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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOV 05 2001

Department of Water Resources
Southern 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 Applications No. 69274 in the name of Gary K. Blick Family, a
General Partnership
2. Name of protestant Kenneth W. Marshall and/or Helen L. Marshall
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 185 Blair Dr., Twin Falls, Id. 83301

5. Service telephone no. 208-733-3983

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

42-222 - see attached statement

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

7. What would resolve your protest? Withdraw the application

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 5th day of November, 2001.

Kenneth W. Marshall Helen L. Marshall
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 AB Date 11/5/01 Time 444 pm
\$25.00 fee Received by AB # 5024413 Date 11/5/01

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Southern Region

Re: Transfer No. 69274

Protest by Marshalls

Nov. 5, 2001

The water license was granted for purposes of irrigation and is appurtenant to the land. Applicant is applying for a change of use (stock water) and a new point of diversion (a new drilled well). If the creation of the dairy is incumbent upon this transfer being approved, regardless of the statement signed by the applicant (Blick) asserting that "no one will be injured by such change", it appears that others will be injured by such transfer because without the transfer the dairy will not be created.

The nature of the injury could be any or all of the following:

(1) Seepage of the liquid waste (cow manure) can gravitate into the underground aquifer which at the present time is of drinking-water quality. It is possible that the iron well casing in the existing well, which is about 30 years old, could corrode thereby letting water or other liquids seep into the well and thence down to the water table. The origin of this seepage material could be manure laden wastes from field run off, toxic spills or other sources.

(2) The fact that the effluent, liquid manure, or other contaminants are programmed under this application to be applied through a sprinkler system to utilize the dairy wastes on the subject property indicates that the irrigation water (mixed with liquid raw manure) will not be contained on the property whenever a breeze or a wind occurs. There is always some air movement here. The wastes (liquid manure) will travel with the wind (in the mist) and will contaminate everybody and everything it comes in contact with. There is documented evidence that unsterilized liquid manure carries high

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percentages of disease-producing microorganisms including E. Coli, viruses and many others.

(3) The soil is highly permeable, takes water readily and with the underground soil formation being of a very gravelly nature (as is evidenced by the gravel pits in the area), it would be difficult to prevent water or other liquids making their way to the water table.

The county landfill located 1/4 mile south of the proposed dairy site was denied expansion because of the danger that toxic liquid waste from the landfill could seep into Salmon Falls Creek Canyon which is less than one mile to the west. The proposed dairy will be situated approximately the same distance from the Canyon as the landfill and the soil characteristics are similar.

(4) Injury to water rights. If the domestic wells in the neighborhood become contaminated because of this proposed dairy operation (over a shorter or longer period of time), and inasmuch as individuals have a water right either written or implied, then these property owners would be injured. This proposed dairy operation is not in the best public interest.

Jenneth W. Marshall
Helen L. Marshall

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Right to protest.

Marshalls own an acreage adjacent to subject property and located $\frac{1}{4}$ mile NE from proposed dairy site. This acreage is presently zoned as residential with the County.