

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: MARK GATES
700 EMERSON
PALO ALTO CA 94301
(650)614-6234

2. Source: BIG LOST RIVER Tributary to: SINKS

3. Location of Point of Diversion:

#1 BIG LOST RIVER

SW1/4NE1/4

Sec. 32, Twp 08N, Rge 23E, B.M.

CUSTER County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	3.00 CFS	

5. Total quantity to be appropriated is: 3.00 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: HEADGATE IN THE 6X DITCH
VIA CMP AND CHANNEL RETURN.

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 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

NOV 13 2004

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 23E 32			X														

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

Water will be diverted from the Big Lost River at the 6X diversion. Water will then be removed from the 6X ditch upstream from the 6X headgate and routed back to the river. This will enable fish passage of the 6X diversion structure. IDFG has a letter from 6X Ranch (attached allowing this diversion from their ditch.1

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. E034411

Date: 9/08

Received by: Blake

NOV 13 2008
Idaho Department of Water Resources

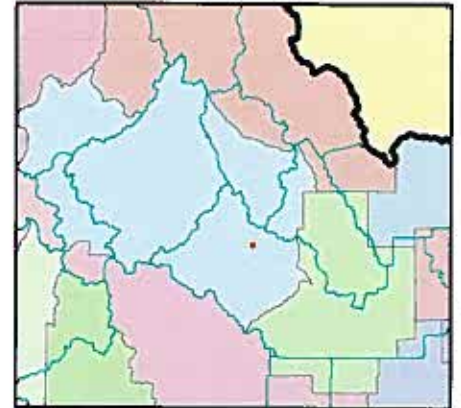


Idaho Department of Water Resources

Application
34-14032
(FISH PROPAGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Custer County
IDWR Basin 34

R23E



Prepared by Blake Jordan
On October 09, 2008
2006 Aerial Photography

0 0.035 0.07 0.14 Miles

34-14032

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant : Mark Gates Phone: (650) 614-6234
Mailing address: 700 Emerson St. Palo Alto, CA 94301 Email: mark@gatesland.com
2. Source of water supply which is a tributary of Big Lost River which is a tributary of Sinks
3. Location of point of diversion is Township Range 8N Range 23E, Sec. 32, in the SW 1/4, NE 1/4, 1/4, Govt. Lot , B.M., Custer County; additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>3</u>	for <u>Wildlife</u>	purposes from <u>1/1/08</u> to <u>12/31/08</u>	(both dates inclusive)
(cfs or acre-feet per year)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per year)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per year)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per year)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per year)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per year)			
5. Total quantity to be appropriated is (a) 3 cfs and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Headgate in the 6X ditch via cmp and channel return.
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity N/A acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? N/A; Drilling firm N/A; 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 1 year (min. 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. N/A
 - b. Stockwatering; list number and kind of livestock. N/A
 - c. Municipal; show name of municipality. N/A
 - d. Domestic; show number of households. N/A
 - e. Other; describe fully. Wildlife – non-consumptive right to facilitate passage of fish around 6X Diversion.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
8N	23E	32			W														

Total number of acres to be irrigated: N/A

- Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____
- Who owns the property at the point of diversion? Big Lost Ranch Company
 - Who owns the land to be irrigated or place of use? Big Lost Ranch Company
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
- Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water will be diverted from the Big Lost River at the 6X diversion. Water will then be removed from the 6X ditch upstream from the 6X headgate and routed back to the river. This will enable fish passage of the 6X diversion structure. IDFG has a letter from 6X Ranch (attached) allowing this diversion from their ditch.
- 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.



 Signature of Applicant Print Name

MARK T. GATES, MANAGING MEMBER

 Print Name (and title, if applicable)
BIG LOST RANCH, LLC

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

Publication prepared by _____ Date _____ Published in _____

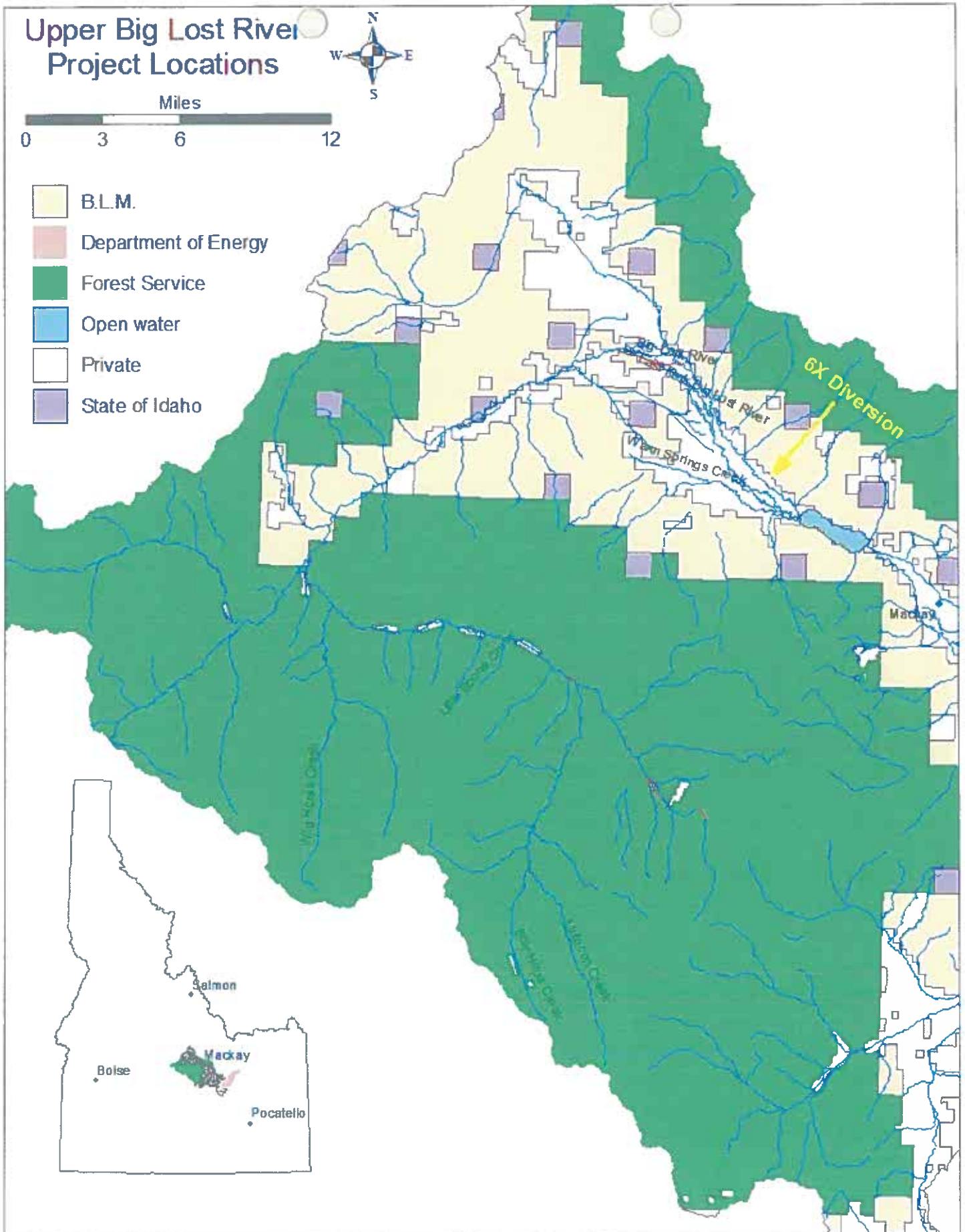
Publication approved _____ Date _____ Dates Published _____

