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DEC - 5 2003

Department of Water Resources

Jerry W. Hatch
850 West Elva
Idaho Falls, Idaho 83402

Department of Water Resources
1301 North Orchard Street
Box 83720
Boise, Idaho 83720-0098
Attn: Tim Luke

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FEB 25 2004

Department of Water Resources
Eastern Region

Dear Mr. Luke,

It is my understanding that the Redford and Andrus points of diversion on the Toponce Creek drainage has been changed from their authorized point to the pipeline that is used by King Creek Grazing.

Please accept this letter as my objection to this change of point of diversion.

When I visited with the folks at the office here in Idaho Falls about this issue, they gave me the impression that it should not be a matter of great concern to me since if these points of diversion were to request a change it would be granted because my rights are junior to both of them.

The change in point of diversion could mean that even when the time comes that there is sufficient water for me to accept my right there will not be water in the creek because it will have been lost in the dry bed that is left since they have changed their point of diversion to the King Creek pipe. Since the pile line has been put in for King Creek Cattle there has been very little water in the creek at our point of diversion. Since Redford and Andrus have been renting the pipe from King Creek there has not been any water in the creek. The pipeline starts one half to three quarters of a mile upstream from my point of diversion. When there is water it will have to fill the dry bed before it will ever get to me. Because of this, it will certainly harm me when there is enough water for me to use if they are allowed to change their point of diversion..

Please also accept this letter in objection to allowing them to change the point of diversion legally at a later date.

Sincerely,



Jerry W. Hatch

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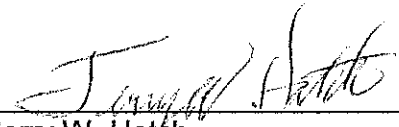
GENERAL POWER OF ATTORNEY

I, Jerry W. Hatch, of Bonneville County, State of Idaho, hereby make, constitute and appoint my son, Todd Hatch of Idaho Falls, County of Bonneville, State of Idaho, as my true and lawful attorney in fact or agent to act in my name or on my behalf to do every act that I may legally do through an attorney in fact, including, but not limited to, the following:

1. Collect all mail and shipments from the United States Postal Service, UPS, Federal Express, and other common carriers.
2. Collect all income and property of mine and apply the same to my needs and benefit. This includes signing or endorsing on my behalf any check, warrant, or any other negotiable instrument.
3. Sign on my behalf for income tax returns for the tax years 2003 and 2004.
4. Sign any check or other negotiable instrument on my behalf.
5. Act for me in my name and in my place, and to use, in all matters affecting any property owned by me, whether real or personal, tangible and intangible, of whatever kind and nature, or wherever situated, and including but not limited to realty, securities of any type, and bank deposits or certificates of any type, to the same force and legal effect as though I were personally present and acting for myself, and affixing my own signature.

The powers and authorities hereby given and conferred shall not be affected by any disability I have or may have in the future.

DATED: November 14, 2003

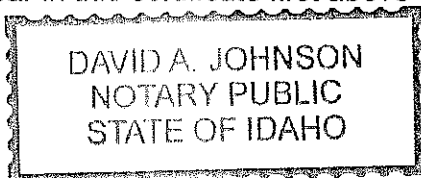


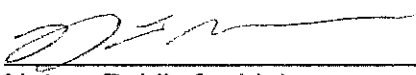
Jerry W. Hatch

STATE OF IDAHO)
) ss.
County of Bonneville)

On this ____ day of November, 2003, before me the undersigned, a Notary Public in and for said State, personally appeared Jerry W. Hatch, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for Idaho
Commission expires: 9/5/2009

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer No. 71551 (King Creek)
2. Name of protestant Jerry W. Hatch
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 850 W. Elva Idaho Falls, ID 83402
5. Service telephone no. 208-529-5757
6. Basis of protest (including statement of facts and law upon which the protest is based)
Not wanting point of diversion moved.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Not moving point of diversion

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of July, 2005

Protestant

Protestant's Representative

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JUL 11 2005

Department of Water Resources
Eastern Region

Receipt
#E031044