

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Border

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, 42-222 and 42-224, 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 Numbers 11-7399 and 11-7424 in the name of Bear Lake West Property Owners Association Inc.
2. Name of protestant PacifiCorp dba Rocky Mountain Power and PacifiCorp Energy
3. Protestant's Representative for service (If different than protestant)
Claudia Conder, Water Rights Administrator for PacifiCorp
4. Service mailing address 1407 W. North Temple #110, Salt Lake City, UT 84116
5. Service telephone no. 801-220-2252
6. Basis of protest (including statement of facts and law upon which the protest is based)
PacifiCorp has reviewed the applicant's submittal and explanation for the amendment of permit numbers 11-7399 and 11-7424. PacifiCorp respectfully requests that IDWR limit the permits based on the applicant's calculations of additional homes and volume available as calculated in the explanation.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? 1-Limit the permits to 240 acre feet in total for both permits combined; 2- limit the number of homes to 182 in total for both permits combined; 3-applicant withdraw the previously submitted applications- 11-7530 and 11-7531.

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 8th day of December, 2000

PacifiCorp
Protestant

Claudia Conder
Protestant's Representative

Receipt
#ED 32491

December 8, 2006

Roger Warner
State of Idaho Department of Water Resources
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

RE: Basis of Protest of Application for amendment of permits 11-7399, 11-7424, Bear Lake West Property Owners Association, Inc.

Dear Mr. Warner,

PacifiCorp owns water rights in the Bear River, the tributaries to Bear Lake, and Bear Lake decreed in the matter of Utah Power & Light Company v. The Last Chance Canal Company, Limited et al, in Equity No. 203, July 14, 1920 and Utah Power & Light Company v Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River. Surface tributaries and groundwater infiltrating into the Bear River from the Bear River Basin contribute to water that supplies PacifiCorp's water rights, which are used for hydropower generation and other related purposes. PacifiCorp's water rights are vested and must be preserved free from unmitigated interference.

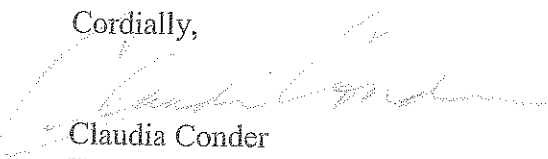
In addition to its water rights in the Bear River, PacifiCorp owns water rights in Bear Lake which is uses to deliver supplemental irrigation water to surface water users downstream with water rights in the Bear River. The recipients of this supplemental irrigation water have delivery contracts with PacifiCorp. Unauthorized diversions of water which result in additional depletion to the Bear River Basin cause less water to flow in Bear River, causing PacifiCorp to deliver them more water from Bear Lake.

PacifiCorp received an advanced copy of the application and associated explanation and appreciates the applicant's diligence in providing advanced notice. The submittal to IDWR appears to be the same as the advanced copy. It appears that applicant has made significant effort to provide a solution to their water needs and in the process encourage conservation by its homeowners association.

PacifiCorp respectfully requests that the Department condition the amended permits as outlined in the explanatory, specifically: 1) that the combined permits be limited to a combined total of 182 homes (100 homes allowed under existing permits-82 homes additional); 2) that the combined permits be limited to a volumetric limitation in the combined amount of 240 acre feet (132.03248 acre feet under the existing permits and 107.967 additional); and 3) that applications 11-7530 and 11-7531 be withdrawn.

If you have any questions, please contact me at (801)220-2252.

Cordially,



Claudia Conder

Water Rights Administrator for PacifiCorp Energy

Cc: Scott Smith, Attorney for applicant, Racine Olson Nye Budge & Bailey
201 East Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

Carly Burton, Bear River Water Users
967 W. Bloomsbury Cove
Murray, UT 84123

David and Claudia Cottle, Bear Lake Watch
3539 E. Brighton Point Dr.
Salt Lake City, UT 84121