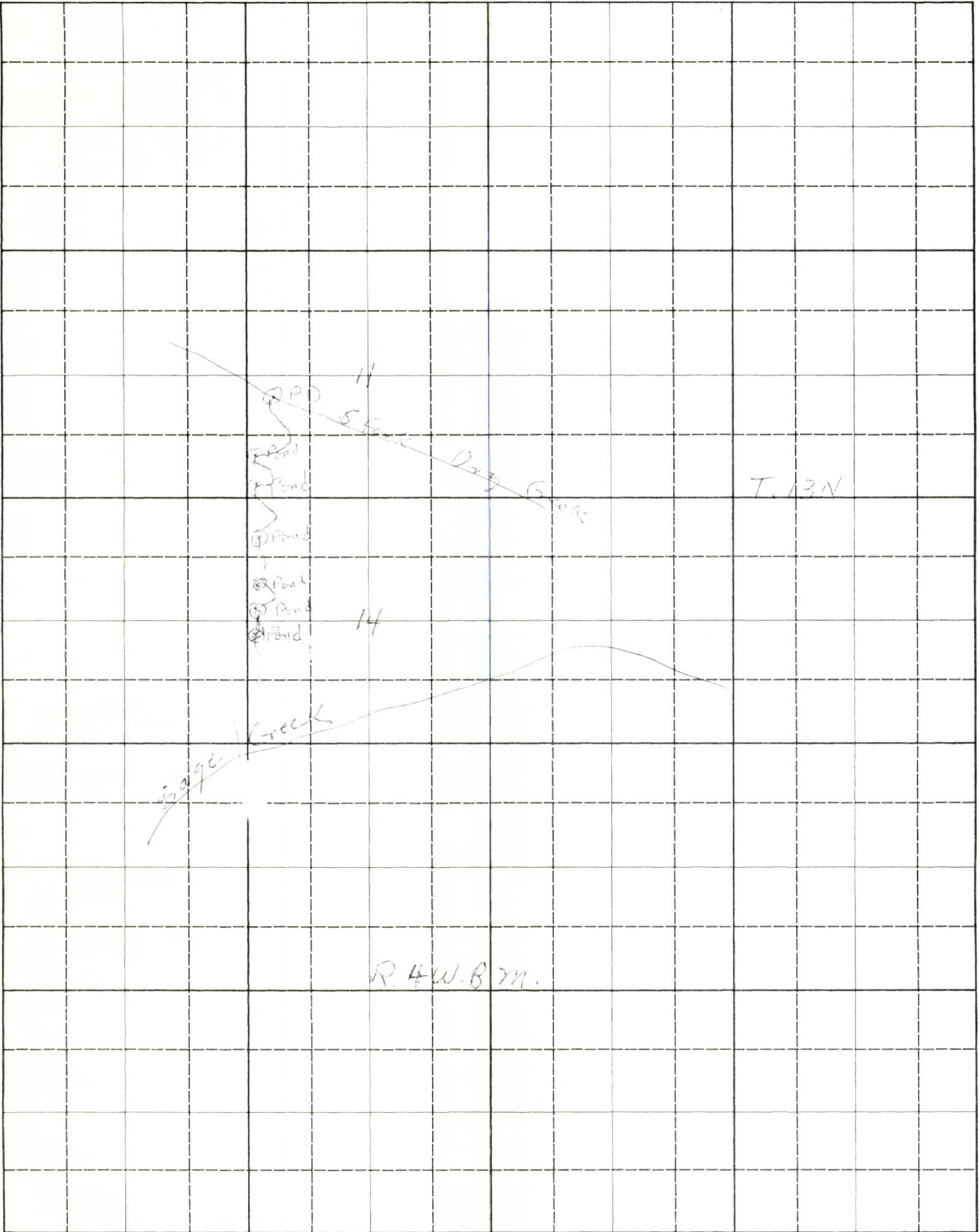


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Arthur A. Fairchild
(Applicant)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Barth A. Broth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
Dec 28, 1978, and ending
with the issue of Jan 4, 1979.
Barth A. Broth
Fees, \$ 29.34

Subscribed and sworn to before me this 4
day of Jan, 1979.
[Signature]
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 1-2, 1983

RECEIVED
FEB 2 1979

No. 320 Department of Water Resources
Western Regional Office
NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s)
have been submitted for permit to appropriate the public
waters of the State of Idaho:

67-7424

FAIRCHILD, ARTHUR A.
ROUTE 1 MIDVALE, ID 83645
Source: DRY CREEK tributary to WEISER RIVER
Date Filed: 12/07/1978
Amount: 0.07 CFS
Diversion Point: NWSW Sec 11 T 13N R 04W,
WASHINGTON Co.
Use: STOCKWATER (0.07 CFS) from 01/01 to 12/31
Place of Use: NWSW SWNW NWNW Sec 14 T 13N R 04W
SSW Sec 11 T 13N R 04W
Diversion Means: DIVERSION DAM AND DITCH

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit
No. 67-7416 in the name of the Idaho Dept. of Lands,
Statehouse Mail, Boise, Idaho was published in error on
October 12 and 19, 1978.

The point of diversion and place of use were advertised as
being within the NWNE S36 T14N R05W. WHEREAS, the
actual point of diversion and place of use are within the
NWNE S36 T14N R05W.

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit
No. 67-7415 in the name of PARSONS PACKING INC., Box
588, Weiser, Idaho.

The point of diversion was advertised as being within the
SWNW S19 T11N R05W and the place of use was advertised
as being within the SWNW NWSW S19 T11N, R05W.
WHEREAS, the actual point of diversion is within the
SWNW S19 T11N R05W, and the place of use is within the
SWNW NWSW S19 T11N R05W.

If issued, the permit(s) will be subject to all prior water
rights. Protests against the granting of any permit must be
filed with the Director of the Idaho Department of Water
Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before
JANUARY 15, 1979.

C. STEPHEN ALLRED
Director

Published 12/28 & 1/4/79.

84-2S

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 167-7424

1. Owner: ARTHUR A. FAIRCHILD
Current Address: RT 1 MIDVALE ID. 83645

Phone No. 255-2248

2. Accompanied by: ARTHUR FAIRCHILD EXAM. DATE: 8-6-87

Address: SAME Phone No. _____

Relationship to Permit Holder: _____

3. Source: BRANCH OF DRY CREEK tributary to WEISER RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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JUL 26 1987

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

- ☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

67-7424



P.D

+
P.U



P.D

+
P.U

JUL 2 6 49 90

67-7429



P.D.
+
P.U.

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JUL 26 1990

U.S.

