



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 1, 2020

JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

RE: Protest of Application for Permit 74-16225 In the name of State of Idaho, IDFG Commission

Dear Protestant:

The Department of Water Resources received two protests for the above mentioned Application for Permit. The Department received one on April 2, 2020 and the other on April 24, 2020. This application was re-advertised but you are not required to submit another protest. The Department is returning this protest and will keep the one received on April 2, 2020.

A refund of \$25 for the protest received on April 24, 2020, will be requested and sent to you under separate cover from the State Controller's Office. If you have any questions, please contact me at (208) 287-4942. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 2010

DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO 83725

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 permit 74-16225 State of Id. & IDFG, COMMISSION
2. Name of protestant JAMES WHITTAKER
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. 240 Healdore, Id 83464 83-Big 8 mile road
5. Service telephone no. 208-303-0102 Email Address: FJwhitt@yahoo.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
Violates separate streams provision-SAME AS A CALL FROM the Lemhi River Would injure high flow users. Contrary to Section 42-1501 Idaho Code. Attempts to export water out of state. Would prevent further beneficial use applications. Unreliable flow for purpose intended. Drains water, for. Not in local public interest.
Additional pages may be attached to describe nature of the protest.
7. What would resolve your protest? Withdrawal of 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 23rd day of April, 20 20.

Protestant

Protestant's Representative

RETURNED

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 CH Date 4/24/2020 Time 8:26 am
\$25.00 fee Received by CH # E045837 Date 4/24/2020

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: May 1, 2020
RE: **Refund: two protests received for one application from same person**

Please refund \$25.

NAME: JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

RECEIPT #: E045837

Thank you.

Jean