

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 21-07355

Priority: September 27, 1984

Minimum Stream Flow: 141.0 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 September 27, 1984; and has submitted Proof of Beneficial Use on March 03, 1999. A minimum stream flow for:

SOURCE

WARM RIVER

Tributary: HENRYS FORK

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
MINIMUM STREAM FLOW	1/01 to 12/31	141.00 CFS

LOCATION OF MINIMUM STREAM FLOW:

WARM RIVER NW¼ SW¼, Sec. 10, Twp 10N, Rge 44E, B.M. FREMONT County
(Beginning of Reach)

WARM RIVER SW¼ SE¼, Sec. 12, Twp 09N, Rge 43E, B.M. FREMONT 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. Use of water under this right shall be non-consumptive.
3. 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.
4. The purpose of this minimum stream flow is to preserve recreational value and fish and wildlife habitat.
5. This minimum stream flow begins at the point where the flows from Warm River Springs discharge into Warm River in the NW¼SW¼, S10, T10N, R44E, B.M., and ends approximately 8 miles downstream in the SW¼SE¼, S12, T9N, R43E, B.M., Fremont County.

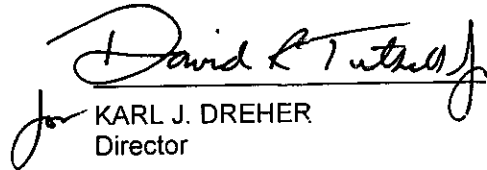
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6. The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest 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.
7. 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. 01.

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 6th day of July, 2005.


for KARL J. DREHER
Director