

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-14993

Priority: April 12, 2001

Minimum Stream Flow: 35.00 CFS

It is hereby certified that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0098 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 12, 2001; and has
submitted Proof of Beneficial Use on April 01, 2004. A minimum stream flow for:

SOURCE

LEMHI RIVER

Tributary: SALMON RIVER

has been established as follows:

BENEFICIAL USE

MINIMUM STREAM FLOW

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

35.00 CFS

MINIMUM STREAM FLOW REACH:

LEMHI RIVER SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 21N, Rge 22E, B.M. LEMHI County
(Beginning of Reach)

LEMHI RIVER L9 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 32, Twp 22N, Rge 22E, B.M. LEMHI County
(Ending of Reach)

CONDITIONS OF APPROVAL

1. 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.
2. Fifteen (15) cfs of the thirty-five (35) cfs is subordinated to all diversions, including high water or flood water authorized under the Lemhi River basin decree (Lemhi County Case No. 4948).
3. Use of water under this right shall be non-consumptive.
4. 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.
5. The purpose of this minimum stream flow is to provide for the passage of anadromous fish in the authorized river reach.
6. This minimum stream flow begins at water diversion L-6 on the Lemhi River in the SE $\frac{1}{4}$, S24, T21N, R22E, B.M., and ends at the confluence of the Lemhi River with the Salmon River near the southwest corner of S32, T22N, R22E, B.M., Lemhi County.

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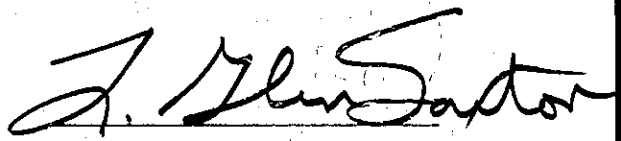
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CONDITIONS OF APPROVAL CONTINUED

7. 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.
8. This right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 1st day of October, 2004.


for **KARL J. DREHER**
Director