

# 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.

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 5 AF and a maximum rate of diversion of 0.33 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 9/30/2012.
  - 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. see Attached letter for condition.

DATED this 16 day of May, 2012.

  
For the Director

RECEIVED  
MAY - 7 2012

Basin 85

ID No. TP-85-33

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

COPY

IDWR/NORTHERN

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: Kaschmitter Enterprises, Inc Phone: 208-983-0800

Address: 616 W N Street Grangeville, Idaho 83530 Email: camasgravel@hotmail.com

1. Source of water: unnamed tributary to Red Rock Creek

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	¼	¼	¼	County	Source	Local name or tag #
T32N	R2E	10		sw	nw	sw	Idaho	unnamed trib to Red Rock	

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
T32N	R2E	10										XX							

4. Describe proposed use of water Dust Control and Construction use

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 150 gpm.

Maximum daily volume .2 AF; total volume 5 AF.

6. Duration of diversion: from May 10 2012 to September 30 2012  
Day-month Day-month

7. Describe proposed diverting works: suction line for pump in the chanel

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

b. Who owns the land to be irrigated or place of use? Hinkelman Farms

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

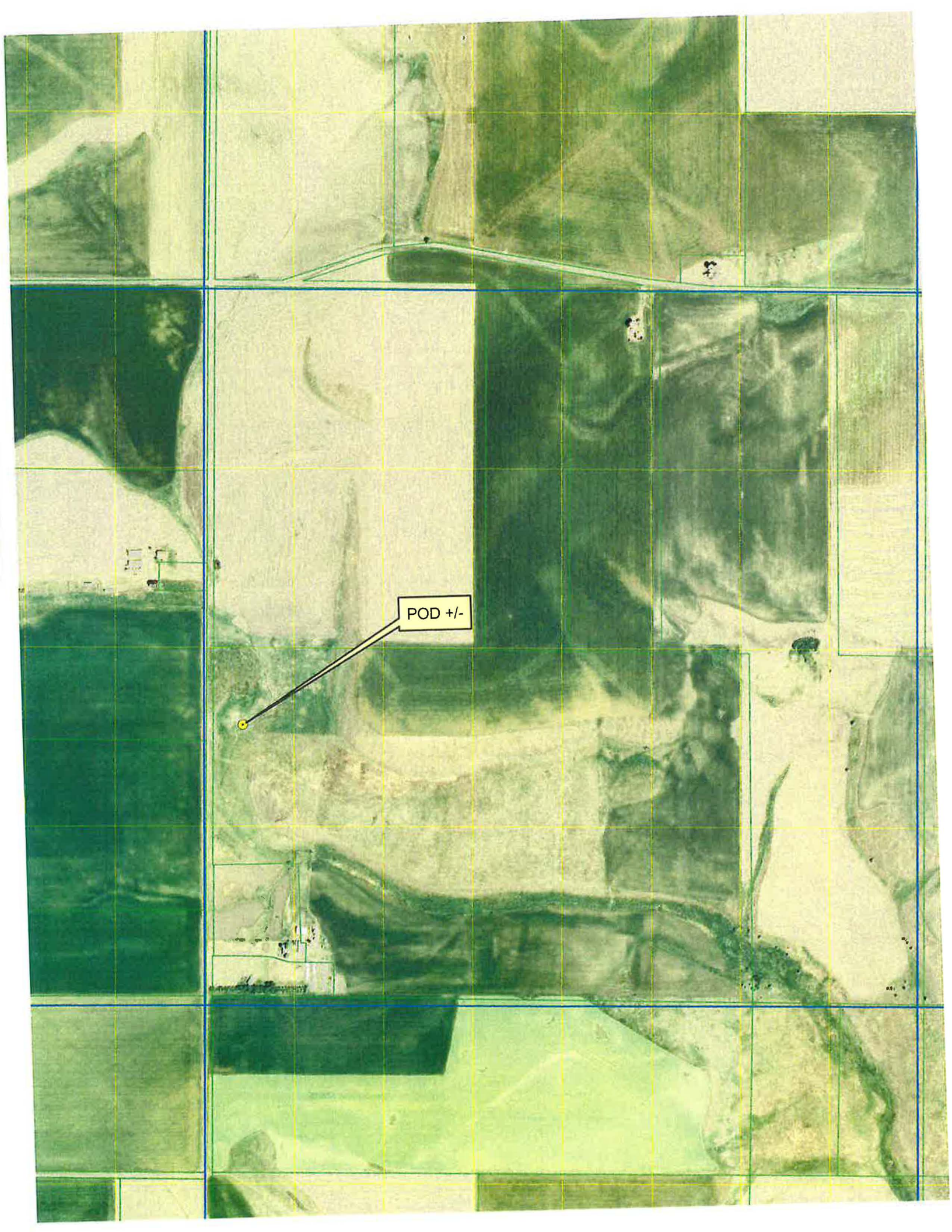
9. Additional remarks:

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.

Zim Kaschmitter May 4 2012  
Signature of applicant Date

Received by um Date 5-7-12 Time \_\_\_\_\_  
\$50.00 fee receipted by um # N029170 Date 5-7-12  
Watermaster Comments received? \_\_\_\_\_ Date \_\_\_\_\_





POD +/-





**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)

05/16/2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

KASCHMITTER ENTERPRISES INC  
616 W N STREET  
GRANGEVILLE ID 83530

RE: Temporary Permit No. TP-85-33

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-85-33 .

