

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 91-07381

Priority: May 20, 2011

Maximum Diversion Rate: 0.07 CFS

This is to certify, that TIM DUCOMMUN And/Or
JEAN DUCOMMUN
2380 RAILROAD GRADE
ST MARIES ID 83861
(208) 245-4648

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER, L3 (NW1/4NW1/4), Sec. 17, Twp 46N, Rge 01W, B.M., BENEWAH County

PLACE OF USE: IRRIGATION, DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
46N	01W	17						1.0											1.0
								L 3											

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2016**.
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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. 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.
6. Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
7. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
9. 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.

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 10 day of November, 2011.


GARY SPACKMAN, Interim 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
Interim Director

November 15, 2011

TIM DUCOMMUN
2380 RAILROAD GRADE
ST MARIES ID 83861

JEAN DUCOMMUN
2380 RAILROAD GRADE
ST MARIES ID 83861

RE: Permit No.91-7381

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

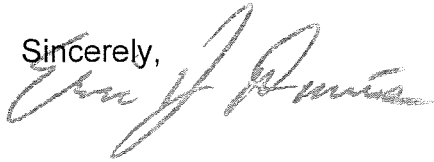
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

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 dark ink, appearing to read "Eric J. Davis", written in a cursive style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2011 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.

91-7381

**JEAN DUCOMMUN
2380 RAILROAD GRADE
ST MARIES ID 83861**

**TIM DUCOMMUN
2380 RAILROAD GRADE
ST MARIES ID 83861**

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

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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.

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 issuance 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 9/14/11

W.R. # 91-7381

APPLICATION ID # 77283

ENT. 6/16 BCA 8/26 OK to Publish 9/26/11

INITIAL REVIEW

APPLICANT: Tim & Jean Ducommun

BY: KD DATE: 10/16/2011

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 6/16/11 By: KD
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 5/20/2011

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

ADVERTISE IN:

Newspaper: SM Benewah County

Dates scheduled for publication 9/7 & 14/11

Affidavit of Publication received: 9/15/11

Dates actually published: 9/7 & 14/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 9/26/11

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

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 ()

- ☐ 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.
- ☐ Further information required from applicant _____
- Final order response date: ____/____/____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: St. Joe River Min. Stream Flow
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Becky L. Mahan Date: 10/20/2011 Sr. Agent initial KD



RECEIVED

SEP 22 2011

IDWR/NORTHERN

IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

September 20, 2011 C.L. "Butch" Otter/Governor
Virgil Moore/Director

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Keith:

REFERENCE:

DUCOMMUN: 91-7381 (irrigation 0.03 cfs & domestic 0.04 cfs); SHAWVER: 91-7425 (irrigation 0.02 cfs, stockwater 0.02 cfs, 0.2 fire protection cfs); WHITE: 91-7426 (irrigation 0.03 cfs); EDWARDS: 91-7432 (irrigation 0.03 cfs, aesthetic 0.03); FELTON: 91-7437 (domestic 0.04 cfs); HUMPHREY: 91-7393 (irrigation 0.08 cfs); RENFRO: 91-7462 (irrigation 0.03 cfs)

We have reviewed the above-named applications to divert water from the St. Joe River for domestic use, irrigation, aesthetic, and fire protection.

The St. Joe River contains populations of resident, river run (fluvial) and lake run (adfluvial) cutthroat trout. Historically the St. Joe River has been regarded as among the finest cutthroat trout streams in America. The river has regained that status and trends have shown marked improvements in recent years. Additionally, the St. Joe River also harbors bull trout (ESA listed as Threatened) that migrate through the lower reaches to spawn in the headwaters of the St. Joe River. Annual counts of 15 to 91 redds were made in three index streams of the St. Joe River between 1992 and 2005 with an increasing trend over those years. IDFG manages the St. Joe River for quality cutthroat trout fishing. Bull trout are managed under "conservation" status, to conserve and restore bull trout numbers.

Although the amounts requested are small, we are concerned that the cumulative effects of property owners applying for diversions may be harmful to this economically and ecologically important fishery. There is a minimum stream flow on the St. Joe River (WR 91-7122) of 470.0 cfs from August 1 to October 31, and 941.0 cfs from November 1 through July 31. The applicants should be made aware that their diversion cannot negatively impact the established minimum flow in the St. Joe River. Because water right diversions allow water users to manipulate streams, we recommend this permit be conditioned to require no disturbance to the stream channel. If pumps are used, they should be adequately screened to prevent entrainment and/or impingement of juvenile trout (we recommend ≤ 0.25 " mesh, with approach velocity of ≤ 0.5 feet per second).

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>

Mr. Keith Franklin
September 20, 2011

Page 2

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG Boise
USFWS, Spokane

File: IDWR Combined 91-7381;7425;7426;7432;7437;7445;7462

Affidavit of Publication

RECEIVED
SEP 15 2011
IDWR / NOTARY

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 14 issues, the first publication being on the 7 day of September, 2011, and the last on the 14 day of September, 2011.

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 14 day of September, 2011.

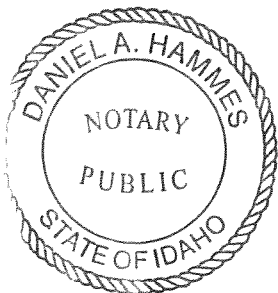
Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 14 day of September, in the year of 2011
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:



07-13-2013

NOTICE OF APPLICATION

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

91-7381

TIM DUCOMMUN

JEAN DUCOMMUN

2380 RAILROAD GRADE

ST MARIES, ID 83861

Point of Diversion L8(NWNW) S17 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

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

Total Diversion: 0.07 CFS

Date Filed: 3/20/2011

Place of Use: DOMESTIC T46N R01W S17 L3(NWNW)

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

91-7425

DEWEY SHAWVER III

PAMELA SHAWVER

351 HIGHWOOD DR

ST MARIES, ID 83861

Point of Diversion L5(SENE) S14 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 6/3/2011

Place of Use: IRRIGATION T46N R02W S14

L5(SENE) NESE

Place of Use: STOCKWATER & FIRE PROTECTION

Same as IRRIGATION

Total Acres: 16

Stockwater use is for 10 head of mixed stock.

91-7426

HAROLD WHITE

CINDY WHITE

5708 W OLD FORT DR

SPOKANE, ID 99208

Point of Diversion L11(SSEW) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 6/3/2011

Place Of Use: IRRIGATION

T46N R02W S17 L11(SSEW)

Total Acres: 1

91-7432

GWEN E EDWARDS

1950 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion SENW S17 T46N R02W

BENEWAH County

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: AESTHETIC 01/01 to 12/31 0.03 CFS

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/1/2011

Place of Use: IRRIGATION T46N R02W S17

L5(SENW) L8(NESW)

Place Of Use: AESTHETIC T46N R02W S17 L5(SENW)

Total Acres: 0.8

91-7437

JOHN D FELTON

BARBARA J FELTON

1666 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion L11(SSEW) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/7/2011

Place Of Use: DOMESTIC T46N R02W S17

L8(NESW) L11(SSEW)

Domestic use is for 1 home.

91-7445

MERLE HUMPHREY

60 CARLEY LN

ST MARIES, ID 83861

Point of Diversion SWSW S13 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION 03/15 to 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 6/6/2011

Place of Use: IRRIGATION T46N R01W S13 SWSW

Total Acres: 2.5

91-7452

JERRY EMERSON

PO BOX 126

ST MARIES, ID 83861

Point of Diversion NWSE S18 T46N R01E

BENEWAH County

Source AHRIS CREEK tributary ST JOE RIVER

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/9/2011

Place Of Use: IRRIGATION T46N R01E S18 NWSE

Total Acres: 2

91-7462

STEVE RENFRO

RORI RENFRO

6124 RANDOLPH DR

BOISE, ID 838709

Point of Diversion L8(NESW)

S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 6/7/2011

Place of Use: IRRIGATION T46N R02W S17L8(NESW)

Total Acres: 1

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 9/26/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

8104 Sept. 7-Sept. 14

RECEIVED
SEP 15 2011
IDWR / NORTH

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

91-7381

TIM DUCOMMUN

JEAN DUCOMMUN

2380 RAILROAD GRADE

ST MARIES, ID 83861

Point of Diversion L3(NWNW) S17 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

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

Total Diversion: 0.07 CFS

Date Filed: 5/20/2011

Place of Use: DOMESTIC T46N R01W S17 L3(NWNW)

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

91-7425

DEWEY SHAWVER III

PAMELA SHAWVER

351 HIGHWOOD DR

ST MARIES, ID 83861

Point of Diversion L5(SENE) S14 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 6/3/2011

Place of Use: IRRIGATION T46N R02W S14

L5(SENE) NESE

Place of Use: STOCKWATER & FIRE PROTECTION

Same as IRRIGATION

Total Acres: 16

Stockwater use is for 10 head of mixed stock.

