

Form 202A 04/17

ID No

TP-78-17

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 25 2020

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

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.

Name of applicant Scarsella Bros., Inc.Phone (253) 872-7173Mailing address PO Box 68697City SeattleState WAZip 98168Email nick@scarsellabros.com1. Source of water Little Salmon River tributary to _____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 #
23N	1E	16		NE	SE	NE	Idaho	Little Salmon River	

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	
23N	1E	16				1/4													

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 during ITD emergency rock slide repairs

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 500 gpm.
b. Maximum daily volume: _____ AF; or 50,000 gallons.
c. Maximum volume over the duration of the request: _____ AF; or 500,000 gallons.

6. Duration of diversion: from Aug-28 (month-day) to Oct-15 (month-day).7. Describe proposed diverting works: Trash pump, pump to water truck tank and fire hose/nozzle

8. a. Who owns the property at the requested point of diversion? State of Idaho
b. Who owns the facilities that will convey water to the place of use? Contractor
c. Who owns the land to be irrigated or place of use? State of Idaho
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. Contracted with ITD to perform emergency rock slide mitigation work.

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.

Signature of Applicant

Director of Compliance & Risk Mgmt
Title, if any8/24/2020
Date

Received by

Date

08/25/2020

Time

4:55

\$50.00 fee received by

interagency billing (#BILL0210)

Date

08/26/2020

Watermaster comments received?

N/A

Date

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ID No. TP-78-17STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

 A. The application for temporary approval should be denied because _____

X 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 recommendations of the watermaster.

This application is therefore hereby:

 A. DENIED

X 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 of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 1.5 AF and a maximum diversion rate of 500 gpm.
4. This approval does not grant a right-of-way across the land of another.
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. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. 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.
9. 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.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: See Attached
12. This approval expires on OCTOBER 15, 2020

Signed this 26th day of August, 2020


For the Department

ADDITIONAL CONDITIONS OF APPROVAL

Supplement to Condition 11: this approval is also subject to the following conditions:

1. 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.
2. Diversion works shall be limited to pump installations that do not create an obstruction in the river that impedes fish or boat passage.
3. The pump intake shall be screened with 3/32-inch mesh or smaller and installed such that entrance velocities do not exceed 0.5 feet per second. Pumping shall occur at a location away from potential fish refugia (stream banks with overhanging vegetation, large accumulations of woody debris, etc.) to avoid entraining juvenile fish.
4. All equipment involved with transporting water shall be treated/sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. If equipment involved with transporting water has been moved into Idaho from another state (Particularly from NV, CO, UT, AZ, CA or TX), contact ISDA for an inspection. The Idaho State Department of Agriculture (www.agri.idaho.gov) may be reached by phone at 208-332-8686 or by email at info@agri.idaho.gov.

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into, in duplicate, this 18th day of August, 2020, by
ITD TO DATE UPON AWARD
and between the State of Idaho, hereinafter called the State, by the Idaho Transportation Board of said
State, party of the first part, and SCARSELLA BROS., INC., A CORPORATION, hereinafter called the
Contractor, party of the second part.

