

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 93-07662

Priority: August 28, 2015

Maximum Diversion Volume: 11.2 AF

This is to certify, that LARRY TURNBOW
374484 HWY 95
DESMET ID 83824

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	10.9 AF
RECREATION STORAGE	01/01 to 12/31	10.9 AF
STOCKWATER STORAGE	01/01 to 12/31	11.2 AF
WILDLIFE STORAGE	01/01 to 12/31	10.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 10, Twp 43N, Rge 04W, B.M. BENEWAH County

PLACE OF USE: FIRE PROTECTION STORAGE, RECREATION STORAGE, STOCKWATER STORAGE, AND WILDLIFE 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	
43N 04W 10											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2016**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Right 93-7662 authorize total annual storage volume of 11.2 acre-feet, 7.2 acre-feet to be used for the initial filling of the pond and 3.7 acre-feet for the replacement of losses caused by evaporation.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 7.2 acre-feet or a total surface area of 1.2 acres.
6. Stockwater is for 25 mixed head of stock.
7. Recreational use is for fishing and swimming.
8. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
9. 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. Witness the signature of the Director, affixed at Coeur d' Alene, this 9 day of October, 2015.


For, GARY SPACKMAN, Director



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

October 22, 2015

GARY SPACKMAN
Director

LARRY TURNBOW
374484 HWY 95
DESMET ID 83824

RE: Permit No.93-7662

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 black ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin
Program Manager

Enclosure(s)

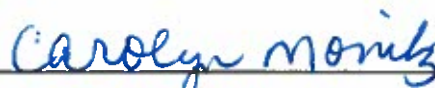
CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2015 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.

93-7662

**LARRY TURNBOW
374484 HWY 95
DESMET ID 83824**



**Carolyn Monitz
Technical Records Specialist**

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.

RECEIVED

SEP 25 2015

IDWR / NORTH

Affidavit of Publication

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 2 issues, the first publication being on the 16 day of Sept, 2015 and the last on the 23 day of Sept, 2015.

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.

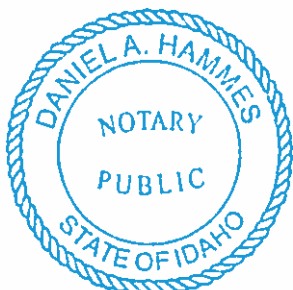
Dated this 23 day of September, 2015.

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 23 day of September, in the year of 2015 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.



Daniela A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

July 13, 2019

PUBLIC NOTICE

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

91-7912

DALE HUBBARD

7702 E COLUMBIA DR

SPOKANE, WA 99212

Point of Diversion NESE S17 T46N R02W BENEWAH CO

Source ST JOE RIVER tributary COEUR D'ALENE LAKE

Use: IRRIGATION 03/15 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 9/2/2015

Place of Use: IRRIGATION T46N R02W S17 L6(NESE)

Total Acres: 2

92-11035

EMERALD CREEK GARNET LTD

PO BOX 190

FERNWOOD, ID 83830

Point of Diversion SWSW S9 T43N R01E BENEWAH CO

Source ST MARIES RIVER Tributary ST JOE RIVER

Point of Diversion NENW S16 T43N R01E BENEWAH CO

Source ST MARIES RIVER tributary ST JOE RIVER

Use: MINING 01/01 to 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 4/6/2015

Place of Use: MINING T43N R01E S9 SWSW

T43N R01E 16 NENW

93-7662

LARRY TURNBOW

374484 HWY 95

DESMET, ID 83824

Point of Diversion NWSW S10 T43N R04W BENEWAH CO

Source GROUND WATER

Use: FIRE Protection Storage 01/01 to 12/31 10.9 AF

Use: RECREATION Storage 01/01 to 12/31 10.9 AF

Use: STOCKWATER Storage 01/01 to 12/31 11.2 AF

Use: WILDLIFE Storage 01/01 to 12/31 10.9 AF

Total Diversion: 11.2 AF

Date Filed: 8/28/2015

Place of Use: ALL STORAGE USE: T43N R04W S10 NWSW

Recreation Storage is for swimming and fishing.

Stockwater Storage is for 25 head of mixed stock.

95-17064

WAYNE ZIMMERMAN

ANGELA ZIMMERMAN

311 N 21ST

ST. MARIES, ID 83861

Point of Diversion NWSW S26 T46N R03W BENEWAH CO

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 8/24/2015

Place of Use: DOMESTIC T46N R03W S26 NWSW

Domestic use is for 1 home and shop.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/5/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/16/2015 and 9/23/2015

9238 Sept. 16 - 23



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

October 14, 2015

RECEIVED
OCT 18 2015
IDWR / NORTH

Mr. Adam Frederick
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Adam:

REFERENCE: 93-7662 TURNBOW

We have reviewed Larry Turnbow's application to appropriate 11.2 acre-feet of water per year for storing water for wildlife, recreation, fire protection, and 25 head mixed stock. 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.

As long as this pond has no inlets or outlets as the applicant claims, we do not foresee any significant impacts to fish or wildlife due to this proposal. If the applicant plans to stock or maintain fish in his pond, he is required to complete an Application for Private Pond Permit through IDFG. The application is available on the Fish and Game website and at any of our regional offices. Please refer Mr. Turnbow to our Regional Fisheries Manager, Andy Dux, if he has any questions about this process: 208-769-1414.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chip Corsi".

Chip Corsi
Regional Supervisor

CEC:KJS:njk

C: Sharon Kiefer, IDFG Boise

File: 93-7662 Turnbow