

**STARTING  
LEFT  
SIDE OF  
FILE**

BEFORE THE WATER RESOURCE BOARD  
OF THE STATE OF IDAHO

IN THE MATTER OF REQUESTING A RENEWAL )  
OF DELAY IN THE PROCESSING OF PENDING )  
APPLICATIONS FOR PERMIT TO APPROPRIATE ) RESOLUTION  
WATER FOR 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 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 presently under review; and

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

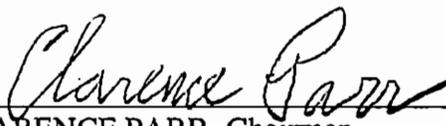
WHEREAS, IDWR previously granted a delay in processing of the Board's applications for a period of one year on January 21, 1999; and

WHEREAS, the Board considers that a further 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 for a further delay in

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.

PASSED AND APPROVED this 21st day of March, 2000.

  
CLARENCE PARR, Chairman

ATTEST:

  
J. DAVID ERICKSON, Secretary



0 3

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  
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TWIN FALLS ID 83303-1906

LIN BENJAMIN  
HENRY'S FORK FOUNDATION  
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ASHTON ID 83420

BARBARA SCOTT-BRIER  
FISH AND WILDLIFE SERVICE  
US DEPT OF INTERIOR  
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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

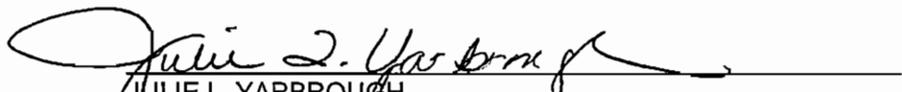
FRED AND BETTY KIPPES  
3951 N 1100 E  
BUHL ID 83316

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



**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  
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JAMES C TUCKER  
ROSHOLT ROBERTSON TUCKER  
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BARBARA SCOTT-BRIER  
FISH AND WILDLIFE SERVICE  
US DEPT OF INTERIOR  
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PORTLAND OR 97232

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214 BROADWAY AVE  
BOISE ID 83702-7298

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

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ASHTON ID 83420

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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

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  
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BARBARA SCOTT-BRIER  
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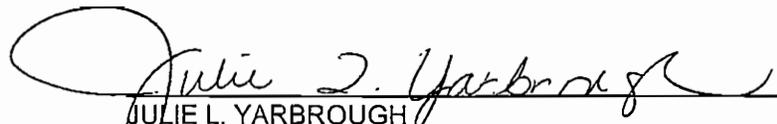
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BUHL ID 83316

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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

**STARTING  
RIGHT  
SIDE OF  
FILE**

**ALAN G. LANCE**  
Attorney General

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

**DAVID J. BARBER**  
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(ISB No. 2597)

**RECEIVED**  
**MAY 4 - 2000**  
Department of Water Resources

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, ) **RESPONSE OF THE IDAHO**  
01-07137, 01-07139, 01-07140, 01-07141 ) **WATER RESOURCE BOARD**  
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 Idaho Water Resource Board (hereinafter the Board or IWRB) and responds to the OPPOSITION TO REQUEST FOR FURTHER DELAY IN PROCESSING APPLICATIONS TO APPROPRIATE WATERS OF THE STATE OF IDAHO by Idaho Rivers United (hereinafter IRU's Opposition). By a resolution dated March 21, 2000, the Board

requested a renewal of the Department's previous order granting a delay in the commencement of processing of the Board's applications for recharge in the upper Snake River Basin. IRU's Opposition has raised three separate issues concerning the proposed renewal. First, Idaho Rivers United argues that the applicable rules and regulations of the Idaho Department of Water Resources prohibit the proposed delay. Second, Idaho Rivers United argues that the proposed delay is speculative and against the public interest and that the Director should deny the requested delay on those bases. Third, Idaho Rivers United charges that the Idaho Water Resource Board is violating the law by illegally diverting the water in the absence of a permit. The first issue is a straightforward legal issue regarding the interpretation of administrative regulations that may be resolved quickly. The second issue is basically a public policy issue addressed to the sound discretion of the Director. The third issue has not been properly raised in this proceeding. In the final analysis none of the issues raised justify denial of the requested delay in the commencement of the processing the Board's recharge applications.

I. THE RULES AND REGULATIONS OF THE IDAHO DEPARTMENT OF WATER RESOURCES DO NOT PROHIBIT THE REQUESTED EXTENSION OF TIME.

Chapter 2 of Title 42, Idaho Code, does not contain any specific provision regarding the granting of requests for a delay in the processing an application to appropriate water, although Chapter 2 does impose a general requirement that an applicant proceed with due diligence. The implementing regulations of the Idaho Department of Water Resources do address this issue in Water Appropriation Rule IDAPA 37.03.08.040.01.d, which provides in part:

d. An application 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 months (6). 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 delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay. **The director** may approve a request for delay for a

shorter period of time or upon conditions, and **may renew the approval upon written request.**

*Id.* (emphasis added). Here, the director's own regulations limit the length of any one extension to a period of one year. However, those regulations also allow the director to renew previous approvals of such requests. Since the present request of the IWRB is for a renewal under this regulation, the regulation authorizes the granting of this request. The issue of whether to grant the request is addressed to the sound discretion of the director. The regulation identifies the following three specific bases for consideration by the director: (1) others will be injured by the delay, (2) the applicant seeks a delay for the purpose of speculation, and (3) the public interest of the people of the State of Idaho will not be served by the delay.

- A. The proposed delay in processing these applications will not cause injury to any water rights.

The Idaho Legislature authorized and appropriated monies for the IWRB to conduct a recharge program of the upper Snake River Plain to address some the water supply deficiencies that occurred during the last drought. Act of March 17, 1995, ch. 200, 1995 Idaho Sess. Laws 692. Pursuant to this authority and with this money, the IWRB purchased from willing sellers surplus water from its water bank for the recharge program. In addition, the IWRB paid to participating canal companies a carriage fee for the use their diversion facilities for these purposes. The accounting for these diversions has been consistent with the accounting practices in place for Water District 1. See Affidavit of Hal Anderson Dated May 3, 2000, at 2. These accounting practices represent accepted procedures developed over twenty years to preclude injury to any water right. *Id.* Because the diversion and use of this water was in accordance with these accepted accounting practices, this rental did not cause injury to any water right.

- B. The local public interest does not justify denial of the requested delay in the commencement of processing the recharge applications.

The basis for the requested delay in the commencement of processing the recharge applications is a need to evaluate the report completed December 1999, *Feasibility of Large-Scale Managed Recharge of the Eastern Snake Plain Aquifer System*. IWRB Resolution Dated March 21, 2000. The proposed recharge program presents opportunities for the State to satisfy the water needs of many water right holders dependent on the Snake Plain Aquifer and the Snake River. In addition, if poorly implemented, it may operate to the injury of many users it intends to help. Sorting out the relationship between surface and ground water and making those informed judgments about how to proceed is never easy, as the history of the basin demonstrates. This request basically indicates that the IWRB does not wish to be rushed to judgment on how to proceed for implementing recommendations in the December 1999 report. Rather, it would like a further opportunity to consider its proposed recharge program in light of the competing concerns raised in the various protests. After this period of further study, it will make a determination on how best to proceed, and the IWRB will welcome the public input received at the hearing(s) held on its protested applications. The local public interest is served if the IWRB is given this opportunity for further study.

