

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: **Brent Clark**
3. Protestant's Representative for service (If different than protestant)

_____ N/A _____

4. Service mailing address: **54778 Happy Valley Ln
Mount Vernon, OR 97865**
5. Service telephone no: **541-620-4588** Email Address: **theclarks@diamond2ranch.com**
6. Basis of protest (including statement of facts and law upon which the protest is based)

RECEIVED
OCT 24 2011
Department of Water Resources
Eastern Region

I am the owner of residence and 33 acres located at 5501 S. 4400 W. Malad City, Idaho.

This is the closest culinary well (Well Driller Report **63230** in name of Edwin Dives) to proposed well site, approximately 150 yards. Pumping rate is poor, approximately 8gal/min with less during the irrigation season. With the close proximity of the proposed well in the same water basin, it could impact this culinary water well—despite the computer analysis that states otherwise. The “negligible” drawdown identified in the impact assessment performed by Mr. Riches is negated by fact that changes in pumping capacity are already noted during the irrigation season.

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

As the prior ranch manager and lessee (1998 to 2009) of property under review for proposed irrigation, I have a close knowledge of the property Mr. Riches wishes to irrigate. The majority of the land is marginal, at-best, for farms or crops. Allocation of this amount of irrigation water may negatively impact the premium farm lands in the valley.

I also am the majority share-holder, owning 57 shares, of Samaria Water & Irrigation to flood irrigate hay acreage. 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

Receipt # **ED37059**

impact of a well this size cannot adequately and precisely be determined.

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 prior to the proposed well application. 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.

Personal impact, in summary:

- May reduce my personal culinary well output
- May lessen the amount of flood irrigation water for my property
- May diminish future irrigation options with limited water supply
- May decrease the amount of water available to flood irrigate my fields/farm, decreasing property values and salability of my land
- May negatively affect personal livelihood for individual ranchers, such as myself, if crop production is decreased due to water limitations
- May decrease the value of personal water shares

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 21 day of October, 2011.

Brent L. Clark
____ Protestant

____ Protestant's Representative