

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 0.46 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 31 OCTOBER 2020.

Signed this 14<sup>th</sup> day of May, 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

May 14, 2020

M.A. DEATLEY CONSTRUCTION  
829 EVANS RD  
CLARKSTON WA 99403-9701

RE: Application for Temporary Approval of Water Use: TP-85-54

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** October 31, 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:** Bates, Luke  
**Sent:** Wednesday, May 6, 2020 11:56 AM  
**To:** 'Sujata.Connell@deq.idaho.gov'; 'zachary.swearingen@idfg.idaho.gov'  
**Subject:** IDWR Temporary Approval  
**Attachments:** M.A. DeAtley Construction Application for Temporary Approval of Water Us....pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.03 acre-feet of water from East Fork Ninemile Creek (EFNM), for dust control, 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 13, 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 regular mail to the address below, by FAX to 208-762-2819 or by e-mail to [luke.bates@idwr.idaho.gov](mailto:luke.bates@idwr.idaho.gov).

Idaho Department of Water Resources  
7600 N. Mineral Dr., Suite 100  
Coeur d' Alene, ID 83815-7763

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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**To:** Cody Brown  
**Subject:** RE: IDWR application for temp approval of water use

**From:** Cody Brown [mailto:codyb@madcon.net]  
**Sent:** Wednesday, May 6, 2020 11:17 AM  
**To:** Bates, Luke <Luke.Bates@idwr.idaho.gov>  
**Subject:** Re: IDWR application for temp approval of water use

Luke,

No problem on that one. I think you are correct that my application from last year states NENE.

On Wed, May 6, 2020 at 10:54 AM Bates, Luke <[Luke.Bates@idwr.idaho.gov](mailto:Luke.Bates@idwr.idaho.gov)> wrote:

Cody,

To clarify, you are good with NENE as the location?

v/r,

Luke

**From:** Cody Brown [mailto:[codyb@madcon.net](mailto:codyb@madcon.net)]  
**Sent:** Wednesday, May 6, 2020 10:40 AM  
**To:** Bates, Luke <[Luke.Bates@idwr.idaho.gov](mailto:Luke.Bates@idwr.idaho.gov)>  
**Subject:** Re: IDWR application for temp approval of water use

Luke,

Yes I believe you have it right with just the E & N.

On Wed, May 6, 2020 at 10:23 AM Bates, Luke <[Luke.Bates@idwr.idaho.gov](mailto:Luke.Bates@idwr.idaho.gov)> wrote:

Good morning M.A. DeAtley Construction Representative.

IDWR receive your application for Temporary Approval of Water Use. I need to clarify the POD location, as on your application you did not put cardinal directions in your Q¼Q¼ designation as seen below:

TWP	RGE	SEC	GOVT LOT	¼	¼	¼
33N	2W	6	1		E	N

From the map included with your application, I note your Point of diversion is in the NENE Government Lot 1. As such, did you mean for your Q¼Q¼ to read NENE versus "E N" as shown above. Example of what I believe your intended POD location is:

Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source
33N	2W	6	1		NE	NE	LEWIS	LAPWAI LAKE

I've attached a copy of your application for reference, as well as a map product that I would like to verify as the POD.

Please respond by email with the clarification. This will enable me to process your application.

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)

MAY 04 2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

IDWR / 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 M.A. DeAtley Construction Phone (509) 751-1580 ext.239  
Mailing address 829 Evans Rd. City Clarkston  
State WA Zip 99403 Email codyb@madcon.net

1. Source of water Lapwai Lake tributary to Lapwai 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 #
33N	2W	6	1		E	N	Lewis	Lapwai Lake	Near Spillway

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	

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

- 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 9000 gallons.  
c. Maximum volume over the duration of the request: \_\_\_\_\_ AF; or 150,000 gallons.

6. Duration of diversion: from 5/1/2020 (month-day) to 10/31/2020 (month-day).

7. Describe proposed diverting works: Portable Pump to Watertruck

8. a. Who owns the property at the requested point of diversion? M.A. DeAtley Constuction  
b. Who owns the facilities that will convey water to the place of use? Lewis County  
c. Who owns the land to be irrigated or place of use? \_\_\_\_\_  
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.

CB Signature of Applicant Field Engineer Title, if any 4/30/2020 Date

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
\$50.00 fee received by ya # N036049 Date 5-4-2020  
Watermaster comments received? \_\_\_\_\_ Date \_\_\_\_\_



# Untitled Map

Write a description for your map.

## Legend

-  Water Access Area
-  Winchester



Google Earth

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