

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Application for Transfer 81670

June 29, 2017

RECEIVED

JUN 29 2017

DEPARTMENT OF
WATER RESOURCES

1. Matter being protested

Application for Transfer No. 81670 filed by Mike Bulkley, involving water right nos. 47-17555, 47-17560, and 47-17565.

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

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DEPT OF WATER RESOURCES
SOUTHERN REGION

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 May 30, 2017 Mike Bulkley ("Applicant") filed Amended Application for Transfer 81670. This application superseded the original application filed March 9, 2017. The transfer seeks to establish a commercial and stockwater use for a commercial feed lot serving 1000 head of cattle. The transfer seeks to change the point of diversion (POD), place of use (POU), nature of use, and period of use.

The Applicant's POU, under Part 1 (page 3) of the transfer, describes land owned entirely by BLM (i.e. T11S, R14E, S14, NESW and SESW) and is not authorized.

The Applicant's POU appears to be a typographical error in Section number (i.e. S14 should be S17), as the map attached to the transfer describes the POU on private land in T11S, R14E, S17, NESW and SESW.

7. What would resolve your protest?

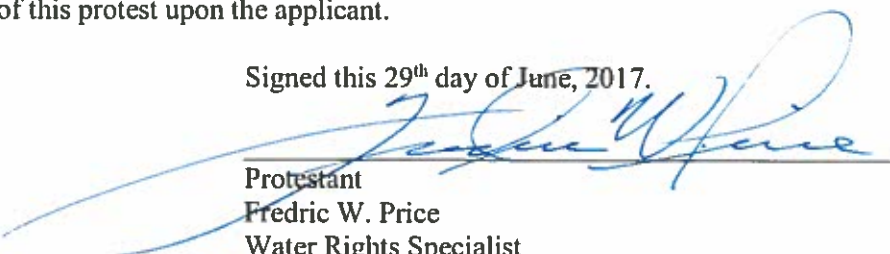
BLM's protest can be resolved by:

- 1.) Withdrawing the application; or
- 2.) Amend the application to exclude federal land from the place of use by correcting Part 1 (page 3) of the Transfer to comport with the POU map attached to the transfer. This would require changing the Section number from S14 to S17, such that the POU is described as:

T11S, R14E, S17, NESW and SESW.

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 29th day of June, 2017.


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T11S, R14E.

FOR DEPARTMENT USE ONLY

Received by S.O. / VC Date 6-29-2017
Fee Paid \$25.00 Date 6-29-2017 Received by VC Receipt # C103786

CERTIFICATE OF SERVICE

I certify that on June 29, 2017, I served a true and correct copy of the "**Protest of Application for Transfer No. 81670**" filed by Mike Bulkley 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 (IDWR)
Idaho State Office
Water Management Division,
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources
Southern Regional Office
650 Addison Avenue, Suite 500
Twin Falls, Idaho 83301-5858

Mike Bulkley
3205 North 1050 East
Buhl, Idaho 83316-6240

Mathers Ranch, Inc.
3485 East 3100 North
Kimberly, Idaho 83341-5251
ATTN: Douglas L. Mathers, President

Steve Davis, Hydrologist
U.S.D.I., Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, Idaho 83318-5435

SANDRA McCREA

Person Serving Documents (print name)



Signature of Person Serving Documents

Rev 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

[illegible]

Total authorized under rights 3.10 cfs and/or 679.2 acre-feet

2. Total amount of water proposed to be transferred or changed 0.05 cubic feet per second and/or 7.5 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

[illegible]

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)[illegible]

Total Acres (for irrigation use)

