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3. The District agrees to bypass through or release from the Boulder Lake Reservoir yearly hereafter a minimum continual flow of water during the irrigating season extending from April 25 to September 1 of each year so as to insure a permanent minimum flow, whether direct or from storage of ten (10) cubic feet per second of water in Boulder Creek past the diversion of said District. It being the intention of this Agreement that the ten cubic feet per second flow shall come from direct flow to the extent that such direct flow is available and to the extent that such minimum direct flow is not available, then from the storage allocated above for fish, wildlife and related recreational aspects.

4. The District agrees that in the construction of the dam to be hereafter performed that the central gate or other portion of the dam facility shall be so designed as to provide for an accurate and continual release of the minimum five (5) cubic feet per second of water into the stream during the non-irrigating season, and that upon any disagreement between the parties concerning the measurement of the flow provided by this release device, it is hereby mutually agreed that the matter shall be submitted to a representative of the Wyoming State Engineer's office, as designated by the State Engineer, for proper measurement and setting.

5. It is agreed by the District that any and all water used by the District or other reservoir users or appropriators between the dam and the District's diversion shall be provided for by the District over and above this minimum flow.