

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 0.2 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 12/31/2011.
 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 22 day of March, 2011.

Robert G Haynes

For the Director

RECEIVED

Form 202a

10/07

MAR 14 2011

Basin 85 COPY

Indent. No.

7P-85-30

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIDWR / NORTH
APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION
(5 AF or less)

- Name of Applicant Nez Perce County Road and Bridge Phone (208)799-3060
- Address 0105 33rd Street - Lewiston, ID 83501 Email robinpaasch@co.nezperce.id.us
- Source of water Clearwater River @ Spalding Tributary to Snake River
 - Location of point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20 Township 36N, Range 4W B.M.,
County NEZ PERCE
 - Location of place of use VARIOUS $\frac{1}{4}$ _____ $\frac{1}{4}$ Sec. _____ Township _____, Range _____ B.M.,
County NEZ PERCE
 - Proposed use of water DUST CONTROL, CONSTRUCTION, SURFACE STABILIZATION WITHIN
COUNTY BOUNDARIES.
 - Amount of water: 50,000 GALLONS
Maximum rate of diversion .2 cfs or 90 gpm.
Maximum daily volume _____ AF; Total volume 5 AF.
 - Duration of diversion: From APRIL 1, 2011 to DECEMBER 31, 2011
Day-month Day-month
 - Proposed diverting works N/A
 - Who owns the property at the requested point of diversion? STATE OF IDAHO
 - Describe the arrangement allowing access to the water BOAT RAMP
 - Remarks BOAT RAMP USAGE ARRANGED WITH FISH & GAME

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.

MARCH 9, 2011

Date

Applicant MARK RIDINGER, DIRECTOR

Received by [Signature] Date 3/14/11 Time _____
\$50.00 fee receipted by [Signature] # NO 26749 Date 3/14/11
Watermaster Comments received? _____ Date _____



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

03/22/2011

COPY

NEZ PERCE COUNTY ROAD & BRIDGE
0105 33RD ST
LEWISTON ID 83501

RE: Temporary Permit No. TP-85-30 and TP-86-39

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-85-30 .

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,

Robert G. Haynes, P.E.
Regional Manager

Enclosure – Temporary Water Right Permits TP-85-30 and TP-86-39



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION
3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor
Cal Groen / Director

March 25, 2011

RECEIVED

APR - 5 2011

IDWR/NORTHERN

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

Dear Mr. Franklin:

REFERENCE: #NEZ PERCE COUNTY TEMPORARY WATER RIGHT APPLICATIONS

Nez Perce County Road and Bridge has submitted two temporary water appropriation requests.

Points of withdrawal were for the Clearwater River at an IDFG boat ramp at Lenore and at an IDFG boat ramp near Spalding. The requested appropriations were 0.22 cfs (Lenore) and 0.2 cfs (Spalding). The water would be used for dust abatement and construction. Approval of these requested appropriations should have no adverse impacts on Clearwater River biota or stream function. We have no objections to these appropriations.

We noted that the County wishes to use Fish and Game boat ramps to access the river. We have no issue County use of the ramps; however, anglers and other recreational users must be given priority access to the ramps and parking areas. County personnel should yield the ramps to recreational users at all times. County use may not affect parking by boaters using the ramps.

Thank you for the opportunity to comment.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/cs

c: Sharon Kiefer, IDFG
Cindy Barrett, DEQ Lewiston

Mr. Mark Ridinger, Director of Highways
Nez Perce County Road and Bridge Dept.

Keeping Idaho's Wildlife Heritage



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

March 17, 2011

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

RECEIVED
MAR 18 2011
IDWR / NORTH

Dear Mr. Franklin:

We received your letter requesting our comments on the approval of the 2011 temporary water right applications to draw water from the Clearwater River at both the Spalding and Lenore boat ramps. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The section of the Clearwater River at Lenore is included in water body ID 17060306CL013_07, and the section of the Clearwater River at Spalding is included in water body ID 17060306CL002_07. Both water body ID's are currently listed in Section 5 of the Idaho 2008 Integrated Report as not supporting beneficial uses due to total dissolved gas. These water body IDs are protected for cold water and salmonid spawning aquatic life, primary contact recreation, drinking water supply, and special resource water beneficial uses. DEQ believes the Clearwater River flow in these two sections is significant enough that the beneficial uses should not be impacted by these temporary water appropriations.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Barrett", is written over a horizontal line.

Cindy Barrett
Water Quality Analyst

c: Douglas Moore, Nez Perce County Road and Bridge Department
Ray Hennekey, IDFG



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: Gwen Fransen

TO: 3/15/2011

FROM: _____

FAX #: 208-799-3451

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

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - Nez Perce Co. Road
Dept.

TOTAL PAGES SENT: 5 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



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 14, 2011

GWEN P FRANSEN
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
1118 F STREET
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Ms. Fransen:

The Department of Water Resources is seeking comment and /or recommendation from your agency regarding two applications to temporarily appropriate 5.3 acre-feet of water from the Clearwater River by the Nez Perce County Road & Bridge Department for dust control and road construction purposes. Copies of the applications are attached for your reference.

This is a renewal of the applications that were issued in 2010 for the same purpose.

Would you please submit your comments no later than March 21, 2011? 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 these permits.

You may send comments by regular mail to the address above or by FAX to 208-762-2800 or by e-mail to keith.franklin@idwr.idaho.gov.

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

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure



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: 3/15/2011

TO: Ray Hennekey

FROM: _____

FAX #: 208-799-5012

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:

<http://www.idwr.idaho.gov/RulesStatutesForms/>

DOCUMENT DESCRIPTION:

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TOTAL PAGES SENT: 5 PLUS (+) COVER SHEET

CONTACT: _____

Keith Franklin
(NAME OF SENDER)

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 14, 2011

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16th STREET
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Hennekey:

The Department of Water Resources is seeking comment and /or recommendation from your agency regarding two applications to temporarily appropriate 5.3 acre-feet of water from the Clearwater River by the Nez Perce County Road & Bridge Department for dust control and road construction purposes. Copies of the applications are attached for your reference.

This is a renewal of the applications that were issued in 2010 for the same purpose. Since this is located in the sensitive basin area, the applicant did receive favorable comments from both Fish & Game and DEQ in 2009 and 2010.

Would you please submit your comments no later than March 21, 2011? 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 these permits.

You may send comments by regular mail to the address above or by FAX to 208-762-2800 or by e-mail to keith.franklin@idwr.idaho.gov.

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

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

*ND comments received
as of 3/22/11
KD*