

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

202A 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 Sharm Nelson Phone 208-919-9336
Mailing address 1492 Storey Ave City Meridian
State ID Zip 83646 Email _____

1. Source of water Grimes CR tributary to Boise River

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>5E</u>	<u>3</u>	<u>NE</u>	<u>NE</u>			<u>Boise</u>	<u>BLM grimes CR</u>	<u>to close</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>5E</u>	<u>3</u>	<u>1/4</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: mining

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: unknown cfs or unknown gpm.

b. Maximum daily volume: _____ AF; or _____ gallons.

c. Maximum volume over the duration of the request: 5 AF; or _____ gallons.

6. Duration of diversion: from 4/1/2020 (month-day) to 11-1-2020 (month-day).

7. Describe proposed diverting works: 2 inch water pump

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

b. Who owns the facilities that will convey water to the place of use? Sharm Nelson

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

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. _____

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 Sharm Nelson

Title, if any owner

Date 4/13/2020

Received by KM

Date 2-18-2020

Time 12:04 PM

\$50.00 fee received by KM

286

check # C108286

Date 2-6-2020

Watermaster comments received? comments sent to wm #63 - no response received.

Date 3-2-2020

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 5.0 AF and a maximum diversion rate of 0.06 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 additional conditions attached

12. This approval expires on NOVEMBER 1, 2020.

Signed this 9th day of APRIL, 2020.


For the Department

Approval Conditions Attachment for TP-63-321 Sharm Nelson

- 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.

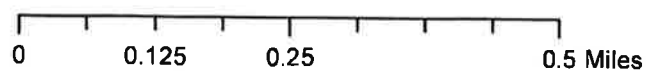
RECEIVED

APR 12 2019

[illegible]

Pump
GR
Pump

- QQ



DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page

Run Date/Time: 3/2/2020 9:29 AM

Page 1 Of 2

01 10-21-1976;090STAT0090;43USC1744

Total Acres

Serial Number

Case Type 384201: PLACER CLAIM

20

IMC202893

Claim Name: TO CLOSE

Case Disposition: ACTIVE

Lead File Number

Required Maintenance Fee: \$165.00

IMC202893

Name & Address

Interest Relationship

NELSON SHARM

CLAIMANT

1492 W STOREY ST

MERIDIAN, ID 83646-1464

County / State

District

BOISE

COUNTY, ID

BOISE DISTRICT OFFICE

Mer Twp Rng Sec

Subdivision

08 0070N 0050E 003

NE

Act Date	Code	Action Text	Action Remarks	Receipt Number
11/08/2010	403	LOCATION DATE		
11/09/2010	395	RECORDATION NOTICE RECD	1	2243863
08/01/2019	483	SMALL MINER CERT FILED	2020	
08/01/2019	480	EVID OF ASSMT FILED	2019	4521196
08/16/2018	483	SMALL MINER CERT FILED	2019	
08/16/2018	480	EVID OF ASSMT FILED	2018	4236617
08/23/2017	483	SMALL MINER CERT FILED	2018	
08/23/2017	480	EVID OF ASSMT FILED	2017	3952837
08/18/2016	483	SMALL MINER CERT FILED	2017	
08/18/2016	480	EVID OF ASSMT FILED	2016	3634242
08/04/2015	483	SMALL MINER CERT FILED	2016	
08/04/2015	480	EVID OF ASSMT FILED	2015	3358633
08/04/2014	483	SMALL MINER CERT FILED	2015	
08/04/2014	480	EVID OF ASSMT FILED	2014	3091810
08/21/2013	483	SMALL MINER CERT FILED	2014	
08/21/2013	480	EVID OF ASSMT FILED	2013	2861309
09/04/2012	483	SMALL MINER CERT FILED	2013	
09/04/2012	480	EVID OF ASSMT FILED	2012	2648190
08/12/2011	483	SMALL MINER CERT FILED	2012	
08/12/2011	480	EVID OF ASSMT FILED	2011	2403378
11/09/2010	484	LOCATION YEAR / MAINTENAN	2011	2243863
11/19/2010	669	LAND STATUS CHECKED		
11/09/2010	501	ACCT ADV IN LEAD FILE	IMC202893;	
11/09/2010	500	MAP IN LEAD FILE	IMC202893;	
11/09/2010	404	COUNTY RECORDATION	229607;0;0	

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

**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

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

Brad Little
Governor

Gary Spackman
Director

April 9, 2020

SHARM NELSON
1492 W STOREY ST
MERIDIAN ID 83646-1464

RE: Application for Temporary Approval of Water Use: TP-63-321

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** November 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.Dalgleish@idwr.idaho.gov.

Sincerely,

for Alex Dalgleish
Water Resource Agent.

Enclosure(s)

cc: REX BARRIE, Water District 63.

MEMORANDUM

Date: March 16, 2020
To: Temporary Permit 63-321
From: Alex Dalglish
Reason: Application for Temporary Approval of Water Use

Applicant: The Department received a temporary application for water use from Sharm Nelson on 2/18/2020. The application proposes to use water from Grimes Creek for mining use. This temporary application is a renewal of a temp. app. submitted in 2019. The Department has approved temp. apps. for Mr. Nelson in 2012, 2014, 2015, 2016, 2018 and 2019. All past temp. apps. and the 2020 application requested to divert water from Grimes Creek for various mining activities. Throughout the years, the proposed water use has varied slightly, but the PLSS location of the POU and POD has remained the same.

The current application was not complete when received. The location of the place of use (POU), point of diversion (POD), the amount of water proposed to be used, arrangement with the landowners at the POU/POD and a representative map were missing from the application. The Department sent a letter to the applicant requesting the additional information. Mr. Nelson added the POU/POD information to the 2020 application and stated that the other information requested is already on file with the Department via previous temporary applications.

I called Mr. Nelson on 3/2/2020 to confirm with him that the Department will use the map and amount of water proposed from the 2019 temporary application. He approved of using his 2019 application information and that only minor water use changes would occur in 2020. He informed me that all water will still be captured in a settling pond but the mining trommel would be moved down Grimes Creek about 100 yards. The PLSS location of the water use is the same as in past years; in the NENE QQ, Govt. lot 14, Sec. 3, Twp. 7N, Rge. 5E.

Using the PLSS location, I identified IMC 202893 from the BLM website and printed the claim summary page which I will include with the application.

This temporary application requests a season of use to begin on 4/1/2020 and extend to 11/1/2020. The applicant proposes using a 2" water pump to divert water. Citing past temporary applications, water will be diverted at a maximum rate of 25 GPM (.06cfs) with a maximum volume of 5.0 acre feet requested over the duration of the request.

Proper Administration: The use of water from Grimes Creek falls within Water District 63. The use could be properly administered by watermaster Rex Barrie or assistant watermaster Mike Meyers.

Local Public Interest: Review staff has no reason to suggest that this application is inconsistent with public interest.

Injury to Public Values: Based on the information available, injury to public values does not seem apparent. According to Department records as well as the application, the Bureau of Land Management (BLM) owns the land at the proposed POU and POD. Comments were requested on 3/2/2020 from the BLM, Idaho Department of Fish and Game (IDFG) and the Department of Environmental Quality (DEQ).

The agencies were given 7 days to submit comments but I waited 14 days, until 3/16/2020 for any comments. The BLM responded on 3/5/2020 with no concerns. It is worth mentioning that Mr. Nelson has an approved plan of operations (POO) with the BLM and acquiring a temporary approval of water use is one of the requirements of the POO. Comments were not received from the IDFG or DEQ within 14 days so was is presumed these agencies did not have any concerns with the proposed water use.

Other Sources of Water: There are no other sources of water at the requested POD/POU. Therefore, diversion of water from Grimes Creek is reasonable.

Injury to Other Water Rights: Water right 63-29086 overlaps at the POU. It is owned by the BLM, authorizing the use of 0.02 cfs from Grimes Creek for 10 range cattle. This right has 2 POD's; one is located just above the POD proposed by this temp. app. and the other is approximately 0.8 miles downstream. With water right 63-29086 using such a minimal amount of water for 10 cattle and the spread out locations of the POD's, injury to this right does not seem apparent.

Department Staff and Watermaster Comment. Comments were submitted to Western Region contact Nick Miller, Watermaster of District 63, Rex Barrie and assistant watermaster Mike Meyers on 3/2/2020. If no response was received within 7 days, it was presumed there were no relevant concerns. If approved, the applicant will be required to rent water from Water District #63 Rental Pool.

