

07/2008

STATE OF IDAHO
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 Notice of Proposed Change of Water Right, Transfer No. ~~2582~~ 75647
2. Name of protestant Maurice A. Toler
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 231 E Glover Road, Arimo, ID 83214
5. Service telephone no. (208) 254-3361 Email Address: _____
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached.

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? A measuring meter on Applicant's pipe would mitigate
but not solve Protestant's concerns. Protestant requests the Applicant's transfer
be denied.

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 1 day of July, 20 09.

Maurice A. Toler
Protestant

Protestant's Representative

Receipt
#ED 35170

RECEIVED

JUL 02 2009

Department of Water Resources
Eastern Region

Applicant proposes to transfer the point of diversion from the center lateral to Garden Creek. While applicant and protestant's water all originates in Garden Creek, a portion of the source of that water is unnamed springs that feed Garden Creek. Protestant believes that changing applicant's point of diversion from the center lateral to Garden Creek will result in applicant taking waters that are different from and downstream from the waters of Garden Creek that feed the center lateral thereby negatively impacting protestant's source of water which is directly from Garden Creek.

Maurice A Toler