

RECEIVED

MAY 27 2014

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: Coalition of Cities CM Rule 43 Mitigation Plan for Managed Recharge and Other Aquifer Enhancement Activities (in response to Rangen Inc. call) in the name of the Coalition of Cities

2. Name of protestant: Lower Snake River Aquifer Recharge District

3. Protestant's Representative for service (If different than protestant)
Bob Lorkowski, Executive Director

4. Service mailing address: LSRARD, PO Box 487, Hagerman, ID 83332

5. Service telephone no.: 208-837-4808 Email Address: lsrard@northrim.net

6. Basis of protest (including statement of facts and law upon which the protest is based)
(additional pages may be attached to describe nature of the protest)

See Attached

7. What would resolve your protest? See Attached

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 23rd day of May, 20 14.

Lower Snake River Aquifer Recharge District

Protestant

Bob Lorkowski
Bob Lorkowski

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.
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FOR DEPARTMENT USE ONLY

Received by AM Date 5-27-2014 Time 2:50 pm
\$25.00 fee Receipted by AM # 5034040 Date 5-27-2014

LSRARD's Protest of the Coalition of Cities CM Rule 43 Mitigation Plan for Managed Recharge and Other Aquifer Enhancement Activities
Supplemental page

6. Basis of protest:

LSRARD generally is not opposed to recharge as part of a mitigation plan and encourages development of recharge sites in areas that will provide benefit to water users while not compromising existing water rights or water resources of the state. LSRARD does not believe, however, that the Director can approve recharge at the site proposed in this mitigation plan because the plan does not meet various evaluation criteria under Conjunctive Management Rule 43 (IDAPA 37.03.11.43.03. a, c & j). For example, the applicant has not documented that an IDEQ-approved water quality monitoring plan is in place that is specific to the proposed recharge site to protect water users, the environment, current and future local drinking water sources, and water resources of the state (IDAPA 58.01.16.600). The applicant has not documented that they have obtained an IDEQ-approved reuse permit to use treated municipal wastewater as the proposed contingency source of recharge water at this site (IDAPA 58.01.17).

- (2) LSRARD reserves the right to modify this protest as other information becomes available through discovery or at hearing.

7. What would resolve the protest:

- (1) Provide documentation that a water quality monitoring plan has been approved by IDEQ and will be in place before the proposed site is used for managed recharge activities using applicant's canal company water shares, including activities intended to supply water for a mitigation plan. Refer to IDAPA 58.01.16.600 and IDEQ's *"Guidance for Developing a Ground Water Quality Monitoring Program for Managed Recharge Projects by Land Application"* (written 2006; revised 2010). Designate as part of the mitigation plan the party who will be responsible for conducting water quality sample collection, monitoring and reporting, and the party who will pay for water quality analyses, monitoring and reporting.

and

- (2) Remove from the mitigation plan any reference to using treated wastewater from any municipal system as the contingency recharge water source unless an IDEQ-approved permit has been issued for its use at the proposed site under IDAPA 58.01.17.

and

- (3) To support both resolution items (1) and (2), provide documentation through the completion of an IDWR-monitored dye tracer study that recharge at the proposed site will not adversely affect local domestic and drinking water sources or beneficial uses of existing or future water rights in the flow path of the recharge water.

CERTIFICATE OF SERVICE

I hereby certify that on this 23RD day of May, 2014, the above and foregoing document was served on the following by providing a copy of the *Protest against the Coalition of Cities CM Rule 43 Mitigation Plan for Managed Recharge and Other Aquifer Enhancement Activities* in the manner selected:

Robert E. Williams
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153 East Main Street
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rewilliams@cablone.net

☒ U.S. Mail, Postage Prepaid
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Bob Lorkowski, Executive Director

for Lower Snake River Aquifer Recharge District

Idaho Department of Water Resources Receipt

Receipt ID: S034040

Payment Amount \$25.00 Date Received 5/27/2014 2:52 PM Region SOUTHERN
Payment Type Check Check Number 2255
Payer LOWER SNAKE RIVER AQUIFER RECHARGE DISTRICT
Comments NOTICE OF PROTEST AGAINST COALITION OF CITIES MITIGATION PLAN

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	64103	0229	21		1155



Signature Line (Department Representative)