

RECEIVED

Form 202A 04/17

APR 06 2020

ID No. TP-85-53

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant KNIFE RIVER CORPORATION

Phone (208) 553-0784

Mailing address 5450 W GOWEN RD

City BOISE

State ID

Zip 83709

Email KALOB.TURNER@KNIFERIVER.COM

1. Source of water CLEARWATER RIVER

tributary to SNAKE RIVER

2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
37N	02W	34	9		NW	SW	NEZ PERCE	CLEARWATER RIVER	BIG EDDDY

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

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. Proposed use of water:

- a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation
☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: CONSTRUCTION OPERATIONS

b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

a. Maximum rate of diversion: .13 cfs; or 60 gpm.

b. Maximum daily volume: .11 AF; or _____ gallons.

c. Maximum volume over the duration of the request: 4.42 AF; or _____ gallons.

6. Duration of diversion: from 5/1/2020 (month-day) to 10/15/2020 (month-day).

7. Describe proposed diverting works: PORTABLE DIESEL PUMP

8. a. Who owns the property at the requested point of diversion? IDAHO TRANSPORTATION DEPT.

b. Who owns the facilities that will convey water to the place of use? ITD

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

d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. KNIFE RIVER IS CONTRACTED WITH ITD AND PERMITTED TO USE

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Signature of Applicant [Signature]

Title, if any Project Manager

Date 3/10/20

Received by Ku

Date 4-6-2020

Time 11:00

\$50.00 fee receipted by Ku

C108558

Date 4-6-2020

Watermaster comments received? N/A

Date N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

 A. The application for temporary approval should be denied because _____

☒ 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

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 of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 4.4 AF and a maximum diversion rate of 0.13 cfs.
4. This approval does not grant a right-of-way across the land of another.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: SEE ATTACHED

12. This approval expires on OCTOBER 15, 2020.

Signed this 30th day of APRIL, 2020.


For the Department

Approval Conditions Attachment for TP-85-53 Knife River Corporation

12. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Rights 86-7318 and 86-7345. The right holder shall be responsible for monitoring the daily flow of the Clearwater River using real-time data and shall cease diverting water when flows in the Clearwater River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Spalding gaging station, No. 13342500, may be used for purposes of determining the daily flow amounts.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
14. A fish screen of 3/32-inches or smaller mesh shall be installed and maintained at the point of diversion.
15. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
16. The holder of this temporary approval shall not divert at a rate or manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
17. This temporary approval does not authorize the discharge of wastewater or slurry directly into any body of water.

RECEIVED
FEB 27 2017
LIDWELL NORTH

Big Eddy

Basik 800



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Gary Spackman
Director

May 1, 2020

KNIFE RIVER CORPORATION MOUNTAIN WEST
C/O KALOB TURNER
5450 W GOWEN RD
BOISE ID 83709-5625

RE: Application for Temporary Approval of Water Use: TP-85-53

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on** October 15, 2020. The expiration date cannot be extended under this temporary approval.

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

If you require additional information regarding this matter, please call me at (208) 287-4913 or email me at Alex.Dalgleish@idwr.idaho.gov.

Sincerely,

for Alex Dalgleish
Water Resource Agent.

Enclosure(s)

MEMORANDUM

Date: April 23, 2020
To: Temporary Application For Water Use Review
From: Alex Dalglish
Re: Temporary Water Use Application TP-85-53

Applicant: Temporary Application 85-53 from Knife River Corporation was received in the State office on 4/6/2020. The application proposes to divert water from the Clearwater River in Nez Perce County for construction operations at the Big Eddy Recreation Site and launch area. This site is located on Dworshak Reservoir in the NE Q of Sec. 27 Twp. 37N Rge. 01E and the NW Q of Sec. 26 Twp. 37N Rge. 01E. The point of diversion (POD) requested is located roughly 15 miles downstream from the outlet of the reservoir. It appears this temporary approval is a renewal of a prior application (85-48) approved by Northern Region in 2017. (The map included with the application had 85-48 written at the top and a Northern received stamp of 2/27/2017).

The application states that the POD and place of use (POU) are owned by the State of Idaho and that Knife River is contracted with Idaho Transportation Department (ITD) and permitted to use the land.

Proper Administration: There is no current water district for the area and no administrative issue are apparent.

Public Interest: Based on the information available, the proposed use is within the public interest.

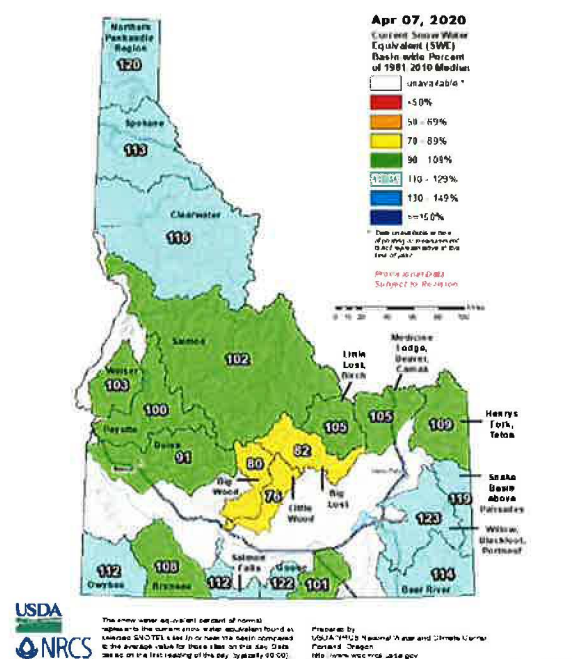
Injury to Public Values: Based on the information available, the proposed use would not injure public values. Comments were requested from the Idaho Fish and Game (IDFG), Department of Environmental Quality (DEQ) and the Water Resource Board (Board) on 4/8/2020. No response was received from the DEQ or Board within 14 days so it was presumed that they had no concerns. IDFG responded on 4/9/2020 recommending the pump intake have a maximum the pump intake have a maximum screen mesh size of 3/32- inches and also the approach velocities at the intake should not exceed 0.5 feet per second.

Other Sources of Water: There are no other sources of water in the immediate proximity to the requested point of diversion. It is reasonable for the applicant to request to divert from the Clearwater River.

Injury to Existing Water Rights: The application proposes diverting .13 cfs (60 gpm), a maximum daily volume of .11 AF and 4.4 AF over the duration of the request. The closest downstream POD is approximately 2.3 miles for right 85-7438. This right authorizes the diversion of 0.01 cfs for the irrigation of 0.5 acres. Injury to this right does not seem apparent based on the diversion rate and minimal acreage that is irrigated.

Month	May	June	July	August	September	October
Average Flow(cfs)	36,000	30,800	14,800	9,230	6,740	4,040
MSF Level (cfs)	5,750	5,750	5,750	4,350	4,350	4,350

Idaho SNOTEL Current Snow Water Equivalent (SWE) % of Normal



1

added to the temporary approval of water use to limit diversions to those times that enough water is available to satisfy MSF rights 86-7318 and 86-7345.

Department Staff and Watermaster Comments: Comments were submitted to Northern Region on 4/8/2020 and a response was received the next day. Northern requested adding a condition to the approval regarding the minimum stream flows on the Clearwater River. The condition asserts that the applicant will be responsible for monitoring the daily flows at the Spalding, ID USGS gaging site and shall not divert when the MSF's are not being met.

Grimm, Angie

From: Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Sent: Thursday, April 9, 2020 11:47 AM
To: Dagleish, Alex
Subject: RE: Knife River Temporary Approval 85-53 from Clearwater River

Hi Alex

For this application I recommend the pump intake have a maximum screen mesh size of 3/32- inches. I also recommend that approach velocities at the intake should not exceed 0.5 feet per second.

Hope all is well,

Zach Swearingen
Environmental Staff Biologist
Idaho Department of Fish and Game - Clearwater Region
3316 16th St
Lewiston, ID 83501
208-799-5010



From: Dagleish, Alex <Alex.Dagleish@idwr.idaho.gov>
Sent: Wednesday, April 08, 2020 12:43 PM
To: john.cardwell@deq.idaho.gov; Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>; Golden, Kala <Kala.Golden@idwr.idaho.gov>
Subject: Knife River Temporary Approval 85-53 from Clearwater River

Dear Interested Agencies,

The Department of Water Resources is seeking comment, regarding an application to temporarily appropriate 4.4 acre-feet of water from the Clearwater River by Knife River Corporation. The water will be used for construction operations at Big Eddy Recreation Site and Launch Area on Dworshak Reservoir. A copy of the application is attached for your reference.

Please submit your comments within 14 days, no later than April 22, 2020. If we do not hear from you by that date, we will assume that no comment from you means you do not have concerns.

Thank you,

Alex Dagleish
Water Resource Agent
Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

Grimm, Angie

From: Frederick, Adam
Sent: Thursday, April 9, 2020 7:35 AM
To: Dalgleish, Alex
Subject: RE: Temporary Approval 85-83 Knife River
Attachments: NEW APP TEMPORARY WATER USE clearwater river.docx

I would only ask that you put a condition about the minimum stream flow for the Clearwater River similar to what I have attached.

Thanks
Adam

From: Dalgleish, Alex
Sent: Wednesday, April 8, 2020 3:01 PM
To: Frederick, Adam <Adam.Frederick@idwr.idaho.gov>
Subject: Temporary Approval 85-83 Knife River

Hey Adam,

I'm seeking comment from Northern Region regarding Temporary Approval 85-83 from Knife River Corporation. They propose to divert 4.4 AF from the Clearwater River for construction operations at Big Eddy Recreation Site and Launch Area on Dworshak Reservoir. A copy of the application is attached for your reference. This appears to be a renewal of a prior temporary use of water (# 85-48) approved by Northern in 2017.

Please submit your comments within 14 days, no later than April 22, 2020. 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 temporary approval.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thanks

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

___ A. The application for temporary approval should be denied because _____

___ 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

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 of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of ____ AF and a maximum rate of diversion of ____ cfs.
4. This approval does not grant a right-of-way across the land of another.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Rights 85-7583 & 86-7345. The right holder shall be responsible for monitoring the daily flow of the Clearwater River using real-time data and shall cease diverting water when flows in the Clearwater River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Orofino gauging station, No. 13340000, may be used for purposes of determining the daily flow amounts.
7. This approval does not create a continuing right to use water.
8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
10. Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 3/32 inches; approach velocities should not exceed 0.5 ft/second.
11. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
12. A copy of the approved permit MUST be with pump when diverting.
13. Other: _____
14. This approval expires on _____.

Signed this _____ day of _____, 20____.

For the Department

Grimm, Angie

From: Dalglish, Alex
Sent: Wednesday, April 8, 2020 1:43 PM
To: 'john.cardwell@deq.idaho.gov'; 'Swearingen,Zachary'; Golden, Kala
Subject: Knife River Temporary Approval 85-53 from Clearwater River
Attachments: Temporary Application.pdf

Dear Interested Agencies,

The Department of Water Resources is seeking comment, regarding an application to temporarily appropriate 4.4 acre-feet of water from the Clearwater River by Knife River Corporation. The water will be used for construction operations at Big Eddy Recreation Site and Launch Area on Dworshak Reservoir. A copy of the application is attached for your reference.

Please submit your comments within 14 days, no later than April 22, 2020. If we do not hear from you by that date, we will assume that no comment from you means you do not have concerns.

Thank you,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov