



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Challis Field Office
1151 Blue Mountain Road
Challis, Idaho 83226
<http://www.id.blm.gov/offices/challis>



In Reply Refer To:
7250 (330)

October 22, 2008

Sharla Cox
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

Dear Ms. Cox:

In response to your letter of October 6, 2008, regarding application for transfer No. 72799, you will find enclosed the calendar pages you requested with unavailable dates marked through.

If there is anything further you may require, please contact this office at (208) 879-6200.

Sincerely,

David Rosenkrance
Field Manager

Enclosure

RECEIVED
OCT 22 2008
Department of the Interior
Water Resources
Eastern Region

AVAILABILITY CALENDAR

NOVEMBER 2008

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

Applicant or Protestant Bureau of Land Management - Challis Field Office
Water Right / Transfer No. (s) 72799

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OCT 24 2008

Department of Water Resources
Eastern Region

AVAILABILITY CALENDAR

DECEMBER 2008

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

Applicant or Protestant _____ Bureau of Land Management - Challis Field Office
 Water Right / Transfer No. (s) _____ 72799 _____

RECEIVED

OCT 24 2008

AVAILABILITY CALENDAR

JANUARY 2009

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
HOLIDAY				
26	27	28	29	30

Applicant or Protestant _____
 Bureau of Land Management - Challis Field Office
 Water Right / Transfer No. (s) 72799

OCT 7 - 2008

Cox, Sharla

From: Larry Zuckerman [larry@westernwatersheds.org]
Sent: Wednesday, November 12, 2008 10:44 AM
To: Cox, Sharla
Cc: jon@westernwatersheds.org; llucas@advocateswest.org; larry@westernwatershed.org
Subject: Concerning my availability for IDWR hearing on Judd Whitworth's application to transfer water right for new POD for the months of December and January in Challis or Salmon

Ms. Cox:

This is in response to your October 16, 2008 inquiry on WWP's availability for hearing for our Protest of Judd Whitworth's application for water right transfer and our November 12, 2008, telephone conversation. As a replacement to my October 31, 2008, FAX initial response to your written inquiry, my availability for the months of December and January are as follows:

- 1) In December, I am available for a hearing on our Protest:
 - a) Monday-Friday 9AM-5PM
 - b) Except for December 5, December 24-26, and December 31, 2008
- 2) In January, I am available for a hearing on our Protest:
 - a) Monday-Friday 9AM-5PM
 - b) Except for January 1, 2009

We understand that the hearing may be in Lemhi County in Salmon or perhaps in Custer County in Challis, because of the necessity of involving the BLM Field Office in Challis. We also understand that Mr. Whitworth uses a post office address in Ellis, Idaho, which is at the mouth of the Pahsimeroi River and at the Lemhi-Custer County Line and traveling to Salmon or Challis is approximately an equal trip for him. We also understand that the IDWR hearing officer will be traveling from Idaho Falls and as you know, December and January road travel is never a safe bet. Perhaps, you should consider setting primary and alternative hearing dates and/or have a contingency of a telephone conference call hearing, in the case of bad winter weather.

Our original Protest to the Application to Transfer Water Right 73-146 was dated March 3, 2008. Mr. Whitworth has apparently filed this Application to Transfer his water right on Goldburg Creek, a tributary of the Pahsimeroi River, because he wants to add an additional Point-Of-Diversion (POD) upstream from the existing POD so that he can save on utility bills associated with pumping by taking more advantage of gravity flow. The newly proposed POD is on BLM-managed lands and associated new conveyance will also require a right-of-way easement across Public Trust lands for construction, operations, and maintenance of the diversion and conveyance system. As we described in our Protest, permitting this new POD will dewater the reach between the new POD and the existing POD and thereby, adversely modify or destroy Designated Critical Habitat and Essential Fish Habitat for ESA and MSA-listed fishes, possibly illegally take ESA-listed fishes now and in the future, and retard their recovery as well as disrupt crucial habitat for sagebrush-obligates (*i.e.*, sage-grouse and pygmy rabbit) being considered by the U.S. Fish and Wildlife Service for ESA-protection under Federal Court orders.

Please confirm receipt of the email by responding to it. Also please let me know if I should be filing additional documents such as Declarations, Motions, Lists of Witnesses and Evidence and anything else I should know before the hearing date(s), since this is my first experience with an IDWR Protest Hearing. Perhaps, IDWR has a brochure or instructions that it sends to the public concerning their Protest and Hearing processes.

11/12/2008

I look forward to working with you and with proceeding with the resolution to our Protest to IDWR Application 7299 to Transfer Water Right No. 73-146 (Judd A. Whitworth for his diversion on Goldburg Creek in the Pahsimeroi River Basin). At this time, I will be representing WWP pro se, but reserve the right to consult with or possibly employ an attorney to represent our interests in this initial or future hearings relating to this Protest.

Thank you again for your telephone call on Monday and I hoped you enjoyed your day off yesterday.

cheers

Larry Zuckerman, Central Idaho Director
Western Watersheds Project
PO Box 1322
Salmon, Idaho 83467

(208) 756-8000
(208) 756-8008 (FAX)
larry@westernwatersheds.org