

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/3/2020

Water Permit 41-7027

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GRANT UDY & SONS 5111 S ROCKLAND HWY ROCKLAND, ID 83271 (208) 548-2636

Status: Relinquished

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

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

APR 30 1998

Department of Water Resources
Southern Region

RELINQUISHMENT

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho, all my
right, title and interest in and to Permit to Appropriate the
Public Waters of the State of Idaho, No. 41-07027.

Signed at Twin Falls this 30th day
of April, 19 98.

Richard Moley
Permit Holder

ATTEST:

J. F. Stanton



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 20, 1998

Richard Udy
5111 S Hwy 37
Rockland, ID
83271

RE: Water Permit 41-07027

Dear Mr. Udy;

Per your inquiry of yesterday, I have reviewed the status of the above-referenced permit. Steve Clelland, the Snake River Basin Adjudication agent who has worked in the Rockland area, visited the property covered by this permit in July of 1994. He found no pump and no power supply at the permitted well, and you told him that the project proved to be unfeasible. Although Steve has been required to work in other areas the last couple of years, he retained the exam file with his other Rockland records. Since I am now aware of the situation regarding this permit, I would like put the matter to rest. If you are willing to relinquish this permit, please complete the enclosed form and return it to me for processing by March 9.

Regards,

James E. Stanton
Sr. Water Resource Agent

RECEIVED

OCT 5 1990

Department of Water Resources
Southern Region Office

October 3, 1990

GRANT UDY & SONS
ROCKLAND, ID 83271

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 41-07027

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

AUG 23 1990

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only 00

Amt. of Fee \$ 100

Date 8-23-90

Receipt No. 5012596

RECEIVED

AUG 24 1990

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 41-07027 Telephone No. 548-2636

Name(s) of Permit Holder(s): Grant Ydy & Sons

Post Office Address: 5111 So Highway Rockland

Source of Water: ground water

If ground water, well driller's name: Kew Vol/mer Date drilled: April 1990

Extent of Use:
Domestic _____ (No. of households) Irrigation 200 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 1.0 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: Aug 15, 1977

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 100 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Richard Ydy 548-2636
Name Telephone No.

5111 So. Highway 37
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Aug 23, 1990
Date

Grant Ydy & Sons by George Ydy
Signature (and title if on behalf of a company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

29-May-1990

R. KEITH HIGGINSON
Director

Grant Udy & Sons
5111 S. Hwy 37
Rockland, ID 83271

Ken Vollmer Well Drilling
P.O. Box Z
Aberdeen, ID 83210

Re: Well drilling permit 41-90-S-001, Water permit 41-7027

Gentlemen:

On May 10, 1990 personnel from this office inspected the well drilled under the above drilling permit and water right.

Our inspection revealed that the well had been completed and the rig moved off but that no water tight cap had been installed as required by Rule 3,2,1. of the department's Well Construction Standards.

The drilling permit indicates this to be a replacement well. Condition of approval No. 9 on the permit requires that the well being replaced must be abandoned in accordance with department rules and regulations. Abandonment must be documented by a licensed well driller on a Well Driller's Report

If continued use of the original well is to be made, the water permit must be amended to add a point of diversion.

Please be advised that until an amendment of the water permit to add a diversion point is applied for and granted, the permit allows withdrawal of water from only one of the two wells.

Very Truly yours,

A handwritten signature in cursive script that reads 'Loren O. Holmes'.