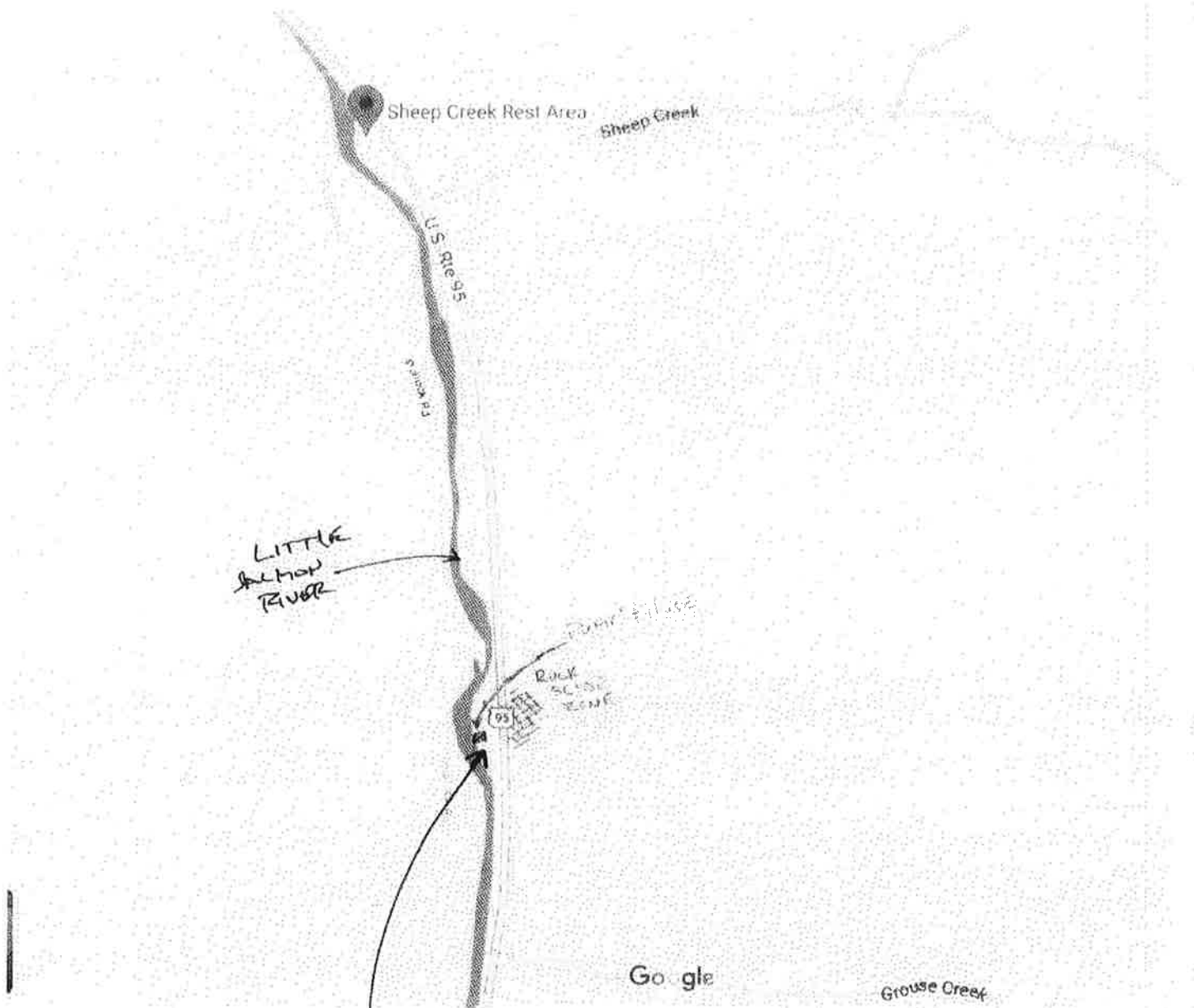
WITNESSETH: That the contractor, in consideration of the sum to be paid to him by said State, in the matter and at the time hereinafter provided, and of other covenants and agreements herein contained, hereby agrees for himself, their heirs, administrators, successors and assigns to furnish the material and perform the work of rock clearing, controlled blasting, slope stabilization, construction traffic control and roadway reconstruction to facilitate repairs due to a recent rock slide on US95 at MP188, near Riggins; in Idaho County, designated as Idaho Project No. A023(078) to furnish all necessary machinery, tools, apparatus, materials and labor to complete the work in the most substantial and workmanlike manner according to the plans and specifications therefore on file in the office of the Idaho Transportation Department of said State, and such modifications of the same and other directions that may be made by the State Highway Administrator as provided herein: Provided, however, that the proposed work covered by this contract does not include that portion or portions of the work to be done in right of way to which title is being contested in any court having jurisdiction, until a specific award has been made by the court in each instance and in good and sufficient title to such portion of right of way in dispute has been assured.

CONTRACT DOCUMENTS:

It is further agreed that the said plans and specifications and the schedule of rates and prices set forth in the proposal and the general and special provisions appended to this contract agreement are hereby specifically referred to and made a part of this contract, and shall have the same force and effect as though all of same were fully inserted herein.

PAYMENTS:

For the faithful performance of the work herein embraced, as set forth in the contract agreement, general and special provisions, notice to contractors, instructions to bidders, proposals, general and detailed specifications and plans, which are a part hereof, in accordance with the directions of the State Highway Administrator and to his satisfaction, the State agrees to pay said Contractor the amount earned, computed from the actual quantities of the work performed as shown by the estimates of the Administrator and unit prices named in such proposal, and to make such payments in the manner and at the time provided in such proposal, and to make such payments in the manner and at the time provided in the general provisions thereto appended. Payments shall be made by the State Treasurer of said State, upon warrants of the State Auditor of said State, issued upon vouchers of said State Highway Administrator, which have been approved by the Idaho Transportation Board out of monies legally available for that purpose.



WATER TO BE PUMPED TO ROCK SLIDE
ZONE ADJACENT TO U.S. 95, WHICH
IS ADJACENT TO LITTLE SALMON RIVER.
APPROX. 1/2 MILE NORTH OF GROUSE CREEK.



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

Brad Little
Governor

Gary Spackman
Director

August 26, 2020

SCARSELLA BROS INC
PO BOX 68697
SEATTLE WA 98168-0697

RE: Application for Temporary Approval of Water Use: TP-78-17

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** October 15, 2020. The expiration date cannot be extended 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,

 Chad Jones
Technical Records Specialist I

Enclosures