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JAN 28 2008
IDWR/North

Water Appropriation Rule 40.05.g.:

Letters of Comment

City of Pierce

From: <Thomas.Moore@deq.idaho.gov>
To: <cityofpierce@qroidaho.net>
Cc: <Kerby.Cole@deq.idaho.gov>
Sent: Monday, August 06, 2007 10:42 AM
Subject: Drinking Water Diversion

Dear Mayor Williams,

It's our understanding that Canal Creek's flow, which serves the City's drinking water filter and treatment facility, is dropping below the level needed to serve the City. Because of this, you are considering seeking a water right to divert from Orofino Creek on at least a temporary basis. Per our conversation, please consider the following regarding the City of Pierce Water system source:

DEQ's drinking water program would support construction of an alternate diversion point as long as it is located above the confluence of Canal and Orofino Creeks. This would provide the City with the ability to switch sources should water quality become unacceptable in either drainage.

You would have to get appropriate permits and/or approvals from Idaho Water Resources and possibly the Corps of Engineers, but DEQ would expedite our part of that process wherever possible.

We would be glad to work with the City if they wish to pursue a temporary solution, and would recommend that the City proceed with a permanent alternative. Permanent facilities would have to be designed by a licensed engineer, and approved by DEQ prior to construction.

Please let us know if we can assist in any way.

Thomas J. Moore, P.E.
Regional Engineering Manager
DEQ Lewiston Region Office
1118 F Street
Lewiston, ID 83501
Phone (208) 799-4370
Fax (208) 799-3451

Thomas.Moore@deq.idaho.gov

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8/6/2007



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor
Cal Groen / Director

January 8, 2008

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JAN 16 2008

IDWR/North

Mr. Terry Nab, PE
Principal Engineer
Progressive Engineering Group, Inc.
1208 Idaho Street
Lewiston, Idaho 83501

Dear Mr. Nab:

Re: Draft Application for Approval of Water Appropriation

Idaho Fish and Game has reviewed your cover letter, draft application and other materials prepared on behalf of the City of Pierce. The City of Pierce wishes to request a water right to withdraw 0.78 cfs or 565 acre feet per annum from Orofino Creek for municipal use. Water would be diverted from Orofino Creek via 10" gravity feed pipe to two pumps.

The City of Pierce currently has a water right from Canal Creek, a tributary to Orofino Creek, for its municipal needs. In 2007, Canal Creek flows became so low that the City's needs could not be met and the City obtained a temporary permit to pump water from Orofino Creek via a 4" pipe to meet its needs. According to your cover letter, this requested new appropriation is intended to allow the City to install a permanent pumping system in Orofino Creek to avoid this situation in the future.

Your cover letter infers, and telephone discussions with you confirm, that it is the City's intent to use the Orofino Creek appropriation only on an emergency basis; that is, when flows in Canal Creek are not adequate to meet the City's water demand. However, the intent to use the Orofino water right only in emergency circumstances is not reflected in the draft application.

IDFG would not object to an appropriation of 0.78 cfs from Orofino Creek, with certain conditions. Because the City's demand would coincide with critical low flow periods in Orofino Creek and tributaries, and because Orofino Creek flows already approach critical volumes in dry months, and because current appropriations totaling about 20cfs approach total flows in critical periods, we recommend to IDWR that the permit stipulate that the withdrawal can be made:

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- only on an emergency basis;
- only to supplement that portion of the current Canal Creek appropriation (1 cfs) that may not be available due to drought; and
- that the City should identify a minimum flow in Canal Creek at which emergency withdrawals from Orofino Creek could be initiated; and
- that the Orofino Creek appropriation, alone or in combination with withdrawals from Canal Creek, should not be used to increase the City's total appropriation above the current 1 cfs appropriation from Canal Creek.

The proposed infrastructure for the Orofino Creek diversion appears to us to be more elaborate than needed for rare emergency withdrawals – the City could meet its emergency needs with a far smaller diversion apparatus. This suggests to us that the City may anticipate making a future request for additional appropriations from Orofino Creek to meet increasing full-time water demands. Although we do not object to the 0.78 cfs appropriation for rare emergency use only, we will have serious concerns about additional full-time appropriations from Orofino Creek because of potential impacts to fish and wildlife. In fact, these same concerns were recognized in the Snake River Basin Adjudication – Orofino Creek was afforded a minimum stream flow allocation to protect those uses, future appropriations have to be consistent with the SRBA allocation.

If the City anticipates that increasing water demands will exceed the existing Canal Creek appropriation in normal water years, we recommend that conservation, storage, wells and other alternative sources of water should be fully evaluated before additional surface water appropriations are approved. IDFG would be pleased to discuss potential future water needs from Orofino Creek or other sources with the City or their representatives. We also recommend that the City consult with IDWR regarding the minimum stream flow identified in SRBA, especially if they anticipate requesting additional allocations from Orofino Creek in the future.

Thank you for the opportunity to comment on your proposal. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,



Dave Cadwallader
Regional Supervisor

DC/rh/gl

C: Keith Franklin, IDWR CdA
Bart Butterfield, NRPB



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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JAN 16 2008

IDWR/North

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

January 14, 2008

Terry W. Nab, P.E.
Progressive Engineering
1208 Idaho Street
Lewiston, ID 83501

RE: Water Right Application, City of Pierce, Idaho

Dear Mr. Nab,

We received your letter requesting our comments and concurrence on the approval of your application to draw water from Orofino Creek for municipal purposes for the City of Pierce, Clearwater County. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho water quality standards, Orofino Creek is included in water body ID 17060306CL039 and is protected for cold water and salmonid spawning aquatic life, and primary contact recreation designated beneficial uses. This section of Orofino Creek is currently listed in Section 3 of the Idaho 2002 Integrated Report as not assessed.

We agree that the Orofino Creek flow in this segment is significant enough that the appropriation of 0.78 cfs and/or 565 acre feet per annum from January 1 to December 31 should not impact the water quality of the creek. At no time however, should the proposed appropriation be allowed to impair the designated beneficial uses of Orofino Creek. Stream flow adequate to sustain cold water aquatic life and primary contact recreation shall be maintained at all times.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink that reads "Kerby M. Cole".

Kerby M. Cole, P.E.
Regional Administrator

KC/cb

cc: Keith Franklin, IDWR
Ray Hennekey, IDFG
Marti Bridges, IDEQ



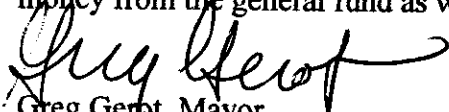
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JAN 07 2008
IDWR/North

January 4, 2008

Idaho Department of Water Resources
7600 N. Mineral Drive Suite 100
Coeur d' Alene, Idaho 83815

Re: Joint Application for permits to Alter a Stream Channel

The City of Pierce has the capability to acquire the money necessary to fund the Orofino Creek water project. Being a public entity the City of Pierce has the ability to access money from the general fund as well as bond issues.


Greg Gerpt, Mayor

Phone~ 208-464-2222 Fax~208-464-2207
404 South Main Street ~ P.O. Box 356
Pierce, Idaho 83546