

Julia S. Thrower, ISB No. 10251
MOUNTAIN TOP LAW, PLLC
614 Thompson Avenue
McCall, ID 83638
T: (208) 271-6503
E: jthrower@mtntoplaw.com

Attorney for Protestant Save the South Fork Salmon, Inc.

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DEPARTMENT OF
WATER RESOURCES

Receipt #
C111562
12-20-21

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 85398 IN THE NAME) **NOTICE OF PROTEST**
OF PERPETUA RESOURCES IDAHO, INC.)
_____)

Pursuant to Idaho Code Section 42-222, SAVE THE SOUTH FORK SALMON, INC. ("Protestant"), by and through its attorney of record, hereby files this Notice of Protest to Application for Permit No. 85398 ("Application"), filed in the name of Perpetua Resources Idaho, Inc. ("Applicant").

Save the South Fork Salmon is a community-based organization headquartered in Valley County, Idaho, that is dedicated to protecting the South Fork of the Salmon River watershed, its outstanding and remarkable natural values, and the economies that depend on those values. Save the South Fork's members and supporters have a strong interest in protecting natural resources, maintaining recreational opportunities and access, and ensuring future generations can enjoy and benefit from these resources and opportunities in the South

Fork of the Salmon River watershed. Save the South Fork Salmon has members and supporters in Valley County and throughout Idaho.

The bases for the Protest are as follows:

1. The Application is in conflict with Idaho Code Section 42-222(1) because the Application will cause an injury to existing water rights, including but not limited to minimum stream flow water rights held by the State of Idaho and Wild and Scenic River rights held by the United States.
2. The Application is in conflict with Idaho Code Section 42-222(1) because it does not demonstrate that the proposed use is not an enlargement of use of the original right.
3. The Application fails to demonstrate that it is not in conflict with the local public interest, Idaho Code Section 42-222(1), as defined in Idaho Code Section 42-202B(3).
4. The Application fails to demonstrate that it meets Idaho Code Section 42-222(1) and is not contrary to the conservation of water resources within the State of Idaho.
5. The water right that the Applicant seeks to transfer has been lost or forfeited due to a failure to apply it to the beneficial use for which it was appropriated during the statutory period for forfeiture under Idaho Code Section 42-222(2).
6. For such other reasons as may be discovered or set forth at the hearing on this matter.

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RELIEF REQUESTED

For the foregoing reasons, the Protestant respectfully requests that the Application for Permit No. 85398 be denied.

DATED this 20th day of December 2021.

MOUNTAIN TOP LAW, PLLC

A handwritten signature in black ink, appearing to read "Julia S. Thrower", written over a horizontal line.

Julia S. Thrower

Attorney for Save the South Fork Salmon

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December 2021, I caused a true and correct copy of the foregoing NOTICE OF PROTEST to be served by the method indicated below and addressed to the following:

Idaho Department of Water Resources
IDAHO WATER CENTER
322 E. Front Street, Suite 648
Boise, ID 83702-7374
T: (208) 287-4800

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Perpetua Resources Idaho, Inc.
P.O. Box 429
Donnelly, ID 83615
T: (208) 901-3060
E: ahaslam@midasgoldinc.com

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Kevin J. Beaton
STOEL RIVES LLP
101 S. Capitol Blvd, Suite 1900
Boise, ID 83702-7705
T: (208) 387-4214
E: kevin.beaton@stoel.com

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ E-mail



Julia S. Thrower