

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Transfer #78071

September 4, 2012

RECEIVED

SEP 04 2012

DEPARTMENT OF
WATER RESOURCES

1. Matter being protested

Application for Transfer No. **78071** for John L. Powers and Patrick Powers, involving water rights 34-00440B, 34-00637C, 34-00638A, 34-02365, 34-07239A

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).

The Claimants seek a new place of use (POU) (listed below) which describes land entirely owned by the United States. The Claimants are not authorized to irrigate federal public land.

T07N, R24E, S27, NWNE (35.6 acres)

In the Application for Transfer the claimants stated that, "This application will combine the place of use for all irrigation owned by the applicant and add one point of diversion to the surface water rights." It appears that the Claimants are not trying to change their existing POUs; therefore, it appears that clerical errors occurred (see below) and the Claimants intend to claim private land currently irrigated by the Claimants. For the benefit of the Claimants, I crossed out what appears to be the clerical errors in the Application for Transfer, and bolded what I believe that the Claimant intended to describe. BLM is only protesting the POU described on BLM land in NWNE, S27.

T07N, R24E, ~~S20~~, **S28**, NENE
T07N, R24E, ~~S20~~, **S28**, NWNE
T07N, R24E, ~~S20~~, **S28**, ~~SWNE~~, **SENE**
T07N, R24E, S27, ~~NWNE~~ (BLM), **NWNW** (private)

Receipt
#C095959

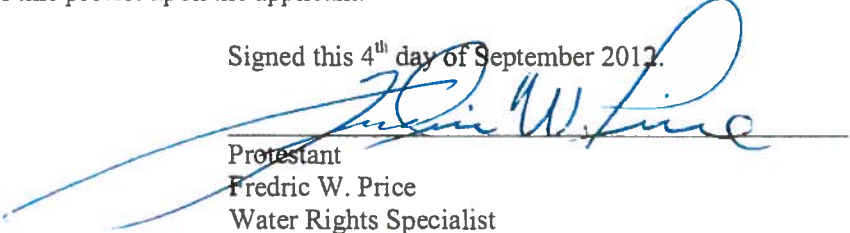
7. What would resolve your protest?

Amend Application for Transfer to remove the Place of Use describing BLM land within:

T07N, R24E, S27, NWNE (35.6 acres)

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 4th day of September 2012.


Protestant

Fredric W. Price

Water Rights Specialist

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T07N, R24E

FOR DEPARTMENT USE ONLY

Received by SB7

Date 9/4/2012

Fee Paid \$25.00

Date 9/4/2012

Received by SB7

Receipt # C095959

CERTIFICATE OF SERVICE

I certify that on September 4, 2012, I served a true and correct copy of the **"Protest of Application for Transfer No. 78071"** for John L. Powers & Patrick Powers 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 (IDWR)
Eastern Regional Office
900 North Skyline Drive
Idaho Falls, ID 83402-1718

