

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 20 2009

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 Permit #163-33064 for Lawrence Kay Hansen

2. Name of protestant Fred Nitz

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

4. Service mailing address 5325 S. Locust Grove Rd. Meridian ID 83642

5. Service telephone no. 208-870-0741 Email Address: _____

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 16th day of January, 20 09.

Fred Nitz
Protestant

Protestant's Representative

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

I am protesting this application for permit #63-33064 based on Idaho Code (IC) §42-111. Set forth by our Law Makers, this law states that you have irrigation of up to one-half (1/2) acre of land. This applicant is using domestic ground water to irrigate 6 acres, 5 ½ acres more than Idaho Code allows. This is an illegal use of domestic ground water. This applicant has surface water for irrigation and should be forced to use this water. Our domestic ground water is valuable and should be protected. If everyone is allowed to use the domestic ground water in this manner we are going to have issues and have our wells going dry and forcing us to dig deeper wells, which is unacceptable when surface water is available to them. This applicant has also applied for commercial use and this property is zoned Residential Rural (RR) which is a consideration for this application and needs to be addressed.

7. What would resolve your protest?

The resolution to this protest is to uphold Idaho Code set forth by the State Lawmakers and deny this application. The applicant has surface water available to them and this is the only water they should be allowed to use for this purpose. All other residents are held to this law and this applicant should not be treated differently, especially when they are refusing to use the surface water available to them.

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 JHO-er Date Jan 20, 09 Time 4:24 pm
\$25.00 fee Received by DB # W037150 Date 1-20-09