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DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APR 08 2019

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 Transfer Application No. 83058 in the name of Otis Booth Residence Trust

2. Name of protestant Idaho Water Resource Board (IWRB)

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

4. Service mailing address 322 E Front St, PO BOX 83720, Boise, ID 83720-0098

5. Service telephone no. (208) 287-4800 Email Address: _____

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? Conditions protecting the IWRB's minimum streamflow
water right nos. 37-7919 and 37-8307 from injury or withdrawal of the 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 8 day of April, 2019.

Idaho Water Resource Board

Protestant

Cynthia Bridge Clark, Water Projects Section Manager

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  Date 4/8/19 Time 4:41
\$25.00 fee Received by _____ # _____ Date _____

See 67-2301

Attachment A

The Idaho Water Resource Board holds the following two water rights for minimum stream flow from 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. 83058 proposes a change in point of diversion of 0.06 cfs from ground water for the purposes of irrigation. The existing water right (water right no. 37-20900), authorizes ground water diversions in an area southeast of the City of Ketchum. The location of the proposed new point of diversion (an existing well) is located near Gimlet, south of Ketchum and within the Wood River alluvial aquifer system. It is within a few hundred feet of the Big Wood River within a reach protected under the above referenced minimum stream flow water rights. Based on the information provided in the transfer application, it is unclear whether the proposal will change the point of diversion from one distinct aquifer to a separate aquifer, which would result in the change in the aquifer source. Surface water and ground water resources within Administrative Basin 37 are conjunctively administered. Therefore, if approved this application will potentially cause injury to water 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