Resources  
Eastern District Office

# THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
County of Fremont } ss

I, Terry Weatherston  
being first duly sworn, depose and say, that I am  
the printer of THE CHRONICLE-NEWS, a weekly  
newspaper printed and published weekly at St.  
Anthony, Fremont County, Idaho; and I do  
solemnly swear that the

### Legal Notice

a copy of which notice appears attached here-  
to, was published in the regular and entire issue  
of said newspaper, and not in any

supplement issue thereof for 2  
consecutive issues, the first publication hav-

ing been made on Oct. 17, 1985  
and the last publication having been made

on Oct. 24, 1985

Further, that said newspaper is one of general  
circulation in said county; that it is a legal  
newspaper, conforming to legal specifications  
under the Idaho Statutes; that it has at least two  
hundred bona fide subscribers living within the  
county of publication; and that it has been  
continuously and uninterruptedly published in said  
county during a period of seventy-eight con-  
secutive weeks prior to the first publication of the  
said notice.

*Terry Weatherston*



Subscribed to and sworn to before me  
this Oct. 25, 1985

*Jerri Garner*  
Notary Public.

(SEAL)

My commission expires life

RECEIVED  
NOV 7 1985

Department of Water Resources  
Eastern District Office

### LEGAL NOTICE

Notice is hereby given that the following  
applications have been submitted for permit  
to appropriate the public waters of the State  
of Idaho:

#### NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho  
Water Resource Board has on June 19,  
1981 submitted the following applications  
for permits to the Department of Water  
Resources:

No. 22-7369 proposing the appropriation  
of 106 cfs of water from Teton River  
tributary to Henrys Fork Snake River. The  
location of the reach is the NWNE, Sec. 20,  
T. 7N, R. 44E, upstream approximately 9  
miles to State Highway 33 in the SESW,  
Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appropriation  
of 28 cfs from Bitch Creek tributary to Teton  
River. The location of the reach is the  
NWNE, Sec. 20, T. 7N, R. 44E, upstream  
approximately 6 miles to State Highway 32  
in the NWNW, Sec. 17, T. 7N, R. 45E, B.M.,  
both in Teton County.

The applications were filed to protect the  
quality of the fisheries habitat within the  
specific reach on each stream.

The Director of the Department of Water  
Resources will hold a public hearing on the  
applications in the Courtroom, Teton Coun-  
ty Courthouse, Driggs, Idaho at 9:30 a.m.  
November 21, 1985, for the purpose of  
hearing evidence in regard to the applica-  
tions. The hearing will be held pursuant to  
the provision of Section 42-1503, Idaho  
Code.

Any party who wishes to formally appear  
at this proceeding for the purpose of  
presenting evidence or cross examining  
witnesses should file a notice of ap-  
pearance with the Director of the Depart-  
ment of Water Resources, Statehouse,  
Boise, Idaho, five (5) days prior to the hear-  
ing. Other parties will be given an opportuni-  
ty to informally present their views and com-  
ments without the necessity of filing a notice  
of appearance.

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

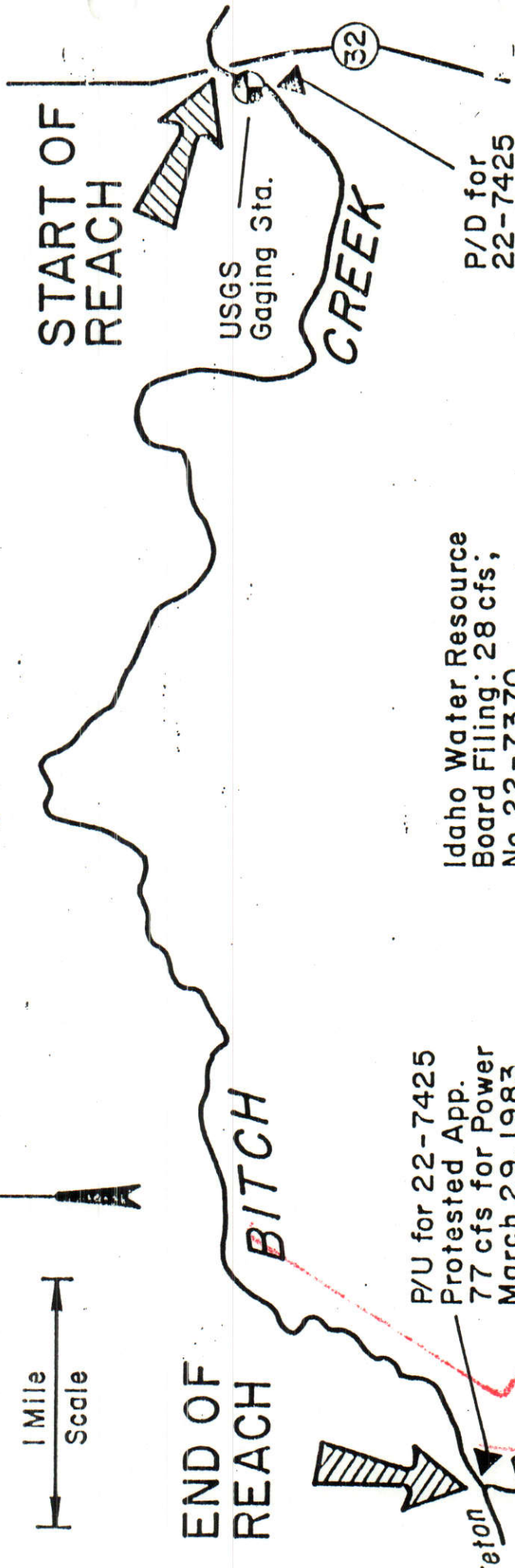
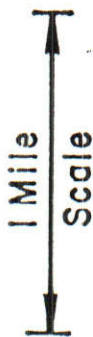
A. KENNETH DUNN  
Director

Publ. Oct. 17 and 24, 1985CN.

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MAY 16 1989

Water Rights on Bitch Creek



Idaho Water Resource  
Board Filing: 28 cfs;  
No. 22-7370  
June 19, 1981.

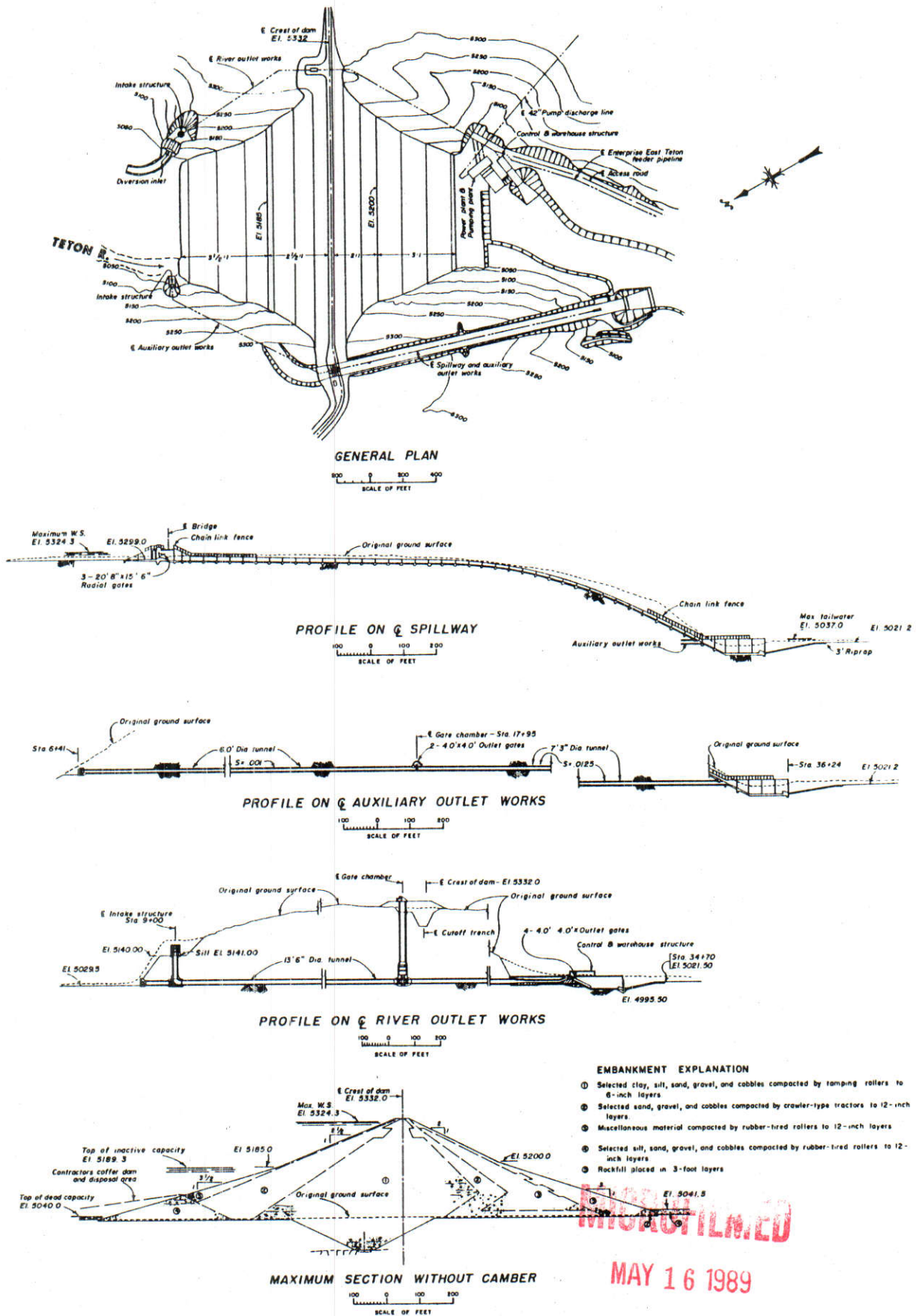
P/U for 22-7425  
Protested App.  
77 cfs for Power  
March 29, 1983

**MICROFILMED**

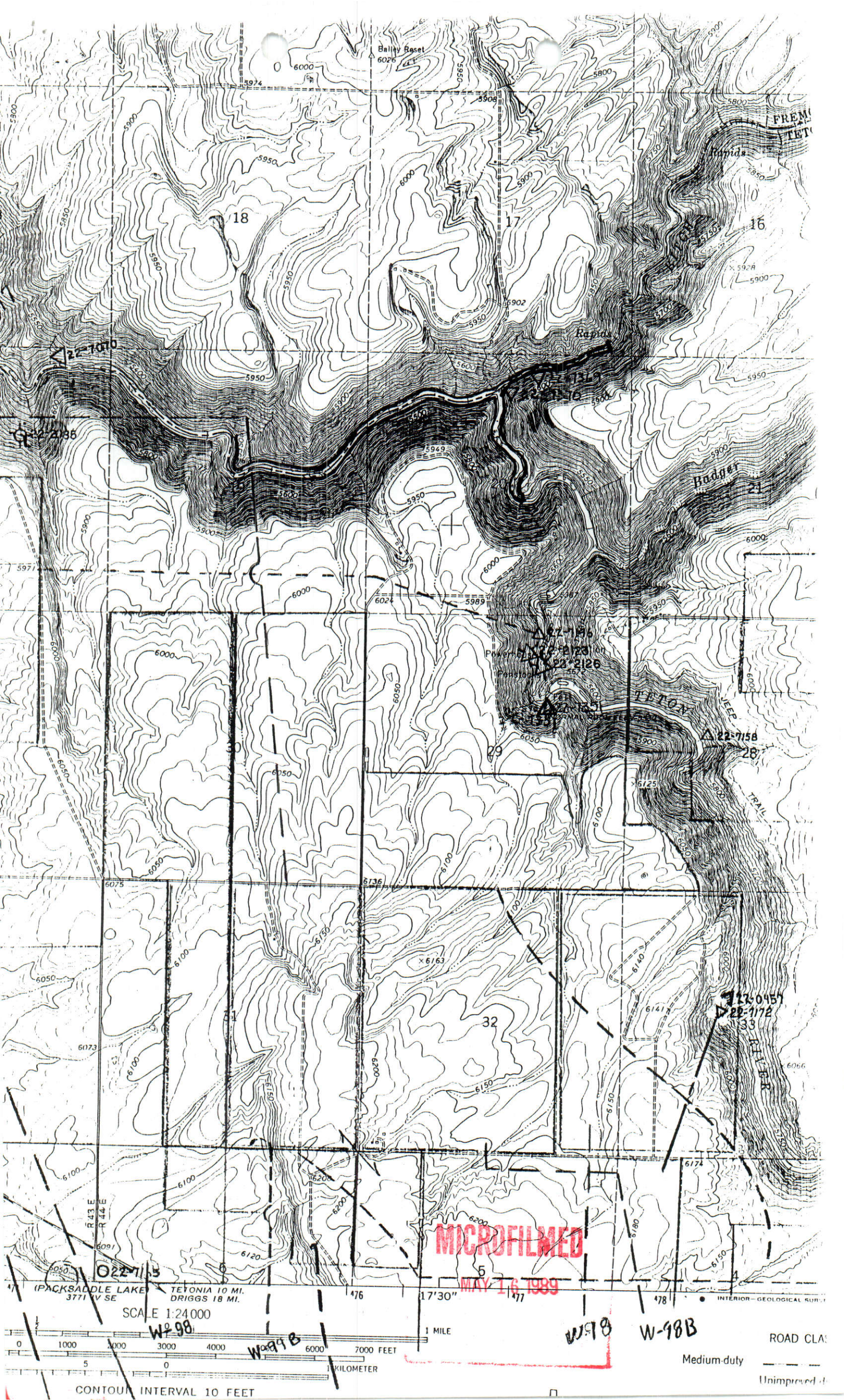
MAY 16 1989

IDWR STAFF EXHIBIT

# Teton Basin Project



Teton Dam, Plan and Sections



FREMONT TETON

18

17

16

22-1010

22-236

Rapid

Badger

21

Power Station

TETON

JEOP

TRAIL

22-7158

28

29

32

22-0451

22-1172

33

RIVER

22-7113

PACKSADDLE LAKE 3771' V SE

TEYONIA 10 MI. DRIGGS 18 MI.

SCALE 1:24000

W-98

W-98B

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W-98

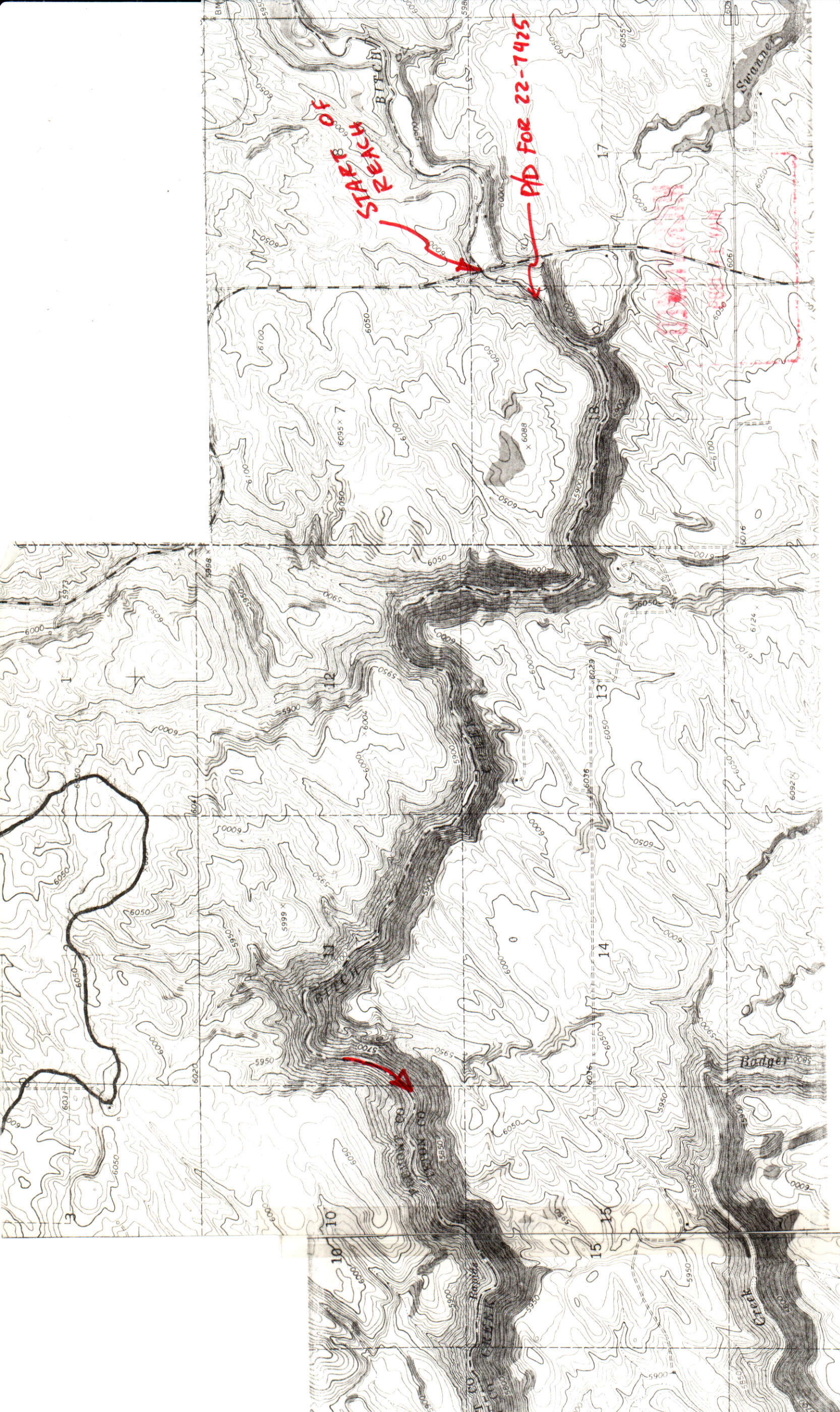
W-98B

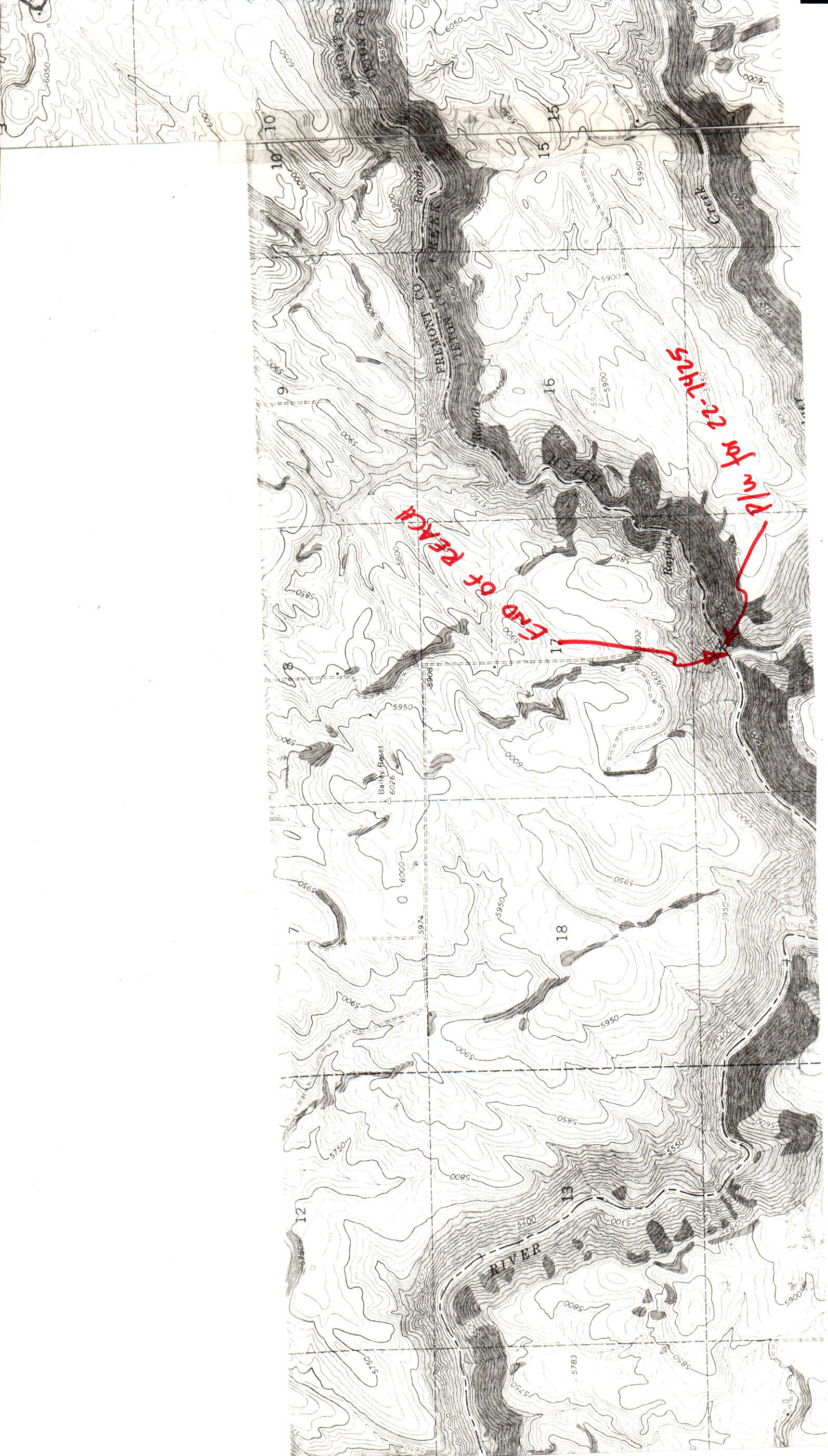
ROAD CLASS

Medium-duty

Unimproved

CONTOUR INTERVAL 10 FEET

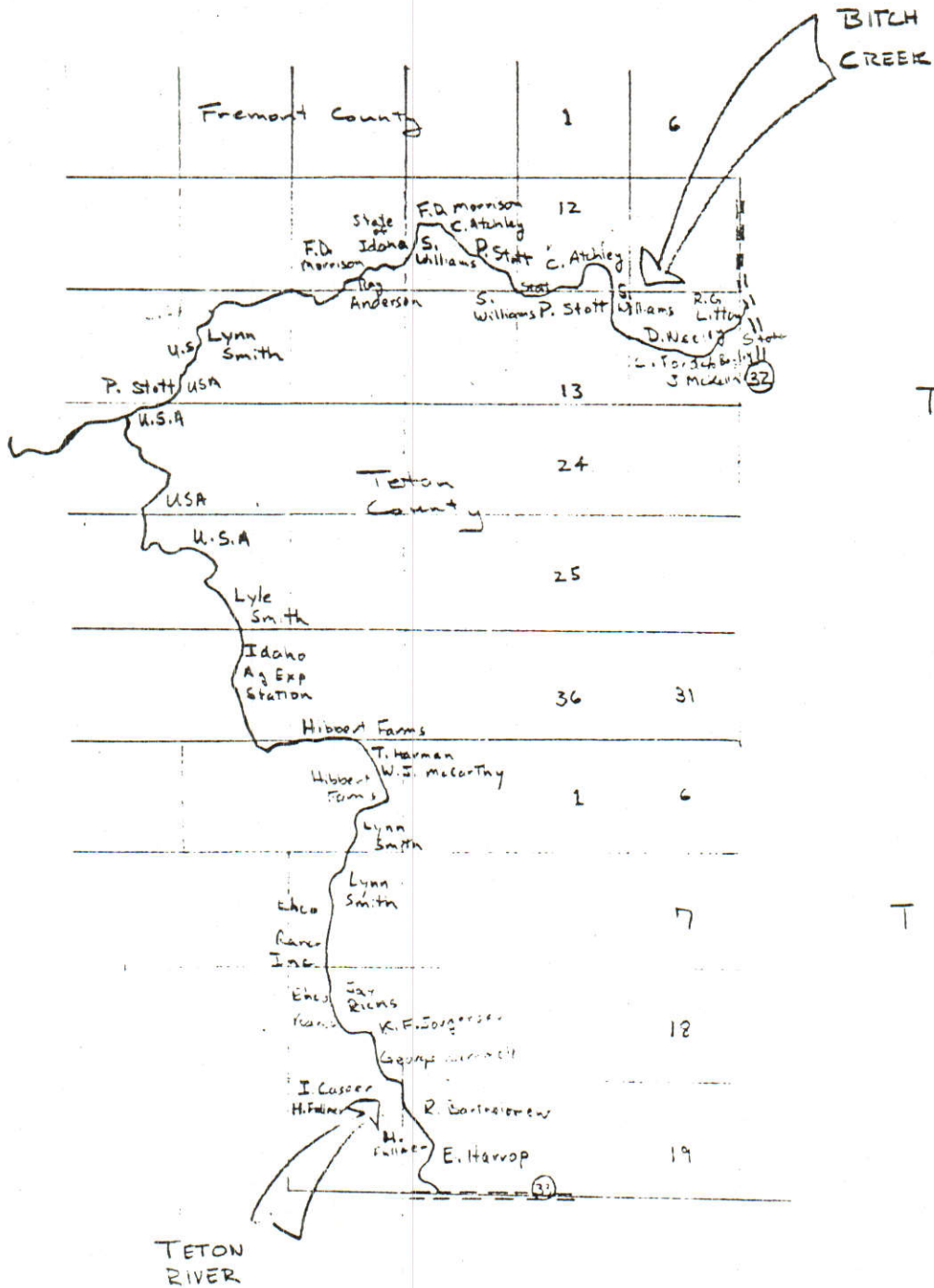






R 44

R 45



T 7

T 6

**MICROFILMED**

**MAY 16 1989**

R 45



T 6

MICROFILMED

MAY 16 1989

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NOV 24 1999

Department of Water Resources **STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

FOR OFFICE USE ONLY  
Amt. of Fee \$: N/A  
Receipt No. \_\_\_\_\_  
Receipt By: \_\_\_\_\_  
Date Received: \_\_\_\_\_

**PROOF OF BENEFICIAL USE**

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

1. Permit No. 22-07370 Telephone No. (208) 327-7900

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

3. Mailing Address: 1301 N. Orchard Street, Boise ID 83706-2237

4. Source of Water: Bitch Creek If **GROUNDWATER** (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_

a. Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

b. **OPTIONAL:**

Pump Horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft): \_\_\_\_\_

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

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

Irrigation (No. of acres): \_\_\_\_\_ Other: Minimum Streamflow

6. Total rate of diversion and/or volume for which proof is submitted: 28 cfs OR \_\_\_\_\_ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

**Measuring Device:** Is a measuring device required? Yes \_\_\_\_\_ or No X

Has the measuring device been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_

**Flow Measurement Port:** Is a flow measurement port required? Yes \_\_\_\_\_ or No X

Has the measurement port been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_

Required flow measurement data is attached.

