

07/15/2005

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

RIGHT NUMBER: 73-7045

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 74.000 CFS

The flow is divided into two reaches: 1) Lower Reach - 74.0 cfs from the confluence of the Pahsimeroi River and the Salmon River, upstream about 4 miles to the point of injection of Big Springs 2) Upper Reach - 45.0 cfs from the point of injection of Big Springs, upstream about 3 miles to the discharge point of the fish rearing and release ponds in the NWNW, S21, T15N, R21E.

PRIORITY DATE: 12/19/1979

POINT OF DIVERSION:

T15N R21E S8 NWNW Begin of Stream Flow Within CUSTER County

T15N R21E S8 NWNW End of Stream Flow Within CUSTER County

T15N R21E S21 NWNW Begin of Stream Flow Within CUSTER County

T16N R20E S25 SWNW Lot 3 End of Stream Flow Within CUSTER County

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	74.000 CFS

The use of water under this right shall recognize all reasonable irrigation diversion practices on the Pahsimeroi River and tributaries in existence at the time of the filing of the application for permit on 12/12/79. Existing irrigation practices, for the purpose of this condition, are evidenced by maps, photographs, data and measurements referenced in the Amended Memorandum Decision and Order issued at the time of permit approval on 1/9/86. In particular, administration of this right shall not prevent such existing reasonable diversions of excess waters in addition to recorded rights if all recorded rights, excluding this right, are then satisfied. The watermaster of Water District 73 is not authorized to control, for the purpose of delivering water to fill this license, the diversion of water to any land irrigated under a valid water right from Pahsimeroi River and tributaries with a priority date earlier than the priority of this right.

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

PLACE OF USE:

The place of use of this right is within the designated stream reaches described between the beginning and ending points described above.

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

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 Director retains jurisdiction 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 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 73.

Upon the future findings and order of the Director that additional gauging stations are required to maintain the approved minimum stream flows of the Pahsimeroi River such measuring devices shall be permanently installed and maintained as specified by the Director.

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T16N R20E S25 SWNW Lot 3 End of Stream Flow Within CUSTER County

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	74.000 CFS
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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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Upon the future findings and order of the Director that additional gauging stations are required to maintain the approved minimum stream flows of the Pahsimeroi River such measuring devices shall be permanently installed and maintained as specified by the Director.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

