

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 29 2014
Department of Water Resources
Eastern 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 TRANSFER # 179509
2. Name of protestant Randy & Sharon Bertagnole
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2864 E. Bowman Rd. Downey ID 83234
5. Service telephone no. 208-540-1979 Email Address: _____
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Not to allow proposed change of water right. To hold this new owner to the same already adjudicated rights allowed.

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 26th day of September, 2014.

SK Bertagnole
Protestant

Protestant's Representative

Receipt - E040294

To Whom It May Concern:

We are surrounded by several sections of the Parkinson's purchase. We have lived here over fourteen years and have seen previous owners irrigate the property. They could not ever irrigate a hundred percent of the property without rotation and even then they would suck air instead of water in several locations during the season. This has with every previous owner been a problem because of the water tables. With the illegal water transfer from connecting two wells together this has dropped our water table and stopped the cattle water down on Wire Grass.

There has never been no metering to see what their capacity or usage is or sprinkler upgrades to the older pivots since any of the land owners. They plan to move 1.6 water shares from a one hundred acre allotment to over 594 acres. This Section 18 already has an eight tower water pivot and several hand line usage with no metering. The original water was adjudicated to stay on that hundred acres and just like the other sections they have clearly been adjudicated too. It is obvious to us that they clearly do not have enough water to combine it all and run twenty four hours a day during the irrigation season. By changing the diversion it will harm the aquifer even more here on the flats. The natural flow to Wire Grass has been changed and this has dropped the level of Peck Creek causing damage to my neighbors and myself.

By pulling 8.4 cfs of water through the lines would allow water to flow that has never been historically used at any one given time. This would not allow for the aquifer to recharge during any given time during the irrigation season. Previous owners would only pasture certain fields because of the lack of water.

The only fair solution would be should you allow this water proposal to pass would be for the Parkinson's too purchase every neighbor in the valley because no one will have any water.

Thank you.

Sincerely,

Randy & Sharon Bertagnole