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

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

Name: Bill Graham Telephone Number: (208) 327-7966

Address: \_\_\_\_\_

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

Signature of permit holder: Clarence Papp Date: Nov. 10, 1999  
(include your title, if on behalf of company or organization)

RECEIVED  
JAN 27 2000

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**REQUEST FOR EXTENSION OF TIME  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 22-7370

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

Mailing Address: 1301 North Orchard Street, Boise, ID 83706

Date Proof is Due: April 1, 1999 Telephone No. (208) 327-7910

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

Hydrologic analysis of existing flow data for the period 1975-1977 and a comparative  
analysis between Bitch Creek and Falls River (1961-1990) have been completed.

Costing \$ \_\_\_\_\_

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Additional calibration measurements are needed (2-3 will be taken in 1999).

Permit holder(s) request an extension to April 1, 2000.

FEE: \$50.00

(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

MICROFILMED

APR 08 1999

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to April 1, 2000.

Signed this 31<sup>st</sup> day of March, 19 99.

J. Glen Taylor  
Chief, Water Allocation Bureau

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

IN THE MATTER OF APPLICATION FOR PERMIT )  
NO. 22-7369 (TETON RIVER) TO ESTABLISH )  
A MINIMUM STREAM FLOW IN THE NAME OF THE )  
IDAHO WATER RESOURCE BOARD )

ORDER ISSUING  
PROPOSED MEMORANDUM  
DECISION

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

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

I.  
EXCEPTIONS

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

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

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

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

II.  
BRIEFS

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

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

III.

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

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

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

IV.

CERTIFICATE OF SERVICE

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

V.

FINAL DECISION

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

Dated this 2nd day of December, 1988.

  
R. KEITH HIGGINSON  
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                           |   |                     |
|-------------------------------------------|---|---------------------|
| In the Matter of Application for          | ) |                     |
| Permit No. 22-7369 (Teton River)          | ) | PROPOSED MEMORANDUM |
| to Establish a Minimum Stream Flow in the | ) | DECISION & ORDER    |
| Name of the Idaho Water Resource Board    | ) |                     |
| <hr/>                                     |   |                     |

On June 19, 1981, the Idaho Water Resource Board (Board) filed with the Department of Water Resources (Department) an Application for Permit to appropriate water to preserve a minimum stream flow on the Teton River, which is tributary to the Henrys Fork. The application was filed by the Board upon request of the Idaho Department of Fish and Game (Fish and Game) pursuant to Chapter 15, Title 42, Idaho Code.

Notice describing the proposed application and setting the time and place for the required hearing was properly published on October 17 and October 24, 1985. The public hearing was held at Driggs, Idaho on November 21, 1985.

Parties appearing in a formal capacity supporting the application were the Board and the Idaho Department of Fish and Game, which is the entity that requested the Board to file the application. The parties formally appearing in opposition to the application were John Sessions, Energy Gap, Inc., Echo Ranch, the Teton Pipeline, and Mark and Jay Ricks. Echo Ranch, the Teton Pipeline and Mark and Jay Ricks were represented by attorney R. Jay Hoopes. The primary objection of those opposed to the application was that future development would be curtailed. Other parties filing notices of appearance, but failing to appear were John C. Arkoosh, Richard Graves, Mitch Graves, Mitch Arkoosh, Bill Arkoosh, John Peterson and Leigh Chantrill.

Based upon sworn testimony, documentation, and statements included in the record, and upon his understanding of the law, the hearing officer, as a representative of the Director, finds, concludes, and orders as follows:

#### FINDINGS OF FACT

1. Application for Permit No. 22-7369 proposes to appropriate a minimum flow in a reach of the Teton River beginning at the confluence of Bitch Creek and the Teton River, located in the NW1/4NE1/4, Sec. 20, T7N, R44E, B.M., Teton County, and extending upstream approximately nine miles to the intersection of Idaho State Highway 33 with the Teton River located in the SE1/4SW1/4, Sec. 23, T6N, R44E, Teton County. The application proposes a flow rate of 106 cubic feet per second (cfs).

2. The purpose of the minimum stream flow appropriation is to maintain trout habitat throughout the reach described above.

3. Records of historic stream flows show that the proposed minimum stream flow is exceeded 99% of the time, and only during winter months in dry years has the flow dropped below 106 cfs. Subtraction of estimated irrigation withdrawals for projects which have been developed subsequent to the period of flow records do not deplete flows in the Teton River below the proposed minimum flow.

4. The Teton River is a quality wild trout fishery, with habitat for trout rearing and supporting aquatic life.

5. A single study area approximately one-half mile downstream from the State Highway 33 bridge was used to model the entire nine-mile minimum stream flow reach. The proposed minimum stream flow was obtained using the characteristics of the stream channel at the study area.

6. The Teton River at the test location is not representative of the river canyon in the lower portion of the proposed minimum stream flow reach. This finding is based upon statements of local residents who are familiar with the geography of the minimum flow reach vicinity.

7. Several pumping stations divert irrigation water from the Teton River within the proposed minimum flow reach. Some of these stations divert under water rights with dates of priority later in time than the minimum flow filing. Other pumping stations divert water conditionally upon replacement of water back into the river downstream. Water from exchange wells or reservoir storage is discharged downstream of the river diversion to satisfy senior water rights.

8. An application for permit to appropriate water, No. 22-7483, for hydropower use, in the name of Energy Gap, Inc., proposes diversion of 650 cfs of water from the Teton River for hydropower purposes. The application was filed on September 27, 1984, which is later in time than this minimum flow filing.

9. Diversions from the Teton River are controlled by the watermaster for Water District 01. Flows of the Teton River within the proposed minimum flow reach provide water for downstream water rights. Future appropriations for consumptive use which may occur within, or upstream from, the minimum flow reach would be subject to all prior rights. Water in excess of the proposed minimum flow must pass through the minimum flow reach to satisfy downstream water rights.

10. Fall River Rural Electric Association (Fall River) owns a hydropower facility approximately one-quarter mile above the confluence of Bitch Creek and the Teton River. An agreement between Fall River and Fish and Game calls for bypass in the river of at least 20 cfs of water at the

Fall River point of diversion. The bypass must be increased to 50 cfs for a variable three month period during the cutthroat spawning run. The bypass is for the purpose of fish passage during spawning.

11. Policy 4D of the Idaho State Water Plan reserves a dam site on the Teton River. The Bureau of Reclamation holds Permit No. 22-2290, filed with the Department on May 23, 1960. Permit No. 22-2290 authorizes construction of a dam on the Teton River. If the dam is ever constructed, backwater could inundate a portion of the minimum flow reach.

#### CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that stream flow preservation for the protection of fish and wildlife habitat and aquatic life, when made pursuant to this statute, is in the public interest and is declared to be a beneficial use of such water.

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

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

(a) will not interfere with any vested water right, permit, or water right application with priority of right date 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;

(b) is in public, as opposed to private, interest;

(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;

(d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and

(e) is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gaging stations and benchmarks.

3. A minimum stream flow of 106 cfs is capable of being maintained except in that portion of the stream where Fall River diverts water for hydroelectric generation at the Fall River hydropower diversion, where flows could drop to 20-50 cfs during minimum bypass periods.

4. A minimum stream flow is necessary to preserve fish and aquatic habitat in the Teton River.

5. A single study transect of a nine mile section of stream channel with varying characteristics does not sufficiently establish a minimum flow. A minimum flow of 106 cfs may be appropriate in the broader, upper reach of the river, but does not establish the need for an identical minimum flow in the lower canyon. Sections of similar, comparable stream channel areas must be studied individually to determine the minimum, not optimum or even satisfactory, flows.

6. Studies that are prohibitively expensive are not required. The studies must be extensive enough, however, to properly represent the channel slope, cross section and other fishery characteristics within the minimum flow reach.

7. Sufficient evidence was submitted to establish that 106 cfs is an approximate minimum flow rate. Further studies will be required during the permit period as approved by the Department, which must be submitted with proof of beneficial use. The data gathered will be used to determine the proper minimum flows to be licensed.

8. The Director of the Department of Water Resources has considerable flexibility and authority to grant appropriations subject to

future appropriations for uses which the public interest may show to be of greater importance. Shokal v. Dunn, 109 Idaho 330, 337, 707 P.2d 441 (1985).

9. A perpetual commitment of a significant amount of water from the Teton River without a workable method of changing the terms of that use could at some future date adversely affect the public interest.

10. The Department approved rights to divert flows from the upper reach of the Teton River which must be compensated by downstream discharge to the river from exchange wells or release of storage water so that the available water in the Teton River can be more effectively used on land where no other source of water is available.

11. Other than diversions during high run-off or diversions for which water is replaced downstream through an exchange, the existing natural flows in the Teton River will pass through the minimum flow section on the way to downstream water users who have rights earlier in time than future water users from the Teton River.

12. The use of water under this permit must be subject to all prior rights.

13. The establishment of a minimum stream flow on the Teton River is in the public as opposed to the private interest.

14. Permit No. 22-2290 was filed earlier than this application for minimum stream flow and if perfected, will be assigned an earlier date of priority. Backwater of the reservoir authorized under Permit No. 22-2290 could inundate portions of the minimum flow reach.

15. Future use of the water of Teton River must be flexible enough to allow for further agricultural expansion and other uses of the water if they are found to be in the public interest.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 22-7369 is APPROVED subject to the following conditions:

1. Diversions of water from the Teton River for irrigation purposes that existed prior to the date of filing for this permit for minimum stream flow have a priority earlier than this permit.

2. This permit approves a minimum stream flow of 106 cfs except for that portion where flows are reduced to 20 - 50 cfs as a result of Fall River's hydroelectric diversions.

3. Pending a general re-adjudication of the Teton River system, the use of water under this permit shall recognize and allow the continued beneficial diversion, both within and upstream from the minimum flow reach, of water for irrigation and other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit or license on file issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the June 19, 1981 priority date of this permit.

3. The minimum stream flow approved under this application is subject to control by the watermaster of Water District 01, Snake River.

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

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

6. Proof of instream beneficial use of the minimum stream flow appropriated shall be submitted in a manner approved by the Department on or before April 1, 1994 or within five (5) years after the permit approval is finally effective, whichever is later. The proof submitted shall include at least three years of flow data for the water course.

7. Sufficient proof has been filed with the Department regarding the beneficial use of fish habitat and recreational values. Sufficiency of flows has also been established. The record does not provide sufficient information, however, regarding the establishment of a minimum, not optimum, flow for the entire minimum flow reach. Additional modeling and support data must be submitted to the Department with the proof of beneficial use. The additional data must establish the level of a true minimum flow for the entire reach, particularly in the canyon portions of the Teton River.

8. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Any person seeking review and amendment of the permit or license shall file a request with the Board, which request shall describe the amendment sought, the reasons for the proposed amendment, and a statement of the change in circumstances since the permit or license was issued or last reviewed that merit a review of the permit or license. A copy of the petition shall be served upon the Director of the Department of Water Resources. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed

change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment to establish that amendment of the permit or license would be in the public interest.

9. This minimum flow is subject to the future construction of a dam on the Teton River under Permit NO. 22-2290.

Dated this 28 day of November, 1988.

  
BOBBY D. FLEENOR  
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of December, 1988, I mailed a true and correct copy, postage prepaid, of the Proposed Memorandum Decision and Order To:

Idaho Water Resources Board  
Statehouse  
Boise, ID 83720

John Sessions  
414 No. Main  
Driggs, ID 83422

Echo Ranch, Teton Pipeline  
Mark and Jay Ricks  
C/O R.J. Hoopes  
110 E. Main  
P.O. Box 70  
Rexburg, ID 83440

Gary Slette  
P.O. Box 1906  
Twin Falls, ID 83303

Idaho Dept. of Fish & Game  
Statehouse  
Boise, ID 83720

Energy Gap  
Star Rt., Box 3654  
Jackson, WY 83001

John C. Arkoosh  
Attorney at Law  
116 4th Ave. W.  
P.O. Box 32  
Gooding, ID 83330

Leigh Chantrill  
Newdale, ID 83436

  
KIM YOUNG, Clerical  
Assitant

RECEIVED

MAR 16 1994

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESFor Office Use Only  
\$15 Fee Received by N/A  
Date \_\_\_\_\_  
Receipt No. \_\_\_\_\_

## REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 22-7370Name(s) of Permit Holder: IDAHO WATER RESOURCE BOARDMailing Address: Statehouse, Boise, ID 83720Date Proof Is Due 4/1/94Telephone No. (208) 327-7910

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

None

Costing \$ \_\_\_\_\_

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Inadequate data has been collected to prove that the permitted flow is capable of  
being maintained. Additional time is needed to collect the data.

Permit holder(s) request an extension to 4/1, 19 99

FEE: \$15.00

(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

MICROFILMED

APR 08 1999

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within to submit proof of beneficial use is extended to April 1, 1999.

Signed this 11<sup>th</sup> day April, 19 94

J. Mark Saylor  
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                   |   |                     |
|-----------------------------------|---|---------------------|
| IN THE MATTER OF APPLICATION FOR  | ) |                     |
| PERMIT NO. 22-7370 (BITCH CREEK)  | ) |                     |
| TO ESTABLISH A MINIMUM STREAMFLOW | ) | ORDER ADOPTING      |
| IN THE NAME OF THE IDAHO WATER    | ) | PROPOSED MEMORANDUM |
| RESOURCE BOARD                    | ) | DECISION AND ORDER  |
|                                   | ) |                     |

WHEREAS, a Proposed Memorandum Decision and Order in the above-captioned matter has been issued and a copy served on the parties; and,

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

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1994.

Dated this 23<sup>rd</sup> day of December, 1988.

  
R. KEITH HIGGINSON  
Director

RECORDED

MAY 16 1989

CERTIFICATE OF MAILING

I certify that on the 23<sup>rd</sup> day of December, 1988, I mailed a true and correct copy, postage prepaid, of the Order Adopting Proposed Memorandum Decision and Order to:

Idaho Water Resource Board  
Statehouse  
Boise, ID 83720

John Sessions  
41 No. Main  
Driggs, ID 83422

Echo Ranch, Teton  
Pipeline, and Mark  
and Jay Ricks  
c/o R.J. Hoopes  
110 E. Main  
P.O. Box 70  
Rexburg, ID 83440

Gary D. Slette  
P.O. Box 1906  
Twin Falls, ID 83303

Idaho Dept. of Fish & Game  
Statehouse  
Boise, ID 83720

Energy Gap  
Star Rt. Box 3654  
Jackson, WY 83001

John C. Arkoosh  
Attorney at Law  
116 4th Ave. W.  
P.O. Box 32  
Gooding, ID 83330

Leigh Chantrill  
Newdale, ID 83436

Diana Schuett  
DIANA SCHUETT, Clerical  
Assistant

MAY 16 1989

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 22-7370 IN THE NAME OF THE  
IDAHO WATER RESOURCE BOARD TO ESTABLISH  
A MINIMUM STREAMFLOW IN BITCH CREEK

ORDER ISSUING  
PROPOSED MEMORANDUM  
DECISION

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

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 421701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.  
EXCEPTIONS

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

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

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

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

II.  
BRIEFS

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

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

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III.

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

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

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

IV.

CERTIFICATE OF SERVICE

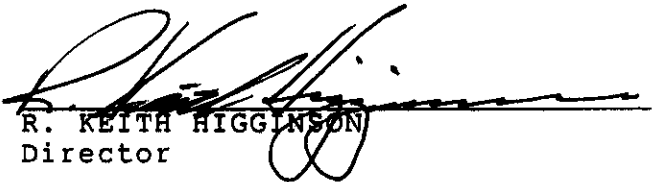
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

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

Dated this 5th day of December, 1988.

  
R. KEITH HIGGINSON  
Director

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MAY 16 1989

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

|                                    |                     |
|------------------------------------|---------------------|
| IN THE MATTER OF APPLICATION FOR ) |                     |
| FOR PERMIT NO. 22-7370 IN THE )    |                     |
| NAME OF THE IDAHO WATER RESOURCE ) | PROPOSED MEMORANDUM |
| BOARD TO ESTABLISH A MINIMUM )     | DECISION AND ORDER  |
| STREAMFLOW IN BITCH CREEK )        |                     |
| _____ )                            |                     |

On June 19, 1981, the Idaho Water Resource Board (Board) filed with the Idaho Department of Water Resources (Department) an application for permit to establish a minimum streamflow on Bitch Creek tributary to Teton River. Bitch Creek forms the county line between Fremont and Teton Counties, Idaho. The application was filed in accordance with provisions of chapter 15, title 42, Idaho Code.

A public meeting was held by the Board on September 27, 1984, for the purpose of determining local public interest in the application. In a resolution dated November 2, 1984, the Board requested the Director of the Department to proceed with administrative action on the application.

Notice describing the proposed application and setting the time and place for the hearing was published on October 17 and October 24, 1985, in the Teton Valley News, Post Register, Ashton Herald, Fremont County Chronicle, Idaho Statesman, Lewiston Morning Tribune, and the Times News. The public hearing was held at Driggs, Idaho on November 21, 1985.

Parties appearing in a formal capacity supporting the application were the Board, and the Idaho Department of Water Resources.

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Game (Fish and Game). The parties formally appearing in opposition to the application were John Sessions, Energy Gap, Inc., Echo Ranch, the Teton Pipeline and Mark and Jay Ricks. Echo Ranch, the Teton Pipeline, and Mark and Jay Ricks were represented by R.J. Hoopes. The primary objection of those opposed to the minimum streamflow was that future development would be curtailed. Other parties filing notices of appearance, but failing to appear were John C. Arkoosh, Richard Graves, Mitch Graves, Mitch Arkoosh, Bill Arkoosh, John Peterson, and Leigh Chantrill.

Based upon sworn testimony, documentation, and statements included in the record, and upon his understanding of the law, the hearing officer, as a representative of the Director, Finds, Concludes, and Orders as follows:

#### FINDINGS OF FACT

1. Application for Permit No. 22-7370 proposes to appropriate a minimum flow in a reach of Bitch Creek beginning at the confluence of Bitch Creek and the Teton River located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T7N, R44E, B.M. Teton County, and extending approximately six miles upstream to the bridge where State Highway 32 crosses Bitch Creek, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, T7N, R45E, B.M. Teton County. The application proposes a flow rate of 28 cubic feet per second (cfs).

2. The purpose of the minimum streamflow appropriation is to maintain game fish spawning and rearing habitat throughout the reach described above.

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3. Only one filing (Application for Permit No. 22-7425) was found in the records of the Department with a point of diversion within the designated reach. The application proposed diversion of 77 cfs for power purposes, and had a date of priority of March 29, 1983, later in time than the filing for a minimum streamflow. The application, in the name of John and Rita Peterson, was rejected by the Department in June, 1987.

4. Bitch Creek supports a self sustaining population of cutthroat trout. More fish are found in Bitch Creek than any of the other tributaries to the Teton River.

5. Bitch Creek is also a spawning river for both the resident fish populations and fish migrating from the Teton River.

6. Bitch Creek is fished extensively by the general public with almost 2000 fisherman hours spent in 1975 harvesting 3,800 *1.9 fish/hour* game fish.

7. Expert testimony by Fish and Game personnel established that 55 cfs would be an optimum flow in Bitch Creek, but that 28 cfs is a true minimum flow in Bitch Creek.

8. Limited flow data for the years 1975, 1976, and 1977 show exceedance of the requested 28 cfs most of the year, except during February and March, when the flow in Bitch Creek has dropped to 27 cfs.

9. Policy 4D of the Idaho State Water Plan reserves a dam site on the Teton River. The U.S. Dept. of Interior, Bureau of Reclamation holds Permit No. 22-2290, filed **MICROFILMED** in the Department

MAY 16 1989

on May 23, 1960. Permit No. 22-2290 authorizes construction of a dam on the Teton River. If the dam is ever constructed, backwater could inundate a portion of the minimum flow reach.

#### CONCLUSIONS OF LAW

1. Idaho Code § 42-1501 provides that streamflow preservation for the protection of fish and wildlife habitat, is in the public interest and is declared to be a beneficial use of such water.

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

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

(a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum streamflow filed under the provisions of this act;

(b) is in the public, as opposed to the private, interest;

(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;

(d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and,

(e) is capable of being maintained as evidenced by records of streamflows and water levels and the existing and future establishment of necessary gauging stations and bench marks.

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3. Any right to be acquired under this application is for instream non-consumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than June 19, 1981.

4. The proposed minimum streamflow appropriation is necessary to preserve fish habitat.

5. The minimum streamflow is in the interest of the public as opposed to the private interest.

6. Permit No. 22-2290 was filed earlier than this application for minimum stream flow, and if perfected, will be assigned an earlier date of priority. Backwater of the reservoir authorized under Permit NO. 22-2290 could inundate portions of the minimum flow reach.

7. A flow rate of 28 cfs is a true minimum flow rate, and is not the optimum flow rate for full preservation of the fish habitat.

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

9. The Director of the Department of Water Resources has considerable flexibility and authority to grant appropriations subject to future appropriations for uses which the public interest may show to be of greater importance. Shokal v. Dunn, 109 Idaho 330, 337, 707 P.2d 441 (1985).

10. A perpetual commitment of a significant amount of water from Bitch Creek without a method of changing the terms of that

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use could at some future date adversely affect the public interest.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 22-7370 is APPROVED subject to the following conditions:

1. Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by decree, diversion and application to beneficial use, or by an application, permit, or license on file issued by the Director under provisions of chapter 2, title 42, Idaho Code, with the priority of the water right dated earlier than June 19, 1981, the priority date of this permit.

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

3. Upon the future finding and order of the Director that gauging stations are required to monitor the approved minimum flow on Bitch Creek, such measuring devices shall be permanently installed and maintained as specified by the Department.

4. Proof of instream beneficial use of the minimum streamflow appropriation shall be submitted to the Department within five (5) years after the permit is approved and on or before the date set by the final order issuing the permit. Proof shall include the submittal of flow data showing that the permitted flows are capable of being maintained.

5. The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license.

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Any person seeking review and amendment of the permit or license shall file a request with the Board, which request shall describe the amendment sought, the reasons for the proposed amendment, and a statement of the change in circumstances since the permit or license was issued or last reviewed that merit a review of the permit or license. A copy of the petition shall be served upon the Director of the Department of Water Resources. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the permit of subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment to establish that amendment of the permit or license would be in the public interest.

6. This minimum flow is subject to the future construction of a dam and reservoir on the Teton River under Permit No. 22-2290.

Dated this 28 day of November, 1988.

  
BOBBY D. FLEENOR, Hearing Officer  
Department of Water Resources

MICROFILMED  
MAY 16 1989

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of November, 1988,  
I mailed a true and correct copy, postage prepaid, of the  
Proposed Memorandum Decision and Order to:

Idaho Water Resource Board

John Sessions  
414 No. Main  
Driggs, ID 83422

Echo Ranch, Teton  
Pipeline, and Mark  
and Jay Ricks  
c/o R.J. Hoopes  
110 E. Main  
P.O. Box 70  
Rexburg, ID 83440

Gary D. Slette  
P.O. Box 1906  
Twin Falls, ID 83303

Idaho Dept. of Fish & Game  
Statehouse  
Boise, ID 83720

Energy Gap  
Star Rt. Box 3654  
Jackson, Wyoming 83001

John C. Arkoosh  
Attorney at Law  
116 4th Ave. W.  
P.O. Box 32  
Gooding, ID 83330

Leigh Chantrill  
Newdale, ID 83436

Heidi Miller  
HEIDI MILLER, Receptionist

**MICROFILMED**

MAY 16 1989

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

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

Post office address Statehouse, Boise, Idaho 83720

2. Source of water supply Bitch Creek which is a tributary of Teton River

3. Location of reach is from NW ¼ of NE ¼ of Section 20 Township 7 N

Range 44 E B.M. Teton County, upstream approximately 6 miles to State Highway

32 in NW¼NW¼ Sec 17 T7N R45E, Teton County.

4. Water will be used for the following purposes:

Amount 28 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. 28 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW ¼ of NE ¼ of Section 20 Township 7 N

Range 44 E B.M.

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

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

(4) Name of municipality to be served MAY 16 1989, or number of families to be supplied with domestic water \_\_\_\_\_

(5) If water is to be used for other purposes describe: To maintain spawning and rearing of game fish from the confluence with Teton River upstream to Highway 32.

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

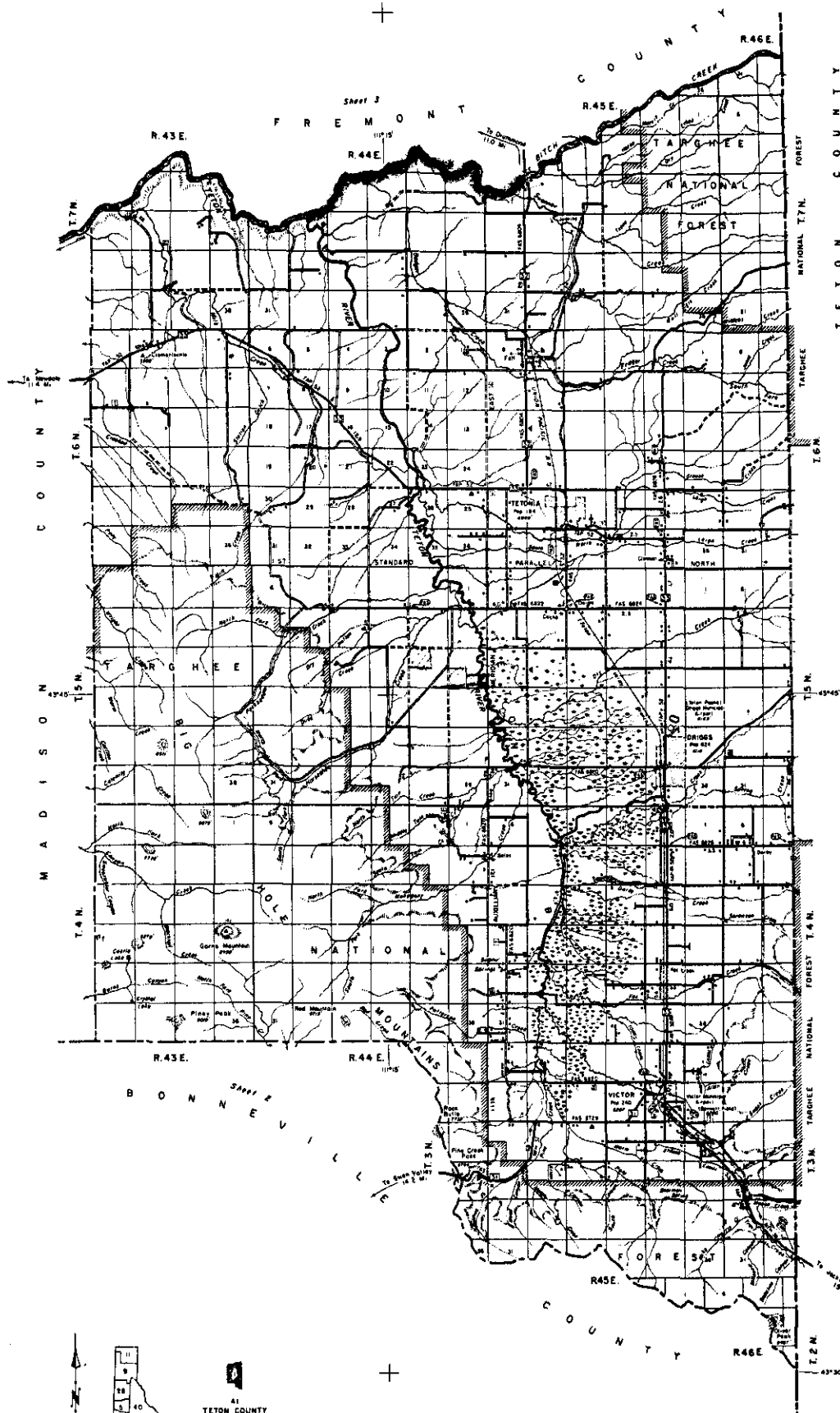
# UNREFINED

~~MAY 16 1989~~

|   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

# LEGEND

- Primitive road
- Unimproved road
- Graded and drained road
- Gravel road graded and drained
- Bituminous road - low type
- Bituminous road - high type
- Private road (see notes, etc.)
- Local roads within municipal limits
- Federal Aid Primary System
- Federal Aid Secondary System
- National Forest Highway
- State numbered highway
- End of mileage route
- End of Federal Aid System
- End of National Forest Highway
- Distance measured between points
- Cut across road
- Railroad
- Railroad station
- Grade crossing
- Intermittent stream
- Narrow stream
- Wide stream
- Lake, reservoir or pond
- Marsh or swamp land
- Springs
- Irrigation canal
- Minor structure (see notes, etc.)
- General bridge (see notes, etc.)
- General bridge (see notes, etc.)
- Prominent elevation, butte
- Mountain or ridge
- Mountain pass
- Cattle guard
- State line
- County line
- Township line
- Section line
- Forest or reservation boundary line
- County seal
- Other cities and villages
- Incorporated city or village
- Camp site
- Fair grounds or race track
- Drive-in theater
- Fight unit (see notes, etc.)
- Dwelling (see notes, etc.)
- Group of dwellings
- Dwelling and store
- Dwelling, business & filling station
- Dwelling, business, filling station & P.O.
- Store or small business
- Church (see notes, etc.)
- Cemetery
- School (see notes, etc.)
- Agricultural experiment station
- Power plant
- Warehouse-general
- Crop elevator
- Gravel pit
- Garbage dump grounds
- Culture shown out of position
- Transportation station
- Latitude and longitude
- Airport, limited facilities
- Landing area or strip



## GENERAL HIGHWAY MAP TETON COUNTY

TETON COUNTY  
1940 Pop. 1,579

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

[illegible]

Scale: 2 inches equal 1 mile.

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

**MICROFILMED**

MAY 16 1989

Mr. Reed Hansen  
(Applicant)

Chairman

Idaho Water Resource Board

Received by kyd Date 7/1/81 Time 10:40p  
fyd 6-19-81 1:28

Preliminary check by EMC Fee \$ N/A

Receipted by \_\_\_\_\_ Date \_\_\_\_\_

Publication prepared by KW Date 7-8-81

Published in Idaho Teton Valley News

Publication dates Aug 13 and 20 1981

Publication approved CW Date 9/10/81

Protests filed by: \_\_\_\_\_

RE-AD: 10/17 & 10/24/85  
Teton Valley News  
Post Register  
Ashton Herald  
Fremont Cty Chron  
Idaho Statesman  
Lewiston Morn Tri  
Times News

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

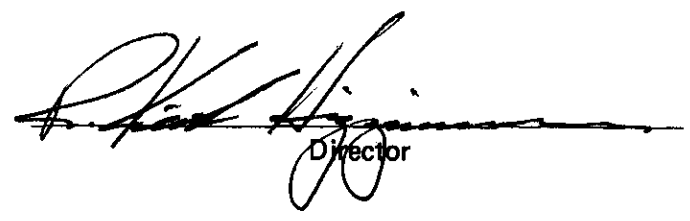
Recommended for approval denial by \_\_\_\_\_

**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: Pursuant to PROPOSED MEMORANDUM DECISION AND ORDER and ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

Witness my hand this 23rd day of December, 19 88.

  
Director

**MICROFILMED**  
MAY 16 1989

NAME OF STREAM: Bitch Creek

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

At confluence with Teton River, Teton County, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 20, T. 7 N., R. 44 E.

THE PROPOSED STREAM FLOW IN CUBIC FEET PER SECOND:

28 cfs

THE PURPOSE FOR WHICH THE MINIMUM STREAM FLOW IS PROPOSED:

To maintain spawning and rearing of game fish from the point of requested flow upstream to Highway 32.

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 Bitch Creek from Highway 32 downstream is a high quality fishery for rainbow trout, brook trout, cutthroat trout and mountain whitefish. In 1974, anglers spent an estimated 1,180 hours to harvest 5,841 game fish, and in 1975 spent an estimated 1,886 hours to harvest 3,800 game fish. The requested instream water right will be held in trust for the people of Idaho by the Idaho Resource Board.

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

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

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

**MICROFILMED**

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

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The ideal flow would be one which provided a bankfull stage or approximately twice the requested flow.

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

The lowest flow recorded during the period of record was 24 cfs on March 12, 1975, at the existing gage station described below.

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

Gage Station No. 13-0543, 500 feet downstream of Highway 32, Teton County, Section 17, T. 7 N., R. 45 E.

**MICROFILMED**

MAY 16 1989

AFFIDAVIT OF PUBLICATION

State of Idaho )  
 ) ss  
County of Teton )

I, Barbara Jones  
being first duly sworn depose and say that I am the Sec of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

Public Notice  
Appl. # 22-7370

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 13 day of Sept, 1981 and last publication on the 20 day of Sept, 1981.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from type matter, of at least sixteen inches deep.

Barbara Jones

Subscribed in my presence and sworn to before me this 21 day of Sept, 1981.

(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

[Signature]  
My Commission expires 8-7-, 1982

RECEIVED  
SEP 8 1981  
Department of Water Resources  
Eastern District Office

PUBLIC NOTICE

Notice is hereby given that the following application submitted for permit to appropriate the public waters of the State of Idaho: Notice of Application for Minimum Stream Flow is hereby given that the Idaho Water Resources Board has on June 19, 1981, submitted application 22-7370 for permit to the Department of Water Resources proposed appropriation of 28 cubic feet per second of water with right of way NW 1/4 NE 1/4, Sec. 20, T. 14 N. R. 44 E, Teton County, Idaho, to serve the minimum stream flow subject to all prior water rights for maintaining the present quality of fisheries and provide adequate spawning and rearing conditions year round in Blitch Creek tributary of Teton River. Pursuant to Title 42, Chapter 15 of the IDAHO CODE, notice will be published on a date setting a time and place for a hearing during which opportunity will be provided for public comment.

A. Kenneth D...  
Director

Published in the Teton Valley News August 13 and 20, 1981.

MICROFILMED  
MAY 16 1989

# AFFIDAVIT OF PUBLICATION

State of Idaho )  
 ) ss  
County of Teton )

I, Don Hatch,  
being first duly sworn depose and  
say that I am the secretary  
of the Teton Valley News, a  
newspaper as defined by Idaho  
Codes Annotated, Section 58-106,  
as amended, and that said  
newspaper is a weekly newspaper  
printed and published at Driggs, in  
Teton County, Idaho, having a  
general circulation in said county,  
and that said newspaper has been  
printed in said county for more  
that 78 consecutive weeks prior to  
the first publication of the attached  
notice, advertisement or publica-  
tion of

Notice of Public  
Meeting

And affiant further says that said  
attached notice, advertisement or  
publication, as per clipping  
attached, was published in said  
newspaper, in the regular and  
entire issue thereof, and not in any  
supplement issue thereof, for 2  
consecutive issues thereof; first  
publication having been made on  
the 12 day of Sept, 1984  
and last publication on the 20 day  
of Sept, 1984

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at least  
eight pages of at least five columns  
each, printed from type matter, of  
at least sixteen inches deep.

Don Hatch

Subscribed in my presence and  
sworn to before me this 12 day of  
Sept, 1984  
(SEAL) Notary Public for the state  
of Idaho, residence and postoffice  
address, Driggs, Idaho.

Randa Hammer  
My Commission expires

9/29/86

NOTICE OF PUBLIC MEETING  
NOTICE IS HEREBY GIVEN,  
that an informal public meeting  
will be conducted by the Idaho  
Water Resource Board on  
Wednesday, September 26,  
1984 at 7:30 p.m. in the  
Courtroom, Fremont County  
Courthouse, St. Anthony,  
Idaho to receive comments on  
minimum streamflow  
applications as follows:

No. 21-7281 proposing the  
appropriation of 140 cfs of  
water from Fall River tributary  
to Henry's Fork Snake River.  
The location of the reach is the  
NE 1/4 SE 1/4, Sec. 14, T. 8N, R.  
41E, upstream approximately 8  
miles to State Highway 32 in  
the SE 1/4 NW 1/4, Sec. 18, T. 8N,  
R. 43E.

No. 21-7283 proposing the  
appropriation of 141 cfs from  
Warm River tributary to Henry's  
Fork Snake River. The location  
of the reach is the NW 1/4 NW 1/4,  
Sec. 13, T. 9N, R. 43E,  
upstream approximately 1 1/2  
miles to State Highway 47 in the  
SW 1/4 SE 1/4, Sec. 12, T. 9N, R.  
43E, B.M., both in Fremont  
County.

On Thursday, September 27,  
1984 at 7:30p.m. in the  
Courtroom, Teton County  
Courthouse, Driggs, Idaho an  
additional public meeting will  
be held to receive comments  
on minimum streamflow  
applications as follows:

No. 22-7369 proposing the  
appropriation of 106 cfs from  
the Teton River tributary to  
Henry's Fork Snake River. The  
location of the reach is the  
NW 1/4 NE 1/4, Sec. 20, T. 7N, R.  
44E, upstream approximately 9  
miles to State Highway 33 in  
the SE 1/4 SW 1/4, Sec. 23, T. 6N,  
R. 44E.

No. 22-7370 proposing the  
appropriation of 28 cfs from  
Pitch Creek tributary to Teton  
River. The location of the reach  
is the NW 1/4 NE 1/4, Sec. 20, T.  
7N, R. 44E, upstream  
approximately 6 miles to State  
Highway 32 in the NW 1/4 NW 1/4,  
Sec. 17, T. 7N, R. 45E, B.M.,  
both in Teton County.

All of the above applications  
were filed to protect the quality  
of the fisheries habitat within  
the specified reach on each  
stream.

A. Kenneth Dunn, Director.  
Published in the Teton Valley  
News on September 13 and  
20, 1984.

RECEIVED

SEP 24 1984

Department of Water Resources  
Eastern District Office

RECORDED

MAY 16 1985

Proof of Publication  
**The Post-Register**

RECEIVED

SEP 24 1984

Department of Water Resources  
Eastern District Office

State of Idaho, }  
County of Bonneville } ss.

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

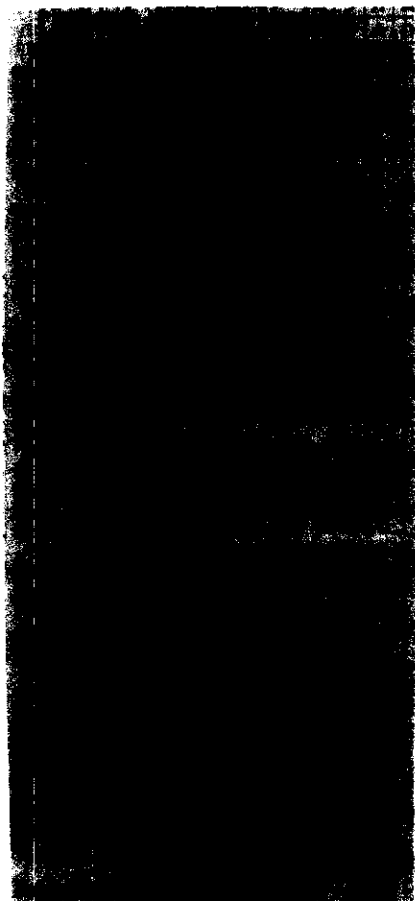
That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-  
lished in said Post-Register for two consecutive weeks, first publication having been made  
on the 13th day of September, 1984, last publication  
having been made on the 20th day of September, 1984, and that the  
said notice was published in the regular and entire issue of said paper on the respective dates of  
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of September, 1984

J. Robb Brady  
Clonk R. Papier  
Notary Public

My commission expires September 30, 1984

B10, 1M,



MICROFILMED

MAY 16 1989

AFFIDAVIT OF  
PUBLICATION

State of Idaho

County of Fremont

Carol Bessey

being first duly sworn, upon his  
oath, deposes and says:

That she is the editor.....  
of The Ashton Herald, a newspaper  
as defined by Idaho Codes Anno-  
tated, section 58-106, as amended,  
and that said newspaper is a  
weekly newspaper printed and  
published at St. Anthony, in Fre-  
mont County, Idaho, having a  
general circulation in said county,  
and that said newspaper has been  
printed and published as a weekly  
newspaper in said county for more  
than 78 consecutive weeks prior to  
the first publication of the attached  
notice, advertisement or publica-  
tion of .....

Notice of Public.....  
Meeting.....

And affiant further says that said  
notice, advertisement of publica-  
tion, as per clipping attached, was  
published in said newspaper, in the  
regular and entire issue thereof,  
and not in any supplement issue  
thereof, for ..... consecutive  
issues thereof; first publication

having been made on the 13<sup>th</sup>.....

day of September 1984,

and the last publication on the

22<sup>nd</sup> day of September.....  
1984.

And affiant further says that at the  
times herein mentioned said news-  
paper was made up of at least four  
pages of at least five columns each,  
printed from type matter, of at  
least seventeen and three-fourths  
inches deep.

Carol Bessey  
Subscribed in my presence and

sworn to before me this 25<sup>th</sup>.....

day of September.....  
1984

Linda Sheldon

Notary Public for the  
[SEAL] State of Idaho, residence  
and post office address:  
St. Anthony, Idaho.  
Ashton

RECEIVED

SEP 27 1984

Department of Water Resources  
Eastern District Office

NOTICE OF PUBLIC MEETING

Notice is hereby given that an informal  
public meeting will be conducted by the  
Idaho Water Resource.....  
Friday, Sept. 20, 1984, at 7:30 p.m. in the  
Courtroom, Fremont County Courthouse, St.  
Anthony, Idaho..... on  
minimum streamflow applications.....  
No. 22-7389.....  
of 106 cfs.....  
to Henry's Fort Snake River.....  
the reach is the NW1/4NE1/4, Sec. 20, T. 7N,  
R. 44E, upstream approximately 9 miles to  
State Highway 33 in the SE1/4NW1/4, Sec. 23,  
T. 7N, R. 44E, both in Fremont County.

On Thursday, September 27, 1984 at  
7:30 p.m. in the Courtroom, Teton County  
Courthouse, Teton, Idaho..... additional  
public meeting will be held to receive  
comments on minimum streamflow ap-  
plications as follows:

No. 22-7389 proposing the appropriation  
of 106 cfs from the Teton River tributary to  
Henry's Fort Snake River. The location of  
the reach is the NW1/4NE1/4, Sec. 20, T. 7N,  
R. 44E, upstream approximately 9 miles to  
State Highway 33 in the SE1/4NW1/4, Sec. 23,  
T. 7N, R. 44E.

No. 22-7389 proposing the appropriation  
of 35 cfs from Birch Creek tributary to Teton  
River. The location of the reach is the  
NW1/4NE1/4, Sec. 20, T. 7N, R. 44E, up-  
stream approximately 9 miles to State  
Highway 33 in the NW1/4NW1/4, Sec. 17, T.  
7N, R. 45E, S.M., both in Teton County.

All of the above applications were filed to  
protect the fish and wildlife habitat  
within the Snake River reach on the stream.

A. KENNETH DUNN  
Director

Publ. Sept. 13 and 20, 1984AH

# THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
County of Fremont } ss

I, Terry Weatherston  
being first duly sworn, depose and say, that I am  
the printer of THE CHRONICLE-NEWS, a weekly  
newspaper printed and published weekly at St.  
Anthony, Fremont County, Idaho; and I do  
solemnly swear that the

### Notice Of Public Meeting

a copy of which notice appears attached here-  
to, was published in the regular and entire issue  
of said newspaper, and not in any

supplement issue thereof for 2  
consecutive issues, the first publication hav-

ing been made on September 13, 1984  
and the last publication having been made

on September 20, 1984.

Further, that said newspaper is one of general  
circulation in said county; that it is a legal  
newspaper, conforming to legal specifications  
under the Idaho Statutes; that it has at least two  
hundred bona fide subscribers living within the  
county of publication; and that it has been  
continuously and uninterrupted published in said  
county during a period of seventy-eight con-  
secutive weeks prior to the first publication of the  
said notice.

*Terry Weatherston*

~~~~~

Subscribed to and sworn to before me
this September 21, 1984

Dore L. Harner

Notary Public.

(SEAL)

My commission expires life

NOTICE OF PUBLIC MEETING

Notice is hereby given that a public meeting will be conducted at the Idaho Department of Water Resources, Eastern District Office, 1000 N. 2nd St., Boise, Idaho 83724, on September 22, 1984, at 7:00 p.m. The purpose of the meeting is to discuss the proposed appropriation of 108 cfs from Teton River tributary to Henry's Fork Snake River. The location of the reach is the NW 1/4, Sec. 20, T. 7N, R. 44E, approximately 9 miles to State Highway 53 in the SE 1/4, Sec. 23, T. 6N, R. 44E.

No. 22, 1984 proposing the appropriation of 25 cfs from the Blackfoot tributary to Teton River. The location of the reach is the NW 1/4, Sec. 20, T. 7N, R. 44E, approximately 9 miles to State Highway 53 in the SE 1/4, Sec. 23, T. 6N, R. 44E.

No. 23, 1984 proposing the appropriation of 25 cfs from the Blackfoot tributary to Teton River. The location of the reach is the NW 1/4, Sec. 20, T. 7N, R. 44E, approximately 9 miles to State Highway 53 in the SE 1/4, Sec. 23, T. 6N, R. 44E.

No. 24, 1984 proposing the appropriation of 25 cfs from the Blackfoot tributary to Teton River. The location of the reach is the NW 1/4, Sec. 20, T. 7N, R. 44E, approximately 9 miles to State Highway 53 in the SE 1/4, Sec. 23, T. 6N, R. 44E.

No. 25, 1984 proposing the appropriation of 25 cfs from the Blackfoot tributary to Teton River. The location of the reach is the NW 1/4, Sec. 20, T. 7N, R. 44E, approximately 9 miles to State Highway 53 in the SE 1/4, Sec. 23, T. 6N, R. 44E.

All of the above applications were filed to protect the quality of the riparian habitat within the proposed reach in each stream.

KATHLEEN DUNN
Director

Publ. Sept. 13 and 20, 1984CN

RECEIVED

OCT 4 1984

Department of Water Resources
Eastern District Office

MICROFILMED

MAY 16 1989

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

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

County of Fremont

Helen S. Luke

being first duly sworn, upon oath, deposes and says:

That she is the *business clerk* of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

notice of public hearing
Teton County

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for *2* consecutive issues thereof; first publication

having been made on the *17th*

day of *October*, 19*85*,

and the last publication on the

24th day of *October*

19*85*.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Helen S. Luke

Subscribed in my presence and

sworn to before me this *29th*

day of *October*,

19*85*.

James E. Heland

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton

RECEIVED
OCT 30 1985

Department of Water Resources
Eastern District Office

LEGAL NOTICE

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

**NOTICE OF APPLICATION
FOR MINIMUM STREAM FLOW**

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted the following applications for permits to the Department of Water Resources:

No. *22-7389* proposing the appropriation of 106 cfs of water from the Teton River tributary to Henrys Fork Snake River. The location of the reach is the NWNE, Sec 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SESW, Sec. 23, T. 6N, R. 44E.

No. *22-7370* proposing the appropriation of 28 cfs from Birch Creek tributary to Teton River. The location of the reach is the NWNE, Sec. 20, T. 7N R. 44E, upstream approximately 6 miles to State Highway 32 in the NWNW, Sec 17, T. 7N, R. 45E, B.M., both in Teton County.

The applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

The Director of the Department of Water Resources will hold a public hearing on the applications in the Courtroom, Teton County Courthouse, Driggs, Idaho at 9:30 a.m. November 21, 1985, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provision of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

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

A. KENNETH DUNN
Director

Publ. Oct. 17 and 24, 1985AH

MICROFILMED

MAY 16 1989

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 15582

I, Linda Copps McBuire being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated October 17, 1985, and ending with the issue dated October 24, 1985.

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

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

Linda Copps McBuire
Subscribed and sworn to before me on this 24 day of

October, 1985

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



LEGAL NOTICE

LEGAL NOTICE
Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

NOTICE OF APPLICATION FOR MINIMUM STREAMFLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted the following applications for permits to the Department of Water Resources:

No. (22-7369) proposing the appropriations of 108 cfs of water from the Teton River tributary to Henrys Fork Snake River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 8 miles to State Highway 33 in the SESW, Sec. 23, T. 6N, R. 44E.

No. (22-7370) proposing the appropriation of 28 cfs from Birch Creek tributary to Teton River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NWNW, Sec. 17, T. 7N, R. 45E, B.M., both in Teton County.

The applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

The Director of the Department of Water Resources will hold a public hearing on the applications in the Courtroom, Teton County Courthouse, Driggs, Idaho at 9:30 a.m. November 21, 1985, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provision of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

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

A. KENNETH DUNN
Director
PUBLISH: Thursday, October 17 and 24, 1985.

MICROFILMED

MAY 16 1989

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) consecutive weekly insertions beginning with the issue of

October 17, 1985, and ending with the issue of October 24, 1985.

Laura Gay Barnes

24th

Subscribed and sworn to before me this _____

day of October, 1985.

Jeanne M Hawke

Notary Public for Idaho, Residing at Boise, Idaho.

LEGAL NOTICE
Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:
NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW
Notice is hereby given that the Idaho Water Resource Board has, on June 19, 1981, submitted the following applications for permits to the Department of Water Resources:
No. 22-7369, proposing the appropriation of 106 cfs of water from the Teton River tributary to Henry's Fork Snake River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SESW, Sec. 23, T. 6N, R. 44E.
No. 22-7370, proposing the appropriation of 28 cfs from Birch Creek tributary to Teton River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NWNW, Sec. 17, T. 7N, R. 45E, B.M. both in Teton County.
The applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.
The Director of the Department of Water Resources will hold a public hearing on the applications in the Courtroom, Teton County Courthouse, Driggs, Idaho at 9:30 a.m., November 21, 1985, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provision of Section 42-1503, Idaho Code.
Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.
If issued, the permit will be subject to all prior water rights.
A. KENNETH DUNN
Director
Pub. Oct. 17, 24, 1985 9360

RECORDED

MAY 16 1989

RECEIVED
OCT. 25 1985
Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss

County of Teton)

Kristi Atkinson
being first duly sworn depose and
say that I am the Secretary
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of app.
for min. flow.

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2...
consecutive issues thereof, first
publication having been made on
the 17 day of Oct. 1985
and last publication on the 24 day
of Oct., 1985

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep

Kristi Atkinson

Subscribed in my presence and
sworn to before me this 29 day of
Oct., 1985
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

C. R. 19.....

LEGAL NOTICE

Notice is hereby given that the
following applications have been
submitted for permit to ap-
propriate the public waters of the
State of Idaho:

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the
Idaho Water Resource Board has
on June 19, 1981 submitted the
following applications for permits
to the Department of Water
Resources:

No. 22-7369 proposing the
appropriation of 106 cfs of water
from the Teton River tributary to
Merrys Fork Snake River. The
location of the reach is the
NWNE, Sec. 20, T. 7N, R. 40E,
upstream approximately 9 miles
to State Highway 2000 at Driggs,
Idaho. Sec. 17, T. 7N, R. 40E.

No. 22-7370 proposing the
appropriation of 20 cfs from the
Creek tributary to Teton
River. The location of the reach
is the NWNE, Sec. 20, T. 7N, R.
40E, upstream approximately 8
miles to State Highway 32 in the
NW, Sec. 17, T. 7N, R. 40E,
Idaho, both in Teton County.

The applications were filed to
protect the quality of the fisheries
habitat within the specified reach
of each stream.

The Director of the Depart-
ment of Water Resources will
hold a public hearing on the ap-
plications in the Courtroom,
Teton County Courthouse,
Driggs, Idaho at 9:30 a.m.,
September 21, 1985, for the pur-
pose of hearing evidence in
support of the applications. The
hearing will be held pursuant
to the provision of Section 42-
1003, Idaho Code.

Any party who wishes to for-
mally appear at this proceeding
for the purpose of presenting
evidence or cross examining
witnesses must file a notice of
appearance with the Director of

The Department of Water
Resources, Boise, Idaho, five (5) days prior to the
hearing. Other parties will be
given an opportunity to inter-
nally present their views and
comments without the necessity
of filing a notice of appearance.
If issued the permit will be
subject to all prior water rights.

A. KENNETH DUNN

Director

Published in the Teton Valley News
on Oct. 17 and 24, 1985.

MAY 16 1989

Proof of Publication

The Post-Register

RECEIVED

OCT 28 1985

Department of Water Resources
Eastern District Office

State of Idaho,
County of Bonneville } ss.

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 17th day of October, 1985, last publication having been made on the 24th day of October, 1985, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 24th day of October, 1985

Don K. Neper
Notary Public

My commission expires September 30, 1988

B10, 1M,

LEGAL NOTICE
Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW
Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted the following applications for permits to the Department of Water Resources:

No. 22-7369 proposing the appropriation of 106 cfs of water from the Teton River tributary to Henrys Fork Snake River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SSW, Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appropriation of 28 cfs from Bitch Creek tributary to Teton River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NWNW, Sec. 17, T. 7N, R. 45E, B.M., both in Teton County.

The applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

The Director of the Department of Water Resources will hold a public hearing on the applications in the Courtroom, Teton County Courthouse, Driggs, Idaho at 9:30 a.m. November 21, 1985, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provision of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and com-

ments without the necessity of filing a notice of appearance.
If issued the permit will be subject to all prior water rights.

A. KENNETH DUNN
Director
Published: October 17, 24, 1985

THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Terry Weatherston,
being first duly sworn, depose and say, that I am
the printer of THE CHRONICLE-NEWS, a weekly
newspaper printed and published weekly at St.
Anthony, Fremont County, Idaho; and I do
solemnly swear that the

Legal Notice

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on Oct. 17, 1985
and the last publication having been made
on Oct. 24, 1985

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston

~~~~~

Subscribed to and sworn to before me  
this Oct. 25, 1985

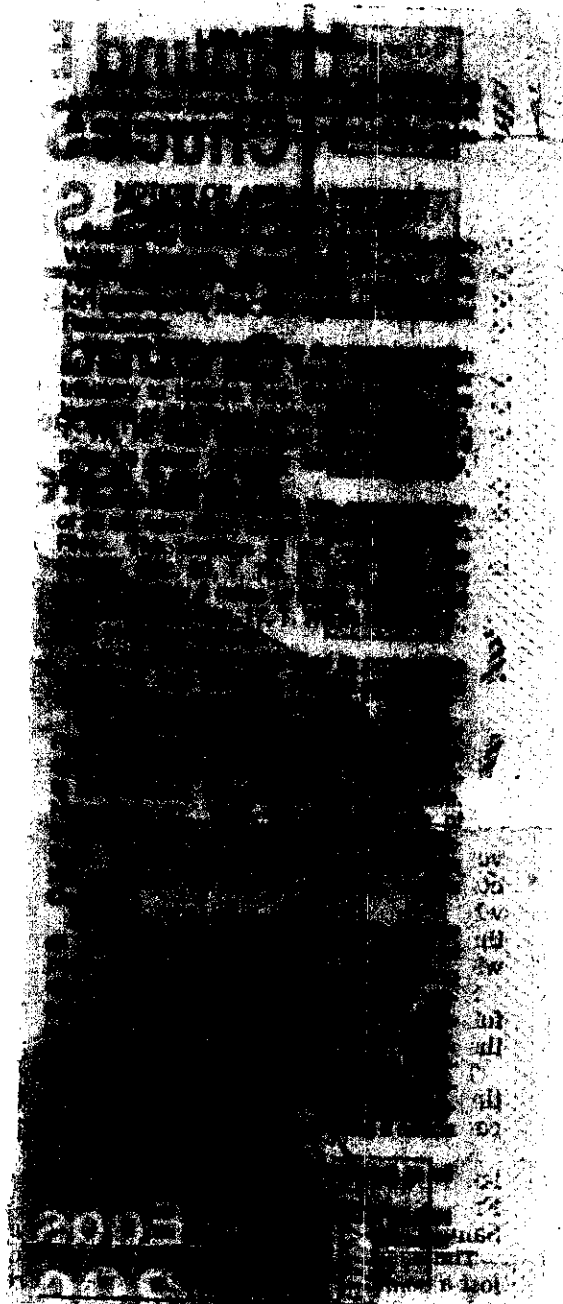
*[Signature]*  
Notary Public.

(SEAL)

My commission expires life

RECEIVED  
NOV 7 1985

Department of Water Resources  
Eastern District Office



MICROFILMED

MAY 16 1989



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

January 20, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

IDAHO WATER RESOURCE BOARD  
1301 N ORCHARD ST  
BOISE ID 83706-2237

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 22-07370**

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Kari Lynn Townsend  
Secretary

c: IDWR - Regional Office

MICROFILMED  
JAN 27 2000

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 22-07370 Reviewed by WJ Date 1-17-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

min flo

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

       Ground water source

       Drilling permit required?

       Copy in the file? Drilling Permit No.       

       Amount paid for permit        Correct?

       Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

NO Required? Bd is exempt

NO Required?

       Amount Submitted

       Installed?

       Correct?

       Waiver requested?

PRIORITY CALCULATION

Date proof received              

Date proof due        -       

No. of days late        =       

Priority Date        +       

New Priority Date              

DEFICIENCIES OR ACTION ITEMS

none - ack proof.  
(Hand deliver a copy of  
ack letter to Bill Graham)

DATA ENTRY

New Address        Proof Made 11-24-99



**IDAHO FISH & GAME**

600 South Walnut  
P.O. Box 25  
Boise, Idaho 83707-0025

**Dirk Kempthorne** / Governor  
**Stephen P. Mealey** / Director

November 10, 1999

Mr. Bill Graham  
Planning Bureau  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83706

RE: Flow measurements for Bitch Creek (Water right no. 22-07370)

<sup>Bill</sup>  
Dear Mr. Graham:

As per your request, I have enclosed flow measurements taken on Bitch Creek during August, September, and November, from 1995, 1998, and 1999. The data show the requested flow of 28 cfs is capable of being maintained during the low water time of the year (August through November). If you have further data requests or questions, please let me know.

Sincerely,

*Cindy*

Cindy Robertson  
Fishery Staff Biologist

Enclosure

Cc: Bob Martin

MICROFILMED

JAN 27 2000

**Water right no. 22-07370**

**Discharge Measurements**

|                    |         |
|--------------------|---------|
| August 9, 1995     | 138 cfs |
| September 13, 1995 | 51 cfs  |
| August 5, 1998     | 117 cfs |
| September 9, 1999  | 48 cfs  |
| November 5, 1999   | 42 cfs  |

All measurements were taken approximately 100 yards below the Highway 32 bridge. All measurements were taken by IDFG personnel.

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JAN 27 2000

## ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 22-07370 Reviewed by Jy Date 3-31-99

### BASIC INFORMATION

3-31-99 Date stamp received  
Yes Extension received timely  
NA Fee received and receipted  
Yes Name and signature same as permit  
Yes Address Change

### BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?  
\_\_\_\_\_ Has the permit been involved in litigation?  
Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_  
\_\_\_\_\_ Is delay by a government agency?  
Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_  
\_\_\_\_\_ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

### ACTION TAKEN

*Recommend extend to April 1, 2000, on basis of due diligence.*

### PRIORITY CALCULATION

|                         |       |   |       |
|-------------------------|-------|---|-------|
| Date extension received | _____ | = | _____ |
| Proof due date          | _____ | = | _____ |
| Number of days late     | _____ | = | _____ |
| Priority date           | _____ | = | _____ |
| New Priority Date       | _____ | = | _____ |

### DATA ENTRY

New Address X  
Change Proof Due Date 4-1-2000  
Change Priority Date X

January 31, 1999

STATE OF IDAHO  
IDAHO WATER RESOURCE BOARD  
STATEHOUSE  
BOISE ID 83720

PROOF DUE NOTICE

RE: PERMIT NO. 22-07370

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

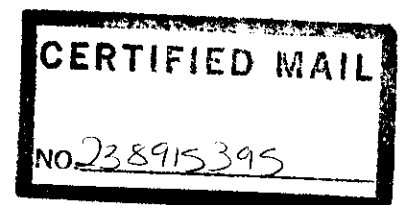
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED  
APR 11 8 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 6, 1999

Idaho Water Resource Board  
1301 N Orchard  
Boise ID 83706

**RE: Permit No. 22-07370**

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **April 1, 2000**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED  
APR 08 1999

**ANALYSIS SHEET  
FOR  
EXTENSION OF TIME**

Permit No. 22-07370 Reviewed by [Signature] Date 3-28-94

**BASIC INFORMATION**

3-16-94 Date stamp received  
yes Extension received timely  
— Fee received and receipted -none required  
yes Name and signature same as permit  
no Address Change

**BASIS FOR EXTENSION REQUEST**

— Has adequate work been completed to demonstrate due diligence?  
✓ Has the permit been involved in litigation?  
— Is supporting documentation needed to complete the file? Requested? —  
— Is delay by a government agency?  
— Is supporting documentation needed to complete the file? Requested? —  
— Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

**ACTION TAKEN**

Recommended extend to April 1, 1999 for Gov. Delay

**PRIORITY CALCULATION**

|                         |          |   |          |
|-------------------------|----------|---|----------|
| Date extension received | <u>—</u> | = | <u>—</u> |
| Proof due date          | <u>—</u> | = | <u>—</u> |
| Number of days late     | <u>—</u> | = | <u>—</u> |
| Priority date           | <u>—</u> | = | <u>—</u> |
| New Priority Date       | <u>—</u> | = | <u>—</u> |

**DATA ENTRY**

New Address —  
Change Proof Due Date 4-1-99  
Change Priority Date —

April 12, 1994

Idaho Water Resource Board  
Statehouse Mail  
Boise, ID 83720

RE: Permit No. 22-07370

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to April 1, 1999.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional extension requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

c: IDWR-Regional Office

MICROFILMED  
APR 08 1999



RECEIVED

MAR 04 1994

Department of Water Resources

**IDAHO FISH & GAME**

600 South Walnut / Box 25  
Boise, Idaho 83707-0025

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

March 2, 1994

Mr. John Beal  
Idaho Department of Water Resources  
STATEHOUSE MAIL  
1301 North Orchard Street  
Boise, ID 83720

RE: Minimum streamflow water rights--21-07355 and 22-07370

Dear John:

I have reviewed our files and talked with our personnel in the Idaho Falls office regarding the proof of use for the above-referenced minimum streamflow water rights. Because of staffing constraints and changes in responsibilities for regional personnel, the Idaho Department of Fish and Game (Department) has not collected data to provide proof of beneficial use for these water right permits. Therefore, we would like the Idaho Water Resource Board (Board) to request extensions of time for these two permits. We request that the maximum amount of time allowable be requested for both permits. This would facilitate reallocating Department resources to collect the necessary data.

If the Board has questions or concerns regarding this request, please let me know (334-2597).

Sincerely,

Cindy Robertson  
Staff Fishery Biologist

MICROFILMED  
APR 08 1999

January 31, 1994

STATE OF IDAHO  
IDAHO WATER RESOURCE BOARD  
STATEHOUSE  
BOISE ID 83720

PROOF DUE NOTICE

RE: PERMIT NO. 22-07370

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

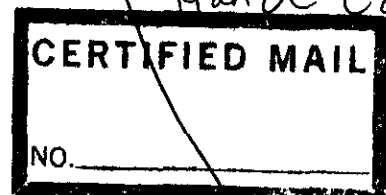
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED  
APR 08 1999



SUMMARY FOR PROCEEDINGS FOR MINIMUM  
STREAMFLOW BITCH CREEK: WATER RIGHT NO. 22-7370

- Filed on June 19, 1981. Express statement that it will not interfere with vested water rights.
- Public information meeting conducted September 27, 1984. Public input was mixed, most comments were judged to favor the Bitch Creek filing.
- At a board on November 2, 1984, the Idaho Water Resource Board signed a resolution requesting that the Director of the Department of Water Resources proceed with administrative action.
- The minimum streamflow reach extends from the confluence of Bitch Creek with the Teton River upstream approximately six miles to where Highway ~~20~~<sup>32</sup> crosses Bitch Creek.
- A minimum streamflow of 28 cfs year-round is year requested.
- Three years of record was available from 1975 through 1977. The minimum flow during that three year period occurred in March, when Bitch Creek flows dropped to 27 cfs. At all other times, the minimum streamflow of 28 cfs was exceeded.
- Bitch Creek is an important spawning creek for fish from Teton River. It is also an important fishery in and of itself.
- Bitch Creek catch rate is 1.1 to 2 fish per hour.

THE FOLLOWING ARE IMPORTANT QUOTATIONS FROM THE RECORD:

- Representative John Sessions- "I question the need for establishment of a minimum streamflow-particularly in the Teton River at this time. Maybe there is merit in establishing a minimum streamflow for Bitch Creek considering the protection of wild stream fish and minimal cost of retaining the fish numbers in the s thinking of the potential impacts on the Te establishing a minimum streamflow there.
- Roger Hoopes, Representing Echo Ranch, Teton Pipeline Association, Jay, Mark and Bruce Ricks. "All of my clients pump from the Teton River and I'm only interested in the Teton River. I personally have no interest and my clients

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MAY 16 1989

to my knowledge have no interest in the Bitch Creek application.

-Representatives of Energy Gap were concerned about the minimum streamflow on Teton River and its effect on their hydropower plant, they were not concerned with the Bitch Creek minimum streamflow.

-There was some opposition expressed to Bitch Creek. Mr. Jay Ricks opposed minimum streamflows on both Bitch Creek and the Teton River. He stated that he wasn't specifically concerned for Bitch Creek like Teton, but objected to the general concept of minimum streamflows.

-Lyle Kunz, Teton County Commissioner, stated that he opposed the proposed minimum streamflows on the basis that it would be a detriment to the economy of the area.

-Letters in favor:

Nancy Fitzsimons, Driggs, Idaho

Rick Bloom, Driggs, Idaho

Ken Bozorth, Idaho Falls, Idaho

Robert G. Stevenson, Victor, Idaho

Idaho Environmental Council, Idaho Falls, Idaho

Dauchy Migel, Idaho Falls, Idaho

John A. McKellar, landowner along Bitch Creek, Driggs, Idaho

Bruce Staples, Idaho Falls, Idaho

-Letters in opposition to the minimum streamflow:

Leigh Chantrill, Newdale, Idaho

*Ralph Alaugham, Pocatello  
Hobart & Martha Cellars, Driggs  
Victoria Ruwitch, Victor, Id  
Buck Goodrich, Shelley  
George Wentzel, Pocatello.*

RECEIVED

MAY 16 1989

## IN THE SENATE

## SENATE CONCURRENT RESOLUTION NO. 107

## BY RESOURCES AND ENVIRONMENT COMMITTEE

## A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

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

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 22-7370 on December 23, 1988, by adopting a Proposed Memorandum Decision and Order authorizing the appropriation of a minimum streamflow in Bitch Creek of 28 cfs during the period beginning January 1 through December 31. The minimum streamflow begins at the confluence of Bitch Creek and Teton River located within the NW1/4NE1/4, Section 20, T7N, R44E, B.M., Teton County, and extending approximately 6 miles upstream to the bridge where State Highway 32 crosses Bitch Creek, located in the NW1/4NW1/4, Section 17, T7N, R45E, B.M., Teton County;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Centennial Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Proposed Memorandum Decision and Order, dated November 28, 1988, adopted by the Director of the Department of Water Resources.

**MICROFILMED**

MAY 16 1989

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

22-7370

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

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

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

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 22-7370 on December 23, 1988, by adopting a Proposed Memorandum Decision and Order authorizing the appropriation of a minimum streamflow in Bitch Creek of 28 cfs during the period beginning January 1 through December 31. The minimum streamflow begins at the confluence of Bitch Creek and Teton River located within the NW1/4NE1/4, Section 20, T7N, R44E, B.M., Teton County, and extending approximately 6 miles upstream to the bridge where State Highway 32 crosses Bitch Creek, located in the NW1/4NW1/4, Section 17, T7N, R45E, B.M., Teton County;

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty Ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Proposed Memorandum Decision and Order, dated November 28, 1988, adopted by the Director of the Department of Water Resources.

**MICROFILMED**

MAY 16 1989

**BITCH CREEK  
MINIMUM STREAMFLOW  
Fact Sheet**

**Water Right No.:** 22-7370

**Source:** Bitch Creek tributary to Teton River

**Applicant:** Idaho Water Resource Board

**Requesting Agency:** Idaho Department of Fish & Game

**Date Application Filed:** June 19, 1981

**Rate of Flow:** 28 cubic feet per second

**Location of Reach:** NW1/4NE1/4 Sec. 20, T7N, R44E, B.M., Teton County, upstream approximately 6 miles to State Highway 32 in NW1/4NW1/4 Sec. 17, T7N, R45E, Teton County.

**Purpose:** To maintain spawning and rearing of game fish.

**Hearing:** November 21, 1985 at Driggs, Idaho

Attended by 40 people

Comments were mixed. No strong objection to a minimum streamflow on Bitch Creek was voiced. However, the following objections were raised regarding a minimum flow on the Teton River at the hearing which bear somewhat on this filing.

(1) The minimum streamflow would conflict with traditional water uses.

(2) The minimum streamflow would prevent future development.

**Permit:** Order Adopting Proposed Decision dated December 23, 1988

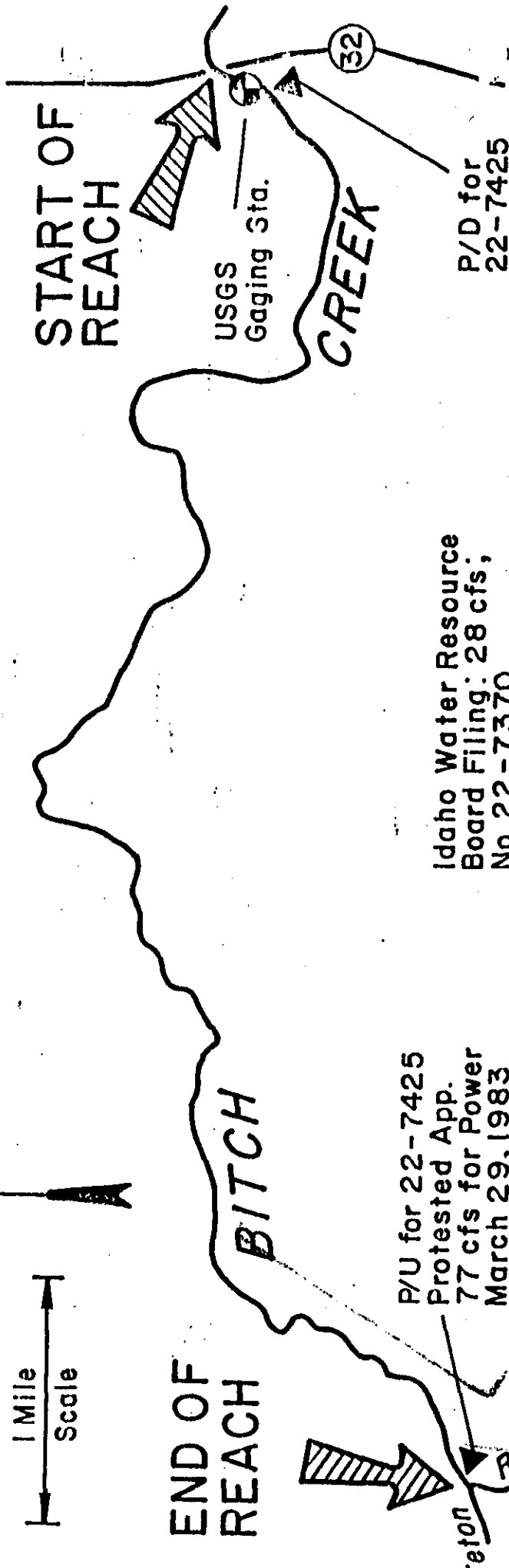
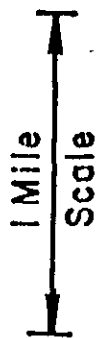
**Special Conditions:** Retained jurisdiction for change. Proposed amendment must be submitted initially to the Board.

Subject to Bureau of Reclamation permit which still authorizes construction of the Teton Dam.

**RECORDED**

MAY 16 1989

Water Rights on Bitch Creek



MAY 18 1985

IDWR STAFF EXHIBIT



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 9, 1989

Representative Tom Boyd, Speaker  
House of Representatives  
Statehouse  
Boise, ID 83720

RE: Water Right Applications for Permit for Minimum Streamflow

RE: Water Right Applications for Permit for Minimum Streamflow  
Nos.: 36-8374 and 36-8330, Crystal Springs; 22-7370, Bitch  
Creek; 37-7920, Malad River; 36-8337, Box Canyon Creek;  
21-7283 and 21-7355, Warm River; 47-8073, Shoshone Creek;  
97-7275, Lion Creek; and 97-7274, Indian Creek; 36-7820,  
Blind Canyon Springs.

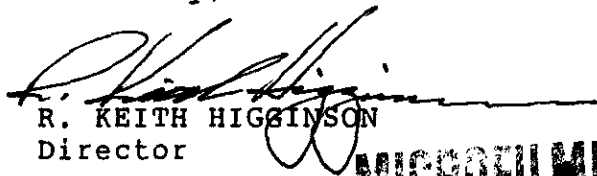
Dear Representative Boyd:

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

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

This letter constitutes submittal of the applications to the  
legislature for approval. Please advise me if you desire further  
information or presentation on the nature of the applications.  
Department personnel are also willing to assist with preparation  
of draft concurrent resolutions if requested.

Sincerely,

  
R. KEITH HIGGINSON  
Director

**MICROFILMED**

GS:ds  
Enclosures

CC: Legislative Council

MAY 16 1989



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 9, 1989

Senator Michael Crapo, President  
Senate pro Tem  
Statehouse  
Boise, ID 83720

RE: Water Right Applications for Permit for Minimum Streamflow  
Nos.: 36-8374 and 36-8330, Crystal Springs; 22-7370, Bitch  
Creek; 37-7920, Malad River; 36-8337, Box Canyon Creek;  
21-7283 and 21-7355, Warm River; 47-8073, Shoshone Creek;  
97-7275, Lion Creek; and 97-7274, Indian Creek; 36-7820,  
Blind Canyon Springs.

Dear Senator Crapo:

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

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

This letter constitutes submittal of the applications to the  
information or presentation on the nature of the applications.  
Department personnel are also willing to assist with preparation  
of draft concurrent resolutions if requested.

