

RECEIVED

FEB 26 2020

Print One-Sided Only

ID No. TP-63-320DEPARTMENT 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.

AMENDED

Name of applicant GARY E. KNOBBE SR Phone (208) 670 4123  
 Mailing address 2541 MILLER AVE City BURLEY  
 State IDAHO Zip 83318 Email OB1KNOBBESR41@GMAIL.COM  
 1. Source of water ELK CREEK 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 #
7N	6E	20		NW	SE	NE	BOISE	ELK CREEK	
					SW				

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	
7N	6E	20	X	X	X	X													
7N	6E	21						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: 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: \_\_\_\_\_ cfs; or 150 gpm.

b. Maximum daily volume: \_\_\_\_\_ AF; or 27,000 gallons.

c. Maximum volume over the duration of the request: 1.0 AF; or \_\_\_\_\_ gallons.

6. Duration of diversion: from 7/15/2020 (month-day) to 8/31/2020 (month-day).

7. Describe proposed diverting works: 3" HIGH BANKER, 5.5 HP MOTOR, 300 GPM (MAX) PUMP

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

b. Who owns the facilities that will convey water to the place of use? GARY E. KNOBBE SR

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

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. IMC# 217562 ELKHORN GOLD MINING CLAIM

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.

G. E. Knobe Sr  
Signature of Applicant

Title, if any

Date

Received by KM

Date 2-21-2020

Time 11:25 AM

\$50.00 fee received by KM

# 25859604736

Date 2-21-2020

Watermaster comments received? yes

C108342

Date 2-26-20

must rent water from WD#63 rental pool.



## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

*Superseded by Amended Application***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.

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 Mailing address 2541 MILLER AVE City BURLEY  
 State IDAHO Zip 83318 Email OB1KNOBBESR41@GMAIL.COM

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 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>6E</u>	<u>20</u>		<u>NW</u>	<u>SE</u>	<u>NE</u>	<u>BOISE</u>	<u>ELK CREEK</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>6E</u>	<u>20</u>																	

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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 G. E. Knobe Sr Title, if any \_\_\_\_\_ Date 2-15-2020

Received by KM Date 2-21-2020 Time 11:25 AM  
 \$50.00 fee received by KM # 25859604736 Date 2-21-2020  
 Watermaster comments received? C108342 Date \_\_\_\_\_

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 1.0 AF and a maximum diversion rate of 0.66 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 8/31/2020.

Signed this 12<sup>th</sup> day of MARCH, 2020.

  
For the Department

Approval Conditions Attachment for TP-63-320 GARY KNOBBE

13. 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.
14. This temporary approval is subject to control of Water District No. 63 Watermaster.
15. 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.
16. The stream channel shall not be altered in a manner that creates a physical barrier preventing upstream or downstream fish movement.
17. 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.
18. This temporary approval does not authorize the discharge of wastewater or slurry directly into any body of water.



# IDWR Mores Creek, Grimes Creek, and Tributaries Letter Permit Supplement Form

An IDWR Recreational Mining Authorization (LETTER PERMIT) must accompany this Supplement, including the appropriate LETTER PERMIT application fee (\$10 for Idaho residents, \$30 for non-Idaho residents).

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED				
<b>I. APPLICANT INFORMATION (bold = required)</b>				
1. Name (Last, First MI) <u>KNOBBE, GARY, E.</u>				2. Idaho Resident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Mailing Address (Street or PO Box) <u>2541 MILLER AVE</u>		4. City <u>BURLEY</u>	5. State <u>ID</u>	6. Zip <u>83318</u>
7. Phone No. (include area code) <u>208 670 4123</u>		8. Email Address <u>OB1KNOBBESR42@GMAIL.COM</u>		
<b>II. LOCATION AND ACTIVITY INFORMATION (bold = required)</b>				
9. Estimated number of proposed dredging days <u>9</u>		10. Estimated number of proposed dredging hours per day <u>4</u>		11. Estimated volume of material dredged per day (in cubic yards) <u>2.5</u>
12. Claim Name/Number (if applicable) <u>ELKORN GOLD IMC# 217562</u>		12a. Twnshp <u>7N</u>	12b. Range <u>6E</u>	12c. Section <b>OR</b> 12d. Latitude/Longitude <u>20</u>
13. Site Access/Directions. Attach a vicinity map—such as a USGS quadrangle or National Forest map—showing the mining location(s) (and claim boundaries, if applicable).          				
14. Summary Description of Activity, including equipment to be used (high banker, suction dredge, etc.). <u>WILL USE A 4" PROLINE SUCTION DREDGE OR 3" PROLINE HIGH BANKER/DREDGE COMBO AT DIFFERENT TIMES DURING SEASON</u>				
14a. Dredge Details. Size of dredge nozzle <u>4</u> in Horsepower rating <u>6.5</u> HP		14b. Estimated Total Area and Volume of Material(s) to be dredged and discharged below the ordinary high water mark: <u>150</u> square feet <u>23</u> cubic yards		

FORM CONTINUED ON NEXT PAGE

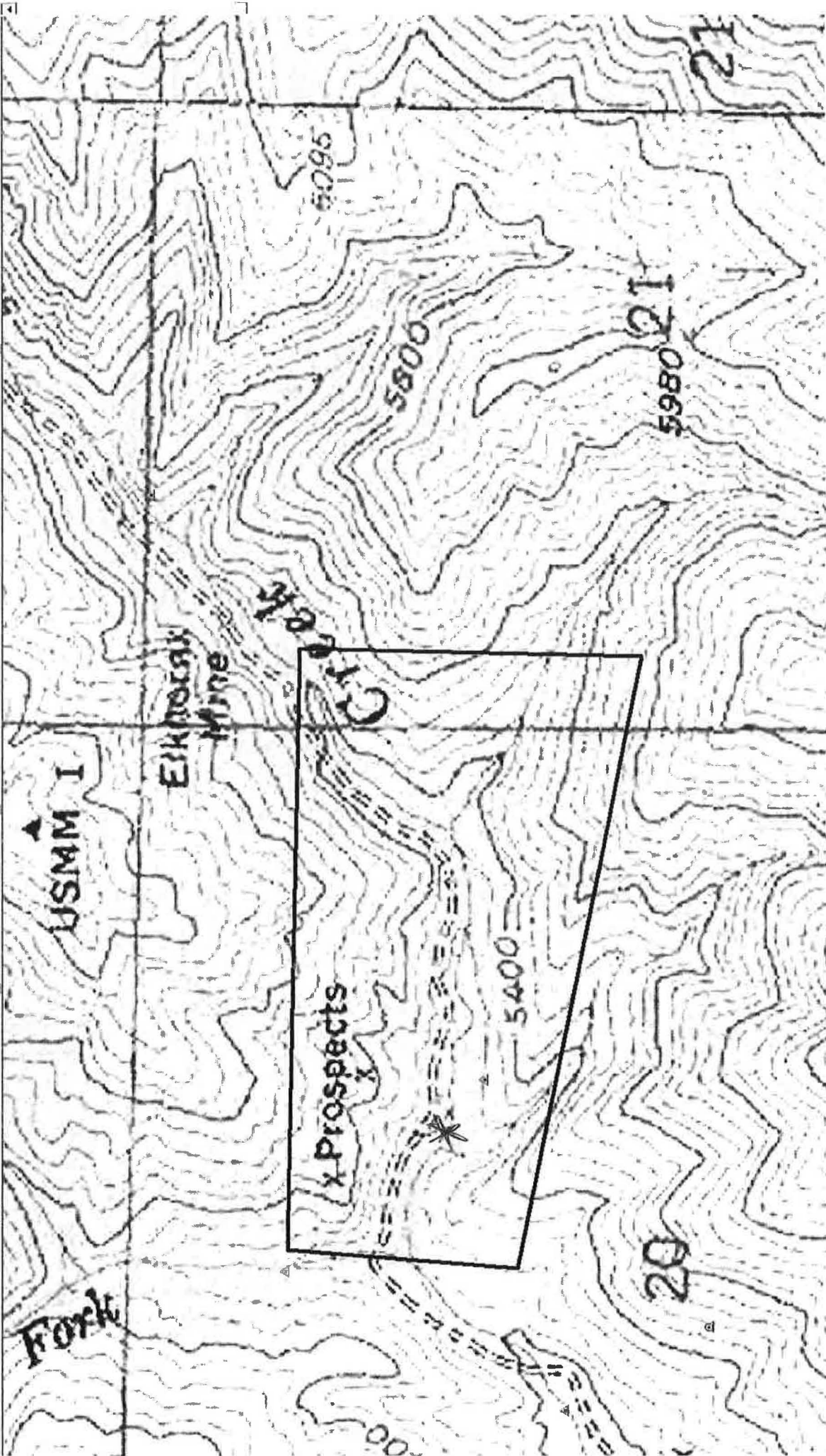
**III. APPLICANT SIGNATURE (bold = required)**

16. I have read and understand the Stream Channel Alteration by Recreational Mining Activities IDWR Instructions for 2019 and will conduct my operations in compliance with those instructions, all rules, special conditions, and other requirements. In addition, I will not conduct any in-stream mining activity until submitting a Letter Permit, including the Supplement Application, and application fee to IDWR and maintain copies of these documents while conducting mining operations. Furthermore, I agree to be liable for any violation of the conditions of approval of a permit issued as a result of this application by others operating the permitted dredge.

Signature G.E. Weller Date 2.15.2020

Mail this completed and signed application, along with an IDWR Recreational Mining Authorization (LETTER PERMIT), and application fee, to:

Idaho Department of Water Resources  
Attn: Stream Channel Protection Section  
PO Box 83720  
Boise, ID 83720-0098



\* PUMP PLACEMENT 300 GPM MAX RATE 5.5 HP MOTOR  
MINING ACTIVITY WITHIN SOFT OF PUMP  
IMC# 217562 MINING CLAIM

CLAIM BOUNDARIES  
ELKHORN GOLD  
TMC 217562

Elk Creek

Spur 379A

5400

DREDGING ARE  
TMC 217562





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

March 12, 2020

GARY E KNOBBE SR  
2541 MILLER AVE  
BURLEY ID 83318-2938

RE: Application for Temporary Approval of Water Use: TP-63-320

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 31, 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

Enclosures

Cc: REX BARRIE, Water District 63

# MEMORANDUM

**Date:** February 26, 2020  
**To:** Temporary Application For Water Use Review  
**From:** Alex Dalglish  
**Re:** Temporary Water Use Application TP-63-320

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**Applicant:** The Department received an application for temporary water use from Gary E. Knobbe Sr. on 2/21/2020. The applicant proposes to divert water from Elk Creek for mining purposes. Elk Creek is tributary to the Boise River. The application lists IMC # 217562 as part of the arrangement to access the land and use water. Researching the claim # using the BLM website <https://reports.blm.gov/report/LR2000/27/?sn=IMC217562>) shows that the claim is active and owned by the applicant of this temporary approval.

The point of diversion (POD) and place of use (POU) information on the application did not match the application map. I emailed the applicant on 2/26/2020 to request authorization to change the POD/POU descriptions on the application so that they match with the map provided. Mr. Knobbe replied the same day, approving of the changes. The POD is in Govt. Lot 6 of the SWNE QQ, Sec. 20, Twp. 7N, Rge. 06E.

The table below represents the POU locations:

TWP	RGE	SEC	NE				NW			
			NE	NW	SW	SE	NE	NW	SW	SE
070N	06E	20	x	x L1	x L6	x				
07N	06E	21						x	x	

The Department also recently approved a Letter Permit allowing the applicant to alter the stream channel by recreational dredge mining. The letter permit expires March 31, 2020. This temporary application requests a season of use to begin on 7/15/2020 and extend to 8/31/2020. The applicant proposes using a 3" highbanker with a 5.5 HP pump while diverting a maximum of 300 gallons per minute (GPM) or .66cfs, a maximum daily volume of 27,000 gallons and 1.0 AF (325,839 gallons) of water over the duration of the request.

**Proper Administration:** The proposed POD and POU fall within Water District 63 (Boise River). The use could be properly administered by watermaster Rex Barrie.

**Public Interest:** Based on the diversion rate and proposed use, there is reason to suggest that the application is within the public interest.

**Injury to Public Values:** Based on the information available, injury to public values does not seem apparent. Minimum stream flow (MSF) water right 63-12034 establishes at least 5.0 cfs in Elk Creek throughout the year to preserve various public values. Comments were requested from the Idaho Department of Fish and Game (IDFG), United States Forest Service (USFS), Bureau of Land Management (BLM), Water Resource Board (Board) and Department of Environmental Quality (DEQ) on 2/26/2020. If no response was received within 14 days, it was presumed that the agency or group did not have concerns.

