

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 Application by City of Blackfoot to drill Well #12
on selected location
2. Name of protestant DeVon R. Woodland
3. Protestant's Representative for service (If different than protestant)
Same
4. Service mailing address 53 E. Rich Lane, Blackfoot, ID 83221
5. Service telephone no. 208-785-0959
6. Basis of protest (including statement of facts and law upon which the protest is based)

see attached notes

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

7. What would resolve your protest? see attached notes

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 24 day of JANUARY, 2006

DeVon R. Woodland
Protestant

Protestant's Representative

ck Incl #303

Receipt
ED31591

RECEIVED

JAN 25 2006

Department of Water Resources
Eastern Region

23 January 2006

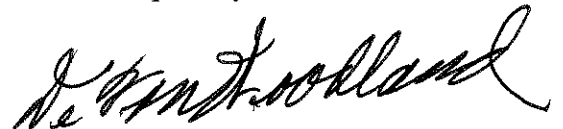
Notes for #6 page 1: BASIS OF PROTEST

1. The proposed site for Blackfoot Well #12 is only 225 feet from Woodland Irrigation Well (Water Right #27-7099)
2. Aquifer unable to supply both wells adequately when pumping at the same time

Notes for #7 page 1: POSSIBLE WAYS TO RESOLVE THIS ISSUE

1. Deny Blackfoot City application due to proximity to WR#27-7099
2. Locate Blackfoot City Well #12 ¼ mile due west of present proposed site
3. Relocate Woodland Irrigation Well (WR# 27-7099) ½ mile due east of existing location with Blackfoot City paying all costs to relocate
4. Reduce City Well #12 flow for entire growing season, if Woodland Irrigation Well with proper care and maintenance drops below 1300 GPM at any time after April 1st in any year
5. Shut off City Well #12 during seasonal low aquifer level for 90 days starting April 1st and each year thereafter

PLEASE NOTE: The City of Blackfoot must not determine when and how much water I'm allowed from my well to irrigate my crops at any time. I must have priority use of the water.



RECEIVED

JAN 25 2006

Department of Water Resources
Eastern Region

Transfer 72537

23 January 2006

Re: Proposed location of new Blackfoot City Well #12

Dear Sir,

Keith

I received and appreciate the 'protest' form.

At 8:00 AM on 19 January 2006, I met with Mayor Virtue of Blackfoot, along with "Schiess and Associates". Two of their staff were there to defend their study. If you have not received a copy of that study, I suggest you do so. It is extensive and there are many areas difficult for a layman to understand.

They responded to my concerns from their perspective.

I reminded them that their application had not yet been approved, only being reviewed now by your office. Schiess was very clear that they have never been denied a permit, and that waiting for approval is only a **'formality procedure'**.

If that is true, I request that Dept. of Water Resources withhold approval of their permit application for a period of time, until the Blackfoot City attorney has prepared a Memorandum of Understanding for review and agreement by all parties. If Blackfoot City's application is approved before the review, I will have no ability to request changes in the Memorandum of Understanding.

My concerns are still unresolved:

1. Proposed location of Blackfoot City Well #12 too close to My Irrigation Well which is Water Right #27-7099 irrigating 145 acres of cropland.
2. The aquifer being unable to supply needed water for both wells, especially during seasonal low from 1 April through June 30.
3. The 2000 gallons per minute transfer request for Blackfoot City Well #12
4. My Irrigation Well Water Right #27-7099 to draw 1300 gallons per minute
5. City wells are 'tied together' providing other options for the city.
6. I have no other options.

7. With crops stressed for water, I have just 12 hours to provide needed water.

RECEIVED

JAN 25 2006

Department of Water Resources
Eastern Region

Receipt
#B031591

Schiess and Associates say none of these concerns are valid. My position is that their study at best, is 'what if', assumption, and theory. Schiess' study was done during a wet summer with the Blackfoot and Snake Rivers full; and with the Blackfoot Diversion reservoir and two canals, all full, within 3 miles of my well.

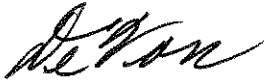
I can't take the risk. The city staff and Schiess' staff are all employed and will receive their monthly/annual salary regardless of the outcome, while I may face foreclosure and bankruptcy. It is easy for me to have invested \$250,000 in my crop.

The risk is too great for me not to have on file a 'Formal Protest'.

Another meeting with the City and Schiess will not be productive. Though the Mayor is sympathetic and understands my concerns, Schiess and Associates are committed to their study, as expected, working for and being paid by the City.

No one will know for sure for at least two pumping seasons what the aquifer can supply.

Sincerely,

A handwritten signature in cursive script, appearing to read "DeVon", written in black ink.

DeVon R. Woodland

RECEIVED

JAN 25 2006

Department of Water Resources
Eastern Region