

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
JUN 23 2014
DEPT. OF WATER RESOURCES
SOUTHERN 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.

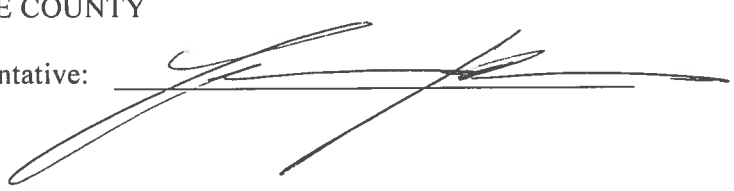
1. Matter being protested: 37-22876 APPLICATION OF FLYING HEART RANCH II OWNERS ASSN.
2. Name of protestant: BLAINE COUNTY
3. Protestant's Representative for service (If different than protestant): LAWRENCE SCHOEN, CHAIRMAN
4. Service mailing address: 219 FIRST AVE. SO. SUITE 208 HAILEY IDAHO 83333
5. Service telephone no. 208/ 788-5500 Email Address: jlovell@co.blaine.id.us
6. Basis of protest (including statement of facts and law upon which the protest is based):
(See attached letter.)
7. What would resolve your protest?

The county is uncertain at this time what would resolve this protest.

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 18th day of June, 2014

Protestant: BLAINE COUNTY

Protestant's Representative: 

Rec'd/Received by D Jones # 5034096 \$25 6/23/14



THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 FAX: (208) 788-5569

www.blainecounty.org bcc@co.blaine.id.us

Lawrence Schoen, Chairman * Jacob Greenberg, Vice-Chairman* Angenie McCleary, Commissioner

Allen Merritt, Director
Department of Water Resources, Southern Region
650 Addison Avenue West, Ste. 500
Twin Falls, ID 83301

RECEIVED

JUN 23 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 18, 2014

Re: Protest of Application for Permit, Ident. # 37-22876

Dear Mr. Merritt:

Blaine County protests the above-referenced application by Flying Heart Ranch II Subdivision Owners Assn. A check for \$ 25.00 and a "Notice of Protest" is enclosed.

This application and summary information of what it proposes are unclear or unknown. The proposed uses may injure other water rights holders, may constitute an enlargement of use and appears inconsistent with State principles of water conservation. The applicant does not show that this application "is in the public, as opposed to private, interest" (IC§42-1503(b)).

Water in the Blaine County area has been declared over-allocated. (See IDWR 1980 "policy memorandum" and Big Wood River Ground Water Management Area, June 28, 1991). Creating ponds for aesthetic purposes is more likely in Blaine County than most other Idaho counties, because of extraordinary land values. The Board of Commissioners established a "Local Public Interest Water Policy" [*Shokal v. Dunn* and *Hardy v. Higginson* and I. C. 42-203 A (5)] in part because of this and its concerns about the measurable impact of such cumulative expanded uses to the detriment of other water rights holders, minimum stream flows and all the other tangible water interests noted in the 1998 Blaine County "Local Public Interest Policy."

In this case, diverting spring flows to fill excavated ponds that existed to an extent naturally and historically on this property has one type of impact. Diverting new groundwater resources to replace the diminished spring flows has new, different and negative impacts on other water uses within the basin. Indeed, one reason for diminished spring flows is excessive groundwater extraction. Furthermore, Blaine County disagrees that the described uses in the context of aesthetic ponds are non-consumptive and views aesthetic ponds as consumptive.

Finally, these ponds draw wildlife to a location that is within ¼ mile of Highway 75. In addition to the nuisance that such an attraction may create for nearby landowners, the proximity of these to the highway can add to hazards that the county and the transportation department are already combating in this area.

For these and other reasons, this application should be denied. With current stress on the Wood River Basin aquifer and less than normal snow pack in the 2014 water year, Blaine County cannot support such new water impoundments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence Schoen", written over a horizontal line.

Lawrence Schoen
Chairman, Board of Commissioners