

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

JUL 16 1998

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested Proposed Change of Water Right, Transfer #5284
2. Name of protestant Kewley Hinrichs
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 4695 Old Valley Rd Eagle, ID 83616
5. Service telephone no. (208) 396-4920
6. Basis of protest (including statement of facts and law upon which the protest is based) see attached.

(additional pages may be attached to describe the 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 16 day of July, 19 98

Kewley Hinrichs
PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered 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.
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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.
 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 AD Date 7-16-98 Time 4:00
\$25.00 fee Received by AD # W024147 Date 7-16-98

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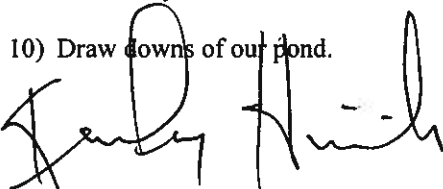
July 16, 1998

To: Idaho Department of Water Resources
From: Kenley Hinrichs and Lisa O'Toole
Re: Application for Proposed Change of Water Right, Transfer No. 5284

To Whom It May Concern:

We are protesting the Application for Proposed Change of Water Right, Transfer No. 5284, due to the following reasons:

- 1) We currently have two pending applications for water rights, 63-12384 and 63-12385. Application 63-12384 was protested by Tim Fease. This matter has not been resolved at this time. We feel that our applications, 63-12384 and 63-12385 have priority and should be resolved first.
- 2) The Application for Proposed Change of Water Right, Transfer No. 5284, is not in the public interest.
- 3) Reasons stated at the meeting held Tuesday, July 14, 1998, from 1:30 to 3:30pm at IDWR. These reasons were much more fully described and conveyed to IDWR personnel at that time.
- 4) The extension of the dates of use beyond/outside the irrigation season.
- 5) We question that 2 acres have actually been retired and are no longer being irrigated.
- 6) We have protested Application 63-12459.
- 7) Drainage issues.
- 8) Current and repeated violations of Old Valley Farms Conditional Use Permit, 95-44-CUP.
- 9) Current and repeated sprinkling of the nursery appears to be in violation of directions given to both Old Valley Farms and ourselves in letters sent by IDWR on August 7, 1997 and October 31, 1997.
- 10) Draw downs of our pond.


Kenley Hinrichs