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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 22 2015
WATER RESOURCES
WESTERN REGION

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: **Chris Emmert Application for Permit No. 63-34079**
2. Name of protestant: **Boise Project Board of Control**
3. Protestant's Representative for service (if different than protestant)

Shelley M. Davis
Barker Rosholt & Simpson LLP

4. Service mailing address: **1010 W. Jefferson St., Ste. 102, P.O. Box 2139, Boise, ID 83701-2139**
5. Service telephone no. **208-336-0700** Email address: **smd@idahowaters.com**
6. Basis of protest (including statement of facts and law upon which the protest is based).

Protestant has information that indicates in excess of 115 cfs of additional development is proposed in the vicinity of its Lake Lowell reservoir, and that the cumulative effects of that proposed development has not been modeled or even adequately described. See Exhibit 1. Protestant is concerned about the cumulative effects that groundwater withdrawals in the Lake Lowell vicinity may have adversely affecting its senior water rights in Lake Lowell, and therefore submits this Protest. Further, the location and proposed depth of the applicant's well will most likely directly withdraw water from Lake Lowell.

7. What would resolve your protest?
Assurances by the Applicant and IDWR that levels of Lake Lowell will not be adversely affected by the diversion proposed by Application 63-34079, either individually, or cumulatively with water right claim nos. 63-33644, 63-33625, 63-33629, 63-33713, 63-33763, 63-33777, 63-33756, 63-33131, 63-33132, 63-33133, 63-33134, 63-33135, 63-33639, 63-33811, 63-33814, 63-33900, 63-33901, 63-33810, 63-33894, 63-34087, 63-34080 and 63-34050.

NOTICE OF PROTEST

ORIGINAL

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 1st day of October, 2015.

BOISE PROJECT BOARD OF CONTROL

Protestant

By: [Signature]
Protestant's Representative

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 10/22/15 Time 11:00
\$25.00 fee Received by [Signature] # W043608 Date 10/22/15

EXHIBIT 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

February 1, 2013

To: Distribution List

Re: Applications for Permits, Ground Water in South Canyon County

Dear Interested Party:

A number of applications seeking new appropriations of ground water generally south of Lake Lowell have been filed by various parties. To date, the total amount of ground water sought is about 115 cubic feet per second (cfs). The total extent of proposed development remains unclear – estimated annual volume to divert etc. The Idaho Department of Water Resources (IDWR) asked the applicants for additional information regarding water supply, injury to senior water rights, local public interest and so forth. Some applicants provided more information while other responses are pending.

Please refer to the enclosed list of applications. They can be grouped in priority order as follows.

- Farm Development et al senior applications 63-33131 through 63-33135 propose most of the additional water for the area. The proposed use will be supplemental irrigation. IDWR does not know the anticipated extent of supplemental irrigation on an annual basis for these applications (expected rate and volume of ground water needed).
- WDT Lake View application 63-33625 includes a relatively modest rate and volume for irrigation. This application might not be significantly related to the others due to its proximity to Lake Lowell.
- Beranna Dairy application 63-33629 includes a significant rate of flow and proposes to bring land irrigated under other rights up to a full 0.02 cfs/acre with little if any additional volume expected to be diverted.
- Snake River Dairies application 63-33639 covers land in the southwest corner of Ada County. It is included due to its similar scope and location compared to the other filings. This application includes supplemental and primary irrigation.
- SunRidge Dairy applications 63-33644 and 63-33713 include a significant rate of flow. They propose to bring land irrigated under other rights up to a full 0.02 cfs/acre with little if any additional volume expected to be diverted.

IDWR has been asked to identify information the department has regarding ground water in the general area south of Lake Lowell. The following summary is provided for your consideration whether you are preparing additional information to support your application(s) or have already responded to IDWR in that regard.

- 1) IDWR website, Treasure Valley Hydrologic Project, overview of broader area,
<http://www.idwr.idaho.gov/WaterInformation/projects/tvhp-revised/>.
- 2) IDWR website, hydro.online, monitoring wells etc.,
<http://www.idwr.idaho.gov/hydro.online/gwl/default.html>.
- 3) 2005 memorandum, South Canyon County Ground Water Conditions, copy enclosed.
- 4) SPF Water Engineering memorandum, 10/24/2012 revised additional information for WDT Lake View application 63-33625.
- 5) SPF Water Engineering memorandum, 10/23/2012 additional information for SunRidge Dairy applications 63-33644 and 63-33713.
- 6) Beranna Dairy application 63-33629, supporting information with amended application 1/22/2013.

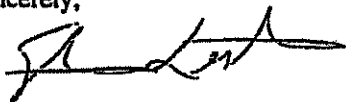
Additional information listed for items 4-6 is available under those application numbers on the IDWR website.

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAISearch/WRADJSearch.aspx>.

(select "search water rights" icon on homepage, not "new water right applications" icon).

I hope you find this information useful as you pursue your application(s). Please contact me if you have questions about this letter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

↳ • list of APPLs
• S.O. 3/21/2005 memo } copy filed w/ lowest
APPL # 63-33131
Also on "N/WR PROCESSING/50 Canyon County SW-DRAFT
c Western Region

DISTRIBUTION LIST, GROUND WATER IN SOUTH CANYON COUNTY

FARM DEVELOPMENT CORP ET AL ¹
C/O JOHN MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE ID 83702

WDT LAKE VIEW LLC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

BERANNA DAIRY
9166 PERCH RD
CALDWELL ID 83607

SNAKE RIVER DAIRIES LLC
C/O DYLAN LAWRENCE
MOFFATT THOMAS ET AL
PO BOX 829
BOISE ID 83701-0829

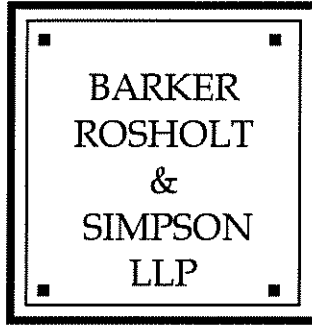
SUNRIDGE DAIRY LLC
4890 DRY LAKE RD
NAMPA ID 83686

CHRISTIAN PETRICH
SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706

DARWIN VANDER STELT
16931 STAR RD
NAMPA ID 83687

¹ Also includes applicants A-D Cattle Co. and Allen Noble Farms Inc.

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



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Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

Shelley M. Davis
smd@idahowaters.com

October 19, 2015

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OCT 22 2015

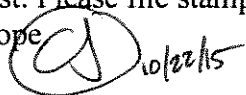
WATER RESOURCES
WESTERN REGION

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

Re: Chris Emmert, Application for Permit Nos. 63-34079 & 63-34080

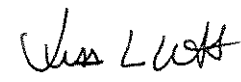
Dear Clerk,

Enclosed for filing, please find one original and one copy of Boise Project Board of Control's *Notice of Protest* concerning the above referenced applications for permit, as well as the fee for filing the protest. Please file stamp the copies and return to our office in the enclosed postage prepaid envelope.



Please contact our office if you have any questions.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP


Jessica L. Witt,
Assistant to Shelley M. Davis

/jlw

Encl.