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MAY 21 2018

WATER RESOURCES
WESTERN REGION

May 11, 2018

State of Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Permit Nos. 77-14364 in the name of Leland J Kelly and Jerleen L. Kelly

Dear State of Idaho Dept. of Water Resources:

Thank you for notifying me about the above reference application. We do wish to file a protest against the approval of this application.

Enclosed is a copy of my notice of protest and a check to cover the \$25 processing fee. A copy has been sent to the applicants as well, Kelly's.

Thank you for this opportunity to protect our private property rights.

Sincerely,

Thomas M Roberts

Thomas M Roberts
HC66-6645
McClain Ranch
McCall, ID 83638

W096351 5/21/18
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Notice of Protest May 11, 2018

- I understand from IDWR, that this intermittent stream has different rules than a creek or river. Also, that I own the land under the water, and that I may restrict any access on my property including diversion, head gates, pipes, etc., or use of my property.

There is no agreement between property owners as stated on the Kelly's application. I did not know about this until the 1st week of May 2018. They have no right of way and no easement was ever given to the applicants or the other people using the same diversion on my property.

During the summer and fall of 2017, the unnamed stream ran completely dry below the applicant's current diversion to the mouth of the unnamed stream at its junction with the South Fork Salmon River. All of the water in the unnamed stream was being diverted into their water systems. This deprived the downstream water right owners of water for the summer and fall until the winter rains and snow began. If there isn't enough water to fulfill all the water rights after a good water year, how is there enough water to grant another water right? The unnamed stream had never previously run dry even when all the others using the diversion were taking their share of the water.

7) What would resolve your protest?

With all due respect, I would request that all diversion equipment that is presently being used on my property, without permission or legal rights, be immediately removed.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing regarding this matter to which I have been notified at the address above, the department may issue a notice of proposed default against me for failure to appear. I also verify that I have served a copy of this protest to the applicants?

Sincerely,

A handwritten signature in cursive script that reads "Thomas M. Roberts".

Thomas M. Roberts
HC66-6645
McClain Ranch
McCall, Idaho 83638