

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERYDATE: 10/20/00
TIME: 10:47:14
PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
X29-13022	US DEPARTMENT OF INTERIOR	C	06/17/1902	D/	SPRING	STOCK	WR
29-13022	AMERICA ACTING THROUGH, UNITED STATES OF	C	06/17/1902	J/	SPRING	STOCK	AJ
A29-13022	AMERICA ACTING THROUGH, UNITED STATES OF	C	06/17/1902	J/	SPRING	STOCK	AJ

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NOV 07 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5763
WATER RIGHT NO. 29-13022

This is to certify that: US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.02 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRING	SINKS

Priority: 06/17/1902

LOCATION OF POINT(S) OF DIVERSION: NENWSW , Sec. 14, Township 08S, Range 38E
CARIBOU County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 38E 14 NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

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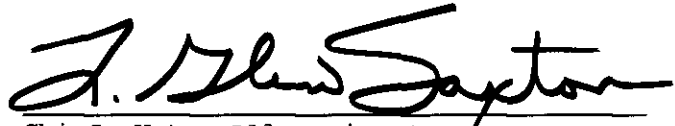
NOV 07 2000

TRANSFER NO. 5763
WATER RIGHT NO. 29-13022

CONDITIONS OF APPROVAL AND REMARKS

5. Right 29-13022 is also known as BLM Record ID 2903780331 that is associated with BLM Record ID 2903788013.
6. The source is known locally as Milkshake Spring.

Dated this 20th day of October, 2000.


Chief, Water Allocation Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5763

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of applicant USDI, Bureau of Land Management c/o Deena Teel Phone (208) 524-7500

Post Office address 1405 Hollipark Dr., Idaho Falls, ID 83401

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 A recent field investigation indicates that the point of diversion and place of use were recommended erroneously

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>29-13022</u>	<u>6/17/1902</u>	<u>0.02 cfs</u>	<u>Stockwater</u>	<u>0101</u> to <u>1231</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.02 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Spring tributary to _____

4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	SW	14	8S	38E	Caribou	Canyon Spring (AKA Milkshake Spring)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
8S	38E	14										S							

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5763

Total acres _____

PART 1

6. General Information:

a. Description of diversion system N/A

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

This water right was filed as a beneficial use claim for surface water that was available for consumption by livestock prior to the development of this spring.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19 _____

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PART 2

TRANS NO. 5763

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 29-13022

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.02 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRING	SINKS

Priority: 06/17/1902

LOCATION OF POINT(S) OF DIVERSION: NESWSW , Sec. 14, Township 08S, Range 38E
CARIBOU County

PLACE OF USE:

STOCKWATER

				NE				NW				SW				SE			
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
08S	38E	14	:									S							

CONDITIONS/REMARKS:

1. *****
 * 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
 *
 * THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
 * WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
 * EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
 * WATER RESERVE 107. *

2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. BLM RECORD ID = 2903780331
 ASSOCIATED WITH 2903788013

Describe any other water rights used for the same purpose as described above:

