

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 2.87 AF and a maximum rate of diversion of 0.12 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 expires on 12/31/12.
7. This approval does not create a continuing right to use water.
8. 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 vaules.
9. Other: Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second.
10. Contact the DEPARTMENT OF WATER RESOURCES prior to diversion of water from streams.

DATED this 2 day of August, 2012.

Keith L. Franklin
For the Director

RECEIVED

Form 202a 10/07 JUL 10 2012

Indent. No. TP-84-21STATE OF IDAHO
IDWR / NORTH DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

Name of Applicant John Jacobs Phone 509-758-4931
Address 2727 9th Ave. Clarkston, WA 99403 Email Katharizoj@yahoo.com1. Source of water Eldorado Creek Tributary to Lolo Creek2. Location of point of diversion 4 $\frac{1}{4}$ SE1 $\frac{1}{4}$ Sec. 34N Township 6E, Range 17 B.M.,
County Clearwater3. Location of place of use 4 $\frac{1}{4}$ SE1 $\frac{1}{4}$ Sec. 34N Township 6E, Range 17 B.M.,
County Clearwater4. Proposed use of water I will be high banking on my mining claim using a 2.5 hp pump w/a 1.5" intake.

5. Amount of water:

Maximum rate of diversion .12 cfs or 40 gpm.Maximum daily volume .22 AF; Total volume 2.87 AF/yr.6. Duration of diversion: From 7/1/2012 to 12/31/2012
Day-month Day-month7. Proposed diverting works Taken directly from stream undisturbed8. Who owns the property at the requested point of diversion? U.S. F.S.9. Describe the arrangement allowing access to the water I will be pumping directly from the creek using a 1.5" intake w/a .10" mesh intake screen.10. Remarks I will be operating a small highbanker during family camping trips 2-3 times this summer

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.

Date 7/7/2012Applicant John JacobsReceived by db Date 7/10/12 Time
\$50.00 fee received by db # N029356 Date 7/10/12
Watermaster Comments received? _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

08/07/2012

JOHN JACOBS
2727 9TH AVE
CLARKSTON WA 99403

RE: Temporary Permit No. TP-84-21

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-84-21.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in blue ink that reads "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Program Manager

Enclosure Receipt No. N029356
Copy of Temporary Permit TP-84-21



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor

Virgil Moore / Director

July 26, 2012

RECEIVED

AUG 01 2012

IDWR / NORTH

Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Dear Mr. Franklin:

REFERENCE: APPLICATION FOR APPROVAL OF A TEMPORARY WATER APPROPRIATION

John Jacobs has applied for a temporary water appropriation of 0.12 cfs, maximum of 2.87 AF, from Eldorado Creek, tributary to Lolo Creek to operate a highbanker for mining. The requested period of use is from July 1 to December 31, 2012. Water would be withdrawn using a pump on an intermittent basis, occurring several times over the term of the permit. The pump will have a 1.5" intake with 0.10" mesh screen.

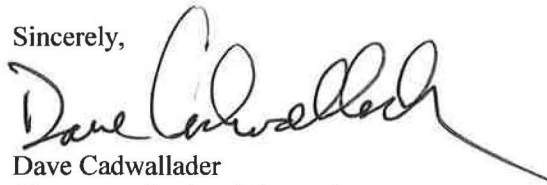
The intent of these comments is to provide you with a technical review of potential effects of your proposal on wildlife, fish and habitat. It is not the intent of Idaho Department of Fish and Game to support or oppose this proposal.

Based on the information provided by the applicant, IDFG does not anticipate that the proposed rate of withdrawal will have an adverse effect on fish, wildlife or stream habitat, as long as all other state and federal permits are secured. We based our concurrence on the assumption that no alterations will be made to the bed or banks of Eldorado Creek to implement the withdrawal. A stream alterations permit should be obtained from Idaho Department of Water Resources prior to operations if any alterations to bed or banks are anticipated.