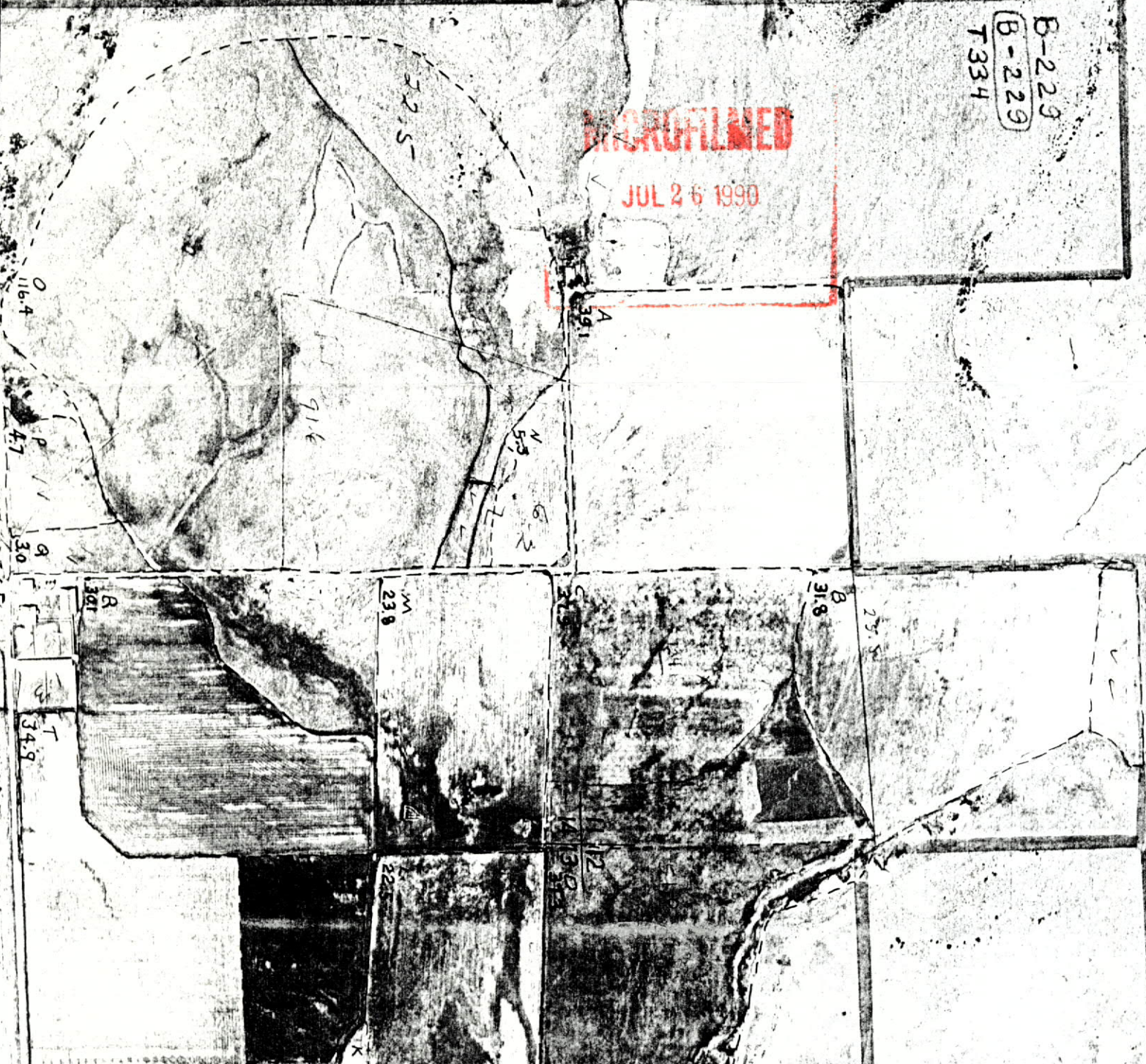
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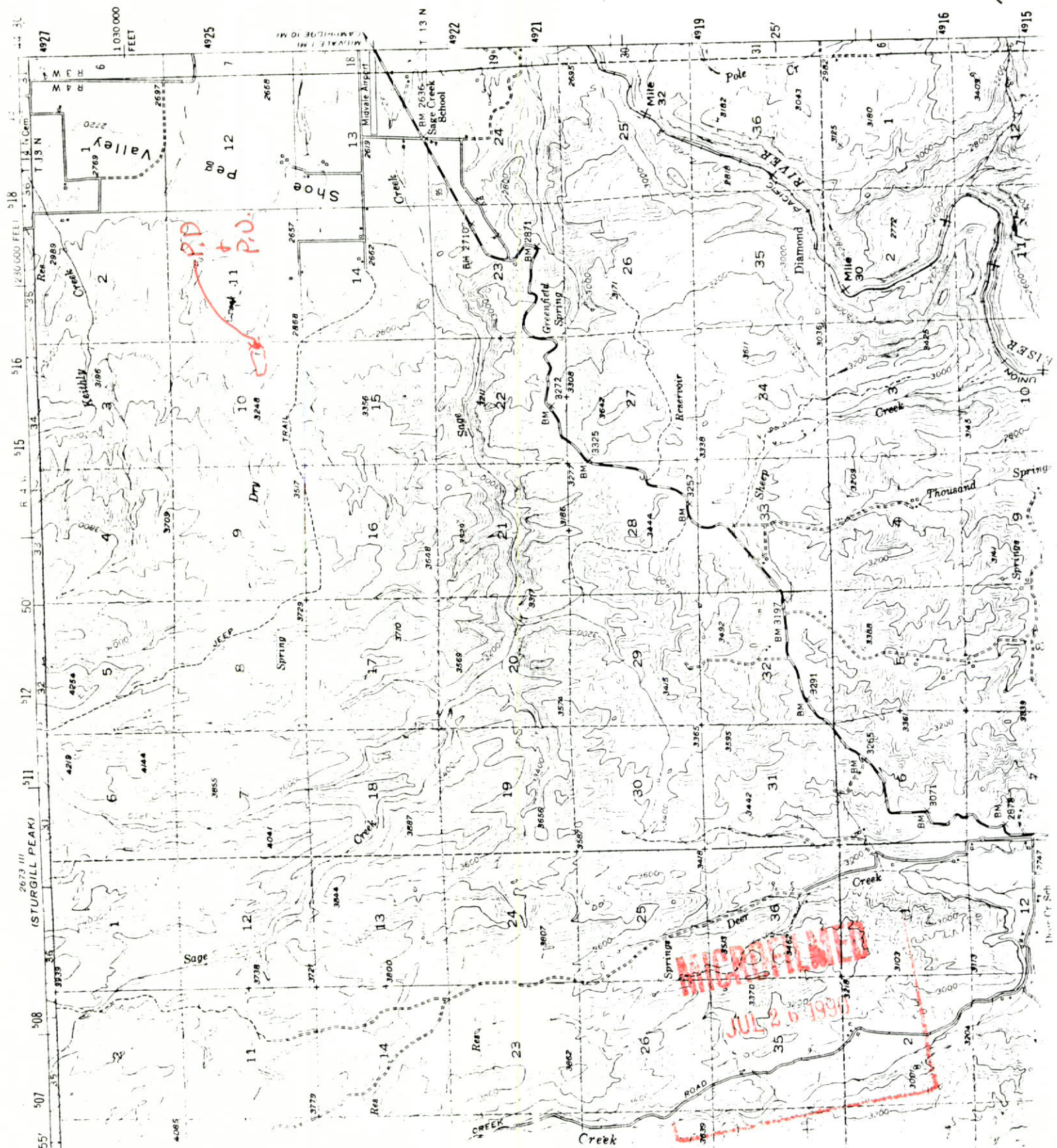
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MICROFILMED

JUL 26 1990



2



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 67-07424

Priority: December 16, 1978 Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume:¹ 4.1 AF

This is to certify, that ARTHUR A. FAIRCHILD
RT. 1 BOX 87
MIDVALE, ID 83645 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 7, 1978; and
has submitted Proof of Beneficial Use on July 10, 1981. An examination indicates
that the works have a diversion capacity of .070 cfs of water from:

DRY CREEK tributary to WEISER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.07 CFS	4.1 AF

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 10, Township 13N, Range 04W
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13N 04W 10 NESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 67
6. Stockwater use is for 300 head.

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JUL 26 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 67-07424

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 20th
day of July, 1990.

Acting for R. Keith Higginson, Director

RECEIVED
JUL 20 1990

JUL 20 1990

State of Idaho
Department of Water Resources

RECEIVED

JUL 10 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07424

Department of Water Resources

Date of Priority: December 16, 1978

Maximum Diversion Rate:

0.07 CFS

Maximum Diversion Volume:

4.1 AF

Comes now

ARTHUR A. FAIRCHILD

RT. 1

MIDVALE, ID 83645

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 67-07424, and requests that the permit be changed as follows:

Source: DRY CREEK

tributary to WEISER RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

STOCKWATER

01/01 to 12/31

0.07 CFS

4.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 10, Township 13N, Range 04W
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13N 04W 10

NESE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Midvale, Idaho, this 9th day of July, 1990.

RECEIVED

JUL 25 1990

Arthur A. Fairchild
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07424

FOR DEPARTMENT USE ONLY #C017601
Preliminary check by ✓ Fee 50 \$20.00 Received by J. Davis Date 7/10/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 67-07424 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 67

Witness my hand this 20th day of July, 19 90.

R. Keith Higginson
R. Keith Higginson, Director

RECEIVED
JUL 10 1990

CLERK

5.00

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 67-7424)

ORDER OF REINSTATEMENT

IN THE NAME OF ARTHUR A. FAIRCHILD)

)

WHEREAS, on December 7, 1978, Arthur A. Fairchild filed with the Department of Water Resources for a permit to appropriate 0.07 cubic feet per second of water from Dry Creek tributary to the Weiser River to be diverted within the NW1/4SW1/4, Sec. 11, Twp. 13N, Rge. 4W, B.M., Washington County, to be used for stockwater purposes; and,

WHEREAS, on June 20, 1979, the Department approved said application and issued Permit No. 67-7424 with the condition that proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before July 1, 1980; and,

WHEREAS, on June 10, 1980, the Department granted an extension of time until July 1, 1981; and,

WHEREAS, on April 30, 1981, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to make said proof; and,

WHEREAS, on July 9, 1981, the Department notified the permit holder that Permit No. 67-7424 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a, Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on July 10, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 67-7424 be REINSTATED and the priority advanced to December 16, 1978.

Dated this 24th day of September, 1981.



L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED
SEP 24 1981
WATER RESOURCES
DIVISION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE)
DATE IN CONNECTION WITH PERMIT NO. 67-7424)
IN THE NAME OF ARTHUR A. FAIRCHILD)

ORDER

WHEREAS, on December 7, 1978, Arthur A. Fairchild applied to the Department of Water Resources for a permit to appropriate 0.07 cubic feet per second of water from Dry Creek tributary to the Weiser River to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 13N, Rge. 4W B.M., Washington County, for stockwater purposes; and,

WHEREAS, on June 20, 1979, the Department approved said permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before July 1, 1980; and,

WHEREAS, on May 28, 1980, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 67-7424 be extended to July 1, 1981.

Dated this 10 day of June, 1980.


L. GLEN SAXTON

Chief, Operations Bureau

MAILED
JUN 21 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant ARTHUR A. FAIRCHILD Phone 355-2248

Post office address Midvale, ID Route 1

2. Source of water supply Dry Creek which is a tributary of Weiser River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 13N

Range 4W B.M. Washinton County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.07 for stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.07 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. diversion dam and gravity ditch

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

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

8. Description of proposed uses: (2) NW SW NW SW 14

a. If water is not for irrigation: NW SW NW SW 22
(1) Give the place of use of water: (2) SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 13N

Range 4W B.M.

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

(3) List number of each kind of livestock to be watered 200-300 head

(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: _____

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

[illegible]

Total number of acres to be irrigated

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 Applicant _____.

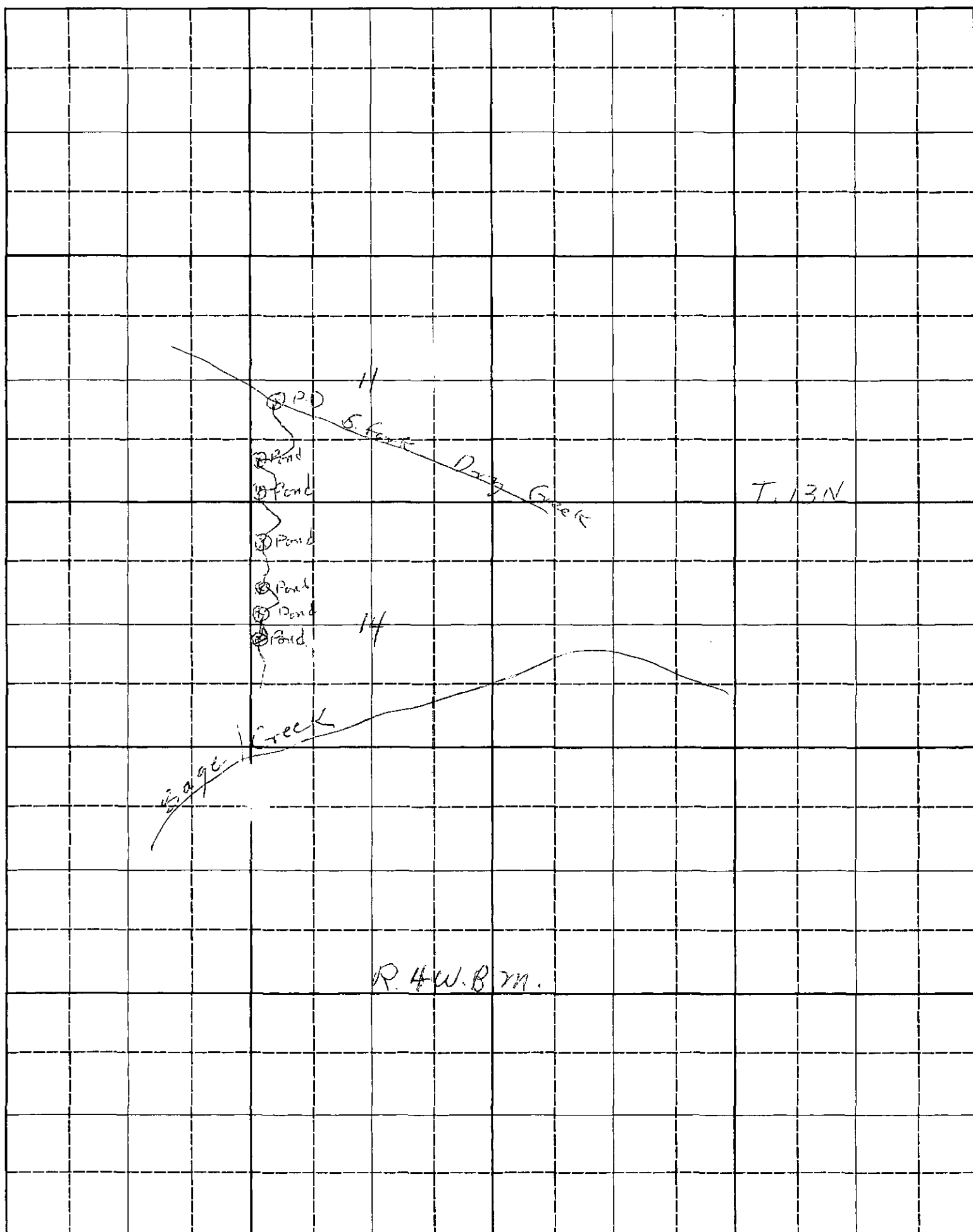
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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.

Arthur R. Fairchild
(Applicant)

Received by R.W.H. Date 12-7-78 Time 3:20 P.mPreliminary check by R.W.H. Fee \$ 20.00Receipted by [Signature] Date 12-7-78 # 12508

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved KK Date 2/5/79Protests filed by: Glenn D. Horning & Wendell L. Odeh ^{withdrew 6/4/79}
Board of Commissioners, City of Washington ^{withdrew protest}Copies of protests forwarded by KKHearing held by DBS Date 5/18/79Recommended for approval denial by W.J. (see and h.) J.S.

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. 67-7424, 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 July 1, 19 80.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) Use of water under this permit is subject to control by the water-master of State Water District No. 67, Weiser River. (2) This permit may be subject to conditions agreed upon by the applicant in his agreement with Glen D. and Larry D. Horning dated June 4, 1979.

Witness my hand this 20th day of June, 19 79.

J. Glen Saxton
Chief, Operations Bureau

LARY C. WALKER
W. RICHARD SANDERS

LAW OFFICES
WALKER & SANDERS
232 EAST MAIN STREET
POST OFFICE BOX 828
WEISER, IDAHO 83672

TELEPHONE
AREA CODE 208
549-0390

June 5, 1979

David B. Shaw
Dept. of Water Resources
Western Region
92 South Cole Road
Boise, Idaho 83705

Re: Fairchild - Horning Water Diversion Agreement

Dear Mr. Shaw:

Pursuant to the informal hearing and conversation at the Washington County Courthouse in Weiser, on May 15, 1979, enclosed please find the Agreement of Withdrawal of Protest to Water Diversion, signed by Glen D. Horning, Larry D. Horning and Arthur A. Fairchild. As you recall from the above mentioned conversation, Glen and Larry Horning agreed to withdraw their protest to the diversion by Arthur Fairchild of water from Dry Creek into Sage Creek near Midvale, subject to the terms and conditions stated in the above mentioned Agreement.

Please file the Agreement in conjunction with Mr. Fairchild's application for a permit with regard to the above mentioned diversion.

Thank you very much for your help and consideration in this matter.

Sincerely yours,

WALKER & SANDERS

Kim R. Lindquist
Kim R. Linquist

KRL:ls
Enc.

RECEIVED
JUN 6 1979

Department of Water Resources
Western Regional Office

1 AGREEMENT OF WITHDRAWAL OF PROTEST TO WATER DIVERSION

2 THIS AGREEMENT, entered into this 4 day of June, 1979,
3 by GLEN HORNING and LARRY HORNING, son of Glen Horning, as
4 Parties of the First Part, and ARTHUR A. FAIRCHILD, Party of the
5 Second Part.

6 Parties of the First Part agree to withdraw, and hereby do
7 withdraw, the formal protest of water diversion lodged with
8 with the Idaho State Department of Water Resources against the
9 diversion by Party of the Second Part, by means of a caterpillar
10 excavated ditch, of water from Dry Creek into Sage Creek near
11 Midvale, Washington County, Idaho. Said withdrawal of formal
12 protest by Parties of the First Part and the insuance of any
13 water permit to Party of the Second Part, which is necessarily based
14 upon said withdrawal, are contingent, however, upon the present
15 and continuing obligations of the Party of the Second Part as
16 hereinafter stated:

17 (1) Party of the Second Part agrees to install in the
18 diversion ditch a six inch pipe with head gate, which will
19 allow a corresponding amount of water to be channeled down
20 Dry Creek. The pipe and the head gate shall be installed at
21 such a time prior to the 1980 Spring run-off as to insure the
22 availability of water in Dry Creek, for stock watering purposes
23 by Parties of the First Part that year, and each year thereafter
24 for as long as water is naturally available each year. The pipe
25 shall be installed in such a manner and in such a strategic
26 location on the diversion ditch as to prevent any washout around
27 said pipe and head gate, or other occurrence, which would thereby
28 reduce or eliminate entirely the effectiveness and purpose of
29 said pipe and head gate.

30 (2) Party of the Second Part, at such a time prior to the
31 1980 Spring run-off as to be effective in reasonably neutralizing
32 any adverse effects from said Spring run-off, or any run-off

1 thereafter, shall improve the above mentioned diversion ditch
2 in such a manner as to reasonably prevent overflow, washouts,
3 and/or excessive seepage, of said ditch from all but the most
4 extreme and extraordinarily big Spring run-offs, and the damage
5 or other adverse effects to Parties of the First Part resulting
6 therefrom. Said improvement shall be accomplished by sufficiently
7 raising the bank of the diversion ditch, dredging the diversion
8 ditch deeper where possible, and/or "straightening out" the
9 diversion ditch by removing obtruding formations of rock and/or
10 soil, or any combination of the aforementioned improvement methods
11 that is necessary to accomplish the above stated purpose. It is
12 especially critical that said improvements be realized in that
13 section of the diversion ditch located within the following area:

14 The eastern $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section
15 10 Township 13 N, Range 4 W.

16 (3) Party of the Second Part shall annually maintain
17 the above mentioned diversion ditch in proper repair and im-
18 provement by the above stated improvement means or any other
19 means necessary to realize the above stated purpose of this
20 agreement and to prevent any damages whatsoever to the Parties
21 of the First Part resulting from inadequate maintenance of the
22 diversion ditch.

23 (4) Party of the Second Part agrees to and, as of
24 the date of the document, has filled in and repaired to the
25 satisfaction of the Parties of the First Part the washout
26 gully on land owned by parties of the First Part and caused
27 by uncontrolled water from the above mentioed drainage ditch,
28 which washout and gully occured during the Spring run-off
29 of 1978, after Party of the Second Part had diverted the water
30 by means of the above mentioned diversion ditch.

31 Parties of the First Part and Party of the Second Part
32 hereby agree and acknowledge that the above mentioned withdrawal

1 of formal protest to the diversion of water by Party of the
2 Second Part, as well as the validity and vitality of any water
3 permit issued to the Party of the Second Part, is based upon
4 the fulfillment of all obligations and responsibilities contained
5 in this agreement.

6 THIS AGREEMENT shall be binding upon the heirs, adminis-
7 trators, personal representatives, assigns and agents of the
8 parties.

9
10 IN WITNESS WHEREOF, we hereunto set our hand this 4
11 day of June, 1979.

12
13
14 Glen B. Horning

15
16 Larry D. Horning
17 Parties of the First Part

18
19 Arthur A. Fairchild
Party of the Second Part

20
21
22
23 RECEIVED
24 JUN 6 1979

25
26 Department of Water Resources
Western Regional Office

1 STATE OF IDAHO)
2 County of Washington) ss.

3 On this the 4 day of June, 1979 before me the under-
4 signed, a Notary Public in and for said State, personally appeared
5 GLEN HORNING and LARRY HORNING, known to me to be the persons
6 whose names are subscribed to the foregoing instrument and
7 acknowledged to me that they executed the same.

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
9 my official seal on this day and year first above written.

10 Margaret M. Fox
11 Notary Public
12 Residing at: Midvale, Id.

13 STATE OF IDAHO)
14 County of Washington) ss.

15 On this the 4 day of June, 1979 before me the under-
16 signed, a Notary Public in and for said State, personally appeared
17 ARTHUR A. FAIRCHILD, known to me to be the person whose name
18 is subscribed to the foregoing instrument and acknowledged to
19 me that they executed the same.

20 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
21 my official seal on this day and year first above written.

22 Margaret M. Fox
23 Notary Public
24 Residing at: Midvale, Id.

May 8, 1979
DJS

Department of Water Resources
Western Region
92 S. Cole Road
Boise, Idaho 83705

Attention: David B. Shaw

Dear Sir,

This letter is in regard to the application or permit number 67-7424.

This is to give my withdrawal of protest of this permit as Mr. Fairchild and I have reached an agreement.

Thank You,

Donnell L. Liden

RECEIVED

MAY 9 1979

Department of Water Resources
Western Regional Office

IRA T. BURTON

~~EDWIN OXFORD~~

Prosecuting Attorney

DBS

CHARLES R. KROLL
Deputy Prosecuting Attorney



February 20, 1979

Mr. David B. Shaw
Dept. of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Application for Permit No. 67-7424 - Arthur A. Fairchild

Dear Mr. Shaw:

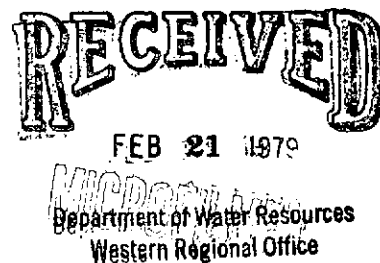
Please be advised that the Board of Commissioners of Washington County, Idaho, do hereby withdraw the protest of the Application of Arthur Fairchild, as set forth in my letter dated January 8, 1979.

After meeting with Mr. Fairchild, the County Commissioners are satisfied that the approval of Mr. Fairchild's application will not conflict with the County's interest.

Very truly yours,

CHARLES KROLL
Deputy Prosecuting Attorney
Washington County, Idaho

CK:an
cc: Larry Page
County Commissioners



Mr. C. Stephen Allred:

Director of water resources:

Boise Idaho.

Dear Mr. Allred;

I am writing this letter protesting
the water right of Arthur A. Fairchild
that is listed under no. 67-7424.

This takes our stock water from
dry creek which our catob use.

This ditch was built without any
permission from any of the neighbors
which are concerned on dry Creek or
Sage Creek.

This permit does away with the
water right that belongs to the
Former Robert Clall Farm which
now belongs to me.

This legal description is on our
land instead of Mr. Fairchild's.
dry creek runs through our home
ranch also.

I thank you,

Yours Truly
Glenn D. Horning
Midvale Idaho
RTI Box 82 83645

Midvale, Idaho,

Jan. 5 1979

Department of Water Resources
Western Regional Office

JAN 8 1979

RECEIVED

DBS

Dec. 29, 1978 DBS

To Mr. C. Stephen Allred

Director of Idaho Dept of Water Resources

92 South Cole Road

Boise, Idaho 83705

We are giving protest to application
for permit No. 67-⁷⁴⁸⁴7446 in the name of the
Idaho Dept. of lands, Statehouse Mails,
Boise, Idaho of the diversion dam
and ditch on Dry Creek, tributary
to Weiser River. We are doing this
on the grounds that this puts
the water normally going down
Dry Creek into Sage Creek causing
a higher spring run off flow. This
was done approximately one year
ago. During the spring run off of
1978 it allowed an excessive amount
of water to run down Sage Creek
and it caused us considerable
washing of farm land along the
banks. It also did wash around the
only county bridge on Sage Creek
and also came over the top of the
bridge. It has never done this

RECEIVED

JAN 2 1979

Department of Water Resources
Western Regional Office

MICROFILMED

in the 33 years that my dad
Grant Ader, deceased Dec. 16, 1978, has
owned this property. Also we feel
that the State Highway bridge
on Sage Creek and U.S. 95 will see
damage within the next few years.
We would appreciate it if you
would take a visual look at the
damage as I'm sure you have once
before.

Thank You
Dwight L. Ader
Middale, Idaho 83645

Jan 4, 1979 DBS

Mr. C. Stephen Allred
Director of Idaho Dept. of Water Resources
12 South Cole Road
Boise, Idaho 83705

This is a correction to my
protest of the diversion dam and
ditch in my letter dated Dec 29, 78.
The application number should
read 67-7414 and is in the name of
Arthur A Fairchild. This is in instead
of permit number 67-7416 which
was in error.

Thank You
Dwight L. Allen

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JAN 8 1979

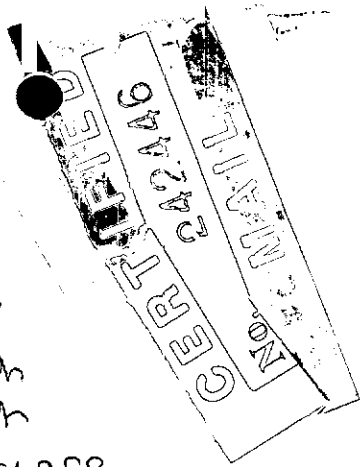
Department of Water Resources
Western Regional Office

100-100000



Mr. C. Stephen Allen
 Minister of Education
 92 South Cole Road
 Boise, Idaho 83705

William S. Allen
 Route #1 Box 97
 in Idaho Falls
 83845



ERWIN O. FORD
Prosecuting Attorney

0BS
CHARLES R. KROLL
Deputy Prosecuting Attorney

RECEIVED

JAN 10 1979

Department of Water Resources
Western Regional Office



January 8, 1979

Idaho Department of
Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Protest to Application for Diversion No. 67-7424
of Mr. Art Fairchild, Midvale, Idaho

Dear Director:

The Board of Commissioners of the County of Washington, Idaho, hereby protest the approval of the application for permit to divert Dry Creek, located in Washington County, Idaho, in the NW 1/4 SW 1/4, Section 11, Twp. 13N, R 4 W B.M., into Sage Creek, crossing the NW 1/4 SW 1/4, Section 14, Twp. 13N, R 4 W B M, here in Washington County, Idaho. The basis for this protest is that the additional water entering Sage Creek by this diversion has damaged the county road No. 47C, where the road crosses Sage Creek. The existing bridge and road have been damaged by the spring run-off which has been increased due to the diversion of Dry Creek into Sage Creek.

Relief requested is in the alternative to either deny the diversion permit and return the flow of Dry Creek into its original bed, or to require Mr. Art Fairchild to pay Washington County the cost of replacing the existing bridge with a bridge sufficient to accomodate the increased flow.

Idaho Department of
Water Resources
Page Two
January 8, 1979

Kindly send me a copy of the Department Rules and
Regulations Procedure for formal hearings.

Thank you.

Very truly yours,


CHARLES KROLL
Prosecuting Attorney
Washington County, Idaho

CK:an

CC: Art Fairchild
Midvale, Idaho

Larry Page
Road & Bridge Supervisor
1102 East Court St.
Box 813
Weiser, Idaho 83672

Washington County Commissioners
P. O. Box 670
Weiser, Idaho 83672

RECORDED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington

Barth A. Broth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 100 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
Dec 28, 1978, and ending
with the issue of Jan 4, 1979

Barth A. Broth
Fees, \$ 29.24

Subscribed and sworn to before me this 4
day of Jan, 1979

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1983

RECEIVED
FEB 1 1979

No. 320 Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s)
have been submitted for permit to appropriate the public
waters of the State of Idaho:

67-7424

FAIRCHILD, ARTHUR A.
ROUTE 1 MIDVALE, ID 83645
Source: DRY CREEK tributary to WEISER RIVER
Date Filed: 12/07/1978
Amount: 0.07 CFS
Diversion Point: NWSW Sec 11 T 13N R 04W,
WASHINGTON Co.
Use: STOCKWATER (0.07 CFS) from 01/01 to 12/31
Place of Use: NWSW SWNW NWNW Sec 14 T 13N R 04W
SWSW Sec 11 T 13N R 04W
Diversion Means: DIVERSION DAM AND DITCH

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit
No. 67-7416 in the name of the Idaho Dept. of Lands,
Statehouse Mail, Boise, Idaho was published in error on
October 12 and 19, 1978.

The point of diversion and place of use were advertised as
being within the NWNE S36 T14N R05W. WHEREAS, the
actual point of diversion and place of use are within the
NWNE S36 T14N R05W.

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit
No. 67-7415 in the name of PARSONS PACKING INC., Box
588, Weiser, Idaho.

The point of diversion was advertised as being within the
SWNW S19 T11N R05W and the place of use was advertised
as being within the SWNW NWSW S19 T11N, R05W.
WHEREAS, the actual point of diversion is within the
SWNW S19 T11N R05W, and the place of use is within the
SWNW NWSW S19 T11N R05W.

