

October 16, 2008

State of Idaho
Department of Water Resources
322 E. Front Street
Boise, Idaho 83720-0098

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OCT 15 2008

DEPARTMENT OF
WATER RESOURCES

Re: water right transfer # 74914 # 11-930
Filed by the Retreat at Bear Lake, LLC
dba Black Bear Resort

I am protesting the drilling and use of water from Worm Creek by Black Bear Mountain to protect the irrigation water for my farm. I am protesting for myself only.

I have used water from Worm Creek to irrigate part of my farm. Worm Creek originates from springs in Horse Flats area which is located in the middle of Black Bear Mountain Resort and picks up water as it comes down the canyon. If wells are drilled in this area, it will permanently dry up the springs. The past drought has taken its toll on the amount of water available and if more water is taken from the ground there will be nothing coming down the canyon for the 4 farmers who rely on that water to grow crops.

Over the past 35 years there have only been 4 farmers who used and shared all of this water: Dean Ward, Elmo Krogue, Grant Haddock and Gary Payne. Those of us sharing this water in the Krogue-Payne Ditch from Worm Creek are: Elmo Krogue, and myself-Gary Payne. Water for these fields has been used since 1868. This water use and rotation has been in effect since a decision of the IDWR October 18, 1984. I currently have rotation rights passed from my Dad when I bought the land.

I have a Statutory Claim to water rights #11-7589 for farm #1514 Tract 492 as filed with Dept of Agriculture.



Gary J. Payne
2949 W Wapoot St
Meridian, Idaho 83646

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Department of Water Resources
Eastern Region

Receipt
@ 087632