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Rev. 04/2022

NOV 21 2022

Filing Fee: \$25.00

Department of Water Resources
Eastern RegionSTATE 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. 75-14748 in the name of Tri West Leasing

2. Protestant's Name: Sadie Barrett (Wade and Sadie Ayala)

Address: 10 Riverside Drive

Telephone: (208)469-0533

Email: sadie.barrett@icloud.com

3. Protestant's Representative: _____

Address: _____

Telephone: _____

Email: _____

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.

Please see attached

(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.**

Sadie Barrett
Protestant's or Representative's Signature

Sadie Barrett
Printed Name and Title (if applicable)

November 18, 2022
Date

\$25.00 fee received by OTR

FOR DEPARTMENT USE ONLY

Receipt # 2048742

Date 11/21/22

Tri West Leasing is requesting to transfer water right 75-14748 to Lake Creek Spring. Please consider the following reasons for denial of transfer:

Lake Creek spring currently has 9 users. 6 have water rights and three do not. Those who do not have water rights or haven't found their water right do not have any other water source other than Lake Creek Spring. They are in the process of applying for permits. If Tri West Leasing is granted the transfer, it could affect these applicants, because if there is any water remaining to be appropriated, it is possibly limited. Tri-West Leasing is aware of this issue, and this transfer would bypass the fair application process that other unpermitted current Lake Creek Spring users will have to navigate.

Lake Creek Spring also has a wastewater right that was split and is owned by Tri West Leasing (75-7524 and 75-14999). This right is permitted to the overflow pipe of Lake Creek Spring. Tri West Leasing and/or the previous owners of appurtenant land have been using this water right for purposes other than wastewater and are taking it from an unauthorized POD inside the storage tank of Lake Creek Spring as well as the overflow pipe. A pump sits inside Lake Creek Spring and Tri West Leasing uses it for several buildings and irrigation. The authorized place of use for this pump is defined by IDWR in a field exam for 75-7524.

Users of Lake Creek Spring have been struggling with the additional water usage from Tri West Leasing/past owners since 2013. The pump owned by Tri West Leasing was inserted into Lake Creek Spring storage tank about 2' from the bottom. It has the ability to pull water at a much greater capacity than all other users combined and has a greater capacity than the spring is able to recharge the storage tank. I have personally witnessed this several times over the years and all Lake Creek Spring users have suffered the consequences of going without water at times. This unauthorized use has caused the gravity feed line to break the siphon leaving all other users without water for periods of time. When this occurs, all other users are left to re-charge the system at their own expense of time and money. This is not to be confused with the lack of flow created when tree roots in the diversion line slowed flow to the storage tank in summer 2022. But, it should be noted, that even under extreme rationing during that time, the water in the storage tank stayed at the depth of Tri West Leasing submerged pump and was unable to recharge above the pump for more than a day throughout the irrigating season of 2022.

Tri West Leasing has a recorded domestic well that is connected to the buildings proposed and has demonstrated that they are able to use it for domestic purposes.

Tri West Leasing claims the water right 75-14748 to the spring near their house, but IDWR hasn't confirmed its existence and/or improvements with a field exam.

Tri West Leasing has multiple options for domestic use that don't include Lake Creek Spring. A portion of the proposed use area is duplicated by 3 separate water rights depicted on IDWR website; 75-14748, 75-14873 and well number 432712.

The area in which the primary home sits is not included as a part of the original water right 75-14748, but the application to transfer includes it. The proposed place of use is a greater area than $\frac{1}{4}$ acre on the proposed map and does not coincide with the original water right area place of use, duplicates portions of use with other water rights and is contrary to conservation of water resources within the state of Idaho.