

NO. 92-10161

Gary Spackman, For
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

June 28, 2011

JACK WAGNER
1415 28 TH AVE
LEWISTON ID 83501

ANDREA WAGNER
1415 28 TH AVE
LEWISTON ID 83501

RE: Permit No.92-10161

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 black ink, appearing to read "Keith E. Franklin". The signature is stylized with a large, looped "K" and a cursive "Franklin".

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 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.

92-10161

**ANDREA WAGNER
1415 28 TH AVE
LEWISTON ID 83501**

**JACK WAGNER
1415 28 TH AVE
LEWISTON ID 83501**



**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 5/2/11

W.R. # 92 - 10161

APPLICATION ID # 77185

ENT. ED

BCA 4/27

OK to Publish

4/26/11

APPLICANT: Jack & Andrea Wagner

INITIAL REVIEW

BY: ED

DATE: 4/18/2011

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 4.18.11 By: ED
- Field check: by _____
- Field report attached _____
- Analysis Supp. Attached (>5cfs/500af) _____
- Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 4/15/2011

☒ (Include Moratorium Remark)

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

ADVERTISE IN: Bonewah County

Newspaper: SM

Dates scheduled for publication 5/4 & 11/11

Affidavit of Publication received: 5/12

Dates actually published: _____

Application published correctly. Yes ☒ No _____

If not, action taken: _____

Final Date for Protest: 5/23

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 ST. Joe River
- Critical ground water area _____
- Well Drilling Permit required _____
- Well Drilling Application and Fees received _____
- Well Drilling Application approved? _____

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- (Yes)(No)
- Notice of pending void order issued. Final order response date: _____/_____/_____
- Further information required from applicant _____

- Measuring device required _____
- Measuring port required _____
- Special conditions: MSF ST. Joe River, 1/4" in screen at Pod
- Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature] Date: 6/17/2011 Sr. Agent initial ED

APPLICATION NOTICE

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

91-7303

RONALD E CRAIG

MARY T CRAIG

1960 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion L5(SENW) S17 T46N R02W

BENENWAH 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: 4/12/2011

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

Domestic use is for 1 home.

92-10158

ROBERT R KREBS

1104 SHEPARD RD

ST MARIES, ID 83861

Point of Diversion SWSW S16 T46N R02W Benewah CO

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: 4/11/2011

Place Of Use: DOMESTIC T46N R02W S16 L9(SWSW)

Domestic use is for 1 home.

92-10161

JACK WAGNER

ANDREA WAGNER

1415 28 TH AVE

LEWISTON, ID 83501

Point of Diversion SWSW S16 T46N R02W Benewah CO

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: 4/15/2011

Place Of Use: DOMESTIC T46N R02W S16 L9(SWSW)

Domestic use is for 1 home and 1 RV site.

92-10162

GARY DAWSON

5111 S ADAMS ST

SEATTLE, WA 98118

Point of Diversion L9(SWSW) S16 T46N R02W Benewah CO

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: 4/18/2011

Place Of Use: DOMESTIC T46N R02W S16 L9(SWSW)

Domestic use is for 1 home.

92-10166

ALVIN BALDWIN

NORMA BALDWIN

590 LOST CABIN TRAIL

ST MARIES, ID 83861-5007

Point of Diversion SWSW S25 T45N R03W

BENENWAH COUNTY

Source SPRING tributary ALDER CREEK

Point of Diversion SESW S25 T45N R03W Benewah CO

Source ALDER CREEK tributary ST MARIES RIVER

Use: IRRIGATION

03/15 to 10/31 0.03 CFS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.07 CFS

