

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-07337

Priority: April 21, 2011

Maximum Diversion Rate: 0.06 CFS

This is to certify, that KEITH SIBERT
#36 RIVERDALE DR
ST MARIES ID 83861
(208) 245-2374

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	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER, L7 (NW1/4SE1/4), Sec. 23, Twp 46N, Rge 02W, B.M., BENEWAH County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 23														2.0			2.0
														L 7			

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2013**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. Water shall not be diverted under this right when flows in the St. Joe River are below minimum stream 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 14 day of July, 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

July 18, 2011

KEITH SIBERT
#36 RIVERDALE DR
ST MARIES ID 83861

RE: Permit No.91-7337

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, appearing to read "Keith E. Franklin". The signature is stylized with a large, looping "K" and "F".

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

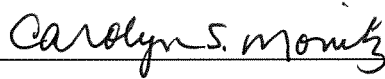
CERTIFICATE OF SERVICE

I hereby certify that on July 19, 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.

91-7337

**KEITH SIBERT
#36 RIVERDALE DR
ST MARIES ID 83861**

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

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

P 5/13/11

W.R. # 91-7337

APPLICATION ID # 17224

ENT. 5/5/11 BCA 5/10/11 OK to Publish 5/5/11

APPLICANT: Keith Sibert

INITIAL REVIEW

BY: KJ

DATE: 5/5/2011

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 5/5/11 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 4/21/2011

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

ADVERTISE IN: Bentley County

Newspaper: SM

Dates scheduled for publication 5/18 + 25/11

Affidavit of Publication received: 6/2/11

Dates actually published: 5/18 + 25/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 6/6/11

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y () N ()

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

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

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

Approval Recommended by:

Keith Sibert

Date: 7/1/2011 Sr. Agent initial

KJ

APPLICATION NOTICE

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

91-7337

KEITH SIBERT

#36 RIVERDALE DR

ST MARIES, ID 83861

Point of Diversion L7(NWSE) S23 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D'ALENE LAKE

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

Total Diversion: 0.06 CFS

Date Filed: 4/21/2011

Place of Use: IRRIGATION T46N R02W S23 L7(NWSE)

Total Acres: 2

92-10220

TERRY DAVENPORT

MICHELLA DAVENPORT

56 CASSANDRA HILLS

ST MARIES, ID 83861

Point of Diversion SESESE S8 T46N R02W BENEWAH CO

Source SPRING tributary ST MARIES RIVER

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

Total Diversion: 0.03 CFS

Date Filed: 3/15/2011

Place of Use: IRRIGATION T46N R02W S8 SESE

Total Acres: 0.5

93-7175

RAYMOND A WILSON

BEVERLY ANN WILSON

2665 S EATON PL

LAKEWOOD, CO 80227

Point of Diversion NWSE S2 T43N R04W BENEWAH CO

Source UNNAMED STREAM tributary HANGMAN CREEK

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

Use: Stockwater Storage 01/01 to 12/31 1.4 AF

Use: Stockwater from Storage 01/01 to 12/31 1.4 AF

Use: Recreation Storage 01/01 to 12/31 37 AF

Total Diversion: 38.4 AF

Date Filed: 4/4/2011

Place of Use: STOCKWATER T43N R04W S2 NWSE

Place of Use: Stockwater Storage, Recreation Storage and Stockwater from Storage T43N R04W S2 NWSE

Recreational use for fishing and swimming.

Stockwater use for 60 head of mixed stock.

93-7177

EARL L LANNING

120 MOSES MTN LN

TENSED, ID 83870

Points of Diversion(2) NENESW S23 T44N R04W

BENEWAH County

Source SPRINGS

Point of Diversion SWSESW S23 T44N R04W BENEWAH CO

Source SPRING

Point of Diversion NESW S23 T44N R04W BENEWAH CO

Source UNNAMED STREAM tributary UNNAMED STREAM

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

Use: Stockwater Storage 01/01 to 12/31 6.9 AF

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

Use: Recreation Storage 01/01 to 12/31 6.5 AF

Use: Diversion to Storage 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 4/14/2011

Place of Use: Stockwater T44N R04W S23 NESW SESW

Place of Use: Stockwater Storage & Recreation Storage

T44N R04W S23 NESW SESW

Place of Use: Domestic T44N R04W S23 SESW

Recreation use is for swimming.

