

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**  
 No. 67-15440

**Priority:** August 05, 2022

**Maximum Diversion Rate:** 4.99 CFS

This is to certify that

FAIRCHILD FARMS LLC  
 PO BOX 10  
 MIDVALE ID 83645-5001

has applied for a permit to appropriate water from:

**Source :** GROUND WATER

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

<u><b>Beneficial Use</b></u>	<u><b>Period of Use</b></u>	<u><b>Rate of Diversion</b></u>
IRRIGATION	03/15 to 10/31	4.99 CFS

**Location of Point(s) of Diversion**

GROUND WATER SW¼ NE¼, Sec. 14, Twp 13N, Rge 04W, B.M. WASHINGTON County

**Place of Use:** IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	04W	11												0.8	30		40	40	110.8
13N	04W	12											24	16			9.3		49.3
13N	04W	13		40	38		24	39	39	40	30	40	35	19		1.4			345.4
13N	04W	14	40	40	39	37	28			25					39	8.6	6.1	28	290.7
13N	04W	23	6.6																6.6
13N	04W	24					4.2	20											24.2

Total Acres: 827.0

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2028**.
2. Subject to all prior water rights.
3. Rights 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, 67-7899, and 67-15440 when combined shall not exceed the irrigation of 827 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

SCANNED  
 JAN 31 2023

**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 67-15440**

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

Signed this 30<sup>th</sup> day of JANUARY, 20 23.



ANGELA HANSEN

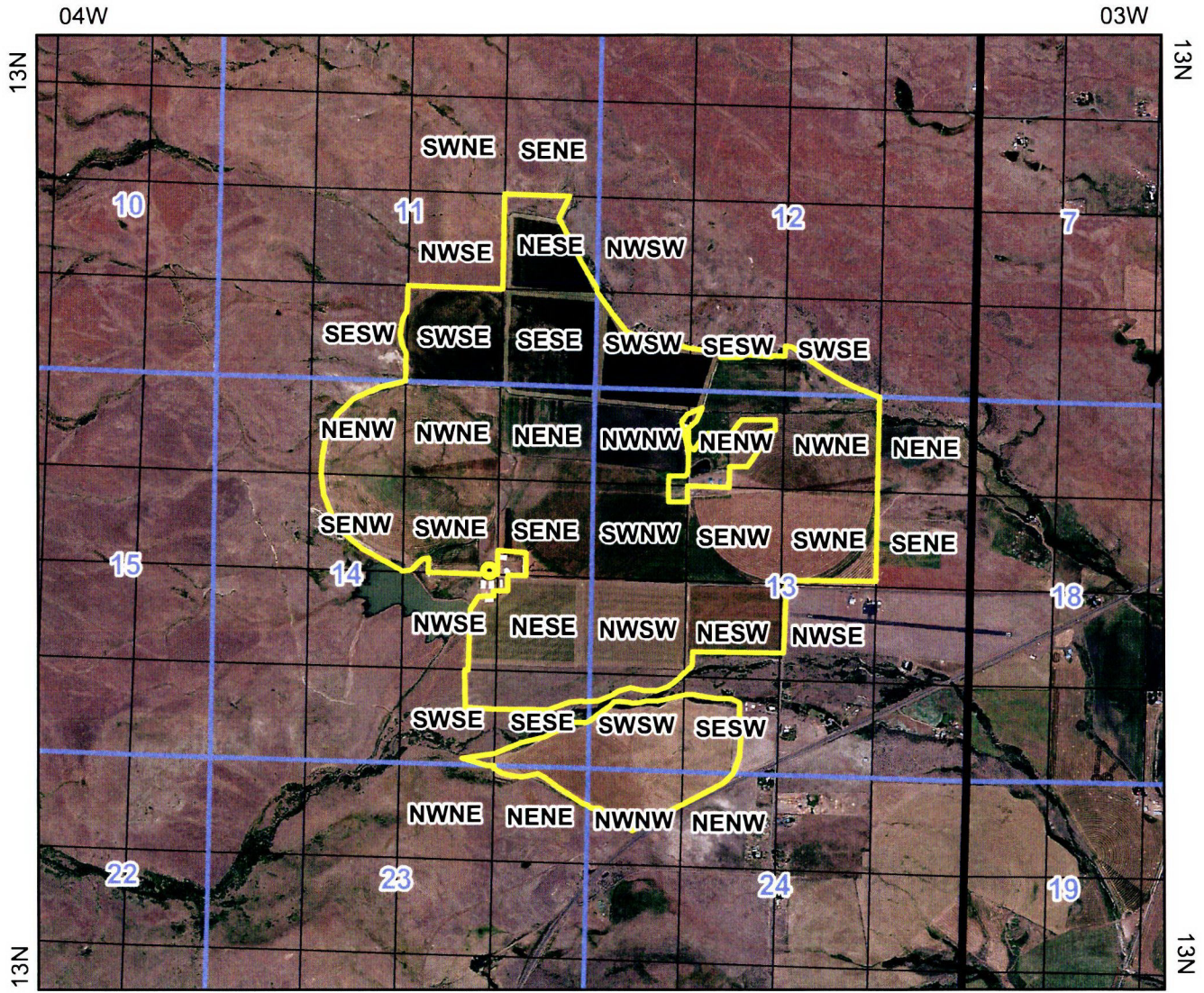
Water Rights Section Manager






SCANNED  
JAN 31 2023

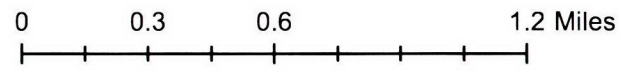
# Attachment to Permit to Appropriate Water

67-15440

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



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



SCANNED  
JAN 31 2023



AMENDED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho  
No. 67-15440

AMENDED

1. Applicant(s)

FAIRCHILD FARMS LLC  
PO BOX 10  
MIDVALE ID 83645-5001  
208-550-1470, fairchildfarms.scott@yahoo.com

2. Representative(s) N/A

3. Source of Water Supply:

Source : GROUND WATER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	GROUND WATER
Tributary of	
Township	13N
Range	04W
Section	14
Govt. Lot	
QQQ/QQ/Quarter	SW¼NE¼
County	WASHINGTON
Diversion Type	
Local name or Tag#	
Type and size of devices	proposed well
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	
Water Temp > 85°F?	
Drilled Date	
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
IRRIGATION	03/15 to 10/31	4.99 CFS		

6. Total quantity to be appropriated is (a) 4.99 cubic feet per second (cfs) and/or (b) Not Stated acre-feet / year (af).

7. Proposed diverting works:

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A

SCANNED

SEP 28 2022

For Department Use

Received by CP Date 08/05/22 Time 3:30 PM Preliminary check by DAV  
 Fee \$ 890 Received by \_\_\_\_\_ Receipt No. 41050590 Date \_\_\_\_\_

**9. Description of place of use:**  
**Place of Use: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13N	04W	11												0.8	30.0		40.0	40.0		110.8
13N	04W	12											24.0	16.0			9.3			49.3
13N	04W	13		40.0	38.0		24.0	39.0	39.0	40.0	30.0	40.0	35.0	19.0		1.4				345.4
13N	04W	14	40.0	40.0	39.0	37.0	28.0			25.0					39.0	8.6	6.1	28.0		290.7
13N	04W	23	6.6																	6.6
13N	04W	24					4.2	20.0												24.2

Total Acres: 827.0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?  
 Multiple water rights listed below 67-638 to 67-653. this new permit will be to supplement surface water with groundwater when needed.,

11.  
 a. Who owns the land to be irrigated or place of use? Applicant.  
 b. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

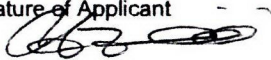
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.  
 I want to drill a well to provide supplemental groundwater irrigation for 827 acres that already have surface water rights.

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

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

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

Signature of Applicant



FAIRCHILD FARMS LLC

Signature of Applicant

SCANNED

SEP 28 2022

RECEIVED

AUG 05 2022

Print Single Sided Only

FORM 202 Rev. 09/16

STATE OF IDAHO

Ident. No. 67-15440

DEPT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Fairchild Farms LLC Phone 208-550-1470
Mailing address PO Box 10 City Midvale
State ID ZIP 83645 Email fairchildfarms.scott@yahoo.com

2. Name of representative, if any Phone
Mailing address City
State ZIP Email

- a. Send all correspondence for this application to the representative and not to the applicant OR
b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR

3. Source of water supply Ground Water which is a tributary of

4. Location of point(s) of diversion:

Table with 10 columns: Twp, Rge, Sec, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #. Row 1: 13N, 4W, 14, SW, NE, Washington, Ground Water.

5. Water will be used for the following purposes:
Amount 16.54 for Irrigation purposes from 03/15 to 10/31 (both dates inclusive)

6. Total quantity to be appropriated is (a) 16.54 cubic feet per second (cfs) and/or (b) acre-feet per year (af).

- 7. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. proposed well
b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet.
c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet.
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? ; drilling firm ; well was drilled for (well owner) ; Drilling Permit No.

For Department Use

Received by CP Date 08/05/22 Time 3:30 PM Preliminary check by
Fee \$ 890 Received by Receipt No. W050596 Date

SCANNED

SEP 28 2022

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
  - d. Domestic; show number of households \_\_\_\_\_
  - e. Other; describe fully. \_\_\_\_\_

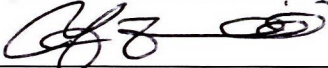
9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Total number of acres to be irrigated: 827

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Multiple water rights listed below 67-638, 639, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653. This new permit will be to supplement surface water with ground water when needed
11. 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: \_\_\_\_\_
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. I want to drill a well to provide supplemental groundwater irrigation for 827 acres that already have surface water rights.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

  
 \_\_\_\_\_  
 Signature of Applicant  
J. SCOTT FAIRCCHILD MANAGER  
 \_\_\_\_\_  
 Print Name (and title, if applicable)

\_\_\_\_\_  
 Signature of Applicant  
 \_\_\_\_\_  
 Print Name (and title, if applicable)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident. No. \_\_\_\_\_

**Point of Diversion/Place of Use Supplement**

Attachment to:  Application for Permit to Appropriate Water     Application for Transfer\*\*     Adjudication Claim  
 Application for Amendment of Permit     Beneficial Use Field Report     Statutory Claim

**Location of points of diversion (POD):**


New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										


**Description of place of use (POU):**

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	04W	11												0.8	30		40	40	110.8
		12											24	16			9.3		49.3
		13		40	38		24	39	39	40	30	40	35	19		1.4			345.4
		14	40	40	39	37	28			25					39	8.6	6.1	28	290.7
		23	6.6																6.6
		24					4.2	20											24.2



 827 acres irrigation  
*(same as U7-U3S)*

 proposed well location

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.





Governor Brad Little  
January 31, 2023

Director Gary Spackman

FAIRCHILD FARMS LLC  
PO BOX 10  
MIDVALE ID 83645-5001

RE: Permit No. 67-15440

### Permit Approval Notice

Dear Permit Holder:

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

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

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

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

SCANNED  
JAN 31 2023

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

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,



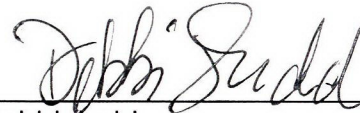
Angela Hansen  
Water Rights Section Manager

Enclosures

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2023, I served a true and correct copy of Permit to Appropriate Water No. 67-15440 by U.S. Mail, postage prepaid, to the following:

FAIRCHILD FARMS LLC (Current Owner)  
PO BOX 10  
MIDVALE ID 83645-5001



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Debbi Judd  
Technical Records Specialist

# MEMORANDUM

January 30, 2023

Water Permit: 67-15440

Author: Angie Hansen

Subject: Large Diversion I.C. § 42-203A(5) Criteria Rule 45 Review

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IDAPA 37.03.08.040.05 requires IDWR to request additional information so that IDWR may evaluate the I.C. § 42-203A(5) criteria as outlined in IDAPA 37.03.08.045. On 8/30/2022, Dan Nelson of IDWR told the applicant he did not need to supply additional information required by IDAPA 37.03.08.040.05, because the application had been amended to propose less than 5 cfs. However, IDAPA 37.03.08.040.05 states the information is required if irrigation of more than 200 acres is proposed, as this application proposes.

Nevertheless, in this instance, the Department has sufficient information available in the record to complete the Rule 045 evaluation of I.C. § 42-203A(5) criteria without requiring the applicant to submit additional information. This memo summarizes that information and review.

**Injury:** Based on IDWR well construction records, the only well within a 0.5-mile radius of the proposed well is a well owned by the applicant. There are no ground water rights within a 0.5-mile radius of the proposed point of diversion. The applicant's proposed well location is surrounded by property the applicant currently owns. Ground water levels are subject to reasonable pumping level provisions. No injury is anticipated.

**Sufficiency of Supply:** The applicant owns a different irrigation well just over 0.5 miles northeast of the proposed point of diversion. The water right associated with this well is 67-2302, which was decreed for 5.54 cfs from a single ground water point of diversion. The applicant also stated his well driller thinks the proposed well yield would be close to 1700 gpm (3.78 cfs). This evidence indicates the ground water supply is likely adequate for the proposed diversion.

**Good Faith:** The applicant owns the point of diversion and place of use property. The applicant farms the proposed place of use under existing water rights. There are no obvious impediments to completion of the proposed use.

**Financial Resources:** The applicant is an established farmer who has irrigated the proposed 827-acre place of use with water from other sources for years. This application does not propose irrigation of new lands. It is reasonably probably the applicant has sufficient financial resources, or can acquire them, to construct the well and develop the proposed use.

**Local Public Interest:** This application proposes supplemental use of ground water for lands already irrigated with existing surface water rights. The application states "this new permit will be to supplement surface water with groundwater when needed." Therefore, the Department considers this application supplemental and will add the "surface water first" condition, requiring use of surface water first when available. The local economy relies of agriculture, which this application promotes. There are no negative effects on recreation, fish, or wildlife anticipated with this ground water use.

SCANNED  
JAN 31 2023

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
County of Washington )ss.

Sarah Boles, being duly sworn,  
deposes and says:

That she is the Clerk of  
THE WEISER SIGNAL AMERICAN, 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 published in

said newspaper once a week for two consecutive weeks in  
the regular and entire issue of said paper during 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  
October 5, 2022 and ending  
with the issue of October 12, 2022  
Sarah Boles

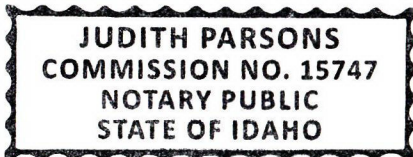
Fees, \$ 303.35

Subscribed and sworn to before me this 12

date of Oct 2022

Judith Parsons  
Notary Public, residing at Weiser, Idaho.

My commission expires 2-12-26



*J*  
*11-3-22*

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

67-15432  
JAMES ANDERTON  
2157 S BUCK PASS AVE  
BOISE, ID 83709  
Point of Diversion SESE S29 T13N R02W WASHINGTON  
County

Source GROUND WATER  
Use: IRRIGATION FROM STORAGE  
03/15 to 10/31  
92.5 AF  
Use: STOCKWATER FROM STORAGE  
01/01 to 12/31  
8.1 AF  
Use: DIVERSION TO STORAGE  
01/01 to 12/31  
0.05 CFS  
Use: STOCKWATER STORAGE  
01/01 to 12/31  
8.1 AF  
Use: RECREATION STORAGE  
01/01 to 12/31  
119.4 AF  
Use: IRRIGATION STORAGE  
01/01 to 12/31  
92.5 AF  
Total Diversion:  
0.05 CFS  
220 AF

Date Filed: 06-13-2022  
Place Of Use: DIVERSION TO STORAGE, IRRIGATION  
FROM STORAGE, IRRIGATION STORAGE, RECREA-  
TION STORAGE, STOCKWATER FROM STORAGE,  
STOCKWATER STORAGE  
T13N R02W S29 SESE  
Place Of Use: IRRIGATION STORAGE, RECREATION  
STORAGE, STOCKWATER FROM STORAGE, STOCK-  
WATER STORAGE  
T13N R02W S32 NENE  
Total Acres: 18.5

67-15440  
FAIRCHILD FARMS LLC  
PO BOX 10  
MIDVALE, ID 83645-5001  
Point of Diversion SWNE S14 T13N R04W WASHINGTON  
County

Source GROUND WATER  
Use: IRRIGATION  
03/15 to 10/31  
4.99 CFS  
Total Diversion:  
4.99 CFS

Date Filed: 08-05-2022  
Place Of Use: IRRIGATION  
T13N R04W S11 SESW, NESE, SWSE, SESE  
T13N R04W S12 SWSW, SESW, SWSE  
T13N R04W S13  
NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW,  
NWSW, SWSW, SESW, NWSE  
T13N R04W S14  
NENE, NWNE, SWNE, SENE, NENW, SENW, NESE,  
NWSE, SWSE, SESE  
T13N R04W S23 NENE  
T13N R04W S24 NENW, NWNW  
Total Acres: 827

RECEIVED

OCT 31 2022

WATER RESOURCES  
WESTERN REGION

QUANDED  
JAN 31 2023



Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplcationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 10/24/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/5/2022 and 10/12/2022

40-2S

SCANNED  
JAN 31 2023

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Wednesday, September 28, 2022 11:21 AM  
**To:** IdwrPayable  
**Subject:** RE: Refund

The amount should be \$ 480. Sorry for the confusion.



*Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

**From:** Hersley, Jean  
**Sent:** Wednesday, September 28, 2022 11:19 AM  
**To:** IdwrPayable <IdwrPayable@idwr.idaho.gov>  
**Subject:** Refund

Please process this refund as soon as possible. Thank you.



*Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

SCANNED

SEP 28 2022

## Hersley, Jean

---

**From:** Hersley, Jean  
**Sent:** Wednesday, September 28, 2022 11:19 AM  
**To:** IdwrPayable  
**Subject:** Refund  
**Attachments:** Fairchild Farms LLc.doc

Please process this refund as soon as possible. Thank you.

 *Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

## **MEMORANDUM**

TO: Sascha Marston  
FROM: Jean Hersley  
DATE: September 28, 2022  
RE: **Refund: Reduced rate from original application**

Please refund \$410.

NAME: FAIRCHILD FARMS LLC  
PO BOX 10  
MIDVALE ID 83645-5001

RECEIPT #: W050596

Thank you.

Jean

SCANNED  
SEP 28 2022



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 28, 2022

FAIRCHILD FARMS LLC  
PO BOX 10  
MIDVALE, ID 83645-5001

RE: Application for Permit No. 67-15440

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 ADAMS COUNTY RECORD on 10/5/2022 and 10/12/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley  
Technical Records Specialist

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

**67-15432**

JAMES ANDERTON

2157 S BUCK PASS AVE

BOISE, ID 83709

Point of Diversion SESE S29 T13N R02W WASHINGTON County

Source GROUND WATER

Use: IRRIGATION FROM STORAGE

03/15 to 10/31

92.5 AF

Use: STOCKWATER FROM STORAGE

01/01 to 12/31

8.1 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31

0.05 CFS

Use: STOCKWATER STORAGE

01/01 to 12/31

8.1 AF

Use: RECREATION STORAGE

01/01 to 12/31

119.4 AF

Use: IRRIGATION STORAGE

01/01 to 12/31

92.5 AF

Total Diversion:

0.05 CFS

220 AF

Date Filed: 06-13-2022

Place Of Use: DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T13N R02W S29 SESE

Place Of Use: IRRIGATION STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T13N R02W S32 NENE

Total Acres: 18.5

**67-15440**

FAIRCHILD FARMS LLC

PO BOX 10

MIDVALE, ID 83645-5001

Point of Diversion SWNE S14 T13N R04W WASHINGTON County

Source GROUND WATER

Use: IRRIGATION

03/15 to 10/31

4.99 CFS

Total Diversion:

4.99 CFS

Date Filed: 08-05-2022

Place Of Use: IRRIGATION

T13N R04W S11 SESW, NESE, SWSE, SESE

T13N R04W S12 SWSW, SESW, SWSE

T13N R04W S13

NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW, NWSW, SWSW, SESW, NWSE

T13N R04W S14

NENE, NWNE, SWNE, SENE, NENW, SENW, NESE, NWSE, SWSE, SESE

T13N R04W S23 NENE

T13N R04W S24 NENW, NWNW

Total Acres: 827

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before **10/24/2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/5/2022 and 10/12/2022

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SEP 28 2022

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Wednesday, September 28, 2022 11:05 AM  
**To:** Sarah Imada  
**Subject:** Legal Notice for the Weiser Signal for Application for Permit No. 67-15432, 67-15440  
**Attachments:** Legal Notice.docx

Please publish the enclosed legal notice in the Weiser Signal on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/24/2022. Your cooperation is appreciated.



*Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

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**Nelson, Dan**

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**From:** Nelson, Dan  
**Sent:** Tuesday, August 30, 2022 2:19 PM  
**To:** fairchildfarms.scott@yahoo.com  
**Subject:** Amendment of Permit 67-15440  
**Attachments:** Amendment For Permit 67-15440 0.pdf

Dear Mr. Fairchild,

Attached to this email is the amendment for application for permit you requested. The only change to this amendment is to reduce the diversion rate to 4.99 cubic feet per second (cfs) or 2,240 gallons per minute (gpm). You can find that change in Section 5 on the first page of the application for permit. As discussed in our telephone conversation, this will change the statewide advertising to just advertising in your local newspaper. This will also remove the need for you to supply the information required in the Idaho Water Appropriation Rule IDAPA rule 40 letter that I sent you on August 23, 2022. That information is not required on a diversion below 5.00 cfs. You stated in our telephone conversation that your well driller though you would get closer to 1700 gpm or 3.78 cfs. You wanted to give yourself a little leeway incase the well driller's estimate was a bit low.

You will need to print this application off and carefully review it to ensure it meets your needs. **This is an amendment of your water right, so if you find anything that you don't agree with, please contact me as soon as possible and I will work with you to ensure it meets all your needs. Please take the time to read it carefully and make sure it is correct.** If it does meet your needs, please sign the application, scan it, and email it to [file@idwr.idaho.gov](mailto:file@idwr.idaho.gov), or you mail it in by regular mail. I would appreciate it if you could either email or mail this amendment to me within the next 14 days or call me to make any necessary changes you feel is necessary.

Don't hesitate to contact me if you have any questions, concerns, or wish to change the amendment to better suit your needs.

Respectfully,

Daniel Nelson  
Water Right Analyst 3  
Idaho Department of Water Resources  
Telephone (208) 287-4856  
Fax (208) 287-6700 (attn: Dan Nelson)

## MEMORANDUM

**Date:** August 23, 2022  
**To:** WR No. 67-15440  
**From:** Daniel A. Nelson – Analysis 3  
**Re:** Pre-Advertisement Application Review

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This application was originally for 16.54 cfs from ground water for the supplemental irrigation of 827 acres approximately 1¼ miles west of Midvale, Idaho. On August 30, 2022, the Idaho Department of Water Resources (Department) received an amendment that reduced the diversion rate to 4.99 cfs for the same 827 acres.

### **Applicant**

The application is in the name of Fairchild Farms, LLC. The application was signed by J. Scott Fairchild, who is listed as the manager on the Idaho Secretary of State website.

### **Source & Diversion System**

This application requests a diversion from a single well to be constructed, for supplemental irrigation into a common water system. The water system diverts water to regulation pond and several pivots and standard crop fields. The irrigation regulation pond is covered by water rights 67-7899 and 67-7732.

### **Water Use**

This application requested a single point of diversion or well to supply 4.99 cfs of supplemental irrigation to the 827 acres.

### **Additional Comments:**

Surface water rights 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2390, 67-7732, and 67-7899 and ground water right 67-2302 are also used within the 827 acres associated with this permit. This permit is to supply supplemental water to the surface water rights and backup water to 67-2302.

Water right 67-2302 provides 5.54 cfs of ground water to 277 of the 827 acres from a separate well. The surface water rights can irrigate the entire 827 acres. Water right 67-2302 does not have supplemental conditions, and water right 67-2302 does not share the same permissible place of use authorized by the remainder of the surface water rights and this permit. Water right 67-2302 can only be used on a specific 277 acres. Water right 67-2302 does have combined limitation conditions with the existing surface water rights. Overlapping water rights will be considered in the review of this application.

The application for permit was amended because the permit holder was informed by his well driller that wells in this area can't produce the 16.54 cfs originally requested. The well driller told the permit holder that the well would probably produce between 3.50 cfs and 5.00 cfs.

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0004809426



**STATE OF IDAHO**

*Office of the secretary of state, Lawrence Denney*

**ANNUAL REPORT**

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$0.00

*For Office Use Only*

**-FILED-**

File #: 0004809426

Date Filed: 7/8/2022 12:07:58 PM

Entity Name and Mailing Address:		
Entity Name:	FAIRCHILD FARMS LLC	
The file number of this entity on the records of the Idaho Secretary of State is:	0000295386	
Address	J. SCOTT FAIRCHILD PO BOX 10 MIDVALE, ID 83645-0010	
Entity Details:		
Entity Status	Active-Existing	
This entity is organized under the laws of:	IDAHO	
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W95311	
The registered agent on record is:		
Registered Agent	J SCOTT FAIRCHILD Registered Agent Physical Address 2119 SAGE CREEK ROAD MIDVALE, ID 83645 Mailing Address PO BOX 10 MIDVALE, ID 83645-0010	
Limited Liability Company Managers and Members		
Name	Title	Business Address
Jeffry S Fairchild	Manager	2324 AIRPORT RD MIDVALE, ID 83645
The annual report must be signed by an authorized signer of the entity.		
Job Title: MANAGER		
<i>J SCOTT FAIRCHILD</i>		<i>07/08/2022</i>
Sign Here		Date

DUPLICATE RECEIVED BY STATE CLERK LAWRENCE DENNEY

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Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little  
August 23, 2022

Director Gary Spackman

FAIRCHILD FARMS LLC  
PO BOX 10  
MIDVALE ID 83645

Re: Application for Permit No. 67-15440 Rule 40 Additional Information Request

Dear Applicant:

The Idaho Department of Water Resources (“IDWR”) is processing Application for Permit No. 67-15440. IDWR requests additional information required by the Water Appropriation Rules<sup>1</sup>. This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05c though g (copy enclosed):

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest
6. state-wide public interest

Your response should emphasize Idaho Code § 42-203A(5) to prevent injury to existing water rights, and meet criteria regarding a sufficient water supply as well as protecting the local public interest. Idaho Code § 42-203A(5) states the following:

Such hearing shall be conducted in accordance with the provisions of section 42-1701A(1) and (2), Idaho Code. The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such: (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the

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<sup>1</sup> IDAPA 37.03.08 – Water Appropriation Rules

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SEP 28 2022

purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest as defined in section 42-202B, Idaho Code, or (f) that it is contrary to conservation of water resources within the state of Idaho, or (g) that it will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. Provided however, that minimum stream flow water rights may not be established under the local public interest criterion, and may only be established pursuant to chapter 15, title 42, Idaho Code. The provisions of this section shall apply to any boundary stream between this and any other state in all cases where the water sought to be appropriated has its source largely within the state, irrespective of the location of any proposed power generating plant.

Please submit the requested information for application processing to continue. **Your written response is required within the next thirty (30) days.** You may seek additional time to provide the information if necessary. The application will be voided without a timely written reply. Refunds are not available for voided applications.

IDWR rules, forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please don't hesitate to contact me if you have any question. Thank you for your attention to these matters.

Respectfully,



Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Email [dan.nelson@idwr.idaho.gov](mailto:dan.nelson@idwr.idaho.gov)

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosure: IDAPA 37.03.08.040.05.c-g

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SEP 28 2022

## MEMORANDUM

TO: Water Right Application 67-15440

FROM: Daniel A. Nelson

DATE: August 23, 2022

SUBJECT: Telephone Conversation with Applicant

I contacted the applicant today to inform him that we will need to perform statewide advertising on this application for permit. I also told him that the property has an existing water right, 67-2302, from ground water for 277 acres that are included in this permit. I informed him that if he wished to remove those 277 acres it would reduce the maximum allowable diversion rate to 10.98 cfs, so he may want to consider reducing the diversion rate to less than 10.00 cfs to avoid statewide advertising. He informed me that he wanted to maintain the 16.54 cfs diversion rate for this permit.

The applicant requested that he would like to see a copy of the advertisement when it was ready. I told him about our online new application feature on our website, but he would like a copy if possible.

I also informed him that we will need to provide additional information based on the Water Appropriation Rule 40, Tule Subsections 040.05c through 040.05g.

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APPLICATION FOR PERMIT ANALYSIS PERMIT

APPLICATION NO. 67-15440 ASSIGNED AGENT Dan DATE ASSIGNED 8/22/11

REQUIRED INFORMATION:

- Name (if applicant is a corp. or partnership an officers list must be provided. Attach annual report from IDSOS if not provided and applicant is registered. If not provided or registered, application is incomplete)
- Address (confirm or update contact info)
- Source (See USGS Quad for names of water sources)
- Point of Diversion (10 acre tract for springs) \_\_\_\_\_ Lot/Block and Subdivision name listed on App
- Proposed Use and Quantity (flow in cfs and/or volume in af)
- Period of Use
- Description of Diversion Works – Diversion name, if known
- Place of Use (acres to be irrigated) \_\_\_\_\_ Lot/Block and Subdivision name listed on App
- Time required to make beneficial use - A MUST, HOW MANY YEARS 5
- Map included – MUST MATCH POD & POU LOCATIONS
- Signature (If applicant is corp., company, or municipality, title of signatory is required)
- Correct fee received
- Complete (data enter, active status and draft set to no), or
  - \_\_\_\_\_ Incomplete (don't data enter) - Additional information required, date requested \_\_\_\_\_
  - \_\_\_\_\_ Response received, date received \_\_\_\_\_, (data enter and set status)
  - \_\_\_\_\_ No response - Return application, date returned \_\_\_\_\_, Refund requested \_\_\_\_\_

PRE ADVERTISEMENT PROCESSING (Yes = Required and Completed, No = Not Required):

- Yes  No W&S processing - If Letter Req - Date sent \_\_\_\_\_, Update Tracking \_\_\_\_\_
- Yes  No MSF processing – Follow guidance doc for subordinated rate or injury analysis
- Yes  No Wastewater - Send letter (water availability and legal access)
- Yes  No BS 67 SW – Send Form letter to confirm BU can be accomplished before 6/15 cutoff
- Yes  No BS 61 MHGW/CGW or I-84 corridor – Send letter (withdraw or hold app)
- Yes  No Storage – Complete checklist, send comment to Dam Safety if required
- Yes  No Trustwater - Send form letter, attach analysis sheet, TW conditions
- Yes  No Non-standard use or Storage - Rate justification in file and/or AP Memo 76 evaluation
- Yes \_\_\_\_\_ No Summary memo complete, initial the preliminary check line on application form
- Yes \_\_\_\_\_ No App data entry complete and accurate, ACTUALLY DOUBLE CHECK DATA ENTRY

SEND COPIES TO:

- \_\_\_\_\_ IDEQ \_\_\_\_\_ US FS \_\_\_\_\_ BLM \_\_\_\_\_ Planning (MSF, protected reach)
- \_\_\_\_\_ IDFG \_\_\_\_\_ ADJ \_\_\_\_\_ NA Water District \_\_\_\_\_ WD No
- \_\_\_\_\_ IDL \_\_\_\_\_ Dam Safety (embankment) \_\_\_\_\_ Other (write in Name and Address below)

ADVERTISING

- Yes  No Statewide advertising (>10 cfs or >1,000 af storage)
- Yes  No Other Legal Notice Remarks (TW, BS63 WBZ, Mitigation)

