

RECEIVED
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Department of Water Resources
Eastern Region

STATE OF IDAHO
BEFORE THE DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 13-8038 Application to
Appropriate

BLUE SKIES RANCH, LLC

PROTEST

PACIFICORP, AN OREGON CORPORATION
PROTESTANT

PacificCorp, an Oregon corporation, whose address is 1407 West North Temple, Suite 110, Salt Lake City, Utah 84116, hereby protests the Application(s) for Permit No. 13-8038, filed March 29, 2019 ("Application") by Blue Skies Ranch, LLC ("Applicant"). The protest application fee is hereby submitted by PacificCorp.

1. Notices. PacificCorp requests that the Department of Water Resources (the "Department") send notices and correspondence regarding this water right proceeding to:

Buffi Morris
Water Rights Administrator
PacificCorp
1407 W. North Temple, Suite 110
Salt Lake City, UT 84116
buffi.morris@pacificcorp.com

2. PacificCorp Water Rights. PacificCorp owns water rights in Bear Lake and in the Bear River as decreed in the matter of *Utah Power & Light Company v Last Chance Canal Company, Limited, et al.*, in Equity No. 203, July 14, 1920 (Dietrich Decree), and *Utah Power & Light Company v. Richmond Irrigation Company, et al.*, February 21, 1922 (Kimball Decree), as well as other rights in the Bear River.

Receipt
#2045041

PacifiCorp's Bear Lake storage water rights authorize PacifiCorp to store Bear River water in Bear Lake "for the development of power or generating electric energy in any power plant which it may now have, or hereafter construct or acquire in or along Bear River, in the states of Idaho and Utah, and for irrigation purposes in what is generally known as Bear River Valley in said states." Dietrich Decree, p. 14. PacifiCorp owns the storage water rights in Bear Lake for power generation and irrigation purposes and delivers supplemental irrigation water to over 156,000 acres of land between the Outlet Canal at Bear Lake and Cutler Dam. The recipients of this supplemental irrigation water have delivery contracts with PacifiCorp.

The irrigation contractors and PacifiCorp also entered into the Amended and Restated Bear Lake Settlement Agreement whereby the irrigation contractors and PacifiCorp agreed to reduce their demand on Bear Lake in order to meet recreational and esthetic demands at Bear Lake.

In addition to its Bear Lake storage rights, PacifiCorp owns significant Bear River water rights in Idaho and Utah for power generation, some located downstream of the proposed Application.

3. Proposed Application. The Application seeks to appropriate public water of the State of Idaho. The Applicant proposes to divert 0.12 cfs from a "spring through a corrugated pipe that directs water into a cistern" to supply three homes with domestic water as well as stock watering for 125 dairy cows.

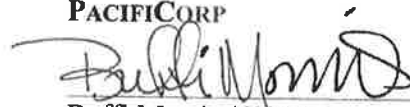
4. Transfers as an Alternative to a New Permit to Appropriate Groundwater. Section E. of the "Management Plan for the Bear River Ground Water Management Area" ("Management Plan") encourages applicants to consider alternate strategies to avoid a new appropriation.

5. Mitigation. PacifiCorp understands that Idaho water law allows individuals the right to divert 0.04 cfs for a single domestic use (includes 1/2 acre of irrigation) without submitting a mitigation plan. The applicant is requesting three households as well as stock water for 125 dairy cows and therefore should be required to submit a mitigation plan.

7. Conclusion. PacifiCorp respectfully requests that the Department require an adequate mitigation plan and not approve the Application until there is compliance with the Management Plan. PacifiCorp is available to participate in a pre-hearing conference to discuss its concerns with the Department and the Applicant.

DATED: June 1, 2019.

PACIFICORP

A handwritten signature in black ink, appearing to read "Buffi Morris", is written over a horizontal line.

Buffi Morris / Water Rights Administrator

CERTIFICATE OF MAILING

On this 3rd day of June, 2019, a true and complete copy of the foregoing document, was mailed postage prepaid, to the following:

Idaho Department of Water Resources
Eastern Division
900 N, Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Donald Kenney
Charles Harker
Blue Skies Ranch, LLC
249 N. Westwood
Mesa, AZ 85201

Bear River Water Users
D. Brent Rose, Clyde Snow & Sessions
Randy Budge, Racine Olsen
(sent via email)

Bear Lake Watch
bearlakewatch@aol.com
(sent via email)