

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
OCT 04 2005
Department of Water Resources
Southern Region

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 # 72150 Salmon Falls land & livestock
2. Name of protestant JAMES H. DEKLEINHANS P.E.
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO BOX 716 HAGERMAN, ID 83332
5. Service telephone no. (208) 543-5316
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? Denial of request

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 3rd day of October, 2005

James H. DeKleinhaus P.E.
Protestant

James H. DeKleinhaus P.E.

Protestant's Representative

10/4/05
C. Hahn
50 280 39

P.O. Box 716
Hagerman, ID 83332

4899 River Road
Buhl, ID 83316

Ph. 208-543-5316
Fax 208-543-6255

Email: jimbobi@hotmail.com

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BASIS of PROTEST

THE TRANSFER DOES NOT MEET THE REQUIREMENTS OF
IDAHO CODE 42-222 IN THE FOLLOWING MANNER:

LOCATED IN A RECREATIONAL AREA

PROBABLE IMPACT TO AIR QUALITY

NOT IN PUBLIC INTEREST

LIKELY TO CAUSE INJURY TO OTHER WATER RIGHTS

LIKELY CONSTITUTES AN ENLARGEMENT OF ORIGINAL
WATER RIGHTS

QUESTION IF ORIGINAL WATER RIGHT IS VALID. OUR
INFORMATION IS THE LAND BEING SERVED BY THE
ORIGINAL WATER RIGHT WAS NEVER FARMED OR IN
THE CRP PROGRAM

INCONSISTENT WITH THE CONSERVATION OF WATER
RESOURCES WITHIN THE STATE of IDAHO

THE DESIGN AND OPERATION OF THE FACILITH IS TO
VAGUE FOR THE DEPARTMENT OF WATER RECORGES
TO APPROVE THIS TRANSFER

DeKleinhans, Pg 2