

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 29 2026

DEPT. OF WATER RESOURCES

**NOTICE OF PROTEST**  
**Application for Transfer 90330**

RECEIVED

APR 30 2026

WATER RESOURCES  
WESTERN REGION

April 29, 2026

**1. Matter being protested**

Application for Transfer 90330 (involving Water Rights 02-10395 and 02-10398) filed by Murphy Land Company LLC.

**2. Name of protestant**

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

**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).**

Pursuant to Idaho Code 42-222(1), BLM files this protest. On February 23rd, 2026, Murphy Land Company LLC ("Applicant") filed application for transfer 90330 involving water rights 02-10395 and 03-10398. The Application for Transfer proposes to move these water rights to the Frank Tiegs LLC farming operation changing to a new point of diversion, and new places of use (POU).

Frank Tiegs LLC has a ROW for a POD and ditch on BLM under IDI-021930 for conveyance of existing water rights. Last year that ROW was updated to allow for four additional water rights to be conveyed via Transfer 89494. Frank Tiegs LLC will need authorization from BLM through another ROW modification to allow the conveyance of these two new water rights.

The Application does not appear to seek any new places of use ("POU") for irrigation per se; however, the list of desired POU's includes a new POU on BLM land in T06S, R08E, S05, Lot 3 (NENW) for 34 acres. BLM believes this is a mistake. It appears that all of the acreage figures for S05 should be shifted one box to the right for every POU (SESW and NWSE are missing, see attached map). The Applicant is not authorized to use BLM land. Trespass on federal land is a prohibited act (43 CFR §2808.10(a)).

Although Idaho Code § 42-222(1) does not list “legal access” among the explicit transfer-review criteria, the Department is obligated to “examine all the evidence and available information,” including long-standing Idaho water law prohibiting the creation, expansion, or alteration of water rights by means of trespass.

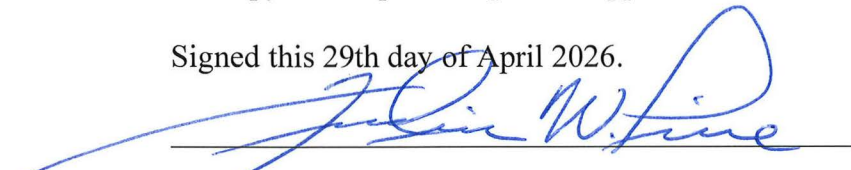
It is quite generally held that a water right initiated by trespass is void; that is to say, one who diverts water and puts it to beneficial use by aid of trespass, does not, pursuant to such trespass, acquire a water right. Any claim of right thus initiated is void. *Bassett v. Swenson*, 51 Idaho 256, 5 P.2d 722 (1931), citing to *Marshal v. Niagra Springs Orchard Company, Ltd.*, 22 Idaho 144, 125 P. 208; *Tobey v. Brentwood*, 22 Idaho, 566, 127 P. 178; *Prentice v. McKay*, 38 Mont. 114, 98 P. 1081; *Weil on Water Rights* (3d Ed.) § 221, and cases cited. A transfer may not be used to introduce new elements—a new point of diversion, or new place of use—when those elements can be exercised only through trespass on federal land. Doing so would, in effect, authorize an unlawful use and create a legally void component of a water right. The Department should not approve a transfer that results in a use that Idaho law declares void or that requires ongoing violation of federal law (43 C.F.R. § 2808.10(a)).

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

- A. Withdraw the application; or
- B. Amend the application to remove POU on BLM and exclude federal land from the PPU, POU, and boundary shape; and
  - except terms and conditions that make it clear only private land is intended:
  - 1) “The place of use does not include any federal land.”; and
  - 2) “This right does not grant a right-of-way or easement across the land of another.”

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 29th day of April 2026.

