

75054
STATE OF IDAHO

Ident. No. 91-7175

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

AUG 08 2008

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant Kyle BEIERLE Phone 208-660-4170
Mailing address P.O. Box 3308 Post Falls ID 83877 Email _____
2. Source of water supply ST JOE RIVER which is a tributary of Coeur d'Alene Lake
3. Location of point of diversion is Township 45 N Range 2 E Sec. 6 in the NW 1/4, NE 1/4, Govt. Lot 9, B.M., SHOSHONE County;
additional points of diversion if any: N/A
4. Water will be used for the following purposes:
- | | | |
|---|-----------------------|--|
| Amount <u>0.03</u>
(cfs or acre-feet per year) | for <u>IRRIGATION</u> | purposes from <u>9/15</u> to <u>10/31</u> (both dates inclusive) |
| Amount <u>0.02</u>
(cfs or acre-feet per year) | for <u>Domestic</u> | purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
5. Total quantity to be appropriated is (a) 0.05 cfs and/or (b) 0.05
cubic feet per second acre feet per year
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 2 HP. pump
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 2 RV units
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	2E	6		1															1
				~~1~~															
				D															

Total number of acres to be irrigated: 1

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? N/A

11. a. Who owns the property at the point of diversion? Kyle Beierle
- b. Who owns the land to be irrigated or place of use? Kyle Beierle
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. WATER IS NEEDED TO WATER LAWN ON R.V. property-

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

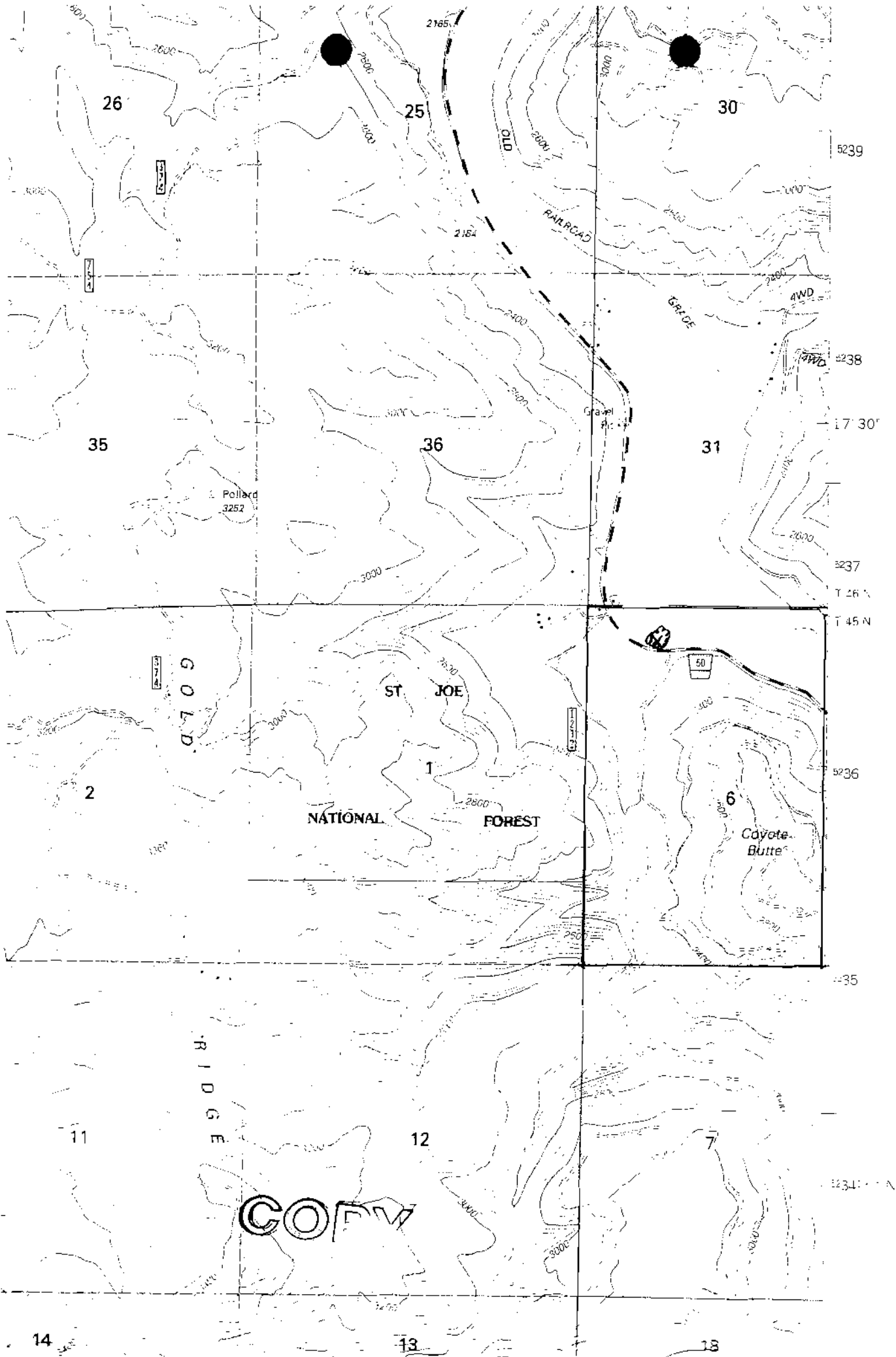
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Kyle Beierle
Signature of Applicant

KYLE BEIERLE
Print Name (and title, if applicable)

For Department Use:

Received by db Date 8/8/08 Time 10:20A Preliminary check by _____
 Fee \$ 100.00 Received by db Receipt No. N019474 Date _____
 Publication prepared by db Date 9/10/08 Published in Shoshone Co News Press 9/18 + 25/08
 Publication approved db Date 9/26/08 Dates Published 9/18 + 25/08



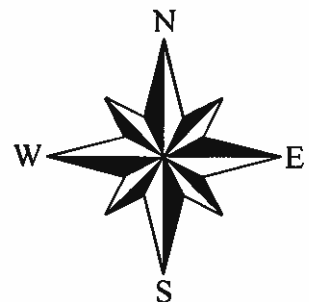
91-7175

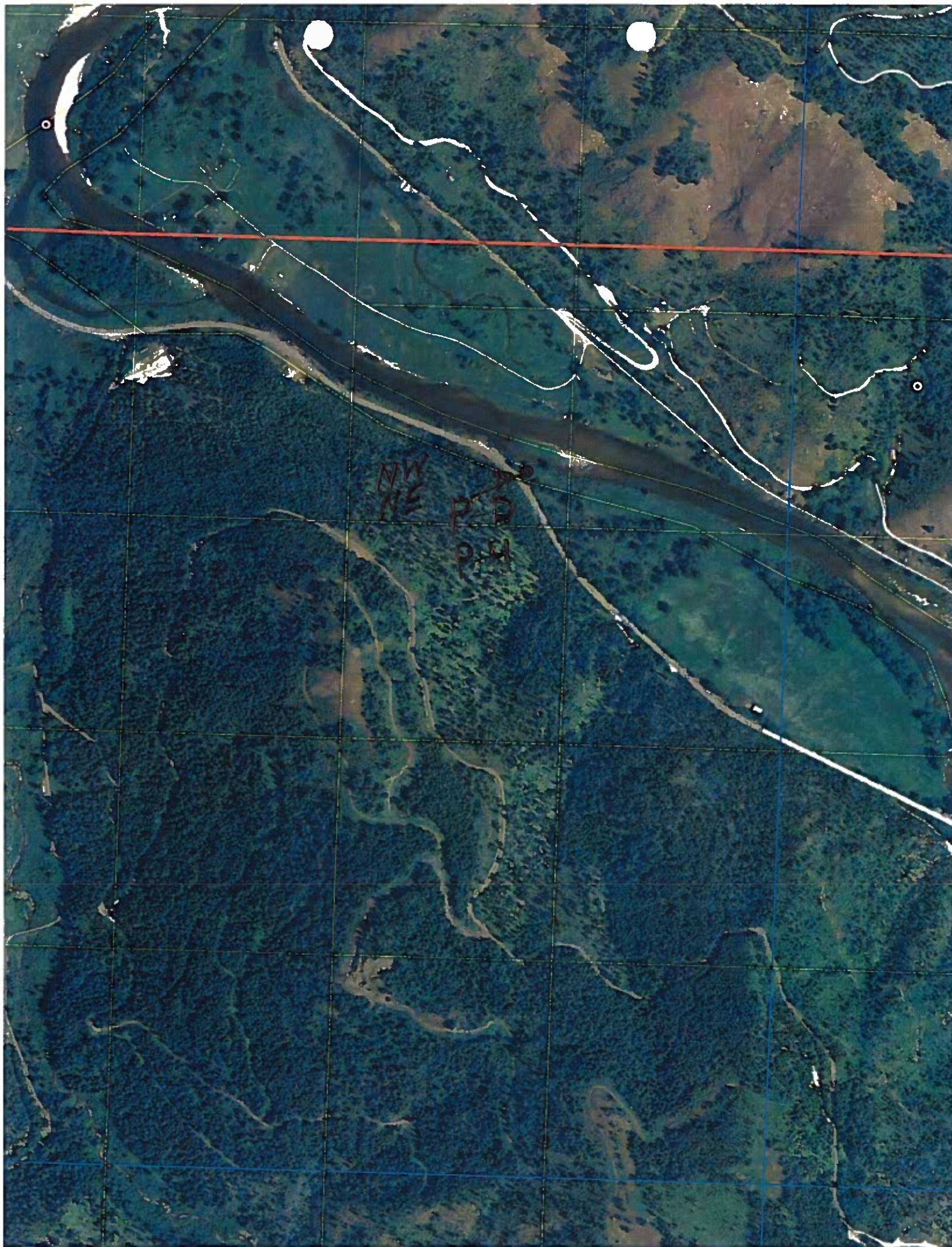


0 80 160 320 480 640 Feet

Legend

- QQ
- Taxlots
- workingpod
- workingpou







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

DAVID R. TUTHILL, JR.
Director

August 11, 2008

Kyle Beierle
PO Box 3308
Post Falls, ID 83877

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

Dear Mr. Beierle:

The Idaho Department is returning your recently submitted application to appropriate water from the St. Joe River for corrections and additional information.

