

RECEIVED

SEP 15 2021

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 81-12033
2. Name of protestant Eagle's Perch Trust
3. Protestant's Representative for service (If different than protestant)
Robert L. Ward
4. Service mailing address 102 Pine Hollow Ln.
5. Service telephone no. 208-451-5005 Email Address: rwsaddlemen@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attached protest Attachment
I do not want to be excluded from the use of the spring we are currently hooked up to and have a deeded right to.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? See Attachment
guaranteed the use of spring water as written in our Warranty Deed

I hereby, acknowledge that if I, or my designated representative, fails 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 15 day of Sept, 20 21.Robert L. Ward.

Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Received by JD # N037394 Date 9-15-2021

Robert and Cathy Ward
102 Pine Hollow
Kooskia, Idaho 83539
208-755-1039
cwbabycatcher@gmail.com

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 81-12033

In the name of Eagles Perch Trust

NOTICE OF PROTEST

Name and address of protestant and matter being protested: Robert and Cathy Ward (the "Wards") hereby file this Notice of Protest to Application for Permit No. 81-12033 (the "Application"), filed by Eagles Perch Trust (the "Applicant"), pursuant to Idaho Code Section 42-203A(4) and IDWR Rules of Procedure 210, 250. The Ward's mailing address is 102 Pine Hollow, Kooskia, Idaho 83539. The \$25 protest fee is being submitted contemporaneously with this Notice.

Bases of Protest: The Application proposes to divert water from a certain spring located adjacent to the Ward's property for use on the Applicant's property. The spring has been providing the sole water source for the Ward's household and livestock for over one hundred (100) years. The spring, together with its spring box and attached pipeline, are described in a perpetual easement and right-of-way included in the Ward's warranty deed (No. 363298) filed with Idaho County in May of 1992. The same perpetual easement and right-of-way describing the access and use of the spring by the Wards are included in the Applicant's warranty deed.

Alongside this Notice the Wards are filing a Motion for Determination of Deferred De Minimis Domestic or Stock Water Use (the "Motion") in the Snake River Basin Adjudication in order to document the consistent historical beneficial use of the spring by the Wards and to establish their priority date of 1992 or earlier depending on the decision of the judge.

If granted, the Application must be conditioned in a manner consistent with Idaho Code Section 42-203A(5)(a)-(f), the Department's Water Appropriation Rules, and conditions imposed on other water rights within Basin 81. In particular, pursuant to Idaho Code 42-203A(5)(a), the Application must not injure other water rights, including those held by the Wards. Moreover, the Application does not adequately explain or establish

the sufficiency of the water supply pursuant to Idaho Code Section 42-203A(5)(b).

What would resolve this Protest: The Wards request that the Director delay his decision to grant or deny the Application until a determination is made by the judge regarding the Motion in the Snake River Basin Adjudication.

Upon receiving the judge's decision, if conditions addressing and reflecting the above bases of protest are included in any permit, the Wards would support action by the Director granting the permit. Otherwise, the Application must be denied.

Date: 14 Sept 2021

Robert L. Ward.
Signature

Date: 15 Sept 2021

Cathy M Ward
Signature

CERTIFICATE OF SERVICE

I certify that on (date) 15 Sept 21 I served a copy to:

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

- ☐ By United States mail
☒ By personal delivery
☐ By fax (number) _____

Eagles Perch Trust
343 Crane Hill RD
P.O. Box 470
Kooskia, Idaho 83539-0470

- ☐ By United States mail
☐ By personal delivery
☐ By fax (number) _____

Robert L. Ward
Typed/printed name

Robert L. Ward
Signature