

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 claim to a Water Right No. 13-7661 in the name of Jay Norman Fannesbeck and/or ElRay Balls
2. **Name of protestant** Sidney L. Schvaneveldt
3. **Protestant's Representative for service** (If different than protestant)
Clinton K. Aston
4. **Service mailing address** P.O. Box 35, Weston, ID 83286
5. **Service telephone no.** (435) 770-5999

RECEIVED

SEP 23 2005

Department of Water Resources
Eastern Region

6. **Basis of protest (including statement of facts and law upon which the protest is based)**

The existing well located at NW 1/4 NE 1/4 Sec. 8 Twp 16 S. Rge 38 E. B.M., County of Franklin as described on application for claim to water 13-7661 in the name of Jay Norman Fannesbeck and/or ElRay Balls, noted as PD #2 is located on property not owned by applicant's. The current owner of property is Clinton K. Aston as recorded on Warranty Deed dated July 28, 2004, granted by protestant Sidney L. Schvaneveldt. The water from the well has been used by protestant for over thirty (30) years, and is currently used by Clinton K. Aston. The water from well is used on property filed under Claim No. 13-4120 and has been used on property since June of 1962. Applicant's are attempting to file a claim for ground not previously put to beneficial use under provision 42-243, Idaho Code. "A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963". Water rights for ground owned by applicant's is represented by Water Right No. 13-2209. Applicant's are also attempting to circumvent IDWR procedures for transferring water under section 42-222, Idaho Code, as evidenced by application for Transfer No. 70722 in the name of ElRay Balls and/or Janice Balls, with corresponding water right No.s 13-7643 and 13-7644 pending transfer.

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

7. **What would resolve your protest?**

Denial of Application for claim to a Water Right No. 13-7661 in the name of Jay Norman Fannesbeck and/or ElRay Balls

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.

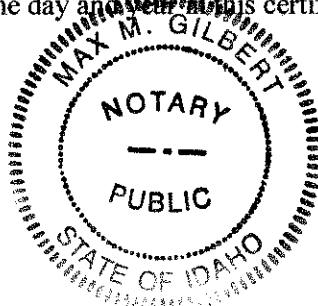
Signed this 19th day of Sept., 2005.

Sidney L. Schvaneveldt
Protestant

Clinton K. Aston
Protestant's Representative

State of IDAHO
County of FRANKLIN

On this 19 day of September, 2005, before me, MAX M. GILBERT, a Notary Public in and for said State, personally appeared SIDNEY L. SCHVANEVELDT & CLINTON ASTON, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same. In witness whereof I have set my hand and affixed my official seal the day and month in this certificate first above written.



Max M. Gilbert
Notary Public State of IDAHO
Residing at: PRESTON
Commission Expires 3-6-06

Receipt
#E031282

SCANNED

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