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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 Water Right Transfer Application No. 79509 Filed by Dirk Parkinson.
2. Name of protestant Catherine Read
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 478 Fairmont Ave. Pocatello ID 83201
5. Service telephone no. 208 233-4692 Email Address: wallcath@isu.edu
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached - application does not comply with Criteria of Transfer as established by Idaho Department of Water Resources.

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

7. What would resolve your protest? Denial of water rights application, ^{rigorous} enforcement of existing water rights limits, growing of less water and chemical intensive crops instead of potatoes, no new diversion point or well.

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 29 day of September, 2014.

Catherine Read
Protestant

Protestant's Representative

Receipt - E040305

RE: Protest against Water Rights Transfer Application No. 79509 filed by Dirk Parkinson

Basis of Protest: The Application does not meet the Idaho Department of Water Resources Criteria for Transfers as presented in the *"Water Rights as They Pertain to Well Drilling"* PowerPoint document currently posted on the Idaho Department of Water Resources' website as an informational resource regarding the proper procedures and criteria for applying for a well drilling permit.

Specifically, the Application No. 79509 filed by Dirk Parkinson does not meet the following conditions of the Criteria for Transfers of water rights:

"Must not reduce the quantity of water available to existing right holders (injury)" The application calls for a proposed new diversion point (new well) to be drilled in the Northwest quarter of the Northeast quarter of Section 7, Township 11S, Range 37E. This puts the proposed new well very near the springs that feed the headwaters of Peck Creek and other springs that comprise lesser tributaries of Marsh Creek. Many ranchers and farmers downstream of these springs rely on the water supplied by Peck Creek and Marsh Creek for watering their livestock and crops. There are also many houses in the vicinity that rely on the aquifer and springs for their culinary and domestic water. Peck Creek's water level is noticeably much lower this year than in past years, despite the recent heavy rains through much of August and September. Several of the springs that normally feed the creek have dried up, and the water levels have dropped so much that a few springs usually below the water surface are now visible.

Mr. Parkinson acquired the properties and water rights this March 2014, and planted potatoes. This is the first year that potatoes, a very water intensive crop, have been grown in this area; most farmers around here grow hay, wheat, or barley, which absorb much less water and also do not require the heavy use of pesticides, herbicides and chemicals that potatoes require. There is considerable danger of the aquifer being contaminated with those pesticides and herbicides.

Continued heavy irrigation use for potato fields in Sections 7, 8 and 18 will adversely affect Peck Creek and Marsh Creek, and therefore adversely affect all the water users downstream of these headwaters. Holders of senior surface water rights for their agriculture and livestock uses will not have adequate water, and the water supply for area residences will also be threatened – both by contamination and by low water levels in their domestic wells. Marsh Valley's population has grown substantially in the past 20 years, and more people are reliant upon local ground water for their homes' water supply.

"Must not enlarge the water right" The parameters of the proposed transfer are within the combined total allotment of the five water rights: a combined total of 8.41 cfs to irrigate 594 acres. However, the publically available information of the transfer application does not mention how much water would be taken from the proposed new well in Section 7, nor how much cfs would be drawn from that well. There is also no mention of the combined total annual limit of 2079 Acre Feet per year, nor how that limit would be enforced to prevent usage in excess of that amount, nor the punishment that would be imposed for violations.

"Must be in the public interest" Potatoes do provide food for a lot of people, but so does wheat and barley, and hay feeds the livestock that feed people. Surface water sources (streams, rivers, ponds) also provide water for resident wildlife and migratory birds, including large game animals, gamebirds and endangered or protected species. Water is a scarce resource in south Bannock County, which relies on snowpack and rainfall to replenish its aquifers, streams, rivers and reservoirs. For the past several years, Bannock County has experienced low snowpack and rainfall levels, which have resulted in prolonged

drought conditions throughout much of the area. It does not make sense to grow water-intensive crops such as potatoes in a region where water is often scarce. Doing so would benefit the single potato-grower at the expense of the rest of the farmers, ranchers, residents, and local and migratory wildlife.

“Must not conflict with the conservation of water resources in Idaho” The pesticides, herbicides and fertilizers used in growing potatoes or other vegetables is carried by the irrigation water that seeps into groundwater, ultimately contaminating the aquifer. Those contaminants will be carried into springs and run off water into the streams and rivers that provide drinking water for livestock and wildlife, and downstream crop irrigation water. Residences that use groundwater for culinary drinking and cooking will be adversely, and likely unknowingly, affected by the pollution. Again, growing water intensive and chemical dependent crops in a wholly weather dependent, water-scarce region is not in line with responsible water conservation efforts.

“Must not adversely affect the local economy of the basin where the water originates” The farmers and ranchers in Marsh Valley rely on groundwater and surface water for their livelihood of raising crops and livestock. All the residents in the entire Marsh Valley rely on groundwater for their culinary and domestic water needs, as well as for their local businesses. Anything that threatens the supply of ground water, whether in volume or contamination levels, threatens the quality of life and value of property of every homeowner and landowner. Hunters and fishermen, both local residents and visitors, rely on healthy fish and game for their food and sport. In turn, many local businesses and state agencies rely on the revenue brought in by sportsmen and their purchases and license fees. Clean and plentiful water is critical to the economy of Marsh Valley, Bannock County, Southeast Idaho, and the State of Idaho.

In closing, I urge you to deny Water Transfer Application No. 79509 filed by Dirk Parkinson for the reasons I have stated above, since his application does not meet the criteria for approval established by the Idaho Department of Water Resources.

Thank you for your consideration of my statement of protest.

Sincerely,



Catherine Read
478 Fairmont Ave
Pocatello ID 83201