

07/2008

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MAR 23 2020 ✓

WATER RESOURCES
WESTERN REGION

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 Application of Water Right 65-23860
2. Name of protestant Cliff Bledsoe (Pauline M Woods Trust)
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 3 Coyote Pt., Horseshoe Bend, ID 83629
5. Service telephone no. (208)793-2520 Email Address: getngomom@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Under Idaho Code 42-203A (5) There are 3 reasons water right 23860 should not be granted; please see attached document.

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

7. What would resolve your protest?

A seperate pipe line from the Porter Creek Diversion Dam at the source piped to said acres (see document), and a locking valve and a water flow meter.

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 20th day of March, 20 20.

Cliff Bledsoe
Protestant

Protestant's Representative

State of Idaho Dept. Of Water Resources

Notice of Protest form continued;

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

This protest is based is under Idaho Code 42-203A (5). Under this law, there are 3 reasons this water right should not be granted:

1. This water right 65-23860 will reduce the quantity of water under existing water rights. It is according to Idaho water supply and demand delivered by priority date that the water for this right (65-23860) will only be used following the beneficial use according to the priority date as per Idaho Law. However, the water leaving the Porter Creek diversion damn and the water right 65-23860 will flow down the same pipes as water rights #2, #14, and # 15. There is no visible means for other priority users to monitor the shut off water to 65-23860 as;
 - a) Visual monitoring cannot be achieved due to the shared priority pipeline. Priority users cannot determine if the water from Porter Creek is being used by the junior water right, or if water is being drawn from Payette River water rights.
 - b) Some of the properties requesting Porter Creek water 6 Faull Ranch land parcels, or 29.6 acres of the are already serviced by the Payette River water rights. The properties on the west end of the 65-23860 water right request are serviced with water right 65-23241, which has a diversion rate 0.53 cfs from the Payette River for irrigation of 23.4 acres on 5 separate land parcels. The property furthest east uses water right 65-23240 which has a diversion rate of 0.11 cfs from the Payette River for irrigation of 6.2 acres on one land parcel. This information was fact checked on March 16 by Allen Bradbury, Water Resource Agent, Sr, Idaho Dept. Of Water Resources-Western.
2. The water supply of Porter Creek is insufficient for additional diversions. Taking additional water resources from a limited source such as a creek that is seasonal to supply land receiving water from a larger year-long resource such as a river, is not a logical allocation of water. This takes valuable water from the water right users who are only serviced by Porter Creek, that includes those who make a living off of their water supply via agriculture.
3. Removing this water will adversely affect the local economy of the Porter Creek tributary to the Payette River of the watershed. Water being used by the junior water right will no longer service the priority water rights.

Foot note: I would also like to add that Porter Creek was a year-round creek which rainbow trout could easily be caught along with suckers, and even salmon used to spawn out when salmon ran in the Payette River. The water life would hold up in natural made ponds when the creek was not in continuous flow.

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 LE Date 03/23/2020 Time 11:00 am

\$25.00 fee Received by LE # W048128 Date 03/23/2020