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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
FEB 28 2020  
WATER RESOURCES  
WESTERN FIELD

## 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 Billy D. CORNING Phone (208) 398-9337  
Mailing address 1446 Mill RD. City EMMETT  
State IDAHO Zip 83617 Email CORNING36@YAHOO.COM

1. Source of water ALDER CREEK tributary to DAYET 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 #
8N	4E	22				SE	BOISE	ALDER Creek	
8N	4E	26				NW	BOISE	ALDER Creek	

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		
8N	4E	22														X	X	X	X	
8N	4E	26					X	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: pumping from creek \*Highbanking  
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 25 gpm.  
b. Maximum daily volume: \_\_\_\_\_ AF; or 2000 gallons.  
c. Maximum volume over the duration of the request: \_\_\_\_\_ AF; or 30,000 gallons.  
6. Duration of diversion: from 6-01-20 (month-day) to 09-30-20 (month-day).

7. Describe proposed diverting works: pumping from creek

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? Self  
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. 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 Billy Corning Title, if any \_\_\_\_\_ Date 2-28-20

Received by ds Date 02/26/2020 Time 12:00  
\$50.00 fee received by ds # W048085 Date 02/26/2020  
Watermaster comments received? NO Date 02/26/2020

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- ☐ A. The application for temporary approval should be denied.
- ☒ 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 recommendation 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 the use of the water under this approval may injure other water rights.
  3. This approval authorizes a maximum diversion of 30,000 <sup>GAL</sup> AF and a maximum rate of diversion of 25 CFS or 600 GPM.
  4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
  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. 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.
  7. 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.
  8. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
  9. The holder of this temporary approval shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
  10. A 1/4 inch mesh screen shall be installed on the pump intake.
  11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
  12. All equipment involved with transporting water shall be treated/sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. Contact the Idaho State Department of Agriculture ([www.agri.idaho.gov](http://www.agri.idaho.gov)) for specific recommendations at 208-332-8500 or by email to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
  13. This temporary use of water remains subject to control of the Payette River Watermaster.
  14. This approval is subject to the availability of Payette River Rental Pool water to mitigate water losses and injury to existing water rights. This authorization will require the rental of 2.0 AF of water from the Payette River Rental Pool (2 AF minimum). Contact Payette River Watermaster, 208-642-4465.
  15. This approval expires on September 30, 2020.

Signed this 9<sup>th</sup> day of March, 20 20

  
For the Director



# Claim Info

## "Alder Color"

20 acre unpatented placer claim

950' Alder Creek

Boise County, Township 8N,

Range 4E, Sec. 22, SE ¼

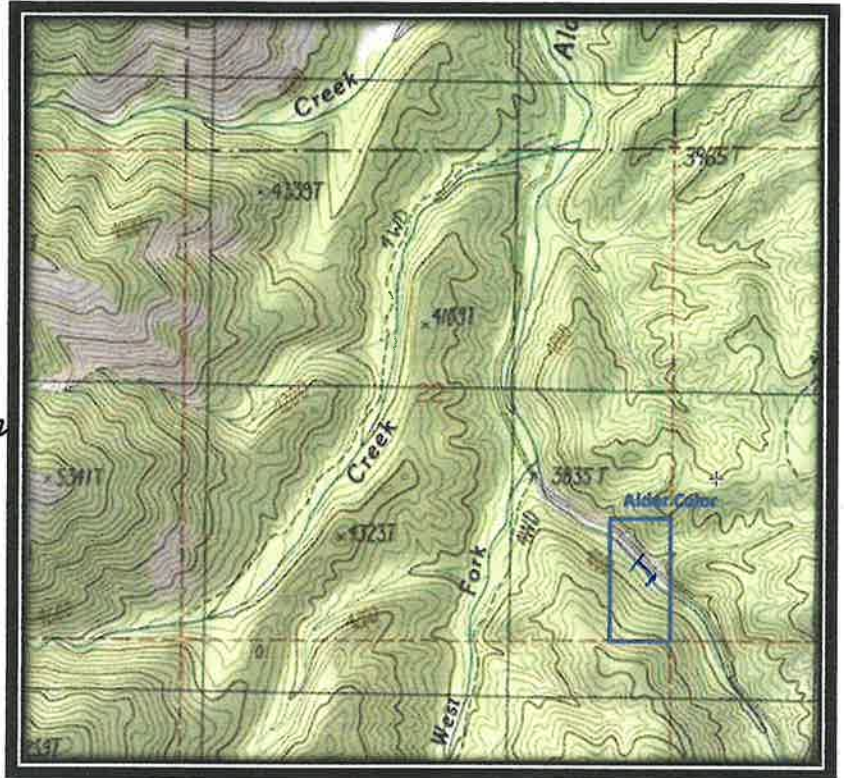
Claim Serial # IMC221499

### Marker Latitude & Longitude

NW	44.01248°N, -115.96142°W	44 0.7488
NE	44.01248°N, -115.95902°W	-115 57.6852
SE	44.00887°N, -115.95902°W	
SW	44.00887°N, -115.96142°W	

