

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

APR 20 2020

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](#).

WATER RESOURCES
WESTERN REGION

Name of applicant CREA CONSTRUCTION, INC Phone (208) 746-3072
Mailing address P.O. BOX 833 City LEWISTON
State IDAHO Zip 83501 Email BRYAN@CREACONSTRUCTION.NET

1. Source of water N. FORK PAYETTE RIVER tributary to PAYETTE LAKE
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 #
19N	03E	02			SW	NW	VALLEY	N. FORK PAYETTE RIVER	BRUSH CREEK
20N	03E	<u>35</u>			NW	SW	VALLEY	N. FORK PAYETTE RIVER	FRANCIS WALLACE

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: DUST CONTROL

- 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: _____ cfs; or 200 gpm.
b. Maximum daily volume: _____ AF; or 10,000 gallons.
c. Maximum volume over the duration of the request: _____ AF; or 240,000 gallons.

6. Duration of diversion: from 5/1/2020 (month-day) to 9/15/2020 (month-day).

7. Describe proposed diverting works: PORTABLE WATERPUMP W/INTAKE SCREEN TO WATER TRUCK

8. a. Who owns the property at the requested point of diversion? IDAHO DEPARTMENT OF LANDS
b. Who owns the facilities that will convey water to the place of use? CREA CONSTRUCTION, INC
c. Who owns the land to be irrigated or place of use? VALLEY COUNTY
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. _____

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 _____ Date 4/13/2020

Received by VJ Date 4/20/2020 Time 2:42pm
\$50.00 fee received by VJ # W048214 Date 4/20/2020
Watermaster comments received? VIA Phone call 4/25/20 Date 4/25/20

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.

X 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 recommendation of the watermaster.

This application is therefore hereby:

 A. DENIED

X 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 0.7 AF and a maximum rate of diversion of 200 CFS or GPM.
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 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. 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.
7. 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.
8. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
9. The holder of this temporary approval 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.
10. A ¼ inch mesh screen shall be installed on the pump intake.
11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
12. 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) for specific recommendations at 208-332-8500 or by email to info@agri.idaho.gov.
13. This temporary use of water remains subject to control of the Payette River Watermaster.
14. This approval is subject to the availability of Payette River Rental Pool water to mitigate water losses and injury to existing water rights. This authorization will require the rental of 2.0 AF of water from the Payette River Rental Pool (2 AF minimum). Contact Payette River Watermaster, 208-642-4465.
15. This approval expires on 09/15/2020.

Signed this 28th day of April, 2020


For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 65-71

Point of Diversion/Place of Use Supplement

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
<input checked="" type="checkbox"/> Yes	20N	03E	26			SW	SW	VALLEY	N. FORK PAYETTE RIVE	FISHER CREEK
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.


TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	


TP-65-71


Warren Wagon Road


Water Sources

Legend

 Creek

 Fisher Creek

 Francis Wallace

 Brush Creek

Google Earth



1 mi

Water District No. 65

Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661

Watermaster
Ron Shurtleff

Phone (208) 642-4465
Fax (208) 642-1042
E-Mail waterdist65@srvinet.com

Water District No. 65 Rental Pool AGREEMENT TO RENT WATER FROM THE RENTAL POOL For the 20__ Irrigation Season

The local rental pool Committee of Water District No. 65, being authorized pursuant to Idaho Code Section 42-1765 to lease stored water from water users who own reservoir space and have excess supplies, and to rent said water to requesting parties, does agree to rent to _____ (entity), _____ Acre-Feet of storage space requested for _____ (use). This agreement is subject to the adopted procedures of the Water District No. 65 Rental Pool and execution of same by the party herein named.

Upon receipt of the information requested below, the Payette River Watermaster will release to you from storage, at the rate you specify, _____ Acre-Feet of stored water between _____ and _____.

Description of Point of Diversion:

Located in ____ $\frac{1}{4}$ ____ $\frac{1}{4}$, Sec. _____, T. _____, R. _____;

Other _____
On _____ Pump H.P. _____ Lift _____
Headgate _____ (canal name if appropriate)

Description of Place of Use:

Legal description: _____
Total acres to be irrigated: _____

_____, By: _____
(Name of Organization or Individual) (Signature) (Title)

_____, Dated this ____ day of _____, 20____.
(Address of Organization or Individual)

(Phone Number)

I have accepted the request of _____ to rent water from the Water District No. 65 Rental Pool this ____ day of _____, 20____.

Watermaster, Water District No. 65
Agent for the Rental Pool Committee



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 28, 2020

CREA CONSTRUCTION, INC
PO BOX 833
LEWISTON ID 83501-0833

RE: Application for Temporary Approval of Water Use: TP-65-71

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 September 15, 2020**. The expiration date cannot be extended under this temporary approval.

Also note the condition requiring the **purchase of storage water from the Payette River Rental Pool** to mitigate the injury to senior water right holders on the Payette River. A Payette River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Payette River Watermaster, Ron Shurtleff at 208-642-4465 to complete the lease agreement prior to diverting water 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) 334-2190 or email me at Nick.Miller@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller'.

Nick Miller
Western Regional Manager.

Enclosure(s) Receipt, Rental Pool Lease Agreement

cc: RON SHURTLEFF, Water District 65.

Miller, Nick

From: Bryan Peters <bryan@creaconstruction.net>
Sent: Monday, April 27, 2020 2:59 PM
To: Miller, Nick
Cc: waterdist65@srvinet.com
Subject: RE: Temporary approval - N Fork Payette River

TR65-71

Sorry about that.

We intend to use it in Warren Wagon Road. MP 7.6 to 9.7 Valley County.

The 3 locations are Idaho Department of Lands areas. I'm in the area today and dropped off our fees, bond and insurance to the local office and am waiting for our permits to be sent via email.

Bryan Peters

Crea Construction, Inc.
208-746-3072 Office
208-503-2032 Cell

----- Original message -----

From: "Miller, Nick" <Nick.Miller@idwr.idaho.gov>
Date: 4/27/20 11:28 AM (GMT-07:00)
To: Bryan@creaconstruction.net
Cc: waterdist65@srvinet.com
Subject: Temporary approval - N Fork Payette River

Hi,

I am in the process of reviewing your application for temporary approval of a water use filed in the name of Crea Construction, Inc. I see that you left two relatively important items blank on the form and I am hoping you can respond to this email and let me know, 1) where the water will be used, and 2) what arrangement you have with the land owners that authorizes you to access the points of diversion and places of use. I also am soliciting comments from the WD65 Watermaster, so please "reply all" with your response to help ensure a quick decision.

Please write back a short narrative explaining the proposal and include the above-requested information. I assume you are doing contract work for the County and therefore have access to apply the water for dust control to roads in Valley County, and that the points of diversion are along public rights of way, but if you could please confirm that and give me a little more specificity as far as what areas of Valley County you will be working, I will be better able to get your application processed.

Thanks, and feel free to give me a call if you have questions.

Thanks,

Nick Miller

Manager, IDWR Western Region.

208-334-2190