

RECEIVED

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated April 15 2004 and ending with the issue dated April 22 2004.

Ruth E Burchill

STATE OF IDAHO

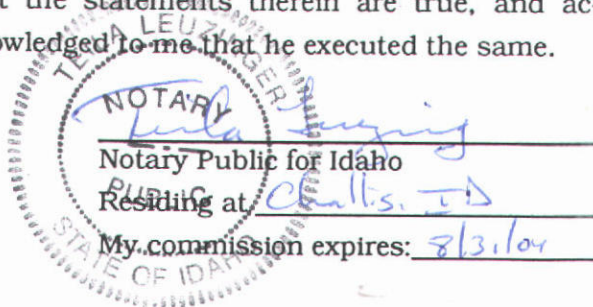
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COUNTY OF CUSTER

APR 28 2004

Department of Water Resources
Southern Region

On this 26th day of April in the year of 2004 before me, a Notary Public, personally appeared Ruth E Burchill 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.



NOTICE OF APPLICATIONS

Notice is hereby given that the USDA-Forest Service, 500 W Fort St. MSC 033; Boise, ID 83724 has filed several Extensions of Time to Avoid Forfeiture with the Department of Water Resources for water rights listing either Points of Diversion or Places of Use within Custer County &/or Blaine County as listed below.

The extensions are requested to avoid loss of the water rights due to non-use since the issuance of Partial Decrees by the Snake River Basin Adjudication Court.

Applications for Extensions of Time To Avoid Forfeiture Filed on 3/15/04:

Water Right No. 71-59 (25.60 cfs) with a Priority Date of 12/31/1912 and Water Right No. 71-61 (40.00 cfs) with a Priority Date of 08/30/1933 for diversion from the Salmon River tributary to Snake River with Points of Diversion within Sections 3 & 10, T07N, R14E; Custer County for irrigation of 1477.1 acres covering several sections within T07N & T08N, R14E; Custer and Blaine counties. Water Right No. 71-64B (6.25 cfs) with a Priority Date of 08/15/1915 and Water Right No. 71-66 (10.75 cfs) with a Priority Date of 07/01/1930 and Water Right No. 71-68 (12.32 cfs) with a Priority Date of 07/01/1935 for diversion from Alturas Lake Creek tributary to Salmon River with a Point of Diversion within S04, T07N, R14E; Blaine County for irrigation of 797.3 acres covering several sections within T08N, R14E; Custer and Blaine Counties.

Applications for Extensions of Time To Avoid Forfeiture filed 3/16/04:

Water Right No. 71-41 with a Priority Date of 05/01/1913 for diversion of 4.80 cfs from Hanna Creek tributary to Valley Creek and Valley Creek tributary to Salmon River with Points of Diversion within S03 & S04, T11N, R12E; Custer County for irrigation of 153.0 acres covering several sections within T11N, R12E; Custer County. Rights for diversions from Valley Creek tributary to Salmon River with a Point of Diversion within S04, T11N, R12E; Custer County for irrigation covering several sections within T11N, R12E & R13E; Custer County: Water Right No. 71-42B (1.59 cfs) with a Priority Date of 05/01/1914 for 45.7 acres and Water Right No. 71-43B (2.60 cfs) with a Priority Date of 05/01/1915 for 45.0 acres and Water Right No. 71-49B (4.80 cfs) with a Priority Date of 05/01/

1904 for 151.9 acres and Water Right No. 71-50 (4.80 cfs) with a Priority Date of 05/01/1915 for 83.7 acres. Water Right No. 71-2004D with a Priority Date of 10/23/1909 (0.50 cfs for irrigation of 11.7 acres and 0.02 cfs for stock-water use) and Water Right No. 71-10772 (0.40 cfs) for irrigation with a Priority Date of 08/15/1933 for diversion from Fourth of July Creek tributary to Salmon River with a Point of Diversion within S10, T08N, R14E; Custer County for uses within S09, T08N, R14E; Custer County.

