

JUN 06 2016

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

June 6, 2016

1. Matter being protested

Transfer No. 80850 for Michelle & William Young (74-07363)

2. Name of protestantUnited States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 S. 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).**A. POINT OF DIVERSION (POD):**

The applicant intends to move the existing POD for 74-07363 from T17N, R23E, S23, NWNE (BLM) to T17N, R23E, S23, SENE (BLM), however both of these legal land descriptions describe an unauthorized use of federal public land administered by the Bureau of Land Management (BLM).

The original POD (T17N, R23E, S23, NWNE (BLM)) taps into a ditch owned by Guardian Ltd. Partnership No. 2 (Right-of-Way (ROW) IDI-037937). License 74-07363 has a priority date of 05-12-1995, however the Youngs do not have a ROW for the existing (pre-transfer) POD.

The new POD sought by Transfer 80850 also describes BLM land and is also not authorized under a ROW. The Youngs have filed an application for a ROW (IDI-038197) with BLM to transport this water use, construct a POD on BLM and a pipeline across BLM to the place of use (POU) for 74-07363 for domestic and stock water use.

B. PLACE OF USE (POU):

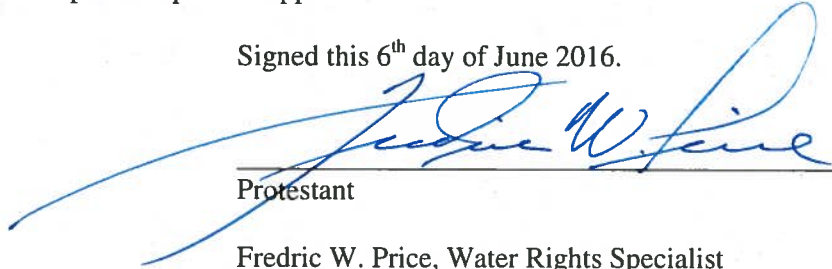
Transfer 80850 also describes a POU within T17N, R23E S23, SWSE (BLM), however this is federal public land administered by the BLM and the Youngs are not authorized to use federal land as a POU.

7. What would resolve your protest?

- 1) Remove the POU on BLM land; and
- 2) Remove the PODs on BLM land and move the POD to privately owned land.
 - a. or obtain a ROW from BLM to establish a POD and conduit on BLM 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 6th day of June 2016.



Protestant

Fredric W. Price, Water Rights Specialist
Protestant's Representative

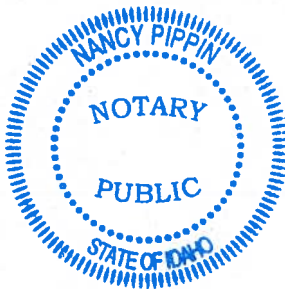
Attachments:

- ♦Maps prepared by BLM for illustrative purposes.
- ♦Master Title Plat: T17N, R23E.

NOTARY:

Subscribed and sworn to before me on this 6th day of June 2016.

(Seal)




Nancy L. Pippin
Notary Public in and for: State of Idaho
Residing at: Mountain Home, Idaho
My Commission expires: September 6, 2017

FOR DEPARTMENT USE ONLY

Received by _____

Date 6-6-16

Fee Paid \$25.00

Date 6-6-16

Received by _____

Receipt # C102117

CERTIFICATE OF SERVICE

I certify that on June 6, 2016, I served a true and correct copy of the **"Protest of Transfer No. 80850 for Michelle & William Young (74-07363)"** 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 E Front St
Boise, ID 83720-0098

Copies to:

Lyle Swank, Regional Manager
Idaho Department of Water Resources (IDWR)
Eastern Regional Office
900 N Skyline Dr., Ste. A
Idaho Falls, Idaho 83402-6105

Michelle & William Young
PO Box 98
Hope, ID 83836-0098

Vincent L. Guyer, Natural Resource Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Salmon Field Office
1206 S Challis St.
Salmon, ID 83467-5442

Joni D. Cain, Realty Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Salmon Field Office
1206 S Challis St.
Salmon, ID 83467-5442

Sean Albertson

Person Serving Documents (print name)

Sean Albertson

Signature of Person Serving Documents

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

DI 08492 Del PL 167 (Act of Cong 07/23/1955)
completed 08/09/1990. All NF surface Mgmt by USFS

DI 32013 PX WD to US OE on 01/05/2001

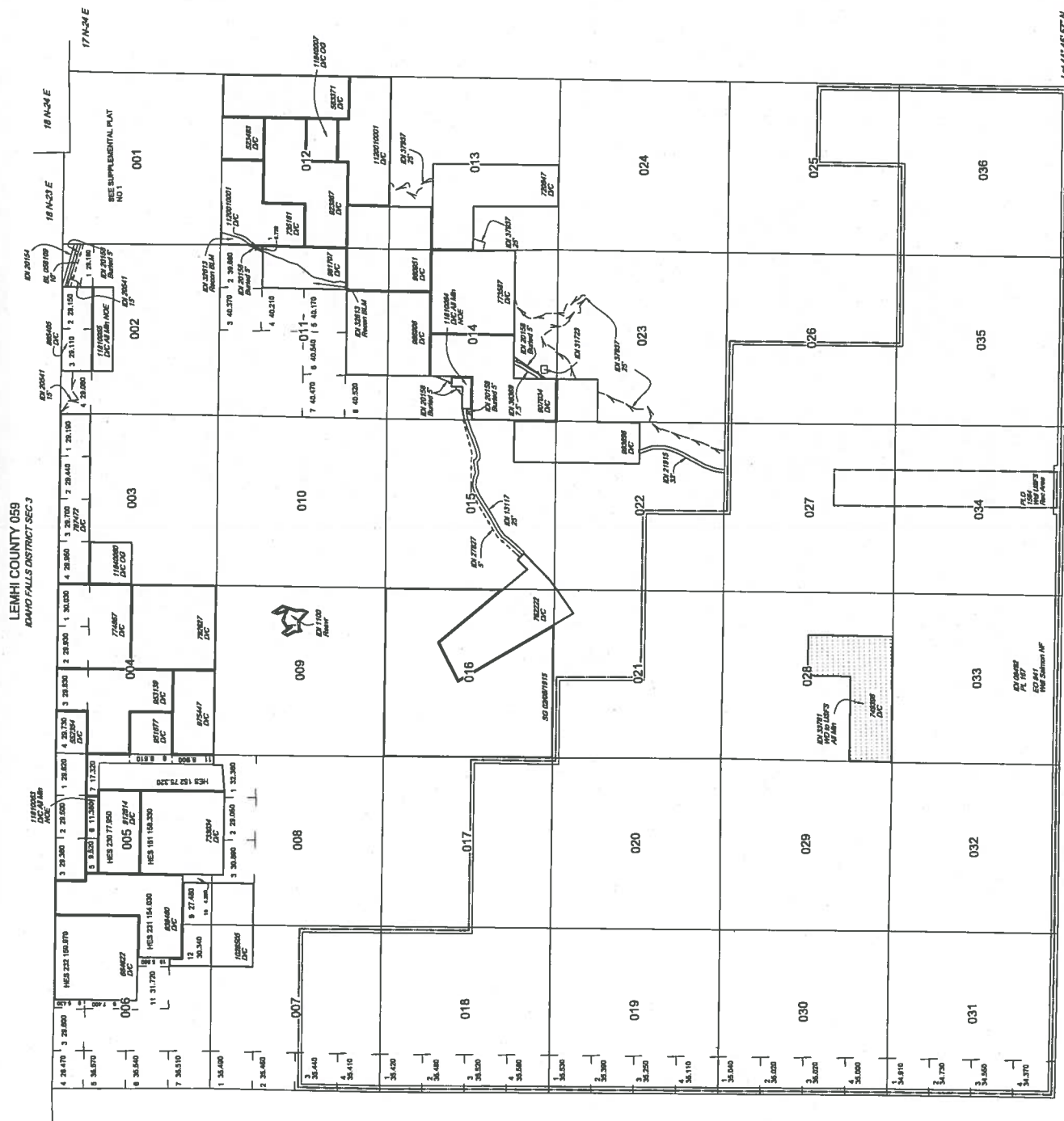
Sec 11: M&B

Sec 12: MJB

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

[illegible]

T. 17 N
R. 23 E



OTHER ALIEN:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown can unfortunately represent the last action taken, but may not be the effective date. See the Historical Index for the date

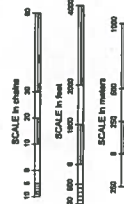
No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual uses or for aggregate use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinell Way Boise, Idaho 83709
(208) 373-4000



NORTH



WR 74-07363 (Michelle & William Young)

