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DEC 19 2014

DEPARTMENT OF
WATER RESOURCES



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 17, 2014

JAMES SCHELLER
6123 SW MT BAKER
POWELL BUTTE OR 97753

RE: Temporary Permit No. TP-96-98

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-96-98.

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 black ink that reads "Keith E. Franklin".

Keith E. Franklin
Program Manager

Enclosure Copy of TP-96-98
 Receipt No. N030975

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Form 202A 07/13

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ID No.

TP-96-98
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IDWR / NORTH

DEC 19 2014

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: James Scheller Phone: 503-632-4422
 Mailing address: 6123 SW MT Baker City: Powell Butte
 State: Oregon ZIP: 97753 Email: jamesischeller@gmail.com
 1. Source of water: Falls Creek tributary to None

2. Location of point(s) of diversion: 48° 3' 46" N 116° 26' 50" W

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
55N	1W	35					Bonner	Falls Creek	Falls Creek

3. Location of place of use: 48° 4' 42" N 116° 25' 49" W

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	1W	35																	

4. Describe proposed use of water Drilling Water

5. Amount of water:
 Maximum rate of diversion _____ cfs or 10 gpm.
 Maximum daily volume 1900 gallons AF; total volume 10 AF.
 6. Duration of diversion: from 1 June 2015 (day-month) to 15 June 2015 (day-month).
 7. Describe proposed diverting works: Water for diamond drilling operation
 8. a. Who owns the property at the requested point of diversion? James Scheller Mining Claims
 b. Who owns the land to be irrigated or place of use? James Scheller BLM Forest Service Mining Claims
 c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:
BLM Forest Service Josh Sadler Geologist/Mineral Administrator Cour d'Alene Office 208-765-7206
 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

2 Dec. 20014

Date

Received by dbDate 12/5/14

Time _____

\$50.00 fee received by db# NO 30975Date 12/5/14

Watermaster comments received? _____

Date _____

TP-96-98

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 0.10 AF and a maximum rate of diversion of 0.02 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) for specific recommendations at 208-332-8500 or by e-mail to info@agri.idaho.gov.
 11. This approval expires on July 1, 2015.

Signed this 16 day of December, 2014.



Manager, Northern Region
For the Director

Frederick, Adam

From: Frederick, Adam
Sent: Monday, December 08, 2014 3:13 PM
To: 'mary.terra-burns@idfg.idaho.gov'
Cc: Franklin, Keith
Subject: Temporary Water Appropriation

Mary,

Attached for your review and comment, please find an application to temporarily appropriate water from Falls Creek for drilling purposes by James Scheller. 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



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 8, 2014

MARY TERRA BERNIS
IDAHO DEPARTMENT OF FISH & GAME
2885 KATHLEEN AVE
COEUR D' ALENE, ID 83815

Re: Application for a Temporary Approval of a Water Appropriation

Dear Mary:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.10 acre-feet of water from Falls Creek which is tributary to Lake Pend Oreille, for drilling operations, by James Scheller. A copy of the application is attached for your reference.

Would you please submit your comments no later than December 15, 2014? 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.

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

Thank you.

Sincerely,

Adam Frederick
Water Resource Agent

Encl/af

No comment
Dec 16, 2014