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MAY 11 2020

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

MAY 04 2020

DEPARTMENT OF
WATER RESOURCES

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. 37-23224 in the name of John N. Infanger and Debra A. Infanger

2. Name of protestant: Idaho Water Resource Board

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

Cynthia Bridge Clark, P.E., Water Projects Section Manager

4. Service mailing address: 322 E Front St / PO BOX 83720 Boise, ID 83720-0098

5. Service telephone no.: (208)287-4800

Email Address: cynthia.clark@idwr.idaho.gov

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

See Attachment A

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

7. What would resolve your protest?

Conditions protecting the IWRB minimum stream flow water rights 37-7892, 37-7920, and 37- 8333 from injury or withdrawal of the application.

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 4th day of May, 2020.

Idaho Water Resource Board
Protestant



Cynthia Bridge Clark, Water Projects Section Manager
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.
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FOR DEPARTMENT USE ONLY

Received by KM Date 5-4-2020 Time 2:40 pm

\$25.00 fee Receipted by: NO FEE PER §67-2301, see attachment. Date 5-4-2020

ATTACHMENT A

The Idaho Water Resource Board holds the following three water rights for minimum stream flow from the Malad River:

Water Right No. 37-7892 with a priority date of 3/27/1981

Water Right No. 37-7920 with a priority date of 6/19/1981

Water Right No. 37-8333 with a priority date of 1/29/1988

Application No. 37-23224 proposes the diversion of 0.15 cfs from ground water for a domestic use. The proposed well will be located approximately 275 yards from the Little Wood River which is located upstream of the specified minimum stream flow water rights.

The specified minimum streamflow water rights are located between 12- 14.5 miles downstream of the application POD location. If approved, this application will potentially remove water from the minimum stream flow reach, causing injury to water rights 37-7892, 37-7920, and 37-8333 during periods of low flow.



Idaho Statutes

Print Friendly

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 23
MISCELLANEOUS PROVISIONS

67-2301. EXEMPTION FROM PAYMENT OF FEES. No fees or compensation of any kind (except the regular salary or compensation paid by the state to the officer, agent, or employee individually for his services) shall be charged or received by any state board, officer, agent or employee for duties performed or services rendered to or for the state or to or for any state board, officer, agent, or employee in the performance of his or their official duties, or to or for the state or any state board, officer, agent and employee in any action or proceeding in which they or any of them are parties. No filing or recording fee shall be charged or received for duties performed or services rendered to or for the state or to or for any state board, officer, agent, employee or any subdivision of the state, to include a county, municipal corporation or district created pursuant to statute, or an officer of such subdivision in the performance of his or their official duties.

History:

[(67-2301) 1921, ch. 63, sec. 1, p. 121; I.C.A., sec. 65-2201; am. 1987, ch. 14, sec. 1, p. 19; am. 1998, ch. 145, sec. 1, p. 516.]

How current is this law?

Search the Idaho Statutes and Constitution