

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 28 2004

WATER RESOURCES
WESTERN REGION

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 TRANSFER NO. 71191
2. Name of protestant CITIZENS OF Owyhee County ORGANIZED ASSOCIATION (COCOA)
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. BOX 463 MARSING, IDAHO 83639
5. Service telephone no. 208-896-4459 CELL: 208-412-0021
6. Basis of protest (including statement of facts and law upon which the protest is based)

PLEASE REFER TO: ATTACHMENT "A"

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

7. What would resolve your protest? _____

PLEASE REFER TO: ATTACHMENT "B"

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 28 day of JUNE, 2004
EXECUTIVE DIRECTOR COCOA PRESIDENT
Heane Dobbin / Connie Capier
Protestant

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. _____ in the name of _____."
 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 KG Date 6/28/04 Time 3:07
\$25.00 fee Received by KG # W031900 Date 6/28/04

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

June 26, 2004

Application for:
Mirada Farms
13907 Valley View
La Mirada, CA 90638

Transfer of Water Right Application Number 71191

Pursuant to Rule 250 of the Department's Rules of Procedure, the Citizens of Owyhee County Organized Association (COCOA) ("Protestants") protest the Application of Mirada Farms (Applicant") for the Transfer of Right Application Number 71191 to transfer one water right with a 1962 priority date for ground water totaling 1.71 cfs. The purpose of the transfer is to add a proposed backup well at an existing dairy operation that is currently operating off of one well. This protest is submitted based upon the criteria of Idaho Code Section 42-222.

Interest of Protestant:

The COCOA represent a number of individuals holding water rights for domestic and irrigation purposes from wells generally located adjacent to and near the proposed development. In many cases these wells are the sole source of both irrigation and domestic water for the residents of the area.

Reduction in Quantity of Water for Existing Rights:

The protestant is concerned that the use of water for the extended period of use and the change in nature of use will affect the Protestants ability to divert enough water under existing water rights. There is no monitoring of water quantity presently.

Local Public Interest:

The adjacent area has several new "commercial" wells. These "commercial" wells have been developed with-in the last 5 years. One well is with-in a ¼-1/2 mile of the proposed new well. "Commercial" use will begin in July 2004 at this well. This has a tremendous potential of adversely affecting water quantity in the immediate area. It could have an adverse economic impact to many individuals in the community. This area of Owyhee County has an alluvial aquifer; over use of the water quantity in this small radius could have long term negative impacts on existing water rights. Owyhee County is also experiencing extreme drought conditions that may contribute negatively to the aquifer.

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

Application of Mirada Farms
13907 Valley View
La Mirada, CA 90638
For Transfer of Water Right
Application Number 71191

Continued Page 2

Water Quality:

Utilization of water as outlined in the transfer application creates a significant potential for a reduction and degradation of water quality, if not closely monitored. This may exceed the Idaho Water Quality Standards. There is composting of large amounts of manure in the immediate area and land application of liquid waste from the use of this proposed well that also could adversely impact water quality. Ongoing water studies are being conducted by a professional hydrologist in this immediate area. Protestants are concerned that the existing beneficial uses of water will be adversely impacted.

Conclusion:

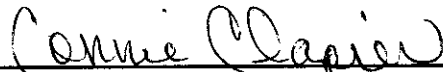
For the reasons stated above, the Applicant's Application for Transfer of Water Right, Number 71191 should be denied, or, in the alternative, granted with conditions sufficient to prevent the above impacts from occurring. COCOA and their hydrologist are willing to attempt to resolve the issues with the applicant.

Respectfully submitted this 28th day of June, 2004.

By:



Ilene Dobbin, Executive Director



Connie Clapier, President

CITIZENS OF CUYAHEE COUNTY ORGANIZE ASSOCIATION

P.O. BOX MARSING, IDAHO 83639 FAX 208-896-5295

(ATTACHMENT: B)

**CONDITIONS OF RECOMMENDED APPROVAL AND REMARKS FOR THE
PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 71191**

- Both production wells at Mirada Farms should be equipped with water meters. The meters should measure instantaneous discharge in gallons per minute and totalize the flow. The meters should be read and recorded, at a minimum, on a monthly basis. The wells included on Transfer 71191, as points of diversion, shall be equipped with inline flow meters. The following style of meters are recommended:
 1. The meters shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.
 2. The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every year in accordance with procedures approved by the department.
 3. The meters shall record volume with non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
- Both production wells should be equipped with pressure transducer/data loggers to record water level. Pressure transducer/data loggers should also be installed in monitoring well MW-6, and in the multi-level monitoring wells that will be constructed when the Mirada Farms Test Well is abandoned. Water level data from the data loggers should be downloaded and evaluated on a monthly basis.
- The Department of Water Resources shall retain jurisdiction over the transfer for a period of fifteen (15) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
- Use and disposal of water shall comply with applicable water quality standards of the Division of Environmental Quality, Idaho Department of Health and Welfare, and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
- A ground water monitoring program shall be designed to measure the effects of Transfer 71191 on water resources and existing wells shall be conducted jointly by COCOA and the applicant.