

TP-86-35

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 0.21 AF and a maximum rate of diversion of 0.11 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 6-1-09.
 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 5 day of March, 2009.

Robert D. Haynes
For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of Applicant Idaho Transportation Dept. Phone (208) 799-5050
Address P.O. Box 837, Lewiston ID 83501 Email Doral.Hoff@id.idaho.gov

1. Source of water Clemwater River Tributary to SNAKE RIVER

2. Location of point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20 Township 36N, Range 4W B.M.,
County NEZ PERE

3. Location of place of use * SEE REMARKS $\frac{1}{4}$ Sec. _____ Township _____, Range _____ B.M.,
County _____

4. Proposed use of water Water will be used to clean guardrail along
district highways at multiple locations.

5. Amount of water:

Maximum rate of diversion _____ cfs or 50 gpm.

Maximum daily volume .042 AF; Total volume .21 AF.

6. Duration of diversion: From 5-2-09 to 5-13-09
Day-month Day-month

7. Proposed diverting works 5 HP pump with a screened hose

8. Who owns the property at the requested point of diversion? Public

9. Describe the arrangement allowing access to the water Public boat ramp at Hog Island.

10. Remarks The place of use for this water will be numerous
locations along state highways in NEZ PERE County.

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.

2/24/09
Date

[Signature]
Applicant

Received by _____ Date 2/26/09 Time _____
\$50.00 fee receipted by to be paid by interagency Billing _____
Watermaster Comments received? _____ Date _____

COPY

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 10, 2009 11:25 AM
To: Marston, Sascha
Cc: 'zachary.funkhouser@itd.idaho.gov'; 'Doral Hoff'; Franklin, Keith
Subject: Interagency Billing Authorization

Good morning, Sascha (I see it's already afternoon in Boise).

Please interagency bill Idaho Transportation Department in the amount of \$50.00, for a Temporary Water Right Permit No. TP-86-35, for withdrawing water from the Clearwater River to clean guardrails along the district highways at various locations. See below for authorization from Mr. Funkhouser, Senior Environmental Planner for ITD in Lewiston.

I will Fax a copy of the Permit to attention of Mr. Hoff and Mr. Funkhouser, and the hard copy of the Permit will go out in Wednesday's mail to attention of Mr. Doral Hoff at ITD in Lewiston.

If you have any questions regarding the billing, please contact Mr. Funkhouser direct – e-mail at Zachary.Funkhouser@itd.idaho.gov

Please notify me when the funds arrive so I can note that information in my file.

Thanks very much,

Don't count the days, let the days count.

Dianne

From: Zachary Funkhouser [mailto:Zachary.Funkhouser@itd.idaho.gov]
Sent: Tuesday, March 10, 2009 11:01 AM
To: Ball, Dianne; Maggi Alsager
Subject: RE: Interagency Billing Authorization Needed

Dianne,

You can proceed with the interagency billing. Please issue the permit at your earliest convenience.

Please send the bill to Maggi Alsager, our District Business Manager.

Thanks, Zach

Zachary A. Funkhouser
Senior Environmental Planner
Idaho Transportation Department
P.O. Box 837

3/10/2009

Lewiston ID 83501
(208) 799-4250 Office
(208) 816-0855 Cell
(208) 799-4301 Fax
zachary.funkhouser@itd.idaho.gov

~~~~~  
**From:** Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]  
**Sent:** Monday, March 09, 2009 2:06 PM  
**To:** Zachary Funkhouser  
**Subject:** Interagency Billing Authorization Needed

Good afternoon, Mr. Funkhouser,

Thursday of last week (3/5) I sent an e-mail (see below) to Doral Hoff. I am holding the Temporary Water Appropriation Permit authorizing use of water from the Clearwater River for guard rail cleaning, awaiting authorization from Mr. Hoff or you in order to inter-agency bill ITD for the required fee of \$50.00. Mr. Hoff responded saying he'd get back to me soon, but I haven't heard from him with authorization as of today.

I have nothing presently authorizing me to issue the interagency billing request through our State Office for this fee.

Will you be able to assist me in this matter? I am ready to send out the Temporary Water Permit, but generally have something either in writing or by e-mail giving me authority to request IDWR to interagency bill ITD for the \$50 required fee.

Thank you very much for your help..

*Dianne Ball*  
Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819

~~~~~  
Good morning,

I am processing your Temporary Water Appropriation for water from Clearwater River to clean guard rail along district highways.

You sent no fee with your application, and not request for interagency billing.

Will you please send a reply to this e-mail explaining if you want me to interagency bill for the \$50.00 required fee?

Thank you very much.

Dianne Ball
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815

3/10/2009



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

03/05/2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

FAXED

DORAL HOFF
IDAHO TRANSPORTATION DEPT
PO BOX 837
LEWISTON ID 83501

RE: Temporary Permit No. TP-86-35

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-86-35

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

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

From: Hennekey,Ray [rhennekey@idfg.idaho.gov]
Sent: Wednesday, March 04, 2009 10:24 AM
To: Zachary Funkhouser
Cc: Franklin, Keith; Cadwallader,Dave; Kiefer,Sharon
Subject: RE: Letter from DEQ

COPY

Zach and Keith –

I checked my files, we apparently never received a copy of this application for a permit for a Temporary Water Appropriation. However, based on information you provided to me on the phone and what I've learned from Cindy Barrett at DEQ, you wish to withdraw 50 gallons per minute, maximum daily volume of 0.042 AF, total volume not to exceed 0.21 AF from the Clearwater River at the public boat ramp at Hog Island from 5/2/09 to 5/13/09. The water will be used to clean guard rail along district highways at various locations.

IDFG has no objection to obtaining a permit for this activity. The proposed withdrawals should not have significant impacts on fish, wildlife or habitat in the Clearwater River. However, we note that you wish to use the boat access at Hog Island as a pump site. We would like to re-emphasize that angler and other recreational interests take precedence over access for the water withdrawals. In no way should pumps, trucks or activities related to withdrawals interfere with public access to boat ramps, parking or other facilities.

Thanks for the opportunity to comment.

Ray Hennekey
 Environmental Staff Biologist
 IDFG Clearwater Region
 Lewiston, Idaho
 (208)799-5010

-----Original Message-----

From: Zachary Funkhouser [mailto:Zachary.Funkhouser@itd.idaho.gov]
Sent: Thursday, February 26, 2009 3:53 PM
To: keith.franklin@idwr.idaho.gov; Hennekey,Ray
Subject: Letter from DEQ

Hi Keith,

Attached is a letter from DEQ regarding our Application to withdraw water from the Clearwater River. I've communicated with Ray Hennekey and IDFG and they do not appear to have an issue with the application. Ray, please chime in if I'm off the mark.

Thanks, Zach

Zachary A. Funkhouser
 Senior Environmental Planner
 Idaho Transportation Department
 P.O. Box 837
 Lewiston ID 83501

3/5/2009

(208) 799-4250 Office
(208) 816-0855 Cell
(208) 799-4301 Fax
zachary.funkhouser@itd.idaho.gov

From: Bizhub
Sent: Thursday, February 26, 2009 8:42 AM
To: Zachary Funkhouser
Subject: Scanned Document

COPY

<<Sd2ispt0109022615410.pdf>>



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C. L. "BUTCH" OTTE
Governor

DAVID R. TUTHILL, Jr.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 2/26/09

TO: Ray Henneke

FAX #: 208-799-5012

FROM:

COPY

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

DOCUMENT DESCRIPTION:

Application For Temporary Water Appropriation
Idaho Transportation Dept.

TOTAL PAGES SENT: 3 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

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

DAVID R. TUTHILL, JR.
Director

February 26, 2009

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH STREET
LEWISTON, ID 83501

COPY

Re: Application For a Temporary Approval of a Water Appropriation

Dear RAY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.21 acre-feet of water from the Clearwater River within Nez Perce County, by the Idaho Department of Transportation for road construction water. A copy of the application is attached for your reference.

Would you please submit your comments no later than March 6, 2009? 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 this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

FAXED



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

February 26, 2009

Zach Funkhouser
Idaho Department of Transportation
P.O. Box 837
Lewiston, ID 83501

COPY

RECEIVED
FEB 26 2009
IDWR/North

Dear Mr. Funkhouser:

We received your letter requesting our comments for approval of your application for a Temporary Water Appropriation permit to draw 50 gallons per minute, or maximum daily volume of 0.042 acre feet/total volume of 0.21 acre feet, from the Clearwater River public boat ramp at Hog Island, Nez Perce County. The proposed use of water is to clean guardrail along district highways at multiple locations. The duration of diversion is from 5/2/09 to 5/13/09. 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 the proposed point of withdrawal is included in water body ID 17060306CL002_07. Water body ID 17060306CL002_07 is currently listed in Section 5 of the Idaho 2008 Integrated Report as not supporting beneficial uses due to total dissolved gas. The Clearwater River is 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 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 "Kerby M. Cole". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kerby M. Cole, P.E.
Regional Administrator

CC: Keith Franklin, IDWR
Ray Hennekey, IDFG
Marti Bridges, IDEQ