

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 08 2020

DEPARTMENT OF
WATER RESOURCES

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

AMENDED

Name of applicant Michael Sperry Phone (208) 353 7493
 Mailing address 2546 W Santa Clara Dr. City Meridian
 State ID Zip 83642 Email BASS 02070@yahoo.com
 1. Source of water Grimes Creek tributary to _____

2. Location of point(s) of diversion. If more than two, attach a

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
<u>7N</u>	<u>5E</u>	<u>NE</u>		<u>SW</u>	<u>NE</u>		<u>Boise</u>	<u>Grimes Creek?</u>	
<u>7N</u>	<u>5E</u>	<u>NE</u>		<u>SE</u>	<u>NE</u>		<u>Boise</u>	<u>Grimes Creek.</u>	

SEE ATTACHED

3. Location of place of use. If more rows are needed, attach a

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
SEE	ATTACHED																		

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 bank King

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 70 gpm. Est From 2 inch hoseb. Maximum daily volume: _____ AF; or 21,000 gallons. 70 gpm At 5 hrs daily.c. Maximum volume over the duration of the request: 4.5 AF; or 1,470,000 gallons. Thats absolute max.6. Duration of diversion: from 7/8/2020 (month-day) to 9/30/2020 (month-day).7. Describe proposed diverting works: pulling water from Grimes Creek to high bank.8. a. Who owns the property at the requested point of diversion? BLM

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

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

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. This land is a claim from Boise chapter 6PAA.

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 [Signature] Title, if any _____ Date 7/4/2020

Received by KM Date 7-8-2020 Time 2:30
 \$50.00 fee received by KM # C108649 Date 4/22/2020
 Watermaster comments received? _____ Date _____

Payment has been made. Spoke with Alex Dalglish on this. FHT

AMENDED

AMENDED

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 4.5 AF and a maximum diversion rate of 0.15 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. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
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. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: see attached

12. This approval expires on SEPTEMBER 30, 2020

Signed this 27th day of JULY, 20 20.


For the Department

Approval Conditions Attachment for TP-63-341 Michael Sperry

- 12 The temporary approval is subject to the availability of Water District No. 63 Rental Pool water to mitigate water losses and injury to existing water rights. Prior to diversion and use of water the recipient of this temporary approval must contact Water District 63 Watermaster at 208-908-5480.
- 13 This temporary approval may be subject to control of Water District No. 63 Watermaster.
- 14 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
- 15 The Idaho Department of Fish and Game requires a fish screen to be installed and maintained at the point(s) of diversion.
- 16 This temporary approval does not authorize the discharge of wastewater or slurry directly into any body of water.
- 17 Prior to diversion and use of water under this approval, the right holder shall obtain Bureau of Land Management (BLM) authorization necessary to access the point of diversion or place of use or to convey water across BLM land. Specifically, the right holder shall notify the BLM *Four Rivers Field Office* to establish if a Notice of Intent or Plan of Operations should be filed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TP-63-341
Ident. No. 63-341

Point of Diversion/Place of Use Supplement

Temporary

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
<input type="checkbox"/> Yes	7N	5E	3	14		NE	NE	Boise	Grimes Creek	
<input type="checkbox"/> Yes	7N	5E	3			SE	NE	Boise	Grimes Creek	
<input type="checkbox"/> Yes	7N	5E	3			SW	NE	Boise	Grimes Creek	
<input type="checkbox"/> Yes	7N	5E	3			NW	SE	Boise	Grimes Creek	
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	5E	3	X		X	X						X							

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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

Name of applicant Michael Sperry Phone (208) 353 7493
 Mailing address 2546 W Santa Clara Dr. City Meridian
 State ID Zip 83642 Email BASS 020704@yahoo.com

1. Source of water Grimes Creek tributary to _____
 2. Location of point(s) of diversion. If more than two, attach a ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
<u>7N</u>	<u>5E</u>	<u>NE</u>		<u>SW</u>	<u>NE</u>		<u>Boise</u>	<u>Grimes Creek?</u>	
<u>7N</u>	<u>5E</u>	<u>NE</u>		<u>SE</u>	<u>NE</u>		<u>Boise</u>	<u>Grimes Creek.</u>	

3. Location of place of use. If more rows are needed, attach a ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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 bank King

- 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 70 gpm. Est from 2 inch hose
 b. Maximum daily volume: _____ AF; or 21,000 gallons. 70 gpm at 5 hrs daily.
 c. Maximum volume over the duration of the request: _____ AF; or _____ gallons. That's absolute max.

