

LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
21-07587

HARRIMAN STATE PARK

HC 66 BOX 900

ISLAND PARK, ID 83429

Source: HENRY'S FORK

Diversion Pt:

Use: RECREATION

Total Diversion:

Date Filed: 1/4/1999

In: FREMONT County

T12N R43E

Tributary: SNAKE RIVER

Sec 17 T 12N R 43E in FREMONT County.

(10,000 CFS)

(10,000 CFS)

S17

S19

S20

SESW

NENE

NWNW

SWNE

SENE

SENW

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before FEBRUARY 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Jan. 21, 28, 1999

3115

MICROFILMED

MAR 10 1999

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the WATER RIGHT NOTICE OF APPLICATION -21-07587 a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on JANUARY 20, 1999 and the last publication having been made on JANUARY 27, 1999

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO

COUNTY OF MADISON

On this 28TH day of JANUARY in the year of 1999 before me, a Notary

Public, personally appeared Terry Weatherston, 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.

Logan D. Porter

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07587

HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK, ID 83429

Source: Henry's Fork Tributary:
Snake River

Diversion Pt: SWSESW SEC 17 T12N
R43E in Fremont County.

Use: Recreation (10.000 CFS) Total
Diversion: (10.000 CFS)

Date Filed: 1/4/1999

In: Fremont County T12N R43E S17
SESW S19 NENE SWNE SENE SENW
S20 NWNW

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is

approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25 on or before February 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. Jan. 20 and 27, 1999HC.

RECEIVED

FEB 09 1999

Department of Water Resources
Eastern Region

MICROFILMED

MAR 10 1999

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

21-07587

HARRIMAN STATE PARK

HC 66 BOX 900

ISLAND PARK ID 83429

Source: HENRY'S FORK

Tributary: SNAKE RIVER

Diversion Pt: SWSESW SEC 17 T12N

R43E in FREMONT County.

Use: RECREATION (10.000 CFS)

Total Diversion: (10.000 CFS)

Date Filed: 1/4/1999

In: FREMONT County

T12N R43E S17 SESW

S19 NENE SWNE SENE SENW

S20 NWNW

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and whitefish. All water diverted into the
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Skyline Dr Ste A, Idaho Falls, ID 83402
together with a protest fee of \$25.00 on
or before February 8, 1999, to be con-
sidered by the Department in its deci-
sion to grant or deny any part of the
proposed application. The protestant
must also send a copy of the protest to
the applicant.

KARL J. DREHER, Director

Published: January 21, 28, 1999

RECEIVED
FEB 11 1999
DEPARTMENT OF WATER RESOURCES
SALT LAKE CITY

MICROFILMED

MICROFILMED
MAR 10 1999

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

21-07587

HARRIMAN STATE PARK

HC 66 BOX 900

ISLAND PARK, ID 83429

Source: HENRY'S FORK Tributary: SNAKE RIVER

Diversion Pt: SWSESW SEC 17 T12N R43E in

FREMONT County.

Use: RECREATION (10.000 CFS)

Total Diversion: (10.000 CFS)

Date Filed: 1/4/1999

In: FREMONT County

T12N R43E S17 SESW

S19 NENE SWNE SENE SENW

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KARL J. DREHER, Director

PUBLISH: January 21 and 28, 1999

Notice of Publication

OF IDAHO

OF TWIN FALLS } SS.

No 31378

Emily McKnight being first duly sworn upon oath, depose

that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per attached, was published in the regular and entire issue of said newspaper, and not in any part thereof, for two consecutive weeks,

beginning with the issue dated Jan 21, 19 99,

and ending with the issue dated Jan 28, 19 99.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times-News, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Sunday, of which newspapers prior to consolidation had been published under said names in said city and county and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28th day of Jan. in the year of 1999, before me,

a Notary Public, personally appeared Emily McKnight, 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.

MICROFILMED

MAR 10 1999

Heva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

5/19/2000

Times News

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 01/28/99INVOICE NO. 193253Account No. 446600Description 193253NOTICEOFAPPLICAT**LEGAL ADVERTISING
INVOICE**Times 2Lines 28

Tab. Lines _____

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

\$ 84.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 193253NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/21, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/21/99, and the last publication thereof being on the 01/28/99, and said 193253NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 29day of January 1999

Ray Reed

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/03

193253

NOTICE OF APPLICATION FOR WATER RIGHT
The following application has been filed to appropriate the public waters of the State of Idaho:

21-07587

HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK, ID 83429
Source: HENRY'S FORK
Diversion Pt: SWSESW SEC 17 T12N R43E in FREMONT County.
Use: RECREATION (10,000 CFS)
Total Diversion: (10,000 CFS)
Date Filed: 1/4/1999
In: FREMONT County
T12N R43E S17
S19
S20

Tributary: SNAKE RIVER

SESW SENE SENW
NENE SWNE
NWNW

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N. Skyline Dr Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 on or before February 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published 1/21/99 & 128/99

RECEIVED

MICROFILMED

FEB 01 1999

MAR 10 1999

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
LOCKABLE DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 21-07587)
IN THE NAME OF HARRIMAN STATE PARK)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install and maintain a measuring device and lockable controlling works of a type acceptable to the department as part of this permit; and

WHEREAS, the department has determined that the device is not presently needed to regulate the water in question; and

WHEREAS, the department has determined that the device is not necessary for suitable control of the water; and

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of a measuring device for the above captioned permit is **WAIVED**. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 10th of August, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
AUG 23 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 1 1939

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) ^{Department of Water Resources} has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-07587 Telephone No. (208) 558-7368
2. Name(s) of Permit Holder(s): HARRIMAN STATE PARK
3. Mailing Address: HC 66 BOX 500 ISLAND PARK, ID 83429
4. Source of Water: HENRYS FORK RIVER If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: RECREATION / FISH HABITAT
6. Total rate of diversion and/or volume for which proof is submitted: 10 cfs OR _____ acre feet

** NOTE ATTACHED

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____
Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 325.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.

Name: GENE EYRAUD Telephone Number: (208) 558-7368

Address: HC 66 BOX 500 ISLAND PARK, ID 83429

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Neel/Grand, PARK MANAGER Date: 9/16/99
(include your title, if on behalf of company or organization)

ORGANIZATION)
MICROFILMED
AUG 23 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07587

Proposed Priority: January 4, 1999 Maximum Diversion Rate: 10.00 CFS

This is to certify, that HARRIMAN STATE PARK

HC 66 BOX 900

ISLAND PARK ID 83429

has applied for a permit to appropriate water from:

HENRYS FORK

tributary of SNAKE RIVER

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>
-----------------------	----------------------	--------------------------

RECREATION	10/16 to 04/30	10.00 CFS
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LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 17, Township 12N, Range 43E
FREMONT County

PLACE OF USE: RECREATION

TWN RGE SEC

12N 43E 17	SESW		
19	NENE	SWNE	SENE
	SENW		
20	NWNW		

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right shall be non-consumptive.
7. Water shall not be diverted under this right when flows in the Henry's Fork are below established minimum stream flows.
8. Recreation use is for fish habitat.

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

2nd day of March, 1999.

MICROFILMED

MAR 10 1999

Karl J. Dreher
for Karl J. Dreher, Director

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FEB 18 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Harriman State Park Phone (208)558-7368
Mailing address HC 66 Box 900, Island Park, ID 83429
2. Source of water supply Henrys Fork of the Snake River Which is a tributary of Snake River
3. Location of point of diversion is Township 12 N. Range 43 E. Sec. 17, in the SW 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., FREMONT County:
4. Water will be used for the following purposes:
Amount 10 cfs for Recreation purposes from 10/16 to 4/30 (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) 10 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 Existing irrigation diversion
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total Reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85° F being sought? _____
 - e. If well is already drilled, when? _____; 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 1 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. The Flow through side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 mi long and 10 feet wide. It flows directly adjacent to the river.

Include the above remarks in the advertising. *Awf*

MICROFILMED
MAR 10 1999

9. Description of place of use:

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

b. 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				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	43E	17												R			X		
12N	43E	20						R											
12N	43E	19	R		R	R				R								X	

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Larry and Beverly Schoenike, 4320 Pmuice Dr NE, Rio Rancho NM 87124

b. Who owns the land to be irrigated or place of use? Harriman State Park

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Diversion structure and ditch are existing irrigation structures

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach and 8 1/2"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.

Eugene E. Evans
PARK MANAGER

Signature of Applicant (and title, if applicable)

Received by JKH Date 1-4-99 Time 2:00pm Preliminary check by _____
 Fee \$ 280.00 Received by HWT # 6024701 Date 1-4-99
 Publication prepared by SC Date 1/21 & 1/28/99 Published in Post Register
 Publication approved 2/1/99 Date Herald Chronicle

Id Statesman
Lewiston Morning
Times News

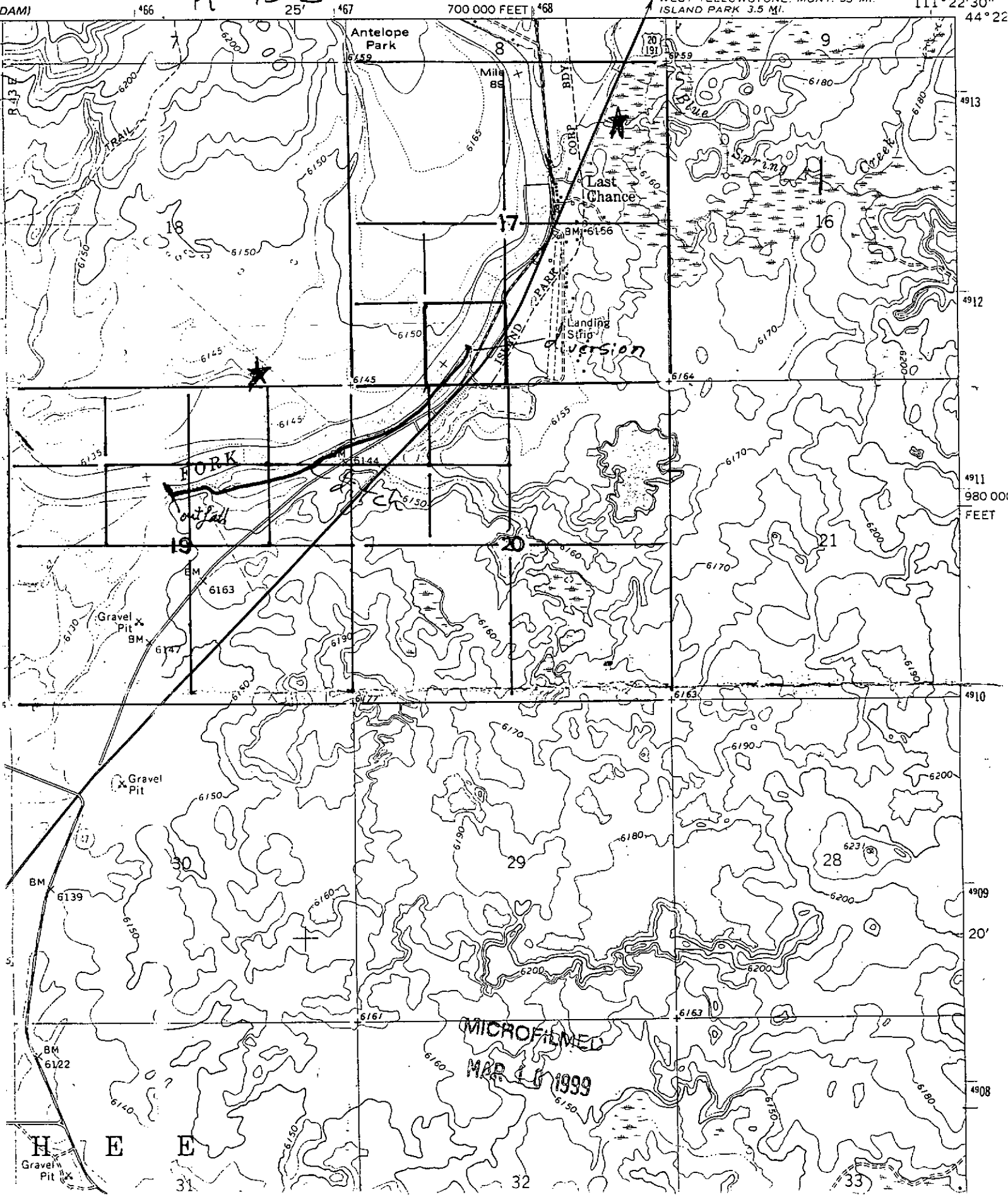
MICROFILMED

MAR 10 1999

T 12 N
R 43 E
Gregory

LAST CHANCE QUADRANGLE
IDAHO-FREMONT CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

WEST YELLOWSTONE MONT. 33 MI.
ISLAND PARK 3.5 MI.
111° 22' 30" 44° 22'





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 10, 1999

Harriman State Park
HC 66 Box 500
Island Park ID 83429

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07587

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Enclosed is an Order which waives the measurement device requirement from this permit. Please be advised that the department retains the right to reinstate the condition upon a finding of need.

