

October 17, 2008

To the Department of Water Resources of the State of Idaho

Matter of Protest: The Retreat at Bear Lake's Application to change the Point of Diversion.

Application Transfer No. 74916

Protest I:

The present Point of Diversion is more commonly called the Sorenson Ditch. Black Bear presently has the water 50% of the time and UR Ranches has the water the other 50% of the time.

The water is forced out of the Bear River because of the Sorenson Dam that is owned and maintained by Black Bear and UR Ranches. If this transfer is allowed to take place, it is **not** acceptable nor fair to leave the full maintenance of the dam and ditches to UR Ranches.

Therefore, I am proposing that they be forced to pay 50% of the costs of maintenance for the dam, ditch, and measuring device for perpetuity or until they decide to transfer the water back (If ever) to the Sorenson Ditch. We also ask that there be a bond or some other financial instrument be put in place to guarantee their payment for maintenance.

It is easy to say under the present circumstances that they will pay their share of the maintenance but it's another story to collect the money. A few years down the road when they have everything they want or there is a change of ownership, will they still pay their share of the bill. (Out of sight out of mind.) It would not be fair if it was always UR Ranches to pay the full cost and then have to sue Black Bear in court in order to regain their money. During that time, Black Bear would have enjoyed the use of their full water rights without having to pay their share.

Protest II:

There is another impact even though it does not impact me directly, it is an environmental concern. If there is not any water allowed to run down through the presently existing wetlands, they will dry up. This will in turn effect the wild life and the type of foliage that grows there.

This will also cause the domestic livestock to travel further for water. If all the small streams are dried up that have their origin from the Sorenson Ditch, it will have greater impact on the Bear River.

Here is how. The domestic livestock will have to travel to the river to drink. While drinking they will pollute the river more and will also cause more erosions to the river banks. They will also cause more erosion to the entire ranch because of the forced travel for water.

In my opinion, a certain amount of water should be kept in the Sorenson Ditch to allow the wetlands to stay alive; thus keeping pressure off the river.

Drying up the wetlands will also put more pressure on my ranch because the

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wildlife will migrate to my side of the fence. (If its one thing I don't need is more deer and elk tearing down my fences.)

I would suggest that at least 30% of the water rights be left to supple the life blood for that part of the world.

I really believe that a public hearing ought to be held on this transfer and that the transfer on the Neuffer Ditch at the same time. There are some issues that we have in common that could be resolved at the same time.

UR RANCHES
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NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. 74916 in the name of ~~U R Ranches~~" or "Application for Transfer No. 74916 in the name of Black Bear." Resort
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents. U R Ranches by David Lee
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
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\$25.00 fee Received by _____ # _____ Date _____