

TP-86-29

Received by [Signature] Date 2/21/07 Time 11:04a
\$50.00 fee received by [Signature] # N018149 Date 2/21/07
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 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 12/31/07.
 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: _____

DATED this 13 day of March, 2007.

For the Director

TP-86-29

Basin 86

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 NW SE SW NE $\frac{1}{4}$ Sec. 20 Township 36N, Range 4W B.M.,

County NEZ PERCE

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

County _____

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, 2007 to DECEMBER 31, 2007
Day-month Day-month

7. Proposed diverting works N/E

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.

02/15/07

Date


Applicant KEVIN POOLE, DIRECTOR

RECEIVED
FEB 21 2007
IDWR/North

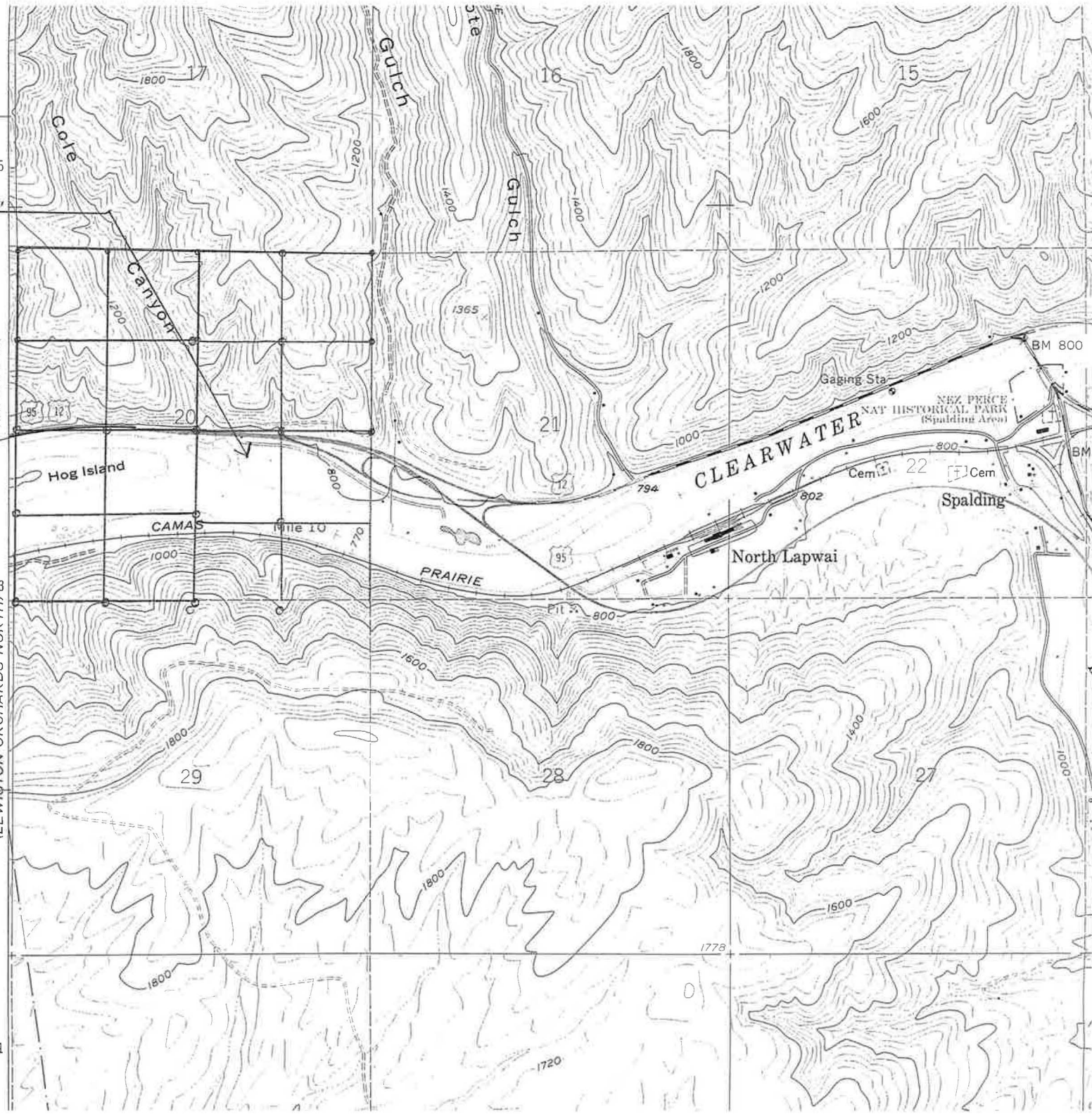
POO

27'30"

LEWISTON (CITY HALL) 9 MI.
HATWAI 5 MI.

