



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRUCE SMITH
MOORE SMITH BUXTON TRUCKE
225 N 9TH ST STE 420
BOISE ID 83702

Re: Application for Transfer No. 71617 in the Name of Broken Arrow Farms

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed are calendars for the months of February and March 2005. Please mark the dates you are **unavailable** during the two months and return them within ten days of receiving this letter. After the expiration of ten days, this office will schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Enclosure: Copy of protest(s)
Calendars

RECEIVED

JAN 21 2005

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 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 for transfer #71617 in the name of Broken Arrow Farm.

2. Name of protestant: Elmore County Coalition Against CAFOs and Dairies (E.C.C.C.D.)

Richard L. Appleton, Spokesman. (See attached list of protestants).

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

Richard L. Appleton, Spokesman

4. Service Mailing address: 2700 W. 36th S., Mountain Home, Idaho 83647

5. Service telephone number: (208) 587-5577

6. Basis of Protest (including statement of facts and law upon which the protest is based): The Expanded Natural Resources Interim Committee Mountain Home Working Group (Draft Attached), as well as the Idaho Statesman (Special water section - January 16, 2005 edition) both quote studies made by the IDWR. "The Mountain Home aquifer is out of balance, the Idaho Department of Water Resources has found.

Ground water pumping withdraws more water annually than natural and human-caused seepage returns to the aquifer, an annual deficit of 30,000 acre-feet. Ground water levels have declined as much as 70 feet during the past 35 years in an area roughly encompassing the city of Mountain Home, Mountain Home Air Force Base and surrounding agricultural lands. A panel has made recommendations for more research, monitoring and programs to reduce pumping."

7. What would resolve your protest? Suspension of all agriculture to commercial water transfers using large quantities of water until the aquifer shows signs of recovery.

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 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 21 day of January, 2005

Protestant Richard L. Appleton

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. 71617 in the name of Broken Arrow Farm."
 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.
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FOR DEPARTMENT USE ONLY

Received by DB Date 1-21-05 Time 1:00 pm
\$25.00 fee Received by DB # W032538 Date 1-21-05

DRAFT (Revised 11/10/04)

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Expanded Natural Resources Interim Committee Mountain Home Working Group

Report and Recommendations

RECEIVED

JAN 21 2005

WATER RESOURCES
WESTERN REGION

INTRODUCTION

The Mountain Home Working Group has met on a regular basis since April to hear local concerns, discuss ground water conditions, and analyze strategies to address the issues and concerns specific to the Mountain Home area. After conducting the meetings, the Mountain Home Working Group Finds and Recommends as follows:

FINDINGS

1. The Mountain Home ground water budget is not in balance. Annual withdrawals of ground water are exceeding the average annual rate of natural recharge to the groundwater. IDWR studies show an annual deficit of approximately 30,000 acre-feet per year.

2. The regional aquifer is generally described as east of Indian Creek, west of Bennett Creek. The north boundary is below the foothills and the southern boundary is the rim of the Snake River Canyon. Two areas of significant ground water level declines can be geographically defined.

a. Ground water levels in the regional aquifer have declined as much as 70 feet during the last 35 years in an area roughly encompassing the City of Mountain Home, the Mountain Home Air Force Base, and surrounding agricultural lands.

b. Ground water levels in the regional aquifer have declined as much as 70 feet during the last 35 years in an area approximately 15 miles northwest of the City of Mountain Home, near Cinder Cone Butte.

c. There are areas of the Mountain Home Basin where underlying ground water levels in the regional aquifer have not declined significantly.

3. The areas of ground water decline are sufficiently separated by horizontal distance and the parallel direction of ground water flow that withdrawals of ground water from one area do not significantly impact water levels in the other area.