- C. The requested delay in the commencement of processing the recharge applications is not for the purpose of speculation.

The statutory provisions in Idaho Code § 42-203A(5) and the administrative regulations cited above that preclude the recognition of a water right filed for purposes of speculation or delay have their roots in the common law that required a water right claimant to proceed with due diligence. An early Idaho case expressed this requirement well as follows: "He [referring to an appropriator] cannot play the dog-in-the-manger act, and expect for all time to deprive other intended users of the benefits to be derived from appropriations regularly and legally instituted or

made.” *Vineyard Land & Stock Co. v. Twin Falls Salmon River Land & Water Co.*, 245 F. 9, 21 (9th Cir. 1917). Here, the purposes of the requested delay in commencement of the processing the applications are not to play the dog-in-the-manger. Rather, as expressed above, the purposes are to evaluate the recently completed report on large-scale managed recharge. Because of the complexities in this area, the IWRB’s request is reasonable and should be granted.

II. IDAHO RIVERS UNITED’S COMPLAINT REGARDING ILLEGAL DIVERSION OF WATER IS NOT PROPERLY BEFORE THE DEPARTMENT.

The second page of IRU’s Opposition in substance is a complaint under Rules of Procedure of the Idaho Department of Water Resources IDAPA 37.01.01.240 (Procedural Rule 240) because it is a “pleading charging other person(s) with acts of omissions under law administered by the agency . . .” *Id.* Yet, IRU’s Opposition does not comply with procedural requirements of a complaint setting forth fully the acts or things done or omitted. *See* IDAPA 37.01.01.240 (b). The difficulty with the vague statements presented in IRU’s Opposition is that the Board has great difficulty in filing an answer under Rules of Procedure of the Idaho Department of Water Resources IDAPA 37.01.01.270 (Procedural Rule 270) that admits or denies each material allegation of the complaint. More fundamentally, IRU’s charge regarding the Board’s alleged illegal diversions of water really is an expression of dissatisfaction with the accepted accounting system used by Water District 1 because the diversions by the Board were in accordance with that accounting system. If IRU wants to pursue this challenge in an adversarial setting, the proper procedure is for IRU to file a complaint regarding the accounting system for water used by Water District 1. If IRU would prefer to pursue its complaint in some non-adversarial proceeding, the Board would consider any suggestion IRU or other interested groups might provide. In either event, the Board would welcome the opportunity to obtain

public input on ways to improve accounting for water storage and natural flow in Water District  
1.

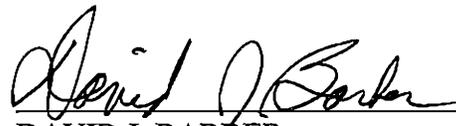
CONCLUSION

The director should grant the requested renewal of the delay in commencing processing of these applications upon such conditions as the director determines are necessary in the local public interest.

DATED this 7<sup>th</sup> day of May, 2000.

ALAN G. LANCE  
Attorney General

CLIVE J. STRONG  
Deputy Attorney General  
Chief Natural Resources Division

  
\_\_\_\_\_  
DAVID J. BARBER  
Deputy Attorney General  
Natural Resources Division

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2000, I caused to be served the original of the foregoing RESPONSE OF THE IDAHO WATER RESOURCE BOARD upon the Director of the Idaho Department of Water Resources by the method indicated below and addressed as follows:

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

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

I HEREBY CERTIFY that on this 9<sup>th</sup> day of May, 2000, I caused to be served true and correct copies of the foregoing RESPONSE OF THE IDAHO WATER RESOURCE BOARD upon all parties of record in this proceeding by the method indicated below and addressed as follows:

Idaho Water Resource Board  
Attn: Clarence Parr, Chairman  
1301 N. Orchard St.  
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

Idaho Water Resource Board  
Attn: Hal Anderson  
1301 N. Orchard St.  
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

Idaho Water Resource Board  
Attn: Frank Sherman  
1301 N. Orchard St.  
Boise, ID 83706

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Idaho Department of Water Resources  
Attn: Glen Saxton  
1301 N. Orchard St.  
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Barbara Scott-Brier  
Fish and Wildlife Service  
U.S. Dept. of the Interior  
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Marv Hoyt  
Greater Yellowstone Coalition  
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Idaho Falls, ID 83404

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Mike Lawson  
Henrys Fork Anglers, Inc.  
P.O. Box 487  
St. Anthony, ID 83445

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

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 Overnight Mail  
 Facsimile

Rod Sando, Director  
Idaho Department of Fish and Game  
600 S. Walnut St.  
Boise, ID 83707

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 Overnight Mail  
 Facsimile  
 Statehouse Mail

Lyn Benjamin  
Henry's Fork Foundation  
P.O. Box 852  
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 Facsimile

Marti Bridges  
Idaho Rivers United  
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Ling Nielsen and Robinson  
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 Facsimile

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Deputy Attorney General  
Chief, Natural Resources Division  
700 W. Jefferson Street, Rm. 210  
P.O. Box 83720  
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\_\_\_\_\_  
DAVID J. BARBER  
Deputy Attorney General  
Natural Resources Division

**ALAN G. LANCE**

Attorney General

**CLIVE J. STRONG**

Deputy Attorney General  
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(ISB No. 2597)

**RECEIVED**

**MAY 4 - 2000**

Department of Water Resources

Attorneys for State of Idaho, Idaho Water Resource Board

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
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IN THE MATTER OF APPLICATIONS FOR )  
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21-07576, 21-07577, 21-07578, 21-07579, )  
21-07580 BY THE IDAHO WATER RESOURCE )  
BOARD )

NOTICE OF SUBSTITUTION OF  
ATTORNEY OF RECORD AND  
NOTICE OF APPEARANCE

TO: All Parties, including Protestants and Intervenors, and their representatives and attorneys of record.

PLEASE TAKE NOTICE that Timothy Joseph Callanan, a former Deputy Attorney General who represented the Idaho Water Resource Board (hereinafter referred to as the

“Board”) in this matter, has left the Office of the Idaho Attorney General and that he no longer represents the Board.

PLEASE TAKE FURTHER NOTICE that David J. Barber, Deputy Attorney General, Natural Resources Division, Office of the Idaho Attorney General, hereby enters his appearance as attorney of record for the Idaho Water Resource Board. Service of documents on the Board should be made on Mr. Barber at the address stated above and at the following address:

Idaho Water Resource Board  
Attn: Clarence Parr, Chairman  
1301 N. Orchard St.  
Boise, ID 83706

This Notice of Substitution of Attorney of Record and Notice of Appearance is filed in accordance with the Idaho Department of Water Resources (hereinafter referred to as the “Department”) Rules of Procedure, IDAPA 37.01.02000 et seq., including but not limited to Procedural Rules, 200, 201, 202, and 205 and the Department’s Water Appropriation Rules, IDAPA 37.03.08000 et seq.

