

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17324

Priority: June 05, 2017

Maximum Diversion Volume: 17.0 AF

This is to certify, that JUDY FORCINO And/Or
KENNETH BOWMAN
671 KELSO WOODS DR
ATHOL ID 83801

has applied for a permit to appropriate water from:

Source: SPRING **Tributary:** SINKS
UNNAMED STREAM 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>
FIRE PROTECTION STORAGE	01/01 to 12/31	2.0 AF
WILDLIFE STORAGE	01/01 to 12/31	2.0 AF
IRRIGATION STORAGE	01/01 to 12/31	15.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE1/4NE1/4NE1/4 Sec. 21, Twp 54N, Rge 03W, B.M. BONNER County
UNNAMED STREAM NE1/4NE1/4 Sec. 21, Twp 54N, Rge 03W, B.M. BONNER County

PLACE OF USE: FIRE PROTECTION STORAGE, WILDLIFE STORAGE, AND IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 03W 21	X																

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 03W 16																.5	.5
54N 03W 21	4.5																4.5

Total Acres: 5

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17324

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2022**.
2. Subject to all prior water rights.
3. 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.
4. Right 95-17324 authorizes the storage of an annual total of 17.0 acre-feet, 1.8 acre-feet to be used for the initial filling of the pond, 0.2 acre-feet for the replacement of losses due to evaporation, and up to 15.0 acre-feet for additional refills for irrigation from storage use.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 1.8 acre-feet or a total surface area of 0.15 acres.
6. 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.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 26 day of July, 2017.


CHAD H GOODWIN, Acting Regional Manager

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2017 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.

95-17324

**JUDY FORCINO
671 KELSO WOODS DR
ATHOL ID 83801**

**KENNETH BOWMAN
671 KELSO WOODS DR
ATHOL ID 83801**



**Natalie Steading
Technical Records Specialist**

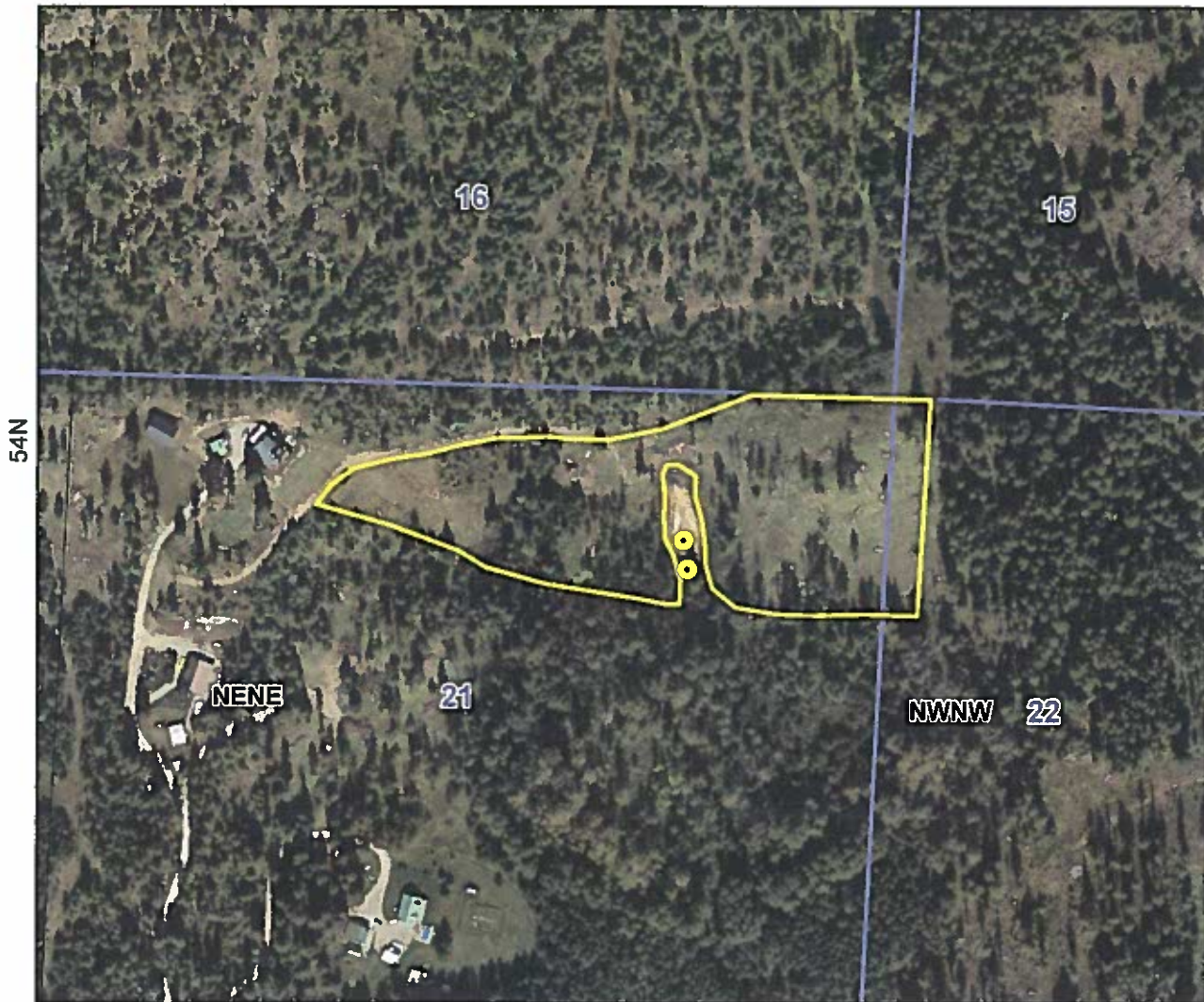
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17324