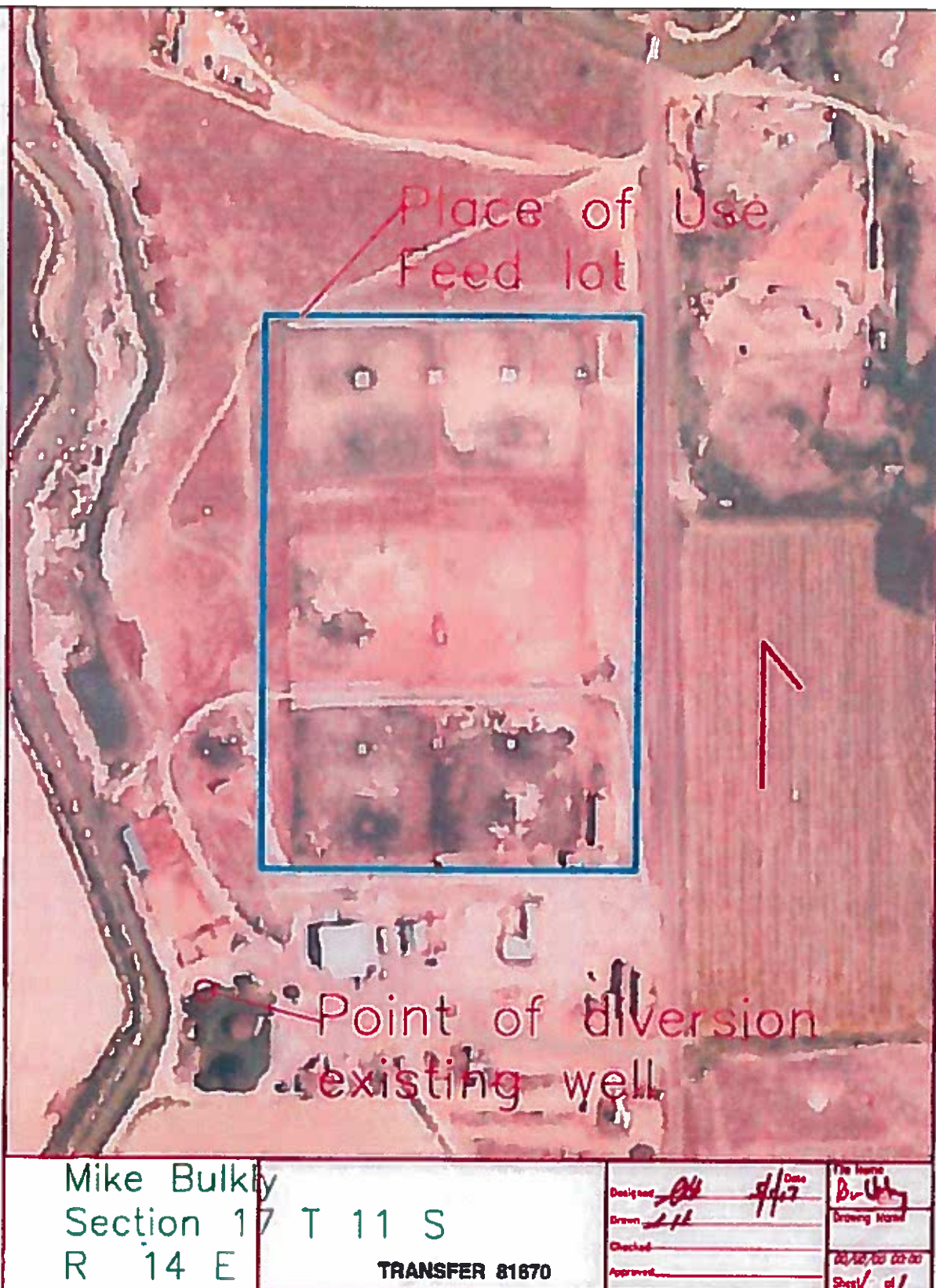
Section should be changed from S14 to S17

Page 3

BLM federally managed lands:
T11S, R14E, S14, NESW and SESW.

