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MAY 18 2020

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

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.

Name of applicant Trent Starnes Phone (541) 801 9323  
 Mailing address 3350 PEPPERWOOD DR City Boise  
 State ID Zip 83704 Email Trent Starnes 35 @ Yahoo  
 1. Source of water Ell Creek tributary to Boise / mores  
 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 #
7N	6E	30		SW	NE	SW	Boise	BLM	Boulder mill

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	
SAME AS POD																			
7N	6E	30										X							

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: settling pond w/ highbanker for mining

5. Amount of water. Complete all three:

- a. Maximum rate of diversion: \_\_\_\_\_ cfs; or 200 gpm.  
 b. Maximum daily volume: \_\_\_\_\_ AF; or 1000 gallons.  
 c. Maximum volume over the duration of the request: 1000 AF; or 1000 Day gallons. 25,000 gals total

6. Duration of diversion: from June (month-day) to OCT (month-day).

7. Describe proposed diverting works: PUMP

8. a. Who owns the property at the requested point of diversion? US Forest  
 b. Who owns the facilities that will convey water to the place of use? \_\_\_\_\_  
 c. Who owns the land to be irrigated or place of use? US Forest  
 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. None

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

Title, if any

Date

Received by RD Date 5/18/20 Time 1:03 PM

\$50.00 fee received by RD # C 108778 Date 5/18/20

Watermaster comments received? REQUESTED on 6/8/2020. No comments received. Date 5/18/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

☐ A. The application for temporary approval should be denied because \_\_\_\_\_

☒ 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 recommendations of the watermaster.

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 of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 0.1 AF and a maximum diversion rate of 0.44 cfs.
4. This approval does not grant a right-of-way across the land of another.
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. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. 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.
9. 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.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: SEE ATTACHED
12. This approval expires on AUGUST 1, 2020.

Signed this 29<sup>th</sup> day of JUNE, 20 20.

  
For the Department

Approval Conditions Attachment for TP-63-337 TRENT STARKEY

13. Diversions of water under this temporary approval shall not continue after August 1, 2020. This is necessary to protect the downstream municipal water supply for Idaho City.
14. The temporary approval is subject to the availability of Water District No. 63 Rental Pool water to mitigate water losses and injury to existing water rights. Prior to diversion and use of water the recipient of this temporary approval must contact Water District 63 Watermaster at 208-908-5480.
15. This temporary approval is subject to control of Water District No. 63 Watermaster.
16. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
17. The stream channel shall not be altered in a manner that creates a physical barrier preventing upstream or downstream fish movement.
18. Prior to diversion and use of water under this approval, the recipient shall obtain U.S. Forest Service authorization necessary to access the point of diversion or place of use or to convey water across Forest Service land.
19. This temporary approval does not authorize the discharge of wastewater or slurry directly into any body of water.

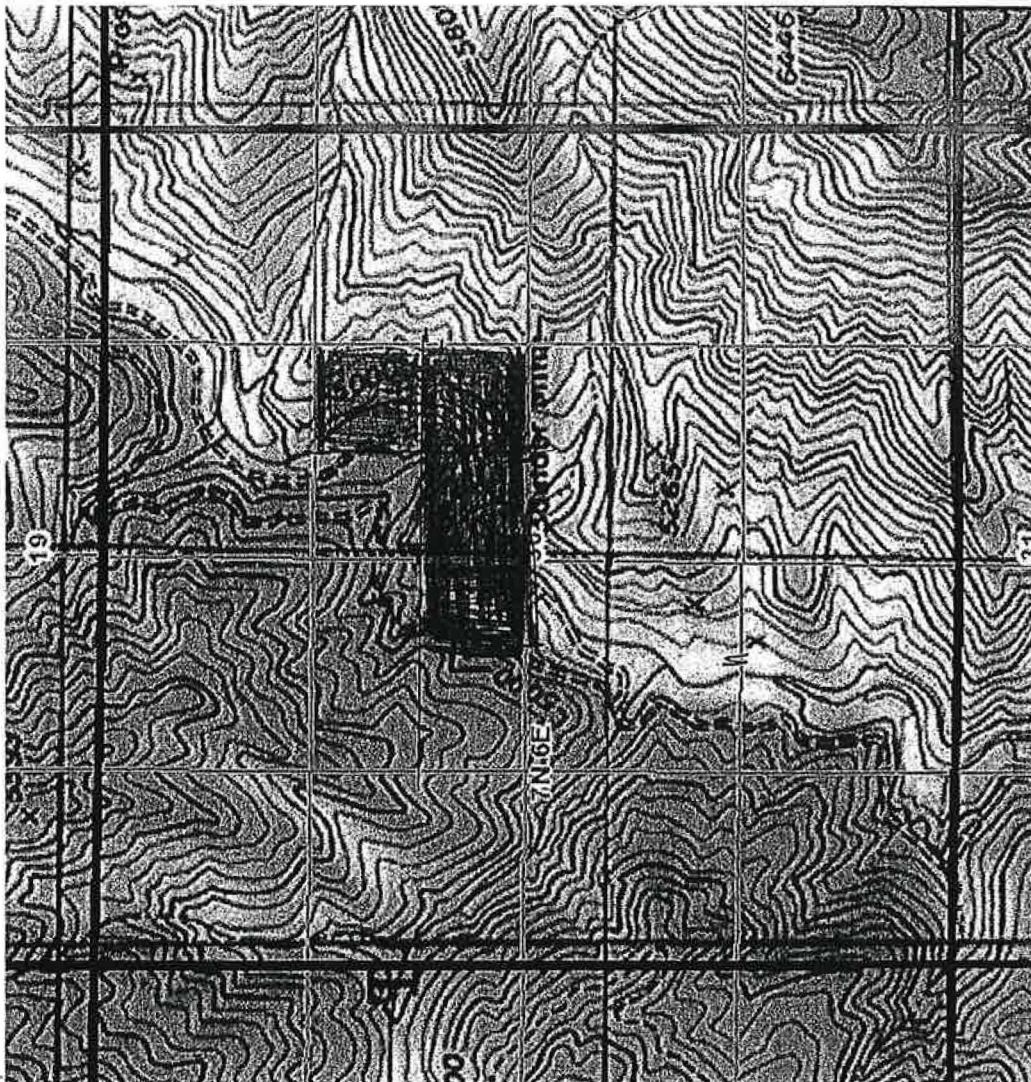


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INFORMATION  
ACCESS CENTER

TP-63-337



5-1-15



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 29, 2020

TRENT T STARKEY  
3350 N PEPPERWOOD DR  
BOISE ID 83704-4134

RE: Application for Temporary Approval of Water Use: TP-63-337

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 be advised, **this approval is subject to the effective dates and conditions stated on page 2 of the application.** Review these conditions to understand the limitations associated with the temporary use of water.

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.** The expiration date cannot be extended under this temporary approval.

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, and any of our agents will be able to assist you.

If you require additional information regarding this matter, please call me at (208) 287-4913 or email me at [Alex.Dalglish@idwr.idaho.gov](mailto:Alex.Dalglish@idwr.idaho.gov).

Sincerely,

Alex Dalglish  
Water Resource Agent

Enclosure(s)

## MEMORANDUM

**Date:** June 29, 2020  
**To:** Temporary Application For Water Use Review  
**From:** Alex Dalglish  
**Re:** Temporary Water Use Application TP-63-337

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**Applicant:** The Department received an application for temporary use of water on 5/18/2020 from Trent Starkey proposing to divert water from Elk Creek for recreational mining activities.

Upon initial review, the application was not complete. The application did not list a place of use (POU) description and the maximum volume over the duration of the request was listed as 1000 gallons/day. Furthermore, the proposed use of water was listed as groundwater recharge with a settling pond. Upon locating the proposed point of diversion (POD) in the SWNESW QQQ of Sec. 30, Twp. 07N, Rge. 06E, the groundwater recharge use did not appear to match the intent of Mr. Starkey. Therefore, I called him on 6/8/2020 to clarify the proposed use of water, the location of the POU and the total AF of water that would be diverted. Mr. Starkey informed me that the application was indeed meant for mining activities and he was simply confused as to how to fill out the form. Based on our discussion, he proposes to divert from June through October approximately 1 time per week with some weeks diverting on 2 occasions. Based on the 1000 gallons/day use listed on the application, the overall water diverted was estimated to be 25,000 gallons or .078 (rounded to 0.1) AF. The applicant will conduct the mining activities under Serial Number IMC224743. The diverted water will be used within 50 feet of the POD and all wastewater will be discharged back into a settling pond.

Mr. Starkey also authorized me to make the necessary changes to the application. I clarified the POU, proposed use of water, and maximum volume over the duration of the request and initialed next to each change.

**Proper Administration:** The application proposes diversion from Elk Creek East of Centerville, ID, which is located within Water District 63. If necessary, the water use could be administered by Watermaster Rex Barrie or Assistant Watermaster Mike Meyers.

**Public Interest:** Based on the available information, the proposal appears to be within the public's interest.

**Injury to Public Values:** Based on the available information, the requested use of water does not appear to cause injury to public values. On 6/8/2020, comments were submitted to the United States Forest Service (USFS), Idaho Water Resource Board (Board), Idaho Department of Fish and Game (IDFG) and Department of Environmental Quality (DEQ). The USFS responded on 6/9 with no concerns. No response

was received from the Board, IDFG or DEQ within 14 days, by 6/22, so it was presumed there were no concerns.

**Other Sources of Water:** There are no other sources of water available nearby. It is it reasonable for the applicant to request diversion from Elk Creek.

**Injury to Existing Water Rights:** The requested POD and POU overlap with the POU for water right 63-24638. This right is owned by the USFS for stockwater use and authorizes two PODs from Elk Creek, one above and one below the proposed POD location. Injury to this right does not seem apparent since the POD downstream on Elk Creek is located far enough below the proposed POD.

Minimum Stream Flow (MSF) right 63-12034 exists on Elk Creek above and below the proposed POD/POU. This MSF right authorizes that at least 5.0 cfs is maintained in Elk Creek year round. The proposed use of .08 AF is minimal enough that injury to right 63-12034 does not seem apparent.

Senior municipal water right 63-2627 sources water from Elk Creek downstream of the proposed POD. This right provides the main water supply for Idaho City. To avoid injury to 63-2627, the authorization to divert water shall expire on August 1, 2020 and the application will include conditional language to make this clear.

The application proposes diverting 200 gpm (.44 cfs), maximum daily volume of 1000 gallons and 25,000 gallons over the duration of the request. 25,000 gallons equates to approximately 0.1 AF which is well within the 5.0 AF maximum allowed.

**Department Staff and Watermaster Comments:** Comments were sent to Western Regional manager Nick Miller as well as Water District 63 watermasters Rex Barrie and Mike Meyers on 6/8/2020. Nick responded on 6/8 with the consideration that temporary diversions from Elk Creek end on August 1<sup>st</sup> to protect the supply of water for Idaho City. Elk Creek is the main source of water for Idaho City. No comment was received from Mike or Rex so it was presumed they did not have concerns. The application will be conditioned with the requirement to rent water from Water District 63 rental pool.



## Dalgleish, Alex

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**From:** Dalgleish, Alex  
**Sent:** Monday, June 8, 2020 1:47 PM  
**To:** 'WATERDISTRICT63@QWESTOFFICE.NET'  
**Subject:** Starkey Temp. App. No. 63-337  
**Attachments:** Starkey Temp. App. 63-337.pdf

Attention Rex Barrie and Mike Meyers,

The Department of Water Resources is seeking comment from you regarding an application to temporarily appropriate 0.80 AF from Elk Creek, East of Centerville, ID. A copy of the application is attached for your reference.

Please submit your comments within 7 days. No response will indicate that you have no objection, concerns or conditions you wish to be added to the issuance of any approval of this application.

If you have any questions regarding this application, please contact me via email or at (208) 287-4913.

Thank you,  
Alex Dalgleish  
Water Resource Agent



## Dalgleish, Alex

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**From:** Dalgleish, Alex  
**Sent:** Monday, June 8, 2020 2:10 PM  
**To:** Miller, Nick  
**Subject:** RE: Temporary Approval 63-337

Ok, I will condition this temp. app. accordingly. Thanks for your input.

**From:** Miller, Nick  
**Sent:** Monday, June 8, 2020 2:06 PM  
**To:** Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>  
**Subject:** RE: Temporary Approval 63-337

My only comments are that we typically end Elk Creek temporary uses on August 1 to protect the City's right. I have attached a version of our approval letter that provides a little more explanation.

**From:** Dalgleish, Alex  
**Sent:** Monday, June 08, 2020 1:49 PM  
**To:** Miller, Nick <[Nick.Miller@idwr.idaho.gov](mailto:Nick.Miller@idwr.idaho.gov)>  
**Subject:** Temporary Approval 63-337

Nick,

The State Office is seeking comment from Western Region, regarding an application to temporarily appropriate 0.8 acre-feet of water from Elk Creek, for recreational mining, by Trent Starkey. A copy of the application is attached for your reference.

Please submit your comments within 7 days, no later than June 15, 2020. If I 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 temporary approval.

Comments are preferred to be received by e-mail to [alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov). If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalgleish  
*Water Resource Agent*  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)

## Dalgleish, Alex

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**From:** Wells, Ricky - FS <ricky.wells@usda.gov>  
**Sent:** Tuesday, June 9, 2020 8:37 AM  
**To:** Dalgleish, Alex  
**Subject:** RE: Temporary Water Use- Elk Creek-63-337

After talking to other FS specialists, we have not comment.



**Rick Wells, PG**  
**Minerals Program Manager**

**Forest Service**  
**Boise National Forest**

**p: 208-373-4136**

**f: 208-373-4111**

**ricky.wells@usda.gov**

1249 S. Vinnell Way, Suite 200

Boise, ID 83709-1663

[www.fs.fed.us](http://www.fs.fed.us)



**Caring for the land and serving people**

**From:** Dalgleish, Alex [mailto:Alex.Dalgleish@idwr.idaho.gov]  
**Sent:** Monday, June 8, 2020 4:06 PM  
**To:** lance.holloway@deq.idaho.gov; bill.bosworth@idfg.idaho.gov; Wells, Ricky - FS <ricky.wells@usda.gov>; Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>  
**Subject:** Temporary Water Use- Elk Creek-63-337

Dear Interested Agencies,

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 0.8 acre-feet of water from Elk Creek, for recreational mining, by Trent Starkey. A copy of the application is attached for your reference.

\*Note- If approved, diversions from Elk Creek will not be authorized after August 1, 2020. This is to help protect senior municipal water use for Idaho City.

Please submit your comments within 14 days, no later than June 22, 2020. 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 temporary approval.

Comments are preferred to be received by e-mail to [alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov). If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalgleish