

07/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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SEP 05 2008

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 No. 75007 in the name of Idaho Water Resource Board

2. Name of protestant Tamarack Resort, LLC

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

Jean-Pierre Boespflug c/o Millemann, Pittenger, McMahan & Pemberton, LLP, Attn: Brian McMahan

4. Service mailing address P.O. Box 1066, 706 N. First St., McCall, Idaho 83638

5. Service telephone no. 208-634-7641 Email Address: blm@mpmplaw.com

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

Protestant is concerned about the precedent this proposed transfer will set all over the State of Idaho and neighboring states. Protestant is also concerned about maintaining the water level of the water stored under Water Right #65-2927A.

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

7. What would resolve your protest? No additional lowering of water level and no transfer of water from Valley County to uses in other parts of Idaho or in other states.

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 5<sup>th</sup> day of September, 20 08

Tamarack Resort, LLC

Protestant

Boespflug  
Protestant's Representative  
Jean-Pierre Boespflug

#25 - paid 9-5-08 under # W036884 DB