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JUN 24 1997

Department of Water Resources
Southern Region

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JUN 25 1997

Department of Water Resources
Southern Region

PARSONS, SMITH, STONE & FLETCHER, LLP
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
(208) 678-8382
(208) 678-0146 - fax
Attorneys for Protestant

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

GEORGE A. MONTGOMERY,
aka GEORGE MONTGOMERY

Applicant

)
) Transfer No. 5089

)
) PROTEST OF A.W. AND S.J.
) ANDERSON
)

COME NOW A.W. and S.J. Anderson and protest the
application for Transfer No. 5089 and allege:

1. Protestants own water rights in Lake Cleveland
delivered by Marsh Creek as set forth in water right number 45-
00294C and A45-00294B.

2. The Applicant does not have a lawful right in Lake
Cleveland water, his claim being based upon a right transferred
many years before he acquired the property. He has at no time
enjoyed beneficial use of Lake Cleveland water.

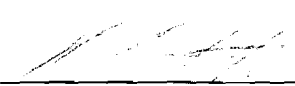
3. The Applicant's proposed transfer would infringe
upon the water rights of Protestants.

1 4. All water rights in Lake Cleveland water are held
2 by either A.W. and S.J. Anderson or by Kyle and Rozalys De
3 Naughel.

4 WHEREFORE Protestants pray that the application be
5 denied and that the Protestants have such other relief as deemed
6 appropriate.

7 DATED this 17 day of June, 1997.

8 PARSONS, SMITH, STONE & FLETCHER, LLP

9
10 
11 R. C. Stone
12 Attorneys for Protestants
13 P.O. Box 910
14 Burley, Idaho 83318

15 CERTIFICATE OF MAILING

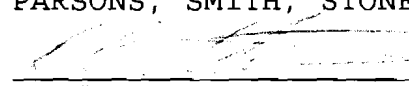
16 I hereby certify that on the 17 day of June, 1997, I
17 served a copy of the foregoing PROTEST OF A.W. and S.J. ANDERSON
18 upon the following:

19 Department of Water Resources
20 222 Shoshone Street East
21 Twin Falls, Idaho
22 83301-6105

23 George A. Montgomery
24 also known as George
25 Montgomery
26 Star Route Box 13
 Albion, Idaho
 83311

by depositing a copy thereof in the United States mail, postage
prepaid, in an envelope addressed to the above named persons at
the above addresses, their last known address.

PARSONS, SMITH, STONE & FLETCHER, LLP


 R. C. Stone
 Attorneys for Protestant
 Box 910
 Burley, Idaho 83318