



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2005

J WILLIAM MCDONALD
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS RD SUITE 100
BOISE ID 83706-1234

RE: Application for Transfer Nos. 4616 (right 67-2389), 4617 (right 67-2386), 4618 (right 63-3613), 4623 (right 1-2064), 4624 (right 63-3614), 4625 (right 65-2927B), 4626 (right 65-2927A), 4627 (right 65-2917), 4628 (65-9483), 4629 (right 21-2156), 4630 (right 37-2783), 4631 (right 1-2068), 4632 (right 85-2146), and 4633 (right 1-10034).

Application for Amendment of Permit Nos. 63-3618 and 25-7004

Withdrawal of Applications

Dear Mr. McDonald:

The Department of Water Resources acknowledges receipt of your withdrawal of the applications referenced above. The withdrawal removes your applications from any further consideration or action by the Department.

Please note that Transfer 4636 (right 63-303) was not included in your letter for withdrawal and will continue to be held in abeyance per the Department order dated June 11, 1999. Please submit a written withdrawal to the Department if you would like to withdraw the transfer.

By copy of this letter, the protestant(s) have been informed of this action.

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

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

cc: Protestants (per list in file)

SUPPORT DATA
IN FILE # 1-2068

SCANNED
APR 07 2011



IN REPLY
REFER TO:

PN-1080

WTR-4.10

United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

KARL
RECEIVED

SEP 01 2005

Department of Water Resources

AUG 31 2005

Mr. Karl Dreher, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Subject: Water Right Transfer Applications for Flow Augmentation

Dear Mr. Dreher:

On May 15, 1995, Reclamation filed water right transfer applications to include flow augmentation as a use of water stored in Reclamation project reservoirs for water rights:

63-3618, 63-03614, 63-03613, 65-09483, 65-02917, 65-02927A, 65-02927B, 67-02389,
67-02386, 85-02146, 01-02064, 01-02068, 01-10034, 21-02156, 25-07004, 37-02783

The applications generated numerous protests and requests for intervention and the issue was ultimately resolved by enactment of I.C. 42-1763B. It authorized flow augmentation under Idaho law on the condition that Reclamation agree to hold in abeyance the transfer applications. The Nez Perce settlement provides that flow augmentation will follow state law and I.C. 42-1763B now provides that the applications will be held in abeyance or withdrawn.

Representatives of the Department have approached Reclamation about the viability of simply withdrawing the applications. Given the anticipated 30-year term of the settlement and the fact that Reclamation has the option at any time to file new transfer applications, it is suggested that holding the applications in abeyance is not particularly efficient and may in fact create unintended confusion.

Reclamation concurs. I hereby withdraw the applications and request the Department to cancel all actions related thereto.

Sincerely,

J. William McDonald
Regional Director

SCANNED

APR 07 2011

WARNING

The pending transfer on this right is being held in abeyance until 7/1/1999 per Idaho Code, 42-1763B (effective 7/1/96) and Order Staying Proceedings dated 6/96.

NO FURTHER ACTION WILL BE TAKEN ON THIS RIGHT UNTIL 7/99!

SCANNED
MAY 20 2002

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APR 07 2011