

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TP 97-39

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 0.23 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. Water shall not be diverted under this right when flows in the St. Maries River are below minimum flow amounts as defined by Right 92-7200. The right holder shall be responsible for monitoring the daily flow of the St. Maries River using real-time data and shall cease diverting water when flows in the St. Maries River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey St. Maries near Santa gauging station, No. 12414900, may be used for purposes of determining the daily flow amounts. This approval does not create a continuing right to use water.
  7. 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.
  8. 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.
  9. 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.
  10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
  11. Direct discharge of waste water/slurry is not authorized under this approval.
  12. A copy of the approved permit MUST be with pump when diverting.
  13. Other: \_\_\_\_\_
  14. This approval expires on 20 August 2020.

Signed this 6th day of May, 2020.

  
Adam Frederick, Water Right Supervisor

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**RECEIVED 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) 514-2343Mailing address 17564 N Dylan Ct.City RathdrumState IdahoZip 83858Email Thomas@lariviere.co1. Source of water Santa creek tributary to St. Maries river2. 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 #
44N	02W	24			NW	NW	Benewah	Santa Creek	

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	
44N	02W	24						I											
44N	02W	24					I												

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 and construction needs

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 May 6th (month-day) to August 20th (month-day).7. Describe proposed diverting works: pump from the creek with screened intake8. a. Who owns the property at the requested point of diversion? Idaho Department of Transportationb. 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? Idaho Department of Transportation

