

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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JAN 19 2017
IDWR / NORTH

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 Water 95-17241 in the name of Steve Barnhart
2. Name of protestant Joan and Tim Tape
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 132 Sunset Rd, Athol, Id 83801
5. Service telephone no. 208-683-2753 Email Address: jdjoan@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

This water application will reduce the quantity of water under existing water rights and will conflict with those priority water rights on this creek. This proposed water right would adversely affect the economy of the watershed by the loss
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? see attached

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 17th day of January, 20 17.
Joan Tape
Protestant

Protestant's Representative

cc: Steve Barnhart

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Protest Application for Permit No. 95-17241 in the name of Steve Barnhart

6. continued

of ability to water crops and use stock water for the investment of livestock that so many of us have. The stream is now so stressed that there wasn't even a minimum water flow to the lower properties.

The creek cannot take anymore diversion and still be viable to the lower water right owners. Since this water right would be subject to every other right, there is just now way it can be approved and still have a water flow to those who have priority. Just the amount of evaporation and seepage would destroy the stream flow to lower properties. Once this pond is built, there would be no way to stop usage when water is low other than to fill it in. The hydro power is set to be used in the winter. Although this seems to not conflict with irrigation that occurs during other months, the creek flow is reduced during the cold winter months by freezing. Use of that water during winter would take the flow away from our stockwater water right by limiting the water to flow to our property. We would be adversely impacted by not having water for our stock.

7.

I see no way to resolve this protest since once it is built, there will be no way to stop the usage of water so badly needed by the "water-starved" priority uses downstream. This application should be denied.