

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

AUG 19 2013

WATER RESOURCES
WESTERN REGION

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 Allen Ranch LLLP app #78252 to transfer/add point of diversion Rock Creek
2. Name of protestant West Mountain Water Association, Inc.
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 388, Cascade, ID 83611
5. Service telephone no. 208- 890-7589 Kris Kotter Email Address: ibcascade@hotmail.com
208-863-8769 Sandy Chess or 208-315-1628 Jim Bunce
6. Basis of protest (including statement of facts and law upon which the protest is based)

The diversion of Rock Creek from a point upstream from our existing point of diversion will cause
injury to West Mountain Water Assoc., Inc's water right.

The diversion of Rock Creek, as applied for, is not in the public interest.

The approval of this transfer application would result in an expansion of the existing water right which
is not allowable.

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

7. What would resolve your protest? Disallow the upper diversion. Conditionally approve the lower diversion.
Subject to the decrease in the authorized CFS for irrigation to .02 per
irrigated acre. Disallow stock water, instream stock water is available.

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 10th day of August, 20 13.

Protestant West Mountain Water Assoc., Inc by Kris Kotter, President

Kris L Kotter

Protestant's Representative

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 JA Date 8/19/13 Time 2:01
\$25.00 fee Receipted by JA # W041447 Date 8/19/13