

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: **SEE ATTACHMENT 1**

Date Received:

Receipt No:

Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s):

State of Idaho
Idaho Water Resource Board
Statehouse Mail
P.O. Box 83720
Boise, ID 83720-0098

2. Date of Priority:

April 1, 2005.

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversions 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.

3. Sources: See Attachment 2. Trib. to: See Attachment 2.

4. Points of Diversion: See Attachment 2.

5. Description of diverting works: None (minimum stream flow).

Idaho Water Resource Board
Ident. Nos. (See attachment).

6. Water is used for the following purposes:

Minimum stream flow to preserve fish and wildlife, scenic and recreational values and to protect and enhance water quality.

7. Total Quantity appropriated is:

See Attachment 2.

8. Total consumptive use:

Use of water shall be non-consumptive.

9. Non-irrigation uses:

Minimum stream flows.

10. Place of use:

65 stream reaches, as identified in attached spreadsheet. The places of use are the reaches above the quantification points.

11. Counties in which places of use are located:

Adams, Custer, Idaho, Lemhi, and Valley.

12. Do you own the property listed as place of use? No (see remarks).

13. Other water rights used:

N/A

14. Remarks:

All minimum stream flow water rights identified in Attachment 2 except the following are subordinated to future non-Domestic-Commercial-Municipal-Industrial ("non-DCMI") development in the amount specified in the attached spreadsheet, or a floor amount equivalent to the unimpaired monthly 80% exceedence flow, whichever is less: 78-12233, 78-12234, 78-12235, 78-12236.

While the instream flow and the future allocation for non-DCMI uses and floor flows are to be decreed in cubic feet per second (cfs), such quantities are intended to reflect the

stated exceedence flows at the quantification point. The exceedence flows were estimated using regional regression equations developed by the United States Geological Service. Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director. If actual flow data become available, the quantities in this water right will be adjusted as necessary to give effect to the exceedence assumption state above. Such adjustments do not result in a material change to the water right and are not subject to the notice and hearing requirements set forth in this partial decree, but shall comply with the notice and consultation requirements of Section 42-1507(4), Idaho Code.

The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right after complying with the notice and consultation procedures of Section 42-1507(4), Idaho Code. 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 notify 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.

This water right shall be subordinate to all future DCMI uses.

When this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law.

For claims nos. 75-14187 and 79-14119, the water right will be administered in a manner consistent with Wild and Scenic River flows from the North Fork of the Salmon River to Long Tom Bar, and subordinated to the extent necessary to permit full utilization of the future water development preserved by the subordinations contained within the description of the Wild and Scenic water rights for the Salmon River, water right numbers 75-13316 and 77-11941.

15. Basis of claim:

This water right was established by Chapter 150, 2005 Idaho Session Laws (codified as Section 42-1507, Idaho Code). In accordance with such law, this water right will not become effective until the governor issues a proclamation certifying

Idaho Water Resource Board
Ident. Nos. (See attachment).

15. Basis of claim:

This water right was established by Chapter 150, 2005 Idaho Session Laws (codified as Section 42-1507, Idaho Code). In accordance with such law, this water right will not become effective until the governor issues a proclamation certifying that all conditions for the effectiveness of the Snake River Water Rights Agreement of 2004 have been satisfied.

16. Signature(s)

- (a) By signing below, I/we acknowledge that I/we have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/we do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations. I do solemnly swear or affirm that I am Chairman of the Idaho Water Resource Board, that I have signed the foregoing document in the space below as Chairman of Idaho Water Resource Board, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: _____

Jerry R. Rigby
Jerry R. Rigby, Chairman
Idaho Water Resource Board

State of Idaho _____

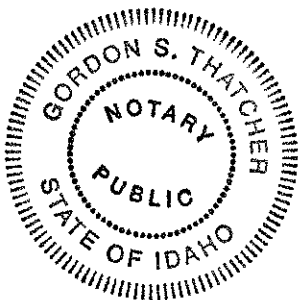
County of Madison

Subscribed and sworn ~~(or affirmed)~~ before me this 16th day of April, 2005.

Notary Public: _____

Residing at: _____

My commission expires: _____



Idaho Water Resource Board
Ident. Nos. (See attachment).

17. Notice of Appearance

Notice is hereby given that I, Steven W. Strack, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below:

Signature: _____

Address: Office of the Attorney General
Natural Resources Division
P.O. Box 4449
Boise, ID 83711-4449

Date: April ____, 2005.

Attachment 1

Minimum stream flow water rights which are timely filed.

