

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 01-07131, 01-07132,)
01-07133, 01-07134, 01-07135, 01-07136,)
01-07137, 01-07139, 01-07140, 01-07141,)
02-07473, 02-07474, 21-07574, 21-07575,)
21-07576, 21-07577, 21-07578, 21-07579,)
AND 21-07580 IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD)
_____)

**ORDER GRANTING MOTION
TO DELAY PROCESSING OF
APPLICATIONS**

This matter having come before the Idaho Department of Water Resources ("Department"), as a result of the filing of a Motion For Delay Processing The Applicant's Applications For Permit to Appropriate Water For Recharge Purposes by the Idaho Water Resource Board, the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 11, 1998, the Idaho Water Resource Board ("Applicant" or "Board") adopted a resolution at its regularly scheduled Board meeting authorizing the Chairman of the Board to submit a request to the Director of the Department of Water Resources seeking delay in the processing of the above captioned applications.
2. On January 6, 1999, the Applicant filed a Motion For Delay Processing The Applicant's Applications For Permit to Appropriate Water For Recharge Purposes with the Director seeking delay for a period of one (1) year.
3. None of the parties to the matter filed a response opposing the requested delay.

CONCLUSIONS OF LAW

1. Water Appropriation Rule IDAPA 37.03.08040.01.d (Rule 40.01.d) provides in pertinent part as follows:

d. An applicant may request in writing that commencement of processing of his or her application be delayed for a period not to

exceed one (1) year or that processing be interrupted for a period not to exceed six (6) months. The director at his discretion may approve the request unless he determines that others will be injured by the delay or that the applicant seeks the delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay.

2. None of the parties to the matter filed a response opposing the requested delay and did not allege injury, speculation or conflict with the local public interest.

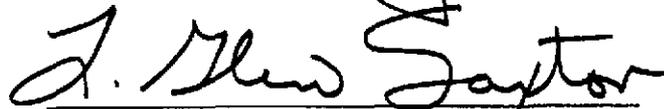
3. A delay in the processing of the applications will not injure the rights of other parties, is not for speculative purposes and will not injure the public interest of the people of Idaho.

4. The department should grant the motion of the Applicant.

ORDER

IT IS THEREFORE, HEREBY ORDERED that processing of the above captioned applications is **GRANTED** for a period of one (1) year from the date of this Preliminary Order.

Dated this 21st day of January, 1999.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 21st day of January, 1999, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

IDAHO WATER RESOURCE BOARD
ATTN JOHN BEAL
1301 N ORCHARD
BOISE ID 83706

JERROLD D GREGG
US BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298

JOHN A ROSHOLT
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

STEPHEN P MEALEY
IDAHO FISH AND GAME
600 S WALNUT
BOISE ID 83707-0025

JAMES C TUCKER
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

LIN BENJAMIN
HENRY'S FORK FOUNDATION
PO BOX 852
ASHTON ID 83420

BARBARA SCOTT-BRIER
FISH AND WILDLIFE SERVICE
US DEPT OF INTERIOR
500 NE MULTNOMAH STE 607
PORTLAND OR 97232

MARTI BRIDGES
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

SPENCE WARNER
SOUTH FORK OUTFITTERS LLC
PO BOX 22
SWAN VALLEY ID 83449

FRED AND BETTY KIPPES
3951 N 1100 E
BUHL ID 83316

MARV HOYT
GREATER YELLOWSTONE COALITION
1740 E 17TH ST STE F
IDAHO FALLS ID 83404

ROGER D LING
LING NIELSEN AND ROBINSON
615 H ST
PO BOX 396
RUPERT ID 83350

MIKE LAWSON
HENRY'S FORK ANGLERS INC
HC 66 BOX 491
ISLAND PARK ID 83429

TIM CALLANAN
DIVISION OF ENVIRONMENTAL QUALITY
1410 N HILTON
BOISE ID 83706

*Note: 3-17-00
TIM CALLANAN IS
NO LONGER SERVING
AS THE IWRB ATTY
IN THIS MATTER
- SEND TO BOARD - HAL'S
ATTENTION.*


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PETITION TO)
INTERVENE IN PROTESTED APPLIC.)
FOR PERMIT NOS. 01-07131 THRU)
01-07137, 01-07139 THRU 01-07141,)
02-07473, 02-07474, 21-07574 THRU)
21-07580 IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD)
_____)

ORDER GRANTING
PETITION TO
INTERVENE

On December 3, 1998, the Idaho Water Users Association, Inc. (petitioner) submitted to the Department of Water Resources (Department) a petition for an order to intervene in the above captioned matter as authorized in IDAPA 37.01.01350 (Procedure Rule 350).

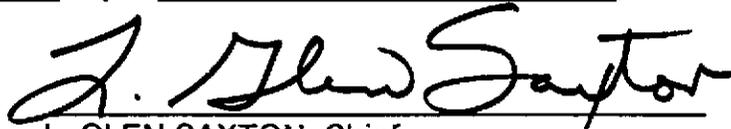
None of the parties in the matter filed a response in connection with the petition to intervene.

Petitioner has shown sufficient direct and substantial interest in the above captioned matter without unduly broadening the issues for the Department to grant the petitioner intervention into the matter.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition of the Idaho Water Users Association, Inc. requesting intervention in any conference and/or hearing scheduled by the Department in connection with the above captioned matter is **GRANTED**.

DATED 16th day of December, 1998.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 17th day of December, 1998, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

IDAHO WATER RESOURCE BOARD
1301 N ORCHARD
BOISE ID 83706

JOHN A ROSHOLT
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

JAMES C TUCKER
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

BARBARA SCOTT-BRIER
FISH AND WILDLIFE SERVICE
US DEPT OF INTERIOR
500 NE MULTNOMAH STE 607
PORTLAND OR 97232

SPENCE WARNER
SOUTH FORK OUTFITTERS LLC
PO BOX 22
SWAN VALLEY ID 83449

MARV HOYT
GREATER YELLOWSTONE COALITION
1740 E 17TH ST STE F
IDAHO FALLS ID 83404

MIKE LAWSON
HENRY'S FORK ANGLERS INC
HC 66 BOX 491
ISLAND PARK ID 83429

JERROLD D GREGG
US BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298

STEPHEN P MEALEY
IDAHO FISH AND GAME
600 S WALNUT
BOISE ID 83707-0025

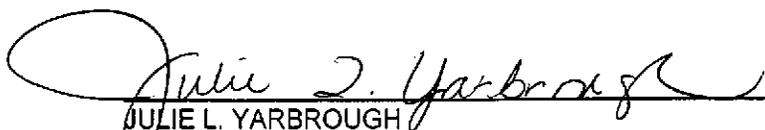
LIN BENJAMIN
HENRY'S FORK FOUNDATION
PO BOX 852
ASHTON ID 83420

MARTI BRIDGES
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

FRED AND BETTY KIPPES
3951 N 1100 E
BUHL ID 83316

ROGER D LING
LING NIELSEN AND ROBINSON
615 H ST
PO BOX 396
RUPERT ID 83350

TIM CALLANAN
DIVISION OF ENVIRONMENTAL QUALITY
1410 N HILTON
BOISE ID 83706



JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Idaho Water Resource Board Phone (208) 327-7900
Mailing address 1301 N. Orchard St., Boise, ID 83706

2. Source of water supply Henry's Fork which is a tributary of Snake River

3. Location of point of diversion is Township 08N Range 41E Sec. 33 in the _____ 1/4,
SW 1/4, NE 1/4, Govt. Lot _____, B.M., Fremont County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 160.0 cfs for Groundwater Recharge purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 160.00 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Headworks of the
Twin Groves Canal

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85° F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Groundwater Recharge using canal systems

**AN AGREEMENT TO CONVEY RECHARGE WATERS
BETWEEN THE IDAHO WATER RESOURCE BOARD
AND
TWIN GROVES IRRIGATION & MANUFACTURING CO.**

This Agreement is entered into by and between the Idaho Water resource Board (hereinafter "IWRB") and Twin Groves Irrigation & Manufacturing Co. (hereinafter "Company" or "District"). The purpose of this Agreement is to secure permission for the IWRB to convey waters through the water delivery system of the Company or District to the place of recharge.

**NOW THEREFORE, IN CONSIDERATION OF THE PROMISES STATED
HEREIN:**

1. The Company or District hereby agrees to allow recharge waters to be delivered into its canal system for recharge and conveyance purposes at times when water is available to IWRB for recharge purposes and unused capacity is available in the canal system to carry the recharge waters. The legal description of the point of diversion to the canal system is as follows:

T08N R41E Sec 33 SWNE, Fremont County

2. The Company or District further agrees to allow the recharge waters to be conveyed unimpeded through its canals and ditches to the place of recharge described as follows:
{see appended ATTACHMENT "B" for legal description of recharge site}

3. The parties jointly acknowledge and accept as consideration for the Agreement the water supply benefits expected to be derived from the managed recharge of the state's ground water basins. Subject to the availability of funds, IWRB agrees to pay and the Company or District agrees to accept as additional consideration for this Agreement a per acre-foot conveyance fee, as determined by IWRB, to be paid for the water diverted into and conveyed through the Company's or District's canal system for recharge purposes.

4. IWRB agrees to indemnify and hold harmless the Company or District from all liability and expense on account of claims, suits and costs growing out of or connected with willful or negligent acts, errors, or omissions by its employees or agents, provided, however, that the Company or District shall not be relieved hereby from liability for its own willful or negligent acts, errors, or omissions, and those of their employees or agents.

5. This Agreement shall remain in effect for one year from the date of execution and shall renew annually unless terminated by either party after 90 days written notice.

David Schuller
Title: PRES.

Representing:

Date: 2-6-98

Clarence Parr
Chairman

IWRB

Date: 2/6/98

AQUIFER RECHARGE PLAN

EASTERN SNAKE PLAIN AQUIFER

1. NAME AND ADDRESS OF THE PARTICIPATING ORGANIZATION:

NAME Twin Groves Canal Co.

ADDRESS P.O. Box 15

St. Anthony, ID 83445

CONTACT PERSON Dale Swensen or Darris Schuldie

PHONE 624-3381

ADDRESS Same as above

2. PROPOSED BEGINNING AND ENDING DATES OF RECHARGE: For Spring Program

ANTICIPATED STARTING DATE: December 1, 1996 Jan. 1, 1997

ANTICIPATED ENDING DATE: December 31, 1996 beginning of irrigation

3. AMOUNT OF WATER REQUESTED: 1200 Acre-feet. diversions from canal system

4. MAP OF RECHARGE AREA

Attach a map of the recharge area paying specific attention to location of features directly related to the recharge effort. This would include such things as measuring devices, seepage pits, injection wells etc. These features should be indicated on the map and then identified and described below.

