

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 17 2000
Department of Water Resources
Southern 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, 42-222 and 42-224, 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 Transfer No. 5747 to change portions of irrigation right to year round stock water/commercial uses
2. Name of protestant WESTERN LEGENDS LC
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P. O. Box 5656, Twin Falls, ID 83303
5. Service telephone no. (208) 837-6641
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached page

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

7. What would resolve your protest? No new wells being drilled

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 17th day of July, 2000.

WESTERN LEGENDS LC

Pamela J. Wascher
Protestant By Pamela J. Wascher, Secretary

Protestant's Representative

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 A. SKINNER Date 7/17/2000 Time 4:45 p.m.
\$25.00 fee Received by A. SKINNER # 5023256 Date 7/17/2000

Attached page to Notice of Protest

6. Basis of protest.

This transfer could result in possible decrease in spring flows related to our water rights which have an irrigation priority date of 1884 and wildlife right with a priority date of 1946. These rights are our major source of pasture and crop irrigation as well as wildlife ponds.

In addition, this transfer could also result in possible contamination of springs and aquifer which source protestant has a domestic right for culinary purposes, and which is the source of domestic water for the City of Hagerman.

These statements are based on the following references:

- (1) Snake River Resources Review (SR3), as directed by the U.S. Bureau of Reclamation, section "Surface Water/Ground Water Interaction" and section "Eastern Snake River Plain."
- (2) Cumulative Impacts Assessment, Thousand Springs Area of the Eastern Snake River Plain, Idaho, prepared by DEQ July 2000, Figure No. 3, Map showing direction of ground water flow in area (from Clark and Ott, 1996).
- (3) Groundwater & Surface Water: Understanding the Interaction, "Threats to quantity"
- (4) Written statement by Sherl L. Chapman Consulting, Inc. relative to the effects of well drilling and contamination to the aquifer and vertical migration of contaminants to the ground water supply.
- (5) Written statement by ERO Resources Corporation relative to ground water contaminations by wells.