

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/22/2020

Water Permit 47-7617

Owner Type **Name and Address**
Current Owner LA RAY L EASTERDAY
3874 N 1300 E
BUHL, ID 83316
(208) 543-8631

Status: Cancelled

<u>Source</u>	<u>Tributary</u>		<u>Diversion Rate</u>	<u>Volume</u>
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>		

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUL - 6 1989

Department of Water Resources
Southern Region Office

IN THE MATTER OF PERMIT)
NO. 47-7617 IN THE NAME OF)
LARAY L. EASTERDAY)

ORDER CANCELLING
PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Section 42-203D, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Permit No. 47-7617 (permit) authorized the diversion of 5.60 cfs of water from a groundwater source for the irrigation of 280 acres of land.
2. The Department mailed notice to the permit holder(s) on April 6, 1989 informing them that Permit no. 47-7617 was subject to the review requirements of Section 42-203D, Idaho Code. The notice further informed the permit holder(s) that he must submit to the Department within 30 days either the readvertisement fee required by Section 42-221F, Idaho Code and Water Appropriation Rule 4,2,3,3., or evidence that the development proposed by the permit was completed prior to July 1, 1985.
3. The permit holder(s) failed to submit the required readvertisement fee or evidence of development completed prior to July 1, 1985.

CONCLUSIONS OF LAW

1. Water Appropriation Rule 4,2,3,4. specifies that failure to pay the required readvertisement fee within 30 days after the permit holder is notified to do so is cause for the Director of the Department to cancel the permit.

47-7617

2. The permit should be cancelled as provided in Water Appropriation Rule 4,2,3,4.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-7617 be CANCELLED as provided in Water Appropriation Rule 4,2,3,4.

Dated this 30th day of June, 1989.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I hereby certify that on this the 30th day of June, 1989,
a true and correct copy of the Order Cancelling Permit was mailed postage
prepaid to LaRay Easterday, Route 2, Buhl, ID 83316.

Heidi M. Mikel
HEIDI M. MIKEL, Clerical Assistant



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

May 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

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MAY 25 1989

Department of Water Resources
Southern Region Office

LaRay L. Easterday
Route 2
Buhl, ID 83316

Re: Permit No. 47-7617

Dear Permit Holder(s):

NOTICE OF PENDING ORDER CANCELLING PERMIT

On December 3, 1980, the Department of Water Resources (Department) issued Permit No. 47-7617 which authorized the diversion of 5.60 of water from a groundwater source for the irrigation of 280 acres.

The Department mailed a letter and questionnaire to you on April 6, 1989 in connection with the permit. The letter provided notice that the Department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the Department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a re-advertisement fee in the amount of twenty dollars (\$20) and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within thirty (30) days of the date of the letter was cause for the Department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosure
cc: Region

47-7617

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DEC 20 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received MLH
Date Oct 31, 1985
Receipt # 36768

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use on a water right permit

LARAY L. EASTEDAY of Rt 2 Buhl
(Name) (Address)

State of Idaho, deposes and says:

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NOV 4 1985

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Water of the

State of Idaho No. 47-7617

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
Department of Water Resources

Nov 1, 1985.

That he has heretofore performed the following work described under said permit: _____
(This must be filled out! If no work has been completed put none.)

Well & system have been put in to serve these lands
as well as lands under permits 47-7615 & 47-7618
_____ Costing \$ 200,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

Water supply from the existing well is not sufficient
to completely irrigate these lands. More time is needed
to drill another well

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to 5 yrs, 1990
(1 yr. minimum,
5 yrs. maximum)

Laray L. Easteday
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

FEE: \$15.00 # 36768 - Cash

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to November 1, 1990.

Signed this 17th day of December, 1985.

J. Glen Saxton
Chief, Operations Bureau

47-7617

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OCT 19 1981
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now LaRay L. Easterday
of (address) Route 2, Buhl, Ida. 83316, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 47-7617, and requests that the permit and permit map be changed as follows:

1. Point of diversion: ~~SW 1/4 SE 1/4~~ ^{NO CHANGE} SW 1/4 SE 1/4, Section 2, Township 10S, Range 13E, B.M.,
County of Twin Falls. Other points of diversion: SE 1/4 NE 1/4, Sec. 20,
Township 10S, Range 13E, B.M., County of Twin Falls

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No change

- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: No change

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated = _____

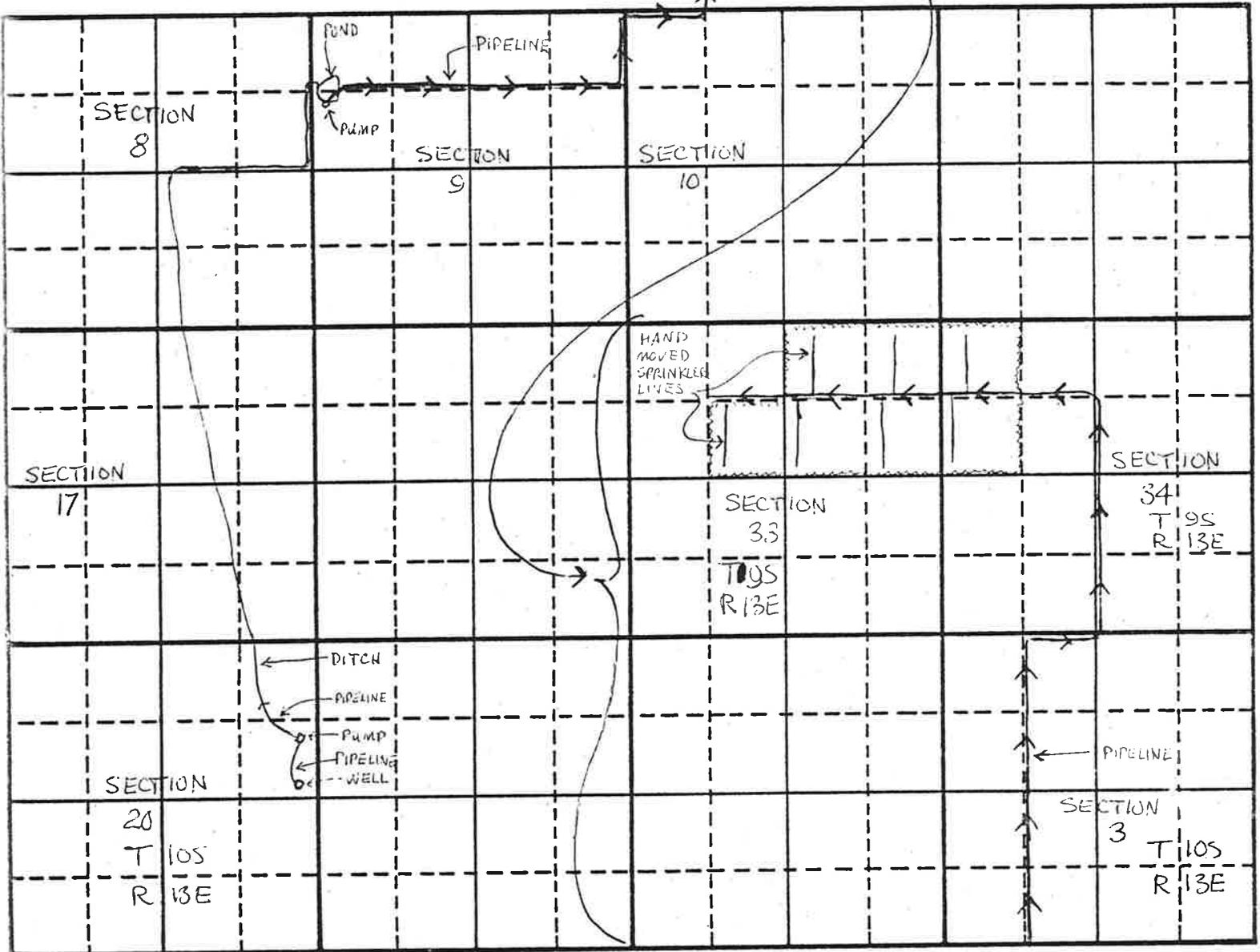
- 4. a. Who owns the property at the point of diversion? Ken Marshall and Wayne Marshall
- b. Who owns the land to be irrigated or the place of use? No change
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The applicant has entered into an agreement with the property owners which allows him to drill a well and transport water across the property.

47-7617

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

MAP CONTINUED
SECTION 3



Scale: 2 inches equal 1 mile.

↑ SECTION 10

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 19 _____.

L. Ray E. Coarday
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by TGB Fee = \$20.00

Received by macys Date 7/9/81 # 18689

Publication prepared by macys Date 7/16/81

Published in Times News

Publication dates 7/23 & 7/31/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. Glen Saxton, of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 47-7617, provided the conditions shown in the Memorandum Decision and Order dated December 3, 1980 are complied with.

