

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-07287

Priority: March 16, 2011

Maximum Diversion Rate: 0.13 CFS

This is to certify, that DANIEL STUHLMAN
98 GRACIE LANE
ST MAIRES ID 83861

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER L10 (SW1/4SW1/4) Sec. 14, Twp 46N, Rge 02W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

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	14											X						
													L 10						

PLACE OF USE: IRRIGATION

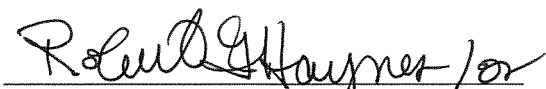
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	02W	14											3.0						3.0
													L 10						

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2012**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. Water shall not be diverted under this right when flows in the St. Joe River are below minimum flow amounts as defined by Right 91-07122.
8. 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 11th 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 11, 2011

DANIEL STUHLMAN
98 GRACIE LANE
ST MAIRES ID 83861

RE: Permit No.91-7287

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 fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

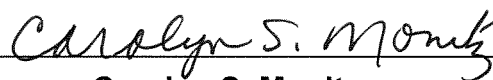
CERTIFICATE OF SERVICE

I hereby certify that on May 12, 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.

91-7287

**DANIEL STUHLMAN
98 GRACIE LANE
ST MAIRES 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 3/24/11

W.R. # 91-7287

APPLICATION ID # 77113

ENT. ED

BCA 3/17/11

OK to Publish 3/17/11

APPLICANT: DANIEL STUHLMAN

INITIAL REVIEW

BY: ED

DATE: 3/17/2011

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 3-17-11 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: 3/16/2011

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

ADVERTISE IN:

Newspaper: Benevolence County

Dates scheduled for publication 4/6+13

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 \$ _____	_____	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? _____

ST. JOE RIVER

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 - ST JOE RIVER 1/2 inch 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 E.D

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 ten 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

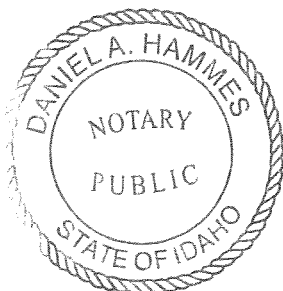
My commission expires:

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 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

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 SWNNW 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 NWNW

Place of Use: STOCKWATER and STOCKWATER from

STORAGE T44N R01W S27 NWNW

Place of Use: DOMESTIC STORAGE, IRRIGATION STORAGE

STOCKWATER STORAGE and FIRE PROTECTION STORAGE

T44N R01W S27 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. MARIES, 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 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

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 S 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
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 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

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
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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

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92-10138

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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 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

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 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

DANIEL STUHLMAN
98 GRACIE LANE
ST MAIRES, ID 83861

Application For Permit No. 91-7287

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

Enc. Receipt No. N026758

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Monday, March 21, 2011 10:49 AM
To: Ball, Dianne
Subject: RE: Application for Permit No. 91-7287 - St Joe River

Dear Dianne,

Thank you for the opportunity to comment on subject. The St. Joe Area does not have comment on subject application. We appreciate the notification as it advises the dept. of installations that may need encroachment permits.

Jim Bennett
Lands Resource Specialist, Sr.
St. Joe Area
Idaho Dept. of Lands

From: Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]
Sent: Thursday, March 17, 2011 3:13 PM
To: Jim Bennett
Subject: RE: Application for Permit No. 91-7287 - St Joe River

Dear 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.

This is being scheduled for publication in the St Maries Gazette April 6 and 13, 2011 with final protest date of April 25, 2011.

<<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 this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant

Idaho Department of Water Resources

7600 N Mineral Dr., Ste. 100

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 17, 2011 3:13 PM
To: jbenett@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7287 - St Joe River

Dear 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.

This is being scheduled for publication in the St Maries Gazette April 6 and 13, 2011 with final protest date of April 25, 2011.



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 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



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
7600 Mineral Drive, Ste 100
Coeur d' Alene, ID 83815

April 11, 2011

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

RECEIVED

APR 13 2011

IDWR/NORTHERN

Dear Keith:

REFERENCE: STUHLMAN: 91-7287

We have reviewed the above-named application by Daniel Stuhlman to divert 0.04 cfs for domestic use and 0.09 cfs for irrigation (April 1 through October 31) from the St. Joe River. We noted in the application that the proponent intends to irrigate only 0.5 acres; therefore, the diversion for irrigation should be 0.03 cfs.

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 particular application is small, we are concerned that the cumulative effects of property owners applying for diversions may be harmful to this economically and ecologically important fishery. There is a minimum stream flow on the St. Joe River (WR 91-7122) of 470.0 cfs from August 1 to October 31, and 941.0 cfs from November 1 through July 31. The applicant 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.

Pumps 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

Keeping Idaho's Wildlife Heritage

File: IDWR Stuhlman 91-7287

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