

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-07343

Priority: April 19, 2011

Maximum Diversion Rate: 0.03 CFS

This is to certify, that DONALD J HARVEY
89178 HWY 3 N
ST MARIES ID 83861
(208) 245-2602

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	03/15 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER, L7 (NE1/4SE1/4), Sec. 7, Twp 46N, Rge 02W, 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	02W	7													1.0				1.0
															L 7				

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2012**.
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 place of use.
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 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 29 day of August, 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

August 31, 2011

DONALD J HARVEY
89178 HWY 3 N
ST MARIES ID 83861

RE: Permit No.91-7343

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.

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 "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent and the last name "Franklin" following in a similar style. The signature is positioned above the printed name.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

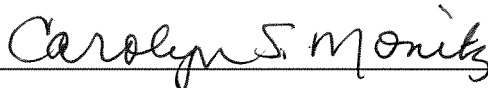
CERTIFICATE OF SERVICE

I hereby certify that on September 1, 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.

91-7343

**DONALD J HARVEY
89178 HWY 3 N
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 7/24

W.R. # 91-7343

APPLICATION ID # 77232

ENT 5/9

BCA 4/7/11

OK to Publish 4/2/11

APPLICANT: Donald Harvey

INITIAL REVIEW

BY: KJ

DATE: 5/9/2011

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 5/9/11 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 4/19/2011

(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 8/3 & 10/11

Affidavit of Publication received: 8/12/11

Dates actually published: 8/3 & 10/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 8/22/11

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: Min. Stream Flow St. Joe River

☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: Bertie L. Jankin

Date: 8/29/2011

Sr. Agent initial KJ

AUG 12 2011

IDWR / NORTH

NOTICE OF APPLICATION

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

91-7343

DONALD J HARVEY

89178 HWY 3 N

ST MARIES, ID 83861

Point of Diversion L7 (NESE) S7 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

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

Total Diversion: 0.03 CFS

Date Filed: 4/19/2011

Place of Use: IRRIGATION

T46N R02W S07 Lot 7 NESE

Total Acres: 1

91-7344

TERRY BRANDVOLD

BEVERLEE BRANDVOLD

PO BOX 877

NEWMAN LAKE, WA 99025-0877

Point of Diversion L9 (NESE) S20 T46N R01E

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

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

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

Total Diversion: 0.03 CFS

Date Filed: 5/9/2011

Place of Use IRRIGATION

T46N R01E S20 Lot 9 (NESE)

Place of Use FIRE PROTECTION

T46N R01E S20 Lot 9 (NESE)

Total Acres: 1

91-7347

DONNY L MASTERSON

32 WHITTS END

ST MARIES, ID 83861

Point of Diversion(4) NESE S10 T46N R02W

BENEWAH County

Source UNNAMED STREAM tributary ST JOE RIVER

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

Use: Stockwater Storage 01/01 to 12/31 0.20 AF

Use: Wildlife Storage 01/01 to 12/31 1.20 AF

Use: Fire Protection Storage 01/01 to 12/31 1.20 AF

Use: Stockwater from Storage 01/01 to 12/31 0.20 AF

Total Diversion: 0.02 CFS 1.20 AF

Place of Use: STOCKWATER T46N R02W S10 NESE

Place of Use: All storage uses same as Stockwater

Stockwater use is for 10 head of mixed stock.

91-7363

WILLIAM F BARDEN

KATHLEEN E BARDEN

624 SHEPHERD RD

ST MARIES, ID 83861

Point of Diversion L13 (SWSE) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

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

Total Diversion: 0.03 CFS

Date Filed: 5/17/2011

Place of Use: Irrigation T46N R02W S17 Lot 13(SWSE)

Total Acres: 1

91-7383

GREGORY RAPP

JANN RAPP

1796 COTTONWOOD DR

ST. MARIES, ID 83861

Point(s) of Diversion L8 (NESW) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

Use IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 5/24/2011

Place of Use Irrigation T46N R02W S17 Lot 8(NESW)

Total Acres: 1.5

91-7388

CHESTER L SCHILLING

DEBORAH J SCHILLING

836 SHEPHERD RD

ST MARIES, ID 83861

Point of Diversion L13 (SESE) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

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

Total Diversion: 0.04 CFS

Date Filed: 5/17/2011

Place of Use Domestic T46N R02W S17 Lot 13(SESE)

Domestic use is for 1 home.

91-7392

MARCIE TELFORD

1914 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion L5 (SENE) S17 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

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

Total Diversion: 0.03 CFS

Date Filed: 5/11/2011

Place of Use: Irrigation T46N R02W S17

Lot 5(SENW), Lot 8(NESW)

Total Acres: 1

91-7393

RICHARD B COULTER JR

MAE COULTER

606 EVERGREEN TERRACE RD

ST MARIES, ID 83861

Point of Diversion L11 (SENE) S16 T46N R01W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LK

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

Total Diversion: 0.04 CFS

Date Filed: 5/24/2011

Place of Use: Domestic T46N R01W S16 Lot 11(SENE)

Domestic use is for 1 seasonal recreation lot.

