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APR 06 2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESID No. TP-06-72

## 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 CORPORATIONPhone (208) 553-0784Mailing address 5450 W GOWEN RDCity BOISEState IDZip 83709Email KALOB.TURNER@KNIFERIVER.COM1. Source of water CLEARWATER RIVERtributary to SNAKE RIVER2. 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 #
36N	04W	13	1		NW	NE	NEZ PERCE	CLEARWATER RIVER	TURKEY ISLAND
36N	04W		1		NE	SE	NEZ PERCE	CLEARWATER RIVER	HOG ISLAND

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

Project Manager

Date

3/10/20

Received by

Date

Time

\$50.00 fee receipted by

#

Date

Watermaster comments received?

Date

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 \_\_\_\_\_

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 recommendations 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 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 21<sup>st</sup> day of APRIL, 2020.

  
For the Department

Approval Conditions Attachment for TP-86-72 Knife River Corporation

12. 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.
13. A fish screen of 3/32-inches or smaller mesh shall be installed and maintained at the point of diversion.
14. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
15. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Right 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, ID gaging station, No. 13342500, may be used for purposes of determining the daily flow amounts.
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.

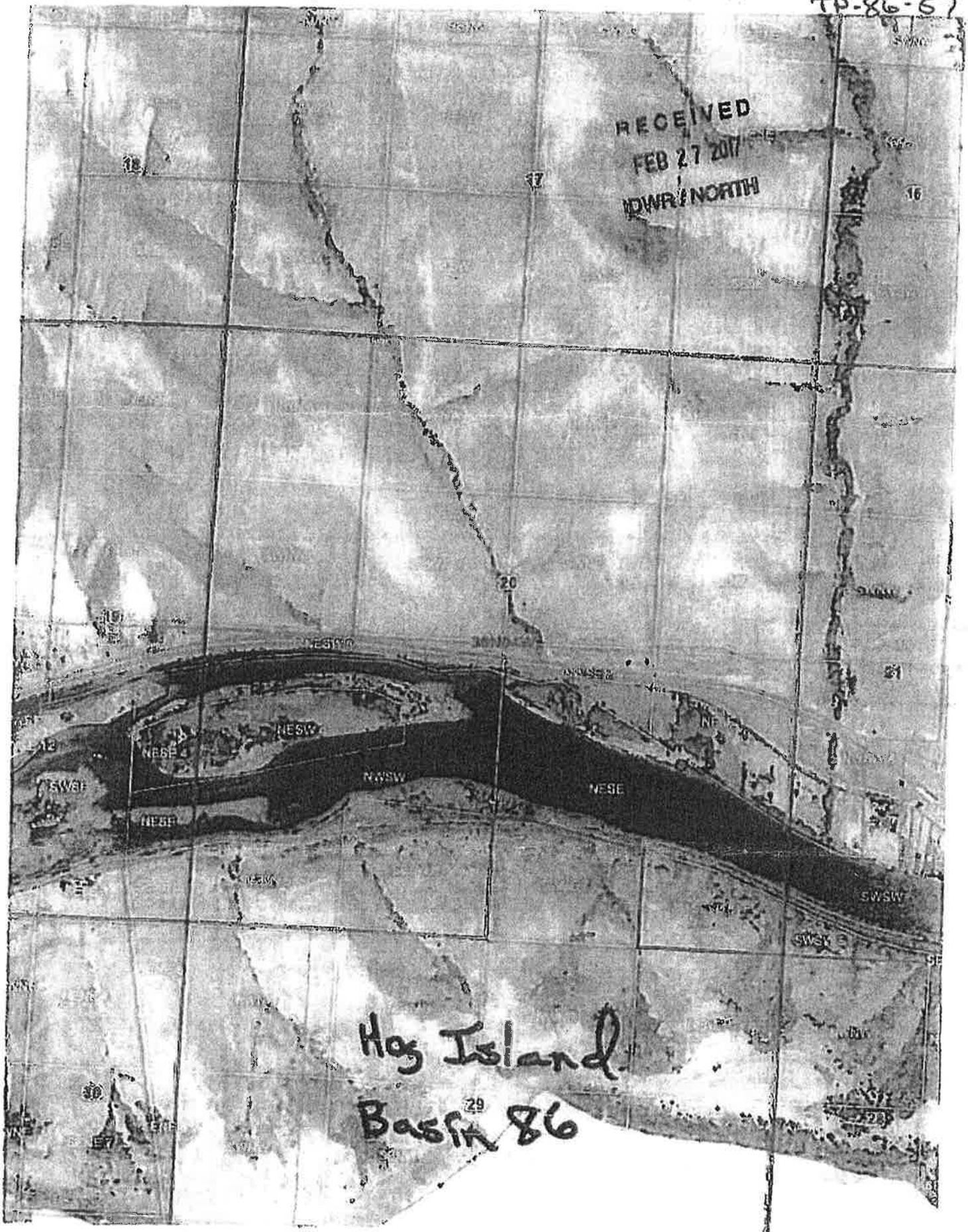




TP-86-57

RECEIVED  
FEB 27 2017  
DWR/NORTH

Hog Island  
Basin 86





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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

April 21, 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-86-72

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](mailto:Alex.Dalgleish@idwr.idaho.gov).

Sincerely,

for Alex Dalgleish  
Water Resource Agent

Enclosure(s)

