

JUN 24 2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEPT OF WATER RESOURCES  
SOUTHERN REGION

## APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

JUN 29 2020

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.

WATER RESOURCES  
WESTERN REGION

Name of applicant Tanna Nelson Phone 452 237 3234  
 Mailing address 322 E Baseline City Rupert  
 State Id Zip 83350 Email t.p.nelson11@gmail.com  
 1. Source of water See #2 Below tributary to See attached  
 2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement See attached

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
4n	10E	21				nw	elmore	Red Warrior Creek	
1en	9E	34				SE SE	elmore	Middle Fork Boise River	

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement See attached

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1en	9E	34																	
1en	9E	35										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: 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: \_\_\_\_\_ cfs; or 35 gpm.

b. Maximum daily volume: \_\_\_\_\_ AF; or 10,000 gallons.

c. Maximum volume over the duration of the request: \_\_\_\_\_ AF; or 160,000 gallons.

6. Duration of diversion: from 7/1/20 (month-day) to 10/31/20 (month-day).

7. Describe proposed diverting works: pump in water to mining equipment

8. a. Who owns the property at the requested point of diversion? USFS 9mb

b. Who owns the facilities that will convey water to the place of use? Nupa claims

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

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. IMC 194896, 177701, 177702

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 S.G.Date 6-24-2020Time 11:25 am\$50.00 fee received by S.G.# 3037999Date 6-24-2020

Watermaster comments received?

Emailed - no comment / need rental poolDate 07/07/20

**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 1.0 AF and a maximum rate of diversion of 35 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](http://www.agri.idaho.gov)) for specific recommendations at 208-332-8500 or by email to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
13. This temporary use of water remains subject to control of the Boise River Watermaster.
14. This approval is subject to the availability of Boise 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 Boise River Rental Pool (2 AF minimum). Contact Boise River Watermaster, 208-908-5480.
15. This approval expires on 10/31/2020.

Signed this 28<sup>th</sup> day of July, 2020

  
For the Director

Ident. No. \_\_\_\_\_

JUN 24 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION



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DEPT OF WATER RESOURCES  
SOUTHERN REGION

BOISE RIVER RENTAL POOL LEASE AGREEMENT  
FOR 20 20

The Committee of Water District No. 63 being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Boise River Rental Pool by water users who own reservoir space and have excess supplies for the current year, does agree to sell Tanna Nelson (entity), 20 acres A.F. of water requested for (use). This agreement is subject to the adopted Rules and Regulations of the Boise River Rental Pool and execution of same by the party herein named.

Upon receipt of \$ 40. and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify 20 A.F. of stored water between 6/17 and 10/31 of 20 20.

Description of point of diversion:

Located in 1/4 1/4, Sec.       , T.       , R.       ;

Other: Boise River

On Source: Middle Fork, Crooked River

Pump H.P.        Lift       

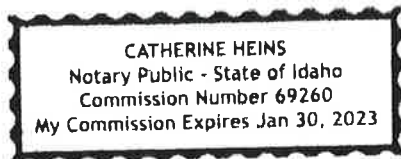
Headgate        (canal name if appropriate)

Description of place of use:

Legal Description:       

Total number of acres irrigated       

Dated this 6/17 day of June 20 20.



Tanna Nelson  
(name)

322 E Baseline Rd  
(address)  
Rupert Id 83350  
(435) 237-3234

State of Idaho )  
County of Minidoka

On this 23<sup>rd</sup> day of June 20 20, before me the undersigned Notary Public in and for said county and state, personally appeared Tanna Nelson, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the day and year in this certificate first written.

[Signature]  
Notary Public in and for Idaho  
Residing at: 612 5<sup>th</sup> St. Rupert Id 83350

I have accepted the request of        to purchase water from the Boise River Rental Pool this        day of        20       .

