

**STARTING
LEFT
SIDE OF
FILE**

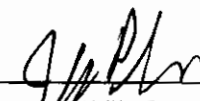
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07413

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2012**.
2. Subject to all prior water rights.
3. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.50 feet per second.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the amount of water diverted from Robinson Creek.
6. At all times, the right holder shall allow at least 1.0 cfs to bypass the point of diversion in Robinson Creek, to be measured at the new Robinson Creek culvert 1600 feet down stream from the point of diversion.
7. Use of water under this right shall be non-consumptive.
8. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.
9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of June, 2007.


For DAVID R. TUTHILL, JR., Director

73296

Ident. No. 94-7413

ED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 28 2006

IDWR/North

MAR 22 2007

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

DEPARTMENT OF
WATER RESOURCES

1. Name of Applicant Michael R. and Brenda L. Schlepp Phone 208-689-3593

Mailing address 26175 So Hwy 3 Cataldo, ID 83810

2. Source of water supply Robinson Creek which is a tributary of Coeur d'Alene River

3. Location of point of diversion is Township 48 N Range 12 W Sec. 23, in the SE 1/4,

SE 1/4, NW 1/4, Govt. Lot _____, B.M., Kootenai County;

additional points of diversion if any: NONE Sec. 23, T48N, R2W Per Steve Hic-

4. Water will be used for the following purposes: Per Settlement Agreement

Amount 1200 for Wildlife purposes from Jan to Dec (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) 4.04 (max) and/or (b) 1200
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 Design sheets for diversion structure
will be submitted to Keith Franklin/IDWR

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 5 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. Wildlife - Agriculture to wetland conversion, see attached.

RECEIVED
JAN 05 2007
IDWR/North

4. Water will be used for the following purposes:

Amount 1.1 for Wildlife purposes from 1/1 to 1/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.36 for Wildlife purposes from 2/1 to 2/28 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 4.04 for Wildlife purposes from 3/1 to 3/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 3.88 for Wildlife purposes from 4/1 to 4/30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.00 for Wildlife purposes from 5/1 to 5/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.50 for Wildlife purposes from 6/1 to 6/30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.81 for Wildlife purposes from 7/1 to 7/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.48 for Wildlife purposes from 8/1 to 8/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.77 for Wildlife purposes from 9/1 to 9/30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.07 for Wildlife purposes from 10/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.14 for Wildlife purposes from 11/1 to 11/30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.95 for Wildlife purposes from 12/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

3. 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	
48N	02W	23	W	W	W	W	W	W	W	W									~~145~~
		14				W					W		W	W	W	W	W	W	~~157~~
		22				W									W	W	W	W	~~30~~
		13						W			W								

Total number of acres to be irrigated ~~377~~

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? Michael R. and Brenda L. Schlepp

b. Who owns the land to be irrigated or place of use? Michael R. and Brenda L. Schlepp

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: See attached.

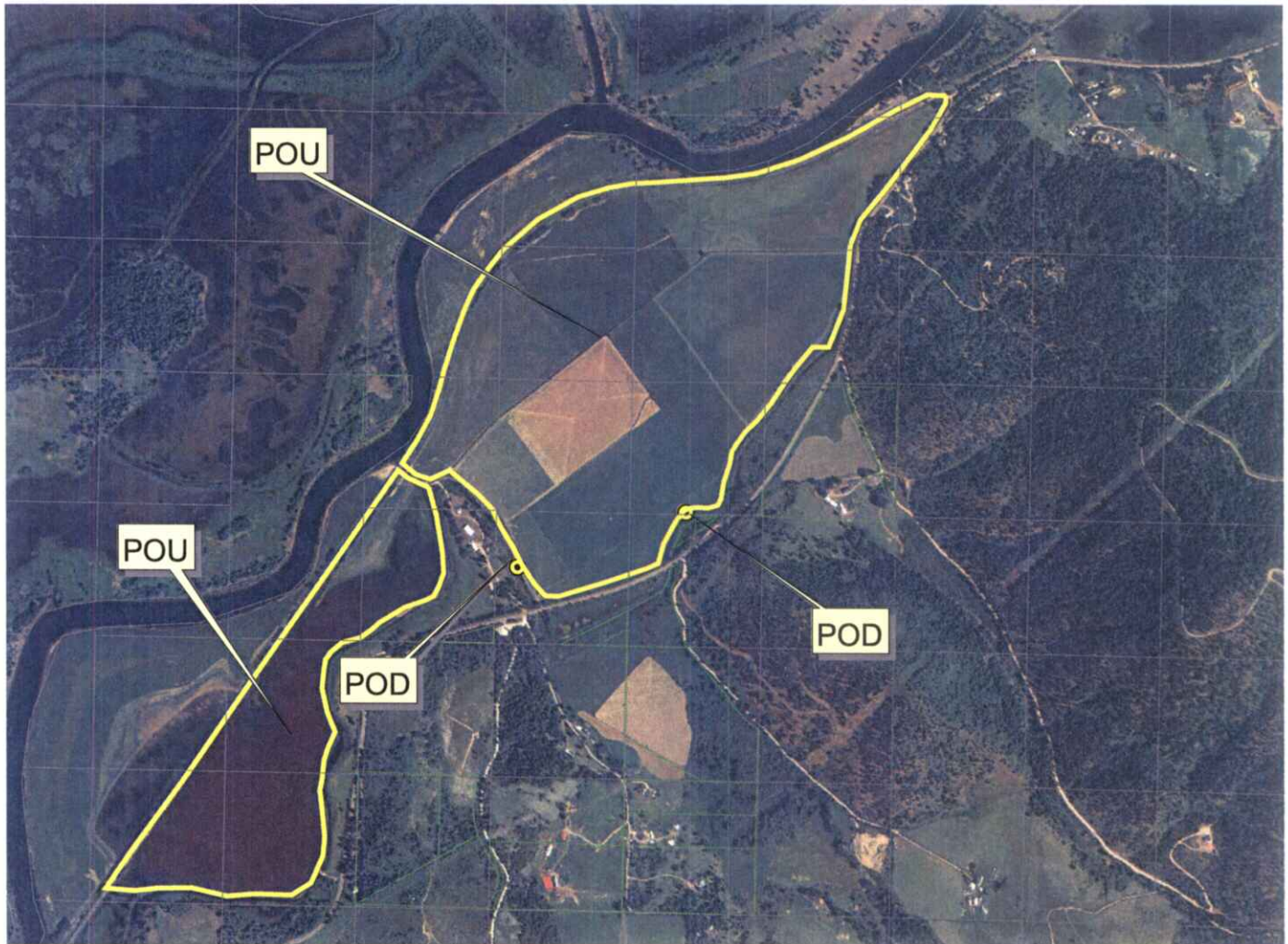
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Brenda L. Schlepp
Michael R. Schlepp
 Signature of Applicant (and title, if applicable)

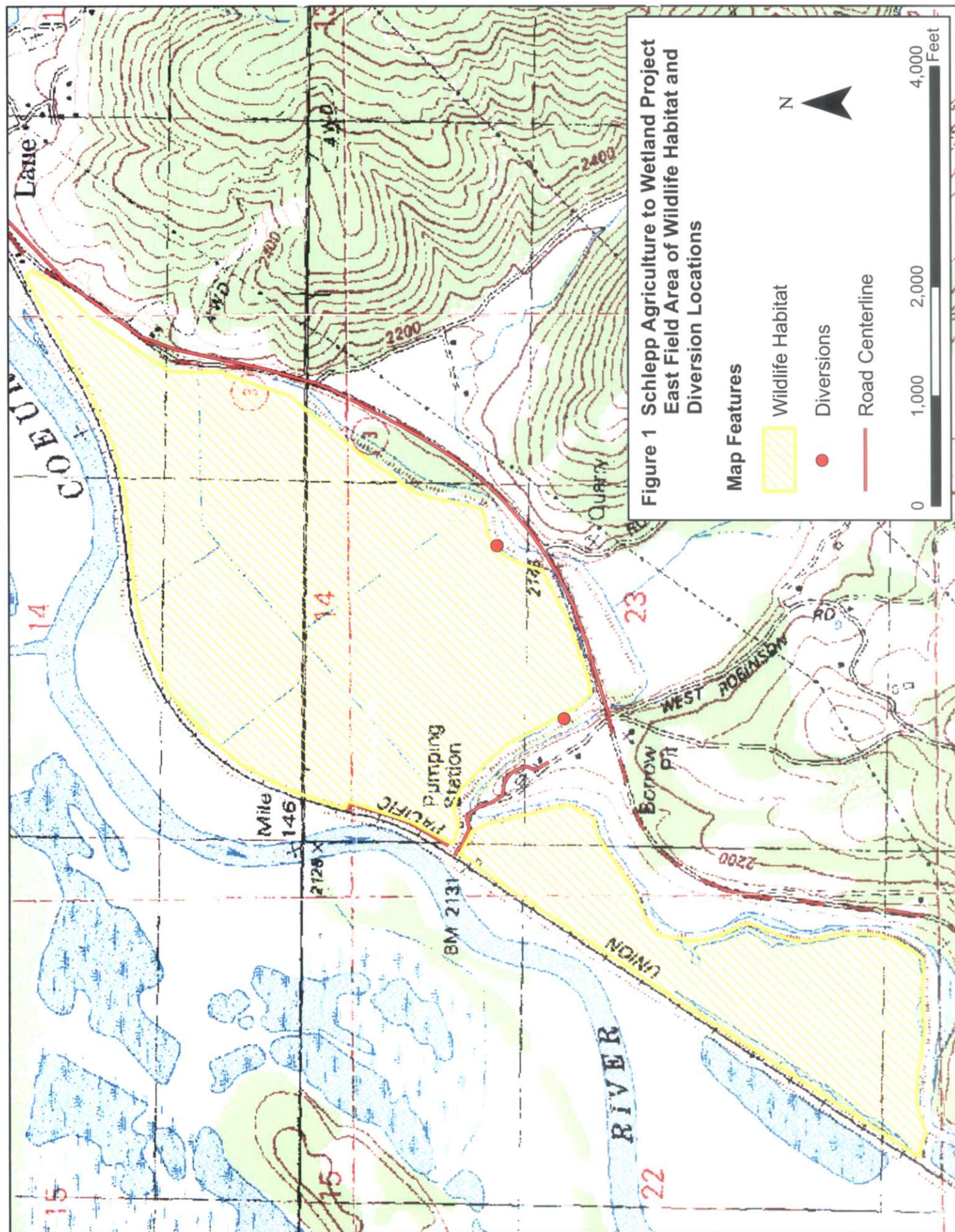
Received by [Signature] Date 1/5/07 Time 10:45a Preliminary check by [Signature]
 Fee \$ 410.00 Receipted by [Signature] # NO18097 Date 1/5/07
 Publication prepared by [Signature] Date 2/8/07 Published in C&G Press Date 2/15/07
 Publication approved [Signature] Date 2/23/07

94-7413



-  Kootenai taxlots
-  GCDB48N02W GCDB
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp





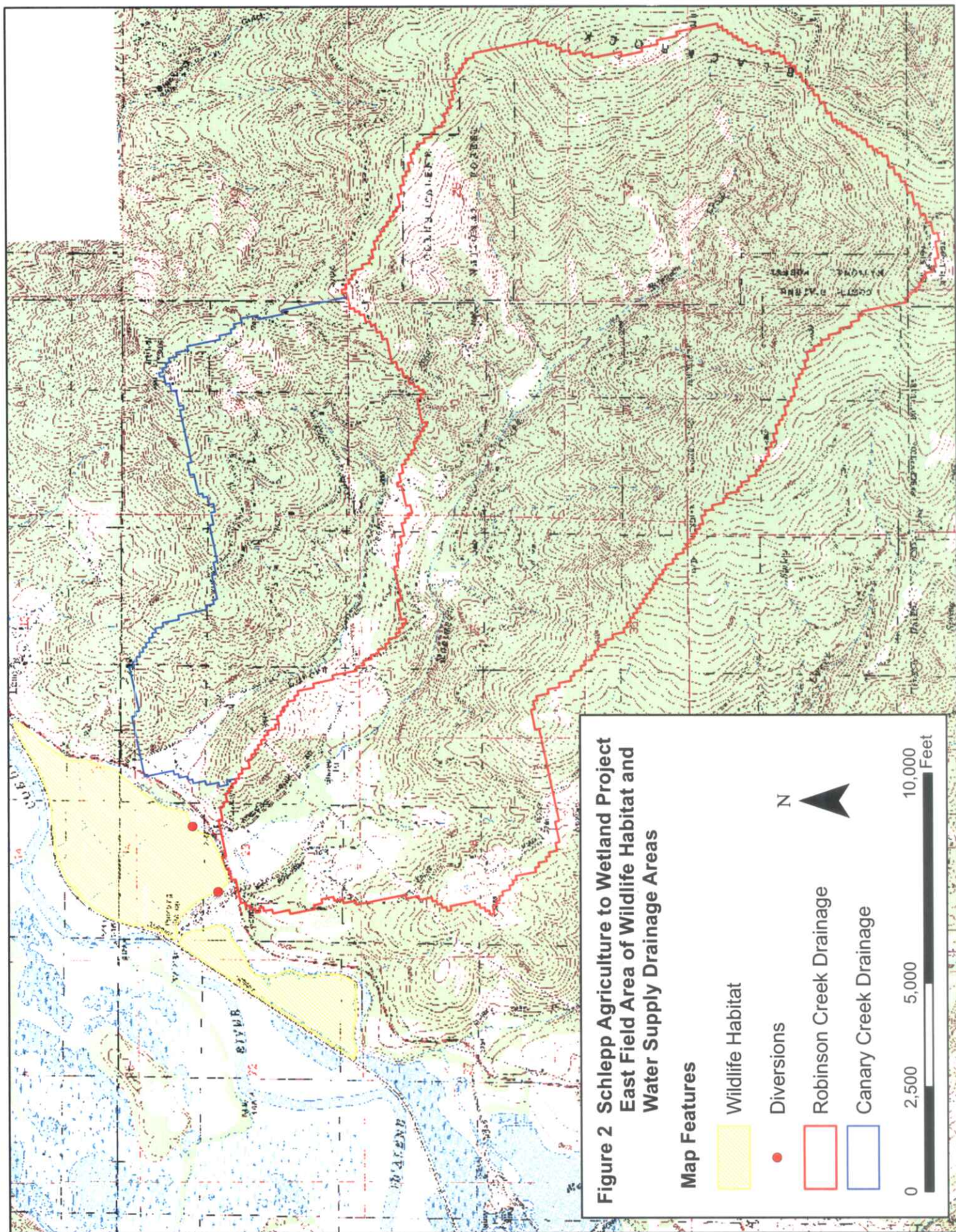


Table 1

Maximum Diversion Rates from Robinson Creek
Michael R. Schlepp Water Right Application

Combined Robinson and Canary Creek		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL STREAM FLOW	MAX DIVERSION AS A PERCENTAGE OF INSTREAM FLOW
Instream Flow Exceedence Values	20%	837	1349	1741	1599	901	486	213	116	168	279	327	460	8,475	14%
	50%	345	585	868	837	475	284	144	83	126	185	186	210	4,329	28%
	80%	135	262	497	462	246	178	100	59	92	131	135	117	2,414	50%
Maximum Diversion:		68	131	249	231	123	89	50	30	46	65	68	58	1,206	

all values in acre feet

Combined Robinson and Canary Creek		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL STREAM FLOW	MAX DIVERSION AS A PERCENTAGE OF INSTREAM FLOW
Instream Flow Exceedence Values	20%	13.61	24.30	28.31	26.87	14.66	8.16	3.47	1.89	2.82	4.54	5.49	7.48	11.70	14%
	50%	5.62	10.54	14.12	14.06	7.72	4.78	2.35	1.35	2.12	3.01	3.12	3.41	5.98	28%
	80%	2.20	4.71	8.09	7.76	4.00	3.00	1.62	0.96	1.54	2.13	2.27	1.90	3.33	50%
Maximum Diversion:		1.10	2.36	4.04	3.88	2.00	1.50	0.81	0.48	0.77	1.07	1.14	0.95	1.66	

all values in cubic feet per second

**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

June 20, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

MICHAEL R SCHLEPP
BRENDA L SCHLEPP
26175 S HWY 3
CATALDO ID 83810

RE: Permit No. 94-7413

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

Shelley W. Keen
For Shelley W. Keen, Manager
Water Right Permits Section

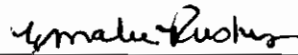
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO. 94-7413

**BRENDA L SCHLEPP
MICHAEL R SCHLEPP
26175 S HWY 3
CATALDO ID 83810**



**Emalee Rushing
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.

M E M O R A N D U M

Date: June 19, 2007
To: Water Right File 94-7413
From: eretelle
Re: another revision

In order to not create a minimum stream flow between the PoD and the measurement point at the culvert, the measuring device condition and the bypass flow condition were separated and re-worded.

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the amount of water diverted from Robinson Creek.
6. At all times, the right holder shall allow at least 1.0 cfs to bypass the point of diversion in Robinson Creek, to be measured at the new Robinson Creek culvert 1600 feet down stream from the point of diversion.

MEMORANDUM

Date: June 07, 2007
To: Water Right File 94-7413
From: eretelle
Re: revision of conditions

Clarification was needed on condition #5 (measurement).

Keith Franklin (IDWR Northern) and I worked together on new language. EPA suggested a measurement location 1600 feet downstream on Robinson Creek (because of the condition of the channel at the PoD). There are no other diversions from Robinson Creek between the PoD and measurement point. Keith indicated that Fish & Game and EPA were both ok with the new versions.

Retelle, Erin

From: Franklin, Keith
Sent: Tuesday, June 05, 2007 9:18 AM
To: Retelle, Erin
Subject: Application 94-7413

Erin,

This application is an EPA project on behalf of the landowner. EPA came up with the following language for where the flow measurement will take place.

"Flow measurement will be taken at the new Robinson Creek culvert, 1600 feet down stream from the point of diversion, due to channel conditions". The Fish & Game has signed off on this language. If you need anything else let me know.

Keith.

Retelle, Erin

From: Franklin, Keith
Sent: Tuesday, June 05, 2007 9:18 AM
To: Retelle, Erin
Subject: Application 94-7413

Erin,

This application is an EPA project on behalf of the landowner. EPA came up with the following language for where the flow measurement will take place.

"Flow measurement will be taken at the new Robinson Creek culvert, 1600 feet down stream from the point of diversion, due to channel conditions". The Fish & Game has signed off on this language. If you need anything else let me know.

Keith.

MEMORANDUM

Date: May 23, 2007
To: Water Right File 94-7413
From: eretelle
Re: permit review

No WD or moratorium
Min Stream Flow Coeur D'Alene River

No overlaps
Fish & Game letter - applicant worked with agency and adjusted application. Conditions included.

Recommend approval as suggested by IDWR Northern

MEMORANDUM

March 9, 2007

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MAR 22 2007

DEPARTMENT OF
WATER RESOURCES

To: The File
From: Keith Franklin, Senior Water Resources Agent
Subject: Fish & Game Concerns Settlement

The Department of Fish and Game had concerns over the diversion quantities asked for in this application. They also had concerns over flows remaining in Robinson Creek sufficient enough to support native fish populations as well as diversion screening.

The applicant and Fish and Game agreed to make changes in the application and agreed upon certain conditions that will be reflected in the permit. A draft permit has been prepared and included in the file, that contains all of the agreed upon changes and conditions. Letters of agreement by both the applicant and Fish & Game are also in the file for review and consideration.

Anne Link
206-553-2110

SCANNED

JUL 31 2007



IDAHO DEPARTMENT OF FISH AND GAME

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

C.L. "Butch" Otter / Governor
Cal Groen / Director

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MAR 16 2007
IDWR/North

March 14, 2007

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

Dear Keith:

REFERENCE: SCHLEPP DRAFT PERMIT: 94-7413

We have reviewed the Draft Permit for Michael and Brenda Schlepp.

The Draft Permit sufficiently incorporates our recommendations that have been discussed in previous meetings and communications with yourself and the applicant's representative.

Thank you for your attention to this matter.

Sincerely,

Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, IDFG Boise

File: IDWR Shlepp draft permit

March 6, 2007

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MAR 08 2007
IDWR/North

Keith E. Franklin
State of Idaho Department of Water Resources
7600 Mineral Drive
Suite 100
Coeur d'Alene, ID 83815

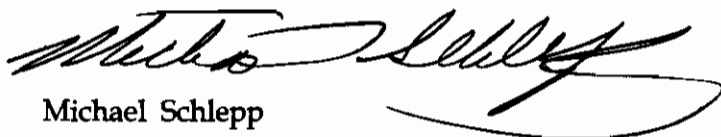
Subject: Application For Permit to Appropriate the Public Waters of the State of Idaho No.
94-7413

Dear Mr. Franklin:

We have reviewed and found the draft application and conditions and find them acceptable.

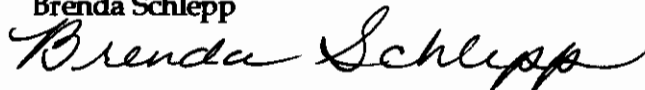
Thank you for your support and assistance during this process.

