

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-07162

Priority: June 19, 2007

Maximum Diversion Rate: 0.03 CFS

This is to certify, that HOWARD P THORHAUG
5680 ST JOE RIVER RD
ST MARIES 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>
IRRIGATION	03/15 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER L12 (NE¼SE¼) Sec. 16, Twp 46N, Rge 01W, B.M. BENEWAH County

PLACE OF USE: IRRIGATION

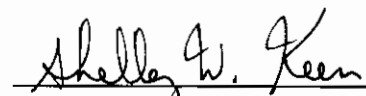
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 01W 16													1.0				1.0
													L 12				

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2008**.
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. Place of use is located within Lots 5 and 6 of Cedar Grove Subdivision.
5. Point of diversion is located within Cedar Grove Subdivision.
6. Water shall not be diverted under this right when flows in the St. Joe River are below established minimum flow amounts. The right holder shall be responsible for monitoring the daily flow of the St. Joe River using real-time data published on the Internet by the U. S. Geological Survey and shall cease diverting water when flows in the St. Joe River are below established minimum instream flow amounts.
7. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 3 afa at the field headgate for irrigation of the land described above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of September, 2007.


for DAVID R. TUTHILL, JR., Director

73656

Ident. No. 91-7162
RECEIVED
JUN 19 2007
IDWR/North

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Howard P. Thorhaug Phone 208-245-4176
Mailing address 5680 St. Joe River Road St. Maries, Idaho 83861
2. Source of water supply St. Joe River which is a tributary of IDA C&A Lake
3. Location of point of diversion is Township 46N Range 1W Sec. 16, in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot 12, B.M., Benewah County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 for irrigation purposes from 8/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 1 HP electric pump
with garden hose/sprinkler/drip system
 - 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? _____
 - 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. _____
 - e. Other; describe fully. _____

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
46N	1W	16													1.4				1.4
															1.2				

Total number of acres to be irrigated 1.4

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? Howard P. Thorhaug + Nancy A. Wolff (H+W)
b. Who owns the land to be irrigated or place of use? same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: Irrigation for lawn and new trees planted, mixed species, on two (2) recreation lots located at Cedar Grove Subdivision, lots 5+6, Benewah County
lot 5 = .540 Ac lot 6 = .5 Ac

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.

Howard Thorhaug
Signature of Applicant (and title, if applicable)

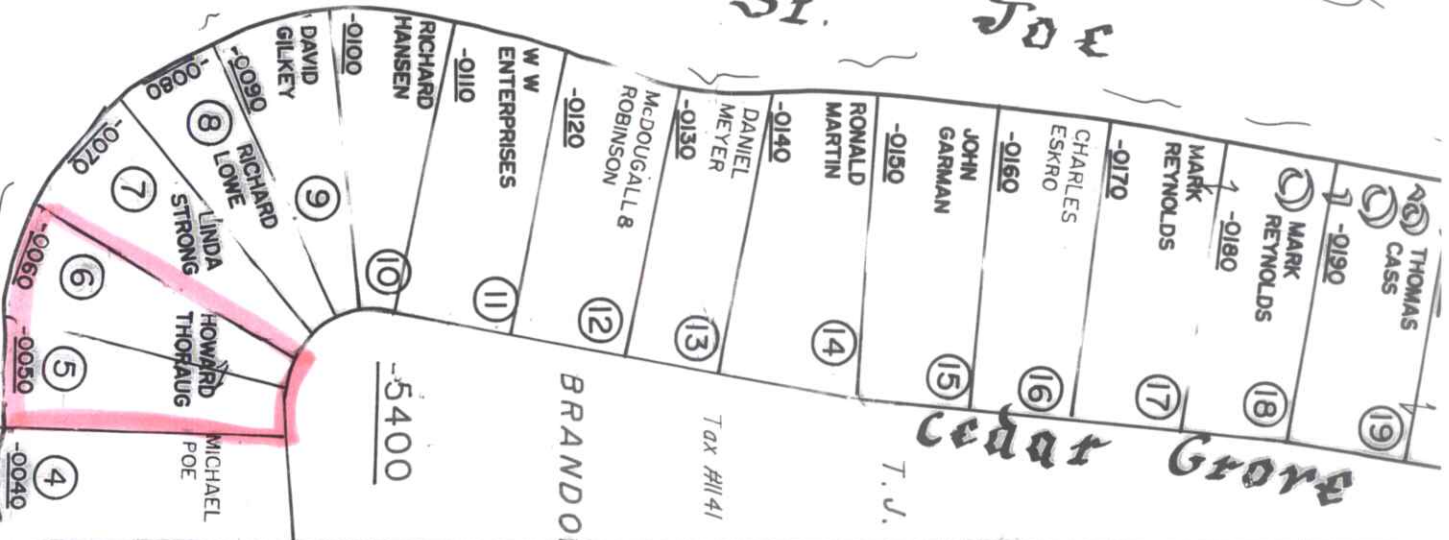
Received by LT Date 6/19/07 Time 10:20A Preliminary check by _____
Fee \$ 100.00 Receipted by LT # NO18463 Date 6/19/07
Publication prepared by LT Date 6/27/07 Published in St. P. & B. 7/4+11/07
Publication approved LT Date 8/3/07

IDAHO

Govt. Lot 13 - 15.70

St. Joe

Cedar Grove



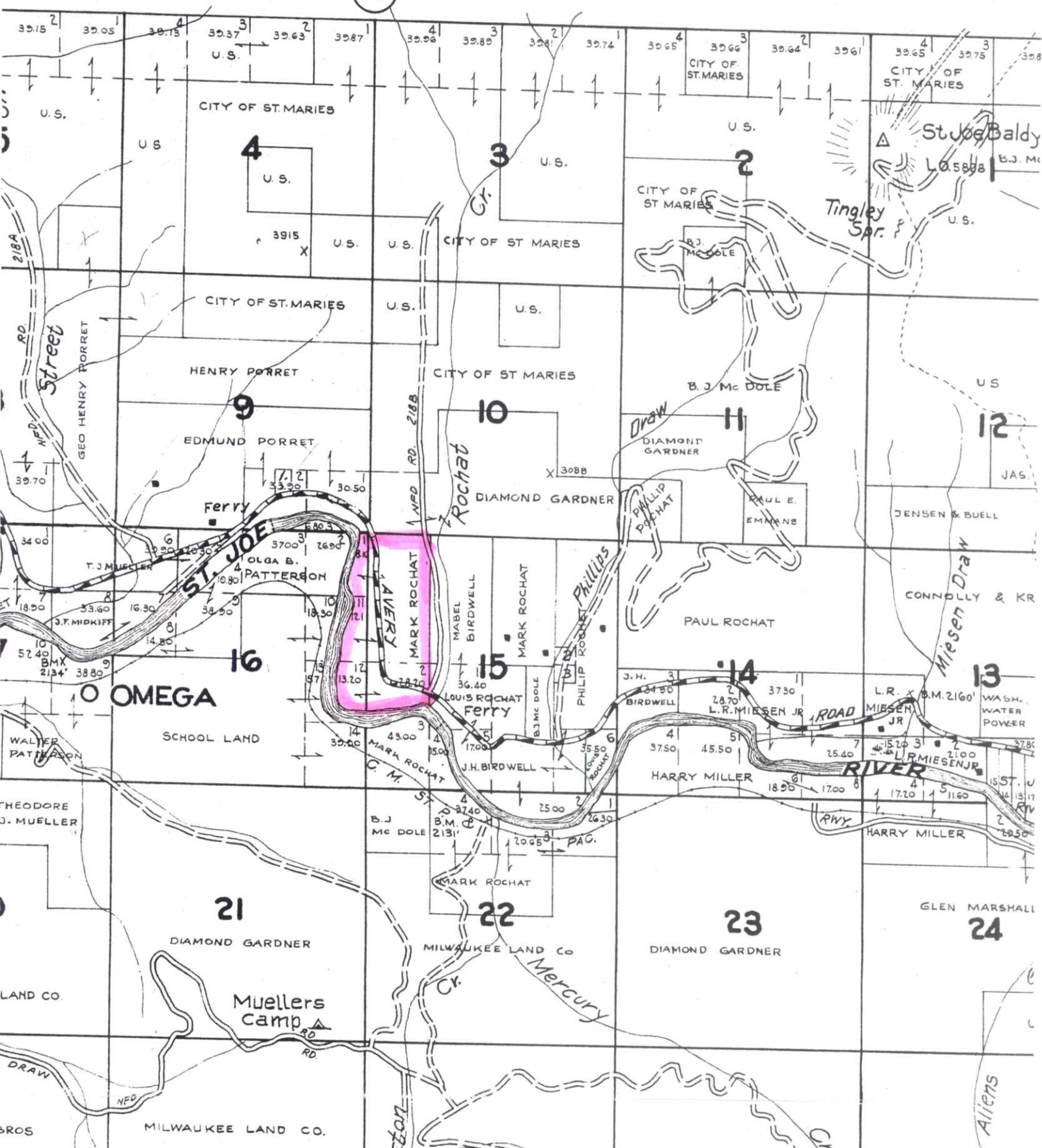
T46 N RIW Section 16, B.M.
Benewah County, Idaho

Thorhaug

T46N R1W Section 16



12



COPY

93 SEP 30 A9:08
0194220

BENEWAH COUNTY
KAY SATHER, CLERK

Donna Hanson
Gerald Martin
Return to: *McFadden*

COVENANTS OF RESTRICTION

THE UNDERSIGNED, GERALD W. MARTIN, CAROL J. MARTIN, RONALD JAMES MARTIN and DONA K. MARTIN, partners, doing business under the name of TWO J DEVELOPMENT, being the owners of the land hereinafter described, do hereby covenant and agree with all subsequent owners of any interest in said land, as follows:

1. The covenants hereinafter set forth shall apply to and run with the following-described land situate in Benewah County, Idaho:

DESCRIPTION

A parcel in the West Half of the Northwest Quarter (W 1/2 NW 1/4) and Government Lot Two (2) of Section Fifteen (15) and in Government Lots One (1), Eleven (11) and Twelve (12) of Section Sixteen (16), all in Township Forty-six (46) North, Range One (1) West, Boise Meridian. The boundary of this parcel is described as:

Beginning at the intersection point of the line common to said Sections Fifteen (15) and Sixteen (16) with the right bank of the St. Joe River. Running thence westerly and northerly, along said river bank, a distance of 3,257.28 feet; thence leaving said river bank, N 80°17'45" E a distance of 475.81 feet to a point on the westerly right-of-way boundary of the St. Joe River Highway. Said point being opposite and 50 feet offset westerly from Engineer's Centerline Station 372+82.24; thence southerly along said right-of-way boundary on a spiral curve segment, the chord of which bears S 23°14'30" E - 146.09 feet;

thence southerly on a 1,587.02 foot radius curve right, concave to the west, through a central angle of $34^{\circ}44'26''$, an arc distance of 962.27 feet. The chord of this curve segment bears $S\ 03^{\circ}55'45''\ E$ - 947.60 feet; thence leaving said highway right-of-way boundary, $N\ 76^{\circ}07'15''\ W$ a distance of 530.06 feet; thence $S\ 13^{\circ}52'45''\ W$ a distance of 248.01 feet; thence $S\ 09^{\circ}10'15''\ W$ a distance of 140.18 feet; thence $S\ 07^{\circ}04'00''\ W$ a distance of 485.05 feet; thence $S\ 04^{\circ}45'45''\ W$ a distance of 208.82 feet; thence $S\ 09^{\circ}51'30''\ W$ a distance of 483.16 feet; thence southerly and easterly along a 100 foot radius curve left, concave to the northeast, through a central angle of $104^{\circ}45'54''$, an arc distance of 182.85 feet. The chord of this curve bears $S\ 42^{\circ}31'30''\ E$ - 158.42 feet; thence $N\ 85^{\circ}05'30''\ E$ a distance of 136.29 feet to a point on the line between Sections Fifteen (15) and Sixteen (16). From this point the Quarter (1/4) Corner common to said sections bears $N\ 00^{\circ}03'00''\ W$ - 760.87 feet. Continuing thence $N\ 85^{\circ}05'30''\ E$ a distance of 360.88 feet; thence South a distance of 301.10 feet to another point on the right bank of the St. Joe River; thence westerly, along said river bank, a distance of 360.88 feet to the point of beginning. Enclosing an area of 32.95 acres.

Said legal description comprising Cedar Grove, a subdivision of portions of Government Lot Two (2) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4), Section Fifteen (15), and Government Lots Eleven (11) and Twelve (12), Section Sixteen (16), Township Forty-six (46) North, Range One (1) West, Boise Meridian, Benewah County, Idaho.

Plat of
Cedar Grove
 A Subdivision of Portions of
 Gov't. Lot 2 & SW 1/4 NW 1/4, Section 15
 and
 Gov't. Lots 11 & 12, Section 16
 Twp. 46 N., Rg. 1 W., B.M.
 Benewah County, Idaho

Scale: 1" = 200'

Date: April, 1992

DESCRIPTION

A parcel in the W 1/4 NW 1/4 and Government Lot 2 of Section 15 and in Government Lots 11, 12 and 12 of Section 16, all in Township 46 North, Range 1 West, B.M. The boundary of this parcel is described as:
 Beginning at the intersection point of the line common to said Sections 15 and 16 with the right bank of the St. Joe River. Running thence westerly and northerly, along said river bank, a distance of 3,257.28 feet; thence leaving said river bank, N 80°17'45" E a distance of 475.81 feet to a point on the westerly right-of-way boundary of the St. Joe River Highway. Said point being opposite and 50 feet offset westerly from Engineer's Centerline Station 372+82.24; thence southerly along said right-of-way boundary on a spiral curve segment, the chord of which bears S 23°14'30" E - 146.09 feet; thence southerly on a 1,597.02 foot radius curve right, concave to the west, through a central angle of 34°44'26", an arc distance of 962.27 feet. The chord of this curve segment bears S 03°55'45" E - 947.50 feet; thence leaving said highway right-of-way boundary, N 76°07'15" W a distance of 330.06 feet; thence S 13°52'45" W a distance of 248.01 feet; thence S 09°10'15" W a distance of 140.18 feet; thence S 07°04'00" W a distance of 485.05 feet; thence S 04°45'45" W a distance of 208.82 feet; thence S 09°51'30" W a distance of 483.16 feet; thence southerly and easterly along a 100 foot radius curve left, concave to the northeast, through a central angle of 104°45'54", an arc distance of 182.85 feet. The chord of this curve bears S 42°31'30" E - 158.42 feet; thence N 85°05'30" E a distance of 136.29 feet to a point on the line between Sections 15 and 16. From this point the line continues South a distance of 301.10 feet to another point on the right bank of the St. Joe River; thence westerly, along said river bank, a distance of 360.88 feet to the point of beginning. Enclosing an area of 32.95 acres.

BASIS OF BEARING

Record G.L.O. Bearing between the shown & Cor. 16/15 and the Meander Cor.

LOT NUMBER	AREA	RIVER FRONTAGE
1	3.83 Acres	120± Feet
2	2.82 Acres	120± Feet
3	0.83 Acres	120± Feet
4	0.83 Acres	120± Feet
5	0.84 Acres	120± Feet
6	0.30 Acres	120± Feet
7	0.33 Acres	120± Feet
8	0.34 Acres	120± Feet
9	0.31 Acres	120± Feet
10	0.48 Acres	120± Feet
11	0.79 Acres	120± Feet
12	0.79 Acres	120± Feet
13	0.64 Acres	100± Feet
14	2.86 Acres	125± Feet
15	0.83 Acres	120± Feet
16	0.76 Acres	120± Feet
17	0.80 Acres	120± Feet
18	0.80 Acres	120± Feet
19	0.80 Acres	120± Feet
20	0.73 Acres	120± Feet
21	0.87 Acres	120± Feet
22	0.67 Acres	120± Feet
23	1.05 Acres	160± Feet
24	0.81 Acres	120± Feet
25	0.80 Acres	120± Feet
26	0.81 Acres	170± Feet
27	0.81 Acres	120± Feet
28	0.70 Acres	120± Feet
29	0.86 Acres	120± Feet
30	1.32 Acres	120± Feet

SURVEYOR'S NOTE

The shown River Bank is defined by the water's edge when Cedar Grove Lake is at its highest of 2128 feet above sea level. Water Power datum during the summer months.

RECREATIONAL USE ONLY

Occupancy of all Lots in Cedar Grove is restricted to Seasonal Recreational use only. Lot owners are hereby notified that potable water and facilities for the disposal of waste water and refuse are not provided to this subdivision.

LEGEND

- G.L.O. Corner Remounted Prior Survey
- Witness Corner to Original Meander Corner
Set This Survey (Aluminum Cap & Fence Post)
- Property Corners Set This Survey
(Zinc-capped Drill Steel Segments & Fence Posts)
- Property Corners Set Prior Survey
(Zinc-capped Drill Steel Segments & Fence Posts)
- (Plastic-capped Rebar & Fence Post)
- Steel Fence Posts Set on Roadway Right-of-way



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 25, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

HOWARD P THORHAUG
5680 ST JOE RIVER RD
ST MARIES ID 83861

RE: Permit No. 91-7162

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.

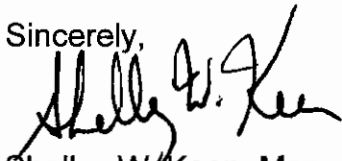
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2007 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.

91-7162

**HOWARD P THORHAUG
5680 ST JOE RIVER RD
ST MARIES ID 83861**

A handwritten signature in cursive script, reading "Darla Block", is written over a horizontal line.

**Darla Block
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.

MEMORANDUM

Date: September 20, 2007
To: Water Right File 91-7162
From: cpadilla
Re: Permit Review

WD-none

No protests

No overlaps

Within MSF for ST Joes River-conditions apply

Applicant made an error in acreage calculation. It should be 1.04 or 1 acres not 1.4 acres. Diversion rate is limited to standard of 0.03 cfs/acre instead of the requested 0.04 cfs.

Unable to tell what Lot the POD is in, 5 or 6? Will need to confirm at field exam and update condition X59 to reflect correct Lot.

F&G advised encroachment permit may be required if strainer and suction hose are below the OHWM.

May need verification at field exam.

Taxlot data layer in ArcView is off so POU doesn't align properly w/ taxlots. The POU is consistent with the imagery and maps submitted by applicant.

Recommend for approval as suggested by the region.

Affidavit of Publication

RECEIVED
AUG 03 2007
IDWR/North

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 4th day of July, 2007, and the last on the 11th day of July, 2007.

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.

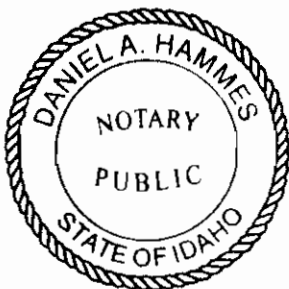
Dated this 11 day of July, 2007

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 11 day of July, in the year of 2007
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:

07-13-2007

Water use application

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

91-7162

HOWARD P THORHAUG

5680 ST JOE RIVER RD

ST MARIES ID 83861

Point(s) of Diversion L12 (NESE) S16 T46N R01W BENEWAH Co.

Source ST JOE RIVER - Tributary To COEUR D ALENE LAKE

Use: IRRIGATION 03/15 To 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06/19/2007

Place Of Use: IRRIGATION

T46N R01W S16 NESE Lot 12

Number of Acres 1.4

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 07/23/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

6770 July 4 and July 11

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Tuesday, July 10, 2007 11:19 AM
To: Ball, Dianne
Subject: Water Permit App.'s No. 91-7161, No. 91-20008, No. 91-71162

E on computer
↓

Dear Dianne,

Thank you for giving us the opportunity to comment on subject applications.

No. 91-7161: No comment on application. I'm surprised that IDWR has jurisdiction on this since it appears to be on the reservation. Maybe you can provide some insight on this.

No. 91-20008: Looks good.

⁹¹⁻⁷¹⁶²
No. 91-71162: I don't see where the application addresses how the water is going to be physically withdrawn from the river other than with the pump. If the applicant plans on using a suction hose and strainer that lies below the OHWM then an encroachment permit will be applicable. If you have any clarification to this please advise me.

As a point of personal interest, when does a recommendation be made to balance the use of 'public' water for "recreational" (non agricultural), or even agricultural irrigation to the survival of native fish and other aquatic species and habitat downstream?

Thank you for notifying us of the above applications.

Jim

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91-7162

HOWARD P THORHAUG
5680 ST JOE RIVER RD
ST MARIES ID 83861

Point(s) of Diversion L12 (NESE) S16 T46N R01W BENEWAH County
Source ST JOE RIVER - Tributary To COEUR D ALENE LAKE

Use: IRRIGATION 03/15 To 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06/19/2007

Place Of Use: IRRIGATION

T46N R01W S16 NESE Lot 12

Number of Acres 1.4

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DAVID R. TUTHILL, JR., Director Published on July 4 & 11, 2007



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

Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne

June 27, 2007

KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

RE: Application for Permit No. 91-7162

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 4 and 11, 2007, (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 07/23/2007. Your cooperation is appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Kaisie [kaisie@smgazette.com]
Sent: Wednesday, June 27, 2007 12:02 PM
To: Ball, Dianne
Subject: Re: Legal notice for publication on July 4 and 11, 2007

Yes we'll get it in and I'll get you the proof soon.
Kaisie

----- Original Message -----

From: Ball, Dianne
To: Legal Notices-SMGazette (E-mail)
Sent: Wednesday, June 27, 2007 11:58 AM
Subject: Legal notice for publication on July 4 and 11, 2007

Good day to you, Kaisie,

Attached is our cover letter requesting publication of a legal notice on July 4 and 11, 2007.
The legal notice is also attached.

If you have ANY questions, please call me at 208-762-2800

PLEASE FAX a proof copy to me before this goes to press.

Many thanks for all your help; - it's always a pleasure to work with you.

If everything seems to be coming your way, you're probably in the wrong lane.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*

<<CoverLetter 06-27-07 SM e-mail 91-7162.doc>> <<LegalNotice 06-27-07 SM e-mail 91-7162.doc>>

No virus found in this incoming message.
Checked by AVG Free Edition.

Version: 7.5.476 / Virus Database: 269.9.10/873 - Release Date: 6/26/2007 11:54 PM

6/27/2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2007

HOWARD P THORHAUG
5680 ST JOE RIVER RD
ST MARIES ID 83861

RE: Application for Permit No 91-7162

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 St Maries Gazette on July 4 and 11, 2007. 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



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

Web Site: www.idwr.idaho.gov

June 20, 2007

JAMES E. RISCH
Governor

KARL J. DREHER
Director

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

FAXED TO MARY 6/20/2007
6 pages total

Re: Water Permit Application No. 91-71162

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 follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 20, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant



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

Web Site: www.idwr.idaho.gov

June 20, 2007

JAMES E. RISCH
Governor

KARL J. DREHER
Director

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

FAXED TO JIM 6/20/07
6 pages total

Re: Water Permit Application No. 91-71162

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 follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 20, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: HOWARD P THORHAUG
5680 ST JOE RIVER RD
ST MARIES ID 83861
(208)245-4176

2. Source: ST JOE RIVER Tributary to: COEUR D ALENE LAKE

3. Location of Point of Diversion:

#1 ST JOE RIVER L12 (NE1/4SE1/4) Sec. 16, Twp 46N, Rge 01W, B.M.
BENEWAH County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.04 CFS	

5. Total quantity to be appropriated is: 0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 1 HP ELECTRIC PUMP W/
GARDEN HOSE/SPRINKLER/DRIP SYSTEM

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 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8. 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 01W 16													1.4				1.4
													L 12				

Total Acres: 1.4

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. N018463

Date: _____

Received by: _____