

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Transfer No. 78646
July 10, 2013

RECEIVED

JUL 10 2013

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUL 15 2013

Department of Water Resources
Eastern Region

1. Matter being protested

Application for Transfer No. 78646 filed by counsel for Teton Pipeline Association, Inc. involves water rights: 22-00145B, 22-00221B, 22-00245B, 22-00435B, 22-07044A, 22-07044B, 22-07100, 22-07108, 22-07110A, 22-07110B, 22-07111, 22-07116, 22-07119, 22-07120, 22-07121, 22-07122, 22-07148, 22-07157, 22-07159, 22-07180, 22-07181, 22-07186, 22-07392, 22-07470, 22-07505, 22-13271, 22-07188, 22-07208, 22-07209, 22-07211, 22-07216, 22-07221, 22-07223, 22-07235, 22-07295, 22-07360, 22-07375A, 22-07375B, 22-07504, and 22-13288.

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).

Teton Pipeline Association, Inc. filed an Application for Transfer that describes the place of use element with a digital boundary. The digital boundary includes federal public land (BLM) in the SENE, S21, T07N, R43E. Teton Pipeline Association, Inc. is not authorized to irrigate BLM land.

All of the water rights involved in the transfer include a remark that states: "Place of Use does not include federal public lands." However, the digital boundary (attachment #7a) is inconsistent with that remark as it intrudes into BLM land (see attached). The digital boundary should not include BLM land.

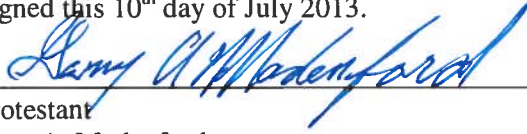
7. What would resolve your protest?

Amend the Application for Transfer to: 1) remove federal public land from the digital boundary within the SENE, S21, T07N, R43E. 2) Continue to include the remark "Place of Use does not include federal public lands" on each of the water rights described in the transfer.

Receipt
#0097468

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 10th day of July 2013.



Protestant
Gary A. Madenford
Water Rights Team Leader

Attachments:

◆Map prepared by BLM for illustrative purposes.

◆Master Title Plat: T06N, R43E; T06N, R44E; T07N, R43E; T07N, R44E

FOR DEPARTMENT USE ONLY

Received by HP Date 7-10-13
Fee Paid \$25.00 Date 7-10-13 Received by HP Receipt # 2097468

CERTIFICATE OF SERVICE

I certify that on July 10, 2013, I served a true and correct copy of the **"Protest of Application for Transfer No. 78646"** for Teton Pipeline Association, Inc. 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
Eastern Regional Office
900 North Skyline Drive
Idaho Falls, ID 83402-1718

