



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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 4, 2014

KIM OLSEN - ENVIRONMENTAL COORDINATOR  
YELLOWSTONE PIPE LINE COMPANY  
2626 LILLIAN AVE  
BILLINGS MT 59101

COPY

RE: Temporary Permit No. TP-94-151

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-94-151.

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

The Idaho Department of Fish & Game (IDFG) now requires a Special Use Permit if their property is to be used for a point of diversion.

To contact IDFG in Coeur d'Alene, call 208-769-1414; and in Lewiston, call 208-799-5010.

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

Sincerely,

A handwritten signature in blue ink that reads "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin  
Program Manager

Enclosure Copy of TP-94-151

RECEIVED

NOV 06 2014

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ID No.

TP-94-151

**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: Yellowstone Pipe Line Company - Kim Olsen, Env. Coordinator Phone: (406) 255-5714  
 Mailing address: 2626 Lillian Ave City: Billings  
 State Montana ZIP 59101 Email: kim.a.olsen@p66.com

1. Source of water: Mill Creek tributary to 4th of July Creek  
 2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
49N	1W	8		SE	SW	SW	Kootenai	Mill Creek	

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	1W	8	SE	SW	SW														

4. Describe proposed use of water The water will be used in drilling operations for geotechnical sampling . The drilling method used will be a closed system so used water will be recirculated and when no longer used will be discharged overland into a filtered containment system. Approximate use = 25 gpm or less per day over 2 days.
5. Amount of water:  
 Maximum rate of diversion \_\_\_\_\_ cfs or Average 5 or less gpm.  
 Maximum daily volume 0.02 AF; total volume .06 AF.
6. Duration of diversion: from Nov 1, 2014 (day-month) to Nov 3, 2014, 2-3 days (day-month).
7. Describe proposed diverting works: Water will be siphoned using a portable diesel pump stored upland
8. a. Who owns the property at the requested point of diversion? Idaho Transportation Dept.  
 b. Who owns the land to be irrigated or place of use? Idaho Transportation Dept, Yellowstone Pipe Line Utility Easement  
 c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:  
Encroachment application has been submitted to ITD.
9. Additional remarks: Water usage rates may vary depending on drilling rates and loss of water within the formation while drilling.

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.

Kim Olsen  
 Signature of applicant

10/8/14  
 Date

Received by db Date 10/14/14 Time \_\_\_\_\_  
 \$50.00 fee receipted by db # N030890 Date 10/14/14  
 Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_

TP-94-151

## 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.

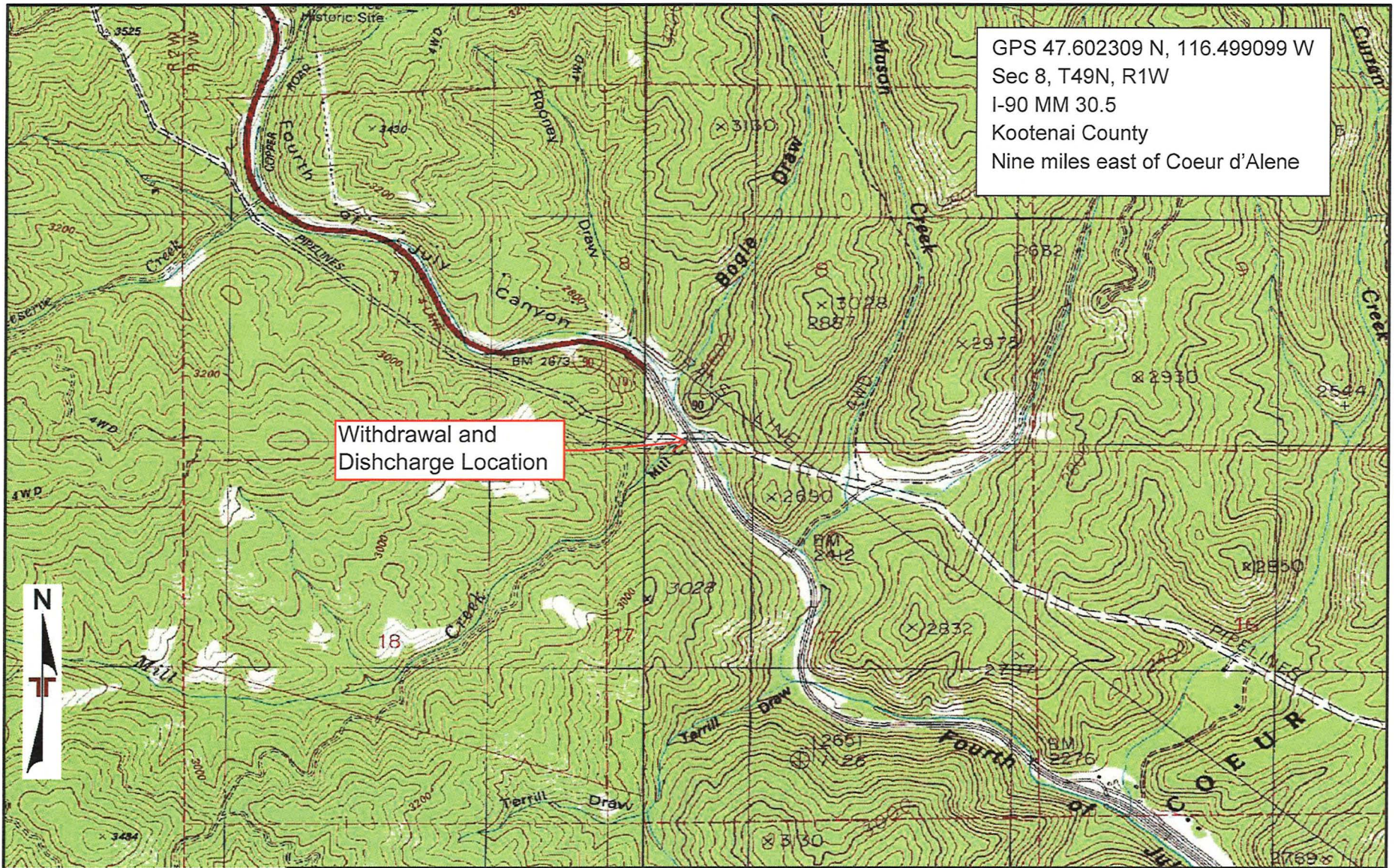
This application is therefore hereby:

- ☐ 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 0.06 AF and a maximum rate of diversion of 0.01 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 does not create a continuing right to use water.
  7. 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.
  8. 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.
  9. The Idaho Department of Fish & Game (IDFG) now requires a Special Use Permit if their property is to be used for a point of diversion. IDFG contact in Coeur d'Alene ~ 208-769-1414, and in Lewiston ~ 208-799-5010.
  10. This approval expires on 12/31, 2014.

Signed this 4 day of Nov., 2014.

  
Manager, Northern Region  
For the Director





Withdrawal and  
Discharge Location

GPS 47.602309 N, 116.499099 W  
Sec 8, T49N, R1W  
I-90 MM 30.5  
Kootenai County  
Nine miles east of Coeur d'Alene



TOPOGRAPHIC MAP IMAGE COURTESY OF  
THE U.S. GEOLOGICAL SURVEY  
QUADRANGLES INCLUDE: LANE, ID  
(1/1/1996) and ROSE LAKE, ID (1/1/1996).

DIAGRAM IS FOR GENERAL LOCATION ONLY,  
AND IS NOT INTENDED FOR CONSTRUCTION  
PURPOSES

Project Manager: DCN  
Drawn by: AJT  
Checked by:  
Approved by: DCN

Project No. 26145013  
Scale: 1:24,000  
File Name:  
Date: 10/1/2014

**Terracon**

2110 Overland Ave. Suite 124  
Billings, MT 59102

**SITE LOCATION**

Fourth of July Pass – Geotech Drilling – MP 486.5  
Yellowstone Pipe Line Company  
Kootenai County ID

