

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 08 2011

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 for Permit #61-12256

2. Name of protestant Tim Conrads

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

4. Service mailing address 75 S. Pronghorn Rd., Boise, Idaho 83716

5. Service telephone no. 208-362-4755 Email Address: tjconrads@gmail.com

6. Basis of protest (including statement of facts and law upon which the protest is based)
I am filing a protest under Idaho Code 42-203A due to unknown
effects the above named waTER Permit will have on existing
aquifer. Within the last three years, two local wells have
seen reduced well water levels from 50 to over 100 feet ...
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See following page.

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 AUGUST, 2011.

Tim Conrads
Protestant

Protestant's Representative

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Protest

Tim Conrads — Notice of Protest Permit #61-12256

Continued —

requiring the lowering of pumps in these two private wells.

According to a Department of Water Resources memo, dated February 10, 2009, from Sean Vincent and Dennis Owsley of the Hydrology Section, the water right #63-32225 would increase the annual water consumption of the local aquifer by some 300%, which when combined with application 63-32499, will increase withdrawal from the limited aquifer to over 800% of current water usage. Further, Mssrs. Vincent and Owsley stressed uncertainty of the aquifer recharge rate, and there is considerable uncertainty that the aquifer can handle such withdrawal. With the application of Permit #61-12256, it is most certain that the available water for current land and property owners will be adversely affected if allowed to proceed.

In addition, Mssrs. Vincent and Owsley have suggested through their analysis that with the granting of Permit #63-3225, it is quite possible that all water resources in the area have been allocated. To allow the additional water withdrawal that will come with Permit #61-12256, it is entirely feasible that all homes currently using the local aquifer could see their water supply drastically diminish, degrade, and likely disappear, markedly reducing or eliminating property values.

According to Mssrs. Vincent and Owsley, SPF Water Engineering, the company that has done a study of the local aquifer, acknowledged, "The ultimate ground-water supply in the Mayfield area is limited." In conclusion, their professional analysis of flow measurements of Indian Creek recharge rates that SPF has quoted has shown unrealistically high if one were to assume that all the other assumptions of SPF are correct.

There are no known data that can specifically prove there is enough water for the planned developments already approved, much less the additional water drain that will be assumed by allowing Permit #61-12256 to be approved. Until a thorough study is done that proves, without a doubt, that this additional drain on the local aquifer will not affect current land and property owners' water rights, or a monetary bond by the developer to either provide water to all existing land and property owners within the local aquifer, or to sufficiently compensate monetary losses to current land and property owners within the local aquifer for loss of value due to loss of water, it would seem to be inappropriate to allow Permit #61-12256 to be approved.

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.
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Received by gnh Date 8-8-11 Time 3:49
\$25.00 fee Received by gnh # W039517 Date 8-8-11