

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 WATER RIGHT EXCHANGE # 78800
2. Name of protestant WESLEY G DANA
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO Box 134 CARMEN ID 83462
5. Service telephone no. 208 921 7453 Email Address: _____
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 27 day of Sep, 20 13.

Wesley G Dana
Protestant

Protestant's Representative

Receipt
#ED 39165

Attachment

Reference Idaho code 42 222.

6.

The proposed increase in flow added to existing flow would increase the danger of a ditch failure, causing property damage and increase expenses for ditch maintenance. Original ditch construction was not designed for this kind of value. Passed history shows instability of soil and many ditch failures.

The transfer of this amount of water would also effect the recharging of Carmen Creek because of the total loss of the transfer of water. This also effects recovery of run off water for other users down the Creek. In turn it also causes some difficulty to the fish recovery program, which has been implemented in the stream.

7. A more moderate transfer.