



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)

06/04/2013

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

RECEIVED

JUN 07 2013

DEPARTMENT OF  
WATER RESOURCES

NORTH WIND CONSTRUCTION SERVICES  
1176 BIG CREEK RD  
KELLOGG ID 83837

RE: Temporary Permit No. TP-94-136

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-94-136.

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

The 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 person is Mary Terra-Berns at 208-769-1414.

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

Sincerely,

Keith E. Franklin  
Program Manager

Enclosure    Copy of TP-94-136  
                  Receipt No. C097184

RECEIVED

MAY 20 2013

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 23 2013

IDWR/NORTH

ID No.

TP-94-136

JUN 07 2013

DEPARTMENT OF  
WATER RESOURCES

## 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: NORTH WIND CONSTRUCTION SERVICES Phone: 208-783-1069  
 Address: 1176 BIG CREEK RD., KELLOGG, ID 83837 Email: kredmond@northwindgrp.com  
 1. Source of water: EAST FORK NINE MILE tributary to SOUTH FORK CDA RIVER

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 | 5E  | 32  |          | NW  | SE  | SW  | SHOSHONE | E.F. NINE MILE |                     |
| 48N | 5E  | 7   |          | NE  | NW  | NW  | SHOSHONE | E.F. NINE MILE |                     |

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 |        |
| 48N | 5E  | 5   |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

4. Describe proposed use of water: DUST CONTROL FOR CDA TRUST CONSTRUCTION PROJECT. TITLED "EAST FORK NINE MILE WASTE COLLECTION AREA"

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 250 gpm. (20,000 GAL/DAY)Maximum daily volume 0.06 AF; total volume 5.0 AF.

6. Duration of diversion: from 6/15/13 to 11/30/13  
 Day-month Day-month

7. Describe proposed diverting works: 3" PUMP FROM STREAM CROSSING (ROAD)8. a. Who owns the property at the requested point of diversion? MINE VENTURES, LLC.b. Who owns the land to be irrigated or place of use? CDA TRUST

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

ACCESS AGREEMENTS BETWEEN CDA TRUST AND LANDOWNERS.9. Additional remarks: ALL ACCESS TO WATER IS FROM PUBLIC ROADS.

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.

Kenn M. Redmond  
 Signature of applicant

5/15/13  
 Date

Received by HP Date 5-20-13 Time 12:15\$50.00 fee receipted by HP # 0097184 Date 5-20-13

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 0.56 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. 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.
  9. This approval expires on 11/30/13.

Signed this 3 day of June, 2013.

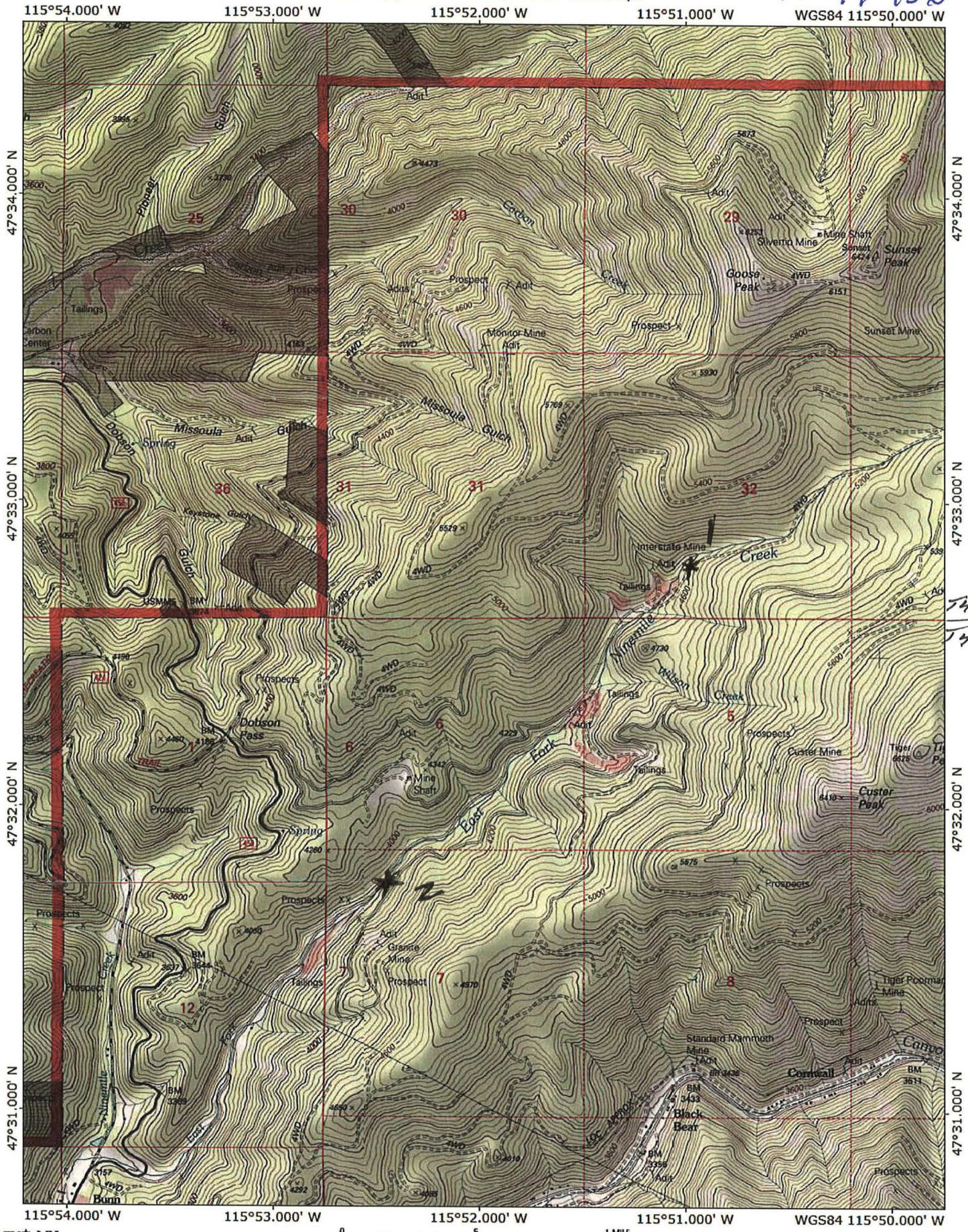
  
For the Director



RSE

TP-94-136

TOPO! map printed on 05/15/13 from "Untitled.tpc"



T49N  
T48N

TN\* MN  
15 1/2°





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 23, 2013

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 5.0 acre-feet of water from the East Fork of Nine Mile Creek, which is tributary to the South Fork of the Coeur d'Alene River, for dust control purposes, by North Wind Construction Services. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 30, 2013? 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 as of  
6/3/13. KF*

## Franklin, Keith

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**From:** Franklin, Keith  
**Sent:** Thursday, May 23, 2013 3:31 PM  
**To:** 'Terra Berns,Mary'  
**Attachments:** DOC.pdf

Mary,

Attached is a temporary water appropriation application for dust control from the East Fork of Nine Mile Creek, by North Wind Construction Services for your review and comment.

Thanks.

Keith.