

Cefalo, James

From: Cefalo, James
Sent: Wednesday, January 29, 2014 5:18 PM
To: 'daniel.evans@wlfoods.com'
Cc: Peppersack, Jeff
Subject: RE: Question about the advertisement of my application

Mr. Evans,

Thank you for meeting with me earlier in the week to prepare your amended application. I reviewed your application file and found the letter to Samaria Water & Irrigation Co. that you referenced in your email. The Department has the discretion to notify anyone of a pending application. In fact, we frequently send courtesy notice of advertised applications to state and federal agencies. I know we have sent notice of other applications to Samaria Water in the past.

Unfortunately, the letter that was sent to Samaria Water was the wrong letter. At that time, our main secretary was out of the office for back surgery. The staff member who was filling-in appears to have sent the wrong letter. She sent a watermaster comment letter and form. In areas where there are active water districts, we solicit comments from watermasters for all pending applications. By sending the watermaster comment letter, it made it appear that the Department was soliciting a protest from Samaria Water. I apologize for the error. Samaria Water should have only received a letter stating that an application had been filed.

Because Samaria Water is now an active protestant, they will be sent a copy of the amended application. We will continue to notify groups and individuals of pending applications when it is appropriate. Feel free to call me if you have other concerns.

James Cefalo
525-7161

From: Daniel Evans [<mailto:Daniel.Evans@wlfoods.com>]
Sent: Tuesday, January 28, 2014 7:55 PM
To: IDWRInfo
Subject: Question about the addvertisement of my application

Hi my name is Daniel Evans. I went in and sat down with James in the Idaho Falls office on January 24th 2014 and filed and amended application for a permit to drill well in the Malad Valley. I am at work and don't have the number off of it with me. But I had a question about the advertisement of it. On your website it says that it will be listed in the local area paper for 2 weeks. But when I filed on the original application a year ago, for some reason the IDWR also send out a letter the Samaria Water and Irrigation Co Board to specifically notify them about it. I don't think it is right that you are sending out letters like that just so that the application gets protested. If the Samaria water board knows about an application they will protest it, and that is their right. But if everyone else in the area has to read about it in the paper then so should the Samaria water company. A letter being sent out to specifically notify a party or person just so they will protest it is not right. On my original application the POD was over 3 miles from the springs that supply the Samaria Water and Irrigation company Canal and they still protested me. While the Billionaire half a mile from me with an application to pump 10 times as much water did NOT get protested by the Samaria water board. And the Samaria water board has its own rule that they protest the wells within 3 miles of their springs not over 3 miles. I was over the 3 miles from their springs. All but one of the neighbors and farms right next to my POD did not protest me. The only neighbor that did protest me just happened to be the Samaria Water board President. The people that live next to me were not sent a letter from you specifically notifying them of my application they read about it in the paper, but yet a water company 3 miles away is sent a letter. How is that justified? There were other water companies who's springs and head waters were closer to my POD than the Samaria Water company's springs and they were not sent letters from you. I am

asking you to please contact whom ever you need at the Idaho Falls office ASAP and do not let them send letters like that out for my amended application. Let the water board read about it in the paper like everyone else. I'm not trying to be sneaky or anything. I'm just trying to make the process fair. Your website says you just run the add in the paper for 2 weeks It doesn't say anything about sending out letters to notify and specific parties or people. All I can do is ask you to do this fair and not send out letters. Its in your hands now. Thank you for your time. I will be away from this email because it is my work email until Friday the 31st. If you need to contact me you can call me at 208 760 0657 Please call after 12 noon because I work nights and sleep in the mornings.

Thanks again,
Daniel Evans

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Cefalo, James

From: Jones, Chad
Sent: Wednesday, January 29, 2014 12:04 PM
To: Peppersack, Jeff
Cc: Cefalo, James
Subject: FW: Question about the addvertisement of my application

From: Daniel Evans [<mailto:Daniel.Evans@wlfoods.com>]
Sent: Tuesday, January 28, 2014 7:55 PM
To: IDWRInfo
Subject: Question about the addvertisement of my application

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Daniel Evans

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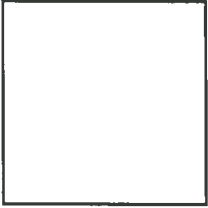
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Cefalo, James

From: Keen, Shelley
Sent: Friday, May 03, 2013 10:01 AM
To: jvctrucking@live.com
Cc: Cefalo, James
Subject: FW: protest to ground water right application
Attachments: NOTICE OF PROTEST.DOC

Mr. Christophersen,

Thank you for your inquiry. The protest deadline for Application 15-7365 was March 11, 2013. The Department received two timely protests, which can be viewed online at <http://wenet/apps/appsMisc/docSelection.asp?Basin=15&Sequence=7365&SplitSuffix=>. Your options for providing comments on the development proposed in Application 15-7365 are as follows:

- First, IDWR encourages informal resolution of issues, when possible. It may be worthwhile to approach the applicant to discuss your concerns. Perhaps the applicant plans to, or will agree to, implement well construction techniques or other measures that will address your concerns.
- Your second option is to submit your detailed comments in writing to the Department. The comments will become part of the record and will help the Department make an informed decision. This option does not, however, equate to a formal protest, and you will not have the right to provide testimony in a hearing or otherwise participate in the formal protest resolution process.
- Another option is to petition to intervene formally in the contested case created by the two timely protests. I have attached a protest form in case you choose to pursue this option. On the protest form, you should acknowledge that it is not timely and indicate that you are petitioning to intervene. Unlike timely protests, petitions to intervene do not result in automatic standing to participate in the formal contested case. The hearing officer will decide whether to grant the petition, depending on whether you have a direct and substantial interest in the matter and whether your participation would unduly broaden the issues beyond what is already represented by the existing parties. If a petition to intervene is granted, the intervenor may participate in the contested case like any other party, subject to any conditions set by the hearing officer. If you petition to intervene, please send a copy of your petition to each existing party (the applicant and two protestants) and indicate in your petition that you have done so. Please note that the \$25.00 filing fee is required.

I'd be glad to help with any additional questions you might have. Please call or email.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

From: jvc trucking [<mailto:jvctrucking@live.com>]
Sent: Thursday, May 02, 2013 10:29 PM
To: IDWRInfo
Subject: protest to ground water right application

My name is John Christophersen, I live in Malad Id. I just purchased property in Samaria Id and have been made aware of an application for a well made by Daniel Evans, #15-7365. I have water rights, #15-4187, that come from a spring. If this permit is granted it will affect the flow of this spring, which is my only source of irrigation. I know I missed the dead line to comment on this but hope you would consider my comments. Please advise me what action is necessary on this matter.