



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 30, 2020

KODY ATKINS
5872 KOOTENAI TRAIL RD
BONNERS FERRY ID 83805

DOUGLAS ATKINS
PO BOX 1866
BONNERS FERRY ID 83805

MILTON ATKINS
5622 KOOTENAI TRAIL RD
BONNERS FERRY ID 83805

RE: Protest of Application for Permit 98-8018

Dear Concerned Parties:

Our office received three protests with the required fee on June 23, 2020. **The protests were received and the fees paid after the prescribed date in the notice of June 22, 2020, therefore we must reject your protests (copies enclosed).**

Pursuant to: Title 42-203A (emphasis added)

(4) Any person, firm, association or corporation concerned in any such application may, within the time allowed in the notice of application, file with said director of the department of water resources a written protest, together with the statutory filing fee as provided in section 42-221, Idaho Code, against the approval of such application, which protest shall state the name and address of protestant and shall be signed by him or by his agent or attorney and shall clearly set forth his objections to the approval of such application.

(If you need a copy of the full statute, please contact this office. Idaho Statutes are also available on the internet by using the electronic address:
<https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/>).

One other protest was filed on the application. In lieu of the protest you may request IDWR to apply the fee already paid toward granting you permission to participate as an Intervenor in this matter. An Intervenor can participate in the settlement conferences and

the hearing, if one is held. Intervenors have different limited roles in the process as compared to Protestants, but will be notified of dates and times of meetings and would have a "seat at the table". **Please respond within 21 days** if this is your preference. IDWR would need to receive a simple letter asking to be an intervenor, referencing your name and the application for permit number 98-8018. If we do not hear from you within 21 days, a refund will be requested for your fee.

If you have questions about this process, please feel free to contact us at the Northern Regional Office at (208) 762-2800.

Sincerely,



Adam Frederick
Water Rights Supervisor

Enclosure: Notice of Protest

CC: Eric E Madson, PO BOX 1539, Bonners Ferry, ID 83805

FEDEX
Express

RT 195
10:30
5291
06:23
A

ORIGIN ID: COEA (208) 267-1637
BADGER SHIPPING
BADGER SHIPPING
6653 MAIN ST HWY 95

SHIP DATE: 22JUN20
ACTWGT: 0.17 LB
CAD: 114548141/WSX13400
DIMS: 13x9x1 IN

BONNERS FERRY, ID 83805
UNITED STATES US

BILL SENDER

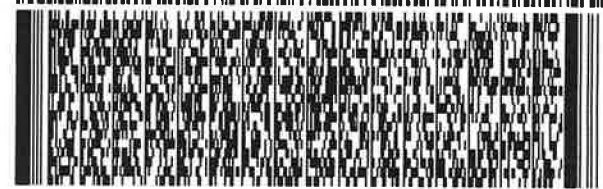
TO

DEPARTMENT OF WATER RESOURCES NORTH
7600 N MINERAL DR STE 100

COEUR D ALENE ID 83815

(208) 267-3850
INV: PKG ID: 36420
PO:

REF: M ATKINS
DEPT:

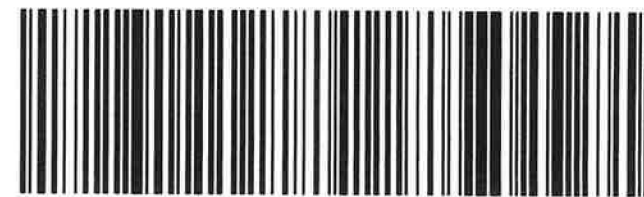


TRK# 3940 9962 5291
0201

TUE - 23 JUN 10:30A
PRIORITY OVERNIGHT

87 COEA

RES
83815
ID-US GEG



Part # 156297-4834/0002/11021

de

07/2008

RECEIVED

JUN 23 2020

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Eric E Madson - 98-8018
2. Name of protestant Kody Atkins
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 5872 Kootenai Trail RD Bonners Ferry ID
5. Service telephone no. 2086103936 Email Address: atkinskody@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
I am currently running water to my home from one of the
streams and not sure if the water he is wanting
access to will affect the water to my home.

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? If we know that the water he is wanting
will not affect my water to my home.

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 21 day of June, 2020.
Kody Atkins
Protestant

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 Jen Date 6-23-2020 Time 9:40 am

\$25.00 fee Received by Jen # N036197 Date 6-23-2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 23 2020

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1. Matter being protested Eric E Madson 98-8018
2. Name of protestant Douglas R Atkins
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO Box 1866 Bonners Ferry Id 83805
5. Service telephone no. 1-208-818-2262 Email Address: _____
6. Basis of protest (including statement of facts and law upon which the protest is based)
My great-grandfather home stead the property and got a water right at that time in 1910. There is a home that use the water and also cattle to this day

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? That it would not effect domestic or cattle that is used.

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 21 day of June, 20 20.

Douglas Atkins
Protestant

Protestant's Representative

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FOR DEPARTMENT USE ONLY

Received by Ja Date 6-23-2020 Time 9:40am
\$25.00 fee Receipted by Ja # N036197 Date 6-23-2020

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DEPARTMENT OF WATER RESOURCES

JUN 23 2020

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1. Matter being protested Eric E Madson 98-8018
2. Name of protestant Milton D Atkins
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 5622 Kootenai Trail Rd Bonners Ferry Id 83805
5. Service telephone no. 208 267 3850 Email Address: mickcindy 5657@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

I have a water right for domestic and for cattle that is being used on my property. My grandfather homesteaded the property and got a water right in 1910.

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

7. What would resolve your protest? I want to know that it will not effect my domestic water or the water for my cattle

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 21 day of June, 20 20.

Milton D. Atkins

Protestant

Protestant's Representative

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