

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**NOTICE OF PROTEST**  
**Permit 01-10609**

RECEIVED

MAR 25 2013

DEPARTMENT OF  
WATER RESOURCES

March 25, 2013

**1. Matter being protested**

Application for Permit No. 01-10609 for Idaho Water Resource Board.

**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).**

Idaho Water Resource Board (IWRB) is claiming water for recharge purposes within an existing network of canals located on land owned by the United States. Idaho Water Resource Board is not authorized to use federal public land for "Ground Water Recharge" purposes, nor is it authorized to utilize someone else's canal right of way (ROW) on federal land.

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

BLM's protest can be resolved by:

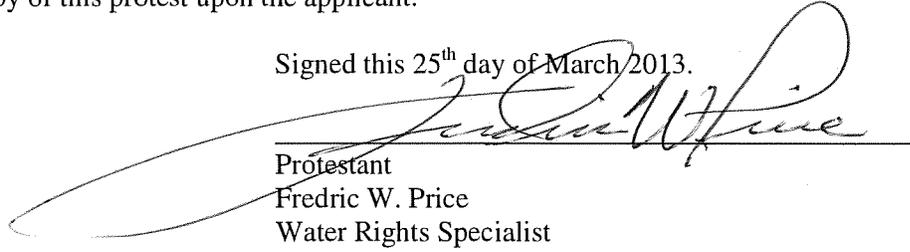
- 1) obtaining formal permission from holders of canal ROWs to cohabitate their ROWs for a recharge purpose;
- 2) IWRB seeking a ROW for canal use from the BLM;
- 3) Making it clear that recharge activities are limited to in-canal and that discharging water onto BLM land outside of the canal is not permitted. Clarifying conditions similar to the ones below could resolve this portion of BLM's protest.

"Places of Use for Groundwater Recharge describing federal public land is limited to within the canal and discharges outside of the canal onto federal public land are not authorized. This right does not grant any right-of-way or easement across the land of another."

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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 25<sup>th</sup> day of March 2013.

  
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Protestant  
Fredric W. Price  
Water Rights Specialist

**FOR DEPARTMENT USE ONLY**

Received by HP Date 3-25-13  
Fee Paid \$25.00 Date 3-25-13 Received by HP Receipt # 1096787

**CERTIFICATE OF SERVICE**

I certify that on March 25, 2013, I served a true and correct copy of the **“Protest of Application for Permit 01-10609** for Idaho Water Resource Board 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:

Jeff Peppersack, Administrator  
Idaho Department of Water Resources (IDWR)  
Idaho State Office  
Water Management Division,  
P.O. Box 83720  
322 East Front Street  
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources  
Southern Region  
1341 Fillmore St., Suite 200  
Twin Falls, Idaho 83301

Idaho Water Resource Board  
Attn: Helen Harrington  
P.O. Box 83720  
Boise, ID 83720-0098

Office of the Attorney General  
Harriet A. Hensley  
700 W. State St. 2<sup>nd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0010

Steve Davis, Hydrologist  
U.S., Department of the Interior,  
Bureau of Land Management,  
Burley Field Office (MS-220)  
15 East 200 South  
Burley, Idaho 83318

Brandon Anderson  
Person Serving Documents (print name)

Brandon Anderson  
Signature of Person Serving Documents

# Idaho Department of Water Resources Receipt

Receipt ID: C096787

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Payment Amount \$25.00 Date Received 3/25/2013 2:58 PM Region STATE

Payment Type Check Check Number 1393

Payer DOI-BUREAU OF LAND MANAGEMENT

Comments PROTEST-APPLICATION FOR PERMIT NO 01-10609

## Fee Details

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

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Signature Line (Department Representative)