

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

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 63-33799)	PRELIMINARY ORDER
IN THE NAME OF:)	VOIDING APPLICATION
WILLIAM STEVEN RUDD, MD)	
_____)	

1. On June 25, 2013, William Steven Rudd, MD filed an application for permit with the Idaho Department of Water Resources (IDWR).
2. On November 1, 2013, IDWR sought additional information from the applicant. The applicant was provided up to thirty (30) days in which to respond. The request for a written reply specified the application would be voided without a timely response.
3. On December 2, 2013, the letter sent by IDWR dated November 1, 2013, was returned due to an insufficient address.
4. On December 4, 2013, IDWR sought additional information from the applicant. The applicant was provided up to thirty (30) days in which to respond. The request for a written reply specified the application would be voided without a timely response.
5. On December 13, 2013, the letter sent by IDWR dated December 4, 2013, was returned due to an insufficient address.
6. On December 19, 2013, IDWR sent an email to the applicant asking for a response.
7. The applicant failed to provide the requested information and has not contacted IDWR.

CONCLUSIONS OF LAW

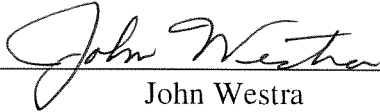
1. Section 42-204, Idaho Code, and Water Appropriation Rule 35.01 authorize IDWR to void an application if an applicant fails to provide the requested information.
2. The application should be voided.

ORDER VOIDING APPLICATION

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 63-33799 in the name of William Steven Rudd, MD be VOIDED.

Dated this 10th day of February, 2014



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2014, I mailed a true and correct copy, of the foregoing **PRELIMINARY ORDER** to the person listed below:



Rachel Sommer
Administrative Assistant I

RE: 63-33799

**WILLIAM STEVEN RUDD
3800 ROCK GARDEN LN
BOISE ID 83714**

ORDER VOIDING APPLICATION

JUN 25 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-33799

1. Name of applicant(s) William Steven Rudd, MD Phone _____
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 3800 Rock Garden Lane City Boise

State ID _____ Zip 83714 Email: beamer417@aol.com

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

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
04N	02E	5			SE	NE	Ada	Groundwater	
04N	02E	5			SW	NE	Ada	Groundwater	

4. Water will be used for the following purposes:

Amount .12 for Irrigation purposes from Mar 1 to Nov 15 (both dates inclusive)
(cfs or acre-feet per year)

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

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

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

5. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Well deeper than 200 feet (expect 400 to 500 ft)

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in Item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is 6 inches; proposed depth of well is 450 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? _____; drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if Irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. irrigation

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	5									1				3				4

Total number of acres to be irrigated: 4

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Both irrigation and domestic

10. a. Who owns the property at the point of diversion? William Steven Rudd
- b. Who owns the land to be irrigated or place of use? William Steven Rudd
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We currently have a well with water rights that authorizes domestic use at a rate of 0.02 cfs and irrigation of 3.4 acres at a rate of 0.10 cfs. We would like to drill an additional well for irrigating the rest of the property. We are situated on a total of 10 acres.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

William Steven Rudd

Signature of Applicant

William Steven Rudd

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by JA Date 01/29/13 Time 10:46am Preliminary check by _____

Fee \$ 100- Received by JA Receipt No. 10041249 Date 01/29/13



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 10, 2014

WILLIAM STEVEN RUDD
3800 ROCK GARDEN LN
BOISE ID 83714

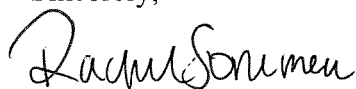
Re: Preliminary Order in the matter of Permit No. 63-33799

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the Department. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,


for

John Westra, Manager
Western Regional Office

Enclosures

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Grimm, Angie

From: Grimm, Angie
Sent: Thursday, December 19, 2013 11:33 AM
To: 'beamer417@aol.com'
Subject: Application for Permit 63-33799
Attachments: 63_33799_AmendedAppRequest_12_4_13.pdf

Dr. Rudd,

Good morning! The Idaho Department of Water Resources (IDWR) is processing your application for water right permit proposing ground water use referenced above. IDWR has attempted twice to send you the attached letter via U.S. mail requesting additional information necessary to continue processing. The letter has been returned for insufficient address and/or unable to forward reasons. I hope this email reaches you and we are able to address the items requested. Please let me know when/if you receive this email and attachment. If you have any questions please feel free to respond to this email or call. Thank you for your attention to this matter. I look forward to your response.

Sincerely,

Angela M. Grimm, P.G.
Water Resources Agent, Sr.
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

Grimm, Angie

From: Mail Delivery System [MAILER-DAEMON@AOL.com]
Sent: Thursday, December 19, 2013 11:33 AM
To: Grimm, Angie
Subject: Successful Mail Delivery Report
Attachments: Delivery report; Message Headers

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

Please direct further questions regarding this message to your e-mail administrator.