4. Opportunities for recharge or water savings in the Mountain Home Basin are limited.

a. All surface water in the basin is fully appropriated except for occasional short duration flood water flowing in some of the low elevation, south-facing streams. The volume of water that could be recharged to the regional aquifer by these occasional

**List of Protestors
for
Broken Arrow Farm Water Right Transfer #71617**

Anderson, Andy - 2100 Sunset - Mountain Home Idaho 83647
Appleton Lila - 2700 Grandview Road - Mountain Home Idaho 83647
Appleton, Richard - 2700 Grandview Road - Mountain Home Idaho 83647
Bartee, Karen - 2755 W. 18th S. - Mountain Home Idaho 83647
Bartee, Robert - 2755 W. 18th S. - Mountain Home Idaho 83647
Bessey, Alden - 5600 S. 82th W. - Mountain Home Idaho 83647
Bessey, Debra - 5600 S. 82th W. - Mountain Home Idaho 83647
Brown, Catherine - R.R.1, Box 816 Hamilton Road - Mountain Home Idaho 83647
Brown, Justin - R.R.1, Box 816 Hamilton Road - Mountain Home Idaho 83647
Brown, Richard, - R.R.1, Box 816 Hamilton Road - Mountain Home Idaho 83647
Carrie, Jim - Box 624 - Mountain Home Idaho 83647
Coney, Ellie - P.O. Box 1096 - Mountain Home Idaho 83647
Deschene, Beth - 1215 N. 2nd E. - Mountain Home Idaho 83647
Deschene, Mike - 1215 N. 2nd E. - Mountain Home Idaho 83647
Dutton, Nick - 102 Mountain View Drive - Mountain Home Idaho 83647
Harney, Randy - 2903 E. 42nd. S. - Mountain Home Idaho 83647
Higgins, Craig - 7045 W. 36th S. - Mountain Home Idaho 83647
Curtis, Carole - 3185 Sonny Street - Mountain Home Idaho 83647
Curtis, Mike - 3185 Sonny Street - Mountain Home Idaho 83647
Hinkler, Amy - 7425 W. 36th S. - Mountain Home Idaho 83647
Hinkler, Tom - 7425 W. 36th S. - Mountain Home Idaho 83647
Hoagland, Dave - 6950 W. 36th S. - Mountain Home Idaho 83647
Hoagland, Arlene - 6950 W. 36th S. - Mountain Home Idaho 83647
Hoagland, Glenna - 935 N. 8th E. - Mountain Home Idaho 83647
Irwin, Bev - 7065 W. 36th S. - Mountain Home Idaho 83647
Irwin, Dewayne - 7065 W. 36th S. - Mountain Home Idaho 83647
Klemmer, Carol - 1315 W. 36th S. - Mountain Home Idaho 83647
Latona, Carl - 7025 W. 36th S. - Mountain Home Idaho 83647
Lauric, Richard - 2335 E. 18th S.- Mountain Home Idaho 83647
Lauric, Traci - 2335 E. 18th S.- Mountain Home Idaho 83647
Page, William F. - 304 Acuirre Rd - Mountain Home Idaho 83647
Raber, Arlie - P. O. Box 1203 - Mountain Home Idaho 83647
Raber, Barbara - P. O. Box 1203 - Mountain Home Idaho 83647
Rediker, Bill - P. O. Box 1203 - Mountain Home Idaho 83647
Rediker, Venetta - P. O. Box 1203 - Mountain Home Idaho 36477
Smith, Delmar - 265 E. 15th N. - Mountain Home Idaho 83647
Smith, Richard H. - 2530 W. 18th S - Mountain Home Idaho 83647
Stewart, Ron - 5963 Hwy 51 - Mountain Home Idaho 83647
Todtenbier, Chuck- 8255 W. 36th S. - Mountain Home Idaho 83647
Todtenbier, Dorothy - 8255 W. 36th S. - Mountain Home Idaho 83647
Tucker, Mary - 7045 W. 36th S. - Mountain Home Idaho 83647
Tucker, Sid - 7045 W. 36th S. - Mountain Home Idaho 83647
Warren, Meg - 2550 W. 54th S. - Mountain Home Idaho 83647
Warren, Rich - 2550 W. 54th S. - Mountain Home Idaho 83647
Huling, Kari - 1695 Targhee St. - Mountain Home Idaho 83647
McCue, Misty - 4749 A Buchanan Place - Mountain Home Idaho 83647
Mellum, Greg - 1663 Nansea Lane - Hammett, Idaho 83627
Mellum, Nancy - 1663 Nansea Lane - Hammett, Idaho 83627