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W. Lee Godfrey
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CITY OF SODA SPRINGS

Historical Oregon Trail Oasis

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December 23, 2004

Department of Water Resources
Eastern Region
900 North Skyline Drive, Ste. A
Idaho Falls, ID 83402

RECEIVED

DEC 27 2004

Department of Water Resources
Eastern Region

Re: Protest of Change of Water Rights - Transfer No. 71090

Gentlemen:

Please be advised that the City of Soda Springs, Idaho, protests the proposed change of water rights and Transfer No. 71090 filed by the Presbytery of Kendall, Inc. on property located in Caribou County, Idaho. The City of Soda Springs is a permitted and licensed user of water from Soda Creek.

The City of Soda Springs, Idaho, protests said application as follows:

1. Water is not available to Applicant at the present point of diversion. Change in point of diversion allows the Applicant access to a water supply, to which the Applicant does not presently have access, and constitutes an enlargement of the Applicant's water right.
2. The Applicant has not used its water right for many years, and the Applicant has abandoned and/or forfeited its water right or rights.
3. The property to which the Applicant seeks to use the water has not been irrigated and is outside the Applicant's permitted use, and the same constitutes an enlargement of the Applicant's original right.
4. The Applicant has failed to pay assessment fees for District 11-B.
5. Granting the application will detrimentally affect other water users and will change the effect on the source for the right.
6. The City joins in any protest filed by other users of water from Soda Creek.
7. The City requests denial of the application.

12/27/2004
625 DC
E030496

The City's representative for service is:
Clyde G. Nelson
Attorney at Law
P.O. Box 797
Soda Springs, Idaho 83276
Phone 208 547 2135

Submitted with this protest is a check from the City of Soda Springs, Idaho, in the sum of \$25.00 as is required by §42-221, Idaho Code.

Sincerely,



W. Lee Godfrey
Director of City Services

CC: Larry Bull