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Claim No. 29-13022

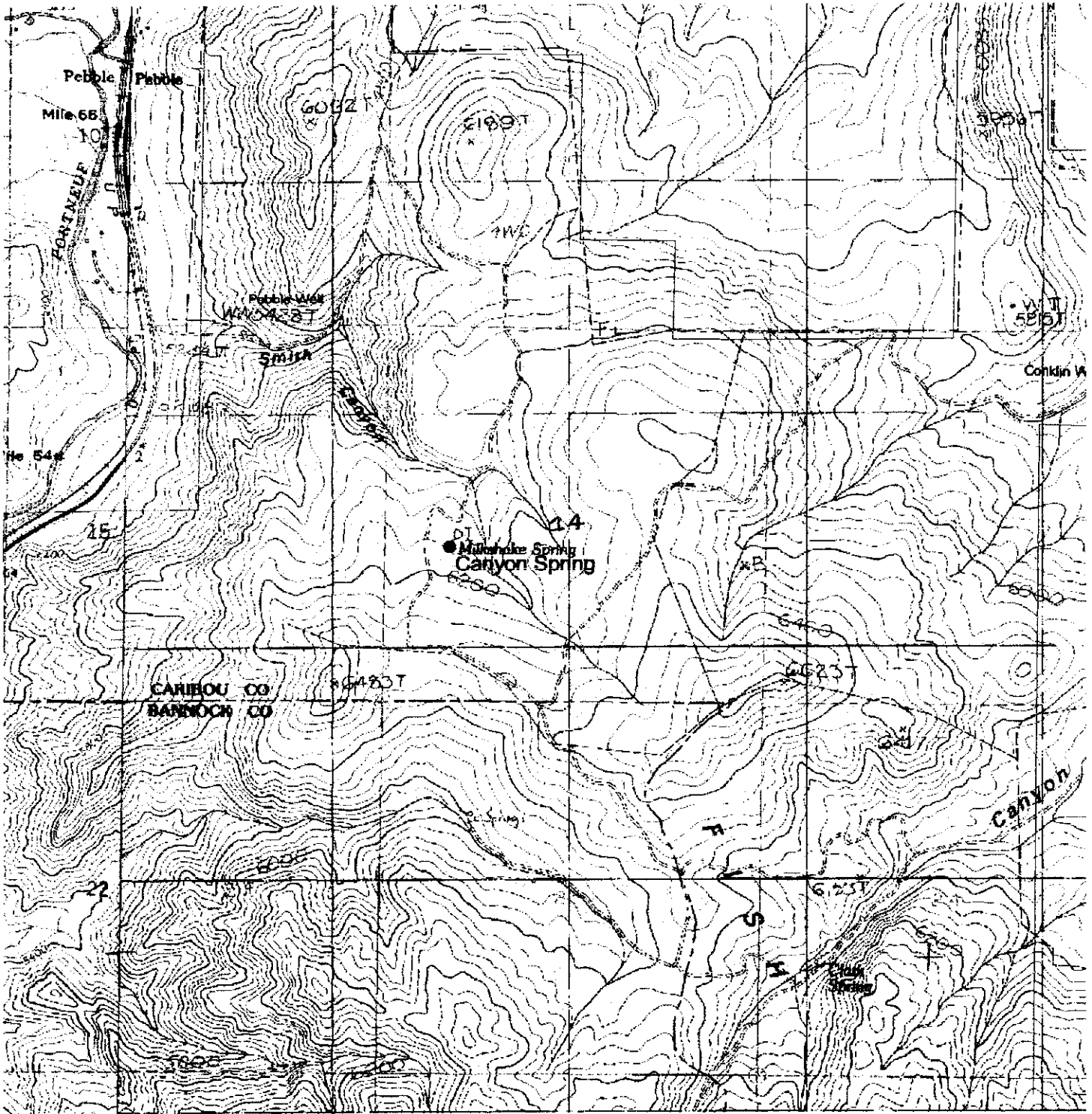
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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BLM Wa Right Filed in the SRBA - Canyon Spring
 29-13022; 2903780331
 T.8S, R.38E, S.14 NENSW
 Bancroft Quad



0.5 0 0.5 Miles
 1:24,000 scale

Legend:
 BLM
 Bureau of Indian Affairs
 Department of Energy
 Forest Service
 Military Reservations
 National Parks & Monuments
 Open water
 Private
 State of Idaho
 U.S. Fish & Wildlife Service

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 NOV 0 8 2000

PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE
 Projection Universal Transverse Mercator
 Zone 12, 1927 North American Datum
 No warranty is made by the Bureau of Land Management
 as to the accuracy, reliability, or completeness of this data
 for individual or aggregate use with other data.
 Prepared by Deena Teel on 5/23/2000 from heads-up digitizing.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby 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)

Subscribed and sworn to before me this 12th day of June, 2000

[Signature]
(Notary Public)

