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JUL 24 2015

DEPARTMENT OF  
WATER RESOURCES



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

GARY SPACKMAN  
Director

July 20, 2015

IDAHO TRANSPORTATION DEPARTMENT  
PO BOX 837  
LEWISTON ID 83501

RE: Temporary Permit No. TP-82-33 and TP-82-34

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-82-33 and TP-82-34.

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 "Keith E. Franklin". The signature is written in a cursive style with a large, prominent 'K' and 'F'.

Keith E. Franklin  
Program Manager

Enclosure Copy of TP-82-33 and TP-82-34

Basin 82 JUL 24 2015

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

2015 A2

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: Idaho Transportation Dept. Phone: 208-799-4220

Mailing address: P.O. Box 837 City: Lewiston

State Idaho ZIP 83501 Email: brian.bannan@itd.idaho.gov

1. Source of water: Moose Cr. tributary to S. Fork Clearwater

2. Location of point(s) of diversion:

Table with columns: TWP, RGE, SEC, GOVT LOT, 1/4, 1/4, 1/4, County, Source, Local name or tag #

3. Location of place of use:

Table with columns: TWP, RGE, SEC, NE, NW, SW, SE, NE, NW, SW, SE, NE, NW, SW, SE, NE, NW, SW, SE, Totals

4. Describe proposed use of water: Drilling fluid for foundation investigation to replace culvert.

5. Amount of water:

Maximum rate of diversion cfs or 10 gpm.

Maximum daily volume .0015 AF; total volume .0030 AF.

6. Duration of diversion: from July 14, 2015 (day-month) to July 31, 2015 (day-month).

7. Describe proposed diverting works: 5 hp pump

8. a. Who owns the property at the requested point of diversion? ITD

b. Who owns the land to be irrigated or place of use? ITD

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

9. Additional remarks: We will use a pump hose intake screened with 3/16 perforated plate in a coffer dam to reduce the potential for entrainment of emerging fry.

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 [Signature] Date 6-29-15

Received by [Signature] Date 7/21/2015 Time

\$50.00 fee received by [Signature] # N031372 Date 7/21/2015

Watermaster comments received? Date

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

2015 A2

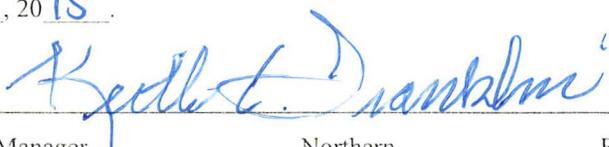
This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

