

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 26 2020

WATER RESOURCES
WESTERN REGION

DE

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 Application for water right permit no. 79-14277 in the name of Roka Adams

2. Name of protestant Larry Bratcher

3. Protestant's Representative for service (If different than protestant)

Charlie S. Baser, Givens Pursley, LLP

4. Service mailing address 601 W. Bannock St., Boise, Idaho 83702

charliebaser@givenspursley.com

5. Service telephone no. (208) 388-1200 Email Address: L_bratcher@aol.com

6. Basis of protest (including statement of facts and law upon which the protest is based)

Applicant has not demonstrated that the its proposed use satisfies the criteria for approval in Idaho Code Section 42-203A. In particular, Applicant cannot demonstrate (a) legal access to the proposed point of diversion and delivery system located on Protestant's property, or (b) that Applicant's proposed water use will not interfere with Protestants water use. Protestant reserves the right to allege additional bases of protest as further information is discovered. (additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? At this time, Applicant's cooperation and written agreement with Protestant

as to the location of Applicant's facilities on Protestant's property.

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 26th day of October, 20 20.

Protestant

[Signature]
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.
-

FOR DEPARTMENT USE ONLY

Received by LE Date 10/26/2020 Time 12:30PM
\$25.00 fee Receipted by LE # W048621 Date 10/26/2020

RECEIVED

OCT 26 2020

WATER RESOURCES
WESTERN REGION

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300
www.givenspursley.com

Gary G. Allen
Charlie S. Baser
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Debora Kristensen Grasham
Donald Z. Gray
Alex J. Gross
Brian J. Holleran

Kersti H. Kennedy
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Samuel F. Parry

Randall A. Peterman
Jack W. Relf
Blake W. Ringer
Michael O. Roe
Robert B. White

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

October 26, 2020

Via Hand Delivery

Clerk
Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705

RE: IN THE MATTER OF APPLICATION FOR PERMIT NO. 79-14277 IN THE
NAME OF ROKA ADAMS

Dear Clerk:

Enclosed please find the original *Notice of Protest* and a check in the amount of \$25 for filing in the above referenced matter. I have also provided an additional copy for you to conform and return to us in the self-addressed stamped envelope at your earliest convenience.

Please contact me should you have any questions or concerns.

Sincerely,



Mary Barnes, Assistant to
Charlie S. Baser

/mb
Enclosures