

SEP 30 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Proposal 78800
2. Name of protestant Lowell and Jennifer Edwards
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address PO Box 176
378 Carmen Creek Rd, Carmen ID 83462-0176
5. Service telephone no. 208-756-1701 Email Address: ljedwards@centurylink.net
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached sheet and
Copy of Newspaper article and photo of
landslide caused by Bills' ditch failure May 2012
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Deny their proposal request

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 28th day of September, 2013.

Lowell Edwards Jennifer Edwards
Protestant

Protestant's Representative _____

Receipt
#ED 39161

If this proposal is allowed, it will negatively affect other users and lower diversions on Carmen Creek by reducing the amount of water in Carmen Creek.

Reducing the amount of water in Carmen Creek may have negative impacts upon:

1. Other ditch users on other ditches because there may not be enough water for those lower diversions.
2. The fish when they need the water the most.
3. Fish recovery programs.
4. Many aquatic species.
5. Carmen Creek Basin because it takes all that water out of the basin.

By increasing the amount of water in Bills' ditch it could negatively impact almost all the people who live on Carmen Creek Road because the road is lower than Bills' ditch and especially the people in the Carmen Creek area that live below Bills' ditch.

Allowing this proposal could possibly create another major landslide caused by the Bills' ditch failure and could create a possible MAJOR safety hazard for:

1. Homeowners on Carmen Creek Road.
2. Anyone driving on Carmen Creek Road.
3. School children on buses going up and down Carmen Creek Road.
4. Anyone needing emergency help if the ambulance can't get to their house.
5. Homeowners property.
6. Homeowners property values.
7. Livestock.
8. Wildlife and their habitat.

I am sure you are aware of the landslide that occurred on our property on May 23, 2012 as a result of Bills' ditch failure. I have included a copy of the newspaper article regarding that landslide. I do not know if it is true, but I heard that the landslide on our property in May 2012 may have been the largest slide to have ever happened in Lemhi County, to that date. The Bills' ditch was running too much water in the ditch at the time of the landslide and now they want to put more water in the ditch? Engineers said that there is ditch seepage all along Bills' ditch. Three Engineers said that the slide was caused by ditch seepage. And ditch seepage is what caused the slide, because they were running too much water in the ditch.

I heard that the Lemhi County Road Crew removed a total of around 1500 (one thousand five hundred) dump truck loads of dirt that slid down our hill and onto Carmen Creek Road. The hillside kept oozing down onto the road over the next few weeks. That was a major slide and a major safety issue. We personally lost tons of soil and lots of money in land value. We had damage to our land. We lost our building pad. We lost wildlife habitat. We lost many trees and lots of vegetation. We lost useable land. It caused damage to our pasture, fence and views. It caused damage to the other two ditches below Bills' ditch. It caused damage to Carmen Creek Road and cost hundreds of thousands of dollars for pilings and repairs. (Over \$400,000)

Mudslide / Landslide
caused by Bills'
ditch failure on
May 23, 2012

Picture taken MAY 24, 2012

power was out
phone was out +
Road was not passable.



DER HERALD

paper of Lemhi County

mon, Idaho

62¢



t, chairman of the board for Salmon School
Principal Dan Hull — Bud photo.

farewell 2012

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Mudflow closes road temporarily

Washed out ditch causes problem

Carmen residents woke up to a major slide about four miles up Carmen Creek May 24.

One of the main ditches, that furnishes irrigation water to residents on the creek had washed out. And in the process washed one more ditch out and filled the bottom ditch up with debris.

It closed the Carmen Creek Road for most of the day. It happened about 11 p.m. the night before.

Dave McFarland was heading home about midnight and came upon the mudflow. He went back to his brother Bruce's place and they called their brother Tom, who was above the flow.

They told him to go shut off all the ditches involved. Tom, along with Jim and Sue Smith, came down the creek to check out the damage, while D. McFarland and B. McFarland went up the creek.

After shutting off the ditches, they all stayed around until the water quit running then went home around 1:30 a.m. The county employees arrived, May 25, to assess the damage.

It was a mudflow about one-eighth of a mile wide and about 150 yards from top to bottom. They started clearing the flow area for a good part of the day clearing it enough for traffic to get through.

They continued to haul mud from the flow until 6 p.m. The Forest Service donated a dump truck to help.

They started again at 7 a.m., May 26 and hauled until noon. They normally don't work on Friday's but since this was a major problem, they were there at 7 a.m. and worked until noon.

That afternoon T. McFarland, with his excavator, cleaned out the bottom ditch so water could be put in it.

(See Mudflow Page 3)

Prescribed burn passes planned boundaries

The Herd Creek prescribed burn, McDonald Unit, managed by the Salmon-Challis National Forest, moved past its planned boundaries,

additional hot spots on BLM and private lands were out cold. Several sections of range fence and several riparian trees were burned by the



MUD, DIRT, ROCKS, tree limbs and various other types of hazardous debris covered the Carmen Creek Road May 24 making it impassible until most of mudflow could be hauled away by Saturday - Courtesy photo.

~ Mudflow ~

(Continued from Page 1)

After the weekend, they were back up the creek to check what had happened while they were gone. Each day the mudflow was checked by the residents and the flow was still moving, not very much, but enough to put mud back out on part of the road.

The county employees started hauling right away. In a day and a half, they hauled an estimated 300 loads of mud from the flow area with six trucks. Eleven days into this event there has been another estimated 300 loads hauled, for a total of around 600 loads.

The dirt had been distributed to different people on the Creek.

Comments needed on permit

The Idaho Department of Environmental Quality (DEQ) is seeking public comment on proposed modifications to the wastewater reuse permit that regulates operation of the industrial waste ditch and industrial waste pond at the Idaho National Laboratory's Materials and fuels complex in Butte County.

The proposed modifications authorize an increase in the annual hydraulic loading limit to accommodate new equipment, revise the facility contact information, implement minor modifications to revise formatting issues, correct one typographical error, and change the permit serial number to meet the

department's new serial number naming convention for new wastewater reuse permits. The draft modified permit and staff analysis are available for public review at DEQ's State Office in Boise, Idaho Falls Regional Office and is on the DEQ's website at www.deq.idaho.gov/public-comment-opportunities.

Written comments on the proposed permit modifications will be accepted through 5 p.m., June 14.

Submit comments on DEQ's website or by mail, email or fax to Tom Rackow or Greg Eager at DEQ Idaho Falls Regional Office, 900 North Skyline Drive, Suite B, Idaho Falls, Idaho 83402. Fax: (208) 528-2695.

