

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

APR 21 2006

WATER RESOURCES
WESTERN REGION

W034076 ak

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 Proposed change of water right app. #72547 *Right Number 61-371A 61-372*
2. Name of protestant Robert K. Hall License #R61-02223 and others
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2975 West Latty Dr., Glens Ferry, Idaho 83623
5. Service telephone no. 208-366-2528

6. Basis of protest (including statement of facts and law upon which the protest is based)

The change of diversion downstream will divert water when the Pearson diversion point upstream is dry on short water years. This will take my water. Sec. 42-222 Idaho Code and any Idaho Code that will apply to this protest.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Possibly, if my water right is protected and this does not create another problem every dry year for my junior downstream right.

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 20 day of April, ~~2000~~ 2006

Robert K. Hall *Robert K. Hall*
Protestant

Protestant's Representative

copy: Joyce Pearson
c/o Nathan Jones
2240 E. Maple Drive
King Hill, Idaho 83623

\$25⁰⁰ check No 3166

RECEIVED

APR 19 2006

WATER RESOURCES
WESTERN REGION

W134066

Carlene Smith
2604 N. Morrow Reservoir Road
Glenns Ferry, Idaho
Telephone: (208) 366-2711

April 17, 2006

T0: Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right Application for Transfer No. 72547 in the Name of Joyce Pearson

I am filing a formal protest against approval for the change in the point of diversion for water rights 61-371A and 61-372 as submitted by Joyce Pearson in her Application for Transfer of Water Right (Transfer No. 72547). I protest this change in point of diversion as it will increase the water diverted under these rights in time and amount, reduce the water available to other water users on the creek and complicate the delivery of water.

I hold several water rights including a waste water right that I divert out of Little Canyon Creek at a point approximately a quarter mile up creek from where Joyce Pearson intends to place her new point of diversion. These water rights include water right numbers: 61-2000A, 61-2000B, 61-293D, 61-07236A, 61-07236B, 61-293D.

Since 1872 and 1892 the amount of water diverted under the rights Nos. 61371A and 61-372 has been restricted by the nature of Little Canyon Creek. The water in the creek diminishes after the early run off and by late July there is little water available at these points of diversion. In late summer the creek becomes dry and no water is available for diversion at the present points of diversion. However, just a short way down the creek water is still flowing. Wastewater seeping into the ground or running off the fields finds it way into the creek basin creating a new water flow that provides irrigation water for down stream users including myself and those in and around Glenns Ferry. It is a new source of water; not the water that flows down from the mountains as normal creek flow to Ms. Pearson's present diversions.

This transfer would allow the delivery of a greater amount of water over a longer period of time than can be delivered at the present points of diversion, **it would increase the water under water rights Nos. 61-371A and 61-372 in both time and amount. It would significantly reduce the water that is available to fill the rights of other users.**

Reducing the amount of water available for delivery by 80 miner inches could result in many small users not having water available for lawns and yards in the hottest months of the irrigation season. Larger users like myself would also have the amount of water available reduced. This would not only cause hardship for water users but also create a very difficult job for the water master.

However, if the transfer restricted the amount of water diverted at the point of the new diversion to that time and quantity of water that could be diverted at the original points of diversion, the water available for present users including Ms. Pearson should not change significantly. Such a restriction might remove, at least in part, problems of the transfer application as it now stands.

Change in points of diversion under Transfer No. 72547 would result in an increase in the amount of water and duration of time for water under rights Nos. 61-371A and 61-372 and reduction of the amount of water available for myself and other water users on Little Canyon Creek. It would increase the difficulty of delivery of water of Little Canyon Creek and could cause disputes between water users. For these reasons, I am protesting the Water Right Application for Transfer submitted by Joyce Pearson.

Please inform me if I need to send more information or take any other action in making this protest. Also, please send me any information concerning proceedings, hearings, decisions and appeals.

Thank you,



Carlene Smith

Encl. \$25.00 protest fee

Copy sent to Joyce Pearson, applicant; c/o Nathan Jones, ^{Certified}~~Registered~~ Mail #7005-1820-0004-6755-3429

Sent ^{Certified}~~Registered~~ Mail # 7005-1820-0004-6755-3412

El Am O passed to the
Obata Right no. 72547 to new
Paint. Ob. Division in the name
of. Taper. Reason. of Matten
Lower

Dickenson.

4-18-06

W034070

#25 -

DJ

4-20-06

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION