

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 01 2011

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 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 #65-3111X to the location referred to in this application as "the upper point of division". This would be a physical change in the POD, not a correction.

2. Name of protestant James T. Bunce.
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address P.O. Box 890, Cascade, ID 83611-0890.
5. Service telephone no. 208-315-1628 Email Address ibcascade@hotmail.com.
6. Basis to protest (including statement of facts and law upon which is protest is based)
- The "old POD" site, located in NWSE, Sec.-3 T13N R03E, 65-3111X. has been the primary, if not the only, irrigation diversion from Rock Creek, aka Richard Creek, for the Allen Ranch for 50 years ending about 2005 when J.R. Allen abandoned that POD.
 - The change would not be in the local public interest.
 - Allowing the Allen Ranch to divert 2.7 CFS at the "upper diversion" would reduce the flow in Rock (aka Richard Creek, below this point of diversion to all other water right owners. The entire Rock Creek was diverted on July 4, 2010.
 - The transfer application does not appear to be in good faith.
7. What would resolve your Protest? Allowing the addition of the lower diversion point at GPS coordinates N 44 ° 29'.456 W 116 ° 04 .866 and 4862 feet above sea level. This would be the only POD from Rock Creek, aka Richard Creek, for Allen Ranch LLLP.

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 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 31st day of August, 2011.

James T. Bunce
Protestant

Asahel A. Bunce
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 9-1-2011 Time 11:00 a.m.
\$25.00 fee Receipted by DB # W039592 Date 9-1-2011