

Bonnie Rowles
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Challis, Idaho 83226

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Department of Water Resources
Southern Region

July 21, 2003

Idaho Department of Water Resources
James Stanton, Sr. Water Resource Agent
1341 Filmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application For Permit 72-16624
Firstfruits Foundation, Christopher W. James Trust
Christopher James Trustee

Dear Mr. Stanton;

The purpose of this letter is to protest the transfer of the above application for permit. The permit would allow the applicant to divert water from an existing artesian well, located on BLM land in the Garden Creek basin. The proposed application would divert water from the source by installing buried pipeline 0.8 miles long to the Church Camp (Living Waters Ranch).

Garden Creek originates near Buster Lake at an elevation of about 9020 feet above MSL, and flows generally in an easterly or northeasterly direction until its confluence with the Salmon River approximately 2 miles east of the Challis. The creek flows through the City of Challis, and is used by the city for a portion of its water supply. Diverted surface water flows from the creek through sand filters, is chlorinated, and then flows into the city distribution system.

Because a groundwater – surface water interconnection exists, a withdrawal of groundwater and a depletion of the groundwater by consumptive use of a domestic, commercial, irrigation, or other facility will likely result in some corresponding reduction of the discharge in Garden Creek. Also, Garden

Creek is tributary to the Salmon River, so that any reduction in Garden Creek discharge will result in the flow in the Salmon River.

According to Section 42-222, Idaho Code, requires that IDWR evaluate whether there would be injury to other water rights, there would be an enlargement in use of the original right, the proposed use would be a beneficial use, the proposed use would be in the local public interest, the proposed use would be consistent with the conservation of water resources within the State of Idaho, and whether the proposed change would impact the agricultural base of the local area. The department must also evaluate the validity of the right (or part thereof) being changed and must assure that the applicant owns the right or otherwise has the authority to apply for the transfer.

The transfer of this water right, or allowing future drilling permits could cause a direct impact on existing water rights, possible infringement on the water right of the City of Challis. The proposed use would not be in the interest of the local public. The use would have a negative impact on all of Custer County because our schools, the Custer County Court House, Challis Area Health Center, Challis Assisted Living Center, City Hall, Challis Fire Department and several businesses are all connected to city water.

Please be reminded that Living Waters Ranch operates under Idaho Code, 42-111 that allows for the diversion and use of up to 13,000 gallons of water per day for "organization camps". The development also has a 35,000 holding tank that should help provide sufficient volume under Idaho Code. The existing two wells at the development are not recorded water rights, and at this time do not fall under "Stacked Water Rights". The new water right would be used for the same purpose and overlie the same place of use. At this time the "organization camp" has nineteen buildings that consist of several Motels, Chalets, Lodges, Bunk Houses, Log Cabins, Celebration Hall that seats 500, Tent and RV Sites, a Shop, and a commercial kitchen that can seat about 200 people per meal. A new 14-room Motel, Shower House, conversion of RV Sites to Cabins and a Convenience Store are in future development plans. All of this "organization camp" development still only allows for the diversion and use of up to 13,000 gallons per day.

As a property owner in the City of Challis, I request that you not grant the above application for permit, according to Section 42-222, Idaho Code. I request that IDWR not grant any new drilling permits for additional wells on

the property, according to the Supreme Court ruling regarding the Federal Government's water rights in the wilderness areas.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie Rowles". The signature is written in dark ink and is positioned below the word "Sincerely,".

Bonnie Rowles

Cc: Dirk Kempthorne, Governor, State of Idaho

Corey Skinner, IDWR

Allen Merritt, IDWR

Karl Dreher, IDWR

James Johnston, IDEQ

Greg Eager, IDEQ

William Teuscher, IDEQ

Barry Burnell, IDEQ

Richard Horne, DSHD

Steve Adams, DSHD

City of Challis

Custer County Commissioners