



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 12, 2013

Marc DeVries  
Box 8  
Kuna ID 83634

RE: Temporary Permit No. TP-63-149

Dear Applicant:

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-63-149. Please be advised THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION. Condition #12 requires the purchase (lease) of storage water from the Boise River Rental Pool to provide mitigation to senior Boise River water right holders for injury.

A rental lease agreement is enclosed for your convenience. Contact the River Watermaster at 208-908-5480

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra, Manager

Enclosure

RECEIVED

ID No. TP-63-149

APR 11 2013 STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WATER RESOURCES  
WESTERN REGION

## 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: Marc DeVries Phone: 870-1260  
Address: Box 8 Kuna ID 83634 Email: mdsurplus@aol.com  
1. Source of water: Grimes Creek tributary to Roby 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>6N</u>	<u>4E</u>	<u>13</u>	<u>6</u>			<u>SE</u>	<u>Boise</u>	<u>Grimes 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	

4. Describe proposed use of water Recreational mining / high banking

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 60 gpm.Maximum daily volume 2000 AF; total volume 2000 AF.

6. Duration of diversion: from 5-1-13 to 10-1-12  
Day-month Day-month

7. Describe proposed diverting works: 2" 31" Pump8. a. Who owns the property at the requested point of diversion? USFSb. Who owns the land to be irrigated or place of use? USFS

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

Date

Received by RS

Date

4-11-13

Time

3:24 pm\$50.00 fee received by RS

#

W0410216

Date

4-11-13

Watermaster Comments received?

Date

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

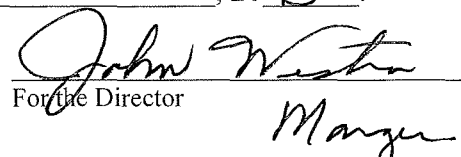
This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- ☒ a) The application for temporary approval should be 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.
- \_\_\_\_\_ 5. Basins 77, 78, & 79- the location is not in the Wild & Scenic River Designation
- \_\_\_\_\_ b) The application for temporary approval should be denied.

### 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 3.0 AF and a maximum rate of diversion of 60 cfs/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 expires on October 1, 2013.
  7. This approval does not create a continuing right to use water.
  8. 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. At no time shall this diversion exceed 25% of the total creek flow.
  9. ¼ inch mesh screen shall be installed on the pump intake
  10. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
  11. The water use approved herein is subject to and shall conform to the terms of the Forest Service approved Plan of Operations and /or required authorizations for this location.
  12. This approval is subject to the availability of Boise River Rental Pool water to mitigate water losses and injury to existing river water rights. This authorization will require the rental of 3.0 acre foot of water from the Boise River Rental Pool, (2 acre foot minimum). Contact: Rex Barrie, Boise River Watermaster, phone 208-908-5480.

DATED this 12<sup>th</sup> day of April, 20 13.

  
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