

TP-96-84

## 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 0.56 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 Nov. 1, 2010.
  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 values.
  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 15 day of April, 2010.

For the Director

Robert D. Haynes

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

FAX SAME AS phone

Name of Applicant NORTHWEST Tree & Reclamation Co. Phone 208-267-7450

Address P.O. Box 152 BONNERS FERRY, ID. 83805 Email NWTR7450@AOL.COM

1. Source of water Sand Creek Tributary to LAKE Pend Oreille

2. Location of point of diversion East 1/2 East 1/2 Sec. 15 Township 57N, Range 2W B.M.,  
County Bonner

3. Location of place of use East 1/2 East 1/2 Sec. 15 Township 57N, Range 2W B.M.,  
County Bonner NE 1/4 NE 1/4 Sec. 22 Township 57N, Range 2W B.M.

4. Proposed use of water To water wetland sod & willow Cuttings  
along new bike path which adjoins parallels along  
Sand Creek.

5. Amount of water:

Maximum rate of diversion .56 cfs or 250 gpm.

Maximum daily volume .28 AF; Total volume 5 AF.

6. Duration of diversion: From April 12<sup>TH</sup>, 2010 to OCT. 15, 2010  
Day-month Day-month

7. Proposed diverting works 2 pumps with screened suction hose placed in Sand Creek

8. Who owns the property at the requested point of diversion? Idaho Transportation Dept.

9. Describe the arrangement allowing access to the water Northwest Tree & Reclamation Co  
is under Contract w/ PARSONS ACI prime contractor with  
The Idaho Dept. of Transportation for the Sandpoint Byway Contract

10. Remarks Area Map Attached.

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.

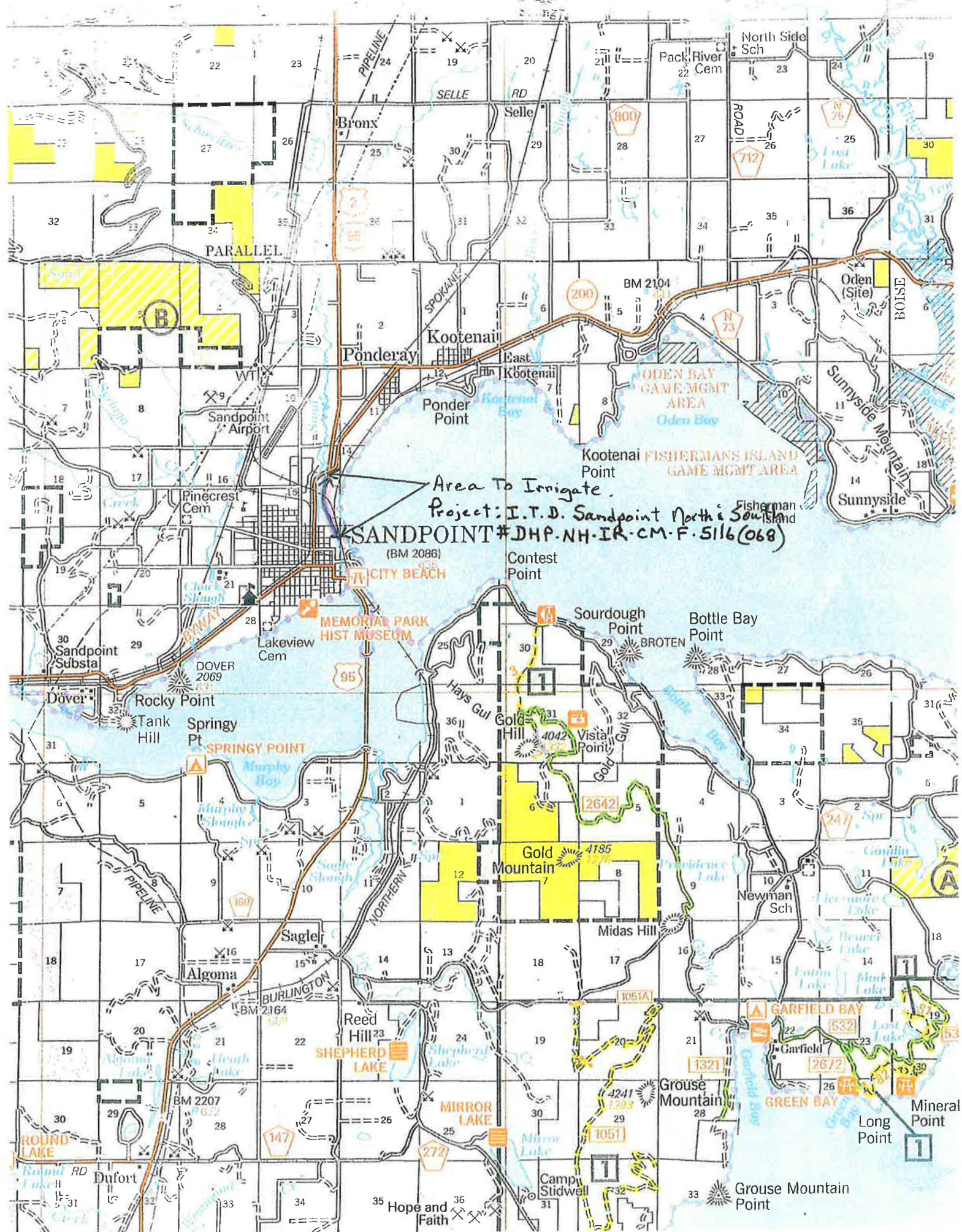
3-5-10  
Date

Thomas B. Marky  
Applicant

Received by dp  
\$50.00 fee received by dp  
Watermaster Comments received?

Date 4/6/10  
# 0024013

Time  
Date 4/6/10  
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](http://www.idwr.idaho.gov)

04/20/2010

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

NORTHWEST TREE & RECLAMATION CO  
PO BOX 152  
BONNERS FERRY ID 83805

COPY

RE: Temporary Permit No. TP-96-84

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-96-84.

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,

A handwritten signature in blue ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.  
Regional Manager

Enclosure COPY OF PERMIT No. TP-96-84



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

**DAVID R. TUTHILL, JR.**  
Director

April 16, 2010

Northwest Tree & Reclamation Co.  
PO Box 152  
Bonners Ferry, ID 83805

Re: Temporary Water Appropriation

Gentlemen:

Please find enclosed your copy of the approved permit to temporarily appropriate water from Sand Creek for a bike path restoration project.

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

Sincerely,

Keith E. Franklin  
Senior Water Resources Agent  
Enclosure

**COPY**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN.  
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 4-7-2010

TO: Mary Terra Berns

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

FAX #: 2080769-1418

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

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - Northwest Tree  
& Reclamation Co.

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



## 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

DAVID R. TUTHILL, JR.  
Director

April 7, 2010

MARY TERRA BERNES  
IDAHO DEPARTMENT OF FISH & GAME  
2885 KATHLEEN AVE.  
COEUR D' ALENE, ID 83815

Re: Application For a Temporary Approval of a Water Appropriation

Dear MARY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 5.0 acre-feet of water from Sand Creek, which is tributary to Lake Pend Oreille, by Northwest Tree & Reclamation Co. for wetland sod & willow cuttings bank restoration for a new bike path. A copy of the application is attached for your reference.

Would you please submit your comments no later than April 14, 2010? 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  
Water Resources Agent

Encl/kf

*No Comment received  
as of 4-13-2010.  
KF*