

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 John & Elizabeth RIEFFENBERGER
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 232, CARMEN, ID. 83462
5. Service telephone no. (208) 756-4340 Email Address: rieff2@centurytel.net
6. Basis of protest (including statement of facts and law upon which the protest is based)

Applicant states that "there are no diversions from Freeman Creek between the Bills Ditch and Freeman Creeks confluence with Carmen Creek." However applicant fails to mention the numerous diversions BETWEEN the confluence AND the MORTON DITCH. ONE OF THOSE DIVERSION PROVIDES WATER TO OUR SUBDIVISION. The proposed water transfer (see attached (additional pages may be attached to describe nature of the protest) sheet

7. What would resolve your protest? Denial of the proposed transfer

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, 2013.

Elizabeth Rieffenger
Protestant

Protestant's Representative

Receipt
EO 39167

Notice of Protest

Transfer # 78800 (Nancy Linell/Bills)

Basis of Protest
Continued from Page 1

Could Adversely impact our WATER Rights from Carmen Creek (#75-14079, 75-14085) AND the WATER Rights held by our subdivision in the name of Antelope Hills Homeowners Assn. (#75-14459 AND #75-14460).

In addition to adversely impacting the water Rights of many irrigators in Carmen Creek this proposed transfer will adversely impact AQUATIC habitat in Carmen Creek by removing over 3cfs from a long reach of Freeman and Carmen Creeks. This would negate the ongoing efforts of Idaho Fish and Game to restore flows for fish passage in Carmen Creek.

There is also an issue with the stability of the Bills Ditch. Putting additional water in this ditch further increases the risk of ditch failure, thus threatening people's property and homes.

Elizabeth Kieffer