

APPLICATION FOR PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 74-15895

WILLIAM E OMLER
DEANNA K OMLER
PO BOX 40
TENDOO ID 83463
Point(s) of Diversion: NWNWSW S26
T19N R24E, LEMHI County
Source: AGENCY CREEK, Tributary To
LEMHI RIVER
Use: POWER01/01 To 12/31 2.19 CFS
Total Diversion: 2.19 CFS
Date Filed: 01/15/2009
Place of Use: POWER
T19N R24E S26 NWSW

This application proposes the diversion and use of water from Agency Creek tributary to the Lemhi 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 2.19 cfs for power use 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. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 April 6, 2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTTILL, JR. Director

Affidavit of Publication

STATE OF IDAHO } ss.
County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the ~~APPLICATION FOR PERMIT 7415895~~, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO (2) consecutive issue(s), commencing with the issue dated 3-19-2009 and ending with the issue dated 3-26-2009.

STATE OF IDAHO } ss.
County of Lemhi

On this 27th day of March in this year of 2009 before me, A Notary Public, personally appeared RICKY G. HODGES, 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.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 01-16-2013

Publication Fee \$100.80

RECEIVED

APR 28 2009

Department of Water Resources
Eastern Region