6. Duration of diversion: from 7/8/2020 (month-day) to 9/30/2020 (month-day).

7. Describe proposed diverting works: pulling water from Grimes Creek to high bank.

8. a. Who owns the property at the requested point of diversion? BLM
 b. Who owns the facilities that will convey water to the place of use? _____
 c. Who owns the land to be irrigated or place of use? _____
 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. This land is a claim from Boise chapter 6PAA.

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 [Signature] Title, if any _____ Date 7/4/2020

Received by KM Date 7-8-2020 Time 2:30
 \$50.00 fee received by KM # C108649 Date 4/22/2020
 Watermaster comments received? _____ Date _____

Payment has been made. Spoke with Alex Dalgleish on this. FRT

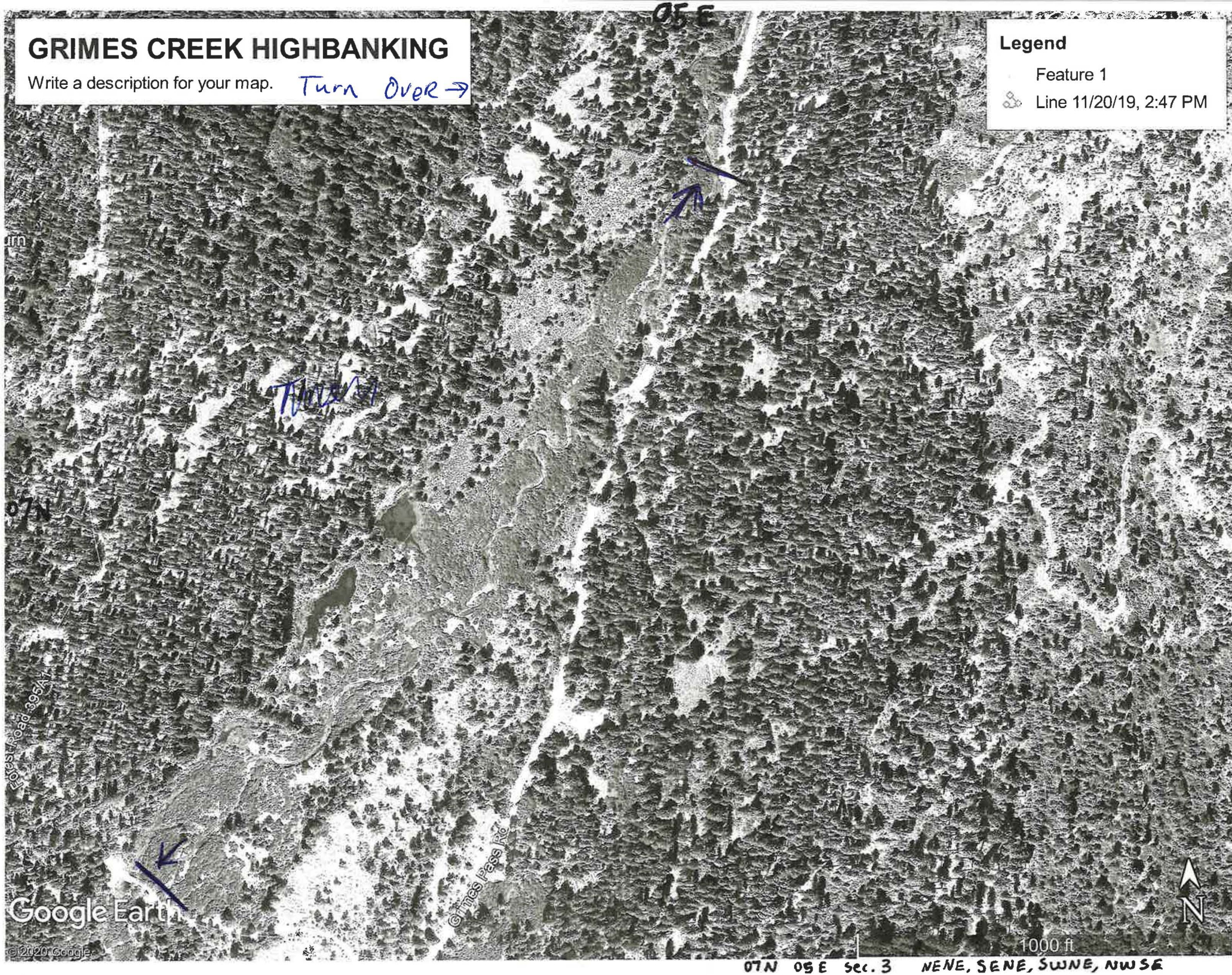
276FHC000000

GRIMES CREEK HIGHBANKING

Write a description for your map. *Turn Over →*

Legend

- Feature 1
- Line 11/20/19, 2:47 PM



The area within the mounds are the claim
boundaries that we will be working
with.

We will observe all rules of high banking.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 22 2020

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 duration in accordance with DEPARTMENT OF
WATER RESOURCES

Name of applicant Michael E Sperry Phone (208) 353-7493
Mailing address 2546 W Santa Clara DR. City Meridian
State ID Zip 83642 Email BASS 02070@yahoo.com

1. Source of water _____ tributary to _____
2. Location of point(s) of diversion. If more than two, attach a ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
								Ponds	Mrs Lucy
								Ponds	Paymaster Golden Rule

club
claims

3. Location of place of use. If more rows are needed, attach a ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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: HighBanking
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 _____ gpm.
b. Maximum daily volume: _____ AF; or 12,000 EST gallons.
c. Maximum volume over the duration of the request: _____ AF; or _____ gallons.
