

MAY 02 2016

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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: Knife River Construction Phone: 208-473-9081  
Mailing address: 5459 W Gowen Road City: Boise  
State Idaho ZIP 83709 Email: Jim.Smith@kniferiver.com

1. Source of water: South Fork of the Clearwater 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 #
29 N	05E	27			SW	SE	Idaho	S. F. Clearwater River	Peasley Cr. Turn Out
29 N	07E	29			SW	NW	Idaho	S. F. Clearwater River	Leggett Cr. Turn Out

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	
29 N	04E	22															x		.05 AF
29 N	07E	26						X											.05 AF

4. Describe proposed use of water Watering of aggregate stockpiles to be used in road construction for dust abatement.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
5. Amount of water:  
Maximum rate of diversion \_\_\_\_\_ cfs or 15 gpm.  
Maximum daily volume .01 AF; total volume .10 AF.  
6. Duration of diversion: from June 1, 2016 (day-month) to August 15, 2016 (day-month).  
7. Describe proposed diverting works: portable gas pump  
8. a. Who owns the property at the requested point of diversion? Idaho Transportation Department  
b. Who owns the land to be irrigated or place of use? Idaho Transportation Department  
c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
Knife River is contracted with ITD and is permitted to use ITD Right of Way and Maintenance Sites.  
9. Additional 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.

Jim Smith  
Signature of applicant

4-23-2016  
Date

Received by do Date 5/2/16 Time \_\_\_\_\_  
\$50.00 fee received by do # N031877 Date 5/2/16  
Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_

- 2-82-43

## 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 .10 AF and a maximum rate of diversion of 0.03 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, creek, or streams is not authorized.
  12. This approval expires on 8/15, 20 16.

Signed this 10 day of May, 20 16.

Morgan Case  
\_\_\_\_\_  
Manager, Northern Region  
For the Director



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 10, 2016

KNIFE RIVER CONSTRUCTION  
5459 W GOWAN RD  
BOISE ID 83709

RE: Temporary Permit No. TP-82-43

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-82-43.

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 blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case  
Northern Regional Manager

Enclosure      Copy of TP-82-43





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

May 3, 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 0.1 acre-feet of water from the South Fork of the Clearwater River, for road construction, by Knife River Construction. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 10, 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

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

May 3, 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 0.1 acre-feet of water from the South Fork of the Clearwater River, for road construction, by Knife River Construction. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 10, 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:** Tuesday, May 03, 2016 3:39 PM  
**To:** 'john.cardwell@deq.idaho.gov'  
**Subject:** Temporary Water Appropriation  
**Attachments:** Temporary Knife River IDEQ.pdf

John,  
Attached for your review and comment, please find an application to temporarily appropriate 0.1 acre-feet of water from the South Fork of the Clearwater River, for road construction purposes, by Knife River Construction. 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:** Tuesday, May 03, 2016 3:38 PM  
**To:** 'ray.hennekey@idfg.idaho.gov'  
**Subject:** Temporary Water Appropriation  
**Attachments:** Temporary Knife River IDFG.pdf

Ray,  
Attached for your review and comment, please find an application to temporarily appropriate 0.1 acre-feet of water from the South Fork of the Clearwater River, for road construction purposes, by Knife River Construction. 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



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

May 6, 2016

RECEIVED  
MAY - 9 2016  
IDWR/NORTHERN

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

Subject: Application for Temporary Water Appropriation, Knife River Construction.

Dear Mr. Frederick:

We received your letter requesting our comments on the approval of your application for a temporary permit to appropriate a total volume of 0.10 acre feet for road construction. Knife River Construction would utilize 15 gallons per minute with a maximum daily volume of 0.01 acre feet. The time frame for use is June 1, 2016 thru August 15, 2016. Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

The South Fork Clearwater River at the Peasley Creek turn out site is included in water body ID number 17060305CL022\_05. The South Fork Clearwater River at the Leggett Creek turn out site is included in water body ID number 17060305CL030\_05. Both assessment units are listed in Category 4a of the Idaho 2012 Integrated Report as not supporting beneficial uses due to temperature and sediment. The South Fork Clearwater River is protected for cold water and salmonid spawning aquatic life and primary contact recreation beneficial uses. DEQ believes the flow in the South Fork Clearwater River at the two points of diversion is significant enough that the beneficial uses should not be impacted by the temporary water appropriation.

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 me at (208) 983-0808.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Stewart".

