

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
NOV 10 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 Transfer # 73968
2. Name of protestant Roger L. Clark
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1375E. 3500N. Buhl, Id 83316

5. Service telephone no. 208-543-6060 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? Denial of transfer

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 10th day of November, 20 08.

Protestant

Protestant's Representative

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. 5030518

Receipt by: CS

Date Received: 11/10/08

PROTEST BY ROGER L. CLARK

1375 E. 3500 N., Buhl, Idaho, 83316

ATTACHMENT TO OFFICIAL D.W.R. PROTEST FORM

REASONS FOR PROTEST of proposed ground water transfer from an existing use approximately 7.25 miles S. of Kimberly, Idaho to a dairy site approximately 6.5 miles S. of Buhl, Idaho which is being requested by William H. and Janene C. Jenks.

1. There is a moratorium on new deep wells and water rights in our area due to the proven limited and fragile nature of ground water availability. I believe the ground water aquifer flow south of Kimberly has not been proven to be available at sites located in the proximity of the proposed transfer site south of Buhl. I believe a transfer to a new well at the proposed Buhl transfer site will be a new demand on the ground water available there and not be replenished by the Kimberly water. This will adversely affect the existing present domestic and livestock uses in this area.
2. I believe this proposed ground water transfer will be a causative factor in the added nitrate contamination of local domestic and livestock water uses. It is the concern of this protestant that nitrate contamination from a major increase in size of the dairy operation at the Buhl site will cause health problems and injury to me and my family as current users of our domestic and stock water wells.
3. I personally previously owned and farmed the property to which the proposed transfer is directed, and I believe its geological structure that is severely prone to leaching is not appropriate for a water right transfer to be utilized for the major increase in size of a concentrated livestock enterprise.

If this protest is delivered to a formal hearing before the D.W.R., several of these protest reasons will be further explained and supported by publications and articles written by professional hydrological and geological studies and findings, as well as published materials from the D.W.R., the U. of I. and other resources.