Sincerely,



Michael Schlepp

Brenda Schlepp



c: Anne Dailey, USEPA
Steve Hicks, P.E., CH2M HILL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 2, 2007

MARY TERRA BERNIS
IDAHO DEPARTMENT OF FISH & GAME
2885 KATHLEEN AVE.
COEUR D' ALENE, ID 83815

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 94-7413, Michael and Brenda Schlepp.

Dear Mary:

The Department of Water Resources has received mitigation information from both Fish & Game and the applicant and has prepared a draft permit, containing the mitigated conditions for your review. Please pay particular attention to the beneficial use, period of use, rate of diversion, conditions 3, 4, 5 and 6. If the draft is acceptable, please let me know, by letter, within the next 10 days. Once I receive concurrence from both parties, I will assume the application is satisfactory and will proceed with the final processing.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Encl/kf

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 2, 2007

Michael and Brenda Schlepp
26175 S. Hwy 3
Cataldo, Idaho 83810

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 94-7413.

Dear Mr. and Mrs. Schlepp:

The Department of Water Resources has received mitigation information from both Fish & Game and CH2M Hill, who represents the applicant and has prepared a draft permit, containing the mitigated conditions for your review. Please pay particular attention to the beneficial use, period of use, rate of diversion, conditions 3, 4, 5 and 6. If the draft is acceptable, please let me know, by letter, within the next 10 days. Once I receive concurrence from both parties, I will assume the application is satisfactory and will proceed with the final processing.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Encl/kf
cc. Steve Hicks, P.E., CH2M Hill

COPY

[illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-07413

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before .
2. Subject to all prior water rights.
3. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.50 feet per second.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Robinson Creek downstream of the point of diversion and at the point of diversion from the Robinson Creek.
6. A minimum stream flow of 1.0 cfs must remain in Robinson Creek at all times.
7. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____ day of _____, 20____.

DAVID R. TUTHILL, JR., Interim Director



RECEIVED

MAR 01 2007

IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue

Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor

Cal Groen/Director

February 27, 2007

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

Dear Keith:

REFERENCE: 94-7413; MICHAEL AND BRENDA SCHLEPP

We have reviewed the application by Michael and Brenda Schlepp to withdraw a maximum of 4.04cfs of water from Robinson Creek for wildlife storage.

Robinson Creek supports native westslope cutthroat trout, a State Sensitive Species; therefore, we request that a stipulation of the permit require the applicant to maintain a minimum of 1cfs in Robinson Creek, below the diversion, throughout the year. It is our understanding that the applicant has agreed to this stipulation as well as to installing a measuring device to assure that flow levels will not fall below 1cfs. Additionally, the application included a StreamStats table with monthly Maximum Diversion values (cfs) and the applicant has agreed to divert water at these levels (e.g., to divert 4.04cfs there must be at least 5.04cfs flowing in the creek).

All inlets to the pond must be screened at the point of diversion as provided in Section 36-906(b), Idaho Code, to prevent the entrance of wild fish into the pond. The maximum screen mesh size should be 0.25 inches; intake approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

The applicant should have an approved permit from Idaho Department of Lands prior to diverting any water.

Thank you for the opportunity to comment.

Sincerely,

Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, IDFG Boise
Carl Washburn, IDL, CdA

LEGAL NOTICE

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

94-7413

MICHAEL R SCHLEPP

BRENDA L SCHLEPP

26175 S HWY 3

CATALDO ID 83810

Point(s) of Diversion SENW and NWNE S23 T48N R02W

KOOTENAI County

Source: ROBINSON CREEK-Tributary To COEUR D'ALENE RIVER

Use: WILDLIFE - 01/01 To 12/31 4.04 CFS

Total Diversion: 4.04 CFS

Date Filed: 01/05/2007

Place Of Use: WILDLIFE

T48N R02W S13 SWNW Lot 3 NWSW

T48N R02W S14 SENE Lot 8 NESW Lot 11 SWSW Lot 12

SESW ~~SE~~

NESE Lot 9 NWSE Lot 10 SWSE SESE

T48N R02W S22 SENE Lot 9 NESE NWSE SWSE SESE

T48N R02W S23 NENE NWNE SWNE NENW NWNW Lot 1

SWNW SENW

95-9372

WATERVIEW WATER ASSN INC

PO BOX 3457

HAYDEN ID 83835

Point(s) of Diversion SESW S34 T49N R04W KOOTENAI County

Source GROUND WATER

Use: - MUNICIPAL 01/01 To 12/31 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 12/04/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

95-9373

DEAN W MAGEE

1126 S JARVIS RD

COEUR D'ALENE ID 83814

Point(s) of Diversion NENW S17 T50N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION - 03/15 To 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 12/27/2006

Place Of Use: IRRIGATION

T50N R04W S17 NENW

Number of Acres 3

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 03/05/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Interim Director

Legal 640

February 15, 22, 2007

Please move this line up w/ SESW

*All else looks
great*

Thanks, Dee

*& have a happy
day*

Deanne

Table 1
Maximum Diversion Rates from Robinson Creek
Michael R. Schlepp Water Right Application

