

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 91-07385

Priority: May 06, 2011

Maximum Diversion Rate: 0.09 CFS

This is to certify, that HARRY GRUBHAM And
PAMELA G GRUBHAM
345 S 15TH ST
ST MARIES ID 83861
(208) 245-2660

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	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER, L13 (SE1/4SE1/4), Sec. 2, Twp 45N, 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		
45N	02E	2																	5.0	5.0
																			L 13	

Total Acres: 5

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 0.02 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

September 1, 2011

HARRY GRUBHAM
345 S 15TH ST
ST MARIES ID 83861

PAMELA G GRUBHAM
345 S 15TH ST
ST. MARIES ID 83861

RE: Permit No.91-7385

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,



Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 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.

91-7385

**HARRY GRUBHAM
345 S 15TH ST
ST MARIES ID 83861**

**PAMELA G GRUBHAM
345 S 15TH ST
ST. MARIES ID 83861**



**Carolyn S. Monitz
Technical Records Specialist**

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.

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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

7/22/11 P

W.R. # 91-7385 APPLICATION ID # 77287 ENT. 5/26/11 BCA 6/8/11 OK to Publish 6/8/11
 APPLICANT: Harry & Pamela Grubham INITIAL REVIEW BY: KD DATE: 5/30/2011

- 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 5/30/11 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: 5/6/2011

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

ADVERTISE IN:

 Newspaper: NP Shoshone County
 Dates scheduled for publication 8/4 + 11/11
 Affidavit of Publication received: 8/12/11
 Dates actually published: 8/4 + 11/11
 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 ()

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.
☐ 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: Kathleen Franklin Date: 8/30/2011 Sr. Agent initial KD

RECEIVED

AUG 12 2011

IDWR / NORTH

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

91-7362

WILLIAM F BARDEN
KATHLEEN E BARDEN
624 SHEPHERD RD

ST MARIES, ID 83861

Point of Diversion SENW S7 T45N R03E SHOSHONE County

Source MICA CREEK - Tributary ST JOE RIVER

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 05/17/2011

Place of Use: DOMESTIC T45N R03E S07 SENW

Domestic use is for 1 home

91-7385

HARRY GRUBHAM
PAMELA G GRUBHAM
345 S 15TH ST

ST MARIES, ID 83861

Point of Diversion L13 (SESE) S2 T45N R02E SHOSHONE County

Source ST JOE RIVER - Tributary COEUR D ALENE LAKE

Use IRRIGATION 03/15 to 10/31 0.090 CFS

Total Diversion: 0.090 CFS

Date Filed: 5/6/2011

Place of Use: IRRIGATION T45N R02E S02 Lot 13 SESE

Total Acres: 5

91-7387

TONY KRUPP
1236 COTTONWOOD DR
ST MARIES, ID 83861

Point of Diversion L12 (SWSE) S17 T46N R02W

SHOSHONE County

Source ST JOE RIVER - Tributary COEUR D ALENE LAKE

Use DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 05/13/2011

Place of Use: DOMESTIC T46N R02W S17 Lot 12 SWSE

Domestic use is for 1 home.

91-7443

ATM TURST
DON ECKMAN - MANAGER
15459-B ST JOE RIVER RD

ST MARIES, ID 83861

Point of Diversion SENW S23 T46N R01E SHOSHONE County

Source BROWNS GULCH CREEK - Tributary ST JOE RIVER

Use DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 6/7/2011

Place of Use: DOMESTIC T46N R01E S23 SENW

Domestic use is for 2 homes.

92-10236

KRUPP LIVING TRUST
1014 COTTONWOOD DR
ST. MARIES, ID 83861

Points of Diversion (2) SESW SWSE S5 T42N R02E
SHOSHONE County

Source: MIDDLE FK ST MARIES RIVER

Tributary ST MARIES RIVER

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 5/3/2011

Place of Use: DOMESTIC T42N R02E S05 SESW SWSE

Domestic use is for 1 RV site and lawn.

94-8044

ARLEN LISH
NANCY LISH
410 VALLEYVIEW RD
KINGSTON, ID 83839

Point of Diversion SWSE S27 T50N R02E SHOSHONE CO

Source COEUR D ALENE RIVER-

Tributary COEUR D ALENE LAKE

Use DOMESTIC 03/15 to 11/15 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 6/22/2011

Place of Use: DOMESTIC T50N R02E S27 SWSE

Domestic use is for 1 home, lawn.

94-8142

MURRAY WATER WORKS
410 VALLEYVIEW RD
KINGSTON, ID 83839

Point of Diversion NENE S6 T49N R05E SHOSHONE County

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.200 CFS

Total Diversion: 0.200 CFS 59.90 AF

Date Filed: 6/22/2011

Place of Use: MUNICIPAL

T49N R05E S05 Lot 3 NENW, Lot 4 NWNW, Lot 6 SWNW,
Lot 7 SENW

T49N R05E S06 NENE, NWNE, Lot 7 SENE

Municipal use is within service area of applicant.

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

SHO Legal 477

August 4, 11, 2011

AFFIDAVIT OF PUBLICATION

RECEIVED
AUG 12 2011
IDWR / NORTH

STATE OF IDAHO, } ss.
County of Shoshone

Angela Abbott

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone County, Idaho, and having a general circulation in said county.

3. The Legal Notice

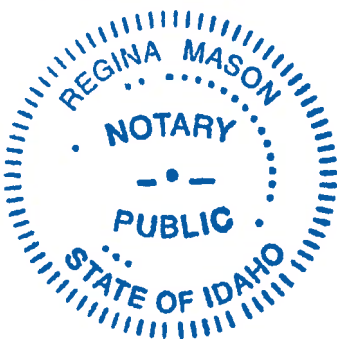
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 4th day of August, 2011, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.

On this 11th day of August in the year of 2011, before me, a Notary Public, personally appeared Angela Abbott, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

Notary Public for the State of Idaho
residing in Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 6/18/15

Ball, Dianne

From: Bob Burke [bburke@idl.idaho.gov]
Sent: Friday, July 22, 2011 7:12 AM
To: Ball, Dianne
Subject: RE: Application for Permit No. 91-7385, 91-7387

I sent the two on the Joe to our St Maries office.

Bob Burke
Cataldo Area Manager
bburke@idl.idaho.gov
208-682-4611
fax 208-682-2991

From: Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]
Sent: Thursday, July 21, 2011 1:29 PM
To: mary.terra-berns@idfg.idaho.gov; Bob Burke
Subject: RE: Application for Permit No. 91-7385, 91-7387

Dear Mary and Bob 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.

Bob– If for some reason the two on the St Joe here in Shoshone County are not handled as within your area of the St Joe – (91-7385 Grubham, and 91-7387 Krupp) would you forward them to whoever might be handling these? Same is true for the one on the CDA River also within Shoshone County.

These are being prepared for publication in Shoshone News Press on # with # being final date for protests to be received in our office.

<<91-7385_Grubham.pdf>> <<91-7387_Krupp__Tony.pdf>>

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of any of these applications, 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

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 20, 2011 2:43 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com;
ccampbell@shoshonenewspress.com
Subject: Application for Permit No. 91-7362, 91-7385, 91-7387, 91-7443, 92-10236, 94-8044, 94-8142

Good afternoon, Angie,

Please publish the enclosed legal notice on the dates indicated, August 4 and 11, 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.

Most of our legals aren't this long, but hopefully you'll have no trouble with copy and paste.

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.

If you have any questions or problems, please call me or reply to this e-mail.



