

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-07715

Priority: August 16, 2012

Maximum Diversion Rate: 0.03 CFS

This is to certify, that DANIEL E MEYER
P O BOX 673
OSBURN ID 83849

has applied for a permit to appropriate water from:

Source: ST JOE RIVER

Tributary: COEUR D ALENE LAKE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.03 CFS
FIRE PROTECTION	01/01 to 12/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER L12 (NE1/4SE1/4) Sec. 16, Twp 46N, Rge 01W, B.M. BENEWAH 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	
46N	01W	16													.6				.6
															L 12				

Total Acres: 0.6

PLACE OF USE: FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	01W	16													X				
															L 12				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2013**.
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Water shall not be diverted under this right when flows in the St. Joe River are below minimum flow amounts as defined by Right 91-7122.
5. A fish screen of 1/4 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. 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 place of use.
8. This right does not grant any right-of-way or easement across the land of another.

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 6 day of November, 2012.

SCANNED
DEC 12 2012

Gary Spackman
GARY SPACKMAN, Director



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

November 6, 2012

DANIEL E MEYER
P O BOX 673
OSBURN ID 83849

RE: Permit No. 91-7715

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

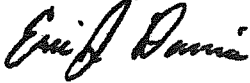
SCANNED

DEC 12 2012

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Davis". The signature is stylized with a large, looped "E" and a cursive "Davis".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

SCANNED

DEC 12 2012

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

91-7715

**DANIEL E MEYER
P O BOX 673
OSBURN ID 83849**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

SCANNED

DEC 12 2012

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED

DEC 12 2012

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

P - 9/19/12

W.R. # 91-7715

APPLICATION ID # 78106

ENT. E.D

BCA

9/11/12

OK to Publish

9/4/12

APPLICANT: DAN Meyer

INITIAL REVIEW

BY: E.D

DATE: 8/27/2012

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☐ Source
3. ☐ Point of Diversion & County
4. ☐ Quantity
5. ☐ Nature of Proposed Use
6. ☐ Period of Use
7. ☐ Total Quantity
8. ☐ Description of diverting works
9. ☐ Time required for b/u
10. ☐ Proposed use
11. ☐ Place of use or acres irrigated
12. ☐ Other water Rights
13. ☐ Ownership
14. ☐ Map
15. ☐ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/16/2012

☒ ☒

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Benewah

County

Newspaper: SM

Dates scheduled for publication 9/17 & 26/12

Affidavit of Publication received: 10/1/12

Dates actually published: 9/19 & 26/12

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 10/9/12

Protests Received: Yes ☐ No ☐

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 8-27 By: ED
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: _____

Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y () N (☒)
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y () N ()

ST. JOE RIVER

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☒ Notice of pending void order issued. Final order response date: ____/____/____
- ☒ Further information required from applicant _____

SCANNED

DEC 12 2012

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: MSF: ST. JOE RIVER
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Eric [Signature] Date: 11/6/2012 Sr. Agent initial E.D

Affidavit of Publication

RECEIVED
OCT 01 2012
IDWR / NORTH

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 19 day of September, 2012 and the last on the 26 day of September, 2012.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 26 day of September, 2012

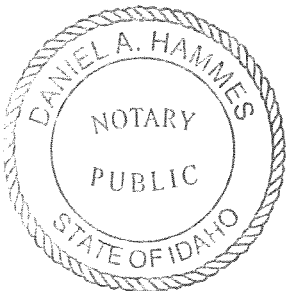
Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 26 day of September in the year of 2012 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Daniel A. Hammes
Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:



NOTICE OF APPLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7715

DANIEL E MEYER

P O BOX 673

OSBURN, ID 83849

Point of Diversion L12(NESE) S16 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: FIRE PROTECTION 01/01 to 12/31 0.03 CFS

Use: IRRIGATION 04/01 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/16/2012

Place of Use: IRRIGATION T46N R01W S16 L12(NESE)

Place Of Use: FIRE PROTECTION same as IRRIGATION

Total Acres: 0.6

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/9/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

8385 Sept. 19-Sept. 26

07-13-2013

SCANNED

DEC 12 2012

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 06, 2012 1:17 PM
To: 'Kaisie Brede'
Subject: Application for Permit No. 91-7715
Attachments: LegalNotice 09-06-12 SM e-mail 91-7715.doc

Please publish the enclosed legal notice on the dates indicated, September 19 and 26, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/9/2012. Your cooperation is always appreciated.

Thanks for all your help and have a very happy day.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

SCANNED

DEC 12 2012

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7715

DANIEL E MEYER

P O BOX 673

OSBURN, ID 83849

Point of Diversion L12(NESE) S16 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: FIRE PROTECTION	01/01 to 12/31	0.03 CFS
----------------------	----------------	----------

Use: IRRIGATION	04/01 to 10/31	0.03 CFS
-----------------	----------------	----------

Total Diversion:	0.03 CFS
------------------	----------

Date Filed: 8/16/2012

Place of Use: IRRIGATION T46N R01W S16 L12(NESE)

Place Of Use: FIRE PROTECTION same as IRRIGATION

Total Acres: 0.6

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/9/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/19/2012 and 9/26/2012

SCANNED

DEC 12 2012

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Thursday, September 06, 2012 4:49 PM
To: Ball, Dianne
Subject: RE: Application for Permit No. 91-7715

Dear Diane,

Thank you for keeping us informed. The Idaho Dept. of Lands, St. Joe Area does not have comment regarding this application. Mr. Daniel Meyer does have a valid encroachment permit for this waterline. Thank you.

Jim Bennett
Lands Resource Specialist, Sr.

From: Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]
Sent: Thursday, September 06, 2012 2:00 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Bennett
Subject: RE: Application for Permit No. 91-7715

Dear Mary and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication in the St Maries Gazette on September 19 and 26, 2012 with October 9, 2012 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

SCANNED

DEC 12 2012

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 06, 2012 2:00 PM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7715
Attachments: 91-7715_Meyer.pdf

Dear Mary and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication in the St Maries Gazette on September 19 and 26, 2012 with October 9, 2012 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

SCANNED
DEC 12 2012



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
Interim Director

September 6, 2012

DANIEL E MEYER
P O BOX 673
OSBURN, ID 83849

Application For Permit No. 91-7715

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 9/19/2012 and 9/26/2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Eric J. Davis
Sr. Water Resource Agent

SCANNED

DEC 12 2012

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 04, 2012 4:09 PM
To: Marston, Sascha
Cc: Davis, Eric
Subject: Request modification request N026434 Meyer
Attachments: Receipt_modify_request_N026434.pdf

Hi, Sascha,

We need a receipt modified please.

N026434 Daniel Meyer needs to be modified to reflect the following"

Comments to read Partial WR Permit App Fee \$25.00

Balance of \$75 paid under Receipt C095892 8/16/12

On N026434, please remove any information regarding the NIA Adjudication filing fee under Fee Details and also the number 91-7446 under the Basin and Sequence area

PCA coding for Northern is PERMITS 65103 0229 21 1155

Please let me know when the modification has been made.

(I found a note in file from SO that Carter had a copy of the information and was "processing refund request to be added to the application". The attached should also cover whatever you need, I think.)

Thanks very much.

Dianne

SCANNED

DEC 12 2012

Receipt Details for ID N026434

Status	Adjustment Type	Version
		3

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
1/11/2011 12:04:07 PM	1/11/2011 4:25:00 PM	NORTHERN	\$25.00	Check
Payee:	MEYER, DANIEL			

Account Information	
Check Number	17683

Comment PARTIAL WR PERMIT APP FEE \$25
BALANCE OF \$75 PAID UNDER RECEIPT C095892 8/16/12

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PERMITS	65103	0229	21		1155

SCANNED
DEC 12 2012

RECEIVED

AUG 01 2012

DEPARTMENT OF
WATER RESOURCES

REQUEST FOR WITHDRAWAL OF CLAIM
WITH FILING FEES APPLIED TO APPLICATION FOR PERMIT

Name of Claimant: Daniel E. Meyer

Mailing Address: P.O. Box 673 Osburn, ID 83849

Amount: \$1 25.00 Receipt No.: NO26434

Claim No(s): PCA 75503 Fund 0337 Object 1155

I/We wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing an Application for Permit.

claim # 91-7446 - ps - 8-1-12

For Individuals:
Daniel E. Meyer
(Signature of Claimant)

7-29-2012
(Date)

(Signature of Claimant)

(Date)

For Organizations:

(Signature of Authorized Agent)

(Date)

(Title)

(Name of Organization)

Return to: Idaho Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

Initials

Date

Approval Region
Approval State Office
Data Entry

34
14

8-1-12
8-1-12

6/30/09

RECEIVED
AUG 06 2012
IDWR/NORTHERN

SCANNED

DEC 12 2012

SCANNED
AUG - 2 2012

Idaho Department of Water Resources Receipt

Receipt ID: C095892

Payment Amount \$75.00 Date Received 8/16/2012 11:28 AM Region STATE
Payment Type Check Check Number 18031
Payer MEYER, DANIEL / MEYER, CHRISTINE
Comments ST JOE RIVER 46N 1W 16 13 NE SE, BENEWAH COUNTY

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	PERMITS	56103	0229	21		1155

SR7

Signature Line (Department Representative)

SCANNED
DEC 12 2012