

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 21 2020
Department of Water Resources
Eastern Region

NOTICE OF ~~PROTEST~~ Exception

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 Claim to water Right 11-1001
2. Name of protestant MARK PARKER
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 4159 Lanark Rd Ovid ID 83254
5. Service telephone no. 208 317-6292 Email Address: batt2666@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED PAGE

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? CFS to match supporting Dec's 1 1/2 cfs.
Amount of water tied to each Diversion Point measuring
device at the point of multiple users.

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 December, 20 20.

Mark Parker
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. 11-1001 in the name of Michael Derricott" or "Application for Transfer No. _____ in the name of _____." Karen Derricott Kasey Derricott Bohnschwick
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 M. Pottis Date 12-21-20 Time 11:32a

\$25.00 fee Receipted by M. Pottis # E046521 Date 12-21-20

Refund \$25 requested 1/6/21 CD

Basis of protest,

1- The use map is very confusing; he has multiple diversion points. Which one is he filing on? Is it the whole creek? Is it all the springs too?

2- In the submitted paperwork, in book two of misc. All the waters are crossed off and refers to that in combination the south dell creek and all tributary springs should equal 1 ½ cubic feet per second. (really hard to read, poor print quality) Where is the 3 cfs coming from? A blanket map of diversion point does not qualify as a diversion point. All springs and diversion points should be recorded with the intended water usage. With no means or devices in place to measure the water how can the cfs in the documents be increased from 1 ½ to 3. I cannot find any documented record of 3 cfs in their paperwork. I would like to see in writing where the Idaho department of water resources justified the increase from 1 ½ to 3 cfs.

3- On the form for "submitting proof of beneficial use" it asks about measuring device, lockable controlling device. There is no device currently in place to measure water usage. It states in the application that the department will not issue a license if permit condition is not meet. I looked on your web site and their information has already been imputed for the south dell creek at 3 cfs.

4- With this new application how does he propose to ensure downstream users with already established water claims get the allotted water. The way I see it they can claim the 3 cfs comes out of the south dell creek and they can limit the water allocated for downstream user. How much comes out of the creek at which diversion and where do the spring and reservoirs come into play?

5- Flood irrigation is a good system but not being metered can rob downstream users of their water. Especially making cuts in the main ditch taking water to other users. Look like their filing gives them free rein on using all the water they want with extremely limited thought for downstream users. Other users in the tributary also depend on the water that is not being used. Clarification of water usage out of which diversion point is a must. To my knowledge all water claims in the bear river basin has an amount of water tied to each diversion point.

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 06, 2021 4:32 PM
To: IdwrPayable
Subject: Refund Request

Hello,

Please issue a refund for the following:

Amount: \$25.00

Receipt: E046521

Reason: Recipient filed a protest against a claim to a water right, when it should have been an Exception. Exceptions to a claim do not carry any charge; therefore the \$25.00 was not required and needs to be refunded.

Recipient:

Mark Parker

4159 Lanark Rd

Ovid, ID 83254

Thank You,

Christina Henman

Administrative Assistant

Idaho Dept. of Water Resources, Eastern Region

900 N Skyline Ste. A

Idaho Falls, ID 83402

Phone: (208) 497-3793

Idaho Department of Water Resources Receipt

Receipt ID: E046521

Payment Amount	\$25.00	Date Received	12/21/2020	Region	EASTERN
Payment Type	Check	Check Number	1310		
Payer	Mark Parker				
Comments	Notice of Protest Mark Parker 11-1001				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	63103	0229	21		1155



Signature Line (Department Representative)