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In File

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION**

RECEIVED

AUG 9 2004

DEPARTMENT OF
WATER RESOURCES

(To change point of diversion, place of use or purpose of use)

Name of Applicant Mickelsen Properties LLC % Mark Mickelsen ²⁰⁸ Phone 313-1295 (cell)
Post Office Address P O Box 438 Rigby, ID 83442

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s)
☐ Change purpose of use ☒ Other FOR IRRIGATION & Mitigation ☒ Change place of use

2. Describe the proposed change(s) and the reason(s) thereof Mitigation for groundwater pumping to satisfy Petition for Delivery Call received from "Jensens"

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-7179</u>	<u>4/6/1982</u>	<u>2.78 cfs</u>	<u>IRRIGATION & Mitigation</u>	<u>4/1</u> to <u>11/1</u>
				to
				to
				to

2. Total amount of water being transferred 2.78 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	<u>2</u>	<u>NE</u>	<u>NW</u>	<u>NE</u>	<u>4</u>	<u>4N</u>	<u>26E</u>	<u>Batte</u>	<u>Mickelsen Well</u>

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4N</u>	<u>26E</u>	<u>4</u>													<u>39</u>	<u>39</u>	<u>38</u>	<u>36</u>	<u>152</u>
		<u>9</u>		<u>27</u>	<u>29</u>										<u>37</u>	<u>10</u>	<u>10</u>	<u>29.5</u>	<u>142.5</u>

Total Acres 294.5

TC-34-56

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right Agreement to provide mitigation water
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will not be irrigated
- d. Has the water right sought to be transferred been used this year? NO If yes, explain.
- e. Absent the changes, how would the right be used for the remainder of the year? Could not be used because of petition for Delivers Call without other mitigation
- f. Describe other water rights used for the same purpose.
- g. Remarks: 34-2330B, 34-712B, 34-12376, 34-618, 34-692C, 34-7077, 34-7080B
34-7120, 34-7121A, 34-7092, 34-13659, 34-13661, 34-13663, 34-621E
34-621D

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/27/04 Fee \$50⁰⁰

Received 7/27/04 # E030078 Recommend: approve deny

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-56

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 30th day of July, 2004.

[Signature]
For the Director

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-7179)
)
Mickelsen Properties)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-56

WHEREAS, a drought emergency has been declared for Butte County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 27, 2004, Mark Mickelsen for Mickelsen Properties submitted the attached Temporary Change Application TC-34-56 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 34-7179 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-56

5. Right(s) 34-7179 are limited to the irrigation of a total of 294.5 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval..

DATED this 30th day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No: TC-34-56

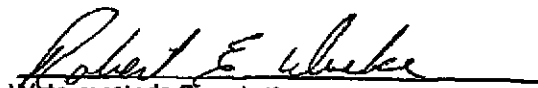
Water Right No(s): 34-7179

Transfer Applicant's Name: Mickelsen Properties, LLC / Mark Mickelsen
Watermaster's Recommendation:

- a) X I do not oppose approval of this application
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons
- d) Additional Comment:

Dated this 30th day of July, 2004

Water District No: 34


Watermaster's Signature

JUN 8 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT IN THE NAME)
OF 34-7179)
Everett T. Acor jr)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for BUTTE County to allow administrative actions to lessen the severe impacts of the drought conditions in the county, and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code, and

WHEREAS, on 5-22-01 Everett Acor submitted the attached Temporary Change Application ("application") to the Department, and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions, and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right,

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

- 1 Diversion and use of right no(s) 34-7179 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order
- 2 This temporary change approval does not authorize construction of a new well as a new point of diversion
- 3 This temporary change approval may only be used to provide a

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights

- 4 Right(s) 34-7179 are limited to the irrigation of a total of 376 acres in a single irrigation season
- 5 This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district
- 6 The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity
- 8 The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water)
- 9 The watermaster of Water District No 34 is authorized to administer the temporary change approval
- 10 This temporary change approval expires on 10-15-01 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval

DATED this 5th day of June, 2001


AUTHORIZED PERSON
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of applicant Everett T. Acers Jr Phone 524-5138
Post Office address 3196 N. Yellowstone Ave, Idaho Falls 83401

A. PURPOSE OF TRANSFER

- 1 ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) therefor JAY JENSEN NEEDS
THE WATER FROM OUR WELL - WE ARE DRYING UP - NOT
GOING TO FARM 139 ACRES WE WOULD USUALLY USE THE WATER FOR

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1 Right Number	Priority	Amount	Nature	Period of Use
<u>34-07179</u>	<u>4/06/1982</u>	<u>2.78</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2 Total amount of water being transferred 2.78 cubic feet/second and/or _____ acre-feet per annum.

