



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

October 14, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

LYNN A HERBST
PO BOX 21
TENDROY, ID 83468

Application For Permit No. 74-16008

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on October 22 and 29, 2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on November 9, at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', is written over a blue circular stamp or seal. The signature is fluid and cursive.

Sharla Cox
Administrative Assistant

cc: Holden Kidwell Hahn & Crapo
Robert L Harris
PO Box 50130
Idaho Falls ID 83405-0130

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 9, 2015. Your cooperation is appreciated.

Sincerely

Sharla Cox
Idaho Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161 – telephone
208-525-7177 – Fax
Sharla.cox@idwr.idaho.gov

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The following application has been filed to appropriate the public waters of the State of Idaho:

74-16008 – Amendment of Application

LYNN A HERBST

PO BOX 21

TENDON, ID 83468

Point of Diversion

SWNENW S29 T19N R24E

NWSESW S20 T19N R24E

SWNESW S20 T19N R24E

SWNESW S20 T19N R24E

LEMHI County

Source SPRINGS Tributary AGENCY CREEK

Use: IRRIGATION

03/15 to 11/15 5.76 CFS

Total Diversion: 5.76 CFS

Date Filed: 12/4/2013

Place Of Use: IRRIGATION

T19N R24E S17 SWNE SENW NESW SESW NWSE SWSE

T19N R24E S20 NENW NWNW SWNW SENW NESW NWSW

Total Acres: 186.2

This application proposes the diversion and use of water from springs tributary to Agency Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate 5.76 cfs and 186.2 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 9, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 22 and 29, 2015

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