



**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 19, 2014

IDAHO DEPT OF TRANSPORTATION  
PO BOX 837  
LEWISTON ID 83501

RE: Temporary Permit No. TP-81-11

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-81-11.

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, flowing style.

Keith E. Franklin  
Program Manager

Enclosure Copy of TP-81-11

Basin 81

RECEIVED

Form 202A 07/13

MAY 06 2014

ID No. TP-81-11

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: Idaho Department of Transportation 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: US-12 Mp 76.8 Maggie Creek / MF Clearwater tributary to MF Clearwater

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
32N	4E	3			nw	se	Idaho	Maggie Creek	

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	
32N	4E	3														X			1

4. Describe proposed use of water Drill water for geotechnical investigation for the replacement of the Maggie Cr. Bridge.

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 10 gpm.

Maximum daily volume 1/43 AF; total volume 1/4 AF.

6. Duration of diversion: from 4-7-2014 (day-month) to 12-31-2015 (day-month).

7. Describe proposed diverting works: portable 5 hp Honda pump with screened intake.

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
ITD will access the creek from US-12.

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.

Signature of applicant David B. Knut, District 2 Engineer

Date 4-7-2014

Received by [Signature] Date 5/16/14 Time [Signature]  
\$50.00 fee receipted by [Signature] # 11030424 Date 5/16/14  
Watermaster comments received? [Signature] Date [Signature]

TP-81-11

## 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 0.25 AF and a maximum rate of diversion of 0.022 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. This approval expires on Dec. 31, 2014.

Signed this 19 day of May, 2014.

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

## Franklin, Keith

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**From:** Hennekey, Ray [ray.hennekey@idfg.idaho.gov]  
**Sent:** Monday, May 12, 2014 1:38 PM  
**To:** Franklin, Keith  
**Cc:** Kiefer, Sharon; Cadwallader, Dave; Cynthia.Barrett@deq.idaho.gov  
**Subject:** ITD temp water right application Maggie Creek

Keith –

I have reviewed ITD's application for a temporary permit to withdraw 10 gpm, total volume of ¼ AF from Maggie Creek, tributary to the Middle Fork Clearwater River, at the Route 12 crossing of the creek for test drilling. The requested dates for the withdrawal are for April 7 to December 31, 2014.

IDFG is not concerned that the volume or rates of removal of water requested will have adverse impacts on fish; however, the timing of the withdrawals is a concern. Maggie Creek supports ESA-listed steelhead and bull trout, as well as Spring Chinook and Westslope cutthroat trout, an Idaho species of greatest conservation need. Depending on the timing of withdrawals, any of the fish species present may be affected by disturbance, entrainment or impingement. Steelhead initiate their spawning migration up Maggie Creek early in the spring, perhaps as early as February, and spawning potentially continues through April. Adult Chinook and bull trout would most likely be present in late summer and early fall. Cutthroat are present year round in all life stages. Outmigration of sub-adult steelhead and spring Chinook occurs during periods of spring runoff. Withdrawals from spring to mid-July could also impact emerging fry of all species.

Federal, state and Tribal biologists have concurred on a work window of July 15 to September 1 for the MF Clearwater and its tributaries to protect fisheries. We recommend permitting this requested withdrawal only within the July 15 to September 1 work window.

If it is necessary to conduct the proposed drilling outside of the normal work window, we would like suggest that the applicant consider obtaining a permit to withdraw water from the adjacent Middle Fork Clearwater, preferably upstream of Maggie Creek to avoid salmonids migrating from the creek. Withdrawals are likely to have less impact to fish if taken from the much larger Middle Fork.

Thank you for the opportunity to comment.

*ray*

**Ray Hennekey**  
Environmental Staff Biologist  
Idaho Department of Fish and Game  
Clearwater Region  
3316 16<sup>th</sup> Street  
Lewiston, Idaho 83501

(208) 799-5010



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 6, 2014

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 two applications to temporarily appropriate a total of 0.25 acre-feet of water from Maggie Creek which is tributary to the Middle Fork of the Clearwater River for geotechnical drilling by the Idaho Department of Transportation. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 13, 2014? 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 may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to [keith.franklin@idwr.idaho.gov](mailto:keith.franklin@idwr.idaho.gov).

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

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith', is written over a horizontal line.

Keith E. Franklin  
Program Manager, Northern Region

Encl/kf



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

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MAY - 8 2014

IDWR/NORTHERN

May 6, 2014

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

Dear Mr. Franklin:

DEQ has received your request for comment regarding an application to temporarily appropriate a total of 0.25 acre-feet of water from Maggie Creek for geotechnical drilling by the Idaho Department of Transportation for the replacement of the Maggie Creek Bridge. The duration of diversion is from April 7, 2014 to December 31, 2015. Assuming all federal, tribal, state, and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Maggie Creek is included in water body ID number 17060304CL011\_03 and is listed in Category 3 of the Idaho 2010 Integrated Report as not assessed. Flow in Maggie Creek must be significant enough that at the point of withdrawal, removal of 10 gallons per minute will not impact water quality, and stream flow adequate to sustain existing aquatic life will be maintained at all times.

This activity will comply with all aspects of the Well Construction Standards Rules, IDAPA 37, Title 03, Chapter 09. In addition, all work will be completed following the guidelines, best management practices, rules and regulations found in "Idaho Well-Driller's Regulatory Compliance Guidebook", Marc McGregor, UI, distributed by the Idaho Department of Water Resources.

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 that reads "Cindy Barrett". The signature is written in a cursive, flowing style.

Cindy Barrett  
Regional Water Quality Program Manager

cc: David Kuisti, ITD  
John Cardwell, DEQ  
Ray Hennekey, IDFG





**State of Idaho**

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 6, 2014

John Cardwell  
Idaho Department of Environmental Quality  
1118 F St.  
Lewiston, ID 83501

Re: Application For a Temporary Approval of a Water Appropriation

Dear Mr. Cardwell:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate a total of 0.25 acre-feet of water from Maggie Creek which <sup>is</sup> tributary to the Middle Fork of the Clearwater River, for geotechnical drilling by the Idaho Department of Transportation. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 13, 2014? 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 may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to [keith.franklin@idwr.idaho.gov](mailto:keith.franklin@idwr.idaho.gov).

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

Thank you.

Sincerely,

Keith E. Franklin  
Program Manager Northern Region

Encl/kf

## Franklin, Keith

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**From:** Franklin, Keith  
**Sent:** Tuesday, May 06, 2014 2:12 PM  
**To:** 'Hennekey, Ray'  
**Subject:** Temporary Water Appropriation  
**Attachments:** DOC000.pdf

Ray,

Attached please find an application for a temporary water appropriation for your review and comment. If you have any questions, don't hesitate to give me a call.

Thanks.

Keith.



## Franklin, Keith

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**From:** Franklin, Keith  
**Sent:** Tuesday, May 06, 2014 2:10 PM  
**To:** 'John.Cardwell@deq.idaho.gov'  
**Subject:** Temporary Water Appropriation  
**Attachments:** DOC.pdf

John,

Attached please find an application for a temporary water appropriation for your review and comment. If you have any questions, don't hesitate to give me a call.

Thanks.

Keith.