

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 19 2013

WATER RESOURCES
WESTERN 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: Application For Transfer No 78252 Allen Ranch LLP
2. Name of protestant West Mountain Properties LLC
3. Protestant's Representative for service (If different than protestant) n/a Dwight Jividen
4. Service mailing address 413 Cabarton Road, Cascade ID 83611
5. Service telephone no. 208-315-3034 Email Address: dwight@cascade lake realty.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
West Mountain Properties LLC owns the land where the
diversion is located and we do not authorize the diversion
Please see attached letter
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest?
Do not grant 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 16 day of August, 20 13.
West Mountain Properties LLC
Protestant
Dwight Jividen
Protestant's Representative

W041448 UG 850 8/19/13

August 7, 2013

Gary Spackman, Director
Dept of Water Resources
PO Box 83720
Boise, ID 83720-0098

Copy

Director Spackman,

Thank you for your decision on Aug 1 to Rescind Conditional Authorization to Divert Water from the Upper Diversion on Rock Creek - Water Right No. 65-3111X.

I am writing on behalf of West Mountain Properties LLC, of which I am a member, the owner of the land where this water war seems to continue.

For your information, West Mountain Properties LLC does not authorize Allen Ranch to trespass on our land.

Our position is that we do not wish for the cabin owners downstream to be deprived of their water just because Allen Ranch wants to divert the water a couple hundred feet north on his ranch.

This upper diversion continually erodes a portion of the fill dirt that makes up Willow Creek Road - and we do not want our road jeopardized by this diversion.

Your letter implies that Allen has cattle near the upper diversion. That is not true; the Allen Ranch is several hundred yards downstream from this diversion.

These cattle DO NOT need access to this water. This diversion merely splits the stream, makes it harder for cattle to drink and moves the diverted portion a couple hundred feet north. For cattle watering, this accomplishes exactly nothing.

This upper diversion needs to be totally eliminated from the landscape.

Sincerely,

Dwight Jividen
West Mountain Properties LLC
413 Cabarton Road
Cascade, ID 83611
208-382-0011
Dwight@cascadelakerealty.com