

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 21 2014

Department of Water Resources
Eastern 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 Application for Transfer of Water Right - No. 79037
2. Name of protestant Farmers Land & Irrigation Company of Alexander, Idaho, LTD
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1825 Rich Rd, Grace, ID 83241
5. Service telephone no. 208-317-0355 Email Address: ericssonson@hotmail.com

6. Basis of protest (including statement of facts and law upon which the protest is based)
SEE ATTACHED BASIS OF PROTEST

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Deny Application

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 20 day of February, 20 14.

Eric Simonson
Protestant

Protestant's Representative

Receipt
E039564

BASIS OF PROTEST

1. Applicant seeks two new Points of Diversion (POD) that may impact the current natural drainage in the Fivemile Meadows area feeding surface waters into our Irrigation Water Right Id. No. 224
Utah Power & Light Company –vs.- Last Chance Canal Company
adjudicates to the Farmers Land & Irrigation Canal Company 80.0 cfs
Priority date May 1, 1892
Diverted from the natural stream flow of Soda Creek through a canal commonly known as Soda Canal for irrigation of 4,000 acres of land described in said decree.
2. The Applicant's future plans to connect all wells via pipelines may allow heavier draws on certain wells. It concerns us that the total water right in this transient state could be drawn entirely from one or two wells.
3. There needs to be some kind of limit that any one well can be subjected to rather than the entire 12.8 cfs coming from one well.
4. Water Right No. 11-2141 use is limited to 5000 acre-feet per annum. Water Right No. 11-2144 has even further limited use 4/1 – 12/1 and not to exceed 1778 acre-feet per annum. Mixing these rights together in one pipe is a concern.
5. Irrigation Water Right No. 11-2144 has no measuring device. While No.s 11-2102, 11-2107A, 11-2107B, 11-2141 do have measuring devices. Upon approval a device is to be installed on No.11-2144. Who monitors these? Is there a water district? Who reports the water use?

Transfer 74037

RECEIVED

JUL 07 2014

Department of Water Resources
Eastern 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: Application for Transfer of Water Rights 11-2102, 11-2107A, 11-2107B, 11-2141 and 11-2144
2. Name of protestant: Farmers Land & Irrigation of Alexander, Idaho, Limited
3. Protestant's Representative for service (If different than protestant): Jerry R. Rigby
4. Service mailing address: P.O. Box 250, Rexburg, ID 83440
5. Service telephone no. 208-356-3633 Email Address: jrigby@rex-law.com
6. Basis of protest (including statement of facts and law upon which the protest is based) The proposed transfers will increase the historical diversions and beneficial use of water, thus increasing the burden of the water right, which shall in turn reduce the source of water under the water rights owned and diverted by Protestant. All of which will result in injury to Protestant's water rights and should be disallowed pursuant to I.C. §42-222.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? A limitation of diversionary rate and volume amounts to those historically diverted.

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 3rd day of July, 2014.

Protestant

Attorney for Protestant

Protestant's Representative

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 3RD day of July, 2014.

RIGBY ANDRUS & RIGBY LAW, PLLC


Jerry R. Rigby

Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204

☒ Mail
☐ Hand Delivery
☐ Facsimile

Idaho Department of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402

☒ Mail
☐ Hand Delivery
☐ Facsimile