

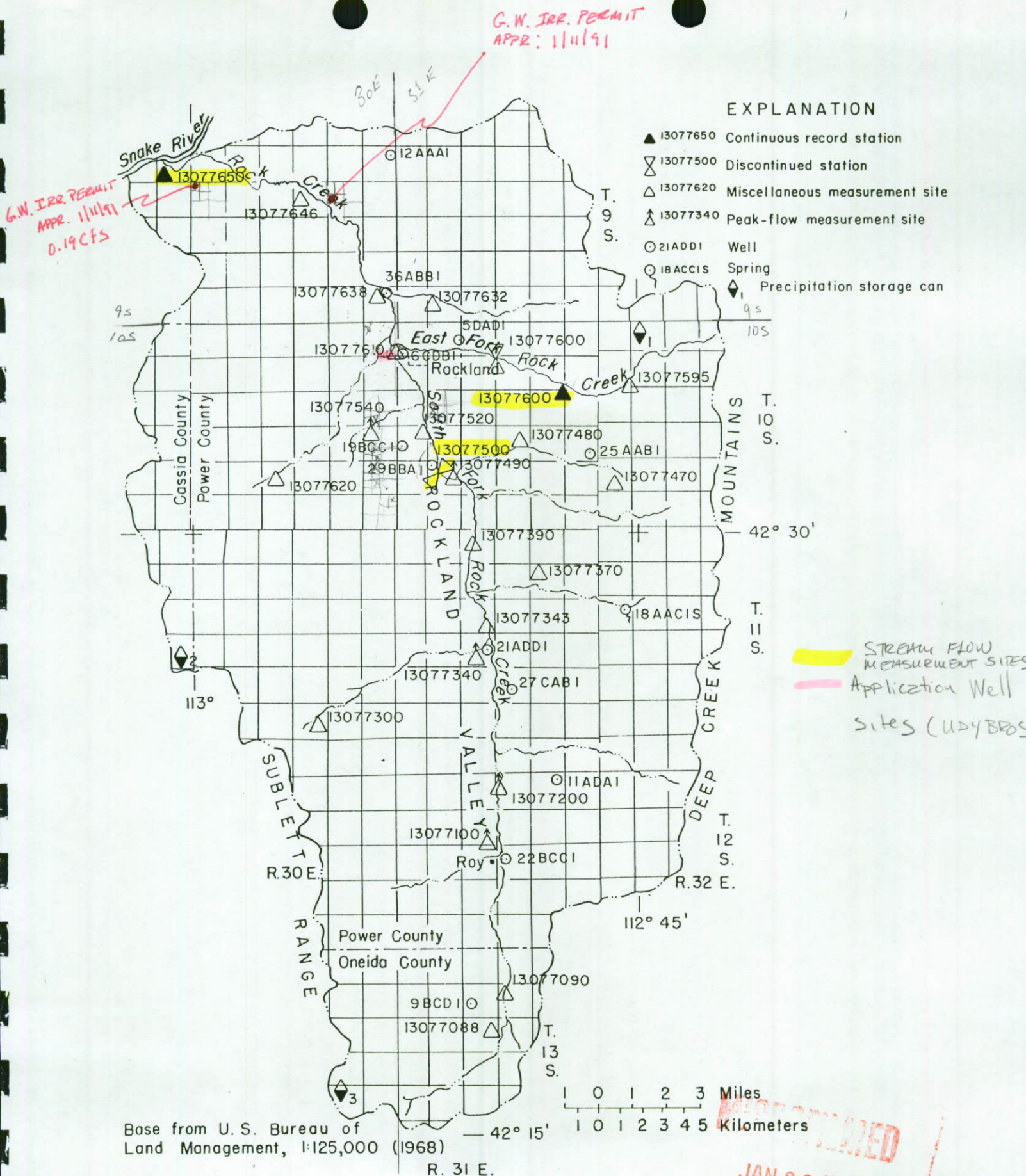
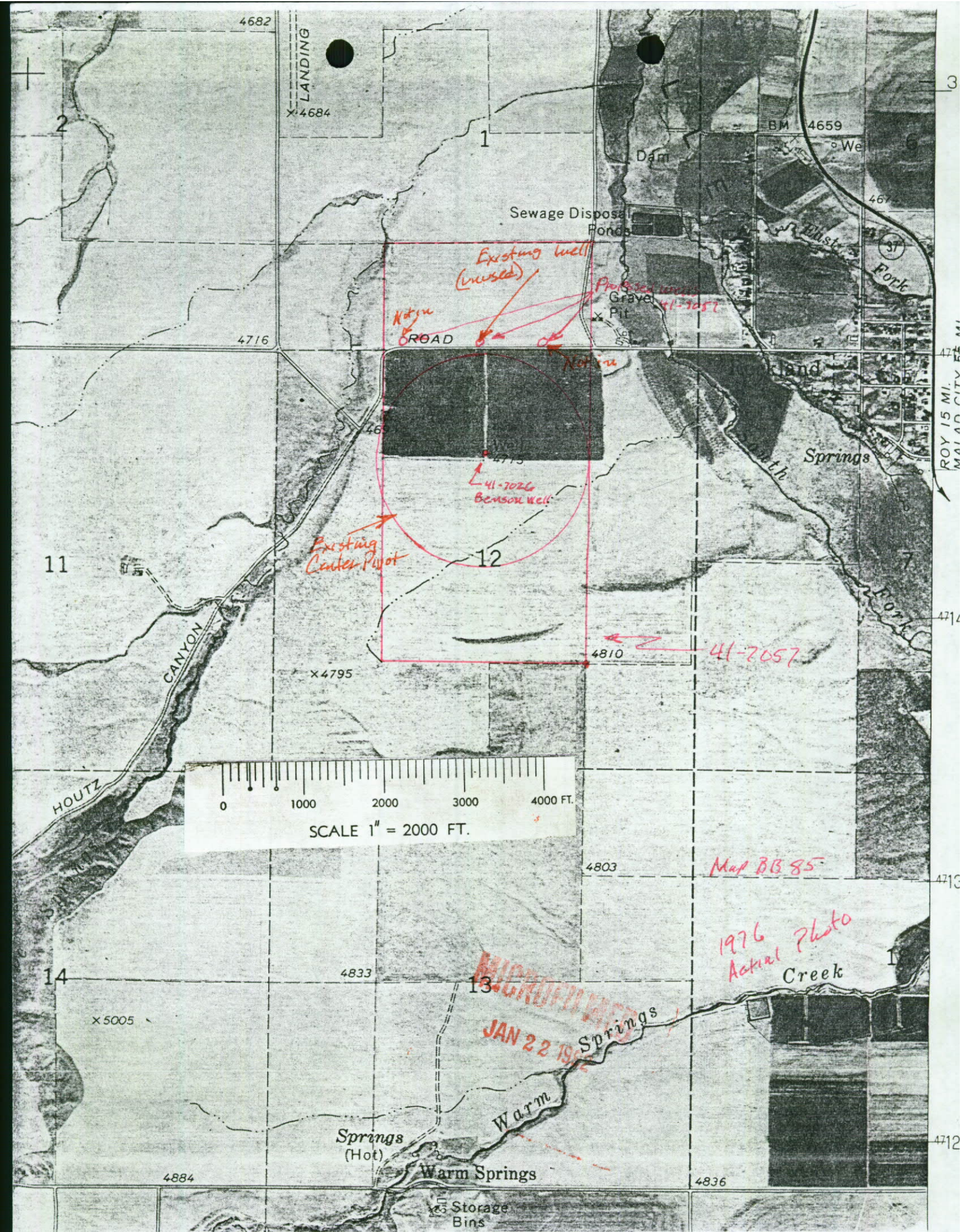


Figure 9. -- Locations of measuring sites.





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FOR OFFICE USE ONLY

Amt. of Fee \$: 175.00Receipt No. 5018719Receipt By: P. F. SmithDate Received: 12-13-95

DEC 13 1995

STATE OF IDAHO

Department of Water Resources

Department of Water Resources
Southern Region

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

adi

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

- Permit No. 41-07057 Telephone No. 208-226-7857
- Name(s) of Permit Holder(s): Udy Bros (George Udy)
- Mailing Address: 455 Pierce Am Falls Id 83211
- Source of Water: well - 2 wells If GROUNDWATER (well), Date Drilled: mo. Apr / yr. 1995
 - Well Driller: Sherman Couch Drilling Permit Number: 41-95-S-0003
41-95-S-0001-00
 - OPTIONAL: 115 HP
Pump Horsepower: 115 HP Pressure (psi): 80 Dynamic pumping level (ft): 62'
84'
- Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 200 Other: _____6. Total rate of diversion and/or volume for which proof is submitted: 3.12 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No ✓

Has the measurement port been installed?

Yes _____ or No ✓8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: George Udy Telephone Number: 208-226-7857Address: 455 Pierce Am Falls Id 83211

10. The information given on this form 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.

DEC 20 1995

Signature of permit holder: Udy Bros by George Udy Co-owner Date: Dec 13, 1995
(include your title, if on behalf of company or organization)

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 41-07057

NOV 14 1994

Name(s) of Permit Holder: Udy Brothers Department of Water Resources

Mailing Address: STAR Rte Bx 28, Rockland, ID. 83271 Southern Region Office

Date Proof is Due: Jan 2, 1995 Telephone No. 208 548-2636

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

none wheel line & pivot. water
is used for another well, needs new
well

Costing \$ 60,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

money - drought -

Permit holder(s) request an extension to Jan 2, 19 96

FEE: \$50.00

Richard Udy (Udy Brothers)
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1996.

Signed this 13 day of December, 19 94

J. Glen Saptor
Chief, Water Allocation Bureau

DEC 29 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 41-07057

Proposed Priority: November 12, 1981 Maximum Diversion Rate: 4.94 CFS

This is to certify, that **UDY BROTHERS**
STAR ROUTE BOX 28
ROCKLAND ID 83271

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	4.94 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 1, Township 10S, Range 30E
SWSE , Sec. 1, Township 10S, Range 30E
NENW , Sec. 12, Township 10S, Range 30E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	30E	1	SESW 39	SWSE 39		78
		12	NWNE 39	SWNE 40	NENW 39	
			SENE 40	NESW 40	NWSE 40	238

Total number of acres irrigated: 316

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 2, 1995.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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JAN 22 1992

Permit To Appropriate Water

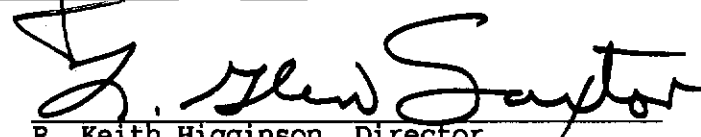
NO. 41-07057

CONDITIONS/REMARKS:

8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
9. The wells shall be cased with unperforated casing and sealed to a minimum depth of 100 feet or to the first confining layer, whichever is deeper. Both the owner and the well driller are charged with the responsibility of taking whatever steps might be necessary to prevent groundwater from the cased and sealed interval of the wells from entering the wells.
10. The permit holder shall notify the department at least five (5) days prior to the start of well construction in order that the department can observe the work.
11. The Director retains jurisdiction of the construction of the wells to require mitigation or reconstruction of the wells if prior water rights are injured as determined by the director.
12. The Director retains jurisdiction of this permit in order to instruct the watermaster of Rock Creek in the diversion and use of the right with respect to prior water rights, both surface and groundwater, as determined by the Director.
13. Two points of diversion are located within SESW, S01, T10S, R30E.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

3rd day of January, 1992

for 
R. Keith Higginson, Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Udy Brothers Phone 548-2277

Post office address Star Route Box 28, Rockland, ID 83271

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12 Township 10S

Range 30E B.M. _____ Power _____ County, additional points of diversion if any: _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$, 2 points SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1 T. 10S R. 30E

4. Water will be used for the following purposes:

Amount 4.94cfs 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. 4.94 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Wells & pumps

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 _____ inches; proposed depth of well is _____ 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: _____

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10. Remarks

applicant to make this filing

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

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

~~Life, 41-7026 (1.38 cfs on 236 ac)~~

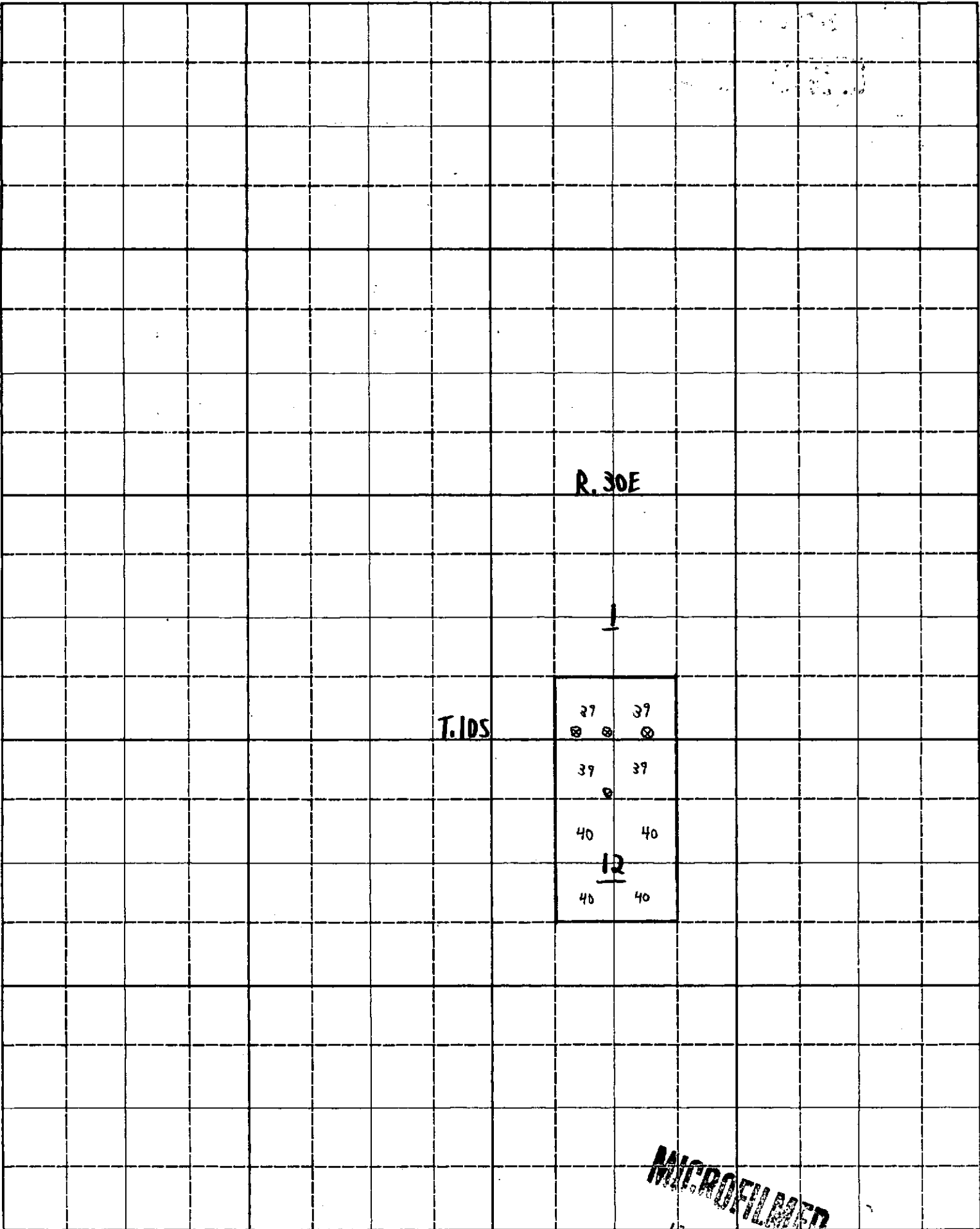
c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated 316

[illegible]

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

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.

Ydy Bros. by George Ydy
(Applicant)

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d. Other:

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.

fore _____, 19 _____.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or be-

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

of Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by _____ Date 11-12-81 Time 8:55 am
Preliminary check by _____ Fee \$ 125.00
Received by _____ Date 11-12-81 #20647
Publication prepared by _____ Date 11/20/81
Published in _____
Publication dates 12/2 + 12/9/81
Publication approved _____ Date 12/1/81
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

.....Brett Crompton..... being first duly sworn

on oath, states:

That he is the Editor Manager of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for² successive weekly issues thereof, the date of the first publica-

tion being the²..... day ofDec....., 19⁸¹

the date of last publication being the

.....⁹..... day ofDec....., 19⁸¹

(Signed)

Brett Crompton

Subscribed and sworn to before me this

.....⁹..... day ofDec....., 19⁸¹

.....*Lois Foster*.....
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

.....*life*..... day of19.....

Legal Notice

Published in the Power County Press Dec. 2 and Dec. 9, 1981.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.

41-7057

UDY BROTHERS
STAR ROUTE BOX 28,
ROCKLAND, ID 83271
Source: GROUNDWATER

Date Filed: 11/12/1981

Amount: 4.94 CFS

Diversion Point: NENW Sec 12 T

10S R 30E SWSE SESW Sec 01 T

10S R 30E, POWER Co.

Use: IRRIGATION (4.94 CFS)
from 03/15 to 11/15

Place of Use: SESW SWSE Sec 01 T

10S R 30E NWNE SWNE NENW

SESW NESW NWSE Sec 12 T 10S

R 30E FOR 316 ACRES

Diversion Means: WELL & PUMPS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 21, 1981.

A. KENNETH DUNN
Director

ok mcp

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JAN 22 1992

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DEC 14 1981

Department of Water Resources
Southern District Office

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 41-07057 Reviewed by [Signature] Date 12-18-95

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
no Address same as permit?

irr.

Yes Proof timely received?
If not, complete calculation below.

Correct Uses? Yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

Yes Drilling permit required?

Yes Copy in the file? Drilling Permit No. 41-95-S-0003-001

200.00 Amount paid for permit

Yes Correct?

Yes Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
175.00 Amount Submitted
Yes Correct?

MEASURING DEVICE

Yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Adjust of flow port condition
Proof acceptable

DATA ENTRY

New Address 455 Pierce Proof Made 12-13-95
American Falls, 83211



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

December 20, 1995

UDY BROTHERS
455 PIERCE
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 41-07057

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.

If you have questions concerning the field examination, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECORDED

DEC 20 1995

October 31, 1995

UDY BROTHERS
STAR ROUTE BOX 28
ROCKLAND ID 83271

PROOF DUE NOTICE

RE: PERMIT NO. 41-07057

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

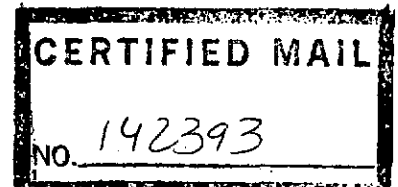
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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1. DRILLING PERMIT NO. 41-95-S-0001 - 000
Other IDWR No. 41-67057

2. OWNER:

Name UDY BROTHERS
Address 5111 S. HWY 37
City ROCKLAND State ID Zip 83271

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 10 North ☐ or South ☒
 Rge. 30 East ☒ or West ☐
 Sec. 1 1/4 SW 1/4 SE 1/4
 Gov't Lot 10 County POWER 160 acres
 Address of Well Site 3/4 mi west of
rockland id City _____
 (Give at least name of road + Distance to Road or Landmark)
 Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
cement	0	100		tremmie pipe
			cement	truck

Was drive shoe used? ☒ Y ☐ N ☐ U

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
16	1.5	109	250	steel	☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

69 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: _____

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
600		350	

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
20	0	14	topsoil & sandy clay		
	14	40	gravel & sandy clay		
	40	47	yellow sandy clay & gravel		
	47	57	brown sandy clay & gravel		
	57	77	gray sandy clay & sandstone		
16	77	135	brown sandy clay		
	135	170	clay water sand & sandstone conglomerate		
	170	202	brown clay		
	202	317	gray clay & sandstone		
	317	324	brown sandy clay		
	324	342	black clay		
	342	357	clay & gravel		
	357	403	gray clay & sandstone		
	403	418	gray sandstone		
	418	439	gray clay & sandstone		
	439	453	firm gray sandstone		
	453	463	firm brown sandstone		
	463	474	gray clay & sandstone		
	474	495	brown clay & fine gravel		
	495	503	yellow clay & fine gravel		
	503	518	gray sandstone		
	518	523	gray clay & sandstone		
	523	550	gray clay		

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JUN 02 1991

JUN 19 1995

Department of Water Resources
Southern Region

Completed Depth 550 (Measurable)
Date: Started 1-24-95 Completed 4-27-95

13. DRILLER'S CERTIFICATION

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

Firm Name SHERMAN CONCH WELL DRILL Firm No. 161

Firm Official Memoranda Date 5-10-95

and

Supervisor or Operator *Keith (Cous)* Date *7/2/84*

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

SD-4112
INQUIRY

Idaho Department of Water Resources
Water Rights Screen 4

Date: 07/06/95
Time: 10:22:19

Water Right Number: 41-07057

Stage/Status : P/	Temporary Right : P	Region : 17
Water District:	Swan Falls Flag : 1	Field Exam :
PoU Owned : Y	Transfer/Amended:	DLE Carey Act : 6
	T/A Desc.:	

Dates:

Priority : 11/12/1981	Appl. Rec.: 11/12/1981	Appr/Deny : 1/ 3/1992
Proof Due : 1/ 1/1996	Proof Made: / /	Field Exam: / /
Exam to SO: / /	Protested : / /	Hearing : / /
Show Cause: / /	Licensed : / /	Decree : / /

Receipt No.: S017543

Old Number:

Civil Case No.:
Defendent:
Plaintiff:

(Enter=Exit)

(GOLD8=Cancel)

** please Forward to Permit File.*

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JUL 7 1995
Department of Water Resources

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DEC 20 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MODE SELECT
INPUT

OUTER DIAMETER
27.2540 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
.18400 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? YES

CHANGE DATA
? PIPE

OUTER DIAMETER
8.6748 IN

CHANGE DATA
? END

SPACING
6.500 IN U

06-27 11:4100 *R
+497.436E 06GPM

ZERO MODE
CLEAR

*Polysonic Meas. @ Udy Bros.
See 6-27-95*

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

DAMPING SET
20 SEC

06-27 11:4300 *R
+481.585E 06GPM

MODE SELECT
T0 CHECK

0309.9 MMSEC
099.85 % T0

06-27 11:4400 *R
+002.80 % A12

06-27 11:4400 *R
+484.227E 06GPM

06-27 11:4600 *R
+486.340E 06GPM

06-27 11:4900 *R
+487.133E 06GPM

Permit 41-7057

Polysonic Meas.

6-27-95

by SCC

*<see also field notes
6-27-95 by SCC>*

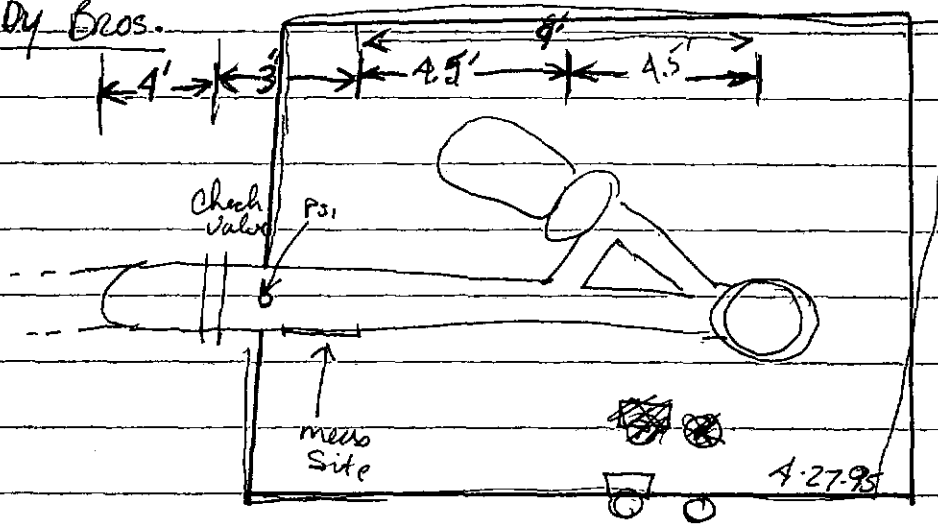
NOV 20 1995

DEC 20 1995

Permit: 41-07057

Field Notes
 Sec 6-27-95

UDY Bros.



80 psi @ gage

Booster:

Marathon

model: 2A286TTDP7 018.BB L

Frame: 286JP

40 Hp

Motor

Fairbanks-Morse

75 Hp

Type KZKV3

pump:

Layne Bowler

pump # 25068

6-27-95
 su

at Polysonic Measurement:

80 psi

- Booster operating w/pump
- Four welllines operating

Ele. meter readout

14 ■ 32713 Kwlt

81.37 KW MAX

T 10 S	R 30 E
S. 1	SWSE

MAP: BB85 (P) **RECEIVED**

DEC 20 1995

Permit: 41-07057

Mr. John Carlson and Glen Saxton

Fax #208-327-327-7866

We would like to request a waiver of condition as required of water right. Water Right Permit # 41-07057, Drilling Permit # 41-95-3-0001-000.

Mr. Sherman Couch, our well driller, believes that the casing could be placed in a layer of clay at 75 to 100 ft. and would make a good seal. Then cement from 75 ft. to top of ground level. The casing is 16 inches with a 1/4 inch wall. A description of the well log is described below.

Immediate reply is requested, as drill is now on sight!

Thank You.

I called Mr. Udy and informed him we would not waive the condition.

George Udy

Udy Bros.

208-221-2277 (Mobile #)

208-226-7857 (Home #)

208-226 1930 (Fax #)

Rockland, ID

*Jim 4/21/95
2-17-95
2:17 PM*

MICROFILMED

DEC 20 1995

Form 238-7
1/94IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

1. DRILLING PERMIT NO. 41-95-S-0001 - 000
Other IDWR No. 41-07057

2. OWNER:

Name UDY BROTHERS
Address 5111 S. HWY 37
City ROCKLAND State ID Zip 83471

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 10 North ☐ or South ☒
 Rge. 30 East ☒ or West ☐
 Sec. 1 1/4 SW 1/4 SE 1/4
 Gov't Lot _____ 10 acres 100 40 acres 180 180 acres
 County LOWERY

Address of Well Site 3/4 mi. west of

rockland id City

Lt. _____ Elk. _____ Sub. Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

[illegible]

Was drive shoe used? Y ☐ N ☐

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations	Method
--------------	--------

☐ Screens	Screen Type
----------------------------------	-------------

From	To	Slot Size	Number	Diameter	Material	Casing	Linear
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

69 ft. below ground Artesian pressure lb.

Depth flow encountered _____ ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

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

Firm Name BERMAN CONCRETE WELL DRILL Firm No. 161

Firm Official _____ Date _____

and
Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Ident. No. 41-95-S-0001-000
Water Right No. 41-07057

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: UDY BROTHERS O 208-226-7857
Address: 5111 S. HYW 37
ROCKLAND ID 83271

2. Proposed Well Location: Township 10S, Range 30E, Sec. 1, SWSE
POWER County

3. Proposed Use of Well: Non-Domestic Irrigation

4. Well Construction Information:

- A. New Well
B. Proposed Surface Diameter 16 In. Proposed Maximum Depth 550 Ft.
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
(NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 1/16/1995

6. Anticipated Well Driller: SHERMAN COUCH WELL DRILLING (No. 0161)
NOTE: The actual well driller must be identified prior to drilling.

7. Applicant's Signature Udy Bros. by George Udy Date Jan. 13, 1995
Title Co-Owner
(Owner, Firm Representative, Other)

Fee \$ 200.00 Received by J.F. No. 5017626 Date 01/13/1995

41-95-S-0003-001 4/13/94

41-95-S-0001-000 1/13/95

DEC 20 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED**

Date: 1/13/1995

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

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the 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.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank.
3. 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.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If the bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (Dig Line is locator service for area 12D, Southern Idaho: 1-800-342-1585, 12A Palouse Empire 1-800-822-1974 12B Nez Perce & Lewis Co.: 1-800-424-5555, 12C Panhandle 1-800-428-4950) not less than 3 working days prior to the start of any excavation for this project.
9. Applicant requests issuance of this Drilling Permit prior to approval of a Water Right or Transfer of a Water Right. Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the diversion of water from this well may not ultimately be approved for use.
10. A well drilled pursuant to this permit must be located at least 500 ft. from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

for Allen Merritt
by S. Junderburg
 Signature of Authorized Dept. Representative

Southern Region
Manager
 Title
 DEC 20 1995

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____

Expires On: _____

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 41-07057 Reviewed by [Signature] Date 12-13-94

BASIC INFORMATION

11-15-94 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
_____ Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
_____ Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Should extend to Jan. 1, 1996
for due diligence

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 1-1-96
Change Priority Date X



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 14, 1994

Udy Brothers
Star Route Box 28
Rockland, ID 83271

RE: Permit No. 41-07057

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1996. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED
DEC 29 1994

October 31, 1994

UDY BROTHERS
STAR ROUTE BOX 28
ROCKLAND ID 83271

PROOF DUE NOTICE

RE: PERMIT NO. 41-07057

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

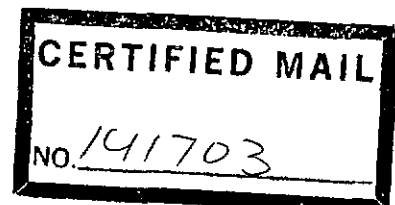
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
DEC 1 1994

DEC 29 1994



January 13, 1992

UDY BROTHERS
STAR ROUTE BOX 28
ROCKLAND ID 83271

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 41-07057

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under Condition No. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained. Please note the additional special conditions [Nos. 9, 10, and 11] concerning well construction requirements.

