

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 14 2012

Department of Water Resources
Eastern 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. 77852 in the name of
2. Name of protestant Russell O. Baum Clen Atchley and
Emma Atchley
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 569
5. Service telephone no. 208-652-3352 Email Address: russbaum@juno.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Excessive transfer of Water. Internet Map Shows
Proposed pipe line over Fall River "Pivot Spanned" Which
Would be an eye sore for future development as to
home sites. See also attachment for other reasons
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Retain one-half of the 1990's for
Use on the Russell O Baum Family Trust Property.
Reroute pipeline as inverted siphon or install pump
on West end of Russell O. Baum property South Side of river.

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 14 day of May, 20 12.
Russell O. Baum, the
Protestant

Protestant's Representative

Receipt
E037599

Subject: Water Right 21-07406

Clen & Emma
Atchley

Transfer #: 77852

To: IDWR % Water District 1

From: Russell Baum, Trustee of the Russell O. Baum
Family Trust.

I am writing this in protest of the Atchley proposal as published in the May 3, 2012 edition of the Standard Journal. My reasons are as follows:

1. The point of diversion as listed on Fall River happens to be the exact location of my present turbine pump. This could cause me considerable anguish & costly interference by limiting the power & capacity of my present set up.
2. There was no proper notification to me at the beginning in the transfer of the Russell Baum / H.J. Orme original water license to Cheryl Orme (Seller of the Atchley newly purchased land) and eventually to Atchley. Inasmuch as H.J. Orme (Father of Cheryl) is deceased, the lawyer processing the transfer assumed that I, Russell Baum, was also deceased and proceeded (see attachment). This I consider a serious oversight.
3. I received no certified mail or other communication on the above until Mr. Atchley phoned me in AZ on April 17. Mr. Erickson was to contact nor anyone else from the IDWR

(4) The proposed reinforced concrete construction of Abutments & cable restraints for the purpose of supporting one end of this bridge framework supporting this pipe over Fall River would be on my private land. No provision has been agreed upon for the required area, location, access, payment provisions (lease, e.g.) and other details.

by IDWR
(5) Acceptance of an overhead span of pipe may set precedence for other farmers to do the same thing causing a scenic eyesore other places as well.

Russell O. Baum