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WATER RESOURCES
WESTERN REGION

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*Attorneys for Protestant
Sunnyside Orchard HOA, Inc.*

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF:

NOTICE OF PROTEST

APPLICATION FOR TRANSFER NO. 84717
IN THE NAME OF REED AND MELINDA
MULKEY

COMES NOW, Sunnyside Orchard HOA, Inc. (hereinafter the "Protestant"), by and through its attorneys of record Sawtooth Law Offices, PLLC, hereby files this Notice of Protest ("Protest") to Application for Transfer No. 84717 ("Transfer"), filed in the name of Reed and Melinda Mulkey.

The bases for the Protest are as follows:

1. The Transfer will cause injury to existing water rights, specifically those of the Protestants. More specifically, it is unclear whether the Applicants intend to continue to use the existing point of diversion which is currently shared with the Protestant, and if so, under what rights/approval Applicants have to share the existing sump given the Applicants do not own the property where the pump/sump and point of diversion are located. Furthermore, if the Applicants intend to have multiple points of diversion then it is not clear how those multiple points of diversion will be measured and administered to ensure that Applicants do not injure existing water rights.
2. The Transfer is contrary to, or may conflict with, Idaho Code Section 42-222.

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3. For such other and further reasons as may be set forth at the hearing on this matter.

RELIEF REQUESTED

The Protestant respectfully requests that for the above listed reasons, proposed Transfer No. 84717 be denied in all respects. In the alternative, the Protestant respectfully requests that any approval of Transfer No. 84717 be conditioned upon complete protection of the Protestant's existing water rights and such other reasons as may be necessary.

DATED this 27th day of May, 2021.

SAWTOOTH LAW OFFICES, PLLC

By 
S. Bryce Farris
Attorneys for Protestant
Sunnyside Orchard HOA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of May, 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:

Reed and Melinda Mulkey
327 Airport Road
Weiser, ID 83672
T (208) 412-2332
E reedmulkey@gmail.com

- ☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


S. Bryce Farris