

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 78-12527

Priority: September 03, 2020

Maximum Diversion Rate: 0.05 CFS

This is to certify that

TIMOTHY FAUSETT JR. PO BOX 567 NEW MEADOWS ID 83654-0567

has applied for a permit to appropriate water from:

Source : WASTE WATER

Tributary: LITTLE CREEK

and a permit is APPROVED for development of water as follows:

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.05 CFS

Location of Point(s) of Diversion

WASTE WATER SW¼ SW¼, Sec. 24, Twp 19N, Rge 01E, B.M. ADAMS County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	01E	24											2.3						2.3

Total Acres: 2.3

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2025**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 78 C.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 30 day of October, 2020.

  
PATRICK KELLY  
Water Rights Supervisor

State of Idaho  
Department of Water Resources






# Attachment to Permit to Appropriate Water

78-12527

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





Brad Little  
Governor

State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Gary Spackman  
Director

October 30, 2020

TIMOTHY FAUSETT JR.  
PO BOX 567  
NEW MEADOWS ID 83654-0567

RE: Permit No. 78-12527

### Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov) for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Lynne Evans

for

Patrick Kelly

Water Rights Supervisor

Enclosure(s)

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

### **CERTIFICATE OF SERVICE**

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

### **FINAL ORDER**

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

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

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

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

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

## CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, I served a true and correct copy of Permit to Appropriate Water No. 78-12527 by U.S. Mail, postage prepaid, to the following:

TIMOTHY FAUSETT JR.  
PO BOX 567  
NEW MEADOWS ID 83654-0567

WATER DISTRICT #78C  
TIMOTHY S FARRELL  
PO BOX 142  
NEW MEADOWS ID 83654-0142

  
\_\_\_\_\_  
Lynne Evans  
Office Specialist II



RECEIVED

OCT 22 2020

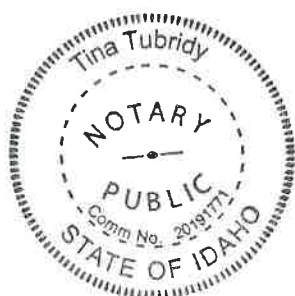
WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO )  
 ) SS  
COUNTY OF ADAMS )  
COUNTY OF WASHINGTON )

David Tubridy being duly sworn, deposes and says that he is the Principle Clerk of The Record Reporter, a weekly newspaper published at Council, Adams County, State of Idaho and at Cambridge, Washington County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said Counties under the imprint of "The Adams County Record" in Adams County and "The Upper Country News-Reporter" in Washington County for a period exceeding seventy-eight (78) consecutive weeks prior to the first publication of this advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Record Reporter for two (2) insertions beginning with the Issue of October 07, 2020 and ending with the Issue of October 14, 2020.

David M. Tubridy

On this 14<sup>th</sup> day of October, 2020, before me, a Notary Public, personally appeared David Tubridy, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.



Tina Tubridy  
Notary Public of Idaho  
Residing at Council, Idaho  
My Commission Expires 8/30/2025

To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: APPLICATION TO APPROPRIATE 78-12527



# LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**78-12527**

TIMOTHY FAUSETT JR.

PO BOX 567

NEW MEADOWS, ID 83654-0567

Point of Diversion SWSW S24 T19N R01E ADAMS County Source WASTE WATER

Tributary LITTLE CREEK

Use: IRRIGATION 04/01 to 10/31 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 09-03-2020

Place Of Use: IRRIGATION

T19N R01E S24 SWSW

Total Acres: 2

✓OK  
AK  
10-27-2020

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 10/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/7/2020 and 10/14/2020

Published in the The Record-Reporter on October 07, 2020 • October 14, 2020