

Idaho Statutes

TITLE 42

IRRIGATION AND DRAINAGE -WATER

RIGHTS AND RECLAMATION

CHAPTER 15

MINIMUM STREAM FLOW

42-1508. WOOD RIVER BASIN -ENHANCEMENT OF INSTREAM FLOWS AND DOWNSTREAM WATER SUPPLIES. [EFFECTIVE JULY 1, 2008, UNTIL DECEMBER 31, 2012] (1) The

water resource board is hereby authorized and directed to appropriate and hold in trust for the people of the state of Idaho minimum stream flow water rights in designated reaches of the Big Wood River and the Little Wood River for the purpose of preserving, restoring and enhancing fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation and water quality, and to enhance the water supply for other existing downstream water rights, in accordance with the provisions of this section. The

designated reaches are in the Big Wood River immediately below the Bellevue diversion (45 district canal) downstream to the United States geological survey gage station number 13140800, located below Stanton Crossing and above Magic Reservoir; and in the Little Wood River from the confluence of Silver Creek downstream to the U.S. bureau of land management diversion located near the city of Richfield.

(2) The water resource board is authorized and directed to appropriate minimum stream flow water rights in amounts up to sixty (60) cfs in the designated reach of the Big Wood River, and up to seventy-four (74) cfs in the designated reach of the Little Wood River under this section and in accordance with the provisions of section 42-1503, Idaho Code. In acting upon the applications for permit, the director of the department of water resources need not determine that the appropriations are capable of being maintained based upon records of existing stream flows, because it is anticipated that the water rights will be satisfied and maintained over time through the donation of water rights to the board and the operation of the water supply bank within the Wood River basin consistent with the provisions of section 42-1765B, Idaho Code. In addition, the director need not determine that the appropriations meet a minimum amount as defined in section 42-1502(f), Idaho Code, or limit appropriations that might exceed such an amount, because of the need to fulfill the purpose of enhancing water supplies for other existing downstream water rights.

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