

TP-86-33

Received by Dianne Date 1/24/08 Time _____

\$50.00 fee received by Dianne # N019007 Date 1/24/08

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:

- ☐ 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~~0.2~~ 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 12/31/08.
 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 0.2 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 27 day of March, 2008.

Robert G Haynes

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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 1/4 NE 1/4 Sec. 20 Township 36N, Range 4W B.M.,
County NEZ PERCE
3. Location of place of use VARIOUS 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, 2008 to DECEMBER 31, 2008
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
IDAHO 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.

01/14/08
Date


Applicant KEVIN POOLE, DIRECTOR

RECEIVED
JAN 24 2008
IDWR/North



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

03/27/2008

NEZ PERCE COUNTY ROAD & BRIDGE
0105 33RD STREET
LEWISTON ID 83501

RE: Temporary Permit No. TP-86-32 and TP-86-33

Dear Applicant(s):

Your applications for Temporary approval of Water Appropriation have been granted and assigned numbers TP- 86-32 and TP-86-33 .

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

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.
Regional Manager

Enclosure - Receipt No. N019118 for three Temporary Water Right Permits

Franklin, Keith

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



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
MAR 05 2008
IDWR/North

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

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

March 3, 2008

Hugh Jacobs
Nez Perce County Road and Bridge Department
0105 33rd Street
Lewiston, ID 83501

Dear Mr. Jacobs:

We received your letter requesting our comments on the approval of your 2008 temporary water right application to draw water from the Clearwater River at both the Spalding and Lenore boat ramps. 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 Lenore is included in water body ID 17060306CL013_07, and the section of the Clearwater River at Spalding is included in water body ID 17060306CL002_07. Both water body ID's are currently listed in Section 5 of the Idaho 2002 Integrated Report as not supporting beneficial uses due to total dissolved gas. These water body IDs are 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 these two sections is significant enough that the beneficial uses should not be impacted by these 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,

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: Eric Davis, IDWR
Ray Hennekey, IDFG
Marti Bridges, IDEQ



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" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 2/6/08

TO: Hugh Jacobs

FROM: IDWR

FAX #: 208-799-3064

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

DOCUMENT DESCRIPTION:

App's for Temp. Water Appropriations

TOTAL PAGES SENT: 7 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



February 6, 2008

Hugh,

Attached is a copy of the three applications submitted by Kevin Poole for temporary water appropriations for the 2008 season from the Potlatch River, Clearwater River @ Lenore and the Clearwater River @ Spalding. The one on the Potlatch River was not approved last year and probably will not this year depending on the comments received from Fish & Game.

Also attached are the comments received from DEQ and Fish & Game so you can see what kind of comments I need to process your applications. If you have any questions, feel free to contact me at this office.

Keith Franklin
Senior Water Resources Agent