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OCT 11 2024
DEPT. OF WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate \$25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant.**

1. Matter protested. Application for ☐ Permit ☐ Amendment of Permit ☒ Transfer ☐ Exchange
No. 89232 in the name of Good Timber Ranch LLC

2. Protestant's Name: Rafe and Ainsley Rivers

Address: 1566W 10250S, Victor, ID 83455

Telephone: _____ Email: raferivers@gmail.com

3. Protestant's Representative: Michelle Mortimer

Address: 25 N 2nd E St. Rexburg, ID 83440

Telephone: 208 - 356-3633 Email: mmortimer@rex-law.com

4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See Instructions for Filing a Notice of Protest for the relevant review criteria.

Rafe and Ainsley own property and lease land and water from Georgie Stanley. They use a portion of Water Right 22-14072 which is a senior water right downstream of Good Timber's proposed change. Good Timber's proposed change will injure the existing senior water rights and result in an enlargement of use of the junior water rights proposed to be changed in the transfer. The proposed new pond and dam structure will alter Little Warm Springs which is a perennial stream. Any change to a continuously flowing stream requires a stream channel alteration permit.

(cont. on attached page)

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

5. ☒ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, 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.**

[Signature]

Protestant's or Representative's Signature

Michelle Mortimer

Printed Name and Title (if applicable)

10/10/24

Date

\$25.00 fee received by celh

FOR DEPARTMENT USE ONLY

Receipt # E050423

Date 10/11/24

In the application there is no description of the dam structure that will hold the impounded water back. Along with the concerns about impacts to the senior water rights, the Rivers are concerned that if the dam breaches, the water would flood their home and farm doing irreparable damage. Good Timber Ranch has not received the proper permits to be able to make the changes proposed in the transfer application. Little Warm Springs is a headwater of the Teton River. Impounding the water will affect the temperature and quality of the water downstream and eventually affect the quality of the Teton River.

The proposed nature of use change under this application will significantly affect the agricultural base of the local area. The work that Good Timber has already done on its property has negatively impacted the River's property and the property that they lease. Good Timber has redirected the springs that originate on their land into perforated plastic pipes and directed the flow to land downstream outside of the stream banks. This redirected flow has saturated parts of the River's property making it difficult to cultivate and navigate. It is unknown what effect the proposed change will have on the surrounding property, but the concern is that Good Timber's proposed change will injure the existing water rights and impact the ability to use the water for irrigation and the other allowed uses downstream as well as increase the risk of erosion and flooding.

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EASTERN REGION

Law Offices

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October 10, 2024

IDWR Eastern Regional Office
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402

RE: Protests to Good Timber Ranch LLC Transfer No. 89232

Dear Madam or Sir,

Please find enclosed four protests to the Good Timber Ranch LLC Application for Water Right Transfer. A single \$100 check to cover all four protest fees is included.

If you have any questions, please let me know.

Sincerely,



Michelle Mortimer