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Form 202A 04/12

APR 23 2012

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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ID No.

APR 27 2012

DEPARTMENT OF WATER RESOURCES

57-06  
TP-57-07

## 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: Silver Falcon Mining Inc. Phone: 208.914.1140  
 Address: 14877 Silver City Road, Murphy Email: pascalc@silverfalconmining.com  
 1. Source of water: Diamond Creek & Sinker Creek tributary to Snake river.  
 2. Location of point(s) of diversion: where truck goes to pump the water.

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
35	1W	29		NW	NW		Owyhee	Diamond Creek	

3. Location of place of use: SW 1/4 Owyhee county

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	2W	4																	

4. Describe proposed use of water: milling operation

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 350 gpm.

Maximum daily volume \_\_\_\_\_ AF; total volume 5 AF.

6. Duration of diversion: from 4/14/2012 to 4/14/2013  
 Day-month Day-month

7. Describe proposed diverting works: pump to truck.

8. a. Who owns the property at the requested point of diversion? Joyce Livestock.

b. Who owns the land to be irrigated or place of use? Silver Falcon Mining

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

9. Additional remarks: use of water per agreement with Joyce Livestock.

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

Pascal Tuth

Date

4-9-2012

Received by RS Date 4-23-12 Time 1:26 PM\$50.00 fee receipted by SD # W040105 Date 4-23-12

Watermaster Comments received? \_\_\_\_\_ Date \_\_\_\_\_

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WATER RESOURCES  
WESTERN REGION

**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:

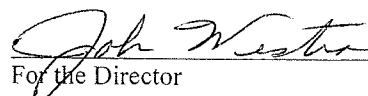
TP-57-07  
Silver Falcon

- ☒ 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 50 AF and a maximum rate of diversion of 350 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 4/14/2013.
  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.
  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 for this location.
  12. ~~Mitigation for water losses will be the rental of \_\_\_\_\_ acre foot of water from the Boise River Rental Pool, contact Rex Barrie, Watermaster, phone 208-908-5480~~
  - ☒ 13. Other Diversion will be regulated by the Sinker Creek Watermaster 571

DATED this 26<sup>th</sup> day of April, 2012.

  
For the Director