

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 No 75916 Western Heritage Homes Inc
2. Name of protestant Eliason Livestock LLC.
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 23370 W old Hwy 37 Holbrook, Id 83243
5. Service telephone no. 208-698-3341 Email Address: keliason@atchnet.net
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attached paper

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? The rejection of the Water right Transfer.

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 30 day of September, 2009.

Eliason Livestock
Protestant

Ken Eliason
Protestant's Representative

RECEIVED

OCT 02 2009

Department of Water Resources
Eastern Region

Receipt
#ED35383
(Data Entered
10/21/09)

September 30, 2009

Eliason Livestock Protests the transfer of water right # 17-7063 and #17-7165 to application #75916 for several reasons.

1. The Proposed 11.6 acres has never been irrigated to the best of my knowledge in the past 40+ Years

2. There are 4 wells with in $\frac{3}{4}$ of a mile of this proposed transfer that have dried up or pump very little water from what they used to pump in the last 8 years.

(a) The first well is on the property of the 11.6 acres and transfer site, and it went dry this year and was replaced with a new well by western heritage homes in September 2009.

(b) The second well is under $\frac{1}{4}$ mile away and it will pump itself dry in under 5 minutes.

(c) The third well, less than $\frac{1}{2}$ mile away, pumps about $\frac{1}{4}$ the water it used to pump.

(d) The fourth well, (Eliason livestock owns this well) is about $\frac{3}{4}$ a mile away, a culinary and livestock well, went dry about 7 years ago and was replaced by a new well.

Eliason Livestock has owned all these wells in the past so I know the history of these wells very well. I have always understood that there was a moratorium on new irrigation wells in this Valley for many years, and with this kind of history so close to the proposed transfer site, Eliason Livestock Protests this transfer. I also do not understand this transfer of water rights from Blue Hills Land & Livestock LLC to Western Heritage Homes INC. Blue Hills does not approve of this transfer to my knowledge, so this all appears very illegal to me.

Eliason Livestock LLC.

Eliason Livestock by Ken Eliason