

RECEIVED

SEP 06 2011

WATER RESOURCES
WESTERN REGION

07/2008

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: Application No. 77121 to Change Point of Diversion of claim 65-03111X in the name of Allen Ranch LLLP. I protest the change in the point of diversion for water right #65-03111X to the upper diversion described as T13N, R03E, NE QQQ, NW QQ, SW Q. I also protest the addition of the lower diversion point described as T13N, R03E, S3, SW QQQ, SE QQ, NE Q, unless it is approved as the only point of diversion from Rock Creek, (Richard Creek), described also as unnamed stream, for water right #65-03111X or other rights as applied for of the same under a different water right number.

2. Name of protestant: Irvin R. Shaw

3. Protestant's Representative for service (If different than protestant)
N/A

4. Service mailing address: 2579 N. Destiny Ave. Kuna, Idaho 83634

5. Service telephone no. 208 890-3138 **Email Address:** irsis59@gmail.com

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

1. This change would infringe on others legal water rights in Rock Creek, AKA Richards Creek.

2. Property was purchased in Allen subdivision along Rock Creek, Richards Creek at a higher price than property not bordering the Creek, thus making the change of diversion a "bad faith" change, and potentially causing a decrease in property values and proportionally decreasing property taxes for Valley County.

3. A loss of water in Rock Creek, Richards Creek has potential to cause a loss of fire-suppression and could be catastrophic for West Mountain.

4. Animals migrate to Rock Creek, Richards Creek for water; Bear, Fox, Deer, Raccoons, etc. This diversion could cause harmful changes to the wildlife.

5. This diversion could also cause harm to the plants, trees, and small wildlife that live in or along Rock creek, Richards creek.

6. Water flows naturally recharge underground water tables and this diversion could potentially alter those water tables.

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

7. What would resolve your protest? I propose that no physical changes to the current diversion(s) be allowed except for the lower diversion point as described above in (1. Matter being protested).

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 26th day of Sept., 2011.

Jim Shaw

Protestant

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.

FOR DEPARTMENT USE ONLY

Received by Jim Date 9-6-11 Time 3:09pm

\$25.00 fee Receipted by Jim # W039610 Date 9-6-11