

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

Receipt #
NO 18050

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 95-9362

In the name of Johnson Meadows Estates Water Association Inc.

)
) **PROTEST**
)

Name of Protestant: Susan Melka

Service Mailing Address: 41542 S. Hwy 97, Harrison, Idaho 83833-9454

Service telephone No. : 208-582-0637

RECEIVED
DEC 04 2006
IDWR/North

Basis of Protest: I protest Application No. 95-9362 filed by Johnson Meadows Estates Water Association Inc., which seeks 0.11 CFS or 71,095 gallons per day for municipal purposes. This protest is based upon the criteria set forth in Sec. 42-203 A, Idaho Code, and groundwater statutes, as more specifically set forth below

The applicant has provided a water supply plan with the application. For a project of this size and complexity, more information will be required pursuant to IDAPA 37.03.08.040.05 As the applicant provides that information to IDWR, and as more information becomes available through approved discovery processes, Protestant reserves the right to raise additional issues. The application, as submitted is inadequate to meet the standards set forth in controlling regulations and statutes and the applicant will not be able to meet it's burden of proof under the law.

1. The project is contrary to the conservation of resources. This is an excessive amount of water to supply the number of homes proposed for the development. Furthermore, Johnson Meadows Estates Water Association has not developed nor presented a water conservation plan to limit consumption at reasonable levels in either the near or long term.

2. The project will harm the local public interest. The cumulative impacts of the proposed Johnson Meadows Estates Water Association Inc. withdrawal, combined with other pending applications and existing water rights could lead to degradation of existing wells and negative impacts to surface water, Lake Coeur d'Alene and

the Spokane River, in direct opposition to the local public welfare. The effects of further large scale development within this drainage are unclear, and could very possibly add the final straw to the precarious balance that currently exists in our ecologically challenged lake. The State of Idaho MUST address these issues before approving new and sizable water rights including the instant applications.

3. The requested permit would reduce the quantity of water under existing water rights. The pumping of approximately 0.11 CFS could lead to a reduction in water available to senior water right users in violation of Section 42.203A (5)(a). The State of Idaho must initiate planning which will protect the resources and the rights of already existing users.

Relief Sought: For the foregoing reasons, I request that a protest hearing be scheduled and that Johnson Meadows Estates Water Association Inc. Water Permit Application No 95-9362 be denied or conditioned to mitigate the harms and impacts identified above.

DATED this 4th day of December

Susan Melka

Susan Melka

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

susan melka

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