## MEMORANDUM

**Date:** April 17, 2020  
**To:** Temporary Application For Water Use Review  
**From:** Alex Dalglish  
**Re:** Temporary Water Use Application TP-86-72

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**Applicant:** The State Office received a temporary approval on 4/6/2020. The application proposes to divert water from the Clearwater River at Turkey Island and Hog Island for construction operations. These islands are located on the Clearwater River just East of Lewiston, Idaho. The PLSS descriptions on the application for the points of diversion (POD's) did not match the map included. The application was signed by Kalob Turner. I called him on 4/7/2020 in order to clarify the POD locations. After our conversation, he sent me an email with a clearer image showing the Turkey and Hog Islands. The POD associated with Turkey Island is located in the NWNE QQ of Sec. 13 Twp. 36N Rge. 04W and the Hog Island POD is located in the NESE QQ Sec. 20 Twp. 36N Rge. 04W.

This proposal appears to be a renewal of a previous temporary application (86-57) that was approved by the Department in 2017. (The application map had 86-57 and a received stamp from Northern Region on 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:** The proposed POD's and area of water use are not within a current water district. There appears to be no administrative issues within the proposed area and thus proper administration is likely not an issue. There is a strong likelihood of adequate water supply for the requested use. Reference the discussion under the injury to existing water rights section below.

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

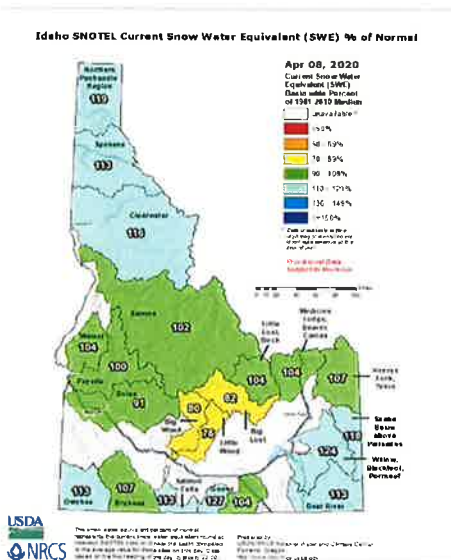
**Injury to Public Values:** Based on the information available, the proposed use is does not appear to injure public values. On 4/9/2020, comments were requested from the Idaho Fish and Game (IDFG), Department of Environmental Quality (DEQ) and the Water Resource Board (Board). If no response was received within 14 days, it was presumed that the agency or group did not have concerns. The IDFG responded the same day recommending the pump intake have a maximum screen mesh size of 3/32-inches and also that the approach velocities at the intake should not exceed 0.52 feet per second.

**Other Sources of Water:** There are no alternate sources of water nearby so it is reasonable 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 amounts requested will be divided

between the two locations. There are multiple water rights diverting water from the Clearwater River below the POD's at Turkey Island and Hog Island. Furthermore, Minimum Stream Flow (MSF) right 86-7345 exists on the Clearwater River along the locations of the request POD's.

