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APR 20 2012

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Transfer #77052, 63-03182et. al

April 20, 2012

1. Matter being protested

Amended Application for Transfer No. **77052** for Basin and Range Resources Company, LLC.

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).

BLM provided IDWR with a review of the 02-04-11 version of Transfer #77052 on 01-05-12 (see attached), which indicated that BLM would not have to protest if certain conditions agreed to were adopted. Since then, counsel for the applicant has stated in two SRBA hearings that she intends to pursue different conditions which refer to a use of leased water outside of the permissible place of use sought in this amended transfer. This is not acceptable to BLM and necessitates this protest to ensure that conditions acceptable to BLM are implemented.

Basin and Range Resources Company LLC is claiming 2 points of diversion and 3 places of use in the following legal land descriptions (SESW, SWSE, S23, NWSW, S24, T06N, R05W) that contain both private and public lands (i.e. Mixed ownership).

Points of Diversion:

SWSE, S23, T06N, R05W -well #2
SESW, S23, T06N, R05W -well #3
SESW, S23, T06N, R05W -well #8

Places of Use:

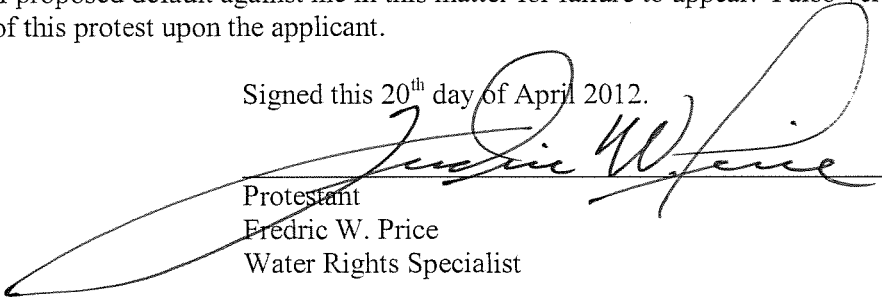
SESW, S23, T06N, R05W
SWSE, S23, T06N, R05W
NWSW, S24, T06N, R05W

7. What would resolve your protest?

- A. Amend the Amended Application for Transfer to clarify the legal land descriptions for the points of diversion such that it is clear only private land is intended:
- i. Describe the PODs as 10 acre tracts, which have entirely private land:
NWSESW, S23, T06N, R05W
NWSWSE, S23, T06N, R05W, or
 - ii. Include a condition which reads: "Point of diversion does not include federal public lands."
- B. Amend the Amended Application for Transfer to clarify the legal land descriptions for the place of use such that it is clear only private land is intended by including the following condition: "Place of Use does not describe 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 20th day of April 2012.


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

- ◆Recommendation Form dated 01-05-12.
- ◆Map prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T06N, R05W.

FOR DEPARTMENT USE ONLY

Received by RS Date 4-20-12

Fee Paid \$25.00 Date 4-20-12 Receipted by RS Receipt # W040101

CERTIFICATE OF SERVICE

I certify that on April 20, 2012, I served a true and correct copy of the **"Amended Protest of Application for Transfer No. 77052"** for Basin and Range Resources Company, LLC. 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:

Idaho Department of Water Resources (IDWR) – hand delivered
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Copies to:

Basin and Range Resources Company, LLC.
3480 G.S Richards Blvd, Suite 101
Carson City, NV 89703

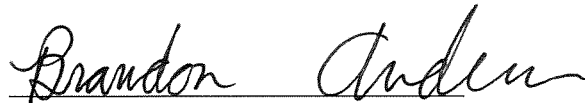
Dana L. Hofstetter
608 W. Franklin St.
Boise, ID 83702

Allen Tarter, Riparian Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Boise Field Office
3948 Development Avenue
Boise, ID 83705

