

07/2008

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JUL 21 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Change of water right transfer no. 79357
2. Name of protestant Barbara Stephens and Lynn Stephens
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address PO Box 2118 Twin Falls ID 83303-2118
5. Service telephone no. 208-733-0589 Email Address: stephensbarbara@rocketmail.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? ' 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 19th day of July, 2014.

Barbara Stephens / Lynn Stephens
Protestant

Protestant's Representative

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. 79357 in the name of Thomas Leno."
 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 B. Walker Date 7/21/14 Time 8:47 am
\$25.00 fee Receipted by B. Walker # 8034177 Date 7/21/14

Transfer 79357,
19380, 79384

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SOUTHERN REGION

Basis of protest:

1. Ground water cannot physically be moved from south of Rogerson to it's new location southwest of highway 93 / highway 30 junction. In lieu of this fact, these said wells will be utilizing the water supply that feeds all the existing wells in this area including domestic wells. In effect taking property owners water that does not belong to the applicant nor the recipient.
2. There was no notification to any of the residents living in the area of this proposal or their intention as to how they are going to move the ground water from one location to another by either the applicant nor the recipient. We were not notified & yet we are expected to notify the applicant of our protest.
3. Appropriation doctrine in Idaho "first in time is first in right": Hence the current residents in this area have pre-existing wells to the proposed wells, therefore, should have the first rights to the water supply prior to the new applicant / recipient.
4. According to the IDWR water users information guide, it states the application must met the following 5 requirements:
 - a. will not injure other water rights
 - b. does not constitute an enlargement of original water right
 - c. is a beneficial use
 - d. is consistent with the conservation of water resources within the State of Idaho
 - e. is in the local public interest

Since the said ground water transfer will injure other water rights & is not in the local public interest, this application does not meet all requirements for approval

What would resolve your protest?

1. Deny the proposed change of water right transfer & drilling an additional well
 - a. ground water cannot physically be moved from one location to another
 - b. no notification of this proposal or explanation of how they plan to move the ground water, therefore, utilizing the water supply of pre-existing wells of the local residents.
2. Have the recipient move his dairy to the location of the ground water right south of Rogerson as ground water cannot moved, but cows can be moved.
3. Purchase our property, buildings, etc inclusive of expenses at an amount that is acceptable to us.