

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 92-10138

Priority: March 15, 2011

Maximum Diversion Rate: 0.20 CFS

This is to certify, that PAUL T YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES ID 83861

And/Or

SHIRLEY YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES ID 83861

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM
SPRING

Tributary: SOUTH FORK SANTA CREEK

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>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.20 CFS	
IRRIGATION FROM STORAGE	01/01 to 04/01	0.03 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
IRRIGATION	04/01 to 10/31	0.03 CFS	
IRRIGATION STORAGE	01/01 to 12/31		3.0 AF
RECREATION STORAGE	01/01 to 12/31		8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW1/4SE1/4 Sec. 35, Twp 44N, Rge 03W, B.M. BENEWAH County
SPRING SE1/4SW1/4SE1/4 Sec. 35, Twp 44N, Rge 03W, B.M. BENEWAH County
SPRING SE1/4SW1/4SE1/4 Sec. 35, Twp 44N, Rge 03W, B.M. BENEWAH County
SPRING SE1/4SW1/4SE1/4 Sec. 35, Twp 44N, Rge 03W, B.M. BENEWAH County

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 92-10138

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
44N 03W 35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0
																	1.0

Total Acres: 1

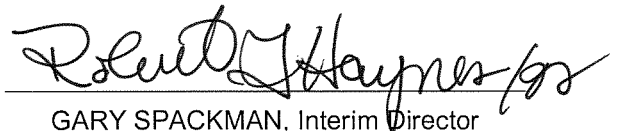
PLACE OF USE: IRRIGATION STORAGE And RECREATION And DIVERSION TO STORAGE
And RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
44N 03W 35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2013**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion on the stream.
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. The pond established by the storage of water under this right shall not exceed a total capacity of 8 acre-feet or a total surface area of 1 acre.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Right 92-10138 authorize the diversion of an annual total of 8 acre-feet to be used for the initial filling of the pond or and for the replacement of losses caused by seepage and evaporation.
8. Water shall not be diverted under this right when flows in the St. Maries River are below minimum flow amounts as defined by Right 92-7200.
9. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 12th day of May, 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

May 16, 2011

PAUL T YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES ID 83861

SHIRLEY YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES ID 83861

RE: Permit No.92-10138

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, reading "Keith E. Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

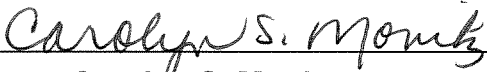
CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 92-10138

**PAUL T YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES ID 83861**

**SHIRLEY YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES ID 83861**



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 3/24/11

W.R. # 92 - 10138

APPLICATION ID # 77110

ENT. ED

BCA

3/17/11

OK to Publish

3/17/11

APPLICANT: PAUL & Shirley Yegge

INITIAL REVIEW

BY: ED

DATE: 3 / 16 / 2011

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 3-15-11 By: E.D

☐ Field check: by _____

☐ Field report attached

☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 3 / 15 / 2011

☒ (Include Moratorium Remark)

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

ADVERTISE IN:

Bonanza County

Newspaper: SM

Dates scheduled for publication 4/6 + 13/11

Affidavit of Publication received: 4/19/11

Dates actually published: 4/6 + 13/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 4/25/11

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 \$ _____

_____ Dom. _____ Non-Dom. _____ Paid \$ _____

_____ Dom. _____ Non-Dom. _____ Paid \$ _____

Y () N ()

Y () N ()

Y () N ()

_____ Groundwater management area

_____ Critical ground water area

_____ Well Drilling Permit required

_____ Well Drilling Application and Fees received

_____ Well Drilling Application approved?

UNNAMED Stream / Springs

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: MSF & 1/4 screen at Point of diversion

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

Approval Recommended by: Eric Johnson

Date: 4/27/2011 Sr. Agent initial ED.

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 13 day of April, 2011 and the last on the 13 day of April, 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 13 day of April, 2011.

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 13 day of April, 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

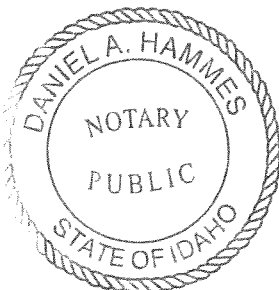
Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

07-13-2013

RECEIVED

APR 19 2011

IDWR / NORTH



WATER RIGHTS APPLICATION

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

91-7287

DANIEL STUHLMAN

98 GRACIE LANE

ST MAIRES, ID 83861

Point of Diversion L10(SWSW) S14 T46N R02W

BENEWAH CO

Source ST JOE RIVER tributary COEUR D'ALENE LAKE

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

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

Total Diversion: 0.13 CFS

Date Filed: 3/16/2011

Place Of Use: DOMESTIC T46N R02W S14 L10(SWSW)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 3

Domestic use is for 1 home.

92-10132

KENNETH CROMER

PO BOX 145

ST MAIRES, ID 83861

Point of Diversion NESW S11 T43N R01W BENEWAH CO

Source CARPENTER CREEK tributary ST MAIRES RIVER

Use: IRRIGATION 03/15 to 10/31 0.06 CFS

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

Total Diversion: 0.06 CFS

Date Filed: 2/28/2011

Place Of Use: DOMESTIC T43N R01W S11 NESW

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 1 home.

92-10135

RICHARD L MASON

PO BOX 182

SANTA, ID 83866

Point of Diversion SENWNW S27 T44N R01W

BENEWAH CO

Point of Diversion SWNENW S27 T44N R01W

BENEWAH CO

Source for both Points of Diversion: SPRING tributary SINKS

Use: IRRIGATION 01/01 to 12/31 0.2 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 52.7 AF

Use: IRRIGATION from STORAGE 04/01 to 10/31 48 AF

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

Use: STOCKWATER STORAGE 01/01 to 12/31 5.1 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.4 AF

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

Use: DOMESTIC STORAGE 01/01 to 12/31 5.3 AF

Use: DOMESTIC from STORAGE 01/01 to 12/31 0.6 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 4.7 AF

Total Diversion: 0.2 CFS

Date Filed: 11/3/2010

Place of Use: DOMESTIC and DOMESTIC from STORAGE

T44N R01W S27 NWNW

Place of Use: IRRIGATION and IRRIGATION from

STORAGE T44N R01W S27 NENW NWNW

Place of Use: STOCKWATER and STOCKWATER from

STORAGE T44N R01W S27 NENW NWNW

Place of Use: DOMESTIC STORAGE, IRRIGATION STORAGE

STOCKWATER STORAGE and FIRE PROTECTION STORAGE

T44N R01W S27 NENW NWNW

Total Acres: 16

Domestic use is for 1 home.

Stockwater use is for 25 head of mixed stock.

92-10138

PAUL TYEGGE

SHIRLEY YEGGE

320 MIDDLE FORK SANTA CREEK ROAD

ST MAIRES, ID 83861

Point of Diversion SWSE S35 T44N R03W BENEWAH CO

Source UNNAMED STREAM tributary SANTA CREEK

Points of Diversion(3) SESWSE S35 T44N R03W

BENEWAH CO

Source SPRINGS tributary Sinks

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

Use: IRRIGATION STORAGE 01/01 to 12/31 3 AF

Use: IRRIGATION from STORAGE 01/01 to 04/01 0.03 CFS

Use: RECREATION 01/01 to 12/31 0.2 CFS

Use: RECREATION STORAGE 01/01 to 12/31 8 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 3/15/2011

Place of Use: RECREATION and IRRIGATION

T44N R03W S35 SWSE

Place of Use: IRRIGATION FROM STORAGE

T44N R03W S35 SWSE

Place of Use: RECREATION STORAGE and

IRRIGATION STORAGE T44N R03W S35 SWSE

Total Acres: 1

Recreation and recreation storage use for fishing.

92-10142

GAY HAWLEY

RICH HAWLEY

PO BOX 8233

MOSCOW, ID 83843

Points of Diversion(2) NENE S7 T43N R01E BENEWAH CO

Source CARPENTER CREEK tributary ST MAIRES RIVER

Point of Diversion: SENENE S7 T43N R01E BENEWAH CO

Source SPRING tributary CARPENTER CREEK

Use: IRRIGATION 04/01 to 10/31 0.14 CFS

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

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

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

Total Diversion: 0.2 CFS

Date Filed: 3/18/2011

Place of Use: DOMESTIC, IRRIGATION, STOCKWATER

and FIRE PROTECTION T43N R01E S7 NENE

Total Acres: 7

Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

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 4/25/2011. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

7929 April 6 & April 13

RECEIVED

APR 19 2011

IDWR / NORTH

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

91-7287

DANIEL STUHLMAN
98 GRACIE LANE
ST MAIRES, ID 83861

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Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

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

Total Diversion: 0.13 CFS

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Place Of Use: DOMESTIC T46N R02W S14 L10(SWSW)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 3

Domestic use is for 1 home.

92-10132

KENNETH CROMER
PO BOX 145

ST MARIES, ID 83861

Point of Diversion NESW S11 T43N R01W BENEWAH CO

Source CARPENTER CREEK Tributary ST MARIES RIVER

Use: IRRIGATION 03/15 to 10/31 0.06 CFS

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

Total Diversion: 0.06 CFS

Date Filed: 2/28/2011

Place Of Use: DOMESTIC T43N R01W S11 NESW

Place Of Use: IRRIGATION same as DOMESTIC

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92-10135

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Point of Diversion SWNENW S27 T44N R01W BENEWAH CO

Source for both Points of Diversion: SPRING Tributary SINKS

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Use: DOMESTIC STORAGE 01/01 to 12/31 5.3 AF

Use: DOMESTIC from STORAGE 01/01 to 12/31 0.6 AF

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Total Diversion: 0.2 CFS

Date Filed: 11/3/2010

Place of Use: DOMESTIC and DOMESTIC from STORAGE

T44N R01W S27 NWNW

Place of Use: IRRIGATION and IRRIGATION from STORAGE

T44N R01W S27 NENW NWNW

Place of Use: STOCKWATER and STOCKWATER from STORAGE

T44N R01W S27 NENW NWNW

Place of Use: DOMESTIC STORAGE, IRRIGATION STORAGE

: STOCKWATER STORAGE and FIRE PROTECTION STORAGE

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Source UNNAMED STREAM Tributary SANTA CREEK

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Source SPRINGS Tributary Sinks

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

Use: IRRIGATION STORAGE 01/01 to 12/31 3 AF

Use: IRRIGATION from STORAGE 01/01 to 04/01 0.03 CFS

Use: RECREATION 01/01 to 12/31 0.2 CFS

Use: RECREATION STORAGE 01/01 to 12/31 8 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

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Date Filed: 3/15/2011

Place of Use: RECREATION and IRRIGATION

T44N R03W S35 SWSE

Place of Use: IRRIGATION FROM STORAGE

T44N R03W S35 SWSE

Place of Use: RECREATION STORAGE and

IRRIGATION STORAGE

T44N R03W S35 SWSE

Total Acres: 1

Recreation and recreation storage use for fishing.

92-10142

GAY HAWLEY

RICH HAWLEY

PO BOX 8233

MOSCOW, ID 83843

Points of Diversion(2) NENE S7 T43N R01E BENEWAH CO

Source CARPENTER CREEK Tributary ST MARIES RIVER

Point of Diversion SENENE S7 T43N R01E BENEWAH CO

Source SPRING Tributary CARPENTER CREEK

Use: IRRIGATION 04/01 to 10/31 0.14 CFS

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

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

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and FIRE PROTECTION T43N R01E S7 NENE

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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 4/25/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 4/6/2011 and 4/13/2011

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 22, 2011 12:16 PM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 92-10135, 92-10132, 92-10138, 91-7287, 92-10142

Hi, Kaisie,

We have another legal notice, and for this one we request publication on the dates indicated. April 6 & 13, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is another one that is quite large.

If you don't use a legal number, please eliminate that line near the bottom of the legal notice.



LegalNotice
03-22-11 SM e-mail..

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 4/25/2011. Your cooperation is appreciated.

I will need a proof/preview copy for my review before this goes to press.

If you have ANY questions or problems, please contact me right away.

Thanks very much for your help.

Dianne Ball

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 22, 2011

PAUL T YEGGE
SHIRLEY YEGGE
320 MIDDLE FORK SANTA CREEK ROAD
ST. MARIES, ID 83861

Application For Permit No. 92-10138

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 4/6/2011 and 4/13/2011. 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

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 17, 2011 3:15 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 92-10138 Unnamed stream and springs; Permit No. 91-7287 St Joe River

Dear Mary:

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 attached for your reference.

These are being prepared for publication in the St Maries Gazette on April 6 and 13, 2011 with final date for protest to be April 25, 2011.



92-10138
Yegge.pdf



91-7287
Stuhlman.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 Eric Davis at this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 10, 2004

Paul T. Yegge
Route 4, Box 208F
Saint Maries, ID 83861

RE: Yegge Dam

D92-7201

Dear Mr. Yegge:

In 1987, the Dam Safety Statutes, §42-1711 Idaho Code, were modified to exclude small dams from IDWR regulation that store less than 10 acre-feet and are located in low risk areas. An examination of Yegge Dam, which is located in SWSE, Section 35, T44N-R3W, B.M., in Benewah County, revealed that it has a maximum storage capacity of approximately 6 acre-feet and the Department determined that the downstream risk (development that would be affected if the dam failed suddenly) is low. Therefore, the project was excluded from the Department's regulation.

