

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
SEP 24 2012
DEPT. OF WATER RESOURCES
SOUTHERN 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 Application for Permit 36-11948 in the name of Old Curren Ranch LLC.
2. Name of protestant Big Springs Water Users Association
3. Protestant's Representative for service (If different than protestant)
Gary Lemmon, President Big Springs Water Users Association
4. Service mailing address 2775 South 1050 East, Hagerman, ID 83332
5. Service telephone no. 208-837-4808 Email Address: _____
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attachment

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

7. What would resolve your protest? _____

See attachment

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 24th day of September, 2012.

Big Springs Water Users Association
Protestant

Gary Lemmon
Protestant's Representative

Big Springs Water Users Association

Supplemental page attached to Protest of Application No. 36-16948 in the name of Old Curren Ranch LLC.

6. Basis for protest:

- (a) The applicant's proposed point of diversion interferes with delivery of water to 2 Big Springs Water User Association (BSWUA) shareholders who divert their water west of the proposed POD through a private pipeline owned by BSWUA shareholders.
- (b) The applicant's proposed point of diversion interferes with delivery of wastewater to an existing water right (36-16868).
- (c) The applicant has not obtained an easement to divert water from the BSWUA shareholders' privately owned lateral pipeline (owned/maintained by Gary Lemmon, Mike Secrest, Blind Canyon Aquaranch Inc. and Joan Mason Living Trust).
- (d) The applicant has not obtained an easement for a delivery pipeline to cross private property owned by Gary Lemmon.
- (e) The applicant has not obtained an easement to locate a point of diversion on private property adjacent to the fish ponds owned by Kim Lemmon.
- (f) George Lemmon (deceased) does not own the property at the proposed point of diversion.

7. Protest Resolution:

The applicant's existing water right (36-16857) already has a point of diversion from the Curren Ditch that supplies the existing wildlife pond. Thus, the applicant currently has the ability, via their existing diversion (subject to any senior rights along the Curren Ditch), to divert any available wastewater that exits the Big Springs Water Users Association system after all shareholders have been satisfied and after it enters the Curren Ditch.

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 B. Walker Date 9/24/12 Time 11:00
\$25.00 fee Receipted by B. Walker # 5032806 Date 9/24/12