

# ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

TP-94-73

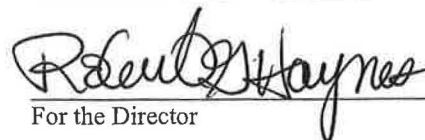
This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- \_\_\_ 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 5 AF and a maximum rate of diversion of 0.68 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 10/1/2009.
  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 29 day of May, 2009.

  
For the Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**  
(5 AF or less)

Name of Applicant Inland Empire 49ers Gold Club Phone 509 276-5540

Address Box 1054 Turret Wa 99034 Email \_\_\_\_\_

1. Source of water Potomac Creek Tributary to Beaver Creek

2. Location of point of diversion \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec. 10-11 Township 49. N, Range 4 E B.M.,  
County Shoshone

3. Location of place of use \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec. \_\_\_\_\_ Township \_\_\_\_\_, Range \_\_\_\_\_ B.M.,  
County \_\_\_\_\_

4. Proposed use of water Dust abatement fire control

RECEIVED  
MAY 29 2009  
IDWR/North

5. Amount of water:

Maximum rate of diversion 62 cfs or 200 gpm.

Maximum daily volume \_\_\_\_\_ AF; Total volume 5 AF.

6. Duration of diversion: From June 15 - 09 to 12-10, 1-09  
Day-month Day-month

7. Proposed diverting works \_\_\_\_\_

8. Who owns the property at the requested point of diversion? \_\_\_\_\_

9. Describe the arrangement allowing access to the water \_\_\_\_\_

10. Remarks \_\_\_\_\_

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.

May 21, 2009  
Date

John Hurd  
Applicant

Received by Dianne Date 5/21/09 Time \_\_\_\_\_  
\$50.00 fee receipted by Dianne # N022467 Date 5/21/09  
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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

06/08/2009

JOHN HENDRIX  
INLAND EMPIRE 49ERS GOLD CLUB  
PO BOX 1054  
TUMTUM WA 99034

RE: Temporary Permit No. TP-94-73

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-94-73.

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,

Robert G. Haynes, P.E.  
Regional Manager

Enclosure



## 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

May 20, 2009

John Hendrix  
Inland Empire 49er's Gold Club  
PO Box 1054  
Tumtum, WA 99034

Re: Application For Temporary Water Appropriation

Dear Mr. Hendrix:

It has been brought to the attention of the Idaho Department of Water Resources that the proposed use for your temporary water appropriation request is for dust abatement and fire protection rather than High Bank Mining as stated on the application. If this is correct you need to complete a new application with the correct use or, for your convenience, I've attached your original application which you can correct and resubmit if you wish.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin  
Senior Water Resources Agent  
Enclosure

**COPY**

## Franklin, Keith

---

**From:** Terra Berns, Mary [mary.terra-berns@idfg.idaho.gov]  
**Sent:** Tuesday, May 19, 2009 2:47 PM  
**To:** Franklin, Keith  
**Subject:** Inland Empire 49er's

Keith,

I just talked with John Hendrix (Inland Empire 49er's Gold Club – temp permit) and he explained to me that the 0.62 cfs will be used for dust abatement and fire protection not for high bank mining purposes. He explained that the mining activity is simply panning for gold in the stream. If the water is going to be used for dust abatement and fire protection we are ok with that use.

Mary

---

Please note new email address **mary.terra-berns@idfg.idaho.gov**

Mary Terra-Berns  
Environmental Staff Biologist  
Idaho Department of Fish & Game  
2885 W. Kathleen Ave.  
Coeur d'Alene, ID 83814  
208-769-1414 208-769-1418 fax  
[mary.terra-berns@idfg.idaho.gov](mailto:mary.terra-berns@idfg.idaho.gov)

5/19/2009



**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](http://www.idwr.idaho.gov)

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

**DAVID R. TUTHILL, JR.**  
Director

May 13, 2009

John Hendrix  
Inland Empire 49er's Gold Club  
PO Box 1054  
Tumtum, WA 99034

Re: Application For Temporary Water Appropriation

Dear Mr. Hendrix:

The Idaho Department of Water Resources has received a letter of concern from the Idaho Department of Fish and Game, copy of which is enclosed, regarding your recently submitted application.

Before the department can finalize your application, the concerns of Fish & Game need to be addressed. I suggest you contact Charles Corsi and once Fish & Game's issues have been satisfied, have them notify our department in writing. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin  
Senior Water Resources Agent  
Enclosure(s)

**COPY**



**IDAHO DEPARTMENT OF FISH AND GAME**

PANHANDLE REGION  
2885 West Kathleen Avenue  
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor  
Cal Groen/Director

May 11, 2009

Mr. Keith Franklin  
Idaho Department of Water Resources  
Northern Region  
7600 Mineral Drive, Ste 100  
Coeur d'Alene, ID 83815

**RECEIVED**

**MAY 13 2009**

**IDWR / NORTH**

Dear Keith:

**REFERENCE: INLAND EMPIRE 49er's GOLD CLUB**

We have reviewed the above-named application by the Inland Empire 49er's Gold Club to temporarily extract 0.62 cfs from Potosi Creek for high bank mining purposes. The application describes the location as T49N, R4E, Sections 10, 11, 22, and 23.

Potosi Creek does not fall in Sections 22 and 23; therefore, these sections should be removed from the application.

Westslope cutthroat trout, which is an Idaho State Species of Special Concern, inhabit the North Fork of the Coeur d'Alene River and may be found in Beaver Creek. Additionally, macro-invertebrates and other aquatic species inhabit the stream bottom, which provides food, nursery habitat, and hiding places. High bank mining causes extensive erosion and water quality is a concern. Fine sediment created by the mining process can cover the bottom gravel with silt.

The application does not describe any measures that will be used to protect water quality and prevent turbid water from entering the stream. We strongly recommend that the applicant describe BMPs for this project prior to considering this permit application. Fuel, oil and other waste products should be stored upland and prevented from entering the stream channel.

Thank you for your attention to this matter.

Sincerely,

Charles E. Corsi  
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG Boise

File: IDWR StarrMaterialLLC Protest

*Keeping Idaho's Wildlife Heritage*



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

### FAX TRANSMITTAL COVER SHEET

DATE: 5/4/09

TO: Mary Terra Berns

FROM: IDWR

FAX #: 208-762-1418

**NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:**  
**[www.idwr.state.id.us/info/forms.htm](http://www.idwr.state.id.us/info/forms.htm)**

**DOCUMENT DESCRIPTION:**

Application For Temp. Water Appropriation  
Inland Empire 49-ers Gold Club

TOTAL PAGES SENT: 3 PLUS (+) COVER SHEET

CONTACT:

Keith Franklin  
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

**PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.**

THE CHARGE FOR YOUR FAX COPIES IS \$ \_\_\_\_\_

**PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.**

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

**FAXED**





## 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

May 4, 2009

MARY TERRA BERNES  
IDAHO DEPARTMENT OF FISH & GAME  
2885 KATHLEEN AVE.  
COEUR D' ALENE, ID 83815

Re: Application For a Temporary Approval of a Water Appropriation

Dear MARY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 5 acre-feet of water from Potosi Creek, by the Inland Empire 49ers Gold Club for high bank mining purposes. A copy of the application is attached for your reference. Essentially, this is a renewal of the permit they have received the last couple of years.

Would you please submit your comments no later than May 12, 2009? 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](mailto: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  
Water Resources Agent

**FAXED**

Encl/kf