

MEMORANDUM

DATE: April 22, 2011

TO: Water Right File 45-7683

FROM: Shelley W. Keen *SWK*

RE: Phone call from attorney Matt Darrington

This afternoon attorney Matt Darrington (208-436-4717) called to say that he is representing Eldon Adams and to inquire about the information needed by IDWR in connection with the petition for reconsideration of License 45-7683. We discussed the point that Mr. Adams submitted proof of beneficial use in 1993, and system improvements made after 1993 could not be reflected in the license. Since I did not have the file with Sandy Hemenway's two 4/18/2011 letters, I offered to call Mr. Darrington back after I had read the file. I called Mr. Darrington's office and left a message at 3:55 p.m.

To File 45-7683

IDAHO ADMINISTRATIVE CODE
Department of Water Resources

IDAPA 37.03.02
Beneficial Use Examination Rules

examination is conducted by a non-department water right examiner. (7-1-93)

b. The department will not conduct an examination for which the fee has not been paid to the department unless exempted in Rule Subsection 004.04. (7-1-93)

c. A license shall not be issued for an amount of water in excess of the amount covered by the examination fee. Subsequent to the examination and prior to a license being issued, the director will notify the permit holder that the licensed amount will be limited because an insufficient examination fee was paid. The permit holder will be allowed thirty (30) days after the notice is mailed to pay the additional examination fee, along with a late payment penalty of twenty-five dollars (\$25) or twenty percent (20%) of the amount of the additional required fee whichever is more. If payment is received within the thirty (30) day period, the rate or volume licensed shall not be reduced by reason of the examination fee. If payment is not received within the thirty (30) day period, the rate or volume licensed shall be limited by the original examination fee paid. For the purpose of determining advancement of priority for late fee as provided in Section 42-217, Idaho Code, fees shall not be considered as having been paid until paid in full, including any subsequent fee. (7-1-93)

d. Excess examination fees are non-refundable. (7-1-93)

50.01. e. An examination fee equal to the initial examination fee paid to the department shall be paid for a re-examination made at the request for the permit holder except upon a showing of error by the department on the initial examination. (7-1-93) }

02. Examinations Conducted by Non-Department Certified Water Right Examiners. (7-1-93)

a. The examination fee required by Section 42-217, Idaho Code is not applicable for examination conducted by or under the supervision of non-department certified water right examiners. (7-1-93)

b. A permit holder may change from one (1) non-department certified water right examiner to another but may not choose to have the examination conducted by the department after selecting a non-department examiner. (7-1-93)

051. -- 054. (RESERVED).

055. PENALTY (RULE 55).

01. Permits for Which Proof Has Been Submitted Prior to the Effective Date of These Rules. The submittal required is the examination fee or a statement. (7-1-93)

a. Failure to submit within sixty (60) days of notification by the director, either the license examination fee or a statement verifying that a non-department certified water right examiner has been retained to conduct the examination is cause to advance the priority of the permit one (1) day for each day the submittal is late. The submittal is late beginning on the 61st day after notification by the director that submittal is due. (7-1-93)

b. Failure to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water examiner within one (1) year of the sixty-first (61st) day after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. (7-1-93)

02. Permits for Which Proof Has Not Been Submitted. The submittal required is the proof and the examination fee or the proof and a completed field report. (7-1-93)

a. Failure to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner by the proof due date is cause to lapse the permit pursuant to Section 42-218a, Idaho Code, unless an extension of time pursuant to Section 42-204, Idaho Code, extending the proof of beneficial use due date has been approved. (7-1-93)

056. -- 999. (RESERVED).

I would not be inclined to conduct a field evaluation as suggested in Jeff Cooper's email of 4/12/2011 unless Mr. Adams provides information showing an error by IDWR.
S. Keen
4/22/2011

Office Use Only

Inspected by _____

Twp _____ Rge _____ Sec _____

_____ 1/4 _____ 1/4 _____ 1/4

Lat: : : Long: : :

1. WELL TAG NO. D 0016695
 DRILLING PERMIT NO. 772225
 Other IDWR No. _____

2. OWNER:

Name Eldon Adams
Address 1060 E 900 S
City Hibion Id State Id Zip 83311

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 12 North ☐ or South ☒
 Rge. 25 East ☒ or West ☐
 Sec. 6 SW 1/4 SW 1/4 SW 1/4
10 acres 40 acres 160 acres
 Gov't Lot _____ County CASSIA
 Lat: _____ : _____ : _____ Long: _____ : _____ : _____
 Address of Well Site _____
 _____ City _____

Li. _____ Blk. _____ Sub. _____ Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Beatrite & Puddling clay	0	-		
		3	4	Temp casing

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☐ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8 3/8" O.D.	#1	119	4"	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

~~Perforations~~ Method Torch
Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
88	117	3/16	38			☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

63 ft. below ground Artesian pressure lb.

Depth flow encountered _____ ft. Describe access port or control devices: *in well cap*

11. WELL TESTS:

☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
20	2'	6.5	1/2 hr.

Water Temp. 53° Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) water

[illegible]

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name MacKenzie Well Drilling Firm No. 37

Firm Official Tom MacKenzie Date 1/30/02

and

Driller or Operator _____ Date _____

(Sign once if Firm Official & Operator)