

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 20 2004
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 Application for Permit No. 25-14021 in the name of O.W. Ranches, Inc.

2. Name of protestant U.S. Fish and Wildlife Service

3. Protestant's Representative for service (If different than protestant)

Barbara Scott-Brier

4. Service mailing address Office of the Solicitor PNWR, 500 NE Multnomah St., Suite 607, Portland, OR 97232

Protestants also request Service on: David Langman, U.S. Fish and Wildlife Service, 911 NE 11th Ave, Portland, OR 97232

5. Service telephone no. Barbara Scott-Brier: (503) 231-2139

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

The proposed use of water would reduce the quantity of water under existing water rights including the U.S.

Fish and Wildlife Service's water right claim nos. A25-04032 and A25-04034B; the water supply is insufficient

for the use for which it is sought to be appropriated; and the proposed use will conflict with the local public interest.

7. What would resolve your protest? The U.S. Fish and Wildlife Service (Service) requests denial of Application

25-14021. In lieu of denial, the Service requests mediation with O.W. Ranches, Inc., through IDWR, to develop

an operation plan for the reservoir to assure non-injury to the Service's water rights or, alternatively, postponement of

the processing of Application 25-14021 until partial decree are issued for water rights A25-04032 and A25-04034B.

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 16th day of January, 2004.

Protestant

Barbara Scott-Brier

Protestant's Representative

Receipt
#E029467

CERTIFICATE OF SERVICE

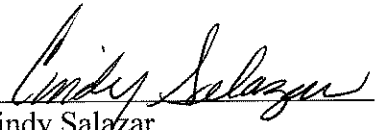
I certify that a copy of the United States Fish and Wildlife Service's Protest of Permit Application No. 25-14021 was sent via U.S. mail (method indicated below) on the 16th day of January 2004 to the following addresses:

Director,
Idaho Department of Water Resources
Eastern Region
900 North Skyline Dr. Ste A
Idaho Falls, ID 83402

Over night mail

O. W. Ranches Inc.
C/O Denneth F. O'Brien
364 Judd Ln
Coalville UT 84017

1st Class U. S. Mail, Postage prepaid


Cindy Salazar
Construction Admin. Asst.
U. S. Fish and Wildlife Service
Region 1, Portland, Oregon