

FEB 18 2022

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DEPARTMENT OF
WATER RESOURCES

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 No. 63-35142 (Karen Rasmussen, James Shirley)

2. Name of protestant Hillsdale Estates Homeowners' Association, Inc.

3. Protestant's Representative for service (If different than protestant)

Dylan Lawrence

4. Service mailing address 242 N. 8th Street, Ste. 220

5. Service telephone no. 208-345-6021 Email Address: dylanlawrence@varinwardwell.com

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

Application proposes diversion and use of water through water system owned and operated by Protestant.

Conditions of approval are necessary to ensure diversion and use of water is consistent with CC&Rs and Protestant's rights in its system and in order to avoid injury under Idaho Code Section 42-203A(5).

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

7. What would resolve your protest? Conditions of approval that ensure consistency with CC&Rs, protect Protestant's rights in its system, and that ensure avoidance of injury under Idaho Code Section 42-203A(5).

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 17th day of February, 2022.

Protestant

Dylan Lawrence
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 KU Date 2.17.22 Time 3:35 PM
\$25.00 fee Received by KU # 2111957 Date 2.17.22



ATTORNEYS AT LAW

DYLAN B. LAWRENCE
DYLANLAWRENCE@VARINWARDWELL.COM

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DEPARTMENT OF
WATER RESOURCES

242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 208.345.6021
F: 1.866.717.1758

VARINWARDWELL.COM

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WATER RESOURCES
WESTERN REGION

February 17, 2022

VIA HAND DELIVERY

Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83702

Re: Notice of Protest to Permit Application No. 63-35142 (Karen Rasmussen, James Shirley)

Dear Sir or Madam:

I have enclosed with this letter one original Notice of Protest being filed by Hillsdale Estates Homeowner's Association, Inc., with respect to the above-referenced permit application, along with a fee check of \$25. Per the Department's rules of procedure, I have also mailed hard copies of the Notice to the Applicant.

Thank you for your attention to this matter.

Sincerely,

VARIN THOMAS LLC

Dylan B. Lawrence

Enclosures (2)

cc: Karen Rasmussen / James Shirley