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Department of Water Resources
Southern Region

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Attorneys for Protestant Clear Springs Foods, Inc.

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NUMBER 69270 in the Name of
RON HULME), Water Right Nos.36-7044,
36-2676 and 36-7158

NOTICE OF WITHDRAWAL

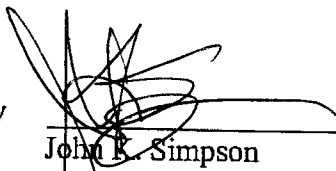
Protestant, CLEAR SPRINGS FOODS, INC., by and through its attorneys of record, Barker Rosholt & Simpson, LLP, and the applicant Ron Hulme, by and through his attorney of record, Givens Pursley, LLP hereby withdraw of the protest filed in regards to the Application for Transfer Number 69270 in the Name of Ron Hulme.

This withdrawal is conditioned upon representations by the Department of Water Resources regarding its preliminary review of the transfer consistent with Department policy and the Stipulation attached as Exhibit A. Clear Springs Foods, Inc. hereby withdraws its protest without prejudice, and based upon the Department issuing a Decision in the above-mentioned transfer consistent with the parties' Stipulation.

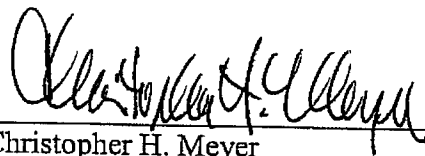
Clear Springs Foods has not waived its right to protest any other applications filed subsequently by the Applicant.

DATED this 13th day of ~~August~~^{SEPTEMBER}, 2004.

BARKER ROSHOLT & SIMPSON, LLP

By 
John R. Simpson

GIVENS PURSLEY LLP

By 
Christopher H. Meyer

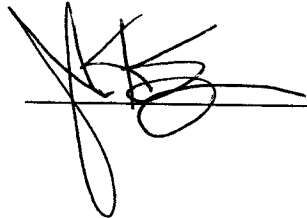
CERTIFICATE OF MAILING

I hereby certify that on this 13th day of ~~August~~ ^{September}, 2004, I served a copy of the foregoing
NOTICE OF WITHDRAWAL, be depositing same in the United States mail, postage prepaid, in
an envelope, addressed to the following:

Christopher H. Meyer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Original sent to:
Allen Merritt
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380


A handwritten signature in black ink, appearing to be 'K. B.', is written over a horizontal line.

MEMORANDUM

Date:
To: Transfer 69270
From: ameritt
Re: sufficiency memo

Evaluation of Sufficiency of Information Submitted (Transfer 69270 in the name of Ron Hulme)

This transfer initially proposes to dry up 25.0 acres of land (0.285 cfs and 100 afa diversion volume) which is a portion of a PPU of 372 acres known as the Larsen Farm and move the associated water rights to lands owned by Hulme for irrigation of 25 acres (0.285 cfs and 100 afa diversion volume) at that location. The Larsen Farm was historically irrigated using rights 36-7044, 36-2676 and 36-7158 from ground water. The transfer proposes to move the water across the ESPA approximately 11 miles down gradient toward the west-south-west to the site of the Hulme property where a new well is proposed to be drilled and a pivot sprinkler installed.

The application has been augmented by a mitigation plan involving a staged reduction of the intended volume to be pumped at the Hulme lands to mitigate impacts of the move on the Milner to King Hill reach of the Snake River.

Authority to File:

A portion of the subject land being dried up involved in transfer is owned by John and Vivian Larsen. The file contains an agreement for purchase and sale of these subject lands from John and Vivian Larsen to Del Kohtz. The file also contains an agreement between Del Kohtz and the applicant Ron Hulme for purchase of a portion of the Larsen rights.

The Hulme lands are owned by Hulme Living Trust with Ron Hulme as trustee as represented by tax notices.

Water Right Validity:

All rights involved in the transfer from the Larsen property have been recently decreed in the SRBA with dates of partial decrees ranging from 12/ 1996 to 1/1998. Forfeiture does not appear to be an issue. Included in the files of previously processed transfers involving these same rights are documents evidencing the recent use of the irrigation rights in years 1996 through 2000.

Enlargement of Use:

Since no change in nature of use is intended no analysis of the historical irrigation use was made. No enlargement of the water right elements are contemplated.

Injury to Other Water Rights:

Included with the application is a proposed mitigation plan prepared by Brockway Engineering. The plan is based on modeling of the ESPA. The plan involves use of 100 afa initially in 2005 at the Hulme property beginning in 2005 but after 2006 from 2007 to 2012 the volume is reduced to 80 afa but from 2013 to 2031 it increases back to 85 afa then after 2032 it increases then remains at 86 afa.

Local Public Interest:

No major issue identified.

Beneficial Use/Conservation of Water Resources:

No Issue Identified.

Other issues:

The application has been advertised and protested by Clear Springs. Negotiations continue regarding withdrawal of the protest.

Proposed use is within WD 130 and the watermaster needs to provide comments based on the present submittal.