93-7191

JAMES P DEVER

LYNN C DEVER

4170 FOUR CORNERS RD

TENSED, ID 83870

Point of Diversion NWNW S15 T44N R04W BENEWAH CO

Source UNNAMED STREAM tributary SQUAW CREEK

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

Use: Stockwater Storage 01/01 to 12/31 0.2 AF

Use: Wildlife Storage 01/01 to 12/31 1.3 AF

Use: Fire Protection Storage 01/01 to 12/31 1.3 AF

Total Diversion: 0.02 CFS

Date Filed: 4/29/2011

Place of Use: STOCKWATER

T44N R04W S10 SWSW

T44N R04W S15 NWNW

Place of Use: Stockwater Storage, Wildlife Storage and Fire Protection Storage T44N R04W S15 NWNW

Stockwater use is for 2 head of mixed stock.

95-14435

ROBERT WOODBURY

EDNA WOODBURY

12060 HWY 5

ST MARIES, ID 83861

Point of Diversion SWSWNE S14 T46N R03W Benewah Co

Source SPRING Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 4/7/2011

Place of Use: DOMESTIC T46N R03W S14 SWNE NWSE

Domestic use is for 1 home.

95-14449

WILLIAM AND LELA MORRIS FAMILY TRUST

1231 BILL MORRIS RD

PLUMMER, ID 83851

Point of Diversion SENENE S18 T46N R03W BENEWAH CO

Source SPRING tributary SINKS

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 4/6/2011

Place of Use: IRRIGATION

T46N R03W S17 NWNW

T46N R03W S18 NENE

Total Acres: 12.2

95-14672

FLETCHER FAMILY TRUST

444 FLETCHER RD

ST MARIES, ID 83861

Point of Diversion NWNWNE S35 T45N R04W

BENEWAH CO

Source SPRING tributary BENEWAH CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 4/20/2011

Place of Use: DOMESTIC T45N R04W S35 NWNE

Domestic use is for 1 home.

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 6/6/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

RECEIVED
JUN 02 2011
IDWR/NORTH

Affidavit of Publication

RECEIVED

JUN 02 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 18 day of May, 2011 and the last on the 25 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 25 day of May, 2011.

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 25 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.

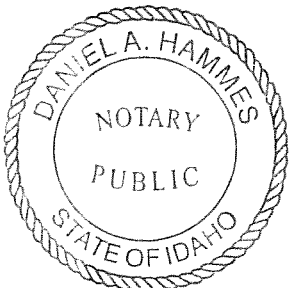
Daniel A. Hammes

Notary Public for Idaho

Residing at St. Maries, Idaho

My commission expires:

07-13-2011



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

91-7337

KEITH SIBERT
#36 RIVERDALE DR
ST MARIES, ID 83861
Point of Diversion L7(NWSE) S23 T46N R02W
BENEWAH County
Source ST JOE RIVER tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 4/21/2011

Place of Use: IRRIGATION T46N R02W S23 L7(NWSE)

Total Acres: 2

92-10220

TERRY DAVENPORT
MICHELLA DAVENPORT
56 CASSANDRA HILLS
ST MARIES, ID 83861
Point of Diversion SESESE S8 T46N R02W BENEWAH CO
Source SPRING tributary ST MARIES RIVER
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 3/15/2011

Place of Use: IRRIGATION T46N R02W S8 SESE

Total Acres: 0.5

93-7175

RAYMOND A WILSON
BEVERLY ANN WILSON
2665 S EATON PL
LAKEWOOD, CO 80227
Point of Diversion NWSE S2 T43N R04W BENEWAH CO
Source UNNAMED STREAM tributary HANGMAN CREEK
Use: Stockwater 01/01 to 12/31 0.03 CFS
Use: Stockwater Storage 01/01 to 12/31 1.4 AF
Use: Stockwater from Storage 01/01 to 12/31 1.4 AF
Use: Recreation Storage 01/01 to 12/31 37 AF
Total Diversion: 38.4 AF

Date Filed: 4/4/2011

Place of Use: STOCKWATER T43N R04W S2 NWSE

Place of Use: Stockwater Storage, Recreation Storage and

Stockwater from Storage T43N R04W S2 NWSE

Recreational use for fishing and swimming.

Stockwater use for 60 head of mixed stock.

93-7177

EARL L LANNING
120 MOSES MTN LN
TENSED, ID 83870
Points of Diversion(2) NENESW S23 T44N R04W
BENEWAH County
Source SPRINGS
Point of Diversion SWSESW S23 T44N R04W BENEWAH CO
Source SPRING
Point of Diversion NESW S23 T44N R04W BENEWAH CO
Source UNNAMED STREAM tributary UNNAMED STREAM
Use: Stockwater 01/01 to 12/31 0.02 CFS
Use: Stockwater Storage 01/01 to 12/31 6.9 AF
Use: Domestic 01/01 to 12/31 0.04 CFS
Use: Recreation Storage 01/01 to 12/31 6.5 AF
Use: Diversion to Storage 01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 4/14/2011

Place of Use: Stockwater T44N R04W S23 NESW SESW

Place of Use: Stockwater Storage & Recreation Storage

T44N R04W S23 NESW SESW

Place of Use: Domestic T44N R04W S23 SESW

Stockwater is for 26 head of mixed stock.

Recreation use is for swimming.

93-7191

JAMES P DEVER
LYNN C DEVER
4170 FOUR CORNERS RD
TENSED, ID 83870
Point of Diversion NWNW S15 T44N R04W BENEWAH CO
Source UNNAMED STREAM tributary SQUAW CREEK

Use: Stockwater 01/01 to 12/31 0.02 CFS
Use: Stockwater Storage 01/01 to 12/31 0.2 AF
Use: Wildlife Storage 01/01 to 12/31 1.3 AF
Use: Fire Protection Storage 01/01 to 12/31 1.3 AF
Total Diversion: 0.02 CFS

Date Filed: 4/29/2011

Place of Use: STOCKWATER

T44N R04W S10 SWSW

T44N R04W S15 NWNW

Place of Use: Stockwater Storage, Wildlife Storage and Fire
Protection Storage T44N R04W S15 NWNW

Stockwater use is for 2 head of mixed stock.

95-14435

ROBERT WOODBURY

EDNA WOODBURY

12060 HWY 5

ST MARIES, ID 83861

Point of Diversion SWSWNE S14 T46N R03W Benewah Co

Source SPRING Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 4/7/2011

Place of Use: DOMESTIC T46N R03W S14 SWNE NWSE

Domestic use is for 1 home.

95-14449

WILLIAM AND LELA MORRIS FAMILY TRUST

1231 BILL MORRIS RD

PLUMMER, ID 83851

Point of Diversion SENENE S18 T46N R03W BENEWAH CO

Source SPRING tributary SINKS

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 4/6/2011

Place of Use: IRRIGATION

T46N R03W S17 NWNW

T46N R03W S18 NENE

Total Acres: 12.2

95-14672

FLETCHER FAMILY TRUST

444 FLETCHER RD

ST MARIES, ID 83861

Point of Diversion NWNWNE S35 T45N R04W

BENEWAH CO

Source SPRING tributary BENEWAH CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 4/20/2011

Place of Use: DOMESTIC T45N R04W S35 NWNE

Domestic use is for 1 home.

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 6/6/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal # Published on 5/18/2011 and 5/25/2011



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

June 1, 2011

C.L."Butch" Otter/Governor
Virgil Moore/Director

RECEIVED

JUN 03 2011

IDWR / NORTH

Dear Keith:

REFERENCE: SIBERT: 91-7335 & 91-7337

We have reviewed the above-named application by Keith Sibert to divert 0.06 cfs & 0.09 cfs (separate properties) 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 (0.06/0.09 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 Sibert 91-7337.91-7335

Keeping Idaho's Wildlife Heritage

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, May 10, 2011 1:23 PM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 91-7337, 92-10220,93-7175, 93-7177, 93-7191, 95-14435, 95-14449, 95-14672,

Hi, Kaisie,

I hope you had a marvelous Mother's day weekend, are currently enjoying this most welcomed day of sunshine

Please publish the enclosed legal notice on the dates indicated, May 18 and 25, 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 6/6/2011. Your cooperation is very much appreciated.

I'll be interested to see how this fits into the font and font size you use. I'm trying to make some adjustments so you don't have to make so many modifications. We'll see if I made enough this time.

Thanks for all your great help.



LegalNotice
5-10-11 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

May 10, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

KEITH SIBERT
#36 RIVERDALE DR
ST MARIES, ID 83861

Application For Permit No. 91-7337

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 5/18/2011 and 5/25/2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Enc. Receipt No. N026966

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, May 05, 2011 4:06 PM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7337

Dear Mary and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.



91-7337_Sibert.pdf

This is being prepared for publication in the St Maries Gazette on May 18 and 25, 2011, with June 6, 2011 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

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



State of Idaho

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April 26, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Keith Sibert
#36 Riverdale Dr.
St Maries, ID 83861

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

Dear Mr. Sibert:

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

Item #2 Source

The St Joe River is tributary to Coeur d'Alene Lake. Please make the correction as indicated on the application.

