

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 83-11966

WATER RIGHT NUMBER: 83-11966

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO
	IDAHO WATER RESOURCE BOARD
	322 E FRONT ST
	PO BOX 83720
	BOISE, ID 83720-0098
	(208)287-4800

Priority Date: 04/01/2005

Basis: Statute**Status: Active**

<u>Source</u>	<u>Tributary</u>
NORTH FORK CLEARWATER RIVER	CLEARWATER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM STREAM FLOW	01/01 to 01/31	2,108.000 CFS	
MINIMUM STREAM FLOW	02/01 to 02/28	2,625.000 CFS	
MINIMUM STREAM FLOW	03/01 to 03/31	4,250.000 CFS	
MINIMUM STREAM FLOW	04/01 to 04/30	10,560.000 CFS	
MINIMUM STREAM FLOW	05/01 to 05/31	16,560.000 CFS	
MINIMUM STREAM FLOW	06/01 to 06/30	9,790.000 CFS	
MINIMUM STREAM FLOW	07/01 to 07/31	2,730.000 CFS	
MINIMUM STREAM FLOW	08/01 to 08/31	1,380.000 CFS	
MINIMUM STREAM FLOW	09/01 to 09/30	1,131.000 CFS	
MINIMUM STREAM FLOW	10/01 to 10/31	1,404.000 CFS	
MINIMUM STREAM FLOW	11/01 to 11/30	2,059.000 CFS	
MINIMUM STREAM FLOW	12/01 to 12/31	2,368.000 CFS	
		<u>Total Diversion:</u> 16,560.000 CFS	

Location of Point(s) of Diversion

NORTH FORK CLEARWATER RIVER	SW1/4NE1/4SW1/4	Sec. 34, Twp 37N, Rge 01E, B.M.
CLEARWATER County		

Place of UseConditions of Approval:

1. 150 While the instream flow and the future allocation for non-DCMI uses and base flows are to be decreed in cubic feet per second (cfs), such quantities are intended to reflect the percentages of the unimpaired exceedence flows at the quantification point described in this water right. The unimpaired exceedence flows were estimated using regional regression equations developed by the United States Geological Service. 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. If actual flow data become available, the quantities in this water right will be adjusted as necessary to give effect to the exceedence assumption stated above. Such adjustments do not result in a material change to the water right and are not subject to the notice and hearing requirements set forth in this partial decree, but shall comply with the notice and consultation requirements of Section 42-1507(4), Idaho Code.
2. 027 Use of water under this right shall be non-consumptive.
3. 091 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.

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Water Right Report 83-11966

4. 144 This water right shall be subordinated to all future DCMI uses.
5. 146 The place of use for this water right is the reach above the quantification point.
6. 153 This water right was established by Chapter 150, 2005 Idaho Session Laws (codified as Section 42-1507, Idaho Code). In accordance with such law, this water right will not become effective until the governor issues a proclamation certifying that all conditions for the effectiveness of the Snake River Water Rights Agreement of 2004 have been satisfied.
7. 151 There are no diversions associated with this minimum stream flow water right. The quantification point for this instream flow water right is at the above location.
8. 149 This water right is subordinated to future non-Domestic-Commercial-Municipal-Industrial ("non-DCMI") development in an amount up to 283 cfs based on 25 percent of the lowest unimpaired median monthly flow or the amount available above a base flow which is equivalent to the unimpaired monthly 80% exceedence flow whichever is less. The 80 percent monthly exceedence flows are as follows: Jan - 1364 cfs, Feb - 1540 cfs, Mar - 2550 cfs, Apr - 6600 cfs, May - 11520 cfs, Jun - 5500 cfs, Jul - 1680 cfs, Aug - 1050 cfs, Sep - 871 cfs, Oct - 954 cfs, Nov - 1305 cfs, and Dec - 1480 cfs.
9. 152 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 after complying with the notice and consultation procedures of Section 42-1507(4), Idaho Code. 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.
10. 154 When this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law.
11. 148 The purpose of this instream flow is to preserve fish and wildlife, scenic, and recreational values and to protect and enhance water quality and is equivalent to the unimpaired monthly 80 percent exceedence flows.

Comments:

1. nvandyke 10/2/2007 Data Entry

Comment: This is a statute based minimum streamflow right created by House Bill No. 636 of the 58th Legislature second regular session 2006.

2. nvandyke 10/2/2007 POD

Comment: Updated shape

Dates and Other Information:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False