

11/07

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 27 2008

WATER RESOURCES
WESTERN 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, 42-222 and 42-224, 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: DeRuyter Dairy application Number 74630 with IDWR to transfer three water rights.
2. Name of protestant: CITIZENS OF OWYHEE COUNTY ORGANIZED ASSOCIATION-(COCOA)
3. Protestant's Representative for service (If different than protestant): COCOA member Tom Dobbin. Another legal representative may be assigned in the near future.
4. Service mailing address: P.O. Box 463 Marsing, Idaho
- 5 Service telephone no.208-412-4277 Email Address: NA
6. Basis of protest (including statement of facts and law upon which the protest is based)
(additional pages may be attached to describe nature of the protest)

1. That the water quantity is already being used above the existing water right, and has been for several years. Owyhee County Planning and Zoning possesses a current application from the applicant, which demonstrates a number of animals in excess of the applicants permitted water right. Thus, COCOA is demanding a head count by the State Brand Inspector to see if a State water violation has already occurred. COCOA believes that the applicant has been over using his water right.
2. Water quantity to individual wells will be adversely impacted.
3. That there is a conflict with local public interest as defined in section 42-202B, Idaho. In that the people in the area are being directly and adversely affected by the proposed water use. Individual wells and water rights will be adversely impacted due to water quantity and quality problems. Other conflicts with public interest also exist.
4. The applicant does not have an approved Conditional Use Permit issued from the County for the proposed expansion.
5. Public health is being adversely impacted.

7. What would resolve your protest? none At this time.

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 24 day of May, 2008.

X M Garland Smith v P Coco
Protestant

Tom Dobbin COCOA member
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. xxx in the name of xxx" or "Application for Transfer No. xxx in the name of xxx."

1. 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.
2. 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.
3. 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.
4. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
5. Specifically describe the nature of the protest.
6. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by [Signature] Date May 22, 08 Time 9:08
\$25.00 fee Received by [Signature] # W036531 Date 5/27/08