



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website:

www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

August 14, 2013

GARY SPACKMAN

Director

Wayne Meulemen
5854 W Dry Creek RD
Boise ID 83714

Gaylon Ball; Echanove DR LLC
14180 W Ball Manor PL
Boise ID 83714

.Re: Contested Application for Transfer No. 78689—Ball; Echanove DR

Dear Parties:

Enclosed is a copy of the protest filed against the issuance of the above-referenced application. As part of the application process, the following are options available for resolution of contested (protested) applications:

-Direct contact with the protestant(s) and applicant to determine what is being disputed in the application. Parties converse informally to resolve the issues.

-Formal Proceedings consist of a pre-hearing conference & hearing through the water appropriation statute/rule process. A pre-hearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues can not be resolved, a formal hearing will be scheduled.

-Mediation through a certified professional mediator. The advantages can include: reduced costs and time that are associated with formal proceedings, the ability to address non-water concerns, more influence over a final settlement, and fast track processing by the Department for parties reaching a mediated agreement.

The protest outlines specific access, measurement, and controlling works criteria that could be part of a settlement agreement between the parties. I would encourage parties to negotiate informally on these areas working toward an agreement. I will schedule a phone conference in approximately 30 days for a progress update and discussion. If negotiations are not being fruitful, a pre-hearing conference will be scheduled in preparation for a hearing.

Should you have questions or concerns please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in blue ink that reads "John Westra".

JOHN WESTRA

Western Regional Manager

Enclosure: Protest copy

Cc: SPF Water Engineering,

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 24 2013

WATER RESOURCES
WESTERN 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 Application for Transfer No. 78689 - Ball + Echores hline LLC
2. Name of protestant Wayne Meuleman
3. Protestant's Representative for service (If different than protestant)
Same
4. Service mailing address 5854 W. Dry Creek Road, Boise, ID 83714
5. Service telephone no. 208 994-1957 Email Address: meuleman@lawidaho.com
6. Basis of protest (including statement of facts and law upon which the protest is based)
see attached
- (additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? see attached

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 24th day of July, 2013

Protestant

Protestant's Representative

SCANNED
JUL 26 2013

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JUL 24 2013

WATER RESOURCES
WESTERN REGION

Protest of Application for Transfer No. 78689

The water rights held by Ball and Echanove Drive LLC for which the Application for Transfer—Point of Diversion is made are currently delivered through a community irrigation system managed by Echanove Ranch Homeowners Association (the "HOA"). The total water rights held by each property owner within Echanove Ranch Subdivision Nos. 1 and 2 include primary water rights from Dry Creek and supplemental rights from a community well dating from 1958. The Applicants have already drilled a new well which is proposed as the new point of diversion for the Ball & Echanove Drive LLC water rights; however, the new well is located in close proximity to the existing well serving the community water system.

Upon transfer of Applicant's point of diversion, the new well will be operated to deliver the irrigation water for the permitted 26 acre parcel and 10 acre parcel of each of the Applicants and service is to be terminated for those parcel from the community well operated by the HOA.

In order to effectively administer the community water system and avoid any adverse effect the Applicant's new well may have on the exiting community well, approval of the point of diversion transfer should include express requirement for the Applicant's to install an appropriate measuring device to measure the quantity of water pumped from the Applicants' new well and a lockable controlling works, including lockable controls satisfactory to the HOA disconnecting Applicants irrigation system from the community water system, and to allow the HOA access to those measuring devices and lockable controls. The HOA will need to be able to verify that the Applicant is removed from the community system and that the quantity of water pumped from the Applicant's new well does not diminish the output of the HOA's existing well. The close proximity of Applicant's new well to the existing well could draw from the same water source and diminish the output of the community well serving other in the HOA. Any transfer of point of diversion should be made expressly subject to a requirement that Applicants shall reduce or curtail pumping from the new point of diversion in the event its new well adversely impacts the quantity and output of the existing community well.

I would have no objection to the transfer of point of diversion provide Applicants execute an agreement granting the HOA access to measuring devices and lockable controls described above in order for the HOA to effective operate the establishing community distribution system and agree to reduce or curtail use of Applicants' new well to the extent necessary to the extent its use adversely impacts the existing HOA well.

SCANNED

JUL 26 2013

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 JA Date 7/24/2013 Time 11:57
\$25.00 fee Receipted by JA # W041376 Date 7/24/2013

SCANNED
JUL 26 2013