5143
2676 IV NW
(LEWISTON ORCHARDS NORTH)

5141





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

03/13/2007

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

RE: Temporary Permit No. TP-86-29 and TP-86-30

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-86-29 and TP-86-30 .

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,

Keith E. Franklin
Senior Water Resource Agent

Enclosure



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

TP-86-29

1118 F STREET • LEWISTON, IDAHO 83501 • (208) 799-4370

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

March 6, 2007

Kevin Poole
Nez Perce County Road and Bridge Department
0105 33rd Street
Lewiston, ID 83501

RECEIVED
MAR 08 2007
IDWR/North

Dear Mr. Poole:

We received your letter requesting our comments and concurrence on the approval of your application to draw water from the Potlatch River at Juliaetta, and 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.

2X { 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 the temporary water appropriations.

? { Proof The section of the Potlatch River at Juliaetta is included in water body ID 17060306CL044_06 and is currently listed in Section 5 of the Idaho 2002 Integrated Report as not supporting beneficial uses due to numerous pollutants. A total maximum daily load (TMDL) is currently being developed for the listed pollutants. The TMDL will calculate the maximum amount of pollutants allowed in this section of the Potlatch River based on the volume or flow of water. DEQ cannot support a reduction in flow which may cause pollutant concentrations that exceed the total maximum daily load and Idaho water quality standards or further impair existing beneficial uses.

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



RECEIVED
MAR 09 2007
IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor
Cal Groen / Director

March 5, 2007

Mr. Kevin Poole, Director of Highways
Nez Perce County Road and Bridge Dept.
0105 33rd Street
Lewiston, Idaho 83501

Dear Mr. Poole:

REFERENCE: #NEZ PERCE COUNTY TEMPORARY WATER RIGHT APPLICATIONS

Nez Perce County Road and Bridge has submitted three temporary water appropriation requests for our preliminary review.

Two points of withdrawal were for the Clearwater River at an IDFG boat ramp at Lenore and at an IDFG boat ramp near Spalding. The requested appropriations were 0.22 cfs (Lenore) and 0.2 cfs (Spalding). The water would be used for dust abatement and construction. Approval of these requested appropriations should have no adverse impacts on Clearwater River biota or stream function. We have no objections to these appropriations.


Nez Perce County Road and Bridge also requested a temporary right to withdraw 0.2 cfs from Potlatch River near Juliaetta for dust control and construction. We believe that this request may have adverse impacts on fish and habitat. Therefore, we can not support the application for withdrawal from Potlatch River.

Although the Nez Perce County request for water from the Potlatch is relatively small, any additional water withdrawals from the Potlatch may have significant adverse impacts on fish. Flows in the Potlatch River have already been severely reduced, having significant adverse impacts to fish, wildlife and habitat during a substantial portion of the year, and most critical within the period of the requested withdrawal. For example, monthly average flows near Juliaetta were only 2.6 and 4 cfs in August and September of 2005. Low flows are currently considered to be the primary limiting factor for survival of steelhead trout that spawn and rear in the Potlatch River. Steelhead are listed as threatened on the federal ESA. Low flows in the Potlatch adversely affect other fish and aquatic biota as well.

To avoid further damage to Potlatch River and downstream fisheries as well as other wildlife resources, we believe that it is incumbent on IDWR and the applicant to fully evaluate all alternative sources of water before any new appropriations are awarded from the Potlatch River. Though it may be somewhat more inconvenient or costly for the county to convey the water, as an alternative, we suggest withdrawal from the mouth of the Potlatch or from the nearby Clearwater to avoid adverse impacts on biota.

Thank you for the opportunity to comment.

Sincerely,



Ray Hennekey
Acting Clearwater Regional Supervisor

RH/ss

c: Tracey Trent
Kerby Cole, DEQ Lewiston
Keith Franklin, IDWR CdA