

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
DEC 18 2015
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. 80529 (Water Right No. 29-14032)
2. Name of protestant: Chad and Jane Barnes
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).
Water Right No. 29-14032 has been forfeited and is in litigation to formally declare it forfeited (Bannock County Case No. CV-2014-3466-OC). The change in diversion was already done by the Applicant (before the diversion box was subsequently removed), and the headgate was installed upstream of the Protestant's diversion causing reduced flow (injury) to the Protestant's diversion amounts under its water right (29-14115). The change also caused increased sedimentation in the spring, which has reduced output from the spring, in violation of the local public interest.
7. What would resolve your protest? 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 18th day of December, 2015.

Protestant

Robert L. Harris
Protestant's Representative

Receipt
E047100