USGS streamflow gage #13343000 (Clearwater River near Lewiston, ID) is located below the proposed POD's. However, the gage does not have current or historical flow data available. Fortunately, USGS gage 13342500 (Clearwater River near Spalding, ID) is located between the POD's. This gaging station will provide the best information to judge flows in the Clearwater River. Using the historical flow data from the last 47 years at this station, MSF levels would be met each month of the duration of the request except for October. The proposal only extends until October 15<sup>th</sup> and current Snow Water Equivalent (SWE) levels in the Clearwater Basin are at 116% of average snowpack. Below is a map of current the SWE in Idaho as well as the average flows from the Spalding, ID USGS gage compared to the required MSF levels for 86-7345:



Month	May	June	July	August	Sept.	October
Avg. Flow (cfs)	36,100	30,800	14,800	9,230	6,740	4,040
MSF (cfs)	5,910	5,910	5,910	4,498	4,498	4,498

Based on the information available, the proposed use would not injure MFS right 86-7345 or other existing water rights.

**Department Staff and Watermaster Comments:** There is no water district for the area and therefore no watermaster. Comments were requested from Northern Region on 4/9/2020 and a response was received the same day. Northern requested that a condition be added to the proposal ensuring that MSF levels are being met downstream on the Clearwater River.



IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

4/8/2020

Water Right 86-7345

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208) 287-4800

Priority Date: 7/30/1992

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CLEARWATER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINIMUM STREAM FLOW	11/01	7/31	5,910.000 CFS	
MINIMUM STREAM FLOW	8/01	10/31	4,498.000 CFS	
	<u>Total Diversion</u>		5,910.000 CFS	

Source and Point(s) of Diversion

CLEARWATER RIVER	L6(SWNE)	Sec. 32, Twp 36N, Rge 05W, NEZ PERCE County(E)
CLEARWATER RIVER	L13(NWSW)	Sec. 7, Twp 36N, Rge 03W, NEZ PERCE County(B)
CLEARWATER RIVER	L1(SWNE)	Sec. 32, Twp 36N, Rge 05W, NEZ PERCE County(E)

Place Of Use

MINIMUM STREAM FLOW

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 027 Use of water under this right shall be non-consumptive.
3. Approval of this minimum stream flow shall not prevent approval of applications for consumptive uses from ground water if the wells are located and constructed to prevent an immediate impact on the river, as determined by the Director.
4. The approved minimum stream flow shall be subordinate to future domestic, stockwater, municipal, commercial, and industrial development from the Clearwater River and its tributaries, including ground water, for use within the Clearwater River Basin where the domestic and stockwater uses are within the limitations of Section 42-111, Idaho Code.
5. 112 The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

4/8/2020

- the public interest. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that the amendment of this water right would be in the public interest.
6. 091 Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.
7. 092 Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director.
8. The reach of this minimum stream flow begins at the confluence with the Potlatch River in Lot 13, (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section 7, T36N, R3W, B.M. and extends downstream approximately 13 miles to the beginning of backwater from the reservoir behind Lower Granite Dam in Lots 1 and 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), Section 32, T36N, R5W, B.M.
9. The purpose of this minimum stream flow is for the protection of fish and wildlife habitat, aquatic life, and recreational uses.
10. 147 The place of use is within the stream reach between the beginning instream point and the ending instream point described for the points of diversion for this right.

**Comments:**

1. lharris 1/31/2013 Updated Recommendation  
Recommendation updated per License issued 1/5/09.

**Dates and Other Information**

Decreed Date: 5/22/2013  
Civil Case Number: 39576  
Judicial District: FIFTH  
Water District Number: NWD  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

## Grimm, Angie

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**From:** Frederick, Adam  
**Sent:** Friday, April 10, 2020 7:46 AM  
**To:** Dalglish, Alex  
**Subject:** RE: 86-72

Just the same comments as the previous one for them.

**From:** Dalglish, Alex  
**Sent:** Thursday, April 9, 2020 1:33 PM  
**To:** Frederick, Adam <Adam.Frederick@idwr.idaho.gov>  
**Subject:** 86-72

Adam,

I accidentally attached the wrong Temporary application to the last email. I've attached the correct one.

-Alex

## Grimm, Angie

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**From:** Dalglish, Alex  
**Sent:** Thursday, April 9, 2020 1:53 PM  
**To:** Frederick, Adam  
**Subject:** Temporary Approval 86-72 Knife River  
**Attachments:** Temporary Application.pdf

Adam,

I'm seeking comment from Northern Region regarding Temporary Approval 86-72 from Knife River Corporation. They propose to divert 4.4 AF from the Clearwater River for construction operations at Turkey Island and Hog Island, upstream from Lewiston, ID. A copy of the application is attached for your reference. This appears to be a renewal of a prior temporary use of water (# 86-57) approved by Northern in 2017.

Please submit your comments within 14 days, no later than April 23, 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 Dalglish  
*Water Resource Agent*  
*Phone (208) 287-4913*  
[alex.dalglish@idwr.idaho.gov](mailto:alex.dalglish@idwr.idaho.gov)

## Grimm, Angie

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**From:** Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>  
**Sent:** Thursday, April 9, 2020 2:52 PM  
**To:** Dagleish, Alex  
**Subject:** RE: Knife River Temporary Approval 86-72 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.

Thanks,

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:** Thursday, April 09, 2020 1:33 PM  
**To:** sujata.connell@deq.idaho.gov; Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>; Golden, Kala <Kala.Golden@idwr.idaho.gov>  
**Subject:** RE: Knife River Temporary Approval 86-72 from Clearwater River

I accidentally attached the wrong Temporary Approval Application from Knife River. Attached is the correct application regarding Turkey and Hog Islands.

Best,

Alex Dagleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dagleish@idwr.idaho.gov](mailto:alex.dagleish@idwr.idaho.gov)



## Grimm, Angie

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**From:** Dalglish, Alex  
**Sent:** Thursday, April 9, 2020 1:51 PM  
**To:** 'sujata.connell@deq.idaho.gov'; 'Swearingen,Zachary'; Golden, Kala  
**Subject:** Knife River Temporary Approval 86-72 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 Turkey Island and Hog Island upstream of Lewiston, Idaho. A copy of the application is attached for your reference.

The application incorrectly lists the points of diversion for Turkey and Hog Islands. The point of diversion for Turkey Island is in the NWNE QQ of Sec. 13 Twp. 36N Rge. 04W. The Hog Island point of diversion is located in the NESE QQ Sec. 20 Twp. 36N Rge. 04W.

Please submit your comments within 14 days, no later than April 23, 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](mailto:alex.dalglish@idwr.idaho.gov)

**Grimm, Angie**

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**From:** Turner, Kalob <Kalob.Turner@kniferiver.com>  
**Sent:** Tuesday, April 7, 2020 11:32 AM  
**To:** Dalgleish, Alex  
**Subject:** RE: Turkey Island Location- Knife River Application

Alex,

We can proceed with removing the lot# from the POD description.

Thanks,

**Kalob Turner**  
**Project Manager/Estimator**  
**Cell: 208-553-0784**



**From:** Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>  
**Sent:** Tuesday, April 7, 2020 11:22 AM  
**To:** Turner, Kalob <Kalob.Turner@kniferiver.com>  
**Subject:** RE: Turkey Island Location- Knife River Application

**\*\* WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. \*\***

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Kalob,

Thanks for the image showing where Turkey Island is located. One more item I think needs attention is the point of diversion (POD) for water use at Turkey Island.

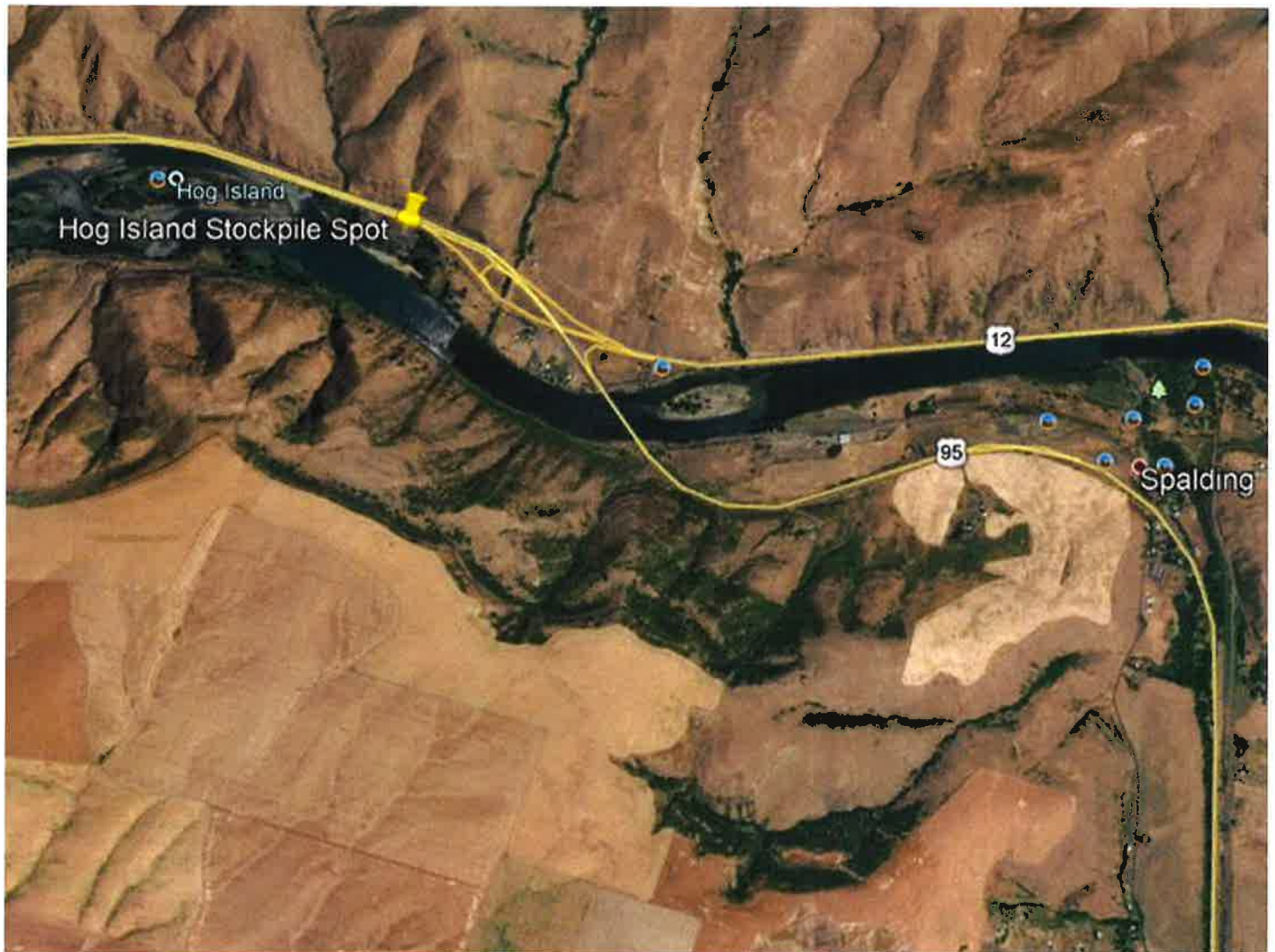
The application lists the POD at Turkey Island in the NWNE QQ Govt. Lot 1 Sec. 13, Twp. 36N, Rge. 04W. According to this description, the POD is not actually on the Clearwater River. I believe the application description is incorrect in that there should not be a Govt. Lot # associated with the POD. I've attached an image that shows the outlined NWNE QQ with no Govt. lot # on the Clearwater. Can you please confirm that the PLSS description without the Govt. Lot # is the correct POD location for Turkey Island?

I hope I explained it clearly. Basically, the POD description for Turkey Island is correct except for the Govt. Lot # and I'd like to propose removing the lot # from the POD description.

Thank you,

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

**From:** Turner, Kalob [<mailto:Kalob.Turner@kniferiver.com>]  
**Sent:** Tuesday, April 7, 2020 10:57 AM  
**To:** Dalgleish, Alex <[Alex.Dalgleish@idwr.idaho.gov](mailto:Alex.Dalgleish@idwr.idaho.gov)>  
**Subject:** Turkey Island Location- Knife River Application



Alex, here is the turkey island location it is roughly 5 miles east of the hog island location. If you need anything else or it is still confusing let me know.

Thanks for all your help!

**Kalob Turner**  
**Project Manager/Estimator**  
**Cell: 208-553-0784**





