

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 0.14 AF and a maximum rate of diversion of 0.67 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 6/11/2010.
 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 4 day of March, 2010.

Robert G. Haynes
For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION
(5 AF or less)Name of Applicant South Latah Highway District Phone (208) 285-1412
Address P.O. Box 307, Genesee, ID 83832 Email slhd@idaho.net1. Source of water Potlatch River Tributary to _____2. Location of point of diversion SW 1/4 NE 1/4 Sec. 9 Township 38N, Range 2W B.M.,County Latah3. Location of place of use _____ 1/4 _____ 1/4 Sec. 11, 13 Township 38N, Range 12W B.M.,County Latah4. Proposed use of water - to aid in the application of MgCl to the roads for dust control and to keep dust out of the creeks. We have received a DEQ Grant for this purpose and have satisfied all the requirements when we applied MgCl last year.5. Amount of water: 30,000 - 45,000 gallonsMaximum rate of diversion _____ cfs or 300 gpm.Maximum daily volume 15,000 gal. AF; Total volume 45,000 (max) AF.6. Duration of diversion: From May 1 to 11 June
Day-month Day-month7. Proposed diverting works 3" pump8. Who owns the property at the requested point of diversion? South Latah Highway District9. Describe the arrangement allowing access to the water pump ^{water} from river to tank on truck10. Remarks Bob Leonard, the foreman, expects the job to take about 3 days. The flexible dates are important because he doesn't know the exact dates he will be using the water. May is usually the best month because the water runs highest at that time.

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.

Date 2/11/2010Applicant Mary SchwenneReceived by db Date 2/16/10 Time _____
\$50.00 fee received by db # N023558 Date 2/16/10
Watermaster Comments received? _____RECEIVED
FEB 16 2010
IDWR / NORTHRECEIVED
FEB 16 2010
IDWR / NORTH



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

03/04/2010

SOUTH LATAH HIGHWAY DISTRICT
PO BOX 307
GENESEE ID 83832

RE: Temporary Permit No. TP-86-37

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-86-37 .

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

Robert G. Haynes, P.E.
Regional Manager

Enclosure



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

February 26, 2010

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

RECEIVED
MAR - 2 2010
IDWR/North

Dear Mr. Franklin:

We received your letter requesting our comments for a temporary right to withdraw 45,000 gallons (1.03 acre-feet) of water from the Potlatch River between May 1 and June 11, 2010 by the South Latah Highway District for road construction and dust abatement. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho Water Quality Standards, the Potlatch River is protected for cold water aquatic life, salmonid spawning, primary contact recreation, and domestic water supply designated beneficial uses. This segment of the Potlatch River is currently listed in Section 5 of the Idaho 2008 Integrated Report as not supporting most beneficial uses due to flow and habitat alterations, and sediment and temperature pollutants.

DEQ would like to recommend that the withdrawal from the Potlatch River be conducted as early as possible during the requested time period while flows are at their highest for the season, and withdrawn from an area within the river where flow is adequate to protect beneficial uses while still allowing for the requested withdrawal.

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 blue ink that reads "Gwen P. Fransen".

Gwen P. Fransen
Regional Administrator, Lewiston

CC: Mary Schwenne, South Latah Highway District
Ray Hennekey, IDFG



RECEIVED

MAR - 3 2010

IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor

Cal Groen/Director

February 17, 2010

Ms. Mary Schwenne
South Latah Highway District
PO Box 307
Genesee, Idaho 83832

REFERENCE: SOUTH LATAH HIGHWAY DISTRICT TEMPORARY WATER RIGHT APPLICATION

Idaho Fish and Game (IDFG) has reviewed your application for a temporary right to withdraw up to 45,000 gallons (1.03 acre feet) from Potlatch River at Sperry Bridge for dust control (for magnesium chloride mix). Since your application states that this application is essentially a renewal of the temporary permit granted last year, we also expect that you will need to withdraw water a maximum of three days. You have asked to withdraw water between May 1 and June 11, 2010.

IDFG has routinely advised against withdrawals from the Potlatch River over the past several years. Flows in the Potlatch River have been severely reduced, with significant adverse impacts to fish, wildlife and habitat during a substantial portion of the year. In fact, low flows are currently considered to be the primary limiting factor for survival of steelhead trout that spawn and rear in the Potlatch River and its tributaries. However, because your proposal is for a relatively small one-time withdrawal and is fairly early in the year, we believe that your request can be filled from the Potlatch River without significant impact to fish.

We recommend, however, that you try to schedule your withdrawals as early in the year as feasible to avoid impacting flows typically declining in late May. Flows in the Potlatch promise to be especially low this year, and may be critically low earlier in the season than normal due to an unusually dry winter. To protect Potlatch River fisheries, we suggest leaving the early dates of withdrawal open (*i.e.*, any time prior to and through May) to allow you to withdraw as early as possible. We recommend against withdrawals later than May 31. We would consider a withdrawal date later than May 31, if needed, depending on existing flows.

To summarize, IDFG would have no objections to a withdrawal of up to 45,000 gallons over 3 days from Potlatch River at Sperry Grade Bridge, between now and May 31, 2010.

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office (208-799-5010) if you have any questions about our recommendations.

Sincerely,

Dave Cadwallader

Clearwater Regional Supervisor

c: Sharon Kiefer, IDFG HQ
Keith Franklin, IDWR CDA

Keeping Idaho's Wildlife Heritage



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

DAVID R. TUTHILL, JR.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 2/17/2010

TO: Kerby Cose

FROM:

FAX #: 208 799-3451

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:
www.idwr.state.id.us/info/forms.htm

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - South Latah
Highway Dist.

TOTAL PAGES SENT: 7 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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Governor

DAVID R. TUTHILL, JR.
Director

February 17, 2010

KERBY COLE, P.E.
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
1118 F ST.
LEWISTON, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Cole:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 45,000 gallons (1.03 acre-feet) of water out of the Potlatch River between May 1 and June 11, 2010, by the South Latah Highway District for road construction and dust abatement. A copy of the application is attached for your reference. This application is essentially a renewal of the one that was granted last year. Copies of Fish & Game and DEQ's 2009 comments are attached for your reference.

Would you please submit your comments no later than March 1, 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 769-2819 or by e-mail to 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

FAXED

Encl/kf



State of Idaho

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

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 2/16/10

TO: Ray Hennekeg

FROM:

FAX #: 208-799-5018

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:
www.idwr.state.id.us/info/forms.htm

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - South Latah Water District

TOTAL PAGES SENT: 6 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



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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 17, 2010

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 an application to temporarily appropriate 45,000 gallons (1.03 acre-feet) of water out of the Potlatch River between May 1 and June 11, 2010, by the South Latah Highway District for road construction and dust abatement. A copy of the application is attached for your reference. This application is essentially a renewal of the one that was granted last year. Copies of Fish & Game and DEQ's 2009 comments are attached for your reference.

Would you please submit your comments no later than March 1, 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 769-2819 or by e-mail to 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 black ink that reads "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Water Resources Agent

FAXED

Encl/kf