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OCT - 7 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Glen Saxton FROM: DE - Eastern

DOCUMENT DESCRIPTION: Bybee/Gunderson

TOTAL NUMBER OF PAGES (Including this page): 6

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* BILLING ADDRESS: _____
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NOTICE OF PROTEST

RECEIVED

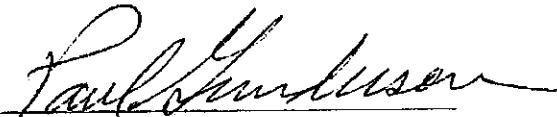
SEP 22 2003

Department of Water Resources
Eastern Region

**To: Department of Water Resources
Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402**

The undersigned, Paul Gunderson, 1555 E. 1500 North, Hamer, Idaho 83425, does hereby protest the proposed change of water right Transfer No. 70627, Jefferson County, Idaho of Donna S. Bybee or Robert B. Bybee, insofar as any right of the protestant is concerned, pursuant to the provisions of I.C. § 42-222. Protest fee of \$25.00 is tendered herewith.

DATED: September 19, 2003


Paul Gunderson

CERTIFICATE OF MAILING

Paul Gunderson certifies he has mailed, postage prepaid, a copy of the within NOTICE OF PROTEST to Donna S. Bybee or Robert B. Bybee, 2014 E. 1800 North, Terreton, Idaho 83450 this 19th day of September, 2003.


Paul Gunderson

Receipt #
ED29225

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 70627-Transfer Bybee
2. Name of protestant PAUL GUNDERSON
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 555 E 1500 N HAMER

5. Service telephone no. _____

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

They are not his water rights as layed out by
Order No. CV-95-177 being dismissed.

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

7. What would resolve your protest? Water rights remain with the ground
they are presently on

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 Oct 7 day of Oct, 20 03.

Paul Gunderson
Protestant

Protestant's Representative

LAW OFFICES OF
PIKE & SMITH P.A.

Edward W. Pike
Admitted in Idaho and Utah
Certified Mediator

O.E. Bell Center
151 N. Ridge Ave., Suite 210
P.O. Box 2949
Idaho Falls, Idaho 83403-2949
Telephone (208) 528-6444
Telefax (208) 528-6447

Franklin N. Smith
Admitted in Idaho, Utah and Nevada
Of Counsel: Van Cott, Bagley,
Cornwall & McCarthy
Salt Lake City, Utah

April 18, 2001

Paul Gunderson
1555 East 1500 North
Hamer, ID 83425

RE: Bybee v. Gunderson

Dear Paul:

Enclosed is the Order dismissing Bybee's case for lack of subject matter jurisdiction signed by Judge Moss.

This would appear to conclude that particular matter unless an appeal is taken.

I will keep you informed.

Best personal regards.

Sincerely,



E. W. Pike

EWPP/kd
gundersn.l2

Enclosures

FILE

2001 APR 16 PM 5:02
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

ROBERT BYBEE and DONNA
BYBEE,

Plaintiffs,

vs.

PAUL GUNDERSON and DEOINE
GUNDERSON,

Defendants.

Case No. CV-98-177

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION**

Based upon the Motion to Dismiss for Lack of Subject Matter Jurisdiction filed by Defendants, the matter heard by the Court and taken under advisement, and the Court being fully advised in the law and the premises,

IT IS HEREBY ORDERED that the within action be, and is hereby, dismissed for lack of subject matter jurisdiction.

1. ORDER

COPY

DATED: April 16 2001.

Brent J. Moss
Hon. Brent J. Moss, District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing, to the following, by the indicated method on this 16 day of April, 2001, by U.S. mail, hand delivery or facsimile, with the necessary postage affixed thereto.

Gregory W. Moeller
RIGBY, THATCHER, ANDRUS,
RIGBY, KAM & MOELLER
25 North Second East
P.O. Box 250
Rexburg, ID 83440

☒ U.S. Mail
☐ Fax
☐ Hand Delivered

E. W. Pike
PIKE & SMITH, P.A.
P.O. Box 2949
Idaho Falls, ID 83403-2949

☒ U.S. Mail
☐ Fax
☐ Hand Delivered

[Signature]
CLERK

gunderson/bybec/dismiss.ord

2. ORDER