

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
NOV 23 1999
DEPARTMENT OF WATER RESOURCES

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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: Application for permit #45-07745 in the name of USDA Forest Service.
2. Name of protestant: Marsh Creek Water District # 45-F.
3. Protestant's representative for service (If different than protestant): Jim Chatburn Chairman Water District #45-F.
4. Service mailing address: P.O. Box 53 Albion, Idaho 83311.
5. Service telephone no. 208-673-6666.
6. Basis of protest (including statement of facts and law upon which the protest is based): The water district objects to: A. The current illegal diversion of water from Bennett Springs tributary to Marsh Creek Water District #45-F under Idaho State Code 18-304 (wrongful diversion of water). B. The proposed dates of Commercial Storage from 1-1 to 12-31. C. The increase of .05 CFS in permit #45-04114 from the current .01 CFS. D. The granting of the primary source of diversion in Bennett Springs. E. The granting of application for permit #45-07745 retroactive to 5-1-65.
7. What would resolve your protest? A. Water priority date of 9-3-99. B. A measurable water diversion. C. Commercial Storage time of diversion 11-15 to 3-1. D. Subject to all prior water rights in Marsh Creek Water District #45-F. E. Punitive damages from date of illegal diversion.

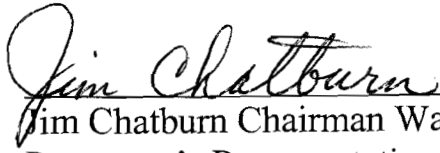
I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. Also verify that I have served a copy of this protest upon the applicant.

Receipt 5022685
\$25.00 CWR
11/22/99

Signed this 27th day of November, 1999

Marsh Creek Water District #45-F

Protestant



Jim Chatburn Chairman Water District #45-F
Protestant's Representative

Water District 45-F.
P.O. BOX 53
ALBION, IDAHO 83311

CC: USDA Forest Service
STATE OF IDAHO Department Of Water Resources