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FEB 10 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

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FEB 07 2022

DEPARTMENT OF
WATER RESOURCES

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Attorney for Idaho Power Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 2-10633

NOTICE OF PROTEST

In the name of Theresa Pollard

Idaho Power Company (the "Protestant"), by and through its attorneys of record, file this *Notice of Protest* to the approval of the above-numbered *Application for Permit* filed by THERESA POLLARD (the "Applicant").

The initial bases for the protest are as follows:

1. The source of water has been recognized as Trustwater by the State of Idaho as defined in IDAPA 37.03.08.031(a) and should reference conditions on the exercise of this right that it is Trustwater and subject to additional administrative review and conditions.

2. While the application identifies the purpose of use as "domestic," the applicant identifies that only irrigation use shall occur should the ground water use be insufficient. The

application should be considered solely as an irrigation use and the Department's Appropriation Rules be followed.

3. The Applicant has failed to show that the Application meets the criteria required by Idaho Code § 42-203A.

4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 7th day of February, 2022.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2022, I served the original of the foregoing

NOTICE OF PROTEST via hand-delivery on:

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street
Boise, ID 83702-7374

And copies by U.S. Mail/E-mail to the following:

Theresa Pollard
4732 River Road
Buhl, Idaho 83316-5103

Faith12day@gmail.com



John K. Simpson