

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 31 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 TIMING APP # 77121 & ~~65-23451~~ ALLEN RANCH LLLP
UPPER POINT OF DIVERSION FOR CLAIM # 65-03111 X.
2. Name of protestant WADE ZURCHER.
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2625 N CROFT LN, EAGLE, ID, 83616
5. Service telephone no. 208-939-2378 Email Address: WZURCHER@NETZERO.NET
6. Basis of protest (including statement of facts and law upon which the protest is based)

REDUCTION IN PROPERTY VALUE BASED ON AESTHETICS AS A RESULT OF EITHER
GREATLY REDUCED OR THE CANCELED FLOW OF RICHARDS CREEK (ROCK CREEK)

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

7. What would resolve your protest? CORRECT WATER FLOW OF RICHARDS CREEK.

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 3 day of MAY, 20 11.

Waide Zurcher
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 8/31/2011 Time 11:30 a.m.
\$25.00 fee Receipted by DB # W039588 Date 8/31/2011

MEMORANDUM

To: Transfer File 77121
From: Denise Buffington 
Date: September 1, 2011
Subj: Protest fees for Allen Ranches LLC

IDWR received a Notice of Protest in the name of Wade Zurcher on August 31, 2011. Protest is being filed against the Allen Ranch LLC applications: Transfer 77121 and Application for Permit 65-23451. The protest listed both of the Allen Ranch application numbers, however the protestant only paid \$25. I left a voice mail for the Zurchers on August 31, and let them know that we needed an additional \$25, if they intended to protest both applications.

I spoke to Nancy Zurcher on September 1, 2011, and discussed it with her. She indicated that instead of sending another \$25; they will just protest one of the applications instead of both. Per our discussion, she asked that I apply the \$25 to the Transfer application 77121, and cross off the application for permit number 65-23451 from the protest form.

The fee was applied to Transfer 77121 as Mrs. Zurcher requested and 65-23451 was crossed off of the protest.

cc: Application for Permit 65-23451