

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Janet Parker, being first
duly sworn, deposes and says that She is the

Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for two
consecutive weeks, commencing with the issue
dated Dec 12 19 78, and ending
with the issue dated Dec 19 19 78.

Janet Parker
Subscribed and sworn to before me
this 22 day of Dec
19 78.

Norma M Peterson Notary Public

Cost of Publication 8.40

Notary Fee 8.40

Total Cost 8.40

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

RECEIVED

DEC 28 1978

Department of Water Resources
Southern District Office

ab
mayne
12-28-78

48-520

NOTICE OF APPLICATION
FOR WATER PERMIT

NOTICE IS HEREBY given that the following ap-
plication has been submitted for permit to ap-
propriate the public waters of the State of Idaho:

43-7135

U.S. Dept of Interior, BLM. Route 3, Box 1,
Burley, Id 83318. Source: Irrigation Wastewater.
Date Filed: 11/08/1978. Amount: 1.0 AC-FT.
Diversion Point: NWNE Sec 25 T 11S R 26E, Cassia
Co. Use: Wildlife Storage (1.0 AC-FT) from 01/01
to 12/31. Place of Use: NWNE Sec 25 T 11S R 26E.
Diversion Means: Existing Gravel Pit.

If issued, the permit will be subject to all prior
water rights. Protests against the granting of any
permit must be filed with the Director of the Idaho
Department of Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho 83301 on or before
December 29, 1978.

C. Stephen Allred
Director

Published in the South Idaho Press on December 12
and 19, 1978.

78-525

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 43-7135 Priority November 8, 1978 Amount 1.0 AF

THIS IS TO CERTIFY, that U.S. Dept. of Interior, Bureau of Land Management
of Burley, Idaho, has complied with the terms and conditions of Permit
No. 43-7135 issued pursuant to Application for Permit dated November 8, 1978,
and has submitted proof to the Department of Water Resources on December 7, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.0 AF of water from a wastewater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Wildlife	from <u>January 1</u> to <u>December 31</u> at <u>N/A</u>	cfs and <u>1.0</u> acre feet	
Storage	from _____ to _____ at _____	cfs and _____	
	from _____ to _____ at _____	cfs and _____	
	(both dates inclusive)		

Subject, however, to the condition that no more than 1.0 AF of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Twp.
11S, Rge. 26E in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	26E	25		X															

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
September _____, 19 81.

Director

RECEIVED

Department of
Water Resources

Identification No. 43-7135

Application No. 7135

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant United States Dept. of Interior
Bureau of Land Management Phone: 678-5514
post office address Route #3 Box 1 Burley, Idaho 83318
2. Source of water supply Irrigation waste water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 11S
Range 26E B.M. Cassia County; additional points of diversion if any: N/A
- b. If water is not consumed, it will be discharged into the ground at a point in NW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 25 Township 11S Range 26E B.M. Cassia County
4. Water will be used for the following purposes:
Amount 1 af for Wildlife purpose from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. one acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing gravel pit.
- b. Height of storage dam N/A feet, active reservoir capacity _____ acre feet; total reservoir
capacity one acre feet, materials used in storage dam: N/A
Period of year during which storage will occur 4-1 to 9-30 inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ N/A.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 11S
Range 26E B.M.
(2) Amount of power to be generated: N/A hp under N/A feet of head.
(3) List number of each kind of livestock to be watered N/A
(4) Name of municipality to be served N/A, or number of families to be
supplied with domestic water N/A.
(5) If water is to be used for other purposes describe: To enhance habitat on the isolated tract
for a variety of wildlife. The wildlife will primarily benefit from the vege-
tation that will grow around the edge of the impoundment.

