

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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: #72881 _____

2. Name of protestant: Mr and Mrs Dennis Kiser _____

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

N/A _____

4. Service mailing address: 2797S 45th E Idaho Falls, ID 83406 _____

5. Service telephone no. 208-522-7351 _____

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

It is our understanding that the housing subdivision called "The Villas" is proposing to drill a number of wells to serve their new homes. It is our contention that the number of wells and the volume of water that they will remove from the aquifer to the East of our property will adversely effect our water well. In particular, it will lower the water level in our wells to the point where we will no longer be able to draw water with our current capabilities. Considering that our well and the water right associated with it is the oldest in the valley. This is a violation of our water right. (additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? There are two ways to resolve the protest:

1. The Villas are already annexed into the city of Ammon. Therefore they are required to subscribe to the City of Ammon municipal water system. It is suggested that they do so, then they will no longer need to drill the objectionable wells. As the situation stands, the city of Ammon must grant a variance to the Villas for utilizing wells instead of utilizing the city water system.
2. If the Villas are permitted to drill the wells and the resultant water use adversely effects our well, then either the Villas or the city of Ammon must, in a timely manner, drill us a new and deeper well to compensate us for our loss.

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 2nd day of August, 2000.

Dennis M. Kiser
Protestant

Protestant's Representative

RECEIVED

AUG - 2 2007

Department of Water Resources
Eastern Region

Receipt
#E 33188