Watermaster, Water District No. 63

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS  
(MASS) Serial Register Page**

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**01 10-21-1976;090STAT0090;43USC1744**

**Case Type 384201: PLACER CLAIM**

**Claim Name: NUPA 5**

**Case Disposition: ACTIVE**

**Required Maintenance Fee: \$660.00**

**Total Acres**

**70**

**Serial Number**

**IMC194896**

**Lead File Number**

**IMC194896**

<b>Name &amp; Address</b>	<b>Interest Relationship</b>
FAUSETT LISA 1424 W 1820 S WOODS CROSS, UT 84087-2237	CLAIMANT
FAUSETT LONNIE 160 CUTLER DR NORTH SALT LAKE, UT 84054-2966	CLAIMANT
FAUSETT RYAN 2166 S 1425 W WOODS CROSS, UT 84087-2220	CLAIMANT
NORTHERN UTAH PROSPECTORS ASSN PO BOX 13301 OGDEN, UT 84412-3301	CLAIMANT

<b>County / State</b>	<b>District</b>
ELMORE COUNTY, ID	BOISE DISTRICT OFFICE

<b>Mer Twp Rng Sec</b>	<b>Subdivision</b>
08 0060N 0090E 034	SE
08 0060N 0090E 035	SW

<b>Act Date</b>	<b>Code</b>	<b>Action Text</b>	<b>Action Remarks</b>	<b>Receipt Number</b>
01/25/2008	403	LOCATION DATE		
03/28/2008	395	RECORDATION NOTICE RECD	1	1679095
05/13/2019	483	SMALL MINER CERT FILED	2020	
05/13/2019	480	EVID OF ASSMT FILED	2019	4452976
05/18/2018	483	SMALL MINER CERT FILED	2019	
05/18/2018	480	EVID OF ASSMT FILED	2018	4166470
08/11/2017	480	EVID OF ASSMT FILED	2017	3932959
03/20/2017	483	SMALL MINER CERT FILED	2018	
12/22/2016	480	EVID OF ASSMT FILED	2016	3727875
12/19/2016	483	SMALL MINER CERT FILED	2017	
03/03/2016	483	SMALL MINER CERT FILED	2016	
08/27/2015	480	EVID OF ASSMT FILED	2015	3381382
08/27/2014	483	SMALL MINER CERT FILED	2015	
08/27/2014	480	EVID OF ASSMT FILED	2014	3114207
12/30/2013	480	EVID OF ASSMT FILED	2013	2942528
04/01/2013	483	SMALL MINER CERT FILED	2014	
11/07/2012	480	EVID OF ASSMT FILED	2012	2558012
04/27/2012	483	SMALL MINER CERT FILED	2013	
08/31/2011	480	EVID OF ASSMT FILED	2011	2425078
03/14/2011	483	SMALL MINER CERT FILED	2012	
11/12/2010	480	EVID OF ASSMT FILED	2010	2246044

**NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM**

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS**

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03/29/2010	483	SMALL MINER CERT FILED	2011	
11/02/2009	480	EVID OF ASSMT FILED	2009	2028330
03/23/2009	483	SMALL MINER CERT FILED	2010	
10/14/2008	480	EVID OF ASSMT FILED	2008	1804575
04/14/2008	483	SMALL MINER CERT FILED	2009	
03/28/2008	484	LOCATION YEAR / MAINTENAN	2008	1679095
03/30/2020	392	MONIES RECEIVED	\$15.00;1	4720832
05/17/2019	171	CHANGE OF NAME RECEIVED	NORTHCUTT LISA	
05/13/2019	170	ADDRESS CHANGE FILED	FAUSETT LONNIE	
05/13/2019	486	UNACCEPTABLE WAIVER	2020	
12/19/2016	396	TRF OF INTEREST FILED	FAUSETT NALIN 2	3708676
12/19/2016	396	TRF OF INTEREST FILED	FAUSETT NALIN 1	3708676
08/31/2016	486	UNACCEPTABLE WAIVER	2017	
01/22/2016	393	DECISION/NOTICE ISSUED	2016 WAIVER DEF	
08/27/2015	486	UNACCEPTABLE WAIVER	2016	
08/27/2014	170	ADDRESS CHANGE FILED	FAUSETT NALIN	
08/27/2014	170	ADDRESS CHANGE FILED	FAUSETT LONNIE	
12/17/2012	396	TRF OF INTEREST FILED	FAUSETT MARION	2710224
04/01/2008	669	LAND STATUS CHECKED		
03/28/2008	501	ACCT ADV IN LEAD FILE	IMC194896;	
03/28/2008	500	MAP IN LEAD FILE	IMC194896;	
01/29/2008	404	COUNTY RECORDATION	395092;0;0	

