



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 2, 2009

A Barker Atty
Barker Rosholt & Simpson LLP
PO Box 2139
Boise ID 83701

US Department of Interior, BLM
Idaho State Office
Attn: Fred Price
1387 S Vinnell Way
Boise ID 83709

RE: Contested Application for Permit #02-10416—Gem Irrigation District

Gentlemen:

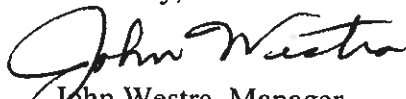
It was recently brought to our attention the above described application had not been advertised state wide for public notice. Notice was only made in the Owyhee Avalanche. Our statutes require applications that have flow rates that exceed 10 cfs be advertised state wide, ref IC 42-203A(2).

Our office will proceed as soon as possible to have the application re-advertised to meet the requirement. The existing protest will remain and will not require refilling.

Please accept our apologies for the inconvenience.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,


John Westra, Manager