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IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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NOV 03 2014
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 Permit 85-15761 in the name of Paul and Sandra Boyd and George Schwarts ___
2. Name of protestant ___ Idaho Water Resource Board ___
3. Protestant's Representative for service (If different than protestant) _____
4. Service mailing address ___ PO BOX 83720 Boise, ID 83720-0098 ___
5. Service telephone no. ___ 208.287.4817 ___ Email Address: ___ cynthia.clark@idwr.idaho.gov ___
6. Basis of protest (including statement of facts and law upon which the protest is based)
___ See Attachment _____

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Withdrawal of application or conditions placed on the water right to ensure no injury to the Idaho Water Resource Board's water right.

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 3 day of November, 20 14.

IDAHO WATER RESOURCE BOARD

Protestant

BRIAN PATTON, EXECUTIVE OFFICER

Protestant's Representative

B. Patton

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.
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FOR DEPARTMENT USE ONLY

Received by AS Date 11/03/14 Time 10:45am
\$25.00 fee Receipted by AS # C099573 Date 11/03/14

ATTACHMENT A

Application for Permit No. 85-15761 proposes the diversion of 0.2 cfs of water from an unnamed stream, tributary to Lapwai Creek. The Idaho Water Resource Board's (Board) review of the application indicates that there may not be a sufficient supply of water to fulfill the water right without adverse effect on Water Right No. 85-15603, a minimum stream flow right on Lapwai. An additional water right of 0.20 cfs at the proposed diversion will increase the consumptive use in the Lapwai Creek Basin, thereby reducing flows to supply the Board's minimum stream flow (See attached stream gage data).

While the proposed diversion would be junior to the existing minimum stream flow right (established as part of the 2004 Snake River Water Rights Settlement), and therefore unlikely to be in priority, there is not an active watermaster in the basin that could ensure curtailment. For that reason, the Board believes that the application as proposed would cause injury to Water Right No. 85-15603.

