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MAY 02 2014

Department of Water Resources
Eastern Region

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APR 28 2014

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Transfer No. 79230

April 28, 2014

1. Matter being protested

Transfer No. 79230 (involving water right 34-02419A) by Standlee Family Limited Partnership

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

United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

5. Service telephone no.

(208) 373-3831

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

Standlee Family Limited Partnership filed the Application for Transfer on 04-01-2014 to move the Point of Diversion (POD) of water right 34-02419A from T04N, R26E, S20, NWNWNE (private) to T04N, R06E, S20, NWNW (private). The change in POD does not affect or concern BLM, however, this water right describes a place of use (POU) which contains both private and BLM lands which creates a mixed ownership issue. The Applicant is not authorized to use BLM land, therefore BLM's protest seeks clarification of the POU element to restrict farming activities to private land. Applicant does not have authorization to cross BLM land with its pivot within the SWSW, S29.

Mixed Ownership POU:

T04N, R26E, S29, SWSW 7.0 acres

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Receipt
C098751

7. What would resolve your protest?

Amend the Transfer to include a condition which limits the use of water within T04N, R26E, S29, SWSW to the privately owned portion of this legal land description, such as:

POU element conditions:

- (1) "Place of use does not include federal public lands."; and
- (2) "This right does not grant any right-of-way or easement across the land of another."

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 28th day of April 2014.



Protestant

Gary A. Madenford

Water Rights Team Leader

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T04N, R26E.
- ◆Partial Decree: 34-02419A.

FOR DEPARTMENT USE ONLY

Received by CS

Date 4/28/14

Fee Paid \$25.00

Date 4/28/14

Received by CS

Receipt # C098751

CERTIFICATE OF SERVICE

I certify that on April 28, 2014, I served a true and correct copy of the **“Protest of Transfer No. 79230”** 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 (IDWR)
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Standlee Family Limited Partnership
826 S 1700 E
Eden, ID 83325-5160

Deena Teel, Supervisory Natural Resource Specialist
Becky Lazdauskus, Realty Specialist
USDI-BLM; Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, ID 83401-2100

Jordan Crane
Person Serving Documents (print name)


Signature of Person Serving Documents

TERRIANN WELLS
DOI-BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709



For Official Use Only
US Government Tax Exempt
Not Valid If Made Payable To Cash

1450

DATE 4/29/2014

88-767/1130

© DELUXE WALLET OR DUPLICATE

PAY TO THE ORDER OF IDWR

Twenty-five + 00/100

\$ 25.00

J.P.Morgan

JPMorgan Chase Bank, N.A.
Commercial Credit Card Access Check

Not Valid For Amount Over \$3000
Not Valid After 60 Days
Tax ID # 14-0001849

MEMO Potat 79230

[Signature]

1450

SPECIALTY GRAY

34-02419A Partial Decree

Controlling Water Right Description

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 34-02419A

2ND NOV 24 AM 8:27

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: JUEL AIKELE
ROUTE 1, BOX 630
MOORE, ID 83255

SOURCE: GROUNDWATER

QUANTITY: 2.01 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 26.31 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8753.5 AF.
COMBINED RIGHT NOS.: 34-02358A, 34-02315, 34-02417A, 34-024298,
34-02472A AND 34-12419.

PRIORITY DATE: 05/01/1984

POINT OF DIVERSION: T04N R26E S20 NWNWNE Within Butte County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 2.01 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T03N R25E S13	NENE 23.0	NWNE 33.0
		SWNE 37.0	SENE 37.0
		NENW 33.0	SENE 36.0
		NESW 37.0	SESW 19.0
		NESE 39.0	NWSE 40.0
		SWSE 23.0	SESE 6.0
	R26E S05	SWSW 16.7	
	S06	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 39.0
		SWNW 39.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 34.0	SESW 29.0
		NESE 37.0	NWSE 40.0
		SWSE 38.0	SESE 26.0
	S07	NWNE 6.4	SWNE 19.0
		NWNW 4.0	SWNW 12.0
		SENE 2.6	
	<u>T04N R26E S29</u>	NWSW 34.0	<u>SWSW 7.0</u>
	S30	SWNE 6.0	SENE 3.0
		NESE 40.0	SESE 39.0
	S31	NENE 34.0	NWNE 35.0
		SWNE 39.0	SENE 39.0
		NENW 28.0	NWNW 33.0
		SWNW 39.0	SENE 37.0
		NESW 39.0	NWSW 39.0
		SWSW 39.0	SESW 39.0
		NESE 39.0	NWSE 39.0
		SWSE 39.0	SESE 39.0
	1750.7 Acres Total		

