

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

## APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

JUN 19 2020

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

WATER RESOURCES  
WESTERN REGION

Name of applicant Megan Zaklain Phone (208) 866-2305  
 Mailing address 8072 Southside BLVD. City Nampa  
 State ID. Zip 83686 Email zaklainm@gmail.com  
 1. Source of water Elk Creek tributary to \_\_\_\_\_

2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
<u>12N</u>	<u>5E</u>	<u>13</u>			<u>NW</u>	<u>SW</u>	<u>Boise</u>	<u>Elk Creek</u>	<u>L1000108</u>

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	5E	13						<del>SW</del>				X	<del>SW</del>						<del>20</del>

4. Proposed use of water:

a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation

☐ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Highbanking

b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

a. Maximum rate of diversion: \_\_\_\_\_ cfs; or 1164 gpm.

b. Maximum daily volume: \_\_\_\_\_ AF; or 28,000 39,000 gallons.

c. Maximum volume over the duration of the request: \_\_\_\_\_ AF; or 78,000 gallons.

6. Duration of diversion: from 12/27/20 earliest Date (month-day) to 12/28/20 latest Date (month-day).

7. Describe proposed diverting works: Pump water to highbanker that runs into settling pond which will then filter back into Elk Creek

8. a. Who owns the property at the requested point of diversion? State of ID.

b. Who owns the facilities that will convey water to the place of use? State of ID.

c. Who owns the land to be irrigated or place of use? State of ID.

d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. Our mining claim on public land.

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Signature of Applicant Megan Zaklain Title, if any \_\_\_\_\_ Date 12/17/20

Received by LE Date 06/19/2020 Time 10:00 Am

\$50.00 fee received by LE # W048405 Date 06/19/2020

Watermaster comments received? Emailed - no comments Date 07/07/2020

**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.

X 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendation of the watermaster.

**This application is therefore hereby:**

       A. DENIED

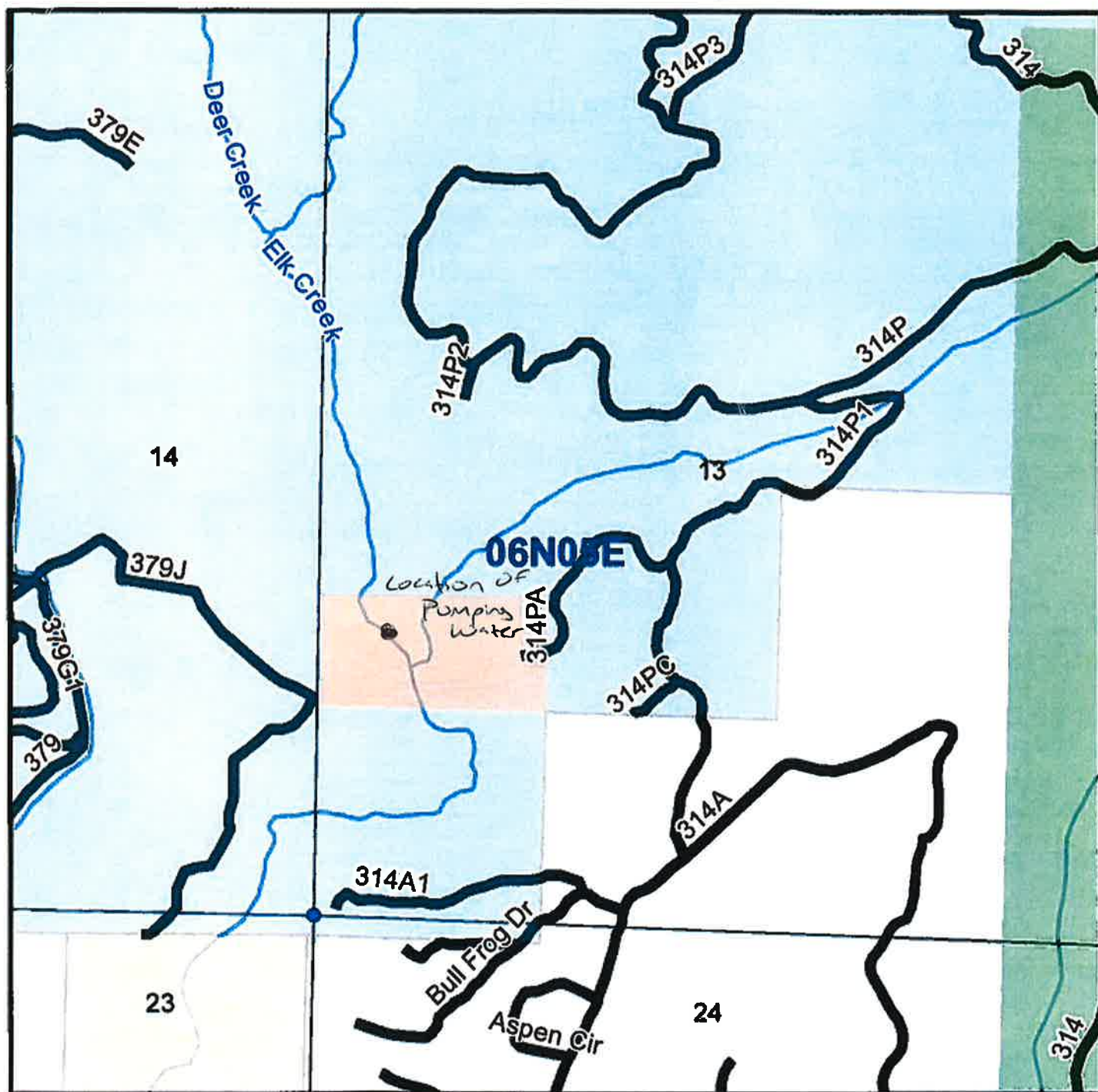
X B. APPROVED, subject to the following conditions:

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 0.25 AF and a maximum rate of diversion of 164 CFS or 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 or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
7. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
8. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
9. The holder of this temporary approval 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.
10. A ¼ inch mesh screen shall be installed on the pump intake.
11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
12. All equipment involved with transporting water shall be treated/sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. Contact the Idaho State Department of Agriculture ([www.agri.idaho.gov](http://www.agri.idaho.gov)) for specific recommendations at 208-332-8500 or by email to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
13. This temporary use of water remains subject to control of the Boise River Watermaster.
14. This approval is subject to the availability of Boise River Rental Pool water to mitigate water losses and injury to existing water rights. This authorization will require the rental of 2.0 AF of water from the Boise River Rental Pool (2 AF minimum). Contact Boise River Watermaster, 208-908-5480.
15. This approval expires on August 1<sup>st</sup>, 2020.

Signed this 7<sup>th</sup> day of July, 2020

  
For the Director




L600168  
T06N R05E Sec.13



**Legend**

-  L600168
-  Stream
-  Road
-  Highway

**Ownership**

-  BLM
-  USFS
-  STATE

06/27/2018  
Scale 1:10,000



0 0.075 0.15 0.3 0.45 0.6 Miles

**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 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little  
Governor

Gary Spackman  
Director

July 7, 2020

MEGAN ZALDAIN  
8672 SOUTHSIDE BLVD  
NAMPA ID 83686-9434

RE: Application for Temporary Approval of Water Use: TP-63-339

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

Please be advised, this approval is subject to the effective dates and conditions stated on page 2 of the application. Water sufficiency for senior water rights along with associated public values must be protected during summer-fall low flows. Elk Creek is the primary water source for Idaho City. Therefore the approval expires on **August 1, 2020**.

Also note the condition requiring the **purchase of storage water from the Boise River Rental Pool** to mitigate the injury to senior water right holders below the Boise River. A Boise River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Boise River Watermaster, Rex Barrie at 208-908-5480 to complete the lease agreement prior to diverting water under this temporary approval.

If you have any questions, please feel free to contact this office at (208) 334-2190, and any of our agents will be able to assist you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad Jones', is written over a light blue horizontal line.

Chad Jones  
Technical Records Specialist I

Enclosures