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. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 23 1999



IDAHO DEPARTMENT
OF
PARKS & RECREATION

DIRK KEMPTHORNE
Governor

YVONNE S. FERRELL
Director

MAY 12

MAY 12 1999

HARRIMAN STATE PARK
HC 66 BOX 500
ISLAND PARK, IDAHO
83429
(208) 558-7368

April 15, 1999

Shelley W. Keen, Water Rights Supervisor
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Keen:

Attached is a letter from Val Richards, watermaster for our region, explaining his methods of measurement for diversions in the upper reaches of the Henrys Fork River basin. From this letter and discussion with Val, I conclude that the 2 foot headgated culvert installed is consistent for his methods of measurement. He has also approved the lockable devise present.

Sincerely,



Gene Eyraud, Manager

MICROFILMED

AUG 23 1999



DIRK KEMPTHORNE
governor

Yvonne S. Ferrell
director

Bill Dokken
deputy director

IDAHO DEPARTMENT OF
PARKS AND RECREATION

HARRIMAN STATE PARK

hc 66, box 500
island park, idaho 83429
(208) 558-7368
fax (208) 558-7045

street address
3489 e. highway 20
island park, idaho 83429

www.idahoparks.org

RECEIVED

MAY 12 1999

Department of Water Resources

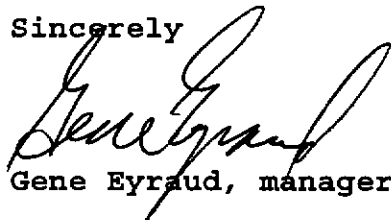
May 10, 1999

Shelley W. Keen, Water Rights Supervisor
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Keen:

Attached are several documents in reference of our application for water rights; the proof of beneficial use form, the permit to appropriate water, a letter from Val Richards, a letter of my explanation to you (held for this mailing), and a check for payment according to the schedule on the back of the proof of beneficial use form and a letter . I hope this information is sufficient to proceed with a water right. Thank you for your assistance.

Sincerely



Gene Eyraud, manager

MICROFILMED

AUG 23 1999

MAY 12 1999

State of Idaho

Water District 1

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

RONALD CARLSON
WATERMASTER

(208) 525-7172

Fax (208) 525-7177

April 6, 1999

Mr. Gene Eyraud, Manager
Harriman State Park...
HC 66, Box 500
Island Park, ID 83429

Dear Gene:

I am writing to verify our previous discussions regarding your proposed winter North Fork diversion on the Henry's Fork of the Snake River at Last Chance, Idaho.

The purpose of the new culvert device control and headgate, consisting of 2 ft. in diameter X 12 ft. long, is to run water downstream through the main headgate directly off the river and allow it to run approximately ¼ mile downstream in the amount of 10 cfs and control the flow directly back into the river during the winter months to allow fishery propagation. Also, this culvert device with controllable/lockable gate will facilitate summer flow for existing lateral irrigation and stock water usage.

This diversion's legal water right is:

June 15, 1889 for 10 cfs on North Fork
June 1, 1891 for 30 cfs on North Fork
June 1, 1893 for 10 cfs on North Fork.

This culvert control is strictly for winter use and is down stream from the original Henry's Fork headgate diversion. Flow measurements are taken below this original headgate with current meter by State Watermaster, Val L. Richards.

