

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

✓ RECEIVED
JUL 05 2016
WATER RESOURCES
WESTERN REGION

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: **Transfer Application T80459 in the name of Sunridge Dairy, LLC**
2. Name of protestant: **Boise Project Board of Control**
3. Protestant's Representative for service (if different than protestant)

**Shelley M. Davis
Barker Rosholt & Simpson LLP**

4. Service mailing address: **1010 W. Jefferson St., Ste. 102, P.O. Box 2139, Boise, ID 83701-2139**
5. Service telephone no. **208-336-0700** Email address: **smd@idahowaters.com**
6. Basis of protest (including statement of facts and law upon which the protest is based).
The transfer applicant has pending new water right applications 63-33644, 63-33713 and 63-33756 seeking the appropriation of 9.88 cfs of new groundwater diversions. The points of diversion for the applied for new water rights are in the same vicinity as the points of diversion for water rights 63-2825, 63-2949, 63-3135, 63-3260, 63-3331, 63-31477, and 63-32843, which are the subject of the transfer application. The proposed transfer is intended to result "in an increased per-acre diversion rate." Protestant is concerned about the cumulative effects of groundwater withdrawals in the Lake Lowell vicinity which may adversely impact its senior water rights in Lake Lowell, resulting in the submission of this Protest.

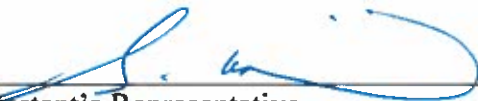
7. What would resolve your protest?
Assurances by the Applicant and IDWR that levels of Lake Lowell will not be adversely affected by the diversion proposed by Transfer Application T80459, either individually, or cumulatively with water right claim nos. 63-33644, 63-33625, 63-33629, 63-33713, 63-33763, 63-33777, 63-33756, 63-33131, 63-33132, 63-33133, 63-33134, 63-33135, 63-33639, 63-33811, 63-33814, 63-33900, 63-33901, 63-33810, 63-33894 and 63-34050.

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 5th day of July, 2016.

BOISE PROJECT BOARD OF CONTROL

Protestant

By: 

Protestant's Representative

FOR DEPARTMENT USE ONLY

Received by  Date 7/5/16 Time 10:30

\$25.00 fee Received by  # W044383 Date 7/5/16

ALBERT P. BARKER
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Shelley M. Davis
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July 5, 2016

VIA HAND DELIVERY

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

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WESTERN REGION

Re: Protest of Transfer No. 80459

To Whom it May Concern:

Enclosed is a protest filed on behalf of the Boise Project Board of Control to Sunridge Dairy's application for transfer no. 80459.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis

Enc.