

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

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 **Water Right No. 15-7347** in the name of **Vik (Vic) Riches**
2. Name of protestant: **Two Buck Chuck, LLC**
3. Protestant's Representative for service (If different than protestant)

_____ **Shawna Clark, secretary** _____

4. Service mailing address: **54778 Happy Valley Ln
Mount Vernon, OR 97865**
5. Service telephone no: **541-620-4589** Email Address: **theclarks@diamond2ranch.com**
6. Basis of protest (including statement of facts and law upon which the protest is based)

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OCT 24 2011
Department of Water Resources
Eastern Region

Two Buck Chuck, LLC is owner of 277 flood-irrigated acres directly to the east of proposed well site applied for by Mr. Riches.

Flood irrigation to the above acreage is provided by shares of Samaria Water & Irrigation Company. According to a search performed on the IDWR, the Samaria Water & Irrigation Company derives the water from the following established water rights:

15-2023, 15-2024, 15-2025, 15-2074, 15-2075, 15-4009, 15-4066, 15-4067, 15-4068, 15-7094 (*may not be all-inclusive*)

The priority dates for these rights are from **1893-1947** and provide irrigation water for farms and ranches in the same valley, from the same water basin Mr. Riches proposes to access. The proposed well could impact future irrigation options for those individuals that have active, priority-dated irrigation water rights. As water conditions and supply are constantly changing, the present and future impact of a well this size cannot adequately and precisely be determined.

In addition, the pumping test provided with Mr. Riches' application was performed at a rate of 140 gpm—much less than the 1500 gpm well proposed by Mr. Riches. The “negligible” effect reported by the pump test cannot be generalized as the proposed well will pump over 10 times the amount of the test well.

With the close proximity of the proposed well in the same water basin, it could impact the amount of available water to irrigate crops—despite the computer analysis that states otherwise. Two Buck Chuck, LLC is not willing to support a development that could negatively affect our financial position due to decreased crop production and/or value of land.

The potential impact a large irrigation well could have on the numerous free-flowing surface springs in the lower half of our acreage is of significant concern. At least seven year-round surface springs provide water for livestock, wildlife, and a natural habitat for fowl and upland game birds. These springs, with year-round flow, create a sub-irrigated sanctuary that is not able to be farmed and provide a refuge for the large number of geese and ducks that arrive every winter and spring. A large irrigation well could decrease or stop the flow of these surface springs, affecting hay production,

Receipt #E037059

environment, and wildlife.

Two Buck Chuck, LLC owns IDWR water right #15-7341, which is provided by a spring located on Mr. Riches' property, above the area of proposed irrigation. This spring is also in the same water basin as the proposed well and could potentially be affected by the proposed irrigation well. It would take only a minimal decrease in water supply to immediately interfere with the delivery of this water to our property, making these water rights unavailable for our use.

The proposed well, applied for in 2011, should not have the ability to command such a large amount of water to the possible detriment of water rights holders with documented priority dates in advance of the proposal date. It is, therefore, paramount that this application be declined to protect the water rights of those with established ownership of water from the same water basin.

Consideration for the geographical location of the proposed well must be made as the site lies between two areas identified with ground water shortages. The **Curlew Valley Critical Ground Water Area** lies on the west side and the **Bear River Ground Water Management Area** lies to the east. With concerns identified over a year ago, former Oneida County commissioner Larry Etherington had been preparing to file for a moratorium to prevent the drilling of future irrigation wells that could harm the economy of the ranching and farming community. This has yet to occur, due to a change in county officials, but should speak to the significance and importance of this matter to Oneida County residents.

Summary of impact on our ranching organization:

- May lessen the amount of irrigation water for our crop production
- May diminish future irrigation options for ranchers and farmers with limited water supply
- May decrease the amount of water available to flood irrigate fields/farm, decreasing property values and salability of our land
- May negatively affect livelihood of ranching corporation as crop production is decreased due to water limitations
- May decrease the value of our water shares and water rights
- May interfere with the arrival of irrigation and stock water to our fields, from water right 15-7341
- May prevent multiple surface springs from free-flowing which would be deleterious to wildlife species and habitat

7. What would resolve your protest?

Application be denied

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 21st day of October, 20 11.

Two Buck Chuck LLC
Shauna Clark

Protestant

Protestant's Representative