Combined Robinson and Canary Creek		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL STREAM FLOW	MAX DIVERSION AS A PERCENTAGE OF INSTREAM FLOW
Instream Flow Exceedence Values	20%	837	1349	1741	1599	901	486	213	116	168	279	327	460	8,475	14%
	50%	345	585	868	837	475	284	144	83	126	185	186	210	4,329	28%
	80%	135	262	497	462	246	178	100	59	92	131	135	117	2,414	50%
Maximum Diversion:		68	131	249	231	123	89	50	30	46	65	68	58	1,206	

all values in acre feet

Combined Robinson and Canary Creek		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL STREAM FLOW	MAX DIVERSION AS A PERCENTAGE OF INSTREAM FLOW
Instream Flow Exceedence Values	20%	13.61	24.30	28.31	26.87	14.66	8.16	3.47	1.89	2.82	4.54	5.49	7.48	11.70	14%
	50%	5.62	10.54	14.12	14.06	7.72	4.78	2.35	1.35	2.12	3.01	3.12	3.41	5.98	28%
	80%	2.20	4.71	8.09	7.76	4.00	3.00	1.62	0.96	1.54	2.13	2.27	1.90	3.33	50%
Maximum Diversion:		1.10	2.36	4.04	3.88	2.00	1.50	0.81	0.48	0.77	1.07	1.14	0.95	1.66	

all values in cubic feet per second

10
a) measuring device on the diversion and
the creek
B. 132' or to repair a broken creek at 132'

Franklin, Keith

From: Terra-Berns,Mary [mterrabe@idfg.idaho.gov]
Sent: Monday, February 26, 2007 12:59 PM
To: Franklin, Keith
Subject: schlepp

Keith,

Chip is agreeable to the stipulations we just discussed on the phone (1cfs to remain in the creek year round, 4.04 max withdraw, measuring gage to assure 1cfs below diversion). I'll get a letter out this week.

Thanks Keith!

Mary

Apparently there has been some confusion in Boise with my email address - I know I have had a message to use a different one but at this point everyone's messages are coming in under the email address listed below; therefore, please use the one listed below. SORRY FOR THE CONFUSION!!

Mary Terra-Berns
Environmental Staff Biologist
Idaho Department of Fish & Game
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83814
208-769-1414 208-769-1418 fax
mterrabe@idfg.idaho.gov

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai, } ss,

FEB 23 2007

IDWR/North

Heather Bump
upon oath deposes and says:

being first duly sworn

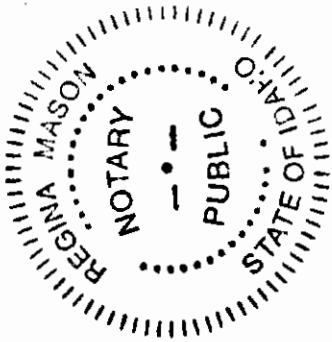
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai 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 15 day of Feb 2007 and ending on the 22 day of Feb 2007 and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Heather Bump
On this 22 day of Feb in the year of 2007, before me, a Notary Public, personally appeared Heather Bump, 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 at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/08

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
94-7413

MICHAEL R SCHLEPP
BRENDA L SCHLEPP
26175 SHWY 3

CATALDO ID 83810

Point(s) of Diversion SENW and NWNE S23 T48N R02W KOOTENAI County

Source: ROBINSON CREEK- Tributary To COEUR D'ALENE RIVER
Use: WILDLIFE - 01/01 To 12/31 4.04 CFS
Total Diversion: 4.04 CFS

Date Filed: 01/05/2007

Place Of Use: WILDLIFE

T48N R02W S13 SWNW Lot 3 NWSW

T48N R02W S14 SENE Lot 8 NESW Lot 11 SWSW Lot 12

SESW NESE Lot 9 NWSE Lot 10 SWSE SESE

T48N R02W S22 SENE Lot 9 NESE NWSE SWSE SESE

T48N R02W S23 NENE NWNE SWNE NENW NWNW Lot 1 SWNW SENW

95-9372

WATERVIEW WATER ASSN INC
PO BOX 3457

HAYDEN ID 83835

Point(s) of Diversion SESW S34 T49N R04W KOOTENAI County

Source GROUND WATER

Use: - MUNICIPAL 01/01 To 12/31

Total Diversion: 0.13 CFS

Date Filed: 12/04/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

95-9373

DEAN W MAGEE

1126 S JARVIS RD

COEUR D ALENE ID 83814

Point(s) of Diversion NENW S17 T50N R04W KOOTENAI Co.

Source GROUND WATER

Use: IRRIGATION - 03/15 To 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 12/27/2006

Place Of Use: IRRIGATION

T50N R04W S17 NENW

Number of Acres 3

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 03/05/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTTILL, JR., Interim Director

Legal 640

February 15, 22, 2007

Franklin, Keith

From: Terra-Berns,Mary [mterrabe@idfg.idaho.gov]
Sent: Tuesday, February 20, 2007 9:43 AM
To: Steve.Hicks@CH2M.com
Cc: susan_martin@r1.fws.gov; Franklin, Keith; Corsi,Charles
Subject: RE: Schlepp Fish Screen Design

Steve,
Thanks for sending the designs.

I understand there was some question concerning fish presence/use in Robinson/Canary; hopefully, that has been cleared up with the information sent to Susan.

We were looking over the StreamStats charts and have a recommendation; to maintain a healthy flow for fish we would prefer that a minimum of 1cfs remain in the creek throughout the year and suggest during the months with higher runoff (Feb, Mar, Apr, May – but particularly Mar & Apr), withdraw 60% of the flow to fill the cells.

Let me know if you have questions.

Thanks, Mary

Apparently there has been some confusion in Boise with my email address - I know I have had a message to use a different one but at this point everyone's messages are coming in under the email address listed below; therefore, please use the one listed below. SORRY FOR THE CONFUSION!!

Mary Terra-Berns
Environmental Staff Biologist
Idaho Department of Fish & Game
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83814
208-769-1414 208-769-1418 fax
mterrabe@idfg.idaho.gov

From: Steve.Hicks@CH2M.com [mailto:Steve.Hicks@CH2M.com]
Sent: Monday, February 19, 2007 1:24 PM
To: Terra-Berns,Mary
Cc: Dailey.Anne@epamail.epa.gov
Subject: Schlepp Fish Screen Design

Hi Mary,

Attached are the diversion structure design sheets and the supporting calculations.
Please let me know if you have any questions

Thanks

Steve Hicks, P.E.
CH2M HILL - Spokane
Tel: (509) 623-1664 x201
Cell: (208) 699-8115

2/20/2007

Franklin, Keith

From: Steve.Hicks@CH2M.com
Sent: Thursday, February 15, 2007 3:52 PM
To: mtterrabe@idfg.idaho.gov; Franklin, Keith
Subject: Schlepp Water Right Application

Hi Mary and Keith,

Here are the revised figures for the Schlepp water right application. The previous figures showed 2 points of diversion. These figures should replace Figures 1 and 2 of the memo attached to the application. I will have the diversion structure design sheet ready tomorrow morning.

Thanks

Steve Hicks, P.E.
CH2M HILL - Spokane
Tel: (509) 623-1664 x201
Cell: (208) 699-8115

Do they want only one point of Diversion?

2/16/2007

Table 1
Maximum Diversion Rates from Robinson Creek
Michael R. Schiepp Water Right Application

Combined Robinson and Canary Creek		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL STREAM FLOW	MAX DIVERSION AS A PERCENTAGE OF INSTREAM FLOW
Instream Flow Exceedence Values	20%	837	1349	1741	1599	901	486	213	116	168	279	327	460	8,475	14%
	50%	345	585	868	837	475	284	144	83	126	185	186	210	4,329	28%
	80%	135	262	497	462	246	178	100	59	92	131	135	117	2,414	50%
Maximum Diversion:		68	131	249	231	123	89	50	30	46	65	68	58	1,206	

all values in acre feet

Combined Robinson and Canary Creek		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL STREAM FLOW	MAX DIVERSION AS A PERCENTAGE OF INSTREAM FLOW
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	50%	5.62	10.54	14.12	14.06	7.72	4.78	2.35	1.35	2.12	3.01	3.12	3.41	5.98	28%
	80%	2.20	4.71	8.09	7.76	4.00	3.00	1.62	0.96	1.54	2.13	2.27	1.90	3.33	50%
Maximum Diversion:		1.10	2.36	4.04	3.88	2.00	1.50	0.81	0.48	0.77	1.07	1.14	0.95	1.66	

all values in cubic feet per second

Ball, Dianne

From: Dee Duquette [dduquette@cdapress.com]
Sent: Thursday, February 08, 2007 4:59 PM
To: Ball, Dianne
Subject: Re: LEGAL NOTICE for publication Feb. 15 and 22, 2007

Thank You Your email has been received and your legal will be published on the Specified Dates.

On Feb 8, 2007, at 4:07 PM, Ball, Dianne wrote:

Good afternoon, ladies,

Attached is our cover letter requesting publication of a legal notice on Feb. 15 and 22, 2007. The legal notice is also attached.

PLEASE SEND PROOF PRIOR TO PUBLICATION - including the legal number referenced, so it can be reviewed before going to press.

Thanks for ALL YOUR GOOD HELP. It is really appreciated.

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 02-08-07 CDA e-mail & Fax 94-7413, 95-9372,73.doc>> <<LegalNotice 02-08-07 94-7413,95-9372,73.doc>>

<CoverLetter 02-08-07 CDA e-mail & Fax 94-7413, 95-9372,73.doc>

<LegalNotice 02-08-07 94-7413,95-9372,73.doc>

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

94-7413

MICHAEL R SCHLEPP

BRENDA L SCHLEPP

26175 S HWY 3

CATALDO ID 83810

Point(s) of Diversion SENW and NWNE S23 T48N R02W

KOOTENAI County

Source: ROBINSON CREEK - Tributary To COEUR D'ALENE RIVER

Use: WILDLIFE - 01/01 To 12/31 4.04 CFS

Total Diversion: 4.04 CFS

Date Filed: 01/05/2007

Place Of Use: WILDLIFE

T48N R02W S13 SWNW Lot 3 NWSW

T48N R02W S14 SENE Lot 8 NESW Lot 11 SWSW Lot 12 SESW

NESE Lot 9 NWSE Lot 10 SWSE SESE

T48N R02W S22 SENE Lot 9 NESE NWSE SWSE SESE

T48N R02W S23 NENE NWNE SWNE NENW NWNW Lot 1

SWNW SENW

95-9372

WATERVIEW WATER ASSN INC

PO BOX 3457

HAYDEN ID 83835

Point(s) of Diversion SESW S34 T49N R04W KOOTENAI County

Source GROUND WATER

Use: - MUNICIPAL 01/01 To 12/31 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 12/04/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

