

RECEIVED

APR 28 2014

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

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 11-7789

1. Name of applicant(s) Mark Ipsen Phone 208 681 4794
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 68 City Dingle
 State ID Zip 83233 Email ipsencattlecompany@yahoo.com

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
12S	44E	03		SE	SE	NE	Bear Lake	Spring	Hill Pasture Spring

4. Water will be used for the following purposes:

Amount 0.02 for Stockwater purposes from 01/01 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)

5. Total quantity to be appropriated is (a) 0.02 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Perforated pipe into a pipe to a trough.

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 11. For dams 10 feet or more in height OR reservoirs with a total 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. _____.

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. Beef cattle 20 head

c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).

d. Domestic; show number of households _____

e. Other; describe fully. _____

8. Description of place of use:

- 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. 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	
12S	44E	3				S													

Total number of acres to be irrigated: _____

9. 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?

N/A

10. a. Who owns the property at the point of diversion? Applicant's deceased father.
- b. Who owns the land to be irrigated or place of use? Applicant's deceased father
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Power of attorney is attached

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

Perforated pipe into a pipe to a trough.

12. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Mark Ipsen
Signature of Applicant

Signature of Applicant

MARK IPSEN
Print Name (and title, if applicable)

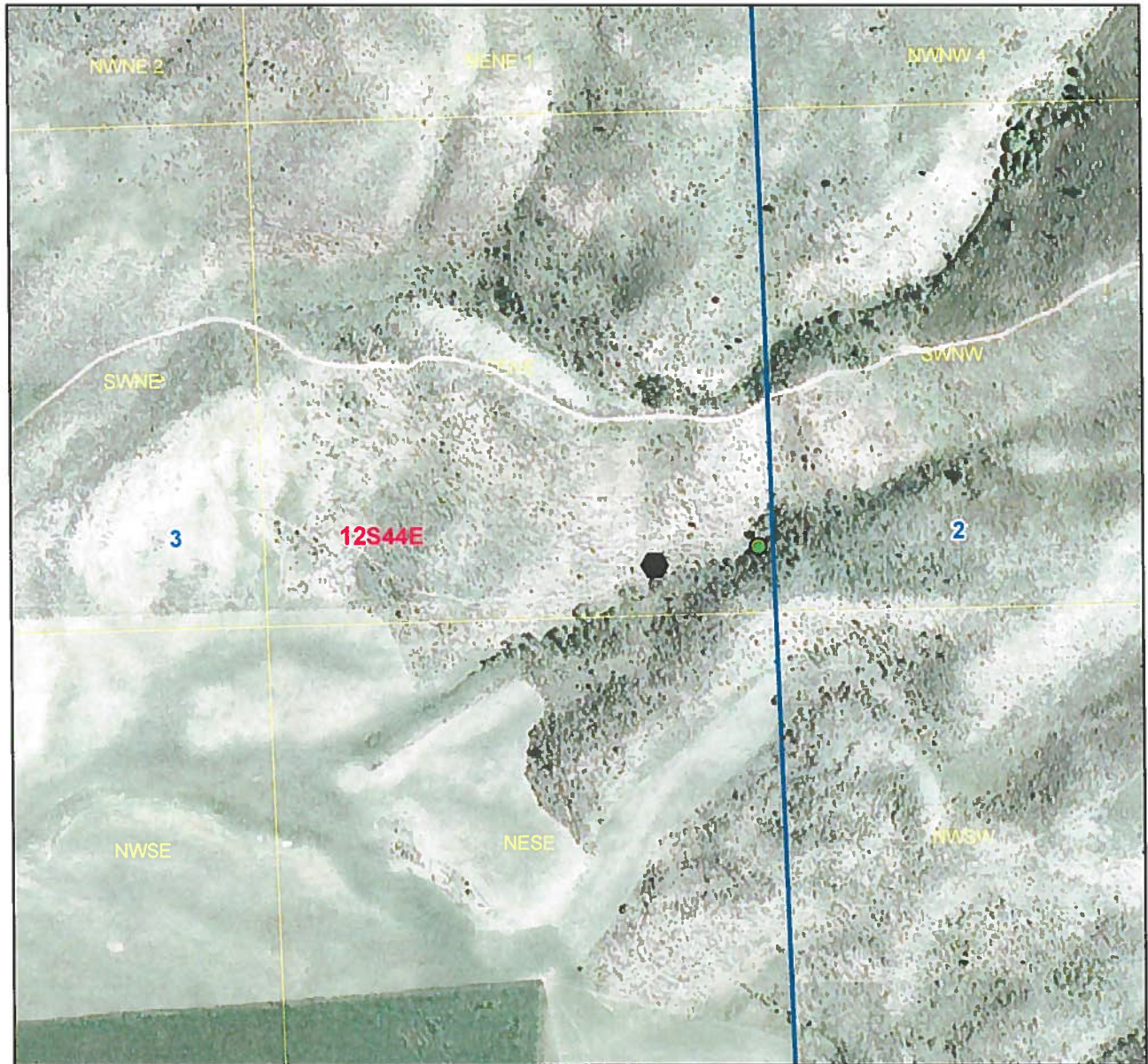
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100 Received by WCF Receipt No. E039775 Date 4/29/2014

Ipsen Stockwater Permit Application



Legend

- POD
- ⬢ POU
- Township/Range
- Sections
- QQ



0 0.05 0.1 0.2 Miles

11-7789

DURABLE GENERAL POWER OF ATTORNEY
OF JOHN D. IPSEN

I, John D. Ipsen, a resident of Montpelier, Bear Lake County, Idaho, designate and appoint Mark D. Ipsen as my attorney in fact and agent (subsequently called "agent") to act in my name and for my benefit. I grant to my agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

1. General Grant of Power. My agent shall have power to exercise or perform any act, power, duty, right, or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction, or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the powers specifically enumerated in this instrument. Generally, my agent shall have power to do and perform all matters, transact all business, and make, execute, and acknowledge all contracts, orders, deeds, mortgages, leases, assignments, assurances, and instruments of every kind which may be requisite or proper to effectuate the purposes of this durable general power of attorney.

1. Specific Powers. Without in any way limiting the generality of the power and authority conferred upon my agent by this instrument, my agent shall have and may exercise each of the following specific powers:

(a) Power to Acquire and Sell. My agent shall have the power and authority to acquire, purchase, exchange, grant options, and sell, assign, release, convey, mortgage, hypothecate, lease, accept, and take possession of real and personal property and interests therein, both tangible and intangible, upon such terms, conditions, and covenants as my agent shall deem proper and to sign, seal, execute, deliver, and acknowledge such deeds, leases, contracts, assignments, indentures, agreements, mortgages, deeds of trust, bills of sale, security agreements, and related forms, exchange agreements, bills, bonds, notes, receipts, releases, and satisfactions of mortgages, security interests, and judgments, and such other instruments in writing as shall be proper.

(b) Borrowing and Banking Powers. My agent shall have the power and authority to borrow moneys on my behalf and to sign, seal, execute, deliver, and acknowledge on my behalf such promissory notes, bills, bonds, or other evidence of indebtedness and such mortgages, deeds of trust, security agreements, pledges, or other documents to secure the payment of borrowed funds as my agent shall deem proper. My agent shall have the power and authority to make, receive, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations, and other financial institutions, and to release such mortgages, deeds of trust, or other security instruments as may be necessary or proper in the exercise of the rights and powers herein granted.

(c) Powers of Collection and Payment. My agent shall have the power and authority to forgive, request, demand, sue for, recover, collect, receive, and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, Medicare, insurance, and other contractual benefits and proceeds, all documents of title, all property and property rights, real or personal, intangible or tangible, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable, or belonging to me or in which I have or may hereafter acquire an interest; to have, use and take all lawful means and equitable and legal remedies and proceedings in my name and for the collection and recovery thereof including the enforcement of mortgages, deeds of trust, and security instruments, to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts, or other sufficient discharges for the same. My agent shall have the power and authority to pay and discharge all debts and demands due and payable or which may hereafter become due and payable by me to any person or persons whomsoever.

(d) Management Powers. My agent shall have the power and authority to maintain, repair, improve, invest, manage, insure, rent, lease, encumber, partition, and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, upon such terms and conditions as my agent shall deem proper, and to transfer any or all of my assets to the trustee of any revocable living trust which I may have created.

(e) Motor Vehicles. My agent shall have the power and authority to apply for a certificate of title upon and endorse and transfer title to any motor vehicle and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.

(f) Business Interests. My agent shall have the power and authority to conduct or participate in any lawful business of whatever nature; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate, or dissolve any business; to elect or employ officers, directors, and agents; to carry out the provisions of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.

(g) Tax Powers. My agent shall have the power and authority to prepare, sign, and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign, and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any gift-splitting provision or other tax election; and to prepare, sign, and file any claims for refund of any tax.

(h) Safe Deposit Boxes. My agent shall have the power and authority to have access at any time or times to any safe deposit box rented by me, wheresoever located; to remove all or any part of the contents thereof; and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my agent to exercise this power.

3. Revocability. This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my agent and delivered to such person or institution.

4. Interpretation. This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my agent.

5. Disability of Principal. This durable general power of attorney shall not be affected by subsequent disability or incapacity of the principal. The authority granted herein shall be exercisable by my attorney-in-fact and agent, notwithstanding my later disability or incapacity or later uncertainty as to whether I am dead or alive.

6. Third-Party Reliance. Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall incur any liability to me or my estate as a result of permitting my agent to exercise any power.

7. Revocation of Prior Instruments. All prior general powers of attorney previously executed by me are hereby revoked and superseded by this instrument. I have executed simultaneously with this instrument another power of attorney to Lillas Fae Ipsen. This revocation shall not apply to such contemporaneous power of attorney, it being my intent that either Mark D. Ipsen or Lillas Fae Ipsen is authorized to act as my attorney in fact and agent, each without the joinder or consent of the other.

8. Indemnity. I agree to hold harmless and indemnify my agent from all liability for acts done in good faith under this Durable General Power of Attorney.

9. Effective Date and Termination. This Durable General Power of Attorney is effective immediately and may be terminated only as follows:

- (a) By written notice to my agent signed by me and, if this power of attorney has been recorded, by recording the written instrument of revocation in the office of the recorder of the place where the power was recorded;
- (b) By the conservator of my estate after court approval of such revocation; or
- (c) Upon actual receipt of notice of my death by my agent.

10. Applicable Law. The laws of the State of Idaho shall govern this power of attorney.

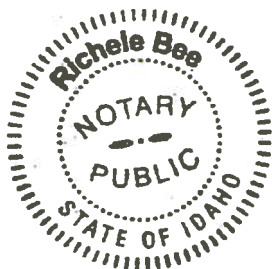
IN WITNESS WHEREOF, I have executed this Durable General Power of Attorney this ____ day of February, 2007.

John D. Ipsen
John D. Ipsen

STATE OF IDAHO)
) ss.
County of Bear Lake)

On this 5th day of February, 2007, before me, Richele Bee, a notary public in and for said state, personally appeared John D. Ipsen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Richele Bee
Notary Public for Idaho
Residing at Blowing Rock, Id
My Commission Expires May 1, 2012

ICC
IPSEN CATTLE CO.

Mark and Becky Ipsen
PO Box 68
Dingle Idaho 83233
208-681-4794

RECEIVED
MAY 23 2014
Department of Water Resources
Eastern Region

HERE IS info you ASKED ME For
A while Ago For US TO proceed
ON getting spring Filed ON.

THANKS

MARK



11-7789

LAST WILL
OF
JOHN DONALD IPSEN

RECEIVED
MAY 23 2014
Department of Water Resources
Eastern Region

I, JOHN DONALD IPSEN of Montpelier, Bear Lake County, Idaho, a United States citizen, do make, publish and declare this to be my last will, hereby revoking all former wills and codicils made by me.

ARTICLE I

FAMILY

I am the spouse of DONNA FAE IPSEN. We are the parents of five children, LOREN C. IPSEN, C. BRENT IPSEN, JAY DEE IPSEN, LILLAS FAE IPSEN, and MARK IPSEN.

I have intentionally omitted to provide for my heirs, except for such provisions as are made specifically in this instrument. If any person who is or claims under or through a beneficiary of this instrument, or who, if I die intestate, would be entitled to share in my estate or trust, contests or attacks this instrument, performs any act that would frustrate the dispositive plan contemplated in this instrument or conspires or cooperates with anyone attempting to contest, attack, or frustrate this instrument (such person hereinafter referred to as objector), then in that event I specifically disinherit each such objector, and any portion of my estate or trust to which such objector may have otherwise been entitled is hereby revoked and shall be disposed of under the provisions of my will or trust as though such individual had predeceased me leaving no surviving descendants; except that this clause shall not be enforced (1) against a beneficiary challenging my will or trust who has probable cause to institute such proceedings, Idaho Code § 15-3-905, or (2) against a petition by a fiduciary acting on behalf of a protected person or a guardian ad litem appointed for a minor or for an incapacitated or financially incapable person.

The foregoing provisions shall not apply to any charitable beneficiary.

ARTICLE II

APPOINTMENT OF FIDUCIARIES

A. **Personal Representatives.** I nominate my son, MARK IPSEN, and my daughter, LILLAS FAE IPSEN, as Personal Representatives of my estate and of this my last will. If either of them is unable or unwilling to serve, or to continue to serve, the other shall serve as the sole Personal Representative.

ARTICLE VI

HOUSEHOLD FURNISHINGS AND OTHER PERSONAL PROPERTY

A. Written List. The Personal Representative shall distribute my household furniture and furnishings, books, apparel, art objects, collections, jewelry and similar personal effects, sporting and recreational equipment, automobiles, recreational vehicles, and all other tangible personal property of a similar nature (other than money, evidences of indebtedness, documents of title, securities, and property used in a trade or business), together with any insurance on such property, to those persons named in the last written statement or list which is in my handwriting or signed by me, prepared either before or after the execution of this instrument, and which written statement or list describes the items and the devisees with reasonable certainty.

B. To the extent not disposed of by a written statement or list, I give the property described in paragraph A of this Article to my children who survive me, to be divided among them in such manner as they shall determine and in as equal shares as is practicable. If none of my children survive me then the property described in paragraph A shall be distributed with the residue of my estate. No anti-lapse statute shall apply.

ARTICLE VII

RESIDUE OF ESTATE

A. If my spouse survives me, then I give the residue of my estate to the trustees or the successor trustee named above in Article II, in trust, to be known as the SPECIAL SUPPLEMENTAL CARE TRUST FOR DONNA FAE IPSEN, to be administered in accordance with the terms of the trust set forth in Article IX of this will.

B. If my spouse fails to survive me, then I give the residue of my estate as follows:

1. My home and two acres located at 850 N. 8th Street, Montpelier, Idaho, together with all the furnishings, heating, and entertainment equipment, shall be distributed to my daughter, LILLAS FAE IPSEN.

2. My rental property located at 670 N. 8th Street, Montpelier, Idaho, known as the Barsby House, together with all appurtenances, shall be distributed in equal shares to my daughter, LILLAS FAE IPSEN and my son JAY DEE IPSEN.

3. Based on the common references used in a Quitclaim Deed recorded in Bear Lake County on June 21, 2007, as instrument number 198595, my following referenced real property, together with applicable water rights and appurtenances, shall be distributed to my son, MARK IPSEN: Burgoyne Field; Bennington Mountain Pasture; Wallentine, Dingle Bottoms Pasture; and Humburg, East Dingle Acreage.



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

June 25, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MARK IPSEN
PO BOX 68
DINGLE, ID 83233

Application For Permit No. 11-7789

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 NEWS EXAMINER on July 2 and 9, 2014. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Sharla Cox
Administrative Assistant



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

June 25, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Josh Hanks
Water District 11
85 Crayon Ct
Logan UT 84321

RE: Application for Permit 11-7789

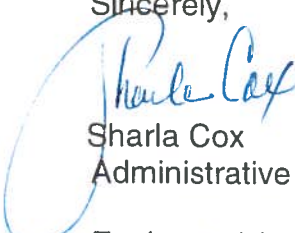
Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,



Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, June 25, 2014 3:37 PM
To: 'News Examiner (copy@news-examiner.net)'
Subject: Legal Notice for your paper
Attachments: News Examiner.RTF

Contacts: News Examiner

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*

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

11-7789

MARK IPSEN

PO BOX 68

DINGLE, ID 83233

Point of Diversion

SESENE S3 T12S R44E

BEAR LAKE County

Source SPRING Tributary SINKS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/28/2014

Place Of Use: STOCKWATER

T12S R44E S3 SENE

11-7790

HIRSCHI ACRES, LLC

C/O STEPHEN HIRSCHI

9858 SOUTH BLOSSOM DR.

SANDY, UT 84092

Point of Diversion

SENESE S28 T12S R46E

BEAR LAKE County

Source SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 5/14/2014

Place Of Use: DOMESTIC

T12S R46E S28 NESE

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 July 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 2 and 9, 2014