

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

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)
)
)
)

Water Rights: 86-7318, 86-7345

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

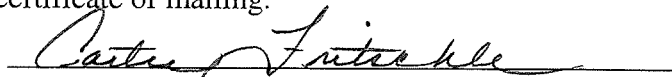
- ☐ Address Change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2-5-13


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 6, 2013, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Director of IDWR
PO Box 83720
Boise ID 83720

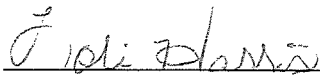
☒ hand-delivered

3. Copies to all parties to the subcase:

Idaho Water Resource Board
322 E Front St
PO Box 83720
Boise ID 83720

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 86-7318

NAME AND ADDRESS:

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

SOURCE:

Source:

Tributary:

CLEARWATER RIVER

SNAKE RIVER

QUANTITY:

5,750.000 CFS

PRIORITY DATE:

07/30/1992

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:

T36N R03W S7 Lot 13 NWSW End of Stream Flow
Within NEZ PERCE County

~~T36N R03W S7 Lot 13 NWSWSW End of Stream Flow~~
~~Within NEZ PERCE County~~

T37N R01E S33 Lot 8 SESE Begin of Stream Flow
Within CLEARWATER County

~~T37N R01E S33 Lot 8 NWSESE Begin of Stream Flow~~
~~Within CLEARWATER County~~

The reach of this minimum stream flow begins at the confluence of the South Fork Clearwater and the Middle Fork Clearwater River in Lot 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, T32N, R4E, B.M. and extends downstream approximately 34 miles to the confluence with North Fork Clearwater River in Lot 8 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 33, T37N, R1E, B.M.

~~The reach of this minimum stream flow begins at the confluence with the North Fork Clearwater River in Lot 8 (NWSESE) Section 33, T37N, R1E and extends downstream approximately 27 miles to the confluence with the Potlatch River in Lot 13 (NWSWSW), Section 7, T36N, R3W, B.M.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MINIMUM STREAM FLOW

8/01 10/31

4,350.000 CFS

MINIMUM STREAM FLOW

11/01 7/31

5,750.000 CFS

PLACE OF USE:

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

The place of use is within the stream reach between the beginning instream point and the ending instream point described for the points of diversion for this right.

~~Place of use is within the reach of the points of diversion described above.~~

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

The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water 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 notify 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 person or parties seeking the amendment to establish that the amendment of this water 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.

The approved minimum stream flow shall be subordinate to future domestic, stockwater, municipal, commercial, and industrial development from the Clearwater River and its tributaries, including ground water, for use within the Clearwater River Basin where the domestic and stockwater uses are within the limitations of Section 42-111, Idaho Code.

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

Approval of this minimum stream flow shall not prevent approval of applications for consumptive uses from ground water if the wells are located and constructed to prevent an immediate impact on the river, as determined by the Director.

The purpose of this minimum stream flow is for the protection of fish and wildlife habitat, aquatic life, and recreational uses.

Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 86-7345

NAME AND ADDRESS:

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

SOURCE:

Source:

CLEARWATER RIVER

Tributary:

SNAKE RIVER

QUANTITY:

5,910.000 CFS

PRIORITY DATE:

07/30/1992

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 water right date earlier than the date of priority of this right.

POINT OF DIVERSION:

T36N R03W S7 Lot 13 NWSW Begin of Stream Flow
Within NEZ PERCE County

~~T36N R03W S7 Lot 13 NWSWSW Begin of Stream Flow
Within NEZ PERCE County~~

T36N R05W S32 Lot 1 SWNE End of Stream Flow
Within NEZ PERCE County

T36N R05W S32 Lot 6 SWNE End of Stream Flow
Within NEZ PERCE County

The reach of this minimum stream flow begins at the confluence with the Potlatch River in Lot 13, (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 7, T36N, R3W, B.M. and extends downstream approximately 13 miles to the beginning of backwater from the reservoir behind Lower Granite Dam in Lots 1 and 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 32, T36N, R5W, B.M.

~~The reach of this minimum stream flow begins at the confluence with the Potlatch River in Lot 13, (NWSWSW), Section 7, T36N, R3W, B.M. and extends downstream approximately 13 miles to the beginning of backwater from the reservoir behind Lower Granite Dam in Lots 1 and 6 (SWNE), Section 32, T36N, R5W, B.M.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
MINIMUM STREAM FLOW	11/01 7/31	5,910.000 CFS
MINIMUM STREAM FLO	8/01 10/31	4,498.000 CFS

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

PLACE OF USE:

The place of use is within the stream reach between the beginning instream point and the ending instream point described for the points of diversion for this right.

~~Place of use is within the reach between the points of diversion described above.~~

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

The approved minimum stream flow shall be subordinate to future domestic, stockwater, municipal, commercial, and industrial development from the Clearwater River and its tributaries, including ground water, for use within the Clearwater River Basin where the domestic and stockwater uses are within the limitations of Section 42-111, Idaho Code. The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water 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 notify 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 person or parties seeking the amendment to establish that the amendment of this water 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.

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

Approval of this minimum stream flow shall not prevent approval of applications for consumptive uses from ground water if the wells are located and constructed to prevent an immediate impact on the river, as determined by the Director.

The purpose of this minimum stream flow is for the protection of fish and wildlife habitat, aquatic life, and recreational uses.

Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director.