**Line Nr**

**Remarks**

0002	DEATH CERT & DEED REC'D 12/19/2016; EFF 12/15/2016
0001	TRANSFER REC'D 12/17/2013; EFFECTIVE 3/10/2013
0003	LOC/MAP SCANNED 04/2018

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS  
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**01 10-21-1976;090STAT0090;43USC1744**

**Total Acres**

**Serial Number**

**Case Type 384201: PLACER CLAIM**

**20**

**IMC177701**

**Claim Name: NUPA 1**

**Case Disposition: ACTIVE**

**Lead File Number**

**Required Maintenance Fee: \$165.00**

**IMC177701**

<b>Name &amp; Address</b>	<b>Interest Relationship</b>
BERRY ANTHONY H 716 W 885 S BRIGHAM CITY, UT 84302-3064	CLAIMANT
WOOD CURTIS M 1219 MOUNTAIN RD LOGAN, UT 84321-4916	CLAIMANT

<b>County / State</b>	<b>District</b>
ELMORE COUNTY, ID	BOISE DISTRICT OFFICE

<b>Mer Twp Rng Sec</b>	<b>Subdivision</b>
08 0040N 0100E 021	NW

<b>Act Date</b>	<b>Code</b>	<b>Action Text</b>	<b>Action Remarks</b>	<b>Receipt Number</b>
06/21/1996	403	LOCATION DATE		
06/27/1996	395	RECORDATION NOTICE RECD		
09/11/2019	483	SMALL MINER CERT FILED	2020	
08/22/2019	480	EVID OF ASSMT FILED	2019	4539909
08/16/2018	483	SMALL MINER CERT FILED	2019	
08/16/2018	480	EVID OF ASSMT FILED	2018	4236908
08/25/2017	483	SMALL MINER CERT FILED	2018	
08/25/2017	480	EVID OF ASSMT FILED	2017	3959423
08/22/2016	483	SMALL MINER CERT FILED	2017	
08/22/2016	480	EVID OF ASSMT FILED	2016	3637171
08/19/2015	483	SMALL MINER CERT FILED	2016	
08/19/2015	480	EVID OF ASSMT FILED	2015	3370957
08/27/2014	483	SMALL MINER CERT FILED	2015	
08/27/2014	480	EVID OF ASSMT FILED	2014	3114192
08/26/2013	480	EVID OF ASSMT FILED	2013	2864967
08/12/2013	483	SMALL MINER CERT FILED	2014	
08/13/2012	483	SMALL MINER CERT FILED	2013	
08/13/2012	480	EVID OF ASSMT FILED	2012	2628706
08/18/2011	483	SMALL MINER CERT FILED	2012	
08/18/2011	480	EVID OF ASSMT FILED	2011	2408607
08/05/2010	483	SMALL MINER CERT FILED	2011	
08/05/2010	480	EVID OF ASSMT FILED	2010	2184820
08/20/2009	483	SMALL MINER CERT FILED	2010	
08/20/2009	480	EVID OF ASSMT FILED	2009	1982931
08/11/2008	483	SMALL MINER CERT FILED	2009	
08/11/2008	480	EVID OF ASSMT FILED	2008	1757838

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**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS**

