07/2008

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MAR 29 2021
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST / PETITION FOR RECONSIDERATION

1. Matter being protested:
License 95-17316 and License 95-17291 Petition to Reconsider Acre Foot (AF) limitations specifically and diversion rates if necessary which have been enacted on the 9 home owners with the preliminary water licenses, appearing to significantly reduce the area that can be irrigated well below the 1/2 acre limit of Idaho Department of Water Resources allowable for in-house domestic use, stock watering, and irrigation of up to 1/2 acre of land.

2. Name of protestant: James Lent, President, Bright Sky Water Association, Inc.

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

4. Service mailing address: Bright Sky Water Association, Inc.
P.O. Box 1262
Athol, ID 83801

5. Service telephone No: 208-227-8719 Email Address: jrlent@air-pipe.com

6. Basis of protest: The newly issued preliminary water licenses, 95-17316 and 95-17291, have newly imposed Acre Feet (AF) restrictions for the 9 homes serviced by these licenses that do not appear to provide sufficient water in compliance with Idaho Department of Water Resources (IDWR) provisions identified in the Water Use Information for domestic use and irrigating up to 0.5 acres of land. Whereas the presently defined diversion rates within these licenses are already at half the typical rates for 9 in-house domestic use. The further AF restrictions appear to further reduce water usage capability by a factor of 4.7 times the already 1/2 diversion rate capability of typical in-house domestic rates. We do not want to be in violation of the water licenses but also do not want to limit water usage to a level that appears to be approximately 1/10 of the typical usage defined by IDWR domestic diversion rates and irrigation provision of up to 1/2 acre of land to be sufficiently irrigated. These numbers were derived from the publications on the IDWR website and using the IDWR Spreadsheet for calculating water usage. (Continued on second sheet)

7. What would resolve your protest? Please provide justification for how these reduced rate limitations provide sufficient water resources for typical in-house domestic use, stock watering, irrigation use for up to 1/2 acre in compliance with IDWR Water Use Allowances for 9 homes on these water licenses and/or adjust the diversion rate and/or AF allowance to do so on these two licenses so that these properties may continue to be developed to the IDWR water use up to definitions for in-house domestic use, up to 1/2 acre irrigation, and stock watering.

I hereby, acknowledge that if, or my designated representative, fails to appear at any regularity 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 27 day of March, 2021

Protestant _____ Protestant's Representative _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST / PETITION FOR RECONSIDERATION
Continuation Sheet

6. Basis of protest (continued):

These are fairly new homes for which water was previously provided under these (same numbered) permits and water systems outside the property owners control for which it took three years working with lawyers to get resolved and get a shared well system built in compliance with the home owners purchase agreements of purchasing homes on a shared well system not a public water system that was not pre-approved by DEQ. As such we do not have history of water usage for a year nor do we even know if the present system will meet demand during the summer months. Also because these are fairly new homes they are far from developed with property owners still developing landscaping (within the 1/2 acre limitation) and some property owners have acquired livestock. We do not want to be in noncompliance with our new licenses nor do we want to limit the ability to develop and support properties within the 1/2 acre irrigation limit. If it is discovered that the present Well System with its present submersible pump and storage tank booster pump are insufficient to meet the demand of 9 homes then these components will be replaced to do so, however within the confines of IDWR Water Use Information to provide diversion rates sufficient for 9 homes for in-house domestic, stock watering, and unto 1/2 acre irrigation and in compliance with our hopefully updated or justified water licenses that meet these IDWR established provisions. We want to ensure our Water Right Licenses reflect the defined typical usage capability provided by IDWR's Water Use Information for 9 homes without limiting the homeowners to develop their properties to existing development of less than 1/2 acre of irrigation as that development is ongoing for most of these homes.

references:
https://idwr.idaho.gov/water-rights/water-use-information.html

DOMESTIC USE DIVERSION RATES
These figures show diversion rates typical for in-house domestic use. These figures do not include water for domestic stockwater or lawn and garden irrigation. Applicants seeking to divert water in excess of these rates for in-house domestic use should provide information explaining why the additional quantity is needed.

- **1 Household** - 0.04 cfs
- **2 Households** - 0.06 cfs
- **3 Households** - 0.08 cfs
- **4 Households** - 0.10 cfs
- **10 Households** - 0.15 cfs

Irrigation - A total diversion of 0.02 cfs per acre irrigated, unless the applicant or claimant can demonstrate that more is required. For irrigated tracts of 5 acres or less, no additional justification is required for up to 0.03 cfs per acre.
https://idwr.idaho.gov/files/forms/maximum-daily-water-use-for-domestic-purposes.xls

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 _____ Date _____ Time _____

$25.00 fee Receipted by JR # N036842 Date 3-29-2021