

MAY 16 2008

NOTICE OF PROTEST PURSUANT TO IDAHO CODE § 42-203A WATER 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:** Jon Busack
- C. **Protestant's water right number(s):** 2 Domestic wells
- D. **Priority date(s):** _____
- 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.

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	
---	---	--

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 15 day of May, 2008.

Jon Busack
Protestant

David Head
Protestant's Representative Designated for Notification

#25- received by DB
5-16-08 W036489

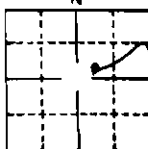
RECEIVED
JUN 29 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

Department of Water Resources

<p>1. WELL OWNER</p> <p>Name <u>Jon Busack</u></p> <p>Address <u>Rt Meridian Idaho</u></p> <p>Owner's Permit No. <u>63-88-2-172</u></p>	<p>7. WATER LEVEL</p> <p>Static water level <u>330</u> feet below land surface.</p> <p>Flowing? <input type="checkbox"/> Yes <input type="checkbox"/> No G.P.M. flow _____</p> <p>Artesian closed-in pressure _____ p.s.i.</p> <p>Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug</p> <p>Temperature _____ OF. Quality _____</p> <p><i>Describe artesian or temperature zones below.</i></p>																																																																																																																
<p>2. NATURE OF WORK</p> <p><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement</p> <p><input type="checkbox"/> Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)</p>	<p>8. WELL TEST DATA</p> <p><input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Air <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>Less than 4</u></td> <td></td> <td><u>1</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>Less than 4</u>		<u>1</u>																																																																																																										
Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																															
<u>Less than 4</u>		<u>1</u>																																																																																																															
<p>3. PROPOSED USE</p> <p><input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/> Municipal</p> <p><input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection</p> <p><input type="checkbox"/> Other _____ (specify type)</p>	<p>9. LITHOLOGIC LOG 71058</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes No</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>3"</td> <td>0</td> <td>7</td> <td>Overburden w/coarse sand</td> <td>X</td> </tr> <tr> <td>3"</td> <td>7</td> <td>10</td> <td>clay</td> <td>X</td> </tr> <tr> <td>3"</td> <td>10</td> <td>18</td> <td>clay w/sand</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>20</td> <td>28</td> <td>clay w/sand</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>28</td> <td>35</td> <td>clay</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>35</td> <td>39</td> <td>clay w sand</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>37</td> <td>60</td> <td>clay - yellow</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>60</td> <td>63</td> <td>Sandstone</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>63</td> <td>71</td> <td>clay w/sand</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>71</td> <td>78</td> <td>Sandstone (Dark Brown)</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>73</td> <td>93</td> <td>clay w/sand</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>93</td> <td>110</td> <td>clay</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>110</td> <td>124</td> <td>Sandstone</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>124</td> <td>160</td> <td>clay w/sand</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>160</td> <td>170</td> <td>Sandstone</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>170</td> <td>189</td> <td>Sand - yellow-orange-brown</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>189</td> <td>270</td> <td>Blue shale</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>270</td> <td>275</td> <td>Blue shale Reddish (Pyritic layer) dried up</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>275</td> <td>265</td> <td>Blue shale</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>265</td> <td>289</td> <td>Blue shale (small amount)</td> <td>X</td> </tr> <tr> <td>1 1/2"</td> <td>289</td> <td>297</td> <td>Blue shale</td> <td>X</td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water Yes No	From	To	3"	0	7	Overburden w/coarse sand	X	3"	7	10	clay	X	3"	10	18	clay w/sand	X	1 1/2"	20	28	clay w/sand	X	1 1/2"	28	35	clay	X	1 1/2"	35	39	clay w sand	X	1 1/2"	37	60	clay - yellow	X	1 1/2"	60	63	Sandstone	X	1 1/2"	63	71	clay w/sand	X	1 1/2"	71	78	Sandstone (Dark Brown)	X	1 1/2"	73	93	clay w/sand	X	1 1/2"	93	110	clay	X	1 1/2"	110	124	Sandstone	X	1 1/2"	124	160	clay w/sand	X	1 1/2"	160	170	Sandstone	X	1 1/2"	170	189	Sand - yellow-orange-brown	X	1 1/2"	189	270	Blue shale	X	1 1/2"	270	275	Blue shale Reddish (Pyritic layer) dried up	X	1 1/2"	275	265	Blue shale	X	1 1/2"	265	289	Blue shale (small amount)	X	1 1/2"	289	297	Blue shale	X
Bore Diam.	Depth		Material	Water Yes No																																																																																																													
	From	To																																																																																																															
3"	0	7	Overburden w/coarse sand	X																																																																																																													
3"	7	10	clay	X																																																																																																													
3"	10	18	clay w/sand	X																																																																																																													
1 1/2"	20	28	clay w/sand	X																																																																																																													
1 1/2"	28	35	clay	X																																																																																																													
1 1/2"	35	39	clay w sand	X																																																																																																													
1 1/2"	37	60	clay - yellow	X																																																																																																													