- | | |
|---|----------|
| A. <u>measuring device - broad-crested weir</u> | B. _____ |
| C. _____ | D. _____ |
| E. _____ | F. _____ |
| G. _____ | H. _____ |
| I. _____ | J. _____ |
| K. _____ | L. _____ |

5. MEASUREMENT FREQUENCY FOR EACH MEASURING DEVICE IDENTIFIED IN 4.

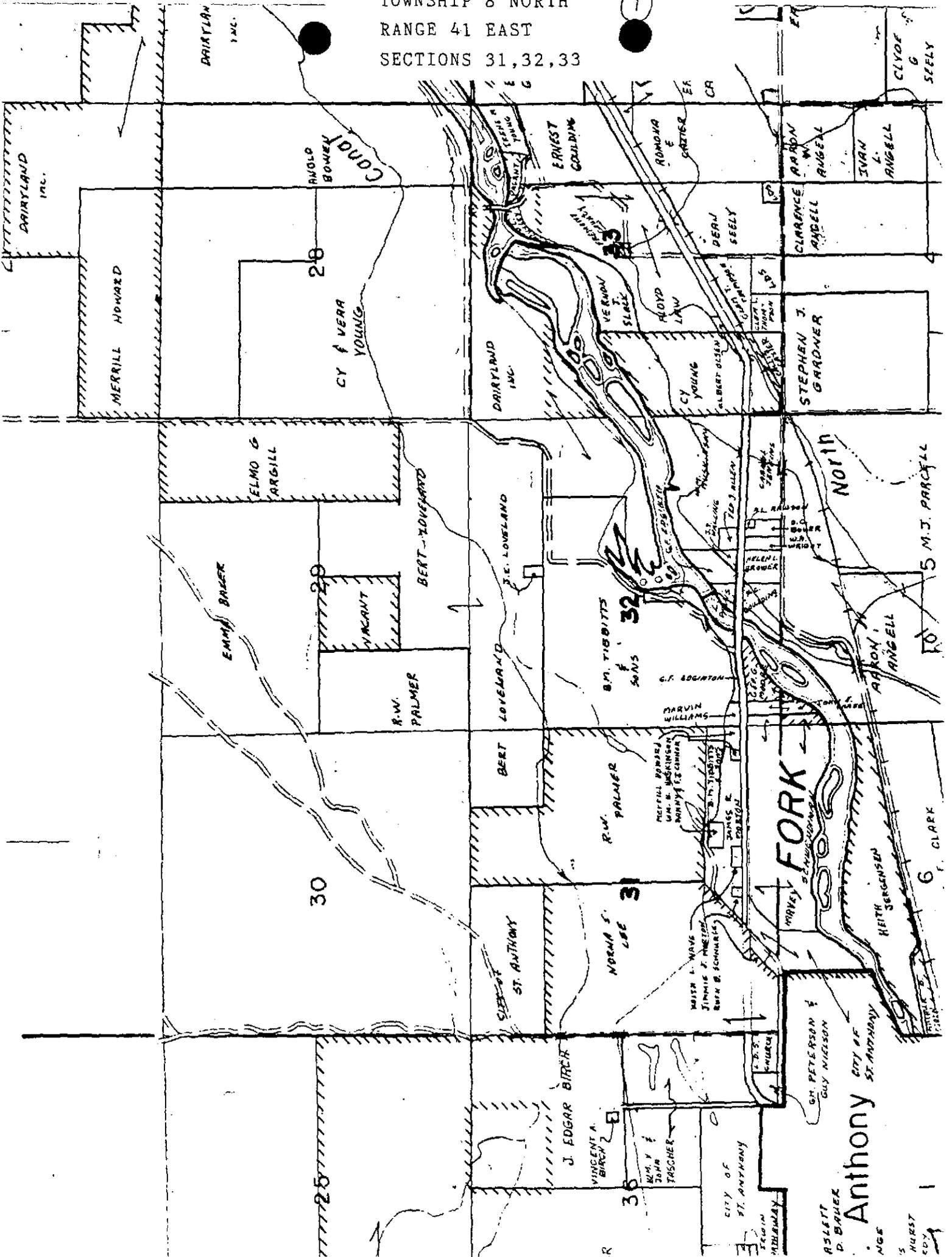
- | | |
|---|----------|
| A. <u>Every 3-4 days - estimates</u> | B. _____ |
| C. <u>provided by Val Richards,</u>
<u>W.D.#1 Deputy Watermaster</u> | D. _____ |
| E. _____ | F. _____ |
| G. _____ | H. _____ |
| I. _____ | J. _____ |
| K. _____ | L. _____ |

6. WRITTEN SUMMARY OF PROPOSED RECHARGE PLAN

This summary should include such things as time limited elements of the plan, the measuring devices and procedures that will be used to identify water that is diverted but not recharged.

all water going over the measuring device at the
head of the canal will be recharged. The water will
be diverted from the Henry's Fork, spill into the Salem
Union Canal and will sink before any water reaches
the end of the Salem Union.

TOWNSHIP 8 NORTH
 RANGE 41 EAST
 SECTIONS 31, 32, 33



ASLETT
 D. BAUER
 ANTHONY
 NGF
 HURST
 COY

City of
 St. Anthony

HEITH BERGENSEN
 ANTHONY
 ANGELL

STEPHEN J.
 GARDNER
 NORTH
 5 M.J. PARCELL

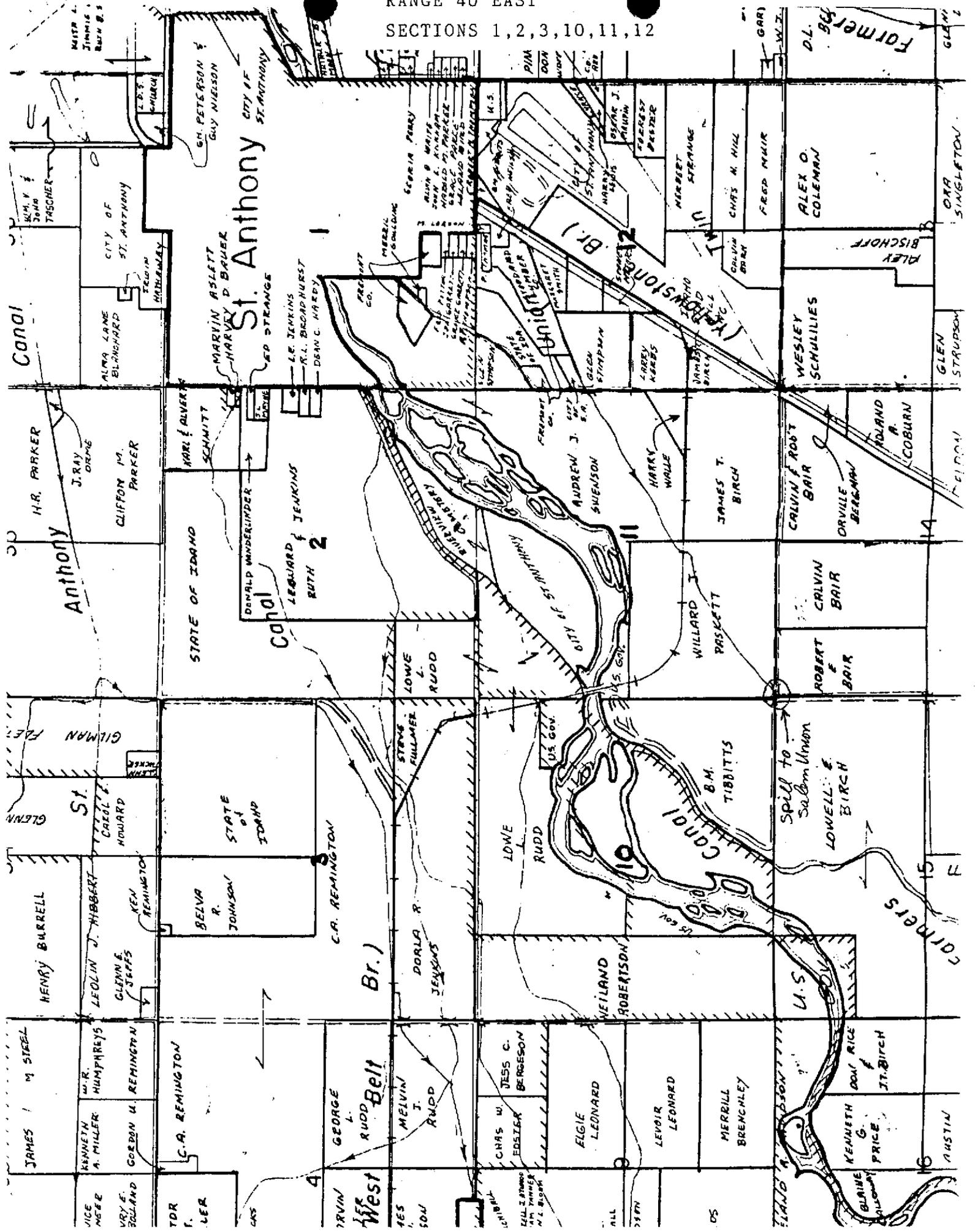
CLYDE G.
 SEELY
 IVAN L.
 ANGELL
 CLARENCE
 ANGELL
 ARADON
 ANGELL

DEAN
 SEELY
 ADONIA E.
 CARTER
 ERNEST
 COULDING
 AMOLD
 BOWEN
 CONYD

DAIRYLAND
 INC.
 MERRILL
 HOWARD
 EMMA
 BAKER
 R.W.
 PALMER
 LOVELAND
 BERT
 LOVELAND
 B.M. TIBBITTS
 &
 SONS
 G.F. BOGINTON
 MARVIN
 WILLIAMS
 MERRILL
 BOWMAN
 W.M. WILKINSON
 MARY E. SUMNER
 B.M. TIBBITTS
 &
 SONS
 JAMES E.
 BOGINTON
 WALTER F. WAVE
 JIMMIE J. WATERS
 RUTH B. SCHMIDT
 G.M. PETERSON &
 GUY NIELSON
 VINCENT A.
 BIRCH
 W.M. Y &
 JOHN
 TASCHER
 CITY OF
 ST. ANTHONY
 MERRILL
 HOWARD

TOWNSHIP 7 NORTH
RANGE 40 EAST
SECTIONS 1, 2, 3, 10, 11, 12

(3)



Canal

Anthony

STATE OF IDAHO

Canal

Br.)

West
Rudd Belt

Canal

CORNERS

FORMERLY
DL.

GLEN STRAPSON

WESLEY SCHULLIES

ROBERT & BAIR

LOWELL & BIRCH

STATE OF IDAHO

Original
file and
correspondence
in Justice Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 21, 1999

RE: In the Matter of Applications for Permit Nos. 01-07131 thru 01-07137,
01-07139 thru 01-01-07141, 02-07473, 02-07474, and 21-07574 thru
21-07580

Dear Interested Party:

I have enclosed a copy of the Order Granting Motion to Delay Processing of Applications issued in connection with to the above referenced applications.

If you have any questions concerning the enclosed document, please contact me directly at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough". The signature is written in black ink and includes a large, looping initial 'J'.

JULIE L. YARBROUGH, Senior Secretary
Water Allocation Bureau

Enclosure

c: IDWR - Regions

RECEIVED

JAN 06 1999

Department of Water Resources

ALAN G. LANCE
Attorney General

CLIVE STRONG
Deputy Attorney General
Chief, Natural Resources Division

TIMOTHY J. CALLANAN
Deputy Attorney General
Natural Resources Division
1410 N. Hilton, 2nd Floor
Boise, Idaho 83706
Telephone: (208) 373-0494
Facsimile: (208) 373-0481

Attorneys for State of Idaho, Idaho Water Resource Board

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
WATER RIGHT NOS. 01-07131, 01-07132,)
01-07133, 01-07134, 01-07135, 01-07136,)
01-07137, 01-07139, 01-07140, 01-07141,)
02-07473, 02-07474, 21-07574, 21-07575,)
21-07576, 21-07577, 21-07578, 21-07579,)
21-07580 BY THE IDAHO WATER RESOURCE)
BOARD)
_____)

**MOTION FOR DELAY
PROCESSING THE
APPLICANT'S APPLICATIONS
FOR PERMIT TO
APPROPRIATE WATER FOR
RECHARGE PURPOSES**

COMES NOW the Idaho Water Resources Board (Board), the Applicant, pursuant to Procedure Rule 260 of the Idaho Department of Water Resources (Department) Rules of Procedure and moves the Department for an Order, pursuant to Rule 40 of the Department's Water Appropriation Rules, granting the Applicant's *Motion for Delay Processing the Applicant's Applications for Permit to Appropriate Water for Recharge Purposes* for a period of

ORIGINAL

one year. *IDAPA 37.01.01.260, IDAPA 37.03.08.40.01.d.* In support of this *Motion for Delay Processing the Applicant's Applications for Permit to Appropriate Water for Recharge Purposes*, the Applicant submits the attached Resolution, a true and correct copy of which is attached hereto as *Exhibit A* and incorporated herein by reference, and alleges the following:

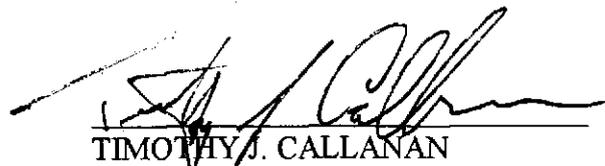
1. Granting the Applicant's *Motion for Delay Processing the Applicant's Applications for Permit to Appropriate Water for Recharge Purposes* is consistent with the best interests of the public and the resulting delay is neither speculative nor injurious to the interests of other parties or members of the public.

2. The Applicant requests oral argument, with written briefing, and a hearing on this *Motion for Delay Processing the Applicant's Applications for Permit to Appropriate Water for Recharge Purposes* in the event that any Party opposes the Applicant's Motion.

WHEREFORE, the Applicant, the Board, prays that an Order be entered granting the Applicant's *Motion for Delay Processing the Applicant's Applications for Permit to Appropriate Water for Recharge Purposes* for a period of one year.

DATED this 6th day of January, 1999.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



TIMOTHY J. CALLANAN
Deputy Attorney General
Attorney for Idaho Water Resource Board

BEFORE THE WATER RESOURCE BOARD
OF THE STATE OF IDAHO

IN THE MATTER OF REQUESTING A DELAY IN)
PROCESSING OF PENDING APPLICATIONS FOR)
PERMIT TO APPROPRIATE WATER FOR) RESOLUTION
RECHARGE PURPOSES IN THE NAME OF THE)
IDAHO WATER RESOURCE BOARD.)
_____)

WHEREAS, the Idaho Water Resource Board ("Board"), on March 20, 1998, filed with the Idaho Department of Water Resources ("IDWR") 20 applications for permit to appropriate a limited volume of water for managed recharge of the Eastern Snake River Plain Aquifer ("ESPA") using the canal systems of various water distribution entities which have entered into conveyance agreements with the Board; and

WHEREAS, eleven parties have filed protests or petitions to intervene in the proceedings before IDWR on the Board's applications for permit, expressing both concern and support regarding the use of water for recharge purposes; and

WHEREAS, IDWR has contracted for hydrologic studies (the "ESPA Managed Recharge Study") to be completed by June 30, 1999, as authorized by the Idaho Legislature, to assess the feasibility of managed recharge as a means of enhancing the conjunctive management of surface and ground waters within the Eastern Snake River Plain; and

WHEREAS, the results of the ESPA Managed Recharge Study are expected to provide information useful to evaluating the effects of managed recharge; and

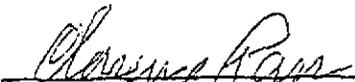
WHEREAS, Rule 40 of IDWR's Water Appropriation Rules provide that an applicant may request in writing that commencement of processing of an application to appropriate water be delayed for a period not to exceed one (1) year; and

WHEREAS, the Board considers that a one-year delay in the processing of the Board's applications for permit would be consistent with the best interests of the public and that the resulting delay would be neither speculative nor injurious to the interests of other parties or members of the public.

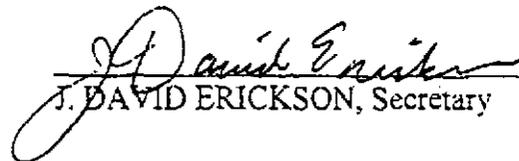
NOW THEREFORE, BE IT RESOLVED that the Idaho Water Resource Board hereby authorizes the Chairman to cause this resolution to be forwarded to the Director of the Department of Water Resources as the written request of the Board to delay processing of the Board's pending applications for permit for recharge purposes for a period of one (1) year. The

Board's pending applications for permit affected by this resolution are identified by the following numbers: 01-07131, 01-07132, 01-07133, 01-07134, 01-07135, 01-07136, 01-07137, 01-07139, 01-07140, 01-07141, 02-07473, 02-07474, 21-07574, 21-07575, 21-07576, 21-07577, 21-07578, 21-07579, 21-07580. The Board previously has withdrawn application for permit no. 01-07138.

PASSED AND APPROVED this 11th day of December, 1998.


CLARENCE PARR, Chairman

ATTEST:


J. DAVID ERICKSON, Secretary

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 6th day of January, 1999, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Mike Lawson
Henry's Fork Anglers, Inc.
H.C. 66 Box 491
Island Park, ID 83429

John A. Rosholt
Rosholt Robertson Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

James C. Tucker
Rosholt Robertson Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

Barbara Scott-Brier
Fish and Wildlife Service
U.S. Department of Interior
500 N.E. Multnomah, Suite 607
Portland, OR 97232

Spence Warner
South Fork Outfitters, L.L.C.
P.O. Box 22
Swan Valley, ID 83449

Marv Hoyt
Greater Yellowstone Coalition
1740 E. 17th Street, Suite F
Idaho Falls, ID 83404

Jerrold D. Gregg
U.S. Bureau of Reclamation
214 Broadway Avenue
Boise, ID 83702-7298

Stephen P. Mealey
Idaho Fish and Game
600 S. Walnut
Boise, ID 83707-0025

Lin Benjamin
Henry's Fork Foundation
P.O. Box 852
Ashton, ID 83420

Marti Bridges
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

Fred and Betty Kippes
3951 N. 1100 E.
Buhl, ID 83316

Roger D. Ling
Ling Nielsen and Robinson
615 H Street
P.O. Box 396
Rupert, ID 83350

I DO HEREBY CERTIFY that on this 6th day of January, 1999, the above and foregoing document was served upon the following by hand-delivering a copy of the same to the following:

Idaho Water Resource Board
1301 N. Orchard
Boise, ID 83706



TIMOTHY J. CALLANAN
Deputy Attorney General
Attorney for Idaho Water Resource Board

RECEIVED

DEC 03 1998

Department of Water Resources

1 ROGER D. LING
 2 LING, NIELSEN & ROBINSON
 3 Attorneys at Law
 4 615 H Street
 5 P. O. Box 396
 6 Rupert, Idaho 83350
 7 Telephone (208) 436-4717
 8 Facsimile (208) 436-6804

9 Attorneys for
 10 Idaho Water Users Association, Inc.

11 BEFORE THE DEPARTMENT OF WATER RESOURCES
 12 OF THE
 13 STATE OF IDAHO

14 IN THE MATTER OF APPLICATIONS)
 15 FOR WATER RIGHT NOS. 01-07131,)
 16 01-07132, 01-07133, 01-07134,)
 17 01-07135, 01-07136, 01-07137,)
 18 01-07139, 01-07140, 01-07141,)
 19 02-07473, 02-07474, 21-07574,)
 20 21-07575, 21-07576, 21-07577,)
 21 21-07578, 21-07579, 21-07580 BY)
 22 THE IDAHO WATER RESOURCE BOARD)

PETITION TO INTERVENE

23 COMES NOW the petitioner Idaho Water Users Association,
 24 Inc. and petitions the Director of the Idaho Department of Water
 25 Resources for an Order granting intervention by the Idaho Water
 26 Users Association to become a party in these proceedings, and in
 27 support of this petition, alleges:

28 1. That Idaho Water Users Association, Inc. is a non-
 profit corporation whose membership consists of approximately 180
 irrigation districts and canal companies and 90 associate members,
 all of whom are actively engaged in the irrigation of arid lands in
 southern Idaho or who have businesses that are dependent upon
 irrigated agriculture. The acres irrigated by the irrigation
 districts and canal companies of the association cover nearly all

LING, NIELSEN & ROBINSON
 ATTORNEYS AT LAW
 RUPERT, IDAHO 83350-0396

1 reclamation project lands in Idaho and the association is the
2 largest association of irrigators representing the owners of the
3 approximately 1.2 million acres of lands in southern Idaho
4 irrigated with ground water and the 1.4 million acres of land
5 irrigated with surface water.

6 2. A direct and substantial interest of petitioner is
7 to insure that its members have an adequate water supply, and
8 ground water recharge with surplus water of the State is essential
9 to insure that an adequate water supply is available for ground
10 water diversions and the charging of springs that replenish the
11 flows to the surface water sources of southern Idaho.

12 3. Petitioner seeks to intervene as a party to support
13 the Idaho Water Resource Board and to obtain approval of its
14 Applications for water rights for ground water recharge.

15 4. The Applications for a permit filed by the Idaho
16 Water Resource Board, Twin Falls Canal Company, and North Side
17 Canal Company should be granted for the following reasons, to-wit:

18 a. The water rights sought to be obtained by the
19 Applications would not in any manner injure senior water
20 rights, if any, of the United States Fish & Wildlife
21 Service or the Bureau of Reclamation.