Date Filed: 4/18/2011

Place Of Use: DOMESTIC T45N R03W S25 SESW

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

93-7174

DAMAN LAND AND TIMBER LLC

GLENN DAMAN

1828 SHEEP CREEK RD

DESMET, ID 83824

Point of Diversion SENWSE S31 T44N R04W Benewah CO

Source SPRING

Use: IRRIGATION

03/15 to 11/15 0.03 CFS

Use: IRRIGATION from Storage

03/15 to 11/15 3.6 AF

Use: WILDLIFE Storage

01/01 to 12/31 3.6 AF

Use: RECREATION Storage

01/01 to 12/31 3.6 AF

Use: FIRE PROTECTION Storage

01/01 to 12/31 0.04 CFS

Use: DIVERSION to Storage

01/01 to 12/31 0.04 CFS

Total Diversion: 5.7 CFS

Date Filed: 4/4/2011

Place Of Use: RECREATION STORAGE, WILDLIFE STORAGE

AND FIRE PROTECTION STORAGE

T44N R04W S31 NWSE SWSW

Place Of Use: IRRIGATION T44N R04W S31 SWSE

Total Acres: 1

Recreation use is for fishing and swimming.

93-7178

STUART D AND NORA K LANNING TRUST

1475 SOUTH FORK HANGMAN CREEK RD

TENSED, ID 83870

Points of Diversion(3) SESE S12 T43N R04W Benewah CO

Source Unnamed Stream tributary So. Fork Hangman Creek

Point of Diversion SESE S12 T43N R04W BENENWAH CO

Source RUNOFF tributary SINKS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Use: STOCKWATER

01/01 to 12/31 11.5 AF

Use: STOCKWATER from Storage

01/01 to 12/31 0.7 AF

Use: WILDLIFE Storage

01/01 to 12/31 10.8 AF

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: DOMESTIC Storage

01/01 to 12/31 6.2 AF

Use: DOMESTIC from Storage

01/01 to 12/31 1.2 AF

Use: RECREATION Storage

01/01 to 12/31 5.8 AF

Use: FIRE PROTECTION Storage

01/01 to 12/31 10.8 AF

Total Diversion: 0.06 CFS

Date Filed: 4/18/2011

Place Of Use: DOMESTIC T43N R04W S12 SESE

Place Of Use: ALL OTHER USES same as DOMESTIC

Domestic use is for 1 home.

Recreation use is for fishing and swimming.

Stockwater use is for 50 head of mixed stock.

93-7181

STUART D AND NORA K LANNING TRUST

1475 SOUTH FORK HANGMAN CREEK RD

TENSED, ID 83870

Points of Diversion(2) SWSW S23 T44N R04W Benewah CO

Source SPRINGS tributary HANGMAN CREEK

Use: Irrigation Storage

01/01 to 12/31 7.5 AF

Use: Irrigation from Storage

04/01 to 10/31 3 AF

Use: Stockwater Storage

01/01 to 12/31 7.8 AF

Use: Stockwater from Storage

01/01 to 12/31 0.7 AF

Use: Wildlife Storage

01/01 to 12/31 7.1 AF

Use: Recreation Storage

01/01 to 12/31 7.1 AF

Use: Fire Protection Storage

01/01 to 12/31 7.1 AF

Total Diversion: 10.8 AF

Date Filed: 4/18/2011

Place Of Use: IRRIGATION STORAGE

T44N R04W S23 NWSW SWSW

Place Of Use: IRRIGATION FROM STORAGE

T44N R04W S23 SWSW

Place Of Use: ALL OTHER STORAGE USES

T44N R04W S23 NWSW SWSW

Total Acres: 1

Stockwater use is for 50 head of mixed stock.

Recreation use is for swimming and fishing.

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 applica-

tion on or before 5/23/2011. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

7954 May 4-May 11

Affidavit of Publication

RECEIVED
MAY 12 2011
IDWR / NORTH

STATE OF IDAHO

County of Benewah, ss.

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

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 7 day of May, 2011 and the last on the 11 day of May, 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 11 day of May, 2011.

Cynthia Ann Hammes

STATE OF IDAHO)

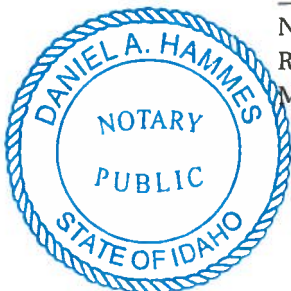
COUNTY OF BENEWAH)

On this 11 day of May, 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.

