

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 87-10179

Priority: April 19, 2019

Maximum Diversion Volume: 9.2 AF

This is to certify that

BENJAMIN R BOWEN 1153 IDLERS REST RD MOSCOW ID 83843-8124 AND/OR
STACEY BOWEN 1153 IDLERS REST RD MOSCOW ID 83843-8124

has applied for a permit to appropriate water from:

Source : SURFACE RUNOFF

Tributary: SINKS

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31	1.2 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	1.2 AF
RECREATION STORAGE	01/01 to 12/31	8.0 AF
AESTHETIC STORAGE	01/01 to 12/31	8.0 AF

Location of Point(s) of Diversion

SURFACE RUNOFF NW¼ NW¼, Sec. 22, Twp 40N, Rge 05W, B.M. LATAH County
SURFACE RUNOFF NW¼ NW¼, Sec. 22, Twp 40N, Rge 05W, B.M. LATAH County

Place of Use: IRRIGATION STORAGE, RECREATION STORAGE, AND AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
40N	05W	22						X												

Place of Use: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
40N	05W	22						0.4												0.4

Total Acres: 0.4

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2020**.
2. Subject to all prior water rights.
3. Right 87-10179 authorizes the storage of an annual total of 9.2 acre-feet, comprised of 5.7 acre-feet to be used for the initial filling of the ponds, 2.3 acre-feet for the replacement of losses due to seepage and evaporation, and up to 1.2 acre-feet for additional refills for irrigation from storage use.
4. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 5.7 acre-feet or a total surface area of 1.0 acres.
5. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 87-10179

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 4th day of June, 20 19.


DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
87-10179

This map depicts the IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

87-10179

This map depicts the IRRIGATION STORAGE, RECREATION STORAGE, and AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 04, 2019

BENJAMIN R BOWEN
STACEY BOWEN
1153 IDLERS REST RD
MOSCOW ID 83843-8124

RE: Permit No. 87-10179

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

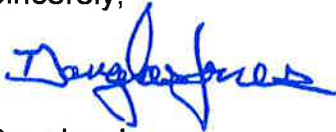
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Jones", is written over the word "Sincerely,".

Douglas Jones
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 04, 2019, I served a true and correct copy of Permit to Appropriate Water No. 87-10179 by U.S. Mail, postage prepaid, to the following:

BENJAMIN R BOWEN (Current Owner)
1153 IDLERS REST RD
MOSCOW ID 83843-8124

STACEY BOWEN (Current Owner)
1153 IDLERS REST RD
MOSCOW ID 83843-8124



Tammy Alleman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(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 service date 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.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

05/09/2019

INVOICE NO.

151455

Account No.

964750

Description

151455 The foll

Times

2

Lines

78

Tab. lines

\$ 228.15**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Hollie K Posey, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

May 2nd, 9th
2019

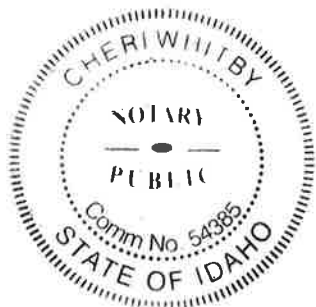
the same being the date designated for
the publication of said notice.

Hollie K Posey

On this 10th day of May
in the year of 2019, before me, a Notary Public,
personally appeared Hollie K Posey,
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.

Cheri Whitby
Notary Public for Idaho,

Residing at Lewiston, Idaho

My Commission Expires 11/1/21

The following application(s) have been filed to appropriate
the public waters of the State of Idaho: 151455

87-10177

KAREN DOWLING
1095 O'DONNELL RD
MOSCOW, ID 83843-5034
Point of Diversion SESE
S36 T40N R06W
LATAH County
Source UNNAMED STREAM
Tributary PARADISE CREEK
Point of Diversion SESE
S36 T40N R06W
LATAH County
Source GROUND WATER
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Use: IRRIGATION FROM STORAGE
03/15 to 10/31 7.8 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 7.8 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 7.6 AF
Total Diversion: 0.2 CFS 15.4 AF
Date Filed: 4/18/2019
Place Of Use: WILDLIFE STORAGE
T40N R06W S36 SESE
Place Of Use: IRRIGATION STORAGE
T40N R06W S36 SESE
Place Of Use: IRRIGATION FROM STORAGE
T40N R05W S31 SWSW
T40N R06W S36 SESE
87-10179

BENJAMIN R BOWEN
STACEY BOWEN
1153 IDLERS REST RD
MOSCOW, ID 83843-8124
Point of Diversion NWNW
S22 T40N R05W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion NWNW
S22 T40N R05W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Use: AESTHETIC STORAGE
01/01 to 12/31 8 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 1.2 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 1.2 AF
Use: RECREATION STORAGE
01/01 to 12/31 8 AF
Total Diversion: 9.2 AF
Date Filed: 4/19/2019
Place Of Use: RECREATION STORAGE
T40N R05W S22 NWNW
Place Of Use: AESTHETIC STORAGE
T40N R05W S22 NWNW
Place Of Use: IRRIGATION STORAGE
T40N R05W S22 NWNW
Place Of Use: IRRIGATION FROM STORAGE
T40N R05W S22 NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 5/20/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/2/2019
and 5/9/2019

RECEIVED
MAY 15 2019
IDWR / NORTH