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DEPARTMENT OF
WATER RESOURCES

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WATER RESOURCES
WESTERN REGIONSTATE 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 Transfer No. 81844 in the name of City of Kuna
2. Name of protestant SUEZ Water Idaho Inc.
3. Protestant's Representative for service (If different than protestant)
Michael P. Lawrence, Givens Pursley LLP
4. Service mailing address 601 W. Bannock Street, Boise, ID 83702
5. Service telephone no. 208-388-1294 Email Address: mpl@givenspursley.com
roger.dittus@suez-na.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attachment A

(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? See Attachment A

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 6th day of August, 2018.

Protestant


Protestant's Representative

Attachment A

to SUEZ Water Idaho Inc.'s Notice of Protest to
Application for Transfer No. 81844 in the name of City of Kuna

Item 6. Basis of Protest: The Application does not conform to applicable statutes and regulations, and does not satisfy the criteria for approval set forth in Idaho Code Section 42-222. SUEZ is particularly concerned with the potential for injury to other water rights and Applicant's place of use (which appears to encroach on SUEZ's service area). SUEZ reserves the right to identify additional questions and concerns as further information becomes available.

Item 7. Potential resolution of Protest: A demonstration that the proposed diversion and use will not injure other water rights or encroach on SUEZ's service area. Also, appropriate conditions to address SUEZ's concerns, including without limitation removing Applicant's place of use from SUEZ's service and planning area, conditions for administration of alternative points of diversion, and appropriate water diversion and water level monitoring data collection and reporting.

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 ASV Date 8-8-18 Time 3:45
\$25.00 fee Received by ASV # 405482 Date 8-6-18