75-14184	77-14201
75-14185	77-14202
75-14186	77-14203
75-14187	77-14204
75-14188	77-14205
75-14189	77-14206
77-14167	77-14207
77-14168	77-14208
77-14169	77-14209
77-14170	77-14210
77-14171	77-14211
77-14172	77-14212
77-14173	78-12233
77-14174	78-12234
77-14175	78-12235
77-14176	78-12236
77-14177	78-12237
77-14178	79-14117
77-14179	79-14118
77-14180	79-14119
77-14181	79-14120
77-14182	79-14121
77-14183	79-14122
77-14184	79-14123
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77-14198	
77-14199	
77-14200	

Attachment 2: Periods of Use and Quantities (Basins 76, 77, 78, 79)

WR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Minimum stream flows for the following streams are quantified in cfs, based on the monthly 30% exceedance level of the estimated unimpaired flow. Flows are subordinated to all future DCM water rights; in addition, 5% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCMI uses; provided, non-DCMI uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedance flow.														

77-14167	Bargainin Creek	Salmon River	32	27	32	172	741	637	147	49	41	42	40	34
77-14168	Sheep Creek	Salmon River	21	18	19	72	335	350	107	35	26	32	31	24
77-14169	Wind River	Salmon River	23	21	22	82	382	400	124	40	30	36	34	27
77-14170	W. Fork Chamberlain Creek	Chamberlain Creek	7	6	7	41	167	150	35	11	9	10	9	8
77-14171	Chamberlain Creek	Salmon River	131	107	130	298	992	1374	474	211	159	143	142	131
77-14172	Horse Creek	Salmon River	83	80	107	321	801	712	192	95	84	92	97	88
77-14177	Smith Creek	Big Creek	9	9	10	34	143	175	41	14	10	10	11	10
77-14178	Big Creek	Middle Fork Salmon River	317	289	324	767	2510	3456	1242	527	398	363	371	327
77-14179	Monumental Creek	Big Creek	50	47	53	183	801	924	225	74	53	57	58	53
77-14180	Logan Creek	Big Creek	10	9	10	35	155	175	44	14	10	11	11	10
77-14182	Big Creek	Middle Fork Salmon River	12	11	12	44	191	212	53	18	12	13	13	13
77-14184	Rush Creek	Big Creek	37	34	39	137	586	687	169	55	40	42	43	39
77-14191	Brush Creek	Middle Fork Salmon River	14	13	13	33	155	187	55	26	19	19	16	16
77-14196	Silver Creek	Camas Creek	26	25	25	64	311	375	106	49	37	36	32	31
77-14197	Sheep Creek	Middle Fork Salmon River	13	12	12	32	155	187	53	25	18	18	16	15
77-14198	Camas Creek	Middle Fork Salmon River	229	203	238	550	1793	2497	869	375	284	253	273	229
77-14199	Dynamite Creek	Middle Fork Salmon River	9	8	9	27	109	101	27	13	11	11	11	10
77-14200	Indian Creek	Middle Fork Salmon River	45	42	45	137	550	499	135	66	53	56	55	49
77-14201	Marble Creek	Middle Fork Salmon River	67	62	68	206	825	762	203	98	81	85	82	74
77-14203	Loon Creek	Middle Fork Salmon River	208	182	216	492	1673	2248	790	340	261	231	240	207
77-14205	Pistol Creek	Middle Fork Salmon River	62	58	63	195	765	699	192	91	75	78	75	69
77-14207	Rapid River	Middle Fork Salmon River	62	57	58	149	717	874	248	115	89	84	75	72
77-14208	Sulphur Creek	Middle Fork Salmon River	28	27	29	87	347	325	88	42	34	36	35	32
77-14209	Bear Valley Creek	Middle Fork Salmon River	109	105	119	343	1434	1249	350	164	136	143	142	120
77-14210	Marsh Creek	Middle Fork Salmon River	90	82	83	218	1040	1249	361	164	125	121	108	103
77-14211	Elk Creek	Bear Valley Creek	46	43	46	137	562	524	147	68	56	58	57	51

Minimum stream flows for the following streams are quantified in cfs, based on the monthly 40% exceedance level of the estimated unimpaired flow. Flows are subordinated to all future DCM water rights; in addition, 10% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCMI uses; provided, non-DCMI uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedance flow.

75-14184	North Fork Salmon R	Salmon River	42	41	53	144	366	335	86	47	42	46	49	44
75-14186	Pine Creek	Salmon River	6	6	8	21	54	49	12	7	6	7	7	6
75-14186	Panther Creek	Salmon River	132	111	130	269	925	1297	431	201	158	143	153	131
75-14188	Panther Creek	Salmon River	22	22	28	77	183	173	45	24	22	24	25	23
75-14189	Hat Creek	Salmon River	10	9	9	12	53	108	45	22	16	12	12	10
77-14173	French Creek	Salmon River	26	24	25	85	396	421	122	45	34	41	39	30
79-14120	White Bird Creek	Salmon River	36	51	66	228	466	300	40	15	14	22	29	27
79-14121	Stookunchuck Creek	Salmon River	12	17	22	79	159	102	13	5	5	7	10	9
79-14122	State Creek	Salmon River	53	76	94	341	699	444	80	23	22	32	43	40
79-14123	Little State Creek	State Creek	29	41	53	186	371	244	33	12	11	17	24	22

Attachment 2: Periods of Use and Quantities (Basins 76, 77, 78, 79)

