

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 26 2020
Department of Water Resources
Eastern Region
JUN 19 2020
WATER RESOURCES
WESTERN 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 of Water Right No. 84102 in the name of Dan Sharp
2. Name of protestant Eldon Golightly and E & M Trust
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)

The E & M Trust currently has a pending application for transfer involving the same water rights (13-60B, 13-61B, and 13-274).

As a general matter water rights are appurtenant to their place of use and pass with subsequent land conveyances absent severance and withholding. The status and viability of the water rights is a question as is the legal authority to stack rights on a place of use not owned by the applicant.

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

7. What would resolve your protest? A proportionate splitting of the water rights based on historic place of use such that the E & M Trust receives that portion historically used to irrigate the southerly approximate 160 acres.

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 June, 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 06/19/2020 Time 4:20pm

\$25.00 fee Receipted by LE # W048408 Date 06/19/2020