

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 30 2013

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 TRANSFER # 78800 (NANCY LINELL BILLS)
2. Name of protestant Jim & Geri Spain
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address POB 203, CARMEN, IDAHO, 83462
5. Service telephone no. 208 768 7947 Email Address: idahospains@aol.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

① OUR IRRIGATION DECREE RIGHTS WILL BE ADVERSELY EFFECTED BY THE PROPOSED (3) CFS REMOVAL "AROUND WHERE OUR DIVERSION POINT." OUR WATER RIGHTS #'S OR 75-10061AIC (1875), 75-10062A5 (1882), 75-63C (1884) AND 75-10827 (1915). SEE ADDITIONAL PAGES
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? DENIAL OF PROPOSED TRANSFER # 78800.

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 27 day of September, 20 13.
Jim Spain & Geri Spain
Protestant

Protestant's Representative

Receipt
2039170

Page #2

Notice of Protest -
of Measure #78800 (Nancy Cinelli Bills)
by Jim & Geri Spain

② IN ADDITION TO THE ADVERSE EFFECT ON OUR
DECLARED WATER RIGHTS LISTED - THIS PROPOSAL IF
ALLOWED WILL HAVE AN ADVERSE EFFECT ON THE AQUATIC
HABITAT OF THE CARMEN CREEK BY REMOVING (3) CFS
FROM A LONG REACH OF FREEMAN & CARMEN CREEKS.
THIS WOULD NEGATE THE EFFORTS OF THE IDFG
TO RESTORE FLOWS FOR FISH PASSAGE IN CARMEN CREEK.
OUR TAX DOLLARS WILL HAVE BEEN WASTED - THEREFORE
WASTED.

③ THE STABILITY OF THE UPPER "BILLS DITCH" WOULD
BE THREATENED BY THE INFUX OF AN ADDITIONAL
(3) CFS IS OUR FEELING ALSO. THERE HAS ALREADY
BEEN A MAJOR BREACH OF ITS STRUCTURE TO DATE.

④ IT IS OUR UNDERSTANDING THAT LANDS NOT ALREADY
DECLARED IRRIGATION RIGHTS WILL DIRECTLY RECEIVE THIS
ADDITIONAL (3) CFS - WHICH WOULD BE WASTED AND
WOULD ALSO DAMAGE OUR DECLARED WATER RIGHTS LISTED.

RESPECTFULLY SUBMITTED -

Jim & Geri Spain