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RECEIVED

MAR 22 2021

WATER RESOURCES  
WESTERN REGION

*Attorneys for Protestants*

Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Nampa & Meridian Irrigation District, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., New Dry Creek Ditch Company, Pioneer Ditch Company, Pioneer Irrigation District, Settlers Irrigation District, and Thurman Mill Ditch Company

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 63-35002 IN THE NAME OF  
THE BOISE STATE UNIVERSITY

**NOTICE OF PROTEST**

COMES NOW, Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Nampa & Meridian Irrigation District, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., New Dry Creek Ditch Company, Pioneer Ditch Company, Pioneer Irrigation District, Settlers Irrigation District, and Thurman Mill Ditch Company (collectively, the "Protestants"), by and through their attorneys of record Sawtooth Law Offices, PLLC,<sup>1</sup> hereby file this Notice of Protest to Application for Permit No. 63-35002 ("Application"), filed in the name of Boise State University.

<sup>1</sup> Protestants advise, for purposes of service of documents in this matter, that multiple sets are not required, and request that a single set of service documents be provided to Sawtooth Law Offices.

The bases for the Protest are:

1. The Application will cause injury to existing water rights, specifically those of the Protestants if not properly conditioned. More specifically, Protestants have concerns that the Application may result in consumptive uses/losses which will injure the Protestants' existing water rights, which are located downstream of the proposed point of diversion for this Application, if mitigation water is not provided and/or conditions will need to be placed on any approval to measure and ensure that the Application is non-consumptive and does not deplete the water available for downstream diversions.
2. The Application is contrary to, or may conflict with Idaho Code Section 42-203A(5), including subsections (a), (b), (e) and (f).
3. For such other and further reasons as may be set forth at the hearing on this matter.

RELIEF REQUESTED

The Protestants respectfully request that for the above listed reasons, proposed Application for Permit No. 63-35002 be denied in all respects. In the alternative, the Protestants respectfully request that any approval of Application for Permit No. 63-35002 be conditioned upon complete protection of the Protestants' existing water rights and such other reasons as may be appropriate.

DATED this 22<sup>nd</sup> day of March, 2021.

SAWTOOTH LAW OFFICES, PLLC

By 

S. Bryce Farris  
Attorneys for Protestants Ballentyne Ditch Company,  
Boise Valley Irrigation Ditch Company, Canyon  
County Water Company, Eureka Water Company,  
Farmers' Co-operative Ditch Company, Nampa &  
Meridian Irrigation District, Middleton Mill Ditch  
Company, Middleton Irrigation Association, Inc., New  
Dry Creek Ditch Company, Pioneer Ditch Company,  
Pioneer Irrigation District, Settlers Irrigation District,  
and Thurman Mill Ditch Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of March, 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  
322 E. Front Street, 6th Floor  
P.O. Box 83720  
Boise, ID 83720  
F (208) 287-6700

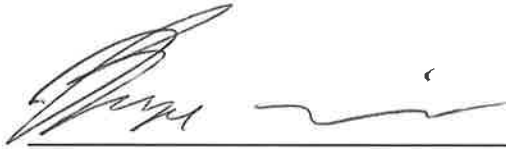
- ☒ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile
- ☐ Email

Office of the President  
BOISE STATE UNIVERSITY  
1910 University Drive  
Boise, ID 83725  
T (208) 426-1203  
E mattwilde@boisestate.edu

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

Lori Graves  
SPF Water Engineering  
300 E. Mallard Drive, Suite 350  
Boise, ID 83706  
T (208) 383-4140  
E lgraves@spfwater.com

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



S. Bryce Farris

# Idaho Department of Water Resources Receipt

Receipt ID: W049216

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|                |          |               |           |        |         |
|----------------|----------|---------------|-----------|--------|---------|
| Payment Amount | \$325.00 | Date Received | 3/22/2021 | Region | WESTERN |
|----------------|----------|---------------|-----------|--------|---------|

|              |       |              |      |
|--------------|-------|--------------|------|
| Payment Type | Check | Check Number | 8972 |
|--------------|-------|--------------|------|

Payer SAWTOOTH LAW OFFICE PLLC

Comments NOTICE OF PROTEST ON BEHALF OF (MULTIPLE PROTESTANTS - 13 PARTIES) FOR WR APP 63-35002 IN THE NAME OF BOISE STATE UNIVERSITY

## Fee Details

|          |             |       |      |             |            |        |
|----------|-------------|-------|------|-------------|------------|--------|
| Amount   | Description | PCA   | Fund | Fund Detail | Subsidiary | Object |
| \$325.00 | PROTESTS    | 62103 | 0229 | 21          |            | 1155   |

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Signature Line (Department Representative)