Item #3 Location of the Point of Diversion

Please refer to the attached aerial photograph. From Benewah County tax records, the point of diversion is located in Government Lot 7 of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ instead of Government Lot 3 of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ as indicated on the application. The point of diversion is also located in Township 46 North instead of Township 45 North as shown on the application. Please make the appropriate correction.

Item #4 Purpose of Use

For the irrigation of 2 acres, the diversion rate is 0.06 cfs (27.0 gpm) rather than 0.2 cfs as indicated on the application. Please make the appropriate correction. Also, the irrigation season for your area is between 3/15 and 10/31 and not 3/1 and 12/1.

Item #5 Total Quantity to be Appropriated

Please change the 0.2 cfs to 0.06 cfs.

Item #8 Place of Use

The application indicates 2 acres of irrigation is to be used in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23. Please refer to the attached aerial photograph. According to Benewah County tax records all of the property is located within Government Lot 7 of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23 instead of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ as shown on the application. Please make the appropriate correction on the application

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

COPY

91-7337

If you have any questions or need assistance in correcting the application don't hesitate to contact me at this office.

Sincerely,

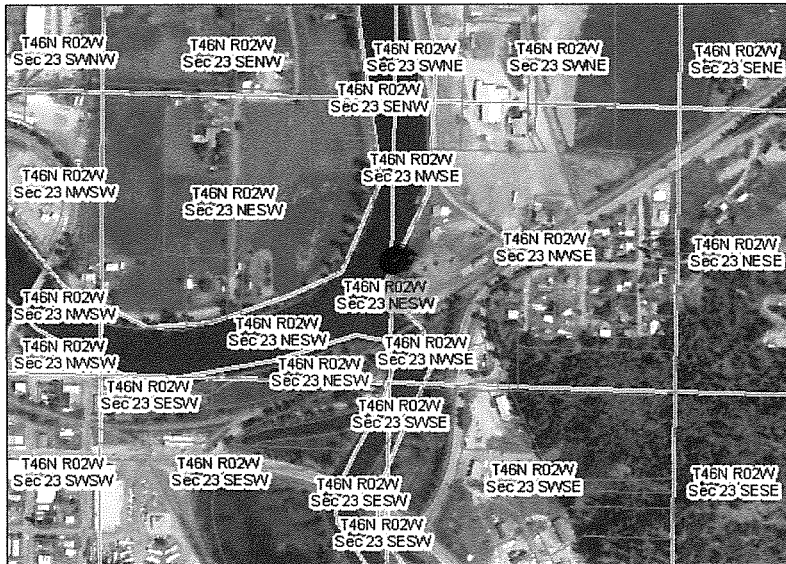
Keith E Franklin
Senior Water Resources Agent
Enclosure(s)

91-7337

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go

Department of Water Resources



● Diversion Area
 ■ Area to Irrigate

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County

Choose A County

If a county is missing from the list then we do not have its parcel information

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Search By PLSS

Township

Range

Section

Quarter-Quarter

Find Township

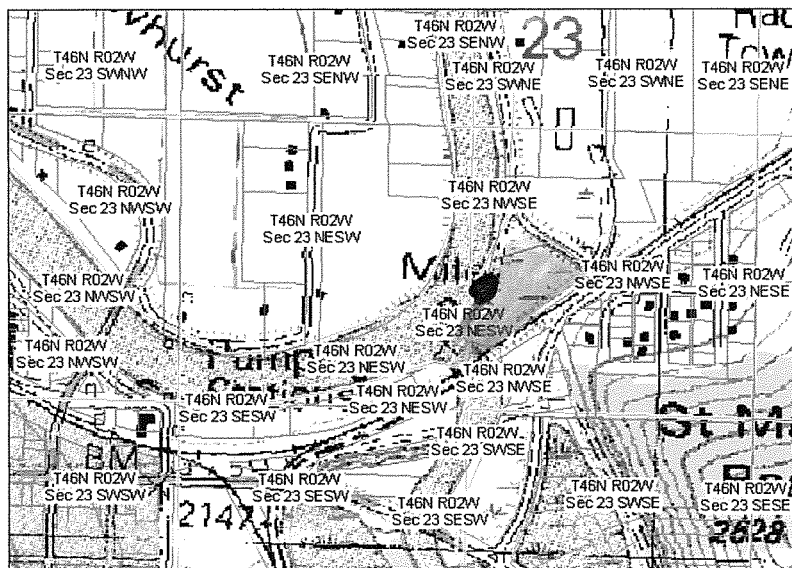
☒ North ☐ South☒ East ☐ West

907337

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Department of Water Resources



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Choose A County

If a county is missing from the list then we do not have its parcel information

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