6. Duration of diversion: from _____ (month-day) to _____ (month-day).
7. Describe proposed diverting works: _____
8. a. Who owns the property at the requested point of diversion? _____
b. Who owns the facilities that will convey water to the place of use? _____
c. Who owns the land to be irrigated or place of use? _____
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. GPAA membership
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 Michael E Sperry Title, if any Boss Date 4-20-2020

Received by KU Date 4-22-2020 Time 12:00
\$50.00 fee received by KU # C108649 Date 4-22-2020
Watermaster comments received? _____ Date _____

I HAVE LITTLE ACCESS TO CLAIMS OR PROPERTY RIGHT NOW BUT WANTED TO COVER ANY NEW PLACES TO PROSPECT AND WILL OBSERVE THE RULES OF THE AREA. Page 1 of 2

2025/03/12



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 27, 2020

MICHAEL SPERRY
2546 W SANTA CLARA DR
MERIDIAN ID 83642-4363

RE: Application for Temporary Approval of Water Use: TP-63-341

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** September 30, 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 require additional information regarding this matter, please call me at (208) 287-4913 or email me at Alex.Dagleish@idwr.idaho.gov.

Sincerely,

Alex Dagleish
Water Resource Agent

Enclosure(s) Receipt
, Rental Pool Lease Agreement

cc: REX BARRIE, Water District 63.

MEMORANDUM

Date: July 27, 2020
To: Temporary Application For Water Use Review
From: Alex Dalglish
Re: Temporary Water Use Application TP-63-341

Applicant: The Department received this application for temporary approval of water use on 7/8/2020 from Michael Sperry. The applicant proposes to divert water from Grimes Creek, tributary to the Boise River for mining activities using a highbanker. Water diversions are requested from July 8 to September 30, 2020. The place of use (POU) and point of diversion (POD) are both located NE of Pioneerville, ID. According to the application, the proposal will accomplish an intended objective of pumping water with a 2 inch hose.

