

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

TP 84-20

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 0.44 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 11/1/2010.

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 22 day of June, 2010.

Robert G. Haynes
For the Director

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**
(5 AF or less)Name of Applicant Seubert Excavators, inc. Phone 208 962-3314Address P.O. Box 57, 604 King Street, Cottonwood, ID 83522 Email acrender@g.com1. Source of water orofino creek Tributary to Clearwater River2. Location of point of diversion NW 1/4 NW 1/4 Sec. 10 Township 36N, Range 2E B.M.,County Clearwater3. Location of place of use SE 1/4 SW 1/4 Sec. 34 Township 37N, Range 2E B.M.,County Clearwater4. Proposed use of water The water will be used on the lower part of
Grangement Rd. for Dust removal, + Cement treated
base.

5. Amount of water:

Maximum rate of diversion - cfs or 200 gpm.Maximum daily volume 0.1 AF; Total volume 5 AF.6. Duration of diversion: From June 25, 2010 to November 1 2010
Day-month Day-month7. Proposed diverting works Pump placed on landing w/ suction line in creek.8. Who owns the property at the requested point of diversion? Konkville Lumber Co.9. Describe the arrangement allowing access to the water Verbal agreement10. Remarks water is for a federal highway project
that reconditions the Grangement Rd. Also, a written
agreement can be done if needed

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.

6-3-2010
DateChristopher M. Behr
ApplicantReceived by [Signature]
\$50.00 fee received by [Signature]
Watermaster Comments received? Date 6/22/10# N025013Time 6/22/10
Date 6/22/10
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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

06/23/2010

CHRIS REHDER
SEUBERT EXCAVATORS INC
PO BOX 57
COTTONWOOD ID 83522

RE: Temporary Permits Nos. TP-83-10, TP-84-19 and TP-84-20

Dear Applicant(s):

Your applications for Temporary approval of Water Appropriations have been granted and assigned numbers TP-83-10, TP-84-19 and TP-84-20.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF EACH 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 Temporary Permits Nos. TP-83-10, TP-84-19 and TP-84-20
Receipt No. N025913



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor

Cal Groen/Director

June 17, 2010

RECEIVED
JUN 21 2010
IDWR / NORTH

Mr. Chris Rehder
Seubert Excavators, Inc.
PO Box 57
Cottonwood, ID 83522

Dear Mr. Rehder:

RE: Application for Approval of Water Appropriation

IDFG has reviewed three draft applications for a water appropriations from the Idaho Dept of Water Resources. You wish to withdraw 0.1 cfs, total volume of 4 AF from Whiskey Creek; 0.1 cfs, total volume 5 AF from Orofino Creek; and 0.1 cfs, total volume 4 AF from Cow Creek. All withdrawals would be between June 15 and November 1, 2020. The water is to be used for dust control and asphalt plant operation.

IDFG does not believe the requested withdrawals will adversely impact fish, wildlife or habitat. IDFG has no objection to the requested withdrawals.

Please note, however, that we were initially concerned about the potential for the Whiskey Creek withdrawal to negatively impact trout in that stream by reducing naturally low summer flows. However, you informed us that your withdrawal would be from a pond or ponds situated on or near Whiskey Creek. Based on that information, we do not anticipate the proposed withdrawal will significantly reduce flows. Please inform us if that information is not correct.

Thank you for the opportunity to comment on your application. Please provide the additional information requested regarding this project to Ray Hennekey at the Clearwater Fish and Game office (208-799-5010), or contact Ray if you have any questions regarding our comments.

Sincerely,

Dave Cadwallader
by *Mont 11/14/10*
Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/cs

c: Gwen Fransen, IDEQ Lewiston
Keith Franklin, IDWR CDA
Sharon Kiefer, IDFG HQ

Keeping Idaho's Wildlife Heritage

6/22/2010
Talked with Ray about the
diversion discrepancy and he
didn't have a problem of going
from 0.1 cfs to 0.44 cfs (approx)
KQ



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

June 14, 2010

RECEIVED

JUN 15 2010

IDWR/NORTHERN

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

Dear Mr. Franklin:

We received a request for our comments from Mr. Chris Rehder, Seubert Excavators, Inc., on the approval of three applications for temporary rights to withdraw 200 gallons per minute or 4 acre-feet of water from Cow Creek, 4 acre-feet from Whiskey Creek, and 5 acre-feet from Orofino Creek, Clearwater County, between June 15 and November 1, 2010. The water is needed for road construction and dust abatement for the federal highway project to recondition the Grangemont Road, Clearwater County. 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, Cow Creek is included in water body ID 17060306CL039_02, and is currently listed in Section 2 of the Idaho 2008 Integrated Report as supporting most beneficial uses. In order to protect and maintain aquatic life beneficial uses, stream flow adequate to sustain existing aquatic life needs to be maintained (IDAPA 58.01.02.100.01). Based on our flow data, DEQ believes the flow in this section of Cow Creek may not be significant enough to protect and maintain optimum conditions for aquatic life during the requested withdrawal. DEQ would like to suggest an alternative location be considered where flow is adequate to protect beneficial uses while still allowing for the requested withdrawal.

In the Idaho Water Quality Standards, Whiskey Creek is included in water body ID 17060306CL040_03, and is currently listed in Section 5 of the Idaho 2008 Integrated Report as not supporting beneficial uses due to the combined biota and habitat bioassessment. In order to protect and maintain aquatic life beneficial uses, stream flow adequate to sustain existing aquatic life needs to be maintained (IDAPA 58.01.02.100.01). In order to protect aquatic life beneficial uses in Whiskey Creek, water should be withdrawn from an area within the creek where flow can be maintained at 1 cfs or greater while still allowing for the requested withdrawal.

Mr. Keith Franklin

June 14, 2010

Page 2

In the Idaho Water Quality Standards, Orofino Creek is included in water body ID 17060306CL039_04 and is currently listed in Section 3 of the Idaho 2008 Integrated Report as not assessed.

DEQ believes the Orofino Creek flow in this section is significant enough that the beneficial uses should not be impacted by the temporary water appropriation.

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 that reads "Gwen P. Fransen". The signature is written in a cursive, flowing style.

Gwen P. Fransen

Regional Administrator, Lewiston

c: Chris Rehder, Seubert Excavators, Inc.
Ray Hennekey, IDFG