

CORPORATE HEADQUARTERS

August 19, 1999

Harold Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

RECEIVED
23-24
AUG 24 1999

Department of Water Resources
Eastern Region

Re: IDWR Transfer No. 5485, Water Right No. 24-02005.

Dear Harold:

The above transfer was filed identifying the following locations for points of diversion:

Table 1. Points of Diversion Originally Advertised under IDWR Transfer No. 5485

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		SW	SE	10	8S	46E	Caribou	Tygee Creek Tributary to Stump Creek
		NE	NW	16	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		NE	NW	7	9S	46E	Caribou	Sage Creek Tributary to Crow Creek

In re-evaluating the location for our proposed diversion from Sage Creek we identified a better location approximately 1/4 mile upstream. By diverting from this new point we can utilize a gravity flow system to transport water to our holding pond and forego the costs of pumping. However, this moves the location of the Sage Creek diversion point into the adjacent 40 acre subdivision.

As a result of moving this point of diversion we request an amendment to the above referenced transfer to change the location of the Sage Creek point of diversion from the NE1/4NW1/4 of Section 7 T.9S R.46E to the NW1/4NW1/4 of Section 7 T. 9S R. 46E. In reviewing the IDWR water rights database I discovered claimed diversion points within the SE1/4NE1/4 and NE1/4NW1/4 of Section 7 T.9S R.46E under statutory claim no. 24-04080. This claim was filed in the Snake River Basin Adjudication identifying these same points of diversion.

A review of the IDWR's adjudication database on August 17, 1999, revealed the following claims identifying Sage Creek as the point of diversion:

Table 2. SRBA Claims with Points of Diversion in Section 7 T.9S R.46E

Claim No.	Claimant	Stage	Use	Point(s) of Diversion	Rate of Diversion
24-10074	US Forest Service	Partial Decree Issued February 12, 1999	Instream Stockwater Use	Instream Beginning Point: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T.9S R.46E Instream Ending Point: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 T.9S R.46E	.02 c.f.s
24-10076	US Forest Service	Partial Decree Issued February 12, 1999	Instream Stockwater Use	Instream Beginning Point: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15 T.9S R.45E Instream Ending Point: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T.9S R. 46E	.02 c.f.s.
A24-04080	Raymond S. Peterson & Sons, Inc.	Director's Report for Basin 24 not yet filed with SRBA Court	Irrigation and Stockwater	SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7 T.9S R.46E	17.96 c.f.s.

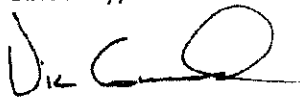
We do not believe there will be any impact to the above decreed rights and statutory claim caused by moving our Sage Creek point of diversion into the adjacent quarter quarter.

Enclosed is a \$50.00 check to cover your transfer amendment fee. Please amend the points of diversion contained on IDWR transfer no. 5485 as follows:

Table 3. Amended Points of Diversion for Transfer No. 5485

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		SW	SE	10	8S	46E	Caribou	Tygee Creek Tributary to Stump Creek
		NE	NW	16	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		NW	NW	7	9S	46E	Caribou	Sage Creek Tributary to Crow Creek

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosure