

OBJECTOR:

USDI-BOR

David W. Gehlert for Aug 9-25-07

David W. Gehlert

Attorney

United States Dept of Justice

IDWR Concurrence:

Ernie Carlsen 3-29-07

Ernie Carlsen

Date

IDWR Adjudication Supervisor

Nicholas B. Spencer 3-30-07

Nicholas B. Spencer

Date

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on 4-25, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

hand-delivered

2. Copies to:

USDI-BOR
US Department of Justice
Environment & Natural Resources
1961 Stout Street – 8th Floor
Denver, CO 80294
Attn: David Gehlert
and
550 West Fort Street, MSC 033
Boise, ID 83724

*via mail
4/2/07 LP*

State of Idaho
Idaho Water Resource Board
322 E Front St
PO Box 83720
Boise, ID 83720-0098

*via mail
4/30/07 LP*

Jerry Rigby
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

(courtesy copy)

hand-delivered

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Becky Harvey
Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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:

Source:
HENRYS FORK

Tributary:

SNAKE RIVER

QUANTITY:

1,000.000 CFS
0.000 AFY

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 United States and its Contractors. The right shall not be deemed to impose any conditions or requirements upon the operation of Island Park Dam.

~~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 End of Stream Flow
Within FREMONT County

T13N R43E S33 NWNW Begin 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:

Purpose of use	Period of use:	Quantity:
MINIMUM STREAM FLOW	01/01 12/31	300.000 CFS
MINIMUM STREAM FLOW	04/01 09/30	1,000.000 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.

DN
EMC
TB
NBS

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

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.

EMC
TB
NBS
DN