Rights for diversion from Unnamed Drain tributary to Williams Creek within S20; Custer County for irrigation: Water Right No. 71-2053A (0.68 cfs) with a Priority Date of 05/17/1930 for 10.0 acres within S20 and Water Right No. 71-7002 (1.80 cfs) with a Priority Date of 07/07/1968 for 20.1 acres within S19, all T09N, R14E; Custer County. Water Right No. 71-10277 (0.15 cfs) with a Priority Date of 06/01/1925 and Water Right No. 71-10278 (0.15 cfs) with a Priority Date of 07/28/1930 for diversion from Champion Creek tributary to Salmon River with a Point of Diversion within S23, T08N, R14E; Custer County for irrigation of a combined total of 9.3 acres within S22, T08N, R14E; Custer County. Rights for diversion from the Salmon River tributary to Snake River with Points of Diversion within S05, T08N, R14E; Custer County: Water Right No. 71-10728 (0.81 cfs) with a Priority Date of 05/17/1930 for irrigation of 11.6 acres within S20 and Water Right No. 71-10766 (1.37 cfs) with a Priority Date of 05/01/1954 for irrigation of 12.0 acres within S32, both T09N, R14E; Custer County. Water Right No. 71-10871 with a Priority Date of 06/10/1964 for diversion of 4.54 cfs from the Salmon River tributary to Snake River with a Point of Diversion within S21, T08N, R14E; Custer County for irrigation of 66.8 acres covering several sections within T08N, R14E; Custer County. Protests may be submitted based on the criteria of Sec 42-221, Idaho Code. Any protest against an application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before May 3, 2004. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Publish: April 15 & 22, 2004.

Form 2-222
12/99
FEE \$100.00

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MAR 8 2004

Department of Water Resources
Southern Region

Water Right No. 71-00041

RECEIVED

MAY 26 2004

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

RECEIVED

MAR 16 2004

Department of Water Resources

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

USDA Forest Service

1. Name of water right holder _____
2. Mailing address 550 W Fort St. MSC033 Boise, ID 83724
3. The right was obtained or is evidenced by: See Attachment A for responses to questions 1-8
 - a. Decree to _____ in Case of _____
 - vs. _____ Dated _____ in _____ (Name of Court)
 - Court, County of _____ Fully describe decree _____
 - _____
 - _____ b.
 - d. SRBA No. _____
4. Source of water _____ tributary to _____
(Name of stream or source)
5. Date of priority of right _____
6. Description of Right:
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion $\frac{1}{4}$ $\frac{1}{4}$ of Sec. _____ Twp. _____ Rge. _____ County _____

8. Lands irrigated or Place(s) of Use:

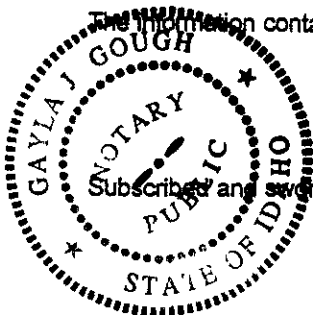
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Give the last date when water was put to beneficial use See Attachment B

Length of extension of time requested 5 years, or until March 16, 2009 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Attachment C



The information contained in this application is true to the best of my knowledge.

(Signature of Applicant)

Subscribed and sworn to before me this 16TH day of March, 20 04

(Notary Public)

My commission expires 11-17-2004 Residing at KUNA, IDAHO

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before June 1, 2009.

Signed this 17th day of August, 20 04

Gary Spackman
Chief, Water Allocation Bureau GARY SPACKMAN

FOR DEPARTMENT USE ONLY

Date Received 3/16/04 FEE Received by C. Howard Date 3/16/04 Receipt # C073110

Preliminary T by A. SKINNER Publication prepared by MR Pub. approved by _____ Date _____

Published in Challis Messenger Dates Published 4/15 + 4/22/04

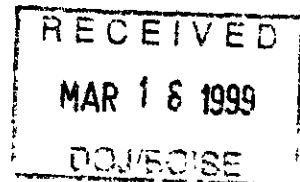
Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for - 9 APPROVAL 9 DENIAL By AP

