

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
JUN 03 2011
Department of Water Resources
Eastern Region

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 Application for Permit No. 13-7784
2. Name of protestant Merril Ranch Partnership LLC/Glen Merrill
3. Protestant's Representative for service (If different than protestant)
Thomas J. Budge, Racine Law Office
4. Service mailing address P.O.Box 1391, POCA TELLO ID, 83204-1391
5. Service telephone no. 208-232-6101 Email Address: tjb@racinelaw.net
6. Basis of protest (including statement of facts and law upon which the protest is based)
SEE ATTACHED SHEET

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? DENY APPLICATION

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 2nd day of June, 2011.

Protestant

Thomas J. Budge
Protestant's Representative

Receipt
226708

NOTICE OF PROTEST to Application for Permit No. 13-7784:

6. BASIS OF PROTEST:

1. Not feasible to convey water from Cottonwood Creek to Stockton Creek during non-irrigation season.
2. No room in conveyance pipe during irrigation season.
3. Application conflicts with the local public interest.
4. Injury to prior water rights.
5. Adverse impact to the local economy.

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Department of Water Resources
Eastern Region

LAW OFFICES OF
**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: tjb@racinelaw.net

June 2, 2011

BOISE OFFICE

101 SOUTH CAPITOL
BOULEVARD, SUITE 300
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 107
POST OFFICE BOX 50698
IDAHO FALLS, ID 83405
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
FREDERICK J. HAHN, III
PATRICK N. GEORGE
SCOTT J. SMITH
DAVID E. ALEXANDER
JOSHUA D. JOHNSON
STEPHEN J. MUHONEN
CANDICE M. MCHUGH
CAROL TIPPET VOLYN
JONATHAN S. BYINGTON
JONATHAN M. VOLYN
BRENT L. WHITING
DAVE BAGLEY
THOMAS J. BUDGE
JASON E. FLAIG
FERRELL S. RYAN, III
AARON A. CRARY
JOHN J. BULGER
BRETT R. CAHOON

IDWR Eastern Region
Attn: Sharla Cox
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: *Protest of Glen Merrill & Treasureton Irrigation Company
Application for Permit No. 13-7784*

Dear Sharla:

Enclosed are the originals and one copy each of a Notice of Protest pertaining to Application for Permit No. 13-7784, together with a check in the amount of \$50 for the filing fees. Please file the originals and conform stamp and return the copies to me in the enclosed envelope. Should you have any questions, please give me a call.

Also, given the nature of the protests, I ask that the IDWR require the applicant to provide the additional information prescribed by IDAPA 37.03.08.040.05.c.iii and d.

June 2, 2011
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Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas J. Budge", with a stylized flourish at the end.

THOMAS J. BUDGE

TJB:sp
Enclosures
CC: Miller Family Real estate LLC
Paul Arlington
Glen Merrill
Treasureton Irrigation Co.