LegalNotice
17-20-11 NP 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

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

91-7362

WILLIAM F BARDEN

KATHLEEN E BARDEN

624 SHEPHERD RD

ST MARIES, ID 83861

Point of Diversion SENW S7 T45N R03E SHOSHONE County

Source MICA CREEK – Tributary ST JOE RIVER

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 05/17/2011

Place of Use: DOMESTIC T45N R03E S07 SENW

Domestic use is for 1 home

91-7385

HARRY GRUBHAM

PAMELA G GRUBHAM

345 S 15TH ST

ST MARIES, ID 83861

Point of Diversion L13 (SESE) S2 T45N R02E

SHOSHONE County

Source ST JOE RIVER – Tributary COEUR D ALENE LAKE

Use IRRIGATION 03/15 to 10/31 0.090 CFS

Total Diversion: 0.090 CFS

Date Filed: 5/6/2011

Place of Use: IRRIGATION T45N R02E S02 Lot 13 SESE

Total Acres: 5

91-7387

TONY KRUPP

1236 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion L12 (SWSE) S17 T46N R02W

SHOSHONE County

Source ST JOE RIVER – Tributary COEUR D ALENE LAKE

Use DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 05/13/2011

Place of Use: DOMESTIC T46N R02W S17 Lot 12 SWSE

Domestic use is for 1 home.

91-7443

ATM TURST

DON ECKMAN - MANAGER

15459-B ST JOE RIVER RD

ST MARIES, ID 83861

Point of Diversion SENW S23 T46N R01E SHOSHONE County

Source BROWNS GULCH CREEK – Tributary ST JOE RIVER

Use DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 6/7/2011

Place of Use: DOMESTIC T46N R01E S23 SENW

Domestic use is for 2 homes.

92-10236

KRUPP LIVING TRUST

1014 COTTONWOOD DR

ST. MARIES, ID 83861

Points of Diversion (2) SESW SWSE S5 T42N R02E

SHOSHONE County

Source: MIDDLE FK ST MARIES RIVER

Tributary ST MARIES RIVER

SHOSHONE County

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 5/3/2011

Place of Use: DOMESTIC T42N R02E S05 SESW SWSE

Domestic use is for 1 RV site and lawn.

94-8044

ARLEN LISH

NANCY LISH

410 VALLEYVIEW RD

KINGSTON, ID 83839

Point of Diversion SWSE S27 T50N R02E SHOSHONE CO

Source COEUR D ALENE RIVER-

Tributary COEUR D ALENE LAKE

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94-8142

MURRAY WATER WORKS

410 VALLEYVIEW RD

KINGSTON, ID 83839

Point of Diversion NENE S6 T49N R05E SHOSHONE County

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.200 CFS

Total Diversion: 0.200 CFS 59.90 AF

Date Filed: 6/22/2011

Place of Use: MUNICIPAL

T49N R05E S05 Lot 3 NENW, Lot 4 NWNW, Lot 6 SWNW,

Lot 7 SENW

T49N R05E S06 NENE, NWNE, Lot 7 SENE

Municipal use is within service area of applicant.

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 8/4/2011 and 8/11/2011



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 20, 2011

HARRY GRUBHAM
PAMELA G GRUBHAM
345 S 15TH ST
ST. MARIES, ID 83861

COPY

Water Right No.91-7385

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 SHOSHONE NEWS PRESS on 8/4/2011 and 8/11/2011. 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 E. Franklin
Interim Regional Manager



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

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

July 14, 2011 C.L. "Butch" Otter/Governor
Virgil Moore/Director

RECEIVED

JUL 18 2011

IDWR / NORTH

Dear Keith:

REFERENCE: GRUBHAM: 91-7385 ←

We have reviewed the above-named application by Harry and Pamela Grubham to divert 0.09 cfs from the St. Joe River for irrigation.

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 though 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 amount requested in this application is small (0.09 cfs), 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 $\leq 0.25"$ mesh, with approach velocity of ≤ 0.5 feet per second).

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 Grubham 91-7385

Keeping Idaho's Wildlife Heritage

Ball, Dianne

From: Ball, Dianne
Sent: Friday, June 10, 2011 3:06 PM
To: 'mary.terra-berns@idfg.idaho.gov'; 'bburke@idl.idaho.gov'
Subject: FW: RE: Application for Permit No. 91-7385,91-7387

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 16 and 23, 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: Thursday, June 09, 2011 12:30 PM
To: mary.terra-berns@idfg.idaho.gov; bburke@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7385,91-7387

Dear Interested Party:

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.



91-7385_Grubham.
pdf



91-7387_Krupp__T
ony.pdf

Being prepared for publication in Shoshone News Press on June 16 and 23, 2011 with July 5, 2011 as final date for us to receive protests.

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

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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

91-7385

CHRISTENSEN & DOMAN, P.C.

Attorneys at Law
907 Main Avenue
St. Maries, Idaho 83861
Telephone (208) 245-9155
Facsimile (208) 245-1095

Richard S. Christensen

Andrew P. Doman

May 17, 2011

RECEIVED

MAY 18 2011

IDWR/NORTHERN

State of Idaho
Idaho Department of Water Resources
Attn: Keith E. Franklin
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, Idaho 83815

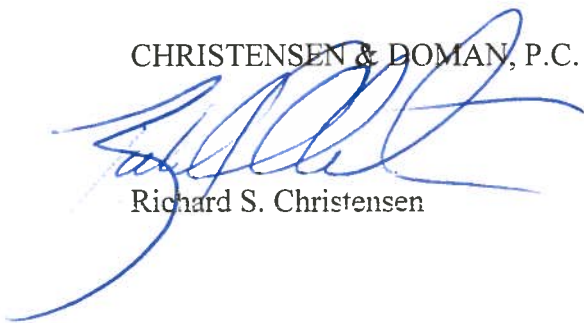
**RE: Application of Harry and Pamela Grubham for Domestic Water Rights
File No. 1253.01**

Dear Mr. Franklin:

After reviewing your letter of May 9, 2011 and your suggested changes and discussing this matter with my client, I have amended the Application for Permit. The IDWR already has the \$100.00 fee which accompanied the original Application for Permit received in your office on May 6, 2011. I am sending a copy of that Application for Permit with this letter. Thank you for your suggestions and attention to this matter.

Respectfully yours,

CHRISTENSEN & DOMAN, P.C.


Richard S. Christensen

RSC:cp
Enclosures
cc: Client
Grubham\waterrights\Waterresource\tr051711

77287

RECEIVED

MAY 06 2011

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No.

91

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR / NORTH

1. Name of applicant(s) Harry Grubham Pamela G. Grubham Phone 208.245.2660
 Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address: 345 S. 15th Street City St. Maries

State Idaho Zip 83861 Email: _____

2. Source of water supply St. Joe River which is a tributary of Lake Coeur d'Alene

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
45N	2E	2	13	SE	SE		Shoshone	St. Joe River	

4. Water will be used for the following purposes:

Amount .02 cfs for irrigation purposes from May 1 to Oct. 1 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) .02 cubic feet per second (cfs) and/or (b) 6.03 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. A land based pump that will pull river water through a 3/4" hose or pipe.

b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.
 For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? n/a; drilling firm _____;
 Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower, show total feet of head and proposed capacity in kW. _____

b. Stockwatering, list number and kind of livestock. _____

c. Municipal, show name of municipality or the applicant's qualifications as a municipal provider _____

d. Domestic, show number of households _____

e. Other, describe fully. _____

COPY

✓ or d.

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	2E	2																5	

Total number of acres to be irrigated: 5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

10. a. Who owns the property at the point of diversion? _____
- b. Who owns the land to be irrigated or place of use? Claimant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water is used for irrigation of grass and trees. Copy of both topographical map and aerial map is attached hereto.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Harry Grubham
Signature of Applicant

Harry Grubham
Print Name (and title, if applicable)

Pamela G. Grubham
Signature of Applicant

Pamela G. Grubham
Print Name (and title, if applicable)

Received by [Signature] Date 5/6/11 Time _____ Preliminary check by [Signature]
Fee \$ 100 Received by [Signature] Receipt No. ND27061 Date 5/6/11

91-7385

CHRISTENSEN & DOMAN, P.C.

Attorneys at Law
907 Main Avenue
St. Maries, Idaho 83861
Telephone (208) 245-9155
Facsimile (208) 245-1095

Richard S. Christensen

Andrew P. Doman

May 4, 2011

RECEIVED

MAY 06 2011

State of Idaho
Idaho Department of Water Resources
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, Idaho 83815

IDWR / NORTH

**RE: Application for Domestic Water Rights
File No. 1253.01**

Dear Sir or Maam:

Enclosed with this letter please find the following:

1. Application for Permit for irrigation surface water executed by Harry and Pamela G. Grubham;
2. Two (2) maps with approximate location of diversion; and
3. Potlatch No. 1 Federal Credit Union check No. 7002 in the amount of \$100.00 by Pamela Grubham.

For your further information, the legal description for my clients' real property which is the point of use for the requested permit is:

Beginning at the point of intersection of the east line of Section 2 with the northerly right-of-way boundary of the St. Joe River Highway, from which point the southeast corner of Section 2 bears South 00°05'00" West - 251.53 feet; running thence

North 00°05'00" East along said line a distance of 201.63 feet to a point on the southerly bank of the St. Joe River as it currently exists; thence westerly along said river bank a distance of 1,355 feet to the intersection of said bank with the west line of Government Lot 13; thence

South 00°05'00" West a distance of 307.76 feet to the intersection point of said west lot line with said northerly right-of-way boundary of the St. Joe River Highway from which point the southwest corner of Lot 13 bears South 00°05'00" West - 228.29 feet. (Said highway right-of-way boundary runs parallel to and 85 feet offset northerly from the centerline of said highway); thence

State of Idaho
Idaho Department of Water Resources
Page 2
May 4, 2011

South 00°05'00" West a distance of 307.76 feet to the intersection point of said west lot line with said northerly right-of-way boundary of the St. Joe River Highway from which point the southwest corner of Lot 13 bears South 00°05'00" West - 228.29 feet. (Said highway right-of-way boundary runs parallel to and 85 feet offset northerly from the centerline of said highway); thence

Easterly along said right-of-way boundary on a spiral curve segment, the chord of which bears North 80°09'00" East - 236.60 feet; thence

North 78°10'30" East along said right-of-way boundary a distance of 59.40 feet; thence

Easterly along said right-of-way boundary on a spiral curve segment the chord of which bears North 79°39'15" East - 256.43 feet; thence

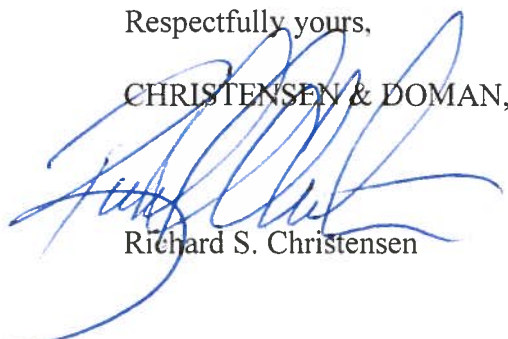
Easterly along said right-of-way boundary on a 1,722.02 foot radius curve right concave to the south through a central angle of 19°42'00" an arc distance of 592.08 feet, the chord of this curve segment bears South 87°36'00" East - 589.17 feet; thence

Southeasterly along said right-of-way boundary on a spiral curve segment the chord of which bears South 75°05'00" East - 218.28 feet to the point of beginning.

Please take all the necessary steps to process this application. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully yours,

CHRISTENSEN & DOMAN, P.C.



Richard S. Christensen

RSC:cp
Enclosures
cc: Client
Grubham\waterrights\Waterresource\tr050411



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

May 9, 2011

Richard S Christensen
Christensen & Doman, P.C.
907 Main Ave.
St. Maries, ID 83861

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
Harry & Pamela Grubham

Dear Mr. Christensen:

The Idaho Department of Water Resources is returning the recently submitted application for Harry and Pamela Grubham for corrections and/or clarification.

The application is requesting the irrigation of 5 acres of land from the St. Joe River with a corresponding diversion rate of 0.02 cfs (9 gpm). This is not enough water for the irrigation of 5 acres. The states guidance for a diversion rate is 0.03 cfs per acre for up to 5 acres. Therefore if 5 acres are to be irrigated, Item #4 and Item #5 should be changed to 0.15 cfs (67.3 gpm).

Also, please mark the point of diversion on the attached aerial photograph.

Please return the corrected application 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,

Keith E Franklin
Senior Water Resources Agent
Enclosure

COPY