

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with [Idaho Code § 42-202A](#).

Name of applicant Power County Highway District Phone (208) 226-2661  
Mailing address PO Box 513, 3090 Lambweston Road City American Falls  
State Idaho Zip 83211 Email power4@dcdi.net

1. Source of water Rattlesnake Creek tributary to Bannock Creek  
2. Location of point(s) of diversion. If more than two, attach a [Point of Diversion/Place of Use Supplement](#). ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
6S	29E	13			NE	NE	Power	Ground Water	
6S	30E	30			NW	SW	Power	Ground Water	

3. Location of place of use. If more rows are needed, attach a [Point of Diversion/Place of Use Supplement](#). ☐

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. Proposed use of water:  
a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation  
☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Dust control treatments / road construction projects  
b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.  
5. Amount of water. Complete all three:  
a. Maximum rate of diversion: \_\_\_\_\_ cfs; or 400 gpm.  
b. Maximum daily volume: 0.322 AF; or \_\_\_\_\_ gallons.  
c. Maximum volume over the duration of the request: 5.0 AF; or \_\_\_\_\_ gallons.  
6. Duration of diversion: from January 1, 2020 (month-day) to December 31, 2020 (month-day).  
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 at mainlines in county road crossings  
b. Who owns the facilities that will convey water to the place of use? Power County  
c. Who owns the land to be irrigated or place of use? Power County  
d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. No private property used for these diversions  
9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

**I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.**

See attached signatures  
Signature of Applicant \_\_\_\_\_ Title, if any \_\_\_\_\_ Date \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
\$50.00 fee received by CH # E045645 Date 2/18/2020  
Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_

Ident. No. TP-35-21

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

     A. The application for temporary approval should be denied because \_\_\_\_\_

☒ 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

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 of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 5 AF and a maximum diversion rate of 0.9 cfs.
4. This approval does not grant a right-of-way across the land of another.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: \_\_\_\_\_

12. This approval expires on Dec 31, 2020.

Signed this 2<sup>nd</sup> day of March, 2020.

  
\_\_\_\_\_  
For the Department



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

March 2, 2020

POWER COUNTY HIGHWAY DISTRICT  
PO BOX 513  
AMERICAN FLS ID 83211-0513

RE: Application for Temporary Approval of Water Use: TP-35-21, TP-29-107, TP-29-108

Dear Applicant:

Your applications for temporary water appropriation have been approved and are enclosed. The approvals authorize the temporary use of water and do not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval forms** to understand the limitations associated with the temporary use of water.

This temporary approvals **expire on** December 31, 2020. The expiration dates cannot be extended under these temporary approvals.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you. If you require additional information regarding this matter, please call me at (208) 497-3793 or email me at [Christina.Henman@idwr.idaho.gov](mailto:Christina.Henman@idwr.idaho.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'CA Henman'.

Christina Henman  
Administrative Asst. I.

Enclosure(s) Receipt

cc: BLAKE JORDAN, Water District 120.

Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Application for Temporary Approval of Water Appropriation

**TP-35-21**

POWER COUNTY HIGHWAY DISTRICT

Watermaster's Recommendation:

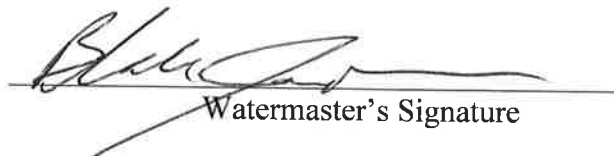
- a) ☒ I do not oppose approval of this application.  
b)        I do not oppose approval of this application if it is conditioned as follows:

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

d)        Additional Comment:

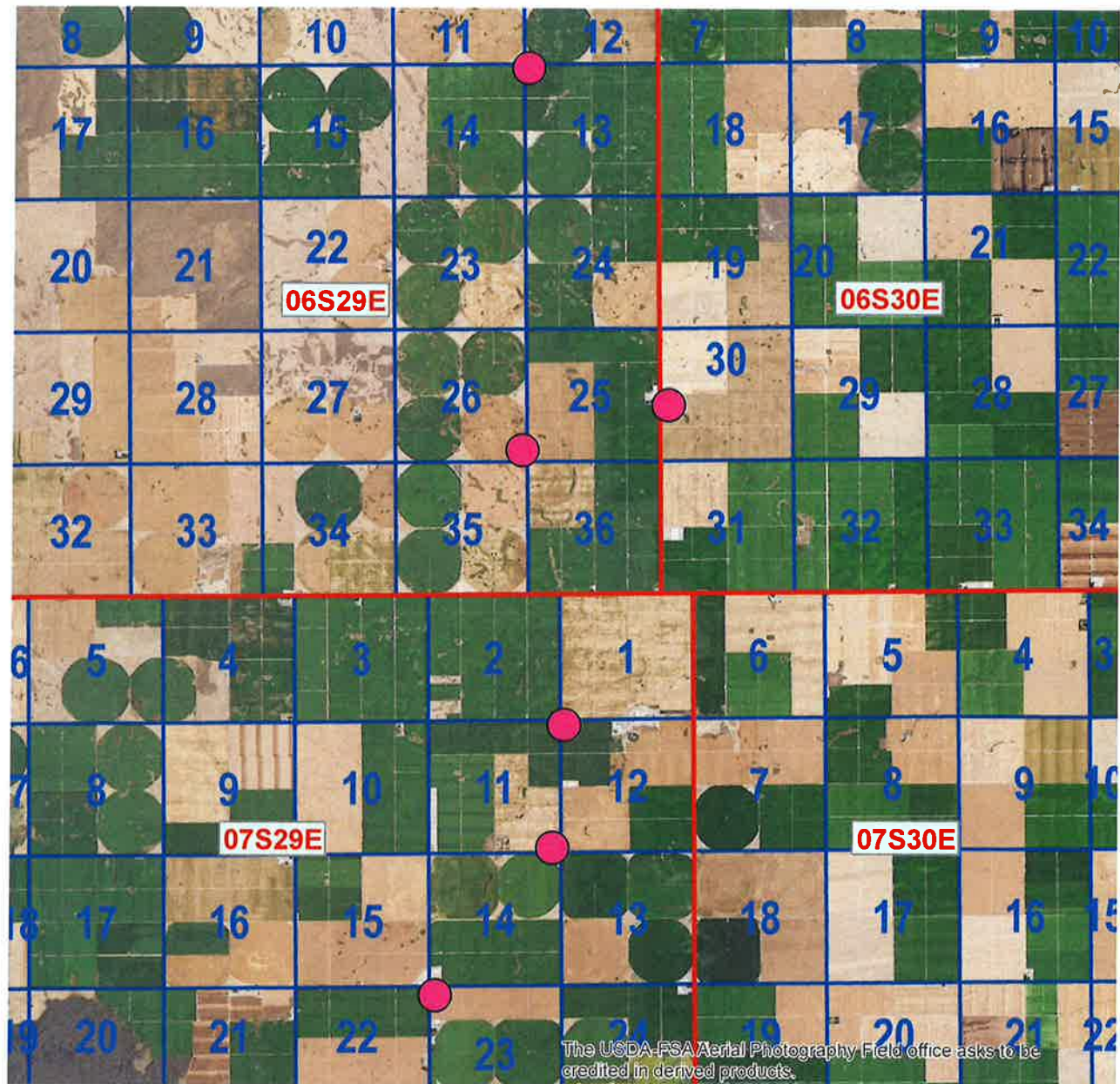
Dated this 2 day of March, 2020.

Water District No: 120

  
Watermaster's Signature



## Application TP-35-21 (Power County)



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  
Mailing address: P.O.Box 513 3090 Lambweston Road City: American Falls  
State Idaho ZIP 83211 Email: power4@dcdi.net

1. Source of water: Ground Water tributary to \_\_\_\_\_

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
T6S	R29E	13		NE	NE		Power	Ground Water	
T6S	R30E	30		NW	SW		Power	Ground Water	

3. Location of place of use:

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 400 gpm.

Maximum daily volume .12 AF; total volume 5.0 AF.

6. Duration of diversion: from 1-1-2020 (day-month) to 12-31-2020 (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 right of ways at crossings.

b. Who owns the land to be irrigated or place of use? Power County Highway District

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
Access is by permission from each landowner.

