

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOV 06 2012

Department of Water Resources
Eastern Region

NOTICE OF PROTEST

Idaho Department of Water Resources
900 N Skyline STE A
Idaho Falls, Idaho 83402

1. Matter being protested: Application for Transfer No. 69458 in the name of Ward & Sons Co. Inc.
2. Name of protestant: Barry T. Williams
3. Protestant's Representative for service: Barker Rosholt & Simpson LLP, Travis Thompson. Please serve documents to the representative and the protestant.
4. Service mailing address: Barker Rosholt & Simpson LLP, Travis Thompson
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
Phone: 208-733-0700

Barry T. Williams
1277 Mink Creek Rd.
Arbon, Idaho 83212
Phone: 208-681-5357
5. Email Address for Representative: tlt@idahowaters.com
6. Basis of protest: I am protesting transferring the Point of Diversion and Place of Use of Water Right No. 29-7291 to Water Right No. A29-07931A because the well at Water Right No. A29-07931A dries up Bannock Creek and our meadows through which Bannock Creek runs. I own two surface water rights on Bannock Creek, 29-13528 for stock water use (July 1, 1900 priority) and 29-13764 for irrigation use (August 28, 1911 priority). I also own a surface water right on Rattlesnake Creek, 29-10990 for irrigation use (April 1, 1892 priority), which is a tributary to Bannock Creek. This right depends on Bannock Creek and its tributaries flowing 16.25 CFS of water onto the Reservation. Therefore, drying up Bannock Creek jeopardizes this right.
7. What would resolve your protest? During the years Wards were irrigating with the well with Water Right No. 29-7291, we didn't detect an affect from this well on Bannock Creek or our meadows. Therefore, we ask that Wards abandon the well in Section 36 with Water Right No. A29-07931A and irrigate with the well in Section 35 with Water Right No. 29-7291.

Receipt
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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 5th day of November, 2012


Protestant: Barry T. Williams