

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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, 42-222 and 42-224, 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 Transfer No. 70722 in the name of ElRay Balls and/or Janice Balls

2. Name of protestant Sidney L. Schvaneveldt

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

Robert B. Funk, Olson & Hoggan, P.C., Idaho Bar No. 4684

4. Service mailing address P.O. Box 525, Logan, Utah 84323-0525

5. Service telephone no. 435-752-1551

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

The existing well (the "Well") to which the Applicant seeks to transfer Right No. 13-2209 is located on the Protestant's property. The water from the Well has been used by the Protestant for over thirty (30) years, and is currently used by the Protestant. In 1980, the Protestant filed Claim No 13-4120 on the water from the (additional pages may be attached to describe nature of the protest) Well.

7. What would resolve your protest? Denial of Application for Transfer No. 70722

in the name of ElRay Balls and/or Janice Balls.

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 17th day of September, 2003

Protestant

Robert B. Funk

Protestant's Representative

Robert B. Funk
OLSON & HOGGAN, P.C.
P.O. Box 525
Logan, UT 84323-0525

SCANNED

SEP 29 2003

RECEIVED

SEP 22 2003

Department of Water Resources
Eastern Region

Receipt
ED29224

OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

RECEIVED

SEP 22 2003

Department of Water Resources
Eastern Region

88 WEST CENTER
P.O. BOX 525
LOGAN, UTAH 84323-0525
TELEPHONE (435) 752-1551
TELEFAX (435) 752-2295

TREMONTON OFFICE
123 EAST MAIN
P.O. BOX 115
TREMONTON, UTAH 84337-0115
TELEPHONE (435) 257-3885
TELEFAX (435) 257-0365

E-MAIL oh@oh-pc.com
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I. BRENT HOGGAN
MILES P. JENSEN
BRUCE L. JORGENSEN
JAMES C. JENKINS
MARLIN J. GRANT
ROBERT B. FUNK
KEVIN J. FIFE
JEFFERY B. ADAIR
CHARLES P. OLSON (1916-1975)

September 17, 2003

Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

**Re: Protest of Application For Transfer No. 70722
Our File No. N-9769**

Dear Department:

I represent Sidney L. Schvaneveldt. Mr. Schvaneveldt has asked that I file the enclosed Notice of Protest on his behalf, formally protesting Application for Transfer No. 70722 in the name of ElRay Balls and/or Janice Balls. The basis for the protest is set forth on the Notice of Protest.

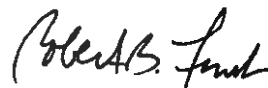
I have also enclosed our check no. 29804 in the amount of \$25.00 to cover the protest fee. Please send notices of all further proceedings to me at the above Logan address as more fully set forth in the Notice of Protest. I have enclosed a copy of the Notice of Protest and ask that you stamp it as received and return it to me in the enclosed self addressed stamped envelope.

I have also provided a copy of the Notice of Protest to the Applicants, ElRay Balls and/or Janice Balls. A copy of the cover letter sent with the Notice of Protest to Mr. and Mrs. Balls is enclosed.

Thank you for your assistance.

Very truly yours,

OLSON & HOGGAN, P.C.



Robert B. Funk

RBF/jen

cc: Sid Schvaneveldt

rbf/ltr/idaho dept of water.wpd

SCANNED

SEP 29 2003