95-9373

DEAN W MAGEE

1126 S JARVIS RD

COEUR D'ALENE ID 83814

Point(s) of Diversion NENW S17 T50N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION - 03/15 To 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 12/27/2006

Place Of Use: IRRIGATION

T50N R04W S17 NENW

Number of Acres 3

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DAVID R. TUTHILL, JR., Interim Director Published Feb. 15 & 22, 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
Interim Director

February 08, 2007

DEE DUQUETTE & GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

E-MAILED 2/8/07 AND ALSO FAXED

RE: Application for Permit No. 94-7413, 95-9372 and 95-9373

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

Dear Dee and Glenda:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 15 and 22, 2007. (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

When FAXING the PROOF copy, please include legal number, as it will appear in the 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 03/05/2007. Your cooperation is GREATLY appreciated.

Thank you very much for all your help,
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 08, 2007 4:08 PM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail);
Legal Notices-CdA Press3 Dee Duquette (E-mail)
Subject: LEGAL NOTICE for publication Feb. 15 and 22, 2007

Good afternoon, ladies,

Attached is our cover letter requesting publication of a legal notice on Feb. 15 and 22, 2007. The legal notice is also attached.

PLEASE SEND PROOF PRIOR TO PUBLICATION - including the legal number referenced, so it can be reviewed before going to press.

Thanks for ALL YOUR GOOD HELP. It is really appreciated.

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
2-08-07 CDA e-mai.



LegalNotice
2-08-07 94-7413,9..



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 08, 2007

MICHAEL R SCHLEPP
BRENDA L SCHLEPP
26175 S HWY 3
CATALDO ID 83810

RE: Application for Permit No 94-7413

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 Coeur d'Alene Press on February 15 and 22, 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,

A handwritten signature in black ink, reading "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Senior Water Resource Agent

Michael R. Schlepp Water Right Application

PREPARED FOR: Idaho Department of Water Resources

PREPARED BY: Steve Hicks/CH2M HILL

DATE: December 15, 2006

The purpose of this memorandum is to provide supporting information for the Michael R. Schlepp Water Right Application.

The U.S. Environmental Protection Agency (EPA), working collaboratively with the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (USACE), The Idaho Department of Environmental Quality (IDEQ), the Coeur d'Alene Tribe, and Ducks Unlimited (DU), is proceeding with ecological remediation to reduce sediment toxicity and waterfowl mortality in the Coeur d'Alene River Basin in northern Idaho. The EPA has secured a perpetual conservation easement on the private property of Mr. Michael Schlepp, to remediate and convert existing agricultural lands into clean waterfowl feeding habitat. The project area and diversion location are shown on Figure 1.

The property was previously a wetland, but decades ago, a series of ditches and dikes was constructed to drain the property so that it could be used for agricultural purposes. Currently, the project area is ditched and diked with a gravity drainage to the Coeur d'Alene River and two pumping stations to Robinson Creek used to control the groundwater level and flooding from Robinson and Canary creeks.

The goal of the project is to create a 2- to 3-foot deep, semi-permanent palustrine emergent marsh with a wide variety of aquatic plants that are attractive to swans and other waterfowl. In order to accomplish this goal, an adequate source of clean water to flood the project in accordance with project operating scenarios is required.

Robinson Creek is located adjacent to the project and is separated from the project by a series of dikes. Prior to the construction of the dikes, Robinson Creek flowed through the project area. This project proposes diverting water from Robinson Creek at the location shown on Figure 1.

Streamflow hydrology for Robinson Creek and Canary Creek (a tributary to Robinson Creek) was evaluated using the USGS Streamstats website. The delineated water sheds are shown on Figure 2. The combined streamflow for these creeks for the 20, 50, 80 percent exceedence values are shown in Table 1. This project proposes maximum withdrawals equal to 50 percent of the 80 percent exceedence value. The 80 percent exceedence value is a flow estimate that would be expected to be exceeded by actual values 80 percent of the time. The total annual water right applied for in this application is 1,200 acre feet per annum or an average of 1.66 cubic feet per second. Withdrawals of water from Robinson Creek for wildlife purposes on a monthly basis are presented in Table 1 in acre feet and cubic feet per second.

Idaho Department of Water Resources Receipt

Receipt ID N018097

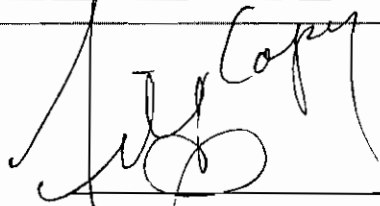
Payment Amount	\$410.00	Date Received	1/5/2007 10:45:00 AM	Region	Northern	Status
Payment Type	Check	Check Number	2024232			

Payer CH2M HILL INC

Comment WR Permit App fee

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$410.00	PERMITS	0229	21	65103	1155



Signature Line (Dept. Representative)

Date
04-JAN-07

Venc | Name
STATE OF IDAHO

Vendor Number
014002

Check No. 2024232

INVOICE NO.	INVOICE DATE	DESCRIPTION	DISCOUNT AMT	NET AMOUNT
CKRQ010207	02-JAN-07	FX A DAVIS/SPK EJR	0.00	410.00
			0.00	\$410.00

RECEIVED
JAN 05 2007
IDWR/North



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 24, 2007

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY 1/24/07
8 pages total

Re: Water Permit Application No. 94-7413

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.

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.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **March 5, 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