The Department previously received a temporary approval of water use application from Mr. Sperry on 4/22/2020. The Department did not process this application as it was largely incomplete. Furthermore, Mr. Sperry called the Department on 4/23 stating he wished to cancel the application due to EPA restrictions preventing him from highbanking in the area.. Therefore, no number was assigned to the application. The prior \$50 application fee will be applied from the first temporary approval to this temporary request on Grimes Creek.

This application proposing diversions from Grimes Creek was also incomplete. The PLSS description on the application for the POD was missing the Section information and the POU description was left blank. Furthermore, the application did not list a maximum volume over the duration of the request. Based on the application map, I was able to determine that the POD and POU are in the Government Lot 14 in the NENE QQ, the SENE QQ, the SWNE QQ and the NWSE QQ, all in Section 3, Township 7N and Range 5E. The map's depiction will be used as the basis for the POU and POD. I called and emailed Mr. Sperry on 7/9/2020 to discuss the missing information on the application. He returned my call on 7/13 and he authorized me to make the corrections on his behalf as well as to use the application map as the basis for the POU/POD locations.

The maximum volume over the duration of the request was determined by taking the maximum daily volume of 21,000 cfs and multiplying it by 70 days (70 days was determined from diversions occurring every day from July 24-September 30th). The outcome is approximately 1,470,000 gallons or 4.5 AF.

Proper Administration: The proposal is within Water District 63. Watemaster Rex Barrie or assistant Watermaster Mike Meyers could administer the use if necessary.

Public Interest: Based on the information available, the proposal is within the public's interest.

Injury to Public Values: Based on the information available, the proposal does not appear to cause injury to public values. On 7/9/2020, comments were requested from the IDFG, DEQ and BLM. No comments reading the application have been received from the IDFG or DEQ as of the date of this memo, so it is assumed there are no concerns. The BLM submitted comments on 7/22 requesting that the applicant install a fish screen at the diversion intake. Additionally, the BLM requested the applicant notify the Four Rivers Field Office of the BLM to assess if a Notice of Intent of Plan of Operations is necessary for the proposed activities on Grimes Creek.

Other Sources of Water: Based on the POD/POU location, there are no other sources of water. It is reasonable for the applicant to request diversion from Grimes Creek as it appears to be the only source of water flowing through the proposed area.

Injury to Existing Water Rights: Approximately 0.3 miles below the proposed area of diversion, BLM water right 63-29086 authorizes the diversion of 0.02 cfs from Grimes Creek for stockwater use. The POU for this right also overlaps the proposed POU for this temporary approval. No injury is anticipated to this right due to the low diversion rate and dispersed area of use. Below 63-29086, the next water right authorizing diversion from Grimes Creek is 63-29343, for stockwater and wildlife use by the BLM. This right is approximately 4 miles downstream. Due to the distance between the POD for 63-29086 and the diversion locations under this temporary approval, no injury is anticipated to 63-29086.

2020 temporary approvals 63-321 and 63-322 also authorize diversions from Grimes Creek within the same reach requested by this temporary approval. 63-321 authorizes 0.06 (25GPM) cfs and a total of 5 AF to be diverted from April 1st through November 1st 2020. 63-322 also grants the diversion of 0.06 and 5 AF but from both Grimes Creek and nearby Big Muddy Creek to the west. This temporary approval is authorized to divert water from May 1, 2020 to May 1, 2021.

The mining use proposed by this temporary approval will presumably be non-consumptive and should not cause injury to the water rights mentioned above or other rights below the POD. Injury to other water rights is not anticipated.

The application proposes diverting 70 gpm, maximum daily volume of 21,000 gallons and 1,470,000 gallons over the duration of the request. 1,470,000 gallons equates to 4.5AF which is within the 5.0 AF maximum allowed.

Department Staff and Watermaster Comments: Comments were submitted to Nick Miller at Western Region and to watermasters Rex Barrie and Mike Meyers of Water District # 63 on 7/9/2020. Mike responded on 7/10/2020 with the requirement that the applicant rent water from WD # 63 rental pool.