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.

03W



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

0 0.035 0.07 0.14 Miles



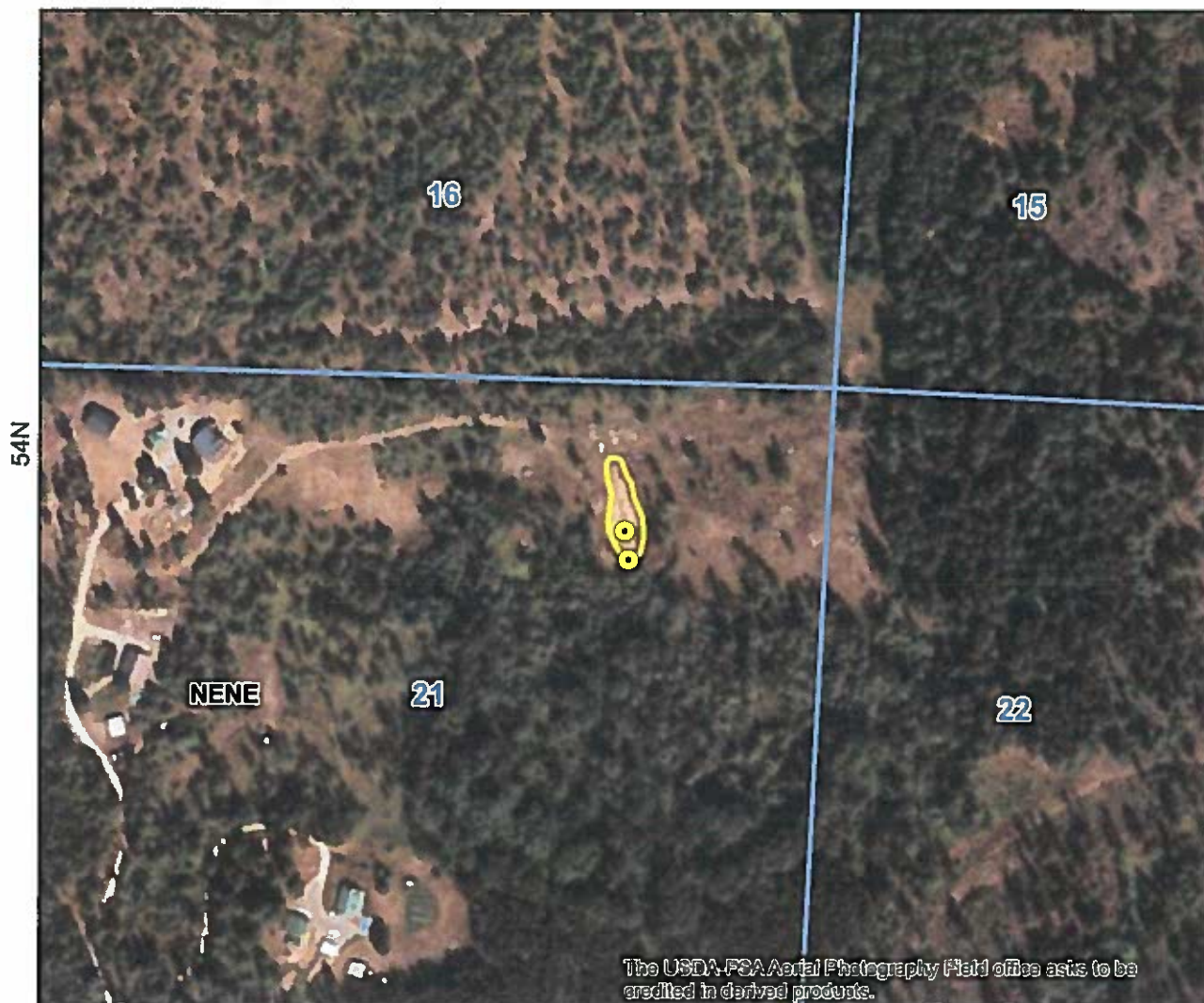
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17324

