

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

AUG 26 2019

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 29 2019

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-202, 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 Transfer Application No. 83485 in the name of Eccles Flying Hat Ranch, LLC

2. Name of protestant Idaho Water Resource Board

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

Cynthia Bridge Clark

4. Service mailing address 322 E Front St, 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? 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 23 day of August, 2019.

IDAHO WATER RESOURCE BOARD
Protestant

CYNTHIA BRIDGE CLARK
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 NRgent Date 8/26/17 Time 8:42 am

\$25.00 fee Receipted by N/A # _____ Date _____

Per Idaho Code 67-2301 no fee is needed from the Board

ATTACHMENT A

The Idaho Water Resource Board (Board) holds the following two water rights for minimum stream flow (MSF) on the Big Wood River:

Water Right No. 37-7919 with a priority date of 6/19/1981

Water Right No. 37-8307 with a priority date of 10/16/1987

Transfer Application No. 83485 proposes to change the point of diversion for 1.4 CFS of surface water from the Hiawatha Canal to the Big Wood River. Additionally, the applicant seeks to change the beneficial use of this portion of the water right from mitigation to irrigation. While this transfer does not appear to constitute an enlargement of the original water right, it does pose the potential to cause injury to the Board's MSF water rights on the Big Wood River, given it will increase the consumptive use on the Big Wood River within the reach of the Board's MSF rights 37-7919 and 37-8307.



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