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION TOGETHER WITH ATTACHED LETTER FOR CONDITION.

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

Sincerely,

Keith E. Franklin  
Program Manager

Enclosure – Temporary Permit TP-85-33, separate letter of conditions, and Receipt #N029170



State of Idaho

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TP-85-33

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 16, 2012

Kaschmitter Enterprises, Inc.  
616 W N Street  
Grangeville, Idaho 83530

Re: Application For Temporary Approval of Water Appropriation

Gentlemen:

As part of the review process of your application, the Idaho Department of Environmental Quality (DEQ) brought to IDWR's attention the water quality impairment of Red Rock Creek. After reviewing and considering DEQ's recommendation, IDWR approves your application with the following condition;

The flow in Red Rock Creek, at the intersection of unnamed stream must not fall below 1.0 cfs. If the flow in Red Rock Creek falls below 1.0 cfs, diversion from the unnamed stream must be curtailed.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E Franklin  
Program Manager

Cc John Cardwell, IDEQ, Lewiston  
Ray Hennekey, IDFG, Lewiston



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

C.L. "Butch" Otter, Governor  
Curt Fransen, Director

May 11, 2012

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

**RECEIVED**

**MAY 14 2012**

**IDWR / NORTH**

Subject: Application for a Temporary Approval of a Water Appropriation

Dear Mr. Franklin:

We received your request for our comments on the approval of an application for a temporary water appropriation from an unnamed tributary to Rock Creek, Idaho County. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Red Rock Creek and tributaries are currently listed in Category 4a of the Idaho 2010 Integrated Report as having a Total Maximum Daily Load (TMDL) allocation for fecal coliform bacteria, nutrients, temperature, and sediment pollutants, and dissolved oxygen impairment. The TMDL is a pollution management plan that calculates the maximum amount of a pollutant allowed in the creek based on the volume or flow of water in the creek. Reduction in flow in Red Rock Creek and tributaries can cause pollutant increases that exceed the total maximum daily load and Idaho water quality standards.

Because Red Rock Creek has pollutant TMDLs, we are concerned that there may not be sufficient flow outside the seasonal high flow period to support the requested withdrawal. Based on the information included in the TMDL, we recommend that the legally appropriated withdrawal be made during periods of seasonal high flow between January and May, or at a minimum, between October and June when flows are normally greater than 1 cfs. DEQ recommends that the stream not be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call us at (208) 799-4370 or email, [Cynthia.Barrett@deq.idaho.gov](mailto:Cynthia.Barrett@deq.idaho.gov).

Sincerely,

A handwritten signature in black ink that reads "Cindy Barrett". The signature is fluid and cursive.

Cindy Barrett  
Water Quality Analyst

c: Kaschmitter Enterprises, Inc., Grangeville  
John Cardwell, IDEQ, Lewiston  
Ray Hennekey, IDFG, Lewiston



**State of Idaho**

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 8, 2012

JOHN CARDWELL  
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY  
1118 F ST.  
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Cardwell:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate a total of 5.0 acre-feet of water from an unnamed stream tributary to Rock Creek, located in Idaho County for dust abatement, by Kaschmitter Enterprises, Inc. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 15, 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

**FAXED**





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN,  
Interim Director

### FAX TRANSMITTAL COVER SHEET

DATE: 5-8-12

TO: John Cardwell

FROM: \_\_\_\_\_

FAX #: 208-799-3491

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:  
<http://www.idwr.idaho.gov/RulesStatutesForms/>

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - Kaschmitter Enterprises

TOTAL PAGES SENT: 4 PLUS (+) COVER SHEET

CONTACT:

Keith Franklin  
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.

THE CHARGE FOR YOUR FAX COPIES IS \$ \_\_\_\_\_

PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

**FAXED**





**State of Idaho**

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 8, 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 an application to temporarily appropriate a total of 5.0 acre-feet of water from an unnamed stream tributary to Rock Creek, located in Idaho County for dust abatement, by Kaschmitter Enterprises, Inc. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 15, 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,

A handwritten signature in blue ink that reads "Keith".

Keith E. Franklin  
Interim Program Manager

A handwritten note in blue ink that reads "Emailed".

Encl/kf

## Franklin, Keith

---

**From:** Franklin, Keith  
**Sent:** Tuesday, May 08, 2012 3:12 PM  
**To:** 'Hennekey,Ray'  
**Subject:** Temporary water appropriation  
**Attachments:** DOC005.pdf

Ray,

Attached is an application to temporarily appropriate water for dust abatement.

If you have any questions, don't hesitate to call.

Thanks.

Keith.



# Transmission Report

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Local ID 1

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2087622819

03:01:49 p.m.

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IDWR Fax Northern

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State of Idaho

## DEPARTMENT OF WATER RESOURCES

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Governor

GARY SPACKMAN,  
Interim Director

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FROM: \_\_\_\_\_

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#### DOCUMENT DESCRIPTION:

Temp. Water Appropriation - Kashmiri Enterprises

TOTAL PAGES SENT: 4 PLUS (+) COVER SHEET

CONTACT: Keith Franklin  
(NAME OF SENDER)

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#### Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct