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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
MAY 30 2017
Department of Water Resources
Eastern Region

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 for Transfer No. 81598 (Water Right No. 35-7853B)
2. Name of protestant: Jeffrey Duffin and Chana Duffin
3. Protestant's Representative for service (If different than protestant)
Robert L. Harris, Holden, Kidwell, Hahn & Crapo, PLLC
4. Service Mailing Address: PO Box 50130, Idaho Falls, ID 83405-0130
5. Service Telephone No.: 208-523-0620
6. Basis of Protest (including statement of facts and law upon which the protest is based).
The Protestants have used their diversion system and water right (Water Right No. 35-12912) to irrigate the place of use of 35-7853B. IDWR will not allow 35-12912 to be amended to change the place of use and used elsewhere without also including a portion of 35-7853B. Under this standard, it therefore appears that 35-7853B has been forfeited and/or there are other legal impediments to the Application. Additionally, the Applicant has failed to show that the Application meets the criteria required by Idaho Code § 42-222.
7. What would resolve your protest? For IDWR to allow 35-12912 and 35-7853B to be amended and moved separately under Idaho Code § 42-222. Otherwise, deny the transfer.

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 30th day of May, 2017.

Protestant

Robert L. Harris
Protestant's Representative

Receipt
#E043059



Holden Kidwell
Hahn & Crapo P.L.L.C.
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Department of Water Resources
Eastern Region

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Idaho Falls, Idaho 83405

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Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

May 30, 2017

VIA HAND DELIVERY

Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

VIA U.S. MAIL

Peggy M. Simpson
512 Sheridan Road
Walla Walla, WA 99362

VIA U.S. MAIL

Elizabeth F. Maland
2037 Crawford Drive
Walla Walla, WA 99362

Re: Protest of Transfer No. 81598 Requesting an Amendment to Water Right No. 35-7853B

Dear All:

I represent Jeff and Chana Duffin. Enclosed for processing is a Protest filed in the above-referenced Transfer Application. We have also included the required \$25.00 filing fee. If you have any questions, please do not hesitate to contact me at (208) 523-0620.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosure

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