

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAR 04 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 74-15889 MALINDA/VINCENT TRACY
2. Name of protestant MELVIN DOMKO
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 752 LEMHI ROAD

5. Service telephone no 208-756-6968 Email Address: _____

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

SEE ATTACHED COPY

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

7. What would resolve your protest? SEE ATTACHED COPY

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 2 day of MARCH, 20 14.

Melvin Domko
Protestant

Protestant's Representative

Receipt
E039592

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Eastern Region

To The Idaho Dept. of Water Resources

The basis of my complaint is as follows:

Vincent and Mindy Tracy's well is located approximately 160 yards up hill from my well. It is in a direct line to my well. It is my belief that the Tracy's well is on the same vein of water as my well.

It is also my belief that watering four acres would put a severe strain on my well water, besides my household use. I have a lawn surrounding 3/4 of my house. I have 20 mature trees that are also watered from my well. It is also used to provide water for my horses.

It should be noted that the Tracy's have an irrigation ditch on their property. It provides water to their horses during the months of irrigation.

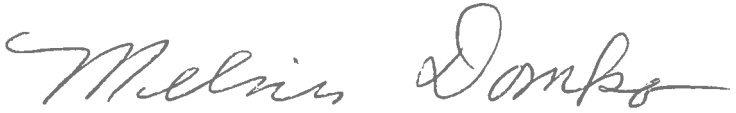
There is no way to resolve this problem for the following reasons:

Should over watering or watering at night take place I have no one in Salmon to lodge a complaint to. Having someone from Idaho Falls come and address my complaint is doubtful. There is no one from the Dept. of Water Resources in the Salmon area. The people that live here know this.

I can't trust the Tracy's to abide by any regulation. They never thought to tell me about filing for this right to water, nor any of our neighbors.

The only action I would have left is a civil law suit. Whereas I would have my attorney, J. Slavin file for damages. The loss of water in my well would lower the value of my property.

One final thought: Should the Tracy's be given this right, what happens if they sell their property? The next occupant has no obligation to respect any previous ruling by the Dept. of Water Resources.

Melvin Domko 

752 Lemhi Road, Salmon, Id 83467

208-756-6968