Sincerely,



Val L. Richards
State Watermaster

MICROFILMED
AUG 23 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 2, 1999

DIRK KEMPTHORNE
GOVERNOR

HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK ID 83429

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07587

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

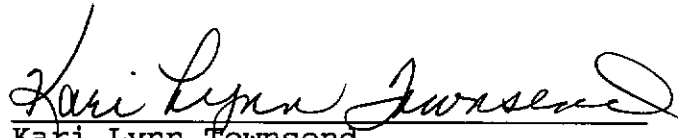
MICROFILMED
MAR 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of March, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 21-07587

HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK ID 83429


Kari Lynn Townsend
Secretary

MICROFILMED

MAR 10 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAR 10 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

MAR 10 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy L.No.: 21-7587 Name: Hanneman St. Pk. Date: 3/1/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17
≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDAQ3) - 046-P23
In Basin 34? - 085
Irr. within WD - P05 (new well location)
WMD (✓ MAP) - North / East / West
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD
WMD
Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
Supp. irr. + uses - 100-101
> 0.24 cfs/5 acres - 01M (report when notified)
≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO: WHEN: 1/12/99 RESPONSE: None

INACTIVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

> 0.20 cfs - P52 (stream channel alteration)
≤ 0.20 cfs - R04 (WD # 01)
- 01H-P08 (MD & LD)
- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22-P04, NA
(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
Salmon R (70's) - 029 (fish screens), NA
Weiser R (67) - 086, 087

USE:

STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
STOCKWATER - R37 (BLM/USFS); NA
MINING - 054(req) -081-P10
FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
HEATING/COOLING - R07 (injection well)
POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area? - 022, 075, 004 (+memo?)
Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
> 1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)
MITIGATION - 120
42-248 AREA - P84 in 20/30/40/50/60/70/80 (87) basin

SWAN FALLS FLAG (✓ Code)

Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 027
- ① Rec/habitat for fish ② WB9/
- 3 11 2000

MEMORANDUM

DATE: February 25, 1999
TO: File No. 21-07587
FROM: Cindy Zimmerman 
SUBJECT: Telephone Conversation

Skip called in response to my e-mail message of February 19, 1999. Skip did not think the NENW, S20 need be included in the place of use on the application or advertisement. The examination will need to confirm the additional $\frac{1}{4}\frac{1}{4}$.

Skip did not think we needed to verify the applicant has the Schoenike's permission to continue to use the diversion structure and ditch during the off-irrigation season since they have been using that system for decades during the irrigation season.

MICROFILMED

MAR 10 1999

Zimmerman, Cindy

From: Zimmerman, Cindy
Sent: Friday, February 19, 1999 4:34 PM
To: Jones, Skip (vax)
Subject: Harriman State Park Application

To file
SWK

Hi, Skip,

Sorry you to hear you were feeling poorly. I hope you feel better by the time you get this message.

I am reviewing Harriman State Park's application no. 21-07587. While confirming the place of use (the length of the ditch) I noticed that the application map identifies a 40-acre tract in Sec. 20 that was not included in the place of use or advertisement. Does the NENW, S20 need to be included in the place of use on the application and in the advertisement? Does the application need to be re-advertised?

Also, the point of diversion is on land owned by Larry & Beverly Schoenike. I realize the diversion structure and ditch are existing and in use during the irrigation season. Does the applicant have the Schoenike's permission to use the diversion structure and ditch during the off-irrigation season identified on the application?

Please let me know.

Thanks, *Cindy Zimmerman*

RECEIVED

State and Advertising

FEB 18 1999

Department of Water Resources

Dist. for staffing

Submitted for advertising

1-6-99

Form No. 202

4/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS PERMIT

Hamman St Park

INITIAL REVIEW BY HWS

DATE 1-6-99

APPLICATION NO. 21-07587

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☐ No Field check required
- ☐ Yes ☐ No Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

PROCESSING

☒ Yes ☐ No In form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game 1/12/99 ☐ U.S. Forest Service
☐ Idaho Dept. of Lands sent. ☒ Water District 01
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 2/8/99
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☐ Yes ☒ No Special conditions of approval or cover letter below.

Date of priority recommended 1-4-1999

By: HWT Date: 2-11-99

STATE OFFICE REVIEW

By _____ Date: _____

ADDITIONAL INFORMATION

Conversations with Roy Carlson, WDOI watermaster, conclude that this winter diversion for Recreation is non-consumptive & will incur no measurable evaporation. Therefore no rental of storage water is required.

