

Al & Martha Worman
6884 W Warren Spur Rd
Melba ID 83641

RECEIVED
MAR 06 2013
WATER RESOURCES
WESTERN REGION

March 5, 2013

DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

RE: Application No. 63-33639

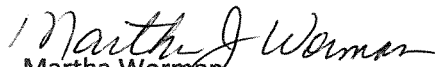
This is a formal protest of the application of Transfer of Water Right 63-7270B and 63-7270A filed by Jerry Lee and Mary Louise Tlucek on October 24, 2012. The Tluceks have been farming this acreage in question for over a year. We are again concerned that over pumping may cause harm to our well.

Please reference Transfer #73901. Exhibit Z shows that when Mr. Tlucek's well is pumping our water level continued to drop.

Regarding Steve Lester's letter dated October 7, 2005, he indicated that ground water flows toward the Snake River. We are concerned that one well could affect another and so on and so on. We are enclosing copies of the referenced documents.

Thank you,


Al Worman


Martha Worman

CC: Jerry and Mary Tlucek

RECEIVED BY: MS DATE: 3-6-13 TIME: 11:00 am RECEIPT # W040914 \$25-

MAR 06 2013

WATER RESOURCES
WESTERN REGION

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 73901 IN THE NAME OF
JERRY L. TLUCEK AND MARY LOU
TLUCEK

**PRELIMINARY ORDER
APPROVING TRANSFER
APPLICATION**

PARTIES

On July 19, 2006, Jerry and Mary Lou Tlucek ("Tluceks") filed Application for Transfer of Water Right No. 73901 (transfer) to change the place of use of water right no. 63-32184. Al Worman and Martha Worman ("Wormans") protested the transfer.

FACTUAL SUMMARY AND ISSUES PRESENTED

Tluceks purchased property in Ada County, Idaho, in June, 2005. The property included a portion of water right license no. 63-7068, which authorizes diversion and use of ground water for irrigation purposes. The portion of water right license no. 63-7068 owned by Tluceks was renumbered by the Department of Water Resources ("Department") to water right no. 63-32184. In August, 2005, Wormans filed a letter of complaint with the Department indicating that they were experiencing a severe drop in the water level of their domestic well and alleging that Tluceks may be exceeding the limits of their right to divert and use ground water. The Department investigated Tluceks' water use and issued a Cease and Desist Order to Tluceks for unauthorized diversion of ground water. In January, 2006, Tluceks signed a Consent Order and Agreement with the Department to remedy the violation. One of the conditions of the Consent Order and Agreement required Tluceks to file a transfer application to modify the place of use authorized under water right no. 63-32184. Tluceks filed transfer no. 73901 in July, 2006, to comply with that requirement.

After some processing delay by the Department, notice of the transfer application was published in October, 2008. Wormans protested the transfer, citing concerns that water pumped by Tluceks for expanded acreage would jeopardize the supply of water available from their well.

On October 14, 2009, the Department conducted a hearing to obtain testimony about the proposed transfer. At the hearing, attorneys Scott L. Campbell and Dylan B. Lawrence represented Tluceks. Al Worman represented himself. The following witnesses testified at the hearing:

- John Westra, Western Region Manager of the Idaho Department of Water Resources
- Scott N. King, Supervising Engineer of SPF Water Engineering, LLC
- Al Worman, protestant

At the hearing, the hearing officer admitted the following items into evidence:

- A Pre-Hearing Memorandum filed with the Hearing Officer for the applicant
- Exhibit A – Original License for Water Right 63-7068
- Exhibit B – SRBA Notice of Claim for Water Right 63-7068
- Exhibit C – SRBA Notice of Claim for Water Right 63-32183
- Exhibit D – SRBA Notice of Claim for Water Right 63-32184
- Exhibit E – Well Driller's Report for Wormans' Well
- Exhibit F – Warranty Deed between Cram and Tluceks
- Exhibit G – Notice of Change in Ownership Filed by Tluceks
- Exhibit H – Complaint Letter Filed by Al Worman and Martha Worman
- Exhibit I – Letter from IDWR Regarding Notice of Change in Ownership
- Exhibit J – SRBA Aerial Imagery Regarding Water Right 63-32184 Prepared by IDWR
- Exhibit K – SRBA Preliminary Director's Report Recommendation for Water Right 63-7068
- Exhibit L – SRBA Preliminary Director's Report Recommendation for Water Right 63-32183
- Exhibit M – SRBA Preliminary Director's Report Recommendation for Water Right 63-32184
- Exhibit N – Consent Order and Agreement
- Exhibit O – Letter from Campbell to Westra Enclosing Items Pursuant to Consent Order
- Exhibit P – Letter from Campbell to IDWR with Application for Transfer 73901 Filed by Tluceks
- Exhibit Q – Letter from IDWR Acknowledging Compliance with Consent Order
- Exhibit R – Letter from IDWR Regarding Processing Delay
- Exhibit S – Resolution and Order by the Board of Directors for Annexation of Lands to Boise-Kuna Irrigation District, Recorded Instrument No. 106076988
- Exhibit T – Letter from Hudak to Lester at IDWR and Amended Application for Transfer
- Exhibit U – SRBA Partial Decree for Water Right 63-32184
- Exhibit V – Letter from IDWR to Wormans Regarding Transfer Application
- Exhibit W – Affidavit of Publication on Oct. 16 and 23, 2008
- Exhibit X – Protest Filed by Wormans
- Exhibit Y – Prehearing Conference Notes
- Exhibit Z – Wormans Well Monitoring
- Exhibit 1 – A-1 Pro-Pump Sales Order No. 2933
- Exhibit 2 – Davis Well & Pump Invoice No. 4969
- Exhibit 3 – Davis Well & Pump Invoice No. 5012

When writing this order, the hearing officer also considered information in the Department's file for water right no. 63-32184 and Application for Transfer No. 73901.

Worman Well Monitoring October 2 - 10, 2009

