

07/2008

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OCT 08 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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, 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 Water Rights Transfer Application No. 75705
2. Name of protestant Bert Wheatley, Wheatley Properties, LLC
3. Protestant's Representative for service (If different than protestant)
Scott Campbell, Moffatt Thomas Barrett Rock & Fields, Chtd.
4. Service mailing address P.O. Box 829, Boise, ID 83701-0829
5. Service telephone no. (208) 345-2000 Email Address: slc@moffatt.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Protestant will be injured by the proposed transfer and the modification of Applicant's system, which will reduce the quantity of water under existing water rights; conflict with the local public interest; be contrary to the conservation of water resources in the state of Idaho; and adversely affect the local economy of the watershed or local area.

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

7. What would resolve your protest? Applicant should undertake mitigation efforts to adequately protect the
Protestant's water rights.

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 October, 2009.

Protestant

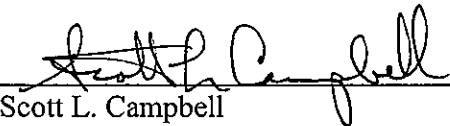
Scott Campbell
Protestant's Representative

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October 2009, I caused a true and correct copy of the foregoing **NOTICE OF PROTEST** to be served by the method indicated below, and addressed to the following:

Preston Whitney Irrigation Company
33 South 1 East
Preston, ID 83263

- ☒ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile



Scott L. Campbell

Idaho Department of Water Resources Receipt

Receipt ID: C089417

Payment Amount	\$25.00	Date Received	10/8/09 4:23	Region	STATE
Payment Type	Check	Check Number	199329		
Payer	MOFFATT THOMAS				

Comments Transfer Application #75705
Protestant Bert Wheatley, Wheatley Properties

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$25.00	PROTESTS	0229	21	56103	1155

SR7

Signature Line (Department Representative)