



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

September 24, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

**Michael Reid
PO Box 801
Victor ID 83455**

Dear Mr. Reid:

The Idaho Department of Water Resources has received your protest against application 74679 in the name of Richardson Family Partnership. Due to the fact that we did not receive the filing fee of \$25.00 on or before September 15, 2008, we are unable to except it as a valid protest. But, we have received a valid protest from another party. So if you wish to be considered as an Intervenor, you need to submit an original signed protest along with \$25.00 filing fee.

The Department of Water Resources' Water Appropriation Rules and Regulations states: 300. Protests against the approval of an application for permit or against a permit being reprocessed will only be considered if received by the department after receipt of the application by the department and prior to the expiration of the protest period announced in the advertisement.

If you have any questions, please feel free to contact us.

Sincerely,

**Dave Carlson
Water Resources Supervisor**

Enclosure

DC:sc

September 15, 2008

This letter is in reference to the transfer/change of use of right #22-13586, belonging to Richardson Family Properties. Because there appears to be no other way of addressing the technical problems in this transfer without a protest, I hereby protest this transfer based on the information below.

Mr. Richardson, if filing on the appurtenant water rights to this property, which I assume Rex Miller has deeded to him, would have filed on the Caroline Withrick right for this project. Putting the JJ Miller right on this land causes a large expansion of acres under the Miller right, #22-405, which is completely unnecessary.

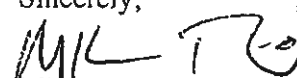
Further, Mr. Richardson should be applying at least .02cfs/acre of 22-405 to his property on the west side of Cedron road instead of the .01 cfs/acre that he claimed, or this would also be a large expansion of acreage under 22-405.

To clear this problem up, I suggest an appropriate IDWR official meet with Mr. Richardson and redo the paperwork to reflect the correct information. In my opinion, Mr. Richardson owns about .7cfs of 22-405 for his property on the West side of Cedron road and about .65cfs of 22-587 for the property on the east side which is the basis for the transfer.

The other problem with this request is the prevalence of artesian wells masquerading as ponds in this area. Long term observations combined with personal testimony from pond owners has led me to conclude that nearly every pond within 1/2 mile of Paradise Creek, lined or not, is essentially functional as an artesian well. If, with the commencement of conjunctive management in Basin 22, futile call becomes non-existent, Mr. Richardson should be required to have a cumulative meter to determine the amount of stored flow pumped out for irrigation, on both the east side and west side of Cedron Road.

I hope that IDWR can fix the technical problems with this application without a hearing, and I will withdraw this protest when the right paperwork is in place.

Sincerely,



Michael L Reid
PO Box 801
Victor, ID 83455
(208) 354 8024