Arnold C. Hamm

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:

91-7303

RONALD E CRAIG

MARY T CRAIG

1960 COTTONWOOD DR

ST MARIES, ID 83861

Point of Diversion L5(SENW) 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: 4/12/2011

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

Domestic use is for 1 home.

92-10158

ROBERT R KREBS

1104 SHEPHARD RD

ST MAIRES, ID 83861

Point of Diversion SWSW S16 T46N R02W Benewah CO

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: 4/11/2011

Place Of Use: DOMESTIC T46N R02W S16 L9(SWSW)

Domestic use is for 1 home.

92-10161

JACK WAGNER

ANDREA WAGNER

1415 28 TH AVE

LEWISTON, ID 83501

Point of Diversion SWSW S16 T46N R02W Benewah CO

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: 4/15/2011

Place Of Use: DOMESTIC T46N R02W S16 L9(SWSW)

Domestic use is for 1 home and 1 RV site.

92-10162

GARY DAWSON

5111 S ADAMS ST

SEATTLE, WA 98118

Point of Diversion L9(SWSW) S16 T46N R02W Benewah CO

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: 4/18/2011

Place Of Use: DOMESTIC T46N R02W S16 L9(SWSW)

Domestic use is for 1 home.

92-10166

ALVIN BALDWIN

NORMA BALDWIN

590 LOST CABIN TRAIL

ST MARIES, ID 83861-5007

Point of Diversion SWSESW S25 T45N R03W

BENEWAH COUNTY

Source SPRING tributary ALDER CREEK

Point of Diversion SESW S25 T45N R03W Benewah CO

Source ALDER CREEK tributary ST MARIES RIVER

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

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

Total Diversion: 0.07 CFS

Date Filed: 4/18/2011

Place Of Use: DOMESTIC T45N R03W S25 SESW

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

93-7174

DAMAN LAND AND TIMBER LLC

GLENN DAMAN

1828 SHEEP CREEK RD

DESMET, ID 83824

Point of Diversion SENWSE S31 T44N R04W Benewah CO

Source SPRING

Use: IRRIGATION 03/15 to 11/15 0.03 CFS
Use: IRRIGATION Storage 03/15 to 11/15 3.6 AF
Use: IRRIGATION from Storage 03/15 to 11/15 3 AF
Use: WILDLIFE Storage 01/01 to 12/31 3.6 AF
Use: RECREATION Storage 01/01 to 12/31 3.6 AF
Use: FIRE PROTECTION Storage 01/01 to 12/31 3.6 AF
Use: DIVERSION to Storage 01/01 to 12/31 0.04 CFS
Total Diversion: 5.7 CFS

Date Filed: 4/4/2011

Place Of Use: RECREATION STORAGE, WILDLIFE
STORAGE AND FIRE PROTECTION STORAGE

T44N R04W S31 NWSE SWSE

Place Of Use: IRRIGATION T44N R04W S31 SWSE

Total Acres: 1

Recreation use is for fishing and swimming.

93-7178

STUART D AND NORA K LANNING TRUST

1475 SOUTH FORK HANGMAN CREEK RD

TENSED, ID 83870

Points of Diversion(3) SESE S12 T43N R04W Benewah CO
Source Unnamed Stream tributary South Fork Hangman Creek
Point of Diversion SESE S12 T43N R04W BENEWAH CO
Source RUNOFF tributary SINKS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: STOCKWATER Storage 01/01 to 12/31 11.5 AF
Use: STOCKWATER from Storage 01/01 to 12/31 0.7 AF
Use: WILDLIFE Storage 01/01 to 12/31 10.8 AF
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: DOMESTIC Storage 01/01 to 12/31 6.2 AF
Use: DOMESTIC from Storage 01/01 to 12/31 1.2 AF
Use: RECREATION Storage 01/01 to 12/31 5.8 AF
Use: FIRE PROTECTION Storage 01/01 to 12/31 10.8 AF
Total Diversion: 0.06 CFS

Date Filed: 4/18/2011

Place Of Use: DOMESTIC T43N R04W S12 SESE

Place Of Use: ALL OTHER USES same as DOMESTIC

Domestic use is for 1 home.

