

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

- ☐ A. The application for temporary approval should be denied because _____
- ☒ 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 recommendations 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 of the use of the water under this approval.
 3. This approval authorizes a maximum diversion volume of 0.12 AF and a maximum rate of diversion of 0.11 cfs.
 4. This approval does not grant a right-of-way across the land of another.
 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. Water shall not be diverted under this right when flows in the Red River are below minimum flow amounts as defined by Right 82-12233. The right holder shall be responsible for monitoring the daily flow of the Red River using real-time data and shall cease diverting water when flows in the Red River are below established minimum flow amounts.
 7. This approval does not create a continuing right to use water.
 8. 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.
 9. 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.
 10. Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 3/32 inches; approach velocities should not exceed 0.5 ft/second.
 11. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
 12. Direct discharge of waste water/slurry is not authorized under this approval.
 13. A copy of the approved permit MUST be with pump when diverting.
 14. Other: _____
 15. This approval expires on 01 August 2021.

Signed this 3rd day of August, 2020.


Adam Frederick, Water Right Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 3, 2020

WINFRED J FLANIGAN
11826 E MANSFIELD AVE
SPOKANE VLY WA 99206-4717

RE: Application for Temporary Approval of Water Use: TP-82-75

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 01, 2021. The expiration date cannot be extended under this temporary approval.

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

If you require additional information regarding this matter, please call me at (208) 762-2800 or email me at Luke.Bates@idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Luke Bates'.

Luke Bates
Water Resource Agent.

Enclosure(s): Approved application

Bates, Luke

From: Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Sent: Monday, August 3, 2020 9:15 AM
To: Bates, Luke
Subject: RE: IDWR Temp Approval

Hi Luke,

For this application I recommend the NOAA screening requirements to prevent entrainment of fish. Pump intakes should use 3/32" mesh screen and approach velocities at the intake should not exceed 0.5 feet per second.

Thank you,

Zach Swearingen
Environmental Staff Biologist
Idaho Department of Fish and Game - Clearwater Region
3316 16th St
Lewiston, ID 83501
208-799-5010



From: Bates, Luke <Luke.Bates@idwr.idaho.gov>
Sent: Monday, July 27, 2020 9:55 AM
To: Sujata.Connell@deq.idaho.gov; Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Subject: IDWR Temp Approval

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.12 acre-feet of water from Siegel Creek, tributary to Red River, for placer mining/exporation, by Winfred Flanigan. A copy of the application is attached for your reference.

Would you please submit your comments no later than **3 August, 2020**. 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.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent

Bates, Luke

From: Sujata.Connell@deq.idaho.gov
Sent: Wednesday, July 29, 2020 2:02 PM
To: Bates, Luke
Subject: RE: IDWR Temp Approval
Attachments: WATER RIGHT Winfred Flanigan 07-29-2020.pdf

Luke,

Find DEQ's comment on the temporary water appropriation from Siegel Creek attached. I am also emailing a copy to the applicant. Let me know if you have any questions.

Thanks,

Sujata



Sujata Connell | Water Quality Manager
Idaho Department of Environmental Quality
1118 F Street, Lewiston, ID 83501
Office: (208) 799-4370
<http://www.deq.idaho.gov/>

From: Bates, Luke [mailto:Luke.Bates@idwr.idaho.gov]
Sent: Monday, July 27, 2020 9:55 AM
To: Sujata Connell; Swearingen,Zachary
Subject: IDWR Temp Approval

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.12 acre-feet of water from Siegel Creek, tributary to Red River, for placer mining/exporation, by Winfred Flanigan. A copy of the application is attached for your reference.

Would you please submit your comments no later than **3 August, 2020**. 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.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

Brad Little, Governor
John H. Tippetts, Director

July 29, 2020

Luke Bates
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Application for Temporary Water Appropriation for Mining

Dear Mr. Bates:

We received a request for comment on the 2020 application for a temporary water appropriation with a maximum rate of diversion of 50 gallons per minute and a maximum volume of 40,000 gallons for the duration of the request from Siegel Creek from August 1, 2020 through August 1, 2021. The withdrawal point is identified as Township 28N, Range 9E, and Section 8. Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

The withdrawal location is on Siegel Creek. The site is in waterbody ID17060305CL050_02. Siegel Creek is listed in Category 4a of Idaho's 2016 Integrated Report as not supporting the designated beneficial uses of cold water aquatic life and salmonid spawning due to temperature impairment. The designated beneficial use of secondary contact recreation is unassessed at this time.

Data collected on July 11, 2007, showed a flow rate of 1 cubic foot per second (cfs). Based on this we are concerned that there may not be sufficient flow outside the seasonal high flow period to support the designated beneficial uses. We recommend that the legally appropriated withdrawal be made during periods of seasonal high flow or at a minimum, flows greater than 1 cfs. 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). At no time should the stream be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

At no time should process water taken from Siegel Creek be allowed to return directly back into Siegel Creek. If significant process water exists, it should be filtered through a pond/hole well above the high water mark and allowed to dissipate through the bottom of the pond, providing the land owner approves of this activity.

Mr. Luke Bates

July 29, 2020

Page 2

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call me at (208) 799-4370, or Sujata.Connell@deq.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sujata Connell".

Sujata Connell

Regional Water Quality Manager

c: Winfred J. Flanigan, Spokane, WA
EDMS

Bates, Luke

From: Bates, Luke
Sent: Monday, July 27, 2020 9:55 AM
To: 'Sujata.Connell@deq.idaho.gov'; 'Swearingen,Zachary'
Subject: IDWR Temp Approval
Attachments: Winfred Flanigan Temp Application Basin 82.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.12 acre-feet of water from Siegel Creek, tributary to Red River, for placer mining/exporation, by Winfred Flanigan. A copy of the application is attached for your reference.

Would you please submit your comments no later than **3 August, 2020**. 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.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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 accordance with Idaho Code § 42-202A.

Name of applicant Winfred J. FLANIGAN Phone 509 570-2659
 Mailing address E11826 MANFIELD City SPOKANE
 State WA Zip 99206 Email WINFLANIGAN@AOL.COM
 1. Source of water Siegel Creek tributary to Red 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 #
28N	9E	8			M/W	M/E	IDAHO	Siegel Creek	

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	
28N	9E	8			X												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: Placer Mining Exploration

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 _____ gallons.

c. Maximum volume over the duration of the request: _____ AF; or 40,000 gallons.

6. Duration of diversion: from Aug 1, 2020 (month-day) to Aug 1, 2021 (month-day).

7. Describe proposed diverting works: gas 50 gpm into pond

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

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

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

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. According to Plan of Operation

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.

Winfred J. Flanigan
Signature of Applicant

Owner
Title, if any

July 27, 2020
Date

Received by JK Date 7-27-2020 Time _____

\$50.00 fee received by JK # N036290 Date 7-27-2020

Watermaster comments received? _____ Date _____

09 E

28 N



X Pod
O Pou