

06/02/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 21-7282

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098
Telephone Number: (208)287-4800

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*POD Reversed
Remark misspelling*

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9.22.05 SIGNATURE: *[Signature]*

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Fixed 9.26.05 [Signature]

07/20/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-7282

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1,000.000 CFS

The rate of flow under this right for the upper reach during the entire year and the lower reach from 10/01 through 3/31 shall be limited to 300 cfs, or the rate of flow provided by the Buffalo River plus other tributary flows throughout the minimum stream flow reaches, whichever is less.

PRIORITY DATE: 06/19/1981

The use of water under this right is subject to all prior rights; specifically, the water rights and practices of the Fremont-Madison, Falls, A & B, Burley and Minidoka Irrigation Districts; American Falls Reservoir District #2 and the Warren Act Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

POINT OF DIVERSION:

T10N R43E S25 SENE *Removal* Begin of Stream Flow Within FREMONT County

T13N R43E S33 NWNW End of Stream Flow Within FREMONT County

The upper minimum stream flow reach extends from the NWNW, S33, T13N, R43E to the point where Henrys Fork intersects the line between Sec. 13 and Sec. 14, T10N, R43E. The lower reach extends from this point downstream to the SENE, S25, T10N, R43E.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINIMUM STREAM FLOW	01/01 12/31	300.000
	04/01 09/30	CFS1,000.000 CFS

Use of water under this right shall be non-consumptive.

PLACE OF USE:

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

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

07/20/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The 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 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

Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

Upon the future finding and order of the Director that gauging stations are required to maintain the minimum flow of the Henrys Fork, such measuring devices shall be permanently installed and maintained as specified by the Department.