

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 08 2010

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 Application for permit #65-23327
2. Name of protestant Tim and Jennifer Swenson
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 50 Webster Lane Horseshoe Bend, ID 83629
5. Service telephone no. 208-941-8330 Email Address: tjswenson@frontier.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? _____

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 8th day of February, 20 10.

Jennifer Swenson Tim Swenson
Protestant

Protestant's Representative

receipt # W038124

Jan 2-8-10 1:31 pm

65-23327

pg. 2

NOTICE OF PROTEST

6. Basis of protest:

I believe this water source is not a spring, but run-off from ponds located very near POD on map. I believe the water is then collected through a french drain built by applicant.

Furthermore, I believe this water source to be involved in current litigation: Boise County docket #CV-2008-255. This litigation involves water rights #65-11141 and #65-2035, among others. These two water rights share, I believe, a POD with this Application for Permit #65-23327.

7. What would resolve your protest?

A postponement of this process until litigation is settled, and proof that this water source is in no way related to, or will affect water rights #65-11141 or #65-2035.

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 GMH ^{by} DB Date 2/8/2010 Time 1:30 pm
\$25.00 fee Received by GMH # W038124 Date 2/8/2010