

COPY

TP-85-25

Received by db Date 2/2/09 Time \_\_\_\_\_

\$50.00 fee receipted by db # N019880 Date 2/2/09

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

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FEB 02 2009  
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- ☐ 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 0.2 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 12/31/09.
  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 vaules.
  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.

DATED this 11 day of February, 2009.

Robert G Haynes  
For the Director

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Form 202a 11/99

Indent. No. TP-85-25STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION  
(5 AF of less)

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- Name of Applicant NEZ PERCE COUNTY ROAD & BRIDGE Phone (208) 799-3060
- Address 0105 33RD STREET - LEWISTON, ID 83501
1. Source of water CLEARWATER RIVER @ SPALDING Tributary to SNAKE RIVER
2. Location of point of diversion SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 20 Township 36N, Range 4W B.M.,  
County NEZ PERCE
3. Location of place of use VARIOUS  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  Sec. \_\_\_\_\_ Township \_\_\_\_\_, Range \_\_\_\_\_ B.M.,  
County NEZ PERCE
4. Proposed use of water DUST CONTROL, CONSTRUCTION, SURFACE  
STABILIZATION WITHIN COUNTY BOUNDARIES.
5. Amount of water: 50,000 GALLONS  
Maximum rate of diversion .2 cfs or 90 gpm.  
Maximum daily volume \_\_\_\_\_ AF; Total volume 5 AF.
6. Duration of diversion: From MARCH 1, 2009 to DECEMBER 31, 2009  
Day-month Day-month
7. Proposed diverting works N/A
8. Who owns the property at the requested point of diversion? STATE OF IDAHO
9. Describe the arrangement allowing access to the water BOAT RAMP
10. Remarks BOAT RAMP USAGE ARRANGED WITH FISH & GAME.

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.

JANUARY 21, 2009

Date

  
Applicant DOUGLAS R. MOORE, DIRECTOR



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)

02/11/2009

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

NEZ PERCE COUNTY ROAD & BRIDGE  
0105 33<sup>RD</sup> ST  
LEWISTON ID 83501

COPY

RE: Temporary Permit No. TP-85-25 – at SPALDING, and  
TP-87-34 – at LENORE

Dear Applicant(s):

Your applications for Temporary approval of Water Appropriations have been granted and assigned numbers TP-85-25 at Spalding, and TP-86-34 at Lenore.

Please be advised that THE PERMITS ARE 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 – Copies of permits, and Receipt No. N019880



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 2/2/09

TO: Ray Hennekey

FROM: \_\_\_\_\_

FAX #: 208-799-5012

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

DOCUMENT DESCRIPTION:

Applications for temporary water  
appropriations - Nez Perce County Road &  
Bridge Dept.

TOTAL PAGES SENT: 6 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

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PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

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## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

February 2, 2009

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

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Hennekey:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding two applications to temporarily appropriate 5.3 acre-feet of water from the Clearwater River by the Nez Perce County Road & Bridge Department for dust control and road construction purposes. A copy of the applications are attached for your reference.

This is a renewal of the applications that were issued in 2008 for the same purpose. Since this is located in the sensitive basin area, the applicant did receive favorable comments from both Fish & Game and DEQ in 2008; a copy of F&G's comments are attached.

Would you please submit your comments no later than February 10, 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 208-762-2819 or by e-mail to [keith.franklin@idwr.idaho.gov](mailto: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

**FAXED**

Encl/kf

*No comments  
received as of  
2/11/09. KF*

## Franklin, Keith

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**From:** Hennekey,Ray [rhennekey@idfg.idaho.gov]  
**Sent:** Thursday, March 27, 2008 8:53 AM  
**To:** Franklin, Keith  
**Cc:** Cadwallader,Dave  
**Subject:** Nez Perce County Highways Dept temp water right request  
**Attachments:** IDWR WR NPCounty temp Potlatch 07, clearwater.rtf

<<IDWR WR NPCounty temp Potlatch 07, clearwater.rtf>>

Keith –

I received a phone message from Nez Perce County Highway Dept. asking for our input regarding temporary water right applications for the Clearwater River at Lenore and Spalding. According to the phone message, the county sent an application to DEQ (I have DEQ's response letter), but failed to send one to F&G. According to the phone message, the requested appropriations at each site were the same as for last year. Based on that information, I can see no reason to modify our response from last year (attached). That is, we have no objection to the proposed withdrawals from the Clearwater at Spalding and Lenore. The message I received did not mention whether the county had also applied for a withdrawal from the Potlatch River as in past years, but our position on that proposal would remain the same as well: we recommend against withdrawals from the Potlatch.

Please give me a call if you have any questions or need a more formal response.

Thanks.

ray

Ray Hennekey

Environmental Staff Biologist

IDFG Clearwater Region

Lewiston

(208) 799-5010

3/27/2008