Sincerely,

  
R. KEITH HIGGINSON  
Director

GS:ds  
Enclosures

CC: Legislative Council

MICROFILMED

MAY 16 1989



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 23, 1988

Idaho Water Resource Board  
Statehouse  
Boise, ID 83720

Re: Application for Permit No. 22-7370

Dear Gentlemen:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

FILED

MAY 16 1989



State of Id 10

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 23, 1988

John Sessions  
41 No. Main  
Driggs, ID 83422

Re: Application for Permit No. 22-7370

Dear Mr. Sessions:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

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

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

MICROFILMED

MAY 16 1989



State of Id 10

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 23, 1988

Echo Ranch, Teton  
Pipeline, and Mark  
and Jay Ricks  
c/o R.J. Hoopes  
110 E. Main  
P.O. Box 70  
Rexburg, ID 83440

Re: Application for Permit No. 22-7370

Dear Gentlemen:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

MAILED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 23, 1988

Gary D. Slette  
P.O. Box 1906  
Twin Falls, ID 83303

Re: Application for Permit No. 22-7370

Dear Mr. Slette:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

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MAY 16 1989



State of Id 10

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 23, 1988

Idaho Dept. of Fish & Game  
Statehouse  
Boise, ID 83720

Re: Application for Permit No. 22-7370

Dear Interested Party:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

RECORDED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 23, 1988

Enery Gap  
Star Rt. Box 3654  
Jackson, WY 83001

Re: Application for Permit No. 22-7370

Dear Gentlemen:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

MICROFILMED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 23, 1988

John C. Arkoosh  
Attorney at Law  
116 4th Ave. W.  
P.O. Box 32  
Gooding, ID 83330

Re: Application for Permit No. 22-7370

Dear Mr. Arkoosh:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

MICROFILMED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 23, 1988

Leigh Chantrill  
Newdale, ID 83436

Re: Application for Permit No. 22-7370

Dear Mr. Chantrill:

Please find a copy of the Order Adopting Proposed Memorandum Decision and Order for Application No. 22-7370 (Bitch Creek) to establish a minimum stream flow in the name of the Idaho Water Resource Board.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within 20 days or may appeal to the district court within 30 days from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager  
Water Rights Permits Section

GS:ds

Enclosure

MICROFILMED

MAY 16 1989



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 5, 1988

Idaho Water Resource Board

RE: Application to Appropriate Water No. 22-7370

Dear Gentlemen:

You recently received a copy of a proposed memorandum decision and order which establishes a minimum streamflow on Bitch Creek. The transmittal letter referred to an order issuing proposed decision and order which was not enclosed.

I have enclosed a copy of the order issuing the proposed decision and order for your reference. The fifteen (15) day exception period will run from the date of the service of the enclosed order.

Sincerely,

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

GARY SPACKMAN, Manager  
Water Allocation Section

GS:ds

Enclosures

*2 PG NOT MICRO*



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 2, 1988

Idaho Water Resources Board  
Statehouse  
Boise, ID 83720

Re: Application for Permit No. 22-7369

Gentlemen:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7369. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Teton River.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ky

RECEIVED  
DEC 02 1988  
Department of Water Resources



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 30, 1988

Idaho Water Resource Board  
c/o Gene Gray  
Statehouse  
Boise, ID 83720

Re: Application for Permit No. 22-7370

Dear Mr. Gray:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

MICROFILMED

MAY 16 1989



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 30, 1988

Idaho Dept. of Fish & Game  
Statehouse  
Boise, ID 83720

Re: Application for Permit No. 22-7370

Dear Gentlemen:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

RECEIVED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 30, 1988

John Sessions  
414 No. Main  
Driggs, ID 83422

Re: Application for Permit No. 22-7370

Dear Mr. Sessions:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

MICROFILMED

MAY 16 1989



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 30, 1988

Energy Gap  
Star Rt. Box 3654  
Jackson, Wyoming 83001

Re: Application for Permit No. 22-7370

Dear Interested Party:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

MICROFILMED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 30, 1988

Echo Ranch, Teton  
Pipeline, and Mark and  
Jay Ricks  
c/o R.J. Hoopes  
110 E. Main  
P.O. Box 70  
Rexburg, ID 83440

Re: Application for Permit No. 22-7370

Dear Interested Parties:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

MICROFILMED

MAY 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 30, 1988

John C. Arkoosh  
Attorney at Law  
116 4th Ave. W.  
P.O. Box 32  
Gooding, ID 83330

Re: Application for Permit No. 22-7370

Dear Mr. Arkoosh:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

REPROFILMED

MAY 16 1989



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 30, 1988

Leigh Chantrill  
Newdale, ID 83436

Re: Application for Permit No. 22-7370

Dear Mr. Chantrill:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

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

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

RECEIVED

MAY 16 1989



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 30, 1988

Gary D. Slette  
P.O. Box 1906  
Twin Falls, ID 83303

Re: Application for Permit No. 22-7370

Dear Mr. Slette:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 22-7370. The application, filed by the Idaho Water Resource Board, proposes a minimum streamflow on Bitch Creek.

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

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:ds

**MICROFILMED**

MAY 16 1989

MEMORANDUM

TO: Bob Fleenor, Norm Young, Keith Higginson  
FROM: Gary Spackman *Gary*  
DATE: November 21, 1988  
RE: Maximum water surface elevation of Teton Dam Reservoir:  
Effect on minimum streamflows in Bitch Creek and Teton  
River.

Attached are some drawings and text on the Teton Dam. A profile section shows the maximum water surface elevation at 5324.3 feet. The text, however, identifies the maximum water surface as 5320 feet. Also attached is a USGS quad map which approximates the 5324 foot elevation contour. You can see by the drawing that the maximum water surface elevation of the old dam inundated portions of Bitch Creek and Teton River above the confluence of the two.

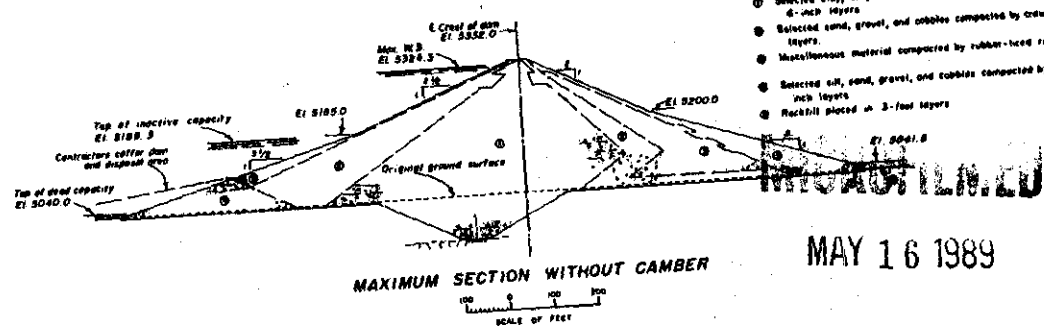
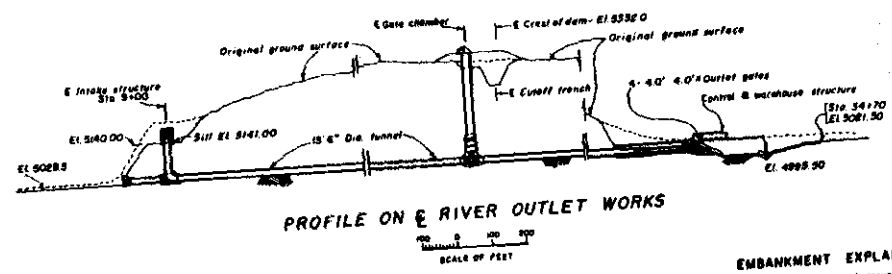
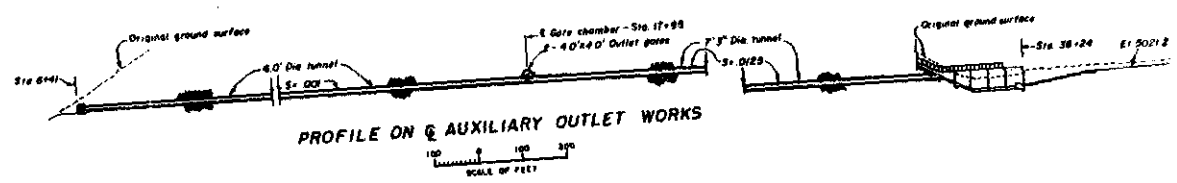
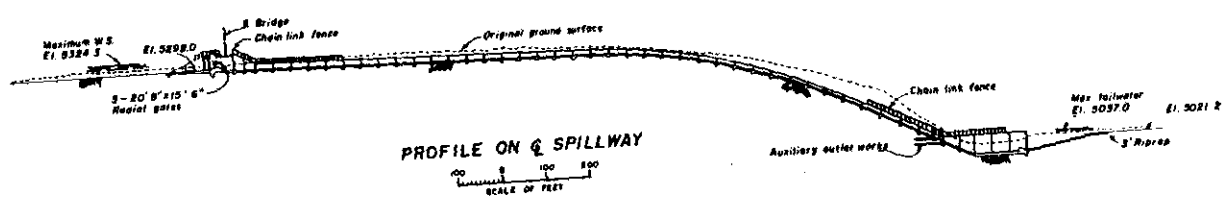
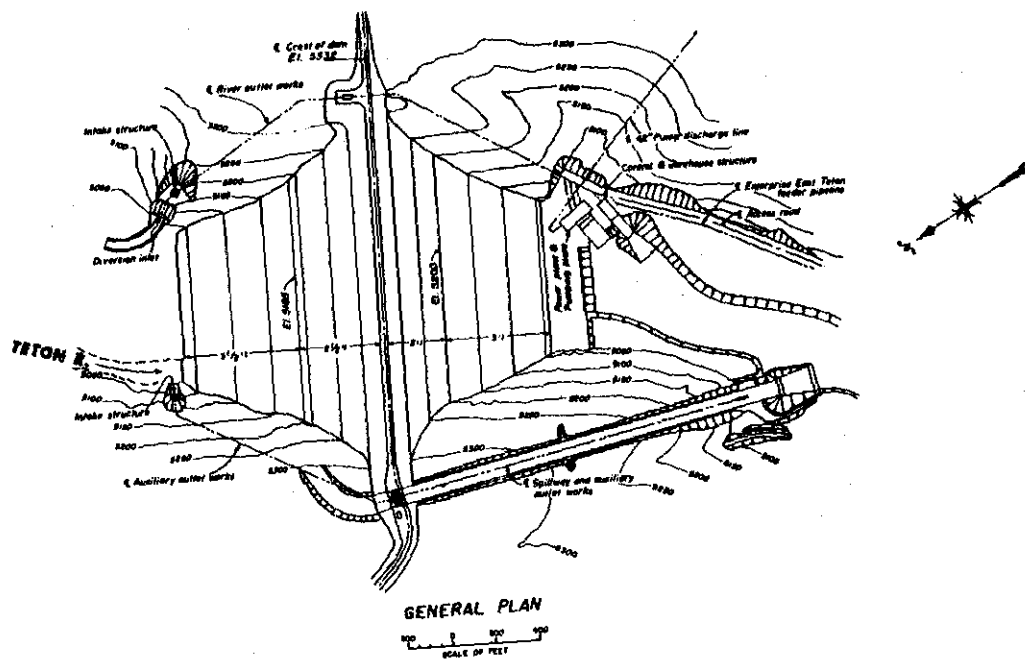
I was concerned about the correlation between the elevation shown on the profile section and the USGS quad map. I telephoned Brent Carter of the Bureau of Reclamation, and he confirmed that the reservoir covered portions of Bitch Creek and Teton River above their confluence.

Do we desire to subordinate these minimum streamflow filings to the possibility of reservoir construction in the future?

**MICROFILMED**

MAY 16 1989

# Teton Basin Project



- EMBANKMENT EXPLANATION**
- ① Selected clay, silt, sand, gravel, and cobbles compacted by comping rollers to 8-inch layers
  - ② Selected sand, gravel, and cobbles compacted by counter-type tractors to 12-inch layers
  - ③ Miscellaneous material compacted by rubber-tired rollers to 12-inch layers
  - ④ Selected silt, sand, gravel, and cobbles compacted by rubber-tired rollers to 12-inch layers
  - ⑤ Rockfill placed in 3-foot layers

Teton Dam, Plan and Sections

MAY 16 1989

### Teton Power and Pumping Plant

The power and pumping plant were located in a steel-framed building at the base of the left abutment of the dam. The powerplant consisted of two 10,000-kilowatt generators with provision to install a third unit in the future. Pumping plant facilities included six pumping units, two rated at 7.35 cubic feet per second and four at 14.70 cubic feet per second. The rated head was 323 feet. Water from the pumping plant was to be delivered into the Fremont Pump Canal.

## DEVELOPMENT

### Early History

Shortages of irrigation water occur frequently in the Henrys Fork Valley. During a series of dry years such as occurred in the 12-year period from 1931 through 1942, shortages occurred in each of the 12 years in the Ashton area and in 10 of the 12 years in the St. Anthony-Rexburg area.

The Teton River is subject to flooding caused by ice jams in the early spring even though the discharge is quite low at that time. These ice jams occur frequently and occasionally raise the water surface elevation to flood heights.

Channel capacity in the lower reaches of the Teton River is about 2,000 cubic feet per second and general inundation occurs at 4,000 cubic feet per second. The maximum flood of record occurred on February 11 and 12, 1962, when unseasonably warm weather and rain rapidly melted snowpacks on the valley floor and foothills, and ice-jammed channels raised the peak flow to 7,000 cubic feet per second at the St. Anthony gage. Much of Sugar City and Rexburg and the lands between these towns were inundated. The previous flood of record was in 1893, with a peak discharge of 5,830 cubic feet per second. Floods in 1894 and 1918 are believed to have been larger than the 1893 flood, but no estimates were made of peak discharges.

### Investigations

Twenty reservoir sites were investigated and surveyed by the Reclamation Service in the Henrys Fork area during

1902-05. Henrys Lake, Island Park, Grassy Lake, and sites on the Teton River were among those considered.

Field investigations were undertaken in the 1930's and 1940's on several damsites in the Upper Teton Basin. These sites were not considered feasible either because of unfavorable geological conditions or excessive cost per acre-foot of storage. Also, minimal flood control protection would result from smaller upstream reservoirs. A reconnaissance report dated October 1961 recommended that detailed studies begin immediately on the Lower Division, including Teton Dam and Reservoir, and that future studies on the Upper Division should be initiated when local interest and economic conditions indicated that a project was justifiable. In March 1962, a report on the Lower Teton Division was issued showing feasibility of the project which was later authorized for construction.

### Authorization

Construction of the Lower Teton Division of the Teton Basin Project was authorized by Public Law 88-583 dated September 7, 1964 (78 Stat. 925).

### Construction

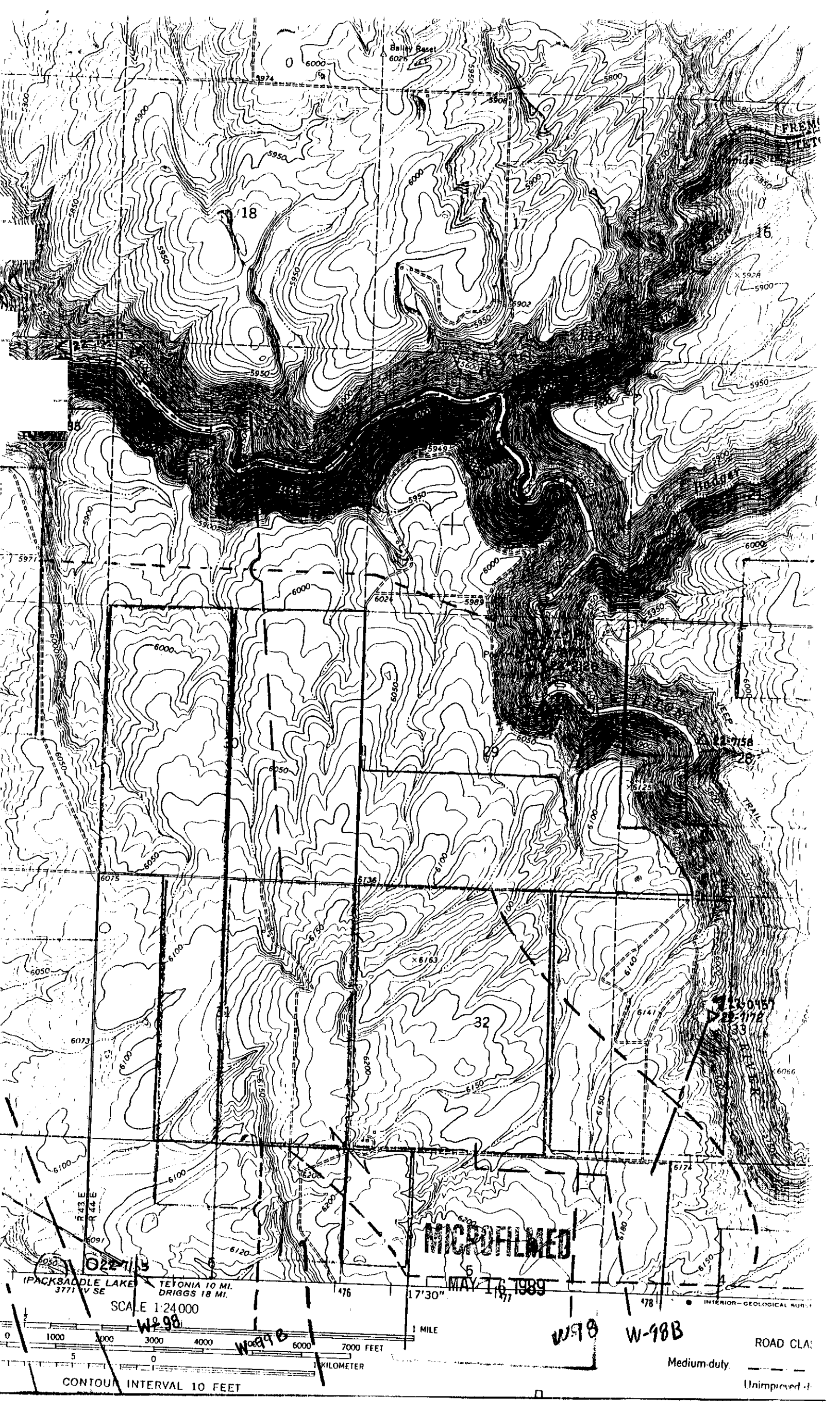
Construction of Teton Dam began in February 1972 and was basically completed in November 1975. At the time of dam failure on June 5, 1976, the two scheduled electrical generating units had been installed and were almost ready for testing. The pump units also were installed but were not ready for operation. First phase construction of the Fremont discharge and pump canal and the Enterprise-East Teton feeder pipeline and canal was partially completed.

### Failure of Teton Dam

On June 5, 1976, the Teton Dam structure failed and was rendered completely inoperative. Reservoir elevation at the time of failure was 5301.7 feet; the reservoir was filling at about 3 feet per day. At full reservoir capacity of 288,250 acre-feet, the water surface elevation would have been 5320.0 feet.

**MICROFILMED**

MAY 16 1989



Bally Basset  
6025

FRENCH  
TRAIL

PACKSADDLE LAKE  
3771' V SE  
TEYONIA 10 MI.  
DRIGGS 18 MI.

MICROFILMED

MAY 16 1989

SCALE 1:24000

W-98

W-98B

W-98

W-98B

INTERIOR- GEOLOGICAL SURVEY

ROAD CLASS

Medium-duty

(Unimproved)

CONTOUR INTERVAL 10 FEET

Hoopes, Thomson & Packer, Chartered

PROFESSIONAL LEGAL CORPORATION

ATTORNEYS AT LAW

110 EAST MAIN • 2ND FLOOR

P.O. Box 70

REXBURG, IDAHO 83440

RECEIVED

DEC 6 1985

Department of Water Resources

(208) 356-9000

R. J. HOOPES  
DALE P. THOMSON  
PHILIP A. PACKER

December 5, 1985

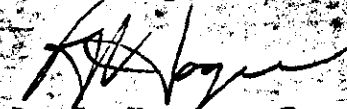
Bob Flinger  
DEPARTMENT OF WATER RESOURCES  
Statehouse  
Boise, ID 83720

Dear Mr. Flinger:

This date I received from your office the Exhibits for the Teton River (22-7369) and Bitch Creek (22-7370) minimum stream flow hearings held on November 21, 1985. I am now able to prepare my Supplementary Memorandum and will get the same in the mail as soon as possible.

Thank you very much.

Sincerely,



R. J. Hoopes, Esq.  
HOOPES, THOMSON & PACKER

RJH:vb  
7284b

MAIL ROOM

MAY 1 1986

RECEIVED  
NOV 14 1985

Department of Water Resources

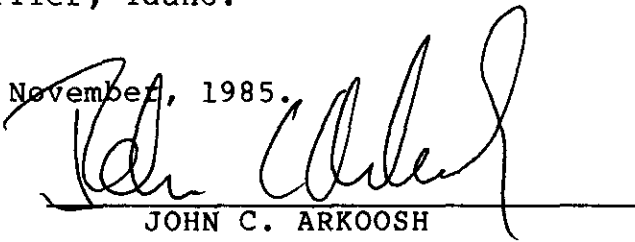
JOHN C. ARKOOSH  
Attorney at Law  
116 4th Ave. W.  
P.O. Box 32  
Gooding, Idaho 83330  
Telephone: (208) 934-8401

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                |                     |
|--------------------------------|---------------------|
| IN THE MATTER OF APPLICATION ) | ENTRY OF APPEARANCE |
| FOR PERMIT NO. 22-7370 FOR )   | OF JOHN C. ARKOOSH  |
| A MINIMUM STREAM FLOW IN THE ) |                     |
| NAME OF THE IDAHO WATER )      |                     |
| RESOURCE BOARD )               |                     |

JOHN C. ARKOOSH, Attorney at Law, hereby enters his  
appearance in this matter as attorney of record for Richard  
Graves, Mitch Arkoosh, Bill Arkoosh, and himself, all of Gooding,  
Idaho, and John Peterson, Filer, Idaho.

DATED this 14th day of November, 1985.

  
JOHN C. ARKOOSH

MICROFILMED

MAY 16 1989

# Idaho Environmental Council

P.O. Box 1708

Idaho Falls, Idaho 83401

Statement for the Record of the Public Hearings  
on Proposed Minimum Stream Flows for  
Warm River, Teton River, and Bitch Creek,  
held by the Idaho Department of Water Resources  
(Statehouse, Boise, Idaho 83720)  
at St. Anthony on Nov. 20st at 9:30 AM and  
at Driggs on Nov. 21st at 9:30 AM.

**RECEIVED**  
NOV 26 1985

Department of Water Resources

The Idaho Environmental Council supports the following proposed minimum stream flows now being considered by the Department of Water Resources:

1. Warm River - 141 cfs from the confluence with Henry's Fork of the Snake River, upstream to Warm River Springs (actually 2 applications). Warm River furnishes good fish habitat, including spawning areas, and a resultant productive fishery. This minimum flow is needed to protect those resources from future river alterations, such as hydropower facilities, which might reduce flows below that level and damage the fishery resource.

Warm River Springs produces around 200 cfs. Since Warm River is a spring-fed river, with far less annual fluctuation than most Idaho streams, the aquatic organisms would probably be more sensitive to low flows than those in other streams. Instead of 141 cfs, which after all is a minimum and not an optimum, we suggest you consider a minimum flow of 200 cfs.

2. Teton River - 106 cfs from the confluence with Bitch Creek, upstream 9 miles to SH 33. This flow is needed to retain existing trout habitat.
3. Bitch Creek - 28 cfs from the confluence with Teton River, upstream 6 miles to SH 32. This stream is an important trout spawning area and a good fishery. Again, this minimum flow is needed to legally define flow needs of the aquatic communities, so that any future hydropower projects will not be allowed to reduce flows below this value. (Note - it might be better to include the reach up to the Targhee National Forest boundary, or to the State line.)

The remaining good fisheries in our beautiful state are important, both from recreational and economic standpoints. Since they are at the tops of the aquatic food chains, the fish that make up these fisheries are also important as indicators of healthy aquatic ecosystems.

**MICROFILMED**

MAY 16 1989

Two other points should be mentioned:

All existing water rights are senior to any minimum stream flow (or other water application) which may be granted. That is, in a dry year, those senior rights must be satisfied first.

The minimum stream flows are just that; flows judged by fishery biologists to be the minimum needed to sustain the existing fishery. In most cases, they do not represent optimum flows. In the future, on streams where it is feasible, I suggest that you consider optimum flows as well as minimum flows.

Hopefully, your Department will act favorably upon these needed minimum flow applications, and the Idaho Legislature will do likewise.

Thank you.

Submitted by

*Jerry Jayne*

Jerry Jayne,  
IEC Board  
1568 Lola St.  
Idaho Falls, Idaho 83402

**MICROFILMED**

MAY 16 1989

HEARING OF WATER RESOURCE BOARD FOR BITCH CREEK AND TETON RIVER

STATEMENT BY:

DAUCHY MIGEL, M.D.  
ROUTE 3 BOX 321, PARK ROAD  
IDAHO FALLS, IDAHO 83401

NOVEMBER 21, 1985

THE NATURAL SCENIC BEAUTY OF THE TETON BASIN AND ITS RECREATIONAL OPPORTUNITIES ARE RECOGNIZED AND APPRECIATED NOT ONLY BY LOCAL RESIDENTS BUT BY PEOPLE FAR BEYOND THIS VALLEY'S WALLS. LARGELY CONTRIBUTING TO THIS ARE THE TETON RIVER AND ITS TRIBUTARIES, WHICH PROVIDE A HIGH QUALITY FISHERY AND HABITAT FOR WILD LIFE. MOREOVER THE FUTURE ECONOMY OF THIS AREA APPEARS TO DEPEND INCREASINGLY ON RECREATION. TO PRESERVE THESE DESTREABLE ASSETS FOR NOW AND THE FUTURE I URGE YOU TO ADOPT THE RECOMMENDATIONS OF THE DEPT. OF FISH AND GAME FOR MINIMUM STREAM FLOW RATES ON THE TETON RIVER AND BITCH CREEK.



I HAD INTENDED TO PRESENT THIS ORALLY AT THE HEARING IN DRIGGS ON THIS DATE BUT WE WERE TURNED BACK BY DRIFTING SNOW AND POOR VISIBILITY ON THE HIGHWAY.

D.M.

MICROFILMED RECEIVED

MAY 16 1989

NOV 22 1985

Department of Water Resources  
Western Regional Office

November 13, 1985

Teton County Clerk  
Teton County Courthouse  
Driggs, ID 83422

Gentlemen:

This is to confirm the use of the Courtroom for water right hearings to be held by this Department on November 21, 1985 beginning at 9:30 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

RECEIVED

MAY 16 1989



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

150 Shoup — Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

November 4, 1985

Fremont County Chronicle News  
P.O. Box 568  
St. Anthony, ID 83445

RE: Notice of Application for Permits No. 22-7369, 22-7370 &  
21-7283 IDAHO WATER RESOURCE BOARD.

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced Applications. The legal notice was to have been published in your paper on October 17, and 24, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

MICHELE DAVIS  
Office Secretary

**MICROFILMED**

MAY 16 1989

# MINIMUM STREAMFLOW REQUEST/APPLICATION

## PROCESSING CHECKLIST

|                                                                                                        | <u>ASSIGNED TO</u>                 | <u>INITIALS/DATE</u>                                    |
|--------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------|
| 1. Request received and checklist attached.                                                            | Receptionist                       | <u>RG</u>                                               |
| 2. Request indexed.                                                                                    | Records Chief                      | <u>RG</u>                                               |
| 3. Preliminary review. Application prepared for signature.                                             | Section Supv.                      | <u>LGS</u>                                              |
| 4. Streamflow information requested from hydrology.                                                    | Section Supv.                      | <u>DRT / 8/8/84</u>                                     |
| 5. Region advised of request.                                                                          | Section Supv.                      | <u>6/81</u>                                             |
| 6. Acknowledgment letter sent.                                                                         | Section Supv.                      | <u>VERBAL</u>                                           |
| 7. Copy of request routed to:<br>Reg. Off. Bur. Chief; Oper. Bur. Chief; Admin.; Director.             | Records Chief                      | <u>RG</u>                                               |
| 8. Copy of request routed to Administrator, Resources Analysis Division for placement on Board Agenda. | Records Chief                      | <u>RG</u>                                               |
| 9. Water Rights researched & abstracted.                                                               | Records Chief                      | <u>RG 8/17/84</u>                                       |
| 10. Visual aid request prepared.                                                                       | Section Supv.                      | <u>                    </u>                             |
| 11. Visual aid reviewed.                                                                               | Section Supv.                      | <u>                    </u>                             |
| 12. Request and related data presented to Board.                                                       | Administrator,<br>Res. Admin. Div. | <u>LGS</u>                                              |
| 13. Filed or Rejected by Board.                                                                        | Sec. Supv. et.al.                  | <u>LGS</u>                                              |
| 14. Board action indexed.                                                                              | Records Chief                      | <u>RG</u>                                               |
| 15. Original application sent to region.                                                               | Records Chief                      | <u>RG</u>                                               |
| 16. Copy of application sent to F&G, H&W, Parks & Recreation (mandatory)                               | Region                             | <u>Requested Region to KW do so on 8/29 DRT 7/10/81</u> |
| 17. Notice sent to each water right holder or applicant on MSF reach.                                  | Sec. Supv.                         | <u>                    </u>                             |
| 18. Application advertised w/o hearing date.                                                           | Region                             | <u>✓</u>                                                |
| 19. Personal contact made with riparian land owners.                                                   | Requestor                          | <u>NA</u>                                               |
| 20. Need for informal public meeting determined. If yes, proceed with step 21. If no, skip to step 24. | Both Administrators & IWRB         | <u>Yes DRT</u>                                          |
| 21. Informal public meeting advertised in legal notices.                                               | Region                             | <u>Requested Region to do so DRT</u>                    |
| 22. Notification of informal public meeting sent to:                                                   |                                    |                                                         |
| a. IWRB members                                                                                        | Section Supv.                      | <u>DRT</u>                                              |
| b. Local Legislators                                                                                   | Section Supv.                      | <u>DRT</u>                                              |
| c. Watermaster                                                                                         | Section Supv.                      | <u>DRT</u>                                              |
| d. Department Personnel                                                                                | Section Supv.                      | <u>DRT</u>                                              |

MAY 16 1989

|                                                                               |                                 |            |
|-------------------------------------------------------------------------------|---------------------------------|------------|
| e. Local TV & Radio Stations                                                  | Section Supv.                   | <u>DA</u>  |
| f. Water Right Holders                                                        | Requestor                       | <u>Der</u> |
| g. Riparian Owners                                                            | Requestor                       | <u>Der</u> |
| 23. Information provided to IWRB for decision to proceed, modify, or abandon. | Section Supv.                   | _____      |
| 24. Notice of formal hearing advertised in legal notices.                     | Region                          | _____      |
| 25. Notification of formal hearing sent to:                                   |                                 |            |
| a. IWRB members                                                               | Section Supv.                   | _____      |
| b. Local Legislators                                                          | Section Supv.                   | _____      |
| c. Watermaster                                                                | Section Supv.                   | _____      |
| d. Department Personnel                                                       | Section Supv.                   | _____      |
| e. Local TV & Radio Stations                                                  | Section Supv.                   | _____      |
| f. Water right holders                                                        | Section Supv.                   | _____      |
| g. Attendees of informal public meetings.                                     | Section Supv.                   | _____      |
| h. Riparian Owners                                                            | Requestor                       | _____      |
| 26. Hearing held (mandatory).                                                 | Hearing Officer & Regional Rep. | _____      |
| 27. Standard approval procedure for memorandum decision.                      | Hearing Officer                 | _____      |
| 28. If application is approved, Legislative approval procedure attached.      | Records Chief                   | _____      |

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MAY 1 1977

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

APPLICATION NUMBER: 22 7370  
22-7370

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☐ Fee.  
☐ Yes ☐ No Field check required.  
☐ Yes ☐ No Critical groundwater area.  
☐ Yes ☐ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Yes ☐ No\* In form to receipt.

Field check by: \_\_\_\_\_  
Date: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEND COPIES TO:

- ☒ Idaho State Health Department.  
☒ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☒ Other Parks & Recreation.

Copies sent by: KW Date: 7-10  
KW 7-10  
\_\_\_\_\_  
\_\_\_\_\_  
KW 7-10

PROCESSING:

- ☐ Yes ☐ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☐ No Other rights on same place of use. \_\_\_\_\_  
☐ Yes ☒ No\* In form for advertising. 8/31 11-04-85  
Final date for protests: \_\_\_\_\_  
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: Sept 8, 1981 11-12-85  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☐ Fee amount, receipt date & number, recorded on application.  
☐ Publication dates and paper, recorded on application.  
☐ Protests, dates, withdrawal, etc., recorded on application.  
☐ Recommendation & initial, recorded on application.  
☐ Yes ☐ No Measuring device required.  
☐ Yes ☐ No Access port required.  
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_  
Date of priority recommended. \_\_\_\_\_  
Special conditions of approval or cover letter. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.  
By: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED

OCT 4 1984

October 3, 1984

Department of Water Resources

Mr. David R. Tuthill, Jr. P.E. *DR* 22-7370  
Supervisor, Water Allocation Section  
Department of Water Resources  
State Office  
450 West State Street  
Boise, Idaho 83720

Re: Bitch Creek, Teton County

Dear Mr. Tuthill;

In accordance with your suggestion made at the public meeting held September 27, 1984 in Driggs, I am writing in regards to Bitch Creek, a major tributary to the Teton River, and the proposed minimum streamflow water right application.

The public discussion on Bitch Creek at the Driggs meeting focused on the needs of the Idaho Department of Fish and Game, downstream irrigators and private hydro-electric production. As a land owner along one mile of Bitch Creek I feel it important to put on record one additional and high priority use of this stream - recreation.

No mention was made in the public meeting of the recreational resources of Teton County, Idaho. As you are aware from your visit to this county it is blessed with an abundance of natural beauty. This resource is being recognized more and more resulting in increased recreational uses.

The present land values in this county are not based upon agricultural incomes but on the recreational potential and recreational uses of the land. This trend is likely to continue.

To establish any water right on Bitch Creek, or any other natural stream in this county, that would reduce stream flows below their present levels would deprive the area of its most significant and potentially greatest resource.

MICROFILMED

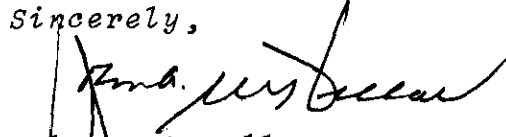
MAY 16 1989

I strongly urge the Department to seriously and conscientiously consider the increasing role of recreation in all water right matters and not be limited to irrigation and power production considerations only in these high mountain valley streams.

Furthermore, it is my understanding from the public hearing that a water right has been filed by a John and Rita Peterson of Filer, Idaho on Bitch Creek that could dewater the creek from the State Highway to the Teton River. I understand this filing is junior to the Idaho Fish and Game Department filing; however, any consideration to a filing that could have such a negative impact on a stream such as Bitch Creek deserves our efforts to oppose it.

Thank you for your consideration in this matter.

Sincerely,

  
John A. McKellar  
Rt. 2 Box 1206  
Driggs, Idaho 83422

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MAY 16 1989

## LEGAL NOTICE

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

### NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted the following applications for permits to the Department of Water Resources:

No. 22-7369 proposing the appropriation of 106 cfs of water from the Teton River tributary to Henrys Fork Snake River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SESW, Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appropriation of 28 cfs from Bitch Creek tributary to Teton River. The location of the reach is the NWNE, Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NWNW, Sec. 17, T. 7N, R. 45E, B.M., both in Teton County.

The applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

**MICROFILMED**

MAY 16 1989

The Director of the Department of Water Resources will hold a public hearing on the applications in the Courtroom, Teton County Courthouse, Driggs, Idaho at 9:30 a.m. November 21, 1985, for the purpose of hearing evidence in regard to the applications. The hearing will be held pursuant to the provision of Section 42-1503, Idaho Code.

Any party who wishes to formally appear at this proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse, Boise, Idaho, five (5) days prior to the hearing. Other parties will be given an opportunity to informally present their views and comments without the necessity of filing a notice of appearance.

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

A. KENNETH DUNN

Director

Published in the Teton Valley News, Post Register, Ashton Herald, Fremont County Chronicle, Idaho Statesman, Lewiston Morning Tribune, and Times News on 10/17 and 10/24/85.

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MAY 11 1985

## NOTICE OF PUBLIC MEETING

Notice is hereby given that an informal public meeting will be conducted by the Idaho Water Resource Board on Wednesday, September 26, 1984 at 7:30 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho to receive comments on minimum streamflow applications as follows:

No. 21-7281 proposing the appropriation of 140 cfs of water from Fall River tributary to Henry's Fork Snake River. The location of the reach is the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 14, T. 8N, R. 41E, upstream approximately 8 miles to State Highway 32 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 18, T. 8N, R. 43E.

No. 21-7283 proposing the appropriation of 141 cfs from Warm River tributary to Henry's Fork Snake River. The location of the reach is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 13, T. 9N, R. 43E, upstream approximately 1/2 mile to State Highway 47 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 9N, R. 43E, B.M., both in Fremont County.

On Thursday, September 27, 1984 at 7:30 p.m. in the Courtroom, Teton County Courthouse, Driggs, Idaho an additional public meeting will be held to receive comments on minimum streamflow applications as follows:

No. 22-7369 proposing the appropriation of 106 cfs from the Teton River tributary to Henry's Fork Snake River. The location of the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appropriation of 28 cfs from Bitch Creek tributary to Teton River. The location of the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, T. 7N, R. 45E, B.M., both in Teton County.

All of the above applications were filed to protect the quality of the fisheries habitat within the specified reach on each stream.

A. KENNETH DUNN  
Director

MAY 16 1989

Published in the Ashton Herald, Fremont County Chronicle, Post Register, Teton Valley News on September 13 and 20, 1984



IDENT. NO. 22 7370

WATER RIGHT  
DATA ENTRY LOG[illegible]

September 2, 1981

RE: Application for Permit No. 22-7369 and 22-7370

IDAHO WATER RESOURCE BOARD

Teton Valley News  
Driggs,  
Idaho 83422

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 13, and August 20, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

10/1/81  
10/1/81  
10/1/81



# STATE OF IDAHO

## DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT  
636 Pershing  
Pocatello, Idaho  
83201

11 August 1981

Ernest Carlsen, Asst. Rgnl. Supervisor  
Department of Water Resources  
150 Shoup  
Idaho Falls, Idaho 83401

Re: Applications #21-7281-82-83  
#22-7369-70

Dear Mr. Carlsen:

We have reviewed the following applications for permits to appropriate the public waters of the State of Idaho, submitted by the Idaho Water Resource Board, Boise.

- #21-7281 - Source Fall River (Fremont County)
- #21-7282 - Source Henry's Fork (Fremont County)
- #21-7283 - Source Warm River (Fremont County)
- #22-7369 - Source Teton River (Teton County)
- #22-7370 - Source Bitch Creek (Teton County)

Permit #22-7370, Bitch Creek is an unclassified tributary to the Teton River and is appropriate for maintenance of spawning. All the streams, with the exception of Bitch Creek, are special resource waters designated for cold water biota and salmonid spawning, and are appropriate for the maintenance of a quality fishery.

We concur with any comments provided by the Department of Fish and Game concerning necessary water volumes.

If we can be of further assistance, please contact this office at #236-6160.

Sincerely,

A handwritten signature in cursive script that reads "Craig Shepard".

Craig W. Shepard  
Sr. Environmental Specialist

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MAY 16 1989

CWS/md  
CC: Gordon Hopson

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

NOTICE OF APPLICATION FOR MINIMUM STREAM FLOW

Notice is hereby given that the Idaho Water Resource Board has on June 19, 1981 submitted application 22-7370 for a permit to the Department of Water Resources proposing the appropriation of 28 cubic feet per second of water within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, Twp. 7N, Rge. 44E, Teton County to preserve the minimum stream flow subject to all prior water rights for maintaining the present quality of fisheries and provide adequate spawning and rearing conditions year around in Bitch Creek tributary of Teton River.

Pursuant to Title 42, Chapter 15 of the Idaho Code a legal notice will be published at a later date setting a time and place for a hearing during which opportunity will be provided for public comment.

A. KENNETH DUNN

Director

Published in the Teton Valley News 8/13 & 8/20/81.

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MAY 17 1989

MAY 17 1989

aw

July 10, 1981

RE: Applications for Permits No. 21-7281, 21-7282, 21-7283  
21-7369, 22-7370

IDAHO WATER RESOURCE BOARD

Elmer W. Smith, P.E.  
Environmental Engineer  
Department of Health & Welfare  
636 Pershing  
Pocatello, Idaho 83201

Dear Mr. Smith:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw:kw

Enclosures

**MICROFILMED**

MAY 16 1989

July 10, 1981

RE: Applications for Permits No. 21-7281, 21-7282, 21-7283  
21-7369, 22-7370

IDAHO WATER RESOURCE BOARD

Mr. Tom Reinecker  
Regional Supervisor  
Department of Fish & Game  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Tom:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw:kw

Enclosures

**MICROFILMED**

MAY 16 1989

July 10, 1981

RE: Applications for Permits No. 21-7281, ~~21-7282~~, 21-7283  
21-7369, 22-7370

IDAHO WATER RESOURCE BOARD

State Department of Parks & Recreation  
Statehouse  
Boise, Idaho 83720

Gentlemen:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw:kw

Enclosures

**MICROFILMED**  
MAY 16 1989

22-7370-

IDAHO WATER RESOURCE BOARD

STATEHOUSE MAIL, BOISE, ID 83720

Source: BITCH CREEK tributary to TETON RIVER

Date Filed: 06/19/1981

Amount: 28.00 CFS

Diversion Point: NWNE Sec 20 T 07N R 44E NWNW Sec 17 T 07N R 45E.  
TETON Co.

Use: MINIMUM INSTREAM FLOW (28.00 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 20 T 07N R 44E

Diversion Means: GAGING STATION.

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MAY 16 1989

See MSF File 22-7369 for Public  
Hearing Information File for Teton  
River and Bitch Creek

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**MAY 16 1989**

site and that the minimum stream flow applications on Warm River will be subordinated to the dam site as indicated in the State Water Plan.

Gene M. Gray, Vice Chairman and chairman of the Minimum Stream Flow Committee, moved the Board file an additional application (ATTACHMENT 1) on Warm River to extend the flow from the original application upriver to and including the general area known as the springs. Franklin Jones, Secretary, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

Gene M. Gray, Vice Chairman and chairman of the Minimum Stream Flow Committee, moved the Board request the Director of the Department of Water Resources to proceed with the public hearings in regard to the original stream flow application and the second minimum stream flow application to extend the reach on Warm River. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

C. Teton River, tributary to Henry's Fork Snake River, minimum stream flow application No. 22-7369 was filed by the Board for 106 cfs on approximately an eight mile reach of the river. The water rights which could impact the flow in this reach of the river total 171 cfs. The low flows in this river are during the winter period. During the period of water right diversions (June, July, August, September), the river is at its highest flows. Based on the flow duration curve at the Felt Dam site (report published in 1982 by CH2M Hill), the 106 cfs minimum stream flow request is available 100 percent of the time at a point downstream on the reach where one could expect the lower flow areas. The Teton River flows are diverted in exchange for flows provided downstream by the Fremont Madison Irrigation District. In the district's objection, a possible problem was indicated with interference to the exchange water. The exchange amount of water is 2308 acre feet annually.

Gene M. Gray, Vice Chairman and chairman of Minimum Stream Flow Committee, explained that at the Board's public meeting the Fish and Game Department and the utility had some misgivings about what each other was saying had happened at prior dates.

Gene M. Gray, Vice Chairman and chairman of Minimum Stream Flow Committee, moved the Board table this minimum stream flow application on the Teton River until the department has more information and there is an understanding on the events involved among the parties. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

D. Bitch Creek, tributary to Teton River, minimum stream flow application No. 22-7370 was filed by the Board for 28 cfs. There is one recorded water right, in addition to the Board's filing on the stream, for a power generation site upstream point of diversion near the beginning of the reach where the

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MAY 16 1989

Board has made application, and the water would be piped down to a turbine near the end of the reach of the Board's filing. The water right is junior to the Board's permit. During the three years that flow data was gathered on the stream, it indicates that the stream is a ground water recharged stream.

Gene M. Gray, Vice Chairman and chairman of the Minimum Stream Flow Committee, moved the Board request the Director of the Department of Water Resources proceed with the minimum stream flow hearings on Bitch Creek. Franklin Jones, Secretary, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

Gene M. Gray, Vice Chairman and chairman of the Minimum Stream Flow Committee, moved Board adoption of a resolution (ATTACHMENT 2) in the matter of minimum stream flow application No. 21-7281 on Falls River to withdraw the application and cause it to be of no further force or effect. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

Gene M. Gray, Vice Chairman and chairman of the Minimum Stream Flow Committee, moved Board adoption of a resolution (ATTACHMENT 3) in the matter of minimum stream flow applications Nos. 21-7283, Warm River; 21-7355, Warm River; and 22-7370, Bitch Creek requesting the Director to proceed with administrative actions. J. D. Williams, Member, seconded the motion.

Motion passed by voice vote: 8 Ayes, 0 Nays.

Agenda Item No. 7. Staff Presentation on Remote Sensing Capabilities in Addressing Water Resource Problems and Issues

Hal Anderson, department staff, explained in 1975 the department became involved in the applications of utility remote sensing data for the inventory and monitoring of irrigated croplands in Idaho. The Governor established within the department the "Idaho Image Analysis Facility" and gave the department lead agency responsibility for the promotion and applications of digital image processing. Definitions: (1) digital image processing--analyze numerical pictures, (2) remote sensing--collect information without physical contact of object, and (3) geographic information systems--organized approach to storing, retrieving and manipulating specially reference (known location) data.

The department has spent the last five to six years utilizing the Landsat satellite (located 500 miles in space) sensor data for monitoring and inventorying irrigated croplands. The primary system the department is using on the satellite is the multispectral scanner. It collects information on a 100 square mile frame. The satellite beams digital values to earth, it is recorded on tape and placed in a machine that redevelops the light values into a photograph. The multispectral scanner is set up to see one particular color.

MAY 18 1989

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MINIMUM STREAM FLOW )  
APPLICATIONS NOS. 21-7283, 21-7355, )  
and 22-7370. )

A RESOLUTION

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

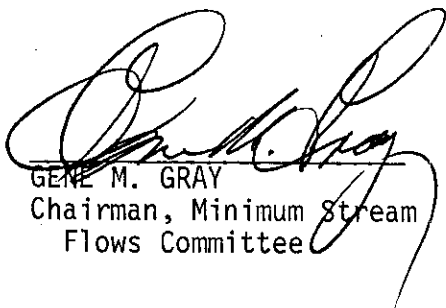
WHEREAS, the Board has submitted to the Director of the Idaho Department of Water Resources (Director) three applications to appropriate water for minimum stream flows identified as follows: No. 21-7283, Warm River; No. 21-7355, Warm River; and No. 22-7370, Bitch Creek; and,

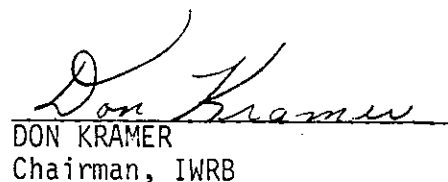
WHEREAS, in accordance with the adopted guidelines on minimum stream flow applications, the Board has conducted informal public meetings to determine public interest with respect to said applications; and,

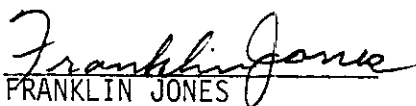
WHEREAS, the Board has reviewed the public comments and has determined that each of the said applications is reasonable and in the public interest;

NOW, THEREFORE, BE IT Resolved that the Board requests the Director to proceed with administrative actions on each of the three said applications.

Dated this 2<sup>nd</sup> day of November, 1984.

  
GENE M. GRAY  
Chairman, Minimum Stream  
Flows Committee

  
DON KRAMER  
Chairman, IWRB

Attest:   
FRANKLIN JONES  
Secretary, IWRB

RECORDED

MAY 16 1989

22-7370



FOR IMMEDIATE RELEASE

September 12, 1984

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

## NEWS RELEASE

BOISE--- The Idaho Water Resource Board (IWRB) will conduct two public information meetings in eastern Idaho this month to discuss proposed minimum stream flow applications on file with the Idaho Department of Water Resources (IDWR.)

The Wednesday, Sept. 26 meeting at the Fremont County Courthouse, court room, St. Anthony, at 7:30 p.m. will deal with two proposed instream flow applications on Fall and Warm Rivers.

The Thursday, Sept. 27 meeting at the Teton County Courthouse, court room, Driggs, at 7:30 p.m. concerns Teton River and Bitch Creek instream flow applications.

All four applications were filed on June 19, 1981, at the request of the Idaho Department of Fish and Game. The applications, which seek year-round protection of fisheries and spawning and rearing habitat, provide for the following rates of flows and locations:

Fall River---140 cubic feet per second (cfs) from Highway 32 downstream about eight miles.

Warm River----141 cfs from Highway 47 downstream about 1/2 mile.

more

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MAY 16 1989

instream flow

page 2

Teton River---106 cfs from Highway 33 downstream about nine miles.

✓ Bitch Creek---28 cfs from Highway 32 downstream about six miles.

As required by law, if the Idaho Water Resource Board finds the proposed minimum stream flows to be in the public interest, the Idaho Department of Water Resources will conduct public hearings on the applications later in the year. After the hearings, the applications will be reviewed by the Director of the Department, for approval or denial. If approved, the applications must be sent to the Idaho Legislature, which may approve or reject them.

The public is encouraged to come and let the Idaho Water Resource Board know how it feels about any or all of these proposed instream flow rights, which, if approved, would be junior to any other established rights on the streams. These minimum stream flow rights also would not in any way affect any earlier, existing rights.

RECORDED

MAY 16 1989

NOTICE OF PUBLIC MEETING

SEP 13 1984

Department of Water Resources

Notice is hereby given that an informal public meeting will be conducted by the Idaho Water Resource Board on Wednesday, September 26, 1984 at 7:30 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho to receive comments on minimum streamflow applications as follows:

No. 21-7281 proposing the appropriation of 140 cfs of water from Fall River tributary to Henry's Fork Snake River. The location of the reach is the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 14, T. 8N, R. 41E, upstream approximately 8 miles to State Highway 32 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 18, T. 8N, R. 43E.

No. 21-7283 proposing the appropriation of 141 cfs from Warm River tributary to Henry's Fork Snake River. The location of the reach is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 13, T. 9N, R. 43E, upstream approximately 1/2 mile to State Highway 47 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 9N, R. 43E, B.M., both in Fremont County.

