

TP-89-39

# 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:

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- ☐ 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.

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 3.0 AF and a maximum rate of diversion of 0.4 cfs.
  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 this approval at any time if the department identifies injury to other water rights.
  6. This approval expires on 10/1/2012.
  7. This approval does not create a continuing right to use water.
  8. The holder of this temporary permit 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 vaules.
  9. Other: 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.
  10. Contact the DEPARTMENT OF WATER RESOURCES prior to diversion of water from streams.

DATED this 10 day of July, 2012.

  
For the Director

IDWR / NORTH

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION  
(5 AF or less)

Name of Applicant NORTH LATAH COUNTY HWY DIST Phone (208) 882-7490  
 Address 1132 WHITE AVE, MOSCOW ID 83843 Email NLCHD@NLCHD.COM

1. Source of water SEE ATTACHED MAPS Tributary to \_\_\_\_\_

2. Location of point of diversion VARIOUS  $\frac{1}{4}$  Sec. \_\_\_\_\_ Township \_\_\_\_\_, Range \_\_\_\_\_ B.M.,  
 County LATAH

3. Location of place of use VARIOUS  $\frac{1}{4}$  Sec. \_\_\_\_\_ Township \_\_\_\_\_, Range \_\_\_\_\_ B.M.,  
 County LATAH

4. Proposed use of water DUST CONTROL / ROAD CONSTRUCTION

5. Amount of water:

Maximum rate of diversion 0.6 cfs or 250 gpm.

Maximum daily volume \_\_\_\_\_ AF; Total volume 3.0 AF.

6. Duration of diversion: From JULY 01 to OCT 01  
 Day-month Day-month

7. Proposed diverting works gas powered pump

8. Who owns the property at the requested point of diversion? VARIOUS - COUNTY R-O-W,  
STATE OF IDAHO

9. Describe the arrangement allowing access to the water ON ROAD R-O-W

10. Remarks ATTACHED MAPS FROM PRIOR PERMIT APPLICATION  
SHOWS VARIOUS POINTS OF DIVERSION

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.

06/25/12  
 Date

[Signature]  
 Applicant

Received by [Signature] Date 6/26/12 Time \_\_\_\_\_  
 \$50.00 fee received by [Signature] # N029306 Date 6/26/12  
 Watermaster Comments received? \_\_\_\_\_



Google earth

miles  
km

3 5



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S FORK PALOUSE RIVER AT GUSKE RD

T39 N R8 W NW 1/4 SEC 21



740 N R 3W NE 1/4 SEC 30



point of diversion SPRING VALLEY RESERVOIR  
T40N R3W SEC 30 N 6 1/4



point of diversion

PALOUSE RIVER AT ROCK CREEK ROAD

T41N R5W NE 1/4 SEC 12



Google earth

miles  
km

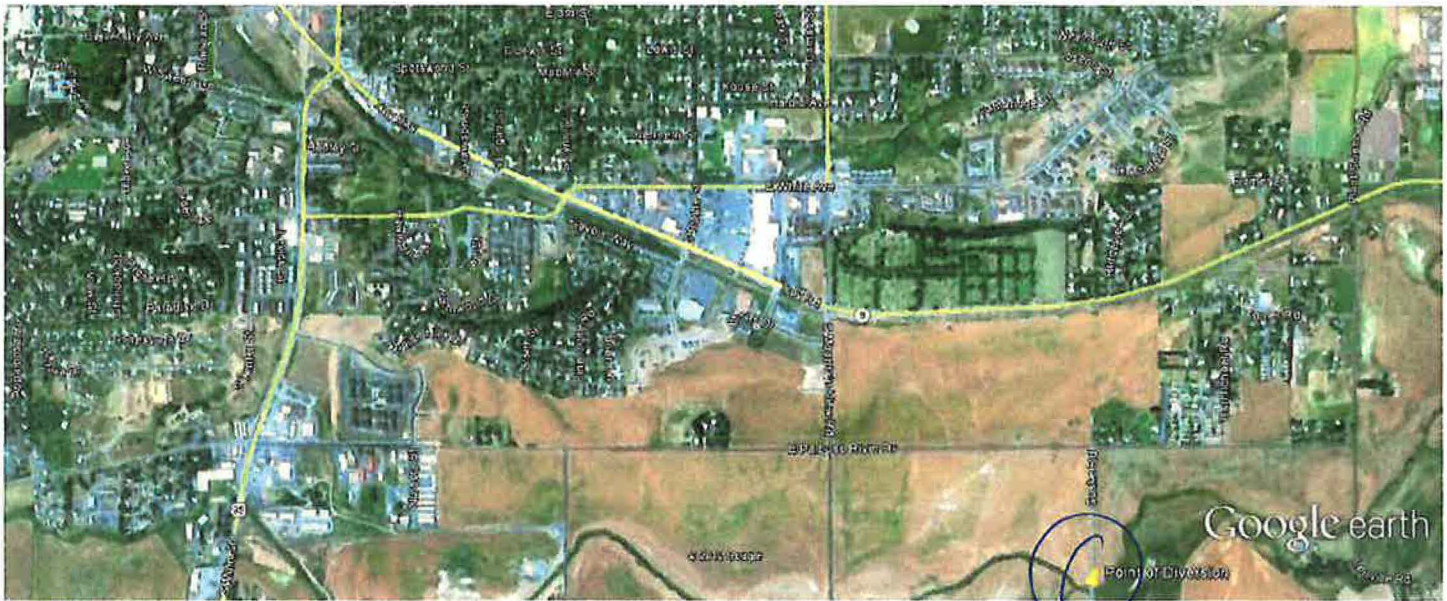


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YALOUSE RIVER AT ROCK CREEK ROAD  
T41N R5W NE1/4 SEC 12

JUN 26 2012

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Point of Diversion

5 FORK PALOUSE RIVER AT BUSKE RD  
T 39 N R 5W NW 1/4 S6C 21



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

07/10/2012

NORTH LATAH COUNTY HIGHWAY DIST  
1132 WHITE AVE  
MOSCOW ID 83843

RE: Temporary Permit No. TP-87-39

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-87-39.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