--AOL Postmaster

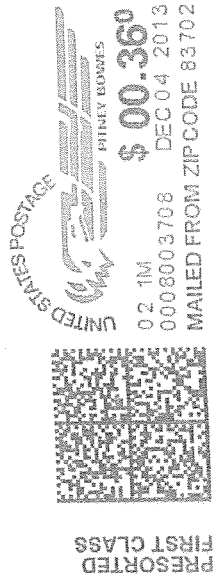
<beamer417@aol.com>: delivery via
core-dpb004b.r1000.mail.aol.com[172.29.225.207]:7025: 250 2.1.5 OK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

WR NO. 63-33799
RE: LETTER DATED 12/4/13

WILLIAM STEVEN RUDD
3800 N ROCK GARDEN LN
BOISE ID 83714-9638



RECEIVED

DEC 13 2013

WATER RESOURCES
WESTERN REGION

NIXIE 84L FE 1300 0012/13/13
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 83705598235 *0495-06037-04-44
8570505082

329



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 4, 2013

WILLIAM STEVEN RUDD
3800 N ROCK GARDEN LN
BOISE ID 83714-9638

Re: Application for Permit No. 63-33799 – Amended Map and Additional Information Request

Dear Dr. Rudd:

The Idaho Department of Water Resources (IDWR) recently received your application for permit seeking use of ground water for irrigation. Before processing can continue, IDWR requests you submit an amended application and additional information to address the following:

- **Contact Phone Number** (Item no. 1): Please include your phone number on an amended application.
- **Place of Use (POU)** (Item no. 8): Per proposed point of diversion locations and Ada County tax lot data, your property is in the SENE and SWNE of Sec 5 T4N R2E. The application indicates the proposed POU is NESE and NESW of Sec 5. Please submit an amended application with the correct POU.
- **Signature** (Item no. 13): Please submit an amended application with your original signature (not a photo copy).
- **Map** (Item no. 13): Your original application submittal did not include a required map identifying the proposed point of diversion (POD) well(s) and the POU. I have enclosed an aerial photo with public land survey (PLS) legal description for your use. Please mark on this map the location of the proposed POD(s) and POU and return with your amended application.
- **Water Bearing Zone and Proposed Use of Existing Well:** All applications within Basin 63 require publication of the water bearing zone proposed for appropriation. This information was not included on the original application. Based on the Well Driller's Report for your existing well (tag D0029368), it appears this well may produce water from 56 to 148 ft within an area where ground water less than 200 ft deep is considered tributary to the Boise River upstream from Star. The Boise River system is fully appropriated regarding new consumptive uses of water upstream from Star. The

Rudd
December 4, 2013
Page 2 of 2

proposed use includes a consumptive aspect. The application cannot be approved as filed, because water is not available in the system for the proposed use without injuring senior water right owners. The application might be approvable if the consumptive use could be fully mitigated, the existing well is modified to produce water from below 200 ft, or the application is amended to only the proposed well deeper than 200 ft. Please address this issue by either;

1. Providing a mitigation plan,
2. Providing information indicating you are willing to modify the existing well in a manner restricting ground water withdrawal to a zone deeper than 200 ft, or
3. Amend the application to a single POD (new well not yet drilled) with a water bearing zone deeper than 200 ft.

Please provide an amended application including map, water bearing zone information, and an approvable mitigation plan (if applicable) for application processing to continue. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. **Your response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days. The application will be voided without a timely written reply. Refunds are not issued for voided applications.**

IDWR rules, forms, and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s): Map



Source: Esri, DigitalGlobe, GeoEye, i-rubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

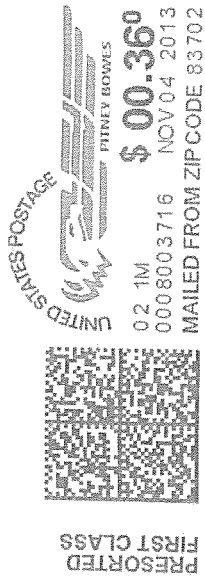
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

WR NO 03-33799
RE: LETTER DATED 11/1/13

RECEIVED
DEC 02 2013
WATER RESOURCES
WESTERN REGION

WILLIAM STEVEN RUDD
3800 ROCK GARDEN LANE
BOISE ID 83714



NIXIE 841 DE 1700 0011/27/13

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 83705508235 *3014-02747-04-39

83705050827

11/7/13



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 1, 2013

WILLIAM STEVEN RUDD
3800 ROCK GARDEN LANE
BOISE ID 83714

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- **Map** (Item no. 13): Your original application submittal did not include a required map identifying the proposed point of diversion (POD) well(s) and the POU. I have enclosed an aerial photo with public land survey (PLS) legal description for your use. Please mark on this map the location of the proposed POD(s) and POU and return with your amended application.
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Rudd

November 1, 2013

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Sincerely,



Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s): Map



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