



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

RECEIVED

C.L. "BUTCH" OTTER  
Governor

APR 28 2016

GARY SPACKMAN  
Director

DEPARTMENT OF  
WATER RESOURCES

April 26, 2016

DAVID MAYBERRY  
PO BOX 1103  
RATHDRUM ID 83858

RE: Temporary Permit No. TP-94-166

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-94-166.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

The Idaho Department of Fish & Game (IDFG) now requires a Special Use Permit if their property is to be used for a point of diversion.

To contact IDFG in Coeur d'Alene, call 208-769-1414; and in Lewiston, call 208-799-5010.

If you have any questions, or if this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case  
Northern Regional Manager

Enclosure Copy of TP-94-166

RECEIVED

Basin 94

ID No.

TP-94-166

RECEIVED

APR 28 2016

STATE OF IDAHO

APR 19 2016

DEPARTMENT OF  
WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

## IDWR / NORTH

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: David Mayberry Phone: 2086593711Mailing address: Box 1103 City: RothmanState: ID ZIP: 83636 Email: N/A1. Source of water: eagle cr. tributary to Prishard

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
05E	50N	14		NW	NW		Shoshone	eagle creek	

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05E	50N	14						X											

4. Describe proposed use of water: Small scale mining / Recreational prospecting

5. Amount of water:

Maximum rate of diversion 0.03 cfs or 15 gpm.Maximum daily volume 0.01 AF; total volume 1 AF.6. Duration of diversion: from 4/14 (day-month) to 12/30 (day-month).7. Describe proposed diverting works: high banker8. a. Who owns the property at the requested point of diversion? ~~USFS~~ USFSb. Who owns the land to be irrigated or place of use? ~~USFS~~ USFS

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

9. Additional 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.

Signature of applicant

Date

Received by db Date 4/19/16 Time 4/19/16\$50.00 fee receipted by db # N031848 Date 4/19/16

Watermaster comments received? Date

# 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 1.0 AF and a maximum rate of diversion of 0.03 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 does not create a continuing right to use water.
  - 7. 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.
  - 8. 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.
  - 9. The Idaho Department of Fish & Game (IDFG) now requires a Special Use Permit if their property is to be used for a point of diversion. IDFG contact in Coeur d'Alene ~ 208-769-1414, and in Lewiston ~ 208-799-5010.
  - 10. 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 e-mail to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
  - 11. Direct discharge of waste water slurry into rivers, creek, or streams is not authorized.
  - 12. This approval expires on 12/31, 2016.

Signed this 26 day of April, 2016.

  
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 Manager, Northern Region  
 For the Director





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 19, 2016

KIIRA SIITARI  
IDAHO DEPARTMENT OF FISH & GAME  
2885 KATHLEEN AVE  
COEUR D' ALENE, ID 83815

Re: Application for a Temporary Approval of Water Appropriation

Dear Kiira:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 1.0 acre-feet of water from East Fork Eagle Creek for mining operations, by David Mayberry. A copy of the application is attached for your reference.

Would you please submit your comments no later than April 26, 2016? 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.

You send comments by regular mail to the above address, by FAX to 208-762-2819 or by e-mail to [adam.frederick@idwr.idaho.gov](mailto:adam.frederick@idwr.idaho.gov).

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Adam Frederick  
Water Resource Agent

Encl/af

## Frederick, Adam

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**From:** Frederick, Adam  
**Sent:** Tuesday, April 19, 2016 10:53 AM  
**To:** 'Siitari, Kiira'  
**Subject:** Temporary Water Appropriation  
**Attachments:** Temporary David Mayberry.pdf

Kiira,  
Attached for your review and comment, please find an application to temporarily appropriate 1.0 acre feet of water from the East Fork Eagle Creek for mining by David Mayberry. If you have any questions, don't hesitate to give me a call.

Thanks,  
Adam

Adam Frederick  
Water Resource Agent  
Idaho Department of Water Resources  
Northern Regional Office  
Phone 208-762-2800