

Received by dp Date 12/24/10 Time TP-85-28  
\$50.00 fee receipted by Dianne # N223631 Date 2/24/10  
Watermaster Comments received? \_\_\_\_\_ Date \_\_\_\_\_

### 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 12-31-2010.
  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.

DATED this 15 day of March, 2010.

Robert G Haynes  
For the Director

Basin 85

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION  
(5 AF of less)

- Name of Applicant NEZ PERCE COUNTY ROAD & BRIDGE Phone (208) 799-3060
- Address 0105 33RD STREET - LEWISTON, ID 83501
- 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 MARCH 1, 2010 to DECEMBER 31, 2010  
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.

FEBRUARY 17, 2010

Date

  
Applicant DOUGLAS R. MOORE, DIRECTOR



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

GARY SPACKMAN  
Interim Director

03/16/2010

DOUGLAS R MOORE PE & LS  
NEZ PERCE COUNTY  
ROAD & BRIDGE DEPARTMENT  
0105 33<sup>RD</sup> STREET  
LEWISTON ID 83501

RE: Temporary Permit No. TP-85-28 AND TP-86-38

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-85-28 AND TP-86-38.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATIONS.

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

**Franklin, Keith**

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**From:** Hennekey, Ray [rhennekey@idfg.idaho.gov]  
**Sent:** Thursday, March 27, 2008 8:53 AM  
**To:** Franklin, Keith  
**Cc:** Cadwallader, Dave  
**Subject:** Nez Perce County Highways Dept temp water right request  
**Attachments:** IDWR WR NPCounty temp Potlatch 07, clearwater.rtf

<<IDWR WR NPCounty temp Potlatch 07, clearwater.rtf>>

Keith –

I received a phone message from Nez Perce County Highway Dept. asking for our input regarding temporary water right applications for the Clearwater River at Lenore and Spalding. According to the phone message, the county sent an application to DEQ (I have DEQ's response letter), but failed to send one to F&G. According to the phone message, the requested appropriations at each site were the same as for last year. Based on that information, I can see no reason to modify our response from last year (attached). That is, we have no objection to the proposed withdrawals from the Clearwater at Spalding and Lenore. The message I received did not mention whether the county had also applied for a withdrawal from the Potlatch River as in past years, but our position on that proposal would remain the same as well: we recommend against withdrawals from the Potlatch.

Please give me a call if you have any questions or need a more formal response.

Thanks.

ray

Ray Hennekey

Environmental Staff Biologist

IDFG Clearwater Region

Lewiston

(208) 799-5010

**COPY**



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

RECEIVED  
MAR 10 2010  
IDWR/North

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

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

March 9, 2010

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

Dear Mr. Franklin:

We received your letter requesting our comments on the approval of the 2010 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,

Gwen P. Fransen  
Regional Administrator, Lewiston

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





State of Idaho

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 3-4-10

TO: Ray Hennekey

FROM:

FAX #: 208-799-5012

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

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - Nez Perce Co.  
Road & Bridge

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



## State of Idaho

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

March 4, 2010

RAY HENNEKEY  
IDAHO DEPARTMENT OF FISH & GAME  
3316 16<sup>th</sup> 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 2009 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; a copy of F&G's comments is attached.

Would you please submit your comments no later than March 11, 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 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](mailto: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

*No comments  
received. KJ*

**FAXED**



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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 3/4/10

TO: Gwen Fransen

FROM:

FAX #: 208-799-3451

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

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - Nez Perce Co.  
Road & Bridge

TOTAL PAGES SENT: 5 PLUS (+) COVER SHEET

CONTACT: Keith Franklin  
(NAME OF SENDER)

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

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

March 4, 2010

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.

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Would you please submit your comments no later than March 11, 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 these permits.

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If you have any questions, feel free 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  
Senior Water Resources Agent  
Enclosure

**FAXED**