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JUL 19 2012

DEPARTMENT OF
WATER RESOURCES

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JUL 23 2012

WATER RESOURCES
WESTERN REGION

Attorneys for Nampa & Meridian
Irrigation District

Attorneys for Boise Project Board of Control

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 77932 IN
PIONEER IRRIGATION DISTRICT

**NAMPA & MERIDIAN IRRIGATION
DISTRICT AND BOISE PROJECT
BOARD OF CONTROL PROTEST**

COME NOW, the Protestant, Nampa & Meridian Irrigation District (hereinafter referred to as "NMID"), by and through its attorneys, Ringert Law Chartered, and the Protestant, Boise Project Board of Control ("BOC"), by and through its attorneys, Barker, Rosholt & Simpson LLP (collectively "Protestants"), and pursuant to I.C. §42-222 and IDAPA 37.01.01.250, hereby protest Application for Transfer No. 77932 filed by Pioneer Irrigation District ("Applicant").

The basis for this Protest is that Applicant's proposal to add a new point of diversion for water right no. 63-21731 may abrogate or modify the existing contractual rights of the Protestants relating to the use of water in the Five Mile Drain, contrary to the following provision of the decree for water right no. 63-21731, which was included in the water right by stipulation between the Applicant, NMID and the Bureau of Reclamation:

ORIGINAL

\$25 pd 7-19-12 C095753

This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

Furthermore, Applicant's existing diversion works and the feeder ditch which delivers water from the Five Mile Drain to the Applicant's Phyllis Canal, are located within the boundaries of NMID and are owned and operated by NMID. Applicant has not obtained the written consent of NMID to change the point of diversion as required by I.C. § 42-108.

Accordingly, the Protestants are concerned that the proposed transfer conflicts with the above-quoted provision of water right no. 63-21731 as well as the 1916 contract, and does not comply with the requirements of I.C. §42-222 in that it may: (1) result in injury to existing water rights, including those held by Protestants; (2) may result in an enlargement in the use of existing water rights; (3) conflict with the local public interest as defined in Idaho Code Section 42-202B; and (4) be contrary to the conservation of water resources within the state of Idaho.

Protestants propose that the proposed transfer be denied or that any approval, in whole or in part, include a conditions which protect Protestants' existing rights.

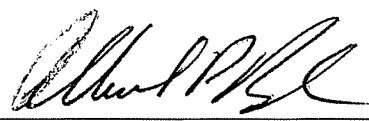
DATED this 19th day of July, 2012.

RINGERT LAW, CHARTERED

By: 
Daniel V. Steenson
Attorneys for Nampa & Meridian Irrigation District

DATED this 18th day of July, 2012.

BARKER, ROSHOLT AND SIMPSON, LLP

By: 
Albert P. Barker
Attorneys for Boise Project Board of Control

CERTIFICATE OF SERVICE

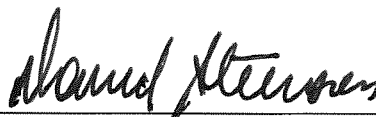
I HEREBY CERTIFY that on this 19th day of July, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below to the following:

Pioneer Irrigation District
P.O. Box 426
Caldwell, Idaho 83606

- ☒ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Electronic Mail

Scott L. Campbell
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Boise, Idaho 83701-0829

- ☒ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
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- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Electronic Mail



Daniel V. Steenson