

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 06 2016

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 Transfer No. 80380 in the Name of Eureka Ditch Co. No. 2
2. Name of protestant Energy Resource Group LLC
3. Protestant's Representative for service (If different than protestant)
Dana L. Hofstetter, Hofstetter Law Office, LLC
4. Service mailing address 608 West Franklin Street, Boise, Idaho 83702
5. Service telephone no. (208) 424-7800 Email Address: Dana@IdahoWaterLaw.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

There are questions about whether: 1.) The application conforms to applicable statutes and regulations; 2.) other water rights will be injured; 3.) the change would be an enlargement in use; 4.) the change will conflict with the local public interest; and 5.) the proposed diversion is contrary to to the conservation of water resources within the state of Idaho. Protestant reserves the right to identify additional questions/concerns as further information becomes available.

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

7. What would resolve your protest? Information that would establish no impacts to Energy Resource Group LLC's proposed project in the area; appropriate conditions to address the above-described questions/concerns; and/or denial of the application.

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 June, 2016.

Protestant

Dana Hofstetter
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 BES Date 6/6/16 Time 5pm

\$25.00 fee Received by BES # W044275 Date 6/6/16