

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 22 2008

IDWR/North

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.

1. Matter being protested Water Right # 95-9508-BARNHART
2. Name of protestant LINDA WILLIAMS (TARBERT)
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 403 BAYVIEW, ID 83803
5. Service telephone no. 1083-4020 Email Address: lmwbwsd@live.com

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

The facts are that the Barnharts are already using so much water that anymore use will leave the rest of us on the creek with little or no water. And asking for Recreation conit
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? A moritorium on Water Rights on Careywood Creek and its tributaries.

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 22 day of September, 20 08.

Linda Williams
Protestant LINDA WILLIAMS

Protestant's Representative

Storage should be absolutely out of the question. If everyone else on the creek is experiencing shortages why should they be given extra for recreation.

The people on the lower part of the creek slow down their water use when the creek is low so everyone has enough but there have been times when Barnhart has been asked if he is irrigating and he says "No" and there's his sprinklers up in the field going full stream. I believe he does not need anymore water rights and he abuses them anyway. I believe very strongly that his present water use needs to be strictly monitored.

Linda Williams

John Williams

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-0308

PHILIP W BARNHART

PATSY BARNHART

486 KRIFFLE CREEK

ATHOL ID 83801

Use: IRRIGATION 04/01 To 10/31 0.16 CFS

Use: IRRIGATION STORAGE 01/01 To 12/31 29.5 AFA

Use: IRRIGATION FROM STORAGE

04/01 To 10/31 24 AFA

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 To 12/31 5.7 AFA

Use: STOCKWATER FROM STORAGE

01/01 To 12/31 0.2 AFA

Use: RECREATION STORAGE 01/01 To 12/31 5.5 AFA

Total Diversion: 0.18 CFS 29.7 AFA

Date Filed: 08/19/2008

Place Of Use: IRRIGATION

T54N R02W S15 NWNW Lot 1

Number of Acres 8

Place Of Use: ALL OTHER USES SAME AS IRRIGATION

Remark: Stockwater use is for 10 head of mixed stock.

96-9395

IDAHO WATER RESOURCE BOARD

PO BOX 83720

BOISE ID 83720-0008

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. 95-7508 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 cm Date 9-22-08 Time _____
\$25.00 fee Received by cm # NO19569 Date 9-22-08