

APR 29 2008

WATER RESOURCES
WESTERN REGION**NOTICE OF PROTEST PURSUANT TO IDAHO CODE § 42-203A**

- A. Matter protested:** Application for Permit No. 63-32573 filed by M3 Eagle LLC on or about 11/21/2006, and all amendments thereto.
- B. Protestant's name:** VINCENT IAZZETTA
- C. Protestant's water right number(s):** SEE PAGE 2
- D. Priority date(s):** SEE PAGE 2
- E. Protestant's representative for service:** David Head
- F. Service address:** 855 Stillwell Drive
Eagle, Idaho
83616
- G. Service phone #:** 208-938-8508
- H. Service e-mail address:** head@firstsourceidaho.com
- I. Proposed source of diversion:** Groundwater
- J. Bases of Protest**

(1) The proposed diversion of groundwater by M3 has the potential for significant adverse affects to my senior water rights, including, but not limited to, reduction in quality and/or quantity of my senior water rights.

(2) At the current time, there is insufficient hydrological data or evidence to support a finding by the IDWR that M3's proposed diversion of groundwater will not conflict with the local public interest, as defined in Idaho Code § 42-202B(3), and as required by Idaho Code § 42-203A.

(3) At the current time, there is insufficient hydrological data or evidence to determine whether the groundwater supply in the relevant area is sufficient to support M3's proposed level of diversion of groundwater [See Idaho Code § 42-203A(5)(b)].

(4) At the current time, there is insufficient hydrological data or evidence to determine whether M3's proposed groundwater diversion adversely affects the local economy of the watershed within which the source of water for the proposed use originates.

(5) The M3 application requests authorization to divert a significant quantity of groundwater from undefined and unquantified foothills aquifers—aquifers which the IDWR proposes to study and model in the near future and aquifers in an area for which IDWR will establish a water budget, before applicant has any need to put its proposed water rights to beneficial use.

(6) The M3 application requests water rights sufficient to support a 20-year residential development plan, all before completion of the aforementioned IDWR foothills study and water budget establishment. IDWR should only consider granting M3 water rights for that amount of water which M3 can put to beneficial use in the reasonably foreseeable future.

WELL TAG # D0009844
 INDIVIDUAL WELL, BUCKHORN ESTATES SUB. NO. 3
 PHASE/PLAT DATED 7/12/99 RECORDED 11/5/99 PHASE-7/19/95 TWP/RNG/SECT 5N1W3E
 WELL ADA COUNTY, IDAHO
 4243 N. CROFT PL, EAGLE, ADA COUNTY, IDAHO

I authorize the following individuals to act as my agent on all aspects of this protest:

David Head North Ada County Foothills Association 855 Stillwell Dr. Eagle, ID 83616	John Thornton 5264 N. Sky High Lane Eagle, ID 83616	
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For service purposes, I designate David Head as my representative, who should be contacted at the address listed above.

K. Resolution of Protest

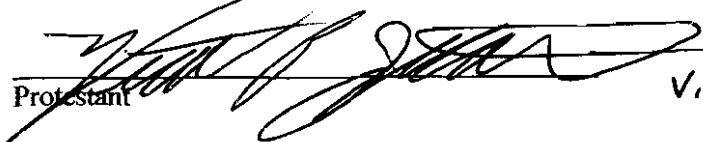
1. This protest may be resolved only upon the collection and presentation of substantial and competent evidence to support findings that: (a.) the proposed diversion of groundwater by M3 will not adversely affect my senior water rights, including, but not limited to, reduction in quality and/or quantity; (b.) M3's proposed diversion of groundwater will not conflict with the local public interest, as defined in Idaho Code § 42-202B(3); (c.) the groundwater supply in the areas relevant to M3's application is sufficient to support M3's proposed level of diversion of groundwater; and (d.) M3's proposed groundwater diversion does not adversely affect the local economy of the watershed within which the source of water for the proposed use originates.

2. This protest may be resolved upon IDWR's completion of its planned study and modeling of the relevant area and completion of IDWR's water budget for any affected aquifers—assuming that such study and modeling results in substantial and competent evidence to support the findings listed above.

