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**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.

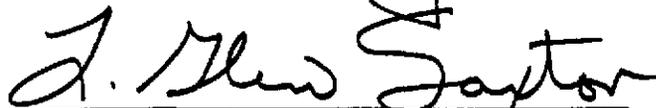
3. A delay in the processing of the applications will not injure the rights of other parties, is not for speculative purposes and will not injure the public interest of the people of Idaho.

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 21<sup>st</sup> day of January, 1999.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 21<sup>st</sup> 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

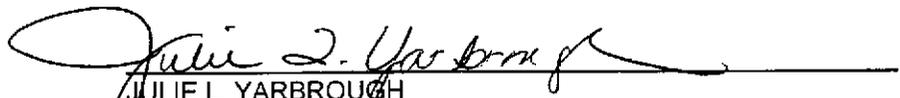
FRED AND BETTY KIPPES  
3951 N 1100 E  
BUHL ID 83316

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

  
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).

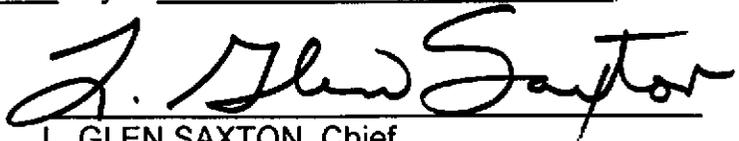
None of the parties in the matter filed a response in connection with the petition to intervene.

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 16<sup>th</sup> day of December, 1998.



L. GLEN SAXTON, Chief  
Water Allocation Bureau

**CERTIFICATE OF SERVICE**

I DO HEREBY CERTIFY that on this 17<sup>th</sup> 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  
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1740 E 17TH ST STE F  
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MIKE LAWSON  
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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

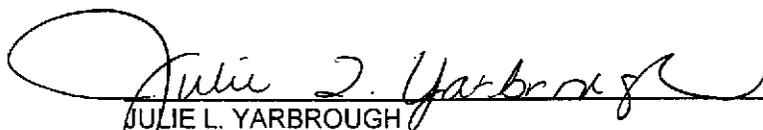
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PO BOX 852  
ASHTON ID 83420

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. 14 in the \_\_\_\_\_ 1/4,  
NW 1/4, SE 1/4, Govt. Lot \_\_\_\_\_, B.M., Fremont County;  
additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

- Amount 94.00 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) 94.00 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 Last Chance Canal within Egin Bench Canals system.

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  
EGIN BENCH CANALS INC.

This Agreement is entered into by and between the Idaho Water resource Board (hereinafter "IWRB") and the Egin Bench Canals Inc. (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 points of diversion to the canal system is as follows:

- ~ T07N R40E Sec 02 NESE, Fremont County
- ~ T08N R41E Sec 33 NENW, Fremont County
- ~ T07N R40E Sec 01 SWNE, Fremont County
- ~ T08N R41E Sec 14 NWSE, 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.

Louis Rasmussen

Title: President  
Representing: Egin Bench Canals, Inc.

Date: 2-27-98

Barbara Barr

Chairman  
IWRB

Date: 3/20/98

RECEIVED

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Department of Water Resources  
Eastern Region

**AQUIFER RECHARGE PLAN**  
**EASTERN SNAKE PLAIN AQUIFER**

**1. NAME AND ADDRESS OF THE PARTICIPATING ORGANIZATION:**

NAME Egis Benef Canal Co.

ADDRESS 350 N. 6th West St. Anthony, ID

CONTACT PERSON Laver Hunter Watermaster.

PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

**2. PROPOSED BEGINNING AND ENDING DATES OF RECHARGE:**

ANTICIPATED STARTING DATE: 1 Nov

ANTICIPATED ENDING DATE: 1 APR

3. AMOUNT OF WATER REQUESTED: \*15,000 Acre-feet.

**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.

*\* It is pending a map*

- |  |   |
|--|---|
| A. <u>Headgate (N. River Rd)</u>       | B. <u>Hydromat (642 N. Sand Creek Rd)</u> |
| C. <u>St. Anthony Sand Dune's from</u> | D. <u>Spillway</u>                        |
| E. _____                               | F. _____                                  |
| G. _____                               | H. _____                                  |
| I. _____                               | J. _____                                  |
| K. _____                               | L. _____                                  |

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

- |          |                             |
|----------|-----------------------------|
| A. _____ | B. <u>Daily at Hydromet</u> |
| C. _____ | 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.

\* Egin Bend Canal Company includes the Egin Canal, the St. Anthony Canal, the Independent, and the Last Chance Canal.

During fall recharge the water will be run through the St. Anthony Canal, through a spillway into the St. Anthony Bend Dunes Area. All laterals are shut off. The daily reading at the hydromet, indicates a steady rate of flow, of 50 CFS per day. It is the intention of the water master to increase the rate of flow to approximately 100 CFS daily, by bringing the Egin on line. Total volume currently requested is 75,000 AFH.

This number will increase. (Mr. Hunter will notify me when the increase occurs) Will run from 1 NOV 96 to 1 APR 97.

