

November 26, 1999

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RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 14 2003

WATER RESOURCES
SOUTHERN REGION

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 Application No. 77-14145, applicant is the University of Idaho Regents
2. Name of protestant USDA Forest Service
3. Protestant's Representative for service (If different than protestant)
Steven M. Spencer
4. Service mailing address 161 Mallard, Suite A, Boise, ID 83706
5. Service telephone no. (208) 331-5944
6. Basis of protest (including statement of facts and law upon which the protest is based) The point of diversion is on National Forest System land in the Frank Church River-Of-No-Return Wilderness. Although the claimants have an existing diversion and licensed water right for this same location, this constitutes an entirely new water use, quantity, season of use, and purpose. There are extensive federal approvals that are incumbent on this proposal before it will be authorized including evaluations and decisions under NEPA, ESA and FERC. These approvals are not under the exclusive jurisdiction of the Forest Service. None of these have been secured by the claimants for this project.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Delay processing and approval of this application until the proper federal approvals, permits and authorizations are obtained for this project.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regular 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 11th day of February, 2003

John A. Ender Director, Lands Intermountain Region
Protestant

Steven M. Spencer
Protestant's Representative