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WATER RESOURCES
WESTERN REGION

Grand View, Idaho
July 15, 2014

KW
Kay Walker-

Here is a copy of my response to the BLM protest against my POD change that was filed by Fred Price. Please read it and enter it into my file at your IDWR office. I mailed the response on Saturday and Fred should have received it yesterday, if he is in his office. Since neither Kim Astle nor I ever received his protest in the mail (I doubt if the protests were ever mailed) I sent my response by Registered Mail to make sure he gets it.

Thanks for your kind help whenever I asked for it.

Spencer Beus

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WATER RESOURCES
WESTERN REGION

Grand View, Idaho
11 July 2014

Copy

Mr. Fredric W. Price
US Dept. of Interior
Bureau of Land Management
1387 Vinnell Way
Boise, Idaho 83709-1657

Dear Mr. Price

The May 28, 2014 edition of the Owyhee Avalanche contained a notice of my application, 79102, for my change of POD at the C.J. Strike reservoir. Another applicant was included in the same notice.

Because of this notice I inquired at the IDWR western office in Boise to find out the purpose of such a notice. They informed me that a "protest" by BLM had been filed against my application as well as against the other applicant. They informed me that I should receive a copy of the "protest" by mail. As of today, 7/11/2014, I have not received a copy and neither has the other applicant.

In order to comply with Idaho Code 42-222 and receive their fee, IDWR notified me that my water right, 02-02271, as well as 11 other water rights must submit applications for a transfer of POD from Lot 10 to Lot 9 at the C.J. Strike reservoir. These transfers at this time are merely "paper" transfers since the actual water transfers were made over 25 years ago when none of us were aware of the application and fee requirements.

Historically, as Strike dam was completed many Desert Land entries were filed and 3 gravity canals were either built or enlarged. Mr. D.O. Bybee and others realized that land at a higher elevation could be farmed by pumping up to a higher canal. Subsequently, Bybee Ditch was built and a pumping station of 4 pumps were installed at what was called the "yellow bridge." These pumps pumped from the Idaho Power Canal, Lot 10 (not the Grand View Irrigators or Grand View Mutual canal).

Since the Bybee Ditch initially provided irrigation water to only a few farms it was decided to create much more capacity by pumping directly from Lot 9 of the reservoir rather from the Idaho Power Canal so that many more farms could receive water.

In early 1964 an application was filed with BLM to install a pumping plant, pipeline and canal, beginning about a half mile upstream from the Strike Dam with the short canal feed into the existing Bybee Ditch that originated at the "yellow bridge" which is about a half mile north of Rimrock High School. This application, IDI 015152, was expedited by BLM and approved by a certificate from Mr. Orval Hadley, manager of the Land Office at Boise, July 27, 1964.

Soon after completion of the new pumping plant in 1974 it became apparent to Bybee Ditch managers that pumping from 2 sources over a mile apart created accurate flow control difficulties in the lower part of the ditch. The ditch rider did his best to prevent either excess water or water shortage. The solution agreed upon was to move the pumps from "yellow bridge" to the new location at the reservoir Lot 9 and have only one water source.

On 17 December, 1969, Bybee Ditch became officially and legally known as the Bybee Lateral Water Users Association (Title 42, chapter 13) with members individually owning all water right water flowing in the lateral. When BLM issued the ROW (IDI 015152) for construction of the pumping station, pipeline and canal, the ROW applied to all of the water from the pumps so that it would not be necessary for each association member to apply individually for his water right water.

Therefore, I, Spencer Beus, already have a ROW for my water right 02-02271 to flow in the lateral from the water pumped at Lot 9. Additionally, I have a letter dated 28 May 2014 from Darrell Agenbroad, present chairman of BLWUA authorizing me to flow my water right 02-02271 in the Bybee Lateral.

Accordingly, I have resolved the issues stipulated in the BLM "protest" against transfer application 79102 and request that you withdraw the "protest" using whatever appropriate procedure is available.

Yours truly,



Spencer Beus
POB 279
Grand View, Idaho 83624

Enclosure: Letter from BLWUA

Because of the uncertainty of mail delivery this letter is registered, # RE 073580615 U.S.

**Bybee Lateral Water Users Association
Grand View, Idaho 83624**

28 January 2014

Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Sirs:

This letter is to inform you that the Bybee Lateral Waters Users Association authorizes use of the Bybee Lateral as proposed by the applicants, Spencer Beus and/or Nani Beus of #2 Bybee Lane, Grand View, Idaho 83624.

Bybee Lateral Users Association point of diversion and existing Lateral is available for delivery of up to .74 CFS of water for water right 2-02271.

Respectfully yours,



Darrel Agenbroad, chairman BLWUA
27161 Dairy Road
Grand View, Idaho 83624