2/11/99

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$71.75

Account Number/Trans. #	Identification		
100564	LEGAL NOTICE		
Ordered By	P.O. Number	Rate	Run Dates
SHARLA COX		NT	JANUARY 21, 28, 1999
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES 900 N SKYLINE DRIVE IDAHO FALLS, ID 83402		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	3115

ANGELA NEWLAND, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of
JANUARY 21, 1999
and ending with the issue of
JANUARY 28, 1999

RECEIVED

FEB 11 1999

Department of Water Resources
Eastern Region

STATE OF IDAHO)
COUNTY OF ADA) ss.

Angela M. Newland

On this 28TH day of JANUARY in the year of 1999, before me, a Notary Public, personally appeared ANGELA NEWLAND 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 she executed the same.

MICROFILMED

MAR 10 1999

[Signature]
Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

11-27-99

LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
21-07507

HARRIMAN STATE PARK
HC 66 BOX 900

ISLAND PARK, ID 83429

Source: HENRY'S FORK Tributary: SNAKE RIVER
Diversion Pt: SWSESW Sec 17 T 12N R 43E in FREMONT County.

Use: RECREATION (10,000 CFS)
Total Diversion: (10,000 CFS)

Date Filed: 1/4/1999

In: FREMONT County

T12N R43E

S17	SESW			
S19	NENE	SWNE	SENE	SENW
S20	NWNW			

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before FEBRUARY 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Jan. 21, 1999

3115

MICROFILMED

MAR 10 1999

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the WATER RIGHT NOTICE OF APPLICATION -21-07587 a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on JANUARY 20, 1999 and the last publication having been made on JANUARY 27, 1999.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)

COUNTY OF MADISON)

On this 28TH day of JANUARY in the year of 1999 before me, a Notary

Public, personally appeared Terry Weatherston, 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.

Robert D. Peltz

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07587

HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK, ID 83429

Source: Henry's Fork Tributary:
Snake River

Diversion Pt: SWSESW SEC 17 T12N
R43E in Fremont County.

Use: Recreation (10,000 CFS) Total
Diversion: (10,000 CFS)

Date Filed: 1/4/1999

In: Fremont County T12N R43E S17
SESW S19 NENE SWNE SENE SENW
S20 NWNW

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is

approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25 on or before February 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. Jan. 20 and 27, 1999HC.

RECEIVED

FEB 09 1999

Department of Water Resources
Eastern Region

MICROFILMED

MAR 10 1999

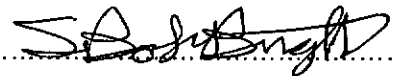
Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

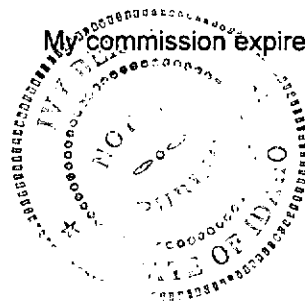
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 21st day of January, 1999, last publication having been made on the 28th day of January, 1999, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.


.....

Subscribed and sworn to before me, this 3rd day of February, 1999.


.....
Notary Public

My commission expires January 10, 2003



RECEIVED
FEB 0 1999

Department of Water Resources
Eastern Region

MICROFILMED
MAR 10 1999

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

21-07587
HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK ID 83429
Source: HENRY'S FORK
Tributary: SNAKE RIVER
Diversion Pt: SWSESW SEC 17 T12N
R43E in FREMONT County.
Use: RECREATION (10,000 CFS)
Total Diversion: (10,000 CFS)
Date Filed: 1/4/1999
In: FREMONT County
T12N R43E S17 SESW
S19 NENE SWNE SENE SENW
S20 NWNW

The flow through the side channel will
provide winter habitat for juvenile trout
and whitefish. All water diverted into the
ditch will be returned to the river. Ditch is
approximately 1.25 miles long and 10
feet wide. It flows directly adjacent to the
river.

Any protest against the proposed
application must be filed with the
Department of Water Resources, 900 N
Skyline Dr Ste A, Idaho Falls, ID 83402
together with a protest fee of \$25.00 on
or before February 8, 1999, to be con-
sidered by the Department in its deci-
sion to grant or deny any part of the
proposed application. The protestant
must also send a copy of the protest to
the applicant.

KARL J. DREHER, Director
Published: January 21, 28, 1999

MICROFILMED
MAR 10 1999

NOTICE OF APPLICATION

The following application is for the public waters of the EL PALACIO RESTAURANT?

