

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**AMENDED****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 Bannock Creek tributary to Snake River  
 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 #
11S	33E	13			SW	SE	Power	Bannock Creek	Lindley Road x-ing
10S	34E	30			SW	SW	Power	Bannock Creek	E Knox Canyon Rd

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 350 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 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 email  
 Signature of Applicant \_\_\_\_\_ Title, if any \_\_\_\_\_ Date \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
 \$50.00 fee received by CH # E045645 Date 2/16/2020  
 Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident. No. TP-29-108

**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	10S	33E	12			SW	SW	Power	Bannock Creek	Arbon Hwy
<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	

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 0.78 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: Power County must coordinate with Richard Cunniff, watermaster for WD 290, to ensure diversions do not injure existing rights
  12. This approval expires on Dec 31, 2020.

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

  
For the Department

→ 13. TP-29-107 and TP-29-108 are limited to a combined annual diversion volume of 5.0 af.



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,

Christina Henman  
Administrative Asst. I.

Enclosure(s) Receipt

cc: BLAKE JORDAN, Water District 120.

## Cefalo, James

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**From:** Richard Curry <rd@dcdi.net>  
**Sent:** Wednesday, February 26, 2020 12:00 PM  
**To:** Cefalo, James  
**Subject:** Temporary Approval of Water Appropriation  
**Attachments:** Recommendation of Watermaster 108docx; Recommendation of Watermasterdocx - Copy.docx

James

I met with Bill Curry of Power County Highway District and we made some changes and additions to the diversion points on TP-29-108 and TP-29-107. Power County is asking to increase the maximum daily volume from .106 AF to .322 AF on both. The total volume will remain 5.0 AF. I cannot see where any hardship would be experienced by any of the downstream surface water users. Williams, Hayball and Bodalak ditch is the closest diversion point to Power County's "**Stewart**" diversion point and I can monitor this for reduction of flow into the ditch.

To open TP-29-108 click on Microsoft Office.

Richard Curry  
Watermaster 29-O

Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Application for Temporary Approval of Water Appropriation

TP-29-108

Power County Highway District

Recommended changes by watermaster:

