

TP 95-65

Received by db Date 11/6/06 Time 1:35 p

\$50.00 fee received by db # N018015 Date 11/6/06

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 1 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 12/31/2006.
  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 6<sup>th</sup> day of November, 2006.

Robert G. Haynes  
For the Director

NOV 06 2006

IDWR/North

Indent. No. TP-95-65

Form 202a 11/99

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION  
(5 AF of less)

Name of Applicant BLACK ROCK UTILITIES Phone (208) 665-2005

Address P.O. Box 3070 COEUR D'ALENE, ID 83816

1. Source of water LAKE COEUR D'ALENE Tributary to SPOKANE RIVER

2. Location of point of diversion SW 1/4 NE 1/4 Sec. 16 Township 48N, Range 4W B.M.,  
County KOOTENAI

3. Location of place of use PORTION OF SEC 4, 5, 8 AND 9 LOCATED WITHIN BLACK ROCK NORTH PROJECT SITE AND  
ADJACENT LOFFS BAY ROAD.  
County KOOTENAI

4. Proposed use of water CONSTRUCTION WATER USAGE FOR DUST CONTROL AND MOISTURE  
CONDITIONING OF SOILS ON BLACK ROCK NORTH CONSTRUCTION SITE AND LOFFS  
BAY ROAD CONSTRUCTION PROJECT

5. Amount of water:

Maximum rate of diversion 1 cfs cfs or 448 GPM gpm.

Maximum daily volume .25 AC-FT AF; Total volume 5 AC-FT AF.

6. Duration of diversion: From 10/31/06 to 10/31/07  
Day-month Day-month

7. Proposed diverting works PIPELINE FROM EXISTING BLACK ROCK UTILITY IRRIGATION SYSTEM

8. Who owns the property at the requested point of diversion? BLACK ROCK DEVELOPMENT, INC.

9. Describe the arrangement allowing access to the water BLACK ROCK DEVELOPMENT ALLOWS BLACK ROCK  
UTILITIES TO CONVEY WATER VIA PIPELINE TO AN ON-SITE WATER STORAGE TANK.

10. Remarks INDIVIDUAL WATER TRUCKS WILL BE FILLED FROM THE ON-SITE WATER  
STORAGE TANK FOR USE ON THE CONSTRUCTION SITE.

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.

10-30-06  
Date

[Signature]  
Applicant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

11/06/2006

*Per Bob Haynes  
No need to send  
to 7-6 11/6/06  
db*

KYLE CAPPS AND ROGER NELSON  
BLACK ROCK UTILITIES  
PO BOX 3070  
COEUR D ALENE ID 83816

RE: Temporary Permit No. TP-95-65

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-95-65 .

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

Please note that the expiration date of this permit is **December 31, 2006**.

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

Sincerely,

Robert G. Haynes, P.E.  
Regional Manager

Enclosure

CC: Ronald G. Pace, P.E., Taylor Engineering, W 106 Mission Ave. Spokane, WA 99201



TAYLOR ENGINEERING, INC.  
*Civil Design and Land Planning*  
West 106 Mission Ave  
Spokane, WA 99201

## LETTER OF TRANSMITTAL

Voice Phone (509) 328-3371  
Fax: (509) 328-8224

RECEIVED  
NOV 06 2006  
IDWR/North

To: Bob Haynes, P.E.  
Idaho Department of Water Resources  
1910 Northwest Boulevard,  
Suite #210  
Coeur d'Alene, ID 83814

Date: October 31, 2006

From: Ronald G. Pace, P.E.

Re: Black Rock – Application for Temporary Approval of Water Appropriation

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Bob:

Attached is a completed application for Temporary Approval of Water Appropriation of Permit No. 95-9045 for Black Rock Utilities. The proposed application is to allow temporary use of Black Rock Utilities irrigation water for construction purposes on Black Rock North.

Please process this application and if you need any additional information, please do not hesitate to call.

Ron

Cc: Kyle Capps – Black Rock  
Roger Nelson – Black Rock