

STEVE L. STEPHENS (ISB #6919)
Stephens Law Office PLLC
221 W. Grand Ave.
P.O. Box 736
Arco, ID 83213
Telephone: (208) 527-3458
Fax: (208) 527-3469

RECEIVED
JUN 15 2018
Department of Water Resources
Eastern Region

Attorney for the City of Arco (Protestant)

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STAT OF IDAHO**

IN THE MATTER OF	)	Transfer No. 82318
APPLICATION #82318, PROPOSING TO	)	
TRANSFER WATER RIGHT(S) Nos. 34-2459,	)	NOTICE OF PROTEST
34-2460, 34-109925, 34-2461, 34-2462, 34-7037,	)	
34-2401A, 34-4015.	)	Fee Category: Exempt
	)	I.C. §67-2301
<u>In the name of the City of Arco, Idaho.</u>	)	

PROTEST TO TRANSFER APPLICATION FOR WATER RIGHT(S)

Steve L. Stephens, on behalf of the Protestant, the City of Arco, Idaho, a municipal corporation and political subdivision of the State of Idaho, ("Arco"), hereby PROTESTS Transfer Application for water right(s) Nos. 34-2459, 34-2460, 34-109925, 34-2461, 34-2462, 34-7037, 34-2401A, 34-4015

The initial grounds of the Protest are:

1. The City of Arco, Idaho is a municipality located in Butte County, Idaho, and currently maintains a population of residents of approximately 1,000.
2. Arco owns and relies on permitted water rights Nos. 34-10030, 34-7454, 34-7547, with points of diversion located at NWNENE, SENWNE, SWSWNE, SESWNW of Section 36 Township 4 North, Range 26E in Butte County Idaho commonly referred to as the Blattner Well and Arco City Park Well for potable domestic and municipal uses for Idaho residents, hospitals, businesses and schools within the City of Arco.
3. The transfer of the Applicant's water rights to the proposed points of diversion as well as adding a new point of diversion are for the sole benefit and profit of Telford Lands LLC, and Michael and Shannon Telford, by reducing his costs for

NOITCE OF PROTEST

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Receipt
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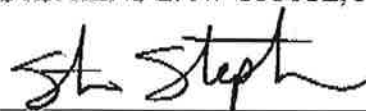
irrigation, and thereby increasing his/her personal profits of his/her agricultural lands and business.

4. The Applicant has failed to demonstrate that the transfer in points of diversion and adding a new point of diversion (new well) are in the local public interest. The transfer in new point of diversion has insufficient public benefit to outweigh the public losses of ground water flow adjacent to Arco and other ground water users.
5. By moving the points of diversion and adding a new point of diversion for ground water pumping will dewater a relatively large portion of ground water near other ground water users, including Arco, which diverts ground water approximately one mile from the Applicant's proposed point of diversion and new point of diversion.
6. The applicant has failed to demonstrate that the proposed transfer in point of diversion and the addition of a point of diversion will not injure existing natural flow and adjacent ground water rights.
7. For such other and further reasons as may be discovered or as may come before the Department at the hearing on this matter.
8. POTENTIAL RESOLUTION OF PROTEST: Arco desires to confirm that transfer of points of diversion and adding a new point of diversion (new well) will not injure the flow of ground water to Arco's ground water wells or other adjacent ground water users as well as demonstrating a local public interest.

For the foregoing reasons, the City of Arco, Idaho respectfully PROTESTS the transfer of water rights application 82318; and MOVES TO INTERVENE in said proceeding, to the extent necessary to be a full party and protect its interests; and respectfully requests a denial of the application on the grounds that the proposed transfer and addition of points of diversion are not in the local public interest, and will injure the natural flow of ground water to other users.

DATED this 14th day of June, 2018.

STEPHENS LAW OFFICE, PLLC



Steve L. Stephens
ATTORNEY FOR THE CITY OF ARCO

CERTIFICATE OF SERVICE

I certify that on 14th day of June, 2018, I served a true and correct copy of the foregoing document on the following individuals by either depositing the documents in a pre-addressed stamped envelope, by facsimile transmission, or hand delivery:

Robert Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC P.O. Box 50130 Idaho Falls, ID 83405 Fax: 208.523.9518	☐ U.S. Mail ☒ FAX ☐ Hand delivery ☐ Courthouse Box
IDWR ATTN: SHARLA COX Fax: (208) 525-7177	☐ U.S. Mail ☒ FAX ☐ Hand delivery ☐ Courthouse Box

By: Barbara Andersen
LEGAL ASSISTANT

STEVE L. STEPHENS
Prosecuting Attorney

Tel: (208) 527-3458
Fax: (208) 527-3469

ATTORNEY FOR CITY OF ARCO
221 West Grand Ave.
PO Box 736
Arco, ID 83213-0736

FACSIMILE COVER PAGE

Date: June 14, 2018

Time: 4:45 p.m.

To: Sharla Cox

Fax No.: (208) 525-7177

Company: IDWR

Subject: City of Arco-Notice of Protest

Pages (including Cover Sheet): 4

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Idaho Department of Water Resources Receipt

Receipt ID: E044112

Payment Amount	\$25.00	Date Received	6/15/2018 4:36 PM	Region	EASTERN
Payment Type	Check	Check Number	23930		
Payer	City of Arco				
Comments	Transfer 82318				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	63103	0229	21		1155



Signature Line (Department Representative)