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WAX
RECEIVED

OCT 09 2007

DEPARTMENT OF
TERRACE RESOURCES
(208)726-4421
FACSIMILE
(208)726-0752

October 5, 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.)
C. Brockway (w/encl.)

ORIGINAL IN RED

**James P. Speck, Esq., ISB # 2067
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120 East Avenue
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Telephone (208) 726-4421
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Attorneys for Lowrey Hascall Kammer and Tami Sipe Kammer**

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**DEPARTMENT OF
WATER RESOURCES**

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

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

Lowrey Hascall Kammer and Tami Sipe Kammer ("Kammer"), by and through its 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 changes the point of diversion of Water Right 37-33. However, the Transfer also reduces the quantity of 37-33 from 0.72 cfs in the

PETITION FOR RECONSIDERATION - 1

Petition for Reconsideration.wpd
10/5/07

Director's Report filed in the SRBA to 0.24 cfs.

2. The quantity should not be reduced as there is no reduction in the number of irrigated acres. Furthermore, 0.72 cfs would be required to flood irrigate the 12 acres should Kammer decide to return to that method of irrigation. At 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.

3. Condition no. 7 of the Transfer states that the source at the new point of diversion is known locally as the Clearwater Slough. To Kammer's knowledge this is incorrect and it should instead be the Broadford Slough

WHEREFORE, Kammer respectfully requests the Department to amend the Transfer to state that 37-33 provides for the diversion of 0.72 cfs from the Broadford Slough.

Dated this 5th day of October, 2007.

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

By: _____

James P. Speck

CERTIFICATE OF SERVICE

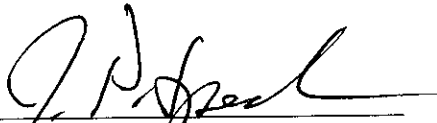
I hereby certify that on the 5th day of October 2007, I served a true and correct copy of the within and foregoing document upon the persons named below in the manner noted:

Mr. Shelley Keen
IDAHO DEPARTMENT OF WATER
RESOURCES
322 East Front Street
P.O. Box 83720
Boise ID 83720-0098
Fax: 1-208-287-6700

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

Mr. David Tuthill
Director
IDAHO DEPARTMENT OF WATER
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