

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 21 2018

Department of Water Resources
Eastern Region

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 NO. 82657, TETON PARTNERS, LTD
P.O. BOX 276 WATER PARK, FL 32789
2. Name of protestant WILLIAM B. ^{AND} CHERYL MOULTON 4940 N. HWAY 33
TETONIA, ID 83452
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address 4940, NORTH HWAY 33, TETONIA, ID 83452
5. Service telephone no. 208-313-1255 Email Address: WILLIAMBOYDMOULTON@GMAIL.COM
6. Basis of protest (including statement of facts and law upon which the protest is based)

WATER RIGHT 22-13176 HAS A PRIORITY DATE OF 1897-05-15.
FOR .60 CFS. AND IS DIVERTED THROUGH THE HOG CANAL.
OTHER DIVERTERS HAVE EQUAL OR NEARLY EQUAL PRIORITY
DATES AND ALSO DIVERT THROUGH THE HOG CANAL - SEC

(additional pages may be attached to describe nature of the protest)

ATTACHED

7. What would resolve your protest? NO CHANGE OF DIVERSION
- WATER IS ALREADY DIVERTED TO SAID PRIORITY PROPERTY -
TO DIVERT FURTHER DOWN STREAM SEEMS FOOLISH AND
DETRIMENTAL TO EQUALLY SITUATED WATER USERS -

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 21 day of SEPTEMBER, 20 18.

WBMoulton WILLIAM B. MOULTON
Protestant

Protestant's Representative

Receipt - E044389

Attachment to Notice of Protest

Transfer No. 82656

Continuation of line 6

Line 6

Those water users who divert upstream will be left to maintain the canal infrastructure etc. without a user who has had water delivered for 131 years by the Hog Canal. They will also have to suffer stream loss due to shrinkage without the benefit of the sharing of the loss by this transfer request. This causes a significant damage to those water users. Also, the loss of annual dues and fees associated with this transfer will cause a significant cost increase to remaining users.

Another damage to the Hog Canal diverters is that IDWR is requiring Leigh Creek Canal Company, (the legal name of the Hog Canal) to build a weir prior to the next water year. The weir is expected to cost at least \$12,000.00. Any loss of historical users will dramatically increase the cost to the remaining users who lose the benefit of the historical water user. The proposed diversion does not at this time contain an adequate measuring device and will divert through a canal system that has no maintenance on it at all, at least to my knowledge. My water rights also have the Desert Ditch as an alternate point of diversion, but is not maintained and has no weir, etc. Therefore, I choose to not use that diversion.

Leigh Creek is a short-lived water system. Seldom are the water users able to use water after July 15th of any given year. There just is no water in the water shed that can reach the users. Especially those users East of 2000 West to the Idaho/Wyoming State line. To move a diversion from East of the Wyoming line to one a quarter mile below the state line seems foolish at best.