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Attorneys for Bledsoe-Connor Holdings LLC

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

IN THE MATTER OF:

APPLICATION FOR TRANSFER NO.
81-12023 IN THE NAME OF BLEDSOE-
CONNOR HOLDINGS LLC

**BLEDSOE-CONNOR HOLDINGS
LLC'S PETITION FOR
RECONSIDERATION**

COMES NOW the Applicant, Bledsoe-Connor Holdings LLC. ("Bledsoe-Connor"), by and through its attorneys of record, Barker Rosholt & Simpson LLP, hereby files this Petition for Reconsideration of the Permit Approval for Water Right No. 81-12023. This Water Right is located on Brushy Fork Creek, a tributary to Crooked Fork, a tributary to the Locsha River. This tributary is located upstream of that section of the Locsha River which has been designated as a Wild and Scenic River. The permit is for irrigation of 21 acres with a total diversion rate of 0.42 cfs or 0.02 cfs/acre.

Applicant Bledsoe-Connor objects to the provision of condition 10 in the permit which states "water shall not be diverted under this right when flows in the Lochsa River are below minimum flow amounts as defined by right 81-10513" and requests that the Department reconsider the decision to include that portion of condition 10 in the permit.

Water Right 81-10513 was decreed to United States of America as a federal reserved water right in the SRBA. It is an instream right with discharge rates established for two-week blocks of time during the entire year. Significantly, the decree for the Wild and Scenic Water right No. 81-10513 contains certain conditions of approval limiting the scope of that water right. One of those conditions of approval is found on Section 10 which defines other provisions necessary for the administration of the water right. Section b, sub part (5) of Section 10 provides that this federal reserved water right is subordinated to 40 cfs and 500 acres of irrigation of future development. Bledsoe-Connor's water permit falls within the scope of Section 10.b.(5) of the Water Right, 81-10513. This permit 81-12023 and the other water permits issued to Bledsoe-Connor are well within the 40 cfs and 500 irrigated acres of subordination. IDWR's proposed permit for right 81-12023 does not recognize that subordination. Instead the condition on the permit states that this water right cannot be diverted when the flows set forth in 81-10513 are not being met. However this flat prohibition on diversion is not consistent with the subordination provision of 81-10513. Bledsoe- Connor is not aware of any evidence in the department files establishing that the subordination provision in 81-10513 has been entirely consumed by other post-decree water rights. Therefore the subordination provision in condition 10 of 81-1023 should be eliminated.

DATED this 26th day of August, 2020.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
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August 26, 2020

VIA FEDEX

Idaho Department of Water Resources

Northern Regional Office

7600 Mineral Drive, Suite 100

Coeur d'Alene, ID 83815-7763

Re: Petitions for Reconsideration in the Name of Bledsoe-Connor Holdings, Inc.

Dear Clerk:

Enclosed please find six Petitions for Reconsideration in the name of Bledsoe-Connor Holdings, Inc. Please return file-endorsed copies (1st pages only) in the enclosed self-addressed, stamped envelope for our files.

If you have any questions, please contact our office. Thank you for your assistance.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Ailen J. Evaniuck
Assistant to Albert P. Barker

/aje

Encl. a/s