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NOV 17 2023

Revised 04/2022
Department of Water Resources
Eastern Region

Filing Fee: \$25.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate \$25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant.**

1. Matter protested. Application for ☒ Permit ☐ Amendment of Permit ☐ Transfer ☐ Exchange

No. 75-15092 in the name of Dan Michell

2. Protestant's Name: Arrowhead Water District

Address: 23 Oliver Dr, Salmon, ID 83467

Telephone: 208 993 0491 Email: gbgv16a@yahoo.com

3. Protestant's Representative: Gary Leuzinger

Address: 2849 Wanderer Ln, Lake Havasu City, AZ 86403

Telephone: 208 993 0491 Email: gbgv16a@yahoo.com

4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See Instructions for Filing a Notice of Protest for the relevant review criteria.

42-203A (5)(b) Water supply is insufficient for the purpose for which it is sought to be appropriated.

See attachment for explanation

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

5. ☒ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, 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.**

Gary Leuzinger
Protestant's or Representative's Signature

Chairman
Gary Leuzinger
Printed Name and Title (if applicable)

11/13/2023
Date

FOR DEPARTMENT USE ONLY

Received By: CTH

Receipt #: E049623

Date: 11/17/23

Arrowhead has extensive experience in WD 75A as a provider of "Domestic Water" to homes. This experience would indicate that a Domestic Water Right with a 2023 priority would not provide a useful supply of domestic water to a home in this District. Every existing domestic, irrigation or municipal water right in the District that was not receiving their full supply of water, and made a call for water, would potentially cause this right to be shut off. Arrowhead has previously studied the possibility of converting an 1889 priority right to domestic. It was found that even when used with a limited supply of senior rights a continuous supply of domestic water could not be provided. The 1894 priority right in this Water District is generally understood to be a "high water right". Arrowhead owns approximately 4.5 cfs of this priority right and rarely allowed to divert over ½ of it after late June. The water supply available for this priority 2023 priority Domestic Right will not supply a useful continuous supply of water to a home. It will however create a significant administrative burden for the IDWR Watermaster and burden the Water District. Anytime this right is allowed to divert out of priority may injure Arrowhead water rights.

WD 75A water rights are generally over appropriated within the Water District. Arrowhead provides 14 homes with Domestic Water diverted from Chips Creek which is a tributary to Pollard Creek. These senior priority rights supplying homes are 1868 and 1883 priority. These Domestic rights also have the benefit of special subordination clauses which help prevent them from being called by the City of Salmon that own all the number 1 priority rights in the District. These clauses include a subordination clause that prevents a call by the City and the ability to divert the volume of the junior of the two rights, first rather than the diverting the more senior right. In addition, Arrowhead also maintains 200, 000 gallons of storage to help buffer any water calls.

Prior to the Snake River Adjudication, the subordination clause did not exist and these rights were repeatedly threatened with water calls. Again, a 2023 priority domestic right will not supply a significant supply of Domestic Water and groundwater is the only realistic alternative to provide domestic water in this Area currently.