Teton Pipeline Association, Inc.
Alicia Nelson
P.O. Box 272
Tetonia, ID 83452

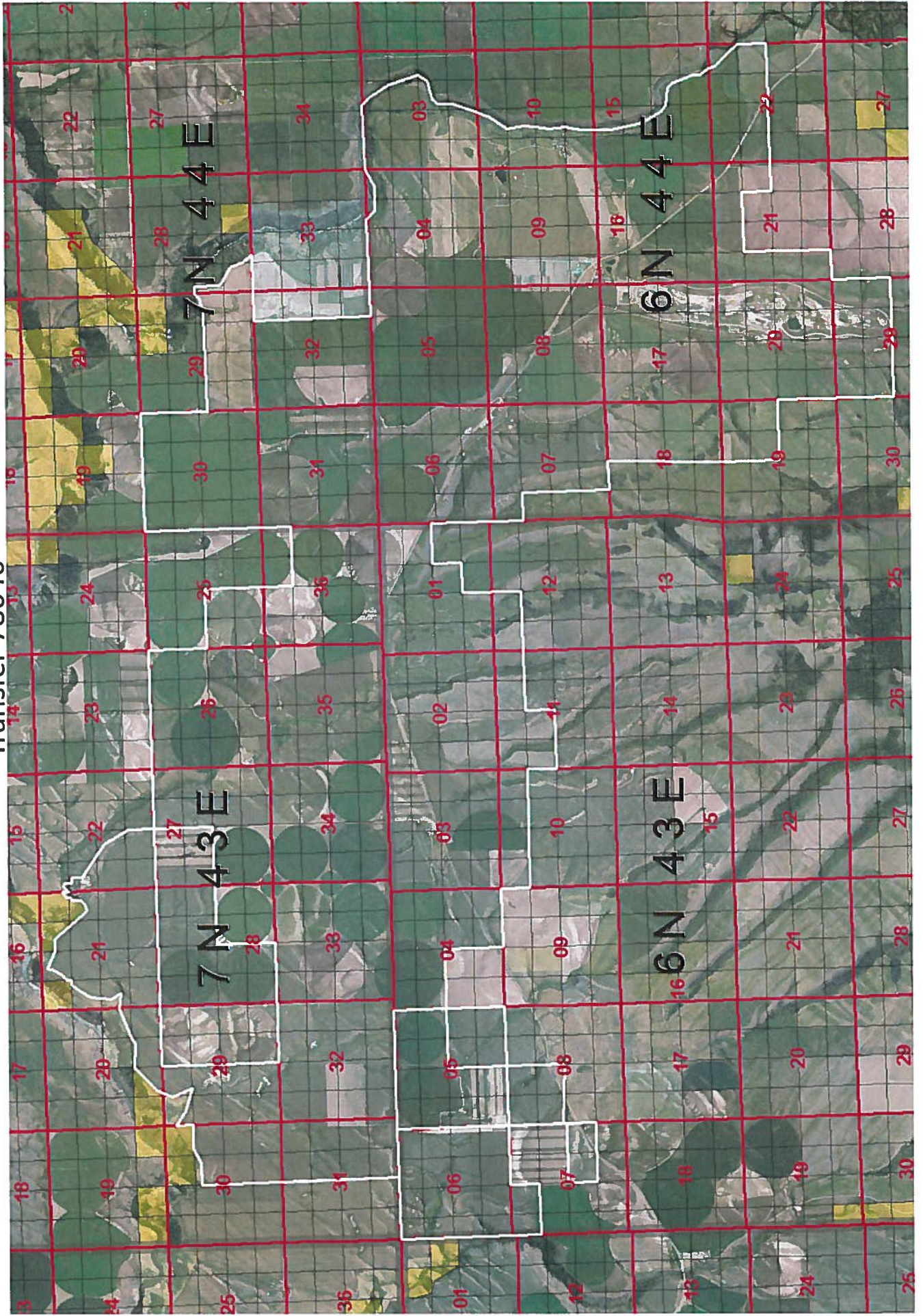
Harley Bateman
U.S., Department of the Interior,
Bureau of Land Management,
Idaho Falls Field Office
1405 Hollipark Drive
Idaho Falls, ID 83401

Robert L. Harris (ISB 7018)
Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
Idaho Falls, ID 83405-0130
REPRESENTING:
Teton Pipeline Association, Inc.

Brandon Anderson
Person Serving Documents (print name)

