



**Latah County
BOARD OF COUNTY COMMISSIONERS**

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

June 19, 2019

RECEIVED

JUN 21 2019

IDWR / NORTH

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 #86-12060 for Norman D. Metzker, 1041 Yockey Rd., 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

David McGraw
Commissioner

Kathie LaFortune
Commissioner

Cc: Norman Metzker

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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 Permit by Norman D. Metzker, 86-12060

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)
Since at least 2002, Latah County has made it a standard practice to review water right applications within its border to protect this precious resource. 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. Idaho Code section 42-111 exempts domestic water uses that meet the limits of that statute, which imposes not only diversion rate limits BUT ALSO diversion volume limits. The above referenced matter involves a water right permit application which does not include a cap on water volume. Additionally, the diversion rate applied for, at .08 cfs, largely exceeds other rights granted and the standard rate of .04 cfs. (additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? _____

A water right permit which has a total use that does not exceed both a diversion rate of .04 cfs and a diversion volume of 1.2 acre-feet per year.

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 19th day of June, 2019

[Signature]
Protestant

Protestant's Representative

Receipt # N035078

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 _____ Date _____ Time _____

\$25.00 fee Receipted by Ja # N035 078 Date 6-21-17