



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718**

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

August 8, 2012

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

JOHN L POWERS  
PATRICK POWERS  
PO BOX 493  
MACKAY, ID 83251

RE: Transfer No. 78071  
Water Right No(s). 34-440B, 34-2365, 34-637C, 34-638A, 34-7239A

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Challis Messenger on August 16 and 23, 2012. 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 approval document.

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

Sincerely,

Sharla Cox  
Administrative Assistant



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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

August 08, 2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

ROGER TOTTEN  
WATER DISTRICT 34  
PO BOX 53  
MACKAY, ID 83251

RE: Application for Transfer 78071  
Water Right Number(s) 34-440B, 34-637C, 34-2365, 34-7239A, 34-638A

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, August 08, 2012 2:32 PM  
**To:** 'Challis Messenger (ameans@challismessenger.com) '  
**Subject:** Legal Notice for your paper  
**Attachments:** Challis Messenger E-Mail.doc

**Contacts:** Challis Messenger

*Sharla*

Sharla Cox  
Administrative Assistant  
Idaho Department of Water Resources  
900 N. Skyline Dr. Ste. A  
Idaho Falls ID 83402  
208-525-7161 - telephone  
208-525-7177 - fax  
[sharla.cox@idwr.idaho.gov](mailto:sharla.cox@idwr.idaho.gov)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78071

JOHN L POWERS and PATRICK POWERS, PO BOX 493, MACKAY, ID 83251 has filed Application No. 78071 for changes to the following water rights within CUSTER County(s): Right No(s). 34-440B, 34-2365, 34-637C, 34-638A, 34-7239A; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to add a point of diversion and to change the place of use. The points of diversion are in the NWSESE Sec 12 T7N R23E (Sharp Ditch) and the NWSESW Sec 20 T7N R24E (Swauger Ditch) from the Big Lost River for 9.64 cfs. The ground water points of diversion remain the same. The place of use is within Sec 20, 21, 22, 27 and 34 T7N R24E for 431 acres.

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 Sec. 42-222.

Any protest against the proposed change must be filed with the Department 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 September 4, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 16 and 23, 2012