

STATE OF IDAHO
DEPARTMENT OF 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 Benjamin C. Jones, App for Permit 75-14277
2. Name of protestant Edgar & Myrtle Edwards
3. Protestant's Representative for service (If different than protestant) Randall C. Budge, Attorney
PO Box 1391, Pocatello ID 83204-1391, 208-232-6101, rcb@racinelaw.net
4. Service mailing address PO Box 299, Salmon, ID 83467
5. Service telephone no. 208-756-4728 Email Address: gorley@centurytel.net
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attachment

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

7. What would resolve your protest? See attachment

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 15th day of January, 2009.

Protestant

Randall C. Budge
Protestant's Representative

RECEIVED

JAN 16 2009

Department of Water Resources
Eastern Region

Receipt
#E034720

ATTACHMENT TO PROTEST: 75-14277

6. The proposed use (a) will reduce the quantity of water under existing water rights, or (b) the water supply is insufficient for the purpose, or (c) the application is not made in good faith, is made for delay or speculative purposes, or (d) the applicant has not sufficient resources to complete the work, or (e) it will conflict with the local public interests, or (f) it is contrary to the conservation of water resources within the State of Idaho, or (g) it will adversely affect the local economy of the water shed or local area.
7. Unknown at this time. Further explanation and information is needed to understand this application and what, if any, conditions may be required to protect the prior water rights in Chipps Creek under Water Right No. 75-2162. Pending water right claims of the City of Salmon and Arrowhead Water District relating to Chipps Creek, Jessie Creek and Pollard Creek remain subject to multiple objections pending in the SRBA which should first be resolved before any new permits are issued.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2009, I mailed, postage prepaid, a true and correct copy of the foregoing NOTICE OF PROTEST TO APPLICATION FOR PERMIT NO. 75-14277 to each of the following:

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Benjamin C. Jones, Applicant
11 Arrowhead Drive
Salmon, Idaho 83467

Edgar and Myrtle Edwards, Protestant
PO Box 299
Salmon, Idaho 83467



LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
DAVID E. ALEXANDER
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
JOSHUA D. JOHNSON
JONATHAN S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN
THOMAS J. BUDGE
CANDICE M. MCHUGH
JONATHAN M. VOLYN
MARK A. SHAFFER

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE
477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE
250 NORTHWEST
BOULEVARD, SUITE 106A
COEUR D'ALENE, ID 83814
TELEPHONE: (208) 765-6888

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

January 15, 2009

Idaho Department of Water Resources
Eastern Division
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Transmitted by Mail and Fax:
525-7177

*Re: Benjamin C. Jones - Application for Permit No. 75-14277
Arrowhead Water District - Application for Permit No. 75-14491*

To Whom It May Concern:

Enclosed please find the original and two extra copies of a Notice of Protest to the above-referenced Applications for Permit, together with our check in the amount of \$50 for filing fees. Please file the originals and conform stamp both extra copies, returning one to me and returning one to the protestants in the enclosed stamped and addressed return envelopes.

This letter and the enclosed Protests are being faxed to you immediately so that it will be timely received and filed, with the original of this letter, Protests and check mailed today.

If you have any questions, please contact me.

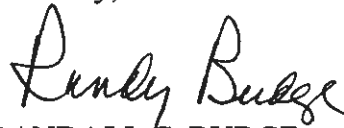
RECEIVED

JAN 16 2009

Department of Water Resources
Eastern Region

RCB:rr
Enclosures

Sincerely,


RANDALL C. BUDGE

RK

January 15, 2009
Page 2

cc: Dale and Laura Edwards
Service List