



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

05/23/2013

FORREST G HAMILTON
1529 HEMLOCK AVE
LEWISTON ID 83501

RE: Temporary Permit Nos. TP-84-22

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-84-22.

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 Receipt No. N029760
and Copy of TP-84-22

Basin B4

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: Forrest G. Hamilton Phone: 208-246-9551
 Address: 1529 Hemlock Ave, Lewiston Id 83501 Email: _____
 1. Source of water: Rhodes & musselshell tributary to Gifford & Fine orofino 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 #
37N	6E	20		NW	SW			Rhodes	
36N	6E	287		NE	NE			Musselshell	

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	
36N	6E	28	27	✓	✓														
37N	6E	20	✓																

4. Describe proposed use of water Dredge - High Banker
5. Amount of water:
 Maximum rate of diversion _____ cfs or 30 gpm.
 Maximum daily volume _____ AF; total volume 5 AF.
6. Duration of diversion: from June 29 to March 31
 Day-month Day-month
7. Describe proposed diverting works: suction dredge to sluice
8. a. Who owns the property at the requested point of diversion? Forest Service + Bletcher
 b. Who owns the land to be irrigated or place of use? USF + Pat Latch
 c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:
NOI w/ F.S.
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]
 Signature of applicant

4-11-13
 Date

Received by [Signature] Date 4/11/13 Time 11:20 Am
 \$50.00 fee received by [Signature] # NO2976 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:

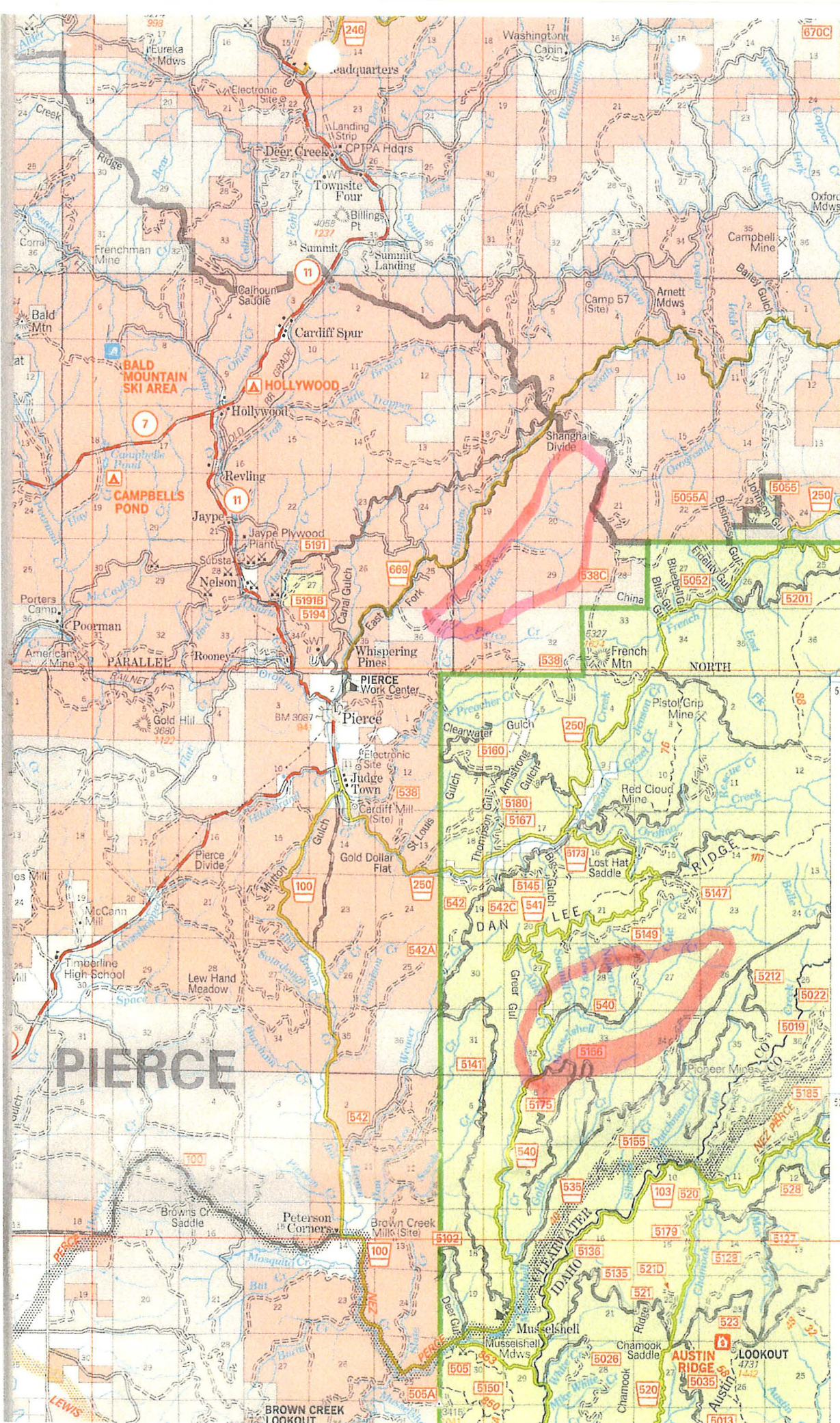
- ☒ A. The application for temporary approval should be denied.
- ☒ B. The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval 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 0.07 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 12/31/13.

