

 ORIGINAL

Norman M. Semanko, ISB No. 4761
PARSONS BEHLE & LATIMER
800 West Main Street, Suite 1300
Boise, ID 83702
Telephone: 208.562.4900
Facsimile: 208.562.4901
NSemanko@parsonsbehle.com
ecf@parsonsbehle.com

Attorneys for Protestant Ark Properties, LLC

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MAR 28 2019

DEPARTMENT OF
WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 83023 (WATER
RIGHT NOS. 61-283 AND 61-284) IN THE
NAME OF ELIZABETH ANN NETTLETON

CLARIFICATION AND PARTIAL
WITHDRAWAL OF PROTEST

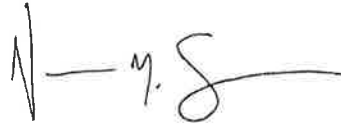
COMES NOW, Ark Properties, LLC, by and through its counsel, Norman M. Semanko of Parsons Behle & Latimer, pursuant to the Department's Rules of Procedure, IDAPA 37.01.01, and files this Clarification and Partial Withdrawal of Protest.

On March 25, 2019, Ark Properties, LLC filed a protest to the above-captioned transfer application. Consistent with paragraph 13 of the Stipulation between the Applicant and Protestant (attached hereto as Exhibit A), the Protestant does not protest or otherwise object to the portions of the transfer application which propose to: (1) add the Applicant's property north of Wilson Road, in the vicinity of the Applicant's residence, to the place of use for the Applicant's water rights; or (2) add a new point of diversion on Applicant's property south of Wilson Road, so long as the same causes no injury to any presently existing water rights of the Applicant. The Protestant maintains its protest as to all other portions of the above-captioned transfer application, which are not included in paragraph 13 of the attached Stipulation, based upon the grounds set

forth in the protest filed on March 25, 2019, including potential injury to Protestant's existing water rights.

DATED THIS 28th day of March, 2019.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read 'N-M. S.', written over a horizontal line.

By _____
Norman M. Semanko
Attorneys for Protestant Ark Properties, LLC

CERTIFICATE OF SERVICE

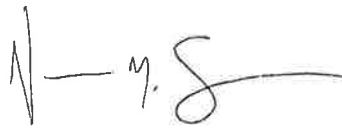
I hereby certify that on this 28th day of March, 2019, I served a true and correct copy of the foregoing document on the parties listed below by their designated method of service.

Elizabeth Ann Nettleton
18542 SE Wilson Rd
Glenns Ferry, ID 83623-5031

- ☒ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Electronic Mail
- ☐ Facsimile

Dave Shaw
ERO Resources
4001 E. Main Street
Emmett, ID 83617

- ☒ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Electronic Mail
- ☐ Facsimile



Norman M. Semanko