

RECEIVED
JUN 10 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
APPLICATION FOR TRANSFER NO. 79102

WATER RESOURCES
WESTERN REGION

June 09, 2014

1. Matter being protested

Application for Transfer No. 79102 by Spencer W. Beus for The Order of Tranquility (involving water right 02-02271).

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

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WATER RESOURCES

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).

The Transfer seeks to change the location of the Point of Diversion ("POD") from T05S, R04E, S34, Lot 10 (NWSW) (private) at the Grand View Irrigation District Canal to T05S, R04E, S34, Lot 9 (SESW) (BLM) at the Bybee Lateral. The Bybee Lateral POD is located on BLM land, and the Lateral crosses BLM land in several locations. The Applicant is not authorized to transport a new water right in the existing water facility across BLM land, nor is it authorized to utilize someone else's canal right of way ("ROW") on federal land.

7. What would resolve your protest?

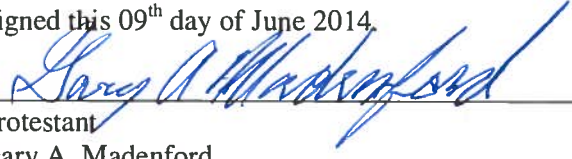
BLM's protest can be resolved by:

- 1.) Withdraw the application; or
- 2.) The Applicant obtaining formal permission from holders of canal ROWs to cohabitate their ROWs for an irrigation purpose, and seeking and obtaining a new ROW to divert and transport 02-02271 across BLM land for irrigation purposes within the Bybee Lateral.

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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 09th day of June 2014.


Protestant
Gary A. Madenford
Water Rights Team Leader

Attachments:

◆Maps prepared by BLM for illustrative purposes.

◆Master Title Plat: T05S, R04E.

FOR DEPARTMENT USE ONLY

Received by 

Date 06/09/14

Fee Paid \$25.00

Date 06/09/14

Received by 

Receipt # C098969

CERTIFICATE OF SERVICE

I certify that on June 9, 2014 I served a true and correct copy of the **"Protest of Application for Transfer No. 79102"** for Spencer W. Beus for The Order of Tranquility 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
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

The Order of Tranquility
Spencer W. Beus
P.O. Box 279
Grand View, ID 83624

James Tarter, NRS – Natural Resource Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Four Rivers Field Office
3948 Development Avenue
Boise, ID 83705

Jordan D. Crane

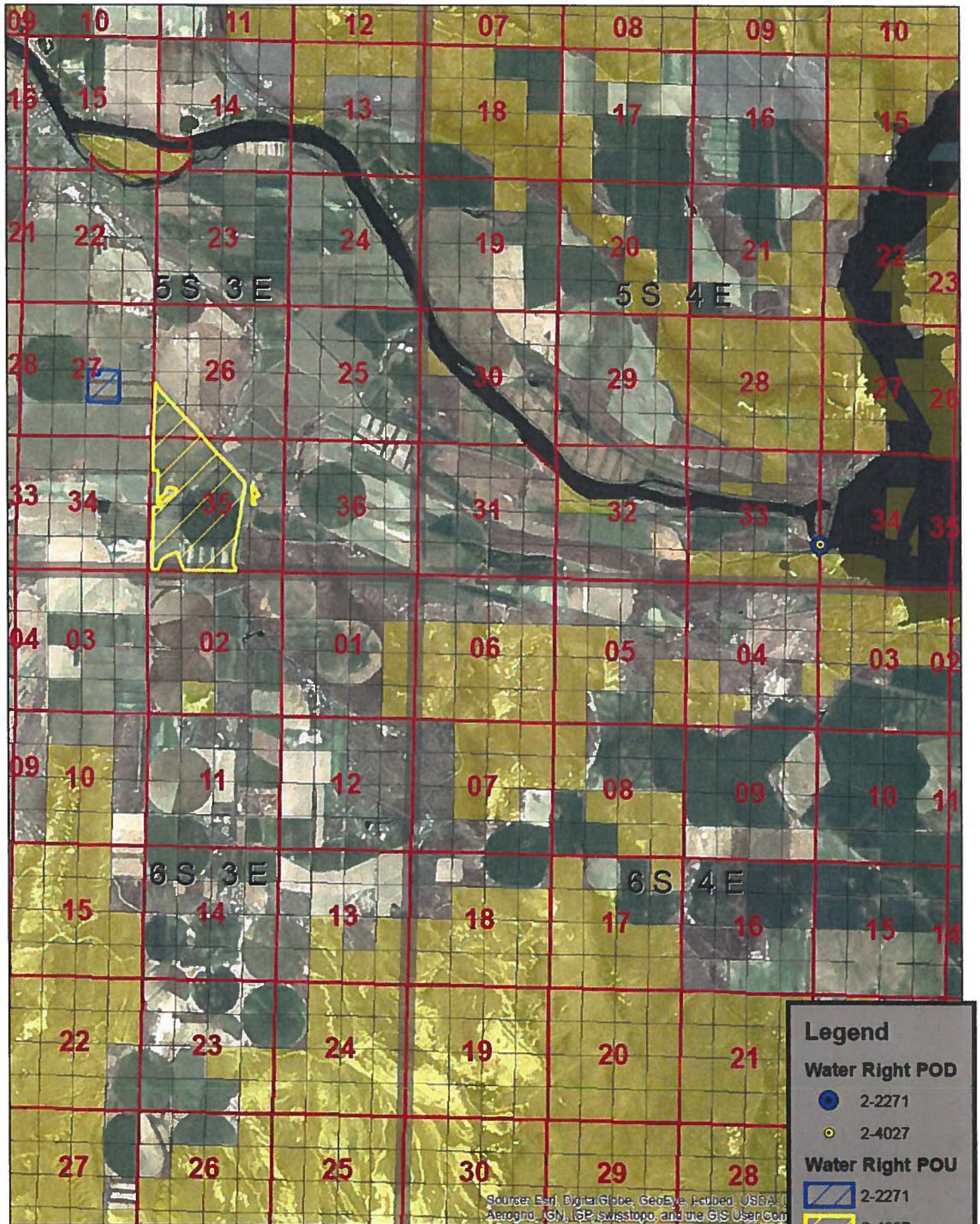
Person Serving Documents (print name)

