

RECEIVED
JUN 27 2017
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Receipt No. NO 32754
NS \$25 6/27/17

NOTICE OF PROTEST

1. Matter being protested:

Application 95-17320, 55 Kemline Ct., Alamo, CA 94507

Use: Irrigation, .14 CFS total diversion.

2. Name of protestant: Kootenai Environmental Alliance

Kootenai Environmental Alliance (KEA) is a 501© (3) non-profit organization whose mission is to "conserve, protect and restore the environment, with particular emphasis on the Idaho Panhandle and the Coeur d'Alene Basin." KEA's members live, work and recreate in North Idaho and eastern Washington. KEA's members are, and would be adversely affected by water allocation and management decisions that diminish, over-allocate, or otherwise harm ground and surface water sources.

3. Protestant's Representative: Sharon Bosley, interim Executive Director

4. Mailing Address: PO Box 1598, Coeur d'Alene, ID 83816

5. Telephone No. 208.667.9093 Email Address: kea@kealliance.org

6. Basis of Protest

Kootenai Environmental Alliance protests Application for Permit No. 95-17320 filed Jefferey Fautt which seeks a total diversion of 0.14 CFS for irrigation of 2.5 acres. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code.

The application, if approved, could allow approximately 90,370 gallons of water per day to be withdrawn from Coeur d'Alene Lake. This would be approximately 3,700 gallons per hour. This is an excessive amount and this application is thus contrary to the conservation of water resources in Idaho, in contravention of IC §42-203A (5) (f).

The IDWR Water Use Information brochure on page 2 describes the diversion amount allowed for irrigation. "A total diversion of 0.02 CFS per acre irrigated, unless the applicant or claimant can demonstrate that more is required." The figure of 0.02 CFS is approximately 530 gallons per hour or approximately 13,000 per day. There is no information in the Application indicating more than 0.02 CFS per acre is required.

Idaho Code 42-201(2) contains the following statement. "No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho." Idaho Codes Title 42-203A(5)(f), 42-237a, 42-1730, and 42-3601 require conservation of the waters of the state of

Idaho. Idaho Code 42-1805(2) and (3) encourage conservation of our water resource. The State of Idaho must engage in water resource management planning that addresses these issues before approving such a sizable water right request.

7. **Resolution Sought:** For the foregoing reasons, KEA requests that a protest hearing be scheduled and/or that Jefferey Fautt for Permit No 95-17320 be denied.

I hereby, acknowledge that if I, or my designated representative, fail 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 the 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 27th day of June, 2017

Kootenai Environmental Alliance

Protestant

Sharon Basy

Protestant's Representative

CC: Jefferey Fautt, 55 Kremling Ct., Alamo, CA 94507