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 71-00041



NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: HANNA CREEK VALLEY CREEK TRIBUTARY: VALLEY CREEK SALMON RIVER
QUANTITY: 4.80 CFS
PRIORITY DATE: 05/01/1913
POINT OF DIVERSION: T11N R12E S03 S04 NWNESW NESWNE Within Custer County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 10-31 4.80 CFS

PLACE OF USE: Irrigation T11N R12E S02 S10 S11 SWSW 18.0 NENE 5.0 NWNE 22.0 NENW 40.0 SENW 18.0 Within Custer County SESW 10.0 SWNE 4.0 NWNW 35.0 SWNW 1.0
153.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 270.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood
Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

AE2B015779



ATTACHMENT B

Response to question #9 on the Application for Extension of Time to Avoid Forfeiture of a Water Right:

9. The five year statutory period of non-use for establishing forfeiture tolls upon the filing of a claim in the SRBA until a Partial Decree is issued. The Partial Decree for this right was issued on March 16, 1999. *See, In Re: SRBA Case No. 39576, (Wood v. Trout) 65-05663B, Order of Partial Decree, May 13, 2002.* This water right has not been put to beneficial use since March 16, 1999.

ATTACHMENT C

Response to question #10 on the Application for Extension of Time to Avoid Forfeiture of a Water Right:

10. The United States believes that it has valid defenses to forfeiture including but not limited to Idaho Code §42-223 (6). However, as a matter of comity, the United States files this *Application for Extension of Time to Avoid Forfeiture of a Water Right* as a precautionary measure.

Until such time that the United States may be able to put the water to beneficial use, the United States requests a five year extension of time. During this period the United States will work with the IDWR to explore alternative solutions for resumption of use of this water right, including consideration of placing this water right in the Water Bank operated by the Idaho Water Resource Board.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 71-00041

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: HANNA CREEK TRIBUTARY: VALLEY CREEK
VALLEY CREEK SALMON RIVER

QUANTITY: 4.80 CFS

PRIORITY DATE: 05/01/1913

POINT OF DIVERSION: T11N R12E S03 NWNE Within Custer County
S04 NESWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	4.80 CFS

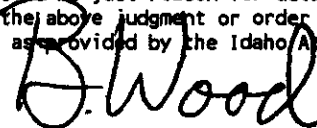
PLACE OF USE:	Irrigation		Within Custer County
	T11N R12E S02	SWSW 18.0	SESW 10.0
	S10	NENE 5.0	
	S11	NWNE 22.0	SWNE 4.0
		NENW 40.0	NWNW 35.0
		SESW 18.0	SWNW 1.0
	153.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 270.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication



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

August 17, 2004

USDA FOREST SERVICE
550 W FORT ST
MSC033
BOISE ID 83724

**RE: Water Right Nos. 71-00041, 71-00042B, 71-00043B, 71-00049B,
71-00050, 71-00059, 71-00061, 71-00064B, 71-00066, 71-00068, 71-2004D,
71-2053A, 71-7002, 71-10277, 71-10278, 71-10728, 71-10766, 71-10772, and
71-10871**

Dear Water Right Holder:

Enclosed are copies of the approved Applications for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water rights. Please note that resumption of beneficial use of water for these rights shall occur on or before **June 1, 2009**.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption deadline, the Department will send you a Resumption of Use Notice by certified mail.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of the water right and/or a change in the address of the owner or if you have any questions concerning this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR – Region

DEPARTMENT OF
WATER RESOURCES

[illegible]

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: Carey Skinner
2. RIGHT NUMBER 71-00041 APPLICANT USDA-FS
3. TYPE OF RIGHT: ☒ Decree ☐ License ☐ Claim
DECREED IN SRBA ON 3/16/1999
4. Is reason for request extension given on application?

☒ Yes ☐ No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use

- (b) ☒ Description of Point(s) of Diversion
(c) ☒ Description of Place of Use
(d) ☒ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

IDWR RECORD (PARTIAL DECREE) AND
TAXLOT SHAPEFILE IN ARVIEW. NOTE
SOME OF POW APPEARS TO BE IN THE
NAME OF RLM?

