

RECEIVED

JAN 22 2024

DEPT OF WATER RESOURCES
SOLICITATIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Filing Fee: \$25.00

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. 87659 in the name of Eccles Window Rock Ranch LLC

2. Protestant's Name: Hiawatha Canal Water Users' Association of Lateral of Laterals ("Hiawatha Canal")

Address: P.O. Box 1800, Hailey, ID 83333

Telephone: (208) 578-0520 Email: haemmerlefilings@gmail.com

3. Protestant's Representative: Fritz X. Haemmerle, Haemmerle Law, P.L.L.C.

Address: P.O. Box 1800, Hailey, ID 83333

Telephone: (208) 578-0520 Email: haemmerlefilings@gmail.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.

The basis of the Protest is injury to water rights delivered in the Hiawatha Canal. Idaho Code 42-203A(5) and 42-222(1)

The transfer Application for 87659 (paragraph 5.b) includes water right 37-577BP, a portion of which (1.4 cfs), has been ordered to remain in the Hiawatha Canal as conveyance loss (mitigation). This Order was made in Transfer 68526. This transfer should reflect that 1.4 cfs of water right 37-577BP is not included in this transfer.

(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.**

Fritz X. Haemmerle
Protestant's or Representative's Signature

Fritz X. Haemmerle, Attorney
Printed Name and Title (if applicable)

1/22/2024
Date

\$25.00 fee received by SG

FOR DEPARTMENT USE ONLY

Receipt # 5040060

Date 1/22/2024

RECEIVED

Jan 22, 2024

DEPARTMENT OF
WATER RESOURCES

(E-filed)

Filing Fee: \$25.00

STATE 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. 87659 in the name of Eccles Window Rock Ranch LLC

2. Protestant's Name: Hiawatha Canal Water Users' Association of Lateral of Laterals ("Hiawatha Canal")

Address: P.O. Box 1800, Hailey, ID 83333

Telephone: (208) 578-0520 Email: haemmerlefilings@gmail.com

3. Protestant's Representative: Fritz X. Haemmerle, Haemmerle Law, P.L.L.C.

Address: P.O. Box 1800, Hailey, ID 83333

Telephone: (208) 578-0520 Email: haemmerlefilings@gmail.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.

The basis of the Protest is injury to water rights delivered in the Hiawatha Canal. Idaho Code 42-203A(5) and 42-222(1)

The transfer Application for 87659 (paragraph 5.b) includes water right 37-577BP, a portion of which (1.4 cfs), has been ordered to remain in the Hiawatha Canal as conveyance loss (mitigation). This Order was made in Transfer 68526. This transfer should reflect that 1.4 cfs of water right 37-577BP is not included in this transfer.

(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.**

Fritz X. Haemmerle
Protestant's or Representative's Signature

Fritz X. Haemmerle, Attorney

Printed Name and Title (if applicable)

1/22/2024

Date

FOR DEPARTMENT USE ONLY

\$25.00 fee received by _____

Receipt # _____

Date _____

HAEMMERLE LAW, P.L.L.C

Attorney & Counselor at Law

Fritz X. Haemmerle
fxh@haemmerlelaw.com

P.O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

January 22, 2024

RECEIVED

JAN 22 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION

IDWR Southern Region
650 Addison Ave. W, Suite 500
Twin Falls, ID 83301-5858

Re: *Protest (Transfers 87657, 87658, 87659 and 87660)*
By: *Hiawatha Canal Water Users' Association of Lateral or Laterals*
("Hiawatha Canal")

To Whom It May Concern:

Please find enclosed: (1) Three Protests for Transfer 87657, 87658, 87659 and 87660; and (2) a check for \$100.00 (\$25.00 for each Protest). If there is anything else that is required to conclude this matter, please do not hesitate to call.

Thank you.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client

Eccles Window Rock Ranch LLC, Spencer F. Eccles, 79 S. Main Street, 2nd Floor, Salt Lake City, UT 84111
Brockway Engineering, c/o Greg Sullivan, greg.sullivan@brockwayeng.com

Maline, Denise

From: Haemmerle Law <haemmerlefilings@gmail.com>
Sent: Monday, January 22, 2024 1:16 PM
To: IDWR File
Subject: Protests for Txfr 87657, 87658, 87659 and 87660
Attachments: Protests for Txfr 87657 87658 87659 87660.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please find attached the .pdf file of the Protests that are being hand delivered to your Twin Falls office today along with the check. Please contact me if you have any questions or concerns.

Heather Johnston, Assistant to

Fritz X. Haemmerle

HAEMMERLE LAW, P.L.L.C.

P.O. Box 1800

Hailey, ID 83333

Tel: (208) 578-0520

FAX: (208) 578-0564

THIS IS A CONFIDENTIAL COMMUNICATION: This e-mail message and the information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the named recipient, any dissemination, distribution or copying is strictly prohibited. If you received or think you received this e-mail message in error, please reply to fxh@haemlaw.com or call 208-578-0520.

- Originals & fees rec'd 1/22/2024. 5040060