

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 14 2020

Department of Water Resources
Eastern 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 84270
 2. Name of protestant MATEA McCray, Karon Huggins
 3. Protestant's Representative for service (If different than protestant)
N/A
 4. Service mailing address 3470 Cobblestone Ln. Idaho Falls, ID 83404
 5. Service telephone no. 208-360-2826 Email Address: matamccr@aol.com
 6. Basis of protest (including statement of facts and law upon which the protest is based)
Attached.
- (additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? _____

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 14th day of September, 20 20.

Protestant Matea McCray for Karon Huggins; Matea McCray

Protestant's Representative Matea McCray

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 CH dh Date 9/14/2020 Time 2:00 pm
\$25.00 fee Received by CH # E046290 Date 9/14/2020

Idaho Dept of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Idaho 83402

Date: 9/14/2020

Subject: Protest to Application ID #84270 (Luke H Marchant, Elaine R Sorensen) From Matea McCray and Karon Huggins

Understanding the following:

- A. The # 1 priority for water rights in the State of Idaho is domestic wells per Article XV, Section 3 of the Constitution of the State of Idaho;
- B. Section 1 of the 14th Amendment to the US Constitution states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.";
- C. The Big Lost River has been empty of water during the irrigation season on the lower (Arco) end of the river since IDWR allowed the "West and East Channel of the river" designation and even after the adjudication;
- D. Natural waterways and the river are the mechanisms for domestic well (groundwater) recharge;
- E. That under "Conjunctive Management", ground water and surface water are "one in the same".

We object to any and all water right transfers that result in any one through all of the following 7 harmful practices:

- 1) Any water being transferred from in-district to out-of-district should be denied. The only recharge (year round) of irrigation wells and water table outside of the district should take place during the times of flood conditions on the Big Lost River and every water way and every person with a water right should be allowed to recharge their land and water table during that time, equally. Those irrigation wells outside of the district need to impact their own groundwater table for crop irrigation, not District 34's.
- 2) Any water right that is being moved from a tract of land that held both a surface and groundwater right for the same acreage should not be expanded for use on previously unfarmed acreage elsewhere unless comparable acreage from the original place of use is abandoned.
- 3) All transfers and changes to the points of diversion allowed off of the river or other waterways are subject to shrink along the route. Downstream landowners on that diversion must be notified individually, by mail, of the proposed change to that water system by IDWR so that they can determine the impact to their water rights/land. The descriptions of the changes in the Legal Notices section of newspapers are woefully inadequate for an average person to analyze how the proposed changes will impact their property.
- 4) Piping delivery systems and lined canals (to prevent shrink) further exacerbate the lack of domestic well recharge.
- 5) No one should ever be allowed to "assume" or claim an "abandoned" water right except for the individual that owns the land that water right was originally on. Unused water rights should go to "next in time" and stay within the system. IDWR has a moratorium on irrigation wells in Basin 34 because that basin is already over appropriated as apparent from an empty river.
- 6) Any large holding ponds should not be allowed to fill during the non-irrigation season when there is no water in the river below the city of Arco. The only water that should be delivered to holding ponds is

water delivered during flood conditions in the spring or water being delivered per one's water rights during the irrigation season.

7) There is no remaining "waste water" to be consumed for irrigation purposes in Basin 34. Any waste water available as identified by applicants as "waste" that does not naturally and currently terminate on applicant's property is water that flows through downstream property owner's land that would be damaged by giving that water to the applicant for additional irrigation purposes.

Harm from Practices 1-7 above are obvious due to the fact that IDWR has allowed the lower end of the Big Lost River to go dry for most of the year over the past 30 years. This resulted in devastating impacts to the City of Arco and everyone in the Southern part of Butte County with hundreds of domestic wells running dry at the expense of the domestic well owners to subsidize a select few farmland irrigators. Additionally, senior water right owners have been denied their irrigation water under the guise of "futile call" in the river caused by these practices. Irrigation water delivery systems have been allowed to be removed at the expense of many for the benefit of few, which prevented delivery of deeded water rights. To allow these corrupt practices "knowingly" harms everyone on the lower end of the river and benefitting a few "elite" at the expense of "many" goes against the US Constitution (Item B) above.

Thank You,

Matea McCray . 9/14/2020.
Matea McCray for Karon Huggins 9/14/2020
Matea McCray
3470 Cobblestone Ln.
Idaho Falls, Idaho 83404

Karon Huggins
2132 N 2900 W
Arco, Idaho 83213