

SEP 28 2020

ID No. TP-65-76

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

IDWR / NORTH

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

OCT 01 2020

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

WATER RESOURCES  
WESTERN REGION

Name of applicant M.A. DeAtley Construction Phone (509) 751-1580 ext. 239  
Mailing address 829 Evans Rd. City Clarkston  
State Washington Zip 99403 Email codyb@madcon.net

1. Source of water Payette River tributary to Black Canyon Reservoir  
2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
11N	3E	3			SE	NE	Valley	Payette Lake	Near Smiths Ferry

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	3E	3				X													

4. Proposed use of water:

- a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation  
☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Dust Control

- b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

- a. Maximum rate of diversion: \_\_\_\_\_ cfs; or 100 gpm.  
b. Maximum daily volume: \_\_\_\_\_ AF; or 12,000 gallons.  
c. Maximum volume over the duration of the request: \_\_\_\_\_ AF; or 150,000 gallons.

6. Duration of diversion: from 9/30/2020 (month-day) to 11/30/2020 (month-day).

7. Describe proposed diverting works: Portable Water Pump to Water Truck

8. a. Who owns the property at the requested point of diversion? M.A. DeAtley Construction

- b. Who owns the facilities that will convey water to the place of use? Valley County

- c. Who owns the land to be irrigated or place of use? \_\_\_\_\_

- d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. \_\_\_\_\_

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

CB Project Manager 9/25/2020  
Signature of Applicant Title, if any Date

Received by Northern Date 09/28/2020 Time \_\_\_\_\_  
\$50.00 fee receipted by Jo # N036459 Date 9-28-2020  
Watermaster comments received? Email to 10/07/20 - no comment 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendation of the watermaster.

**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 0.5 AF and a maximum rate of diversion of 100 CFS or 0 GPM.
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 or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
7. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
8. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
9. The holder of this temporary approval 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.
10. A ¼ inch mesh screen shall be installed on the pump intake.
11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
12. All equipment involved with transporting water shall be treated/sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. Contact the Idaho State Department of Agriculture ([www.agri.idaho.gov](http://www.agri.idaho.gov)) for specific recommendations at 208-332-8500 or by email to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
13. This temporary use of water remains subject to control of the Payette River Watermaster.
14. This approval is subject to the availability of Payette River Rental Pool water to mitigate water losses and injury to existing water rights. This authorization will require the rental of 2.0 AF of water from the Payette River Rental Pool (2 AF minimum). Contact Payette River Watermaster, 208-642-4465.
15. This approval expires on November 30, 2020.

Signed this 16<sup>th</sup> day of October, 2020

  
For the Director

# Water District No. 65

Payette River Basin, State of Idaho  
102 North Main Street  
Payette, Idaho 83661

Watermaster  
Ron Shurtleff

Phone (208) 642-4465  
Fax (208) 642-1042  
E-Mail waterdist65@srvinet.com

## Water District No. 65 Rental Pool AGREEMENT TO RENT WATER FROM THE RENTAL POOL For the 20\_\_ Irrigation Season

The local rental pool Committee of Water District No. 65, being authorized pursuant to Idaho Code Section 42-1765 to lease stored water from water users who own reservoir space and have excess supplies, and to rent said water to requesting parties, does agree to rent to \_\_\_\_\_ (entity), \_\_\_\_\_ Acre-Feet of storage space requested for \_\_\_\_\_ (use). This agreement is subject to the adopted procedures of the Water District No. 65 Rental Pool and execution of same by the party herein named.

Upon receipt of the information requested below, the Payette River Watermaster will release to you from storage, at the rate you specify, \_\_\_\_\_ Acre-Feet of stored water between \_\_\_\_\_ and \_\_\_\_\_.

### Description of Point of Diversion:

Located in \_\_\_\_ 1/4 \_\_\_\_ 1/4, Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_;

Other \_\_\_\_\_

On \_\_\_\_\_ Pump H.P. \_\_\_\_\_ Lift \_\_\_\_\_

Headgate \_\_\_\_\_ (canal name if appropriate)

### Description of Place of Use:

Legal description: \_\_\_\_\_

Total acres to be irrigated: \_\_\_\_\_

\_\_\_\_\_, By: \_\_\_\_\_  
(Name of Organization or Individual) (Signature) (Title)

\_\_\_\_\_, Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
(Address of Organization or Individual)

\_\_\_\_\_  
(Phone Number)

I have accepted the request of \_\_\_\_\_ to rent water from the Water District No. 65 Rental Pool this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Watermaster, Water District No. 65  
Agent for the Rental Pool Committee



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 16, 2020

M A DEATLEY CONSTRUCTION  
829 EVANS RD  
CLARKSTON WA 99403-9701

RE: Application for Temporary Approval of Water Use: TP-65-76

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on November 30, 2021**. The expiration date cannot be extended under this temporary approval.

Also note the condition requiring the **purchase of storage water from the Payette River Rental Pool** to mitigate the injury to senior water right holders below the Payette River. A Payette River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Payette River Watermaster, Ron Shurtleff at 208-642-4465 to complete the lease agreement prior to diverting water under this temporary approval.

If you have any questions, please feel free to contact this office at 208-334-2190 and any of our agents will be able to assist you.

Sincerely,

A blue ink signature of Chad Jones, written in a cursive style.

Chad Jones  
Technical Records Specialist I

Enclosures

cc: RON SHURTLEFF, Water District 65.