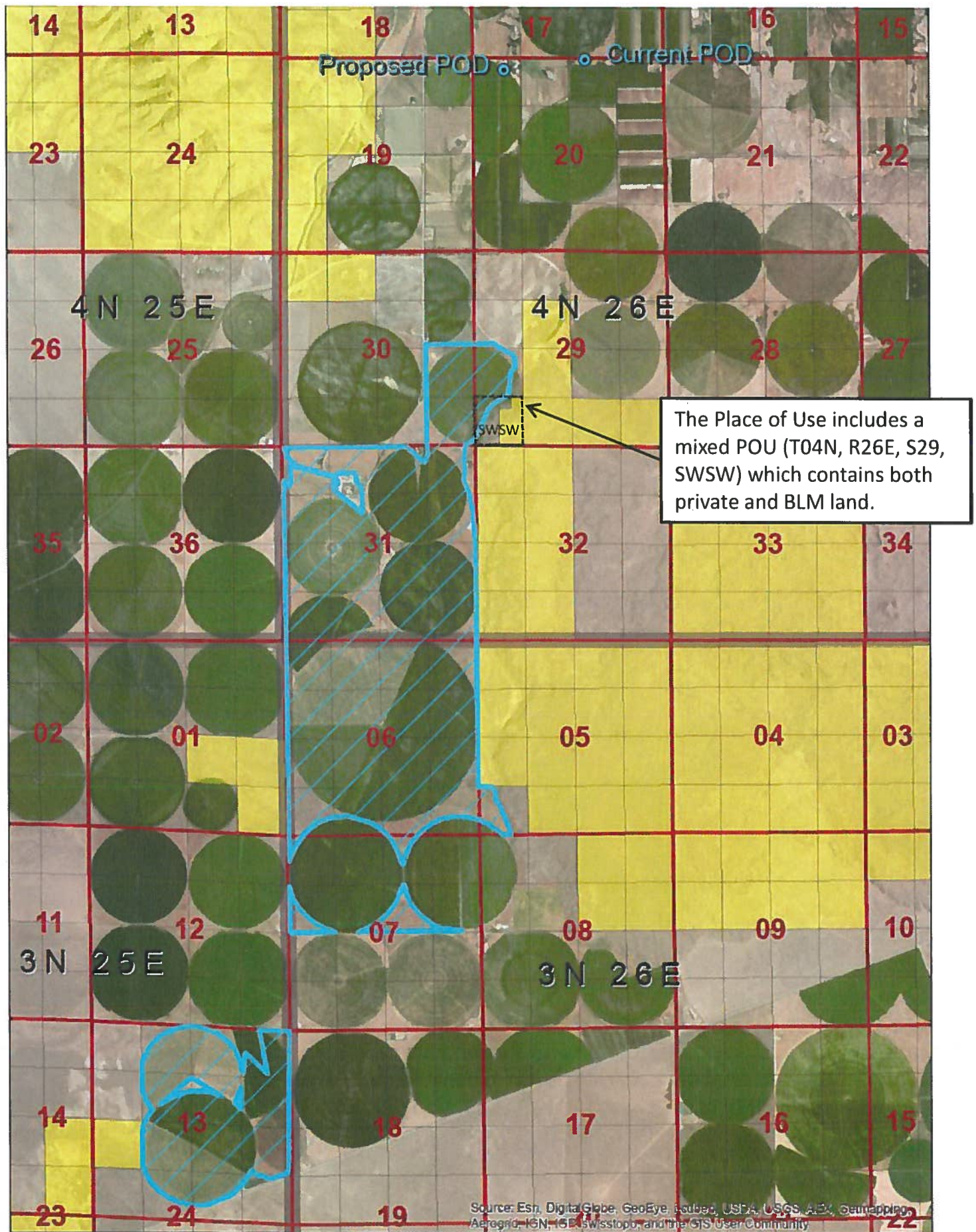
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF 1750.7 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-02358A, 34-02315, 34-02417A, 34-024298,
34-02472A, 34-12419 AND 34-10036.

Mixed POU (BLM & private).
Irrigation is on the private
portion of the QQ.

