

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 19 2020

WATER RESOURCES
WESTERN REGION

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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 Permit No. 63-34956 in the name of Willow Creek Wholesale Nursery, LLC

2. Name of protestant Black Canyon Irrigation District

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

Andrew J. Waldera

4. Service mailing address P.O. Box 7985, Boise, ID 83707

5. Service telephone no. 208-629-7447 Email Address: andy@sawtoothlaw.com

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

A portion of the land proposed for irrigation is located in, and receives surface water from, Black Canyon Irrigation District.

Therefore, any permit and subsequent license should contain a supplemental use remark requiring use of surface water prior to use of groundwater for irrigation purposes on the BCID-served lands.

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

7. What would resolve your protest? Adequate permit (and future license) conditioning requiring the use of BCID surface water as primary irrigation water supply, and groundwater as supplemental use only.

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 19th day of October, 2020.

Protestant



Protestant's Representative

Andrew J. Waldera

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.
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FOR DEPARTMENT USE ONLY

Received by LE Date 10/19/2020 Time 4:45pm
\$25.00 fee Receipted by LE # W048808 Date 10/19/2020