

Received by [Signature] Date 2/17/10 Time TP-95-88  
\$50.00 fee receipted by [Signature] # NO 23574 Date 2/17/10  
Watermaster Comments received? \_\_\_\_\_ Date \_\_\_\_\_

### 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.
- ☒ 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.

This application is therefore hereby:

- ☐ a) DENIED
- ☒ 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 5 AF and a maximum rate of diversion of 0.17 cfs.
  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 this approval at any time if the department identifies injury to other water rights.
  6. This approval expires on 12/31/2010.
  7. This approval does not create a continuing right to use water.
  8. The holder of this temporary permit 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.
  9. Other: Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second.
  10. Contact the DEPARTMENT OF WATER RESOURCES prior to diversion of water from streams.

DATED this 4 day of March, 2010.

Robert G. Haynes  
For the Director

RECEIVED

FEB 17 2010

Basin 95

IDWR / NORTH

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Indent. No. TP-95-88

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF of less)

Name of Applicant M.A. DeAtley Construction Phone 509-751-1580Address 829 Evans Road Clarkston WA 994031. Source of water Private Spring Tributary to Fernan Lake2. Location of point of diversion NE 1/4 NW 1/4 Sec. 15 Township 50N, Range 3W B.M.,  
County Kootenai3. Location of place of use 3, 10, 15, 16, 17 1/4 Sec. 16, 17 Township 50N, Range 3W B.M.,  
County Kootenai4. Proposed use of water Water for Dust Abatement on Construction Project.

## 5. Amount of water:

Maximum rate of diversion 0.17 cfs or 75 gpm.Maximum daily volume 60,000 Gallons AF; Total volume 5 AF.6. Duration of diversion: From Present to 12-31-10  
Day-month Day-month7. Proposed diverting works N/A8. Who owns the property at the requested point of diversion? Mike Webb9. Describe the arrangement allowing access to the water Spring is generating water. Water is standing in existing channel. We will pump water from existing channel into water trucks.

10. Remarks

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

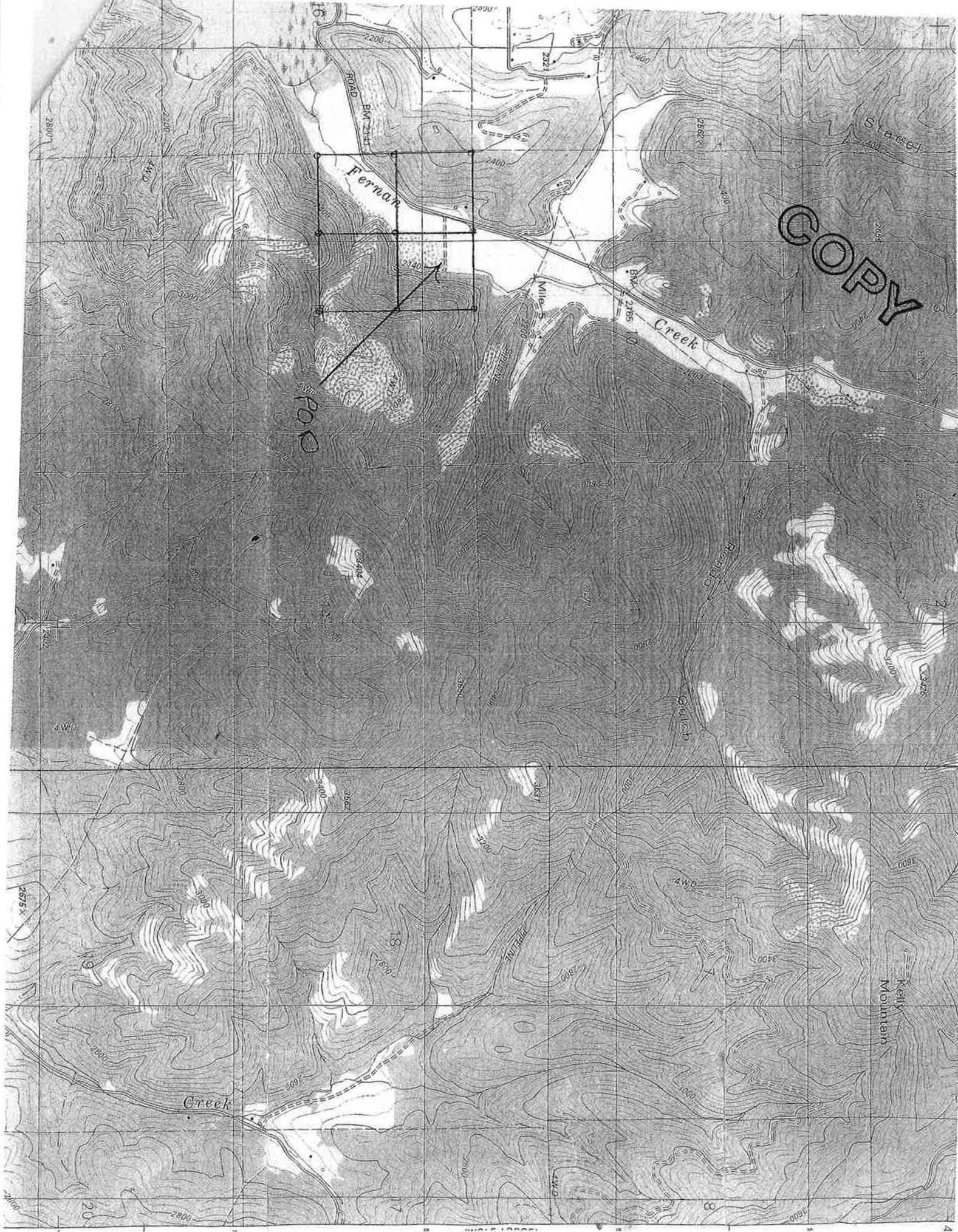
Date 2-8-10

RECEIVED

FEB 17 2010

IDWR / NORTH

Applicant Dusty Z





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

03/04/2010

MA DeATLEY CONSTRUCTION  
829 EVANS RD  
CLARKSTON WA 99403

RE: Temporary Permit No. TP-95-88

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-95-88 .

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.  
Regional Manager

Enclosure





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 2-18-10

TO: Mary Terra Berns

FROM: \_\_\_\_\_

FAX #: 208-769-1418

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:  
[www.idwr.state.id.us/info/forms.htm](http://www.idwr.state.id.us/info/forms.htm)

DOCUMENT DESCRIPTION:

Temp. Water Appropriation - DeArley Construction

TOTAL PAGES SENT: 4 PLUS (+) COVER SHEET

CONTACT:

Keith Franklin

(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.

THE CHARGE FOR YOUR FAX COPIES IS \$ \_\_\_\_\_

PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

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## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

February 17, 2010

MARY TERRA BERNES  
IDAHO DEPARTMENT OF FISH & GAME  
2885 KATHLEEN AVE.  
COEUR D' ALENE, ID 83815

Re: Application For a Temporary Approval of a Water Appropriation

Dear MARY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 5.0 acre-feet of water from a private spring, which is tributary to the Fernan Lake, by the M.A. DeAtley Construction Co. for road construction water. A copy of the application is attached for your reference. Essentially this is a renewal of a permit that was granted last year.

Would you please submit your comments no later than February 25, 2010? 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 permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to [keith.franklin@idwr.idaho.gov](mailto:keith.franklin@idwr.idaho.gov).

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin  
Water Resources Agent

Encl/kf

*No comments received.*  
*KF*

**FAXED**