

TP-92-14

TP 92-14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

- ☐ A. The application for temporary approval should be denied because _____
- ☒ 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.
 5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

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 of the use of the water under this approval.
 3. This approval authorizes a maximum diversion volume of 0.23 AF and a maximum rate of diversion of 0.22 cfs.
 4. This approval does not grant a right-of-way across the land of another.
 5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
 6. Water shall not be diverted under this right when flows in the St. Maries River are below minimum flow amounts as defined by Right 92-7200. The right holder shall be responsible for monitoring the daily flow of the St. Maries River using real-time data and shall cease diverting water when flows in the St. Maries River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey St. Maries near Santa gauging station, No. 12414900, may be used for purposes of determining the daily flow amounts. This approval does not create a continuing right to use water.
 7. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
 8. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
 9. 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. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
 11. Direct discharge of waste water/slurry is not authorized under this approval.
 12. A copy of the approved permit MUST be with pump when diverting.
 13. Other: _____
 14. This approval expires on 20 NOVEMBER 2020.

Signed this 22nd day of July, 2020.


Adam Frederick, Water Right Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 22, 2020

LARIVIERE INC.
17564 N DYLAN CT
RATHDRUM ID 83858-8328

RE: Application for Temporary Approval of Water Use: TP-92-14

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on November 20, 2020**. The expiration date cannot be extended under this temporary approval.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you.

If you require additional information regarding this matter, please call me at (208) 762-2800 or email me at luke.bates@idwr.idaho.gov

Sincerely,

A handwritten signature in blue ink, appearing to read 'Luke Bates'.

Luke Bates
Water Resource Agent.

Enclosure(s) Copy of Application

Bates, Luke

From: Bates, Luke
Sent: Tuesday, July 14, 2020 12:33 PM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'merritt.horsmon@idfg.idaho.gov'
Subject: IDWR Temporary Approval
Attachments: LaRiviere Inc Temp Application for Water Use - Shoshone County.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.23 acre-feet of water from Staples Creek, for dust control and construction needs, by LaRiviere Inc. A copy of the application is attached for your reference. **NOTE:** this is a separate temporary permit than that of email sent for same applicant on 13July2020.

Would you please submit your comments no later than **July 21, 2020**. 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.

Please send comments to Luke Bates by FAX to 208-762-2819, or by e-mail to luke.bates@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at the Northern Region Office (208) 762-2800.

Thank you,

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov

RECEIVED

JUL 14 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIDWR / NORTH **APPLICATION FOR TEMPORARY APPROVAL OF WATER USE**For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant LaRiviere Inc. Phone (208) 683-2646
 Mailing address 17564 N Dylan court City Rathdrum
 State Id Zip 83858 Email thomas@lariviere.co
 1. Source of water Staples Creek Saint Maries River tributary to Saint Maries River
 2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

| TWP | RGE | SEC | GOVT LOT | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|----------|--|---------------------|
| 43N | 01E | 25 | | | NW | NW | Shoshone | <u>Staples creek</u> <u>Saint Maries R.</u> | |

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 43N | 01E | 25 | | | | | | I | I | | | | | | | | | | |

4. Proposed use of water:

- a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation
☐ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Dust control and construction use

b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

- a. Maximum rate of diversion: _____ cfs; or 100 gpm.
 b. Maximum daily volume: _____ AF; or 1,500 gallons.
 c. Maximum volume over the duration of the request: _____ AF; or 75,000 gallons.

6. Duration of diversion: from 8/20/2020 (month-day) to 11/20/2020 (month-day).

7. Describe proposed diverting works: pump from creek to water truck

8. a. Who owns the property at the requested point of diversion? ITD
 b. Who owns the facilities that will convey water to the place of use? LaRiviere Inc
 c. Who owns the land to be irrigated or place of use? ITD
 d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. _____

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

[Signature] Project Manager 7/13/2020
 Signature of Applicant Title, if any Date

Received by _____ Date _____ Time _____
 \$50.00 fee received by JA # N036256 Date 7-14-2020
 Watermaster comments received? _____ Date _____