22 b. That the use of surface water for ground water
23 recharge is in the local public interest and will have no
24 significant impact upon fish and wildlife resources,
25 habitat, aquatic life, water quality or threatened and
26 endangered species.

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c. That the water supply is sufficient for the purpose of recharge of ground water sources.

d. The Applications are not made for speculative purposes, but are made to maximize the beneficial use of the water resources of the State.

e. That ground water recharge pursuant to the Applications will result in the conservation of the water resources of the State of Idaho.

f. That it is within the public policy of the State of Idaho that ground water recharge occurs with unappropriated surface waters of the State to maximize the utilization of the water resources of the State of Idaho.

5. That no formal hearing or pre-hearing conference has been set by the Idaho Department of Water Resources in regard to these Applications.

6. The address of petitioner Idaho Water Users Association, Inc. is 410 S. Orchard, Suite 144, Boise, ID 83705.

7. That intervention by petitioner will not disrupt these proceedings or prejudice any existing party, or in any way unduly broaden the issues pending before the Department of Water Resources.

WHEREFORE, petitioner Idaho Water Users Association, Inc. prays that an Order be entered granting petitioner intervention in these proceedings as a party, in support of the Applications filed.

1 DATED this 2nd day of December, 1998.

2 LING, NIELSEN & ROBINSON

3
4
5 By: 

6 Roger D. Ling
7 Attorney for Idaho Water Users
8 Association, Inc.

9 CERTIFICATE OF MAILING

10 I hereby certify that on the 2nd day of December, 1998,
11 I served copies of the foregoing *Petition to Intervene* upon:

12 Idaho Water Resource Board
13 1301 N. Orchard Street
14 Boise, ID 83706

15 John A. Rosholt, Esq.
16 ROSHOLT, ROBERTSON & TUCKER
17 Attorneys for Twin Falls Canal Company
18 and North Side Canal Company
19 P. O. Box 1906
20 Twin Falls, ID 83303-1906

21 James C. Tucker, Esq.
22 ROSHOLT, ROBERTSON & TUCKER
23 Attorneys for Idaho Power Company
24 P. O. Box 1906
25 Twin Falls, ID 83703-1906

26 Barbara Scott-Brier, Agency Representative
27 Fish and Wildlife Service
28 U.S. Department of the Interior
500 N.E. Multnomah, Suite 607
Portland, OR 97232

Spence Warner
South Fork Outfitters, LLC
P. O. Box 22
Swan Valley, ID 83449

Marv Hoyt
Greater Yellowstone Coalition
1740 E. 17th Street, Suite F
Idaho Falls, ID 83404

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Mike Lawson
Henry's Fork Anglers, Inc.
HC 66, Box 491
Island Park, ID 83429

Jerrold D. Gregg, Snake River Area Manager
U.S. Bureau of Reclamation
214 Broadway Avenue
Boise, ID 83702-7298

Stephen P. Mealey, Director
Idaho Fish & Game
600 South Walnut
Boise, ID 83707-0025

Lyn Benjamin
Henry's Fork Foundation
P. O. Box 852
Ashton, ID 83420

Marti L. Bridges, Water Policy Director
Idaho Rivers United
P. O. Box 633
Boise, ID 83701

Fred and Betty Kippes
3951 N 1100 E
Buhl, ID 83316

by depositing said copies in the United States mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.


Roger P. Ling

R

LING, NIELSEN & ROBINSON

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

December 2, 1998

RECEIVED

DEC 03 1998

RECEIVED

DEC 09 1998

Department of Water Resources
Eastern Region

Karl J. Dreher, Director
Idaho Department of Water Resources Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402

Re: In the Matter of Applications for Water Right Nos.
01-07131, 01-07132, 01-07133, 01-07134, 01-07135, 01-07136,
01-07137, 01-07139, 01-07140, 01-07141, 02-07473, 02-07474,
21-07574, 21-07575, 21-07576, 21-07577, 21-07578, 21-07579,
21-07580 by the Idaho Water Resource Board

Dear Mr. Dreher:

Enclosed for filing is a *Petition to Intervene* with regard to the above-captioned matter, which we are filing on behalf of the Idaho Water Users Association, Inc. Also enclosed is our firm's check in the amount of \$25.00 for the petition fee.

Very truly yours,


Roger D. Ling

RDL:jkb

encs

RECEIVED

DEC 03 1998

Department of Water Resources
Eastern Region

1 ROGER D. LING
2 LING, NIELSEN & ROBINSON
3 Attorneys at Law
4 615 H Street
5 P. O. Box 396
6 Rupert, Idaho 83350
7 Telephone (208) 436-4717
8 Facsimile (208) 436-6804

Attorneys for
Idaho Water Users Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

10 IN THE MATTER OF APPLICATIONS)
11 FOR WATER RIGHT NOS. 01-07131,)
12 01-07132, 01-07133, 01-07134,)
13 01-07135, 01-07136, 01-07137,)
14 01-07139, 01-07140, 01-07141,)
15 02-07473, 02-07474, 21-07574,)
16 21-07575, 21-07576, 21-07577,)
17 21-07578, 21-07579, 21-07580 BY)
18 THE IDAHO WATER RESOURCE BOARD)

PETITION TO INTERVENE

19 COMES NOW the petitioner Idaho Water Users Association,
20 Inc. and petitions the Director of the Idaho Department of Water
21 Resources for an Order granting intervention by the Idaho Water
22 Users Association to become a party in these proceedings, and in
23 support of this petition, alleges:

24 1. That Idaho Water Users Association, Inc. is a non-
25 profit corporation whose membership consists of approximately 180
26 irrigation districts and canal companies and 90 associate members,
27 all of whom are actively engaged in the irrigation of arid lands in
28 southern Idaho or who have businesses that are dependent upon
irrigated agriculture. The acres irrigated by the irrigation
districts and canal companies of the association cover nearly all

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2. A direct and substantial interest of petitioner is to insure that its members have an adequate water supply, and ground water recharge with surplus water of the State is essential to insure that an adequate water supply is available for ground water diversions and the charging of springs that replenish the flows to the surface water sources of southern Idaho.

3. Petitioner seeks to intervene as a party to support the Idaho Water Resource Board and to obtain approval of its Applications for water rights for ground water recharge.

4. The Applications for a permit filed by the Idaho Water Resource Board, Twin Falls Canal Company, and North Side Canal Company should be granted for the following reasons, to-wit:

a. The water rights sought to be obtained by the Applications would not in any manner injure senior water rights, if any, of the United States Fish & Wildlife Service or the Bureau of Reclamation.

b. That the use of surface water for ground water recharge is in the local public interest and will have no significant impact upon fish and wildlife resources, habitat, aquatic life, water quality or threatened and endangered species.

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c. That the water supply is sufficient for the purpose of recharge of ground water sources.

d. The Applications are not made for speculative purposes, but are made to maximize the beneficial use of the water resources of the State.

e. That ground water recharge pursuant to the Applications will result in the conservation of the water resources of the State of Idaho.

f. That it is within the public policy of the State of Idaho that ground water recharge occurs with unappropriated surface waters of the State to maximize the utilization of the water resources of the State of Idaho.

5. That no formal hearing or pre-hearing conference has been set by the Idaho Department of Water Resources in regard to these Applications.

6. The address of petitioner Idaho Water Users Association, Inc. is 410 S. Orchard, Suite 144, Boise, ID 83705.

7. That intervention by petitioner will not disrupt these proceedings or prejudice any existing party, or in any way unduly broaden the issues pending before the Department of Water Resources.

WHEREFORE, petitioner Idaho Water Users Association, Inc. prays that an Order be entered granting petitioner intervention in these proceedings as a party, in support of the Applications filed.

1 DATED this 2nd day of December, 1998.

2 LING, NIELSEN & ROBINSON

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26 Barbara Scott-Brier, Agency Representative
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28 U.S. Department of the Interior
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Idaho Falls, ID 83404

1 Mike Lawson
2 Henry's Fork Anglers, Inc.
3 HC 66, Box 491
4 Island Park, ID 83429

4 Jerrold D. Gregg, Snake River Area Manager
5 U.S. Bureau of Reclamation
6 214 Broadway Avenue
7 Boise, ID 83702-7298

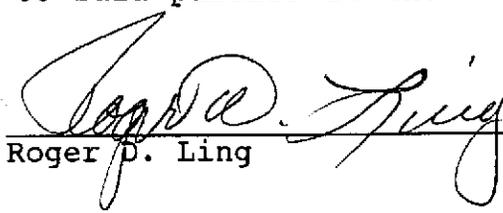
7 Stephen P. Mealey, Director
8 Idaho Fish & Game
9 600 South Walnut
10 Boise, ID 83707-0025

9 Lyn Benjamin
10 Henry's Fork Foundation
11 P. O. Box 852
12 Ashton, ID 83420

12 Marti L. Bridges, Water Policy Director
13 Idaho Rivers United
14 P. O. Box 633
15 Boise, ID 83701

14 Fred and Betty Kippes
15 3951 N 1100 E
16 Buhl, ID 83316

16 by depositing said copies in the United States mail, postage
17 prepaid, in envelopes addressed to said parties at the foregoing
18 addresses.

18
19 
20 Roger D. Ling



RECEIVED

OCT 16 1998

IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Philip E. Batt / Governor
Stephen P. Mealey / Director

October 14, 1998

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Applications for aquifer recharge in the name of the Idaho Water Resource Board

Dear Mr. Saxton:

We have received your letter regarding the above water right applications and submit the following information for your consideration. Idaho Department of Fish and Game (IDFG) personnel attended a coordination meeting with Idaho Department of Water Resources personnel on August 11, 1998. IDFG's protest of the aquifer recharge water right applications was discussed at that meeting. As a result of the meeting, Wayne Haas and I were asked to put together a Memorandum of Agreement between our two agencies describing how we will work together on the issue of aquifer recharge. A copy of the draft agreement is enclosed for your review. I have asked for Wayne's review and comments, but have not received a response to date.

If you have any questions or concerns, please call me at 334-2595.

Sincerely,

Tracey Trent, Chief
Natural Resources Policy Bureau

TT:CR:tlv

Enclosure

DRAFT MEMORANDUM OF AGREEMENT
BETWEEN
IDAHO DEPARTMENT OF FISH AND GAME
AND
IDAHO DEPARTMENT OF WATER RESOURCES
CONCERNING
AQUIFER RECHARGE

IDAHO DEPARTMENT OF WATER RESOURCES WILL:

1. Provide IDFG with aquifer recharge records for 1995, 1996, 1997 and subsequent years with associated background information.
2. Provide IDFG with updates and results of the large scale aquifer recharge feasibility study as the study progresses.
3. Provide IDFG with results of streamflow modeling based on the large scale aquifer recharge feasibility study.
4. Delay processing of the 20 Idaho Water Resource Board aquifer recharge water right applications until the feasibility and stream flow modeling studies are complete.

IDAHO DEPARTMENT OF FISH AND GAME WILL:

1. Provide IDWR with fish and wildlife stream flow needs and associated background information for the Henry's Fork, South Fork and mainstem Snake River upstream of Brownlee Reservoir.
2. Provide habitat requirements (temperature, velocity, wetted

surface etc.) for selected fish species and life stages in the Henry's Fork, South Fork and mainstem Snake River upstream of Brownlee Reservoir.

BOTH AGENCIES WILL:

1. Share relevant information on a regular basis and provide timely updates on aquifer recharge plans, existing programs, studies and demonstration projects.
2. Attempt to resolve differences before either agency expresses in public a view contrary to the established policy or plans of the other. This is not to be construed to prevent either agency from providing pertinent information to the public on the probable impacts of proposed actions. However, the emphasis is for each agency to work together in a cooperative approach in the decision making process.
3. Provide interested publics with information on aquifer recharge in a timely fashion.
4. Work cooperatively to develop an aquifer recharge plan for the State that provides benefits to water management while minimizing impacts to fish and wildlife and further to strive to design aquifer recharge to provide benefits to fish and wildlife.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 9, 1998

Spence Warner
South Fork Lodge
PO Box 22
Swan Valley ID 83449

RE: Applications for Permit Nos. 01-07131 thru 01-07137, 01-07137 thru 01-07143 and 21-07574 thru 21-07480 in the name of the Idaho Water Resource Board

Dear Protestant:

This office acknowledges receipt of your protest in the issuance of a permit pursuant to the above referenced applications. The department suggests you contact the applicant directly in an effort to determine what is proposed by the application and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for hearing. At such a hearing, the following are principle items the department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of any assistance to you, please contact us at (208)327-7900.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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PHILIP E. BATT
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October 9, 1998

KARL J. DREHER
DIRECTOR

Marv Hoyt
Greater Yellowstone Coalition
1740 E 17th St STE F
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October 9, 1998

Fred and Betty Kippes
3951 N 1100 E
Buhl ID 83316

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KARL J. DREHER
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Mike Lawson
Henry's Fork Anglers Inc
HC 66 Box 491
Island Park ID 83429

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Sincerely,

A handwritten signature in cursive script that reads "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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October 9, 1998

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Jerrold Gregg
U S Dept of Interior
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214 Broadway Ave
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L. GLEN SAXTON



State of Idaho

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October 9, 1998

Barbara Scott-Brier
U S Dept of Interior
Fish and Wildlife Service
500 NE Multnomah STE 607
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Stephen P Mealey
Idaho Dept of Fish and Game
600 S Walnut
Box 25
Boise ID 83707-0025

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Sincerely,

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L. GLEN SAXTON



State of Idaho

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PHILIP E. BATT
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KARL J. DREHER
DIRECTOR

October 9, 1998

James C Tucker
ROSHOLT ROBERTSON
AND TUCKER
PO Box 1906
Twin Falls ID 83303

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6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of any assistance to you, please contact us at (208)327-7900.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.
L. GLEN SAXTON



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

October 9, 1998

KARL J. DREHER
DIRECTOR

Lyn Benjamin
Henry's Fork Foundation
PO Box 852
Ashton ID 83420

RE: Applications for Permit Nos. 01-07131 thru 01-07137, 01-07137 thru 01-07143 and 21-07574 thru 21-07480 in the name of the Idaho Water Resource Board

Dear Protestant:

This office acknowledges receipt of your protest in the issuance of a permit pursuant to the above referenced applications. The department suggests you contact the applicant directly in an effort to determine what is proposed by the application and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for hearing. At such a hearing, the following are principle items the department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of any assistance to you, please contact us at (208)327-7900.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 9, 1998

Marti Bridges
Idaho Rivers United
PO Box 633
Boise ID 83701

RE: Applications for Permit Nos. 01-07131 thru 01-07137, 01-07137 thru 01-07143 and 21-07574 thru 21-07480 in the name of the Idaho Water Resource Board

Dear Protestant:

This office acknowledges receipt of your protest in the issuance of a permit pursuant to the above referenced applications. The department suggests you contact the applicant directly in an effort to determine what is proposed by the application and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for hearing. At such a hearing, the following are principle items the department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of any assistance to you, please contact us at (208)327-7900.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

Timothy J Callanan
Deputy Attorney General
Natural Resources Division
1410 N Hilton 2nd Floor
Boise ID 83706

RE: Applications for Permit Nos. 01-07131 thru 01-07141, 02-07473 & 02-07474, 21-07575 thru 21-07480 in the name of the Idaho Water Resource Board

Dear Mr. Callanan:

Enclosed are copies of the protests filed against the issuance of a permit pursuant to the above referenced applications. The department suggests you contact the protestant's and attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protests have been resolved, the matter will be scheduled for hearing. At such a hearing, the following are principle items the department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of any further assistance, please contact us at (208)327-7900.

Sincerely,

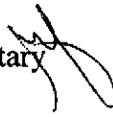
A handwritten signature in black ink that reads "L. Glen Saxton". The signature is written in a cursive, flowing style.

L. GLEN SAXTON
Chief, Water Allocation Bureau

MEMORANDUM

To: Water Allocation Bureau

Date: July 29, 1998

From: Rita Fleck, Administrative Secretary 

Subject: IWRB's Applications for Recharge

The Idaho Attorney General has appointed Tim Callanan, Deputy Attorney General, as the Board's counsel regarding this matter. Please forward copies of any documents to him received after July 29, 1998. He is located at DEQ.

Thank you.

c: Tim Callanan, DEQ

RECEIVED

JUL 29 1998

Department of Water Resources

ALAN G. LANCE
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

TIMOTHY J. CALLANAN
Deputy Attorney General
Natural Resources Division
1410 N. Hilton, 2nd Floor
Boise, Idaho 83706
Telephone: (208)373-0494
Facsimile: (208)373-0481

Attorneys for State of Idaho, Idaho Water Resource Board

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Applications for Water Rights for Recharge)
)
01-07131; 01-07132; 01-07133; 01-07134;)
01-07135; 01-07136; 01-07137; 01-07138;)
01-07139; 01-07140; 01-07141;)
)
02-07473; 02-07474;)
)
21-07574; 21-07575; 21-07576; 21-07577;)
21-07578; 21-07579; 21-07580.)
)

**NOTICE OF APPEARANCE
AND REPRESENTATION**

TO: All parties, including Protestants and Intervenors, and their representatives and counsels of record.

YOU WILL PLEASE TAKE NOTICE that Timothy Joseph Callanan, Deputy Attorney General, Natural Resources Division, Office of the Attorney General, hereby enters this Notice of Appearance and Representation as attorney of record for the Idaho Water Resource Board (hereinafter the "Board") in this action. This Notice of Appearance and Representation is filed in

ORIGINAL

accordance with the Idaho Department of Water Resources (hereinafter "Department") Rules of Procedure (hereinafter "Procedural Rule" or "Rules of Procedure"), IDAPA 37.01.02000 et seq., including but not limited to Procedural Rules 200, 291, 202, and 205 and the Department's Water Appropriation Rules, IDAPA 37.03.08000 et seq.

DATED this 29th day of July, 1998.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read 'Timothy J. Callanan', written over a horizontal line.

TIMOTHY J. CALLANAN
Deputy Attorney General
Attorney for Idaho Water Resource Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 1998, the foregoing NOTICE OF APPEARANCE AND REPRESENTATION was filed as indicated below:

Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

Hand Delivered

I HEREBY CERTIFY that on the 30th day of July, 1998, a true and correct copy of the foregoing NOTICE OF APPEARANCE AND REPRESENTATION was served on the following as indicated below:

Karl Dreher, Director
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Statehouse Mail

Clarence Parr, Chairman
Idaho Water Resources Board
1301 N. Orchard
Boise, ID 83706

Statehouse Mail

Will Reid
Idaho Dept. of Fish and Game
600 S. Walnut St.
Boise, ID 83707

Statehouse Mail

Laird Lucas
Land and Water Fund
408 W. Idaho St.
P.O. Box 1612
Boise, ID 83701

U.S. Mail, Postage Prepaid

Lyn Benjamin
Henry's Fork Foundation
P.O. Box 852
Ashton, ID 83420

U.S. Mail, Postage Prepaid


Timothy J. Callanan

2262

NOTICE OF APPLICATIONS FOR WATER RIGHT

On March 20, 1998, the Idaho Water Resource Board, 1301 N. Orchard St, Boise, ID 83706, filed the following applications with the Department of Water Resources to appropriate water from the Snake River, Henry's Fork of the Snake River and Fall River. The applicant seeks to intermittently divert water for recharge purposes throughout the year when water is available, through the headworks of the following canals up to the maximum rate described below:

01-07131	- Progressive Irrigation Dist.	-	230 cfs
01-07132	- Enterprise Canal Co. Ltd	-	283
01-07133	- Snake River Valley Irr. Dist.	-	682
01-07134	- Peoples Canal & Irrigation Co.	-	475
01-07135	- New Sweden Irrigation District	-	949
01-07136	- Farmer's Friend Irrigation Co.	-	537
01-07137	- Harrison Canal & Irrigation Co.	-	698
01-07138	- Aberdeen-Springfield	-	1387
01-07139	- Rudy Irrigation Canal Co. Ltd	-	110
01-07140	- Rigby Canal & Irrigation Co.	-	253
01-07141	- Burgess Canal & Irrigation Co.	-	1,095
02-07473	- Northside Canal Co. Ltd	-	2,831
02-07474	- Twin Falls Canal Co.	-	3,738
21-07574	- Twin Groves Irr & Mfg Co.	-	160
21-07575	- Salem Union Canal Co. Ltd	-	339
21-07576	- Fall River Irrigation Co.	-	294
21-07577	- Egin Canal Co.	-	399
21-07578	- St. Anthony Union Canal Co.	-	568
21-07579	- Independent Canal Co.	-	337
21-07580	- Last Chance Canal Co.	-	94

Diversion for the planned recharge generally will occur during the non-irrigation season due to water availability and canal capacity.

The canal headings are further described as being within Bingham, Bonneville, Fremont, Jefferson, Jerome and Twin Falls Counties, Idaho. The place of use (recharge) is within the delivery systems and recharge areas of the respective companies and districts as designated in the specific Aquifer Recharge Plan for each application.

For more specific information about the applications, you may contact the department or call (208) 327-7900.

If approved, the applications will be subject to all prior water rights and will authorize recharge of water to the Eastern Snake Plain Aquifer in Idaho during times when there is water in excess of existing water rights and established minimum flows.

Protests must be filed with the Director, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706, together with a \$25 filing fee on or before September 3, 1998. Protests must identify the application or applications objected to. A single \$25 protest fee will be accepted for a protest covering one or more applications.

KARL J. DREHER, Director

Published in the Morning News on 8/13 and 8/20

Published in the Northside News on 8/12 and 8/19

Published in the Rexburg Standard Journal on 8/13 and 8/20

Published in the Fremont County Herald on 8/13 and 8/20



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

August 3, 1998

KARL J. DREHER
DIRECTOR

Morning News
ATTN: Legal Advertisements
PO Box 70
Blackfoot ID 83221

RE: Minimum Streamflow Advertisement

To Whom it May Concern:

Attached is a notice of application to be published in once a week for two (2) consecutive weeks on August 13 and 20.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

August 3, 1998

KARL J. DREHER
DIRECTOR

Northside News
ATTN: Legal's
PO Box 468
Jerome ID 83338

RE: Minimum Streamflow Advertisement

To Whom it May Concern:

Attached is a notice of application to be published in once a week for two (2) consecutive weeks on August 12 and 19.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

August 3, 1998

KARL J. DREHER
DIRECTOR

Rexburg Standard Journal
ATTN: Legal's
PO Box 10
Rexburg ID 83440

RE: Minimum Streamflow Advertisement

To Whom it May Concern:

Attached is a notice of application to be published in once a week for two (2) consecutive weeks on August 13 and 20.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

August 3, 1998

KARL J. DREHER
DIRECTOR

Fremont County Herald-Chronicle
ATTN: Legal's
PO Box 568
St Anthony ID 83445

RE: Minimum Streamflow Advertisement

To Whom it May Concern:

Attached is a notice of application to be published in once a week for two (2) consecutive weeks on August 13 and 20.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

Fleck, Rita

From: Pattridge
To: Fleck, Rita
Subject: Plan to recharge Snake River Aquifer
Date: Monday, July 06, 1998 4:41PM

Dear Board Members,

I am writing to express my opposition to the proposed plan to recharge the eastern Snake river aquifer. To suppose that the proposed minimum flows on the South and Henry's Forks during the diversion process would be anything less than catastrophic to the ecosystems involved is preposterous. The associated economic impact would be substantial also. I kindly ask all parties involved to consider alternate plans. I appreciate the need to address methods of recharging the aquifer but it cannot be done at the expense of destroying the South and Henry's fork. The old adage "2 wrongs don't make a right" certainly applies here. If the plan goes through as it currently exists, the aquifer will be restored but the rivers' ecosystems will be destroyed. Surely, a compromise diversion plan can be accomplished that maintains flows on the rivers at ecologically safe levels.

I thank you for your time and trust that the board will protect and manage our resources wisely.

Sincerely,
Kent B.

Pattridge

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmsgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1998Jul06.163945.1128.443657; Mon, 06 Jul 1998 16:39:46 -0600
Received: from imo28.mx.aol.com ([198.81.17.72]) by adm-smtp.state.id.us
(Post.Office MTA v3.1.2 release (PO205-101c) ID# 0-0U10L2S100)
with ESMTP id AAA330 for <rfleck@idwr.state.id.us>;
Mon, 6 Jul 1998 16:39:38 -0600
Received: from Pattridge@aol.com
by imo28.mx.aol.com (IMOV14_b1.1) id SNXUa17154
for <rfleck@idwr.state.id.us>; Mon, 6 Jul 1998 18:43:45 -0400 (EDT)
From: <Pattridge@aol.com>
Message-ID: <a9b40e50.35a15322@aol.com>
Date: Mon, 6 Jul 1998 18:43:45 EDT
To: rfleck@idwr.state.id.us
Mime-Version: 1.0
Subject: Plan to recharge Snake River Aquifer
Content-type: text/plain; charset=US-ASCII
Content-transfer-encoding: 7bit
X-Mailer: AOL 3.0 for Windows 95 sub 76

NOTICE OF APPLICATIONS FOR WATER RIGHT

On March 20, 1998, the Idaho Water Resource Board, 1301 N. Orchard St, Boise, ID 83706, filed the following applications with the Department of Water Resources to appropriate water from the Snake River, Henry's Fork of the Snake River and Fall River. The applicant seeks to intermittently divert water for recharge purposes throughout the year when water is available, through the headworks of the following canals up to the maximum rate described below:

01-07131	- Progressive Irrigation Dist.	-	230 cfs
01-07132	- Enterprise Canal Co. Ltd	-	283
01-07133	- Snake River Valley Irr. Dist.	-	682
01-07134	- Peoples Canal & Irrigation Co.	-	475
01-07135	- New Sweden Irrigation District	-	949
01-07136	- Farmer's Friend Irrigation Co.	-	537
01-07137	- Harrison Canal & Irrigation Co.	-	698
01-07138	- Aberdeen-Springfield	-	1387
01-07139	- Rudy Irrigation Canal Co. Ltd	-	110
01-07140	- Rigby Canal & Irrigation Co.	-	253
01-07141	- Burgess Canal & Irrigation Co.	-	1,095
02-07473	- Northside Canal Co. Ltd	-	2,831
02-07474	- Twin Falls Canal Co.	-	3,738
21-07574	- Twin Groves Irr & Mfg Co.	-	160
21-07575	- Salem Union Canal Co. Ltd	-	339
21-07576	- Fall River Irrigation Co.	-	294
21-07577	- Egin Canal Co.	-	399
21-07578	- St. Anthony Union Canal Co.	-	568
21-07579	- Independent Canal Co.	-	337
21-07580	- Last Chance Canal Co.	-	94

Diversion for the planned recharge generally will occur during the non-irrigation season due to water availability and canal capacity.

The canal headings are further described as being within Bingham, Bonneville, Fremont, Jefferson, Jerome and Twin Falls Counties, Idaho. The place of use (recharge) is within the delivery systems and recharge areas of the respective companies and districts as designated in the specific Aquifer Recharge Plan for each application.

For more specific information about the applications, you may contact the department or call (208) 327-7900.

If approved, the applications will be subject to all prior water rights and will authorize recharge of water to the Eastern Snake Plain Aquifer in Idaho during times when there is water in excess of existing water rights and established minimum flows.

Protests must be filed with the Director, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706, together with a \$25 filing fee on or before July 30, 1998. Protests must identify the application or applications objected to. A single \$25 protest fee will be accepted for a protest covering one or more applications.

KARL J. DREHER, Director

Published in the Idaho Statesman on 7/9 & 7/16/98

Published in the Times News on 7/9 & 7/16/98

Published in the Post Register on 7/9 & 7/16/98

Published in the Lewiston Tribune on 7/9 & 7/16/98

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE FREMONT COUNTY HERALD-CHRONICLE, a semi-weekly newspaper printed and published semi-weekly in Fremont County, Idaho; and I do solemnly swear that the NOTICE WATER RIGHT APPLICATION WATER BOARD a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on AUGUST 12, 1998 and the last publication having been made on AUGUST 19, 1998 .

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 20TH day of SEPTEMBER in the year of 1998 before me, a Notary

Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Roger O. Pelt

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

RECEIVED

SEP 24 1998

**NOTICE OF APPLICATION
FOR WATER RIGHT**

On March 20, 1998, the Idaho Water Resource Board, 1301 N. Orchard St., Boise, ID 83706, filed the following applications with the Department of Water Resources to appropriate water from the Snake River, Henry's Fork of the Snake River and Fall River. The applicant seeks to intermittently divert water for recharge purposes throughout the year when water is available, through the headworks of the following canals up to the maximum rate described below:

- 01-07131 — Progressive Irrigation Dist. — 230 cfs.
- 01-07132 — Enterprise Canal Co. Ltd — 283 cfs.
- 01-07133 — Snake River Valley Irr. Dist. — 682 cfs.
- 01-07134 — Peoples Canal & Irrigation Co. — 475 cfs.
- 01-07135 — New Sweden Irrigation District — 949 cfs.
- 01-07136 — Farmer's Friend Irrigation Co. — 537 cfs.
- 01-07137 — Harrison Canal & Irrigation Co. — 698 cfs.
- 01-07138 — Aberdeen-Springfield — 1,387 cfs.
- 01-07139 — Rudy Irrigation Canal Co. Ltd. — 110 cfs.
- 01-07140 — Rigby Canal & Irrigation Co. — 253 cfs.
- 01-07141 — Burgess Canal & Irrigation Co. — 1,095 cfs.
- 02-07473 — Northside Canal Co. Ltd

- 2,831 cfs.
- 02-07474 — Twin Falls Canal Co. — 3,738 cfs.
- 21-07574 — Twin Groves Irr. & Mfg. Co. — 160 cfs.
- 21-07575 — Salem Union Canal Co. Ltd. — 339 cfs.
- 21-07576 — Fall River Irrigation Co. — 294 cfs.
- 21-07577 — Egin Canal Co. — 399 cfs.
- 21-07578 — St. Anthony Union Canal Co. — 568 cfs.
- 21-07579 — Independent Canal Co. — 337 cfs.
- 21-07580 — Last Chance Canal Co. — 94 cfs.

Diversion for the planned recharge generally will occur during the non-irrigation season due to water availability and canal capacity.

The canal headings are further described as being within Bingham, Bonneville, Fremont, Jefferson, Jerome and Twin Falls Counties, Idaho. The place of use (recharge) is within the delivery systems and recharge areas of the respective companies and districts as designated in the specific Aquifer Recharge Plan for each application.

For more specific information about the applications, you may contact the department or call (208) 327-7900.

If approved, the applications will be subject to all prior water rights and will authorize recharge of water to the Eastern Snake Plain Aquifer in Idaho during times when there is water in excess of existing water rights and established minimum flows.

Protests must be filed with the Director, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706, together with a \$25 filing fee on or before August 31, 1998. Protests must identify the application or applications objected to. A single \$25 protest fee will be accepted for a protest covering one or more applications.

KARL J. DREHER

Director

Pub. Aug. 12 and 19, 1998SJ and HC.

AFFIDAVIT of PUBLICATION

County of Idaho }
County of Jerome } ss.

*OK
July*

Patty Nance

being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by the act of the 1919 session of the legislature of the State of Idaho, known as House Bill 100; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 13th day of August, 1998; the date of the last publication was on the 20th day of August, 1998.

Patty Nance
described and sworn to before me this 20th day of August, 1998.
Norma DeLoe
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x
affidavit fee 2.25

470.25 Lines tabular at 32.92 7¢/Pica
643.5 Lines straight at 38.61 6¢/Pica
1113.75 Subsequent lines at 55.69 5¢/Pica
TOTAL COST 129.47

COPY OF NOTICE

(Paste Here)

Not. of Apps for Water rights
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. of Water Resources
BILL TO

NOTICE OF APPLICATIONS FOR WATER RIGHT

On March 20, 1998, the Idaho Water Resource Board, 1301 N. Orchard St. Boise, ID 83706, filed the following applications with the Department of Water Resources to appropriate water from the Snake River, Henry's Fork of the Snake River and Fall River. The applicant seeks to intermittently divert water for recharge purposes throughout the year when water is available, through the headworks of the following canals up to the maximum rate described below:

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01-07134 - Peoples Canal & Irrigation Co.	-	475
01-07135 - New Sweden Irrigation District	-	949
01-07136 - Farmer's Friend Irrigation Co.	-	537
01-07137 - Harrison Canal & Irrigation Co.	-	898
01-07138 - Aberdeen-Springfield	-	1387
01-07139 - Rudy Irrigation Canal Co. Ltd	-	110
01-07140 - Rigby Canal & Irrigation Co.	-	253
01-07141 - Burgess Canal & Irrigation Co.	-	1,095
02-07473 - Northside Canal Co. Ltd	-	2,831
02-07474 - Twin Falls Canal Co.	-	3,738
2107574 - Twin Groves Irr & Mfg Co.	-	160
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21-07579 - Independent Canal Co.	-	337
21-07580 - Last Chance Canal Co.	-	94

Diversion for the planned recharge generally will occur during the non-irrigation season due to water availability and canal capacity. The canal headings are further described as being within Bingham, Bonneville, Fremont, Jefferson, Jerome and Twin Falls Counties, Idaho. The place of use (recharge) is within the delivery systems and recharge areas of the respective companies and districts as designated in the specific Aquifer Recharge Plan for each application. For more specific information about the applications, you may contact the department or call (280) 327-7900. If approved, the applications will be subject to all prior water rights and will authorize recharge of water to the Eastern Snake Plain Aquifer in Idaho during times when there is water in excess of existing water rights and established minimum flows. Protests must be filed with the Director, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706, together with a \$25 filing fee on or before August 31, 1998. Protests must identify the application or applications objected to. A single \$25 protest fee will be accepted for a protest covering one or more applications.

KARL J. DREHER, Director
N22771

PUB: 8/13 - 8/20

221

RECEIVED

AUG 24 1998

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)
 I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive Weeks the first publication having been made on the 13th day of Aug 1998; and the last publication having been made on the 20th day of Aug 1998; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

NOTICE OF APPLICATIONS FOR WATER RIGHT

On March 20, 1998, the Idaho Water Resource Board, 1301 N. Orchard St., Boise, ID 83706, filed the following applications with the Department of Water Resources to appropriate water from the Snake River, Henry's Fork of the Snake River and Fall River. The applicant seeks to intermittently divert water for recharge purposes throughout the year when water is available, through the headworks of the following canals up to the maximum rate described below:

01-07131 - Progressive Irrigation Dist.	-	230 cfs
01-07132 - Enterprise Canal Co. Ltd	-	283
01-07133 - Snake River Valley Irr. Dist.	-	682
01-07134 - Peoples Canal & Irrigation Co.	-	475
01-07135 - New Sweden Irrigation District	-	949
01-07136 - Farmer's Friend Irrigation Co.	-	537
01-07137 - Harrison Canal & Irrigation Co.	-	698
01-07138 - Aberdeen-Springfield	-	1387
01-07139 - Rudy Irrigation Canal Co. Ltd	-	110
01-07140 - Rigby Canal & Irrigation Co.	-	253
01-07141 - Burgess Canal & Irrigation Co.	-	1,095
02-07473 - Northside Canal Co. Ltd	-	2,831
02-07474 - Twin Falls Canal Co.	-	3,738
21-07574 - Twin Groves Irr & Mfg Co.	-	160
21-07575 - Salem Union Canal Co. Ltd	-	339
21-07576 - Fall River Irrigation Co.	-	294
21-07577 - Egin Canal Co.	-	399
21-07578 - St. Anthony Union Canal Co.	-	568
21-07579 - Independent Canal Co.	-	337
21-07580 - Last Chance Canal Co.	-	94

Diversion for the planned recharge generally will occur during the non-irrigation season due to water availability and canal capacity.

The canal headings are further described as being within Bingham, Bonneville, Fremont, Jefferson, Jerome and Twin Falls Counties, Idaho. The place of use (recharge) is within the delivery systems and recharge areas of the respective companies and districts as designated in the specific Aquifer Recharge Plan for each application.

For more specific information about the applications, you may contact the department or call (208) 327-7900.

If approved, the applications will be subject to all prior water rights and will authorize recharge of water to the Eastern Snake Plain Aquifer in Idaho during times when there is water in excess of existing water rights and established minimum flows. Protests must be filed with the Director, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706, together with a \$25 filing fee on or before August 31, 1998. Protests must identify the application or applications objected to. A single \$25 protest fee will be accepted for a protest covering one or more applications.

KARL J. DREHER, Director

(3827)
 Pub.: 8/13, 20

Jacqueline Graham

On this 20th day of Aug, in the year of 1998, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Margaret J...
 Notary Public for the State of Idaho
 Residing at Blackfoot, Idaho
 My Commission Expires
 June 19, 2004

Affidavit Processing Fee.....\$5.00

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
\$153.00

Account Number/Trans. #	Identification		
047628	MINIMUM STREAMFLOW ADVERTISEMENT		
Ordered By	P.O. Number	Rate	Run Dates
JULIE L YARBROUGH		TT	JULY 9, 16, 1998
IDAHO DEPT. OF WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	1764

RECEIVED
JUL 20 1998
WATER RESOURCES
WESTERN REGION

RECEIVED
JUL 22 1998

Department of Water Resources

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

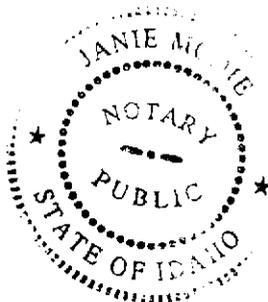
consecutive weekly single
consecutive daily odd skip

insertion(s) beginning with the issue of
JULY 9, 1998
and ending with the issue of
JULY 16, 1998

Janice Hildreth

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 16TH day of JULY in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Janie Macie

Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 5/03

LEGAL NOTICE

NOTICE OF APPLICATIONS FOR WATER RIGHT

On March 20, 1998, the Idaho Water Resource Board, 1301 N. Orchard St, Boise, ID 83706, filed the following applications with the Department of Water Resources to appropriate water from the Snake River, Henry's Fork of the Snake River and Fall River. The applicant seeks to intermittently divert water for recharge purposes throughout the year when water is available, through the headworks of the following canals up to the maximum rate described below:

01-07131	Progressive Irrigation Dist.	230	cfs
01-07132	Enterprise Canal Co. Ltd	283	
01-07133	SNAKE RIVER VALLEY IRR. DIST.	682	
01-07134	Peoples Canal & Irrigation Co.	475	
01-07135	New Sweden Irrigation District	949	
01-07136	Farmer's Friend Irrigation Co.	537	
01-07137	Harrison Canal Irrigation Co.	698	
01-07138	Aberdeen-Springfield	1387	
01-07139	Rudy Irrigation Canal Co. Ltd	110	
01-07140	Rigby Canal Irrigation Co.	253	
01-07141	Burgess Canal Irrigation Co.	1,095	
02-07473	Northside Canal Co. Ltd	2,831	
02-07474	Twin Falls Canal Co.	3,738	
21-07574	Twin Groves Irr & Mfg Co.	160	
21-07575	Salem Union Canal Co. Ltd	339	
21-07576	Fall River Irrigation Co.	294	
21-07577	Egin Canal Co.	399	
21-07578	St. Anthony Union Canal Co.	568	
21-07579	Independent Canal Co.	337	
21-07580	Last Chance Canal Co.	94	

Diversion for the planned recharge generally will occur during the non-irrigation season due to water availability and canal capacity.

The canal headings are further described as being within Bingham, Bonneville, Fremont, Jefferson, Jerome and Twin Falls Counties, Idaho. The place of use (recharge) is within the delivery systems and recharge areas of the respective companies and districts as designated in the specific Aquifer Recharge Plan for each application.

For more specific information about the applications, you may contact the department or call (208)327-7900.

If approved, the applications will be subject to all prior water rights and will authorize recharge of water to the Eastern Snake Plain Aquifer in Idaho during times when there is water in excess of existing water rights and established minimum flows.

Protests must be filed with the Director, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706, together with a \$25 filing fee on or before July 30, 1998. Protests must identify the application or applications objected to. A single \$25 protest fee will be accepted for a protest covering one or more applications.

KARL J. DREHER, Director

Pub. July 9, 16, 1998

1764

RECEIVED

JUL 20 1998

WATER RESOURCES
WESTERN REGION

Proof of Publication

RECEIVED

JUL 27 1998

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

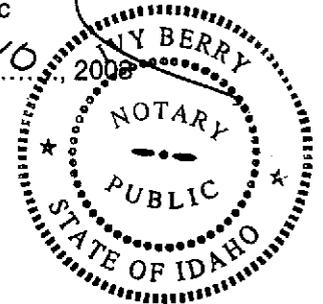
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 9th day of July, 1998, last publication having been made on the 16th day of July, 1998, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

S. Bob Bright

Subscribed and sworn to before me, this 22nd day of July, 1998

Jerry Berry
Notary Public

My commission expires January 10, 2008



**NOTICE OF
APPLICATION FOR
WATER RIGHT**

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- 01-07136 - Farmer's Friend Irrigation Co. - 537
- 01-07137 - Harrison Canal & Irrigation Co. - 698
- 01-07138 - Aberdeen-Springfield - 1387
- 01-07139 - Rudy Irrigation Canal Co. Ltd - 110
- 01-07140 - Rigby Canal & Irrigation Co. - 253
- 01-07141 - Burgess Canal & Irrigation Co. - 1,095
- 02-07473 - Northside Canal Co. Ltd - 2,831
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- 21-07575 - Salem Union Canal Co. Ltd - 339
- 21-07576 - Fall River Irrigation Co. - 294
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KARL J. DREHER, Director
Published: July 9, 16, 1998

JUL 20 1998

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 07/16/98

INVOICE NO. 178421

Account No. 964770

Description 178421NOTICEOFAPPLICAT

Times 2

Lines 51

Tab. Lines _____

\$ 153.00

**LEGAL ADVERTISING
INVOICE**

SOLD TO: ID DEPT OF WATER RESOURCES
1301 N ORCHARD ST
BOISE ID 83706

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATIONS FOR WATER RIGHT

178421

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01-07140 - Rigby Canal & Irrigation Co.	-	253	
01-07141 - Burgess Canal & Irrigation Co.	-	1,095	
02-07473 - Northside Canal Co. Ltd	-	2,831	
02-07474 - Twin Falls Canal Co.	-	3,738	
21-07574 - Twin Groves Irr & Mfg Co.	-	160	
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KARL J. DREHER, Director
Published in the Idaho Statesman on 7/9 & 7/16/98
Published in the Times News on 7/9 & 7/16/98
Published in the Post Register on 7/9 & 7/16/98
Published in the Lewiston Tribune on 7/9 & 7/16/98

OF IDAHO, ss.
Nez Perce

I, _____, being duly sworn, deposes and says, I am Clerk of the Tribune Publishing Company, a corporation and existing under and by virtue of the laws of the Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho. The said Lewiston Morning Tribune is an established newspaper published regularly and issued regularly at least once a day in 21 consecutive years next immediately preceding the first of this notice, and has been so published uninterrupted for _____ that the 178421NOTICEOFA attached hereto and which is made the subject of this affidavit was published in the said Lewiston Morning Tribune, _____ (s). Publication being on 07/09, or once a **WEEK** consecutive **WEEK**, the first publication thereof being on 18, and the last publication thereof being on 18, and said 178421NOTICEOFA was so published in the _____ entire issue of said newspaper and was not in a supplement or addendum. It was so published in every issue and number of the said newspaper during the period and times of publication as set forth above.

