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Matthew J. McGee

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

July 28, 2009

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RECEIVED

JUL 29 2009

WATER RESOURCES
WESTERN REGION

Al and Martha Worman
6884 West Warren Spur Rd.
Melba, ID 83641

Re: Notice of Protest of Application for Transfer No. 73901 (Jerry L. Tlucek and Mary Lou Tlucek)
MTBR&F File No. 22377.0000

Dear Mr. and Mrs. Worman:

On April 21, 2009, Mr. Worman, John Westra, Scott Campbell, and I participated in a pre-hearing conference in the above-referenced matter, which involves your protest of the Tlucek's transfer application. One potential option that we discussed during that pre-hearing conference would be for a hydrologic engineer to conduct an investigation into whether withdrawals from the well that is the point of diversion for the Tluceks' water right 63-32184 may affect the Worman well. In this regard, the Tluceks have retained SPF Water Engineering, LLC ("SPF") to assist them in this process, and Scott King with SPF is the primary contact for this project.

In order to conduct this investigation, SPF will need access to your well so that they can install a monitoring device. At your earliest convenience, please provide me with your availability over the next 30 days to provide SPF with access to your well for this purpose. Please also provide a phone number at which you can be reached to further coordinate and finalize the date and time of the installation of the monitoring device. In addition, please complete and sign both of the enclosed Water Level Monitoring Agreements, and return one of them to me in the enclosed pre-addressed, stamped envelope, retaining the other for your records. This agreement describes the proposed monitoring activities. If you need additional information, please let me know.

Once these items are complete, the installation of the monitoring device can proceed. Once the monitoring has been completed, we will require the consent of the Tluceks prior to releasing the data to you or to IDWR.

In order to obtain the best information possible regarding water levels in your well, SPF has also asked for the following:

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1. A copy of the Well Driller's Report for your well;
2. Information regarding pump setting depth for the pump installed in your well; and
3. Information regarding static and pumping water levels, to the extent that this information is available.

If this is all acceptable to you, then please provide me with your availability, a signed copy of the monitoring agreement, and the above-requested information, as described. In the mean time, if you have any questions or concerns, please do not hesitate to contact Scott Campbell or me.

Thank you for your attention to this matter.

Very truly yours,



Dylan B. Lawrence

DBL/llw
Enclosures

cc: Scott King
Jerry Tlucek
John Westra
Scott L. Campbell

Water Level Monitoring Agreement

Well Name WORMAN DOMESTIC WELL

Well Location T01S R01W Section 18 SESESW, 6884 W Warren Spur Rd, Melba, ID

The undersigned well owner hereby agrees to allow Jerry Tlucek, through his designated contractors, to enter on to the well owner's property on a previously scheduled basis to measure and log well water levels as part of a short-term water-level monitoring program. Well access is anticipated to be moderately frequent (e.g. approximately twice per week) for a period of up to four weeks. The well owner agrees to cooperate with Jerry Tlucek and his designated contractors in these efforts, and will designate a reasonable and safe means of well access for this purpose. The measurements will be conducted using temporarily installed water level recording transducers, and electric-line well probes or steel tapes. The work will involve removing the well cap to access the well for the purposes of suspending the level logger in the well so that it remains submerged below the water surface, and for measuring water levels with electric-line well probes or steel tapes. Wells with submersible pumps may require water level measurement tubes to prevent entanglement of level logger and/or well probes in submersible pump wire.

The undersigned well owner hereby releases Jerry Tlucek and his contractors from any and all liability, other than negligence, associated with the water level monitoring program, including, but not limited to, real or perceived damage to the well, well pump, or well water quality. Water-level monitoring will continue until (1) the monitoring program is terminated or until (2) the well owners notify Jerry Tlucek in writing that they desire to withdraw from the monitoring program.

Well Owner Name Al Worman and Martha Worman

Mailing Address _____

Daytime Telephone _____

Well Owner Signature _____

Date _____

Jerry Tlucek Signature *Jerry Tlucek*

Date 7/18/09