Witness my hand this 5th day of October, 19 81

L. Glen Saxton
Chief, Operations Bureau

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

RECEIVED
DEC 9 1980
Department of Water Resources
Southern District Office

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 47-7617 IN)
THE NAME OF LARAY L. EASTERDAY)

MEMORANDUM DECISION
AND ORDER

On January 4, 1980, LaRay L. Easterday filed an application for permit with the Department of Water Resources to appropriate 5.60 cubic feet per second of water from a groundwater source. The application proposed to divert the water by means of a well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 10S, Rge. 13E B.M., Twin Falls County, and use it for the irrigation of 280 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 33; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 34, Twp. 9S, Rge. 13E B.M.

Notice of the application was published in the Twin Falls Times News on January 24 and 31, 1980.

On February 7, 1980, a protest was received from Magic Water Company, Inc. The issues raised in the protest are as follows:

- 1) That the proposed well would reduce the quantity of water in Salmon Falls Creek and would reduce springs flowing into Salmon Falls Creek.
- 2) That the water supply is insufficient for the purpose for which it is sought to be appropriated.
- 3) That the application is not made in good faith and is made for delay and/or speculative purposes.
- 4) That the applicant lacks sufficient financial resources to complete the work involved.

On March 19, 1980, the Department received a letter from the protestant's attorney allowing the Director of the Department of Water Resources to issue a decision in the matter without a hearing.

Based upon the information in the records of the Department and his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- 1) The well location proposed by the applicant is not within the boundaries of critical groundwater area.
- 2) Studies done by the Department and published as Bulletin No. 20, Water Resources of the Blue Gulch Area show that insufficient groundwater supplies exist

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on the west side of Salmon Falls Creek where the place of use is located. Studies published as Department of Water Resources Bulletin #22, Water Resources of the Twin Falls Tract also show there is considerable inflow from groundwater to Salmon Falls Creek from the east side as a result of irrigation on the Twin Falls tract.

3) There is a confining layer between water bearing strata in the Idavada volcanic formation located about 500 feet below land surface.

4) The applicant has filed Desert Land Entry No. I- 2009 on the land described in the application.

CONCLUSIONS OF LAW

1) The applicant is entitled to a permit to appropriate groundwater subject to any prior water rights that may be affected by the appropriation.

2) The well must be constructed with unperforated casing to a depth of 500 feet and in a manner that will prevent the depletion of water from Salmon Falls Creek.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 47-7617 is APPROVED subject to the following conditions:

1) Subject to all prior water rights.

2) Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1985.

3) The well must be cased with unperforated casing into a confining layer below the first aquifer in order to prevent interference with surface flows in Salmon Falls Creek.

4) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Dated this 3 day of December, 1980.



C. STEPHEN ALLRED

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant LaRay L. Eastorday Phone 513-5841
Post office address Route 2, Buhl, Ida.

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SW ¼ of SE ¼ of Section 2 Township 10S
Range 13E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 5.6 for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 5.6 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well and pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

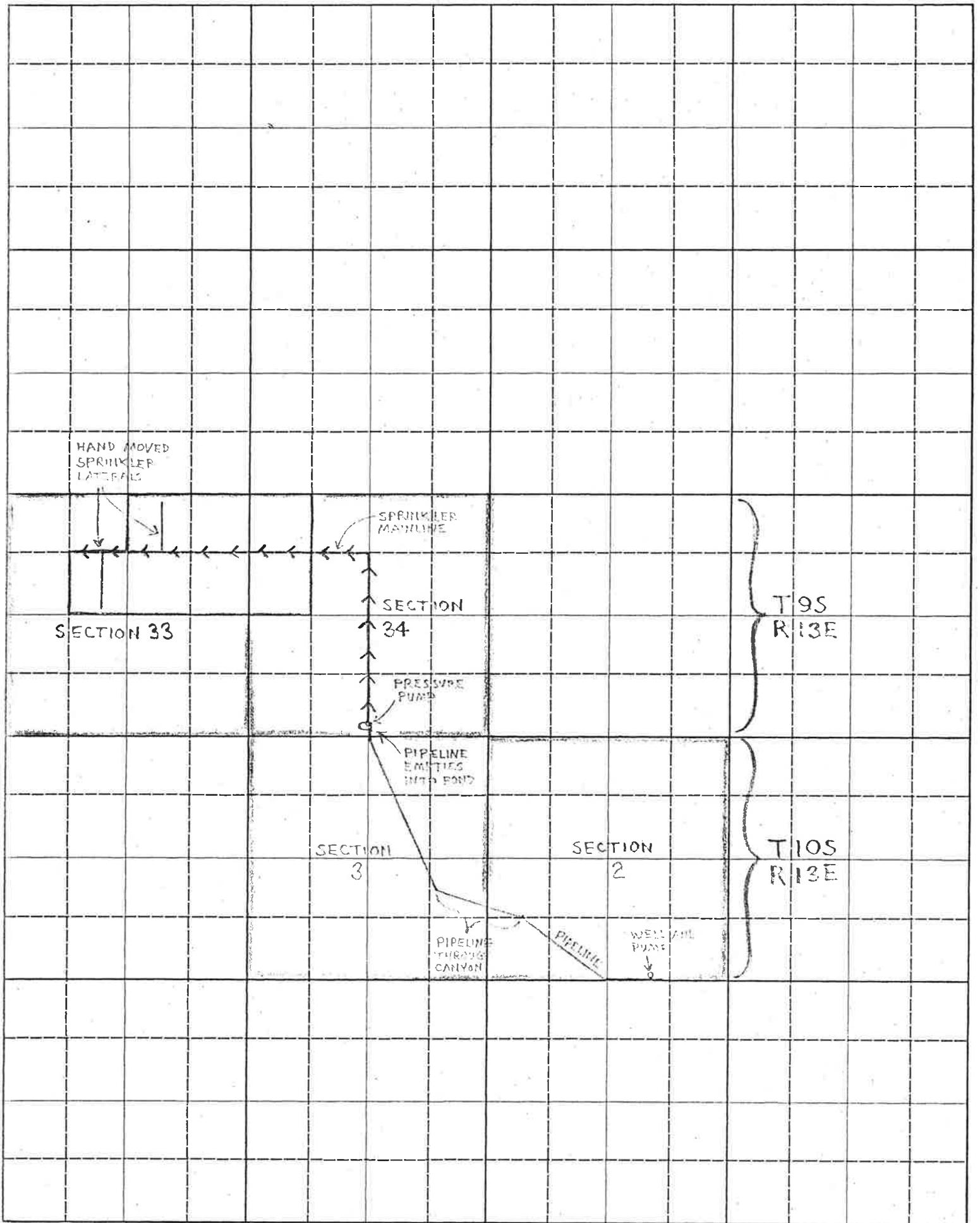
c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

