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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 19 2005

Department of Water Resources
Southern 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 Application for Transfer No. 22150 in name of Salmon Fork Land & Livestock
2. Name of protestant Dallas T. Pence
3. Protestant's Representative for service (If different than protestant) Dallas T. Pence
248 Mark Twain Drive
Buhl, ID 83316
4. Service mailing address 248 Mark Twain Drive, Buhl, ID 83316
5. Service telephone no. (208) 543-2495
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached statement

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

7. What would resolve your protest? Until the design and purpose of the Proposed facility is disclosed
at this time
any proposed resolution would probably be inappropriate.

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 17th day of October, 2005

Dallas T. Pence

Protestant

Protestant's Representative

cc: Salmon Forks Land & Livestock

10/19/05

C. Hahn

#5028079

BASIS OF PROTEST FOR DALLAS T. PENCE

This transfer does not meet the requirements of Idaho Code 42-222 in the following ways:

- it is likely to cause injury to other water rights;
- it likely constitutes an enlargement in use of the original right;
- it is inconsistent with the conservation of water resources within the State of Idaho; and
- it is not in the local public interest.

In addition, there appears to be considerable potential for violating immediate area air and water quality standards.