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March 18, 2011

Idaho Department of Water Resources
322 E. Front Street, 6th Floor
P. O. Box 83720
Boise, ID 83720-00098

RECEIVED

MAR 21 2011

DEPARTMENT OF
WATER RESOURCES

Re: WRVID #45, Notice of Protest, Permit No. 37-20743

Dear Clerk:

Enclosed for filing is an original and one copy of Wood River Valley Irrigation District #45's Notice of Protest. Also enclosed is our \$25.00 check for your filing fee. Please return the conformed copy to us in the envelope enclosed.

*Done
SR*

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Sue Estes, Assistant to
Albert P. Barker

/se
Enclosures

RECEIVED

MAR 23 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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MAR 21 2011
DEPARTMENT OF
WATER RESOURCES

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 APPLICATION FOR PERMIT NO. 37-20743
2. Name of protestant WOOD RIVER VALLEY IRRIGATION DISTRICT #45
3. Protestant's Representative for service (If different than protestant)
ALBERT P. BARKER, BARKER ROSHOLT & SIMPSON, LLP
4. Service mailing address P. O. Box 2139, 1010 W. Jefferson Street, Suite 102, Boise, ID
83701-2139
5. Service telephone no. (208) 336-0700 Email Address: apb@idahowaters.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
Wood River valley Irrigation District #45 is charged with delivering this new water right
along with the existing rights. The application is a source of confusion. It seeks to divert 0.20
cfs for the pond throughout the irrigation season, but the fill rate and the pond volume and
volume limits will be reached in a matter of a few days. In addition, the number of cfs proposed
as not diverted for irrigation is less than the amount of diverted to the pond. It does not tell the
delivery entity how the combined use of water from the #45 canal and the well is to be measured
and monitored. The total rights diverted under the application exceeds the combined delivery
rate on all the irrigation rights so it appears that this application seeks to increase delivery from
the #45 canal without any increase in diversion to the #45 canal.
7. What would resolve your protest? Clarification of rate, duty of Wood River Valley
Irrigation District #45 to deliver, and how rights are monitored and measured.

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 18th day of March, 2011.

Protestant



Protestant's Representative

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. C092643

Receipt by: SF

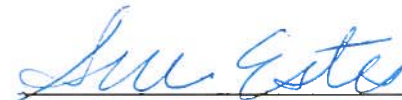
Date Received: 3/21/11

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2011, I mailed the original and copies of the WOOD RIVER VALLEY IRRIGATION DISTRICT #45 NOTICE OF PROTEST to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

James P. Speck, Attorney
P.O. Box 987
Ketchum, ID 83340

Brian & Diane Smith
P. O. Box 5326
Ketchum, ID 83340



Sue Estes, Assistant to Albert P. Barker