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DEPT OF WATER RESOURCES
SOUTHERN REGION

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DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 Transfer No. 81483, Ridgeview Smith Properties LLC**
2. Name of protestant: **South Valley Ground Water District**
3. Protestant's Representative for service (if different than protestant)

Albert P. Barker
Barker Rosholt & Simpson LLP

4. Service mailing address: **P.O. Box 2139, Boise, ID 83701-2139**
5. Service telephone no. **208-336-0700** Email address: **apb@idahowaters.com**
6. Basis of protest (including statement of facts and law upon which the protest is based):
This protest is filed for the same reasons described in Protest to Application No. 37-23029, which are set forth below:

This application seeks to appropriate 0.5 cfs and 3.4 acre feet from 4 wells to run water through a pond for aesthetic purposes. The water will not be returned to the ground water but will be diverted back to Oregon Gulch Creek, without a NPDES permit. The right claims to be non-consumptive. But no pond is non-consumptive. The project will increase water temperature by exposing the water to solar radiation, and decrease ground water supply at a time that the ground water users are subject to a delivery call, but not the surface water users on Oregon Gulch Creek.

The applicant does not propose any mitigation for the initial fill and there is no authority to use a domestic right as the basis to fill a 3.4 acre foot aesthetic pond.

Using ground water right 37-8372, with a 1988 priority as mitigation, is inadequate mitigation in light of the pending delivery call.

Adding water to the Creek will lead to evaporation from the Creek that is not considered in the application.

7. What would resolve your protest?

This application should not be treated as non-consumptive. Full and complete mitigation should be required for all new ground water withdrawals or the application should be denied.

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 22nd day of May, 2017.

Protestant

SOUTH VALLEY GROUND WATER DISTRICT



Protestant's Representative

FOR OFFICE USE ONLY:

Receipt amount: \$ N/A (exempt)

Date: 5/22/2017 **Receipt No.** N/A