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DEPT OF WATER RESOURCES
SOUTHERN REGION

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FEB 16 2017

Department of Water Resources
Eastern Region

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

IN THE APPLICATION FOR TRANSFER
OF WATER RIGHT NO. T81403

NOTICE OF PROTEST

In the names of the City of Blackfoot

A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2,
BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY and TWIN FALLS CANAL
COMPANY (the "Coalition" or "Protestants"), by and through their attorneys of record, file this
Notice of Protest to the approval of the above-numbered *Application for Transfer of Water Rights*
filed by CITY OF BLACKFOOT (the "Applicant").

As to the present application, the initial bases for protest are as follows:

1. The Applicant seeks to use the incidental recharge from Jensen Grove for
"groundwater recharge," in contradiction to Idaho Code and contrary to the prior transfer
proceedings involving this same water right.
2. The Applicant has failed to obtain the written permission of the Coalition prior to

filing this transfer, as required by the Settlement Agreement referenced in the conditions of water right 01-18C.

3. The Application has failed to demonstrate that the transfer, including the intent to use incidental recharge as “groundwater recharge,” will not injure existing water rights and has failed to provide any proposed mitigation to offset impacts resulting from the transfer.

4. The Applicant has failed to show that the Application meets the criteria required by Idaho Code §§ 42-222.

5. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 10th day of February, 2017.

FLETCHER LAW OFFICE


W. Kent Fletcher

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District #2 & Minidoka Irrigation District*

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Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2017, I served a copy of the foregoing
NOTICE OF PROTEST, by hand-delivery to the following:

Idaho Department of Water Resources
Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

And by U.S. Mail to:

City of Blackfoot
157 N. Broadway
Blackfoot, ID 83221


Paul L. Arrington

FOR OFFICE USE ONLY

Fee: \$175.00 (each)

Receipt No.: S035937

Date Received: 2/10/2017

By: 