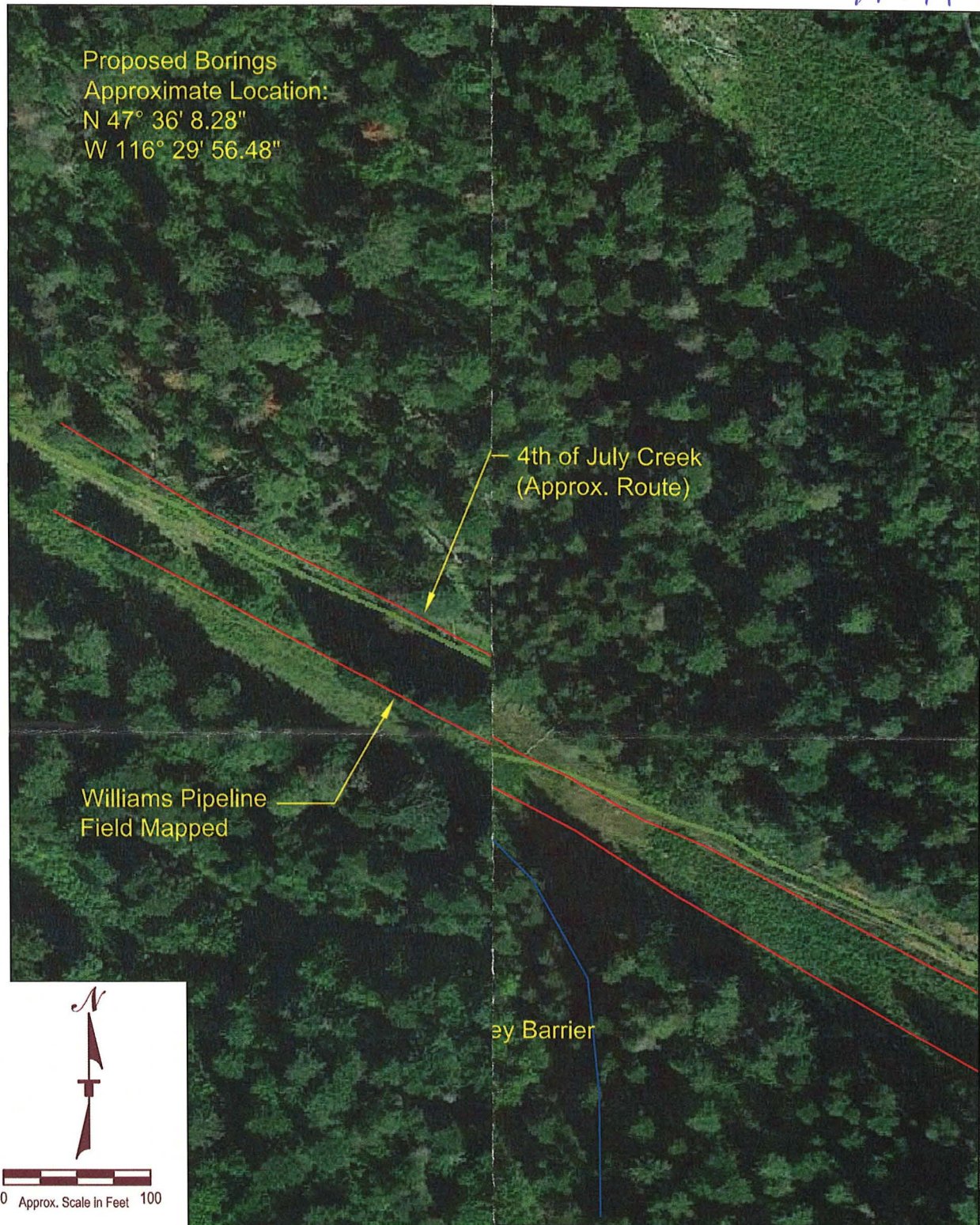
**Exhibit**

A-1

TP-94-157



TP-94-157



REV.	DATE	BY	DESCRIPTION

DESIGNED BY:	ATorres
DRAWN BY:	ATorres
APPVD. BY:	DNebel
SCALE:	As Shown
DATE:	September 2014
JOB NO.	26145013
FILE NAME:	486.5 4th July Crk.dwg
SHEET NO.:	1 OF 1

Idaho





October 8, 2014

Mr. Keith E. Franklin  
Idaho Department of Water Resources  
7600 Mineral Dr., Suite 100  
Coeur d'Alene, ID 83815  
**Certified Mail No. 7014 0510 0001 3399 8803**

**Mike S. Miller**

Division Pipeline Manager  
Phillips 66 – Billings Division  
2626 Lillian Ave.  
Billings, MT 59101  
(406) 255-5727 Office  
(406) 255-5734 Fax  
Mike.S.Miller@p66.com

RECEIVED  
OCT 14 2014  
IDWR / NORTH

Subject: **Application for Temporary Approval of Water Appropriation  
Yellowstone Pipe Line Company (YPL)  
YPL 10" Pipeline – Fourth of July Pass Geotech Drilling MP 486.5**

Dear Mr. Franklin:

The Yellowstone Pipe Line Company owns the 10" refined petroleum products pipeline that crosses under Interstate 90 about 9 miles west of Coeur d'Alene, Idaho. Phillips 66 Pipeline LLC is the operator of the pipeline, and is submitting this application on YPL's behalf.

Please find enclosed the application, required processing fee, and supporting information for Temporary Approval of Water Appropriation submitted by Yellowstone Pipe Line Company. The water would be withdrawn from Mill Creek and used for geotechnical drilling that is needed to prepare a design for a pipeline replacement scheduled for 2015.

As identified on the attached map and detail sheet, the water will be diverted from the north side of Mill Creek at an established turnout on I-90 at approximate Mile Marker 30.5 where Mill Creek crosses under the interstate. The coordinates for the diversion point are 47.602309° N. 116.499099° W. The actual amount of water to be diverted is expected to average less than 5 gallons per minute on a daily basis for a maximum of two working days. The water would be diverted using a portable diesel pump with a screened intake.

Water to be used for the geotechnical drilling will be pumped into a portable tank at the same rate and recirculated. When the water is no longer needed at the end of the drilling project, it will be discharged overland into a filtered containment area on the Interstate right-of-way and allowed to infiltrate into the ground. It is expected that approximately 2,000 gallons or 0.02 acre feet of water will be needed to complete the geotechnical drilling.

Temporary Water Appropriation Application  
Yellowstone Pipe Line – 4<sup>th</sup> of July Pass Geotech Drilling  
October 8, 2014  
Page 2

If you have any questions or require additional information, please do not hesitate to contact me or Dan Nebel with Terracon Consultants (406.656.3072), our agent for this permit application, at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Miller", with a stylized, flowing script.

Mike Miller  
Division Pipeline Manager  
Phillips 66 Pipeline LLC

Attachments:

Temporary Approval of Water Appropriation Application  
Location Map  
Withdrawal/Discharge Location Map  
Check for \$50.00 application fee.

Cc: Dan Nebel, Terracon Consultants, Inc.

## Franklin, Keith

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**From:** Franklin, Keith  
**Sent:** Thursday, October 23, 2014 1:42 PM  
**To:** 'Terra Berns, Mary'  
**Subject:** Temporary Water Appropriation Application  
**Attachments:** DOC002.pdf

Mary,

Attached for your review and comment, please find an application to temporarily appropriate water from Mill Creek for drilling purposes by the Yellowstone Pipeline Co. If you have any questions, don't hesitate to give me a call.

Thanks.

Keith.





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

October 23, 2014

MARY TERRA BERNIS  
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 0.06 acre-feet of water from Mill Creek which is tributary to 4th of July Creek, for drilling operations, by the Yellowstone Pipe Line Co. A copy of the application is attached for your reference.

Would you please submit your comments no later than October 30, 2014? 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 above address, by FAX to 208-762-2819 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  
Program Manager, Northern Region

Encl/kf

*No comments received as of  
11/4/14. KJ*