

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
SEP 30 2013
Department of Water Resources
Eastern Region

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 RODNEY H. & SUSAN F. EDMISTON
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 155 CARMEN ID 83402
5. Service telephone no. 208-756-6160 Email Address: rodseagle7@msn.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED PAGE

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

7. What would resolve your protest? DENYING THE APPLICATION
FOR DIVERSION

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 September, 2013.

[Signature]
Protestant

[Signature]
Protestant's Representative

Protestant's Representative

Receipt
#E039153

78800 Protest Rationale

The proposed change of diversion will reduce the flow within the drainage by 3.35 cfs. As the drainage is a relatively closed system, every drop of water in it is used multiple times. The proposed change in diversion will withdraw a large amount of water and deliver it directly to the Salmon River via a ditch that never had rights dated prior to 1960. The majority of water diverted to that ditch is lost to all the succeeding users. Further, the rights referred to in the proposal are intended for use on only 111 acres of the petitioner's property. There is no way to assure that the water will only be used on that specific ground. These are the reasons for this protest.

78799 Protest

Rationale

Proposal 78799 negatively impacts all of the habitat, both riparian and in-stream, by reducing flows from the proposed new diversion on downstream. There is no way to mitigate the damage this proposed change would cause.

Robert A. Gust
Susan J. Edmister

9-28-13