

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 23 2016
Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer 80793
2. Name of protestant Craig McGregor
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 6883 E 13800 N Thatcher, ID 83283

5. Service telephone no. 208-427-6668 Email Address: _____

6. Basis of protest (including statement of facts and law upon which the protest is based)

- Physical location of "Springs" water right 13-884 makes it impossible for it to be involved in any transfer application
- Other "old" rights have been previously addressed, administered, and reviewed several times - enough time has passed that no further action is necessary
(additional pages may be attached to describe nature of the protest)
(See attached letter)

7. What would resolve your protest? _____

IDWR could review and clarify Cottonwood Creek water rights and not allow or entertain expansions or unnecessary embellishments.

I hereby, acknowledge that if I, or my designated representative, fails 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 20 day of May, 2016.

Craig McGregor
Protestant

Protestant's Representative

Receipt
#ED42114

Concerning Application for Transfer 80793

Filed by Meadowlark Ranch LLC

This letter is being submitted not so much as a "protest" but as an avenue of information which hopefully can be helpful in the decision making process. My property is near to the old "Bennion Ranch" identified in the application and as a land owner and water user, I have a vested interest in the Cottonwood water situation. My family leased and operated a portion of the old "Bennion Ranch" for many years. I hope my information has some validity and will be useful.

First, we need to discuss water right 13-884, identified as the Springs. This spring is in the middle of the property and the water from it flows eastward toward Bear River. It was developed into an irrigation system involving both flood and sprinkler coverage for the land. Water from this spring also provides valuable stock water. The location of this spring makes it a virtual impossibility to be included in any sort of transfer. Also, the current landowners may not be too appreciative of someone fooling with their water. Even though the sprinkler has only been sparingly used the past few years, it is there.

Now, in order to discuss the 13-886 and 13-887 situation, we need to review a bit of history. If my memory serves me correctly, the old timers vehemently opposed the transfer of water from the Bennion Ranch to the Stockton area as they felt it violated two of the fundamental underpinnings of Idaho water use. The first being that water is decreed to the land, not to an individual to be capriciously moved from one location to another. The second being the transfer of water from its natural drainage to a completely different drainage. However, a decision was made (Transfer 864, 1955) and as the old saying goes, "that is all water under the bridge". Now, after the passage of time, the decision stands and has been reluctantly accepted. I am sure that at the time of the decision, careful scrutiny was given to the distribution of the water rights. More recently, the late Alex Hudson, Cottonwood water master for a number of years, thoroughly reviewed the Cottonwood Water situation. His findings seemed to support the division of the water as outlined in the decision so long as the parties involved abide by the decision. The matter has been studied, discussed, and reviewed many times. The management of

the waters of Cottonwood Creek should stand as currently outlined.

Enough time has passed that "unused" old rights and claims have long since become invalid and should have reverted back to the state. Clarify the situation, then remove them from the records so that in the future, a person seeing a number on a paper will not readily assume there is water automatically available. Most years, poor old Cottonwood dries up before the end of summer. In that sense, it is probably already over decreed. Application for Transfer 80793 should be denied. Meadowlark Ranch and Merrill Ranch should work out any differences they have with water allocated from the 1955 decision. There is simply no more water to be transferred or allocated. The situation has been thoroughly studied, passed the test of time, and recognized as workable.

Thank you for your consideration of this situation.

Respectfully submitted by

A handwritten signature in cursive script that reads "Craig McGregor". The ink is dark and the signature is fluid.

Craig McGregor

6883 E 13800 N

Thatcher, Idaho 83283