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-07363

Priority: May 12, 1995

Maximum Diversion Rate: 0.06 CFS

It is hereby certified that MICHELLE YOUNG
And
WILLIAM YOUNG
PO BOX 98

HOPE ID 83836 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 12, 1995; and has submitted Proof of Beneficial Use on August 19, 1996. An examination confirms water is diverted from:

SOURCE

MEADOW CREEK

Tributary: HAYDEN CREEK

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

MEADOW CREEK NW1/4NE1/4 Sec. 23, Twp 17N, Rge 23E, B.M. LEMHI County

PLACE OF USE: STOCKWATER and DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	23E	14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- The following rights are diverted through point(s) of diversion described above: 74-1074 and 74-7363.
- The quantity of water under this right shall not exceed 13,000 gallons per day.
- Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 5th day of October, 2015.

The POD describes BLM land
Even before Transfer 80850,
the POD for 74-07363
described BLM land without a
ROW.

A portion of the POU
describes BLM land without
authorization.



Transfer 80850 (Young)

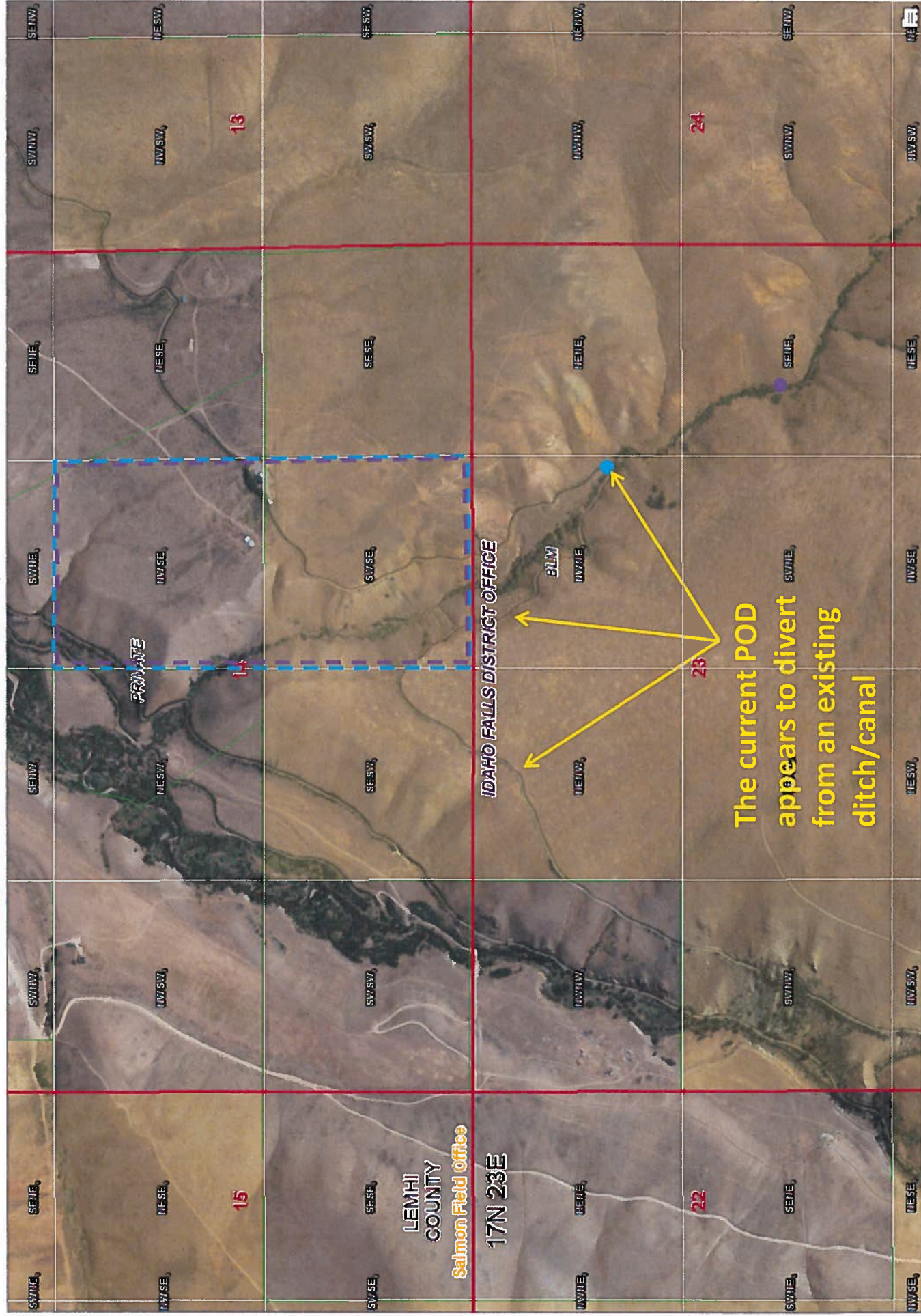
= current & transfer POU



= current POD

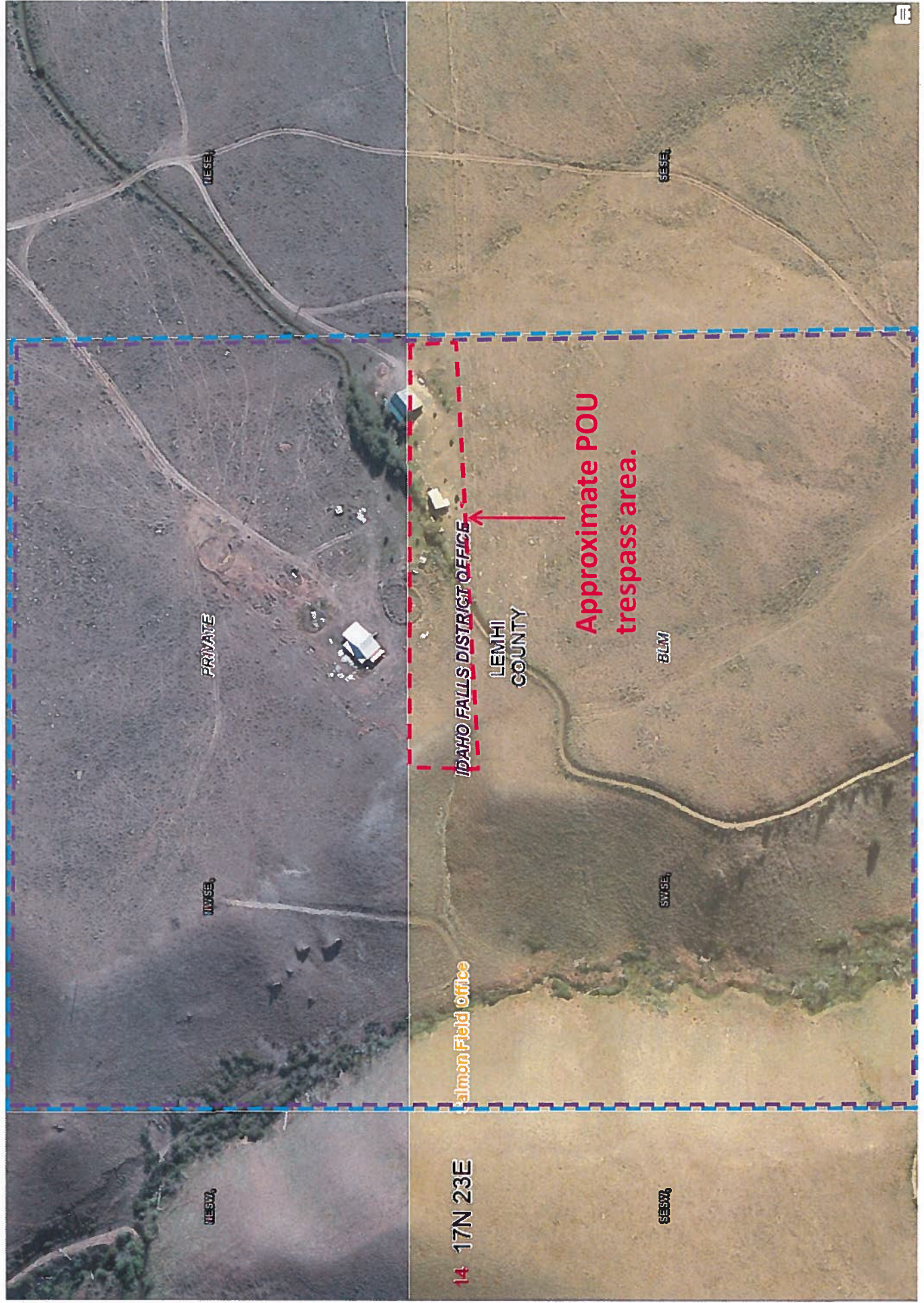


= transfer POD



Transfer 80850 (Young) – POU close-up view

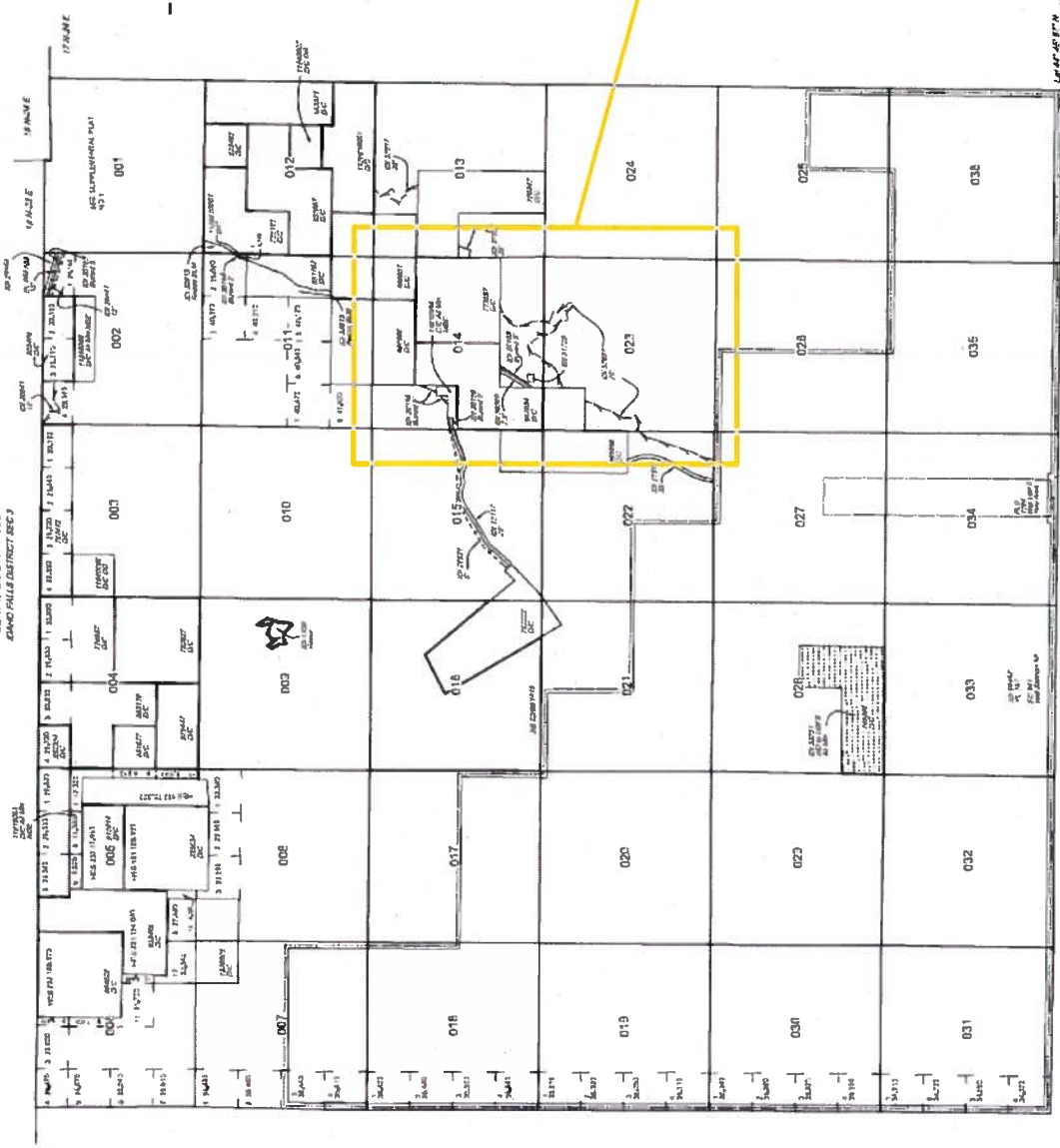
 = current & transfer POU



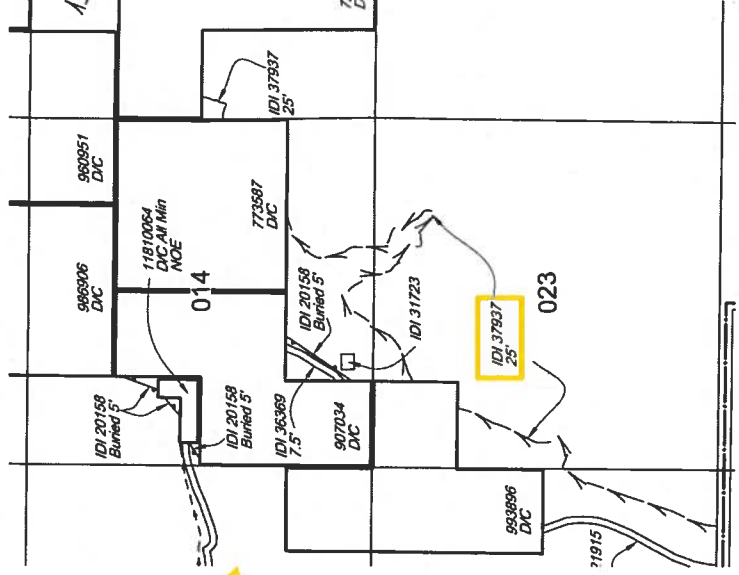
74-07363 POD Canal/Ditch

TOWNSHIP 17 NORTH RANGE 23 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY 050
SAND FALLS DISTRICT SEC. 3



- The ditch/canal at the POD for 74-07363 appears to be associated with ROW IDI-037937, however that grant was issued to Guardian Limited Partnership No. 2.



IDI-037937 (Guardian Ltd. Partnership No. 2)

DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT CASE RECORDATION (MASS) Serial Register Page

RunDate/Time: 06/02/16 02:03 PM

Page 1 of 1

01 07-26-1866;014STAT0253;43USC661 30USC
Case Type 287400: D/C EXIST PRIOR TO FLPMA