Loren O. Holmes, P. E.
Southern Region Manager

41-7027

9/89

Drilling Permit No. 71-7027-001Water Right Permit No. 41-7027

Injection Permit No. _____

State of Idaho
Department of Water Resources

DRILLING PERMIT

1. Applicant (Please Print) Grant Udy & Sons2. Mailing Address 5111 So. Hwy. 37, Rockland, ID 83271Telephone 548-2636☒ Well Owner ☐ Well Operator ☐ Other, specify _____3. Proposed well location NE 1/4 SE 1/4, or Gov't lot No. _____,Sec. 23, Twp. 11S, Rge. 3E, County Power,

Street Address of Well Site _____,

Lot, block and subdivision _____

4. Proposed use of well:

☐ Single family or stockwater use (less than 13,000 gallons per day)☒ Irrigation (more than 1/2 acre)☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____☐ Other (describe fully) _____

5. Well construction information:

A. ☐ New well ☐ Deepen ☒ Replace - See Condition 9.B. Proposed surface diameter 10" Maximum depth 200'

C. Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)☐ 85°F to 212°F (Low temp. geothermal well)☐ 212°F or more (Geothermal well)6. Construction Start Date immediate7. Anticipated Well Driller Ken Vollmer, ~~Power~~

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Grant Udy & Sons by ~~Ken Vollmer~~ Date 4-26-90

Title _____

(Owner, Firm Representative, Other)

5/11/90
 Need inspection of
 this well ASAP to ensure
 abandonment of well being replaced
 & const of new well as
 required in water permit
 41-7027.
 JAH

41-90-5-001

This Permit is Approved.

Date 4/26/90

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

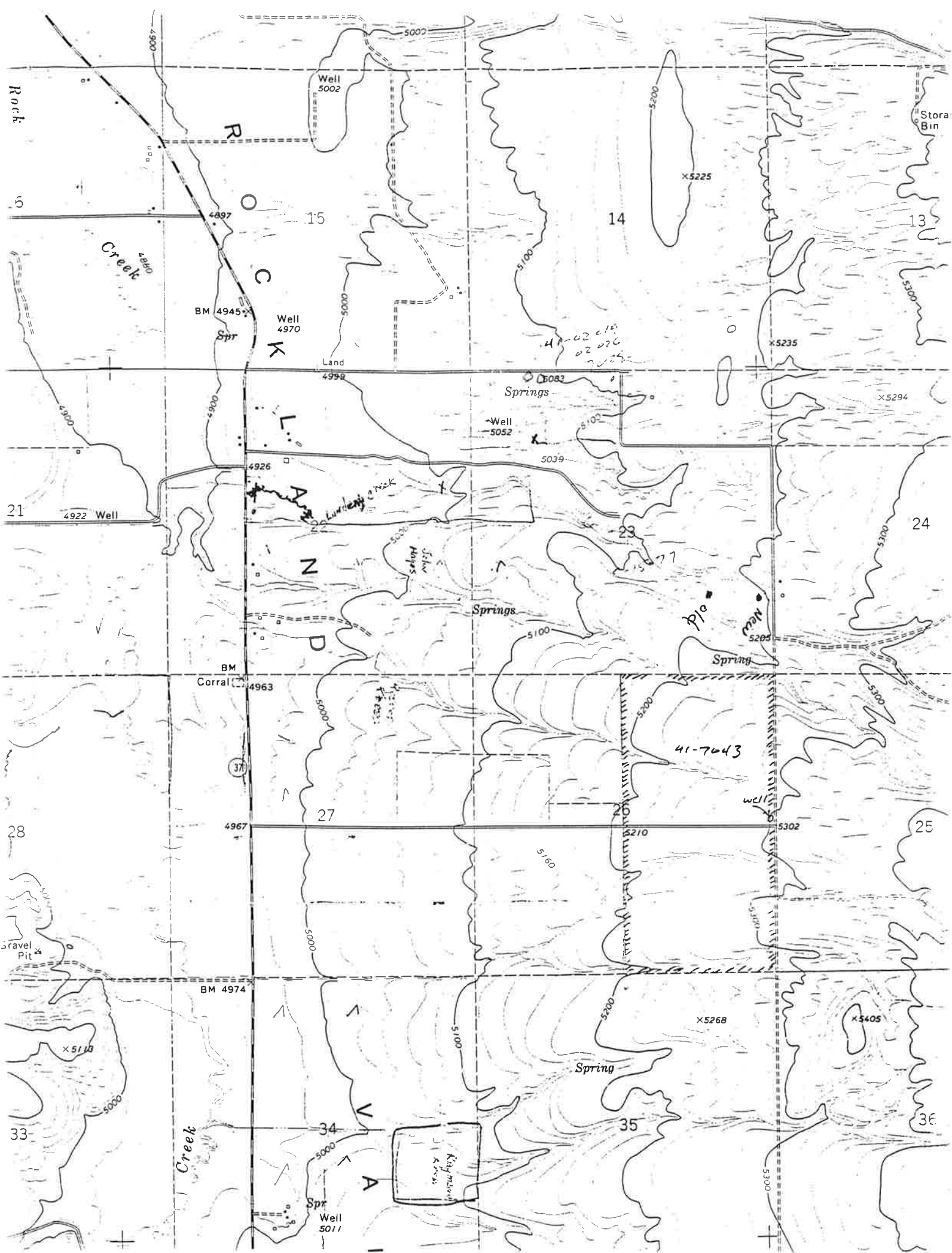
Loren O. Hulme
Signature of Authorized Department Representative