If issued, the permit(s) will be subject to all prior water
rights. Protests against the granting of any permit must be
filed with the Director of the Idaho Department of Water
Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before
JANUARY 15, 1979.

C. STEPHEN ALLRED
Director

Published 12/28 & 1/4/79.

July 20, 1990

ARTHUR A. FAIRCHILD
RT. 1 BOX 87
MIDVALE, ID 83645

RE: PERMIT NO. 67-07424

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

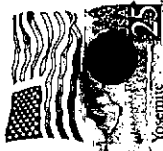
JJ:sc

Enclosure

RECEIVED
JUL 26 1990

MR. ARTHUR A. FAIRCHILD
RURAL ROUTE 1 BOX 87
MIDVALE, ID 83645

new address



JUL 9 1930
AM

63645

State of Idaho
Dept. of Water Resources,
1301 N. Orchard St.,
Boise, Idaho 83706-2237

RECEIVED
JUL 20 1930

July 5, 1990

ARTHUR A. FAIRCHILD
RT. 1
MIDVALE, ID 83645

RE: PERMIT NO. 67-07424

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 26 1990

RECEIVED

MAR - 1 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for

Department of Water Resources
Beneficial Use Field Report

67-7424
Permit No.

P.D.+P.U.

NW 50 11 11 N 4W

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index DN 7-22-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index DN 7-22-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? DN 7-23-87 (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Christen Neill 8-18-87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 8/18/87 (Initial and date)

Exam Reviewed by Manager of Regional Office DN 2/29/88 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office DN 2/29/88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 107-7424

1. Owner: ARTHUR A. FAIRCCHILD

Phone No. 251-2248

Current Address: RT. 1 MIDVALE ID. 82645

2. Accompanied by: ARTHUR FAIRCCHILD

EXAM. DATE: 8-6-87

Address: SAME

Phone No. _____

Relationship to Permit Holder: _____

3. Source: BRANCH OF DRY CREEK tributary to WEISER RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

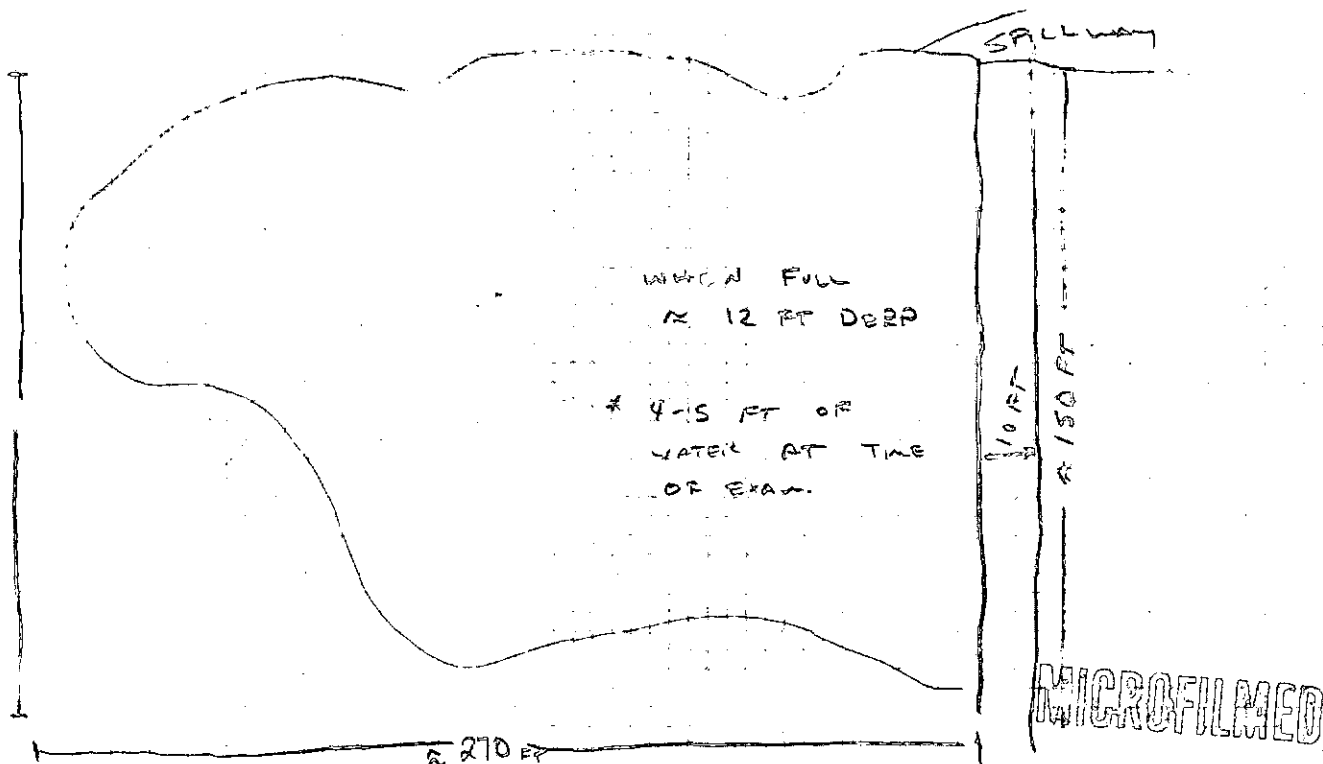
2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

JUL 26 1987

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	10	13N	4W	WASHINGTON	AERIAL PHOTO

6. **Place(s) of Use:**

Indicate Method of Determination AERIAL PHOTO

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
		10													X			~~SE~~	

MICROFILMED

Do not use this space

JUL 22 1970

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

PACED RESERVOIR OFF - LOOKING AT HIGH WATER
 LINE 50 PACE BY 90 PACE
 SD 150 FT X 270 FT = 40,500 sq FT X (12 DECS X 1/2)
 = 162,000 FT³ $\frac{100 \text{ FT}}{43,560 \text{ FT}^2} = 3.7 \text{ ac-FT}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

PACING SIZE OF RESERVOIR →

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)
 Water HP: (3) x (4) ÷ 8.8 = _____ (5)
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

WICK WATER

3000 x .0134 = 4.02 ac-ft

MICROFILMED

JUL 26 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

7 P.D. + P.U. ARE IN DIFFERENT ~~SECTION~~
1/4 IN WHAT IS ON THE DEBIT

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
SIDELINE WATER Storage	1-1	12-31		3.7 afa
Totals:				3.7 afa

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

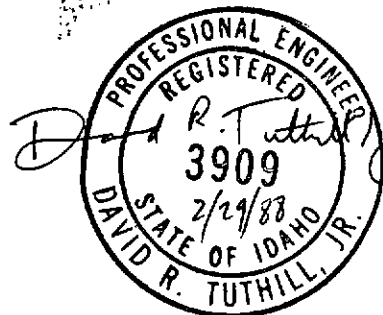
Field Examiner's Name Quinn Nesbitt
Signature Quinn Nesbitt
Certification Date _____
Field Report Preparation Date 8-18-87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

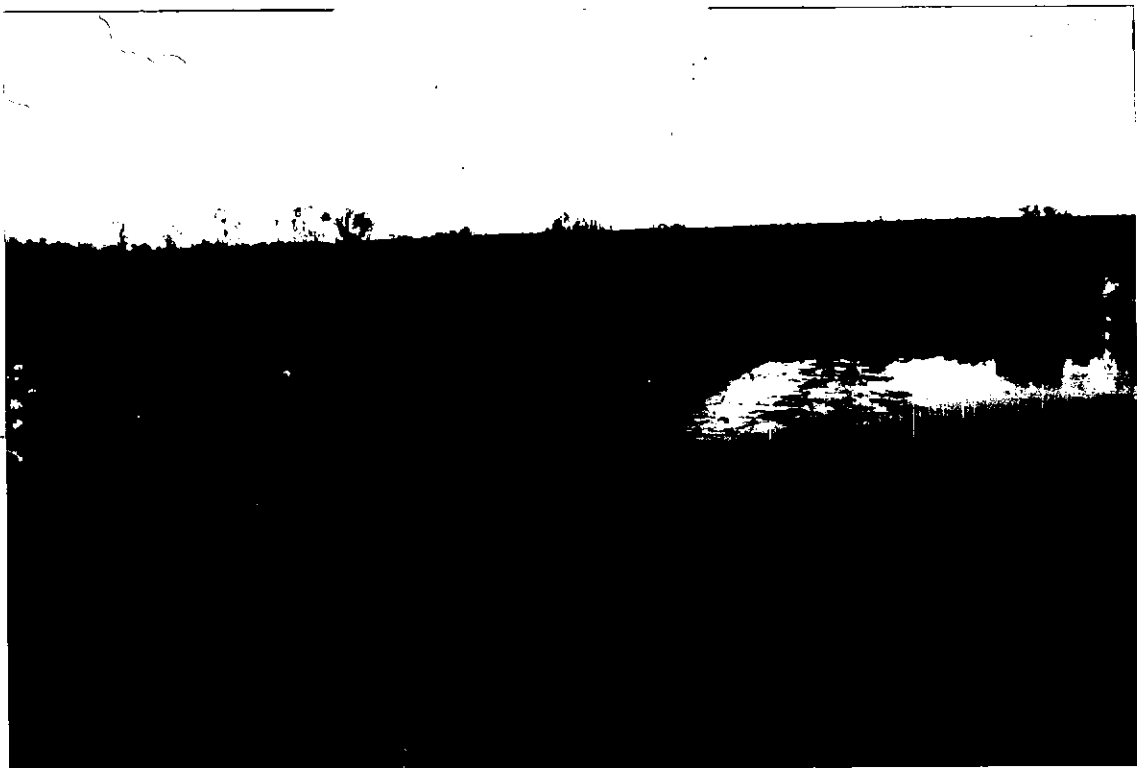
JUL 26 1990



67-7424



P.D.
+
P.U.



