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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

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 Water Applications 96-9683, 96-9685, 96-9686
2. Name of protestant Mark Kubiak
3. Protestant's Representative for service (If different than protestant)

SAME

4. Service mailing address PO Box 142, Douer ID 83825
5. Service telephone no. 208 946-8066 Email Address: N/A
6. Basis of protest (including statement of facts and law upon which the protest is based)

The applicants, Marc Brinkmeyer, Priest River Land Co, and Riley Creek Lumber Co, have at present impounded the water of Hornby Creek w/o permit. Those downstream that hold a share of permit # 96-4212 with a priority date of 6/7/89 are not receiving sufficient flow. I for a fact do not get my full allocation.

7. What would resolve your protest? Remove the non-permitted impoundments

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 27 day of November, 2017.

Protestant

Protestant's Representative

Received by JA Date 11/29/17 Receipt # N033059 Amount: \$17500

11/27/2017

Department of Water Resources
Northern Region
7600 Mineral Drive
Suite 100
Coeur D'Alene, Idaho 83815

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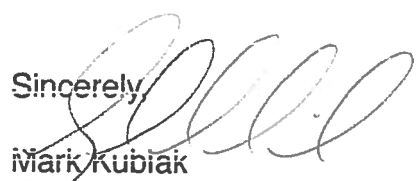
Director,

As a holder of a water claim with a priority date of 6/7/1899 I am writing to protest the applications of Marc Brinkmeyer, Priest River Land Co., and Riley Creek Lumber Co. for the waters of Hornby Creek in Bonner County.

This year and for the past several years I have not received my annual allocated amount of water. This I feel is a direct result of the non-permitted impoundment of water upstream on Hornby Creek on the properties of the aforementioned applicants.

I oppose any additional allocations of water from Hornby Creek and ask that all non-permitted impoundments be removed.

Sincerely,



Mark Kubiak
PO Box 142
Dover, ID 83825

cc: Marc Brinkmeyer, Priest River Land Co., Riley Creek Lumber Co.