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MAR 10 2016

Form 202A 07/13

MAR 07 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF  
WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

ID No.

7P-37-77

**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: Braun-Jensen Inc Phone: (208)739-1414Mailing address: 509 S. 9th St. City: PayetteState Idaho ZIP 83661 Email: mharvey@braun-jensen.com1. Source of water: Milner Gooding Canal tributary to Malad River

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

4. Describe proposed use of water Support US-26/US-93 Construction activities @ M.P. 167.54, 177.63

5. Amount of water:

Maximum rate of diversion .22 cfs or 100 gpm.Maximum daily volume .06 AF; total volume .12 AF.6. Duration of diversion: from 11-4 (day-month) to 31-12 (day-month).7. Describe proposed diverting works: A 3" suction hose will be placed in the river8. a. Who owns the property at the requested point of diversion? ITDb. Who owns the land to be irrigated or place of use? ITDc. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
Legal Easement9. Additional remarks: See attached page for locations and places of use**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.**

Signature of applicant

Date

3-2-16

Received by S.O.

Date

3-7-2016

Time

\$50.00 fee received by gmr

#

C101600

Date

3-7-16

Watermaster comments received? yes

Date

3-14-2016

**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 0.12 AF and a maximum rate of diversion of 0.22 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 does not create a continuing right to use water.
7. 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.
8. Other: See attached sheet for additional conditions.

9. This approval expires on 12/31/2016.

Signed this 16<sup>th</sup> day of March, 20 16

  
For the Director

[illegible][illegible]

ADDITIONAL CONDITIONS OF APPROVAL FOR TEMPORARY  
PERMIT NO. TP-37-77

- The pump intake shall be screened with ¼" mesh or smaller to avoid entraining juvenile fish.
- All equipment involved with transporting water shall be treated/sterilized to avoid spread of invasive aquatic species prior to use. If equipment involved with transporting water has been moved into Idaho from another state (Particularly from NV, CO, UT, AZ, CA or TX) contact ISDA for an inspection. We recommend contacting ISDA (Amy Ferriter @ 208-332-8686) for treatment recommendations.
- Subject to regulation by watermaster of Water District 37.
- Subject to private agreement with Big Wood Canal Co. &/or AFRD#2.



TP-37-77



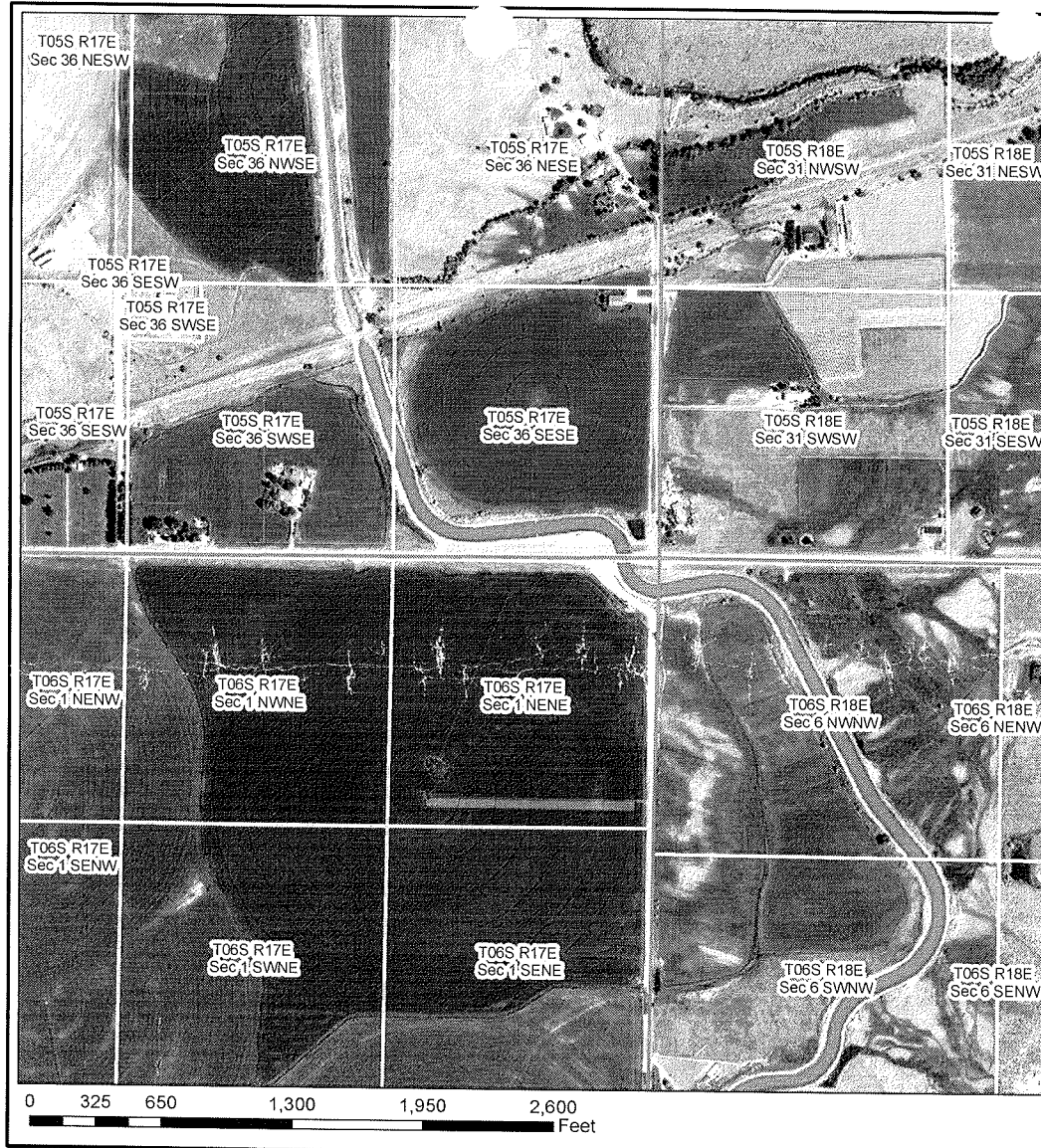
### Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties



Little Wood River M.D. 177.63

TP-37-77



### Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

u

Milner Gooding Canal M.P. 167.54







TP-37-77

SWNW

SENW

SWNE

NWSW

NESW

NWSE

5

05S19E

POD

Little Wood River

SWSW

SESW

SWSE

TP-37-77

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



**Big Wood Canal Company  
American Falls Reservoir District No. 2  
409 North Apple Street  
Shoshone, Idaho 83352  
Tel. (208) 886-2331 Fax (208) 886-2010**

**RECEIVED**

**MAR 15 2016**

**DEPT OF WATER RESOURCES  
SOUTHERN REGION**

**March 15, 2016**

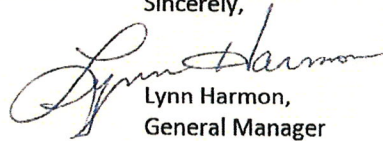
**Matt Harvey  
Braun-Jensen Construction**

**Re: Construction Water**

**Matt,**

The canal company is okay with your using between 5,000 and 10,000 gallons of water that you estimated your use would be for your construction needs on the bridge work that is scheduled for this spring.

Sincerely,



Lynn Harmon,  
General Manager



## Bitzenburg, James

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**From:** Matt Harvey [mharvey@braun-jensen.com]  
**Sent:** Tuesday, March 15, 2016 4:06 PM  
**To:** Bitzenburg, James  
**Subject:** Permission for Milner Gooding Canal  
**Attachments:** Scan0017.pdf

James here is the Written permission you asked for on the Milner Gooding Canal. The Changes you made also look good to me. Let me know if there is anything else I need to tie up to get these approved.

Thanks

**Matt Harvey**  
**Project Superintendent**  
**Braun-Jensen Inc.**

509 S. 9<sup>th</sup> St.

Payette, ID 83661

Office: (208)642-6058

Fax: (208)642-6067

Cell: (208)739-1414



**BRAUN-JENSEN**

**From:** Lynn Harmon [mailto:lynnharmon@cableone.net]  
**Sent:** Tuesday, March 15, 2016 3:57 PM  
**To:** Matt Harvey <mharvey@braun-jensen.com>  
**Subject:**

Matt, Here is the permission letter for the construction water. Thanks Lynn Harmon

## Bitzenburg, James

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**From:** Kevin Lakey [watermanager@cableone.net]  
**Sent:** Monday, March 14, 2016 1:58 PM  
**To:** Bitzenburg, James  
**Subject:** RE: Two Applications for Temporary Appropriation

Jim,

I spoke to Matt Harvey whose email address is on the application. He said that they will only need around 5000 gallons per site, so I have no problem with these applications.

Kevin Lakey

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**From:** Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]  
**Sent:** Friday, March 11, 2016 3:13 PM  
**To:** Kevin Lakey  
**Subject:** Two Applications for Temporary Appropriation

Kevin-

We received a couple of Temporary Applications (attached) for what looks like an ITD bridge reconstruction project on five bridges on US 93 between Shoshone and Carey. They want to take water from Silver Creek, the Milner-Gooding Canal, and the Little Wood River. I've made a few minor corrections to their applications and they will need to provide written permission from Lynn Harmon. I was wondering if you could provide comment and condition recommendations on the portions of the applications under your jurisdiction? Thanks.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**

## **Bitzenburg, James**

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**From:** Bitzenburg, James  
**Sent:** Friday, March 11, 2016 2:52 PM  
**To:** 'mharvey@braun-jensen.com'  
**Subject:** Applications for Temporary Water Appropriation between Carey and Shoshone  
**Attachments:** DOC001.pdf; DOC000.pdf

Matthew-

The State office of IDWR forwarded your Applications for Temporary Appropriation down to our office to process, since they are in our region. In reviewing the applications, I made a few corrections to the legal descriptions, which appeared in some cases to have the QQ descriptions reversed. In addition, I believe that the Silver Creek point of diversion is actually in Blaine County, so I corrected that. I also made maps for each application to represent where it appears the PODs (points of diversion) will be located. Let me know if what I did looks correct to you.

We will need to have you get written permission from the Milner-Gooding Canal to divert water from their canal. The person in charge of the canal is Lynn Harmon and the office phone is 886-2331. The mailing address is:

**American Falls Reservoir District No. 2**  
**409 N. Apple St.**  
**Shoshone, ID 83352**

I will submit the applications to the Water Master of Water District 37 for his comment and approval, and when you get the permission from the Milner-Gooding Canal, we can proceed with processing your applications. If you have any questions or concerns, feel free to give me a call.

Jim

**Jim Bitzenburg**  
**Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-736-3033**  
**Fax (208)-736-3037**  
**[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)**