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SEP 30 2013

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Trans./Exch. Proposals 78799 and 78800
2. Name of protestant William W. and Mary K. Clementz
3. Protestant's Representative for service (If different than protestant)
NA
4. Service mailing address P.O. Box 225, Carmen, ID. 83462
5. Service telephone no. 208-756-2347 Email Address: glory2godnid@yahoo.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached sheets:
Basis for Protest

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

7. What would resolve your protest? Withdrawal of Proposals
for Exch./Trans. 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 28th day of Sept., 20 13.

William W. & Mary K. Clementz
Protestant

Protestant's Representative

Receipt
#2039159

BASIS FOR PROTEST -PROSALS 78800 AND 78799 (BILLS, NANCY L.) Rights 75-10061AB, 75-10062Z, 75-14530, 75-66 and 75-10630, 75-2123.

Due to the relationship of the two proposals, reasons for this protest are listed as follows without distinction between the two proposals.

1. Placing an additional 3.35 CFS in the FCC1 ditch (referred to as Bills ditch) for a total of 11.24 CFS will further overload a very unstable ditch with a long history of damaging failures. This ditch failed last June in 2012 resulting in the slope it is located on to collapse and overflow with water and mud, blocking and damaging Carmen Creek Road , blocked two other irrigation ditches and did excessive damage to private properties. A corner of my property was damaged as well which causes great concern for future further damage. This same ditch, FCC1 has failed three times in this year of 2013.
2. Removal of 3.35 CFS of 1875,1882,1885 and 1915 water from Carmen Creek at the Freeman Creek diversion point will have many negative impacts. It will reduce the water available to Carmen Creek irrigators with decreed early water rights during the most critical part of the irrigation season. It will impact the recovery of Salmon and Steelhead fishery. Large sums of money have been invested the past two years to aid the recovery including three or more fish screens and a bridge replacement by the Idaho Fish and Game Dept. These efforts will be negated by removal of additional and needed water.
3. Proposed Expansion of 'place of use' is not appropriate. The limits were established in the rejudication for water district 75D.
4. In a dry year other users on the FCC1 ditch would be deprived of their decreed water rights if this 'Bills Transfer' is approved, due to the fact that all other users have later water rights.