Sincerely,

JAN 22 1992

PAMELA SKAGGS
Technical Records Specialist

MEMORANDUM

To: Gary Spackman
From: L. Glen Saxton 
RE: COMMENTS ON APPLICATION 41-7057 - Udy Brothers
Date: December 24, 1991

As George's memo points out, it will be difficult to deny this application since we have approved junior ones. I do think, however, we can minimize interference with surface water flows by using approval conditions similar to those used in the Big Lost River drainage. The conditions include the following:

1. The well shall be cased with unperforated casing and sealed to a minimum depth of 100 feet or to the first confining layer, whichever is deeper. Both the owner and the well driller are charged with the responsibility of taking whatever steps might be necessary to prevent ground water from the cased and sealed interval of the well from entering the well.

2. The permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

3. The permit holder shall notify the department at least five (5) days prior to the start of well construction in order that the department can observe the work.

4. The Director retains jurisdiction of the construction of the well to require mitigation or reconstruction of the well if prior water rights are injured as determined by the director.

5. The Director retains jurisdiction of this permit in order to instruct the watermaster of Rock Creek in the diversion and use of the right with respect to prior water rights, both surface and ground water) as determined by the Director.

The department may want to issue a general moratorium on new approvals in the area until we know how the conjunctive management of surface and ground water in the Big Lost River plays out. Out of sequence applications such as 41-7057, however, probably should not just be held indefinitely based on such an after the fact moratorium should the department decide to declare one. If there is a defensible reason why later in time applications have been approved and why an earlier one was skipped, there may be justification to not approve an earlier one.

RECORDED

DEC 22 1992

MEMORANDUM

TO: Gary Spackman
FROM: George Austiguy GA
DATE: December 20, 1991

RE: Surface-Water/Groundwater Relationship Regarding Application
for Permit to Appropriate Water No. 41-7057

The proposed well sites in this application lie approximately 0.6, 0.4, and 0.2 miles from the South Fork of Rock Creek at an elevation of about 60 feet above the stream channel. The USGS report "Water Resources of Rockland Basin, Southeastern Idaho", identifies this area as one in which a direct hydraulic connection exists between the groundwater and the surface water. Further, this report indicates that the reach along which the proposed wells are located gains or receives groundwater discharge. Thus the pumping of wells adjacent to the South Fork of Rock Creek in this reach will result in a decrease in stream flow.

Two methods were utilized to estimate stream flow depletion by nearby wells:

1. USGS Report on Rockland Basin.
2. Computational Stream Depletion Model (DEP)

Figure 18 from the USGS report is attached. This is a curve plot which allows stream depletion to be estimated for a pumping discharge of 1,100 gpm. Based on the horizontal distance of the proposed wells from the stream channel Figure 18 indicates a cumulative loss to the stream flow of 315.17 ac-ft for an 80 day continuous pumping period. See attached sheet for calculations.

For purposes of comparison DEP was run for Udy well no.1 (the well closest to the stream channel) with a pumping discharge of 1,100 gpm. Results of this run show close agreement with Figure 18 indicating 191.5 gpm and 194.5 gpm respectively for the rate of stream flow depletion after 80 days of continuous pumping.

As an additional simulation DEP was run for each well with the applied for discharge split equally between the three proposed wells (738.43 gpm). Results indicate a cumulative volume loss to the stream of 208 ac-ft for the 80 day pumping period.

Both the stream depletion models are based upon similar theories. Due to the assumptions inherent in these theories the models overestimate stream depletion by 65%. Correcting for this error results in the following estimation for rate of depletion and volume loss by the Udy wells for an 80 day period of continuous pumping at 738.431 gpm per well:

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JAN 22 1992

Well No.1: 0.39 cfs

Well No.2: 0.23 cfs

Well No.3: 0.123 cfs

Cumulative
volume loss: 72.88 ac-ft

Surface Water

The USGS stream flow gage on Rock Creek near American Falls is representative of the total surface water discharge from Rock Creek basin before it enters the Snake River. Monthly mean daily flows for the period of record are plotted in the attached hydrograph. The average basin discharge for the irrigation season is 13.2 cfs. Monthly mean daily flows for the East Fork of Rock Creek are also plotted. The East Fork gage is located slightly more than halfway up the East Fork basin. The stream experiences uniform flow throughout the year and has an average flow of 16.8 cfs during the irrigation season. The East Fork is the major contributor of flow to Rock Creek.

The second hydrograph shows maximum and minimum mean monthly flows for the measurement station near American Falls. The curves indicate a wide variation in flows with minimums very close to zero during the irrigation season.

Report comments (1955) from the discontinued stream gage 13077500 (see map) on the South Fork which is above the proposed well sites indicate no flows for long periods due to the entire flow being diverted for irrigation.

Water Rights

Appropriations for surface flows of Rock Creek below the junction of the East Fork total 29.49 cfs. These rights are either decreed or licensed with one exception being a statutory claim.

Since 1975 the Department has approved 21 ground water permits in Rockland Basin, some of them quite large (52.8 cfs, 28 cfs, and 18.4 cfs). Four have been approved in the last year. One of these is exclusively for irrigation but is located far from the stream channel. Two of the remaining three are multiple use permits which include irrigation. These are probably less than a mile from the stream channel and are located downstream from the confluence of the East Fork and South Fork (see map). Diversion rates are 0.2 cfs and 0.19 cfs. The remaining permit is a municipal use for the town of Rockland.

Discussion

There is a total of 29.49 cfs surface flow appropriated in the reach below the East Fork of Rock Creek junction. From the minimum

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JAN 22 1992

flow hydrograph curve one can assume that all these rights are not being delivered throughout the irrigation season every year.

The East Fork is the major contributor to the flow in that reach. If you assume the flows represented by the gage (16.8 cfs) are reaching the main stem then the difference with what is allocated (12.69 cfs) must come from other sources. The primary other sources being the South Fork of Rock Creek, ground water, springs and smaller tributaries. The South Fork has been identified as having periods of no flow during irrigation season leaving ground water, springs and smaller tributaries to provide the remaining surface water which has been licensed or decreed. Since it is likely that a smaller value than the flows represented by the East Fork gage are reaching the main stem contributions from other sources are greater than the above estimate.

Because the Department has approved permits in the basin for groundwater appropriations which are junior in time to the Udy application it would be inconsistent with the precedent policy to deny this application. This does not alter the physical fact that the pumping of these wells and others approved by the department are depleting stream flows if they are withdrawing water from the upper aquifer (the aquifer under water table conditions). In low flow years this will be injurious to senior surface water rights.

Further approval of groundwater diversions in the Rockland Basin without regard to the injury of surface flow rights could lead to water master regulation of groundwater diversions. As a step towards averting this potential situation it may be wise to place a moratorium on ground water appropriations and evaluate the ability of Rockland Basin to support the current level of water use.

Based on the present policy I see no option but to approve the Udy application. The department should include approval conditions which will minimize stream flow depletions and prepare diversions for water master regulation should it become necessary. These would include:

1. The director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

2. Well shall be equipped with a nonperforated solid casing to a minimum depth of 100 feet and shall be extended into the next confining layer.

3. A lockable measuring device or access port of the type approved by the department shall be permanently installed and maintained as part of the diverting works.

The applicant has a history of ignoring approval conditions no 2,

4/24/92 1992

therefore the department should have an on site inspection during the drilling operation.

REFERENCES: Water Resources of Rockland Basin
Southeastern Idaho
USGS Open-File Report 82-755

"An Evaluation of Analytical Solutions to Estimate Drawdowns and Stream Depletions by Wells",
C.P. Spaulding, R. Khaleel, Water Resources Research, Vol.27,no.4 pgs 597-609, April 1991

USGS Quadrangle Map: Rockland West, Idaho

USGS Water Resources Data

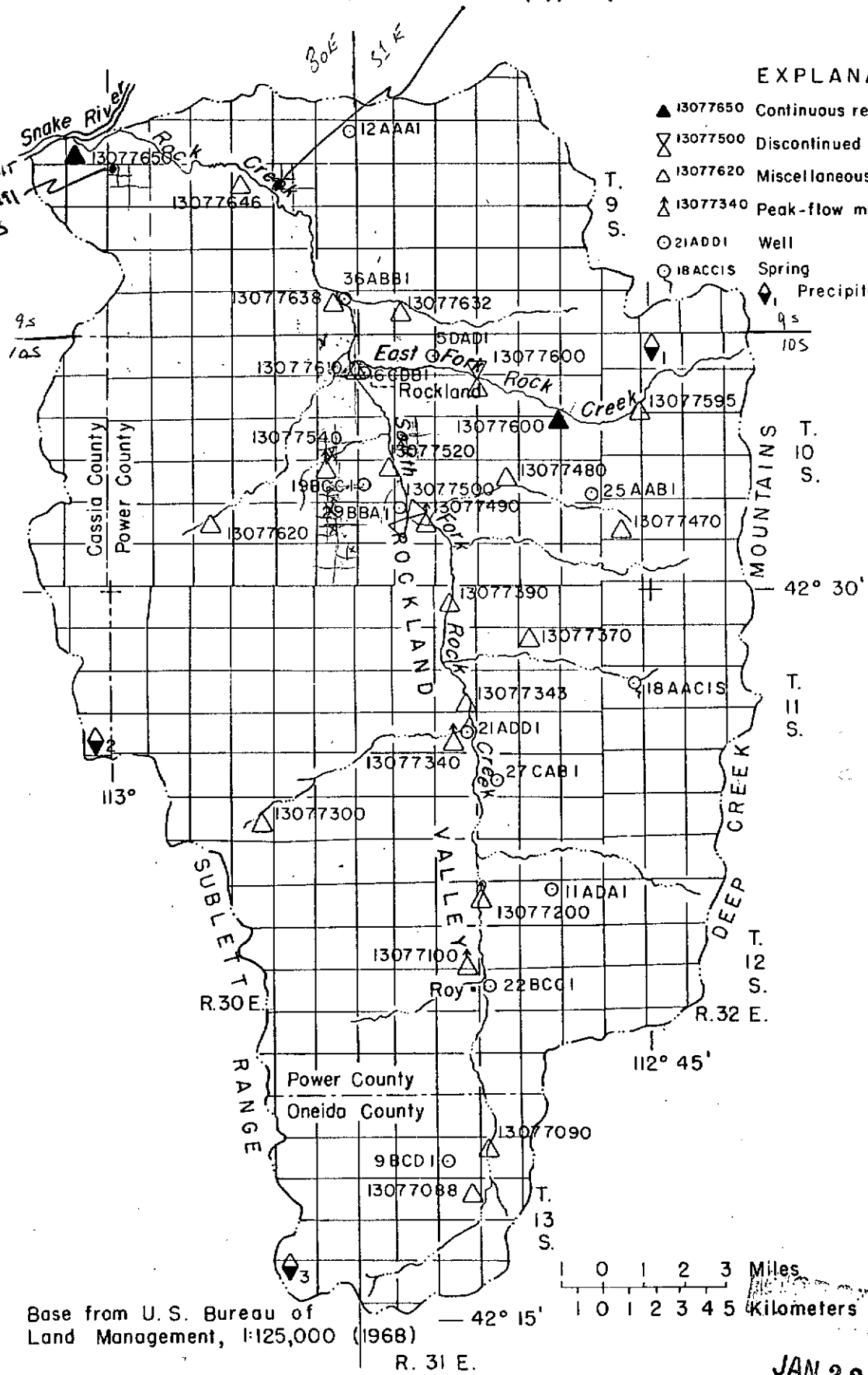
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JAN 22 1992

G.W. IRR. PERMIT
APPR: 1/11/91

G.W. IRR. PERMIT
APPR: 1/11/91
D.19CFS

EXPLANATION

- ▲ 13077650 Continuous record station
- ⌵ 13077500 Discontinued station
- △ 13077620 Miscellaneous measurement site
- ▲ 13077340 Peak-flow measurement site
- 21ADDI Well
- 18ACCIS Spring
- ◆ Precipitation storage can



STREAM FLOW
MEASUREMENT SITES
Application Well
sites (UDYBBS)

Base from U.S. Bureau of
Land Management, 1:125,000 (1968)

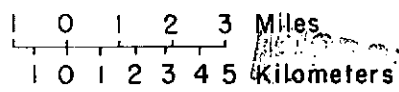


Figure 9. -- Locations of measuring sites.

JAN 22 1992

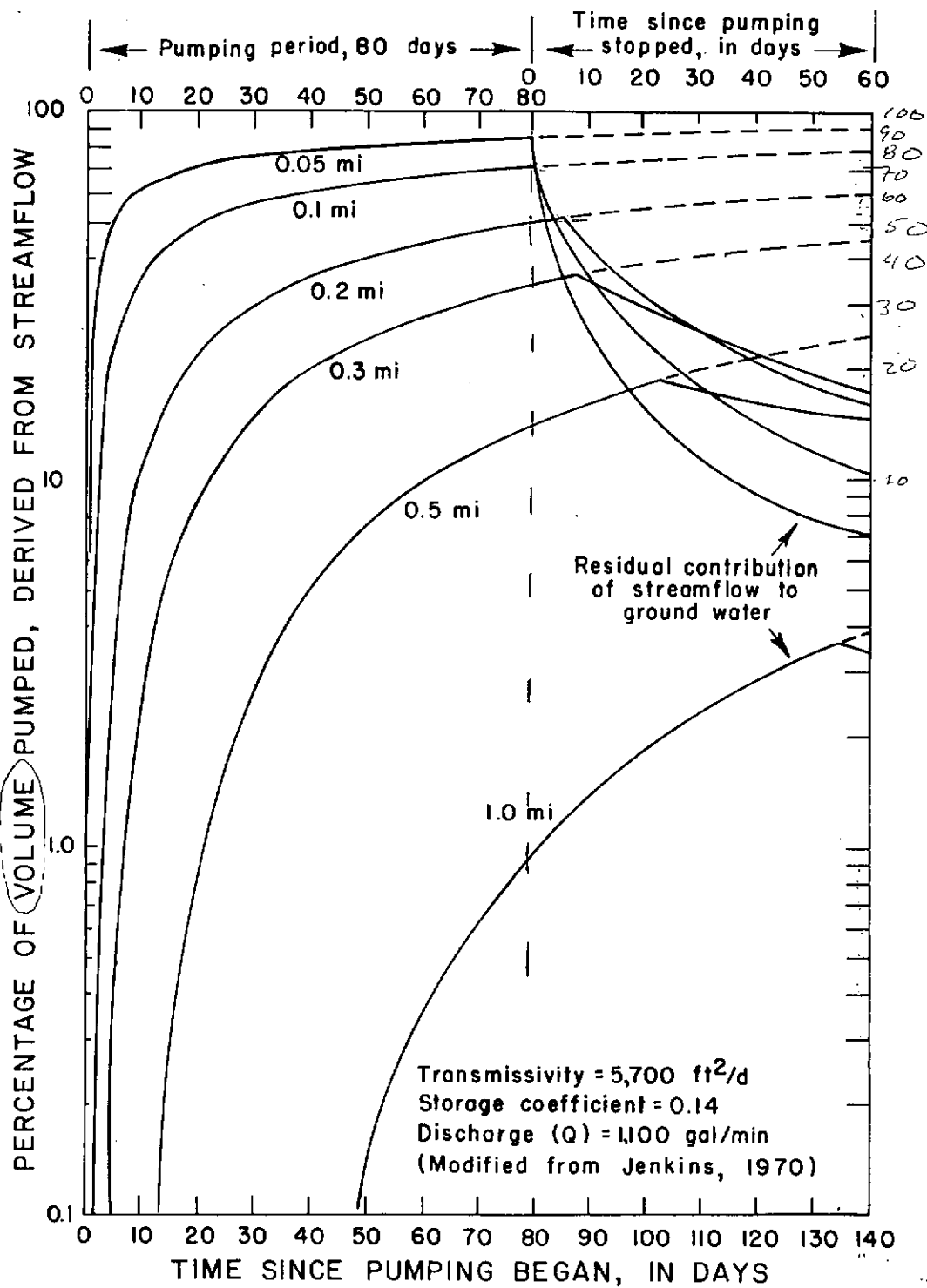


Figure 18.-- Effects of ground-water pumpage on streamflow at selected distances from Rock Creek.



DISTANCE FROM STREAM (MILES)	% of Vol. Pumped FROM STREAM	Vol Pumped FROM STREAM (20-ft) (AFTER 80 DAYS)
0.2	50	194.47
0.4	22	85.69
0.6	9	35.01
TOTAL VOL. LOSS TO STREAM		315.17

WELL DISCHARGE: $Q = 1100 \text{ GPM}$

$$\begin{aligned}
 \text{TOTAL VOLUME PUMPED: } V_T &= 1100 \frac{\text{G}}{\text{min}} \left(\frac{1440 \text{ min}}{1 \text{ DAY}} \right) 80 \text{ DAYS} \\
 (\text{IN 80 DAYS}) &= 126,720,000 \text{ G} \\
 &= \underline{\underline{388.95 \text{ ac-ft.}}}
 \end{aligned}$$

JAN 22 1992

Perf Dec: 175.5 GPM

Per/Dep: 105.48 GPM

Reel DEP. 55. 4B

STREAM DEPLETION USING GLOVER TECHNIQUES

UDY TEST WELL

NOV. 21, 1991

=====

STREAM

:
:
:
1055.504 '
:
:
:
O WELL

T= 42632.7599 GPD/FT, S= .14
NOT DRAWN TO SCALE

PUMPING SCHEDULE
TOTAL TIME SIMULATED= 80 DAYS

PUMPING PERIOD	Q (GPM)	LENGTH (DAYS)	CUM. TIME (DAYS)	VOL. PUMPED THIS PERIOD (ACRE-FEET)	CUM. VOL. PUMPED (ACRE-FEET)
1	1100.000	80	80	388.831	388.831

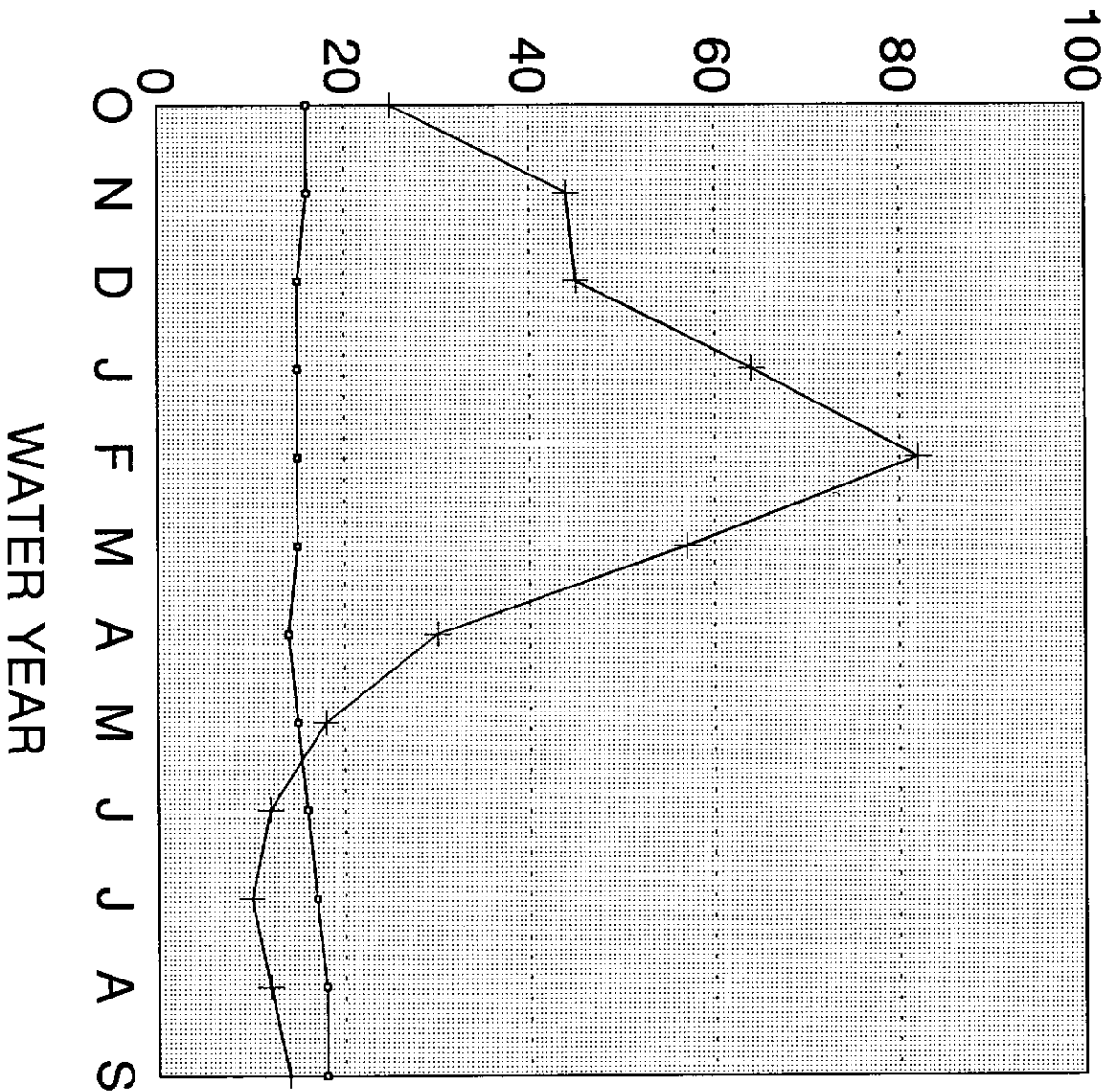
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JAN 22 1992

STREAM DEPLETION

TIME (DAYS)	DEP. RATE (GPM)	DEP. RATE (%)	VOL. OF DEP. (ACRE-FEET)	VOL. OF DEP. (%)	VOL. OF THIS 5% (ACRE-F
10	266.2832	24.2076	4.9810	10.2481	4.
20	448.9462	40.8133	21.2513	21.8618	16.
30	549.3689	49.9426	43.4892	29.8256	22.
40	614.4711	55.8610	69.2912	35.6408	25.
50	660.9515	60.0865	97.5200	40.1285	28.
60	696.2482	63.2953	127.5367	43.7334	30.
70	724.2201	65.8382	158.9408	46.7161	31.
80	747.0903	67.9173	191.4618	49.2404	32.

ROCK CREEK HYDROGRAPH



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JAN 22 1992

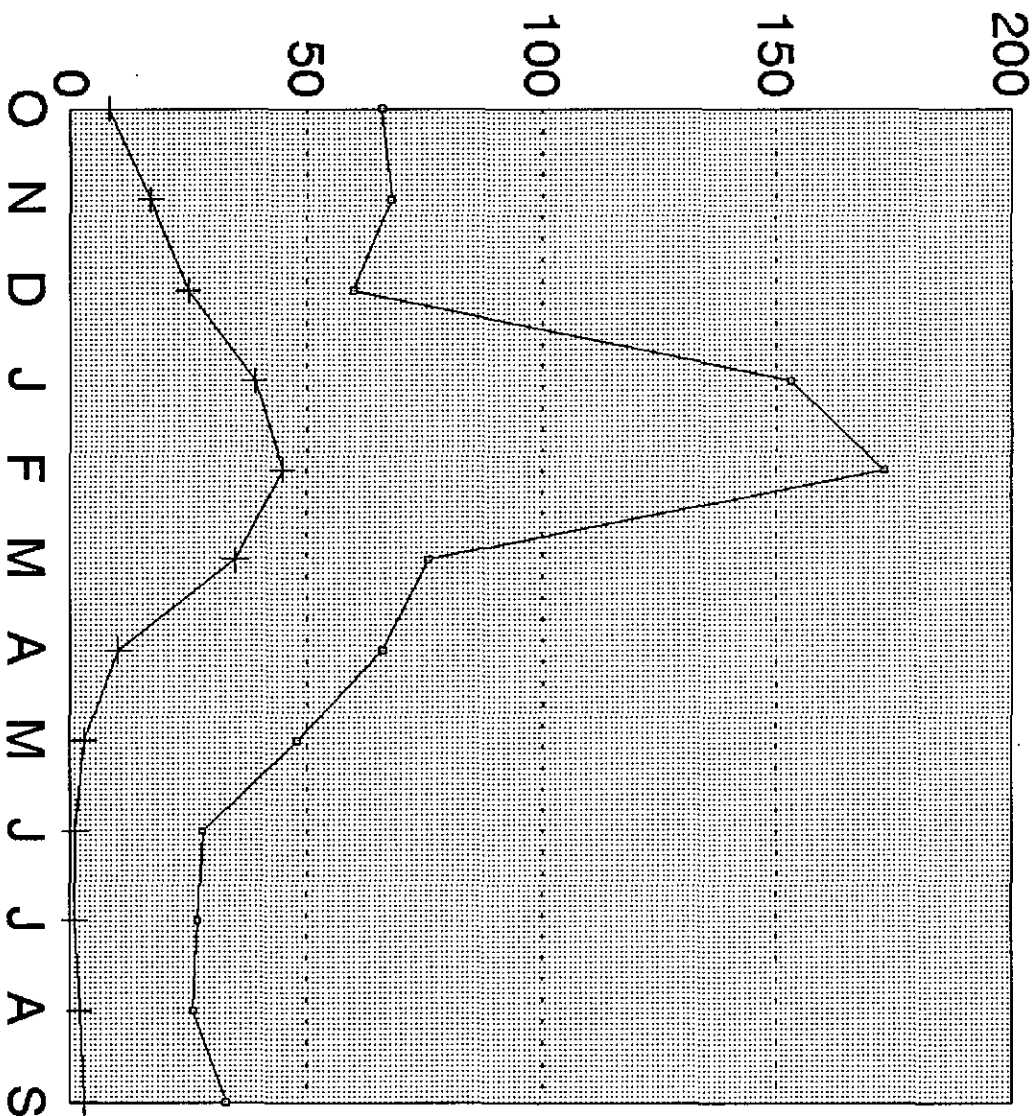
MEAN STREAM FLOW (CFS)

—○— E. FORK ROCK CRK

+ ROCK CRK NR AM. FALLS

ROCK CREEK HYDROGRAPH

ROCK CREEK NEAR AMERICAN FALLS



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JAN 22 1992

MEAN MONTHLY FLOWS

—○— Maximum

—+— Minimum

RECEIVED
SEP 30 1991

Department of Water Resources

September 26, 1991

Gary Spackman
Department of Water Resources
1301 Orchard Street, Statehouse Mail
Boise, Id 83720

RE: Application for Permit to Appropriate Water No. 41-7057

Dear Mr. Spackman:

In 1981 we purchased a farm from a Mr. Don Benson. The farm consist of approximately 700 acres and is located about a mile west of the city of Rockland. The farm had one licensed well and another well that was not being used. The licensed well is 1100 ft. deep and produces about 70" of water with the bowls set at 340 ft. The other well is 300 ft. deep and produces only 15 inches of water.

When we purchased the farm we applied for a permit to appropriate more water and shortly thereafter the Swan Falls negotiations began and they told us in your Twin Falls office that no action could be completed until the Swan Falls issue was completed. I have asked about this permit on my visit to your Twin Falls office since the Swan Falls issue was settled and they told me that they would check it out and get back with me but I have never recieved any information on it.

When we applied for the permit there was no protest against it so the water users of the valley didn't feel that a well in this area would affect the flow of Rock Creek. All of the other permits we have filed have been protested.

The only spring that is in the immediate area is Lupe Springs and is approximately one mile south west of the two existing wells. Its flow is so small that most of the year it doesn't even reach our property.

Because of the depth of the underground water in that area and the valley floor being about 50 ft lower than the well sites any water appropriated from new wells would not affect the stream flow.

If you need additional information my telephone number is 548-2636.

MICROFILMED

JAN 22 1992

Sincerely,
Richard Udy
Richard Udy



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 13, 1991

Udy Brothers
c/o Richard Udy
Star Route Box 28
Rockland, ID 83271

RE: Application for Permit to Appropriate Water No. 41-7057

Dear Mr. Udy:

The Department of Water Resources is reviewing application for permit to appropriate water no. 41-7057, in the name of Udy Brothers. Because of prior concerns regarding the relationship between ground water and surface water and possibility of injury to other rights, you must submit technical information prior to consideration of your application.

Please describe the relationship between surface water and ground water in the area where the proposed well is to be drilled. The answer to this question should be based on technical studies or information, not speculation.

Please submit the above information within sixty (60) days of the date of this letter. Failure to respond is cause for the Director to void the application.

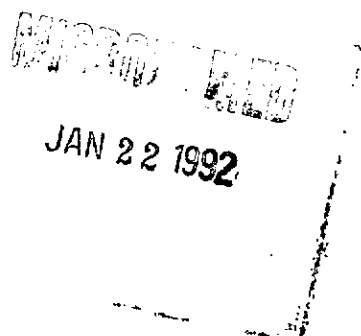
Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region



MEMORANDUM

TO: Glen Saxton and Norm Young
FROM: Gary Spackman *Gary*
DATE: July 31, 1991

RE: Application for Permit No. 41-7057 in the Name of Udy Brothers

Application for permit no. 41-7057 in the name of Udy Brothers perked my attention because of other applications by Udy Brothers which have caused substantial commotion in the Rockland Valley. This application was filed in 1981 and was advertised then. It is surprising to me that the application is not protested. If legal notice were printed today, I am almost certain that protests would be filed against its approval.

Southern Region conducted a field examination, and did not find much development nearby with which the proposed diversion would interfere. The only question remaining is whether a development of 4.94 cubic feet per second is substantial enough for the Department to scrutinize carefully its effect on surface water flow.

Loren represented to me that, before the filing of the Swan Falls complaint, the Department had met with users from Rock Creek, and had promised some kind of management plan prior to processing more applications in the Rockland Valley. Loren said that because of Swan Falls and other pending matters, the Department has never developed a plan.

I wonder whether we should forge ahead with approving applications, particularly with an application of this size, or whether there is some other action which is appropriate prior to approval of this application.

RECORDED
JAN 22 1992

APPLICATION FOR PERMIT REVIEW

Application #: 41-7057
Date: 7-24-91

Reviewer: Pam Skaggs *CS*

Existing:

☒ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

☒ GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well) *Some*
☒ LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99
☒ Not included - 046-P23 (All GW, even existing wells) *Some*

Location:

☒ Water Districts - WD No. 41
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)

☒ Groundwater - P05 *new wells/covered by special condition*

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

☒ Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Consumptive Uses)

☒ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

☒ Beneficial Use Due Date: - 01-02-1995
Other Conditions Recommended 08-01-1994

01-02-1995

08-01-1994

Needs 45, 3 Info + Review

Special Conditions per G. Saxton

RECEIVED

JAN 22 1992

Pam
Go ahead
and review
Barry

FROM Loren Holmes

DATE 7/16/91

TO File 41-7057

SUBJECT Field Exam of existing weathers.

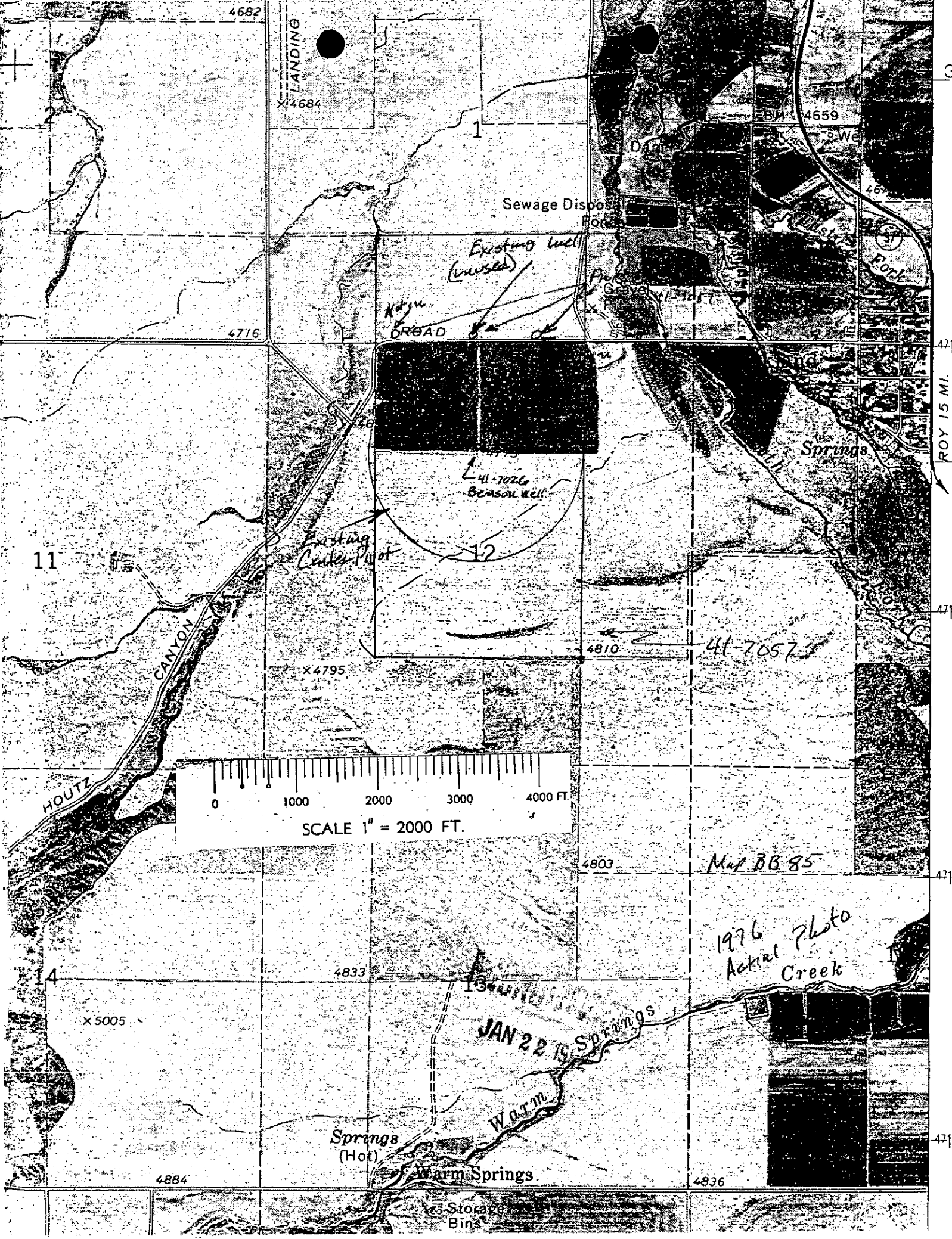
The attached map & photos document existing irrigation weathers.

The well in the NENW sec 12 (set-vice) a Center Pivot system on A Portion of the proposed P/O & overlaps the P/O of 41-7026. One additional has been drilled but is not in use.

MICROFILMED

JAN 22 1992

SIGNATURE



4682

LANDING

X 4684

1

BM 4659

3 We

Sewage Disposal Ponds

Existing well (curled)

High ROAD

4716

Fort

Springs

11

CANYON

Existing Center Plot

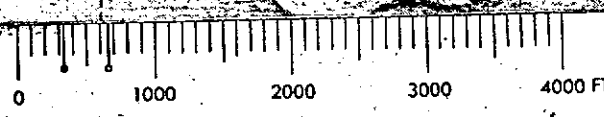
41-7026 Benson well

12

4810

41-7057

X 4795



SCALE 1" = 2000 FT.

HOUTZ

4803

Map BB 85

14

X 5005

4833

13

JAN 22 1985

Springs (Hot)

Warm Springs

1976 Aerial Photo Creek

Storage Bins

4884

4836

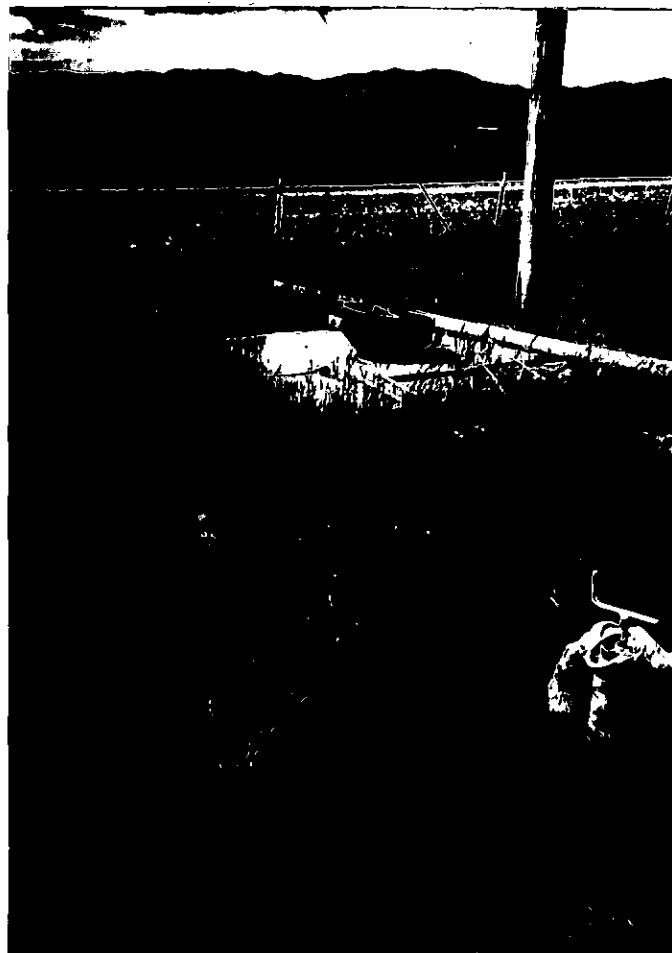
39

ROY 15 MI. E. MAI AD CITY

4712

4710

4712



RECEIVED
JAN 22 1992

RECEIVED

JAN 11 1991

MEMORANDUM

Department of Water Resources
Southern Region Office

TO: Loren Holmes
FROM: Gary Spackman *Gary*
DATE: January 9, 1991

RE: Application to Appropriate Water No. 41-7057 in the Name of
Udy Brothers

I have written three previous memos to you regarding a field examination for the above application. I have not yet seen any information. I am returning the application to you for further action. When your staff have finished the field exam, please return the application to this office.

MICROFILMED

JAN 22 1992

RECEIVED

OCT - 4 1990

Department of Water Resources
Southern Region Office

MEMORANDUM

TO: Loren Holmes, Southern Region
FROM: Gary Spackman *Gary*
DATE: October 2, 1990

RE: Application for Permit to Appropriate Water No. 41-07057 in
the Name of Udy Bros.

I have attached two previous memos which I have sent for
which I have received no response. Can you report on the status
of the pre-permit field exam for application no.
41-07057?

MICROFILMED

JAN 22 1992

MEMORANDUM

TO: Loren Holmes, Southern
FROM: Gary Spackman *Gary*
DATE: August 10, 1990

RE: Application for Permit to Appropriate Water No. 41-07057 in
the Name of Udy Brothers

I have attached a memorandum I sent to you June 8, 1990, requesting a pre-permit field exam for this application for permit. Have your people had a chance to look at the extent of development and the location of wells proposed with respect to other wells and sources?

MICROFILMED

JAN 22 1992

MEMORANDUM

TO: Loren Holmes
FROM: Gary Spackman *Gary*
DATE: June 8, 1990

RE: Application for Permit to Appropriate Water No. 41-7057 in
the Name of Udy Brothers

Application no. 41-7057 was routed to me for review. Two questions are immediately apparent to me:

1. This application was dismissed from the Swan Falls lawsuit, but the information that has been submitted leads me to believe that perhaps Udy Brothers are not irrigating all of the ground listed as the place of use in the application.

2. In light of our recent decision regarding the Udy application to amend permit no. 41-7028, I'm concerned about approving this application without some strict review.

I suggest that a pre-permit exam be conducted for application no. 41-7057 to determine the present extent of use, and to report on the location of the wells proposed with respect to other wells and sources.

In addition, the application proposes development of more than 200 acres, and information required by Rule 4,5. of the Water Appropriation Rules and Regulations must be submitted by the applicant. In light of our recent decision on a similar application, I am reluctant to approve application no. 41-7057 without an adequate showing by Udy that his project will not injure other water users.

RECEIVED
JAN 22 1992

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MICROFILMED

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RECEIVED
JAN 22 1991

JAN 22 1991

MEMORANDUM

TO: JIM JOHNSON & FILE 41-7057

FROM: KAY WALKER *KW*

RE: STATUS

DATE: 1-MAY-1990

=====

JIM: This application is one that I found in our "hold" drawer and review finds that we could now proceed with our processing (it was dismissed by Idaho Power from the lawsuit).

My question is: What is the status of the Rockland Basin study and who in hydrology should we route this app. to for their recommendations?

Kay, CONTACT ALAN ROBERTSON

RECEIVED

JAN 22 1992

FROM Ray Walker

DATE 2/27/85

TO Application 41-7057

SUBJECT Status —

MICROFILMED

JAN 22 1992

The study of Rockland Basin by the U.S.G.S. has been completed; a copy is downstairs with Hydrology.

When, and if, this app. is released from Swan Falls suit we should route to hydrology for recommendations.

KW

SIGNATURE

FORM A

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
JUL 8 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 41-7057
Name(s) of Permit Holder: Udy Brothers

Post Office Address: St. Rt. Box 26, Rockland, Id 83271

Telephone No. 548-2636

Source of Water: ground

Extent of Use: Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 316 (acres)

Other/Remarks purchased in 1981 - application for

more acreage

Indicate the date water was first diverted and beneficially used under this permit: 1970

Measuring Device: Required? _____ Yes _____ No
Installed? _____ Yes _____ No

Flow Measurement Port: Required? _____ Yes _____ No
Required? _____ Yes _____ No

Person to contact to accompany the Department representative during field examination: George Udy or Richard Udy - (see above)
(Name)

(Address)

(Telephone number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 7, 1985
Date

George Udy co-owner
Signature of Permit
(and Title, if appropriate)

2 1992

Statement of development for exemption
from Swan Falls processing. Not acceptable
as proof of beneficial use.

FORM B

Please answer all questions fully if you believe that actual use or a substantial investment existed as of November 19, 1982, (\$15,000 or 25% of the estimated cost of the project):

SEE ACCOMPANYING LETTER:

#41-7047 #41-7021
#41-7028 #41-7027

Permit or Application Number: #41-7015 #41-7057

Name(s) of Permit Holder: Udy Bros + Grant Udy + Sons

Post Office Address: R.F.D. Box 26

Telephone No. 548-2636

Indicate the date water was first diverted and beneficially used under this permit:

1. As of November 19, 1982, had the sum of at least \$15,000 been spent on the purchase or construction of wells or on equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES _____ NO X

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure.

2. As of November 19, 1982, did there exist actual expenditures or written commitments for expenditures totaling at least \$15,000 for the purchase or construction of wells or of equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES _____ NO X

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure, or of written commitments for such purchase or construction.

3. Describe the irrigation project contemplated. For example, number of acres, number of wells or headgates, type of application system (gravity, handlines, center pivots, length and size of canals, laterals, mainlines, etc.), number and size of pumps.

All of these projects will be Pump and sprinkler irrigation

JAN 22 1992

Three of these Permit Have got the well dug and just need to be developed. # 7028. These wells were dug in 1962. We already have a license on them. This permit is for additional water. on Permit # 41-7057 it was approved in Twin Falls ^{Department of Water Resource} and sent on to Boise but Boise misplace it and a permit was never issued to us.

4. Describe how much of the project was completed on or before November 19, 1982.

#41-7057 - 300 ft well has been dug - no development
#41-7021 - NO Development #41-7015 ^{210'} well dug - will begin irrigation 1985
#41-7027 - 150' well dug - no development #41-7028 2 wells dug ^{15 H.P.} began irrigating in 1962 with flow - Put Pump on in 1968 - applied for additional water 8-15-77. #41-7047 Application Potential in 1980. Because of Swan Falls Conflict a hearing was never held. No development

5. What is the total estimated cost of the irrigation project necessary to use water under the above permit or application? (In figuring project cost, do not include cost of land or engineering and feasibility studies).

6. Did the total of the actual expenditures and written commitments exceed 25% of the total projected cost as of November 19, 1982?

	#41-7057
	#41-7015
YES	#41-7027
	#41-7028
	NO #41-7047

I swear (or affirm) that the information stated above is true and correct, to the best of my knowledge.

SUBSCRIBED and SWORN to before me this _____ day of _____, 1985.

NOTARY PUBLIC FOR _____
Residing at: _____

JAN 22 1982

JUDY FARM
GRANT, RICHARD OR GEORGE UDY
ROCKLAND, IDAHO 83271

97-63
1243

PAY TO THE
ORDER OF

Southern Idaho Pipe

\$133⁶⁰

DOLLARS

One Hundred Thirty Three + 60

DAVIS COUNTY BANK
FARMINGTON, UTAH

Richard M

⑆1243⑈0063⑆101 11379 24⑈

⑈000006⑆360⑈

UNRECORDED

JAN 22 1992

February 8, 1982

RE: Application for Permit No. 41-7057

Udy Brothers
Star Route, Box 28
Rockland, ID 83271

Gentlemen:

The Department of Water Resources is holding approval of your application for Permit No. 41-7057 for groundwater use for irrigation purposes pending the outcome of a study being conducted by the U.S. Geological Survey. This study is being conducted to determine the extent and nature of groundwater supply of the Rock Creek Drainage Basin.

We have been informed that a report on the study should be distributed by May 1, 1982. If you have any questions please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw

E

cc: Southern Region

RECEIVED
JAN 22 1982

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

UDY BROTHERS

INITIAL REVIEW BY: GARY FUNDZBERG

APPLICATION NUMBER: 41-7057

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☒ Yes ☐ No Platted by: _____ Map No. BB-85
☒ Yes ☐ No Other rights on same place of use. 41-7026 Q adjusted for over 100
☒ Yes ☐ No* In form for advertising. 12/21/81
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/14/81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 11/12/81 Date of priority recommended.
Special conditions of approval or cover letter. OIC

RECEIVED
JUL 22 1991

Department of Water Resources

By: ADA

Date: 1/11/82

STATE OFFICE REVIEW:

LO3, OIC

RECEIVED
JAN 14 1982

- ☐ See attached sheet for more information.

By: [Signature]

Date: 2/1/82

Department of Water Resources

process - Exempt (dismissed
by ID Power)

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 20, 1981

Power County Press
174 Idaho Street
American Falls, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 21, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

JAN 28 1982

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

41-2852-

UDY BROTHERS

STAR ROUTE BOX 28, ROCKLAND, ID 83271

Source: GROUNDWATER

Date Filed: 11/12/1981

Amount: 4.94 CFS

Diversion Point: NENW Sec 12 T 105 R 30E SWSE SESW Sec 01 T 105 R 30E,
POWER Co.

Use: IRRIGATION (4.94 CFS) from 03/15 to 11/15

Place of Use: SESW SWSE Sec 01 T 105 R 30E NWNE SWNE NENW SENW NESW NWSE
Sec 12 T 105 R 30E FOR 316 ACRES

Diversion Means: WELLS & PUMPS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 21, 1981.

A. KENNETH DUNN

Director
RECORDED

Published 12/2 & 12/9/81.

JAN 22 1992

Published in the Power County
Press Dec. 2 and Dec. 9, 1981.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the
following application(s) have been
submitted for permit to appropriate
the public waters of the State of

Idaho.
41-7057
UDY BROTHERS
STAR ROUTE BOX 28,
ROCKLAND, ID 83271
Source: GROUNDWATER
Date Filed: 11/12/1981
Amount: 4.94 CFS

Division Point: NENW Sec 12 T
10S R 30E SWSW Sec 01 T
10S R 30E, POWER CO.
Use: IRRIGATION (4.94 CFS)
From 03/15 to 11/15
Place of Use: SESW SWSW Sec 01 T
10S R 30E NWNE SWSW Sec 01 T
SENW NESW NWSE Sec 12 T 10S
R 30E FOR 316 ACRES

Division Means: WELL & PUMPS
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against the granting of any permit
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Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before DECEMBER

21, 1981.

A. KENNETH DUNN
Director

RECEIVED
JAN 22 1982

Handwritten:
12/1/81
[Signature]