

07/2008

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 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 #65-23451 and Transfer App #77121 filed by Allen Ranch LLLP

2. Name of protestant Lawrence J. Chess

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

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

5. Service telephone no. 208-850-8933 Email Address: Lchess123@msn.com

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

The applications should not be approve according to the Idaho Statutes noted above because;

The upper point of diversion being requested in both applications would injure the water rights of others.

Neither are in the public interest. Neither are in good faith, as demonstrated by comments made to me

by Mr JR Allen, that he "owns" the water and he will "shut off" the entire creek if he chooses. Property owners down stream from the proposed "upper" diversion will loose the enjoyment of the natural flow and beauty

of the stream, present at the time of property (additional pages may be attached to describe nature of the protest)

acquisition. The historical stream flows have been reduced due to the unauthorized "upper" diversion.

7. What would resolve your protest? IDWR should allow the point of diversion for Allen Ranch LLLP to be moved to the "lower" point of diversion, located on the applicant's own land. This would easily allow the full use of water (2.7 CFS) for Allen Ranch LLLP, which could be pumped and irrigated in compliance with water conservation, eliminating over watering of land and reducing mosquito habitat. If you live in, or frequent the area of use for these applications, it is clear that neither stock water nor irrigation are legitimate beneficial uses of water after October 15th or prior to April 15th each year, due to the weather. An observation only, but it should be noted that the extended irrigation season and stockwater use were applied for at the suggestion of Mr Steve Lester in his letter to Mr. Allen, dated December 13, 2010, page 2, paragraph 1. Do fish use the stream or are they contained at Skein Lake?

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 31 day of Aug., 20 11.

Lawrence J Chess
Protestant

Protestant's Representative

CC: Allen Ranch LLLP, by US Mail
2624 S Inglenook Pl
Meridian, ID 83642

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 # W039596 Date 9-1-2011

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-23451

ALLEN RANCH LLLP
2624 S INGLENOOK PL
MERIDIAN, ID 83642

Point of Diversion NWSW S3 T13N R03E VALLEY County Source UNNAMED STREAM Tributary NORTH FORK PAYETTE RIVER

Point of Diversion SENE S3 T13N R03E VALLEY County Source UNNAMED STREAM Tributary NORTH FORK PAYETTE RIVER

Use: IRRIGATION 04/01 to 04/14 2.7 CFS

Use: IRRIGATION 10/16 to 12/01 2.7 CFS

Use: STOCKWATER 01/01 to 12/31 0.14 CFS

Total Diversion: 2.7 CFS

Date Filed: 4/18/2011

Place Of Use: IRRIGATION & STOCKWATER

T13N R03E S3 NE (ALL)

Total Acres: 83

Source aka Rock Creek & Richard Creek. Same system & same owner as Transfer 77121 (65-3111X, regular irrigation season). Proposes historical uses not covered by 65-3111X. No physical changes proposed.

PROPOSED CHANGE OF WATER RIGHT

Allen Ranch LLLP of 2624 S. Inglenook Place, Meridian, ID 83642 filed Application No. 77121 to transfer a water right with an 1894 priority date from an Unnamed Stream totaling 2.70 cfs to irrigate 83 acres. The stream is also known as Rock Creek and Richard Creek. The purpose of the transfer is to correct apparent errors in the right to show 2 diversions have been used: 1 above the road & 1 below the road. Same system also proposed for Application 65-23451. No physical changes to the existing system are proposed. The site borders West Mtn. Road on the southwest side of Cascade Reservoir.

Received as an attachment to protest
from Lawrence Chess. 9-1-2011