

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
DEC 04 2006
IDWR/North

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, 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 95-9362 Johnson Meadows Estates Water Assn, Inc
2. Name of protestant DALE DENNIS
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 2323 COEUR D'ALENE, IDAHO, 83816

5. Service telephone no. 208-667-9768

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? SEE ATTACHED

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 4TH day of DECEMBER, ~~2000~~ 2006

Dale Dennis
Protestant

Protestant's Representative

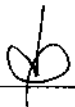
NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. 95-9362 in the name of Johnson Neudeiers" "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by  Date 12/4/06 Time 3:12p
\$25.00 fee Received by  # NO 18048 Date 12/4/06

Q. BASIS OF PROTEST

1. WILL THE APPLICATION INJURE OTHER WATER RIGHTS? YES (SEE BELOW)
2. IS THE WATER SUPPLY SUFFICIENT.
NO! EXCESSIVE APPROPRIATION REQUEST
WITHOUT HYDROGEOLOGIC EVALUATION
(SEE NARRATIVE BELOW)
3. WAS APPLICATION MADE IN GOOD FAITH OR
FOR DELAY OR SPECULATIVE PURPOSES?
SPECULATIVE PURPOSES (SEE NARRATIVE BELOW)
4. DOES APPLICANT HAVE FINANCIAL RESOURCES?
I DO NOT KNOW — THIS SHOULD
BE DETERMINED PRIOR TO ISSUING
ANY PERMITS.
5. WILL PROPOSED USE CONFLICT WITH LOCAL
PUBLIC INTEREST? MAY DEFINITELY
AFFECT FUTURE APPLICATIONS FOR
WATER IF THIS APPLICANT USES MOST
OR ALL WATER AVAILABLE

6. WILL THE PROPOSED USE BE CONTRARY
TO CONSERVATION OF WATER RESOURCES?
DEFINITELY! TOO MUCH WATER ASKED
FOR IN PERMIT SO OVER USE IS THE
NATURAL RESULT WITHOUT CONSERVATION.

7. WILL PROPOSED USE ADVERSELY AFFECT
THE LOCAL ECONOMY OF THE WATERSHED?
IF MOST OF THE WATER IS APPROPRIATED,
THEN ADDITIONAL SINGLE & MULTIPLE
FAMILY DEVELOPMENTS ARE CURTAILED
FOR THE BENEFIT OF A SINGLE
USER (THIS PERMIT)

BASIS OF PROTEST (NARRATIVE)

I AM PROTESTING JOHNSON MEADOWS ESTATES
WATER ASSN, INC APPLICATION FOR PERMIT
95-9362 THAT SEEKS 0.11 CFS GROUNDWATER.

THIS IS 70,985 GALLONS/DAY

DIVIDED BY 1440 MINUTES/DAY = 49.3 (50 GPM)
FROM A WELL

70,985 GALLONS DIVIDED BY 20 PROPOSED HOMES
EQUALS 3,555 GALLONS/HOUSE/DAY.

DEQ STATES IT TAKES 800-1500 GALLONS
PER DAY DEPENDING ON WINTER OR SUMMER USE.
EVEN DURING SUMMER (WHEN LAWNS ARE WATERED) AND
USING THE MAX WATER USAGE, THE APPLICATION IS
FOR OVER 2000 GALLONS/DAY/HOUSE EXCESS.

THIS WOULD ONLY BE DURING 2-3 MO'S.
THE REST OF THE TIME THE PERMIT REQUEST ALLOWS
2750 GALLONS/HOUSE/DAY EXCESS TO BE PUMPED
FROM GROUNDWATER.

THIS DEFINITELY APPEARS TO BE FOR
SPECULATIVE PURPOSES.

THIS PERMIT WOULD BE FOR THE
APPLICANT TO PUMP 50 GPM - 24 HRS/DAY
365 DAYS PER YEAR

I DON'T FIND WHERE A HYDROGEOLOGIC EVALUATION HAS BEEN MADE TO DETERMINE THAT THIS MUCH EXCESS WATER EXISTS IN THE DRAINAGE.

TAKING THIS MUCH WATER (50 GPM) WOULD HAVE A SERIOUS NEGATIVE IMPACT ON THE RECHARGE OF GROUNDWATER FOR WELLS IN THIS ENTIRE DRAINAGE. THIS MUCH WATER TAKEN FROM THIS DRAINAGE MAY HAVE A NEGATIVE IMPACT ON EXISTING WELLS & MAY CAUSE THEM TO GO DRY DURING DROUGHT YEARS, THEREFOR SUPPLYING LITTLE OR NO WATER FOR THOSE WITH EXISTING WELLS.

7. WHAT WOULD RESOLVE PROTEST

1. I AM REQUESTING A PROTEST HEARING
2. I AM REQUESTING THE APPLICATION BE DENIED UNTIL THE ISSUES RAISED IN THIS PROTEST ARE RESOLVED.