

W. KENT FLETCHER
ATTORNEY AT LAW

FLETCHER LAW OFFICE
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E-MAIL
wkf@pmt.org

August 5, 2004

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RECEIVED

AUG 06 2004

Department of Water Resources
Eastern Region

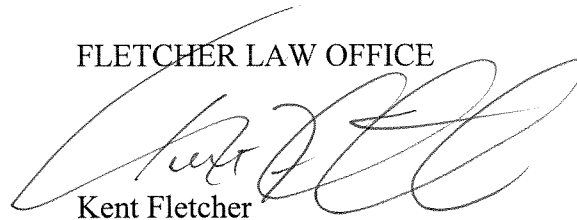
RE: Big Lost River Irrigation District - Anthony Alosi

Enclosed is a Notice of Protest along with a check in the amount of \$25.00 representing the fee.

Thank you for your attention to this matter.

Sincerely,

FLETCHER LAW OFFICE



Kent Fletcher

KF/brd

Enclosure

pc: Big Lost River Irrigation District w/enclosure

Receipt
#E030118

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

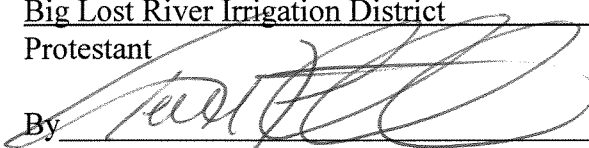
1. Matter being protested: Application for Transfer No. 71233 in the name of Anthony O. Alosi.
2. Name of protestant: Big Lost River Irrigation District
3. Protestant's representative for service: Kent Fletcher
4. Service mailing address: Fletcher Law Office, P.O. Box 248, Burley, Idaho 83318-0248
5. Service telephone number: 208-678-3250
6. Basis of protest: Currently applicant is diverting water along with other water users of the Big Lost River Irrigation District through the Harris-Vaught ditch. Transferring applicant's point of diversion to the Sutter ditch will impact deliveries to those remaining in the Harris-Vaught ditch. In addition, applicant altered the Sutter ditch without permission and without having a water right in the ditch. A Pending Notice of Violation - Illegal Use of Water issued by the Idaho Department of Water Resources to the applicant has not been resolved, and the applicant has not remedied the violations. It is the position of the Big Lost River Irrigation District that the application will reduce the quantity of water that can be delivered under existing rights, that the application has not been made in good faith in light of the fact that the applicant is currently in violation of the statutes, rules, and regulations pertaining to the alteration of a ditch, and other grounds may exist for denial of the application as may be established at the time of hearing.
7. What would resolve your protest? Denial of the application.

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 5th day of August, 2004.

Big Lost River Irrigation District

Protestant

By 

Kent Fletcher, Attorney

CERTIFICATE OF MAILING

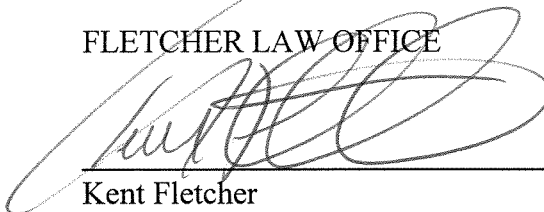
I hereby certify that on the 5 day of August, 2004, I served a copy of the foregoing NOTICE OF PROTEST upon the following:

Anthony O. Alosi
4129 North 4100 West
Mackay, Idaho 83251

Patrick Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, Idaho 83303-0207

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to the above named persons at the above addresses, their last known address.

FLETCHER LAW OFFICE

A large, stylized handwritten signature in dark ink, likely belonging to Kent Fletcher, is written over a horizontal line.

Kent Fletcher
Attorney for Big Lost River Irrigation District
P.O. Box 248
Burley, ID 83318-0248