We noted that the water intakes will be screened at 0.1", which will prevent entrainment of fish. Intake approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thanks for the opportunity to review this proposal.

Sincerely,



Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/cs

c: Sharon Kiefer, Boise IDFG

Keeping Idaho's Wildlife Heritage



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

C.L. "Butch" Otter, Governor
Curt Fransen, Director

July 20, 2012

Mr. Keith Franklin
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED

JUL 23 2012

Subject: Comments, temporary water appropriation from Eldorado Creek for mining **IDWR/NORTHERN**

Dear Mr. Franklin:

We received a request for comment on an application for a temporary water appropriation permit to withdraw a total volume of 2.87 acre feet of water from July 1st to December 31 from Eldorado Creek, Clearwater County. Water will be withdrawn using a 2.5 horsepower pump with a 1.5 inch intake to operate a highbanker for mining. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho water quality standards, Eldorado Creek is protected for cold water aquatic life and secondary contact recreation beneficial uses. Eldorado Creek is also listed in Category 5 of the Idaho 2010 Integrated Report due to temperature impairment. A Total Maximum Daily Load (TMDL) allocation for temperature has been completed for Eldorado Creek. The TMDL is a pollution management plan that calculates the maximum amount of a pollutant allowed in the creek based on the volume or flow of water in the creek. Reduction in flow in Eldorado Creek can cause pollutant increases that exceed the TMDL and Idaho water quality standards.

In order to protect and maintain the aquatic life beneficial use, the temporary withdrawal of a total volume of 2.87 acre feet of water from Eldorado Creek must not impact water quality, and stream flow adequate to sustain existing aquatic life needs to be maintained. DEQ recommends that the stream not be allowed to go dry as a result of legally appropriated and allowable water withdrawals. No waste water generated by this mining activity will be deposited back into Eldorado Creek.

Thank you for the opportunity to comment on this application. If you have any questions regarding the Idaho Water Quality Standards, please call the Lewiston Regional Office at (208) 799-4370.

Sincerely,

A handwritten signature in black ink that reads "Cindy Barrett". The signature is fluid and cursive.

Cindy Barrett
Water Quality Analyst

c: John Jacobs, Clarkston, WA
Ray Hennekey, IDFG
John Cardwell, DEQ

Franklin, Keith

From: Franklin, Keith
Sent: Monday, July 16, 2012 3:57 PM
To: 'Hennekey,Ray'
Subject: Application For Temporary Water Appropriation, John Jacobs
Attachments: DOC024.pdf

Ray,
Attached is an application to temporarily appropriate water for a small mining operation from Eldorado Creek for your review and comment.
Thanks.
Keith.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 16, 2012

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH ST.
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear RAY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding two applications to temporarily appropriate a total of 2.87 acre-feet of water from Eldorado Creek which is tributary to Lolo Creek, for a small mining operation by John Jacobs. A copy of the application is attached for your reference.

Would you please submit your comments no later than July 23, 2012? If we do not hear from you by that date, we will assume that no comment from you, means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Keith". The signature is written in a cursive, flowing style.

Keith E. Franklin
Interim Program Manager

Encl/kf

Franklin, Keith

From: Franklin, Keith
Sent: Monday, July 16, 2012 4:00 PM
To: 'john.cardwell@deq.idaho.gov'
Subject: Application For a Temporary Water Appropriation, John Jacobs
Attachments: DOC025.pdf

Mr. Cardwell,

Attached is an application to temporarily appropriate water for a small mining operation by John Jacobs for your review and comment.

Thanks.

Keith Franklin

Program Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 16, 2012

JOHN CARDWELL
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
1118 F ST.
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Cardwell:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding two applications to temporarily appropriate a total of 2.87 acre-feet of water from Eldorado Creek which is tributary to Lolo Creek by John Jacobs for a small mining operation. A copy of the application is attached for your reference.

Would you please submit your comments no later than July 23, 2012? If we do not hear from you by that date, we will assume that no comment from you, means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Interim Program Manager

Encl/kf