



ORIGINAL

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Attorneys for Protestant Ark Properties, LLC

RECEIVED
MAR 25 2019
DEPARTMENT OF
WATER RESOURCES
C106455 4:25pm

RECEIVED
MAR 26 2019
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

PROTEST

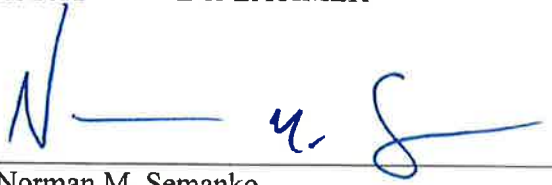
COMES NOW, the Protestant Ark Properties, LLC, by through its attorney of record Norman M. Semanko of the firm Parsons Behle & Latimer, and in conformance with and pursuant to Idaho Code Section 42-222 and IDAPA 37.01.01.250, hereby protests Application for Transfer 83023 filed by Elizabeth Ann Nettleton.

The basis for this protest is that the Protestant owns water rights that are diverted from Bennett Creek. The Protestant is concerned that the proposed transfer does not comply with the requirements of Idaho Code Section 42-222 in that it may: (1) result in injury to existing water rights, including those held by the Protestant; (2) result in an enlargement in the use of existing water rights; (3) conflict with the local public interest as defined in Idaho Code Section 42-202B; and (4) be contrary to the conservation of water resources within the state of Idaho. The Protestant proposes that, should IDWR and/or the parties determine that all or any portion of the transfer proposed pursuant to the above-captioned application be limited or denied to meet the

requirements of Idaho Code Section 42-222, such limitation be imposed and/or such denial be issued.

DATED THIS 25th day of March, 2019.

PARSONS BEHLE & LATIMER

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

CERTIFICATE OF SERVICE

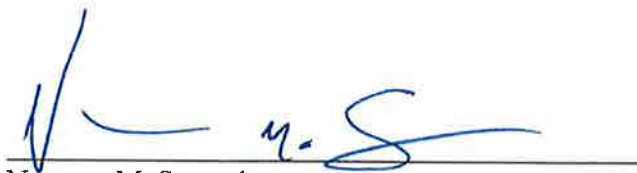
I hereby certify that on this 25th day of March, 2019, I served a true and correct copy of the foregoing document on the parties listed below by their designated method of service.

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