



State of Idaho

DEPARTMENT OF WATER RESOURCES

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74-15449

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DIRECTOR

September 23, 2004

RECEIVED

SEP 27 2004

Department of Water Resources
Eastern Region

JACK JAKOVAC
71 RED ROCK STAGE RD
SALMON ID 83467

Re: Petition for Declaratory Ruling and Motion to Stay in the matter of
Application for Permit Number 36-16125 in the name of Delis Farms, Inc.

Dear Applicant:

The records of the Idaho Department of Water Resources (IDWR) show that you filed an application to appropriate water proposing a new water right in an area where IDWR has restricted new appropriations of water. Your application states that the water use proposed was developed prior to November 1987. IDWR has been considering and approving new applications in restricted areas if the applicant can establish use prior to November of 1987.

On June 1, 2004, the North Side Canal Company and the Twin Falls Canal Company (the canal companies) filed a petition for declaratory relief contesting the processing of pre-November 1987 applications in restricted areas. A copy of the petition and argument is enclosed. The petition was filed in a contested case for another pre-November 1987 application pending before IDWR. The legal questions raised by the petition directly bear on whether your application can be considered by IDWR. As a result, IDWR has held your application until the contested case is resolved.

Because a decision by IDWR in response to the petition may affect the disposition of your application, you should have an opportunity to participate in the contested case proceeding. If you want to participate, you must file a petition to intervene in the contested case. I ask that petitions to intervene be filed with IDWR on or before **October 15, 2004**. The petitions must contain the information required by IDWR's Rules of Procedure. The rules can be found at the following website:
<http://www2.state.id.us/adm/adminrules/rules/idapa37/0101.pdf>

The canal companies attached several lengthy documents to the petition. The full petition with exhibits is 82 pages long. I did not include copies of the exhibits with the petition because of its length. If you want a copy of the full petition, please notify Deborah Gibson of this office, (208) 327-7953, and she will send you a copy.