Western responded on 7/13 suggesting to solicit comments from the Baumhoff's, who are a family owning large tracts of land along Grimes Creek. In the past, they have experienced issues with trespassing relating to small scale mining activities from Grimes Creek. It is good practice to notify them of proposed diversions from Grimes Creek and the surrounding tributaries. Although Nick did not anticipate this temporary approval encroaching on their land, he suggested to notify them of the

proposal. I sent the Baumhoffs a courtesy email on 7/13 and they responded the same day with no concerns.

Dalgleish, Alex

From: Keeler, David A <dkeeler@blm.gov>
Sent: Wednesday, July 22, 2020 3:28 PM
To: Larsen, Joseph S; Price, Fredric W
Cc: Dalgleish, Alex; Lund, Christopher A; Clifford, Thomas (TJ) J
Subject: Re: [EXTERNAL] Temporary Approval 63-341

All, after review of the application, we have the following comments:

From our fisheries biologist:

Grimes Creek is categorized by IDEQ 4A (not supporting beneficial uses due to temperature) and 4C (not supporting due to physical substrate habitat alterations). Grimes Creek is redband trout habitat, so a filter/screen needs to be in place to prevent capture of fish in the piping of water from the creek. (This is usually a condition on the IDWR permit).

From geologist:

There are five active Notices/Plans on BLM land in T. 7N., R. 5E, Sec. 3, but this application is not for one of those five. If approved, it should be mentioned to the applicant they need to Notify the BLM Four Rivers Field Office to see if they need to file a Notice of Intent or a Plan of Operations. Use of high bankers often does not fit in the casual use category, so we would need to know what they are doing in order to determine their appropriate level of use.

Please let me know if you have any other questions/concerns.

David Keeler
Geologist
Bureau of Land Management
Boise District Office
3948 Development Ave.
Boise, ID 83705
208-384-3315 (office)
208-384-3326 (fax)
dkeeler@blm.gov

From: Larsen, Joseph S <jslarsen@blm.gov>
Sent: Thursday, July 9, 2020 4:14 PM
To: Keeler, David A <dkeeler@blm.gov>; Price, Fredric W <fwprice@blm.gov>
Subject: FW: [EXTERNAL] Temporary Approval 63-341

Hey,

This was sent to me. Look like we have 14 days to comment.

Thanks,

- Joe Larsen
(208) 373-3887

From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Sent: Thursday, July 9, 2020 4:05 PM
To: Larsen, Joseph S <jslarsen@blm.gov>; lance.holloway@deq.idaho.gov; bill.bosworth@idfg.idaho.gov
Subject: [EXTERNAL] Temporary Approval 63-341

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 4.5 acre-feet of water from the Grimes Creek, for recreational mining, by Michael Sperry. A copy of the application is attached for your reference.

*Note the application was amended to clarify the points of diversion, place of use and volume of water over the duration of the request. I have attached an amended application for reference. On the attached map, the Mr. Sperry proposes to divert water and highbank on Grimes Creek between the hashed lines.

Please submit your comments within 14 days, no later than July 22, 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 temporary approval.

Comments are preferred to be received by e-mail to alex.dalglish@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

Dalgleish, Alex

From: annabaumhoff@cableone.net
Sent: Monday, July 13, 2020 9:02 PM
To: Dalgleish, Alex
Subject: RE: Temporary Approval of Water Use 63-341

Alex - It appears to be above our northern property boundary on BLM Land. But a lot of that area has different mining claims owned by different people - Anna

Anna Baumhoff
Baumhoff & Company, LLC
A/P & A/R
5150 Montecito Pl
Boise ID 83704
208-375-3720
Email: baumhoff@cableone.net

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Monday, July 13, 2020 10:42 AM
To: Baumhoff@cableone.net
Subject: Temporary Approval of Water Use 63-341

To whom it may concern,

The Department of Water Resources is seeking comment from your you, regarding an application to temporarily appropriate 4.5 acre-feet of water from the Grimes Creek, for recreational mining, by Michael Sperry. A copy of the application is attached for your reference.

*Note the application was amended to clarify the points of diversion, place of use and volume of water over the duration of the request. I have attached an amended application for reference. On the attached map, the Mr. Sperry proposes to divert water and highbank on Grimes Creek between the hashed lines.

Please submit your comments no later than July 22, 2020.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalgleish, Alex

From: Miller, Nick
Sent: Monday, July 13, 2020 10:33 AM
To: Dalgleish, Alex
Subject: RE: Temporary Approval 63-341

Hi Alex,

My only comment is that I normally email a copy of any temporary mining uses from Grimes Creek to Baumhoff@cableone.net. The Baumhoffs have an unusual land ownership on Grimes Creek that came about from, I think, a patented mining claim. They own quite a bit of the length of the stream and something like 100' on either side of the mean high water mark... not sure of the specifics, but their land ownership creates some access issues and they have expressed to me in the past that they have quite a bit of trouble with people trespassing on their land for mining. So, I have typically emailed them a courtesy copy of temporary approvals from Grimes Creek and tribs so they are aware of what we have approved.

This particular application does not appear to use their land, so it is OK to approve, but I would still email them a courtesy copy of any approval.

Nick.

From: Dalgleish, Alex
Sent: Thursday, July 09, 2020 4:21 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: Temporary Approval 63-341

Nick

The State Office is seeking comment from your agency, regarding an application to temporarily appropriate 4.5 acre-feet of water from the Grimes Creek, for recreational mining, by Michael Sperry. A copy of the application is attached for your reference.

*Note the application was amended to clarify the points of diversion, place of use and volume of water over the duration of the request. I have attached an amended application for reference. On the attached map, the Mr. Sperry proposes to divert water and highbank on Grimes Creek between the hashed lines.

Please submit your comments within 14 days, no later than July 22, 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 temporary approval.

Comments are preferred to be received by e-mail to alex.dalgleish@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Alex Dalgleish

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Friday, July 10, 2020 8:27 AM
To: 'mikemeyerswd63@gmail.com'
Subject: RE: Temporary Approval 63-341

Mike,

I gave other respective agencies 2 weeks to submit comments or concerns. If approved I will condition the application with the requirement to rent water and will update you on the Departments decision once it has been made.

Thanks.

From: mikemeyerswd63@gmail.com [mailto:mikemeyerswd63@gmail.com]
Sent: Friday, July 10, 2020 8:22 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>; WATERDISTRICT63@QWESTOFFICE.NET
Subject: RE: Temporary Approval 63-341

Alex,

We have no objections along as they rent water from the rental pool thanks. Let me know if this gets approved. Have a great weekend.

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Thursday, July 9, 2020 4:08 PM
To: mikemeyerswd63@gmail.com; WATERDISTRICT63@QWESTOFFICE.NET
Subject: Temporary Approval 63-341

Dear Watermasters of District 63,

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 4.5 acre-feet of water from the Grimes Creek, for recreational mining, by Michael Sperry. A copy of the application is attached for your reference.

*Note the application was amended to clarify the points of diversion, place of use and volume of water over the duration of the request. I have attached an amended application for reference. On the attached map, the Mr. Sperry proposes to divert water and highbank on Grimes Creek between the hashed lines.

Please submit your comments within 14 days, no later than July 22, 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 temporary approval.

Comments are preferred to be received by e-mail to alex.dalgleish@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Dalglish, Alex

From: Dalglish, Alex
Sent: Thursday, July 9, 2020 3:22 PM
To: 'mike sperry'
Subject: Highbanking Temporary Approval on Grimes Creek
Attachments: 63-341 OG Application.pdf; 63-341 Amended Application.pdf

Mr. Sperry,

The Department of Water Resources received your temporary approval of water use application yesterday. Upon initial review, there is some missing information and clarification is needed on other items as well.

