

W031291 Kg
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FEB 11 2004
WATER RESOURCES
WESTERN REGION

State of Idaho Department of Water Resources

NOTICE OF PROTEST

1-Matter being protested

Application of transfer of water right No. 70910

2-Name of protestant

Wintercamp Ranch Trust by Donald R. Barnhill trustee

3-Protestants representative for service

Donald R. Barnhill

4-Service mailing address

P.O.Box 1
Murphy, Idaho 83650

5-Telephone number

208-867-6863

6-Basis of protest

Several points of protest

A-That Triangle[Rock Creek] Reservoir is licensed to it's capacity at this time

B-That there exists a Stipulated Judgment between the parties that addresses the use and control of this and related structures [Said Stipulated Judgment in IDWR files]

C-That in fact the applicants request involves water at a later priority than the protestants right and that any increase of the applicants right or use constitutes an infringement upon the protestants rights

D-That the applicant [and heirs, assigns,etc.] have agreed to a stipulated Judgment in the utilization of Triangle Reservoir and it's structures,headgates, etc. and this application asks for a diversion point in the protestants headgate which violates this agreement.

E-The request is ambiguous at best asking for some FUTURE-UNDETERMINED need, based upon an event which has not and may not occur.

F-That the protestants storage right will be adversely impacted,denying the protestant of storage of water essential to protestants right

G-As explained to the protestant by John Westra on 2-06-2004; this request is for storage over and above the licensed capacity in Triangle Reservoir---which,to the protestant, seems improper and unsafe.

H-Within the discussion with John Westra on 2-06-2004, The protestant expressed the position that an approval of this request for transfer was improper in light of going against a court ordered Stipulation arrived at with great expense to the protestant, that sought to remedy problems between the parties and that letting the applicant have a new point of diversion in the protestants headgate flies in the face of that agreement. Mr. Westra admitted that he hadn't intended for this application to create a new point of diversion in the protestants headgate and that was not the intent of the Department. He further stated that in light of the protestants input that filing a protest would END this matter.

7-What would resolve your protest?

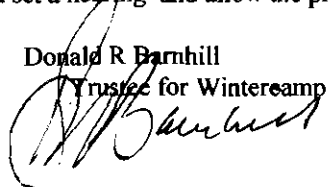
Dropping of the applicatants request in it's entirety.

IN EVENT the Water Resource Board does intend to continue the applicants request, the protestant requests

The Department notify him in writing and set a hearing and allow the protestant ample time to engage legal counsel in this matter.

Donald R Barnhill
Trustee for Wintercamp Ranch Trust

February 10, 2004



for 2500 HENRICH ENCLOSURES

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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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 _____
2. Name of protestant _____
3. Protestant's Representative for service (If different than protestant) _____
4. Service mailing address _____
5. Service telephone no. _____
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)

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 10 day of Feb, 20 04.

Protestant [Signature]
WINTERCAMP KANCO TRUST

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.
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Received by KG Date 2/11/04 Time 12:31
\$25.00 fee Received by KG # W037291 Date 2/11/04