

MAR 08 2016

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

MAR 21 2016

IDWR / NORTH

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: C.L. Heilman Company, Inc. (James Heilman) Phone: 208-660-7700  
Mailing address: 2012 Canyon Dr City: Coeur d'Alene  
State ID ZIP 83815 Email: heil8994@gmail.com

1. Source of water: Potlatch River tributary to Clearwater 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 #
38N	3U	34			SW	SE	Nez Perce	Potlatch River	
38N	3U	34			SE	SE			



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	
38N	3	34															X	X	

4. Describe proposed use of water: We intend to use the water for dust control, fire control and compaction on the McGary bridge replacement project.
5. Amount of water:  
Maximum rate of diversion 5 0.33 cfs or 150 gpm.  
Maximum daily volume .01 AF; total volume 5 AF.
6. Duration of diversion: from June 20, 2016 (day-month) to December 31, 2016 (day-month).
7. Describe proposed diverting works: We will use a 3" gas pump operated from the bank with a screen on the pick-up line.
8. a. Who owns the property at the requested point of diversion? Nez Perce County  
b. Who owns the land to be irrigated or place of use? Nez Perce County  
c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
Work withing the right of way is required for the project.
9. Additional remarks: I do not have a section map so I have provided the degree,decimal lat/long coordinates.  
Lat: 46.587159 or 46° 35' 13.37"  
Long: -116.692668 or -116° 41' 33.23"

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  Date 3/8/16 Time  
\$50.00 fee received by  # N031760 Date 3/8/16  
Watermaster comments received? Date

TP-86-53

## 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 AF and a maximum rate of diversion of 0.33 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. 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.
  9. The Idaho Department of Fish & Game (IDFG) now requires a Special Use Permit if their property is to be used for a point of diversion. IDFG contact in Coeur d'Alene ~ 208-769-1414, and in Lewiston ~ 208-799-5010.
  10. All equipment involved with transporting water shall be treated sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. Contact the Idaho State Department of Agriculture ([www.agri.idaho.gov](http://www.agri.idaho.gov)) for specific recommendations at 208-332-8500 or by e-mail to [info@agri.idaho.gov](mailto:info@agri.idaho.gov).
  11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
  12. This approval expires on 12/31, 2016.

Signed this 16 day of March, 2016.

  
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Manager, Northern Region  
For the Director





SW

NWSE

NESE

NWSE

34

38N03W

33

SESE

SWSW

-116.692668, 46.587159

NWNE 2

3

37N03W

NENE 1

NWNW 4  
2





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

RECEIVED

C.L. "BUTCH" OTTER  
Governor

MAR 21 2016

GARY SPACKMAN  
Director

DEPARTMENT OF  
WATER RESOURCES

March 16, 2016

C.L. HEILMAN COMPANY INC  
ATTN: JAMES HEILMAN  
2012 CANYON DR  
COEUR D ALENE ID 83815

RE: Temporary Permit No. TP-86-53

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-86-53.

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

The Idaho Department of Fish & Game (IDFG) now requires a Special Use Permit if their property is to be used for a point of diversion.

To contact IDFG in Coeur d'Alene, call 208-769-1414; and in Lewiston, call 208-799-5010.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'CHAD H. GOODWIN'.

Chad H. Goodwin  
Water Rights Supervisor

Enclosure Copy of TP-86-53



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370  
www.deq.idaho.gov

C.L. "Butch" Otter, Governor  
John H. Tippetts, Director

March 11, 2016

Adam Frederick  
Department of Water Resources  
7600 North Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815

**RECEIVED**

**MAR 14 2016**

**IDWR/NORTHERN**

Dear Mr. Frederick:

We received your letter requesting our comments for a temporary right to withdraw a maximum rate of diversion of 5 cfs or 150 gallons per minute, total volume of 5 acre-feet of water from the Potlatch River between June 20 and December 31, 2016 by the C.L. Heilman Company for the McGary bridge replacement project. Activities include bridge construction, dust abatement and fire control. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho Water Quality Standards, the Potlatch River is protected for cold water aquatic life, salmonid spawning, primary contact recreation, and domestic water supply designated beneficial uses. This segment of the Potlatch River is currently listed in Category 4a of the Idaho 2012 Integrated Report as not supporting most beneficial uses due to sediment and temperature pollutants.

DEQ would like to recommend that the withdrawal from the Potlatch River be conducted as early as possible during the requested time period while flows are at their highest for the season, and withdrawn from an area within the river where flow is adequate to protect beneficial uses while still allowing for the requested withdrawal.

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, appearing to read "Cindy Barrett".

Cindy Barrett  
Surface Water Quality Manager

ec: James Heilman, Coeur d'Alene  
John Cardwell, DEQ



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 9, 2016

JOHN CARDWELL  
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY  
1118 F ST  
LEWISTON ID 83501

Re: Application for a Temporary Approval of a Water Appropriation

Dear John:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 5 acre-feet of water from the Potlatch River, for bridge construction, by C.L. Heilman Company Inc. A copy of the application is attached for your reference.

Would you please submit your comments no later than March 16, 2016? 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 send comments by regular mail to the above address, by FAX to 208-762-2819 or by e-mail to [adam.frederick@idwr.idaho.gov](mailto:adam.frederick@idwr.idaho.gov).

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Adam Frederick  
Water Resource Agent

Encl/af



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 9, 2016

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

Re: Application for a Temporary Approval of a Water Appropriation

Dear Ray:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 5 acre-feet of water from the Potlatch River, for bridge construction, by C.L. Heilman Company Inc. A copy of the application is attached for your reference.

Would you please submit your comments no later than March 16, 2016? 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 send comments by regular mail to the above address, by FAX to 208-762-2819 or by e-mail to [adam.frederick@idwr.idaho.gov](mailto:adam.frederick@idwr.idaho.gov).

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Adam Frederick  
Water Resource Agent

Encl/af

## Frederick, Adam

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**From:** Frederick, Adam  
**Sent:** Wednesday, March 09, 2016 11:10 AM  
**To:** 'john.cardwell@deq.idaho.gov'  
**Subject:** Temporary Water Appropriation  
**Attachments:** H.L. Heilman Co IDEQ.pdf

John,  
Attached for your review and comment, please find an application to temporarily appropriate 5.0 acre feet of water from the Potlatch River for bridge construction by H.L. Heilman Company Inc. If you have any questions, don't hesitate to give me a call.

Thanks,  
Adam

Adam Frederick  
Water Resource Agent  
Idaho Department of Water Resources  
Northern Regional Office  
Phone 208-762-2800



## Frederick, Adam

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**From:** Frederick, Adam  
**Sent:** Wednesday, March 09, 2016 11:09 AM  
**To:** 'ray.hennekey@idfg.idaho.gov'  
**Subject:** Temporary Water Appropriation  
**Attachments:** H.L. Heilman Co IDFG.pdf

Ray,

Attached for your review and comment, please find an application to temporarily appropriate 5.0 acre feet of water from the Potlatch River for bridge construction by H.L. Heilman Company Inc. If you have any questions, don't hesitate to give me a call.

Thanks,  
Adam

Adam Frederick  
Water Resource Agent  
Idaho Department of Water Resources  
Northern Regional Office  
Phone 208-762-2800