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DEPARTMENT OF
WATER RESOURCES

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November 6, 2007

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW

Mr. Shelley W. Keen
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

***Re: Lowrey Hascall Kammer and Tami Sipe Kammer;
Transfer No. 73570;
Petition for Reconsideration***

Dear Shelly:

Enclosed you will find the original and one copy of a Petition for Reconsideration of certain aspects of the recently approved Transfer No. 73570. When the original of the Petition and enclosed copy arrived by mail kindly have your secretary receipt date-stamp the copy and return it to me in the postage prepaid, self-addressed envelope included with that mailing. Kindly contact me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

James P. Speck

JPS/jef

Enclosures

cc: Client (w/encl.)
D. Tuthill (w/encl.)
C. Brockway (w/encl.)

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Attorneys for Lowrey Hascall Kammer and Tami Sipe Kammer

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF AMENDED	)	
TRANSFER NO. 73570 IN THE NAME	)	
OF LOWREY HASCALL KAMMER	)	PETITION FOR
AND TAMI SIPE KAMMER	)	RECONSIDERATION
	)	
	)	

Lowrey Hascall Kammer and Tami Sipe Kammer (“Kammer”), by and through their attorney, James P. Speck, of Speck & Aanestad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the “Department”) pursuant to I.C. § 67-5343(3) for reconsideration of its preliminary order titled Transfer of Water Right Transfer No. 73570 (the “Transfer”). In support thereof, Kammer states as follows:

1. On September 20, 2007 the Department issued the Transfer which was then served on Kammer by mail on September 21, 2007. The Transfer changed the point of diversion of Water Right 37-33. However, the Transfer also reduced the quantity of 37-33 from 0.72 cfs in the Director’s Report filed in the SRBA to 0.24 cfs.

2. On October 9, 2007 Kammer filed their Petition for Reconsideration of the Transfer.

3. On October 23, 2007 the Department issued its preliminary order titled Amended Transfer of Water Right Transfer No. 73570 (the "Amended Transfer").

4. Condition of Approval 2 of the Amended Transfer provides "Right Nos. 37-33 and 37-21128 when diverted via pump and delivered via pressurized irrigation system shall not exceed a total combined diversion rate of 0.24 cfs."

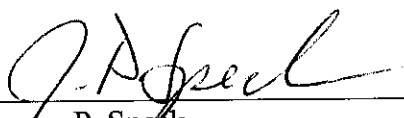
5. Condition of Approval 3 of the Amended Transfer provides "This right when combined with all other rights shall provide no more than 0.02 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above."

6. Soil conditions at the place of use are such that, depending on the type of plant under irrigation, more than 0.02 cfs may be required for proper irrigation. Idaho water law provides that anytime 37-33 is diverted through a sprinkler irrigation system Kammer can divert and use no more than can be beneficially used to irrigate the 12 acres regardless of the legal quantity of 37-33. Therefore, Conditions of Approval 2 and 3 of the Amended Transfer should be deleted.

WHEREFORE, Kammer respectfully requests the Department to delete Conditions of Approval 2 and 3 from the Amended Transfer.

Dated this 5 day of November, 2007.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Lowrey Hascall Kammer and
Tami Sipe Kammer

By: 
James P. Speck

CERTIFICATE OF SERVICE

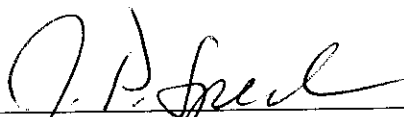
I hereby certify that on the 7 day of November 2007, I served a true and correct copy of the within and foregoing document upon the persons named below in the manner noted:

Mr. Shelley Keen
IDAHO DEPARTMENT OF WATER
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Boise ID 83720-0098
Fax: 1-208-287-6700

- ☐ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☒ Facsimile

Mr. David Tuthill
Director
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