

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/22/2020

Water Permit 47-7616

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	ELDEN B EASTERDAY 52170 BALANCED ROCK RD BUHL, ID 83316 (208) 308-5394

**Status:** Lapsed

**Source**

**Tributary**

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
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**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

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 13 1985

REQUEST FOR EXTENSION OF TIME

NOV 8 1985

Department of Water Resources  
Southern District Office

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

Department of Water Resources

Eldern B. Easterday of Rte 2 Buhl  
(Name) (Address)

State of Ida, deposes and says:

That he is the holder, or the duly authorized agent of the holder\*, of Permit to Appropriate the Public Waters of the State of Idaho No. 47-7616.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Nov 1, 1985.

That he has heretofore performed the following work described under said permit:

24" diam steel pipe line 500'

Costing \$ 30,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Desertland Euthree has not been fully approved.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Nov 1, 1990.

Eldern B. Easterday  
(Signature)\*

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. The permit has been reinstated with an advance in priority to January 11, 1980. IT IS FURTHER ORDERED that the permit is subject to the review provisions of Section 42-203D, Idaho Code and is subject to applicable conditions to protect the public interest.

Signed this 9<sup>th</sup> day of December, 1985.

A. Glen Saxton  
Chief, Operations Bureau

\* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

Received #1500 #37301 11-12-85

47-7616

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 Elden B. Easterday  
of (address) Route 2, Buhl, Idaho 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. 47-7616, and requests that the permit and permit map be changed as follows:

1. Point of diversion: 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

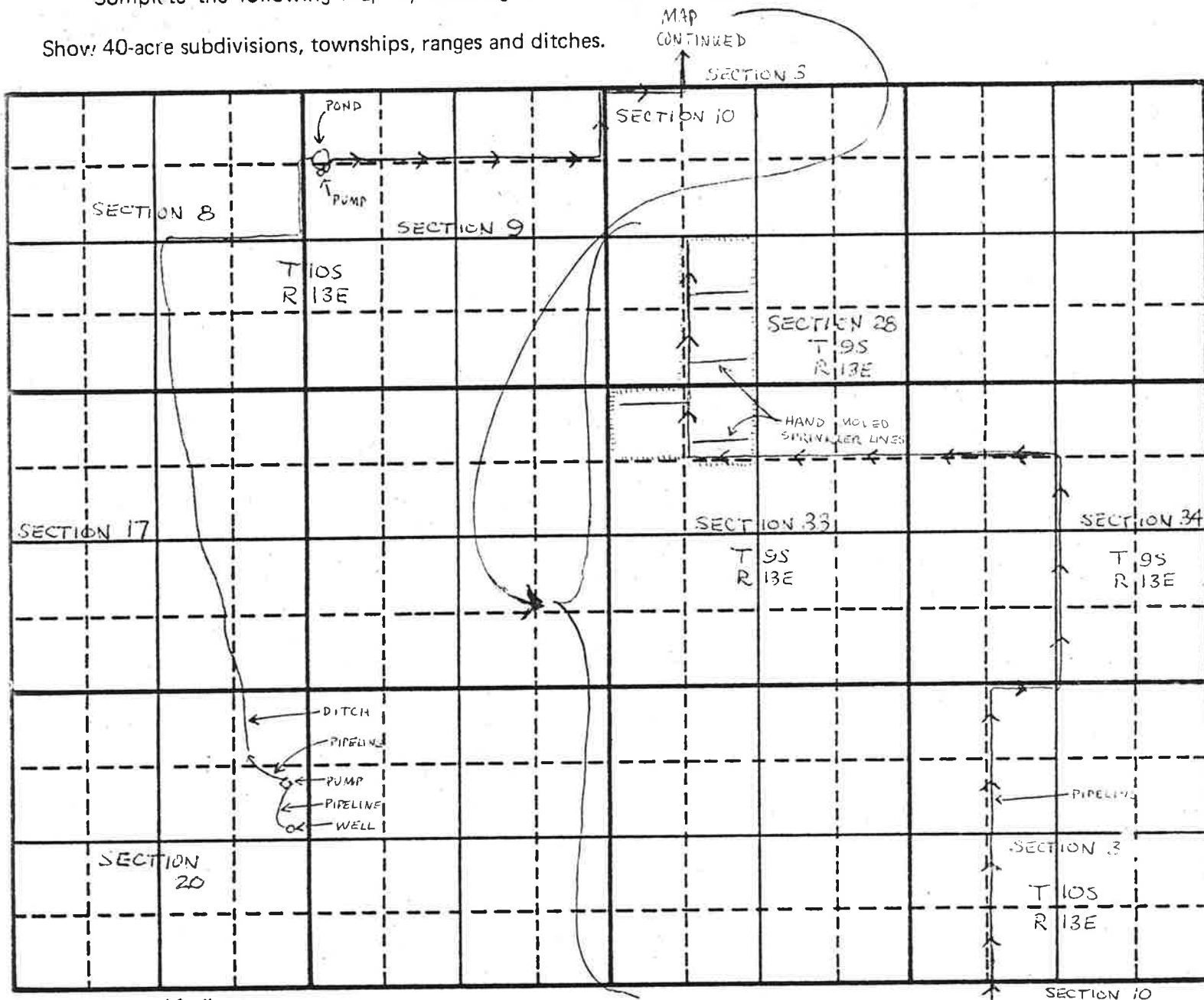
TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated = \_\_\_\_\_

4. a. Who owns the property at the point of diversion? Ken Marshall + 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

47-7616

Complete the following map by showing land and point of diversion as proposed by this amendment.  
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at L. Glen Saxton, this 9 day of July, 1981.

(Signature)

#### FOR DEPARTMENT USE ONLY

Preliminary check by TGB Fee = \$20.00

Received by maps Date 7/9/81 # 18689

Publication prepared by maps Date 7/6/81

Published in Times News

Publication dates 7/23 ↓ 7/30/81

#### 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. 47-7616, provided

the conditions shown in the Memorandum Decision and Order dated December 3, 1980

are complied with.

Witness my hand this 5<sup>th</sup> 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

IN THE MATTER OF PROTEST AGAINST APPROVAL  
OF APPLICATION FOR PERMIT NO. 47-7616 IN  
THE NAME OF ELDEN B. EASTERDAY

MEMORANDUM DECISION  
AND ORDER

On January 4, 1980, Elden B. Easterday filed an application for permit with the Department of Water Resources to appropriate 3.2 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 160 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 33, 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 a critical groundwater area.
- 2) Studies done by the Department and published as Bulletin #20, Water Resources of the Blue Gulch Area show that insufficient groundwater supplies exist

47-7616

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-6277 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. 47-7616 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 Eldon B. Englerday 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  $\frac{1}{4}$  of SE  $\frac{1}{4}$  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 3.2 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. 3.2 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: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  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: \_\_\_\_\_

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Lenard D. Easterday

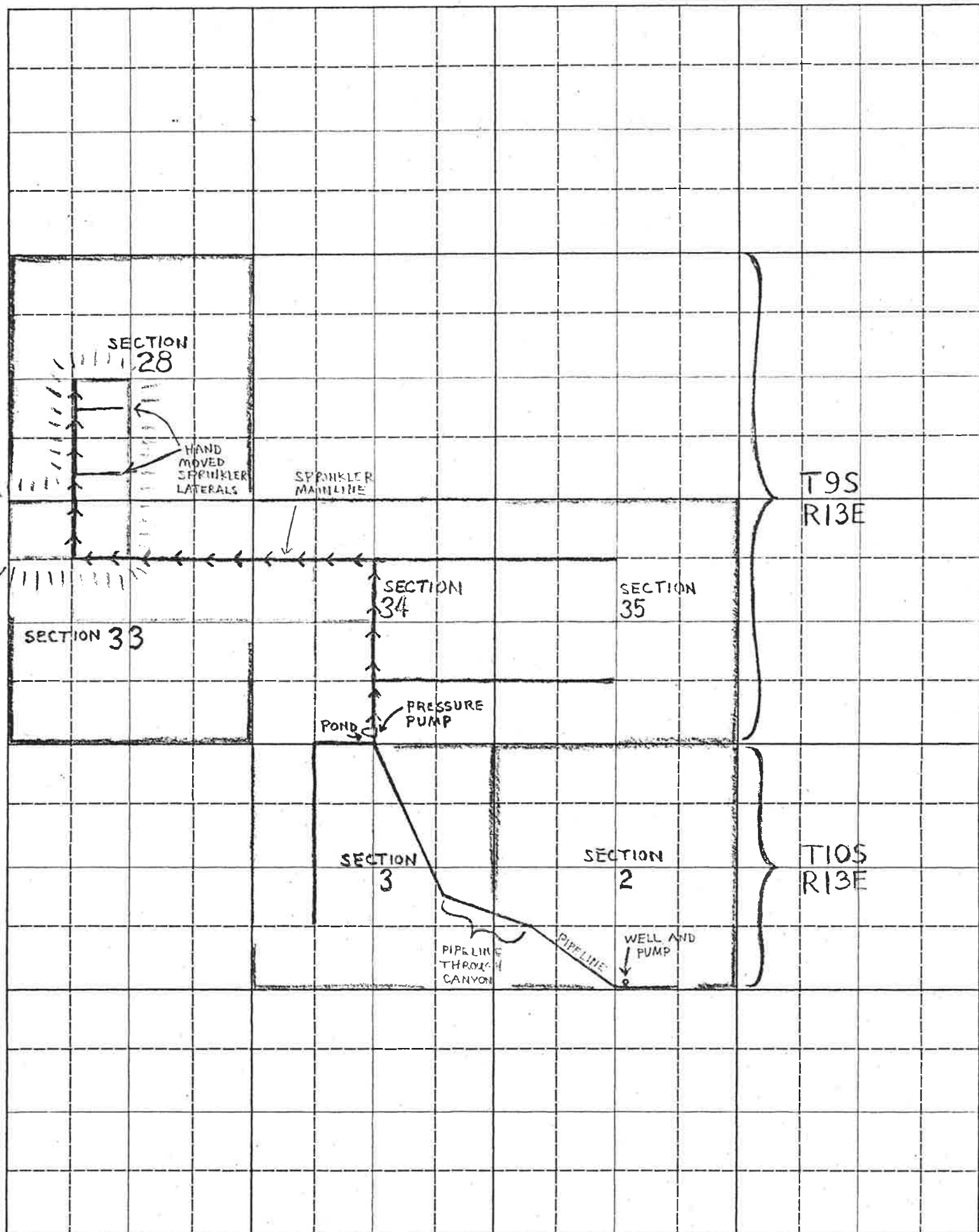
b. Who owns the land to be irrigated or place of use U.S. government

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The subject 160 acres is a  
Desert Entry filing No. I-6277 in the name  
of Eldon B. Easterday.

10. Remarks



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.

*Elden B. Easterday*  
(Applicant)

January 4, 1980

Received by JR Date 1-4-80 Time 3:50 pm

Preliminary check by J. J. J. J. Fee \$ 65

Receipted by marja Date 1/4-80 # 17052

Publication prepared by ADP Date 1/9/80

Published in Times news

Publication dates 1/24 & 1/31/80

Publication approved marja Date 1/15/80

Protests filed by: Magee White Co, Inc - Nungstew

Copies of protests forwarded by LJL

Hearing held by N.A. Decision stipulated LJ Date: \_\_\_\_\_

Recommended for approval denial by LJ

#### 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. 47-7616, 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

RECEIVED

MEMO:

APR 8 1981

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.