

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 02 2020

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 Karston Lamie Phone (208) 304-7483  
 Mailing address PO Box 353 City Fernwood  
 State ID Zip 83830 Email Karstonlamie@gmail.com  
 1. Source of water Sailor creek tributary to granite creek  
 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>7N</u>	<u>4E</u>	<u>14</u>	<u>15</u>	<u>SE</u>	<u>SW</u>	<u>NW</u>	<u>Boise</u>	<u>Sailor creek</u>	<u>Upper Valley</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	
<u>7N</u>	<u>4E</u>	<u>14</u>																	

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 mining activities

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 150 gpm.b. Maximum daily volume: \_\_\_\_\_ AF; or 36,000 gallons.c. Maximum volume over the duration of the request: \_\_\_\_\_ AF; or 540,000 gallons.6. Duration of diversion: from 5-1-2020 (month-day) to 8-1-2020 (month-day).7. Describe proposed diverting works: Pump water using 2" pump to upland location for processing8. a. Who owns the property at the requested point of diversion? Applicantb. Who owns the facilities that will convey water to the place of use? Applicantc. Who owns the land to be irrigated or place of use? Applicantd. 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. NA

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.

Karston Lamie Signature of Applicant Title, if any 3-27-20 Date

Received by KM Date 4-2-2020 Time 10:00  
 \$50.00 fee receipted by KM # C108537 Date 4-2-2020  
 Watermaster comments received? YES Date 5/6/2020

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 1.7 AF and a maximum diversion rate of 0.33 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 8/1/2020.

Signed this 18<sup>th</sup> day of May, 2020.

  
For the Department

Approval Conditions Attachment for TP-63-325 Karston Lamie

- 12 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.
- 13 This temporary approval may be subject to control of Water District No. 63 Watermaster.
- 14 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.
13. This temporary approval does not authorize the discharge of wastewater or slurry directly into any body of water.
14. Prior to diversion and use of water under this approval, the recipient shall obtain Bureau of Land Management (BLM) authorization necessary to access the point of diversion and place use or to convey water across BLM land.

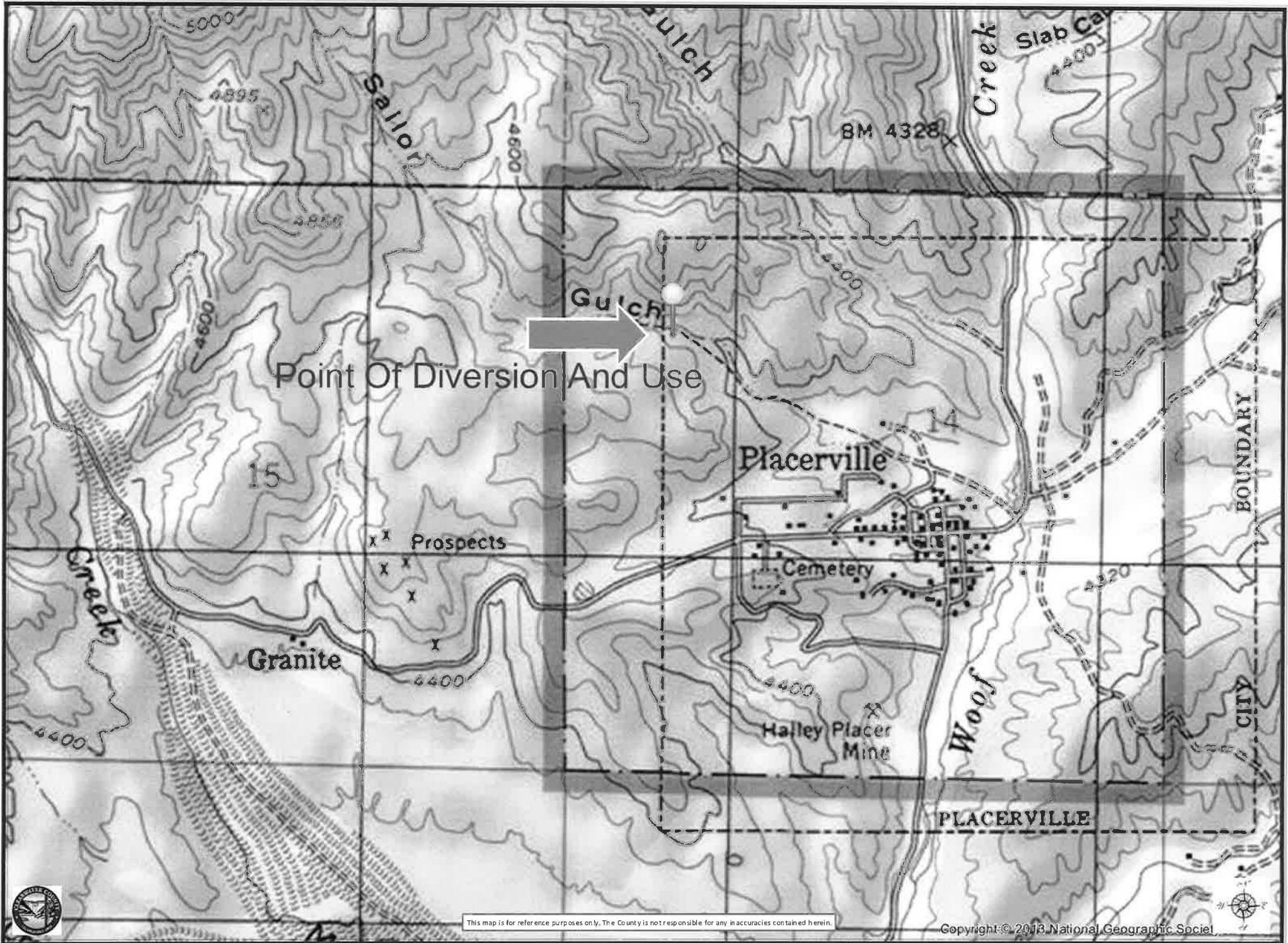
#### Sailor Creek

4.B This proposal will accomplish the intended objective by pumping water with a 2-inch gas powered pump to an upland location. Water will be used to operate a small highbanker wash plant to test for valuable minerals. No stream channel alterations are to occur.



# Sailor Gulch

1 inch = 1,505 feet





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

May 18, 2020

KARSTON LAMIE  
PO BOX 353  
FERNWOOD ID 83830-0353

RE: Application for Temporary Approval of Water Use: TP-63-325

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.

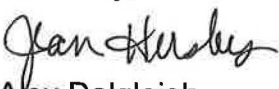
This temporary approval **expires on** August 01, 2020. The expiration date cannot be extended under this temporary approval.

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,

  
for Alex Dalglish  
Water Resource Agent

Enclosure(s)

cc: REX BARRIE, Water District 63

## MEMORANDUM

**Date:** May 12, 2020  
**To:** Temporary Application For Water Use Review  
**From:** Alex Dalglish  
**Re:** Temporary Water Use Application TP-63-325

---

**Applicant:** The Department received this temporary approval application on 4/2/2020 from Karson Lamie. The applicant proposes to divert water from Sailor Creek, tributary to Granite Creek from May 1 to August 1, 2020 for small scale mining activities. The place of use (POU) and point of diversion (POD) are both located NW of Placerville, ID. According to the application, the proposal will accomplish an intended objective of pumping water with a 2 inch gas powered pump to an upland location. Water will be used to operate a small high banker wash plant to test for valuable minerals. No stream channel alterations are to occur.

The PLSS description on the application for the POU and POD did not match that on the map included. The POD on the application is described in the SESWNW QQQ, Govt. Lot 15 Sec. 14 Twp. 7N Rge. 4E while the POU on the application is listed in the SENW QQ Sec. 14 Twp. 7N Rge. 4E. According to the map included with the application, both the POU and POD are located in the SWNW QQ Govt. Lot 16 Sec. 14 Twp. 7N Rge. 4E. The map's description will be used as the location for the POU and POD.

**Proper Administration:** The proposal is within Water District 63. Watemaster Rex Barrie or assistant Watermaster Mike Meyers could administer the use if necessary.

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

**Injury to Public Values:** Based on the information available, the proposal does not appear to cause injury to public values. On 5/5/2020, comments were requested from the IDFG, DEQ and BLM. No comments reading the application have been received from the IDFG or DEQ as of the date of this memo, so it is assumed there are no concerns. The BLM responded on 5/12 with comments relating to their ownership of the land at the POU and POD. The BLM wanted to clarify that the application did not list the BLM as owners of the land at the POU and POD but instead listed the applicant owned them. The BLM requested adding the following condition to the approval: "this approval does not grant a right-of-way across the land of another". This condition is part of the standard Basin 63 conditions and will be applied the approval document along with other mining related conditions.

**Other Sources of Water:** Based on the proposed POD/POU location, there are no other sources of water. It is reasonable for the applicant to request diversion from Sailor Gulch Creek as it appears to be the only source of water flowing though the SWNW QQ.

**Injury to Existing Water Rights:** The only water right on Sailor Gulch Creek below the proposed POD is 63-29320. This right is owned by the BLM and authorizes the diversion of 0.02 cfs for stockwater use. Sailor Gulch Creek runs into Woof Creek and right 63-15153 diverts 2 CFS from Woof Creek for mining and 50 AF for fire protection storage and fire protection from storage. The mining use proposed by this temporary approval will presumably be non-consumptive and should not cause injury to the water rights mentioned above or other rights below the POD.

The application proposes diverting 150 gpm, maximum daily volume of 36,000 gallons and 540,000 gallons over the duration of the request. 540,000 gallons equates to 1.66 AF which is within the 5.0 AF maximum allowed.

**Department Staff and Watermaster Comments:** Comments were submitted to Western Region and to watermaster Rex Barrie of Water District # 63 on 5/5/2020. Western did not respond with comments so it was assumed there were no concerns. Rex responded on 5/6/2020 with the requirement that the applicant rent water from WD # 63 rental pool.



## Grimm, Angie

---

**From:** McCrea, Sandra L <smccrea@blm.gov>  
**Sent:** Tuesday, May 12, 2020 2:15 PM  
**To:** Dalglish, Alex  
**Cc:** Price, Fredric W; Madenford, Gary A; Fincher, James M  
**Subject:** Fw: [EXTERNAL] Temporary Approval on Sailor Gulch Creek- Placerville ID  
**Attachments:** Karston Lamie Application- Sailor Creek.pdf; TP\_Lamie\_BLM-Comment.pdf

Alex,

BLM has reviewed Temporary Permit (Karston Lamie) and has noted the following:

1) The application states that the POD and POU are private; however, the POD and POU entirely describe federal land managed by BLM.

POD: T07N, R04E, S14, Lot 15 (NWNW) and Lot 16 (SWNW) (BLM land)

POU: T07N, R04E, S14, SENW (BLM land)

2) Disturbance of federal land under this proposed temporary water use requires a mining Notice, the applicant (Karston Lamie) has filed a Notice to Conduct Exploration Level Activities with BLM (IDI-038885) which includes the area described under the temporary permit.

3) Any issuance of a temporary permit does not preclude any requirements that BLM may issue in relation to mining activities occurring on federal land. BLM supports the following condition be included on any approved temporary permit:

**"This approval does not grant a right-of-way across the land of another."**

Other than the (3) issues noted above, BLM has no other comments or concerns with the temporary permit. I have attached a map and MTP to support land ownership.

Thank you,  
Sandra McCrea

**Sandra McCrea**  
**Water Rights Specialist**  
1387 S. Vinnell St.  
Boise, ID. 83709  
(208) 373-3816

---

**From:** Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>  
**Sent:** Tuesday, May 5, 2020 5:23 PM  
**To:** lance.holloway@deq.idaho.gov <lance.holloway@deq.idaho.gov>; bill.bosworth@idfg.idaho.gov <bill.bosworth@idfg.idaho.gov>; Price, Fredric W <fwprice@blm.gov>  
**Subject:** [EXTERNAL] Temporary Approval on Sailor Gulch Creek- Placerville ID

Dear Interested Agencies,

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 1.66 acre-feet of water from Sailor Gulch Creek, for recreational mining, by Karson Lamie. A copy of the application is attached for your reference.

Please submit your comments within 7 days, no later than May 12, 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). However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

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)

## Grimm, Angie

---

**From:** waterdistrict63@qwestoffice.net  
**Sent:** Wednesday, May 6, 2020 7:05 AM  
**To:** Dalgleish, Alex; mikemeyerswd63@gmail.com  
**Subject:** RE: Application for Temporary Approval Number TP- 63-325

We have no objections as long as rental pool water us required.

Rex R. Barrie  
Boise River Watermaster

**From:** Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>  
**Sent:** Tuesday, May 5, 2020 5:46 PM  
**To:** 'WATERDISTRICT63@QWESTOFFICE.NET' <WATERDISTRICT63@QWESTOFFICE.NET>; 'mikemeyerswd63@gmail.com' <mikemeyerswd63@gmail.com>  
**Subject:** Application for Temporary Approval Number TP- 63-325

Attention Water District 63,

The Department of Water Resources is seeking comment from you regarding an application to temporarily appropriate water. 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