- (a) ☐ Copy of Tax Notice, Deed, or other _____
in file.
- (b) ☐ County Assessor records. Date Contacted _____

7. Is the right in a Watermaster District? ☐ Yes ☒ No Dist. _____
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by AD 5/20/04

- (a) Is Application published correctly? ☒ Yes ☐ No
- (b) Protest Received? ☐ Yes ☒ None Timely

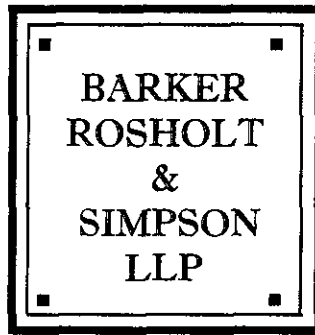
RECOMMENDED ACTION

- ☒ Approve
☐ Deny

Conditions:

* Send copy to Travis Thompson
per request 5/17/04.

*John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson*



Travis L. Thompson
tltp@idahowaters.com

113 Main Ave West, Suite 303
Twin Falls, ID 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

May 17, 2004

Director Karl J. Dreher
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83706

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MAY 18 2004
Department of Water Resources
Southern Region

RE: Applications for Extensions of Time to Avoid Forfeiture of Water Right Nos. 71-41, 42B, 43B, 49B, 50, 59, 64B, 66, 68, 2004D, 2053A, 7002, 10277, 10278, 10728, 10766, 10772, and 10871 filed by the U.S. Forest Service

Dear Director Dreher:

This firm represents the Challis Irrigation Company (CIC) on various matters. With respect to above-listed applications, CIC attempted to file protests on May 10, 2004, or seven (7) days after the protest deadline had ended. Although the Department would not accept the protests, CIC would still like to relay its concerns as you begin the process of reviewing and making a decision on the Forest Service applications.

First, CIC would like to make sure the Director is aware of the reason the Forest Service purchased the property (Busterback Ranch) in the first place. The agricultural lands on the property now owned by the Forest Service were taken out of production in order to provide additional stream flows for listed salmonids. It is CIC's understanding that these water rights were not purchased for the purpose of continuing to irrigate the property.

Next, CIC holds various water rights on the Salmon River that are junior to several of the subject Forest Service water rights. Although hydrologic conditions on the Salmon River have been such that CIC's water rights have not been curtailed, it is at least possible that under certain low flow conditions, CIC's rights could be subject to future water right administration. A resumption of the Forest Service irrigation water rights may injure CIC's rights, particularly if the Forest Service's water rights have in fact been forfeited.

Finally, CIC does not object to the Forest Service's, or other agencies' efforts to improve stream flows in the Salmon River Basin. Improved stream flows, whether for endangered species, or for the health of the watershed as a whole, is certainly a benefit to the Salmon River

Director Dreher
May 17, 2004
Page - 2

Basin. However, CIC is concerned that the Forest Service applications could result in determinations that are detrimental to its water rights. If the Forest Service is exploring alternatives to maintain the validity of its water rights, and the future use of those rights benefits stream flows in the Salmon River above CIC's diversion, it is likely that CIC's water rights will not be impaired or injured. Moreover, if the Forest Service seeks to place its rights in the State Water Bank, it is possible those rights could benefit water users in the Salmon River Basin, like CIC, when needed. Regardless, CIC would like to be notified of the Forest Service's plans or options that it explores with the Department.

Thank you for considering CIC's concerns over the above-referenced Forest Service applications. Although not a formal protestant, CIC would still appreciate receiving a copy of your final decision. Please contact me at (208) 733-0700 if you have any questions.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'T. L. Thompson', with a long horizontal flourish extending to the right.

Travis L. Thompson

cc: Board of Directors, CIC
Allen Merritt, Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2004

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave West, Suite 303
Twin Falls, ID 83301

RE Applications for Extensions of Time to Avoid Forfeiture of Water Rights 71-41, 42B, 43B, 49B, 50, 59, 64B, 66, 68, 2004D, 2053A, 7002, 10277, 10278, 10728, 10766, 10772 and 10871 filed in the name of USDA Forest Service

Dear Travis

Our office received the "Notice of Protest and/or Petition for Intervention" you filed for the Challis Irrigation Company into the above described matters along with your check for \$450.00 on 5/10/2004

Since the protest period ended 5/3/2004 for these matters and no other timely protests into these matters have been received (no contested case to intervene into has been created), I must return your protest/intervention and your check No. 1347 for \$450.00.

