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FEB 21 2017

Department of Water Resources

Dear Mr. Cefalo,

In response to the preliminary order approving transfer 79943 on behalf of me and my father Norman Smyer please consider following redress of elements of specific concern.

To begin thank you for the time, consideration and effort you have invested into the matter of this application, it would be very challenging at best forming an appropriate decision with the perspective derived from the information presented.

It is apparent the IDWR has given considerable weight to analysis/hypothesis put forward by Eric Powell in the employee of Albion 12 LLC. I do question the accuracy of assertions put forth as credible evidence in support of Albion 12's interests, I suspect further objective studies could derive a quite different findings and opinions.

On page 7 of preliminary order paragraph 6 you recount Mr. Powell's observation "there will be some drawdown effects at a distance of 0.5 miles and could be some drawdown up to .75 miles. I would add the location of well sites relative to spring source areas for Spring Creek and no name stream are inside .05 mile radius. It appears to reconcile that effect limiting perforations only below 260'. To quote other observations noted in the order very "limited well drilling logs are available" providing any real assurance of the subterranean profile in the specific zone of proposed wells and spring area locations. Thus we are resting decision on hypothesis rather than hard evidence that injury is not to be expected. Another point of information included in the order on page 12 paragraph 3 referencing right 45-517D water master records indicate Albion 12 has regularly exceeded the authorized diversion rate of the water right, this is a troubling revelation in light of continual annual water calls for rights 45-12906 and 45-10480 have been unfilled, ignored despite communication with upstream user.

In March of 1986 we made application 25704 for ground water diversion but subsequently blocked by moratorium an ironic inconsistency if sufficient water is and has been present for expanded use in the general area. To the point however, what potential impact will the added ground water draw of transfer 79943 have on future approval of application 25704?

We as residents and water users are stewards of the limited recourses, we fully recognize the importance of water in our well being and livelihood and don't take lightly manipulations that are adverse to our interests and would very much appreciate if the IDWR would exhibit the same level of concern in reconsidering the approval as presented in the preliminary order.

Respectfully submitted,

Kevin and Norman Smyer

February 17 2017

Kevin & Norman Smyer

Cefalo, James

From: kasmeyer@atcnet.net
Sent: Friday, February 17, 2017 9:10 PM
To: Cefalo, James
Subject: Petition for reconsideration,

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What future protection provisions exist in event of damage on any area water rights?

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Respectfully submitted,
Kevin and Norman Smyer