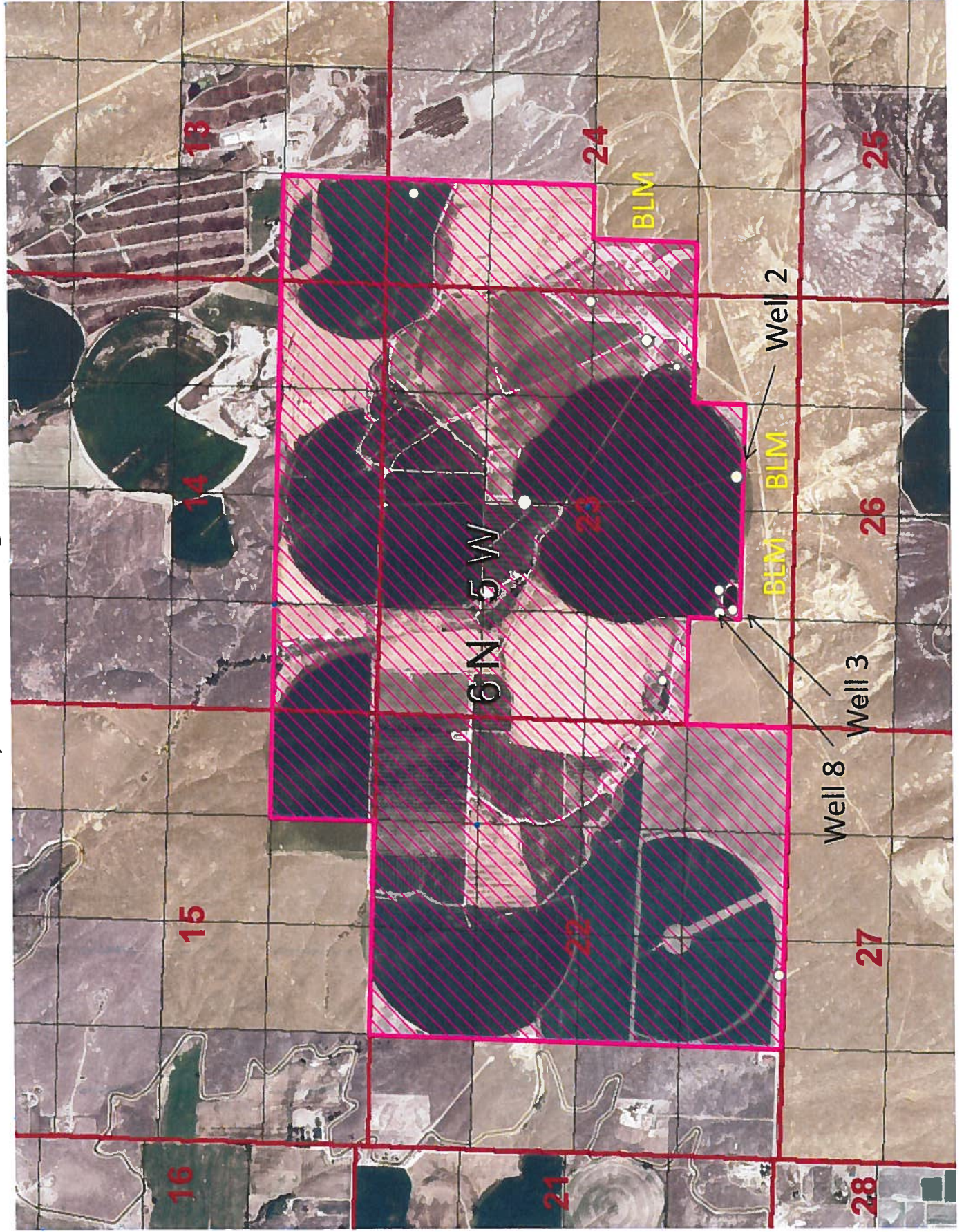
Kelley Moore, Realty Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Boise Field Office
3948 Development Avenue
Boise, ID 83705

Brandon Anderson

Person Serving Documents (print name)

A handwritten signature in cursive script that reads "Brandon Anderson". The signature is written in dark ink and is positioned above a horizontal line.

Signature of Person Serving Documents



State of Idaho
Department of Water Resources

Application for Transfer
RECOMMENDATION FORM

Application No.: Transfer 77052:
63-03182; 63-03308; 63-03583; 63-07177; 63-07349; 63-07903

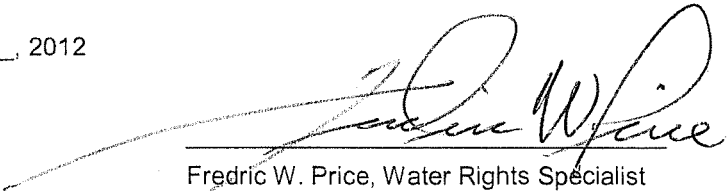
Applicant's Name: Basin and Range Resource Co. LLC
3480 F.S. Richards Blvd., Ste 101
Carson City, NV 89703

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows:
- 1) This right should be recommended with a clause or description that clearly indicates that the Points of Diversion in SWSE (well #2) and SESW (well #3), S23, T06N, R05W are described on private land.
 - a. Add a remark that reads "Point of diversion does not include federal public land;" or
 - b. Describe the PODs as 10 acre tracks as follows:
NWSWSE, S23, T06N, R05W
NWSSEW, S23, T06N, R05W
 - 2) The place of use element should be recommended with a condition that clarifies the mixed ownership in the following legal land descriptions do not include federal public land. For example "Place of use does not include federal public lands."
 - a. SWSE, S23, T06N, R05W
 - b. SESW, S23, T06N, R05W
 - c. NWSW, S24, T06N, R05W
- c) _____ I oppose approval of this application for the following reasons:
- d) X Additional comments:
- 1) It is BLM's understanding that this transfer seeks to group existing water rights into a permissible place of use and to make three existing points of diversion available to all rights. BLM's comments above apply only to the application filed with IDWR on 02-04-11. If this transfer is amended in the future, then BLM may have a different opinion.

Dated this 5th day of January , 2012

Bureau of Land Management


Fredric W. Price, Water Rights Specialist