

NOV 16 2020

WATER RESOURCES
WESTERN REGION

S. Bryce Farris [ISB # 5636]
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*Attorneys for Protestant
Nampa & Meridian Irrigation District*

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34962 IN MUSSELL
CONSTRUCTION

NOTICE OF PROTEST

COMES NOW, Nampa & Meridian Irrigation District ("Protestant"), by and through its attorneys of record Sawtooth Law Offices, PLLC, hereby files this Notice of Protest to Application for Permit No. 63-34962 ("Application"), filed in the name of Mussell Construction.

The bases for the Protest are:

1. The Application will cause injury to existing water rights, specifically those of the Protestant.
2. The Application is contrary to, or may conflict with Idaho Code Section 42-203A(5), subsections (a) through (f).
3. The Application is not compliant with Idaho law, including but not limited to, Idaho Code Section 67-6537.
4. For such other and further reasons as may be set forth at the hearing on this matter.

Received 11/16/2020 @ 10:50 AM
\$25.00 W048679 -LE

RELIEF REQUESTED

The Protestant respectfully requests that for the above listed reasons, proposed Application for Permit No. 63-34962 be denied in all respects. In the alternative, the Protestant respectfully requests that any approval of Application for Permit No. 63-34962 be conditioned upon complete protection of the Protestant's existing water rights, including, but not limited to, a condition that Applicant's use for irrigation purposes is supplemental to the existing surface water rights which are delivered by Protestant.

DATED this 13th day of November, 2020.

SAWTOOTH LAW OFFICES, PLLC

By 

S. Bryce Farris

Attorneys for Nampa & Meridian Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2020, 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:

Mussell Construction
Mike Mussell
P.O. Box 3304
Nampa, ID 83653
T (208) 466-3111
E mike@mussellconstruction.com

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile
() Email



S. Bryce Farris

Boise Office

1101 W. River St., Ste. 110
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Boise, Idaho 83707
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Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC

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WESTERN REGION****David P. Claiborne *****S. Bryce Farris****Patxi Larrocea-Phillips****Evan T. Roth****Daniel V. Steenson****Katie L. Vandenberg-Van Vliet****Andrew J. Waldera ******James R. Bennetts (retired)**

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

November 13, 2020

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-34962 – Mussell Construction

Dear Western Region Office:

Enclosed for filing in the above-referenced matter is the following original document:

1. Notice of Protest

Please conform the copy enclosed and return it via the enclosed postage prepaid return envelope.

Thank you for your assistance.

Very truly yours,

Debby Long
Assistant to S. Bryce Farris

SBF/dll

Enclosures

c: Mussell Construction