

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
94-08950

RECEIVED
FEB 16 2012
DEPARTMENT OF
WATER RESOURCES

February 16, 2012

1. Matter being protested

Application for Permit No. **94-08950** filed by Michael & Nancy Branstetter.

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).

Michael & Nancy Branstetter ("Applicant") filed an Application for Permit that describes a legal land description under Point of Diversion (POD) and two legal land descriptions under Place of Use (POU) elements which contain both private and BLM land (see below). The POD and POU descriptions should be specific enough to make it clear that only private land is intended.

POD:

T48N, R04E, S12, SESW ownership mixed (private/BLM)

POU:

T48N, R04E, S12, SWSW ownership mixed (private/BLM)

T48N, R04E, S12, SESW ownership mixed (private/BLM)

7. What would resolve your protest?

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

POD:

a. "Point of diversion does not include federal public lands"

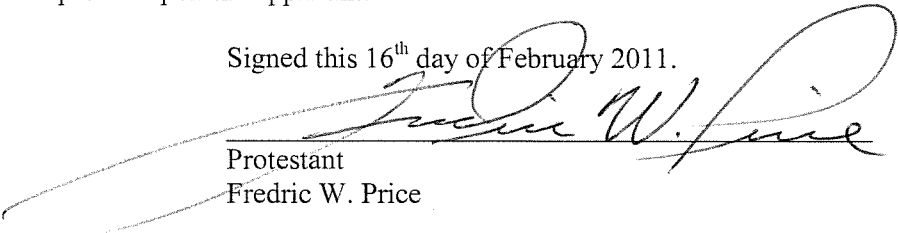
POU:

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

b. "The use of water under this right is limited to Mineral Surveys 1451 and 2565.

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 16th day of February 2011.


Protestant
Fredric W. Price

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T48N R04E

FOR DEPARTMENT USE ONLY

Received by SR7 Date 2-16-2012
Fee Paid \$25.00 Date 2-16-2012 Received by SR7 Receipt # 094697

CERTIFICATE OF SERVICE

I certify that on February 16, 2012, I served a true and correct copy of the **"Protest of Application for Permit No. 94-08950"** for Michael & Nancy Branstetter 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)
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

Michael & Nancy Branstetter
P.O. Box 571
Osburn, Idaho 83849

Cynthia Weston, Resource Coordinator
U.S., Department of the Interior,
Bureau of Land Management,
Coeur d'Alene Field Office
3815 Schreiber Way
Coeur d'Alene, ID 83815

Brandon Anderson
Person Serving Documents (print name)

Brandon Anderson
Signature of Person Serving Documents

94-08950, Michael & Nancy Branstetter



49 N-3 E	49 N-4 E
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STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

IDI 09998 Del PL 167 (Act of Cong 07/23/1955)
completed 05/21/1962. All NF surface Mgmt by

IDI 010033 Det PL 167 (Act of Cong 07/23/1955)
completed 05/21/1962. All NF surface Mgmt by I

IDI 07957 Det PL 167 (Act of Cong 07/23/1955)
completed 08/28/1962. All PD surface Mgmt by
BLM excluding

ID# 19757-G-9	Sec 30: NW	Bedion
ID# 19757-G-10	Sec 30: NW	Edison
ID# 19757-K-6	Sec 19: SW	North Star
ID# 19757-K-7	Sec 19: W2	Harwich Frac No 1
ID# 19757-K-8	Sec 19: W2	Harwich Frac No 2
ID# 19757-K-9	Sec 19: SW	Lucky Friday
ID# 19757-K-10	Sec 19: SW	Lucky Friday No 1
ID# 19757-K-11	Sec 19: SW	Lucky Friday No 2
ID# 19757-K-12	Sec 19: SW	Lucky Friday No 3
ID# 19757-K-13	Sec 19: SW	Lucky Friday No 4
ID# 19757-K-14	Sec 19: SW	Collins
ID# 19757-X-1	Sec 24: NE	Willow
ID# 19757-AK-1	Sec 30: N2	Triangle 1/10 1
ID# 19757-AK-2	Sec 30: NE	Triangle 1/10 2
ID# 19757-AK-3	Sec 30: W2	Triangle 1/10 3
ID# 19757-AK-4	Surf 30: E2	Triangle 1/10 4
ID# 19757-AK-5	Surf 30: S2	Triangle 1/10 5
ID# 19757-AK-6	Surf 30: NE	Triangle 1/10 6
ID# 19757-AK-7	Surf 30: E2	Triangle 1/10 7
ID# 19757-AK-8	Surf 30: SE	Triangle 1/10 8
ID# 19757-AK-9	Surf 30: NW	Triangle 1/10 9
ID# 19757-AK-10	Surf 30: NW	Triangle 1/10 10
ID# 19757-AK-11	Surf 30: S1W	Triangle 1/10 11
ID# 19757-AK-11	Surf 30: NW	Triangle 1/10 11
ID# 19757-AK-12	Surf 30: NW	Triangle 1/10 3 Frac
ID# 19757-AK-13	Surf 30: SE	Triangle 1/10 6 Frac
ID# 19757-AK-14	Surf 30: N2	Dua No 7
ID# 19757-AK-15	Surf 30: NE	Dua No 8
ID# 19757-AK-16	Surf 30: NW	Dua No 9

