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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 23 2016
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 Transfer No. 80793
2. Name of protestant Merrill Ranch Partnership, LLC
3. Protestant's Representative for service (If different than protestant)
Thomas J. Budge, Racine Olson Nye Budge & Bailey, Chartered
4. Service mailing address P.O. Box 1391, Pocatello, Idaho 83204-1391
5. Service telephone no. 208-232-6101 Email Address: tjb@racinelaw.net
6. Basis of protest (including statement of facts and law upon which the protest is based)
The Settlement Agreement dated May 15, 2012 between the Applicant's predecessor in interest, Miller Family Real Estate, LLC, and Merrill Ranch Partnership, LLC requires the Applicant to transfer the water rights "from irrigation to storage in Miller Reservoir," not to "irrigation storage" while maintaining the ability to continue irrigating. The proposed Transfer also violates condition 3 of water right no. 13-7784.

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

7. What would resolve your protest? Denial of the Transfer.

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 19th day of May, 20 16.

Protestant

[Signature]
Protestant's Representative

Receipt
2042113



Thomas J. Budge
tjb@racinelaw.net

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MAY 23 2016

Department of Water Resources
Eastern Region

May 19, 2016

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Ste A
Idaho Falls, Idaho 83402

Re: Transfer No. 80793

To Whom It May Concern,

Please find enclosed the original and one copy of a *Notice of Protest* filed on behalf of Merrill Ranch Partnership, LLC against water right transfer no. 80793. Also enclosed is a \$25.00 check for the protest fee. Please file the original and conform stamp and return the copy to me in the enclosed envelope.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. J. Budge', is written over the word 'Sincerely,'.

T. J. BUDGE

c: Glen Merrill