1 1/2"	60	63	Sandstone	X																																																																																																													
1 1/2"	63	71	clay w/sand	X																																																																																																													
1 1/2"	71	78	Sandstone (Dark Brown)	X																																																																																																													
1 1/2"	73	93	clay w/sand	X																																																																																																													
1 1/2"	93	110	clay	X																																																																																																													
1 1/2"	110	124	Sandstone	X																																																																																																													
1 1/2"	124	160	clay w/sand	X																																																																																																													
1 1/2"	160	170	Sandstone	X																																																																																																													
1 1/2"	170	189	Sand - yellow-orange-brown	X																																																																																																													
1 1/2"	189	270	Blue shale	X																																																																																																													
1 1/2"	270	275	Blue shale Reddish (Pyritic layer) dried up	X																																																																																																													
1 1/2"	275	265	Blue shale	X																																																																																																													
1 1/2"	265	289	Blue shale (small amount)	X																																																																																																													
1 1/2"	289	297	Blue shale	X																																																																																																													
<p>4. METHOD DRILLED</p> <p><input checked="" type="checkbox"/> Rotary <input checked="" type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary</p> <p><input type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____</p>	<p>10.</p> <p>Work started <u>4-8-89</u> finished <u>4-12-90</u></p>																																																																																																																
<p>5. WELL CONSTRUCTION</p> <p>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input checked="" type="checkbox"/> Other <u>PVC.</u></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>350</u> inches</td> <td><u>6</u> inches</td> <td><u>1.5</u> feet</td> <td><u>40</u> feet</td> </tr> <tr> <td>_____ inches</td> <td><u>4.5</u> inches</td> <td><u>1.5</u> feet</td> <td><u>190</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> <p>Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Perforated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>How perforated? <input type="checkbox"/> Factory <input type="checkbox"/> Knife <input type="checkbox"/> Torch</p> <p>Size of perforation _____ inches by _____ inches</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> <p>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Manufacturer's name _____</p> <p>Type _____ Model No. _____</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____</p> <p>Placed from _____ feet to _____ feet</p> <p>Surface seal depth <u>30'</u> Material used in seal: <input type="checkbox"/> Cement grout</p> <p><input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Puddling clay <input type="checkbox"/> _____</p> <p>Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing</p> <p><input checked="" type="checkbox"/> Overbore to seal depth</p> <p>Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input checked="" type="checkbox"/> Solvent</p> <p><input type="checkbox"/> Cemented between strata</p> <p>Describe access port <u>NONE</u></p>	Thickness	Diameter	From	To	<u>350</u> inches	<u>6</u> inches	<u>1.5</u> feet	<u>40</u> feet	_____ inches	<u>4.5</u> inches	<u>1.5</u> feet	<u>190</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	<p>11. DRILLERS CERTIFICATION DL</p> <p>I/We certify that all minimum well construction standards were complied with at the time the rig was removed.</p> <p>Firm Name <u>Agua Masters</u> Firm No. <u>130</u></p> <p>Address: <u>9120 Colleen Ln.</u> Date <u>5-10-90</u></p> <p>Signed by (Firm Official) <u>Kent P. Gunn</u></p> <p>and (Operator) <u>Kent P. Gunn</u></p>																																																																																
Thickness	Diameter	From	To																																																																																																														
<u>350</u> inches	<u>6</u> inches	<u>1.5</u> feet	<u>40</u> feet																																																																																																														
_____ inches	<u>4.5</u> inches	<u>1.5</u> feet	<u>190</u> feet																																																																																																														
_____ inches	_____ inches	_____ feet	_____ feet																																																																																																														
_____ inches	_____ inches	_____ feet	_____ feet																																																																																																														
Number	From	To																																																																																																															
_____ perforations	_____ feet	_____ feet																																																																																																															
_____ perforations	_____ feet	_____ feet																																																																																																															
_____ perforations	_____ feet	_____ feet																																																																																																															
<p>6. LOCATION OF WELL</p> <p>Sketch map location <u>must</u> agree with written location</p>  <p>Subdivision Name <u>NONE</u></p> <p>Lot No. _____ Block No. _____</p> <p>County <u>Ada</u></p> <p><u>SW</u> 1/4 <u>NE</u> 1/4 Sec. <u>15</u>, T. <u>5</u> N. R. <u>1</u> E. MM</p>	<p>8. B. LOCATION OF WELL</p> <p>MICROFILMED AUG 13 1990</p>																																																																																																																

