

RECEIVED
MAR 12 2014
 Department of Water Resources
 Eastern Region

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

1. Name of applicant(s) Varley Farms, Inc Phone 208-425-3576
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 995 River Road City Grace
 State Idaho Zip 83241 Email _____
 2. Source of water supply unnamed spring which is a tributary of sinks
 3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
10S	40E	21		SW	NE	NW	Caribou	unnamed spring	

4. Water will be used for the following purposes:
 Amount 0.04 cfs for Fish Propagation purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 1.9 af for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 1.9 af for Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 0.04 cfs for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 5. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) 1.9 acre feet per year (af).
 6. Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source. Spring flowing into a 4" pipe to pond per attached map.
 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 11. For dams 10 feet or more in height OR reservoirs with a total 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. _____
 7. Description of proposed uses (if irrigation only, go to item 8):
 a. Hydropower; show total feet of head and proposed capacity in kW. _____
 b. Stockwatering; list number and kind of livestock. _____
 c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
 d. Domestic; show number of households _____
 e. Other; describe fully. Fish propagation, wildlife, recreation storage.

8. 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	
10S	40E	21								X									

Total number of acres to be irrigated: 1

9. 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?

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

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

Estimated 0.04 cfs of spring discharge is diverted through 4" pipe to pond estimated to contain 0.3 surface acres with an average depth of 5' and capacity of 1.5 AF. Evaporation estimated at 1.0 AF/annually, based upon ET Idaho database for shallow ponds in the Grace area (<http://data.kimberly.uidaho.edu/ETIdaho>).

- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
- MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Norman Johnson
Signature of Applicant

Signature of Applicant

Varley Farms, Inc. - Norman Johnson, President

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Received by SB Receipt No. ED 39563 Date 2/21/14

13-7912

Varley Farms, Inc. Fish Pond

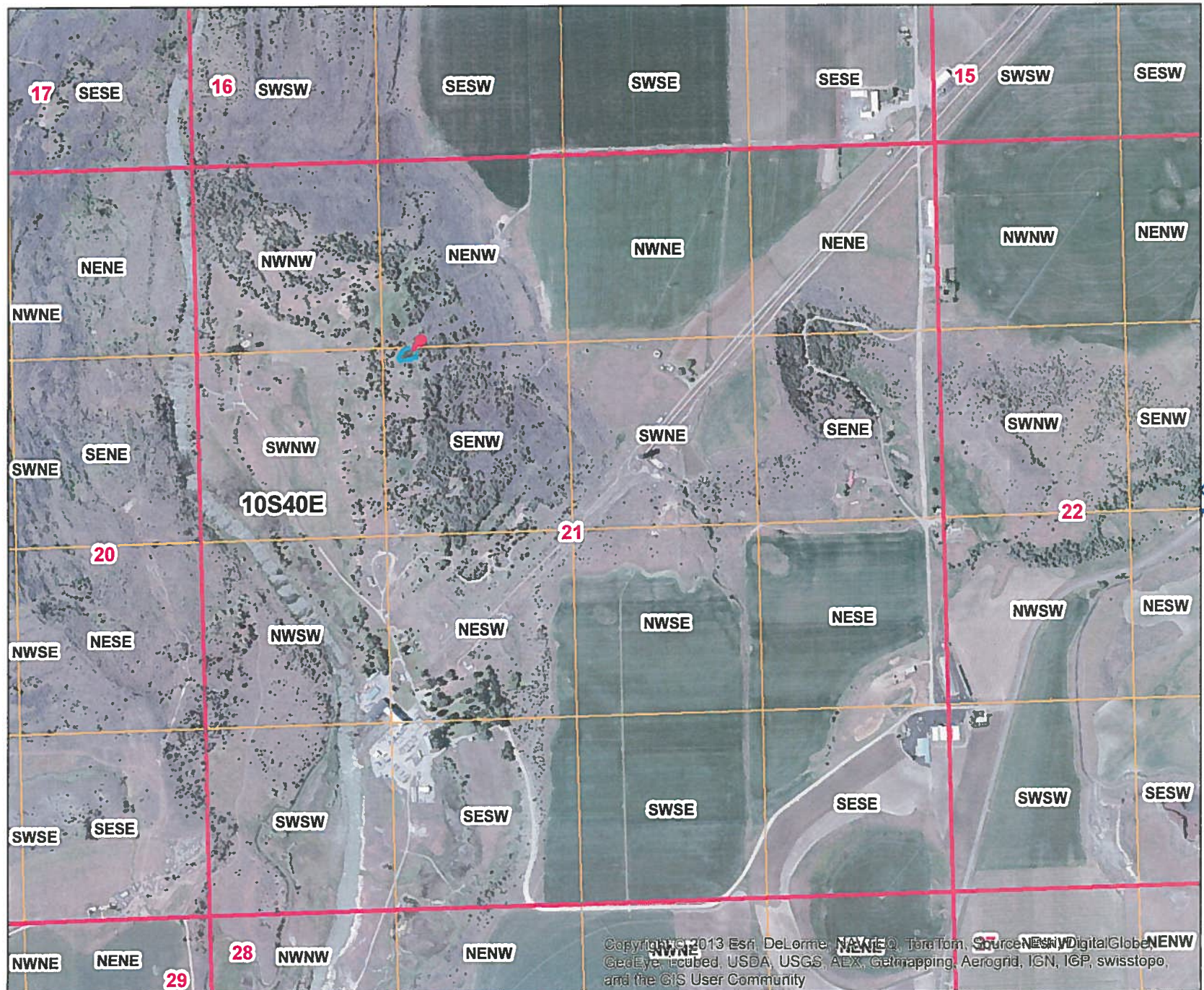
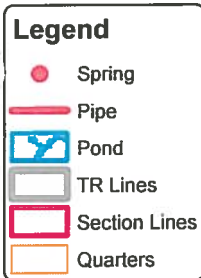


