



State of Idaho

DEPARTMENT OF WATER RESOURCES

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JUN 01 1994

WATER RESOURCES
WESTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 31, 1994

John Keys, Regional Director
U.S. Bureau of Reclamation
1150 N. Curtis
Boise, ID 83706-1234

RE: Extension of provisions of Section 42-1763, Idaho Code

Dear John:

Enclosed is a copy of a proclamation issued by Governor Andrus recognizing that processing has been suspended for a one-year period on USBR's pending applications to change the nature and place of use of water stored in Cascade and Deadwood Reservoirs. The proclamation puts HB 989 in effect extending the provisions of Section 42-1763A, Idaho Code, for an additional year. This authorizes stored water to be rented and released through calendar year 1995 for salmon recovery uses within Idaho and downstream locations outside of Idaho through the Water Resource Board water bank and the rental pools operated by local committees appointed by the Board.

I have advised IDWR staff to withhold processing of the applications for transfer Nos. 4287 and 4288 for the one-year period, i.e., until April 29, 1995, from the date of your letter asking for processing to be suspended.

However, before processing will be resumed by publication of legal notice of the applications, USBR must respond to the February 22, 1994, letter seeking clarification of the use of the term "comity filing." If this matter can be addressed during this year, processing will not need to be delayed further.

Sincerely,


R. KEITH HIGGINSON
Director

RKH:dc

cc: File 4287 and 4288
Western Region
Enclosure



The Office of the Governor

Executive Department
State of Idaho
Boise

Proclamation

WHEREAS, the Second Regular Session of the Fifty-second Idaho Legislature passed House Bill 989, as amended, relating to procedures to make water available to assist in the movement of salmon; amending Section 4, Chapter 101, Laws of 1992, to extend the sunset clause by one year; and providing a procedure for the provisions of the act to become effective; and

WHEREAS, the Governor signed House Bill 989, as amended, on April 11, 1994, to be reported as Session Law Chapter 452; and

WHEREAS, the effectiveness clause of House Bill 989, as amended, Section 3, Chapter 452, Laws of 1994, provides:

This act shall be in full force and effect when the Governor shall make a proclamation that the U.S. Bureau of Reclamation has agreed to withdraw or hold in abeyance for a period of one (1) year its applications for transfer of water rights in the Payette River Basin.

;and

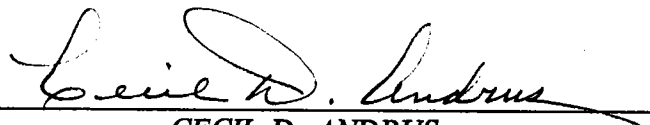
WHEREAS, on April 29, 1994, the U.S. Bureau of Reclamation filed with the Director of the Idaho Department of Water Resources a letter requesting that Transfer Application 4287 for the transfer of water in Cascade Reservoir, and Transfer Application 4288 for the transfer of water in Deadwood Reservoir, be held in abeyance for a period of one (1) year;


NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do by this proclamation verify that the condition for effectiveness of House Bill 989, as amended, Second Regular Session of the Fifty-second Idaho Legislature, Chapter 452, Laws of 1994, has been satisfied by the request and agreement of the U.S. Bureau of Reclamation to have held in abeyance for a period of (1) year its applications for transfer of water rights in the Payette River Basin.

In accordance with the provisions of Section 3, Chapter 452, Laws of 1994, the effective date of the act shall be May 25, 1994, the date of this proclamation.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twenty-fifth day of May in the year of our Lord nineteen hundred ninety-four and of the Independence of the United States of America the two hundred eighteenth and of the Statehood of Idaho the one hundred fourth.


CECIL D. ANDRUS
GOVERNOR


PETE T. CENARRUSA
SECRETARY OF STATE