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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Transfer No. 79305

November 20, 2014

1. Matter being protested

Application for Transfer No. 79305 for Terrie and Walter Trail involving water rights 02-00103, 02-02209B, and 02-04021.

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).

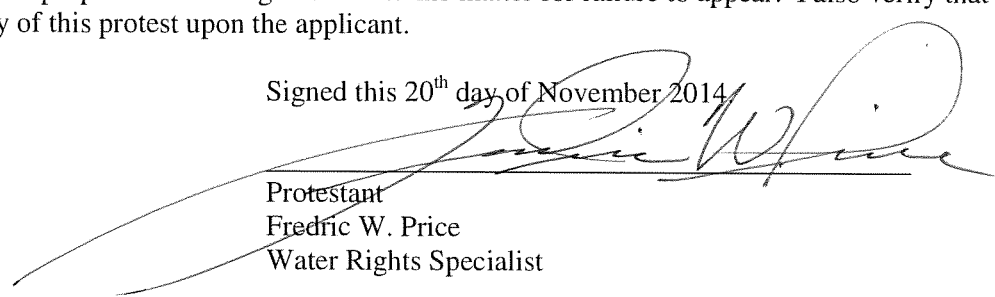
The applicants included a Place of Use (POU) in T06S, R10E, S02, NESE (BLM) that describes BLM land whereas it should be T06S, R10E, S02, SENE (private). The purpose of the transfer is to establish a permissible place of use for the combined rights 02-00103, 02-02209B and 02-04021, however several typographical errors were included in the transfer one of which includes a description of BLM land where it should be private as per the Partial Decree (02-04021).

7. What would resolve your protest?

Amend the Application for Transfer to remove the POU in T06S, R10E, S02, NESE (BLM) from the Application.

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 20th day of November 2014


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

◆Map and presentation prepared by BLM for illustrative purposes.

◆Master Title Plat: (T05S R10E)(T06S R10E)(T06S R11E)

FOR DEPARTMENT USE ONLY

Received by J. Strange

Date 11-20-14

Fee Paid \$25.00

Date 11-20-14

Receipted by J. Strange

Receipt # WC42 653

CERTIFICATE OF SERVICE

I certify that on November 20, 2014, I served a true and correct copy of the "**Protest of Application for Transfer No. 79305**" 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:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

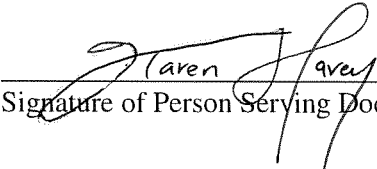
Copies to:

Candice M. McHugh (ISB #5908)
MCHUGH BROMLEY PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702-7687
REPRESENTING:
Terrie and Walter Trail

Lisa Claxton
U.S.D.I. BLM
Copy delivered via e-mail
lclaxton@blm.gov

Steve Davis
U.S.D.I. BLM
Copy delivered via e-mail
sdavis@blm.gov

Karen Havey
Person Serving Documents (print name)



Signature of Person Serving Documents

Rev. 07/13

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

[illegible]

3. Point(s) of Diversion:

T06S R10E S01 LOT 4	(NWNW) 41.0	SWNW 40.0
	NWSW 39.0	
S02 LOT 1	(NENE) 41.0	SENE 33.0

The Transfer 79305 describes BLM land that is not described in the Partial Decree for 02-04021.

The transfer should describe these acres in the SENE as listed in PD.

Partial Decree 02-04021

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 02-04021

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

OCT 31 2012

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: TERRIE E TRAIL
WALTER L TRAIL
5308 E TRAIL RD
KING HILL, ID 83633

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.00 CFS

PRIORITY DATE: 05/10/1965

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 12.00 CFS

PLACE OF USE: Irrigation Within Elmore County

T05S R10E S35	SENE 38.0	NESE 40.0
	SESE 39.0	
S36	NENE 17.0	NWNE 37.0
	SWNE 10.0	NENW 38.0
	NWNW 17.0	SWNW 40.0
	SENW 32.0	NESW 11.0
	NWSW 40.0	SWSW 35.0
	SESW 12.0	
T06S R10E S01 LOT 4	(NWNW) 41.0	SWNW 40.0
	NWSW 39.0	
S02 LOT 1	(NENE) 41.0	SENE 33.0
600.0 Acres Total		

The PD for 02-04021
describes the SENE
(private).

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).

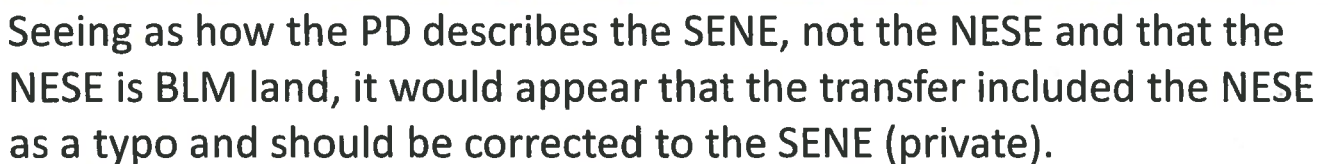
RULE 54(b) CERTIFICATE

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

T06S R10E S01 LOT 4 (NWNW) 41.0 SWNW 40.0
NWSW 39.0
S02 LOT 1 (NENE) 41.0 SENE 33.0

BLM land
POU in Transfer 79305



Other typos that don't concern BLM.

Rev. 07/13

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	2-4021	12 cfs	Irrigation	3/15 to 11/15	Snake River, Columbia River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Transfer 79305

Total authorized under rights 12 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 12 cubic feet per second and/or acre-feet per annum.

3. Point(s) of Diversion:

☐ No change to point(s) of diversion requested. The following is therefore not completed. (Proceed to #4.)
☐ Change a point of diversion affecting the ESPA.

02-04021 PD: Place of Use (portion of)

T06S R10E S01 LOT 4 (NWNW) 41.0 SWNW 40.0
 NWSW 39.0
 S02 LOT 1 (NENE) 41.0 SENE 33.0

4. The block for NENE should contain "L1 /41". The block for NWNW should contain "L4 /41".

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals							
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
5S	10E	35				38									40			39	117							
		36	17	37	10		38	17	40	32	11	40	35	12					289							
6S	10E	1 lot 4						41	40			39							120							
		2 lot 1	41												33				74							
CONTINUED ON ATTACHMENT 9.1.																							Total here		600	
																								Total from	9.1	3948
																		Total Acres (for irrigation use)			4548					

"lot 4" and "lot 1" are not part of the section description. The sections should just be listed as "1" and "2" respectively.

ELMORE COUNTY 039

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

DI 12610 Silkos Act 06/01/1976

SOC 32: E2NW, W2SE, SESE

25873 Nan Hiet Trail

Historical information only, does not denote public access

DI 25873H Natl Hist Trail

public access

[illegible][illegible][illegible][illegible]

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Table 1 Demographic characteristics of study population

[illegible][illegible][illegible][illegible]

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

FOR ORDERS EFFECTING DISPOSAL OR USE OF
IDENTIFIED LAND REFER TO INDEX OF

MISCELLANEOUS DOCUMENTS

FILE REF: ID0806G00100EaMT0000a.dwg
CONVERTED TIFF: 07/24/2000 BY: ST

QAVQC #1: EG 09/01/2006 QAVQC #2: DW/S
POSTED TO PUBLIC RECORDS:

PUBLIC LAND SURVEY SYSTEM (PLSS) BLM GCOB ACQUIRED: 04/28/2025

PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, N
NOTES:

USE PLATS:

T. 6 S
R. 10 E

