

TP-82-21

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 1.0 AF and a maximum rate of diversion of 0.002 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 10/1/09.
 - 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 22 day of June, 2009.


For the Director

RECEIVED

JUN 22 2009

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Indent. No. TP-82-21**IDWR/North****APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**

(5 AF or less)

- Name of Applicant Brian Neitzke & Rodger Martin Phone (208) 736-4547
- Address 1831 Teton Ct. Twin Falls ID 83301 Email tveng11@msn.com
- Source of water Newsome Creek Tributary to South Fork Clearwater River
 - Location of point of diversion NW 1/4 NW 1/4 Sec. 19 Township 30N, Range 7E B.M.,
County Idaho County
 - Location of place of use NW 1/4 NW 1/4 Sec. 19 Township 30N, Range 7E B.M.,
County Idaho County
 - Proposed use of water We intend to extract approx. 500 gal. of water from Newsome Creek for use in a closed and contained gold extraction recycling system for use during weekends from July 1st to Oct. 1st
 - Amount of water:
Maximum rate of diversion 1002 cfs or _____ gpm.
Maximum daily volume 0.6 AF; Total volume 0.6 AF.
 - Duration of diversion: From July 1st to Oct. 1st
Day-month Day-month
 - Proposed diverting works pumps and/or 5gal buckets to fill holding tank
 - Who owns the property at the requested point of diversion? Nez Perce National Forest
 - Describe the arrangement allowing access to the water Water will be removed from Newsome Creek by electric pumps and/or 5gal buckets
 - 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.

6-17-2009
Date

Brian & Neitzke / Rodger Martin
Applicant

Received by CM
\$50.00 fee received by CM
Watermaster Comments received? _____

Date 5-18-09
N020611

Time 8:24 AM
Date 5-18-09
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

DAVID R. TUTHILL, JR.
Director

06/26/2009

BRIAN NEITZKE & RODGER MARTIN
1831 TETON CT.
TWIN FALLS ID 83301

RE: Temporary Permit No. TP-82-21

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-82-21 . Enclosed is a copy of the paperwork with the number as issued, for your records.

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 black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

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
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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 23, 2009

Brian Neitzke
1831 Teton Ct.
Twin Falls, ID 83301

Re: Application For Temporary Water Appropriation

Dear Mr. Neitzke:

Enclosed please find your copy of the approved temporary water appropriation for mining purposes. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

June 1, 2009

Mr. Brian Neitzke
Mr. Rodger Martin
1406 Bitterroot Drive
Twin Falls, ID 83301

COPY

RE: Comments, temporary water appropriation from Newsome Creek for mining

Dear Messrs. Neitzke and Martin:

We received a copy of your application to the Idaho Department of Water Resources for a temporary water appropriation permit to withdraw 500 gallons (total) of water from Newsome Creek, Idaho County, for use in a closed and contained gold extraction recycling system. The mining activity will be conducted on weekends from July 1st to October 1st, 2009. 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, Newsome Creek is included in waterbody ID 17060305CL062 and is protected for cold water aquatic life and secondary contact recreation presumed beneficial uses. This waterbody ID is listed in section 4a of the Idaho 2008 Integrated Report and has a Total Maximum Daily Load allocation for temperature pollutants.

DEQ agrees that the temporary one-time withdrawal of a total 500 gallons of water from Newsome Creek should not impact water quality. In order to protect and maintain aquatic life beneficial uses, stream flow adequate to sustain existing aquatic life needs to be maintained (IDAPA 58.01.02.100.01). No waste water will be deposited back into Newsome Creek.

Thank you for the opportunity to comment on your 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 cursive script, appearing to read "John Cardwell".

John Cardwell
Acting Regional Administrator

CC: Keith Franklin, IDWR
Ray Hennekey, IDFG



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

May 27, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Brian Neitzke
1831 Teton Ct.
Twin Falls, ID 83301

Re: Application For Temporary Water Appropriation

Dear Mr. Neitzke:

The Idaho Department of Water Resources is returning your application since it's incomplete. Line items #2, #3, #5, #6, #7 and #8 on the application must be properly completed. As an example, items #2 and #3 must contain the 40 acre quarter quarter's, Township, Range and Section. A USGS topography map will assist you in identifying the proper locations for the diversion points and place of use.

In addition, Newsome Creek is located within the Salmon-Clearwater River Basins, which are now considered sensitive water basins. Each application within this sensitive area must undergo close scrutiny to ensure IDWR is not negatively impacting sensitive ESA (Endangered Species Act) species.

IDWR has developed a process by which each application is reviewed. Idaho State Code requires "approval is in the public interest and a determination that the temporary approval will not injure the public values associated with the water source or any other water right". Therefore, the applicant must obtain comments regarding their proposal from the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality (DEQ), to make sure the proposed use will not harm sensitive species or public values.

Attached is an information sheet which explains the process. For a temporary water appropriation application, you are only required to seek comments from Fish & Game and DEQ. I have highlighted the contacts on page one for your convenience. When the applicant provides this information to the IDWR, the northern regional staff will continue with the processing of the application.

Please provide IDWR with the agency comments and a USGS map showing the location of the point or points of diversion and place of use within the next 30 days, so as not to delay processing.

COPY

Regent, change of address. KB



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

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

May 25, 2009

Mr. Brian Neitzke and Mr. Rodger Martin
1406 Bitterroot Drive
Twin Falls, ID 83301

COPY

Dear Sirs:

REFERENCE: APPLICATION FOR TEMPORARY APPROVAL OF TWO WATER RIGHT APPROPRIATIONS

IDFG has reviewed your draft application for a temporary appropriation of approximately 500 gallons of water from Newsome Creek for mining gold from placer mine tailings. You indicate in the application that you would withdraw water using a pump and/or 5 gallon buckets to wash tailings materials away from the creek. You wish to withdraw water on weekends between July 1 and October 1, 2009.

Newsome Creek is closed to mining to protect outstanding aquatic resources. However, your application indicates that you do not intend to mine in the creek; rather, you will be using the water to wash remnant tailing spoils away from the stream.

Based on the size of the proposed withdrawal, the duration of the activity, and the limited flow information we have been able to obtain for Newsome Creek, IDFG does not anticipate that the proposed withdrawal will have an adverse effect on fish, wildlife or stream habitat. We have no objection to the proposed withdrawal of water from Newsome Creek, not to exceed 500 gallons, as long as all other required state and federal permits are secured for the proposed activity.

If you use a pump, please note that water intakes must be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thanks for the opportunity to review your proposal.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gl

c: Sharon Kiefer
Keith Franklin, IDWR CDA
John Cardwell, DEQ Lewiston

Keeping Idaho's Wildlife Heritage



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 20, 2009

Brian Neitzke
1406 Bitterroot Dr.
Twin Falls, ID 83301

Re: Application For Temporary Water Appropriation

Dear Mr. Neitzke:

The Idaho Department of Water Resources is returning your application since it's incomplete. Line items #2, #3, #5, #6, #7 and #8 on the application must be properly completed. As an example, items #2 and #3 must contain the 40 acre quarter quarter's, Township, Range and Section. A USGS topography map will assist you in identifying the proper locations for the diversion points and place of use.

In addition, Newsome Creek is located within the Salmon-Clearwater River Basins, which are now considered sensitive water basins. Each application within this sensitive area must undergo close scrutiny to ensure IDWR is not negatively impacting sensitive ESA (Endangered Species Act) species.

IDWR has developed a process by which each application is reviewed. Idaho State Code requires "approval is in the public interest and a determination that the temporary approval will not injure the public values associated with the water source or any other water right". Therefore, the applicant must obtain comments regarding their proposal from the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality (DEQ), to make sure the proposed use will not harm sensitive species or public values.

Attached is an information sheet which explains the process. For a temporary water appropriation application, you are only required to seek comments from Fish & Game and DEQ. I have highlighted the contacts on page one for your convenience. When the applicant provides this information to the IDWR, the northern regional staff will continue with the processing of the application.

Please provide IDWR with the agency comments and a USGS map showing the location of the point or points of diversion and place of use along with the resubmitted application, within the next 30 days, so as not to delay processing.

COPY

For your convenience, I've enclosed a new application form to be resubmitted. If you have any questions, feel free to contact me at this office

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure



United States
Department of
Agriculture

Forest
Service

Nez Perce National Forest
Red River Ranger District

P.O. Box 416
Elk City, ID 83525-0416
208 842-2245
TTY 208 842-2935

File Code: 2810

Date: April 30, 2009

Brian Neitzke
Rodger Martin
1406 Bitterroot Drive
Twin Falls, ID

COPY

Dear Messrs. Neitzke and Martin:

I am in receipt of your Plan of Operation, submitted by you on April 14, 2009 and received by this office on April 15.

Due to the inability of other claimants with proposals in the Newsome Creek drainage to obtain water use permits from the Idaho Department of Water Resources, we will be unable to process your proposal until you have obtained a water use permit for your project. When you obtain and submit a copy of the water use permit to us, we will proceed with the analysis of your Plan.

Thank you for submitting your proposal to us. If you have any questions, feel free to call Marty or me at (208)842-2245. We look forward to hearing from you.

Sincerely,

TERRY NEVIUS
District Ranger

