



IDAHO WATER RESOURCE BOARD

RECEIVED

JUL 01 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

C.L. "Butch" Otter
Governor

July 1, 2009

RECEIVED

JUL 06 2009

DEPARTMENT OF
WATER RESOURCES

Terry T. Uhling
Chairman
Boise
District 2

Director
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Gary M. Chamberlain
Vice-Chairman
Challis
At Large

Re: Notice of Protest Against Transfer Applications Nos. 75341 and 75342

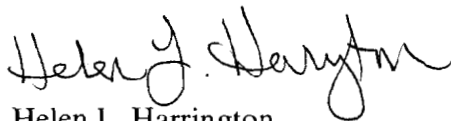
Dear Director:

These protests against the granting of Applications for Transfer Nos. 75341 and 75342 are filed on behalf of the Idaho Water Resource Board. These protests are filed to protect the Idaho Water Resource Board's minimum stream flow water rights on the Big Wood River.

Bob Graham
Secretary
Bonners Ferry
At Large

Sincerely,

Charles "Chuck" Cuddy
Orofino
District 1


Helen L. Harrington
Manager, Water Planning Section

Leonard Beck
Burley
District 3

Cc: Edgar L. Sinnott
Applicant, Transfer No. 75341
PO Box 3490
Ketchum, ID 83340

Brockway Engineering, Rep.
2016 Washington St. North, Suite 4
Twin Falls, ID 83301

Roger W. Chase
Pocatello
District 4

Breck Family 1998 Revocable Trust Brockway Engineering, Rep.
Peter B. Breck, Trustee 2016 Washington St. North, Suite 4
Antonia Hunter Breck, Trustee Twin Falls, ID 83301
PO Box 1604
Ross, CA 94957

Vince Alberdi
Kimberly
At Large

James P. Speck, Attorney
PO Box 987
Ketchum, ID 83340

Jerry R. Rigby
Rexburg
At Large

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

JUL 06 2009

DEPARTMENT OF
WATER RESOURCES

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 for Transfer No. 75342 in the name of Breck Family 1998 Revocable Trust

2. Name of protestant Idaho Water Resource Board

RECEIVED

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

JUL 06 2009

Helen Harrington, Manager, Water Planning Section, IDWR

DEPT. OF WATER RESOURCES
SOUTHERN REGION

4. Service mailing address 322 E Front Street, PO Box 83720, Boise, ID 83720-0098

5. Service telephone no. (208) 287-4848 Email Address: helen.harrington@idwr.idaho.gov

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

See Attachment A

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? _____

Transfer should be denied to protect the Board's water 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 6th day of July, 2009.

Protestant

Helen J. Harrington

Protestant's Representative
FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. C088933

Receipt by: SRF

Date Received: 7/6/09

Attachment A
Transfer 75342

The Idaho Water Resource Board holds three water rights for minimum stream flows in the reach which this transfer is proposed:

Water right 37-8258 with a priority date of 6/19/1981;

Water right 37-7919 with a priority date of 6/19/1981;

Water right 37-8307 with a priority date of 10/16/1987.

Transfer 75342 proposes to add a point of diversion, change the point of diversion, and change the place of use for a 0.12 cfs portion of Big Wood River water rights and a 0.02 cfs portion of a groundwater right. The proposed points of diversion are approximately 22 miles upstream of the existing points of diversion. If approved, this transfer will remove water from minimum stream flow reaches, causing injury to water rights 37-7919, 37-8307, and 37-8258.