

RECEIVED

APR 22 2019

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO DEPARTMENT OF
WATER RESOURCES

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 number 63-34682 in the name of Jeff Dancer

2. Name of protestant: City of Boise

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

Abigail Germaine, Deputy City Attorney

4. Service mailing address: 150 N. Capitol Blvd.; PO Box 500, Boise, Idaho 83701

5. Service telephone no. (208) 608-7956 Email Address: agermaine@cityofboise.org

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

The Protestant (the City of Boise) holds water permits 63-33467 and 63-34318, which authorize the City to divert 200 cfs from the Dixie Slough for water quality improvement at the City of Boise's Dixie Phosphorus Removal Facility. Both permits have conditions which require the City to demonstrate on a case-by-case basis that the City's permits should not be subordinate to new permit applications.

The City seeks additional information as it relates to the project infrastructure and diversion.

Protestant reserves the right to identify additional questions/concerns as further information becomes available.

7. What would resolve your protest?

The City of Boise would ask that Application for Permit 63-34682, as it relates to the request for 3.0 cfs for wildlife and recreation purposes, be subordinate to the City's 63-33467 and 63-34318 water permits. The City reserves the right to identify additional requests to resolve its protest.

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 22 day of April, 2019.

City of Boise
Protestant
April Gunnar
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 AK Date 4/22/2019 Time 12:07 p.m.
\$25.00 fee Receipted by AK # W047335 Date 4/22/2019