

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 29 2013

DEPT. OF WATER RESOURCES
SOUTHERN 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 36-16965 APPLICATION FOR PERMIT; LARRY AND
NAN ALLISON STONE
2. Name of protestant BIG BEND IRRIGATION AND MINING CO., LTD
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address PO BOX 334, HAGERMAN, ID 83332
5. Service telephone no. 208-421-1287 Email Address: PLSPEC@HOTMAIL.COM
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED LETTER

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? POND CHANNEL BE FILLED BY
DIVERTING BIG BEND WATER FROM 10-16 THROUGH 12-31
AS LISTED IN THE PERMIT # 36-16740

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 24th day of May, 2013.

BIG BEND IRRIGATION AND MINING CO., LTD
Protestant

Alma Huntley, President
Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by DM Date 5-29-2013 Time 11:20 A.M.
\$25.00 fee Received by DM # 5033282 Date 5-29-2013

RECEIVED

MAY 29 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

ATTACHMENT TO NOTICE OF PROTEST REGARDING #36-16965

BIG BEND IRRIGATION AND MINING CO., LTD May 29, 2013

P O Box 334, Hagerman, ID 83332

To: Idaho Department of Water resources, Southern Region

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Attn: Jim Bitzenberg, Water Resource Agent

Re: Revised Application for Permit: ID # 36-16965; Larry Stone and Nan Allison Stone

Dear Mr. Bitzenberg,

At a meeting of the Big Bend Irrigation and Mining Co., Ltd. held on May 14, 2013, it was voted to rescind the Letter of Approval dated March 30, 2013 for the referenced project, that was sent to your office.

At that meeting, the Big Bend Directors were informed that this new application was provide water from various appropriations in order to provide a year around pond for the Stones. This additional water also was to provide for evaporative losses.

At the same meeting, the Board voted to Protest this Application for Permit #36- 16965.

Big Bend does not have the water available to provide the Stone's with a year around pond. The Recreational Storage and Stockwater Storage are from 1/01 to 12/31 and the Diversion to Storage is from 2/15 to 11/30, our irrigation season.

The pond is far larger than the original request in 2009 (#36-16740). That is not the fault of Big Bend. The fault lies with the applicants and/or their manager at that time, who built the pond larger than stated on their application.

The request states that waste water from the irrigated fields will keep water in the pond year around. Perhaps you do not know that the Stones' recently installed a pivot to irrigate their property. Pivots do not create very much irrigation waste water. Previously, the irrigation was done by hand lines, which provided a lot of irrigation waste water into the pond. Since the pivot will not provide irrigation waste water, it appears that Big Bend is now being requested to provide the pond with water during the irrigation season through the machinations of this application.

We also wish to point out that the conveyance losses in the Big Bend Ditch are far greater than the 10% noted on the application. We have 34 cfs at the springs. At our diversion into the north and south lateral at the 900 Road, which is only a few hundred feet downstream from the pond, our flow ranges around 20 cfs. This is about a 40% conveyance loss, not 10%. Also, about 2/3 of our shareholders are down gradient from the Stone property.

Our main spring that we are supposed to receive 20 cfs from is now flowing at 17 cfs, a 15% drop in flow. As your department is well aware, the springs in the Hagerman Valley are flowing at greatly reduced rates and many have dried up.

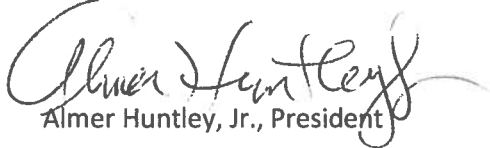
Simply stated, Big Bend does not have the water to provide the Stones with a year around pond.

Big Bend hereby refuses to provide the water requested in this application.

Thank you for your attention to this matter.

Sincerely,

Big Bend Irrigation and Mining Co., LTD.

A handwritten signature in cursive script, appearing to read "Almer Huntley, Jr.", is written over a printed name and title. The signature is fluid and extends to the right.

Almer Huntley, Jr., President

CC: Larry and Nan Allison Stone