HARRIMAN STATE

HC 66 BOX 900

ISLAND PARK, ID 834

Source: HENRY'S FO

Diversion Pt: SWSESV

FREMONT County.

Use: RECREATION

Total Diversion

Date Filed: 1/4/19

In: FREMONT County

T12N R43E S17

S19

S20

go Brew

The flow through the stream habitat for juvenile trout adjacent to the river. into the ditch will be returned approximately 1.25 miles long and adjacent to the river.

Any protest against the filed with the Department Skyline Dr Ste A, Idaho Falls protest fee of \$25.00 on or before considered by the Department deny any part of the proposed must also send a copy of the KARL J. DREHER, Director.

PUBLISH January 21 and 28

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 31378

I, Emily McKnight being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated Jan 21, 19 99, and ending with the issue dated Jan 28, 19 99.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28th day of Jan. in the year of 1999, before me, a Notary Public, personally appeared Emily McKnight, 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.

MICROFILMED

MAR 10 1999

Irene R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

5/19/2000

Times News

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

21-07587

HARRIMAN STATE PARK

HC 66 BOX 900

ISLAND PARK, ID 83429

Source: HENRY'S FORK Tributary: SNAKE RIVER

Diversion Pt: SWSESW SEC 17 T12N R43E in

FREMONT County.

Use: RECREATION

(10.000 CFS)

Total Diversion:

(10.000 CFS)

Date Filed: 1/4/1999

In: FREMONT County

T12N R43E S17 SESW

S19 NENE SWNE SENE SENW

S20 NWNW

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 on or before February 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant. KARL J. DREHER, Director

PUBLISH: January 21 and 28, 1999

Notice of Publication

OF IDAHO

OF TWIN FALLS } SS.

No 31378

Emily McKnight being first duly sworn upon oath, depose that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per attached, was published in the regular and entire issue of said newspaper, and not in any part thereof, for two consecutive weeks, beginning with the issue dated Jan 21, 19 99, and with the issue dated Jan 28, 19 99.

and I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Sunday, of which newspapers prior to consolidation had been published under said names in said city and county and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said began daily publication under said name in said city and county continuously and uninterruptedly. and I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published; and that at the head of the editorial column of said combined newspapers, and in each issue, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28th day of JAN. in the year of 1999, before me, a Notary Public, personally appeared Emily McKnight, 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.

MICROFILMED

MAR 10 1999

Shirley R. Feltman

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

Times News

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 01/28/99 INVOICE NO. 193253
Account No. 446600
Description 193253NOTICEOFAPPLICAT

LEGAL ADVERTISING INVOICE

Times 2 Lines 28

Tab. Lines _____

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

\$ 84.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 193253NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/21, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/21/99, and the last publication thereof being on the 01/28/99, and said 193253NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 29

day of January 1999

Ray Reed

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/03

193253
NOTICE OF APPLICATION FOR WATER RIGHT
The following application has been filed to appropriate the public waters of the State of Idaho:
21-07587
HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK, ID 83429
Source: HENRY'S FORK
Diversion Pt: SWSEW SEC 17 T12N R43E in FREMONT County.
Use: RECREATION (10,000 CFS)
Total Diversion: (10,000 CFS)
Date Filed: 1/4/1999
In: FREMONT County
T12N R43E S17
SESW SENE SENW
NENE SWNE
NWNW
S20
S19
S20
The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.
Any protest against the proposed application must be filed with the Department of Water Resources, 900 N. Skyline Dr Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 on or before February 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director
Published 1/21/99 & 128/99

RECEIVED MICROFILMED

FEB 01 1999

MAR 10 1999

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

January 12, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

IDAHO FISH & GAME
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application for Permit 21-07587

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Feb 8, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

January 12, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK ID 83429**

RE: Application for Permit 21-07587

Dear Applicant:

This office is currently in the process of advertising the application in the Herald Chronicle, Idaho Statesman, Post Register, Times News, and the Lewiston Morning News on January 21 and 28, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the 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.

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

Sincerely,

**Harold W. Jones
Water Right Supervisor**

HWJ::sc

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MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
JANUARY 12, 1999
~~Director~~

Legal Notices Department
HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

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. 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 FEBRUARY 8, 1999.

Yours truly,

Sharla Cox
Secretary

Encl.