Item #3 Point of Diversion

The location of the point of diversion is listed on the application as the NWNENW Government lot 9. The Departments records indicate the location is in the NWNW of Government lot 4, as in accordance of the map submitted. If this is correct, please make the appropriate changes on the application.

Item #4 Purpose of Use

The application indicates a diversion request of 0.04 cfs for the irrigation of 1 acre. The maximum allowable diversion for the irrigation of land under 5 acres is 0.03 cfs per acre. **Items #4 and #5** should read 0.03 cfs.

Item #9 Place of Use

The map submitted does not adequately show the place of use or your property as it relates to Shoshone Counties tax lot information. Please outline your property on the attached aerial photograph.

Also, the application indicates the property is located within the NWNE of Section 6. Please compare the location with the attached aerial photograph and make the necessary correction. In addition, Item #9 shows a "D" on the application. Are you also applying for Domestic as well as Irrigation?

Please return the corrected application and aerial photograph within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

COPY

Keith E. Franklin, Senior Water Resources Agent
Enclosure(s)

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 02, 2008 2:19 PM
To: jbenett@idl.idaho.gov
Subject: Agency Comment Request RE 91-7175 BEIERLE
Attachments: 91-7175 BEIERLE.pdf; Agency Comment Request Ltr.doc

Good afternoon, Jim,

Attached is our letter requesting comments from your department regarding application 91-7175 - Beierle. A copy of the application is also attached.

Please send us your comments by no later than October 6, 2008.

If you have any questions, please contact Keith Franklin in our office.

Thanks,

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

9/2/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

September 2, 2008

JIM BENNETT
IDAHO DEPT OF LANDS
1806 MAIN AVE
ST MARIES ID 83861

Re: Water Permit Application No. 91-7175 - BEIERLE

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 follows for your reference.

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, and by sending a copy of your protest to the applicant. This will be scheduled for publication on September 18 and 25, 2008.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **OCTOBER 6, 2008**. That is also the final date for protest to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Keith.Franklin@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 02, 2008 2:03 PM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request RE BEIERLE APPLICATION 91-7175
Attachments: 91-7175 BEIERLE.pdf; Agency Comment Request Ltr.doc

Hello again, Mary,

Another request for comments by October 6, 2008, this one for Bierele - 91-7175. Copy of application also attached.

If you have any questions, please contact Keith Franklin.

Thank you.

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

9/2/2008



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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

September 2, 2008

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE.
COEUR D'ALENE, ID 83815

Re: Water Permit Application No. 91-7175 - BEIERLE

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Sincerely,

Dianne

Dianne Ball
Administrative Assistant



State of Idaho

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September 10, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

KYLE BEIERLE
PO BOX 3308
POST FALLS ID 83877

RE: Application for Permit No 91-7175

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Shoshone County News Press on September 18 and 25, 2008. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 10, 2008 1:52 PM
To: Legal Notices-Shoshone Co NP1 Tina Christmann; snpbilling@cdapress.com
Attachments: CoverLetter 09-10-08 NP e-mail 91-7175.doc; LegalNotice 09-10-08 NP e-mail 91-7175.doc

Good afternoon, Tina,

I trust you are enjoying the beautiful fall weather. It's heavenly in CDA today. Too bad we have to work indoors.

Attached is our cover letter requesting publication of a legal notice on September 18 and 25, 2008. A copy of the legal notice is also attached.

If you have any questions, please call me (208)-762-2800 – or reply to this e-mail.

We will appreciate a proof/preview copy before this goes to press.

Thanks for your super 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

9/10/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

Please Fax or e-mail proof/preview copy to me before this goes to press.

Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov

Thanks, Dianne

September 10, 2008

TINA CHRISTMANN
SHOSHONE COUNTY NEWS PRESS
PO BOX 149
KELLOGG ID 83837-0149

RE: Application for Permit No. 91-7175

Dear Tina:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 18 and 25, 2008, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 10/06/2008. Your cooperation is very greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

91-7175

KYLE BEIERLE

PO BOX 3308

POST FALLS ID 83877

Point of Diversion L9(NWNE) S6 T45N R02E SHOSHONE CO

Source ST JOE RIVER tributary To COEUR D ALENE LAKE

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

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.05 CFS

Date Filed: 08/08/2008

Place Of Use : DOMESTIC

T45N R02E S6 NWNE Lot 9

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 2 RV sites and lawn.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 10/06/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director Published 9/18 & 25/2008