

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-07575

Priority: June 02, 2010

Maximum Diversion Rate: 0.03 CFS

This is to certify, that JAMES DRECHSEL
1702 E SATRE AVE
COEUR D'ALENE ID 83815
(208) 667-4030

has applied for a permit to appropriate water from:

Source: NORTH FORK COEUR D'ALENE RIVER

Tributary: COEUR D'ALENE RIVER

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	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

NORTH FORK COEUR D'ALENE RIVER, L3 (NW1/4NE1/4), Sec. 8, Twp 49N, Rge 02E, B.M.
SHOSHONE County

NORTH FORK COEUR D'ALENE RIVER, L3 (NW1/4NE1/4), Sec. 8, Twp 49N, Rge 02E, B.M.
SHOSHONE County

PLACE OF USE: IRRIGATION

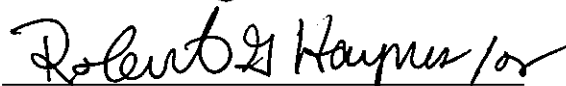
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	02E	8		1.0															1.0
				L 3															

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2012**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.03 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 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below minimum flow amounts as defined by Right 94-7341. The right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River using real-time data and shall cease diverting water when flows in the Coeur d'Alene River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Cataldo gauging station, No. 12413500, may be used for purposes of determining the daily flow amounts.

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 2nd day of February, 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

February 2, 2011

JAMES DRECHSEL
1702 E SATRE AVE
COEUR D ALENE ID 83815

RE: Permit No.94-7575

Permit Approval Notice

Dear Permit Holder:

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

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is stylized with a large initial "K" and a long, sweeping underline.

Keith E. Franklin
Sr. Water Resource Agent

Enclosure(s)

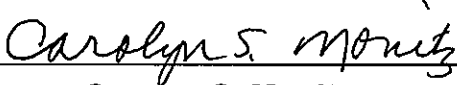
CERTIFICATE OF SERVICE

I hereby certify that on February 3, 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.

94-7575

**JAMES DRECHSEL
1702 E SATRE AVE
COEUR D'ALENE ID 83815**



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**

W.R. # 94-7575

APPLICATION ID # 76578

ENT. ED

BCA 6/24/10

OK to Publish

6/24/10

APPLICANT: James Drechsel

INITIAL REVIEW

BY: ED

DATE: 6/2/2010

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)

PROCESSING

(Yes)(No)

PRIORITY DATE: 6/2/2010

☒ ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: NP Shoshone County

Dates scheduled for publication 7/1 + 8/10

Affidavit of Publication received: 7/9/10

Dates actually published: 7/1 + 8/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 7/19/10

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 6-2-10 By: ED

Field check: by _____

Field report attached

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

Water delivered by water master? Water District # _____

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 ()

NFCDA RIVER

Groundwater management area

Critical ground water area

Well Drilling Permit required

Well Drilling Application and Fees received

Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

Notice of pending void order issued.

Final order response date: ____/____/____

Further information required from applicant _____

☒ Measuring device required

☐ Measuring port required

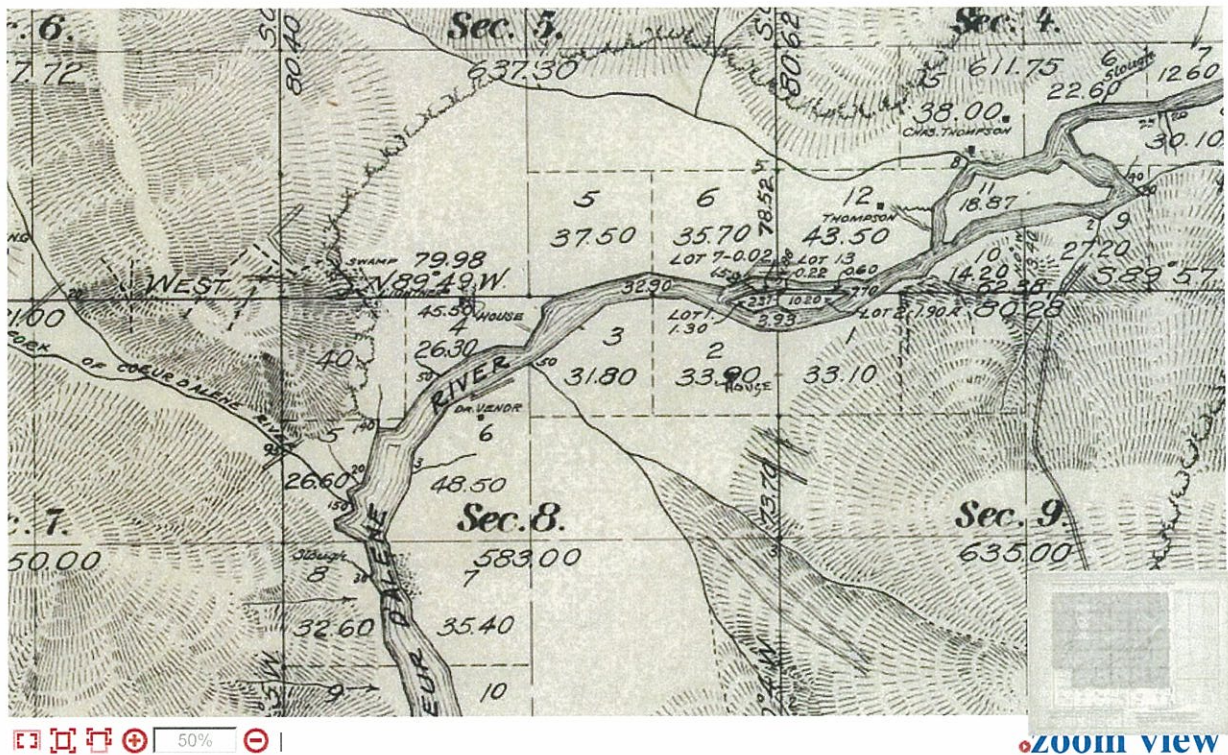
☒ Special conditions: Min. Stream Flow Cedar River

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

Approval Recommended by:

Beth K. [Signature]

Date: 1/13/2011 Sr. Agent initial ED



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

94-7575

JAMES DRECHSEL

1702 E SATRE AVE

COEUR D'ALENE, ID 83815

Point of Diversion NWNE S8 T49N R02E SHOSHONE CO

Source NORTH FORK COEUR D'ALENE RIVER

Tributary COEUR D'ALENE RIVER

Point of Diversion L3(NWNE) S8 T49N R02E

SHOSHONE CO

Source NORTH FORK COEUR D'ALENE RIVER

Tributary COEUR D'ALENE RIVER

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

Total Diversion: 0.03 CFS

Date Filed: 6/2/2010

Place Of Use: IRRIGATION T49N R02E S8 L3(NWNE)

Total Acres: 1

94-7576

LARRY C. RUNKLE

LINDA RUNKLE

PO BOX 235

COEUR D'ALENE, ID 83816

Point of Diversion NWNE S31 T51N R04E SHOSHONE CO

Source NORTH FORK COEUR D'ALENE RIVER

Tributary COEUR D'ALENE RIVER

Use: IRRIGATION 04/01 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/2/2010

Place Of Use: IRRIGATION

T51N R04E S30 SWSE

T51N R04E S31 L3(NWNE)

Total Acres: 2.1

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 7/19/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SHO Legal 005

July 1, 8, 2010

RECEIVED
JUL 09 2010
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Shoshone

Angela Abbott being first duly sworn
upon oath deposes and says:

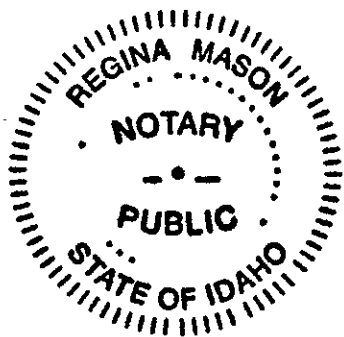
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

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

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 1st day of July, 20 10, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.
On this 8th day of July in the year of 2010 before me, a Notary Public, personally appeared Angela Abbott, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Regina Mason

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

MY COMMISSION EXPIRES 6/18/15

RECEIVED
JUL 09 2010
IDWR / NORTH

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

94-7575

JAMES DRECHSEL

1702 E SATRE AVE

COEUR D ALENE, ID 83815

Point of Diversion NWNE S8 T49N R02E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

Point of Diversion L3(NWNE) S8 T49N R02E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

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

Total Diversion: 0.03 CFS

Date Filed: 6/2/2010

Place Of Use: IRRIGATION T49N R02E S8 L3(NWNE)

Total Acres: 1

94-7576

LARRY C RUNKLE

LINDA RUNKLE

PO BOX 235

COEUR D ALENE, ID 83816

Point of Diversion NWNE S31 T51N R04E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

Use: IRRIGATION 04/01 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/2/2010

Place Of Use: IRRIGATION

T51N R04E S30 SWSE

T51N R04E S31 L3(NWNE)

Total Acres: 2.1

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 7/19/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 7/1/2010 and 7/8/2010



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor
July 14, 2010
Cal Groen/Director

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

Dear Keith:

REFERENCE: DRECHSEL: 94-7575

We have reviewed the above-named application by James Drechsel to divert 0.03 cfs from the North Fork Coeur d'Alene River for irrigation (4/1 through 10/31).

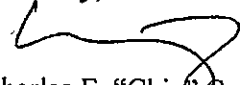
The North Fork Coeur d'Alene River is managed by IDFG as a quality westslope cutthroat trout fishery and it is very popular with anglers. The North Fork is an important component of westslope cutthroat trout habitat range-wide. Several research and restoration projects have been and are currently being conducted on the North Fork and the Little North Fork Coeur d'Alene Rivers. Idaho and neighboring states (MT/WA/OR) have recently fended off a listing of westslope cutthroat under the Endangered Species Act by demonstrating that healthy populations and habitat exist in places like the North Fork Coeur d'Alene River, and that the appropriate state regulatory mechanisms are in place to protect them.

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 Coeur d'Alene River (WR 94-7341) of 413.0 cfs from July 1 to October 31, and 1018.0 cfs from November 1 through June 30. The applicant should be made aware that their diversion cannot negatively impact the established minimum flow in the Coeur d'Alene 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 Drechsel 94-7575

Keeping Idaho's Wildlife Heritage

Ball, Dianne

From: Terra Berns,Mary [mary.terra-berns@idfg.idaho.gov]
Sent: Wednesday, July 28, 2010 2:13 PM
To: Ball, Dianne
Subject: FW: Application for Permit No. 94-7575 DRECHSEL AND 94-7576 RUNKLE
Attachments: 94-7575 Drechsel.pdf; 94-7576 RUNKLE.pdf

Here's your original email. I sent letters to Keith (guess I didn't look to see they went to Eric). I can scan those letters and email them to you if that helps.

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Thursday, June 24, 2010 2:00 PM
To: Terra Berns,Mary; cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 94-7575 DRECHSEL AND 94-7576 RUNKLE

Dear Mary and Carl:

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

copy of each of the applications is enclosed for your reference.

These are being prepared for publication in the Shoshone News Press on July 1 and 8, 2010, making final date for protest to be received in our office July 19, 2010.

Carl, these are both from the N Fork of the CDA River. I don't know if they should go to you or to Bob Burke in Kingston. If they should go to Bob, will you please forward to him, and let me know.

<<94-7575 Drechsel.pdf>> <<94-7576 RUNKLE.pdf>>

This office can publish notice of the application as soon as the initial review is completed; therefore, 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

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, June 24, 2010 12:54 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com;
ccampbell@shoshonenewspress.com
Subject: Application for Permits Nos. 94-7575, 94-7576

Good afternoon, Angie,

Please publish the enclosed legal notice on the dates indicated, July 1 and 8, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please, also, 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 7/19/2010. Your cooperation is appreciated.



LegalNotice
16-24-10 NP e-mail..

Thanks for all your great 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

June 24, 2010

JAMES DRECHSEL
1702 E SATRE AVE
COEUR D'ALENE, ID 83815

Application For Permit No. 94-7575

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application. :

A legal notice of the application has been prepared and is scheduled for publication in the SHOSHONE NEWS PRESS on 7/1/2010 and 7/8/2010. 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,

A handwritten signature in black ink, appearing to read 'Eric J. Davis', is written over a horizontal line.

Eric J. Davis
Sr. Water Resource Agent