

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
SEP 04 2003
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 #70618, in the name of Michael Hunter, Kim Hunter
2. Name of protestant U.S. Bureau of Land Management
3. Protestant's Representative for service (If different than protestant)
Burley, Idaho Field Office - BLM
4. Service mailing address 15 East 200 South Burley, Idaho 83318
5. Service telephone no. (208) 677-6696
6. Basis of protest (including statement of facts and law upon which the protest is based)

Proposed Rights 45-13539 and 45-176 contain an added Point of Diversion (POD) at T. 14 S., R. 21 E., sec. 11, SESW (GPS'd at SESESW) for the purposes of irrigation and stock water. This POD is built on public land managed by BLM. Mr. Hunter does not have authorization from BLM for a diversion here (Continued on attached page).

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

What would resolve your protest?

A new BLM Right of Way that addresses the new POD and modification of the POD to ensure BLM's instream claim isn't compromised. However, other factors, such as expenses incurred related to the disturbance of the site without proper NEPA procedures and documentation also need to be addressed.

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 September, 2003.

U.S. Bureau of Land Management
Protestant

Wendy Reynolds
Protestant's Representative Wendy Reynolds, Field Office Manager

6. Basis of protest (**Continued**)

An 1891 ROW allows for an irrigation pipeline to cross this area of public land, but it is not amendable to accommodate an added POD. Furthermore, the diversion works include a small dam that has been built across the natural channel at this new POD. The dam effectively alters the flow of water in Little Cottonwood Creek. This stretch of the creek is the subject of a BLM instream claim, #45-12522.

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant is specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by AKH Date 9/4/03 Time 12:00

\$25.00 fee Received by CH # 5026094 Date 9/4/03