

CORPORATE HEADQUARTERS

**August 19, 1999**

Harold Jones  
Water Rights Supervisor  
State of Idaho  
Department of Water Resources  
900 North Skyline Drive, Suite A  
Idaho Falls, ID 83402

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Department of Water Resources  
Eastern Region

**Re: IDWR Transfer No. 5485, Water Right No. 24-02005.**

Dear Harold:

The above transfer was filed identifying the following locations for points of diversion:

**Table 1. Points of Diversion Originally Advertised under IDWR Transfer No. 5485**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion             |
|-----|-----|-----|-----|------|------|------|---------|--------------------------------------|
|     |     | SE  | SE  | 9    | 8S   | 46E  | Caribou | Smoky Creek Tributary to Tygee Creek |
|     |     | SW  | SE  | 10   | 8S   | 46E  | Caribou | Tygee Creek Tributary to Stump Creek |
|     |     | NE  | NW  | 16   | 8S   | 46E  | Caribou | Smoky Creek Tributary to Tygee Creek |
|     |     | NE  | NW  | 7    | 9S   | 46E  | Caribou | Sage Creek Tributary to Crow Creek   |

In re-evaluating the location for our proposed diversion from Sage Creek we identified a better location approximately 1/4 mile upstream. By diverting from this new point we can utilize a gravity flow system to transport water to our holding pond and forego the costs of pumping. However, this moves the location of the Sage Creek diversion point into the adjacent 40 acre subdivision.

As a result of moving this point of diversion we request an amendment to the above referenced transfer to change the location of the Sage Creek point of diversion from the NE1/4NW1/4 of Section 7 T.9S R.46E to the NW1/4NW1/4 of Section 7 T. 9S R. 46E. In reviewing the IDWR water rights database I discovered claimed diversion points within the SE1/4NE1/4 and NE1/4NW1/4 of Section 7 T.9S R.46E under statutory claim no. 24-04080. This claim was filed in the Snake River Basin Adjudication identifying these same points of diversion.

A review of the IDWR's adjudication database on August 17, 1999, revealed the following claims identifying Sage Creek as the point of diversion:

**Table 2. SRBA Claims with Points of Diversion in Section 7 T.9S R.46E**

| Claim No. | Claimant                         | Stage                                                        | Use                       | Point(s) of Diversion                                                                                                                                                       | Rate of Diversion |
|-----------|----------------------------------|--------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 24-10074  | US Forest Service                | Partial Decree Issued February 12, 1999                      | Instream Stockwater Use   | <b>Instream Beginning Point:</b> NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T.9S R.46E<br><b>Instream Ending Point:</b> NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 T.9S R.46E   | .02 c.f.s         |
| 24-10076  | US Forest Service                | Partial Decree Issued February 12, 1999                      | Instream Stockwater Use   | <b>Instream Beginning Point:</b> SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15 T.9S R.45E<br><b>Instream Ending Point:</b> NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T.9S R. 46E | .02 c.f.s.        |
| A24-04080 | Raymond S. Peterson & Sons, Inc. | Director's Report for Basin 24 not yet filed with SRBA Court | Irrigation and Stockwater | SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7 T.9S R.46E                                                                                | 17.96 c.f.s.      |

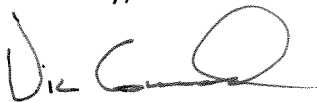
We do not believe there will be any impact to the above decreed rights and statutory claim caused by moving our Sage Creek point of diversion into the adjacent quarter quarter.

Enclosed is a \$50.00 check to cover your transfer amendment fee. Please amend the points of diversion contained on IDWR transfer no. 5485 as follows:

**Table 3. Amended Points of Diversion for Transfer No. 5485**

| Lot | $\frac{1}{4}$ | $\frac{1}{4}$ | $\frac{1}{4}$ | Sec. | Twp. | Rge. | County  | Local name for diversion             |
|-----|---------------|---------------|---------------|------|------|------|---------|--------------------------------------|
|     |               | SE            | SE            | 9    | 8S   | 46E  | Caribou | Smoky Creek Tributary to Tygee Creek |
|     |               | SW            | SE            | 10   | 8S   | 46E  | Caribou | Tygee Creek Tributary to Stump Creek |
|     |               | NE            | NW            | 16   | 8S   | 46E  | Caribou | Smoky Creek Tributary to Tygee Creek |
|     |               | NW            | NW            | 7    | 9S   | 46E  | Caribou | Sage Creek Tributary to Crow Creek   |

Sincerely,



Vic Conrad  
Simplot Land and Development

Enclosure