Karen J. Lewis

TESTED AND SWORN BEFORE ME THIS THE 16

July 1998

Raymond

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/02

NOTICE OF APPLICATIONS FOR WATER RIGHT

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- 01-07135 - New Sweden Irrigation District - 949 cfs
- 01-07136 - Farmer's Friend Irrigation Co. - 537 cfs
- 01-07137 - Harrison Canal & Irrigation Co. - 698 cfs
- 01-07138 - Aberdeen-Springfield - 1387 cfs
- 01-07139 - Rudy Irrigation Canal Co. Ltd. - 110 cfs
- 01-07140 - Rigby Canal & Irrigation Co. - 253 cfs
- 01-07141 - Burgess Canal & Irrigation Co. - 1,095 cfs

- 02-07473 - Northside Canal Co. Ltd - 2,831 cfs
- 02-07474 - Twin Falls Canal Co. - 3,738 cfs

- 21-07574 - Twin Groves Irr & Mfg. Co. - 160 cfs
- 21-07575 - Salem Union Canal Co. Ltd. - 339 cfs
- 21-07576 - Fall River Irrigation Co. - 294 cfs
- 21-07577 - Egin Canal Co. - 399 cfs
- 21-07578 - St. Anthony Union Canal Co. - 568 cfs
- 21-07579 - Independent Canal Co. - 337 cfs
- 21-07580 - Last Chance Canal Co. - 94 cfs

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KARL J. DREHER, Director

PUBLISH: July 9 and 16, 1998

RECEIVED

JUL 20 1998 No 30781

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

I, Emily McKnight being first duly sworn upon oath, depose and say that I am Principle Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated July 9, 1998, and ending with the issue dated July 16, 1998.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 17th day of July in the year of 1998, before me, a Notary Public, personally appeared Emily McKnight, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

BOISE ENVELOPE

May 7, 1998

RECHARGE APPLICATION

JULIE YARBROUGH

01-07131 - Provoessund
01-07132 - Entersprush
01-07133 - Snake R. Valley I. D
01-07134 - Peoples
01-07135 - New Sweden
01-07136 - Farmers found
01-07137 - Harrison Canal
21-07574 - Twin Groves
21-07575 - Salem Union
21-07576 - Fall River
21-07577 - Egin Canal
21-07578 - St Anthony Union
21-07579 - Independent
21-07580 - Last Chance

IWRB APPLICATIONS FOR WATER RIGHT FOR RECHARGE

No.	Name	Appropriation Request in CFS	Signed Agreement	Aquifer Recharge Plan
1	Burgess Canal & Irrigation Co.	1095	Expected	Yes
2	Egin Canal Co.	399	Yes	Yes
3	Enterprize Canal Co. Ltd.	283	Yes	Yes
4	Fall River Irrigation Co.	294	Yes	Yes
5	Farmers Friend Irrigation Co.	537	Yes	Yes
6	Harrison Canal & Irrigation Co.	698	Expected	Yes
7	Independent Canal Co.	337	(Egin Bench)	Yes
8	Last Chance Canal Co.	94	(Egin Bench)	Yes
9	New Sweden Irrigation District	949	Yes	Yes
10	Peoples Canal & Irrigation Co.	475	Yes	Yes
11	Rigby Canal & Irrigation Co.	253		Yes
12	Rudy Irrigation Canal Co. Ltd.	110	Expected	Yes
13	Salem Union Canal Co. Ltd.	339	Yes	Yes
14	Snake River Valley Irrigation District	682	Yes	Yes
15	St. Anthony Union Canal Co.	568	(Egin Bench)	Yes
16	Northside Canal Co. Ltd.	2831		Yes
17	Twin Falls Canal Co.	3738		Yes
18	Progressive Irrigation District	230.01	Yes	Sent
19	Aberdeen - Springfield	1387.8	Expected	Sent
20	Twin Groves Irrigation & Manufacturing Co.	160	Yes	Yes
	Total	15459.81		

→ G/10 Sorkin

IWRB APPLICATIONS FOR WATER RIGHT FOR RECHARGE

No.	Name	Appropriation Request in CFS	Signed Agreement	Aquifer Recharge Plan
1	Burgess Canal & Irrigation Co. <i>Sen.</i>	1095	Expected	Yes
2	Egin Canal Co. <i>Henry's FR</i>	399	Yes	Yes
3	Enterprize Canal Co. Ltd. <i>Sen</i>	283	Yes	Yes
4	Fall River Irrigation Co. <i>Fall R → Henry's FR</i>	294	Yes	Yes
5	Farmers Friend Irrigation Co. <i>Sen R</i>	537	Yes	Yes
6	Harrison Canal & Irrigation Co. <i>Sen R</i>	698	Expected	Yes
7	Independent Canal Co. <i>Henry's FR</i>	337	(Egin Bench)	Yes
8	Last Chance Canal Co. <i>Hen FR</i>	94	(Egin Bench)	Yes
9	New Sweden Irrigation District <i>Sen R</i>	949	Yes	Yes
10	Peoples Canal & Irrigation Co. <i>Sen R</i>	475	Yes	Yes
11	Rigby Canal & Irrigation Co. <i>Sen R</i>	253		Yes
12	Rudy Irrigation Canal Co. Ltd. <i>Sen R</i>	110	Expected	Yes
13	Salem Union Canal Co. Ltd. <i>Hen</i>	339	Yes	Yes
14	Snake River Valley Irrigation District <i>Sen R</i>	682	Yes	Yes
15	St. Anthony Union Canal Co. <i>Henry's FR</i>	568	(Egin Bench)	Yes
16	Northside Canal Co. Ltd. <i>Sen R</i>	2831		Yes
17	Twin Falls Canal Co. - <i>So. Side Sen R</i>	3738		Yes
18	Progressive Irrigation District <i>Sen R</i>	230.01	Yes	Sent
19	Aberdeen - Springfield <i>Sen R</i>	1387.8	Expected	Sent
20	Twin Groves Irrigation & Manufacturing Co. <i>Henry</i>	160	Yes	Yes
Total		15459.81		

Jeffrey
Fremont
Jeff
Fremont
Jefferson
Jeff
Fremont
Fremont
Bonaville
Bingham
Bingham
Jeff
Fremont
Bingham
Fremont
Jerome
T. Falls
Bonny Jeff
Bingham
Fremont

S,
S.

→ G/ Carter

IWRB APPLICATIONS FOR WATER RIGHT FOR RECHARGE

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/ 6	Harrison Canal & Irrigation Co.	698	Expected	Yes
/ 7	Independent Canal Co.	337	(Egin Bench)	Yes
/ 8	Last Chance Canal Co.	94	(Egin Bench)	Yes
/ 9	New Sweden Irrigation District	949	Yes	Yes
/ 10	Peoples Canal & Irrigation Co.	475	Yes	Yes
/ 11	Rigby Canal & Irrigation Co.	253		Yes
/ 12	Rudy Irrigation Canal Co. Ltd.	110	Expected	Yes
/ 13	Salem Union Canal Co. Ltd.	339	Yes	Yes
/ 14	Snake River Valley Irrigation District	682	Yes	Yes
/ 15	St. Anthony Union Canal Co.	568	(Egin Bench)	Yes
/ 16	Northside Canal Co. Ltd.	2831		Yes
/ 17	Twin Falls Canal Co. - So. Side	3738		Yes
/ 18	Progressive Irrigation District	230.01	Yes	Sent
/ 19	Aberdeen - Springfield	1387.8	Expected	Sent
/ 20	Twin Groves Irrigation & Manufacturing Co.	160	Yes	Yes
	Total	15459.81		



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 6, 1998

VIA FACSIMILE (208)746-7341

The Lewiston Tribune
ATTN: Karen (Legal Ads)
505 C
Lewiston, ID 83401

RE: Minimum Streamflow Advertisement

Dear Karen:

Attached is a notice of application to be published in once a week for two (2) consecutive weeks on July 9 and 16.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough". The signature is written in black ink and is positioned above the typed name.

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 6, 1998

VIA FACSIMILE (208)734-5538

The Times News
ATTN: Karen (Legal Ads.)
132 3rd St. W
Twin Falls, ID 83301

RE: Minimum Streamflow Advertisement

Dear Karen:

Attached is a notice of application to be published in The Times News once a week for two (2) consecutive weeks on July 9 and 16.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Attachment

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*                                     P. 01 *
*                                     *
*          TRANSACTION REPORT          *
*                                     *
*                                     JUL-06-98 MON 12:43 PM *
*                                     *
*   DATE START  RECEIVER          TX TIME PAGES TYPE      NOTE      M# *
*-----*-----*-----*-----*-----*-----*-----*
*   JUL-06 12:33 PM 6-91208(7345538)-80935 1'19"   3 SEND    OK
*
*****

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Times News



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 6, 1998

VIA FACSIMILE (208)377-6309

The Idaho Statesman
ATTN: Linda Porter (Legal Ads)
PO Box 40
Boise ID 83707

RE: Minimum Streamflow Advertisement

Dear Linda:

Attached is a notice of application to be published in once a week for two (2) consecutive weeks on July 9 and 16.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

A handwritten signature in black ink that reads "Julie L. Yarbrough". The signature is fluid and cursive, with a large initial 'J' and a long, sweeping tail.

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 6, 1998

VIA FACSIMILE (208)529-3142

The Post Register
ATTN: Kathy (Legal Ads)
PO Box 1800
Idhao Falls, ID 83403

RE: Minimum Streamflow Advertisement

Dear Kathy:

Attached is a notice of application to be published in The Post Register once a week for two (2) consecutive weeks on July 9 and 16.

Please send the affidavit of publication and invoice directly to my attention.

If you have any questions regarding the advertisement, please contact me directly at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

TRANSMISSION VERIFICATION REPORT

TIME : 07/06/1998 14:28
NAME : IDWR
FAX : 3275400
TEL : 3277906

DATE, TIME	07/06 14:19
FAX NO./NAME	6-912085293142-809357
DURATION	00:01:06
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Post Register