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MAR 14 2013

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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MAR 11 2013

DEPARTMENT OF  
WATER RESOURCES

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 Transfer 78396, Blaine County Recreation District
2. Name of protestant Idaho Water Resource Board
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO Box 83720, Boise, ID 83720-0098
5. Service telephone no. (208) 287-4848 Email Address: helen.harrington@idwr.idaho.gov

6. Basis of protest (including statement of facts and law upon which the protest is based)

See Attachment A

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

7. What would resolve your protest? Have the applicant determine the degree of connectivity at the proposed point of diversion. A condition of approval in the permit stating that if diverting water at the proposed point of diversion injures the existing minimum stream flow the water right will be curtailed.

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 11th day of March, 2013.

Helen J. Harrington on behalf of the IWRB  
Protestant

\_\_\_\_\_  
Protestant's Representative

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
  2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
  3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
  4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
  5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
  6. Specifically describe the nature of the protest.
  7. Describe the relief being sought by the protestant.
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**FOR DEPARTMENT USE ONLY**

Received by HP Date 3-11-13 Time 1:15 pm  
\$25.00 fee Receipted by HP # C0962676 Date 3-11-13

ATTACHMENT A  
Transfer 78396

The Idaho Water Resource Board holds two water rights for minimum stream flows in the reach in which this transfer is proposed:

Water right 37-7919 with a priority date of 6/19/1981;  
Water right 37-8307 with a priority date of 10/16/1987.

Transfer 78396 proposes a change in point of diversion and place of use of groundwater. The existing point of diversion and place of use are within a tributary drainage to the Big Wood River. The proposed point of diversion and place of use are approximately 3 miles upstream of the existing diversion and closer to the river. Existing minimum stream flow water rights may be injured by changes in ground water use.

If approved, this transfer has the potential to remove water from minimum stream flow reaches, causing injury to water rights 37-7919 and 37-8307. The Idaho Department of Water Resources should include a condition in the permit that will protect the Idaho Water Resource Board's minimum stream flow.