DOI 17631 Sikes Act 02/26/1981

Sec 33

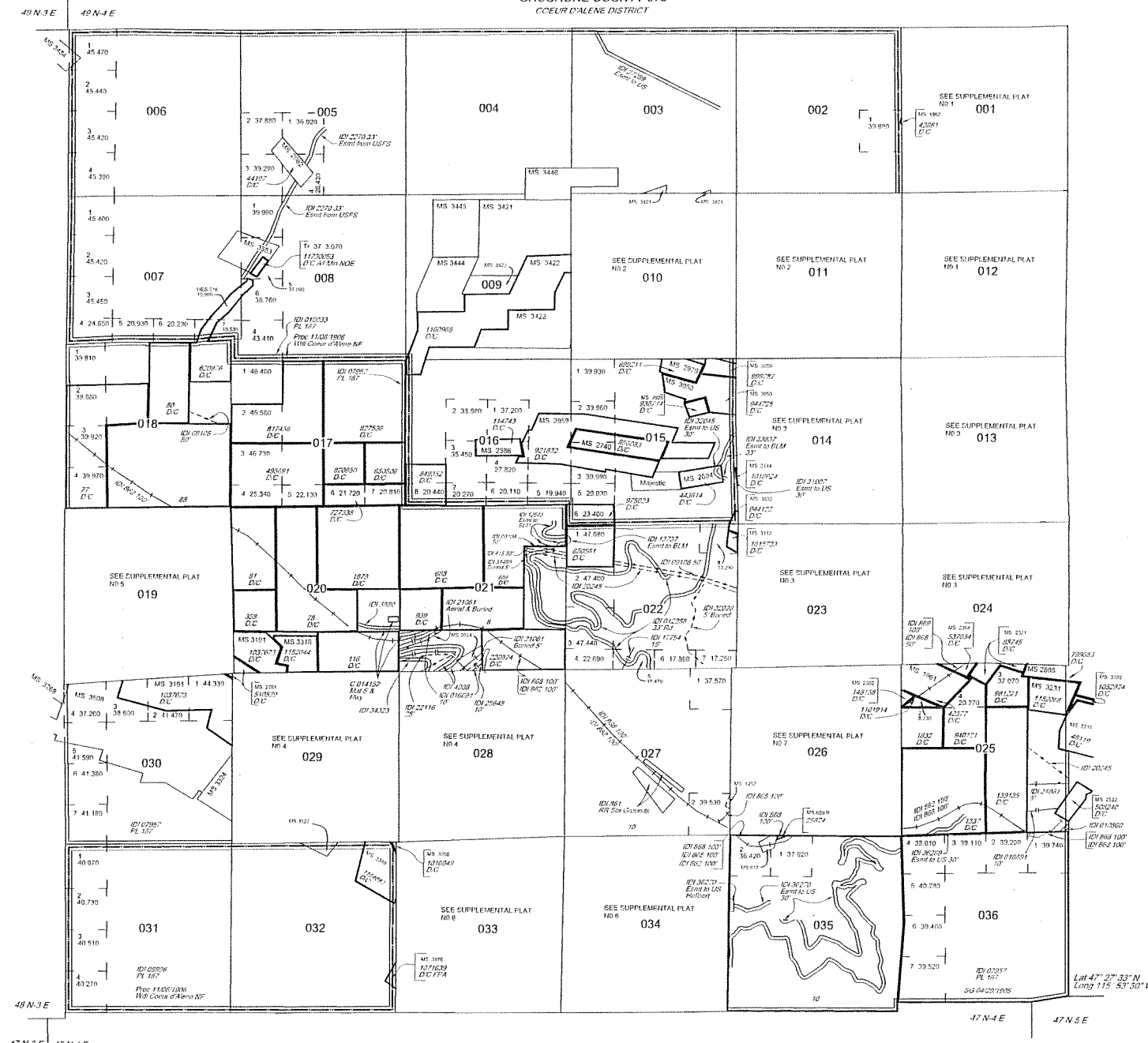
Sec 34: All unappropriated public land

See Supplemental Remarks Plat No 1

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

FILE REF: ID083490504HEM106020.dwg	
CONVERTED TFF: 09/31/2005	BY: LFM
LAST UPDATED: 12/16/2010	BY: LFM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS: January 3, 2011	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDR ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Bolag Mar
T. 48 N
R. 4 E



DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or accurate use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



SCALE in chains

SCALE in feet

SCALE in meters