This map depicts the FIRE PROTECTION STORAGE, WILDLIFE STORAGE, and IRRIGATION 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.

03W



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 31, 2017

JUDY FORCINO And/Or
KENNETH BOWMAN
671 KELSO WOODS DR
ATHOL ID 83801

RE: Permit No. 95-17324

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 208-762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CHAD H. GOODWIN', with a stylized, cursive-like script.

Chad H Goodwin
Acting Regional Manager

Enclosure(s)



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JUL 07 2017

IDWR / NORTH

IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter / Governor
Virgil Moore / Director

July 7, 2017

Mr. Adam Frederick
Idaho Department of Water Resources
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815
adam.frederick@idwr.idaho.gov

Dear Adam,

REFERENCE: 95-17324 Bowman/Forcino Pond

We have reviewed Kenneth Bowman and Judy Forcino's application to appropriate 17 AF of water per year from a spring and unnamed stream near Kelso Lake. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of Idaho Department of Fish and Game to support or oppose this proposal.

The applicants are proposing additional uses for an existing pond. Their 0.15 acre pond, currently permitted for 2 AF for stockwater storage (94-10024), would be used to source an additional 17 AF per year for irrigation, fire protection, and wildlife storage. Open water is available less than 1 mile away from Kelso, Round, and Beaver Lake so benefits of a pond for wildlife are perceived to be small. If fish are to be stocked, a Private Pond Permit is required from the Department of Fish and Game.

The spring and unnamed stream reportedly do not connect via surface water to any major waterbody. However, the source spring and stream do appear to feed a small, forested wetland immediately south of the POD, based on National Wetlands Inventory data and aerial imagery. Additional withdrawals may alter this habitat and the wetland may shrink. Fortunately, the Hoodoo Creek area has many wetlands and alternative habitat is expected to be available for most species if changes do occur.

We have noticed wildlife storage is regularly used as a blanket beneficial use for private water storage developments. We request that applicants define specifically what wildlife will be benefited and identify how surface water developments will provide resources to wildlife. In much of the Northern Region, water sources for wildlife are not limiting to populations.