On Thursday, September 27, 1984 at 7:30 p.m. in the Courtroom, Teton County Courthouse, Driggs, Idaho an additional public meeting will be held to receive comments on minimum streamflow applications as follows:

No. 22-7369 proposing the appropriation of 106 cfs from the Teton River tributary to Henry's Fork Snake River. The location of the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T. 7N, R. 44E, upstream approximately 9 miles to State Highway 33 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 23, T. 6N, R. 44E.

No. 22-7370 proposing the appropriation of 28 cfs from Bitch Creek tributary to Teton River. The location of the reach is the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T. 7N, R. 44E, upstream approximately 6 miles to State Highway 32 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, T. 7N, R. 45E, B.M., both in Teton County.

All of the above applications were filed to protect the quality of the fisheries habitat within the specific reach of each stream.

A. KENNETH DUNN  
Director

MAY 10 1989

Published in the Ashton Herald, Fremont County Chronicle, Post Register, Teton Valley News on September 13 and 20, 1984

# ATTENDANCE ROSTER

## ID WATER RESOURCE BOARD

### PUBLIC MEETING ON TETON RIVER AND BITCH CR

MINIMUM STREAM FLOW FILINGS 22-7369, 22-7370 DRIGGS, ID SEPT 27,

NAME

ADDRESS

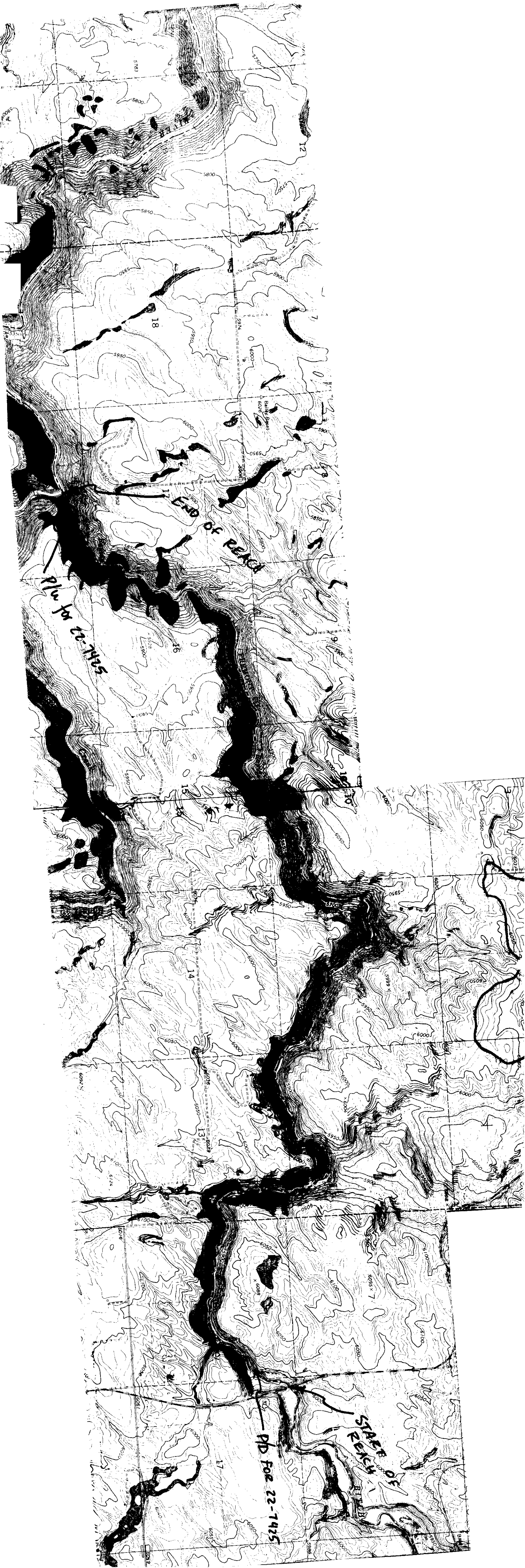
REPRESENTING

1984

|                    |                |                 |                      |
|--------------------|----------------|-----------------|----------------------|
| Lyle Dickerson     | Box 157        | Driggs, Idaho   |                      |
| Charles Schaub     | Box 141        | Driggs, Idaho   | SELF                 |
| EARL Hoopes        | Box 97         | Teton           | "                    |
| Rich Eckert        | Teton          |                 | "                    |
| Laurel H. Johnson  | Driggs Idaho   | Grand Teton Co  |                      |
| Dale Bruckmeyer    | Teton          | Idaho           | Self                 |
| John Bruckmeyer    |                |                 |                      |
| Wick Davis         | Rt 2           | Gooding         | Energy Gap, Inc.     |
| Bill Arkosh        | Rt 2           | Gooding         | Energy Gap, Inc.     |
| JOHN A. McKellar   | Rt 2 Box 1206  | Driggs, ID      | SELF                 |
| John O. Sessions   | 414 No. Main   | Driggs          | State Representative |
| A. F. Chadband     | 460 E.         | Anderson - I.F. | - ✓                  |
| Cathy Koon         | St. Anthony    |                 | Post-Registration    |
| Joyce Hunter       | St. Anthony    |                 | Standard-Journal     |
| Lyle Kurn          | Driggs Box 253 |                 | Outfitter + Guide    |
| Norman Christensen | Teton          | Idaho           | Farmer -             |

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MAY 16 1989





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

September 7, 1984

### M E M O

TO: Dave Tuthill, <sup>12x</sup>Water Allocation Section

FROM: Bill Ondrechen, Hydrology Section <sup>ATO</sup>

SUBJECT: Instream Flow Applications  
Falls River (21-7281)  
Bitch Creek (22-7370)  
Teton River (22-7369)  
Warm River (21-7283)

#### Falls River

Streamflows in the reach described in the application are very well defined by the Falls River near Chester gaging station (USGS Number 13049500). The gaging site is located near the lower end of the reach, 0.8 miles upstream from the mouth. Figure 1, a plot of two summary hydrographs, illustrates the flow characteristics at the gaging station. After a period of fairly low and relatively constant flows from October through March, streamflows begins to increase rapidly during April in response to snowmelt. Peak flows generally occur in late May or early June, with a rapid recession leading to a period of low flow in July and early August. During this latter period irrigation diversions have their greatest effect on streamflows. As diversions decline during August and September, streamflows gradually increase to baseflow levels.

Very low flows occur in years of much below average runoff during times when irrigation diversions are high. Dry years like 1961, 1966 and 1977 all produced minimum flows in the 15 to 20 cfs range.

Flows at the gaging station should represent the smallest amount of water present in the reach: As one moves upstream past the Curr, Silkey, Chester, Fall River and Enterprise Canals, the amount of water present in the channel increases considerably. These diversions, totalling about 300 cfs, are all within three to four miles above the gaging station.

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September 7, 1984

A flow duration analysis for the same period as that used for the plots in Figure 1 reveals that the proposed instream flow of 140 cfs is available about 91 percent of the time on an annual basis. During the months of July and August, the percent of time the 140 cfs is available drops to 66 and 60 percent, respectively.

#### Bitch Creek

This tributary of the Teton River drains an 80 square mile area in Wyoming and Idaho on the west side of the Teton Range. The USGS gaging station 13054300, located just downstream from the Highway 32 crossing, was in operation during water years 1975, 1976 and 1977. Since only three years of data are available, no summary hydrograph analysis was performed. The measured mean monthly flows for the period of record are listed below:

|      | <u>Oct</u> | <u>Nov</u> | <u>Dec</u> | <u>Jan</u> | <u>Feb</u> | <u>Mar</u> | <u>Apr</u> | <u>May</u> | <u>Jun</u> | <u>Jul</u> | <u>Aug</u> | <u>Sep</u> |
|------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1975 | 44         | 35         | 33         | 30         | 28         | 27         | 32         | 182        | 908        | 665        | 114        | 54         |
| 1976 | 51         | 43         | 41         | 37         | 37         | 33         | 64         | 788        | 659        | 336        | 117        | 66         |
| 1977 | 50         | 36         | 31         | 29         | 27         | 27         | 84         | 226        | 264        | 47         | 38         | 36         |

Peak flows resulting from snowmelt occur during May and June, with July and August discharges gradually recessing to baseflow conditions. Some small diversions are made above the instream flow reach, but the effect on streamflow is not pronounced. Low flows during the period of record occurred in the months of November and March. The proposed instream flow of 28 cfs closely approximates the late fall and winter baseflow of the stream, with the minimum discharge of record being 24 cfs.

#### Teton River

The instream flow reach described in the application is from the confluence of Bitch Creek upstream 12 miles to the Highway 33 bridge. Badger Creek, a major tributary, joins the Teton a short distance upstream from the Bitch Creek confluence. Streamflow data for the reach are available at several different sites for varying periods. A gage near the lower end of the reach was operated during water years 1975-77 (Teton R. below Badger Cr. near Lamont, 13054200) and another gage (Teton R. near Tetonia, 13054000) at the upstream end was operated during the period 1941-57. The only gaging station presently in operation on the upper Teton River is the gage above South Leigh Creek near Driggs (13052200), some seven miles upstream from the highway bridge.

A summary hydrograph analysis was performed on the Teton R. near Tetonia streamflow record. This record does not reflect

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September 7, 1984

present condition flow in the reach during the irrigation season due to the installation of several large pump diversions in recent years. These diversions peak at between 40 and 90 cfs during July, but are considerably less during the other summer months. Figure 2 is a plot of average, and 90 percent exceedance discharges for the Teton River near Tetonia station. A comparison of the proposed instream flow of 106 cfs with the flow regimes in Figure 2 reveals that the winter months are the only time actual flows drop to near the instream flow level. During the 17 year period of record, discharges exceeded 106 cfs over 99.9 percent of the time. The minimum flow of record was 62 cfs in January 1943, most likely due to ice conditions resulting from the extremely low temperatures. This site was also measured twice during 1977, on June 29 and August 18, at which time the discharges were found to be 242 cfs and 159 cfs, respectively. On these same dates the Teton R. below Badger Cr. site recorded 318 cfs and 254 cfs, respectively. Table 2 lists summary hydrograph statistics for the Teton River near Tetonia station.

#### Warm River

Although no gaging station is presently in operation on Warm River, the record at the Warm River at Warm River gaging site (13044500) for the period 1912-32 is useful for characterizing flows in the reach. This site was located 0.5 miles above mouth of the Warm River and just above Robinson Creek. A summary hydrograph analysis was run on this record and a plot of the average and minimum of record for each day of the year is shown in Figure 3. Streamflows at this site are characterized by a large amount of baseflow, with a peak in May resulting from snowmelt runoff. Since a large proportion of the flow is groundwater discharge, much less variation is present in the daily flows compared to a more typical stream.

Low flows generally occur during the winter months, with very little variation from year to year. The discharge dropped below the 141 cfs proposed instream flow only on two days during the 21 year record. This low flow occurrence was the result of the ice jamming on tributary streams. The stream was also measured several times during 1974-75 and once during 1977. The 1977 measurement, made on June 30, was 232 cfs.

BO:cjk

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TABLE 1.

IDAHO DEPARTMENT OF WATER RESOURCES

SUMMARY HYDROGRAPH DATA

FALLS RIVER NR CHESTER

13049500

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

| MONTH | MAXIMUM | YEAR | DAY | MINIMUM | YEAR | DAY | AVERAGE | COUNT |
|-------|---------|------|-----|---------|------|-----|---------|-------|
| JAN   | 720.    | 1972 | 21  | 280.    | 1979 | 1   | 474.    | 682   |
| FEB   | 660.    | 1962 | 12  | 334.    | 1978 | 16  | 462.    | 621   |
| MAR   | 860.    | 1963 | 23  | 345.    | 1978 | 1   | 472.    | 682   |
| APR   | 2830.   | 1980 | 30  | 375.    | 1967 | 2   | 742.    | 715   |
| MAY   | 4890.   | 1976 | 19  | 370.    | 1967 | 5   | 2030.   | 992   |
| JUN   | 6050.   | 1981 | 9   | 14.     | 1977 | 28  | 2083.   | 960   |
| JUL   | 4190.   | 1975 | 4   | 16.     | 1961 | 14  | 548.    | 992   |
| AUG   | 970.    | 1968 | 22  | 15.     | 1960 | 8   | 235.    | 992   |
| SEP   | 879.    | 1983 | 30  | 30.     | 1966 | 1   | 315.    | 960   |
| OCT   | 891.    | 1983 | 27  | 163.    | 1980 | 1   | 436.    | 682   |
| NOV   | 828.    | 1974 | 13  | 241.    | 1964 | 2   | 519.    | 660   |
| DEC   | 1200.   | 1965 | 24  | 350.    | 1962 | 11  | 519.    | 682   |

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

| MAXIMUM | YEAR | MINIMUM | YEAR | AVERAGE | COUNT |
|---------|------|---------|------|---------|-------|
| 6050.   | 1981 | 14.     | 1977 | 785.    | 9620  |

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

| MONTH | MAXIMUM | YEAR | MINIMUM | YEAR |
|-------|---------|------|---------|------|
| JAN   | 638.    | 1975 | 352.    | 1962 |
| FEB   | 581.    | 1975 | 357.    | 1978 |
| MAR   | 654.    | 1972 | 410.    | 1978 |
| APR   | 2210.   | 1952 | 431.    | 1967 |
| MAY   | 3161.   | 1976 | 1073.   | 1977 |
| JUN   | 3419.   | 1974 | 645.    | 1977 |
| JUL   | 1971.   | 1975 | 28.     | 1960 |
| AUG   | 539.    | 1982 | 57.     | 1963 |
| SEP   | 595.    | 1972 | 57.     | 1960 |
| OCT   | 767.    | 1983 | 240.    | 1964 |
| NOV   | 738.    | 1983 | 350.    | 1964 |
| DEC   | 628.    | 1975 | 372.    | 1962 |

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

| MAXIMUM | YEAR | MINIMUM | YEAR |
|---------|------|---------|------|
| 1005.   | 1983 | 505.    | 1977 |

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TABLE 2.

## IDAHO DEPARTMENT OF WATER RESOURCES

## SUMMARY HYDROGRAPH DATA

TETON RIVER NR TETONIA

13054000

| ***** MEAN DAILY FLOW BY MONTH ***** |         |      |     |         |      |     |         |       |
|--------------------------------------|---------|------|-----|---------|------|-----|---------|-------|
| MONTH                                | MAXIMUM | YEAR | DAY | MINIMUM | YEAR | DAY | AVERAGE | COUNT |
| JAN                                  | 360.    | 1946 | 1   | 62.     | 1943 | 16  | 211.    | 496   |
| FEB                                  | 790.    | 1957 | 27  | 130.    | 1950 | 1   | 218.    | 452   |
| MAR                                  | 801.    | 1956 | 26  | 105.    | 1948 | 5   | 252.    | 496   |
| APR                                  | 1150.   | 1943 | 4   | 197.    | 1944 | 1   | 429.    | 480   |
| MAY                                  | 1490.   | 1949 | 19  | 227.    | 1953 | 5   | 568.    | 496   |
| JUN                                  | 1870.   | 1945 | 28  | 288.    | 1955 | 8   | 880.    | 510   |
| JUL                                  | 1420.   | 1950 | 8   | 386.    | 1955 | 20  | 670.    | 496   |
| AUG                                  | 1190.   | 1951 | 5   | 292.    | 1948 | 31  | 465.    | 496   |
| SEP                                  | 686.    | 1945 | 22  | 266.    | 1942 | 30  | 367.    | 480   |
| OCT                                  | 535.    | 1951 | 1   | 254.    | 1943 | 10  | 335.    | 496   |
| NOV                                  | 583.    | 1956 | 22  | 160.    | 1956 | 16  | 312.    | 480   |
| DEC                                  | 900.    | 1942 | 4   | 135.    | 1943 | 27  | 249.    | 496   |

| ***** YEARLY FLOW DATA ***** |      |         |      |         |       |
|------------------------------|------|---------|------|---------|-------|
| MAXIMUM                      | YEAR | MINIMUM | YEAR | AVERAGE | COUNT |
| 1870.                        | 1945 | 62.     | 1943 | 416.    | 5874  |

| ***** MEAN MONTHLY FLOW DATA ***** |         |      |         |      |  |
|------------------------------------|---------|------|---------|------|--|
| MONTH                              | MAXIMUM | YEAR | MINIMUM | YEAR |  |
| JAN                                | 261.    | 1953 | 168.    | 1943 |  |
| FEB                                | 278.    | 1950 | 189.    | 1956 |  |
| MAR                                | 336.    | 1947 | 190.    | 1955 |  |
| APR                                | 746.    | 1943 | 273.    | 1947 |  |
| MAY                                | 902.    | 1949 | 269.    | 1955 |  |
| JUN                                | 1209.   | 1945 | 464.    | 1955 |  |
| JUL                                | 1097.   | 1945 | 424.    | 1955 |  |
| AUG                                | 749.    | 1951 | 362.    | 1955 |  |
| SEP                                | 495.    | 1945 | 291.    | 1953 |  |
| OCT                                | 425.    | 1952 | 266.    | 1943 |  |
| NOV                                | 373.    | 1944 | 249.    | 1953 |  |
| DEC                                | 325.    | 1947 | 198.    | 1945 |  |

| ***** MEAN ANNUAL FLOW DATA ***** |      |         |      |  |  |
|-----------------------------------|------|---------|------|--|--|
| MAXIMUM                           | YEAR | MINIMUM | YEAR |  |  |
| 495.                              | 1943 | 295.    | 1955 |  |  |

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FIGURE 1.

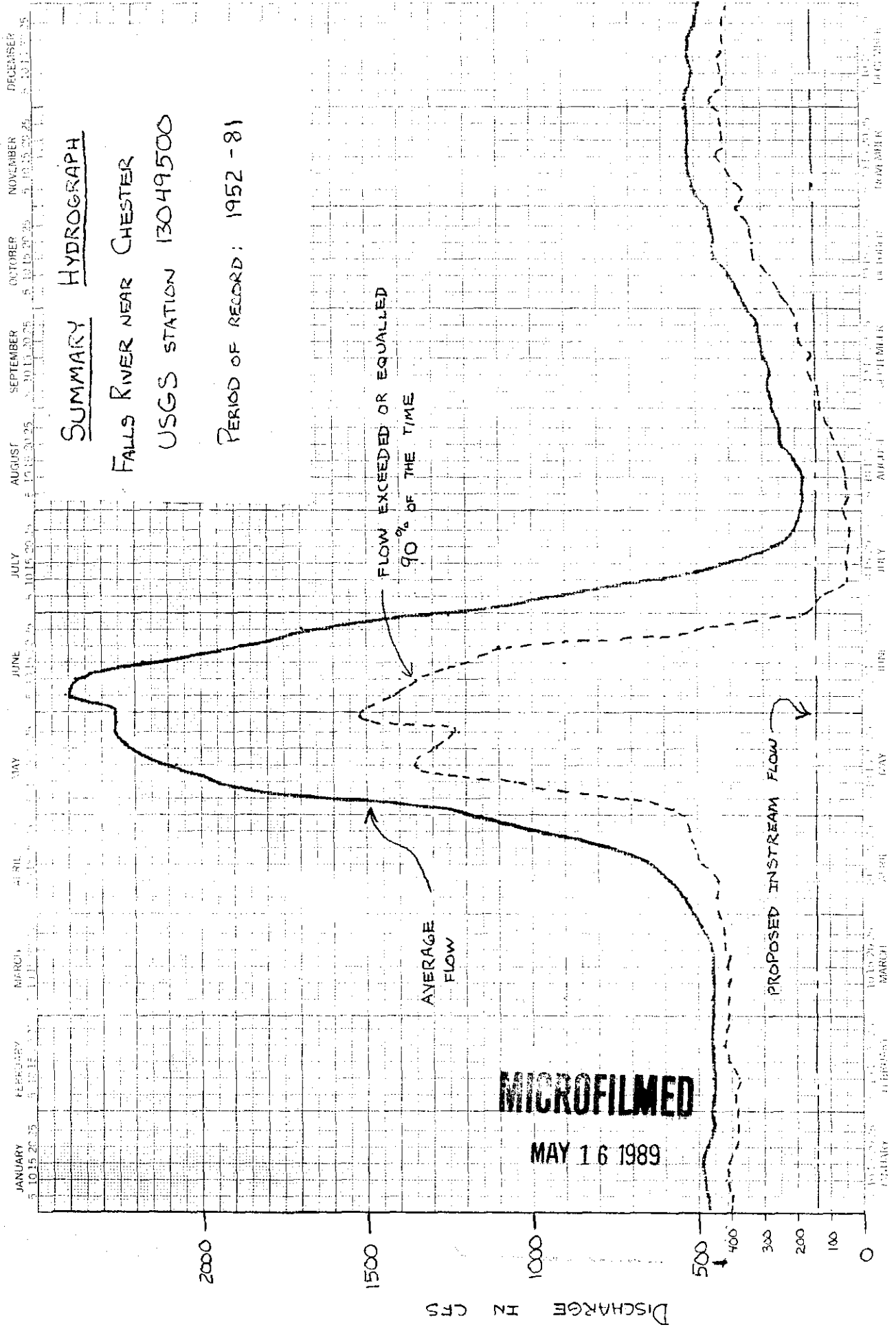


FIGURE 2.

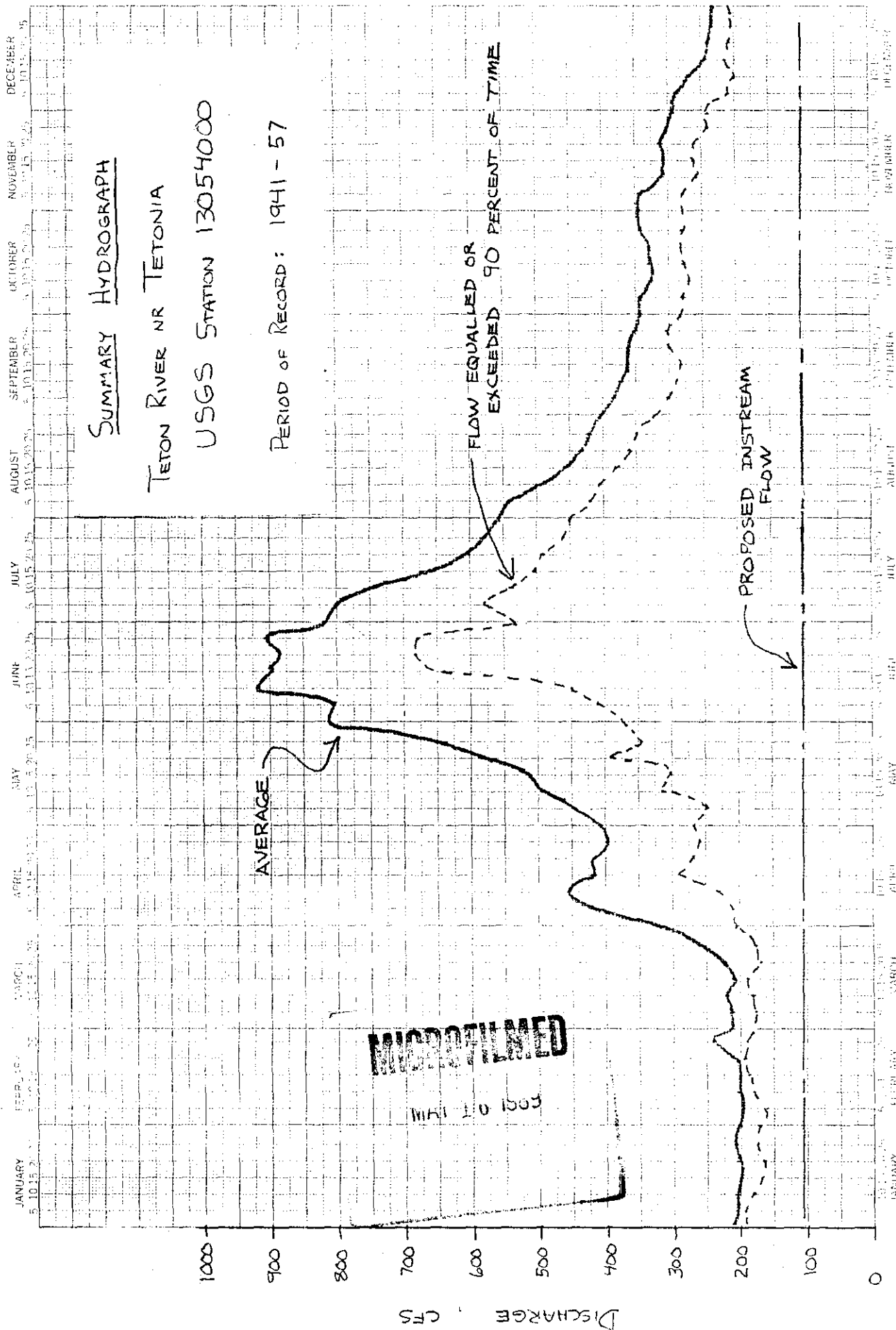
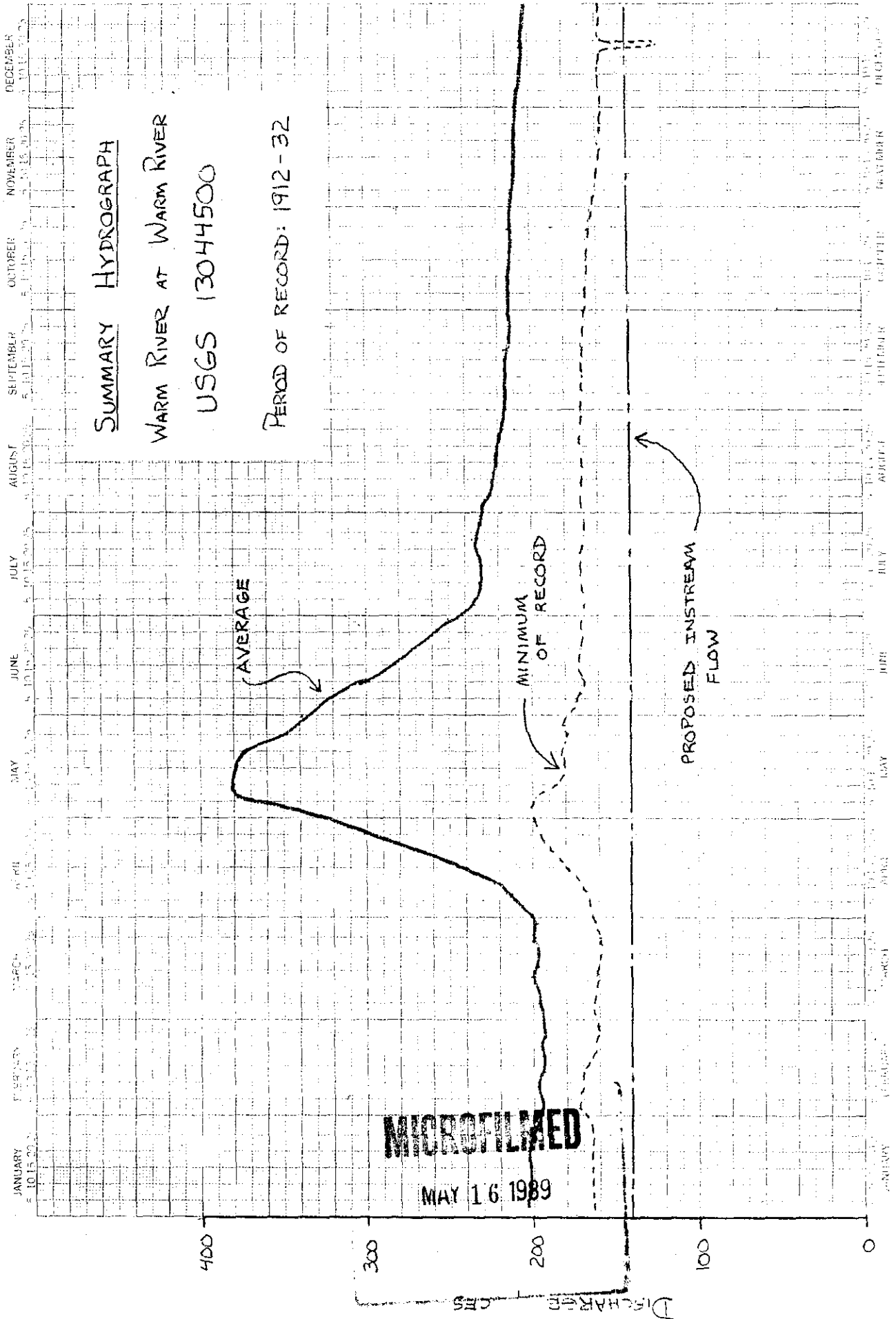


FIGURE 3.



INTER-DEPARTMENT MEMO — 1

FROM Roberta Garrett

DATE Sept. 4, 1984

TO File 22-7370

SUBJECT Minimum Streamflow Filing - Bitch Creek

Reach of stream researched:

T. 7 N., R. 44 E.

T. 7 N., R. 45 E.

Water Right located within the above legal description:

22-7370

22-7425 ✓

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MAY 16 1989

SIGNATURE

On September 14, 1984 copies of the attached materials were sent to the property owners and waterusers identified on the attached mailing labels.

*Linda Smith*  
LINDA SMITH

RECEIVED

SEP 16 1989

INTER-DEPARTMENT MEMO — 1

FROM Roberta Garrett

DATE Sept. 4, 1984

TO File 22-7370

SUBJECT Minimum Streamflow Filing - Bitch Creek

Reach of stream researched:

T. 7 N., R. 44 E.

T. 7 N., R. 45 E.

Water Right located within the above legal description:

22-7370

22-7425 ✓

---

SIGNATURE

SEP 10 1984



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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

September 14, 1984

Re: Minimum Stream Flow Application on Bitch Creek

Dear Wateruser:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of Bitch Creek. According to the records of this Department, you have a water right for which the point of diversion is located in or near the proposed minimum streamflow reach.

Information describing the application and the time and place of the meeting is shown on the enclosed fact sheet. Note that at the same meeting a proposed minimum streamflow on Teton River will also be reviewed. Also enclosed is a brochure which describes the minimum streamflow procedure.

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

*David R. Tuthill Jr.*

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

DRT:ls

Enclosures

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MAY 16 1989

BITCH CREEK

Wateruser

John and Rita Peterson

320 N. st, Box 358

Filer, ID 83328

---

RECORDED

MAY 10 1981

IDAHO DEPARTMENT OF FISH AND GAME  
REGION 6

MEMORANDUM

September 11, 1984

TO: Virgil Moore

FROM: Chip Corsi *Chip /dk*

*Dave Tullill  
Water Resources*

SUBJECT: RIPARIAN OWNERSHIP - TETON RIVER, BITCH CREEK, WARM  
RIVER, AND FALLS RIVER.

Here are the maps and lists of landowners you requested for the above mentioned streams.

---

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MAY 16 1989

|   |    |    | BITCH CR.                                               |                                                                     |
|---|----|----|---------------------------------------------------------|---------------------------------------------------------------------|
| 7 | 44 | 10 | State of Idaho<br>c/o Fred D. Morrison<br>Ray Anderson  | Rt. 2, Ashton, Idaho<br>Tetonia, Idaho                              |
| 7 | 44 | 11 | Fred D. Morrison<br>c/o Clem Atchley<br>Samuel Williams | Rt. 2, Ashton, Idaho<br>Rt. 1, Box 90A, Ashton, ID<br>Driggs, Idaho |
| 7 | 44 | 12 | c/o Clem Atchley<br>not listed                          | Rt. 1, Box 90A, Ashton, ID<br>Teton Co.                             |

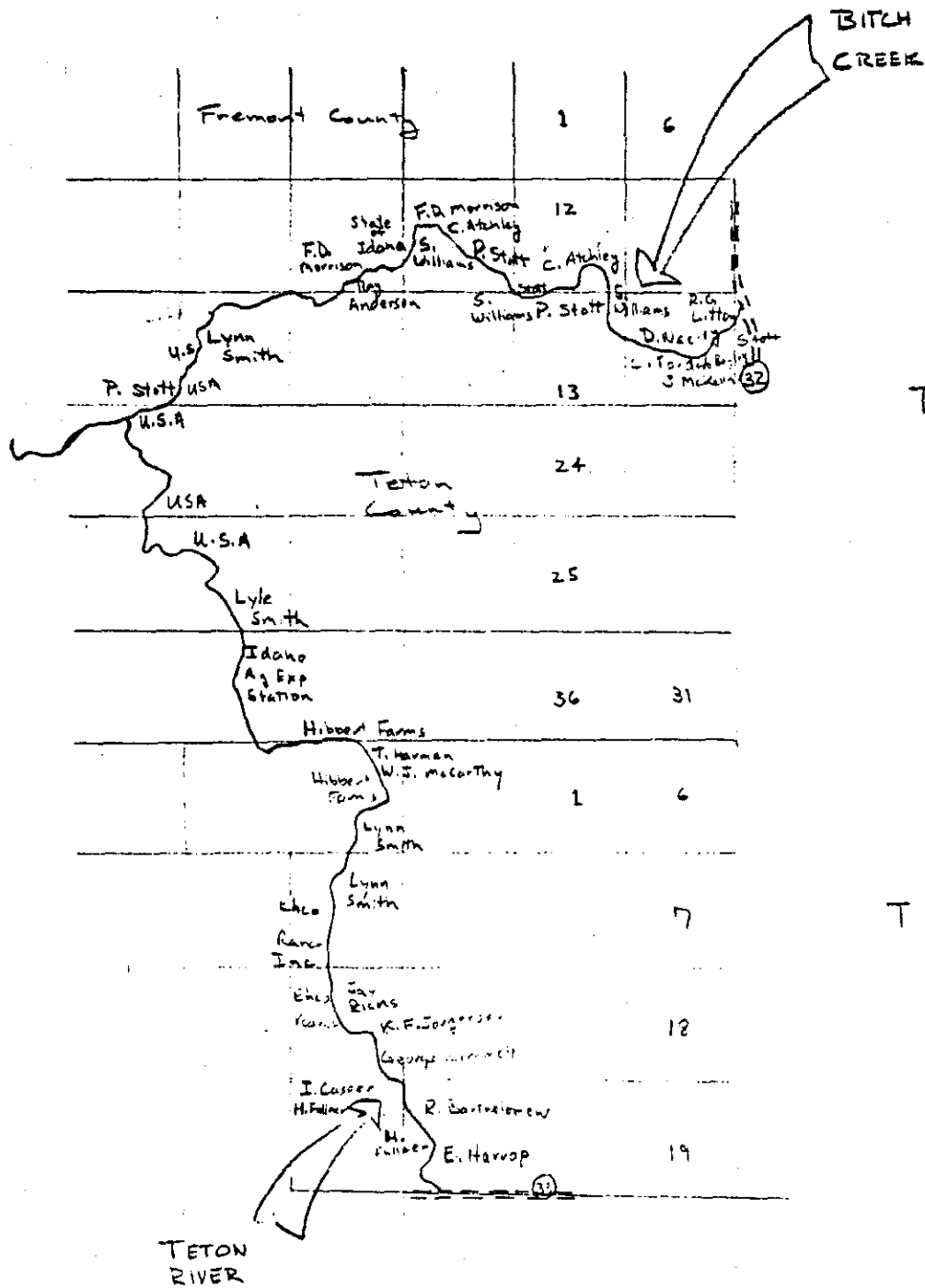
| T | R  | S  | NAME                                                               | BITCH CR. CONT | ADDRESS                                                                                                   |
|---|----|----|--------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------|
| 7 | 44 | 13 | c/o Percy Stott<br>Samuel Williams                                 |                | Felt, Idaho<br>Driggs, Idaho                                                                              |
| 7 | 44 | 16 | Lynn Smith                                                         |                | Felt, Idaho                                                                                               |
| 7 | 44 | 17 | Not listed                                                         |                | Teton Co.                                                                                                 |
| 7 | 45 | 17 | c/o Percy Stott                                                    |                | Felt, Idaho                                                                                               |
| 7 | 45 | 18 | c/o Dean Neeley<br>R.G. Litton<br><br>c/o J. Bagley<br>J. McKellar |                | 2121 Scenic Dr, S.L.C., UT<br>P. O. Box 2567, Grand Rapids,<br>Michigan<br>Victor, Idaho<br>Driggs, Idaho |

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MAY 1988

R 44

R 45



T 7

T 6

**MICROFILMED**

**MAY 16 1989**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

September 14, 1984

Re: Minimum Stream Flow Application on Bitch Creek

Dear Property Owner:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of Bitch Creek. According to the records at the county courthouse, you are one of the owners of property adjacent to the reach where the minimum streamflow is proposed.

Information describing the application and the time and place of the meeting is shown on the enclosed fact sheet. Note that during the same meeting a proposed minimum streamflow on Teton River will also be reviewed. Also enclosed is a brochure which describes the minimum streamflow procedure.

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

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

DRT:ls

Enclosures

**MICROFILMED**

MAY 16 1989

BITCH CREEK PROPERTY OWNERS

Fred D. Morrison  
Route 2  
Ashton, ID 83420

Ray Anderson  
Tetonia,  
Idaho 83452

Clem Athchley  
Rt. 1, Box 90A  
Ashton, ID 83420

Samuel Williams  
Driggs,  
Idaho 83422

Percy Stott  
Felt,  
Idaho 83424

Lynn Smith  
Felt,  
Idaho 83424

Dean Neeley  
2121 Scenic Dr.  
Salt Lake City, UT

R.G. Litton  
Box 2567  
Grand Rapids, MI

J. Bagley  
Victor,  
Idaho 83455

J. McKellar  
Driggs,  
Idaho 83422

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State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

September 14, 1984

Re: Minimum Stream Flow Application on Bitch Creek

Dear Property Owner:

The Idaho Water Resource Board will be holding a public meeting to solicit public input regarding a proposed minimum streamflow water right on a reach of Bitch Creek. According to the records at the county courthouse, you are one of the owners of property adjacent to the reach where the minimum streamflow is proposed.

Information describing the application and the time and place of the meeting is shown on the enclosed fact sheet. Note that during the same meeting a proposed minimum streamflow on Teton River will also be reviewed. Also enclosed is a brochure which describes the minimum streamflow procedure.

At the meeting you will have an opportunity to learn more about the application and to express your views. On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

*David R. Tuthill Jr.*

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

DRT:ls

Enclosures

RECEIVED

MAY 16 1989

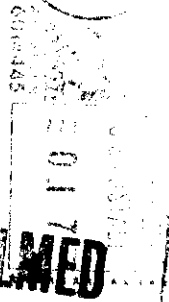
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Statehouse  
Boise, Idaho 83720

RETURNED  
TO SENDER  
PERSON CHECKED  
Insufficient - Not known  
to such office in state  
Do not remail in this envelope

Mr Ray Anderson  
in Tetonia

Only you can  
prevent forest fires

Ray Anderson  
Tetonia,  
Idaho 83452



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SEP 17 1984

Department of Water Resources

SEP 16 1989



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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Senators and Representative  
Letter

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

September 14, 1984

Re: Public Meetings Regarding Water Rights for Minimum  
Stream Flows

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights proposed in or near your legislative district.

Applications on Fall River and Warm River will be reviewed at a meeting in the Fremont County Courthouse in St. Anthony at 7:30 p.m. on Wednesday, September 26. Applications on Teton River and Bitch Creek will be reviewed at a meeting in the Teton County Courthouse in Driggs at 7:30 p.m. on Thursday, September 27. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedure.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

*David R. Tuthill Jr.*

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

DRT:ls

Enclosures

**MICROFILMED**

MAY 16 1989

Senators and Representatives

Sen. Vearl C. Crystal  
Rt. 6, Box 232  
Idaho Falls, ID 83401

Sen. Mark G. Ricks  
Rt. 4, Box 173  
Rexburg, ID 83440

Rep. Rich E. Orme  
Box 32  
St. Anthony, ID 83440

Sen. J. Marsden Williams  
1950 Carmel Dr.  
Idaho Falls, ID 83401

Rep. Kurt L. Johnson  
Rt. 6, Box 407  
Idaho Falls, ID 83401

Rep. Martin B. Trillhaase  
Rt. 4, Box 226  
Idaho Falls, ID 83401

Sen. Dane Watkins  
2975 Fieldstream Lane  
Idaho Falls, ID 83401

Rep. J. F. Chadband  
460 E. Anderson  
Idaho Falls, ID 83401

Rep. Gary L. Paxman  
719 E. 16th St.  
Idaho Falls, ID 83401

Rep. Linden B. Bateman  
Rt. 1, Box 442  
Idaho Falls, ID 83401

Rep. John O. Sessions  
Box 10  
Driggs, ID 83422

F. Melvin Hammond  
149 Elm Ave.  
Rexburg, ID 83440

MICROFILMED

MAY 1989



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

September 14, 1984

Re: Public Meetings Regarding Water Rights for Minimum  
Stream Flow

Dear Interested Party:

The Idaho Water Resource Board is planning to hold public meetings to solicit public input and reaction to four minimum streamflow applications for water rights in which you may have an interest.

Applications on Fall River and Warm River will be reviewed at a meeting in the Fremont County Courthouse in St. Anthony at 7:30 p.m. on Wednesday, September 26, 1984. Applications on Teton River and Bitch Creek will be reviewed at a meeting in the Teton County Courthouse in Driggs at 7:30 p.m. on Thursday, September 27, 1984. Please find enclosed two fact sheets regarding the applications and a brochure which describes the minimum streamflow procedures.

On behalf of the Idaho Water Resource Board, you are cordially invited to attend.

Sincerely,

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

DRT:ls

Enclosures

**MICROFILMED**

MAY 16 1989

# Interested Parties

James Siddoway  
County Courthouse  
St. Anthony, ID 83445

Ronni Ard  
President - Teton Pipeline Assn.  
Star Rt.  
Newdale, ID 83436

Laurence Parker  
County Courthouse  
St. Anthony, ID 83445

Glen D. Nelson  
Star Rt.  
Newdale, ID 83436

Committee of 9  
Robert Reichert  
Rt. #2  
Fyler, ID 83328

Rex Ard  
274 W. 1 S.  
Rexburg, ID 83440

Dale Rochwood  
Rt. #1, Box 218  
Idaho Falls, ID 83401

John C. Briggs  
Box 96  
Tetonia, ID 83452

Reed Murdock  
Rt. #5 Box 53  
Blackfoot, ID 83221

Idaho Dept. of Lands  
Statehouse  
Boise, ID

Reid Oldham  
Rt. #2, Box 297  
Rexburg, ID 83440

Idaho Dept. of Parks and Recreation  
Statehouse  
Boise, ID

Paul Berggren  
Rt. #1, Box 231  
Blackfoot, ID 83221

Mr. Clair Whitlock  
State Director - BLM  
3380 Americana Terrace  
Boise, ID 83706

Lester Saunders  
Hazelton, ID 83335

U.S. Forest Service  
Ririe Hwy - Beeches Corner  
Idaho Falls, ID 83401

Preston Alchley  
Ashton, ID 83420

Larry Cooke  
County Courthouse  
Driggs, ID 83422

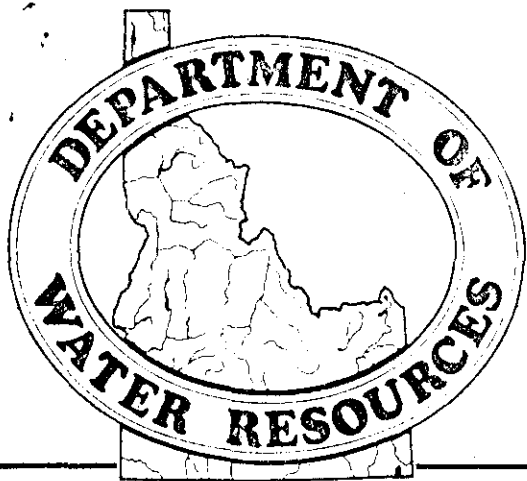
Claude Storer  
Rt. #8 Box 327  
Idaho Falls, ID 83401

Lowell B. Curtis  
County Courthouse  
Driggs, ID 83422

Phil Hanks  
Rt. #4 Box 455  
Burley, ID 83318

Reid Brower  
County Courthouse  
Driggs, ID 83422

RECEIVED



FOR IMMEDIATE RELEASE

September 12, 1984

State of Idaho, Statehouse, Boise, Idaho 83720

Phone: (208) 334-4440

## NEWS RELEASE

BOISE--- The Idaho Water Resource Board (IWRB) will conduct two public information meetings in eastern Idaho this month to discuss proposed minimum stream flow applications on file with the Idaho Department of Water Resources (IDWR.)

The Wednesday, Sept. 26 meeting at the Fremont County Courthouse, court room, St. Anthony, at 7:30 p.m. will deal with two proposed instream flow applications on Fall and Warm Rivers.

The Thursday, Sept. 27 meeting at the Teton County Courthouse, court room, Driggs, at 7:30 p.m. concerns Teton River and Bitch Creek instream flow applications.

All four applications were filed on June 19, 1981, at the request of the Idaho Department of Fish and Game. The applications, which seek year-round protection of fisheries and spawning and rearing habitat, provide for the following rates of flows and locations:

Fall River---140 cubic feet per second (cfs) from Highway 32 downstream about eight miles.

Warm River----141 cfs from Highway 47 downstream about 1/2 mile.

more

MAY 16 1989

instream flow

page 2

Teton River---106 cfs from Highway 33 downstream about nine miles..

Bitch Creek---28 cfs from Highway 32 downstream about six miles.

As required by law, if the Idaho Water Resource Board finds the proposed minimum stream flows to be in the public interest, the Idaho Department of Water Resources will conduct public hearings on the applications later in the year. After the hearings, the applications will be reviewed by the Director of the Department, for approval or denial. If approved, the applications must be sent to the Idaho Legislature, which may approve or reject them.

The public is encouraged to come and let the Idaho Water Resource Board know how it feels about any or all of these proposed instream flow rights, which, if approved, would be junior to any other established rights on the streams. These minimum stream flow rights also would not in any way affect any earlier, existing rights.

MAY 18 1989

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MAY 16 1989

| T | R  | S  | NAME                                                                                                                                                                                                   | ADDRESS                                                                                                                                                                                                                                                                                    |
|---|----|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 | 43 | 18 | K.R. Henry<br>Curtis Loosli<br>Donald Todd<br>Brian Hutcherson<br>Jay N. Hill<br>Richard K. Egbert<br>Darwin C. Murri<br>Owen M. Jensen<br>Thomas H. Murdock<br>Judith Hemming<br>Glade and Katie Lyon | Ashton, Idaho<br>Ashton, Idaho<br>Star Rt, Box 70, Macks Inn, ID<br>Rt. 2, Box 8A, Ashton, Idaho<br>Rt. 2, Box 198, Ashton, Idaho<br>Cedar Place, Ashton, Idaho<br>469 N 3500 E, Idaho Falls, ID<br>Ashton, Idaho<br>910 Idaho, Ashton, Idaho<br>604 Idaho, Ashton, Idaho<br>Ashton, Idaho |
| 6 | 44 | 3  | <u>TETON R.</u><br>Terry Hardman<br><br>William J. McCarthy<br>Hibbert Farms<br>Lynn Smith                                                                                                             | 33421 Hwy 224 Space 0,<br>Estacada, OR 97023<br>4910 Hawthorne, Pocatello, ID<br>Driggs, Idaho<br>Felt, Idaho                                                                                                                                                                              |
| 6 | 44 | 10 | Lynn Smith<br>Echo Ranch                                                                                                                                                                               | Felt, Idaho<br>Tetonia, Idaho                                                                                                                                                                                                                                                              |
| 6 | 44 | 15 | Jay Ricks<br>Echo Ranch, Inc.<br>Klar F. Jorgensen<br>George Rammell                                                                                                                                   | 295 S 3rd E, Rexburg, ID<br>Tetonia, Idaho<br>634 College St., Idaho Falls<br>Tetonia, Idaho                                                                                                                                                                                               |
| 6 | 44 | 22 | Irene Casper<br>c/o J. Butts                                                                                                                                                                           | 1240 Susanne, Idaho Falls, ID<br>Box 66, Teton, Idaho                                                                                                                                                                                                                                      |
| 6 | 44 | 23 | c/o J. Butts<br>Robert Bartholomew<br>Edith Harrop                                                                                                                                                     | Box 66, Teton, Idaho<br>Tetonia, Idaho<br>Box 297, Driggs, Idaho                                                                                                                                                                                                                           |
| 7 | 44 | 20 | U.S.A.                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                            |
| 7 | 44 | 28 | U.S.A.<br>Lyle Smith                                                                                                                                                                                   | Felt, Idaho                                                                                                                                                                                                                                                                                |
| 7 | 44 | 29 | U.S.A.                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                            |
| 7 | 44 | 33 | Idaho Ag. Experiment St.                                                                                                                                                                               | Tetonia, Idaho                                                                                                                                                                                                                                                                             |
| 7 | 44 | 34 | c/o Hibbert Farms                                                                                                                                                                                      | Driggs, Idaho                                                                                                                                                                                                                                                                              |
| 7 | 44 | 10 | <u>BITCH CR.</u><br>State of Idaho<br>c/o Fred D. Morrison<br>Ray Anderson                                                                                                                             | Rt. 2, Ashton, Idaho<br>Tetonia, Idaho                                                                                                                                                                                                                                                     |
| 7 | 44 | 11 | Fred D. Morrison<br>c/o Clem Atchley<br>Samuel Williams                                                                                                                                                | Rt. 2, Ashton, Idaho<br>Rt. 1, Box 90A, Ashton, ID<br>Driggs, Idaho                                                                                                                                                                                                                        |
| 7 | 44 | 12 | c/o Clem Atchley<br>not listed                                                                                                                                                                         | Box 1, Box 90A, Ashton, ID<br>Teton Co.                                                                                                                                                                                                                                                    |

MAY 1960

BATCH CR. CONT

| <u>T</u> | <u>R</u> | <u>S</u> | <u>NAME</u>                                                        | <u>ADDRESS</u>                                                                                            |
|----------|----------|----------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 7        | 44       | 13       | c/o Percy Stott<br>Samuel Williams                                 | Felt, Idaho<br>Driggs, Idaho                                                                              |
| 7        | 44       | 16       | Lynn Smith                                                         | Felt, Idaho                                                                                               |
| 7        | 44       | 17       | Not listed                                                         | Teton Co.                                                                                                 |
| 7        | 45       | 17       | c/o Percy Stott                                                    | Felt, Idaho                                                                                               |
| 7        | 45       | 18       | c/o Dean Neeley<br>R.G. Litton<br><br>c/o J. Bagley<br>J. McKellar | 2121 Scenic Dr, S.L.C., UT<br>P. O. Box 2567, Grand Rapids,<br>Michigan<br>Victor, Idaho<br>Driggs, Idaho |

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