

RECEIVED

JUL 21 2026

DEPT. OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST
Application for Transfer 90014

July 21, 2026

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WATER RESOURCES
WESTERN REGION

1. Matter being protested

Application for Transfer 90014 (involving Water Right 02-07061) filed by John Terry Field.

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 August 18th, 2025, John Terry Field ("Applicant") filed Application for Transfer 90014 involving water right 02-07061. The Application for Transfer proposes to change the place of use ("POU") for irrigation of 154.6 acres.

The Application seeks a new POU for irrigation on BLM land in T06S, R04E, S05, SENW for 0.5 acres. 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

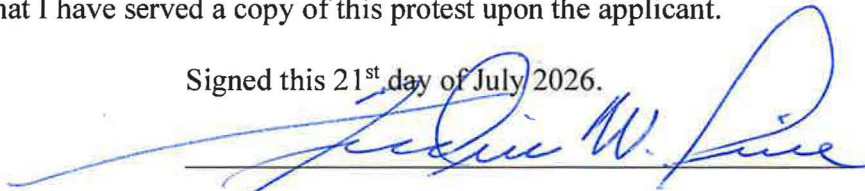
not be used to introduce new elements—a new point of diversion, or new place of use—when those elements can be exercised only through trespass on federal land. Doing so would, in effect, authorize an unlawful use and create a legally void component of a water right. The Department should not approve 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: T06S, R04E, S05, SENW (0.5 acres).

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 21st day of July 2026.



Fredric W. Price
Protestant's Representative

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T06S, R04E

FOR DEPARTMENT USE ONLY

Received by KW Date 7.21.2026
Fee Paid \$25.00 Date 7.21.26 Received by MW Receipt # 0127355

CERTIFICATE OF SERVICE

I certify that on July 21, 2026, I served a true and correct copy of the **"Protest of Application for Transfer No. 90014"** 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:

John Terry Field
P.O. Box 217
Grand View, ID 83624-0217

Aaron P. Rasmussen, Field Manager
Michael L. Bishop, Acting Assistant Field Manager
U.S. Department of the Interior
Bureau of Land Management
Bruneau Field Office
3948 Development Avenue
Boise, ID 83705

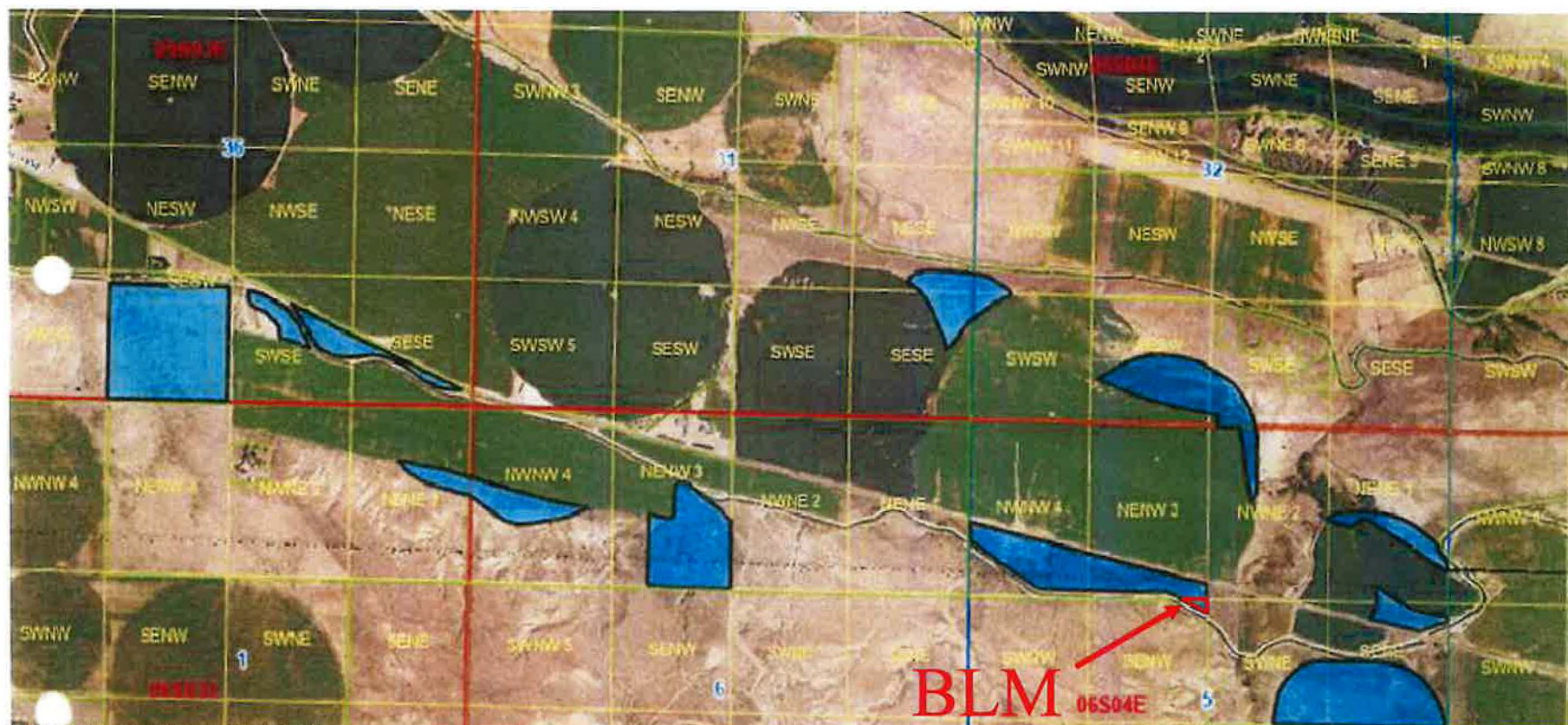
Marina Snyder

Person Serving Documents (print name)

Marina Snyder

Signature of Person Serving Documents

Transfer 90014, 02-07061



Proposed Place of Use

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	
05S	03E	36												36			6.5	2.5	45
05S	04E	31													3.2			4.4	7.6
05S	04E	32										1.2	1.2	11			4.3		17.7
06S	03E	1																	3.0
06S	04E	5		2.3	1.2	7.5	21												56.3
06S	04E	6						18	1.3	7.0	1.4								26

0.5 ← BLM

OWYHEE COUNTY 073
BOISE DISTRICT SEC. 3

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.

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MT PLAT

IdI 3823 05/05/2017 PL 115-31 Wdl Rel modify the boundaries
of the Morley Nelson Snake River Birds of Prey NCA, including
125 feet on either side of the center line of the Gateway West
Transmission line. (Prelim)
Secs 1, 2, 3, 11

FILE REF:	D0800050040E0100000.dwg		
CONVERTED TYP:	03/25/2005	BY:	MGP
LAST UPDATED:	01/25/2006	BY:	CO
QUICK #1	GAGOC #2		
POSTED TO PUBLIC RECORDS:	July 2, 2025		
BY:			
PUBLIC LAND SURVEY SYSTEM (PLSS)			
BLM QCDB ACQUIRED:	04/25/2005		
USFS CFF ACQUIRED:	N/A		
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983		
NOTES:			
USE PLATS:			

Bolse Mer.
T. 6 S
R. 4 E

Idaho Department of Water Resources Receipt

Receipt ID: C127355

Payment Amount \$25.00 Date Received 7/21/2026 Region STATE

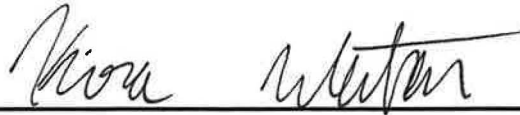
Payment Type Charge Card

Payer MCQUISTEN, LINDSEY

Comments NOTICE OF PROTEST
MATTER BEING PROTESTED ON THE BEHALF OF:
UNITED STATES OF THE INTERIOR BUREAU OF LAND MANAGEMENT
PROTESTANT'S REPRESENTATIVE FOR SERVICE
FREDRIC W PRICE
AGAINST APPLICATION FOR TRANSFER 90014
ORDERID: 79074160
LOCAL REFID: bY6bTlzGsEm/Ig/qmzpx1g==
TOTAL PAID: \$26.63(FEEs: \$1.63)
AUTH_CODE: 080447
REC DATE: 7/21/2026 01:33:19 PM MDT

Fee Details

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



Signature Line (Department Representative)