

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 74-15043

Priority: February 21, 2003

Maximum Diversion Rate: 3.56 CFS

This is to certify, that CITY OF SALMON
200 MAIN ST
SALMON ID 83467

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, Twp 21N, Rge 22E, B.M.	LEMHI County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, Twp 21N, Rge 22E, B.M.	LEMHI County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, Twp 21N, Rge 22E, B.M.	LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
21N	22E	9									19.0					22.0	40.0	1.0	25.0					13.0	120.0

Total Acres: 120

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2009**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 74-15043

CONDITIONS OF APPROVAL CONTINUED

7. Prior to diverting water under this right, the right holder shall mitigate for the consumption of water under this right by ceasing the diversion and use of surface water to irrigate the authorized place of use for this right and by completing Option A or Option B described below:

Option A - The applicant shall notify the Department that the applicant has enrolled Water Right 74-644, a portion of Water Right 74-331 (claimed in the Snake River Basin Adjudication as 74-14995), and a portion of Water Right 74-1816 (claimed in the SRBA as 74-15010) in the Water District 74 rental pool with the written acknowledgement of the local rental pool committee that the rights will not be rented and used for any purpose. Under option A, water shall not be used under this right if Rights 74-644, 74-331 (74-14995), and 74-1816 (74-15010) are not confirmed in the SRBA and/or their enrollment in the local rental pool is terminated.

Option B - The applicant shall obtain an approved water right transfer changing the purpose of use of Water Right 74-644, a portion of Water Right 74-331 (claimed in the SRBA as 74-14995), and a portion of Water Right 74-1816 (claimed in the SRBA as 74-15010) to "mitigation". Under option B, water shall not be used under this right if Rights 74-644, 74-331 (74-14995), and 74-1816 (74-15010) are not confirmed in the SRBA.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of January, 2004.


KARL J DREHER, Director

MICROFILMED
JUN 16 2004

Ident. No. 74-15043

RECEIVED

DEC 26 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant CITY OF SALMON Phone 208-756-3214

Mailing address 200 Main St. Salmon ID 83461

2. Source of water supply groundwater which is a tributary of N/A

3. Location of point of diversion is Township 21N Range 22E Sec. 9, in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Lemhi County;

additional points of diversion if any: SWNE SW 21N 22E 9 NESE SW 21N 22E 9

4. Water will be used for the following purposes:

Amount 3.56 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.56 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source three 14" wells mainlines
and sprinkling system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 14" inches; proposed depth of well is ±50 feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? NO; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

MICROFILMED

JUN 16 2004

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	9							19		22	40	1.0	25			13.0		120.0

Total number of acres to be irrigated 120 ac

10. Describe any other water rights used for the same purposes as described above. surface water rights 74-644, 74-15010, 74-14995

- Who owns the property at the point of diversion? applicant
- Who owns the land to be irrigated or place of use? applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: the above surface water rights will be used as mitigation to ensure the delivery of the proposed ground water rights

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

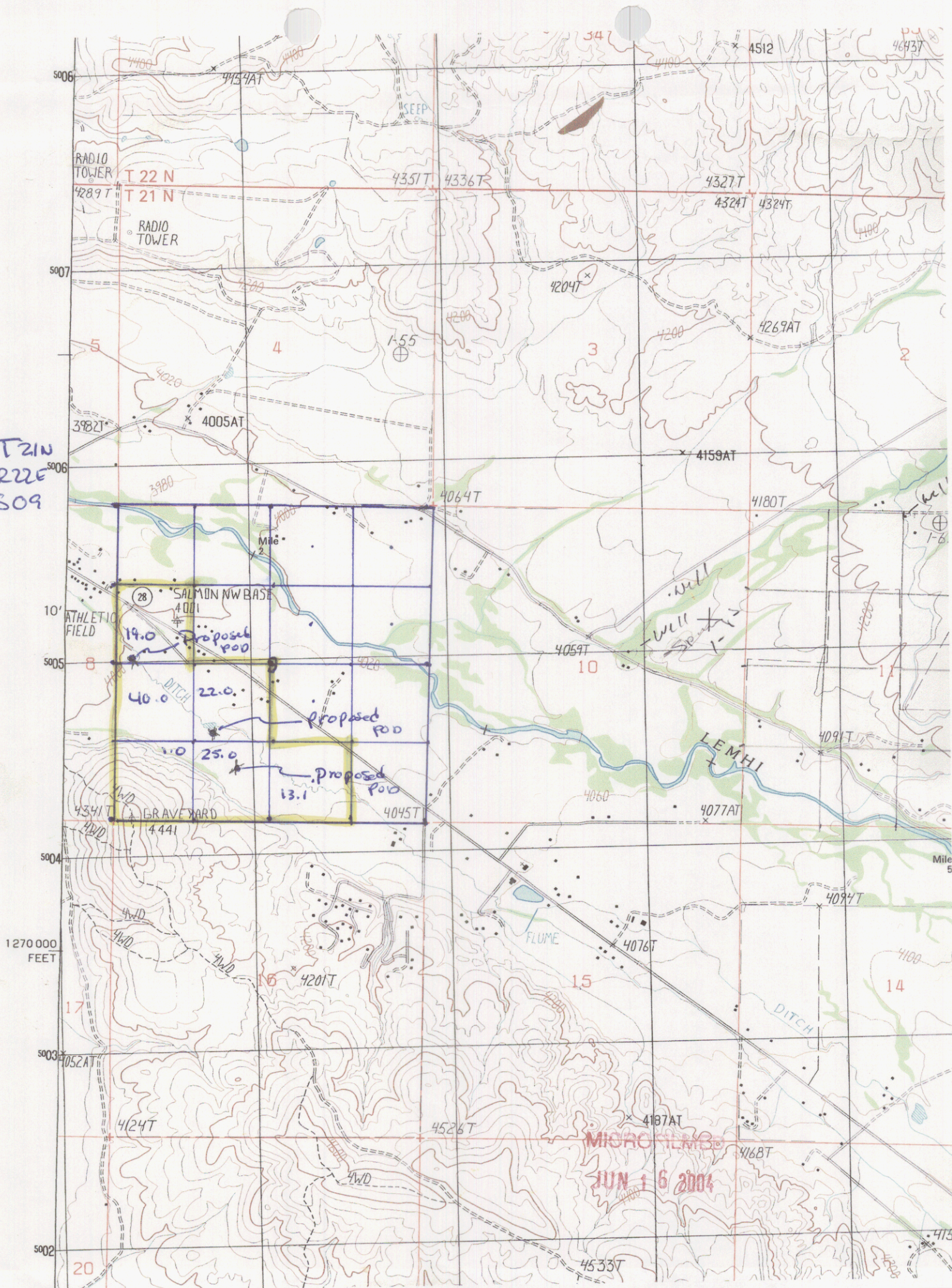
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jay L. Howard, CITY ADMINISTRATOR
Signature of Applicant (and title, if applicable)

Received by HWT Date 2-21-03 Time _____ Preliminary check by _____
Fee \$ 370 Received by HWT # E028506 Date 2-21-03
Publication prepared by SE Date 3/12/03 Published in Recorder Herald
Publication approved GV Date 4/7/03

MICROFILMED

JUN 15 2004





February 18, 2003

State of Idaho Department of Water Resources
Attn: Mr. Norman C. Young
Administrator
Water Management Division
P.O. Box 83720
Boise, Idaho 83720-0098

Reference: Application for Permit, Ground Water

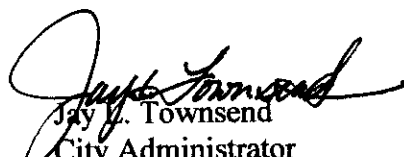
Dear Mr. Young:

The purpose of this letter is to request a Ground Water Use Permit for irrigation purposes on the Salmon Municipal Golf Course and City Park located in Salmon, Idaho. The request includes the creation of three 14" wells at a proposed depth of +/- 50 feet to service an underground sprinkling system. The amount of water will not exceed the existing rights of 3.56 cfs with the application period being from March 15th to November 15th of each calendar year.

Per our discussion and your letter dated, July 18, 2002, the City's existing surface water rights, 74-644, 74-15010 and 74-14995, will be used as mitigation to prevent an increase in diversion and use of water from the Lemhi River. These existing water rights will be placed in the local Water District 74 rental pool with the understanding that they will be protected from forfeiture (Section 42-1764, Idaho Code) and will be administered by the water master to provide an in-stream flow in the Lemhi River below L6. Upon termination of the ground water use, the City would revert back to its originally decreed water rights.

If you have any questions regarding this request, please do not hesitate to contact me at (208) 756-3214. I look forward to working with you on a project of great importance to our community.

Sincerely,


Jay L. Townsend
City Administrator
City of Salmon

MAILED

JUN 16 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-644

WATER RIGHT NUMBER: 74-644

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF SALMON 200 MAIN ST SALMON, ID 83467 (208)756-3214
Original Owner	GAR L HODGES PO BOX 433 SALMON, ID 83467
Original Owner	PHEOBE HODGES PO BOX 433 SALMON, ID 83467

Priority Date: 04/01/1871

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LEMHI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.430 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	2.430 CFS	

Location of Point(s) of Diversion

LEMHI RIVER	NE1/4SW1/4	Sec. 30, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
21N	22E	9																		

Total Acres: 82

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General AC. IRR.=81.
DIV. L-7.

