



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

Mr. Alan H. Terry  
PO Box 632  
Snowville, Utah, 84336

11/19/2013

Dear Mr. Terry,

IDWR is in receipt of your Notice of Protest of Transfer # 78851, received November 15, 2013. The final day the department accepted protests for Transfer # 78851 was November 12, 2013. Therefore, we cannot officially enter the protest process examining the information that you supplied.

However, as a courtesy to you, we have reviewed the comments which you submitted in the Notice of Protest, in an unofficial manner. Specifically, we reviewed your assertion that Transfer # 78851 would adversely affect water levels in the well serving as the point of diversion for your water right, water right # 17-7173.

It has been determined that Transfer # 78851 will not injure the point of diversion for water right # 17-7173 for two reasons. The first reason is that Transfer # 78851 does not authorize any additional water appropriation. The second is that the new well, authorized in the transfer, will be equidistant from the point of diversion for water right # 17-7173. Therefore, water table drawdown at the point of diversion for water right # 17-7173 will not occur as a result of this transfer.

Enclosed, please find the Notice of Protest that you submitted, as well as check #657 returned in full.

Please contact me with any further questions that you might have.

Sincerely,

Cooper Fritz  
Water Resources Agent  
208-525-7161

07/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 15 2013

Department of Water Resources  
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Proposed change of water right transfer # 78851
2. Name of protestant Alan H. Terry
3. Protestant's Representative for service (If different than protestant)  
\_\_\_\_\_
4. Service mailing address P.O. Box 632 Snowville Utah 84336
5. Service telephone no. 435 279 3193 Email Address: Aterry@utah.gov
6. Basis of protest (including statement of facts and law upon which the protest is based)

this application concerns property upstream from ours & others.  
this property already has 2 wells and ditch water  
granting this application will adversely affect water levels  
in our one & only well - the only source of irrigation we have  
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? \_\_\_\_\_  
Deny this water transfer

I hereby, acknowledge that if I, or my designated representative, fails 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 13 day of Nov, 2013.

Alan H Terry  
Protestant

Protestant's Representative

I reside in Utah and recieved NO public notice  
of this application prior to today.... from a  
Concerned neighbor

This was given to me by a neighbor today 11/13/13  
& was the 1st I have heard of this transfer  
application

OCTOBER 31, 2013

THE IDAHO ENTERPRISE

## PUBLIC NOTICES

**NOTICE OF TRUSTEE'S SALE** T.S.No. 005540-ID Parcel No. RP0122500 and RP0122401 On 2/13/2014, at 11:00 AM (recognized local time), On the steps of the main entrance to the Oneida County Courthouse, 10 E. Court Street, Malad City, ID 83252, in the County of Oneida, ELISA MAGNUSON, ESQ., a member of the State Bar of Idaho, of PITE DUNCAN, LLP, as trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Oneida, State of Idaho, and described as follows, to wit: BEGINNING AT A POINT 362.50 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 14. TOWNSHIP 16 SOUTH, RANGE 32 EAST, BOISE MERIDIAN, ONEIDA COUNTY, IDAHO; THENCE NORTH 135 FEET; THENCE EAST 60 FEET; THENCE NORTH 222 FEET, MORE OR LESS, TO THE CANAL COMPANY RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE SOUTH SECTION LINE; THENCE WEST 238 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING. T-3313 AND T-3598 The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Idaho Code Section 60-113, the Trustee has been informed that the address of: 22903 W 10500 S, STONE, IDAHO 83252, is commonly associated with said real property. Said sale will be made without covenant or warranty, express or implied, regarding title, possession,

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78851

WILLIAM WILCOCK and SANDIE WILCOCK, 11411 S 23000 W, STONE, ID 83252; has filed Application No. 78851 for changes to the following water rights within ONEIDA County(s): Right No(s). 17-2041, 17-7013; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to add a point of diversion. The points of diversion are in the NWNE (new), SWNW and NWNW Sec 16 T16S R32E for 3.5 cfs from ground water. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 12, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 24 and 31, 2013

#4157 10/24/13 - 10/31/13 T2

RECEIVED

NOV 15 2013

Department of Water Resources  
Eastern Region

13 November 2013

Department of Water of Resources  
Eastern Region  
900 N Skyline Dr. Ste A  
Idaho Falls, Idaho 83402

We are writing this letter of concern over water rights transfer #78851 in Stone, Oneida County, Idaho. We live in Utah and farm in Idaho on ground which will be affected by this proposed water right transfer. We found out today that this had been filed - we do not live in Idaho nor do we subscribe to a newspaper that provided the public notice. We received no letter or contact of any kind informing us of this action prior to today. The Wilcock's who are filing for this application currently have two wells and ditch water on their ground - they are upstream from us and if they are allowed more water, it would drastically affect our water levels. Our one well is our ONLY source of water for our ground.

We OPPOSE this water transfer #78851, on the grounds that it will adversely affect those of us downstream and cause undue hardship.

We are contacting our state senator concerning this matter as well as other neighboring farms which may be adversely affected as well.

Sincerely,

  


Alan and Shanna Terry  
PO Box 632  
Snowville, Utah 84336

435-279-3193 - Alan  
435-279-3184 - Shanna

**Cox, Sharla**

---

**From:** Shanna Terry [4rhouse@gmail.com]  
**Sent:** Wednesday, November 13, 2013 11:08 AM  
**To:** Cox, Sharla; Shanna Terry; Alan Terry  
**Subject:** Letter of Concern Idaho Water Rights

We are writing this letter of concern over water rights transfer #78851 in Stone, Oneida County, Idaho. We live in Utah and farm in Idaho on ground which will be affected by this proposed water right transfer. We found out today that this had been filed - we do not live in Idaho nor do we subscribe to a newspaper that provided the public notice. We received no letter or contact of any kind informing us of this action prior to today. The Wilcock's who are filing for this application currently have two wells and ditch water on their ground - they are upstream from us and if they are allowed more water, it would drastically affect our water levels. Our one well is our ONLY source of water for our ground.

We OPPOSE this water transfer #78851, on the grounds that it will adversely affect those of us downstream and cause undue hardship.

Sincerely,

Alan and Shanna Terry  
PO Box 632  
Snowville, Utah 84336

435-279-3193 - Alan  
435-279-3184 - Shanna