

AUG 08 2011

WATER RESOURCES
WESTERN REGIONSTATE 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 # 61-12256
2. Name of protestant: Mary Frisch
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address: 155 S. Prong Horn Dr, Boise, ID 83716
5. Service telephone no. 208-863-8117 Email Address: ttlildawg2008@hotmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based): See attached.
7. What would resolve your protest? A monetary bond sufficient to either provide water or to satisfactorily compensate current existing homeowners if the water levels should decline.

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 Mary Frisch Protestant

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 John Date 8-8-11
Time 2:00 \$25.00 fee Received by John # W039515 Date _____
8-8-11

RECEIVED
AUG 08 2011
WATER RESOURCES
WESTERN REGION

IDWR – Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

To Whom It May Concern:

I am writing this letter in protest of the Application for Permit # 61-12256 based upon Idaho Code 42-203A. I believe that the water supply in the area of the proposed permit is insufficient for the purpose of which this application is being sought to be appropriated. In addition, I believe that it will reduce the quantity of water under existing water rights. This application is being sought to promote large scale residential growth in areas where water resources are limited due to low natural recharge rates and large uncertainties regarding the sustainable nature of the aquifers. By statute, the state prohibits the withdrawal of ground water at rates exceeding the anticipated recharge. As a result, water has been one of the more critical factors limiting growth in the area along the I-84 corridor east of Boise and near Mayfield.

As per the IDWR memo dated February 24, 2009 Evaluation of aquifer recharge in areas of planned community applications along the I-84 corridor from Boise to Mountain Home "...there is considerable uncertainty in the amount of water available for appropriation...although there is uncertainty, it can be concluded based on available data that aquifer recharge is limited in the surrounding area, as evidenced by two nearby GWMA's and one CGW...". The area where the points of diversion are located is within the boundary of the Mountain Home GWMA (as per the Ground Water Level Change 1976 vs. 2008 in the Mountain Home Area figure provided on page 2 of the aforementioned memo). Given the lack of data regarding recharge it would, in my opinion, be hard to quantify the impact of additional large scale stressors on these critical areas.

Further in the IDWR memo dated February 10, 2009 "Evaluation of SPF Report entitled Ground Water Supply Evaluation for the Mayfield Townsite Property "...the inclusion of water right 63-32225 increased the annual withdrawal from the area by more than 300%...our analysis suggests that the approval of water right 63-32225 quite possibly caused the water resource to be fully allocated. Moreover, our ability to predict the impacts from additional aquifer withdrawals is poor because of hydrogeologic uncertainty...". While I know that CAMP was initiated to establish a statewide comprehensive aquifer planning and management program and that the East Ada County Hydrologic Project was initiated to help with this process - the data are still in the process of being collected. It seems speculative and not in the best interest of those currently living in the area to approve so many large water rights before the data has been evaluated to gain a clearer understanding of how much water is available for appropriation and of the ability of the aquifers in the area to sustain such large scale growth. As further pointed out by IDWR staff "Sequentially approving applications for several large water rights without first collecting and evaluating monitoring data...is unadvisable given the existence of two GWMA's and one CGWMA in the surrounding area and uncertainty that exists concerning the long term sustainability of the resource..."

We as a community have seen a marked increase in water use out in our area with water being used to irrigate an area near the split of Indian Creek and Desert Wind roads in addition to irrigation in the area where Mayfield Townsites is to be located. Since that time one of my neighbors has had to drop the level of the pump in their well 50 feet. While I have heard that other individuals may have experienced similar problems, it would seem to lend credence to comments made by the IDWR in their memo dated February 10, 2009 when they noted that while it is agreed that the general water levels in the Mayfield area are stable or slightly increasing, the significance of this trend should not be overemphasized as historically the aquifer in this area has not experienced significant withdrawal volumes. A significant increase in ground water use may have the potential to create a declining trend similar to those experienced in the Cinder Cone Critical Ground Water Area. I feel that I as a homeowner actually living in the area and relying on water from the aquifer my rights transcend those of just a property owner or utility provider – they are the right to be able to live on my land and be guaranteed water. To not be able to have that water due to the actions of others will conflict with the local public interest as defined in Idaho Code.

If this and other large scale water rights are to be approved knowing that there is a significant lack of data regarding the aquifers ability to recharge sufficiently, then it is respectfully requested that written agreement be obtained to compensate and protect existing homeowners if their individual/community wells need to be modified in the future due to a lack of water. In addition, it is requested that the burden of proof to show injury not be laid upon the shoulders of the comparatively small existing water users but upon those who stand to make a considerable profit from significantly exploiting the resources in the area.



Mary Frisch
155 S. Prong Horn Dr.
Boise, ID 83716

Idaho Department of Water Resources Receipt

Receipt ID: W039515

Payment Amount \$75.00 Date Received 8/8/2011 1:49 PM Region WESTERN
Payment Type Check Check Number 2682
Payer FRISCH, CRAIG/ MARY
Comments PROTEST APPLICATION 61-12256
MARY FRISCH, GRIFFIN HERREN AND DANA & SCOTT QUINNEY (TRANSFER 73834)

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS 61-12256	62103	0229	21		1155
\$25.00	PROTESTS 61-12254	62103	0229	21		1155
\$25.00	PROTESTS 73834	62103	0229	21		1155


Signature Line (Department Representative)

- 1- \$25- Paid for protest against 61-12256 filed by Mary Frisch.
- 2- \$25- Paid for protest against 61-12256 filed by Griffin Herren.
- 3- \$25- Paid for protest filed against transfer 73834, by Dana & Scott Quinney.

(\$ 75- Total)