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WATER RESOURCES
WESTERN REGION

Richard Brandau
9902 Wilson Cemetery Lane
Wilson, ID 83641

June 4, 2010

Director, Dept. of Water Resources
IDWR-Western Region
2735 Airport Way
Boise, ID 83705

RE: Proposed change of Water Right
Application Transfer #75704

Dear Sir;

I am submitting my protest of water right Transfer #75704 based on the criteria of Idaho Code 42-211 / 42-222 and for the record voicing my general concerns.

Approval of this "transfer" will injure other water rights in Dist. 57R. Both SRBA and the 1988 Civil Case No. 3456 Decrees limit all seven of Junayo Ranch water rights to a maximum limit of 160 irrigated acres. General Provisions were made a part of each of those rights and they need to be reviewed at the sum of their total.

The 6 other water rights that he has all have the same wording and I fear this will set a precedence for expansion of those rights. Any time you increase water use it affects the other 107 rights in the basin.

I feel that the irrigation of an additional 20 acres, over and above the 160 acres that are already being irrigated constitute an enlargement and create a new water right.

$160 \text{ ac} + 20 \text{ ac} = 180 \text{ ac} / 160 \text{ ac} \times 3.5 \text{ afa} = 585 \text{ af} / 180 \text{ ac} \times 3.5 \text{ afa} = 630 \text{ af}$

57-7400 limits storage under all the rights to 160 acre feet per annum.

Each of the Junayo Ranch water storage rights limit's the maximum diversion to storage to 4.6 cfs. There is only one measuring device required by IWDR at the point of diversion. There are no other measuring devices in the diversion ditch to determine how much water is live flow, how much is being stored, nor how much live flow is passing through the storage facility to be use down gradient. Nor is there a way to determine how

much of the stored water is being put through a sprinkler irrigation system. As stated in a letter from IDWR to Mr. Orndorf, dated 12/28/1994:

Further study of the stipulation revealed additional inconsistencies which must be resolved before any new water rights are issued to Junayo Ranch. Paragraph 6 of the stipulation states: Junayo Ranch... agrees that its water rights other than No. 57-02325 and No. 57-07040 do not entitle it to divert water to storage during the irrigation season, even though (sic) it may be physically possible to divert water into its storage facilities during the irrigation season, and that no diversion to storage is authorized during the irrigation season unless all prior water rights on Reynolds Creek are being satisfied."

Measurements at the diversion weir show that Junayo Ranch consistently diverts more than the 4.6 cfs allowed by decree. Without more measuring devices, there is no accountability regarding storage.

The legal descriptions on the application do not match the place of use indicated on the applicants map. There were no legal descriptions in the Legal Notices published in the county paper (Owyhee Avalanche).

In reviewing both water rights (57-7532 & 57-7472 associated with the storage facility known as Junayo Ranch No. 3) I noted that the place of use for IRRIGATION STORAGE is in SENE 24, 2S 4W, but when you look at the map provided with the transfer there do not appear to be any storage facilities or ponds in Sec 24. There is a storage facility/pond visible on BLM land in NWNW Sec. 19, 2S 3W. Is this just another error?

Junayo Ranch use of BLM land in Section 19, is not in local public interest. He doesn't allow access to the storage facilities, ponds or fields for fishing and hunting by the general public.

Signed Richard Brandau Dated June 4 2010
Richard Brandau

Cc

Brandau - file / Ch# 10446

Junayo Ranch LTD Partnership
1087 W River St. Ste 230
Boise, ID 83702

\$25 - rec'd by DB on 6/7/2010 #W038446