

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
MAR 16 2015
IDWR/NORTH

1. Matter being protested: APPLICATION FOR PERMIT TO APPROPRIATE WATERS #95-16979 IN THE NAME OF John and Sjoukje Bungen Family Trust. 23148 N. Rimrock Rd. Hayden, ID 83835. 208-762-7272

2. Name of Protestant: Eileen G. Hawley. 22769 N Corbin Hill Rd. Hayden, ID 83835

3. Protestant's Representative for service: Michael J. Verbillis, Attorney at Law.

4. Service mailing address: P.O. Box 519. Coeur d'Alene, ID 83816-0519.

5. Service telephone no. 208-667-9475 Email Address: mjverbillis@frontier.com

6. Basis of protest:

The Applicant is not the owner of the property upon which the spring in "P.O.D. #1" is located or the spring or the water therein contained. That they have no right to possession of said property.

The Protestant is the sole and exclusive owner of said real property and the spring thereon located and has the sole and exclusive right to possession and to appropriate the water in said spring.

The Protestant and her predecessors in interest have been and now are in exclusive possession of said property, the spring and the water therein located and have been for in excess of 25 years prior hereto, which possession has been exclusive, open and continuous and notorious and adverse to the Applicant and all others.

That the Protestant and her predecessors in interest have constructed and maintained diversion and storage equipment to facilitate the appropriation and use of all said water in said spring and have diverted all said water to properties adjacent which are owned and occupied by them, for in excess of said 25 plus years, all of which is open, notorious and adverse to the claims of Applicant and all others.

That the property upon which P.O.D. #1 and the spring there on located is now and for over 25 years been enclosed with other properties, owned and possessed by Applicant within a lawful fence and possessed as a single unit.

That said property now is and during the entire said 25 year period has been used and maintained by the Protestant and predecessors in interest exclusive to all other Claimants.

That Protestant and predecessors in interest have for in excess of 25 years diverted and appropriated the water within said spring on P.O.D. #1, to their beneficial use for domestic use upon said properties and adjacent properties as their own exclusive of all others.

In addition to openly, notoriously and adversely occupying said P.O.D. #1 for in excess of 25 years, the Protestant and predecessors here paid all taxes and assessments levied thereon by the taxing entities.

7. What would resolve your protest? Denial and dismissal of Application as it applies to P.O.D. #1.

I hereby, acknowledge that if I, or my designated representative, fail 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 16 day of March, 2015.

Eileen Hawley
EILEEN HAWLEY

Michael J. Verbillis
MICHAEL J. VERBILLIS, Protestant's Representative

DEPARTMENT USE ONLY Received by [Signature] Date 3/16/15
Time 3:16 \$25.00 fee Received by [Signature]
N031104 Date 3/16/15