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WATER RESOURCES
WESTERN REGION

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Attorneys for Idaho Power Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-12096)
)
)
APPLICANT:)
Nevid, LLC)
)
)
_____)

**PROTEST AND PETITION
FOR HEARING**

COMES NOW, Idaho Power Company, (hereinafter "Idaho Power"), by and through its undersigned attorney, and hereby files this Protest and Petition for Hearing regarding the Idaho Department of Water Resources' ("IDWR") reinstatement of the application for water right No. 61-12096 as advertised on or about August 25, 2010. In accordance with Idaho Code § 42-203A(4), Idaho Power lodges this protest for the reason that insufficient ground water resources exist to fulfill the municipal and fire protection water right sought by the Applicant in an amount of 20.48 cfs. Furthermore, the area within which the applicants seek to acquire this ground water right lies within an already designated Ground Water Management Area. Additionally, the applicant must demonstrate that the ground water aquifer from which it intends to withdraw the water to fulfill this right, is not hydrologically connected to the surface waters of the Snake River. If the waters are hydrologically connected, then the water right would be subject to the

conditions imposed on the State of Idaho as a result of the Swan Falls Reaffirmation Agreement of 2009.

Dated this 20th day of September, 2010.

By: 
Nathan F. Gardiner, ISB No. 4041
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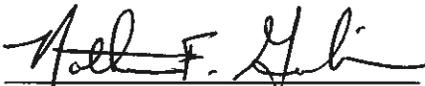
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2010, I served a true and correct copy of the foregoing document, **PROTEST AND PETITION FOR HEARING**, by hand delivery on:

Interim Director Gary Spackman
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098



Nathan F. Gardiner