DATED this 14<sup>th</sup> day of May, 2000.

ALAN G. LANCE  
Attorney General

CLIVE J. STRONG  
Deputy Attorney General  
Chief Natural Resources Division

  
\_\_\_\_\_  
DAVID J. BARBER  
Deputy Attorney General  
Natural Resources Division

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2000, I caused to be served the original of the foregoing NOTICE OF SUBSTITUTION OF ATTORNEY OF RECORD AND NOTICE OF APPEARANCE upon the Director of the Idaho Department of Water Resources by the method indicated below and addressed as follows:

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

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

I HEREBY CERTIFY that on this \_\_\_ day of May, 2000, I caused to be served true and correct copies of the foregoing NOTICE OF SUBSTITUTION OF ATTORNEY OF RECORD AND NOTICE OF APPEARANCE upon all parties of record in this proceeding by the method indicated below and addressed as follows:

Idaho Water Resource Board  
Attn: Clarence Parr, Chairman  
1301 N. Orchard St.  
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

Idaho Water Resource Board  
Attn: Hal Anderson  
1301 N. Orchard St.  
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

Idaho Water Resource Board  
Attn: Frank Sherman  
1301 N. Orchard St.  
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
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- Facsimile
- Statehouse Mail

Idaho Department of Water Resources  
Attn: Glen Saxton  
1301 N. Orchard St.  
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Statehouse Mail

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

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile

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

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile

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

U.S. Mail, Postage Prepaid  
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 Overnight Mail  
 Facsimile

Barbara Scott-Brier  
Fish and Wildlife Service  
U.S. Dept. of the Interior  
500 NE Multnomah, Suite 607  
Portland, OR 97232

U.S. Mail, Postage Prepaid  
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 Overnight Mail  
 Facsimile

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

U.S. Mail, Postage Prepaid  
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 Overnight Mail  
 Facsimile

Marv Hoyt  
Greater Yellowstone Coalition  
1740 E. 17<sup>th</sup> St., Suite F  
Idaho Falls, ID 83404

U.S. Mail, Postage Prepaid  
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 Overnight Mail  
 Facsimile

Mike Lawson  
Henry's Fork Anglers, Inc.  
P.O. Box 487  
St. Anthony, ID 83445

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile

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

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile

Rod Sando, Director  
Idaho Department of Fish and Game  
600 S. Walnut St.  
Boise, ID 83707

U.S. Mail, Postage Prepaid  
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Lyn Benjamin  
Henrys Fork Foundation  
P.O. Box 852  
Ashton, ID 83420

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

U.S. Mail, Postage Prepaid  
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 Overnight Mail  
 Facsimile

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

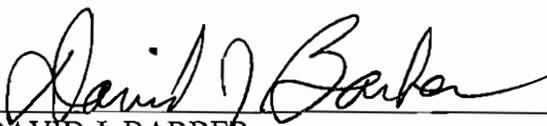
U.S. Mail, Postage Prepaid  
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 Facsimile

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

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile

Clive J. Strong  
Deputy Attorney General  
Chief, Natural Resources Division  
700 W. Jefferson Street, Rm. 210  
P.O. Box 83720  
Boise, Idaho 83711-4449

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Statehouse Mail

  
\_\_\_\_\_  
DAVID J. BARBER  
Deputy Attorney General  
Natural Resources Division

**ALAN G. LANCE**  
Attorney General

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

**DAVID J. BARBER**  
Deputy Attorney General  
700 W. Jefferson Street, Rm. 210  
P.O. Box 83720  
Boise, Idaho 83711-4449  
Telephone (208) 334-2400  
Facsimile (208) 334-2690  
(ISB No. 2597)

**RECEIVED**

**MAY 4 - 2000**

Department of Water Resources

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,	)	AFFIDAVIT OF
01-07137, 01-07139, 01-07140, 01-07141	)	HAL N. ANDERSON
02-07473, 02-07474, 21-07574, 21-07575	)	DATED MAY 4, 2000
21-07576, 21-07577, 21-07578, 21-07579,	)	
21-07580 BY THE IDAHO WATER RESOURCE	)	
<u>BOARD</u>	)	

HAL N. ANDERSON, being first duly sworn deposes and states:

1. I am administrator, Planning and Technical Services Division (Acting) of the Idaho Department of Water Resources. I am responsible for overall management of the Division, and this work includes planning, prioritizing, and directing staff support for the Idaho Water Resource Board. I was previously employed as the Chief, Technical Services Bureau for the Idaho Department of Water Resources from November 1987 to July 1999. This work

included responsibility for surface and ground-water hydrology, modeling, remote sensing, geographic information systems, and ground-water monitoring. From January 1981 to November 1987, I held other positions at the Idaho Department of Water Resources. I received a Bachelor of Science Degree in Forest Management in 1978 and a Master of Science in Forest Management in 1981 both from the University of Idaho.

2. Mr. Ron Carlson who is the Regional Manager of the Eastern Region of the Idaho Department of Water Resources, is also elected by the water users and appointed by the Director, IDWR as the Watermaster for Water District 1. Water District 1 consists of the Snake River and all of the tributary streams above Milner Dam with the exception of the Portneuf and Blackfoot Rivers. Mr. Carlson as Watermaster is charged with the responsibility of distributing the available natural flow and storage to authorized diversions consistent with established water rights and stored water allocations in Water District 1. Mr. Carlson provides information to the Idaho Water Resource Board (Board) and administers the recharge program authorized by the Act of March 17, 1995, ch. 200, 1995 Idaho Sess. Laws 692. As a part of my duties, I supervise staff that provide technical support for Mr. Carlson regarding the accounting system used in Water District 01. The water allocation and accounting system used by the Watermaster was designed to assure that water can only be diverted in accordance with existing water rights and stored water allocations to preclude injury to water users in Water District 1 and to protect unappropriated river flows.

3. The Board, pursuant to Idaho Code Section 42-1765, appointed a local operating committee to administer storage water rentals within Water District 1. Idaho Code Section 42-1764 provides authority for the Board Water Bank and Rental Pool. The Rental Pool operates under procedures adopted pursuant to the "Water Supply Bank Rules", IDAPA 37.0.03. The

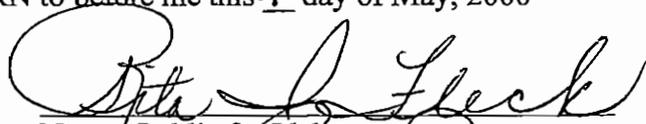
rental procedures adopted by Water District 1 and approved by the Board provide a mechanism for those owning space in Snake River Reservoirs to make surplus storage available to other users and uses. Stored water has been acquired from the rental pool for many years for many purposes, including fish and wildlife protection and enhancement, recreation and recharge. Since 1995, when the Idaho State Legislature appropriated money specifically to rent stored water to recharge the Eastern Snake Plain aquifer, Water District 1 has administered the managed recharge program for the Board authorized by the Act of March 17, 1995, ch. 200, 1995 Idaho Sess. Laws 692. The allocation and accounting process process used by the Watermaster in delivering water for recharge is the same process that has been in use for the last seventy five years for distributing water within Water District 1. The only difference with the current version is use of computer technologies that allow for greater accuracy and speed. There is no evidence that any water rights have been injured because of the accounting process currently in use by the Watermaster. The current water allocation and accounting process used for the allocation of storage and natural flow to water users has been accepted and in use since 1978.

4. Further your affiant sayeth naught.

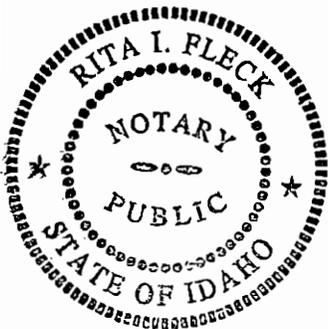


HAL N. ANDERSON  
Administrator (acting), Planning and Technical  
Services Division

SUBSCRIBED and SWORN to before me this 4<sup>th</sup> day of May, 2000



Notary Public for Idaho  
Residing at Boise, ID  
My Commission expires: 7/25/2006



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2000, I caused to be served the original of the foregoing AFFIDAVIT OF HAL N. ANDERSON DATED MAY 4, 2000, upon the Director of the Idaho Department of Water Resources by the method indicated below and addressed as follows:

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

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Statehouse Mail

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2000, I caused to be served true and correct copies of the foregoing AFFIDAVIT OF HAL N. ANDERSON DATED MAY 4, 2000, upon all parties of record in this proceeding by the method indicated below and addressed as follows:

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Attn: Clarence Parr, Chairman  
1301 N. Orchard St.  
Boise, ID 83706

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Boise, ID 83706

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1301 N. Orchard St.  
Boise, ID 83706

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Idaho Department of Water Resources  
Attn: Glen Saxton  
1301 N. Orchard St.  
Boise, ID 83706

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

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 Overnight Mail  
 Facsimile

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

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Barbara Scott-Brier  
Fish and Wildlife Service  
U.S. Dept. of the Interior  
500 NE Multnomah, Suite 607  
Portland, OR 97232

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South Fork Outfitters, LLC  
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Swan Valley, ID 83449

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Marv Hoyt  
Greater Yellowstone Coalition  
1740 E. 17<sup>th</sup> St., Suite F  
Idaho Falls, ID 83404

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U. S. Bureau of Reclamation  
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Boise, ID 83702-7298

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Rod Sando, Director  
Idaho Department of Fish and Game  
600 S. Walnut St.  
Boise, ID 83707

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Ashton, ID 83420

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Marti Bridges  
Idaho Rivers United  
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Boise, ID 83701

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3951 N. 1100 E  
Buhl, ID 83316

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

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Clive J. Strong  
Deputy Attorney General  
Chief, Natural Resources Division  
700 W. Jefferson Street, Rm. 210  
P.O. Box 83720  
Boise, Idaho 83711-4449

U.S. Mail, Postage Prepaid  
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 Facsimile  
 Statehouse Mail



DAVID J. BARBER  
Deputy Attorney General  
Natural Resources Division

## MEMORANDUM

**To:** Files 01-07131, et. al.

**From:** L. Glen Saxton 

**RE:** MOTION FOR DELAY - ASSOCIATED TIME LINES

**Date:** April 20, 2000

On March 21, 2000, the Idaho Water Resource Board ("Board") adopted a Resolution seeking a second delay in the processing of its applications for permit seeking aquifer recharge. Since the Board had not served the resolution on the other parties to the matter, on March 28, 2000, the department provided a copy to the other parties and asked for comment within 14 days.

On April 7, 2000, the Land and Water Fund of the Rockies ("petitioner") responded to the resolution opposing it. On April 14, 2000, the department corresponded with the petitioner advising that the response needed to be served on all parties to the matter. On April 20, the petitioner provided information to show that on April 17, 2000, the petitioner had properly served the other parties.

The department should allow 14 days for response to the petition i.e. until May 1, 2000. After May 1, 2000, the department should evaluate the petition and any responses to it and should issue a preliminary order either approving or denying the Board's resolution and should serve it on all the parties.



PO BOX 633  
BOISE, ID 83701  
(208) 343-7481  
FAX (208) 343-9376  
iru@idahorivers.org  
www.idahorivers.org

EXECUTIVE DIRECTOR  
Bill Sedivy  
Boise

BOARD OF DIRECTORS  
Gail Aler  
Gooding

Rick Eichstadt  
Lewiston

Rob Gregoire  
Pocatello

Amy Haak  
Boise

Bruce Johnstone  
Boise

Tom Kovalicky  
Grangeville

Jim Long  
Rexburg

Andy Munier  
Ketchum

Jerry Myers  
Salmon

Jon Ochi  
Idaho Falls

Dana Olson-Elle  
Pocatello

Dr. Stephen Pauley  
Ketchum

Keith Stonebraker  
Juliaetta

Tom Stuart  
Boise/Stamley

Curtis Webb  
Twin Falls

April 17, 2000

Idaho Department of Water Resources  
Attn: Deborah Drew-Ellis  
1301 N. Orchard  
Boise, ID 83706

RECEIVED

APR 19 2000

Department of Water Resources

Dear Ms. Ellis:

On April 6, 2000 our attorneys, Laird J. Lucas and William M. Eddie, submitted a document opposing the request for further delay in processing applications to appropriate waters which had been filed by the Idaho Water Resource Board. Evidently the certificate of service list did not include all the protestants or intervenors to this proceeding. Therefore, I am resending our document to all parties on the updated service list you provided, including the Department.

I do hereby certify that on this 17th day of April, 2000, the foregoing documents were served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following on the attached page.

*Marti L. Bridges*

Marti L. Bridges  
Conservation Director  
Idaho Rivers United

Attachments - 3

Opposition to Delay  
Certificate of Service  
IDWR Letter of April 14, 2000

RECEIVED

APR 7 - 2000

Department of Water Resources

Laird J. Lucas  
William M. Eddie  
LAND AND WATER FUND OF THE ROCKIES  
P.O. Box 1612  
Boise, ID 83701

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

IN THE MATER OF APPLICATIONS	)	
FOR WATER RIGHT Nos. 01-07131	)	OPPOSTION TO REQUEST FOR
through 01-07137, 01-07139 through	)	FURTHER DELAY IN PROCESSING
01-07141, 02-07474, and 21-07574 through	)	APPLICATIONS TO APPROPRIATE
21-07580 BY THE IDAHO WATER	)	WATERS OF THE STATE OF IDAHO
RESOURCES BOARD	)	

Protestant IDAHO RIVERS UNITED ("IRU") strongly opposes the request of the Idaho Water Resources Board ("Board") to further delay processing its applications to appropriate waters of the State of Idaho for aquifer recharge purposes.

These applications -- which are speculative and request a use of water that is contrary to the local public interest -- are now into the third year of administrative delay. The Department's administrative rule governing delays in processing applications does not allow indefinite application periods controlled only by the whims of the applicant. IDAPA 37.03.08.040.01(d). To the contrary, the Director must consider the public interest in evaluating any request for delay, and may deny the request in his discretion. Id. The Board has offered no cogent reason to further delay these applications, but rather has essentially repeated verbatim its prior requests for delay. These applications are ripe for the Department's consideration: the ESPA Managed Recharge Study is complete, and adequate information relating to harm to fish and wildlife from these appropriations is available. The Department should deny the request for delay and promptly set this matter for public hearing.

Moreover, IRU remains deeply troubled that the Board continues to appropriate water for recharge purposes in the Upper Snake region, including the lower Henry's Fork drainage, without any valid permit. Fundamental principles of Idaho water law prohibit such illegal appropriations. See I.C. §§ 42-103 (right to use water acquired only through permit or license); 42-201 (all use of water subject to permitting provisions); 42-203 (water user must obtain permit before appropriating water); 42-234 (permit required for ground water recharge purposes); 42-1734 and 1734G (Board subject to permitting provisions). The Board's illegal appropriations must be halted immediately not only to maintain the rule of law, but to protect the phenomenally important fish and wildlife resources of the Upper Snake region. We demand that the Department take immediate action to halt this unlawful use of the State's water by ordering the Board to cease and desist such appropriations.

Dated: April 6, 2000

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WMB', with a long horizontal line extending to the right from the end of the signature.

---

William M. Eddie, Attorney  
Land and Water Fund of the Rockies  
On behalf of Idaho Rivers United

**CERTIFICATE OF SERVICE**

I certify that on this 6<sup>th</sup> day of April 2000, I caused true and correct copies of the foregoing OPPOSITION TO REQUEST FOR FURTHER DELAY IN PROCESSING APPLICATIONS TO APPROPRIATE WATERS OF THE STATE OF IDAHO to be served upon the following persons via U.S. Mail:

Idaho Water Resource Board  
Attn: Frank Sherman  
1301 N. Orchard  
Boise, ID 83720

Idaho Department of Water Resources  
Attn: Glen Saxton  
1301 N. Orchard  
Boise, ID 83720

A handwritten signature in black ink, appearing to read 'W. Eddie', written over a horizontal line.

William M. Eddie

*T. W. R. B. Service List*

**CERTIFICATE OF SERVICE**

I DO HEREBY CERTIFY that on this 17th day of April, 2000, the foregoing documents were 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 FRANK SHERMAN  
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

JERRY MALLETT  
ACTING DIRECTOR  
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

KIM CLARKIN  
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  
BOX 487  
ST ANTHONY ID 83445

CLIVE STRONG  
OFFICE OF THE ATTORNEY GENERAL  
NATURAL RESOURCES DIVISION  
P.O. BOX 83720  
BOISE ID 83720-0010

*Marti L. Bridges*



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

April 14, 2000

KARL J. DREHER  
DIRECTOR

Laird J. Lucas  
William M. Eddie  
LAND AND WATER FUND OF THE ROCKIES  
P.O. Box 1612  
Boise, ID 83701

Re: Applications for Water Right Nos. 01-07131 thru 01-07137, 01-07139  
thru 01-07141, 02-07474, and 21-07574 through 21-07580 by the Idaho  
Water Resources Board

Dear Mr. Lucas and Eddie:

The Department of Water Resources (the department) is in receipt of your Opposition to Request for Further Delay in Processing Applications to Appropriate Waters of the State of Idaho, dated April 6, 2000. The certificate of service list for your document did not show that you have served all parties to this matter. Hence, this document does not meet the requirements of service according to the department's Rules of Procedure, IDAPA 37.01.01.302 - 304. Therefore, I am sending you a copy of the referenced document along with a copy of the service list. You need to promptly serve all the parties on the list and provide proof of service to the department.

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

Sincerely,

A handwritten signature in black ink that reads "Deborah Drew-Ellis". The signature is written in a cursive style with a large initial 'D'.

Deborah Drew-Ellis  
Administrative Assistant  
Water Allocation Bureau

Enclosures



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

April 14, 2000

KARL J. DREHER  
DIRECTOR

Laird J. Lucas  
William M. Eddie  
LAND AND WATER FUND OF THE ROCKIES  
P.O. Box 1612  
Boise, ID 83701

Re: Applications for Water Right Nos. 01-07131 thru 01-07137, 01-07139  
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Sincerely,

Deborah Drew-Ellis  
Administrative Assistant  
Water Allocation Bureau

Enclosures

RECEIVED

APR 7 - 2000

Department of Water Resources

Laird J. Lucas  
William M. Eddie  
LAND AND WATER FUND OF THE ROCKIES  
P.O. Box 1612  
Boise, ID 83701

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

IN THE MATER OF APPLICATIONS	)	
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through 01-07137, 01-07139 through	)	FURTHER DELAY IN PROCESSING
01-07141, 02-07474, and 21-07574 through	)	APPLICATIONS TO APPROPRIATE
21-07580 BY THE IDAHO WATER	)	WATERS OF THE STATE OF IDAHO
RESOURCES BOARD	)	

Protestant IDAHO RIVERS UNITED (“IRU”) strongly opposes the request of the Idaho Water Resources Board (“Board”) to further delay processing its applications to appropriate waters of the State of Idaho for aquifer recharge purposes.

These applications -- which are speculative and request a use of water that is contrary to the local public interest -- are now into the third year of administrative delay. The Department’s administrative rule governing delays in processing applications does not allow indefinite application periods controlled only by the whims of the applicant. IDAPA 37.03.08.040.01(d). To the contrary, the Director must consider the public interest in evaluating any request for delay, and may deny the request in his discretion. Id. The Board has offered no cogent reason to further delay these applications, but rather has essentially repeated verbatim its prior requests for delay. These applications are ripe for the Department’s consideration: the ESPA Managed Recharge Study is complete, and adequate information relating to harm to fish and wildlife from these appropriations is available. The Department should deny the request for delay and promptly set this matter for public hearing.

Moreover, IRU remains deeply troubled that the Board continues to appropriate water for recharge purposes in the Upper Snake region, including the lower Henry's Fork drainage, without any valid permit. Fundamental principles of Idaho water law prohibit such illegal appropriations. See I.C. §§ 42-103 (right to use water acquired only through permit or license); 42-201 (**all** use of water subject to permitting provisions); 42-203 (water user must obtain permit **before** appropriating water); 42-234 (permit required for ground water recharge purposes); 42-1734 and 1734G (Board subject to permitting provisions). The Board's illegal appropriations must be halted immediately not only to maintain the rule of law, but to protect the phenomenally important fish and wildlife resources of the Upper Snake region. We demand that the Department take immediate action to halt this unlawful use of the State's water by ordering the Board to cease and desist such appropriations.

Dated: April 6, 2000

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Eddie', with a long horizontal line extending to the right.

---

William M. Eddie, Attorney  
Land and Water Fund of the Rockies  
On behalf of Idaho Rivers United

**CERTIFICATE OF SERVICE**

I certify that on this 6<sup>th</sup> day of April 2000, I caused true and correct copies of the foregoing **OPPOSITION TO REQUEST FOR FURTHER DELAY IN PROCESSING APPLICATIONS TO APPROPRIATE WATERS OF THE STATE OF IDAHO** to be served upon the following persons via U.S. Mail:

Idaho Water Resource Board  
Attn: Frank Sherman  
1301 N. Orchard  
Boise, ID 83720

Idaho Department of Water Resources  
Attn: Glen Saxton  
1301 N. Orchard  
Boise, ID 83720

A handwritten signature in black ink, appearing to read 'W. Eddie', with a long horizontal line extending to the right from the end of the signature.

William M. Eddie



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

March 28, 2000

**RE: IN THE MATTER OF APPLICATION FOR PERMIT NOS. 01-07131 THRU 01-07137, 01-07139 THRU 01-07141, 02-07473, 02-07474, AND 21-07574 THRU 21-07580**

Dear Interested Party:

Enclosed is Resolution of the Idaho Water Resource Board ("Board") adopted at its regularly scheduled Board Meeting on March 21, 2000. The resolution seeks delay in the processing of the above captioned applications for an additional year. The applications were filed by the Board on March 20, 1998 seeking to appropriate water from the Snake River, Henry's Fork Snake River and Fall River for recharge purposes.

The Department is providing a copy of the resolution to the parties in the matter to allow the protestants the opportunity to oppose the requested delay and to comply with IDAPA 37.01.01417 (Procedure Rule 417). Please provide any comment on the requested delay within fourteen (14) days of the service date of this letter.

Please feel free to contact me if you have questions.

Sincerely,

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

L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

Encl: 1

c: IDWR - Region

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 28<sup>th</sup> day of March, 2000, the foregoing documents were 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 FRANK SHERMAN  
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

JERRY MALLET  
ACTING DIRECTOR  
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  
BOX 487  
ST ANTHONY ID 83445

CLIVE STRONG  
OFFICE OF THE A  
NATURAL RESOU  
P.O. BOX 83720  
BOISE ID 83720-00

← David Barber  
May 4, 2000

Deborah Drew-Ellis  
Deborah Drew-Ellis  
Administrative Assistant  
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

---

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 Division  
1410 N. Hilton, 2nd Floor  
Boise, Idaho 83706  
Telephone: (208) 373-0494  
Facsimile: (208) 373-0481

Attorneys for State of Idaho, Idaho Water Resource Board

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

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

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

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

MOTION FOR DELAY PROCESSING - 1

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:

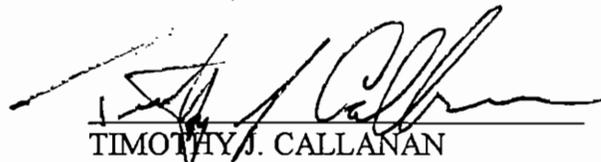
1. Granting the Applicant's *Motion for Delay Processing the Applicant's Applications for Permit to Appropriate Water for Recharge Purposes* is consistent with the best interests of the public and the resulting delay is neither speculative nor injurious to the interests of other parties or members of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

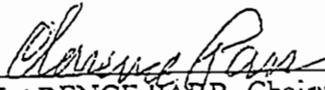
WHEREAS, Rule 40 of IDWR's Water Appropriation Rules provide that an applicant may request in writing that commencement of processing of an application to appropriate water be delayed for a period not to exceed one (1) year; and

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

**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

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

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

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

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

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

Spence Warner  
South Fork Outfitters, L.L.C.  
P.O. 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 Street, Suite F  
Idaho Falls, ID 83404

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 F. CALLANAN  
Deputy Attorney General  
Attorney for Idaho Water Resource Board

RECEIVED

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

PETITION TO INTERVENE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 DATED this 2nd day of December, 1998.

2 LING, NIELSEN & ROBINSON

3  
4  
5 By:   
6 Roger D. Ling  
7 Attorney for Idaho Water Users  
8 Association, Inc.

9 CERTIFICATE OF MAILING

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

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

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

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

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

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

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

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

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

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

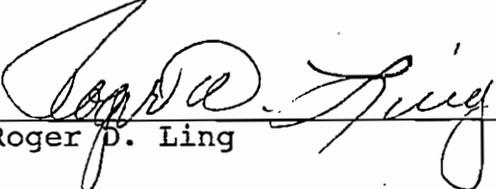
7 Stephen P. Mealey, Director  
8 Idaho Fish & Game  
9 600 South Walnut  
10 Boise, ID 83707-0025

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

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

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

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

18  
19   
20 Roger D. Ling

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

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DEC 03 1998

DEC 09 1998

Department of Water Resources  
Eastern Region

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

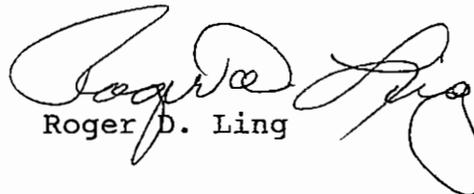
Department of Water Resources

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

Receipt # E024656

RECEIVED  
DEC 03 1998

Department of Water Resources  
Eastern Region

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

9 Attorneys for  
10 Idaho Water Users Association, Inc.

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

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

PETITION TO INTERVENE

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

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3 approximately 1.2 million acres of lands in southern Idaho  
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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

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

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

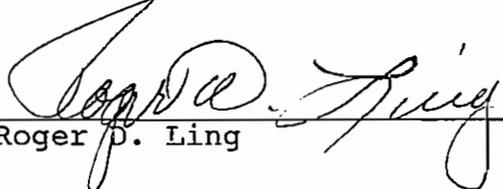
7 Stephen P. Mealey, Director  
8 Idaho Fish & Game  
9 600 South Walnut  
10 Boise, ID 83707-0025

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

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

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

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

18   
19 \_\_\_\_\_  
20 Roger D. Ling



RECEIVED

OCT 16 1998

**IDAHO FISH & GAME**

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

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

October 14, 1998

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

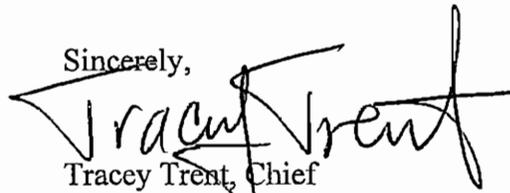
Re: Applications for aquifer recharge in the name of the Idaho Water Resource Board

Dear Mr. Saxton:

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

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

Sincerely,



Tracey Trent, Chief  
Natural Resources Policy Bureau

TT:CR:tlv

Enclosure

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

IDAHO DEPARTMENT OF WATER RESOURCES WILL:

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

IDAHO DEPARTMENT OF FISH AND GAME WILL:

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

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

**BOTH AGENCIES WILL:**

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



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

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 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

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

Marv Hoyt  
Greater Yellowstone Coalition  
1740 E 17th St STE F  
Idaho Falls ID 83404

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Sincerely,

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L. GLEN SAXTON  
Chief, Water Allocation Bureau



State of Idaho

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PHILIP E. BATT  
GOVERNOR

October 9, 1998

KARL J. DREHER  
DIRECTOR

Fred and Betty Kippes  
3951 N 1100 E  
Buhl ID 83316

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Sincerely,

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L. GLEN SAXTON  
Chief, Water Allocation Bureau



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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PHILIP E. BATT  
GOVERNOR

October 9, 1998

KARL J. DREHER  
DIRECTOR

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

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L. GLEN SAXTON  
Chief, Water Allocation Bureau



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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PHILIP E. BATT  
GOVERNOR

October 9, 1998

KARL J. DREHER  
DIRECTOR

Jerrold Gregg  
U S Dept of Interior  
Bureau of Reclamation  
214 Broadway Ave  
Boise ID 83702-7298

**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

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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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT  
GOVERNOR

October 9, 1998

KARL J. DREHER  
DIRECTOR

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

**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

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Sincerely,

L. GLEN SAXTON



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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 9, 1998

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

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State of Idaho

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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

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L. GLEN SAXTON



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PHILIP E. BATT  
GOVERNOR

October 9, 1998

KARL J. DREHER  
DIRECTOR

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

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L. GLEN SAXTON  
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 9, 1998

Marti Bridges  
Idaho Rivers United  
PO Box 633  
Boise ID 83701

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Sincerely,

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L. GLEN SAXTON  
Chief, Water Allocation Bureau



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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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):

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Chief, Water Allocation Bureau



State of Idaho

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 3, 1998

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,

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

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  
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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 3, 1998

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

RE: Minimum Streamflow Advertisement

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Sincerely,

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JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

Attachment



State of Idaho

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

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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

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Senior Secretary, Water Allocation Bureau

Attachment

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 A. 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.

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

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

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

KARL J. DREHER  
Director

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

# AFFIDAVIT of PUBLICATION

County of Idaho }  
County of Jerome } ss.

*OK*  
*Q*

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

Subscribed 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:

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01-07136 - Farmer's Friend Irrigation Co.	537
01-07137 - Harrison Canal & Irrigation Co.	698
01-07138 - Aberdeen-Springfield	1387
01-07139 - Rudy Irrigation Canal Co. Ltd	110
01-07140 - Rigby Canal & Irrigation Co.	253
01-07141 - Burgess Canal & Irrigation Co.	1,095
02-07473 - Northside Canal Co. Ltd	2,831
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 N22771

RECEIVED

AUG 24 1998

AFFIDAVIT OF PUBLICATION

County of Bingham )

SS

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

NOTICE OF APPLICATIONS FOR WATER RIGHT

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

Table with 3 columns: Application ID, Applicant 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

Handwritten signature of 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

# The Idaho Statesman

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

## LEGAL ADVERTISING INVOICE

Amount Due
<b>\$153.00</b>

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.



*Janie McDie*

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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01-07138	Aberdeen-Springfield	1387	
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01-07140	Rigby Canal Irrigation Co.	253	
01-07141	Burgess Canal Irrigation Co.	1,095	
02-07473	Northside Canal Co. Ltd	2,831	
02-07474	Twin Falls Canal Co.	3,738	
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21-07577	Egin Canal Co.	399	
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21-07579	Independent Canal Co.	337	
21-07580	Last Chance Canal Co.	94	

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

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

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

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

KARL J. DREHER, Director

Pub. July 9, 16, 1998

1764

RECEIVED

JUL 20 1998

WATER RESOURCES  
WESTERN REGION

Proof of Publication

RECEIVED

JUL 27 1998

The Post Register

State of Idaho  
County of Bonneville

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

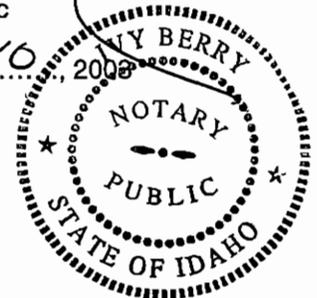
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 9th day of July, 1998, last publication having been made on the 16th day of July, 1998, and that the said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

*S. Bob Bright*

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

*Jerry Berry*  
Notary Public

My commission expires January 10, 2000



**NOTICE OF  
APPLICATION FOR  
WATER RIGHT**

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  - 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
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  - 21-07576 - Fall River Irrigation Co. - 294
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KARL J. DREHER, Director  
Published: July 9, 16, 1998

JUL 20 1998

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 07/16/98 INVOICE NO. 178421

Account No. 964770

Description 178421NOTICEOFAPPLICAT

Times 2 Lines 51

Tab. Lines

LEGAL ADVERTISING INVOICE

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

178421

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 head-works of the following canals up to the maximum rate described below:

Table with 3 columns: Canal Name, Rate, and Unit. Includes entries like '01-07131 - Progressive Irrigation Dist. - 230 cfs' and '02-07473 - Northside Canal Co. Ltd - 2,831'.

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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, STATE OF IDAHO, ss.
Nez Perce

I, Karen J. Lewis, 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 State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho. The said Lewiston Morning Tribune is an established newspaper published regularly and issued regularly at least once a day in 21 consecutive years next immediately preceding the first of this notice, and has been so published uninterrupted for the period that the 178421NOTICEOFA attached hereto and which is made the subject of this affidavit was published in the said Lewiston Morning Tribune, Idaho, on (s) 07/09, or once a WEEK consecutive WEEK, the first publication thereof being on 07/08, and the last publication thereof being on 07/16, and said 178421NOTICEOFA was so published in the entire issue of said newspaper and was not in a supplement and was so published in every issue and number of the said newspaper during the period and times of publication as set forth above.

Karen J. Lewis (Signature)

Subscribed and sworn before me this the 16th

July 1998

Ray Paul (Signature)

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

**NOTICE OF APPLICATIONS FOR WATER RIGHT**

On March 20, 1998, the Idaho Water Resources 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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- 01-07138 - Aberdeen-Springfield - 1387 cfs
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- 01-07140 - Rigby Canal & Irrigation Co. - 253 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, 19 98, and ending with the issue dated July 16, 19 98.

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



→ Glen Saxe

# 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		

→ Glen Barker

# 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
	Total	15459.81		

*Jefferson*  
*Freemont*  
*Jeff*  
*Freemont*  
*Jefferson*  
*Jeff*  
*Freemont*  
*Freemont*  
*Bonnieville*  
*Bingham*  
*Bingham*  
*Jeff*  
*Freemont*  
*Bingham*  
*Freemont*  
*Jerome*  
*T. Falls*  
*Bonnieville*  
*Jeff*  
*Bingham*  
*Freemont*

S.  
S.

# 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
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4	Fall River Irrigation Co.	294	Yes	Yes
5	Farmers Friend Irrigation Co.	537	Yes	Yes
6	Harrison Canal & Irrigation Co.	698	Expected	Yes
7	Independent Canal Co.	337	(Egin Bench)	Yes
8	Last Chance Canal Co.	94	(Egin Bench)	Yes
9	New Sweden Irrigation District	949	Yes	Yes
10	Peoples Canal & Irrigation Co.	475	Yes	Yes
11	Rigby Canal & Irrigation Co.	253		Yes
12	Rudy Irrigation Canal Co. Ltd.	110	Expected	Yes
13	Salem Union Canal Co. Ltd.	339	Yes	Yes
14	Snake River Valley Irrigation District	682	Yes	Yes
15	St. Anthony Union Canal Co.	568	(Egin Bench)	Yes
16	Northside Canal Co. Ltd.	2831		Yes
17	Twin Falls Canal Co.	3738		Yes
18	Progressive Irrigation District	230.01	Yes	Sent
19	Aberdeen - Springfield	1387.8	Expected	Sent
20	Twin Groves Irrigation & Manufacturing Co.	160	Yes	Yes
	Total	15459.81		

BOISE ENVELOPE

May 7, 1998

RECHARGE APPLICATION

JULIE YARBROUGH

01-07131 - Progression  
01-07132 - Entrepreneur  
01-07133 - Snake R. Valley I.D.  
01-07134 - Peoples  
01-07135 - New Sweden  
01-07136 - Farmers friend  
01-07137 - Harmon Canal  
21-07574 - Twin Groves  
21-07575 - Sadam Union  
21-07576 - Fall River  
21-07577 - Egin Canal  
21-07578 - St Anthony Union  
21-07579 - Independent  
21-07580 - Last Chance

## 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 Intervenor, 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

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

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

CERTIFICATE OF SERVICE

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

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

Hand Delivered

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

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

Statehouse Mail

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

Statehouse Mail

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

Statehouse Mail

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

U.S. Mail, Postage Prepaid

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

U.S. Mail, Postage Prepaid

  
Timothy J. Callanan

## 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.

\* August 31, 1998

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

\* was changed during advertising

## 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 <rffleck@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 <rffleck@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: rffleck@idwr.state.id.us  
Mime-Version: 1.0  
Subject: Plan to recharge Snake River Aquifer  
Content-type: text/plain; charset=US-ASCII  
Content-transfer-encoding: 7bit  
X-Mailer: AOL 3.0 for Windows 95 sub 76

## NOTICE OF APPLICATIONS FOR WATER RIGHT

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

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

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

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

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

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

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

KARL J. DREHER, Director

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

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

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

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

James C. Tucker  
ROSHOLT, ROBERTSON & TUCKER  
P. O. Box 1906  
Twin Falls, Idaho 83703-1906  
Telephone: (208) 734-0700  
shs.98\ipctw\iwr\apps.pro

RECEIVED

JUL 29 1998

Department of Water Resources  
Southern Region

RECEIVED

JUL 31 1998

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF )  
 )  
APPLICATION FOR WATER RIGHTS )  
01-07140; 01-07139; 01-07138; )  
21-07580; 21-07579; 21-07578; )  
21-07577; 21-07576; 21-07575; )  
21-07574; 01-07137; 01-07136; )  
01-07135; 01-07134; 02-07473; )  
02-07474; 01-07131; 01-07133; )  
01-07132; 01-07141 )  
APPLICANT: IDAHO WATER )  
RESOURCES BOARD )  
 )  
 )

NOTICE OF PROTEST

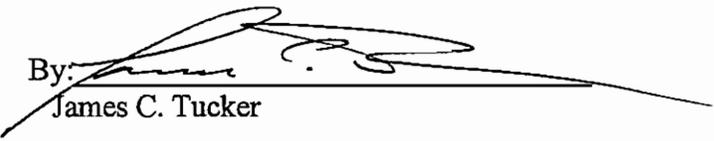
IDAHO POWER COMPANY (hereinafter the Protestant), by and through its attorneys,  
Rosholt, Robertson & Tucker, files its Notice of Protest to the approval of the above-numbered  
Applications for Permit filed in the name of IDAHO WATER RESOURCES BOARD. The basis  
for the Protestant's protest is as follows:

Receipt #  
5021384  
7/29/98  
MB

1. The proposed diversion and use of the waters as described in the aforesaid applications fail to comply with all, or a portion of, the criteria and requirements of Idaho Code §§ 42-203A(5) & 42-203C, and/or the *Water Appropriation Rules* promulgated by the Department;
2. The applications do not offer sufficient information as to the proposed periods or places of use or of the proposed or expected beneficial use of the water to allow the Protestant to evaluate the potential impact of the proposed uses on the Protestant's water rights; and
3. For such other and further reasons as may be identified in the course of the proceeding and set forth at any informal conference or formal hearing on these applications.

DATED this 29<sup>th</sup> day of July 1998.

ROSHOLT, ROBERTSON & TUCKER

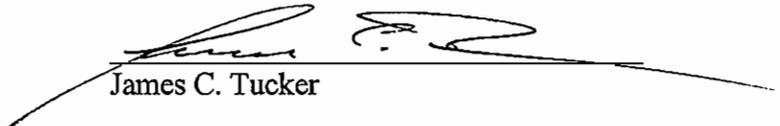
By:   
James C. Tucker

CERTIFICATE OF MAILING

I hereby certify that on this 29<sup>th</sup> day of July, 1998, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Karl J. Dreher, Director  
Idaho Department of Water Resources  
1301 North Orchard St.  
Boise, ID 83706

Idaho Water Resources Board  
1301 North Orchard St.  
Boise, ID 83706

  
James C. Tucker



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

---

**PHILIP E. BATT  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

July 6, 1998

**VIA FACSIMILE (208)746-7341**

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

**RE: Minimum Streamflow Advertisement**

Dear Karen:

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

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

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

Sincerely,

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

**JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau**

Attachment





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

---

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 6, 1998

**VIA FACSIMILE (208)734-5538**

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

**RE: Minimum Streamflow Advertisement**

Dear Karen:

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

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

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

Sincerely,

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

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)377-6309

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

**RE:** Minimum Streamflow Advertisement

Dear Linda:

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

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

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

Sincerely,

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

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

TRANSACTION REPORT

P.01

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	

*Id. Statesman*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

---

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 6, 1998

VIA FACSIMILE (208)529-3142

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

**RE:** Minimum Streamflow Advertisement

Dear Kathy:

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

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

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

Sincerely,

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

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Attachment

TRANSMISSION VERIFICATION REPORT

TIME : 07/06/1998 14:20  
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*