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SEP 07 2021

Department of Water Resources
Eastern Region

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

In the matter of Application for Permit no. 13-8081 in the name of U.S. Fish and Wildlife Service

NOTICE OF PROTEST OF BEAR RIVER
WATER USERS' ASSOCIATION

Bear River Water Users' Association, Inc. ("BRWUA") through legal counsel, Racine Olson, PLLP, and Clyde, Snow & Sessions, P.C., hereby protests the above-referenced Application for Permit. In support of its protest, BRWUA states as follows:

1. BRWUA is a non-profit corporation organized to represent its members who are all Bear River Basin water users for the purpose of, among other things, protecting their water rights. BRWUA members all own water rights to the natural flow of the Bear River and contract rights to storage water in Bear Lake.

2. BRWUA's membership includes Last Chance Canal Company, West Cache Canal Company, Cub River Irrigation Company, Bear River Canal Company, and Idaho and Utah small pumper associations. Collectively, BRWUA members represent approximately 3,000 family farms having a combined irrigated acreage of approximately 151,000 acres in Idaho and Utah.

3. BRWUA files this notice of protest because the proposed appropriation will reduce the quantity of water under existing water rights, and the water supply itself is insufficient for the purpose for which it is sought to be appropriated. BRWUA reserves the right to protest the Application on any other grounds authorized under Idaho law.

4. If the Application is granted, appropriate terms and conditions must be attached to protect the prior vested water rights of BRWUA members.

8. Please send notices and correspondence regarding this Protest to:

Randall C. Budge
T.J. Budge
Racine Olson, PLLP
P.O. Box 1391
Pocatello, Idaho 83204-1391
randy@racineolson.com
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Salt Lake City, Utah 84111
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eel@clydesnow.com

DATED this 3rd day of September, 2021.

RACINE OLSON, PLLP

By: 
THOMAS J. BUDGE

FOR OFFICE USE ONLY

FEES PAID: \$25.00 DATE: 9/7/21
RECIPT NO.: E047334 BY: 

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of September, 2021, I mailed a true and complete copy of the foregoing document in the manner indicated below, to the following:

Idaho Department of Water Resources Eastern Regional Office 900 N. Skyline Drive, Suite A Idaho Falls, Idaho 83402	U.S. Mail
D. Brent Rose Emily E. Lewis Clyde, Snow & Sessions, P.C. One Utah Center, Thirteenth Floor 201 South Main Street Salt Lake City, Utah 84111 dbr@clydesnow.com eel@clydesnow.com	Email
Joanne Wallis, Hydrologist Water Resources Branch joanne_wallis@fws.gov	Email


THOMAS J. BUDGE



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Department of Water Resources
Eastern Region

September 3, 2021

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Protest of Application for Permit No. 13-8081

To whom it may concern:

Enclosed please find the original and extra copy of a Bear River Water Users Association, Inc.'s Protest of Application for Permit No. 13-8081, together with a check in the amount of \$25.00 for the filing fee. Please file the original and conform stamp and return the copy in the enclosed stamped and addressed return envelope.

Thank you for your assistance. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. J. Budge', is written over the printed name.

T. J. BUDGE