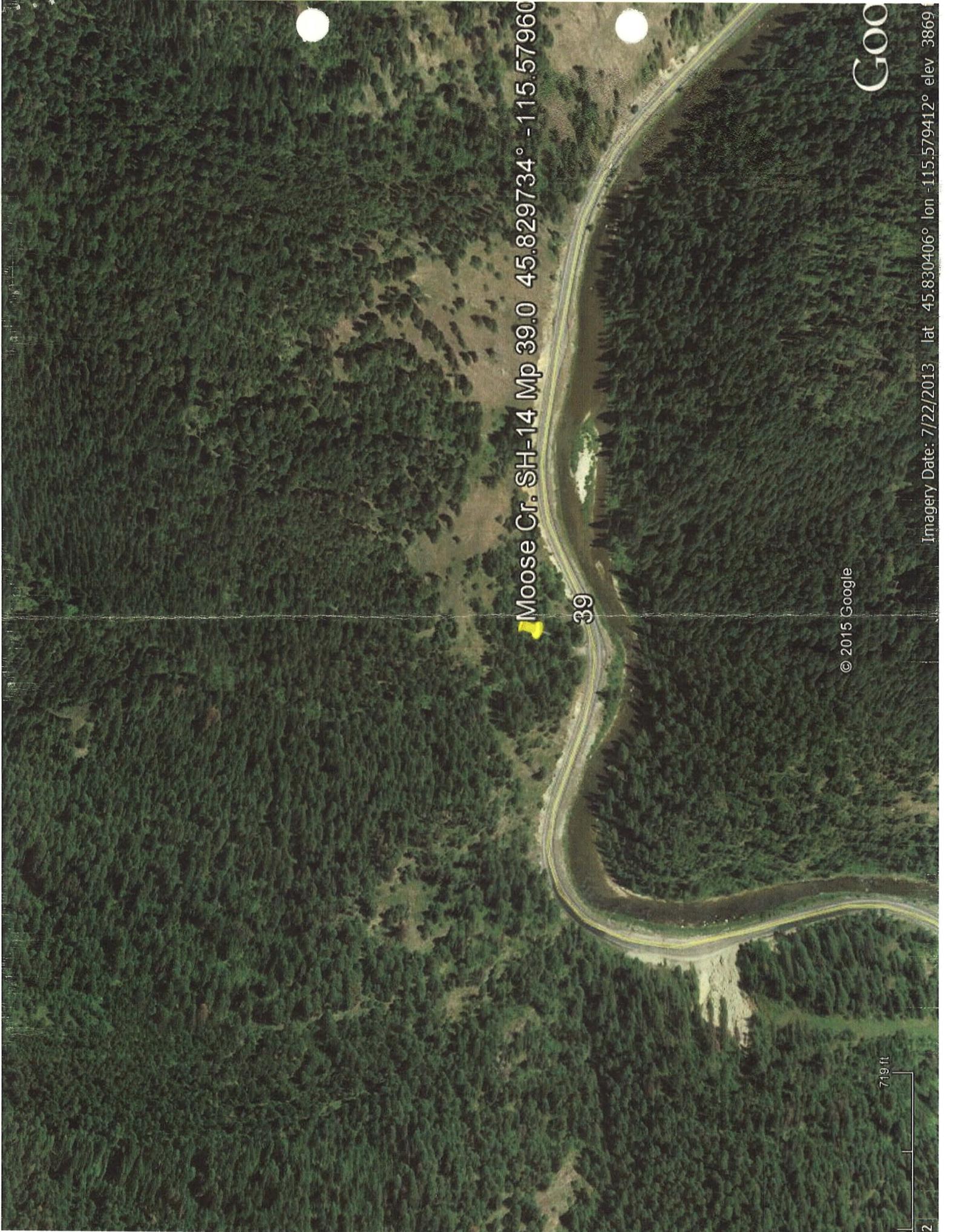
- A. The application for temporary approval should be denied.
- B. The application for temporary approval should be approved, since
  1. The temporary approval can be properly administered.
  2. Other water sources are not readily available.
  3. The approval is in the public interest.
  4. The approval 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 .0030 AF and a maximum rate of diversion of 0.02 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 8/31, 20 15.

Signed this 17 day of July, 20 15.

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



Moose Cr. SH-14 Mp 39.0 45.829734° -115.57960°

39

© 2015 Google

719 ft

GOO

Imagery Date: 7/22/2013 lat 45.830406° lon -115.579412° elev 3869



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 17, 2015

IDAHO TRANSPORTATION DEPARTMENT  
PO BOX 837  
LEWISTON ID 83501

RE: Temporary Permit No. 2015 A1, 2015 A2

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number 2015 A1 and 2015 A2.

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 "Keith E. Franklin". The signature is written in a cursive style.

Keith E. Franklin  
Program Manager

Enclosure Copy of 2015 A1 and 2015 A2

## Frederick, Adam

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**From:** Brian Bannan [Brian.Bannan@itd.idaho.gov]  
**Sent:** Monday, June 29, 2015 3:50 PM  
**To:** Frederick, Adam  
**Subject:** Idaho Transportation Dept. - Application for temp water appropriation  
**Attachments:** Moose Cr temporary\_appropriation signed.pdf; Leggett Cr temporary\_appropriation signed.pdf

Hello Adam

Attached are two applications for temp water appropriation.

They are both for drilling water 1000 gal total each.

We were hoping to have the approval in time to start drilling on July 14.

Please let me know if that is doable.

Thanks

Brian

Brian Bannan P.G.  
District Geologist  
Idaho Transportation Department  
Lewiston, Idaho  
(208) 799-4220

## Frederick, Adam

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**From:** Frederick, Adam  
**Sent:** Tuesday, June 30, 2015 2:39 PM  
**To:** '(jerome.hansen@idfg.idaho.gov)'  
**Subject:** Temporary Water Appropriation  
**Attachments:** IDT IDFG.pdf

Jerome,

Attached for your review and comment, please find two applications to temporarily appropriate .006 acre feet of water from Leggett Creek and Moose Creek for drilling purposes by Idaho Transportation Department. 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, June 30, 2015 2:20 PM  
**To:** 'john.cardwell@deq.idaho.gov'  
**Subject:** Temporary Water Appropriation  
**Attachments:** IDT IDEQ.pdf

John,  
Attached for your review and comment, please find two applications to temporarily appropriate .006 acre feet of water from Leggett Creek and Moose Creek for drilling purposes by Idaho Transportation Department. 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 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

June 30, 2015

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 two applications to temporarily appropriate .006 acre-feet of water from Leggett Creek and Moose Creek, for drilling purposes, by Idaho Transportation Department. A copy of the application is attached for your reference.

Would you please submit your comments no later than July 7, 2015? 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,

A handwritten signature in blue ink that reads "Adam Frederick".

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  
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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 30, 2015

JEROME HANSEN  
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 Jerome:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding two applications to temporarily appropriate .006 acre-feet of water from Leggett Creek and Moose Creek for drilling purposes, by Idaho Transportation Department. A copy of the application is attached for your reference.

Would you please submit your comments no later than July 7, 2015? 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,

A handwritten signature in blue ink that reads "Adam Frederick".

Adam Frederick  
Water Resource Agent

Encl/af



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  
Curt Fransen, Director

July 2, 2015

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

RECEIVED  
JUL 06 2015  
IDWR/NORTHERN

Subject: Application for a Temporary Approval of a Water Appropriation

Dear Mr. Frederick:

DEQ has received a request for comment regarding two applications to temporarily appropriate a total of 0.006 acre feet of water from Leggett Creek and Moose Creek, tributaries to the South Fork Clearwater River, for drilling purposes. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Leggett Creek is included in water body ID # 17060305CL075\_02 and is protected for cold water aquatic life, salmonid spawning and secondary contact recreation beneficial uses. Moose Creek is included in water body ID # 17060305CL030\_02 and is protected for cold water aquatic life, salmonid spawning and primary contact recreation beneficial uses. Leggett Creek and Moose Creek are listed in Category 4a of the Idaho 2012 Integrated Report as not supporting the cold water aquatic life and salmonid spawning beneficial uses due to temperature impairment. Flow in Leggett Creek and Moose Creek must be significant enough that the maximum rate of diversion of 10 gallons per minute, total volume .0030 acre feet from both Leggett and Moose Creek from July 14 to July 31 will not impact water quality, and stream flow adequate to sustain existing aquatic life will be maintained at all times.

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 cursive script that reads "Cindy Barrett".

Cindy Barrett  
Water Quality Program Manager

c: Brian Bannan, ITD  
Ray Hennekey, IDFG

## Frederick, Adam

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**From:** Hennekey,Ray [ray.hennekey@idfg.idaho.gov]  
**Sent:** Sunday, July 05, 2015 10:32 AM  
**To:** Frederick, Adam  
**Cc:** Hansen,Jerome; Kiefer,Sharon  
**Subject:** ITD temporary water right applications

Adam -- IDFG has reviewed two separate applications from Idaho Dept of Transportation to withdraw water from Leggett Creek and Moose Creek. The appropriations would be the same: screened pumping of 10 gpm, with a maximum daily appropriation of 0.0015 AF, and a total appropriation 0.003 AF. Water would be withdrawn between July 14 and July 31. Based on the minor amount of water requested, IDFG does not anticipate impacts to fish or habitat.

We suggest, however, that coffer dams around intakes should not be necessary to protect emerging fry and may, in fact, prove more disruptive than necessary. Most fry should have emerged by July 15, especially with this year's unseasonably high temperatures and early low-flow conditions. Therefore, we believe the screening suggested in the application should provide adequate protection against entrainment of fry without the added disturbance of installing and removing coffer dams.

Please give me a call if you have any questions.



Clearwater Region

3316 16<sup>th</sup> St  
Lewiston, ID 83501

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

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

ray.hennekey@idfg.idaho.gov  
<http://fishandgame.idaho.gov>