



United States
Department of
Agriculture

Forest
Service

Idaho Panhandle
National Forests

Bonnerr's Ferry Ranger District
6286 Main Street
Bonnerr's Ferry, ID 83805
(208) 267-5561

File Code: 2720

Date: June 9, 2020

RECEIVED

JUN 12 2020

IDWR / NORTH

Eric Madson
P.O. Box 1593
Bonnerr's Ferry, ID 83805

Dear Mr. Madson:

I have received notification that you have filed an Application for Permit 98-08018 with the Idaho Department of Water Resources (IDWR). The Point of Diversion (POD) listed on this application in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 24, T. 61 N., R. 1 E., B.M. is on National Forest System (NFS) land as appropriate shown in number 11. a. Then in number 12 you say that this is "for new permit for land not irrigated..."

You are probably aware that a special use permit is necessary to authorize this new use proposed in Application for Permit 98-08018. We have had no communication with you about this matter. At the present time, you are not authorized to conduct new or additional activities on NFS land beyond what existed and was thereby authorized in your special use permit BON177, dated January 12, 2016. This permit is for water diversion and transmission facilities in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 24, T. 61 N., R. 1 E., B.M.

The purpose of this letter is to notify you of our concerns and that you are not authorized to occupy and use NFS lands in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 24 T. 61 N., R. 1 E., B.M. You need to contact us about your proposed new use of NFS land. We will need sufficient detail to evaluate your proposal against two levels of screening criteria and applicable laws and regulations such as the Organic Act (19 U.S.C. 551), Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and 36 Code of Federal Regulations (CFR) at 251 Subpart B – Land Uses. You also need to be aware of direction I have to deny proposed uses that can reasonably be accommodated on non-NFS lands and not to authorize use of NFS lands solely because it is less expensive or easier when compared with non-NFS lands (36 CFR 251.54; FSM 2703.2).

By a copy of this letter we are notifying IDWR that you do not have authorization to occupy and use NFS lands as described in Application for Permit 98-08018 and request that they not process this application until this matter can be resolved.

If you have any questions about this matter, please contact Joe Holzinger, Lands Special Use Program Coordinator, at (208) 765-7279 or via email at joseph.holzinger@usda.gov.

Sincerely,

Kevin S
Knauth

Digitally signed by Kevin
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Date: 2020.06.10
08:13:04 -07'00'

KEVIN S. KNAUTH
District Ranger

Cc: Idaho Department of Water Resources
7600 Mineral Dr., Ste 100
Coeur d'Alene, ID 83815-7763



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