The Downstream risk was last examined on October 30, 2003, and determined to still be low. Although IDWR does not regulate the dam, we recommend that routine maintenance be performed as needed to keep the dam operating safely, including eliminating woody vegetative growth on the embankment (spray/cut and burn or remove brush and trees). Also, maintain the cross section of the dam, and eradicate rodents as necessary. We recommend all large animal burrows be backfilled with suitable soil material, compacted in place, and eroded areas, which may develop on the embankment, be repaired by adding fill or granular material or rock riprap as necessary to maintain the integrity of the dam.

The Department will continue to examine the site approximately every 5 years to determine if any changes have occurred to make the dam jurisdictional. Please notify IDWR if there is further development of the area directly below the dam, or if you propose to raise the dam to increase its storage capacity. Also advise if the ownership changes.

Should you have any questions, please contact Dave LePard, phone (208) 769-1450, in our Northern Regional Office in Coeur d'Alene.

Sincerely,

A. Michael Stubblefield, P.E.
Dam Safety Section

cc: IDWR - Northern Region

Idaho Department of Fish and Game

Private Pond Permit

2001-2006

731- 2001 -8

\$1.50

Paul & Shirl Yegge

Rt 4 Box 208 F

St Maries ID 83861

DL_NO

DOB 0

Issue Date: 9/10/2001

Vendor No.: 9991

Valid Dates 7/01/2001 6/30/2006

Clerk Initials jam



In conformance with Chapter 7, Idaho Code and Idaho Fish and Game rules, the above applicant is hereby granted permission to establish and maintain a private pond in the State of Idaho.

DESCRIPTION OF POND: 1/4 mile west on Middle Fork of Santa Creek Road Santa Creek Road comes off Saunders Road-approximately 3 miles west of Emida.

WATER SOURCE: Underground springs and unnam

WATER SOURCE IS ON: Santa Creek

DISCHARGE FLOWS INTO: Unnamed spring

DISCHARGE FLOW (cfs): 0.200

SPECIES OF FISH:

Catfish

Trout

Bass

SOURCE/SUPPLIER:

Sweetwater Aquaculture

Sweetwater Aquaculture

Sweetwater Aquaculture

Rod Sando, Director
Idaho Department of Fish and Game
600 S. Walnut; P.O. Box 25
Boise, ID 83707



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne / Governor
Rod Sando / Director

08/13/01

Dear Private Pond Owner:

Your Private Pond Permit has now expired. Enclosed you will find an application to fill out for renewal and now your permit will be good for 5 years.

We need to charge a \$1.50 issuance fee for the permit. Please send the fee with your completed application to our office:

Idaho Department of Fish and Game
2750 Kathleen Avenue
Coeur d'Alene, ID 83814

If you have any questions, you may call our office at 769-1414.

Sincerely,

Judy McKenna

jm

Application completed and sent 9/1/2001

Fritschle, Carter

From: Fritschle, Carter on behalf of NIA Help
Sent: Monday, March 14, 2011 8:53 AM
To: Paul/Shirley Yegge
Subject: RE: North Idaho Claim
Attachments: 92-07201 Lapsed Permit Notice.pdf

Dear, Mr. Yegge:

I am sorry to report that Idaho Department of Water Resources' records show that Permit Number 92-07201 has lapsed. I have attached a copy of the lapse notice that was mailed in 1998. At this point, I would suggest calling and/or making an appointment with IDWR's Northern Region office to review your options. The contact information is as follows:

Idaho Department of Water Resources
7600 N. Mineral Dr. Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

If you want to pursue an adjudication claim based on the lapsed permit, I will send you a link to the instructions and the form. However, it is highly unlikely that the claim will be recommended to the court as a valid water right unless the permit is reinstated.

If you have any additional questions, please contact me.

Sincerely,

Carter Fritschle
Adjudication Section Manager
Idaho Department of Water Resources
(208) 287-4917
Carter.Fritschle@idwr.idaho.gov

-----Original Message-----

From: Paul/Shirley Yegge [<mailto:pnsyegge@yahoo.com>]
Sent: Sunday, March 13, 2011 3:00 PM
To: NIA Help
Subject: North Idaho Claim

I went to <http://www.idwr.idaho.gov/onlineclaimstaking/login.aspx> and no procedure found. Please send me instructions! My existing permit # is 92-07201
Paul Yegge

SHIRLEY YEGGE
PAUL T YEGGE
1130 TIMBER LN APT 8
COEUR D ALENE ID 83814

August 13, 1998

LAPSE NOTICE

RE: PERMIT NO. 92-07201

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 8-14-98
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

