

FEB 03 2022

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 for transfer of Water Rights - Point of Diversion
2. Name of protestant Shelley Acres
3. Protestant's Representative for service (If different than protestant)
Geoff Neyman
4. Service mailing address 9800 N. Hwy 52 Horseshoe Bend ID 83629
5. Service telephone no. 208 608-9398 Email Address: geoffneyman@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached letter

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

7. What would resolve your protest? Denial of request for additional point of diversion on Shelley Acres waste water

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 2nd day of February, 20 22.

[Signature] Shelley Acres
Protestant

[Signature]
Protestant's Representative

DATE: Feb 1, 2021
TO: Dept. of Water Resources
FROM: Shelley Acres Irrigation District
RE: Bruno - Water Right #65-12465 Application

We are responding to an application for an additional point of diversion submitted by Sharon Bruno - Water Right #65-12465. We have several concerns, one of which is any party outside our irrigation district making claims on water provided by pumps owned and operated by Shelley Irrigation. Our irrigation system is constantly undergoing repairs and changes, any or all of which could change, reduce, or eliminate the quantity of waste water flowing back to the river.

In the past we have adjusted the flow of the pump to match the usage as closely as possible. As others have moved in the area we try not to disturb neighbors affected by our easements so it has been left wide open at times to reduce trips to the river based on changing demand. This is not ideal and we have talked for some time about creating more automation with our pumping system and each year we research ways to make the system more efficient as pumping and maintenance costs are very high and continue to go up. We have even discussed a revised system that would eliminate waste water altogether.

A statement provided by Marcelina Williams of DOWR reads...

"The wastewater diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it."

This statement should ensure Shelley Irrigation has no liability or responsibility to continue to provide waste water to another party that may have claim to it or rights to use it, however, we would like clarity to the phrase "in good faith". If this means to try our best to continue to provide the water, we have no intent to do so for the sake of anyone downstream and our only priority is to act in the best interest of the members of Shelley Irrigation District (with that said, we do want to get along peacefully with neighbors outside of the irrigation district). But please be advised that the waste water flow may change or stop without warning. We would prefer that no water rights be granted for the reasons stated; otherwise, we would request some sort of signed statement acknowledging that the applicant has no recourse if for any reason water supply changes or ceases.

Furthermore, in Section 5 on the application, two points of diversion are noted, one of which is labeled as waste water and both are listed as "no" under the column of whether they are 'new'. Clarification with Marcelina confirmed that the waste water line item listed on the chart should state "yes" under the "new?" column so the applicant does not currently have rights to a point

of diversion for any waste water. Does the application need to be resubmitted to reflect accurate information?

One other point of clarification is understanding the reason for this application. Is the water supply at the current point of diversion not adequate? Why should this application be approved if the primary point of diversion is sufficient for the water needed for the property.

Sincerely,
Shelley Acres Irrigation Association