MICROFILMED
JUN 16 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-644

Comments:

Dates and Other Information:

Claim Received Date: 4/5/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Microfilm

JUN 16 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-15010

WATER RIGHT NUMBER: 74-15010

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF SALMON 200 MAIN ST SALMON, ID 83467 (208)756-3214

Priority Date: 06/01/1871

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LEMHI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

LEMHI RIVER	NE1/4SW1/4	Sec. 30, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	9															5.1		5.1

Total Acres: 5.1

Conditions of Approval:Remarks:

- SPLIT FROM FORMER RIGHT 74-1816G

Comments:Dates and Other Information:

MICHAEL J. JONES
JUN 16 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-15010

Dates and Other Information:

Claim Received Date: 5/31/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Michael L. Smith

JUN 16 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-14995

WATER RIGHT NUMBER: 74-14995

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF SALMON 200 MAIN ST SALMON, ID 83467 (208)756-3214

Priority Date: 06/01/1871

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LEMHI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.980 CFS	
	<u>Total Diversion:</u>	0.980 CFS	

Location of Point(s) of Diversion

LEMHI RIVER	NE1/4SW1/4	Sec. 30, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	9												25.0			8.1		33.1

Total Acres: 33.1

Conditions of Approval:Remarks:

1. SPLIT FROM FORMER RIGHT 74-331

Comments:Dates and Other Information:

MICHAEL J. ...

JUN 7 9 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-14995

Dates and Other Information:

Claim Received Date: 5/17/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MLK

JUN 10 2004

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2004

CITY OF SALMON
200 MAIN ST
SALMON ID 83467

RE: Permit No. 74-15043

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

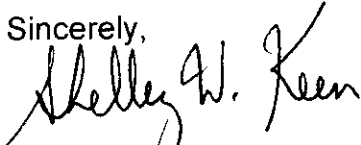
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED
JUN 15 2004

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: LEE H WITTE
PAUL STOKES

MICROFILMED

JUN 15 2004

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

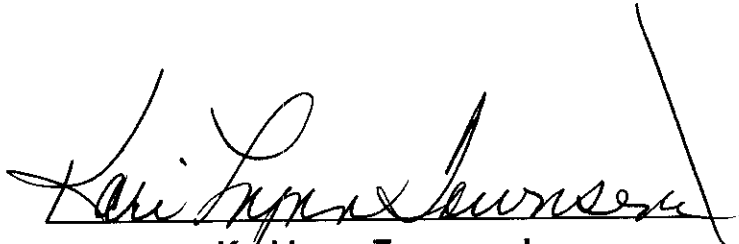
RE: WATER RIGHT NO.

74-15043

**CITY OF SALMON
200 MAIN ST
SALMON ID 83467**

**LEE H WITTE
19 PARKVIEW RD
SALMON ID 83467**

**PAUL STOKES
10 PARKVIEW RD
SALMON ID 83467**



**Kari Lynn Townsend
Secretary**

MAILED
JUN 15 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: January 23, 2004
To: Water Right File 74-15043
From: Shelley Keen *SK*
Re: Diversion Rate

The application proposes to divert 3.56 cfs to irrigate 120 acres, or nearly .03 cfs per acre. IDWR limits irrigation to 0.02 cfs per acre unless there is justification for a larger amount. The applicant did not provide any justification other than to indicate that 3.56 cfs is the amount of the surface water rights used to mitigate for this development. This afternoon I asked Bob Foster, IDWR's agent in Salmon, if he knows whether the City of Salmon has any further justification for the large rate. He said typically they do not irrigate during the day, so the larger rate is needed to complete their irrigation cycle at night. Under the guidance in Application Processing Memo #60, IDWR will authorize diversion rates exceeding 0.02 cfs per acre for the irrigation of public spaces that cannot be irrigated over a 24-hour time period. A diversion rate 0.03cfs per acre will allow the City of Salmon to irrigate the golf course at night when it is not in use.

MICROFILMED
JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

December 19, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF SALMON
200 MAIN ST
SALMON ID 83467

Application to Permit No.
Withdrawal of Protest

RECEIVED
DEC 26 2003
Department of Water Resources

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following:

Lee H Witte
Paul and Pat Stokes

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

W Roger Warner
Water Rights Supervisor

WRW:sc

RECORDED
JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

December 19, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LEE H WITTE
19 PARKVIEW RD
SALMON, ID 83467

Application to Permit No. 74-15043
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

W Roger Warner
Water Rights Supervisor

WRW:sc

MICROFILMED

JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

December 19, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Pat and Paul Stokes
10 Parkview Rd
Salmon, ID 83467

Application to Permit No. 74-15043
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

W Roger Warner
Water Rights Supervisor

WRW:sc

MICHAEL

JUN 15 2004



December 15, 2003

RECEIVED

DEC 16 2003

Department of Water Resources
Eastern Region

Mr. Roger Warner
Idaho Department of Water Resources
900 N Skyline Drive Suite A
Idaho Falls, ID 83402

Dear Mr. Warner,

Enclosed is the original Agreement to Withdraw and Withdrawal of Protests with the required signatures.

Sincerely,

Mary Benton
Deputy City Clerk

cc: John McKinney

RECEIVED

DEC 16 2004

**AGREEMENT TO WITHDRAW
AND WITHDRAWAL OF PROTESTS**

RECEIVED
DEC 16 2003

Department of Water Resources
Eastern Region

PARTIES: **CITY OF SALMON**, a Municipal Corporation, State of Idaho, whose address is 200 Main Street, Salmon, Idaho 83467, hereinafter referred to as "applicant".

and;

LEE H. WITTE, whose address is 19 Parkview Road, Salmon, Idaho, and **PAUL** and **PAT STOKES**, whose address is 10 Parkview Road, Salmon, Idaho, hereinafter referred to as "protestants".

WHEREAS, The Applicant filed an application for permit number 74-15043, a copy of which was published for two consecutive weeks in the Recorder Herald on March 6 and March 13, 2003; and

WHEREAS, The Protestants filed notices of protest regarding said application; and

WHEREAS, The parties attended mediation in Salmon, Idaho, in July 24, 2003, and where the parties have come to an agreement the protestants hereby withdraw their protest to the applicant's application 74-15043. In return the applicant agrees to make an effort to assist the protestants in maintaining their well-level as follows:

1. To run their irrigation right through their current ditch as early as possible in the Spring as allowed by law
2. To fill a pond located on the Salmon Golf Course Wit is feasible, i.e., if the pond will hold water.
3. After the applicant has begun pumping it's water right as allowed by law, and it is shown that said pumping directly affects the water level of the protestant's wells, the parties again shall meet to determine if there is any feasible way to assist the applicants in maintaining a water level.

RECEIVED

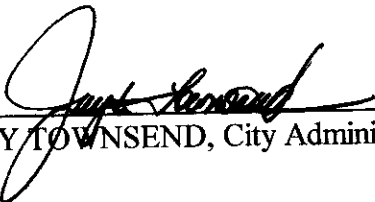
DEC 16 2003

Department of Water Resources
Eastern Region

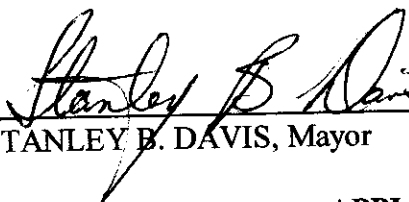
THEREFORE protestants withdraw their protest and the parties request that the State of Idaho
Department of Water Resources proceed with applicants' application.

DATED: October 1, 2003.

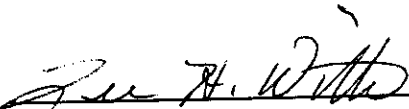
ATTEST:

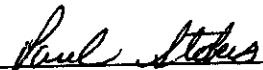

JAY TOWNSEND, City Administrator

CITY OF SALMON

By: 
STANLEY B. DAVIS, Mayor

APPLICANTS

By: 
LEE H. WITTE

By: 
PAUL STOKES

By: 
PAT STOKES

PROTESTANTS

City of Salmon

JAY TOWNSEND
CITY ADMINISTRATOR

200 MAIN STREET
SALMON, IDAHO 83467



(208) 756-3214

FAX (208) 756-4840

EMAIL: jtown@centurytel.net

W. Townsend
JUN 16 2004

Memo to file:

74-15043

From: Roger Warner.

Date 7/25/03

Subject: follow-up notes on pre-hearing conference for protest to water right.

Met with protestants and with applicant.

Discussed the wells that potentially could be affected by new wells proposed by the City of Salmon.

The resultant resolution of the protest is the following:

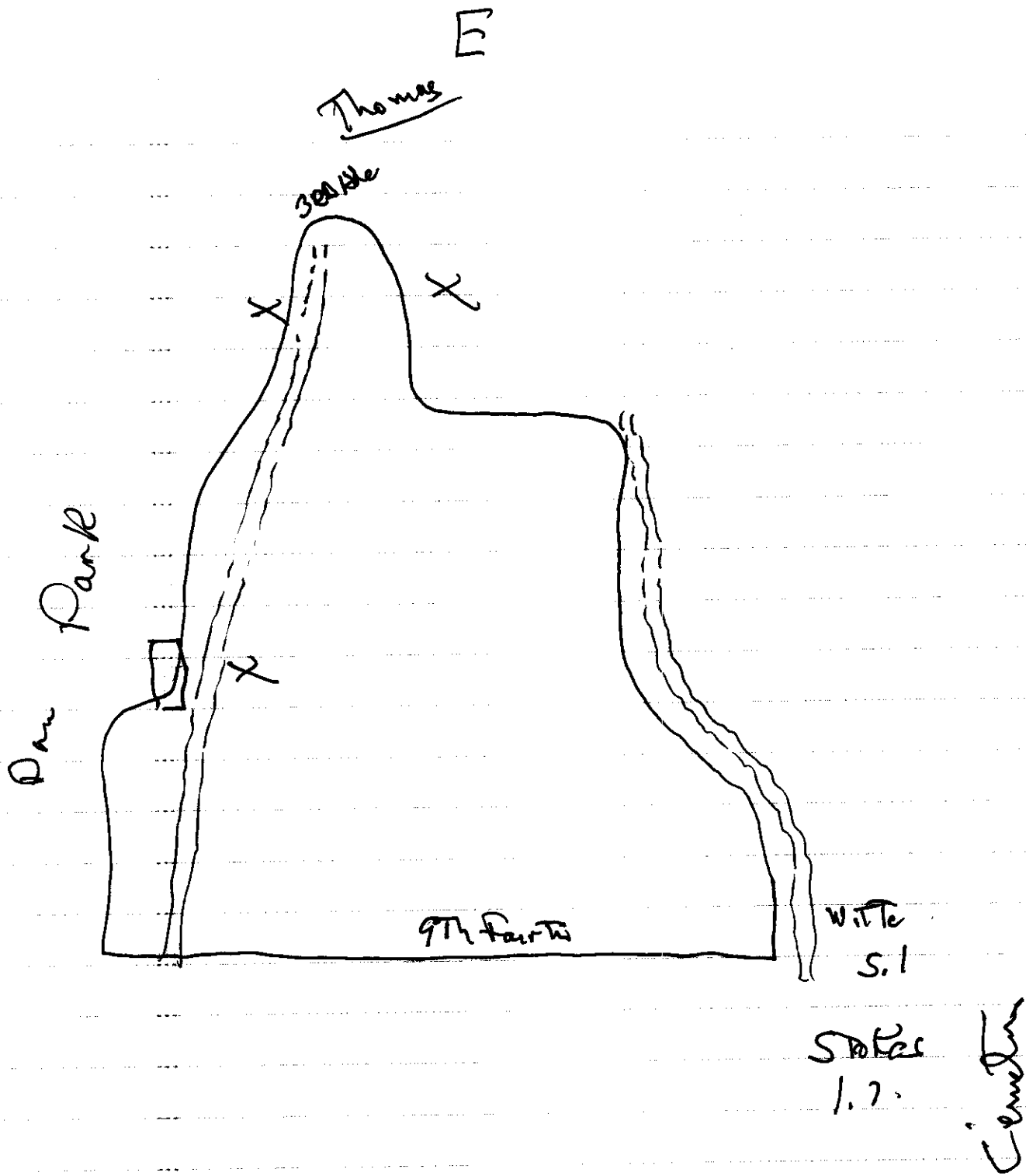
1. Agreed to do a test well and do a pump test to determine effects of pumping on protestants wells.
2. Agreed to run water into existing ditch early in season and to fill golf course pond for the purpose of recharging the aquifer. Recharging would continue to about July 1 whereby it would discontinue while surface diversion would be transferred into the water bank. ~~the~~
3. If the well had an adverse effect upon the protestants, then the city agreed that they would return to the table for discussion of resolution.

JUL 15 2004

Name	Affiliation	Phone / email
Roger Warner	IDWR	~~505~~ -7161 rwarner@idwr.state.id.us
Bob Foster	IDWR	756-6644 bfoster@idwr.state.id.us
Jay Townsend	CITY OF SALMON	756-3214 / JTown@centurytel.net
John S McKinney	City of Salmon	756-4287 mckinney@salmon-internet.com
Margaret P Witte		756-8015
Inge Witte		756-8015
Paul Stokes		756-4351
Carl Rudeen	USBWP	756-6822 crudeen@asm.state.id.us

MICROFILMED

JUN 16 2004



MAILED
JUN 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2002

Bob Loucks
Route 1, Box 67
Salmon, Idaho 83467

Re: L6/S14 Exchange and City of Salmon Golf Course Projects

Dear Bob:

Your request to Clive Strong for information regarding the water rights for the above projects has been forwarded to me for a response. The reason for your request is that water users owning certain rights to divert water from the Lemhi River have been approached by the Upper Salmon Watershed Project asking for their cooperation in projects to assure flow in the Lemhi River below the L6 diversion. Your request seeks guidance concerning the filings needed to properly record the water rights for these projects and how to ensure the priority dates of the water users are not affected by participation in the project. You note that the water right owners want to be assured that the priority dates for diverting and using water for their existing uses are not endangered by changing the source of water supply as proposed in these projects. Idaho law has various provisions to protect against loss of a water right and its associated priority date. The procedures described below use several of these provisions to allow the water users to cooperate in the projects while protecting against loss of their rights, including loss of priority.