MICROFILM

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

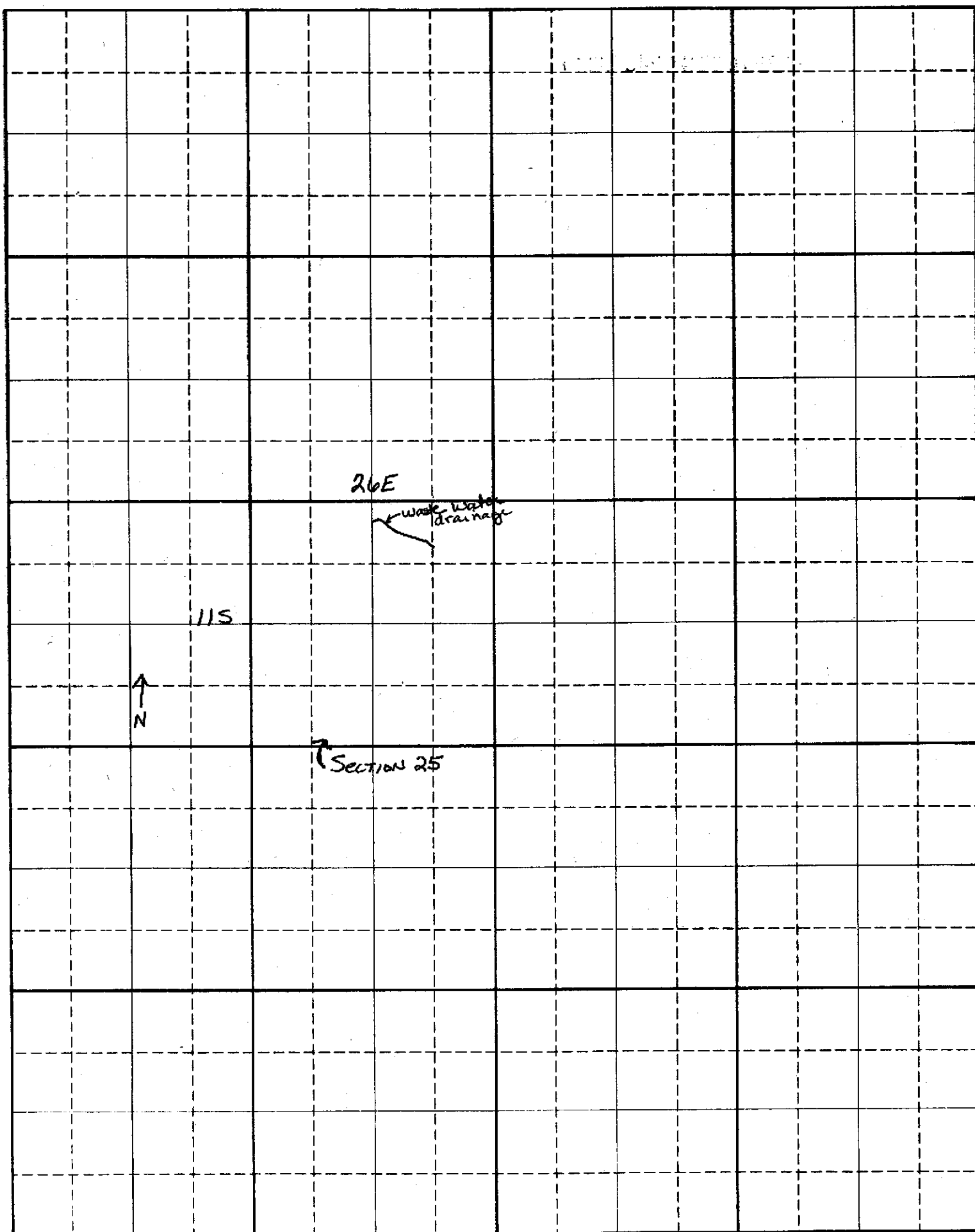
Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Government
 b. Who owns the land to be irrigated or place of use Government
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks The water will be flowing into an existing, rehabilitated gravel pit.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Nick James Cozart
(Applicant)

Proposed Priority 11-8-78

Received by ST Date 11-8-78 Time 3:00 PM

Preliminary check by JA Fee \$20.00

Received by ST Date 11-8-78 #12482

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JN JJ

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 43-7135, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1980.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 11 day of January, 1979.

