

JUL 01 2020

ID No. TP-65-74STATE 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 Hynek Phone (208) 780-9203
 Mailing address 7210 San Fernando Dr City Boise
 State ID Zip 83704 Email fixitdah@gmail.com
 1. Source of water South Fork Payette tributary to 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	¼	¼	¼	County	Source	Local name or tag #
8N	5E	6	11	SE	SW		Boise	SF Payette River	

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	5E	6																	

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: mining (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: .11 cfs; or 50 gpm.
 b. Maximum daily volume: _____ AF; or 15,000 gallons.
 c. Maximum volume over the duration of the request: _____ AF; or 15,000 gallons.

6. Duration of diversion: from 7-2-2020 (month-day) to 10-1-2020 (month-day).7. Describe proposed diverting works: 2 inch Pump for washing Dirt in High Bank8. a. Who owns the property at the requested point of diversion? US Forest Serviceb. Who owns the facilities that will convey water to the place of use? David Hynekc. Who owns the land to be irrigated or place of use? N/Ad. 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. Public land non Applicable

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

Title, if any

Date

Received by LEDate 07/01/2020Time 12:50pm\$50.00 fee received by LE# W048454Date 07/01/2020Watermaster comments received? emailed - rental poolDate 07/08/2020

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.
 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
- ☒ 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 0.1 AF and a maximum rate of diversion of 50 CFS or 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 2.0 AF of water from the Payette River Rental Pool (2 AF minimum). Contact Payette River Watermaster, 208-642-4465.
 15. This approval expires on October 1st, 2020.

Signed this 12th day of August, 20 20


For the Director

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

Attachment to Application for Temporary Approval of Water Use

This map depicts the MINING point of diversion and place of use boundary for this temporary approval of water use and is attached to the approval document solely for illustrative purposes.



Legend

- POD & POU
- Township/Range
- Sections

Miller, Nick

From: Miller, Nick
Sent: Wednesday, August 12, 2020 6:24 PM
To: 'fixitdah0'
Cc: Jones, Chad
Subject: RE: Application for Temporary approval of water use - Highbank Mining South Fork Payette River (TP-65-74)

Here is the response I got from our stream channel folks:

Yes, if he plans to use the highbanker below the OHWM he would need a letter permit, assuming he is within the section listed "open" on our rec. mining map. If the highbanker is placed outside of the stream channel and above the OHWM, he would not need the letter permit, but he would need to incorporate some sort of settling basin so the material discharged from the highbanker is not discharged back into the stream.

Also, DEQ has taken primacy of the IPDES permits, formally known as the NPDES issued by the EPA. He would likely need this permit as well and should contact DEQ for permitting.

So, the bottom line is that I will go ahead and issue the temporary water use approval so you are covered as to diverting water to process the sediments.

I'll see that it is emailed to you tomorrow.

Nick.

From: Miller, Nick
Sent: Wednesday, July 29, 2020 11:20 AM
To: 'fixitdah0' <fixitdah0@gmail.com>
Subject: RE: Application for Temporary approval of water use - Highbank Mining South Fork Payette River

Thanks for the quick response. The application proposes "High Banking" – we normally interpret that to be processing sediments above the mean high water mark. Since you will be working exclusively below the mean high water mark, I believe your proposed use might be better characterized as dredging (even though you likely won't be processing sediments within the wetted channel), so you may not even need this temporary application and might be ok with just a recreational dredging letter permit, but I want to confirm this with our stream channel folks.

I will get back to you once I hear from them. Should be later today or tomorrow.

Nick.

From: fixitdah0 [<mailto:fixitdah0@gmail.com>]
Sent: Tuesday, July 28, 2020 5:41 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: Application for Temporary approval of water use - Highbank Mining South Fork Payette River

The area is open to camping which gives me access to the river and the river bank below the high water mark is open to recreational mining which is what I would like to do when granted the water use permit



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

August 13, 2020

DAVID HYNEK
7210 W SAN FERNANDO DR
BOISE ID 83704-5950

RE: Application for Temporary Approval of Water Use: TP-65-74

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** October 01, 2020. 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 handwritten signature in black ink, appearing to read 'Chad Jones'.

Chad Jones
Technical Records Specialist I

Enclosures