

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 13-7985

1. Name of applicant(s) James T. & Kathy Allen, Trustees, James Allen Rev Family Tr Phone 208-646-2218
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 5658 Maple Creek Road City Franklin
 State Idaho ZIP 83237 Email _____
2. Name of representative, if any Randall C. Budge Phone 208-232-6101
 Mailing address P.O. Box 1391 City Pocatello
 State Idaho ZIP 83204-1391 Email rcb@racinelaw.net
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply unnamed spring which is a tributary of Maple Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
16S	40E	12		NE	SE	SW	Franklin	unnamed spring	

5. Water will be used for the following purposes:
- Amount 0.04 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing spring box and pipelines
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by SC Date 10/17/16 Time _____ Preliminary check by _____
 Fee \$ 250- Received by 10/17/16 SC Receipt No. ED 42531 Date 10/17/16

13-7985

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households 1
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	40E	12												D					0.5

Total number of acres to be irrigated: 0.5

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

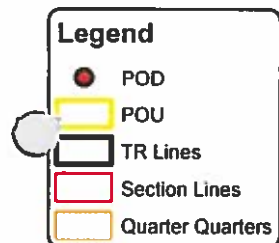
Signature of Applicant

James T. Allen, Trustee

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204 (the "Firm"), its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow the Firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 13th day of October, 2016.

THE JAMES ALLEN REVOCABLE FAMILY TRUST

By: _____

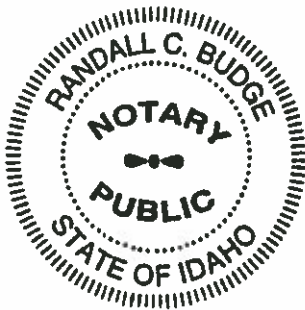
James T. Allen, Trustee
5658 Maple Creek Road
Franklin, Idaho 83237

STATE OF IDAHO)

:ss

County of Bannock)

On this 13th day of October, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared James T. Nelson, known or identified to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he is the Trustee of The James Allen Revocable Family Trust, and that said trust executed the same.



Randall C. Budge

NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello, Idaho

Commission expires: 10/11/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

December 15, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JAMES ALLEN REV FAMILY TRUST
5658 MAPLE CREEK ROAD
FRANKLIN, ID 83237

Application For Permit No. 13-7985

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on December 21 and 28, 2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on January 9, 2017 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is fluid and cursive, with the first name "Sharla" and last name "Cox" clearly visible.

Sharla Cox
Administrative Assistant

cc: RACINE OLSON
PO BOX 1391
POCATELLO, ID 83204

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, December 15, 2016 11:07 AM
To: 'Preston Citizen'
Subject: Legal Notice for your paper
Attachments: Preston Citizen E-Mail.doc

Contacts: Preston Citizen

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

December 15, 2016

MAY CONTAIN MORE THAN ONE PAGE!

Legal Notice Department

Preston Citizen

PO Box 472

Preston ID 83263

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before January 9, 2017. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-7984

GRIFFETH RANCHES LLC

775 S 1ST E

PRESTON, ID 83263

Point of Diversion

NWNWSW S8 T16S R39E

FRANKLIN County

Source SPRING Tributary BEAR RIVER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/28/2016

Place Of Use: DOMESTIC

T16S R39E S8 NWSW

13-7985

JAMES ALLEN REV FAMILY TRUST

5658 MAPLE CREEK ROAD

FRANKLIN, ID 83237

Point of Diversion

NESESW S12 T16S R40E

FRANKLIN County

Source SPRING Tributary MAPLE CREEK

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/17/2016

Place Of Use: DOMESTIC

T16S R40E S12 SESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before January 9, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on December 21 and 28, 2016

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, December 14, 2016 1:46 PM
To: Carlos, Rhea
Subject: Refund Please

Please do a partial refund for the following:

Receipt # E042531
Amount of Refund: \$150.00
Payable to:
Racine Olson Nye Budge & Bailey, Chartered
PO Box 1391
Pocatello ID 83204-1391

Reason: Overpayment for Application for Permit 13-7985 for James T & Kathy Allen, Trustees

Thank you.

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*



RACINE OLSON
ATTORNEYS

RANDALL C. BUDGE
rcb@racinelaw.net

October 13, 2016

Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED
OCT 17 2016
Department of Water Resources
Eastern Region

Re: The James Allen Revocable Family Trust – Application for Permit

To Whom It May Concern:

Enclosed please find the original and two extra copies of an Application for Permit for filing and processing, together with a check in the amount of \$250 for the filing fee. Please file the original and conform stamp and return the extra copies, one to me and the other to Jim Allen in the enclosed stamped and addressed return envelopes.

If you have any questions, please don't hesitate to contact me. Thank you for your assistance.

Sincerely,

RANDALL C. BUDGE

RCB:ts
Enclosures
c: Jim Allen