

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 06 2012

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.

Application for Transfer and Change of Water Right,

1. Matter being protested Transfer No. 78015
2. Name of protestant City of Soda Springs, Idaho
3. Protestant's Representative for service (If different than protestant)
Clyde G. Nelson, Attorney at Law
4. Service mailing address P. O. Box 797, 172 S. Main St., Soda Springs, ID 83276
5. Service telephone no. 208-547-2135 Email Address: cgn797@silverstarbroadband.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED BASIS OF PROTEST

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

7. What would resolve your protest? Deny Application

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 3rd day of August, 2012.

City of Soda Springs
Protestant

Clyde G. Nelson
Protestant's Representative

Receipt
#503872

BASIS OF PROTEST

1. Power Generation Right No. 11-447 has never been applied to beneficial use and has been forfeited.
2. Use of Power Generation Right No. 11-447 could detrimentally affect Power Generation Rights held by the City of Soda Springs, Idaho.
3. Irrigation Water Rights No. 11-443 and 11-446 may not have been used for a period in excess of 5 years and have been forfeited.
4. Applicant seeks to apply irrigation water under Water Rights 11-443 and 11-446 to real property to which the water rights are not appurtenant.
5. Applicant seeks to apply irrigation water to acreage in excess of that permitted under Water Rights No 11-443 and 11-446 (188.5 acres verses 60 acres permitted).

CITY OF SODA SPRINGS

CLYDE G. NELSON

**CITY ATTORNEY
172 SOUTH MAIN STREET
P. O. BOX 797
SODA SPRINGS, IDAHO 83276**

**TELEPHONE
(208) 547-2135**

**FACSIMILE
(208) 547-2136**

August 3, 2012

Sent Via Certified Mail No. 7011 0470 0000 5285 7744

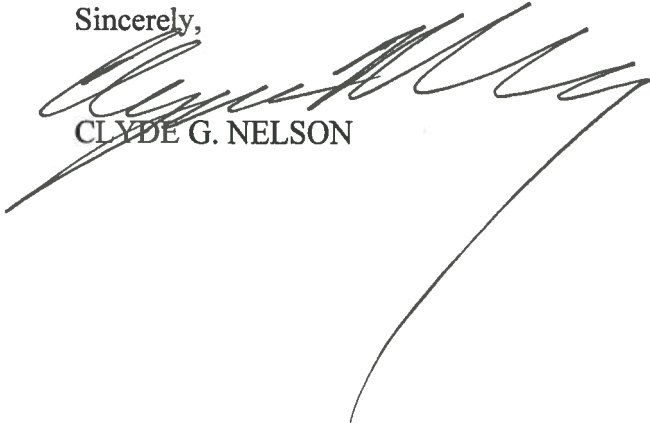
IDWR
Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Notice of Protest / City of Soda Springs / Brett Barfuss / Transfer No. 78015

Dear Sir or Madam:

Enclosed you will find the Notice of Protest filed on behalf of the City of Soda Springs, Idaho. Please cause the same to be filed. Notice of any further proceedings in this matter should be forwarded to my office. Thank you for your assistance in this matter.

Sincerely,


CLYDE G. NELSON

CGN:jn
cc: City of Soda Springs
Brett Barfuss