

MAY 09 2022

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
APPLICATION FOR TRANSFER NO. 85747

May 9, 2022

1. Matter being protested

Application for Transfer No. 85747 by Chris Unruh and Catherine Unruh (involving water right 02-10201).

2. Name of protestant

United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

3. Protestant's Representative for service (if different than protestant)

Fredric W. Price (contact person)

4. Service mailing address

same as above

5. Service telephone no.

(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based).

The Transfer seeks to change the location of the Point of Diversion ("POD") from T05S, R04E, S34, Lot 9 (SESW) (BLM) at the Bybee Canal to T05S, R04E, S34, Lot 10 (NWSW) (Private) at the Idaho Power Canal/ Grandview Irrigation District Canal. The canal route crosses federal land managed by BLM: T05S, R04E, S33, SWSW, SESW, SWSE, and SESE and T04S, R02E, S34, SWNE and NWNW. The Applicant is not authorized to transport this water right through a different water facility across BLM land.

The application also states applicant will "build pump and diversion works from Grandview Canal then into pressurized system" to apply water to the new Place of Use ("POU"). The application does not indicate where the new proposed works will be built and BLM wishes to ensure that BLM land is not disturbed as federal land borders the new POU. Applicant is not authorized to disturb federal land.

7. What would resolve your protest?

BLM's protest can be resolved by:

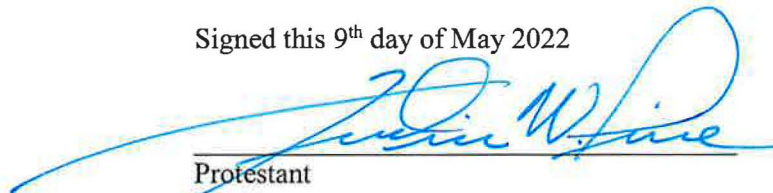
1. Withdraw the application; or
2. The Applicant seeks and obtains a new Right-of-Way ("ROW") to divert and transport 02-10201 across BLM land for irrigation purposes within the Idaho Power Canal and Grandview Irrigation District Canals. and;
 - a) Include the following conditions:
 - i) "Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion, or place of use, or to convey water across federal land."

ii) "This right does not grant any right-of-way or easement across the land of another."

b) There is no development period for a transfer and an application for Right-of-Way ("ROW") does not authorize the applicant to use or occupy public lands for right-of-way purposes (43 CFR 9239.7-1).

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9th day of May 2022


Protestant
Fredric W. Price
Water Rights Team Leader

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plats: T05S, R04E and T04S, R02E

FOR DEPARTMENT USE ONLY

Received by ck Date 05/09/2022
Fee Paid \$25.00 Date 05/09/2022 Receipted by ck Receipt # W050413

CERTIFICATE OF SERVICE

I certify that on May 9, 2022 I served a true and correct copy of the “**Protest of Application for Transfer No. 85747**” upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Nick Miller, P. E., IDWR Western Regional Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Copies to:

Chris and Catherine Unruh
25289 Hipwell Lane
Grand View, ID 83624-5119

James Tarter, NRS – Boise District Natural Resource Specialist
Aaron Rasmussen, Bruneau FO Manager
U.S.D.I., Bureau of Land Management
Bruneau Field Office
3948 Development Avenue
Boise, ID 83705

