

1-27-04

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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

RECEIVED
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 Toponog 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 pipe 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