



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

October 11, 2019

John L. Powers  
Box 493  
Mackay, ID 83251

RE: Application for Permit 34-7503

Dear Mr. Powers:

In October 1987, you filed Application 34-7503, seeking a permit to divert from Warm Springs Creek for the irrigation of 30 acres in Section 32, T07N, R24E. The application states that you own the property at the proposed place of use. As I was recently reviewing pending application files, I discovered that you no longer own any of the land at the proposed place of use. Pursuant to Rule 40.05(e) of the Department's Water Appropriation Rules (IDAPA 37.03.08), an applicant can be required to submit copies of "deeds, leases, easements or applications for rights-of way" showing "a possessory interest in the lands necessary for all project facilities and the place of use."

An applicant has an ongoing duty to ensure that a pending application remains complete and viable. Part of that duty includes maintaining an ownership interest in the place of use described in the application.

It appears that you have sold the property described in Application 34-7503 and likely have no further interest in pursuing the application. This letter is intended to be a formal request for you to provide documents showing an ongoing possessory interest in the proposed place of use. Please provide these documents, if any exist, on or before November 12, 2019. If no documents are provided, the Department will take steps to void Application 34-7503. Of course, you are free to simply withdraw the application. This can be done by stating your intent to withdraw the application in a letter to the Department. Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo  
(208) 497-3784 ([james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov))