

07/12/2005

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: 21-7355

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: 

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: 21-7355

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: 09/27/1984

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.

POINT OF DIVERSION:

reversed
T09N R43E S12 SWSE Begin of Stream Flow Within FREMONT County

T10N R44E S10 NWSW End of Stream Flow Within FREMONT County

This minimum stream flow begins at the point where the flows from Warm River Springs discharge into the Warm River in the NW1/4SW1/4, S10, T10N, R44E, B.M., and ends approximately 8 miles downstream in the SW1/4SE1/4, S12, T9N, R43E, B.M., Fremont County.

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	141.000 CFS
The purpose of this minimum stream flow is to preserve recreational value and fish and wildlife habitat.		
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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

time This right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the

of this approval, this water right is within State Water District No. 01.

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.