

TP-82-19

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 0.6 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 11/30/09.
 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 values.
 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

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STATE OF IDAHO

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Indent. No.

TP-82-19

MAY 14 2009

IDWR / NORTH

DEPARTMENT OF WATER RESOURCES

IDWR/North

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

Name of Applicant Press Thomas Phone (208) 983-0472
 Address P.O. Box 114, Grangeville, Id. 83530 Email CasaThomas@MSN.com
 1. Source of water Newsome Creek Tributary to S. Fork of the Clearwater
 2. Location of point of diversion NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 Township 30N, Range 6E B.M.,
 County Idaho
 3. Location of place of use NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 Township 30N, Range 7E B.M.,
 County Idaho
 4. Proposed use of water Mining. Water to be recycled.

5. Amount of water:

Maximum rate of diversion _____ cfs or 1 gpm.Maximum daily volume .003 AF; Total volume _____ AF.6. Duration of diversion: From May 15 to Nov 30
Day-month Day-month7. Proposed diverting works 3/4 ABS pipe, gravity feed8. Who owns the property at the requested point of diversion? Nez Perce National Forest9. Describe the arrangement allowing access to the water trail 826

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.

April 23, 2009
Date

Press Thomas
Applicant

Received by WJ
 \$50.00 fee receipted by WJ
 Watermaster Comments received? _____

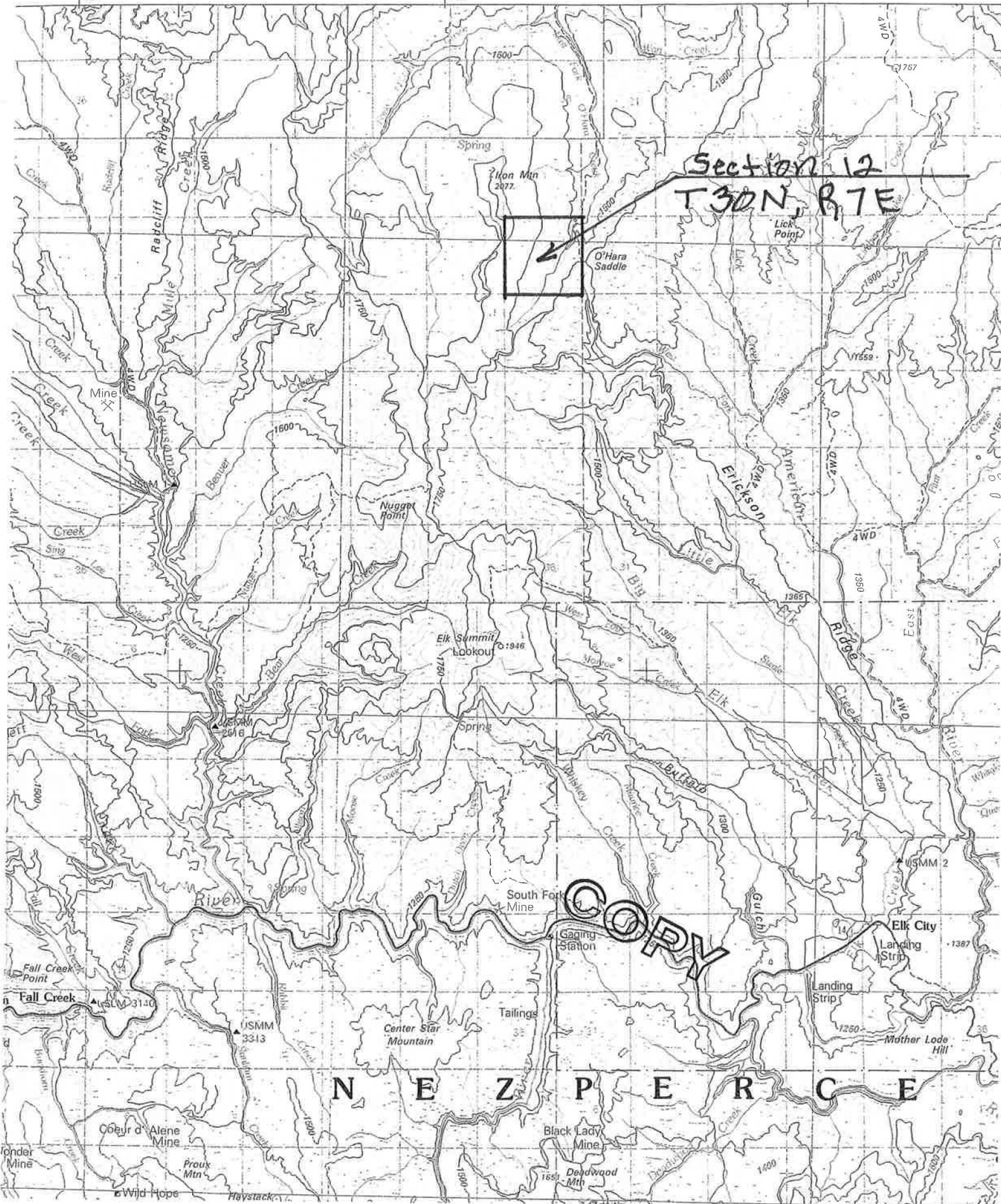
Date 4-24-09
 # N020393

Time _____
 Date 4-24-09
 Date _____

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APR 24 2009

IDWR / NORTH





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

06/08/2009

PRESS THOMAS
PO BOX 114
GRANGEVILLE ID 83530

RE: Temporary Permit No. TP-82-19

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-82-19 .

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

May 11, 2009

Press Thomas
PO Box 114
Grangeville, ID 83530

Re: Application For Temporary Water Appropriation

Dear Mr. Thomas:

The Idaho Department of Water Resources is returning your application to with draw water from Newsome Creek for mining purposes. The application states the diversion from Newsome Creek and use will take place within Section 12, Township 30 North, Range 7 East. As you can see by the attached topography map, Newsome Creek is not in Section 12. Please correct the application to the correct Section, Township, Range and resubmit.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor

Cal Groen/Director

May 5, 2009

Mr. Press Thomas
PO Box 114
Grangeville, ID 83530

Dear Mr. Thomas:

REFERENCE: APPLICATION FOR TEMPORARY APPROVAL OF TWO WATER RIGHT APPROPRIATIONS

IDFG has reviewed your draft application for a temporary appropriation of water from Newsome Creek and from Tipi Creek for mining. You propose to withdraw water using gravity feed through a $\frac{3}{4}$ inch pipe. You have asked to withdraw up to 1.0 gpm, the total volume not to exceed 0.003 AF. You indicate that you wish to withdraw water sporadically between May 15 and November 30, 2009.

Both Newsome Creek and Tipi Creek are closed to mining to protect resources. However, you indicated in a phone conversation that you do not intend to mine in either creek; rather, you will be using the water to wash remnant mine spoils away from the streams.

Based on the size of the proposed withdrawal and the duration of the activity, IDFG does not anticipate that the proposed withdrawals will have an adverse effect on fish, wildlife or stream habitat. We have no objection to the proposed withdrawals as long as all other required state and federal permits are secured for the proposed activity.

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,

A handwritten signature in cursive script, reading "Dave Cadwallader".

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gl

c: Sharon Kiefer
Keith Franklin, IDWR CDA

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
Toni Hardesty, Director

April 29, 2009

Mr. Press Thomas
P.O. Box 114
Grangeville, ID 83530

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MAY - 1 2009

IDWR/North

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

Dear Mr. Thomas:

We received a copy of your application to the Idaho Department of Water Resources for a temporary water appropriation permit to withdraw 1.0 gallon per minute, maximum daily volume 0.003 acre feet from May 15th through Nov. 30th from Tipi Creek and Newsome Creek, Idaho County, for mining with a ¾ ABS pipe through gravity feed. 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 withdrawal of 1.0 gpm of water from Newsome Creek should not impact water quality. Flow data for Tipi Creek however, is not included with the request for comment; therefore, DEQ cannot determine if removal of 1.0 gpm will impact existing aquatic life beneficial uses in Tipi Creek. 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). We recommend that stream flow be maintained at a level suitable to protect and maintain aquatic life during the withdrawal and at no time should the stream be allowed to go dry as a result of legally appropriated and allowable water withdrawals. No waste water will be deposited back into Tipi Creek or 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 black ink, reading "Kerby M. Cole". The signature is fluid and cursive, with the first name "Kerby" being more prominent.

Kerby M. Cole, P.E.
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
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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 28, 2009

Press Thomas
PO Box 114
Grangeville, ID 83530

Re: Application For Temporary Water Appropriation

Dear Mr. Thomas:

The Idaho Department of Water Resources (IDWR) is in receipt of your two applications to temporarily appropriate water, for a small mining operation, on Newsome and Tippi Creeks. Before processing can begin, IDWR will need the following additional information;

Newsome and Tippi Creeks are 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 of diversions and place of use within the next 30 days, so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

COPY

Keith E. Franklin
Senior Water Resources Agent
Enclosure