

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 1.3 AF and a maximum rate of diversion of 0.19 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. 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.
 11. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
 12. Direct discharge of waste water/slurry is not authorized under this approval.
 13. A copy of the approved permit MUST be with pump when diverting.
 14. Other: _____
 15. This approval expires on 31 DECEMBER 2020

Signed this 28th day of May, 2020.


Adam Frederick, Water Right Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763

Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 28, 2020

MATHEW BASDEN
PO BOX 15205
SPOKANE VLY WA 99215-5205

RE: Application for Temporary Approval of Water Use: TP-87-54

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.

This temporary approval **expires on** December 31, 2020. The expiration date cannot be extended 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) 762-2800 or email me at Luke.Bates@idwr.idaho.gov

Sincerely,

Luke Bates
Water Resource Agent.

Enclosure(s) Copy of application

Bates, Luke

From: Sujata.Connell@deq.idaho.gov
Sent: Wednesday, May 27, 2020 11:38 AM
To: Bates, Luke
Cc: zachary.swearingen@idfg.idaho.gov
Subject: RE: IDWR Temporary Approval
Attachments: Basden Temp Water App 5-27-2020.pdf

Luke,

Attached is DEQs comments on the temporary water appropriation. If you need a hard copy or have any follow up questions, let me know.

Thanks,

Sujata



Sujata Connell | Water Quality Manager
Idaho Department of Environmental Quality
1118 F Street, Lewiston, ID 83501
Office: (208) 799-4370
<http://www.deq.idaho.gov/>

From: Bates, Luke [mailto:Luke.Bates@idwr.idaho.gov]
Sent: Thursday, May 21, 2020 3:23 PM
To: Sujata Connell; 'Swearingen,Zachary'
Subject: IDWR Temporary Approval

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 1.3 acre-feet of water from East Fork Gold Creek, Gold Creek, small scale mineral prospecting, by Mathew Basden. A copy of the application is attached for your reference.

Would you please submit your comments no later than **May 28, 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 permit.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street Lewiston, ID 83501
www.deq.idaho.gov

Brad Little, Governor
John H. Tippetts, Director

May 27, 2020

Luke Bates
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Application for a Temporary Approval of a Water Appropriation

Dear Mr. Bates,

We received your request for our comments on the approval of an application for a temporary water appropriation from Gold Creek and East Fork Gold Creek in Latah County for mineral prospecting. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Gold Creek and East Fork Gold Creek are included in assessment unit ID17060108CL030_02 and are designated for the protection of cold water aquatic life, salmonid spawning, and secondary contact recreation beneficial uses. Gold Creek and the East Fork Gold Creek are included in the 2005 Palouse River Tributaries Total Maximum Daily Load (TMDL) allocation for bacteria, sediment, and temperature impairment. The TMDL is a pollution management plan that calculates the maximum amount of a pollutant allowed in the creek based on the volume or flow of water in the creek. Reduction in flow in Gold Creek and the East Fork Gold Creek can cause pollutant increases that exceed the total maximum daily load and Idaho water quality standards.

Because Gold Creek and the East Fork Gold Creek have pollutant TMDLs, we are concerned that there may not be sufficient flow to support the requested withdrawal rate of 0.19 cubic feet per second (cfs), or 85.5 gallons per minute. Flow data collected on July 25, 2013, showed a recorded flow of 0.17 cfs. Based on this and the information included in the TMDL, we recommend that the legally appropriated withdrawal be made, at a minimum, when flows are greater than 1 cfs and that the stream not be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

Additionally, Idaho's Water Quality Standards restricts the discharge of wastewater which may adversely affect water quality as a result of mining activities. Please be aware that no waste water can be allowed to infiltrate and/or return to surface water without an approved discharge permit.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call us at (208) 799-4370 or email, Sujata.connell@deq.idaho.gov.

Sincerely,

A stylized signature of Sujata Connell in blue ink.

Sujata Connell
Surface Water Quality Manager

c: Mathew Basden, Spokane

Bates, Luke

From: Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Sent: Friday, May 22, 2020 10:06 AM
To: Bates, Luke
Subject: RE: IDWR Temporary Approval

Hi Luke,

I do not plan to comment on this application.

Thank you,

Zach Swearingen
Environmental Staff Biologist
Idaho Department of Fish and Game - Clearwater Region
3316 16th St
Lewiston, ID 83501
208-799-5010



From: Bates, Luke <Luke.Bates@idwr.idaho.gov>
Sent: Thursday, May 21, 2020 3:23 PM
To: Sujata.Connell@deq.idaho.gov; Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Subject: IDWR Temporary Approval

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 1.3 acre-feet of water from East Fork Gold Creek, Gold Creek, small scale mineral prospecting, by Mathew Basden. A copy of the application is attached for your reference.

Would you please submit your comments no later than **May 28, 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 permit.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office

Bates, Luke

From: Bates, Luke
Sent: Thursday, May 21, 2020 3:23 PM
To: 'Sujata.Connell@deq.idaho.gov'; 'Swearingen,Zachary'
Subject: IDWR Temporary Approval
Attachments: Mathew Basden Application for Temp Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 1.3 acre-feet of water from East Fork Gold Creek, Gold Creek, small scale mineral prospecting, by Mathew Basden. A copy of the application is attached for your reference.

Would you please submit your comments no later than **May 28, 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 permit.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov

Bates, Luke

From: Mathew Basden <mathewb2572@gmail.com>
Sent: Thursday, May 21, 2020 3:08 PM
To: Bates, Luke
Subject: Re: temp permit

Luke,
Yes, your email is correct.

20,520 gal. Per 4 hr. Day.

20520 gal. X 20 days = 410,400 gal.

410,400 gal / 325,850 gal/af = 1.3 a.f.
Over duration of use. 5/29 thru 12/31/2020.

Thank you,
Mathew Basden.

On May 21, 2020 2:51 PM, "Bates, Luke" <Luke.Bates@idwr.idaho.gov> wrote:

Mathew,

I received your temp application today. I need clarification on the acre foot (AF) values.

What I perceive is that you plan a total of 20 days, drawing water 4 hours each of those days in the period of time between 5/29 and 12/31 2020.

I read 20,520 gallons per day, x 20 days = 410,400 gallons.

410,400 gallons / 325,850 gal/AF = **1.3 AF**, which is your Maximum Volume over the duration of request.

If you are in agreeance, please respond by email your approval, and I will get this processed for you.

Thank you,

Bates, Luke

From: Bates, Luke
Sent: Thursday, May 21, 2020 2:52 PM
To: 'mathewb2572@gmail.com'
Subject: temp permit

Mathew,

I received your temp application today. I need clarification on the acre foot (AF) values.

What I perceive is that you plan a total of 20 days, drawing water 4 hours each of those days in the period of time between 5/29 and 12/31 2020.

I read 20,520 gallons per day, x 20 days = 410,400 gallons.

410,400 gallons / 325,850 gal/AF = **1.3 AF**, which is your Maximum Volume over the duration of request.

If you are in agreeance, please respond by email your approval, and I will get this processed for you.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
MAY 21 2020
IDWR/NOI/PERN

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 Mathew Basden Phone (509) 999-2353
 Mailing address P.O. Box 15205 City Spokane
 State Wa. Zip 99215 Email mathewb2572@gmail.com

1. Source of water East Fork Gold Creek, Gold Creek tributary to N.F. Polouse River2. Location of point(s) of diversion. If more than two, attach a [Point of Diversion/Place of Use Supplement](#). ☐

TWP	RGE	SEC	GOVT LOT	¼	¼	¼	County	Source	Local name or tag #
42N	4W	11		SW	SE +	SW	Latah	East Fork Gold Creek	Same
42N	4W			SW	NW		Latah	Gold Creek	Same

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	
42N	4W	11										X	X	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: Small Scale, Minimal Impact, Mineral Prospecting

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: 0.19 cfs; or 85.5 gpm.b. Maximum daily volume: AF; or 20,520G/4hr.day gallons.c. Maximum volume over the duration of the request: AF; or 410,400/4hr x20 gallons.6. Duration of diversion: from (Occasional use) 5-29-20 (month-day) to 12-31-20 (month-day).7. Describe proposed diverting works: Portable 5hp-2" Pump8. a. Who owns the property at the requested point of diversion? U.S.F.S.-Surface Rights / Mathew Basden Mineral Rights.b. Who owns the facilities that will convey water to the place of use? Mathew Basdenc. Who owns the land to be irrigated or place of use? U.S.F.S.-surface Rights / Mathew Basden Mineral Rights.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. Approved 2020 Notice of Intent, Potlatch Forest Service Office.

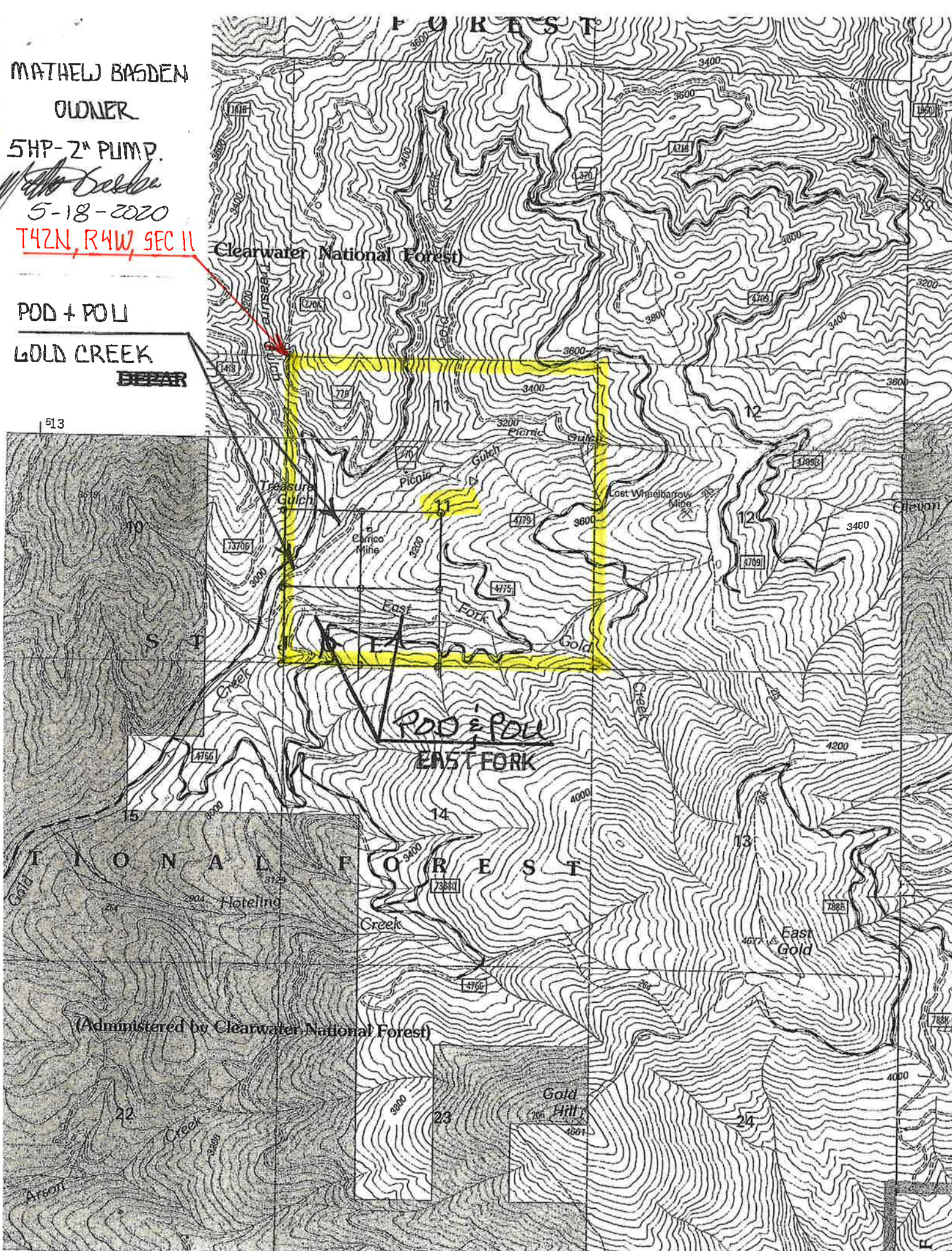
9. Attach an 8 ½" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

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.

Mathew Basden Owner-Mineral Rights. 5-18-2020
 Signature of Applicant Title, if any Date

Received by Date Time
 \$50.00 fee received by TA # NO 36078 Date 5-18-2020
 Watermaster comments received? Date

GOLD CREEK



RECEIVED

MAY 18 2020

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: Mathew Basden Phone: 509-999-2353
 Mailing address: P.O. Box 15205 City: Spokane Valley
 State Wa. ZIP 99215 Email: mathewb2572@gmail.com

1. Source of water: East Fork Gold Creek, Gold Creek tributary to N.F. Polouse River

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
42N	4W	11		SW	SE+	SW	Latah	East Fork Gold Creek	Same
42N	4W	11		SW	SE+	SW	Latah	Gold Creek	Same

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	
42N	4W	11										X	X	X					

4. Describe proposed use of water Small scale, Minimal impact, Mineral Prospecting / Sampling.
(occasional use) 1 June 2020 to 31 Dec 2020

5. Amount of water:

Maximum rate of diversion 0.19 cfs or 85.5 gpm.Maximum daily volume 20,520G/4hr.day AF; total volume 20 days max AF.6. Duration of diversion: from (occasional use) 1 June 2020 (day-month) to 31 Dec 2020 (day-month).7. Describe proposed diverting works: Portable 5HP-2" Pump8. a. Who owns the property at the requested point of diversion? Forest Service-Surface Rights, M. Basden-Mineral Rights.b. Who owns the land to be irrigated or place of use? Forest Service-Surface Rights, Mathew Basden-Mineral Rights.

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

Approved 2020 Letter of Intent, Potlatch Forest Service Office, Potlatch, Id.9. Additional remarks: Water intakes screened W/ 1/4" Dia. or less, HolesApproach Velocities not to exceed 0.5 ft/sec.(Will not draft water during periods of minimal flow)

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.

Mathew Basden
 Signature of applicant

15 May 2020 ✓
 Date

Received by _____ Date _____ Time _____
 \$50.00 fee receipted by ya # N036078 Date 5-18-2020
 Watermaster comments received? _____ Date _____