

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

March 29, 2021

RECEIVED

MAR 29 2021

DEPARTMENT OF  
WATER RESOURCES

**1. Matter being protested**

Transfer No. 84061 for P4 Production, L.L.C. (involving water rights 11-00448, 11-00457, 11-00471, 11-00499, and 11-02106)

**2. Name of protestant**

United States Department of the Interior  
Bureau of Land Management  
Idaho State Office  
1387 S. Vinnell Way  
Boise, Idaho 83709-1657

RECEIVED

APR 05 2021

Department of Water Resources  
Eastern Region

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

Fredric W. Price (contact person)

**4. Service mailing address**

same as above

**5. Service telephone no.**

(208) 373-3831

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

On February 3, 2021, an Amended Application for Transfer No. 84061 was filed by P4 Production, L.L.C. ("applicant"). Transfer No. 84061 seeks to add Points of Diversions (PODs) to deliver water rights from Soda Creek via the Soda Canal. The transfer also seeks to change the Places of Use (POUs) such that water rights 11-00448, 11-00457, 11-00471, 11-00499, and 11-02106 match water right POU described under 11-00531A (Farmers Land & Irrigation Corp).

The application includes legal land descriptions under the place of use that entirely describe federal land managed by the Bureau of Land Management ("BLM"). The applicant is not authorized to conduct agricultural activities on or across BLM land.

The route (Soda Canal) also includes federal land managed by BLM. The applicant is not authorized to divert water rights listed under this application across federal land. An approved BLM Right of Way (ROW) is required for a third party to convey water rights through someone else's ROW.

**Remove POUs that entirely describe BLM land:**

T08S, R40E, S23, NWNE, SWNE, NENW, SENW, NESW, NWSE, and NESE;

T08S, R40E, S26, NESE;

T09S, R40E, S01, Lot 1 (NENE), Lot 2 (NWNE), Lot 3 (NENW), Lot 4 (NWNW), Lot 5

(NWSE), Lot 5 (SWSE), Lot 5 (SESE), Lot 6 (NESW), SWNE, SENE, SWNW, and SENW;

T09S, R41E, S07, Lot 5 (NWNW) and NENW;

SCANNED

MAY 03 2021

**Mixed POU, trim shapefile to exclude BLM land from the POU and include language that makes it clear that only private land is intended:**

T08S, R40E, S35, NENE (BLM and private)

**Route describing BLM land:**

T09S, R40E, S01, Lot 5 (NWSE), Lot 5 (SWSE), Lot 5 (SESE), Lot 6 (NESW), SWNW,  
and SENW;

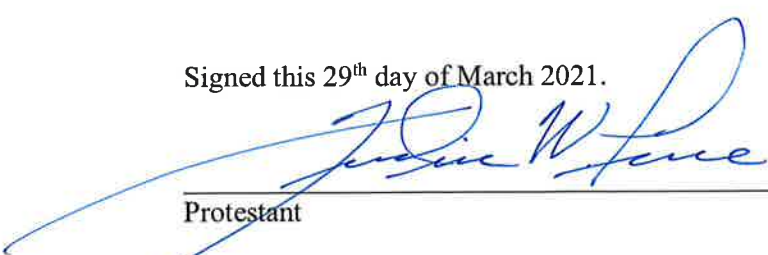
T09S, R41E, S10, SWNW and SENW.

**7. What would resolve your protest?**

1. Withdraw the application; or
2. a) Amend the application to remove POUs that describe BLM land; and  
b) Applicant obtains a ROW from BLM in order to authorize the transportation of water proposed under these water rights across federal land; and  
c) Ensure the following limiting language is included on any issued permit
  - i.) "The place of use does not include any federal land."
  - ii.) "This right does not grant any right-of-way or easement across the land of another."
  - iii.) "Prior to diversion and use of water under this approval, the right holder shall obtain Bureau of Land Management authorization necessary to access the point of diversion, or place of use, or to convey water across federal lands."

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 29<sup>th</sup> day of March 2021.

