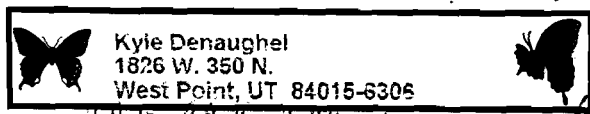


6/23/97

I am protesting
the changes of
the water rights
presented by the
Montgomerys and
the Andersons #1
& #2 listed in
the legal notice
that appears to
the side of this
paper.

Kyle Denaughel
1826 W. 350 N.
West Point, Utah
84015
(84015)



RECEIVED

JUN 26 1997

Department of Water Resources
Southern Region



Receipt # 50 20 337
6/26/97
mab

Legal Notice

97-237

NOTICE OF PROPOSED CHANGES OF WATER RIGHT

Notice is hereby given that two transfers have been filed with the Department of Water Resources for changes to two Decreed water rights. **PRESENTLY**, Decreed Water Right 45-00294A (1.6 cfs) with a priority date of 03/31/1888 is diverted from Lake Cleveland tributary to Marsh Creek within SW1/4NW1/4, S03, T13S, R24E; Cassia County and re-diverted within NW1/4NE1/4, S12, T12S, R24E for irrigation within parts of S01, T12S, R24E; Cassia County. **PRESENTLY**, Decreed Water Right 45-00294B (3.2 cfs) with a priority date of 03/31/1888 is diverted from Lake Cleveland tributary to Marsh Creek within SW1/4NW1/4, S03, T13S, R24E; Cassia County for irrigation within parts of Sections 01 and 12, T12S, R24E and within parts of S06, T12S, R25E; Cassia County.

Transfer No. 5089 filed by George A. &/or Gwen Montgomery, Star Rt. Box 13; Albion, ID 83311 proposes to add re-diversion points, split off 1.6 cfs of 45-00294B and record an accomplished change in place of use. The transfer proposes to divert 1.6 cfs from Lake Cleveland within SW1/4NW1/4, S03, T13S, R24E. Proposed point of injection into Marsh Creek is within NW1/4NW1/4, S27, T12S, R24E. Proposed re-diversions from Marsh Creek are within NW1/4SW1/4 and SE1/4NW1/4, S12, T12S, R24E. Irrigation of 71 acres will be within parts of S12, T12S, R24E; Cassia County. These changes will create Water Right No. 45-00294 Part D. The unchanged portion of Right 45-00294B (1.6 cfs) will continue to irrigate parts of the original place of use.

Transfer No. 5090 filed by A.W. &/or S.J. Anderson, HC 36 Box 14; Albion, ID 83311 proposes to add re-diversion points, split off 1.7 cfs of 45-00294B and record an accomplished change in place of use. The transfer proposes to transfer a total of 3.3 cfs of water. Water Right 45-00294A (1.6 cfs) and Water Right 45-00294B (1.7 cfs) will be diverted from Lake Cleveland within SW1/4NW1/4, S03, T13S, R24E. Proposed point of injection into Marsh Creek is within NW1/4NW1/4, S27, T12S, R24E. Proposed re-diversions from Marsh Creek are within NE1/4NE1/4, SW1/4NE1/4, NE1/4SW1/4, S14, T12S, R24E; and NE1/4SW1/4, (two points within NW1/4SW1/4), S12, T12S, R24E; Cassia County for irrigation of 192.3 acres within parts of S12, T12S, R24E; Cassia County. The unchanged portion of Right No. 45-00294B will continue to be used on the original place of use.

***Note:** These transfer applications conflict with each other.

A protest against approval of any particular transfer must be filed with the Department of Water Resources

and NE1/4SE1/4, S26, both T12S, R23E; Cassia for irrigation of 152 acres within parts of S23, T12S, R23E; Cassia County. **PRESENTLY**, Licensed Water Right No. 45-02352 (2.20 cfs) with a priority date of 10/24/1950 is diverted from groundwater within SW1/4SW1/4, S07, T12S, R23E; Cassia County for irrigation of 1680 acres within parts of Sections 07 and 18, T12S, R23E and parts of Sections 12, 13, & 14, T12S, R22E; Cassia County. **PRESENTLY**, Snake River Basin Adjudication Claim No. A45-11239 (1.71 cfs) with a priority date of 06/30/1985 is diverted from groundwater within NE1/4SE1/4, S26, T12S, R23E; Cassia County for irrigation of 1070 acres within parts of Sections 22, 23, 26, & 27, T12S, R23E; Cassia County.

PROPOSED CHANGES

The applicant wishes to divert a total of 3.91 cfs from a new well within SW1/4NW1/4, S21, T12S, R23E; Cassia County to irrigate a 1070 acre permissible place of use within parts of Sections 22, 23, 26, & 27, T12S, R23E; Cassia County. Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 3, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

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