



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 7, 2014

Mary Terra-Berns
Idaho Department of Fish & Game
2885 West Kathleen Ave.
Coeur d'Alene, ID 83815

Re: Protested Application For Permit # 94-7560.

Dear Mary:

The Idaho Department of Fish & Game protested the above mentioned application, for a new water right, from the Coeur d'Alene River on June 1, 2010. On behalf of the Department of Fish & Game, David Stanish, Deputy Attorney General filed a **Notice of Appearance** listing you and Walt Poole as contacts for your agency. On June 15, 2010, "Chip" Corsi corresponded with our department by letter outlining three proposed conditions that would satisfy Fish & Games concerns, copy of which is attached.

I have enclosed a draft permit that includes the conditions suggested by Chip for your review. If you concur, please send me an e-mail or letter stating this will satisfy Fish & Game concerns and that the protest is being withdrawn. Once this is done I can go ahead and finalize the permit for the applicant.

If you have any questions, don't hesitate to give me a call.

Thank you.

Sincerely,

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

Keith E Franklin
Program Manager Northern Region

Enclosure

State of Idaho
Department of Water Resources

DRAFT

Permit to Appropriate Water

DRAFT

NO. 94-07560

Priority: April 26, 2010

Maximum Diversion Rate: 0.03 CFS

This is to certify, that DON MACDONALD And/Or
RICK JOST
1526 WOODLAND DR
DALTON GARDENS ID 83815

has applied for a permit to appropriate water from:

Source: COEUR D ALENE RIVER **Tributary:** COEUR D ALENE LAKE

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/15 to 10/31

RATE OF DIVERSION

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE RIVER, L2 (SW1/4SE1/4), Sec. 27, Twp 50N, Rge 02E, B.M., SHOSHONE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	02E	27															1.0		1.0
																	L 2		

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before "DATE".
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below minimum flow amounts as defined by Right 94-7341. The right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River using real-time data and shall cease diverting water when flows in the Coeur d'Alene 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 Cataldo gauging station, No. 12413500, may be used for purposes of determining the daily flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this _____ day of _____, 20_____.

GARY SPACKMAN, Director