

RECEIVED

OCT 08 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 61-12262EMP
10/19/2010

1. Name of applicant(s)
- JACK and BETTY POWERS FAMILY TRUST
- Phone
- (208) 336-1029
-
- Name connector (check one):
- ☐
- and
- ☐
- or
- ☐
- and/or

Mailing address: 3154 S CRABAPPLE LANE City BOISEState ID Zip 83706 Email: bettpowers@clearwire.net

2. Source of water supply
- UNNAMED STREAM
- which is a tributary of
- BENNETT CREEK

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	%	%	%	County	Source	Local name or tag #
25	8E	03	4	-	NW	NW	ELMORE	UNNAMED STREAM	begin point
"	"	"	-	-	SW	NW	"	"	End point

4. Water will be used for the following purposes:

Amount 0.02 for STOCK WATER 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. DITCH WITHIN STOCK USE

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. 26-50 CATTLE - HORSES

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

AMENDED

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.

S

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	8E	03						S	S										
								L4											

Total number of acres to be irrigated: N/A

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? NONE

10. a. Who owns the property at the point of diversion? B.L.M. TO THE NORTH POWER TRUST
b. Who owns the land to be irrigated or place of use? POWERS FAMILY TRUST
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. WATER IS NECESSARY FOR LIVESTOCK USE AND IT ENABLES THE OWNER TO USE THIS ACREAGE FOR PASTURE FOR THE LIVESTOCK - (CATTLE AND HORSES).

12. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Elizabeth M. Powers
Signature of Applicant
Elizabeth M. Powers
Print Name (and title, if applicable)

Signature of Applicant
TRUSTEE for Powers Family TRUST
Print Name (and title, if applicable)

For Department Use:

Received by SB Date 10.8.10 Time 1:40pm Preliminary check by SC
Fee \$ 25.00 Received by SB Receipt No. W038778 Date 10/8/10

75.00
\$100 total

DB

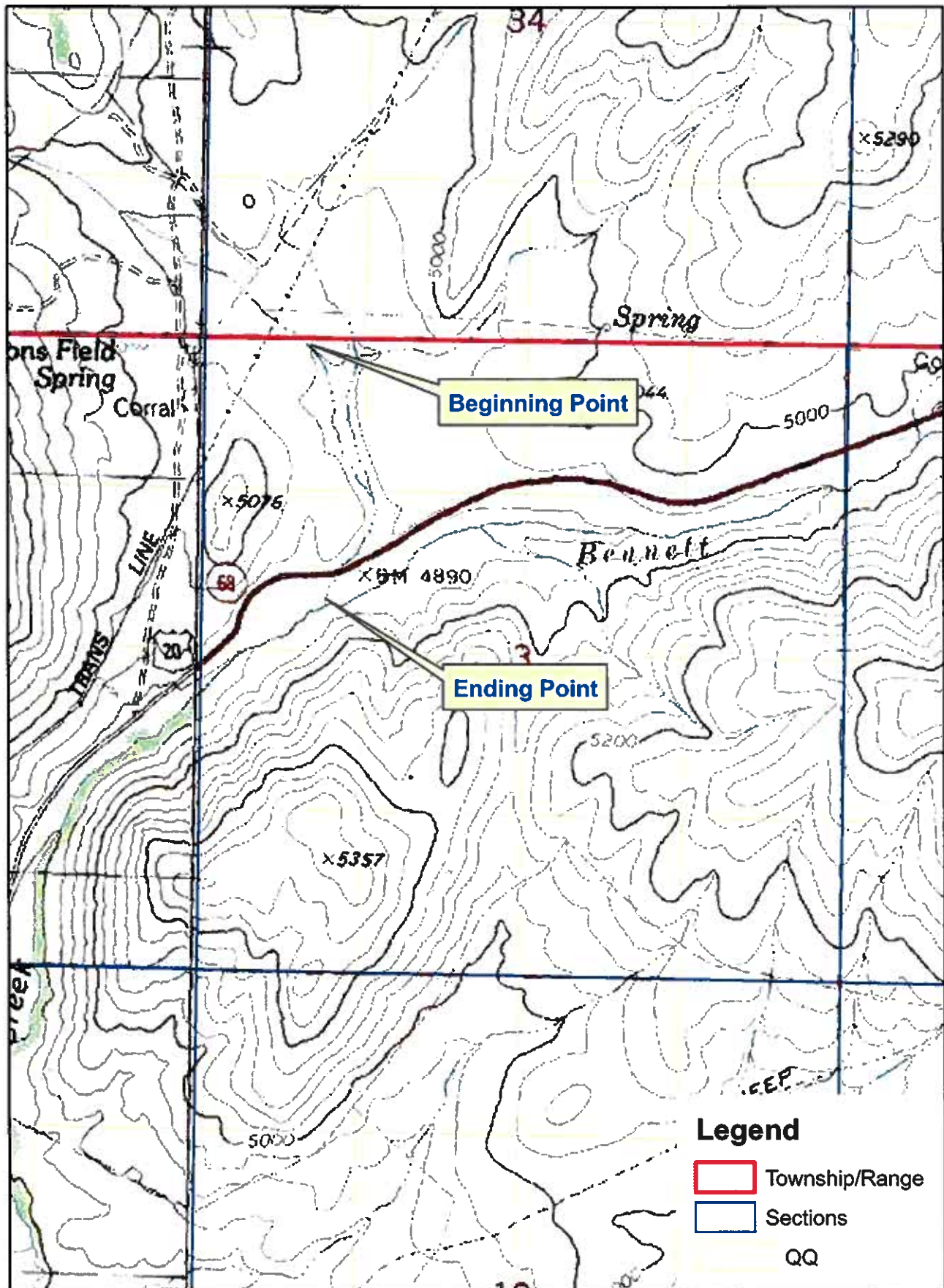
W038805

10/20/10

2

priority date

T2S R8E Sec. 3



61-12262



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Original Survey
• Twp 2S-8E, ID, Boise (North, East boundaries)

Survey Details
Plat Details
Plat Image
Field Note Images

Description: —

(4-675 a)

Range N^o 8 East of the Boise Meridian,

E d D e C b B a

RESURVEY
S. 69° 46' W.

Basic Viewer
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25 8E 5.3

61-12262

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 10/28/2010; 11:32AM
Page: 1 (Last Page)

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FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID
PH. (208) 334-2190
FAX NO. (208) 334-2348

Number of total pages: 3

Date: October 28, 2010

To: Mountain Home News, Attn: Stacy

From: Denise Buffington

Fax: 208-587-9205

Attached please find (1) legal notice being submitted for publication. If you have any questions about the attached information; or if you are not able to run the notice on the dates requested, please contact me immediately.

Thank you in advance,

Denise
Denise Buffington
Administrative Assistant I

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Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

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Denise Buffington
Administrative Assistant I

October 28, 2010

LEGAL NOTICE DEPARTMENT

MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application For Permit No(s): 61-12262

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/22/2010. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

61-12262

JACK & BETTY POWERS FAMILY TRUST

3154 S CRABAPPLE LN

BOISE, ID 83706

Point of Diversion SWNW S3 T02S R08E ELMORE County Source UNNAMED STREAM Tributary BENNETT CREEK

Point of Diversion L4(NWNW) S3 T02S R08E ELMORE County Source UNNAMED STREAM Tributary BENNETT CREEK

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/8/2010

Place Of Use: STOCKWATER

T02S R08E S3 L4(NWNW) SWNW

Permits will be subject to all prior water rights. 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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 11/3 & 11/10/2010

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: October 19, 2010

RE: Powers Family Trust Application

Betty Powers (trustee) visited the office today to amend an application for permit. This included the following application items:

- tributary
- point of diversion, beginning and ending points for instream stockwater
- place of use
- ownership
- map.

She did not have the additional \$75 needed for the application. Date of priority will be established when payment is completed.

There is no POD or POU overlap for this source and this property.

Source is within Water District #61C, Bennett/Cold Springs Creeks. This is a troubled district in the midst of a multiple-year crisis. The watermaster resigned this summer, continuing the tradition of rapid and repeated turnover. Western regional manager is coordinating with administration to find a solution. The proposed solution is for the department to assume watermaster duties, with an alternate local person for backup. Because of this and also due to the de minimus non-consumptive use being proposed, consider this memo as watermaster comments:

- not opposed to this application
- use remains subject to watermaster control.

Although the source is surface water and we normally send comment letters to IDFG, a letter serves no purpose in this case for instream stockwater use in non-critical habitat.

Comment letters should not be sent based on this explanation.

If approved, will need trust water condition 051, modified for 5 year term.