I attempted to call you this afternoon and left you a voice message. The incomplete items on the application are:

- **Item 2- Location of point(s) of diversion.** This area is incomplete as the Section is not listed on the Public Land Survey System (PLSS) description. However, based on the map you included with the application, the points of diversion are in the following PLSS locations:
 - Govt. Lot 14 in the NENE quarter-quarter of Section 3, Township 7 North, Range 5 East.
 - SENE quarter-quarter of Section 3, Township 7 North, Range 5 East.
 - SWNE quarter-quarter of Section 3, Township 7 North, Range 5 East
 - NWSE quarter-quarter of Section 3, Township 7 North, Range 5 East
- **Item 3- location of place of use.** This section is completely blank on the application. The Department cannot issue a temporary approval if we do not know where the water will be used. Again, based on the map provided with the application, the place of use is in the following PLSS locations (which are the same as the point of diversion PLSS descriptions above):
 - Govt. Lot 14 in the NENE quarter-quarter of Section 3, Township 7 North, Range 5 East.
 - SENE quarter-quarter of Section 3, Township 7 North, Range 5 East.
 - SWNE quarter-quarter of Section 3, Township 7 North, Range 5 East
 - NWSE quarter-quarter of Section 3, Township 7 North, Range 5 East
- **5.c.- maximum volume over the duration of the request.** The application proposes to diver a maximum of 70 gallons per minute and 21,000 gallons per day. The timeline of diversion requested is from July 8- September 30th. The Department will submit comments to the Bureau of Land Management, Department of Environmental Quality and the Idaho Water Resource Board. We typically give them 2 weeks to submit comments/concerns. So, if the request is approved, it would occur approximately on July 24, 2020. From July 24th- September 30th is approximately 70 days. So, 21,000 gallons per day (70 gallons per minute X 60 minutes=4,200 gallons per hour X 5 hours= 21,000 gallons daily) multiplied by the maximum diversion of 70 gallons per minute is approximately 1,470,000 gallons or 4.5 AF over the duration of the request.

Please contact me by phone or email if you would like to discuss the changes/clarifications described above. I have attached the original application as well as an amended version for your reference.

Thank you,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, May 28, 2020 5:01 PM
To: Grimm, Angie; Hersley, Jean
Subject: RE: Temporary Water Use for Michael Sperry

No, I haven't received a withdrawal letter or similar documentation from Mr. Sperry.

From: Grimm, Angie
Sent: Thursday, May 28, 2020 5:00 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: RE: Temporary Water Use for Michael Sperry

Jean & Alex,

Did Mr. Sperry ever send anything in to withdraw this temp app? I just have the file on my desk... Just curious.

Thanks,
Angie

From: Hersley, Jean
Sent: Thursday, April 23, 2020 10:30 AM
To: Shaul, Sarah <Sarah.Shaul@idwr.idaho.gov>
Cc: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>; Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: RE: Temporary Water Use for Michael Sperry

I believe we can refund his application fee for the Temporary Water Right. He will need to let the Water Rights section know his wants to withdraw his application and request a refund in writing.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Shaul, Sarah
Sent: Thursday, April 23, 2020 10:09 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Temporary Water Use for Michael Sperry

Jean,

Yesterday (4/22), we received payment and applications from a Mr. Michael Sperry for Rec Mining Letter Permit and Temporary Water Use—totally \$60. I received a voicemail from Mr. Sperry stating that he wants to cancel his Letter Permit and Temporary Water Use applications. The locations he was looking at are not open under EPA rules, so he's not able to work in those areas.

My question is: can Mr. Sperry be refunded for the Temporary Water Use application and can his application be "cancelled"? I can cancel and request a refund for his Letter Permit, but I didn't know how or if Water Rights would refund his Temporary Water Use.

Let me know how I should proceed.

*Best Regards,
Sarah Shaul*

Technical Records Specialist
sarah.shaul@idwr.idaho.gov
208-287-4958

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Idaho Department of Water Resources Receipt

Receipt ID: C108649

Payment Amount \$60.00 Date Received 4/22/2020 Region STATE
Payment Type Check Check Number 6133
Payer SPERRY, MICHAEL E

Comments RECREATIONAL MINING AUTHORIZATION LETTER PERMIT
FOR MICHAEL E. SPERRY
TEMPORARY APPROVAL OF WATER APPROPRIATION FOR MICHAEL E. SPERRY
FOR PONDS: MRS LUCY & PAYMASTER GOLDEN RULE

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$10.00	DREDGE PERMITS	57102	0229	21		1155
\$50.00	PERMITS	56103	0229	21		1155



Signature Line (Department Representative)