Dalgleish, Alex

From: Price, Fredric W <fwprice@blm.gov>
Sent: Thursday, March 5, 2020 3:53 PM
To: Dalgleish, Alex
Cc: Keeler, David A; Lund, Christopher A; Larsen, Joseph S
Subject: Re: Temporary Approval of Water Use 63-321
Attachments: Decision-Record_DOI-BLM-ID-B010-2013-0021-EA_SharmNelson_elecsig.pdf; DOI-BLM-ID-B010-2013-0021-EA_SharmNelson-Mining-Plan-of-Ops.pdf; FONSI_SharmNelsonMP_elecsig.pdf; TP-63-321_Nelson_Appl-for-Temp-Water-Use_Presentation.pdf

Alex,

RE: TP-63-321, Application for Temporary Approval of Water Use.
IMC-202893, To Close Placer Claim, Sharm Nelson

Thank you for the opportunity to review this application. Water uses generally create some sort of disturbance; so on Federal land, some form of authorization may be necessary.

In this case, Mr. Nelson has an approved Plan of Operations (IDI-037327) for which this temporary water permit is needed. He is required to get it annually and provide us copies. I attach hereto the DR, EA, FONSI for his approved Plan of Operations, and a map presentation looking at the POU footprint.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Monday, March 2, 2020 1:41 PM
To: Price, Fredric W <fwprice@blm.gov>; lance.holloway@deq.idaho.gov <lance.holloway@deq.idaho.gov>; bill.bosworth@idfg.idaho.gov <bill.bosworth@idfg.idaho.gov>
Subject: [EXTERNAL] Temporary Approval of Water Use 63-321

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 5.0 acre-feet of water from Grimes Creek, for recreational mining, by Sharm Nelson. A copy of the application is attached for your reference.

Please submit your comments within 7 days, no later than 3/9/2020. 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. 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

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Monday, March 2, 2020 2:10 PM
To: Miller, Nick
Subject: Temp. App. 63-321
Attachments: 63-321 Temp. App. 2020.pdf; Additional Info Request Letter.pdf

Nick,

The State Office is seeking comment from Western Region, regarding an application to temporarily appropriate 5.0 acre-feet of water from Grimes Creek, for recreational mining, by Sharm Nelson. A copy of the application is attached for your reference.

Please submit your comments within 7 days, no later than March 9, 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. 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

Dalglish, Alex

From: Dalglish, Alex
Sent: Monday, March 2, 2020 1:42 PM
To: 'Price, Fredric'; 'lance.holloway@deq.idaho.gov'; 'bill.bosworth@idfg.idaho.gov'
Subject: Temporary Approval of Water Use 63-321
Attachments: 63-321 Temp. App. 2020.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 5.0 acre-feet of water from Grimes Creek, for recreational mining, by Sharm Nelson. A copy of the application is attached for your reference.

Please submit your comments within 7 days, no later than 3/9/2020. 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.dalglish@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 Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

Dalglish, Alex

From: Dalglish, Alex
Sent: Monday, March 2, 2020 1:35 PM
To: 'WATERDISTRICT63@QWESTOFFICE.NET'
Subject: Application for Temporary Approval Number TP- 63-321
Attachments: 63-321 Temp. App. 2020.pdf

Attention REX BARRIE,

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.

I will condition the approval with the requirement that the applicant rent water from the Boise River rental Pool.

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 Dalglish
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 20, 2020

SHARM NELSON
1492 STOREY AVE
MERIDIAN ID 83646

RECEIVED

FEB 27 2020

DEPARTMENT OF
WATER RESOURCES

RE: Application for Temporary Approval of Water Use

Dear Applicant(s):

The Department of Water Resources (Department) received your temporary application on February 18, 2020 for mining use on Grimes Creek. Additional information is needed to continue processing your application.

The additional information needed is:

- on file -
- the location of the point of diversion (POD), item #2 and the place of use (POU), item #3. The location description includes the Township, Range, Section and quarter-quarter.
 - unknown -
 - Amount of water, item #5a, b & c.
 - not my problem -
 - Arrangement with BLM allowing you access, item #8d.
 - 2 inch water pump →
 - Map identifying the water source, point(s) of diversion, place(s) of use and conveyance system, item #9.

The Department is returning your application. Please provide the information requested within 30 days. If the requested information is not received within 30 days, the Department will request a refund and your application will not be processed. If you have any questions, please contact me at (208) 287-4942 or email me at jean.hersley@idwr.idaho.gov. Thank you.

Sincerely,

Jean Hersley

Technical Records Specialist II

you have all this crap on file
for over 10 yrs now