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

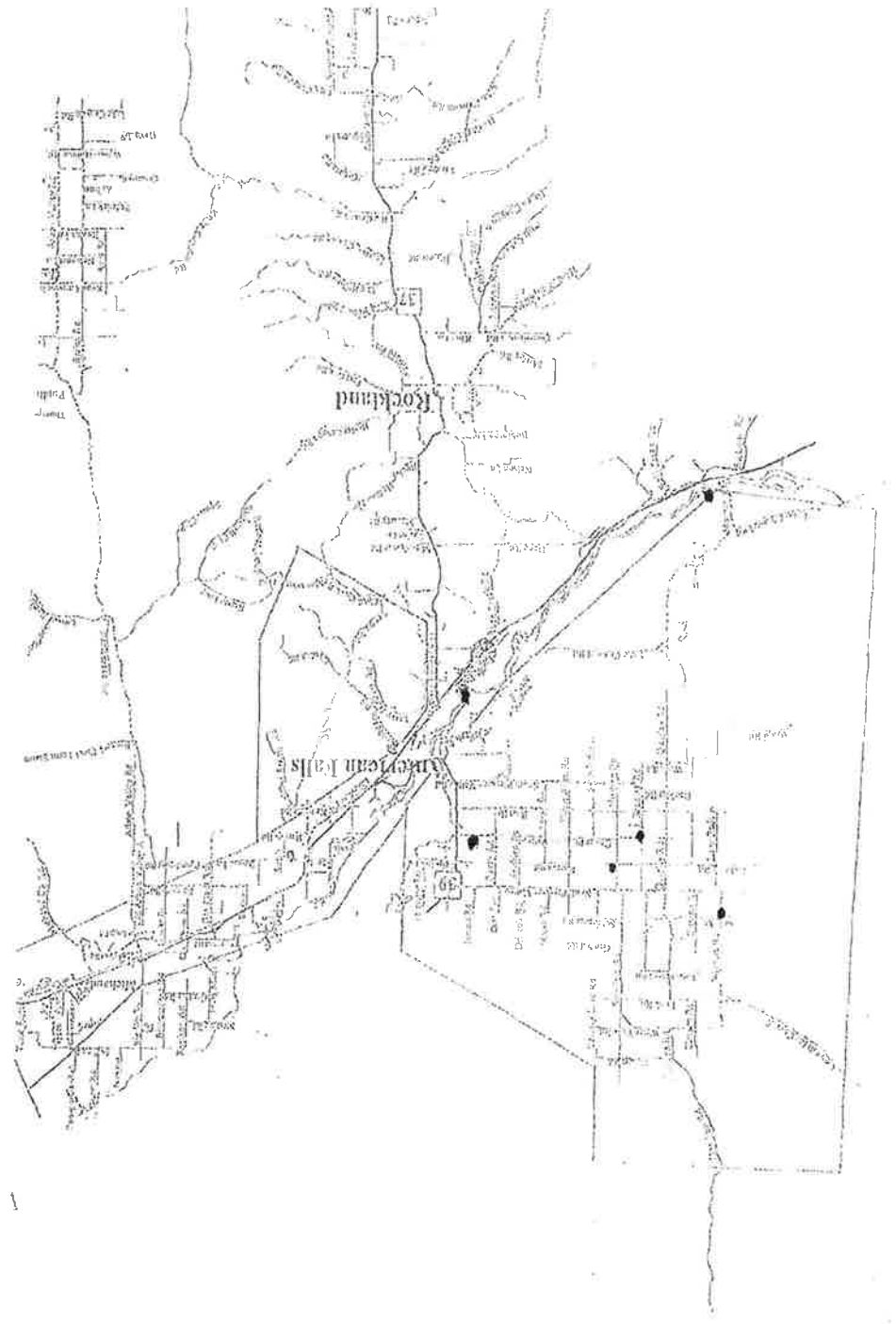
I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

Robert M. Wetzel  
Signature of applicant

2-12-20

Date

Received by CA Date 2/18/2020 Time 12:00pm  
\$50.00 fee received by CH # E0451045 (u/h) Date 2/18/2020  
Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_





# ADDITIONAL DIVERSION POINTS

TWP	RGE	SEC	1/4	1/4	COUNTY	SOURCE
T6S	R29E	26	SE	SE	Power	Ground Water
T7S	R29E	12	NW	NW	Power	Ground Water
T7S	R29E	11	SE	SE	Power	Ground Water
T7S	R29E	23	NW	NW	Power	Ground Water

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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Mailing address: P.O. Box 513 3090 Lambweston Road City: American Falls  
State Idaho ZIP 83211 Email: power4@dcdi.net

1. Source of water: Ground Water tributary to \_\_\_\_\_  
2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
T6S	R29E	13		NE	NE		Power	Ground Water	
T6S	R30E	30		NW	SW		Power	Ground Water	

3. Location of place of use:

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 400 gpm.

