

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 06 2013
Department of Water Resources
Eastern 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, and 42-222, 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 Application for permit # 15-7365 in the name of Daniel C. Evan.
2. Name of protestant DAVID REEL
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 5176 S. 4400 W. MALAD, Idaho 83252
5. Service telephone no. 208-540-2167 Email Address: drr@atcnet.net
6. Basis of protest (including statement of facts and law upon which the protest is based)

See attachment

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

7. What would resolve your protest? See attachment

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 4th day of March, 20 13.
David Reel
Protestant

Protestant's Representative

Receipt #E038465

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

- 1) Mr. Evans started the organization of a joint venture NRCS sprinkler system between himself and two other neighbors to be applied to his southernmost property. This property is separate of the NRCS project mentioned in the Lease/Purchase Agreement. The south project was to utilize the 14 to 15 shares of water he has in the canal system. The property he is applying for currently has 14 to 15 shares he can utilize towards that project. Recently Mr. Evans has opted out of the NRCS project.
- 2) As Mr. Evans mentioned he is currently managing 14 to 15 shares of canal water, in which the canal runs through his property. This is a clear statement that water runs through his property and is available without the need of an irrigation well.
- 3) This new well is within 1411 feet (1/4 mile) of 8 existing home wells. My home well is approximately 1,150 feet from the proposed POD. There are five other house wells that are closer to the proposed POD than my own. The closest home well is approximately 600 feet from the proposed POD. There are a total of 29 homes within 2,823 feet (1/2 mile) of this application. This past summer (2012) there has been over 6 wells (see exhibit A) that had to be deepened or had to have the pump reset at a deeper depth within the current well.
- 4) A hydrology report has not been posted on the IDWR web site in the detail section under permit number 15-7365. This has been a requirement of recent applicants in Oneida County. (It may be possible that the results have been provided to IDWR but not posted.)
- 5) There appears to be an error in documentation between the application (line 10 of the second page 2) that states 28 shares of Samaria Irrigation Co. water is owned and the "LEASE/PURCHASE AGREEMENT" on page two that states 27 shares of "Samaria Water and Irrigation Company" are owned.
- 6) It does not appear that Mr. Daniel Evans will not be able to sell any of the water shares for at least (3) years until an existing NRCS contract is released as completed in full. Currently the project has not been hooked up to electricity or is not ready to go into service as of today.
Ref. No. 6 and 9 of Lease/Purchase Agreement
Currently the power is not attached for service
Typical time frame to fulfill a NRCS contract after start is three years.

7. What would resolve your protest?

That if our well should be come injured that he would correct the injury by drilling a new well at a depth that will provide the same amount of water as is currently be used. That Mr. Evans is liable for all expenses accrued to remedy/correct any injury.

Exhibit A:

Although the water problems listed below are in a different area of the Malad Valley it shows the trend that is starting to become more frequent of smaller house wells that are in the near vicinity of larger irrigation wells. It appears that the large irrigation wells are having a negative effect and that draw down is more severe than what the hydrology studies show.

- 1) Shared well between Lonny Schow (208-201-0518) and Scott Showell who recently moved. The original well that went dry was drilled a depth of 100 feet and the pump was setting at about 90 to 95 feet. A new well has been drilled to a depth of 200 feet and the new pump is set at 170 to 180 feet.

The owners mentioned that there was not a problem in the past. They did not start having problems until the big wells watering corn went in recently. That when it was in hay and grain rotation the wells were turned off for some period of time and that they did not experience well problems during that type of farming.

- 2) Rod Wangsgard (208-766-2809)

- a. Has two flowing wells/springs (estimated output about 150 miner inches) on his property that have dried up in the last ten years, they used to return to flowing after the irrigation pumping season. But as of lately they do not return to flowing.
- b. Rod has a separate stock water well that is now drying up in the summer for about two months during the summer irrigation season.
- c. Rod had to re-drill his house well 3 years ago, it went dry this summer and he had to supply water to his house with water from his irrigation well.

- 3) Tom Harding (208-766-2366)

Tom's well went dry the summer of 2012. Tom's well at the time it went dry was about 140 feet deep and the pump was at about 130 feet and pumped a little sand during the past. Tom had to deepen the existing well to depth of 200 feet and set the pump at 190 feet. The well now pumps significantly more sand now than in the past.

- 4) Doug Thorpe (208-766-2446)

Doug's old well started sucking air prior to him drilling a new well in October 2011. In his old well he had the foot valve for his jet pump set at 118 feet. His new well he went 140 feet deep and set the pump at 120 feet.

Doug also has historic knowledge of the springs that exist on the property of Rod Wangsgard and stated how they have dried up and do not flow like they used too. (estimated output 150 miner inches)

Exhibit A: continued,

- 5) Number 1, name withheld for various reasons but they did give permission to use their experience of their well in the summer of 2012.

This house well dried up during the summer irrigation season of 2012. They had an old well that was not in service and was available to have a pump adequate for a house set down it. It did require a great amount of pipe in order to get water to the house from the well.

- 6) Number 2, name withheld for various reasons but they did give permission to use their experience of their well during the summer of 2012.

This house well dried up during the summer irrigation season of 2012. The original well was at a depth of 150 feet at the time it went dry. This well was deepened to a depth of 198 feet. The prior and existing pump depths are not known at this time. The neighboring wells have their pumps reset at a depth of 170 to 180 feet.