



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

March 27, 2014

NEZ PERCE COUNTY ROAD & BRIDGE
0105 33RD STREET
LEWISTON ID 83501

RE: Temporary Permit No. TP-85-37 & TP-85-38

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-85-37 & TP-85-38.

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-85-37 & TP-85-38

RECEIVED

Form 202A 04/MAR 17 2014

ID No. TP-85-38

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: Nez Perce County Road and Bridge Phone: (208)799-3060
Address: 0105 33rd Street - Lewiston, ID 83501 Email: robinpaasch@co.nezperce.id.us

1. Source of water:
- Clearwater River @ Spalding
- tributary to
- Snake 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 #
36N	4W	20		SW	NE		NezPerce	Clearwater River	

3. Location of place of use:
- NEZ PERCE COUNTY - VARIOUS

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
- DUST CONTROL, CONSTRUCTION, SURFACE STABILIZATION
-
- WITHIN COUNTY BOUNDARIES.

5. Amount of water:
- 50,000 GALLONS

Maximum rate of diversion 2 cfs or 90 gpm.Maximum daily volume 5 AF; total volume 5 AF.

6. Duration of diversion: from
- April 1, 2014
- to
- December 31, 2014
-
- Day-month Day-month

7. Describe proposed diverting works:
- N/A

8. a. Who owns the property at the requested point of diversion?
- State of Idaho

b. Who owns the land to be irrigated or place of use? State of Idaho/NezPerce County Roads

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

Boat Ramp

9. Additional remarks:
- Boat ramp usage arranged with Fish & Game

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 Mark Ridinger, DirectorDate 3/6/2014Received by db Date 3/17/14 Time \$50.00 fee received by db # N030332 Date 3/17/14Watermaster Comments received? Date

TP-85-38

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 AF and a maximum rate of diversion of 0.2 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 26 day of March, 2014.


Manager, Northern Region
For the Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 18, 2014

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH ST.
LEWISTON, ID 83501

Re: Applications For Two Temporary Approvals of Water Appropriations

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 5.03 acre-feet of water from the Clearwater River at Lenore and Spalding for seasonal road construction purposes by the Nez Perce County Road and Bridge. Copies of the applications are attached for your reference. Essentially these are renewals of permits issued in past years.

Would you please submit your comments no later than March 25, 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.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 18, 2014

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

Re: Applications For Temporary Approval of Two Water Appropriation

Dear Mr. Cardwell:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding two applications to temporarily appropriate a total of 5.03 acre-feet of water from the Clearwater River at Lenore and Spalding for seasonal road construction purposes by the Nez Perce County Road and Bridge. Copies of the applications are attached for your reference. Essentially these are renewals of permits issued in past years.

Would you please submit your comments no later than March 25, 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.

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

From: Franklin, Keith
Sent: Wednesday, March 19, 2014 7:47 AM
To: 'Hennekey, Ray'
Subject: Application for Temporary Water Appropriation
Attachments: DOC.pdf

Ray,
A
Attached are two applications for temporary water appropriations from the Clearwater River by the Nez Perce Road and Bridge Department, for your review and comments. If you have any questions, don't hesitate to give me a call.
Thanks.
Keith.

Franklin, Keith

From: Franklin, Keith
Sent: Wednesday, March 19, 2014 7:50 AM
To: 'John.Cardwell@deq.idaho.gov'
Subject: Applications for Temporary Water Appropriations
Attachments: DOC000.pdf

Mr. Cardwell,

Attached for your review and comment are two applications to temporarily appropriate water from the Clearwater River by the Nez Perce County Road and Bridge Department. If you have any questions, don't hesitate to give me a call.

Thank you.

Keith Franklin

Program Manager, Northern Region



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

March 19, 2014

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

RECEIVED
MAR 20 2014
IDWR/NORTHERN

Dear Mr. Franklin:

We received your letter requesting our comments on the approval of the 2014 temporary water right applications from the Nez Perce County Road and Bridge Department to draw a total of 5.03 acre-feet of water from the Clearwater River at both the Spalding and Lenore boat ramps for road construction activities. The two applications are renewals that have been issued in past years. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The section of the Clearwater River at Lenore is included in water body ID 17060306CL013_07, and the section of the Clearwater River at Spalding is included in water body ID 17060306CL002_07. Both water body ID's are currently listed in Category 5 of the Idaho 2010 Integrated Report as not supporting beneficial uses due to total dissolved gas. These water body IDs are protected for cold water and salmonid spawning aquatic life, primary contact recreation, and domestic water supply beneficial uses. DEQ believes the Clearwater River flow in these two sections is significant enough that the beneficial uses should not be impacted by these temporary water appropriations.

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", with a long horizontal flourish extending to the right.

Cindy Barrett
Water Quality Program Manager

cc: Mark Ridinger, Nez Perce County Road and Bridge Department
John Cardwell, DEQ
Ray Hennekey, IDFG