Maximum daily volume .12 AF; total volume 5.0 AF.

6. Duration of diversion: from 1-1-2020 (day-month) to 12-31-2020 (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 right of ways at crossings.

b. Who owns the land to be irrigated or place of use? Power County Highway District

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.

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.

Robert M. Wajel  
Signature of applicant

2-12-20

Date

Received by CA

Date 2/18/2020

Time 12:00 pm

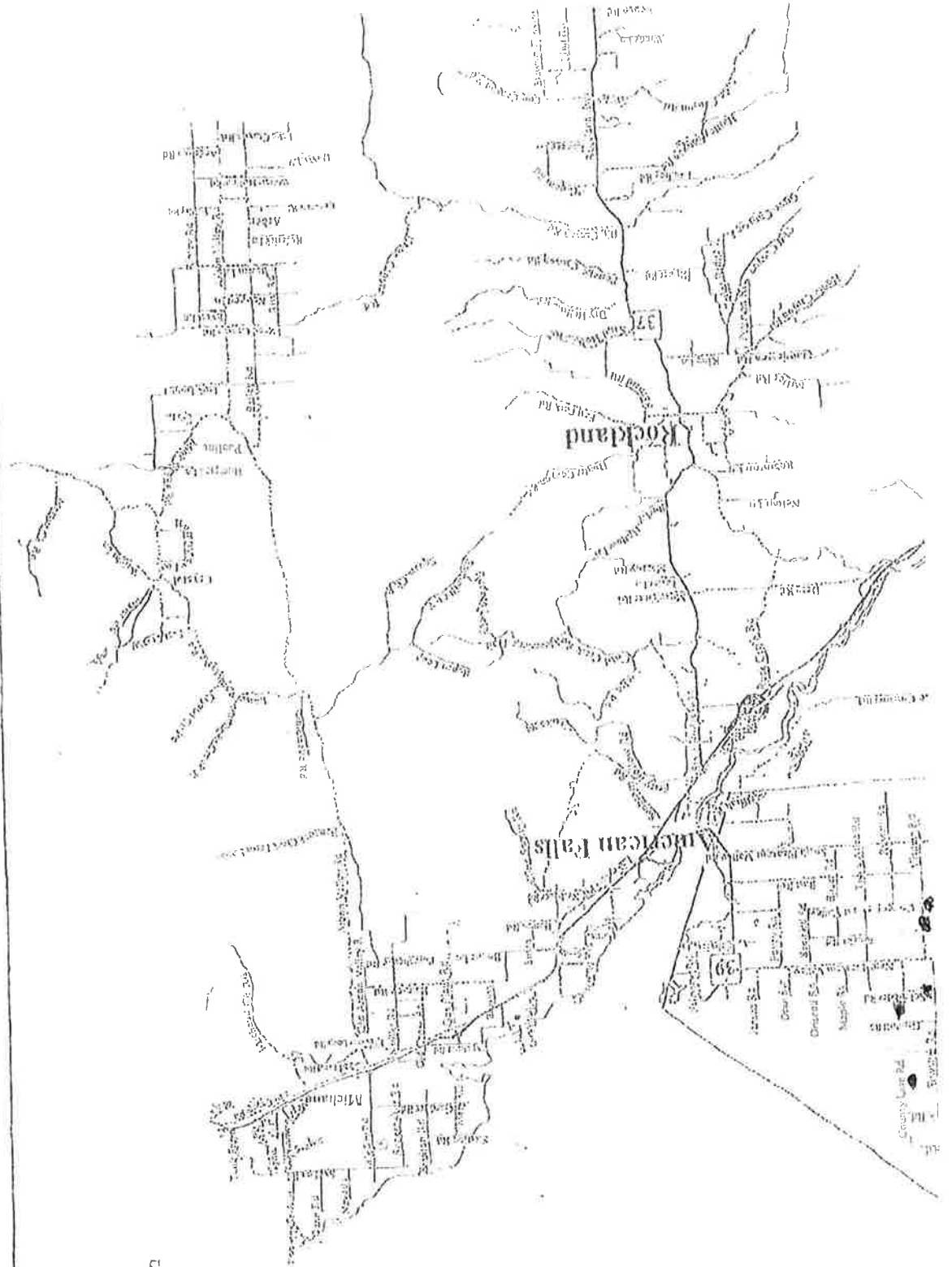
\$50.00 fee received by CH

# E045645 (24)

Date 2/18/2020

Watermaster comments received? \_\_\_\_\_

Date \_\_\_\_\_



## Cefalo, James

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**From:** Cefalo, James  
**Sent:** Friday, February 21, 2020 12:55 PM  
**To:** 'power4@dcdi.net'  
**Subject:** Applications for Temporary Water Use - Power County

Mr. Wetzel:

I have started to review the four applications for temporary water use filed by Power County earlier this week and have a couple of questions. Two of the applications list the proposed source as ground water.

One of the ground water applications describes two points of diversion:

NENE, Section 13, T06S, R29E  
NWSW, Section 30, T06S, R30E

The application states that the proposed points of diversion "are on right of ways at crossings." IDWR does not have record of any ground water well in the NENE of Section 13, T06S, R29E. Does Power County have a well at this location? Is the well located within the county road right-of-way? IDWR does not have record for any ground water well in the NWSW of Section 30, T06S, R30E. Lance Funk's operation buildings and equipment yard covers a portion of the NWSW of Section 30, so there may be a domestic well associated with his operations buildings. Is Power County proposing to divert ground water from a Lance Funk domestic well? If so, please provide documents demonstrating access to the Funk well.

The other ground water application describes six points of diversion. Two points of diversion are the same ones described above. The other four points of diversion are as follows:

SESE, Section 26, T06S, R29E  
NWNW, Section 12, T07S, R29E  
SESE, Section 11, T07S, R29E  