Commodity 971: NON-ENERGY FACILITIES
Case Disposition: AUTHORIZED

Serial Number: IDI--- - 037937

Serial Number: IDI--- - 037937

Serial Number: IDI--- - 037937

Name & Address	Mer Twp	Rng	Sec	SType	Nr Suf	Subdivision	District / Field Office	County	Mgmt Agency	Int Rel	% Interest
GUARDIAN LTD PARTNERSHIP NO. 2						3640 S YELLOWSTONE HWY	IDAHO FALLS ID 834024703	HOLDER			100.0000000000
	08	0170N	0230E	013	ALIQ	NENW,NWSW; SESESW,SWSE; E2SE;	SALMON FIELD OFFICE	LEMHI	BUREAU OF LAND MGMT		
	08	0170N	0230E	014	ALIQ		SALMON FIELD OFFICE	LEMHI	BUREAU OF LAND MGMT		
	08	0170N	0230E	022	ALIQ		SALMON FIELD OFFICE	LEMHI	BUREAU OF LAND MGMT		
	08	0170N	0230E	023	ALIQ	NWNE,NENW,SWNW,NWNWSW;	SALMON FIELD OFFICE	LEMHI	BUREAU OF LAND MGMT		

- IDI-037937 is an active ROW for a ditch/canal owned by Guardian Ltd. Partnership No. 2, not Michelle and/or William Young

- Do the Youngs have an agreement with Guardian to divert water from the partnership's ditch/canal?

IDI-038197 (Young)

DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT CASE RECORDATION (MASS) Serial Register Page

RunDate/Time: 06/02/16 02:06 PM

Page 1 of 1

01 10-21-1976;090STAT2776;43USC1761
Case Type 287001: ROW-WATER FACILITY
Commodity 971: NON-ENERGY FACILITIES
Case Disposition: PENDING

Serial Number: IDI--- - 038197

Serial Number: IDI--- - 038197

Serial Number: IDI--- - 038197

Name & Address	Mer Twp	Rng	Sec	SType	Nr Suf	Subdivision	District / Field Office	County	Mgmt Agency	Int Rel	% Interest
YOUNG MICHELLE YOUNG WILLIAM						PO BOX 93 PO BOX 93	LEMHI ID 834650093 LEMHI ID 834650093	APPLICANT APPLICANT			0.0000000000 100.0000000000
	08	0170N	0230E	014	ALIQ	SWSE,SESE; N2NE,SENE;	SALMON FIELD OFFICE	LEMHI	BUREAU OF LAND MGMT		
	08	0170N	0230E	023	ALIQ		SALMON FIELD OFFICE	LEMHI	BUREAU OF LAND MGMT		

- IDI-038197 for a pipeline ROW at the new POD has been applied for by the Youngs, but it has not been approved yet

- The Youngs do not appear to have any authorization to divert water for 74-07363 at either the current or proposed POD in Transfer 80850.

