

07/2008

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AUG 19 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 App 78252 to change/add points of diversion and add stockwater use to existing water right(per public notice) in the name of Allen Ranch LLLP.
2. Name of protestant Sandra M Chess
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1200 Lizaso Ave, Boise, ID 83709
5. Service telephone no. 208-863-8769 Email Address: schess123@msn.com

6. Basis of protest (including statement of facts and law upon which the protest is based)

Transfer application 78252 was submitted to IDWR on 05/29/2012. The application is incomplete and was not returned to the applicant for corrections at the time of receipt. The application has not been corrected or amended at the time of the Public Notice 08/01/2013. **

- ☒ As filed the transfer application would result in an expansion of the existing water right.
- ☒ The addition of an upper diversion would injure other water rights, including our right 65-17056.
- ☒ The application is not in the public's interest -

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

7. What would resolve your protest? Decreasing the amount of water authorized under water right 65-3111x to .02 CFS per irrigated acre then add stock water for 300 head. To avoid injury to other water rights, disallow the diversion identified as the upper diversion. Allow the diversion identified as the lower diversion so the applicant can access water for irrigation via gravity ditches to the south and pump for pasture to the north. Or re-establish a water right at the original decreed point of diversion.

**At the time of this protest, the application for transfer 78252 is pending amendment and/or correction. I reserve the right to amend this protest accordingly, upon receipt of the amended transfer application.

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 15th day of August, 2013.

Sandra M Chess
Protestant Sandra M Chess

Protestant's Representative

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WATER RESOURCES
WESTERN REGION

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.

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

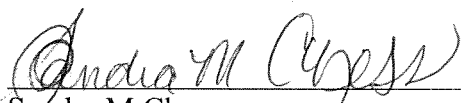
Received by HP Date 8-19-13 Time 10:00 am
\$25.00 fee Received by HP # C097624 Date 8-19-13

CERTIFICATE OF SERVICE

I HERBY CERTIFY that I have mailed a copy of the enclosed Notice of Protest, via United States Mail, first class, with the correct postage affixed thereto, on August 16, 2013, to the following:

Allen Ranch LLLP
c/o JR ALLEN
2624 S Inglenook Pl
Meridian, ID 83642

Moore Smith Buxton & Turcke CHTD
Attn: Bruch Smith
950 W. Bannock St, Ste 520
Boise, ID 83702



Sandra M Chess

8-16-13