P.D.
+
P.U.

JUL 2 1990

RECEIVED

67-7429



P.D.
+
P.U.

RECEIVED

JUL 28 1990

U.S.

RD
2000

10 11
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B-229
B-229
T334

JUL 26 1990

235

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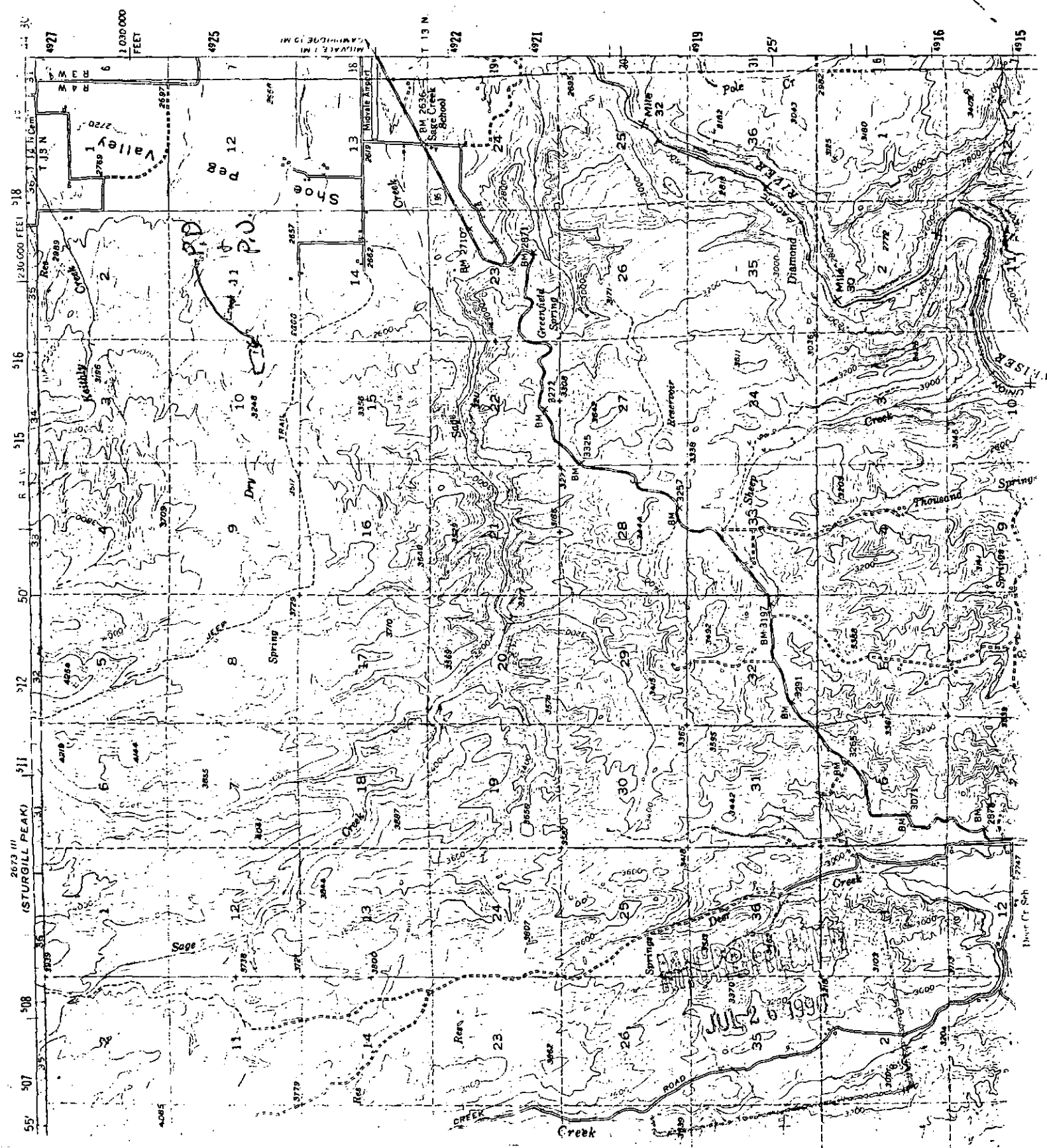
49

238

318

349

67-7424 #11



RECEIVED

FEB 18 1983

Department of Water Resources

January 1, 1983
Midvale, Idaho 83645

Gentlemen:

As of January 1, 1983, I will be retiring from active involvement in the TREE TOP RANCHES and my interest in FAIRCHILD LUMBER COMPANY, and will be leasing the operation of them to my daughter and son-in-law, Larry and Marianne Williams.

I want to take this opportunity to thank you for all the help you have been to me over the past years. The friends and business associates I have developed will long be remembered.

Effective January 1, 1983, please direct all correspondence, invoicing, negotiations, and questions to:

FAIRCHILD TREE TOP RANCH
c/o Larry Williams
4035 South Linder Road
Meridian, Idaho 83642

208, 888-2139 res.
208, 343-1500 bus.

Sincerely yours,

Arthur A. Fairchild

Arthur A. Fairchild

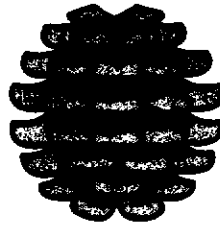
MICROFILMED

JUL 26 1990

RECEIVED

FEB 18 1983 IDAHO TIMBER CORPORATION

Department of Water Resources



Larry D. Williams
President

February 17, 1983

Gentlemen:

Please disregard the attached letter. All correspondence, invoices and questions should be directed to:

Fairchild Tree Top Ranch Ltd.
C/O Arthur A. Fairchild
Midvale, Idaho 83645

I am very sorry for any problems we may have caused you.

Very truly yours,

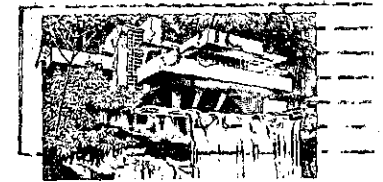
Larry Williams

RE: Permit No. 67-7424

RECEIVED
JUL 25 1990

Fairchild Tree Top Ranch, Ltd.

c/o Larry Williams
4035 South Linder Road
Meridian, ID 83642



Architecture USA 20c

Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Attention: Robyn Carlson

January 28, 1983

RE: Permit No. 67-7424

Arthur A. Fairchild
Fairchild Tree Top Ranch, Inc.
c/o Larry Williams
4035 S. Linder Rd.
Meridian, ID 83642

Dear Mr. Fairchild:

Thank you for your letter of January 1, 1983. However in reviewing the above referenced permit I find that the permit is in your name only.

In Idaho a water right permit is considered personal property and can be only acquired when the permit holder assigns all or part of his interest in the permit to another party.

From your letter, you stated that the operation is now leased by your daughter and son-in-law. If you wish you can assign the water right permit to them whereby they will then be responsible for the permit in the future. I have enclosed an assignment form for your convenience.

If you have any questions, please feel free to contact me at 334-4123.

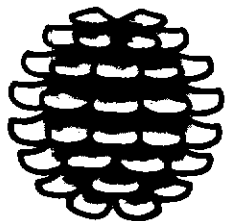
Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosure

MICROFILMED

JUL 26 1990



IDAHO TIMBER
CORPORATION

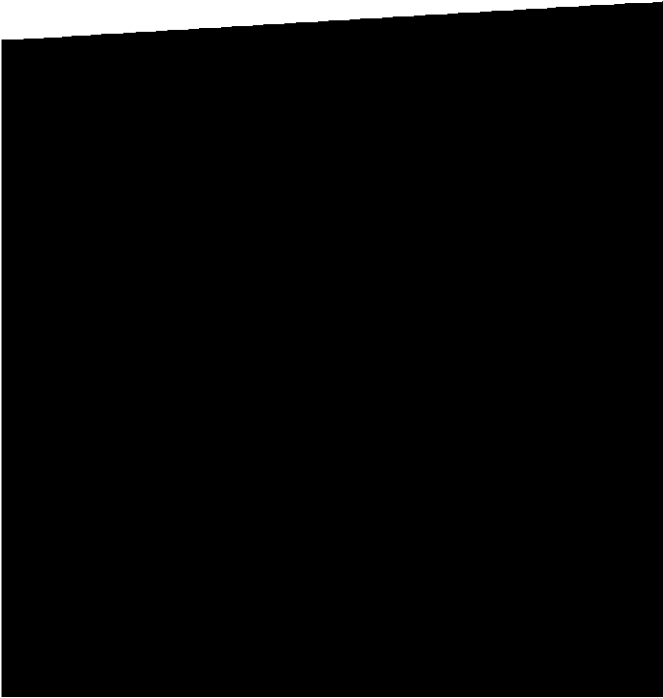
LARRY D. WILLIAMS
President

20 E. Amity Rd.
P.O. Box 6767
Boise, Idaho 83707
208-343-8000

MLU

Fairchild Tree Top Ranch, 1
c/o Larry Williams
4035 South Linder Road
Meridian, Idaho 83642

Res. 208, 888-2139
Bus. 208, 343-1500



RECEIVED

JAN 12 1983

Department of Water Resources

January 1, 1983
Midvale, Idaho 83645

Gentlemen:

As of January 1, 1983, I will be retiring from active involvement in the TREE TOP RANCHES and my interest in FAIRCHILD LUMBER COMPANY, and will be leasing the operation of them to my daughter and son-in-law, Larry and Marianne Williams.

