

07/2008

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Department of Water Resources
Eastern Region

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 Water Right transfer #74976
2. Name of protestant Don Gregory
3. Protestant's Representative for service (if different than protestant)
Mike Noonan
4. Service mailing address 7 Burstedt Lane, Ellis, ID 83235
5. Service telephone no. 876-4073 Email Address: mbnoonan@custertel.net
6. Basis of protest (including statement of facts and law upon which the protest is based)

~~See attached~~ We object to the applicant pumping water from our canal. She has a permit to pump from the river dating back to the 1960's.

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

7. What would resolve your protest? We have discussed her alternatives ~~see attached~~ and to resolve her application filing for our canal use, she will have to pump from the river.

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 19th day of November, 2008

Donald M. Gregory
Protestant

Michael J. [Signature]
Protestant's Representative

Receipt
#2034619

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6. Basis of protest:

There are six users on the P6 ditch and none of us had this project explained to us in a timely fashion, but with the information we have, we can see the adverse effects if her diversion point is moved to the P6 ditch.

Judy's pump would be at the head of the P6 ditch, running continually, which means she will get all the water she wants and the other users, will most likely run short, especially during peak irrigation periods. If the ditch runs short and we have to put a call on the water, she will be without. If she was to use her diversion point on the Pahsimeroi River, we would not be affected and when we have to shut down mid-summer to control moss, she won't be without water for several days. We feel her using the Pahsimeroi River diversion point will benefit all of us.

7. To resolve protest:

Use the diversion point she already has on the Pahsimeroi River.

Stay in the Cotter ditch & improve her irrigation system.