Upper Big Lost River Project Locations

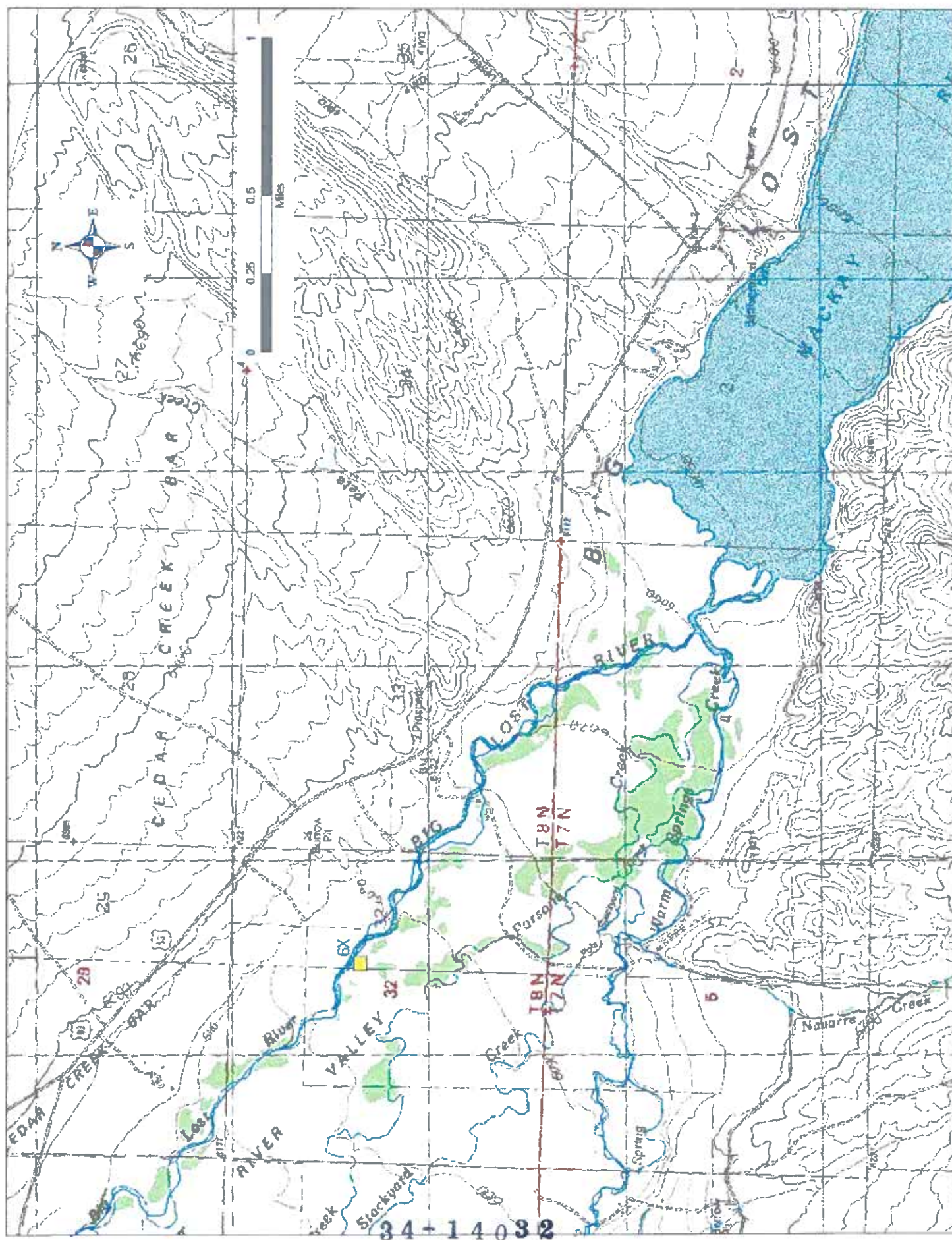


Miles
0 3 6 12

- B.L.M.
- Department of Energy
- Forest Service
- Open water
- Private
- State of Idaho



34-14032



6X Diversion fish ladder



Big Lost River

Diversion structure

Proposed fish ladder channel

Proposed headgate

Headgate

6X ditch

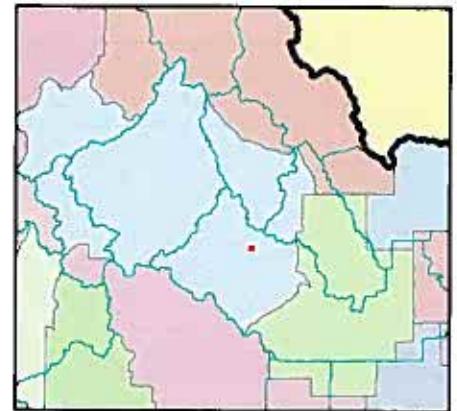


Idaho Department of Water Resources

Application
34-14032
(WILDLIFE)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Custer County
IDWR Basin 34



Prepared by Blake Jordan
On September 16, 2008
2006 Aerial Photography

0 0.05 0.1 0.2
Miles

34-14032

DEC-22-98 TUE 15:46

SPECK & AANESTAD

FAX NO. 2087260752

P. 03/03

227

CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-504, Idaho Code, the undersigned gives notice of adoption of an Assumed Business Name.



