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Attorneys for Idaho Power Company

RECEIVED

MAR 27 2023

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAR 30 2023

Department of Water Resources
Eastern Region

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. T87513,

In the name of Grandview Ranch, LLC

NOTICE OF PROTEST

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

The initial bases for the protest are as follows:

1. The transfer application proposes to move water right no. 35-14181 from a point 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 consistent with the ESPA Transfer Spreadsheet, listed as attachment number 5, in the Application for Transfer.

3. The transfer would result in a new trust water depletion as 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 27th of March, 2023.

MARTEN LAW



John K. Simpson
Attorneys for Idaho Power Company

FOR OFFICE USE ONLY

FEES PAID: \$25.00 DATE: 3/27/23
RECIPT NO.: C115702 BY: KM

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 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

Grandview Ranch, LLC.
266 W Bridge
Blackfoot, Idaho 83221

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