My commission expires 11-25-2002

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and attachments

Received by HWT Date 6-12-00 Protest filed by

Prelim. check by Fee \$100.00

Receipted by HWT #E025895 Date 6-12-00

Published in Caribou Co. Sun Copies of protest forwarded by

Pub. dates June 21 & 28 2000 Hearing held by Date

Watermaster recommendation requested on Recommended for ☒ approval ☐ denial

 rec'd. by RDC

Copy of transfer sent to lien holder

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See attached map

MT PLAT

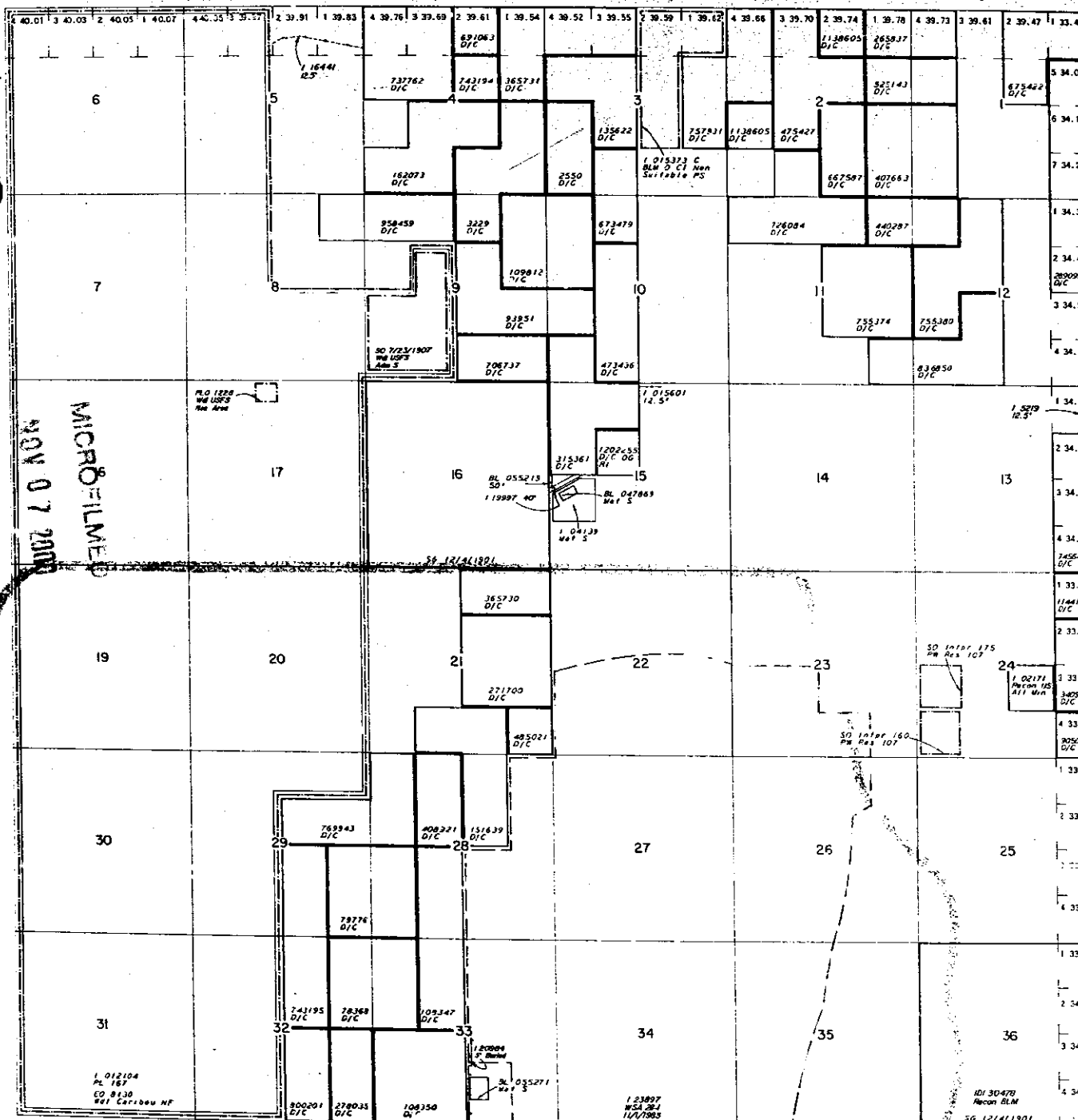
101 30478 SX Deed to BLM OE on 1/30/1998
Sec 36: All

Upflow = BLM-administered lands

CURRENT TO	CURRENT TO
MAR 23 1990	

USE PLATS:

Lat. $42^{\circ}41' N$
Long. $111^{\circ}55'$



Page 6 of 7

75763

10/17/00

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).

[Return to SRBA Home Page](#)

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NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

RE: Water Right 29-13022 (Transfer 5763)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5763). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

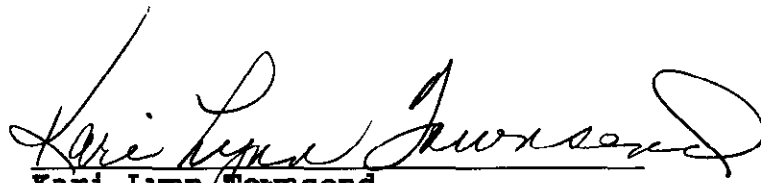
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NOV 07 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of October, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 29-13022 (Transfer 5763)

**US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
NOV 07 2000**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SRBA

SUBCASE SUMMARY REPORT 29-13022

Return to SRBA Home Page

SRBA
10-19-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 29-13022 FILE#: 00085
CLAIMANT: USDI BLM
STATUS: PD ISSUED
WATER SOURCE: SPRING, SINKS
ISSUES: WATER RIGHT RECOMMENDATION