NWNW, Section 23, T07S, R29E

This application also states that the proposed points of diversion "are on right of ways at crossings." IDWR does not have record of any ground water well in the SESE of Section 26, T06S, R29E. There is a well in the corner of the SESE of Section 11, T07S, R29E (owned by MPH Farms), a well in the corner of the NWNW of Section 12, T07S, R29E (owned by Gehring Farms) and a well in the corner of the NWNW of Section 23, T07S, R29E (owned by Heritage Farms). Do you intend to use these ground water wells as points of diversion? If so, please provide documents demonstrating access to those wells.

For the other two applications, Bannock Creek and Rattlesnake Creek are usually fully allocated to existing water rights during the irrigation season. IDWR will seek comment from the local watermaster to see if any water will be available to fill temporary approvals this year.

James Cefalo  
Regional Manager  
IDWR Eastern Region  
(208) 525-7161

## Cefalo, James

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**From:** Bill Curry <power4@dcdi.net>  
**Sent:** Wednesday, February 26, 2020 10:45 AM  
**To:** Cefalo, James  
**Subject:** PCHD temporary water rights application

Mr Cefalo in response to your email regarding diversion points NE NE,Sec.13,T06S,R29E and NW,SW,Sec.30,T06S,R30E these are mainlines of which we connect to from our right of ways we have verbal agreements with the land owners to do this. The other four diversion points SE,SE Sec.26,T06S,R29E, NW NW,Sec.12, T07S,R29E and SE SE,Sec.11,T07S,R29E are also mainlines accessible from our right of ways. the fourth diversion point NW NW,Sec.23,T07S,R29E is a well and mainline accessible from our right of way at the intersection of Breeding rd. and Rast rd. Regarding the diversion points on Rattlesnake Creek and Bannock Creek our diversion points for the most part are below the state allocated water right diversion points with exception of two . Our usage on these diversion points for the most part is done before irrigation is started. I have been in contact with the watermaster for this district we have made some changes to the applications hopefully to clear this up. Any more questions feel free to call 208-221-2665 thank you.