J. Glen Saxton

Chief, Operations Bureau

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

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Department of Water Resources
Southern District Office

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C. Stephen Allred
Director

Published in the South Idaho Press on December 12, and 19, 1978.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

October 2, 1981

RE: Permit No. 43-7135

U.S. Dept. of Interior, Bureau of Land Management
Route #3, Box 1
Burley, ID 83318

Gentlemen:

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

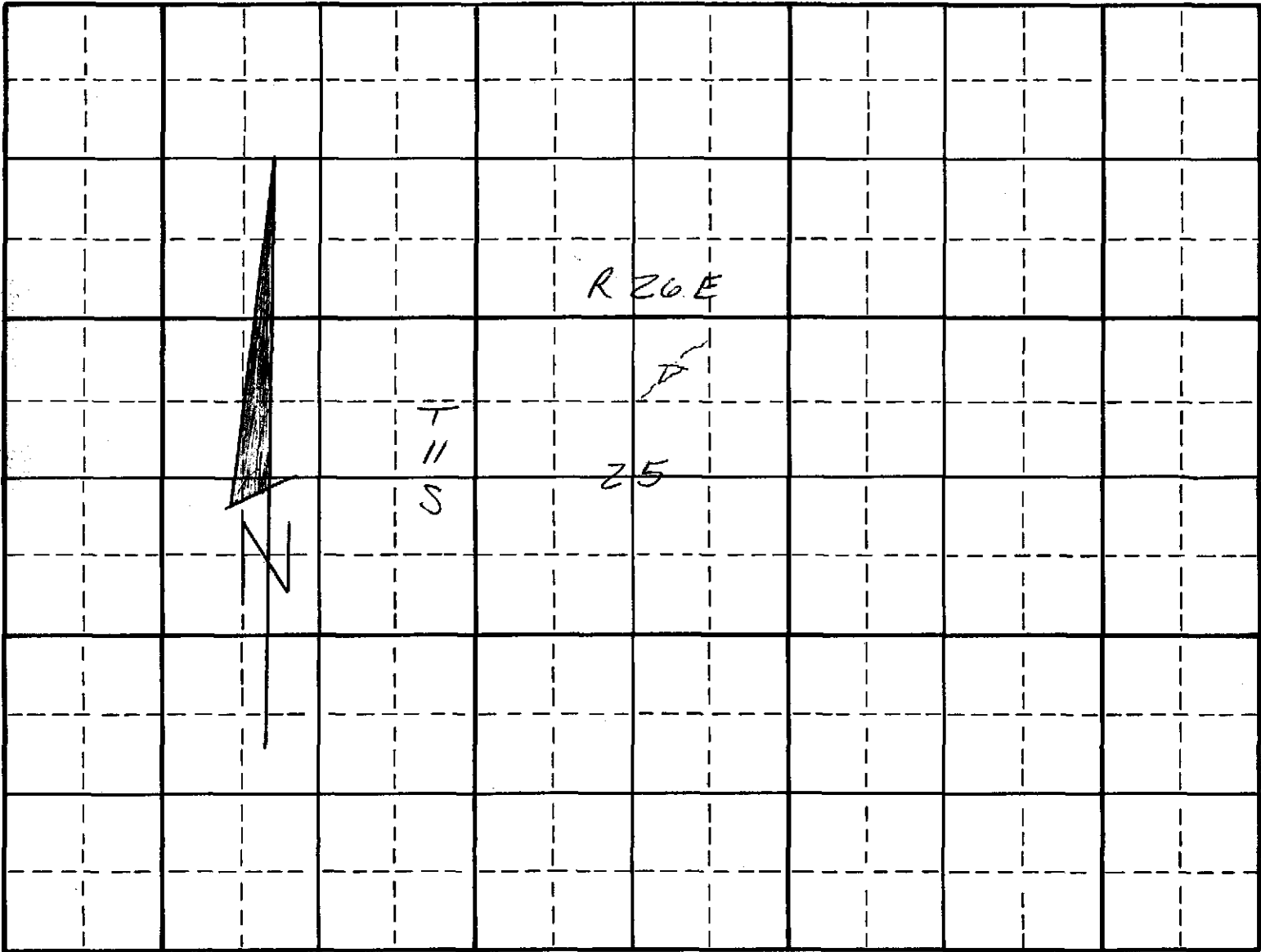
JIM JOHNSON
Water Distribution Supervisor

