

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/17/2020

Water Application 47-7300

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VERNON E FAIRCHILD RT 3 BOX 136 BUHL, ID 83316 (208) 543-5663

Status: Denied

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Application Denied Date: 3/21/1990
Number of Protests: 0
Water District Number: TBD
Application Type: New Appropriation
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

RECEIVED

NOV 28 1989

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 47-7300 IN THE NAME)
OF VERNON E. FAIRCHILD)

ORDER REJECTING
APPLICATION

This matter having come before the Idaho Department of Water Resources (Department) as a result of notice to the Department that the Bureau of Land Management (BLM) rejected Desert Land Entry (DLE) Application No. I-9499, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 15, 1975, Vernon E. Fairchild filed with the Department of Water Resources Application to Appropriate Water No. 47-7300 proposing diversion of 4.8 cubic feet per second from groundwater to irrigate land within Section 35, T8S, R13E, B.M., Twin Falls County in connection with a Desert Land Entry Application.

2. The Department delayed approval of the application until the applicant obtained authorization by BLM to commence development and establish private ownership of the land listed as the place of use under the provisions of the Desert Land Act.

3. The Department received notice that the Desert Land Entry Application was rejected by BLM.

4. On September 22, 1989, the Department corresponded with the applicant stating the Application to Appropriate Water would be denied for lack of possessory interest in the land unless the applicant

provided information within thirty (30) days showing why the application should not be denied.

5. The applicant failed to respond to the Department's request to show possessory interest in lands identified under Application to Appropriate Water No. 47-7300.

CONCLUSIONS OF LAW

1. Section 42-203A(5), Idaho Code, states:

In all applications whether protested or not protested, where the proposed use is such . . . [that] where it appears to the satisfaction of the department that such application . . . is made for delay or speculative purposes, . . . the director of the department of water resources may reject such application and refuse issuance of a permit therefor

2. An applicant who applies to appropriate water of the State of Idaho without owning or possessing the place upon which the water is to be used is speculating that ownership may be obtained.

3. Following denial of an Application for Desert Land Entry by BLM, the applicant has no possessory interest or ownership in the land, nor does the applicant have a pending application which might establish possession or ownership in the future.

4. Application to Appropriate Water No. 47-7300 belonging to Vernon E. Fairchild has become a speculative application in that the BLM rejected the applicant's DLE application, and the applicant is not pursuing any valid legal process to gain possession or ownership of the property proposed to be irrigated.

5. Because of the speculative nature of the application, the issuance of a permit should be refused, and the application rejected.

ORDER

IT IS HEREBY ORDERED that the issuance of a permit for Application to Appropriate Water No. 47-7300 is REFUSED and FURTHER that Application to Appropriate Water No. 47-7300 is REJECTED.

Dated this 22ND day of NOVEMBER, 1989.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of November, 1989, I mailed a true and correct copy of the Order Rejecting Application, by U.S. Mail, postage prepaid to: Vernon E. Fairchild, Rt. 3, Box 112, Buhl, Idaho, 83316.


Angela J. Templeton, Clerical
Assistant

Identification No. _____

Application No. 47-7300

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

RECEIVED

MAY 8 1975

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

Department of Water Resources
Southern District Office

BOG WEAVER

543-4125

1. Name of applicant Vernon E. Fairchild
post office address Mountain View Drive, Buhl, Idaho 83316
2. Source of water supply ground-water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35 Township 8 South
Range 13 East B.M. Twin Falls County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into a natural drainage at a point in SE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 35 Township 8 S. Range 13 E. B.M. Twin Falls County
4. Water will be used for the following purposes:
Amount 4.8 cfs for Irrigation purpose from April 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.8 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. from a pump into metal pipes
to high point with open earth ditches on pad.

- 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 18 inches; proposed depth of well is 450 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 4 years.
b. Estimated construction cost is \$ 30,000.00.
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: _____ hp 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: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8	13	35	40			40									40	40	40	40	240 acres

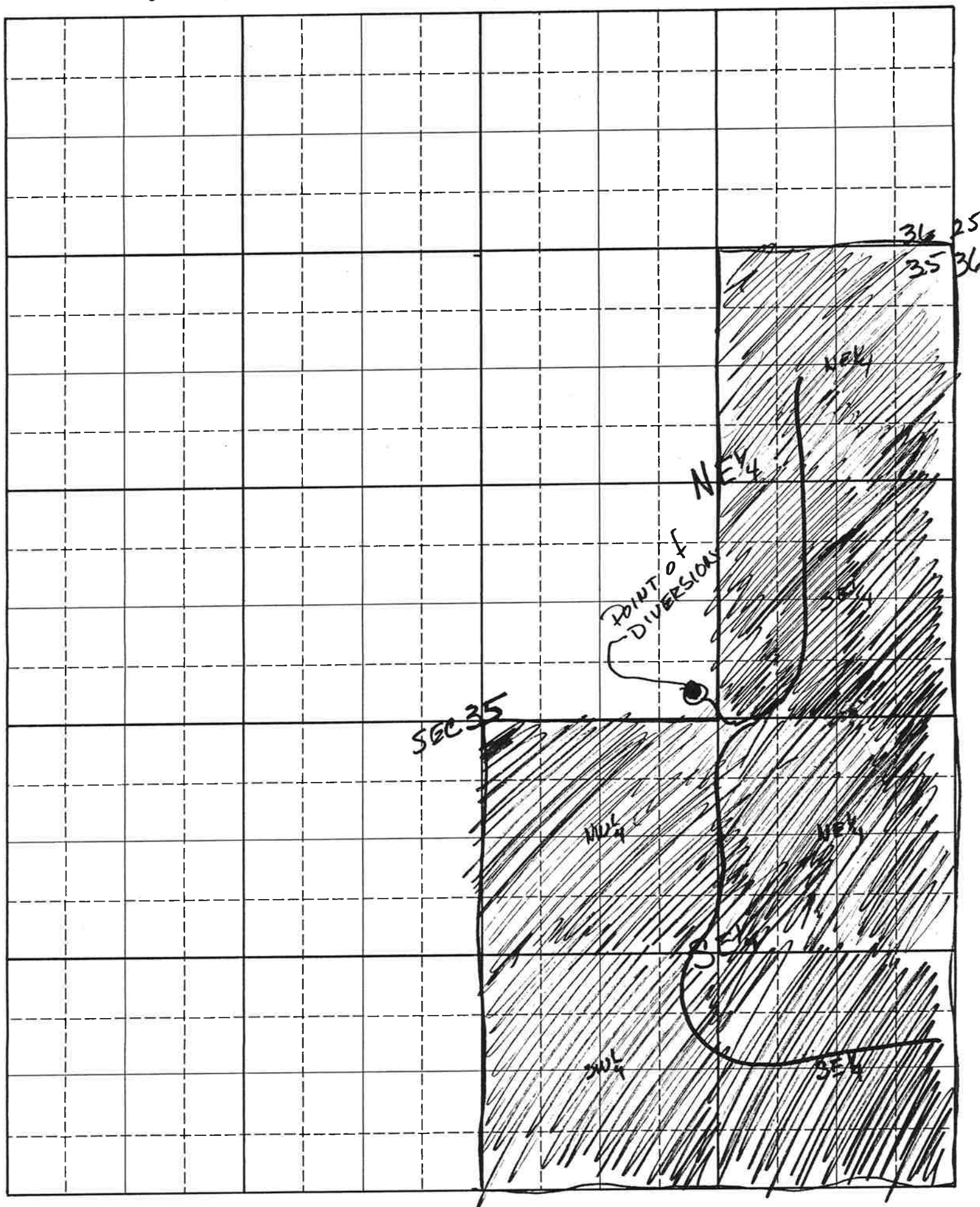
Total number of acres to be irrigated 240 acres

c. Describe any other water rights used for the same purposes as described above. NONE

9. a. Who owns the property at the point of diversion the applicant.
- b. Who owns the land to be irrigated or place of use Bureau of Land Management, U. S. Government.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing the applicant is making Desert Entry Application for the above described property to be irrigated.

10. Remarks

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.

Vernon E. Farnsworth
(Applicant)

Received by CC Date 5-15-75 Time 3:00 p.m.
Preliminary check by MS Fee \$ 65.00 # 1613
Received by CC Date 5-15-75
Publication prepared by CC Date 6-2-75
Published in Buhl Herald
Publication dates June 12 & 19, 1975
Publication approved CC Date 6-23-75
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7300, and said application is hereby REJECTED.

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 _____, 19____.
 - c. Other: _____

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

Witness my hand this _____ day of _____ 19 89.


Director