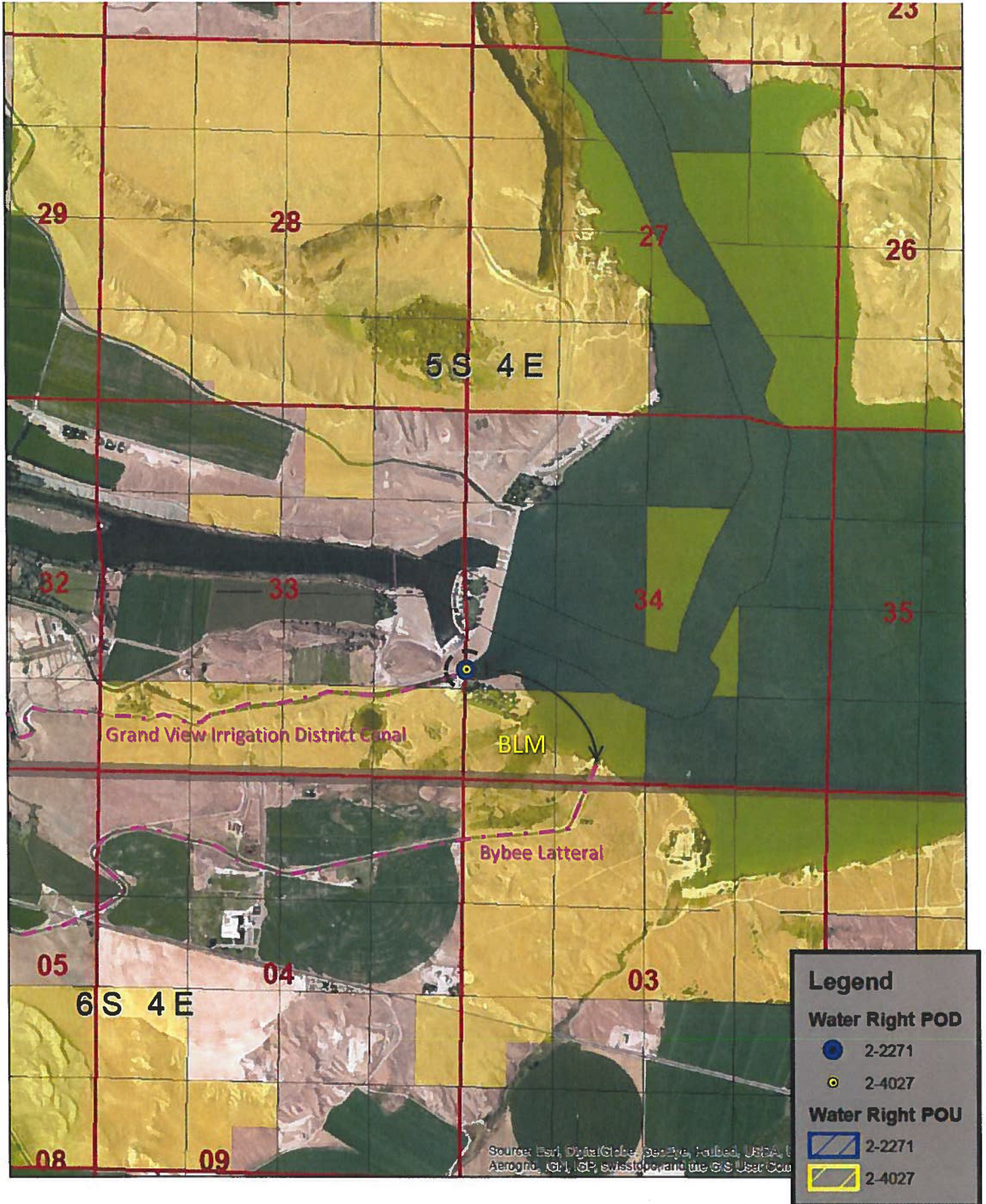
Jordan D. Crane

Signature of Person Serving Documents

BLM Protest Maps

Place of Use Map





BOISE DISTRICT SEC. 1

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS[illegible]

EO 0479/1912 Mod Pwr S Res 117, Pwr S Res 123
to permit RR RW

EO 1029/1913 Wd Pwr S Rss 408 RAW Trans line,
 1/2 lead hole within 50' of center line RAW

Sec 3: Lots 1-4 Incl

Sec 4: Lots 1-4 Incl

Sec 5: Lots 1-4 Incl

Sec 6: Lots 1-7 incl

Sec 7: Lots 1-4 incl

trans line

EO 07101015 Well Pw S Res 408 R/W Trans Lino,
all land lying within 50' of center line R/W
Sec 2, T10N

Sec 3: E2E2

Sec 7: Lot 4

Sec 40: E2E2

Sec 11: W2NW, N4WSW
Sec 12: Lots 6, 7
Sec 13: Lots 8, 9

Sec 15: Lot 4, NENE
Sec 10: W2SE, SESE

Sec 20: SWSW

Soc 30: Lot 4, NESE

Sec 34: Lot 6

Sec 35: N2NW

PC O 05/16/1992 With Part Proj 2065 RAN
 interchange 75' x 200'

Act of Cong (Sec 5) 10/02/1968, all public l

potential addition to Wild & Scenic River Study

All NR lands within 1/4 mile Brinsford

FOR ORDERS EFFECTING DISPOSAL OF

MISCELLANEOUS DOCUMENTS

FILE REF: ID#000000043E.M1100000.dwg
CONVERTED TFF: 10/07/2008

QAVC #1: QAVC #2: August 1, 2011

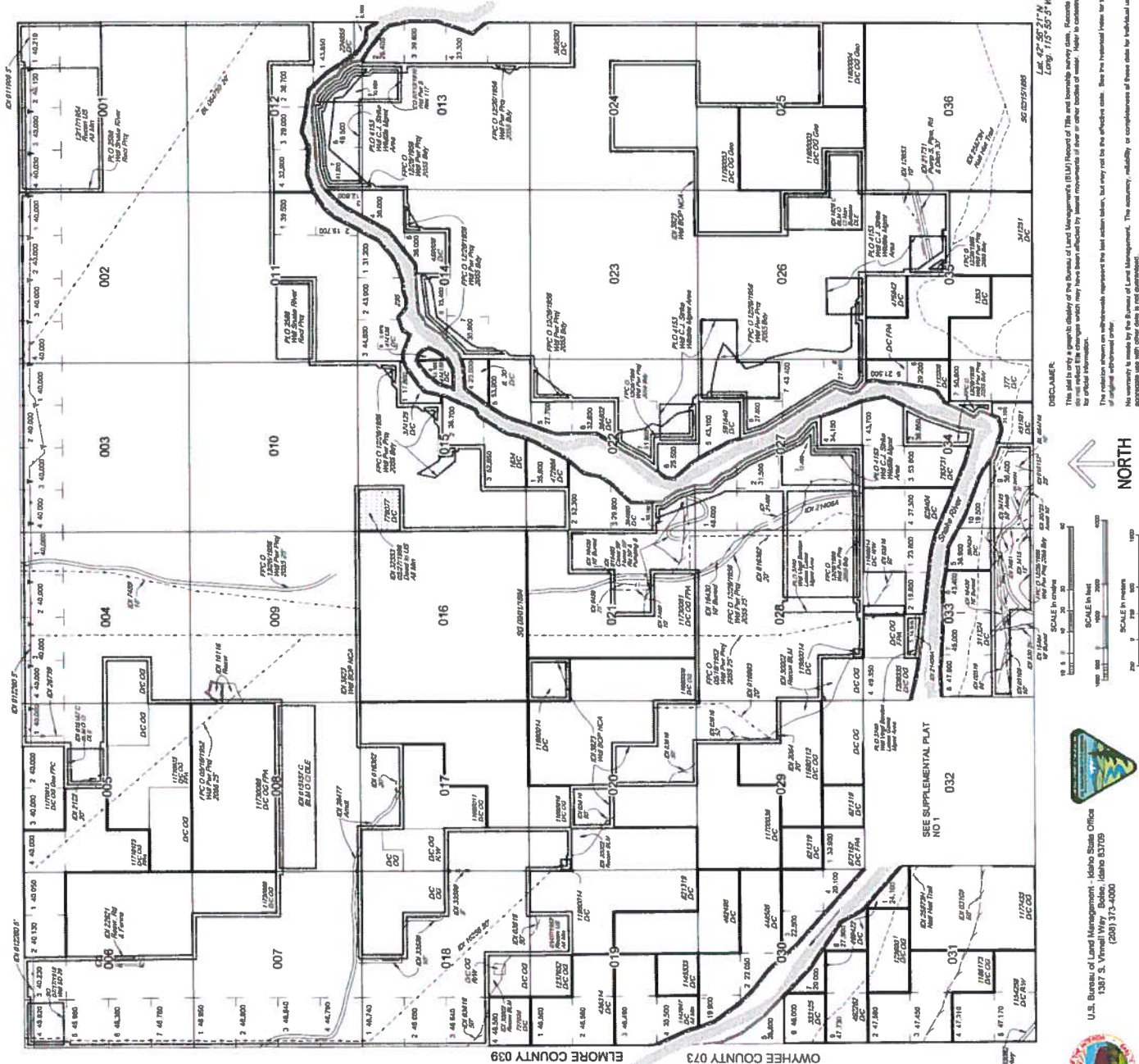
POSTED TO PUBLIC RECORDS:

PUBLIC LAND SURVEY SYSTEM (PLSS)
BLM OCCAS ACQUIRED: 04/26/2008

PROJECTED COORDINATE SYSTEM: UTM ZONE

NOTED:

USE PLATE:

T. 5 S
R. 4 E

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