If you have questions about this process, please feel free to get in touch with us

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Merritt'.

Allen Merritt, PE
Southern Region Manager

Enclosures

CC USFS

Merritt, Allen

From: Saxton, Glen
Sent: Tuesday, May 11, 2004 1 21 PM
To: Merritt, Allen
Cc: Rassier, Phil
Subject: PROTEST OF CHALLIS IRRIGATION COMPANY

Allen,

Phil, Karl and I have discussed the late protest filed by Challis Irrigation Company against the Applications for Extension of Time to Avoid Forfeiture of a Water Right filed by the Forest Service in connection with the Busterback Ranch. Since the protest was filed late (looks like about 10 days late) and since there is not a contested matter to intervene into (no other protestants who timely filed), the department should return the Notice of Protest and/or Petition for Intervention to the Rosholt firm together with the check they submitted. The transmittal should be by letter advising that the protest and filing fee are being returned, since they were not timely submitted to the department as required in Section 42-222, Idaho Code. We should not receipt the check and should not issue any order rejecting the protest.

We should send a copy of our letter to the USFS, since they were served by the Rosholt firm with the Notice of Protest. lgs

RECEIVED

MAY 10 2004

Department of Water Resources
Southern Region

Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
Twin Falls, Idaho 83301
Telephone: (208) 733-0700
Fax: (208) 735-2444

Attorneys for Challis Irrigation Company

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

IN THE MATTER OF APPLICATIONS FOR	)	
EXTENSIONS OF TIME TO AVOID	)	
FORFEITURE FOR WATER RIGHT NOS.	)	
71-00041, 71-00042B, 71-00043B, 71-00049B,	)	NOTICE OF PROTEST
71-00050, 71-00059, 71-00064B, 71-00066,	)	AND/OR PETITION FOR
71-00068, 71-02004D, 71-02053A, 71-07002,	)	INTERVENTION
71-10277, 71-10278, 71-10728, 71-10766, 71-10772,	)	
and 71-10871	)	
_____	)	

CHALLIS IRRIGATION COMPANY (hereinafter referred to as "Challis"), by and through its attorneys, Barker Rosholt & Simpson LLP, files this *Notice of Protest and/or Petition for Intervention* to the approval of the above-numbered applications for extension of time to avoid forfeiture filed by the United States Forest Service ("Forest Service"). Challis files this *Notice* pursuant to Rules 250, 350, 351, and 352 of the Rules of Procedure of the Idaho Department of Water Resources ("IDWR").

BASIS FOR PROTEST

1. Challis is a non-profit irrigation company incorporated and organized pursuant to Idaho state law. Challis holds the following water rights to the Salmon River for irrigation

purposes: 72-34, 72-35, 72-2076A, 72-2076B, 72-7051, 72-7269, 72-10324, 72-10325, and 72-11740.

2. Challis diverts water from the Salmon River downstream of the location of the points of diversion and places of use for the above-referenced Forest Service irrigation water rights. A number of the Forest Service water rights are senior in priority to Challis' water rights.

3. The Forest Service has admittedly not put the above-referenced water rights to beneficial use for over five years now. Accordingly, the Forest Service may have forfeited the above-referenced irrigation water rights. I.C. § 42-222(2).

4. The Forest Service has failed to make a proper showing of "good and sufficient reason" for not putting its irrigation water rights to beneficial use for the past five years as required by I.C. § 42-222(3).

5. Resumption of use of the above-referenced Forest Service irrigation water rights would injure and impair the water rights held by Challis.

6. For such other and further reasons that may arise during the proceedings and hearing on this matter.

7. Challis requests IDWR to deny the Forest Service's above-referenced applications.

IDWR'S INTERVENTION REQUIREMENTS

1. Challis has a direct and substantial interest in this matter. The Director's determinations stand to affect Challis' water rights.