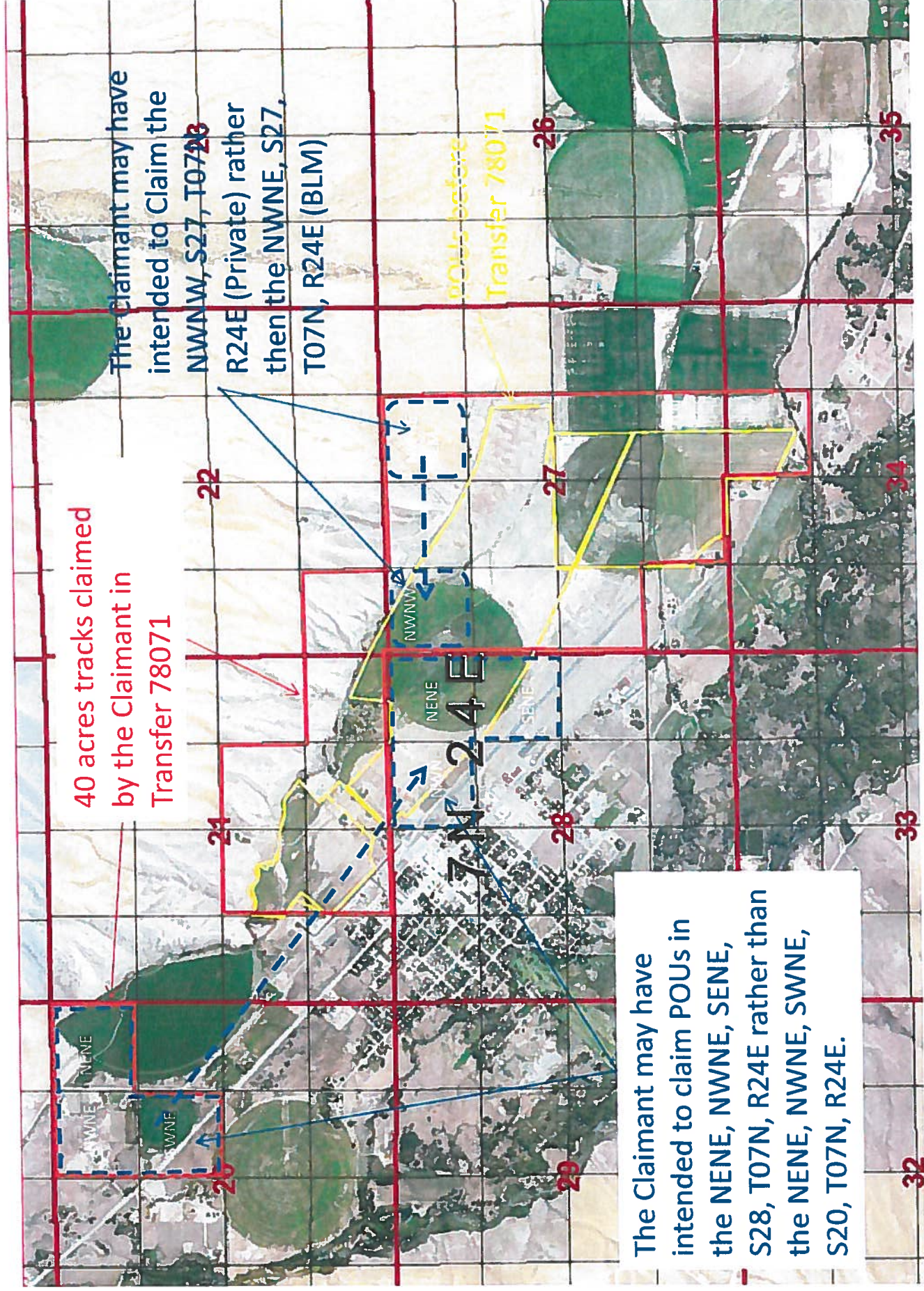
John L. Powers
Patrick Powers
P.O. Box 493
Mackay, ID 83251

Nathaniel Arave, Hydrologist
U.S., Department of the Interior,
Bureau of Land Management,
Challis Field Office
801 Blue Mountain Road
Challis, ID 83226

Brandon Anderson
Person Serving Documents (print name)

Brandon Anderson
Signature of Person Serving Documents

Transfer 78071, John Powers



The Claimant may have intended to claim POUs in the NENE, NWNE, SENE, S28, T07N, R24E rather than the NENE, NWNE, SWNE, S20, T07N, R24E.

CUSTER COUNTY 037
IDAH0 FALLS DISTRICT SET J

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

See 02/01/1833 HQ to USFS
See 28: Loda 1,2,3, 30k 21, town of Malheur
and Maln

See 01/01/1817 DOT PL, Act of Comp 0/23/1835
Completed 02/24/1841, All NF surface Agent by USFS

