

Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for M3 Eagle L.L.C.

✓
(15)

RECEIVED
NOV 20 2017
WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF APPLICATION
FOR PERMIT NOS. 63-34386, 63-34387,
63-34388, 63-34389, 63-34390, 63-34391,
63-34392, 63-34393, 63-34394, 63-34395,
63-34396, 63-34397, 63-34398, 63-34399,
AND 63-34423 IN THE NAME OF DAHL
SHEEP, LLC

PROTEST OF M3 EAGLE L.L.C.

M3 Eagle L.L.C. ("Protestant"), by and through Givens Pursley LLP and pursuant to Idaho law and the rules of the Idaho Department of Water Resources ("Department" or "IDWR"), hereby protests Application for Permit Nos. 63-34386, 63-34387, 63-34388, 63-34389, 63-34390, 63-34391, 63-34392, 63-34393, 63-34394, 63-34395, 63-34396, 63-34397, 63-34398, 63-34399, and 63-34423 filed by Dahl Sheep, LLC (collectively, the "Applications").

Protestant has a direct and substantial interest in this proceeding. The Applications propose to divert ground water within an area and a water-bearing zone from which the Protestant intends to divert ground water under a water right permit owned by the City of Eagle to supply the Protestant's Spring Valley development master planned community. Protestant

W045852
CS 8375

also owns domestic, stockwater, and irrigation ground water rights that may be affected by diversions proposed in the Applications.

Proposed points of diversion under the Applications are located less than one mile from Protestant's M3 Eagle Monitoring Well #3 as well as from an authorized municipal supply point of diversion for the Spring Valley development. Pumping from any of the Applications' proposed points of diversion may directly impact all supply wells for the Spring Valley development. Protestant also has an interest in ensuring that monitoring, testing, and reporting requirements are imposed on any permits granted pursuant to the Applications.

Protestant believes that each and all of the Applications do not conform to applicable statutes and regulations, and do not satisfy the criteria for approval set forth in Idaho Code Section 42-203A(5) and IDAPA 37.03.08.045. Protestant is particularly concerned that the Applications are speculative and that each and all of the proposed permits, if granted, may: 1) reduce the quantity of water under existing water rights; 2) conflict with the local public interest; and/or 3) be contrary to the conservation of water resources within the state of Idaho.

Protestant reserves the right to assert other bases for protest once more facts are determined through discovery, at any hearing in this matter, or otherwise.

Respectfully submitted this 20th day of November, 2017.

GIVENS PURSLEY LLP

By



Michael P. Lawrence
Attorneys for M3 Eagle L.L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2017, the foregoing was filed, served, or copied as follows:

FILED:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE:

Dahl Sheep, LLC
Represented by:
Eric L. Haff
Hyde & Haff, PLLC
623 W. Hays St.
Boise, ID 83702

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Dahl Sheep, LLC
1036 E. Iron Eagle Dr., Ste. 100
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

COURTESY COPIES:

City of Eagle
Represented by:
Cherese McLain
MSBT Law, Chtd.
950 W Bannock St, Ste 520
Boise, ID 83702-5716

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Michael P. Lawrence