

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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NOV 13 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 84441 - McConnell
  2. Name of protestant JAMES WHITTAKER
  3. Protestant's Representative for service (If different than protestant)  
\_\_\_\_\_
  4. Service mailing address P.O. 240 Leadore, Id 83464
  5. Service telephone no. 208-363-0162 Email Address: FJWhitt@yahoo.com
  6. Basis of protest (including statement of facts and law upon which the protest is based)  
Change from historical POD. (Lot 4, S 6 T15 N  
R 25 E) which connects Left Fork to the Right Fork  
Lee Creek No. 8363 Supreme Court Case.
- (additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Withdrawal of application +  
File for historical POD.

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 12<sup>th</sup> day of November, 2020.

James Whittaker  
Protestant

\_\_\_\_\_  
Protestant's Representative

**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.

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**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 CS H Date 11/13/2020 Time 2:00  
\$25.00 fee Received by CS H # E046440 Date 11/13/2020