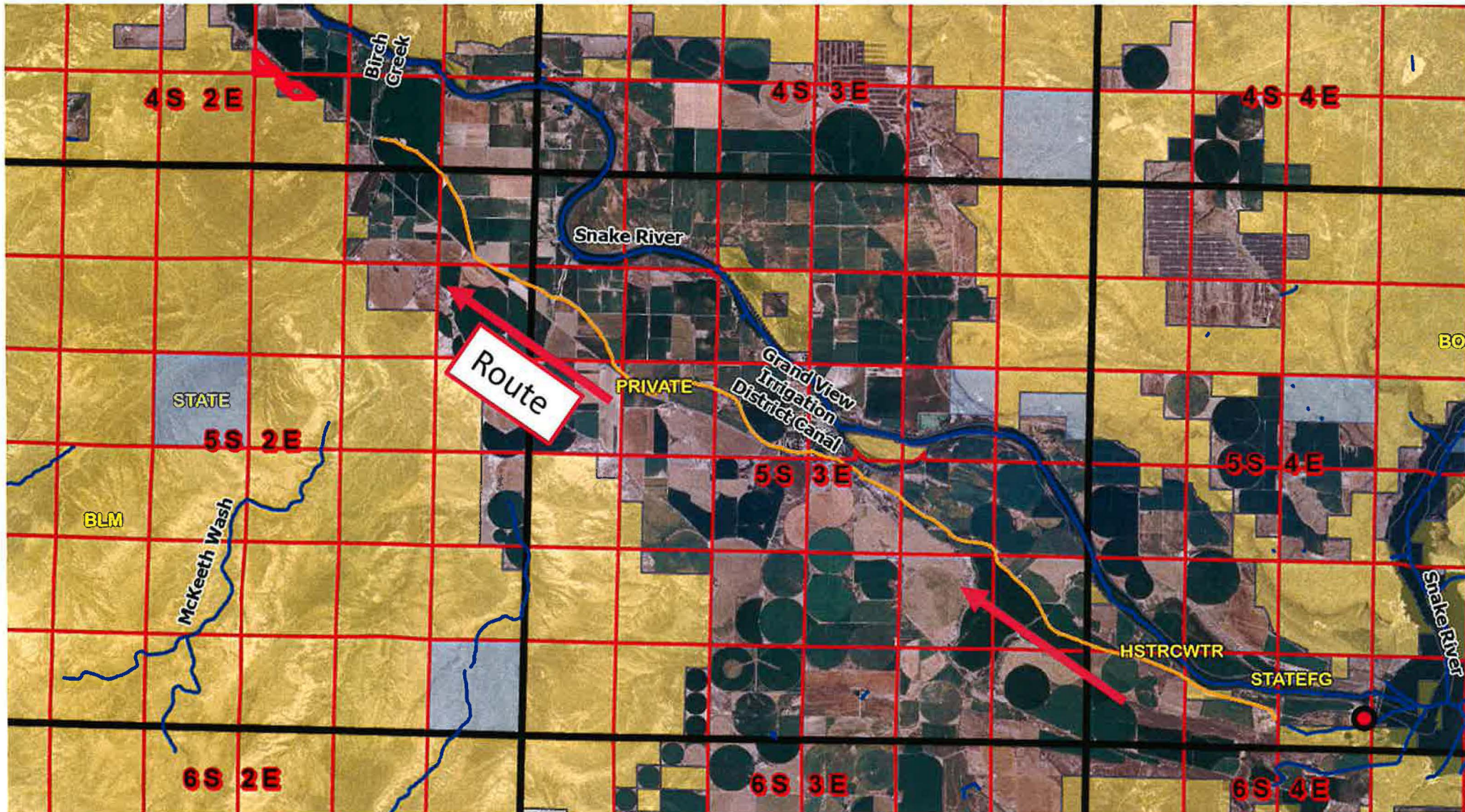
Sandra McCre
Person Serving Documents (print name)


Signature of Person Serving Documents

Transfer 85747: 02-10201, Chris & Catherine Unruh

Moved POD, POU, and route. New route through Idaho Power Canal/ Grand View Irrigation District Canal, crossing BLM land.

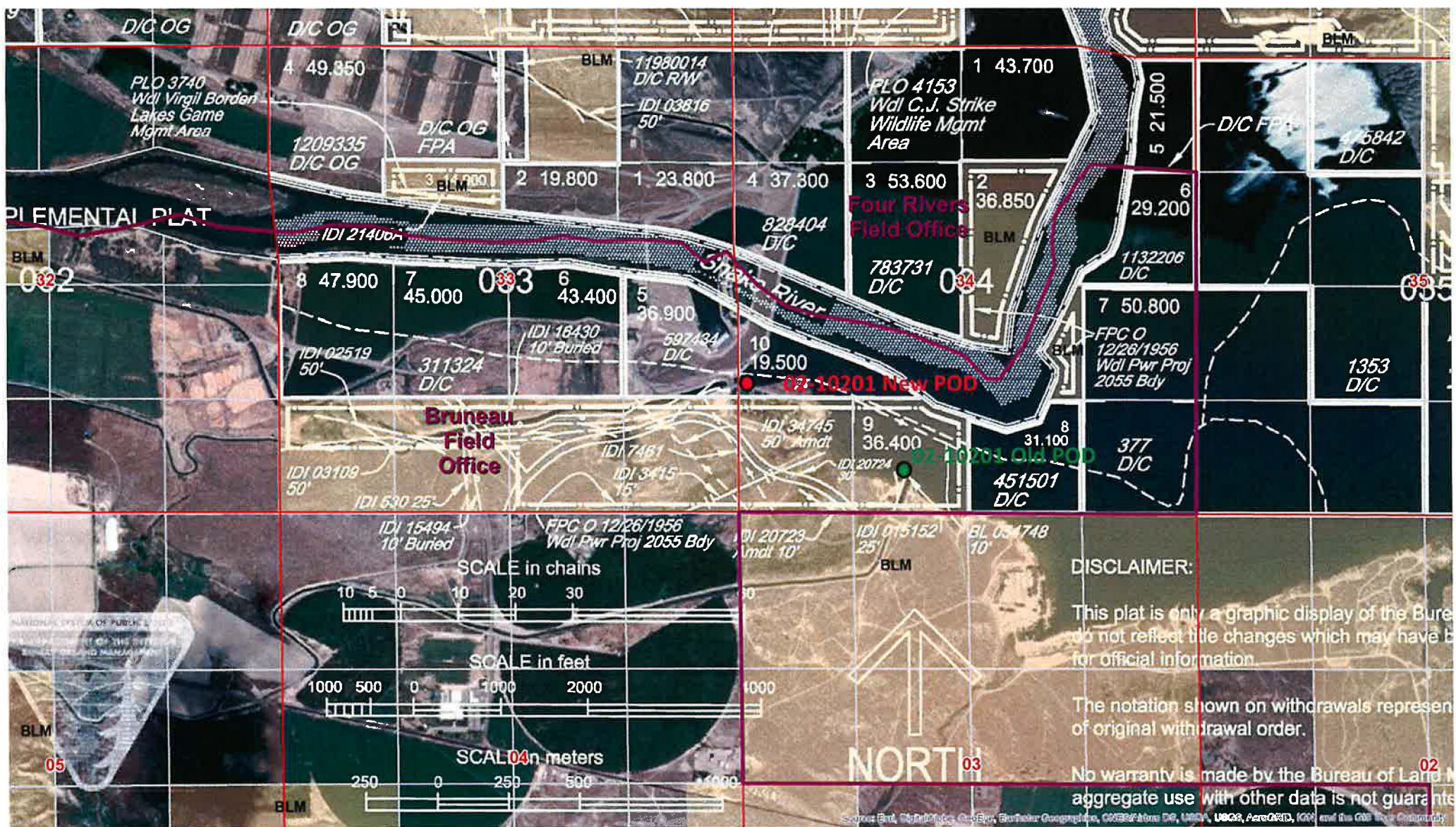
Overview Map of Transfer POD and POU



Transfer 85747: 02-10201, Chris & Catherine Unruh

Moved POD, POU, and route. New POD, water right moved from Bybee Canal to Idaho Power Canal and Grand View Irrigation District Canal, route crosses federal land.

