

07/2008

RECEIVED

STATE OF IDAHO

JUN 23 2017

DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

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 is Kingston Water District #1 Application for Transfer of Water Right - Point(s) of Diversion, transfer No. 81648 wter right number 94-4199.

2. Name of Protestant Pinehurst Water District.

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

Michael F. Peacock, Attorney at Law, 123 McKinley Ave., Kellogg, ID 83837

Service mailing address 123 McKinley Ave., Kellogg, ID 83837

Service telephone 208-783-1231 Email Address: peacocklaw@frontier.com

Basis of protest (including statement of facts and law upon which the protest is based)

Kingston Water District #1 has applied for transfer of their point of diversion for .93 cubic feet per second for water right 94-4199 which has a priority date of 1958. The requested transfer is from a point several miles away and the transfer would transfer the priority to a location very close to Pinehurst Water District's diversion pursuant to its current right which has a priority date of 1993 with a right to 3.8 Cubic feet per second Water Right 94-073420. Kingston Water District's current water right at the location where they to desire to transfer the 1958 priority of for 1.9 cubic feet per second with a priority of 2008.

Further, it appears to Pinehurst Water District that the transfer of Kingston Water District #1 is a transfer from a different aquifer to the aquifer being accessed by Pinehurst Water District pursuant to its 1993 water right and by the Kingston Water District pursuant to its 2008 right.

Pinehurst Water district is concerned that in the event of a curtailment event, the priority of the 1958 Kingston Water District #1 right could result in curtailment of Pinehurst Water District's right to take water to the irreparable detriment of the Pinehurst Water District and its customers.

3. What would resolve your protest? If the Kingston water district #1 would be agreement or other legally acceptable means agree to subjugate its 1958 priority to Pinehurst water district #1's 1993 priority date so that if a curtailment event were to occur, Pinehurst Water District would be able to satisfy its right prior to Kingston being able to satisfy their right under any priority.

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 23 day of June, 2017.

Burt A. Rumpel
Protestant

Will F. Ford
Protestant's Representative

(Copy mailed to Kingston water Dist. # 1
6/23/17)

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 NS Date 6-23-17 Time 2:54pm\$25.00 fee Received by NS # NØ32741 Date 6-23-17