Recreation use is for fishing and swimming.

Stockwater use is for 50 head of mixed stock.

93-7181

STUART D AND NORA K LANNING TRUST

1475 SOUTH FORK HANGMAN CREEK RD

TENSED, ID 83870

Points of Diversion(2) SWSW S23 T44N R04W Benewah CO
Source SPRINGS tributary HANGMAN CREEK

Use: Irrigation Storage 01/01 to 12/31 7.5 AF
Use: Irrigation from Storage 04/01 to 10/31 3 AF
Use: Stockwater Storage 01/01 to 12/31 7.8 AF
Use: Stockwater from Storage 01/01 to 12/31 0.7 AF
Use: Wildlife Storage 01/01 to 12/31 7.1 AF
Use: Recreation Storage 01/01 to 12/31 7.1 AF
Use: Fire Protection Storage 01/01 to 12/31 7.1 AF
Total Diversion: 10.8 AF

Date Filed: 4/18/2011

Place Of Use: IRRIGATION STORAGE

T44N R04W S23 NWSW SWSW

Place Of Use: IRRIGATION FROM STORAGE

T44N R04W S23 SWSW

Place Of Use: ALL OTHER STORAGE USES

T44N R04W S23 NWSW SWSW

Total Acres: 1

Stockwater use is for 50 head of mixed stock

.Recreation use is for swimming and fishing.

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 5/23/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 5/4/2011 and 5/11/2011



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

May 9, 2011 C.L. "Butch" Otter/Governor
Virgil Moore/Director

RECEIVED

MAY 11 2011

IDWR/NORTHERN

Dear Keith:

REFERENCE: CRAIG: 91-7303 (domestic 0.04 cfs); DAWSON: 92-10162 (domestic 0.04 cfs);
KREBS: 92-10158 (domestic 0.04 cfs); **WAGNER: 92-10161** (domestic 0.04 cfs)

We have reviewed the above-named applications to divert 0.04 cfs from the St. Joe River for domestic use.

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 amount requested is small (0.04 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 ≤ 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 Combined 91-7303; 92-10158-10161-10162 *Keeping Idaho's Wildlife Heritage*

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, April 27, 2011 11:24 AM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 91-7303, 92-10158, 92-10161, 92-10162, 92-10166. 93-7174, 93-7181, 93-7178

Hi, Kaisie,

This one is quite large – contains 8 applications.

Please publish the enclosed legal notice on the dates indicated, May 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.

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 5/23/2011. Your cooperation is, as always, very greatly appreciated.

Thanks for your patience as we work together on these.



LegalNotice
14-26-11 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

April 26, 2011

JACK WAGNER
ANDREA WAGNER
1415 28 TH AVE
LEWISTON, ID 83501

Application For Permit No. 92-10161

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 5/4/2011 and 5/11/2011. 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,

Eric J. Davis
Sr. Water Resource Agent

Enc. Receipt No. N026932

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, April 26, 2011 12:43 PM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Applications for Permit No. 91-7303; 92-10158, 92-10161, 92-10162

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 each of the applications is enclosed for your reference.

These are being prepared for publication in the St Maries Gazette on May 4 and 11, 2011 with May 23, 2011 being final date for protests to be received in our office.



91-7303_Craig.pdf



92-10158_Krebs.pdf



92-10161_Wagner.pdf



92-10162_Dawson.pdf

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 Keith Franklin in this office if you have any questions regarding Craig or Dawson.
Please contact Eric David in this office if you have any questions regarding Krebs or Wagner.

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