Legend

- Spring
- Pipe
- Pond
- TR Lines
- Section Lines
- Quarters



13-7012



13-7912

ET_{Idaho} 2012 -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2012, University of Idaho.

Grace (NWS -- 103732)

Statistics based on thirty year normal spans 1973 to 2010 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	0.61	0.18	0.25	1.42	1.48	2.94	3.57	2.83	1.77	0.57	0.27	0.53	406	0	406
15-Day Moving Average ^d	0.65	0.27	0.24	1.42	1.53	2.94	3.64	2.73	1.73	0.63	0.33	0.50			
7-Day Moving Average ^e	0.64	0.23	0.24	1.43	1.49	2.91	3.59	2.79	1.73	0.61	0.33	0.48			
3-Day Moving Average ^f	0.60	0.18	0.24	1.43	1.47	2.93	3.58	2.83	1.78	0.57	0.30	0.51			
Standard Deviation ^k	mm/day												mm		
Monthly ^c	0.95	0.58	0.83	0.74	2.07	0.83	1.33	1.25	1.04	1.04	0.61	0.81	131	0	131
15-Day Moving Average ^d	1.00	0.72	0.83	1.05	1.94	1.29	1.16	1.38	1.21	1.22	0.85	0.71			
7-Day Moving Average ^e	1.35	0.96	1.14	1.49	2.52	1.90	1.51	1.84	1.77	1.73	1.12	0.92			
3-Day Moving Average ^f	1.74	1.34	1.69	2.04	3.36	2.57	2.09	2.39	2.43	2.44	1.53	1.31			
20% Exceedance ^l	mm/day												mm		
Monthly ^c	0.08	0.33	0.79	2.03	2.73	3.84	4.26	3.51	2.55	1.25	0.28	0.21	518	0	518
15-Day Moving Average ^d	0.34	0.59	1.38	2.85	3.71	4.63	4.68	4.10	3.11	2.10	0.72	0.33			
7-Day Moving Average ^e	0.51	1.02	1.82	3.63	4.37	4.95	5.15	4.52	3.43	2.43	0.96	0.53			
3-Day Moving	0.68	1.12	2.16	3.96	4.66	5.21	5.41	4.74	3.72	2.70	1.31	0.60			

Average ^f																	
80% Exceedance^m	mm/day												mm				
Monthly ^c	1.06	0.71	-0.22	0.60	-0.09	2.17	2.53	2.23	0.98	0.03	0.80	0.90	281	0	281		
15-Day Moving Average ^d	2.07	1.62	-1.34	0.56	-1.42	0.19	1.70	0.89	0.05	1.65	1.98	1.78					
7-Day Moving Average ^e	2.75	2.72	-2.78	2.05	-6.26	3.05	0.36	-0.74	2.87	3.44	3.20	3.31					
3-Day Moving Average ^f	5.46	4.85	-6.56	6.26	-9.42	6.62	4.18	-5.76	6.63	8.30	5.40	5.63					
Ave Highest P_{def}	mm/day												--				
15-Day Moving Average ^g	0.18	0.33	0.98	2.28	2.89	4.02	4.28	3.69	2.47	1.64	0.41	0.14					
7-Day Moving Average ^h	0.41	0.72	1.49	3.10	3.80	4.62	4.80	4.23	3.23	2.19	0.80	0.36					
3-Day Moving Average ⁱ	0.56	1.00	1.91	3.54	4.36	4.94	5.08	4.54	3.59	2.46	1.06	0.50					
Ave Lowest P_{def}	mm/day												--				
15-Day Moving Average ^g	1.25	0.68	-0.43	0.58	0.20	1.73	2.92	1.80	0.90	0.50	0.90	1.03					
7-Day Moving Average ^h	2.26	1.40	-1.51	0.77	-1.90	0.22	1.77	0.54	0.42	2.07	1.82	1.97					
3-Day Moving Average ⁱ	4.14	2.78	-3.58	3.12	-5.44	3.18	0.81	-2.15	3.22	5.27	3.44	3.45					
Special normal distribution parameters for monthly, seasonal, and annual intervals																	
Skew ^m	0.43	0.52	-0.14	0.24	-0.23	0.23	0.31	-0.29	1.04	0.09	0.51	0.38	-0.13	0.00	-0.13		
Kurtosis ^o	1.12	2.39	0.62	2.64	0.68	2.10	0.71	0.99	3.59	0.84	2.75	1.14	2.62	0.00	2.62		

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Nongrowing Season: This is usually the time from a killing frost or harvest in the fall to the of green up in the spring. It is not applicable for entries without a growing season.

^c Mean of the average daily value for month

^d Mean of the fourteen 15-day period averages contained in the month

^e Mean of the twenty three 7-day period averages contained in the month

^f Mean of the twenty seven 3-day period averages contained in the month

^g Mean of the highest/lowest 15-day period average in month

^h Mean of the highest/lowest 7-day period average in month

ⁱ Mean of the highest/lowest 3-day period average in month

^j This value represents the *mean value* for the parameter for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

^k This value represents the *standard deviation* for the parameter for the month over the 'normal' period.

^l This value represents the *value* for the parameter that has a 20% chance of being exceeded that month during any particular year. Conversely, there is an 80% chance that the parameter value will be less than the *value* shown.

^m This value represents the *value* for the parameter that has a 80% chance of being exceeded that month during any particular year. Conversely, there is an 20% chance that the parameter value will be less than the *value* shown.

ⁿ This value represents the *skewness (asymmetry) of the distribution of the parameter values* for the month (year) over the 'normal' period. A value near zero indicates that the distribution approximates a normal (Gaussian) and symmetrical distribution. A negative skew indicates that the parameter distribution has relatively few low values compared to high values. A positive skew indicates that the distribution has relatively few high values compared to the number of low values. A skew value near 1 indicates that the underlying distribution approximates a lognormal distribution.

^o This value represents the *kurtosis* of the parameter value distribution for the month (year) over the 'normal' period. Kurtosis is a measurement of the height to width ratio of the probability distribution, or the *peakedness (slenderness)*. A normal (Gaussian) distribution has a kurtosis of 3. A high kurtosis distribution has a sharper peak and longer tails, while a low kurtosis distribution has a more rounded peak and shorter tails.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: Allen, Richard G. and Clarence W. Robison, 2012. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to [Clarence W. Robison](#) or [Richard G. Allen](#), University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

University of Idaho
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ETIdaho web site powered by [Debian](#), [Apache](#), [Firebird DBMS](#), [Python](#), with matplotlib, and kinterbasdb.

PRECIPITATION DEFICIT CALCULATIONS FOR PONDS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTAL EVAP IN AF
mm/Day *	0	0	0.25	1.42	1.48	2.94	3.57	2.83	1.77	0.57	0	0	
mm/Month	0	0	7.75	42.6	45.9	88.2	111	87.73	53.1	17.67	0	0	
ft/Month	0	0	0.025	0.14	0.15	0.289	0.36	0.288	0.17	0.058	0	0	
Surface Area in Acres	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	
acre-feet	0	0	0.008	0.042	0.05	0.087	0.11	0.086	0.05	0.017	0	0	0.45
* Based on percipitation deficites provided by University of Idaho, http://data.kimberly.uidaho.edu/ETIdaho/													

POND SIZE:	WIDTH X LENGTH	SQ FT	ACRES
	95 X 187	17765	0.3

JAN	FEB	MAR	APR
31	28	31	30
MAY	JUN	JUL	AUG
31	30	31	31
SEPT	OCT	NOV	DEC
30	31	31	31

mm to ft 0.0032808

Crop type =	Grass Pasture
CIR in AF/ACRE	0.46

If applicable, acres need to dry up for evaporation
0.97

Pond size in acres	0.3
Average depth in ft	5
AF needed to Fill	1.5

Average depth=max depth x .04

TOTAL AF FOR POND	1.9
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Data entry in green

Bergendorf, Scott

From: Randy Budge [rcb@racinelaw.net]
Sent: Sunday, March 02, 2014 9:40 PM
To: Bergendorf, Scott
Cc: Randy Budge
Subject: RE: Varley Farms Application for Permit

Categories: Red Category

Scott,

Yes, those corrections are approved. Looking at Par. 11 it appears when I made the evaporation calculation it did not get included properly in par. 4 and 5. Thanks!

As corrected please send me back a pdf copy.

Thanks!

Randy

Randall C. Budge
Racine Olson Nye Budge & Bailey, Chtd
201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
(208) 232-6101
rcb@racinelaw.net

From: Bergendorf, Scott [<mailto:Scott.Bergendorf@idwr.idaho.gov>]
Sent: Friday, February 28, 2014 8:38 AM
To: Randy Budge
Subject: RE: Varley Farms Application for Permit

Here's the attachment

From: Bergendorf, Scott
Sent: Friday, February 28, 2014 8:17 AM
To: 'rcb@racinelaw.net'
Subject: Varley Farms Application for Permit

Randy,

I am preparing the Varley Farm application for advertisement and I noticed 3 errors that need some attention.

- #4 has listed .3 AF for the volume. This should be 1 AF to reflect yearly evaporation losses.
- #5 same thing as #4
- #8 POU is not selected. There should be an 'X' on the SENW to reflect the POU in the ¼,¼.

I've attached a copy of the application for your review. If these changes are approved I'll will make the needed changes and move forward with the application.

Cefalo, James

From: Cefalo, James
Sent: Monday, February 10, 2014 8:36 AM
To: 'Randy Budge'
Subject: RE: Varley Farms, Inc. -- Application for Permit

Randy,

IDWR generally uses information from the ET Idaho database. The following link is for the precipitation deficit rates for shallow ponds in the Grace area:

<http://data.kimberly.uidaho.edu/ETIdaho/stcврstats.py?station=103732&cover=55&stats=Deficit>

It shows that the highest instantaneous evaporation rate will be in the 5 mm per day range. Assuming a pond size of 0.3 acres, this equates to approximately 1,600 gallons per day. The table also shows that the 1 af/year estimate for evaporation is reasonable.

