

December 4, 2006

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 Johnson Meadows Estates Water Assn. Inc. Case #95-9362

2. Name of protestant *Myra & Hal Sherman *spokesperson

3. Protestant's Representative for service (If different than protestant)
N/A

4. Service mailing address 8169 South Jeni Lane, Harrison, Idaho 83833

5. Service telephone no. 208/765-0750

6. Basis of protest (including statement of facts and law upon which the protest is based)

Please see attached sheets.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Please see attached sheet

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, 2006.

Myra M. Sherman
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. _____ in the name of _____" or "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 3:12 p
\$25.00 fee Received by  # 2018049 Date 12/4/06

From:
Myra Sherman
8169 South Jeni Lane
Harrison, Idaho 83833

December 3, 2006

To:
Idaho Department of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, Idaho 83815

Protesting Johnson Meadows Estates Water Association Inc. application for permit #95-9362 that seeks 0.11 CFS or 71,095 gallons per day for municipal purposes. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code.

The bases for this protest are:

- The amount of water being requested is excessive and will adversely impact available ground water supply to the surrounding community. The proposed number of homes (20) for this 28-acre excessively sloped site can have only minimal landscaping needs and thereby does not justify the request for such a vast amount of ground water.
- Since the property applying for this water request adjoins the wells of established residents, we are concerned the draw will negatively impact the output of these residents' wells by a draw of this amount of ground water.
- Area residents are dependent on their wells for water consumption and are concerned the water rights for their private residential well use, which are not officially recorded, will be superseded by the water rights this development has applied for.
- Spring runoff on this site has often seen flooding of the seasonal stream running through it. Lake Coeur d'Alene lies directly across the road from this development. The possibility of surface water runoff from the steep slopes of this site, which will contain septic system contaminated fluids, threatens the health of the Lake itself as well as the health of neighboring wells. This creates potential harm to those local residents drawing their water consumption from the Lake, justifying consideration by the state before the approval of new and sizable water rights, such as the Johnson Meadows Estates Water Association, Inc., is requesting.
- The surrounding community has legitimate concerns that the amount of water requested will drain available surface water and thereby multiply the possibility of uncontrollable wildfires in the area, as seen in the droughts of the last several summers in this sloped area. This also increases fire hazard risks to the nearby National Forest lands.
- Should a negative impact result to the established local wells, or, on the watershed, and/or the Lake, that effect may not be evident until after all the parcels in the proposed development have been purchased, and residences built and inhabited. Also, the possibility exists that should a highly reduced-precipitation period of time occur and it negatively impact the water table, the developer may no longer be available for remediation.

- An engineering report for the proposed drinking water system for this subdivision has not been submitted to the DEQ by this applicant to show that this subdivision can be adequately developed with a viable community water system.
- A water conservation plan to keep water consumption at reasonable limits has also not been publicly provided by this applicant. Should this request be approved, there is no guarantee that the new residents of this subdivision will voluntarily conserve on water usage, since vast amounts of water would be allowed for their use.
- This applicant had not provided a written proposal or plan to mitigate the impacts of the proposed water withdrawals on surrounding land, the seasonal stream on this land or its effect on wildlife.
- Water is essential for full-time living. The setting of the proposed development (Johnson Meadows Estates) is remote and no other water options exist other than wells or drawing water from Lake Coeur d'Alene (which is already seriously jeopardizing the health of this lake). Since no municipal water supply exists for most people in rural communities around Lake Coeur d'Alene, it is not feasible and is cost prohibitive for individuals to obtain other means of supplying water for their daily needs should their resources be impacted by this development's request.
- Lastly, it is feared that permitting Johnson Meadows Estates such excessive water usage will set a precedent for future developers coming to the area to maximize the capacity and services to their properties, the result being only limited water availability for all.

How am I looking to resolve this protest of the application for permit #95-9362:

- I am requesting that the application be denied until the issues raised in this protest are resolved and the harms and impacts listed above are mitigated.
- I am requesting that a protest hearing be scheduled.
- I am requesting that my protest, filed within the stated deadline period, give me the right to raise additional issues in this case when more facts become available, which would then become part of the record of my protest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THE 4TH DAY OF December, 2006, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office in Coeur d'Alene, Idaho.

**Johnson Meadows Estates Water Association Inc.
12875 S. Flicker Lane
Harrison, Idaho 83833**



**Myra Sherman
8169 South Jeni Lane
Harrison, Idaho 83833**