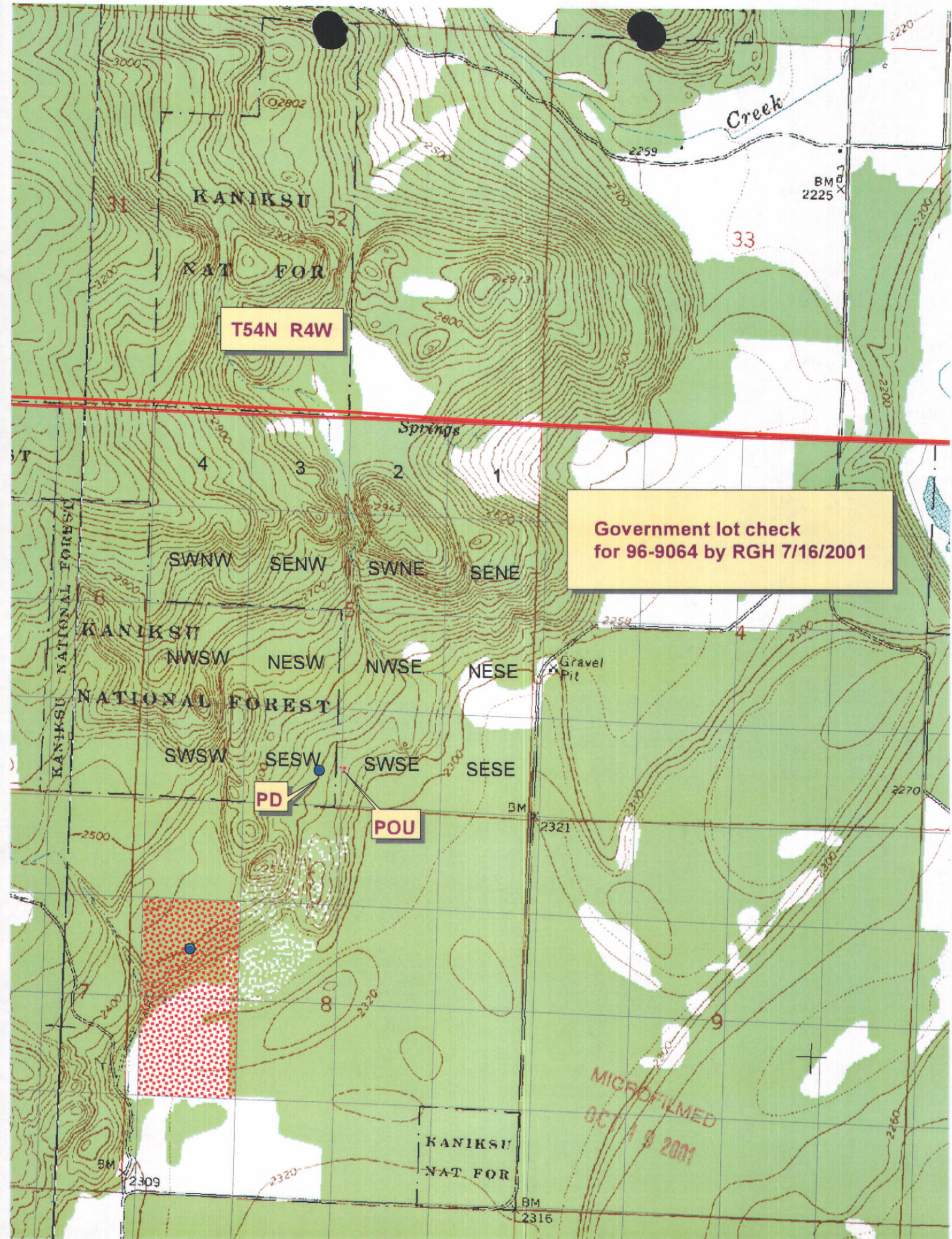
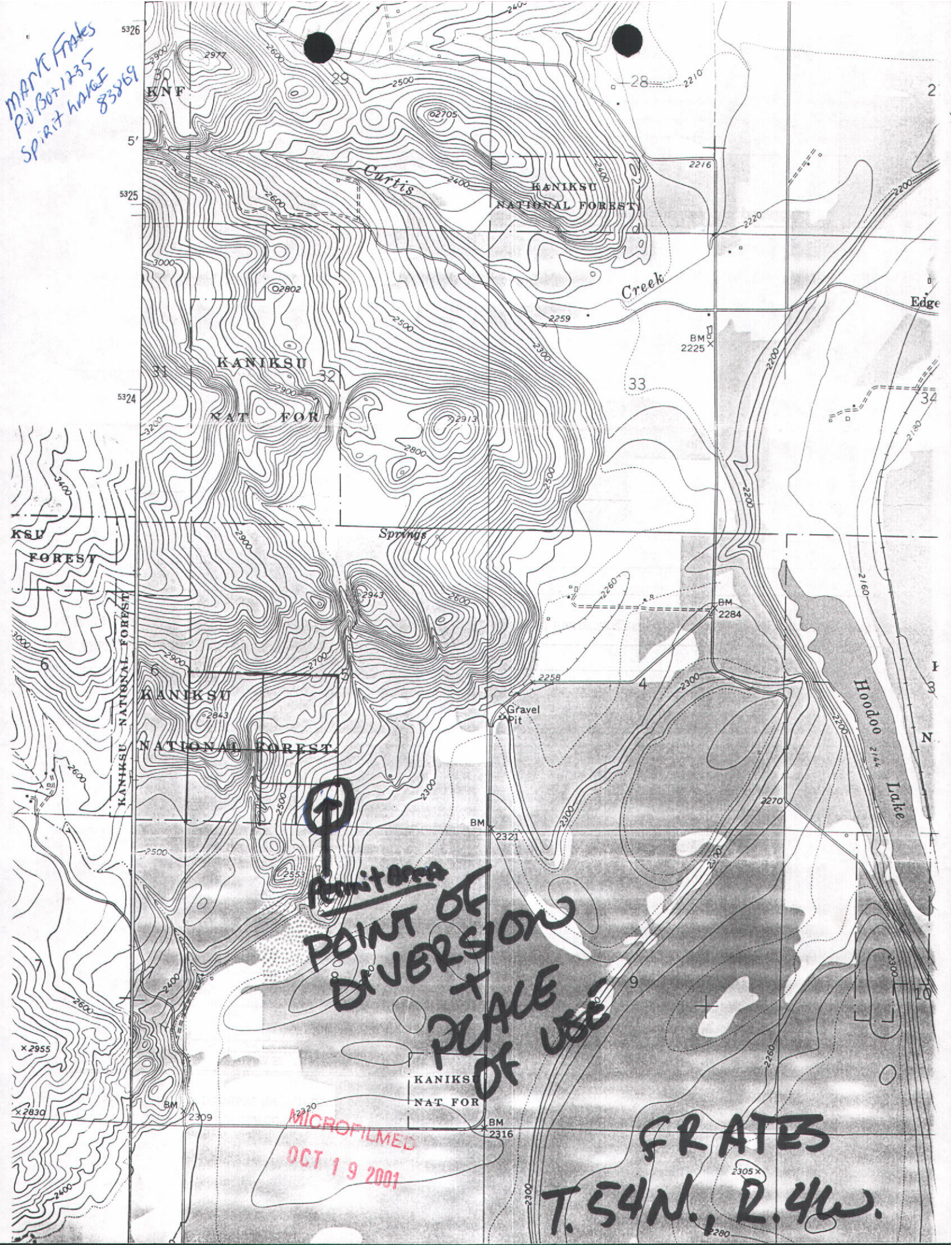




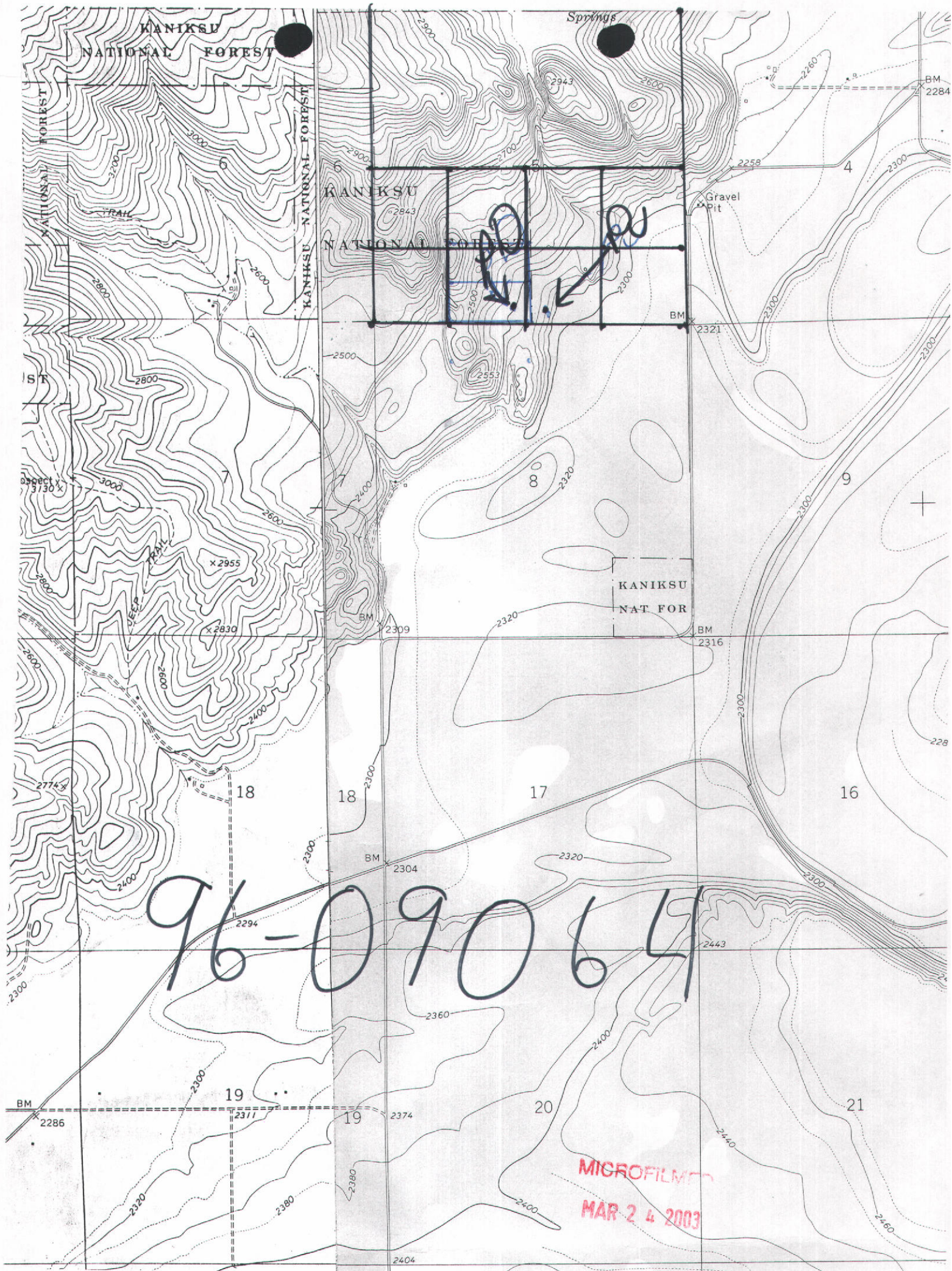
MARK FRATES  
P.O. Box 1235  
SPIRIT LAKE  
83869



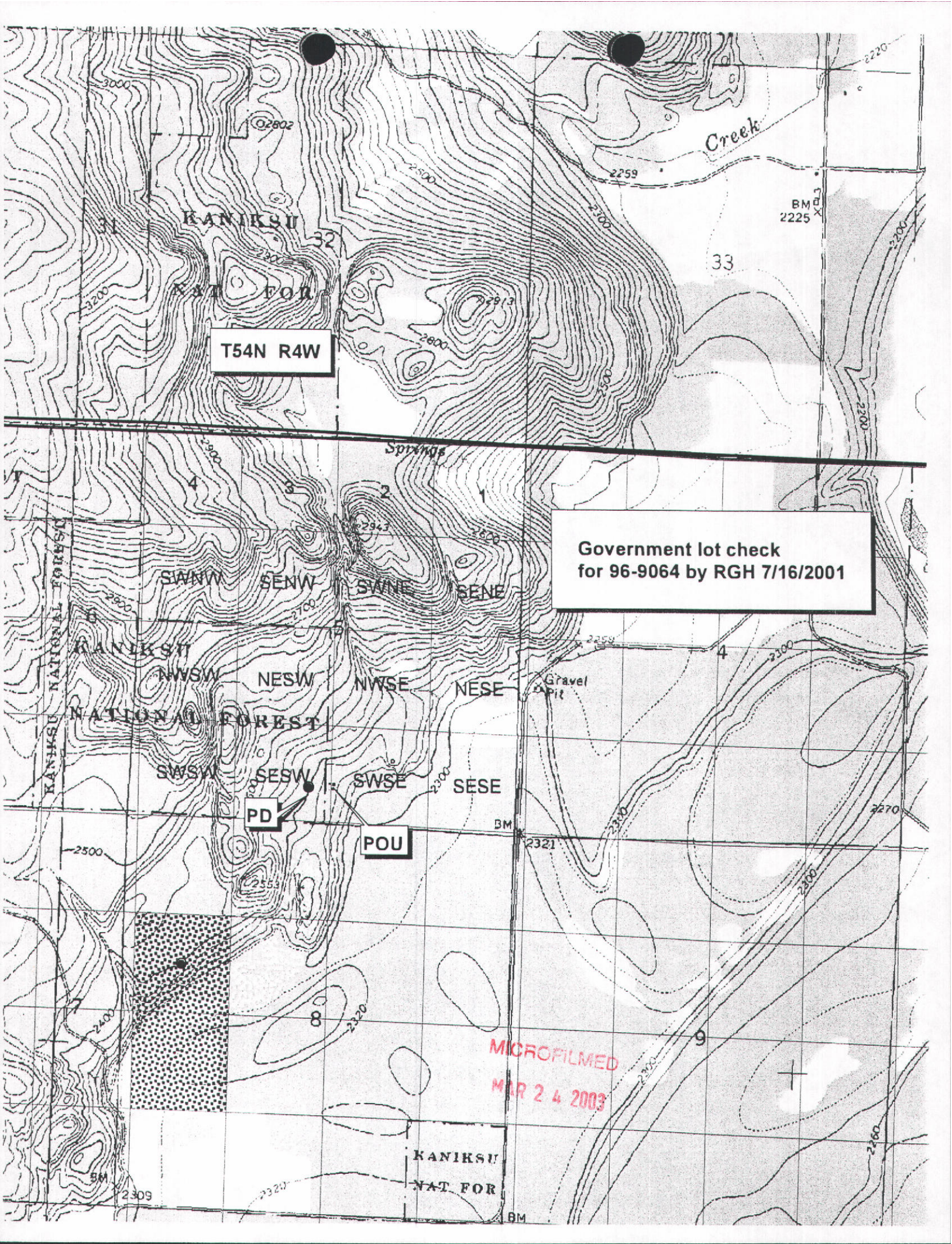
Point of  
DIVERSION  
+  
PLACE  
OF USE

MICROFILMED  
OCT 19 2001

FRATES  
T. 54N., R. 4W.



MICROFILMED  
MAR 24 2003



T54N R4W

Government lot check  
for 96-9064 by RGH 7/16/2001

MICROFILMED  
MAR 24 2003

KANIKSU  
NAT FOR

96-09064



PD



Pump House



Domestic

MICROFILMED  
MAR 24 2003

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Shender

\_\_\_\_\_ being first duly sworn on oath

deposes and says that he/she is \_\_\_\_\_

of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached

notice of publication in the case of:

Applicant

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 4 day of April, 2001 and ending on the 11 day of April, 2001 and that said notice was published in said newspaper.

On this 5 day of May in the year of 2001, before me, a Notary Public, personally appeared Jeannie Shender, 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.

Notary Public for Idaho

Residing at

My Commission expires:

Carolyn L. Inge  
Sanpant  
8/06

RECEIVED  
MAY 04 2001  
IDWR/North

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

96-9064

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869  
Point(s) of Diversion SESESW S5 T54N R04W BONNER County  
Source SPRING  
Use: DOMESTIC 01/01 To 12/31 0.02 CFS  
Use: STOCKWATER 01/01 To 12/31 0.02 CFS  
Total Diversion 0.04 CFS

Date Filed: 12/12/2000

Place of Use: DOMESTIC

T54N R04W S5 SESW SWSE

Place of Use: STOCKWATER

T54N R04W S5 SESW SWSE

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, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/23/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 404335

April 4, 11, 2001

MICROFILMED  
OCT 19 2001

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 96-09064

Priority: December 12, 2000

Maximum Diversion Rate: 0.02 CFS  
Maximum Diversion Volume: 1.3 AF

It is hereby certified that MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated December 12, 2000; and has  
submitted Proof of Beneficial Use on January 28, 2002. An examination indicates that the works have a  
diversion capacity of 0.02 cfs of water from:

**SOURCE**

SPRING

Tributary: SINKS

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              | 0.1 AF                             |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS              | 1.2 AF                             |

**LOCATION OF POINT OF DIVERSION:**

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 5, Twp 54N, Rge 04W, B.M., BONNER County

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 54N 04W 5   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 54N 04W 5   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

**CONDITIONS OF APPROVAL**

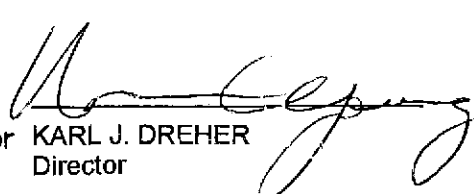
1. Domestic use is for 1 home.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27<sup>th</sup> day of NOVEMBER, 2002.

MICROFILMED

MAR 24 2003

Acting for   
KARL J. DREHER  
Director

FOR OFFICE USE ONLY  
Amt. of Fee \$ 50.00  
Receipt No. 1039500  
Receipt By: [Signature]  
Date Received: 1-28-02

RECEIVED

JAN 25 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 28 2002

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-09064 Telephone No. 208 263 9399

2. Name of Permit Holder(s): MARK FRATES

3. Mailing Address: P.O. BOX 1235

City Spirit Lake State ID Zip 83869

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_

Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_\_

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): 2 horses

Irrigation (No. of acres): N/A Other: \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: 0.02<sup>4</sup> cfs OR \_\_\_\_\_ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes \_\_\_\_\_ or No ✓  
Has the measuring device been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Les Saunder or Mark Frates Telephone Number: 208-263-9399

Address: 222 Poverty Lane Spirit Lake, ID 83869

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 1/17/01  
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 27 2002

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09064

Priority: 12/12/2000

Maximum Diversion Rate: 0.04 CFS

This is to certify, that MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869

has applied for a permit to appropriate water from:

**Source:** SPRING

**Tributary:** SINKS

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 5, Twp 54N, Rge 04W, B.M. BONNER County

**PLACE OF USE:** STOCKWATER

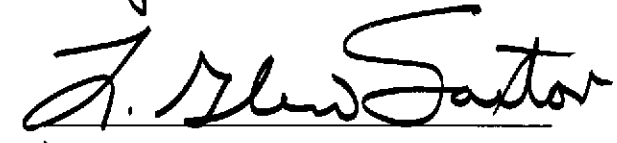
| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 54N 04W 5   |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  |        |

**PLACE OF USE:** DOMESTIC, same as Stockwater

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2002**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Stockwater use is for 2 horses.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6<sup>th</sup> day of August, 2001.

  
for **KARL J DREHER, Director**

MICROFILMED  
OCT 19 2001

RECEIVED

JUL 24 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

App ID 68984  
RECEIVED

DEC 12 2000

IDWR/North

1. Name of Applicant MARK Frates Phone 208-263-9399  
Mailing address P.O. Box 1235 Spirit Lake ID 83869
2. Source of water supply BATON Spring which is a tributary of SINKS N/A
3. Location of point of diversion is Township 54 North Range 4 West Sec. 5 in the SE 1/4 1/4, SE 1/4 1/4, SE 1/4 1/4, Govt. Lot         , B.M., Bonner County County;  
additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .02 for Domestic Use purposes from JAN 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount .02 for Stock purposes from JAN 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 and/or (b)           
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source pipe 20ft Submerged Pipe to Small  
Submerged holding tank 600 FT OF 1 inch PVC Pipe Submerged to Holding tank property
- b. Height of storage dam 0 feet; active reservoir capacity 0 acre-feet; total  
reservoir capacity N/A acre-feet
- c. Proposed well diameter is 0 inches; proposed depth of well is 0 feet
- d. Is ground water with a temperature of greater than 85° F being sought? 0
- e. If well is already drilled, when? 0; Drilling firm 0  
Well was drilled for (well owner) 0; Drilling Permit No. 0

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 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 - 0
- b. Stockwatering; list number and kind of livestock. 2 horses
- c. Municipal; show name of municipality. 0
- d. Domestic; show number of households. 1
- e. Other; describe fully. N/A - 0

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JUL 18 2001

- b. 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.

[illegible]

~~11/17-0~~ Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above.

11. a. Who owns the property at the point of diversion? ~~Aspart Forest Service~~

b. Who owns the land to be irrigated or place of use? Mark Erate/Hopland

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

:၆၀၂၂၂၂၂၂

12. Remarks: Essent permit copy of permit

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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 (and title, if applicable)

Received by Ph Date 12/12/00 Time 1:35p  
 Fee \$ 100.00  
 Received by Ph Received by Ph Date 12/29/01  
 Publication prepared by Ph Date 5/14/01  
 Publication approved Ph  
 Preliminary check by Ph Date 12/12/00  
 Date 12/12/00 Time 1:35p  
 Fee \$ 100.00  
 Received by Ph Received by Ph Date 12/29/01  
 Publication prepared by Ph Date 5/14/01  
 Publication approved Ph

T54N R4W

Government lot check  
for 96-9064 by RGH 7/16/2001

PD

POU

2309

2320

Creek

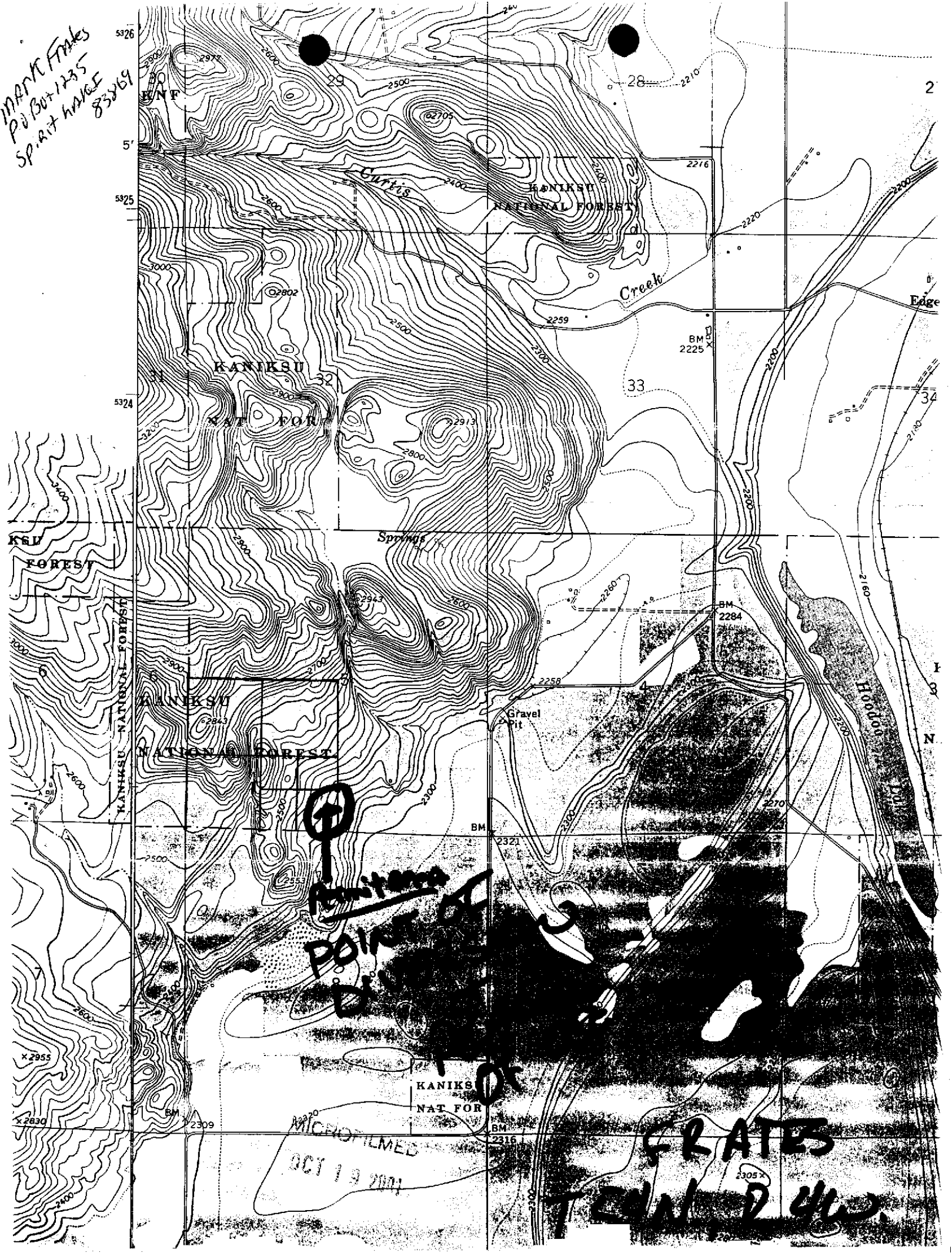
BMB  
2225

33

2220

2259

Mark Frakes  
PO Box 1235  
Sp. Act. hiker  
83869



Point of  
Discovery

MICROFILMED  
OCT 19 2001

FRATES  
T. 24. D. 44.

| USDA Forest Service<br><br><div style="text-align: center;"><b>BILL FOR COLLECTION</b><br/>(Reference FSM 6530)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                           | 1. Date of Issue<br><br><div style="text-align: center;">February 3, 1999</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------|--------------|--------|---|--------|------|-------|---|--------|------|-----|---|--------|------|-------|---|--------|------|-------|---------------------|--|--|-----------------|
| Please send money order, bank draft, or check payable to: <b>USDA FOREST SERVICE</b> at the following address:<br><div style="text-align: center;">File No. 51653 - Northern Region<br/>P.O. Box 60000, San Francisco, CA 94160-1653</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                           | 2. Issuing Office Address<br><br><div style="text-align: center;">3815 Schreiber Way<br/>Coeur d'Alene, Idaho 81815-8363</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>Mark Frates</b><br/>           222 Poverty Lane<br/>           P.O. Box 1235<br/>           Spirit Lake, ID 83869         </div> <div style="width: 45%; text-align: right;"> <b>FOR INFORMATION</b> Please call<br/>           208 - 765 - 7275 or write to the<br/>           Supervisor's Office<br/>           3815 Schreiber Way<br/>           Coeur d'Alene, Idaho 83814         </div> </div> <div style="text-align: right; margin-top: 10px;"> <b>DO NOT</b> send correspondence or change of address with your payment         </div> <div style="text-align: center; margin-top: 10px;"> <b>⇒ FOR PROPER CREDIT be sure to include a copy of this BILL with your payment ⇐</b> </div> |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| Fold                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| 3. Date or Period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 4. Description                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5. Amount                                                                                                                           |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| 01/01/99 TO<br>12/31/99                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2720 SPECIAL USES 5276-01 Sandpoint<br>Water Trans. Pipe., less than 12" diam.<br>Permit issued on 12/18/95<br>Description/location:<br><br><div style="text-align: right;">           1999 Fees = \$51.00<br/>           Interest 14 days @ \$0.01/day = \$0.14<br/>           Administrative fees = \$20.00<br/>           Balance due = \$71.14         </div><br>Transfer fee \$51.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <br><br><br><br><br><br><br><br><br><br><div style="text-align: right;">\$71.14</div> <div style="text-align: right;">\$51.00</div> |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| 6. Bill Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 7. Unit Number                                                                                                                                                                                                                                                                                                                                                                            | 8. Subunit/Contract Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 9. Payment Due Date                                                                                                                 |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| 97496                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | TM-04                                                                                                                                                                                                                                                                                                                                                                                     | SO/06                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | March 3, 1999                                                                                                                       |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| 10. Amount Due                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| \$122.14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| Note: Payments not received by the due date are subject to a <b>LATE PAYMENT CHARGE</b> at the rate published by the Department of the Treasury unless a different rate is prescribed by contract or agreement. Postmarks are not honored. <b>ADMINISTRATIVE CHARGES</b> may also be assessed. An additional 6% <b>PENALTY</b> will be charged for payments over 90 days past due. (Authority: Debt Collection Act of 1982.)                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| 11. Remarks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                           | 12. Forest Service Accounting Data                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| Replaces bill #97480<br><br><br><div style="font-size: 1.5em; font-weight: bold;">PAYMENT RECEIVED</div> <div style="font-style: italic; font-size: 1.2em;">2/3/99 S. Tovar</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">TRANS. CODE</th> <th style="width: 30%;">MANAGEMENT CODE/FY</th> <th style="width: 20%;">OBJECT CLASS</th> <th style="width: 40%;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">898304</td> <td style="text-align: center;">0100</td> <td style="text-align: right;">51.00</td> </tr> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">899013</td> <td style="text-align: center;">0100</td> <td style="text-align: right;">.14</td> </tr> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">899015</td> <td style="text-align: center;">0100</td> <td style="text-align: right;">20.00</td> </tr> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">898304</td> <td style="text-align: center;">0100</td> <td style="text-align: right;">51.00</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL</b> -----&gt;</td> <td style="text-align: right;"><b>\$122.14</b></td> </tr> </tbody> </table> |                                                                                                                                     | TRANS. CODE | MANAGEMENT CODE/FY | OBJECT CLASS | AMOUNT | A | 898304 | 0100 | 51.00 | A | 899013 | 0100 | .14 | A | 899015 | 0100 | 20.00 | A | 898304 | 0100 | 51.00 | <b>TOTAL</b> -----> |  |  | <b>\$122.14</b> |
| TRANS. CODE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | MANAGEMENT CODE/FY                                                                                                                                                                                                                                                                                                                                                                        | OBJECT CLASS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | AMOUNT                                                                                                                              |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 898304                                                                                                                                                                                                                                                                                                                                                                                    | 0100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 51.00                                                                                                                               |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 899013                                                                                                                                                                                                                                                                                                                                                                                    | 0100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | .14                                                                                                                                 |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 899015                                                                                                                                                                                                                                                                                                                                                                                    | 0100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20.00                                                                                                                               |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 898304                                                                                                                                                                                                                                                                                                                                                                                    | 0100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 51.00                                                                                                                               |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |
| <b>TOTAL</b> ----->                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>\$122.14</b>                                                                                                                     |             |                    |              |        |   |        |      |       |   |        |      |     |   |        |      |       |   |        |      |       |                     |  |  |                 |

MICROFILM  
201 1 3 2001



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 2, 2002

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869

RE: License No. 96-9064 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

MAR 24 2003

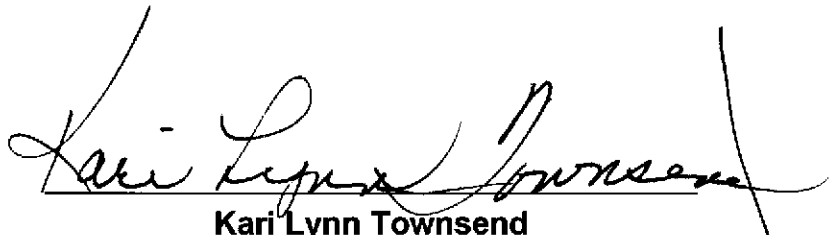
## CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**96-9064**

**MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869**



**Kari Lynn Townsend  
Secretary**

**MICROFILMED**

**MAR 2 6 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

## Comment Report

96-9064

1. kwalker 11/27/2002 License Recommendation

Comment: Recommend we allow a diversion rate of 0.02 cfs for both uses under this permit. The examiner did a bucket and stopwatch measurement and per discussion with Shelley that may not be the accurate diversion rate. I recommend we allow 0.02 cfs for this domestic use as permitted.

2. dball 5/8/2001 10:04:54 AM Comment Letter Notes

Comment:

WHO: IDF&G

RESPONSE: None Received

DATE RECEIVED: 5/8/2001

MICROFILMED  
MAY 3 4 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

SEP - 5 2002

Department of Water Resources  
RECEIVED

NOV 29 2002

**A. GENERAL INFORMATION**

Permit No. 96-09064

1. Owner: Mark Frates Phone No. 208-263-9399

Current Address: P.O. Box 1235 Spirit Lake Id. 83869

2. Accompanied by: Mark Frates EXAM DATE: 6-13-02

Address: Same as above Phone No. \_\_\_\_\_

Relationship to Permit Holder: \_\_\_\_\_

3. Source: Spring tributary to Links

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: \_\_\_\_\_

2. Other water rights with the same point of diversion: \_\_\_\_\_

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           | SE  | SE  | SW  | 5    | 54N  | 04W  | Booner | USGS 7.5 min Quad               |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

| 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 | 04W | 5   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | D  |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    | S  |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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SEP 2 2003

RECEIVED  
MAY 2 2 2005

## 2. Measurements:

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

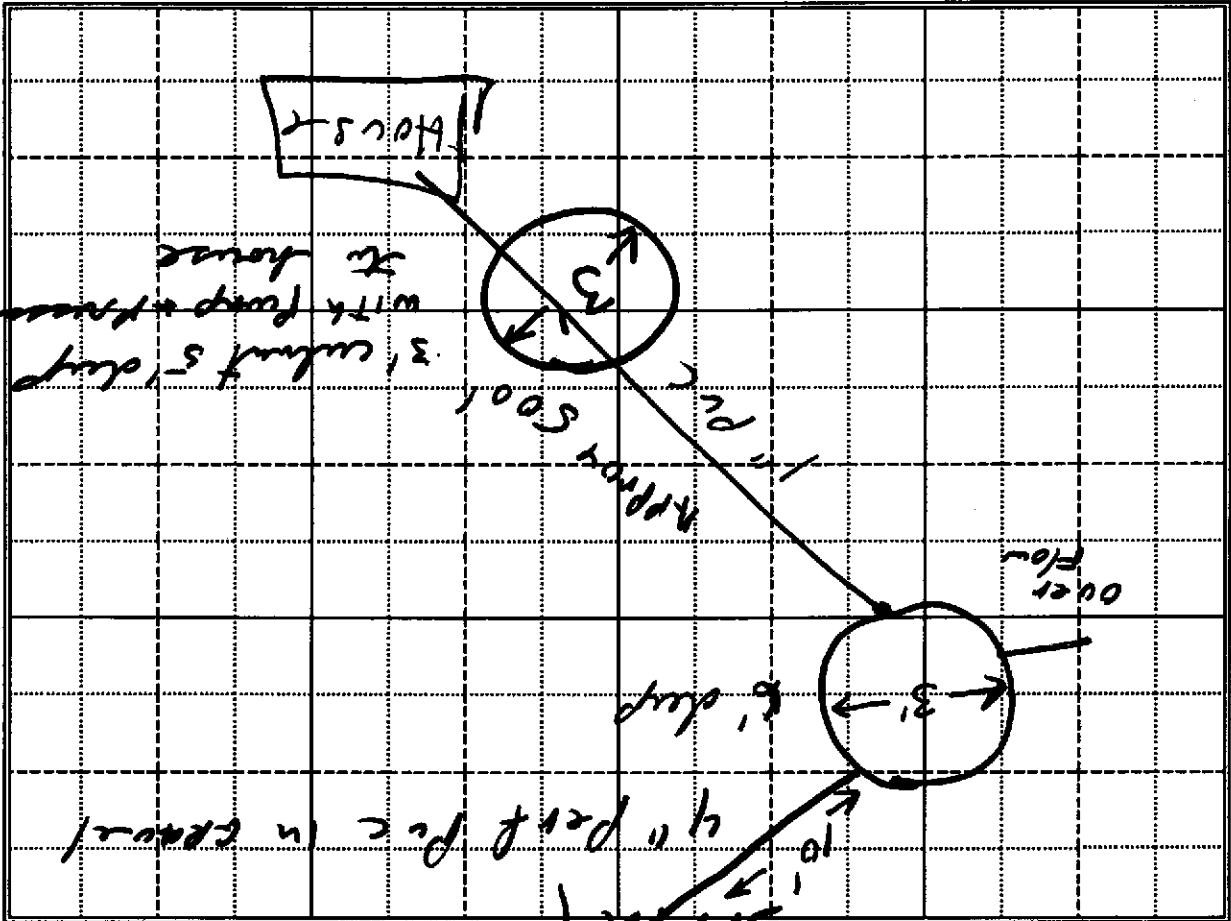
## D. FLOW MEASUREMENTS

\*Code to correspond with No. on map and aerial photo

| Well or Diversion Identification No. * | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|----------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                        |            |    |                  |           |                                   |
|                                        |            |    |                  |           |                                   |
|                                        |            |    |                  |           |                                   |

## 4.

Scale: 1" = \_\_\_\_\_  
 Copy of USGS Quadrangle Attached Showing location(s) of \_\_\_\_\_  
 point(s) of diversion and place(s) of use (required).  
 Aerial Photo Attached \_\_\_\_\_  
 (required for irrigation of 10+ acres)  
 Photo of Diversion and System Attached \_\_\_\_\_



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

Permit holder leases the point  
of diversion from forest service.

Have conditions of permit approval been met? ☒ yes ☐ no

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MAR 24 2003

# F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached  
 5 gal bucket 5 gal in 1 min. = 5 gpm  
 $5 \times 133.681 = .01 \text{ cfs}$   
 60

# G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

# H. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use    | From  | To    | Period of Use | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|-------|-------|---------------|------------------------------|--------------------------|
| <i>Romantic</i>   | 01-01 | 12-31 |               | 1.01                         | 1.2                      |
| <i>8th Street</i> | 01-01 | 12-31 |               | 1.01                         | 1.2                      |
|                   |       |       | Totals:       | 1.01                         | 1.3                      |

2. Recommended Amendments

Change P.D. as reflected above  
 Add P.D. as reflected above  
 Change P.U. as reflected above  
 Add P.U. as reflected above  
 Other  
 None

# I. AUTHENTICATION

Field Examiner's Name

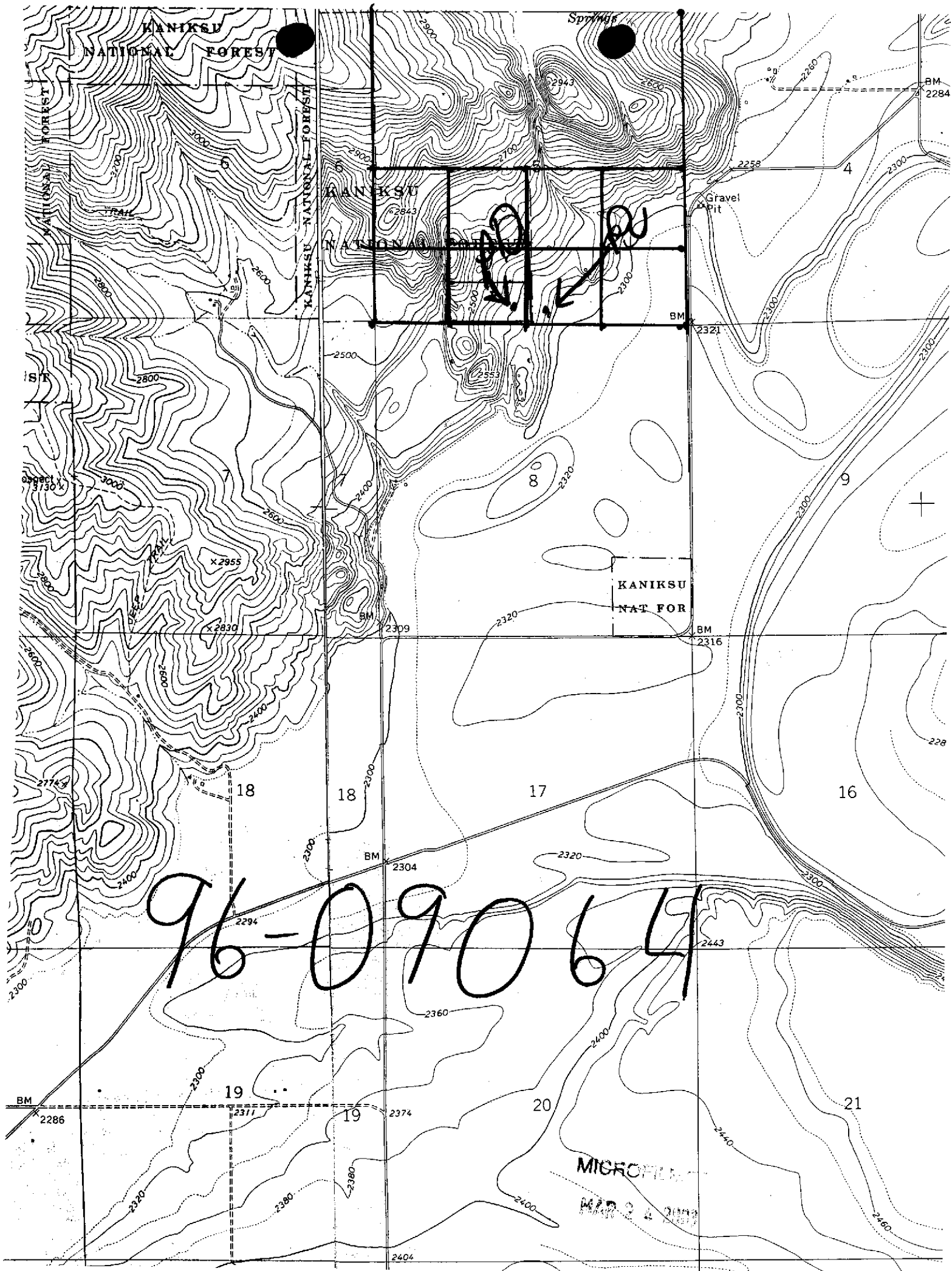
*Wayne Bakula*  
 Date 07-25-02

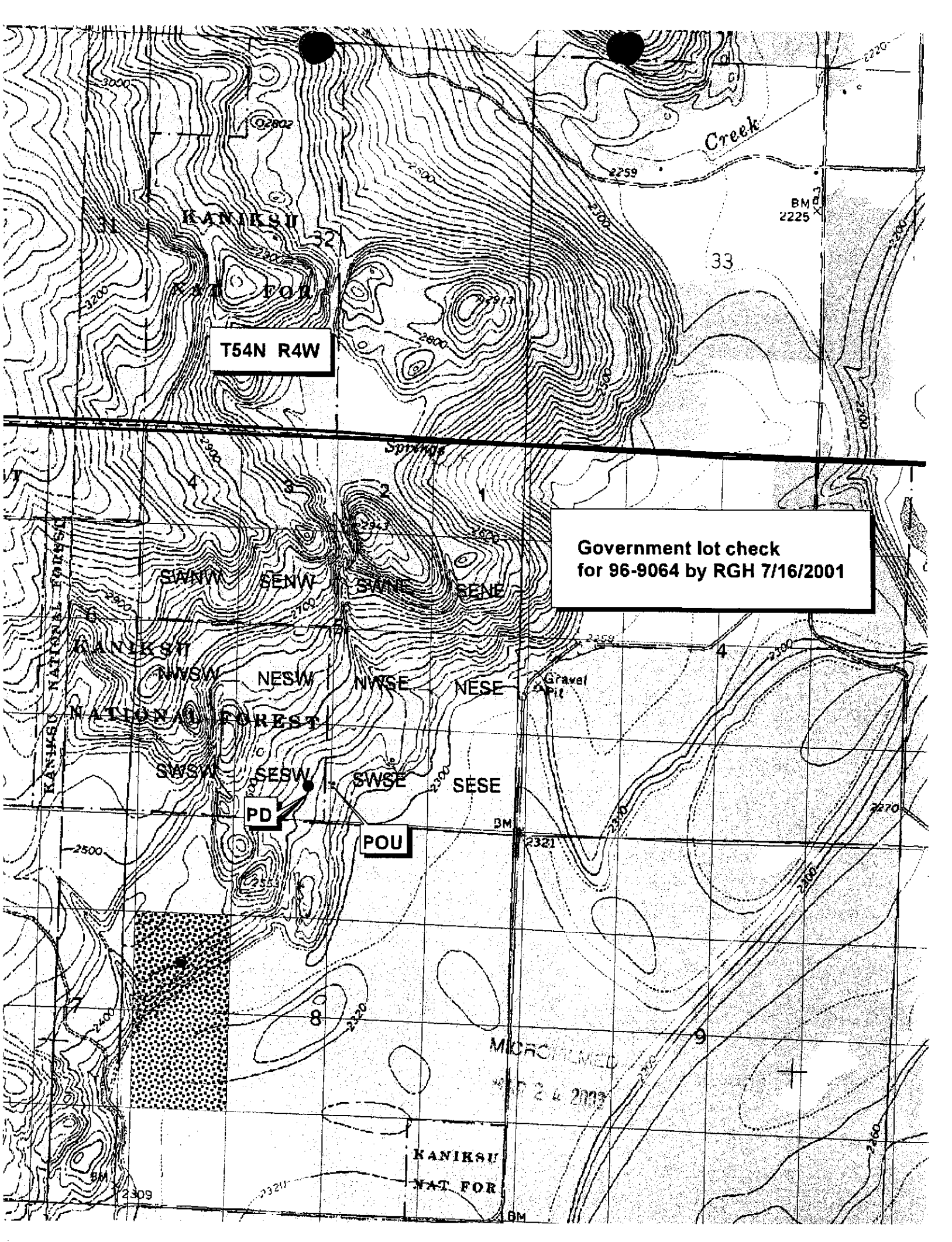
Reviewer

Date

SEAL

MICROFILMED  
 MAR 2 1993





T54N R4W

Government lot check  
for 96-9064 by RGH 7/16/2001

PD

POU

MICROFILMED  
APR 26 2003

KANIKSU  
NAT FOR

96-09064



PD

Pump House

Domestic

MICROFILM  
MAR 24 2003



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

March 26, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 96-9064**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED  
MAR 27 2002

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9064

Reviewed By: dgibson

Date: March 26, 2002

|                                   | <u>Yes</u> | <u>No</u>           |                                  | <u>Yes</u> | <u>No</u> |
|-----------------------------------|------------|---------------------|----------------------------------|------------|-----------|
| Proof received timely?            | X          |                     | Drilling permit required?        |            | X         |
| License examination fee required? | X          |                     | Drilling permit No.:             |            |           |
| Appropriate fee submitted?        | X          |                     | Drilling permit upgrade needed?  |            |           |
| Receipt No.:                      |            | N014069,<br>C059500 | Well driller's report filed?     |            | X         |
| Additional Amount Due:            |            |                     | Measuring device required?       |            | X         |
| Name and address same as permit?  | X          |                     | Measuring device installed?      |            |           |
| Are the water uses correct?       | X          |                     | Measure device waiver requested? |            |           |

### Priority Calculation

|                     |   |            |
|---------------------|---|------------|
| Date proof received |   | 01/28/2002 |
| Date proof due      | - | 08/01/2002 |
| Lapse notice sent   | - |            |
| No. of days late    | = | 0          |
| Holiday allowance   | + |            |
| Priority date       | + | 12/12/2000 |
| New priority date   | = | 12/12/2000 |

### Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 8, 2001

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869

RE: Permit No. 96-9064

### 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.

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 a least sixty days prior to the commencement of work in the stream.

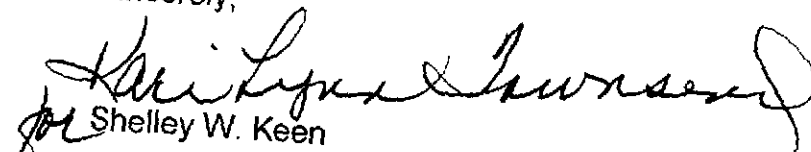
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

OCT 18 2001

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

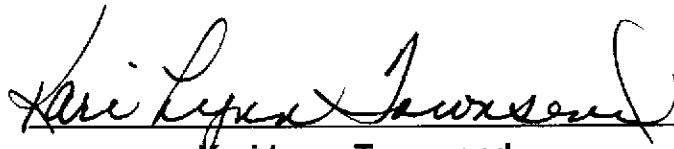
OCT 13 2005

## CERTIFICATE OF MAILING

I hereby certify that on August 8, 2001 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. 96-9064

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869



Kari Lynn Townsend  
Secretary

MICROFILMED

SEP 18 2001

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

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JUL 19 2024

### 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 issuance 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.

Reviewed by Sharla Curtis on 7/31/01

**AREA OF CONCERN:** No/Yes \_\_\_\_\_ Moratorium \_\_\_\_\_ GWMA TRUST/NON-TRUST

**SURFACE WATER:** (✓Flow Chart)

F&G contacted - Yes/No Response

In/Above MSF - WB9  
PLANNING REVIEW/RESPONSE  
WD - R04 (WD# \_\_\_\_\_)  
≤ 0.20 cfs/others - 01H, 01P or No MD  
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or ~~WD~~

|                         |                |
|-------------------------|----------------|
| $\leq 0.24$ cfs/5 acres | - No MD        |
| $>0.24$ cfs/5 acres     | - 01M or No MD |

**RIVER BASINS:** (~~SW~~ special considerations)

Snake R (01) - W23, N/A  
(02,03) - 007 (w/ remark WB9 if above Weiser)  
Payette R (65) - W23, 047 (Payette Lake)  
Salmon R (70's) - 029 (fish screens)  
Weiser R (67) - 086-087

Weiser R (67) - 086-087

**USES:**

MUNICIPAL

|                                 |                                                                   |
|---------------------------------|-------------------------------------------------------------------|
| Restricted area                 | - 022,075                                                         |
| Irr/GW supp to SW               | - 102                                                             |
| Future needs                    | - 007,109                                                         |
| FISH PROP                       | - 029 (70's only)-007-042-106                                     |
| DOMESTIC <i>W01 (1)</i>         |                                                                   |
| Surface water                   | - WB5 (Big Wood/Boise above Star Bridge)                          |
|                                 | - 27A (Payette R)                                                 |
| >1 in restricted area           | - 070-071-075(no parks/common areas)                              |
| Irr separate or none allowed    | - WB5                                                             |
| GW w/irrigation from SW evident | - 065-104                                                         |
| Moratorium approvable           | - W03 (2500 gpd – meets domestic def<br>i.e. D/convenience store) |

MISC CONDITIONS/REMARKS:

Multiple pd's per ¼ - W32  
Subd lot desc (pd) - W59  
Subd lot desc (pu) - W60  
Use definitions - W02 example - S/50 range  
Pre-1987 development - 068-074 (allow 120 days for proof due)  
Single p/d intended - 076

IRR VOLUME/ACRE \_\_\_\_\_

## COMMENTS

489 586

RECEIVED

E

BCA/WRA

**IDaho DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

JUL 24 2001

APPLICATION #

96-9064

Department of Water Resources

INITIAL REVIEW

App 12.689.84

APPLICANT:

FRATES

BY:

JB

DATE:

12/12/00

**ITEM REQUIRED INFORMATION**

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
  - (X) Nature of Proposed Use
  - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
  - (X) Signature
  - (X) Fee (Amt, receipt, acknowledgement)

\*\*\* Send info sheet Y( ) N( )

**ADDITIONAL INFORMATION**

(Yes)(No)

- ☒ Field check: by \_\_\_\_\_  
☒ Field report attached  
☒ Analysis Supp. attached(>5cfs/500af)  
☒ Water delivered by water master?  
 Water District # \_\_\_\_\_

**PROCESSING**

(Yes)(No)

PRIORITY DATE: 12/12/00

☒ (Include Moratorium Remark)

☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

PT/Wed/Ch

ADVERTISE IN:

BONNER

County

**LETTERS SENT REQUESTING:**

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

**INFORMATION RECEIVED:**

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

**GROUNDWATER SECTION**

| WD Permit No.'s: | TAG # | Type:         | Fees    | Receipt No. | Upgrade Needed? |
|------------------|-------|---------------|---------|-------------|-----------------|
| 1                |       | Dom. Non-Dom. | Paid \$ |             | Y ( ) N ( )     |
|                  |       | Dom. Non-Dom. | Paid \$ |             | Y ( ) N ( )     |
|                  |       | Dom. Non-Dom. | Paid \$ |             | Y ( ) N ( )     |

- ☐ Groundwater management area  
☐ Critical ground water area  
☒ Well Drilling Permit required  
☒ Well Drilling Application and Fees received  
☒ Well Drilling Application approved?

Remarks:

**FINAL REGIONAL PROCESSING/REVIEW**

(Yes)(No)

- ☒ Notice of pending void order issued. Final order response date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
☒ Further information required from applicant  
 5/4 ☐ Affidavit of publication received  
 5/4 ☐ Application published correctly. If not, record action taken: \_\_\_\_\_  
 4/2 ☐ Publication dates and paper recorded on application | Sr. Agent initial \_\_\_\_\_  
☒ Protests received, Final protest date: 4/23/01  
☒ Measuring device required  
☒ Measuring port required  
☒ Special conditions:  
☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

B. Smith

Date:

5/9/01

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Monday, April 02, 2001 3:45 PM  
**To:** 'Mark Liter, IDFG Cd'A'  
**Subject:** perweek1.txt - Water Rights requiring a response from you.



perweek1.txt.url

<http://www.idwr.state.id.us/info/water/rights/perweek1.txt>

Greetings, Mark,

Either the link above or the attachment below will take you to our IDWR Home Page on the internet, where you will find four (4) new water rights for which we need comments from you, because they involve surface water. They are as follows:

|         |         |
|---------|---------|
| 96-9064 | FRATES  |
| 95-9065 | MEYER   |
| 96-9066 | LIND    |
| 96-9065 | BURGARD |

There is a water right for LIND with a 98 number right at the top of the list - this one is to be ignored. It was originally issued with a 98 number and that is incorrect. The correct one is farther down the list with the 96-9066 number. Sorry for any confusion that this might cause.

The last date for protest to be received in our office on these rights is April 23, 2001. We would greatly appreciate your response to us prior to that date. An e-mail response is perfectly acceptable, unless you find it necessary to file a formal protest. If that is the case, we need it in writing together with a \$25 fee for each right on which a protest may need to be entered.

thank you very much for your prompt response. Should you have ANY questions, please e-mail me or call me at 769-1450

May your life be littered with love and blessings. Dianne Ball, IDWR, Cd'A

*No response as of 5/7/01*  
*[Signature]*

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OCT 19 2001

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Shuster

being first duly sworn on oath

deposes and says that he/she is

of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached

notice of publication in the case of:

Applicaten

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 4 day of April, 2001

and ending on the 11 day of April, 2001

and that said notice was published in said newspaper.

On this 5 day of May in the year of 2001, before me, a Notary Public, personally

appeared Jeannie Shuster,

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.

Notary Public for Idaho

Residing at

My Commission expires:

8/06

RECEIVED  
MAY 04 2001  
IDWR/North

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

96-9064

MARK FRATES

PO BOX 1235

SPIRIT LAKE ID 83869

Point(s) of Diversion SESESW S5 T54N R04W

BONNER County

Source SPRING

Use: DOMESTIC 01/01 To 12/31

0.02 CFS

Use: STOCKWATER 01/01 To 12/31

0.02 CFS

Total Diversion 0.04 CFS

Date Filed: 12/12/2000

Place of Use: DOMESTIC

T54N R04W S5 SESW SWSE

Place of Use: STOCKWATER

T54N R04W S5 SESW SWSE

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, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/23/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 404335

April 4, 11, 2001

MICROFILMED

601 1 5 2001



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 29, 2001

**Legal Notice Department**  
PRIEST RIVER TIMES  
PO BOX 10  
PRIEST RIVER ID 83856

RE: Application for Permit No. 96-9064

*Faxed 3/30/01  
10:08a*

**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 04/23/2001. Your cooperation is appreciated.

Sincerely

*Thanks D*

*Dianne Ball*

Dianne Ball  
Administrative Assistant

MICROFILMED  
OCT 9 2001

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

96-9064

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869

Point(s) of Diversion SESESW S5 T54N R04W BONNER County Source SPRING

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/12/2000

Place Of Use: DOMESTIC

T54N R04W S5 SESW SWSE

Place Of Use: STOCKWATER

T54N R04W S5 SESW SWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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KARL J DREHER, Director

Published on 4/4.2001 and 4/11/2001

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OCT 1 9 2001



State of Idaho  
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 30, 2001

MARK FRATES  
PO BOX 1235  
SPIRIT LAKE ID 83869

Re: Water Appropriation Application No. 96-9064

Dear Mr. Frates:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N014069.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

Enc. Receipt

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OCT 16 2001