

NO. 93-07114

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 11.5 AF

has applied for a permit to appropriate water from:

and a permit is APPROVED for development of water as follows:

UNNAMED STREAM, SE1/4SE1/4, Sec. 17, Twp 44N, Rge 04W, B.M., BENEWAH County
RUNOFF, SE1/4SE1/4, Sec. 17, Twp 44N, Rge 04W, B.M., BENEWAH County

[illegible][illegible]

State of Idaho
Department of Water Resources

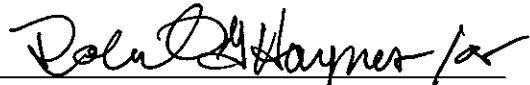
Permit to Appropriate Water

NO. 93-07114

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. Stockwater use is for 25 head of mixed stock.
5. Recreation is for swimming and fishing.
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. This right authorizes the diversion of an annual total of 11.5 acre-feet to be used for the initial filling of the ponds or reservoirs, for the replacement of losses caused by seepage and evaporation and for the storage of recreation and stockwater.
8. The two (2) ponds or reservoirs established by the storage of water under this right shall not exceed a total capacity of 8 acre-feet.

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 7th day of February, 2012.


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 7, 2011

ALBERT STIFANICK
PO BOX 2
TENSED ID 83870

TERRI STIFANICK
PO BOX 2
TENSED ID 83870

RE: Permit No.93-7114

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,



Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

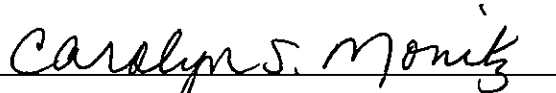
I hereby certify that on February 8, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

93-7114

**ALBERT STIFANICK
PO BOX 2
TENSED ID 83870**

**TERRI STIFANICK
PO BOX 2
TENSED ID 83870**

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**

W.R. # 93-7114

APPLICATION ID # 76936

ENT. 11/29 BCA 12/28 OK to Publish 12/28/10

APPLICANT: Albert & Terri Stipanick BY: KJ DATE: 11/29/2010

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)

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 11/29 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: 11/29/2010

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

ADVERTISE IN: Benevolence County
 Newspaper: Smelter Gazette
 Dates scheduled for publication 11/5 & 12/1/10
 Affidavit of Publication received: 11/24/11
 Dates actually published: 11/5 & 12/1/11
 Application published correctly. Yes ☒ No ☐
 If not, action taken: _____

Final Date for Protest: 11/24/11
 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: _____
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Beth Franklin Date: 2/3/2011 Sr. Agent initial KJ

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 5 day of January, 2011 and the last on the 13 day of January, 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 19 day of January, 2011.

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

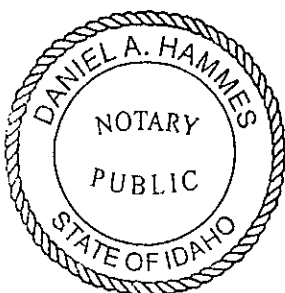
On this 19 day of January, in the year of 2011 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to 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
JAN 24 2011
IDWR / NORTH

NOTICE OF APPLICATION

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

93-7114

ALBERT STIFANICK

TERRI STIFANICK

PO BOX 2

TENSED, ID 83870

Point of Diversion SESE S17 T44N R04W BENEWAH CO

Source UNNAMED STREAM Tributary HANGMAN CREEK

Point of Diversion SESE S17 T44N R04W BENEWAH CO

Source RUNOFF Tributary HANGMAN CREEK

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

Use: STOCKWATER STORAGE 01/01 to 12/31 11.5 AF

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

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

Use: RECREATION STORAGE 01/01 to 12/31 11.1 AF

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

Total Diversion: 0.2 CFS

Date Filed: 11/29/2010

Place Of Use: STOCKWATER T44N R04W S17 SESE

Place Of Use: All other uses same as STOCKWATER

Stockwater use is for 25 head of mixed stock.

Recreation use is for fishing and swimming.

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 1/24/2011. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

7884 Jan. 5-Jan. 12

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, December 28, 2010 4:20 PM
To: 'Kaisie Brede'
Subject: Application for Permit No. 93-7114

Hi, Kaisie,

I got this ready this afternoon so thought I'd send it off to you now.

Please publish the enclosed legal notice on the dates indicated, January 5 and 12, 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 1/24/2011. Your cooperation is appreciated.



LegalNotice
2-28-10 SM e-mail..

Have a great rest of the year!

Start the new year with a great bit smile! ☺

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

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

93-7114

ALBERT STIFANICK

TERRI STIFANICK

PO BOX 2

TENSED, ID 83870

Point of Diversion SESE S17 T44N R04W BENEWAH CO

Source UNNAMED STREAM Tributary HANGMAN CREEK

Point of Diversion SESE S17 T44N R04W BENEWAH CO

Source RUNOFF Tributary HANGMAN CREEK

Use: STOCKWATER	01/01 to 12/31	0.02 CFS
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Use: STOCKWATER STORAGE	01/01 to 12/31	11.5 AF
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Use: STOCKWATER from STORAGE	01/01 to 12/31	0.4 AF
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Use: RECREATION	01/01 to 12/31	0.2 CFS
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Use: RECREATION STORAGE	01/01 to 12/31	11.1 AF
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Use: DIVERSION TO STORAGE	01/01 to 12/31	0.2 CFS
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Total Diversion: 0.2 CFS

Date Filed: 11/29/2010

Place Of Use: STOCKWATER T44N R04W S17 SESE

Place Of Use: All other uses same as STOCKWATER

Stockwater use is for 25 head of mixed stock.

Recreation use is for fishing and swimming.

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 1/24/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 1/5/2011 and 1/12/2011



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

December 28, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ALBERT STIFANICK
TERRI STIFANICK
PO BOX 2
TENSED, ID 83870

Application For Permit No. 93-7114

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 1/5/2011 and 1/12/2011. 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. N026300

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, December 28, 2010 3:54 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 93-7114

Dear Mary:

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 prepared for publication in St Maries Gazette on January 5 and 12, 2011 with final date for protest to be January 24, 2011.



93-7114
Stifanick.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



State of Idaho

93-7114
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

November 20, 2010

Albert Stifanick
Terri Stifanick
PO Box 2
Tensed, ID 83870

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

Dear Mr. or Mrs. Stifanick:

Enclosed please find an electronic version of the application we discussed on November 18, 2010 for your review. If it meets with your approval, please sign the document and return it to me along with a check made out to "IDWR" in the amount of \$100.00 to cover the filing fee.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent
Enclosure

COPY

STIFANICK STORAGE PONDS

POND #1 INSTREAM, $0.6 \text{ AC} \times 10 \text{ FT} = 6.0 \text{ AF}$

SURFACE AREA = $0.6 \text{ AC} \times 43560 = 26,136 \text{ SQFT}$

POND #2 OFF STREAM, $0.2 \text{ AC} \times 10 \text{ FT} = 2 \text{ AF}$

SURFACE AREA = $0.2 \text{ AC} \times 43,560 = 8,712 \text{ SQFT}$

TOTAL POND SIZE = $6.0 \text{ AF} + 2.0 \text{ AF} = 8 \text{ AF}$

TOTAL SURFACE AREA = $26,136 \text{ SQFT} + 8,712 \text{ SQFT} = 34,848 \text{ SQFT}$

EVAPORATION = $2,172 \text{ GPD} \times 365 \text{ DAYS} / 325,850 \text{ GAL./ACFT} = 2.4 \text{ AF}$

SEEPAGE: POND #1 INSTREAM, NO SEEPAGE

POND #2 OFF STREAM, $652 \text{ GPD} \times 365 \text{ DAYS} / 325,850 = 0.7 \text{ AF}$

STOCKWATER: $25 \text{ MIXED HEAD} \times 12 \text{ GPD} \times 365 \text{ DAYS} / 325,850 = 0.4 \text{ AF}$

0.2 CFS DIVERSION TO STORAGE, POND #2 ONLY

0.02 CFS STOCK WATER

11.5 AF STOCKWATER STORAGE a.) POND SIZE 8.0 AF

b.) EVAP. 2.4 AF

c.) SEEP. 0.7 AF

d.) STOCKWATER 0.4 AF

TOTAL 11.5 AF

0.4 AF STOCKWATER FROM STORAGE

11.1AF RECREATION STORAGE a.) POND SIZE 8.0 AF

b.) EVAP. 2.4 AF

c.) SEEP. 0.7 AF

TOTAL 11.1 AF

0.2 CFS RECREATION

0.2 CFS TOTAL DIVERSION 11.5 AF TOTAL STORAGE VOLUME

Stifanick Ponds

Pond #1 insolation $0.6 AC \times 10' = 6 AF$

Pond #2 Runoff $0.2 AC \times 10' = 2 AF$
8 AF

0.2 Div. To stop.

0.02 Stock water 25 need mixed

1.5 AF Stock stop. a) Pond size 8 AF

b) evap 2.4 AF

c) seep 0.7

d) $25 \times 12 \times 365 / 325, 350$
0.4 AF

0.4 AF Stock. Snow st.

0.4 AF Recreation a)
b.

- Fishing - Swimming.

Evap. @ 34, 348 gpd

$2172 \text{ gpd} \times 365 / 325, 350$
 $= 2.4 AF$

Runoff Pond $0.2 AC = 8,712 \text{ sq. ft}$

seepage = 652 gpd

$652 \times 365 / 325, 350 = 0.7 AF$