

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Right: 83-7099

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

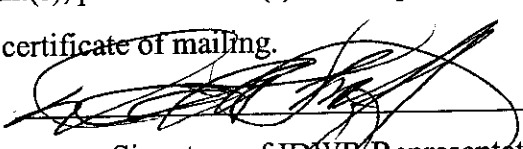
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
- ☒ Other: License Issued

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water right(s) except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Nov 12, 2004



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 12, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

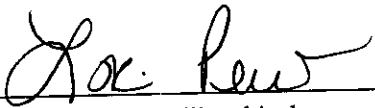
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Idaho Water Resources Board
322 E. Front St.
Boise ID 83720-0098



Signature of person mailing this document

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 83-7099

NAME AND ADDRESS:

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0098

SOURCE:

Source:
ELK CREEK

Tributary:

NORTH FORK CLEARWATER RIVER

QUANTITY:

120.000 CFS
0.000 AFY

PRIORITY DATE:

02/10/1989

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.
~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

POINT OF DIVERSION:

T39N R02E S11 NWNNE Begin of Stream Flow Within CLEARWATER County
T39N R02E S14 NWSNE End of Stream Flow Within CLEARWATER County

This minimum stream flow begins at the north section line in the NW1/4NW1/4NE1/4 of Section 11, Twp 39N, Rge 02E, B.M., and ends at the confluence of Deep Creek with Elk Creek in the NW1/4SW1/4NE1/4 of Section 14, Twp 39N, Rge 02E, B.M., Clearwater County.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
MINIMUM STREAM FLOW	07/01 02/29	40.000 CFS
MINIMUM STREAM FLOW	03/01 06/30	120.000 CFS

The purpose of this minimum stream flow is to preserve scenic and recreational purposes, and to provide flushing flows for recruitment of spawning gravels and sediment removal for fish habitat needs.
Use of water under this right shall be non-consumptive.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: MINIMUM STREAM FLOW within CLEARWATER County

The place of use of the minimum stream flow water right is stream reach from the beginning point to the ending point identified above.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum stream flow, the right holder shall permanently install and maintain gauging stations as specified by the department.

The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the 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 water right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

BASIS OF CLAIM — Permit