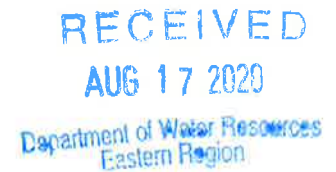


Date: 8/17/2020

From: Matea McCray and Karon Huggins

Subject: Revised Protest of IDWR Application #83745



Constitution of the State of Idaho: ARTICLE XV, SECTION 3 – WATER RIGHTS -

"Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes." So the priority for water rights is 1) Domestic; 2) Mining; 3) Agriculture and 4) Manufacturing.

Section 3 continues on: "But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section 14 of article I of this Constitution."

We cannot tell from a map where the place of use is for these water rights because the IDWR maps associated with this application on the IDWR site have not been downloading for the past couple of days, but this application may be resulting in an expansion of cropland on a water basin (Basin 34) that is already over appropriated (thus no water in the river or natural waterways to allow the number 1 State of Idaho priority, domestic wells, recharge water for their domestic home wells/water rights).

This revised application seems to allow the applicant to either take the rights from the river or to deliver them through the Arco Canal. By allowing these rights through the Arco Canal, it seems the applicants are using the Arco Canal delivery system to circumvent our original protest to their original application by taking water through the Arco Canal when the lower end of the river is dry (which seems to be the case throughout each summer/fall and even until spring melt now.) Additionally, by pulling those rights from the river at an upstream location from the natural waterways, it further exacerbates the problem of domestic wells going dry downstream from the proposed point of diversion from the river.

Emptying out the natural water ways and river at the lower end of the river is a "taking" from all of us from just above Arco on down (domestic wells) to the benefit of very specific individuals for crops (priority 3) at the expense of our domestic wells (priority 1) and property deeds. It is obvious that many individuals consider any water in natural water ways downstream from the West side and East side of the (manmade) river as an opportunity to use that water for their own crops by removing it from those waterways and transporting it through lined canals and piping systems. Additionally, emptying a river or natural stream is "a taking" of private property rights for those individuals who bought "river front property" on a flowing river or natural waterway before the State Adjudication process was completed. who now have river or stream property with no water in those natural waterways, and those people need to be compensated for their losses that have occurred through these allowed past practices.

Basis of Protest: 1) Original Protest still stands 2) Amended Protest: Allowing the transfer of irrigation through canals harms downstream users, who use the natural water rights as their mechanism for maintaining a sufficient groundwater level for their domestic wells (Idaho State Priority 1). Therefore, transferring rights through unnatural water ways from off of the river above Arco should not be allowed.

Resolution: 1) Original protest and 2) Disallow these transfers to be delivered through the Arco canal. If for some reason, IDWR allows this transfer, during times that the river is split, it needs to be put into the river and delivered downstream to "the next in line".

Matea McCray

Matea McCray

Signed

8/17/2002

Date

Karon Huggins

Matea McCray for Karon Huggins 8/17/2002

Signed

Date



Matea McCray <mateamccray@gmail.com>

RE - Application: Idaho-83745 "New Water Right Transfers" (Robert C. Harris, Sunset Farm & Ranch Transfer)

1 message

Karon Huggins <karonhuggins40@gmail.com>

Mon, Aug 17, 2020 at 2:07 PM

To: mateamccray@gmail.com

Matea, Will you please sign my name to the protest that you will deliver today to the Department of Water Resources?
I'm sorry that I'm unable to be there with you and appreciate your attention to this matter of great importance!

Thank you,

Karon I. Huggins, August 17, 2020