



Latah County
BOARD OF COUNTY COMMISSIONERS

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JUL 18 2019

IDWR / NORTH

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us
Thomas C. Lamar ♦ David McGraw ♦ Kathie LaFortune

July 17, 2019

Director Gary Spackman
Department of Water Resources, Northern Region
7600 Mineral Drive, Suite 100
Coeur D' Alene, ID 83815-7763

Director Spackman,

As per Idaho Code Section 42-203A, the Latah County Board of Commissioners, 522 S. Adams, Moscow, Idaho, 83843 is officially protesting the application for a water right - permit #86-12064 for Sandra R. and/or Robert R. Henricksen, 4211 Hwy 8, Troy, Idaho 83871. We have enclosed our Notice of Protest and \$25.00 fee.

Latah County is concerned by the amount of water requested for this proposal and the effects that it may have on nearby existing uses. Further, the Board has concerns that this use may reduce the quantity of water under existing water rights, that it may conflict with the local public interest as defined in section 42-202B, Idaho Code, and that this use may be contrary to conservation of water resources within the state of Idaho.

The potential exists, with the limited groundwater supplies in the County that this amount of water use could pull water from existing supplies for other established wells in the area and might limit or eliminate the source of water for these wells.

The Board believes it has an obligation to protest all such large water right requests within its borders. We appreciate the ability to comment and look forward to better understanding this application. Thank you.

Sincerely,

Thomas C. Lamar
Chair

Kathie LaFortune
Commissioner

Cc: Sandra and Robert Henricksen

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOTICE OF PROTEST

IDWR / NORTH

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 Permit by Sandra &/or Robert Henricksen, 86-12064
2. Name of protestant Latah County Board of Commissioners
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO Box 8068, Moscow ID 83843
5. Service telephone no. 208-883-7208 Email Address: bocc@latah.id.us
6. Basis of protest (including statement of facts and law upon which the protest is based)

Please see attached.

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

7. What would resolve your protest? Please 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 17th day of July, 20 19.


Protestant

K. Caferlin

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 Ja Date 7-18-19 Time 2:35 pm
\$25.00 fee Received by Ja # N035226 Date 7-18-19

5. Basis of Protest:

Since at least 2005 Latah County has made it a standard practice to review water right applications within its borders to protect this precious resource and to ensure neighboring properties are protected from new water rights/uses. Because the Department of Water Resources does not evaluate the source of water, neighboring uses, or impact of the new right when reviewing a permit application, it is incumbent on Latah County to file protests to engage in discussions with the applicant regarding these areas.

The Latah County Comprehensive Plan sets goals of promoting the perpetual viability of adequate water resources in Latah County to meet present and future needs and to ensure water is used in a way that protects and enhances the public health and safety. The Comprehensive Plan policies require the County maintain sustainable groundwater resources and prevent degradation of groundwater quality; encourage water conservation, shared water systems, use of water conserving technologies and use of water resources as efficiently as reasonably possible; encourage evidence based approaches to and scientific research of water resource issues; require that land uses are consistent with any applicable water resources plan, such as the Palouse Basin Aquifer Ground Water Management Plan; and discourage use of groundwater for irrigation consistent with the philosophy of Idaho Code 67-6537.

6. What would resolve your protest?

We do not have enough information at this time to allow us to resolve our protest. We would like to meet with the property owner to discuss the use, methods, possibilities, potential impacts, and to gather more information prior to formulating any potential solution to our concerns.