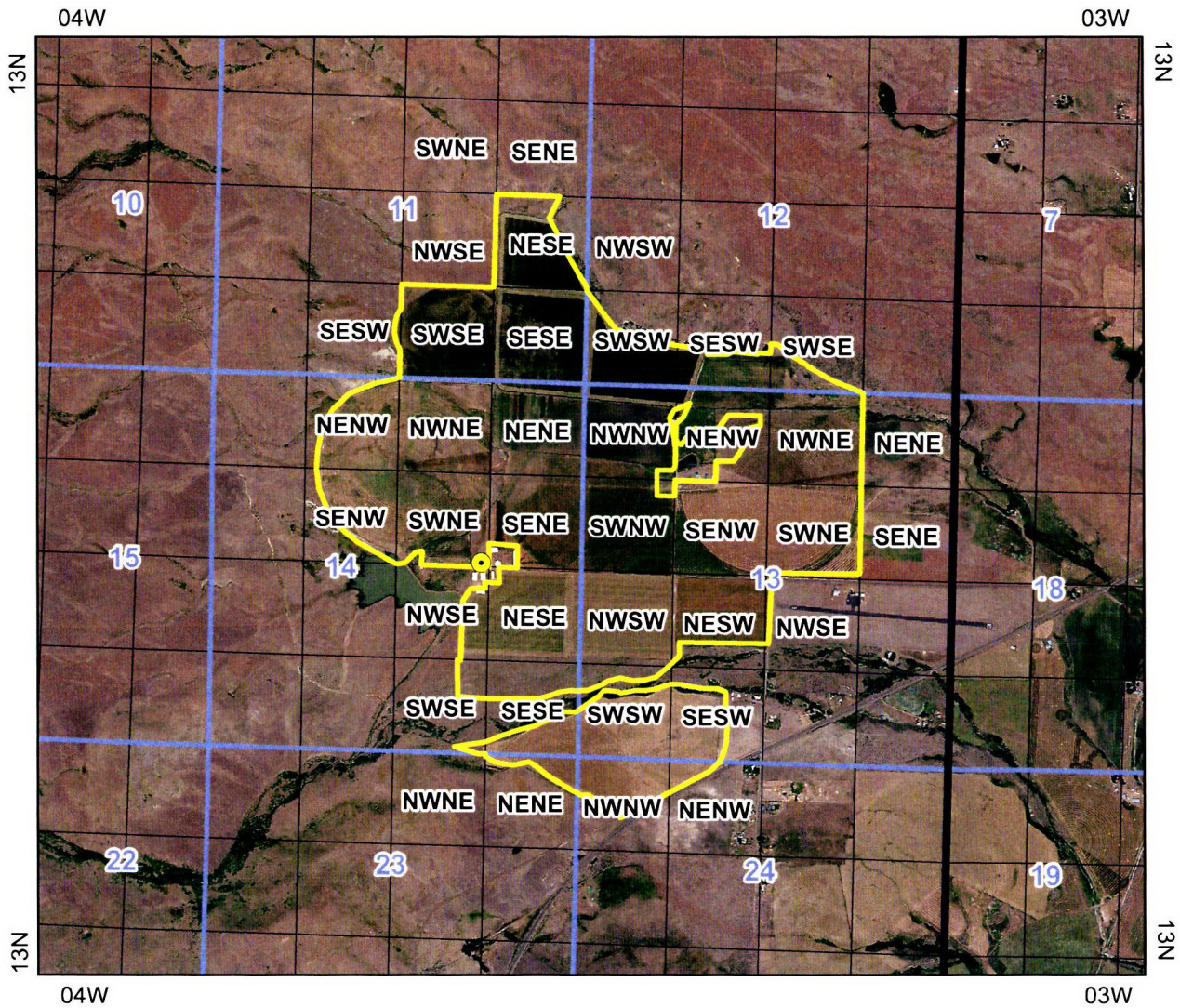
Legal Notice: \_\_\_\_\_ Newspaper \_\_\_\_\_ Protest deadline 10-24-22






AFTER ADV EVALUATION:

- Yes  No POD overlap - Consider legal access, diversion system issues
- Yes  No POU overlap - Consider if ok to process, possible OC, and/or overlap conditions *see App.*
- Yes  No Power - Affidavit required, affidavit attached, evaluation complete & included
- Yes  No Large diversion (>5 cfs, >500 af storage, or >200 acres) - Rule 40 analysis
- Yes  No Mitigation required – evaluation complete & included
- Yes  No Municipal – Consider Memo #18 and #74, RAFN \_\_\_\_\_
- Yes \_\_\_\_\_ No Legal access concerns - Rule 40.05.e if Public land, access agreement if private
- Yes \_\_\_\_\_ No Drilling upgrade fee required- \_\_\_\_\_ Paid & documented or \_\_\_\_\_ Not paid & letter sent
- Yes \_\_\_\_\_ No Additional info required - Date sent \_\_\_\_\_ Response received \_\_\_\_\_
- \_\_\_\_\_ No response received – Send Intent to Void Letter

*DIORSON  
RATE  
Reduced  
DAN.*

State of Idaho  
 Department of Water Resources  
**Application For Permit**  
 67-15440



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

