

ORIGINAL

Albert P. Barker, ISB # 2867
BARKER, ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P. O. Box 2139
Boise, ID 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

Attorney for Riverside Irrigation District Ltd.

RECEIVED
MAY 17 2017
WATER RESOURCES
WESTERN REGION

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-34335 IN THE) **NOTICE OF PROTEST**
NAME OF THORPE FAMILY TRUST)
)
)
)
)

RIVERSIDE IRRIGATION DISTRICT LTD., (hereinafter Riverside), by and through its attorneys, Barker Rosholt & Simpson, LLP, files its Notice of Protest to the approval of the above-named application filed in the name of Thorpe Family Trust. The basis for the Protestant's protest is as follows:

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 City of Boise for

Received by RN
W0452915

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 16 day of May, 2017.

BARKER, ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorneys for Riverside Irrigation District Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on this 16 day of May, 2017, I caused to be served a true and correct copy of the foregoing **NOTICE OF PROTEST** by the method indicated below, and addressed to each of the following:

Original to:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Copies to the following:

Thorpe Family Trust
c/o Ryan Thorpe
28854 Boulder Rd.
Parma, ID 83660

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email



Albert P. Barker

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
SCOTT A. MAGNUSON



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

RECEIVED
MAY 17 2017

WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL

Albert P. Barker
apb@idahowaters.com

May 16, 2017

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: *Notice of Protest of Application for Permit No. 63-34335 in the Name of Thorpe Family Trust*

Dear Clerk,

Attached for filing is an original *Notice of Protest*. Also attached is a check in the amount of \$25.00 for your filing fee. Please return a file-endorsed copy in the enclosed self-addressed, stamped envelope for our files.

If you have any questions, please contact our office. Thank you for your assistance.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Heather A. Rice,
Assistant to Albert P. Barker

/har
Enclosures