  
\_\_\_\_\_  
Fredric W. Price  
Protestant's Representative

**Attachments:**

- ◆ Maps prepared by BLM for illustrative purposes.
- ◆ Master Title Plat: T09S, R12E

**FOR DEPARTMENT USE ONLY**

Received by KW Date 4-29-2026  
Fee Paid \$25.00 Date 4-29-26 Received by KW Receipt # C126013

## CERTIFICATE OF SERVICE

I certify that on April 29, 2026, I served a true and correct copy of the **“Protest of Application for Transfer No. 90330”** 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:

Mathew Weaver, Director  
Idaho Department of Water Resources (IDWR)  
Idaho State Office  
P.O. Box 83720  
322 E Front St  
Boise, ID 83702-7371

Copies to:

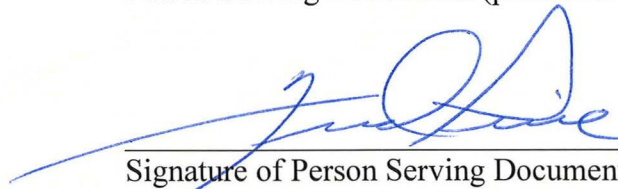
Murphy Land Company LLC  
P.O. Box 3110  
Pasco, WA 99302-3110

Greg Sullivan, M.S.  
Brockway Engineering PLLC  
2016 Washington St N, Ste 4  
Twin Falls, Idaho 83301-3082

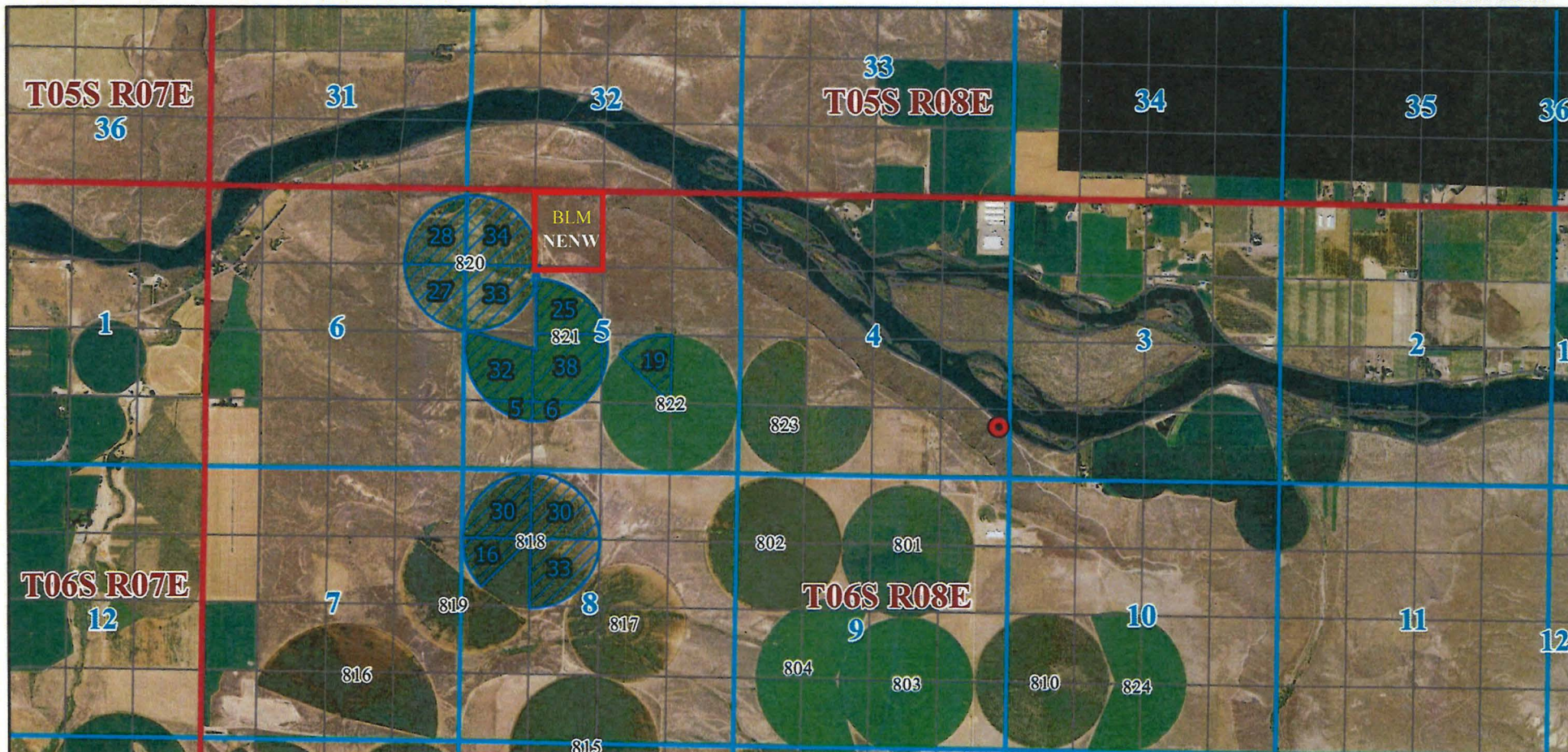
Joanna P. Tjaden, Field Manager  
Daniel Strickler, Supervisory Rangeland Management Specialist  
U.S. Department of the Interior  
Bureau of Land Management  
Jarbidge Field Office  
2878 Addison Avenue East  
Twin Falls, ID 83301-6812

Fred Price

Person Serving Documents (print name)



Signature of Person Serving Documents

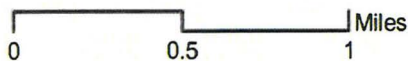
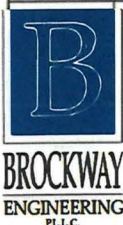


### Proposed Place of Use

BLM

-All of the acreage figures for S05 should be moved one box to the right.

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 06S | 08E | 5   |      |    |    |    | 34   | 33 | 25 | 38 | 32   | 5  | 6  |    | 19   |    |    |    | 192.0       |
|     |     | 6   | 28   |    |    | 27 |      |    |    |    |      |    |    |    |      |    |    |    | 55.0        |
|     |     | 8   |      |    |    |    | 30   | 30 | 16 | 33 |      |    |    |    |      |    |    |    | 109.0       |



### HOODCO FARM

FRANK TIEGS LLC  
WATER TRANSFER  
NAIP 2023 AERIAL

### Legend

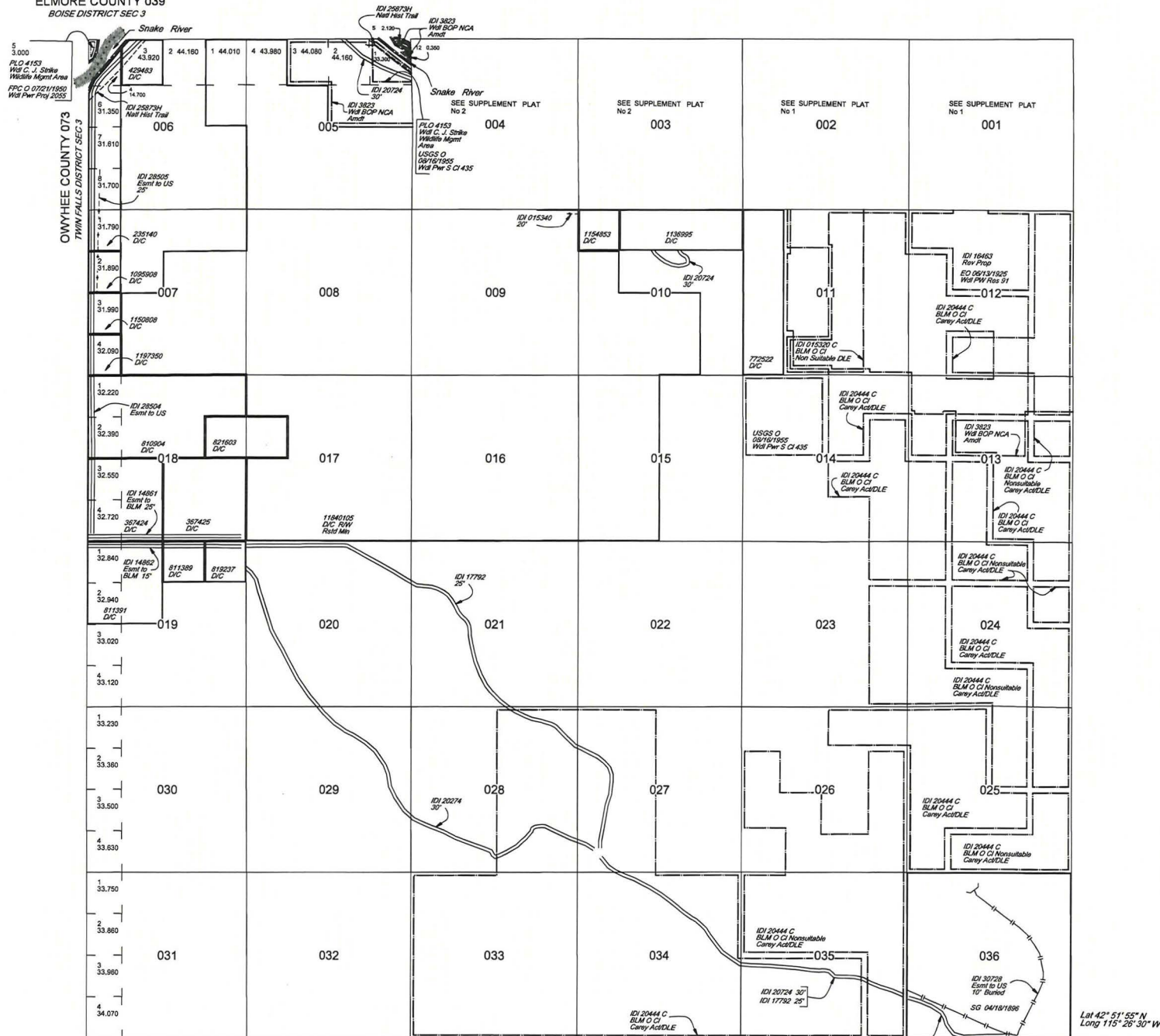
- POD
- Murphy Land Acres
- Field Labels



ELMORE COUNTY 039  
BOISE DISTRICT SEC 3

MT PLAT

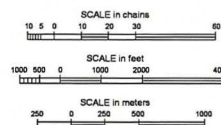
|                                  |                            |                        |     |
|----------------------------------|----------------------------|------------------------|-----|
| FILE REF:                        | ID06200650069E4M100000.dwg |                        |     |
| CONVERTED TIFF:                  | 06/26/2006                 | BY:                    | LFM |
| LAST UPDATED:                    | 03/12/2022                 | BY:                    | DCM |
| QACQ #1:                         |                            | QACQ #2:               |     |
| POSTED TO PUBLIC RECORDS:        |                            | April 1, 2022          |     |
| BY:                              |                            |                        |     |
| PUBLIC LAND SURVEY SYSTEM (PLSS) |                            |                        |     |
| BLM OGBD ACQUIRED:               |                            | 04/26/2005             |     |
| OTHER:                           |                            | N/A                    |     |
| PROJECTED COORDINATE SYSTEM:     |                            | UTM ZONE 11N, NAD 1983 |     |
| NOTES:                           |                            |                        |     |
| USE PLATS:                       |                            |                        |     |



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.



U.S. Bureau of Land Management - Idaho State Office  
1387 S. Vinnell Way Boise, Idaho 83709  
(208) 373-4000

Boise Mer.  
T. 6 S  
R. 8 E

# Idaho Department of Water Resources Receipt

Receipt ID: C126013

Payment Amount \$50.00 Date Received 4/29/2026 Region STATE

Payment Type Charge Card

Payer PRICE, FREDIC

Comments NOTICE OF PROTEST  
MATTER BEING PROTESTED ON THE BEHALF OF  
UNITED STATES DEPARTMENT OF THE INTERIOR  
PROTESTANT'S REPRESENTATIVE FOR SERVICE  
FREDRIC W. PRICE  
AGAINST APPLICATION OF TRANSFER 89536, 90330  
ORDERID: 77493066  
LOCAL REFID: MWqHL2WopE+VG41fMgbJPQ==  
TOTAL PAID: \$52.25(FEEs: \$2.25)  
AUTH\_CODE: 021026  
REC DATE: 4/29/2026 04:43:14 PM MDT

## Fee Details

| Amount  | Description | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|-------------|-------|------|-------------|------------|--------|
| \$50.00 | PROTESTS    | 56103 | 0229 | 21          |            | 1155   |



Signature Line (Department Representative)