

11/07

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 19 2008
Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-102B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, 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 Transfer No. 73951 in the name of Mud Lake Water Users, Inc.
2. Name of protestant: Lyle R. Shupe
3. Protestant's Representative for service (If different than protestant): Not Applicable
4. Service mailing address: 2296 E. 1950 N., Hamer, Idaho 83425
5. Service Telephone no.: 208-662-5228 (home); 208-589-5278 (cell)
Email address: None
6. Basis of protest (including statement of facts and law upon which protest is based):
See attached sheet
7. What would resolve your protest?
Denial of Application for Transfer No. 73951

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 February, 2008.

Lyle R. Shupe
Protestant

Protestant's Representative

Receipt
E033775

Basis of protest:

I adopt and rely on the basis of protest stated in the notice of protest filed by Perry Woodard in this matter. I also believe that approval of the application for transfer of diversion point will result in pumping that will cause drops in Ray's Lake, Sand Hole Lake and the related aquifer underneath the Camas Refuge that will compromise my stock water rights in the same, and result in my having no livestock water for my cattle. I and my family have been pumping with centrifugal pumps for this purpose and others since at least 1934. All water left in Ray's Lake and Sand Hole Lake percolates into the aquifer and benefits our operation dramatically in terms of cost and convenience. The natural flow of Camas Creek and Beaver Creek leaves the two lakes (Ray's and Sand Hole) and adjoining wetlands with some standing water for livestock and waterfowl most of the summer and fall. I believe Mud Lake Water Users only has a "high water" right to water in the creeks that otherwise would flow naturally toward Mud Lake during periods of high flow. They are not entitled to take any water that is left in the lakes (Ray's and Sand Hole) after high water ends, and I believe this application is their latest improper attempt to do so