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MAY 08 2023

DEPARTMENT OF
WATER RESOURCES

Receipt # C116219

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Attorneys for Idaho Power Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
TRANSFER NOS. T87701 & 87702,

In the name of Gardner Farms

NOTICE OF PROTESTS

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Notice of Protest* to the approval of the above-numbered *Applications for Transfer* filed by GARDNER FARMS, (the "Applicant").

The initial bases for the protests are as follows:

1. The transfer applications propose to move water right nos. 35-14825 & 35-14826 from a points of diversion outside of the area commonly described as "trust water," to a point of diversion within the trust water area.
2. The new source of water would be recognized as trust water by the State of Idaho

as defined in IDAPA 37.03.08.031(a) and mitigation may be required.

3. The transfers would result in a new trust water depletion at a time when the State is commencing a review of trust water availability and trust water term rights.

4. As identified in the Department's October 21, 2022 Amended Snake River Basin Moratorium Order, "While the three-day average Adjusted Average Daily Flow of the Snake River at the Murphy Gage has only fallen below the minimum stream flow water rights for two days, the full impacts of the current Trust Water right appropriations have not yet been fully realized in the Snake River." *See Order at 24.*

5. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 8th of May, 2023.

MARTEN LAW



John K. Simpson
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2023, I served the original of the foregoing **NOTICE OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street
Boise, Idaho 83702-7374

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Gardner Farms
578 N 100 W
Blackfoot, Idaho 83221-5714

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email:

Greg Sullivan
Brockway Engineering
2016 Washington St. N Ste.4
Twin Falls, ID 83301

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☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
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greg.sullivan@brockwayeng.com



John K. Simpson

Idaho Department of Water Resources Receipt

Receipt ID: C116219

Payment Amount	\$25.00	Date Received	5/8/2023	Region	STATE
Payment Type	Charge Card				
Payer	BARKER ALBERT P				
Comments	NOTICE OF PROTEST IN THE MATTER OF APPLICATION FOR TRANSFER NOS T87701 & 87702 IN THE NAME GARDNER FARMS BY IDAHO POWER COMPANY ADDITIONAL \$25.00 ORDERID: 57557402 LOCAL REFID: sqmEdUp2U0qTyP/W6Z2DFw== TOTAL PAID: \$26.75(FEEs: \$1.75) AUTH_CODE: 621560 REC DATE: 5/8/2023 03:52:15 PM MDT				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	56103	0229	21		1155



Signature Line (Department Representative)