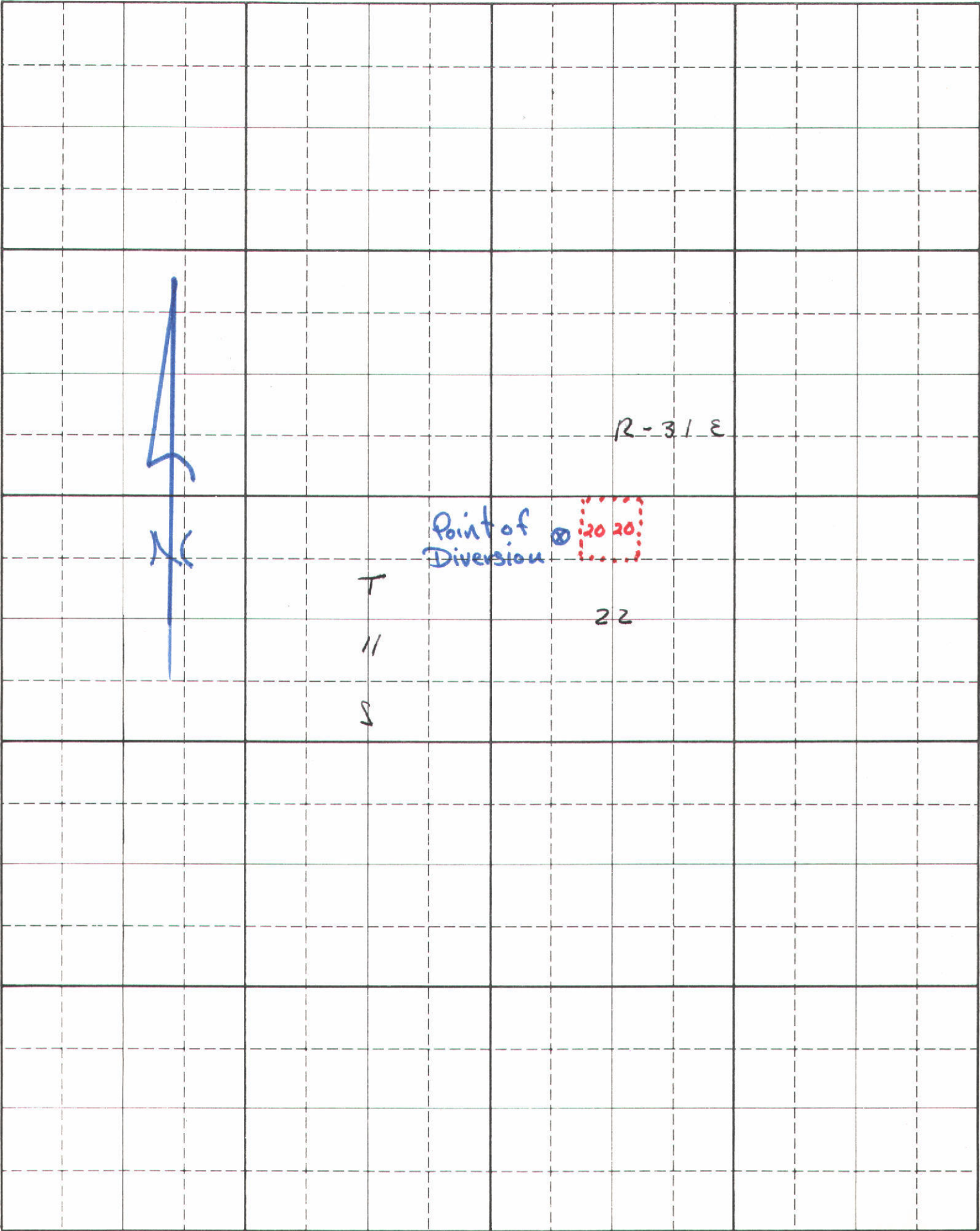


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

PARTNER Grant Udy
(Applicant)

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER }

S.S.

RECEIVED

JUL 14 1975

Department of Water Resources
Southern District Office

.....~~Phyllis Ringe~~..... being first duly sworn
on oath, states:

That ~~....she.....~~ is the ~~principal clerk of~~ the printer
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 for ~~...2.....~~
successive weekly issues thereof, the date of the first publica-

tion being the ~~.....3rd.....~~ day of ~~...July.....~~, 19~~..75~~

the date of last publication being the

~~.....10th...~~ day of ~~.....July.....~~, 19~~..75~~

(Signed)

Subscribed and sworn to before me this

~~.....11.....~~ day of ~~.....July.....~~, 19~~..75~~

Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

.....~~Notary Public, American Falls, Idaho~~....., 19.....

Residing at ~~.....~~
My Commission Expires
July 15, 1977

Legal Notice

Published in the Power
County Press July 3 and 10,
1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Grant Udy & sons - Partner-
ship Rockland, Idaho has on
6-20-75 submitted Application
No. 41-7016 for a permit to
appropriate .8 cubic feet per
second of water from Ground-
water by means of well, motor,
pump & sprinkler system
withing the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
22, Twp. 11S, Rge. 31E, B.M.
Power County to be used from
January 1 - December 31
(domestic & Livestock); March
15 - November 15 for Irrigation
of 40 acres within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
22, Twp. 11S, Rge. 31E, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd., North,
Twin Falls, Idaho, 83301 on or
before July 21, 1975.

R. KEITH HIGGINSON
Director

O.K. Rgl
7-14-75

RECORDED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 41-7016 Priority June 20, 1975 Amount 0.26 cfs

THIS IS TO CERTIFY, that Grant Udy & Sons
of Rockland, Idaho, has complied with the terms and conditions of Permit
No. 41-7016 issued pursuant to Application for Permit dated June 20, 1975,
and has submitted proof to the Department of Water Resources on February 6, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.26 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.26</u> cfs and *		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.26 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
* _____ acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22
Twp 11S, Rge 31E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	31E	22					37												37

Total number of acres irrigated 37

*This right when combined with Right Nos. 41-2019 & 41-2026 shall not exceed
3.5 acre feet per acre per annum.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16TH day of
MARCH, 19 84.

Acting for the Director

Norman C Young

MICROFILMED

Identification No. _____

Application No. 41-2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

(PARTNERSHIP)

1. Name of applicant GRANT Ody & Sons Phone: 548-2831
post office address Rockland, IDAHO

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

3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22 Township 11S
Range 31E B.M. Power. County; additional points of diversion if any: _____

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

4. Water will be used for the following purposes:

Amount .8 cfs for Irr purpose from MARCH 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .12 cfs for Dom. purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .07 cfs for livestock purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .8 cfs. cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, motor & Pump.
& sprinkler System.

☒ b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years.

b. Estimated construction cost is \$ 10,000.00

8. Description of proposed uses:

a. If water is **not** for irrigation: SAME AS 8b.

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered 400 Head livestock
(Range Cattle)

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 3 Homes.

(5) If water is to be used for other purposes describe: _____

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.

hic. well. water & Decreed Stream.

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

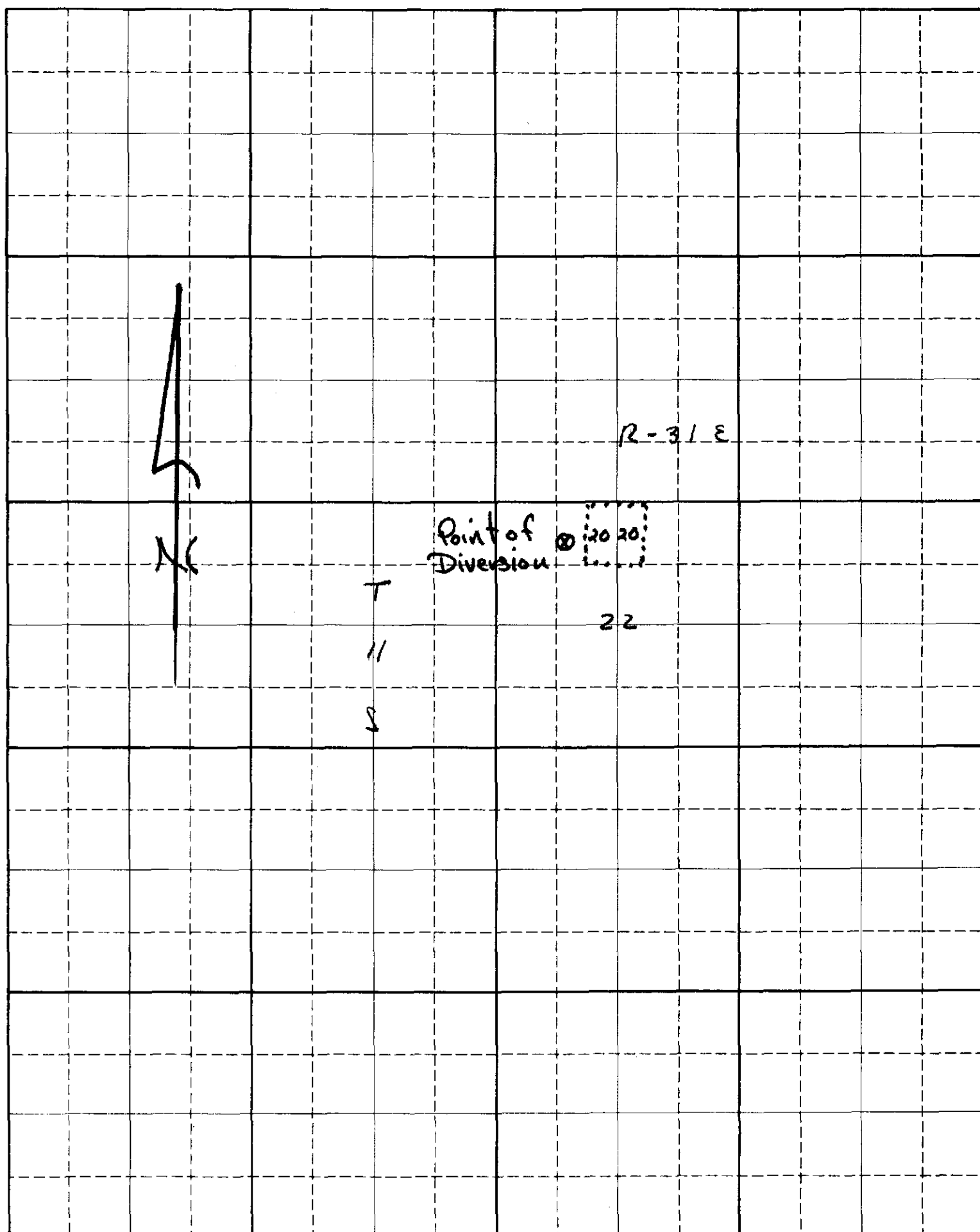
Total number of acres to be irrigated.

04

[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.

PARTNER Grant Vidy
(Applicant)

Proposed Priority 6-20-1975

1633

Received by GLE Date 6-20-75 Time 1:30 P.M.

Preliminary check by mls Fee \$ 25.00

Received by GLE Date 6-20-75

Publication prepared by CC Date 6-23-75

Published in Power County Press

Publication dates 7-3 & 7-10-75

Publication approved by GLE Date 7-14-75

Priority reduced to Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by mls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 41-7016, and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1978.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 5 day of February 1976.

Director

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } S.S.

RECEIVED

JUL 14 1975

Department of Water Resources
Southwest District Office

~~Myllis Ringe~~ being first duly sworn
on oath, states:

That ~~she~~ is the principal clerk of the printer 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 for ..2..... successive weekly issues thereof, the date of the first publica-

tion being the 3rd..... day of ...July....., 19..75

the date of last publication being the

.....10th... day of July....., 19..75.

(Signed)

Subscribed and sworn to before me this

.....11..... day of July....., 19..75.

Notary Public, residing at American Falls, Idaho.

My Commission expires the

.....day of July....., 19.....
Notary Public, Idaho
Residing at American Falls
My Commission Expires
July 15, 1977

(SEAL)

Published in the Power County Press, July 1 and 10, 1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Robert Rockland, Idaho has on 6-20-75 submitted Application No. 41-7016 for a permit to appropriate 3 cubic feet per second of water for domestic water by means of well, motor, pump & sprinkler system within the NE 1/4 NW 22, Sec. 22, Twp. 11S, Rge. 31E, B.M. Power County to be used from January 1 - November 31 (domestic & livestock); March 15 - November 15 for irrigation of 40 acres within the NW 1/4 NE 1/4, NE 1/4 NW 1/4, Sec. 22, Twp. 11S, Rge. 31E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North Twin Falls, Idaho, 83301 on or before July 21, 1975.

JOHN R. ROBINSON

O.K. Rgl
7-14-75

March 23, 1984

RE: Permit No. 41-7016

Grant Udy & Sons
Rockland,
Idaho 83271

Gentlemen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

10 DAY LICENSE REVIEW

License vs. Permit

- No. correct A & B
- Priority date correct
- Amount equal to or less than
- Name same
- Permit date correct
- Proof due date correct
- Source correct
- Use correct
- Period of use/use correct
- Rate of diversion/use equal to or less than
- Point of diversion description same or different
- County same
- Place of use description same or different
- Other water used on p/u? yes

License vs. Field Exam

ok to process

- Amount for rate of diversion correct
- Capacity correct
- Amount for each use correct
- Total amount correct
- Volume for each use correct
- Total volume correct
- Field exam showing p/d correct
- Field exam showing p/u correct
- Does field exam show more land irrigated than permit allows? N/A
- Overlap review complete
- Conditions of approval correct
- ✓ Initial field exam

Cover Letter vs. License

- Name correct
- Number correct
- Amount correct
- P/D description correct
- P/U description correct
- Priority correct
- Conditions correct
- ✓ Initial license
- Sign letter

Name

[Signature]

Date

2-13-84



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 13, 1984

RE: Permit No. 41-7016

Grant Udy & Sons
Rockland,
Idaho 83271

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 41-7016, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.26 cfs Source: groundwater

The maximum quantity diverted shall not exceed * acre feet
per year.

Point(s) of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Twp 11S, Rge 31E

Beneficial use: Irrigation of 37 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, Twp 11S, Rge 31E

Priority date established: June 20, 1975

Conditions (if any): * This right when combined with Right Nos. 41-2019
and 41-2026 shall not exceed 3.5 acre feet per acre per annum.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

41-2026 - volume amt. states
"500 AF or 3.5 AF per acre"
since lands are irrigated
under Right they are included.

DATE OF EXAM 6-16-82

ACREAGE

Found 37

Recommended 37 ✓

Irrigation Requirement

3.5 ✓ *ok*

Ac Ft/Ac

USE

Irrigation Q = 0.26 c.f.s.

* use condition
V = ~~126.1~~ above

AF/Ann. from Mar. 15 to Nov. 15

Domestic Q = None c.f.s.

V = AF/Ann. from to

Livestock Q = None c.f.s.

V = AF/Ann. from to

Is water co-mingled? yes no ✓

Name source:

twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Exchange? yes no

Name source exchanged with:

twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection:

twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange:

twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured

0.26 cfs *capacity*

Method of measurement Pressure gage

Total Q recommended

0.26 cfs ✓

Meter No.

Type

Condition

Total V recommended

126.1 AF/Ann. *

Recommended Amendments:

P.D. No change

Place of Use All in NE 1/4 NW 1/4 Sec 22 Twp. 11S. Rge 31E

Other

None

*NEW shown
on permit -
no amendment
necessary.*

MEASUREMENT CALCULATION:

14 1/4" Sprinkler heads @ 45 psi = 53.76 gpm

15 1/4" " " @ 42 psi = 55.08 "

1 5/32" " " @ 40 psi = 4.45 "

1 1/4" " " @ 40 psi = 5.37 "

Total = 118.66 "

Volume = $37 \text{ A} \times 3.5 \text{ AF/Ac} = 129.5 \text{ AF/Ann.}$

$1.9835 = 129.5 \times 0.26 \times 245 \text{ days} = 126.1 \text{ AF/Ann.}$

Use Smallest 126.1 AF/Ann.

ok

0.26 cfs

126.35

*Round to
126.4 AF*

SYSTEM DESCRIPTION:

7 1/2 HP Jacuzzi Pump Model 282 2012 201 Submersible
Badger Meter M6647803 - not working properly - pipe line to sprinkler
System

REMARKS:

Water is used on 18 Acres on a Supplemental basis.
Richard Lidy Present at time of exam.

37 acres x 0.02 cfs = 0.74 - allow capacity

Examiner's Signature

Terry J. Blau

Date 7-7-82

Checked by

Mike Morris

Date 7/7/82

Approved by

Kay Walker
Juni 2-9-84

Date 1-25-84

over

ACRES
Volume 41-2026 - 500 AF - 314
Volume 41-2019 - none

$314 \text{ acres} \times 3.5 = 1099.00 \text{ AF}$
Use condition R17 (41-2019,
41-2026, 3.5 acre feet
per acre.)

245 days

WATER

overlapping rights - 41-7016
per micro-fläche 1/5/84

p/d - none

p/u - 41-2019 gw - dicmas 0.17 cfs
41-2026 gw - dicmas 1.03 cfs
~~41-7028 gw - permit (different pd) no overlap~~
~~41-7047 gw - protected app (different pd) no overlap~~

41-2019 - 36 acres in NENW - 0.17 cfs
different p/d
0.17 cfs for 138 acres -
all copy.

41-2026 - 36 acres in NENW - 1.03 cfs
different p/d
1.03 cfs for 314 acres -
all copy.

41-2019 138/0.1700 0.012 cfs per acre
41-2026 314/1.0300 0.0032 cfs per acre
942
880
628

41-2019 = .001 x 36 = 0.04
41-2026 = .003 x 36 = 0.11
0.15

41-7016 37 acres x 0.02 = 0.74 cfs needed for 1" per acre

0.74 needed
-0.15 already licensed for these lands
0.59 not licensed
-0.26 capacity of Right 41-7016
0.33 cfs needed after all 3 rights
are licensed.

RECEIVED

TOTAL ACREAGE 40

Rge. 31E

MICROFILMED

Top 118

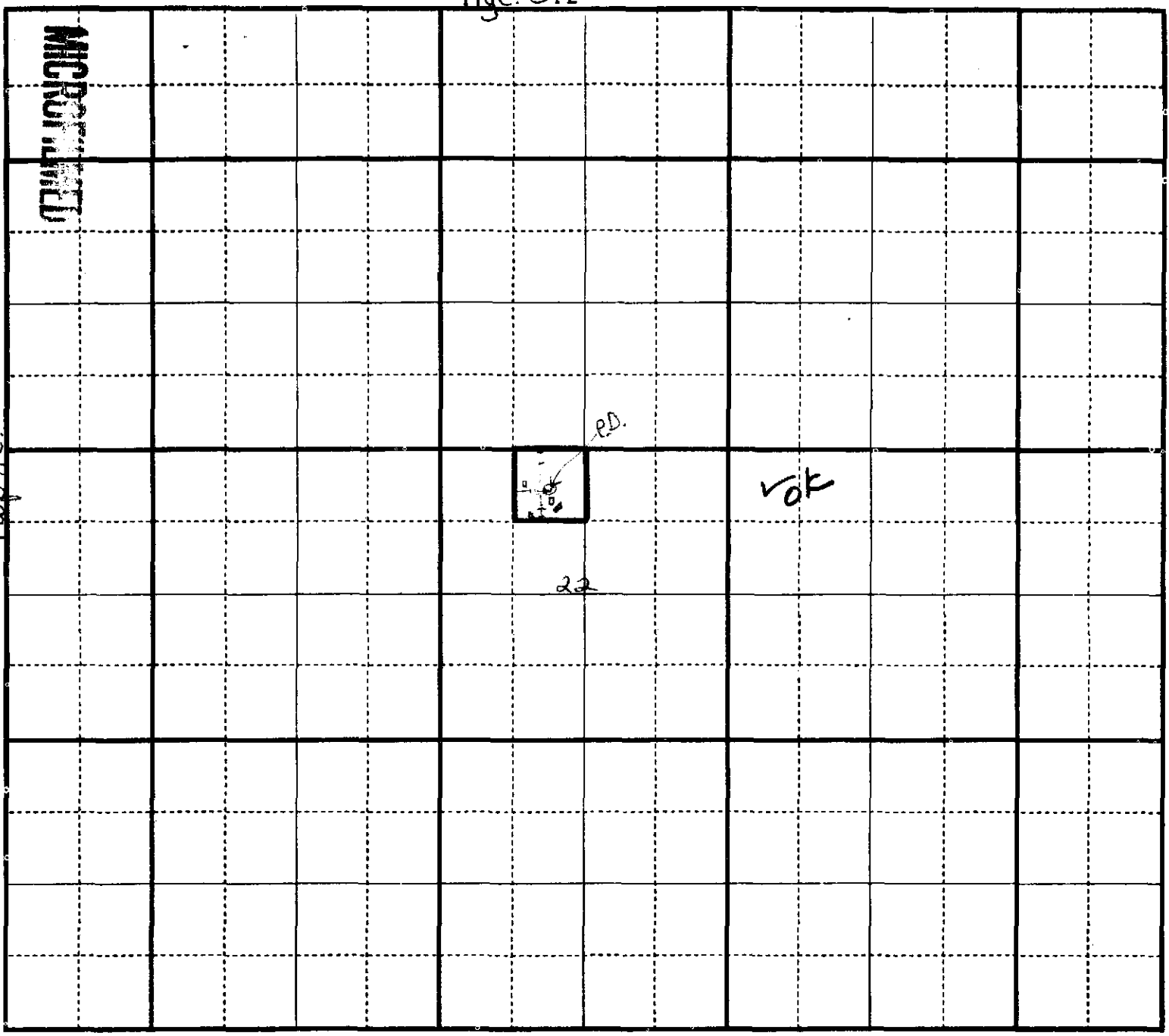


Diagram of System

License and Certificate of Water Right 41-2019

Water License No. G-27552

Amount .17 c.f.s.

Water District No.

Priority September 12, 1958

THIS IS TO CERTIFY that GRANT & LLOYD UDY of Rockland, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 12, 1958; that Permit No. G-27552 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .17 second feet, was issued thereunder on August 25, 1964, showing that said works were completed on the 30th day of November, 1961; and that on the 30th day of November, 1961,

GRANT & LLOYD UDY of Rockland, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells, a tributary of subterranean flow, for the purpose of irrigation and domestic use, under Use Permit No. G-27552 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 7964, on the 25th day of August, 1964;

The right hereby confirmed dates from September 12, 1958;

The Point of Diversion is located (2 points) in the NW 1/4 NW 1/4, Sec. 23, Tp. 11 S., R. 31 E., B. M. Power County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .17 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	31 E.	22	NW 1/4 NE 1/4	40	24
			SW 1/4 NE 1/4	40	32
			SE 1/4 NE 1/4	40	20
			(NE 1/4 NW 1/4)	40	(36)
			SE 1/4 NW 1/4	40	26
Total number of acres to be irrigated:					138

0.0012 cfs per acre

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of August, 1964.

(SEAL)

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

MICROFILMED

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 33143/41-2026 Priority August 30, 1966 Amount 1.03 cfs

THIS IS TO CERTIFY, that GRANT & LLOYD UDY
of Rockland, Idaho, have ~~not~~ complied with the terms and conditions of Permit
No. 33143/41-2026 issued pursuant to Application for Permit dated August 30, 1966,
and has submitted proof to the Department of Water Administration on June 19, 1967,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.03 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>March 15</u> to <u>Nov. 15</u> at <u>1.03</u> cfs and			<u>500 acre feet or</u> <u>3.5 af per acre</u>
_____ from _____ to _____ at _____ cfs and			
_____ from _____ to _____ at _____ cfs and			

(both dates inclusive)

Subject, however, to the condition that no more than * 1.03 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
500 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points) and
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 23, Twp. 11 S, Rge. 31 E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S	31 E	22	40	40	32	20	(36)			26									194
		23					40	20	20	40									120

Total number of acres irrigated 314

0.0032 cfs per
acre

* Subject to the condition that the maximum rate of diversion shall not exceed
1.03 cfs when combined with License No. G-27552/41-2019.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of
March, 19 74.

Director

41-2026

INTER-DEPARTMENT MEMO — 1

FROM Tam Blau

DATE 6-26-80
10-27-80

TO File 41-7016

SUBJECT Fault exam

Met with Richard Udy 6-26-80 + attempted to do fault exam as I was in the area on other business. Got Pump information + measured flow with badge meter - Mr Udy felt that ^{the} reading was low + wondered if meter was working properly. I told him that the next time someone was in the area I would have them check the pressure on his nozzles as I did not have a pressure gauge with me. The next time anyone was in the area was 10-23-80 the system was off.

We should check it next year.

The amt. is probably small enough that a new device would not be required

Tam A. Blau
SIGNATURE

MACROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

Grant Udy & Sons
Rockland, Idaho
83271

December 22, 1978

Dear Wateruser:

A field examination report is due on your Permit No. 41-7016, as required under the Idaho Code, Section 42-201.

It is my duty to confirm your Proof of Beneficial Use by an examination of your diverting works and place of use.

We have large irrigation exams that are due during the irrigation season, and can only be completed at that time. I would like to make an attempt to complete your exam during the irrigation season months.

I would like to take this time to request you to contact me at our office in Twin Falls, between the hours of 9:00 a.m. and 4:00 p.m., of the time you wish to have the examination completed.

Sincerely,

Gary Funderburg
Senior Water Resource Agent

GF:sm



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 5, 1978

Mr. Grant Udy & Sons
Rockland, Idaho 83271

Dear Wateruser:

A field examination report is due on your Permit No. 41-7016, as required under the Idaho Code, Section 42-201.

It is my duty to confirm your Proof of Beneficial Use by an examination of your diverting works and place of use.

We have large irrigation exams that are due during the irrigation season, and can only be completed at that time. I would like to make an attempt to complete your exam during the irrigation season months.

I would like to take this time to request you to contact me at our office in Twin Falls, between the hours of 9:00 a.m. and 4:00 p.m., of the time you wish to have the examination completed.

Sincerely,

Gary Funderburg
sf

Gary Funderburg
Senior Water Resource Agent

GF:sm

IDENT. NO. 41-7016

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

February 10, 1978

Re: Permit No. 41-7016

Grant Udy & Sons
c/o Richard Udy
Rockland, Idaho 83271

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

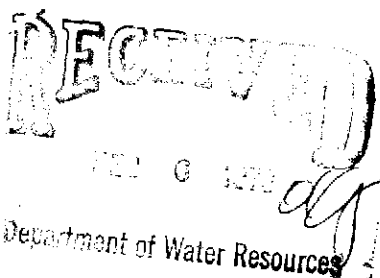
Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights

RECEIVED



Identification No. _____

Permit No. 41-7016

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder GRANT LLOYD & SONS
b) Post Office Address ROCKLAND Idaho 83221
2. Permit Number 41-7016
3. Date of Priority that you are prepared to establish 6-20-75
4. a) Source from which water was appropriated WELL - PUMP
b) Location of the point of diversion: NE 1/4 NW 1/4, Section 22
Township 11, Range 31 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount .4 CFS for Irrigation purposes from MARCH 15 to NOV 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .12 for DOM purposes from JAN 1 to DEC 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .09 for Livestock purposes from JAN 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .8 CFS cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: FLOW METER

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 10" Casing - Well depth - 175'
7 1/2 H.P. Submersible Pump

b) Describe the type and size of measuring device which you have installed at your point of diversion:

4" Flow meter

c) Give well driller's name and address and the date the well was completed:

Burley, Idaho - Feb 1976

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Exam type 2/10/78

MICROFILMED

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

20 Acres in NE 1/4 of NW 1/4 of Sec 22
Township 11S Range 31E POWER CO.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	31E	22					20												20 acres

Total number of acres irrigated 20 acres

10. Remarks: _____

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

Feb 2, 1978
(Date)

Spent Udy & Sons By
Richard Udy (Signature)

State of Idaho)

County of Power) ss.

On this 2nd day of Feb., 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Samuel Cammack
Notary Public residing at Rockland, Idaho

NOTARY PUBLIC
Residing in Rockland, Idaho
My commission expires April 20 1981

JAN 5 1977

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources
Southern District Office

1. WELL OWNER

Name RICHARD UDYAddress ROCKLAND IDAHOOwner's Permit No. 41-2016

7. WATER LEVEL

Static water level 25 feet below land surfaceFlowing? ☐ Yes ☐ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.

Draw Down

Hours Pumped

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 10 inches Total depth 175 feetCasing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>1/4</u> inches	<u>10 3/4</u> inches	<u>1</u> feet	<u>81</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☐ NoPerforated? ☒ Yes ☐ NoHow perforated? ☐ Factory ☒ Knife ☐ TorchSize of perforation 1/4 inches by 2 inches

Number	From	To
<u>10 ROWS</u> perforations	<u>69</u> feet	<u>79</u> feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☐ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

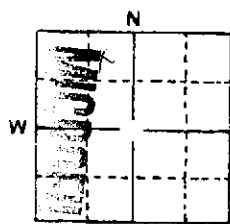
Gravel packed? ☐ Yes ☐ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☐ Cement grout☐ Puddling clay ☒ Well cuttingsSealing procedure used ☐ Sherry pit ☐ Temporary surface casing☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County _____

NE 1/4 NW 1/4 Sec. 22, T. 11 N. S. R. 13 E. 20

10.

Work started 12-10-75 finished 12-23-75

11. DRILLERS CERTIFICATION

Firm Name SHERMAN COUCH WELL DRILLING INC. No. 161Address 340 Wauna Vista Dr. Burdette 1210-75Signed by (Firm Official) Sherman Couch

and

(Operator) Roger Hayden

December 30, 1977

CERTIFIED MAIL

138172

Re: Permit No. 41-7016

Grant Udy & Sons
Rockland,
Idaho 83271

Gentlemen:

One of the conditions of approval of your water Permit No. 41-7016 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

MICROFILMED

February 6, 1976

Re: Permit Nos. 41-7015 & 41-7016

Grant Udy & Sons
Rockland,
Idaho

Dear Mr. Udy:

Enclosed are copies of your approved Applications for Permit Nos. 41-7015 & 41-7016. We direct your attention to the condition of approval as listed on the fourth page of each permit.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your points of diversion has been placed upon your permits. We are enclosing a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

PARTNERSHIP
GRANT WDY & SONS

Item Initial Date

Application No. 92-7016

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) mls 6-23-75

In form to receipt

(2) _____

Send Copies to:

- _____
Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

- _____
Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

(4) mls 6-23-75

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. 41

(7) mls 1-20-76

Critical groundwater area: yes _____ no ☒

(8) mls 1-20-76

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) ✓

Comments: _____

(11) RAH 7-14-75

Affidavit of Publication received(date) July 14 1975

(12) _____

Final date for protests 7-21-75

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve

_____ Proposed Priority

_____ Reason for Reduction Department of Water Resources

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Southern

By Michael Stube Date 1-20-76

RECEIVED
Deny

MEMORANDUM

January 13, 1976

Mr. R. M. Whittier

Phone: 233-6444

As per telephone conversation of this date, states as Attorney of Record the intention are to withdraw Mr. Grant Udy's application for (flood) surface water.

Mr. John S. Kugler

As per telephone conversation of this date, states as Attorney of Record, the intention to withdraw the protest as is, if Mr. Whittier withdraws his application.

If the above is done by letter to the Department, no hearing will be necessary.

WHITTIER & JARMAN

ATTORNEYS AT LAW

653 E. CENTER - P. O. BOX 4082
PHONE 233-6444 - AREA 208

POCATELLO, IDAHO 83201

R. M. WHITTIER

RONALD JARMAN

RECEIVED

January 16, 1976

JAN 16 1976

Department of Water Resources
Southern District Office

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

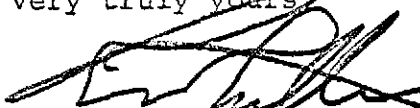
Re: Application for Permit No.s 41-7015, 41-7016
and 41-7017 - Grant Udy and Sons

Dear Sir:

Enclosed please find Withdrawal of Application No. 41-7017
and withdrawal of Protests Filed By Water Users of U.S. Ditch in
Rockland Valley and the Water Users in the South Fork of Rock Creek
in Rockland Valley. Please file the same.

Thank you.

Very truly yours



R. M. Whittier

RMW/bm
Enclosure:

R. M. WHITTIER
ATTORNEY AT LAW
653 East Center
P. O. Box 4082
Pocatello, Idaho 83201
Telephone: 233-6444

RECEIVED

DEPARTMENT OF WATER RESOURCES
Pocatello, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE
STATE OF IDAHO

In the Matter of the Protest () WITHDRAWAL OF APPLICATION NO.
Against Approval of Application) 41-7017 AND WITHDRAWAL OF
For Permit No.'s 41-7015, 41-7016) PROTESTS FILED BY WATER USERS
& 41-7017, in the name of Grant) OF U.S. DITCH IN ROCKLAND
Udy & Sons) VALLEY AND THE WATER USERS OF
) THE SOUTH FORK OF ROCK CREEK
) IN ROCKLAND VALLEY

WHEREAS, on or about the 21st day of July 1975, Grant
Udy and Sons of Rockland, Idaho, filed three applications for
permission to appropriate and divert ground and surface water in
and near Landing Creek, Power County, Idaho. Said applications
being listed as Nos. 41-7015, 41-7016 and 41-7017; and

WHEREAS, the water users of U. S. Ditch in Rockland
Valley, by and through their attorney, John Kugler; and the
water users of the South Fork of Rock Creek in Rockland Valley,
by and through their attorney, John Kugler, filed protests to
the applications; and

WHEREAS, on or about the 18th day of November, 1975,
an informal conference was held in the Twin Falls County Court-
house, Twin Falls, Idaho, between the parties holding the
respective interests; and

WHEREAS, it appears that it appears that an agreement
and understanding have been reached, making it unnecessary to
have further hearings in this matter.

NOW THEREFORE it is hereby stipulated and agreed by and
between Grant Udy and Sons, by and through their attorney, R. M.

1 Whittier, and the users of U. S. Ditch in Rockland Valley; Farren
2 L. Porath, Grover Nelson, Melvin McLean, Wayne Cox, 7UD Ranches,
3 Inc., Lynn Hunter and Melvin Nelson; and the users of the South
4 Fork of Rock Creek in Rockland Valley, Blaine Mitchell, Wallace
5 Hayes, Stan Groom, Gene Nelson, Don E. Moss, Don Benson, Reynold
6 Ralphs, Delford M. Ralphs, Orrin Taysom, Mrs. Arthur Taysom and
7 Ivan Charles, by and through their attorney, John Kugler, as
8 follows:

9 I.

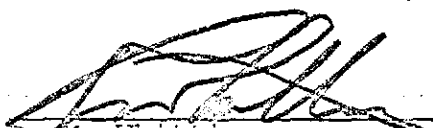
10 That Grant Udy and sons hereby withdraw their applica-
11 tion No. 41-7017 for a permit to appropriate one cubic feet per
12 second of water from Landing Creek by means of Wooden Check with-
13 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 11S, Range 31E, BM, without
14 prejudice.

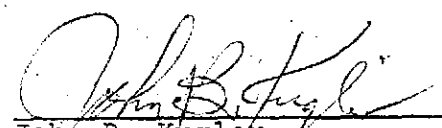
15 II.

16 It is stipulated, by and between the users of U. S.
17 Ditch in Rockland Valley and the users of the South Fork of
18 Rock Creek in Rockland Valley aforementioned, by and through their
19 attorney that they hereby withdraw their protest to application
20 for permit Nos. 41-7015 and 41-7016, without prejudice.

21 IT IS FURTHER STIPULATED that the Department of Water
22 Resources of the State of Idaho, Southern District, may proceed
23 to process the applications as provided by law.

24 DATED this 16 day of Janaury, 1976.

25
26 
27 R. M. Whittier
Attorney for Grant Udy & Sons

28 
29 John B. Kugler
30 Attorney for the Users of U.S.
31 Ditch in Rockland Valley and
32 The Users of Rock Creek in
Rockland Valley

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

File 41-7016

SEE CERTIFIED CARDS AND CERTIFIED PAGE IN FILE NO. 41-7015

SIGNATURE

41-7015, 41-7016 & 41-7017 - Grant Udy & Sons

Courtroom, Twin Falls County Courthouse, Twin Falls, Idaho

January ¹⁶~~14~~, 1976 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
------	---------	--------------

MEMORANDUM

January 13, 1976

Mr. R. M. Whittier

Phone: 233-6444

As per telephone conversation of this date, states as Attorney of Record the intention are to withdraw Mr. Grant Udy's application for (flood) surface water.

Mr. John B. Kugler

As per telephone conversation of this date, states as Attorney of Record, the intention to withdraw the protest as is, if Mr. Whittier withdraws his application.

If the above is done by letter to the Department, no hearing will be necessary.

LAW OFFICES

JOHN B. KUGLER

RECEIVED

DEC 18 1975

Department of Water Resources
Southern District of Idaho
American Falls, Idaho 83211
208/226-5241

1156 East Center, Box 1392
POCATELLO, IDAHO 83201
208/233-6234

December 16, 1975

Mr. Michael L. Steele
Department of Water Resources
1041 Blue Lakes Blvd North
Twin Falls, Idaho 83301

Re: Udy Applications

Dear Mr. Steele:

At the time of the hearing in Twin Falls on October 23, it was suggested that legal descriptions be corrected relative to the amendment of the two underground water applications and that objections could be withdrawn provided that casing limitations and restrictions were placed on the permit. At the same time it was suggested that the applicant reconsider its application for surface water permit. I am assuming that by reason of the amendment as to only one of the applications, that the applicants proposed no changes with respect to the other two. If this is correct, kindly confirm.

I assume that the Protests which were previously filed still stand of record. The question then arises as to whether or not the current notice which has been issued setting the hearing for January 14 is intended to cover all three applications. Another question arises relative to the proposed change of date since I, as attorney for the protestants, have been previously scheduled for a trial in Boise on that date. Kindly advise what you require in this regard.

Yours sincerely

John B. Kugler
JOHN B. KUGLER

JBK:cs

TEL RET - 12-22-75 HE TO REVIEW NEED
TO HOLD HEARING AND NOTICE 12-22-75

MAX WITH DRAW

December 4, 1975

Mr. Harold A. Lancaster, Clerk
Twin Falls County Courthouse
Twin Falls, Idaho 83301

Dear Mr. Lancaster:

This is to confirm the use of the Traffic and Small Claims Courtroom
in the old courthouse building for conference and/or hearing to be held
by this office on January 14, 1976 at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

Michael L. Steele
Southern District Supervisor

MLS:cc

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application For Permit No.'s 41-7015,
41-7016, & 41-7017, in the name of Grant
Udy & Sons
.....

NOTICE OF CONFERENCE AND/OR HEARING

On June 20, 1975, Grant Udy & Sons, A Partnership, filed with the Department of Water Resources applications to appropriate the public waters of the State of Idaho. On July 21, 1975, the Department received a protest against approval of said applications from Mr. John B. Kugler, Attorney in behalf of the U. S. Ditch in Rockland Valley, and the Waterusers of the South Fork of Rock Creek in Rockland Valley. On October 23, 1975, at 10:00 a.m. a conference was held at the Twin Falls County Courthouse, Twin Falls, Idaho. It was determined at that conference that a hearing was needed on Application For Permit No.'s 41-7015, 41-7016 & 41-7017. On November 18, 1975, Amended Application For Permit No. 41-7015 was filed with the Department of Water Resources.

The Department has set the matter of protest for conference and/or hearing for Wednesday, January 14, 1976, at 10:00 a.m., at the Twin Falls County Courthouse, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this Fourth day of December, 1975.


MICHAEL L. STEELE
Southern District Supervisor



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

MEMORANDUM

TO: File No's. 41-7015 and 41-7016

DATE: October 27, 1975

FROM: Bob Fleenor

SUBJECT: Hearings held on App. no's. 41-7015 and 41-7016

A conference on Application for Permit No's. 41-7015 and 41-7016 was held on October 23, 1975. Both the applicant the the protestants were present with their respective attorneys. The attorney for the applicant was R. M. Whittier and the protestants' attorney was John Kugler.

After some discussion, it was decided that the protests on Application for Permit No's. 41-7015 and 41-7016 would be withdrawn if the permit is conditioned so that unperforated casing is installed past the first confining layer.

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

File 41-7016

SEE CERTIFIED CARDS AND CERTIFIED PAGE IN FILE NO. 41-7015

SIGNATURE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application For Permit No.'s 41-7015,
41-7016, & 41-7017, in the name of Grant
Udy & Sons
.....

NOTICE OF CONFERENCE AND/OR HEARING

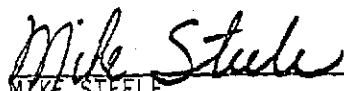
On June 20, 1975, Grant Udy & Sons, A Partnership, filed with the Department of Water Resources applications to appropriate the public waters of the State of Idaho. On July 21, 1975, the Department received a protest against approval of said applications from Mr. John B. Kugler, Attorney in behalf of the U. S. Ditch in Rockland Valley, and the Water Users of the South Fork of Rock Creek in Rockland Valley.

The Department has set the matter of protest for conference and/or hearing for Thursday, October 23, 1975, at 10:00 a.m., at the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this twenty-sixth day of September, 1975.


MIKE STEELE
Southern District Supervisor

July 22, 1975

RE: Application No.'s 41-7015, 41-7016 & 41-7017 - Grant Udy & Sons

LAW OFFICES

Mr. John B. Kugler
1156 E. Center
P. O. Box 1392
Pocatello, Idaho 83201

Dear Mr. Kugler:

This is to acknowledge receipt of the protests submitted in behalf of the Water Users of the U. S. Ditch in Rockland Valley, and the Water Users of the South Fork of Rock Creek in Rockland Valley to issuance of a permit pursuant to the above referenced applications. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

BOB HAYNES
Southern District Engineer

BH:cc

bc: IDWR - Boise

July 22, 1975

RE: Application For Permit No.'s 41-7015, 41-7016 & 41-7017 - Grant Udy & Sons

Mr. Grant Udy & Sons
Rockland, Idaho 83271

Gentlemen:

We have enclosed copies of the protests filed against the issuance of a permit pursuant to your Application No.'s 41-7015, 41-7016 & 41-7017. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of .02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Sincerely,

BOB HAYNES
Southern District Engineer

BH:cc
enclosures bc: IDWR - Boise

RECEIVED

JUL 21 1975

Department of Water Resources
Southern District Office

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

Application of
GRANT UDY & SONS
Application Nos. 41-7015,
41-7106 and 41-7017

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}
}
}
}

P R O T E S T

COMES NOW the water users of the South Fork of Rock Creek in Rockland Valley, by and through their attorney, John B. Kugler, and Protest the application of Grant Udy and Sons as follows:

I.

The users of waters of the South Fork of Rock Creek in Rockland Valley are Blaine Mitchell, Wallace Hayes, Stan Groom, Gene Nelson, Don B. Moss, Don Benson, Reynold Ralphs, Delford M. Ralphs, Orrin Taysom, Mrs. Arthur Taysom, and Ivan Charlton.

II.

The water users or their predecessors in interest have water rights to the flow of streams in which applicants Grant Udy and Sons seek to obtain appropriation and the same has been continuous through said users or their predecessors in interest for more than 20 years.

III.

The proposed use will reduce the quantity of water under existing water rights of the users in the South Fork of Rock Creek and the proposed water supply is insufficient for the purposes intended.

IV.

Applicants have detained and diverted the flow heretofore in violation of the laws of the State of Idaho and are not a fit party to be granted the applications.

V.

The diversion of water as sought in the above applications is now in part being made and has or will result in reductions of stream flow.

LAW OFFICES

JOHN B. KUGLER

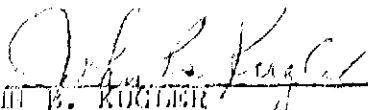
1100 E. CENTER
P. O. BOX 1000
IDAHO FALLS, IDAHO 83401
TEL. 338-6664

216 IDAHO STREET
AMERICAN FALLS, IDAHO
83211
TEL. 226-5241

LYLE D. ELIASSEN
ASSOCIATE

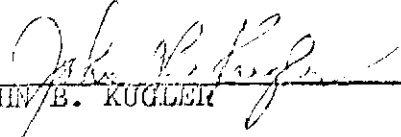
WHEREFORE, Protestants pray that the applications be denied and that an immediate cease and desist order issue against the applicant requiring the applicants to refrain from diverting waters until such time as a full hearing and determination of the rights has been held.

Dated this 17th day of July, 1975.


JOHN B. KUGLER
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That a copy of the foregoing Protest was served upon Grant Udy and Sons, Rocklaid, Idaho, by U. S. Mail, with sufficient postage prepaid, this 17th day of July, 1975.


JOHN B. KUGLER

LAW OFFICES

JOHN B. KUGLER

1136 E. CENTER
P. O. BOX 1392
POUATKLO, IDAHO 83201
TEL. 226-8234

218 IDAHO STREET
AMERICAN FALLS, IDAHO
83211
TEL. 226-5241

LYLE D. ELIASSEN
ASSOCIATE

Rockland, Idaho
July, 16, 1975

We the undersigned waterusers of Rockland Valley protest against the granting of the permit attached to this paper.

Blaine Mitchell
Wallace Hays
Alan Groen
Gene Nelson
Roger B. Moss
Don Benson
Raymond Ralpho
Delford M. Ralpho
Crispin Jayson
- Mrs. Arthur Jayson By Gene Nelson
Juan Charles

RECEIVED

JUL 21 1975

Department of Water Resources
Southern District Office

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

Application of
GRANT UDY & SONS
Application Nos. 41-7015,
41-7016 and 41-7017

PROTEST

COMES NOW the Water Users of the U.S. Ditch in Rockland Valley, by and through their attorney, John B. Kugler, and Protest the application of Grant Udy and Sons as follows:

I.

The users of waters of the U.S. Ditch in Rockland Valley are Farren L. Porath, Grover Nelson, Melvin McLean, Wayne Cox, 7UD Ranches, Inc., Lynn Hunter and Melvin Nelson.

II.

The water users or their predecessors in interest have water rights to the flow of streams in which applicants Grant Udy and Sons seek to obtain appropriation and the same has been continuous through said users or their predecessors in interest for more than 20 years.

III.

The proposed use will reduce the quantity of water under existing water rights of the users in the U.S. Ditch and the proposed water supply is insufficient for the purposes intended.

IV.

Applicants have detained and diverted the flow heretofore in violation of the laws of the State of Idaho and are not a fit party to be granted the applications.

V.

The diversion of water as sought in the above applications is now in part being made and has or will result in reductions of stream flow.

WHEREFORE, Protestants pray that the applications be denied and that an immediate cease and desist order issue

LAW OFFICES

JOHN B. KUGLER

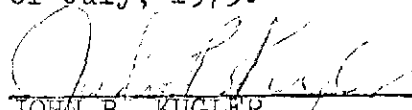
1156 E. CENTER
P. O. BOX 1392
POCATELLO, IDAHO 83201
TEL. 233-6234

216 IDAHO STREET
AMERICAN FALLS, IDAHO
83211
TEL. 226-5241

LYLE D. ELIASEN
ASSOCIATE

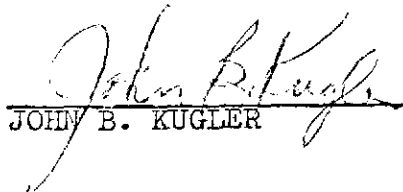
against the applicants requiring the applicants to refrain from diverting waters until such time as a full hearing and determination of rights has been held.

Dated this 17th day of July, 1975.


JOHN B. KUGLER
Attorney for Protestants

Certificate of Service

I HEREBY CERTIFY That a copy of the foregoing Protest was served upon Grant Udy and Sons, Rockland, Idaho, by U. S. Mail, with sufficient postage prepaid, this 17th day of July, 1975.


JOHN B. KUGLER

LAW OFFICES

JOHN B. KUGLER

1136 E. CENTER
P. O. BOX 1392
POBATELLO, IDAHO 83201
TEL. 233-8334

214 HATHLET STREET
AMERICAN FALLS, IDAHO
83211
TEL. 236-5241

LYLE D. ELIASEN
ASSOCIATE

July 16 - 1975
We the undersigned desire
to file a protest against
the attached applications
for water permits.

Farren J. Brath
Lester Nelson
Melvin M. Lee
Wayne Cox
TUD Ranches Inc. Gerald Nelson Sec.
Lynn Hunter
Melvin S. Nelson



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

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

R. Keith Higginson
Director

June 23, 1975

RE: Application for Permit Nos. 41-7015 - Grant Udy & Sons - Partnership
41-7016 - Grant Udy & Sons - Partnership

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

B. V. subm. dated 7.17.75 cc

Galley Proof

Published in the Power
County Press July 3 and 10,
1975

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that
Grant Udy & sons - Partner-
ship Rockland, Idaho has on
6-20-75 submitted Application
No. 41-7016 for a permit to
appropriate .8 cubic feet per
second of water from Ground-
water by means of well, motor,
pump & sprinkler system
withing the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
22, Twp. 11S, Rge. 31E, B.M.
Power County to be used from
January 1 - December 31
(domestic & Livestock); March
15 - November 15 for Irrigation
of 40 acres within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
22, Twp. 11S, Rge. 31E, B.M.

*O.K.C.C.
6-27-75*

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd., North,
Twin Falls, Idaho, 83301 on or
before July 21, 1975.

R. KEITH HIGGINSON
Director

Published in the Power
County Press on July 3 and 10,
1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Grant Udy & Sons - Partnership

Rockland, Idaho

has on 6-20-75 submitted Application No. 41-7016

for a permit to appropriate .8 cubic feet per second ~~approx 1000 gpm~~

of water from Groundwater

by means of well, motor, pump & sprinkler system.

within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, Twp. 11S, Rge. 31E, B.M. Power County

to be used from January 1 - December 31 (Domestic & Livestock); March 15 - November 15

for Irrigation of 40 acres

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, Twp. 11S, Rge. 31E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before July 21, 1975.

R. KEITH HIGGINSON

Director

Published in the Power County Press

on 7-3 and 7-10-75