

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

TP-84-19

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 4 AF and a maximum rate of diversion of 0.49 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

RECEIVED

Form 202a, 10/07  
JUN 22 2010Indent. No. TP-84-19

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION  
(5 AF or less)Name of Applicant Seubert Excavators, inc. Phone 208 962-3314Address <sup>mail</sup> P.O. Box 57, <sup>physical</sup> 604 King Street, Cottonwood ID, 83522 Email acredder@p.com1. Source of water Cowcreek Tributary to orofino creek → Clearwater River2. Location of point of diversion SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 27 Township 37N, Range 4E B.M.,  
County Clearwater County.3. Location of place of use SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 27 Township 37N, Range 4E B.M.,  
County Clearwater County.4. Proposed use of water Dust Control on Rock crusher, roads, and  
Asphalt Plant.

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 200 gpm.Maximum daily volume 0.1 AF; Total volume 4 AF.6. Duration of diversion: From June 15, 2010 to November 1 2010  
Day-month Day-month7. Proposed diverting works Pump Staged on road w/ suction line in creek8. Who owns the property at the requested point of diversion? Potlatch forest ind.9. Describe the arrangement allowing access to the water Seuberts' have permission to  
operate out of quarry and use water (if approved) [verbal + writing]

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.

5-27-2010

Date

Christopher M. Behder  
ApplicantReceived by [Signature]\$50.00 fee receipted by [Signature]

Watermaster Comments received? \_\_\_\_\_

Date

6/22/10

Time

# N025013

Date

Date

6/22/10



**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

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 (200 gpm)  
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