



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

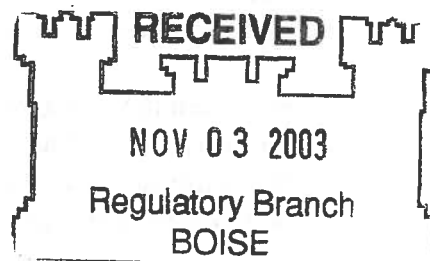
1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
C. Stephen Allred, Director

October 30, 2003

Nancy E. Hawkins
P.O. Box 624
Pine Valley, CA 91962

Re: Reference No. 042600005
Relocate Irrigation Diversion on Weiser River



Dear Ms. Hawkins:

The Department of Environmental Quality (Department) has considered Water Quality Certification for construction related to the referenced project. We have reviewed the subject application and have the following comments and conditions.

General

If dewatering is required during construction, a short-term activity exemption must be obtained from this office. Please contact Craig Shepard at 373-0557 for further information if necessary.

If this proposed project contains a direct or indirect discharge to the Weiser River or its tributaries, please be advised that a Total Maximum Daily Load (TMDL) allocation has been developed for pollutants of concern. This may affect your proposed project as your discharge must provide for a no net increase in pollutants of concern. In addition, the TMDL could require a further reduction in pollutant discharge from this proposed project.

Fills

Fill material shall be free of organic and easily suspendable fine material. The fill material to be placed shall include clean earth fill, sand, and stone only.

Whenever practicable, discharges of dredged or fill material shall be conducted during low flow periods and during periods when spawning is not occurring.

Structural fill or bank protection shall consist of materials that are placed and maintained to withstand predictable high flows in the watercourse. Hazardous areas should be clearly marked or made inaccessible to the public.

Erosion Control

Disturbance of the existing channel bottom and native vegetation shall be kept to a minimum. Areas disturbed by a project which are suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.

Sediment that is the result of this activity must be mitigated to prevent violations of the turbidity standard as stipulated under Section 58.01.02 of the Idaho Water Quality Standards and Wastewater Treatment Requirements. Any violation of this standard must be reported to this office immediately.

Construction Activities

Work in open water is to be kept at a minimum and only when necessary. Equipment shall not enter the stream channel unless absolutely necessary to complete the work. Fording of the channel is not permitted. Temporary bridges or other structures shall be built if crossings are necessary.

Equipment and machinery must be removed from the area of waterway prior to refueling, repair and/or maintenance. Measures shall be taken to prevent spilled fuels, lubricants, or other toxic materials from entering the watercourse.

To the extent reasonable and cost-effective, the activity submitted for certification shall be designed to minimize subsequent maintenance.

Fisheries

Your project is located within a water body which is located partially or wholly within a Bull Trout Key Watershed identified in Governor Batt's Bull Trout Conservation Plan. The Department is currently in the process of implementing the first phase of the Governor's Plan, which calls for problem assessments for each Key Watershed by January 1999. Your project may be subject to specific Best Management Practices identified in the problem assessment phase. In the interim, we advise you not to contribute to watershed degradation that could result in increased sediment yield or increased temperatures.

Discharges in spawning areas during spawning seasons of important aquatic species shall be avoided. Placement of fill materials may not restrict or impede the movement of aquatic species indigenous to the waters or cause the relocation of the water.

Nancy E. Hawkins
October 30, 2003
Page 3

If construction is completed and mitigation implemented in accordance with the information provided in the application and the comments and conditions above, the Department certifies under Clean Water Act Section 401 that the construction of the project will comply with applicable requirements of Sections 301, 302, 303, 306 and 307 of the federal Clean Water Act (PL92-500), as amended, and will not violate Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02). This certification shall remain in effect until December 31, 2004, at which time construction must be completed.

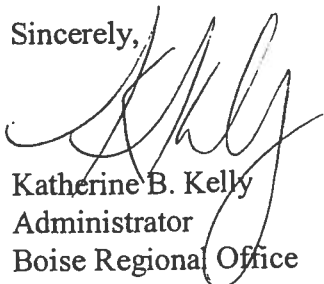
Water quality certification provided herein shall be revoked for failure of the permittee to comply with the conditions of this certification or the terms and conditions of the referenced permit. Revocation shall become effective upon written notice to the permittee, and all activities permitted under the referenced permit shall immediately cease until the permittee obtains another water quality certification from the Department.

This Section 401 Water Quality Certification and associated conditions may be appealed by submitting a request in writing within 35 days for a hearing, pursuant to Title 67, Chapter 52, Idaho Code and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23. The request for a hearing must be filed with the hearing coordinator at the following address:

Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Please contact Jack Gantz of this office at (208) 373-0599 if you have any questions or further information to present.

Sincerely,



Katherine B. Kelly
Administrator
Boise Regional Office

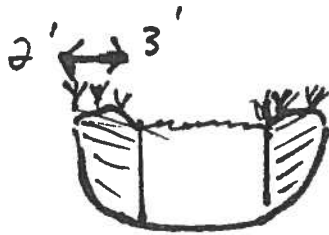
KBK:JMG:

cc: Jack Gantz, P.E., DEQ, Boise Regional Office
Greg Martinez, COE, Boise
Source File #20, Reading File, Manager's File

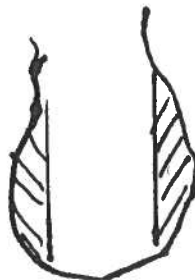
Decommissioning Head Gate Reducing Size of Sediment Pond

The head gate and pipe will be decommissioned by pumping two yards of cement and rock into the 12" diameter culvert.

Reduction in the size of the sediment pond will be accomplished by redepositing original excavated dirt banked on the sides back into the pond. The new banks will be revegetated.



**SEDIMENT POND
SIDE VIEW**



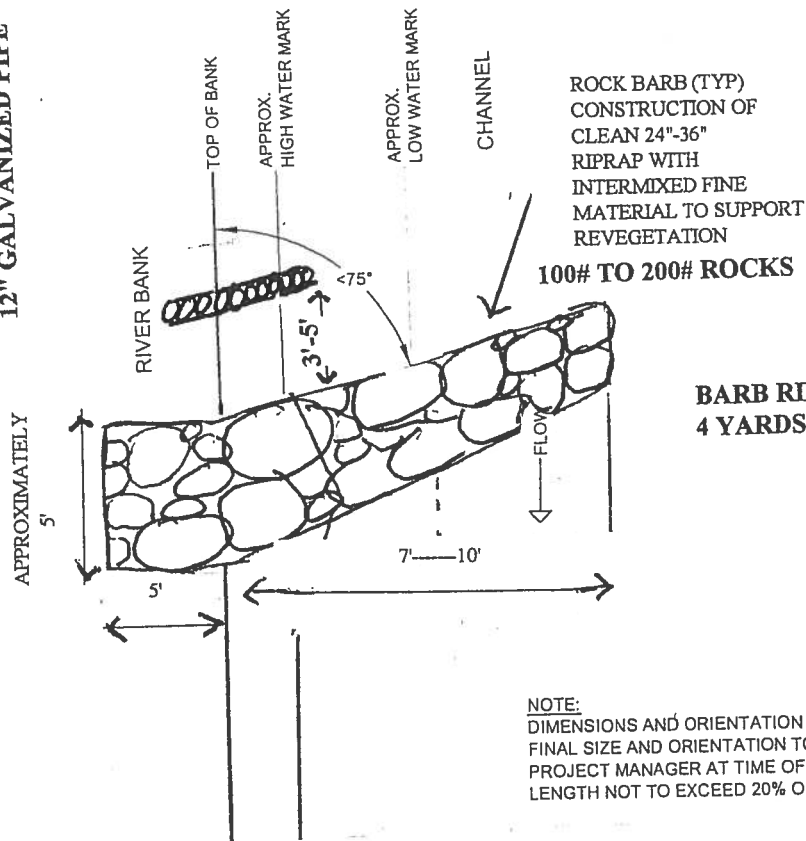
**SEDIMENT POND
TOP VIEW**

**SHADED AREA REPRESENTS REDEPOSITED DIRT
WITH APPROPRIATE REVEGETATION**

**Proposed Bank Stabilization
17N 1W
Nancy E Hawkins
Weiser River W/Fork
Adams County, Idaho
Page ____ of ____**

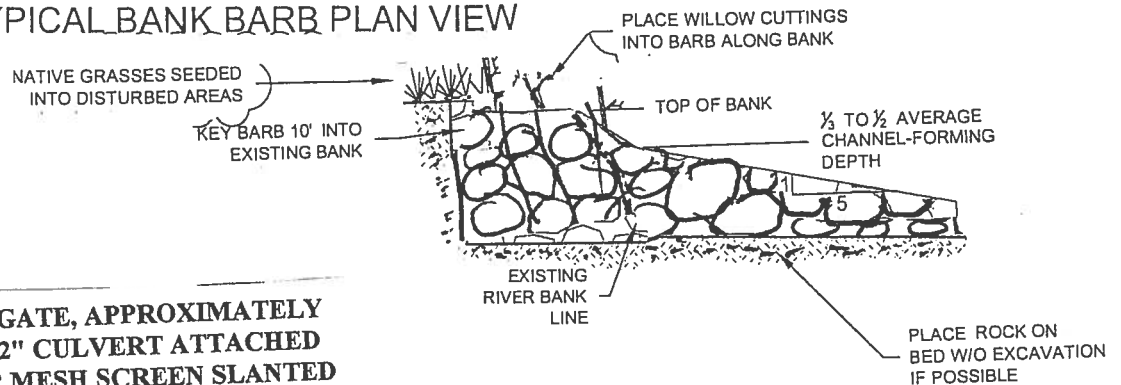
PROPOSED CHANGES: *Location #1* Abandon water right decommission head gate and diversion structure. *Location #2* stabilize bank/ provide new diversion/ head gate per application. *Location #3* reduce sediment pond by approximately 6' from side by redepositing dirt piled on the bank and revegetating.(5 yards of soil) *Location #4* Possible lowering of outflow due to lower water level. (Approximately ½ yard of excavation)

12" GALVANIZED PIPE



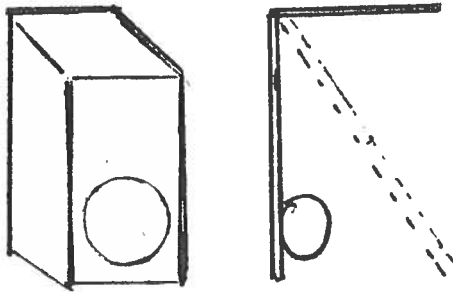
BARB RIP RAP TO UTILIZE APPROXIMATELY
4 YARDS OF 100# TO 200# ROCKS

TYPICAL BANK BARB PLAN VIEW

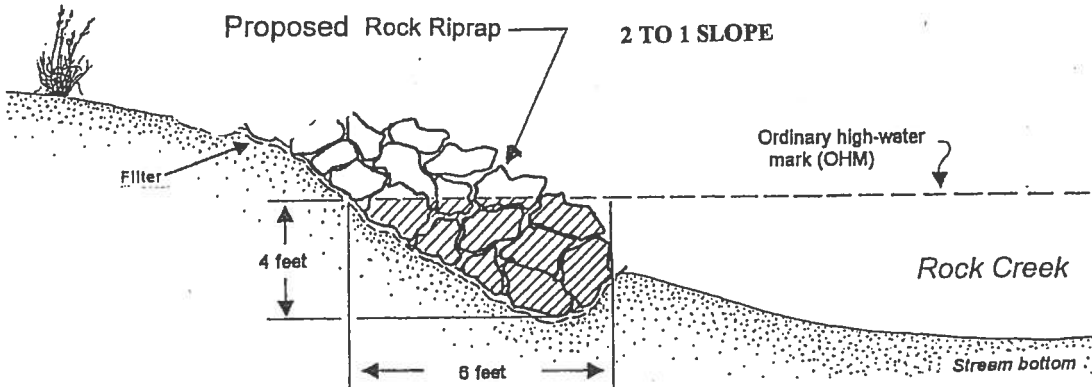
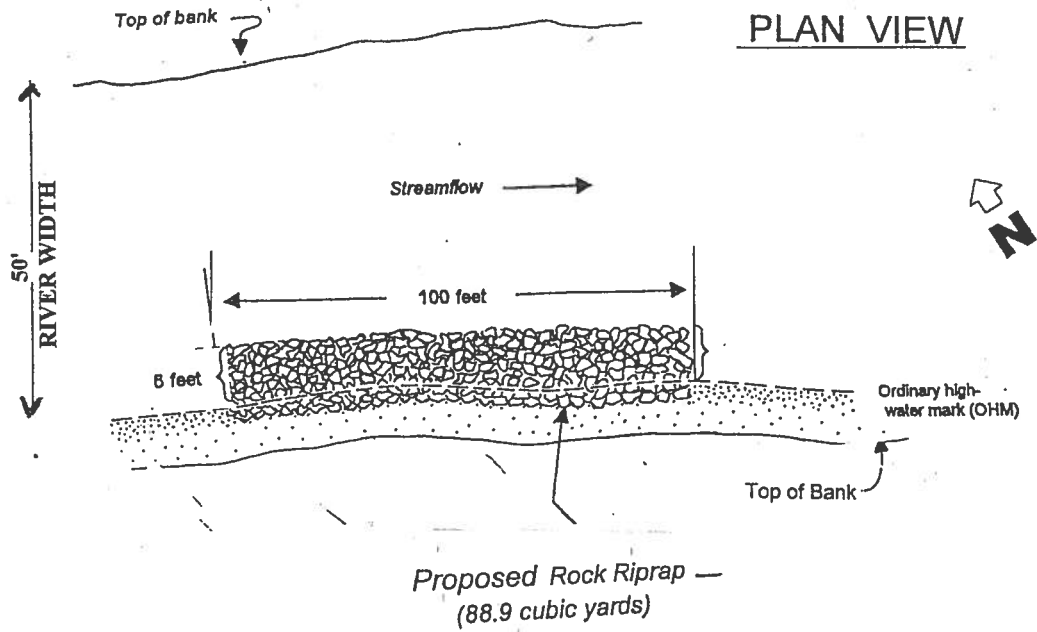


STEEL HEAD GATE, APPROXIMATELY
2' X 3' WITH 12" CULVERT ATTACHED
1" DIAMETER MESH SCREEN SLANTED
BACK TO DETER BEAVERS
(APPROXIMATELY 2/3 YARD)

TYPICAL BANK BARB CROSS SECTION



Proposed Bank Stabilization
17N 1W
Nancy E Hawkins
Weiser River W/Fork
Adams County, Idaho
Page ____ of ____



SECTION VIEW

Proposed Bank Stabilization
17N 1W
Nancy E Hawkins
Weiser River W/Fork
Adams County, Idaho
 Page ____ of ____