

JUL 20 2020

WATER RESOURCES
WESTERN REGION

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Attorneys for Protestants

Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company,
Canyon County Water Company, Eureka Water Company,
Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company,
Middleton Irrigation Association, Inc., New Dry Creek Ditch Company,
Pioneer Ditch Company, Pioneer Irrigation District,
and Thurman Mill Ditch Company

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34926 IN THE NAME OF
THE CITY OF BOISE DEPARTMENT OF
PARKS AND RECREATION

NOTICE OF PROTEST

COMES NOW, Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company,
Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch
Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., New Dry
Creek Ditch Company, Pioneer Ditch Company, Pioneer Irrigation District, and Thurman Mill
Ditch Company (collectively, the "Protestants"), by and through their attorneys of record
Sawtooth Law Offices, PLLC,¹ hereby file this Notice of Protest to Application for Permit

¹ Protestants advise, for purposes of service of documents in this matter, that multiple sets are not required, and request that a single set of service documents be provided to Sawtooth Law Offices.

No. 63-34926 ("Application"), filed in the name of the City of Boise Department of Parks and Recreation.

The bases for the Protest are:

1. The Application will cause injury to existing water rights, specifically those of the Protestants if not properly conditioned. More specifically, Protestants have concerns that the Application may result in consumptive uses/losses which will injure the Protestants' existing water rights if mitigation water is not provided.
2. The Application is contrary to, or may conflict with Idaho Code Section 42-203A(5), including subsections (a), (b), (e) and (f).
3. For such other and further reasons as may be set forth at the hearing on this matter.

RELIEF REQUESTED

The Protestants respectfully request that for the above listed reasons, proposed Application for Permit No. 63-34926 be denied in all respects. In the alternative, the Protestants respectfully request that any approval of Application for Permit No. 63-34926 be conditioned upon complete protection of the Protestants' existing water rights and such other reasons as may be appropriate.

DATED this 20th day of July, 2020.

SAWTOOTH LAW OFFICES, PLLC

By 

S. Bryce Farris
Attorneys for Protestants Ballentyne Ditch Company,
Boise Valley Irrigation Ditch Company, Canyon
County Water Company, Eureka Water Company,
Farmers' Co-operative Ditch Company, Middleton
Mill Ditch Company, Middleton Irrigation
Association, Inc., New Dry Creek Ditch Company,
Pioneer Ditch Company, Pioneer Irrigation District,
and Thurman Mill Ditch Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 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:

IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
F (208) 287-6700

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

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