

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 20 2010
Department of Water Resources
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 to Appropriate 13-7761 Jay Wilde
2. Name of protestant PacifiCorp
3. Protestant's Representative for service (If different than protestant)
Claudia Conder, Water Rights Administrator for PacifiCorp
4. Service mailing address 1407 W. North Temple #110 SLC, UT 84116
5. Service telephone no. 801-220-2252 Email Address: claudia.conder@pacificorp.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
Applicant claims to have 2 existing stockwatering rights that are not
sufficient for his needs. Rather than a new appropriation, is a transfer
more appropriate? Is .02cfs sufficient for 1000 animal units?
See attached letter.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Further explanation as to applicant's intent and
withdraw of application replaced by transfer of existing rights if
possible and provide evidence of no expansion 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 16 day of December, 2010.

Claudia Conder
Protestant

WATER RIGHTS ADMINISTRATOR FOR PACIFICORP
Protestant's Representative

Receipt
#E032326

December 16, 2010

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

RE: Application to Appropriate 13-7761 Jay Wilde

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.

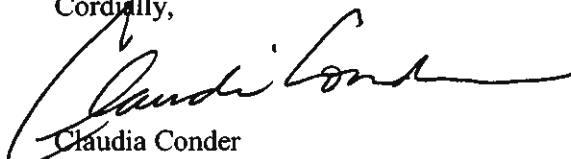
PacifiCorp has contracts for delivery of water from Bear Lake to irrigators in both Idaho and Utah. Any water allowed to be diverted that would otherwise naturally flow to the Bear River and thus diminish the natural flow of the Bear River would require more water to be released from Bear Lake. In the 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 has reviewed the application for development of a spring for stockwatering of 1000 head of cattle. The applicant states that he has two other stockwatering rights that are either insufficient or has to be pumped and is far from where it is needed. PacifiCorp has two main concerns with the application:

- 1) Is the applicant planning to use this water in conjunction with the other 2 water rights? What are the water right numbers for these other 2 rights and how many animal units are they approved for? Will this right be in addition to the other rights to those or will it replace them given the difficulty described in using them?
- 2) Will .02 cfs be sufficient to water 1000 cattle? Will there be any storage associated with this application?

While PacifiCorp applauds the applicant for providing a means to water the animals off of the main creek, it is concerned that this additional water use is additional depletion of the water in the area that could affect the flows to the Bear River.

Cordially,


Claudia Conder
Water Rights Administrator for PacifiCorp

Cc: Jay Wilde
7188 E. Birch Creek Road
Preston, ID 83263