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

**Injury to Existing Water Rights:** Stockwater rights 63-24637, 63-24638 and 63-24639 all use water around the POD proposed by this temporary approval. The water right reports show that each stockwater right uses 0.02 cfs for 333 sheep. Right 63-24637 has one POD above and one POD below the location of the proposed POD. The POD below is approximately .4 miles down Elk Creek. This water right also overlaps with the proposed POU. Injury to this water right does not seem apparent since there is a second POD upstream and the overall amount of water used (0.02 cfs) is so minimal.

Water right 63-24638 has two POD's which are both downstream from the proposed POD. The first POD is approximately .5 miles from the proposed POD and the second is 3 miles downstream. Injury to right 63-24638 is not likely due to the low water use and POD locations far enough away. Additional water from Ross Fork Creek enters Elk Creek below the proposed POD. This additional water should help offset the water used for the mining activities. Lastly, water right 63-24639 sources water from Ross Fork Creek. Although the POU for 63-24639 overlaps with the proposed POD/POU, injury should be prevented since the right diverts water from a different source.

**Department Staff and Watermaster Comments:** Request for comments were submitted to WD # 63 watermaster Rex Barrie and Western Region contact Nick Miller on 2/25/2020. If no response was received within 2 weeks, it was presumed that there were no concerns. Rex responded the same day with no objections as long as the applicant rents water from the WD # 63 rental pool.



**Dagleish, Alex**

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**From:** waterdistrict63@qwestoffice.net  
**Sent:** Wednesday, February 26, 2020 7:16 AM  
**To:** Dagleish, Alex  
**Cc:** Mike Meyers  
**Subject:** RE: Application for Temporary Approval Number TP- 63-320

Alex,

I have no objection as long as they lease water from the rental pool.

Rex R. Barrie  
Boise River Watermaster

**From:** Dagleish, Alex <Alex.Dagleish@idwr.idaho.gov>  
**Sent:** Tuesday, February 25, 2020 4:42 PM  
**To:** WATERDISTRICT63@QWESTOFFICE.NET  
**Subject:** Application for Temporary Approval Number TP- 63-320

Rex,

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 14 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 Dagleish  
Water Resource Agent

## Dalgleish, Alex

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**From:** Dalgleish, Alex  
**Sent:** Wednesday, February 26, 2020 11:45 AM  
**To:** Golden, Kala; 'Price, Fredric'; 'bill.bosworth@idfg.idaho.gov'; 'terry.hardy@usda.gov'; 'travis.whitman@usda.gov'; 'lance.holloway@deq.idaho.gov'  
**Subject:** Temporary Approval for Water Use 63-320  
**Attachments:** 63-320 Temp. Approval Application.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding an application to temporarily appropriate 1.0 acre-feet of water from Elk Creek, for recreational mining, by Gary Knobbe. A copy of the application is attached for your reference.

Please submit your comments no later than March 11, 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)

## Dalgleish, Alex

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**From:** Gary Knobbe <ob1knobbesr41@gmail.com>  
**Sent:** Wednesday, February 26, 2020 10:11 AM  
**To:** Dalgleish, Alex  
**Subject:** Re: Temporary Application on Elk Creek

Alex,

Thank you for the update. Please make the necessary changes to point of diversion and point of use so they match the map. Thank you for your help please let me know if there is anything else I can do to help.

Gary Knobbe

On Wed, Feb 26, 2020 at 9:16 AM Dalgleish, Alex <[Alex.Dalgleish@idwr.idaho.gov](mailto:Alex.Dalgleish@idwr.idaho.gov)> wrote:

Mr. Knobbe,

I am processing your temporary application for mining use on Elk Creek. I have come across a small discrepancy and would like your permission to make a change to the application. The point of diversion (POD) and place of use (POU) descriptions on the application do not match those of the map included.

I'd like to amend the temporary application so that the POD and POU descriptions match with the map. I've attached the application for your reference.

If you are alright with me adjusting the POD and POU, an email response or phone call authorizing me to make the changes is sufficient.

Thank you,

Alex Dalgleish

*Water Resource Agent*

*Phone (208) 287-4913*

[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)