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Form 202A 04/12

JAN 18 2013

ID No. TP-35-08

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: Power County Highway District Phone: 208-226-2661-

Address: P.O. Box 513 3090 Lambweston Road American Falls, Idaho 83211 Email: power4@dcdi.net

1. Source of water: Bannock Creek tributary to Snake River

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
T11S	R33E	13		SW	SE		Power	Bannock Creek	
T10S	R34E	30		SW	SW		Power	Bannock Creek	

T10S R34E 12 SW SW Power Bannock Creek

3. Location of place of use: Large place of use see attached map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

4. Describe proposed use of water This water will be used for road building and dust control of new and existing roads.

5. Amount of water:

Maximum rate of diversion _____ cfs or 350 gpm. 47 days at this rate
Maximum daily volume .106 AF; total volume 5.0 AF.

6. Duration of diversion: from 1-1-2013 to 12-31-2013
Day-month Day-month

7. Describe proposed diverting works: Portable pumps are used to pump into water trucks

8. a. Who owns the property at the requested point of diversion? Diversion points are on road right of ways at crossings

b. Who owns the land to be irrigated or place of use? Water will be applied to road right of ways

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:
No private property is accessed for these diversions.

9. Additional remarks: The majority of this water is used in April and May to apply mag-chloride to gravel roads.

In addition water will be used for new road construction.

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

Wade Perry chairman
Signature of applicant

Received by SC Date 1/18/13 Time _____
\$50.00 fee received by SC # PU38330 Date 1/18/13
Watermaster Comments received? _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

- _____ A. The application for temporary approval should be denied.
- ☒ B. The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

- _____ A. DENIED
- ☒ B. APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
 2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
 3. This approval authorizes a maximum diversion of 5 AF and a maximum rate of diversion of _____ cfs.
 4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
 5. The department may cancel this approval at any time if the department identifies injury to other water rights.
 6. This approval does not create a continuing right to use water.
 7. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public vaules.
 8. Other: _____

 9. This approval expires on Dec. 31, 2013.

Signed this 30th day of Jan., 2013.

Lyle Swank
For the Director



Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application for Temporary Approval of Water Appropriation

TP-35-08

Power County Highway District

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: *Subject to curtailment when Bannock Creek is dry or fully appropriated.*

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment:

Dated this 30th day of Jan., 20 13.

Water District No: 01

Lyle Swank
Watermaster's Signature