

07/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
JUL 13 2020  
Department of Water Resources  
Eastern Region

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 Transfer No. 84145 in the name of Rocky Mountain Water Exchange LLC
2. Name of protestant Friends of the Teton River
3. Protestant's Representative for service (If different than protestant)  
Friends of the Teton River, c/o Sarah Lien
4. Service mailing address PO Box 768, Driggs, ID 83422
5. Service telephone no. 208-354-3871 Email Address: sarah@tetonwater.org
6. Basis of protest (including statement of facts and law upon which the protest is based)

Please see attached.

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


7. What would resolve your protest? Assurance that the application for transfer will not impact or injure Friends of the Teton River and other water right holders in the watershed.

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 8th day of July, 20 20.

Friends of the Teton River

Protestant

, Executive Director

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.

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**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 CA dh Date 7/13/2020 Time 2:45  
\$25.00 fee Receipted by CAH # E046102 Date 7/13/2020

Friends of the Teton River does hereby protest the above referenced application for transfer on the basis that approval of the transfer, as currently proposed, will impact or injure Friends of the Teton River and other water users in the watershed.

Specifically, surface water and groundwater in the Teton River watershed are highly interconnected. The watershed is over appropriated, with surface water rights subject to curtailment on an annual basis and groundwater supply declining. As such, any groundwater withdrawals, even those relatively small in nature, when moved in the manner proposed in the transfer application, will impact the quantity of water available to other water rights in the new place of use.

The proposed transfer seeks to move water in an unprecedented manner in Basin 22, from a location on the west side of the Teton River to an upstream and upgradient location on the east side of the Teton River, approximately 12 miles in distance. Groundwater withdrawal at the proposed new point of diversion will, necessarily, decrease historic water availability in the Leigh Creek and Grouse Creek drainages thereby decreasing water availability for senior and junior water rights – both surface water rights and ground water rights – in that area. Drying of the historic place of use associated with the water right will not address the localized depletions and decreased water availability in the Leigh Creek and Grouse Creek drainages. As such, the transfer, as proposed, will result in injury.