

RECEIVED

MAY 24 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

DEPT. OF WATER RESOURCES
SOUTHERN 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 transfer #75856 in the name of Spring Creek Idaho Ranch LLC
2. Name of protestant Lakeside Industries, d/b/a Wood River Ranch and Protestants listed on Exhibit A. hereto.
3. Protestant's Representative for service (If different than protestant)

Albert P. Barker.

4. Service mailing address Barker, Rosholt & Simpson, LLP, P.O. Box 2139, Boise, ID 83701-2139
5. Service telephone no. 208-336-0700 Email Address: apb@idahowaters.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Application violates all or a portion of Idaho Code §42-222. The applicant has the burden of proving that the application complies with the provisions of Idaho law. The application contains insufficient information to determine whether it does meet those requirements. Nevertheless, the application does not appear to comply with the requirements of the partial decrees, the settlement of protests of the water rights or the terms and conditions of the Conditional Use permit and stream channel permits issued by the County; the proposed project does not appear to be consistent with IDWR procedures for approval of ponds and indeed seeks to avoid having standard provisions included in approval for the ponds; the proposed project may injure other water rights; the water supply may not be sufficient for the purpose for which it is sought; the application appears to be speculative as the property is for sale; there is no showing that the applicant has the resources to complete the project now that the stimulus funds have been spent; the proposed project does not appear to be in the local public interest; the proposed project may not be consistent with conservation of water resources, particularly year round diversion of water; the proposed project may adversely affect the local economy and/or the transfers may adversely affect the local agricultural base. The transfers appear to involve an expansion of the use of the water rights.

7. What would resolve your protest? Provide sufficient information to allow Protestants to evaluate application for all elements of Idaho Code §42-222 or withdraw 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 21 day of May, 2010

Protestant

Albert P. Barker
Protestant's Representative

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. 5031449

Receipt by: BW

Date Received: 5/24/10

EXHIBIT A – ADDITIONAL PROTESTANTS

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
John Molyneux
Gerald Bashaw
Pepin Corso-Harris