

June 7, 2010

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To: Gary Spackman, Director
Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

WATER RESOURCES
WESTERN REGION

From: Seven High Ranch, Inc.
Jerry L. Hoagland
13528 Reynolds Creek Rd.
Wilson, ID 83641

Re: Protest of Junayo Ranch LTD Partnership Application No. 75704

Director,

This letter and the enclosed check for \$25.00 are my filing of Protest of Junayo Ranch LTD Partnership Application No. 75704, an application to correct one water right, 57-7400, with a 1984 priority date from Reynolds Creek to accurately reflect current irrigation practices for irrigation of 20 acres of Public Domain.

I protest the application in that the application has not been made in good faith. My water rights are being impaired by the current illegal use of irrigating 20 acres of Public Domain land. Legalizing this practice by allowing a transfer will not stop the impact to my water rights.

IDWR has failed to follow Idaho code 42-203a by not including all the requirements for a notice. There is no legal descriptions of the point of diversion, the current place of use, the proposed place of use to be included in the transfer application. "generally located along the west and east banks of Reynolds creek, west of the Upper Reynolds Creek Rd. approximately 3 miles north of Reynolds and approximately 10 miles west of Murphy." is not the same legal as in the Application No. 75704.

Junayo Ranch LTD Partnership has apparently been irrigating the Public Domain for a number of years without a permit. It is in a location not visible by the public as observed from public roads. During this time that Junayo was illegally irrigating the Public Domain, I was legally diverting water until the water master was called to shut off my water rights according to priority. My water rights that were prior to 57-7400 have been impaired.

Junayo Ranch LTD Partnership has failed historically to install permanent measuring devices on other diversions at the expense of water that is already appropriated. This application will be no different. The insufficient measuring devices of Junayo Ranch LTD Partnerships water rights must be addressed before this application can proceed. The measuring of Junayo rights is a costly expense to all the other water-users in Water District 57R for the time spent waiting for Junayo to install temporary devices and moving water to other places for measurement.

Conditions that are part of water right 57-7400 include terms that the combined water rights from the same point of diversion shall not exceed 160 acres. The combined storage are limited to a total of 160

acre foot. And the use of this water right shall be regulated by the water master of State Water District 57R. These conditions can not be expanded without harm to existing water rights.

And after three years of the signing of the BLM Land Use Permit, title to the water will transfer to the sole name of the United States. My water rights are being impaired by Junayo Ranch LTD Partnership's illegal irrigation of Public Domain. There is insufficient water for the existing water rights in Basin 57R without adding Public Domain Land for more irrigation. And the United States does not need to receive a water right for irrigation. Therefore, this application must be denied.

Respectfully,



Jerry L. Hoagland, president

cc. Junayo Ranch LTD Partnership

#25 - rec'd by S.B. on 6/7/2010 #W038443