

07/2008

Petition to Intervene

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 30 2012

Department of Water Resource
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 Application - 11-7719 - Canyon States Property owners
2. Name of protestant Bras River Water Users Assn.
3. Protestant's Representative for service (If different than protestant)
Carly Burton
4. Service mailing address 967 W. Bloomsbury Cove
5. Service telephone no. 801-560-2533 Email Address: carlyburton@g.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Description is confusing, Potential for expansion of use

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

7. What would resolve your protest? Complete explanation of intent and demonstrate that expansion of the right will not occur.

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 15th day of July, 2012.
Bras River Water Users Assn.

Protestant

Carly Burton

Protestant's Representative

Receipt
#ED37854

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Department of Water Resources
Eastern Region

BEAR RIVER WATER USERS ASSOCIATION, INC.

ADMINISTRATIVE OFFICE

967 W. Bloomsbury Cove

Murray, Utah 84123

Phone (801) 262-8727

Cell (801) 560-2533

e-mail carlybarbara2003@aol.com

Officers:

Charles Holmgren, President
P. O. Box 187
Bear River City, Utah 84301
Phone: 2435-279-4387

Mark Mathews, Vice President
670 Mingo Road
Grace, Idaho 83241

Board Members:

Last Chance Canal Company
Cub River Canal Company
West Cache Canal Company
Bear River Canal Company
Utah Small Irrigators Assn.
Idaho Small Irrigators Assn.

Carly Burton, Executive Director

Sharla Cox
Idaho Dept. Of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

July 15, 2012

Re: Canyon Estates Property Owners Association - Petition to Intervene on Application to Change Permit #11-7719

Dear Ms. Cox::

This letter from the Bear River Water Users Association (Association) is in regard to the above-referenced change application to change the point of diversion, add a point of diversion and to change the period of use from ground water sources near Fish Haven, Idaho. This application is somewhat confusing in terms of the number of lots under permit 11-7641 which will be apparently transferred for use under 11-7719. The Association is concerned about potential expansion of historical uses and additional explanation is needed to better understand the applicant's intent. We realize this letter is past the protest deadline but additional explanation would be helpful to allow the applicant to move forward with this application.

The Association has long standing, early priority water rights on the Bear River below Bear Lake and approval of this change application could potentially increase depletions to the detriment of Association members, especially Bear River Canal Company. In addition, the Association has contracts with PacifiCorp to receive storage water from Bear Lake and any decrease in available natural flows could result in increased releases from Bear Lake which could potentially decrease Bear Lake supplies. Your response to this letter would be appreciated.

Sincerely,



Carly Burton

Executive Director

cc: PacifiCorp, Bear Lake Watch
Canyon Estates Property Owners