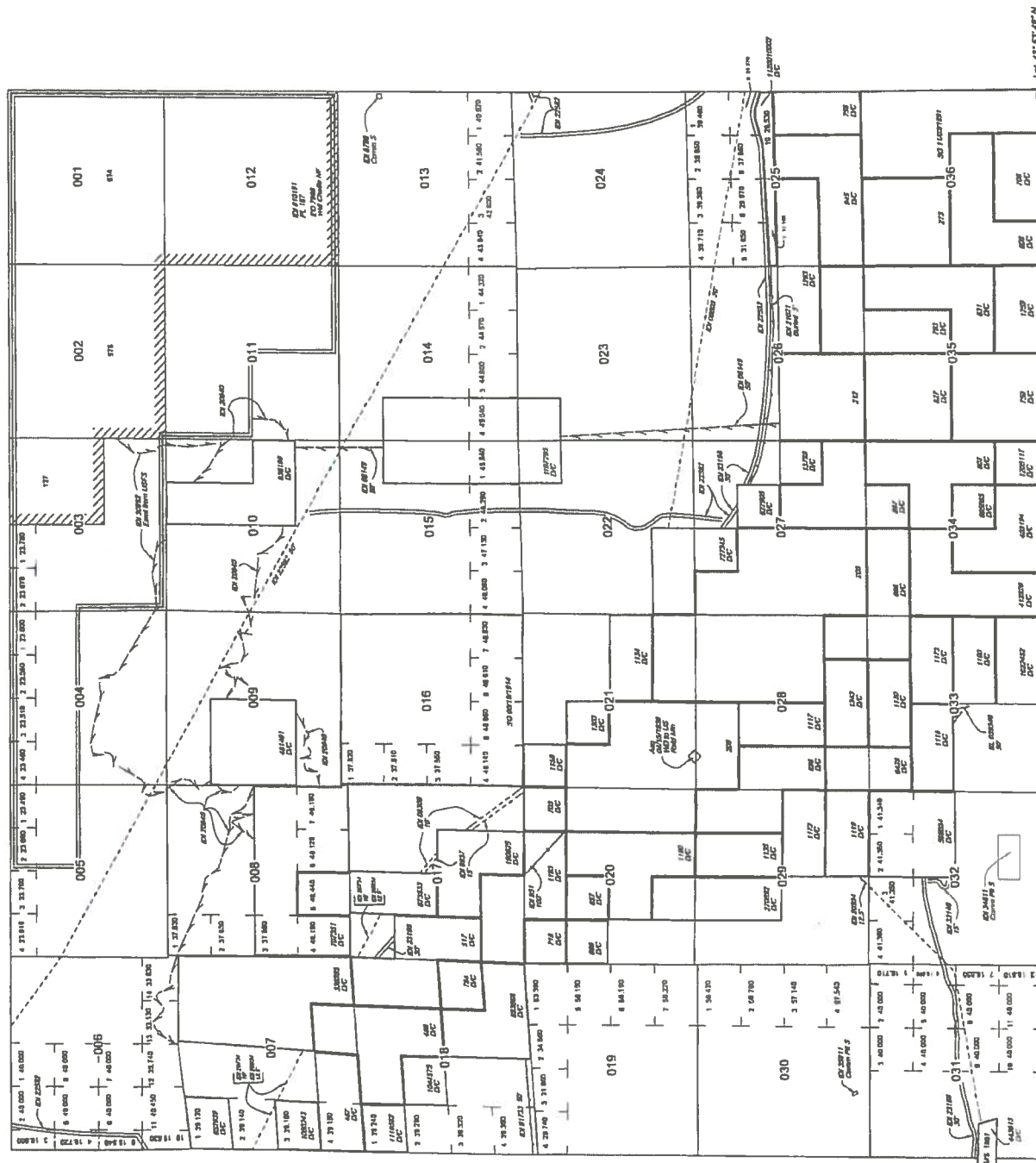
See 00/10/1868 HQ to USFS
See 21: Part SW SW of town of Malheur
and Maln

See 03/08/1890 HQ to USFS
See 21: Part SW within town of Malheur
to Maln

See Categorical Plan approved 02/18/2010 for official
general administrative purposes

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

FILE #	65-55701-104-100000-0mg	
CONTACTED BY	04/07/2018	BY U U
LAST UPDATED	03/02/2011	BY JCS
QAVOC #1	QAVOC 82	
POSTED TO PUBLIC RECORDS	February 4, 2011	
	BY	
PUBLIC LAND SURVEY (PL SURV)		
BLM ACRES ACQUIRED	04/27/2009	
CITIZEN	NA	
PROJECTED COORDINATE SYSTEM	UTM ZONE 12N NAD 83	
NOTES:		
USE PLATE		

T 7 N
R 24 E

03110000

This field is only a graphic display of the Bureau of Land Management's (BLM) Report of Ties and Inventory survey data. Records herein do not reflect the changes which may have been effected by: Natural movements of river or other bodies of water. Poles to adjacent surveys official information.

The numbers shown in all columns represent the last action taken, but may not be the effective date. See the historical notes for the date of signed withdrawal order.



J. S. Bureau of Land Management • Idaho State Office
1387 S. Vinell Way Boise, Idaho 83709
(208) 333-1000

