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Form 202A 04/12

JAN 22 2013

ID No.

JP-41-01

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

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@dcidi.net1. Source of water: South Fork of Rock 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 #
T10S	R31E	20		NW	NW		Power	South Fork of Rock Creek	
T11S	R31E	9		SE	NW		Power	South Fork of Rock 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.Maximum daily volume .106 AF; total volume 5.0 AF. 47 days at this rate6. Duration of diversion: from 1-1-2013 to 12-31-2013
Day-month Day-month7. Describe proposed diverting works: Portable pumps are used to pump into water trucks8. a. Who owns the property at the requested point of diversion? Diversion points are on road right of ways at crossingsb. 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.

Signature of applicant Wade Povey, chairmanReceived by SC Date 1/18/13 Time _____\$50.00 fee received by SC # E038330 Date 1/18/13Watermaster Comments received? yes - see memo Date 1-23-2013

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:

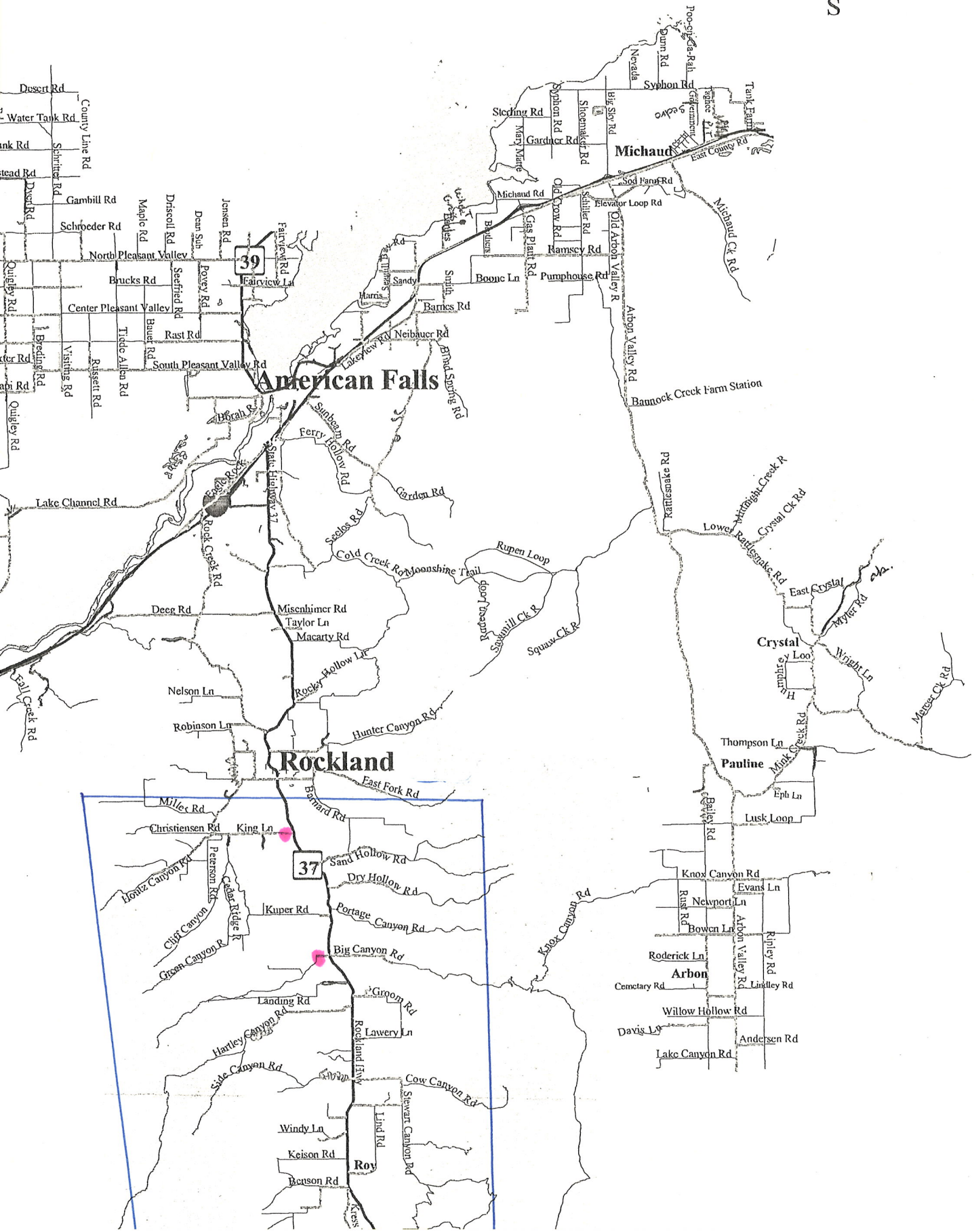
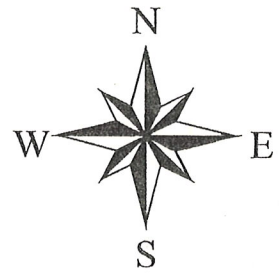
- ☐ A. The application for temporary approval should be denied.
- ☒ B. The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval 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 5.0 AF and a maximum rate of diversion of 0.78 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 values.
 8. Other: See attached sheet for additional conditions
 9. This approval expires on 12/31/2013.

Signed this 28th day of January, 20 13.

[Signature]
For the Director



ADDITIONAL CONDITIONS OF APPROVAL FOR TEMPORARY
PERMIT NOS. TP-41-01, TP-41-02 and TP-41-03

- Diversion must be screened to meet IDF&G requirements. Please call 208-324-4359 for specifications.
- All equipment involved with transporting water shall be treated/sterilized to avoid spread of invasive aquatic species prior to use. If equipment involved with transporting water has been moved into Idaho from another state (Particularly from NV, CO, UT, AZ, CA or TX) contact ISDA for an inspection. We recommend contacting ISDA (Amy Ferriter @ 208-332-8686) for treatment recommendations.
- Subject to regulation by watermaster of Water District 41.

MEMORANDUM

Date: January 28, 2013
To: Power County Temporary Water Permit File
From: Jim Bitzenburg
Re: Idaho Department of Fish and Game Comments on Power County Highway District
Temporary Water Permits

I spoke by phone with Jerome Hanson from the Idaho Department of Fish and Game regional office in Jerome. After consultation with other biologists in his office, he said that the Highway District's applications would be agreeable to IDFG as long the inlets of the pump hoses were screened to as small a size as was possible without excessive plugging. He said that, if possible, IDFG would like to see the inlets placed in off-channel sites, but they realized that this may not be possible.

MEMORANDUM

Date: January 23, 2013
To: Power County Highway District Temporary Permit File
From: Jim Bitzenburg
Re: Watermaster comments on Power County Highway District Temporary Water Permits

I spoke by phone today with James Robinson, watermaster for Water District 41, regarding three applications for Temporary Water Permits by the Power County Highway District in the Rockland area. I gave him the legal descriptions of the PODs and the details of the applications. He said that if the spring weather is normal, the permits shouldn't be a problem during the months of April and May. He was concerned that if the spring and summer are hot and dry, and he has to administer the water rights on the creek, that there potentially could be a shortage of water later in the summer, and, in that case, there would not be enough water to allow the Highway District to continue pumping out of the creek.