

**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, 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 Water Right # 96-9292
2. Name of protestant Scott Spray
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2272 Sunset Road Athol ID, 83801
5. Service telephone no. 208-683-3407 Careywood, ID
6. Basis of protest (including statement of facts and law upon which the protest is based)
Currently Steve Barnhart Has More Than one
Water Right on Careywood Creek. He is asking for
.18 CFS more. AT one point in The creek you can tell
when irrigation water is being diverted ie; The water level
(cont)
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Water Right NOT awarded OR PROOF
From The State of Idaho and Steve Barnhart That There will
be no detrimental effects of This water Right on my life.

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 17 day of AUGUST, 10 2006.

Scott Spray
PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by dp Date 8/18/06 Time 10:54a
\$25.00 fee Receipted by dp # N017829 Date 8/18/06

will drop 2-3 inches, and remain at That level while irrigation is ongoing. At The meeting That was held in Mr. Barnhart announced That The current water rights he has would be sufficient. In response to a question concerning The water level dropping 10-12 inches before my eyes we were told That is was the Anderson's pumping water into a tanker truck. Careywood Creek is a class A' stream and during The dry months cannot sustain any more diversion whether from itself or from its tributaries. If This water right Application²⁸ is approved I want to see some conditions attached. Mr. Barnhart should be required to install monitoring devices in The creek. The creek level should be recorded where it is now, and should be maintained at That level. Careywood creek sustains a trout population, and any further water level droppage will impact the fishery population. Due to The fact That this letter needs to be delivered NLT 21 AUGUST I am unable to provide the Idaho Codes That govern water rights, but will provide This information at a Scheduled hearing.

17 AUGUST 2006

Scott Spray