

2 IDAHO WATER RESOURCE BOARD ACTIONS

2.1 Protection Designations

A comprehensive state water plan may designate outstanding waterways as a “Protected river,” being either a “natural river” or a “recreational river” (*Idaho Code § 42-1731 (8)*). The protection designations are further defined by *Idaho Code §§ 42-1731(7) and (9)* as “... a waterway which possesses outstanding fish and wildlife, recreation, geologic, or aesthetic values...” and:

- Natural rivers are free of substantial human development in the waterway, and the riparian area is largely undeveloped (but may be accessible in places by trails or roads).
- Recreational rivers may include human development in the waterway or the riparian area.

The Idaho Water Resource Board considers the impacts of protected river designations on the social, economic, and environmental livelihood of the region. A protection designation is made if the Board determines the value of preserving the waterway is in the public interest and outweighs development for other beneficial uses (*Idaho Code § 42-1734A(4)*). The Board also determines which activities shall be prohibited, and may specify terms and conditions for other activities not listed (*Idaho Code § 42-1734A(5)*). Potentially prohibited activities include:

- construction or expansion of dams or impoundments,
- construction of hydropower projects,
- construction of water diversion works,
- dredge or placer mining,
- alterations of the stream bed,
- mineral or sand and gravel extraction within the stream bed.

Prohibitions for recreational designations do not interfere with activities necessary to maintain and improve *existing* utilities, roadways, managed stream access facilities, diversion works, or private property. Natural and recreational designations do not change or infringe upon *existing* water rights or other vested property rights.

As a part of the development of the *Little Salmon River Basin Comprehensive State Water Plan, Part B*, streams were identified that will benefit from state protection designation to protect current values for the people of Idaho. The analyses for this identification process are described in the OUTSTANDING RESOURCE EVALUATIONS section of this plan (Chapter 5).

Designated Waters in the Little Salmon River Basin

The Idaho Water Resource Board has determined that, at this time, the value of preserving the designated waterways of the Little Salmon River basin are in the interest of and for the benefit of the state as a whole. All landowners – private, state, and federal – are encouraged to manage their lands consistent with the Board’s protection designations. The Board also encourages federal resource management agencies to work within the comprehensive state water planning process rather than pursuing federal protection of waters within Idaho.

To protect the public interest, current resource use, and the multiple-use character of the basin, the Idaho Water Resource Board designates the following streams and stream segments as Recreational Rivers (no streams are designated Natural Rivers)(Figure 2):

Recreational Rivers

Little Salmon River: from the Highway 95 bridge above “The Falls” (river mile 24.7), to the confluence with the Salmon River (24.7 miles total length).

Boulder Creek: from its headwaters to its confluence with the Little Salmon River (18.6 miles total length).

Hard Creek: from its headwaters to its confluence with Hazard Creek (12.0 miles total length).

Hazard Creek: from the outlet of Hazard Lake downstream to its confluence with the Little Salmon River (12.5 miles total length).



- ***Prohibited activities:*** Construction or expansion of dams or impoundments; dredge or placer mining (including recreational dredging); mineral or sand and gravel extraction within the stream channel. Other alterations of the stream channel are prohibited, except as provided below.
- ***Activities allowed with terms and conditions:*** The following activities are allowed if they do not impede fish and boat passage:
 1. Construction of water diversion works for domestic, commercial, municipal, industrial, agricultural, and hydropower uses;
 2. Alterations of the stream channel for protection and maintenance of private property for flood control, for public recreation facilities, and for fish and wildlife enhancement structures.

All activities must comply with all state stream channel alterations rules and standards.




All works must be constructed or maintained to minimize erosion and sedimentation.

Land tracts less than 40 acres may be omitted due to map scale.



Protected Rivers


-  Recreational
- none Natural
-  Rivers with Minimum Stream Flow Applications


Public Lands


-  Bureau of Land Management
-  Forest Service
-  State of Idaho

Private Lands

-  Boise Cascade
-  Others

 Cities

 Major Roads

 County Boundaries

Prepared by:



IDAHO GEOGRAPHIC INFORMATION CENTER
 Idaho Department of Water Resources
 1301 North Orchard Street
 Boise, ID 83709
 (208) 327-7900

X:\spatial\projects\planning\little_salmon\littlesalmon.apr (protected_rivers)

Map date: 09/21/01
 Sources: 1) Boundary based on 1:100,000 hydrologic unit boundaries; 2) Ownership data from Bureau of Land Management and Idaho Department of Water Resources, 1997.

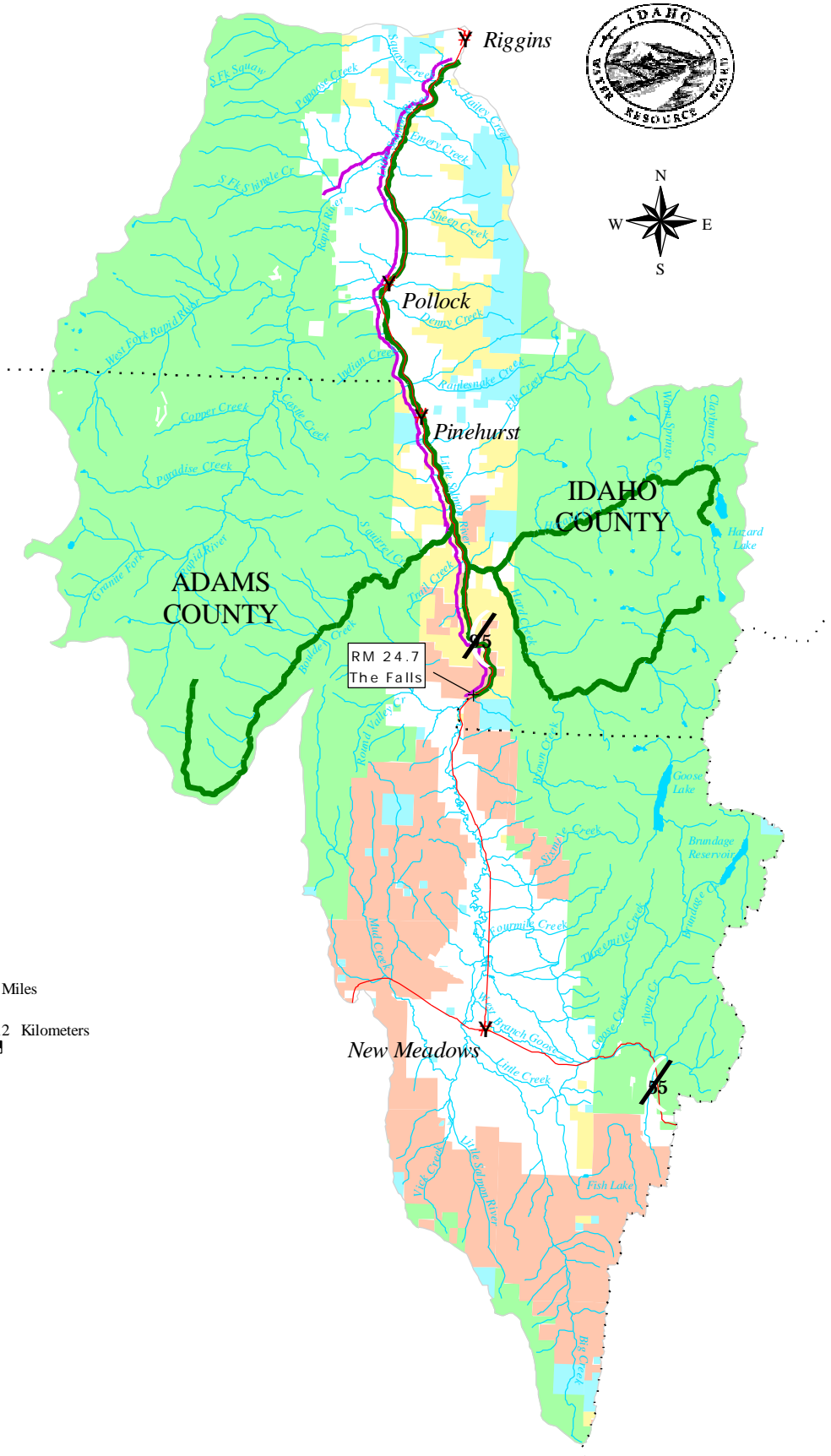
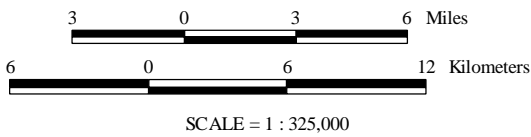


Figure 2. Protected rivers in the Little Salmon River basin.

2.2 Minimum Stream Flows

Idaho Code, Title 42, Chapter 15, grants authority to the Idaho Water Resource Board to appropriate water for minimum stream flows. The statute defines minimum stream flow as a flow of water that is required to protect fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, and/or water quality. A minimum stream flow is not an ideal flow, but a minimum to protect beneficial uses (*Idaho Code § 42-1503*).

Like any other water right, a minimum stream flow must take its place by priority. A minimum stream flow right is filled only when senior rights have been satisfied. Furthermore, the process for the Board to acquire a minimum stream flow right is separate from the process to develop this comprehensive state water plan, *but is often done in conjunction with comprehensive state water planning efforts, as in this instance*. Studies to determine the quantity and timing of the minimum stream flow must be conducted before a minimum stream flow is granted. The Board can then submit an application to the director of the Idaho Department of Water Resources, who determines whether to grant the right in accordance with Title 42, Chapter 15 of the Idaho Code. Minimum stream flows granted by the director are approved by concurrent resolution of the Idaho State Legislature.

Because of their importance to Idaho and the basin's public health, safety, and welfare, minimum stream flows are required for protection of fish and wildlife habitat, water quality, aesthetic beauty, and recreational values. The preservation of the water for such purposes is in the public interest, and by law is declared a beneficial use (*Idaho Code § 42-1501*). The Board proposes that minimum stream flow rights be pursued on the following stream reaches (Figure 2):

- **Rapid River**, from the National Forest boundary above the fish hatchery, to the river's confluence with the Little Salmon River (2.8 miles total length).

- **Little Salmon River**, from the Highway 95 bridge above "The Falls" (river mile 24.7), to the confluence with the Salmon River (24.7 miles total length).

The Board intends to implement the following upon their adoption of the *Plan*:

- (a) The Board will request that IDWR, in cooperation with the Idaho Department of Fish and Game, the U.S. Forest Service, and the U.S. Bureau of Land Management, initiate studies on portions of the Little Salmon River and the Rapid River to: verify that minimum stream flows will not interfere with any senior water rights; verify the minimum flows required to protect fish and wildlife, aquatic life, water quality, and aesthetic beauty, etc.; verify if minimum flows are capable of being maintained; and to acquire other necessary information to complete the minimum stream flow permitting process.
- (b) As soon as possible after appropriate information is gathered and minimum stream flow analyses are completed, the Board will submit applications to the director of IDWR to acquire minimum stream flow rights on portions of the Little Salmon River and the Rapid River.
- (c) If a minimum stream flow is approved by the director of IDWR, and subsequently the Idaho legislature, the Board will request that IDWR direct the watermaster (after the adjudication process is completed in the basin) to monitor flows as necessary to ensure compliance with the minimum stream flow appropriation.