James

From: Randy Budge [<mailto:rcb@racinelaw.net>]
Sent: Friday, February 07, 2014 10:17 PM
To: Cefalo, James
Cc: Randy Budge
Subject: RE: Varley Farms, Inc. -- Application for Permit

Thanks James,

Is there an evaporation table to get to the gallons per day? Or do I just convert what I had which estimated based on 1AF/acre/years?

Randy

Randall C. Budge
Racine Olson Nye Budge & Bailey, Chtd
201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
(208) 232-6101
rcb@racinelaw.net

From: Cefalo, James [<mailto:James.Cefalo@idwr.idaho.gov>]
Sent: Friday, February 07, 2014 8:30 AM
To: Robin Roebuck
Cc: Randy Budge
Subject: RE: Varley Farms, Inc. -- Application for Permit

Randy,

It appears from aerial photography that the spring source is tributary to "sinks." It is important to note this on the application. It would also be good in the comments to list the maximum expected daily evaporation rate (in gallons per day). The maps indicate that the spring water will be routed into the pond and allowed to sink. If there is not a flow through component to the pond, the beneficial use should be listed as fish propagation/wildlife/recreation storage. If

the applicant's intend to run water through the pond and back into a natural channel, then you should probably list fp/w/r storage and fp/w/r separately. With those minor corrections, the application seems to be ready for filing.

James

From: Robin Roebuck [<mailto:rlr@racinelaw.net>]
Sent: Thursday, February 06, 2014 2:10 PM
To: Cefalo, James
Cc: Randy Budge
Subject: Varley Farms, Inc. -- Application for Permit

James:

Before we have the applicant sign and file the attached Application for Permit, would you kindly take a quick look at it and see if there is anything there that gives rise to any concerns.

Thanks --

Randall C. Budge
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

Randall C. Budge
rcb@racinelaw.net

RECEIVED

FEB 19 2014

Department of Water Resources
Eastern Region

February 10, 2014

Idaho Department of Water Resources
Eastern Region
Attn: James Cefalo
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

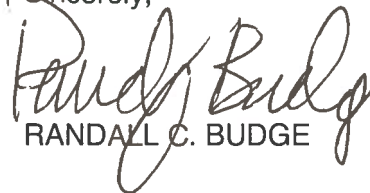
Re: Application for Permit - Varley Farms, Inc.

Dear James:

Enclosed please find the original and two copies of an Application for Permit submitted on behalf of Varley Farms, Inc., together with stamped and addressed return envelopes. Please file and process the original and conform stamp and return the extra copies to me an Varley Farms, Inc., in the enclosed envelopes. Also enclosed is a check in the amount of \$100 for filing fee.

Thank you for your assistance. If you have any questions, don't hesitate to contact me.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

March 13, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

VARLEY FARMS INC
995 RIVER ROAD
GRACE, ID 83241

Application For Permit No. 13-7912

Dear Applicant(s):

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 CARIBOU COUNTY SUN on March 20 and 27, 2014. 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,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, March 13, 2014 12:10 PM
To: 'Caribou County Sun (ccsun10@aol.com)'
Subject: Legal Notice for your paper
Attachments: Caribou County Sun E-Mail.rtf

Contacts: Caribou County Sun

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-7912

VARLEY FARMS INC
995 RIVER ROAD
GRACE, ID 83241

Point of Diversion

SWNENW S21 T10S R40E

CARIBOU County

Source UNNAMED SPRING Tributary SINKS

Use: DIVERSION TO STORAGE

01/01 to 12/31 0.04 CFS

Use: FISH PROPAGATION

01/01 to 12/31 0.04 CFS

Use: RECREATION STORAGE

01/01 to 12/31 1.9 AF

Use: WILDLIFE STORAGE

01/01 to 12/31 1.9 AF

Total Diversion: 0.04 CFS

1.9 AF

Date Filed: 3/12/2014

Place Of Use: FISH PROPAGATION, RECREATION STORAGE, WILDLIFE STORAGE and DIVERSION TO STORAGE

T10S R40E S21SENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 7, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 20 and 27, 2014