



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

07/09/2013

TERRY NIERSTHEIMER
352 HUMMINGBIRD LN
NEWPORT WA 99156

RE: Temporary Permit No. TP-94-138

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-94-138 .

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

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 "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Program Manager

Enclosure Copy of TP-94-138

Basin 94

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: Terry Niezstheimer Phone: 509 671-3635
 Address: 352 Hummingbird Ln Newport WA 99156 Email: terryniezstheimer@yahoo.com
 1. Source of water: Eagle Creek tributary to Pritchard Creek
 2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
<u>T49N</u>	<u>R6E</u>	<u>19</u>			<u>SW</u>	<u>SE</u>	<u>Shoshone</u>	<u>Eagle Creek</u>	

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	
<u>T49N</u>	<u>R6E</u>	<u>19</u>															<u>M</u>		

4. Describe proposed use of water High Banking

5. Amount of water:

Maximum rate of diversion _____ cfs or 53 gpm.Maximum daily volume _____ AF; total volume 5 AF.6. Duration of diversion: from July 1 - 13 to Dec 31 - 13
Day-month Day-month7. Describe proposed diverting works: High Banker8. a. Who owns the property at the requested point of diversion? GAAAb. Who owns the land to be irrigated or place of use? FS

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 Terry NiezstheimerDate 6-17-13Received by AS Date 6/17/13 Time 12:35\$50.00 fee receipted by AS # NO 29943 Date 6/17/13

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 5 AF and a maximum rate of diversion of 0.12 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. Other: 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. This approval expires on 12/31/2013.

Signed this 25 day of June, 2013.

Keith E. Sundheim
For the Director

**KEVIN**

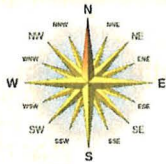
T49N R6E Sec. 19

20 Acres

USGS Topo: Murray

SHOSHONE COUNTY

GPS Coordinates & General Claim Information

**SOUTH END @ CREEK:** 47° 39' 34.57"N
115° 44' 27.10"W**NORTH END @ CREEK:** 47° 39' 48.76"N
115° 44' 37.82"W**Land Status:** Coeur D'Alene National Forest

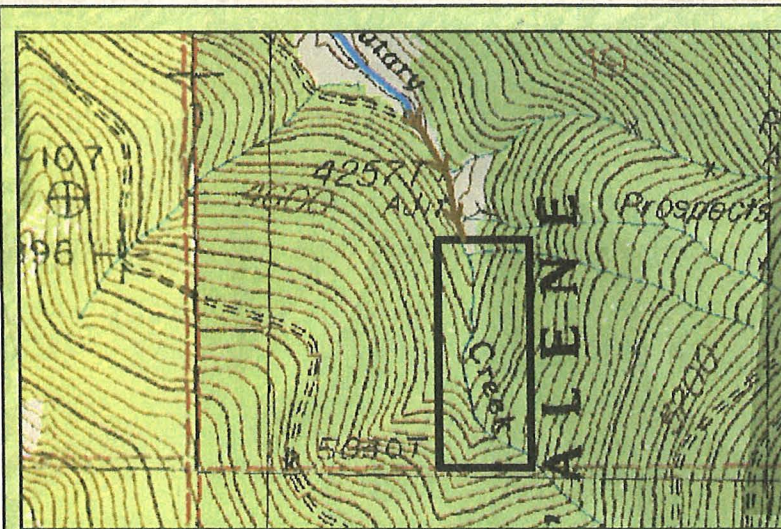
Directions, Comments & Member Reports

Directions:

From Kingston, ID at the intersection of I-90, take Coeur D'Alene Road 22.8 miles to Prichard Creek Rd. and turn Right. Go 2.7 miles turn Left onto Eagle Creek Rd. Go 10.1 miles to the end of a horse bend in the road. This is likely as far as you can drive unless road conditions have changed. Claim begins about an 850 ft. hike up tributary from this point. Accessibility updates are appreciated!

Comments & Member Reports:

This claim is remote, but can be rewarding. Due to heavy winter snow road is washed out and claim inaccessible except by foot.





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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 17, 2013

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 5.0 acre-feet of water from Eagle Creek, for high bank mining, by the Terry Nierstheimer. A copy of the application is attached for your reference.

Would you please submit your comments no later than June 24, 2013? 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 may send comments by regular mail to the above address, by FAX to 208-762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

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

Thank you.

Sincerely,

Keith E Franklin
Program Manager, Northern Region

Encl/kf

*No comments received
as of 6/25/13.
KF*

Franklin, Keith

From: Franklin, Keith
Sent: Monday, June 17, 2013 1:59 PM
To: 'Terra Berns,Mary'
Subject: Temporary Water Appropriation, Terry Nierstheimer
Attachments: DOC.pdf

Mary,

Attached for your review and comment is an application for a high banking mining operation from Eagle Creek. If you have any questions, don't hesitate to call.

Thanks.

Keith.