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WATER RESOURCES
WESTERN REGION

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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 for Permit No. 63-34769 in the Name of Knife River Corporation - Mountain West

2. Name of protestant Pioneer Irrigation District

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)

Applicant seeks to appropriate groundwater which may injure neighboring unlined Pioneer surface water facilities and Pioneer's nearby Peterson Well in derogation of I.C. § 42-403A(5). Also, Applicant receives irrigation water from Pioneer, consequently, any irrigation water sought should be conditioned to shoulder season use only. Pioneer reserves the right to raise additional issues under I.C. § 42-203A(5) as/if necessary upon discovery.

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

7. What would resolve your protest? Imposition of sufficient permit (and license) remark/condition language protecting existing Pioneer water rights and imposing a shoulder season irrigation use remark.

recapture of the upstream senior appropriators, including Protestant.

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 September, 2019.

Protestant

Protestant's Representative

Andrew J. Waldera