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Rev. 04/2022

JUL 28 2023

Filing Fee: \$25.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources
Eastern Region
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. 74-16469 in the name of Ronald E. Byers

2. Protestant's Name: Rohn & Lori Nelson (Joint Protestant)

Address: 3800 East Ruth Drive, Wasilla, AK. 99654

Telephone: (907) 982-5551

Email: fullcurl@mtaonline.net

3. Protestant's Representative: _____

Address: _____

Telephone: _____

Email: _____

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.
Additional information is needed to determine whether approval of 74-16469, will reduce the quantity of water under existing rights.

The application, 74-16469, indicates that the POD is LWMP2. The point of diversion is correctly annotated on the map, included in 74-16469 Permit Application.pdf, however the map, identified as WaterApplication74-16469.pdf, titled: State of Idaho, Department of Water Resources, Application For Permit, 74-16469, Irrigation, indicates a point of diversion that does not exist. This location is likely where Ronald E. Byers is pumping water directly from Wimpy Creek, to supply a sprinkler irrigation system for his property. The POD, LWMP2, is located on Pratt Creek Ranch, next to Skinner Ranch Road. Diversion from Wimpy Creek to POD, LWMP2, is concluded as "The Y" by manipulating the channel with a line of rocks in the stream bed, and no head gate or measuring device is installed at that location.

There currently is no ability to determine whether the water supply is sufficient for the purpose intended, due to there being no head gates or measuring devices installed at "The Y". Without the ability to regulate and measure the amount of water being diverted at "The Y", it is not possible to accurately quantify the amount of water being diverted from Wimpy Creek.

It appears that the water diverted at POD, LWMP2, does not flow onto property, owned by Ronald E. Byers, but is diverted to the south side of Skinner Ranch Road. It appears that Wimpy Creek flows onto property owned by Ronald E. Byers; however it appears to be unusable for irrigation without pumping directly from Wimpy Creek, and utilizing a sprinkler system. There is no authorized POD from Wimpy Creek, at the annotated location, identified on WaterApplication74-16469.pdf.

(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.**

Rohn R. Nelson
Protestant's or Representative's Signature

Rohn R. Nelson
Printed Name and Title (if applicable)

07/24/2023
Date

\$25.00 fee received by cdh

FOR DEPARTMENT USE ONLY

Receipt # E049383

Date 7/28/23