

RECEIVED

MAR 07 2011

Application for Transfer No. 75738 in the name of Matthew M. and Jaqueline C. Machado DEPT. OF WATER RESOURCES
SOUTHERN REGION

Protestant: DuWayne Kimball

The application is protested for the following reasons:

It is felt that if the water right transfer is approved that the transfer will affect the quantity of water under my existing water right 47-10987. The approval of the transfer will create two effects on the aquifer. One effect will be a localized effect that will result from a cone of depression around the proposed well. It is unknown if my well will fall within this cone of depression but, if so, it is possible that I could be looking at a minimum of increased pumping costs due to a greater depth to water, the possibility of having to lower my pump in the well, the possibility of having to deepen the existing well or drill a new well, and worst case not being able to obtain water sufficient for my water right. These effects are all unacceptable. The other effect to the aquifer is going to be a lowering of the aquifer at a system level as the system comes into equilibrium with the increased pumping rate of water due to the transferred water right. This will impact my well and potentially other wells that are greater distances away. This has the potential to affect spring flows along the Deep Creek drainage, Salmons Falls Creek Drainage, and the Snake River.

It is felt that the transfer of water from the Kimberly area to the Buhl area will have a positive effect on the Rock Creek drainage due to increased spring flows but will have a negative effect on the Deep Creek and Salmon Falls Creek drainage spring flows. Water table well logs from the Idaho Department of Water Resources website for the Twin Falls Ground Water Management Area show that the three wells in the study along the Deep Creek Drainage have had the water levels in the wells drop over their period of record. In general all the wells in the study area show a lowering of the groundwater depth. It is felt that this lowering is probably due to two factors. One factor being that as farmers convert to sprinkler irrigation from surface irrigation there will be less infiltration of surface water into the groundwater. This transfer from surface to sprinkler irrigation is still occurring. The other factor is as at the same time that water levels are dropping due to the sprinkler conversion more and more water is being appropriated through groundwater permits. At some point a crisis will occur with the water being over appropriated. Is this transfer of water the one that puts us at the crisis limit, is it the next application for water rights in the area, or are we a long distance from the limit? Historically the Idaho Department of Water Resources does not appear to have a good track record of knowing when they have over appropriated the water; as such is the case with the Eastern Snake River Plain Aquifer.

It is felt that the Idaho Department of Water Resources needs to look at the cumulative impacts of past, present, and future water transfers. This one transfer may not have a severe impact on my existing water right but when combined with past water rights that have been protested (some approved) and future water right transfers that are sure to come the impact could be severe. Choosing to look at each water right transfer or new water right application individually and not looking at them holistically is what causes over appropriation of the resource.

It is felt that the water right should be denied because the project conflicts with the local public interest. In the Twin Falls County Land Use Open House Questionnaire dairy expansion was the item with the strongest disagreement. The statements were rated from 1 to 10 with 10 being in agreement. There were 198 responses and the average score was 2.52. During the Open House, the two unfavorable land uses were expansion of CAFO's and coal-fired plants. The following comments were received on the Twin Falls, Land Use Open House questionnaires:

- ☐ No more dairy!
- ☐ Not mega dairies or CAFO operations within the Magic Valley
- ☐ The growth in the dairy industry should bottom out in this area. Put a lid on dairy expansion now before it gets out of control!
- ☐ Gone too far already. Twin Falls County does not need to compete with Jerome and Gooding Counties on this!
- ☐ This one industry can and does pollute our air, soil, and water. The county needs to be very cautious about placing too many eggs in one basket. Let's not be shortsighted in our mega-dairy acceptance with very real adverse impacts to our count
- ☐ We have more than enough already. I don't want this county to look like Jerome/Wendell.
- ☐ But for smaller, friendly dairies – NO CAFOs!!
- ☐ No way.
- ☐ In proper areas.
- ☐ Don't let Twin Falls County get like Gooding County. We need a diversified economy.
- ☐ Limited only!
- ☐ There should be absolutely no more CAFOs anywhere. Some of the existing should be closed.
- ☐ We have enough CAFOs!
- ☐ No more
- ☐ No more dairy!
- ☐ The county has more than enough CAFOs now. The north side of the Snake River looks like a war zone and smells like an outhouse in distress! I do not want Twin Falls County to be destroyed by CAFOs!
- ☐ No area should be primarily CAFOs.
- ☐ Enough already! Stop CAFOs!
- ☐ Too many already. Not enough land to apply waste to.

As one can see no positive comments were received for dairy expansion.

Summary

It is felt that the transfer of water rights should be denied for the following reasons:

- The transfer would impact my existing water right by increasing pumping costs, increase the probability that the existing well will need to be deepened or a new well drilled, and at some point the possibility exists of not having enough water to fulfill the water right.
- It is felt that aquifers between Kimberly and Buhl do not have significant hydrologic connectivity.
- The cumulative impacts of past, present and future water right transfers need to be considered.
- The transfer does not support the public interest. The public in the immediate area of the dairy as well as the public in Twin Falls County are not supportive of dairy expansion.

Sincerely,

DuWayne Kimball

3-6-11

DuWayne Kimball
1333. E, 3500 N.
Buhl, ID 83316

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Fee: \$25.00

Receipt No. 5031823

Receipt by: [Signature]

Date Received: 3/7/11