

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
JUL 22 2008
Department of Water Resources
Eastern Region

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 City of Pocatello and Idaho Power Hydroelectric Generation Lease
2. Name of protestant New Sweden Irrigation District.
3. Protestant's Representative for service (If different than protestant)

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4. Service mailing address 2350 W. 17th St. Idaho Falls ID 83402
 5. Service telephone no. 208-523-1075 Email Address: Kail@SNID-MYF.NET
 6. Basis of protest (including statement of facts and law upon which the protest is based)

New Sweden Irrigation District holds storage contracts with the USBR with rights to 89,156 acre-feet of storage space, 39,350 acre-feet of this space is held in the Palisades Reservoir. New Sweden feels the lease of the City of Pocatello storage water will severely impact the refill of this space in future years.

The irrigation district is also regulated by Water District 1. The advisory committee for the water district, Committee of Nine, has spent several years developing the Water District 1 Rental Pool Rules to account for the rental of storage water. These rules have addressed the impacts of storage rentals and developed a process to mitigate for rentals such as this. Idaho Power does have the ability to rent through the process established and approved by all water users within the water district.

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

7. What would resolve your protest? Utilize the rental pool the water users of Water District 1 have voted on and approved.

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 July, 2008.

Paul A. Berggren chairman
Protestant, Representative

New Sweden Irrigation Dist. It
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 WM Date 7/22/2008 Time 1:44 pm
\$25.00 fee Receipted by _____ # _____ Date _____