



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1999

MUD LAKE WATER USERS INC
PO BOX 68
TERRETON ID 83450

RE: Application for Permit No. 31-07656

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing 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. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harold W. Jones". The signature is written in a cursive, flowing style.

**HAROLD W. JONES
Water Rights Supervisor**

HWJ: sc

cc: IDWR - State Office



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DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1999

C MICHAEL BENNETT
10764 N 55 E
IDAHO FALLS ID 83401

RE: Application for Permit No. 31-07656

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code ' 42-203):

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 conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:sc

cc: IDWR - State Office

Proof of Publication

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 19th day of August, 1999, last publication having been made on the 26th day of August, 1999, 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 1st day of September, 1999

Patricia O'Malley
Notary Public

My commission expires January 3, 2003

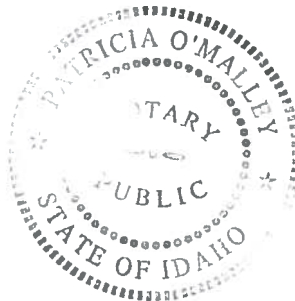
NOTICE OF APPLICATION FOR TRUST WATER RIGHT

31-07656

BENNETT, C MICHAEL
10764 N 55 E
IDAHO FALLS, ID 83401
Source: MINER'S CREEK
Tributary: BEAVER CREEK
Diversion Pt: NESESW Sec 7 T 13N R
37E in CLARK County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 8/9/1999
In: CLARK County
T13N R37E S07 SESW

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before SEPTEMBER 7, 1999.

KARL J. DREHER, Director
Published: August 19, 26, 1999





State of Idaho
DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 12, 1999

C MICHAEL BENNETT
10764 N 55 E
IDAHO FALLS ID 83401

RE: Application for Permit #31-07656

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on August 19 and 26, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 11, 1999

Legal Notices Department
THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Dear Legal Dept.:

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

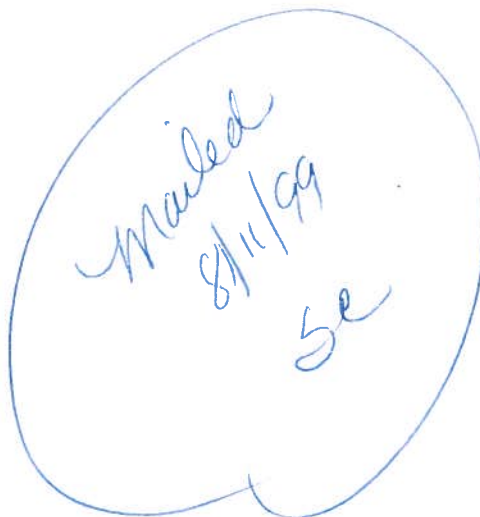
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 7, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



NOTICE OF APPLICATION FOR TRUST WATER RIGHT

31-07656

BENNETT, C MICHAEL
10764 N 55 E
IDAHO FALLS, ID 83401

Source: MINER'S CREEK

Tributary: BEAVER CREEK

Diversion Pt: NESESW Sec 7 T 13N R 37E in CLARK County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 8/ 9/1999

In: CLARK County
T13N R37E S07 SESW

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before SEPTEMBER 7, 1999.

Published: 8/19/1999 & 8/26/1999

KARL J. DREHER, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1999

**GREG SHENTON
WATERMASTER #31
PO BOX 33
DUBOIOS ID 83423**

RE: Application for Permit #31-07656

Dear Rick:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by September 9, 1999.

**If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.**

Respectfully submitted,

**Harold W. Jones
Water Right Supervisor**

HWJ:sc

enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1999

IDAHO FISH & GAME
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Applications for Permit #31-07656

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Sept 7, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.