

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 83-07099

Priority: February 10, 1989

Minimum Stream Flow : 120.00 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 February 10, 1989; and has
submitted Proof of Beneficial Use on September 22, 2004. A minimum stream flow for:

SOURCE

ELK CREEK

Tributary: NORTH FORK CLEARWATER RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
MINIMUM STREAM FLOW	7/01 to 2/29	40.00 CFS
MINIMUM STREAM FLOW	3/01 to 6/30	120.00 CFS

MINIMUM STREAM FLOW REACH:

ELK CREEK NW¼ NW¼ NE¼ Sec. 11, Twp 39N, Rge 02E, B.M. CLEARWATER County
(Beginning of Reach)
ELK CREEK NW¼ SW¼ NE¼ Sec. 14, Twp 39N, Rge 02E, B.M. CLEARWATER 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 scenic and recreational purposes, and to provide flushing flows for recruitment of spawning gravels and sediment removal for fish habitat needs.
5. This minimum stream flow begins at the north section line in the NW¼ NW¼ NE¼ of Section 11, Twp 39N, Rge 02E, B.M., and ends at the confluence of Deep Creek with Elk Creek in the NW¼ SW¼ NE¼ of Section 14, Twp 39N, Rge 02E, B.M., Clearwater County.

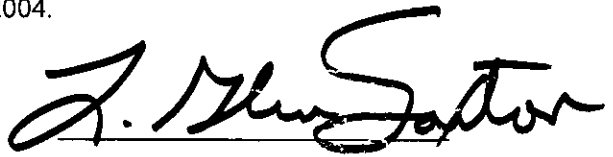
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6. The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest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

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 21st day of October, 2004.


for KARL J. DREHER
Director