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MAY 13 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

MAY 10 2021

DEPARTMENT OF
WATER RESOURCES

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 Transfer Application 84873
2. Name of protestant Michael Lovas
3. Protestant's Representative for service (If different than protestant)
Albert P. Barker Barker Rosholt & Simpson LLP
4. Service mailing address 1010 W. Jefferson St., Suite 102, Boise, ID 83702
5. Service telephone no. 208 336 0700 Email Address: apb@idahowaters.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
Please see attached.

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Denied

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 9 day of MAY, 20 21.

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.
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FOR DEPARTMENT USE ONLY

Received by km Date 5-10-21 Time 10:50
\$25.00 fee Receipted by km # C110361 Date 5-10-21

No. 6:

- Water rights transfer were not put to beneficial use for 7 full irrigation seasons before being placed in the WSB, and thus are forfeited under 42-222(2)
- Water right 37-21842 not on purchase agreement.
- Purchase agreement not final
- No authority to transfer water right to P.O.U. not owned by transferor
- Water right 37-21842 subject to curtailment
- Use of 37-21842 in pond is potential expansion
- All water rights in transfer should have combined use limits with existing rights for storage in same pond