Keith E. Franklin  
Program Manager

Enclosure      Copy of Temporary Approval Permit TP-87-39  
Receipt No. N029306

## Franklin, Keith

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**From:** Dan Carscallen [Dan.Carscallen@nlchd.com]  
**Sent:** Monday, July 09, 2012 7:48 AM  
**To:** Franklin, Keith  
**Subject:** RE: Temporary Water Appropriation Application

Keith,

Our pumps are a maximum 250 gpm.

Thanks for your help on this.

Dan Carscallen, Clerk  
NLCHD

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**From:** Franklin, Keith [<mailto:Keith.Franklin@idwr.idaho.gov>]  
**Sent:** Friday, July 06, 2012 9:34 AM  
**To:** [nlchd@nlchd.com](mailto:nlchd@nlchd.com)  
**Subject:** Temporary Water Appropriation Application

Gentlemen,

The application omitted the diversion rate to fill your water truck. Would you supply the rate to me in gallons per minute? This would be the pumping capacity of the gas powered pump.

Thank you.

Keith Franklin

Program Manager



**IDAHO DEPARTMENT OF FISH AND GAME**

CLEARWATER REGION

3316 16<sup>th</sup> Street

Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor

Virgil Moore / Director

July 3, 2012

Mr. Keith Franklin  
Idaho Department of Water Resources  
Northern Region  
7600 Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815

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JUL 05 2012  
IDWR / NORTH

Dear Mr. Franklin:

REFERENCE: NORTH LATAH COUNTY HIGHWAY DISTRICT TEMPORARY WATER RIGHT(S)  
APPLICATION

North Latah County Highway District (NLHD) has requested temporary rights from five sources, including one at Spring Valley Reservoir and the rest in Palouse River or South Fork Palouse River. The request is for a total volume of 3.0 AF from July 1 to October 1. The water would be used for dust abatement and road prep.

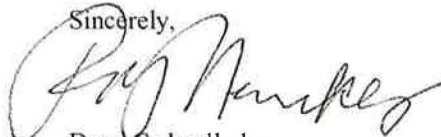
It is not the intent of Idaho Department of Fish and Game to support or oppose this proposal, but to comment on potential impacts of the proposed action on fish, wildlife or habitat. However, because this application is incomplete and provides no indication of maximum rate of diversion at each withdrawal site, nor whether the requested volume of 3.0 AF is from each site or from all sites combined, it is not possible for IDFG to reasonably assess potential impacts to fish, wildlife or habitat.

For similar past requests for temporary water rights from NLHD, IDFG stated that requested withdrawals of 0.15 cfs from the South Fork Palouse River, Spring Valley Reservoir or Palouse River were not likely to have a significant impact on fish wildlife or habitat, as long as those withdrawals at no time interrupted flows or reduce flows to a volume below that needed to maintain fish passage. Although this application is for a different total appropriation and includes different points of withdrawal, we would find the same permit conditions for each diversion sufficient for this request.

Idaho Fish and Game recently implemented a use permit policy for Department owned or maintained facilities. NLHD must obtain a permit prior to using the Spring Valley access site for water withdrawals. The temporary water right permit should reflect this requirement. We have already contacted NLHD directly regarding this permit requirement and provided them with an application.

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office if you have any questions about this issue.

Sincerely,

  
for Dave Cadwallader  
Clearwater Regional Supervisor

C: Sharon Keiffer, IDFG HQ  
Cindy Barrett DEQ Lewiston

*Keeping Idaho's Wildlife Heritage*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

June 27, 2012, 2012

RAY HENNEKEY  
IDAHO DEPARTMENT OF FISH & GAME  
3316 16<sup>TH</sup> ST.  
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear RAY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding two applications to temporarily appropriate a total of 0.3 acre-feet of water from the Palouse River and Spring Canyon Reservoir for summer road construction water by the North Latah County Highway District. A copy of the application is attached for your reference.

Would you please submit your comments no later than July 5, 2012? 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.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to [keith.franklin@idwr.idaho.gov](mailto:keith.franklin@idwr.idaho.gov).

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin  
Interim Program Manager

Encl/kf

## Franklin, Keith

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**From:** Franklin, Keith  
**Sent:** Wednesday, June 27, 2012 8:25 AM  
**To:** 'Hennekey, Ray'  
**Subject:** Application for Temporary Water Appropriation, North Latah County Highway District  
**Attachments:** DOC017.pdf

Ray,

Attached is a copy of an application by the North Latah County Highway District to appropriate approximately 3 acre feet of road construction water from various spots on the Palouse River and from the Spring Canyon Reservoir for your review and comment. If you have any questions don't hesitate to give me a call.

Thanks.

Keith.