

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 JAMES R AND CATHLEEN T. TIPPETT
3. Protestant's Representative for service (If different than protestant)
NA
4. Service mailing address PO Box 15 CARMEN ID 83402
5. Service telephone no. 208 756 4594 Email Address: Russ.Tippett@GMAIL.COM
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED SHEET

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

7. What would resolve your protest? WITHDRAWAL OF PROPOSALS 78799 AND 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 29th day of September, 2013.

James R. Tippett Cathleen T. Tippett
Protestant

Protestant's Representative

Receipt
#2039162

78800 Protest Rationale

The proposed change of diversion will reduce the flow within the drainage by 3.35 cfs. by withdrawing a large amount early decreed water and delivering it in effect directly to the Salmon River via a ditch which never had rights for any decreed water dated prior to 1954. Maintaining the historical flow in the drainage is paramount as every drop of water in the system is used multiple times to recharge the stream. Diverting this large amount of water early denies succeeding users water to fill their rights.

As the rights referred to in the proposal are intended for use on only 111 acres of the petitioner's property as reaffirmed during the readjudication of water district 75D, this is an attempt by the petitioner to readdress an already denied use. It is inappropriate to utilize Carmen Creek water on bench lands that lie outside of the drainage. There is grave concern that the water will not be used on its designated ground if this new diversion is granted.

78799 Protest Rationale

78799 negatively impacts all of the habitat, both riparian and in-stream, by reducing the flows from the proposed new diversion on downstream. There is no way to mitigate the damage this proposed change would cause. This will do significant harm to anadromous fish recovery efforts in Carmen creek that has been funded by both private and public dollars.