

STATE OF IDAHO
RECEIVED DEPARTMENT OF WATER RESOURCES

AUG 26 2011

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 App No. 77121 to Change/transfer Point of Diversion of claim 65-03111X in the name of Allen Ranch LLLP (Protest for App # 65-23431 mailed 8-25-11 on Separate form)

I protest the application to transfer the point of diversion for water right #65-03111X to the location "above the road" this is in part or in whole a physical change in the historical point of diversion, not a correction.

2. Name of protestant Sandra M Chess

3. Protestant's Representative for service (If different than protestant) n/a

4. Service mailing address 1200 Lizaso Ave, Boise, ID 83709

5. Service telephone no. 208-863-8769 Email Address: schess123@msn.com

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

- The change to the upper diversion point "above the road" will cause injury to the water rights of others.
- The transfer application does not appear to be in good faith
- The change is not in the local public's interest
- Allowing a water right with such a high diversion rate of 2.7 CFS may cause a decrease in value to properties adjacent to Rock Creek (Richard Creek) due to reduced stream flows and loss of aesthetic beauty.

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

7. What would resolve your protest? Allowing the addition of the lower diversion point, described in the legal notice as "below the road". IF it will be approved as the only point of diversion from Rock Creek (Richard Creek) (unnamed stream) for water right #65-03111X and all other rights, as applied for by the same owner, under a new or different water right.

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. via US mail 8-25-11

Signed this 25th day of August, 20 11.

Sandra M Chess
Protestant

Protestant's Representative

\$25-
check # 4182
enclosed

\$25- received 8/26/2011 by SB, # W039567