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MAY 18 2004

Department of Water Resources
Eastern Region

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E029840
#25
-388-1300

5/17/04

To whom it may concern:

This letter is to protest application number 71076 for changes to the following water rights:

Right number 22-7641, priority 5/31/1989

The owner(s) wish to augment their pond flow with groundwater since presumably the spring which previously supplied the groundwater doesn't provide enough flow.

The reason the spring no longer provides enough flow is because of the applicants' and others groundwater pumping, which has seriously depleted the aquifer. If the aquifer was full then the spring no doubt would supply the extra flow the owners desire. The obvious solution then if the applicants want more water for their pond would be to turn off their irrigation wells and allow the aquifer to be unencumbered by their well.

By transferring this groundwater right it will affect my right, #22-405, more significantly because where irrigation water is used only for one or two months a year, this groundwater flows out all year long, creating 10 times the depletion of the previous use and an expansion of water.

This undocumented artesian well, along with several others in the neighborhood, need to be capped off and regarded as the illegal diversions they are.

Groundwater within the Paradise Springs zone of influence is a direct tributary to the Teton River and to Paradise Springs. If this new diversion is allowed, it will have immediate and negative effects on the flow of both Paradise Springs and the Teton River. As such, this diversion needs to be governed like all the other diversions from tributaries to the Teton River and curtailed when the priority date is not legally actionable. I have yet to see IDWR raise the priority to 5/31/89 for any reach of the Upper Snake River and this diversion should not be legally usable until this happens.

If this artesian well is allowed to flow there should be a flowmeter installed to insure accurate use of the diversion.

If this artesian well is allowed to operate it's priority date, after the change of use, should be 5/31/2004.

Finally, and most importantly, how was claim number 22-13220 ever approved, was it advertised (prove it), and how does the Department of Water Resources expect abandonment of groundwater rights in Terreton to mitigate groundwater problems in Basin 22? The ESPA has been delineated and there is no connection shown into Teton Basin. Further, the Department actively denies that any connection exists therein. 22-13220 states a priority of 4/01/02, long

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after the moratorium on wells was signed and it is the latest priority in the Paradise Springs zone of influence. It should not be operating in the first place, and should be curtailed at the earliest convenience of the Department.

There are serious issues concerning IDWR's responsibility to senior surface right holders within the Paradise Springs zone of influence and this only highlights the need for an overall management program that doesn't include pumping groundwater out from underneath senior right holders for some trophy pond. Isn't being on the Teton River enough??? Does the applicant need to further destroy fish and wildlife resources in Paradise Springs and the Teton River just for his own personal desire?

While this application may go through, the owners should consider the overall problem they help to create, namely the destruction of the aquifer which clearly steals water from senior surface right holders and the wildlife they purport to store water for. They should also consider that when wells are curtailed as part of stabilizing and recovering the aquifer, their priority date is so late as to be the first to undergo curtailment once IDWR actually realizes the constitutionality of first in time is first in right.

No change of water rights in this case should go forward. If any action is taken it should be to curtail use of these wells. The 950 foot well claim 22-13220 comes from may take water from further down but it is all the same water, it all comes from the same place, there is only so much of it and stable water supplies were all allocated by around 1905. Any water use appropriated after that either is high water use or steals from previous appropriators.

Sincerely

MIL Reid
Michael L Reid
Paradise Springs Farm

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Victor ID 83455

208-354-8024

State of Idaho
County of Teton

May 17, 2004

Michael L Reid appeared before me on May 17, 2004 and signed this document.

Elgie A. Tucker
Notary

My commission expires 12-18-09

ELGIE A. TUCKER
Notary Public
State of Idaho