

06/02/2005

**NOTICE OF ERROR  
REPLY**

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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: 21-7283

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: ME

Please print your name: \_\_\_\_\_

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

*Fixed 9-26-05*

07/20/2005

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

RIGHT NUMBER: 21-7283

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

SOURCE: WARM RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 141.000 CFS

PRIORITY DATE: 06/19/1981

This minimum flow is subordinated to the future construction of a dam on Warm River and storage behind the dam that might inundate portions or all of the proposed minimum flow reach. If the Board determines that a reservoir site on Warm River is no longer in the public interest, removal of the site from the State Water Plan will also remove the subordination of this minimum flow to the proposed reservoir.

The use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation and other purposes under any prior existing water rights established by diversion and application to beneficial use or by any application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with the priority of water right date earlier than 6/19/81.

POINT OF DIVERSION:

T09N R43E S12 SWSE End of Stream Flow Within FREMONT County

T09N R43E S13 NWNW Begin of Stream Flow Within FREMONT County

This minimum stream flow reach is from State Highway 47 in the SWSE, S12, T9N, R43E, downstream to a point in the NWNW, S13, T9N, R43E.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------------------------------------------------|----------------------|-----------------|
| MINIMUM STREAM FLOW                                     | 1/01 12/31           | 141.000 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 within the 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

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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

Upon the future finding and order of the Director that gauging stations are required to determine the approved minimum flows on Warm River are being maintained, such measuring devices shall be permanently installed and maintained as specified by the Department.