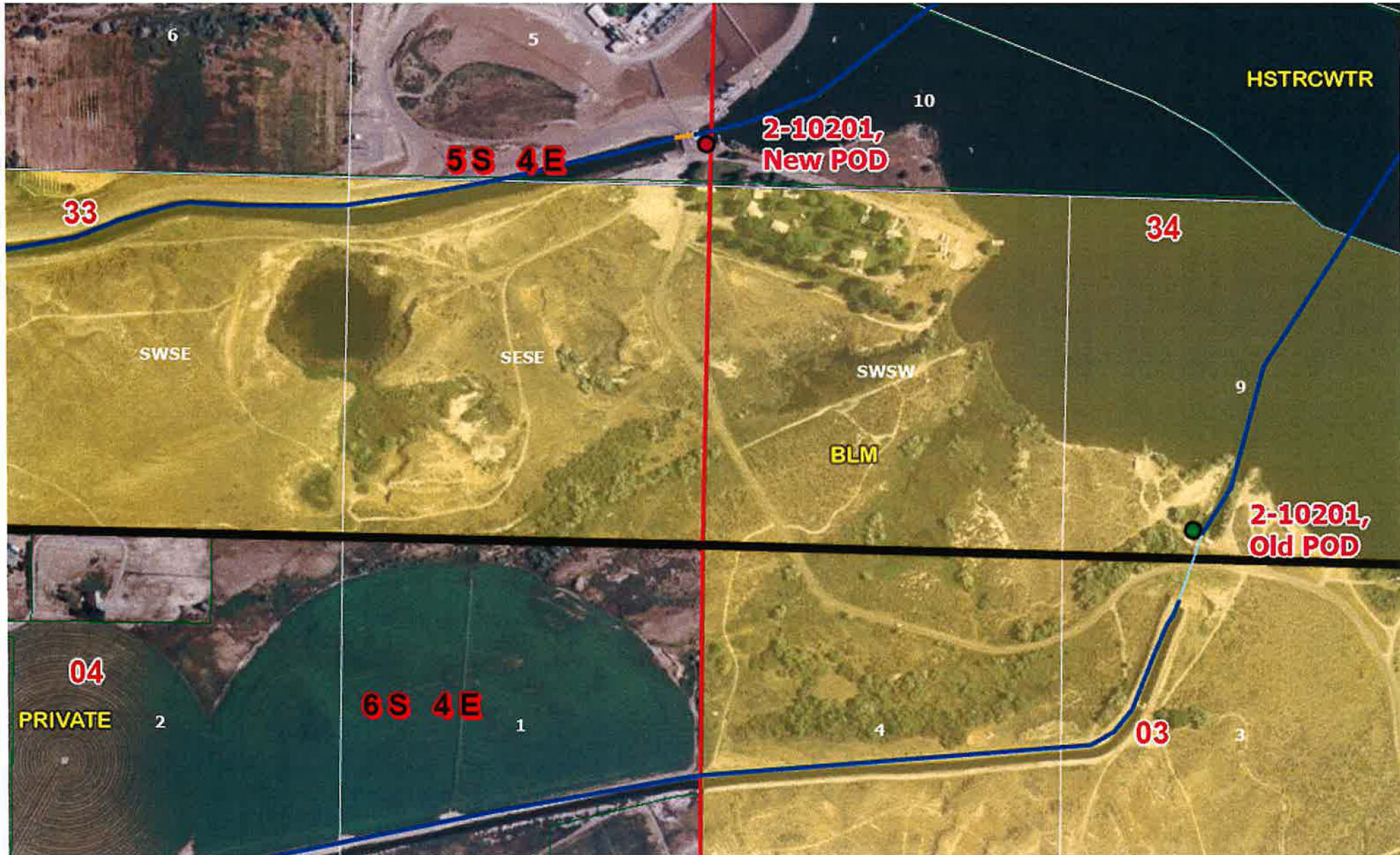
Overview Map of Transfer POD



Transfer 85747: 02-10201, Chris & Catherine Unruh

Moved POD, POU, and route. New route through Grand View Irrigation District Canal, crossing BLM land.

Overview Map of Transfer POD



Transfer 85747: 02-10201, Chris & Catherine Unruh

Moved POD, POU, and route. New route through Grand View Irrigation District Canal, crossing BLM land.

