

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 1997

Department of Water Resources
Eastern 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 all necessary information.

1. Matter being protested Water Right Application 01-07128
2. Name of Protestant U. S. Bureau of Reclamation
3. Protestant's representative for service (if different than Protestant)
Dala Walton, Snake River Area Office
4. Service mailing address 1359 Hansen Avenue, Burley, ID 83318
5. Service telephone number (208) 678-0461 Ext. 23
6. Basis of protest (including statement of facts and law upon which the protest is based)

Reclamation has filed various claims in the Snake River Basin Adjudication for water rights at American Falls Dam and Reservoir, I.C. 42-1408. Reclamation has been awarded licensed and decreed water rights at American Falls Reservoir under the laws of the State of Idaho and has entered into contracts with Idaho Power Company for waters held at American Falls Dam and Reservoir, Act of Congress of June 17, 1902, (32 Stat., 388) and acts amendatory or supplementary thereto, and Act of Congress of December 28, 1973 (87 Stat. 904). The intent of these United States' water rights and agreements with Idaho Power Company assert power is incidental to other purposes at American Falls Reservoir. Also, a water right with a junior priority date cannot be administered to allow refill of the reservoir after a flood operation has occurred. Therefore, if this application for a water right is granted it will cause injury to the water rights held by the United States for the American Falls Reservoir.

7. What would resolve your protest? Application 01-07128 should be denied.

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 21st day of March, 19 97.

United States Bureau of Reclamation
PROTESTANT

Dala S. Walton
PROTESTANT'S REPRESENTATIVE

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is sign by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A Protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered 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.
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 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 HwJ Date 3-24-97 Time 1:59pm
\$25.00 fee Received by HwJ # E023052 Date 3-24-97