- a. If water is **not** for irrigation:
 - (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
Range _____ B.M.
 - (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
 - (3) List number of each kind of livestock to be watered _____
 - (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
 - (5) If water is to be used for other purposes describe: _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

LaRay L. Easterday
(Applicant)

Priority: January 4, 1980

Received by JA Date 1-4-80 Time 2:50 pm

Preliminary check by Humberburg Fee \$ 85

Received by mays Date 1-4-80 # 17052

Publication prepared by ADM Date 1/9/80

Published in times news

Publication dates 1/24 + 1/31/80

Publication approved mays Date 1/15/80

Protests filed by: Nagic Water Co, Inc - Nurgester

Copies of protests forwarded by AAA

Hearing held by Decision stipulated Date _____

Recommended for approval denial by JA Jim

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7617, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER

Witness my hand this 3 day of December, 19 80.


Director

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APR 8 1981

MEMO:

LK

TO: Bob Fleenor & Files ~~BF~~

Department of Water Resources
Southern District Office

RE: Inspection of Ken Marshall Well - Permit #47-7565
and Easterday well - Permits #47-7614, 47-7615, 47-7616, 47-7617,
47-7618

Date of Inspection: February 26, 1981

The Ken Marshall well is being drilled by Elsing Drilling with a cable tool rig in the Salmon Falls Creek Canyon just downstream from the Balanced Rock crossing. When inspected by Allen and I, the rig was being operated by Ray Gramer. He reported the well depth as 350 feet, drilling in hard, gray rhyolite and obtaining no water.

The well has a 26" casing down to 30 feet. A 20" casing is grouted inside this from the surface down to a depth of 90 feet. The well is 20" open hole from 90 to 200 feet and 12 inch open hole from 200 feet to the bottom.

The operator says artesian water was encountered in the first 90 feet of hole, and this has been sealed out except for a small amount of leakage. Two 3/4 inch pipes have been grouted into the annular space between the 26" and 20" casings to tap some of the artesian flow for possible domestic use. The combined flow of the two taps and the leakage out of the well is no more than 20 gpm.

Gramer said he thought the leakage could be sealed off with additional grout after the well is completed.

We also inspected a well being drilled for La Ray Easterday under Permits # 47-7614, 15, 16, 17, 18, in the SWSE, Sec. 2 T10S, R13E. The well is being drilled by Elsing Drilling with a rotary rig.

The driller reported the depth as 725 feet, drilling in gray rhyolite.

The well has 512 feet of 12" casing installed. The operator said that only 125 gpm of water had been encountered and that this was cased out. He is currently drilling in a dry hole.

Both the Marshall and Easterday wells have hole bottom elevations of less than 3100 feet and therefore any water now encountered can be appropriated under the permits.