



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

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June 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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 45-00296B (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 1.70 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, 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. **(Each transfer requires a separate protest)**. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

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