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JUL 25 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate \$25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant.**

1. Matter protested. Application for ☐ Permit ☐ Amendment of Permit ☒ Transfer ☐ Exchange

No. 85359 in the name of Salubria Holdings LLC

2. Protestant's Name: Kathryn Noah

Address: 2874 Warfield Rd Cambridge, ID 83610

Telephone: 208-550-0074 Email: noahrnch@ctcweb.net

3. Protestant's Representative: _____

Address: _____

Telephone: _____ Email: _____

4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See Instructions for Filing a Notice of Protest for the relevant review criteria.

Please see enclosed letter.

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

5. ☐ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I 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 properly notified, 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.**

Kathryn A. Noah
Protestant's or Representative's Signature

Kathryn A. Noah
Printed Name and Title (if applicable)

7/22/22
Date

FOR DEPARTMENT USE ONLY

\$25.00 fee received by 1/11

Receipt # C113511

Date 7.25.22

July 21, 2022

TO: Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83702-0098

FROM: Kathryn Noah
2874 Warfield Rd
Cambridge, ID 83610

RE: **Protest to Proposed Change of Water Right Transfer No. 85359**
By Salubria Holdings LLC
c/o Givens Pursley LLP
Attn: Michael Lawrence
601 W Bannock St
Boise, ID 83702

Hello,

I am protesting this filing for Change of Water Right Transfer of Rush Creek water, Weiser River District #67, by Salubria Holdings for the purposes of impounding water. To begin with, the water will be impounded in an unpermitted illegally constructed reservoir. Allowing the transfer to impound water suddenly justifies the reservoir.

I spent over a year of time, effort, and considerable money battling with the previous owner and builder of the reservoir after the delivery ditch for my water rights (67-14642, 67-14644, 67-14646) disappeared under the reservoir construction and behind the pond headgate. All discussions with the IDWR at that time began with figuring out how to live with the reservoir. I came to doubt that IDWR had any enforcement power when the reservoir was considered a given and it was put on the water users below the dam to make sense of the situation.

I do not believe that Salubria is capable of the co-operative effort that would be necessary for my water rights to be delivered through the reservoir. They have not proven trustworthy thus far. How much oversight will it take to manage multiple water rights, splitting ditches and measuring flows? Who has jurisdiction over which parts of the Hubbard ditch that involves miles of manmade and natural water course ditches and then the reservoir – IDWR, individual irrigators, property owner, lateral manager, local watermaster? Who do I call when my water is not delivered by the lateral manager or there is a private lock on a headgate? Who decides if the water in the reservoir is mine or Salubria's? Who do I call when spring run-off is impounded before the irrigation season? Do I have the right to walk my ditch? There are so many questions to answer; use of the reservoir could become a logistical nightmare.

The Hubbard Lateral Water Users Association was the attempt at communication and co-operation between the four water users involved. It has not worked well as there are problems with the lateral manager, but that is another issue. It has been a constant, mostly unsuccessful, battle to get water delivered. I have documented my efforts.

I believe that as long as Salubria has a headgate in a pond dam and some water right to go with it, they will use this to control any water delivery (including spring run-off) entitled to go downstream. At this time, it is my ditch and my water that has filled their reservoir and they certainly don't have the right to impound my water now.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Kathryn A. Noah". The signature is written in dark ink and is positioned above the printed name.

Kathryn "Kate" Noah

Cc: Salubria Holdings LLC