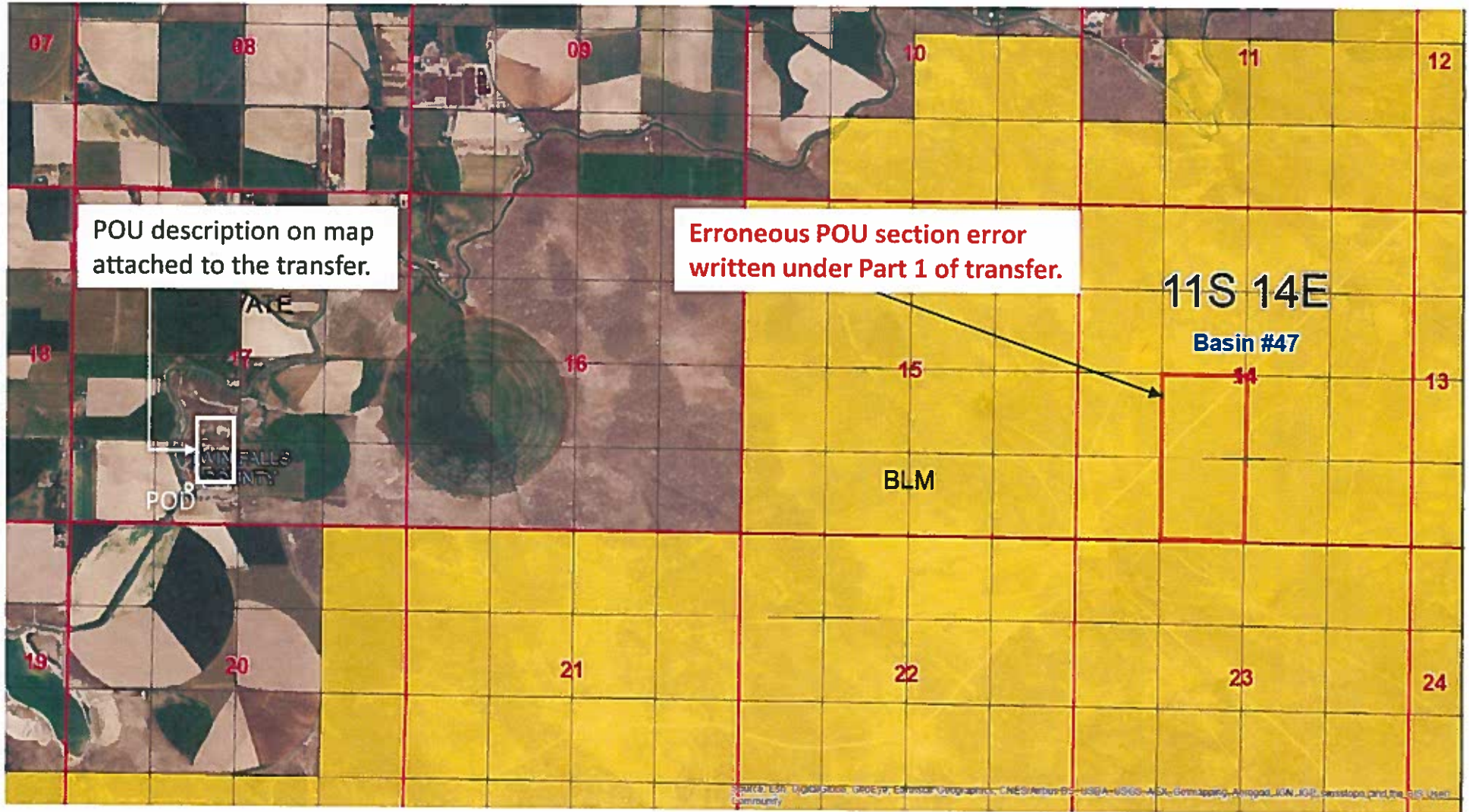
Transfer No. 81670 After Transfer Map

Map attached to the transfer shows POD and POU in Section 17 (private lands), not Section 14 as indicated under Part 1 (page 3) of the transfer.



Transfer No. 81670, Mike Bulkley

POU is incorrectly written as S14 on the transfer; S17 appears to be the correct location which is consistent with the POU boundary map attached to the transfer.



TWIN FALLS COUNTY Q83
TWIN FALLS COUNTY REC. 3

INDEX TO SEGREGATED TRACTS			
RE SURVEY		ORIGINAL SURVEY	
TRACT NO.	T	R	SUBDIVISION
1	1	1	
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FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE NAME	C:\DATA\10011-144\10011-144.dwg		
EXTRACTED FROM	00/000000	DT1	LJW
LAST UPDATED	00/000000	DT1	LJW
DATE IN		DATE OUT	
PORTED TO PUBLIC RECORDS	October 13, 2010		
	BY		
PUBLIC LAND SURVEY SYSTEM (PLSS)			
BLM ACRES ACQUIRED	00/000000		
DTWAVE	NA		
PRODUCED BY GEORGE F.E. SYSTEM	1/10/2006 1:14 PM 10011-144		
NOTES:			
USER PLATE:			



U.S. Bureau of Land Management - Idaho State Office
1317 S. Wood Way Boise, Idaho 83728
(208) 373-6000



DISCLAIMER

This site is only a graphic display of the Bureau of Land Management's (BLM) record of Title and ownership survey data. Property owners do not receive any changes until they have been affected by some agreement of their or other parties of record. BLM is committed to survey for other information.

The authors thank an anonymous reviewer for the minor notes, but only not to the effective date. See the comments from the editor of original submission (date)

Notwithstanding to whom the letters of Lord Macartney were addressed, the authorities, especially the Government of India, were in no doubt as to the British position.