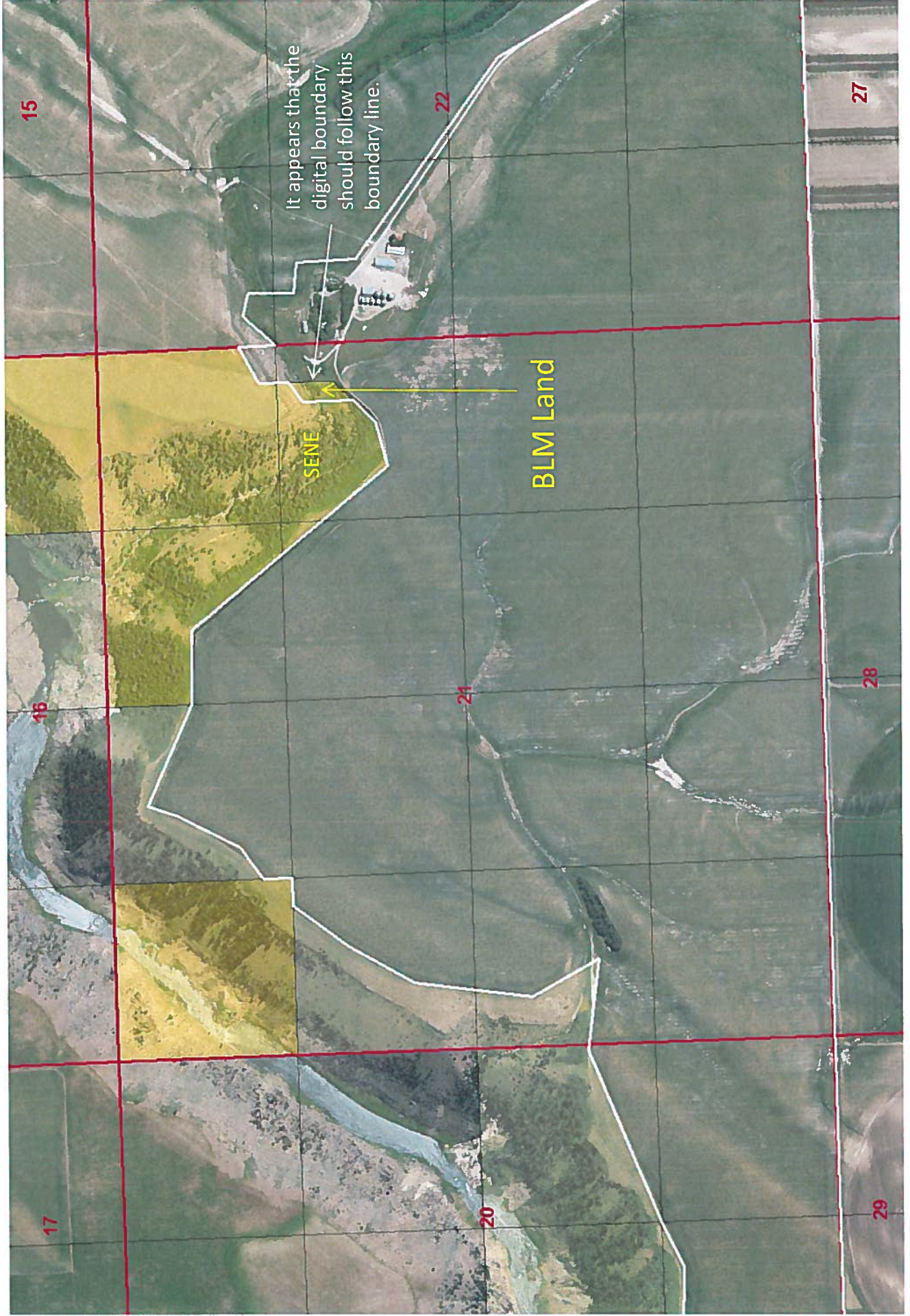
Brandon Anderson
Signature of Person Serving Documents

