

9/21/07

To Whom It May Concern:

I am protesting transfer # 74019 because of the following reasons:

1. Tony Olenichak's memo outlines my concern of how the water is to be measured.
2. This is an attempt to store water and use the aquifer like a reservoir. Shouldn't there be policies in place that dictate how full the reservoir has to be before a release could take place, or policies that allow any user to do the same thing that Mr. Smith proposes prior to approval of any applications of this nature? Shouldn't this be a basin wide decision made by all the users, including the senior users in Madsion-Fremont?
3. Does the application seek to indemnify the pump against all senior calls at any time? If so, then a better picture needs to be painted of Mr. Smith's situation. The fact that a futile call may, in many years, exist that is available to senior users on Leigh Creeks, the fact that there is not enough water to supply Mr. Smith's rights during times when water is in the creek should not be cause to allow Mr. Smith to use groundwater to supply his lands. First, futile call may not exist in a post conjunctive administration atmosphere in Basin 22. Is Mr. Smith then to be allowed to pump for 2 or 3 extra months based on one or two months of recharge? Second, the simple fact that Mr. Smith can't use water in July and August mirrors every farmer's situation in Basin 22. Madison Fremont irrigation calls for the Teton River at some point in July (June this year) and might not release the river until September. What makes Mr. Smith's situation any different from any other user that he should have an indemnified pump?
4. Measurements of the effects of Mr. Smith's proposed flooding need to be done prior to any consideration of this application. Guessing about quantities should not have to be done, they should be known. Guessing at hydraulic connections leaves a wide margin for error.
5. It appears that Mr. Smith owns high water rights that have probably never been fulfilled during dry summers, and as such any use during these dry summer months would be an enlargement.
6. How will the proposed flooding affect water quality? By putting large amounts of water over small areas it increases the chance that salts and other farm chemicals will be transported into the aquifer.
7. Why should Mr. Smith have to purchase storage shares to flood his lands in the early season? This is not an enlargement and was common practice not so long ago and still is for some of us. It is probably how the right was developed.
8. Palisades storage water is non-transferable to Madison Fremont according to IDWR and Madison Fremont. If this policy has changed, that should be the new policy for everyone.
9. If Mr. Smith wants to improve his situation, why not buy better rights on the creek, or flood all lands in the early part of the year to store water in his soils, or purchase another piece of land with a water right that pleases him more?

RECEIVED

SEP 25 2007

Department of Water Resources  
Eastern Region

10. Mr. Smith owns a well near me which has been implicated in the reduced production of my water source; are we certain that this well will not impair Leigh Creeks or any other local water sources that have senior users?

I reserve the right to bring any other material concerns to the table at a later time. I admire Mr. Smith for wanting to flood and recharge the aquifer; I suggest that a better solution than a well would be to get enough water into the aquifer so that the surface flows in Leigh Creeks increase to the point where Mr. Smith's water rights are in priority longer. Another solution would be to flood irrigate all of the lands early in the season so as to store enough water into subsoils that the crops survive the month without irrigation.

A handwritten signature in black ink, appearing to read 'M L Reid'. The letters are stylized and connected, with a long horizontal stroke for the 'L' and a distinct 'R'.

Michael L Reid