### Marker Degrees, Minutes, Seconds

NW	44°00'44.9280"N, -115°57'41.1120"W
NE	44°00'44.9280"N, -115°57'32.4720"W
SE	44°00'31.9320"N, -115°57'32.4720"W
SW	44°00'31.9320"N, -115°57'41.1120"W



Driving Directions from Boise: Take HWY 55 (from State Street aka HWY 44), north out of Boise towards McCall. You will stay on HWY 55 for approximately 42 miles, and make a right onto HWY 17 at Banks (heading towards Garden Valley/Lowman). Continue on HWY 17 for approximately 11.5 miles (about a mile past Garden Valley), turning right (south) on the Meadow Creek Rd. (NF 615 aka Alder Creek Rd. that heads to Placerville). In a ¼ mile you will cross the bridge over the SF Payette River. Stay on this for 4.7 miles until you reach the mining claim. The claim is marked on the side boundaries (east/west edges) along the road (on the creek side), as well as corner markers.



## Claim Info

### "Alder Placers"

20 acre unpatented placer claim

1,000' Alder Creek

Boise County, Township 8N,

Range 4E, Sec. 26, NW ¼

Claim Serial # IMC221503

#### Marker Latitude & Longitude

NW 44.00522°N, -115.95400°W

NE 44.00522°N, -115.95147°W

SE 44.00171°N, -115.95147°W

SW 44.00171°N, -115.95400°W

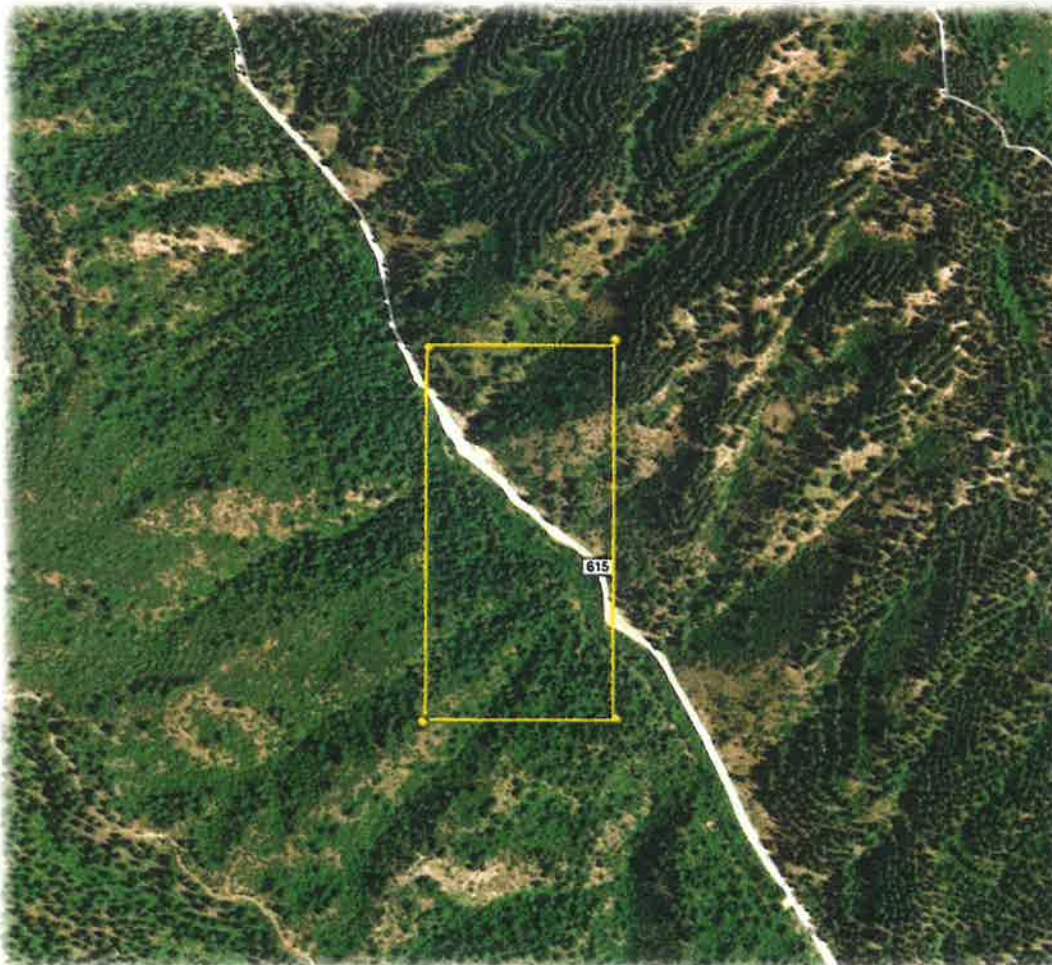
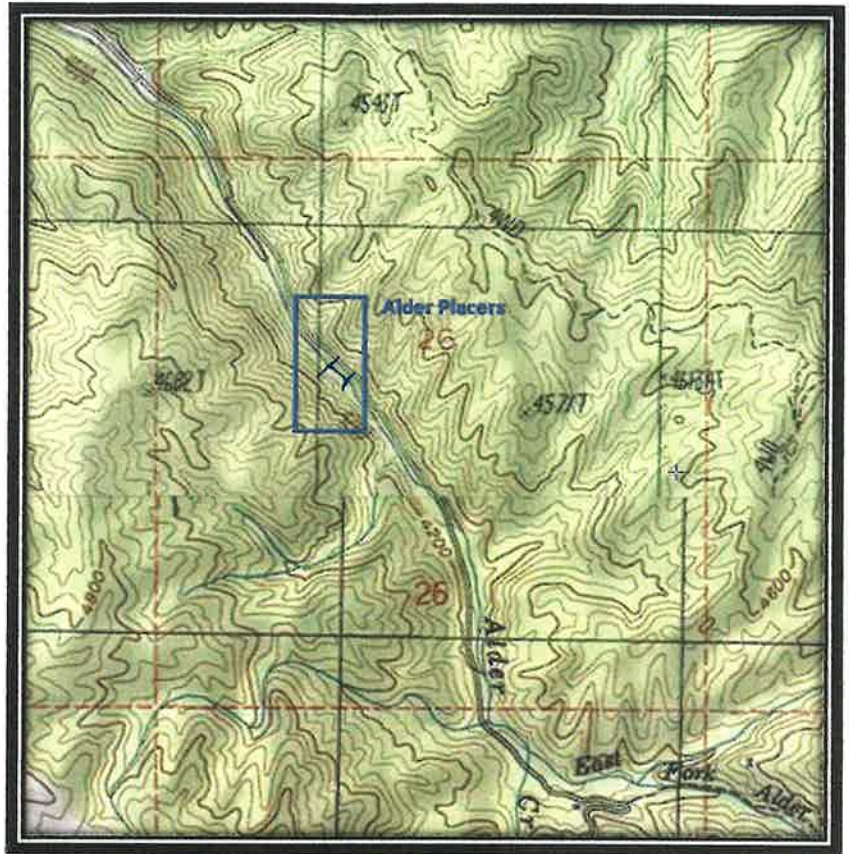
#### Marker Degrees, Minutes, Seconds

NW 44°00'18.7920"N, -115°57'14.4000"W

NE 44°00'18.7920"N, -115°57'05.2920"W

SE 44°00'06.1560"N, -115°57'05.2920"W

SW 44°00'06.1560"N, -115°57'14.4000"W



**Driving Directions from Boise:** Take HWY 55 (from State Street aka HWY 44), north out of Boise towards McCall. You will stay on HWY 55 for approximately 42 miles, and make a right onto HWY 17 at Banks (heading towards Garden Valley/Lowman). Continue on HWY 17 for approximately 11.5 miles (about a mile past Garden Valley), turning right (south) on the Meadow Creek Rd. (NF 615 aka Alder Creek Rd. that heads to Placerville). In a ¼ mile you will cross the bridge over the SF Payette River. Stay on this for 5.4 miles until you reach the mining claim. The claim is marked on the side boundaries (east/west edges) along the road (on the creek side), as well as corner markers.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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Brad Little  
Governor

Gary Spackman  
Director

March 11, 2020

BILLY D CORNING  
1446 MILL RD  
EMMETT ID 83617-4242

**RE: Application for Temporary Approval of Water Use: TP-65-70**

Dear Applicant:

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** September 30, 2020. The expiration date cannot be extended under this temporary approval.

Also note the condition requiring the **purchase of storage water from the Payette River Rental Pool** to mitigate the injury to senior water right holders below the Payette River. A Payette River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Payette River Watermaster, Ron Shurtleff at 208-642-4465 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Jones'.

Chad Jones  
Technical Records Specialist 1.

Enclosure(s), Rental Pool Lease Agreement

cc: RON SHURTLEFF, Water District 65.