Permits will be subject to all prior water rights. 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 8/22/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

8048 Aug. 3-Aug. 10

RECEIVED

AUG 12 2011

IDWR / NORTH

Affidavit of Publication

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 two issues, the first publication being on the 3 day of August, 2011 and the last on the 10 day of August, 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.

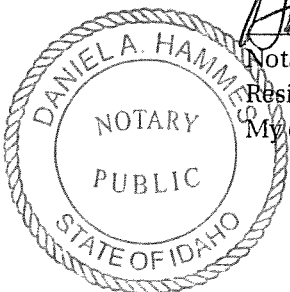
Dated this 10 day of August, 2011.

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 10 day of August, 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

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

91-7343

DONALD J HARVEY
89178 HWY 3 N
ST MARIES, ID 83861
Point of Diversion L7 (NESE) S7 T46N R02W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 4/19/2011
Place of Use: IRRIGATION
T46N R02W S07 Lot 7 NESE
Total Acres: 1

91-7344

TERRY BRANDVOLD
BEVERLEE BRANDVOLD
PO BOX 877
NEWMAN LAKE, WA 99025-0877
Point of Diversion L9 (NESE) S20 T46N R01E
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 5/9/2011
Place of Use IRRIGATION
T46N R01E S20 Lot 9 (NESE)
Place of Use FIRE PROTECTION
T46N R01E S20 Lot 9 (NESE)
Total Acres: 1

91-7347

DONNY L MASTERSON
32 WHITTS END
ST MARIES, ID 83861
Point of Diversion(4) NESE S10 T46N R02W
BENEWAH County
Source UNNAMED STREAM tributary ST JOE RIVER
Use: Stockwater 01/01 to 12/31 0.02 CFS
Use: Stockwater Storage 01/01 to 12/31 0.20 AF
Use: Wildlife Storage 01/01 to 12/31 1.20 AF
Use: Fire Protection Storage 01/01 to 12/31 1.20 AF
Use: Stockwater from Storage 01/01 to 12/31 0.20 AF
Total Diversion: 0.02 CFS 1.20 AF

Place of Use: STOCKWATER T46N R02W S10 NESE
Place of Use: All storage uses same as Stockwater
Stockwater use is for 10 head of mixed stock.

91-7363

WILLIAM F BARDEN
KATHLEEN E BARDEN
624 SHEPHERD RD
ST MARIES, ID 83861
Point of Diversion L13 (SWSE) S17 T46N R02W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use: IRRIGATION 01/01 to 12/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 5/17/2011
Place of Use: Irrigation T46N R02W S17 Lot 13(SWSE)
Total Acres: 1

91-7383

GREGORY RAPP
JANN RAPP
1796 COTTONWOOD DR
ST. MARIES, ID 83861
Point(s) of Diversion L8 (NESW) S17 T46N R02W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 5/24/2011
Place of Use Irrigation T46N R02W S17 Lot 8(NESW)
Total Acres: 1.5

91-7388

CHESTER L SCHILLING
DEBORAH J SCHILLING
836 SHEPHERD RD
ST MARIES, ID 83861
Point of Diversion L13 (SESE) S17 T46N R02W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 5/17/2011

Place of Use Domestic T46N R02W S17 Lot 13(SESE)
Domestic use is for 1 home.

91-7392

MARCIE TELFORD
1914 COTTONWOOD DR
ST MARIES, ID 83861
Point of Diversion L5 (SENW) S17 T46N R02W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 5/11/2011

Place of Use: Irrigation T46N R02W S17
Lot 5(SENW), Lot 8(NESW)
Total Acres: 1

91-7393

RICHARD B COULTER JR
MAE COULTER
606 EVERGREEN TERRACE RD
ST MARIES, ID 83861
Point of Diversion L11 (SENE) S16 T46N R01W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 5/24/2011

Place of Use: Domestic T46N R01W S16 Lot 11(SENE)
Domestic use is for 1 seasonal recreation lot.

Permits will be subject to all prior water rights. 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 8/22/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 8/3/2011 and 8/10/2011

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 22, 2011 3:26 PM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 91-7343, 91-7344, 91-7347, 91-7363, 91-7383, 91-7388, 91-7392, 91-7393

Hi, Kaisie,

Please publish the enclosed legal notice on the dates indicated (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.

We're having some computer problems, so I will need to review thoroughly to make sure everything got in as planned.

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 8/22/2011. Your cooperation is greatly appreciated.

Thank you for all your wonderful help.



LegalNotice
17-22-11 SM e-mail..