Keeping Idaho's Wildlife Heritage

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IDWR / NORTH

Mr. Adam Frederick- Page 2 of 2
July 7, 2017

Furthermore, ponds may attract game on to residential and agricultural areas, creating conflicts with landowners and neighbors.

Protecting existing wetlands and streams is typically more beneficial to our region's wildlife than creating new, open water habitat. Beneficial wildlife storage projects mimic natural seasonal wetlands, with average depths of 3' or less, have seasonal drawdowns, and ample herbaceous aquatic and shoreline vegetation. Characteristics such as these can help differentiate between water appropriated for wildlife versus incidental wildlife use of a water storage development.

Thank you for the opportunity to comment.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:KJS

C: Gary Vecellio, IDFG Idaho Falls

Frederick, Adam

From: Siitari, Kiira <kiira.siitari@idfg.idaho.gov>
Sent: Friday, July 07, 2017 1:21 PM
To: Frederick, Adam
Subject: 95-17324 Bowman Forcino Agency Response
Attachments: 95-17324_BowmanIDFG.PDF

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JUL 07 2017

IDWR / NORTH

Kiira Siitari
Environmental Staff Biologist
Idaho Department of Fish and Game
Panhandle Region
2885 Kathleen Avenue
Coeur d'Alene, ID 83815
Office: (208) 769-1414
Cell: (208) 258-0296
<https://idfg.idaho.gov>



AFFIDAVIT OF PUBLICATION

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JUL - 6 2017

IDWR/NORTHERN

STATE OF IDAHO)
) ss.
County of Bonner)

Geri Hagler, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Legal Notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 15 day of June, 2017, and ending on the 22 day of June, 2017.

Geri Hagler

State of Idaho, county of Bonner ss.

On this 22 day of June, in the year of 2017, before me, Katrina George, Notary Public, personally appeared GERI HAGLER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public

Residing at: Kootenai County
MY COMMISSION EXPIRES 8/29/17

Comm. Exp.: _____



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JUL 06 2017

IDWR / NORTH

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

95-17324

KENNETH BOWMAN

JUDY FORCINO

671 KELSO WOODS DR

ATHOL, ID 83801

Point of Diversion NENENE S21T54N R03W BONNER County

Source SPRING Tributary SINKS

Point of Diversion NENE S21 T54N R03W BONNER County

Source UNNAMED STREAM Tributary SINKS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 2 AF

Use: IRRIGATION FROM STORAGE 04/01 to 10/31 15 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 15 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 2 AF

Total Diversion: 17 AF

Date Filed: 6/5/2017

Place Of Use: FIRE PROTECTION STORAGE T54N R03 S21

NENE

Place Of Use: WILDLIFE STORAGE T54N R03W S21 NENE

Place Of Use: IRRIGATION STORAGE T54N R03W S21 NENE

SESE

T54N R03W S21 NENE

Total Acres: 5

96-9658

JOHN WESLEY HARBUCK

SUSAN BATES HARBUCK

4964 COLBURN GULVER RD

SANDPOINT, ID 83864

Point of Diversion SWNWSW S2 T58N R01W BONNER County

Source SPRING Tributary GROUSE CREEK

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 04/01 to 10/31 0.06 CFS

Total Diversion: 0.1 CFS

Date Filed: 5/22/2017

Place Of Use: DOMESTIC T58N R01W S2 NWSW

Place Of Use: IRRIGATION T58N R01W S2 NWSW

Total Acres: 1

Permits will be subject to all prior water rights. For additional in-

formation concerning the property location, contact Northern

Region office at (208) 762-2800, or for a full description of the

water right, please see <https://idwr.idaho.gov/apps/ExtSearch/W>

ApplicationResults/. Protests may be submitted based on the

criteria of Idaho Code § 42-203A. Any protest against the appro-

val of this application must be filed with the Director, Dept. of

Water Resources, 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 7/3/2017. The protes-

tant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

SNP LEGAL 4649

JUNE 15, 22, 2017