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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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 Notice of proposed change of water right Transfer No. 83675 for Right No(s). 2-2049

2. Name of protestant Rivendale LLC

3. Protestant's Representative for service (If different than protestant) John Marshall Law PLLC

4. Service mailing address 575 W. Bannock Suite B Boise, ID 837002

5. Service telephone no. 208-91-2701 Email Address: john@jmarshalllaw.com

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

Abandonment or Forfeiture due to five years of non-use. Interfere with Existing Rights: The proposed transfer would injure or interfere with the rights of other users and has a relationship with water rights from Indian Cove Irrigation District. Discrepancy in POU, POD, and watery right ownership. Water right ownership does not match the publication notice Wednesday, November 20, 2019 in The Owhyee Avalanche. The protestant request the ability to reserve the right to amend the protest after the completion of discovery. (additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? \_

Would like to make a request to the Department to copy the entire application file and any related files. A resolution of Rivendale's water rights within the Indian Cove Irrigation District. Requesting applicant to proof that he/she has ownership, control or access to the existing or proposed point of diversion (POD) and place of use. Reason for change in the place of diversion and the place of use. Clarification of Indian Cove Irrigation District minutes of Oct. 8, 2019 relating to ICID's water right and adding a point of diversion that is identical to this location. Accurate publication of all the necessary elements in The Owhyee Avalanche.

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 9<sup>th</sup> day of December, 2019.

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.

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## 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. 83675 in the name of Andrew Johnson and Loma Johnson."
  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 KT Date 12/09/2019 Time 8:36 am

\$25.00 fee Received by KT # W047911 Date 12/09/2019

I certify that a true and correct copy of this protest was sent December 9, 2019.

ANDREW JOHNSON &  
LORNA JOHNSON  
PO BOX 35,  
HAMMETT, ID 83627

RIVENDALE LLC  
52356 HWY 78  
HAMMETT, ID 83627

JOHN MARSHALL LAW  
575 W. BANNOCK, SUITE B  
BOISE, ID 83702