

RECEIVED

MAY 21 2018

DEPARTMENT OF
WATER RESOURCES

5:00pm

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

Application for Transfer No. 82297, involving 35-14174, 35-14176, and 35-14178

May 21, 2018

1. Matter being protested

Transfer No. 82297, involving Water Rights 35-14174, 35-14176, and 35-14178.

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).

On March 08, 2018, Garth and Bonnie Gunderson ("Applicants") filed Application for Transfer 82297. The transfer proposes to add a new point of diversion ("POD") with a legal land description (T05N, R38E, S16, NESE), that describes mixed ownership ie. (contains both federal land and private land). The place of use ("POU") also contains legal land descriptions that describes mixed ownership, (T05N, R38E, S16, NESW, NESE, SWSE, and SESE), which match the POU described under 35-14174, 35-14176, and 35-14178.

BLM is filing this protest to ensure that any permit issued by IDWR includes limiting remarks similar to those issued in 35-14174, 35-14176, and 35-14178 to make it clear that federal lands are excluded. The applicant is not authorized for agricultural activities on federal lands.

BLM filed objections in the SRBA to 35-04274 and 35-04275 (parent rights to 35-14174 and 35-14176). Settlement (SF-5s) documents and final Partial Decrees included the following limiting remarks:

"The Place of Use described above in T05N, R38E, S16, SWSE and SESE does not include any land owned by the United States."

"The Place of Use described above in T05N, R38E, S16, NESW, SWSE, and SESE does not include any land owned by the United States."

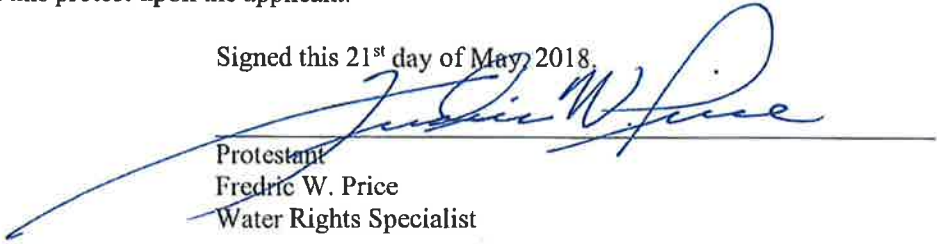
7. What would resolve your protest?

BLM's protest can be resolved by:

- 1.) Adding the following limiting remarks to the permit;
 - i) The point of diversion does not reside on federal land.
 - ii) The place of use does not include federal land.

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 21st day of May, 2018.


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

◆Maps prepared by BLM for illustrative purposes.

◆Master Title Plat: T05N, R38E

FOR DEPARTMENT USE ONLY

Received by RD Date 5/21/18
Fee Paid \$25.00 Date 5/21/18 Received by RD Receipt # C105140

CERTIFICATE OF SERVICE

I certify that on May 21, 2018, I served a true and correct copy of the "**Protest of Application for Transfer 82297, involving water rights 35-14174, 35-14176, and 35-14178**" with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Jeff Peppersack, Administrator
Idaho Department of Water Resources
Idaho State Office
Water Management Division,
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

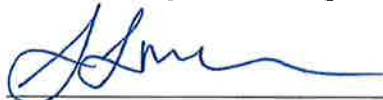
Lyle Swank, Regional Manager
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1700

Garth and Bonnie Gunderson
3590 East 960 North
Menan, Idaho 83434-5057

Deena Teel, Assistant Field Manager
USDI-BLM;
BLM Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401

Sandra McCrea

Person Serving Documents (print name)



Signature of Person Serving Documents

POUs (T05N, R38E, S16, NESW, NESE, NWSE, and SESE) describes mixed, federal and private lands.

