

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

AUG 21 2006

IDWR/North

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 Water Right No 96-9292
2. Name of protestant (*) Tim & Joan Tope
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 132 Sunset Rd, Arhol, Id 83801
5. Service telephone no. 208-683-2753
6. Basis of protest (including statement of facts and law upon which the protest is based)
see attached

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

7. What would resolve your protest? Look at the previous water rights and also # 96-9257. Do not allow this taking of the water at the expense of downstream rights

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 18th day of August, 2006.

Tim & Joan Tope
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.
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FOR DEPARTMENT USE ONLY

Received by dp Date 8/21/06 Time 1:30 p
\$25.00 fee Received by dp # N017834 Date 8/21/06

#6

1. There is not enough volume of water to allow this permit without drying up the creek.
2. There are brookies in the creek.
3. There are 5 previous water rights downstream that would not be able to utilize the water if this is granted.
4. Water right # 96-9257 is already too much water to be taken and still keep it running for the fish. There are 2 - 1909 water rights that were not taken into consideration on this water right. There is not enough water!

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 96-8273

WATER RIGHT NUMBER: 96-8273

Owner Type Name and Address

Current Owner SYLVIA A TOPE
 RT 1 BOX 33
 ATHOL, ID 83801

Priority Date: 06/24/1983

Basis: License

Status: Active

Source

BEAVER CREEK
 CAREYWOOD CREEK

Tributary

CAREYWOOD CREEK
 SINKS

Beneficial UseFrom ToDiversion RateAnnual Volume

STOCKWATER

1/01 to 12/31

0.020 CFS

0.70 AF

Total Diversion:

0.020 CFS

0.70 AF

Location of Point(s) of Diversion

CAREYWOOD CREEK

SW1/4SE1/4

Sec. 18, Twp 54N, Rge 02W, B.M.

BONNER County

BEAVER CREEK NE1/4SE1/4 Sec. 18, Twp 54N, Rge 02W, B.M. BONNER County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
54N	02W	18														X			X	

Conditions of Approval:

1. Stockwater use is for 30 head.

Remarks:Comments:Dates and Other Information:

Licensed Date: 1/24/1991

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank: