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JUN 19 2019
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. 63-34652 in the Name of Cat Creek Energy, LLC.

2. Name of protestant The District at Parkcenter, LLC.

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

   Richard F. Goodson, Dana L. Hofstetter, Hawley Troxell Ennis & Hawley, LLP.

4. Service mailing address P.O. Box 1617, Boise, Idaho 83701-1617.

5. Service telephone no. (208) 344-6000 Email Address: rgoodson@hawleytroxell.com; dhofstetter@hawleytroxell.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 legal requirements; 2.) the proposed use will reduce the quantity of water under existing water rights; 3.) the water supply is insufficient for the purpose for which it is sought to be appropriated; 4.) the application is made for speculative purposes; 5.) the applicant has sufficient financial resources with which to complete the work involved; 6.) the proposed use will conflict with the local public interest; 7.) the proposed use is contrary to to the conservation of water resources within the S tate of Idaho; and 8.) the proposed use will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates. 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? 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 19th day of June, 2019.

The District at Parkcenter, LLC
Protestant

Dana Hofstetter
Protestant's Representative

07800.0185.12006645.1

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 KJ Date 6/19/19 Time 4:10 pm

$25.00 fee Receipted by KJ # W047514 Date 6/19/19