

RECEIVED

APR 30 2013

DEPARTMENT OF
WATER RESOURCES

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MAY 02 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Transfer 78405

April 30, 2013

78405

BA

1. Matter being protested

Application for Transfer No. ~~36-02453A~~ for Darrell James Baker and Daniel Baker involving water rights: 36-02453A, 36-02467, 36-02668, 36-07699 and 36-13065A.

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).

Darrell James Baker and Daniel Baker filed an Application for Transfer that describes two legal land descriptions under Place of Use (POU) element which contain both private and federal public land (BLM) (see below). The POU description should be specific enough to make it clear that only private land is intended.

POU:

T08S, R26E, S09, NESW
T08S, R26E, S09, SESW

mixed ownership (private/BLM)
mixed ownership (private/BLM)

The Applicants are transferring water to 26.4 acres of previously un-irrigated land. The Applicants plan to use a new well with water rights that are currently in the Water Supply Bank. The Claimant purchased water rights 36-02668 and 36-02467 from Goodnight Farm; 36-02453A and 36-13065A from Dans Farm; and 36-07699 from Bell farm. The Applicants are seeking to transfer the portions of these water rights (residing in the water bank) that they now own to the described POU.

7. What would resolve your protest?

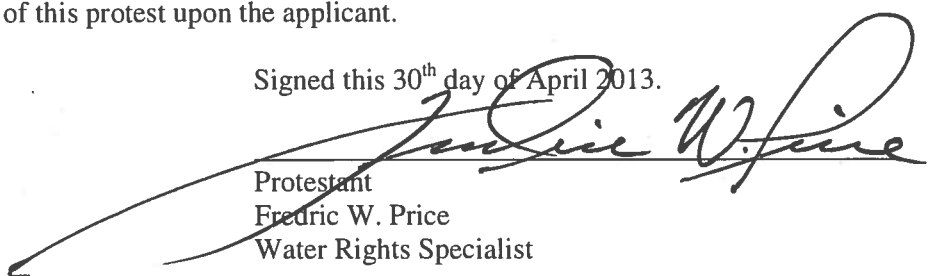
Amend the Application for Transfer to clarify that federal public land is excluded from the POU element by including a remark which limits the POU to the privately owned portions of the legal land descriptions:

POU:

- a. "Place of use does not include federal public lands"

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 30th day of April 2013.


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

◆Maps prepared by BLM for illustrative purposes.

◆Master Title Plat: T08S, R26E

FOR DEPARTMENT USE ONLY

Received by  Date 4-30-13
Fee Paid \$25.00 Date 4-30-13 Receipted by  Receipt # 6097079

CERTIFICATE OF SERVICE

I certify that on April 30, 2013, I served a true and correct copy of the **"Protest of Application for Transfer 78405"** for Darrell James Baker and Daniel Baker 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
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Darrell James Baker and Daniel Baker
533 East 240 Lane N.
Rupert, ID 83350

Steve Davis, Hydrologist
U.S., Department of the Interior,
Bureau of Land Management,
Burley Field Office (MS-220)
15 East 200 South
Burley, Idaho 83318

Brandon Anderson

Person Serving Documents (print name)

Brandon Anderson

Signature of Person Serving Documents

36-02668 et.al, Darrell James Baker and Daniel Baker
Transfer: 78405