91-7426

HAROLD WHITE

CINDY WHITE

5708 W OLD FORT DR

SPOKANE, ID 99208

Point of Diversion L11(SESW) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 6/3/2011

Place Of Use: IRRIGATION

T46N R02W S17 L11(SESW)

Total Acres: 1

91-7432

GWEN E EDWARDS

1950 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion SENW S17 T46N R02W

BENEWAH County

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: AESTHETIC 01/01 to 12/31 0.03 CFS

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/1/2011

Place of Use: IRRIGATION T46N R02W S17

L5(SENW) L8(NESW)

Place Of Use: AESTHETIC T46N R02W S17 L5(SENW)

Total Acres: 0.8

91-7437

JOHN D FELTON

BARBARA J FELTON

1666 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion L11(SESW) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 6/7/2011

Place Of Use: DOMESTIC T46N R02W S17
L8(NESW) L11(ESW)

Domestic use is for 1 home.

91-7445

MERLE HUMPHREY

60 CARLEY LN

ST MARIES, ID 83861

Point of Diversion SWSW S13 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION 03/15 to 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 6/6/2011

Place of Use: IRRIGATION T46N R01W S13 SWSW

Total Acres: 2.5

91-7452

JERRY EMERSON

PO BOX 126

ST MARIES, ID 83861

Point of Diversion NWSE S18 T46N R01E

BENEWAH County

Source AHRS CREEK tributary ST JOE RIVER

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/9/2011

Place Of Use: IRRIGATION T46N R01E S18 NWSE

Total Acres: 2

91-7462

STEVE RENFRO

ROR1 RENFRO

6124 RANDOLPH DR

BOISE, ID 838709

Point of Diversion L8(NESW)

S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 6/7/2011

Place of Use: IRRIGATION T46N R02W S17L8(NESW)

Total Acres: 1

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 9/26/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 9/7/2011 and 9/14/2011

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 31, 2011 11:42 AM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 91-7381, 91-7425, 91-7426, 91-7432, 91-7437, 91-7445, 91-7452, 91-7462
Attachments: LegalNotice 08-30-11 SM 91-7381,7425,26,32,37,45,52,62.doc

Hi, Kaisie,

Please publish the enclosed legal notice on the dates indicated, September 7 and 14, 2011, (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 9/26/2011. Your cooperation is always appreciated.

Thanks for your super help!

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



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

August 31, 2011

TIM DUCOMMUN
JEAN DUCOMMUN
2380 RAILROAD GRADE
ST MARIES, ID 83861

Application For Permit No. 91-7381

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 9/7/2011 and 9/14/2011. 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,

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

Keith E. Franklin
Interim Program Manager

Enc. Receipt No. N027221

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 01, 2011 10:22 AM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7381, 91-7425, 91-7426, 91-7432, 91-7437, 91-7445, 91-7462

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 applications. A copy of each of the applications is enclosed for your reference. These are all from the St Joe River.



91-7381_Ducommun.pdf



91-7425_Shawver.pdf



91-7426_White.pdf



91-7432_Edwards.pdf



91-7437_Felton.pdf



91-7445_Humphrey.pdf



91-7462_Renfro.pdf

These are being prepared for publication in the St Maries Gazette on September 7 and 14, 2011, with September 26, 2011 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 26, 2011

Tim Ducommun
Jean Ducommun
2380 Railroad Grade
St. Maries, ID 83861

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 91-7381

Dear Mr. and Mrs. Ducommun:

The Idaho Department of Water Resources is returning your recently submitted application for permit for additions and/or corrections.

On line Item #3 of the application, the location of the point of diversion was incomplete. Please fill out the rest of the section as shown. Also, on line Item #4 the period of use for irrigation in your area is between March 15th and October 31. Please make the change on the application.

The application was submitted without a location map that shows where the one acre of irrigation is to occur. I assume it will be on and around your home site as shown on the attached aerial photograph. Please verify this is correct.

Please return the application with the above mentioned corrections, within the next 30 days so as not to delay processing and if you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

COPY

Keith E Franklin
Senior Water Resources Agent

Enclosure