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Rev. 04/2022

Filing Fee: \$25.00

OCT 19 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

NOTICE OF PROTEST

RECEIVED
OCT 16 2023
DEPT OF WATER RESOURCES
SALMON OFFICE

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. 88526 in the name of Justin L Mettler

2. Protestant's Name: John Miller

Address: 2100 Hwy. 93 N., North Fork, ID 83466

Telephone: 208-865-2676

Email: nforkster@gmail.com

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.

I am concerned that this POD change will injure my water rights in the following manner:

1. Presently, Mr. Mettler's irrigation water is delivered via a ditch that serves multiple water users before crossing his property and returning to the North Fork of the Salmon River. If Mr. Mettler's POD change is approved, along with the Ambrose POD change request, the ditch will still be needed to carry the waste water back to the river. I and the other water users on the ditch need assurances that we will have continued legal access to the ditch/easement on Mr. Mettler's property for maintenance purposes in order to prevent wastewater from becoming a problem.

(SEE ATTACHED FOR FURTHER)

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

I am not addressing any other review criteria as a basis for my 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.**

John C. Miller
Protestant's or Representative's Signature

John Miller
Printed Name and Title (if applicable)

10/07/2023
Date

\$25.00 fee received by

David Graybill

FOR DEPARTMENT USE ONLY

Receipt #

E649561

Date

10/16/2023

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4. Basis of protest (cont.)

2. The removal of Mr. Mettler's diversion flow rate will reduce the carry water in the ditch and negatively affect the ability to deliver water to the other water users on the ditch. This issue may be exacerbated with the installation of a measuring device, at the POD.