

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 0.52 AF and a maximum rate of diversion of 0.94 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 26 JUNE 2020.

Signed this 11th 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

Brad Little
Governor

Gary Spackman
Director

May 11, 2020

NOBLE EXCAVATING INC
PO BOX 1592
LIBBY MT 59923-1592

RE: Application for Temporary Approval of Water Use: TP-96-118

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** June 26, 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,

Luke Bates
Water Resource Agent

Enclosure(s) Copy of application

Bates, Luke

From: Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
Sent: Friday, May 8, 2020 10:56 AM
To: Bates, Luke
Subject: RE: IDWR Temporary Approval

Hi Luke,

The Idaho Department of Fish and Game has no comments to submit for this application.

Thank you for the opportunity.

From: Bates, Luke <Luke.Bates@idwr.idaho.gov>
Sent: Friday, May 8, 2020 8:26 AM
To: Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Chantilly.Higbee@deq.idaho.gov
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 0.52 acre-feet of water from Lake Pend Oreille for dust suppression of haul route, by Noble Excavating, Inc. A copy of the application is attached for your reference.

Would you please submit your comments no later than **May 14, 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.

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

Bates, Luke

From: Chantilly.Higbee@deq.idaho.gov
Sent: Friday, May 8, 2020 7:44 AM
To: Bates, Luke; merritt.horsmon@idfg.idaho.gov
Subject: RE: IDWR Temporary Approval

Hello Luke,

DEQ has no comment on the proposed work.

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.

From: Bates, Luke [mailto:Luke.Bates@idwr.idaho.gov]
Sent: Friday, May 8, 2020 7:26 AM
To: merritt.horsmon@idfg.idaho.gov; Chantilly Higbee
Subject: IDWR Temporary Approval

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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

Bates, Luke

From: Bates, Luke
Sent: Friday, May 8, 2020 7:26 AM
To: 'merritt.horsmon@idfg.idaho.gov'; 'Chantilly.Higbee@deq.idaho.gov'
Subject: IDWR Temporary Approval
Attachments: Noble Excavating Inc. Application for Temporary Approval of Water Use.pdf

Dear Interested Agencies:

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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

ID No. 96-118

MAY 07 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR/NORTHERN

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 SIMON WILSON (NOBLE EXCAVATING, INC) Phone (406) 293-8824Mailing address PO BOX 1592 City LIBBYState MT Zip 59923 Email swilson@nobleexcavating.com1. Source of water LAKE PONDERAY (AKA LAKE PEND OREILLE) tributary to N/A2. 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 #
57N	2W	26	1	NW	NW		BONNER	LAKE PEND OREILLE	DOG BEACH
								48.265631, 116.537347	

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	
57N	2W	26						X											

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 SUPPRESSION OF HAUL ROUTEb. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.
DUST SUPPRESSION BY WATER TRUCK WILL BE LIMITED TO DAYS WITH VISIBLE DUST ON HAUL ROUTE. ONLY ENOUGH WATER TO CONTROL DUST WILL BE APPLIED.

5. Amount of water. Complete all three:

a. Maximum rate of diversion: _____ cfs; or 423 gpm. THERE WILL BE DAYS WITH 0 GALLONS USED.b. Maximum daily volume: _____ AF; or 4800 gallons.c. Maximum volume over the duration of the request: _____ AF; or 16,000 gallons.6. Duration of diversion: from MAY 11 (month-day) to JUNE 26 (month-day).7. Describe proposed diverting works: PORTABLE 4" PUMP FITTED WITH SCREEN ON INTAKE PUMPING INTO WATER TRUCK.8. a. Who owns the property at the requested point of diversion? ALL WORK WITHIN BNSF PROPERTYb. Who owns the facilities that will convey water to the place of use? BNSF CONTRACTOR - NOBLE EXCAVATING, INCc. Who owns the land to be irrigated or place of use? BNSFd. 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. BNSF CONTRACTOR - NOBLE EXCAVATING, INC. OWNS THE PUMPS, HOSES & WATER TRUCK

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 of Applicant

Title, if any

05/04/2020

Date

Received by _____

Date _____

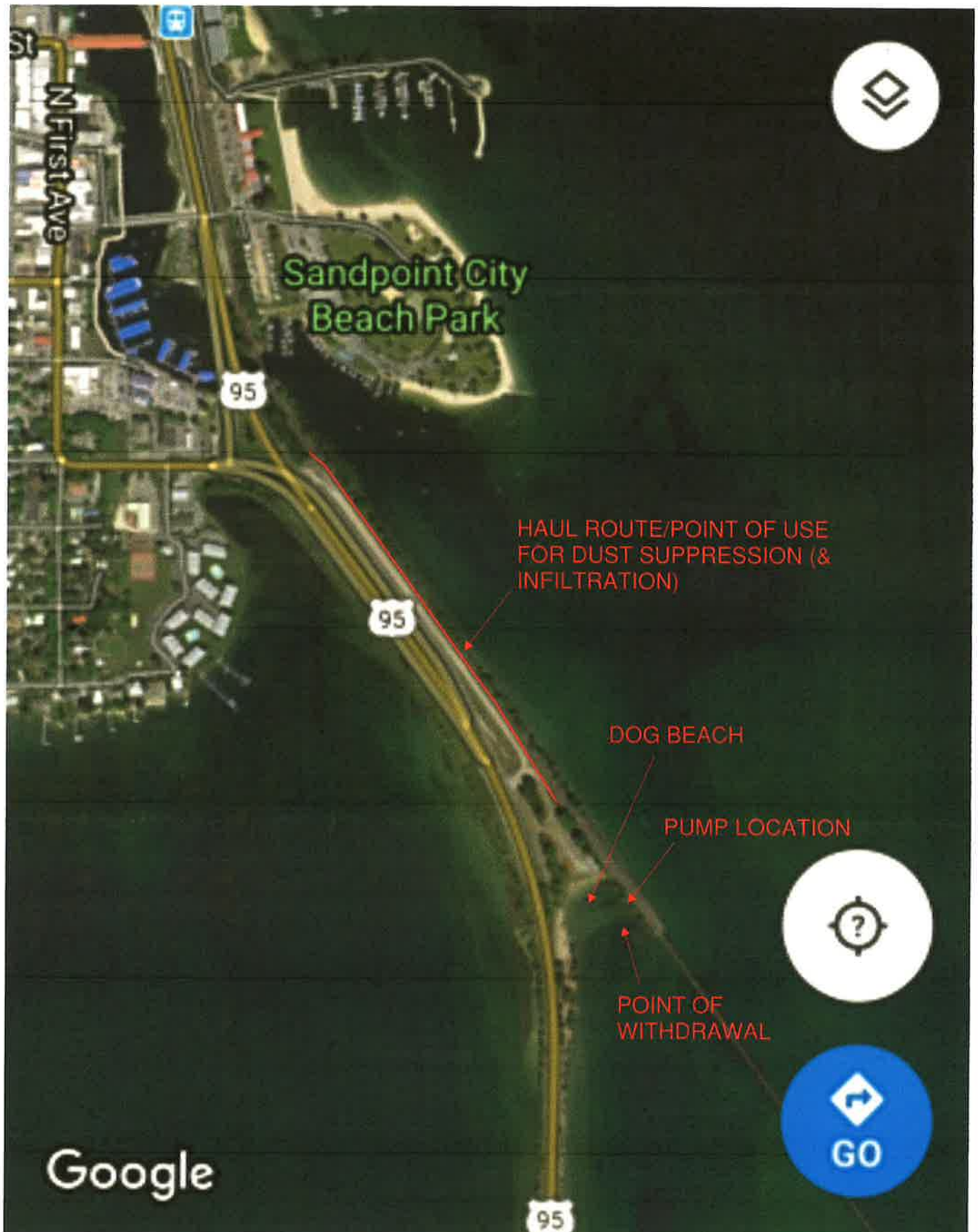
Time _____

\$50.00 fee receipted by IL# ND31e061Date 5-7-2020

Watermaster comments received? _____

Date _____

SITE OVERVIEW



NOBLE EXCAVATING, INC. APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

PHOTOS OF KEY WORK AREAS AND EQUIPMENT TO BE USED



NOBLE EXCAVATING, INC. APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

PHOTOS OF KEY WORK AREAS AND EQUIPMENT TO BE USED



WATER TRUCK WITH 2400 GALLON CAPACITY TANK



FISH SCREEN AT PUMP INTAKE