

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Filing Fee: \$25.00

RECEIVED**OCT 06 2023****WATER RESOURCES
WESTERN 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. 88295 in the name of Steven N. Mulberry, Ellie Mulberry

2. Protestant's Name: Lloyd Knight and Orla Knight

Address: PO Box 47, Hammett, Idaho 83627-0047

Telephone: 208-590-0228 Email: ojknight@hotmail.com

3. Protestant's Representative: John Richards - Sawtooth Law Offices

Address: 1101 W. River St., Ste. 110, Boise, Idaho 83702

Telephone: 208-649-7447 Email: john@sawtoothlaw.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.

Please see Exhibit A attached hereto.

(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.**


Protestant's or Representative's Signature

John Richards
Printed Name and Title (if applicable)

10-5-23
Date

\$25.00 fee received by CC

FOR DEPARTMENT USE ONLY

Receipt # W051573

Date 10-6-23

Exhibit A
Basis of Protest

The basis of this protest is that the proposed transfer will conflict with the local public interest in violation of Idaho Code § 42-222(1). The applicant is a member of the Mesa View Estates Subdivision which is subject to the provisions of Mesa View's covenants, conditions, and restrictions which, in part, govern use of a shared pump and irrigation system. Applicant is also subject to a shared irrigation agreement which includes the lots within Mesa View Estate Subdivision and two lots outside of the subdivision and which also governs use of a shared pump and irrigation system among the parcel owners. Applicant has not made any effort to resolve how this transfer will affect his continued obligations under the CCRs and irrigation agreements. Applicant has also made no effort to determine how a change in his point of diversion would be cohesively or practically tied in with the existing shared irrigation system or how the proposed change would otherwise affect the existing shared irrigation system. Approval of the transfer prior to these matters being addressed by Applicant would be premature and would cause significant negative impact to the local public interest of the people in the immediate area that will be impacted by this decision. Therefore, Protestant submits this protest and requests that the application be denied.