1. The assumed business name which the undersigned use(s) in the transaction of business is:

The Big Lost River Ranch

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

<u>Name</u>	<u>Complete Address</u>
<u>Ward W. Woods & Priscilla B. Woods</u>	<u>P.O. Box 964, Hailey, ID 83333</u>
<u>Mark T. Gates & Elizabeth W. Gates,</u> <u>trustees of the Mark T. Gates and</u> <u>Elizabeth W. Gates Living Trust</u>	<u>700 Emerson Street, Palo Alto, CA 94301</u>
<u>Agreement dated September 10, 1993</u>	

3. The general type of business transacted under the assumed business name is:
(mark only those that apply)

☐ Retail Trade	☐ Manufacturing	☐ Transportation and Public Utilities
☐ Wholesale Trade	☒ Agriculture	☐ Finance, Insurance, and Real Estate
☐ Services	☐ Construction	☐ Mining

4. The name and address to which future correspondence should be addressed:

James P. Speck, Esq.
Speck & Aanestad
P.O. Box 987

Ketchum, ID 83340

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Submit Certificate of
Assumed Business
Name and \$20.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

Signature: [Signature]Printed Name: Mark T. Gates, Trustee

Capacity: _____

(see instruction # 8 on back of form)

Secretary of State use only
IDaho SECRETARY OF STATE

12/30/1998 09:00
CL: 20881 CT: 91971 MI: 174369
10 20.00 = 20.00 ADDN HIVE # 2

D21486

34-14032

21 May 2008

Dan Garren
Fisheries Manager – Idaho Fish and Game
4279 Commerce Circle
Idaho Falls, Id 83401

Dear Mr. Garren;

I am the owner of the 6X Ranch and divert water from the Big Lost River at the 6X diversion, which is on property owned by the Big Lost Ranch Company. I agree to allow construction of a fish ladder which will divert up to 3 cfs of water out of my ditch under the following conditions. 1) The head of the fish ladder is located upstream from my headgate and diverts water that is not part of my water right. 2) The fish ladder can be controlled and shut off with a lockable headgate. 3) When the 6X diversion becomes the end of the river (i.e. all the water is being diverted with none, or only leakage, passing the diversion) the fish ladder can be turned off at our discretion.

Thanks,



Blake Quinn
6X Ranch

Charla,

Enclosed please find a
check for 330 to cover
application charges for a
3 cfs non-consumptive
water right for mark Gates. in ^{Eastern} ^{Co.}
The application has already
been submitted



RECEIVED
SEP 12 2008
Department of Water Resources
Eastern Region

588-2447

fishchief@yahoo.com



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 12, 2008

WATER DISTRICT 34
BOB SHAFFER
PO BOX 53
MACKAY ID 83251

RE: Application for Permit No 34-14032

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Blake Jordan
Water Resource Agent

Enclosure(s)

BJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 12, 2008

STATE OF IDAHO
DEPT OF WATER RESOURCES
TOM BASSISTA
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

Application to Permit No. 34-14032

STATE OF IDAHO :

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 is enclosed 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.

Please contact this office if you have any questions regarding the application.

Sincerely,

Blake Jordan
Water Resource Agent

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 12, 2008

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON, ID 83467-1336

Application to Permit No. 34-14032

STATE OF IDAHO :

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 is enclosed 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.

Please contact this office if you have any questions regarding the application.

Sincerely,

Blake Jordan
Water Resource Agent

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

November 12, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MARK GATES
700 EMERSON
PALO ALTO CA 94301

RE: Application for Permit No 34-14032

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 Challis Messenger on November 20 and 27, 2008. 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.

Please feel free to contact this office if you have any questions.

Sincerely,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION
November 12, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department
CHALLIS MESSENGER
PO BOX 405
CHALLIS ID 83226

RE: Application for Permit No. 34-14032

Dear LEGAL NOTICE DEPARTMENT:

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

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 December 8, 2008. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

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

34-14032

MARK GATES
700 EMERSON
PALO ALTO CA 94301

Point(s) of Diversion: SWNE S32 T08N R23E, CUSTER County

Source BIG LOST RIVER, Tributary To SINKS

Use: FISH PROPAGATION 01/01 To 12/31 3 CFS

Total Diversion: 3 CFS

Date Filed: 11/03/2008

Place Of Use: FISH PROPAGATION

T08N R23E S32 SWNE

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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 8, 2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on November 20 and 27, 2008