

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 06 2020
Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer No. 84441 in the name of Bruce and Glenda McConnell
2. Name of protestant Whittaker Two Dot Ranch, LLC
3. Protestant's Representative for service (If different than protestant)
Jordan Whittaker
4. Service mailing address PO Box 177 Leadore, ID 83464
5. Service telephone no. (208) 303-0001 Email Address: whittaker2dot@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

See Attached

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See Attached

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, 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.

Signed this 3rd day of November, 2020.

Whittaker Two Dot Ranch, LLC

Protestant

Jordan Whittaker
Protestant's Representative

6. Basis of Protest:

By changing the point of diversion on these water rights, it will alter the way the water has been historically administered based on priority dates. All of the junior water right holders on Lee Creek will be adversely affected. In addition, the only way to convey McConnell's water from the east fork of Lee Creek to this new point of diversion would be through my ranch's PRIVATE ditch systems. Under no circumstances will I allow another water user to deliver his/her water through my private ditches.

7. What would resolve your protest?

- Delivering the water according to the 1930s agreement between the former owners of the McConnell Ranch and the other water users on Lee Creek which delivered water from the east fork of Lee Creek via a higher ditch and acknowledged the spring water on our property is private and not subject to priority dates on Lee Creek

OR

- McConnell's can make no claim to any water from the east fork of Lee Creek (Everson and Stroud)

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
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FOR DEPARTMENT USE ONLY

Received by CA dh Date 11/6/2020 Time _____
\$25.00 fee Receipted by CA dh # E046420 Date 11/6/2020