

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 0.62 AF and a maximum rate of diversion of 0.78 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 8-1-2010.
 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 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 19 day of July, 2010.

Robert G. Haynes
For the Director

Basin. 35 JUL 16 2010

Indent. No. TP-85-29

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

- Name of Applicant SES Contracting, Inc. Phone 208-743-1802
 Address P.O. Box 359, Lapwai, Idaho 83540 Email Shawn@SScontracting.com
1. Source of water Clearwater River Tributary to _____
2. Location of point of diversion _____ 1/4 _____ 1/4 Sec. 35 Township 37N, Range 2W B.M.,
 County Nezperce
3. Location of place of use _____ 1/4 _____ 1/4 Sec. 35 Township 37N, Range 2W B.M.,
 County Nezperce
4. Proposed use of water Dust control, moisture content for
sub-grade placement and compaction.
5. Amount of water:
 Maximum rate of diversion _____ cfs or 350 gpm.
 Maximum daily volume .04419 AF; Total volume .61866 AF.
6. Duration of diversion: From 13-JULY to 30-JULY
 Day-month Day-month
7. Proposed diverting works _____
8. Who owns the property at the requested point of diversion? State of Idaho - Lemore
Boat Ramp
9. Describe the arrangement allowing access to the water Lemore boat ramp.
Water truck will back down boat ramp
10. 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.

13 July 10
 Date

Shawn
 Applicant

Received by db Date 7/16/10 Time _____
 \$50.00 fee receipted by db # N025224 Date 7/16/10
 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

07/19/2010

S & S CONTRACTING INC
PO BOX 359
LAPWAI ID 83540

RE: Temporary Permit No. TP-85-29

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-85-29.

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

July 13, 2010

Mr. Shawn Spencer
S&S Contracting
Box 359
Lapwai, Idaho 83540

Dear Mr. Spencer:

REFERENCE: TEMPORARY WATER RIGHT APPLICATION

IDFG has reviewed your draft application for a temporary permit to withdraw 0.044 AF per day, not to exceed a total withdrawal of 0.62 from the Clearwater River at Lenore for dust abatement. You have asked to withdraw up to 350 gpm, the daily volume not to exceed 0.044 AF and the total volume not to exceed 0.62 AF. You indicate that you wish to withdraw water July 1 and July 30, 2010.

IDFG does not anticipate that the requested withdrawal would have an adverse effect on fish, wildlife or stream habitat. We have no objection to the proposed withdrawals as long as all other required state and federal permits are secured. You have asked to pump up to 350 gpm. Because of this volume at the pump, it is important to note that your water intakes must be screened to prevent entrainment or impingement of fish and that screen approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish. The maximum screen mesh size should be 0.25 inches.

Finally, we noted that your application indicated that you wish to back the pump truck onto the boat ramp at Lenore to obtain the water. IDFG owns and maintains the boat ramp at Lenore for fishing and other recreational access. Public use of the ramp must take precedence over your use of the ramp to obtain water. Please feel free to use the ramp for access, but immediately yield to anyone who wishes to use the ramp to launch water craft. Also, please ensure that your operations do not impede launching, trailer turning area or parking for recreational users.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

CG/rh/ss

c: Sharon Kiefer, IDFG HQ
Gwen Fransen, DEQ Lewiston
Keith Franklin, IDWR CdA



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
JUL 14 2010
IDWR/NORTHERN

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

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

July 13, 2010

Mr. Shawn Spencer
S & S Contracting, Inc.
P.O. Box 359
Lapwai, Idaho 83540

Dear Mr. Spencer:

We received your letter requesting our comments on the application for a temporary approval of water appropriation from the Clearwater River at the Lenore boat ramp. 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 Clearwater River at this location is included in water body unit 17060306C13 and is protected for cold water and salmonid spawning aquatic life, primary contact recreation, drinking water supply, and special resource water designated beneficial uses. This section of the Clearwater River is currently listed in Section 5 of the Idaho 2008 Integrated Report as not supporting beneficial uses due to total dissolved gas. DEQ believes the Clearwater River flow at this location is significant enough that the beneficial uses should not be impacted by this temporary water appropriation.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Barrett".

Cindy Barrett
Water Quality Analyst

c: Keith Franklin, IDWR
Ray Hennekey, IDFG
John Cardwell, Regional Program Manager