

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 29 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

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

2. Name of protestant Terry K McClintick

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

4. Service mailing address PO Box 18 ORONADA, NV 89425

5. Service telephone no. 775-272-3277 Email Address: N/A

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) for water right #65-03111X or other rights as applied for by the same owner under a different water right number.

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 25th day of August, 2011.
Terry K McClintick
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.
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FOR DEPARTMENT USE ONLY

Received by DB Date 8/29/2011 Time 11:30 a.m.
\$25.00 fee Receipted by DB # W039580 Date 8/29/2011