3. Thirdly, this protest may be resolved by (a.) a combination of phased in granting of groundwater rights at no more than 5 CFS per phase to the applicant, along with (b.) a sufficient aquifer monitoring program to gather substantial and competent evidence to support the findings listed above.

I hereby, acknowledge that if I or one of my designated representatives fails to appear at any regularly scheduled conference or hearing in the matter of which my designated representative has 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 or one of my representatives has served a copy of this protest upon the applicant.

Signed this 28 day of APRIL, 2008.


 Protestant VINCENT IAZZETTA

David Head
 Protestant's Representative Designated for Notification

\$25 - received
 4-29-08 by DB
 W036410

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT 59721

Office Use Only		
Inspected by	_____	
Twp	Age	Sec
1/4	1/4	1/4
Lat	Long	

1. WELL TAG NO. D000 9844
 DRILLING PERMIT NO. 63-99 W-0514-000
 Other IDWR No. _____

2. OWNER: DELO-KAI INC.
 Name _____
 Address 3775 N HA SCOUTS WAY
 City BOISE State ID Zip 83702

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		
		X
S		

Twp. 5 North or South
 Rge. 1 East or West
 Sec. 36 1/4 NE 1/4 NE 1/4 SE 1/4
 Gov't Lot _____ County ADA
 Lat _____ Long _____
 Address of Well Site 4243 N CRAST
 City _____

(Give at least name of road + Distance to Road or (landmark)
 Lt. 15 Blk. 2 Sub. Name BUCK HORN

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD
 Air Rotary Cable Mud Rotary Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
<u>Bentonite</u>	<u>5</u>	<u>18</u>	<u>50 #</u>	<u>TRAMP CASED 10" 15"</u>

Was drive shoe used? Y N Shoe Depth(s) 155'
 Was drive shoe seal tested? Y N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6"</u>	<u>1</u>	<u>155</u>	<u>2.50</u>	<u>Steel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Length of Headpipe 5' Length of Tailpipe 10"

9. PERFORATIONS/SCREENS

Perforations Method WASH
 Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>155</u>	<u>168</u>	<u>20 #</u>		<u>5"</u>	<u>SS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

30 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: N/A

11. WELL TESTS:

Pump Bailor Air Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>70'</u>		<u>1-0</u>	<u>6 hr</u>

Water Temp. 78.5° Bottom hole temp. _____
 Water Quality test or comments: _____
 Depth first Water Encounter 7'

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>10"</u>	<u>0</u>	<u>7</u>	<u>TOP SOIL</u>		
<u>10"</u>	<u>7</u>	<u>18</u>	<u>SANDY SOIL</u>		
<u>6"</u>	<u>18</u>	<u>43</u>	<u>GRAVEL</u>	<input checked="" type="checkbox"/>	
	<u>43</u>	<u>71</u>	<u>GRAVEL CLAY</u>		
	<u>71</u>	<u>99</u>	<u>SAND & GRAVEL</u>		
	<u>99</u>	<u>107</u>	<u>SAND</u>	<input checked="" type="checkbox"/>	
	<u>107</u>	<u>113</u>	<u>CLAY</u>		
	<u>113</u>	<u>155</u>	<u>CLAY & SAND</u>	<input checked="" type="checkbox"/>	
	<u>155</u>	<u>156</u>	<u>CLAY</u>		
<u>6"</u>	<u>156</u>	<u>169</u>	<u>SAND</u>	<input checked="" type="checkbox"/>	

RECEIVED
 APR 29 2008
 WATER RESOURCES WESTERN REGION
 RECEIVED
 AUG 17 1999
 WATER RESOURCES WESTERN REGION
 RECEIVED
 NOV 5 - 1999
 MICROFILMED
 FEB 1 2000
 Department of Water Resources

Completed Depth 168' (Measurable)
 Date: Started 7-7-99 Completed 7-12-99

13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.
 Company Name PH. PARS DRILLING Firm No. 311
 Firm Official Wendy A. [Signature] Date 7/30/99
 and
 Driller or Operator [Signature] Date 7/30/99
 (Sign once if Firm Official & Operator)