

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

June 8, 2015

RECEIVED

JUN 08 2015

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 11 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Matter being protested

Transfer No. 79984 for Jack Flammer (37-00159D)

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. 79984 seeks to change source, point of diversion (POD), place of use (POU). A portion of the existing right (37-00159D) describes BLM land as a POU for an irrigation purpose of use (T03N, R18E, S08, SWSW (2.0 acres)). Irrigation of BLM land is not authorized. The transfer leaves 1.2 acres on BLM in trespass. BLM land has not historically been irrigated, therefore there is no existing beneficial use on the 2.0 acres of BLM land to transfer. The SRBA partial decree was issued 06-02-2010, therefore all periods of non-use apply for forfeiture due to non-use purposes are available.

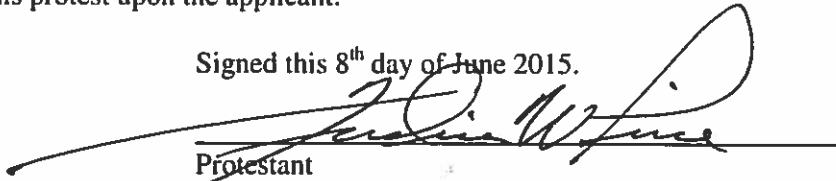
7. What would resolve your protest?

BLM's protest can be resolved by:

- 1) Amend transfer to exclude federal public land from the POU.

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 8th day of June 2015.


Protestant

Fredric W. Price

Water Rights Specialist

Page 1 of 3

Protest of Transfer No. 79984

Jack Flammer

June 8, 2015

Attachments:

- ◆Map prepared by BLM for illustrative purposes.
- ◆Master Title Plats: T03N, R18E.

FOR DEPARTMENT USE ONLY

Received by J. Strang

Date 6-8-15 C100574 \$25-

CERTIFICATE OF SERVICE

I certify that on June 8, 2015, I served a true and correct copy of the **Protest of Transfer No. 79984** for Jack Flammer 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
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Jack Flammer
P.O. Box 3923
Hailey, Idaho 83333-3923

Brockway Engineering, PLLC
c/o Greg W. Sullivan, M.S.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301-3082

REPRESENTING:

Jack Flammer

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

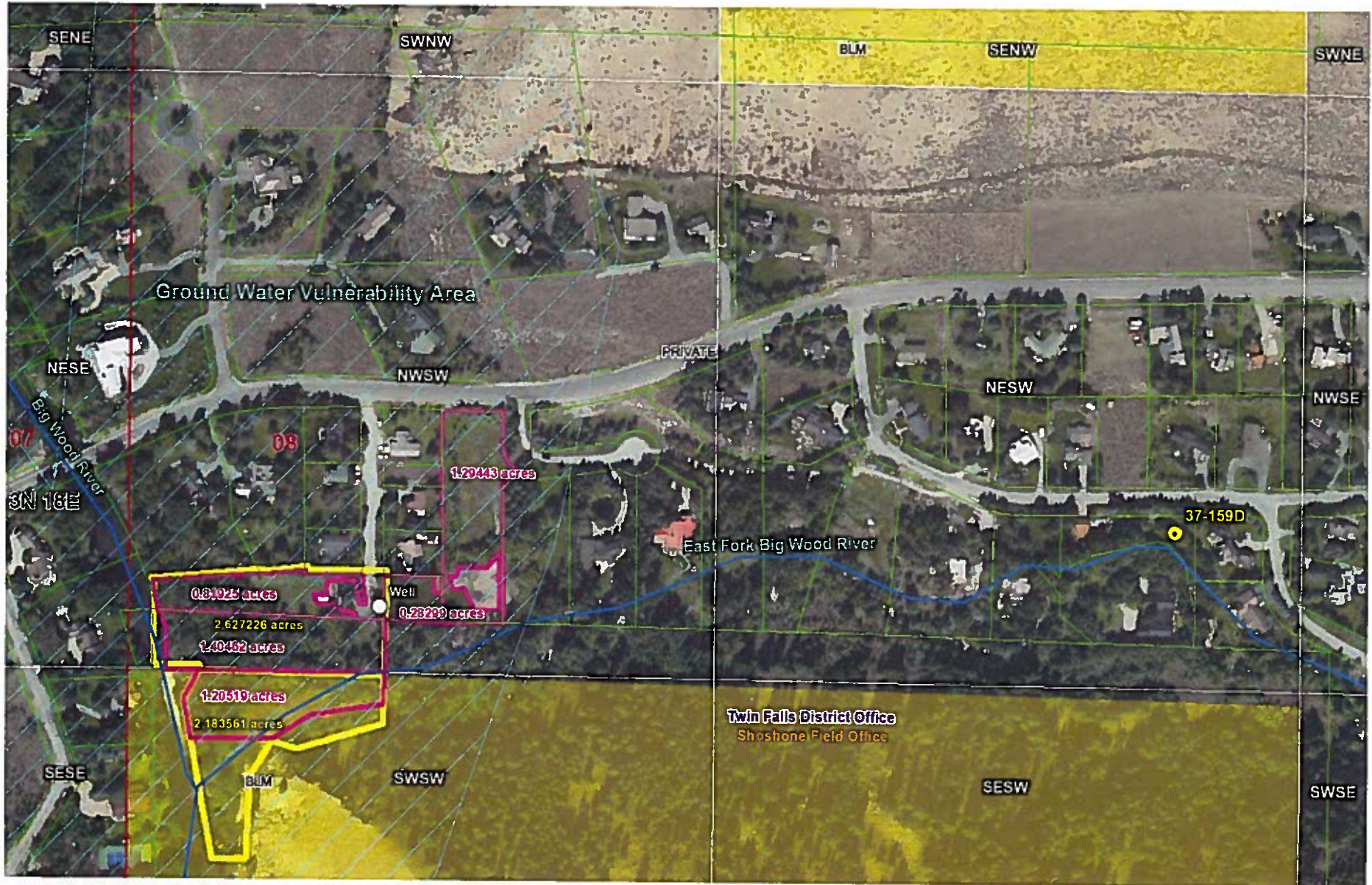


Person Serving Documents (print name)


Signature of Person Serving Documents

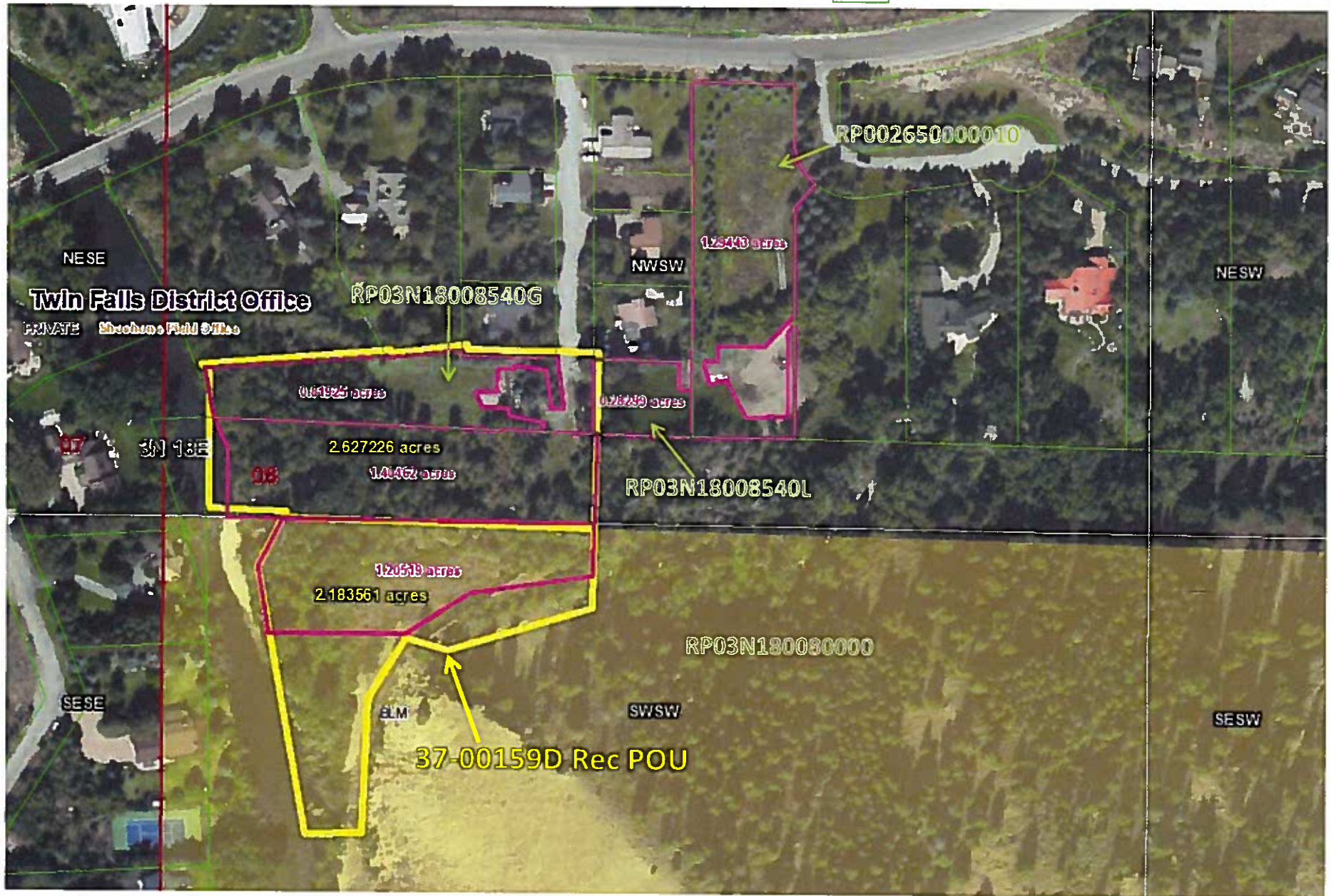
Transfer 79984 (37-00159D)

 = Proposed POU
 = Taxlot Boundaries

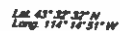


Transfer 79984 (37-00159D)

 = Proposed POU
 = Taxlot Boundaries



BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3



MT PLAT

[illegible]

DOI 07962 Del 167 (Act of Cong 07/23/1955) completed
03/22/1980. AS PD surface Mgmt by BLM

**DOI-053944 Deed to US includes 4.18 acres in
Sec 17: NWNW**

NDV 4119 Exempt to US (Rate for SD)
MAB within Secs 17, 20, 28, 29, 32, 33

ED 74350 Lee
Sec 15: M&B

See Cadastral Plan approved 03/21/2012 for official
acres reflecting legal subdivisions:
Secs 8,9,17

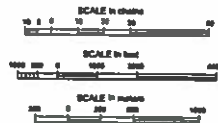
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: K2000C000410004410000000.dwg
 CONVERTED TWT: 07/19/2008 BY: ST
 LAST UPDATED: 10/05/2013 BY: JFM
 QAOIC #1: QAOIC #2:
 POSTED TO PUBLIC RECORDS: October 31, 2013
 BY:
 PUBLIC LAND SURVEY SYSTEM (PLSS)
 BLM GDS ACQUIREZ: 04/26/2008
 OTHER: none
 PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983
 NOTES:
 USE PLATS:

Base line
T. 3 N
R. 10 E



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



DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Percent of Time and township survey data. Placemarks herein do not reflect the changes which may have been affected by lateral encroachments or other as other bodies of water. Plots in colored surveyor's official information.

The notation shown on subdomains represents the last action taken, but may not be the effective date. See the historical notes for the time of original subdomain order.

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

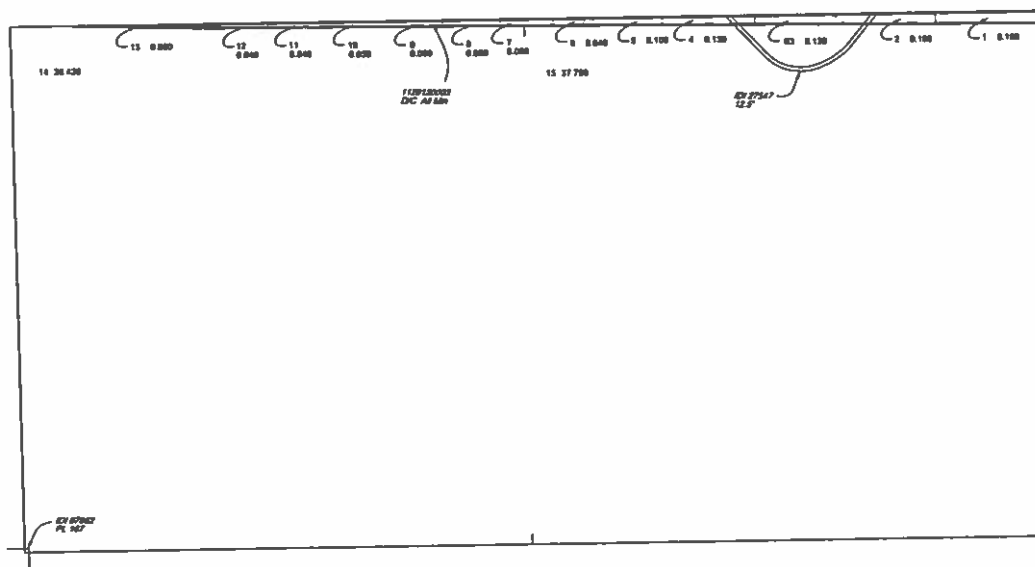
BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3

No. 1

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT
SUPPL Sec 8 S2SW

Sec 8
S2SW

[illegible]

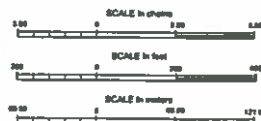
DOI 07952 Del PL 167 (Act of Cong 07/23/1955) completed
05/22/1960. All PD surface Mgmt by BLM

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

FILE REF: 12000200401100EAM110001.dwg	
COMMENTED TYP: 04/02/2012	BY: UTM
LAST UPDATED: 06/26/2012	BY: UTM
QA/QC BY: QA/QC RC	
PORTED TO PUBLIC RECORD: August 30, 2012	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM ACDS ACQUIRED:	04/26/2025
OTHER:	NA
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATE:	



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vernal Way Boise, Idaho 83708
(208) 373-4000



DISCLAIMER:

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

The inclusion graphs are undirected graphs representing the best action taken, but they are not the effective data. They are determined solely by the date of original withdrawal order.

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

Denton Hwy.
 T. 3 N
 R. 18 E
 No. 1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00159D

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 2 2010

By

Clerk

De J. Clerk

NAME AND ADDRESS: JACK W FLAMMER JR
PO BOX 3923
HAILEY, ID 83333

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.10 CFS
15.00 AFY

This right when combined with all other rights shall provide no
more than .02 cfs per acre nor more than 3.0 afa per acre for
irrigation of the lands above.

PRIORITY DATE: 07/30/1888

POINT OF DIVERSION: T03N R18E S08 NESW Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 11-01

QUANTITY
0.10 CFS
15.00 AFY

PLACE OF USE: Irrigation
T03N R18E S08 NWSW 3.0 Within Blaine County
SWSW 2.0
5.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wilman
Presiding Judge of the
Snake River Basin Adjudication