

RECEIVED

SEP 20 2010

DEPARTMENT OF
WATER RESOURCES

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SEP 21 2010

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

Matter being protested: Amended Application for Permit No. 61-12096,
NEVID LLC, 1349 Galleria Dr., Ste. 200, Henderson, NV 89014

Name of protestant: City of Pocatello

Protestant's Representative for service (if different than protestant):

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
208-331-0950
jo.beeman@beemanlaw.com

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

Ground Water Application 61-12096 (as amended July 1, 2010) seeks 14.91 c.f.s. for municipal use and 5.57 c.f.s. for fire protection use. The Application also describes a municipal supply system that will include ground water permit 61-12090 (1.82 c.f.s. for municipal use and 2.20 c.f.s. for fire protection use) and ground water application 61-12095 (5 c.f.s. for municipal use). The combined system is to be serviced by approximately 29.5 c.f.s. of ground water: 21.73 c.f.s. for municipal use and 7.77 c.f.s. for fire protection use.

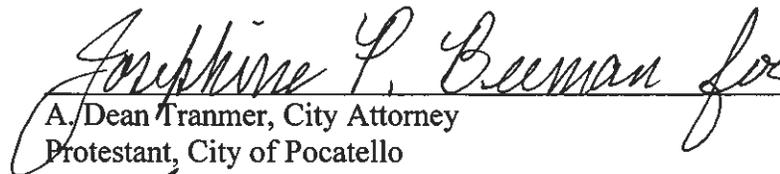
The City of Pocatello files this protest out of concern whether the applicant meets the criteria for a municipal provider and whether the applicant can meet the additional requirements for development of a water right of this size. The sufficiency of water and impact to existing rights and the economy are additional concerns.

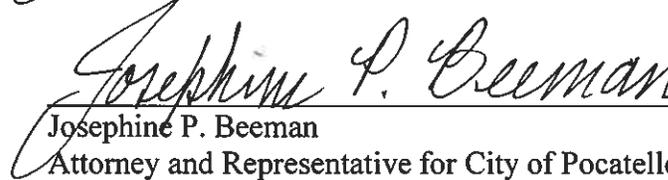
What would resolve your protest?

The development and application of conditions to protect the municipal provider criteria and to protect the ground water resource.

I hereby, acknowledge that if I, or my designated representative, fail 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 20th of September, 2010.


A. Dean Tranmer, City Attorney
Protestant, City of Pocatello


Josephine P. Beeman
Attorney and Representative for City of Pocatello

#25- rec'd at S.O. on 9/20/2010. #C091729

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of September 2010, I caused a true copy of the foregoing NOTICE OF PROTEST to be served by U. S. Mail on:

MOUNTAIN HOME GWMA
ADVISORY COMMITTEE
ATTN: JIM BLANKSMA
2014 ONATI
MOUNTAIN HOME ID 83647

ROBERT A MAYNARD
ERIKA E MAL MAN
PERKINS COIE LLP
PO BOX 737
BOISE ID 83701-0737

INTERMTN SEWER & WATER
PO BOX 344
MERIDIAN ID 83660

JEFFERY C FEREDAY
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

DEL KOHTZ
IDAHO WATER COMPANY
1135 VALLEY RD S
EDEN ID 83325

ERO RESOURCES
3314 GRACE
BOISE ID 83703

BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

ED SQUIRES
YDRO LOGIC INC
1002 W FRANKLIN
BOISE ID 83702

DANA HOFFSTETTER
HOFFSTETTER LAW OFFICE
608 W FRANKLIN ST
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MOFFATT THOMAS ET AL
PO BOX 829
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CHARLES HONSINGER
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PO BOX 2773
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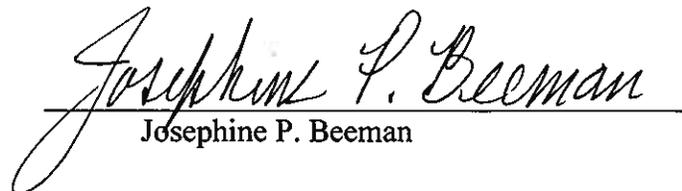
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MOORE SMITH ET AL
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