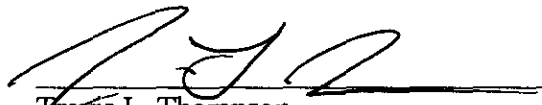
2. Challis' participation as a party to this proceeding will not unduly broaden the issues before IDWR.

3. Challis' interests are not represented by any other party to this proceeding.

4. Challis' petition to intervene is timely.

DATED this 10th day of May, 2004.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

Attorneys for Challis Irrigation Company

CERTIFICATE OF MAILING

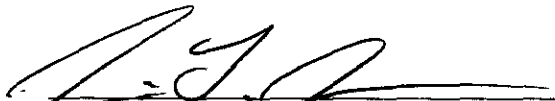
I hereby certify that on this 10th day of May, 2004, I served a copy of the foregoing *Notice of Protest and/or Petition for Intervention*, by the following methods:

Original via Hand Delivery

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Copy via U.S. Mail, Postage Prepaid

United States Forest Service
550 West Fort St., MSC 033
Boise, Idaho 83724


Travis L. Thompson

RECEIVED

AFFIDAVIT OF PUBLICATION

Apr 28, 2004

State of Idaho, County of Custer, ss:

I, Ruth E. Burchell, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated April 15 2004 and ending with the issue dated April 22 2004.

Ruth E. Burchell

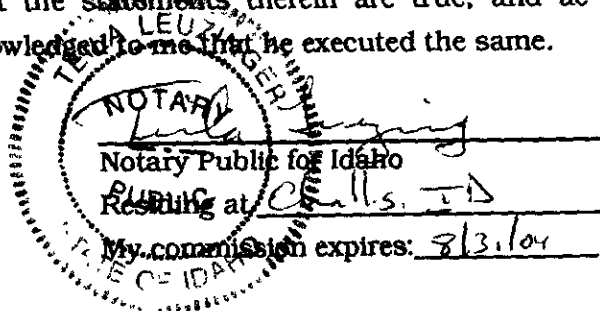
STATE OF IDAHO

RECEIVED

APR 23 2004

COUNTY OF CUSTER

On this 26th day of Apr 1 in the year of 2004 before me, a Notary Public, personally appeared Ruth E. Burchell 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.



NOTICE OF APPLICATIONS

Notice is hereby given that the USDA Forest Service, 5 W Fort St MSC 033 Boise, ID 83724 has filed several Extensions of Time to Avoid Forfeiture with the Department of Water Resources for water rights listing either Points of Diversion or Places of Use within Custer County &/or Blaine County as listed below

The extensions are requested to avoid loss of the water rights due to non-use since the issuance of Partial Decrees by the Snake River Basin Adjudication Court

Applications for Extensions of Time To Avoid Forfeiture Filed on 3/15/04

Water Right No. 71-59 (25 60 cfs) with a Priority Date of 12/31/1912 and Water Right No. 71-61 (40 00 cfs) with a Priority Date of 08/30/1933 for diversion from the Salmon River tributary to Snake River with Points of Diversion within Sections 3 & 10, T07N, R14E; Custer County for irrigation of 1477.1 acres covering several sections within T07N & T08N, R14E; Custer and Blaine counties. Water Right No. 71-64B (6.25 cfs) with a Priority Date of 08/15/1915 and Water Right No. 71-66 (10.75 cfs) with a Priority Date of 07/01/1930 and Water Right No. 71-68 (12.32 cfs) with a Priority Date of 07/01/1935 for diversion from Alturas Lake Creek tributary to Salmon River with a Point of Diversion within S04, T07N, R14E; Blaine County for irrigation of 797.3 acres covering several sections within T08N, R14E. Custer and Blaine Counties.

