

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
APR 09 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 Transfer No. 75419
2. Name of protestant PEGGY J. KELLY
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address 3179 N 4750 E WURTAUGH, ID. 83344
5. Service telephone no. 208.432.5524 Email Address: _____
6. Basis of protest (including statement of facts and law upon which the protest is based)

Sec. 42-222 Idaho Code. Idaho Law protects my 1920
water rights. Another new well will cause my 2 domestic
wells to dry up again as it did when the 1st hole 2 years ago
was tested and turned on. My private well serves my household & has
a water permit for around 20-30 head of cattle. The other well is shared
ownership with 2 other families & serves 3 household & livestock water.

7. What would resolve your protest? Please deny his application

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 7 day of April, 2009.

Peggy J. Kelly
Protestant

Protestant's Representative

FOR OFFICE USE ONLY

Fee: \$25.00
Receipt No. 5030800
Receipt by: C. SKINNER
Date Received: 4/9/2009

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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. 75419 in the name of Samuel + Kate Funk 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. *The first hole drilled & operating immediately dried up the two domestic wells which served 4 homes. I know the 2nd hole will create the same problem as before.*
7. Describe the relief being sought by the protestant. *Do not allow him to drill & deepen any more wells adjacent to our property.*

FOR DEPARTMENT USE ONLY

Received by C. SKINNER Date 4/9/2009 Time 2:00 pm
\$25.00 fee Received by C. SKINNER # 5030800 Date 4/9/2009

Kelly Attachment