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STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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MAY 24 2006

DEPARTMENT OF
WATER RESOURCES

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

Dirk Kempthorne, Governor
Toni Hardesty, Director

May 22, 2006

Billy Mayer
P.O. Box 37A
Kooskia, ID 83539

RE: Water Right Application 81-11986

Dear Mr. Mayer:

DEQ has received your letter requesting our comments and concurrence on the approval of your application to draw water from the Middle Fork Clearwater River at Mile Post 86.4 on Highway 12, Clearwater County. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

This section of the Middle Fork Clearwater River is included in water body ID 17060304CL001_05 and is currently listed in Section 3 of the Idaho 2002 Integrated Report as not assessed. Water body ID 17060304CL001_05 is protected for cold water and salmonid spawning aquatic life, primary contact recreation, drinking water supply, and special resource water.

We agree that the Middle Fork Clearwater River flow in this section is significant enough that the removal of 0.14 cfs of water for year round fire protection, and for irrigation of 7 acres from March 15 to November 15 should not impact the water quality of the river.

If impacts to water quality or the river channel occur such as an increase in river turbidity or petroleum sheen, we expect the applicant to modify the withdrawal as is appropriate to address the observed impacts.

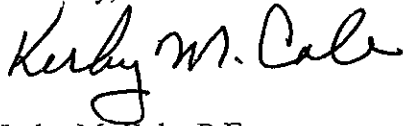
Listed below are recommendations that will help reduce the potential for water quality impacts as a result of your proposed water withdrawal:

1. The withdrawal will not cause adverse flow or habitat alterations to the river.
2. Any channel or bank disturbances must be stabilized immediately.
3. Best Management Practices (BMPs) for erosion control shall be implemented to prevent and control the discharge of sediment to the river. The BMPs shall be maintained and monitored for effectiveness. BMPs shall be replaced or augmented if they are not effective. At no time will your actions result in an increase of river turbidity greater than 50 NTU over background.
4. Equipment should not be fueled nor fluids changed within 100 feet of the river. Any equipment operated adjacent to the river shall be maintained in a good state of repair and

shall have no damaged hoses, fittings, lines, tanks, etc...that release or may release pollutants into the river. Waste oil and waste fluids shall not be stored at the site. If any such material is released to the river, the responsible person must make an effort to contain the spill and notify our office within 24 hours. If the spill cannot be contained call the Emergency Response System at 1-800-632-8000.

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". The signature is fluid and cursive, with the first name "Kerby" being more prominent than the last name "Cole".

Kerby M. Cole, P.E.
Regional Administrator

KC/cb

CC: Ray Hennekey, IF&G
Shelley Keen, IDWR
Marti Bridges, IDEQ