Teton Pipeline Association, Inc.
Transfer 78646



Teton Pipeline Association, Inc.
Transfer 78646

T07N, R43E



IDAHO FALLS DISTRICT SEC 15

MT PLAT

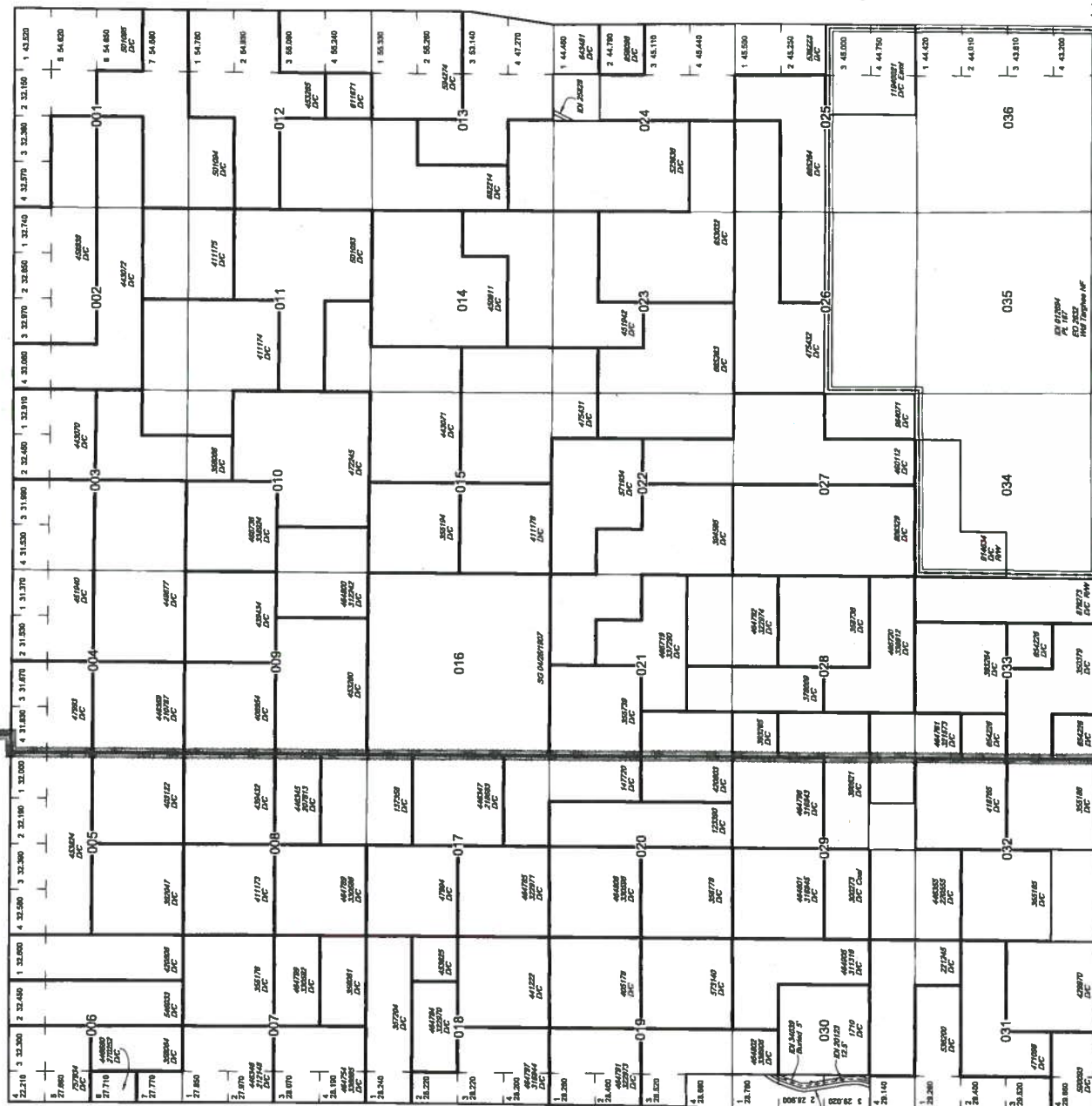
[illegible]

DOI 012694 Del PL 167 (Act of Cong 07/23/1955)
Completed 04/03/1962. All NF surface Mgmt by USFS

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

FILE REF: 0000050804030E04100000.dwg	BY: LJM
LAST MODIFIED TPT: 10/29/2010	BY: LJM
DATE UPDATED: 10/29/2010	
DWG #1:	DWG #2:
POSTED TO PUBLIC RECORD: October 28, 2010	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BILL 0036 ACQUIRED:	00002005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 12N, NAD 83	
NOTES:	
USE PLATS:	

T. 6 N
R. 43 E



Lat. 43° 47' 47" N
Long. 111° 19' 14" W

11000

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

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or for any other purpose is not guaranteed. (Data collected from 1960 to 1969 are not comparable with other data in this publication.)



