

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF PROTEST**  
**Transfer No. 80562**

February 5, 2016

RECEIVED

FEB 05 2016

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

FEB 11 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**1. Matter being protested**

Transfer No. 80562 (Evard, L.L.C.) involving 43-13741.

**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).**

Transfer No. 80562 seeks to add a new place of use (POU) for irrigation within T10S, R28E, S04, Lot 3 (NENW) which is entirely owned by the United States (BLM). Evard, L.L.C. is not authorized to use federal public land for irrigation purposes.

This BLM legal land description is excluded from the place of use depicted in the maps attached to the Application for Transfer 80562 and is not included within the current list of pre-transfer POUs for irrigation. This suggests that the inclusion of BLM may be a typographical error.

In review of the maps attached to the transfer, it appears that private land within T10S, R28E, S04, SWNW was intended (instead of BLM land), as this private parcel is not listed in the transfer but is a portion of the existing pre-transfer POU. The acres of irrigation POU within the SWNW is not part of the acres being dried up in order to establish the new Commercial & Stockwater purposes, therefore it appears the SWNW should be included in the after-transfer list of POUs for irrigation.

During the course of our review, it appears that there are two other similar typographical errors involving private land POUs (that BLM is not concerned with):

Claimed T10S, R28E, S04, Lot 1 (NENE) should be T10S, R28E, S04, **SENE**; and

Claimed T10S, R28E, S04, Lot 2 (NWNE) should be T10S, R28E, S04, **SWNE**.

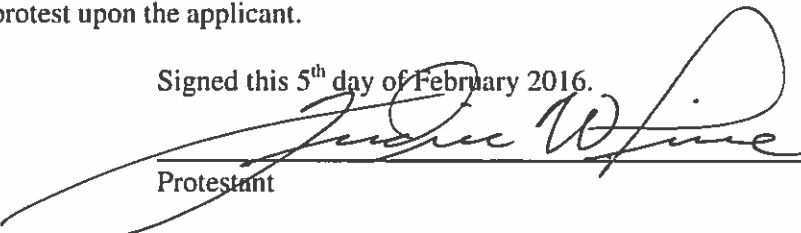
BLM is not concerned about the two potential POU errors describing private lands. BLM's protest only concerns the POU describing BLM lands within T10S, ~~R~~28E, S04, Lot 3 (NENW). This concern could be resolved by correcting the typographical error and re-describing this POU as T10S, R28E, S04, SWNW (private).

**7. What would resolve your protest?**

- 1) Amend application to remove the Place of Use (POU) for irrigation on BLM land within:  
T10S, R28E, S04, NENW

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 5<sup>th</sup> day of February 2016.

  
Protestant

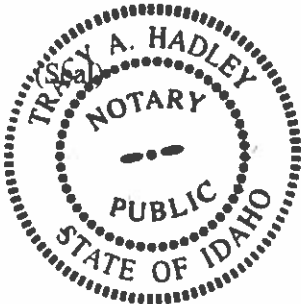
Fredric W. Price  
Protestant's Representative

**Attachments:**

- ♦Maps prepared by BLM for illustrative purposes.
- ♦Master Title Plat: T10S, R28E.

**NOTARY:**

Subscribed and sworn to before me on this 5th day of February 2016



  
Tracy A. Hadley  
Notary Public in and for: State of Idaho  
Residing at: Meridian, Idaho  
My Commission expires: 08-22-2021

**FOR DEPARTMENT USE ONLY**

Received by S.O. Date 2.5.2016  
Fee Paid \$25.00 Date 2/5/16 Received by AO Receipt # C101498

## CERTIFICATE OF SERVICE

I certify that on February 5, 2016, I served a true and correct copy of the **Protest of Transfer 80562** 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

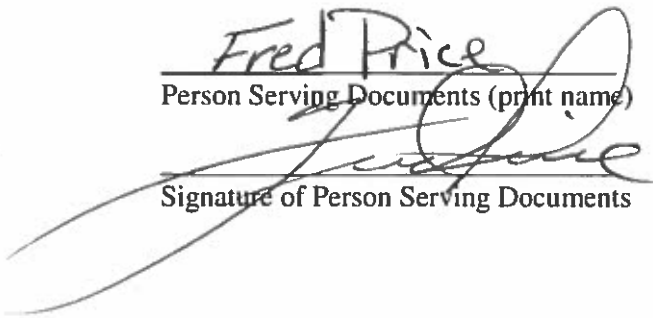
Copies to:

Allen D. Merritt, P.E., Regional Manager  
Idaho Department of Water Resources  
Southern Regional Office  
650 Addison Avenue West, Suite 500  
Twin Falls, Idaho 83301-5858

Evard L.L.C.  
872 East Pebble Drive  
Burley, Idaho 83318-5099  
ATTN: Reed Gibby, Manager

Steven Davis, Hydrologist  
U.S., Department of the Interior,  
Bureau of Land Management,  
Burley Field Office  
15 East 200 South  
Burley, Idaho 83318-5435

Fred Price  
Person Serving Documents (print name)

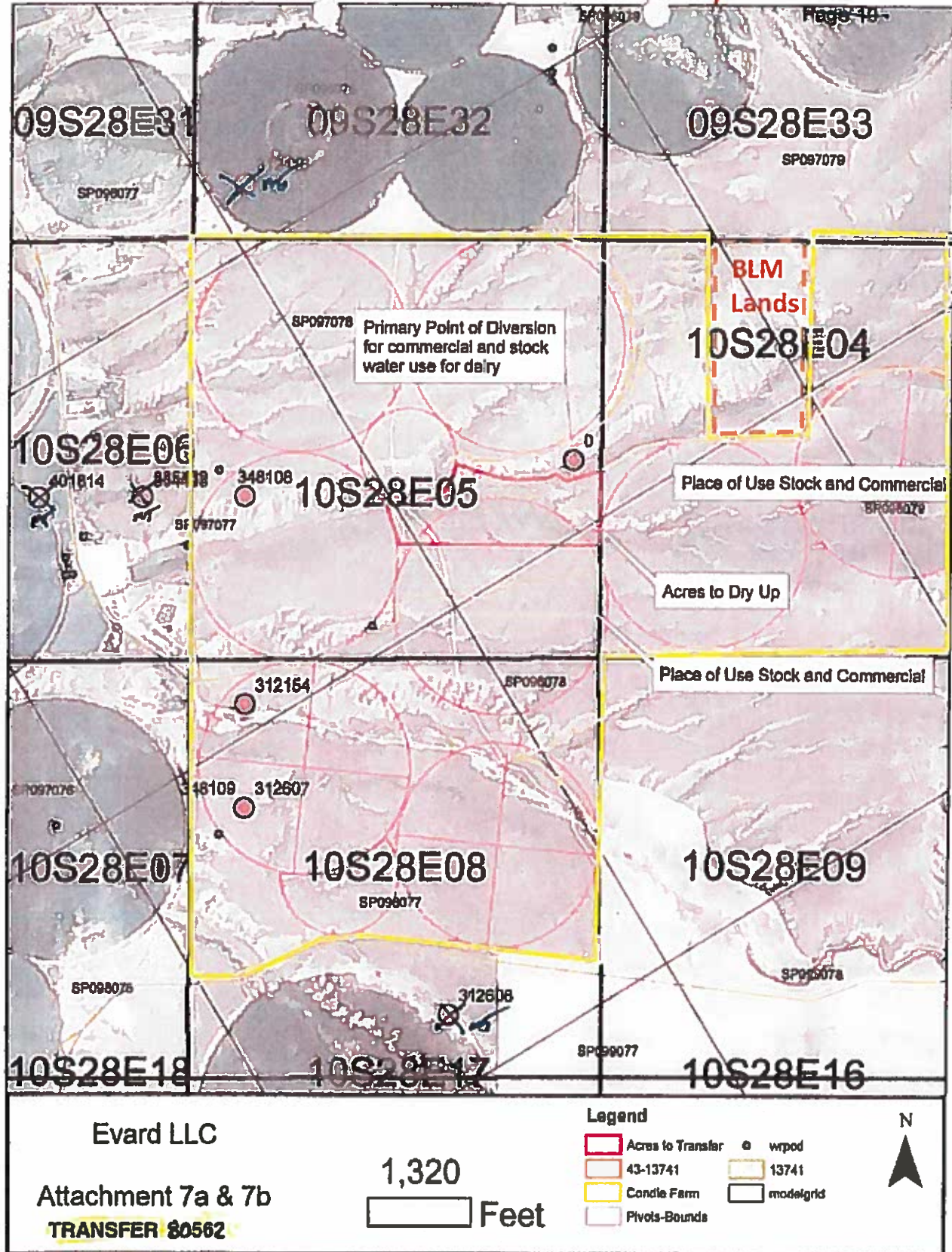
  
Signature of Person Serving Documents

# Transfer 80562: Attached 7a & 7b Map

BLM lands not included in transfer boundary.

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## After Transfer Map



# Transfer 80562 (Evard, L.L.C.) involving water right 43-13741 POU Comparison Map

The following POUs appear to be claimed in error as they do not match the transfer map:

T10S, R28E, S04 Lot 1(NENE) should be SENE

T10S, R28E, S04 Lot 2(NWNE) should be SWNE

T10S, R28E, S04 Lot 3(NENW) should be SWNW

