

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 27 2009
Department of Water Resources
Eastern Region

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 RIGHT #24-10200
2. Name of protestant DAVID H. BURTON
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 430, IONA, ID. 83427
5. Service telephone no. 208-528-0824 Email Address: NONE
6. Basis of protest (including statement of facts and law upon which the protest is based)

DIVERSION OF GROUSE/SCHIESS CREEK TO FEED PRIVATE PONDAS WITHIN GROUSE CREEK RANCH (DBA CARIBOU LANDS LLC)

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

7. What would resolve your protest? IF DEVELOPER WOULD RESTORE TO ORIGINAL STATE ALL WORK DONE TO DIVERT WATER FROM SCHIESS CREEK TO FEED PONDAS.

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 27th day of APRIL 2009.
DAVID H. BURTON, David H. Burton
Protestant

Protestant's Representative

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. _____ in the name of _____" 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.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Bmil Date 4/27/09 Time 4:30
\$25.00 fee Receipted by Bmil # E034972 Date 4/27/09

RIGHT # 24-10700

(1)

4-13-09
RECEIVED

APR 27 2009

Department of Water Resources
Eastern Region

I AM WRITING THIS LETTER IN PROTEST OF
WATER RIGHT # 24-10200 POSTED IN THE CARIBOU
COUNTY SUN NEWSPAPER

MY GREAT GRANDPARENTS, GRANDPARENTS, AND MY
PARENTS SETTLED AND WORKED VERY HARD TO ESTABLISH
WATER RIGHTS FOR THE TINCLIP VALLEY.

I AM IN SHOCK TO LEARN OF WHAT THE DEVELOPER
OF CARIBOU LANDS LLC IS ATTEMPTING TO DO! FROM
WHAT I OBSERVED THIS LAST SUMMER, WORK WAS WELL
ON THE WAY TO COMPLETION ON DIVERSION OF SCHIESS CREEK
TO FEED PRIVATE PONDS WITHIN THIS DEVELOPMENT.

THIS IS A PRIME NATIVE CUTTHROAT TROUT SPAWNING
STREAM. (I HAVE ENJOYED IN MY LIFE FISHING THESE
WATERS.) I AM COMPLETELY BAFLED THAT A DEVELOPER
FROM OUT OF STATE IS ALLOWED TO PERFORM THE
DIVERSION AND THEN APPLY FOR PERMIT AFTER THE WORK
HAS ALREADY BEEN COMPLETED.

APPROXIMATELY A YEAR AGO, I READ IN THE POST REGISTER
NEWSPAPER OF A SIMILAR SITUATION THAT AN INDIVIDUAL
PERFORMED A PROJECT VERY MUCH LIKE THE PROJECT IN
QUESTION HERE (ALSO DONE WITHOUT PERMITS) AND WAS FINED
AROUND \$200,000. 00 AND WAS MADE TO RESTORE ALL WORK
DONE TO THE STATE THAT EXISTED BEFORE SAID WORK WAS
PERFORMED. HIS CONTRACTOR WAS FINED AS WELL.

I WANT IT TO BE KNOWN THAT I STRONGLY PROTEST
WHAT THE WATER RESOURCE BOARD IS TRYING TO ALLOW.

(2)

RECEIVED

APR 21 2005

Department of Water Resources
Eastern Region

AS A LIFELONG IDAHO RESIDENT I AM APPALLED THAT ISSUANCE OF PERMITS TO CHANGE WATER RIGHTS WOULD EVEN BE CONSIDERED FOR ANYTHING OTHER THAN IRRIGATION WATER RIGHTS.

ALSO, IN THE RESEARCH I HAVE DONE, I HAVE YET TO SEE AN ENVIRONMENTAL IMPACT STUDY REGARDING THIS DEVELOPMENT.

I DO NOT OWN A COMPUTER, NOR AM I COMPUTER LITERATE AND DONT FEEL I SHOULD HAVE TO GO TO A 50 CHARACTER WEBSITE TO FIND OUT THE COMPLETE DETAILS OF THIS APPLICATION.

AS AN AVID FISHERMAN I AM TRULY CONCERNED WHAT IMPACT THIS PROJECT IS GOING TO HAVE ON AN ALREADY DECLINING NATIVE CUT THROAT TROUT POPULATION!

IF THE DEVELOPER OF THIS PROJECT WANTS PONDS, WHY CANT THEY DRILL WELLS TO FILL THEM?

DAVID H. BURTON

P.O. Box 430

IONA, ID. 83427

David H. Burton

CC CARIBOU LANDS LLC.

14400 NORTH 76th PL.

SCOTTSDALE, AZ. 85260