MANAGER, SOUTHERN REGION
Title

Receipt No. SO/2209 Received by JS Fee \$100. Date 4-26-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____
This extension is good for 60 days beyond the above extension approval date.



RECEIVED

SEP 25 1985

Department of Water Resources
Southern District Office

September 24, 1985

Grant Udy & Sons
Star Route, Box 28
Rockland, ID 83271

Dear Sirs:

Re: Permit No. 41-7027

Enclosed is a copy of the approved request for extension of time. The time within which to submit the proof of beneficial use is extended to September 1, 1990.

The Department would like to call your attention to the condition of permit approval requiring non-perforated casing from land surface down into the first confining layer. To date, the Department has not received evidence from you that the condition has been complied with. Please forward that information since a water right cannot be perfected which does not comply with permit conditions.

If you have questions, please feel free to contact this office or our Southern Regional office in Twin Falls.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Southern Region

41-7027

For Office Use Only

\$15 FEE Received

Date 7-15-85

Receipt # 36989

(41-7027-19)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

Department of Water Resources
Southern District Office
Grant Ledy? Son (Name)
Department of Water Resources
Southern District Office
of Star Route Box 28 Rockland Id. (Address)
83271

State of Idaho, deposes and says:

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. 41-7027

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

That he has heretofore performed the following work described under said permit: Project is partially
(This must be filled out! If no work has been completed put none.)
completed - well is dug & cased - we need electricity run
to the well which is going to be costly at this time, but
plan to have the line put in.

Costing \$ 10,000.00

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

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

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

Grant Ledy? Son by George Ledy
(Signature)

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

FEE: \$15.00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED JUL 12 1985
and the time within which to submit proof of beneficial use is extended to
to September 1, 1990.

Department of Water Resources

Signed this 18th day of September, 1985.

A. Glen Saylor
Chief, Operations Bureau

41-7027

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

NOV 7 1980

Department of Water Resources
Southern District Office

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 41-7027 IN)
THE NAME OF GRANT UDY AND SONS)

ORDER ADOPTING PROPOSED
MEMORANDUM DECISION AND ORDER

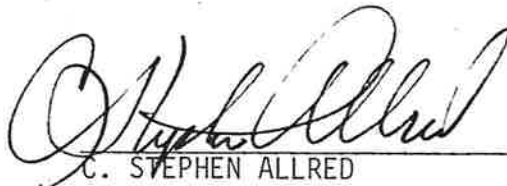
WHEREAS, C. Stephen Allred, Director of the Department of Water Resources having issued and served a copy on the parties thereto on September 9, 1980 a Proposed Memorandum Decision and Order in the above-captioned matters, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to the Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted as the Final Decision and Order.

Dated this 24 day of October, 1980.


C. STEPHEN ALLRED

Director

41-7027

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 41-7027 IN)
THE NAME OF GRANT UDY AND SONS)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On August 15, 1977, Grant Udy and Sons of Rockland, Idaho filed with the Department of Water Resources an application to appropriate 1.00 cubic feet per second of water from a groundwater source within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 11S, Rge. 31E, B.M., Power County, to be used for irrigation of 200 acres and for storage for irrigation purposes in a reservoir having 8 acre-feet capacity.

