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AUG 26 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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AUG 21 2015

DEPARTMENT OF
WATER RESOURCES

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. 80114 in the name of Thomas M. O'Gara Family Trust
2. Name of protestant Sun Valley Company
3. Protestant's Representative for service (If different than protestant)
Scott L. Campbell, Moffatt Thomas Barrett Rock & Fields, Chartered
4. Service mailing address P.O. Box 829, Boise, Idaho 83701
5. Service telephone no. (208) 385-5432 Email Address: slc@moffatt.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Denial of the transfer, or sufficient conditions and mitigation designed to protect protestant's interests.

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 21st day of August, 2015.

Sun Valley Company
Protestant

Scott L. Campbell, Attorney for Protestant
Protestant's Representative

Basis of protest

The proposed transfer does not satisfy the standards of Idaho Code Section 42-222. The applicant seeks a transfer of two irrigation water rights to include them into an existing PPU. In doing so, the applicant seeks to enlarge the historic irrigation PPU by 91.2 acres and change the PPU boundary to include these acres. Protestant is concerned this enlargement will affect other water rights, in violation of the statute. Protestant is also concerned with potential water right injury stemming from increased use of ground water right no. 37-804 with the addition of two PODs. Furthermore, applicant requests this transfer during a water delivery call contested proceeding, which it has elected to participate in and which may implicate the water rights it seeks to transfer.

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by J. Strange Date 8-21-2015 Time 2:15 PM
\$25.00 fee Received by J. Strange # C100914 Date 8-21-2015

MOFFATT THOMAS

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August 21, 2015
via Hand Delivery

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DEPARTMENT OF
WATER RESOURCES

Gary Spackman
Director
Idaho Department of Water Resources
322 East Front Center
Boise, Idaho 83702

Re: Thomas M. O'Gara Family Trust Application for Transfer No. 80114

Dear Mr. Spackman:

Enclosed please find a Notice of Protest in regard to the above-reference water right transfer.

Very truly yours,



Scott L. Campbell

SLC/cp

Enclosure

cc: Paul L. Arrington