

07/2008

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APR 01 2009

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

1. Matter being protested:

Application for Transfer No. 74856 (Water Right No. 37-00466) in the name of Deer Creek Ranch Inc.

2. Name of protestant:

United States Department of the Interior (USDOI)

Bureau of Land Management -Idaho State Office (BLM-ISO)

3. Protestant's Representative for service (if different than protestant):

Fredric W. Price, Water Rights Specialist, ID933B

4. Service mailing address:

United States Department of the Interior (USDOI)

Bureau of Land Management -Idaho State Office (BLM-ISO)

1387 South Vinnell Way

Boise, Idaho 83709

5. Service telephone #:

(208) 373-3831 Fax: (208) 373- 3839 Email Address: Fredric_Price@blm.gov

6. Basis of protest (including statement of facts and law upon which the protest is based):

Claimant's Transfer No. 74856 includes federal public land. The United States of America, through the Bureau of Land Management, is the owner of the land listed below. The claimant's use of Federal land is unauthorized and there is no evidence that Deer Creek Ranch Inc is authorized to use the public land described in Application for Transfer No. 74856 for the Places of Use (POUs) within:

Township 03 North, Range 17 East, Section 26, NWSW and SESE

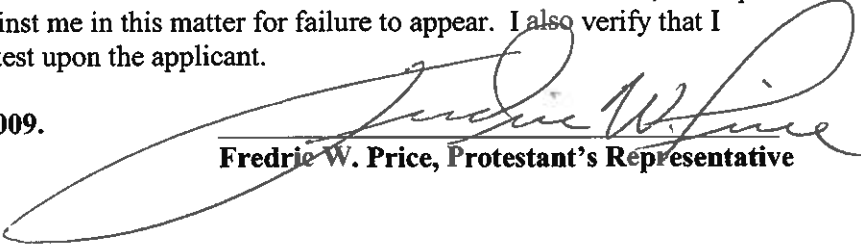
7. What would resolve your protest?

Provide evidence of a Land Use Authorization or remove Places of Use (POUs) describing federal public land managed by BLM.

Township 03 North, Range 17 East, Section 26, NWSW and SESE

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 1st day of April 2009.


Fredric W. Price, Protestant's Representative

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NOTICE OF PROTEST

Transfer No. 74856, Deer Creek Ranch Inc.

April 1, 2009

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. C088371

Receipt by: S.O.

Date Received: 4/1/09

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Enclosures:

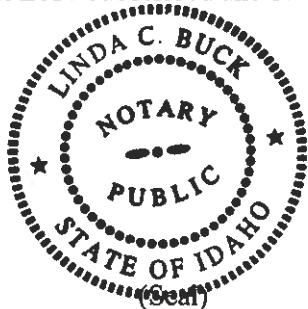
Copy of Application for Transfer No. 74856 (Water Right No. 37-00466) in the name of Deer Creek Ranch Inc. from IDWR weekly water Right report dated March 23, 2009.

Copy of Application for Transfer No. 74856 (Water Right No. 37-00466) in the name of Deer Creek Ranch Inc. from IDWR website dated March 30, 2009.

Copy of Application for Application for Transfer No. 74856 (Water Right No. 37-00466) in the name of Deer Creek Ranch Inc. Form #222 (with attachments) submitted by applicant to IDWR.

Master Title Plats (MTPs) for Places of Use (POUs) within: Township 03 North, Range 17 East, Section 26, NWSW and SESE.

NOTARY: Subscribed and sworn to before me on this 1st day of April 2009.



A handwritten signature of Linda C. Buck in black ink.

Linda C. Buck
Notary Public in and for: State of Idaho
Residing at: Mountain Home, Idaho
My Commission expires: December 21, 2011

FOR IDWR DEPARTMENT USE ONLY

Received by SR7 Date: April 1, 2009 Time: 11:31 AM PM
\$25.00 fee Received by SR7 # C088371 Date: April 1, 2009

NOTICE OF PROTEST
Transfer No. 74856, Deer Creek Ranch Inc.
April 1, 2009

CERTIFICATE OF MAILING

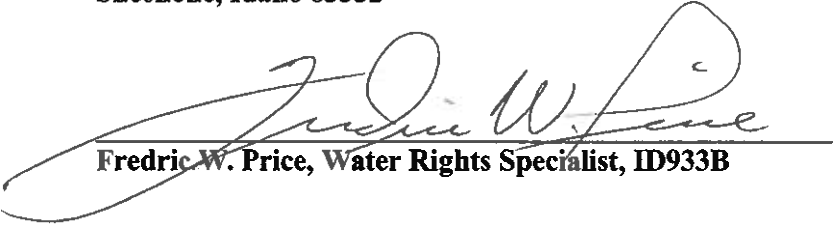
I certify that a true and correct copy of the "Notice of Protest" was mailed on **April 1, 2009**, with sufficient first-class postage to the following:

State of Idaho (Original)
Department of Water Resource
Southern Regional Office
1341 Fillmore Street - Suite 200
Twin Falls, Idaho 83301

Deer Creek Ranch Inc
Attention: John Flynn
PO Box 3090
Newport Beach, California 92658

Registered Agent for Deer Creek Ranch Inc:
CT Corporation System
111 West Jefferson #530
Boise, Idaho 83720

United States Department of the Interior (USDOI)
Bureau of Land Management (BLM)
Twin Falls District - Shoshone Field Office
Attention: Lisa Lyda
400 West "F" Street
Shoshone, Idaho 83352



Fredric W. Price, Water Rights Specialist, ID933B

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 03/23/09

Transfer No 74856

Water Right No(s) 37-466

Name: DEER CREEK RANCH INC

Right No. 37-466

Priority 4/1/1880

Source GROUND WATER, GROUND WATER, DEER CREEK, GROUND
WATER

Use IRRIGATION (489 acres) 9.77 CFS

Total Amount 9.77 CFS

Point(s) of Diversion NWNESE S30 T03N R18E BLAINE County
NESESE S30 T03N R18E BLAINE County
NESESE S30 T03N R18E BLAINE County
SESESE S30 T03N R18E BLAINE County

Place of Use S25 T03N R17E
S26 T03N R17E
S29 T03N R18E
S30 T03N R18E
S31 T03N R18E

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 37-466

Priority 4/1/1880

Source GROUND WATER, GROUND WATER, GROUND WATER, DEER
CREEK, GROUND WATER, GROUND WATER

Use IRRIGATION (674.2 acres) 9.77 CFS

Total Amount 9.77 CFS

Point(s) of Diversion NWNESE S26 T03N R18E BLAINE County
NWNESE S30 T03N R18E BLAINE County
SESESE S30 T03N R18E BLAINE County
NESESE S30 T03N R18E BLAINE County
NESESE S30 T03N R18E BLAINE County
SESESE S30 T03N R18E BLAINE County

Place of Use S25 T03N R17E
X S26 T03N R17E
S29 T03N R18E
S30 T03N R18E

Remarks: Transfer application proposes creating a permissible place of use (PPU) and adds diversion points. Current points of diversion are located approximately 2.6 mi. north & 1.9 mi. west and 3.5 mi. north & 2.5 mi. west of the City of Hailey. The current place of use (POU) includes 489 acres and is located approximately 2.6 mi. north and 1.9 mi. west of the City of Hailey, extending west along the Deer Creek valley approximately 2.7 miles. The proposed groundwater diversions are to be located approximately 2.6 mi. north & 2.4 mi. west and 3.5 mi. north & 3.8 mi. west of the city of Hailey. The proposed PPU will encompass the current POU and include an additional 185.2 acres within the current POU and also adjacent lands to the north, south, and west. Irrigated acres will be limited to the 489 acres allowed under the transferred right.

TRANSFER NO. 74856

DEER CREEK RANCH INC
 ATTN JOHN FLYNN PO BOX 3090
 NEWPORT BEACH CA 92658, has filed Application No. 74856 for changes to the following water rights within
 County: BLAINE

Applicant's Statement of Purpose: Applicant desires to create PPU so that applicant may irrigate residence and other acres - some of which have no appurtenant water rights. In addition, PPU will include lands that were irrigated with water from a channel of the Big Wood until the channel was rediverted during the 2006 high spring flow.

Purpose of Transfer	Water Right Number
Change Place of Use	37-466
Add Point of Diversion	37-466

Right No. 37-466

Priority Apr 1 1880 12:00AM

Source DEER CREEK, GROUND WATER,

Use IRRIGATION(489 acres) 9.77 CFS,

Total Amount 9.77 CFS

Point(s) of Diversion

Township	Range	Section	QQQ	QQ	Quarter	Government Lot Number
03N	18E	30	NE	SE	SE	
03N	18E	30	NW	NE	SW	
03N	18E	30	NE	SE	SE	
03N	18E	30	SE	SE	SE	

Place Of Use

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	17E	25		SWNE	21		SENE	21			

The purpose of the transfer is to change the above rights as follows:

Priority Apr 1 1880 12:00AM

Use IRRIGATION(674.2 acres) (489 acre limit) 9.77 CFS,

Total Amount 9.77 CFS

Township	Range	Section	QQQ	QQ	Quarter	GovernmentLotNumber
03N	17E	26	NW	NE	SE	
03N	18E	30	NW	NE	SW	
03N	18E	30	NE	SE	SE	
03N	18E	30	NE	SE	SE	
03N	18E	30	SE	SE	SE	
03N	18E	30	SE	SE	SE	
03N	18E	30	SE	SE	SW	

Place Of Use

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	17E	25		SWNE	21.2				SENE	22.8	

			SWNW	11.6	SENW	19.9		SESW	24.3	
			NESW	26.9	NWSW	30.5		SESE	0.8	
			NESE	38.6	NWSE	33.7				
	26 *		SENE	2						
			NESW	11.5	NWSW	1	SWSW	35.4		
			NESE	37	NWSE	24.5	SWSE	11.4		
			NWSW	12.2	SWSW	10.9				
18E	29		NENE	0.6	SWNE	5.4	SENE	12.8		
	30		NENW	4.9	SWNW	12.9	SENW	5.7		
			NESW	39.6	NWSW	43.7	SWSW	1.5	SESW	27.4
			NESE	38.5	NWSE	36.7	SWSE	32.6	SESE	35.7

Total Acres: 674.2