

RECEIVED

APR 01 2015

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 08 2015

DEPT OF WATER RESOURCES

ID No. TP-63-200

## 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: GARY JOE LOWERS Phone: 208 871 6313  
 Address: 11164 Tioga Boise, Id 83709 Email: GJLOWERS@CLEARWIRE.NET  
 1. Source of water: BIG OWL CREEK & BANNER 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 #
8N	8E	32			SW	SW	Boise	BIG OWL CREEK & BANNER 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	
		same																	

4. Describe proposed use of water High Bank

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 350 gpm.Maximum daily volume \_\_\_\_\_ AF; total volume 2.0 AF.6. Duration of diversion: from April 15 to NOV 30  
Day-month Day-month

7. Describe proposed diverting works: \_\_\_\_\_

8. a. Who owns the property at the requested point of diversion? BLM / Forest Serviceb. Who owns the land to be irrigated or place of use? BLB / Forest Service

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

Claim: Banner Gold 2A

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 Gary Joe LowersDate 4-1-15Received by [Signature] Date 4/1/15 Time 3:30\$50.00 fee received by [Signature] # W042973 Date 4/1/15

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 2.0 AF and a maximum rate of diversion of 350 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 2.0 AF of water from the Boise River Rental Pool (2 AF minimum). Contact Boise River Watermaster, 208-908-5480.
  13. This approval expires on 11/30/15. **ELK CREEK. = August 1**

Signed this 2nd day of April, 2015

  
For the Director

C

**BOISE RIVER RENTAL POOL LEASE AGREEMENT**  
**FOR 20 14**

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 Gary Joe Lowers (entity), 2.0 A.F. of water requested for mining (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 \$ 3400 and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify 2 A.F. of stored water between May 7 and Dec 31 of 2014.

Description of point of diversion:

Located in SW 1/4 SW 1/4, Sec 32, T. 8N, R. 8E;

Other: SE SE 31 SW 8E

On Source: Big Owl Creek, North Fork Boise River

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

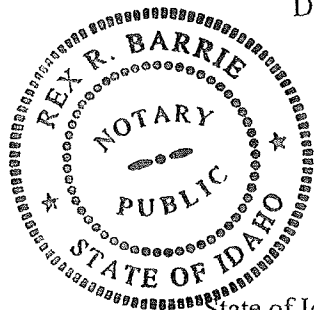
Headgate \_\_\_\_\_ (canal name if appropriate)

Description of place of use:

Legal Description: Same

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

Dated this 7 day of May 2014.



State of Idaho )  
County of Ada )

x Gary Joe Lowers  
(name)

11164 Tigra Borger 83709  
(address)

208-871-6313

On this 7 day of May 2014, before me the undersigned Notary Public in and for said county and state, personally appeared Gary Joe Lowers, 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.

Rex R. Barrie  
Notary Public in and for Idaho

Residing at: Canyon County  
to purchase water

I have accepted the request of Gary Joe Lowers  
from the Boise River Rental Pool this 7 day of May 2014.

Rex R. Barrie  
Watermaster, Water District No. 63  
Agent for the Committee of Water

ENTERED

MAY 07 2014

STATE OF IDAHO  
WATER DISTRICT #63

# QUITCLAIM DEED

For Bureau of Land Management (BLM) Use:

For County Recorder's Use:

Instrument # 242668

IDAHO CITY, BOISE COUNTY, IDAHO

2-27-2014 11:02:45 No. of Pages: 1

Recorded for : MINING RESOURCES LLC

MARY T. PRISCO Fee: 10.00

Ex-Officio Recorder Deputy

Index to: DEEDS

FOR VALUE RECEIVED, Mining Resources LLC, 3605 Pollard Lane, Star, Idaho 83669, the party of the first part, and

Gary Joe Lowers, a single person of, 11164 Tiega Boise, Idaho 83709, the party of the second part,

WITNESSETH, that the party of the first part does by these presents remise, release and forever QUITCLAIM unto the party of the second part, and to party of the second part's heirs and assigns, forever, the following described unpatented mining claim known as "Banner Gold 2" placer claim, BLM Serial No. IMC212528, more particularly described as, STATE of IDAHO, Boise County, to-wit:

Said 10 acre placer mining claim located in the W1/2 SW SW SW, of Section 32, and in the E1/2 SE SE SE of Section 31, Township 8N, Range 8E, Boise County, Boise Meridian, State of Idaho, and further described as; The True Point of Beginning commencing at the NW Corner of E1/2 SE SE SE of said Section 31; thence east a distance of 660 feet; thence south a distance of 660 feet; thence west a distance of 660 feet; thence north a distance of 660 feet to the True Point of Beginning.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and their heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set their hands and seal the day and year first herein written.

Dated this 27<sup>th</sup> day of February, 2014

Township 8N, Range 8E, Boise County

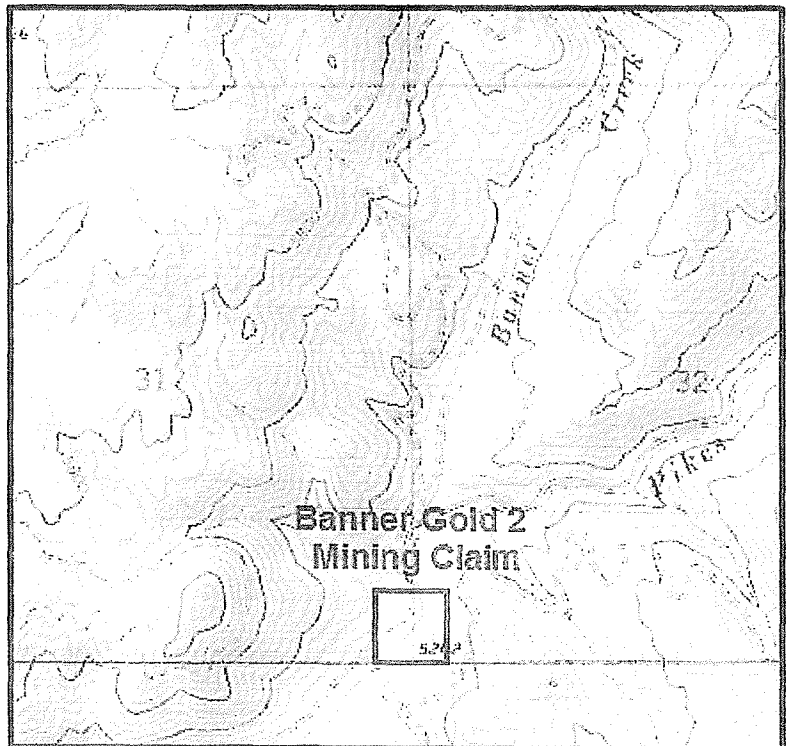
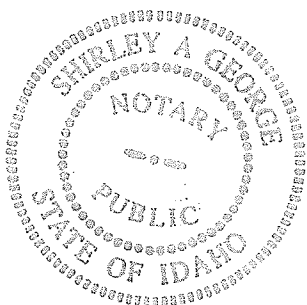
Jason Madenford, signing authority for Mining Resources

State of Idaho

County of Boise

Subscribed and sworn to before me this 27 day of February, 2014.

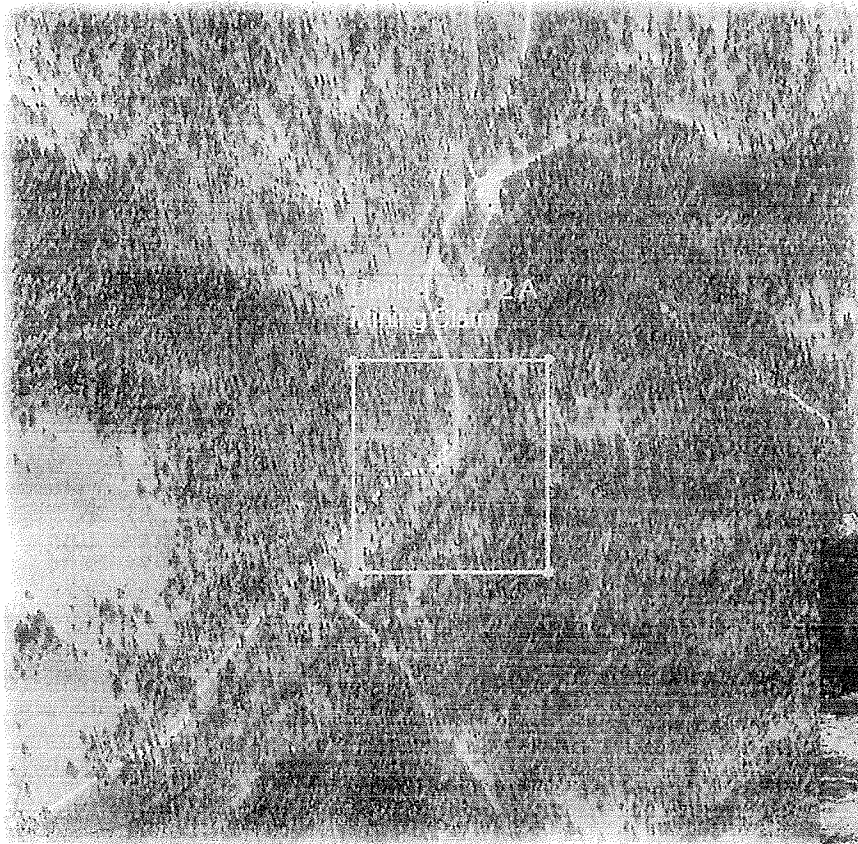
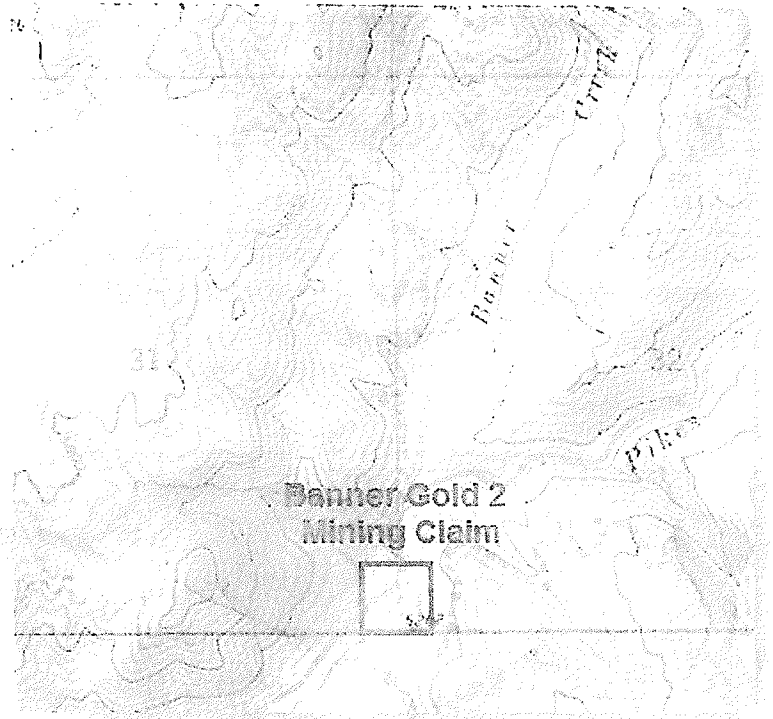
Shirley A. George  
Notary Public in and for said State  
My commission expires: 6-23-2017



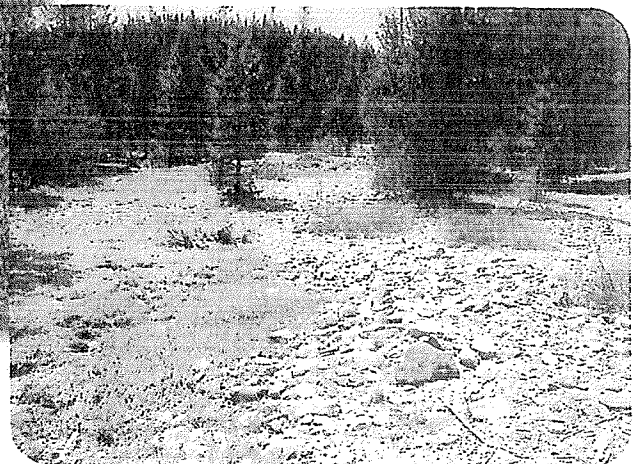
## GPS & Driving Directions

### GPS Coordinates

Marker	Degrees/Minutes
NW Corner	43°58'52.712"N, -115°33'0.066"W
NE Corner	43°58'52.712"N, -115°32'50.837"W
SE Corner	43°58'46.229"N, -115°32'50.837"W
SW Corner	43°58'46.229"N, -115°33'0.066"W



**Driving Directions:** Vehicle access to the claim is via a hard-pack dirt road which you can drive virtually up to the riverside. I've seen cars access the area as it is a maintained forest service road. The claim is located 24 miles outside the historic town of Idaho City. Driving directions to the claim: from Boise, travel north on HWY 21 to approximately 18.1 miles past Idaho City to the Jackson Peak Lookout turnout (Edna Creek Campground is at this junction). Head east on Crooked River Road (NF 384) for approximately 4 miles. Turn left and head north on Banner Creek Road (NF 312) for approximately 2 miles to the claim.



e,

I appreciate your payments on the "Banner Gold 2A" Mining Claim.  
Attached are the following;

~ Quitclaim Deed – Releasing all of my interest out of the claims to Gary Joe Lowers, with the County recording stamp verifying this was filed.

~ 7.5 minute quad map of Banner Creek (called "Big Owl Creek") – Claim location marked on map

~ BLM Surface Management Map (called "Idaho City") – Claim location marked on map

~ Standard Claim Maintenance Fee Waiver Form – due Sept. 1<sup>st</sup> each year (with \$140/claim)

~ Maintenance Fee Waiver Form – due Sept. 1<sup>st</sup> (with \$10/claim)

This would replace the Standard Maintenance Fee, but claimant must have 10 claims or less to use this form, this must be filed with the Assessment of Work Form, and perform \$100 worth of maintenance on the claim to file this.

~ Affidavit of Assessment of Work Form – due by December 30<sup>th</sup> (but can be filed with the Maintenance Waiver on Sept 1<sup>st</sup>) If you file the Maintenance Fee Waiver Form, this form must also be filed. This form needs notarized and recorded at Boise County Recorder's Office: 420 Main Street Idaho City, ID 83631

So, to file your annual paperwork with the BLM, you must either;

File the Standard Claim Maintenance Fee Form, with \$140 per claim.

Or

File the Maintenance Fee Waiver Form with \$10 by September 1<sup>st</sup> and the Affidavit of Assessment of Work Form by December 30<sup>th</sup>

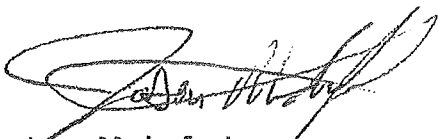
Filing Annual claim paperwork is sent to:

Bureau of Land Management – 1387 Vinell Way, Boise Idaho 83709-1657- Phone (208) 373-3890

**GPS Coordinates:**

<u>Marker</u>	<u>Degrees/Minutes</u>
NW Corner	43°58'52.712"N, -115°33'0.066"W
NE Corner	43°58'52.712"N, -115°32'50.837"W
SE Corner	43°58'46.229"N, -115°32'50.837"W
SW Corner	43°58'46.229"N, -115°33'0.066"W

If you have any questions, please contact me (208)761-2246. Look forward to seeing you out there.



Jason Madenford  
Idaho Gold Mining

**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



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

April 6, 2015

GARY JOE LOWERS  
11164 TIOGA  
BOISE ID 83709

**RE: Temporary Permit No. TP-63-200**

Dear Applicant(s):

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,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

*for* Jeff Peppersack  
Interim Manager, Western Region

Enclosure