

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
AUG 22 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

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 # 79466
2. Name of protestant ED SMITH
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO Box 6015, Twin Falls, IDAHO 83303

5. Service telephone no. (208) 326-3270 Email Address: _____

6. Basis of protest (including statement of facts and law upon which the protest is based)

See ATTACHED SHEET DATED 22 AUG 2014

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

7. What would resolve your protest? See ATTACHED SHEET DATED 22 AUG 2014

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 22nd day of AUGUST, 2014.

Ed Smith
Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
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FOR DEPARTMENT USE ONLY

Received by P. SKINNER Date 8/22/2014 Time 3:03 pm
\$25.00 fee Receipted by P. SKINNER # 5034256 Date 8/22/2014

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#6. Basis of Protest.

Current holders of ground water pumping rights and domestic well permits in the proposed new pumping area are in jeopardy of being adversely impacted by extraction of scarce ground water and the associated externalities of possible increase in size of the dairy herd, ground water contamination and increased offensive odor from the dairy waste system.

What would resolve your protest.

Written perpetual guarantee by the present and future dairy owner(s) that any adverse impact to existing pumpers and domestic wells, whether a party to this Protest or not, within a 5 mile radius of the proposed point of extraction, will be fully mitigated to the affected party's satisfaction. All mitigation costs will be at the dairy owner's expense. And:

Any ground water used by this proposed well location and any other existing ground water pumped at the dairy will be measured, monitored and enforced by an independent agency and repeatedly observed on site during the data acquisition by at least two interested protestants to this application. Associated expenses of this monitoring program will be at the dairy owner's expense. And:

The dairy owners will guarantee that the new well and/or any existing or new source of water will not be used to reestablish a "Flush" waste system, nor will it be used to increase the size of the dairy herd. And:

The dairy will establish a permanent monetary fund to correct, to the satisfaction of the injured party, any adverse effects to the existing ground water users within a 5 mile radius of the proposed new well location. If the adverse impact cannot be corrected, then the dairy will reduce the volume of ground water extracted to restore the original condition to the injured party.