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Attorneys for Idaho Power Company

RECEIVED

MAY 08 2023

DEPARTMENT OF
WATER RESOURCES

Receipt C116216

RECEIVED

MAY 11 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 NOS. T87701 & 87702,

NOTICE OF PROTESTS

In the name of Gardner Farms

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

NOTICE OF PROTEST

SCANNED

MAY 23 2023

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

NOTICE OF PROTEST

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MAY 23 2023

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

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email:
greg.sullivan@brockwayeng.com



John K. Simpson

NOTICE OF PROTEST

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Idaho Department of Water Resources Receipt

Receipt ID: C116216

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
ORDERID: 57553828
LOCAL REFID: E08Ju/CAwk+IRI7mQoCLpw==
TOTAL PAID: \$26.75(FEEs: \$1.75)
AUTH_CODE: 650749
REC DATE: 5/8/2023 01:45:07 PM MDT

Fee Details

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



Signature Line (Department Representative)

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MAY 23 2023