

RECEIVED

AUG 31 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant DAVID & LINDA HERRING Phone (360) 969-0147
 Mailing address 1212 SHILO DRIVE City NAMPA
 State ID Zip 83687 Email LMGRUBER1@gmail.com

1. Source of water WASH CREEK tributary to S. BR. PAYETTE RIVER
 2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
8N	4E	12			NW	SE	BOISE	WASH CREEK	WASH NUGGETS

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	4E	12														X			

4. Proposed use of water:

a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation

☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: HIGH BANKING

b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

a. Maximum rate of diversion: _____ cfs; or 153 gpm.

b. Maximum daily volume: _____ AF; or 75,000 gallons.

c. Maximum volume over the duration of the request: 5 AF; or _____ gallons.

6. Duration of diversion: from AUG 10 (month-day) to AUG 9 (month-day).

7. Describe proposed diverting works: 5" SUCTION DREDGING AND/OR HIGH BANKING

8. a. Who owns the property at the requested point of diversion? BLM

b. Who owns the facilities that will convey water to the place of use? APPLICANT

c. Who owns the land to be irrigated or place of use? BLM

d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. BLM SERIAL # IMC 217688

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Signature of Applicant Linda Herring Title, if any Deputy BLM Date 8/14/2020

Received by LE Date 08/31/2020 Time 9:45AM
 \$50.00 fee received by LE # W048668 Date 08/31/2020
 Watermaster comments received? Emailed - no comment Date 10/07/20

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.

X 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendation of the watermaster.

This application is therefore hereby:

 A. DENIED

X 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 5.0 AF and a maximum rate of diversion of 153 CFS or 153 GPM.
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 or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
7. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
8. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
9. The holder of this temporary approval 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 values.
10. A ¼ inch mesh screen shall be installed on the pump intake.
11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
12. All equipment involved with transporting water shall be treated/sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. Contact the Idaho State Department of Agriculture (www.agri.idaho.gov) for specific recommendations at 208-332-8500 or by email to info@agri.idaho.gov.
13. This temporary use of water remains subject to control of the Payette River Watermaster.
14. This approval is subject to the availability of Payette River Rental Pool water to mitigate water losses and injury to existing water rights. This authorization will require the rental of 5.0 AF of water from the Payette River Rental Pool (2 AF minimum). Contact Payette River Watermaster, 208-642-4465.
15. This approval expires on 08/09/2021.

Signed this 16th day of October, 2020

For the Director 

WASH NUGGETS

CLAIM INFO

Wash Nuggets

20 acre unpatented placer claim

1350 feet of Wash Creek

Boise County, Township 8N, Range 4E,

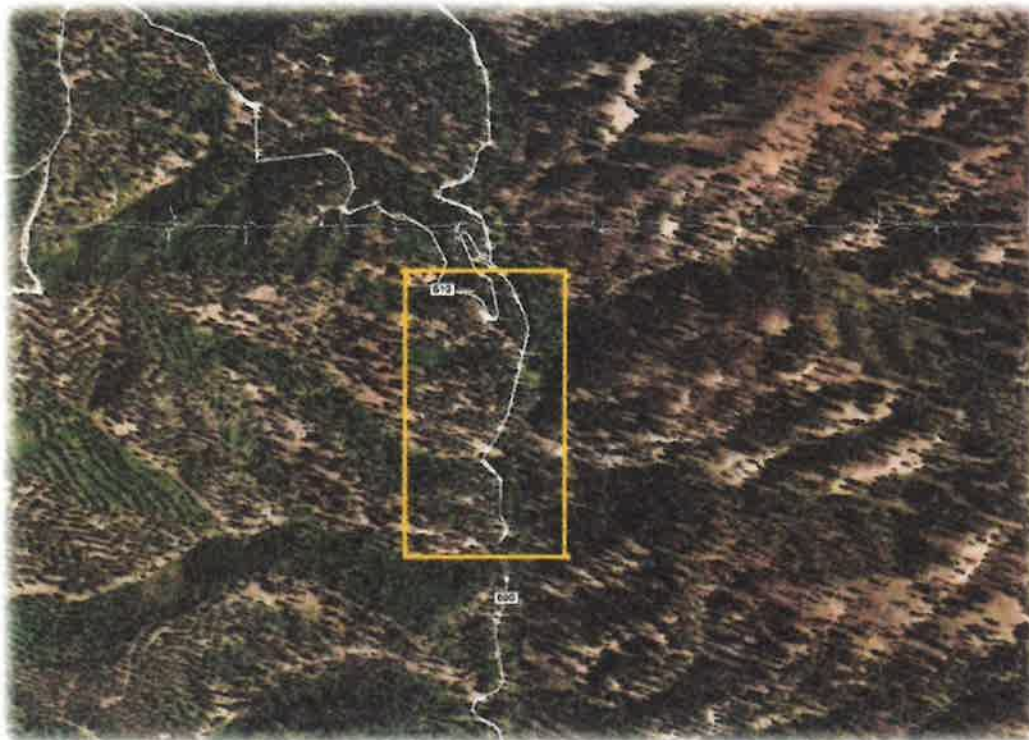
Section 12 SE 1/4

Claim Serial IMC 217688

GPS Coordinates

NW 44°02'42.5400"N, -115°55'35.0400"W
 NE 44°02'42.5400"N, -115°55'24.2400"W
 SE 44°02'29.0040"N, -115°55'24.2400"W
 SW 44°02'29.0040"N, -115°55'35.0400"W

NW 44.04515°N, -115.92640°W
 NE 44.04515°N, -115.92340°W
 SE 44.04139°N, -115.92340°W
 SW 44.04139°N, -115.92640°W



Driving Directions from

Boise: Take HWY 55 (from State Street aka HWY 44), north out of Boise towards McCall. You will stay on HWY 55 for approximately 42 miles, and make a right onto HWY 17 at Banks (heading towards Garden Valley/Lowman). Continue on HWY 17 for approximately 11.5 miles (about a mile past Garden Valley), turning right (south) on the Meadow Creek Rd. (NF615 that heads to Placerville). Stay on this for only a ¼ mile (just past the bridge over the Payette River), and make a left (east) onto South Fork Road and stay on this road for 0.6 miles. You will right (south) onto NF-690, and stay on this road for about 1.7 miles until you reach the mining claim. The claim is marked on the north and south boundaries along the road.

Water District No. 65

Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661

Watermaster
Ron Shurtleff

Phone (208) 642-4465
Fax (208) 642-1042
E-Mail waterdist65@srvinet.com

Water District No. 65 Rental Pool AGREEMENT TO RENT WATER FROM THE RENTAL POOL For the 20__ Irrigation Season

The local rental pool Committee of Water District No. 65, being authorized pursuant to Idaho Code Section 42-1765 to lease stored water from water users who own reservoir space and have excess supplies, and to rent said water to requesting parties, does agree to rent to _____ (entity), _____ Acre-Feet of storage space requested for _____ (use). This agreement is subject to the adopted procedures of the Water District No. 65 Rental Pool and execution of same by the party herein named.

Upon receipt of the information requested below, the Payette River Watermaster will release to you from storage, at the rate you specify, _____ Acre-Feet of stored water between _____ and _____.

Description of Point of Diversion:

Located in ____ ¼ ____ ¼, Sec. _____, T. _____, R. _____;

Other _____

On _____ Pump H.P. _____ Lift _____

Headgate _____ (canal name if appropriate)

Description of Place of Use:

Legal description: _____

Total acres to be irrigated: _____

_____, By: _____
(Name of Organization or Individual) (Signature) (Title)

_____, Dated this ____ day of _____, 20____.
(Address of Organization or Individual)

(Phone Number)

I have accepted the request of _____ to rent water from the Water District No. 65 Rental Pool this ____ day of _____, 20____.

Watermaster, Water District No. 65
Agent for the Rental Pool Committee



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 16, 2020

DAVID HERRING
LINDA HERRING
1212 SHILO DR
NAMPA ID 83687-3064

RE: Application for Temporary Approval of Water Use: TP-65-75

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on** August 09, 2021. The expiration date cannot be extended under this temporary approval.

Also note the condition requiring the **purchase of storage water from the Payette River Rental Pool** to mitigate the injury to senior water right holders below the Payette River. A Payette River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Payette River Watermaster, Ron Shurtleff at 208-642-4465 to complete the lease agreement prior to diverting water under this temporary approval.

If you have any questions, please feel free to contact this office at 208-334-2190 and any of our agents will be able to assist you.

Sincerely,

A blue ink signature of Chad Jones, written in a cursive style.

Chad Jones
Technical Records Specialist 1.

Enclosures

cc: RON SHURTLEFF, Water District 65.