

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 PROPOSALS 78799 AND 78800
2. Name of protestant Johnny & Lana Cabigas
3. Protestant's Representative for service (If different than protestant)
N/A
4. Service mailing address PO Box 145, Carmen, ID 83462
5. Service telephone no. (208) 756-1740 Email Address: anniegreenway@hotmail.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? Denial or withdrawal of Proposals.

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 29th day of September, 20 13.

[Signature]
Protestant Lana J. Cabigas

Protestant's Representative

Receipt
#2039163

Proposal 78800 would divert 3.35 cubic feet per second of water out of the Carmen drainage, down a ditch that has never carried early decreed water. Carmen drainage is a closed system and the water is used many times over by the Carmen drainage users. Taking water from the existing Carmen drainage would negatively impact all Carmen users. The existing ditch that is being proposed for diversion was never constructed or historically used for early decreed water but rather 1950+ decreed water.

Proposal 78799 would negatively impact both the riparian and in stream habitat in the Carmen drainage. Disastrous impact would be realized on the Salmon and Steel Head fish population in the Carmen drainage for which significant private and public funds have been obligated.

Accordingly, we adamantly OPPOSE the diversion addressed in proposals 78799 and 78800.