



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

March 11, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

RECORDER-HERALD

PO BOX 310

SALMON ID 83467

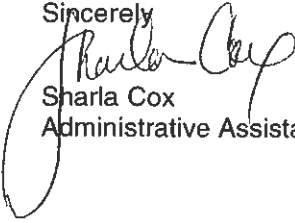
RE: Application for Permit No. 74-15895

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 April 6, 2009 . Your cooperation is appreciated.

Sincerely,


Sharla Cox
Administrative Assistant

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
TENDON ID 83463

Point(s) of Diversion: NWNWSW S26 T19N R24E, LEMHI County

Source AGENCY CREEK, Tributary To LEMHI RIVER

Use: POWER 01/01 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. TUTHILL, JR., Director

Published on March 19 and 26, 2009