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

July 22, 2011

DONALD J HARVEY
89178 HWY 3 N
ST MARIES, ID 83861

Water Right No.91-7343

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 8/3/2011 and 8/10/2011. 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,

Keith Franklin
Interim Regional Program Manager



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

July 12, 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

RECEIVED
JUL 14 2011
IDWR / NORTH

Dear Keith:

REFERENCE:

HARVEY: 91-7343 (irrigation 0.03 cfs); BARDEN: 91-7363 (irrigation 0.03 cfs);
RAPP: 91-7383 (irrigation 0.03 cfs); SCHILLING: 91-7388 (domestic 0.04 cfs);
TELFORD: 91-7392 (irrigation 0.03 cfs); COULTER: 91-7393 (domestic 0.04 cfs)
BRANDVOLD: 91-7344 (irrigation 0.03 cfs & fire protection 0.03 cfs)

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

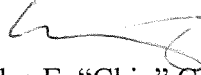
Although the amounts requested are small, we are concerned that the cumulative effects of property owners applying for diversions may be harmful to this economically and ecologically important fishery. There is a minimum stream flow on the St. Joe River (WR 91-7122) of 470.0 cfs from August 1 to October 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).

Mr. Keith Franklin
July 12, 2011

Page 2

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

RECEIVED
JUL 14 2011
IDWR / NORTH

CEC:MTB

C: Sharon Kiefer, IDFG Boise
USFWS, Spokane

File: IDWR Combined 91-7343;7344;7363;7383;7388;7392;7393

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Monday, June 13, 2011 10:25 AM
To: Ball, Dianne
Subject: RE: RE: Application for Permit No. 91-7343, 91-7344, 91-7363, 91-7383, 91-7388, 91-7392, 91-7393

Dear Diane,

Thank you for subject notification. The IDL, St. Joe Area does not have any opposition or comment to subject applications. Brandvold and Coulter applications are located within the St. Joe jurisdiction and we will pursue encroachment permits for a water intake line with these property owners. Please contact me if you have questions or comments.

Jim

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Friday, June 10, 2011 3:02 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Bennett
Subject: FW: RE: Application for Permit No. 91-7343, 91-7344, 91-7363, 91-7383, 91-7388, 91-7392, 91-7393

This is to notify you that due to network problems with our legal notice portion of our workflow process, these applications sent earlier stating scheduled for publication June 15 and 22, 2011 will now be publishing the first 2 weeks in July with final date for protest being July 25, 2011,

If you have any questions, please contact me.

Thanks,

Don't count the days, let the days count.

Dianne

From: Ball, Dianne
Sent: Friday, June 03, 2011 1:30 PM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7343, 91-7344, 91-7363, 91-7383, 91-7388, 91-7392, 91-7393

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.

<<91-7343_Harvey.pdf>> <<91-7344_Brandvold.pdf>> <<91-7363_Barden.pdf>> <<91-7383_Rapp.pdf>>
<<91-7388_Schilling.pdf>> <<91-7392_Telford.pdf>> <<91-7393_Coulter.pdf>>

Ball, Dianne

From: Ball, Dianne
Sent: Friday, June 10, 2011 3:02 PM
To: 'mary.terra-berns@idfg.idaho.gov'; 'jbennett@idl.idaho.gov'
Subject: FW: RE: Application for Permit No. 91-7343, 91-7344, 91-7363, 91-7383, 91-7388, 91-7392, 91-7393

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91-7392_Telford.pd
f



91-7393_Coulter.p
df

Being prepared for publication in the St Maries Gazette on June 15 and 22, 2011 with July 5, 2011 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

Ball, Dianne

From: Ball, Dianne
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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

May 5, 2011

MEMO TO: FILE
FROM: KEITH FRANKLIN
SUBJECT: CORRECTION OF APPLICATION, 91-7343

ON MAY 5, 2011, Mr. HARVEY CAME INTO MY OFFICE AND CORRECTED HIS APPLICATION AS REQUESTED BY MY LETTER OF APRIL 25, 2011.

91-7343



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

April 25, 2011

Donald Harvey
89178 Hwy 3 N
St. Maries, ID 83861

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Harvey:

The Idaho Department of Water Resources is returning your recently submitted application for the following reasons;

Item #3 Location of the Point of Diversion

The department could not determine the location of your point of diversion from the St. Joe River. The appropriate government lot and quarter section needs to be indicated on the application. I have provided an aerial photograph of section 16 for your reference. From the photograph, please outline your property and place an "X" at the point of diversion. Once the point of diversion has been located, please correct the application as shown.

Item #4 Purpose of Use

Your application is for the irrigation of one acre. The application is requesting a diversion rate of 0.06 cfs (27 gpm). The allotment for the irrigation of one acre is 0.03 cfs (13.5 gpm); please make the appropriate adjustment on the application as shown.

Item #8 Place of Use

The application indicates the irrigation of one acre is to take place in the NE¼ of the SW¼ of Section 16 which is Government Lot 4 rather than Government Lot 9. Please verify which quarter quarter your property is located by outlining the lot location on the attached aerial photograph.

Once the corrections are made, please return the application to me within the next 30 days so as not to delay processing.

If you need any assistance or 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(s)