

Receipt #C054684
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Department of Water Resources

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JUL - 5 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 5120 OF
WATER RIGHT NO. 41-07034 IN THE
NAME OF TIMOTHY P. DEEG

**PETITION FOR MODIFICATION
OF FINAL ORDER AND TO DIVERT
WATER**

Tim Deeg, applicant in the above entitled matter, hereby petitions the Director of the Idaho Department of Water Resources for an order modifying the Final Order entered in the above entitled matter on the 15th day of May, 1998, in a manner that preserves the separate diversion entitlements under water rights numbers 41-07030 and 41-07034 through the termination or expiration of applicant's leasehold interest in said water rights to avoid the risk of future forfeiture.

Specifically, applicant requests the following:

1. That the provisions of paragraph No. 11, at page 4 of the Findings of Fact be modified to add the following language or language similar thereto:

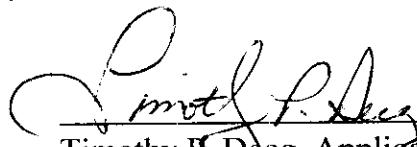
"Until such time as applicant's financial circumstances will permit."

2. That the provisions of paragraph No. 5, at page 8 of the Order be modified to add the following language or language similar thereto:

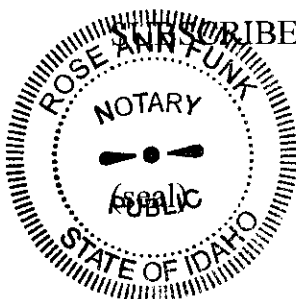
"Until such time, not to exceed five (5) years from the date hereof, as applicant files a petition to commence diverting additional water from said well by an amount not to exceed the amount of water right No. 41-07034; that is, 1.82 cfs, notice of which application must be published and protests permitted as in the case of a new application for transfer under Idaho Code § 42-222."

Applicant further hereby petitions the Director for an order authorizing the applicant to increase the capacity of the well which was made the point of diversion for water right No. 41-07034 by approved transfer No. 5120 and water right No. 41-07030 by approved transfer No. 4268 or to drill an additional well at the same location to permit the increased diversion of up to an additional 1.82 cfs pursuant to said water right No. 41-07034 and an additional 1.4 cfs pursuant to water right No. 41-07030 for a total diversion rate from said well or wells of 10.02 cfs under the combination of water rights Nos. 41-07030, 41-07034, 41-07071, 41-0706 and 41-07081, and that notice of applicant's intent so to do be published and protests allowed in the same manner as provided in Idaho Code § 42-222.

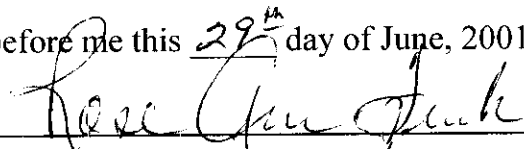
Dated this 29 day of June, 2001.



Timothy P. Deeg, Applicant



SUBSCRIBED AND SWORN TO before me this 29th day of June, 2001.



Notary Public for Idaho

Residing at: Am. Falls, Id.

My commission expires: 12-16-06

Idaho Department of Water Resources Receipt

Receipt ID C054686

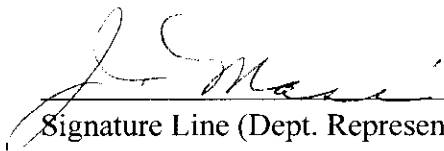
Payment Amount \$50.00 Date Received 7/6/2001 11:35:03 AM Region State Status
Payment Type Check Check Number 60955

Payer HOLDEN KIDWELL HAHN AND CRAPO PLLC

Comment TRANSFER NO. 5120 WATER RIGHT NO 41-07034 IN THE NAME OF
TIMOTHY P DEEG PETITION FOR MODIFICATION OF FINAL ORDER
AND TO DIVERT WATER

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	TRANSFERS	0229	21	56105	1155


Signature Line (Dept. Representative)