Notice of the application was published in the Power County News on September 1 and 8, 1977. On September 19, 1977, a protest was received from John B. Kugler, attorney acting on behalf of Farold Nelson, Lynn Hunter, Stan Groom and Farren L. Porath, waterusers of the Rockland Valley Water District. The protest was based upon the following objections:

- 1) That the proposed diversion of groundwater would reduce stream flows and adversely affect the rights of the waterusers of Rock Creek.
- 2) That the applicant had constructed wells and reservoirs in violation of the laws of Idaho.

A conference in the matter was held in American Falls on January 23, 1979. Present at the conference were Richard Udy, representing the applicants; Stan Groom, one of the protestants; and John B. Kugler, attorney for the protestants. The matter was discussed informally and the parties agreed to allow the Department of Water Resources to reach a decision based upon information presented at the conference in the records of the department and information collected by the USGS during the 1978 field season.

The Director of the Department of Water Resources has taken the issues under consideration and based upon his understanding of the law, he makes the following proposed Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- 1) The location of the applicants' well is not within a critical ground water area as defined by Section 42-233a, Idaho Code.
- 2) The well which is the subject of this application was in existence at the time of hearing and the casing in the well is perforated to the surface, not in

compliance with the minimum well construction standards.

- 3) The well is located about 20 feet from Landing Creek.

CONCLUSIONS OF LAW

- 1) There is sufficient groundwater available to satisfy the rate of diversion requested in the application.

- 2) The well used to divert groundwater must be constructed in a manner to prevent interference with surface water flows.

- 3) The flow in Landing Creek will not be adversely affected if the well is constructed properly with unperforated casing through the first water bearing aquifer into the impervious strata below.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 41-7027 is APPROVED subject to the following conditions:

- 1) Use of water under the permit is subject to all prior water rights.

- 2) The well shall be equipped with a nonperforated casing from the land surface down into the first confining layer in order to prevent interference with surface water flows.

- 3) A measuring device or access port of the type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Dated this 8 day of August, 1980.


BOBBY D. FLEENOR

Hearing Officer

Identification No. _____

Application No. 41-7027

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Grant Udy & Sons Phone: 548-2636
post office address Rockland, Idaho 83271

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

3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 11S
Range 31E B.M. Power County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 1.0 cfs for storage purpose from Mar. 15 to Nov. 15 (both dates inclusive)

Amount 1.0 cfs for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 1.0 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, storage pond, sprinklers

b. Height of storage dam 19 feet, active reservoir capacity 8 acre feet; total reservoir
capacity 8 acre feet, materials used in storage dam: dirt

Period of year during which storage will occur Mar. 15 to Nov. 15 inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 10 inches; proposed depth of well is 200 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 10,000.00.

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: _____ hp 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:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	31E	23			40				40	40					40	40			200

Total number of acres to be irrigated 200

c. Describe any other water rights used for the same purposes as described above. .5 cfs 1903 decreed water from South Fork Landing Creek in part

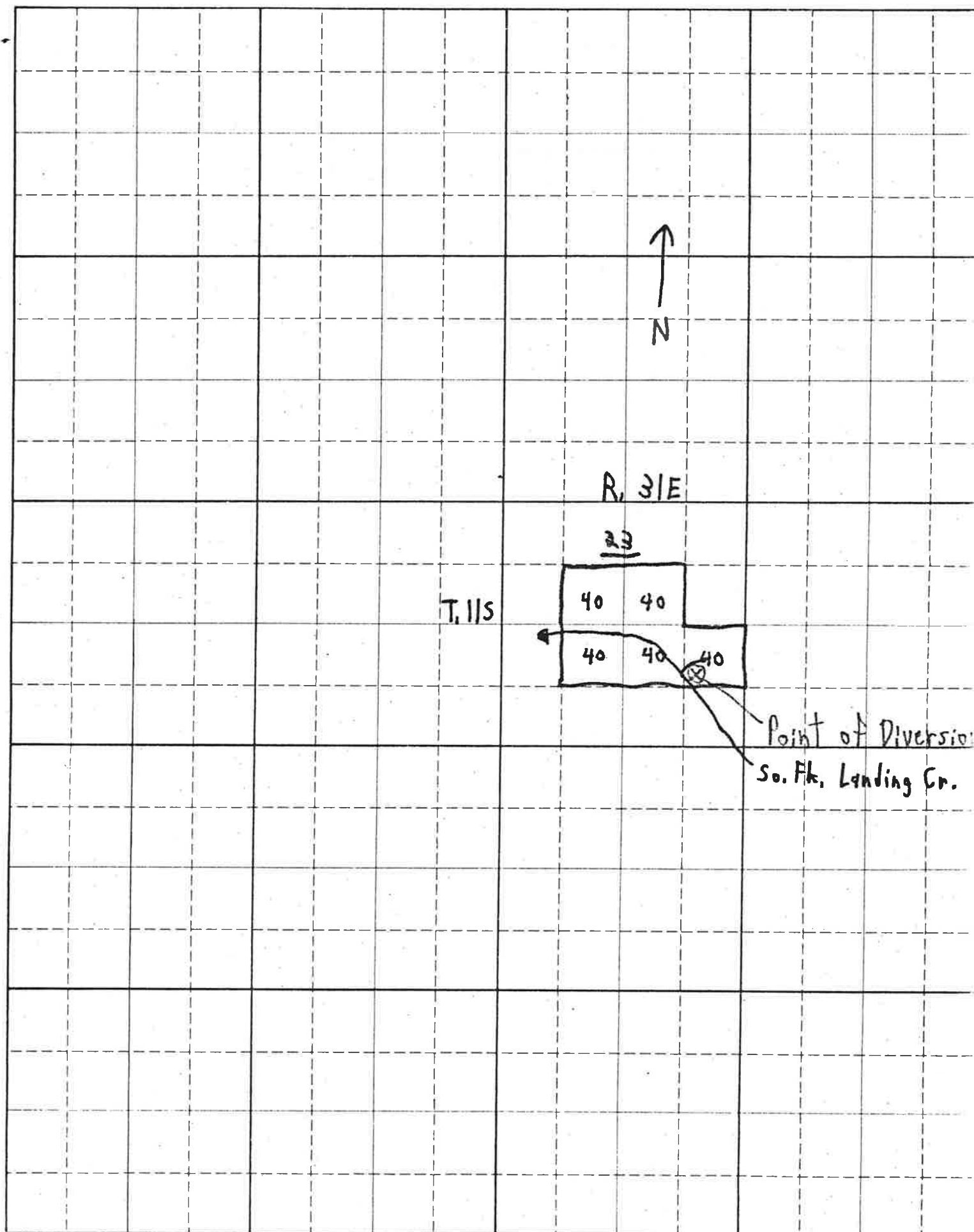
9. a. Who owns the property at the point of diversion applicant

b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

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.

Grant Udy & Sons By Richard Udy
(Applicant) (Partner)

Received by GS Date 8-15-77 Time 3 pm
Preliminary check by AS Fee \$ 25.00 # 8710
Receipted by DS Date 8/15/77
Publication prepared by DS Date 8/18/77
Published in Blaine County News
Publication dates 9/1 + 9/8/77
Publication approved DS Date 9/14/77
Priority reduced to _____ Reason _____

Protests filed by: Fatold Nelson, Lynn Hunter,
Stan Groom, Farren L. Potark - agreed to
let department reach decision 1/23/79

Copies of protests forwarded by MLS

Hearing held by BDF Date 1-23-79

Recommended for approval denial by MLS
LA quin

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. 41-7027, 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 September 1, 19 85.
- c. Other: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER
ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

2. Denial of said application is for the following reasons: _____

Witness my hand this 24 day of October 19 80.


Director