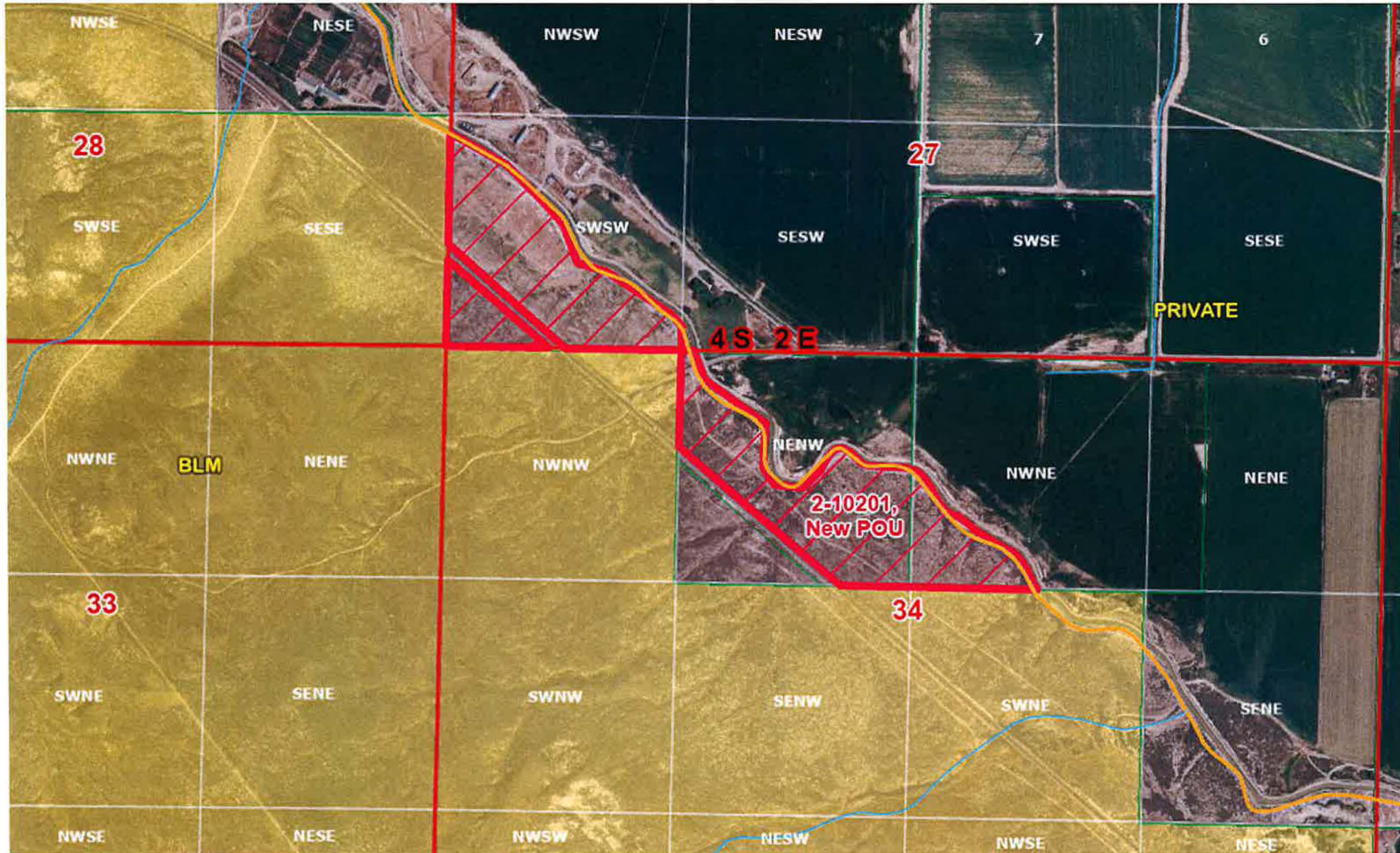
Overview Map: Transfer canal route over federal land



Transfer 85747: 02-10201, Chris & Catherine Unruh

Moved POD, POU, and route. New route through Grand View Irrigation District Canal, crossing BLM land.