Applications for Extensions of Time To Avoid Forfeiture filed 3/16/04

Water Right No. 71-41 with a Priority Date of 05/01/1913 for diversion of 4.80 cfs from Hanna Creek tributary to Valley Creek and Valley Creek tributary to Salmon River with Points of Diversion within S03 & S04, T11N, R12E; Custer County for irrigation of 100 acres covering several sections within T11N, R12E; Custer County. Rights for diversions from Valley Creek tributary to Salmon River with a Point of Diversion within S04, T11N, R12E; Custer County for irrigation covering several sections within T11N, R12E & R13E; Custer County. Water Right No. 71-42B (1.59 cfs) with a Priority Date of 05/01/1914 for 45.7 acres and Water Right No. 71-43B (2.60 cfs) with a Priority Date of 05/01/1915 for 45.0 acres and Water Right No. 71-49B (4.80 cfs) with a Priority Date of 05/01/

1904 for 151.9 acres and Water Right No. 71-50 (4.85 cfs) with a Priority Date of 05/01/1909 for 83.7 acres. Water Right No. 71-2004D with a Priority Date of 07/23/1909 (0.50 cfs for irrigation of 11.7 acres and 0.02 cfs for stock-water use) and Water Right No. 71-10772 (0.40 cfs) for irrigation with a Priority Date of 08/15/1933 for diversion from Fourth of July Creek tributary to Salmon River with a Point of Diversion within S10, T08N, R14E; Custer County for uses within S09, T08N, R14E, Custer County.

Rights for diversion from Unnamed Drain tributary to Williams Creek within S20, Custer County for irrigation: Water Right No. 71-2053A (0.68 cfs) with a Priority Date of 05/17/1930 for 10.0 acres within S20 and Water Right No. 71-7002 (1.80 cfs) with a Priority Date of 07/07/1968 for 20.1 acres within S19, all T09N, R14E; Custer County. Water Right No. 71-10277 (0.15 cfs) with a Priority Date of 06/01/1925 and Water Right No. 71-10278 (0.15 cfs) with a Priority Date of 07/28/1930 for diversion from Champion Creek tributary to Salmon River with a Point of Diversion within S23, T08N, R14E; Custer County for irrigation of a combined total of 9.3 acres within S22, T08N, R14E; Custer County. Rights for diversion from the Salmon River tributary to Snake River with Points of Diversion within S05, T08N, R14E; Custer County. Water Right No. 71-10728 (0.81 cfs) with a Priority Date of 05/17/1930 for irrigation of 11.6 acres within S20 and Water Right No. 71-10766 (1.37 cfs) with a Priority Date of 05/01/1954 for irrigation of 12.0 acres within S32, both T09N, R14E; Custer County. Water Right No. 71-10871 with a Priority Date of 06/10/1964 for diversion of 4.54 cfs from the Salmon River tributary to Snake River with a Point of Diversion within S21, T08N, R14E; Custer County for irrigation of 66.8 acres covering several sections within T08N, R14E; Custer County. Protests may be submitted based on the criteria of Sec 42-221, Idaho Code. Any protest against an application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before May 3, 2004. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Publish: April 15 & 22, 2004.

STATEMENT



Custer Publishing, Inc.

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Id 83301-3380

Job No.	Date	DESCRIPTION	Amount
	4-22-04	Notice of Application 19 September 77 Jins to Revised for future USDA FS Report No. 71-59, 71-61, 71-64B, 71-66, 71-68, 71-41, 71-42B, 71-43B, 71-49B, 71-50, 71-2004D, 71-10772, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10728, 71-10766, 71-10871, 4/15+22/04 - 145 lines	216.78 OK mb 4/24/04

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

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Karl J. Dreher, Director

Published in the Challis Messenger on 4/15 & 4/22/04.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

April 7, 2004

Legal Notice Department
Custer Publishing Co
PO Box 405
Challis ID 83226

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in the Challis Messenger 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. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

April 8, 2004

USDA - FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

Re: (19) Applications for Extension of Time To Avoid Forfeiture - Basin 71 (Blaine and Custer Counties)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Applications for Extension of Time to Avoid Forfeiture as referenced above.

This office has scheduled advertising the applications in the Challis Messenger for 4/15 & 4/22/04; in the Wood River Journal on 4/14 & 4/21/04; and also in the Idaho Statesman, Lewiston Morning Tribune, Post Register, and Times News on 4/15 & 4/22/04.

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests. (May 3, 2004)

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this 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 about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant I