

RECEIVED

NOV 19 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 2-10573

1. Name of applicant(s) Michael & Mary Beth Fautt Phone 209 710 7606
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 25121 Marina Ct NW City Wilden
 State Idaho ZIP 83676 Email mfautt0315@gmail.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Snake River which is a tributary of Columbia River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
3N	5W	14	2		SE	NE	Canyon lands	Snake River	

5. Water will be used for the following purposes:

Total for All 3 lots
 Amount 0.16 cfs for irrigation purposes from 3-1 to 11-15 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.16 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Pump & Line
~~possible 3 separate pumps - one for each lot~~ ONE PUMP for all 3 lots
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by AK Date 11/19/2018 Time 1:36pm Preliminary check by AB
 Fee \$ 100.00 Received by AK Receipt No. W046950 Date 11/19/2018

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	5W	14	6.6			2.5													9.16

Total number of acres to be irrigated: 11.7 9.16

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Wilder Irrigation District, lateral
we will use water from either source as needed. New community creating issues
with water usage - And Duration of available water

- Who owns the property at the point of diversion? We Do
- Who owns the land to be irrigated or place of use? We Do
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Propose to install one pump for all three lots to irrigate
the pastures - ALL combined

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature] 11-19-18
 Signature of Applicant

[Signature] 11-19-18
 Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)





Pioneer Title Co.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

**ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT**

2018-020251

RECORDED

05/11/2018 10:38 AM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=2 HCRETAL \$15.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL

ELECTRONICALLY RECORDED

File No. 649529 VH/DM

WARRANTY DEED

For Value Received Gregory P. Free and Pamela B. Free, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Michael Chester Fautt and Mary Beth Fautt, Trustees of the Fautt Family Living Trust, dated May 1,
2015, as to an undivided 80% interest and Samantha Pauline Fautt, an unmarried woman, as to an
undivided 20% interest

hereinafter referred to as Grantee, whose current address is 25121 Marina Court Wilder, ID 83676

The following described premises, to-wit:

Lot 25, Block 1, Riverfront Estates Subdivision, according to the plat thereof, filed in Book 36 of
Plats at page(s) 23, records of Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 8, 2018

X Gregory P. Free
Gregory P. Free

X Pamela B. Free
Pamela B. Free



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 29, 2019

WILDER IRRIGATION DIST
709 CLEVELAND BLVD
CALDWELL ID 83605

Re: Application for Permit No. 2-10573

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Press Tribune* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **April 22, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, March 28, 2019 2:19 PM
To: 'Bosworth,Bill'
Subject: Application for Permit 2-10573
Attachments: IDFG Recommendation Form.docx; Permit Application 2-10573.pdf

March 28, 2019

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: BILL BOSWORTH
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application for Permit No. 2-10573

Dear Mr. Bosworth:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **April 22, 2019**.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 28, 2019

MICHAEL FAUTT
MARY BETH FAUTT
25121 MARINA CT
WILDER, ID 83676

Application for Permit No. 2-10573

Dear Applicants:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 4/4/2019 and 4/11/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Administrative Assistant

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, March 27, 2019 3:19 PM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/4/2019 & 4/11/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

March 27, 2019

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit Nos: 2-10573, 63-34673, 63-34682, 63-34686, 63-34689

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before **4/22/2019**. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

2-10573

MICHAEL FAUTT
MARY BETH FAUTT
25121 MARINA CT
WILDER, ID 83676
Point of Diversion SENE S14 T03N R05W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 11/19/2018
Place Of Use: IRRIGATION
T03N R05W S14 L2(NENE) L2(SENE)
Total Acres: 9.16

63-34673

HANCOCK FAMILY LIVING TRUST
C/O DONALD HANCOCK
20629 CALHOUN AVE
CALDWELL, ID 83605-8125
Point of Diversion NESW S17 T05N R03W CANYON County Source GROUND WATER
Point of Diversion NWSE S17 T05N R03W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.18 CFS
Date Filed: 2/6/2019
Place Of Use: IRRIGATION, STOCKWATER
T05N R03W S17 NESW NWSE SWSE
Place Of Use: DOMESTIC
T05N R03W S17 NESW NWSE
Total Acres: 4
Water bearing zone to be appropriated is from 50 to 350 feet.

63-34682

DIXIE LAND LLC
22993 HOWE RD
CALDWELL, ID 83607-9019
JEFF DANCER
411 E KARCHER RD
NAMPA, ID 83687-3001
Point of Diversion L1(NENE) S1 T04N R05W CANYON County Source DIXIE SLOUGH Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 09/01 to 02/28 3 CFS
Use: IRRIGATION 03/01 to 11/15 0.18 CFS
Use: RECREATION 09/01 to 02/28 3 CFS
Use: RECREATION STORAGE 09/01 to 02/28 330.3 AF
Use: WILDLIFE 09/01 to 02/28 3 CFS
Use: WILDLIFE STORAGE 09/01 to 02/28 330.3 AF
Total Diversion: 3 CFS 330.3 AF
Date Filed: 2/22/2019
Place Of Use: IRRIGATION, WILDLIFE, WILDLIFE STORAGE, RECREATION, RECREATION STORAGE
T05N R05W S36 SESW
Total Acres: 9

63-34686

KELLY SIMPER
4597 W DEER FLAT RD
KUNA, ID 83634-1547
Point of Diversion NENW S20 T02N R01W CANYON County Source WASTE WATER Tributary WEST FORK GOLDEN GULCH DRAIN
Use: IRRIGATION 04/01 to 10/01 0.1 CFS
Use: IRRIGATION FROM STORAGE 04/01 to 10/01 20 AF
Use: IRRIGATION STORAGE 04/01 to 10/01 20 AF
Total Diversion: 0.1 CFS
Date Filed: 3/1/2019
Place Of Use: IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE
T02N R01W S20 NENW

63-34689

MDC LLC
C/O DOUGLAS CARNAHAN

7270 N TREE HAVEN PL
MERIDIAN, ID 83646-4979
Point of Diversion NWSE S24 T04N R02W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.58 CFS
Total Diversion: 0.58 CFS
Date Filed: 3/6/2019
Place Of Use: IRRIGATION
T04N R02W S24 NWSE
Total Acres: 29
Water bearing zone to be appropriated is from 40 to 300 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/22/2019. The protestant must also send a copy of the protest to the applicant

GARY SPACKMAN, Director Published on 4/4/2019 and 4/11/2019

MEMORANDUM

March 21, 2019

Application for Permit: 2-10573

Author: abradbury

Subject: Comment/Analysis

On office day of 11/19/2018, a handwritten note was made on the hand drawn map to indicate that the Fautt's wanted to cut out 0.5 acres around the house and lawn area in Lot 24 Block 1 (called Lot 2 on map). The imagery provided with the application did not show the new house, however imagery in ArcGIS did show the house and lawn. Acreages calculated for the POD agree with the created shapefile.

MEMORANDUM

March 21, 2019

Application for Permit: 2-10573

Author: abradbury

Subject: Comment/Analysis

I spoke with Mike Fautt by telephone on 2/22/2019 about the irrigation rate on his application. Since his place of use is 9.2 acres he is allowed up to 0.02 cfs/acre (1 miner's inch/acre) or a total rate of 0.18 cfs. I discussed this with him and let him know that his application is for 0.16 cfs which is about 9/10 inch per acre. He desired to keep the application as is, therefore the priority date will not be advanced.

Bradbury, Allen

From: Bradbury, Allen
Sent: Friday, February 22, 2019 3:50 PM
To: 'mfautt0315@gmail.com'
Subject: Application for Permit #2-10573 Parcel Ownership

Hi Mike,

I am sending you this email to remind you about our phone conversation on 2/22/19 about your permit application, #2-10573, to divert water from the Snake River. As you might remember, the tax parcel information for Lot 25 Block 1 has not been updated to show your purchase of the property. Please email or mail a copy of a conveyance document such as a warranty deed to show your ownership.

Please let me know if you have any questions regarding the content of this email. I can be reached by phone at 208-334-2190 or by email at allen.bradbury@idwr.idaho.gov.

Respectfully,

Allen Bradbury
Water Resource Agent, Sr.
Idaho Dept. of Water Resources – Western
(208) 334-2190

Bradbury, Allen

From: Bradbury, Allen
Sent: Friday, January 25, 2019 1:06 PM
To: 'mfautt0315@gmail.com'
Subject: Application for Water Right Permit #2-10573
Attachments: 2-10573 Fautt_Permit_Appl.pdf

Mr. and Mrs. Fautt,

I am writing you concerning your application, #2-10573, to divert water from the Snake River. After attempting to call you a few times without success, I decided to send you an email. When filling out your application in our office, the acres were increased from 8 to 9.16 acres after adding the acres of the four parcels together.

Lot 23 Block 1 = 2 acres
Lot 24 Block 1 = 1.7 acres but only irrigating 0.5 acres
Lot 25 Block 1 = 3.3 acres
Lot 26 Block 1 = 3.4 acres

However, the rate was not changed in items 5 and 6. The allowable irrigation rate is 0.02 cfs per acre (1 miners inch/acre). Your current application rate is 0.16 cfs which equates to about 9/10 of an inch per acre or 72 gallons per minute (gpm). If you were to request the allowable limit for 9.2 acres your rate would be 0.18 cfs or 81 gpm.

If you choose to amend your application to the allowable rate I've attached a copy of your original to amend. Changes to your application should be made by crossing out the old values, writing in the new values, and adding the date and your initials next to the changes. You may either scan and email back or mail it to our office.

Also, if you choose to amend your application the priority date of your water right will be advanced to reflect the date that the Department receives the amended application. Please let me know whether you want to keep it as it is or amend it. Once I receive your response, I will forward your application the next step which is advertising.

Also, I need you to verify ownership of Lot 25 Block 1. Tax parcel information indicates that the property is owned by Gregory Free.

Please let me know if you have any questions regarding the content of this email. I can be reached by phone at 208-334-2190 or by email at allen.bradbury@idwr.idaho.gov.

Respectfully,

Allen Bradbury
Water Resource Agent, Sr.

Idaho Dept. of Water Resources – Western
2735 W. Airport Way
Boise, ID 83705

(208) 334-2190