

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 08 2004
Department of Water Resources
Southern 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 Transfer # 37-20613 4 Bros Dairy, Shoshone, ID
2. Name of protestant Jerry Westendorf
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 705W 420N Gooding ID 83330
5. Service telephone no. 208.886.7570
6. Basis of protest (including statement of facts and law upon which the protest is based)
The transfer would put additional pressure on a part of the aquifer that is on the fringe of the main aquifer where wells have already dried up + drilled deeper. Irrigation systems are rapidly changing from surface to sprinkler with no end in sight - further stressing the aquifer.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Deny transfer, unless I am convinced that the transfer from Trench won't be detrimental to existing rights. We have 2 domestic wells four miles west of the dairy. Both are about 230' deep with 40' of water in them. I was shocked to hear 4 Bros. neighbors say their wells are now about 450' deep.

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 8 day of Nov., 2004

Jerry Westendorf
Protestant

Protestant's Representative

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 jh Date 11/8/04 Time _____
\$25.00 fee Receipted by jh # 5027157 Date 11/8/04