

07/2008

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IDWR/North

STATE 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 APPLICATION FOR PERMIT No. 95-9508 in the
Name of Philip W. Barnhart and Patsy Barnhart

2. Name of protestant Judith L. Adams, M.S.

3. Protestant's Representative for service (If different than protestant)

EUGENE MURR

4. Service mailing address 1201 Sun Set rd, Athol ID. 83801

5. Service telephone no. cell 659-1132 Email Address: _____

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

please see attached

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

7. What would resolve your protest? ALLOW DOMESTIC WATER RIGHTS
only. Penalize for water developments and usage prior to obtaining
water rights. Deny the pond and require its removal.

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 16 day of OCTOBER, 2008.

Judith L. Adams, M.S.
Protestant

Eugene Murr
Protestant's Representative

Receipt NO19634
10-17-08
c.m.

Notice of Protest: Basis of Protest:

Judith L. Adams, M.S.
Protestant: Judith L. Adams, M.S. 10.12.08

The law upon which this protest is based is the Prior Water Rights law. This permit numbered 95-9508, says 'unnamed' stream and that the 'tributary sinks'. After studying the Geologic Map of the Cocolalla Quadrangle, Bonner County, Idaho, dated 2007, it is apparent that the creek is clearly Careywood Creek. My property includes Careywood Creek and my property value depends on this being a year round creek. I have personally observed that when Barnharts irrigate, the water level in this already small creek suddenly lowers radically. This seriously decreases the amount of water available to those with prior water rights. This creek is a Class I year round creek and these users need the water for domestic purposes. Continued increase use for Recreational Storage, Stock Water Storage, and Irrigation, further increases the frequency of water being unavailable to places with prior water rights and could even change the creek to seasonal which decreases the value of my property.

The Google Earth picture shows the pond, 175' x 75' already exists and it appears to be part of the creek. This pond apparently did not receive prior approval. For its size it also would have required Fish and Game involvement.

Since the Barnhart area of irrigation has serious amounts of glacial outwash gravels¹, it takes an unusual amount of water irrigation to effectively produce crops and to maintain the pond.

Another consideration here is long range climate changes. "...some places, such as the Pacific Northwest, are predicted to get a strange double whammy of longer dry spells..."

¹Please refer to the latest geological studies of this area that greatly updates and changes the available information. Such as the geological description:

"Qgg: Deposits of glacial outwash gravels (Pleistocene), Sandy cobble boulder gravel mostly preserved as terrace deposits from valley glaciers. Soils of the Bonner --Kootenai series. SP-SM and ML classes in the Unified Soil Classification. Thickness varies; may exceed 50m (160 feet)." "Qgu: Glacial deposits undivided (Pleistocene) Mostly loose, cobbly, silty sand with a silty fine sand matrix; pebble- to- boulder sized gravel, includes deposits of till and associated proglacial outwash...steeper unstable slopes may take the form of mass movements."

You may find this recently completed Geologic Map extremely useful and it is at the following internet address:

[http://www.idahogeology.org/PDF/Digital_Data_\(D\)/Digital_Web_Maps_\(DWM\)/cocolalla_dwm-91-m.pdf](http://www.idahogeology.org/PDF/Digital_Data_(D)/Digital_Web_Maps_(DWM)/cocolalla_dwm-91-m.pdf)

the Idaho Geological Survey, University of Idaho, Moscow, Idaho 83844-3014. Roy Breckenridge, State Geologist and Director Kurt Othberg, Director and Research Geologist, Idaho Geological Survey 208-885-7991 igs@uidaho.edu

These Geological Surveys are done for the purpose of assisting state and local governmental agencies when making decisions where the geological and water information is critical. "Geologic maps portray a three-dimensional view of the rock, sediment, and soil units arranged by their age. Geologic maps and their subsequent derivative products have immense economic and societal value. They support our ability to locate and develop mineral and water resources, to assess and protect groundwater..." "Geologic maps have proven to be an essential ingredient for informed policy decisions."