

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

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DEC 09 1996

Department of Water Resources
 Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Application For Permit No. 37-08859/3MR DEVELOPMENT LLC

1. Matter being protested Diversion of water from Three Mile Creek, West
2. Name of protestant STEPHEN W. and Pamela J. Smith Fork of Camas Creek
3. Protestant's representative for service (If different than protestant)
NA
4. Service mailing address P.O. Box 3089, 821 Deerfield Drive, Hailey Idaho 83333
5. Service telephone no. 208. 788. 5982
6. Basis of protest (including statement of facts and law upon which the protest is based)

Please See Attached Sheet

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

7. What would resolve your protest? Denial of 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 6 day of December, 1996.

 Pamela J. Smith
 PROTESTANT

NA
 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.

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 MB Date 12/9/96 Time 10:55 am
\$25.00 fee Receipted by MB # 5019748 Date 12/9/96

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Notice of Protest
Idaho Department of Water Resources
December 6, 1996

6. Basis of protest

A. Diversion of water would result in a decrease of water flow downstream, specifically the west 1/2 of Section 34, Township 1N, Range 13E which is property we own. Diversion of water would decrease wildlife habitat and do major damage to the aesthetics on both sides of the stream for the mile running through our property.

B. We own shares of the Big Wood Canal Company with diversion near Gooding, Idaho. Our M&O (maintenance and operation) charges would increase if less water flowed into Magic Reservoir. Irrigators who rely on Magic Reservoir water have their M&O charges reduced in low water or drought years. Those charges are passed on to American Falls water users including ourselves.

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