

07/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED  
JUN 04 2012  
Department of Water Resources  
Eastern Region

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 APPLIC. FOR AMENDMENT OF PERMIT 11-7719
2. Name of protestant PACIFICORP
3. Protestant's Representative for service (If different than protestant)  
CLAUDIA CONDOR
4. Service mailing address 1407 W. NORTH TEMPLE #110 SLC, UT 84116
5. Service telephone no. 801-220-2252 Email Address: CLAUDIA.CONDOR@PACIFICORP.COM
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED

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

7. What would resolve your protest? REVIEW OF WATER RIGHTS FOR SAN'S HOLLOW,  
THE POATE, CANYON ESTATES, AND MITIGATION ASSOCIATED - ASSURANCE  
THAT THERE IS NO ENLARGEMENT OF ANY OF THE RIGHTS

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 4th day of JUNE, 20 12.

PACIFICORP  
Protestant

Claudia Condor  
Protestant's Representative

Receipt  
#2037682



1407 West North Temple  
Salt Lake City, Utah 84116

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JUN 04 2012

Department of Water Resources  
Eastern Region

June 4, 2012

Idaho Dept. of Water Resources  
900 N. Skyline Dr. Ste. A  
Idaho Falls, ID 83402

RE: Application for Amendment of a Permit 11-7719

To Whom it May Concern:

PacifiCorp owns water rights in the Bear River and Bear Lake as decreed in the matter of *Utah Power & Light Company v Last Chance Canal Company, Limited, et al.*, in Equity No. 203, July 14, 1920 (Dietrich Decree), and *Utah Power & Light Company v. Richmond Irrigation Company, et al.*, February 21, 1922 (Kimball Decree), as well as other rights in the Bear River.

PacifiCorp has contracts for delivery of water from Bear Lake to irrigators in both Idaho and Utah. Any water allowed to be diverted that would otherwise naturally flow to the Bear River and Bear Lake and thus diminish the natural flow of the Bear River or Bear Lake would require more water to be released from Bear Lake. In the 1995 Bear Lake Settlement Agreement, PacifiCorp and the Bear River water users and Bear Lake interests agreed that no more water would be released from Bear Lake than was necessary to meet the needs of the irrigators based on the elevation of Bear Lake each year.

PacifiCorp is concerned with an expansion of the existing right(s) based on the information provided. It is unclear from the application which water rights are now applicable to which development based on the original Sam's Hollow Water Company application in 2002 (11-7491) and the Bear Lake Haven application in 2001 (11-7481). Along with the concern of expansion, PacifiCorp is also concerned about the mitigation component to the approved application of 11-7491 and understanding the build-out to date and the amount of mitigation provided. As of today, there is no report for mitigation for 2011.

Cordially,

Claudia Conder  
Water Rights Administrator for PacifiCorp

Cc: Canyon Estates Property Owners Assoc.  
c/o Eric Love  
975 Canyon Estates Dr.  
Fish Haven, ID 83287

Bear Lake Watch  
c/o Dave & Claudia Cottle  
2629 Highway 89  
Fish Haven, ID 83287

Bear River Water Users Assoc.  
c/o Carly Burton  
967 W. Bloomsbury Cove  
Murray, UT 84123