WIR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Minimum stream flows for the following streams are quantified in cfs, based on the monthly 50% exceedence level of the estimated unimpaired flow. Flows are subordinated to all future DCM water rights; in addition, 25% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCM uses; provided, non-DCM uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedence flow.														
78-12237	Little Salmon River	Salmon River	46	67	151	504	832	573	369	171	85	28	35	43
79-14117	Rock Creek	Salmon River	7	8	43	356	313	124	24	8	5	6	10	12
79-14118	Rice Creek	Salmon River	3.9	4.5	23.2	195.8	165.6	66.5	13.5	4.1	2.7	3.4	5.3	6.8
79-14124	Little Salmon River	Salmon River	234	285	528	1254	2542	2619	981	472	314	211	230	225

The following claims are quantified in accord with Wild and Scenic River instream flows and future allocations, and are subordinated to the extent necessary to permit full utilization of the future water development preserved by the subordinations contained within the description of the Wild and Scenic River water right for the Salmon River, numbers 75-13316 and 77-11941.

75-14187	Salmon River	Snake River	948	981	1030	1134/1653	3850	5700	2630	899	871	1120	1200	1050
79-14119	Salmon River	Snake River	4000	4000	4000	9200	31000	31000	10400	4000	4000	4000	4000	4000

Minimum stream flows for the following streams are quantified in cfs, based on the monthly 40% exceedence level of the estimated unimpaired flow. Flows are subordinated to all future DCM water rights; in addition, 5% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCM uses; provided, non-DCM uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedence flow.

77-14202	Blackfoot Creek	South Fork Salmon River	8	8	9	27	122	140	33	12	9	9	9	9
77-14195	Blackfoot Creek	South Fork Salmon River	21	20	23	72	315	367	87	31	23	24	25	23
77-14204	Burntlog Creek	Johnson Creek	15	15	16	52	224	270	62	22	17	17	18	16
77-14190	E. Fork S. Fork Salmon	South Fork Salmon River	254	232	291	625	1829	2269	590	223	179	173	214	222
77-14188	Fitzum Creek	South Fork Salmon River	10	10	10	34	152	162	50	18	14	16	15	12
77-14194	Johnson Creek	E. Fork S. Fork Salmon River	90	87	95	308	1321	1513	365	127	97	102	102	97
77-14212	Lake Creek	Secesh River	10	10	10	34	154	164	49	18	13	16	15	12
77-14183	Lick Creek	Secesh River	13	12	12	40	193	195	59	21	16	19	18	15
77-14176	Poplery Creek	South Fork Salmon River	12	12	13	42	183	216	51	18	14	14	14	13
77-14187	Profile Creek	E. Fork S. Fork Salmon River	8	7	8	26	112	140	32	12	8	9	9	8
77-14186	Quartz Creek	E. Fork S. Fork Salmon River	8	7	8	26	112	130	32	12	8	9	9	8
77-14175	Secesh River	South Fork Salmon River	54	50	50	173	793	843	253	90	89	84	80	63
77-14181	Secesh River	South Fork Salmon River	93	86	87	298	1423	1513	440	159	116	143	143	111
77-14174	South Fork Salmon R	Salmon River	477	465	672	2308	5691	5620	1498	594	443	469	540	575
77-14192	South Fork Salmon R	Salmon River	244	232	291	615	1829	2161	590	212	169	163	214	222
77-14193	Sugar Creek	E. Fork S. Fork Salmon River	8	7	8	26	112	130	31	12	8	9	9	8
77-14189	Tamarack Creek	E. Fork S. Fork Salmon River	8	7	8	25	112	130	31	11	8	9	9	8
77-14206	Warm Lake Creek	South Fork Salmon River	10	10	10	34	142	173	40	15	11	11	11	11

Minimum stream flows for the following streams are quantified in cfs, based on the monthly 40% exceedence level of the estimated unimpaired flow. Flows are subordinated to all future DCM water rights; in addition, 10% of the lowest median monthly unimpaired estimated flow is subordinated to future non-DCM uses; provided, non-DCM uses are to be curtailed at a floor equivalent to the unimpaired 80% estimated exceedence flow.

77-14185	Sheep Creek	South Fork Salmon River	8	9	9	26	122	138	32	12	10	11	11	9
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Minimum stream flows for the following claims are quantified in cfs as follows, based on estimated unimpaired exceedence flows. All claims are subordinated to all future DCM water rights.

WIR Number	Stream Name	Tributary to	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
78-12233	Elk Creek	Little Salmon River	3.3	4.1	6.0	23.2	28.4	17.6	5.9	2.1	2.0	2.7	3.3	4.0
78-12234	Hazard Creek	Little Salmon River	11	13	19	61	116	110	35	9	8	10	12	14
78-12235	Boulder Creek	Little Salmon River	13	16	25	81	127	70	21	8	7	9	11	14
78-12236	Hazard Creek	Little Salmon River	23	27	39	120	201	179	55	17	15	20	24	29