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Attorneys for Bruce and Glenda McConnell

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN RE TRANSFER NO. 84508

In the Name of James Whittaker and Paula
Whittaker

NOTICE OF PROTEST

Filing Fee: \$25.00

COME NOW Bruce and Glenda McConnell ("Protestant"), by the through their attorneys of record, McHugh Bromley, PLLC, and hereby submit this Notice of Protest to Transfer No. 84508 ("Transfer"), filed by James Whittaker and Paula Whittaker ("Applicant"). The initial bases for the Protest are as follows:

1. The Applicant has not explained how the Idaho Department of Water Resources, pursuant to Idaho Code § 42-222(1) and through this Transfer of water right no. 74-157, has the authority to alter or amend a partial decree of the Snake River Basin Adjudication ("SRBA") district court as to the elements of "Source" and "Tributary."
2. The Applicant has not explained how removal of the "Tributary" element through this an IDWR transfer proceeding will not constitute a collateral attack of the SRBA partial

decree for water right no. 74-157 when the partial decree recites the "Source" element as "Springs" and the "Tributary" element as "Lee Creek."

3. The Applicant has not explained how the Transfer will not enlarge water right no. 74-157 when it will now be "used to extinction."
4. If there is insufficient water and/or improper administration, the Applicant has not explained how the Transfer will not cause injury to water rights.
5. The Applicant has not explained how the Transfer will not conflict with the local public interest, not be contrary to the conservation of water resources within the State of Idaho, and will not adversely affect the local economy of the watershed.
6. This Protest may be resolvable with additional information from Applicant.
7. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

RESPECTFULLY SUBMITTED this 17th day of November, 2020.

MCHUGH BROMLEY, PLLC



CHRIS M. BROMLEY

Attorneys for Bruce and Glenda McConnell

\$25.00 - Rec'd 11/20/2020 - E046458 - elv kh

CERTIFICATE OF SERVICE

I certify that on this 17th day of November, 2020, I caused to be served a true and correct copy of the foregoing *Notice of Protest* upon the following persons by the method(s) indicated:

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

 X U.S. Mail, Postage Prepaid
 Hand Delivered

James and Paula Whittaker
PO Box 240
Leadore, ID 83464

 X U.S. Mail, Postage Prepaid
 Hand Delivered

Robert L. Harris
Holden Kidwell
PO Box 50130
Idaho Falls, ID 83405

 X U.S. Mail, Postage Prepaid
 Hand Delivered



CHRIS M. BROMLEY

MC HUGH BROMLEY

ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

November 17, 2020

Idaho Dept. of Water Resources
900 Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Re: Protest to Transfer No. 84508

Dear Clerk:

Please find enclosed a protest in the name of Bruce and Glenda McConnell along with an enclosed check for \$25.00 in response to Transfer No. 84508 filed by James and Paula Whittaker.

When you receive the protests, if you would please confirm the receipt with a phone call to my office or an email to either Candice or me, I would greatly appreciate it.

Sincerely,



CHRIS M. BROMLEY

Encls.