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FEB 28 2011

WATER RESOURCES  
WESTERN REGION

07/2008

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 63-33344 in the name of ARK Properties LLC
- 2. Name of protestant City of Mountain Home
- 3. Protestant's Representative for service (If different than protestant)  
L. Wayne Shepherd, P.E., Director of Public Works
- 4. Service mailing address P.O. Box 10, Mountain Home, Idaho 83647
- 5. Service telephone no. (208) 581-2108 Email Address: wshepherd@mountain-home.us
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

Section 42-203A, Idaho Code specifies the no new appropriation of water shall be allowed to reduce the quantity of water under existing water rights. The City is concerned that this application will affect our ability to continue to utilize our water rights in a declining aquifer.

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

- 7. What would resolve your protest? If groundwater modeling or other science shows that the proposed application does not affect the City's water rights or our ability to utilize them.

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 23<sup>rd</sup> day of February, 2011.

City of Mountain Home  
Protestant

L. Wayne Shepherd  
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.

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**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.
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**FOR DEPARTMENT USE ONLY**

Received by Jmh Date 2-28-11 Time 2:45  
\$25.00 fee Received by Jmh # W039015 Date 2-28-11