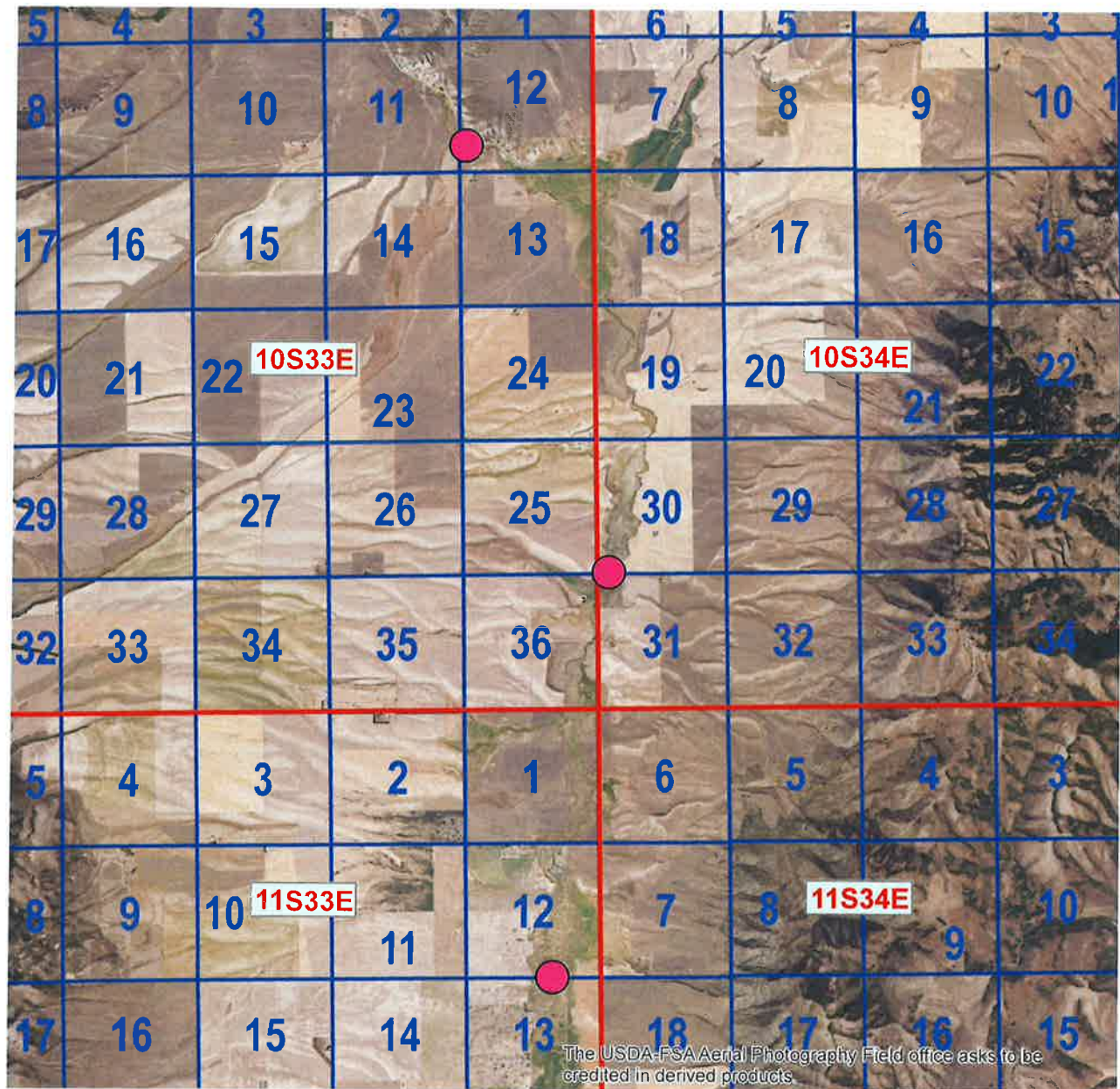
- 1) Change – T11S – R33E – SEC 13 – SW – SE – Power - Bannock Creek (Name) **Lindley Rd.**
- 2) Change – T10S – R34E – SEC 30 – SW – SW – Power – Bannock Creek (Name) **E Knox Canyon Rd.**
- 3) Add Diversion Point – **T10S – R33E – SEC 12 – SW – SW – Power – Bannock Creek – (Name) Arbon Hwy & Bannock Hwy.**
- 4) Maximum daily volume of diversion is currently set at .106 AF, asking to increase to **.322 AF**. The pumping of water to fill the 10-wheeler water truck, volume 3,500 gallons.
- 5) The **Lindley Rd** diversion point is approx. 15 miles upstream of the closest surface water irrigation diversion point. **E Knox Canyon** next and approx. 10 miles from same diversion point and **Arbon Hwy & Bannock Hwy** is next at approx. 5 miles from same diversion point.

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Watermaster



# Amended Application TP-29-108 (Power County)



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 18 2020

Department of Water Resources  
Eastern 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  
Mailing address: P.O. Box 513 3090 Lambweston Road City: American Falls  
State Idaho ZIP 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	

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 350 gpm.

Maximum daily volume .106 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. Wefel  
Signature of applicant

2-12-20

Date

Received by CA

Date 2/18/2020

Time 12:00 pm

\$50.00 fee received by CA

# E045643 (3/4)

Date 2/18/2020

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

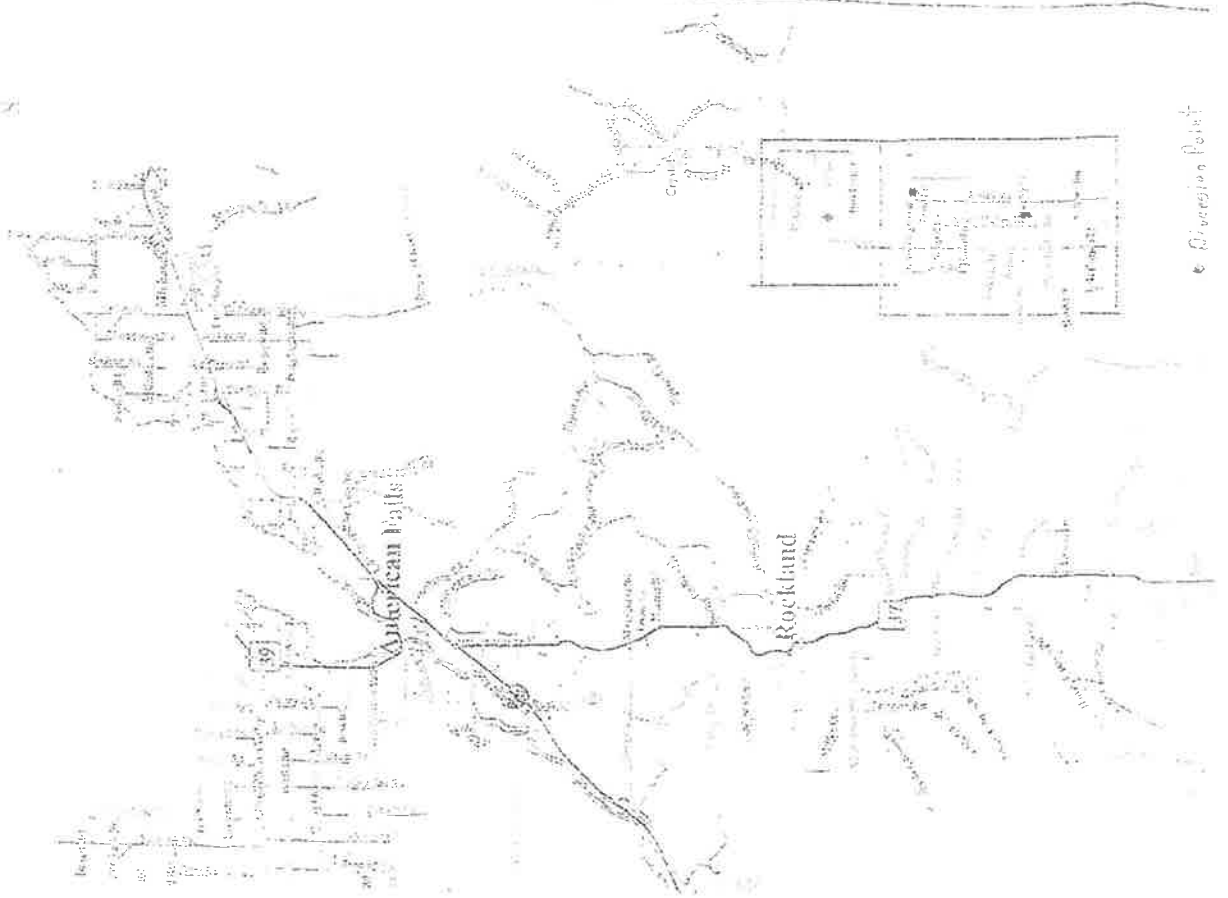
\_\_\_ B. APPROVED, subject to the following conditions:

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 \_\_\_\_\_ 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 values.
8. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. This approval expires on \_\_\_\_\_.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
For the Director

FOOTING MAP



Dispersed Point

## Cefalo, James

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**From:** Richard Curry <rd@dcdi.net>  
**Sent:** Wednesday, February 26, 2020 11:36 AM  
**To:** Cefalo, James  
**Subject:** Power County Highway Temp Approval of Water Appropriation

James

I sat down with Bill Curry of Power County Highway District and we made changes on diversion points and added two diversion points.



**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

February 21, 2020

WATERMASTER, WD 290  
RICHARD CURRY  
4363 ARBON HWY  
ARBON, ID 83212  
[rd@dcdi.net](mailto:rd@dcdi.net)

RE: Application for Temporary Water Use TP-29-107, TP-29-108

Dear Watermaster:

Copies of the above referenced applications are enclosed. Please review the applications, then complete the enclosed recommendation forms and return them to this office no later than 3/6/2020. You can also return them via email to [Christina.Henman@idwr.idaho.gov](mailto:Christina.Henman@idwr.idaho.gov).

No response will indicate that you have no objection, concerns or conditions you wish to be added to the issuance of any approval of these applications.

Please contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH', is written over a horizontal line.

Christina Henman  
Administrative Assistant

Enclosure(s)

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Friday, February 21, 2020 3:07 PM  
**To:** 'rd@dcdi.net'  
**Subject:** Application for Temporary Approval Number TP- 29-107 & TP- 29-108  
**Attachments:** TP-29-107 Application.pdf; TP-29-108 Application.pdf; Watermaster Comment forms.pdf

Attention RICHARD CURRY,

The Department of Water Resources is seeking comment from you regarding a couple applications to temporarily appropriate water. A copy of the applications are attached for your reference.

Please submit your comments within 14 days. No response will indicate that you have no objection, concerns or conditions you wish to be added to the issuance of any approval of these applications. I will also be sending a hard copy via postal mail.

If this email is a good contact method for you, please confirm in your response.

If you have any questions regarding this application, please contact me via email or at (208) 497-3793.

Thank you,  
Christina Henman  
Administrative Asst. I