L6/S14 PROJECT

An application for exchange (See Section 42-240, Idaho Code) should be filed to include all of the water rights now diverting from the Lemhi River at L6 for which water is intended to be diverted from the Salmon River at S14. The application would propose to exchange these rights for an equal amount of Salmon River water. The exchange would be with the "Salmon River" itself and would not require identification of any specific water rights from the Salmon River with which the exchange is to be made. The priority date of the existing water rights from the Lemhi River would be maintained, and the right of the water users to revert to the L6 diversion is provided by statute anytime that water is not available for diversion at S14. An approved exchange would be conditioned to require that an additional increment of flow equal to the flow diverted at S14 under the rights must be maintained by the watermaster in the Lemhi River from L6 down to its confluence with the Salmon River. This condition is necessary to assure that the exchange does not increase the overall diversion and use of water from the Salmon and Lemhi Rivers.

MICROFILMED

JUN 16 2004

Bob Loucks
July 18, 2002
Page 2

CITY OF SALMON GOLF COURSE PROJECT

While this project is similar to that proposed for the L6/S14 project in that it simply proposes a change in water source for presently irrigated land, an application for exchange cannot be used because Idaho law limits the exchange provision to surface water sources. However, the same result can be achieved by filing an application to appropriate ground water. Although there is presently a moratorium on processing of applications for new consumptive uses in the Salmon River Basin, the application can be processed if the City's existing decreed water right from the Lemhi River for irrigation of the golf course is used as mitigation to prevent an increase in diversion and use of water.

The application should indicate that the permit and the license subsequently issued to appropriate the ground water will be conditioned to require mitigation using the City's existing Lemhi River right. Although this application, when approved, will create a water right with a 2002 priority date, it would allow diversion of ground water as long as the City's existing Lemhi River water right for irrigation of the golf course is in priority. Thus, the ground water right would be treated for purposes of administration with the Lemhi and Salmon Rivers as having the same priority as the existing decreed right from the Lemhi River. The decreed right, if placed in the local Water District 74 rental pool for the purposes of mitigation, would be protected from forfeiture (See Section 42-1764, Idaho Code) and would be administered by the watermaster to provide an instream flow in the river below L6. The right, while in the rental pool, could not be rented out for any purpose other than to provide instream flows in the Lemhi River downstream from L6.

Bob, your continuing interest in these projects is appreciated, and I will be happy to meet with you and others having an interest, if doing so will be of assistance. Enclosed are the forms, with instructions, needed to file an application for exchange and to appropriate ground water. If assistance is needed in completing the forms, please work directly with Bob Foster at the IDWR office in Salmon.

Sincerely,



Norman C. Young
Administrator
Water Management Division

Enc. Application Forms
c. Bob Foster, Salmon, IDWR
Clive Strong, Deputy Attorney General
Eastern Region, IDWR

MICROFILMED

JUN 16 2004

Oliver —

Will you get a letter to me or John Folsom outlining exactly how the water right will be on these two proposed water transfers?

S-14/L-6

- All the current water rights are 1875 on the Lemhi River at L-6.
- The transfer will all be to S-14 on the Salmon River.

City of Salmon

- City Park and Golf Course are currently L-7 (Town Ditch) (187?)
- Will be transferred to ground water.
- This could come from you or Norm Young
- I will duplicate the letter (or you could send 10 copies on official letterheads) I will distribute to the irrigators and city.
- There is still some concern about losing the ~~the~~ senior water right for a junior water right in the Salmon River and also about the Wild River Claim on the junior rights.

s/ Bob Loecher

Rt 1 Box 67 Sel

822417

MICROFILMED

JUN 16 2004

April 9, 2002

Norm Young
Idaho Department of Water Resources
Boise, Idaho 83467

Dear Norm,

I understand that Bob Foster has visited with you about coming to Salmon to meet with the L-6 water users that we would like to transfer to the Salmon River at S-14. There are three concerns among the irrigators about this transfer: 1) how does it change the water right? 2) how much will it cost? And 3) how will annual operating costs above their current costs be paid?

I would like to put together a meeting with the 7 L-6 operators involved, all the attorneys involved, and the Pope Ditch (S-14) pumpers involved that we are trying to put all in one project. The purpose of the meeting would be to answer all their questions and try to reach some agreement on this project. I, and others, have explained to these folks that they will still have a water right with the same priority date, but with a different source and point of diversion. We have no credibility in this matter. These folks need to hear how their water right will be affected by someone much closer to God than we are - someone such as yourself. I know that you are a busy man, hell we all are. But, I think that it is important to dispel rumors and establish the correct information.

If we are going to proceed with this transfer, we need to reach agreement right away. We have been dallying for a month waiting for one of the ranchers to return home from wintering down south. We have a grant to do the project, but the money must be contracted and the work substantially completed by 12/31/02. So, if we are going to get the final design and the contracting done this summer, we need to get rolling.

Clive Strong, Greg Schildwachter, NMFS, and USFWS are coming to Salmon for a meeting on the Lemhi Conservation Plan on March 16. I'm wondering if you could come too and we could put together a meeting with the affected water users. I think it is important that we get this done as soon as possible.

S/Bob Loucks

MICROFILMED

JUN 16 2004

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF AMENDMENT OF)
PERMIT NO. 74-15043 IN THE) NOTICE OF
NAME OF CITY OF SALMON) PREHEARING CONFERENCE**

The Department has scheduled this matter for a prehearing conference at 1:00 p.m. on July 24, 2003, at City Hall in the City Meeting Room, 200 Main St, Salmon, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

The hearing will be conducted in a facility, which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

NOTICE OF PREHEARING CONFERENCE 1

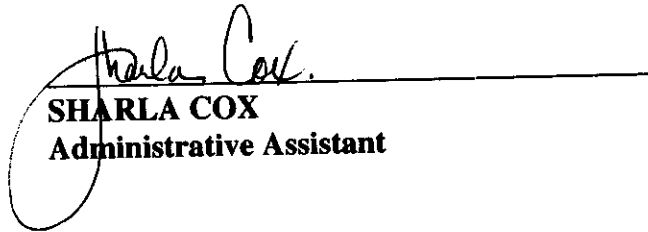
MICROFILMED
JUN 15 2004

Dated this 9th day of July, 2003.



RONALD D. CARLSON
Eastern Regional Manager

I hereby certify that on the 9th day of July 2003, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:



SHARLA COX
Administrative Assistant

MAIL

City of Salmon
Attn: Jay Townsend
200 Main St
Salmon ID 83467

John L McKinney
1015 Main St
Salmon ID 83467

Paul and Pat Stokes
10 Parkview Rd
Salmon ID 83467

Lee H Witte
19 Parkview Rd
Salmon ID 83467

NOTICE OF PREHEARING CONFERENCE 2

MICROFILMED

JUN 15 2004

John S. McKinney

ATTORNEY AT LAW
1015 MAIN STREET
SALMON, IDAHO 83467
TELEPHONE: (208) 756-4287
FAX: (208) 756-4287

June 5, 2003

Mr. Ron Carlson
IDWR
900 N. Skyline, Suite A
Idaho Falls, Idaho 83402

Re: Water Claim 74-15043

Dear Ron:

I represent the City of Salmon. We filed documents to affect an exchange of water from a ditch to wells for the Salmon City Golf Course. After the notice was published there were two or three protesters. I hereby request that the Department of Water Resources set a hearing and initiate the next step in the procedure to see if we can resolve the protests and proceed with the exchange.

Please keep me informed and if there is anything I can do please let me know.

Very truly yours,


JOHN S. MCKINNEY

cc: Stan Davis, Mayor
Jay Townsend, City Administrator

JSM:rc/Salmon

RECEIVED
JUN 10 2003
Department of Water Resources
Eastern Region

MAIL ROOM

JUN 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

**City of Salmon
200 Main St
Salmon ID 83467**

RE: Application for Permit No. 74-15043

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?

Please be aware that you must contact us and request a date for a conference or formal hearing if you intend to continue with this application.

Mark

JUN 15 2004

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

MAIL ROOM

JUN 15 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

Paul and Pat Stokes
10 Parkview Rd
Salmon ID 83467

RE: Applications for Permit No. 74-15043 – City of Salmon

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?

JUN 15 2004

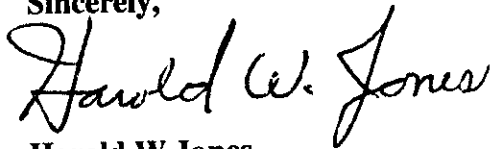
Page 2

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 black ink that reads "Harold W. Jones". The signature is written in a cursive style with a large, stylized 'H' and 'J'.

**Harold W Jones
Water Rights Supervisor**

HWJ: sc

cc: IDWR - State Office

ENCLOSURE

JUN 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

Lee H Witte
19 Parkview Rd
Salmon ID 83467

RE: Applications for Permit No. 74-15043 – City of Salmon

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?

APR 15 2003

APR 15 2003

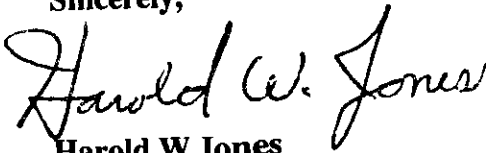
Page 2

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 black ink that reads "Harold W. Jones". The signature is written in a cursive style with a large, stylized "H" and "J".

**Harold W Jones
Water Rights Supervisor**

HWJ: sc

cc: IDWR - State Office

Initials

JUN 15 2011

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested The application of permit No. 74-15043 by City of Salmon, Id.

2. Name of protestant Lee H. Witte

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 19 Parkview Rd. Salmon, Id. 83467

5. Service telephone no. 208-756-8015

6. Basis of protest (including statement of facts and law upon which the protest is based) The protection, stability, and continued adequate use of a domestic water well for my family which is closely adjacent to the applicants irrigation demands. Concerned mainly with a possible negative impact and severe draw down of water supply in my well.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? The location of proposed well drilling in the immediate vicinity of my well or if the City of Salmon would agree to restore potable water to my well in a appropriate amount.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12 day of March, 2008

Lee H. Witte
Protestant

Protestant's Representative

Receipt
E028569

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Hwj Date 3-14-03 Time _____
\$25.00 fee Received by Hwj # E028569 Date 3-14-03

JUN 18 2004

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES.

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Permit No. 74-15043 City of Salmon
2. Name of protestant Paul AND Pat Stokes
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 10 PARKVIEW RL. SALMON, ID 83467
5. Service telephone no. (208) 756-4351
6. Basis of protest (including statement of facts and law upon which the protest is based)

The ground water source is 1/2 To 3/4 OF A MILE FROM OUR RESIDENCE AND PUMPING MAY HAVE A NEGATIVE IMPACT ON OUR DOMESTIC WELL. (ID. CODE 42-106 FIRST IN TIME FIRST IN RIGHT
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? IF THERE IS A NEGATIVE IMPACT ON OUR WELL, THE CITY OF SALMON WOULD AGREE TO RESTORE WATER TO OUR WELL IN THE APPROPRIATE QUANTITY AND QUALITY.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12 day of MARCH, 2000.

Paul Stokes Pat Stokes
Protestant

Protestant's Representative

March 15 2000

Receipt
E028568.

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by HWT Date 3-14-03 Time _____
\$25.00 fee Received by HWT # E028568 Date 3-14-03

MAILED

JUN 16 2004

**NOTICE OF APPLICATION FOR
PERMIT NO. 74-15043**

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 74-15043.

City of Salmon, 200 Main St.,
Salmon, ID 83467

Point(s) of Diversion: SWNESW
S9 T21N R22E, NESESW T21N
R22E, SWSWNW S9 T21N R22E,
LEMMI County

Source: GROUND WATER

Use: IRRIGATION 03/15 to 11/
15, 3.56 CFS

Total Diversion: 3.56 CFS

Date Filed: 02/21/2003

Place Of Use: Irrigation

T21N R22E S9 SWNW NESW
NWSW SWSW SESW SWSE

Number of Acres: 120

The applicant will place rights 74-644, 74-15010 and 74-14995 in the Water District 74 rental pool to provide in-stream flow mitigation in the Lemhi River below L-6.

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 March 24, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, DIRECTOR

3-6-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **APPLICATION FOR PERMIT NO. 74-15043**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **3-6-2003** and ending with the issue dated **3-13-2003**.

STATE OF IDAHO

County of Lemhi

ss.

On this **1st day of April** in this year of 2003 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

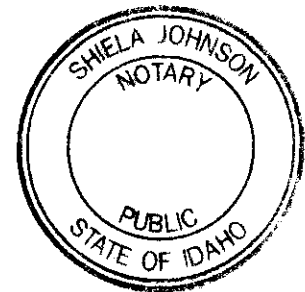
Shiela Johnson

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 01-02-2007

Publication Fee \$67.08



RECEIVED
APR 07 2003
Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2003

CITY OF SALMON
200 MAIN ST
SALMON ID 83467

RE: Application for Permit No 74-15043

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Recorder Herald on March 6 and 13, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MAILED
JUN 13 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2003

Legal Notice Department
RECORDER-HERALD
PO BOX 310
SALMON ID 83467

RE: Application for Permit No. 74-15043

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 March 24, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
2/24/03
SC*

MICROFILMED

JUN 16 2004

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

74-15043

CITY OF SALMON
200 MAIN ST
SALMON ID 83467

Point(s) of Diversion: SWNESW S9 T21N R22E, NESESW S9 T21N R22E, SWSWNW S9 T21N R22E, LEMHI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 3.56 CFS

Total Diversion: 3.56 CFS

Date Filed: 02/21/2003

Place Of Use: IRRIGATION

T21N R22E S9 SWNW NESW NWSW SWSW SESW SWSE

Number of Acres 120

The applicant will place rights 74-644, 74-15010 and 74-14995 in the Water District 74 rental pool to provide in-stream flow mitigation in the Lemhi River below L-6.

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 March 24, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on March 6 and 13, 2003

MICROFILMED
JUN 16 2004