Overview Map of Transfer new POU/ Canal route over federal land



BOISE DISTRICT SEC 3

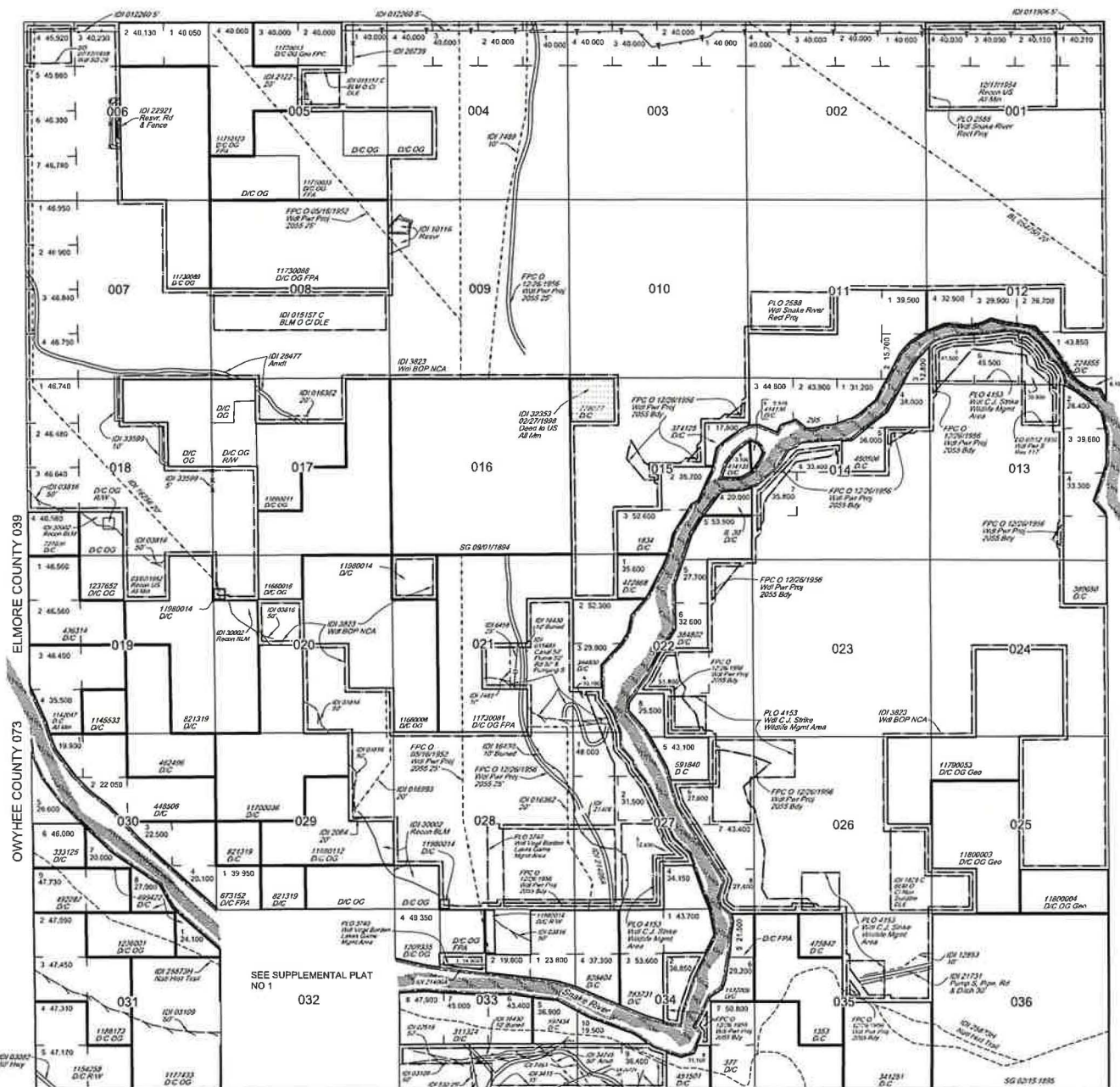
MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: EX0805650403EAM100000.dwg	
CONVERTED TWP: 18/07/2014	BY: JCB
LAST UPDATED: 06/01/2012	BY: LFM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS: August 1, 2012	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCSB ACQUIRED:	04/28/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Bolsa Mer.
T. 5 S
R. 4 E

SEE SUPPLEMENTAL PLAT
NO 1

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been affected by internal movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

Lat. 42° 56' 21" N
Long. 115° 55' 5" W



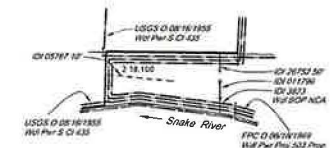
U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



BOISE DISTRICT SEC 3

MT PLAT[illegible]