Enclosure

WJPD:JMF

No Overlapping rights

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW 1/4 NE 1/4, Sec. 25 T. 11 S. R. 26 E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11 S	26 E	25		X															

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☒ None
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other

Examiner's Signature [Signature]

Checked by [Signature]

Approved by [Signature]

Date 7-18-1980

Date 8/6/80

Date 9/8/81



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

U. S. Bureau of Land Management
Route #1 Box 1
Burley, Idaho
83318

December 27, 1979

RE: Water Permits 43-7135, 45-7362, 47-7499

Dear Sir;

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

MICROFILMED



RECEIVED

United States Department of the Interior

IN REPLY REFER TO

7250

BUREAU OF LAND MANAGEMENT
Burley District Office

DEC 7 1979

Route 3, Box 1
Burley, ID 83318

Department of Water Resources

December 6, 1979

State of Idaho Dept. of
Water Resources
Statehouse
Boise, ID 83702

Dear Sir:

This letter is to answer your request of November 30, 1979, concerning conditions of approval of our water permits.

Water Permits No. 47-7499 and No. 45-7362 had earthen check dams constructed on them last Spring.

Permit No. 43-7135 has existing gravel pits which collect and hold run-off water. An additional development plan consists of floating islands which require water to be functional.

Enclosed are cards showing proof of beneficial use on the above three water permits.

Permit No. 45-7361, No. 47-7500, No. 43-7136, No. 43-7134, and No. 45-7365 were scheduled to have earthen check dams constructed in FY '79. Due to lack of funds, only the layout and design for these projects was completed. These dams will be built under an equipment rental contract. These projects should be completed this FY '80, unless we run into a funding problem again this year. Work will commence in the Spring.

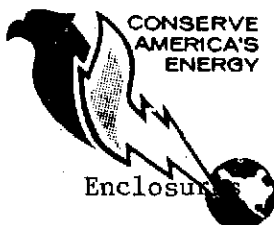
Permit No. 47-7498 was not completed due to a lack of manpower and a lack of funds. No ground work has been started for the preceding reasons. We have expended time preparing an environmental analysis, which is partially completed at the present time.

We would like to request an extension of time for a period of three years for all uncompleted projects: 45-7361, 47-7500, 43-7136, 43-7134, 45-7365 and 47-7498.

We will send in our required proof of beneficial use as the projects are completed.

Sincerely yours,

Nick J. Cozacos
Nick J. Cozacos
District Manager



Save Energy and You Serve America!

RECEIVED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 43-7135.

Name(s) of Permit Holder: BUREAU OF LAND MANAGEMENT

Post Office Address: Rt. 3 BOX 1

BURLEY, IDAHO 83318 Tel. No. 678-5514

Source of Water: Irrigation Waste Water

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other To enhance habitat so wildlife will benefit primarily from vegetation surrounding the impoundment.

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/4/79
Date

Scott M. Anderson
Signature of Permit Holder

RECEIVED

DEC 7 1979

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

U. S. DEPT. OF INTERIOR, BLM
ROUTE 3 BOX 1
BURLEY, ID 83318

101552

NOVEMBER 30, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 43-7135 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1



January 15, 1979

Re: Permit No.'s 43-7135, 45-7361, 45-7363, 47-7498, 47-7499, & 47-7500

United States Dept. of Interior
Bureau of Land Management
Route #3, Box 1
Burley, Idaho 83318

Gentlemen:

Your approved copies of your Applications for Permit are enclosed and we direct your attention to the conditions of approval on the fourth pages.

The exercise of these permits may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-10060124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Sanek River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permits may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permits may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permits. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permits or subsequent licenses or water rights.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 7

STAFF REVIEW - STATE OFFICE

1. Regional Name vs. Signature
2. W.W. Source
3. ✓ Point of Diversion
4. ✓ Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 1 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. NO Fee & Rec't. No.

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>1</u> Idaho Fish & Game Dept.	<u>1</u> Dept. of Lands
<u>1</u> Bureau of Land Management	<u>1</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area X yes no

Other rights on same land N/A

N/A Withdrawals of all protests received yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Snake River Condition NO

Payette River Letter 1

Priority Date 11/8/78

Water Quality #16 120 Note this app. was received in Western R. and then sent to Southern

Water Quality #10 1
intrastate interstate

Meas. Dev. or Sc. Meas. NO

Totalizing meter

Supplemental

Right-of-Way Cond.

Watermaster Cond.

Wtr. Dist No.

Meas. Dev. Cond. for apps within a Water Dist.

Jani Reviewer

1/16/79 Date

RECEIVED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 43-7135 U.S. Dept Interior
Bureau of Land Management

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) JP 11-28-78

In form to receipt.

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) ADM 12-4-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) LH 1-5-79

Critical groundwater area: yes ☒ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) marys 12-28-78

Affidavit of Publication received(date) 12-28-78

(12) _____

Final date for protests 12-29-78

Protests received: yes _____ no ☒

(13) LH 1-5-79

All requested information received from agencies or applicant: yes ☒ no _____

(14) LH 1-5-79

Action recommended:

☒ Approve _____ Deny

11-8-78 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

RECEIVED
JAN 10 1979

Department of Water Resources

(15) District S By Loren O Halmer Date 1-5-79

PRE-PERMIT EXAM

Applic. No: 43-7135

Date: 1/4/79

Source: Wastewater - (Seepage)

Trib. to: _____

Stream flow data: None Wastewater flows from irrigated lands lying to the west; the wastewater is collected in small ravine which makes its way to

Other uses in general area: an old gravel pit. Water is ponded in the gravel pit. It is suspected that sub water also supplies water to these pits.

Special considerations: _____

Water District or Canal Company which may have jurisdiction: None

Explain: _____

Do all items on application appear to be correct? Yes ✓ No _____

Explain: _____

Recommendation and other comments: Approve

Place of Use may also extend into SW 1/4 NE 1/4 of Sec 25 T.11S. R.26E., B.M. This should possibly be amended after field inspection of site.

Signed: ADM

Persons present during review of site:

Staff of B.L.M.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

43-2135-

U. S. DEPT. OF INTERIOR, BLM

ROUTE 3 BOX 1, BURLEY, ID 83318

Source: IRRIGATION WASTEWATER

Date Filed: 11/08/1978

Amount: 1.0 AC-FT

Diversion Point: NWNE Sec 25 T 11S R 26E, CASSIA Co.

Use: WILDLIFE STORAGE (1.0 AC-FT) from 01/01 to 12/31

Place of Use: NWNE Sec 25 T 11S R 26E

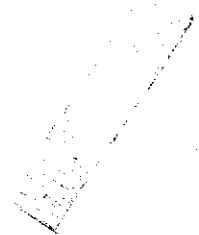
Diversion Means: EXISTING GRAVEL PIT

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C. STEPHEN ALLRED DECEMBER 29, 1978.

Director

Published 12/12 & 12/19.



ok
mmp
12/17/78

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Southern District Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 1, 1978

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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.

Please send the affidavit of publication and publication billing to this office before DECEMBER 29, 1978.

Yours truly,

Mary A. Hill
Secretary

Encl.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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Boise, Idaho 83720

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