

TP-63-191

RECEIVED

JAN 02 2015

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## 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: Ronald G or Danni M Smith Phone: 208 629-0894Mailing address: 4140 N Mountain Sky Ln City: BoiseState ID ZIP 83704 Email: rgs68dms@yahoo.com1. Source of water: Grimes Creek tributary to Boise River

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
5N	4E	3			NW	SE	BOISE	Grimes 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	
5N	4E	3														X	X		

4. Describe proposed use of water Recreational mining and dust abatement on dredge piles. BLM mining claim IMC209147 Auric Magda

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 80 gpm.Maximum daily volume \_\_\_\_\_ AF; total volume 2.0 AF.6. Duration of diversion: from 01 March (day-month) to 30 October (day-month).7. Describe proposed diverting works: 5 hp pump 2" suction/2" discharge - 50' hose8. a. Who owns the property at the requested point of diversion? USFSb. Who owns the land to be irrigated or place of use? USFSc. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
USFS mining claim IMC209147 allows direct beach and Grimes Creek access

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.

Ronald G Smith  
Signature of applicant

Date

Received by CS Date 01/02/15 Time 9:20 AM\$50.00 fee received by CS # W042715 Date 01/02/15Watermaster comments received? YES, OK IF APPROX CONTINGENT Date 3/20/2015on 2 of 1 acre

**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 authorizes a maximum diversion of 2 AF and a maximum rate of diversion of 80 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 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. A ¼ inch mesh screen shall be installed on the pump intake.
  9. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
  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 email to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
  11. This temporary use of water remains subject to control of the Boise River Watermaster.
  12. 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 AF of water from the Boise River Rental Pool (2 AF minimum). Contact Boise River Watermaster, 208-908-5480.
  13. This approval expires on 11/1/2015.

Signed this 22<sup>nd</sup> day of March, 2015

  
For the Director





**Auric Magda**  
**32.9 acres**

**Gov't.  
Lot 12**

# POB



Instrument # 239318

IDAHO CITY, BOISE COUNTY, IDAHO

5-3-2013 01:00:12 No. of Pages: 2

Recorded for : KEN JENKINS

MARY T. PRISCO

Fee: 13.00

Ex-Officio Recorder Deputy

Index to: DEEDS

RECEIVED  
BOISE COUNTY

200 MAY -7 PM 3:19

BOISE COUNTY  
ACCESS CENTER

## QUITCLAIM DEED

AURIC MAGDA

In consideration of one hundred dollars U.S. (\$100) and other good and valuable consideration paid, the receipt of which is acknowledged,

**Ken L. Jenkins** and **Julie A. Jenkins**, husband and wife,

GRANTORS do hereby convey, remise, release and forever quitclaim to:

**Ron Smith** and **Danni Smith**, whose current mailing address is **4140 Mountain Sky Lane, Boise, Idaho 83704**

GRANTEE, all right, title and interest of Grantors, if any, in and to the following described unpatented placer mining claim known as Auric Magda, BLM IMC Number 209147, more particularly described as follows:

That portion of the Oriole Placer, as described in Mineral Survey Number 1334 recorded on December 2, 1898 in the U. S. Surveyor General's Office in Boise City, Idaho (MS1334), which is located in the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  and in the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 3 more particularly described as follows: Beginning at the southwestern most corner of Government Lot 12 of Section 3 the REAL POINT OF BEGINNING, thence

- (1) N 19° 19' E 195.4' to Cor. N:5 of MS1334, thence
- (2) N 01° 18' W 488' to Cor. N:6 of MS1334, thence
- (3) N 24° 24' E 1265' to Cor. N:7 of MS1334, thence
- (4) N 08° 27' W 769.3' to northwestern most corner of Government Lot 9, thence
- (5) N 89° 50' W 240.1' to the northeastern most corner of Government Lot 10, thence
- (6) S 12° 34' E 298.3' to Cor. N:20 of MS1334, thence
- (7) S 30° 00' W 1166' to Cor. N:21 of MS1334, thence
- (8) S 10° 28' W 582' to Cor. N:22 of MS1334, thence
- (9) S 14° 36' E 567' to Cor. N:23 of MS1334, thence
- (10) S 44° 27' W 228.5' to the southeastern most corner of Government Lot 11, thence
- (11) S 89° 50' E 419.3' to the REAL POINT OF BEGINNING (26.6 acres)

and

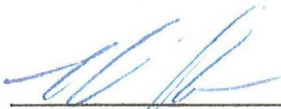
Government Lot 12 (6.3 acres) of


Section 3, Township 5 North, Range 4 East, B.M., County of Boise, State of Idaho.

The areas claimed contain 32.9 acres.

To have and to hold the same to Grantees and Grantee's heirs, successors and assigns forever. subject to BLM Annual Maintenance Fees and assessments for the current year and subsequent years and to all valid easements, rights of way, covenants, conditions, reservations and restrictions of record, if any, and also to applicable zoning, land use and other laws and regulations. It is expressly understood and agreed between Grantors and Grantees that the Grantors makes no representations, covenants or warranty of any kind whatsoever. By this instrument, the parties intend that Grantors release to the Grantees whatever interest Grantors may have in the above property, if any.

In Witness Whereof, this Quitclaim Deed is executed under seal on the 30<sup>th</sup> day of April, 2013.

  
Ken L. Jenkins

  
Julie A. Jenkins

**Recording Requested By & Return Mailing Address:**

Ken Jenkins  
PO Box 175  
Boise, ID 83701

**Notary ~ State of Idaho ~ County of Ada**

On this 30 day of April, 2013 before me, the undersigned, a Notary Public in and for said State, Personally appeared Ken L. Jenkins and Julie A. Jenkins, known to me to be the persons whose names are subscribed to this instrument and acknowledges to me that they have freely executed the same.

  
Notary Public for the State of Idaho

County of Ada  
My Commission Expires: Aug. 5, 2014



2013 APR -7 PM 3:19  
MAIVALI DROTZMAN  
NOTARY PUBLIC

TP-63-191



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082  
PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

March 22, 2015

RONALD & DANNI SMITH  
4140 N MOUNTAIN SKY LN  
BOISE ID 83704

**RE: Temporary Permit No. TP-63-191**

Dear Ronald and Danni:

Your application for Temporary Water Appropriation has been approved and is enclosed.

Please be advised the approval only authorizes the temporary use of water. It does not grant trespass or other activity on public land or on private property.

Please note the conditions of approval to understand the limitations associated with the temporary use of water. The expiration date cannot be extended under this temporary approval.

See the enclosed rental pool lease agreement to contact Boise River Watermaster Rex Barrie at 208-908-5480 for the required follow up before diverting water under this temporary approval.

If you have any questions regarding this matter, please contact this office at 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Lester', is written over a horizontal line.

Steve Lester  
Interim Western Region Manager

Enclosure