RECEIVED
MAY 20 2013
DEPARTMENT OF
WATER RESOURCES

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MAY 28 2013
DEPT. OF WATER RESOURCES
SOUTHERN 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. 21-13160 in the name of the Idaho Water Resource Board
2. Name of protestant: ____Idaho Conservation League_____
3. Protestant's Representative for service (If different than protestant):__Marie Callaway Kellner_____
4. Service mailing address:____P.O. Box 844; Boise, ID; 83701_____
5. Service telephone no.:_(208) 345-6933 ext. 32_____ Email Address: __mkellner@idahoconservation.org _____
6. Basis of protest (including statement of facts and law upon which the protest is based):

   Please see Attachment A.

7. What would resolve your protest? Please see Attachment A _____

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 20th day of May, 20 13.

IDAHO CONSERVATION LEAGUE
Protestant

Marie Callaway Kellner
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 HP Date 5-20-13 Time 3:00 p $25.00 fee Receipted by HP # C097189 Date 5-20-13

Attachment A: Idaho Conservation League's protest of application for Permit No. 21-13160, in the name of the Idaho Water Resource Board

Basis of Protest

Pursuant to Idaho Code § 42-203A(4) & (5)(e)&(g), the Idaho Conservation League respectfully protests the above referenced application.

As an initial matter, ICL acknowledges the potential benefits of managed aquifer recharge as well as the stated managed aquifer recharge goals of the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan. However, unless this application is conditioned appropriately, ICL contends that this use of water threatens fish and wildlife populations.

Additionally, ICL is concerned that this use of water will negatively affect water quality. It both threatens compliance with regulations put in place by the Total Maximum Daily Loads of pollutants allowed in multiple river reaches and threatens groundwater quality, which, in turn, poses a threat to drinking water supplies.

What would resolve this Protest?

ICL's basis for protest might be resolved by:

- Establishment of the Managed Recharge Environmental Consultation Committee that is described in the application. Committee topics would need to include: the effect of timing on aquatic habitat; the effect of reduced flow amounts on aquatic habitat; annual or biannual streamflow analysis; the effects of reduced flow on instream water quality; protection of groundwater quality; and possibly other topics.
- Establishment of funding for the Committee.
- Establishment of greater groundwater quality monitoring.
- Establishment of a percentage of instream flows in conjunction with recharge.

This list is open to modification, and ICL looks forward to discussing options with the IWRB and its counsel in efforts to resolve our protest.