\* No loss back to River





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 is positioned above the typed name.

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 Divison  
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 6<sup>th</sup> 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

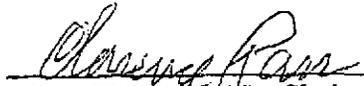
WHEREAS, Rule 40 of IDWR's Water Appropriation Rules provide that an applicant may request in writing that commencement of processing of an application to appropriate water be delayed for a period not to exceed one (1) year; and

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

EXHIBIT A

**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

DEC 03 1998

Department of Water Resources

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ROGER D. LING  
LING, NIELSEN & ROBINSON  
Attorneys at Law  
615 H Street  
P. O. Box 396  
Rupert, Idaho 83350  
Telephone (208) 436-4717  
Facsimile (208) 436-6804

Attorneys for  
Idaho Water Users Association, Inc.

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, ) PETITION TO INTERVENE  
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 )

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

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

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

1 reclamation project lands in Idaho and the association is the  
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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.

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17 Canal Company should be granted for the following reasons, to-wit:

18 a. The water rights sought to be obtained by the  
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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  
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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

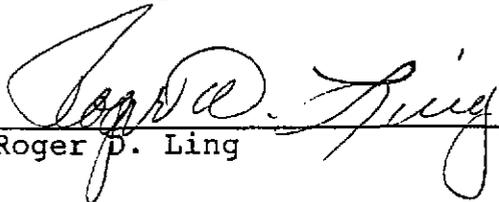
Stephen P. Mealey, Director  
Idaho Fish & Game  
600 South Walnut  
Boise, ID 83707-0025

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 D. 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

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Department of Water Resources  
Eastern Region

DEC 09 1998

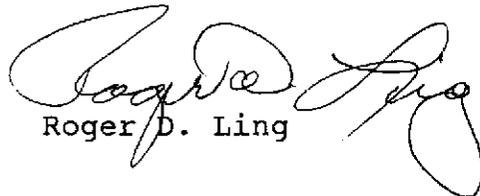
Karl J. Dreher, Director  
Idaho Department of Water Resources  
900 N. Skyline Drive  
Idaho Falls, ID 83402

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

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ROGER D. LING  
LING, NIELSEN & ROBINSON  
Attorneys at Law  
615 H Street  
P. O. Box 396  
Rupert, Idaho 83350  
Telephone (208) 436-4717  
Facsimile (208) 436-6804

Attorneys for  
Idaho Water Users Association, Inc.

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 )

PETITION TO INTERVENE

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

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  
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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.

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DATED this 2nd day of December, 1998.

LING, NIELSEN & ROBINSON

By:   
Roger D. Ling  
Attorney for Idaho Water Users  
Association, Inc.

CERTIFICATE OF MAILING

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

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

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

James C. Tucker, Esq.  
ROSHOLT, ROBERTSON & TUCKER  
Attorneys for Idaho Power Company  
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\_\_\_\_\_  
Roger P. Ling



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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

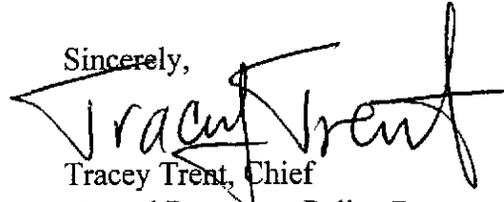
Re: Applications for aquifer recharge in the name of the Idaho Water Resource Board

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

October 9, 1998

KARL J. DREHER  
DIRECTOR

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,

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

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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Marv Hoyt  
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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



State of Idaho

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

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DIRECTOR

October 9, 1998

Fred and Betty Kippes  
3951 N 1100 E  
Buhl ID 83316

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Chief, Water Allocation Bureau



State of Idaho

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Bureau of Reclamation  
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Barbara Scott-Brier  
U S Dept of Interior  
Fish and Wildlife Service  
500 NE Multnomah STE 607  
Portland OR 97232

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October 9, 1998

Stephen P Mealey  
Idaho Dept of Fish and Game  
600 S Walnut  
Box 25  
Boise ID 83707-0025

**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



**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

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

**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):

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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,

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?
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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,

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?
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5. Will the proposed use under this permit conflict with the local public interest?
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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,

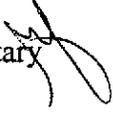
A handwritten signature in cursive script that reads "L. Glen Saxton".

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

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

  
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

## 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,

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

KARL J. DREHER  
DIRECTOR

August 3, 1998

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:

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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
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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. — 180 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.

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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.

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KARL J. DREHER  
Director

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

# AFFIDAVIT of PUBLICATION

County of Idaho }  
County of Jerome } ss.

*OK Guy*

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 13<sup>th</sup> day of August, 1998.  
the date of the last publication was on the 20<sup>th</sup> day of August, 1998.

Patty Nance

scribed and sworn to before me this 20<sup>th</sup> day of August, 1998.

Norma De Voe  
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 Appl 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:

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
2107574 - 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 (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

PUB: 8/13 - 8/20

N22711

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.

Handwritten signature: 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 she executed the same.

