

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 27 2005

Department of Water Resources
Eastern 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 Claim no. 13-7661 = Jay Norman Fomesbeck and/or Elray Balls
2. Name of protestant Sterling Bingham
3. Protestant's Representative for service (If different than protestant)
Kent Aston
4. Service mailing address PO Box 24 Weston, Id. 83286
5. Service telephone no. 208-747-3721
6. Basis of protest (including statement of facts and law upon which the protest is based)

This claim is not valid because a claim is being made for property that has not been watered from the sources named prior to March 25, 1963, as specified in Idaho State Code. Therefore the priority date of June 13, 1960 is not valid.

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

7. What would resolve your protest? Remove property from the claim that has not been previously noted on existing water rights, established prior to March 25, 1963. Reference water right # 132209

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.

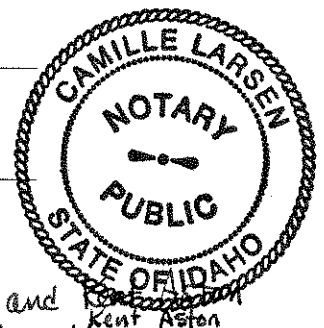
Signed this 7th day of Sept., 20 05

Sterling Bingham

Protestant

Kent Aston

Protestant's Representative



State of Idaho
County of Franklin

On September 7, 2005 personally appeared before me Sterling Bingham and Kent Aston the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Camille Larsen
06/08/07, Weston ID

SCANNED
NOV 10 2005