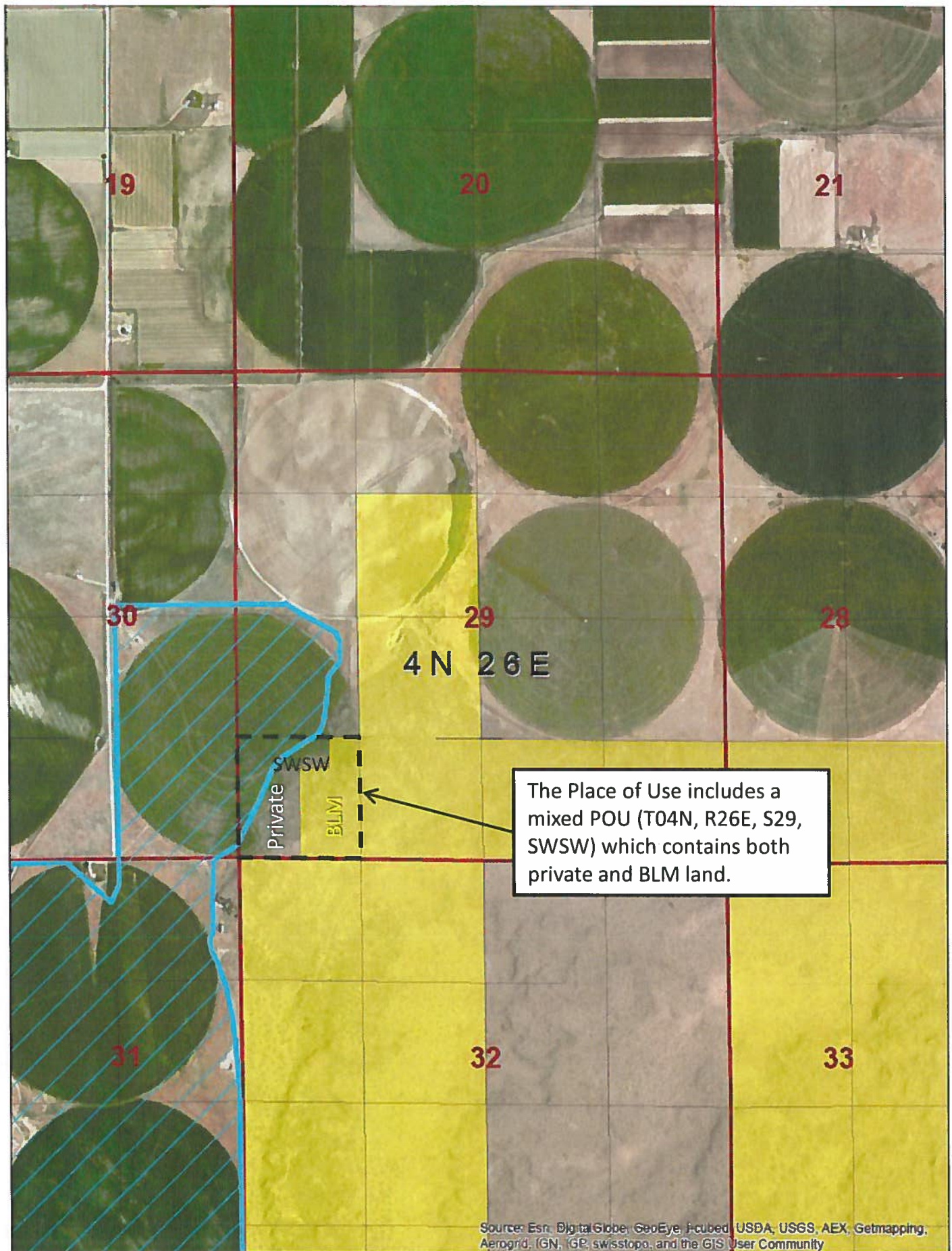
A comment should be
added that such as:
"This right does not
grant any right-of-way
or easement across the
land of another."

This water right contains a mixed POU which contains both BLM and private land. A comment should be added to this right to limit the use of water within T04N, R26E, S29, SWSW to the privately owned portion of this legal land descriptions such as: "Place of Use does not include federal public lands."

34-02419A Standlee Family LTD Partnership BLM Protest Map



34-02419A Standlee Family LTD Partnership BLM Protest Map



34-02419A Standlee Family LTD Partnership BLM Protest Map