I want to take this opportunity to thank you for all the help you have been to me over the past years. The friends and business associates I have developed will long be remembered.

Effective January 1, 1983, please direct all correspondence, invoicing, negotiations, and questions to:

FAIRCHILD TREE TOP RANCH
c/o Larry Williams
4035 South Linder Road
Meridian, Idaho 83642

208, 888-2139 res.
208, 343-1500 bus.

Sincerely yours,

Arthur A. Fairchild

Arthur A. Fairchild

permit # 67-7424

MICROFILMED

JUL 26 1980

Fairchild Tree Top Ranch, Ltd.
c/o Larry Williams
4035 South Linder Road
Meridian, ID 83642



Architecture USA 20¢

Department Of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. Kenneth Dunn
Director

(208) 334-2190

November 22, 1981

Arthur A. Fairchild
Route #1
Livale, ID 83645

RE: 87-7424

Dear Mr. Fairchild:

We acknowledge receipt of your statement submitted as proof as 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.

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense

Judy Pense
Secretary

RECEIVED
NOV 23 1981
DEPT. OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 67,7424.

Name(s) of Permit Holder: Arthur A. Fairchild

Post Office Address: Rt 1, Box 87, Milwaukie Idaho 83645

Tel. No. 208 355-2248

Source of Water: _____

Extent of Use: ☐ Domestic _____ (number of households)
☒ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

July 4 1981
Date

Arthur A. Fairchild
Signature of Permit Holder

RECEIVED

JUL 10 1991

Department of Water Resources



USA 150671A

PLACE
TEN CENT
STAMP
HERE

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

FAIRCHILD, ARTHUR A.
ROUTE 1
MIDVALE, ID 83645

JULY 9th, 1981

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 67-7424 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED APRIL 30, 1981.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

I hereby certify that on 7/9/81
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Jan J. Hoover

June 8, 1981

Arthur A. Fairchild
Route 1, Box 87
Midvale, ID 83645

Dear Mr. Fairchild:

Re: Permit No. 67-7424

Enclosed is the statement of beneficial use postcard submitted to this office on May 12, 1981.

I have been unable to locate the water right number for this particular use. Could you provide me with one?

Also, On April 30, 1981, I sent you a certified notice that proof of beneficial use was due on July 1, 1981 for Permit No. 67-7424. Please be advised that this right is for stockwater from 200-300 head of cattle from Dry Creek. Has this right been developed? If so, please complete and return the enclosed postcard. If not and you intend to do so within the next five years, complete and return the enclosed request for extension of time. Please note there is a \$15.00 filing fee that must accompany the extension request.

If you have any questions concerning these matters, please feel free to contact me.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No.

Name(s) of Permit Holder: Arthur A. Fairchild

Post Office Address: Rte 1 Box 87, Midvale, Idaho 83645

Tel. No. 208 355 2248

Source of Water: Sage Creek

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☒ Irrigation Approx 2000

(acres)

☐ Other

Measuring Device:

Required?

☐ Yes ☐ No

Installed?

☐ Yes ☐ No

Access Port:

Required?

☐ Yes ☐ No

Installed?

☐ Yes ☐ No

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

May 10, 1981

Date

Signature of Permit Holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

FAIRCHILD, ARTHUR A.
ROUTE 1
MIDVALE, ID 83645

138455

APRIL 30, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 67-7424 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

RECEIVED
MAY 1 1981

June 20, 1980

Arthur A. Fairchild
Route 1
Midvale, ID 83645

Dear Mr. Fairchild:

Re: Permit No. 67-7424

Enclosed is a copy of the order extending the time within which to submit the statement of beneficial use to July 1, 1981.

Sincerely,

RITA FLECK
Sr. Secretary

Enclosure

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

FAIRCHILD, ARTHUR A. MAY 28 1980
ROUTE 1
MIDVALE, ID 83645 Department of Water Resources

APRIL 30, 1980

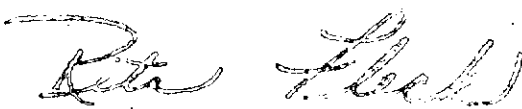
DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 67-7424 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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SINCERELY,

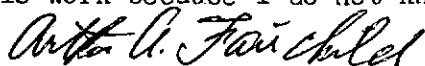

RITA FLECK
SR. SECRETARY

ENC: 1 Midvale, Idaho - May 23, 1980

I have everything done on this project but the Bureau of Land Management has blocked one of my feeder canals to the reservoir.

Supposedly they will give me the right to open this canal sometime this year if I do additional construction as required by them, but to date I have not received this go ahead from them although I have submitted the required plans that they said they would need.

I would like to have another year to complete this work because I do not know just when I can get permission to open the canal.


Arthur A. Fairchild

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

FAIRCHILD, ARTHUR A.
ROUTE 1
MIDVALE, ID 83645

138365

APRIL 30, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 67-7424 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 22, 1979

Re: Permit No. 67-7424

Arthur A. Fairchild
Route 1
Midvale, Idaho 83645

Dear Mr. Fairchild:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

RECEIVED

STAFF REVIEW - STATE OFFICE

- | | |
|---|--|
| 1. <u>✓</u> Name vs. Signature | 7. <u>✓</u> Place of Use for other than irrig. |
| 2. <u>✓</u> Source | 8. <u>N/A</u> Place of Use for irrigation (add acres) |
| 3. <u>✓</u> Point of Diversion | 9. <u>A</u> Property Owner at Pt. of Div. & Pl. of Use |
| 4. <u>0.07</u> Amnt. & Period of Use | 10. <u>✓</u> Map |
| 5. <u>✓</u> Descrip. of Diverting Wrks. | 11. <u>20</u> Fee & Rec't. No. <u>12/7/78</u> |
| 6. <u>1</u> Time req. for Proof of B/U | |

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>7</u> Idaho Fish & Game Dept.	<u>7</u> Dept. of Lands
<u> </u> Bureau of Land Management	<u> </u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land N/A

Withdrawals of all protests received X yes no
upon agreement.

Conditions:

ID Power Co. Letter - Snake R. <u>NO</u>	Meas. Dev. or Sc. Meas. <u>NO</u>
ID Power Co. Letter - G.W. & Tribs. <u>Yes</u>	Totalizing meter <u> </u>
Snake River Condition <u>NO</u>	Supplemental <u> </u>
Payette River Letter <u>NO</u>	Right-of-Way Cond. <u>NO</u>
Priority Date <u>12/7/78</u>	Watermaster Cond. <u>Yes</u>
	Wtr. Dist No. <u>67</u>
Water Quality #16 <u>NO</u>	Meas. Dev. Cond. for apps within a Water Dist. <u>NO</u>
Water Quality #10 <u> </u>	
intrastate <u> </u> interstate <u> </u>	

Lois
See attached sheet for additional condition. Code #16

Jmi
Reviewer

6/18/79
Date

Applic. # 67-7424

SUGGESTED CONDITION OF APPROVAL

This permit may be subject to condition agreed upon by the applicant in his agreement with Glen D. and Larry D. Horning dated 4 June 1979

W. G. Smith
7 June 1979

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 67-7424

☒ 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) R.W.H. 12-7-78

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
_____ Request Dam Safety Information

(4) R.W.H. 12-7-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) KK OK

Affidavit of Publication received(date) 2/5/79

(12) _____

Final date for protests 1/15/79

Protests received: yes X no _____

(13) W6 8 June 79

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

(14) W6 8 June 79

Action recommended:

✓ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

✓ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Western

By W. Gault

RECEIVED
Date 8 June 79
JUN 12 1979

June 8, 1979

Kim R. Linquist
WLAKER & SANDERS
P.O. Box 828
Weiser, ID 83672

Re: Application for Permit No. 67-7424
In the Name of Arthur A. Fairchild

Dear Mr. Linquist:

This office acknowledges receipt of the withdrawal of protest against
Application No. 67-7424 in the name of Arthur A. Fairchild.

This office now will continue to process the application since the
protest has been withdrawn.

Sincerely,

WILLIAM R. GOSSETT, P.E.
Acting Regional Supervisor

WRG:kk

cc: Glen D. Horning

MAILED

June 8, 1979

Arthur A. Fairchild
Route 1
Midvale, ID 83645

RE: Application for Permit No. 67-7424

Dear Mr. Fairchild:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

This office can now take further action on the application.

Sincerely,

WILLIAM R. GOSSETT, P.E.
Acting Regional Supervisor

WRG:kk

Enclosure

May 25, 1979

M E M O R A N D U M

TO: File No. 67-7424

FROM: David Shaw DBS

RE: Conference held on May 19, 1979, at Weiser

The conference was attended by the applicant, Art Fairchild, and by the protestants, Larry and Glenn Horning, and their attorney, Kim Linquist. Apparently the applicant and protestants had been working on an agreement, and all parties felt an agreement would be worked out in the next several days.

Mr. Linquist indicated a written agreement would be forwarded to our Department as soon as such an agreement was completed. He felt the agreement would be reached in a very short time.

DBS:kk

RECEIVED
MAY 25 1979
FBI - BUTTE

67-7424 - Arthur A. Fairchild

Washington County Courthouse, Weiser, Idaho

May 15, 1979 - 1:30 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Arthur A. Fairchild	Midvale Idaho.	Arthur A. Fairchild
Larry D. Horning	Midvale, Idaho	Larry Horning
Glenn D. Horning	Midvale Idaho	Glenn D. Horning
Jim R. Linnquist	Route 3, Weiser Id.	Glenn Horning

May 11, 1979

Arthur A. Fairchild
Route 1
Midvale, ID 83645

RE: Application for Permit No. 67-7424

Dear Mr. Fairchild:

Enclosed is a copy of a withdrawal of protest against the above referenced application from Wendell L. Ader.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

kk

Enclosure

ENCLOSURE

67-7424

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



(Name of Sender)
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
(Street or P.O. Box)
92 SOUTH COLE ROAD
BOISE, IDAHO 83705

(City, State, and ZIP Code)

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered. ¢
☐ Show to whom, date, and address of delivery. ¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Arthur A. Fairchild
Route 1
Midvale, ID 83645

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978349	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

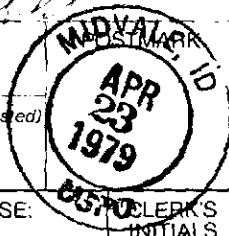
4.

DATE OF DELIVERY

4-23-79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



67-7424

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



(Name of Sender)

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE**

(Street or P.O. Box)

92 SOUTH COLE ROAD

BOISE, IDAHO 83705

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☒ Show to whom and date delivered.....¢
☐ Show to whom, date, and address of delivery.....¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery..\$....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Glenn D. Horning
 Rt. 1, Box 82
 Midvale, ID 83645

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 978350

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Marjorie Horning*
 DATE OF DELIVERY
 4-23-79

5. ADDRESS! Complete only if requested

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
KH

POSTMARK
 MIDVALE
 APR 23 1979
 USPO

67-7424

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



(Name of Sender)
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
92 SOUTH COLE ROAD (Post or P.O. Box)
BOISE, IDAHO 83705

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☒ Show to whom and date delivered. \$
- ☐ Show to whom, date, and address of delivery. \$
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered. \$
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Wendell L. Ader
Route 1, Box 97
Midvale, ID 83645

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
978351		

(Always obtain signature of addressee or agent)

I have received the article described above.

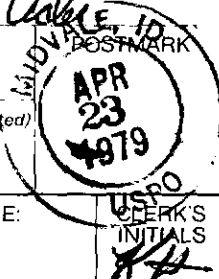
SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

4-23-79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
92 South Cole Road
Boise, Idaho 83705

Certified Receipts
67-7424

No.

978350

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Glenn Horning	
STREET AND NO.		Midvale, ID 83645	
P.O., STATE AND ZIP CODE			
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢	
	SPECIAL DELIVERY	¢	
	RESTRICTED DELIVERY	¢	
	OPTIONAL SERVICES RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No 078351

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Wendell L. Ader	
STREET AND NO.		Route 1, Box 97	
P.O., STATE AND ZIP CODE		Midvale, ID 83645	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢	
	SPECIAL DELIVERY	¢	
	RESTRICTED DELIVERY	¢	
	OPTIONAL SERVICES		
	RETURN RECEIPT SERVICE		
	SHOW TO WHOM AND DATE DELIVERED	¢	
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢	
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢	
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.

972349

RECÉIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—

NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Arthur A. Fairchild	
STREET AND NO.		Route 1	
P.O., STATE AND ZIP CODE		Midvale, ID 83645	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢	
	SPECIAL DELIVERY	¢	
	RESTRICTED DELIVERY	¢	
	OPTIONAL SERVICES		
	RETURN RECEIPT SERVICE		
	SHOW TO WHOM AND DATE DELIVERED	¢	
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢	
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢	
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF THE APPLICATION FOR PERMIT NO. 67-7424)
IN THE NAME OF ARTHUR A. FAIRCHILD)

NOTICE OF CONFERENCE
AND/OR HEARING

On December 7, 1979, Arthur A. Fairchild filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On January 2 and 8, 1979, the Department received protests against approval of said application from Wendal Ader and Grant Horning.

The Department has set the matter of protests for conference and/or hearing for Tuesday, May 15, 1979, at 1:30 p.m. in the District Court Room of the Washington County Courthouse, Weiser, 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 may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. 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 protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 18 day of April, 1979.



DAVID B. SHAW
Western Region Supervisor

CONVERSATION MEMORANDUM

DATE 3/28/79

FILE _____

NAME OF PARTY Art Fairchild

EMPLOYEE David Shaw

RE: 67-7424

Mr. Fairchild asked the hearing be postponed for 2 additional weeks to try to resolve protest from Horning. After 2 weeks if protests are not resolved will probably need hearing.

Mrs. Ader: 355-2329

Called Mrs. Ader & talked w/ Mrs. Ader. I told her what Mr. Fairchild was planning & she said if her husband needed more information he would call.

CONVERSATION MEMORANDUM

DATE 3/9FILE 67-7424NAME OF PARTY Grant HorningEMPLOYEE David ShawRE: His protest against 67-7424 (Mr Fairchild)

Mr. Horning called & said he has not withdrawn his protest against Mr. Fairchild. He said so far Mr. Fairchild has not filled up the gulleys washed into Mr. Horning's field (grazing land).

Mr. Horning also said that without water going by Mr. Fairchild's diversion that his livestock do not have ~~very~~ enough water in Dry Creek in May.

CONVERSATION MEMORANDUM

DATE

3/2

FILE

67-7424NAME OF PARTY Wendal AderEMPLOYEE D. ShawRE: His protest against 67-7424 (Art Fairchild)

Mr. Ader said he would like to have
the hearing on the above app. scheduled.
He said he had met with Mr. Fairchild
and they could not come to an agreement.
Then he said Mr. Fairchild had agreed
to take his dam out of Dry Creek.

RECEIVED
FBI - BUREAU

February 22, 1979

Charles Kroll
Deputy Prosecuting Attorney
Washington County
P.O. Box 367 -- 29 Court St.
Weiser, ID 83672

Dear Mr. Kroll:

This office acknowledges receipt of the withdrawal of protest against
Application No. 67-7424 in the name of Arthur A. Fairchild.

Sincerely,

DAVID BL SHAW
Western Region Supervisor

DBS:kk

February 22, 1979

Arthur A. Fairchild
Route 1
Midvale,,ID 83645

RE: Application for Permit No. 67-7424

Dear Mr. Fairchild:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

This office will wait until we hear from you or until the other protests are withdrawn before we take any additional action on this application.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:kk

Enclosure

RECEIVED
FEB 23 1979

~~Disc~~
~~Ref~~
~~385-1114~~

CONVERSATION MEMORANDUM

DATE 2/16/79

FILE 67-7424

NAME OF PARTY Asst. Prosecutor, Washington Co.

EMPLOYEE D. Shaff

RE: Per te Protest

Called this afternoon to notify us
the county will withdraw its protest
to this application. The letter will
be mailed this afternoon.

ENCLOSURE

CONVERSATION MEMORANDUM

DATE 2/16/79FILE 67-7424NAME OF PARTY Art FairchildEMPLOYEE D. ShawRE: Protest.

Called to find out if we had received
a withdrawal from Washington County
and to ask for some additional time
to work out a solution with Ader
& Horning. Mr. Fairchild felt the
problem could be resolved without
a conference or hearing.

UNRECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

February 5, 1977

Arthur A. Fairchild
Route 1
Midvale, ID 83645

Dear Mr. Fairchild:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 67-7424. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the 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?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.

RECEIVED
FEB 10 1977
BOISE, IDAHO



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

February 5, 1979

RE: Application for Permit No. 67-7424 - Arthur A. Fairchild

Charles Kroll
Prosecuting Attorney
P.O. Box 367 -- 29 W. Court St.
Weiser, ID 83672

Dear Mr. Kroll:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

CC: Larry Page
Washington County Commissioners

Enc.

RECORDED
INDEXED
FEB 14 1979
FBI - BOISE



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

January 8, 1979

(208) 384-2190

Arthur A. Fairchild
Route 1
Midvale, ID 83645

Dear Mr. Fairchild:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 67-7424. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

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Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

January 8, 1979

(208) 384-2190

RE: Application for Permit No. 67-7424
(Arthur A. Fairchild)

Glenn D. Horning
Route 1, Box 82
Midvale, ID 83645

Dear Mr. Horning:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

January 8, 1979

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

RE: Application for Permit No. 67-7424
(Arthur A. Fairchild)

Wendell L. Ader
Route 1, Box 97
Midvale, ID 83645

Dear Mr. Ader:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

DECEMBER 14, 1978

The Signal American
Box 709
Weiser, ID 83672

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 8, 1979.

Yours truly,

Sally Trinkaus
Secretary

Encl.

MICROFILMED

62-2424-

FAIRCHILD, ARTHUR A.

ROUTE 1, MIDVALE, ID 83645

Source: DRY CREEK tributary to WEISER RIVER

Date Filed: 12/07/1978

Amount: 0.07 CFS

Diversion Point: NWSW Sec 11 T 13N R 04W, WASHINGTON Co.

Use: STOCKWATER (0.07 CFS) from 01/01 to 12/31

Place of Use: NWSW SWNW NWNW Sec 14 T 13N R 04W SNWSW Sec 11 T 13N R 04W

Diversion Means: DIVERSION DAM AND DITCH

P A Y E E: DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

FAIRCHILD
TREE TOP RANCH

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
		<i>Filing Fee</i>	<i>20.00</i>		

EMPLOYEE'S
NAME

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	DEDUCTIONS						NET EARNINGS PAID
				F.I.C.A.	FEDERAL INC. TAX	STATE INC. TAX				
	REG. TIME									
	OVERTIME									

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR THE PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORD.

FAIRCHILD
TREE TOP RANCH, MIDVALE, IDAHO