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SEP 29 2014

Department of Water Resources
Eastern Region

07/2008

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 Proposed Change in Water Right No 79509
2. Name of protestant Stephen Millermon
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 3196 E. Richards Rd Downey, ID 83234
5. Service telephone no. 208-479-5124 Email Address: smillermon@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

see attached sheet.

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

7. What would resolve your protest? That the wells not be transfered.
I would consider the matter resolved by denying
the applicant transfer number 79509.

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 26 day of September, 20 14.Stephen Millermon
Protestant_____
Protestant's RepresentativeReceipt
#E040285

I strongly oppose the change of water right, number 79509. The reasons for my protest are: 1) The uniting of these water rights into one potato production will draw down the aquifer without any water replacing what is used. 2) The impacts of this will be devastating to ground water users as well as the potential to loss of the flow of water from the spring fed Peck Creek.

History would tell us that the area that Mr. Parkinson is farming was named poverty flats in the 1930's. The reason for this name is that there is not enough of a water supply in the ground water for it to be productive with heavy use. Potato farming certainly qualifies as heavy use. With the proposed union of the 5 wells at 8.41 cfs the potential drawing down of the aquifer could amount to almost 3800 gallons per minute. This is with no recharge of the aquifer. Once the water is gone it is gone. I asked the local water master to tell me how much water comes down the Downey Canal. The comparison is that the proposed transfer of water to one user would amount to about 1/10 of the total flow of the Downey canal. Taking that much water out of the ground, I believe would leave the current users of ground water with dry wells at their homes and no water for their cattle. The effects of this increased use to this point, by potato farming, may have been seen this summer by the replacement of a residential well that went dry in the area.

The spring fed Peck Creek is in danger if water use is exponentially increased. Peck Creek is used to water cattle and there are water rights downstream from the springs that would be threatened as well. There are other environmental impacts as well. The loss or reduction of the flow of water from the creek would be hard on the deer and other animals that have this as a watering place in the winter. Even the water fowl could be affected by the lack of open water. Peck Creek is one of the few places around that stays open and free of ice in the winter.

My protest I believe is based upon the need to preserve use of water for many users who have been using water from the aquifer for many years. The potential economic impact for many people is in the balance. Allowing the drawing down of the aquifer with this much use from one agricultural production is not good stewardship of the resources that have been granted to us. I respectfully ask that you deny the request of this transfer of water right number 79509.

Sincerely,

Stephen Millermon