

RECEIVED

MAR 4 2013

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

ID No.

TP 63-140

MAR 05 2013

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: Phoenix Mountain Mines Dan Cada Phone: 208-401-5828Address: 1309 Park Drive, Weiser, Idaho 83672 Email: dan@dancada.com1. Source of water: Forest King and Larger Beer Gulch tributary to Elk Creek North of Idaho City

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
7N	6E	31		NE	SE	SW	Boise	Forest King Gulch	
7N	6E	32		NE		SW	Boise	Larger Beer Gulch	

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	
7N	6E	31				X								X		X	X		
7N	6E	32			X				X		X								

4. Describe proposed use of water: Explore creek gravels for gold and silver Multiple locations in each stream for short time duration.See attached sheet

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 40 gpm.Maximum daily volume Less than 1/4 AF; total volume 10 AF.6. Duration of diversion: from May 15 to Sept 30  
Day-month Day-month7. Describe proposed diverting works: Highbanker set-up above High water line. Maximum 2 inch suction hose.8. a. Who owns the property at the requested point of diversion? U.S. Forest Serviceb. Who owns the land to be irrigated or place of use? U. S. Forest Service

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

Administrated by U. S. Forest Service9. Additional remarks: We have Private land and approved mining claims marked on our maps.We are exploring those steam segments not on private land or under approved mining claim.

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 Dan CadaDate Feb. 25, 2013

Date

Received by HP Date 3-4-13 Time 1245\$50.00 fee received by HP # CO9Kdo20 Date 3-4-13

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:

- X 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
- X 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 5.0 AF and a maximum rate of diversion of 40 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 September 30, 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. 1/4 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 50 acre foot of water from the Boise River Rental Pool, contact Rex Barrie, Watermaster, phone 208-908-5480
  13. **The Department reserves the right to cancel this appropriation due to water quality degradation or lack of sufficient water for downstream uses/public values relating to Elk Creek.**

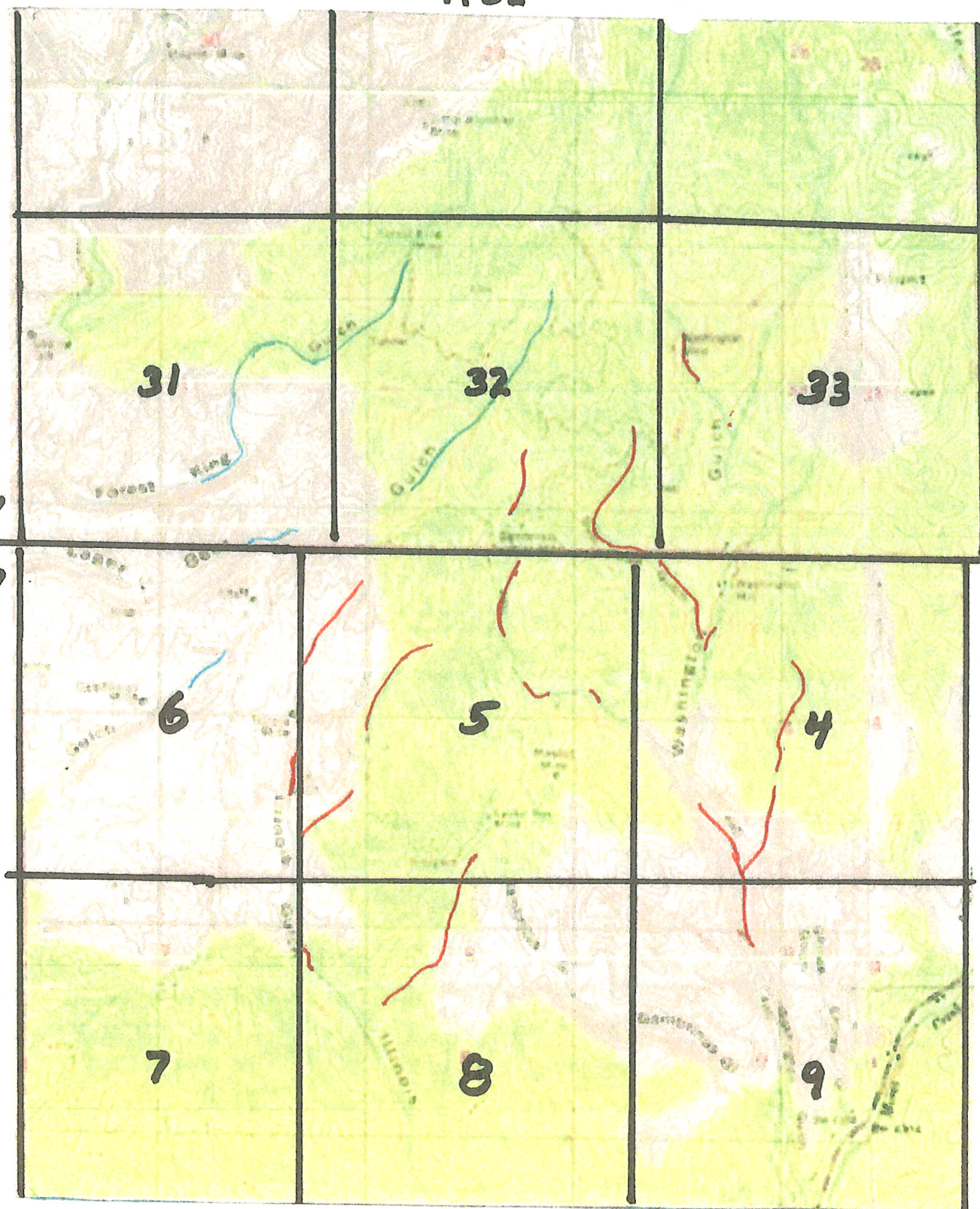
DATED this 7<sup>th</sup> day of March, 20 13.

  
For the Director

R6E

T7N

T6N

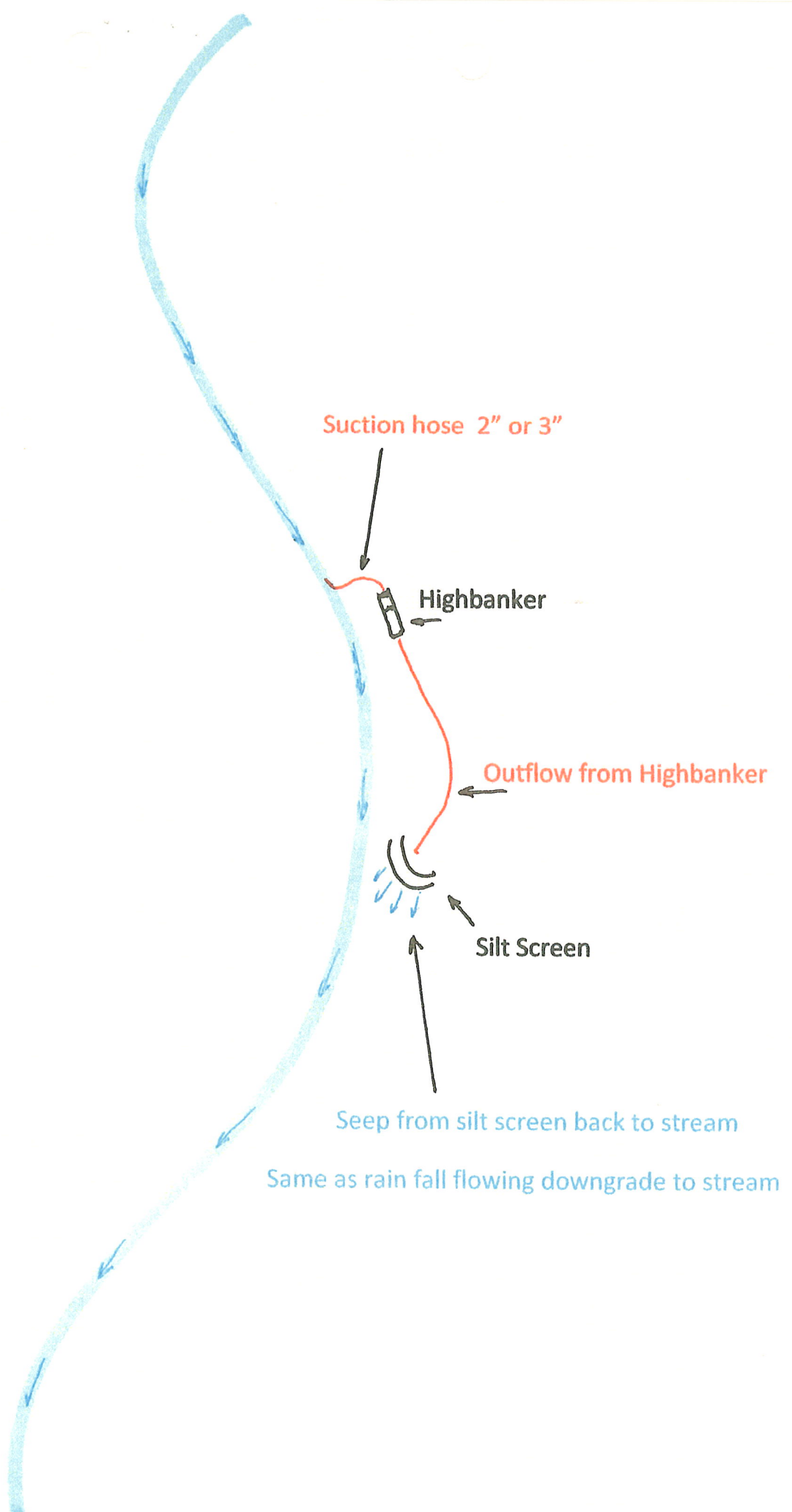


Red lines are segments of streams that flow to Mores Creek.

Blue lines are segments of streams that flow to Elk Creek.

Idaho City





**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



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

March 7, 2013

Dan Cada  
1309 Park Dr  
Weiser ID 83672

RE: Temporary Permit No. TP-63-140

Dear Applicant:

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-63-140. Please be advised THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION:

Condition #10 prohibits the direct discharge of waste/slurry/water back into the stream.

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