3 Source of water Groundwater tributary to _____

4. Point(s) of Diversion

Ident No	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	<u>2</u>	<u>NE</u>	<u>NW</u>	<u>NE</u>	<u>4</u>	<u>4N</u>	<u>26E</u>	<u>Butte</u>	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4N</u>	<u>26E</u>	<u>4</u>													<u>39</u>	<u>39</u>	<u>38</u>	<u>36</u>	<u>152</u>
		<u>9</u>													<u>37</u>	<u>10</u>	<u>10</u>	<u>30</u>	<u>87</u>
		<u>9</u>			<u>27</u>	<u>29</u>													<u>56</u>
		<u>9</u>	<u>36</u>				<u>36</u>												<u>72</u>
		<u>9</u>															<u>9</u>		<u>9</u>

Total acres 376

6 General Information

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
IT WILL NOT BE FIRMED THIS YEAR
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? IT WOULD NOT
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Everett J. Pearson
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWS Date 5-22-01 Fee \$50
Receipted HWS # EO26734 Recommend: approve deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-03
And said application is hereby Approved, subject to the following limitations and conditions:

1. Subject to Control of the water master TC 34
2. Lockable diversion works
3. Adequate measuring device
4. Transfer expires Nov 1, 2001

Witness my hand this 4th day of June 2001

Ronald P. Carls

RECEIVED

27 NOV 24 PM 8:26

NOV 27 2000

Department of Water Resources

SRBA
IDaho
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 34-07179

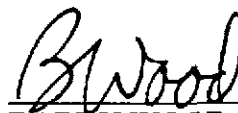
On February 19, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

On June 24, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 34-07179 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 24, 2000.



BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-07179

2000 NOV 24 AM 8:26

FILED T-SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: EVERETT T ACOR JR.
ROUTE 1 BOX 13
MOORE, ID 83255

SOURCE: GROUNDWATER

QUANTITY: 2.78 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-02426C,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077,
AND 34-07120.

PRIORITY DATE: 04/06/1982

POINT OF DIVERSION: T04N R26E S04 LOT 02 (NENWNE) Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.78 CFS

PLACE OF USE:	Irrigation		Within Butte County
T03N R25E S12	NENE 39.0		NWNE 40.0
	SWNE 40.0		SENE 39.0
	NENW 40.0		NWNW 40.0
	SWNW 40.0		SENW 40.0
	NESW 31.0		NWSW 32.0
	SWSW 31.0		SESW 32.0
	NESE 39.0		NWSE 40.0
	SWSE 36.0		SESE 36.0
R26E S17	NENE 11.0		NWNE 25.0
	NENW 37.0		NWNW 39.0
	SWNW 13.0		SENW 5.0
S18	NENE 35.0		NWNE 39.0
	SWNE 36.0		SENE 25.0
	NENW 38.0		NWNW 26.0
	SWNW 37.0		SENW 40.0
	NESW 17.0		NWSW 10.0
	NWSE 2.0		
T04N R25E S35	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NESW 20.0		SESW 20.0
	NESE 40.0		NWSE 40.0
	SWSE 40.0		SESE 40.0
S36	NENE 38.0		NWNE 40.0
	SWNE 40.0		SENE 39.0
	NENW 40.0		NWNW 40.0
	SWNW 40.0		SENW 40.0
	NESW 40.0		NWSW 40.0
	SWSW 40.0		SESW 40.0
	NESE 39.0		NWSE 40.0
	SWSE 40.0		SESE 39.0
R26E S04 LOT 01	(NENE)35.0	LOT 02 (NWNE)	36.0
	SWNE 36.0		SENE 32.0
T05N R26E S33	NENE 14.0		NWNE 36.0
2214.0 Acres Total			

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2307 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-02426C, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077, 34-07120, 34-00618, 34-00692C, 34-00256 AND 34-00416.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 24 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 34-07179

