

## 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 5 AF and a maximum rate of diversion of 0.45 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 11/1/09.
  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 G. Haynes  
For the Director

RECEIVED

FEB 26 2009

Indent. No.

TP-81-08

IDWR/North

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

- Name of Applicant Knife River Phone 208-362-6152
- Address 5450 W. Gowen Rd. Boise, ID 83709 Email Curtis.bennett@Kniferiver.co
1. Source of water Lochs River Tributary to Clearwater
2. Location of point of diversion 1/4 1/4 Sec. 5 Township 33N, Range 8E B.M.,  
County Idaho
3. Location of place of use 1/4 1/4 Sec. 5 Township 33N, Range 8E B.M.,  
County Idaho See Attached Map
4. Proposed use of water Water Will be used in various Construction Activities  
in the reconstruction of U.S. Highway 12 from Syringa Creek  
to Tumble Creek.
5. Amount of water:  
Maximum rate of diversion 200 cfs or 200 gpm  
Maximum daily volume .3 AF; Total volume 5 AF.
6. Duration of diversion: From 4/1/2009 to 10/31/2009  
Day-month Day-month
7. Proposed diverting works Sucking out of the river into the water truck with a pump.
8. Who owns the property at the requested point of diversion? U.S. Forest Service
9. Describe the arrangement allowing access to the water Knife Edge river access off of  
U.S. Hwy 12.
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.

2/23/09  
Date

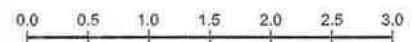
Curtis R. Bennett  
Applicant

Received by cm Date 2-26-09 Time 11:00 am  
\$50.00 fee receipted by cm # NO 2008 Date 2-26-09  
Watermaster Comments received? \_\_\_\_\_ Date \_\_\_\_\_

Project End  
M.P. 113.80

Project Begin  
M.P. 90.70

Knife Edge  
River Access  
Point of diversion





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)

03/05/2009

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

CURTIS BENNETT  
KNIFE RIVER  
5450 W GOWEN RD  
BOISE ID 83709

RE: Temporary Permit No. TP-81-08

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-81-08 .

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

March 4, 2009

COPY

Curtis Bennett  
Knife River Construction  
5450 W. Gowan Road  
Boise, Idaho 83704

RE: Draft Application for Approval of Water Appropriation

Idaho Department of Fish and Game has reviewed your draft application for a temporary permit to withdraw up to 0.3 cfs from Lochsa River from 4/1/09 to 10/31/09. The water will be used for various activities related to construction on US Highway 12. Water will be pumped from the Lochsa at the Knife Edge River access.

IDFG does not anticipate this withdrawal will have a significant effect on the flows of the Lochsa River at or below the proposed point of diversion, nor do we expect the withdrawal to adversely impact fish and wildlife or their associated habitat. As long as all other federal and state permits have been obtained, we do not object to your proposed withdrawal.

Please note that water intakes should be screened to prevent entrainment or impingement of fish [Idaho Code 36-906 (b)]. The maximum screen mesh size should be 0.25 inches and approach velocities should not exceed 0.5 feet per second to prevent losses of juvenile fish.

Thank you for the opportunity to comment. Please contact Ray Hennekey, Environmental Staff Biologist, at this office if you have any questions regarding our comments.

Sincerely,

Dave Cadwallader  
Clearwater Regional Supervisor

DC/rh/gl

c: Keith Franklin, IDWR CDA  
Kerby Cole, DEQ Lewiston  
Sharon Kiefer, IDFG HQ





## 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

DAVID R. TUTHILL, JR.  
Director

February 27, 2009

Curtis Bennett  
C/o Knife River  
5450 W Gowen Rd.  
Boise, Idaho 83704

8/31/09

Re: Application for a Temporary Water Appropriation

Dear Mr. Bennett:

The Idaho Department of Water Resources (IDWR) is in receipt of Knife River's application to temporarily appropriate 5 acre feet of water from the Lochsa River for road construction purposes. The Lochsa River is located within the Salmon-Clearwater River Basins which are now considered sensitive water basins. Each application within this sensitive area must undergo close scrutiny to ensure the Department is not negatively impacting sensitive ESA (Endangered Species Act) species.

The IDWR has developed a process by which each application is reviewed. Idaho State Code requires "approval is in the public interest and a determination that the temporary approval will not injure the public values associated with the water source or any other water right". Therefore, the applicant must obtain written comments regarding their proposal from the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality (DEQ) to make sure the proposed use will not harm sensitive species or public values.

Enclosed is an information sheet which explains the process. For a temporary water appropriation application, you are only required to seek comments from Fish & Game and DEQ. I have highlighted the contacts on page one for your convenience. When the applicant provides this information to the Department, IDWR's northern regional staff will continue with the processing of the application.

Please provide IDWR with the agency comments within the next 30 days so as not to delay processing. If you have any questions, don't hesitate to contact me at this office.

Sincerely,

COPY

Keith E. Franklin  
Senior Water Resources Agent  
Enclosure



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 27, 2009

Curtis Bennett, Superintendent  
Knife River  
5450 West Gowen Road  
Boise, ID 83709

COPY

RECEIVED  
MAR 02 2009  
IDWR / NORTH

Dear Mr. Bennett:

We received a copy of your application to the Idaho Department of Water Resources for a Temporary Water Appropriation permit to draw 200 gallons per minute or maximum daily volume of 0.3 acre feet/total volume of 5.0 acre feet, from the Lochsa River at the Knife Edge River access point of diversion, Idaho County. In your application you state the proposed beneficial use of water is for "various construction activities" along U.S. Highway 12, from MP 90.70 to MP 113.80. The duration of diversion is from 4/1/09 to 10/31/09.

In the Idaho Water Quality Standards, the section of the Lochsa River at the proposed point of withdrawal is included in water body ID 17060303CL003\_05. Water body ID 17060303CL003\_05 is currently listed in Section 5 of the Idaho 2008 Integrated Report as not supporting beneficial uses due to temperature pollutants. The Lochsa 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 flow in the Lochsa River at the point of withdrawal is significant enough that the beneficial uses should not be impacted by the temporary water appropriations.

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,

Kerby M. Cole, P.E.  
Regional Administrator

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