TETON COUNTY 081



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83708
(208) 373-1000



TETON COUNTY 081
IDAHO FALLS DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

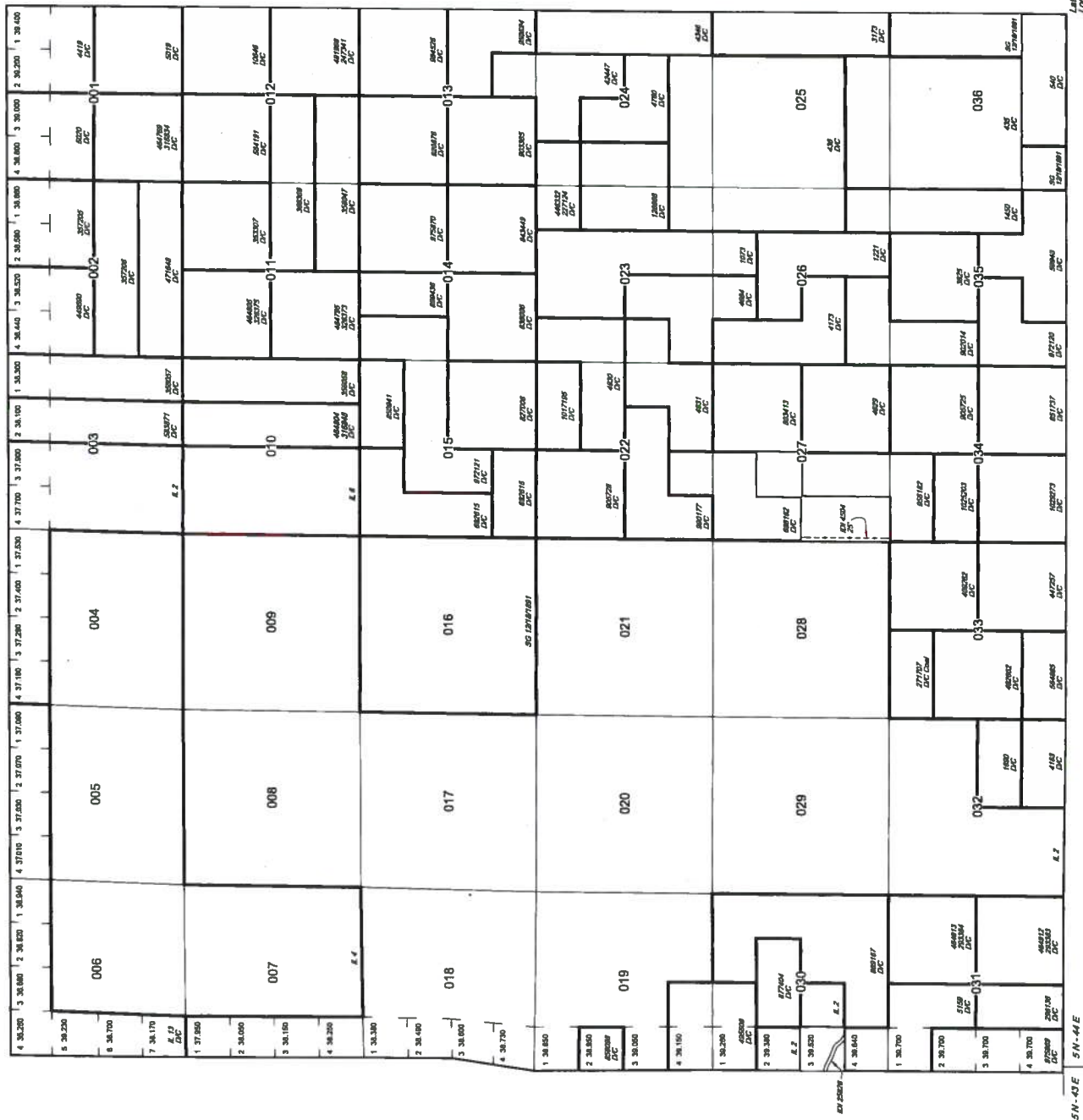
MT PLAT

[illegible]

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

FILE REF:	B068999-045-AM10000-Amp
DEPOSITED TYP:	06/11/2012
LAST UPDATED:	06/11/2012
QCRG ID:	QCRG REC
PORTED TO PUBLIC RECORDS:	JUNE 25, 2012
PUBLIC LAND SURVEY SYSTEM (PLSS):	BY:
BLM GCSN ACQUIRED:	BASER2006
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 12N, AND 18Q3
NOTES:	
LINE PLATS:	

T. 6 N
R. 44 E



DISC AIMER®

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The accuracy, reliability, or completeness of these data for individual use or of original withdrawn order.



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