  
Protestant

Fredric W. Price, Water Rights Specialist  
Protestant's Representative

**Attachments:**

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plats: T08S, R40E; T08S, R41E; T09S, R40E; and T09S, R41E

**FOR DEPARTMENT USE ONLY**

Received by Ku Date 3.29.2021

Fee Paid \$25.00 Date 3.29.2021 Receipted by Ku Receipt # C110142

## CERTIFICATE OF SERVICE

I certify that on March 29, 2021, I served a true and correct copy of the **Protest of Transfer No. 84061** with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Shelley Keen, Water Allocations Chief  
Idaho Department of Water Resources  
Idaho State Office  
Water Management Division,  
322 East Front Street, Ste. 648  
Boise, ID 83702-7371

Copies to:

James Cefalo, Regional Manager  
Idaho Department of Water Resources  
Eastern Regional Office  
900 N Skyline Dr., Ste. A  
Idaho Falls, ID 83402-1700

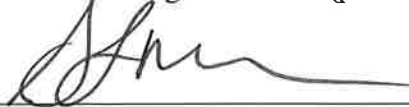
P4 Production, L.L.C.  
ATTN: Jason Maughan  
P.O. Box 816  
Soda Springs, ID 83276

Racine Olson, PLLC  
ATTN: Randall C. Budge/ TJ Budge  
201 E. Center St; P.O. Box 1391  
Pocatello, ID 83204

Karen Kraus, Natural Resource Specialist  
Danny Miller, Realty Specialist  
U.S.D.I., BLM  
Pocatello Field Office  
4350 Cliffs Dr.  
Pocatello, ID 83204-2105

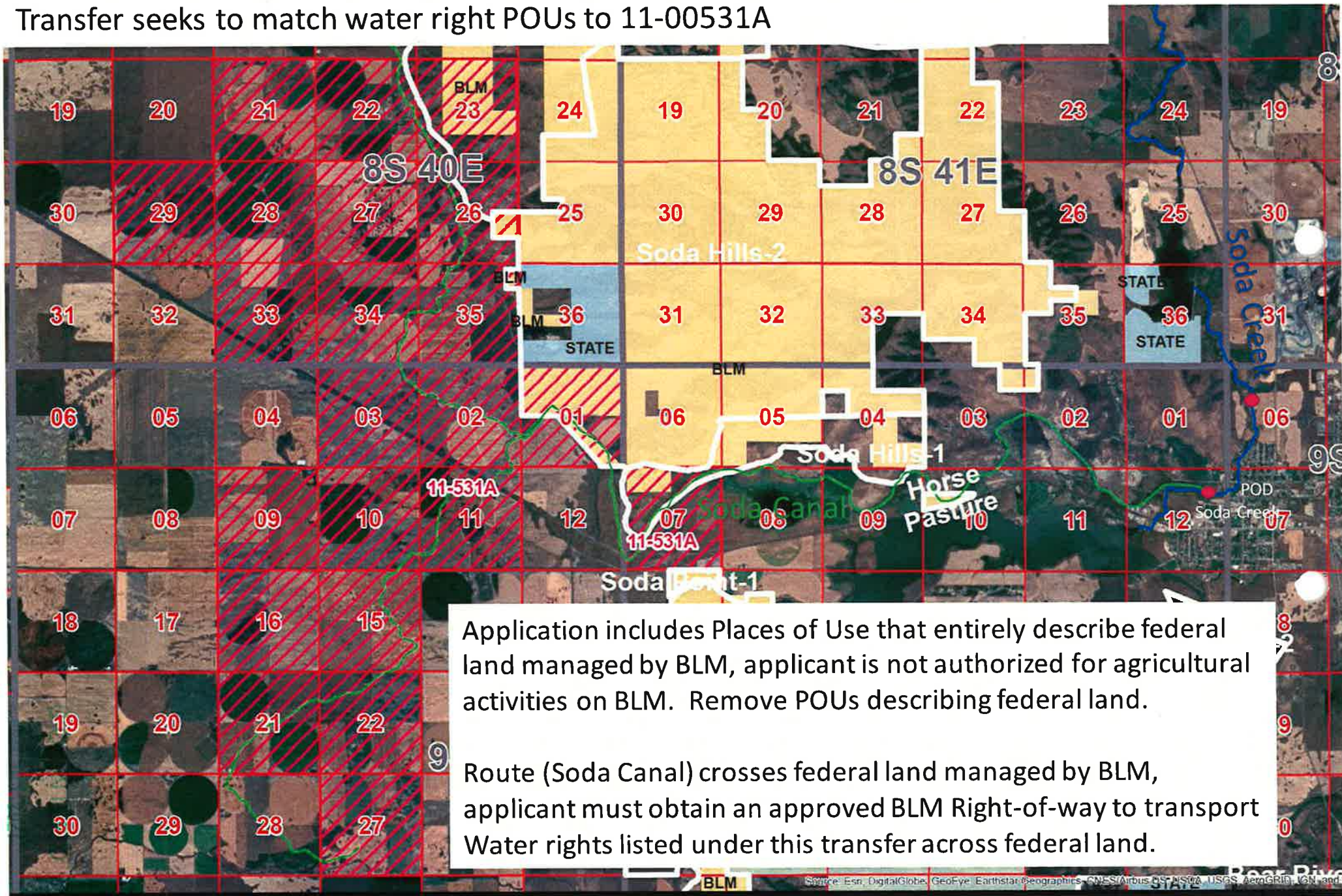
Sandra McCrea

Person Serving Documents (print name)

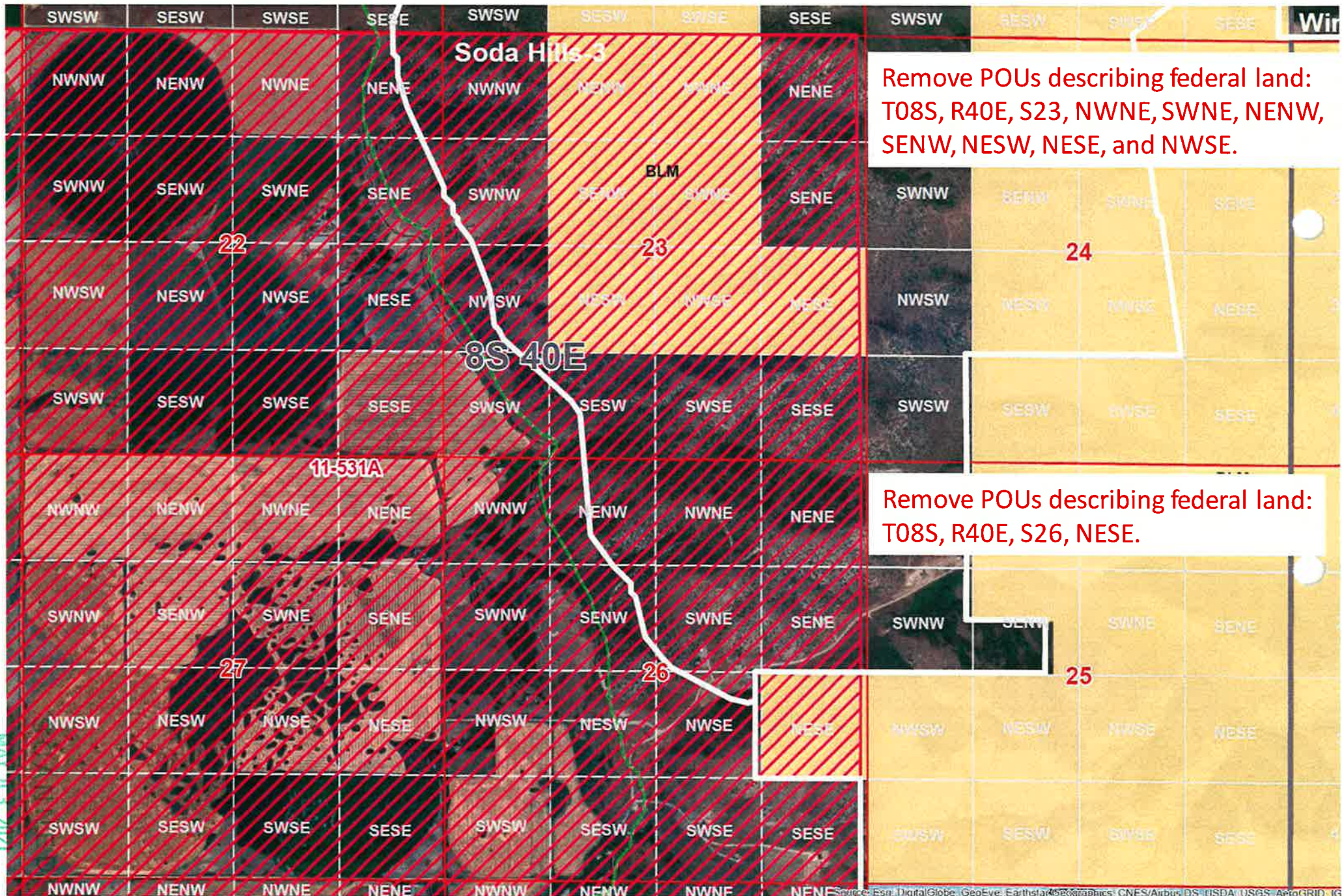


Signature of Person Serving Documents

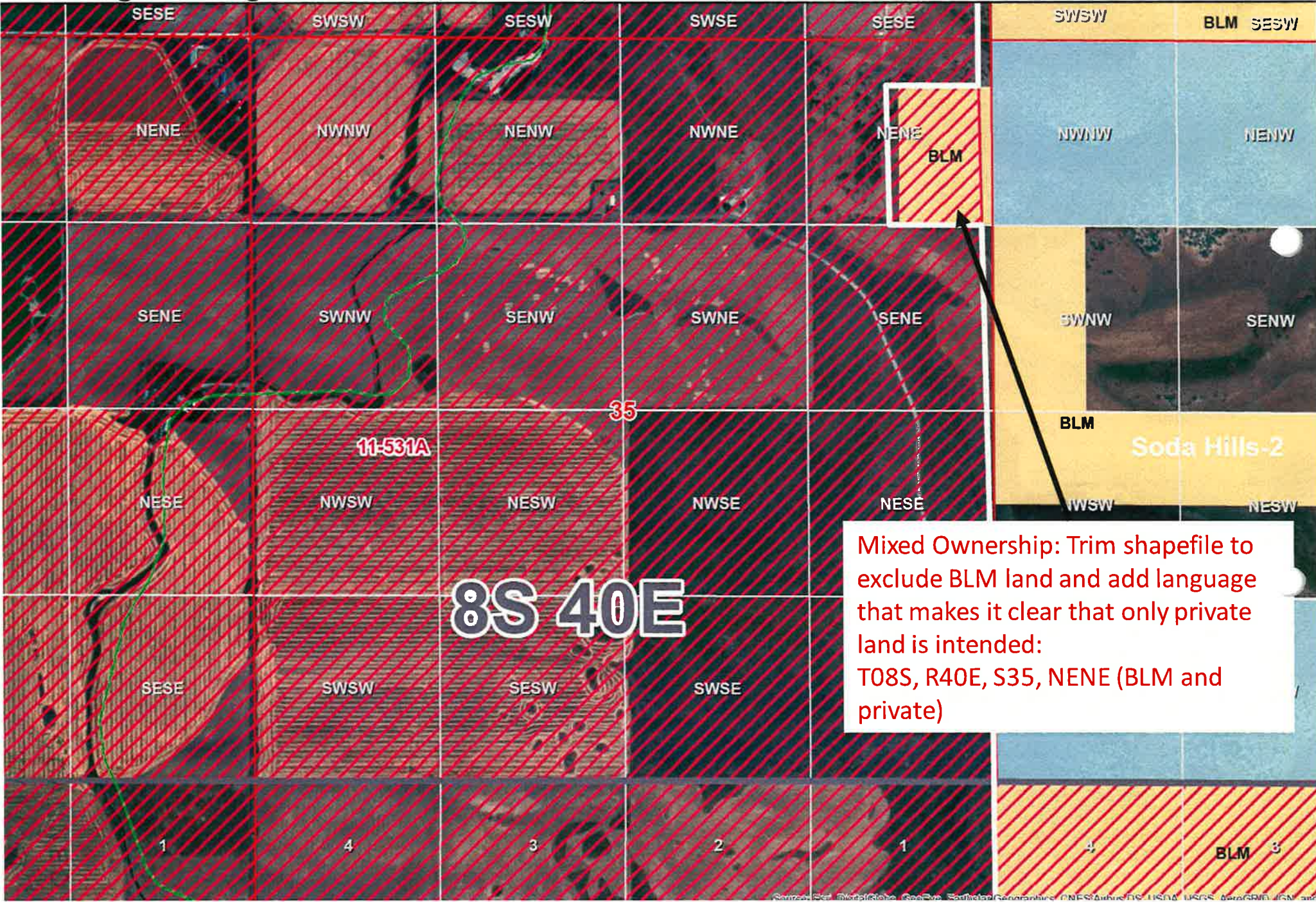
## Transfer seeks to match water right POUs to 11-00531A



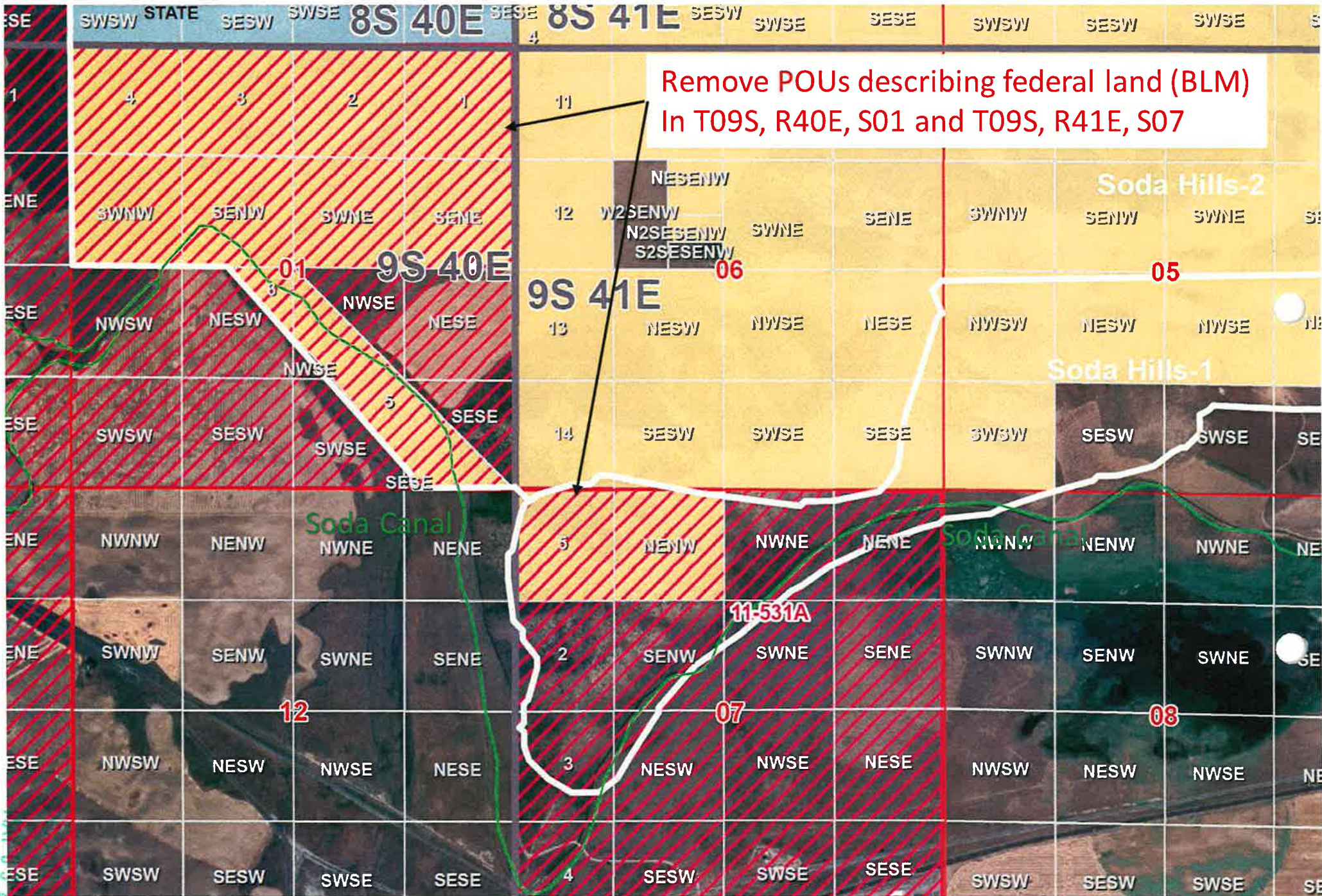
BLM Protest: Application for Transfer No. 84061 (P4 Production, L.L.C.)  
Involving water rights 11-00448, 11-00457, 11-00471, 11-00499, and 11-02106



BLM Protest: Application for Transfer No. 84061 (P4 Production, L.L.C.)  
Involving water rights 11-00448, 11-00457, 11-00471, 11-00499, and 11-02106



Remove POUs describing federal land (BLM)  
In T09S, R40E, S01 and T09S, R41E, S07



Applicant requires an approved BLM Right-of-Way for authorization to transport water rights across federal land:  
T09S, R40E, S01, Lot 6 (NWSE), Lot 6 (NESW), Lot 5 (SWSE) and Lot 5 (SESE), SWNW and SENW.

BLM Protest: Application for Transfer No. 84061 (P4 Production, L.L.C.)  
Involving water rights 11-00448, 11-00457, 11-00471, 11-00499, and 11-02106



Applicant requires an approved BLM Right-of-Way for authorization to transport water rights across federal land.  
T09S, R41E, S10, SWNW and SENW

RECEIVED  
MAY 03 2021

SCANNED  
MAY 03 2021



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

Borse Mer.  
T 8 S  
R 40 E

SCANNED  
MAY 03 2021

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES  
AND ACQUIRED LANDS[illegible]

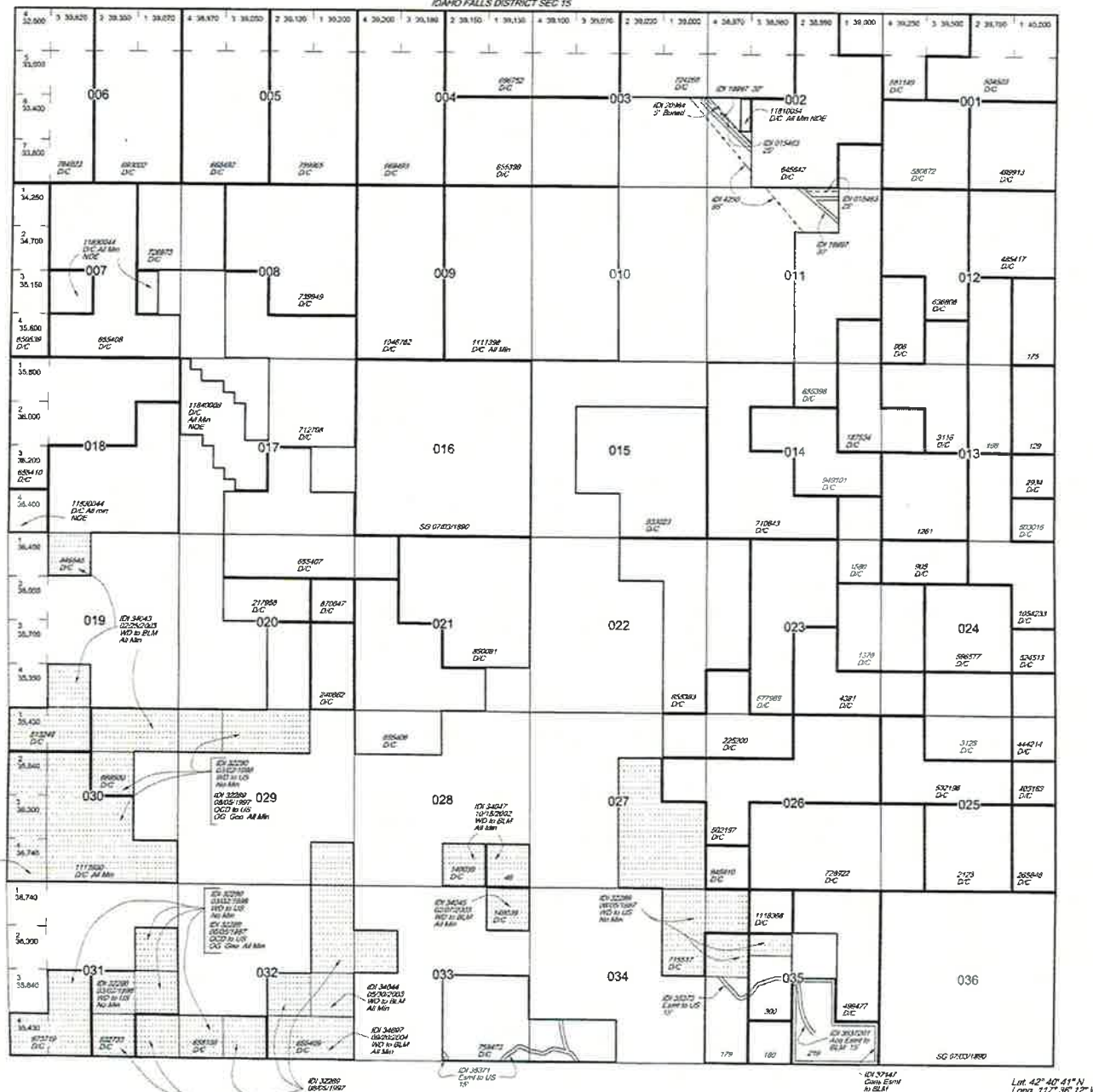
Sec 2: W2SW, less Pal T1-81-0054  
Sds 3: SESE  
Sec 7: 2:ENESE  
Sec 6: W2SW  
Sec 10: E2  
Sec 11: W2, MWNE  
Sec 15: N2N2, S2SW, SWNW, NWSW  
Sec 17: MESE, N2SW &  
NW: less Pal T1-84-0068  
Fr 18: E2, W2W2, SENW, NESW  
Sec 20: SW, W2NW  
Sec 21: SESE  
Sec 22: W2, W2SE, SWNE  
Sec 27: W2, MWNE  
Sec 28: NE, SW, N2SE, S2NW  
Sec 29: SW, S2N2, W2SE, NESE, NEN  
Sec 30: SENE, NESE  
Sec 31: Lots 1,2 & 3, W2NE, NENE, E  
Sec 32: NW, W2NE, N2SW  
Sec 33: SW, N2NW, SESE, W2NE, SE  
Sec 34: NW, SE, W2NE, N2SW  
Sec 35: SWNE

See Cadastral Plat approved 09/27/2006 for official  
area affecting legal subdivisions:  
Secs 27,33,34,35

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LAND REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS

|                                  |                           |
|----------------------------------|---------------------------|
| FILE REF:                        | 000000000M US-AMN00000000 |
| CONVERTED TYPF:                  | 05/22/2006 BY: UFM        |
| LAST UPDATED:                    | 04/02/2012 BY: UFM        |
| GAVOC #1:                        | GAVOC #2:                 |
| POSTED TO PUBLIC RECORDS:        | April 7, 2012             |
|                                  | BY:                       |
| PUBLIC LAND SURVEY SYSTEM (PLSS) |                           |
| BLM GARD ACQUIRED:               | 04/26/2005                |
| OTHER:                           | N/A                       |
| PROJECTED COORDINATE SYSTEM:     | UTM ZONE 12N, NAD 1983    |
| NOTE:                            |                           |
| USE PLATS:                       |                           |

Bond Mtr.  
T. B S  
R 41 E



This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect the changes which may have been affected by (natural) movements of river or other bodies of water. Refer to cadastral surveys for official and accurate data.

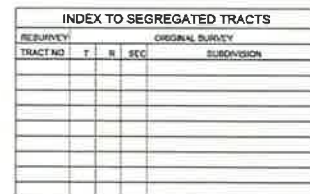
This notation shown on worksheets represent the last activity taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

SCANNED  
MAY 03 2021

013046

MT PLAT



|                                  |                        |
|----------------------------------|------------------------|
| FILE REF: 26000094324M100000 dwg |                        |
| COMPILED TPT: 26/14/2005         | BY: LTM                |
| LAST UPDATED: 24/10/2019         | BY: CD                 |
| QAGC #1: 26/01/2019 DOB          | QAGC #2:               |
| POSTED TO PUBLIC RECORDS:        | May 2, 2019            |
| BY:                              |                        |
| PUBLIC LAND SURVEY SYSTEM (PLSS) |                        |
| BLM CODE ACQUIRED: 04/08/2005    |                        |
| OTHER: N/A                       |                        |
| PROJECTED COORDINATE SYSTEM      | UTM ZONE 12N, NAD 1983 |
| NOTES:                           |                        |
| USE PLATS:                       |                        |

Bolan Mar.  
T 9 S  
R 40 E

U.S. Bureau of Land Management - Idaho State Office  
1387 S. Vinell Way Boise, Idaho 83709  
(208) 375-4000



**DISCLAIMER**

This plat is only a graphic index of the Bureau of Land Management (BLM) Record of Title and township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical notes for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

SCANNED  
MAY 03 2021



NORTH

The notation shows an withdrawal is requested the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

## MT PLAT

Basing Mt.  
T. 9 S.  
R. 41 E.

# Idaho Department of Water Resources Receipt

Receipt ID: C110142

---

|                |                                                                                                                                                                                                                                                                                                                  |               |           |        |       |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------|--------|-------|
| Payment Amount | \$25.00                                                                                                                                                                                                                                                                                                          | Date Received | 3/29/2021 | Region | STATE |
| Payment Type   | Charge Card                                                                                                                                                                                                                                                                                                      |               |           |        |       |
| Payer          | MCCRERA, SANDRA L                                                                                                                                                                                                                                                                                                |               |           |        |       |
| Comments       | NOTICE OF PROTEST<br>FOR: P4 PRODUCTIONS<br>WR# 11-00448, 11-00457, 11-00471, 11-00499, & 11-02106<br>MATTER BEING PROTESTED:<br>TRANSFER # 84061<br>ORDERID: 45813264<br>LOCAL REFID: wATHMPFcOE6Fw0GLXC/gfg==<br>TOTAL PAID: \$26.75(FEEs: \$1.75)<br>AUTH_CODE: 081271<br>REC DATE: 3/29/2021 04:38:58 PM MDT |               |           |        |       |

## Fee Details

| Amount  | Description | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|-------------|-------|------|-------------|------------|--------|
| \$25.00 | PROTESTS    | 56103 | 0229 | 21          |            | 1155   |

---



Signature Line (Department Representative)

SCANNED  
MAY 03 2021