RECEIVED
 JUL 20 1993

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
 BALLPOINT PEN

Department of Water Resources requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
 Name Joe Busack
 Address P.O. Box 178 Eagle ID 83616
 Drilling Permit No. 63-93-W-0435
 Water Right Permit No. _____

7. WATER LEVEL
 Static water level 445 feet below land surface.
 Flowing? Yes No G.P.M. flow _____
 Artesian closed-in pressure _____ p.s.i.
 Controlled by: Valve Cap Plug
 Temperature _____ °F. Quality _____
 Describe artesian or temperature zones below.

2. NATURE OF WORK
 New well Deepened Replacement
 Well diameter increase Modification
 Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

8. WELL TEST DATA
 Pump Bailor Air Other _____

Discharge @ P.M.	Pumping level	Hours Pumped
<u>1 gpm</u>	<u>bailor down to bottom of hole in 20 minutes</u>	

3. PROPOSED USE
 Domestic Irrigation Monitor
 Industrial Stock Waste Disposal or Injection
 Other _____ (specify type)

9. LITHOLOGIC LOG 107091

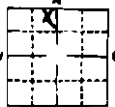
Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
B	0	2	TOP SOIL		
B	2	8	brown clay sandy		
B	8	35	COARSE SAND		
B	35	98	COARSE SAND		
B	98	146	brown clay		
B	146	220	COARSE SAND		
B	220	325	brown clay - sandy		
B	325	546	Basalt - 1/2 inch cobbles		
B	546	522	COARSE white sand		

Water coming in at 500 and 520 at a slow seep.

4. METHOD DRILLED
 Rotary Air Auger Reverse rotary
 Cable Mud Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION
 Casing schedule: Steel Concrete Other _____
 Thickness _____ Diameter _____ From _____ feet To _____ feet
2 1/2 inches 6 inches + 2' 6" feet 319 feet
 Was casing drive shoe used? Yes No
 Was a packer or seal used? Yes No
 Perforated? Yes No
 How perforated? Factory Knife Torch Gun
 Size of perforation? _____ inches by _____ inches
 _____ perforations _____ feet _____ feet
 _____ perforations _____ feet _____ feet
 _____ perforations _____ feet _____ feet
 Well screen installed? Yes No
 Manufacturer _____ Type _____
 Top Packer or Headpipe _____
 Bottom of Tailpipe _____
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet
 Gravel packed? Yes No Size of gravel _____
 Placed from _____ feet to _____ feet
 Surface seal depth 35 Material used in seal: Cement grout
 Bentonite Puddling clay _____
 Sealing procedure used: Slurry pit
 Temp. surface casing Overbore to seal depth
 Method of joining casing: Threaded Welded
 Solvent Weld Cemented between strata
 Describe access port Well cap, top of casing

10.
 Work started 5-21-93 finished 7-1-93

8. LOCATION OF WELL
 Sketch map location must agree with written location.

 Subdivision Name _____
 Lot No. _____ Block No. _____
 County Ada
 Address of Well Site Big Gulch Creek
 (give at least name of road)
NE 1/4 NE 1/4 Sec. 15, R. 1 N or S
 E or W

11. DRILLER'S CERTIFICATION
 I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
 Firm Name Adon Well Drilling Firm No. 399
 Address Nampa, Idaho Date July 7-93
 Signed by Drilling Supervisor [Signature]
 and
 (Operator) [Signature]
 (If different than the Drilling Supervisor)