

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 05 2011

WATER RESOURCES
WESTERN 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, and 42-222, 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 61-12256, Intermountain WFS
- 2. Name of protestant City of Mountain Home
- 3. Protestant's Representative for service (If different than protestant)
L. Wayne Shepherd, P.E., Director of Public Works
- 4. Service mailing address P.O. Box 10, Mountain Home, Idaho 83697
- 5. Service telephone no. (208) 587-2108 Email Address: wshepherd@mountain-home.us
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

Section 42-203A, Idaho Code specifies that no new appropriation of water shall be allowed to reduce the quantity of water under existing water rights. The City is concerned that this application will affect the City's ability to continue to utilize our water rights in a declining aquifer.

(additional pages may be attached to describe nature of the protest)

- 7. What would resolve your protest? If groundwater modeling or other science shows that the proposed application does not affect the City's water rights or our ability to utilize them.

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, 20 11.

City of Mountain Home
Protestant

L. Wayne Shepherd
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.
-

FOR DEPARTMENT USE ONLY

Received by gnh Date 8-5-11 Time 3:35 PM
\$25.00 fee Received by gnh # W039509 Date 8-5-11