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 of Applicant

Project Manager

4/29/2020

Title, if any

Date

Received by LBDate 4-27-2020

Time

\$50.00 fee receipted by \_\_\_\_\_

# NO 36032

Date

4-27-2020

Watermaster comments received? \_\_\_\_\_

Date

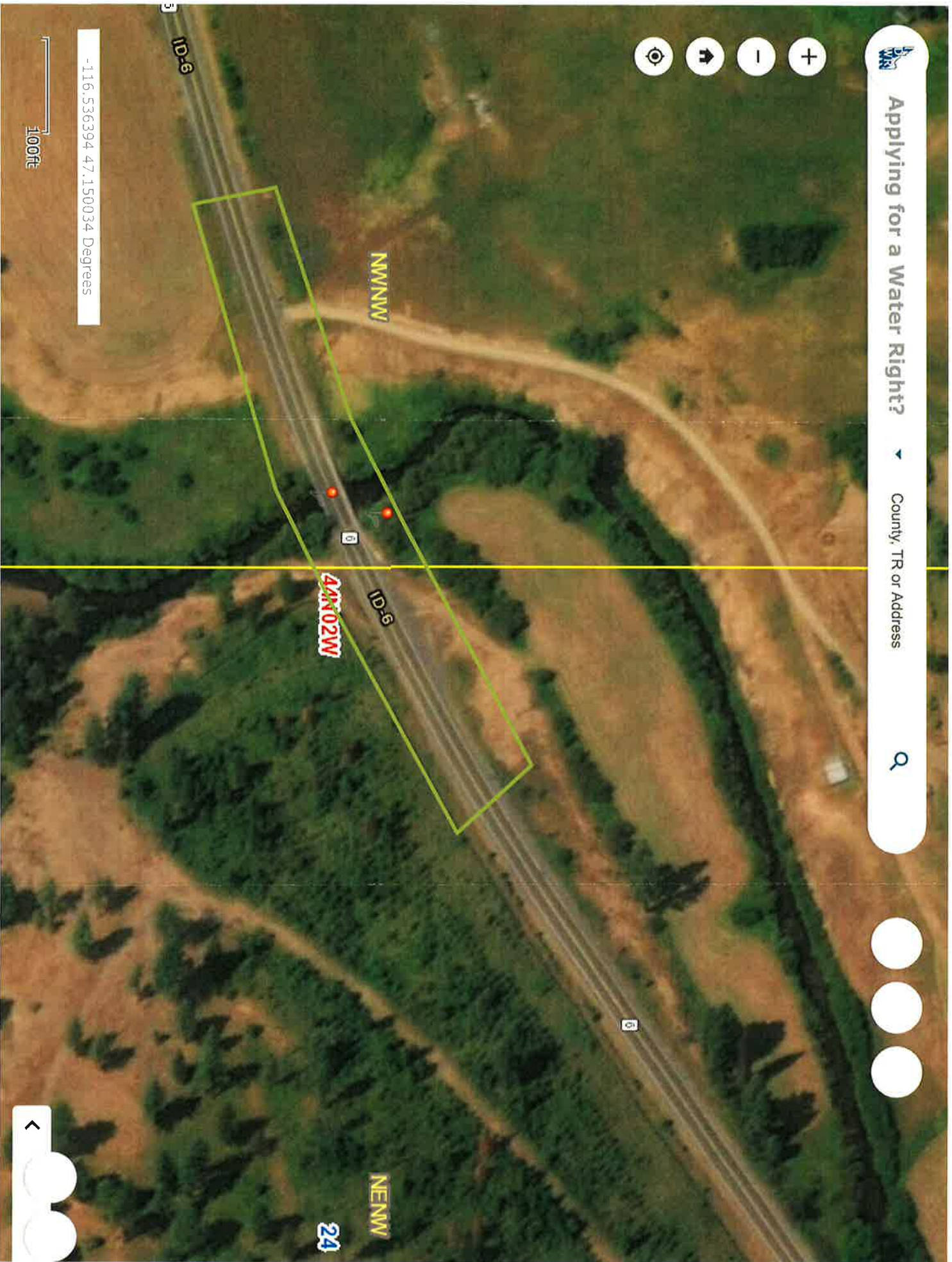




Applying for a Water Right?



County, TR or Address



-116.536394 47.150034 Degrees





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 6, 2020

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

RE: Application for Temporary Approval of Water Use: TP-97-39

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** August 20, 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

---

**From:** Frederick, Adam  
**Sent:** Wednesday, April 29, 2020 2:44 PM  
**To:** Bates, Luke  
**Subject:** FW: Request for Comments on Temporary Water Use

**From:** Chantilly.Higbee@deq.idaho.gov [mailto:Chantilly.Higbee@deq.idaho.gov]  
**Sent:** Wednesday, April 29, 2020 1:13 PM  
**To:** Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>; Frederick, Adam <Adam.Frederick@idwr.idaho.gov>  
**Subject:** RE: Request for Comments on Temporary Water Use

Thank you Tammy, I don't have any concerns about water intake at this location. 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:** Alleman, Tammy [mailto:[Tammy.Alleman@idwr.idaho.gov](mailto:Tammy.Alleman@idwr.idaho.gov)]  
**Sent:** Wednesday, April 29, 2020 11:38 AM  
**To:** Horsmon, Merritt; Chantilly Higbee  
**Subject:** RE: Request for Comments on Temporary Water Use

Here is the corrected version. My apologies!

**From:** Alleman, Tammy  
**Sent:** Wednesday, April 29, 2020 11:33 AM  
**To:** 'Horsmon, Merritt' <[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)>; 'Chantilly.Higbee@deq.idaho.gov' <[Chantilly.Higbee@deq.idaho.gov](mailto:Chantilly.Higbee@deq.idaho.gov)>  
**Subject:** Request for Comments on Temporary Water Use

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding this application to temporarily appropriate 75,000 gallons of water each from Santa Creek listed on the application, for dust control and construction project, by LaRiviere, LLC. A copy of the applications is attached for your reference.

Would you please submit your comments no later than May 6<sup>th</sup>, 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.

**Alleman, Tammy**

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**From:** Alleman, Tammy  
**Sent:** Monday, April 27, 2020 8:41 AM  
**To:** 'Sujata.Connell@deq.idaho.gov'; 'Swearingen,Zachary'  
**Subject:** Request for Comments on Temporary Water Use  
**Attachments:** LaRiviere Inc Temporary Water Use on Santa Creek.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding this application to temporarily appropriate 75,000 gallons of water each from Santa Creek listed on the application, for dust control and construction project, by LaRiviere, LLC. A copy of the applications is attached for your reference.

Would you please submit your comments no later than May 4<sup>th</sup>, 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 Adam Frederick by regular mail to the above address, by FAX to 208-762-2819 or by e-mail to [adam.frederick@idwr.idaho.gov](mailto:adam.frederick@idwr.idaho.gov).

If you have any questions, don't hesitate to contact Adam Frederick at the Northern Region Office (208) 762-2800.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815-7763  
Phone: (208) 762-2800  
Fax (208) 762-2819*



RECEIVED

APR 27 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 LaRiviere Inc. Phone (801) 514-2343  
 Mailing address 17564 N Dylan Court City Rathdrum  
 State Idaho Zip 83858 Email Thomas@lariviere.co

1. Source of water Santa Creek tributary to St. Maries river  
 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 #
44N	02W		24		NE	NE	Clearwater	Santa Creek	

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, construction project 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 May 4, 2020 (month-day) to August 17, 2020 (month-day).

7. Describe proposed diverting works: Pump from the river with a screened intake

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? Idaho Department of Transportation  
 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 of Applicant

Title, if any

Date

Received by

Date

Time

\$50.00 fee receipted by

#

Date

Watermaster comments received?

Date

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

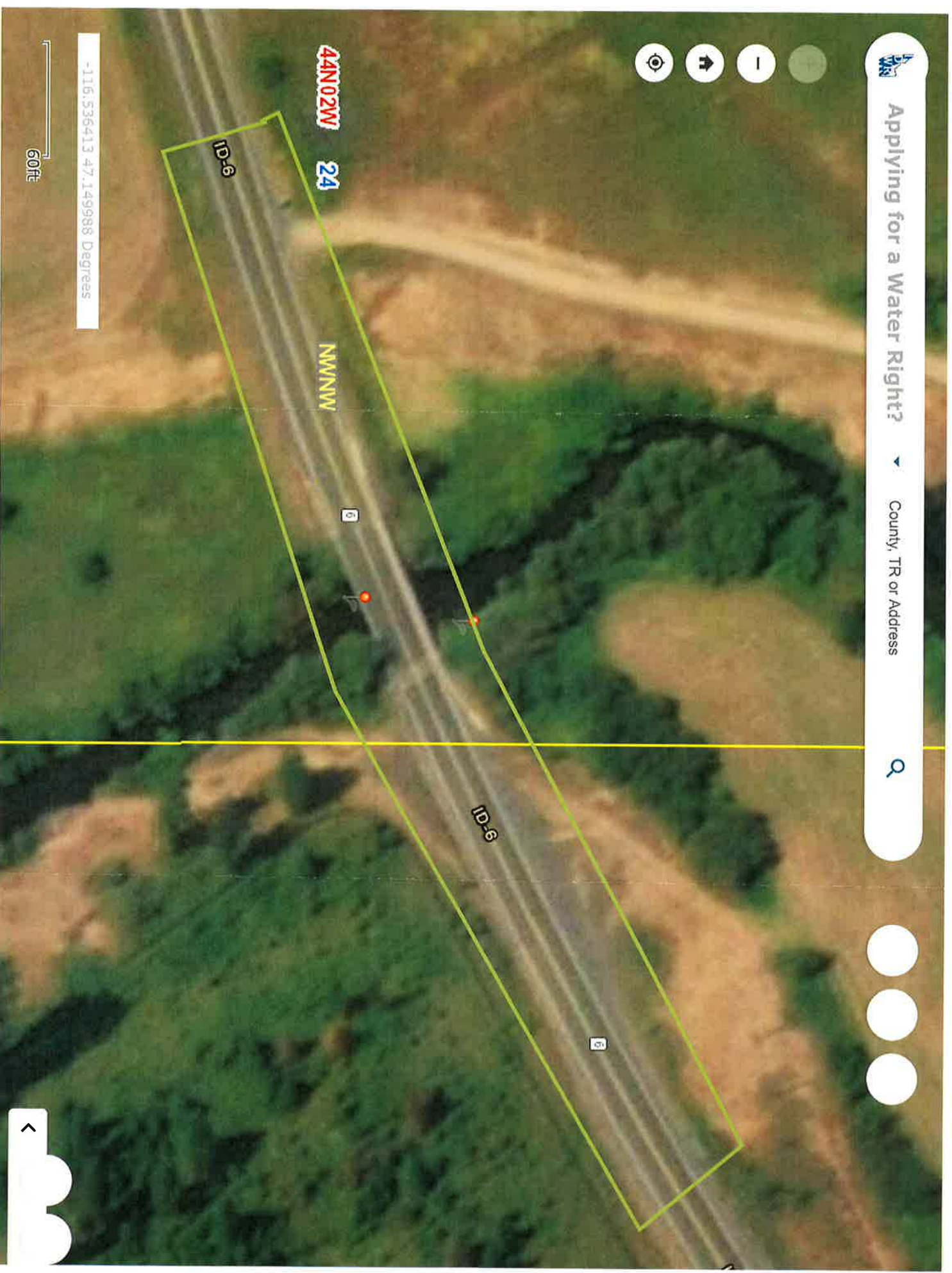
\_\_\_ B. APPROVED, subject to the following conditions:

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 \_\_\_\_\_ AF and a maximum diversion rate of \_\_\_\_\_ 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. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: \_\_\_\_\_
12. This approval expires on \_\_\_\_\_.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
For the Department





Applying for a Water Right?



County, TR or Address



-116.536413 47.149988 Degrees

60ft

