

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 0.2 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. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
  7. This approval does not create a continuing right to use water.
  8. 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.
  9. 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.
  10. 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.
  11. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
  12. Direct discharge of waste water/slurry is not authorized under this approval.
  13. A copy of the approved permit MUST be with pump when diverting.
  14. Other: \_\_\_\_\_
  15. This approval expires on 30 September 2020

Signed this 21<sup>st</sup> 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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

July 21, 2020

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

RE: Application for Temporary Approval of Water Use: TP-98-46

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** September 30, 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](mailto:Luke.Bates@idwr.idaho.gov).

Sincerely,

Luke Bates  
Water Resource Agent.

Enclosure(s) Copy of Application

## Bates, Luke

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**From:** Chantilly.Higbee@deq.idaho.gov  
**Sent:** Monday, July 20, 2020 12:11 PM  
**To:** Bates, Luke  
**Subject:** RE: IDWR Temporary Approval

DEQ's Surface Water department has no comment on the application.

Thank you for the opportunity,

Chantilly



**Chantilly Higbee | Water Quality Compliance Officer**  
Idaho Department of Environmental Quality  
2110 Ironwood Parkway  
Coeur d'Alene, Idaho 83814  
Office: (208) 666-4605  
<http://www.deq.idaho.gov/>

*Our mission is to protect human health and the quality of Idaho's air, land, and water.*

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**From:** Bates, Luke [mailto:Luke.Bates@idwr.idaho.gov]  
**Sent:** Monday, July 13, 2020 3:33 PM  
**To:** meritt.horsmon@idfg.idaho.gov; Chantilly Higbee  
**Subject:** IDWR Temporary Approval

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 Round Prairie Creek, for dust control and construction needs, by LaRiviere Inc. A copy of the application is attached for your reference.

Would you please submit your comments no later than **July 20, 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](mailto: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](mailto:Luke.bates@idwr.idaho.gov)

## Bates, Luke

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**From:** Bates, Luke  
**Sent:** Monday, July 13, 2020 3:33 PM  
**To:** 'merritt.horsmon@idfg.idaho.gov'; 'Chantilly.Higbee@deq.idaho.gov'  
**Subject:** IDWR Temporary Approval  
**Attachments:** LaRiviere Inc Temporary Application for Water Use.pdf

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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](mailto:Luke.bates@idwr.idaho.gov)

JUL 13 2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESID No. TP 98-46

## IDWR / NO 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 (801) 683-2646  
Mailing address 17564 N Dylan court City Rathdrum  
State Idaho Zip 83858 Email thomas@lariviere.co

1. Source of water Round Prairie Creek tributary to Hellroaring Creek
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 #
65N	2E	30	4		sw	sw	Boundary	<u>Round Prairie Cr.</u>	
65N	2E				se	sw	Boundary	<u>Round Prairie Cr.</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	
65N	2E	30											1						
65N	2E	30											1					4	

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, 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 7/24/2020 (month-day) to 9/30/2020 (month-day).

7. Describe proposed diverting works: pump from creek to watertruck

8. a. Who owns the property at the requested point of diversion? Idaho Department of Transportation  
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 [Signature] # NO36252 Date 7-13-2020  
Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_



