

IN THE MATTER OF APPLICATIONS TO APPROPRIATE WATER NO. 63-32573
IN THE MATTER OF THE M-3 EAGLE, LLC

Public Witness Statement
June 23, 2009

This commentary is pertinent to items 1, 2, and 5 of the procedures instructions.

My name is Robert S. Niccolls, owner of 4238 N. Triple Ridge Pl., Eagle ID. It is in the Eagle AOI, south of the M-3 Eagle property. My wife, who could not be here today, and I are protestants to the application.

I hold a Stanford University degree in engineering, which I practiced for 10 years. My work included predicting failure rates on new flight safety products to meet government and customer requirements. That requires making assumptions, tests, and calculations where there is no directly applicable experience. **A rule of thumb we encountered was the more voluminous the material presented, the more likely it is to contain errors.**

I have heard statements by the applicant and their experts since they initially proposed the project. The sales personnel, as would be expected, always boasted there was adequate water without jeopardizing those of us now using wells for our potable water. **Their hired professionals, however, used different wording.** They had to balance their professional reputation with the knowledge of who was paying their bill. Careful listening heard a number of qualifiers and hedges because there is no way to be certain; probability percentages as to their predictions were never given any time I was present. **There simply is no way to project long-term results of something totally new with short-term testing and so many unknowns.**

The way to minimize the exposure to error is to deny the request, and only allow the use of existing rights in use purchased from people using water in the M-3 Eagle area. As this is mostly arid land the amount available would eliminate the type project they are trying to develop.

Next best would be to allot new water rights incrementally over time synchronized with the rate of development and close, ongoing monitoring of the effects on pre-established users. An independent agency, probably the IDWR, would be empowered to cap the water right if at any time it determines the M-3 Eagle projections are flawed so as to significantly effect the prior water users.

To grant the total amount requested is asking those of us using local well water to assume the risk of the projections being off, while M-3 Eagle gets the profits from the land they sell to builders then leave. **It would be especially inequitable if those of us in the area had our wells go bad and we had to buy water from the owner of M-3 Eagle's rights in competition with the new homes, businesses, golf courses and other users in order to stay in our established homes!**