Daniel D. Stewart  
Water Quality Analyst

c: Jim Smith, Knife River Co., Boise  
Ray Hennekey, IDFG  
Cynthia Barrett, DEQ

RECEIVED



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](http://www.idwr.idaho.gov)

JUN 27 2016

DEPARTMENT OF  
WATER RESOURCES

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 22, 2016

KNIFE RIVER CONSTRUCTION  
5459 W GOWAN RD  
BOISE ID 83709

RE: Temporary Permit No. TP-82-43

Dear Applicant(s):

Your request for Temporary approval of Water Appropriation extension has been granted for use of water until December 31, 2016.

Please be advised that THE PERMIT IS SUBJECT TO THE NEW EXPIRATION DATE AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION STILL APPLY.

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

Sincerely,

A handwritten signature in blue ink that reads "Morgan Case".

Morgan Case  
Northern Regional Manager

## Frederick, Adam

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**From:** Frederick, Adam  
**Sent:** Monday, June 20, 2016 10:42 AM  
**To:** 'ray.hennekey@idfg.idaho.gov'; 'john.cardwell@deq.idaho.gov'  
**Subject:** Extension of Time for Temporary Water Appropriation  
**Attachments:** TP-82-43.pdf

Ray and John,

Knife River has asked for an extension of time for Temporary Approval of Water Appropriation TP-82-43 from August 15, 2016 to December 31, 2016. Knife River and ITD have run into problems with SH 14 slide and are behind schedule on project. Please submit your comments for extension no later than June 27, 2016.

Thank you,  
Adam

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

## Frederick, Adam

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**From:** Hennekey,Ray [ray.hennekey@idfg.idaho.gov]  
**Sent:** Tuesday, June 21, 2016 6:49 AM  
**To:** Frederick, Adam; john.cardwell@deq.idaho.gov  
**Subject:** RE: Extension of Time for Temporary Water Appropriation

Because of the unique and urgent aspects of the slide removal/stabilization project, IDFG has no issues with extending the permit as long as suitable intake screens and velocities are maintained.



**RAY HENNEKEY**  
Environmental Staff Biologist  
Idaho Department of Fish & Game

Clearwater Region  
Work: 208-799-5010  
Fax: 208-799-5012

3316 16<sup>th</sup> St  
Lewiston, ID 83501  
ray.hennekey@idfg.idaho.gov  
<http://fishandgame.idaho.gov>

---

**From:** Frederick, Adam [<mailto:Adam.Frederick@idwr.idaho.gov>]  
**Sent:** Monday, June 20, 2016 10:42 AM  
**To:** Hennekey,Ray; [john.cardwell@deq.idaho.gov](mailto:john.cardwell@deq.idaho.gov)  
**Subject:** Extension of Time for Temporary Water Appropriation

Ray and John,  
Knife River has asked for an extension of time for Temporary Approval of Water Appropriation TP-82-43 from August 15, 2016 to December 31, 2016. Knife River and ITD have run into problems with SH 14 slide and are behind schedule on project. Please submit your comments for extension no later than June 27, 2016.

Thank you,  
Adam

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

## Frederick, Adam

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**From:** Cynthia.Barrett@deq.idaho.gov  
**Sent:** Tuesday, June 21, 2016 9:59 AM  
**To:** Frederick, Adam  
**Cc:** John.Cardwell@deq.idaho.gov; ray.hennekey@idfg.idaho.gov  
**Subject:** RE: Extension of Time for Temporary Water Appropriation

Hi Adam,

We received your request for comment for an extension of time for the slide removal/stabilization project TP-82-43. Assuming all federal, state, and local regulations have been met, DEQ believes the flow at both points of diversion will be significant enough that the beneficial uses should not be impacted by an extension of the temporary water appropriations from August 15<sup>th</sup> through December 31<sup>st</sup> 2016 for the emergency repair of SH-14.

### Cindy Barrett

Surface Water Quality Manger  
DEQ – Lewiston Regional Office  
(208) 799-4370

----- Original message -----

From: "Frederick, Adam" <[Adam.Frederick@idwr.idaho.gov](mailto:Adam.Frederick@idwr.idaho.gov)>  
Date: 6/20/16 10:42 AM (GMT-08:00)  
To: [ray.hennekey@idfg.idaho.gov](mailto:ray.hennekey@idfg.idaho.gov), John Cardwell <[John.Cardwell@deq.idaho.gov](mailto:John.Cardwell@deq.idaho.gov)>  
Subject: Extension of Time for Temporary Water Appropriation

Ray and John,

Knife River has asked for an extension of time for Temporary Approval of Water Appropriation TP-82-43 from August 15, 2016 to December 31, 2016. Knife River and ITD have run into problems with SH 14 slide and are behind schedule on project. Please submit your comments for extension no later than June 27, 2016.

Thank you,  
Adam

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