

MAY 01 2008

NOTICE OF PROTEST PURSUANT TO IDAHO CODE § 42-203AWATER RESOURCES
WESTERN REGION

- 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:** Gothberg, Alei & Cal
- C. Protestant's water right number(s):** see pg. 2.
- D. Priority date(s):** see pg. 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 Driller's Report Attached # 091482 8/16/96
 Individual Well, Buckhorn Estates Sub #3, ~~recorded~~
 Parcel # R1141380110 recorded 7-19-1995, 4411 N. Croft Place
 Eagle ID 83616, 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

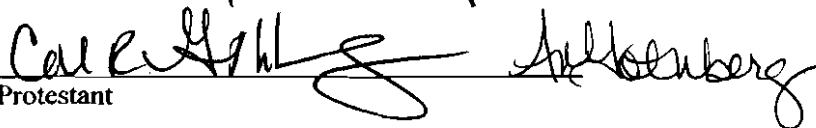
1. This protest may be resolved only upon the collection and presentation of substantial and competent evidence to support findings that: (a.) the proposed diversion of groundwater by M3 will not adversely affect my senior water rights, including, but not limited to, reduction in quality and/or quantity; (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 24 day of April, 2008.


 Protestant

David Head
 Protestant's Representative Designated for Notification

#25 - received
 5-1-08 W036429

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

091482

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

1. DRILLING PERMIT NO. 63-96-W-0318-000
 Other IDWR No. _____

11. WELL TESTS:

Pump Baller Air Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
40	20'	65'	1 HR

Water Temp. 54° Bottom hole temp. 54°
 Water Quality test or comments: _____

2. OWNER:
 Name CAL GOTHBORG
 Address 1933 N W 13 TH AVE.
 City MERIDIAN State ID Zip 83640

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

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

Twp. 5 North or South
 Rge. 1 East or West
 Sec. 36 1/4 NE 1/4 NE 1/4
 Gov't Lot _____ County ADA 10 acres _____ 100 acres _____
 Lat: : : Long: : :
 Address of Well Site _____
 City EAGLE

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10"	0	3	TOP SOIL		X
	3	10	BROWN CLAY		X
	10	20	BROWN SANDY CLAY		X
6"	20	25	BROWN CLAY		X
	25	30	SAND		X
	30	45	SANDY CLAY		X
	45	52	BROWN CLAY		X
	52	63	SAND & GRAVEL	X	
	63	77	BROWN CLAY		X
	77	101	SAND w/ CLAY STRIPS	X	
	101	117	DIRTY SAND	X	
	117	119	BRN CLAY		X
	119	123	SAND (DIRTY)	X	
	123	124	CLAY		X
	124	126	SAND	X	
	126	128	TAN CLAY		X
	128	131	SAND	X	
	131	178	SAND w/ CLAY LAYERS	X	
	178	186	BLUE CLAY		X
	186	189	GRAY SAND	X	
	189	197	BLUE CLAY		X
	197	208	GRAY-BLUE SAND	X	
	208		BLUE CLAY		X

(Give at least name of road + Distance to Road or Landmark)
 Lt. 16 Blk. 2 Sub. Name BUCKHORN
ESTATES

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	
BENTONITE	0	20	450 LBS	OVERDRILL

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	1 1/2	201	25	STEEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5"	196	201	28	"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5"	206	208	28	"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Length of Headpipe 5' Length of Tailpipe 2'

9. PERFORATIONS/SCREENS

Perforations Method _____
 Screens Screen Type STAINLESS STEEL

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
201	206	.20	-	5"	ST. STEEL	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

85 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: _____

RECEIVED RECEIVED
 AUG 12 1996 AUG 15 1996
 WATER RESOURCES WESTERN REGION
 OCT 09 1996
 Completed Depth 208 FT. (Measurable)
 Date: Started 5-28-96 Completed 6-19-96

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name COORSE DRILLING Firm No. 409
 Firm Official Ray E Coorse Date 6-21-96
 and _____
 Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)