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JUL 08 2013

Form 202A 04/12

ID No. \_\_\_\_\_

TP-71-08

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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: Idaho Transportation Department Phone: 208-886-7841

Address: 216 S Date ST. Shoshone Idaho 83352 Email: phil.white@itd.idaho.gov

1. Source of water: Frenchmans Creek tributary to Salmon River

2. Location of point(s) of diversion: SENE

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
6N	14E	3	4				Blaine	Frenchmans Creek	SH-75 M.P 163.20
6N	15E	4	3				Blaine	Horse Creek	SH-75 M.P 153.30

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	
6N	14E	1&12																	
6N	15E	6&7																	

4. Describe proposed use of water Drilling test holes for highway construction project on SH-75

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 65 gpm.

Maximum daily volume 0.0777 AF; total volume 0.7765 AF.

6. Duration of diversion: from 01 August to 01 October  
Day-month Day-month

7. Describe proposed diverting works: 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:

9. Additional remarks: See attached Google image for location of diversion. The location of use will be along SH-75 from mile post M.P 157.00 to M.P 160.00.

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.

Phil White  
Signature of applicant

8 July 2013  
Date

Received by DM/AM Date 7.8.2013 Time 1:40 PM

\$50.00 fee received by DM # S0333de Date 7.8.2013

Watermaster Comments received? Yes Date 7/10/13

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

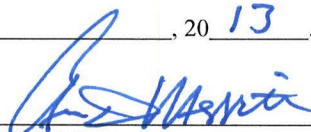
This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

- 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 0.08 AF and a maximum rate of diversion of 0.14 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 vaules.
  - 8. Other: See attached additional sheet.
  - 9. This approval expires on 10/1/2013.

Signed this 11<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
For the Director

ADDITIONAL CONDITIONS OF APPROVAL FOR TEMPORARY  
PERMIT NO. TP- 71- 08

- Diversion must be screened to meet IDF&G requirements. Please call 208-756-6022 for specifications.
- The pump placement in the stream shall be away from potential fish refugia like stream banks with overhanging vegetation or accumulated large woody debris.
- All equipment involved with transporting water shall be treated/sterilized to avoid spread of invasive aquatic species prior to use. If equipment involved with transporting water has been moved into Idaho from another state (Particularly from NV, CO, UT, AZ, CA or TX) contact ISDA for an inspection. We recommend contacting ISDA (Amy Ferriter @ 208-332-8686) for treatment recommendations.
- Subject to regulation by watermaster of Water District 170.





# Frenchmans Creek Diversion

2.09 ft

© 2013 Google

Image © 2013 DigitalGlobe

Imagery Date: 9/8/2009 43°53'02.32" N 114°46'13.12" W



## Memorandum

**Date:** July 8, 2013

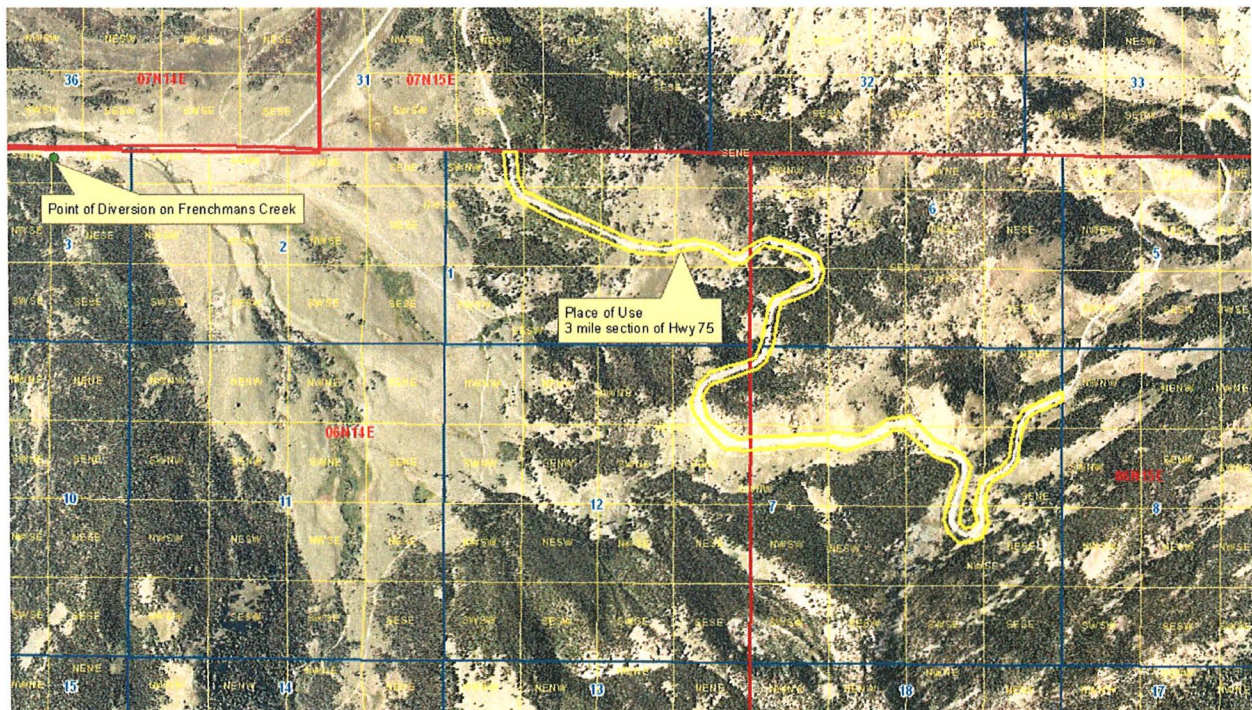
**To:** Allen Merritt

**From:** Bill Mills

**RE:** Application for Temporary Approval of Water Appropriation

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Application proposes to divert up to approximately 0.077 AF per day with a maximum volume of 5 AF for drilling test holes for a highway construction project on Hwy 75 over a period of 62 days (August 1 – October 1). Places of use are located in Twp 06N Rng 14E Sections 1 & 2, and Twp 06N Rng 15E Sections 6 & 7. The point of diversion is located in Twp 06N Rge 14E S3 SENE1/4 (QQ as computed by IDWR; the most recent BLM survey, approved in 2006, lists the QQ as a non-surveyed protracted block and applicant listed it as Govt Lot 4). A copy of this application was forwarded to Bob Esselman, Idaho Department of Fish and Game, Salmon Office and Nick Miller, Watermaster of Water District 170, for comments and concerns. Recommend conditioning this permit with standard Fish and Game screening requirements and that all equipment involved with transporting water be treated/sterilized to avoid the spread of invasive aquatic species prior to use.



## Mills, William

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**From:** Miller, Nick  
**Sent:** Wednesday, July 10, 2013 2:22 PM  
**To:** Mills, William  
**Subject:** RE: Idaho Transportation Dept Application for Temporary Water Appropriation on Hwy 75

I have no objection to the proposed temporary appropriation.

Nick Miller, P.E.  
Water Distribution Section  
Idaho Department of Water Resources  
322 E. Front St. Boise, ID 83720-0098  
208-287-4956 (Office)  
208-287-6700 (Fax)

**From:** Mills, William  
**Sent:** Wednesday, July 10, 2013 11:03 AM  
**To:** Miller, Nick  
**Subject:** Idaho Transportation Dept Application for Temporary Water Appropriation on Hwy 75

Nick,  
The Idaho Transportation Department has filed an application for Temporary Water Appropriation for a project drilling test holes on a 3 mile section of road on Hwy 75 and are proposing to pump from Frenchman's Creek on the south side of Hwy 75. If you could look over the attached application and provide comments it would be greatly appreciated.  
Thanks,  
Bill Mills



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 11, 2013

IDAHO TRANSPORTATION DEPARTMENT  
C/O PHILLIP WHITE  
216 S DATE ST  
SHOSHONE, ID 83352

RE: Copy of Temporary Water Right Application: TP-71-08

Dear Mr. White:

Enclosed is a copy of the above referenced approved Application for Temporary Approval of Water Appropriation Permit.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure

cc: Nick Miller, Water District 71