**** PARTIES INVOLVED ****

USDI BLM
STATE OF IDAHO

C ATTY: US DEPARTMENT OF JUSTICE
O ATTY: PETER J. AMPE

**** ROA ENTRIES ****

06-03-1998	OBJ 01 F/B STATE OF IDAHO	RB	10-02-1998 0001
09-11-1998	ORDER OF REFERENCE APPOINTING FRITZ HAEMMERLE SPECIAL MASTER - RA 9 (BASIN29)		
08-10-1999	STIPULATION TO RESOLVE OBJECTIONS		08-10-1999
08-10-1999	(SIGNED BY US, STATE & IDWR)		08-10-1999
08-24-1999	REPORT & RECOMMENDATION OF MASTER	CB	09-28-1999
08-24-1999	NTC OF ISSUANCE & NTC OF SERVICE ASSIGNED MASTER WAS: 702 HAEMMERLE, FRITZ		
05-15-2000	CONSOLIDATED ORDER FOR ENTRY OF PARTIAL DECREES		
05-15-2000	PARTIAL DECREE FILED		05-15-2000

Return to SRBA Home Page

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NOV 07 2000

Affidavit of Publication

County of Caribou
State of Idaho ss.
Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the

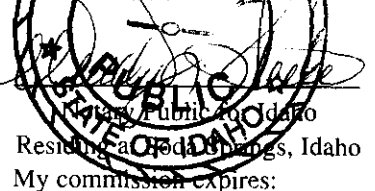
22nd day of June, 20 00

The date of the last publication being the 29th day of June, 20 00

On this 12th day of July in the year of 2000, before me, a Notary Public, personally appeared



known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2006

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5763

Notice is hereby given that U.S. Department of Interior, Bureau of Land Management, c/o Deena Teel, 1405 Hollipark Drive, Idaho Falls, ID 83401, has applied to the Department of Water Resources to change the point of diversion and change the place of use of a surface water source. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 29-13022

Source: Spring/Sinks

Amount: 0.02 cfs

Priority: 6/17/1902

Point(s) of Diversion: NESW SW SEC 14 T08S R38E, CARIBOU COUNTY. The water is used for stock water within SEC 14 T08S R38E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has found that through the use of GPS data that the actual point of diversion and place of use are different than decreed.

The true location of point of diversion and place of use is the NWSW SEC 14 T08S R38E.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 North Skyline Drive, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before July 10, 2000. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER

Director

Published in the Caribou County Sun on June 22 and 29, 2000.

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NOV 07 2000

RECEIVED

JUL 18 2000

Department of Water Resources
Eastern Region

Affidavit of Publication

County of Caribou ss.
State of Idaho
Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 22nd day of June, 20 00

The date of the last publication being the 29th day of June, 20 00
On this 12th day of July in the year of 2000, before me, a Notary Public, personally appeared

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing at Soda Springs, Idaho
My commission expires:

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(s) KARL J. DREIER

Director

Published in the Caribou County Sun on June 22 and 29, 2000.

ACCORDANCE

RECEIVED
JUL 12 2000
Department of Water Resources
Eastern Region



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

June 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
C/O DEENA TEEL
1405 HOLLIPARK DR
IDAHO FALLS ID 38401

RE: Application for Transfer #5763

Dear Applicant:

This office is currently in the process of advertising the application in the Caribou County Sun on June 21 and 28, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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NOV 07 2000



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

June 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

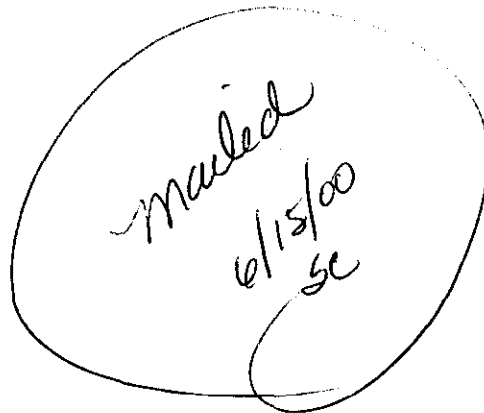
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before July 10, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



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NOV 07 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5763

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Decree No.: 29-13022 Source: Spring / Sinks
Amount: 0.02 cfs Priority: 06/17/1902
Point(s) of Diversion: NESWSW SEC 14 T08S R38E, CARIBOU COUNTY
The water is used for stockwater within SEC 14 T08S R38E, B.M.

TO BE CHANGED AS FOLLOWS:

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Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before July 10, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Caribou County Sun on June 21 and 28, 2000.

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