

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

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APR 23 2019
WATER RESOURCES
WESTERN REGION

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APR 22 2019
DEPARTMENT OF
WATER RESOURCES

Receipt # C 106627

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 63-34682 in the name of Dancer/Dixie**
- 2.
3. Name of protestant: **Riverside Irrigation District**
4. Protestant's Representative for service (if different than protestant)

**Albert P. Barker
Barker Rosholt & Simpson LLP**

5. Service mailing address: **P.O. Box 2139, Boise, ID 83701-2139**
6. Service telephone no. **208-336-0700** Email address: **apb@idahowaters.com**
7. Basis of protest (including statement of facts and law upon which the protest is based)
1. Flows in the Dixie Slough are significantly influenced by releases from the Riverside Canal. The Dixie Slough also is an emergency spillway historically used for that purpose by Riverside. Riverside has the right to recapture waste water or not spill at all into the Dixie Slough and cannot be obligated to deliver water to meet the needs of this right. In addition, Riverside must use and has the right to use the Dixie Slough as an emergency spillway in the event of canal break or other problems, requiring that any diversion structures contemplated under this water right must be designed and built so that Riverside is not responsible to the Applicant for any damage caused by use of Dixie Slough as an emergency spillway.
2. The proposed diversion and use of the waters described in the aforesaid application, unless conditioned to protect the rights and interests of Riverside and recognized as wastewater, violate all, or a portion of, the criteria set forth in Idaho Code Section 42-203A(5), specifically including subparagraphs (a), (b), (e), (f), and (g).
3. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 20th day of April, 2019..