

07/2008

RECEIVED

NOV 18 2010

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 No. 63-32458 in the Name of W&H Partnership LLC.
2. Name of protestant G.O. Investments, 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)

Potential impacts of the proposed water use to other water right holders, potential reduction in the quantity of water under existing water rights, the water supply may be insufficient for the proposed purpose, may be contrary to conservation of the resource and/or possible conflict with the local public interest. See Idaho Code § 42-203A. No easement on Protestant's property for proposed new appropriation. Ditch capacity may not be sufficient for delivery of this right together with prior rights. Protestant reserves the right to identify additional concerns as further information becomes available.

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

What would resolve your protest? Information about the proposed use that would establish no potential impacts to other water right holders and that would address the above described concerns. Denial or appropriate conditions, as needed, to address these matters.

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 18th day of November, 2010.

Protestant



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.
-

FOR DEPARTMENT USE ONLY

Received by SB Date 11.18.10 Time 10:28 AM
\$25.00 fee Received by SB # WD38861 Date 11.18.10