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MAY 29 2015  
WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

ID No. TP-63-102

## 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: Ken Durstler Phone: \_\_\_\_\_  
Mailing address: 1224 N 1100 E City: S. Kelly  
State ID ZIP 83274 Email: \_\_\_\_\_

1. Source of water: Mud Lake Fork Boise River 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	7E	6 & 7	SW	NW			ELMORE	Mud Lake Fork Boise River	IMC 189436
6N	9E	25 & 36	NE	NW			ELMORE	Mud Lake Fork Boise River	IMC 189435

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	

4. Describe proposed use of water: High Banking operation

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 125 gpm.Maximum daily volume \_\_\_\_\_ AF; total volume 5 AF.

6. Duration of diversion: from
- July 1
- (day-month) to
- Nov. 1
- (day-month).

7. Describe proposed diverting works:
- 2 inch Pumps to Banker

8. a. Who owns the property at the requested point of diversion?
- Nathaniel Forest

- b. Who owns the land to be irrigated or place of use?
- B.T.M. - Nathaniel Forest

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

working my claims in Boise Nat Forest

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.

Ken Durstler  
Signature of applicant

5-25-15  
Date

Received by AS Date 5/29/15 Time 11:55

\$50.00 fee receipted by AS # W043142 Date 5/29/15

Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

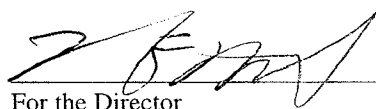
This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- ☐ 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 authorizes a maximum diversion of 5 AF and a maximum rate of diversion of 125 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 5 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 3<sup>rd</sup> day of June, 2015

  
For the Director

**BOISE RIVER RENTAL POOL LEASE AGREEMENT  
FOR 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 \_\_\_\_\_(entity), \_\_\_\_\_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 \$\_\_\_\_\_ and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify \_\_\_\_\_A.F. of stored water between \_\_\_\_\_ and \_\_\_\_\_ of 20\_\_\_\_.

Description of point of diversion:

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

Other: \_\_\_\_\_

On Source: \_\_\_\_\_

Pump H.P. \_\_\_\_\_ Lift \_\_\_\_\_

Headgate \_\_\_\_\_ (canal name if appropriate)

Description of place of use:

Legal Description: \_\_\_\_\_

Total number of acres irrigated \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

State of Idaho \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before me the undersigned Notary Public in and for said county and state, personally appeared \_\_\_\_\_, 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.

\_\_\_\_\_  
Notary Public in and for Idaho

Residing at: \_\_\_\_\_

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

\_\_\_\_\_  
Watermaster, Water District No. 63  
Agent for the Committee of Water

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Map/Photo Info

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:24K/25K Series

:100K Series

:250K Series

Map Size

Small

Medium

Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

WGS84/NAD83

☒ Show target

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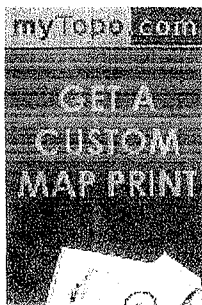
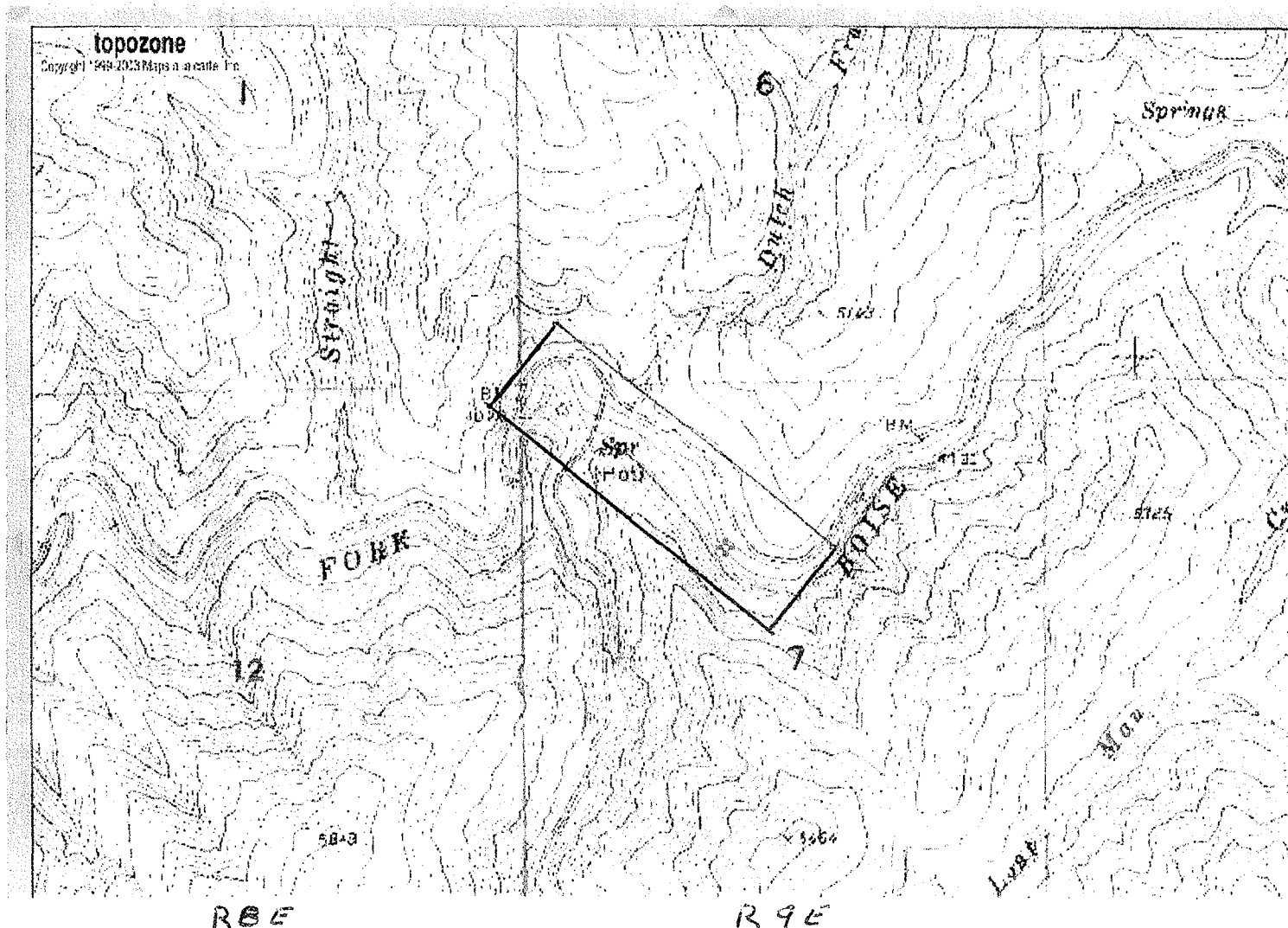
UTM 11 626100E 4849381N (WGS84/NAD83)

USGS **Grand Mountain Quad**

INFORMATION

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1:250K Series

Map Size

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Medium

Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

WGS84/NAD83

☐ Show target

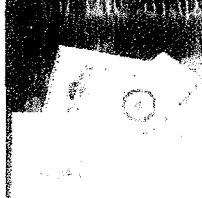
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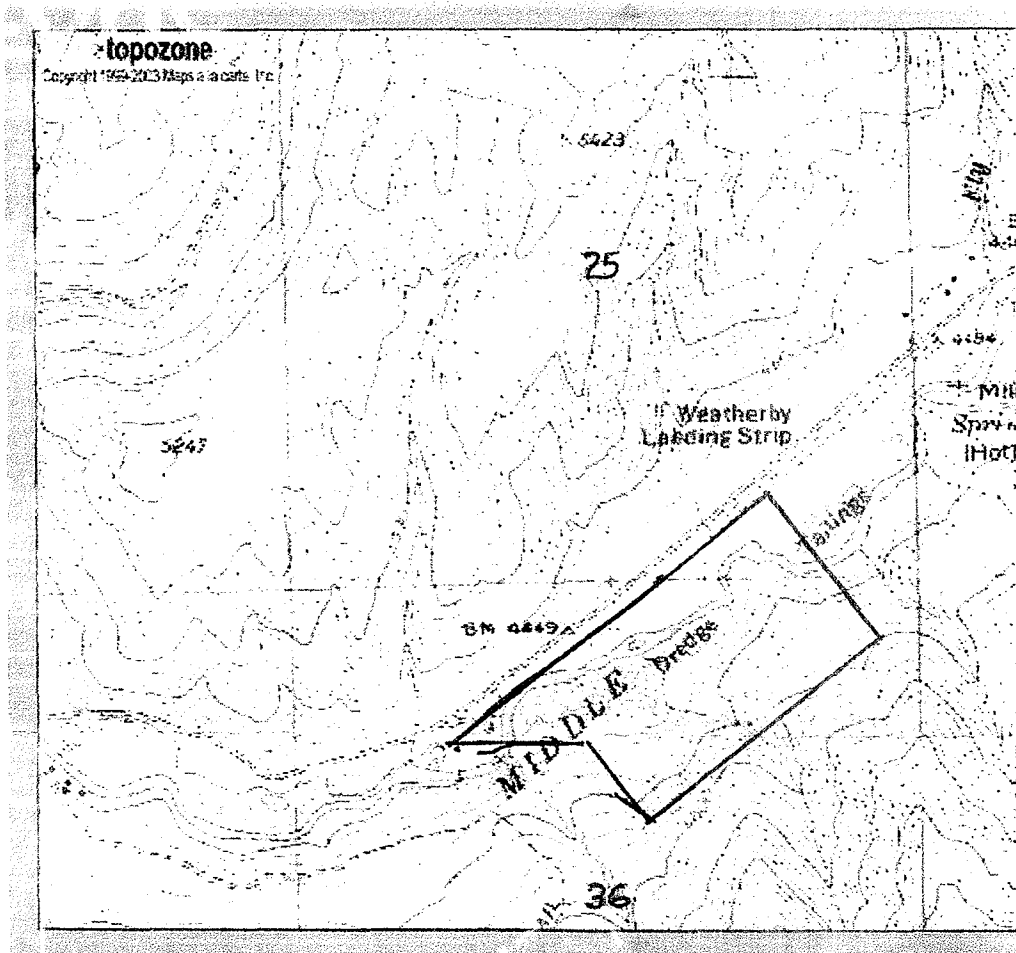
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USGS **Phifer Creek** Quad

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ACCESS CENTER  
INFORMATION

2006 APR 18 PM 1:54

Instrument # 375191  
Elmore County, Idaho  
10:28am Apr. 18, 2006

For: DAN CORNWALL  
No. of Pages: 2 Fee: \$6.00  
CITY OF IDAHO Recorder



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 4, 2015

KEN DURSTELER  
1224 N 1100 E  
SHELLEY ID 83274

**RE: Temporary Permit No. TP-63-102**

Dear Applicant,

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

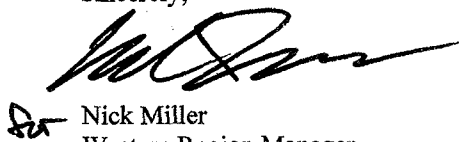
Please be advised the approval only authorizes the temporary use of water. It does not grant trespass or other activity on public land or on private property.

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 call me at 208-334-2190.

Sincerely,



Nick Miller  
Western Region Manager

Enclosure