*mailed
1/12/99
sc*

MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
JANUARY 12, 1999

Legal Notices Department
THE IDAHO STATESMAN
P.O. BOX 40
BOISE, ID 83707

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

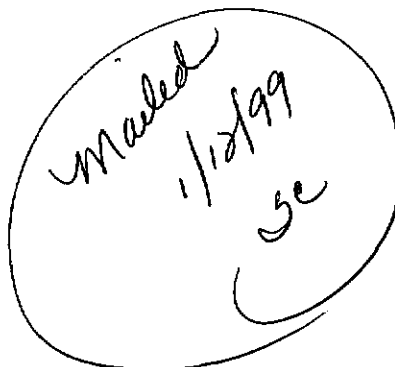
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Yours truly,

Sharla Cox
Secretary

Encl.



MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
JANUARY 12, 1999

Legal Notices Department
LEWISTON MORNING TRIBUNE
P.O. BOX 957
LEWISTON, ID 83501

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

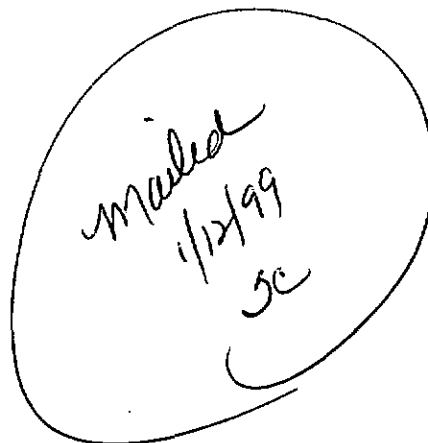
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Yours truly,

Sharla Cox
Secretary

Encl.



MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
JANUARY 12, 1999
~~Director~~

Legal Notices Department
THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

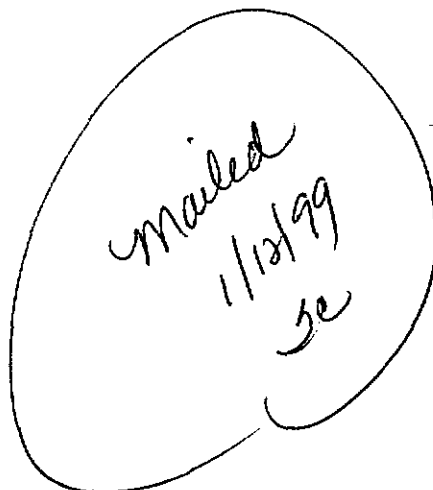
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Yours truly,

Sharla Cox
Secretary

Encl.



MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
JANUARY 12, 1999
~~Director~~

Legal Notices Department
THE TIMES-NEWS
P.O. BOX 548
TWIN FALLS, ID 83303

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

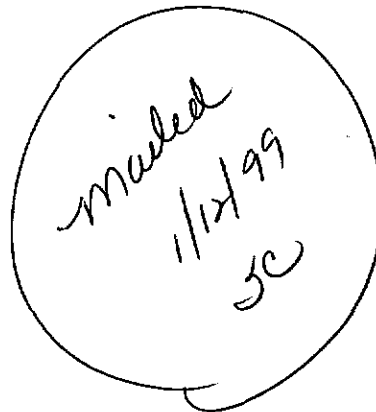
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Please send the affidavit of publication and publication billing to this office before FEBRUARY 8, 1999.

Yours truly,

Sharla Cox
Secretary

Encl.



MICROFILMED

MAR 10 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

21-07587

**HARRIMAN STATE PARK
HC 66 BOX 900
ISLAND PARK ID 83429**

Source: HENRY'S FORK Tributary: SNAKE RIVER

Diversion Pt: SWSESW SEC 17 T12N R43E in FREMONT County.

**Use: RECREATION (10.000 CFS)
Total Diversion: (10.000 CFS)**

Date Filed: 1/4/1999

**In: FREMONT County
T12N R43E S17 SESW
S19 NENE SWNE SENE SENW
S20 NWNW**

The flow through the side channel will provide winter habitat for juvenile trout and whitefish. All water diverted into the ditch will be returned to the river. Ditch is approximately 1.25 miles long and 10 feet wide. It flows directly adjacent to the river.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 on or before February 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published 1/21/1999 & 1/28/1999

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MAR 10 1999