Signed this 23 day of May, 2013.

Keith E. Franklin
For the Director



T. 38 N.
46° 37' 30"

T. 37 N.
46° 30' 00"

T. 36 N.
46° 22' 30"

T. 35 N.
46° 22' 30"

TP-84-22

6

7



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
Interim Director

May 13, 2013

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH ST.
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear RAY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate a total of 5 acre-feet of water from the Rhodes and Musselshell Creeks, for a small high bank mining operation, by Forrest Hamilton . A copy of the application is attached for your reference.

Would you please submit your comments no later than May 20, 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 address above, by FAX to 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
Interim Program Manager

Encl/kf

*No comments received
as of 5/23/13
HJ*



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
Interim Director

May 13, 2013

John Cardwell
Idaho Department of Environmental Quality
1118 F St.
Lewiston, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Cardwell:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate a total of 5.0 acre-feet of water from the Rhodes and Musselshell Creeks, by Forrest Hamilton, for a small high bank mining operation. A copy of the application is attached for your reference.

Would you please submit your comments no later than March 18, 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 address above, by FAX to 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

Franklin, Keith

From: Franklin, Keith
Sent: Monday, May 13, 2013 2:13 PM
To: 'john.cardwell@deq.idaho.gov'
Attachments: DOC.pdf

Mr. Cardwell,

Attached is an application for a temporary water appropriation from the Rhodes and Musselshell Creeks by Forrest Hamilton for a small high bank mining operation for your review and comment.

Thanks.

Keith Franklin
Program Manager

Franklin, Keith

From: Franklin, Keith
Sent: Monday, May 13, 2013 2:15 PM
To: 'Hennekey, Ray'
Attachments: DOC000.pdf

Ray

Attached is an application for a temporary water appropriation for a small high bank mining operation from the Rhodes and Musselshell Creeks by Forrest Hamilton for your review and comment.

Thanks.

Keith



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

May 17, 2013

Mr. Keith Franklin
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED
MAY 20 2013
IDWR/NORTHERN
C. Butch" Otter, Governor
Curt Fransen, Director

Dear Mr. Franklin:

We received a request for comment on an application for a temporary water appropriation permit to withdraw a total of 5.0 acre-feet of water from Rhodes Creek and Musselshell Creek from June 1 to March 31. The proposed use of the water is to operate a dredge and a high banking mining operation. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho Water Quality Standards, Rhodes Creek is included in water body ID17060306CL039_02, and is protected for cold water aquatic life, salmonid spawning, and primary contact recreation beneficial uses. This water body ID is listed in category 2 of the Idaho 2010 Integrated Report because water quality in Rhodes Creek is fully supporting the above listed beneficial uses.

In the Idaho Water Quality Standards, Musselshell Creek is included in water body ID 17060306CL032_02 and is protected for cold water aquatic life and secondary contact recreation beneficial uses. This water body ID is listed in category 5 of the Idaho 2010 Integrated Report due to water quality impairment, and is not supporting the cold water aquatic life beneficial use.

DEQ agrees that the temporary withdrawal of 30 gallons per minute, for a total of 5.0 acre feet from the two water bodies from June 1 to March 31 should not impact water quality providing stream flow adequate to sustain existing aquatic life is maintained. No waste water will be deposited back into Rhodes Creek and Musselshell Creek.

Thank you for the opportunity to comment on this application. If you have any questions regarding the Idaho Water Quality Standards, please call the Lewiston Regional Office at (208) 799-4370.

Sincerely,

A handwritten signature in black ink, appearing to read "John Cardwell".

John Cardwell
Water Quality Manager

c: Clayton Steele, Regional Administrator
Forrest Hamilton, Lewiston
Ray Hennekey, IDFG