

MAY 12 2022

Department of Water Resources
Eastern Region

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Attorneys for Bruce and Glenda McConnell

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN RE TRANSFER NO. 86042

In the Names of Steven L. Johnson, Susan
Johnson, Kenneth J. Peterson, and Janette S.
Peterson

NOTICE OF PROTEST

Filing Fee: \$25.00

COME NOW Bruce and Glenda McConnell ("Protestant"), by the through their attorneys of record, McHugh Bromley, PLLC, and hereby submit this Notice of Protest to Transfer No. 86042 ("Transfer"), filed by Steven L. Johnson, Susan Johnson, Kenneth J. Peterson, and Janette S. Peterson ("Applicants"). The initial bases for the Protest are as follows:

1. The Applicants have not explained how the Idaho Department of Water Resources, pursuant to Idaho Code § 42-222(1) and through this Transfer, has the authority to alter or amend partial decrees of the Snake River Basin Adjudication ("SRBA") district court to remove conditions that were expressly decreed through the court process.

2. The Applicants have not explained how removal of the conditions that were partially decreed in the SRBA, through an IDWR transfer proceeding, will not constitute collateral attacks of the SRBA partial decrees for water right nos. 74-411, 74-15714, and 74-15715.
3. The Applicants have not explained how the Transfer will not enlarge water right nos. 74-411, 74-15714, and 74-15715 through removal of the conditions that were partially decreed by the SRBA district court.
4. If there is insufficient water and/or improper administration, the Applicants have not explained how the Transfer will not cause injury to existing water rights.
5. The Applicants have not explained how the Transfer will not conflict with the local public interest, not be contrary to the conservation of water resources within the State of Idaho, and will not adversely affect the local economy of the watershed.
6. This Protest may be resolvable with additional information from the Applicants.
7. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

RESPECTFULLY SUBMITTED this 9th day of May, 2022.

MCHUGH BROMLEY, PLLC



CHRIS M. BROMLEY

Attorneys for Bruce and Glenda McConnell

FOR OFFICE USE ONLY

FEES PAID: \$25.00 DATE: 5/12/22
RECIPT NO.: E048130 BY: CH

CERTIFICATE OF SERVICE

I certify that on this 9th day of May, 2022, I caused to be served a true and correct copy of the foregoing *Notice of Protest* upon the following persons by the method(s) indicated:

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered

Steven L. Johnson
Susan Johnson
1019 Lee Creek Road
Leadore, ID 83464-5011

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered

Kenneth J. Peterson
Janette S. Peterson
PO Box 58
Leadore, ID 83464

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered



CHRIS M. BROMLEY

McHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

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380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

May 9, 2022

MAY 12 2022

Idaho Dept. of Water Resources
900 Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Department of Water Resources
Eastern Region

Re: Protest to Transfer No. 86042

Dear Clerk:

Please find enclosed a protest in the name of Bruce and Glenda McConnell along with an enclosed check for \$25.00 in response to Transfer No. 86042 filed by Steven Johnson, Susan Johnson, Kenneth Peterson, and Janette Peterson.

When you receive the protests, if you would please confirm the receipt with a phone call to my office or an email to either Candice or me, I would greatly appreciate it.

Sincerely,



CHRIS M. BROMLEY

Encls.