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MAY 20 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
Permit 01-10612

May 20, 2013

RECEIVED

MAY 28 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Matter being protested

Application for Permit No. 01-10612 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:

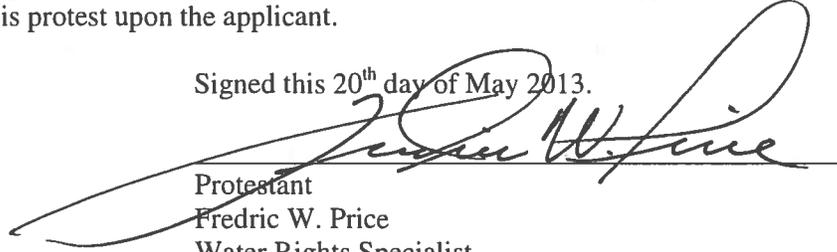
- 1) Obtaining formal permission from holders of canal ROWs to cohabitate their ROWs for a recharge purpose;
- 2) IWRB seeking a ROW for canal use from the BLM;
- 3) Making it clear that recharge activities are limited to in-canal and that discharging water onto BLM land outside of the canal is not permitted. 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 20th day of May 2013.



Protestant
Fredric W. Price
Water Rights Specialist

FOR DEPARTMENT USE ONLY

Received by HP

Date 5-20-13

Fee Paid \$25.00

Date 5-20-13

Received by HP

Receipt # C097190

CERTIFICATE OF SERVICE

I certify that on May 20, 2013, I served a true and correct copy of the **“Protest of Application for Permit 01-10612** 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 Regional Office
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive
Idaho Falls, ID 83402-1718

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. 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010

Harley Bateman
U.S., Department of the Interior,
Bureau of Land Management,
Idaho Falls Field Office
1405 Hollipark Drive
Idaho Falls, ID 83401

Brandon Anderson
Person Serving Documents (print name)

Brandon Anderson
Signature of Person Serving Documents

01-10612, Idaho Water Resource Board