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-07179 was mailed
on November 24, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

EVERETT T ACOR JR.
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

6112-44
9272-44
*VER WTR USERS ASSN

by:

FIELD

JE EAST (83301)

ID 83303-0066
734-5610

DIANA DELANEY
Chief Deputy Clerk

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 5611/67031

APPLICATION FOR TRANSFER OF WATER RIGHT
PART I

Name of Applicant Everett T. Acor, Jr Phone (208) 523-0620
Post Office address P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To divide water rights to conform to division of land as a result of sale of land by Acor to Cannons

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>34-00692C</u>	<u>07/15/1884</u>	<u>1.60</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
(Split) —	<u>34-02426D</u>	<u>04/06/1982</u>	<u>1.24</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07179</u>	<u>04/06/1982</u>	<u>2.78</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>

2. Total amount of water being transferred 5.42 cubic feet per second and/or _____ acre-feet per annum

3. Source of water Big Lost River-34-00692C tributary to sinks
Source of water Groundwater-34-02426D tributary to _____
Source of water Groundwater-34-07179 tributary to _____

4. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte	Moore Diversion for 34-00692C
	NE	SW	SW	28	5N	26E	Butte	Home place well for 34-02426D
02	NE	NW	NE	4	4N	26E	Butte	Dad's place well for 34-07179

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	09					35	35											70 - 34-00692C
5N	26E	28										37	36						73 - 34-02426D
4N	26E	04	35	36	36	32													139 - 34-07179

Total Acres 282

SUPPORT DATA

IN FILE # 34-692C

T5611/67031



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2000

EVERETT T ACOR JR
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer No.: 5611

Dear Applicant:

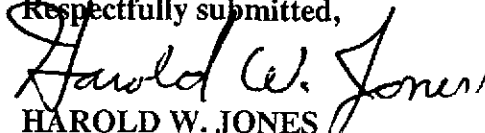
Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,


HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office

Karl J Dreher, Director
Idaho Department of Water Resources
900 N Skyline Drive
Idaho Falls, Id 83402

RECEIVED
JAN 10 2000
Department of Water Resources
Eastern Region

RE · Protest for T5609 and T5611

Dear Mr Dreher,

This document is a formal protest submitted by Big Lost River Water Users Association against both proposed change of water right numbers T5609 and T5611 (a copy of such Public Notice is attached hereto) for at least but not limited to the following reasons to wit;

1. There is injury both in law and in fact
2. There is insufficient water supply
3. Other water rights will be injured.
4. Artesian pressure will be decreased.
5. It is in violation of the public interest
6. It involves illegal expansion of supplemental water rights
7. Canal delivery will be impacted through increased shrink.

Filed this 6th day of January 2000 and evidenced by at least but not limited to the following signatures

It is requested that all hearings be held in Arco

Sincerely,

Albert C Babcock
Mary L Babcock
Lawrence R. Babcock
Ann Anderson
Charles D Huggins
Lewis Rothwell
Dennis Drarwell
Judy Brumwell

Lawrence R. Babcock
Lawrence R. Babcock, Chairman
Big Lost River Water Users Association
Box 66, MOORE, ID
Glenice W Burgess
Lennie Burgess
Dale Smith
Clyde Rowland
Lloyd A. Bingham
Wade W. Bingham
Norm W. Bingham
Fern B. Guthrie
Ray M. Boyack
Reuter D. Babcock (withdrew)
Oline Rothwell

Box 66
Moore, ID
83255

E025549
E025550



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2000

LAWRENCE R BABCOCK
BOX 66
MOORE ID 83255

RE: Application for Transfer No. 5609 and 5611

Dear Protestant:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

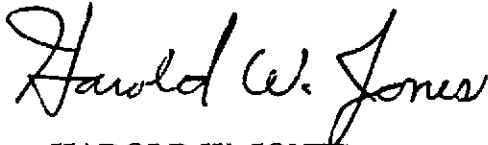
In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP
EVERETT T ACOR JR AND KURT P ACOR
PO BOX 50130
IDAHO FALLS ID 83405

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If we may be of further assistance, please contact us.

Respectfully submitted,

A handwritten signature in black ink that reads "Harold W. Jones". The signature is written in a cursive style with a large, stylized 'H' and 'J'.

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR - State Office