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08/01/2007	483	SMALL MINER CERT FILED	2008	
08/01/2007	480	EVID OF ASSMT FILED	2007	1534641
08/18/2006	483	SMALL MINER CERT FILED	2007	
08/18/2006	480	EVID OF ASSMT FILED	2006	1337915
08/29/2005	483	SMALL MINER CERT FILED	2006	
08/29/2005	480	EVID OF ASSMT FILED	2005	1139977
08/20/2004	483	SMALL MINER CERT FILED	2005	
08/20/2004	480	EVID OF ASSMT FILED	2004	933696
11/14/2003	480	EVID OF ASSMT FILED	2003	784214
08/22/2003	483	SMALL MINER CERT FILED	2004	
09/09/2002	480	EVID OF ASSMT FILED	2002	557680
08/19/2002	483	SMALL MINER CERT FILED	2003	
12/19/2001	480	EVID OF ASSMT FILED	2001	424632
08/27/2001	483	SMALL MINER CERT FILED	2002	
11/03/2000	480	EVID OF ASSMT FILED	2000	181487
08/31/2000	483	SMALL MINER CERT FILED	2001	
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08/28/1996	483	SMALL MINER CERT FILED	1997	
06/27/1996	482	MAINTENANCE FEE/\$100	1996	
08/22/2019	486	UNACCEPTABLE WAIVER	2020	
08/18/1998	379	REFUND AUTHORIZED	REFUND OKED	
07/01/1996	669	LAND STATUS CHECKED		
06/27/1996	500	MAP IN LEAD FILE	IMC177701-177702;	
06/27/1996	501	ACCT ADV IN LEAD FILE	IMC177701-177702;	
06/27/1996	404	COUNTY RECORDATION	294286;0;0	

**Line Nr**

**Remarks**

0001

LOC/MAP SCANNED 03/2018



**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS**

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**01 10-21-1976;090STAT0090;43USC1744**

**Total Acres**

**Serial Number**

**Case Type 384201: PLACER CLAIM**

**20**

**IMC177702**

**Claim Name: NUPA 2**

**Case Disposition: ACTIVE**

**Lead File Number**

**Required Maintenance Fee: \$165.00**

**IMC177701**

Name & Address		Interest Relationship
BERRY ANTHONY H		CLAIMANT
716 W 885 S	BRIGHAM CITY, UT 84302-3064	
WOOD CURTIS M		CLAIMANT
1219 MOUNTAIN RD	LOGAN, UT 84321-4916	

County / State	District
ELMORE COUNTY, ID	BOISE DISTRICT OFFICE

Mer Twp Rng Sec	Subdivision
08 0040N 0100E 021	NW SW

Act Date	Code	Action Text	Action Remarks	Receipt Number
06/21/1996	403	LOCATION DATE		
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08/14/1998	483	SMALL MINER CERT FILED	1999	
08/14/1998	480	EVID OF ASSMT FILED	1998	
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09/02/1997	480	EVID OF ASSMT FILED	1997	
11/12/1996	480	EVID OF ASSMT FILED	1996	
08/28/1996	483	SMALL MINER CERT FILED	1997	
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08/18/1998	379	REFUND AUTHORIZED	REFUND OKED	
07/01/1996	669	LAND STATUS CHECKED		
06/27/1996	500	MAP IN LEAD FILE	IMC177701;	
06/27/1996	501	ACCT ADV IN LEAD FILE	IMC177701;	
06/27/1996	404	COUNTY RECORDATION	294285;0;0	

**Line Nr**

**Remarks**



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

Brad Little  
Governor

Gary Spackman  
Director

July 30, 2020

TANNA NELSON  
322 E BASELINE RD  
RUPERT ID 83350-9762

RE: Application for Temporary Approval of Water Use: TP-63-344

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 31, 2020. The expiration date cannot be extended under this temporary approval.

Also note the condition requiring the **purchase of storage water from the Boise River Rental Pool** to mitigate the injury to senior water right holders below the Boise River. A Boise River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Boise River Watermaster, Rex Barrie at 208-908-5480 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, and any of our agents will be able to assist you.

Sincerely,

Chad Jones  
Technical Records Specialist

Enclosures.