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

Affidavit Processing Fee.....\$5.00

NOTICE OF APPLICATIONS FOR WATER RIGHT

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Table with 3 columns: Application ID, Canal Name, and CFS. Includes entries like 01-07131 - Progressive Irrigation Dist. - 230 cfs, 02-07473 - Northside Canal Co. Ltd - 2,831, 21-07574 - Twin Groves Irr & Mfg Co. - 160.

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.

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KARL J. DREHER, Director (3827) Pub.: 8/13, 20

# 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

RECEIVED JUL 20 1998

JUL 22 1998

WATER RESOURCES  
WESTERN REGION

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

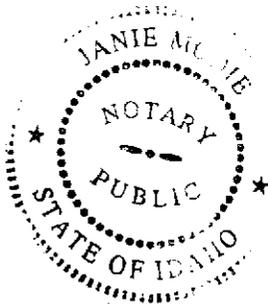
consecutive weekly                      single  
consecutive daily                              odd skip

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.



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:

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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, 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.

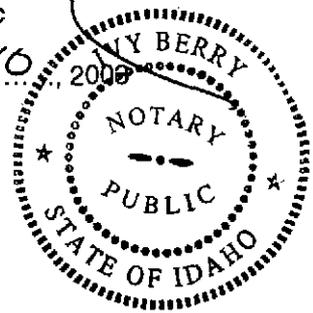
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 9th day of July, 1998, last publication having been made on the 16th day of July, 1998, and that the said 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.

*[Handwritten Signature]*

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

*[Handwritten Signature]*  
Notary Public

My commission expires January 10, 2000



**NOTICE OF  
APPLICATION FOR  
WATER RIGHT**

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- 01-07131 - Progressive Irrigation Dist. - 230 cfs
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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
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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

LEGAL ADVERTISING INVOICE

Times 2 Lines 51

Tab. Lines

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

\$ 153.00

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

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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

IN THE COUNTY OF NEZ PERCE, IDAHO, ss.
I, Karen J. Lewis

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, of general circulation published at Lewiston, Nez Perce County, the said Lewiston Morning Tribune is an established newspaper and 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 s 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 08, and the last publication thereof being on 08, and said 178421NOTICEOFA was so published in the entire issue of said newspaper and was not in a supplement I was so published in every issue and number of the said ng the period and times of publication as set forth above.

Karen J. Lewis (Signature)

TESTED AND SWORN BEFORE ME THIS THE 16

JULY 1998

(Signature of Notary Public)

Notary Public in and for the State of Idaho, residing at Lewiston, therein Commission Expires 7/1/03

**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
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**Affidavit of Publication**

STATE OF IDAHO }  
COUNTY OF TWIN FALLS } SS.

RECEIVED

JUL 20 1998 No 30781

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

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

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KARL J. DREHER, Director

PUBLISH: July 9 and 16, 1998

BOISE ENVELOPE

May 7, 1998

RECHARGE APPLICATION

JULIE YARBROUGH

01-07131 - Proquest  
01-07132 - Enterprise  
01-07133 - Snake R. Valley I.D.  
01-07134 - Peoples  
01-07135 - New Sweden  
01-07136 - Farmers Union  
01-07137 - Harmon Canal  
21-07574 - Twin Groves  
21-07575 - Salem Union  
21-07576 - Fall River  
21-07577 - Egan 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	Saiem 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. S. Sartin

# 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>Hen, 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
	<b>Total</b>	<b>15459.81</b>		

*Jeffrey*  
~~*Fremont*~~  
~~*Jeff*~~  
~~*Fremont*~~  
~~*Jefferson*~~  
~~*Jeff*~~  
~~*Fremont*~~  
~~*Fremont*~~  
~~*Bonville*~~  
~~*Bingham*~~  
~~*Bingham*~~  
~~*Jeff*~~  
~~*Fremont*~~  
~~*Bingham*~~  
~~*Fremont*~~  
~~*Jarone*~~  
~~*T. Falls*~~  
~~*Bonville & Jeff*~~  
~~*Bingham*~~  
~~*Fremont*~~

S.  
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# 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. - 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)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,

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

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

TRANSACTION REPORT

P. 01

JUL-06-98 MON 12:43 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#
JUL-06	12:33 PM	6-912087345538	80935	1'19"	3	SEND	OK

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)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,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

\*\*\*\*\*  
\* P.01 \*  
\* TRANSACTION REPORT \*  
\* JUL-06-98 MON 12:26 PM \*  
\* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# \*  
\* JUL-06 12:21 PM 6-912087467341-80935 1'14" 3 SEND OK \*  
\*\*\*\*\*



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". The signature is written in black ink and is positioned above the printed name.

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

TRANSMISSION VERIFICATION REPORT

TIME : 07/06/1998 14:20  
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*



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 the first name "Julie" being the most prominent.

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

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\* P.01 \*  
\* TRANSACTION REPORT \*  
\* JUL-06-98 MON 12:48 PM \*  
\* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# \*  
\* JUL-06 12:47 PM 6-93776309 59" 3 SEND OK \*  
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*Id. Statesman*