See Supplemental Remarks Plot No 1

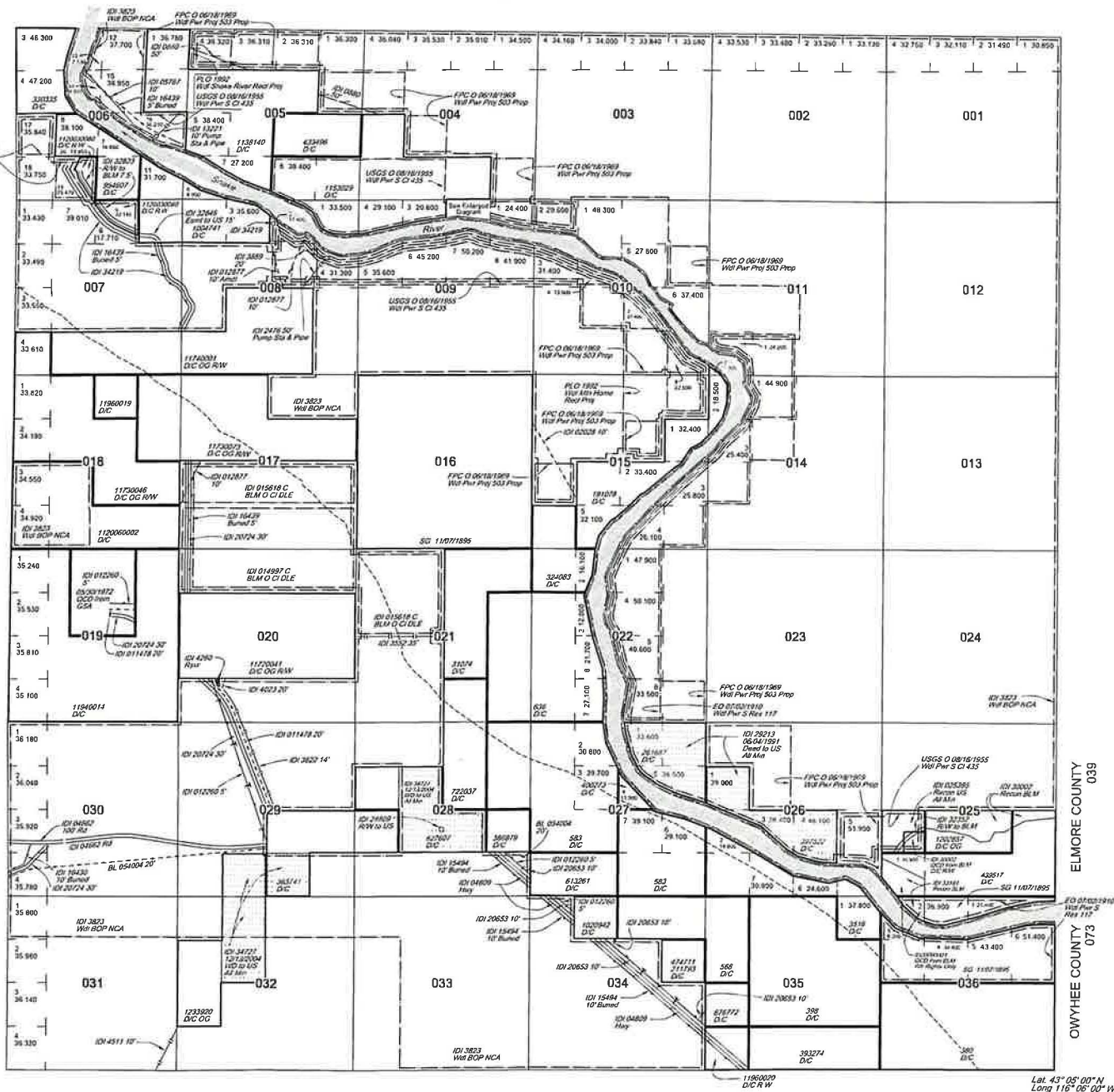


Enlarged Diagram

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF	06000405000764M100000.dwg		
CONVERTED TFF	03/13/2009	BY	ST
LAST UPDATED	10/08/2009	BY	CD
QA/QC #1		QA/QC #2	
POSTED TO PUBLIC RECORDS		October 9, 2009	
BY			
PUBLIC LAND SURVEY SYSTEM (PLSS)			
BLM CODE ACQUIRED		04/26/2005	
OTHER		N/A	
PROJECTED COORDINATE SYSTEM		UTM ZONE 11N, NAD 1983	
NOTES:			
USE PLATS			

Balso Mar
T. 4 S
R. 2 E



Lat. 43° 05' 00" N
Long 116° 06' 00" W

DISCLAIMER

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The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



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1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



SCALE in chains
10 5 0 10 20 30 40 50 60

SCALE in feet
1000 500 0 1000 2000 3000 4000

SCALE in meters
250 0 250 500 750 1000

