

RECEIVED

OCT 26 2009

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

Matter being protested: Applications for Transfer #75352 & #75353 in the name of Visser
Holsteins d/b/a Eagle View Farm

Name of protestant: City of Pocatello

Protestant's Representative for service (if different than protestant):

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
208-331-0950
jo.beeman@beemanlaw.com

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Pocatello files this protest out of an interest in the conditions that will be placed on the ground water rights as a result of the transfer, which involves the addition of common wells as alternate points of diversion.

Pocatello's interest in the Department's administrative treatment of transfers involving the addition of common wells as alternate points of diversion stems from the pending SRBA proceeding affecting 30 of the City's state-law SRBA claims. One of the issues in that proceeding concerns the application of restrictive conditions to water rights as a result of the addition of common wells as alternate points of diversion.

What would resolve your protest?:

The development and application of conditions that recognize the inherent differences between the treatment of water rights in the administrative process at IDWR and the historic accomplished transfer process under I.C. § 42-1425 at the SRBA court.

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. W037964/W037965

Receipt by: SB

Date Received: 10/26/09

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 23 day of October, 2009.

A handwritten signature in cursive script that reads "A. Dean Tranmer". The signature is written in dark ink and is positioned above a horizontal line.

A. Dean Tranmer, City Attorney
Protestant, City of Pocatello

Josephine P. Beeman
Attorney and Representative for City of Pocatello

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 24th day of October, 2009.

A. Dean Tranmer, City Attorney
Protestant, City of Pocatello



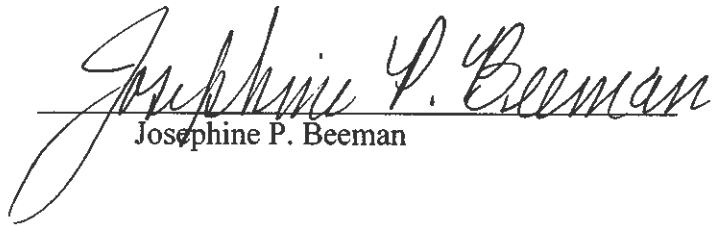
Josephine V. Beeman
Attorney and Representative for City of Pocatello

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of October 2009, I caused a true copy of the foregoing NOTICE OF PROTEST to be served by U. S. Mail on:

Visser Holsteins d/b/a Eagle View Farm
P.O. Box 665
Castleford, ID 83321-0665

Charles E. Brockway
Brockway Engineering, PLLC
2016 N. Washington Street, Ste. 4
Twin Falls, ID 83301


Josephine P. Beeman