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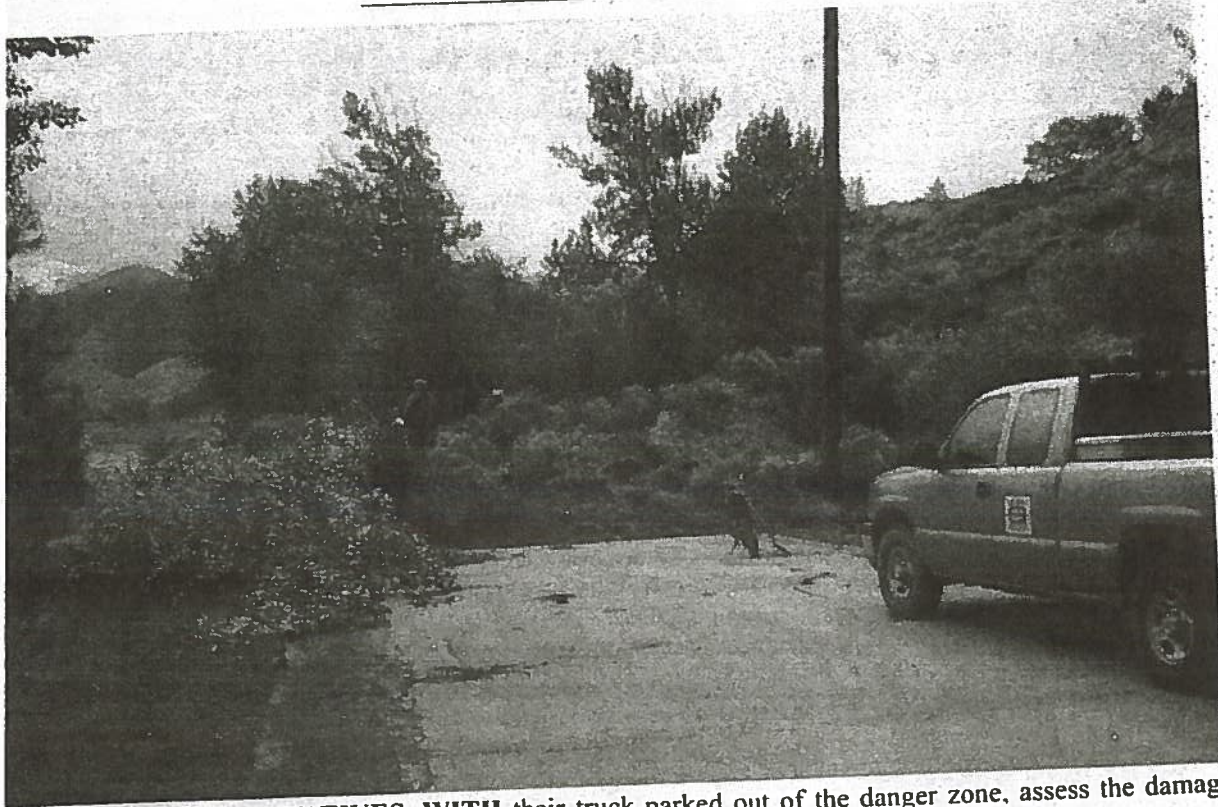
Forecast

Friday -

Sunday

Partly to Mostly Cloudy

With a Slight to 50%



COUNTY REPRESENTATIVES, WITH their truck parked out of the danger zone, assess the damage caused by the mudflow occurring May 24 about four miles up Carmen Creek - Courtesy photo.

Crews begin work on culverts

The West Fork Ranger District on the Bitterroot National Forest is planning to temporarily close Beaver Creek Road No. 91 near the Saddle Complex Fire this week as crews begin working to replace 14 culverts.

The work is scheduled to take several weeks and road closure signs will be posted to notify motorists and mushroom pickers of the temporary closures. Travelers are advised to drive with extra caution as there will be construction traffic in the area including dump trucks carrying gravel and rocks.

The first culvert to be replaced is located near Soldier Creek and

crews plan to work their way along the road finishing near Horse Creek Pass. Forest officials recommend mushroom pickers use Woods Creek Road No. 5669 to access fire areas during the Beaver Creek closure.

Once the new culverts are in place on Beaver Creek Road, crews will begin replacing five culverts on Woods Creek Road. The work is part of the Saddle Complex Burned Area Emergency Response (BAER) recommendations which included installing new, larger culverts to

improve drainage and protect area roads and also reduce sediment to Bull Trout habitat.

The project also includes numerous road improvements including regrading, new gravel and slope armoring. Crews are doing the work this spring to finish ahead of this summer's thunderstorm season.

For more information contact the West Fork Ranger District at (406) 821-3269.

BUY FROM THE ADVERTISER

Hamburger

(Continued from Page 1)

the night. "I think we would have had more people show up for the fundraiser if it wasn't for the school having a paintball shoot for the students the same day."

At 9 p.m. the grills were shut off

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THE RECORDER HERALD

Official Newspaper of Lemhi County

Established 1886

Salmon, Idaho



Mudflow road ten

**Washed out ditch
causes problem**

Carmen residents woke up to a major slide about four miles from Carmen Creek May 24.

One of the main ditches, the one that carries irrigation water to the fields on the creek had washed out. In the process washed out the ditch out and filled the bottom