

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
NOV 24 2008
Department of Water Resources
Eastern Region

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 David R ELLIS
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 159 Pahsimeroi Rd
5. Service telephone no 208 876-4465 Email Address: none
6. Basis of protest (including statement of facts and law upon which the protest is based)

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 Alternatives and in order to resolve our application protest she will need 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 21 day of November, 2008.

David Roy Ellis
Protestant

Protestant's Representative

Receipt
#E0346116

David Roy ELLI's

Notice of Protest page 2

6. Basis of protest: WATER TRANSFER 74976

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.

Pahsimeroi Valley Alpacas

7 Burstedt Lane

Ellis, ID 83235

(208) 876-4073

mbnoonan@custertel.net

FAX COVER

To: IDWR
page 1 of 13

To Fax #: 208-525-7177

From: Mike & Betty Noonan

Phone: (208) 876-4073

Fax: (208) 876-4073

Date: 11/21/08

Notice of Protest for water right transfer # 74976.
Photo copy of checks which will follow by mail.

As per our phone conversation with Dave Carlson, we are enclosing our Notices of Protest for water right transfer #74976. Also enclosed are checks to cover each protestor's \$25 fee.

David Ellis

Michael Noonan

Don Gregory

Patricia McCaffrey