

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 Transfer No. 71090 of Rights 11-442 & 11-2003
By: Presbytery of Kendall, Inc.
2. Name of protestant Farmers Land and Irrigation Company of Alexander, Idaho, Limited
3. Protestant's Representative for service (If different than protestant)
Jerry R. Rigby, of Rigby, Thatcher, Andrus, Rigby & Moeller, Chartered
4. Service mailing address P.O. Box 250, Rexburg, Idaho 83440
5. Service telephone no. 208-356-3633
6. Basis of protest (including statement of facts and law upon which the protest is based)

(a) This application is in violation of Idaho Code 42-222; (b) These water rights have been abandoned or forfeited; (c) The proposed application results in an illegal expansion of a water right; (d) The proposed application results in injury to the senior water rights of protestant; (e) For such other and further reasons as may be set forth at the hearing on this matter.

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

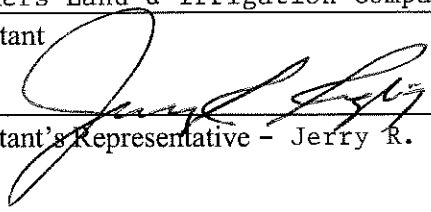
7. What would resolve your protest? Only a denial of the transfer in full would resolve this protest.

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 22nd day of December, ~~2000~~ 2004.

Farmers Land & Irrigation Company of Alexander, Idaho, Limited
Protestant

By:


Protestant's Representative - Jerry R. Rigby, its Attorney

NOTE:

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.

INSTRUCTIONS

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 if 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.
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FOR DEPARTMENT USE ONLY

Received by DC Date 12/23/2004 Time 12:30
\$25.00 fee Received by DC # 8030492 Date 12/23/2004

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered***

RECEIVED

DEC 23 2004

Department of Water Resources
Eastern Region

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Gordon S. Thatcher
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December 22, 2004

Idaho Department of Water Resources
900 North Skyline, Ste. A
Idaho Falls, Idaho 83402

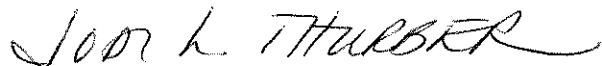
Re: Notice of Protest

Dear Gentlemen:

Enclosed please find a Notice of Protest from Farmers Land and Irrigation Company of Alexander, Idaho, Limited, and a check in the amount of \$25.00 representing the associated filing fee.

Thank you for your assistance in this matter. If you have any questions or concerns, please feel free to give our office a call.

Sincerely yours,



Jodi L. Thurber
Assistant to Jerry R. Rigby

/jt

Enclosures
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